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This INDEX is a consolidation of contents entries appearing in this month's issue of the FEDERAL REGISTER. It will be published monthly, quarterly, and annually.

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Numerical Finding Aids. LIST OF CFR SECTIONS AFFECTED is published monthly and is cumulated each month, keyed to the revision dates of the various CFR volumes. A List of CFR Parts Affected by entries in this INDEX appears at the end of this INDEX, together with a table of FEDERAL REGISTER pages and dates.

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Aliens	Federal Communications Commission. Immigration and Naturalization Service. Selective Service System.
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WHAT IT IS

The List of CFR Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

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For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
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Suspended—The entire CFR unit was not in effect for the period of time indicated.
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(e) table corrected	17306
135c.124 (e) table corrected	17306
135c.125 (e) table corrected	17306
135c.126 Removed	37057
135c.127 Added	39034

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135c.128 Added	14592
135c.129 Added	43627
135c.130 Added	26890
135c.131 Added	43628
135c.132 Added	28151
135c.133 Added	43628
135c.134 Added	40014
135c.135 Added	39034
135c.136 Added	36113
(c) revised	37983
135c.137 Added	40155
135d.13 Added	26890
135e.10 (b) and (d) revised	15270
(b)(5) revised; (b)(10) added	33797
(b)(11) added	34030
(b)(1) revised	34398
(b)(12) added	34399
(b)(13), (14), and (15) added	34520
(b)(5) revised; (b)(16) through (18) added	36961
(b)(19) added	38896
(b)(20) added	38897
(b)(22) added	40013
(b)(24) and (25) added	40850
(b)(23) added	43626
(b)(26) added	41840
(b)(27) added	43537
(b)(28) added	† 3766
(b)(29) added	† 1013
135e.18 Added (reinstated)	† 8333
135e.34 (b) revised; (f) table amended	39720
135e.36 (b)(2) revised	38898
(b)(1) and (2) revised; (b)(3) added	† 2423
(f) table amended	† 2423
135e.45 (c) and (e) revised	20193
135e.46 (b)(1) revised; (b)(3) added	22945
(e) table CFR correction	25942
135e.49 (a) amended	18771
(e)(2)(viii) and (ix) added	20594
(e)(2)(vii) amended	† 6327
135e.50 (b)(6) added	17306
(b) revised	22946, 33664
(b)(1) and (3) revised; (f) table amended	18282, 20594, 23055, 34399, 37057, 43628
(d) amended	† 4417
(f) table corrected	† 2800
Revised	43718
(f) table revised	† 6490
135e.56 (e) corrected	12100
135e.59 (f) table amended	40156
135e.64 (a) revised	32736
(e) table amended	32984
135e.66 (f) table amended	14697, 20594, 32983, 45012
(f) revised	39035
135e.69 Added	43626
135e.100 (a) amended	18771
135f.4 Added	21049
135f.5 (a) amended	18771
135g.8 (a) introductory text revised	43625
135g.16 Removed	14943
135g.26 Added (reinstated)	† 8333
135g.53 Added (reinstated)	† 8333
135g.68 Amended	43719
135g.89 Added	43626
141—151j Provisions transferred in part and redesignated as Parts 430—460	18925
141.506 (b)(2) corrected	16442
141.544 (a)(1) corrected	13877, 20787
141a Heading revised	18772
141a.8 (a), (b), and (c) amended	18772
141a.9 Added	18772
141a.19 Added	18772
141a.21 Added	18772
141a.22 (a) and (b) amended	18772
141a.23 Added	18772
141a.27 Added	18772
141a.29 Added	18772
141a.33 Added	18772
141a.35 (a)(1), (2), and (4) amended	18772
141a.36 (a)(1) and (2) amended	18772
141a.37 Added	18772
141a.38 (a) (1) and (b) amended	18772
141a.39 (a)(1), (2), (3), (4), (5), (6), and (7), (b), (c), (d), (e), and (f) amended	18772
141a.42 Added	18772
141a.46 (a)(1), (2), and (3), (b), (c), and (e) amended	18772
141a.49 Added	18773
141a.54 Added	18773
141a.60 (a)(1) (iii), (iv), (v), (vi), and (vii), (b) (1) and (2), (c), (d), (e), and (f) amended	18773
141a.62 Added	18773
141a.63 Added	18773
141a.67 (a)(1), (3), and (4), (b), and (e) amended	18773
141a.71 (a)(1) and (b) amended	18773
141a.74 (a)(1) and (b) amended	18773
141a.82 Added	18773
141a.86 Added	18773
141a.89 (a)(2) and (3) amended	18773

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141a.90 (a)(1), (2), (4), and (6), (b), (c)(1), (2), (4), and (5), and (d)(1)(i) (*a*), (*b*), (*c*), (*e*), and (*f*), and (2), (3), (4), and (5) amended	18773
141a.93 (a)(2) amended	18774
141a.95 Revised	18774
141a.97 Amended	18774
141a.98 Added	18774
141a.99 Amended	18774
Removed	39870
141a.108 (a)(1) and (2) and (b) amended	18774
141a.109 Added	18774
141b Heading revised	18774
141b.107 Added	18774
141b.109 (a)(1), (b), and (c) amended	18774
141b.111 Revised	18774
141b.113 (a) and (b) amended	18774
141b.115 Added	18774
141b.116 (a)(1) and (b) amended	18775
141b.117 (a)(1), (b), and (c) amended	18775
141b.118 Amended	18775
141b.119 Amended	18775
141b.120 Amended	18775
141b.122 Amended	18775
141b.124 Amended	18775
141b.126 (a)(1)(i), (ii)(*a*), (*b*), (*c*), (*d*) and (*g*), and (iii), and (b)(1), (3), and (4) amended	18775
141b.128 Amended	18775
141b.129 (a)(1), (3), and (3)(1), (4) and (4)(i) amended	18775
141b.132 Amended	18775
141b.134 (a)(1) and (b) amended	18775
141b.138 (a)(1)(i) and (b) amended	18775
141c Heading revised	18775
141c.201 Added	18776
141c.204 Added	18776
141c.205 Added	18776
141c.207 Added	18776
141c.217 Added	18776
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141c.223 (a)(1), (2), (3), (5), and (6) amended	18776
141c.228 Amended	18776
141c.237 (a) amended	18776
141c.241 Amended	18776
141c.256 (a) amended	18776
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141c.265 Amended	18776
141c.267 (a), (b), (c), and (d) amended	18776
141c.268 (a)(1) and (2) amended	18776
141d Heading revised	18776
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141e Heading revised	18777
141e.403 Revised	18777
141e.416 Amended	18777
141e.417 Amended	18777
(a)(1) corrected	26891
141e.422 Added	18777
141e.423 Amended	18777
141e.425 Amended	18777
141e.426 (b) and (c) amended	18777
141e.427 (a)(1) and (2) and (b) amended	18777
141e.428 (a)(2) and (b) amended	18777
141e.429 (a) amended	18777
(a)(2) corrected	26891
141e.431 (a) introductory text, (b), and (c)(1) and (2) amended	18777
144 Heading revised	18777
144.26 (b) (26) and (38) added (reinstated); (b) (28) and (52) revised	† 8333
145.4 Introductory text added; (a)(2) and (b)(13), (14), and (52) revised	13878
146 Heading revised	18777
146.2 Added	18777
(a) amended	33664
146.3 Added	18778
146.4 Added	18778
146.5 Added	18779
146.6 Added	18779
146.8 Added	18779
146.9 Added	18779
146.13 Added	18779
146.15 Added	18779
146.16 Added	44654
146a Heading revised	18779
Heading corrected	26891
146a.19 (a) and (d)(1) and (3)(ii) amended	18779
Removed	39870
146a.24 Revised	18779
146a.26 (a), (c)(1)(i), (d), and (d)(2)(i) amended	18780
(a) corrected	26891
146a.27 Revised	18780
(b) amended	43628
146a.28 Revised	18780

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146a.34 Revised	18780
146a.39 Revised	18780
146a.41 Revised	18780
146a.43 Revised	18780
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146a.47 Revised	18781
146a.49 Revised	18781
146a.51 Revised	18781
146a.53 Added	18781
146a.57 (a) and (a)(1) and (4) amended	18781
146a.58 (a) and (d)(1), (3)(ii), (iii), (iv), (v) and (vi) amended	18781
146a.61 Revised	18781
146a.62 Introductory text, (c), and (d) amended	18781
146a.65 Revised	18782
146a.66 Revised	18782
146a.67 (a) and (d)(1), (3)(ii), and (iii) amended	18782
146a.68 Added	18782
146a.69 Revised	18782
146a.75 Revised	18782
146a.77 Revised	18782
146a.80 Revised	18782
146a.84 (a)(1) and (d)(3)(ii), (iii), (iv), (v), and (vi) amended	18782
146a.86 Added	18782
146a.88 Added	18783
146a.93 Introductory text, (b) and (c) amended	18783
146a.95 Revised	18783
146a.96 Introductory text amended	18783
146a.98 Revised	18783
146a.100 Added	18783
146a.104 Revised	18783
(b) revised	43628
146a.111 (a) amended	18783
146a.112 (a) and (d)(1) amended	18783
146a.128 (a) and (b) amended	18783
146b Heading revised	18783
146b.101 Revised	18783
146b.102 Revised	18784
146b.104 (a) and (d)(1) and (3)(ii) amended	18784
(c)(4) CFR correction	† 6490
146b.105 Revised	18784
146b.106 Revised	18784
146b.107 Revised	18785
146b.108 (a) and (d)(1) and (3)(ii) amended	18785
146b.110 Revised	18785
146b.111 (a) and (d)(1) and (3)(ii) amended	18785
146b.113 (a), (c), and (d)(1), (3)(ii) and (iii), and (4) amended	18785
(d) corrected	24360
146b.114 (d)(1) amended	18785
146b.115 (d)(1) amended	18785
146b.117 (b) and (c) amended	18785
(d) corrected	26891
146b.121 (a) and (d)(1) and (3)(ii) amended	18785
146b.123 (a), (b), and (c) amended	18785
146b.124 (a) and (d)(1) and (3)(ii) amended	18786
146b.127 (a) and (d)(1) amended	18786
146c Heading revised	18786
146c.201 Revised	18786
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146c.205 Revised	18786
146c.206 Revised	18786
146c.207 Revised	18786
146c.208 Revised	18787
146c.212 Revised	18787
146c.217 Revised	18787
146c.218 Revised	18787
146c.219 (d)(1) amended	18787
146c.220 Added	18787
146c.222 Revised	18787
146c.228 Introductory text, (a), and (c) amended	18787
146c.232 Added	18787
146c.237 (a), (a)(2) and (3), and (c) amended	18787
146c.241 (a), (d), and (d)(3)(ii) amended	18787
146c.244 Revised	18788
146c.246 Added	18788
146c.256 (a) and (d)(1) and (3)(ii) amended	18788
146c.264 (d)(1) amended	18788
146c.265 (d)(1) amended	18788
146c.267 (d)(1) amended	18788
146d Added	18788
146e Heading revised	18788
Heading corrected	26891
146e.401 Revised	18788
146e.402 Revised	18788
146e.403 Revised	18788
146e.408 Revised	18789
146e.416 (d)(1) amended	18789
146e.417 (d)(1) amended	18789
146e.425 (a) and (d)(1) and (3)(ii) amended	18789
146e.427 (b) revised; (c) added	25486
146e.430 Revised	18789

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148 Heading revised	18789
148.2 Added	18789
148.3 Revised	18789
148i.51 Added	15753
Effective date corrected	20370
148i.52 Added	15754
Effective date corrected	20370
149a Heading revised	18789
149a.14 (a)(1), (2) and (3) and (b)(1)(ii)(*a*) and (*b*) and (2) amended	18789
149b Authority citation revised	13877
Heading revised	18789
Authority citation corrected	20787
Effective date statement amended	13878
149b.4 (a)(1) corrected	13877
149b.14 (a)(1) corrected	13877
149b.17 (a)(1) and (2) and (b)(1)(i) and (ii), and (2)(ii) amended	18789
149b.19 (a)(1), (2), and (3) and (b)(1)(ii)(*a*) and (*b*), and (2), (3), (4), (5), and (6) amended	18789
149b.20 Heading of (b)(1)(ii) corrected	13877
149b.21 (a)(3)(i)(*a*) corrected	13878
(a)(1), (2), and (3) and (b)(1)(i) and (ii) and (2) and (3) amended	18790
149b.23 (a)(1) and (2) corrected	13878
(a)(1), (2), and (3) and (b)(1)(i) and (ii), and (2) amended	18790
(a)(1) corrected	20787
149b.24 (a)(1), (2), and (3) and (b)(1)(i) and (ii), and (2) amended	18790
149b.26 Added	26891
149b.27 Added	38897
149b.28 Added	40155
149c Heading revised	18790
149c.7 (a)(1), (2), and (3) and (b)(1), (2), and (3) amended	18790
149c.8 (a)(1), (2), and (3) and (b)(1), (2), (3), and (4) amended	18790
149c.10 (a)(1), (2), and (3) and (b)(1), (2), (3), and (4) amended	18790
151c Heading revised	18790
151c.12 (a)(1), (2), and (3) and (b) amended	18790
151c.14 (a)(1), (2), and (3) and (b)(1) and (2) amended	18790
151c.16 (a)(1), (2), and (3), and (b)(1) and (2) amended	18790
(a) CFR correction	† 6490
151c.18 (a)(1), (2), and (3) and (b)(1), (2), and (3) amended	18790
151c.19 (a)(1), (2), (3), and (4) and (b)(1), (2), (3), (4), (5), and (6) amended	18790
151c.20 (a)(1), (2), (3), and (4) and (b)(1) and (2) amended	18791
151c.21 (b)(1)(ii)(*b*) formula corrected	14592
(a)(1), (2), and (3) and (b)(1)(i) and (2) amended	18791
221.33 Revised	† 4306
221.87 Revised	† 4306
221.130 Revised	† 4306
221.131 Revised	† 4307
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310.3 (i) added	20484
310.9 Corrected	19942
310.501 Revised	† 5353
310.501a Added	32909
Effective date	38226
310.505 (e)(3) removed	37636
310.506 Added	30830
312.5 Added	44654
314.8 (a)(4) closing text revised; (a)(4)(vi), (5)(xi) and (xii), and (d)(5) added	20484
(a)(4)(vi) and (5)(xi) corrected	27795
314.11 Heading and (b) revised	44654
314.14 Added	44654
(d) corrected; effective date	45215
(d) corrected	† 4300
330.10 (a) (10) and (11) redesignated as (a) (11) and (12); new (a)(10) added	39556
331 Added	19874
Preamble corrected	32736
331.22 Corrected	22140
331.26 (b)(4)(ix) corrected	22140
331.29 Amended	32736
332 Added	19877
Preamble corrected	32736
429.3 (j) revised	40285
429.10 Amended	40285
429.12 (a), (b), (c), (d) and (e) amended	40286
429.30 (a) and (f)(2) amended	40286
429.40 (a) amended	33664
(e)(5) and (g)(1) amended	40286
429.45 (b)(1) amended	40286
429.55 (b)(9) revised	40286

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Heading corrected	37771
430 Added	18925
430.5 (a)(53) and (b)(53) added	34031
(a)(54) and (b)(54) added	44012
430.6 (b)(56) added	34031
(b)(57) added	44012
431 Added	18934
431.1 (a) amended	33664
431.53 (b)(1) amended	35346
431.70—431.71 (Subpart D) Added	44655
432 Added	18938
433 Added	18939
436 Added	18944
436.33 (b) table amended	34031, 35346, 44012
436.105 (a) and (b) tables amended	34031, 44012
436.204 (b)(1) and (2) tables amended	34032
436.205 (b) and (c) tables amended	34032, 44012
(c) corrected	38896
436.213 (c) table amended	34032, 44013
436.311 Added	34032
436.313 Added	44013
440 Added	18976
440.3 Added	34032
440.10 Added	35346
(b)(1)(i)(c) and (ii)(c) corrected	38370
(b)(1)(i)(c) corrected	39871, 40946
440.57 Added	39870
(b) corrected	40946
(b)(6) corrected	43218
440.57a Removed	39871
440.103 Added	34033
440.103a Added	34033
440.103b Added	34033
440.157 Revised	39871
440.210 Added	35347
442 Added	19040
442.19 Added	44013
442.219 Added	44013
(b)(1)(ii) corrected	† 6778
442.225c Added	† 5355
444 Added	19046
444.342g Heading revised; (a)(1) amended	33666
444.342i (a)(1) amended	36472
444.442a Removed	33666
444.442b Removed	33666
444.442f Added	33668
444.470a Removed	33666
444.542a (a)(1)(ii)(*d*), (*e*), and (*f*) added; (a)(1)(iii) removed	33666
444.642a Removed	35140
446 Added	19076
446.120 Redesignated as 446.120a; heading added	41250
446.120a Redesignated from 446.120	41250
446.120b Added	41250
446.367c Heading revised; (a)(1) amended	33666
446.367e Heading and (b) revised; (a)(1) amended	33666
446.467a Revised	33667
446.467d Added	33667
(a)(2) added	37771
446.481 Removed	33667
448 Added	19115
448.410 Removed	33667
449 Added	19134
449.50 (a)(1)(i) amended	43833
449.550h Added	† 3766
450 Added	19145
450.240 (b)(4)(ii) amended	† 1512
452 Added	19149
452.20 Removed	27320
452.120a Removed	27320
452.120b Removed	27320
452.510b Removed	35649
453 Added	19161
455 Added	19166
455.12a (a)(1)(ix) and (b)(9) removed; (a)(3)(i) revised	37486
460 Added	19181
461a Corrected	30114
600.13 Amended	† 4304
600.15 Revised	39872
(a) amended	† 4304
601.50—601.51 (Subpart F) Added	44656
610.11a Added	40016
610.12 (g)(4) amended	† 4304
610.53 Amended	20371, 27796
Amended	† 4304
630.40—630.45 (Subpart E) Removed	20371
630.81 Revised	† 6779
630.83 Revised	† 6779
630.84 (b) revised	† 6779
630.86 (d) and (e)(2) revised; (e)(4) removed; (e)(5) revised and redesignated (e)(4)	† 6779
640.4 (i) revised	† 4304
640.20—640.26 (Subpart C) Added	† 4304
640.64 (c)(2) heading corrected	13632

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730.7 Revised ---------- 44657
1000.16 Added ---------- 27433
(a)(4) corrected---------- 33510
1002.10 (b) revised---------- 16228
1010.3 (a)(2) revised---------- 16228
1010.4 Added ---------- 13879
1020 Technical correction---------- 38370
1020.30 (i) removed---------- 13880
(b)(50) added---------- 36008
1020.31 (g) introductory text revised ---------- 36008
1020.32 (a)(1), (b)(2), and (g) revised ---------- 36008
1020.40 Added ---------- 12986
1220.40 (a) revised---------- 24890
1240 Added (redesignated from Title 42 Part 72)----------† 5620
1250 Added (redesignated from Title 42 Part 72)----------† 5624

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1301.02 (d) through (i) redesignated as (f), (g), and (k) through (m); new (d), (e) and (h) added---------- 37984
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1301.22 (a)(6) revised; (a)(11) added ---------- 37984
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1301.32 (a)(9) and (b)(9) added ---------- 37984
1301.72 Heading revised---------- 37984
1301.73 Heading and introductory text revised---------- 37984
1301.74 (g) added---------- 17838
(c) revised---------- 26022
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1304.28 Added ---------- 37985
1304.29 Added ---------- 37985
1304.38 (d) added---------- 17838
1304.42 Added ----------† 6779
1305.03 (f) added---------- 15031
1305.06 (b) revised---------- 17838
1305.08 (e) added---------- 37985
1305.13 (d) added---------- 17839
1305.16 Added ---------- 17839
1306.04 (c) revised---------- 37986
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1308.14 Republished ---------- 22141
(b) revised----------† 4418
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1308.24 (i) table amended------16442, 27900, 30831, 38097
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1312.12 (a) revised---------- 43218
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3.350 Introductory text, (d), (h), and (i) revised; (a), (b), (c), (e) and (f) amended 34531
3.352 Revised † 1241
3.353 (a), (b) and (d) revised † 1241
3.358 (c)(5) and (6) revised 34531
3.371 Heading revised 34532
3.400 Introductory text and (b)(1) revised; (b)(2)(iii) and (c)(3)(iv) removed 32988
3.500 (r) revised 34533
3.551 (a), (b), (c), (d), (e)(2) and (f) revised 32988
3.552 (g) and (h) revised 34532
3.556 (a)(1) revised 34532
3.660 (a)(1) and (c) revised † 6971
3.662 Revised † 6971
3.666 Introductory text and (a) introductory text revised † 6971
3.669 (a) and (c) revised 28630
3.670 Removed 28630
3.800 (a) introductory text and (b) revised 34532
3.801 (c)(2) revised 34532
3.850 (a) and (b) revised 34532
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3.1009 Introductory text and (a)(1), (2), and (3) revised 30349
9 Revised † 4135
13.200–13.217 Removed 26403
14.510 Revised 35656
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17.170—17.176 Appendix A revised 35796
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17.173 (a)(4) and (c)(2) revised; (b)(7) and (c)(7) added 35356
17.300—17.306 Removed 26403
17.404 (d) revised 31901
17.405 (a)(2), (b)(1), and (c)(1) amended 31901
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21.201 (i)(1) through (4) correctly added 39040
(i)(4)(ii) and (j) revised; (k) added 45236
21.202 (b)(1), (2), and (3)(i) and (ii) revised 45236
21.268 Introductory text and (b) revised 28630
21.274 (a) revised 28630
21.278 Revised 28630
21.279 (a), (b)(3) and introductory text of (c) revised 28630
21.715 (c) revised 43219
21.716 Revised 43219
21.720 Revised 43219
21.735 (a) revised 43219
21.1030 Revised 43220
21.1032 (a) and (b) revised 43220
21.1041 (a)(3) and (4) revised; (d) introductory text revised 38227
21.1042 Revised 38227
21.1045 (a)(5) and (b)(2) revised; (f) and (g) added 31902
21.3030 Revised 43220
21.3031 (a) revised 43220
21.3032 (a) revised 43220
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21.3040 (c) and (d) revised 38227
21.3041 (d) introductory text, (1), (3), and (8) revised 38228
21.3045 Revised 31902

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21.3046 Heading and introductory text, (a) heading and (2), (b) heading, and (c) revised 31902
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21.4102 Revised 37986
21.4106 Revised 37986
21.4131 (a), (c), (d), and (e)(i)(i) revised 43220
21.4132 Revised 43220
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21.4136 (f), (g)(2), (h) and (j)(1), (2) and (3) revised 43220
21.4137 (g)(2) and (3) revised 31902
21.4200 (b)(1) revised 43221
21.4202 (b)(1) and (5) revised 43221
21.4203 (b) introductory text and (b)(1) and (f) revised 31903
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21.4204 (a) and (e) revised 31903
21.4205 (a) introductory text revised 31903
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21.4230 (e) revised 45236
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21.4234 (d) and (e)(3) revised 34036
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21.4235 (a)(1) and (3), (e), and (f) revised 34027
21.4237 Heading and (d) revised; (a) amended; (e), (f) and (g) added 34037
(a) introductory text and (2) and (3) revised 41707
21.4270 (c) and (d) amended; footnote 7 added 45237
21.4271 (c) revised 45237
21.4279 (a)(2) revised 45237
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36.4231 (a) revised † 1514
36.4232 (a)(5) and (6) removed; (d) added † 1514
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22.3 Revised 27458
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23.3 (b) (1) and (d) amended; (b)(2) revised 27462
24.1 (a) (1) and (5)(ii), (b)(1), (c), and (f)(1) amended; (f)(5) added 27462
24.3 (d) added 27462
25.1 Revised 27462
25.2 Amended 27462
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262 Removed: recodified with Part 261 as Part 265	† 7331
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52.577—52.579 Added	34536
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52.1177 Table corrected	30352

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52.1598 (e) (2) and (3) amended	41253
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52.1670 (c)(5) added	30038
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52.1677 (b) amended	33314
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52.1825—52.1826 Added	34537
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52.1983—52.1984 Added	34537
52.2024—52.2025 Added	34537
52.2036 (a) table amended	30350, 36482, 41364
52.2040 Suspended	† 2586
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80.23 (a)(1) and (2) and (b)(2) revised; (c) redesignated as (e) and revised; new (c) and (d) added	42360
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20.735–41 (c) (1) and (2) revised	42682
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1784.0–1—1784.4 (Subpart 1784) Added	† 3295
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2822.1–2 (b) revised	39440
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2822.2–2 Revised	39440
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1571 Revoked in part by PLO 5455	43549
1744 Revoked in part by PLO 5468	† 5753
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5169 Amended by PLO 5439	38646
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5172 See PLO 5442	39722
5175 Amended by 5438	38646
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5176 Amended by PLO 5454	43548
5177 Amended by PLO 5459	44758
5179 Amended by PLO 5459	44758
5180 Amended by PLO 5450	42354
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176 Revised	37385
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176.4 (b) amended	37987
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176.20 (e)(3) amended	37987
176.21 (a) amended	37987
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177.4 (c)(3)(xxi) revised	36967
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220 Effective date	45238
220.61 (f)(1) amended	38380
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221 Effective date	45238
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248.21 a)(3)(ii)(A) and (B) amended	36590
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250.20 Amended; (a)(3) added Revised	35778, 41617
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250.24 (a)(1)(ii) revised	41618
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250.120 (d) amended	36590

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1060.5–1—1060.5–3 (Subpart) Added	† 3213
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1217 Added	44203
1218 Added	43725
1219 Added	42915

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5.20–165 (b) table corrected ---- 39723
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78.21–1 (Subpart 78.21) Added ---- † 2689
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147A.11 (a)(5) corrected ---------- 37771
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160.062–4 (c), (d) (2), (3), and (4), and (e) amended; (f) revised ---------- † 4422
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1.89 (a) amended ---------- 41257
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73.284 (a) (4) through (7) redesignated as (a) (5) through (8); new (a)(4) added 38656
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73.504 (g) note amended 45263
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73.676 (f) (1), (5) and note amended; (g) note removed 40957
(g) revised 42366
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73.682 (a)(21) revised 40956
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73.906 Revised 43302
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74.751 (b) (4) through (7) and (c) revised; (b)(8) removed 38652
74.763 (c) revised 38653
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76.251 (a)(7) revised 43310
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81.132 (a)(3) amended 37061
81.303 (a) revised † 2435
81.304 (a) table amended; (b)(9) added 44984
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81.306 (c) amended † 2987
81.368 (a)(2) revised 37488
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83.484 (d)(2) revised 38658
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87.31 (g) added † 2988
87.201 (b) amended; (e) and (f) redesignated as (f) and (g); new (e) added 40954
87.271 (c) added 40954
87.297 (a) amended; footnote added 44985
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89.63 (k) added † 2988

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89.101 (b) redesignated as (b)(1); (b)(2) added 44985
89.120 (c)(3)(i) revised 44029
89.123 (b) and (e) amended; (i) and (j) added 44206
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89.161 Text redesignated as (a); (b) added 44985
89.519 (d) revised 38904
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89.525 (e) table amended; (f)(2), (5), (14), and (19) revised; (f)(4) removed; (f)(22) added 38904
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91.101 Text redesignated as (a); (b) added 44985
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91.120 (c)(3)(i) revised 44030
91.151 (a)(1) footnote added 44985
91.302 (e) added 40764
91.304 (a) table amended; (b)(38), (39), and (40) added 40764
91.751 (a) revised 45267
91.754 (a) table amended; (b)(11) revised; (b)(19) added 45267
93.5 Revised † 5367
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93.58 (l) added † 2988
93.101 (a) redesignated as (a)(1); (a)(2) added 44985
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95.13 (a) revised; (b) removed 40295
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95.19 (b)(6) added † 2988
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97 Appendix 1 amended	† 2986
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federal register

MONDAY, FEBRUARY 3, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 23

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Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

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PROCLAMATION 4344

International Clergy Week in the United States

By the President of the United States of America

A Proclamation

In a world plagued by violence and suffering, clergymen of all denominations help lead the human family to the "peace of God, which passeth all understanding." In a time of difficult choices and moral questioning, they point the way to the higher values of conduct.

As God's ministers on earth, practicing the human virtues of charity, humanity and compassion, they bring us closer to each other and nearer to our Creator.

NOW, THEREFORE, in recognition of the spiritual and special guidance of the clergy in our Country and throughout the world, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week of February 2, 1975, as International Clergy Week in the United States. I call upon our people to honor these servants of God and man through appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-3187 Filed 1-31-75;9:47 am]

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PROCLAMATION 4345

Amending Proclamation No. 4313 of September 16, 1974, to Extend the Application Period of the Program for the Return of Vietnam Era Draft Evaders and Military Deserters

By the President of the United States of America

A Proclamation

On September 16, 1974, I issued Proclamation No. 4313, announcing a program of earned return for those convicted and accused of violating certain provisions of the Selective Service Act or the Uniform Code of Military Justice during the Vietnam conflict.

Upon careful review of the progress of this program, I believe that many of those persons who could benefit from this program are only now learning of its application to their cases. Therefore, I am extending the date by which all applications must be received.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, pursuant to my powers under Article II of the Constitution, do hereby proclaim that Proclamation No. 4313 is amended as follows:

SECTION 1. Paragraph (i) of Section 1 is amended to read as follows:

"presents himself to a United States Attorney before March 1, 1975,".

SEC. 2. The first paragraph of Section 2 is amended by striking out the date "January 31, 1975," after the words "offenses directly related thereto if before" and inserting in place thereof "March 1, 1975,".

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-3234 Filed 1-31-75;12:03 pm]

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EXECUTIVE ORDER 11837

Amending Executive Order No. 11803 of September 16, 1974, To Extend the Period for Application for Clemency Board Review of Certain Convictions and Military Service Discharges

By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, Section 2 of Executive Order No. 11803 of September 16, 1974, is hereby amended as follows:

By striking out the date "January 31, 1975," after the words "apply for Executive clemency prior to" and inserting in place thereof "March 1, 1975,".

THE WHITE HOUSE,
January 30, 1975.

Gerald R. Ford

[FR Doc.75-3235 Filed 1-31-75;12:03 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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36	2.70
37	1.75
38	5.90
39 (Rev. Aug. 1, 1974)	4.45
40 Parts:	
0–49	2.20
50–99	7.80
100–end	5.25
41 Chapters:	
1–2	5.20
3–5C	5.50
6–9	5.15
10–17	3.10
18	7.60
19–100	2.60
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General Index	3.05
CFR Unit (Rev. as of Oct. 1, 1974):	
42	$4.45
43 Parts:	
1–999	3.95
1000–end	5.65
44 [Reserved]	
45 Parts:	
1–99	3.00
100–199	5.30
200–499	3.15
500–end	3.65
46 Parts:	
1–29	2.05
30–40	2.05
41–69	3.85
70–89	2.05
90–109	1.90
110–139	1.90
150–165	3.70
166–199	2.55
200–end	6.20
47 Parts:	
20–69	5.20
80–end	6.05
48 [Reserved]	
49 Parts:	
1–99	1.90
100–199	7.20
1000–1199	3.40
1300–end	2.75
50	3.80

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to amend the list of commuted traveltime allowances, 7 CFR Part 354, Overtime Services Relating to Imports and Exports, and to consolidate all existing amendments into one list for the convenience of the user. Since the last amendment (November 22, 1974, 39 FR 40957), commuted traveltimes have been established for additional points. Therefore, this amendment adds Indianapolis, Indiana, served from Frankfort and from Franklin; Bridgeport (Monsanto) and Deepwater (Penns Grove), New Jersey, served from Wilmington, Delaware; and Syracuse, New York, within the metropolitan area.

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Pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 (37 FR 6327, 6505, 10554) the administrative instructions appearing at 7 CFR 354.2, as amended, March 1, July 26, October 7, and November 22, 1974, (39 FR 7923, 27299, 35999, and 40937) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are revised to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted traveltime period for the respective areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted traveltime periods are set forth below:

Commuted traveltime allowances

[In hours]

Location covered	Served from—	Metropolitan area	
		Within	Outside
Alabama:			
Chickasaw	Mobile		2
Mobile		1	
Undesignated ports	Mobile		3
Alaska:			
Anchorage		1	
Seward	Anchorage		6
Undesignated ports	do		3
Arizona:			
Davis-Monthan AFB, Tucson	Nogales		4
Douglas		1	
Do	Nogales		5
Nogales		1	
Phoenix		2	
Do	Nogales		6
Do	Tucson		5
San Luis		2	
Tucson		1	
Do	Nogales		3
Yuma International Airport		1	
Undesignated ports	Nogales		3
Arkansas:			
Blytheville AFB		1	
Dardanelle	Little Rock		3
Fort Smith	do		6
Little Rock		1	
Little Rock AFB		1	
Pine Bluff	Little Rock		2
Undesignated ports	Memphis, Tenn		3
Bahamas: Nassau		1	
Bermuda: Ferry Beach		1	
California:			
Andrade	Calexico		2
Antioch	San Francisco		4
Burbank	Los Angeles		3
Calexico		1	
Camp Pendleton, USMC, Oceanside	San Diego		3
Castle AFB	Merced		1
El Segundo	Los Angeles		2
El Toro MCAS	do		3
George AFB	do		4
Gillespie Field	San Diego		1
Hamilton AFB, Novato	Travis AFB		3
Imperial Beach NAS	San Diego		1
Los Angeles (including San Pedro, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor, and Long Beach Municipal Airport).		2	
	Los Angeles		4
March AFB	San Francisco		3
Martinez	Travis AFB		3
Mather Field AFB	do		3
McClellan AFB	San Francisco		3
Moffett Field NAS, Sunnyside	San Diego		1
North Island	Los Angeles		4
Norton AFB	do		3
Ontario	San Francisco		4
Pittsburg	do		3
Port Chicago	do		2
Redwood City	do		3
Richmond	do		3
Rodeo		1	
Sacramento	Travis AFB		2
Do	do		3
Sacramento Metropolitan Airport		2	
San Diego (including Mexican border at San Ysidro; Brown, Gillespie, and Lindbergh Fields, Imperial Beach, North Island, Miramar, and Naval and Civilian Maritime within the San Diego Unified Port District).		2	
San Francisco (including Alameda, Oakland, San Francisco International Airport, and Oakland International Airport).	Los Angeles		2
Seal Beach		1	
Stockton	Travis AFB		3
Do			

Location covered	Served from—	Metropolitan area	
		Within	Outside
Tecate	San Diego		2
Travis AFB		1	
Vallejo	San Francisco		2
Undesignated ports	San Diego, Los Angeles, or San Francisco.		3
Colorado:			
Denver (including Stapleton International Airport)		2	
Ent AFB (Peterson Field)	Denver		5
Connecticut:			
Bradley Field, Windsor Locks	Boston, Mass		6
Do	Warwick, R.I		6
Bradley International Airport, Windsor Locks		1	
Do	Hadley, Mass		2
Bridgeport	Groton		3
Do	Wallingford		2
Do	Warwick, R.I		6
Do	Windsor Locks		3
Groton (including New London)		1	
New Haven	Groton		2
Do	Wallingford		1
Do	Warwick, R.I		6
Do	Windsor Locks		2
New London	Warwick, R.I		4
Windsor Locks	Wallingford		3
Undesignated ports	do		3
Delaware:			
Claymont	Wilmington		1
Delaware City	do		2
Dover		1	
Wilmington (including marine terminal and airport)		1	
Wilmington	Philadelphia, Pa		3
Undesignated ports	Dover		3
District of Columbia:			
Washington, D.C. metropolitan area (including Arlington, Alexandria, and Dulles International Airport, Va.; Andrews AFB, Md.; and Washington Navy Yard).		2	
Florida:			
Apalachicola	Pensacola		6
Boca Grande	Tampa		5
Eglin AFB	Pensacola		3
Fort Lauderdale		1	
Fort Myers	Tampa		5
Fort Pierce	West Palm Beach		3
Jacksonville		2	
Key West		1	
Marathon	Key West		2
McCoy AFB	Tampa		4
Melbourne	Port Canaveral		2
Miami		2	
Panama City	Pensacola		5
Patrick AFB		1	
Pensacola		1	
Do	Mobile, Ala		3
Port Canaveral		1	
Port Everglades		1	
Port St. Joe	Pensacola		6
St. Petersburg		2	
Sanford NAS	Tampa		5
Tampa		2	
West Palm Beach		1	
Undesignated ports	Jacksonville, Miami, Port Canaveral, or Tampa.		3
Georgia:			
Atlanta		2	
Brunswick	Savannah		4
Columbus	Atlanta		4
Macon	do		4
Marietta	do		2
St. Mary's	Jacksonville, Fla		3
Savannah		2	
Undesignated ports	Atlanta or Savannah		3
Hawaii:			
Barbers Point NAS	Honolulu		2
Hilo		1	
Honolulu		2	
Kaanapali, Lahaina, Maui	Kahului, Maui		2
Kahului, Maui		1	
Do	Honolulu		4
Kaneohi MCAS	do		2
Keaau	Hilo		1
Keahole		1	
Keauhou	Keahole		2
Lihue, Kauai		2	
Do	Honolulu		5
Schofield barracks, Wahiawa, Oahu	do		2
Undesignated ports	Hilo, Honolulu, or Keahole		3
Illinois: Chicago		3	
Indiana:			
Indianapolis	Chicago, Ill		5
Do	Frankfort		3
Do	Franklin		2
Iowa: Des Moines	Chicago, Ill		6
Kentucky: Louisville	Cleveland or Toledo, Ohio		5

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Location covered	Served from—	Metropolitan area: Within	Metropolitan area: Outside
Louisiana:			
Barksdale AFB, Shreveport	Baton Rouge		6
Baton Rouge		1	
Buras	New Orleans		4
Burnside	Baton Rouge		2
Convent	do		2
Donaldsonville	do		3
England AFB, Alexandria	do		4
Geismar	do		2
Lake Charles	Port Arthur, Tex		3
Morgan City	New Orleans		4
New Orleans		2	
Ostrica	New Orleans		4
Plaquemine	Baton Rouge		2
Port Allen		1	
St. James	Baton Rouge		3
Venice	New Orleans		4
Points on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy, La.; any point below Chalmette, La., on the east bank; and Belle Chasse, La., and points to and including Port Sulphur on the west bank.	do		3
Undesignated ports	Baton Rouge or New Orleans		3
Maine:			
Bangor		1	
Bath	Portland		2
Brunswick NAS	do		2
Bucksport	Bangor		2
Cousins Island	Portland		1
Eastport	Bangor		6
Kittery	Portland		3
Portland		1	
Searsport	Bangor		2
Undesignated ports	Bangor or Portland		3
Maryland:			
Aberdeen Proving Ground	Baltimore		3
Annapolis	do		3
Baltimore		3	
Cambridge	Baltimore		4
Salisbury	do		4
Undesignated ports	Andrews AFB, Dover, Del., or Dulles International Airport, Va.		3
For other points in Maryland, see D.C. listing.			
Massachusetts:			
Boston		3	
Fall River	Warwick, R.I		3
New Bedford	do		4
Otis AFB	do		5
Plymouth	do		4
Sandwich	do		5
Westover AFB, Chicopee	Boston		6
Do	Hadley		1
Woods Hole	Warwick, R.I		6
Undesignated ports	do		3
Michigan:			
Bay City	Detroit		5
Detroit (including Detroit Metropolitan Airport, Inkster).		3	
Monroe	Detroit		3
Muskegon	do		6
Do	Kalamazoo		3
Port Huron	Detroit		4
Saginaw	do		5
South Haven	do		6
Minnesota:			
Duluth		1	
Minneapolis-St. Paul		2	
Silver Bay	Duluth		3
Mississippi:			
Greenville		1	
Do	Memphis, Tenn		5
Gulfport	Mobile, Ala		4
Kessler AFB	do		4
Natchez	Baton Rouge, La		5
Do	Brookhaven		4
Pascagoula	Mobile, Ala		3
Vicksburg	Baton Rouge, La		6
Do	Florence		3
Undesignated ports	Mobile, Ala		3
Missouri:			
Kansas City	Chicago, Ill		6
Kansas City International Airport		2	
St. Louis		2	
Do	Chicago, Ill		6
St. Louis International Airport		2	
Montana:			
Butte International Airport	Billings		6
Do	Butte (or vicinity by inspectors temporarily detailed in excess of 12 hours).	2	
Nebraska: Omaha	Chicago, Ill		6
Nevada:			
Las Vegas		1	
Reno		1	
New Hampshire:			
Pease AFB	Portland, Maine		3
Portsmouth	do		3

Location covered	Served from—	Metropolitan area: Within	Metropolitan area: Outside
Undesignated ports	Rouses Point, N.Y		3
New Jersey:			
Atlantic City	Philadelphia, Pa		3
Bridgeport (Monsanto)	Wilmington, Del	1	
Burlington	Philadelphia, Pa		3
Deepwater (Penns Grove)	Wilmington, Del		1
Lake Hurst NAS	McGuire AFB		2
McGuire AFB	Philadelphia, Pa		3
McGuire AFB, Wrightstown		2	
Paulsboro	Philadelphia, Pa		3
Trenton	McGuire AFB		3
New Mexico:			
Albuquerque		1	
Holloman AFB, Alamogordo	El Paso, Tex		4
Undesignated ports	do		3
New York:			
Buffalo		2	
Chateaugay (including Churubusco and Cannon Corners).	Rouses Point		2
Jamaica, Long Island		3	
Lewiston	Buffalo		2
Massena	Ogdensburg		2
Do	Rouses Point		4
New York		3	
Niagara Falls	Buffalo		2
Ogdensburg		1	
Do	Rouses Point		5
Oswego	Buffalo		6
Plattsburgh	Rouses Point		2
Rochester	Buffalo		4
Roosevelt Town	Ogdensburg		2
Do	Rouses Point		4
Rouses Point (including Champlain)		1	
Syracuse		1	
Do	Buffalo		6
Undesignated ports	Buffalo or Rouses Point		3
North Carolina:			
Camp Lejeune	Wilmington		3
Charlotte	Monroe		2
Do	Wilmington		6
Cherry Point	New Bern		2
Do	Wilmington		4
Elizabeth City	Morehead City		6
Do	Norfolk, Va		3
Morehead City		1	
Do	New Bern		2
Do	Wilmington		4
New River MCAS, Jacksonville	do		2
Pope AFB	do		4
Seymour-Johnson AFB	do		3
Sunny Point Army Terminal, Southport	do		2
Wilmington		1	
Undesignated ports	New Bern, Monroe, Morehead City, or Wilmington.		3
Ohio:			
Akron	Cleveland		2
Cincinnati	Toledo		6
Cleveland		2	
Columbus	Cleveland		6
Do	Marysville		2
Fairport Harbor	Cleveland		2
Lockbourne AFB	do		6
Loraine	do		2
Toledo		2	
Do	Detroit, Mich		3
Undesignated ports	Cleveland or Toledo		3
Oregon:			
Astoria		1	
Do	Portland		5
Coos Bay (including North Bend)		1	
Newport	Coos Bay		5
Port Westward	Astoria		2
Portland		2	
Westport	Astoria		2
Undesignated ports	Astoria, Coos Bay, or Portland		3
Pennsylvania:			
Chester	Philadelphia		3
Do	Wilmington, Del		1
Erie	Buffalo, N.Y., or Cleveland, Ohio.		4
Do	Meadville		3
Greater Pittsburgh International Airport	Cleveland, Ohio		6
Do	Hollidaysburg		6
Do	Meadville		4
Do	Pittsburgh	2	
Harrisburg International Airport	Carlisle		2
Do	Philadelphia		5
Do	Schuylkill Haven		3
Do	University Park		4
Marcus Hook	Philadelphia		3
Do	Wilmington, Del		1
Philadelphia		3	
Do	Wilmington, Del		3
Tullytown	Philadelphia		3
Puerto Rico:			
Aguadilla		1	
Arecibo	San Juan		4
Isabela	Ramey AFB		1

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Location covered	Served from—	Metropolitan area	
		Within	Outside
Mayaguez	do		2
Ramey AFB (including Borinquen Airport)		1	
Roosevelt Roads NAS		1	
Do	San Juan		3
San Juan		2	
Rhode Island:			
Davisville NSD	Boston, Mass		4
Do	Warwick		3
Melville	do		3
Newport	Boston, Mass		5
Do	Warwick		4
Portsmouth	do		3
Providence	Boston, Mass		4
Do	Warwick		2
Quonset Point	Boston, Mass		4
Do	Warwick		3
Saunderstown	do		3
Tiverton	do		4
Warwick		1	
Undesignated ports	Warwick		3
South Carolina:			
Beaufort	Charleston or Savannah, Ga		3
Charleston		2	
Columbia	Charleston		4
Georgetown	do		3
Greenville-Spartanburg Airport, Columbia	do		6
McEntire NG Air Base, Eastover	do		4
Myrtle Beach AFB	do		4
Shaw AFB, Sumter	do		4
Undesignated ports	do		3
Tennessee:			
Knoxville	Atlanta, Ga		4
Memphis		1	
Nashville		1	
Do	Memphis		6
Undesignated ports	Atlanta, Ga		5
Do	Memphis		3
Texas:			
Alamo	Hidalgo		1
Aransas Pass	Corpus Christi		2
Barbours Cut	Houston		3
Bayport	do		3
Baytown	do		2
Beaumont	Port Arthur		2
Brownsville		1	
Carswell Field, Fort Worth	Dallas-Fort Worth Regional Airport.		3
Corpus Christi		1	
Corpus Christi NAS	Corpus Christi		1
Dallas		1	
Dallas (including Love Field)	Dallas-Fort Worth Regional Airport.		1
Dallas-Fort Worth Regional Airport		1	
Do	Denton		2
Do	Waxahachie		3
Del Rio		1	
Donna	Hidalgo		2
Dyess AFB	Abilene	1	
Eagle Pass		1	
Edinburg	Hidalgo		2
El Paso		1	
Fabens	El Paso		2
Falcon Heights	Roma		1
Freeport	Galveston or Houston		3
Galveston		1	
Do	Houston		4
Gregory	Corpus Christi		1
Harbor Island	do		2
Harlingen	Brownsville		2
Hidalgo		1	
Do	Brownsville		3
Houston (except Houston Intercontinental Airport)		2	
Houston Intercontinental Airport		3	
Kelly AFB	San Antonio		2
La Feria	Hidalgo		2
Laredo		1	
Love Field	Waxahachie		2
Do	Denton		2
McAllen	Hidalgo		1
Meacham Field	Dallas-Fort Worth Regional Airport.		2
Mercedes	Hidalgo		2
Mission	do		1
Orange	Port Arthur		2
Pharr	Hidalgo		1
Point Comfort		1	
Do	Corpus Christi		5
Port Arthur		1	
Port Isabel	Brownsville		2
Port Lavaca	Corpus Christi		4
Presidio		1	
Progreso		1	
Do	Brownsville or Hidalgo		2
Randolph AFB	San Antonio		2
Rio Grande City	Roma		1
Rockport	Corpus Christi		2
Ronna		1	
Do	Hidalgo		3
Do	Brownsville		5
Do	Laredo		4

Location covered	Served from—	Metropolitan area	
		Within	Outside
San Antonio	Hidalgo	1	
San Juan	Galveston		1
Texas City	Hidalgo		2
Weslaco	Houston		3
Undesignated ports			
Vermont:			
Alburg	Rouses Point, N.Y	1	
St. Albans (including Highgate Springs and Morses Line)	do		2
Undesignated ports	do		3
Virgin Islands:			
Alexander Hamilton Airport, St. Croix		1	
Charlotte Amalie, St. Thomas		1	
Christiansted, St. Croix		1	
Frederiksted, St. Croix		1	
Virginia:			
Dulles International Airport	Baltimore, Md		3
Newport News		2	
Norfolk		2	
Quantico MCAS	Andrews AFB, Md., or Dulles International Airport.		3
Undesignated ports	Andrews AFB, Md., Dulles International Airport, Newport News, or Norfolk.		3
For other points in Virginia, see D.C. listing.			
Washington:			
Anacortes	Blaine		3
Do	Seattle		5
Ault Field	Blaine		4
Do	Seattle		5
Bellingham	Blaine		2
Do	Seattle		6
Bangor NSD	do		4
Blaine		1	
Cherry Point	Blaine		1
Do	Seattle		6
Edmonds	do		2
Everett	do		3
Ferndale	Blaine		2
Do	Seattle		6
Fort Lewis	McChord AFB		1
Grays Harbor	Astoria, Oreg		3
Do	McChord AFB		4
Do	Seattle		6
Do	Portland, Oreg		3
Kalama	Astoria or Portland, Oreg		3
Longview	Blaine		2
Lynden		1	
McChord AFB	Seattle		3
Do	McChord AFB		2
Olympia	Seattle		3
Do	do		3
Paine Field		2	
Point Wells	McChord AFB or Seattle		6
Port Angeles	Seattle		4
Port Townsend	Astoria, Oreg		2
Raymond		2	
SEA TAC Airport	McChord AFB		2
Do		2	
Seattle	Seattle		2
Snohomish County Airport	Blaine		2
Sumas	McChord AFB		2
Tacoma	Seattle		3
Do		2	
Vancouver	Astoria, Oreg		2
Willapa Bay	McChord AFB		4
Do	Seattle		6
Do	Astoria or Portland, Oreg., McChord AFB, or Seattle.		3
Undesignated ports			
Wisconsin:	Milwaukee		6
Green Bay	do		2
Kenosha		2	
Milwaukee	Milwaukee		2
Racine	Duluth, Minn	1	
Superior	Duluth, Minn., or Milwaukee		3
Undesignated ports		1	
Temporary detail: Any inspection point to which an employee may be temporarily detailed.			

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing revision shall become effective on February 3, 1975, when it shall supersede 7 CFR 354.2, as amended, March 1, July 26, October 7, and November 22, 1974. (39 FR 7923, 27299, 35999, 40937).

Done at Washington, D.C., this 27th day of January, 1975.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-2847 Filed 1-31-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 336, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 24–30, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 336 (40 FR 3573). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and

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(iii) of § 907.636 (Navel Orange Regulation 336) (40 CFR 3573) are hereby amended to read as follows:

"(i) District 1: 1,290,000 cartons;
"(ii) District 2: 180,000 cartons;
"(iii) District 3: 30,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 29, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-3013 Filed 1-31-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 100—STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Correction

In FR Doc. 1923 appearing at page 3407 in the issue of January 22, 1975, § 100.4(d), the last listing in Sector No. 7—Havre, Mont., now reading, "Whitefish, Mont. (Roosvile, Mont.)" should read, "Wolf Point, Mont. (Plentywood, Mont.)"

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA; PROHIBITED AND RESTRICTED IMPORTATIONS

Countries Declared To Be Free of Rinderpest and Foot-and-Mouth Disease

Statement of considerations. The purpose of these amendments is to add Finland to the list of countries declared to be free of rinderpest and foot-and-mouth disease in § 94.1(a)(2) and to the list of countries in § 94.11(a) which are declared to be free of rinderpest and foot-and-mouth disease in § 94.1(a)(2) but which may export meat and animal products to the United States under restrictions only, because of their proximity to, or exchange of commerce, with rinderpest and/or foot-and-mouth disease infected countries. A review of documents submitted by Finnish authorities and an on site inspection made by a Veterinary Services inspector have confirmed that Finland is free of rinderpest and foot-and-mouth disease. Additionally, the third sentence of § 94.11(a) is amended to clarify the fact that the requirements of that section are applicable to all countries listed in the first sentence of that section as free of said diseases. Accordingly, Part 94 is hereby amended as follows:

§ 94.1 [Amended]

1. Section 94.1(a)(2) is amended by adding thereto the name of "Finland," after the reference to "Canada,".

§ 94.11 [Amended]

2. Section 94.11 is amended by adding thereto the name of "Finland," after the reference to "Bahama Islands,".

3. The third sentence of section 94.11 (a) is amended to read as follows: Therefore, meat of ruminants or swine, and other animal products, and ship stores, airplane meals, and baggage containing such meat or animal products originating in the free countries listed in this section shall not be imported into the United States unless the following requirements in addition to other applicable requirements of this Chapter III are met.

(Sec. 306, 46 Stat. 689, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendments shall become effective January 28, 1975.

Insofar as the amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of rinderpest and foot-and-mouth disease, they must be made effective immediately to be of maximum benefit to affected persons.

Insofar as the amendments clarify § 94.11, they do not effect a substantive change from the manner in which the regulations have heretofore been administered, and they should be made effective promptly in order to be of maximum benefit in informing the public of the applicable policy.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of January, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-3074 Filed 1-31-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is revised to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	7¼	Jan. 6, 1975
New York	7¼	Jan. 10, 1975
Philadelphia	7¼	Jan. 6, 1975
Cleveland	7¼	Do.
Richmond	7¼	Do.
Atlanta	7¼	Jan. 13, 1975
Chicago	7¼	Jan. 10, 1975
St. Louis	7¼	Do.
Minneapolis	7¼	Do.
Kansas City	7¼	Jan. 24, 1975
Dallas	7¼	Jan. 6, 1975
San Francisco	7¼	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	7¼	Jan. 6, 1975
New York	7¼	Jan. 10, 1975
Philadelphia	7¼	Jan. 6, 1975
Cleveland	7¼	Do.
Richmond	7¼	Do.
Atlanta	7¼	Jan. 13, 1975
Chicago	7¼	Jan. 10, 1975
St. Louis	7¼	Do.
Minneapolis	7¼	Do.
Kansas City	7¼	Jan. 24, 1975
Dallas	7¼	Jan. 6, 1975
San Francisco	7¼	Do.

(b) The rates for advances to member banks for prolonged periods and in significant amounts under section 10(b) of the Federal Reserve Act and § 201.2 (e)(2) of Regulation A are:

Federal Reserve Bank of—	Special rate	Effective
Boston	9	Jan. 6, 1975
New York	9	Jan. 10, 1975
Philadelphia	9	Jan. 6, 1975
Cleveland	9	Do.
Richmond	9	Do.
Atlanta	9	Jan. 13, 1975
Chicago	9	Jan. 10, 1975
St. Louis	9	Do.
Minneapolis	9	Do.
Kansas City	9	Jan. 24, 1975
Dallas	9	Jan. 6, 1975
San Francisco	9	Do.

3. Section 201.53 is revised to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	10	Jan. 6, 1975
New York	10	Jan. 10, 1975
Philadelphia	10	Jan. 6, 1975
Cleveland	10	Do.
Richmond	10	Do.
Atlanta	10	Jan. 13, 1975
Chicago	10	Jan. 10, 1975
St. Louis	10	Do.
Minneapolis	10	Do.
Kansas City	10	Jan. 24, 1975
Dallas	10	Jan. 6, 1975
San Francisco	10	Do.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, January 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-2858 Filed 1-31-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-EA-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 44037 of the FEDERAL REGISTER for December 20, 1974, the Federal Aviation Administration published a proposed rule which would alter the Philadelphia, Pa., Control Zone (39 FR 416) and Transition Area (39 FR 565).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. March 27, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 22, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philadelphia, Pa. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 39°52'23" N., 75°14'58" W., of Philadelphia International Airport, Philadelphia, Pa.; within a 6-mile radius of the center of the airport extending clockwise from a 266° bearing to a 016° bearing from the airport; within 2.5 miles each side of the Philadelphia International Airport Runway 27R ILS localizer course, extending from the localizer to 6.5 miles east; within 2 miles each side of the Philadelphia International Airport Runway 9R ILS localizer course, extending from the 5-mile radius zone to 2 miles east of the OM; within 2.5 miles each side of the New Castle, Del. VORTAC 055° radial, extending from the 5-mile radius zone to 18.5 miles northeast of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philadelphia, Pa. Transition Area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 39°52'23" N., 75°14'58" W. of Philadelphia International Airport, Philadelphia, Pa.; within a 9-mile radius of the center of the airport, extending clockwise from a 136° bearing to a 256° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 256° bearing from the airport to a 058° bearing from the airport; within 6.5 miles south and 4.5 miles north of the Philadelphia International Airport Runway 9R ILS localizer course, extending from 5.5 miles east to 11.5 miles west of the OM; within 4.5 miles each side of the Modena, Pa. VORTAC 097° radial, extending from 24 miles east to 33 miles east of the VORTAC; within a 5.5-mile radius of the center, 39°47'50" N., 75°20'35" W. of Bridgeport Airport, Bridgeport, New Jersey; within 2 miles each side of the Woodstown, N.J. VORTAC 350° radial, extending from the 5.5-mile radius area to the Woodstown, N.J. VORTAC.

[FR Doc.75-2989 Filed 1-31-75;8:45 am]

[Airspace Docket No. 75-SO-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Gainesville, Ga., transition area.

The Gainesville transition area is described in § 71.181 (40 FR 441). In the description, an extension predicated on the 216° bearing from Gainesville RBN is designated as "9.5 miles southeast and 4.5 miles northwest of the bearing." Since the procedure turn will be changed to the northwest side of the 216° bearing, effective February 20, 1975, it is necessary to amend the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 20, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Gainesville, Ga., transition area is amended as follows:

"• • • 9.5 miles southeast and 4.5 miles northwest • • •" is deleted and "• • • 9.5 miles northwest and 4.5 miles southeast • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-2991 Filed 1-31-75;8:45 am]

[Airspace Docket No. 74-SO-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 20, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 44037), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Craig AFB Aux. (Valden), Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

CRAIG AFB AUX. (VALDEN), ALA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Craig AFB Aux. #1 (Valden), Ala. (latitude 32°30'35" N., longitude 87°23'06" W.); within 2.5 miles each side of the extended centerline of Runway 16, extending from the threshold to 10.5 miles north of the threshold.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-2992 Filed 1-31-75;8:45 am]

[Airspace Docket No. 74-SO-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Redesignation of Federal Airways

On December 3, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 41855) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal Airways V-11, V-47 and V-178.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Department of the Air Force objected to the proposed realignment of V-47, stating that the Little Rock, Ark., to Malden, Mo., segment would conflict with a high altitude

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penetration procedure to Little Rock AFB, and that the Malden to Cunningham, Ky., segment would conflict with a high altitude penetration procedure to Blytheville, Ark., AFB. The Memphis Air Route Traffic Control Center (ARTCC) will provide procedural separation between en route aircraft on V–47 and aircraft executing the conflicting high altitude penetration procedure to Little Rock AFB. The Memphis ARTCC and Blytheville AFB have agreed upon adjustments to the conflicting Blytheville AFB high altitude penetration procedure which will provide lateral clearance between en route aircraft on V–47 and aircraft executing any high altitude penetration procedure to Blytheville AFB. All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. March 27, 1975, as hereinafter set forth.

§ 71.123 (40 FR 307) is amended as follows:

1. In V–11 "Cunningham, Ky., including an E alternate;" is deleted and "Cunningham, Ky.; including an E alternate; and a W alternate via INT Dyersburg 006° and Cunningham 224° radials;" is substituted therefor.

2. In V–47 "From Evansville, Ind., Nabb, Ind.;" is deleted and "From Little Rock, Ark.; via Walnut Ridge, Ark.; Malden, Mo.; Cunningham, Ky.; Evansville, Ind.; Nabb, Ind.;" is substituted therefor.

3. V–178 is amended to read as follows: "From Vichy, Mo.; Farmington, Mo.; Cape Girardeau, Mo.; Cunningham, Ky.; including a north alternate from Farmington to Cunningham via INT Farmington 115° and Cunningham 306° radials; and also a south alternate from Farmington to Cunningham via INT Farmington 145° and Cunningham 267° radials; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W.Va.".

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on January 28, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2090 Filed 1-31-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS–62, Amdt. 41]

PART 399—STATEMENTS OF GENERAL POLICY

Deceptive Practices in Advertising Group Inclusive Tours

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. January 29, 1975.

By notice of proposed rule making, PSDR–39,[1] the Board invited comment on a proposal to amend Part 399 of the regulations (14 CFR Part 399) to codify a policy which would regard as an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof, within the meaning of section 411 of the Act, the advertising of prices involved in Group Inclusive Tours (GIT's), unless the advertisement includes a clear statement of the total tour price.

The proposed draft rule would also require that where a GIT advertisement includes a statement of the applicable air fare, the total tour price must be stated in print at least as large as the separate statement of the air fare, and with equal prominence. As indicated in the Explanatory Statement accompanying PSDR–39, the Board's purpose in proposing this policy statement was to eliminate deceptive and misleading advertising of GIT's. In addition, the Board sought to remedy the apparently unfair competitive advantage enjoyed by the sellers of GIT's over Inclusive Tour Charter (ITC) operators as a result of such advertising.[2]

Pursuant to the notice of proposed rulemaking, the Board received comments from British Airways, Continental Air Lines, Inc., and Trans World Airlines, Inc., from the National Air Carrier Association representing five supplemental air carriers,[3] from a group of four tour operators,[4] from the American Automobile Association, the American Society of Travel Agents, other independent travel agents,[5] from the Consumer Affairs Unit of the City of Syracuse, and from individual members of the public. With the exceptions noted below, all of these comments support the proposed policy statement. On consideration of all of the comments, the Board has determined to adopt the proposed rule with some modifications, and, except as modified, to make final the findings and conclusions on which it was based. All requests for other amendments contained in the comments are denied.

1. *Statement of the Applicable Air Fare.* NACA and some of the tour operators contend that the proposed rule should prohibit any separate statement of the air fare, at least as long as that prohibition continues to apply to ITC's. They state that GIT's and ITC's are marketed in "head to head" competition, and they urge that since ITC operators are prohibited from separate advertising of an air fare component, the failure to adopt a similar prohibition with respect to the sale of GIT's will continue to enable the latter to enjoy an unfair competitive advantage.

We have determined to make final our tentative conclusion that there is no reason to prohibit separate statement of the air fare in the case of GIT advertisements. Nor do we believe that we should impose an unwarranted restriction on the sale of GIT's for the sole purpose of achieving total conformity with our rules governing ITC's. The purpose of this rulemaking is not to impose identical conditions on the marketing of GIT's and ITC's, but rather to eliminate deceptive advertising of GIT's and to remove the unfair advantage over ITC's which such deceptive advertising may produce.

Viewed wholly apart from the question of competition vis-a-vis ITC's, we think it clear that there is no deception involved in permitting a GIT advertisement to include a separate statement of the air fare component, as reflected in the applicable air carrier tariff on which the total package price is based. Since there is clearly nothing intrinsically wrong with advertising a lawful fare, we would be justified in prohibiting such advertisement in connection with GIT's only if there were overriding considerations of achieving complete equality between the sale of GIT's and ITC's. We do not believe that such considerations exist here, because the differences in the concept and legal status of these two types of group transportation preclude complete equality in our regulatory treatment of their respective marketings.

Obviously, GIT's and ITC's are to some degree competitive and may be advertised in the same publications. Some similar problems of misleading advertisements have arisen. But, unlike the GIT package, which is constructed around a lawful filed fare applicable to an individual seat on scheduled service, the ITC package price is not constructed upon an individual fare set forth in a tariff; rather, the ITC operator charters space, and he himself prices the tour charter on a single-factor basis. Thus, the statement of a separate "air fare" for ITC's could only be done on an arbitrary basis, and, as we pointed out when we originally imposed this prohibition, the statement of an arbitrarily arrived at "component" fare would actually misinform the public.[6]

2. *Disclosure of Total Tour Price.* British Airways contends that the proposed requirement that the total tour price be stated as a single amount is more restrictive than necessary to eliminate misleading GIT advertising. Basically, the argument is that since the same GIT air fare may apply to a number of tours included in a single brochure or other advertisement, we should not require that the total tour price be stated for each such tour, but rather should permit the GIT air fare to be stated separately from the prices of the various land packages to which it applies. Under this method of advertising, the prospective passenger obtains the total tour price by adding two component prices. Such separate listing of a range of alternative land packages which the passenger himself pairs with the applicable air fare is said to be the least confusing method of GIT presentation. Moreover, British Airways asserts, a requirement that the total tour price be stated in a single sum would interfere with promotional efforts during periods when the carrier is awaiting Board approval of newly filed tariffs, and would thus be particularly burdensome during a period of rapidly escalating air fares.[7]

As we explained in our notice of proposed rulemaking, the type of advertisement we seek to prohibit is that which misleads the public as to the actual total price of GIT tours. Our objective is to insure the prospective passenger clear and correct information of total tour costs, and it was for this purpose that the requirement of a single-sum statement was proposed. On consideration of the matters raised by British Airways and the various methods of GIT advertising, we have concluded that the desired objective may be adequately achieved in the manner suggested by this carrier. As long as the applicable air fare and the cost of the land package are the only two components of the total tour price, and both are clearly stated, albeit separately, we do not believe that merely requiring the reader to perform the simple addition of two prices in itself renders a tour advertisement misleading or deceptive. We are therefore modifying the proposed rule to permit this alternative style of advertising.

Thus, instead of requiring that the total tour price be stated as a single amount, as proposed, the rule which we are adopting will require only that the total tour price be clearly disclosed. It should be noted that where the two component prices are separately stated, we would not regard the total tour price as clearly disclosed unless the prices of both components are prominently displayed, along with a clear indication to the reader that the component prices must be added. On the other hand, where the total tour price is shown as a single amount, but the advertisement also includes a separate statement of the air fare, we would not regard the total tour price as clearly disclosed unless it is printed in type at least as large as, and displayed with equal prominence as, the air fare.

3. *Taxes.* There remain for consideration only questions raised by the comments with respect to the type of specific charges which must be included in the total tour price. Clarification has been requested by ASTA concerning so-called port or airport head taxes, and by Continental concerning security charges. It has been the Board's view that port and airport taxes are an essential part of the cost of the tour and should be included in the total price of ITC's. We see no reason to reach a different conclusion in determining the true total price of GIT's. Similarly, we endorse Continental's understanding that security charges should be included in the total tour cost.[8]

The within rule will become effective 60 days after issuance, thus applying to all advertising as of April 1, 1975. We recognize, however, that current brochures or other circulars which do not meet the standards here adopted may have been printed and placed in circulation prior to the issuance of this rule. In these circumstances, our policy statement would contemplate a reasonable, good faith effort to distribute corrective price lists to the brochure recipients prior to the specified effective date.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective April 1, 1975, as follows:

1. Amend the Table of Contents by adding § 399.84 to the table, as amended, to read in pertinent part as follows:

Subpart G—Policies Relating to Enforcement

• • • • •

Sec.
399.84 Unfair or deceptive practice of air carrier, foreign air carrier or ticket agent in advertising group inclusive tour without clear disclosure of total tour price.

2. Add a new § 399.84 to read as follows:

§ 399.84 Unfair or deceptive practice of air carrier, foreign air carrier or ticket agent in advertising group inclusive tour without clear disclosure of total tour price.

(a) It is the policy of the Board to consider the practice of an air carrier, foreign air carrier or ticket agent of advertising a group inclusive tour involving a scheduled flight in air transportation, to be an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof, within the meaning of section 411 of the Act, unless such advertisement clearly discloses the total tour price.

(b) For the purposes of paragraph (a), above, "total tour price" means the total amount of money to be paid by the tour participant for the group inclusive tour, exclusive of options.

(Sections 204, 401, 402, 403, 404, 411, 416(a) and 1002 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 757, 758 (as amended by 74 Stat. 445), 760, 769, 771 and 788; 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1381, 1386, and 1482)

Effective: April 1, 1975.

Adopted: January 29, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3069 Filed 1-31-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Bituminous Coal Exports

Revision of the "Export Administration Regulations" to discontinue the monitoring of bituminous coal exports and anticipated exports.

The purpose of this issuance is to announce discontinuance of the monitoring program over the export of bituminous coal as of 5 p.m. e.s.t. January 28, 1975. Consequently, the last weekly report to be submitted on Form DIB–6006P will include bituminous coal export contracts and shipments for the week ending at the close of business on January 24, 1975.

The FEDERAL REGISTER of November 15, 1974 announced that the Department of Commerce was establishing a monitoring system to provide accurate and timely information on exports and contracts for export of bituminous coal. The monitoring program was initiated coincident with a walkout of coal miners and forecasts of a long strike that might have had a serious adverse effect on the domestic economy.

The strike has been settled for over a month and recent statistics indicate that mine production and inventories have returned to virtually normal levels. In view of these developments and the fact that the normal ratio between domestic production and export volume has been reestablished, the need for export monitoring of bituminous coal no longer exists.

§ 376.3 [Deleted]

Accordingly, § 376.3 of the "Export Administration Regulations" is deleted.

Effective date of action: 5 p.m. e.s.t. January 28, 1975.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.75-2995 Filed 1-31-75;8:45 am]

[1] April 29, 1974, FR 15309, Docket 26658.

[2] Operators of ITC's are specifically required by § 378.12 of the Board's Special Regulations to include only the total tour price, without stating the cost of component parts. 14 CFR § 378.12.

[3] Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[4] Identical comments have been filed on behalf of Anne Storch International—ASTI Tours, Inc., Touragent International, Inc., and Golden Holiday Tours, Inc., and Vacation Ventures, Inc.

[5] AITS, Inc. and Beacon Hill Travel Service, Inc.

[6] SPR–32, October 14, 1969, pp. 12–13.

We are not persuaded by the contention of ASTI and other tour operators that separate statement of a GIT air fare should be prohibited because it is not a "true fare" in that it is subject to "adjustment" if conditions circumscribing its availability are not met. Problems of adjustment can arise whether the fare is shown separately or included in the total tour price. Examination of the conditions under which the fare is applicable are beyond the scope of this rulemaking.

[7] The carrier states that its practice has been to produce, but not distribute, brochures showing the cost of land packages with a statement that the air fare is extra. After approval, the new fare has then been inserted on the inside brochure cover.

[8] Apart from their objections to the proposed policy statement, ASTI and the other tour operators in this group ask that the Board prohibit GIT advertisements in which the name of the carrier is more evident than that of the tour operator, a prohibition which has been proposed with respect to ITC's by SPDR–36. This question is outside the scope of the present rulemaking proceeding and will be dealt with in connection with the separate but identical petitions for rulemaking filed in Dockets 26834, 26835 and 26836.

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-75-272]

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

On August 12, 1974, the Department of Housing and Urban Development's final regulations, relating to the insurance of supplemental loans to finance the purchase and installation of fire safety equipment necessary to meet the fire safety requirements of the Department of Health, Education, and Welfare for providers of services under Titles XVIII and XIX of the Social Security Act for nursing homes and intermediate care facilities, were published in the FEDERAL REGISTER.

Section 232.535 is being amended to substitute $10,000 for $5,000 as the minimum principal obligation for this program. The minimum principal amount for this program was originally related to the maximum amount for loans to be insured under section 2(b) of Title I of the National Housing Act, which amount was $5,000 at the time the final regulations were originally published. It was believed that the Title I program rather than the section 232(i) program would be a more effective program for loans under $5,000. The section 232(i) program would then be used for loans above $5,000. When the Housing and Community Development Act of 1974 amended section 2(b) of Title I to increase the maximum loan amount for that program from $5,000 to $10,000, it created an overlap of $5,000 between the existing § 232.535 minimum loan amount and the new Title I maximum loan amount. This amendment to § 232.535 eliminates that overlap by increasing to $10,000 the minimum loan amount available under the section 232(i) program. We consider that procedure to be unnecessary and contrary to the public interest since the amendment to § 232.565 will shorten the processing time for participation in the program, advance noticing and public procedure are not necessary and good cause exists for making these amendments effective on publication.

Section 232.560(a) is being amended to provide an automatic mechanism for keeping the maximum interest rate for this program at ¼ of 1 percent above the maximum FHA interest rate established under § 207.7(a) of the regulations. When the section 232(i) program was originally implemented, the maximum interest rate was set at ¼ of 1 percent above the rate established for other HUD programs such as section 207 because it was believed that such an interest rate was necessary to interest lenders in the program, i.e. to meet the mortgage market. The section 232(i) rate will be keyed, by the amended regulations, to the section 207 regulatory rate. This, in effect, serves as a finding that the market rate for section 232(i) will generally be ¼ percent above section 207 and will eliminate the need for a separate finding when interest rates are changed in the future.

Section 232.565 presently provides that the principal amount of the loan shall not exceed the Commissioner's estimate of the cost of the fire safety equipment, including the cost of installation with the additional requirement that the sum of prior liens against the property and the fire safety loan shall not exceed ninety percent of the Commissioner's estimate of the value of the project upon completion of installation of the fire safety equipment. Section 232.565 is being amended to provide that the principal amount of the loan shall not exceed the lower of the Commissioner's estimate of the cost of the safety equipment including the cost of installation, or an amount supported by the residual income as determined by the Commissioner. This change substitutes the concept of "residual income" for "value" in determining the maximum loan amount. By using residual income, which directly relates to the ability of a project to generate the income to meet mortgage payments, rather than value, which relates more closely to selling price, the need for an appraisal of the project is eliminated, thereby shortening the processing time for an application.

Since the amendments to §§ 232.535 and 232.560(a) are technical changes and since the amendment to § 232.565 will

Accordingly, Part 232 is amended as follows:

1. Section 232.535 is revised as follows:

§ 232.535 Loan multiples—minimum principal.

The loan shall involve a principal obligation in multiples of $100, and the minimum principal obligation shall be $10,000.

2. Section 232.560, (a) is revised as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not be in excess of ¼ of 1 percent above the maximum FHA interest rate established under § 207.7(a) of the regulations.

* * * * *

3. Section 232.565 is revised as follows:

§ 232.565 Maximum loan amount.

The principal amount of the loan shall not exceed the lower of the Commissioner's estimate of the cost of the fire safety equipment, including the cost of installation, or the amount supported by the residual income, which is the amount of net income remaining after payment of all existing debt service requirements and deduction of the proprietary earnings, as determined by the Commissioner. The cost of installation may include the cost of such other work to be performed on the project necessary to meet the requirements of the Secretary of Health, Education, and Welfare and the Commissioner to enhance the fire safety of the project, and such costs incidental to installation as may be approved by the Commissioner. (Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Effective date. This amendment will be effective on February 3, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.75-2998 Filed 1-31-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-461]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	San Mateo	Pacifica, city of	Jan. 29, 1975, Emergency	June 28, 1974		
Indiana	Wayne	Hagerstown, town of	do	Apr. 12, 1974		
Kentucky	Butler	Unincorporated areas	do			
Do.	Bath	Salt Lick, town of	do	June 7, 1974		
Massachusetts	Worcester	Douglas, town of	do	do		
Do.	Middlesex	Pepperell, town of	do	Aug. 2, 1974		
New Jersey	Passaic	North Halendon, borough of	do	May 3, 1974		
New York	Oneida	Oriskany, village of	do	Feb. 22, 1974		
North Carolina	Columbus	Tabor City, town of	do	June 7, 1974		
Ohio	Cuyahoga	Pepper Pike, city of	do	Apr. 5, 1974		
Texas	Tarrant	Colleyville, city of	do	May 10, 1974		
Wisconsin	Jackson	Hixton, village of	do	May 17, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 23, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2915 Filed 1-31-75;8:45 am]

[Docket No. FI-462]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Iowa	Humboldt	Humboldt, city of	Jan. 28, 1975, Emergency	Apr. 5, 1974		
Minnesota	Hennepin	Independence, city of	do	May 28, 1974		
Nebraska	Dawson	Gothenburg, city of	do	May 3, 1974		
Tennessee	Weakley	Martin, city of	do	Mar. 1, 1974		
Texas	McLennan	Woodway, city of	do	Jan. 23, 1974		
Virginia	Accomack	Wachapreague, town of	do	Aug. 30, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 23, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2916 Filed 1-31-75;8:45 am]

[Docket No. FI-463]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

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§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	
Connecticut	Fairfield	Ridgefield, town of	Jan. 24, 1975, Emergency	Sept. 13, 1974		
Illinois	McHenry	Island Lake, village of	do	Mar. 8, 1974		
Massachusetts	Worcester	Northbridge, town of	do	July 26, 1974		
Nevada	Lyon	Yerington, city of	do	Jan. 9, 1974		
New York	Oneida	Floyd, town of	do	Aug. 9, 1974		
North Carolina	Washington	Unincorporated areas (including Creswell, town of, and Roper, town of).	Jan. 24, 1975, Oct. 10, 1974. Jan. 24, 1975.	June 14, 1974 June 21, 1974		
Ohio	Cuyahoga	Parma Heights, city of	Jan. 24, 1975, Emergency	Mar. 22, 1974		
Pennsylvania	Allegheny	Braddock Hills, borough of	do	May 10, 1974		
Do	Lancaster	Pequea, township of	do			
Do	Washington	McDonald, borough of	do	July 26, 1974		
Do	Bucks	Langhorne, borough of	do	May 31, 1974		
Do	Allegheny	Crescent, township of	do	do		
Do	Westmoreland	Penn, township of	do			
Texas	Tarrant	Westworth Village, village of	do	Mar. 8, 1974		
Virginia	Wise	Pound, town of	do	June 14, 1974		
•	•	•	•	•	•	
Do	Russell	Lebanon, town of	do	May 10, 1974		
West Virginia	Greenbrier	Rupert, town of	do	June 21, 1974		
Wyoming	Sublette	Pinedale, town of	do	Apr. 5, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2917 Filed 1-31-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 591-75]

PART 15—DEFENSE OF SUITS AGAINST FEDERAL EMPLOYEES ARISING OUT OF THEIR OPERATION OF MOTOR VEHICLES

Defense of Certain Suits Against Federal Employees

Existing Justice Department regulations set forth certain procedures to be followed in connection with the Department's defense of civil actions against federal employees arising out of their operation of motor vehicles in the scope of their employment. This order extends those regulations to apply to suits against certain employees of the Veterans Administration and the Public Health Service for damages arising out of their medical services within the scope of their employment. This order also deletes a provision which limited applicability of the regulations to civil actions commenced as a result of incidents occurring on or after March 21, 1962. That provision is now obsolete.

By virtue of the authority vested in me by 5 U.S.C. 301, 28 U.S.C. 509, 510 and 2679 (b)–(e), 38 U.S.C. 4116 (a)–(d), and 42 U.S.C. 233 (a)–(e), Part 15 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. The caption for Part 15 is revised to read:

PART 15—DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES

2. The first sentence of § 15.1 is revised to read as follows:

§ 15.1 Expeditious delivery of process and pleadings.

Any Federal employee against whom a civil action or proceeding is brought for damages to property, or for personal injury or death, on account of the employee's operation of a motor vehicle in the scope of his office or employment with the Federal Government or on account of the employee's performance of medical care, treatment, or investigation in the scope of his office or employment with the Public Health Service or the Veterans Administration Department of Medicine and Surgery (or his personal representative, if the action is brought against his estate) shall deliver all process and pleadings served upon him, or an attested true copy thereof, to his immediate superior or to whoever is designated by the head of his department or agency to receive such papers, forthwith. • • •

3. The first sentence of § 15.3 is revised to read as follows:

§ 15.3 Removal and defense of suits.

Authority is hereby delegated to the several United States Attorneys to make the certification provided for in 28 U.S.C. 2679(d), 38 U.S.C. 4116(c), and 42 U.S.C. 233(c) with respect to civil actions or proceedings brought against Federal employees in their respective districts. • • •

§ 15.4 [Reserved]

4. Section 15.4 is obsolete and is deleted.

Dated: January 24, 1975.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.75-3049 Filed 1-31-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Colorado Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under and approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Colorado operational agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Colorado has met the following conditions for operational status:

(1) Enactment of the Colorado enabling legislation, "an Act Implementing the Federal Occupational Safety and Health Act of 1970," (hereinafter referred to as the Colorado Act) (House Bill No. 1396, Chapter 265 of the Session Laws of Colorado, 1973) which became effective on July 7, 1973;

(2) Adoption under Colorado Revised Statutes, section 3-16-2, of general industry and construction standards contained in 29 CFR Parts 1910 and 1926, as temporary State standards on March 1, 1974. These standards were readopted as temporary State standards on May 30, 1974. On September 1, 1974, the State adopted as permanent standards all general industry and construction standards which were then contained in 29 CFR Parts 1910 and 1926 except Federal maritime standards covered by 29 CFR 1910.-13 through 1910.16;

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely twenty safety inspectors and five health inspectors as of November 27, 1974;

(4) Operation since March 1, 1974, of a review and appeals system before the Industrial Commission of Colorado providing the mechanism for employers and employees to contest enforcement actions and/or abatement periods. The appeals are processed in accordance with rules of procedure promulgated by the Industrial Commission which became effective on October 31, 1974.

(5) State enforcement since March 1, 1974, of the State standards described in (2) above, monitored under 29 CFR Part 1954, including an onsite evaluation conducted on November 26 and 27, 1974.

(b) In addition, the State has provided under its plan for:

(1) Occupational accident and illness recordkeeping and reporting by employers covered under the plan (CRS 80–1–18);

(2) Responding to complaints filed with the Colorado Department of Labor and Employment for violations of the prohibition against discrimination by employers against employees for exercising their rights under the Colorado Act (CRS 80–2–2);

(3) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective November 27, 1974, and incorporated as part of the Colorado plan has been entered into between James Shaffer, Executive Director of the Colorado Department of Labor and Employment, and Curtis A. Foster, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926 whenever Colorado occupational safety and health standards are in effect and operational.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards in the maritime and longshoring issues covered by 29 CFR 1910.13 through 1910.16 which issues have been specifically excluded from coverage under the plan; and investigations and inspections for the purposes of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of November 27, 1974, Subpart M of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.192 is amended to read as follows:

§ 1952.192 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Colorado, effective November 27, 1974, and based on a determination that Colorado is operational in issues covered by the Colorado occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Colorado shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; Standards in 29 CFR 1910.13 through 1910.16 which issues have been specifically excluded from coverage under the Colorado plan; and investigations and inspections for the purpose of the evaluation of the Colorado plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Colorado.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 257(g)(2), 667))

Signed at Washington, D.C. this 28th day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-3020 Filed 1-31-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 286—AVAILABILITY TO THE PUBLIC OF DEPARTMENT OF DEFENSE INFORMATION

PART 296—PUBLICATIONS OF PROPOSED AND ADOPTED REGULATIONS AFFECTING THE PUBLIC

Public Participation Procedures

The Deputy Secretary of Defense has approved Part 296. This Part is added to Chapter I of Title 32 of the Code of Federal Regulations in response to a recommendation from the Administrative Conference of the United States that the Department of Defense voluntarily adopt procedures for public participation in rulemaking having direct and substantial public impact. Under the "military function" exemption of 5 U.S.C. 553(a)(1) the Department of Defense is excused from the statutory requirement of issuing notices of proposed rulemaking, but hereby imposes a regulatory requirement for public notice and opportunity for public comment in appropriate circumstances.

§ 286.5 [Deleted]

1. In Part 286, § 286.5 is deleted.

2. Part 296 is added to read as follows:

Sec.
296.1 Purpose.
296.2 Cancellation.
296.3 Applicability and scope.
296.4 Policy.
296.5 Proposed regulations.
296.6 Publication in the FEDERAL REGISTER of adopted regulations and other matters.
296.7 Petitions.
296.8 Effective date and implementation.

AUTHORITY: The provisions of this Part are issued under 10 U.S.C. 125.

§ 296.1 Purpose.

This Part:

(a) Establishes a policy and procedure by which the Department of Defense

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will invite the comments of the public on those of its proposed regulations and other types of rulemaking as described hereafter which originate within the Department of Defense as a requirement of general applicability and future effect designed to implement, interpret, or prescribe law or policy, or practice or procedure requirements of a component. This requirement applies to those regulations which constitute the authority for actions having a substantial and direct impact on the public when consistent with other responsibilities of the Department for the efficient and responsible conduct of public business.

(b) Implements the provisions of 5 U.S.C. 552 relating to the kinds of regulations that must be published in the FEDERAL REGISTER after they are adopted.

§ 296.2 Cancellation.

32 CFR 286.5 is hereby superseded and cancelled.

§ 296.3 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereinafter referred to singularly as a "DoD Component" or collectively as "DoD Components").

(b) These provisions are applicable to those directives, instructions, regulations, policy memoranda, manuals, and other forms of rulemaking (hereinafter referred to as "regulations") that have a substantial and direct impact on the public. Only a regulation which must be published in the FEDERAL REGISTER after its adoption in accordance with 5 U.S.C. 552 (as implemented in § 296.6 of this Part) comes within the requirement that it be evaluated to determine whether it will have the substantial and direct impact on the public that warrants an invitation for public comment prior to its adoption. An implementation by a subordinate component of a regulation adopted by a component at a higher level within the Department of Defense is not deemed to "originate" a requirement of general applicability and future effect, and, therefore, does not fall within the scope of the obligation to invite public comment on its provisions.

(c) The determination by the component originating a regulation shall be final and conclusive in determining whether a regulation or a proposed regulation comes within the purview of this Part. Consideration shall be given, however, to the definition of "rulemaking" found in 5 U.S.C. 551 as it relates to the requirements of 5 U.S.C. 553 in making this determination.

(d) The requirement for inviting public comment on a proposed regulation shall not be deemed applicable to any proposed regulation coming within one or more of the following exemptions or exceptions to the rulemaking procedures set forth in 5 U.S.C. 553.

(1) Any matter pertaining to a military or foreign affairs function of the United States which has been determined under the criteria of an Executive Order or statute to require a security classification in the interests of national defense or foreign policy.

(2) Any matter relating to (i) agency management, (ii) agency personnel, or (iii) public contracts (e.g., the Armed Services Procurement Regulation), including nonappropriated fund contracts.

(3) Any matter involving (i) interpretative rules, (ii) general statements of policy, or (iii) rules of agency organization, procedure, or practice.

(4) Any situation in which the DoD Component for good cause finds that inviting public comment on a proposed regulation is (i) impracticable, (ii) unnecessary, or (iii) contrary to the public interest, and incorporates in the adopted regulation that determination and its basis.

(e) Exceptions to the requirement in 5 U.S.C. 552 for publication in the FEDERAL REGISTER of adopted regulations for the guidance of the public shall be made in accordance with guidance provided in 32 CFR 286.8.

§ 296.4 Policy.

(a) It is the policy of the Department of Defense to encourage the maximum practicable participation of the public in the formulation of regulations having a substantial and direct impact on the public, and to inform the public fully through publication in the FEDERAL REGISTER of all adopted regulations intended for public guidance.

(b) A proposed regulation which would originate a Department of Defense policy having a substantial and direct impact on the public should be published, along with a notice of purpose and authority, in the FEDERAL REGISTER in order to invite public comment within a designated time at least 30 days prior to its intended adoption. This policy should be followed even though the proposed regulation may come within one or more of the exceptions or exemptions to the requirement for prepublication of proposed rules described in § 296.3(d)(2) (i) and (ii), (3) and (4), unless it is determined by the DoD Component as a matter within its sole and exclusive prerogative that the employment of the exception or exemption is appropriate to satisfy a significant and legitimate interest of the DoD Component or the public.

(c) After their adoption, all regulations for the guidance of the public shall be published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552, even though they may come within one or more of the exemptions described in 32 CFR 286.8, if no significant and legitimate interest of the DoD Component or public precludes such publication. This policy extends to some adopted regulations for the guidance of the public which were not the subject of notice and public comment.

§ 296.5 Proposed regulations.

(a) The general notice of a proposed regulation shall be published in the FEDERAL REGISTER in accordance with the guidance contained in the "Federal Register Handbook on Document Drafting" (GSA), whenever that regulation would have a substantial and direct impact on the public or any significant portion of the public, unless it comes within one or more of the exceptions or exemptions previously set forth in § 296.3(d).

(b) The notice shall include:

(1) A statement of the purpose and objective of the proposed regulation;

(2) Reference to the legal authority under which the regulation is proposed; and

(3) The terms or substance of the proposed regulation.

(c) Whenever the originating DoD Component finds that notice and prepublication of a proposed regulation for public comment are impracticable, unnecessary, or contrary to the public interest, it shall incorporate that finding and a brief statement of its reasons in the adopted regulation, or it may adopt and publish in the FEDERAL REGISTER a separate regulation excepting or exempting categories of regulations for any of these reasons, with an explanation of the basis for excepting or exempting each particular category. Separate regulations for this purpose shall be promulgated by the procedures for proposed rules whenever this falls within the requirements of paragraph (a).

(d) Following the publication of notice and the proposed regulation in the FEDERAL REGISTER, the DoD Component shall give all interested persons an opportunity to participate in the rulemaking through the submission of written data, views, or arguments. An opportunity for oral presentation will normally not be provided, but may as a matter within the sole and exclusive prerogative of the component be extended where it is found to be in the interest of the DoD Component or the public. After careful consideration of all relevant matter presented, the component shall incorporate in the adopted regulation a concise general statement of its basis and purpose. A preamble to the adopted regulation may be published in the FEDERAL REGISTER to explain the relationship of the adopted rule to the proposed rule, including the nature and effect of public comments.

§ 296.6 Publication in the Federal Register of adopted regulations and other matters.

Subject to the exemptions set forth in 32 CFR 286.8:

(a) Each DoD Component shall publish in the FEDERAL REGISTER an informative, current description for the guidance of the public, of where, how, and by what authority it performs any of its functions. In deciding which information to publish in the FEDERAL REGISTER a DoD Component shall consider the fundamental objective of informing all interested persons of how to deal effectively with the component.

(b) Information to be published in the FEDERAL REGISTER shall include:

(1) Descriptions of the central and field organization of the component concerned, and the established places at which, the employees or members of the armed forces from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions.

(2) The procedures by which a DoD Component conducts its business with the public, both formally and informally.

(3) The rules of procedure which must be followed, the description of forms which must be completed, or the source from which forms may be obtained, and instructions on the scope and content of papers, reports, examinations required to be submitted pursuant to such rules of procedures, as adopted by the component.

(4) Directives, instructions,, regulations, manuals, policy memoranda, statements of general policy, or interpretation of general applicability adopted by the agency, and other substantive rules of general applicability affecting the public.

(c) With the approval of the Director of the FEDERAL REGISTER, the requirement for publication in the FEDERAL REGISTER (1 CFR, Part 51, 37 FR 23614, Nov. 4, 1972) may be satisfied by reference in the FEDERAL REGISTER to other publications reasonably available to the class of persons affected and containing the information which must otherwise be published in the FEDERAL REGISTER.

(1) In order to be eligible for incorporation by reference, the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of class affected thereby.

(2) Incorporation by reference is not acceptable as a complete substitute for promulgating in full text material required to be published by 5 U.S.C. 552.

(3) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition within the promulgated document of published information already reasonably available to the class affected. Examples include:

(i) Construction standards promulgated by a professional association or architects, engineers, or builders.

(ii) Code of ethics promulgated by professional organizations.

(iii) Forms and formats publicly or privately published and readily available to the persons required to use them.

(d) It is incumbent upon each component to review all information of the type described in paragraph (b) of this section, to ensure that it is published on an up-to-date basis in the FEDERAL REGISTER, including every amendment revision, or repeal. No member of the general public can be required to resort to, or be adversely affected by, any material not published as required by the foregoing provisions of § 296.6 unless he has actual and timely notice of the content of that material.

§ 296.7 Petitions.

Each component shall accord any interested person the right to petition for the issuance, amendment, or repeal of a regulation that originates or would originate, for the Department of Defense or that component, a policy, requirement, or procedure coming within the scope of § 296.5. Any such petition shall be given full and prompt consideration by the component charged with the responsibility for issuing such a regulation. The petitioner shall be advised in writing of the disposition, and the reason for the disposition, of any written petition for the issuance, amendment, or repeal of a regulation. The official responsibility for disposition of the petition may at his absolute discretion, grant the petitioner a right to appear for the purpose of supporting his petition if this is compatible with the orderly conduct of public business.

§ 296.8 Effective date and implementation.

This Part becomes effective on February 1, 1975, but is applicable only to the regulations promulgated under the authority of a component after April 1, 1975. Two copies of implementing regulations shall be forwarded to the General Counsel of the Department of Defense on or before April 1, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 29, 1975.

[FR Doc.75-2997 Filed 1-31-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Negotiated Procurement under the Buy Indian Act

On February 1, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 3072) stating that the Department of Health, Education, and Welfare is considering an amendment to 41 CFR, Chapter 3, by adding a new Subpart 3–4.57, Negotiated Procurement under the Buy Indian Act. The amendment provides policy on purchasing from Indians under the negotiating authority of the Buy Indian Act (25 U.S.C. 47) whenever practicable.

Interested persons were invited to submit written data, views, and comments within 30 days after publication. Comments were received from the Department of the Interior and the United States Commission on Civil Rights related primarily to the requirement that a firm be 100-percent owned by Indians in order to qualify as an Indian firm. The relaxation of that requirement, as suggested by the Commission on Civil Rights, has been rejected in order to avoid the substantial enforcement problems that have arisen in that regard in the past. The authority to authorize a deviation from the 100-percent requirement has, however, been vested in the Area Directors rather than in the Director, Office of Contracts and Grants, Health Services Administration. The Department of the Interior suggestion that a rigid 100-percent requirement in that regard be imposed is not deemed to be mandated by the Buy Indian Act. The definitive regulations provide a flexibility in that regard that is designed to give maximum effect to the preferences provided for Indians in the law.

The suggestions that the term "joint venture" be specifically defined have been rejected as unnecessary to protect Indian firms and as restricting opportunities for encouraging the expansion and development of Indian firms.

The definitive regulations specify that their application is limited to procurement by the Indian Health Service, U.S. Public Health Service, and the requirement for a certification of individual Indians has been omitted as being unnecessary. Other amendments of a minor editorial nature have been made. The text of the new subpart, modified where appropriate to reflect the comments of interested parties, reads as follows:

1. Contents of Part 3–4 are amended to add a new Subpart 3–4.57.

Subpart 3–4.57—Negotiated Procurement under the Buy Indian Act

Sec.	
3–4.5700	Scope of subpart.
3–4.5701	Policy.
3–4.5702	Definitions.
3–4.5702–1	Indian.
3–4.5702–2	Indian Firm.
3–4.5702–3	Product of Indian Industry.
3–4.5702–4	Buy Indian Contract.
3–4.5703	Requirements.
3–4.5704	Competition.

2. Subpart 3–4.57 is added to Part 3–4 and reads as set forth below:

Subpart 3–4.57—Negotiated Procurement under the Buy Indian Act

§ 3–4.5700 Scope of subpart.

This subpart sets forth policy on preferential purchasing from Indians under the negotiating authority of the Buy Indian Act. Applicability of this subpart is limited to procurements made by the Indian Health Service, U.S. Public Health Service.

§ 3–4.5701 Policy.

The Indian Health Service, U.S. Public Health Service, will utilize the negotiating authority of the Buy Indian Act to give preference to Indians whenever the use of that authority is authorized and is practicable. The Buy Indian Act was enacted as a proviso to section 23 of the Act of June 25, 1910, Chapter 431, Pub. L. 313, 61st Congress, 36 Stat. 861, prescribing the application of the advertising requirements of section 3709 of the Revised Statutes to the purchase of Indian supplies. As set out in 25 U.S.C. 47, the Buy Indian Act provides as follows:

> So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior.

The functions, responsibilities, authorities, and duties of the Secretary of the Interior for maintenance and operation of hospital and health facilities for In-

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dians and for the conservation of the health of Indians were transferred to the Secretary of Health, Education, and Welfare on July 1, 1955 by Pub. L. 568, 83d Congress, 42 U.S.C. 2001 et seq. Accordingly, the Secretary is authorized to use the Buy Indian Act in the purchase of the products of Indian industry in connection with the maintenance and operation of hospital and health facilities for Indians and the conservation of the health of Indians. This authority has been delegated exclusively to the Indian Health Service and is not available for use by any other HEW component.

§ 3–4.5702 Definitions.

§ 3–4.5702–1 Indian.

Indian means a member of any tribe, Pueblo, band, group, village or community that is recognized by the Secretary of the Interior as being Indian or any individual or group of individuals that is recognized by the Secretary of the Interior or the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare in making such determination may take into account the determination of the tribe with which affiliation is claimed.

§ 3–4.5702–2 Indian Firm.

An Indian firm means any sole enterprise, partnership, corporation, or other type of business organization that is owned or controlled by one or more Indians or by an Indian firm.

§ 3–4.5702–3 Product of Indian Industry.

The product of Indian industry means anything produced by Indians through physical labor or by intellectual effort involving the use and application by them of skills.

§ 3–4.5702–4 Buy Indian Contract.

Buy Indian contract means any contract involving activities covered by the Buy Indian Act that is negotiated under the provisions of 41 U.S.C. 252(c)(15) and 25 U.S.C. 47 between an Indian firm and a contracting officer representing the Indian Health Service, U.S. Public Health Service.

§ 3–4.5703 Requirements.

(a) *Indian ownership.* The degree of ownership or control over an Indian firm by an Indian or Indian tribe that is called for by § 3–4.5702–2 shall be 100 percent during the period covered by a Buy Indian contract unless a deviation from that 100 percent requirement is approved on an individual basis by the Area Director of the appropriate Area Indian Health Service in which the contract is being negotiated together with an appropriate justification for such a deviation.

(b) *Joint ventures.* Indian firms may enter into joint ventures with other entities for specific projects as long as an Indian firm is the managing partner. The joint venture must, however, be approved by the contracting officer prior to its negotiating a contract under the Buy Indian Act.

(c) *Indian employment.* Contracts and subcontracts thereunder, negotiated under the Buy Indian Act shall contain a clause requiring the maximum practicable amount of Indian employment under the circumstances and may specify the minimum percentage of Indian labor determined by the contracting officer to be reasonable under the circumstances considering the type of work involved, and the availability of Indian labor and skills for that type of work.

(d) *Bonds.* In the case of contracts for the construction, alteration, or repair of public buildings or public works, performance and payment bonds are required by the Miller Act (40 U.S.C. 270a) and §§ 1–10.104 and 1–10.105 of this title. In the case of contracts with Indian tribes or public nonprofit corporations serving as governmental instrumentalities of an Indian tribe, such bonds are not required except in relation to private business entities even if they are owned by an Indian tribe or members of an Indian tribe, and may be required of private business entities who are joint venturers with, or subcontractors of, an Indian tribe or a public nonprofit corporation serving as a governmental instrumentality of an Indian tribe. A bid guarantee or bid bond is required only when a performance or payment bond is required.

(e) *Subcontracting.* Not more than 50 percent of the work to be performed under a prime contract negotiated pursuant to the Buy Indian Act shall be subcontracted to one other than an Indian firm. For this purpose, work to be performed does not include the providing of materials, supplies, or equipment.

(f) *Wage rates.* A determination of the minimum wage rates by the Secretary of Labor as required by the Davis-Bacon Act (40 U.S.C. 276a–276a–5) shall be included in all contracts negotiated under the Buy Indian Act for over $2,000 for construction, alteration, or repair, including painting and decorating, of public buildings and public works, except contracts with Indian tribes or public nonprofit corporations serving as governmental instrumentalities of an Indian tribe. Such a determination is to be included in contracts with private business entities even if they are owned by an Indian tribe or members of an Indian tribe and in connection with joint ventures with, or subcontractors of, an Indian tribe or a public nonprofit corporation serving as a governmental instrumentality of an Indian tribe.

§ 3–4.5704 Competition.

(a) Contracts negotiated under the Buy Indian Act shall be subject to competition among Indians to the maximum extent that competition is determined by the contracting officer to be practicable, pursuant to §§ 1–1.301–1 and 1–3.101(d) of this title. When competition is determined not to be practicable, a Justification for Noncompetitive Procurement shall be prepared in accordance with § 3–3.802–50 of this chapter and retained in the contract file.

(b) Notwithstanding the provisions of § 3–3.802–50 of this chapter, requests for approval of procurements to be negotiated under the Buy Indian Act in activities covered by that Act may, if $25,000 or less, be approved by the Chief of the procurement office, or, if over $25,000, by the official in charge of the office one level above the procurement office.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective Date: The provisions of this amendment shall be effective February 3, 1975.

Dated: January 27, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–3057 Filed 1–31–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–74]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Digital Modulation Techniques

1. On September 27, 1974, the Commission released a report and order in the proceedings in Docket No. 19311 (FCC 74–985) concerning rules for use of digital modulation techniques in common carrier microwave radio.

2. One of the new rules specified requirements for out-of-band emission limitations for digital modulated systems. Recently it has been brought to our attention that the requirement specified in § 21.106(a)(2)(ii) may be more stringent than necessary. The rule requires emission levels of frequencies removed from the center frequency by more than 250 percent to be attenuated to values considerably less than 50 microwatts in the case of low output power transmitters. It appears unreasonable to require such attenuation in light of the difficulty and cost involved in constructing a filter network which would be required. In addition, the requirement is not in accord with the general requirement in Part 21, which stipulates that spurious emissions removed from the assigned frequency by more than 250 percent of the authorized bandwidth be attenuated $43+10\ \mathrm{Log}_{10}$ (mean power output) dB or 80 dB, whichever is the lesser attenuation.

3. In view of the foregoing, we believe it advisable to modify paragraph (a) of § 21.106 to preclude any potential difficulties manufacturers may encounter in designing equipment, and to bring the rules for digital modulation into conformance with the general provisions of Part 21.

4. Also, we will take this opportunity to correct footnote 2 to rule § 21.101 to include "grandfather" rights to microwave radio equipment in the 11 GHz common carrier frequency range with .05 percent frequency tolerance. As indicated in paragraph 18 of the second report and order in Docket No. 18920 (47 FCC 2d 737), it was our intention to "grandfather" equipment authorized prior to the institution of the new .005 percent tolerance figure. However, the wording of footnote 2 unintentionally omitted this category of equipment.

5. In view of the foregoing, we are of the opinion that the rule modifications discussed above are in the public interest and, pursuant to section 553(b) of the Administrative Procedure Act, that it is unnecessary to give prior notice thereof because of the minor nature of the matters involved and the consistency of these changes with other rules and previously announced policy. Accordingly, *it is hereby ordered,* Pursuant to authority contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended, Part 21 of the Commission's rules is amended as reflected in the appendix attached hereto, effective March 7, 1975.

(Secs. 4, 303, 403, 48 Stat., as amended, 1066, 1082, 1094; 47 U.S.C. 154, 303, 403)

Adopted: January 21, 1975.

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 21.101, change the second sentence of footnote 2 to read as follows:

§ 21.101 Frequency tolerance.

* * * * *

* * * * Until that date new equipment may be authorized with a frequency tolerance of .03 percent in the frequency range 2,200 to 10,500 MHz and .05 percent in the range 10,500 MHz to 12,200 MHz, and equipment so authorized may continue to be used for its life provided that it does not cause interference to the operation of any other licensee. * * *

* * * * *

2. In Section 21.106, change paragraph (a)(2) to read as follows:

§ 21.106 Emission limitations.

(a) * * *

* * * * *

(2) When using transmissions employing digital modulation techniques (See § 21.122):

(i) For operating frequencies below 15 GHz, in any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 250 percent of the authorized bandwidth: As specified by the following equation but in no event less than 50 decibels. $A=35+0.8(P-50)+10\ \mathrm{Log}_{10}B$. (Attenuation greater than 80 decibels is not required.)

Where:
A=Attenuation (in decibels) below the mean output power level.
P=Percent removed from the carrier frequency.
B=Authorized bandwidth in MHz.

(ii) For operating frequencies above 15 GHz, in any 1 MHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 250 percent of the authorized bandwidth: As specified by the following equation but in no event less than 11 decibels. $A=11+0.4(P-50+10\ \mathrm{Log}_{10}B$. (Attenuation greater than 56 decibels is not required.)

(iii) In any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least $43+10\ \mathrm{Log}_{10}$ (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

* * * * *

[FR Doc.75–3035 Filed 1–31–75;8:45 am]

[FCC 75–86; Docket No. 19795, RM–2014]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Rapid City, South Dakota

1. The Commission here considers the notice of proposed rule making, adopted July 26, 1973 (38 FR 20627), proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by adding Channel 262 as a third FM assignment at Rapid City, South Dakota. Those filing comments are the petitioner, James E. Taylor (Taylor), licensee of daytime-only AM Station KIMM, Rapid City; Ray J. Aldrich, William A. Goodhope, Robert A. Gunderson, and Bruce H. Lien (Aldrich et al.); James River Broadcasting Company (James River), licensee of Stations KKLS and KKLS–FM (Channel 230), Rapid City; and Sturgis Radio Company, Inc. (Sturgis), licensee of FM Station KBHB, Sturgis, South Dakota. Aldrich, et al. support the addition of a third FM channel at Rapid City; James River and Sturgis oppose the proposed assignment.

2. Rapid City, the second largest city in South Dakota, has a population of 43,836;[1] it is the seat of Pennington County, population 59,349. Seven aural broadcast stations are licensed there: FM Stations KKLS–FM and KVSR(FM); four commercial AM stations—two full-time (KOTA and KRSD) and two daytime-only (KKLS and KIMM); and noncommercial educational FM Station KTEQ. In support of the proposed amendment, Taylor in large part relies on his petition which initiated this proceeding.

3. Taylor contends that Rapid City is entitled to a third Class C FM assignment because the population on a year-round basis is higher than the official figures would indicate. In this respect, petitioner—as well as other parties—recognize that under the population criteria a city the size of Rapid City normally would have only two FM channel assignments.[2] Taylor contends that the population of nearby Ellsworth Air Force Base (AFB), which is said to be 14,000, should be considered that Rapid City is a convention and tourist area.[3] Additionally, petitioner asserts that Rapid City is a large and expanding industrial community and that a third FM assignment is necessary in order for Station KIMM to fully compete with the other full-time aural broadcast stations in Rapid City. Finally, as concerns the Roanoke Rapids doctrine (9 F.C.C. 2d 672 (1967)), referred to specifically in the notice, petitioner's engineering showing indicates that from a site about one mile southwest of Rapid City (where the other FM stations are sited) it proposes a station with 100 kw power with an antenna height of 480 feet a.a.t. which would provide a second FM service to 351 persons in an area of 241 square miles.

4. Aldrich, et al. make similar arguments. They point to the 1973 Chamber of Commerce estimate of population for Rapid City as 45,800 and refer to the population of Ellsworth AFB as being 15,000. They say that Rapid City has grown substantially since 1950 and that it is the hub of a market area for a dynamic agricultural industry and that retail sales in 1971 exceeded $150 million. They allege that they would apply for a station with 100 kW power at 910 feet antenna height (a.a.t.) which would serve an area of 6,790 square miles and a population of 101,000. Their engineering showing indicates that such a station would furnish a first FM service to 1,800 persons in an area of 813 square miles (unserved area) and a second FM service to 503 persons in an area of 305 square miles (underserved area).[4] In the latter respect, Aldrich, et al. urge that this additional service is particularly significant because the population density of South Dakota is approximately 2.1 persons per square mile. Accordingly, they would condition the asisgnment of a channel to a station with 100 kW power and an antenna height of 910 feet. They argue that the population criteria are not decisive in view of the Commisison's decisions stating that those criteria are only guidelines.[5] In any event, they assert that the actual population is in excess of

[1] All population data are from the 1970 Census unless otherwise indicated.

[2] See Paragraph 4 of the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62–876), incorporated by reference in the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1963)).

[3] We are told that Mt. Rushmore (about 20 miles west southwest of Rapid City) is one of the principal attractions.

[4] Taylor's showing is made by the more precise prediction method of average elevation on specified radials used in applying for a construction permit. The showing of Aldrich et al. is based on the average of the average over eight radials which, while less precise, is generally acceptable for channel assignment purposes.

[5] Cited in support are Fresno, 38 F.C.C. 2d 525 (1973); Yakima, 42 F.C.C. 2d 548 (1973); and Melbourne, 47 F.C.C. 2d 717 (1974).

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50,000 if one includes both the college student populations at Rapid City and the population of Ellsworth AFB.

5. As already noted, James River and Sturgis (respectively licensees of FM stations at Rapid City and Sturgis) oppose the addition of a third Class C channel assignment to Rapid City. James River says that the arguments of Aldrich et al. are contrived and unrealistic, and fallacious when they urge the addition of a channel to any city which already has multiple local broadcast stations on the pretext of serving small unserved and/or underserved areas just beyond the service contours of existing stations. In this respect, James River points out that the underserved areas are close to cities with AM service, specifically AM Stations KASL (Class IV) at Newcastle, Wyoming, and KOBH (daytime-only) at Hot Springs, South Dakota. James River states that if the Commission is of the opinion that the assignment of Channel 262 is warranted because Aldrich et al. would serve an area not presently served by the Rapid City stations it commits itself to applying for a modification of facilities to provide extended coverage. Similarly, Sturgis would increase power presumably for the purpose of diminishing the amount of unserved and underserved areas that a new channel at Rapid City might serve, and in fact it has applied for increase of power from 25 to 52 kW (BPH-8671). In James River's view, the key question is population criteria. James River also urges that the assignment of a third Class C channel to Rapid City would have an adverse economic impact because of limited revenue for eight commercial broadcast stations.

6. Also before us for consideration is the petition of Aldrich et al. for leave to file reply comments, to which Sturgis consents. Aldrich et al. object to the reply comments filed by James River and Sturgis and it asks for an opportunity to respond. We need not consider this petition in view of our disposition here. However, in passing, we agree with the contention of Aldrich et al. that the practice of some in FM rule making proceedings whereby they reserve what in effect are comments until they file reply comments thus barring other parties from replying without seeking special permission is not conducive to orderly procedure.

7. James River questions whether the Roanoke Rapids doctrine is applicable here. There, we were concerned with the assignment of a Class C channel to a community normally entitled to a Class A channel. We decided that such an assignment was appropriate if there would be service to substantial unserved and underserved areas based on certain assumptions. This doctrine was recently revised in Anamosa and Iowa City, 44 F.C.C. 2d 520, 525-6 (1974) (see also Oak Ridge, 32 F.C.C. 2d 937, 942 (1972)) to consider nighttime AM service in making a determination of unserved and underserved areas. (In this respect, we would have to disregard service from daytime-only Station KOBH at Hot Springs and Class IV Station KASL would have little effect as we proceeded here on the basis of service to unserved and underserved areas.) We do not agree with James River that the Roanoke Rapids doctrine is not applicable to a situation where it is proposed that another Class C channel be assigned to a community which already has that class facility. The fact that each is identic in capability does not mean that there is no potential for different service. For example, if each were sited at different points (e.g., in opposite directions) far from the principal community even with similar powers and heights, there would be different predicted service area contours. In the instant case, disregarding the difference in height(s) and power(s) that Taylor and Aldrich et al. propose to operate on, there is a substantial difference as to area and population coverage even considering only the five mile difference between the transmitter sites each proposes. Thus, a new Class C station could provide service to unserved and underserved areas which the existing Class C station(s) do not. However, we need not venture into hypothetical issues of this sort.

8. As urged by the proponents of the addition of Channel 262 at Rapid City, population is considered more of a guideline rather than an immutable standard in making assignments.[6] Thus, additional channels have been assigned comporting with or exceeding population criteria if there is no problem about channel availability. In this respect, it is clear that Channel 262 may be assigned to Rapid City without any adverse effect on assignments elsewhere. While, as our notice pointed out, there is some preclusion, there is an ample number of channels that could be assigned to the communities in the preclusion area which do not already have channel assignments.[7] In the circumstances, we here determine that the public interest, convenience, and necessity would be served by the assignment of Channel 262 to Rapid City. To the extent that we were considering another channel assignment on the basis of a Roanoke Rapids showing, even if Station KBHB is allowed to increase power as applied for, this will have little impact on service area although there will be an improvement of that station's signal quality. As already noted, a station on Channel 262 could serve areas that KKLS-FM may not reach depending on transmitter site. Nor is the proposal of Aldrich et al. that the assignment be conditioned as to minimum power and height (100 kW power and an antenna height of 910 feet (or equivalent)) necessary in the circumstances.

9. The argument that Rapid City cannot support another broadcast facility is a specious one at least to the extent that James River has included both television and aural broadcast services. If it were germane, we would consider only aural service. However, we have consistently held that issues of economic injury are properly deferred for resolution at the application stage rather than in a rule making context. See "F.C.C. v. Sanders Brothers Radio Station", 309 U.S. 470 (1940); "Carroll Broadcasting Co. v. F.C.C.", 258 F. 2d 440 (D.C. Cir. 1958); Adrian, 37 F.C.C. 2d 1021 (1972); and Melbourne, 47 F.C.C. 2d 717 (1974). We also should point out that Taylor's argument that Channel 262 should be assigned to Rapid City in order that Station KIMM may more fully compete is not persuasive; FM channel assignments are not made for a particular party's economic benefit but rather to serve the overall public interest.

10. In accordance with the foregoing, *it is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended effective March 7, 1975, as concerns Rapid City, South Dakota, to read as follows:

City	Channel No.
Rapid City, S. Dak.	230, 250, 262

Authority for the action taken herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

11. *It is further ordered*, That the motion of Ray J. Aldrich, William A. Goodhope, Robert A. Gunderson, and Bruce H. Lien for leave to file reply comments is denied.

12. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 21, 1975.

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3036 Filed 1-31-75;8:45 am]

[6] See also Colorado Springs, 44 F.C.C. 2d 1047, 1054 (1974); and Pensacola, 44 F.C.C. 2d 1056, 1061 (1974).

[7] As to the argument of Aldrich et al. about the tremendous growth of Rapid City, it should be noted that there has been only a 3.4 percent population growth since 1960 (population 42,399) and the FM Table of Assignments was established in 1963 based on the 1960 Census' population. See Third Report, Memorandum Opinion and Order in Docket No. 14185 (40 F.C.C. 747).

[FCC 75-54; Docket No. 19961; RM-2130]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Springfield, Illinois

1. The Commission here considers the notice of proposed rule making in this docket, adopted March 6, 1974 (Mimeo No. 10671; 39 FR 9991), proposing amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's rules and regulations) by assigning Channel 254 to Springfield, Illinois, as its fourth FM channel assignment. The parties commenting are petitioner, Eastern Broadcasting Corporation (licensee of Springfield Station WCVA(AM)) and party in opposition, Prairieland Broadcasters of Decatur, Inc. (licensee of Decatur, Illinois, Station WDZ(AM)).

2. Springfield, population 91,753, the state capital, is located in Sangamon County, population 161,335, which constitutes the Springfield Standard Metropolitan Statistical Area (SMSA). Aural broadcast service at Springfield consists of three unlimited time AM stations (WCVS, WMAY, and WTAX) and three Class B FM stations (WFMB(FM), WVEM(FM), and WDBR(FM)).

3. The notice included numerous facts concerning Springfield's population and economic growth that petitioner alleged in support of its position; the community's diverse industrial economy, large wholesale and retail market for the surrounding agricultural areas, and growth as an educational center. Adoption of petitioner's proposal would, although it does not require changing other existing assignments, preclude future assignments in a limited area on Channels 252A, 253, 254 and 257A. The preclusion on Channel 253 occurs in a rural area, and that on 254 in an area immediately southwest of Springfield. The preclusion occurring on Channels 252A and 257A would affect Decatur, Illinois (population 90,397). The current local aural broadcast services for Decatur are provided by 3 stations, two of which, viz. WSOY(AM) and WSOY-FM, offer night-time service and are owned by Decatur's local newspaper company.

4. Prairieland's comments in opposition relate to the preclusion of Channel 257A as a future Decatur assignment. It requests that Channel 257A be assigned to Decatur or, in the alternative, that petitioner's proposal be adopted with the proviso that the tower for the Springfield station that would operate on Channel 254 be located so that Channel 257A may be used in Decatur at Prairieland's present station, WDZ(AM), tower.

5. Prairieland alleges that the Decatur growth rate is approximately 16 percent while that of Springfield is 10 percent. This greater growth rate, when considered in light of the fact that Decatur has half as many local broadcast facilities as Springfield, compels, according to Prairieland, adoption of one of its alternative proposals.

6. The Commission believes that Channel 254 should be assigned to Springfield. Adequate evidence, the economic and population data presented in the notice, has been adduced by petitioner to demonstrate that the public interest would be served by assigning a fourth Class B channel to Springfield. The community's population comes within this Commission's population guidelines.[1] The transmitting tower site for a Springfield station operating on Channel 254 is already restricted to locations south and southwest of that community. The area so located, which also meets all spacing requirements and could still provide the required signal coverage encompasses over 100 square miles. While we cannot, at this time, determine the precise location of the Channel 254 tower, we can say that a future Channel 257A assignment to Decatur would not be impossible if the tower for a Channel 257A station were located 5 miles southeast of Decatur.

7. An additional channel is available for future Decatur assignment, 252A. The transmitting tower for a station operating on this channel could not, however, be located at the site of Prairieland's WDZ(AM) tower. There is, however, more latitude in selecting a Decatur transmitter site for a station operating on Channel 252A than on 257A (see para. 6).

8. Petitioner, in its reply to Prairieland's comments in opposition, stated that to prefer Decatur in this proceeding would be to offend the Commission's policy against intermixture of classes of assignments in a community. We do not agree. In Yakima, Washington, 42 F.C.C. 2d 548 (1973), we reiterated our position concerning intermixture.

> • • • [W]e adhere to intermixture to the extent possible but that to continue to do so with the FM assignments becoming scarce in some areas would be a vain effort aimed at equality and parity of service inconsistent with more important public interest • • • considerations. 42 F.C.C. 2d 548 at 550.

The Commission will assign a Class A channel when no further Class B or C channels may be assigned.[2]

9. We believe that Channel 254 should be assigned to Springfield, Illinois. Since it has been shown that Channels 252A and 257A are available to Decatur, even though that community is within the precluded area, and Springfield's growing economic and population needs, generated by reason of its being the capital of Illinois, deserve the local services of a fourth FM assignment, the public interest would be served by the assignment.

10. In view of the foregoing, *it is ordered*, That effective March 7, 1975, the FM Table of Assignments (Section 73.202(b) of the Commission's rules and regulations) is amended to read as follows:

City	Channel No.
Springfield, Ill.	254, 270, 279, 283

11. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

12. *It is further ordered*, That the requests of Prairieland to assign Channel 257A to Decatur in lieu of assigning Channel 254 to Springfield or, alternatively, to grant Eastern's request conditional upon a transmitter location which would not preclude a future 257A channel assignment at Decatur is denied.

13. *It is further ordered*, That this proceeding is terminated.

[1] See para. 4 of the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1963)).

[2] In its Petition for Reconsideration of the Commission's Fourth Report and Order, 25 R.R. 2d 1654 (1972), Prairieland noted that there appears to be no further Class B assignments that can be made to Decatur.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 15, 1975.

Released: January 27, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3037 Filed 1-31-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Back Bay National Wildlife Refuge, Virginia

The following special regulations are issued and are effective during the period from February 1, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

BACK BAY NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes in the public use areas is permitted for the purpose of nature study, sightseeing, wildlife observation, photography, hiking, surf fishing, and bicycling during daylight hours. Swimming and surfing are permitted only on that portion of the beach lying between the north boundary of the refuge and the dune crossing at the field headquarters. No lifeguards are provided. Swimming and surfing will be at the visitor's own risk. The parking lot at the field headquarters is reserved for persons engaged in surf fishing and nature study. Surf fishing is permitted in accordance with applicable State regulations.

Open fires are not permitted. Portable grills with a contained fuel supply are permitted on the beach north of the field headquarters. Pets on a leash not exceeding 10 feet in length are permitted on the refuge public use areas.

Bicycles and registered motor vehicles are permitted on the refuge access road and parking area. Snowmobiles, air cushion, all-terrain, unregistered motorcycles, or other similar vehicles are not permitted on the refuge. No vehicles are permitted on the beach except as authorized by permit in accordance with special regulations.

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke #2 Bldg., Suite 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massauchusetts 02109.

The provisions of this special regulation supplement the regulations which

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govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

WM. C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

JANUARY 27, 1975.

[FR Doc.75-3047 Filed 1-31-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 74-40; Notice 2]

PART 582—INSURANCE COST INFORMATION REGULATION

Distribution to Prospective Purchasers

This notice establishes an insurance cost information regulation pursuant to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*). The regulation is based upon a notice of proposed rulemaking published November 4, 1974 (39 FR 38912) and comments submitted in response to the notice.

The regulation will require automobile dealers to distribute to prospective purchasers information which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in their damage susceptibility and crashworthiness. In the absence of insurance cost information that reflects damageability and crashworthiness, this rule does not, at the present time, have an effect on automobile dealers. Damage susceptibility and crashworthiness studies currently being conducted by the NHTSA are expected to influence the insurance rate structure by providing data which will enable the insurance industry to take these factors into account. As this occurs, the NHTSA will prepare comparative indices for the dealers to distribute to prospective purchasers.

Several comments on the proposed rulemaking discussed the merits of the Motor Vehicle Information and Cost Savings Act and are therefore beyond the scope of this rulemaking. Other comments offered methods for performing the damage susceptibility and crashworthiness studies. These comments have been forwarded to the technical staff performing the studies. Two comments suggested minor changes in the text of the regulation for clarity and to make the proposed regulation more consistent with the purposes of the Act. These suggestions have been adopted in the final regulation. Their effect is that the insurance cost information disseminated by the dealers would be in the form of comparative indices, based on differences in damage susceptibility and crashworthiness, rather than simply the insurance premium rate which is determined by many factors.

One comment expressed the view that providing this information to consumers within 30 days after its publication in the FEDERAL REGISTER was an excessive burden upon the dealers. The NHTSA does not believe that sufficient justification for this position has been made in light of the need to provide the information to the consumer in time for it to be of use to him in purchasing an automobile.

Therefore, a new Part 582, Insurance Cost Information, is added in Chapter V, Title 49, Code of Federal Regulations, to read as set forth below.

Effective date: Although the final rule is effective February 1, 1975, as specified in the Cost Savings Act, the dates when automobile dealers will be required to distribute insurance cost information are dependent upon NHTSA progress in developing such information and will be published at a later date in the FEDERAL REGISTER.

(Sec. 201(c), Pub. L. 92-513, 86 Stat. 947, 15 U.S.C. 1941(e)); delegation of authority at 49 CFR 1.51)

Issued on January 31, 1975.

JAMES B. GREGORY,
Administrator.

§ 582.1 Scope.

This part requires automobile dealers to make available to prospective purchasers information reflecting differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness, pursuant to section 201(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941(e)), herein "the Cost Savings Act."

§ 582.2 Purpose.

The purpose of this part is to enable prospective purchasers to compare differences in auto insurance costs for the various makes and models of passenger motor vehicles, based upon differences in damage susceptibility and crashworthiness, and to realize any savings in collision insurance resulting from differences in damageability, and any savings, in medical payment insurance resulting from differences in crashworthiness.

§ 582.3 Definitions.

(a) *Statutory definitions.* All terms used in this part which are defined in section 2 of the Cost Savings Act are used as so defined.

(b) *Definitions used in this part.* (1) "Automobile dealer" means any person who engages in the retail sale of new or used automobiles as a trade or business.

(2) "Collision insurance" means insurance that reimburses the insured party for physical damage to his property resulting from automobile accidents.

(3) "Insurance cost" means the insurance premium rate, as expressed in appropriate indices, for collision and medical payment, including personal injury protection in no-fault states.

(4) "Medical payment insurance" means insurance that reimburses the insured party for medical expenses sustained by himself, his family, and his passengers in automobile accidents.

§ 582.4 Requirements.

(a) Each automobile dealer shall provide the insurance cost information specified in § 582.5 for examination by prospective purchasers at each location where he offers vehicles for sale.

(b) The information shall be provided without charge and in sufficient quantity to have it available for retention by prospective purchasers, within 30 days after its publication in the FEDERAL REGISTER.

(c) The information shall be in English and, if a significant portion of the prospective purchasers do not speak English, in the non-English language most widely spoken by prospective purchasers.

§ 582.5 Insurance cost information form.

The insurance cost information provided pursuant to § 582.4 shall be presented as follows: [Form to be specified].

[FR Doc.75-3194 Filed 1-31-75;10:47 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

Amendment No. 3 to Fifth Revised Service Order No. 1043, Regulations for Return of Hopper Cars

JANUARY 29, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of January 1975.

Upon further consideration of Fifth Revised Service Order No. 1043 (38 FR 18659, 35001 and 39 FR 24373), and good cause appearing therefor:

It is ordered, That: Fifth Revised Service Order No. 1043 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1043 Regulations for return of hopper cars.

. . . . . .

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3078 Filed 1-31-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1844]

[FmHA Instruction 449.1]

RURAL HOUSING LOANS

Policies and Procedures for Loan Guarantees

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration amending Subchapter D, Guaranteed Loans, by adding a new Part 1844, "Rural Housing Loans." This new Part 1844 implements the guaranteed Rural Housing loan programs authorized by Title V of the Housing Act of 1949, as amended (42 U.S.C. 1471, et seq.), and section 310C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1933), as amended by Pub. L. 92-419, the "Rural Development Act of 1972." This new Part sets out the policies and procedures for guaranteeing loans made by private lenders to provide single family dwellings and multifamily rental units in rural areas.

The purpose of guaranteeing loans is to enable use of private funds, rather than Government funds, in making loans, and to reduce Government administrative costs by having private lenders make and service the loans. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250. Comments will be received on or before March 5, 1975. All written submissions made pursuant to this notice will be made available for public inspections at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m.-4:45 p.m.).

As proposed, the new Part 1844 will read as follows:

PART 1844—RURAL HOUSING LOANS

Sec.
1844.1 Definitions.
1844.2-1844.4 [Reserved]
1844.5 Types of RH loans and occupants.
1844.6 Relationship with insured loans (including priorities).
1844.7-1844.9 [Reserved]
1844.10 SF eligibility requirements.
1844.11 Veterans' preference in SF cases.
1844.12 SF loan purposes.
1844.13 Prohibited SF loan purposes.
1844.14 SF loan limitations and special provisions.
1844.15 SF rates, terms, and security.
1844.16 SF loans on leasehold interests.
1844.17-1844.19 [Reserved]
1844.20 MF eligibility requirements—applicants and tenants.
1844.21 MF loan purposes.
1844.22 Prohibited MF loan purposes.
1844.23 MF loan limitations and special provisions.
1844.24 MF rates, terms, and security.
1854.25 MF loans on leasehold interests.
1844.26-1844.29 [Reserved]
1844.30 Preapplication in all MF cases and in certain SF packaged cases.
1844.31-1844.34 [Reserved]
1844.35 Clearinghouse considerations in certain SF and MF cases.
1844.36 Environmental impact requirements in certain SF and MF cases.
1844.37-1844.39 [Reserved]
1844.40 SF application for loan.
1844.41 MF application for loan.
1844.42-1844.44 [Reserved]
1844.45 SF and MF guarantee commitments and interim financing.
1844.46 Acquisition, construction, and development.
1844.47 Inspections of construction, also compliance reviews.
1844.48 Review of appraisals.
1844.49 [Reserved]
1844.50 Processing contracts of guarantee.
1844.51-1844.55 [Reserved]
1844.56 Equal opportunity and nondiscrimination in SF and MF cases.
1844.57-1844.58 [Reserved]
1844.59 Loan servicing in SF and MF cases.
1844.60 Transfer and assumption in SF and MF cases.
1844.61-1844.65 [Reserved]
1844.66 Liquidation in SF and MF cases.
1844.67-1844.89 [Reserved]
1844.90 Forms and forms distribution in SF and MF cases.
1844.91-1844.99 [Reserved]
1844.100 Guarantee processing steps.

AUTHORITY: 42 U.S.C. 1480; delegation of authority by Sec. of Agri. (7 CFR 2.23); delegation of authority by Asst. Sec. for Rural Development (7 CFR 2.70).

NOTE: This new Part 1844 supplements the provisions of Part 1841 of the regulations with respect to Rural Housing (RH) loans guaranteed by the Farmers Home Administration (FmHA).

§ 1844.1 Definitions.

The following definitions, in addition to those in § 1841.3 of this chapter, are applicable to Rural Housing (RH) loans:

(a) *Family.* One person, or two or more persons related by blood, marriage or operation of law such as adoption or legal guardianship who maintain or will maintain one household.

(b) *Farm and nonfarm tract.* A "farm" includes the total acreage of one or more tracts of land which is owned by the applicant, is operated as a single unit, is in agricultural production, and annually will produce agricultural commodities for sale and home use with a gross value of at least $940 based on 1974 prices. A "nonfarm tract" is a parcel of land that is not a farm and is located in a rural area. A building site that is cut out of a farm, will be considered a nonfarm tract.

(c) *FmHA.* The United States of America acting through the County Supervisor or Acting County Supervisor serving the county involved or through the State Director or Acting State Director serving the State involved, unless otherwise indicated in this Part 1844.

(d) *Housing.* An adequate single family dwelling and related essential equipment and facilities for which loans are authorized in § 1844.12, or an adequate multifamily dwelling and related essential equipment and facilities for which loans are authorized in § 1844.21. The term housing also includes an adequate site and related easements and appurtenances owned or being acquired by the applicant, unless more specific terminology is used.

(e) *Minimum adequate site.* A "minimum adequate site" is the smallest area sufficient for the dwelling and related facilities to be built, purchased or refinanced, and a yard.

(1) In case of purchase of a site on which to construct a dwelling or purchase a new dwelling and site, the site should be not more than one acre of nonincome-producing land, unless more than one acre is needed to comply with local code requirements or to provide for a safe and adequate water supply or waste disposal system.

(2) In case an existing dwelling and site is being purchased or debts are being refinanced, the site may, under the following conditions, include more than one acre but not more than a few acres of nonincome-producing land.

(i) In a case where an existing dwelling is being purchased, the seller will sell the dwelling only with the entire site on which it is located and the cost of extra land is not a substantial portion of the loan, or

(ii) In a refinancing case, the extra land cannot be sold for a significant amount.

(3) In all cases, the buying of a site of more than one acre must be fully justified and the reasons recorded in the loan docket.

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(f) *Owner.* The holder of fee simple title or of a leasehold meeting the requirements of § 1844.16.

(g) *Packager.* A builder, developer, realtor, or other party who obtains and presents to an approved lender, one or more applications from eligible RH applicant(s) for guaranteed RH loan(s) with which adequate housing will be obtained that will be provided under an existing option to purchase or under an existing contract to build or repair at a fixed price.

(h) *Present market value.* The amount a typical purchaser would be willing to pay and would be justified in paying for the property (land or leasehold as improved or to be improved with loan funds). It is assumed that the property would sell for this amount with a reasonable sales effort, and that the purchaser would be a willing but not anxious buyer and the seller would be a willing but not forced seller.

(i) *RH, SF, MF.* RH means "Rural Housing," SF means "Single Family Rural Housing," and MF means "Multifamily Rural Housing." RH loans are made and guaranteed under Title V of the Housing Act of 1949, as amended. Particular reference is made to the following sections of that Act: Section 502 which is 42 U.S.C. 1472, section 515 which is 42 U.S.C. 1485, and section 517 (a) (2) which is 42 U.S.C. 1487(a) (2). With respect to above-moderate income applicants, see also section 310C of the Consolidated Farm and Rural Development Act which is 7 U.S.C. 1933.

(j) *Rural area.* Any place which is not part of or associated with a nonrural area, is rural in character, and:

(1) Has a population not in excess of 10,000 or

(2) Has a population in excess of 10,000 but not in excess of 20,000, is not located in a Standard Metropolitan Statistical Area (SMSA), and has a serious lack of mortgage credit as advised by FmHA.

(3) If there is any question as to whether the area is rural in character, or is located in an SMSA, or has a serious lack of mortgage credit, the question will be submitted to FmHA for decision.

(k) *Security value.* The present market value of the property (land or leasehold as improved or to be improved with loan funds) on which the first lien is offered as security for the loan except in Hawaiian cases in which the security value consists of a guarantee of payment by the Department of Hawaiian Home Lands or its successor in function. The present market value will be reflected by the appraisal.

(l) *Senior citizen.* A person who is 62 years of age or over and, in the case of a married couple, may be either the wife or husband. The term "Senior citizen" refers to age only.

§§ 1844.2–1844.4 [Reserved]

§ 1844.5 Types of RH loans and occupants.

FmHA may guarantee RH loans made by approved lenders to eligible applicants to acquire, construct, repair, improve, or relocate housing of the following types in rural areas:

(a) *SF.* Single family housing to be owner-occupied.

(b) *MF.* Rental housing for eligible tenants.

(c) *Other occupants.* In addition to the SF family or MF tenants, the housing may also be occupied by others in justifiable cases if adequate space, equipment, and facilities are available. For example, a person younger than 62 years of age may reside with a senior citizen if his or her occupancy is necessary for the well being of the senior citizen.

§ 1844.6 Relationship with insured loans (including priorities).

In addition to the general limitations in § 1841.11 of this chapter with respect to other available financing and refinancing, RH loans will not be guaranteed if the cost of the FmHA would exceed its cost in making and servicing (including liquidating) insured loans. Subject to these limitations, the following order of priorities will be observed for each type of RH loan:

(a) *First priority.* Credit from private sources if it is available, except that this requirement is not applicable to above-moderate income SF cases.

(b) *Second priority.* Guaranteed loans if they would be to the financial advantage of the FmHA.

(c) *Third priority.* Insured loans.

§§ 1844.7–1844.9 [Reserved]

§ 1844.10 SF eligibility requirements.

The lender must determine that the applicant meets all the following requirements:

(a) *Resident.* Is a natural person (individual) who is a citizen of the United States or resides in the United States after being legally admitted for permanent residence.

(b) *Legal capacity.* Possesses legal capacity to incur the obligations of the loan.

(c) *Ability and experience.* Possesses ability and experience necessary to carry out the undertakings and obligations required of him in connection with the loan.

(d) *Lack of housing.* Does not own adequate, decent, safe, and sanitary housing for the use of his family. If the loan is to include funds for a site on which to build, he must be without an adequate site for the proposed dwelling.

(e) *Owner occupant.* Is or will become the owner occupant of the housing with respect to which the SF loan is made.

(f) *Income.* Has adequate and dependably available family income to meet the family living expenses, obligations, necessary capital replacements, and repayment of debts including the proposed loan.

(g) *Low or moderate or above-moderate income family.* Is either a "low or moderate income" family or an "above-moderate income" family.

(1) *Low or moderate income family.* A family that has an adjusted current annual income not exceeding the adjusted income applicable to the State in which the housing is or is to be located, does not have sufficient resources to pay the housing costs, and cannot obtain credit for that purpose from other sources on terms and conditions it can reasonably be expected to meet without an FmHA guarantee.

(2) *Above-moderate income family.* A family that has an adjusted current annual income in excess of the adjusted income applicable to the State in which the housing is or is to be located.

(3) *Adjusted current annual family income.* The total current annual family income as determined by the lender, less 5 percent thereof, and less $300 for each minor person except the husband and wife, who is a member of the immediate family and lives in the home. The immediate family includes those persons related to the applicant by blood, marriage, or operation of law such as adoption or legal guardianship. The adjusted current annual family income amount for use in determining whether the applicant falls within the low or moderate, or above moderate, income category for the particular State may be ascertained from any FmHA office.

§ 1844.11 Veterans' preference in SF cases.

Applications received from veterans, and from spouses and children of deceased servicemen, will be given preference over applications of nonveterans on file with the lender at the same time. "Deceased servicemen" means men or women who died in service during one of the periods specified in this section. The term "veteran" means a person who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable and served on active duty in any such force during any of the following:

(a) The period of April 6, 1917, through March 31, 1921.

(b) The period of December 7, 1941, through December 31, 1946.

(c) A period of 180 days or more, any part of which occurred after June 27, 1950.

§ 1844.12 SF loan purposes.

An SF loan may be made to an eligible applicant for such of the following purposes as necessary to enable him to obtain adequate, decent, safe, and sanitary housing in a rural area for the use of his family as a permanent residence:

(a) *Purchase existing dwelling and site.* Buy an existing dwelling and a minimum adequate site on which it is located.

(b) *Purchase site only.* Buy a minimum adequate site on which to place a dwelling, if the applicant does not already own a minimum adequate dwelling site.

(c) *Construct or purchase and relocate dwelling.* Build a dwelling on, or purchase and move an existing dwelling on, a site already owned by the applicant, or on a minimum adequate dwelling site purchased by him with loan funds if he does not already own a minimum adequate dwelling site.

(d) *Rehabilitate or improve existing dwelling.* Repair, enlarge, or otherwise improve or rehabilitate an existing dwelling already owned by the applicant or being acquired with loan funds, whether located on a site already owned by him or acquired by him with loan funds.

(e) *Utilities and facilities.* Provide adequate water, sewer, electric, heating, and other utilities and facilities that are necessary to make the housing adequate.

(f) *Equipment and material.* Purchase and install essential dwelling equipment and material such as a range, refrigerator, clothes washer, clothes dryer, or wall-to-wall carpeting whether or not such equipment becomes real estate or fixtures under applicable State law. In any case in which such equipment is purchased with loan funds, it will be considered a part of the housing.

(g) *Site preparation.* Provide foundation plantings, seeding or sodding of lawns, grading, and other facilities such as walks, yard fences, and driveways to building sites located adjacent to a road or street.

(h) *Real estate taxes.* Pay real estate taxes that are owed by the borrower and that are due and payable at the time of loan closing on the housing property to be given as security, when a loan is being made primarily for other purposes and the amount to be used for taxes is not a substantial part of the loan.

(i) *Expenses, fees, and social security taxes.* Pay expenses incident to obtaining plans and making the loan, such as fees and charges for legal, appraisal, architectural, engineering, and other technical services, closing costs, reasonable connection fees for utilities, such as water, sewer, electric, and gas, and a loan fee as authorized in § 1841.12 of this chapter, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds may also be used to pay the borrower's share of social security taxes for labor hired by the borrower in connection with making planned improvements.

(j) *Interim financing.* Pay interim financing debts incurred for authorized loan purposes. This is not considered to be refinancing.

(k) *Refinancing.* Refinance debts owed by the applicant which meet all of the following conditions:

(1) Were incurred by the applicant at least 5 years before the application for the SF loan was made.

(2) Were incurred for a purpose for which an SF loan is authorized to be made under another paragraph of this section, or for protective advances in connection with the loan being refinanced.

(3) If not refinanced, likely will result at an early date in loss of the applicant's dwelling; or which, if not refinanced, likely will cause a hardship to the applicant in which case the refinancing will be combined with an SF loan for improvement, rehabilitation, or repair of the dwelling.

§ 1844.13 Prohibited SF loan purposes.

An SF loan will not be guaranteed if loan funds are to be used to purchase furniture or other personal property for dwellings, except essential equipment and material authorized in § 1844.12.

§ 1844.14 SF loan limitations and special provisions.

For an SF loan to be guaranteed:

(a) *Loan limitations.* A loan not exceeding $25,000 may be made up to 100 percent of the present market value of the security. Between $25,000 and $40,000, the loan may be made up to 90 percent of the present market value of the security. No loan in excess of $40,000 will be guaranteed.

(b) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction, consistent with the market needs of the community and not of elaborate or extravagant design or material; however, the housing may vary in accordance with the financial resources of the applicant.

(2) Any building purchased, repaired, enlarged, or otherwise improved or rehabilitated with loan funds must be structurally sound, functionally adequate, decent, safe, sanitary, convenient, comfortable, and in good condition before the loan is guaranteed.

(c) *Construction or development.* See § 1844.46.

§ 1844.15 SF rates, terms, and security.

(a) *Interest rate to borrower.* See § 1841.13 of this chapter.

(b) *Loan term.* Each loan will be scheduled for repayment over a period not to exceed 30 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured. If a leasehold is involved, see § 1844.16.

(c) *Security.* (1) The entire loan must be secured by a first lien on the housing, except in cases in which a guarantee of payment by the Department of Hawaiian Home Lands (or its successor in function) is acceptable under the provisions of 7 U.S.C. 1933 (b). Also see § 1844.16 regarding liens on leaseholds.

(2) The security instrument must contain, but is not limited to, the following provisions:

(i) In addition to securing the property described herein, this instrument, in any event and at all times secures the prompt payment of all authorized advances and expenditures made by the lender or holder, with interest, as hereinafter described, and the performance of every covenant and agreement of borrower contained here in or in any supplementary agreement, the provisions of which are hereby incorporated herein and made a part hereof.

(ii) Borrower for himself, his heirs, executors, administrators, successors and assigns warrants the property and the title thereto unto Mortgagee (or if deed of trust, trustee for the benefit of the lender or holder) against all lawful claims and demands whatsoever except any liens, encumbrances, easements, reservations, or conveyances specified hereinabove, and covenants and agrees as follows:

(A) To use the loan evidenced by the note solely for purposes authorized by the lender.

(B) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property, and promptly deliver to the lender of holder without demand receipts evidencing such payments.

(C) To maintain improvements in good repair and make repairs required by the lender or holder; operate the property in a good and husbandman-like manner; comply with such farm conservation practices and farm and home management plans as the lender of holder from time to time may prescribe; and not to abandon the property, or cause or permit waste, lessening, or impairment of the security covered hereby, or, without the written consent of the lender of holder, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(D) To comply with all laws, ordinances, and regulations affecting the property.

(E) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the lender or holder. The lender or holder shall have the sole and exclusive rights as beneficiary hereunder, including but not limited to the power to grant consents and subordinations, and deeds of full and partial release.

(F) At all reasonable times the lender or holder and its agents may inspect the property to ascertain whether the convenants and agreements contained herein or in any supplementary agreement are being performed.

(G) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if borrower intends to sell or rent the dwelling and has obtained the lender's or holder's consent to do so: Neither borrower nor anyone authorized to act for him will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion or national origin; and borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive convenants on dwellings relating to race, color, religion, or national origin.

(H) This instrument shall be subject to the present regulations of the Farmers Home Administration, and to its future regulations not inconsistent with the express provisions hereof.

(3) The following provisions shall be included in all security instruments except for above-moderate income borrowers:

(i) In real estate and chattel mortgages:

Guarantee by Government. Mortgagor understands that the loan evidenced by the note secured hereby is being made or allowed to remain extant by lender only on the condition that repayment thereof or any loss thereon will be guaranteed in whole or in part to lender by the United States of America or an agency thereof (herein called the "Government"). Therefore, in consideration of such guarantee, Mortgagor agrees that if at any time it shall appear to the Government that Mortgagor may be able to

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obtain a loan without a guarantee from a bank, a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time without such guarantee, Mortgagor will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(ii) In security agreement:

Guarantee by Government. Debtor understands that the loan secured hereby is being made or allowed to remain extant only on the condition that repayment thereof or any loss thereon will be guaranteed in whole or part to Secured Party by the United States of America or an agency thereof (herein called the "Government"). Therefore, in consideration of such guarantee, debtor agrees that if at any time it shall appear to the Government that debtor may be able to obtain a loan without a guarantee from a bank, a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time without such guarantee, debtor will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

§ 1844.16 SF loans on leasehold interests.

A loan may be made on a leasehold owned or being acquired by the applicant on land owned by a State, political subdivision, public body, public agency, or a private party, or on Indian tribal land provided:

(a) *Determinations by State Director.* The State Director determines that:

(1) Long-term leasing of such land for homesites is a well established practice in the area, and

(2) There is a market for such leaseholds in the area.

(b) *Determination by lender.* The lender determines that the following conditions exist or will be met:

(1) The applicant is unable to obtain fee title to the property.

(2) The realty, as distinguished from the leasehold property itself, is free and clear of any liens.

(3) The amount of the loan will not exceed the security value of the leasehold as improved.

(4) Except as otherwise authorized pursuant to § 1844.15(c) with respect to Hawaiian Home Lands, a recorded mortgage constituting a valid and enforceable first lien will be obtained on the applicant's leasehold.

(5) The lessor consents to the mortgage on the leasehold.

(6) The lease contains provisions under which:

(i) The borrower will have reasonable security of tenure and his interest will not be subject to summary forfeiture or cancellation.

(ii) The holder of the mortgage has the right to remedy any default of the leaseholder.

(iii) The holder of the mortgage will have the right to foreclose and sell without restrictions that would adversely affect the salability of the security unless there is another statutory method under which the lessee and the holder of the mortgage can readily obtain an equivalent amount from the property. Any effect because of transfer restrictions on market value should be shown in the present market value appraisal.

(iv) The party acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure or after abandonment by the borrower will have the right to occupy the property or sublet it, and to sell the leasehold for cash or credit unless there is another statutory method under which the lessee and the holder of the mortgage can readily obtain an equivalent amount from the property.

(v) The borrower will have the right, in the event of default or inability to continue with the lease and the loan, to transfer the leasehold, subject to the mortgage, to a transferee approved by FmHA with assumption of the debt.

(vi) The lessor agrees to give advance notice to the holder of the mortgage of the lessor's intention to cancel or otherwise terminate the lease. Such advance notice must be long enough to permit the holder of the mortgage to ascertain the amount of delinquencies, the total amount of the lessor's and any other prior interest, the present market value of the leasehold interest, and if litigation is involved, to refer the case with a report of facts to legal counsel and permit legal counsel to take appropriate action to protect the interests of the holder of the mortgage.

(vii) There is agreement on the liability of the holder of the mortgage for unpaid rentals or other charges accrued at the time it acquires possession of the property or title to the leasehold, and those which become due during the occupancy or ownership of the holder of the mortgage, pending further servicing or liquidation.

(viii) The leaseholder is assured of fair compensation for any part of the premises taken by condemnation.

(7) The lease will be for a term extending beyond the repayment period of the loan for a sufficient period to permit accomplishment of the loan objectives. The unexpired term of the lease will be at least 25 percent longer than the loan repayment period.

(8) The rental charged for the lease does not exceed the rate being paid for similar leases.

(c) *Lease forms.* Any lease forms developed by the FmHA State Office with the advice of the Office of the General Counsel (OGC) may be used as guides in preparing the lease.

§§ 1844.17–1844.19 [Reserved]

§ 1844.20 MF eligibility requirements—applicants and tenants.

(a) *Applicant.* The lender must determine that the MF applicant meets all of the following requirements:

(1) *Individual or organization.* Is either an individual who is a citizen of the United States or an organization ultimately owned by citizens which will provide housing in rural areas for eligible low or moderate income or senior citizen families. Such an organization may be a State or local public agency, private profit or nonprofit corporation, consumer cooperative, trust, partnership, or similar organization. Forms of articles of incorporation and by-laws may be obtained from FmHA for adaptation or use as guide material for some types of applicants.

(2) *Legal capacity.* Possesses legal capacity to incur the obligations of the loan.

(3) *Ability and experience.* Possesses ability and experience necessary to carry out the undertakings and obligations required in connection with the loan.

(4) *Other available financing.* Is unable to provide the housing from his or its resources and with the exception of a State or local public agency, is unable to obtain the necessary credit from private or cooperative sources upon terms and conditions which he or it could reasonably be expected to fulfill.

(5) *Operate and maintain.* Has the ability and intention to operate and maintain the housing for the purposes for which the loan is made.

(6) *Own the housing.* Owns the completed housing or becomes the owner thereof before a request is made for issuance of a contract of guarantee.

(7) *Initial operating capital and other assets.* Has initial operating capital (and any other assets that will not be provided with the loan) needed for a sound loan, except such initial operating expenses as are authorized by § 1844.21(f) to be included in loans to nonprofit and State and local public agency borrowers. Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if the applicant is an organization, utility hookup deposits, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. The initial operating capital required will amount to at least 2 percent of the total cost of the housing project.

(8) *Management.* Is able to provide the necessary management to assure successful operation of the housing project. Management services may be provided by the applicant, a management firm, or an agent. In any case, the borrower must obtain the written approval of the lender or holder and FmHA for the management plan to be used.

(b) *Tenants.* To be eligible to rent an MF dwelling unit, the family as defined in § 1844.1 must be:

(1) A senior citizen family without regard to income, or

(2) A nonsenior citizen family that has an adjusted current annual income not exceeding that for a moderate income family for the State in which the housing is or is to be located. The maximum adjusted income for a moderate income family for the particular State

may be ascertained from any FmHA office.

§ 1844.21 MF loan purposes.

An MF loan may be made to an eligible applicant for such of the following purposes as necessary to enable the applicant to provide adequate, decent, safe and sanitary rural rental housing in a community in a rural area for the use of low or moderate income or senior citizen families to:

(a) *Buy, build, rehabilitate, improve or relocate.* Buy, build, rehabilitate, improve, or relocate MF dwellings.

(b) *Purchase land.* Purchase or improve only such land that is necessary for the housing project. The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal. See § 1841.16 of this chapter.

(c) *Utilities.* Provide necessary utilities such as water supply, sewage disposal, streets, heat, light, and other systems necessary in connection with the housing project.

(d) *Facilities.* Develop necessary facilities in connection with the housing project such as:

(1) Maintenance workshop and equipment storage.

(2) Central cooking and dining facilities to serve the project tenants when the project is large enough to justify such facilities to supplement the kitchen facilities in each unit.

(3) Small infirmary for emergency care when justified.

(4) Laundry room and equipment if not provided in the individual units or otherwise conveniently available.

(5) Storage facilities for use of tenants.

(6) Appropriate recreational facilities subject to FmHA approval.

(e) *Equipment and material.* Provide essential housing project equipment and material and purchase and install essential dwelling unit equipment and material such as range, refrigerator, clothes washer and clothes dryer, if not otherwise conveniently available, or wall-to-wall carpeting whether or not such equipment or material becomes real estate or fixtures under applicable State law. In any case in which equipment or material is purchased with loan funds, it will be considered a part of the housing.

(f) *Site preparation.* Provide landscaping, foundation plantings, seeding or sodding of lawns, grading, and other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(g) *Expenses, fees, and social security taxes.* Pay related costs such as fees and charges for legal, appraisal, architectural, engineering, and other technical services, a typical builder's fee if the development is not performed under contract, closing costs, connection fees for water, sewer, electricity, gas, and a loan fee is authorized in § 1841.2 of this chapter. Loan funds also may be used to pay the borrower's share of social security taxes for labor hired by the borrower in connection with making planned improvements.

(h) *Interim financing.* Pay interim financing debts incurred for authorized loan purposes. This is not considered to be refinancing.

(i) *Initial operating expenses.* Pay, in the case of nonprofit and State and local public agency borrowers, initial operating expenses up to 2 percent of the costs of the housing project and necessary and appropriate fees and charges which the borrower cannot pay from its own resources.

§ 1844.22 Prohibited MF loan purposes.

An MF loan will not be guaranteed if loan funds are to be used for:

(a) *Personal property.* Purchase of furniture or other personal property for dwelling units, except essential equipment and material authorized in § 1844.-21.

(b) *Refinancing debts.* Refinancing debts of the applicant, but this will not preclude use of loan funds to pay interim financing debts.

(c) *Special purposes.* Special purposes such as:

(1) Nursing of medical facilities, other than an infirmary for emergency care when justified.

(2) Commercial facilities, but this prohibition does not apply to service-type facilities which are not otherwise conveniently available to tenants in the area.

(3) Housing for transient or hotel purposes. All rental periods must be at least 30 days.

(4) Nursing or special care homes, or institutional-type housing.

(5) Any facilities not authorized under § 1844.21.

(6) Housing which the applicant plans to sell in the near future.

(7) Housing which the applicant plans to lease to another operator.

(d) *Fees, commissions, etc.* Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as authorized in § 1844.21 (g).

§ 1844.23 MF loan limitations and special provisions.

For an MF loan to be guaranteed:

(a) *Loan limits.* The amount of the loan or loans will be limited to not more than 95 percent of the total cost of each housing project or 95 percent of the security value of each such project, whichever is less.

(b) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction, consistent with the market needs of the community, and not of elaborate or extravagant design or material.

(2) Consist of one or more multiunit-type structures, each containing two or more family units and any necessary facilities and essential equipment.

(3) Be residential in character and be designed to meet the needs of eligible tenants who are capable of caring for themselves.

(4) Any building purchased, repaired, enlarged, or otherwise improved or rehabilitated with loan funds must be structurally sound, functionally adequate, decent, safe, sanitary, convenient, comfortable, and in good condition before the loan is guaranteed.

(5) Be located in a residential area as part of a community where necessary facilities and services such as those described in § 1844.30(b)(5) are generally readily available.

(6) Contain bathroom and kitchen facilities in each unit.

(c) *Construction or development.* See § 1844.46.

(d) *Loan resolution or loan agreement.* A loan resolution or loan agreement will be executed. It will provide for adequate management and administration of each project and contain a pledge of the housing income as security. It will also require that the dwelling units be leased to eligible tenants, and contain regulatory provisions giving the loan holder power to impose requirements regarding the housing and related operations of the applicant. Forms of loan resolutions and loan agreements may be obtained from FmHA for adaptation or use as guide material.

§ 1844.24 MF rates, terms, and security.

(a) *Interest rate to borrower.* See § 1841.13 of this chapter.

(b) *Loan terms.* Each loan will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured.

(c) *Security.* The entire loan must be secured by a first lien on the housing, and adequate security must be obtained without taking a lien on any offsite equipment or facilities. See § 1844.23(d) requiring a pledge of housing income as security. The provisions of § 1844.15 regarding security instruments for SF loans also apply to MF loans. For MF loans, the security instruments will also include a Loan Resolution or Loan Agreement which will contain provisions including but not limited to the following:

(1) The loan shall be used solely for the specific eligible purposes for which the loan is approved by the lender, in order to provide rental housing and related facilities for eligible occupants as defined by the Farmers Home Administration, United States Department of Agriculture (herein called Government). Such housing and facilities and the land constituting the site are herein called "the housing."

(2) *Regulatory covenants.* So long as the loan obligations remain unsatisfied, the borrower shall:

(i) Impose and collect such fees, assessments, rents and charges that the income of the borrower will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of accounts for these purposes.

(ii) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants unless the lender or holder gives prior consent.

(iii) Do other things as may be required by the lender or holder in connection with the operation of the housing or with any of the borrower's operations or affairs which

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may affect the housing, the loan obligations, or the security.

(3) *Refinancing of loan.* If at any time it appears to the Government that borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the borrower will apply for, take all necessary actions to obtain, accept such refinancing loan, and will use the proceeds for said purpose.

(4) *General provision.* The provisions of this resolution are representations to the lender to induce the lender to make a loan to the borrower. If the borrower should fail to comply with or perform any provision of this resolution or any requirement made by the Government, lender, or holder pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the lender or holder at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security, and may enforce all other available remedies.

§ 1844.25 MF loans on leasehold interests.

The provisions of § 1844.16 with respect to SF loans on leasehold interests are also applicable to MF loans on leasehold interests.

§§ 1844.26–1844.29 [Reserved]

§ 1844.30 Preapplication in all MF cases and in certain SF packaged cases.

The preapplication procedure outlined in this section is applicable to all MF cases, and to SF packaged cases involving two or more dwellings whether the packager has or has not already obtained applications from eligible families for loans with which to obtain the SF housing. Such procedure is also applicable to all subdivision cases in which it is contemplated that loans will be made, insured, or guaranteed by the Department of Housing and Urban Development (DHUD), the Veterans Administration (VA), or FmHA, separately or collectively, to construct 10 or more new SF dwelling units and in which subdivision neither of said agencies has made, insured or guaranteed a housing loan. The applicant or packager should keep costs to a minimum until the preapplication conference is held and authorization is given to proceed with preparation of a loan application. The following preapplication steps will be taken:

(a) *Guide material.* As a first step, the lender, builder or developer, and MF applicant or SF packager will study the planning and development provisions of Part 1804 of this chapter.

(b) *Preapplication information.* The SF packager or MF applicant will file a preapplication with the lender who will furnish a copy of it to FmHA. The preapplication will be made on Form AD–621, "Preapplication for Federal Assistance." In paragraph 7 of that form, after showing the amount of loan requested from the lender, insert "Guarantee." The following information will be submitted with the preapplication:

(1) *Need for SF or MF guaranteed loan(s).* Advice as to inability of the MF applicant or prospective class or classes of low or moderate income SF applicants to provide the needed housing with their own resources, or to obtain it from other sources without an FmHA guarantee. In MF cases this advice will be supported by a current financial statement of the applicant. If the MF applicant is a partnership or a profit corporation, a current financial statement will be required from each partner, member, or stockholder who holds an interest in the organization of 20 percent or more. In any MF case in which a financial statement is required from an individual, it will also include the interests and signature of the spouse.

(2) *Operating capital, assets, and equity in MF cases.* Information showing that the applicant has initial operating capital and other necessary assets and equity that will not be provided with the guaranteed loan. See § 1844.20(a)(7), § 1844.22(a), and § 1844.23(a).

(3) *Operating experience in MF cases.* Statement of applicant's experience in operating rental housing or similar businesses, with a statement on the proposed method of operation and management.

(4) *Need and demand for proposed SF or MF housing.* A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of existing suitable housing in the area. In MF cases the estimate should also show the number of eligible families living in the area who are willing and able to pay the proposed rental rates.

(5) *SF or MF housing site.* Size of tract and advice as to its ownership and any existing option to purchase it; also, a map showing the location and other supporting information on the neighborhood and existing facilities and services, such as medical and dental services, shopping areas, schools, churches, hospitals, recreation, and communication facilities; business and industrial enterprises; streets or roads, central water, electric, gas, and sewerage systems; solid waste disposal services; public and private transportation; and police and fire protection.

(6) *General description of proposed SF or MF housing.* A preliminary plot plan and building plan, if available; advice as to type of construction; estimated total cost per living unit; utilities to be used and whether each is or will be publicly, community, or individually owned; and, if MF apartments are involved, the number and type of units per building.

(7) *Organized MF applicants.* If the applicant is an organization:

(i) A copy of or an accurate citation to the specific provisions of State law under which the applicant is or is to be organized.

(ii) A copy of the applicant's charter or articles of incorporation, bylaws, and other basic authorizing documents if the applicant is already in existence.

(iii) The names and addresses of the applicant's existing or proposed members, directors, and officers, and if any such member, director, or officer is a member of another organization that is engaged in the same or a similar activity, its name, address, and principal business.

(c) *Preapplication conference.* If, after reviewing the preapplication material required by paragraph (b) of this section, the lender is interested in giving further consideration to making a guaranteed loan, the lender will arrange a preapplication conference between the lender, the SF packager or MF applicant, the FmHA, and other appropriate parties. The lender will make a record of the persons attending the conference and the interests they represent. The purpose of the preapplication conference will be to determine whether it appears that the loan is being requested for an authorized purpose, the applicant is eligible, the housing is needed, the proposal is economically sound and feasible, needed utilities, facilities, and services are or will be available at acceptable costs, and any applicable clearinghouse recommendations and environmental impact requirements can be met. If such factors indicate feasibility and if it appears that guarantee funding authority may be available, an MF loan application or SF loan applications may be prepared and steps taken to meet the requirements of Part 1841 of this chapter and this Part 1844, and any applicable clearinghouse and environmental impact requirements.

(d) *FmHA advice.* If all of the conditions mentioned in paragraph (c) of this section are found to exist, FmHA will advise the lender by letter, with a copy to the applicant, that FmHA will issue a contract of guarantee for each loan made, if all applicable requirements of Part 1841 of this chapter and this Part 1844 are met and if guarantee funding authority is then available.

§§ 1844.31–1844.34 [Reserved]

§ 1844.35 Clearinghouse considerations in certain SF and MF cases.

When the preapplication involves a loan or loans for construction of an MF project having 25 or more dwelling units, or construction of 10 or more new dwelling units in a subdivision in which the DHUD, VA, or FmHA has not previously made, insured, or guaranteed a housing loan, the following actions will be taken:

(a) *Applicant's notification to clearinghouse.* The MF loan applicant or SF packager will notify the appropriate clearinghouses of intent to apply for or package a loan or loans to be guaranteed by FmHA, and will send copies of the notification to the lender and FmHA. The notification will be made in the manner and contain the information required by:

(1) Revised Circular A–95 issued by the Office of Management and Budget on November 13, 1973, (38 FR 32874), and any amendments or revisions thereof in effect at the time the preapplication is made.

(2) The clearinghouses involved.

(b) *FmHA's transmittal to clearinghouses.* FmHA will transmit a copy of the initial application (Form AD–621), with enclosures to each clearinghouse as required by said Circular A–95.

(c) *Clearinghouses—reviews and comments.* Clearinghouses will have 30 days after receipt of Form AD–621 and enclosures to review the material and forward to FmHA any comments and recommendations they have.

(d) *Loan processing and conditional commitment.* Loan processing need not be delayed during the 30-day period for clearinghouse comments and recommendations. However:

(1) If a Conditional Committment for Guarantee is executed within 40 days after Form AD–621 and enclosures are forwarded to the clearinghouse, it will contain an express condition that it is "Subject to there being no unfavorable clearinghouse comments or to a decision by FmHA that such comments will not prevent issuance of a Contract of Guarantee." In such cases, as soon as FmHA receives any clearinghouse comments, it will notify the lender and loan applicant or packager of any clearinghouse recommendations required to be met.

(2) If a Conditional Commitment for Guarantee is executed after FmHA has received the clearinghouse comments, it will specify any clearinghouse recommendations required to be met.

§ 1844.36 Environmental impact requirements in certain SF and MF cases.

The MF applicant in each project involving more than 50 MF dwelling units, and the SF packager in subdivision cases involving more than 25 SF dwellings, will furnish completed copies of Form FmHA 449–10, "Applicant's Environmental Impact Evaluation," to FmHA and the lender. Completed copies of the form will also be furnished in other cases involving fewer SF dwellings or MF dwelling units if requested by FmHA or the lender. Such copies will be furnished to FmHA and the lender as soon as possible after the preapplication conference if it appears that the loan may be made and guaranteed. Upon receipt of Form FmHA 449–10, FmHA will forward it to the State Director for determination of whether an environmental impact statement is needed. That determination will be made and required actions taken in accordance with Part 1824 of this chapter.

(a) *Environmental impact statement not required.* If the State Director determines that an environmental impact statement is not required, FmHA will notify the applicant and the lender to that effect.

(b) *Environmental impact statement required.* If the State Director determines that an environmental impact statement is required, the actions provided for in said Part 1824 will be taken.

(c) *Conditional commitment.* If a Conditional Commitment for Guarantee is executed before all such actions have been completed or prior to the waiting period prescribed in said Part 1824, the conditional commitment will contain an express condition that it is:

Subject to the condition that the Contract of Guarantee cannot be issued until all actions required by 7 CFR Part 1824 with respect to environmental impact have been completed, including expiration of the waiting period after the draft statement was issued and completion of any review action after issuance of the final statement, and FmHA determines and informs the applicant and lender that the environmental situation will permit construction and use of the housing.

§§ 1844.37–1844.39 [Reserved]

§ 1844.40 SF application for loan.

The general provisions regarding loan applications are set forth in § 1841.10 of this chapter.

(a) *Application form.* In SF cases, the applicant will apply to the lender on Form FmHA 410–4, "Application for Rural Housing Loans (Nonfarm Tract)." However, in above-moderate income cases, the first sentence of paragraph 21 of that form should be deleted. In farm cases the word "Non" in the title of the form will be deleted, and the word "lot" in paragraph 9 will be changed to "farm."

(b) *Enclosures with application.* Enclosed with the application will be:

(1) *Site information.* A statement to:

(i) Justify the site selection and location, including its suitability for the type of dwelling proposed and its convenience to services and facilities such as those described in § 1844.30(b)(5).

(ii) Explain the proposed site development and how it will be performed.

(2) *Zoning and other legal requirements.* Documentation showing that the site, construction, and related facilities and utilities conform to applicable zoning and other State and local laws, codes, ordinances, and regulations, and that all required permits and approvals have been or will be obtained.

(3) *Guide material.* Advice that the guide material referred to in § 1844.46(b) will be followed in planning and performing construction and development work.

(4) *Cost breakdown.* Detailed breakdown of housing and related costs and sources of payment thereof.

(5) *Equal Opportunity and nondiscrimination.* Form FmHA 400–1, "Equal Opportunity Agreement," if construction costing more than $10,000 is involved. See § 1841.56 of this chapter regarding equal opportunity and nondiscrimination in connection with construction.

§ 1844.41 MF application for loan.

The general provisons regarding loan applications are set forth in § 1841.10 of this chapter. In MF cases, the applicant will apply to the lender in a manner satisfactory to the lender. The material submitted to the lender must contain:

(a) *Tenant eligibility information.* A statement showing that the tenants will be low or moderate income or senior citizen families as defined in § 1844.1 and § 1844.10.

(b) *Plot and building plans.* A plot plan and detailed preliminary drawings and specification; also, any special design features for senior citizens.

(c) *Cost breakdown.* A detailed cost breakdown of the project for such items as land and right-of-way, building construction, equipment, material, facilities, utility connections, architectural and legal fees, and both on-site and off-site improvements. The cost breakdown should show the amount of the cost to be paid from loan funds and the amount thereof to be paid by the applicant from other funds. The cost breakdown also should show separately the cost of any other items to be paid in full by the applicant, such as initial operating capital, furnishings, equipment, and material.

(d) *Method of construction and technical services.* Information on the method of construction and on the architectural, engineering, legal, and other authorized services to be provided.

(e) *Review by State and local officials.* Satisfactory evidence of review and approval of the proposed housing by applicable zoning and other State and local officials whose approval is required by State or local laws, codes, ordinances, or regulations.

(f) *Market survey.* A market survey report based on the number of eligible families in the area who are willing and financially able to occupy the housing at the proposed rental levels. This does not preclude renting to families who are receiving welfare assistance. However, the economic justification for the housing should be based principally on the prospect of eligible families with incomes which are not subject to fluctuations such as those that may occur in welfare assistance payments. A market survey report will include:

(1) *Ten units or less.* Statements supported by statistical data describing and explaining the need and demand for the rural rental housing over the period of the loan in those cases in which the proposed project will contain 10 or fewer dwelling units and will be in a community in which a need and demand for such rental housing obviously exists. Such information may be assembled from census reports, county market evaluations made by DHUD, and other published data that show the number of families living in the town or trade area who are eligible to rent the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

(2) *More than 10 units and doubtful cases.* A complete market analysis showing the need and demand for the rural rental housing over the period of the loan in those cases in which the proposed project will include more than 10 dwelling units or in any smaller project in which the lender or FmHA advises the applicant, at the time of the preapplication conference or within 15 days thereafter, that there is doubt concerning such need and demand. The survey could include items such as:

(i) The number of houses or apartments in the area for rent or sale, and the characteristics thereof, such as location, quality, number of bedrooms, type of building, age of structure, whether occupied or vacant, tenure, and price or rental levels. Exhibit F–2 of the FmHA Manual "How to Bring Rental Housing

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to Your Town" is available in all FmMA offices and may be used for this purpose. The information on tenure of rental housing can be shown in the "Monthly Rental" column along with the monthly rental after inserting "Tenure and" above "Monthly Rental" in the column heading. The information on property for sale and sale price can be shown below the information on rental property by inserting "For Sale" in the left-hand column and "Sale Price" in the "Monthly Rental" column above a listing of such property for sale.

(ii) Characteristics of the persons eligible to rent the proposed housing, such as single or couple, male or female, size of family, number of senior citizens and nonsenior citizens, and income and financial condition; present living arrangements of eligible families in the area and the extent to which inadequate housing is associated with health or financial conditions; and the number of eligible families who are willing and financially able to occupy the proposed housing. Exhibit F-4 of the FmHA Manual "How to Bring Rental Housing to Your Town" is available in all FmHA offices and may be used for this purpose. The information on the financial condition and size of eligible families and the extent to which housing is inadequate because of health or financial situations, may be shown on the bottom or back of Exhibit F-4.

(iii) Advice as to present and near term anticipated housing needs for the area. Such advice may be obtained from sources such as census reports, county market evaluations made by DHUD, other published data, personnel departments of large employers, realtors, chambers of commerce, and school superintendents.

(3) *Signed expressions of interest in renting regardless of the number of dwelling units.* If, because there are few eligible families in the area or for other reasons, there is a question as to whether all of the dwelling units can be rented soon after construction is completed, signed expressions of interest in renting the units will be obtained from a sufficient number of eligible families to clearly indicate that full occupancy will occur soon after the construction is completed. Exhibit F-3 of the FmHA Manual "How to Bring Rental Housing to Your Town" is available in all FmHA offices and may be used for this purpose.

(g) *Rental rates.* A schedule of rental rates proposed for the housing and any separate charges for the use of related equipment, facilities, or utilities.

(h) *Financial statement.* A current dated and signed financial statement showing the debt structure of the applicant.

(i) *Budgets.* Detailed operating budgets for the first year's operation and a typical year's operation. Except to the extent that initial operating capital is included in a loan to a nonprofit borrower, the first year's budget should show that the applicant has sufficient operating capital on hand or sufficient planned income to pay all operating costs. The first year's budget should also show that the applicant has sufficient capital on hand or sufficient planned income to meet scheduled payments on debts during the planning and construction period prior to occupancy. The typical year's budget should show there will be ample income to pay essential operating costs, meet required debt payments, and permit accumulation of required reserves. Exhibit F-5 of the FmHA Manual "How to Bring Rental Housing to Your Town" is available in all FmHA offices and may be used for this purpose.

(1) The budgets, in estimating rental income, will include an approximately 10 percent allowance for vacancies, nonpayment of rent, and contingency expense.

(2) The budgets should provide for accumulating and maintaining a reserve at the rate of 1 percent per annum of the value of the buildings, project owned utilities, and related equipment, material, and facilities financed wholly or partially with the loan until a reserve equal to 10 percent of their value is reached, which reserve will thereafter be maintained. Budgets should not include an additional item for depreciation since the purpose of a reserve account is to provide funds for this purpose.

(3) All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identified. If the applicant considers itself tax-exempt, evidence of exemption must be included in the loan docket before the contract of guarantee is executed. Information as to Federal income tax exemption may be obtained from the District Office of the Internal Revenue Service (IRS). An eligible nonprofit organization may be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

(j) *Management.* A statement in narrative form outlining the proposed manner of management of the housing, such as whether by owner or hired manager, and experience and other factors pertaining to the qualifications of the manager; duties and responsibilities of officers and employees; and policy regarding method of selecting tenants.

(k) *Lease, rules, and regulations.* A copy of the proposed form of lease or rental agreement to be offered tenants, and a copy of any rules or regulations governing administration and occupancy.

(l) *Survey.* A satisfactory survey of the land to be given as security prepared by a licensed surveyor. If necessary, a new survey will be obtained.

(m) *Equal opportunity and nondiscrimination.* A statement by the applicant that there will be no discrimination or segregation by the applicant or by any agent or agency, lessee, or operator on account of race, color, religion, sex, or national origin in connection with the use, occupancy, rental, or sale of the housing. Form FmHA 400-1 should also be enclosed with the application if construction costing more than $10,000 is involved. See § 1841.56 of this chapter on equal opportunity and nondiscrimination in connection with construction.

(n) *Guide material.* Advice that guide material referred to in § 1841.46(b) will be followed in planning and performing construction and development work.

§§ 1844.42–1844.44 [Reserved]

§ 1844.45 SF and MF guarantee commitments and interim financing.

The general provisions with respect to guaranteeing and processing loans are set forth in Part 1841 of this chapter. If the lender decides to approve the loan subject to issuance of a satisfactory conditional commitment for guarantee, the following steps will be taken in both SF and MF cases unless otherwise indicated:

(a) *Request for conditional commitment to guarantee loan.* The lender will submit to FmHA:

(1) Form FmHA 449-9, "Request for Conditional Commitment to Guarantee Loan," and enclosures required therein. In all MF cases, in packaged SF cases involving two or more dwelling units, and in a subdivision in which it is contemplated that loans will be made, insured, or guaranteed by DHUD, VA, or FmHA, separately or collectively, to construct 10 or more new SF dwelling units and in which neither of said agencies has previously made, insured, or guaranteed a housing loan, this request will not be made until all preapplication processing has been completed. See § 1844.30.

(2) A copy of the loan agreement or loan resolution to be used in MF cases.

(3) A statement in SF cases showing the total current annual family income, the reduction(s) therefrom, and the adjusted current annual family income. See § 1844.10.

(b) *Conditional commitment for guarantee.* FmHA will review the material submitted and issue to the lender Form FmHA 449-14, "Conditional Commitment for Guarantee," or, if a conditional commitment cannot be issued, FmHA will so advise the lender on Form FmHA 449-13. The conditional commitment will specify any clearinghouse recommendations required to be met and any environmental impact requirements to be met or, if the conditional commitment is issued before any such requirements are determined, it will contain the express condition set forth in § 1844.35(d) or § 1844.36(c), where applicable.

(c) *Interim financing.* The lender may either furnish any financing needed for acquisition, during the period of construction or other development, or may require the applicant to obtain such interim financing from other sources.

§ 1844.46 Acquisition, construction, and development.

(a) *Acquisition of property.* The lender is responsible for seeing that any property to be acquired with loan funds is acquired as planned and that the required security is obtained.

(b) *Construction or development.* The lender and borrower are responsible for seeing that the loan purposes are accomplished with the loan funds. This includes, but is not limited to seeing that:

(1) Part 1804 of this chapter is used as a guide for planning and performing development work.

(2) Compliance is made with applicable laws, ordinances, codes, and regulations, including 4900.1 containing Minimum Property Standards (MPS) for "One and Two Family Dwellings," and 4910.1 containing MPS for "Multifamily Housing," issued by DHUD. Copies of MPS may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Drawings, specifications, and estimates are adequate. The services of a registered architect will be required for all MF projects consisting of 4 or more units.

(4) Adequate water, electric, heating, waste disposal, and any other necessary utilities and facilities are obtained.

(5) Method of construction or development is proper.

(6) Construction or development contracts contain adequate provisions for the undertaking and are properly awarded and executed, and contractors are bonded when the lender considers bonding necessary.

(7) Equal opportunity and nondiscrimination requirements are met. See §§ 1841.26(a)(9) and 1841.56 of this chapter and § 1844.56.

(8) Construction or development is performed expeditiously and properly, including inspection of sites and construction or development in various stages of completion to determine that the work and material conform with the drawings and specifications and any other requirements.

(9) Periodic or partial payments for construction or development are limited to a reasonable percentage of the actual value of the work and material in place.

(10) Final payment is made only after final inspection has been made and the construction or development has been found proper in all respects.

(11) No claims or liens of laborers, materialmen, contractors, subcontractors, or other parties exist against the borrower or the security property.

§ 1844.47 Inspections of construction, also compliance reviews.

Inspections will be made during construction by a qualified construction inspector approved by the lender. In connection with inspections of construction, equal opportunity and nondiscrimination compliance reviews will be made as required by § 1841.56(f) of this chapter.

(a) *Inspections required by lender.* The lender will see that the following three inspections (and any additional inspections it deems necessary or advisable) are made:

(1) When footings and foundation are ready to be placed.

(2) When shell is closed in but plumbing, electrical and mechanical work are still exposed.

(3) When construction is completed.

(b) *FmHA inspections.* If more than $2,500 of guaranteed loan funds are used to construct or repair buildings, provide land development work, acquire real or personal property, or for similar purposes, the County Supervisor or other qualified FmHA personnel will make such inspections as the County Supervisor deems necessary in the particular case to ascertain the existence and condition of such property. Ordinarily, only one inspection will be made. However, regardless of the number of inspections, one inspection will always be made when construction is completed. Such inspections will be reflected on Form FmHA 424-12, "Inspection Report," or on the running case record.

§ 1844.48 Review of appraisals.

The appraisal report which the lender is required to submit to FmHA as an enclosure with the request for conditional commitment to guarantee the loan will cover any then known existing property that is to serve as security. A final appraisal report on the security property will be submitted by the lender to FmHA with the request for contract of guarantee.

(a) *FmHA review.* These appraisal reports are part of the material to be reviewed by FmHA in determining whether to issue a conditional commitment to guarantee the loan or a contract of guarantee. The review of each appraisal will be made by the FmHA County Supervisor or other FmHA personnel designated by him. The review will consist of an actual on-the-ground evaluation as well as checking the contents of the appraisal report furnished by the lender.

(b) *Cross references.* See §§ 1841.16 and 1841.23 of this chapter and § 1844.45 regarding appraisals and FmHA review of material.

§ 1844.49 [Reserved]

§ 1844.50 Processing contracts of guarantee.

(a) *Request for contract of guarantee.* When construction, relocation, major repairs, or other major development has been completed, final inspection has been made, the housing has been approved by the lender, any clearinghouse or environmental impact requirements made by FmHA have been met, and the permanent financing loan has been properly closed, the lender will submit to FmHA:

(1) Form FmHA 449-16, "Request for Contract of Guarantee."

(2) Form FmHA 449-19, "Guarantee Fee Report," and a check for the amount of the guarantee fee required to be paid at the time of issuance of the Contract of Guarantee. See § 1841.30 et seq. of this chapter regarding guarantee fees, guarantee fee reports, and guarantee fee payments.

(b) *Contract of guarantee.* FmHA will issue Form FmHA 449-17, "Contract of Guarantee," or will advise the lender on Form FmHA 449-13 of the reasons why it cannot be issued. See § 1841.27 of this chapter.

§§ 1844.51–1844.55 [Reserved]

§ 1844.56 Equal opportunity and nondiscrimination in SF and MF cases.

In addition to the requirements of § 1841.56 of this chapter with respect to equal opportunity and nondiscrimination in relation to construction, the lender or holder and borrower are responsible for seeing that there is no discrimination or segregation by them or by any agency, lessee, or operator on account of race, color, religion, sex, or national origin in connection with the use, occupancy, rental, or sale of housing. These requirements should be discussed with the applicant or packager, builder or developer, and other parties involved as early in the negotiations as possible. For a specific statement of some of those responsibilities, see the following:

(a) *Executive Order No. 11063.* It is dated November 20, 1962 (27 FR 11527, 3 CFR 652 (1959–63 Compilation), 42 U.S.C.A. 1982 note), and prohibits such discrimination or segregation in cases in which federal financial assistance is involved in the provisions, rehabilitation, or operation of housing and related facilities.

(b) *Fair Housing Act.* This is Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284, 42 U.S.C. 3601 et seq.). It prohibits discrimination in the sale or rental of dwellings provided in whole or in part with loans guaranteed by the Federal Government; and it provides for filing and handling complaints and investigations regarding, and enforcement of remedies for violations of, fair housing requirements.

§§ 1844.57–1844.58 [Reserved]

§ 1844.59 Loan servicing in SF and MF cases.

The following provisions with respect to loan servicing, in addition to those in §§ 1841.46 and 1841.56 of this chapter, and those loan guarantee processing steps in § 1844.100, are applicable to RH loans.

(a) *FmHA investigations.* The County Supervisor will make investigations from time to time as he considers necessary to determine whether the loan is being properly serviced, but such investigations will not relieve the holder of full responsibility for proper servicing of the loan. If a problem develops, whether discovered by the County Supervisor or the holder or its agent, the County Supervisor will work with the holder or its agent in trying to get the problem resolved satisfactorily.

(b) *Certification in MF cases.* The holder in MF cases will furnish FmHA a letter every other year certifying that all tenants of the MF units are eligible low or moderate income or senior citizen families, or that they meet the requirements of any written waiver on eligibility issued by FmHA.

(c) *Reamortization in SF and MF cases.* If the borrower's payments on principal are 10 percent or more ahead of schedule or are substantially delinquent so that they cannot be brought current within 1 year, the holder may agree to reamortize the loan, provided:

(1) The reamortized repayment schedule does not extend beyond the original loan maturity date.

(2) The holder believes that the new repayment schedule can be met.

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(3) The holder obtains the written approval of FmHA. See § 1841.46(1) of this chapter with respect to alteration of instruments.

(4) The reamortization is accomplished by amendment of the existing note rather than by taking a new replacement note.

(d) *Graduation of borrowers.* Part 1865 of this chapter will be followed in making FmHA's determination as to whether borrowers (other than above-moderate income SF borrowers) are able to graduate to other credit without an FmHA guarantee. See §§ 1844.60 and 1844.66 of this part regarding graduation of borrowers.

§ 1844.60 Transfer and assumption in SF and MF cases.

The provisions of §§ 1841.60, 1841.61, 1841.62, and 1843.20, all in this chapter, are applicable to RH transfer and assumption cases, except that ability to provide the financing or to obtain it from other sources is not a factor in above moderate income cases.

§§ 1844.61–1844.65 [Reserved]

§ 1844.66 Liquidation in SF and MF cases.

The following provisions with respect to liquidation, in addition to those of § 1841.66 et seq. of this chapter are applicable to RH loans.

(a) *Graduation of borrowers.* The provisions of § 1843.30(a) of this chapter are equally applicable to RH loan borrowers, other than above-moderate income borrowers.

(b) *Loss settlement options.* (1) *General policy.* The general policy for RH loans will be to select the option to "Pay loss before liquidation." (See § 1841.67 (a) of this chapter).

(2) *Exceptions to general policy.* The State Director may make exceptions to the general option selection policy stated in paragraph (b)(1) of this section and select another loss settlement option or options set forth in § 1841.67 of this chapter on an individual case basis if:

(i) He obtains prior approval from the National Office on the ground that such action would be more practicable and not to the financial detriment of FmHA, and

(ii) He obtains advice from the OGC of the U.S. Department of Agriculture (USDA) concerning the option or options selected.

(3) *Real estate title evidence.* In the event the State Director selects the option to "Accept title to property from registered holder" set forth in § 1841.67 (c) of this chapter and the holder is a "supervised" holder approved under § 1841.4 of this chapter, FmHA will rely on the holder's general warranty deed unless the State Director, on advice of the USDA OGC decides that an owner's title insurance policy or an attorney's opinion or certificate of title is necessary for FmHA's protection. If the conveyance is to be made by a "non-supervised" holder approved pursuant to § 1841.4 of this chapter, the State Director will consider, among other things, the financial condition, organizational structure, and prospects of the holder for continuation in business and maintaining financial responsibility for a future period of at least 5 years, in deciding whether to require an owner's title insurance policy or an attorney's opinion or certificate of title as well as a general warranty deed.

(4) *Bidding at forced sales.* FmHA will not bid at any foreclosure or other forced sale unless a special exception is made by the National Office on the basis that bidding is the only satisfactory way to adequately protect the interests of FmHA as guarantor.

§§ 1844.67–1844.89 [Reserved]

§ 1844.90 Forms and forms distribution in SF and MF cases.

(a) *FmHA forms.* The following chart lists the applicable FmHA and Department of Agriculture (AD) forms, number to be prepared, signatures required, and distribution. These forms may be obtained from FmHA.

FmHA form No.	Name of form	Total number	Signed by [1]	Distribution [1]
400-1	Equal Opportunity Agreement	3	B—O	O—L, C—B, C—FmHA.
400-3	Notice to Contractors and Applicants	4	L—O	O—Con, C—B, C—L, C—FmHA.
400-6	Compliance Statement	4	L&Con, 3—O	O—L, C—Con, C—B, C—FmHA.
410-4	Application for Rural Housing Loans (Non-farm Tract).	2	B—O	O—L, C—FmHA.
424-12	Inspection Report	3	L—O	O—L, C—FmHA, C—Con.
424-20	Request for Subdivision Feasibility Analysis	4	Con—O	O—FmHA, C—L, C—B, C—Con.
440-3	Record of Actions	[4]	GAO—O	O—FC, C—FC, C—FmHA, C—St. Dir.
440-10	Cancellation of Loan or Grant Check and/or Obligation.	3	FmHA, 3—O	O—FC, C—St. Dir., C—FmHA.
440-46	Environmental Impact Assessment	2	FmHA—O	O—St. Dir., C—FmHA.
449-7	Assumption Agreement for Guaranteed Loans (New Terms).	4	B—O	O—L, C—B, 2C—FmHA.
449-9	Request for Conditional Commitment to Guarantee Loan.	2	L—O	O—FmHA, C—L.
449-10	Applicant's Environmental Impact Evaluation.	3	B—O	O—FmHA, C—L, C—B.
449-13	Denial Letter	2	FmHA—O	O—L, C—FmHA.
449-14	Conditional Commitment for Guarantee	3	FmHA—O	O—L, C—FmHA.
449-16	Request for Contract of Guarantee	2	L—O	O—FmHA, C—L.
449-17	Contract of Guarantee	2	FmHA—O	O—L, C—FmHA.
449-18	Lenders or Holders Request for Approval	2	L—O	O—FmHA, C—L.
449-19	Guarantee Fee Report	3	L—O	O—FmHA, C—FmHA, C—L first report.
		3	L—O	O—FC, C—FmHA, C—L subsequent report. FmHA.
449-20	Report of Lose	3	L—O	O—FmHA, C—L, C—FmHA.
451-1	Acknowledgement of Cash Payment	2	FmHA—O	O—L, C—FmHA.
471-7	Notice and Acknowledgement of Sale of Insured or Guaranteed Loan.	4	L—O	O—FC, C—FC, C—L, C—FmHA.

Agriculture form No.	Name of form	Total number	Signed by [1]	Distribution [1]
AD-621	Preapplication for Federal Assistance	4	SF packager or MF applicant.	O—L, C—FmHA, C—FmHA, C—Signer.
		3	Not signed	C—Con, C—L, C—B.
AD-425	Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375.			

[1] Signatures and Distribution: L—Lender; B—Borrower or assumptor; FC—Finance Office; FmHA—Authorized FmHA Official; Con—Contractor.
[2] When County Supervisor is not GAO, prepare 5 and distribute: O—GAO, 3C—GAO, C—FmHA.
NOTE.—O—Original; C—Copy; Lender includes Holder; GAO—Guarantee Approval official.

(b) *Other forms and information.* Another form that may be obtained from FmHA (although it is not an FmHA form) is Form AD-425, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375." Any needed forms not furnished by FmHA will be provided by the lender, holder, or applicant. They may obtain information and copies of other FmHA forms that may be helpful in various aspects of loan making, construction and development, and servicing.

(c) *Racial code.* Some FmHA forms, such as Form FmHA 449-6, and Form FmHA 449-7, contain space for coding the race of the applicant for the loan or assumption. In the code "W" means," "White," "N/B" means "Negro(Black)," and "S" means "Spanish American," "AI" means "American Indian," and "O" means any other race. The lender is responsible for completing this code on all forms on which it appears in accordance with his best judgment as to the race of the applicant.

§§ 1844.91–1844.99 [Reserved]

§ 1844.100 Guarantee processing steps.

In addition to taking steps to comply with any applicable preapplication requirements, and any environmental impact and clearinghouse requirements made by FmHA, the following steps (sometimes referred to by paragraph number) will be taken:

(a) *Form FmHA 449-9.* (1) Lender will submit this form with required enclosures to County Supervisor.

(2) County Supervisor will analyze material submitted and make any independent investigation he considers necessary.

(3) If material shows that loan cannot be guaranteed (for reasons that would not be affected by County Committee Certification), County Supervisor will send lender denial letter on Form FmHA 449-13.

(4) If material indicates that loan appears to qualify for guarantee, County Supervisor will proceed to Step "(b)" or "(c)," whichever is applicable.

(b) *Tentative approval and record of actions—when County Supervisor is guarantee approval official.* County Supervisor will:

(1) Sign Tentative Approval on Form FmHA 449-9. This approval is tentative because it is subject to future compliance with conditions and requirements of request for conditional commitment and Record of Actions, as well as those of Form FmHA 449-14 yet to be executed.

(2) Prepare Form FmHA 440-3 in original and 3 copies, sign original and conform all copies.

(3) Mail to Finance Office original and 1 copy of Form FmHA 440-3.

(4) Mail to State Director 1 copy of Form FmHA 440-3 for use in keeping record of guarantee funding reservations.

(5) Take no further action until he receives original of Form FmHA 440-3 from Finance Office or other advice from Finance Office or State Director that guarantee funding authority is available.

(c) *Tentative approval and record of actions—when County Supervisor is NOT guarantee approval official.* (1) *County Supervisor will:* (i) Insert his comments and recommendations on back of Form FmHA 449-9.

(ii) Prepare upper portion of Form FmHA 440-3 in original and 4 copies.

(iii) Send to guarantee approval official original Form FmHA 449-9 with enclosures, original Form FmHA 440-2, "County Committee Certification or Recommendation," and original and 3 copies of Form FmHA 440-3.

(2) *Guarantee approval official:* (i) Will analyze material received from County Supervisor and make, or require County Supervisor to make, any independent investigation guarantee approval official considers necessary.

(ii) If it appears that loan will qualify for guarantee, he will sign tentative approval on Form FmHA 440-9, "Supplementary Payment Agreement," complete and sign original Form FmHA 440-3 and conform 3 copies, mail original and 1 copy of Form FmHA 440-3 direct to Finance Office, and return to County Supervisor Form FmHA 449-9 with enclosures, and 1 conformed copy of Form FmHA 440-3. If District Director is guarantee approval official, he will send other conformed copy of Form FmHA 440-3 to State Director.

(iii) If he concludes that loan does not qualify for guarantee, he will set forth his reasons on Form FmHA 440-3 and return all material to County Supervisor.

(3) *When County Supervisor receives material from guarantee approval official:* (i) If guarantee approval official has rejected guarantee, County Supervisor will insert guarantee approval official's reasons (contained in Form FmHA 440-3) in denial letter on Form FmHA 449-13 and sign and send it to lender.

(ii) If guarantee approval official has signed tentative approval on Form FmHA 449-9, County Supervisor will take no further action until he receives original Form FmHA 440-3 from Finance Office or other advice from Finance Office or State Director that guarantee funding authority is available.

(d) *Advice concerning guarantee funding authority and issuance of conditional commitment.* As soon as possible after Finance Office receives original and copy of Form FmHA 440-3 from guarantee approval official, it will complete its portion of that form to show whether guarantee funding authority has been reserved and mail original to County Supervisor. When County Supervisor receives original of Form FmHA 440-3 from Finance Office or earlier advice from Finance Office or State Director regarding availability of guarantee funding authority, he will proceed as follows:

(1) If guarantee funding authority is not available, County Supervisor will notify lender to that effect on Form FmHA 449-13 or by regular letter.

(2) If original Form FmHA 440-3 received from Finance Office shows guarantee funding has been reserved, or if earlier advice has been received from Finance Office or State Director that guarantee funding authority is available, County Supervisor will complete and execute Form FmHA 449-14 in original and 2 copies and send original and 1 copy to lender. If County Supervisor is not guarantee approval official, he will include in Form FmHA 449-14 any conditions and requirements made by guarantee approval official in Form FmHA 440-3.

(e) *Acceptance or Rejection of Conditions.* When lender receives the original and copy of Form FmHA 449-14, it (and applicant in MF cases) will complete and sign Acceptance or Rejection of Conditions on back of copy of Form FmHA 449-14 and return it to County Supervisor.

(1) If County Supervisor does not receive signed Acceptance or Rejection of Conditions within 30 days after sending Form FmHA 449-14 to lender, he will follow up to ascertain status of matter.

(2) If Acceptance or Rejection of Conditions shows that Contract of Guarantee is not desired, County Supervisor will prepare and mail Form FmHA 440-10 to Finance Office as notice to cancel guarantee funding reservation.

(f) *Expiration of Conditional Commitment for Guarantee.* If Form FmHA 449-14 expires because FmHA does not receive Form FmHA 449-16 from lender before expiration date in Form FmHA 449-14 or any extension thereof or because of earlier notification from lender that it does not desire to obtain an FmHA guarantee, County Supervisor will prepare and mail Form FmHA 440-10 to Finance Office as notice to cancel guarantee funding reservation.

(g) *Request for Contract of Guarantee and subsequent actions.* (1) *Submission by lender.* After loan has been closed and housing has been completed and passed FmHA inspection, lender will submit to County Supervisor:

(i) Form FmHA 449-16.

(ii) Form FmHA 449-19 (original and 1 copy) and check for amount of guarantee fee required to be paid at time of issuance of Contract of Guarantee. The cancelled check will serve as lender's receipt, so separate receipt will not be issued unless lender requests one. In that event, Form FmHA 451-1, "Acknowledgement of Cash Payment," may be used if the word "cash" is deleted from the title of the form and if the last paragraph is deleted.

(2) *Actions by County Supervisor.* The County Supervisor will check material submitted by lender and make any independent investigation he considers necessary.

(i) If everything is in proper order, County Supervisor will:

(A) Indicate his approval by signing in the place provided on Form FmHA 449-16.

(B) Prepare Form FmHA 449-17 in original and 1 copy.

(C) Execute original Contract of Guarantee and send it to lender, and conform his copy.

(D) Mail Form FmHA 449-19 and guarantee fee check to Finance Office. This will constitute notice to Finance Office that Contract of Guarantee has been issued and that check should be processed for collection. The report will also provide Finance Office with lender's name, address, and IRS tax number.

(ii) If material submitted by lender is not in proper order, County Supervisor will:

(A) If he is not guarantee approval official, request any advice or assistance he deems necessary from guarantee approval official.

(B) Take matter up with lender if he thinks defects may be corrected.

(C) If defects are corrected, take actions provided for in paragraph (g)(2)(i) of this section.

(D) Issue denial letter to lender on Form FmHA 449-13 if efforts to obtain correction are unsuccessful or if defects are of such nature they cannot be corrected, return Guarantee Fee Report and guarantee fee check to lender, show on denial letter that "Guarantee Fee Report and guarantee fee check are returned herewith," and prepare and mail Form FmHA 440-10 to Finance Office as notice to cancel guarantee funding reservation.

Dated: January 27, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-2904 Filed 1-31-75;8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 219]

ABANDONMENT PROVISIONS REGARDING ILLEGALLY IMPORTED MARINE MATERIALS

Establishment of Comment Period

On January 16, 1975, notice of proposed amendments were published in the FEDERAL REGISTER (40 FR 2820–2821) concerning abandonment to United States Customs Officials of alleged illegally imported marine mammals or marine mammal parts or products, and endangered species or endangered species parts or products by the owners thereof.

Comments concerning the proposed amendments may be submitted to the Director, National Marine Fisheries Service, NOAA, U.S. Department of Commerce, Washington, D.C. 20235. All materials received on or before April 7, 1975 will be considered.

Dated: January 28, 1975.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service, NOAA.

[FR Doc.75-3064 Filed 1-31-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

ALPHA-METHYL STYRENE, STYRENE, TERPHENYLS, VINYL TOLUENE, ACROLEIN, P-TERT-BUTYLTOLUENE, CUMENE (ISOPROPYL BENZENE), CYCLOHEXANE, DIPHENYL (BIPHENYL), ETHYL BENZENE, FURFURAL

Standards Completion Project

On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables G–1, G–2 and G–3 of 29 CFR 1910.93, with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subjects of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.93 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, recordkeeping, and sanitation and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA safety standards. The exposure limits listed in § 1910.93 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor invites public participation in the development of the proposed standards. Drafts of the technical content of proposed standards have been prepared for the following substances: Alpha-Methyl Styrene, Styrene, Terphenyls, Vinyl Toluene, Acrolein, P-Tert-Butyltoluene, Cumene (Isopropyl Benzene), Cyclohexane, Diphenyl (Biphenyl), Ethyl Benzene, Furfural.

These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards.

Interested persons are invited to submit written data, views and arguments concerning these drafts or the program in general. Comments are requested concerning requirements of each section of the draft technical standards and alternatives to the provisions of each section. Information submitted in response to the Notice of Intent to Prepare An Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843) need not be resubmitted.

Communications should be submitted to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Room 260, 1726 M Street, NW., Washington, D.C. 20210, postmarked no later than March 5, 1975. The communications will be available for public inspection and copying, at the above location.

Copies of the draft technical standards on the above listed substances are available for inspection and copying, upon request, at the above address and at any of the following OSHA regional and area offices:

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building—Suite 15220
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, N.E.—Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
32nd Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street—Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue—Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building—Room 703
State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 426
55 Pleasant Street
Concord, New Hampshire 03301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 617B
450 Main Street
Hartford, Connecticut 06103

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse Building
436 Dwight Street—Room 501
Springfield, Massachusetts 01103

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street—Room 1405
New York, New York 10007

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 1435C
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
370 Old Country Road
Garden City, Long Island, New York 11530

U.S. Department of Labor
Occupational Safety and Health Administration
Condominium San Alberto Building
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Building
600 Arch Street—Room 4456
Philadelphia, Pennsylvania 19106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110–A
31 Hopkins Plaza—Charles Center
Baltimore, Maryland 21201

U.S. Department of Labor
Occupational Safety and Health Administration
Charleston National Plaza—Suite 1726
700 Virginia Street
Charleston, West Virginia 25301

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802—Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 6015
400 N. 8th Street—P.O. Box 10186
Richmond, Virginia 23240

U.S. Department of Labor
Occupational Safety and Health Administration
Building 10—Suite 33
La Vista Perimeter Park
Tucker, Georgia 30084

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building—Room 406
310 New Bern Avenue
Raleigh, North Carolina 27601

U.S. Department of Labor
Occupational Safety and Health Administration
Room 204—Bridge Building
3200 E. Oakland Park Boulevard
Fort Lauderdale, Florida 33308

U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203

U.S. Department of Labor
Occupational Safety and Health Administration
2809 Art Museum Drive
Art Museum Plaza—Suite 4
Jacksonville, Florida 32207

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall—2047 Canyon Road
Birmingham, Alabama 35216

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 554–E—600 Federal Place
Louisville, Kentucky 40202

U.S. Department of Labor
Occupational Safety and Health Administration
Enterprise Building—Suite 204
6605 Abercorn Street
Savannah, Georgia 31405

U.S. Department of Labor
Occupational Safety and Health Administration
Commerce Building—Room 600
118 North Royal Street
Mobile, Alabama 36602

U.S. Department of Labor
Occupational Safety and Health Administration
Riverside Plaza Shopping Center
2720 Riverside Drive
Macon, Georgia 31204

U.S. Department of Labor
Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29201

U.S. Department of Labor
Occupational Safety and Health Administration
650 Cleveland Street
Room 44
Clearwater, Florida 33515

U.S. Department of Labor
Occupational Safety and Health Administration
57601–55 North Frontage Road East
Jackson, Mississippi 39211

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
10th Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

U.S. Department of Labor
Occupational Safety and Health Administration
360 S. Third Street—Room 109
Columbus, Ohio 43215

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
200 Bagley Avenue
Detroit, Michigan 48226

U.S. Department of Labor
Occupational Safety and Health Administration
110 South Fourth Street—Room 437
Minneapolis, Minnesota 55401

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 4028—Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 734—Federal Office Building
234 N. Summit Street
Toledo, Ohio 43604

U.S. Department of Labor
Occupational Safety and Health Administration
Room 2118
2320 La Branch Street
Houston, Texas 77004

U.S. Department of Labor
Occupational Safety and Health Administration
Adolphus Tower—Suite 1820
1412 Main Street
Dallas, Texas 75202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 421—Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

U.S. Department of Labor
Occupational Safety and Health Administration
546 Carondelet Street—Room 202
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration
Room 512—Petroleum Building
420 South Boulder
Tulsa, Oklahoma 74103

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526—Donaghey Building
108 East 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
1015 Jackson Keller Road—Room 122
San Antonio, Texas 78213

U.S. Department of Labor
Occupational Safety and Health Administration
Room 302—Federal Building
421 Gold Avenue, S.W.
P.O. Box 1428
Albuquerque, New Mexico 87103

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Boulevard—Room 554
St. Louis, Missouri 63101

U.S. Department of Labor
Occupational Safety and Health Administration
Petroleum Building
221 South Broadway Street—Suite 312
Wichita, Kansas 67202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 643—210 Walnut Street
Des Moines, Iowa 50309

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Harney and 16th Street—Room 803
Omaha, Nebraska 68102

U.S. Department of Labor
Occupational Safety and Health Administration
113 West 6th Street
North Platte, Nebraska 69101

U.S. Department of Labor
Occupational Safety and Health Administration
8527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525—Petroleum Building
2812 1st Avenue—North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
Court House Plaza Building—Room 408
300 North Dakota Avenue
Sioux Falls, South Dakota 57102

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office Building—Room 452
350 South Main Street
Salt Lake City, Utah 84111

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U.S. Department of Labor
Occupational Safety and Health Administration
100 McAllister Street—Room 1706
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 318—Amerco Towers
2721 North Central Avenue
Phoenix, Arizona 85004

U.S. Department of Labor
Occupational Safety and Health Administration
333 Queen Street—Suite 505
Honolulu, Hawaii 96813

U.S. Department of Labor
Occupational Safety and Health Administration
1100 E. William Street
Suite 222
Carson City, Nevada 89701

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
121-107th Street, N.E.
Bellevue, Washington 98004

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 227
605 West 4th Avenue
Anchorage, Alaska 99501

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526—Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205

U.S. Department of Labor
Occupational Safety and Health Administration
228 Idaho Building
216 North 8th Street
Boise, Idaho 83702

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW
National Institute for Occupational Safety and Health
Room 10-A22, 5600 Fishers Lane
Rockville, Maryland

U.S. Department of HEW
National Institute for Occupational Safety and Health
1114 Commerce Street, Room 1612
Dallas, Texas 75202

U.S. Department of HEW
National Institute for Occupational Safety and Health
P.O. Box 13716
Philadelphia, Pennsylvania 19108

U.S. Department of HEW
National Institute for Occupational Safety and Health
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202

U.S. Department of HEW
National Institute for Occupational Safety and Health
50 Seventh Street, N.E.
Atlanta, Georgia 30323

U.S. Department of HEW
National Institute for Occupational Safety and Health
Arcade Building
1321 Second Street
Seattle, Washington 98101

U.S. Department of HEW
National Institute for Occupational Safety and Health
John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

U.S. Department of HEW
National Institute for Occupational Safety and Health
26 Federal Plaza
New York, New York 10007

U.S. Department of HEW
National Institute for Occupational Safety and Health
601 East 12th Street
Kansas City, Missouri 64106

U.S. Department of HEW
National Institute for Occupational Safety and Health
254 Federal Office Building
50 Fulton Street
San Francisco, California 94102

U.S. Department of HEW
National Institute for Occupational Safety and Health
300 South Wacker Drive
Chicago, Illinois 60607

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C., this 28th day of January 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-3019 Filed 1-31-75;8:45 am]

[29 CFR Part 1910]

CARCINOGENS: 4,4'-METHYLENE BIS (2-CHLOROANILINE)

Notice of Proposed Rulemaking

Pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (the "Act") (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations by adding the following standard concerning exposure of employees to 4,4'-Methylene bis (2-chloroaniline) as § 1910.93e. This proposal is issued pursuant to the remand of the United States Court of Appeals for the Third Circuit in *Synthetic Organic Chemical Manufacturers Association* v. *Brennan*, F. 2d (Nos. 74-1129, 74-1149, 74-1268, December 17, 1974).

Background. On May 22, 1972, the Deputy Assistant Secretary of Labor for Occupational Safety and Health requested information from the Director of the National Institute for Occupational Safety and Health (NIOSH) on nine substances alleged to be carcinogens. As part of his effort to gain the best available scientific data, the Director published on July 6, 1972, at 37 FR 13285, a request for information concerning 15 substances, including 4,4'-Methylene bis (2-chloroaniline). The data, arguments, and conclusions received by NIOSH were made available to the Occupational Safety and Health Administration (OSHA).

On January 4, 1973, a petition for an emergency temporary standard from the Oil, Chemical, and Atomic Workers Union (OCAW) and Health Research Group (HRG) was received by the Department of Labor. The petition contained relevant information on the danger of exposure to 10 carcinogens, and suggested regulations to prevent worker exposure to the substances.

On February 9, 1973, a notice was published in the FEDERAL REGISTER (38 FR 4037) of the receipt of the petition for issuance of an emergency temporary standard, and information was requested from interested persons on the issues involved. In response to the notice, more than 50 written comments were received.

Pursuant to section 6(c) of the Act (84 Stat. 1596, 29 U.S.C. 655), an emergency temporary standard on carcinogens was promulgated on May 3, 1973, at 38 FR 10929. The standard concerned work practices and controls designed to protect employees from exposure to 14 carcinogenic substances, including 4,4'-Methylene bis (2-chloroaniline).

A standards advisory committee on carcinogens was appointed and began its meetings on June 25, 1973. The members of the committee represented employers, employees, Federal and state agencies and professionals. The committee terminated its meetings on August 24, 1973, and submitted to the Assistant Secretary of Labor for Occupational Safety and Health its recommendations for a standard on certain carcinogens on August 27, 1973. The recommendations were published in the FEDERAL REGISTER on September 7, 1973 (38 FR 24375).

A rulemaking proceeding was conducted under section 6(b) and (c) of the Act, with the emergency temporary standard serving as a proposal as required by section 6(c)(3) of the Act. Notice of the proceeding was published in the FEDERAL REGISTER on July 16, 1973 (38 FR 18900). On July 27, 1973, a revision of the emergency temporary standard was published at 38 FR 20074, and an amended notice of rulemaking proceeding was published at 38 FR 22141, on August 16, 1973.

The notices invited interested persons to submit, prior to September 5, written comments, data and arguments concerning the proposals, and also provided for the presentation of oral testimony at a public hearing scheduled for September 11-14, 1973. Numerous written comments were received and about 36 parties testified at the hearing. The record of the hearing was initially held open until September 28, for additional comments. After the close and certification of the record by the administrative law judge, additional comments mailed on or before September 28 were received. On October 2 the judge reopened the record for the limited purpose of including these additional comments. On October 15, the judge closed the proceeding and forwarded the certified record to the Assistant Secretary of Labor for Occupational Safety and Health for final decision.

A final environmental impact statement on the proposed standard on carcinogens was filed with the Council on Environmental Quality on October 2, 1973, and copies were distributed to appropriate agencies. In a letter dated November 2, 1973, the Council pointed out alleged deficiencies in the statement filed. Pursuant to that letter, a supplement to the statement was sent to the Council on November 29, 1973, with a request for a waiver of the full, 30-day review period. By letter dated December 10, 1973, the Council advised that the request had been denied. Notice of the filing of the supplement was published by the Council on December 14, 1973 (38 FR 34488).

On January 29, 1974, OSHA promulgated final occupational safety and health standards on 14 carcinogens (39 FR 3756) based on the rulemaking proceeding which had been conducted. Separate standards were promulgated for each of the 14 substances, and were codified as §§ 1910.93c through 1910.93p. The standard on exposure to 4,4'-Methylene bis (2-chloroaniline) was contained in § 1910.93e and was republished on June 27, 1974 at 39 FR 23551.

Within 60 days after promulgation of the carcinogen standards, the Synthetic Organic Chemical Manufacturers Association (SOCMA), Polyurethane Manufacturers Association (PMA), and Oil, Chemical and Atomic Workers and Health Research Group (OCAW-HRG), petitioned under section 6(f) of the Act for review of various portions of the carcinogen standards. On August 26, 1974, the United States Court of Appeals for the Third Circuit handed down its decision in *Synthetic Organic Chemical Manufacturers Association* v. *Brennan*, 503 F. 2d 1155, (No. 74-1129), covering one of the 14 carcinogens, ethyleneimine ("EI"). The court upheld the Secretary's determination that EI is carcinogenic and upheld the standard, except as to the special provisions in the standard for laboratory activities. As to the laboratory requirements, the court found that adequate notice had not been given of OSHA's intention to make special provisions for laboratories, and therefore vacated and remanded these special provisions.

On December 17, 1974, the same court issued its decision in *Synthetic Organic Chemical Manufacturers* v. *Brennan*, F. 2d (Nos. 74-1129, 74-1149, 74-1268), disposing of the remaining challenges to the standards on carcinogens. The court, relying on its rationale in the first decision, upheld the Secretary's determinations concerning carcinogenicity of the substances involved, including 4,4'-Methylene bis (2-chloroaniline), and sustained the Secretary's various determinations on particular aspects of the standards. However, the court remanded the provisions on medical examinations in all the standards, because of the Secretary's failure to explain the lack of specificity in these requirements, and vacated the special provisions concerning laboratories, because of the lack of adequate notice. In addition, the court vacated the entire standard on 4,4(-Methylene bis (2-chloroaniline) (29 CFR 1910.93e) because, in the court's view, the procedure followed by OSHA in promulgating § 1910.93e did not comply with the statutory requirements. Specifically, the court held that the Secretary erred in not publishing a proposed regulation after receipt of the recommendations of the advisory committee, and that the public was not given adequate time to comment on the advisory committee's report.

Accordingly, the court vacated the standard on 4,4'-Methylene bis (2-chloroaniline) and remanded it for the publication of a proposed standard to be followed by the required procedures for public comment and hearing. While a petition for rehearing on this portion of the court's decision has been filed, this notice of proposed rulemaking is published pursuant to the court's mandate in order to assure effective protection of workers in the swiftest possible time. It is recognized, however, that action by the court on the Secretary's petition may necessitate changes in the proceedings initiated by this notice.

Proposed Standard. The proposal contained herein for the regulation of occupational exposure to 4,4'-Methylene bis (2-chloroaniline) is identical with the final standard on 4,4'-Methylene bis (2-chloroaniline) promulgated on January 29, 1974, and contained in § 1910.93e. That standard was issued after an extensive rulemaking proceeding which had formally commenced in May 1973 with the publication of the emergency temporary standard and which was based on the combined efforts of OSHA and NIOSH extending back at least a year before the promulgation of the emergency standard. All the evidence, testimony, comments, views and arguments developed during this extended period of of time, including the advisory committee recommendations, were considered in formulating the final standard. Accordingly, OSHA believes that the standard on 4,4'-Methylene bis (2-chloroaniline) promulgated on January 29, 1974, and vacated by the court on procedural grounds, serves as the best possible basis for the current proposal. In addition, the action of the court has created a gap in the significant protection afforded to employees by the carcinogen standards. The need to fill this gap as quickly as possible, consistent with the statutory procedures, further supports the wisdom of utilizing the promulgated standard as the proposal in this rulemaking proceeding. However, while we are proposing the same standard which was vacated by the court, the final standard which will issue as a result of this proceeding will be based on the entire record developed herein, including the record of the earlier proceeding.

The basis for the Secretary's finding that 4,4'-Methylene bis (2-chloroaniline) is a carcinogen and the explanation of and rationale for the various elements of this proposal are fully set out in the preamble to the carcinogen standards published at 39 FR 3756, and are incorporated by reference herein. The finding of carcinogenicity, based largely on extrapolation from animal data contained in the NIOSH hazard review document, was sustained by the court in its decision of December 17, 1974. The treatment of 4,4'-Methylene bis (2-chloroaniline) as a carcinogen in the proposal is based on the same considerations set out in the preamble to the carcinogen standards and affirmed by the court.

As noted, the terms of this proposal are identical with the final standard promulgated on January 29, 1974. Discussion and explanation of the particular elements of the proposal, such as the basic scheme of control through the use of isolated systems and closed systems, the exclusion of mixtures containing less than one percent of 4,4'-Methylene bis (2-chloroaniline) and the special provisions for premix solutions, the requirement for the establishment of regulated areas, the special provisions for maintenance and decontamination activities, emergencies, and laboratory activities, and the requirements for signs, information and training, medical surveillance and recordkeeping, are contained in the preamble to the final standard, incorporated herein by reference.

The proposal includes special provisions for laboratory activities, identical with those contained in the standard promulgated on January 29, 1974. The inclusion of these laboratory provisions in the proposal provides notice to all interested parties that special requirements for laboratories are contemplated and satisfies the court's mandate as to the laboratory provisions in the standard on 4,4'-Methylene bis (2-chloroaniline). A separate rulemaking proceeding will be instituted shortly to re-propose laboratory requirements for the 13 other carcinogen standards.

The court, in its decision of December 17, 1974, remanded, without vacating, the medical examination provisions of all the carcinogen standards because of the failure to explain the lack of specific requirements making these provisions effective. OSHA has requested NIOSH to develop, on an expedited basis, appropriate medical protocols for all 14 carcinogens. The specific medical requirements for each substance, when available from NIOSH, will be proposed as amendments to the carcinogen standards in a separate rulemaking proceeding. However, so as not to delay the filing of the gap created by the court's vacating the standard on 4,4'-Methylene bis (2-chloroaniline), and so as to provide the fullest medical protection possible based on the currently available information, this proposal is issued now with the same medical examination provisions as contained in the standard promulgated on January 29, 1974. The court's remand and the direction to provide greater specificity in the medical examination provisions will be complied with as soon as the necessary information becomes available to OSHA.

It was suggested during the court litigation on the carcinogen standards that

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the extent of the prohibition on open vessel operations is unclear. Section 1910.93e, as promulgated on January 29, 1974, and as proposed herein, contains the following definition of open-vessel system in paragraph (b)(13):

(13) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

Paragraph (c)(3) provides that "open vessel system operations as defined in paragraph (b)(13) of this section are prohibited." Thus, the proposal would prohibit only those open vessel operations defined as such in paragraph (b)(13), and would permit open vessel operations if they are conducted in an isolated system, a laboratory type hood, or in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into the surrounding atmosphere.

As noted above, draft and final environmental impact statements on the carcinogen standards were prepared during the course of the first rulemaking proceeding. Since the proposal issued herein is identical with the standard promulgated as a result of the rulemaking proceeding, the Director of the Office of Standards Development has determined that it is likely that all relevant environmental impacts of this proposal have already been considered. Accordingly, no new draft environmental impact statement will be prepared for this proceeding. However, pursuant to the regulations in 29 CFR Part 1999, the environmental impact of this proposal is an issue in the proceeding. If significant new information concerning the environmental impact of this proposal becomes available, the Director of the Office of Standards may supplement or amend the final environmental impact statement, pursuant to 29 CFR 1999.5(h).

Interested persons are invited to submit written data, views, or arguments concerning the proposed standard, postmarked on or before March 10, 1975. Written comments must be submitted in quadruplicate to OSHA Committee Management Office, Docket OSH-70, 1726 M Street, NW., Room 260, U.S. Department of Labor, Washington, D.C. 20210 (Phone: (202) 961-2248 or 2487). The data, views and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record of this proceeding. Data, views and arguments submitted during the first rulemaking proceeding on the carcinogen standards, including the advisory committee report, will be made a part of the record of this proceeding and need not be resubmitted. They will also be available for inspection and copying at the above address.

In order to expedite this rulemaking proceeding and in anticipation of requests for a hearing, we are scheduling an informal public hearing, pursuant to section 6(b) of the Act and 29 CFR Part 1911, to begin on April 1, 1975 in the Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D.C. 20210. All aspects of the proposed standard, including environmental impact, will be at issue in the hearing. Beginning at 9:30 a.m. e.d.t. on April 1, 1975, the presiding Administrative Law Judge will hold a pre-hearing conference in order to settle any matters relating to the proceeding. All persons intending to make presentations should attend the pre-hearing conference which is open to the public. The hearing will be conducted, and the decisions made, in accordance with 29 CFR Part 1911.

Persons desiring to appear at the hearing must file a notice of intention to appear on or before March 18, 1975 with OSHA Committee Management Office, Docket OSH-70, 1726 M Street, NW., Room 260, U.S. Department of Labor, Washington, D.C. 20210 (Phone: 202-961-2248 or 2487). The notice must contain the following information:

(1) The name and address of the person to appear;
(2) The capacity in which he will appear;
(3) The approximate amount of time required for the presentation;
(4) The specific provisions of the proposal that will be addressed;
(5) A brief statement of the position that will be taken with respect to each provision addressed; and
(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceedings;
(b) To dispose of procedural requests, objections, and comparable matters;
(c) To confine the presentations to matters pertinent to the proposed standard;
(d) To regulate the conduct of those present at the hearing by appropriate means;
(e) In his discretion, to question, and permit questioning of any witnesses; and
(f) In his discretion, to keep the record open for a reasonable, stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposed standard will be reviewed after consideration of all relevant oral and written information, data, views, or arguments, including the record of the earlier proceeding, and may be adopted with or without changes.

Accordingly, pursuant to sections 6(b) and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations by adding § 1910.93e as set forth below.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657) Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911)

Signed at Washington, D.C. this 27th day of January, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

§ 1910.93e 4,4'-Methylene bis(2-chloroaniline).

(a) *Scope and application.* (1) This section applies to any area in which 4,4'-Methylene bis(2-chloroaniline), Chemical Abstracts Service Registry Number 101144 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 4,4'-Methylene bis(2-chloroaniline).

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4,4'-Methylene bis(2-chloroaniline). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4,4'-Methylene bis(2-chloroaniline) where containment prevents the release of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4,4'-Methylene bis(2-chloroaniline) or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4,4'-Methylene bis(2-chloroaniline) from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4,4'-Methylene bis(2-chloroaniline) which may result in exposure to or contact with 4,4'-Methylene bis(2-chloroaniline).

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 4,4'-Methylene bis (2-chloroaniline), which is impervious to the passage of 4,4'-Methylene bis (2-chloroaniline), and which would prevent the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average liner face velocity of 150 feet per minute with a minimum of 125 feet per minute: designed, constructed, and maintained in such a way that an operation involving 4,4'-Methylene bis(2-chloroaniline) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4,4'-Methylene bis(2-chloroaniline).

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4,4'-Methylene bis (2-chloroaniline).* A regulated area shall be established by an employer where 4,4'-Methylene bis(2-chloroaniline) is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4,4'-Methylene bis(2-chloroaniline) within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4,4'-Methylene bis(2-chloroaniline) is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4,4'-Methylene bis(2-chloroaniline) is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4,4'-Methylene bis(2-chloroaniline) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4,4'-Methylene bis(2-chloroaniline) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4,4'-Methylene bis(2-chloroaniline) could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood:

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4,4'-Methylene bis (2-chloroaniline). (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 4,4'-Methylene bis(2-chloroaniline) is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 4,4'-Methylene bis(2-chloroaniline) shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e)(2), (3), and (4) of this section.

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(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 4,4'-Methylene bis(2-chloroaniline) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 4,4'-Methylene bis (2-chloroaniline) shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(7) *Premixed solutions.* Where 4,4'-Methylene bis(2-chloroaniline) is present only in a single solution at a temperature not exceeding 120°F. the establishment of a regulated area is not required; however, (i) Only authorized employes shall be permitted to handle such materials;

(ii) Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the processes used;

(iii) Employees shall be required to remove and leave protective clothing and equipment when leaving the work area at the end of the work day, or at any time solution is spilled on such clothing or equipment. Used clothing and equipment shall be placed in impervious containers for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section;

(iv) Employees shall be required to wash hands and face after removing such clothing and equipment and before engaging in other activities;

(v) Employees assigned to work covered by this subparagraph shall be deemed to be working in regulated areas for the purposes of paragraphs (d) (1), (2), (3) (i) and (ii), and (4) (iii) and (iv), (e), (f), and (g) of this section;

(vi) Work areas where solution may be spilled shall be (*a*) covered daily or after any spill with a clean covering; or

(*b*) Cleaned thoroughly daily and after any spill.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (f) (2) of this section.

(iv) Where an employee has a known contact with 4,4'-Methylene bis(2-chloroaniline) such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f) (2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(iii) Where employees are required by this section to shower, facilities shall be provided in accordance with § 1910.141 (d) (3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4,4'-Methylene bis(2-chloroaniline) from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c) (5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIES HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exist from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4,4'-Methylene bis(2-chloroaniline) and containers required under paragraphs (c) (4) (v) and (c) (6) (vii) (b), and (c) (6) (viii) (b) and (c) (7) (iii) of this section which are accessible only to, and handled only by authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4,4'-Methylene bis(2-chloroaniline) and containers required under paragraphs (c) (4) (v), (c) (6) (vii) (b), and (c) (6) (viii) (b) and (c) (7) (iii) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph 5 of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a) (1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4,4'-Methylene bis(2-chloroaniline) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of 4,4'-Methylene bis(2-chloroaniline), including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4,4'-Methylene bis(2-chloroaniline) which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4,4'-Methylene bis(2-chloroaniline);

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(f) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area:

(ii) The name(s) and other identifying information as to the presence of 4,4'-Methylene bis(2-chloroaniline) in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4,4'-Methylene bis(2-chloroaniline) is present in each regulated area: e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4,4'-Methylene bis(2-chloroaniline) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph (1). A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(g) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

[FR Doc.75-3021 Filed 1-31-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Edenton, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 5, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Edenton transition area described in § 71.181 (40 FR 441) would be amended as follows:

"• • • north of the RBN • • •" would be deleted and "• • • north of the RBN: within a 6.5-mile radius of Plymouth Municipal Airport (Lat. 35°48'30" N., Long. 76°-45'36" W.); within 3 miles each side of the 205° bearing from Plymouth RBN (Lat. 35°-48'23" N., Long. 76°45'30" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Plymouth Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Plymouth (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-2993 Filed 1-31-75;8:45 am]

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National Highway Traffic Safety Administration

[49 CFR Parts 571, 581]

[Docket No. 74–11, Notice 7; Docket No. 73–19, Notice 6]

MOTOR VEHICLE SAFETY AND DAMAGE STANDARDS

Bumper Requirements; Extension of Comment Period and Scheduling of Public Hearing

The purpose of this notice is to extend the period for submission of comments to the notice published January 2, 1975 (40 FR 10), proposing to amend 49 CFR Part 581, the proposed front and rear end damageability ("bumper") standard, and to schedule a public hearing on the subject matter of the notice.

In the notice, the National Highway Traffic Safety Administration (NHTSA) proposed an immediate reduction in the test requirements of the current bumper standard (Standard No. 215, 49 CFR Part 571.215) and an integration of its provisions into the proposed Part 581 (July 9, 1974, 39 FR 25237). The NHTSA's action was predicated on the results of two agency-conducted cost benefit studies that indicated the current bumper standard was no longer cost beneficial due to the cost and weight of current bumper systems and factors related to inflation and increasing shortages of certain materials, including gasoline. The closing date for the submission of comments was initially set for February 12, 1975.

Petitions have been received from American Motors, General Motors, and the Motor Vehicle Manufacturers Association requesting that the comment period be extended 90 days to allow additional time for preparation of comments to that portion of the notice proposing requirements to be effective September 1, 1978 and September 1, 1979. In addition, considerable Congressional interest in the proposed rulemaking has been manifested. Senator Warren Magnuson criticized the proposed amendment stating that means capable of reducing vehicle weight and cost are available which would not require a lowering of the performance level of bumpers. Requests for an overall extension of the comment period have also been received from some members of Congress. Representative John Moss urged an extension of the comment period until April 1, 1975, and the scheduling of a public hearing to take testimony on the proposed rulemaking. The National Association of Independent Insurers, the American Insurance Association, and certain individual insurance companies not affiliated with trade organizations have expressed a position consistent with that of Congressman Moss by calling for a public hearing and a comment period extension.

In light of the controversy surrounding the proposal and the large number of requests for delay in the expiration of the comment period, the NHTSA hereby extends the period for comments until March 3, 1975, and schedules a public hearing for February 18 and 19, 1975. The public meeting will serve as a forum for discussion of the proposed requirements and will permit interested persons to make oral or written presentations.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Guy Hunter, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (telephone 202–426–2265), before February 12, 1975, so that limitations (if necessary) and the need for special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C., approximately 3 days after the meeting.

The meeting will be held at the U.S. Department of Commerce Auditorium, 14th Street and Constitution Avenue, NW., Washington, D.C. The meeting will be in session from 9:30 a.m. to 5 p.m. on February 18, 1975, and, depending on the requests for time, during the same hours on February 19, 1975.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 102, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1912); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on January 30, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75–3144 Filed 1–31–75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

[36 CFR Part 603]

FREEDOM OF INFORMATION FEES

Schedule of Fees

The American Revolution Bicentennial Administration (ARBA) is considering publishing in Title 36, Chapter VI of the Code of Federal Regulations the following regulations concerning the schedule of fees and methods of payment for services rendered under the Freedom of Information Act, as amended (5 U.S.C. 552).

The Freedom of Information Act was amended by Pub. L. 93–502, 88 Stat. 1561, to provide, among other things, that fees for document search and duplication in response to requests under that Act provide for recovery of only direct costs of search and duplication by means of reasonable standard charges.

Interested persons are invited to submit written comments to the General Counsel, American Revolution Bicentennial Administration, 2401 E Street, NW., Washington, D.C. 20276. Comments received on or before March 5, 1975 will be considered before final action is taken on this proposal. Copies of all written comments will be available for examination by interested parties in Room 7240, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

The present schedule of fees for services performed in response to requests for records under the Freedom of Information Act was published in Volume 37, No. 104 of the FEDERAL REGISTER of May 27, 1972.

Section 603.105 is proposed as follows:

§ 603.105 Schedule of fees and method of payment for services rendered.

(a) Fee schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—$5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than one hour.

(2) Duplication of records—Records will be duplicated at a rate of $0.25 per page for all copying of four pages or more. There is no charge for duplicating three or less pages.

(3) Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Deputy Administrator is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A–25. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the ARBA at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the ARBA determines that a record which has been requested, but which is exempt from disclosure under this part, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25., and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25., an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with knowledgeable ARBA personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the ARBA until a reply is received from the requester.

(d) Fees must be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests for which the ARBA was unable to find or provide the requested information (see b. above), copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasurer of the United States and mailed to the Deputy Administrator, American Revolution Bicentennial Administration, 2401 E Street, NW., Washington, D.C. 20276.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(g) The Deputy Administrator, or an officer designated by the Deputy Administrator may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Deputy Administrator or the designated officer deems it to be in either the ARBA's interest or in the general public's interest.

JOHN W. WARNER,
Administrator.

JANUARY 28, 1975.

[FR Doc.75–3083 Filed 1–31–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[FCC 75–87; Docket No. 20337, RM–2296]

FM BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Baxley, Sandersville and Sparta, Georgia).

1. The backlog of petitions for amendment of the FM Table of Channel Assignments (§ 73.202(b)) prompts the Commission to embark upon expediting procedures which if successful will substantially compress the amount of time required to process such petitions from receipt to final disposition.

2. On December 4, 1974, the Commission adopted an Order (FCC 74–1334) amending Part 1 of the rules relating to practice and procedures in rule making proceedings, wherein § 1.401 was amended to permit a petitioner seeking amendment of the FM or TV Table of Assignments to submit a draft notice of proposed rule making with his petition. We believe this amendment can expedite action on future petitions. However, it does not compress the processing time for those petitions currently backlogged. Therefore, in the interest of expediting action on backlogged petitions we shall, where possible, follow a format in issuing notices of proposed rule making which will include the minimum amount of data deemed necessary to solicit meaningful comments upon which to base a final decision. This is the first Notice to which the format has been applied. The format should not be considered fixed since usage may dictate changes or abandonment.

3. *Petitioner, Proposal and Comments.* (a) Petition for rulemaking filed December 4, 1973, by WHAB Radio, Inc. (WRI), Baxley, Georgia, proposed to assign Class C Channel 234 to Baxley. In order to accommodate this assignment, it also proposed to substitute Channel 237A for Channel 249A at Ocilla, Georgia.

(b) By letter dated January 28, 1974, counsel for the Broadcast Good Music Committee (BGMC) pointed to a conflict between an application (BPH–8716) for use of Channel 237A at Fitzgerald, Georgia, and the petition for assignment of Channel 234 to Baxley, Georgia.

(c) WRI, on July 9, 1974, amended its petition with new engineering data proposing Channel 233 in lieu of Channel 234 for Baxley. In order to accommodate this assignment, it also proposed the substitution of Channel 228A for 232A at Sandersville, Georgia, and substitution of Channel 244A for 228A at Sparta, Georgia. (Channels 232A and 228A are assigned but unapplied for.)

4. *Demographic Data.*

Location: Baxley, in the County of Appling, Georgia, is approximately 73 miles west southwest of Savannah, and 38 miles north of Waycross.

Population (1970 Census): Baxley 3,503; Appling County 12,726.

Local Broadcast Service: one, petitioner's 5 kW daytime Station WUFE, 1260 kHz.

Manufacturing: 28 plants in and around Baxley with clothing mills and factories predominating.

Bank Deposits: total approximately $10,000,000.

Retail Stores: 56 with annual receipts of $758,000.

Churches: 60 Protestant, one Catholic Parish.

Civic and Fraternal Clubs: Jaycees, Lions, Kiwanis, Exchange Club, Woodmen, VFW and American Legion.

5. *Proposed Service.* Channel 233 at Baxley with operating power of 75 kW and antenna located 500 ft. above average terrain would provide:

First FM service to 7,968 persons in a 641.6 square mile area;

Second FM service to 25,531 persons in a 751.4 square mile area;

Third FM service to 20,861 persons in a 1,313.1 square mile area.

6. *Mileage Separations.* Assign Channel 233 at Baxley, Georgia—no short spacings on Channels 230 through 236.

Substitute Channel 228A for 232A at Sandersville, Georgia—no short spacings on Channels 225 through 231. (Meets required separation of 105 miles to WFDR, Channel 222, Manchester, Georgia.)

Substitute Channel 244A for Channel 228A at Sparta, Georgia—no short spacings provided transmitter site is at least 1.2 miles northeast of the community.

7. *Preclusions.* If Channel 233 is assigned to Baxley, Georgia, one community, namely, Screvan, Georgia, with a 1970 population of 936 persons, would be precluded from using Channel 234. No community larger than Baxley will be precluded.

8. *Other FM Broadcast Services.* Applying the Roanoke Rapids-Goldsboro doctrine (9 F.C.C. 2d 672 (1967)) petitioner shows that fourteen operating FM stations or assignments would provide service inside the 1 mV/m contour of a Baxley facility operating at 75 kW ERP from a height of 500 AAT. Baxley is shown not to lie inside the 1 mV/m contour of any of the fourteen stations or assignments.

9. *Class C vs. Class A Channel.* Petitioner supports assignment of Class C channel to Baxley on the basis that there are presently no Class A channels that can be used at Baxley that would not cause the deletion of or changes in channel assignments elsewhere or changes in proposed rule making petitions. Additional support on this issue is requested from petitioner.

10. Petitioner states that as soon as Channel 233 is assigned to Baxley it will file application therefor, and upon grant, will construct an FM station promptly.

11. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No. Present	Channel No. Proposed
Baxley, Ga.		233
Sandersville, Ga.	232A	228A
Sparta, Ga.	228A	244A

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated herein.

13. Interested parties may file comments on or before March 21, 1975, and reply comments on or before April 10, 1975.

Adopted: January 21, 1975.

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the notice of proposed rule making to which this Appendix is attached. Proponent will be expected to answer whatever questions are

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presented in initial comments. The proponent of the proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

5. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-3038 Filed 1-31-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20339; RM-2228; RM-2323]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Cleveland, Athens, Etowah, and South Pittsburg, Tennessee).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations) as concerns the petitions of WBAC, Inc., Cleveland, Tennessee (WBAC), McMinn Broadcasters, Inc., Etowah, Tennessee (McMinn), and Marion County Broadcasting Service, Inc., South Pittsburg, Tennessee (Marion County), variously proposing the assignment of Channels 252A and 269A.

2. WBAC, licensee of Class IV AM Station WBAC at Cleveland, proposes the assignment of Channel 252A to Cleveland. This requires the deletion of that channel at Athens, Tennessee, for which WBAC proposes substitution of Channel 269A (RM-2228).[1] McMinn, licensee of daytime-only AM Station WCPH at Etowah, counterproposes that Channel 269A be assigned to Etowah which is about 10 miles southeast of Athens. Marion County, licensee of daytime-only AM Station WEPG at South Pittsburg, proposes the assignment of Channel 269A to South Pittsburg (RM-2323). In relationship to Chattanooga, South Pittsburg is approximately 23 miles west, Cleveland about 25 miles east northeast, Etowah and Athens about 42 and 45 miles to the northeast.

3. The following table sets forth the population of each city,[2] the county in which located (and the population thereof), and the nature of broadcast service in each community, as well as present FM channel assignments:

[2] All population data are from the 1970 U.S. Census.

City	Population	County	County population	Aural B/C service	FM channels presently assigned
South Pittsburg	3,613	Marion	20,557	WEPG (daytime only)	
Cleveland [1]	20,651	Bradley	50,686	WBAC (class IV); WCLE (daytime only); WCLE-FM (channel 264).	264
Etowah	3,736	McMinn	35,462	WCPH (daytime only)	
Athens	11,790	do	35,462	WYXI (daytime only); WLAR (class IV).	252A

[1] County seat.

4. *RM-2228.* As already noted, WBAC is the licensee of daytime-only Station WBAC at Cleveland. In support of its petition, WBAC states that the rapid growths of Cleveland and Bradley County in the 1960–70 decade (the population increase of the city was 27.5% and that of the county 32.3%) are quickly outstripping present communications facilities. Thus, WBAC proposes the assignment of Channel 252A to Cleveland, which requires the deletion of that channel's assignment at Athens, Tennessee, and for which WBAC proposes the substitution of Channel 269A. In this respect, Channel 252A would have to be sited four miles northwest of the center of Cleveland. WBAC has adduced information as to the socio-political character of Cleveland, which we need not detail here. WBAC originally petitioned for assignment of Channel 269A to Cleveland as a drop-in assignment (see fn. 1), but when the Commission staff pointed out that a station on Channel 269A would have to be sited appreciably north of the city in order to meet mileage spacing to Station WBIE-FM, Channel 268, Marietta, Georgia, and Channel 272A at Soddy-Daisy[3], and that the terrain possibly affected the ability of a station so sited to place a principal community signal (70 dBu) over Cleveland, WBAC amended its petition to specify Channel 252A at Cleveland.

5. McMinn opposes WBAC's proposal to substitute Channel 269A at Athens because of the conflict with its own petition[4] for that channel for Etowah on the basis that the latter has no nighttime aural service while Cleveland has two nighttime aural broadcast services (WBAC and WCLE-FM). McMinn asserts a greater Section 307(b) need for the channel at Etowah. McMinn also sets forth demographic data about Etowah and McMinn County. In further pleadings, WBAC argues that McMinn's petition should be dismissed, since that party could apply for any channel assigned to Athens under the 10-mile rule (Section 73.203(b)). McMinn disputes WBAC's contentions: it says that Channel 252A may not be used at Etowah because of the need to meet the 105-mile adjacent channel spacing to Station WBFM(FM), Channel 251, Seneca, South Carolina (the actual spacing is 97 miles); and, as concerns the proposed substitution of Channel 269A for 252A at Athens, McMinn says that because of a pending application for Channel 252A at Athens it is barred from applying for use of Channel 269A at Etowah inasmuch as the Athens applicant is entitled to a show cause order because in hearing (see para. 7 below).

6. *RM-2323.* Marion County, in support of its petition, argues that daytime-only Station WEPG is unable to serve the nighttime local needs of South Pittsburg particularly in view of the fact that the workers of the many nearby industries which operate on two shifts depend on radio information for weather and road conditions. In this respect, the petitioner points out that there are repeated floodings (of the Tennessee River and its tributaries) in Marion County (for example, Marion County was officially designated a National Disaster Area because of flooding in March 1973, when hundreds of homes were evacuated and damage was estimated at $2.5 million). Petitioner states that it is ready, willing, and able to promptly proceed to apply for and build a station if Channel 269A is assigned to South Pittsburg, which it asserts is the only FM channel available for assignment to that community. We are told that South Pittsburg, the seat of Marion County, is a community located in South Central Tennessee on I-24, the main route from Chattanooga to Nashville, about 23 miles west of Chattanooga and three miles north of the Alabama border, that it is an industrial, commercial, and trade center of Marion County and the northern part of Jackson County, Alabama, and that the authorized construction of a bridge over the Tennessee River at South Pittsburg will increase the number of industrial and commercial jobs in the area. Petitioner also asserts that the 1970 Census figure is not truly indicative of population, for the towns of Richard City (population 132) and Kimball (population 807) which are adjacent to, and utilize municipally operated facilities, schools, libraries and other South Pittsburg's services should be included, which increases the population to 4,552. Information has also been adduced as to socio-political nature of South Pittsburg and its econmic growth.

7. The WBAC and McMinn proposals are in direct conflict since Channel 269A cannot be assigned to both Athens and Etowah. As McMinn has shown, Channel 252A may not be used at Etowah because of the adjacent mileage separation requirement to Station WBFM(FM), Seneca, South Carolina. However, if Channel 269A is assigned to Athens, McMinn may apply for it under the 10-mile rule. (The outstanding application for Channel 252A that was in hearing status has been dismissed; see 3 J's Broadcasting Company, 41 F.C.C. 2d 664 (1973).[5] The proposal of Marion County to assign Channel 269A to South Pittsburg is considered here because of the proximity to Athens and Etowah for which the same channel is variously proposed.

8. The fundamental issue here is whether a second FM channel should be assigned to Cleveland or a first channel assignment should be made to Etowah. Relevant is Policy to Govern Requests For Additional FM Assignments, 8 F.C.C. 2d 79 (1967), which requires a convincing showing of need for the proposed assignment to Cleveland.

9. A sufficient showing has been made that the public interest, convenience, and necessity might be served by the consideration of the proposed channel assignments. To the extent that there is a conflict, one of two possible solutions could be made. One is to assign Channel 269A to both South Pittsburg and Etowah as first assignments, make no change at Athens, and deny the petition of WBAC to assign an additional channel to Cleveland. The other is to assign Channel 269A to South Pittsburg, assign Channel 252A at Cleveland, and substitute Channel 269A at Athens. Under this alternative, McMinn could apply for use of the Athens 269A assignment at Etowah under the 10-mile rule.

10. In view of the foregoing, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, in either of the following manners as concerns the named communities:

City	Channel No. Present	Channel No. Proposed
PLAN I		
Etowah, Tenn.		269A
South Pittsburg, Tenn.		269A
or		
PLAN II		
Cleveland, Tenn.	264	252A, 296
Athens, Tenn.	252A	264A
South Pittsburg, Tenn.		269A

Authority for the action taken herein may be found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations.

11. *Showings required.* Comments are invited as to the proposals and issues referred to above. WBAC, Inc. and McMinn Broadcasters, Inc. should particularly address themselves to the question whether there should be a second FM channel assignment at Cleveland as opposed to a first one at Etowah. The parties to this proceeding may incorporate by reference data and information already adduced in the pleadings before us. Each should affirm that it is ready, willing, and able to promptly proceed to apply for a channel if the channel assignment is made to the particular community and to promptly build a station if a construction permit is granted. Failure to file comments or address the issues raised may result in dismissal.

12. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (Section 1.420(d).)

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

13. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments on or before March 17, 1975, and reply comments on or before April 7, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. These will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: January 17, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-3040 Filed 1-31-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20338; RM-2333]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Portage, Michigan).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations) with respect to the petition of Robert B. Taylor, licensee of daytime-only AM Station WBUK, Portage, Michigan, proposing the assignment of Channel 299 to Portage, Michigan, as its first FM channel assignment.

2. Portage (population 33,950) is located in Kalamazoo County (population 201,550) and is contiguous to Kalamazoo (population 85,555).[1] During the last two decades Portage experienced steady growth from a community with a population of 7,946 (1950 Census) to 20,181 (1960 Census) to 33,950 (1970 Census). During the same period Kalamazoo's growth increased from 57,704 (1950 Census) to 82,089 (1960 Census) to 85,555 (1970 Census).

3. Petitioner attributes Portage's growth, in part, to the location of the Upjohn Co., a manufacturer of pharmaceutical supplies, within the community. Other manufacturing industries have also settled in the area. Portage was proclaimed a city in 1964 by legislative action and is presently governed under a council manager system which consists of seven councilmen, including a mayor, and a hired city manager. The city has a 42-man police force; a fire department with 17 paid firemen and 30 volunteers; a school system of 10,847 students, 16 schools, 549 staff members, and 60 buses; and a library containing 30,000 books.

4. Currently, Portage is served by one local AM radio station, WBUK, (Class II, daytime-only), and by four Class III AM stations (2 daytime-only and 2 unlimited-time) and 2 FM stations (one educational station operating on a commercial channel) which are situated in Kalamazoo.

5. With respect to the technical feasibility of a Portage FM channel assignment, the transmitting antenna would have to be placed at least 13 miles southeast of the community. Since Portage is within 250 miles of the Canada-United States border, Canadian approval of the

[1] Population figures are from the 1970 Census unless otherwise specified.

[1] This party originally proposed assignment of Channel 269A to Cleveland. In response to a Commission inquiry asking for further information as to the availability of a transmitter site, WBAC amended its petition to specify Channel 252A at Cleveland.

[3] Four applications are now pending for that channel.

[4] McMinn filed "Comments on Petition for Rule Making Or, in the Alternative, Petition for Rule Making."

[5] The mutually exclusive application of Athens Broadcasting, Inc., has been voluntarily dismissed previously.

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proposal is required according to the Working Agreement under the Canadian-United States FM Agreement of 1947.

6. The preclusion study reveals that preclusion occurs on Channels 296A and 299. The area precluded on Channel 296A as a result of the proposed assignment affects a very small region northwest of Coldwater, Michigan (population 9,099). Coldwater is already served by AM Station WTUB (Class III, unlimited-time) and FM Station WANG (Channel 253). Petitioner asserts that there is no city in this precluded area and any use of Channel 296A in this area would be limited to a Coldwater license.

7. The preclusion occurring on Channel 299 affects an area southeast of Portage containing the communities of Sturgis (population 9,295), Colon (population 1,172) and Bronson (population 2,390). Sturgis is assigned unlimited-time AM Station WSTR (Class IV) and FM Channel 257A (WSTR–FM). Colon and Bronson are without local aural service. Petitioner does not state whether or not alternate channels are available for these communities. He should supply such information in his comments.

8. The Commission notes that petitioner has represented that he will promptly apply for a construction permit for such channel, and, if awarded a permit, will construct and operate a station.

9. Petitioner has furnished a showing based upon Roanoke Rapids criteria[1] which asserts that the Portage assignment has the potential of bringing a second FM service to 9,010 persons in a 48.7 square-mile area. No first FM service would be offered.

10. Petitioner avers that he has no intention of operating the proposed FM broadcasting station as a Kalamazoo facility.[2] He feels that assignment of the proposed channel would provide needed local service. In passing, Petitioner further notes that, Kalamazoo, itself, is not overserved in FM station assignments since only two assignments exist and one of these is used for educational purposes exclusively.

11. Accordingly, in view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend the FM Table of Assignments, section 73.202(b) of the Commission's Rules and Regulations as follows:

City	Channel No.	
	Present	Proposed
Portage, Mich.		299

[1] *Roanoke Rapids-Goldsboro, North Carolina*, 9 F.C.C. 2d 672 (1967).

[2] The Commission nevertheless notes the potential existence of a so-called Berwick issue, Berwick Broadcasting Corp., et al., 12 F.C.C. 2d 8 (1968), whether local service is the realistic intention of the applicant where the locality is a suburb of a larger community.

12. *Showings required.* Comments are invited on the proposal discussed above. Petitioner is expected to file comments even if only to resubmit or incorporate by reference his former pleadings. He should reaffirm his present intention to apply for the channel if it is assigned and, if authorized, to construct the station promptly. Failure to file may lead to denial of the request.

13. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date of filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 17, 1975, and reply comments on or before April 7, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

15. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

16. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: January 17, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-3041 Filed 1-31-75;8:45 am]

[47 CFR Part 73]

FM BROADCAST STATIONS

[Docket No. 20185; RM-1510]

Table of Assignments

In the Matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations (Schulenberg, Texas).

1. We here consider the notice of proposed rule making, adopted September 9, 1974 (39 Fed. Reg. 33240), proposing the assignment of Channel 272A to Schulenberg, Texas, and accordingly amending the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations). This proopsal was based on the petition of Dr. A. J. A. Watzlavick.

2. Consideration of the petition had been deferred pending the negotiation, adoption, and implementation of the United States-Mexico FM Broadcasting Agreement, effective August 9, 1973 (see 43 F.C.C. 2d 293 (1973); and 46 F.C.C. 2d 153 (1974). Because of changed circumstances, the petitioner has been afforded an opportunity to amend or supplement his petition (see Public Notice, adopted April 11, 1974 (Mimeo No. 20582)). Although Dr. Watzlavick did not avail himself of that opportunity, a Notice of Proposed Rule Making was adopted. It set forth pertinent information about the population (2,294[1]), the nature of broadcast service, and other data about Schulenberg (e.g., located in Fayette County, population 17,650). The times to file comments and reply comments expired November 4 and 25, 1974, respectively.

3. Neither the petitioner nor anyone else filed comments. In view of our policy to assign an FM channel to a city of less than 10,000 population only if someone is ready, willing, and able to promptly proceed to apply for the channel if it is assigned and to apply if the application is granted, it is appropriate to dismiss this proceeding.

4. Accordingly, it is ordered, That pursuant to authority contained in Sections 4(i), 303(r) of the Communications Act of 1934, as amended, the petition of Dr. A. J. A. Watzlavick (RM–1510) is dismissed.

5. It is further ordered, That this proceeding is terminated.

Adopted: January 15, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3039 Filed 1-31-75;8:45 am]

[1] All population data are from the 1970 U.S. Census.

[47 CFR Part 81]

[Docket No. 20340; RM No. 1893]

MARINE RADAR EQUIPMENT

Notice of Proposed Rule Making

In the Matter of amendment of Part 81 of the Commission's rules to provide for the demonstration of marine radar equipment.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Electra Marine Demonstrators, Inc. (Electra) has filed a petition for rule making to provide for the licensing of marine radar demonstrators under the provisions of Part 81 of the Commission's rules. Electra is engaged in the sale of type approved marine radar equipment and demonstrates this equipment to prospective customers under its experimental radio licenses in accordance with § 5.254 of the rules. This section imposes stringent conditions precedent on experimental licensees before they can operate their stations in order to alleviate potential harmful interference to other users.

3. The petitioner claims that these restrictions are burdensome and unnecessary for the demonstration of type approved marine radar equipment using frequencies specified in Parts 81 and 83 of the rules.

4. The purpose of the proposed rule amendment is to avoid the conditions necessarily imposed on experimental radio activities which may not be necessary for the demonstration of type approved equipment for sale purposes.

5. Licensing of type approved marine radar equipment for demonstration purposes under Part 81 appears appropriate provided limited conditions are established to enable the Commission to timely proscribe those demonstrations which would cause interference. Accordingly, we are proposing amendment to Part 81 to allow licensing of type approved marine radar equipment for demonstration purposes.

6. The proposed amendments, as set forth in the attached Appendix, are issued pursuant to the authority contained in sections 4(i), 303 (b), (d), (e), (f), (j) and (r) and 318 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 7, 1975, and reply comments on or before March 17, 1975. All relevant and timely filed comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: January 22, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. A new paragraph (r) is added to § 81.4 to read as follows:

§ 81.4 Maritime radiodetermination service.

* * * * * *

(r) Shore radar test station.

A shore radar station used solely for the demonstration of maritime radar apparatus.

2. A new § 81.404 is added to read as follows:

§ 81.404 Shore radar test stations.

Sales equipment demonstrators shall, at least 24 hours prior to the date of any equipment demonstration, notify the Commission's Engineer-in-Charge of the District Office in which the station is to be operative of the following:

(a) The name of the licensee;

(b) The operating power, emission, bandwidth, and radio frequency;

(c) The name and telephone number of a person, who can establish prompt communications on a 24-hour basis, with the equipment operator to coordinate compliance with Section 81.175 of the Commission's rules;

(d) The anticipated itinerary of the equipment operator, including approximate dates and geographic locations; and

(e) Shore radar test stations authorized under this part are secondary and shall not cause interference to any other station authorized in accordance with the Table of Frequency Allocations.

[FR Doc.75-3042 Filed 1-31-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 13)]

CONTESTED APPLICATIONS

Requirements for Withdrawal or Dismissal

JANUARY 29, 1974.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of January, 1975.

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act) for the purpose of amending rule 247(f) (49 CFR 1100.247(f)) so as to impose stronger sanctions upon applicants who voluntarily withdraw an application less than 45 days prior to hearing or who fail to appear and prosecute an application at a scheduled hearing.

It is further ordered, That the attached notice be, and it is hereby, adopted and incorporated by reference into this order.

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

The existing regulation provides that an applicant has a maximum period of 30 days after the expiration of the protest period (i.e. 60 days after the issues are published in the FEDERAL REGISTER) during which to notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application. Failure to comply with this time schedule or failure to appear at a hearing scheduled thereon, subjects an applicant and its representative to censure unless good cause is shown.

Under the proposed modification an applicant would have until 45 days prior to the scheduled commencement of a hearing to determine whether its best interests would best be served by continued prosecution of its application or by withdrawal and to so notify the Commission in writing. Unless good cause is shown therefor, a withdrawal with less than 45 days remaining before a scheduled hearing, or the failure by applicant to appear and prosecute the application at such hearing will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of one year after the date of the dismissal order.

The proposed rule is designed to encourage applicants to gather appropriate materials and to prepare for presentation at oral hearings well in advance of the commencement of the hearing and to discourage applicants who belatedly withdraw their application because they have not readied the materials necessary to establish a prima facie case. Where a case has been assigned for hearing, grouped with other cases on an itinerary, arrangements made to reserve a hearing room, reporting services arranged, assignment made to an Administrative Law Judge, and travel and hotel reservations made, both by the Judge and reporter, and by all other parties, the disruption of a late withdrawal is apparent. Once such a case has been assigned a place in an itinerary with other cases, the itinerary must be carried out in order to conduct the hearings on the other cases, notwithstanding the loss of days caused by the late withdrawal. Since the Commission customarily gives all parties to a case at least 30 days' notice of a hearing, a withdrawal on less than 30 days' notice before the hearing makes it impossible to set in another case. The result is a substantial waste of this Commission's time and resources with the added detriment arising from the fact that another case could well have been heard during these lost days. As a practical matter, unless the withdrawal occurs at least 45 days prior to the assigned hearing date, the administrative problems of locating another case which can be set in, and preparing the necessary notices and serving them, makes 45 days' notice a minimum deadline.

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice may do so by the submission of written data, views, or arguments. An

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original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before March 12, 1975.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

Issued in Washington, D.C., January 28, 1975.

ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed that the present rule 247(f) (49 CFR 1100.247(f)) be deleted and that a new rule 247(f) be substituted therefore which would read as follows:

§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section, 206(a)(6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto. (Rule 247)

(f) *Withdrawal or dismissal of contested applications.* As provided in paragraph (e) of this section an applicant that does not intend timely to prosecute its application should promptly request dismissal thereof. Failure to prosecute an application under procedures ordered or directed by the Commission will result in dismissal thereof, and if the Commission's procedures are found to have been abused, may subject applicant and its representative to censure. Withdrawal of an application less than 45 days prior to the scheduled commencement of oral hearings or failure by applicant to appear and prosecute the application at such hearing will bar the filing of any application for the same or any part of the same authority by the same applicant for a period of one year after the date of the dismissal order.

[FR Doc.75-3080 Filed 1-31-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 200]

[(Release Nos. 33-5561, 34-11207, 35-18786, 39-377, IC-8652, IA-434); File No. S7-549]

CONFIDENTIAL TREATMENT OF INFORMATION

Request Procedures

The Securities and Exchange Comisaion announced today the publication for comment of a proposed amendment to § 200.80 of Title 17 of the Code of Federal Regulations, which relates to Commission records and information, to reflect the Commission's recognition that staff letters of comment in connection with registration statements or with other materials filed with the Commission, and correspondence between members of the public and the Commission's staff do not necessarily contain sensitive information that is entitled to be withheld from public scrutiny consistent with the Freedom of Information Act, 5 U.S.C. 552. Pursuant to the proposed amendment, paragraph (i) of § 200.80(c)(4) will be repealed, and paragraphs (ii) and (iii) will be renumbered as paragraph (i) and paragraph (ii) respectively.

In addition, the Commission proposes to adopt a new § 200.83 of Title 17 of the Code of Federal Regulations, which will implement a procedure that will to the fullest extent permitted by law allow affected persons to request and obtain confidential treatment of information supplied to the Commission other than in formal filings.[1] On July 4, 1967, the Freedom of Information Act became effective. In anticipation of that event the Commission on June 30, 1967, announced an amendment to its rule concerning Commission records and information to reflect in full the nature of information available from the Commission and the manner in which that information might be obtained. That rule recognized that certain matters are exempted from the disclosure requirements of the Freedom of Information Act and will not generally be made available by the Commission to any person. Those non-public matters were set forth in paragraph (c) of § 200.80. The Commission's rule sought to interpret the language of the statutory exemptions from the disclosure requirements of the Freedom of Information Act in a manner consistent both with the legislative purposes in adopting that Act and with the continued effective performance of the Commission's basic responsibilities under the federal securities laws.

The Freedom of Information Act does not require that the Commission withhold records or information merely because it may be entitled to do so under the terms of the exemptive provisions the Act contains. Accordingly, when it has become apparent that no significant interference with effective performance of the Commission's duties will result from full public disclosure and that no substantial interest of any members of the public will be impaired the Commission has acted to effect disclosure of materials it might lawfully withhold. Thus, the Commission has previously provided for publication of interpretative and no-action letters and certain other written communications, 17 CFR 200.81, and has also recognized the public availability of materials filed with the Commission pursuant to Rule 14a-8(d) under the Securities Exchange Act, 17 CFR 240.14a-8(d), and related materials—matters which the Commission considered to be within exemptions from the Act.

The Commission is now of the view that normally it is unnecessary to withhold letters of comment prepared by its staff with respect to various registration statements and applications for registration, replies thereto received from members of the public, or related material. Under the rule originally adopted by the Commission, "commercial or financial information" contained in these types of documents was deemed to have been submitted to the Commission in confidence, pursuant to 5 U.S.C. 552(b)(4),[2] in the absence of a contrary indication.[3] By repeal of this provision the Commission would indicate that information contained in that type of correspondence and in related materials will in the future normally be treated as public.[4] Since members of the public who corresponded with the Commission in the past are entitled to rely upon the assurance of confidentiality contained in the repealed provision, however, the Commission does not intend the repeal to have any retroactive impact.

In order to assure that no truly sensitive information will inadvertently be disclosed to the detriment of any person dealing with the Commission—particularly where the staff has expressly requested to be supplied with the information—the Commission has proposed a rule specifically authorizing requests for confidential treatment. Under that rule, 17 CFR 200.83, a request may be made that information contained in specified correspondence be accepted and retained in confidence by the Commission in either of two circumstances: where the information is a trade secret or other sensitive commercial or financial information or is information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Under the procedures to be established by the rule, a request for confidential treatment must contain a clear explanation why the information should be accepted and retained in confidence. Where a need for confidential treatment has been shown, a request will normally be granted if the Commission is satisfied that it may lawfully withhold the information from public scrutiny consistent with the Freedom of Information Act's requirements. Unless the request is explicitly granted, the information will be

[1] Confidential treatment of information contained in documents formally filed with the Commission is governed by other provisions. See, e.g., section 24(b) of the Securities Exchange Act, 15 U.S.C. 78x(b).

[2] This section was originally enacted as 5 U.S.C. 552(c)(4), Pub. L. 89-487, 80 Stat. 250, but was renumbered upon codification of the Freedom of Information Act, Pub. L. 90-23, 81 Stat. 54.

[3] See 17 CFR 200.80(c)(4)(ii) [1970] which was renumbered as § 200.80(c)(4)(i) when no-action and interpretative letters were made public, 17 CFR 200.81, pursuant to Securities Act Release No. 33-5098, 35 FR 17779 (Nov. 19, 1970).

[4] Of course, correspondence of special kinds—such as would relate, for example, to an investigatory matter, see 17 CFR 200.80(c)(7)—will normally continue to be withheld in accordance with provisions of the Commission's rules that remain in force.

treated as public thirty days after receipt. If a request is denied or is not promptly acted upon, however, a request for return of the document and any copies thereof will be honored.

The Commission's proposed rule emphasizes that the Commission will not honor oral requests or any request not made in conformity to the rule and will not honor requests that are unnecessarily broad or where the basis upon which confidential treatment is requested is not adequately explained. Nor will the Commission permit its limited manpower to be devoted to the correction of deficiencies in the request; the burden will be entirely upon the requesting party to meet the rule's requirements in the first instance.

The proposed rule also makes clear that the Commission does not intend to devote its resources to defend against the disclosure of information submitted in confidence if the person from whom the information was received is not willing to join in that defense. Accordingly, the Commission will make the information public if it appears that the person who requested and obtained confidential treatment is unwilling to aid in the defense of a judicial proceeding brought to compel the Commission to disclose that information.

Finally, the proposed rule provides that it will not be construed to prevent the Commission from either publicly disclosing or withholding information or records to the extent permitted by law consistent with what it believes the public interest to require, except with respect to trade secrets and processes, which shall in no event be disclosed.

Interested persons are invited to submit their views and comments on whether the proposal should be adopted.

The text of § 200.80(c)(4), as amended, and the text of the proposed new rule § 200.83 are as follows:

§ 200.80 Commission records and information.

• • • • •

(c) Non-public matters. Certain materials and records are considered to be nonpublic. Thus the Commission will not generally publish or make available to any person matters that are: • • •

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential, including:

(i) Information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, such as preliminary proxy material filed pursuant to Rule 14a-6 under the Securities Exchange Act (17 CFR 240.14a-6), filed pursuant to Rule 316(a) under the Securities Act (17 CFR 230.316(a)), agreements filed pursuant to Rule 15c-3-1(c)(7)(G) under the Securities Exchange Act (17 CFR 240.15c3-1(c)(7)(vii)), schedules filed pursuant to Part II of Form X-17A-5 (17 CFR 249.617) in accordance with Rule 17a-5(b)(3) under the Securities Exchange Act (17 CFR 240.17a-5(b)(3)), statements filed pursuant to Rule 17a-5(k)(1) under the Securities Exchange Act (17 CFR 240.17a-5(k)(1)), and reports filed pursuant to Rule 17a-10 under the Securities Exchange Act (17 CFR 240.17a-10); and

(ii) Information contained in reports, summaries, analyses, letters, or memoranda arising out of or in connection with an examination or inspection of the books and records of any person or any other investigation.

• • • • •

§ 200.83 Public availability of correspondence.

(a)(1) A request may be made that information contained in correspondence between any person and a member of the Commission or its staff, transmitted after --------, 1975, be accepted and retained in confidence by the Commission where information is being supplied (i) which involves a trade secret or other sensitive commercial or financial information or (ii) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(2) Notwithstanding the provisions of paragraph (a)(1) of this rule, this rule shall not apply to any letter or other written communication which is a part of a personnel file, medical file or investigatory file and which is generally considered non-public pursuant to Commission Rule 17 CFR 200.80(c)(6) or 200.80(c)(7). Nor shall this rule apply to any letter or other written communication which relates to a request to the staff of the Commission for interpretative legal advice and which is subject to the disclosure procedures prescribed in 17 CFR 200.81.

(b)(1) A request for confidential treatment shall contain a concise statement of the reasons why the information should be accepted and retained in confidence, shall state the length of time for which confidential treatment is requested, and may state on what basis, if any, the request itself should be afforded confidential treatment.

(2) Information for which confidential treatment is being requested shall be supplied in a document separate from documents containing information for which confidential treatment is not being requested.

(c) Where a need for confidential treatment has been demonstrated, a request for confidential treatment will normally be granted to the extent that sections 552(b)(4) and 552(b)(6) of Title 5 of the United States Code appear to permit the information supplied to be withheld from public disclosure, provided, however, that the Commission, consistent with the public interest, may limit the length of time for which confidential treatment shall be accorded.

(d) Information that is the subject of a request for confidential treatment shall be made available for public inspection and copying thirty days after it has been received unless confidential treatment has earlier been granted, except that if a request for confidential treatment has been denied or has not been acted upon within twenty days after its receipt, a person who has requested confidential treatment may seek and obtain prompt return of the document, and any existing copies thereof, containing information for which confidential treatment has been requested and that document shall not be made available to any person.

(e) Letters written by members of the Commission or its staff and any other document contained in the Commission files that refer to information retained by the Commission in confidence will be nonpublic to the extent, but only to the extent, that they contain that information; letters or documents containing confidential information will not be made public except upon deletion of all information retained by the Commission in confidence.

(f) The Commission will not honor oral requests for confidential treatment of information contained in correspondence or otherwise made other than in conformity to this rule, will not honor requests that are unnecessarily broad in scope or where inadequate explanation is given, or permit its staff to devote its time to remedy deficiencies in the request.

(g) No request for confidential treatment of information should be made by any person who does not intend in good faith to aid the Commission in the defense of any proceeding that might thereafter be brought to compel the Commission to disclose the information. Unless such information was submitted for the convenience and at the request of the Commission or its staff, the Commission will make public information it has previously retained in confidence under paragraph (c) of this rule if the person who requested and obtained confidential treatment of that information (or those in whose behalf he acted) are unwilling, upon request, to aid in the defense of a judicial proceeding brought to compel the Commission to disclose the information.

(h) Except with respect to trade secrets and processes, which shall in no event be publicly disclosed, nothing in this rule shall be interpreted to prevent the Commission from retaining, or after notice and opportunity to object from publicly disclosing, information or records to the extent otherwise permitted by law consistent with what the Commission believes the public interest requires.

To be considered, written statements of views and comments should be submitted to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before February 28, 1975, and should refer to file S7-549. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 24, 1975.

[FR Doc.75-3118 Filed 1-31-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

DEBT MANAGEMENT ADVISORY COMMITTEES

Charter Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 5 U.S.C. App. I, Supp. III), the Department of the Treasury announces its decision to continue utilization of the following industry committees as advisory committees:

Titles: Securities Industry Association, Government Securities and Federal Agencies Committee; American Bankers Association, Government Borrowing Committee.

Purpose: These committees are utilized by the Secretary of the Treasury and his staff for advice in carrying out Federal financings and public debt management. They consider commercial and financial information relevant to Treasury debt management operations, advise the Secretary of the Treasury and his staff, and make reports and recommendations.

Statement of Public Interest: The membership of these committees represents a cross section of the financial community. The members are intimately acquainted with commercial and financial information and day-to-day market factors relevant to Treasury debt management operations. It is in the public interest to insure, that the Secretary of the Treasury and his staff have this supplemental information in order to manage the public debt.

Authority for these committees will expire two years from the date new charters are signed by the Assistant Secretary (Administration) and filed with the appropriate Committees of the Senate and House of Representatives.

Dated: January 28, 1975.

[SEAL] JACK F. BENNETT,
Under Secretary for Monetary Affairs.

[FR Doc.75-3062 Filed 1-31-75;8:45 am]

Office of the Secretary

FARM CREDIT ADMINISTRATION

Designation of Securities for Exemption Under the Securities Exchange Act of 1934

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in Title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include "such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors."

Notice is hereby given that pursuant to the above-described authority, the Secretary of the Treasury designated for exemption on November 27, 1974, the Federal Farm Credit Banks—Consolidated Systemwide Notes of the twelve Federal Land Banks, the twelve Federal Intermediate Credit Banks, and the thirteen Banks for Cooperatives, issued pursuant to § 4.2(d) of the Farm Credit Act of 1971 (12 U.S.C. 2153).

This designation for exemption may be revoked, modified or amended at any time with respect to securities not issued prior to such time.

Dated: January 28, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-2968 Filed 1-31-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on February 20, 1975, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters which come under the purview of subparagraph (4), section 552(b) Title 5 USC.

The agenda topics will be cooperation and standardization in armaments RD&P, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext 5728, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO, HQS NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

JANUARY 29, 1975.

[FR Doc.75-2996 Filed 1-31-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE

Advisory Committee Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization will meet in closed session on 25 and 26 February 1975, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine how the Space Shuttle with its new capabilities can lead to more effective military space operations in the future.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 29, 1975.

[FR Doc.75-3052 Filed 1-31-75;8:45 am]

DEPARTMENT OF JUSTICE

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix I) that the fourth meeting of the Federal Advisory Committee on False Identification will be held at 10:00 a.m., Thursday, February 13, 1975, at the Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. The Department of Justice regrets the administrative delays which resulted in less than the usual 15 days notice for this meeting.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state and local levels and to recommend measures to prevent the criminal use of false identification and the obtaining of fraudulent identification documents.

At the fourth meeting Committee Task Forces will continue to examine the false identification problem in the following areas: Government payments; commercial transactions; fugitives; Federal identification documents; and state and local identification documents. Each area will be covered with emphasis on: (1) the number of cases in which member agencies or organizations are victimized by false identification; (2) the dollar impact of using false identification; and (3) social and political costs of the criminal use of false identification. The meeting, open to the public, will adjourn at approximately 3:30 p.m.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 402 Federal Triangle Building, 315 9th Street, NW., Washington, D.C., 20530, telephone, area code 202-739-2745. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 402, Federal Triangle Building.

JOHN C. KEENEY,
Acting Assistant Attorney General.

[FR Doc.75-3048 Filed 1-31-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 561]

ARIZONA

Filing of Plats of Survey

JANUARY 27, 1975.

Plats of survey of lands described below will be officially filed in the Arizona State Office, Phoenix effective at 10:00 A.M., on March 20, 1975.

1. Gila and Salt River Meridian, Arizona.

T. 6 N., R. 6 E.

A survey of a portion of the subdivisional lines of the township.

Sec. 31, lots 1, 2, 3, and 4, E½W½, and E½.

The area described aggregates 636.85 acres. The area of this survey varies from rough and broken to rolling land. The elevation ranges from 2,540 feet above sea level to 2,760 feet above sea level.

2. Gila and Salt River Meridian, Arizona.

T. 6 N., R. 5 E.

A dependent resurvey of a portion of the subdivisional lines of the township, a survey of a portion of subdivisional lines within section 22, and a metes and bounds survey of Tract 37.

The area described aggregates 3,480.54 acres.

The area of this survey varies from rough and broken to rolling land. The elevation ranges from 2,640 feet above sea level along the east boundary of section 36 to 3,600 feet above sea level near the northwest corner of section 15.

All of the above described lands are embraced in the Tonto National Forest and located in the Camp Creek drainage. Timber, palo verde, mesquite, catclaw acacia, undergrowth, young trees, brush, ocotillo, and cacti are found in this area. The soil is sandy and decomposed granite.

Since the lands are withdrawn by the Tonto National Forest, the described lands will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.75-3046 Filed 1-31-75;8:45 am]

[NM 24431, 24432, 24433, 24434, 24435]

NEW MEXICO

Applications

JANUARY 23, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 5 W.,
Sec. 10, NE¼NE¼, W½SW¼;
Sec. 14, SW¼NW¼, NW¼SW¼;
Sec. 15, SE¼NE¼, SW¼NW¼, and NW¼SW¼.

These pipelines will convey natural gas across .663 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-3045 Filed 1-31-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Mr. Earl A. Pyle
U.S. Fish and Wildlife Service
Fishery Research
300 Booth Street (Room 4005)
Reno, Nevada 89502

NOVEMBER 11, 1974.

To: Director, Fish and Wildlife Service, Att: Chief, Division of Law Enforcement, Through Chief, Division of Cooperative Research.

From: Earl A. Pyle, Cui-ui Project Leader, Reno, Nevada 89502.

Subject: Endangered Species Permit Application.

13.12(a)(1): Name; EARL A. PYLE. Address: Room 4005, 300 Booth Street, Reno, Nevada 89502. Phone: 702-784-5606.

(2) Birth Date: February 10, 1926. Height: 5'6". Weight: 165 lbs. Color of Hair: Brown. Color of Eyes: Blue. Sex: Male. Employer: U.S. Fish and Wildlife Service.

(3) N/A.
(4) Pyramid Lake, Nevada.
(5) N/A.
(6) N/A.
(7) I hereby certify that I have read and am familiar with the regulations contained in Title 50 Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

EARL A. PYLE.

(8) December 1, 1974.
(9) November 8, 1974.
(10) Earl A. Pyle.

17.23(a)(1): Cui-ui Lakesucker, Chastmistes cujus. Sufficient adult males and females will be trapped and spawned (and released) to permit release of approximately 2 million fry back into Pyramid Lake, each year.

(2) N/A.

(3) Chastmistes cujus was declared an endangered species in 1967 and recovery plans include artificial propagation, habitat rehabilitation and population assessment. Subpopulation relocation to insure species survival, is included within the recovery plan.

In the early Spring sexually mature Cui-ui adults gather near the mouth of the Truckee River attempting to pass upstream to spawn. Low water flows within the river have prevented the relatively poor swimming Cui-ui from moving upstream and aduits will be netted, transported to nearby holding ponds, artificially spawned, then released back into Pyramid Lake. Eggs taken from the adults will be incubated and reared to swim-up size and released into the lake and the Truckee River. A small portion of the progeny will be retained for various types of nutritional and life history studies.

A fishway, to permit ascension of spawners, is presently being constructed with completion scheduled in 1976. If successful this fishway will provide a means for population assessment and will obviate the necessity for artificial propagation. In the interests of species survival, however, artificial propagation should be continued until the fishway has proved successful and it is certain spawning grounds formerly used by the Cui-ui remain suitable.

(4) Spawning and incubating facilities are located on a small, freshwater stream approximately one mile west of Sutcliffe, Nevada which is on the western shores of Pyramid Lake. The land is occupied under a lease agreement with the Pyramid Lake Paiute Indian Tribe. A small dam on the stream provides water for incubating and rearing units and a well has been drilled to provide supplemental water in the event of stream failure. Water from the dam flows into 30 hatching jars (1.5 million eggs can be incubated at one time); from the jars the water flows into 12 shallow rearing troughs; from the troughs the water flows into two large tanks which serve as spawning tanks and later as fry-rearing tanks; from these tanks the water flows into a small earthen pond which serves as a holding pond for ripening spawners and later, as a nursery pond for fry. The water returns to the stream from the pond. Office facilities for staff members are in Reno, Nevada, approximately 40 miles from the field site. The office address is: U.S. Fish and Wildlife Service, Fishery Research, Room 4005, 300 Booth Street, Reno, Nevada 89502. Phone 702-784-5606 or 702-784-5228.

(5) N/A.
(6) N/A
(7) N/A.
(b)(1) N/A.
(b)(2) N/A.

EARL A. PYLE.

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BUREAU OF SPORT FISHERIES AND WILDLIFE,
January 8, 1975.

To: Director, U.S. Fish and Wildlife Service, Att'n: Division of Law Enforcement (Betty Gillas).

From: Earl A. Pyle, Cui-ui Project Leader, Reno, Nevada 89502.

Subject: Endangered Species Permit Application-Supplemental Information.

Additional information requested by your office, with regard to an Endangered Species Permit Application for the Cui-ui Project, is as follows:

1. Population Size—Present techniques will not permit quantification of the population. Observations have been the basis for estimates of declining numbers and I am attaching a Special Report "Status of the Endangered Cui-ui Lakesucker" which summarizes the events leading to the current status of this fish.

2. Program Utilization of Specimens—No more than 800 adult specimens, per year, will be required for the operation of our Program. All of these fish, with the exception of inadvertent mortality, will be returned to their original habitat after utilization. Mortality in the past has been less than one per cent with most of this attributable to handling stress.

EARL A. PYLE

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 5, 1975 will be considered.

Dated: January 29, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-3015 Filed 1-31-75;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Dr. Clark Hubbs
Department of Zoology
The Univeristy of Texas at Austin
Austin, Texas 78712

Application to the Director, Bureau of Sport Fisheries and Wildlife (Fish and Wildlife Service), for a permit to study the survivorship of the Fountain darter (*Etheostoma fonticola*) Pecos gambusia (*Gambusia nobilis*) from specimens collected in nature and to do similar work on stocks of the Comanche Springs pupfish (*Cyprinodon elegans*), Clear Creek gambusia (*Gambusia heterochir*), and Big Bend gambusia (*Gambusia gaigei*) that have been cultured at The University of Texas for more than 2 years, under Title 50, Chapter 1, Subchapter B, Part 13 of the Code of Federal Regulations, effective January 4, 1974.

1. Applicant: Dr. Clark Hubbs, Department of Zoology, The University of Texas at Austin, Austin, Texas 78712, phone 512 471-1176 or 471-4882.

2. Description of applicant:
a. Date of birth: 15 March 1921.
b. Height: 1.7 meters.
c. Weight: 68 kilograms.
d. Color of hair: brown.
e. Color of eyes: brown.
f. Sex: male.
g. Institutional affiliation: Department of Zoology, The University of Texas at Austin.

3. Principal supervisor: Dr. Hugh S. Forrest, Department of Zoology, The University of Texas at Austin, Austin, Texas 78712, Phone: 512 471-7131.

4. Location of activity: San Marcos Springs, Diamond Y Springs, University of Texas Brackenridge Field Laboratory, all in Texas and Dexter National Fish Hatchery, Dexter, New Mexico.

5. This permit is requested under Part 17, section 23 of subchapter B.

Many southwestern fishes are critically endangered by declining surface water flows caused by consumptive water use. It is urgent that a refugium be available to 1) maintain fishes when their natural environment is dry or nearly so and 2) to determine the survivorship potential of these fishes when human perturbations threaten natural conditions.

All work will be under the direct supervision of Dr. Clark Hubbs, Department of Zoology, University of Texas at Austin, or Dr. Anthony A. Echelle, Department of Biology, Baylor University, Waco, Texas.

6. Certification:
I hereby certify that I have read and am familiar with the regulations contained in Title 50 Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

7. Desired effective date and duration: The permit will become effective at the conclusion of the 30 day period following the appearance of the notice in the Federal Register and extend for a period of 2 years following the date the permit becomes effective.

8. Date: November 11, 1974.

9. Signature of applicant:

Dr. Clark Hubbs
Department of Zoology
University of Texas at Austin
Austin, Texas 78712

17.23(a)(3)—The purpose of the permit will be to continue the maintenance of endangered species. The threats to these endangered species are diverse, but these endangered species will be cultured for (1) insuring survival of endangered species and (2) to build up stocks sufficiently so that scientific experiments can be carried out to determine the environmental perimeters limiting their distribution.

17.23(a)(4)—The species will be maintained at the University of Texas, Brackenridge Field Laboratory. An additional species will be cultured at the Dexter National Fish Hatchery at Dexter, New Mexico.

17.23(a)(7)—No fishes will be imported into the United States under this permit.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 5, 1975 will be considered.

Dated: January 29, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-3016 Filed 1-31-75;8:45 am]

SEA WORLD, INC.

Amendments to Permit

A permit to take Pacific Walrus for public display was issued to Sea World, Inc., Mission Bay, San Diego, California, on May 7, 1974, pursuant to the Marine Mammal Protection Act of 1972. A notice of the issuance of the permit was published on May 17, 1974 (39 FR 17571).

On June 7, 1974, the permittee submitted a request for significant amendments to the permit. These were published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31927-30).

The request of Sea World, Inc., was considered, pursuant to § 13.23 of Title 50 Code of Federal Regulations. Notice is hereby given that on December 20, 1974, portions of the permit were amended: section 3(e)(f)(i), and section 5. Section 3(g) was deleted. Other suggested changes and amendments were considered and denied. All other terms and conditions of the permit remain in effect.

The premit and amendments are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: January 29, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-3017 Filed 1-31-75;8:45 am]

Geological Survey

[OCS Order No. 12]

PUBLIC INSPECTION OF RECORDS

Gulf of Mexico Area

A Notice published in the FEDERAL REGISTER on July 22, 1974 (39 FR 26656), solicited comments on the content of the proposed OCS Order.

Changes made in the Order since its earlier publication as a proposed Order include the listing of information available for inspection from various forms required to be submitted pursuant to OCS Order No. 11 for the Gulf of Mexico Area.

Also included is a new paragraph advising of the availability for public inspection of accident investigation reports, pollution incident reports, inspection reports, and enforcement actions.

Other modifications were made in the Order consistent with the intent of the Order, but clarifying its meaning.

This Order will be effective February 1, 1975.

W. A. RADLINSKI,
Acting Director.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR 2.2, and supersedes OCS Order No. 12, dated August 13, 1971. Section 250.97 of 30 CFR provides as follows:

Public Inspection of Records. Geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the supervisor determines that release of such information is required and necessary for the proper development of the field or area.

Section 2.2 of 43 CFR provides in part as follows:

Determinations as to Availability of Records. (a) Section 552 of Title 5, U.S. Code, as amended by Pub. L. 90-23 (the act codifying the "Public Information Act") required that identifiable agency records be made available for inspection. Subsection (b)[1] of section 552 exempts several categories of records from the general requirement but does not require the withholding from inspection of all records which may fall within the categories exempted. Accordingly, no request made of a field office to inspect a record shall be denied unless the head of the office or such higher field authority as the head of the bureau may designate shall determine (1) that the record falls within one or more of the categories exempted and (2) either that disclosure is prohibited by statute or Executive Order or that sound grounds exist which require the invocation of the exemption. A request to inspect a record located in the headquarters office or a bureau shall not be denied except on the basis of a similar determination made by the head of the bureau or his designee, and a request made to inspect a record located in a major organizational unit of the Office of the Secretary shall not be denied except on the basis of a similar determination by the head of that unit. Officers and employees of the Department shall be guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act" of June 1967.

(b) An applicant may appeal from a determination that a record is not available for inspection to the Solicitor of the Department of the Interior, who may exercise all of the authority of the Secretary of the Interior in this regard. The Deputy Solicitor may decide such appeals and may exercise all of the authority of the Secretary in this regard.

The operator shall comply with the requirements of this Order. Any departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR § 250.12(b).

[1] Subsection (b) of section 552 provides that:

(b) This section does not apply to matters that are—

• • • • •

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

• • • • •

(9) Geological and geophysical information and data, including maps, concerning wells.

1. *Availability of Records Filed on or after December 1, 1970.* It has been determined that certain records pertaining to leases and wells in the Outer Continental Shelf and submitted under 30 CFR Part 250 shall be made available for public inspection, as specified below, in the Area office, Metairie, Louisiana.

A. *Form 9-152—Monthly Report of Operations.* All information contained on this form shall be available, except the information required in the Remarks column.

B. *Form 9-330—Well Completion or Recompletion Report and Log.*

(1) Prior to commencement of production, all information contained on this form shall be available, except Item 1a, Type of Well; Item 4, Location of Well, At top prod. interval reported below; Item 22, If Multiple Compl., How many; Item 24, Producing Interval; Item 26, Type Electric and Other Logs Run; Item 28, Casing Record; Item 29, Liner Record; Item 30, Tubing Record; Item 31, Perforation Record; Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.; Item 33, Production; Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(2) After commencement of production, all information shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(3) If production has not commenced after an elapsed time of five years from the date of filing Form 9-330 as required in 30 CFR § 250.38(b), all information contained on this form shall be available, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, the lessee or operator shall file a Form 9-330 containing all information requested on the form, except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9-330.

C. *Form 9-331—Sundry Notices and Report on Wells.* (1) When used as a "Notice of Intention to" conduct operations, all information contained on this form shall be available, except Item 4, Location of Well, At top prod. interval; and Item 17, Describe Proposed or Completed Operations.

(2) When used as a "Subsequent Report of" operations, and after commencement of production, all information contained on this form shall be available, except information under Item 17 as to subsurface locations and measures and true vertical depths for all markers and zones not placed on production.

D. *Form 9-331C—Application for Permit to Drill, Deepen or Plug Back.* All information contained on this form, and location plat attached thereto, shall be available, except Item 4, Location of Well, At proposed prod. zone; and Item 23, Proposed Casing and Cementing Program.

E. *Form 9-1869—Quarterly Oil Well Test Report.* All information contained on this form shall be available.

F. *Form 9-1870—Semi-Annual Gas Well Test Report.* All information contained on this form shall be available.

G. *Multi-point Back Pressure Test Report.* All information contained on this form used to report the results of required multi-point back pressure test of gas wells shall be available.

H. *Sales of Lease Production.* Information contained on monthly Geological Survey computer printout showing sales volumes, value, and royalty of production of oil, condensate, gas and liquid products, by lease, shall be made available.

2. *Filing of Reports.* All reports on Forms 9-152, 9-330, 9-331, 9-331C, 9-1869, 9-1870, and the forms used to report the results of multi-point back pressure tests, shall be filed in accordance with the following: All reports submitted on these forms after the effective date of this Order shall include a copy with the words "Public Information" shown on the lower right-hand corner. All items on the form not marked "Public Information" shall be completed in full; and such forms, and all attachments thereto, shall not be available for public inspection. The copy marked "Public Information" shall be completed in full, except that the items described in 1(A), (B), (C), and (D) above, and the attachments relating to such items, may be excluded. The words "Public Information" shall be shown on the lower right-hand corner of this set. This copy of the form shall be made available for public inspection.

3. *Availability of Records Filed Prior to December 1, 1970.* Information filed prior to December 1, 1970, on Forms 9-152, 9-330, 9-331, and 9-331C is not in a form which can be readily made available for public inspection. Requests for information on these forms shall be submitted to the Supervisor in writing and shall be made available in accordance with 43 CFR Part 2.

4. *Availability of Inspection Records.* All accident investigation reports, pollution incident reports, facilities inspection data, and records of enforcement actions are also available for public inspection.

D. W. SOLANAS,
Oil and Gas Supervisor, Field Operations.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-2988 Filed 1-31-75;8:45 am]

National Park Service

GULF ISLANDS NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gulf Islands National Seashore Advisory Commission will be held on February 19th at 1 p.m., C.S.T., and February 20th at 8:30 a.m., C.S.T., at the Gulf State Park Resort, Drawer K, Gulf Shores, Alabama 36542.

The purpose of the Gulf Islands National Seashore Advisory Commission meeting is to discuss:

1. Comprehensive design for Santa Rosa Beach
2. Development Plan for Naval Live Oaks, Gulf Islands National Seashore, Florida
3. Development Plans for Ship Island and Davis Bayou, Gulf Islands National Seashore, Mississippi
4. Fort Stabilization Program
5. Summer Operational Programs

Members of the Advisory Commission are as follows:

Mr. J. Earle Bowden (Chairman)
Gulfport, Mississippi
Mr. Gordon D. Allen
Gulfport, Mississippi
Lt. Col. Lloyd J. Caillevet
Biloxi, Mississippi
Mr. John R. Cox
Destin, Florida
Mr. Robert D. Cramer
Pensacola, Florida
Mr. Donald E. Danly
Pensacola, Florida
Mr. Paul Frank
Gulfport, Mississippi

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Mr. E. B. Jones
Pensacola, Florida
Mr. J. R. Lemon
Ocean Springs, Mississippi
Honorable H. Bryant Liggett
Pensacola, Florida
Mr. Nicholas A. Mavar, Jr.
Biloxi, Mississippi
Mr. Charles E. Moes
Gulf Breeze, Florida
Mr. Duncan Moran
Ocean Springs, Mississippi
Mr. Dee Parkton
Crestview, Florida
Mr. Davage Runnells, Jr.
Destin, Florida
Lt. Col. Mercer Richard Smith (Ret)
Gulf Breeze, Florida
Mr. James Stevens
Gulfport, Mississippi
Mr. G. Earl Wallis
Milton, Florida
Mr. E. P. Wilkes
Biloxi, Mississippi
Dr. J. Kinabrew Williams, Jr.
Pascagoula, Mississippi
Mrs. Erica Woolley
Pensacola, Florida

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Region, National Park Service, at Area Code 404/526-7560. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southeast Region, 3401 Whipple Ave., Atlanta, Georgia 30344.

DAVID D. THOMPSON, JR.,
Regional Director, Southeast Region, National Park Service.

[FR Doc.75-3051 Filed 1-31-75;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on February 20, 1975, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Pub. L. 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman)
Mr. John P. Bracken
Hon. Michael J. Bradley
Hon. James A. Byrne
Mr. Filindo B. Masino
Mr. Frank C. P. McGlinn
Mr. John B. O'Hara
Mr. Howard D. Rosengarten
Mr. Charles R. Tyson

The matters to be considered at this meeting include:

1. Management of Independence Mall.
2. Bicentennial Events.
3. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at Area Code 215, 597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: January 21, 1975.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.75-3050 Filed 1-31-75;8:45 am]

Office of the Secretary

ALASKA

Availability of Final Environmental Statements

[INT FES 75-22]

ALASKA COASTAL NATIONAL WILDLIFE REFUGE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Alaska Coastal National Wildlife Refuges in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Alaska Coastal National Wildlife Refuges and their management by the agency indicated below.

Proposal recommends that: Approximately 44,000 acres of public lands and waters along the coast of Alaska be designated by Congress as the Barren Islands, Bering Sea, Chukchi Sea, Kodiak, and Shumagin Islands National Wildlife Refuges.

Management by: Fish and Wildlife Service.

[INT FES 75-17]

ARCTIC NATIONAL PARK, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Gates of the Arctic National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Gates of the Arctic National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 9.1 million acres of public lands and waters in northcentral Alaska be designated by Congress as the Gates of the Arctic National Park in the Noatak, Alatna, Tinayguk, Killik (including Eastern Creek) and the North Fork of the Koyukuk Rivers be designated as Wild Rivers in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: National Park Service.

[INT FES 75-8]

ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Arctic National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Arctic National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 4 million acres of public lands and waters in northeast Alaska be designated by Congress as the Arctic National Wildlife Refuge and that portions of the Ivishak and Wind Rivers be designated as Wild Rivers in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Fish and Wildlife Service.

[INT FES 75-15]

BIRCH CREEK NATIONAL WILD RIVER, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Birch Creek National Wild River in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Birch Creek National Wild River and its management by the agency indicated below.

Proposal recommends that: A 135-mile segment of Birch Creek and 200,000 acres of adjacent public lands in Interior Alaska be designated by Congress as the Birch Creek National Wild River.

Management by: Bureau of Land Management.

[INT FES 75-16]

CHUGACH NATIONAL FOREST, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Additions to the Chugach National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Additions to the Chugach National Forest and its management by the agency indicated below.

Proposal recommends that: Approximately 590,000 acres of public lands and waters in southeast Alaska be designated by Congress as the Chugach National Forest.

Management by: Forest Service, Department of Agriculture.

[INT FES 75-13]

FORTYMILE NATIONAL WILD AND SCENIC RIVER, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Fortymile National Wild and Scenic River in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Fortymile National Wild and Scenic River and its management by the agency indicated below.

Proposal recommends that: 375 miles of the Fortymile River system and 320,000 acres of adjacent public lands and waters in east-central Alaska be designated by Congress as the Fortymile National Wild and Scenic River.

Management by: Bureau of Land Management.

[INT FES 75-18]

KATMAI NATIONAL PARK, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Katmai National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Katmai National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 1.9 million acres of public lands and waters in southwest Alaska be designated by Congress as the Katmai National Park.

Management by: National Park Service.

[INT FES 75-21]

MOUNT MCKINLEY NATIONAL PARK, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Mount McKinley National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Mount McKinley National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 3.2 million acres of public lands and waters adjacent to the existing Mount McKinley National Park in central Alaska be designated by Congress as the Mount McKinley National Park.

Management by: National Park Service.

[INT FES 75-23]

NOATAK NATIONAL ARCTIC RANGE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Noatak National Arctic Range in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Noatak National Arctic Range and its management by the agencies indicated below.

Proposal recommends that: Approximately 7.59 million acres of public lands and waters in northwest Alaska be designated by Congress as the Noatak National Arctic Range; that the range be included in the National Wildlife Refuge System and be jointly managed with the Bureau of Land Management under a 20-year moratorium; that approximately 265 miles of the Noatak River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Fish and Wildlife Service and Bureau of Land Management.

[INT FES 75-20]

SELAWIK NATIONAL WILDLIFE REFUGE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Selawik National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Selawik National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 1.4 million acres of public lands and waters east of Kotzebue Sound, Alaska, be designated by Congress as the Selawik National Wildlife Refuge.

Management by: Fish and Wildlife Service.

[INT FES 75-12]

TOGIAK NATIONAL WILDLIFE REFUGE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Togiak National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Togiak National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 2.7 million acres of public lands and waters north of Bristol Bay, Alaska, be established by Congress as the Togiak National Wildlife Refuge and that approximately 60 miles of the Kanektok River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Fish and Wildlife Service.

[INT FES 75-14]

UNALAKLEET NATIONAL WILD RIVER, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Unalakleet National Wild River in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Unalakleet National Wild River and its management by the agency indicated below.

Proposal recommends that: A 60-mile segment of the Unalakleet River and 104,000 acres of adjacent public lands and waters east of Norton Sound, Alaska, be designated by Congress as the Unalakleet National Wild River.

Management by: Bureau of Land Management.

[INT FES 75-19]

YUKON DELTA NATIONAL WILDLIFE REFUGE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Yukon Delta National Wildlife Refuge in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Yukon Delta National Wildlife Refuge and its management by the agency indicated below.

Proposal recommends that: Approximately 4.7 million acres of public lands and waters adjacent to the Clarence Rhode National Wildlife Range, Alaska, be designated by Congress as the Yukon Delta National Wildlife Refuge.

Management by: Fish and Wildlife Service.

The final environmental statements are available for inspection at the following locations.

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

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Western Regional Office
National Park Service
450 Golden Gate Avenue
Box 36063
San Francisco, California 94102

Fish and Wildlife Service
1500 Plaza Building, Room 288
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Fish and Wildlife Service
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

U.S. Forest Service
Federal Building
Missoula, Montana 59801

U.S. Forest Service
Federal Building
517 Gold Avenue, SW.
Albuquerque, New Mexico 87101

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Southwest Regional Office
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office
National Park Service
Room 931, 4th and Pike Building
1424 Fourth Avenue
Seattle, Washington 98101

Fish and Wildlife Service
500 Gold Avenue, SW.

Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Fish and Wildlife Service
17 Executive Park Drive, NE.
Room 411
Atlanta, Georgia 30329

Fish and Wildlife Service
10597 West Sixth Avenue
Denver, Colorado 80215

U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

U.S. Forest Service
319 SW. Pine Street
P.O. Box 3623
Portland, Oregon 97208

U.S. Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

Bureau of Land Management
Federal Building
300 Booth Street
Reno, Nevada 89502

Bureau of Land Management
Federal Building, Room 398
550 W. Fort Street
Boise, Idaho 83702

Bureau of Land Management
2120 Capitol Avenue
P. O. Box 1828
Cheyenne, Wyoming 82001

Bureau of Land Management
Federal Building
316 North 26th Street
Billings, Montana 92301

Bureau of Land Management
Robin Building
7981 Eastern Avenue
Silver Spring, Maryland 20910

Southeast Regional Office
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia 30303

Mid-Continent Regional Office
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P. O. Box 25387
Denver, Colorado 80225

Northwest Regional Office
Bureau of Outdoor Recreation
1000 2nd Avenue
Seattle, Washington 98104

U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

Bureau of Land Management
Federal Building
Room 3022
Phoenix, Arizona 85025

Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

Bureau of Land Management
2800 Cottage Way
Room E-2841
Sacramento, California 95825

Bureau of Land Management
729 Northeast Oregon Street
P.O. Box 2965
Portland, Oregon 97208

Northeast Regional Office
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Lake Central Regional Office
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

South Central Regional Office
Bureau of Outdoor Recreation
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office
Bureau of Outdoor Recreation
450 Golden Gate Avenue
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior
Alaska Planning Group
Washington, D.C. 20240

Department of the Interior
National Park Service
524 W. Sixth Avenue
Room 201
Anchorage, Alaska 99501

Department of the Interior
Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

Dated: January 28, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-2999-3011 Filed 1-31-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A129]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 15 Missouri Counties. The Secretary has found that this need exists as a result of a natural disaster shown on the attached sheet which also lists the 15 counties.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR § 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no losses and October 21, 1975, for producLosses and October 21, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 27th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

MISSOURI—15 COUNTIES, 1974

Camden	Montgomery
Carter	Reynolds
Crawford	St. Clair
Dunklin	Shannon
Grundy	Shelby
Henry	Texas
Hickory	Warren
Lincoln	

Natural disasters:

Excessive rainfall March 1 through June 10, drought June 10 through August 15, and freeze March 23 and 24, 1974, occurred in the following counties:

Camden	St. Clair
Crawford	Shannon
Hickory	Texas
Reynolds	

Excessive rainfall April 1 through June 15, drought June 15 through August 15, and freeze October 1 and 2, 1974, occurred in the following counties:

Dunklin	Montgomery
Grundy	Shelby
Lincoln	Warren

Carter County suffered because of drought June 10 through August 15 and freeze March 23 and 24, 1974.

Henry County suffered because of excessive rainfall March 1 through June 10, drought June 10 through August 15 and freeze October 1 and 2, 1974.

[FR Doc.75-3014 Filed 1-31-75;8:45 am]

Soil Conservation Service

BEAR-PIERCE-CEDAR CREEK WATERSHED PROJECT

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the Bear-Pierce-Cedar Watershed Project, Gage County, Nebraska.

The environmental assessment of this federal action indicated that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 10 single purpose floodwater retarding stuctures and one grade stabilization structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
134 South 12th Street, Room 604
Lincoln, Nebraska 68508

Requests for the negative declaration should be sent to the above address.

No administrative action in implementation of the proposal will be taken until February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 24, 1975.

WM. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-3032 Filed 1-31-75;8:45 am]

BIG MORTAR-SNUFF BOX SWAMP WATERSHED PROJECT

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Big Mortar-Snuff Box Swamp Watershed Project, Long and McIntosh Counties, Georgia, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-GA.

The environmental impact statement concerns a plan for watershed protection, flood prevention and drainage. The planned works of improvement include conservation land treatment supplemented by channel work, dikes, and streambank protection. The channel work will consist of approximately 4.5 miles of single purpose new channel construction for agricultural and pine forest drainage, approximately 139.5 miles of multiple purpose new channel construction for flood prevention and agricultural and pine forest drainage, 2.2 miles of dikes for flood prevention and 2.1 miles of streambank protection measures. The proposed channel work and dikes will provide improved water management in this flatland watershed which is used primarily for production of pine forest products. Small subsistence type farms are scattered throughout most of the watershed.

With the exception of approximately 0.5 mile of man-made channels, channel work is proposed where none or practically no defined channel exists. Of the approximately 144 miles of channels proposed on or adjacent to drainageways, 49.3 miles will involve those with intermittent flow, and 94.7 miles with only ephemeral flow. To be constructed concurrently with the channels are 13 green tree reservoirs (1,022 acres), 9 public fishing areas, and 27 wildlife watering facilities.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 355 East Hancock Avenue, Athens, Georgia 30601.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Charles W. Bartlett, State Conservationist, Soil Conservation Service, 355 East Hancock Avenue, Athens, Georgia 30601.

Comments must be received on or before March 21, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 23, 1975.

WM. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-3031 Filed 1-31-75;8:45 am]

LUNICE CREEK SUBWATERSHED PROJECT

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for work remaining to be done in the Lunice Creek Subwatershed Project, Grant County, West Virginia.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James S. Bennett, State Conservationist, Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by two single-purpose floodwater retarding structures and 4,365 linear feet of dike.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: January 23, 1975.

WM. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-3033 Filed 1-31-75;8:45 am]

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SEA RIM STATE PARK RECREATION DEVELOPMENT RC&D PROJECT

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sea Rim State Park Recreation Development RC&D Project, Jefferson County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan to develop public water-based recreational and educational facilities on a 15,336 acre tract of land. The plan provides an opportunity for the public to learn about the ecology of the marsh as a part of the recreational experience.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Date: January 28, 1975.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services.

[FR Doc.75-3034 Filed 1-31-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

CUSTOMARY SYSTEM OF WEIGHTS AND MEASURES

Commercial Weights and Measures Units

In the FEDERAL REGISTER of July 27, 1968 (33 FR 10755), the National Bureau of Standards, in accordance with a recommendation of the House Committee on Science and Astronautics and pursuant to the responsibility of the National Bureau of Standards for "the custody, maintenance, and development of the national standards of measurement" (15 U.S.C. 272), published a listing of the common weights and measures used in normal commerce throughout the United States, and related them to the standards developed in accordance with existing law. In connection with the notice of July 27, 1968, the following explanatory material will assist in the proper interpretation and application of the data in column three under "Linear Measurement, U.S. Customary," and under "Area Measurement, U.S. Customary":

As the July 27, 1968 notice states, all U.S. Customary Units of linear and area measurement that will be found in ordinary commerce are derived from the yard. The yard was last defined in a notice in the FEDERAL REGISTER of July 1, 1959 (24 FR 5348), as being exactly equal to 0.9144 meter.

The foot defined by the equations:

3 feet = 1 yard = 0.9144 meter, exactly
1 foot = 0.3048 meter, exactly

is known as the International Foot. In addition, the July 1, 1959 notice defines the U.S. Survey Foot as follows:

$$1 \text{ survey foot} = \frac{1200}{3937} \text{ meter, exactly}$$

or

1 survey foot = 0.304 800 61 meter, approximately

Accordingly, it is necessary to differentiate between the international foot, used for engineering, and the U.S. survey foot, used for mapping and land measurement. The metric equivalents listed in the July 27, 1968 notice for land measurements: statute mile (U.S. survey mile), acre, square mile, section, and township are approximate; metric equivalents to more figures can be determined from the survey foot. For example, the U.S. survey mile equals 1.609 347 kilometers, approximately, whereas the international mile equals 1.609 344 kilometers, exactly. Metric equivalents of all surveyor's units, e.g., links, rods, and chains, are derived from the survey foot.

The relationship

1 international nautical mile = 1.852 kilometers

is exact, but the relationship

6 076.115 international feet = 1 international nautical mile

is not exact.

Dated: January 17, 1975.

RICHARD W. ROBERTS,
Director.

NOTE.—This document is republished from the issue of January 22, 1975 (40 FR 3486).

[FR Doc.75-2011 Filed 1-21-75;8:45 am]

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9 a.m. to 1 p.m. on Wednesday, March 12, 1975, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3551).

Dated: January 28, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-2969 Filed 1-31-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ACUPUNCTURE RESEARCH

Notice of a Conference

The National Institute of General Medical Sciences will sponsor a conference on acupuncture research, March 14, 1975. It is the Institute's intent to bring together those individuals directing NIH supported research projects and other experts knowledgeable in such fields of anesthesiology, neurophysiology, and physical medicine. The conference is aimed at reviewing and discussing current progress in the sponsored research projects and other investigations in order to establish the present state of the field and identify promising areas for further study.

The meeting will be held at the National Institutes of Health in Bethesda, Maryland, Building 31C, Conference Room 8, starting at 9 a.m. Attendance by the public will be limited to space available.

For further information please contact Dr. Howard P. Jenerick, NIGMS, Building 31, Room 4A-31, telephone (301) 496-5163.

Dated: January 27, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-2986 Filed 1-31-75;8:45 am]

AUTOMATION IN THE CLINICAL LABORATORY

Notice of a Conference

The National Institute of General Medical Sciences will sponsor a conference on the Evaluation of Uses of Automation in the Clinical Laboratory, May 14-16, 1975. It is the Institute's intent to bring together individuals knowledgeable in the field of clinical laboratory sciences and related disciplines such as bioengineering, biophysics, statistics, and the life sciences. The conference is aimed at exploring the uses and abuses of automation in the clinical laboratory

in order to establish the state of the art; to summarize the best in current practice; to identify what is wrong with present practice; and to suggest improvements and, if necessary, further studies.

The meeting will be held at the National Institutes of Health in Bethesda, Maryland, Building 31C, Conference Room 6, starting at 9 a.m. Attendance by the public will be limited to space available.

For further information please contact Dr. Robert S. Melville, NIGMS, Westwood Building, Room 954, telephone (301) 496-7081.

(Catalog of Federal Domestic Assistance Program No. 13-860, National Institute of General Medical Sciences, National Institutes of Health)

Dated: January 23, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-2985 Filed 1-31-75;8:45 am]

BLOOD DISEASES AND RESOURCES

Notice of Meeting

The Division of Blood Diseases and Resources, National Heart and Lung Institute, National Institutes of Health, is sponsoring a meeting on the status of platelet inhibiting drugs and their evaluation by clinical trial. The meeting will be held on the National Institutes of Health Campus in Building 31C, Conference Room 9 from 10:30 a.m. to 3 p.m., on March 19, 1975. Attendance by the public will be limited to space available.

The purpose of the meeting is to review experimental data dealing with platelet inhibiting drugs and to discuss current and planned clinical trials. The information developed in this meeting will be presented to the National Heart and Lung Advisory Council in its meeting on March 20-21, 1975.

For additional information, please contact: Dr. Joseph C. Fratantoni, Building 31, Room 4A05, National Heart and Lung Institute, National Institutes of Health, Bethesda, Maryland, 20014, (301) 496-5911.

Dated: January 27, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-2987 Filed 1-31-75;8:45 am]

CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of meeting of the Cancer Control Community Activities Review Committee, National Cancer Institute, February 13 and 14, 1975, 9 a.m., National Institutes of Health, Building 31, Conference Room 8, which was published in the FEDERAL REGISTER on January 16, 1975 (40 FR 2855-2856).

Dated: January 28, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer. National Institutes of Health.

[FR Doc.75-3121 Filed 1-31-75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION VII, KANSAS CITY, MISSOURI

Statement of Organization, Functions, and Delegations of Authority

Section 1E87.20J of Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to conform with the standardized functions of the Assistant Regional Director for Financial Management. The amended section reads as follows:

J. Assistant Regional Director for Financial Management Region VII.

1. Provides financial management support to the Regional Director and Regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter-of-credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs Regional accounting and reporting activities: accounting controlling fiscal services and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services

5. Performs budget activities as follows: prepares the Regional budget for activities for which the Regional Director has delegated authority and assists other Regional staffs in developing their budgets; prepares consolidated Regional budget estimates and justifications and assists the Regional Director and Regional Agency Heads in advocating program budget priorities for centralized and decentralized programs based on Regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for Regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other Regional activities, reviews these plans, and provides comments to the Regional Director and other Regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for Regional programs; and receives Regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and Regional Agency Heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

Dated: January 27, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-3058 Filed 1-31-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA AIR TRAFFIC CONTROL TOWER; CARBONDALE, ILLINOIS

Notice of Takeover

Notice is hereby given that on March 11, 1975, the Airport Traffic Control Tower at the Southern Illinois Airport, Carbondale, Illinois, will be commissioned as an FAA facility. This information will be reflected in the FAA Organizational statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration
Airport Traffic Control Tower
Southern Illinois Airport
Carbondale, Illinois 62901

Issued in Des Plaines, Illinois, on January 17, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-2994 Filed 1-31-75;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket 27416; Order 75-1-72]

AMERICAN AIRLINES, INC., ET AL.

Excursion Fares

Correction

In FR Doc. 75-2026, in the issue of Wednesday, January 22, 1975, appearing at page 3489, the word "provision" in the second line, of the second full paragraph, in the second column on page 3490, should be changed to read "proposes".

[Docket 27452; Order 75-1-117]

RIGHT-O-WAY, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1975.

By tariff revision[1] issued December 17, 1974 and marked to become effective January 30, 1975, Right-O-Way, Inc. d/b/a Right-O-Way Air Freight (Right-O-Way), an air freight forwarder, proposes to reduce its basic domestic liability from $0.50 per pound based upon the number of pounds of the total shipment, irrespective of the number of pounds lost or damaged, to one based upon the number of pounds of the part or parts of the shipment lost or damaged. The forwarder would continue its present minimum liability of not less than $50 per shipment.

Right-O-Way asserts that the proposal is designed "to correct problems in loss and damage claims," and that it meets "similar competitive rules on file for other forwarders."

The proposal significantly reduces the protection now offered shippers for domestic consignments without adequate justification. Right-O-Way submits no data to support its assertions, and does not indicate its loss and damage problems. Moreover, the carrier fails to identify the "other forwarders" who have such rules. A survey by the Board's staff of current liability rules has revealed that, with respect to domestic traffic, none of the major forwarders, only one of a large sample of smaller forwarders, and only one direct carrier have liability limitations rules based on the weight of the part(s) lost or damaged.[2]

Upon consideration of the foregoing and other relevant factors, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the provisions in Rule No. 80(D) on 5th Revised Page 10 of C.A.B. No. 3 issued by Miller Traffic Service, Inc., Agent, and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 80(D) on 5th Revised Page 10 of C.A.B. No. 3 issued by Miller Traffic Service, Inc., Agent, is suspended and its use deferred to and including April 29, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 27452, be assigned for hearing before an Administrative Law Judge of the Board at a time and place to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Right-O-Way, Inc. d/b/a Right-O-Way Air Freight, which is hereby made a party to Docket 27452.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3067 Filed 1-31-75;8:45 am]

[Docket Nos. 27454 and 23080-2, Order 75-1-118]

SERVICE MAIL RATES FOR AIR NEW ENGLAND, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1975.

In the recently concluded *New England Service Investigation* (Docket 22973), Air New England, Inc., was awarded a certificate of public convenience and necessity by the Board to provide passenger, property and mail services over a regional New England route. On January 13, 1975, Air New England filed with the Board a petition requesting the establishment of a service mail rate to be applicable to its certificated services.[1]

The U.S. Postal Service filed an answer in support of Air New England's petition, suggesting that the carrier be made a party to Docket 23080-2 and that the temporary domestic service mail rates be fixed for Air New England's mail services upon commencement of certificated operations by the carrier.

Air New England's petition does not comply with Rule 303 of the Board's rules of practice in that it does not set forth the rates sought to be established nor any economic justification for a proposed rate. The petition will therefore be dismissed.

Since it is necessary that an effective mail rate be established from the date Air New England commences service pursuant to its certificate of public convenience and necessity, we are herein instituting an investigation to determine the fair and reasonable service mail rates to be paid the carrier by the Postmaster General for the carriage of mail in its certificated services. Pending completion of that investigation, we are proposing the establishment of temporary rates.

As noted previously, the Postal Service has suggested that the temporary rates currently applicable to mail service performed by trunkline and local-service carriers pursuant to Board orders in Docket 23080-2 be established for Air New England's service. Although the Postal Service does not set forth any reasons for its suggestion, nevertheless the Board must give consideration to the fact that the user of the service has suggested rates it is willing to pay.

We propose to establish the temporary rates suggested by the Postal Service. Certain of the routes certificated for service by Air New England were previously operated by Delta Air Lines, Inc., and Delta's mail service was subject to the temporary rates established in Docket 23080-2. It appears reasonable that the same service to be performed by Air New England should be compensated at the same rates, on a temporary basis. Furthermore, the Board has determined in Docket 22973 that, for certain purposes, Air New England shall be treated as a local-service carrier.[2] Those carriers are also subject to the temporary service mail rates established in Docket 23080-2. In these circumstances, and in view of the agreement of the Postal Service, we tentatively conclude that the current temporary service mail rates and the final service mail rates to be established in Docket 23080-2 are fair and reasonable for the mail service performed by Air New England pursuant to its certificate of public convenience and necessity.

We therefore propose to issue an order adopting this conclusion and providing that: 1. On and after the date of commencement of certificated air transportation by Air New England, Inc., the fair and reasonable temporary rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, to Air New England, Inc., for operations between points which it presently or hereafter is authorized to carry

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[1] Revision to Tariff C.A.B. No. 3, Miller Traffic Service, Inc., Agent.

[2] Only The Flying Tiger Line Inc., among the direct carriers, bases its limitations (for local domestic traffic) on the weight lost or damaged, but at a rate of $9.07 per pound.

[1] Air New England has previously provided noncertificated mail services in the New England region pursuant to contract with the Postal Service.

[2] Orders 74-10-101 and 74-10-102.

mail by its certificates of public convenience and necessity are the temporary rates established in Docket 23080-2.

2. The investigation instituted herein is consolidated into Docket 23080-2, and Air New England is made a party to Docket 23080-2.

3. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment, commencing with the date of inauguration of services by Air New England, Inc., pursuant to its certificate of convenience and necessity as may be required by the order establishing final service mail rates in Docket 23080-2.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is Ordered, That: 1. The petition filed by Air New England, Inc., on January 13, 1975, in Docket 23080-2 is hereby dismissed;

2. An investigation is hereby instituted to determine the fair and reasonable rates to be paid by the Postmaster General to Air New England, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over Air New England's entire system on and after the date of commencement of services by Air New England, Inc., pursuant to the certificate of public convenience and necessity issued by the Board;

3. All interested persons, and particularly Air New England, Inc. and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the temporary rates and charges specified herein pending the fixing of final rates and charges;

4. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order;

5. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the temporary rates and charges herein specified;

6. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates and charges herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.207; and

7. This order shall be served upon the Postmaster General and Air New England, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3068 Filed 1-31-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ALABAMA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a Press Conference of the Alabama State Advisory Committee will convene at 10 a.m. on February 21, 1975, at the Holiday Inn Midtown, 924 Madison Avenue, Queen Bess Room, Montgomery, Alabama 36104.

Persons wishing to attend this press conference should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this press conference is the release of State Advisory Committee Report on Alabama Prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3026 Filed 1-31-75;8:45 am]

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on February 27, 1975, at Hunter Inn, 1245 24th Street, Phoenix, Arizona 85034—Conference Room #109.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80282.

The purpose of this meeting shall be the release of Indian Employment in Arizona—Report MAES follow-up.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3025 Filed 1-31-75;8:45 am]

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a Press Conference of the Arizona State Advisory Committee will convene at 10 a.m. on February 28, 1975, at 235 Federal Building and Post Office, 522 North Central Avenue, Phoenix, Arizona 85004.

Persons wishing to attend this press conference should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80282.

The purpose of this press conference is to release report "Indian Employment in Arizona".

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., January 29, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3027 Filed 1-31-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 303-3]

CIVIL SUBSONIC TURBOJET ENGINE-POWERED AIRPLANE NOISE RETROFIT AND FLEET NOISE LEVEL REQUIREMENTS

Proposed Aircraft Noise Abatement Regulations

Section 611(c)(1) of the Federal Aviation Act (the Act) of 1958, 49 U.S.C. 1431, as amended by section 7(b) of the Noise Control Act of 1972, 86 Stat. 1239, requires that the Administrator of the Environmental Protection Agency submit to the Federal Aviation Administration (FAA) proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as EPA determines is necessary to protect the public health and welfare.

In compliance with the Act, on January 28, 1975, the EPA submitted two proposed regulations to the Administrator of the FAA. These proposed regulations are Civil Subsonic Turbojet Engine-Powered Airplane Noise Retrofit Requirements and Fleet Noise Level Requirements and have been submitted to the Federal Aviation Administration under the authority of 49 U.S.C. 1431.

ROGER STRELOW,
Assistant Administrator, Air and Waste Management.

JANUARY 29, 1975.

[FR Doc.75-3070 Filed 1-31-75;8:45 am]

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[FRL 329-7]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 9 a.m., February 24 and 25, 1975, in Room 1112, Building 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Virginia.

This is the first meeting of the Committee. The agenda includes discussion of the organizational structure, operational procedures, and functions of the Committee as an entity of the Science Advisory Board; an overview of the Environmental Sciences Research Program, Office of Research and Development, focusing on the Ecological Processes and Effects research responsive to the Agency's regulatory and standard setting responsibilities; and discussions of environmental problem areas requiring greatly improved ecological understanding for effective policy formulation and decision making. Topics may include such areas as the effects of acid rainfall and the natural occurrence of carcinogens in the environment. It is anticipated that one or more topics will be selected for Committee study.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

JANUARY 29, 1975.

[FR Doc.75-3071 Filed 1-31-75;8:45 am]

[FRL 329-6; OPP-180033]

TEXAS STATE DEPARTMENT OF HEALTH

Issuance of Specific Exemption To Use Strychnine To Control Rabid Skunks

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Texas State Department of Health (hereafter referred to as the "Applicant") to use strychnine alkaloid or strychnine sulfate baits in a rabid skunk control program; this program is intended to prevent exposure of domestic animals and man on one 6,000 acre ranch located in Bowie and Red River Counties, Texas.

This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions. All interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room 347, East Tower, Washington, D.C. 20460.

Background. On May 15, 1974, the EPA granted a specific exemption from the registration provisions of the amended FIFRA to the Texas State Department of Health, Austin, Texas. This exemption, valid only through June 30, 1974, permitted the use of strychnine alkaloid baits for emergency control of rabid foxes, raccoons, skunks, possums, bobcats, and coyotes only in Sutton and Schleicher Counties, on non-Federal lands. Notice of the issuance of this specific exemption was published in the FEDERAL REGISTER on June 5, 1974 (39 FR 19977).

However, a gravid cow with encephalitic symptoms was recently observed in a barn located on the Wood ranch, which covers 6,000 acres of Bowie and Red River Counties, Texas. The cow was sent to the Veterinary Medicine Laboratory at Texas A & M University for diagnosis; since the animal was in the late stages of pregnancy, the calf was delivered by caesarean section. Tests by the veterinary pathologist were negative for encephalitis, but the fluorescent antibody test for rabies in brain tissue was positive. Subsequent investigations have revealed that thirteen (13) workers on the Wood ranch and seven (7) veterinary personnel have been exposed to the rabid cow. These twenty (20) people are currently being treated for rabies. It has also been determined that the rables are being carried by rabid skunks which frequent the cattle barns on the ranch at night.

The Governor of Texas, through the Applicant, has requested permission to use strychnine poisoned bait in fourteen barns located on the Wood ranch to suppress the skunk population. The program will require five (5) ounces of strychnine.

Conclusion. In light of the information provided by the Applicant, the EPA has granted a specific exemption to use a strychnine bait for control of rabid skunks frequenting barns on the ranch in question, subject to the following restrictions:

(1) Bait stations containing not more than one-fourth (¼) grain of strychnine sulfate or strychnine alkaloid will be applied in barns by experienced personnel of the Texas State Department of Health;

(2) The total amount of strychnine will not exceed five (5) ounces;

(3) The bait will be placed in the evening and removed in the morning. Exposure will be five (5) consecutive nights. The program will commence as soon as a suitable strychnine product can be obtained and, in any case, shall be completed prior to February 28, 1975;

(4) The area treated will be fourteen barns located on the Wood ranch. Ranch employees living in houses adjacent to the treated barns will be notified of the poisoned bait applications;

(5) EPA Regional personnel will be contacted to discuss monitoring of the program; and

(6) The Applicant will comply with the provisions of § 166.5 entitled "Procedure to be followed upon approval of a specific exemption" under the amended FIFRA.

Dated: January 29, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-3072 Filed 1-31-75;8:45 am]

[OPP-32000/181 & 182 FRL 329-5]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or after April 4, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 4, 1975.

Dated: January 27, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP—32000/181)

EPA File Symbol 36271-R. American Lava Coating Corp. 41 Cain Dr., Plainview NY 11803. DAIRY & LIVESTOCK SPRAY. Active Ingredients: Pyrethrins 0.10%; Piperonly Butoxide, Technical 1.00%; Petroleum Distillate 98.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LA. Dymon, Inc., 3401 Kansas Ave., PO Box 6235, Kansas City KS 66106. C.M.S. 4. Active Ingredients: Aromatic Petroleum Derivative Solvent 45%; Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LI. Dymon, Inc. I.T.C. 20. Active Ingredients: Aromatic Petroleum Derivative Solvents 45%; Malathion (0,0-dimethyl of diethyl mercaptosuccinate) 55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-L. Dymon, Inc. OCTICIDE 1. Active Ingredients: Aromatic Petroleum Derivative Solvent 82%; Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 18%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11694-LT. Dymon, Inc. CHLORMAL-21 CONCENTRATE. Active Ingredients: Aromatic Petroleum Derivative Solvents 40%; Mathathion (0,0-dimethyldithiophosphate of diethyl mercaptosuccinate) 55%. Method of Support: Application proceeds under 2(c) of interim policy.

APPLICATIONS RECEIVED (OPP-32000/182)

EPA File Symbol 36271-E. American Lava Coating Corp., 41 Cain Dr., Plainview NY 11803. DAIRY SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-EIU. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD OT-25 HOSPITAL SPRAY DISINFECTANT & DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; Essential oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-EIG. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD MT-25 HOSPITAL SPRAY DISINFECTANT & DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; Essential oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LTO. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. CIBA-GEIGY TECHNICAL AMETRYN FOR FORMULATING USE. Active Ingredients: Ametryne: 2-ethylamino-4-isopropyl-amino-6-methylthio-s-triazine 90%; Related compounds 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2342-OLE. Kerr-McGee Chem. Corp., Kerr-McGee Center, Oklahoma City OK 73125. GRO-TONE DIPEL HG. Active Ingredients: Bacillus Thuringiensis, Berliner, 4,320 International Units of potency per milligram (at least 6.75 billion viable spores per gram) 0.86%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9123-RT. Magnolia Fertilizer Co., 500 7th Ave. S., Kirkland WA 98033. LIQUID MOSS-A-WAY. Active Ingredients: Ferrous sulfate 16.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 36146-R. Triton Lab., Inc., 124 Stuyvesant Ave., Brooklyn NY 11221. ODORHYDE II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 36146-E. Triton Lab., Inc., 124 Stuyvesant Ave., Brooklyn, NY 11221. ODORHYDE-450. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876-EUI. Velsicol Chem. Corp., 341 E. Ohio St., Chicago IL 60611. GOLD CREST PROMAR BAIT PACKS CONTAINING APPLE FLAVORED BAIT PELLETS. Active Ingredients: Diphacinone (2-Diphenylacetyl-1,3-Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EUT. Velsicol Chem. Corp. VELSICOL RAMIK BROWN BAIT PACKS. Active Ingredients: Diphacinone (2 - Diphenylacetyl - 1,3 - Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15265-E. Wausau Chem. Corp., PO Box 953, Wausau WI 54401. W Q-10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 15265-G. Wausau Chem. Corp. SOLU SOFT 30G. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 10.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15265-R. Wausau Chem. Corp. SANIDET. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 15265-U. Wausau Chem. Corp. SANI-SOLV 10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32447-R. Woodhill Chem. Sales Corp., PO Box 7183, Cleveland OH 45750. DURO-WOODHILL WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 4.2%; Other Chlorophenols 8%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEM

The following is a change to the list of Applications Received published in the FEDERAL REGISTER January 23, 1975 (40 FR 3634).

EPA File Symbol 961-GNU. Lebanon Chem. Corp., The Bishop Co. Div., PO Box 180, Lebanon PA 17042. AGRICO WEED CONTROL WITH GRASS FOOD. Active Ingredients: Dimethylamine Salt of 2,4-dichloro-phenoxyacetic acid 1.38% . . . Originally published as 1.30%.

[FR Doc.75-2960 Filed 1-31-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20329, 20330, 20331, File Nos. [BPH-8434, 8435, and 8490]

ARTHUR R. TEMPLAR AND SHARON D. TEMPLAR ET AL.

Construction Permits

Requests: 103.9 MHz; Channel No. 280 33 kW(H&V); 300 feet; Tecumseh Broadcasting Corporation Fort Wayne, Indiana. Requests: 103.9 MH; Channel No. 280) kW(H&V); 300 feet, Weber Broadcasting, Inc. Fort Wayne, Indiana. Requests: 103.9 MHz; Channel No. 280 3 kW(H&V); 300 feet.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it the three above-captioned applications which are mutally exclusive in that they seek the same channel in Fort Wayne, Indiana.

2. The demographic data submitted with each of the applications reveals that Fort Wayne has an extensive population which is enrolled in school, including several universities in the community. Public and private school enrollment in the county is in excess of 70,000 students. However, neither Weber Broadcasting, Inc. [Weber], nor Tecumseh Broadcasting Corporation [Tecumseh] has included any interviews with student leaders among the individuals consulted in the course of the community leader survey. As this segment of the population is clearly significant, it is not apparent that the efforts of Weber and Tecumseh fully comport with the requirements of the Commission's *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971). Accordingly, an appropriate issue will be specified as to both of these applicants to consider this deficiency further.

3. Tecumseh proposes to side-mount its FM antenna on a uniform cross-section guyed tower, located approximately 4,300 feet from the directional antenna system of station WFWR(AM), Fort Wayne, Indiana. In the event that Tecumseh is successful in its application,

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the construction permit will be conditioned as follows, in order to determine whether the FM structure will distort the existing pattern:

Prior to the issuance of program test authority for the construction authorized herein, the permittee shall file with the Commission sufficient field intensity measurements of standard broadcast station WFWR made both before commencement and after completion of the construction of the antenna specified herein, to satisfactorily demonstrate that the radiation pattern has not changed because of said construction. Minimum required measurements shall include at least ten (10) consecutive points, including the measured field intensity at the monitoring locations for each of the radials included in the last proof of performance on file with the Commission. Measurement shall be made for both directional and non-directional modes of operation. These measurements, together with their ratio (DA/NDA) shall be submitted in tabulated form. Also, measurement data shall be certified by all parties involved before submission to the Commission. The engineer selected by the permittee to make the measurements shall be acceptable to all parties, and the cost of making the measurements, and any corrective measures that may be required to restore the patterns to the conditions prior to this construction shall be borne by the permittee herein. Also, permittee shall be responsible for maintenance and repair of any detuning circuits necessary to restore the radiation pattern of station WFWR.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

a. To determine the efforts made by Tecumseh Broadcasting Corporation to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems;

b. To determine the efforts made by Weber Broadcasting, Inc., to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems;

c. To determine which of the proposals would, on a comparative basis, better serve the public interest;

d. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. It is further ordered, That, in the event that Tecumseh Broadcasting Corporation is successful in its application, the construction permit will contain the special condition discussed in paragraph 3, above.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person of by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 24, 1975.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-3044 Filed 1-31-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS AND SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs and Special Impact Advisory Committee will meet on Thursday, February 20, 1975, at 9 a.m., in Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

This Committee was established to provide the Federal Energy Administration with diversified knowledge and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, developing, and implementing programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The Agenda for the meeting is as follows:

1. Socio-Economic Analysis of the President's Energy Policies and Alternatives.
2. Lifeline Rate Concept.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on January 28, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-2970 Filed 1-29-75;9:40 am]

FEDERAL POWER COMMISSION

[Docket No. E-8851]

ALABAMA POWER CO.

Extension of Procedural Dates

JANUARY 27, 1975.

On January 16, 1975, the Cooperatives and the Municipalities (Intervenors) jointly filed a motion to extend the procedural dates fixed by order issued July 18, 1974, as most recently modified by notice issued October 21, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, February 24, 1975.
Service of Company Rebuttal, March 31, 1975.
Hearing, April 14, 1975 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2973 Filed 1-31-75;8:45 am]

[Docket No. RI74-144]

AZTEC OIL & GAS CO.

Formal Hearing

JANUARY 27, 1975.

On January 3, 1975, Aztec Oil & Gas Company (Aztec) filed an application for rehearing of Opinion No. 699-H [1] requesting, inter alia, special relief for sales of its gas to El Paso Natural Gas Company (El Paso) in the San Juan Basin subarea of the Rocky Mountain Area [2] which are involved in Docket No. RI74-144. In Opinion No. 699-H (mimeo at 66-68), the Commission established a just and reasonable rate of 35¢ per Mcf for gas in the Rocky Mountain Area from wells commenced prior to January 1, 1973, which is sold pursuant to contracts dated on or after October 1, 1968. The Commission also required refunds of any amounts collected subject to refund in excess of 35¢.

[1] Opinion And Order On Rehearing Affirming In Part And Modifying In Part Opinion No. 699 And Granting In Part And Denying In Part Petitions For Rehearing, ---- F.P.C. ----, Docket No. R-389-B (issued December 4, 1974) (hereinafter referred to as Opinion No. 699-H).

[2] Initial Rates For Future Sales Of Natural Gas For All Areas, Docket Nos. R-389-B, R-389-A, Order No. 435, 46 F.P.C. 68 (1971), affirmed sub nom. American Public Gas Association, et al. v. FPC, 498 F. 2d (D.C. Cir., May 23, 1974); Area Rates For The Rocky Mountain Area, Docket No. R-425, Opinion No. 658, 49 F.P.C. 924 (1973).

Previously, on January 2, 1974, Aztec has filed seven rate increases to 57.72¢ per Mcf for sales to El Paso under its FPC Gas Rate Schedule Nos. 2, 4, 5, 12, 28, 29, and 35.[3] By order issued February 1, 1974, Aztec's proposed rates were suspended in Docket No. RI74-144 for five months until July 2, 1974, and thereafter became effective subject to refund.

Aztec claims in its application for rehearing that Opinion No. 699-H should not apply to its sales in Docket No. RI74-144 and that it should be given an opportunity to show that it is entitled to special relief with respect to such sales. The national ceiling established in Opinion No. 699-H is applicable to a few of the subject sales made by Aztec because the wells were commenced on or after January 1, 1973. There may also be a few sales to which the 35¢ Rocky Mountain rate is applicable. But, the just and reasonable rate for the bulk of Aztec's sales will be determined in Docket No. R-478. While no determination has yet been made in Docket No. R-478, it is reasonably clear that Aztec will also seek special relief there. In these circumstances, we think it best to set for immediate hearing the proceeding in Docket No. RI74-144 so as to give Aztec an opportunity to show that it is entitled to special relief for all of its sales. This seems preferable to holding a hearing now on the few sales covered by Opinion No. 699-H, and later holding another hearing on the sales which will be covered by Docket No. R-478, particularly in light of the rate level sought by Aztec in Docket No. RI74-144. Pending our determination in Docket No. RI74-144, Aztec may continue to collect its increased rates subject to refund in Docket No. RI74-144 for sales involved there and shall not be required to make any refunds pursuant to Opinion No. 699-H for sales covered by that opinion.[4]

Petitions to intervene in Docket No. RI74-144 were previously filed by El Paso (January 31, 1974), Public Utilities Commission of the State of California (P.U.C.C.) (March 8, 1974), and Southern Union Gas Company (Southern) (April 18, 1974).

The twenty year primary term of each of Aztec's seven basic contracts has expired. Aztec has formally served notices of termination for two of the contracts involved (FPC Gas Rate Schedule Nos. 3 and 12) and the remaining five are continuing on a month to month basis until either party gives 60 day notice of intent to terminate. Each of the five continuing contracts has a clause in it stating that the price of the subject gas shall be the market value at the delivery point (at the beginning of each successive five year period after expiration of the basic contract term) for gas of similar quality and pressure in the area from which the gas is being produced. In its January 31, 1974 petition in opposition to the Aztec filing subsequently suspended in Docket No. RI74-144, El Paso did not question Aztec's right to file for increased rates under the expired contracts, but did contend that Aztec lacked contractual authorization as regards the five continuing contracts, citing "United Gas Pipe Line Co. v. Mobil Gas Service Corp." 350 U.S. 332 (1956). Aztec, in its February 25, 1974 answer to El Paso's petition, contended that the aforementioned "market value" clause satisfied Mobil. The contract issue raised by El Paso shall be decided in this hearing as well as the issues concerning Aztec's entitlement to special relief.

The Commission finds: (1) Good cause exists to permit the intervention of El Paso, Southern and P.U.C.C.

(2) A hearing is necessary to determine the just and reasonable rate or rates that Aztec may charge for the sales of natural gas covered by this docket.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections ·, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), Docket No. RI74-144 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on March 25, 1975, 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Aztec and any intervenor supporting the application shall file their direct testimony and evidence on or before February 21, 1975. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before March 11, 1975. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before March 18, 1975. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above-named petitioners are permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings; and, *Provided, further,* That such intervenors shall accept the record as it has been established in the proceedings to date.

(H) Petitions to intervene in these proceedings shall continue to be entertained until February 24, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2972 Filed 1-31-75;8:45 am]

[3] See following table.

Rate schedule No.	Supplement No.	Purchaser and producing area [1]
3	31	El Paso Natural Gas Co. (Mesa Verde Formation, San Juan and Rio Arriba Counties, N. Mex.).
4	30	El Paso Natural Gas Co. (Pictured Cliff and Fruitland Formations).
5	8	El Paso Natural Gas Co. (Pictured Cliff Formation).
12	13	Do.
28	8	El Paso Natural Gas Co. (Mesa Verde Formation).
29	10	Do.
35	11	Do.

[1] All in San Juan Basin, N. Mex.

[4] Such action is without prejudice to our determination in Docket No. RI74-144 of the proper effective date for whatever special relief, if any, is granted with respect to sales covered by Opinion No. 699-H. *See* Opinion No. 699-H, mimeo p. 82, § 2.56 (a)(g), and mimeo pp. 90-91, Ordering Paragraph (E).

[Docket No. E-9221]

DUKE POWER CO.

Change in Rates

JANUARY 24, 1975.

Take notice that on January 20, 1975, Duke Power Company (Duke) tendered for filing a supplement to its Rate Schedule FPC No. 241 for service to the City of Easley, South Carolina. Duke states that all load previously on Delivery Point No. 2 will be transferred to Delivery Point No. 3 and that the contract demand for Delivery Point No. 3 is increased.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2974 Filed 1-31-75;8:45 am]

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[Docket No. CP75–109]

FLORIDA GAS TRANSMISSION CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Setting Matters for Hearing, Granting Intervention, and Establishing Procedures

JANUARY 27, 1975.

On September 30, 1974, Florida Gas Transmission Company (Florida Gas) and Transcontinental Gas Pipe Line Corporation (Transco) jointly filed in Docket No. CP75–109 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the retention in place and operation of related exchange facilities.

The Applicants request authorization to exchange natural gas on a simultaneous Mcf-for-Mcf basis. Applicants propose that Florida Gas shall deliver to Transco up to 25,000 Mcf of natural gas per day at the point where Florida Gas' 6-inch Helen Gohlke Lateral intersects Transco's 24-inch pipeline in Victoria County, Texas. Transco proposes to simultaneously redeliver to Florida Gas (at points up stream) approximately 25,000 Mcf per day from the outlets of Sun's Oil Company (Sun's) Tijerna-Canales-Blucker Gasoline Plant in Brooks County, Texas, and Sun's Starr Gasoline Plant in Starr County, Texas.

Applicants also request authorization to construct and operate the facilities necessary to provide the initial interconnection between Applicants.

Applicants contend that the purpose of the exchange is to enable Florida Gas to take into its system quantities of gas available from Sun which because of capacity limitations upon its 6-inch line Florida Gas would be unable to receive. The gas resulting from the exchange would be transported on behalf of Florida Gas for the use of Florida Power and Light Company for use in the latter's generating stations. Applicants further contend that the proposed service would allow Florida Gas to accommodate Sun's increased production rates which are presently in excess of Florida Gas' 6-inch lateral by using existing Transco facilities which have sufficient capacity to receive increased quantities of gas.

The exchange was commenced on August 8, 1974, on an emergency basis pursuant to § 157.22 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.22) and expired on October 7, 1974. Believing that the emergency was to continue beyond the 60-day period authorized by § 157.22 the parties filed this application (dated September 30, 1974) to maintain the facilities in place and continue the exchange. The Commission denied Applicant's requests for waiver of the 60-day limit by letter dated October 30, 1974, for lack of a showing as to any adverse effects which would result from such a denial.

After due notice by publication in the FEDERAL REGISTER on October 22, 1974 (39 FR 37539), a petition to intervene was filed by Sun in support of the instant application. No further petitions to intervene, notices of intervention, or protests to granting the application have been filed.

In view of the factual and legal issues raised by the Applicants joint request for authorization of the proposed exchange of natural gas and retention in place of related exchange facilities we conclude that an evidentiary hearing should be held. Specifically, Florida Gas, Transco, and Sun should present evidence justifying the end use of the increased flow of natural gas resulting from the exchange by Florida Gas for its customer Florida Power (for use as boiler fuel) given existing curtailment rates of Florida Gas' higher priority customers as categorized under § 2.78 of the Commission's regulations. Furthermore the above parties should present all other evidence necessary to show that the authorization sought is required by the present or future public convenience and necessity.

The Commission finds: (1) Good cause exists to set for formal hearing the matters raised by the joint application of Florida Gas and Transco for a grant of permanent authorization for an exchange of natural gas between the two applicants and the facilities necessary therefore.

(2) The participation of Sun as an intervener may be in the public interest.

The Commission orders: (A) Pursuant to the provisions of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing February 20, 1975, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426. The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—See Delegation of Authority (18 CFR 3.5(d))—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) On or before February 6, 1975, Florida Gas and Transco shall file and serve their testimony comprising their case in chief upon all parties to this proceeding including Commission Staff. Such presentation shall cover all issues raised by the Applicant's September 30, 1974, filing in Docket No. CP75–109 as well as all issues referred to in this order.

(C) Sun shall be permitted to intervene in this proceeding subject to the rules and regulations of the Commission, *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that intervener may be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2975 Filed 1-31-75;8:45 am]

[Docket No. RP75–55]

MOUNTAIN FUEL SUPPLY CO.

Tender of Revised Tariff Sheets

JANUARY 27, 1975.

Take notice that on January 21, 1975, Mountain Fuel Supply Company (Mountain Fuel) tendered for filing Second Revised Sheet No. 51–A to Rate Schedule X–4 and First Revised Sheet No. 73–A to Rate Schedule X–5, both sheets being applicable to Mountain Fuel's FPC Gas Tariff, Original Volume No. 1. Mountain Fuel states that the purpose of this filing is to make the increase authorized by Opinion No. 699–H effective as of June 21, 1974. Mountain Fuel states further that the proposed increase is also authorized by Article 4 of Rate Schedules X–4 and X–5.

Mountain Fuel states that a copy of this filing has been mailed to Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2976 Filed 1-31-75;8:45 am]

[Docket No. CP75–216]

COLORADO INTERSTATE GAS CO. ET AL.

Application

JANUARY 29, 1975.

Take notice that on January 27, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, Cascade Natural Gas Corporation (Cascade), P.O. Box 24464, Seattle, Washington 98124, and Mountain Fuel Supply Company (Mountain Fuel), P.O. Box 11368, Salt Lake City, Utah 84139, filed a joint application pursuant to Section 7 of the Natural Gas Act for authority to continue to implement a short-term sale of natural gas by CIG to Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain), all as more fully set forth in the application, which is on file with the Commission and open to public inspection

By the instant application, CIG requests authority to sell up to 10,000 Mcf of gas per day for a period commencing February 2, 1975, and terminating April 15, 1975, to Rocky Mountain. According to the application the sale is expected to average about 6,000 Mcf of gas per day or less and will be interruptible, subject to the operations of CIG's system. CIG states that it will charge Rocky Mountain 72.17 cents per Mcf for deliveries up to 6,000 Mcf per day and 97.57 cents for all volumes delivered in excess of 6,000 Mcf per day. The application states that Applicants are advised that Rocky Mountain will not require any additional authorizations to undertake the proposed transaction.

Applicants state that the short-term sale is proposed because Rocky Mountain, which endeavors to obtain its gas supply entirely within the state of Colorado, has been forced to enter into several short-term gas supply arrangements similar to the one proposed in the instant application as a result of declines in local gas production. Applicants further state that Rocky Mountain has informed CIG that without this supplemental supply of gas Rocky Mountain will be forced to curtail partially its firm deliveries in February and March 1975, including residential and small commercial customers.

In order to implement the subject sale, according to the application, CIG, whose system does not connect with Rocky Mountain's has entered into a gas exchange agreement with Cascade and Mountain Fuel whereby Cascade will make deliveries to Rocky Mountain for CIG's account from an existing interconnection in the Divide Creek Field in Mesa County, Colorado, and reduce deliveries to Mountain Fuel at Bonanza, Utah, under Cascade's FPC Rate Schedule No. 1, by a volume equal to the volume delivered to Rocky Mountain, and whereby CIG will deliver to Mountain Fuel for Cascade's account volumes, equal to those which Cascade delivered to Rocky Mountain, at an existing interconnection between CIG's and Mountain Fuel's systems in Sweetwater County, Wyoming. The application further states that should the exchange account between CIG and Mountain Fuel not be in balance on April 15, 1975, the account will be balanced within a reasonable time. No new facilities are proposed by Applicants to effectuate said gas exchange.

The application relates that CIG has been selling gas to Rocky Mountain and that the subject exchange has been in operation pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) since December 4, 1974. Said emergency operations were originally scheduled to terminate, according to the application, on February 1, 1975. Applicants, therefore, request authorization to continue the sale and exchange as heretofore described for the reasons hereinbefore explained.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3066 Filed 1-29-75;3:49 pm]

[Docket Nos. RP74–48 and RP75–3]

TRANSCONTINENTAL GAS PIPE LINE CO.

Conference

JANUARY 29, 1975.

Take notice that on Tuesday, February 11, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, their attendance at the conference will not be deemed to authorize their intervention or to make them a party to these proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Transcontinental Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3065 Filed 1-29-75;3:49 pm]

[Docket No. CP75–208]

NORTH PENN GAS CO.

Application

JANUARY 27, 1975.

Take notice that on January 21, 1975, North Penn Gas Company (Applicant), 76–80 Mill Street, Port Allegany, Pennsylvania 16743, filed in Docket No. CP75–208 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon 18,460 feet of 14-inch pipeline together with appurtenances and rights-of-way in Tioga and Richmond Townships, Pennsylvania, and for a certificate of public convenience and necessity authorizing the construction and operation of 55,000 feet of 14-inch pipeline in Delmar, Farmington and Middleburg Townships, Pennsylvania, for the purpose of replacing the pipeline proposed to be abandoned, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the proposed replacement of pipeline is necessitated by the construction of the Tioga-Hammond Dam by the U.S. Army Corps of Engineers (Corps). The Corps, according to Applicant, has taken or will take, the pipeline facilities proposed to be abandoned and will reimburse Applicant for all reasonable and legitimate costs of relocating or rearranging said facilities. Applicant estimates the cost of constructing the new pipeline at $1,829,780.44.

Applicant states that the pipeline facilities must be replaced in order to maintain a direct connection between the wholesale supplier of Applicant and Applicant's storage facilities, which support pipeline system supplies and offset supplier curtailments during periods of high priority winter loads.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 1975, file with the Federal Power

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Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2977 Filed 1-31-75;8:45 am]

[Docket No. E-8882]

PUBLIC SERVICE COMPANY OF COLORADO

Filing of Supplement to Service Agreement

JANUARY 27, 1975.

Take notice that on January 10, 1975, the Public Service Company of Colorado (PSCC) tendered for filing a supplement to its service agreement with the Colorado-Ute Electric Association, Inc., designated FPC Rate Schedule No. 12. PSCC originally filed the service agreement with the Commission on July 1, 1974, and by order issued August 30, 1974, the Commission suspended the proposed service agreement for five months and set the matter for hearing.

Any person desiring to be heard or to protect said supplement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this supplement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2978 Filed 1-31-75;8:45 am]

[Docket No. CP73-27]

STINGRAY PIPELINE CO.

Tariff Filing

JANUARY 24, 1975.

Take notice that on January 13, 1975, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-27 First Revised Sheet No. 4 to Original Volume No. 1 of its FPC Gas Tariff to become effective on January 1, 1975.

Stingray states that the rate level reflected in First Revised Sheet No. 4 utilizes a 12.6 percent cost of debt capital (10½ percent x 1.2) for the 75 percent portion of Stingray's capitalization which consists of debt. The interest charge of 12.6 percent for the first quarter of 1975 has been established pursuant to the terms of the Revolving Credit and Term Loan Agreement, dated April 1, 1973 which was introduced as Exhibit No. 8 in the record in Docket No. CP73-27, et al.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before February 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2979 Filed 1-31-75;8:45 am]

[Docket No. RP 74-91-16 etc.]

TENNESSEE GAS PIPELINE CO., ET AL.

Denial of Postponement of Procedural Dates

JANUARY 24, 1975.

In the matter of Tennessee Gas Pipeline Co. (Humphreys County Utility District of Tennessee), Docket No. RP74-91-16; (East Tennessee Natural Gas Co.), Docket No. RP74-91-17; (Pennsylvania Gas and Water Co.), Docket No. RP74-91-18; East Tennessee Natural Gas Co. (Natural Gas Utilities District of Hawkins County, Tennessee), Docket No. RP75-41-1; (Colonial Natural Gas Co.), Docket No. RP75-41-2; (Atomic Energy Commission), Docket No. RP75-41-3; (Aluminum Company of America), Docket No. RP75-41-4.

On January 23, 1975, Pennsylvania Gas and Water Company filed a motion to postpone the procedural dates in Docket No. RP74-91-18, with or without severance from consolidated proceeding.

Upon consideration, notice is hereby given that the above motion is denied without prejudice to the renewal of such motion at the commencement of the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2980 Filed 1-31-75;8:45 am]

[Docket No. RP74-91-15 etc.]

TENNESSEE GAS PIPELINE CO., ET AL.

Denial of Extension of Procedural Dates and Denial of Severance

JANUARY 24, 1975.

In the matter of Tennessee Gas Pipeline Co. (Kerr-McGee Chemical Corp.), Docket No. RP74-91-15; (Humphreys County Utility District of Tennessee), Docket No. RP74-91-16; (East Tennessee Natural Gas Co.), Docket No. RP74-91-17; (Pennsylvania Gas & Water Co.), Docket No. RP74-91-18; East Tennessee Natural Gas Co. (Natural Gas Utilities District of Hawkins County, Tennessee), Docket No. RP75-41-1; (Colonial Natural Gas Co.), Docket No. RP75-41-2; (Atomic Energy Commission), Docket No. RP75-41-3; (Aluminum Company of America), Docket No. RP75-41-4; (East Tennessee Group) Docket No. RP75-41-5.

On January 24, 1975, Kerr-McGee Chemical Corporation filed a motion for extension of procedural dates fixed by order issued January 2, 1975, in Docket No. RP74-91-15. Following issuance of the Commission order of January 24, 1975, in the above-designated matter, Kerr-McGee filed a Supplemental motion for extension of procedural dates and motion for severance.

Upon consideration, notice is hereby given that the above motion is denied without prejudice to the renewal of such motion at the commencement of the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2981 Filed 1-31-75;8:45 am]

[Docket No. E-9209]

WESTERN MASSACHUSETTS ELECTRIC CO.

Amendment to Rate Schedule

JANUARY 24, 1975.

Take notice that on January 6, 1975, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed amendment to its FPC Electric Tariff Volume No. 1. WMECO states that no change in rates will result from the proposed amendment.

WMECO further requests an effective date of December 21, 1974 and, in order for said date to be allowed, they ask that Section 35.11 of the Commission Regulations be waived.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2982 Filed 1-31-75;8:45 am]

[Docket No. CI65-407, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 20, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI65-407..... C 12-30-74	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Tocito Dome Field, San Juan County, N. Mex.	[1] 09.188	15.025
CI75-105..... A 8-20-74 [2]	Tenneco Oil Co.,[3] 3000 1 Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Vermilion Block 246, offshore Louisiana.	[4] 52.5314	15.025
CI75-106..... A 8-20-74 [2]	Tenneco Exploration, Ltd., 3000 1 Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Vermilion Block 246, offshore Louisiana.	[4] 52.5314	15.025
CI75-352..... A 11-25-74 [2]	Tenneco Oil Co.[5]	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Eugene Island Block 339 Field, offshore Louisiana.	[4] 58.0977	15.025
CI75-400..... A 12-26-74 [6]	Tideway Oil Programs, Inc., P.O. Box 92, Jackson, Miss. 39205.	Northern Natural Gas Co., Hugoton Field, Stanton County, Kans.	[6] 51.0	14.65
CI75-401..... A 11-25-74	Tenneco Exploration, Ltd.....	Tenneco Oil Co., Eugene Island Block 339 Field, offshore Louisiana.	[4] 58.0977	15.025
CI75-402..... (G-12268) B 12-23-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Marshall R. Young Drilling Co., Ansley Field, Hancock County, Miss.	Production and gas deliveries have ceased.	
CI75-403..... A 12-27-74	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Northwest Pipeline Corp., Pinon Fruitland, Blanco Mesaverde, and Basin Dakota Fields, Rio Arriba and San Juan Counties, N. Mex.	[7] 51.0	14.73
CI75-404..... A 12-30-74	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	United Gas Pipe Line Co., Arnaudville Field, St. Martin Parish, La.	[6] 63.485	15.025
CI75-405..... A 12-27-74	Pacific Lighting Gas Development Co., 720 West 5th St., Los Angeles, Calif. 90017.	Transwestern Pipeline Co., Apollo Field, Winkler County, Tex.	[6] 65.0	14.65
CI75-407..... A 1-2-75	Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.	El Paso Natural Gas Co., Rocky Arroyo Field, Eddy County, N. Mex.	[4] 54.51	14.73

[1] Includes 12.566 cents per Mcf upward Btu adjustment and 1.020 cents per Mcf gathering allowance.
[2] Being renoticed, because by amendment to application filed Jan. 3, 1975, Applicant requests a higher price.
[3] Tenneco Exploration, Ltd. (a partnership composed of Tenneco Offshore, Inc., a publicly owned company in which Tenneco Oil does not own any interest, and applicant), owns the gas to be produced from Vermilion Block 246. Applicant will purchase such gas from Tenneco Exploration, Ltd., and will resell to Tennessee. Applicant has committedand will sell 75 percent of its reserves to Tennessee, and will retain 25 percent for its own use after transportation on shore by Tennessee under other arrangements to be made later.
[4] Subject to upward and downward Btu adjustment.
[5] Applicant states that it has committed and will sell 75 percent of its reserves to Tennessee, and will retain 25 percent for its own use after transportation onshore by Tennessee under other arrangements to be made later.
[6] Being renoticed, because by letter filed Jan. 9, 1975, applicant requests a higher price.
[7] Plus 3.825 cents per Mcf tax reimbursement and 8.223 cents per Mcf upward Btu adjustment.
[8] Subject to upward and downward Btu adjustment, estimated adjustment is 3.954 cents per Mcf; and subject to 0.51 cent per Mcf for gathering.
[9] Applicant is willing to accept a certificate in accordance with Opinion No. 699.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-2900 Filed 1-31-75;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Denial of Clearance of Report Proposal

Notice is hereby given that the General Accounting Office (GAO) will not issue clearance of a proposal by the Interstate Commerce Commission to require household goods carriers to file a new annual performance report. The requirement and data to be included in the report are specified in 49 CFR 1056.7(b). Respondents were to be some 2,500 household goods carriers.

In section 409 of Pub. L. 93-153, the Congress gave GAO responsibility for insuring that the information required by the independent regulatory agencies is obtained with a minimum burden on business enterprises and that the information is not presently available from other sources within the Federal government. GAO finds that the information sought in the proposal will not result in unnecessary duplication of information already available. However, upon a review of the material submitted with the proposal, as well as recent information submitted to GAO by potential respondents, GAO has determined it would be unduly burdensome to require respondents to compile new performance information retroactively for calendar year 1974. On that basis, we will not issue a clearance of the proposal. This determination is based on the retroactive nature of the proposal, not on its substance.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review Group.

[FR Doc.75-2648 Filed 1-31-75;8:45 am]

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INTERNATIONAL JOINT COMMISSION UNITED STATES AND CANADA

NIAGARA FALLS

Preservation and Enhancement

In the matter of a public hearing on Preservation and Enhancement of the American Falls at Niagara; 9:30 a.m., Tuesday, 4 March 1975, Riverview Room, Ramada Inn, 401 Buffalo Avenue, Niagara Falls, New York 14303.

The International Joint Commission will conduct a public hearing at the above noted time and place to receive the views and comments of all those interested in measures to preserve or enhance the beauty of the American Falls at Niagara and in the Final Report of the Commission's American Falls International Board.

In 1967, the Governments of Canada and the United States requested the Commission to investigate and recommend what measures are feasible and desirable (a) to effect the removal of the talus at the base of the American Falls and (b) to retard or prevent future erosion as well as other measures which may be desirable or necessary to preserve or enhance the beauty of the Falls. In 1970 the two Governments extended the terms of the Reference to include recommendations as to the measures feasible and desirable to protect the immediate areas of the American Falls and of the Goat Island Flank of the Horseshoe Falls if it were found that these areas were endangered by the possibility of erosion or other geological conditions.

The Board concluded in its Report dated June 1974 that the process of erosion and recession should not be interrupted, but safety measures should be undertaken to protect the viewing public. The Board concluded further that a broad international environmental study should be undertaken of conditions in the vicinity of Niagara Falls in order to determine what other measures might be desirable to enhance the beauty of the Falls.

At the hearing statements may be made orally or in writing and the evidence submitted will be considered by the Commission in formulating its report and recommendations to the Governments. Where written statements are provided it would be helpful to have sufficient copies deposited with the Secretaries for the use of the Commission, the news media and others interested. Copies of the Board's report and a summary brochure are available upon request to the Secretaries of the Commission.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission.

JANUARY 29, 1975.

[FR Doc.75-3168 Filed 1-31-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-40]

ELECTRONIC FLASH DEVICES

Notice of Termination of Investigation, in Part

On January 28, 1975, the Commission ordered the termination of investigation No. 337-40 with respect to Braun North America, a division of the Gillette Company of Cambridge, Massachusetts; Braun North America is one of the parties named in the investigation as importers and distributors of the product the subject of the investigation. This termination was based on the submissions of the parties to this investigation and on the existence of a licensing agreement covering the patents in issue between Honeywell, Inc., and the Gillette Company and Braun A.G. of the Federal Republic of Germany. Braun A. G. is the foreign manufacturer of electronic flash devices imported by Braun North America.

By order of the Commission.

Issued: January 29, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-3056 Filed 1-31-75;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

ADVISORY COMMITTEE RESEARCH PANEL

Meeting

JANUARY 20, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Research Panel will meet at Washington, D.C. on February 18, 1975.

The purpose of the meeting is to review research grant applications on General Research on Archaeology submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202 382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-3024 Filed 1-31-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MOLECULAR BIOLOGY

Notice of Determination

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of an Advisory Panel for Molecular Biology as hereinafter identified, is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Panel:* Advisory Panel for Molecular Biology.

2. *Purpose:* To provide advice on the technical and scientific aspects of specific proposals submitted to the Molecular Biology Section for consideration of funding. The Advisory Panel for Molecular Biology is established as a result of a merger between the Advisory Panel for Biochemistry and the Advisory Panel for Biophysics.

3. *Effective Date of Establishment and Duration:* The panel is established effective 15 days after publication of this Notice and after the filing of the charter with the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The panel's duration shall be two years from the effective date.

4. *Membership:* The membership of the panel shall be fairly balanced in terms of the points of view represented and the panel's function. The panel will be comprised of panel members who are currently serving on the Advisory Panel for Biochemistry and the Advisory Panel for Biophysics until completion of their terms, after which new members may be selected from the community of research scientists in Molecular Biology. There will be no discrimination on the basis of race, color, national origin, religion or sex.

5. *Panel Operation:* The panel will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised and other directives and instructions issued in implementation of the Act.

H. GUYFORD STEVER,
Director.

[FR Doc.75-3055 Filed 1-31-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Problem Assessment and Experimental Projects Subpanel, to be held at 9 a.m. on February 20 and 21, 1975, in Room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Problem Assessment and Experimental Projects Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10 (d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Richard W. West, Project Manager, Problem Assessment and Experimental Projects, Rm. 666-W, National Science Foundation, Washington, D.C. 20550, telephone, 202/282-7947.

R. GAIL ANDERSON,
Acting Committee Management Officer.

JANUARY 29, 1975.

[FR Doc.75-3053 Filed 1-31-75;8:45 am]

ADVISORY PANEL FOR OCEANOGRAPHY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Oceanography to be held at 9 a.m. on February 19 and 20, 1975, in rooms 338 and 642, 1800 G Street NW., Washington, D.C.

The purpose of the Panel is to provide advice and recommendations in the evaluation of specific research proposals and to advise the Foundation on the impact of its research support programs on the scientific community in oceanography.

The agenda for this meeting is as follows:

FEBRUARY 19—RMS. 338 AND 642

9:00—Review and evaluation of research proposals in oceanography.

FEBRUARY 20—RM. 642

9:00—Introductory Remarks—Dr. Crary, Division Director, Environmental Sciences.
9:30—Energy-related Oceanographic Research—Dr. Harriss, Energy Task Coordinator for the Division of Environmental Sciences.
10:00—US-USSR Cooperative Agreement, Oceanography—Mr. Jennings, Head, Office for the International Decade of Ocean Exploration.
10:30—Estimating Future Requirements for Oceanographic Facilities—Ms. Johrde, Head, Office of Oceanographic Facilities and Support.
11:30—National Academy of Sciences' Report on Biological Oceanography—Dr. Williams, Program Director, Biological Oceanography.
12:30—Lunch
1:00—International Decade of Ocean Exploration—Mr. Jennings, Head, Office for the International Decade of Ocean Exploration.
1:45—Support of Oceanographic Research, Office of Naval Research—Dr. Ostinso, Deputy Division Director for Ocean Science and Technology, ONR.
2:30—New Directions in Oceanographic Research—Dr. Crary, Division Director, Environmental Sciences.
3:15—Other Business.
3:30—Adjourn.

The entire session on February 19 will be devoted to reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

The February 20 session shall be open to the public. Individuals who wish to attend should inform Ms. Charlene Cardwell, Secretary to the Division Director, Environmental Sciences, by telephone, 202/632-4274, or by mail, Rm. 308, National Science Foundation, Washington, D.C. 20550, prior to the meeting.

For further information concerning this Panel, please contact Dr. A. P. Crary, Division Director, Environmental Sciences, at the above address. Summary minutes relative to the open portion of this meeting may be obtained from the Management Analysis Office, Rm. K-720, 1800 G Street, NW., Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

JANUARY 29, 1975.

[FR Doc.75-3054 Filed 1-31-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-298; Operating License DPR-46]

COOPER NUCLEAR STATION

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Environmental Technical Specifications Appendix B of Operating License No. DPR-46. These changes would authorize the Nebraska Public Power District (the licensee) to operate the Cooper Nuclear Station with an increased temperature across the condensers during thermal plume mapping studies and periods when ice control is required; and include revisions to administrative controls to reflect current Regulatory practice.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed change to the Environmental Technical Specifications Appendix B, of License No. DPR-46, Cooper Nuclear Station, described above: On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Auburn Public Library, 1118-15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 27th day of January, 1975.

For the Nuclear Regulatory Commission.

JAN A. NORRIS,
Acting Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-3061 Filed 1-31-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District which revised Appendix B, Environmental Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment permits modification to the Environmental Technical Specification, Maximum ΔT Across Condenser, to provide operational flexibility during thermal plume mapping studies and during periods when a portion of the condenser discharge is recirculated for ice control. In addition, administrative controls have been revised to reflect current regulatory practice.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated January 27, 1975, (2) Amendment No. 10 to License No. DPR-46, with any attachments, and (3) the Commission's related Negative Declaration with supporting Environmental Impact Appraisal, issued concurrently with this notice. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Auburn Public Library, 1118-15th Street, Auburn, Nebraska 68305.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

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Dated at Bethesda, Maryland, this 27th day of January, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operation Reactors Branch 2, Division of Reactor Licensing.

[FR Doc.75-3060 Filed 1-31-75;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Consideration of Proposed Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering an amendment, as proposed by the licensee, to Provisional Operating License No. DPR-20 issued to the Consumers Power Company (the licensee) for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan.

The present license requires that at the end of no more than 90 effective full power days or no more than 6 calendar months from the date of initial criticality after the August 1973 shutdown (which was achieved on September 5, 1974), whichever occurs first, an inspection of the steam generator tubes be conducted in accordnace with Regulatory Guide 1.83, "Inservice Inspection of Pressurized Water Reactor Steam Generator Tubes" (issued June 1974), as that guide applies to inspections after the baseline inspection.

The proposed amendment would delete the calendar time provision of 6 months for this inspection, so that the Regulatory Guide 1.83 inspection will not be required by March 5, 1975. The requirement to conduct this inspection at the end of no more than 90 effective full power days of operation following September 5, 1974, would be retained in its present form. The amendment is proposed by the licensee's application for amendment dated January 23, 1975.

The Commission has determined, pursuant to section 189 of the Atomic Energy Act of 1954, as amended (the Act), that thirty days' notice of the proposed amendment is required. Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's regulations.

On or before March 5, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714 and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by March 5, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and Judd L. Bacon, Senior Attorney, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201 and R. Rex Renfrow, III, Esquire, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 23, 1975, and the licensee's inspection report dated January 3, 1975. Also related to this action are the following: (1) The Commission's Safety Evaluation dated August 30, 1974, issued in connection with Amendment No. 10 to the operating license dated August 30, 1974, which was issued in response to the licensee's application for amendment dated August 20, 1974, and its letter to the Directorate of Licensing dated August 28, 1974, requesting interim Technical Specifications; and (2) the Commission's Safety Evaluation dated November 27, 1974, issued in connection with Amendment No. 11 to the operating license dated November 27, 1974, which was issued in response to the licensee's August 20, 1974 application for amendment as supplemented November 7, 1974. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan. 49006. Copies of any license amendment, related Safety Evaluation, and attachments, when issued, may be inspected at the above locations. A copy of any license amendment and the related Safety Evaluation and attachments, when issued, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-3186 Filed 1-31-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 01/28/75 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

SMALL BUSINESS ADMINISTRATION

Definition of Small Business (Timber), single-time, concerns interested in purchasing Govt. timber, Lowry, R. L., 395-3772.

TENNESSEE VALLEY AUTHORITY

Farmer Questionnaire—Vicinity of Proposed Nuclear Power Plants, single-time, farm operators within designated area, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: National Day Care Study RFP (Testing Contractor), OS-6-75, single-time, bidders interested in obtaining contract, Human Resources Division, 395-3532.

Food and Drug Administration: Consumer Expectations From Food Labeling, FDABF 0116, annually, grocery buyers, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Statement of Work re: The Safety Aspects of Reduced Speed Limits and Reduction in Travel Caused by Energy Crisis, single-time, State highway departments, Strasser, A., 395-3880.

Departmental and other: Miami Bus Rider Survey, annually, express bus riders, Strasser, A., 395-3880.

Federal Highway Administration: Abandoned Automobile Programs of State and Local Government, single-time, State and local governments, Strasser, A., 395-3880.

Departmental and other: Use of Odorants in Natural Gas, single-time, gas distribution system operators, Weiner, N., 395-4890.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Tart Cherry Objective Yield Survey—Michigan, annually, tart cherry producers, Lowry, R. L., 395-3772.
Onion Stocks and Dispositions, semi-annually, onion growers and shippers, Lowry, R. L., 395-3772.

DEPARTMENT OF THE TREASURY

Departmental and other:
Short-Term Claims on Foreigners, B-2, monthly, banks in the United States, Hulett, D. T., 395-4730.
Long-Term Liabilities to, and Claims on, Foreigners, B-3, monthly Banks in the United States, Hulett, D. T., 395-4730.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Qualification Application for Auctioneer Organizational Property, GSA-1399, on occasion, auctioneers, Evinger, S. K., 395-3648.

VETERANS ADMINISTRATION

Request for Estate Information, FL27-439, on occasion, Evinger, S. K., 395-3648.

Counseling Record—Personal Information (significant facts about applicants life), 21E-1902, on occasion, Evinger, S. K., 395-3648.

DEPARTMENT OF THE INTERIOR

Departmental and other: Application for Youth Conservation Corps/Applicant Evaluation, on occasion, Lowry, R. L., 395-3772.

DEPARTMENT OF THE TREASURY

Bureau of Customs:

Declaration and Entry for Personal and Household Effects, CF 6061, on occasion, Evinger, S.K., 395-3648.
Bond Transcript, 53, on occassion, Evinger, S.K., 395-3648.
Notice of Lading of Supplies and Equipment With Benefit of Drawback, CF 7515, on occasion, Evinger, S.K., 395-3648.
Memorandum Regarding Oral Inquiry Tariff Classification, CF 4309, on occasion, Evinger, S.K., 395-3648.
Invoice Details for Cotton Fabrics and Linens, CF 5519, on occasion, Evinger, S.K., 395-3648.

DEPARTMENT OF TRANSPORTATION

Departmental and other:

Secretary's Youth Opportunity, DOT-Supported Activities Report, External Training Report, External Employment Report, Other (see SF-83), Evinger, S.K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3110 Filed 1-31-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5333]

MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Exceptions From Tax Allocation Provisions

Correction

In FR Doc. 75-1926, appearing at page 3522 in the issue of Wednesday, January 22, 1975, the agency docket number was omitted and should read as set forth above.

DEPARTMENT OF LABOR

Office of the Secretary

PPG INDUSTRIES, INC.

Certification of Eligibility to Apply for Adjustment Assistance

Under date of December 13, 1974, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers of North America, AFL-CIO, and by the Window Glass Cutters League of America, AFL-CIO, on behalf of workers and former workers of the Mt. Vernon, Ohio plant of PPG Industries, Inc., Pittsburgh, Pennsylvania. The request for certification was made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970. In that proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threaten to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

The Director, Office of Foreign Economic Policy, upon receipt of the December 13, 1974 petition, instituted an investigation (Notice of Delegation of Authority and Notice of Investigation 34 FR 18342, 37 FR 2472, 39 FR 44293, 29 CFR 90.11). After that, the Director made a recommendation to me relating to the matter of certification. In the recommendation she noted that a significant number or proportion of the workers of PPG's Mt. Vernon plant became unemployed or underemployed when the plant began to curtail production in June 1974. She further noted that imports of sheet glass of the types produced at the Mt. Vernon plant decreased substantially from prior levels during 1973 and the first nine months of 1974. The primary cause of production cutbacks and associated layoffs at the plant was the decline in domestic building construction. Residential housing starts in the United States declined significantly from 1972 to 1973, and fell sharply in the first nine months of 1974 compared to the first nine months of 1973. A major portion of the sheet glass produced at the Mt. Vernon plant is used in building construction. Another cause of the production and employment declines was the increased competition which the company faced from float glass in the window glass market. Float glass is a higher quality glass than sheet glass and can be produced in window glass thicknesses at about the same cost as sheet glass. PPG's production of float glass increased substantially from 1971 to 1973.

After due consideration, I have concluded that increased imports of sheet glass were not the major factor causing the unemployment or underemployment of the workers at the Mt. Vernon, Ohio plant of PPG Industries, Inc., Pittsburgh, Pennsylvania. Accordingly, I make no certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 28th day of January 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-3022 Filed 1-31-75;8:45 am]

STATES OF ALABAMA, ARIZONA, ARKANSAS, CONNECTICUT AND PENNSYLVANIA

Availability of Extended Unemployment Compensation and Federal Supplemental Benefits

The unemployment compensation laws of the States of Alabama, Arizona, Arkansas, Connecticut, and Pennsylvania establish programs for the payment of extended unemployment compensation in accordance with the Federal-State Extended Unemployment Compensation of 1970, 84 Stat. 708. Extended unemployment compensation is payable under these programs to unemployed individuals who have exhausted their rights to regular unemployment compensation during an extended benefit period which begins and ends according to indicators of insured unemployment as set forth in the law.

In addition, the Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, provides for further extended benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted

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their rights to regular unemployment compensation and extended unemployment compensation (or are not entitled to extended unemployment compensation because of the ending of their eligibility periods) in States which have entered into an agreement with the Secretary of Labor of the United States pursuant to the Act. Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period which begins and ends according to indicators in the law which are the same as the indicators for extended benefit periods under the Federal-State Extended Unemployment Compensation Act of 1970.

In accordance with those laws the following determinations of "on" indicators have been made, and the beginning dates of extended benefit periods and Federal Supplemental Benefits Periods are announced as follows:

Alabama: Tom J. Ventress, Director of the State of Alabama Department of Industrial Relations, has determined that there was a State "on" indicator in Alabama for the week ending on December 28, 1974, and an extended benefit period therefore commenced in that State with the week beginning on January 12, 1975. Similarly, I have determined that there was a Federal Supplemental Benefits "on" indicator in Alabama for the week ending on December 28, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 12, 1975.

Arizona: William J. Mayo, Director of the State of Arizona Department of Economic Security, has determined that there was a State "on" indicator in Arizona for the week ending on December 21, 1974, and an extended benefit period therefore commenced in that State with the week beginning on January 5, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Arizona for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975.

Arkansas: Henry L. McHenry, Acting Administrator of the State of Arkansas Employment Security Division, has determined that there was a State "on" indicator in Arkansas for the week ending on December 14, 1974, and an extended benefit period therefore commenced in that State with the week beginning on December 29, 1974. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Arkansas for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975.

Connecticut: Jack A. Fusari, Administrator of the State of Connecticut Labor Department—Employment Security Division, has determined that there was a State "on" indicator in Connecticut for the week ending on December 7, 1974, and an extended benefit period therefore commenced in that State with the week beginning on December 22, 1974. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Connecticut for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975, as previously announced in an earlier notice published at 40 FR 3524.

Pennsylvania: John M. Clark, Executive Director of the Bureau of Employment Security of the Commonwealth of Pennsylvania Department of Labor and Industry, has determined that there was a State "on" indicator for the week ending on December 14, 1974, and an extended benefit period therefore commenced in Pennsylvania with the week beginning on December 29, 1974. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Pennsylvania for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in Pennsylvania with the week beginning on January 5, 1975, as previously announced in an earlier notice published at 40 FR 3524.

Persons who believe they may be entitled to extended unemployment compensation under the laws of those States, or may be entitled to Federal Supplemental Benefits under the Emergency Unemployment Compensation Act of 1974, or who wish to inquire about their rights under those laws, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 28th day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3023 Filed 1-31-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 687]

ASSIGNMENT OF HEARINGS

JANUARY 29, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 116142 Sub 77, M. Bruenger & Co., Inc., now being assigned April 7, 1975 (3 days), at Kansas City, Mo., in a hearing room to be designated later.

MC 107496 Sub 965, Ruan Transport Corporation, now being assigned April 10, 1975 (2 days), at Kansas City, Mo., in a hearing room to be designated later.

MC 40978 Sub 21, Chair City Motor Express Company, now assigned March 11, 1975, at Columbus, Ohio, is cancelled and the application is dismissed.

MC 381 Sub 5, Genova Express Lines, Inc., now being assigned April 1, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 139360, Raemarc, Inc., now being assigned April 1, 1975, at Chicago, Ill. (1 day), in a hearing room to be later designated.

MC 112801 Sub 160, Transport Service Co., a Corporation, now being assigned April 2, 1975 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 134740 Sub 4, Jack Baulos, Inc., now being assigned April 3, 1975 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 139733 Sub 2, J. L. Hutchison, DBA J. L. Hutchison, now being assigned April 4, 1975 (1 day), in a hearing room to be later designated, Chicago, Ill.

MC 105269 Sub 57, Graff Trucking Company, Inc., now being assigned April 7, 1975 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12150, Motor Cargo — Purchase — Wholesale Services, Inc., dba R & R Transportation Company and MC 114818 Sub 15, Motor Cargo, Continued to February 18, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-107295 Sub 723, PRE-FAB TRANSIT CO., now being assigned April 2, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8422, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America v. Pilot Freight Carriers Inc., now being assigned April 1, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12321, Akers Motor Lines, Inc.—Control—Central Motor Lines, Inc., now being assigned April 9, 1975, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 13900 Sub 18, Midwest Haulers, Inc., now being assigned continued hearing February 19, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 22229 Sub 82, Terminal Transport Co., Inc., now being assigned continued hearing February 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Ex Parte No. 307, Investigation into the Distribution and Manipulation of Rail Rolling Stock to Depress Prices on Certain Grain Shipments for Export, now being assigned for Pre-hearing Conference on March 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12249, Briggs Transportation Co.—Purchase—Burlington Chicago, Cartages, Inc., continued to March 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3076 Filed 1-31-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 29, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42931—*Sand, Gravel, Crushed Stone, Etc., and Related Articles Between Points in Southern Territory.* Filed by M. B. Hart, Jr., Agent, (No. A6340), for interested rail carriers. Rates on sand, gravel, crushed stone, limestone and related articles, in carloads, as described in the application, between points in southern territory.

Grounds for relief—Short-line distance formula and rate relationship.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3081 Filed 1-31-75;8:45 am]

[Notice No. 11]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 24, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is one file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 984TA), filed January 17, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds, liquid* (in bulk), from Lafayette, Ind., to points in Illinois and Iowa, for 180 days. Supporting shipper: Eli Lilly and Company, P.O. Box 618, Indianapolis, Ind. 46206. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 111397 (Sub-No. 111TA) (Correction), filed January 9, 1975, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, requiring special disposition, and *non-radioactive waste materials*, requiring special disposition for ecological purposes; from the cities of San Francisco and Eureka, and the counties of San Francisco, Alameda, Solano, Contra Costa, Santa Clara, San Mateo, Sacramento, San Diego, Los Angeles, and Orange, Calif., Cimarron, Okla., Albuquerque, N. Mex., to burial site of Nuclear Engineering Company, near Beatty, Nev., (2) *Containers*, used in the transportation of the above materials, between points named in (1), for 180 days. Supporting shipper: Nuclear Engineering Company, Inc., 9200 Shelbyville Road, P.O. Box 7246, Louisville, Ky. 40207. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

NOTE.—The purpose of this republication is to add part (2) to the commodity description, which was previously omitted.

No. MC 119792 (Sub-No. 48TA) (Correction), Filed December 6, 1974, published in the FEDERAL REGISTER issue of December 18, 1974, and republished as corrected this issue. Applicant CHICAGO SOUTHERN TRANSPORTATION CO., INC., 3215 South Hamilton Ave., Chicago, Ill. 60608. Applicant's representative: Acelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and frozen potato products*, from the plantsite and storage facilities of J. R. Simplot Company, Inc., at Crookston and Minneapolis, Minn., to points in Kentucky, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, Georgia, Virginia, and Florida, for 180 days. Supporting shipper: Bill R. Daniels, General Manager, J. R. Simplot Company, Inc., P.O. Box 618, Crookston, Minn. 57616. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to correct the name of the applicant.

No. MC 119798 (Sub-No. 2TA), filed January 17, 1975. Applicant: SOUTHWEST SUPPLY, INC., 350 Roanoke Street, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, requiring protective service, from the warehouse facilities of Southwest Supply, Inc., Bluefield, W. Va., to points in Dickenson, Lee, Russell, Scott, Washington, and Wise Counties, Va., for 180 days. Supporting shipper: Borden, Inc., 180 East Broad Street, Columbus, Ohio 43215. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 120950 (Sub-No. 1TA), filed January 16, 1975. Applicant: AMERICAN MOVING & STORAGE COMPANY, INC., 2911 Day Street, Montgomery, Ala. 36108. Applicant's representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the Counties of Autauga, Bullock, Butler, Chilton, Coosa, Crenshaw, Elmore, Lowndes, Macon, Montgomery, Perry, Tallapoosa, and Wilcox, State of Alabama. Restriction: Restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, Calif. 90502. Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 123255 (Sub-No. 46TA), filed January 20, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, aluminum or steel*, separate or combined, and *parts and accessories*, necessary for installation thereof, from the plantsite and warehouse facilities of Anchor Post Products, Inc., located at or near Fremont, Ind., to Akron, Cleveland, Columbus, Cincinnati, Dayton, and Toledo, Ohio, Detroit, Mich., Baltimore, Md., Chicago and Peoria, Ill., Pittsburgh, Pa., and Buffalo, N.Y., and points in their commercial zones. Materials, equipment, and supplies used in the manufacture and shipping of fencing, aluminum or steel, separate or combined, and parts and accessories necessary for installation thereof, from Akron, Cleveland, Columbus, Cincinnati, Dayton, and Toledo, Ohio, Detroit, Mich., Baltimore, Md., Chicago and Peoria, Ill., Pittsburgh, Pa., and Buffalo, N.Y., and points in their commercial zones, to the plantsite and warehouse facilities of Anchor Post Products, Inc., located at or near Fremont, Ind. Supporting shipper: Anchor Post Products, Inc., P.O. Box 703, Fremont, Ind. 46737. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal

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Bldg. & U.S. Courthouse, 85 Marcono Blvd., Columbus, Ohio 43215.

No. MC 127355 (Sub-No. 16 TA) (Correction), filed December 9, 1974, published in the FEDERAL REGISTER issue of December 30, 1974, and republished as corrected this issue. Applicant: M & M GRAIN COMPANY, a Corporation, P.O. Box "P", Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal and hulls, fish meal, meat and bone meal, tankage, blood meal, bone meal, linseed oil meal, hominy meal, gluten feed, gluten meal, dehydrated alfalfa* (ground or pellets), *beet pulp, brewer's grains, malt sprouts, grain screenings* (pellets), *mill feed* (bran, middlings, red dog, shorts germ, and millrun), *ground corn cobs, potato meal, oat meal, feather meal, poultry by-products, peanut meal and hulls, soybean meal, sunflower meal, rapeseed meal, pellet binder* (ammonium lignin sulfonate), *corn screenings* (pellets) *sun-cured alfalfa and distillers grains*, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, for 90 days.

NOTE.—Applicant presently holds the sought authority in all states (except North Carolina, South Carolina, and Virginia).

Supporting shipper: The Pillsbury Company, 608 Second Avenue South, Minneapolis, Minn. 55402. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

NOTE.—The purpose of this republication is to correct the commodity description.

No. MC 139396 (Sub-No. 1TA), filed January 20, 1975. Applicant: MITCHELL & SON, INC., 1940 Carolyn Lane, Pearl, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office furniture*, from Carlstadt, N.J., to points in the United States (except Alaska and Hawaii). (2) *Returned shipment* of the commodities in (1) above, from the above-named destination territory to Carlstadt, N.J., and (3) *Materials, supplies and equipment* used in the manufacture and sale of office furniture (except in bulk), from points in Alabama, Connecticut, Indiana, Illinois, Massachusetts, New York, North Carolina, Pennsylvania, and West Virginia, to Carlstadt, N.J., under a continuing contract with Designcraft or Carlstadt, N.J., for 180 days. Supporting shipper: Designcraft, Kero Road, Carlstadt, N.J. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 139396 (Sub-No. 2TA), filed January 17, 1975. Applicant: MITCHELL & SON, INC., 1940 Carolyn Lane, Pearl, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and trailer parts* from Denmark, S.C., Holland, Mich., and the International Boundary between the United States and Canada at Buffalo, N.Y. (on traffic from Welland, Ontario, Canada), to Los Angeles and Milpitas, Calif., Portland, Oreg., and Seattle, Wash., for 180 days. Supporting shipper: Holland Hitch Corporation, 901 Ames Street, Milpitas, Calif. 95035. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 140484 TA (Correction), filed December 17, 1974, published in the FEDERAL REGISTER issue of January 8, 1975, and republished as corrected this issue. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, P.O. Box 69, Fort Myers Fla. 33901. Applicant's representative: Lester A. Coggins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and horticultural commodities, and materials and supplies*, used in the growing, shipping, or marketing of agricultural or horticultural commodities, (1) between points in Florida, California, Pennsylvania, Ohio, and Michigan, on the one hand, and points in Alabama, Georgia, Kentucky, Mississippi, Ohio, North Carolina, South Carolina, Tennessee, Virginia, W. Virginia, Florida, Indiana, Illinois, Louisiana, Texas, New Mexico, Arizona, California, Pennsylvania, and Michigan on the other, for 180 days. Supporting shipper: Yoder Bros., Inc., P.O. Box 230, Barberton, Ohio 44203, and Florida Flower Assiciation, Inc., P.O. Box 1569, Fort Myers, Fla. 33902. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Bldg., Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178. The purpose of this republication is to add the destination points, which was omitted in the previous republication.

No. MC 140517 (Sub-No. 1TA), filed January 14, 1975. Applicant: ROBERT L. NORRIS AND JOHN G. SHOCKLEY, a Partnership, doing business as TRANSPORT STEEL, 1721 27th Street, Greeley, Colorado 80631. Applicant's representative: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel fence posts, rebars, barbed and baling wire, angles, smooth bars, T-Bar stock, fence, nails and welded fabric*, from the plant site of Colorado Steel and Wire Company at or near Loveland, Colorado, to points in Arizona, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. *Raw materials* used in the manufacture of the above named commodities, from the named states to the plantsite at or near Loveland, Colo., for 180 days. Supporting shipper: Colorado Steel & Wire Co., P.O. Box 699, Loveland, Colo. 80537. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 140563 TA, filed January 23, 1975. Applicant: W. T. MYLES TRANSPORTATION COMPANY, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St., NW., Room 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspaper supplements, and advertising matter*, when moving in the same vehicle with newspaper supplements, from Sylacauga, Ala., to points in Florida, North Carolina, South Carolina, Georgia, Virginia, West Virginia, Tennessee, Maryland, Mississippi, Kentucky, Louisiana, Ohio, Indiana, Illinois, Texas, and the District of Columbia, for 180 days. Supporting shippers: There are approximatly 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copiers thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree Street, NW., Room 546, Atlanta, Ga. 30309.

No. MC 140564 TA, filed January 15, 1975. Applicant: NORTHWEST TRANSPORT, 223 Erie Street, Pomona, Calif. 91768. Applicant's representative: Clayte Binion, Sayers, Scurlock, Binion & Brackett, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polysteyrene egg cartons*, from the plantsite and facilities of Dolco Packaging Corp., located in the Dallas-Fort Worth commercial zone, to points in Arkansas, Oklahoma, Louisiana, points in Missouri, on and south of Interstate Highway 44 (U.S. Highway 66) and points in Kansas on and south of U.S. Highway 50. Restriction: (1) restricted to movement in truckload lots; (2) restricted to transportation of commodities weighing less than 4 pounds per cubic foot; and (3) restricted to movements in specially designed "double" trailers having a combined capacity in excess of 4,000 cubic feet, for 180 days. Supporting shipper: Colco Packaging Corp., 4405 Riverside Drive, Suite 300, Burbank, Calif. 91505. Send protests to: Philip Yallowitz, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3077 Filed 1-31-75;8:45 am]

TRANSPORT STATISTICS

Proposed Revision

On page 40337-40338 of the FEDERAL REGISTER of November 15, 1974, there was published a notice of proposed revision to transport statistics. The revision provides for the exclusion of all but the 100 largest Class I motor carriers of property listed in Table 17, Part 7, Transport Statistics in the United States. The statistical information from these carriers will be more useful and offer a uniform set of revenues and expenses in a year to year tabulation. The efficiency gain will not be at the expense of the balance of the deleted Class I motor carriers of property. The statistical data for the eliminated carriers will still be available to interested parties on special computer printouts. Interested persons were given 15 days in which to submit comments, suggestions, or objections regarding the proposed revision.

No written objections have been received and the proposed revision is hereby adopted without change and is set forth below.

Effective Date.—This ICC revision notice is effective January 23, 1975.

Approved January 23, 1975.

Issued in Washington, D.C. on January 27, 1975.

[SEAL] JOHN A. GRADY, *Director, Bureau of Accounts.*

1. Table 17 of Part 7, Motor Carriers, Transport Statistics in the United States is revised to the limit of the 100 largest motor carriers of property.

[FR Doc.75-3079 Filed 1-31-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JANUARY 29, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 31462 (Sub-No. E1), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Phoenix City, Ark., on the one hand, and, on the other, Blytheville, Ala. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E2), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 40 to junction Colorado Highway 94, thence along Colorado Highway 94 to Colorado Springs, Colo., thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to Grand Junction, Colo., thence along U.S. Highway 50 to the Colorado-Utah State line, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; (3) any point in Missouri within 25 miles of Cairo, Ill.; and (4) any point within 30 miles thereof.

No. MC 31462 (Sub-No. E3), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Florida on, east, and south of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 90 to junction Florida Highway 12, thence along Florida Highway 12 to junction Florida Highway 65, thence along Florida Highway 65 to junction Florida Highway 67, thence along Florida Highway 67 to Carrabelle, Fla., on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E4), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along Illinois Highway 114 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 165, thence along Illinois Highway 165 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 125, thence along Illinois Highway 125 to Beardstown, Ill., thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, and points in that part of Alabama on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 65 to junction Alabama County Highway 69, thence along Alabama Highway 69 to junction Alabama County Highway 77, thence along Alabama County Highway 77 to junction Alabama County Highway 22, thence along Alabama County Highway 22 to junction U.S. Highway 78, thence along U.S. Highway 78 to Birmingham, Ala., thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama County Highway 1, thence along Alabama County Highway 1 to junction Alabama County Highway 35, thence along Alabama County Highway 35 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama County Highway 23, thence along Alabama County Highway 23 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 59, thence along Alabama Highway 59 to junction Alabama Highway 225, thence along Alabama Highway 225 to junction Interstate Highway 10, thence along Interstate Highway 10 to Mobile, Ala., thence along Alabama Highway 163 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; and (3) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E6), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points

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in that part of Alabama on and east of a line beginning at the Alabama-Tennessee State line, thence along Interstate Highway 59 to junction U.S. Highway 43, thence along U.S. Highway 43 to Mobile, Ala., on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E7), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on and east of a line beginning at the Alabama-Florida State line, thence along Alabama Highway 167 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 167, thence along Alabama Highway 167 to junction U.S. Highway 231, thence along U.S. Highway 231 to Sylacauga, Ala., thence along Alternate U.S. Highway 231 to junction Alabama Highway 77, thence along Alabama Highway 77 to junction Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E8), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on, east, and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 278 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 49, thence along Alabama Highway 49 to junction Alabama Highway 120, thence along Alabama Highway 120 to junction Alabama Highway 81, thence along Alabama Highway 81 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 239, thence along Alabama Highway 239 to junction Alabama County Highway 27, thence along Alabama County Highway 27 to junction Alabama Highway 51, thence along Alabama Highway 51 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama County Highway 69, thence along Alabama County Highway 69 to junction Alabama Highway 27, thence along Alabama Highway 27 to junction Alabama County Highway 67, thence along Alabama County Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line, on the one hand, and, on the other, points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; (3) Burlington, Iowa, or any point within 50 miles thereof; and (4) Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 31462 (Sub-No. E10) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on, east and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to junction Alabama Highway 24, thence along Alabama Highway 24 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) Burlington, Iowa, or any point within 50 miles thereof; (3) any point in Tennessee; and (4) any point in Georgia.

No. MC 31462 (Sub-No. E11), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of (1) Williston, N. Dak., or any point in North Dakota within 200 miles thereof; (2) Burlington, Iowa, or any point within 50 miles thereof; (3) Alden, Minn., or any point in Minnesota within 35 miles thereof; (4) Cairo, Ill., or any point within 25 miles thereof; (5) any point in Georgia; and (6) any point in Tennessee.

No. MC 31462 (Sub-No. E12), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on, east, and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to junction Alabama Highway 24, thence along Alabama Highway 24 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 51 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 32, thence along Nebraska Highway 32 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to Grand Island, thence along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E13), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) any point in Georgia; (2) any point in Tennessee; (3) any point in Missouri within 25 miles of Cairo, Ill.; (4) Burlington, Iowa, or any point within 50 miles thereof; and (5) Alden, Minn., or any point in Minnesota within 35 miles thereof.

No. MC 31462 (Sub-No. E14), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E15), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on and east of a line beginning at the Alabama-Georgia State line, thence along Alabama County Highway 56 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction Alabama Highway 68, thence along Alabama Highway 68 to junction Alabama County Highway 43, thence along Alabama County Highway 43 to Alabama Highway 75, thence along Alabama Highway 75 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Alabama-Tennessee State line, and points in that part of Oklahoma on and north of a line beginning at the Oklahoma-Missouri State line, thence along U.S. Highway 60 to junction Interstate Highway 44, thence along Interstate Highway 44 to Oklahoma City, Okla., thence along Oklahoma Highway 152 to junction Oklahoma Highway 58, thence along Oklahoma Highway 58 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction Oklahoma Highway 54, thence along Oklahoma Highway 54 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 283, thence along U.S. Highway 283 to Altus, Okla., thence along U.S. Highway 62 to junction Oklahoma Highway 44, thence along Oklahoma Highway 44 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E16), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 61403 (Sub-No E7), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between points in Illinois, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 107 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction North Carolina Highway 209, thence along North Carolina Highway 209 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction North Carolina Highway 208, thence along North Carolina Highway 208 to the North Carolina-Tennessee State line, and, points in South Carolina. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E12), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (1) between points in Missouri, on and north of a line beginning at the Mississippi River and extending along U.S. Highway 60 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 21, thence along Missouri Highway 21 to the Missouri-Arkansas State line, except St. Louis, on the one hand, and, on the other, points in New Jersey, points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 276 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction unnumbered highway, thence along unnumbered highway to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina-Tennessee State line, and to points in South Carolina, and Virginia, and (2) from St. Louis, Mo., to points in Connecticut, Delaware, Maine, points in Maryland on and east of U.S. Highway 15, points in Massachusetts, New Hampshire and Rhode Island. The purpose of this filing is to eliminate the gateways of Kingsport, Tenn., and points in Virginia.

No. MC 61403 (Sub-No. E13), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in New Jersey, on the one hand, and, on the other, points in Tennessee and Texas (*Kingsport, Tenn.), (b) between points in New Jersey west of a line beginning at the Delaware River and extending along unnumbered highway to junction U.S. Highway 206, thence along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction unnumbered highway near Delmont, thence along unnumbered highway to Delaware Bay, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 6, thence along South Carolina Highway 6 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-Georgia State line (*Kingsport, Tenn.), (b) between points in New Jersey on and east of a line beginning at the Delaware River and extending along unnumbered highway to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction unnumbered highway near Delmont, thence along unnumbered highway to the Delaware Bay, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to the South Carolina-Georgia State line, (*Kingsport, Tenn.), (c) from points in New Jersey to points in Florida on and west of U.S. Highway 331, and Oklahoma, (*Kingsport, Tenn., and Sheffield, Ala.), (2) *lacquers and varnishes*, in bulk, in tank vehicles, from Newark, N.J., to points in Florida on and south of Florida Highway 40, (*Tampa, Fla.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E15), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in North Carolina on and east of U.S. Highway 441, on the one hand, and, on the other, points in Texas and Wisconsin, (*Kingsport, Tenn.), (b) between points in North Carolina on and west of U.S. Highway 221, on the one hand, and, on the other, points in Pennsylvania, (*Kingsport, Tenn.), (c) between points in that part of North Carolina bounded by a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 421 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 221, thence along U.S. Highway 221 to junction North Carolina Highway 194, thence along North Carolina Highway 194 to junction U.S. Highway 19E, thence along U.S. Highway 19E to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to the point of beginning, on the one hand, and, on the other, points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, (*Kingsport, Tenn.), (d) from points in North Carolina on and west of North Carolina Highway 16, to points in Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and Rhode Island, (*Kingsport,

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Tenn.), and (e) from points in North Carolina to points in Oklahoma, (*Kingsport, Tenn., and Sheffield, Ala.); and (2) *liquid chemicals*, in bulk, in tank, vehicles, (a) from points in North Carolina, to points in Colorado on and east of U.S. Highway 85, Iowa, Kansas, Nebraska, and points in North Dakota and South Dakota on and east of U.S. Highway 85, (*Kingsport, Tenn., and Marshall, Ill.), (b) from points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to the North Carolina-South Carolina State line, to points in Kanawha County, W. Va., (*Elizabethton, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E16), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Pennsylvania, on the one hand, and, on the other, points in Texas, (*Kingsport, Tenn.), (b) from points in Pennsylvania, to points in Florida on and west of U.S. Highway 331, (*Kingsport, Tenn., and Sheffield, Ala.), (c) from points in Pennsylvania on and east of U.S. Highway 219, to points in Oklahoma, (*Kingsport, Tenn., and Sheffield, Ala.), (d) between points in Pennsylvania, south, and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-Arkansas State line, (*Kingsport, Tenn.), (e) between points in Pennsylvania on and east of U.S. Highway 219, on the one hand, and, on the other, points in Tennessee, (*Kingsport, Tenn.), (f) between points in Pennsylvania on and east of U.S. Highway 202, on the one hand, and, on the other, points in South Carolina on and west of South Carolina Highway 121, (*Kingsport, Tenn.), (g) between points in Pennsylvania which are both west of U.S. Highway 202, and east of U.S. Highway 219, on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to the South Carolina-Georgia State line, (*Kingsport, Tenn.), (h) between points in Pennsylvania west of U.S. Highway 219, on the one hand, and, on the other, points in South Carolina, (*Kingsport, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E20), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Arkansas on, south, and east, of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 40 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 33 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 534, thence along Ohio Highway 534 to Lake Erie (*Kingsport, Tenn.), (b) between points in Arkansas on and north of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 40 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Texas State line, on the one hand, and, on the other, points in South Carolina on and east of U.S. Highway 25 (*Kingsport, Tenn.), (c) between points in Arkansas, on the one hand, and, on the other, points in Tennessee on and east of Tennessee Highway 70, and points in Kentucky on and east of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to the Kentucky-Ohio State line (*Kingsport, Tenn.), and (d) between points in Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in New York, Pennsylvania, and points in West Virginia on and east of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Virginia State line (*Kingsport, Tenn.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 78687 (Sub-No. E1), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, N.Y., to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River (except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E2), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from Philadelphia, Pa., to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River (except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E3), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty oil drums*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River. (Except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E4), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from points in that part of New York (excluding Buffalo and Syracuse) on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River, to New York, N.Y., and points in that part of New Jersey east and south of a line beginning at the Perth Amboy, N.J., and extending along U.S. Highway 9, to junction U.S. Highway 1 thence along U.S. Highway 1 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 4, thence along New Jersey Highway 4 to the Hudson River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E5), filed June 4, 1974 Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, N.Y., to points in that part of New York (excluding Buffalo and Syracuse) west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River, to New York, N.Y., and points in that part of New Jersey east and south of a line beginning at the Perth Amboy, N.J., and extending along U.S. Highway 9, to junction U.S. Highway 1 thence along U.S. Highway 1 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 4, thence along New Jersey Highway 4 to the Hudson River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E6), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled rags*, from New York, N.Y., Newark, N.J., and points in New Jersey within three miles of New York, N.Y., to points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River (except Buffalo and Syracuse). The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E7), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, New York 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Broome, Cortland, Onondaga, Ontario, Steuban, and Tompkins Counties, N.Y., to New York, N.Y., and points in that part of New Jersey east and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 9 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 4, thence along New Jersey Highway 4 to the Hudson River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E8), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and Zinc scrap metals*, from New York, N.Y., and that part of New Jersey east and south of a line beginning at Perth Amboy, N.J., and extending along U.S. Highway 9 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction New Jersey Highway 7 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 4, thence along New Jersey Highway 4 to the Hudson River, to points in that part of New York (excluding Buffalo and Syracuse) west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 12 to the junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E9), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from New York, N.Y., Newark, N.J., and those points in New Jersey within three miles of New York, N.Y., to points in that part of New York (excluding Buffalo and Syracuse) on and west of a line beginning at the New York-Pennsylvania State line, and extending along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 87, thence along New York Highway 87 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Scranton, Pa.

No. MC 78687 (Sub-No. E10), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, and *salt products*, from the facilities of Morton Salt Company, Division of Morton International, Inc., at Milo Township, N.Y., to points in Ohio, Indiana, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Retsoff, N.Y.

No. MC 78687 (Sub-No. E11), filed June 4, 1974. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: David C. Venable, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* and *salt products*, from the facilities of Morton Salt Company, Division of Morton International Inc., at Milo Township, N.Y., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Myers, N.Y.

No. MC 95540 (Sub-No. E498), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood, from Uhrichsville, Ohio, to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 276 to its junction with Interstate Highway 26, thence along Interstate Highway 26 to junction with South Carolina Highway 14, thence along South Carolina Highway 14 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 56, thence along South Carolina Highway 56 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to junction with U.S. Highway 178, thence along U.S. Highway 178 to junction South Carolina Highway 3, thence along South Carolina Highway 3 to its junction with South Carolina Highway 64, thence along South Carolina Highway 64 to its junction with U.S. Highway 17, thence along U.S. Highway 17 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Knoxville, and Morristown, Tenn.

No. MC 106920 (Sub-No. E2), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLanchlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority

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sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen sweet cream and frozen milk*, processed or unprocessed, from Elmira, N.Y., to points in Indiana southwest of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E18), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLanchlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as defined by the Commission, from Elmira, N.Y., to points in Alabama. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E26), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 8 to junction Minnesota Highway 101, thence along Minnesota Highway 101 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line, to points in Tennessee east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 79 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Alabama State line, and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E27), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin to points in Florida and Georgia. The purpose of this filing is to eliminate the gateways of Drake, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E28), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin on, north, and east of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 12 to junction Wisconsin Highway 89, thence along Wisconsin Highway 89 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to the Wisconsin-Minnesota State line, to points in Alabama. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E29), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin east of a line beginning at the Minnesota-Wisconsin State line, and extending along Wisconsin Highway 35 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 71, thence along Wisconsin Highway 71 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan, to points in Kentucky north and east of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 65 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E30), filed June 4, 1974. Aplicant: IRIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Helley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Minnesota beginning at the United States-Canada International Boundary line and extending along U.S. Highway 75 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 220, thence along Minnesota Highway 220 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line, to points in Mississippi east of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 45 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Mississippi Highway 13, thence along Mississippi Highway 13 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 112668 (Sub-No. E2), filed May 16, 1974. Applicant: HARVEY R. SHIPLEY & SONS, INC., R.F.D., Finksburg, Md. 21048. Applicant's representative: NORMAN E. SHIPLEY (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles (except feed ingredients, rock salt, and rock salt compounds intended for use in the melting of ice and snow), to points in Kent and Sussex Counties, Del. The purpose of this filing is to eliminate the gateway of Glyndon, Md.

No. MC 114211 (Sub-No. E498), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities, the transportation of

which, because of size or weight, requires the use of special equipment or special handling and except those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), between points in that part of Nebraska on and south and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 30 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line to points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to Duluth, Minn. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Milbank, S. Dak.

No. MC 114211 (Sub-No. E499), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction Interstate Highway 880, thence along Interstate Highway 80 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 330, thence along Iowa Highway 330 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 96, thence along Iowa Highway 96 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Illinois State line on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 63 to junction Business Route 63, thence along Business Route 63 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Business Route U.S. Highway 63, thence along Business Route U.S. Highway 63 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 137, thence along Missouri Highway 137 to junction Texas County Highway T, thence along Texas County Highway T to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Business Route U.S. Highway 63, thence along Business Route U.S. Highway 63 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E501), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from points in Arizona to points in Connecticut and Massachusetts, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and Canton, S. Dak.

No. MC 114211 (Sub-No. E502), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to the Texas-Oklahoma State line to points in Vermont, New Hampshire, Maine, and to points in that part of Massachusetts on and east and north of a line beginning at the Vermont-Massachusetts State line, thence along U.S. Highway 7 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to the Atlantic Ocean, and to points in that part of New York on and east of a line beginning at the New York-Canada International Boundary line, thence along U.S. Highway 9 to junction New York Highway 196, thence along New York Highway 196 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 67, thence along New York Highway 67 to junction New York Highway 22, thence along New York Highway 22 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Dubuque, Iowa.

No. MC 114211 (Sub-No. E505), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products), and *fittings and accessories* therefor when moving with such pipe from points in that part of Michigan on and east and south of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to Port Huron, Mich., and to points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line to points in Idaho, Utah, and Arizona, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E508), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 30 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line to points in Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E509), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and southeast of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 30 to junction Iowa-Highway 38, thence along along Iowa Highway 38 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line to points in Nebraska, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E510), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and southwest of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E511), filed June 4, 1974. Applicant: WARREN

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TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling, and except the transportation of those commodities described in *Mercer Extension Oil—Field Commodities*, 74 M.C.C. 459), between points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E512), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities, the transportation of which, because of size or weight, require the use of special equipment or special handling and except the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in that part of South Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 15 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 19, thence along South Dakota Highway 19 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 29, thence along U.S. Highway 29 to the South Dakota-Iowa State line, on the one hand, and, on the other, points in Kansas and Colorado. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 115093 (Sub-No. E2), filed December 23, 1974. Applicant: MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33682. Applicant's representative: Clayton R. Byrd (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, a division of Mars, Incorporated, at Albany, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, the District of Columbia; and points in New York on and south of New York Highway 7; and the following points in North Carolina; points in and east of Alleghany, Cabarrus, Iredell, Surry, Union, and Yadkin Counties, N.C.; points in Mecklenburg County, N.C., on and east of a line beginning at the North Carolina South Carolina State line along U.S. Highway 521 to Charlotte, thence along North Carolina Highway 16 to the Mecklenburg-Gaston County line; points in Alexander, Catawba, Gaston, and Lincoln Counties, N.C., on and east of North Carolina Highway 16; and points in Wilkes County, N.C., on and east of a line beginning at the Alexander Wilkes County line, along North Carolina Highway 16 to Wilkesboro, thence along North Carolina Highway 18 to the Wilkes-Alleghany County line; and the following points in Virginia; points in and east of Bland, Carroll, and Wythe Counties, Va., and points in Grayson, Smyth, and Tazewell Counties, Va., on and east of Virginia Highway 16; and the following points in West Virginia: points in and east of Boone, Kanawha, Macon, Mercer, Putnam, and Wyoming Counties, W. Va.; points in Cabell and Lincoln Counties, W. Va., on and east of West Virginia Highway 10; points in Logan County, W. Va., on and east of a line beginning at the Mingo-Logan County line along West Virginia Highway 80 to Man, thence along West Virginia Highway 10 to the Logan-Lincoln County line; points in McDowell County, W. Va., on and east of a line beginning at the Virginia-West Virginia State line along West Virginia Highway 16 to Yukon, thence along West Virginia Highway 83 to Bradshaw, thence along West Virginia Highway 80 to the McDowell-Wyoming County line.

(2) *Confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, a division of Mars, Incorporated, at Atlanta, Decatur and Doraville, Ga., to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and the District of Columbia; and points in Maryland except those points in Garrett County, Md., south of a line beginning at the West Virginia-Maryland State line along Maryland Highway 560 to Oakland, thence along Maryland Highway 39 to the Maryland-West Virginia State line; and points in New York on and south of New York Highway 7; and the following points in North Carolina: points in and east of Cumberland, Granville, Harnett, Hoke, Lee, Richmond, Scotland, and Wake Counties; points in Anson County, N.C. on and east of North Carolina Highway 109; points in Chatham County, N.C., on and east of a line beginning at the Moore-Chatham County line along North Carolina Highway 22 to its junction with North Carolina Highway 902, thence along North Carolina Highway 902 to Pittsboro, thence along U.S. Highway 15 to the Chatham-Orange County, line; points in Durham County, N.C., on and east of U.S. Highway 501; points in Montgomery County, N.C., on and south of a line beginning at the Richmond-Montgomery County line along North Carolina Highway 109 to Mount Gilead, thence along North Carolina Highway 731 to its junction with U.S. Highway 220.

Thence along U.S. Highway 220 to Candor, thence along North Carolina Highway 211 to the Montgomery-Moore County line; points in Moore County, N.C., on and east of a line beginning at the Montgomery Moore County line along North Carolina Highway 211 to its junction with North Carolina Highway 705, thence along North Carolina Highway 705 to Robbins, thence along Unnumbered highway to Highfalls, thence along North Carolina Highway 22 to the Moore-Chatham County line; points in Orange County, N.C., on and east of U.S. Highway 15; and points in Person County, N.C., on and east of U.S. Highway 501; and the following points in Pennsylvania; points in and east of Butler, Somerset, Venango, Warren, and Westmoreland Counties, Pa., points in Allegheny County, Pa., on and east of a line beginning at the Washington-Allegheny County line along U.S. Highway 19 to Pittsburgh, thence along Pennsylvania Highway 65 to the Allegheny-Beaver County line; points in Beaver County, Pa., on and east of Pennsylvania Highway 65; points in Crawford County, Pa., on and east of U.S. Highway 19; points in Erie County, Pa., on and east of a line beginning at the Crawford-Erie County line along U.S. Highway 19 to Waterford, thence along Pennsylvania Highway 97 to Union City, thence along Pennsylvania Highway 8 to Lowville, thence along Pennsylvania Highway 89 to Colt Station, thence along Pennsylvania Highway 430 to the Pennsylvania New York State line; points in Fayette County, Pa., on and east of a line beginning at the West Virginia Pennsylvania State line along Pennsylvania Highway 381 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Fayette-Washington County line; points in Lawrence County, Pa., on and east of a line beginning at the Beaver-Lawrence County line along Pennsylvania Highway 65 to Energy, thence along Pennsylvania Highway 388 to Eastbrook, thence along Pennsylvania Highway 168 to the Lawrence-Mercer County line; points in Mercer County, Pa., on and east of U.S. Highway 19; and points in Washington County, Pa., on and east of a line beginning at the Fayette-Washington County line along U.S. Highway 40 to Washington.

Thence along U.S. Highway 19 to the Washington-Allegheny County line; and the following points in Virginia: points in and east of Albemarle, Amherst, Appomattox, Charlotte, Frederick, Greene, Mecklenburg, Nelson, Page, and Shenandoah Counties, Va., points in Augusta County, Va., on and east of U.S. Highway 11; points in Belford County, Va., on and north of U.S. Highway 501; points in Campbell County, Va., on and east of U.S. Highway 501; points in Halifax County, Va., on and east of U.S. Highway 501; points in Rockbridge County, Va., on and east of a line beginning at the Amherst-Rockbridge County line along

U.S. Highway 501 to BuenaVista, thence along U.S. Highway 60 to the Rockbridge Amherst County line; and points in Rockingham County, Va., on and east of a line beginning at the Augusta Rockingham County line along U.S. Highway 11 to Harrisonburg, thence along U.S. Highway 33 to the Virginia-West Virginia State line; and the following points in West Virginia: points in Berkeley, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., points in Grant County, W. Va., on and east of a line beginning at the Pendleton Grant County line along U.S. Highway 220 to Petersburg, thence along West Virginia Highway 42 to Mount Storm, thence along U.S. Highway 50 to the West Virginia-Maryland State line; points in Pendleton County, W. Va., and east of a line beginning at the Virginia-West Virginia State line along U.S. Highway 33 to Franklin thence along U.S. Highway 220 to the Pendleton-Grant County line; and points in Preston County, W. Va., on and east of a line beginning at the Maryland-West Virginia State line along West Virginia Highway 7 to Kingwood, thence along West Virginia Highway 26 to Brandonville, thence along Unnumbered highway through Clifton Mills to the West Virginia Pennsylvania State line. Restrictions: The authority granted herein is restricted to the transportation of shipments originating at the above-named facilities. In addition, carrier shall not, pursuant to the irregular route authority contained hereinabove, transport shipments moving between any two points authorized hereinabove to be served by it in regular route operations. The purpose of this filing is to eliminate the gateway of Florence County, S.C.

No. MC 115180 (Sub-No. E1), filed May 16, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th St., New York, N.Y. 10014. Applicant's representative: George A. Olson, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, fresh or frozen*, from points in Iowa and Illinois; (2) *Butter, cheese, and oleomargarine*, from points in Illinois, Indiana, and Ohio; (3) *Meats, meat products, and meat by-products* (except meat, fresh or frozen), *dairy products, and articles distributed by meat packing houses*, as defined by the Commission; (a) from Chicago, and other Illinois points in the Chicago Commercial Zone; (b) from the facilities of Swift & Co., at Rochelle, Ill. (restricted to the transportation of shipments originating at the named origin); (c) from the facilities of the Momence Pork Parkers Co., at Momence, Ill. (restricted to the transportation of shipments originating at the named origin); (d) from the facilities of Armour and Co., near Sterling, Ill. (restricted to the transportation of shipments originating at named origin); (e) from the facilities of Swift & Co., at or near Grand Island, Nebr. (restricted to the transportation of shipments originating at the named origin and against the transportation of hides); (f) from the facilities of Wilson & Co., Inc., at Monmouth, Ill. (restricted (1) to the transportation of shipments originating at the named origins, and (2) against the transportation of hides); (g) from points in Iowa (except Columbus Junction, Mason City, Waterloo, Ft. Dodge, Ottumwa, Cherokee, and Dubuque); (h) from the facilities of Producers Packing Co., near Garden City, Kans. (restricted to the transportation of shipments originating at the named origin and against the transportation of hides); (i) from the facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo. (restricted to the transportation of shipments originating at the named origin and against the transportation of hides); to New York, N.Y. Newark, N.J., and points in New Jersey within 15 miles of Newark, N.J. Restricted in each part above against the transportation of commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateways of points in Lehigh and Northampton Counties, Pa.

No. MC 115703 (Sub-No. E1), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Connecticut, on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, North Carolina, Ohio, Virginia, West Virginia, and that part of New York on and west of a line beginning at the New York-Pennsylvania State line extending along New York Highway 287 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Berks, York, and Luzerne Counties, Pa.

No. MC 115703 (Sub-No. E2), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in West Virginia, Rhode Island, Ohio, North Carolina, New York, Massachusetts, that part of New Jersey on and north of U.S. Highway 22, and that part of Maryland on and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 222 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 23, thence along Maryland Highway 23 to junction Maryland Highway 138, thence along Maryland Highway 138 to junction Interstate Highway 83, thence along Interstate Highway 83 to Hunts Valley, westerly to Reisterstown, thence along U.S. Highway 140 to junction Maryland Highway 91, thence along Maryland Highway 91 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction Maryland Highway 28, thence along Maryland Highway 28 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E3), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in the District of Columbia, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, Ohio, Rhode Island, and that part of West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 119 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E4), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Maryland on and east of U.S. Highway 15 and on and north of U.S. Highway 50, on the one hand, and, on the other, points in Massachusetts, New York, Ohio, Rhode Island, North Carolina, that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction nIterstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, and that part of West Virginia on and west of U.S. Highway 522. The purpose of this filing is to eliminate the gateway of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E5), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Aplicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Maryland on and west of U.S. Highway 15, on the one

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hand, and, on the other, points in Massachusetts, New York, North Carolina, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E6), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Massachusetts, on the one hand, and, on the other, points in North Carolina, Ohio, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E7), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New Jersey on and north of U.S. Highway 22, on the one hand, and, on the other, points in West Virginia, Virginia, Ohio, and North Carolina. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E8), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New Jersey south of U.S. Highway 22, on the one hand, and, on the other, points in West Virginia, Virginia, Ohio, and North Carolina. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties.

No. MC 115703 (Sub-No. E9), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New York on and west of a line beginning at the Pennsylvania-New York State line at U.S. Highway 220, extending along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario, on the one hand, and, on the other, points in North Carolina, Virginia, and Rhode Island. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E10), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New York on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 220 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario, and on and north of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 209 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, points in North Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E11), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vites (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in New York on and south of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 209, to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, points in North Carolina, Ohio, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 119988 (Sub-No. E60), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Montana. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E61), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E62), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E63), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the plant site and storage facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E71), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Indiana. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E72), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic

regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E73), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when moving in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Ohio. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E74), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75208. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements* otherwise exempt from economic regulation under section 103(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E75), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75208. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E76), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Virginia. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E77), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E78), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed load with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Delaware. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E80), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E81), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in New York. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E82), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation, under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Vermont. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E83), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Connecticut. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

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No. MC 119988 (Sub-No. E84), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E85), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E86), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in New Hampshire.

No. MC 119988 (Sub-No. E87), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *Newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when moving in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Maine. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E89), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 57208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Colorado. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E90), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Nevada. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E93), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to Los Angeles and San Francisco, Calif. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E94), filed June 3, 1974. Applicant: GREAT WESTERN TRUCK CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from the facilities of Allied Printers and Publishers at or near Tulsa, Okla., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 121060 (Sub-No. E20), filed November 20, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building and excavating equipment, construction materials and supplies, contractors' machinery, iron and steel and iron and steel articles* (except those requiring special equipment), between Mobile, Ala., on the one hand, and, on the other, points in Muscogee, Chattahoochie, and Harris Counties, Ga. The purpose of this filing is to eliminate the gateways of Demopolis, Ala., and Russell and Lee Counties, Ala.

No. MC 121060 (Sub-No. E21), filed November 20, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, and urethane and urethane products* (except commodities in bulk), from Mobile, Ala., to points in New Jersey, Delaware, Maryland, the District of Columbia, Pennsylvania, on and east of U.S. Highway 219, Virginia on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 1 to junction Virginia Highway 138, thence along Virginia Highway 138 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 624, thence along Virginia Highway 624 to junction Virginia Highway 614, thence along Virginia Highway 614 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Virginia Highway 259, thence along Virginia Highway 259 to the Virginia-West Virginia State line, and West Virginia on and east of a line beginning at the West Virginia-Virginia State line, extending along West Virginia 259 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 220, thence along U.S. Highway 220 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate

the gateways of Birmingham and Demopolis, Ala., and Goldsborough, N.C.

No. MC 121060 (Sub-No. E22), filed November 20, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition board, insulation materials, urethane and urethane products, and related materials, supplies, and accessories* (except commodities in bulk), from Mobile, Ala., to points in North Carolina, South Carolina, on and north of a line beginning at the Atlantic Ocean extending along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 64, thence along South Carolina Highway 64 to junction U.S. Highway 278, thence along U.S. Highway 278 to the South Carolina-Georgia State line, and Georgia, on and north of a line beginning at the Georgia-Alabama State line extending along Georgia Highway 34 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Demopolis and Birmingham, Ala.

No. MC 121060 (Sub-No. E23), filed November 20, 1974. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building and excavating equipment, construction materials and supplies, contractors' machinery, iron and steel and iron and steel articles* (except commodities in bulk and Classes A and B explosives), between Mobile, Ala., on the one hand, and, on the other, points in Alabama on and north of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 80 to its junction with unnumbered County Highway, thence along unnumbered County Highway from Uniontown to Suttle, Ala., and its junction with Alabama Highway 14, thence along Alabama Highway 14 to its junction with unnumbered County Highway, thence along unnumbered County Highway to Perryville, Ala., and its junction with Alabama Highway 219, thence along Alabama Highway 219 to its junction with County Highway 37, thence along County Highway 37 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with unnumbered County Highway, thence along unnumbered County Highway to its junction with Vida, Ala., thence along unnumbered county highway to its junction with County Highway 49, thence along County Highway 49 to its junction with County Highway 57, thence along County Highway 57 to its junction with County Highway 40, thence along County Highway 40 to its junction with Alabama Highway 143, thence along Alabama Highway 143 to its junction with Alabama Highway 14, thence along Alabama Highway 14 to its junction with U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Demopolis, Ala.

No. MC 123407 (Sub-No. E173), filed January 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos composition board*, from Minneapolis Minn., to points in New Jersey, Maryland, West Virginia, Virginia, Delaware, North Carolina, District of Columbia, South Carolina, Georgia, Florida and points in Texas (except within the counties of Dallam, Sherman, Hartley, and Moore). The purpose of this filing is to eliminate the gateway of those parts of the commercial zone of Dubuque, Iowa, within Wisconsin.

No. MC 138485 (Sub-No. E2), filed May 30, 1974. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, R.I. 02909. Applicant's representative: Morris J. Levin, 10th Floor 1620 Eye St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bullion and precious metals*, in armored vehicles accompanied by armed guards, from those ports of entry on the United States-Canada International Boundary line at Niagara Falls and Buffalo, N.Y., to points in Barnstable, Bristol, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass. The purpose of this filing is to eliminate the gateways of Providence, R.I.

No. MC 136786 (Sub-No. E1), filed May 31, 1974. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from the plant site of the Broyhill Furniture Factories, at Rutherfordton, N.C., to points in Colorado, New Mexico, and Texas (except Dallas, Fort Worth, Houston, and Beaumont, Tex.) (Trumann, Ark.)*; (2) *New furniture and furniture parts*, from Dublin and East Dublin, Ga., to points in Colorado (Trumann, Ark.)*; and (3) *Frozen fruits, frozen berries, and frozen vegetables* from points in California to points in North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia (Des Moines, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113678 (Sub-No. E41), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in Idaho and Montana (points in Hall County, Nebr.)*; (2) *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen pizza and pizza pie ingredients*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in New Mexico (Denver, Colo.)*; and (3) *Dairy products and vegetable food products*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in Arizona (points in Colorado east of the Continental Divide)*. Restriction: The service authorized in (1), (2), and (3) above, is restricted to the transportation of shipments originating at the above-described origin points. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E44), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Marysville, Pa., to points in Oregon, Idaho, and Montana. Restriction: The authority granted herein is restricted to the transportation of shipments originating at Marysville, Pa. The purpose of this filing is to eliminate the gateways of points in Hall County, Nebr.

No. MC 113678 (Sub-No. E45), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to points in Arizona, California, Nevada, and New Mexico (Denver, Colo.)*; and (2) *Vegetable fat substitutes*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Fla., to points in Arizona (Pueblo, Colo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E47), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Meats, meat products, and meat by-products,* (a) from Denver, Colo., to Baltimore, Md., Philadelphia, Pa., points in New Jersey, Connecticut (except New Haven), Massachusetts (except Boston), Rhode Island, and points in New York on and east of U.S. Highway 11 (New York, N.Y.)*; and (b) from Denver, Colo., to Baltimore, Md., and Philadelphia, Pa. (Washington, D.C.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E48), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (a) from Greeley, Colo., to Baltimore, Md., Philadelphia, Pa., to points in New Jersey, Connecticut (except New Haven), Massachusetts (except Boston), Rhode Island, and points in New York on and east of U.S. Highway 11 (New York, N.Y.)*; and (b) from Greeley, Colo., to Baltimore, Md., and Philadelphia, Pa. (Washington, D.C.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E49), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Denver, Colo., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of York, Nebr.

No. MC 113678 (Sub-No. E54), filed May 17, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen juice concentrates,* from points in Florida to points in Washington, Oregon, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Denver, Colo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3082 Filed 1-31-75;8:45 am]

federal register

MONDAY, FEBRUARY 3, 1975

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Volume 40 ■ Number 23

PART II

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

■

FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

Final Survey Regulations

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Title 15—Commerce and Foreign Trade

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS, DEPARTMENT OF COMMERCE

PART 804—FOREIGN DIRECT INVESTMENT IN THE UNITED STATES SURVEY REGULATIONS

Final Survey Regulations

Notice is hereby given of the promulgation in final form by the Department of Commerce of a new Part 804 of Title 15 of the Code of Federal Regulations to include the regulations concerning the Survey of Foreign Direct Investment in the United States, to be conducted as a part of the study required to be carried out by the Department of Commerce pursuant to the Foreign Investment Study Act of 1974 (Pub. L. 93-479).

On November 5, 1974, and November 27, 1972, notices of proposed rulemaking regarding these regulations were published in the FEDERAL REGISTER (39 FR 39076 and 39 FR 41382). The public was given the opportunity to submit in writing comments, data, views, arguments, or suggestions pertaining to the proposed survey regulations prior to their publication in final form. A number of public comments were received in response to the notices mentioned above. A public hearing on the proposed survey regulations was also held by the Office of Management and Budget on December 3, 1974, to receive comments on the survey form from interested parties pursuant to its authority under the Federal Reports Act (44 U.S.C. 3501). All suggestions and comments received pursuant to the above-mentioned notices and the Office of Management and Budget hearing have been carefully considered and taken into account in the final survey regulations published herein.

The changes resulting from public suggestions and comments in these final survey regulations are mainly of a clarifying nature. The final survey regulations published hereunder are promulgated under the authority of the Foreign Investment Study Act of 1974 ("The Act") which directs the Secretary of Commerce, among other matters, to:

(1) Investigate and review the nature, scope, magnitude, and rate of foreign direct investment activities in the United States;

(2) Survey the reasons foreign firms are undertaking direct investment in the United States;

(3) Identify the processes and mechanisms through which foreign direct investment flows into the United States, the financing methods used by foreign direct investors, and the effects of such financing on American financial markets;

(4) Analyze the scope and significance of foreign direct investment in acquisitions and takeovers of existing American enterprises, the significance of such investments in the form of new facilities or joint ventures with American firms, and the effects thereof on domestic business competition;

(5) Analyze the concentration and distributon of foreign direct investment in specific geographic areas and economic sectors;

(6) Analyze the effects of foreign direct investment on United States national security, energy, natural resources, agriculture, environment, real property holdings, balance of payments, balance of trade, the United States international economic position, and various significant American product markets;

(7) Analyze the effect of foreign direct investment in terms of employment opportunities and practices and the activities and influence of foreign and American management executives employed by foreign firms;

(8) Analyze the effect of Federal, regional, state, and local laws, rules, regulations, controls, and policies on foreign direct investment activities in the United States;

(9) Compare the purpose and effect of United States, state and local laws, rules, regulations, programs, and policies on foreign direct investment in the United States with laws, rules, regulations, programs, and policies of selected nations and areas where such comparison may be informative;

(10) Compare and contrast the foreign direct investment activities in the United States with the investment activities of American investors abroad and appraise the impact of such American activities abroad on the investment activities and policies of foreign firms in the United States; and

(11) Study the adequacy of information, disclosure, and reporting requirements and procedures;

(12) Determine the effects of variations between accounting, financial reporting, and other business practices of American and foreign investors on foreign investment activities in the United States; and

(13) Study and recommend means whereby information and statistics on foreign direct investment activities can be kept current.

These regulations define foreign direct investment in the United States for purposes of the Act, set forth reporting and recordkeeping requirements pertaining to this survey, outline confidentiality provisions applicable to reports and analysts studying the reports, describe the reporting form to be used and where such form can be obtained, and specify penalties for violation of the regulations.

The Act authorizes the Secretary, pursuant to section 7(a), to issue such rules as he deems necessary to carry out his functions under the Act. Rules, in addition to those for this Survey of Foreign Direct Investment in the United States, may be proposed at a later date if necessary to enable the Secretary to carry out other functions under the Act.

The final regulations for the Survey of Foreign Direct Investment in the United States are as follows:

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Subpart A—Definitions

§ 804.1 Person.

The term "person" means an individual, a government, a corporation, a branch, a partnership, an associated group, an affiliated foreign group, a joint stock company, a trust, an estate, or other unincorporated organization.

§ 804.2 Associated group.

The term "associated group" means two or more foreign persons who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a U.S. business enterprise. The following are deemed to be associated groups:

a. Members of the same family.

b. A foreign business enterprise and one or more of its officers or directors.

c. Members of a syndicate or joint venture.

d. Foreign owners of a U.S. business enterprise whose interests in the enterprise are held or managed by a U.S. or a foreign trust.

§ 804.3 Affiliated foreign group.

The term "affiliated foreign group" means a primary foreign person (that foreign person which is not owned to the extent of more than 50 percent of its voting rights by another foreign person) and all of its majority-owned non-U.S. business enterprises.

§ 804.4 Business enterprise.

The term "business enterprise" means any organiaztion, branch, or venture which exists for profit-making purposes, and any real estate which is owned.

§ 804.5 Branch.

Branch shall include—

(a) The operations or activities conducted by an incorporated or unincorporated person in its own name in a different location, but not through an incorporated entity.

(b) The U.S. business of foreign mutual insurance companies.

§ 804.6 Control or controlling interest.

The term "control or controlling interest" means for the purposes of this survey, the direct and/or indirect ownership through intermediaries or affiliates of 10 percent or more of the voting securities of an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise.

§ 804.7 Reporter.

The term "reporter" means the U.S. business enterprise required to file a report in this survey, or for which a report is required to be filed.

§ 804.8 U.S. affiliate.

The term "U.S. affiliate" means a U.S. business enterprise owned directly or indirectly by a foreign person to the extent of 10 percent or more of its voting securities for an incorporated business enterprise, or an equivalent interest for an unincorporated business enterprise.

§ 804.9 Parent.

Parent refers to:

(a) The foreign person (including an individual business enterprise which is a member of an affiliated foreign group) holding a direct ownership interest in a U.S. affiliate of that foreign person.

(b) A U.S. affiliate, of a foreign person, which holds a direct ownership interest in another U.S. affiliate of that same foreign person.

§ 804.10 Foreign parent.

"Foreign parent" refers to a foreign person (including an individual business enterprise which is a member of an affiliated foreign group) holding a direct or indirect ownership interest in a U.S. affiliate of that foreign person.

§ 804.11 Foreign affiliate of foreign parent.

With reference to a given U.S. affiliate, a "foreign affiliate of foreign parent" is any individual foreign business enterprise which is a member of an affiliated foreign group owning a given U.S. affiliate, but which does not have a direct ownership interest in that U.S. affiliate.

§ 804.12 United States.

"United States" shall refer to the 50 states of the United States; the District of Columbia; the Commonwealth of Puerto Rico; the Panama Canal Zone; the U.S. Virgin Islands; Guam; American Samoa; and all other territories and possessions of the United States.

§ 804.13 Foreign.

The term "foreign" means that which is situated outside the United States; belonging to, characteristic of, or under the jurisdiction of a country or political entity other than the United States.

§ 804.14 The Act.

For the purposes of this part, "the Act" means the Foreign Investment Study Act of 1974 (Pub. L. 93-479, 88 Stat. 1450).

§ 804.15 The Secretary.

The term "the Secretary" means the Secretary of Commerce.

Subpart B—Recordkeeping and Reporting Requirements

§ 804.16 Determination by the Secretary.

The Secretary hereby determines that the recordkeeping and reporting provisions of this subpart are necessary to enable him to carry out his functions under the Act.

§ 804.17 Reports.

(a) *Basic requirement.* Every business enterprise subject to the jurisdiction of the United States, which was controlled directly or indirectly by a foreign person at any time during the year ending December 31, 1974, is required to report.

1. Reports are required even though the U.S. business enterprise may have been established, liquidated, sold to U.S. persons, or destroyed during the reporting period.

2. If the U.S. business enterprise is in the nature of real property not identifiable by name, the report must be filed in the name of the foreign beneficial owner, or in the name of such foreign beneficial owner by the agent or representative of such owner.

(b) *Intermediary of a foreign beneficial owner.* 1. If the foreign controlling interest in a U.S. business enterprise, including real estate, was held, exercised, administered, or managed by a U.S. estate, trust, nominee, agent, manager, custodian, or other intermediary of the foreign beneficial owner such estate, trust, nominee, agent, manager, custodian, or other intermediary shall be responsible for reporting the required information for the U.S. business enterprise, and shall report on behalf of the U.S. business enterprise or shall instruct the U.S. business enterprise in question to submit the required information. Upon so instructing the U.S. business enterprise, the intermediary shall be released from further liability provided he has informed the Department of Commerce of the date such instructions were given, the name and address of the U.S. business enterprise, and has supplied the U.S. business enterprise with any information in the possession of the intermediary which is necessary to permit the U.S. business enterprise to complete the form. A foreign person who establishes a trust shall be considered a foreign parent of that U.S. business enterprise.

2. For the purposes of this survey, when the report is filed by the U.S. intermediary, the accounts or transactions of the U.S. intermediary with a foreign beneficial owner shall be considered as accounts or transactions of the U.S. business enterprise with the foreign beneficial owner.

§ 804.18 Exemptions and exclusions.

(a) Property held exclusively for personal use, and not for profit-making purposes, is exempt for purposes of this survey. For example, hunting lodges, homes, and automobiles for personal use are exempt. However, foreign ownership of real estate in the United States for business must be reported, except as otherwise exempted by this section.

(b) A report need not be filed for ownership in a U.S. business enterprise held by persons who are:

(1) Citizens of a foreign country who have resided in the United States for one year or more, except those who are officers or employees of the government of their country of citizenship and members of the immediate family of such individuals provided they are citizens of the foreign country.

(2) U.S. citizens who are residents of foreign countries and who are officers or employees of the U.S. Government and members of the immediate families of such individuals provided they are citizens of the United States.

(3) U.S. citizens who are resident outside of the United States for less than one year.

(c) U.S. religious bodies, charitable organizations, and other nonprofit organizations are not business enterprises and, therefore, foreign ownership of these types of U.S. organizations is not reportable.

(d) Partial exemption based on value—if the value of both total assets, including real property investment, and total revenues of any U.S. affiliate otherwise required to report, were each less than $100,000 on December 31, 1974, such U.S. affiliate is required to file only PART I of Form BE-12 for this survey, with a notation in item 20 of PART I, that both total assets and total revenues are less than $100,000. The value of total assets is to be based on gross book value, as shown on the books of the U.S. business enterprise.

§ 804.19 Records.

(a) Every person subject to the provisions of this part and to the jurisdiction of the United States, whether or not such person is exempt from reporting requirements of this part, shall maintain a complete and accurate record of any information which is germane to transactions covered by the Survey of Foreign Direct Investment in the United States being conducted under this part, or which is germane to any other functions in the study being conducted under this Act as the Secretary may otherwise determine.

(b) Such records (including but not limited to journals, other books of original entry, minute books, stock transfer records, lists of shareholders, financial statements, and worksheets) shall be maintained for a period of two years after the due date for the filing of the survey report provided in paragraph 804.21(h).

(c) Every person required to keep records under this part shall produce all records or reproductions thereof and make them available to inspection and copying upon request by any sworn employee designated by the Secretary, without any charge or expense to the Government.

§ 804.20 Protection of information.

(a) *Confidentiality.* In addition to the Secretary, the only individuals who may have access to information furnished under the provisions of this part are those sworn employees, including consultants, of the Department of Commerce designated by the Secretary. Neither the Secretary nor any such employee may:

(1) Use any information furnished under this part except for analytical or statistical purposes within the United States Government; or

(2) Publish, or make available to any other person in any manner, any such information in a manner whereby the information furnished by any person un-

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der this part can be specifically identified, except for purposes of an enforcement proceeding under the Act; *Provided*, That the Secretary or his designated sworn employees may exchange information furnished under the provisions of this part with the Secretary of the Treasury or his designated sworn employees on order to prevent any duplication or omission in the studies conducted by each Secretary pursuant to the Act.

(b) *Notification of customers.* Whenever a person is required to submit any report pursuant to this part which contains information which can be specifically identified as being part of the records of its customers, where such person is not directly involved in the ownership or management of assets for the customers as a nominee, agent, partner, fiduciary, trustee, or in a similar relationship, the Secretary, upon being provided the names and addresses of such customers, shall send a notice to customers, that information from their records will be disclosed pursuant to the Act. Any persons having submitted names of customers pursuant to the provisions of this paragraph shall be required to submit a report on its due date or within 10 days of being notified by the Secretary that notice to such customers has been given, whichever is later.

§ 804.21 Miscellaneous.

(a) *Accounting records to be used.* In supplying the information required in this survey, data for corporations should be derived from the records used to generate reports to stockholders. Reports for unincorporated persons should be derived from equivalent records.

(b) *Reporting period.* Reports should be submitted on a calendar year basis for the year ending December 31, 1974. If this necessitates the estimation of annual data based upon quarterly or monthly reports in order to present the data on a calendar year basis, or closer to a calendar year basis, such estimates are acceptable. Where a company is not on a calendar year basis, a report may be submitted covering a year ending between November 16, 1974 and February 15, 1975, the actual date coinciding with the actual ending date of a fiscal year or a fiscal quarter within that period, provided that the equity relationships and intercompany balances between reporter and parent do NOT materially differ from those existing on December 31, 1974.

(c) *Annual stockholder's report.* Reporters are requested to submit, along with their completed Form BE–12, a copy of their annual report to stockholders.

(d) *Required information not available.* All reasonable efforts should be made to obtain information required for reporting. Every question on each form should be answered, except where reporters are specifically exempt from reporting certain parts or items on the forms. Where only partial information is available, an appropriate indication should be given.

(e) *Estimates.* If actual figures are not available, estimates shall be supplied. When data items requiring detailed breakdowns cannot be fully subdivided, totals should be supplied and an estimated percentage breakdown should also be supplied.

(f) *Specify.* Certain data lines require that reporters "Specify" items included in the total for such lines. In all such cases, the Reporter should give the type and dollar amount of the items included in the line.

(g) *Space on form insufficient.* When space is insufficient to permit a full answer to any item on the form, the information required should be submitted on supplementary sheets appropriately labeled and referenced to the item and the form.

(h) *Filing date.* Reports shall be filed on or before April 30, 1975, or no later than 60 days after publication of final rules and regulations in the FEDERAL REGISTER, whichever date is later.

(i) *Extensions.* Requests for an extension will NOT normally be granted; however, in hardship cases written requests for an extension will be considered provided they are received 15 days prior to the due date and enumerate substantive reasons necessitating the extension.

(j) *Assistance.* If there are any questions concerning the report, telephone (202) 523–0547.

(k) *Number of copies.* A single original copy shall be filed with the Bureau of Economic Analysis. In addition, each reporter should retain a copy of this report for his files.

(l) *Where to send reports.* All reports shall be sent to the Bureau of Economic Analysis, Attention: International Investment Division, BE–50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

(m) *Treasury Department's Foreign Portfolio Investment Study.* The Department of the Treasury is concurrently conducting a survey of foreign portfolio investment in the United States for the year 1974. All U.S. business enterprises owned to the extent of less than 10 percent by a foreign person and not required to report in this survey of foreign direct investment, should contact the Department of the Treasury concerning reporting requirements for the portfolio survey.

Subpart C—Description of Forms Prescribed Under This Part

§ 804.22 Copies.

Copies of the forms described in this subpart may be obtained from the Bureau of Economic Analysis, Attention: International Investment Division, BE–50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

§ 804.23 Form BE–12.

On Form BE–12, each U.S. business enterprise which was controlled directly or indirectly by a foreign person at any time during the year ending December 31, 1974, is required to report information on investment and transactions between the U.S. business enterprise and its parent(s); information on direct financial transactions between the U.S. business enterprise and all foreign affiliates of all foreign parents which did not have a direct line of ownership in the U.S. business enterprise any time during the year ending December 31, 1974; various financial schedules covering the year ending December 31, 1974; information on merchandise trade of the U.S. business enterprise with foreigners; information, by state, on employment, revenues, operating assets, and land owned; and other information concerning the operations of the U.S. business enterprise and its relationship with the foreign person(s) having the controlling interest in the U.S. business enterprise.

Subpart D—Penalties

§ 804.24 Civil and criminal penalties.

In accordance with section 8 of the Act, the penalties and enforcement procedures described in paragraphs (a), (b) and (c) of this section shall apply to violations of this part and any reporting requirement imposed hereunder, or any other rule, regulation, order or instruction promulgated by the Secretary under the authority of the Act.

(a) *Civil penalty.* Attention is directed to section 8(a) of the Act which provides:

> Whoever fails to furnish any information required pursuant to the authority of this Act, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act may be assessed a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section.

(b) *Civil proceeding; injunction.* Attention is directed to section 8(b) of the Act which provides:

> Whenever it appears to either the Secretary of the Treasury or the Secretary of Commerce that any person has failed to furnish any information required pursuant to the provisions of this Act, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act, the Secretary may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a mandatory injunction commanding such person to comply with such rule, regulation, order, or instruction, and upon a proper showing by the Secretary of the relevance to the purposes of the Act of such rule, regulation, order, or instruction, a permanent or temporary injunction or restraining order shall be granted without bond, and such person shall also be subject to the civil penalty provided in subsection (a) of this section if the judge finds that such penalty is necessary to obtain compliance with such injunction or restraining order.

(c) *Criminal penalties.* Attention is directed to section 8(c) of the Act which provides:

> Whoever wilfully fails to submit any information required pursuant to this Act, whether required to be furnished in the form of a report or otherwise, or wilfully violates any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act shall, upon conviction, be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than one year or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

§ 804.25 False statements generally.

Attention is also directed to section 1001 of Title 18, United States Code, which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

FREDERICK B. DENT,
Secretary of Commerce.

[FR Doc.75–3084 Filed 1–31–75;8:45 am]

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federal register

MONDAY, FEBRUARY 3, 1975

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PART III

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

■

TEXTILE AND APPAREL CATEGORIES WITH THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

Correlation Tables

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AND APPAREL CATEGORIES WITH THE TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

Correlation Tables

JANUARY 28, 1975.

There is published below a Correlation of the Tariff Schedules of the United States Annotated numbers arranged by the cotton, wool, and man-made fiber categories used by the United States in administering the textile trade agreements program. A full description of the textile and apparel products falling within each of the cotton, wool, and man-made fiber categories may be obtained by using the Tariff Schedules of the United States Annotated which also provides category placement for the item numbers covered by the program. The list of Tariff Schedules of the United States Annotated numbers published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430), as amended, is hereby superseded effective January 31, 1975.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

FOREWORD

This publication presents the *Tariff Schedules of the United States Annotated* numbers as revised through January 1, 1975, under each of the Cotton, Wool and Man-Made Fiber categories (or groupings) used by the United States in monitoring import shipments of these textile products and to administer the United States textile trade agreements programs. In order to facilitate the use of this publication, the descriptions of the *Tariff Schedules of the United States Annotated* numbers have been simplified. The simplified descriptions, however, are not intended to modify, change, or contradict in any way the substance or meaning of the descriptions presented in the *Tariff Schedules of the United States Annotated*. In any case where the descriptions in this publication conflict with those in the *Tariff Schedules of the United States Annotated*, the descriptions in the latter document shall prevail.

INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
	FOREWORD			IV
	EXPLANATORY NOTES			X
	SECTION I - COTTON			
1	Cotton yarn, carded, singles	4.6	Lb.	1
2	Cotton yarn, carded, plied	4.6	Lb.	1
3	Cotton yarn, combed, singles	4.6	Lb.	1
4	Cotton yarn, combed, plied	4.6	Lb.	1
5	Gingham, carded	1.0	Syd.	1
6	Gingham, combed	1.0	Syd.	1
7	Velveteen	1.0	Syd.	1
8	Corduroy	1.0	Syd.	2
9	Sheeting, carded	1.0	Syd.	2
10	Sheeting, combed	1.0	Syd.	2
11	Lawn, carded	1.0	Syd.	3
12	Lawn, combed	1.0	Syd.	4
13	Voile, carded	1.0	Syd.	4
14	Voile, combed	1.0	Syd.	5
15	Poplin and Broadcloth, carded	1.0	Syd.	6
16	Poplin and Broadcloth, combed	1.0	Syd.	6
17	Typewriter ribbon cloth	1.0	Syd.	6
18	Print cloth, shirting type, 80X80 type, carded	1.0	Syd.	7
19	Print cloth, shirting type, other than 80X80 type, carded	1.0	Syd.	7
20	Shirting, Jacquard or dobby, carded	1.0	Syd.	7
21	Shirting, Jacquard or dobby, combed	1.0	Syd.	8
22	Twill and sateen carded	1.0	Syd.	8
23	Twill and sateen, combed	1.0	Syd.	9
24	Woven fabric, n.e.s., yarn-dyed, carded	1.0	Syd.	11
25	Woven fabric, n.e.s., yarn-dyed, combed	1.0	Syd.	11
26	Woven fabric, n.e.s., other, carded	1.0	Syd.	12
27	Woven fabric, n.e.s., other, combed	1.0	Syd.	18
28	Pillowcases, carded	1.084	No.	20
29	Pillowcases, combed	1.084	No.	20
30	Towels, dish	.348	No.	20
31	Towels, other	.348	No.	21
32	Handkerchiefs, whether or not in the piece	1.66	Doz.	21
33	Table damask and manufactures	3.17	Lb.	23
34	Sheets, carded	6.2	No.	23
35	Sheets, combed	6.2	No.	23
36	Bedspreads and quilts	6.9	No.	23
37	Braided and woven elastic	4.6	Lb.	24

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INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
	SECTION I - COTTON (Cont'd)			
38	Fishing nets and fish netting	4.6	Lb.	24
39	Gloves and mittens	3.527	Dpr.	24
40	Hose and half hose	4.6	Dpr.	25
41	T-shirts, all white, knit, men's and boys'	7.234	Doz.	25
42	T-shirts, other knit	7.234	Doz.	25
43	Shirts, knit, other than T-shirts and sweatshirts	7.234	Doz.	25
44	Sweaters and cardigans	36.8	Doz.	25
45	Shirts, dress, not knit, men's and boys'	22.186	Doz.	25
46	Shirts, sport, not knit, men's and boys'	24.457	Doz.	26
47	Shirts, work, not knit, men's and boys'	22.186	Doz.	27
48	Raincoats, 3/4 length or longer, not knit	50.0	Doz.	27
49	Coats, other, not knit	32.5	Doz.	28
50	Trousers, slacks, and shorts (outer), not knit, men's and boys'	17.797	Doz.	29
51	Trousers, slacks and shorts (outer), not knit, women's, girls' and infants'	17.797	Doz.	30
52	Blouses, not knit	14.53	Doz.	30
53	Dresses, (including uniforms) not knit	45.3	Doz.	31
54	Playsuits, sunsuits, washsuits, creepers, rompers, etc, not knit, n.e.s.	25.0	Doz.	32
55	Dressing gowns, including bathrobes and beachrobes, lounging gowns, housecoats, and dusters, not knit	51.0	Doz.	32
56	Undershirts, knit, men's and boys'	9.2	Doz.	33
57	Briefs and undershorts, men's and boys'	11.25	Doz.	33
58	Drawers, shorts, and briefs, knit, n.e.s.	5.0	Doz.	33
59	All other underwear, not knit	16.0	Doz.	34
60	Pajamas and other nightwear	51.96	Doz.	35
61	Brassieres and other body-supporting garments	4.75	Doz.	36
62	Wearing apparel, knit, n.e.s.	4.6	Lb.	36
63	Wearing apparel, not knit, n.e.s.	4.6	Lb.	39
64	All other cotton textiles	4.6	Lb.	41

INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
	SECTION II - WOOL			
101	Wool tops and wool advanced	1.95	Lb.	49
102	Yarns of Angora Rabbit hair	1.95	Lb.	49
103	Other yarns of wool and hair	1.95	Lb.	49
104	Woven fabrics of wool, including blankets (carriage robes, lap robes, steamer rugs, etc.) over 3 yards in length	1.0	Syd.	49
105	Billiard cloth	1.0	Syd.	54
106	Blankets	1.295	Lb.	54
107	Carriage and auto robes, etc., n.e.s.	1.295	Lb.	54
108	Tapestries and upholstery fabrics	1.0	Syd.	54
109	Pile and tufted fabrics	1.0	Syd.	54
110	Knit fabrics in the piece	1.95	Lb.	55
111	Hosiery	2.7814	Dpr.	55
112	Gloves and mittens	2.093	Dpr.	55
113	Underwear, knit	1.95	Lb.	56
114	Other infants' articles, knit, not ornamented	1.95	Lb.	56
115	Knit hats and similar items	1.95	Lb.	57
116	Knit wearing apparel, n.e.s., valued not over $5 per pound	1.95	Lb.	57
117	Other wool knit outerwear	1.95	Lb.	57
118	Hats, caps, not blocked	1.95	Lb.	60
119	Hats, caps, blocked, finished	1.95	Lb.	60
120	Men's and boys' suits	4.5	No.	60
121	Men's and boys' outer coats	4.5	No.	60
122	Women's, misses', and children's coats and suits	4.75	No.	61
123	Women's, misses', and children's separate skirts	1.5	No.	61
124	Trousers, slacks and shorts	1.5	No.	62
125	Articles of wearing apparel, n.e.s.	2.0	Lb.	63
126	Lace and net articles including veiling	1.95	Lb.	66
128	Miscellaneous wool manufactures	1.95	Lb.	68
131	Braided floor coverings	0.11	Sft.	70
132	Wool floor coverings, n.e.s.	0.11	Sft.	70

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INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
	SECTION III - MAN-MADE FIBER			
200	Textured yarns	3.51	Lb.	73
201	Yarn wholly of continuous filament, cellulosic	5.19	Lb.	73
202	Yarn wholly of continuous filament, other	11.6	Lb.	74
203	Yarn wholly of non-continuous filament, cellulosic	3.4	Lb.	74
204	Yarn wholly of non-continuous filament, other	4.12	Lb.	74
205	Yarns, other	3.51	Lb.	75
206	Woven fabrics, cellulosic, wholly of continuous man-made fiber	1.0	Syd.	75
207	Woven fabrics, cellulosic, wholly of non-continuous fibers	1.0	Syd.	76
208	Woven fabrics, other, wholly of continuous man-made fiber	1.0	Syd.	76
209	Woven fabrics, other wholly of non-continuous fibers	1.0	Syd.	76
210	Woven fabrics, other, of man-made fibers (including fabric containing more than 17% by weight of wool; glass fabrics and mixed yarn fabrics)	1.0	Syd.	77
211	Knit fabrics	7.8	Lb.	79
212	Pile and tufted fabrics	1.0	Syd.	80
213	Specialty fabrics	7.8	Lb.	80
214	Gloves and mittens, knit, whether or not ornamented	3.53	Dpr.	82
215	Hosiery	4.6	Dpr.	83
216	Dresses, knit	45.3	Doz.	83
217	Pajamas and other nightwear, knit	51.96	Doz.	83
218	T-shirts, knit	7.24	Doz.	84
219	Shirts, other (including blouses), knit	18.36	Doz.	84
220	Skirts, knit	17.8	Doz.	84
221	Sweaters and cardigans, knit	36.8	Doz.	85
222	Trousers, slacks and shorts, knit	17.8	Doz.	
223	Underwear, knit	16.0	Doz.	85
224	Other wearing apparel, knit, whether or not ornamented	7.8	Lb.	86
225	Body-supporting garments	4.75	Doz.	88
226	Handkerchiefs	1.66	Doz.	89
227	Mufflers, scarves and shawls, not knit	7.8	Lb.	89
228	Blouses, not knit	14.53	Doz.	89
229	Coats, not knit	41.25	Doz.	90
230	Dresses, not knit	45.3	Doz.	91

INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
	SECTION III - MAN-MADE FIBER (Cont'd)			
231	Dressing gowns, including bathrobes and beachrobes, not knit	51.0	Doz.	91
232	Pajamas and other nightwear, not knit	51.96	Doz.	91
233	Playsuits, sunsuits, washsuits, etc., not knit	21.3	Doz.	92
234	Dress shirts, not knit	22.19	Doz.	92
235	Shirts, other, not knit	24.46	Doz.	92
236	Skirts, not knit	17.8	Doz.	92
237	Suits, not knit	4.5	No.	93
238	Trousers, slacks and shorts, not knit	17.8	Doz.	93
239	Underwear, not knit	16.0	Doz.	94
240	Other wearing apparel, not knit, whether or not ornamented	7.8	Lb.	94
241	Floor coverings	0.11	Sft.	95
242	Other furnishings	7.8	Lb.	95
243	Man-Made fiber manufactures, n.e.s.	7.8	Lb.	96
	SECTION IV - CROSS REFERENCE			
	Correlation of Tariff Schedules of the United States Annotated Numbers in Numerical Sequence by Textile and Apparel category			98

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EXPLANATORY NOTES

A- FIBER: COVERAGE

1.- Cotton: includes all yarns, fabrics, apparel and articles wholly or in chief value cotton.

2.- Wool: includes all yarns, fabrics, apparel and articles wholly or in chief value wool or hair and textile manufactures containing wool as defined below.

The term "Hair" is limited to the hair of the Camel and to hair of the Alpaca, Cashmere goat, Angora goat and the hair of other animals including the Llama, the Vicuna and the Angora rabbit.

The term "Containing wool" refers to articles, not in chief value cotton, wool or man-made fiber, in which the wool component equals or exceeds by weight the man-made fiber component, provided that such articles contain 5 percent or more but not over 17 percent of wool by weight; or articles containing over 17 percent of wool by weight, regardless of the weight of all other textile components.

3.- Man-made fibers: includes all yarns, fabrics, apparel and articles wholly or in chief value of the filaments, strips and fibers covered in sub-part E-2A of the Tariff Schedules of the United States Annotated (TSUSA).

Subject to the limitations set forth in TSUSA, the respective provisions in this publication for filaments, strips and fibers cover such articles whether they are formed by extrusion or by other processes, of substances derived by man from cellulosic or non-cellulosic materials by chemical processes.

The provisions of this publication include grouped glass filaments and glass fibers suitable for the manufacture of textile manufactures only if they have been made into yarns or cordage or if they are present in fabrics or other articles in the form of yarns or cordage.

The term "Containing man-made fibers" refers to articles not in chief value cotton, wool or man-made fibers and not described under the term "Containing wool" in which the man-made fiber component is 5 percent or more by weight.

B- YARNS:

The fourth and fifth digits of TSUSA classifications for cotton yarns represent yarn number or yarn number groupings. To simplify and shorten the listing of many such items, we have here omitted these two digits and have shown only the first three plus the sixth and seventh digits. Any TSUSA with these digits, regardless of the fourth and fifth digits, appears in the category indicated.

The terms used in defining the various types of man-made fiber yarns are defined fully in the TSUSA.

C- FABRICS:

The fourth and fifth digits of TSUSA classes for cotton fabrics represent the average yarn number of such fabrics and are not pertinent to the assignment of these classes to categories. As in the case of the cotton yarns, we have omitted these segments of the numbers in this publication.

The term "Fancy or Figured" means fabrics which have been woven with two or more colors or kinds of filling; with eight or more harnesses; with jacquard, lappet or swivel attachments, or by any combination of these weaving methods.

D- APPAREL AND ARTICLES:

Definitive headnotes covering such items as "Entireties", "Ornamented", etc. are to be found in the TSUSA. For the purpose of this publication, such descriptions are abbreviated in order to help identify the classes for category assignment. Users should refer to the TSUSA for full descriptions.

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

SECTION I COTTON

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
1		COTTON YARN, CARDED, SINGLES	4.6	Lb.
		NOT BLEACHED OR COLORED:		
	301.--00	Not Mercerized		
	302.--20	Mercerized		
	302.--22	Bleached or Colored		
2		COTTON YARN, CARDED, PLIED	4.6	Lb.
	302.--24	Yarns, Carded, Plied		
3		COTTON YARN, COMBED, SINGLES	4.6	Lb.
	302.--26	Yarns, Combed, Singles		
4		COTTON YARN, COMBED, PLIED	4.6	Lb.
	302.--28	Yarns, Combed, Plied		
5		GINGHAM , CARDED	1.0	Syd.
		GINGHAM , CARDED, COLORED, WHETHER OR NOT BLEACHED:		
	322.--18	Wholly Cotton, Not Fancy or Figured.		
	325.--18	Wholly Cotton, Fancy or Figured.		
	328.--18	Chief Value, but not Wholly Cotton, Not Fancy or Figured.		
	331.--18	Chief Value, but not Wholly Cotton, Fancy or Figured.		
6		GINGHAM, COMBED	1.0	Syd.
		GINGHAM, COMBED, COLORED, WHETHER OR NOT BLEACHED:		
	322.--20	Wholly of Cotton, Not Fancy or Figured.		
	325.--20	Wholly of Cotton, Fancy or Figured.		
	328.--20	Chief Value, but Not Wholly Cotton, Not Fancy or Figured.		
	331.--20	Chief Value, but Not Wholly Cotton, Fancy or Figured.		
7		VELVETEEN	1.0	Syd.
	346.1500	Plain Back		
		OTHER, INCLUDING TWILL BACK:		
	346.2000	Valued Not Over 85c Per Syd.		
	346.2200	Valued Over 85c But Not Over $1.10 Per Syd.		
	346.2400	Valued Over $1.10 Per Syd.		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
8		CORDUROY	1.0	Syd.
	346.0500	52" Or More In Width and Valued 50¢ Or More Per Syd.		
	346.1000	Other		
9		SHEETING, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		UNBLEACHED:		
	320.--36	Osnaburg		
	320.--38	Classes A, B, C		
	320.--40	Soft Filled Sheeting		
	320.--44	Other Carded Sheeting		
		BLEACHED:		
	321.--44	Other Sheeting		
		PRINTED, DYED OR COLORED:		
	322.--44	Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		UNBLEACHED:		
	326.--36	Osnaburg		
	326.--38	Classes A, B, C		
	326.--40	Soft Filled Sheeting		
	326.--44	Other Carded Sheeting		
		BLEACHED:		
	327.--44	Other Sheeting		
		PRINTED, DYED, OR COLORED:		
	328.--44	Whether or Not Bleached		
10		SHEETING, COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		UNBLEACHED:		
	320.--42	Combed Bed Sheeting		
	320.--46	Other Combed Sheeting		
		BLEACHED:		
	321.--46	Other Combed Sheeting		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
10 CONT'D		SHEETING, COMBED CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		PRINTED, DYED, OR COLORED:		
	322.--46	Other Combed Sheeting		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		UNBLEACHED:		
	326.--42	Combed Bed Sheeting		
	326.--46	Other Combed Sheeting		
		BLEACHED:		
	327.--46	Other Combed Sheeting		
		PRINTED, DYED, OR COLORED WHETHER OR NOT BLEACHED:		
	328.--46	Other Combed Sheeting		
11		LAWNS, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--22	Not Bleached or Colored		
	321.--22	Bleached, But Not Colored		
	322.--22	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--22	Not Bleached or Colored		
	324.--22	Bleached But Not Colored		
	325.--22	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--22	Not Bleached or Colored		
	327.--22	Bleached But Not Colored		
	328.--22	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--22	Not Bleached or Colored		
	330.--22	Bleached But Not Colored		
	331.--22	Colored, Whether or Not Bleached		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
12		LAWNS, COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--24	Not Bleached or Colored		
	321.--24	Bleached But Not Colored		
	322.--24	Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--24	Not Bleached or Colored		
	324.--24	Bleached, But Not Colored		
	325.--24	Colored Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--24	Not Bleached or Colored		
	327.--24	Bleached, But Not Colored		
	328.--24	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--24	Not Bleached or Colored		
	330.--24	Bleached, But Not Colored		
	331.--24	Colored, Whether or Not Bleached		
13		VOILE, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--68	Not Bleached or Colored		
	321.--68	Bleached But Not Colored		
	322.--68	Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--68	Not Bleached or Colored		
	324.--68	Bleached But Not Colored		
	325.--68	Colored Whether or Not Bleached		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
13 CONT'D		VOILE, CARDED CONT'D	1.0	Syd.
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--68	Not Bleached or Colored		
	327.--68	Bleached, But Not Colored		
	328.--68	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--68	Not Bleached or Colored		
	330.--68	Bleached But Not Colored		
	331.--68	Colored, Whether or Not Bleached		
14		VOILE, COMBED	1.0	Syd.
		WHOLLY OR COTTON:		
		NOT FANCY OR FIGURED:		
	320.--70	Not Bleached or Colored		
	321.--70	Bleached But Not Colored		
	322.--70	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--70	Not Bleached or Colored		
	324.--70	Bleached But Not Colored		
	325.--70	Colored, Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--70	Not Bleached or Colored		
	327.--70	Bleached But Not Colored		
	328.--70	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--70	Not Bleached or Colored		
	330.--70	Bleached But Not Colored		
	331.--70	Colored, Whether or Not Bleached		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
15		POPLIN AND BROADCLOTH, CARDED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--26	Not Bleached or Colored		
	321.--26	Bleached But Not Colored		
	322.--26	Colored, Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
	326.--26	Not Bleached or Colored		
	327.--26	Bleached But Not Colored		
	328.--26	Colored, Whether or Not Bleached		
16		POPLIN AND BROADCLOTH, COMBED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--28	Not Bleached or Colored		
	321.--28	Bleached But Not Colored		
	322.--28	Colored Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
	326.--28	Not Bleached or Colored		
	327.--28	Bleached But Not Colored		
	328.--28	Colored Whether or Not Bleached		
17		TYPEWRITER RIBBON CLOTH	1.0	Syd.
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	319.2100	Of Average Yarn Numbers 51 to 59		
	319.2300	Of Average Yarn Numbers 60 to 79		
	319.2500	Of Average Yarn Numbers 80 to 140		
	319.2700	Bleached But Not Colored		
	319.2900	Colored, Whether or Not Bleached		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
18		PRINTCLOTH, SHIRTING TYPE, 80X80 TYPE, CARDED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--30	Not Bleached or Colored		
	321.--30	Bleached But Not Colored		
	322.--30	Colored, Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
	326.--30	Not Bleached or Colored		
	327.--30	Bleached But Not Colored		
	328.--30	Colored, Whether or Not Bleached		
19		PRINTCLOTH, SHIRTING TYPE, OTHER THAN 80X80 TYPE, CARDED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--32	Not Bleached or Colored		
	321.--32	Bleached But Not Colored		
	322.--32	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
	326.--32	Not Bleached or Colored		
	327.--32	Bleached But Not Colored		
	328.--32	Colored, Whether or Not Bleached		
20		SHIRTING, JACQUARD OR DOBBY, CARDED	1.0	Syd.
		FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	323.--48	Not Bleached or Colored		
	324.--48	Bleached But Not Colored		
	325.--48	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
	329.--48	Not Bleached or Colored		
	330.--48	Bleached But Not Colored		
	331.--48	Colored Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
21		SHIRTING, JACQUARD OR DOBBY, COMBED	1.0	Syd.
		FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	323.--50	Not Bleached or Colored		
	324.--50	Bleached, But Not Colored		
	325.--50	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
	329.--50	Not Bleached or Colored		
	330.--50	Bleached, But Not Colored		
	331.--50	Colored, Whether or Not Bleached		
22		TWILL AND SATEEN, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--54	Sateen, Not Bleached or Colored		
	320.--58	Twill, Not Bleached or Colored		
	321.--54	Sateen, Bleached, But Not Colored		
	321.--58	Twill, Bleached, But Not Colored		
	322.--54	Sateen, Colored, Whether or Not Bleached		
	322.--56	Denim, Colored, Whether or Not Bleached		
	322.--58	Twill, Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--54	Sateen, Not Bleached or Colored		
	323.--58	Twill, Not Bleached or Colored		
	324.--54	Sateen, Bleached But Not Colored		
	324.--58	Twill, Bleached But Not Colored		
	325.--54	Sateen, Colored Whether or Not Bleached		
	325.--56	Denim, Colored Whether or Not Bleached		
	325.--58	Twill, Colored Whether or Not Bleached		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
22 CONT'D		TWILL AND SATEEN, CARDED, CONT'D	1.0	Syd.
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--54	Sateens, Not Bleached or Colored		
	326.--58	Twills, Not Bleached or Colored		
	327.--54	Sateen, Bleached, But Not Colored		
	327.--58	Twills, Bleached, But Not Colored		
	328.--54	Sateens, Colored Whether or Not Bleached		
	328.--56	Denim, Colored Whether or Not Bleached		
	328.--58	Twills, Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--54	Sateens, Not Bleached or Colored		
	329.--58	Twills, Not Bleached or Colored		
	330.--54	Sateens, Bleached But Not Colored		
	330.--58	Twills, Bleached But Not Colored		
	331.--54	Sateens, Colored, Whether or Not Bleached		
	331.--56	Denim, Colored, Whether or Not Bleached		
	331.--58	Twills, Colored, Whether or Not Bleached		
23		TWILL AND SATEEN, COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--60	Sateen, Not Bleached or Colored		
	320.--64	Twill, Not Bleached or Colored		
	321.--60	Sateen, Bleached, But Not Colored		
	321.--64	Twill, Bleached, But Not Colored		
	322.--60	Sateen, Colored, Whether or Not Bleached		
	322.--62	Denim, Colored, Whether or Not Bleached		
	322.--64	Twill, Colored, Whether or Not Bleached		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
23 CONT'D		TWILL AND SATEEN, COMBED, CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		FANCY OR FIGURED:		
	323.--60	Sateen, Not Bleached or Colored		
	323.--64	Twill, Not Bleached or Colored		
	324.--60	Sateen, Bleached But Not Colored		
	324.--64	Twill, Bleached But Not Colored		
	325.--60	Sateen, Colored Whether or Not Bleached		
	325.--62	Denim, Colored Whether or Not Bleached		
	325.--64	Twill, Colored Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--60	Sateens, Not Bleached or Colored		
	326.--64	Twills, Not Bleached or Colored		
	327.--60	Sateen, Bleached, But Not Colored		
	327.--64	Twills, Bleached, But Not Colored		
	328.--60	Sateens, Colored Whether or Not Bleached		
	328.--62	Denim, Colored Whether or Not Bleached		
	328.--64	Twills, Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--60	Sateens, Not Bleached or Colored		
	329.--64	Twills, Not Bleached or Colored		
	330.--60	Sateens, Bleached But Not Colored		
	330.--64	Twills, Bleached But Not Colored		
	331.--60	Sateens, Colored, Whether or Not Bleached		
	331.--62	Denim, Colored, Whether or Not Bleached		
	331.--64	Twills, Colored, Whether or Not Bleached		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
24		WOVEN FABRICS, N.E.S., YARN DYED, CARDED	1.0	Syd.
		COLORED, WHETHER OR NOT BLEACHED:		
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	322.--72	Yarn-Dyed Napped Fabrics		
	322.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	322.--84	Other Yarn-Dyed Fabrics, N.E.S.		
		FANCY OR FIGURED:		
	325.--72	Yarn-Dyed Napped Fabrics		
	325.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	325.--84	Other Yarn-Dyed Fabrics, N.E.S.		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	328.--72	Yarn-Dyed Napped Fabrics		
	328.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	328.--84	Other Yarn-Dyed Fabrics, N.E.S.		
		FANCY OR FIGURED:		
	331.--72	Yarn-Dyed Napped Fabrics		
	331.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	331.--84	Other Yarn-Dyed Fabrics, N.E.S.		
25		WOVEN FABRICS, N.E.S., YARN-DYED, COMBED	1.0	Syd.
		COLORED, WHETHER OR NOT BLEACHED:		
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	322.--74	Yarn-Dyed Napped Fabrics		
	322.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	322.--86	Other Yarn-Dyed Fabrics		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
25 CONT'D		WOVEN FABRICS, N.E.S., YARN-DYED, COMBED CONT'D	1.0	Syd.
		COLORED, WHETHER OR NOT BLEACHED: CONT'D		
		WHOLLY OF COTTON: CONT'D		
		FANCY OR FIGURED:		
	325.--74	Yarn-Dyed Fabrics		
	325.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	325.--86	Other Yarn-Dyed Fabrics, N.E.S.		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	328.--74	Yarn-Dyed Napped Fabrics		
	328.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	328.--86	Other Yarn-Dyed Fabrics, N.E.S.		
		FANCY OR FIGURED:		
	331.--74	Yarn-Dyed Fabrics		
	331.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	331.--86	Other Yarn-Dyed Fabrics, N.E.S.		
26		OTHER WOVEN FABRICS, N.E.S., CARDED	1.0	Syd.
		WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
		DUCK:		
	320.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	320.--02	Single Warp, Single Filling, 7½ or Over Per Sq. Yd.		
	320.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	320.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	320.--06	Ply Warp, Single Filling		
	320.--08	Ply Warp, Ply Filling		
	320.--34	Printcloth, Other Than Printcloth Type Shirting		
	320.--76	Napped Fabrics, Other Yarn Dyed		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED, CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		NOT FANCY OR FIGURED: CONT'D		
		NOT BLEACHED OR COLORED: CONT'D		
		OTHER FABRICS:		
	320.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	320.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		BLEACHED, BUT NOT COLORED:		
		DUCK:		
	321.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	321.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	321.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	321.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	321.--06	Ply Warp, Single Filling		
	321.--08	Ply Warp, Ply Filling		
	321.--34	Print Cloth Other Than Print Cloth Type Shirting		
	321.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	321.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	321.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
		DUCK:		
	322.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	322.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	322.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	322.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	322.--06	Ply Warp, Single Filling		
	322.--08	Ply Warp, Ply Filling		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		NOT FANCY OR FIGURED: CONT'D		
		COLORED, WHETHER OR NOT BLEACHED: CONT'D		
	322.--34	Print Cloth Other Than Print Cloth Type Shirting		
	322.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	322.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	322.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	323.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	323.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	323.--92	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	324.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	324.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	324.--92	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	325.--76	Napped Fabrics, Other Than Yarn Dyed		
		OTHER FABRICS:		
	325.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	325.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
		DUCK:		
	326.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	326.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	326.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	326.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	326.--06	Ply Warp, Single Filling		
	326.--08	Ply Warp, Ply Filling		
	326.--34	Print Cloth Other Than Print Cloth Type Shirting		
	326.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	326.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	326.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		BLEACHED, BUT NOT COLORED:		
		DUCK:		
	327.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	327.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	327.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	327.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	327.--06	Ply Warp, Single Filling		
	327.--08	Ply Warp, Ply Filling		
	327.--34	Print Cloth Other Than Print Cloth Type Shirting		
	327.--76	Napped Fabrics, Other Than Yarn-Dyed		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: CONT'D		
		NOT FANCY OR FIGURED: CONT'D		
		BLEACHED, BUT NOT COLORED: CONT'D		
		OTHER FABRICS:		
	327.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	327.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
		DUCK:		
	328.--01	Single Warp, Single Filling, Under 7½ oz, Per Sq. Yd.		
	328.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	328.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	328.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	328.--06	Ply Warp, Single Filling		
	328.--08	Ply Warp, Ply Filling		
	328.--34	Print Cloth Other Than Print Cloth Type Shirting		
	328.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	328.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	328.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	329.--76	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	329.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	329.--92	Not 8 oz. or Over and Not 52" or Over Wide		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: CONT'D		
		FANCY OR FIGURED: CONT'D		
		BLEACHED BUT NOT COLORED:		
	330.--76	Napped Fabrics Other than Yarn-Dyed		
		OTHER FABRICS:		
	330.--88	8 oz. or over per Syd. and 52" or over Wide		
	330.--92	Not 8 oz. or over and not 52" or over Wide		
		COLORED WHETHER OR NOT BLEACHED:		
	331.--76	Napped Fabrics Other than Yarn-Dyed		
		OTHER FABRICS:		
	331.--88	8 oz. or over per Syd. and 52" or over Wide		
	331.--92	Not 8 oz. or over and not 52" or over wide		
	332.1020	Woven Fabrics, in Chief Value, but not Wholly of Cotton, Containing Wool, Whether or not Containing Silk or Man-Made Fibers or Both, but not Containing Other Fibers		
	332.4020	Other Woven Fabrics, Chief Value but not Wholly Cotton, Carded		
	346.3020	Terry Fabrics Valued not over $1.25 per Pound		
	346.3220	Terry Fabrics Valued over $1.125 per Pound		
		Velvet, Plush and Velour:		
	346.3525	Under 48" in Width, with Cut Warp Pile Weighing Less than 8 oz. per Syd.		
	346.3530	Other		
	346.4020	Chenille		
	346.4520	Other Pile Fabrics, not Knit		
	346.7000	Tufted Fabrics in Which the Pile or Tuft Was Inserted or Knotted into a Pre-Existing Base, with the Pile or Tuft Covering the Entire Surface		
		WOVEN OR KNIT FABRICS, IN THE PIECE OR IN UNITS:		
	355.5000	Coated, Filled or Otherwise Prepared for Use as Artist's Canvas		
	355.6510	Woven or Knit Fabrics (Except Pile or Tufted Fabrics) Coated or Filled with Rubber or Plastic Material or Laminated with Sheet Rubber or Plastics		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		WOVEN OR KNIT FABRICS, (EXCEPT PILE OR TUFTED FABRICS) COATED OR FILLED, N.S.P.F.:	1.0	Syd.
	356.1010	Oilcloths		
	356.1510	Tracing Cloths		
	356.2000	Window Hollands		
	356.2510	Other, N.S.P.F.		
	357.0512	Tapestry Fabric, Jacquard-Figured		
	357.0516	Upholstery Fabric, Jacquard-Figured, Except Pile		
	364.1120	Tapestries, etc., Except Gobelin, Jacquard-Figured, Not Pile		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
27		OTHER WOVEN FABRICS, N.E.S., COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	320.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	320.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	320.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	321.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	321.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	321.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	322.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	322.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	322.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	323.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	323.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	323.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	324.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	324.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	324.--94	Not 8 oz. or Over and Not 52" or Over Wide		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
27 CONT'D		OTHER WOVEN FABRICS, N.E.S., COMBED CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		FANCY OR FIGURED: CONT'D		
		COLORED, WHETHER OR NOT BLEACHED:		
	325.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	325.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	325.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	326.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	326.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	326.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	327.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	327.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	327.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	328.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	328.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	328.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	329.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	329.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	329.--94	Not 8 oz. or Over and Not 52" or Over Wide		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
27 CONT'D		OTHER WOVEN FABRICS, N.E.S., COMBED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: CONT'D		
		FANCY OR FIGURED: CONT'D		
		BLEACHED BUT NOT COLORED:		
	330.--78	Napped Fabrics Other than Yarn-Dyed		
		OTHER FABRICS:		
	330.--90	8 oz. or over per Syd. and 52" or over Wide		
	330.--94	Not 8 oz. or over and not 52" or over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	331.--78	Napped Fabrics Other than Yarn-Dyed		
		OTHER FABRICS:		
	331.--90	8 oz. or over per Syd. and 52" or over Wide		
	331.--94	Not 8 oz. or over and not 52" or over Wide		
	332.1040	Woven Fabrics, in Chief Value, but not wholly of Cotton, Containing Wool, Whether or not Containing Silk or Man-Made Fibers or Both, but not Containing Other Fibers		
	332.4040	Other Woven Fabrics, in Chief Value but not Wholly Cotton, Combed		
	346.3040	Terry Fabrics Valued not over $1.125 per Pound		
	346.3240	Terry Fabrics Valued over $1.125 per Pound		
		Velvet, Plush and Velour:		
	346.3545	Velvets, under 48" in Width, with Cut Warp Pile, Weighing Less than 8 oz. per Syd.		
	346.3550	Other		
	346.4040	Chenille		
	346.4540	Other Pile Fabrics, not Knit		
	357.0514	Tapestry Fabric, Jacquard-Figured		
	357.0518	Upholstery Fabric, Jacquard-Figured Except Pile		
28		PILLOWCASES, CARDED	1.084	No.
	363.3020	Pillowcases, Carded, not Ornamented, (Including Bolster sets)		
29		PILLOWCASES, COMBED	1.084	No.
	363.3040	Pillowcases, Combed, not Ornamented, (Including Bolster Sets)		
30		TOWELS, DISH	.348	No.
	365.7815	Dish Towels, with Fringe, Ornamented		
	366.2760	Dish Towels, not Jacquard-Figured, not Ornamented		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
31		TOWELS, OTHER	.348	No.
		OTHER TOWELS NOT ORNAMENTED:		
		VALUED NOT OVER 45¢ EACH:		
	366.1820	Dish Towels, Terry		
	366.1840	Dish Towels of Pile or Tufted Construction		
	366.1860	Terry Towels, Other Than Dish Towels		
	366.1880	Towels of Pile or Tuft Construction, Other Than Dish Towels		
		VALUED OVER 45¢ EACH BUT NOT OVER $1.45 PER POUND:		
	366.2120	Dish Towels, Terry		
	366.2140	Dish Towels, of Pile or Tuft Construction		
	366.2160	Terry Towels, Other Than Dish Towels		
	366.2180	Towels of Pile or Tuft Construction, Other Than Dish Towels		
		VALUED OVER 45¢ EACH AND OVER $1.45 PER POUND:		
	366.2420	Dish Towels, Terry		
	366.2440	Dish Towels of Pile or Tuft Construction		
	366.2460	Terry Towels, Other Than Dish Towels		
	366.2480	Towels of Pile or Tuft Construction, Other Than Dish Towels		
		OTHER TOWELS, NOT ORNAMENTED:		
	366.2720	Jacquard-Figured, Not Pile		
		NOT JACQUARD-FIGURED:		
	366.2740	Shop Towels (Dedicated to Use in Garages, Filling Stations and Machine Shops)		
	366.2780	Other		
32		HANDKERCHIEFS, WHETHER OR NOT IN THE PIECE	1.66	Doz.
		LACE HANDKERCHIEFS, WHETHER OR NOT ORNAMENTED:		
		NOT CONTAINING ANY HANDMADE LACE AND NOT ORNAMENTED IN ANY PART BY HAND:		
	370.0420	Valued Not Over 70¢ Per Doz., Having Hand-Rolled or Handmade Hems		
	370.0440	Valued Not Over 70¢ Per Doz., With Other Than Hand-Rolled or Handmade Hems		
	370.0460	Valued Over 70¢ Per Doz., But Not Over $1.50		
	370.0800	Valued Over $1.50 Per Doz.		

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- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
32 CONT'D		HANDKERCHIEFS, WHETHER OR NOT IN THE PIECE CONT'D	1.66	Doz.
		LACE HANDKERCHIEFS, WHETHER OR NOT ORNAMENTED: CONT'D		
		CONTAINING HANDMADE LACE OR ORNAMENTED IN PART BY HAND:		
	370.1620	Valued Not Over 70¢ Per Doz., and Not Made With Hand-Rolled or Handmade Hems		
	370.1640	Other Than Those Valued Not Over 70¢ Per Doz., and Not Made With Hand-Rolled or Handmade Hems		
		HANDKERCHIEFS, NOT HEMMED, NOT ORNAMENTED:		
		NOT FANCY OR FIGURED OR COLORED:		
	370.2400	Not Over 50s Average Yarn Number		
	370.2800	Over 50s But Not Over 70s Average Yarn Number		
	370.3200	Over 70s Average Yarn Number		
		FANCY OR FIGURED, COLORED OR BOTH:		
	370.3600	Not Over 50s Average Yarn Number		
	370.4000	Over 50s But Not Over 70s Average Yarn Number		
	370.4400	Over 70s Average Yarn Number		
		HANDKERCHIEFS, HEMMED OR HEMSTITCHED, NOT ORNAMENTED:		
		NOT FANCY OR FIGURED OR COLORED:		
	370.4800	Not Over 50s Average Yarn Number		
	370.5200	Over 50s But Not Over 70s Average Number		
	370.5600	Over 70s Average Yarn Number		
		FANCY OR FIGURED, COLORED OR BOTH:		
		NOT OVER 50s AVERAGE YARN NUMBER:		
	370.6020	Colored		
	370.6040	Not Colored		
		OVER 50s BUT NOT OVER 70s AVERAGE YARN NUMBER:		
	370.6420	Colored		
	370.6440	Not Colored		
		OVER 70s AVERAGE YARN NUMBER:		
	370.6820	Colored		
	370.6840	Not Colored		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
33		TABLE DAMASK AND MANUFACTURES	3.17	Lb.
		TABLE DAMASK, FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	323.--52	Not Bleached or Colored		
	324.--52	Bleached But Not Colored		
	325.--52	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
	329.--52	Not Bleached or Colored		
	330.--52	Bleached But Not Colored		
	331.--52	Colored, Whether or Not Bleached		
	366.4200	Tablecloths and Napkins, Damask, Not Ornamented		
	366.7500	Furnishings, Damask, Except Curtains and Drapes, Etc., Towels, Tablecloths, and Napkins, Not Ornamented		
34		SHEETS, CARDED	6.2	No.
	363.3010	Sheets, Carded, Not Ornamented		
35		SHEETS, COMBED	6.2	No.
	363.3030	Sheets, Combed, Not Ornamented		
36		BEDSPREADS AND QUILTS	6.9	No.
		LACE OR NET BEDDING, WHETHER OR NOT ORNAMENTED:		
		LACE, NET OR ORNAMENTED:		
	363.0515	Bedspreads		
	363.0520	Coverlets, Quilts and Comforters		
		NOT ORNAMENTED:		
	363.5020	Bedspreads, Tufted, Block-Printed by Hand, Not Jacquard-Figured		
	363.5040	Bedspreads, Other Than Tufted, Block-Printed by Hand, Not Jacquard-Figured		
	363.5060	Coverlets, Quilts and Comforters, Block-Printed by Hand, Not Jacquard-Figured		
	363.5120	Bedspreads, Tufted, Not Block-Printed by Hand, Not Jacquard-Figured		
	363.5140	Bedspreads, Other Than Tufted, Not Block-Printed by Hand, Not Jacquard-Figured		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
36 CONT'D		BEDSPREADS AND QUILTS CONT'D	6.9	No.
		LACE OR NET BEDDING, WHETHER OR NOT ORNAMENTED: CONT'D		
		NOT ORNAMENTED: CONT'D		
	363.5160	Coverlets, Quilts, and Comforters, Not Block-Printed by Hand, Not Jacquard-Figured		
	363.5520	Bedspreads, Tufted, Jacquard-Figured		
	363.5540	Bedspreads, Other Than Tufted, Jacquard-Figured		
	363.5560	Coverlets, Quilts, and Comforters, Jacquard-Figured		
37		BRAIDED AND WOVEN ELASTIC	4.6	Lb.
	349.1500	Elastic Fabrics, Not Braided		
	349.3010	Elastic Yarns, Cordage Braids and Fabrics, Braided		
38		FISHING NETS AND FISH NETTING	4.6	Lb.
	355.3500	Fish Netting and Fish Nets		
39		GLOVES AND MITTENS	3.527	Dpr.
		GLOVES AND GLOVE LININGS:		
		ORNAMENTED:		
		MADE FROM PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC:		
		Woven:		
	704.0520	Of Cotton		
	704.0555	Of Other, Containing Cotton		
		Not Woven:		
	704.1020	Of Cotton		
	704.1055	Of Other, Containing Cotton		
		Other Than Made From Pre-Existing Machine-Knit or Woven Fabric:		
	704.1520	Of Cotton		
	704.1555	Of Other, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
39 CONT'D		GLOVES AND MITTENS CONT'D	3.527	Dpr.
		NOT ORNAMENTED:		
		MADE FROM PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC:		
		WOVEN:		
	704.4010	Without Fourchettes of Sidewalls		
		Other:		
	704.4025	Of Cotton		
	704.4055	Of Other, Containing Cotton		
		NOT WOVEN:		
	704.4510	Without Fourchettes or Sidewalls		
		Other:		
	704.4525	Of Cotton		
	704.4555	Of Other, Containing Cotton		
		Other Than Made From Pre-Existing Machine-Knit or Woven Fabric:		
	704.5015	Of Cotton		
	704.5055	Of Other, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
40		HOSE AND HALF HOSE	4.6	Dpr.
		HOSIERY, LACE, NET OR ORNAMENTED:		
		EMBROIDERED:		
	374.0520	Valued Not Over $5 Per Doz. Pair		
	374.1020	Valued Over $5 Per Doz. Pair		
		OTHER HOSIERY, NOT ORNAMENTED:		
	374.4020	Not Made or Cut From Pre-Existing Fabric		
	374.4520	Made or Cut From Pre-Existing Fabric		
41		T-SHIRTS, ALL WHITE, MEN'S AND BOYS'	7.234	Doz.
	380.0635	Not Ornamented, Knit		
42		T-SHIRTS, OTHER, KNIT	7.234	Doz.
		MEN'S AND BOYS' T-SHIRTS:		
	380.0018	All White T-Shirts, Lace, Net or Ornamented		
	380.0021	Other T-Shirts, Lace, Net or Ornamented		
	380.0640	T-Shirts, Except All White, Not Ornamented		
		WOMEN'S, GIRLS', AND INFANTS' T-SHIRTS:		
	382.0022	Lace, Net or Ornamented		
	382.0660	Not Ornamented		
43		SHIRTS, KNIT, OTHER THAN T-SHIRTS OR SWEATSHIRTS	7.234	Doz.
	380.0650	Men's and Boys', Not Ornamented		
	382.0670	Women's, Girls' and Infants', Not Ornamented		
44		SWEATERS AND CARDIGANS	36.8	Doz.
		SWEATERS AND CARDIGANS, KNIT, NOT ORNAMENTED:		
	380.0655	Men's and Boys'		
		Women's, Girls' and Infants':		
	382.0680	Of Cotton		
	382.3916	Of Vegetable Fiber, Containing Cotton		
	382.6912	Of Silk, Containing Cotton		
45		SHIRTS, DRESS, NOT KNIT, MEN'S AND BOYS'	22.186	Doz.
	380.0061	Men's and Boys' Dress Shirts, Lace, Net or Ornamented		
	380.0064	Men's and Boys' Work Shirts, Lace, Net or Ornamented		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
45 CONT'D		SHIRTS, DRESS, NOT KNIT, MEN'S AND BOYS' CONT'D	22.186	Doz.
		DRESS SHIRTS:		
		MEN'S:		
	380.2752	Poplin and Broadcloth, Not Ornamented		
	380.2755	Gingham, Not Ornamented		
	380.2759	Other Than Poplin, Broadcloth or Gingham, Not Ornamented		
		BOYS':		
	380.2762	Poplin and Broadcloth, Not Ornamented		
	380.2765	Gingham, Not Ornamented		
	380.2769	Other Than Poplin, Broadcloth, or Gingham, Not Ornamented		
		INFANTS':		
	382.0078	Other Than Sport Shirts, Lace, Net or Ornamented		
	382.3370	Other Than Sport Shirts, Not Ornamented		
46		SHIRTS, SPORT, NOT KNIT, MEN'S AND BOYS'	24.457	Doz.
		MEN'S AND BOYS' SPORT SHIRTS:		
	380.0067	Lace, Net or Ornamented		
		MEN'S SPORT SHIRTS:		
	380.2782	Of Corduroy, Not Ornamented		
	380.2785	Of Gingham, Not Ornamented		
	380.2787	Of Flannel, Not Ornamented		
	380.2789	Of Other Fabric, Not Ornamented		
		BOYS' SPORT SHIRTS:		
	380.2792	Of Corduroy, Not Ornamented		
	380.2795	Of Gingham, Not Ornamented		
	380.2797	Of Flannel, Not Ornamented		
	380.2799	Of Other Fabrics, Not Ornamented		
		INFANTS' SPORT SHIRTS:		
	382.0076	Lace, Net or Ornamented		
	382.3368	Not Ornamented		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
47		SHIRTS, WORK, NOT KNIT	22.186	Doz.
		MEN'S AND BOY' WORK SHIRTS, NOT KNIT, NOT ORNAMENTED:		
	380.2772	Of Poplin and Broadcloth		
	380.2775	Of Corduroy		
	380.2777	Of Yarn-Dyed Fabrics, Except Gingham		
	380.2778	Of Twill or Sateen		
	380.2779	Of Other Fabrics		
48		RAINCOATS, 3/4 LENGTH OR LONGER, NOT KNIT	50.0	Doz.
		MEN'S AND BOYS' RAINCOATS, 3/4 LENGTH OR LONGER, NOT ORNAMENTED:		
		VALUED NOT OVER $4 EACH:		
	380.0910	Corduroy		
	380.0920	Not Corduroy		
		VALUED OVER $4 EACH:		
	380.1210	Corduroy		
	380.1220	Not Corduroy		
		VALUED NOT OVER $4 EACH:		
		WOMEN'S, NOT ORNAMENTED:		
	382.0902	Of Corduroy		
	382.0904	Of Velveteen		
	382.0906	Of Other Than Corduroy or Velveteen		
		GIRLS' AND INFANTS', NOT ORNAMENTED:		
	382.0908	Of Corduroy		
	382.0910	Of Velveteen		
	382.0912	Of Other Than Corduroy or Velveteen		
		VALUED OVER $4 EACH:		
		WOMEN'S, NOT ORNAMENTED:		
	382.1202	Of Corduroy		
	382.1204	Of Velveteen		
	382.1206	Of Other Than Corduroy or Velveteen		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
48 CONT'D		RAINCOATS, 3/4 LENGTH OR LONGER, NOT KNIT CONT'D	50.0	Doz.
		VALUED OVER $4 EACH: CONT'D		
		GIRLS' AND INFANTS', NOT ORNAMENTED:		
	382.1208	Of Corduroy		
	382.1210	Of Velveteen		
	382.1212	Of Other Than Corduroy and Velveteen		
49		COATS, OTHER, NOT KNIT	32.5	Doz.
		MEN'S AND BOYS' OTHER COATS, NOT ORNAMENTED:		
		VALUED NOT OVER $4 EACH:		
	380.0940	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Corduroy		
	380.0960	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Other Than Corduroy		
	380.0980	Other Men's and Boys' Coats, Other Than Raincoats, 3/4 Length or Longer and Suit-Type Coats, Etc. of Corduroy		
	380.0990	Other Men's and Boys' Coats, Other Than Raincoats, 3/4 Length or Longer and Suit-Type Coats, Etc., of Other Than Corduroy		
		VALUED OVER $4 EACH:		
	380.1240	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Corduroy		
	380.1260	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Other Than Corduroy		
	380.1280	Other Men's and Boys' Coats,Other Than Raincoats 3/4 Length or Longer and Suit-Type Coats, Etc., of Corduroy		
	380.1290	Other Men's and Boys' Coats, Other Than Raincoats 3/4 Length or Longer and Suit-Type Coats, Etc. of Other Than Corduroy		
		Other:		
		OF VEGETABLE FIBER CONTAINING COTTON:		
	380.5104	Suit-Type Coats, Including Suit-Type Sport Coats and Suit-Type Jackets.		
	380.5108	Other Separate Coats		
		WOMEN'S, GIRLS' AND INFANTS' COATS (EXCEPT RAINCOATS):		
		VALUED NOT OVER $4 EACH:		
	382.0914	Of Corduroy, 3/4 Length or Longer		
	382.0916	Of Velveteen, 3/4 Length or Longer		
	382.0918	Of Other Than Corduroy and Velveteen, 3/4 Length or Longer		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
49 CONT'D		COATS, OTHER, NOT KNIT CONT'D	32.5	Doz.
		VALUED NOT OVER $4 EACH: CONT'D		
		NOT ORNAMENTED: CONT'D		
		WOMEN'S, GIRLS' AND INFANTS' COATS (EXCEPT RAINCOATS 3/4 LENGTH OR LONGER AND OTHER COATS 3/4 LENGTH OR LONGER):		
	382.0920	Of Corduroy		
	382.0922	Of Velveteen		
	382.0924	Of Other Than Corduroy and Velveteen		
		VALUED OVER $4 EACH:		
		NOT ORNAMENTED:		
		WOMEN'S, GIRLS' AND INFANTS' COATS (EXCEPT RAINCOATS):		
	382.1214	Of Corduroy, 3/4 Length or Longer		
	382.1216	Of Velveteen, 3/4 Length or Longer		
	382.1218	Of Other Than Corduroy or Velveteen, 3/4 Length or Longer		
		WOMEN'S, GIRLS' AND INFANTS' OTHER COATS (EXCEPT RAINCOATS, 3/4 LENGTH OR LONGER AND OTHER COATS 3/4 LENGTH OR LONGER):		
	382.1220	Of Corduroy		
	382.1222	Of Velveteen		
	382.1224	Of Other Than Corduroy or Velveteen		
	382.4208	Of Vegetable Fiber, Containing Cotton		
50		TROUSERS, SLACKS AND SHORTS (OUTER) NOT KNIT, MEN'S AND BOYS'	17.797	Doz.
		MEN'S TROUSERS, SLACKS, AND SHORTS, NOT ORNAMENTED:		
	380.3922	Of Yarn-Dyed Fabric		
	380.3925	Of Twill		
	380.3927	Of Corduroy		
	380.3929	Of Other Than Yarn-Dyed Fabric, Twill or Corduroy		
		BOYS' TROUSERS, SLACKS AND SHORTS, NOT ORNAMENTED:		
	380.3932	Of Yarn-Dyed Fabric, Except Gingham		
	380.3935	Of Twill		
	380.3937	Of Corduroy		
	380.3939	Of Other Than Yarn-Dyed Fabrics Except Ginghams, Twills or Corduroy		
	380.5124	Of Vegetable Fiber, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
51		TROUSERS, SLACKS AND SHORTS (OUTER) NOT KNIT, WOMEN'S, GIRLS' AND INFANTS'	17.797	Doz.
		ORNAMENTED:		
	382.0084	Women's		
	382.0086	Girls' and Infants'		
		NOT ORNAMENTED:		
	382.3346	Women's, of Yarn-Dyed Fabrics, N.E.S.		
	382.3348	Girls' and Infants' of Yarn-Dyed Fabrics, N.E.S.		
		TWILL:		
	382.3350	Women's		
	382.3352	Girls' and Infants'		
		CORDUROY:		
	382.3354	Women's		
	382.3356	Girls' and Infants'		
		VELVETEEN:		
	382.3358	Women's		
	382.3360	Girls' and Infants'		
		OF OTHER THAN YARN-DYED FABRICS, N.E.S., TWILL, CORDUROY OR VELVETEEN:		
	382.3362	Women's		
	382.3364	Girls' and Infants'		
		OTHER:		
	382.4226	Of Vegetable Fiber Containing Cotton		
	382.7218	Of Silk, Containing Cotton		
52		BLOUSES, NOT KNIT	14.53	Doz.
		BLOUSES, LACE, NET OR ORNAMENTED:		
		WOMEN'S:		
	382.0040	Of Poplin and Broadcloth		
	382.0042	Of Gingham		
	382.0044	Of Other Than Gingham, Poplin and Broadcloth		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
52 CONT'D		BLOUSES, NOT KNIT CONT'D	14.53	Doz.
		BLOUSES, LACE, NET OR ORNAMENTED: CONT'D		
		GIRLS' AND INFANTS':		
	382.0046	Of Poplin and Broadcloth		
	382,0048	Of Gingham		
	382.0050	Of Other Than Gingham, Poplin and Broadcloth		
		BLOUSES, NOT ORNAMENTED:		
		POPLIN AND BROADCLOTH:		
	382.3302	Women's		
	382.3304	Girls' and Infants'		
		GINGHAM:		
	382.3306	Women's		
	382.3308	Girls' and Infants'		
		OTHER THAN POPLINS AND BROADCLOTH OR GINGHAMS:		
	382.3310	Women's		
	382.3312	Girls' and Infants'		
		Other:		
	382.4204	Of Vegetable Fiber, Containing Cotton		
	382.7204	Of Silk, Containing Cotton		
53		DRESSES, (INCLUDING UNIFORMS) NOT KNIT	45.3	Doz.
		DRESSES, LACE, NET OR ORNAMENTED:		
		WOMEN'S:		
	382.0058	Of Corduroy		
	382.0060	Of Veleveteen		
	382.0062	Of Other Than Corduroy or Velveteen		
		GIRLS' AND INFANTS'		
	382.0064	Of Corduroy		
	382.0066	Of Velveteen		
	382.0068	Of Other than Corduroy or Velveteen		
		DRESSES, NOT ORNAMENTED:		
		VELVETEEN:		
	382.3314	Women's		
	382.3316	Girls' and Infants'		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
53 CONT'D		DRESSES, (INCLUDING UNIFORMS) NOT KNIT	45.3	DOZ.
		DRESSES, NOT ORNAMENTED: CONT'D:		
		CORDUROY:		
	382.3318	Women's		
	382.3320	Girls' and Infants'		
		OTHER THAN CORDUROY AND VELVETEEN:		
	382.3322	Women's		
	382.3324	Girls' and Infants'		
		OTHER:		
	382.4212	Of Vegetable Fiber, Containing Cotton		
	382.7208	Of Silk, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
54		PLAYSUITS, SUNSUITS, WASHSUITS, CREEPERS, ROMPERS, ETC., NOT KNIT, N.E.S.	25.0	Doz.
		MEN'S AND BOYS':		
	380.0058	Ornamented		
	380.3912	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0074	Lace, Net or Ornamented		
		NOT ORNAMENTED:		
	382.3328	Corduroy		
	382.3330	Velveteen		
	382.3332	Other Than Corduroy or Velveteen		
55		DRESSING GOWNS, INCLUDING BATHROBES AND BEACHROBES, LOUNGING GOWNS, HOUSE COATS AND DUSTERS, NOT KNIT	51.0	Doz.
		MEN'S AND BOYS':		
	380.0049	Lace, Net or Ornamented		
		NOT ORNAMENTED:		
		VALUED NOT OVER $2.50 EACH:		
	380.1520	Of Corduroy		
	380.1540	Of Other Than Corduroy		
		VALUED OVER $2.50 EACH:		
	380.1820	Of Corduroy		
	380.1840	Of Other Than Corduroy		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0070	Lace, Net or Ornamented		
		VALUED NOT OVER $2.50 EACH:		
	382.1520	Of Corduroy		
	382.1540	Of Velveteen		
	382.1560	Of Other Than Corduroy or Velveteen		
		VALUED OVER $2.50 EACH:		
	382.1820	Of Corduroy		
	382.1840	Of Velveteen		
	382.1860	Of Other Than Corduroy or Velveteen		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
56		UNDERSHIRTS, KNIT, MEN'S AND BOYS'	9.2	Doz.
		NOT ORNAMENTED:		
		VALUED NOT OVER $4 PER POUND:		
	378.1014	Athletic-Type Undershirts		
	378.1029	Other Than Athletic-Type Undershirts, Unionsuits, Briefs, Drawers and Undershorts		
		VALUED OVER $4 PER POUND:		
	378.1514	Athletic-Type Undershirts		
	378.1529	Other Than Athletic-Type Undershirts, Unionsuits, Briefs, Drawers and Undershorts		
57		BRIEFS AND UNDERSHORTS	11.25	Doz.
		BRIEFS, DRAWERS AND UNDERSHORTS:		
		KNIT, NOT ORNAMENTED:		
		VALUED NOT OVER $4 PER POUND:		
	378.1016	Men's and Boys'		
	378.1034	Women's, Girls' and Infants'		
		VALUED OVER $4 PER POUND:		
	378.1516	Men's and Boys'		
	378.1534	Women's, Girls' and Infants'		
		NOT KNIT, NOT ORNAMENTED:		
		MEN'S AND BOYS':		
	378.2012	Valued Not Over 75¢ Per Separate Piece		
	378.2512	Valued Over 75¢ Per Separate Piece		
58		OTHER UNDERWEAR, KNIT, N.E.S.	5.0	Doz.
	378.0521	Men's and Boys' Underwear, Lace or Net		
		WOMEN'S GIRLS' AND INFANTS':		
		LACE OR NET:		
	378.0531	Undershirts		
	378.0532	Briefs, Drawers, and Shorts		
	378.0533	Underwear Other Than Undershirts, Briefs, Drawers and Shorts		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
58 CONT'D		OTHER UNDERWEAR, KNIT, N.E.S. CONT'D	5.0	Doz.
		MEN'S AND BOYS':		
		ORNAMENTED:		
	378.0541	Unionsuits		
	378.0542	Athletic-Type Undershirts		
	378.0544	Briefs, Drawers and Undershorts		
	378.0546	Underwear Other Than Unionsuits, Athletic-Type Undershirts, Briefs, Drawers and Undershorts		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	378.0551	Undershirts		
	378.0552	Briefs, Drawers and Undershorts		
	378.0554	Underwear Other Than Undershirts, Briefs, Drawers and Undershorts		
		NOT ORNAMENTED:		
		VALUED NOT OVER $4 PER POUND:		
	378.1032	Undershirts		
	378.1039	Underwear Other Than Undershirts, Briefs, Drawers and Undershorts		
		VALUED OVER $4 PER POUND:		
	378.1532	Undershirts		
	378.1539	Underwear Other Than Undershirts, Briefs, Drawers and Undershorts		
59		ALL OTHER UNDERWEAR, NOT KNIT	16.0	Doz.
		ORNAMENTED:		
		MEN'S AND BOYS':		
	378.0562	Briefs, Drawers and Undershorts		
	378.0564	Other		
	378.0571	Women's, Girls' and Infants' Underwear		
		NOT ORNAMENTED:		
		VALUED NOT OVER 75¢ PER SEPARATE PIECE:		
	378.2018	Other, Men's and Boys'		
	378.2030	Women's, Girls' and Infants' Underwear		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
59 CONT'D		ALL OTHER UNDERWEAR, NOT KNIT CONT'D	16.0	Doz.
		NOT ORNAMENTED: CONT'D		
		VALUED OVER 75¢ PER SEPARATE PIECE:		
		MEN'S AND BOYS':		
	378.2518	Other		
	378.2530	Women's, Girls' and Infants' Underwear		
60		PAJAMAS AND OTHER NIGHTWEAR	51.96	Doz.
		MEN'S AND BOYS':		
		KNIT:		
	380.0012	Pajamas, Lace, Net or Ornamented		
	380.0625	Pajamas and Other Nightwear, Not Ornamented		
		NOT KNIT:		
		NOT ORNAMENTED:		
	380.2100	Pajamas, Valued Not Over $1.50 Per Suit		
	380.2400	Pajamas, Valued Over $1.50 Per Suit		
	380.3909	Nightwear except Pajamas		
		WOMEN'S, GIRLS' AND INFANTS':		
		KNIT:		
	382.0018	Pajamas and Other Nightwear, Lace, Net or Ornamented		
	382.0650	Pajamas and Other Nightwear, Not Ornamented		
		NOT KNIT:		
		NOT ORNAMENTED:		
	382.2100	Pajamas, Valued Not Over $1.50 Per Suit		
	382.2400	Pajamas, Valued Over $1.50 Per Suit		
	382.3326	Nightwear, Except Pajamas		
	382.7214	Of Silk, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
61		BRASSIERES AND OTHER BODY SUPPORTING GARMENTS	4.75	Doz.
		LACE, NET OR ORNAMENTED:		
	376.2425	Brassieres		
	376.2465	Body Supporting Garments, (Except Brassieres) Women's, Girls' and Infants'		
	376.2490	Other Body Supporting Garments, Men's and Boys'		
		NOT ORNAMENTED:		
	376.2825	Brassieres		
	376.2865	Body Supporting Garments, Except Brassieres, Women's, Girls' and Infants'		
	376.2890	Other Body Supporting Garments, Men's and Boys'		
62		WEARING APPAREL, KNIT, N.E.S.	4.6	Lb.
		MUFFLERS, SCARVES, SHAWLS:		
	372.1010	Lace, Net or Ornamented		
	372.1520	Not Ornamented		
		MEN'S AND BOYS' NECKTIES:		
	373.0510	Ornamented		
	373.1010	Not Ornamented		
	374.1520	Hosiery, Lace, Net or Ornamented, Not Fmbroidered		
		MEN'S AND BOYS' UNIONSUITS:		
		NOT ORNAMENTED:		
	378.1012	Valued Not Over $4 Per Pound		
	378.1512	Valued Over $4 Per Pound		
		MEN'S AND BOYS' OTHER WEARING APPAREL:		
		ORNAMENTED:		
		COATS:		
	380.0003	Raincoats, 3/4 Length or Longer		
	380.0006	Other Coats		
	380.0009	Dressing Gowns, Incl. Bathrobes, Beachrobes Etc.		
	380.0015	Playsuits, Sunsuits, Washsuits, Etc.		
	380.0024	Sweatshirts		
	380.0027	Shirts, Other Than T-Shirts and Sweatshirts		
	380.0030	Sweaters		
	380.0033	Trousers, Slacks and Shorts		
	380.0036	Other Wearing Apparel		
	380.0501	Of Other Fiber, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
62 CONT'D		WEARING APPAREL, KNIT, N.E.S. CONT'D	4.6	Lb.
		MEN'S AND BOYS' OTHER WEARING APPAREL: CONT'D		
		NOT ORNAMENTED:		
		COATS:		
	380.0610	Raincoats, 3/4 Length or Longer		
	380.0615	Other Coats		
	380.0620	Dressing Gowns, Incl. Bathrobes, Beachrobes Lounging Gowns, Etc.		
	380.0630	Playsuits, Sunsuits, Washsuits, Etc.		
	380.0645	Sweatshirts		
	380.0660	Trousers, Slacks and Shorts		
	380.0690	Other Wearing Apparel		
	380.4505	Of Vegetable Fiber, Containing Cotton		
	380.7205	Of Silk, Containing Cotton		
		WOMEN'S, GIRLS' AND INFANTS':		
		LACE, NET OR ORNAMENTED:		
	382.0002	Blouses		
		RAINCOATS, 3/4 LENGTH OR LONGER:		
	382.0004	Women's		
	382.0006	Girls' and Infants'		
	382.0008	Other Coats, 3/4 Length or Longer		
	382.0010	Other Coats, Other Than 3/4 Length or Longer		
		DRESSES:		
	382.0012	Women's		
	382.0014	Girls' and Infants'		
	382.0016	Dressing Gowns, Etc.		
	382.0020	Playsuits, Sunsuits, Washsuits, Etc.		
	382.0024	Sweatshirts		
	382.0026	Other Shirts, Other Than T-Shirts and Sweatshirts		
	382.0028	Skirts		
	382.0030	Sweaters		
	382.0032	Trousers, Slacks and Shorts		
	382.0034	Other Wearing Apparel		
		Other:		
	382.0509	Of Other Fiber, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
62 CONT'D		WEARING APPAREL, KNIT, N.E.S. CONT'D	4.6	Lb.
		WOMEN'S, GIRLS' AND INFANTS': CONT'D		
		NOT ORNAMENTED:		
		BLOUSES:		
	382.0605	Women's		
	382.0610	Girls' and Infants'		
		RAINCOATS, 3/4 LENGTH OR LONGER:		
	382.0615	Women's		
	382.0620	Girls' and Infants'		
	382.0625	Other Coats (Except Raincoats) 3/4 Length or Longer		
	382.0630	Other Coats Other Than 3/4 Length or Longer		
		DRESSES:		
	382.0635	Women's		
	382.0640	Girls' and Infants'		
	382.0645	Dressing Gowns		
	382.0655	Playsuits, Sunsuits, Washsuits, Etc.		
	382.0665	Sweatshirts		
	382.0675	Skirts		
		TROUSERS, SLACKS AND SHORTS (OUTER):		
	382.0685	Women's		
	382.0690	Girls' and Infants'		
	382.0695	Other Wearing Apparel		
		Other:		
		Of Vegetable Fiber, Containing Cotton:		
	382.3904	Blouses, Waists and shirts		
	382.3908	Dresses		
	382.3912	Skirts		
	382.3922	Trousers, Slacks and Shorts		
	382.3926	Other		
		Of Silk, Containing Cotton:		
	382.6904	Blouses, Waists and Shirts		
	382.6908	Dresses		
	382.6916	Trousers, Slacks and Shorts		
	382.6922	Other		
	702.0520	Headwear, of Cotton, Flax or Both, Knit		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
63		WEARING APPAREL, NOT KNIT, N.E.S.	4.6	Lb.
		MUFFLERS:		
	372.1040	Ornamented		
		NOT ORNAMENTED:		
	372.1540	Hemmed		
	372.1560	Not Hemmed		
		NECKTIES:		
	373.0540	Ornamented		
	373.1045	Not Ornamented		
	376.5400	Garments Designed for Rainwear, Hunting, Fishing, or Similar Uses, Wholly or Almost Wholly of Fabrics Which Are Coated or Filled, or Laminated With Rubber or Plastics		
		MEN'S AND BOYS':		
		LACE, NET OR ORNAMENTED:		
	380.0040	Raincoats, 3/4 Length or Longer		
	380.0043	Suit-Type Coats, Incl. Suit-Type Sport Coats, Suit-Type Sport Jackets, Etc.		
	380.0046	Other Coats		
	380.0052	Pajamas		
	380.0055	Other Nightwear		
	380.0070	Trousers, Slacks, and Shorts		
	380.0073	Vests		
	380.0076	Other Wearing Apparel		
	380.0541	Of Other Fiber, Containing Cotton		
		NOT ORNAMENTED:		
	380.3000	Shirt Collars and Cuffs		
		VESTS:		
	380.3320	Valued Not Over $2 Each		
	380.3620	Valued Over $2 Each		
	380.3980	Shoe Uppers		
	380.3982	Judo and Karate Uniforms		
	380.3984	Other Wearing Apparel		
		Other:		
		Of Vegetable Fiber, Containing Cotton:		
	380.5112	Shirts		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
63 CONT'D		WEARING APPAREL, NOT KNIT, N.E.S.	4.6	Lb.
		MEN'S AND BOYS': CONT'D		
		NOT ORNAMENTED: CONT'D		
		Other: CONT'D		
		Of Vegetable Fiber, Containing Cotton: CONT'D		
	380.5116	Suits		
	380.5128	Other		
	380.7505	Of Silk, Containing Cotton		
	380.9005	Of Other, Containing Cotton		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
63 CONT'D		WEARING APPAREL, NOT KNIT, N.E.S. CONT'D	4.6	Lb.
		WOMEN'S, GIRLS' AND INFANTS':		
		LACE, NET OR ORNAMENTED:		
	382.0052	Raincoats, 3/4 Length or Longer		
	382.0054	Coats, (Except Raincoats) 3/4 Length or Longer		
	382.0056	Other Coats		
	382.0072	Pajamas		
		SKIRTS:		
	382.0080	Women's		
	382.0082	Girls' and Infants'		
	382.0088	Vests		
	382.0090	Other Wearing Apparel		
	382.0554	Of Other Fiber Containing Cotton		
		NOT ORNAMENTED:		
		VESTS:		
	382.2730	Valued Not Over $2 Each		
	382.3030	Valued Over $2 Each		
		CORDUROY SKIRTS:		
	382.3334	Women's		
	382.3336	Girls' and Infants'		
		VELVETEEN SKIRTS:		
	382.3338	Women's		
	382.3340	Girls' and Infants'		
		OTHER SKIRTS:		
	382.3342	Women's		
	382.3344	Girls' and Infants'		
	382.3380	Shoe Uppers		
	382.3385	Other Wearing Apparel of Cotton		
		Other:		
		OF VEGETABLE FIBER, CONTAINING COTTON:		
	382.4216	Skirts		
	382.4222	Suits		
	382.4232	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annototed

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
63 CONT'D		WEARING APPAREL, NOT KNIT, N.E.S. CONT'D	4.6	Lb.
		WOMEN'S, GIRLS' AND INFANTS': CONT'D		
		LACE, NET OR ORNAMENTED: CONT'D		
		Other: CONT'D		
		OF VEGETABLE FIBER CONTAINING COTTON: CONT'D		
		OF SILK, CONTAINING COTTON:		
	382.7212	Dressing Gowns, Including Bathrobes, Beachrobes, Etc.		
	382.7222	Other		
	382.8705	Of Other, Containing Cotton		
	702.1020	Headwear, of Cotton, Flax or Both, Not Knit		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64		ALL OTHER COTTON TEXTILES	4.6	Lb.
		YARNS:		
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
		CARDED:		
		SINGLES:		
	300.6020	Not Bleached or Colored		
	300.6022	Bleached or Colored		
	300.6024	Plied		
		COMBED:		
	300.6026	Singles		
	300.6028	Plied		
	303.1000	Chenille Yarns		
	303.2040	Sewing Threads		
	303.2042	Knitting, Darning, Embroidery and Tatting Yarns for Handwork in Length Not Over 840 Yards		
		COTTON CORDAGE:		
	315.0500	Not of Stranded Construction		
		OF STRANDED CONSTRUCTION:		
	315.1000	Under 3/16 Inch in Diameter		
	315.1500	3/16 Inch or Over in Diameter		
		FABRICS:		
		KNIT:		
	345.1020	Circular Knit Fabrics		
	345.1040	Other Knit Fabrics		
		Other:		
	345.1065	Of Vegetable Fiber Containing Cotton		
	345.3505	Of Silk Containing Cotton		
		Pile Fabrics:		
	345.4560	Knit, (Except Terry, Velvets, Plushes, Velours and Chemilles)		
		Other:		
	346.5005	Of Vegetable Fiber, Containing Cotton		
	346.5605	Of Silk, Containing Cotton		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		FABRICS: CONT'D		
		Pile Fabrics: Cont'd		
		Other:		
	347.1000	Pile Ribbons		
	347.1500	Seamless Tubing, Except Wicking		
	347.2502	Wicking		
	347.3320	Typewriter Machine Ribbons		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		FABRICS: CONT'D		
	347.3340	Zipper Tapes		
	347.3380	Other Narrow Fabrics, Other Than Pile Ribbons, Seamless Tubing, Wicking, Typewriter and Machine Ribbons and Zipper Tapes		
	348.0010	Tubular Braids, With Non-Elastic Core, Not Suitable for Making or Ornamenting Headwear		
	348.0510	Other Braids		
	349.1010	Elastic Yarns and Cordage With Rubber Core		
	349.1012	Elastic Tubular Braids With Rubber Core		
		VEILING AND LACE:		
	350.0010	Veiling Made on a Lace Maching or a Net Machine, Whether or Not Ornamented		
		LACE:		
		IN THE PIECE OR MOTIFS:		
		WHETHER OR NOT ORNAMENTED:		
		MADE WHOLLY BY HAND:		
	351.0500	Not Over $50 Per Pound		
	351.2510	Over $50 Per Pound		
		MADE ON A LEAVERS MACHINE:		
	351.4010	12 Points or Finer		
	351.4610	Not 12 Points or Finer		
	351.5010	Made on a Bobbinet-Jacquard Machine		
	351.6010	Made on a Nottingham Lace-Curtain Machine		
	351.8010	Other Machine Made		
	351.9010	Partly Handmade		
		NETTING:		
		IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE:		
	352.1010	Netting, Ornamented		
	352.3010	Quilling, Not Ornamented		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		VEILING AND LACE CONT'D:		
		NETTING CONT'D:		
		IN THE PIECE. MADE ON A LACE, NET OR KNITTING MACHINE CONT'D:		
		OTHER THAN QUILLING, IN THE PIECE:		
		NOT ORNAMENTED:		
	352.4010	Made on a Mechlin (or Malines) Net Machine		
	352.5000	Made on a Bobbinet Machine, Not Over 224 Holes Per Sq. Inch		
	352.8010	Made on a Lace, Net or Knitting Machine Other Than a Mechlin or Bobbinet Machine		
	353.1010	Burnt-out Lace, In the Piece or in Motifs		
		ORNAMENTED FABRICS AND ORNAMENTED MOTIFS, N.S.P.F., IN THE PIECE:		
	353.5012	Woven		
	353.5014	Knit		
	353.5016	Other		
	355.0200	Webs, Wadding, Batting and Non-Woven Fabrics, Etc.		
	357.6010	Textile Fabrics With Tucks in Parallel Rows Formed in the Weaving or the Knitting Process or by Folding and Sewing		
	357.7010	Edgings, Insertings, Galloons, Fringes, Etc., Whether in the Piece or Otherwise		
	357.8010	Textile Fabrics for Use in Pneumatic Tires		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
	358.0210	V-Belts for Machinery of Textile Fiber		
	358.0510	Belting and Belts for Machinery, Not in Part of Rubber or Plastic		
	358.0610	Belting and Belts for Machinery in Part of Rubber or Plastic		
	385.2410	Printers Rubberized Blankets		
	358.2610	Clothing for Paper-Making, Printing, or Other Machines, in the Piece or as Units (Except Printers' Rubberized Blankets), N.S.P.F.		
	359.1020	Woven Fabrics Including Laminated Fabrics, N.S.P.F.		
	359.1040	Knit Fabrics Including Laminated Fabrics, N.S.P.F.		
	359.1060	Other Fabrics Including Laminated Fabrics, N.S.P.F.		
		OTHER:		
		Of Vegetable Fiber Containing Cotton:		
	359.2021	Woven		
	359.2041	Knit		
		FLOOR COVERINGS:		
	360.2000	Chenille		
	360.2500	Imitation Oriental, With Pile Not Hand-Inserted and Not Hand-Knotted		
	360.3000	Of Pile or Tuft Construction, Other Than Chenille or Imitation Oriental, Pile Not Hand-Inserted and Not Hand-Knotted		
	360.7522	Of Pile or Tuft, Hand-Hooked, in Which Pile or Tuft were Inserted or Knotted into a Pre-Existing Base		
	360.8022	Of Pile or Tuft, Not Hand-Hooked, in Which the Pile or Tuft Were Inserted or Knotted into a Pre-Existing Base		
	361.0522	Wholly or In Part of Braids (Except Tubular Braids With a Core) Over 50% by Weight Cotton		
	361.0542	Wholly or In Part of Braids (Except Tubular Braids a Core) Chief Value Cotton But Containing not More Than 50% by Weight Cotton		
	361.1820	With Over 50% by Weight of the Fibers, Exclusive of any Core, being Cotton		
	361.2010	Other		
	361.5000	"Hit-And-Miss" Rag Floor Coverings		
		FLOOR COVERINGS, N.S.P.F.:		
	361.5422	Woven but Not Made on a Power-Driven Loom		
	361.5622	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON-

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		Lace or Net Sheets and Pillowcases (Including Bolster Cases.) and Other Sheets and Pillowcases Ornamented:		
	363.0120	Pillowcases		
	363.0140	Sheets		
	363.0510	Blankets of Lace or Net and Other Blankets Ornamented		
	363.0525	Lace or Net Bedding and Other Bedding Ornamented, Except Sheets and Pillowcases, Blankets, Bedspreads, Coverlets, Quilts, and Comforters		
		BLANKETS:		
		NOT ORNAMENTED:		
		VALUED NOT OVER 47.5 CENTS PER POUND:		
	363.4020	Jacquard-Figured		
	363.4040	Not Jacquard-Figured		
		VALUED OVER 47.5 CENTS PER POUND:		
	363.4520	Jacquard-Figured		
	363.4540	Not Jacquard-Figured		
	363.6025	Quilt Covers, Not Ornamented		
	363.6040	Bedding, Other Than Sheets, Pillowcases, Blankets, Bedspreads, Etc., and Quilt Covers not Ornamented		
		TAPESTRIES, ETC., EXCEPT GOBELIN, ETC.:		
		JACQUARD-FIGURED:		
	364.1220	Pile		
	364.1520	Not Jacquard-Figured		
		HANDMADE LACE FURNISHINGS:		
	365.0020	Valued Not Over $50 Per Pound		
	365.1510	Valued Over $50 Per Pound		
		LACE FURNISHINGS:		
		MADE ON A LEAVERS MACHINE (INCLUDING GO-THROUGH):		
	365.2510	12 Points or Finer		
	365.3110	Not 12 Points or Finer		
	365.3510	Made on a Bobbinet-Jacquard Machine		
	365.4010	Made on a Nottingham Lace-Curtain Machine		
	365.5010	Made on Other Machines		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		NET CURTAINS AND DRAPES INCLUDING PANELS AND VALANCES:		
	365.7010	Burnt-Out Lace Facings		
	365.7510	Furnishings of Lace, Netting or Both and Made in Designs or Pattern Formed Wholly or in Substantial Part by Joining (By Applique or Otherwise) machine-Made or Hand-Made Machine-Made Materials by Handwork		
	365.7700	Curtain and Drapes, Including Panels and Valances, Whether or Not Machine Embroidered but Not Otherwise Ornamented		
		Other Net Furnishings, Other Than Dish Towels, Curtains, Drapes and Valances, Whether or Not Machine Embroidered but Not Otherwise Ornamented:		
	365.7825	Wall Hangings		
	365.7835	Other		
		CURTAINS AND DRAPES (INCLUDING PANELS AND VALANCES):		
		NOT ORNAMENTED:		
	366.0300	Of Velveteen, Velvet, Plush, Velour or any Combination Thereof		
	366.0600	Of Corduroy		
	366.0900	Of Pile,or Tuft Construction Other Than Corduroy, Velvet, Velveteen, Plush, Velour or any Combination Thereof		
	366.1520	Of Other Than Pile or Tuft Construction:		
		TABLECLOTHS AND NAPKINS (EXCEPT DAMASK):		
		NOT ORNAMENTED:		
	366.4500	Block-Printed by Hand		
		NOT BLOCK-PRINTED BY HAND:		
	366.4600	Plain Woven		
	366.4730	Other		
		OTHER FURNISHINGS:		
		OTHER THAN CURTAINS AND DRAPES, TOWELS, TABLECLOTHS, NAPKINS, ETC.:		
		NOT ORNAMENTED:		
	366.5720	Knit (Except Pile or Tuft)		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		OTHER FURNISHINGS: CONT'D		
		OTHER THAN CURTAINS AND DRAPES, TOWELS, TABLECLOTHS, NAPKINS, ETC.: CONT'D		
		NOT ORNAMENTED: CONT'D		
		PILE OR TUFT CONSTRUCTION:		
	366.6000	Velveteen, Velvet, Plush, Velour, or any Combination Thereof		
	366.6300	Corduroy		
	366.6500	Terry		
	366.6900	Other		
		OTHER (NOT KNIT, NOT PILE OR TUFTED):		
	366.7730	Plain-Woven		
		Other:		
	366.7925	Wall Hangings		
	366.7930	Other		
	372.0400	Lace, Net or Ornamented Veils		
	376.0420	Garters, Garter Belts and Suspenders, of Cotton or Cotton and Rubber or Plastics		
		DUST CLOTHS, MOP CLOTHS AND POLISHING CLOTHS:		
	385.2500	Of Pile Construction		
	385.3000	Not of Pile Construction		
	385.4000	Ladder Tapes		
	385.5520	Bags and Sacks, or Other Shipping Containers		
	385.6020	Labels, Not Ornamented		
	385.7020	Tassels, and Cords and Tassels		
		CORSET LACINGS, FOOTWEAR LACINGS, WITH OR WITHOUT CORDS, OR SIMILAR LACINGS:		
	385.7520	Braided		
	385.8020	Other Than Braided		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		NET CURTAINS AND DRAPES INCLUDING PANELS AND VALANCES:		
	365.7010	Burnt-Out Lace Facings		
	365.7510	Furnishings of Lace, Netting or Both and Made in Designs or Pattern Formed Wholly or in Substantial Part by Joining (By Applique or Otherwise) machine-Made or Hand-Made Machine-Made Materials by Handwork		
	365.7700	Curtain and Drapes, Including Panels and Valances, Whether or Not Machine Embroidered but Not Otherwise Ornamented		
		Other Net Furnishings, Other Than Dish Towels, Curtains, Drapes and Valances, Whether or Not Machine Embroidered but Not Otherwise Ornamented:		
	365.7825	Wall Hangings		
	365.7835	Other		
		CURTAINS AND DRAPES (INCLUDING PANELS AND VALANCES):		
		NOT ORNAMENTED:		
	366.0300	Of Velveteen, Velvet, Plush, Velour or any Combination Thereof		
	366.0600	Of Corduroy		
	366.0900	Of Pile,or Tuft Construction Other Than Corduroy, Velvet, Velveteen, Plush, Velour or any Combination Thereof		
	366.1520	Of Other Than Pile or Tuft Construction:		
		TABLECLOTHS AND NAPKINS (EXCEPT DAMASK):		
		NOT ORNAMENTED:		
	366.4500	Block-Printed by Hand		
		NOT BLOCK-PRINTED BY HAND:		
	366.4600	Plain Woven		
	366.4730	Other		
		OTHER FURNISHINGS:		
		OTHER THAN CURTAINS AND DRAPES, TOWELS, TABLECLOTHS, NAPKINS, ETC.:		
		NOT ORNAMENTED:		
	366.5720	Knit (Except Pile or Tuft)		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		OTHER FURNISHINGS: CONT'D		
		OTHER THAN CURTAINS AND DRAPES, TOWELS, TABLECLOTHS, NAPKINS, ETC.: CONT'D		
		NOT ORNAMENTED: CONT'D		
		PILE OR TUFT CONSTRUCTION:		
	366.6000	Velveteen, Velvet, Plush, Velour, or any Combination Thereof		
	366.6300	Corduroy		
	366.6500	Terry		
	366.6900	Other		
		OTHER (NOT KNIT, NOT PILE OR TUFTED):		
	366.7730	Plain-Woven		
		Other:		
	366.7925	Wall Hangings		
	366.7930	Other		
	372.0400	Lace, Net or Ornamented Veils		
	376.0420	Garters, Garter Belts and Suspenders, of Cotton or Cotton and Rubber or Plastics		
		DUST CLOTHS, MOP CLOTHS AND POLISHING CLOTHS:		
	385.2500	Of Pile Construction		
	385.3000	Not of Pile Construction		
	385.4000	Ladder Tapes		
	385.5520	Bags and Sacks, or Other Shipping Containers		
	385.6020	Labels, Not Ornamented		
	385.7020	Tassels, and Cords and Tassels		
		CORSET LACINGS, FOOTWEAR LACINGS, WITH OR WITHOUT CORDS, OR SIMILAR LACINGS:		
	385.7520	Braided		
	385.8020	Other Than Braided		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		LUGGAGE AND HANDBAGS, WHETHER OR NOT FITTED WITH BOTTLE, DINING, DRINKING, MANICURE, SEWING, TRAVELING, OR SIMILAR SETS, AND FLAT GOODS:		
		WHETHER OR NOT ORNAMENTED:		
	706.2015	Wholly or in Part of Braid		
		OTHER:		
		NOT OF PILE OR TUFT CONSTRUCTION:		
	706.2240	Handbags		
	706.2270	Other		
	706.2415	Other		
		PILLOWS, CUSHIONS, MATTRESSES AND SIMILAR FURNISHINGS, WHETHER OR NOT FITTED WITH COVERS AND WITH AND WITHOUT HEATING ELEMENTS:		
	727.8020	Pillows and Cushions		
	727.8040	Other		
	745.7420	Parts of Slide Fasteners, of Cotton		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

SECTION II WOOL

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
101		WOOL TOPS AND WOOL ADVANCED	1.95	Lb.
		PROCESSED BEYOND WASHED, SCOURED OR CARBONIZED CONDITION:		
	307.5000	Tops		
	307.5200	Other		
102	307.6200	YARNS OF ANGORA RABBIT HAIR	1.95	Lb.
103		OTHER YARNS OF WOOL AND HAIR	1.95	Lb.
		OTHER YARNS:		
	307.6403	Handknitting and Fancy		
		OTHER:		
	307.6406	Measuring Over 22,399 Yards Per Pound		
	307.6409	Measuring Over 11,199 Yards but Not Over 22,399		
	307.6412	Measuring Over 5,599 Yards but Not Over 11,199		
	307.6415	Measuring Not Over 5,599 Yards Per Pound		
104		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STEAMER RUGS) OVER 3 YARDS IN LENGTH	1.0	Syd.
	335.5500	WOVEN FABRICS OF VEGETABLE FIBER, CONTAINING OVER 17% OF WOOL BY WEIGHT		
		OTHER FABRICS:		
		FABRICS, HANDWOVEN, WITH A LOOM WIDTH OF LESS THAN 30 INCHES:		
	336.1000	Weighing Not Over 4 Ounces Per Square Yard with Warp of Vegetable Fiber		
		OTHER:		
	336.1520	Not Over 10 Ounces Per Square Yard		
	336.1540	Over 10 Ounces Per Square Yard		
		SERGES, WEIGHING NOT OVER 6 OUNCES PER SQUARE YARD AND OTHER FABRICS WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD NOT INCLUDING HANDWOVEN FABRICS WITH A LOOM WIDTH OF LESS THAN 30 INCHES OF SHEEP'S WOOL, VALUED OVER $4 PER POUND, IN SOLID COLORS, IMPORTED TO BE USED IN THE MANUFACTURE OF APPAREL FOR MEMBERS OF RELIGIOUS ORDERS:		
	336.2000	Weighing Not Over 4 Ounces Per Square Yard with Warp of Vegetable Fiber		
	336.2500	Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STEAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		OTHER:		
		WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD WITH WARP OF VEGETABLE FIBER:		
	336.3000	Valued Not Over $1.26 2/3 Per Pound		
	336.3500	Valued Over $1.26 2/3 but Not Over $2 Per Pound		
		VALUED OVER $2 PER POUND:		
	336.4020	Over $2 but Not Over $4 Per Pound		
	336.4040	Over $4 but Not Over $6 Per Pound		
	336.4060	Over $6 Per Pound		
		OTHER:		
		VALUED NOT OVER $1.26 2/3 PER POUND:		
	336.5012	Tailor Cuts		
		OTHER:		
	336.5014	Wholly or in Part of Hair Similar to Wool of the Sheep		
		OTHER:		
	336.5016	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.5018	Worsted		
	336.5020	Woolens		
	336.5022	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.5024	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.5026	Over 12 Ounces Per Square Yard		
		VALUED OVER $1.26 2/3 BUT NOT OVER $2 PER POUND:		
	336.5512	Tailor Cuts		
		OTHER:		
	336.5514	Wholly or in Part of Hair Similar to Wool of the Sheep		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STREAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		VALUED OVER $1.26 2/3 BUT NOT OVER $2 PER POUND CONT'D:		
		OTHER CONT'D:		
		OTHER:		
	336.5516	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.5518	Worsteds		
	336.5520	Woolens		
	336.5522	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.5524	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.5526	Over 12 Ounces Per Square Yard		
		VALUED OVER $2 PER POUND:		
	336.6022	Tailor Cuts		
		OTHER:		
		VALUED OVER $2 BUT NOT OVER $4 PER POUND:		
	336.6024	Wholly or in Part of Hair Similar to Wool of Sheep		
		OTHER:		
	336.6026	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.6028	Worsteds		
	336.6030	Woolens		
	336.6032	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6034	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6036	Over 12 Ounces Per Square Yard		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STEAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		OTHER CONT'D:		
		VALUED OVER $4 BUT NOT OVER $6 PER POUND:		
		WHOLLY OR IN PART OF HAIR SIMILAR TO WOOL OF SHEEP:		
	336.6038	Not Over 6 Ounces Per Square Yard		
	336.6040	Over 6 but Not Over 8 Ounces Per Square Yard		
	336.6042	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6044	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6045	Over 12 Ounces Per Square Yard		
		OTHER:		
	336.6046	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.6048	Worsteds		
	336.6050	Woolens		
	336.6052	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6054	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6056	Over 12 Ounces Per Square Yard		
		VALUED OVER $6 PER POUND:		
		WHOLLY OR IN PART OF HAIR SIMILAR TO WOOL OF SHEEP:		
	336.6058	Not Over 6 Ounces Per Square Yard		
	336.6060	Over 6 but Not Over 8 Ounces Per Square Yard		
	336.6062	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6064	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6065	Over 12 Ounces Per Square Yard		
		OTHER:		
	336.6066	Not Over 6 Ounces Per Square Yard		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STEAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		VALUED OVER $6 PER POUND CONT'D:		
		OTHER CONT'D:		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.6068	Worsteds		
	336.6070	Woolens		
	336.6072	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6074	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6076	Over 12 Ounces Per Square Yard		
		WOVEN FABRICS OF SILK, CONTAINING OVER 17% OF WOOL BY WEIGHT:	1.0	Syd.
		NOT JACQUARD FIGURED:		
		Valued Not Over $2 Per Pound:		
	337.5010	Not Over 6 Ounces Per Square Yard		
	337.5012	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	337.5014	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	337.5016	Over 10 Ounces but not Over 12 Ounces Per Square Yard		
	337.5018	Over 12 Ounces Per Square Yard		
		Valued Over $2 Per Pound:		
	337.5020	Not Over 6 Ounces Per Square Yard		
	337.5022	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	337.5024	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	337.5026	Over 10 Ounces but Not Over 12 Ounces Per Square Yard		
	337.5028	Over 12 Ounces Per Square Yard		
	337.5500	JACQUARD FIGURED		
		OTHER WOVEN FABRICS, N.S.P.F.:		
	339.0500	Containing Over 17% of Wool by Weight		
		BLANKETS, OVER 3 YARDS IN LENGTH:		
		ORNAMENTED:		
	363.1520	Baby Carriage Robes, Lap Robes, and Steamer Rugs		
	363.1540	Other		
		NOT ORNAMENTED:		
	363.7020	Baby Carriage Robes, Lap Robes, and Steamer Rugs		
	363.7040	Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
105		BILLIARD CLOTH	1.0	Syd.
	357.2000	Woven, Green Billiard Cloth, Weighing Over 11 but Not Over 15 Ounces Per Square Yard		--
106		BLANKETS, WOOL	1.295	Lb.
		BLANKETS NOT OVER 3 YARDS IN LENGTH:		
		ORNAMENTED:		
	363.1040	Other Than Baby Carriage Robes, Lap Robes, and Steamer Rugs		
		NOT ORNAMENTED:		
	363.6540	Other Than Baby Carriage Robes, Lap Robes, and Steamer Rugs		
107		CARRIAGE AND AUTO ROBES, ETC., N.E.S.	1.295	Lb.
		NOT OVER 3 YARDS IN LENGTH:		
	363.1020	Ornamented Baby Carriage Robes, Lap Robes, Etc.		
	363.6520	Not Ornamented Baby Carriage Robes, Lap Robes, Etc.		
108		TAPESTRIES AND UPHOLSTERY FABRICS	1.0	Syd.
		WOVEN, JACQUARD FIGRUED (EXCLUDING BED TICKING AND PILE FABRICS):		
	357.1000	Valued Not Over $2 Per Pound		
	357.1500	Valued Over $2 Per Pound		
		HANDWOVEN, PETIT-POINT AND OTHER NEEDLE-POINT TAPESTRIES:		
	364.2000	Valued Not Over $2 Per Pound		
	364.2200	Valued Over $2 Per Pound		
109		PILE AND TUFTED FABRICS	1.0	Syd.
		Pile Fabrics:		
	346.5015	Of Vegetable Fiber, Except Cotton, Containing Wool		
	346.5200	Of Wool, in Which the Pile Was Inserted or Knitted during the Weaving or Knitting, Whether or Not the Pile Covers the Entire Surface		
	346.5615	Of Silk, Containing Wool		
		Tufted Fabrics:		
	346.8200	In Which the Pile or Tuft Was Inserted or Knitted Into a Pre-Existing Base, with the Pile or Tuft Covering the Entire Surface		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
110		KNIT FABRICS IN THE PIECE	1.95	Lb.
		Knit Fabrics:		
	345.1075	Of Vegetable Fiber, Containing Wool		
	345.3000	Of Wool		
	345.3515	Of Silk, Containing Wool		
111		HOSIERY	2.7814	Dpr.
		ORNAMENTED:		
		LACE OR NET:		
		EMBROIDERED:		
	374.2000	Valued Not Over $3.50 Per Dozen Pair		
	374.2500	Valued Over $3.50 Per Dozen Pair		
		NOT ORNAMENTED:		
	374.5000	All Other Hosiery		
112		GLOVES AND MITTENS	2.093	Dpr.
		Ornamented, Lace or Net Gloves:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
		Made From A Pre-Existing Machine-Knit or Woven-Fabric Or Any Combination of These:		
	704.0565	Woven		
	704.1065	Not Woven		
	704.1565	Other		
		Of Wool:		
	704.2000	Embroidered		
		Not Embroidered:		
	704.2500	Not Appliqued		
	704.3000	Appliqued		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
112		GLOVES AND MITTENS CONT'D	2.093	Dpr.
		Not Ornamented, Not of Lace or Net:		
		Of Vegetable Fiber, Except Cotton, Containing Wool		
		Made From A Pre-Existing Machine-Knit or Woven-Fabric or Any Combination of These:		
	704.4065	Woven		
	704.4565	Not Woven		
	704.5065	Other		
		OF WOOL:		
		VALUED NOT OVER $1.75 PER DOZEN PAIR:		
	704.5500	Knit		
	704.5600	Not Knit		
	704.6000	Valued Over $1.75 but Not Over $4 Per Dozen Pair		
	704.6500	Valued Over $4 Per Dozen Pair		
	704.7000	Glove Linings		
113		UNDERWEAR, KNIT	1.95	Lb.
		ORNAMENTED:		
		WOMEN'S, GIRLS' AND INFANTS':		
	378.0535	Lace or Net		
	378.0556	Knit		
		NOT ORNAMENTED:		
	378.3510	Men's and Boys'		
	378.3530	Women's, Girls' and Infants'		
114		OTHER INFANTS' ARTICLES, KNIT, NOT ORNAMENTED	1.95	Lb.
		NOT LACE OR NET:		
	372.2500	Mufflers, Scarves, Shawls, and Veils, for Infants		
	382.4800	Other Articles for Infants		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
115		KNIT HATS AND SIMILAR ITEMS	1.95	Lb.
	702.5400	Valued Not Over $2 Per Pound		
	702.5600	Valued Over $2 Per Pound		
116		KNIT WEARING APPAREL, N.E.S., VALUED NOT OVER $5 PER POUND	1.95	Lb.
	372.3000	Mufflers, Scarves and Shawls, Other Than Net or Lace		
		WEARING APPAREL, NOT ORNAMENTED:		
		MEN'S AND BOYS':		
	380.5710	Coats, Outer, Including Sport Coats and Jackets		
	380.5720	Shirts		
		SWEATERS:		
	380.5730	Wholly or In Part of Cashmere		
	380.5740	Wholly or In Part of Hair Similar to Wool of Sheep		
	380.5750	Other		
	380.5790	Other Wearing Apparel		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.5410	Blouses		
	382.5420	Dresses		
	382.5425	Skirts		
		SWEATERS:		
	382.5430	Wholly or In Part of Cashmere		
	382.5435	Wholly or In Part of Hair Similar to Wool of Sheep		
	382.5440	Other		
	382.5445	Other Wearing Apparel		
117		OTHER WOOL KNIT OUTERWEAR	1.95	Lb.
	372.1020	Mufflers, Scarves, Shawls, Lace or Net		
	372.3500	Mufflers, Scarves, Shawls, Other Than Lace or Net		
	373.0520	Men's and Boys' Neckties, Ornamented		
	373.1520	Men's and Boys' Neckties, not Ornamented		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
117		KNIT WEARING APPAREL, N.E.S., VALUED OVER $5 PER POUND CONT'D	1.95	Lb.
		MEN'S AND BOYS' OTHER WEARING APPAREL:		
		ORNAMENTED:		
	374.3000	Hosiery, Not Embroidered		
	380.0205	Shirts, Men's and Boys'		
		SWEATERS:		
	380.0210	Wholly or In Part Cashmere		
	380.0215	Wholly or In Part of Hair Similar to Wool of Sheep		
	380.0220	Other		
	380.0225	Other Wearing Apparel of Wool		
	380.0506	Of Other Fiber, Containing Wool		
		NOT ORNAMENTED:		
	380.4515	Of Vegetable Fiber, Except Cotton, Containing Wool		
		OF WOOL:		
	380.5900	Sweaters Valued Over $18 Per Pound, Wholly Cashmere		
		OTHER:		
	380.6110	Coats, Including Sport Coats, Jacket		
	380.6120	Shirts		
		SWEATERS:		
	380.6130	Wholly or In Part of Cashmere		
	380.6140	Wholly or In Part of Hair Similar to Wool of Sheep		
	380.6150	Other		
	380.6160	Other Wearing Apparel of Wool		
	380.7215	Of Silk, Containing Wool		
		WOMEN'S, GIRLS' and INFANTS':		
		ORNAMENTED:		
	382.0205	Blouses		
	382.0210	Dresses		
	382.0215	Skirts		
		SWEATERS:		
	382.0220	Wholly or In Part of Cashmere		
	382.0225	Wholly or In Part of Hair Similar to Wool of Sheep		
	382.0230	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
117		KNIT WEARING APPAREL, N.E.S. VALUED OVER $5 PER POUND CONT'D	1.95	Lb.
		WOMEN'S, GIRLS' AND INFANTS': CONT'D		
		ORNAMENTED CONT'D		
	382.0235	Suits		
	382.0240	Other Wearing Apparel of Wool		
	382.0518	Other Wearing Apparel of Other Fiber, Containing Wool		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	382.3934	Blouses, waists and shirts		
	382.3938	Dresses		
	382.3946	Sweaters		
	382.3956	Other		
		OF WOOL:		
	382.5600	Sweaters Valued Over $18 Per Pound, Wholly Cashmere		
		OTHER:		
	382.5810	Blouses		
	382.5820	Coats		
	382.5830	Dresses		
	382.5840	Skirts		
	382.5845	Suits		
		SWEATERS:		
	382.5850	Wholly or In Part of Cashmere		
	382.5860	Wholly or In Part of Hair Similar to Wool of Sheep		
	382.5870	Other		
	382.5890	Other Wearing Apparel of Wool		
		Other Wearing Apparel of Silk, Containing Wool:		
	382.6924	Blouses, waists and shirts		
	382.6928	Dresses		
	382.6932	Sweaters		
	382.6942	Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
118		HATS, CAPS, NOT BLOCKED	1.95	Lb.
	702.6000	Felts, Not Knit or Woven, Not Pulled, Stamped or Blocked and Not Trimmed		
119		HATS, CAPS, BLOCKED, FINISHED	1.95	Lb.
		PULLED, STAMPED, BLOCKED OR TRIMMED:		
	702.6500	Valued Not Over $12 Per Dozen		
	702.7000	Valued Over $12 Per Dozen		
120		MEN'S AND BOYS' SUITS, NOT KNIT	4.5	No.
		ORNAMENTED:		
	380.0260	Of Wool		
	380.5146	Of Vegetable Fiber, Except Cotton, Containing Wool		
		NOT ORNAMENTED:		
	380.6350	Valued Not Over $4 Per Pound		
	380.6650	Valued Over $4 Per Pound		
121		MEN'S AND BOYS' OUTER COATS, NOT KNIT	4.5	No.
		ORNAMENTED:		
		Of Wool:		
	380.0240	Suit-Type Coats, Including Suit-Type Sport Coats and Suit-Type Jackets		
	380.0245	Other		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	380.5134	Suit-Type Coats, Including Suit-Type Sport Coats, and Suit-Type Jackets		
	380.5138	Other Separate Coats		
		Of Wool:		
		VALUED NOT OVER $4 PER POUND:		
	380.6310	Suit-Type Coats, Including Sport Coats, Jackets, Etc.		
	380.6320	Other Separate Coats		
		VALUED OVER $4 PER POUND:		
	380.6610	Suit-Type Coats, Including Sport Coats, Jackets, Etc.		
	380.6620	Other Separate Coats		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
122		WOMEN'S, MISSES', AND CHILDREN'S COATS AND SUITS, NOT KNIT:	4.75	No.
		ORNAMENTED:		
	382.0255	Coats		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	382.4238	Coats		
	382.4252	Suits		
		OTHER:		
		OF WOOL:		
		VALUED NOT OVER $4 PER POUND:		
		COATS:		
	382.6015	3/4 Length or Longer		
	382.6020	Other		
	382.6040	Suits		
		VALUED OVER $4 PER POUND:		
		COATS:		
	382.6315	3/4 Length or Longer		
	382.6320	Other		
	382.6340	Suits		
123		WOMEN'S, MISSES', CHILDREN'S SEPARATE SKIRTS, NOT KNIT	1.5	No.
	382.0265	Ornamented		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	382.3942	Knit		
	382.4246	Not Knit		
		Of Wool:		
	382.6035	Valued Not Over $4 Per Pound		
	382.6335	Valued Over $4 Per Pound		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
124		TROUSERS, SLACKS AND SHORTS	1.5	No.
		MEN'S AND BOYS':		
		NOT KNIT:		
	380.0265	Ornamented		
		NOT ORNAMENTED:		
	380.5154	Of Vegetable Fiber Containing Wool		
		OF WOOL:		
	380.6360	Valued Not Over $4 Per Pound		
	380.6660	Valued Over $4 Per Pound		
		WOMEN'S, GIRLS' AND INFANTS':		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER CONTAINING WOOL:		
	382.3952	Knit		
	382.4256	Not Knit		
		OF WOOL:		
		NOT KNIT:		
	382.6045	Valued Not Over $4 Per Pound		
	382.6345	Valued Over $4 Per Pound		
		OF SILK, CONTAINING WOOL:		
	382.6936	Knit		
	382.7238	Not Knit		

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- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
125		ARTICLES OF WEARING APPAREL, N.E.S.	2.0	Lb.
	372.1050	Mufflers, Scarves, Shawls, Other Than Veils, Not Knit		
		OTHER ARTICLES, NOT KNIT:		
	372.4000	Valued Not Over $4 Per Pound		
	372.4500	Valued Over $4 Per Pound		
		MEN'S AND BOYS' NECKTIES, NOT KNIT:		
	373.0550	Ornamented		
	373.1540	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS' UNDERWEAR:		
	378.0574	Not Knit, Ornamented		
		OTHER UNDERWEAR, NOT ORNAMENTED, NOT KNIT:		
		VALUED NOT OVER $4 PER POUND:		
	378.4010	Men's and Boys'		
	378.4030	Women's, Girls' and Infants'		
		VALUED OVER $4 PER POUND:		
	378.4510	Men's and Boys'		
	378.4530	Women's, Girls' and Infants'		
		OTHER MEN'S AND BOYS' WEARING APPAREL:		
		NOT KNIT:		
		ORNAMENTED:		
		OF WOOL:		
	380.0250	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	380.0255	Shirts		
	380.0270	Other		
	380.0546	Of Vegetable Fiber, Except Cotton, Containing Wool		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL:		
	380.5142	Shirts		
	380.5158	Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
125 Cont'd		ARTICLES OF WEARING APPAREL, N.E.S., CONT'D	2.0	Lb.
		OTHER MEN'S AND BOYS' WEARING APPAREL: CONT'D		
		NOT KNIT: CONT'D		
		NOT ORNAMENTED: CONT'D		
		OF WOOL:		
		VALUED NOT OVER $4 PER POUND:		
	380.6330	Dressing Gowns, Including Bathrobes, Beachrobes, Etc.		
	380.6340	Shirts		
	380.6390	Other		
		VALUED OVER $4 PER POUND:		
	380.6630	Dressing Gowns, Including Bathrobes, Beachrobes, Etc.		
	380.6640	Shirts		
	380.6690	Other		
	380.7515	Of Silk, Containing Wool		
	380.9015	Of Other, Containing Wool		
		OTHER WOMEN'S, GIRLS' AND INFANTS' WEARING APPAREL:		
		NOT KNIT:		
		ORNAMENTED:		
		OF WOOL:		
	382.0250	Blouses		
	382.0260	Dressing Gowns, Bathrobes, Beachrobes, Etc.		
	382.0270	Other		
	382.0563	Of Other		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL:		
	382.4234	Blouses, Waists, Shirts		
	382.4242	Dresses		
	382.4262	Other		
		OF WOOL:		
		VALUED NOT OVER $4 PER POUND:		
	382.6010	Blouses		
	382.6025	Dresses		
	382.6030	Dressing Gowns, Including Bathrobes, Beachrobes, Etc.		
		Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
125 CONT'D		ARTICLES OF WEARING APPAREL N.E.S. CONT'D	2.0	Lb.
		OTHER WOMEN'S, GIRLS', AND INFANTS' WEARING APPAREL: CONT'D		
		NOT KNIT: CONT'D		
		NOT ORNAMENTED: CONT'D		
		OF WOOL: CONT'D		
		Valued Over $4 Per Pound:		
	382.6310	Blouses		
	382.6325	Dresses		
	382.6330	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	382.6390	Other		
		OF SILK, CONTAINING WOOL:		
	382.7224	Blouses, Waists, Shirts		
	382.7228	Dresses		
	382.7232	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	382.7234	Pajamas and Other Nightwear		
	382.7242	Other		
	382.8715	OF OTHER		
		OTHER OF WOOL:		
	700.75	Soles and Uppers of Wool Felt:		
	10	For men		
	20	For youths and boys		
	30	For women		
	40	For misses		
	50	For children		
	60	For infants		
		OTHER HEADWEAR OF WOOL:		
	702.7500	Valued Not Over $4 Per Pound		
	702.8000	Valued Over $4 Per Pound		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
126		LACE AND NET ARTICLES INCLUDING VEILING	1.95	Lb.
		BRAIDS NOT SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:		
	348.0040	Tubular Braids With Non-Elastic Core		
	348.0540	Other		
	350.0040	Veiling Made on a Lace or Net Machine		
		HANDMADE LACE, IN THE PIECE OR IN MOTIFS:		
	351.2040	Valued Not Over $50 Per Pound		
	351.2540	Valued Over $50 Per Pound		
		LACE, IN THE PIECE OR MOTIFS:		
		MADE ON A LEAVERS MACHINE:		
	351.4040	12 Points or Finer		
	351.4440	Not 12 Points or Finer		
	351.5040	Made on a Bobbinet-Jacquard Machine		
	351.7040	Made on a Nottingham Lace-Curtain Machine		
	351.8040	Made on Any Other Machine		
	351.9040	Other Lace		
		NETTING, IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE:		
	352.2040	Ornamented		
		NOT ORNAMENTED:		
	352.3040	Quilling		
		OTHER:		
	352.4040	Made on a Mechlin (or Malines) Machine		
	352.8040	Other		
	353.1040	Burnt Out Lace, in the Piece or Motifs		
		ORNAMENTED FABRICS, ORNAMENTED MOTIFS, N.S.P.F.:		
		OF WOOL BY WEIGHT:		
	353.5032	Woven		
	353.5034	Knit		
	353.5036	Other		
	357.6040	Textile Fabrics with Tucks in Parellel Rows Formed in the Weaving or Knitting Process by Folding and Sewing		
	357.7040	Edgings, Insertings, Galloons Fringes and Other Trimmings		
	363.2000	Other Bedding, Lace, Net, or Otherwise Ornamented		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
126 CONT'D		LACE AND NET ARTICLES INCLUDING VEILING CONT'D	1.95	Lb.
		OTHER LACE OR NET FURNISHING:		
		HANDMADE:		
	365.1040	Valued Not Over $50 Per Pound		
	365.1540	Valued Over $50 Per Pound		
		MACHINE-MADE:		
		MADE ON A LEAVERS MACHINE:		
	365.2540	12 Points or Finer		
	365.2940	Not 12 Points or Finer		
	365.3540	Made on a Bobbinet-Jacquard Machine		
	365.4540	Made on a Nottingham Lace-Curtain Machine		
	365.5040	Made on Any Other Machine		
	365.7040	Burnt Out Lace Furnishings		
	365.7540	Of Lace and/or Netting, Combined Machine-Made and Handmade		
		Other Furnishings Ornamented:		
	365.8525	Wall Hangings		
	365.8530	Other		
		ARTICLES, N.S.P.F. ORNAMENTED:		
	372.0840	Veils		
	386.0820	Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
128		MISCELLANEOUS WOOL MANUFACTURES	1.95	Lb.
	307.3000	Flock, Fiber Recovered From Tanned-Skin Scraps and Fibers Cut to Length		
	307.6000	Yarns of Wool, Colored, and Cut Into Uniform Lengths of Not Over 3 Inches		
	316.4000	Cordage		
	347.4000	Narrow Fabrics of Wool		
		ELASTIC YARNS, CORDAGE, BRAIDS, AND FABRICS:		
	349.1040	Yarns and Cordage, and Tubular Braids with Rubber Core		
	349.2520	Fabrics, Not Braided		
	349.3040	Other		
		FELTS AND ARTICLES OF FELT:		
		VALUED NOT OVER $1.50 PER POUND:		
		ROLL FELTS:		
	355.1520	Weighing Not Over 10 Ounces Per Square Yard		
	355.1540	Weighing Over 10 Ounces Per Square Yard		
	355.1560	Sheet Felts		
	355.1580	Piano Hammer Felts		
	355.1590	Other		
		VALUED OVER $1.50 PER POUND:		
		ROLL FELTS:		
	355.1620	Weighing Not Over 10 Ounces Per Square Yard		
	355.1640	Weighing Over 10 Ounces Per Square Yard		
	355.1660	Sheet Felts		
	355.1680	Piano Hammer Felts		
	355.1690	Other		
	355.1800	Other Webs, Wadding, Etc.		
	355.7000	Woven or Knit Fabrics, Coated or Filled With Rubber or Plastics, or Laminated with Sheet Rubber or Plastics (Except Pile or Tufted Fabrics)		
		WOVEN OR KNIT FABRICS (EXCEPT PILE OR TUFT), COATED OR FILLED, N.S.P.F.:		
	356.1040	Oil Cloths		
	356.1540	Tracing Cloth		
	356.3000	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
128 CONT'D		MISCELLANEOUS WOOL MANUFACTURES CONT'D	1.95	Lb.
		BELTING AND BELTS FOR MACHINERY OTHER THAN V-BELTS:		
	358.0800	Woven		
	358.0900	Other		
		CLOTHING FOR PAPER-MAKING, PRINTING, OR OTHER MACHINES:		
	358.3000	Woven		
	350.3500	Other		
		TEXTILE FABRICS, INCLUDING LAMINATED FABRICS, N.S.P.F.:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL:		
	359.2026	Woven		
	359.2046	Knit		
		OF WOOL:		
	359.3020	Woven		
	359.3040	Knit		
	359.3060	Other		
	361.8000	Floor Coverings Underlays with Over 50% by Weight Wool		
	363.7500	Other Bedding, Not Ornamented		
		OTHER FURNISHINGS, NOT ORNAMENTED:		
		KNIT:		
	367.0500	Valued Not Over $5 Per Pound		
	367.1000	Valued Over $5 Per Pound		
	367.1500	Pile or Tuft Construction		
		NON-WOVEN FELT:		
	367.2000	Valued Not Over $1.50 Per Pound		
	367.2500	Valued Over $1.50 Per Pound		
		Other Furnishings:		
	367.3025	Wall Hangings		
	367.3030	Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
128 CONT'D		MISCELLANEOUS WOOL MANUFACTURES CONT'D	1.95	Lb.
		GARTERS, GARTER BELTS, SUSPENDERS:		
	376.0800	Of Wool and Rubber or Plastics		
	385.2000	Fabric Samples, Not Knit, Not Pile		
		OTHER ARTICLES:		
		NOT ORNAMENTED:		
		KNIT:		
	388.1000	Valued Not Over $5 Per Pound		
	388.2000	Valued Over $5 Per Pound		
	388.3000	Pile or Tuft Construction		
	388.4000	Other		
131		WOOL RUGS AND CARPETS, BRAIDED	0.11	Sft.
	361.0550	Braided Wool Floor Coverings		
132		WOOL RUGS AND CARPETS, WOVEN	0.11	Sft.
		FLOOR COVERINGS OF PILE OR TUFT CONSTRUCTION:		
		WITH PILE OR TUFT BEING HAND-INSERTED OR HAND-KNOTTED DURING THE WEAVING OR KNITTING PROCESS:		
	360.0500	With Over 50% by Weight of Pile Being Hair of the Alpaca, Quanaco, Huarizo, Llama, Misti, Suri, or Any Combination of These		
		OTHER:		
	360.1000	Valued Not Over 66 2/3¢ Per Square Foot		
	360.1500	Valued Over 66 2/3¢ Per Square Foot		
		WITH PILE NOT HAND-INSERTED OR HAND-KNOTTED:		
	360.4000	Chenille		
		Wilton and Velvet Floor Coverings:		
	360.4610	Imitation Oriental Floor Covering		
	360.4620	Other		
		OTHER:		
	360.4820	Axminster		
	360.4840	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
132 CONT'D		WOOL RUGS AND CARPETS, WOVEN CONT'D:	0.11	Sft.
		FLOOR COVERINGS OF PILE OR TUFT CONSTRUCTION CONT'D:		
		WITH PILE OR TUFTS INSERTED OR KNOTTED INTO A PRE-EXISTING BASE:		
		WITH OVER 50% BY WEIGHT BEING WOOL:		
	360.6500	Valued Not Over 40¢ Per Square Foot		
	360.7000	Valued Over 40¢ Per Square Foot		
		FLOOR COVERINGS COMPOSED OF BRAIDS, CORDS, FABRIC STRIPS, ETC., BUT NOT WOVEN:		
		WITH OVER 50% BY WEIGHT BEING WOOL:		
	361.0700	Valued Not Over 40¢ Per Square Foot		
	361.1000	Valued Over 40¢ Per Square Foot		
	361.2030	Other		
		FLOOR COVERINGS, N.S.P.F.:		
		WOVEN BUT NOT ON A POWER-DRIVEN LOOM:		
	361.4200	Valued Not Over 30¢ Per Square Foot		
	361.4400	Valued Over 30¢ Per Square Foot		
		OTHER:		
	361.4600	Valued Not Over 40¢ Per Square Foot		
	361.4800	Valued Over 40¢ Per Square Foot		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
200		TEXTURED YARNS	3.51	Lb.
		WHOLLY OF CONTINUOUS FILAMENT:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
		SINGLES:		
		Not Over $1 Per Pound:		
	310.0108	Polyamide		
	310.0110	Polyester		
	310.0112	Other		
		Over $1 Per Pound:		
	310.0208	Polyamide		
	310.0210	Polyester		
	310.0212	Other		
		PLIED:		
	310.1015	Not Over $1 Per Pound		
		Over $1 Per Pound:		
	310.1108	Polyamide		
	310.1110	Polyester		
	310.1112	Other		
		WHOLLY OF NON-CONTINUOUS MAN-MADE FIBERS:		
	310.4010	Singles		
	310.5010	Plied		
	310.6015	Other		
201		YARN WHOLLY OF CONTINUOUS FILAMENT, CELLULOSIC	5.19	Lb.
		SINGLES:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
	310.0125	Not Over $1 Per Pound		
	310.0225	Over $1 Per Pound		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.0520	Not Over $1 Per Pound		
	310.0620	Over $1 Per Pound		
		PLIED:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
	310.1025	Not Over $1 Per Pound		
	310.1125	Over $1 Per Pound		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
201		YARN WHOLLY OF CONTINUOUS FILAMENT, CELLULOSIC CONT:	5.19	Lb.
		PLIED: CONT:		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.2020	Not Over $1 Per Pound		
	310.2120	Over $1 Per Pound		
202		YARN WHOLLY OF CONTINUOUS FILAMENT, OTHER	11.6	Lb.
		SINGLES:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
		Not Over $1 Per Pound:		
		Wholly Non-Cellulosic:		
	310.0148	Polyamide		
	310.0150	Polyester		
	310.0152	Other		
	310.0165	Other		
		Over $1 Per Pound:		
		Wholly Non-Cellulosic:		
	310.0248	Polyamide		
	310.0250	Polyester		
	310.0252	Other		
	310.0265	Other		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.0540	Not Over $1 Per Pound, Wholly Non-Cellulosic		
	310.0560	Not Over $1 Per Pound, Other		
	310.0640	Over $1 Per Pound, Wholly Non-Cellulosic		
	310.0660	Over $1 Per Pound, Other		
		PLIED:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
	310.1045	Not Over $1 Per Pound, Wholly Non-Cellulosic		
	310.2060	Not Over $1 Per pound, Other		
	310.1145	Over $1 Per Pound, Wholly Non-Cellulosic		
	310.1165	Over $1 Per Pound, Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
202 CONT'D		YARN WHOLLY OF CONTINUOUS FILAMENT, OTHER CONT'D	5.19	Lb.
		Plied: Cont'd		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.2040	Not Over $1 Per Pound, Wholly Non-Cellulosic		
	310.2060	Not Over $1 Per Pound, Other		
	310.2140	Over $1 Per Pound, Wholly Non-Cellulosic		
	310.2160	Over $1 Per Pound, Other		
203		YARN WHOLLY OF NON-CONTINUOUS FILAMENT, CELLULOSIC	3.4	Lb.
	310.4025	Singles		
	310.5025	Plied		
204		YARN WHOLLY OF NON-CONTINUOUS FILAMENT, OTHER	4.12	Lb.
	310.4045	Singles		
	310.5045	Plied		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
205		YARNS, OTHER	3.51	Lb.
		WHOLLY OF MAN-MADE FIBERS AND NON-CONTINUOUS SILK FIBERS:		
		SINGLES:		
	308.6000	Not Bleached and Not Colored		
		BLEACHED OR COLORED:		
	308.6500	Not Colored, Measuring Over 58,800 yds. Per Pound		
	308.6600	Other		
		PLIED:		
	308.7000	Not Colored, Measuring Over 29,400 Yds. Per Pound		
	308.7100	Other		
	308.7500	OTHER		
		OF GLASS:		
	309.9800	Not Colored		
	309.9900	Colored		
	310.6030	Other (Not Elsewhere Specified)		
	310.8000	Chenille Yarns of Man-Made Fiber		
		FOR HANDWORK AND SEWING THREADS:		
	310.9000	Valued Not Over 90c Per Pound		
	310.9100	Valued Over 90c Per Pound		
		CORDAGE OF MAN-MADE FIBER:		
	316.6010	Measuring Under 3/16" In Diameter		
	316.6020	Other		
	349.1060	Elastic Yarns, Cordage, and Tubular Braids With Rubber Core		
206		WOVEN FABRICS, CELLULOSIC, WHOLLY OF CONTINUOUS MAN-MADE FIBER	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
	338.3022	Acetate		
	338.3023	Rayon		
		OTHER:		
	338.3039	Necktie Fabric		
		OTHER:		
	338.3051	Acetate		
	338.3052	Rayon		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
207		WOVEN FABRICS, CELLULOSIC, WHOLLY OF NON-CONTINUOUS FIBERS	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
	338.3062	Acetate		
	338.3063	Rayon		
		OTHER:		
	338.3082	Acetate		
	338.3083	Rayon		
208		WOVEN FABRICS, OTHER, WHOLLY OF CONTINUOUS MAN-MADE FIBER	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
	338.3024	Polyamide		
	338.3025	Polyester		
	338.3026	Acrylic		
	338.3029	Other		
		OTHER:		
		NECKTIE FABRIC:		
	338.3035	Polyamide		
	338.3036	Polyester		
		OTHER:		
	338.3053	Polyamide		
	338.3054	Polyester		
	338.3055	Acrylic		
	338.3059	Other		
209		WOVEN FABRICS, OTHER, WHOLLY OF NON-CONTINUOUS FIBERS	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
	338.3064	Polyamide		
	338.3065	Polyester		
	338.3066	Acrylic		
	338.3069	Other		
		OTHER:		
	338.3084	Polyamide		
	338.3085	Polyester		
	338.3086	Acrylic		
	338.3089	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
210		WOVEN FABRICS, OTHER, OF MAN-MADE FIBER (INCLUDING FABRIC CONTAINING MORE THAN 17% BY WEIGHT OF WOOL; GLASS FABRICS AND MIXED YARN FABRICS)	1.0	Syd.
	335.6000	Fabrics Containing Over 50 Percent By Weight of Yarns Which Are Composed Wholly or Almost Wholly of Fiber Not Exceeding 5 Inches In Length and Contain Not Less Than 50 Percent By Weight of Man-Made Fiber or Of Man-Made Fiber and Cotton.		
		Of Silk, Containing Man-Made Fiber		
		NOT JACQUARD FIGURED:		
	337.6025	Not Degummed, Not Bleached and Not Colored		
	337.7025	Degummed, Bleached or Colored		
		JACQUARD FIGURED:		
	337.8025	Not Degummed, Not Bleached and Not Colored		
	337.9025	Degummed, Bleached or Colored		
		OF MAN-MADE FIBER CONTAINING OVER 17% BY WEIGHT OF WOOL:		
		VALUED NOT OVER $2 PER POUND:		
	338.1010	Not Over 6 Ounces Per Yard		
	338.1012	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	338.1014	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	338.1016	Over 10 Ounces but Not Over 12 Ounces Per Square Yard		
	338.1018	Over 12 Ounces Per Square Yard		
		VALUED OVER $2 PER POUND:		
	338.1510	Not Over 6 Ounces Per Square Yard		
	338.1512	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	338.1514	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	338.1516	Over 10 Ounces but Not Over 12 Ounces Per Square Yard		
	338.1518	Over 12 Ounces Per Square Yard		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
210 CONT'D		WOVEN FABRICS, OTHER, OF MAN-MADE FIBERS (INCLUDING FABRIC CONTAINING MORE THAN 17% BY WEIGHT OF WOOL; GLASS FABRICS AND MIXED YARN FABRICS CONT'D	1.0	Syd.
		OF GLASS:		
	338.2500	Not Colored		
	338.2700	Colored		
		OTHER:		
		Suitable For Making Typewriter Ribbon Cloth:		
	338.3014	Slit, with fast edges		
	338.3016	Other		
		OTHER:		
		NOT BLEACHED AND NOT COLORED:		
	338.3072	Acetate		
	338.3073	Rayon		
	338.3074	Polyamide		
	338.3075	Polyester		
	338.3076	Acrylic		
	338.3079	Other		
		OTHER:		
	338.3092	Acetate		
	338.3093	Rayon		
	338.3094	Polyamide		
	338.3095	Polyester		
	338.3096	Acrylic		
	338.3099	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
211		KNIT FABRICS	7.8	Lb.
	345.1085	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	345.3525	Of Silk, Containing Man-Made Fiber		
	345.5011	Of Man-Made Fiber, But Containing Over 17% by Weight of Wool		
		OTHER MAN-MADE FIBER KNIT FABRICS:		
		WHOLLY CONTINUOUS:		
		NOT BLEACHED AND NOT COLORED:		
	345.5021	Acetate		
	345.5022	Rayon		
	345.5024	Acrylic		
	345.5026	Polyamide		
	345.5028	Polyester		
	345.5029	Other		
		OTHER:		
	345.5041	Acetate		
	345.5042	Rayon		
	345.5044	Acrylic		
	345.5046	Polyamide		
	345.5048	Polyester		
	345.5049	Other		
		OTHER:		
		NOT BLEACHED AND NOT COLORED:		
	345.5061	Acetate		
	345.5062	Rayon		
	345.5064	Acrylic		
	345.5066	Polyamide		
	345.5068	Polyester		
	345.5069	Other		
		OTHER:		
	345.5081	Acetate		
	345.5082	Rayon		
	345.5084	Acrylic		
	345.5086	Polyamide		
	345.5088	Polyester		
	345.5089	Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
212		PILE AND TUFTED FABRICS	1.0	Syd.
		PILE:		
	346.5025	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	346.5625	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
		Velvets:		
	346.6045	Velvets, under 48" in Width, with Cut Warp Pile, Weighing Less than 8 oz. per Syd.		
	346.6050	Other		
	346.9000	TUFTED FABRICS		
213		SPECIALTY FABRICS	7.8	Lb.
		NARROW FABRICS:		
	347.5500	Pile Ribbons		
	347.6020	Typewriter and Machine Ribbons		
	347.6040	Other Ribbons		
	347.6500	Seamless Tubings		
		OTHER:		
		OF GLASS:		
	347.6800	Not Colored		
	347.6900	Colored		
	347.7000	Other		
	349.2540	Fabrics Not Braided, Elastic		
	349.3060	Other, Elastic		
	350.0060	Veiling Made on a Lace Machine or on a Net Machine, Whether or Not Ornamented		
		LACE AND NETTING WHETHER OR NOT ORNAMENTED, AND ORNAMENTED FABRICS IN THE PIECE AND IN MOTIFS, ETC.:		
		HAND-MADE LACE, WHETHER OR NOT ORNAMENTED:		
	351.2060	Valued Not Over $50 Per Pound, in the Piece or Motifs		
	351.2560	Valued Over $50 Per Pound, in the Piece or Motifs		
		MADE ON A LEAVERS MACHINE:		
	351.3000	12 Points or Finer in the Piece or Motifs		
	351.4660	Not 12 Points or Finer in the Piece or Motifs		
	351.5060	Made on a Bobbinette-Jacquard Machine, in the Piece or Motifs		
	351.7060	Made on a Nottingham Lace-Curtain Machine		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
213 CONT'D		SPECIALTY FABRICS CONT'D	7.8	Lb.
		LACE AND NETTING WHETHER OR NOT ORNAMENTED, AND ORNAMENTED FABRICS IN THE PIECE AND IN MOTIFS, ETC. CONT'D:		
	351.8060	Made on Any Other Machine		
	351.9060	Other		
		NETTING, IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE:		
	352.2060	Ornamented		
		NOT ORNAMENTED:		
	352.3060	Quilling		
		OTHER:		
	352.4060	Made on a Mechlin Machine		
	352.8060	Other		
	353.1060	Burnt Out Lace, in the Piece, or in Motifs		
		ORNAMENTED FABRICS, IN THE PIECE AND IN MOTIFS, N.S.P.F, OF MAN-MADE FIBER BY WEIGHT:		
	353.5052	Woven		
	353.5054	Knit		
	353.5056	Other		
	355.6000	Woven or Knit Fabrics, in the Piece or Unit, Coated, Filled, or Otherwise Prepared for Use as Artists Canvas		
		WOVEN OR KNIT FABRICS (EXCEPT PILE OR TUFTED FABRICS) COATED OR FILLED WITH RUBBER OR PLASTICS, OR LAMINATED WITH SHEET RUBBER OR PLASTICS:		
	355.8100	Over 70 Percent by Weight of Rubber or Plastics		
	355.8200	Other		
		WOVEN OR KNIT FABRICS (EXCEPT PILE OR TUFTED) COATED OR FILLED, N.S.P.F:		
	356.1060	Oilcloths		
	356.1560	Tracing Cloths		
	356.4000	Other		
	357.3500	Woven Bolting Cloth		
	357.4500	Woven Fabrics Chiefly Used for Stenciling Purposes in Screen Process Printing		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
213 CONT'D		SPECIALTY FABRICS CONT'D	7.8	Lb.
	357.6060	Fabrics With Tucks In Parellel Rows Formed In the Weaving or Knitting Process or By Folding and Sewing		
	357.8060	Fabrics For Use In Pneumatic Tires		
		TEXTILE FABRICS, INCLUDING LAMINATED FABRICS , N.S.P.F.:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING MAN-MADE FIBER:		
	359.2031	Woven		
	359.2051	Knit		
		OF MAN-MADE FIBER:		
	359.5020	Woven		
	359.5040	Knit		
	359.5060	Other		
214		GLOVES AND MITTENS, KNIT, WHETHER OR NOT ORNAMENTED	3.5	Dpr.
		GLOVES AND GLOVE LININGS:		
		LACE OR NET WHETHER OR NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Man-Made Fiber:		
		MADE FROM A PRE-EXISTING MACHINE-KNIT-OR-WOVEN FABRIC OR COMBINATION OF THESE FABRICS:		
	704.0575	Woven		
	704.1075	Not Woven		
	704.1575	Other		
		OF MAN-MADE FIBERS:		
	704.3535	Made From A Pre-Existing Fabric		
	704.3545	Other		
		NOT OF LACE OR NET AND NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING MAN-MADE FIBER:		
		MADE FROM A PRE-EXISTING FABRIC:		
	704.4075	Woven		
	704.4575	Not Woven		
	704.5075	OTHER		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
214 CONT'D		GLOVES AND MITTENS, KNIT, WHETHER OR NOT ORNAMENTED CONT'D	3.5	Dpr.
		GLOVES AND GLOVE LININGS: CONT'D		
		NOT OF LACE OR NET AND NOT ORNAMENTED: CONT'D		
		OF MAN-MADE FIBER:		
		KNIT:		
	704.8520	Made or Cut from a Pre-Existing Knit Fabric		
	704.8550	Other		
	704.9000	Not Knit		
215		HOSIERY	4.6	Dpr.
		HOSIERY:		
	374.3540	Ornamented		
	374.6000	Not Ornamented		
		PANTY HOSE:		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0425	Ornamented		
	382.7827	Not Ornamented		
216		DRESSES, KNIT	45.3	Doz.
		ORNAMENTED:		
		OF MAN-MADE FIBER:		
	382.0413	Women's		
	382.0415	Girls' and Infants'		
	382.3968	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6948	Of Silk, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
	382.7817	Women's		
	382.7819	Girls' and Infants'		
217		PAJAMAS AND OTHER NIGHTWEAR, KNIT	51.96	Doz.
		MEN'S OR BOYS'		
	380.0411	Ornamented		
	380.8123	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS'		
	382.0423	Ornamented		
	382.7825	Not Ornamented		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
218		T-SHIRTS, KNIT	7.24	Doz.
		T-SHIRTS, MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0416	All White		
	380.0417	Other		
		NOT ORNAMENTED:		
	380.8133	All White		
	380.8135	Other		
		T-SHIRTS, WOMEN'S, GIRLS' AND INFANTS':		
	382.0439	Ornamented		
	382.7851	Not Ornamented		
219		SHIRTS, OTHER (INCLUDING BLOUSES), KNIT	18.36	Doz.
		MEN'S AND BOYS' KNIT SHIRTS:		
	380.0419	Ornamented		
	380.8137	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS' KNIT:		
		BLOUSES, WAISTS, AND SHIRTS:		
		ORNAMENTED:		
		OF MAN-MADE FIBERS:		
	382.0401	Blouses		
	382.0443	Other Shirts		
	382.3964	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6944	Of Silk, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
	382.7801	Blouses		
	382.7859	Other Knit Shirts, Women's, Girls' and Infants'		
220		SKIRTS, KNIT	17.8	Doz.
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0445	Ornamented		
		NOT ORNAMENTED:		
	382.3972	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7865	Of Man-Made Fibers		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
221		SWEATERS AND CARDIGANS, KNIT	36.8	Doz.
		MEN'S AND BOYS':		
	380.0423	Ornamented		
	380.8147	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0429	Ornamented		
		NOT ORNAMENTED:		
	382.3976	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6952	Of Silk, Containing Man-Made Fiber		
	382.7875	Of Man-Made Fiber		
222		TROUSERS, SLACKS AND SHORTS, KNIT	17.8	Doz.
		MEN'S AND BOYS':		
	380.0428	Ornamented		
	380.8165	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0454	Ornamented		
		NOT ORNAMENTED:		
	382.3982	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6956	Of Silk, Containing Man-Made Fiber		
	382.7888	Of Man-Made Fibers		
223		UNDERWEAR, KNIT	16.0	Doz.
		LACE OR NET UNDERWEAR, WHETHER OR NOT ORNAMENTED:		
	378.0524	Men's and Boys'		
	378.0537	Women's, Girls' and Infants'		
		OTHER UNDERWEAR:		
		ORNAMENTED:		
	378.0548	Men's and Boys'		
	378.0558	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
	378.6010	Men's and Boys'		
	378.6030	Women's, Girls' and Infants'		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
224		OTHER WEARING APPAREL, KNIT, WHETHER OR NOT ORNAMENTED	7.8	Lb.
		MUFFLERS, SCARVES AND SHAWLS:		
	372.1030	Ornamented		
	372.7000	Not Ornamented		
		NECKTIES, MEN'S AND BOYS':		
	373.0530	Ornamented		
	373.2500	Not Ornamented		
		OTHER MEN'S AND BOYS' WEARING APPAREL:		
		ORNAMENTED:		
		COATS, INCLUDING JACKETS:		
	380.0401	Raincoats, 3/4 Length or Longer		
	380.0402	Suit-Type Coats, Including Suit-Type Sport Coats and Suit-Type Sport Jackets		
	380.0404	Other		
	380.0407	Coveralls, Overalls and Jumpsuits		
	380.0408	Dressing Gowns, Including Bathrobes, Beach Robes, Lounging Robes, etc.		
	380.0414	Playsuits, Sunsuits, Washsuits, Creepers, etc.		
	380.0420	Suits		
	380.0425	Swimming Trunks and Other Swimwear		
	380.0439	Other		
	380.0516	Other, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
	380.4525	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	380.7225	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
		COATS, INCLUDING JACKETS:		
	380.8101	Raincoats, 3/4 Length or Longer		
	380.8103	Suit-Type Coats, Including Suit-Type Sport Coats, and Suit-Type Sport Jackets		
	380.8107	Other		
	380.8113	Coveralls, Overalls and Jumpsuits		
	380.8117	Dressing Gowns, Including Bathrobes, Beach Robes, Lounging Robes, etc.		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
224 CONT'D		OTHER WEARING APPAREL, KNIT, WHETHER OR NOT ORNAMENTED CONT'D	7.8	Lb.
		OTHER MEN'S AND BOYS' WEARING APPAREL: CONT'D		
		NOT ORNAMENTED: CONT'D		
		OF MAN-MADE FIBER: CONT'D		
	380.8127	Playsuits, Sunsuits, Washsuits, Creepers, etc.		
	380.8143	Suits		
	380.8163	Swimming Trunks and Other Swimwear		
	380.8192	Other		
		OTHER WOMEN'S, GIRLS' OR INFANTS' WEARING APPAREL:		
		ORNAMENTED:		
	382.0403	Bodysuits and Bodyshirts		
		COATS, INCLUDING JACKETS:		
	382.0405	Raincoats, 3/4 Length or Longer		
	382.0407	Other		
	382.0409	Coveralls, Overalls, and Jumpsuits		
	382.0411	Culottes		
	382.0417	Dressing Gowns, Including Bathrobes, Beach Robes, Lounging Robes, Dusters and Housecoats		
	382.0437	Playsuits, Sunsuits, Washsuits, Creepers, Crawlers, etc.		
	382.0451	Suits		
	382.0453	Swimming Suits and Other Swimwear		
	382.0455	Tops and Vests		
		OTHER:		
	382.0456	Infants' Bootee Sets		
	382.0458	Other		
	382.0527	Other Wearing Apparel, of Other Fiber, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
	382.3986	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6962	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	382.7805	Bodysuits and Bodyshirts		
		COATS, INCLUDING JACKETS:		
	382.7807	Raincoats, 3/4 Length or Longer		
	382.7809	Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
224 CONT'D		OTHER WEARING APPAREL, KNIT, WHETHER OR NOT ORNAMENTED CONT'D	7.8	Lb.
		OTHER WOMEN'S, GIRLS' OR INFANTS' WEARING APPAREL: CONT'D		
		NOT ORNAMENTED: CONT'D		
		OF MAN-MADE FIBER: CONT'D		
	382.7811	Coveralls, Overalls, and Jumpsuits		
	382.7815	Culottes		
	382.7821	Dressing Gowns, Including Bathrobes, Beach Robes, Lounging Robes, Dusters, Housecoats		
	382.7841	Playsuits, Sunsuits, Washsuits, Creepers, Crawlers, etc.		
	382.7867	Suits		
	382.7877	Swimming Suits and Other Swimwear		
	382.7879	Tops and Vests		
		Other:		
	382.7890	Infants' Bootee Sets		
	382.7895	Other		
	703.1000	Headwear, Not In Part of Braid, Knit		
225		BODY SUPPORTING GARMENTS	4.75	Doz.
	376.1600	Garters, Garter Belts and Suspenders of Man-Made Fibers or Of Such Fiber and Rubber or Plastics		
		CORSETS, GIRDLES, BRASSIERES AND SIMILAR BODY SUPPORTING GARMENTS FOR MEN AND BOYS; WOMEN, GIRLS, AND INFANTS:		
		ORNAMENTED, LACE OR NET:		
	376.2445	Brassieres, Women's and Girls'		
	376.2485	Body Supporting Garments, Except Brassieres, Women's and Girls'		
	376.2495	Body Supporting Garments, Men's and Boys'		
		NOT ORNAMENTED:		
	376.2845	Brassieres, Women's and Girls'		
	376.2885	Body Supporting Garments, Except Brassieres, Women's Girls' and Infants'		
	376.2895	Body Supporting Garments, Men's and Boys'		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
226		HANDKERCHIEFS	1.66	Doz.
	370.2020	Lace Handkerchiefs, Ornamented		
		LACE HANDKERCHIEFS, NOT ORNAMENTED:		
	370.8820	Hemmed		
	370.8840	Not Hemmed		
227		MUFFLERS, SCARVES AND SHAWLS, NOT KNIT	7.8	Lb.
	372.1060	Ornamented		
		NOT ORNAMENTED:		
	372.7520	Hemmed		
	372.7540	Not Hemmed		
228		BLOUSES, NOT KNIT	14.53	Doz.
		BLOUSES, WAISTS AND SHIRTS:		
		ORNAMENTED:		
	382.0460	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4264	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7244	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	382.8102	Women's		
	382.8104	Girl's And Infants'		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
229		COATS, NOT KNIT	41.25	Doz.
		MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0440	Raincoats, 3/4 Length or Longer		
		OTHER OCATS:		
	380.0443	Suit Type Coats		
	380.0446	Other		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING MAN-MADE FIBER:		
	380.5164	Suit-Type Coats Including Suit-Type Sport Coats And Suit-Type-Jackets		
	380.5168	Other Separate Coats		
		OF MAN-MADE FIBERS:		
	380.8410	Raincoats, 3/4 Length or Longer		
		OTHER COATS:		
	380.8415	Suit Type Coats		
	380.8420	Other Coats		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0462	Raincoats, 3/4 Length or Longer		
	382.0464	Other Coats		
		NOT ORNAMENTED:		
	382.4268	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.8106	Raincoats, 3/4 Length or Longer		
	382.8108	Other Coats, 3/4 Length or Longer		
	382.8110	Other Coats		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
230		DRESSES, NOT KNIT	45.3	Doz.
		ORNAMENTED:		
	382.0466	Women's		
	382.0468	Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4272	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7248	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.8112	Women's		
	382.8114	Girls' And Infants'		
231		DRESSING GOWNS, INCLUDING BATHROBES AND BEACH ROBES, NOT KNIT	51.0	Doz.
		MEN'S AND BOYS':		
	380.0449	Ornamented		
	380.8425	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0470	Ornamented		
		NOT ORNAMENTED:		
	382.7252	Of Silk, Containing Man-Made Fibers		
	382.8116	Of Man-Made Fibers		
232		PAJAMAS AND OTHER NIGHTWEAR, NOT KNIT	51.96	Doz.
		MEN'S AND BOYS':		
	380.0452	Ornamented		
	380.8430	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0472	Ornamented		
		NOT ORNAMENTED:		
	382.7254	Of Silk, Containing Man-Made Fibers		
	382.8118	Of Man-Made Fibers		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
233		PLAYSUITS, SUNSUITS, WASHSUITS, ETC., NOT KNIT	21.3	Doz.
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0474	Ornamented		
	382.8120	Not Ornamented		
234		DRESS SHIRTS, NOT KNIT	22.19	Doz.
		MEN'S AND BOYS':		
	380.0455	Ornamented		
	380.8435	Not Ornamented		
235		SHIRTS, OTHER, NOT KNIT	24.46	Doz.
		MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0458	Work Shirts		
	380.0461	Sport Shirts		
		NOT ORNAMENTED:		
	380.5172	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	380.8440	Work Shirts		
	380.8445	Sport Shirts		
236		SKIRTS, NOT KNIT	17.8	Doz.
		ORNAMENTED:		
	382.0476	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4276	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.8122	Women's		
	382.8124	Girls' And Infants'		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
237		SUITS, NOT KNIT	4.5	No.
		MEN'S AND BOYS':		
	380.0464	Ornamented		
		NOT ORNAMENTED:		
	380.5176	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	380.8450	Of Man-Made		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0478	Ornamented		
		NOT ORNAMENTED:		
	382.4282	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.8126	Of Man-Made		
238		TROUSERS, SLACKS AND SHORTS, NOT KNIT	17.8	Doz.
		MEN'S AND BOYS':		
	380.0467	Ornamented		
		NOT ORNAMENTED:		
	380.5184	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	380.8455	Of Man-Made		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0480	Ornamented		
		NOT ORNAMENTED:		
	382.4286	Of Vegetable, Except Cotton, Containing Man-Made Fiber		
	382.7258	Of Silk, Containing Man-Made Fiber		
	382.8128	Of Man-Made Fiber		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
239		UNDERWEAR, NOT KNIT	16.0	Doz.
		ORNAMENTED:		
		MEN'S AND BOYS':		
	378.0566	Briefs, Drawers, and Shorts		
	378.0568	Other		
	378.0576	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
		MEN'S AND BOYS':		
	378.6512	Briefs, Drawers, and Shorts		
	378.6518	Other		
	378.6530	Women's, Girls' and Infants'		
240		OTHER WEARING APPAREL, NOT KNIT, WHETHER OR NOT ORNAMENTED	7.8	Lb.
		NECKTIES, MEN'S AND BOYS':		
	373.0560	Ornamented		
	373.2700	Not Ornamented		
	376.5600	Garments Designed For Rainwear, Etc., Coated, Filled Or Laminated With Rubber Or Plastics		
		LACE OR NET WEARING APPAREL, OTHER:		
		MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0470	Of Man-Made Fiber		
	380.0556	Of Silk, containing man-made fiber		
		NOT ORNAMENTED:		
	380.5188	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	380.7525	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	380.8460	Judo and Karate Uniforms		
	380.8485	Other Wearing Apparel		
	380.9025	Of Other, Containing Man-Made Fiber		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0482	Of Man-Made Fiber		
	382.0572	Of Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
240 CONT'D		OTHER WEARING APPAREL, NOT KNIT, WHETHER OR NOT ORNAMENTED	7.8	Lb.
		LACE OR NET WEARING APPAREL, OTHER: CONT'D		
		WOMEN'S, GIRLS' AND INFANTS': CONT'D		
		NOT ORNAMENTED:		
	382.4292	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7262	Of Silk, Containing Man-Made Fiber		
	328.8150	Of Man-Made Fiber		
	382.8725	Of Other		
		HEADWEAR:		
	703.0500	Wholly or In Part of Braid		
	703.1500	Not In Part Of Braid, Not Knit		
241		FLOOR COVERINGS	0.11	Sft.
	360.7540	In Which the Pile or Tuft Were Inserted or knotted into a Pre-Existing Base, Handhooked Using Hand Tool.		
	360.8042	In Which the Pile or Tuft Were Inserted or Knotted into a Pre-Existing Base, Other Than Handhooked		
	361.0560	Wholly or in Part of Braids (Except Tubular Braids with Core)		
	361.1840	Wholly or in Part of Braids, Other		
	361.2050	Other than of Wholly or in Part of Braids		
	361.5425	Other Floor Coverings, N.S.P.F. Woven but Not Made on a Power Driven Loom		
	361.5642	Other Floor Coverings, N.S.P.F. Other than Woven, Etc.		
242		OTHER FURNISHINGS	7.8	Lb.
		LACE OR NET BEDDING:		
		ORNAMENTED:		
	363.2562	Blankets		
	363.2564	Bedspreads		
	363.2566	Other		
		OTHER BEDDING:		
		NOT ORNAMENTED:		
	363.8520	Blankets		
	363.8540	Bedspreads, Coverlets, Quilts and Comforters		
	363.8560	Other		
	364.3000	Tapestries, Including Hand-Worked Petit-Point and Other Needle Point Tapestries		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
242 CONT'D		OTHER FURNISHINGS CONT'D	7.8	Lb.
		HANDMADE-LACE FURNISHINGS, ORNAMENTED:		
	365.1060	Valued Not Over $50 Per Pound		
	365.1560	Valued Over $50 Per Pound		
		MACHINE-MADE LACE FURNISHINGS:		
		MADE ON A LEAVERS MACHINE:		
	365.2000	12 Points or Finer		
	365.3160	Not 12 Points or Finer		
	365.3560	Made on a Bobbinette-Jacquard Machine		
	365.4560	Made on a Nottingham-Lace Curtain Machine		
	365.5060	Made on Any Other Machine		
	365.7060	Burnt Out Lace Furnishings		
	365.7560	Of Lace, Of Netting, or of Both, Made in Designs or Patterns Formed Wholly or in Substantial Part by Machine-Made Materials by Handwork		
		Other Furnishings Made on a Lace, Net, or knitting Machine, Whether or Not Ornamented and other Lace or Net Furnishings Ornamented:		
	365.8565	Wall Hangings		
	365.8580	Other		
		OTHER FURNISHINGS, NOT ORNAMENTED:		
	367.5000	Knit, Except Pile or Tufted		
	367.5500	Pile or Tufted		
	367.5900	Of Glass		
		Other:		
	367.6025	Wall Hangings		
	367.6034	Other		
243		MAN-MADE FIBER MANUFACTURES, N.E.S.	7.8	Lb.
		BRAIDS, NOT SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:		
		TUBULAR BRAIDS WITH NON-ELASTIC CORE:		
		CABLE, ROPE, CORD AND TWINE:		
	348.0065	Measuring Under 3/16" In Diameter		
	348.0075	Other		
	348.0080	Other		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
243 CONT'D		MAN-MADE FIBER MANUFACTURES, N.E.S. CONT'D	7.8	Lb.
		BRAIDS, NOT SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR: CONT'D		
		TUBULAR BRAIDS WITH NON-ELASTIC CORE: CONT'D		
		OTHER:		
		CABLE, ROPE, CORD AND TWINE:		
	348.0565	Measuring Under 3/16" In Diameter		
	348.0575	Other		
	348.0580	Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
243 CONT'D		MAN-MADE FIBER MANUFACTURES, N.E.S. CONT'D	7.8	Lb.
	355.2500	Webs, Wadding, Batting and Non-Woven Fabrics, Etc.		
	355.4560	Fish Netting, and Fishing Nets (Including Sections Thereof)		
	357.7060	Edgings, Insertings, Galloons, Fringes and Trimmings, Whether in the Piece or Otherwise		
	357.9560	Hose Suitable for Conducting Gases or Liquids, with or Without Attached Fittings (Exclusive of Fittings)		
	358.1400	Belting and Belts, for Machinery, of Textile Fibers or of Such Fibers and Rubber or Plastics, Other Than V-Belts		
	358.5000	Clothing for Paper-Making, Printing, or Other Machine, in the Piece or Unit, N.S.P.F.		
	372.0600	Veils, Ornamented		
	385.5300	Bags, Sacks and Other Shopping Containers		
		LABELS, NOT ORNAMENTED:		
	385.6120	Woven		
	385.6140	Other		
	385.7040	Tassels and Cords of Textile Materials		
		CORSET LACINGS, FOOTWEAR LACINGS, OR SIMILAR FACINGS:		
	385.7540	Braided, with or without Core		
	385.8500	Other than Braided		
		OTHER ARTICLES, N.S.P.F.:		
	389.6010	Tarpaulins and Tents		
		NON-ELASTIC BRAIDS AND OTHER BRAIDS SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:		
		IN SUBSTANTIAL PART OF MAN-MADE FIBERS:		
	703.9020	Of Ramie		
	703.9040	Other		
	703.9500	Of Other Textile Material		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

-CROSS REFERENCE-

COTTON, WOOL AND MAN-MADE FIBER TSUSA CLASSES BY CATEGORY

TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
300.6020	64	310.4025	203	321.--60	23	324.--58	22	326.--03	26
22	64	45	204	.--64	23	.--60	23	.--04	26
24	64	.5010	200	.--68	13	.--64	23	.--06	26
26	64	25	203	.--70	14	.--68	13	.--08	26
28	64	45	204	.--76	26	.--70	14	.--22	11
301.--00	1	.6015	200	.--78	27	.--76	26	.--24	12
302.--20	1	30	205	.--88	26	.--78	27	.--26	15
.--22	1	.8000	205	.--90	27	.--88	26	.--28	16
.--24	2	.9000	205	.--92	26	.--90	27	327.--30	18
.--26	3	310.9100	205	321.--94	27	324.--92	26	.--32	19
.--28	4	315.0500	64	322.--01	26	.--94	27	.--34	26
303.1000	64	.1000	64	.--02	26	325.--18	5	.--44	9
.2040	64	.1500	64	.--03	26	.--20	6	.--46	10
42	64	316.4000	128	.--04	26	.--22	11	.--54	22
307.3000	128	.6010	205	.--06	26	.--24	12	.--58	22
.5000	101	.6020	205	.--08	26	.--48	20	.--60	23
.5200	101	319.2100	17	.--18	5	.--50	21	.--64	23
.6000	128	.2300	17	.--20	6	.--52	33	.--68	13
.6200	102	.2500	17	.--22	11	.--54	22	.--70	14
.6403	103	.2700	17	.--24	12	.--56	22	.--76	26
06	103	.2900	17	.--26	15	.--58	22	.--78	27
09	103	320.--01	26	.--28	16	.--60	23	.--88	26
12	103	.--02	26	.--30	18	.--62	23	.--90	27
15	103	.--03	26	.--32	19	.--64	23	.--92	26
308.6000	205	.--04	26	.--34	26	.--68	13	.--94	27
.6500	205	.--06	26	.--44	9	.--70	14	328.--01	26
.6600	205	.--08	26	.--46	10	.--72	24	.--02	26
.7000	205	.--22	11	.--54	22	.--74	25	.--03	26
.7100	205	.--24	12	.--56	22	.--76	26	.--04	26
.7500	205	.--26	15	.--58	22	.--78	27	.--06	26
309.9800	205	.--28	16	.--60	23	.--80	24	.--08	26
.9900	205	.--30	18	.--62	23	.--82	25	.--18	5
310.0108	200	.--32	19	.--64	23	.--84	24	.--20	6
10	200	.--34	26	.--68	13	.--86	25	.--22	11
12	200	.--36	9	.--70	14	.--88	26	.--24	12
25	201	.--38	9	.--72	24	.--90	27	.--26	15
48	202	.--40	9	.--74	25	.--92	26	.--28	16
50	202	.--42	10	.--76	26	.--94	27	.--30	18
52	202	.--44	9	.--78	27	326.--01	26	.--32	19
65	202	.--46	10	.--80	24	.--02	26	.--34	26
310.0208	200	.--54	22	.--82	25	.--03	26	.--44	9
10	200	.--58	22	.--84	24	.--04	26	.--46	10
12	200	.--60	23	.--86	25	.--06	26	.--54	22
25	201	.--64	23	.--88	26	.--08	26	.--56	22
48	202	.--68	13	.--90	27	.--22	11	.--58	22
50	202	.--70	14	.--92	26	.--24	12	.--60	23
52	202	.--76	26	.--94	27	.--26	15	.--62	23
65	202	.--78	26	323.--22	11	.--28	16	.--64	23
.0520	201	.--88	26	.--24	12	.--30	18	.--68	13
40	202	.--90	27	.--48	20	.--32	19	.--70	14
60	202	.--92	26	.--50	21	.--34	26	.--72	24
.0620	201	.--94	27	.--52	33	.--36	9	.--74	25
40	202	321.--01	26	.--54	22	.--38	9	.--76	26
60	202	.--02	26	.--58	22	.--40	9	.--78	27
.1015	200	.--03	26	.--60	23	.--42	10	.--80	24
25	201	.--04	26	.--64	23	.--44	9	.--82	25
45	202	.--06	26	.--68	13	.--46	10	.--84	24
65	202	.--08	26	.--70	14	.--54	22	.--86	25
.1108	200	.--22	11	.--76	26	.--58	22	.--88	26
10	200	.--24	12	.--78	27	.--60	23	.--90	27
12	200	.--26	15	.--88	26	.--64	23	.--92	26
25	201	.--28	16	.--90	27	.--68	13	.--94	27
45	202	.--30	18	.--92	26	.--70	14	329.--22	11
65	202	.--32	19	.--94	27	.--76	26	.--24	12
.2020	201	.--34	26	324.--22	11	.--78	27	.--48	20
40	202	.--44	9	.--24	12	.--88	26	.--50	21
60	202	.--46	10	.--48	20	.--90	27	.--52	33
.2120	201	.--54	22	.--50	21	.--92	26	.--54	22
40	202	.--58	22	.--52	33	.--94	27	.--58	22
60	202			.--54	22	327.--01	26	.--60	23
.4010	200					.--02	26	.--64	23

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TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
		336.5012	104	338.1518	210	345.5066	211	349.2520	128
		14	104	.2500	210	68	211	40	213
329.--68	13	16	104	.2700	210	69	211	.3010	37
.--70	14	18	104	.3014	210	81	211	40	128
.--76	26	20	104	16	210	82	211	60	213
.--78	27	22	104	22	206	84	211	350.0010	64
.--88	26	24	104	23	206	86	211	40	126
.--90	27	26	104	24	208	88	211	60	213
.--92	26	336.5512	104	25	208	89	211	351.0500	64
329.--94	27	14	104	338.3026	208	346.0500	8	.2040	126
330.--22	11	16	104	29	208	.1000	8	60	213
.--24	12	18	104	35	208	.1500	7	.2510	64
.--48	20	20	104	36	208	346.2000	7	40	126
.--50	21	22	104	39	206	.2200	7	60	213
.--52	33	24	104	51	206	.2400	7	.3000	213
.--54	22	26	104	52	206	.3020	26	351.4010	64
.--58	22	.6022	104	53	208	40	27	40	126
.--60	23	24	104	54	208	.3220	26	.4440	126
.--64	23	26	104	55	208	40	27	.4610	64
.--68	13	28	104	59	208	.3525	26	60	213
.--70	14	30	104	62	207	30	26	.5010	64
.--76	26	32	104	63	207	45	27	40	126
.--78	27	34.	104	64	209	50	27	60	213
.--88	26	36	104	65	209	.4020	26	.6010	64
.--90	27	38	104	66	209	40	27	.7040	126
.--92	26	40	104	69	209	.4520	26	60	213
.--94	27	42	104	72	210	40	27	.8010	64
331.--18	5	44	104	73	210	60	64	40	126
.--20	6	45	104	74	210	.5005	64	60	213
.--22	11	46	104	75	210	15	109	.9010	64
.--24	12	48	104	76	210	25	212	40	126
.--48	20	50	104	79	210	.5200	109	60	213
.--50	21	52	104	82	207	.5605	64	352.1010	64
.--52	33	54	104	83	207	15	109	.2040	126
.--54	22	56	104	84	209	25	212	60	213
.--56	22	58	104	85	209	.6045	212	.3010	64
.--58	22	60	104	86	209	50	212	40	126
.--60	23	62	104	89	209	60	212	60	213
.--62	23	64	104	92	210	.7000	26	.4010	64
.--64	23	65	104	93	210	.8200	109	40	126
.--68	13	66	104	94	210	.9000	212	60	213
.--70	14	68	104	95	210	347.1000	64	.5000	64
.--72	24	70	104	96	210	.1500	64	.8010	64
.--74	25	72	104	99	210	.2520	64	40	126
.--76	26	74	104	339.0500	104	.3320	64	60	213
.--78	27	76	104	345.1020	64	40	64	353.1010	64
.--80	24	337.5010	104	40	64	80	64	40	126
.--82	25	12	104	65	64	.4000	128	60	213
.--84	24	14	104	75	110	.5500	213	.5012	64
.--86	25	16	104	85	211	.6020	213	14	64
.--88	26	18	104	.3000	110	40	213	16	64
.--90	27	20	104	.3505	64	.6500	213	32	126
.--92	26	22	104	15	110	.6800	213	34	126
.--94	27	24	104	25	211	.6900	213	36	126
332.1020	26	26	104	.5011	211	.7000	213	52	213
40	27	28	104	21	211	348.0010	64	54	213
.4020	26	.5500	104	22	211	40	126	56	213
40	27	.6025	210	24	211	65	243	355.0200	64
335.5500	104	.7025	210	26	211	75	243	.1520	128
.6000	210	.8025	210	28	211	80	243	40	128
336.1000	104	.9025	210	29	211	.0510	64	60	128
.1520	104	338.1010	210	41	211	40	126	80	128
40	104	12	210	42	211	65	243	90	128
.2000	104	14	210	44	211	75	243	.1620	128
.2500	104	16	210	46	211	80	243	40	128
.3000	104	18	210	48	211	349.1010	64	60	128
.3500	104	.1510	210	49	211	12	64	80	128
.4020	104	12	210	61	211	40	128	90	128
40	104	14	210	62	211	60	205	.1800	128
60	104	16	210	64	211	.1500	37	.2500	243

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TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
355.3500	38	360.4610	132	363.8540	242	366.6500	64	373.1540	125
.4560	243	.4620	132	60	242	.6900	64	.2500	224
.5000	26	.4820	132	364.1120	26	.7500	33	.2700	240
.6000	213	.4840	132	.1220	64	.7730	64	374.0520	40
.6510	26	.6500	132	.1520	64	.7925	64	.1020	40
.7000	128	.7000	132	.2000	108	30	64	.1520	62
.8100	213	.7522	64	.2200	108	367.0500	128	.2000	111
.8200	213	40	241	.3000	242	.1000	128	.2500	111
356.1010	26	.8022	64	365.0020	64	.1500	128	.3000	117
40	128	42	241	.1040	126	.2000	128	.3540	215
60	213	361.0522	64	60	242	.2500	128	.4020	40
.1510	26	42	64	.1510	64	.3025	128	.4520	40
40	128	50	131	40	126	30	128	.5000	111
60	213	60	241	60	242	.5000	242	.6000	215
.2000	26	.0700	132	.2000	242	.5500	242	376.0420	64
.2510	26	.1000	132	.2510	64	.5900	242	.0800	128
.3000	128	.1820	64	40	126	.6025	242	.1600	225
.4000	213	.1640	241	.2940	126	30	242	.2425	61
357.0512	26	.2010	64	.3110	64	370.0420	32	45	225
14	27	30	132	60	242	.0440	32	65	61
16	26	50	241	.3510	64	.0460	32	85	225
18	27	.4200	132	40	126	.0800	32	90	61
.1000	108	.4400	132	60	242	.1620	32	95	225
.1500	108	.4600	132	.4010	64	.1640	32	.2825	61
.2000	105	.4800	132	.4540	126	.2020	226	45	225
.3500	213	.5000	64	60	242	.2400	32	65	61
.4500	213	.5422	64	.5010	64	.3200	32	85	225
.6010	64	25	241	40	126	.3600	32	90	61
40	126	.5622	64	60	242	.4000	32	95	225
60	213	42	241	.7010	64	.4400	32	.5400	63
.7010	64	.8000	128	40	126	.4800	32	.5600	240
40	126	363.0120	64	60	242	.5200	32	378.0521	58
60	243	40	64	.7510	64	.5600	32	24	223
.8010	64	.0510	64	40	126	.6020	32	31	58
60	213	15	36	60	242	.6040	32	32	58
.9560	243	20	36	.7700	64	.6420	32	33	58
358.0210	64	25	64	.7815	30	.6440	32	37	223
.0510	64	.1020	107	25	64	.6820	32	37	223
.0610	64	40	106	35	64	.6840	32	41	58
.0800	128	.1520	104	.8525	126	.8820	226	42	58
.0900	128	40	104	30	126	40	226	44	58
.1400	243	.2000	126	65	242	372.0400	64	46	58
.2410	64	.2562	242	80	242	.0600	243	48	223
.2610	64	64	242	366.0300	64	.0840	126	51	58
.3000	128	66	242	.0600	64	.1010	62	52	58
.3500	128	.3010	34	.0900	64	20	117	54	58
.5000	243	20	28	.1520	64	30	224	56	113
359.1020	64	30	35	.1820	31	40	63	58	223
40	64	40	29	40	31	50	125	62	59
60	64	.4020	64	60	31	60	227	64	59
.2021	64	40	64	80	31	.1520	62	66	239
26	128	.4520	64	.2120	31	40	63	68	239
31	213	40	64	40	31	60	63	71	59
41	64	.5020	36	60	31	.2500	114	74	125
46	128	40	36	80	31	.3000	116	76	239
51	213	60	36	.2420	31	.3500	117	.1012	62
.3020	128	.5120	36	40	31	.4000	125	14	56
40	128	40	36	60	31	.4500	125	16	57
60	128	60	36	80	31	.7000	224	29	56
.5020	213	.5520	36	.2720	31	.7520	227	32	58
40	213	40	36	40	31	40	227	34	57
60	213	60	36	60	30	373.0510	62	39	58
360.0500	132	.6025	64	80	31	20	117	.1512	62
.1000	132	40	64	.4200	33	30	224	44	56
.1500	132	.6520	107	.4500	64	40	63	16	57
.2000	64	40	106	.4600	64	50	125	29	56
.2500	64	.7020	104	.4730	64	60	240	32	58
.3000	64	40	104	.5720	64	.1010	62	34	57
.4000	132	.7500	128	.6000	64	45	63	39	58
		.8520	242	.6300	64	.1520	117	.2012	57

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TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
378.2018	59	380.0446	229	380.3925	50	380.8127	224	382.0220	117
30	59	49	231	27	50	33	218	25	117
.2512	57	52	232	29	50	35	218	30	117
18	59	55	234	32	50	37	219	35	117
30	59	58	235	35	50	43	224	40	117
.3510	113	61	235	37	50	47	221	50	125
30	113	64	237	39	50	63	224	55	122
.4010	125	67	238	80	63	65	222	60	125
30	125	70	240	82	63	92	224	65	123
.4510	125	.0501	62	84	63	.8410	229	70	125
30	125	06	117	.4505	62	15	229	.0401	219
.6010	223	16	224	15	117	20	229	03	224
30	223	41	63	25	224	25	231	05	224
.6512	239	46	125	.5104	49	30	232	07	224
18	239	56	240	08	49	35	234	09	224
30	239	.0610	62	12	63	40	235	11	224
380.0003	62	15	62	16	63	45	235	13	216
06	62	20	62	24	50	50	237	15	216
09	62	25	60	28	63	55	238	17	224
12	60	30	62	34	121	60	240	23	217
15	62	35	41	38	121	85	240	25	215
18	42	40	42	42	125	.9005	63	29	221
21	42	45	62	46	120	15	125	37	224
24	62	50	43	54	124	25	240	39	218
27	62	55	44	58	125	382.0002	62	43	219
30	62	60	62	64	229	04	62	45	220
33	62	90	62	68	229	06	62	51	224
36	62	.0910	48	72	235	08	62	53	224
40	63	20	48	76	237	10	62	54	222
43	63	40	49	84	238	12	62	55	224
46	63	60	49	88	240	14	62	56	224
49	55	80	49	.5710	116	16	62	58	224
52	63	90	49	20	116	18	60		
55	63	.1210	48	30	116	20	62	60	228
58	54	20	48	40	116	22	42	62	229
61	45	40	49	50	116	24	62	64	229
64	45	60	49	90	116	26	62	66	230
67	46	80	49	.5900	117	28	62	68	230
70	63	90	49	.6110	117	30	62	.0470	231
73	63	.1520	55	20	117	32	62	72	232
76	63	40	55	30	117	34	62	74	233
.0205	117	.1820	55	40	117	40	52	76	236
10	117	40	55	50	117	42	52	78	237
15	117	.2100	60	60	117	44	52	80	238
20	117	.2400	60	.6310	121	46	52	82	240
25	117	.2752	45	20	121	48	52	.0509	62
40	121	55	45	30	125	50	52	18	117
45	121	59	45	40	125	52	63	27	224
50	125	62	45	50	120	54	63	54	63
55	125	65	45	60	124	56	63	63	125
60	120	69	45	90	125	58	63	72	240
65	124	72	47	.6610	121	60	53	.0605	62
70	125	75	47	20	121	62	53	10	62
.0401	224	77	47	30	125	64	53	15	62
02	224	78	47	40	125	66	53	20	62
04	224	79	47	50	120	68	53	25	62
07	224	82	46	60	124	70	55	30	62
08	224	85	46	90	125	72	63	35	62
11	217	87	46	.7205	62	74	54	48	62
14	224	89	46	15	117	76	46	45	62
16	218	92	46	25	224	78	45	50	60
17	218	95	46	.7505	63	80	63	55	62
19	219	97	46	15	125	82	63	60	42
20	224	99	46	25	240	84	51	65	62
23	221	.3000	63	.8101	224	86	51	70	43
25	224	.3320	63	03	224	88	63	75	62
28	222	.3620	63	07	224	90	63	80	44
39	224	.3909	60	13	224	.0205	117	85	62
40	229	12	54	17	224	10	117	90	62
43	229	22	50	23	217	15	117	95	62

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TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
382.0902	48	382.3385	63	382.6325	125	382.8118	232	704.3545	214
04	48	.3904	62	30	125	20	233	.4010	39
06	48	08	62	35	123	22	236	25	39
08	48	12	62	40	122	24	236	55	39
10	48	16	44	45	124	26	237	65	112
12	48	22	62	90	125	28	238	75	214
14	49	26	62	.6904	62	50	240	.4510	39
16	49	34	117	08	62	.8705	63	25	39
18	49	38	117	12	44	15	125	55	39
20	49	42	123	16	62	25	240	65	112
22	49	46	117	22	62	385.2000	128	75	214
24	49	52	124	24	117	.2500	64	.5015	39
.1202	48	56	117	28	117	.3000	64	55	39
04	48	64	219	32	117	.4000	64	65	112
06	48	68	216	36	124	.5300	243	75	214
08	48	72	220	42	117	.5520	64	.5500	112
10	48	76	221	44	219	.6020	64	.5600	112
12	48	82	222	48	216	.6120	243	.6000	112
14	49	86	224	52	221	40	243	.6500	112
16	49	.4204	52	56	222	.7020	64	.7000	112
18	49	08	49	62	224	40	243	.8520	214
20	49	12	53	.7204	52	.7520	64	50	214
22	49	16	63	08	53	40	243	.9000	214
24	49	22	63	12	63	.8020	64	706.2015	64
.1520	55	26	51	14	60	.8500	243	.2240	64
40	55	32	63	18	51	386.0820	126	70	64
60	55	34	125	22	63	388.1000	126	.2415	64
.1820	55	38	122	24	125	.2000	128	727.8020	64
40	55	42	125	28	125	.3000	128	40	64
60	55	46	123	32	125	.4000	128	745.7420	64
.2100	60	52	122	34	125	389.6010	243		
.2400	60	56	124	38	124	700.75			
.2730	63	62	125	42	125	10	125		
.3030	63	64	228	44	228	20	125		
.3302	52	68	229	48	230	30	125		
04	52	72	230	52	231	40	125		
06	52	76	236	54	232	50	125		
08	52	82	237	58	238	60	125		
10	52	86	238	62	240	702.0520	62		
12	52	92	240	.7801	219	.1020	63		
14	53	.4800	114	05	224	.5400	115		
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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences; ☐ preamble did not contain a clear and concise explanation of the document's purpose; ☐ other (explain) _____

_____

_____

II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS

impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

_____

_____

III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

_____

_____

_____

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TUESDAY, FEBRUARY 4, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 24

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PROCLAMATION 4346

Reserving Certain Lands Adjacent to and Enlarging the Boundaries of the Buck Island Reef National Monument in the Virgin Islands of the United States

By the President of the United States of America

A Proclamation

The Buck Island Reef National Monument, situated off the northeast coast of Saint Croix Island in the Virgin Islands of the United States, was established by Proclamation No. 3443 of December 28, 1961 (76 Stat. 1441). It now has been determined that approximately thirty acres of submerged land should be added to the monument site in order to insure the proper care and management of the shoals, rocks, undersea coral reef formations and other objects of scientific and historical interest pertaining to this National Monument.

These thirty acres of submerged lands are presently owned in fee by the United States. They will be conveyed to the Government of the Virgin Islands on February 3, 1975, pursuant to Section 1(a) of Public Law 93–435 (88 Stat. 1210), unless the President, under Section 1(b)(vii) of that Act, designates otherwise.

Under Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), the President is authorized to declare by public Proclamation objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. The aforementioned thirty acres of submerged lands are contiguous to the site of the Buck Island Reef National Monument, constitute a part of the ecological community of the Buck Island Reef, and will not enlarge the monument boundaries beyond the smallest area compatible with its proper care and management.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93–435 (88 Stat. 1210), do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of the Virgin Islands under Section 1(a) of Public Law 93–435; and, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431),

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do hereby proclaim that, subject to valid existing rights, the lands hereinafter described are hereby added to and made a part of the Buck Island Reef National Monument, and Proclamation No. 3443 of December 28, 1961, establishing the Buck Island Reef National Monument is amended accordingly.

Beginning at latitude 17°47′30″ N, longitude 64°36′32″ W; thence approximately 1000 feet to latitude 17°47′27″ N, longitude 64°36′22″ W; thence approximately 900 feet to latitude 17°47′18″ N, longitude 64°36′22″ W; thence approximately 1000 feet to latitude 17°47′15″ N, longitude 64°36′22″ W; thence approximately 1500 feet to latitude 17°47′30″ N, longitude 64°36′32″ W, the place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

[FR Doc.75-3356 Filed 2-3-75;10:11 am]

PROCLAMATION 4347

Reserving Certain Submerged Lands Adjacent to Rose Atoll National Wildlife Refuge Territory of American Samoa and, Certain Submerged Lands for the Defense Needs of the United States in the Territories of Guam and the Virgin Islands

By the President of the United States of America

A Proclamation

The submerged lands surrounding the Rose Atoll National Wildlife Refuge in American Samoa are necessary for the protection of the Atoll's marine life, including the green sea and hawksbill turtles. The submerged lands in Apra Harbor and those adjacent to Inapsan Beach and Urano Point in Guam, and certain submerged lands on the west coast of St. Croix, United States Virgin Islands are required for national defense purposes. These submerged lands in American Samoa, Guam and the United States Virgin Islands will be conveyed to the Government of those territories, on February 3, 1975, pursuant to Section 1(a) of Public Law 93–435 (88 Stat. 1210), unless the President, under Section 1(b)(vii) of that Act, designates otherwise.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of authority vested in me by Section 1(b)(vii) of Public Law 93–435 (88 Stat. 1210) do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of American Samoa, the Government of Guam and the Government of the United States Virgin Islands under Section 1(a) of Public Law 93–435.

American Samoa. The submerged lands adjacent to Rose Atoll located 78 miles each-southeast of Tau Island in the Manua Group at latitude 14°32′52″ south and longitude 168°08′34″ west, which lands shall be under the joint administrative jurisdiction of the Department of Commerce and the Department of the Interior.

Guam. (1) The submerged lands of inner and outer Apra Harbor; and, (2) the submerged lands adjacent to the following uplands: (a) Unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces, Marianas Y & D Drawing Numbered 597–464, lying between the seaward boundaries of Lots Numbered 9992 through 9997 and the mean high tide, containing an undetermined area of land, (b) unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces, Marianas Y & D Drawing Numbered 597–464, lying between the seaward boundary of Lot Numbered 10080 and the line of mean high tide, containing an undetermined amount of land, and (c) Lot Numbered PO 4.1 in the Municipality of Machanao, Guam, as delineated on Y & D Drawing Numbered 597–

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464, more particularly described as surveyed land bordered on the north by Lot Numbered 10080, Machanao, east by Northwest Air Force Base, south by U.S. Naval Communication Station (Finegayan) and west by the sea containing a computed area of 125.50 acres, more or less. All of the above lands within the territory of Guam shall be under the administrative jurisdiction of the Department of the Navy.

The Virgin Islands. (1) The submerged lands as described in the Code of Federal Regulations revised as of July 1, 1974, cited as 33 CFR 207.817 areas "A" & "B", (2) the submerged lands seaward of the 100 fathom curve off the coast of St. Croix beginning at a point 17°40'30" N and ending at a point 17°46'30" North as depicted on Coast and Geodetic Survey Chart Numbered 25250, Third Edition; Title: St. Croix, Virgin Islands Underwater Range, and (3) the submerged lands seaward of the Underwater Range Operational Control Center, St. Croix, Virgin Islands presently leased to the Department of the Navy and described as Plot #18 of Estate Sprat Hall subdivision, located in northside Quarter "A", St. Croix containing 4.84 acres of land. All of the above lands within the territory of the Virgin Islands shall be under the administrative jurisdiction of the Department of the Navy.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

[FR Doc.75-3357 Filed 2-3-75;10:11 am]

PROCLAMATION 4348

American Heart Month, 1975

By the President of the United States of America

A Proclamation

An estimated 28.5 million Americans suffer from some form of heart and blood vessel disease. These diseases cause more than one million deaths each year. Approximately twenty-five percent of these deaths occur among persons under age 65.

Although heart and blood vessel diseases still account for slightly more than half of all deaths each year in the United States, death rates from these disorders declined over the five-year period 1968–1973 (the most recent year for which reliable statistics are available).

This decline did not just happen. It has been achieved through the application of improved methods of prevention, diagnosis, and treatment that has grown out of an intensive and sustained research effort.

Over the years, two agencies have been the prime movers in the Nation's assault on the cardiovascular diseases. One is the National Heart and Lung Institute, an agency of the Federal Government; the other is the American Heart Association, a voluntary health organization that draws its operating funds from private contributions. For more than 25 years, the two organizations have worked hand-in-hand toward common goals: to search for and apply new or improved methods of prevention, diagnosis, and treatment for cardiovascular disorders; to support the training of research and clinical personnel in the cardiovascular field; to provide community service to victims of cardiovascular diseases; and to carry out programs of information and education on cardiovascular topics for health professionals and for the general public.

To encourage continuation of this combined assault on the cardiovascular diseases, the Congress has requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the month of February 1975, as American Heart Month. And I invite the Governors of the States, the Commonwealth of Puerto Rico, and the officials of other areas subject to the jurisdiction of the United States, to heed the nationwide problem of heart and blood vessel diseases. Our support of programs to prevent premature death from cardiovascular diseases is essential to combat this leading menace to the Nation's health.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-3358 Filed 2-3-75;10:12 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 303—RELEASE OF INFORMATION

Fee Schedules

NOTE: FR Doc. 75-2804, which revised §§ 303.5 and 303.6 to conform with certain requirements established by Pub. L. 93-502, appeared in the Proposed Rules section of the issue for Thursday, January 30, 1975 (40 FR 4445). It should have been printed in the Rules and Regulations section of that issue.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Activities Involving Assistance to American Indians

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to specifically delegate to the Assistant Secretary for Administration the authority to coordinate all Departmental activities involving assistance available to American Indians.

7 CFR 2.25(h) is amended as follows:

§ 2.25 Delegations of Authority to the Assistant Secretary for Administration.

• • • • • •

(h) *Related to equal opportunity.* (1) Coordinate all aspects of the Department's civil rights program including all Departmental activities involving assistance to American Indians.

• • • • • •

Effective date: December 1, 1974.

Done at Washington, D.C. this 30th day of January 1975.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.75-3172 Filed 2-3-75;8:45 am]

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Activities Involving Assistance to American Indians

The purpose of this amendment is to specifically redelegate responsibility of the Assistant Secretary for Administration to the Director, Office of Equal Opportunity to coordinate all Departmental activities involving assistance available to American Indians. 7 CFR 2.80(a) is amended by adding a new subparagraph (9) as follows:

§ 2.80 Director, Office of Equal Opportunity.

(a) • • •

(9) Coordinate all Departmental activities involving assistance to American Indians.

Effective date: December 1, 1974.

Done at Washington, D.C. this 30th day of January 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-3173 Filed 2-3-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER VII—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, & 55)

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

U.S.D.A. announcement of national marketing quotas for fire-cured dark air-cured, Virginia sun-cured, cigar binder (types 51 & 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobaccos.

Basis and purpose. Sections 724.6 and 724.7 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act," to proclaim national marketing quotas for cigar-binder (types 51 & 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, & 55) tobacco respectfully for each of the three marketing years beginning October 1, 1975, October 1, 1976, and October 1, 1977. Sections 724.12 through 724.17 are issued pursuant to, and in accordance with, the Act to determine the reserve supply level and the total supply of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco for the marketing year beginning October 1, 1974, and to announce for the 1975-76 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), fire-cured (type 22-24), dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco. The material previously appearing in these sections under centerheads Proclamation of Quotas and Determinations and Announcements—1974-75 Marketing Year remain in full force and effect as to the crop to which it was applicable.

The determinations contained in §§ 724.12 through 724.17 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from tobacco producers and others as provided in a notice (39 FR 45296) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas will not be announced for the 1975-76 marketing year for any of these kinds of tobacco.

Since the Act requires the holding of separate referendums of fire, dark air, sun-cured, cigar-binder, and cigar-filler and binder tobacco farmers within 30 days after issuance of the proclamation of national marketing quotas to determine whether such farmers favor marketing quotas, since such farmers must be notified, insofar as practicable of their farm acreage allotments prior to the referenda and since notices of allotments cannot be mailed until the issuance of the proclamation, and since fire-cured, dark air-cured, and sun-cured tobacco farmers are now making their plans for producing tobacco in 1975 and need to know, at the earliest possible date, the applicable 1975 tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamations, determinations and announcements contained herein shall become effective upon February 3, 1975.

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota is the total quantity of a kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent

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of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

FIRE-CURED (TYPE 21) TOBACCO

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1974–75 marketing year was about 2.6 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1974–75 marketing year was 5.2 million pounds (farm-sales weight basis). Taking into account the irregular pattern of both domestic use and exports, and the market demand for the various grades, 2.8 million pounds have been used as a normal year's domestic consumption and 5.3 million pounds have been used as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 17.2 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1974, as 7.1 million pounds. The 1974 fire-cured (type 21) tobacco crop is estimated to be 6.0 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1974–75 marketing year is 13.1 million pounds. During the 1974–75 marketing year, it is estimated that disappearance will total about 5.9 million pounds. By deducting this disappearance from the total supply, a carryover of 7.2 million pounds for the 1975–76 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1975, results in a computed national marketing quota for the 1975–76 marketing year of 10.0 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 12.0 million pounds, is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 12.0 million pounds.

In accordance with section 313(g) of the Act, the 1975 national marketing quota, divided by the 1970–74, 5-year national average yield of 1,157 pounds per acre, results in a 1975 national acreage allotment of 10,371.65 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 90.00 acres, by the total of the 1975 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

FIRE-CURED (TYPES 22–24) TOBACCO

The yearly average quantity of fire-cured (types 22–24) tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1974–75 marketing year was about 16.8 million pounds. The average annual quantity of fire-cured (types 22–24) tobacco produced in the United States and exported during the ten marketing years preceding the 1974–75 marketing year was 23.7 million pounds (farm-sales weight basis). Exports of fire-cured (types 22–24) tobacco are very irregular, while domestic use has trended downward. Accordingly, a normal year's domestic consumption has been set at 15.0 and a normal year's exports at 23.7. Application of the formula prescribed by the Act results in a reserve supply level of 84.4 million pounds.

Manufacturers and dealers reported stocks of fire-cured (types 22–24) tobacco held on October 1, 1974, as 45.1 million pounds. The 1974 fire-cured (types 22–24) crop is estimated to be 28.3 million pounds. Therefore, the total supply of fire-cured (types 22–24) tobacco for the marketing year beginning October 1, 1974 is 73.4 million pounds. During the 1974–75 marketing year it is estimated that disappearance will total about 38.2 million pounds. By deducting this disappearance from the total supply, a carryover of 35.2 million pounds for the 1975–76 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1975, results in a computed national marketing quota for the 1975–76 marketing year of 49.2 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 59.0 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 59.0 million pounds.

In accordance with section 313(g) of the Act, the 1975 national marketing quota, divided by the 1970–74, 5-year national average yield of 1,784 pounds per acre, results in the 1975 national acreage allotment of 33,071.75 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.125 is determined by dividing the national acreage allotment, less a national reserve of 223.00 acres, by the total of the 1975 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

DARK AIR-CURED TOBACCO

The yearly average quantity of dark air-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1974–75 marketing year was about 16.8 million pounds, and the average annual quantity produced domestically and exported during this period was 2.9 million pounds (farm-sales weight basis). Total disappearance of dark air-cured tobacco has been trending downward for many years. Therefore, in accordance with the Act, 16.4 million pounds has been used as a normal year's domestic consumption and 2.6 million pounds as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 51.9 million pounds.

Manufacturers and dealers reported stocks of dark air-cured tobacco held on October 1, 1974, as 36.9 million pounds. The 1974 dark air-cured crop is estimated to be 12.1 million pounds. Therefore, the total supply for the marketing year beginning October 1, 1974, is 49.0 million pounds. During the 1974–75 marketing year, it is estimated that disappearance will total about 18.6 million pounds. By deducting this disappearance from the total supply, a carryover of 30.4 million pounds for the 1975–76 marketing year, is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1975, results in a national marketing quota for the 1975–76 marketing year of 21.5 million pounds.

In accordance with section 313(g) of the Act, the 1975 national marketing quota, divided by the 1970–74, 5-year national average yield of 1,788 pounds per acre, results in a 1975 national acreage allotment of 12,024.61 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.100 is determined by dividing the national acreage allotment, less a national reserve of 41.00 acres, by the total of the 1975 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

VIRGINIA SUN-CURED TOBACCO

The yearly average quantity of Virginia sun-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the ten marketing years preceding the 1974–75 marketing year was about 1,150 thousand pounds, and the average annual quantity produced in the United States and exported during the same period was 275 thousand pounds (farm-sales weight basis). While there has been a downward trend in exports and domestic use during the base period, total disappearance has exceeded production during 8 years of the 10-year period. Farms are producing only about 42 percent of the allotted acreage and disappearance has declined because of inadequate supplies. With this in mind, 1,350 thousand pounds has been used as a normal year's domestic consumption and 250 thousand pounds as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 4,332 thousand pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured tobacco held on October 1, 1974, as 2,974 thousand pounds. The 1974 Virginia sun-cured tobacco crop is estimated to be 918 thousand pounds. Therefore, the total supply of Virginia sun-cured tobacco for the 1974–75 marketing year is 3,892 thousand pounds. During the 1974–75 marketing year, it is estimated that disappearance will total about 1,100 thousand pounds. By deducting this disappearance from the total supply, a carryover of 2,792 thousand pounds for the 1975–76 marketing year, is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1975 results in a computed national marketing quota for the 1974–75 marketing year of 1,540 thousand pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 1,848 thousand pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 1,848 thousand pounds.

In accordance with section 313(g) of the Act, the 1974 national marketing quota, divided by the 1970–74, 5-year national average yield of 1,196 pounds per acre, results in a 1975 national acreage allotment of 1,545.15 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 14.50 acres, by the total of the 1975 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

CIGAR-BINDER (TYPES 51 & 52) TOBACCO

The yearly average quantity of cigar-binder (types 51 & 52) tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1974–75 marketing year was about 4.0 million pounds. The average annual quantity of cigar-binder tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1974–75 marketing year was .9 million pounds (farm-sales weight basis). Since farmers are producing only about 27 percent of the allotted acreage and since use is being controlled by the short supply, average domestic consumption has been used as a normal year's domestic consumption and average exports as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 13.1 million pounds. Manufacturers and dealers reported stocks of cigar-binder tobacco held on October 1, 1974, as 7.0 million pounds. The 1974 cigar-binder crop is estimated to be 2.5 million pounds. Therefore, the total supply of cigar-binder tobacco for the 1974–75 marketing year is 9.5 million pounds. During the 1974–75 marketing year, it is estimated that disappearance will total about 3.2 million pounds. By deducting the estimated disappearance during the 1974–75 marketing year from the total supply, a carryover of 6.3 million pounds at the beginning of the 1975–76 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1975, results in a computed national marketing quota for the 1975–76 marketing year of 6.8 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 8.2 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 8.2 million pounds.

In accordance with section 313(g) of the Act, the 1974 national marketing quota of 8.2 million pounds, divided by the 1970–74, 5-year national average yield of 1,712 pounds per acre, results in a 1975 national acreage allotment of 4,789.72 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of .950 is determined by dividing the national acreage allotment, less a national reserve of 47.89 acres, by the total of the 1975 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national allotment, less reserve, to old farms.

CIGAR-FILLER AND BINDER TOBACCO

The yearly average quantity of cigar-filler and binder tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1974–75 marketing year was about 24.2 million pounds. The average annual quantity of cigar-filler and binder tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1974–75 marketing year was 0.2 million pounds (farm-sales weight basis). Following reasonable marketing trends, a normal year's domestic consumption has been set at 24.7 million pounds and a normal year's exports at 0.2 million pounds. Application of the formula prescribed by the Act, results in a reserve supply level of 71.6 million pounds.

Manufacturers and dealers reported stocks of cigar-filler and binder tobacco held on October 1, 1974, as 41.7 million pounds. The 1974 cigar-filler and binder crop is estimated to be 20.9 million pounds. Therefore, the total supply of cigar-filler and binder tobacco for the 1974–75 marketing year is 62.6 million pounds. During the 1974–75 marketing year, it is estimated that disappearance will total about 24.8 million pounds. By deducting this disappearance from the total supply, a carryover of 37.8 million pounds at the beginning of the 1975–76 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1975, results in national marketing quota for the 1975–76 marketing year of 33.8 million pounds.

In accordance with section 313(g) of the Act, the 1975 national marketing quota of 33.8 million pounds, divided by the 1970–74, 5-year national average yield of 1,895 pounds per acre, results in the 1975 national acreage allotment of 17,836.41 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 62.00 acres, by the total of the 1975 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

Part 724 is amended by revising Subpart—Proclamations, determinations, and announcements of national marketing quotas and referendum results, as follows:

PROCLAMATION OF QUOTAS

Sec.
724.6 Cigar-binder (types 51 and 52)—1975–76, 1976–77, and 1977–78 marketing years.
724.7 Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) 1975–76, 1976–77, 1977–78 marketing years.

DETERMINATIONS AND ANNOUNCEMENTS—1975–76 MARKETING YEARS

724.12 Fire-cured (type 21) tobacco.
724.13 Fire-cured (types 22–24) tobacco.
724.14 Dark air-cured tobacco.
724.15 Virginia sun-cured tobacco.
724.16 Cigar-binder (types 51 and 52) tobacco.
724.17 Cigar-filler and binder (type 42, 43, 44, 53, 54, and 55) tobacco.

AUTHORITY: The provisions of this subpart are issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

PROCLAMATION OF QUOTAS

§ 724.6 Cigar binder tobacco (types 51 and 52)—1975–76, 1976–77, and 1977–78 marketing years.

Since the 1974–75 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for cigar-binder tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1975, October 1, 1976, and October 1, 1977, is hereby proclaimed.

§ 724.7 Cigar-filler and binder tobacco (types 42, 43, 44, 53, 54, and 55)—1975–76, 1976–77, and 1977–78 marketing years.

Since the 1974–75 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for cigar-filler and binder tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1975, October 1, 1976, and October 1, 1977 is hereby proclaimed.

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DETERMINATIONS AND ANNOUNCEMENTS—1975–76 MARKETING YEAR

§ 724.12 Fire-Cured (type 21) tobacco.[1]

(a) *Reserve supply level.*[1] The reserve supply level for fire-cured (type 21) tobacco is 17.2 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 2.8 million pounds and a normal year's exports of 5.3 million pounds.

(b) *Total supply.*[1] The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1974, is 13.1 million pounds, calculated in accordance with the Act, from a carryover of 7.1 million pounds and estimated 1974 production of 6.0 million pounds.

(c) *Carryover.*[1] The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1974, is 7.2 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1975, of 5.9 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1975, a supply equal to the reserve supply level of such tobacco is 10.0 million pounds, and a national marketing quota of such amount is hereby announced. It is determined however, that a national marketing quota in the amount of 10.0 million pounds would result in undue restriction of marketings during the 1975–76 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1975 is 12.0 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1975–76 marketing year by the 5-year 1970–74 national average yield of 1,157 pounds is 10,371.65 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is 1.0. It was calculated in accordance with the Act by dividing the national acreage the total of the preliminary allotments for 1975 old farms.

(g) *National reserve.* The national acreage reserve is 90.00 acres, of which 15.00 acres are made available for 1975 new farms, and 75.00 acres are made available for making corrections and adjusting inequities in old farm allotments. allotment, less the national reserve, by

§ 724.13 Fire-cured (types 22–24) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for fire-cured (types 22–24) tobacco is 84.4 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 15.0 million pounds and a normal year's exports of 23.7 million pounds.

(b) *Total supply.*[1] The total supply of fire-cured (types 22–24) tobacco for the marketing year beginning, October 1, 1974, is 73.4 million pounds, calculated in accordance with the Act, from a carryover of 45.1 million pounds and estimated 1974 production of 28.3 million pounds.

(c) *Carryover.*[1] The estimated carryover of fire-cured tobacco (types 22–24) for the marketing year beginning October 1, 1975, is 35.2 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1974, of 38.2 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of fire-cured (types 22–24) tobacco which will make available during the marketing year beginning October 1, 1975, a supply equal to the reserve supply level of such tobacco is 49.2 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 49.2 million pounds would result in undue restriction of marketings during the 1975–76 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22–24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1975, is 59.0 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1975–76 marketing year by the 5-year 1970–74 national average yield of 1,784 pounds is 33,071.75 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1975–76 marketing year is 1.125. It was calculated in accordance with the Act by dividing the national acreage allotment, less the national reserve, by the total of the preliminary allotments for 1975 old farms.

(g) *National reserve.* The national acreage reserve is 223.00 acres, of which 10.00 acres are made available for 1975 new farms and 213.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.14 Dark air-cured tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for dark air-cured tobacco is 51.9 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 16.4 million pounds and a normal year's exports of 2.6 million pounds.

(b) *Total supply.*[1] The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1974, is 49.0 million pounds calculated in accordance with the Act, from a carryover of 36.9 million pounds and estimated 1974 production of 12.1 million pounds.

(c) *Carryover.*[1] The estimated carryover of dark air-cured tobacco for the marketing year beginning October 1, 1975, is 30.4 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1974, of 18.6 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1975, a supply equal to the reserve supply level of such tobacco is 21.5 million pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1975–76 marketing year by the 5-year, 1970–74, national average yield of 1,788 pounds, is 12,024.61 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1975–76 marketing year is 1.100. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the preliminary allotments for 1975 old farms.

(g) *National reserve.* The national acreage reserve is 41.00 acres, of which 5.00 acres are made available for 1975 new farms, and 36.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.15 Virginia sun-cured tobacco.

(a) *Reserve supply level.*[2] The reserve supply level for Virginia sun-cured tobacco is 4,332 thousand pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 1,350 thousand pounds and a normal year's export of 250 thousand pounds.

(b) *Total supply.*[2] The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1974, calculated in accordance with the Act, is 3,892 thousand pounds, consisting of carryover of 2,974 thousand pounds and estimated 1974 production of 918 thousand pounds.

(c) *Carryover.*[2] The estimated carryover of Virginia sun-cured tobacco for the marketing year beginning October 1, 1975, is 2,792 thousand pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1974, of 1,100 thousand pounds from the total supply of such tobacco.

(d) *National marketing quota.*[2] The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1,

[1] Rounded to the nearest tenth of a million.

[1] Rounded to the nearest tenth of a million.

[1] Rounded to the nearest tenth of a million.
[2] Rounded to the nearest thousand pounds.

1975, a supply equal to the reserve supply level of such tobacco is 1,540 thousand pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 1,540 thousand pounds would result in undue restriction of marketings during the 1975–76 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1975, is 1,848 thousand pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1975–76 marketing year by the 5-year, 1970–74, national average yield of 1,196 pounds, is 1,545.15 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1975–76 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the preliminary allotments for 1975 old farms.

(g) *National reserve.* The national acreage reserve is 14.50 acres, of which 5.00 acres are made available for 1975 new farms, and 9.50 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.16 Cigar-binder (type 51 and 52) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for cigar-binder (types 51 & 52) tobacco is 13.1 million pounds calculated as provided by the Act, from a normal year's domestic consumption of 4.0 million pounds and a normal year's exports of .9 million pounds.

(b) *Total supply.*[1] The total supply of cigar-binder (types 51 & 52) tobacco for the marketing year beginning October 1, 1974, is 9.5 million pounds, calculated in accordance with the Act from a carryover of 7.0 million pounds and estimated 1974 production of 2.5 million pounds.

(c) *Carryover.*[1] The estimated carryover of cigar-binder (types 51 & 52) tobacco for the marketing year beginning October 1, 1975, is 6.3 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1974, of 3.2 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of cigar-binder (types 51 & 52) tobacco which will make available during the marketing year beginning October 1, 1975, a supply equal to the reserve supply level of such tobacco is 6.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 6.8 million pounds would result in undue restrictions of marketings during the 1975–76 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-binder (type 51 & 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1975, is 8.2 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1975–76 marketing year by the 5-year, 1970–74 national average yield of 1,712 pounds is 4,789.72 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1975–76 marketing year is 0.950. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the preliminary allotments for the 1975 old farms.

(g) *National reserve.* The national acreage reserve is 47.89 acres all of which are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.17 Cigar-filler and binder (types 42–44, 53–55) tobacco.

(a) *Reserve supply level.*[1] The reserve supply level for cigar-filler and binder (types 42–44, 53–55) tobacco is 71.6 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 24.7 million pounds and a normal year's exports of 0.2 million pounds.

(b) *Total supply.*[1] The total supply of cigar-filler and binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1974, is 62.6 million pounds calculated in accordance with the Act, from a carryover of 41.7 million pounds and estimated 1974 production of 20.9 million pounds.

(c) *Carryover.*[1] The estimated carryover of cigar-filler and binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1975, is 37.8 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1974, of 24.8 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of cigar-filler and binder (types 42–44, 53–55) tobacco which will be made available during the marketing year beginning October 1, 1975, a supply equal to the reserve supply level of such tobacco is 33.8 million pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1975–76 marketing year by the 5-year, 1970–74 national average yield of 1,895 pounds, is 17,836.41 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1975–76 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve by the total of the preliminary allotments for 1975 old farms.

(g) *National reserve.* The national acreage reserve is 62.00 acres, of which 50.00 acres are made available for 1975 new farms, and 12.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

Effective date: February 3, 1975.

Signed at Washington, D.C. on January 30, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-3113 Filed 2-3-75;8:45 am]

[1] Rounded to the nearest tenth of a million.

[1] Rounded to the nearest tenth of a million.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment—Department of Defense Allocations; Cancellation of Public Hearing

On January 9, 1975, the Federal Energy Administration issued an emergency amendment to § 211.26 of Part 211, Chapter II, Title 10, Code of Federal Regulations (40 FR 2692, January 15, 1975). A public hearing on the amendment was scheduled for February 5, 1975.

Only three requests to make oral presentations were received by FEA prior to 4:30 p.m., January 27, 1975, and those requests were subsequently withdrawn. Therefore, FEA hereby gives notice that the public hearing is cancelled.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

JANUARY 31, 1975.

[FR Doc.75-3288 Filed 1-31-75;3:58 pm]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 104—PROCEEDINGS TO SUSPEND OR REVOKE THE PRIVILEGE OF ANY AGENT TO APPEAR BEFORE SBA

Miscellaneous Amendments; Correction

The document published December 30, 1972 (37 FR 28895), amending Part 101 incorrectly contained an amendment purporting to revise § 104.1. This was in error and should have revised § 101.4. The text of § 104.1 is being reinstated to read as follows:

§ 104.1 Rules of procedure.

The Small Business Administrator (referred to in this part as "Administrator" may, in accordance with § 103.-13-4 of this chapter, suspend or revoke the privilege of any agent (called "Respondent" in this part) to appear before SBA. Proceedings for such purpose shall be governed by the rules in this part.

Dated: January 30, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-3225 Filed 2-3-75;8:45 am]

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 13, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 9671), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal aviation regulations that would designate the Selmer, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

SELMER, TENN.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Robert Sibley Airport (latitude 35°12'38" N., longitude 88°30'30" W.); within 3 miles each side of the 334° bearing from Sibley RBN (latitude 35°14'15" N., longitude 88°31'03" W.,), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-3108 Filed 2-3-75;8:45 am]

[Docket No. 13668; Amdt. No. 103-23]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Loading and Carrying Dangerous Articles: Inspection Requirements and Radiation Monitoring

The purpose of these amendments to Part 103 of the Federal Aviation Regulations is to prohibit the carriage of any dangerous article in an aircraft unless the outside container in which that article is packaged has been inspected to determine that, in all outward respects, it complies with the packaging, marking, and labeling requirements of Part 103. In addition to this inspection, these amendments require that, after June 30, 1975, when radioactive materials are to be carried, the exterior surfaces of the package, and, when appropriate, certain parts of the aircraft, be scanned with a radiation monitoring instrument.

These amendments are based on a Notice of Proposed Rule Making (Notice No. 74-18) published in the FEDERAL REGISTER on April 25, 1974 (39 FR 14612). Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all comments received in response to that Notice. Except as discussed hereinafter, these amendments and the reasons therefore are the same as those in Notice 74-18.

More than 65 comments were received in response to Notice 74-18. These range from full support of the proposal to recommendation of revisions to total objection. Several commentators made suggestions that were not within the scope of the Notice, and, accordingly, these comments are not discussed, but will be retained for consideration in future rule making. The most frequent objection was to the requirement that air carriers monitor shipments of hazardous materials and, especially, that they be required to acquire expensive radiation monitoring equipment and have it available at each place where packages containing radioactive materials are loaded or unloaded. The FAA believes, however, that inspection by air carriers to the limited extent required by these amendments is necessary in the interests of safety. This inspection does not require the opening of packages but only the inspection of containers for leaks, holes, dents or other evidence that the packaging is not intact. With respect to the monitoring of radioactive shipments, the FAA realizes that, in order to fulfill the requirements that are adopted by these amendments, persons who transport radioactive materials by air will be required to obtain radiation monitoring equipment and to have it available wherever packages containing such materials are loaded or unloaded aboard their aircraft.

A number of commentators objected to the scanning of the passenger compartment with a radiation monitoring device prior to departure of the aircraft for a variety of reasons. One commentator noted that such scanning would produce unnecessary apprehension in the passengers and might result in aircraft delays. Another, an air carrier, objected to the requirement since it has instituted procedures to check radioactive shipments with radiation monitoring equipment at acceptance, transfer points and destination stations. Others objected to the fact that standards for maximum acceptable radiation levels in the passenger compartment are vague whereas the standards for individual packages are specific and workable. After further consideration in light of these comments, the proposed requirement for a scan of the passenger compartment prior to takeoff of any aircraft carrying radioactive materials has not been adopted. Instead, the regulations, as adopted, require only a scan of each package containing radioactive materials to be loaded aboard the aircraft.

In addition, proposed § 103.23(c)(1) has been revised to clarify the determination to be made prior to placing any package containing radioactive materials in an aircraft. The FAA believes that these measures will be more effective in detecting any possible conditions that might involve radiation levels in excess of those permitted by the regulations than would scanning the passenger compartment as proposed.

The requirements to be complied with in conducting the scanning of any package of radioactive material, and, when required, any cargo compartment in which it has been carried, are set out in a separate paragraph, new paragraph (d) of § 103.23. The radiation levels that are specified in § 103.23(d) for scanning any package bearing a radioactive yellow II label, any package containing a radioactive yellow III label, any package that contains radioactive materials but that does not bear either of these labels, and for scanning a compartment from which a package has been unloaded, are those that are currently prescribed in Title 49 Part 173 and in § 103.23(b).

Several commentators objected to the requirement that was proposed in Notice 74-18 that the compartment in which any package containing radioactive materials is carried be scanned for excessive radiation after removal of the package. These commentators pointed out that even though one package has been removed, the cargo compartment might contain other packages of the material for later delivery. The FAA agrees with these comments, and accordingly, new § 103.23(c)(2) has been changed from what was proposed as new § 103.23(c)(3) in Notice 74-18 to require only that each package of radioactive materials that is removed from the aircraft be scanned in accordance with new § 103.23(d). Only in the event that the level of radiation of the package exceeds those levels specified in paragraph (d) will the aircraft operator be required to empty the compartment of all cargo and conduct the scan of the cargo compartment that was proposed in Notice 74-18.

As proposed in Notice 74-18, the scan required by § 103.23 is required to be performed using a radiation monitoring instrument with an accuracy of plus or minus 20 percent. Accordingly, the measurements that are required to be taken by that section are designed to tolerate a 20 percent deviation. However, deviations in the radiation dose rate that are lower than those indicated on any package will not require any action on the part of the aircraft operator.

The requirement that the operator of the aircraft scan any package that contains radioactive materials with an appropriately sensitive radiation monitoring instrument before acceptance of it for carriage by air becomes effective after June 30, 1975, because the FAA believes that aircraft operators that carry radioactive materials should be given time to acquire the necessary radiation monitoring instruments and to train personnel in their use.

An editorial change has been made to § 103.3(a) to clarify the meaning of the phrase "a facsimile of [the shipper's] signature." Section 103.3(a), as adopted, permits the signature that is required on the shipper certificate to be made by typewriter or other mechanical means.

A phrase, "and the package seal has not been broken," has been added to § 103.4(1) to clarify the fact that the seal on any package containing radioactive materials must be intact in order to assure that the package has not been illicitly opened.

A redundancy has been removed from what was proposed for § 103.4 by the exclusion of paragraph (4) of the proposed section since that paragraph merely reiterated what was said in paragraph (3).

These amendments are issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and sections 105 and 108 of Pub. L. 93-633, as delegated to the Administrator by the Secretary of Transportation (40 FR 2861).

In consideration of the foregoing, and for the reasons stated in Notice 74-18, Part 103 of the Federal Aviation Regulations is amended, effective March 7, 1975, as follows:

1. By amending § 103.3 by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 103.3 Certification requirements.

(a) No person may offer any dangerous article for shipment in an aircraft unless there is accompanying the shipment a clear and visible statement that the shipment complies with the content, quantity, packaging, marking, and labeling requirements of this part. The shipper's statement shall include a statement of whether the shipment is eligible under this part for shipment in passenger-carrying aircraft. The shipper or his authorized agent shall sign the statement manually, or by typewriter or other mechanical means.

* * * * *

(d) No person may accept any dangerous article for shipment in an aircraft unless—

(1) It is accompanied by the statement required by paragraph (a) of this section;

(2) The inspection required by § 103.4 discloses that the packaging, marking, and labeling of the hazardous material is in compliance with this Part; and

(3) After June 30, 1975, for radioactive materials, the inspection required by § 103.23(c) discloses that the radiation dose rate does not exceed any requirement set forth in § 103.23(d).

2. By adding a new § 103.4 to read as follows:

§ 103.4 Inspection requirements.

(a) No person may carry any dangerous article in an aircraft unless, prior to placing the article in the aircraft, the operator of the aircraft has inspected the outside container in which that article is packaged and has determined that—

(1) The container has no dents, holes, leakage or other indication that the integrity of the packaging has been compromised and, for radioactive materials, that the package seal has not been broken;

(2) The labeling and marking of the container complies with the requirements of this part; and

(3) The dangerous article is authorized, and is within the quantity limitations specified, by this part for carriage aboard the aircraft.

3. By adding new paragraphs (c) and (d) to § 103.23 to read as follows:

§ 103.23 Special requirements for radioactive materials.

* * * * *

(c) In addition to the inspection required by § 103.4, after June 30, 1975, the operator of the aircraft shall—

(1) Before placing any package of radioactive materials in an aircraft, scan it in accordance with paragraph (d) of this section.

(2) After the removal of any package containing radioactive materials from an aircraft and before the next departure of the aircraft—

(i) Examine the package visually for any evidence of leakage, and scan it in accordance with paragraph (d) of this section; and

(ii) When the examination or the scanning required by subparagraph (2)(i) of this paragraph discloses any leakage or indicates that the level of radiation exceeds any of the levels specified in subparagraph (2) of paragraph (d) of this section, immediately empty the compartment from which the package was unloaded and scan the compartment in accordance with paragraph (d) of this section.

(d) In conducting the scanning required by paragraph (c) of this section, the operator shall—

(1) Use a radiation monitoring instrument that is accurate to plus or minus 20 percent;

(2) When scanning a package, scan each exterior surface of the package to determine whether the level of radiation being emitted exceeds any of the following:

(i) Any level of radiation specified for the package in any shipper's statement required by § 103.3 or 49 CFR Part 173.

(ii) Any level of radiation indicated by any label or marking on the package.

(iii) A transport index of 0.5 for a package bearing a radioactive yellow II label.

(iv) A transport index of 10 for a package bearing a radioactive yellow III label.

(v) A radiation dose rate of zero millirem per hour at 3 feet from all exterior surfaces for a package that does not bear a radioactive yellow II or a radioactive yellow III label.

(3) When scanning a compartment from which the package has been unloaded, scan the compartment to determine the following:

(i) Whether there has been any spillage of radioactive material.

(ii) Whether the radiation dose rate at any surface of the compartment exceeds 0.5 millirem per hour.

(e) No person may operate any aircraft when a scanning in accordance with paragraph (d)(3) of this section indicates any spillage of radioactive materials or a dose rate of 0.5 millirem or more per hour until —

(1) There is no significant removable radioactive surface contamination; and

(2) A new scanning indicates a dose rate of less than 0.5 millirem per hour.

4. By amending § 103.25 to read as follows:

§ 103.25 Notification of pilot in command.

(a) Whenever articles subject to the provisions of this Part are carried in an aircraft, the operator of the aircraft shall include in the cargo load manifest, and in a written notice given to the pilot in command before takeoff, the following information:

(1) The shipping name and the classification of each dangerous article as prescribed in 49 CFR 172.5.

(2) The quantity in terms of weight, volume, or as otherwise appropriate.

(3) The location of the dangerous articles in the aircraft.

(4) The results of the inspections required by § 103.23.

Issued in Washington, D.C., on January 28, 1975.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.75-3155 Filed 2-3-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-896; Amdt. 36]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Miscellaneous Amendments

Correction

In FR Doc. 75-2028 appearing at page 3578 in the issue for Thursday, January 23, 1975, the following corrections should be made:

(1) At page 3579, third column, footnote 6, the date appearing in the second line should read "22" instead of "2"; and

(2) At page 3584, third column, the table appearing in § 288.10(b) should appear as follows:

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Between	And									
	Thailand	South Vietnam	Philippine Islands	Guam	Korea	Hawaii	Formosa	Okinawa	Japan	Alaska
U.S. west coast [1]	4 or 6	4 or 6	4 or 6	5	[2] 4 or 8	1	[2] 4 or 8	[2] 4 or 8	[2] 2 or 5	1
Alaska	3	3	3		3		3	3	1	
Japan	1	1	1	1	1	[2] 1	1	1		
Okinawa	1	1	1	1	1	[2] 3	1			
Formosa	1	1	1	1	1	[2] 3				
Hawaii	7	7	7	1	[2] 3					
Korea	9	9	1	1						
Guam	1	1	1							
Philippine Islands	1	1								
South Vietnam	1									

[1] Any place in the States of California, Oregon or Washington.
[2] Honolulu-Yokota AB, Japan either direct or via Guam as specified in the MAC contract.

ROUTINGS

1. Direct.
2. Via Anchorage.
3. Via Yokota AB, Japan.
4. Via Anchorage-Yokota AB, Japan.
5. Via Honolulu.
6. Via Honolulu-Guam.
7. Via Guam.
8. Via Honolulu-Yokota AB, Japan.
9. Via Taipei.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. RM75-3; Order No. 520-A]

PART 32—INTERCONNECTION OF FACILITIES; EMERGENCIES; TRANSMISSION TO FOREIGN COUNTRY

Denial of Applications for Rehearing and Reconsideration

JANUARY 27, 1975.

The Commission, on November 29, 1974, issued its Order No. 520, 39 FR 42903, amending part 32 of the Commission's regulations under the Federal Power Act by establishing new §§ 32.60 through 32.62. The new regulations govern the filing of applications for emergency authorizations pursuant to section 202(c) of the Act.[1] No prior regulations had been issued before by the Commission to implement the statutory authority under that section of the Act. Section 32.60 provides guidance as to the general applicability of section 202(c). Section 32.61 provides regulations governing the filing by electric utilities of all applications for the Commission's "emergency" authorizations. Section 32.62 provides regulations governing the filing of applications for "emergency" orders specifically based upon claimed inadequate supplies of fuel (including coal, petroleum, natural gas and nuclear fuel) for electric generating plants or an inadequate supply of energy for system needs from any source (including hydro).

Five pleadings have been filed, variously entitled as "Applications for Rehearing" and for "Reconsideration" of Order No. 520, by Congressman Harrington of Massachusetts (Congressman Harrington), Richmond Power & Light of Richmond, Indiana (Richmond), the Iowa State Commerce Commission (Iowa), the Public Service Commission of the State of New York (New York), and Southern California Edison Company (Edison). All except Iowa's pleading, which was filed on January 2, 1975, were timely filed. Iowa's "Motion for Clarification and/or Reconsideration", therefore, may not properly be treated as an "Application for Rehearing" pursuant to section 1.34(a) of our rules of practice and procedure. It will, however, be considered as a motion for reconsideration. Tennessee Valley Authority (TVA), although it did not file an application for rehearing, by letter of its General Counsel to this Commission's then Acting General Counsel, dated December 23, 1974, communicated its views on Order No. 520 and the new regulations, insofar as they relate to TVA.

In issuing these regulations, it was our intention to promulgate regulations governing the criteria and standards under which the Commission could make the necessary and appropriate findings as the basis for declaring an "emergency" to exist under section 202(c), indicate the type of action or actions that may be taken by the Commission, and set forth the ratemaking principles that will be applied, subject, however, to further findings of fact and the applicability of those criteria, standards and ratemaking principles in individual cases. For these purposes, we duly issued and published notice, on August 26, 1974, 39 FR 31654, of the commencement of the proceeding and of the proposed new regulations. Opportunity for interested persons to comment upon the proposed regulations was provided and over 70 comments were received and considered (footnote 1, Order No. 520).

In our discussion of ratemaking principles in Order No. 520, we indicated that the hearing which section 202(c) contemplates has been provided by this rulemaking proceeding. This, of course, does not take the place of any necessary hearings required to determine any factual issues involving the applicability of these new regulations in particular cases. But, we do not anticipate that hereafter we should countenance substantive challenges to these criteria, standards and ratemaking principles. Accordingly, it is appropriate to treat the four timely filed petitions and applications as having been filed pursuant to section 1.34 of the Commission's rules of practice and procedure and section 313(a) of the Act.[2]

Congressman Harrington's application cites the fact that in our order we disagreed with his contention that the definition of an "emergency" under section 202(c) "should be broad enough to encompass the kind of severe economic dislocations" now facing the Nation. Particularly, he emphasizes a national policy "to end our dependence on the oil cartel." We said in Order No. 520, that while we did not reject these goals, we could not agree that such national policy objectives alone trigger issuance of section 202(c) emergency orders.

Moreover, in Order No. 520, we intended to confine our actions as closely as possible to the statutory list of causes for a finding of an "emergency" that does not include the "severe economic dislocations", although we recognize that they may contribute to the principal causes of any specific emergency for which an application may be filed. What section 202(c) authorizes is temporary interconnections, generation and transmission of bulk power and energy to forestall imminent threats to the reliability of service, *not* actions designed to meet such long-range national goals. As we said in Order No. 520 (footnote [1]), the Commission has been implementing such broad national economic goals in other programs and proceedings.

Both Congressman Harrington and Richmond have restated essentially the same position in advancing arguments with respect to the market structure and operations of the bulk power industry. They advanced similar positions and contentions in the "Coal-by-Wire" proceeding in Docket No. RM74-22 *et al.*, that are now pending on applications for rehearing of the Commission's order issued August 26, 1974, 39 FR 32060. That order denied their position. These parties ask the Commission to establish area-wide inter-regional rates and rate schedules for temporary, emergency transmission service. In effect, they contend that the present industry structure should be changed from its present basis in which each transmitting company buys and sells in succession, as the power and energy moves from the generator-supplier across intervening systems to a remote "emergency" applicant.

Congressman Harrington recommends that the Commission should establish policies which permit these utilities (generator-supplier and emergency applicant) to "deal with each other directly" without the necessity of dealing with each intervening utility and possibly resulting in a "substantial, and

[1] Section 202 (c), 49 Stat. 849; 16 U.S.C. 824a(c).

[2] Section 313(a), 49 Stat. 860; 72 Stat. 947; 16 U.S.C. 825 l (a); Pacific Gas and Electric Co. v. F.P., —— F.2d —— (CADC No. 73-1358); decided June 26, 1974, slip op. pp. 11-12.

undeserved profit" to such intervening utilities. Richmond's arguments center upon the common theme of its lack of "accessibility" to transmission at reasonable rates and terms, as constituting a "roadblock to speedy Commission action and expeditious self-help" by the parties in an emergency.

Without in any sense reconsidering in this proceeding the position and contentions of Congressman Harrington and Richmond now pending before us in the other proceeding (Docket No. RM74-22 et al.) and without prejudice to those positions and contentions, we find that it is sufficient for the purpose of this proceeding to conclude, as we do, that these recommendations for changing the basic structure and operations of the bulk power industry are beyond the appropriate scope of this proceeding. Our notice of rulemaking issued August 26, 1974, and published in this proceeding, 39 FR 31654, August 30, 1974, contains no reference to any proposal to restructure the industry. Furthermore, we cannot agree with these two parties that to legislate such restructuring of the industry in this proceeding that is aimed at expeditiously issuing regulations needed to govern emergency orders and encourage emergency transfers on a voluntary basis, would lead to the "expeditious self-help" referred to by Richmond. Indeed, it is essential in view of the fuel and energy problems now facing the industry, described in the August 26 notice, supra, and touched briefly in Order No. 520, that these regulations be issued and made completely effective without delay. These recommendations and contentions, therefore, are denied.

Richmond raises a question that indicates the need for clarification of Order No. 520. In contending that an "exorbitant" fuel price should be treated as a proper predicate for an emergency order, Richmond incorrectly complains of the Commission's emphasis on fuel shortages and asserts that the regulation "speaks only in terms of fuel" as the sole criterion of relief under 202(c). In this respect, it has overlooked the fact that the new regulations, particularly §§ 32.60 and 32.61, as stated above (mimeo. p. 1), apply to all of the statutory causes justifying issuance of emergency orders. These statutory causes are listed in Order No. 520. The issuance of specific requirements for fuel and energy shortages does not, per se, de-emphasize the importance of the other statutory causes.

Richmond's application for rehearing also contends, in effect, that in order to avoid the burden of building its own transmission facilities when faced with "uneconomic transmission charges" of an adjacent utility, the regulations should provide for emergency orders under section 202(c) directing that adjacent utility to transmit at lower rates the power and energy that Richmond may be able to sell to or purchase from a third utility. A situation based solely on a claim of "exorbitant" transmission charges cannot constitute one of the statutory causes. Section 202(c) lists shortages of transmission facilities—not the level of the rates charged therefor. This contention is similar to Richmond's position in its comments filed October 23, 1974, in which it sought to treat "exorbitant" fuel charges as the basis for a section 202(c) order. In Order No. 520, we fully considered and disagreed with Richmond's "exorbitant" fuel charges contentions. At this time we see no need for regulations more detailed than those in §§ 32.60 and 32.61 to cover any temporary emergency interconnections needed to cope with shortages of generating and transmission facilities. We will, therefore, continue to handle them on an ad hoc basis.

Richmond contends that the regulations governing rates and charges (§ 32.62 E) should include more specific requirements with respect to transmission losses and any benefits to the transmitting systems. It also complains that a rate component to reflect the "imprudence" of the applicant for an emergency order, insofar as it may be shown that he could have eliminated or alleviated the emergency conditions, constitutes a "penalty price" for the emergency service. Richmond contends that such penalty will not benefit the ultimate consumers of the inefficient utility and such rate component will tend to "inhibit the likelihood of transactions" between the parties. Richmond objects to the "share-the-savings" rate form (§ 32.62 E(3)), inter alia, contending that there is likely to be no incentive for a seller to transact under this formula since its incremental costs are likely to be higher than the buyer's past incremental costs. Richmond also complains that the rate regulations should not include any cost component for environmental degradation.

We have considered and disagree with Richmond's rate recommendations to the effect that the regulations should include more specific requirements with respect to transmission losses and any benefits to the transmitting systems. We have provided for the reflection of "transmission network losses," under both the Fully Allocated Cost method (§ 32.62 E (1)(d)) and the Incremental Cost Plus Additional Compensation method (§ 32.62 E(2)(b)). Inclusion of these costs will be allowed when and to the extent such transmission losses are found to be incurred. In view of the complex nature of transmission networks and the numerous and varying factors involved, as we found and discussed in our August 26 order in RM74-22, the transmission losses and benefits likely will vary among the transmitting systems. Such losses and benefits, therefore, will be considered on an ad hoc basis. Moreover, we gave adequate consideration in Order No. 520 to the reflection of environmental costs and disagree with Richmond's position on this cost component.

As we have discussed more fully with respect to Iowa's and Edison's recommendations, infra, the "imprudence" factor must be related to proper costing methods and allowances, and shall not be permitted to justify excess profits. With respect to the share-the-savings rate form, Richmond's objection implies that in a given case the Commission might prescribe that rate form even though the facts clearly indicated that the Seller's incremental costs exceed the Buyer's "avoided costs of fuel" just before the shortage. We cannot agree with that generalized assumption because the determination of which rate form would be utilized in any Commission section 202(c) rate order would depend upon all of the facts on a case-by-case basis (§ 32.62 E(2)).

Iowa's application proceeds on the basis of several misinterpretations of Order No. 520's language and of the new regulations and concludes that "if it is the purpose of Order No. 520 to permit profits in excess of a fair return on the supplier-transmitters' total state and federal operations," in effect, these ratemaking principles are not "just and reasonable" and, therefore, are unlawful.

We shall assume, although it does not so specify, that Iowa's contentions are addressed to the rates and charges for services which factually are agreed to be characterized as "nonfirm" or "off-peak" with no attributes of "firm" service. For such "non-firm" service the new regulations (§ 32.62 E (2) and (3)) provide that the "incremental costs plus additional compensation" or "share-the-savings" principles shall be utilized. Iowa appears to be misled by our recitation of the contentions of numerous parties that the additional compensation should create an "incentive" encouraging the requested supplier-transmitter voluntarily to sell and deliver the requested emergency power and energy. Based upon this apparent misunderstanding, Iowa contends that the order approves additional compensation over and above allocable costs, including inter alia:

(i) Compensation for revenue reductions occasioned by any reduction in services to the supplier's own customers which would otherwise be applied to cover the supplier's costs associated with the services foregone (§ 32.62 E(2)(c)(ii), p. 37); and

(ii) Rates equal to the supplier's incremental generation costs, plus one-half of the difference between the costs to the purchaser and the purchaser's decremental costs (§ 32.62 E(3), p. 38).

Iowa has overlooked the capstone requirement which limits the total charge for non-firm service to an amount not exceeding fully allocated costs. Therefore, even if "additional compensation" over and above incremental costs may be warranted, as provided for in § 32.61 E (2)(c), the sum of these payments may not exceed fully allocated costs of the supplying and transmitting systems. This fully allocated cost limitation is equally applicable to the optional costing method in the case of non-firm service in which the "share-the-savings" approach is utilized (§ 32.62 E(3)).

Moreover, Iowa's argument is misplaced with reference to the allowance for "revenue reductions" (§ 32.62 E(2)

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(c)(ii)), where the supplier's services to its own existing customers are reduced in order to make the emergency service to an applicant possible.[4] Iowa proceeds from the unfounded assumption that such compensation for revenue reductions would result in such a supplier receiving profits in excess of a fair return on its total state and Federal operations.

The intention of our regulations is that where any revenue is foregone, leaving certain costs unrecoverable, due to any ordered reduction in service to the supplier's own customers, such costs would be recovered by the emergency supplier, with the limitation that the total charge for non-firm service shall not exceed fully allocated costs. Obviously, retail rate increases granted by a state agency to offset such reduced revenues might be presented to the Commission in determining whether in fact revenue had been foregone and whether "additional compensation" is warranted. Iowa is incorrect in assuming that our ratemaking principles would permit a supplier to be unjustly enriched and allowed to collect profits in excess of a fair return.

Certain basic legal concepts of section 202(c), as set forth in Order No. 520, warrant repetition since they constitute the background of the answers to concerns set forth in the applications for rehearing, filed by New York and Edison, as well as the letter of December 23, 1974, upon behalf of the TVA. Collectively, these documents now before us point to the fact that the electric operations of a federally owned electric utility system such as TVA may be subject to other Federal statutory provisions or to state requirements. The TVA comments are framed in terms of asserted Federal legal limitations as to whom and geographically where the Tennessee Valley Authority may provide electric service.[4] Initial comments were filed by Illinois Commerce Commission that were stated in terms of state requirements affecting electric utility services or fuel uses within a state in opposition to the use thereof for electric services in other states (Order No. 520, footnote 11; infra, p. 12).

In dealing with emergency power supply arrangements, the subject matter of this proceeding, valid Federal requirements are recognized by the Commission. Order No. 520 expressly so states in connection with war emergencies (Order, p. 3, footnote 3). To the extent that other valid Federal requirements may apply in the non-war emergency circumstances listed in section 202(c) of the Federal Power Act, they are to be similarly recognized. We anticipate that any federally owned or federally financed electric utility system which may be affected by a Commission order or proceeding pursuant to section 202(c) of the Federal Power Act, will direct the Commission's attention, at the time of such proceeding, to what it may regard as the specific legal limitations in the light of the particular emergency relief which may be sought from the Commission. Absent specific facts of an "emergency", as defined in section 202(c) of the Federal Power Act, it is not possible to apply every Federal statute or executive order in the abstract and to conclude that in no conceivable circumstance could a federally owned or financed electric utility system be called upon by the Commission to assist in helping to meet emergency conditions. And the converse is equally clear, as recognized by TVA's letter of December 23, 1974, which indicates that federally owned or financed systems may find themselves the requesting recipients of Commission directed emergency services.

Section 202(c), as pointed out in Order No. 520, requires us to exercise Congressionally delegated responsibilities to act in the interests of public health, welfare and safety considerations (p. 5, footnote 4):

> • • • This is a temporary power designed to avoid a repetition of the conditions during the last war, when a serious power shortage arose. Drought and other natural emergencies have created similar crises in certain sections of the country; such conditions should find a Federal agency ready to do all that can be done in order to prevent a break-down in electric supply.

This section of the Federal Power Act is not a substitute or surrogate for general economic regulatory procedure, as prescribed in section 201 of the Federal Power Act, (16 U.S.C. 824).[5] It is recognized that federally owned or financed electric utilities are not subject to Commission regulation as "public utilities". The Commission is not here exercising its general authority under section 201, but rather its emergency authority of section 202(c) of the Federal Power Act. Accordingly, the Commission finds it not appropriate to seek to exempt federally owned or financed electric systems from the reach of section 202(c).

In respect to state legal requirements, Order No. 520 interprets section 202(c), (p. 5) "• • • as a grant of Federal authority—pre-emptive of established divisions of Federal and state regulatory authority • • • to meet emergency conditions • • •", but warranting Federal Power Commission consideration of such requirements, including fuel requirements, in the context of the exercise of section 202(c) authority. Order No. 520 states (p. 12):

> Nor do we agree with some of the comments that our authority under section 202(c) is jurisdictionally restricted by state statutes or the application of state agency regulations, which require utilities therein to acquire and maintain adequate fuel inventories.[11] While we do not accept such state requirements as limiting our basic jurisdiction pursuant to section 202(c), we do consider such state responsibilities and requirements to be important factors for consideration by us in determining whether an "emergency" exists and which might warrant an order of the Commission requiring such utilities to share their inventories and capacities in a manner not otherwise authorized under state standards.

New York's petition appropriately suggests that state regulatory commissions be included as additional addressees in the requirement that copies of applications for emergency orders be served upon the potential supplier-transmitters. We shall provide for amending § 32.61 (i), (j) as New York requests, and also shall provide for service of copies of reports to the Commission (subsection (k)) upon state commissions and the regional reliability council.

New York also comments that it believes that Order No. 520 does not give sufficient recognition to New York's comments filed October 23, 1974, in which it suggested that a Nation-wide policy on utility fuel inventories should be established to assure a more equitable achievement of the Federal Energy Administration's fuel allocation program. It urges that unless prudent and uniform storage levels are developed and enforced, the Commission's regulations may unjustly result in transferring fuel deliveries from a utility which has reserved additional storage for emergencies to another utility which has refused to accept the burden of acquiring such additional storage facilities and inventories. We refer to our discussion infra of Edison's similar contentions (mimeo. p. 14) and to our conclusion that such

[3] Iowa ignores the fact that the Commission indicated that "it contemplates that emergency power or energy transfers desirably should not result in the dropping of loads of ultimate consumers of the supplying utility systems" (§ 32.62 D).

[4] A somewhat similar reference was made in a number of the initial comments relative to other federally owned hydroelectric systems or federally financed rural electric cooperatively owned systems, but no applications for rehearing of Order No. 520 were filed by such parties to this proceeding.

[5] Indeed it is significant that the emergency power of section 202(c) is in terms authorizing the Commission to "require by order • • • such *generation*, delivery, interchange, or *transmission* of electric energy as in its *judgment will best meet* the *emergency* and serve the public interest", whereas section 202(b) authorizes orders directed to "public utilities". Moreover, brief reference to other sections of Part II of the Act shows the distinction intended in the case of emergency orders directing operations, as contrasted with normal orders directing "public utilities'" operations. Section 201(b) excludes jurisdiction over generation and intrastate transmission. The specific reference to these operations in section 202(c) shows the inapplicability of the exclusionary clauses of section 201, not only as to generation and transmission facilities, but also as to the limitations of the term "public utility" in section 201(e) and the exclusion of governmental agencies under section 201(f).

[11] Illinois Commerce Commission states that its basic premise is that Illinois utilities should not export electricity outside the State unless and until the Illinois requirements are assured. Southern California Edison Company contends that the Act does not authorize the Commission to require a utility, in effect, to reduce its service or to render "inadequate service" in order to protect customers of another utility which has not met its service obligations, in the absence of a "national emergency" such as war, etc., quoting the provisions of 202(c).

prudent and uniform fuel storage inventories may not, at least at this time, be prescribed by regulation. Additionally, New York appears not to have perceived the import of certain relevant provisions of the regulations, for it urges that such additional storage and inventory costs be given explicit recognition in pricing formulae.

With respect to pricing formulae, we agree. It was with that thought in mind (urged not only by New York, but other commentators) that we included in the various "incremental-cost" provisions, the phrase "incremental fuel expense (i.e., replacement fuel costs)", in § 32.-62E(2) (a) and (b). In our view also, the provisions for "an allocable portion of investment costs of its respective production plant", should include all investment in additional fuel storage and/or inventory. Section 32.62E(1)(a). Moreover, the adequacy of the applicant's fuel inventory and supply (§ 32.-62C) will be reviewed in considering additional cost components based upon the applicant's "imprudence", if any, in failing to eliminate or to alleviate the emergency conditions (§ 32.62E(2)(c)).

In our August 26 notice of rulemaking, we sought the comments of all interested persons with regard to assisting us in the development of the fuel storage and inventory standards for our "emergency" determinations and the pertinent ratemaking determinations. We also stated that such comment and the data received would be helpful to all governmental economic regulatory authorities in assessing the cost incidence of fuel supply acquisition, retention and utilization, for both state and Federal ratemaking purposes. Although we considered the comments received for the purposes of setting the criteria and standards, we intend to continue our own efforts and to encourage similar actions by other agencies, leading toward an increased and more equitable fuel inventory program throughout the Nation.

Edison's application reasserts its position, which we rejected in Order No. 520, that the Commission's issuance of the new regulations exceeds its statutory authority with respect to the scope of the term "emergency" since it may be applicable to a single utility and is not limited to "national emergencies". Edison presents no new facts or legal principles not considered in Order No. 520 and its arguments continue to assume that the Commission will act in an arbitrarily unreasonable fashion (see footnote 11, Order No. 520 by:

> (i) Granting the application of even an "imprudent" utility management which Edison assumes is shown to have failed to take action to eliminate or alleviate such utility's shortage of fuel or energy; and (Application, B. 1, p. 3)
>
> (ii) Granting an applicant's request for an emergency order as a result of which the applicant would receive a "higher percentage of, or better service" than the customers served by the supplier-transmitter of such service. (Application, C. 2, p. 6).

It is true that Order No. 520 indicates that after considering all of the comments submitted on the subject of fuel inventory and facilities criteria and standards, the Commission concluded that it has the authority to require utilities to share with others their inventories and capacities in a manner not otherwise authorized in normal circumstances under applicable law and regulations.[6]

Contrary to Edison's contentions, the regulations indicate the Commission's intent is that its orders "desirably should not result in dropping of loads of ultimate customers of the supplying systems". Moreover, due to the operational complexities, intricacies and imponderable problems which threaten service interruptions, as discussed herein above, we conclude, as urged by the National Electric Reliability Council (NERC), that "no single system average in terms of days of storage can be applied on a regional or national basis to define an 'emergency'." That is not to say that the regulations authorized the Commission to take unreasonable, inequitable, discriminatory or otherwise unfounded actions in order to protect the ultimate consumers served by such admittedly "imprudent" utility management. The Commission, in more extreme circumstances, nevertheless, is required to protect the public interest and the interests of the ultimate consumer "consistent with the public health, welfare and safety considerations" (section 32.61(e)), even where due to the imprudence of utility management the level of emergency service ordered may not sufficient to save the utility itself harmless from load reductions. It is the consumer's "stake" in the emergency that is of primary concern to the Commission. *Otter Tail Power Co. v. F.P.C.*, 429 F. 2d 232, 236 (CA8, 1970), cert. denied, 401 U.S. 947 (1971).

Edison (Application, B. 2, p. 4) also objects to our stating in Order No. 520 that this proceeding "has provided the 'hearing' required by section 202(c)". We have clarified above (mimeo. P. 2) the meaning of that statement. As restated, we think that Edison's objections to the order are not well taken. Edison's objections to the ratemaking principles in section 32.62 E of the new regulations are adequately answered in our discussions of other applicants' recommendations.

Finally, Edison raises the question whether this Commission is subject to the requirements of Executive Order No. 11821, issued November 27, 1974, relating to Inflation Impact Statements. In a letter addressed to the Office of Management and Budget, dated December 19, 1974, the Chairman of this Commission pointed out that E.O. 11821 is directed to the "executive branch" of Government and to "each Federal department and agency" and recommended that OMB's draft of implementing regulations be revised to expressly exclude the Federal Power Commission and other independent regulatory Commissions.

In our view, the new executive order is not applicable, particularly since the actions of this Commission are subject to existing substantive and procedural statutory requirements under which the economic impact and reasonableness of public utility rates and services are already subject to extensive and intensive cost-based regulation. Inasmuch as our new regulations are intended and presently required for temporary emergency situations, and the ratemaking principles expressed therein are cost-based, they are not inflationary. The additional delay and procedural complexities of another layer of regulation therefore are not justifiable. Accordingly, no Inflation Impact Statement is being issued.

The Commission finds.

(1) The assignments of error and grounds for rehearing and reconsideration set forth in the applications for rehearing filed herein by Congressman Harrington, Richmond, New York and Edison and the motion for reconsideration filed by Iowa, present no new facts or principles of law that were not considered by the Commission when it issued Order No. 520 on November 29, 1974, or which having now been considered warrant any change in or modification of said order, except as provided below.

(2) It is necessary and appropriate and in the public interest in the administration of the provisions of the Federal Power Act, particularly section 202(c) thereof, that § 32.61 (i), (j) and (k) of the Commission's regulations under the Federal Power Act, issued as provided in Commission Order No. 520, be amended to require that copies of applications for emergency assistance, proposed supplier responses thereto and any reports to the Commission, be served upon interested state regulatory commissions (having jurisdiction over the "potential source" utilities) and the regional reliability council for the applicant's area identified pursuant to § 32.61(i).

(3) The amendments to the Commission's regulations under the Federal Power Act prescribed herein below which were not included in the notice of this proceeding issued August 26, 1974, (39 FR 31654), are administrative in nature, and intended to expedite the Commission's consideration of applications pursuant to section 202(c) of the Act, consistent with the prime purpose of the proposed rulemaking; further compliance with the notice provision of 5 U.S.C. 553, therefore, is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 202, 309, 49 Stat. 848, 849, 858, 859, and section 313(a) of the Act, 49 Stat. 860; 72 Stat. 947, orders:

(A) The applications for rehearing filed by Congressman Harrington, Richmond, New York and Edison and the motion for reconsideration filed by Iowa are hereby denied, except as provided below with respect to New York's application.

§ 32.61 [Amended]

(B) Section 32.6 (i), (j) and (k) of the Commission's regulations under the Federal Power Act, as issued by Commis-

[6] Order No. 520, mimeo. p. 12.

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sion Order No. 520 on November 29, 1974, in Docket No. RM75-3, are hereby modified as follows:

(1) Paragraph (f)—in the second sentence, following the phrase, "filed pursuant to this subsection, *add*,", interested State regulatory commissions having jurisdiction over the "potential source" and/or transmitting utilities)";

(2) Paragraph (j)—following "submit their answers to the Commission", *add* "and serve copies thereof on the interested State regulatory commissions and the Regional Reliability Council"; and

(3) Paragraph (k)—following the first sentence, *add*, "Copies thereof shall simultaneously be served on the interested State regulatory commissions and the Regional Reliability Council".

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3088 Filed 2-3-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[TD 75-36]

PETITIONS FOR RELIEF

Procedures for Regional Commissioners

On November 6, 1973, there were published in the FEDERAL REGISTER (38 FR 30549) amendments to §§ 171.33(b) and 172.33(b) of the Customs regulations (19 CFR 171.33(b), 172.33(b)) which delegated to regional commissioners of Customs the authority to decide supplemental petitions for relief in certain cases arising under §§ 171.21 and 172.21 of the Customs regulations (19 CFR 171.21, 172.21).

In the interest of uniformity, it has been determined that the same delegation to regional commissioners should be made with respect to special cases acted upon by district directors of Customs which arise under §§ 10.39, 171.22, and 172.23 of the Customs regulations (19 CFR 10.39, 171.22, 172.22).

In addition, the policy of filing all supplemental petitions for relief with the district director who initiated the case, is restated.

Accordingly, §§ 10.39, 171.33, and 172.33 of the Customs regulations (19 CFR 10.39, 171.33, 172.33), are hereby amended as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Paragraphs (c), (d), (e), (f) of §10.39 are amended to delete the word "application" wherever it appears in those paragraphs, and substitute the word "petition" therefor.

Paragraph (g) of § 10.39 is amended to read as follows:

§ 10.39 Cancellation of bonds.

• • • • •

(g) If the petitioner is not satisfied with the district director's action under this section and submits a supplemental petition, both the original and the supplemental petitions shall be transmitted to the regional commissioner of Customs with a full report on the case.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 171—FINES, PENALTIES, AND FORFEITURES

Paragraphs (b)(1) and (b)(2) of §171.33 are amended to read as follows:

§ 171.33 Supplemental petitions for relief.

• • • • •

(b) *Consideration*—(1) *Decisions of the district director.* Where the district director has the authority to grant relief in accordance with the provisions of §§171.21 and 171.22, he may grant additional relief if he believes it is warranted. If there has been a specific request on the part of the petitioner for review by the regional commissioner, or if the district director believes no additional relief is warranted, or if the petitioner is not satisfied with the additional relief granted by the district director, together with all pertinent documents, shall be forwarded to the regional commissioner of the region in which the district lies for reconsideration and disposition of the case, except as provided in § 171.22(c).

(2) *Decisions of the Commissioner of Customs.* A supplemental petition appealing a decision of the Commissioner of Customs shall be filed, together with all pertinent documents, with the district director who initiated the case for transmittal to the Commissioner of Customs for reconsideration.

(R.S. 251, as amended, secs. 618, 624, 46 Stat. 757, as amended, 759 (19 U.S.C. 66, 1618, 1624))

PART 172—LIQUIDATED DAMAGES

Paragraphs (b)(1) and (b)(2) of §172.33 are amended to read as follows:

§ 172.33 Supplemental petitions for relief.

• • • • •

(b) *Consideration*—(1) *Decisions of the district director.* Where the district director has authority to grant relief in accordance with the provisions of §§ 172.21 and 172.22, he may grant additional relief if he believes it is warranted. If there has been a specific request on the part of the petitioner for reconsideration by the regional commissioner, or if the district director believes no additional relief is warranted, or if the petitioner is not satisfied with the additional relief granted by the district director, the supplemental petition, together with all pertinent documents, shall be forwarded to the regional commissioner of the region in which the district lies for reconsideration and disposition of the case, except as provided in § 172.22(d)(3).

(2) *Decisions of the Commissioner of Customs.* A supplemental petition appealing a decision of the Commissioner of Customs shall be filed, together with all pertinent documents, with the district director who initiated the case for transmittal to the Commissioner of Customs for reconsideration.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Because these amendments involve a matter relating to agency procedure or practice, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments shall become effective on February 4, 1975.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: January 28, 1975.

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.75-3162 Filed 2-3-75;8:45 am]

[T.D. 75-35]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

Section 10.59(f), Customs Regulations, relating to free withdrawal of supplies and equipment for aircraft, amended to add Romania to the list of qualified countries.

In accordance with section 309(d), 46 Stat. 690, as amended (19 U.S.C. 1309 (d)), the Secretary of Commerce has found and in a letter dated December 4, 1974, has advised the Secretary of the Treasury that Romania allows to aircraft registered in the United States and engaged in foreign trade privileges substantially reciprocal to those provided for in sections 309 and 317, 46 Stat. 690, as amended, 696, as amended (19 U.S.C. 1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in Romania and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "Romania" in appropriate alphabetical order and the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759 (19 U.S.C. 1309, 1317, 1624))

As there is a statutory basis for the exemption from Customs duties on withdrawal of supplies by aircraft when reciprocity has been established, notice and

public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: January 28, 1975.

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.75-3161 Filed 2-3-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

CHANGE IN SPONSOR NAME

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), 82 Stat. 347; (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135 is amended in § 135.501(c) by changing code No. 090 to reflect the new corporate name to read as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

• • • • •

(c) • • •

Code No.:	*Firm name and address*
• •	• • • • •
090 ----------	Hoechst-Roussel Pharmaceuticals, Inc., Route 202-206 North, Somerville, NJ 08876.
• •	• • • • •

Effective date. This order shall be effective February 4, 1975.

(Sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i)))

Dated: January 29, 1975.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.75-3117 Filed 2-3-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-223]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Columbia and Snake Rivers, Pasco, Washington

This amendment changes the regulations for the Burlington Northern Railroad drawbridge across the Snake River, mile 1.5, to require that the draw open on signal at all times. The amendment also makes editorial changes for clarity and simplicity, and updates the regulation to reflect current ownership of the two bridges by the Burlington Northern Railroad rather than the Northern Pacific Railroad. This amendment was circulated as a public notice dated September 27, 1974, by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-223) on September 20, 1974, (39 FR 33805). Three responses were received and posed no objections to the proposal.

The proposal included a change in the regulations governing the operation of the Burlington Northern Railroad drawbridge across the Columbia River at mile 328. After the notice of proposed rulemaking was issued, the Burlington Northern Railroad requested that the Coast Guard reconsider the proposed change for this bridge because the Railroad feels that the present regulations meet the needs of navigation. After studying the bridge logs, the Coast Guard agrees that the present regulations are sufficient and therefore the present regulations for the opening of the bridge will remain in effect.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.760 to read as follows:

§ 117.760 Columbia and Snake Rivers in the vicinity of Pasco, Washington; bridges.

(a) The draws of the Union Pacific Railroad bridge across the Columbia River at mile 323.5 between Burbank and Kennewick and the Burlington Northern Railroad bridge across the Snake River at mile 1.5 between Pasco and Burbank shall open on signal.

(b) The draw of the Burlington Northern railroad bridge across the Columbia River at mile 328.0 between Pasco and Kennewick shall open on signal from 8 a.m. to 4 p.m. At all other times the draw shall open on signal if at least two hours notice is given through the General Yardmaster, Pasco, Washington. The owner of or agency controlling this bridge shall, on both the upstream and downstream sides of the bridge, post a notice stating how and to whom notice is to be given.

(c) Signals.

(1) Opening sound signal—to be repeated until acknowledged by the drawtender.

(i) Union Pacific Railroad bridge—2 long blasts and 1 short blast;

(ii) Burlington Northern Railroad bridges—1 long blast and 2 short blasts.

(2) Opening visual signals may be used in conjunction with sound signals for all bridges listed in this section. These visual signals are a white flag by day and a white light at night swung in a full circle at arm's length in full sight of the bridge facing the draw.

(3) The acknowledging sound signal shall be the same as the opening sound signal when the draw will open. When the draw cannot open, the signal shall be 4 short blasts, given in rapid succession, repeated until acknowledged by the same signal from the vessel.

(4) Sound and visual signals may be omitted when radiotelephone communications have been satisfactorily established and maintained between the draw-tender and the approaching vessel, until the vessel has passed through the bridge.

(d) When two vessels approaching from opposite directions meet near a drawbridge listed in this section, the downbound vessel shall have the right-of-way. When one vessel waits for passage of another, the waiting vessel shall repeat the call signal for the bridge and receive an acknowledging signal from the drawtender before proceeding.

(e) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower these appurtenances and pass under the bridges, if practicable, without signaling for the draw to open.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)) 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 7, 1975.

Dated: January 28, 1975.

R. I. PRICE, *Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.*

[FR Doc.75-3126 Filed 2-3-75;8:45 am]

[CGD 75-023]

PART 127—SECURITY ZONES

Curtis Creek, Baltimore Harbor, Maryland: Termination

Captain G. H. Patrick Bursley, United States Coast Guard, Captain of the Port, Baltimore, Maryland, issued the following order terminating the Security Zone in Curtis Creek, Baltimore Harbor, Maryland, as published in the April 10, 1974 issue of the FEDERAL REGISTER (39 FR 12988), effective May 1, 1974:

CURTIS CREEK, BALTIMORE HARBOR, MARYLAND; TERMINATION

This amendment terminates the Security Zone established adjacent the United States Coast Guard Yard on Curtis Creek, Baltimore Harbor, Maryland, as published in the United States FEDERAL REGISTER, Vol. 39, No. 70, Page 12988, for Wednesday, April 10, 1974. The Security Zone is no longer needed as the Rumanian Fishing Trawler INAU has been moved to the Baltimore Inner Harbor by the United States Marshal and special security is no longer deemed necessary."

§ 127.504 [Amended]

Accordingly, Part 127 of Chapter I of Title 33 of the Code of Federal Regulations is amended by revoking § 127.504.

(40 Stat. 220, as amended, sec. 1, 63 Stat. 503, Sec. 6(b), 80 Stat. 937; (50 U.S.C. 191; 14 U.S.C. 91; 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; (3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349); 33 CFR Part 6, 49 CFR 1.46(b))

Dated: January 30, 1975.

R. I. PRICE, *Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.*

[FR Doc.75-3127 Filed 2-3-75;8:45 am]

XUM V40-024 FEB 4 75 XUM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-464]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

•	•	•	•	•	•
Colorado	Huerfano	Walsenburg, city of	Jan. 27, 1975. Emergency	Jan. 23, 1974	
Illinois	Woodford	Washburn, village of	do	May 24, 1974	
Massachusetts	Hampshire	Ware, town of	do	June 28, 1974	
New Jersey	Cape May	West Cape May, borough of	do	June 14, 1974	
North Carolina	Wake	Fuquay-Varina, town of	do		
Oklahoma	Oklahoma	Warr Acres, city of	do		
West Virginia	Pocahontas	Marlington, town of	do	June 7, 1974	
Do	Monongalia	Westover, city of	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 20, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2918 Filed 2-3-75;8:45 am]

[Docket No. FI-465]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arizona	Navajo	Unincorporated areas	Jan. 30, 1975. Emergency	Aug. 23, 1974		
California	Orange	Santa Ana, city of	do	June 21, 1974		
Florida	Taylor	Perry, city of	do	Mar. 15, 1974		
Idaho	Latah	Troy, city of	do	May 10, 1974		
Illinois	Cook	Lynwood, village of	do	Apr. 12, 1974		
Indiana	Harrison	Corydon, town of	do	Nov. 23, 1973		
Do	Allen	New Haven, city of	do	Dec. 17, 1973		
Missouri	Jasper	Heidelberg, town of	do	June 28, 1974		
Missouri	Bates	Butler, city of	do	Apr. 5, 1974		
New Jersey	Camden	Clementon, borough of	do	June 28, 1974		
New York	Monroe	Fairport, village of	do	May 31, 1974		
North Dakota	Ward	Burlington, city of	do			
Oregon	Coos	Myrtle Point, city of	do	Nov. 23, 1973		
Do	Crook	Prineville, city of	do			
Pennsylvania	Allegheny	Glassport, borough of	do	Dec. 7, 1973		
Do	do	North Braddock, borough of	do	Apr. 12, 1974		
Do	Chester	Schuylkill, township of	do	Oct. 25, 1974		
Do	Allegheny	White Oak, borough of	do	Jan. 16, 1974		
Tennessee	Rutherford	Unincorporated areas	do			
Wisconsin	Oconoto	Suring, village of	do	May 3, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: January 22, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2919 Filed 2-3-75;8:45 am]

[Docket No. FI 460]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Administrative Withdrawal of Special Flood Hazard Maps

The purpose of this notice is to indicate periods in which the insurance purchase requirement under the National Flood Insurance Program, authorized by the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973 (Pub. L. 92–234, December 31, 1973), 42 U.S.C. 4001–4128, was suspended.

The Flood Disaster Protection Act requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally-related financial assistance for acquisition or construction purposes in an identified flood plan area having special flood hazards that is located within any community currently participating in the program.

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazard areas have been identified. However, after July 1, 1975, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

Prior to July 1, 1975, no insurance purchase requirement exists under the Act unless two requirements are met: (1) the property is located in a formally identified special flood hazard area (See 24 CFR Part 1915) and (2) flood insurance is available (See 24 CFR Part 1914). Thus, if a community's eligibility has been suspended, and insurance is not currently available, then flood insurance is not required by the Act on any closing during the period of suspension. Where a map has not yet been published for a community otherwise eligible to participate in the program, insurance is not required.

Similarly, the insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official flood maps, the Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). If the FIA withdraws a FHBM for any reason the insurance purchase requirement is completely suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM, is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in identified special flood hazard areas, but the maximum amount of insurance available is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et seq.)

Accordingly, to provide notice with respect to those persons concerned as to the period of withdrawal, the entries read as follows:

§ 1915.3 Notice of administrative withdrawal of special flood hazard maps.

State	County	Location	Map No. and Federal Register citation	Effective date of withdrawal	Effective date of republication
•	•	•	•	•	•
Alaska	Kenai Peninsula.	Skagway, city of	H 02 000 2370 01; vol. 35, No. 175, p. 14215.	Mar. 25, 1974	July 19, 1974
California	Los Angeles County.	Arcadia, city of	H 06 037 0120 05–08; vol. 36, No. 124, p. 12171; vol. 36, No. 229, p. 23080.	do	June 28, 1974
Do	do	Azusa, city of	H 06 037 0230 03–06; vol. 36, No. 247, p. 24812.	do	June 14, 1974
Do	San Mateo County.	Belmont, city of	H 06 081 0310 01–06; vol. 38, No. 40, p. 5462.	do	July 19, 1974
Do	Los Angeles County.	Bradbury, city of	H 06 037 0433 02; vol. 38, No. 223, p. 31971.	do	Nov. 15, 1974
Do	do	Burbank, city of	H 06 037 0480 02–10; vol. 36, No. 124, p. 12171.	do	July 19, 1974
Do	San Mateo County.	Burlingame, city of.	H 06 081 0400 01–06; vol. 37, No. 218, p. 22913.	do	June 28, 1974
Do	Ventura County.	Camarillo, city of.	H 06 111 0538 05–11; vol. 37, No. 191, p. 20535.	do	July 19, 1974
Do	San Diego County.	Chula Vista, city of.	H 06 073 0710 06–12; vol. 37, No. 201, p. 21038.	do	Do.
Do	Contra Costa County.	Concord, city of	H 06 013 0620 02–33; vol. 36, No. 251, p. 25226.	do	June 28, 1974
Do	Marin County.	Corte Madera, city of.	H 06 041 0670 02–06; vol. 36, No. 159, p. 15532.	do	Do.
Do	Los Angeles County.	Covina, city of	H 06 037 0690 03–04; vol. 36, No. 182, p. 18645.	do	Do.
Do	Del Norte County.	Lower Klamath River Watershed, Zone 4 only.	H 06 015 0000 02; vol. 35, No. 171, p. 13883.	do	Dec. 27, 1974
Do	Los Angeles County.	Duarte, city of	H 06 037 1047 04–06; vol. 38, No. p. 16856.	do	July 19, 1974
Do	Contra Costa County.	El Cerrito, city of	H 06 013 1100 03 through 05; vol. 37, No. 201, p. 21938.	do	June 28, 1974
Do	Alameda County.	Fremont, city of	H 06 001 1364 12 through 22; vol. 38, No. 206, p. 29581.	do	
Do	Fresno County.	Unincorporated area.	H 06 019 0000 26 through 49; vol. 36, No. 247, p. 24810.	do	
Do	Los Angeles County.	Glendale, city of	H 06 037 1430 03 through 11; vol. 37, No. 48, p. 5129.	do	Nov. 1, 1974
Do	do	Glendora, city of	H 06 037 1440 03 through 05; vol. 37, No. 77, p. 7789.	do	
Do	Alameda County.	Haywood, city of	H 06 001 1560 10 through 29; vol. 38, No. 206, p. 29581.	do	
Do	Orange County.	Huntington Beach, city of.	H 06 059 1660 01 through 06; vol. 37, No. 180, p. 19725.	do	Aug. 9, 1974
Do	Los Angeles County.	Industry, city of	H 06 037 1692 05 through 12; vol. 37, No. 117, p. 11975.	do	June 28, 1974
Do	do	Inglewood, city of.	H 06 037 1700 02 through 05; vol. 37, No. 201, p. 21937.	do	Do.
Do	Contra Costa County.	Lafayette, city of	H 06 013 1770 09 through 14; vol. 37, No. 135, p. 13714.	do	July 26, 1974
Do	Lake County.	Lakeport, city of	H 06 033 1800 01 through 03; vol. 37, No. 207, p. 22960.	do	
Do	Los Angeles County.	La Puente, city of.	H 06 037 1845 03–04; vol. 36, No. 124 p. 12171.	do	June 28, 1974
Do	Marin County.	Larkspur, city of	H 06 041 1850 02; vol. 36, No. 148, p. 14182.	do	
Do	San Bernardino County.	Loma Linda, city of.	H 06 071 1947 01; vol. 38, No. 36, p. 4953.	do	June 14, 1974
Do	Los Angeles County.	Unincorporated area.	H 06 037 0000 07 through 12; vol. 38, No. 157, p. 21999.	do	
Do	Contra Costa County.	Martinez, city of	H 06 013 2060 09 through 16; vol. 36, No. 153, p. 14637.	do	June 28, 1974
Do	San Mateo County.	Millbrae, city of	H 06 081 2170 01 through 04; vol. 38, No. 189, p. 27216.	do	July 19, 1974
Do	Los Angeles County.	Monrovia, city of	H 06 037 2220 05 through 13; vol. 36, No. 179, p. 18463.	do	June 28, 1974
Do	do	Monterey Park, city of.	H 06 037 2260 03 through 06; vol. 37, No. 77, p. 7789.	do	Aug. 2, 1974
Do	Alameda County.	Oakland, city of	H 06 001 2480 05 through 22; vol. 39, No. 11, p. 1984.	do	
Do	Los Angeles County.	Pasadena, city of	H 06 037 2700 04 through 13; vol. 37, No. 88, p. 9111.	do	Do.
Do	Alameda County.	Port Hueneme, city of.	H 06 111 2880 01–02; vol. 37, No. 146 p. 15149.	do	June 28, 1974
Do	San Mateo County.	Portola Valley, town of.	H 06 081 2898 05 through 07; vol. 38, No. 189, p. 27216.	do	June 21, 1974
Do	Tehama County.	Red Bluff, city of	H 06 103 2940 03 through 06; vol. 36, No. 206, p. 20509.	do	June 7, 1974
Do	Los Angeles County.	Rolling Hills Estate, city of.	H 06 037 3002 04 through 06; vol. 38, No. 127, p. 17719.	do	
Do	do	San Marino, city of.	H 06 037 3380 01–02; vol. 37, No. 54, p. 5698.	do	July 26, 1974
Do	Marin County.	San Rafael, city of	H 06 041 3410 15 through 28; vol. 36, No. 148, p. 14181.	do	June 28, 1974
Do	Los Angeles County.	Sierra Madre, city of.	H 06 037 3620 01–02; vol. 37, No. 58, p. 5818.	do	Do.
Do	El Dorado County.	South Lake Tahoe, city of.	H 06 017 3667 01 through 06; vol. 38, No. 95, p. 12015.	do	July 19, 1974

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State	County	Location	Map No. and Federal Register citation	Effective date of withdrawal	Effective date of republication
Do	Los Angeles County.	South Pasadena, city of.	H 06 037 3620 01; vol. 37, No. 75, p. 7604.	do	June 28, 1974
Do	Kern County	Taft, city of	H 06 029 3820 01 through 04; vol. 38, No. 52, p. 7224.	do	Do.
Do	Tehama County.	Unincorporated area.	H 06 103 0000 01 through 05; vol. 38, No. 123, p. 16863.	do	
Do	Tulare County.	do	H 06 107 0000 02 through 37; vol. 36, No. 247, p. 24810.	do	
Do	San Bernardino County.	Upland, city of	H 06 071 4000 05 through 08; vol. 37, No. 77, p. 7789.	do	Do.
Do	Los Angeles County.	Walnut, city of	H 06 037 4069 05–06; vol. 36, No. 229, p. 22680.	do	
Do	Contra Costa County.	Walnut Creek, city of.	H 06 013 4070 16 through 38; vol. 36, No. 216, p. 21409.	do	Nov. 8, 1974
Do	Tulare County.	Woodlake, city of	H 06 107 4250 02 through 04; vol. 37, No. 218, p. 23012.	do	June 28, 1974
Do	San Diego County.	Escondido, city of	H 06 073 1200 01 through 08; vol. 38, No. 203, p. 29228.	May 30, 1974	
Do	Tulare County.	Tulare, city of	H 06 107 3920 01–02; vol. 39, No. 11, p. 1984.	Apr. 5, 1974	June 21, 1974
Do	San Mateo County.	South San Francisco, city of.	H 06 081 3730 01; vol. 35, No. 127, p. 10650.	June 3, 1974	
Do	Monterey County.	King, city of	H 06 053 1760 03–06; vol. 36, No. 124, p. 12171.	May 31, 1974	
Minnesota	Polk County	East Grand Forks, city of.	H 27 119 1920 01–02; vol. 38, No. 86, p. 11083.	Apr. 5, 1974	Sept. 13, 1974
Louisiana	East Baton Rouge Parish.	Baton Rouge and vicinity.	H 22 033 0150 01 through 16; vol. 35, No. 120, p. 10148.	June 12, 1974	Nov. 22, 1974
Idaho	Blaine County.	Unincorporated areas.	H 16 013 0000 01 through 16; vol. 38, No. 189, p. 27216.	Mar. 25, 1974	
Nevada	Clark County	Las Vegas, city of	H 32 003 0120 01 through 08; vol. 37, No. 233, p. 25710.	do	
Do	Churchill County.	Fallon, city of	H 32 001 0080 01; vol. 39, No. 31, p. 5498.	Apr. 22, 1974	June 14, 1974
North Dakota	Grand Forks County.	Grand Forks, city of.	H 38 035 1280 01 through 05; vol. 38, No. 86, p. 11083.	Apr. 5, 1974	June 28, 1974
Ohio	Lucas County.	Toledo, city of	H 39 095 8120 07–12; vol. 36, No. 162, p. 16190.	Mar. 2, 1974	
Oregon	Clackamas County.	Unincorporated area.	H 41 005 0000 01 through 14; vol. 37, No. 166, p. 17172.	Mar. 25, 1974	
Do	Jackson County.	do	H 41 029 0000 08 through 19; vol. 36, No. 162, p. 16190.	do	
Do	Josephine County.	do	H 41 033 0000 11 through 20; vol. 36, No. 179, p. 18463.	do	
Do	Lane County	do	H 41 039 0000 06 through 22; vol. 36, No. 251, p. 25226.	do	
Do	do	Springfield, city of.	H 41 039 1960 04 through 06; vol. 36, No. 118, p. 11729.	do	July 26, 1974
Utah	Utah County	Unincorporated area.	H 49 049 0000 01 through 16; vol. 38, No. 68, p. 9085.	do	
Washington	Snohomish County.	do	H 53 061 0000 03 through 51; vol. 36, No. 247, p. 24810.	do	

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–2920 Filed 2–3–75;8:45 am]

[Docket No. FI–466]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Escambia	Pollard, town of	H 010075 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room, 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town of Pollard, Route 1, Flomation, Ala. 36441.	Jan. 31, 1975.
Do	Calhoun	Ohatchee, town of	H 010232 01 through H 010232 03	do	Town Manager, Town of Ohatchee, Town Hall, Ohatchee, Ala. 36271.	Do.
Do	Etowah	Walnut Grove, town of.	H 010252 01	do	Mayor, Town of Walnut Grove, Town Hall, Walnut Grove, Ala. 35990.	Do.
Do	Henry	Abbeville, city of	H 010259 01 through H 010259 06	do	Mayor, City of Abbeville, City Hall, Abbeville, Ala. 36310.	Do.
Do	Mobile	Citronelle, city of	H 010277 01	do	Mayor, City of Citronelle, City Hall, Citronelle, Ala. 36522.	Do.
California	Ventura	Unincorporated areas.	H 060413 01 through H 060413 08	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	County Executive, County of Ventura, County Office Bldg., Ventura, Calif. 93001.	Do.
Colorado	Arapahoe	Cherry Hill Village, city of.	H 080013 A 01 through H 080013 A 02	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor and City Council, City of Cherry Hill Village, City Hall, Cherry Hill Village, Colo. 80110.	May 10, 1974. Jan. 31, 1975.
Connecticut	Tolland	Tolland, town of	H 090171 01 through H 090171 10	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Manager, Town of Tolland, Town Hall, Tolland, Conn. 06084.	Do.
Do	New London	Lisbon, town of	H 090172 01 through H 090172 07	do	Town Manager, Town of Lisbon, Town Hall, Lisbon, Conn. 06351.	Do.
Do	Litchfield	Morris, town of	H 090176 01 through H 090176 06	do	Town Manager, Town of Morris, Town Hall, Morris, Conn. 06763.	Do.
Do	Windham	Scotland, town of	H 090182 01 through H 090182 06	do	Town Manager, Town of Scotland, Town Hall, Scotland, Conn. 06264.	Do.
Do	Fairfield	New Fairfield, town of.	H 090188 01 through H 090188 06	do	Town Manager, Town of New Fairfield, Town Hall, New Fairfield, Conn. 06810.	Do.
Do	Tolland	Union, town of	H 090190 01 through H 090190 02	do	Town Manager, Town Hall, Union, Conn. No ZIP.	Do.
Delaware	New Castle	Elsmere, town of	H 100023 01 through H 100023 02	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capitol Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Town Manager, 1202 New Rd., Elsmere, Del. 19805.	Do.
Do	do	Odessa, town of	H 100056 01	do	Town Manager, Town Hall, Odessa, Del. 19730.	Do.
Florida	Duval	Jacksonville, city of.	H 120077 01 through H 120077 12	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, City of Jacksonville, City Hall, 220 East Bay St., Jacksonville, Fla. 32202.	Do.
Do	Madison	Unincorporated areas.	H 120149 01 through H 120149 18	do	Chairman, Madison County Commissioners, Madison County, Madison, Fla. 32340.	Do.
Do	Osceola	do	H 120189 01 through H 120189 23	do	Chairman, Board of Commissioners, Osceola County, Courthouse, Kissimmee, Fla. 32741.	Do.
Idaho	Shoshone	Pinehurst, city of	H 160300 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	City Manager, City of Pinehurst, Pinehurst, Idaho 83850.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Illinois	Carroll	Unincorporated areas.	H 170019 01 through H 170019 02	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Zoning Administrator, County of Carroll, Mount Carroll, Ill. 61053.	Do
Do	Fulton	Cuba, city of	H 170243 01	do	Mayor, City of Cuba, Cuba, Ill. 61427	Do.
Do	Madison	Unincorporated areas.	H 170436 01 through H 170436 07	do	Building Official and Zoning Administrator, Madison County, Madison County Courthouse, Madison, Ill. 62060.	Do.
Do	Mason	do	H 170463 01 through H 170463 08	do	Chairman, Board of County Commissioners, Mason County, Effingham, Ill. 62401.	Do.
Do	Piatt	do	H 170542 01 through H 170542 07	do	County Regional Planning Commission, Piatt County, Monticello, Ill. 61856.	Do.
Do	Fulton	Astoria, town of	H 170741 01	do	Chairman, County Board, Lewistown, Ill. 61542.	Do.
Do	do	Fairview, village of.	H 170753 01	do	do	Do.
Do	do	Ipava, village of	H 170756 01	do	do	Do.
Do	do	Marietta, village of	H 170764 01	do	do	Do.
Kansas	Woodson	Neosho Falls, city of.	H 200360 01	Division of Water Resources, State Department of Agriculture, State Office Bldg., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, State House, Topeka, Kans. 66612.	Mayor, City of Neosho Falls, City Hall, Neosho Falls, Kans. 66758.	Do.
Kentucky	Jefferson	Unincorporated areas.	H 210120 01 through H 210120 18	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Jefferson County Department of Public, County Courthouse, Jefferson County, Louisville, Ky. 40202.	Do.
Louisiana	Catahoula Parish	Jonesville, town of.	H 220049A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town of Jonesville, Town Hall, Jonesville, La. 71343.	Dec. 17, 1973.
Do	Jefferson Davis Parish.	Unincorporated areas.	H 220095 01 through H 220095 16	do	President, Jefferson Davis Parish Police Jury, Jefferson Davis Parish, Courthouse, Jennings, La. 70546.	Jan. 31, 1975.
Maine	Aroostook	Masardis, town of	H 230027 01 through H 230027 12	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	1st Selectman, Town of Masardis, Town Office, Masardis, Maine 04759.	Do.
Do	do	Smyrna, town of	H 230034 01 through H 230034 03	do	Town Manager, Town of Smyrna, Town Hall, Smyrna, Maine 04780.	Do.
Do	Somerset	Mercer, town of	H 230176 01 through H 230176 02	do	Town Manager, Town Hall, Mercer, Maine 04957.	Do.
Do	Cumberland	North Yarmouth, town of.	H 230202 01 through H 230202 02	do	Town Manager, Town Hall, North Yarmouth, Maine No ZIP.	Do.
Do	do	Otisfield, town of	H 230203 01 through H 230203 08	do	Town Manager, Town Hall, Otisfield, Maine No ZIP.	Do.
Do	do	Pownal, town of	H 230204 01 through H 230204 02	do	Town Manager, Town Hall, Pownal, Maine 04069.	Do.
Do	Lincoln	Bremen, town of	H 230214 01 through H 230214 03	do	Town Manager, Town Hall, Bremen, Maine No ZIP.	Do.
Do	Kennebec	Belgrade, town of	H 230232 01 through H 230232 10	do	Town Manager, Town Hall, Belgrade, Maine 04917.	Do.
Do	Hancock	Castine, town of	H 230277 01 through H 230277 03	do	Town Manager, Town Hall, Castine, Maine 04421.	Do.
Do	do	Cranberry Isle, town of.	H 230278 01 through H 230278 02	do	Town Manager, Town Hall, Cranberry Isle, Maine 04625.	Do.
Do	Hancock	Deer Isle, town of	H 230280 01 through H 230280 09	do	Town Manager, Town Hall, Deer Isle, Maine 04627.	Do.
Do	do	Tremont, town of	H 230298 01 through H 230298 10	do	Town Manager, Town Hall, Tremont, Maine. No ZIP.	Do.
Do	Penobscot	Lee, town of	H 230394 01 through H 230394 06	do	Town Manager, Town Hall, Lee, Maine 04455.	Do.
Do	do	Stetson, town of	H 230402 01 through H 230402 03	do	Town Manager, Town Hall, Stetson, Maine 04488.	Do.
Do	do	Prentiss, plantation of.	H 230463 01 through H 230463 03	do	1st Selectman, Plantation of Prentiss, Prentiss, Maine 04103.	Do.
Do	Washington	Baring, plantation of.	H 230468 01 through H 230468 04	do	Board of Selectmen, Plantation of Baring, Baring, Maine 04610.	Do.
Michigan	Alpena	Alpena, township of.	H 260011 01 through H 260011 38	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Township Manager, Township Office Bldg., Alpena, Mich. 49707.	Do.
Do	Wayne	Wyandotte, city of.	H 260246A 01 through H 260246A 02	do	City Engineer, City of Wyandotte, 3131 Biddle Ave., Wyandotte, Mich. 48192.	May 17, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Huron	Lake, township of	H 260254 01 through H 260254 07	do	Lake Township Board and Township Supervisor, Lake Township Hall, Caseville, Mich. 48725.	Jan. 31, 1975.
Do	Genesee	Gaines, township of.	H 260293 01 through H 260293 12	do	Gaines Township Clerk, Township of Gaines, 12124 Hill Rd., Swartz Creek, Mich. 48439.	Do.
Do	do	Gaines, village of	H 260294 01	do	Genesee County Drain Commissioner, Division of Water and Waste Service, Village of Gaines, G-4610 Beecher Rd., Flint, Mich. 48504.	Do.
Do	Manistee	Arcadia, township of.	H 260306 01 through H 260306 08	do	Arcadia Township Hall, Lake St., Arcadia, Mich. 49613.	Do.
Do	Mason	Summit, township of.	H 260307 01 through H 260307 05	do	Mason County Zoning Administrator, Courthouse, Township of Summit, Ludington, Mich. 49431.	Do.
Minnesota	Kandiyohi	Regal, city of	H 270223 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Minn. 48913.	City Manager, City of Regal, Regal, Minn. 56366.	Do.
Do	Kittson	Halma, city of	H 270227 01	do	City Manager, City Hall, Halma, Minn. 56729.	Do.
Do	Pine	Rock Creek, city of.	H 270349 01 through H 270349 14	do	City Manager, City Hall, Rock Creek, Minn. 55067.	Do.
Do	Pipestone	Hatfield, city of	H 270355 01 through H 270355 02	do	City Manager, City Hall, Hatfield, Minn. 56135.	Do.
Do	Becker	Detroit Lake, city of.	H 270564 01 through H 270564 02	do	Department of Natural Resources, City of Detroit Lakes, Centennial Office Bldg., St. Paul, Minn. 55155.	Do.
Do	Grant	Hoffman, city of	H 270578 01 through H 270578 02	do	City Manager, City Hall, Hoffman, Minn. 56339.	Do.
Do	Polk	Winger, city of	H 270613 01	do	City Manager, City Hall, Winger, Minn. 56592.	Do.
Do	Wabasha	Kellogg, city of	H 270655 01	do	City Manager, City Hall, Kellogg, Minn. 55945.	Do.
Do	Carver	Young America, city of.	H 270656 01	do	City Manager, City Hall, Young America, Minn. 55397.	Do.
Mississippi	Attala	McCool, village of	H 280008 01	Mississippi Research and Development, Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Wolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Chairman, Board of Supervisors, Village of McCool, McCool, Miss. 39108.	Do.
Do	Choctaw	Ackerman, town of.	H 280032 01	do	Mayor, Town of Ackerman, City Hall, Ackerman, Miss. 39735.	Do.
Do	Noxubee	Macon, city of	H 280123 01	do	Chairman, Board of Supervisors, City of Macon, Macon, Miss. 39341.	Do.
Do	Webster	Mathiston, town of.	H 280184 01	do	Mayor, City Hall, Mathiston, Miss. 39752.	Do.
Missouri	Shannon and Texas.	Summersville, city of.	H 290507 01 through H 290507 02	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City of Summersville, City Hall, Summersville, Mo. 65571.	Do.
Do	Vernon	Sheldon, city of	H 290552 01	do	Mayor, City of Sheldon, City Hall, Sheldon, Mo. 64784.	Do.
Do	Crawford	Leasburg, village of.	H 290561 01	do	Village Clerk, Village of Leasburg, Village Office Bldg., Leasburg, Mo. 65535.	Do.
Do	Hickory	Weaubleau, city of.	H 290634 01	do	Mayor, City of Weaubleau, City Hall, Weaubleau, Mo. 65774.	Do.
Do	Camden, Laclede, Pulaskia.	Richland, city of	H 290656 01 through H 290656 02	do	Mayor, City of Richland, City Hall, Richland, Mo. 65556.	Do.
Nebraska	Buffalo	Amherst, village of.	H 310245 01	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village Board, Village Office, Amherst, Nebr. 68812.	Do.
Do	Thayer	Bruning, village of.	H 310253 01	do	Chairman, Village Board, Village Office, Bruning, Nebr. 68322.	Do.
Do	Wayne	Carroll, village of.	H 310257 01	do	Chairman, Village Board, Village of Carroll, Village Office, Carroll, Nebr. 68723.	Do.
Do	do	Hoskins, village of.	H 310289 01	do	Chairman, Village Board, Village Office, Hoskins, Nebr. 68740.	Do.
Do	Nuckolls	Ruskin, village of	H 310315 01	do	Chairman, Village Board, Village Office, Ruskin, Nebr. 68974.	Do.
Do	Dakota, Dixon, Thurston.	Emerson, village of.	H 310366 01 through H 310366 02	do	Chairman, Village Board, Village Hall, Emerson, Nebr. 68733.	Do.
New Hampshire	Sullivan	Lempster, town of.	H 330160 01 through H 330160 03	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Board of Selectmen, Town of Lempster, Lempster, N.H. 03605.	Do.
Do	Coos	Pittsburg, town of.	H 330186 01 through H 330186 21	do	Town Manager, Town of Pittsburg, Town Hall, Pittsburg, N.H. 03592.	Do.
Do	Rockingham	Kensington, town of.	H 330216 01 through H 330216 02	do	Town Manager, Town Office Bldg., Kensington, N.H. No ZIP.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Strafford	Middleton, town of.	H 330222 01 through H 330222 07	do	Town Manager, Town Hall, Middleton, N.H. No ZIP.	Do.
Do.	Merrimack	Newbury, town of.	H 330226 01 through H 330226 03	do	Town Manager, Town Hall, Newbury, N.H. 03255.	Do.
Do.	do	New London, town of.	H 330230 01 through H 330230 09	do	Town Manager, Town Hall, New London, N.H. 03257.	Do.
New Jersey	Hunterdon	Clinton, township of.	H 340505 01 through H 340505 06	Bureau of Water Control, Department of Environmentel Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625	Mayor, Town of Clinton, P.O. Box 5194, Clinton, N.H. 08809.	Do.
Do.	do	Lebanon, township of.	H 340510 01 through H 340510 11	do	Township Manager, Township Office Bldg., Lebanon, N.J. 08833.	Do.
Do.	Sussex	Frankford, township of.	H 340526 01 through H 340526 11	do	Township Manager, Township Office Bldg., Frankford, N.J. No ZIP.	Do.
Do.	Morris	Mendham, borough of.	H 340540 01 through H 340540 02	do	Borough Manager, Borough Office Bldg., Mendham, N.J. 07945.	Do.
Do.	Atlantic	Folsom, borough of.	H 340568 01 through H 340568 03	do	Borough Manager, Borough Office Bldg., Folsom, N.J. No ZIP.	Do.
New York	Rensselaer	Schodack, town of.	H 361169 01	New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Supervisor, Town Hall, Schodack, N.Y. 12156.	Do.
Do.	Westchester	North Salem, town of.	H 361240 01 through H 361240 04	do	Town Supervisor, Town Hall, North Salem, N.Y. 10560.	Do.
Do.	Livingston	Nunda, town of.	H 361287 01 through H 361287 12	do	Town Supervisor, Town Hall, Nunda, N.Y. 14517.	Do.
Do.	Allegheny	Allen, town of.	H 361361 01 through H 361361 03	do	Town Manager, Town Hall, Allen, N.Y. No ZIP.	Do.
Do.	Chenango	McDonough, town of.	H 361377 01 through H 361377 12	do	Town Supervisor, Town Hall, McDonough, N.Y. 13801.	Do.
Do.	Fulton	Ephratah, town of.	H 361399 01 through H 361399 04	do	Town Supervisor, Town Hall, Ephratah, N.Y. No ZIP.	Do.
Do.	do	Northhampton, town of.	H 361400 01 through H 361400 06	do	Town Supervisor, Town Hall, Northampton, N.Y. No ZIP.	Do.
Do.	Ontario	Bristol, town of.	H 361414 01 through H 361414 04	do	Town Supervisor, Town Hall, Bristol, N.Y. No ZIP.	Do.
Do.	Otsego	New Lisbon, town of.	H 361420 01 through H 361420 12	do	Town Manager, Town Hall, New Lisbon, N.Y. 13415.	Do.
Do.	St. Lawrence	Pierrefield, town of.	H 361426 01 through H 361426 08	do	Town Supervisor, Town Hall, Pierrefield, N.Y. 12673.	Do.
Do.	Wyoming	Silver Springs, village of.	H 361550 01	do	Village Clerk, Village Office Bldg., Silver Springs, N.Y. 14550.	Do.
Do.	Lewis	Lowville, town of.	H 361558 01 through H 361558 03	do	Town Board, Lowville, Town Clerk, State St., Lowville, N.Y. 13367.	Do.
Do.	Jefferson	Antwerp, town of.	H 361560 01 through H 361560 08	do	Supervisor, Antwerp, N.Y. 13608	Do.
Do.	Saratoga	Galway, village of.	H 361561 01	do	Village Manager, Village Office Bldg., Galway, N.Y. 12074.	Do.
North Carolina.	Currituck	Unincorporated areas.	H 370078 01 through H 370078 11	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	County Manager, P.O. Box 68, County of Currituck, Currituck, N.C. 27929.	Do.
Do.	Durham	do	H 370085 01 through H 370085 12	do	Durham County Planning, Zoning, and Inspection Department, and Durham County Soil and Water Conservation District, 220 East Main St., Durham, N.C. 27701.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Pamlico	do	H 370181 01 through H 370181 17	do	Pamlico County Building Inspector, Land Use Control Officer, County of Pamlico, Bayboro, N.C. 28515.	Do.
North Dakota	Ward	Caprio, city of.	H 380142 01	State Water Commission, State Office Bldg., 900 East Boulevard, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Caprio, Municipal Bldg., Caprio, N. Dak. 58725.	Do.
Do.	do	Sawyer, city of.	H 380145 01	do	City Manager, Municipal Bldg., Sawyer, N. Dak. 58781.	Do.
Do.	McHenry	Towner, city of.	H 380253 01	do	City Manager, Municipal Building, Towner, N. Dak. 58788.	Do.
Do.	Pembina	Walhalla, city of.	H 380254 01	do	City Manager, City of Walhalla, Municipal Building, Walhalla, N. Dak. 58282.	Do.
Ohio	Erie	Unincorporated areas.	H 390153 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Chairman, Board of County Commissioners, Erie County, Sandusky, Ohio 44870.	Do.
Do.	Hamilton	Fairfax, village of.	H 390215 01 through H 390215 02	do	Village Clerk, Village of Fairfax, 3914 Watterson Rd., Fairfax (Cincinnati), Ohio 45227.	Do.
Do.	Harrison	Unincorporated areas.	H 390255 01 through H 390255 03	do	Chairman, Board of County Commissioners, Harrison County, Cadiz, Ohio 43907.	Do.
Do.	Knox	do	H 390306 01 through H 390306 04	do	Chairman, Board of County Commissioners, Knox County, Mount Vernon, Ohio 43050.	Do.
Do.	Washington	do	H 390566 01 through H 390566 07	do	Chairman, Board of County Commissioners, Washington County, Courthouse, Marietta, Ohio 45750.	Do.
Do.	Brown	Aberdeen, village of.	H 390675 01	do	Village Clerk, Village Office Bldg., Aberdeen, Ohio 45101.	Do.
Do.	Fairfield	Millersport, village of.	H 390689 01 through H 390689 02	do	Village Clerk, Village Office Bldg., Millersport, Ohio 43046.	Do.
Do.	do	Thurston, village of.	H 390690 01	do	Village Clerk, Village Office Bldg., Thurston, Ohio 43157.	Do.
Do.	Franklin	Lockbourne, village of.	H 390691 01	do	Village Clerk, Village Office Bldg., Lockbourne, Ohio 43137.	Do.
Do.	do	Riverlea, village of.	H 390692 01	do	Village Clerk, Village Office Bldg., Riverlea, Ohio. No ZIP.	Do.
Do.	Pickaway	Commercial Point, village of.	H 390711 01	do	Village Clerk, Village Office Bldg., Commercial Point, Ohio 43116.	Do.
Pennsylvania	Alleghany	Ben Avon Heights, borough of.	H 420011 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120.	Mayor Borough of Ben Avon Heights, 15 Penhurst Rd., Pittsburgh, Pa. 15202.	Do.
Do.	Dauphin	Elizabethville, borough of.	H 420378 01	Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Manager, Borough of Elizabethtown, 50 North Market St., Elizabethtown, Pa. 17022.	Do.
Do.	Huntington	Saltillo, borough of.	H 420492 01	do	Mayor, Borough of Saltillo, Saltillo, Pa. 17253.	Do.
Do.	York	New Freedom, borough of.	H 420932 01 through H 420932 04	do	Borough Manager, 45 East High St., New Freedom, Pa. 17349.	Do.
Do.	Bucks	Bedminster, township of.	H 421049 01 through H 421049 10	do	Chairman, Board of Supervisors, Township of Bedminster, Box 259, Rural Route 2, Perkasie, a. 18944.	Do.
Do.	Bedford	St. Clairsville, borough of.	H 421328 01	do	Mayor, Borough of St. Clairsville, Rural Delivery 1, Osterburg, Pa. 16667.	Do.
Do.	do	Bloomfield, township of.	H 421332 01 through H 421332 02	do	Chairman, Board of Supervisors, Rural Delivery, Roaring Springs, Pa. 16673.	Do.
Do.	do	Woodbury, township of.	H 421335 01 through H 421335 03	do	Chairman, Board of Supervisors, Township of Woodbury, Rural Delivery 1, Woodbury, Pa. 16695.	Do.
Do.	do	King, township of.	H 421342 01 through H 421342 02	do	Chairman, Board of Supervisors, Township of King, Rural Delivery, Imler, Pa. 16655.	Do.
Do.	do	Napier, township of.	H 421348 01 through H 421348 09	do	Chairman, Board of Supervisors, Township of Napier, Rural Delivery No. 1, Schellsburg, Pa. 15559.	Do.
Do.	do	West Providence, township of.	H 421353 01 through H 421353 07	do	Chairman, Board of Supervisors, Township of West Providence, Rural Delivery No. 2, Everett, Pa. 15537.	Do.
Do.	Erie	East Springfield, borough of.	H 421357 01 through H 421357 02	do	Mayor, Borough of East Springfield, 111874 Main St., East Springfield, Pa. 16411.	Do.
Do.	do	Amity, township of.	H 421360 01 through H 421360 02	do	Chairman, Board of Supervisors, Township of Amity, Rural Delivery No. 4, Union City, Pa. 16438.	Do.
Do.	Blair	Freedom, township of.	H 421388 01 through H 421388 02	do	Chairman, Board of Supervisors, Township of Freedom, Rural Delivery No. 1, East Freedom, Pa. 16637.	Do.
Do.	Bradford	Warren, township of.	H 421408 01 through H 421408 13	do	Chairman, Board of Supervisors, Township of Warren, Warren Center, Pa. 18851.	Do.
Do.	Crawford	Blooming Valley, borough of.	H 421559 01	do	Mayor, Borough of Blooming Valley, Rural Delivery No. 3, Headsville, Pa. 16335.	Do.
Do.	do	Bloomfield, township of.	H 421563 01 through H 421563 05	do	Chairman, Board of Supervisors, Township of Bloomfield, Rural Delivery No. 2, Bolas Rd., Centerville, Pa. 16404.	Do.
Do.	Dauphin	Jackson, township of.	H 421593 01 through H 421593 06	do	Chairman, Board of Supervisors, Township of Jackson, Rural Delivery No. 1, Halifax, Pa. 17032.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Cumberland	Newville, borough of.	H 421579 01	do	Mayor, Borough of Newville, 50 East Main St., Newville, Pa. 17241.	Do.
Do.	Dauphin	Jefferson, township of.	H 421594 01 through H 421594 04	do	Chairman, Board of Supervisors, Township of Jefferson, Rural Delivery No. 2, Halifax, Pa. 17032.	Do.
Do.	do	Lykens, township of.	H 421595 01 through H 421595 04	do	Chairman, Board of Supervisors, Township of Lykens, Rural Delivery, Lykens, Pa. 17048.	Do.
Do.	do	Rush, township of.	H 421597 01 through H 421597 04	do	Chairman, Board of Supervisors, Township of Rush Rural Delivery No. 1, Tower City, Pa. 17980.	Do.
Do.	Fayette	Ohiopyle, borough of.	H 421615 01	do	Mayor, Borough of Ohiopyle, Ohiopyle, Pa. 15470.	
Do.	do	Vanderbilt, borough of.	H 421620 01	do	Mayor, Borough of Vanderbilt, Box 566, Vanderbilt, Pa. 15486.	Do.
Do.	Indiana	Grant, township of.	H 421717 01 through H 421717 02	do	Chairman, Board of Supervisors, Township of Grant, Rochester Mills, Pa. 15771.	Do.
Do.	Lackawanna	Carbondale, township of.	H 421750 01 through H 421750 06	do	Chairman, Board of Supervisors, Township of Carbondale, 235 Cannann St., Carbondale, Pa. 18407.	Do.
Do.	Lawrence	Hickory, township of.	H 421792 01 through H 421792 03	do	Chairman, Board of Supervisors, Township of Hickory, 1731 Eastbrook Rd., New Castle, Pa. 16101.	Do.
Do.	do	Scott, township of.	H 421799 01 through H 421799 02	do	Chairman, Board of Supervisors, Township of Scott, Rural Delivery 3, Slippery Rock, Pa. 16057.	Do.
Do.	McKean	Lafayette, township of.	H 421858 01 through H 421858 20	do	Chairman, Board of Supervisors, Township of Lafayette, R.F.D. 1, Lewis Run, Pa. 16738.	Do.
Do.	Monroe	Tunkhannock, township of.	H 421898 01 through H 421898 10	do	Chairman, Board of Supervisors, Township of Tunkhannock, Blakeslee, Pa. 18610.	Do.
Do.	Northumberland	Lewis, township of.	H 421940 01 through H 421940 10	do	Chairman, Board of Supervisors, Township of Lewis, Rural Delivery 3, Muncy, Pa. 17756.	Do.
Do.	Perry	Buffalo, township of.	H 421948 01 through H 421948 03	do	Chairman, Board of Supervisors, Township of Buffalo, Rural Delivery 1, Newport, Pa. 17074.	Do.
Do.	do	Greenwood, township of.	H 421950 01 through H 421950 02	do	Chairman, Board of Supervisors, Township of Greenwood, Rural Delivery 1, Millerstown, Pa. 17062.	Do.
Do.	do	Northeast Madison, township of.	H 421955 01 through H 421955 04	do	Chairman, Board of Supervisors, Township of Northeast Madison, Loysville, Pa. 17047.	Do.
Do.	do	Spring, township of.	H 421958 01 through H 421958 03	do	Chairman, Board of Supervisors, Township of Spring, Rural Delivery, Landisburg, Pa. 17040.	Do.
Do.	do	Tyrone, township of.	H 421961 01 through H 421961 04	do	Chairman, Board of Supervisors, Township of Tyrone, Landisburg, Pa. 17040.	Do.
Do.	Potter	Wharton, township of.	H 421993 01 through H 421993 17	do	Chairman, Board of Supervisors, Township of Wharton, Rural Delivery No. 1, Austin, Pa. 16720.	Do.
Do.	Schuylkill	East Norwegion, township of.	H 422003 01 through H 422003 02	do	Chairman, Board of Supervisors, Township of East Norwegion, Township Office Bldg., East Norwegion, Pa. No ZIP.	Do.
Do.	do	Foster, township of.	H 422006 01 through H 422006 05	do	Chairman, Board of Supervisors, Township of Foster, Rural Delivery 2, Box 410-B, Pottsville, Pa. 17901.	Do.
Do.	Somerset	Windber, borough of.	H 422046 01 through H 422046 03	do	Mayor, Borough of Windber, 2003½ Graham Ave., Windber, Pa. 15963.	Do.
Do.	Susquehanna	Oakland, borough of.	H 422071 01	do	Mayor, Borough of Oakland, West Fall Ave., Susquehanna, Pa. 18847.	Do.
Do.	Montgomery	Towamencin, township of.	H 422236 01 through H 422236 04	do	Chairman, Board of Supervisors, Township of Towamencin, 1146 Boyd Ave., Lansdale, Pa. 19446.	Do.
Do.	Armstrong	Atwood, borough of.	H 422297 01	do	Mayor, Borough of Atwood, Rural Delivery No. 1, Rural Valley, Pa. 16249.	Do.
Do.	do	North Apollo, borough of.	H 422300 01	do	Mayor, Borough of North Apollo, Box 314, North Apollo, Pa. 15673.	Do.
Do.	Beaver	Big Beaver, borough of.	H 422307 01 through H 422307 06	do	Mayor, Borough of Big Beaver, Rural Delivery No. 2, Darlington, Pa. 16115.	Do.
Do.	do	Eastvale, borough of.	H 422314 01	do	Mayor, Borough of Eastvale, 509 2d Ave., Beaver Falls, Pa. 15010.	Do.
Do.	do	Hookstown, borough of.	H 422319 01	do	Mayor, Borough of Hookstown, P.O. Box 52, Hookstown, Pa. 15050.	Do.
Do.	do	Koppel, borough of.	H 422320 01 through H 422320 02	do	Mayor, Borough of Koppel, 443 2d Ave., Koppel, Pa. 16136.	Do.
Do.	do	Midland, borough of.	H 422321 01 through H 422321 03	do	Mayor, Borough of Midland, 817 Midland Ave., Midland, Pa. 15059.	Do.
Do.	do	New Galilee, borough of.	H 422322 01	do	Mayor, Borough of New Galilee, Box 56, New Galilee, Pa. 16141.	Do.
Do.	do	South Heights, borough of.	H 422330 01 through H 422330 02	do	Mayor, Borough of South Heights, Crawford St., South Heights, Pa. 15081.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Carbon	East Side, borough of.	H 422360 01 through H 422360 02	do	Mayor, Borough of East Side, R-1, East Side Borough, White Haven, Pa. 18661.	Do.
Do.	Clarion	Callensburg, borough of.	H 422364 01	do	Mayor, Borough of Callensburg, Box 101, Callensburg, Pa. 16213.	Do.
Do.	do	Elk, township of.	H 422365 01 through H 422365 04	do	Chairman, Board of Supervisors, Township of Elk, Rural Delivery, Shippenville, Pa. 16254.	Do.
Do.	Crawford	Summerhill, township of.	H 422399 01 through H 422399 08	do	Chairman, Board of Supervisors, Township of Summerhill, Rural Delivery 2, Conneautville, Pa. 16406.	Do.
Do.	Lancaster	Akron, borough of.	H 422461 01 through H 422461 04	do	Mayor, Borough of Akron, 240 Jefferson Rd., Adamstown, Pa. 19501.	Do.
Do.	Lawrence	New Beaver, borough of.	H 422465 01 through H 422465 06	do	Mayor, Borough of New Beaver, Rural Delivery No. 2, Wampum, Pa. 16157.	Do.
Do.	Mercer	Greene, township of.	H 422478 01 through H 422478 06	do	Chairman, Board of Supervisors, Township of Greene, Rural Delivery 2, Greenville, Pa. 16125.	Do.
Do.	do	Lake, township of.	H 422483 01 through H 422483 06	do	Chairman, Board of Supervisors, Township of Lake, Rural Delivery 4, Mercer, Pa. 16137.	Do.
Do.	do	New Vernon, township of.	H 422485 01 through H 422485 05	do	Chairman, Board of Supervisors, Township of New Vernon, Route 3, Stoneboro, Pa. 16153.	Do.
Do.	Mercer	Otter Creek, township of.	H 422486 01 through H 422486 04	do	Chairman, Board of Supervisors, Township of Otter Creek, Rural Delivery 1, Fredonia, Pa. 16124.	Do.
Do.	do	Perry, township of.	H 422487 01 through H 422487 05	do	Chairman, Board of Supervisors, Township of Perry, Box 37, Hadley, Pa. 16130.	Do.
Do.	do	Sugar Grove, township of.	H 422489 01 through H 422489 04	do	Chairman, Board of Supervisors, Township of Sugar Grove, Rural Delivery 3, Greenville, Pa. 16125.	Do.
Do.	do	Wolf Creek, township of.	H 422491 01 through H 422491 06	do	Chairman, Board of Supervisors, Township of Wolf Creek, Rural Delivery 1, Grobe City, Pa. 16127.	Do.
Do.	Perry	Centre, township of.	H 422498 01 through H 422498 04	do	Chairman, Board of Supervisors, Township of Centre, Rural Delivery, New Bloomfield, Pa. 17068.	Do.
Do.	Somerset	Wellersburg, borough of.	H 422526 01 through H 422526 02	do	Mayor, Borough of Wellersburg, Wellersburg, Pa. 15564.	Do.
Do.	Venango	Irwin, township of.	H 422534 08	do	Chairman, Board of Supervisors, Township of Irwin, Rural Delivery 1, Harrisville, Pa. 16038.	Do. D
Do.	do	Mineral, township of.	H 422536 01 through H 422536 08	do	Chairman, Board of Supervisors, Township of Mineral, Rural Delivery 2, Stoneboro, Pa. 16153.	Do.
Do.	do	Sandy Creek, township of.	H 422541 01 through H 422541 08	do	Chairman, Board of Supervisors, Township of Sandy Creek, 1526 Main St., Franklin, Pa. 16323.	Do
Do.	do	Victory, township of.	H 422543 01 through H 422543 08	do	Chairman, Board of Supervisors, Township of Victory, Rural Delivery 2, Polk, Pa. 16342.	Do.
Do.	Washington	Twilight, borough of.	H 422564 01	do	Mayor, Borough of Twilight, Rural Delivery 2, Charleroi, Pa. 15022.	Do.
Do.	York	Dover, borough of.	H 422569 01 through H 422569 02	do	Mayor, Borough of Dover, 108 North Main St., Dover, Pa. 17315.	Do.
Do.	Huntingdon	Marklesburg, borough of.	H 422574 01 through H 422574 03	do	Mayor, Borough of Marklesburg, James Creek, Pa. 16657.	Do.
South Carolina	Spartanburg	Inman, town of.	H 450217 01	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town of Inman, Town Hall, Inman, S.C. 29349.	Do.
Tennessee	Obion	Obion, town of.	H 470253 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219.	Mayor, Town of Obion, Town Hall, Obion, Tenn. 38240.	Do.
Do.	Hardeman	Grand Junction, city of.	H 470255 01	Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, City of Grand Junction, City Hall, Grand Junction, Tenn. 38039.	Do.
Do.	Tipton	Garland, town of.	H 470264 01	do	Mayor, Town of Garland, Town Hall, Garland, Tenn. No ZIP.	Do.
Texas	Brazoria and Harris.	Pearland, city of.	H 480077 01 through H 480077 18	Texas Water Development Board, P.O. Box 1587, Capitol Station, Austin, Tex. 78711.	Mayor, City of Pearland, City Hall, P.O. Box 157, Pearland, Tex. 77581.	Do.
Do.	Jim Hogg	Unincorporated Areas.	H 481081 01 through H 481081 03	Texas Insurance Department, 1110 San Jocinto St., Austin, Tex. 78701.	Chairman, County Board of Commissioners, Jim Hogg County, Hebbronville, Tex. 78361.	Do.
Utah	Sevier	Aurora, town of.	H 490123 01	Department of Natnral Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114.	Town President, Town of Aurora, Aurora, Utah 84620.	Do.
Do.	do	Redmond, town of.	H 490130 01	Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Town President, Town of Redmond, Redmond, Utah 84652.	Do.
Do.	Summit	Oakley, town of.	H 490138 01 through H 490138 02	do	Mayor, Town of Oakley, Oakley, Utah 84055.	Do.
Vermont	Orange	Bradford, town of.	H 500069 01 through H 500069 03	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpellier, Vt. 05602.	Chairman, Bradford Board of Selectmen, c/o Town Clerk, Bradford, Vt. 05033.	Do.
Do.	Addison	Starksboro, town of.	H 500172 01	Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Board of Selectmen, Town of S arksboro, Town Hall, Starksboro, Vt. 05487.	Do.
Do.	Bennington	Sandgate, town of.	H 500183 01 through H 500183 04	do	Chairman, Board of Selectmen, Town of Sandgate, Town Hall, Sandgate, Vt. No ZIP.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Orange	Orange, town of	H 500239 01 through H 500239 06	do	Chairman, Board of Selectmen, Town of Orange, Town Hall, Orange, Vt. No ZIP.	Do.
Do	Orleans	Morgan, town of	H 500235 01 through H 500235 03	do	Chairman, Board of Selectmen, Town of Morgan, Town Hall, Morgan, Vt. 05853.	Do.
Do	Washington	Worcester, town of	H 500278 01 through H 500278 04	do	Chairman, Board of Selectmen, Town of Worcester, Town Hall, Worcester, Vt. 05682.	Do.
Do	Windham	Halifax, town of	H 500281 01 through H 500281 04	do	Chairman, Board of Selectmen, Town of Halifax, Town Hall, Halifax, Vt. No ZIP.	Do.
Do	do	Stratton, town of	H 500321 01 through H 500321 04	do	Chairman, Board of Selectmen, Town of Stratton, Town Hall, Stratton, Vt. No ZIP.	Do.
Do	Chittenden	Hinesburg, town of.	H 500322 01 through H 500322 03	do	Chairman, Board of Selectmen, Town of Hinesburg, Town Hall, Hinesburg, Vt. 05461.	Do.
Virginia	Amherst	Amherst, town of	H 510103 01	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230.	Amherst County, Board of Supervisors, Town of Amherst, P.O. Box 280, Amherst, Va. 24521.	Do.
Do	Orange	Unincorporated areas.	H 510103 01	Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	County Commissioner, Orange County, Orange, Va. 22960.	Do.
Do	Shenandoah	New Market, town of.	H 510227 01 through H 510227 02	do	Town Manager, Town of New Market, Town Hall, New Market, Va. 22844.	Do.
Do	Grayson	Unincorporated areas.	H 510243 01 through H 510243 30	do	County Commissioner, Grayson County, Grayson County, Va. No ZIP.	Do.
Do	Accomack	Onancock, town of.	H 510298 01 through H 510298 02	do	Town Manager, Town of Onancock, Town Hall, Onancock, Va. 23417.	Do.
Do	New Kent	Unincorporated areas.	H 510306 01 through H 510306 18	do	County Commissioner, New Kent County, New Kent, Va. 23124.	Do.
West Virginia	Harrison	do	H 540053 01 through H 540053 28	Flood Insurance Department, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305.	County Commissioner, Harrison County, Harrison County, W. Va. No ZIP.	Do.
Do	Mineral	do	H 540123 01 through H 540123 24	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	County Commissioner, Mineral County, Mineral County, W. Va. No ZIP.	Do.
Do	Ritchie	Harrisville, town of.	H 540181 01	do	Mayor, Town of Harrisville, 514 East Harrison St., Harrisville, W. Va. 26362.	Do.
Do	Hampshire	Unincorporated areas.	H 540226 01 through H 540226 48	do	County Commissioner, Hampshire County, Hampshire County, W. Va. No ZIP.	Do.
Wisconsin	Marinette	Marinette, city of	H 550261A 01 through H 550261 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701.	Mayor, City of Marinette, City Hall, Marinette, Wis. 54143.	July 6, 1973, Jan. 31, 1975.
Do	Outagamie	Unincorporated areas.	H 550302 01 through H 550302 30	Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	County Clerk, Outagamie County Clerk, County Courthouse, Appleton, Wis. 54911.	Do.
Do	Richland	do	H 550356 01 through H 550356 11	do	Chairman, Richland County Board, Courthouse, Richland Center, Wis. 53581.	Do.
Do	Dane	Shorewood Hills, village of.	H 550556 01	do	Village Clerk, Village of Shorewood Hills, Village Office, Shorewood Hills, Wis. 53211.	Do.
Do	Waukesha	La Belle, village of.	H 550605 01	do	Village President, Village of La Belle, Village Office, La Belle, Wis. No ZIP.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 23, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-2021 Filed 2-3-75;8:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

NAME CHANGE

Pursuant to authority contained in 35 U.S.C. 6, as amended (85 Stat. 364), Chapter I of Title 37 of the Code of Federal Regulations is amended as follows:

The heading of Chapter I is changed to read as set forth above.

Wherever the name "Patent Office," and the title "Commissioner of Patents," appear in Chapter I, they are changed to read, respectively, "Patent and Trademark Office" and "Commissioner of Patents and Trademarks."

Public Law 93-596, 88 Stat. 1949, changed the name of the Patent Office to "Patent and Trademark Office," and the title of the Commissioner of Patents to "Commissioner of Patents and Trademarks."

It is the general policy of the Patent and Trademark Office to afford interested members of the public an opportunity to participate in the rulemaking process. However this amendment is entirely editorial in nature. Therefore, the public rulemaking procedure is waived and this amendment will become effective on February 4, 1975.

C. MARSHALL DANN,
Commissioner of Patents.

Approved:

BETSY ANKER JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-3135 Filed 2-3-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 240—GUIDELINES FOR THE THERMAL PROCESSING OF SOLID WASTES

PART 241—GUIDELINES FOR THE LAND DISPOSAL OF SOLID WASTES

Correction

In FR Doc. 74-29328 appearing at page 2933 in the issue for Wednesday, August 14, 1974, in § 241.100, paragraph (d), penultimate line, the word now reading "much", should read "such".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20109]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Correction

Amendment of Parts 89, 91, and 93 of the rules to reallocate land mobile channels in the 470–512 MHz band in the New York and Los Angeles urbanized area. In the Report and Order, FCC 74-1353, [40 FR 1021] adopted December 10, 1974 and released December 19, 1974, the appendix is corrected as follows:

§ 89.123 [Amended]

§ 91.114 [Amended]

1. In § 89.123(b) and § 91.114(b), the power/height table in foot note (2) to Figure "A" is amended to read as follows:

Antenna height above sea level (feet)	*Power (ERP)*
1,500 to 2,000	155 W.
2,001 to 2,500	100 W.
2,501 to 3,000	70 W.
3,001 to 3,500	50 W.
3,501 to 4,000	40 W.
4,001 to 4,500	30 W.
4,501 and above	25 W.

2. In § 91.114, paragraph (b), the tabulation of frequencies in Channel 15, Business Radio Service, is amended to read as follows:

CHANNEL 15

Business		
Base		Mobile
477.6625 to 478.3375	and	480.6625 to 481.3375
478.7625 to 478.8875		481.7625 to 481.8875

3. Change § 91.114(j) to 91.114(l) and correct frequency tabulations to read as follows:

CHANNEL 14

Petroleum-Forest Products-Manufacturers		Business	
Base	Mobile	Base	Mobile
472.8125 to 472.8875	475.8125 to 475.8875	471.6625 to 472.4375	474.6625 to 475.4375

CHANNEL 20

Power-Telephone Maintenance		Business	
Base	Mobile	Base	Mobile
507.3125 to 507.4125	510.3125 to 510.4125	507.6625 to 508.4375	510.6625 to 511.4375

§ 93.114 [Amended]

4. In 93.114(a), change subparagraph (8) to (9). In paragraph (b) amend the power/height table in footnote (2) to Figure "A" to read as follows:

Antenna height above sea level (feet)	*Power (ERP)*
1,501 to 2,000	155 W.
2,001 to 2,500	100 W.
2,501 to 3,000	70 W.
3,001 to 3,500	50 W.
3,501 to 4,000	40 W.
4,001 to 4,500	30 W.
4,501 and above	25 W.

Released: January 28, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3043 Filed 2-3-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-1; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

Correction

In FR Doc.75-2130 appearing at page 3596 in the issue for Thursday, January 23, 1975, in § 571.110 the amendatory language in paragraph 4 now reading "• • • the J–JJ test rim • • •", should read "• • • the 6–JJ test rim • • •".

[Docket No. 73-9; Notice 09]

PART 570—VEHICLE IN USE INSPECTION STANDARDS

Subpart B—Motor Vehicles With a GVWR of More Than 10,000 Pounds

This notice responds to petitions for reconsideration of Vehicle in Use Inspection Standards for vehicles with a GVWR of more than 10,000 pounds.

NHTSA issued on July 16, 1974, the vehicle in use inspection standards to be implemented by the States for vehicles with a GVWR of more than 10,000 pounds (39 FR 26026). Subsequently, petitions for reconsideration were received from Ford Motor Company (Ford), General Motors Corporation (GM), the Motor Vehicle Manufacturers Association (MVMA), the Midland-Ross Corporation (Midland) and the Bendix-Westinghouse Corporation (Bendix). The NHTSA response to matters raised in these petitions will be given by subject grouping.

BRAKE PEDAL RESERVE

Ford has called the attention of NHTSA to a typographical error in the formula shown in paragraph 570.55(c)(1) and used for computing the brake pedal reserve. Instead of the relationship

$$\frac{A-B}{A\times 100}$$

the formula should be shown as

$$\frac{A-B}{A}\times 100.$$

The standard will be corrected accordingly.

Midland petitioned to revise the wording in paragraph 570.55(c) to require vehicles with modified vehicle brake systems, such as with an additional tag axle utilizing existing hydraulic brake fluid capacity, to meet the requirements of the brake pedal reserve test. Currently, this test is waived for all vehicles with brake systems designed to operate with greater than 80 percent pedal travel, whether through original design or modification. Since it was NHTSA's original intent that the waiver apply only when the original manufacturer's design criteria established pedal travel at greater than 80 percent, this petition is granted, and the second sentence of paragraph 570.55(c) is amended to read:

"The brake pedal reserve test is not required for vehicles with brake systems designed by the original vehicle manufacturer to operate with greater than 80 percent pedal travel."

AIR BRAKE SYSTEM INTEGRITY

Ford petitioned to expand Table 1 (Air brake system pressure build-up time) to include vehicles equipped with reservoirs of smaller capacities and varying designs, such as vehicles that use wedge brakes and the newly-developed compact brake chambers. Further, GM recommended that the values in Table 1 representing total reservoir volume be separated by 1 cubic inch to avid column overlapping and resultant errors in utilizing the tables. The NHTSA concurs with these suggestions, and Table 1 is expanded to include requirements for 9-inch and 12-inch brake chambers and the columnar reservoir volume range values are separated by 1 cubic inch.

GM questioned the chamber volumes used in Table 1 as "not reflecting a substantial portion of industry usage." This

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question was also discussed by Midland-Ross, which submitted chamber area volume figures ranging from 16 inches to 36 inches. Likewise, Bendix submitted volume figures which were consistent with those submitted by Midland-Ross. The Midland-Ross petition also suggested that to be fair to all manufacturers, the reservoir build-up times as shown in Table 1 should be increased by a factor of 20 percent to compensate for normal compressor wear and deterioration. NHTSA concurs in these views, and Table 1 is amended to utilize composite volume figures deemed representative of industry practice for the representative brake chambers as shown in Table 2 below:

TABLE 2.—*Chamber volumes for representative brake chambers*

Chamber size (inches):	Volume (cubic inches)
9	18
12	25
16	43
20	51
24	66
30	88
36	125

Further, the following formula is established to compute the time in seconds:

$$\text{Time (seconds)} = \frac{\text{Actual Reservoir Capacity} \times 25 \times 1.20}{\text{Required Reservoir Capacity}}$$

Bendix petitioned for the use of only a single maximum time figure of 30 seconds for an increase in the air pressure from 85 to 100 psi in the reservoirs with the engine running at the vehicle manufacturer's maximum recommended number of revolutions per minute. Although this requirement would simplify Table 1, it would not cover all of the combinations of brake chambers and reservoirs used in the trucking industry. NHTSA therefore concludes that Table 1 is necessary, and Bendix's petition is accordingly denied.

MVMA in its petition pointed out the problems involved in requiring the inspector to identify the number and size of brake chambers and the number and size of the reservoirs before he could use Table 1. In the judgment of this agency, it is not an unreasonable burden on the truck owner or operator to provide this readily-available information to an inspector at the time of inspection. MVMA's petition is therefore denied.

Midland petitioned to revise paragraph 570.57(a)(1) to assure conformity of test conditions between FMVSS 121 and the air brake system pressure build-up test of Table 1. This request is considered valid, and paragraph 570.57(a)(1) is revised to read: "The air brake system compressor shall increase the air pressure in the truck or truck tractor reservoir(s) from 85 to 100 psi in not more than the time specified in Table 1, with the engine running at the vehicle manufacturer's maximum recommended number of revolutions per minute."

Ford petitioned for the elimination of 570.61(b), shock absorber condition, contending that shock absorbers do not affect the safety of all large motor vehicles, are offered only to improve operator comfort and have only a minimal effect on vehicle stability. Although the relationship between comfort and control may be hard to define, NHTSA concludes that the operator's response to varying loads, weather conditions, and road conditions is affected by the condition of the shock absorbers on the motor vehicle being driven. Further, results of two test programs carried out by NHTSA indicate that shock absorber degradation does have an effect on the handling characteristics of motor vehicles. Therefore, based on currently available data, NHTSA concludes that the shock absorbers are a contributing factor to safe motor vehicle operations, and Ford's petition is denied.

In consideration of the foregoing, 49 CFR Part 570, Subpart B, Motor Vehicles With a GVWR of More Than 10,000 Pounds, is amended as follows:

1. The second sentence of § 570.55(c) is amended to read:

§ 570.55 Hydraulic brake system.

* * * * * * *

(c) * * * The brake pedal reserve test is not required for vehicles with brake systems designed by the original vehicle manufacturer to operate with greater than 80 percent pedal travel.

2. Section 570.55(c)(1) is amended by changing the formula to read:

$$\frac{A-B}{A} \times 100$$

3. Section 570.57(a)(1) is amended to read:

§ 570.57 Air brake system and air-over-hydraulic brake subsystem.

* * * * * * *

(a) * * *

(1) The air brake system compressor shall increase the air pressure in the truck or truck trailer reservoir(s) from 85 to 100 psi in not more than the time specified in Table 1, with the engine running at the vehicle manufacturer's maximum recommended number of revolutions per minute.

4. Table 1. "Air brake system pressure build-up time", following § 510.57 *Air brake system and air-over-hydraulic brake sub-systems*, is revised to read as follows:

TABLE 1.—*Air brake system pressure buildup time*

[85–100 lb/in ²]

System				Time in seconds [1]													
				Installed brake reservoir volume in cubic inches													
Front axle number and size chambers	Rear axle number and size chambers	Required volume [2]	Vol	1,000	1,251	1,501	1,751	2,001	2,501	3,001	3,501	4,001	4,501	5,001	5,501	6,001	6,501	7,001	7,501	8,001
				1,250	1,500	1,750	2,000	2,500	3,000	3,500	4,000	4,500	5,000	5,500	6,000	6,500	7,000	7,500	8,000	8,500
(2) 9	(4) 9	1,296	.0232	26	32	38	43	52	64	76	87	99	110	122						
(2) 9	(8) 9	2,160	.0139			22	26	31	38	45	52	59	66	73	80	87	94	101	108	115
(2) 9	(2) 12	1,032	.029	32	40	47	54	65	80	94	109	123								
(2) 9	(4) 12	1,632	.0184	21	25	30	35	41	51	60	69	78	87	97	106	115	124			
(4) 9	(8) 9	2,592	.0115				22	26	32	38	43	49	55	61	67	72	79	84	90	96
(4) 9	(8) 12	3,264	.0092					21	25	30	34	39	44	48	53	58	62	68	72	76
(2) 12	(8) 9	2,328	.0129			21	24	29	36	42	48	55	61	68	74	81	87	94	100	
(2) 12	(4) 12	1,800	.0167		23	27	31	37	46	54	62	71	79	87	96	105	113	121		
(2) 12	(8) 12	3,000	.0100						27	32	37	42	48	52	57	62	67	72	77	83
(2) 12	(2) 16	1,632	.0184		25	30	34	41	51	60	69	78	87	97	106	115	124			
(2) 12	(4) 16	2,670	.0113				21	25	31	37	42	48	54	59	65	71	76	82	88	94
(4) 12	(8) 9	2,930	.0102					23	28	33	38	43	49	53	59	64	69	74	79	84
(4) 12	(8) 12	3,600	.0084						23	27	31	35	40	44	48	52	56	61	65	69
(2) 16	(8) 9	2,762	.0109							24	30	35	41	46	52	57	63	68	74	79
(2) 16	(4) 12	2,238	.0134				22	26	30	37	43	50	57	64	70	77	84	90	97	104
(2) 16	(8) 12	3,430	.0088							24	29	33	37	42	46	50	55	59	64	68
(2) 16	(2) 24	2,620	.0115					22	26	32	37	43	49	55	60	65	72	78	83	89
(2) 16	(4) 24	4,200	.0072							20	23	27	30	34	38	41	45	48	52	55
(2) 16	(2) 30	3,144	.0096							26	31	36	41	46	50	55	60	65	70	75
(2) 16	(4) 30	5,256	.0057								18	21	24	27	30	33	36	39	41	44
(2) 20	(2) 24	2,900	.0107					20	24	30	35	40	45	51	56	61	67	72	77	83
(2) 20	(4) 24	4,380	.0069								22	26	29	33	36	40	43	47	50	53
(2) 20	(2) 30	3,336	.0090						25	29	34	38	42	47	52	56	61	65	70	74
(2) 30	(4) 30	5,448	.0055								20	23	26	29	32	34	37	40	43	46
(2) 24	(2) 24	3,180	.0095					21	26	31	35	40	45	50	55	59	64	69	74	79
(2) 24	(4) 24	4,750	.0063							20	24	27	30	33	36	39	42	46	49	52
(2) 24	(2) 30	3,700	.0081						22	26	30	34	38	42	46	50	55	59	63	67
(2) 24	(4) 30	5,800	.0052									22	25	27	30	32	35	37	40	43
(2) 30	(2) 30	4,224	.0071							23	26	30	34	37	41	44	48	51	55	59
(2) 30	(4) 30	6,336	.0047										22	25	27	29	32	34	36	39
(2) 30	(2) 36	5,112	.0059																	
											22	25	28	31	34	37	40	43	46	49

[1] Time (seconds) = $\frac{\text{Actual reservoir capacity} \times (25 \times 1.20)}{\text{Required reservoir capacity}}$

[2] Required volume: (a) Volumes for respective chamber sizes listed in chart A; (b) required volume based on 12:1 ratio (SAE J813).

5. Section 570.57 is further amended by adding Table 2 as follows:

TABLE 2.—*Chamber volumes for representative brake chambers*

Chamber size (inches):	Volume (cubic inches)
9	18
12	25
16	43
20	51
24	66
30	88
36	125

Effective date. Because the amendments correct errors and modify inspection procedures, but create no additional burden, it is found for good cause shown that they should be effective February 4, 1975.

(Sec. 103, 108, 119, Pub. L. 84–563, 80 Stat. 718; 15 U.S.C. 1392, 1397, 1401; delegation of authority at 49 CFR 1.51)

Issued on: January 24, 1975.

NOEL C. BUFE,
Acting Administrator.

[FR Doc.75–2873 Filed 2–3–75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amd. No. 3 to S.O. No. 1158]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Company Authorized To Operate Over Tracks of Union Pacific Railroad Company

JANUARY 30, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of January 1975.

Upon further consideration of Service Order No. 1158 (38 FR 30001, and 39 FR 15130 and 38381), and good cause appearing therefor:

It is ordered, That Service Order No. 1158 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1158 Service Order No. 1158.

(a) *Chicago and North Western Transportation Company authorized to operate over tracks of Union Pacific Railroad Company.* * * *

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., January 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

By the Commission, Railroad Service Board

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–3176 Filed 1–3–75;8:45 am]

[Amdt. No. 1 to Corrected S.O. No. 1189]

PART 1033—CAR SERVICE

Great Plains Railway Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company

JANUARY 30, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of January 1975.

Upon further consideration of Service Order No. 1158 (39 FR 24510), and good cause appearing therefor:

It is ordered, That Corrected Service Order No. 1189 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1189 Service Order No. 1189.

(a) *Great Plains Railway Company authorized to operate over tracks of Chicago and North Western Transportation Company.* * * *

* * * * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–3177 Filed 2–3–75;8:45 am]

[S.O. No. 1210]

PART 1033—CAR SERVICE

Providence and Worcester Company Authorized To Operate Over Tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees

JANUARY 30, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of January 1975.

It appearing that the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC), in Finance Docket No. 26154, has been authorized to abandon operations over the line of the Providence and Worcester Company (P&W) between Worcester, Massachusetts, and Providence, Rhode Island; that the P&W has concurrently been authorized to resume separate operation of its line between these points; that the Slatersville, Rhode Island branch and the Wrentham, Rhode Island branch of the PC have been severed of direct connections with the remainder of the PC by reason of abandonment of operations of the PC over the line of the P&W; that the P&W has consented to operate the Slatersville and Wrentham branches of the PC for the account of the PC, subject to approval by the Commission of a permanent operating agreement; that operation by the P&W of the Slatersville and Wrentham branches of the PC is necessary to provide uninterrupted railroad service to shippers served by these lines; that such operation by the P&W over tracks of the PC is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1210 Service Order No. 1210.

(a) *Providence and Worcester Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.* The Providence and Worcester Company (P&W) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC), for the account of the PC, from a point of connection near Woonsocket, Rhode Island, to the ends of the track at Woonsocket and at Slatersville, Rhode Island, a distance of approximately 4.4 miles, (the Slatersville branch), and from a point of connection near Valley Falls, Rhode Island, to the end of the track, a distance of approximately one mile (the Wrentham branch), pending approval by the Commission of permanent agreements for the operation of these lines.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

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(c) *Rates applicable.* Inasmuch as this operation by the P&W over tracks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the P&W over these tracks of the PC shall be the rates applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 3, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3175 Filed 2-3-75;8:45 am]

[Amdt. No. 9 to S.O. No. 1083]

PART 1033—CAR SERVICE

Southern Pacific Transportation Company Authorized To Operate Over Tracks of the Texas and Pacific Railway Company

JANUARY 30, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of January 1975.

Upon further consideration of Service Order No. 1083 (36 FR 21203, 23803; 37 FR 12726; 38 FR 876, 19126, 29590; 39 FR 14595, 24373 and 35574), and good cause appearing therefor:

It is ordered, That: Service Order No. 1083 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1083 Service Order No. 1083.

(a) *Southern Pacific Transportation Company authorized to operate over tracks of the Texas and Pacific Railway Company.* • • •

• • • • •

(e) *Expiration date.* This order shall expire at 11:59 p.m., May 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3178 Filed 2-3-75;8:45 am]

[Amdt. No. 7 to S.O. No. 1106]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Company Authorized To Operate Over Tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees

JANUARY 30, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of January 1975.

Upon further consideration of Service Order No. 1106 (37 FR 15307; 38 FR 3332, 14754, 33302, and 39 FR 3827 and 27671), and good cause appearing therefor:

It is ordered, That Service Order No. 1106 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1106 Service Order No. 1106.

(a) *The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.* • • •

• • • • •

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3178 Filed 2-3-75;8:45 am]

[Amdt. No. 6 to S.O. No. 1084]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company

JANUARY 30, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of January 1975.

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726, 28059; 38 FR 20840 and 39 FR 3827 and 27672), and good cause appearing therefor:

It is ordered, That Service Order No. 1084 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1084 Service Order No. 1084.

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.* • • •

• • • • •

(e) Expiration date. This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3180 Filed 2-3-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Modification in Rate of Assessment for the 1974–75 Fiscal Year

Notice is given of a proposal to modify the rate of assessment by increasing it from 0.20 cent per pound to 0.275 cent per pound, for the 1974–75 fiscal year. This proposal was recommended by the Filbert Control Board under § 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The current rate of assessment of 0.20 cent per pound of assessable filberts is contained in § 982.319(b) (39 FR 37479) of Subpart—Operating Reserve Funds; Budget of Expenses and Rate of Assessment (7 CFR 982.300–982.319). This assessment rate was based upon a production estimate of 8,500 tons. The Filbert Control Board now estimates this production to be 6,500 tons. Based upon this reduced estimate of production, the assessment rate on assessable filberts must be increased in order to provide sufficient funds to meet the authorized expenses and reserve requirements of the Board.

Consideration will be given to any written data, views, or arguments, pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than February 21, 1975. All written submissions made regarding this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 982.319 (b) to read as follows:

§ 982.319 Expenses of the Filbert Control Board and rate of assessment for the 1974–75 fiscal year.

• • • • •

(b) *Rate of Assessment.* The rate of assessment for said fiscal year, payable by each handler under § 982.61, is fixed at 0.275 cent per pound of filberts.

Dated: January 30, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-3169 Filed 2-3-75;8:45 am]

[7 CFR Parts 1032, 1062]

[Docket Nos. AO–313–A28, AO–10–A50]

MILK IN THE SOUTHERN ILLINOIS AND ST. LOUIS-OZARKS MARKETING AREAS

Proposed Amendments to Tentative Marketing Agreements and Orders; Notice of Hearing

Notice is hereby given of a public hearing to be held at the Ramada Inn, 12031 Lackland Road (Interstate 270 off Page Avenue), St. Louis, Missouri 63141, beginning at 9:30 a.m. (local time), on February 19, 1975, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Southern Illinois and St. Louis-Ozarks marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposals Nos. 1 and 2.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY LAND O'LAKES, INC.

Proposal No. 1. Revise § 1032.52(b) of the Southern Illinois order as follows:

§ 1032.52 Plant location adjustments for handlers.

• • • • •

(b) For purposes of calculating such adjustment, transfers between plants shall be assigned Class I disposition at the transferee-plant only to the extent that 115 percent of Class I disposition at the transferee-plant exceeds the sum of receipts at such plant from producers and handlers described in § 1032.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

• • • • •

PROPOSED BY MID-AMERICA DAIRYMEN, INC.

Proposal No. 2. Revise § 1062.52(f) of the St. Louis-Ozarks order as follows.

§ 1062.52 Plant location adjustments for handlers.

• • • • •

(f) In the case of transfer between plants, location adjustment shall be assigned Class I disposition at the transferee-plant only to the extent that 115 percent of Class I disposition at the transferee-plant exceeds the sum of the receipts at such plant from producers and handlers described in § 1062.9(c), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, and assign the Class I milk to receipts from other pool plants with plus location adjustment, and then in sequence to receipts from plants at which the smallest minus adjustments apply.

• • • • •

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, P.O. Box 1495, Maryland Heights, Missouri, 63043, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 30, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-3171 Filed 2-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Child's Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulation set forth in tentative form below is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment provides that a child born out of wedlock to a living wage earner entitled to old-age insurance benefits or disability insurance

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benefits is a "child" of the wage earner for purposes of entitlement to child's insurance benefits if the wage earner was decreed by a court to be the child's father, or was ordered by a court to contribute to the child's support because the child is his or her son or daughter, or acknowledged in writing that the child is his or her son or daughter; or is shown to be the child's father by other satisfactory evidence and is living with the child or contributing to the child's support at the time the child's application is filed. Under the present regulations, a child born out of wedlock to a living wage earner after the wage earner's entitlement to old-age or disability insurance benefits has begun, is precluded from being considered a "child" for social security purposes. The proposed amendment changes the regulations to conform with the U.S. Supreme Court's decision in *Jimenez v. Weinberger*, 417 U.S. 628 (1974), which declared the time requirements of section 216(h)(3)(B) of the Social Security Act to be unconstitutional. This change is effective with benefit payments for months beginning June 1974.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, or on before March 6, 1975. The regulations will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404), are further amended by revising paragraph (d) of § 404.1101 to read as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–....)

§ 404.1101 Determination of Relationship.

Whether a claimant bears the necessary relationship for entitlement under title II of the Act, as wife, husband, widow, widower, child, or parent of the insured individual upon whose wages and self-employment income and application is based is determined as follows:

• • • • • •

(d) If the application for child's benefits is filed in or after July 1965 and the claimant is the natural son or daughter of the insured individual but does not have the relationship of child to the insured individual under the criteria described in paragraph (a) or (c)(1) of this section, such child will nevertheless be deemed the child of such insured individual for purposes of child's benefits beginning no earlier than September 1965, if:

(1) In the case of an insured individual who is entitled to old-age insurance benefits and in the month before he became entitled to such benefits was not entitled to disability insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because claimant is his son or daughter, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and is living with or contributing to the support of the claimant at the time such application for benefits is filed;

(2) In the case of an insured individual who is entitled to disability insurance benefits or who was entitled to such benefits in the months before the first month for which he was entitled to old-age insurance benefits:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he has been decreed by a court to be the father of the claimant, or he has been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, or

(ii) Such insured individual is shown by satisfactory evidence to be the father of the claimant and is living with or contributing to the support of the claimant at the time such application for benefits is filed;

(3) In the case of a deceased insured individual:

(i) Such insured individual has acknowledged in writing that the claimant is his son or daughter, or he had been decreed by a court to be the father of the claimant, or he had been ordered by a court to contribute to the support of the claimant because the claimant was his son or daughter, and such acknowledgement, court decree, or court order was made before the death of such insured individual, or

(ii) Such insured individual is shown by satisfactory evidence to have been the father of the claimant and that he was living with or contributing to the support of the claimant at the time he died.

The term "insured individual" used in this paragraph (d) refers to the child's mother or father except where a provision refers only to the "father."

(Secs. 205, 206, and 1102; 53 Stat. 1368, as amended; 68 Stat. 1082, as amended; 49 Stat. 647, as amended; (42 U.S.C. 405, 406 and 1302))

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: January 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 30, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-3151 Filed 2-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 75-022]

ANCHORAGE GROUNDS

Los Angeles and Long Beach Harbors, Calif.

The Coast Guard is considering amending the anchorage regulations by terminating Quarantine Anchorage B (Los Angeles Harbor) as described in § 110.214(a)(2) of Title 33 of the Code of Federal Regulations.

The reason for the proposed amendment is the anchorage is no longer used for routine quarantine boardings and is so located that ships anchored in the anchorage endanger vessels transiting the channel.

The Director, Quarantine Division, Department of Health, Education, and Welfare, Public Health Service, has no objection to the disestablishment of the anchorage.

The termination of Quarantine Anchorage B will necessitate the removal of all references to this anchorage presently found in § 110.214 (a)(1)(ii) and (a)(3)(i).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Eleventh Coast Guard District, Heartwell Building, 19 Pine Avenue, Long Beach, California 90802. Each person submitting comments should include his name and address, identify the notice (CGD 75-022), and give any reasons for any recommended change in the proposal. Copies of all communications received will be available for examination by interested persons at the office of the Commander, Eleventh Coast Guard District.

The Commander, Eleventh Coast Guard District will forward any comments received before March 7, 1975, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters who will evaluate all communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by revoking paragraph (a)(2) of § 110.214 and amending paragraphs (a)(1)(ii) and (a)(3)(i) of § 110.214 to read as follows:

§ 110.214 Los Angeles and Long Beach Harbors, Calif.

(a) • • •

(1) • • •

(ii) Vessels requiring examination by quarantine, customs, or immigration authorities may anchor in this area.

• • • • • •

(2) [Revoked]

(3) • • •

(i) In this area, the requirements of commercial vessels will predominate.

Vessels requiring examination by quarantine, customs, or immigration authorities for the ports of Los Angeles or Long Beach may anchor in this area.

• • • • • •

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; (33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1))

Dated: January 30, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-3125 Filed 2-3-75;8:45 am]

[33 CFR Part 128]

[CGD 74-185]

PROPOSED RULES FOR MOORING BARGES ON THE MISSISSIPPI RIVER

Navigation Areas

The Coast Guard is considering amending the regulations concerned with navigation areas by adding requirements for the mooring of barges on the Mississippi River between miles 88 and 123 above the Head of Passes.

Interested persons may participate in this rule making procedure by submitting written data, views, or arguments on the proposal contained in this document to the Coast Guard (G-CMC/82), Washington, D.C. 20590. Each person submitting comments should identify the notice number (CGD 74-185), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if appropriate, of the commenter.

All comments received by March 17, 1975, will be fully considered and evaluated before final action is taken on the proposal in this document. Copies of all written communications received will be available for examination by the public in room 8234, 400 Seventh Street, SW, Washington, D.C. This proposal may be changed in the light of the comments received.

The Coast Guard will hold a public hearing on this proposal on 19 February 1975 at 0930. The public hearing will be held in Room 105, Court of Appeals Building, 600 Camp Street, New Orleans, Louisiana. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

River barge traffic is important to the port of New Orleans and the needs of the whole Mississippi valley. This importance is best illustrated by statistics prepared by the Statistics Department of the Port of New Orleans, based on data supplied by the Corps of Engineers, U.S. Army. In 1972, 92,511 barges moved in and out of the Port of New Orleans, compared with 63,796 in 1962, and 51,172 in 1952. During the high water season of 1973-74, especially in late December and early January, the Port of New Orleans and the adjacent areas on the Mississippi River experienced a series of barge breakaways from moorings. The Board of Commissioners of the Port of New Orleans concluded that the breakaways resulted from—

1. Extremely high water accompanied by swift current;

2. Careless operation by some of the barge fleet operators;

3. The inadequacy of certain mooring facilities; and

4. Silting at the mouth of the Mississippi River which delayed shipments of cargoes causing an unusually large build-up of barges.

Based on this conclusion, the Board of Commissioners petitioned the Department of Transportation to promulgate rules that regulate barge operating, mooring, and fleeting procedures on the inland waters of the United States and that recognize the differences between normal and flood stage conditions in each regulated locality.

The proposal in this document is in response to that petition. Under the authority of Title 1 of the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221-1227), delegated by the Secretary to the Commandant of the Coast Guard in 49 CFR 1.46(o)(4), the Coast Guard may direct the anchoring, mooring, or movement of a vessel when necessary to prevent damage to or by that vessel or her cargo, stores, supplies, or fuel. The amendments in this document would implement that authority by adding to the list of Regulated Navigation Areas the waters of the Mississippi River between miles 88 and 127 above the Head of Passes and adding regulations for the mooring of barges on these waters.

These proposed regulations contain equipment and procedural requirements and specific requirements for high water when the Mississippi River stage stands 12-feet or more on the Carrollton Gauge or when the Carrollton Gauge stands 8 feet, the Mississippi River is rapidly rising, and the district commander has determined these circumstances to be especially hazardous and has issued orders directing that the specific requirements are in effect. These high water requirements provide that moored barges will be attended by radar equipped towboats. It is the Coast Guard's intention at this time not to allow persons affected by this requirement to substitute shore based or air-borne radar for the required radar equipped towboats.

The Coast Guard is also considering an additional section that would be added to the proposed Subpart C of Part 128. This section would allow tiers (defined in the proposed § 128.1503(b) to mean barges moored interdependently in rows or groups) only at fleeting facilities unless the person in charge of each tier complies with the substantive requirements contained in proposed §§ 128.1509, 128.1515, 128.1517, 128.1519, 128.1521, and 128.1529. Comments received on this additional requirement will determine the final rule.

The Coast Guard has determined that the proposal contained in this document would have no foreseeable significant impact on the quality of the human environment. An environmental assessment with a negative declaration has been drafted. Copies of this draft may be obtained in Room 7315, Coast Guard Headquarters, Washington, D.C. 20590. Interested persons are invited to comment on this draft statement.

In consideration of the foregoing, it is proposed to amend 33 CFR Part 128 by adding Subpart C to read as follows:

Subpart C—Mooring Barges on the Mississippi River Between Miles 88 and 127 Above Head of Passes

Sec.

128.1500 Mississippi River.
128.1503 Definitions.
128.1505 Waivers.

MOORING

128.1507 Mooring: General.
128.1509 Mooring: Fleeting facility.
128.1513 Mooring: Barge-to-barge; barge-to-vessel; barge-to-pier.

SUPERVISION OF MOORINGS

128.1515 Fleeting facility: Strength of mooring devices, wires, chains, lines and connecting gear.
128.1517 Fleeting facility: Inspection of moorings.
128.1519 Fleeting facility: Record maintenance.
128.1521 Fleeting facility: Surveillance.

BREAKAWAYS

128.1523 Correcting mooring deficiencies and rescouring breakaways.
128.1525 Radio communication during breakaway.

HIGH WATER

128.1527 Applicability.
128.1529 Fleeting facilities: Towboat attendance of barges.
128.1531 Fleet operations during low visibility.

PENALTIES

128.1533 Civil penalties.
128.1535 Criminal penalties.

AUTHORITY: Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(o)(4).

§ 128.1500 Mississippi River.

(a) The following is a Regulated Navigation Area—the waters of the Mississippi River between miles 88 and 127 above Head of Passes.

(b) Regulations for this Regulated Navigation Area appear in §§ 128.1503 through 128.1535.

§ 128.1503 Definitions.

As used in this subpart:

(a) "Fleeting facility" means an area on the river on which a mooring service is established.

(b) "Tier" means barges moored interdependently in rows or groups.

(c) "Fleet" includes one or more tiers.

(d) "Person in Charge" includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher, watchman, or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, or fleet subject to the regulations in this subpart.

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(e) "Breakaway" means a barge that is adrift and is not under the control of a towing vessel.

(f) "Mooring device" includes a deadman, anchor, pile, cruciform bit, or other reliable holding apparatus.

§ 128.1505 Waivers.

The Captain of the Port may, upon written request, waive any regulation in this subpart if he finds that the proposed operation under the waiver prevents breakaways. A written request for a waiver must state the need for the waiver and describe the proposed operation.

MOORING

§ 128.1507 Mooring: General.

(a) No person may secure a barge to trees or to other vegetation.

(b) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn moorings.

(c) If barges are moored side to side, they must be secured at each corner of abutting sides.

(d) If barges are moored end to end, they must be secured at each corner of abutting ends.

§ 128.1509 Mooring: Fleeting facility.

(a) If there is only one barge moored at a fleeting facility, the upstream end of that barge must be secured to at least one mooring device and the downstream end must be secured to at least one other mooring device.

(b) If barges are moored in tiers, the shoreward barge at the upstream end of the tier must be secured to at least one mooring device, and the shoreward barge at the downstream end of the tier must be secured to at least one other mooring device.

(c) Each wire used between a barge and mooring device must have at least a diameter of 1¼". Chain or line used between a barge and a mooring device must be of at least equivalent strength to 1¼" diameter wire.

§ 128.1513 Mooring: Barge-to-barge; barge-to-vessel; barge-to-pier.

A barge moored to another barge, a vessel, or a pier must be secured by—

(a) Three parts of wire rope of at least ⅞" diameter with an eye at each end of the rope passed over the timberhead, caval, or button;

(b) A mooring line of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of ⅞" diameter wire rope; or

(c) Fixed rigging that is at least equivalent to three parts of ⅞" diameter wire rope.

SUPERVISION OF MOORINGS

§ 128.1515 Fleeting facility: Strength of mooring devices, wires, lines and connecting gear.

The person in charge of a fleeting facility shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by the moored barges.

§ 128.1517 Fleeting facility: Inspection of moorings.

(a) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (b) of this section.

(b) The person assigned to inspect moorings shall inspect—

(1) At least twice during each day during periods that are six hours or more apart, each mooring wire, chain, line, and connecting gear between mooring devices and each wire, line, and connecting equipment used to moor each barge; and

(2) After a towboat adds to, withdraws from, or moves barges moored at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(c) The person who inspects moorings shall take immediate action to correct each deficiency.

§ 128.1519 Fleeting facility: Record maintenance.

The person in charge of a fleeting facility shall maintain and make available to the Coast Guard records containing the following information:

(a) The time of commencement and termination of each inspection required in § 128.1517(b).

(b) The name of each person who makes the inspection required in § 128.1517(b).

(c) The time of, date of, identification of, and any hazardous cargo in each barge entering and departing the fleeting facility.

(d) The identification of each towboat that moves a barge into, within, or out of the fleeting facility.

NOTE: The requirements in § 128.1519(c) for the listing of hazardous cargo refers to articles categorized as hazardous in Subchapter D and O of Chapter I, Title 46, Code of Federal Regulations.

§ 128.1521 Fleeting facility: Surveillance.

(a) The person in charge of a fleeting facility shall assign a watchman to observe the barges in the fleeting facility.

(b) The watchman who observes the barges shall—

(1) Keep the barges under constant surveillance;

(2) Detect movements that are unusual for properly secured barges; and

(3) Correct each observed deficiency.

BREAKAWAYS

§ 128.1523 Correcting mooring deficiencies and recurring breakaways.

The person in charge of mooring barges shall take immediate action to—

(a) Resecure each breakaway; and

(b) Report each breakaway as soon as possible to the Captain of the Port, New Orleans, by telephone, radio, or other means of rapid communication.

§ 128.1525 Radio communication during breakaway.

The person in charge of a vessel engaged in recovery of a breakaway shall monitor and communicate on channel 13 (156.65 MHz) VHF–FM.

HIGH WATER

§ 128.1527 Applicability.

Sections 128.1529 and 128.1531 apply to barges in the Mississippi River between mile 88 and 127 above Head of Passes during high water when—

(a) The Carrollton gauge stands 12 feet or more; or

(b) The Carrollton gauge stands 8 feet, the Mississippi River is rapidly rising, and the district commander determines these circumstances to be especially hazardous and issues orders directing that §§ 128.1529 and 128.1531 are in effect.

§ 128.1529 Fleeting facilities: Towboat attendance of barges.

During high water, the person in charge of a fleeting facility must comply with the following requirements:

(a) Each fleet consisting of six or more barges must be attended by at least one radar equipped towboat for each 100 barges or less.

(b) Each fleet must have 2 or more towboats in attendance when—

(1) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains 6 or more barges; or

(2) Barges are added to the fleet and the number of barges being added and the fleet at the start of the operation total 6 or more.

(c) Every towboat required in paragraph (b) of this section must be—

(1) Capable of performing the operations described in that paragraph;

(2) Immediately operational;

(3) Radio equipped; and

(4) Positioned within 500 yards of the barges.

(d) The person in charge of each towboat required in paragraph (b) of this section shall maintain a continuous—

(1) Watch on the barges moored in the fleeting facility; and

(2) Guard on channel 13 (156.65 MHz) VHF–FM.

(e) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (b)(1) of this section shall maintain a continuous radar surveillance of the barges moored in the fleeting facility.

§ 128.1531 Fleeting operations during low visibility.

During high water when visibility is reduced to less than two hundred yards—

(a) Tows may not be assembled or disassembled; and

(b) No barge may be added to, withdrawn from, or moved within a fleet except—

(1) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(2) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet.

PENALTIES

§ 128.1533 Civil Penalties.

33 U.S.C. 1226 prescribes that whoever violates a regulation issued under Title 1 of the Ports and Waterways Safety Act of 1972 is liable to a civil penalty of not more than $10,000.

§ 128.1535 Criminal Penalties.

33 U.S.C. 1227 prescribes that whoever willfully violates a regulation issued under Title 1 of the Ports and Waterways Safety Act of 1972 shall be fined not less than $5,000 or more than $50,000 or imprisoned for not more than 5 years, or both.

(Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(o)(4))

Dated: January 30, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-3128 Filed 2-3-75;8:45 am]

[33 CFR Part 175]

[CGD 74-159]

REVOCATION OF EXCEPTION FOR NON-APPROVED LIFESAVING DEVICES ON WHITE WATER CANOES AND KAYAKS

Notice of Proposed Rulemaking

The Coast Guard is considering amending Subchapter S to Title 33, Code of Federal Regulations, to revoke the exception for Personal Flotation Device (PFD) carriage granted to persons using a canoe or kayak that is enclosed by a deck or spray skirt (33 CFR 175.17). Any interested person may submit written data, views, or arguments concerning this notice to U.S. Coast Guard (G-CMC/82), Room 8234, 400 Seventh Street, S.W., Washington, D.C. 20590. All communications received before April 17, 1975, will be considered before action is taken on the proposed revocation. Each person submitting comments should include his name and address, identify this notice (CGD 74-159), and give reasons and supporting data for any recommendations. All comments will be available for examination in Room 8234.

In the 28 March 1973 issue of the FEDERAL REGISTER, the Coast Guard published new requirements for the carriage of personal flotation devices (PFD's) on board recreational boats. These PFD regulations were established in Part 175 of Title 33, Code of Federal Regulations. Section 175.17 (Exceptions) of the PFD regulations provides that:

§ 175.17 Exceptions.

(a) A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with § 175.15(a) (Personal Flotation Devices required on canoes and kayaks) if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 pounds of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

. . . . .

This exception was granted because the Coast Guard recognized that white water canoeing requires special lifesaving equipment allowing maximum freedom of movement to manage the canoe and because the configuration of such canoes does not allow readily accessible stowage of lifesaving equipment. It was further recognized that, at the time of issuance of the regulations, there was no Coast Guard approved PFD of suitable characteristics on the market which would satisfy the requirements of the white water canoeist.

The Coast Guard, while granting this exception, considered that in the near future suitable PFD's would be developed which would be satisfactory for white water canoeing and which could be approved under existing PFD specifications (e.g. Type III). Therefore, in the preamble of the Notice of Proposed Rulemaking, dated 6 October 1972 (37 FR 21262), the Coast Guard served notice of its intent to allow the exception in § 175.17(a) to apply only until 1 July 1974.

Since promulgation of the PFD regulation, the Coast Guard has approved numerous Type III PFD's which, in the judgment of the Coast Guard, are suitable for use by white water canoeists. The following is a listing of such presently approved Type III PFD's. The approval number, which identifies the specific PFD model which the Coast Guard believes is suitable for white water use, is listed after the name of each manufacturer.

A. B. Sea Ltd., 3596 East Geddes Avenue, Littleton, Colorado. 80121.
160.064/673/0 160.064/674/0 160.064/675/0
Omega Marketing, Post Office Box 487, Marblehead, Massachusetts. 01945.
160.064/602/0 160.064/603/0 160.064/604/0
160.064/605/0 160.064/606/0
Plastimo, 15 Rue Ingenier, Veriere 56100, Lorient, France.
160.064/485/0 160.064/486/0 160.064/487/0
160.064/488/0 160.064/489/0
Seda Products, Post Office Box 5509, Fullerton, California. 92635.
160.064/663/0 160.064/664/0 160.064/665/0
160.064/666/0
Stearns Manufacturing Company, Post Office Box 1498, St. Cloud, Minnesota. 56301.
160.064/322/0 160.064/323/0

It should be emphasized that there may be other presently approved Type III PFD's not listed here but which enthusiasts find fully suitable for use in white water. Thus, the above listing should not be considered as an endorsement of one brand of PFD over another. In addition to the above listed companies, Harishok Limited of England has submitted a Type III PFD for approval. It is anticipated that other companies will submit devices for approval which will meet the criteria of a Type III device and which the white water enthusiast will find suitable.

In view of the presently approved devices and in the anticipation of further devices being submitted for approval, the Coast Guard proposes to revoke the exception granted in 33 CFR 175.17(a). However, to allow additional time for operators to obtain approved PFD's this revocation would become effective on 1 October 1975, rather than 1 July 1974, as initially proposed.

In consideration of the foregoing the Coast Guard proposes to amend § 175.17 of Title 33, Code of Federal Regulations by revising paragraph (a) to read as follows:

(a) A person using a canoe or kayak, before October 1, 1975, that is enclosed by a deck or spray skirt need not comply with § 175.15(a) if he wears a vest-type lifesaving device that—

. . . . .

(Section 5 of the Federal Boat Safety Act of 1971, (46 U.S.C. 1454); 49 CFR 1.46(o)(1))

Dated: January 28, 1975.

A. F. FUGARO,
Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc.75-3129 Filed 2-3-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-3]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

Correction

In FR Doc. 75-2069 appearing at page 3611 in the issue for Thursday, January 23, 1975, the paragraph on page 3612 which begins, "The Kingstree transition area would be designated as:", the 9th line beginning, "79°52' . . ." should be corrected to read "79°51' . . ."

[14 CFR Part 71]

[Airspace Docket No. 75-SW-5]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal aviation regulations to designate a transition area at Ozark, Ark.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 6,

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1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal aviation regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

OZARK, ARK.

That airspace extending upward from 700 feet above the surface within a 9-statute-mile radius of Ozark-Franklin County Airport, Ozark, Ark., latitude 35°30'36" N., longitude 93°50'23" W.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Ozark-Franklin County Airport, Ozark, Ark.

Concurrently with this action, the Ozark-Franklin County Airport will be changed from VFR to IFR status.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on January 24, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-3109 Filed 2-3-75;8:45 am]

[14 CFR Part 103]

[Docket No. 14249; Notice No. 75-2]

CARRIAGE OF RADIOACTIVE MATERIALS

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 103 of the Federal Aviation Regulations to limit the carriage of radioactive materials on passenger-carrying aircraft to those intended for use in, or incident to, research or medical diagnosis or treatment and to those shipments of radioactive materials that meet requirements in 49 CFR 172 and 173 which exempt them from packaging, marking and labeling requirements for shipment by rail express and which are now exempt from the applicability of Part 103. The proposed amendments would implement section 108 of the Transportation Safety Act of 1974 (Pub. L. 93-633) in the light of views presented by interested persons at a public hearing held by the FAA on January 20, 1975 (40 FR 2607).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before March 10, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. In view of the statutory requirement for completion of this rule-making action, as explained hereinafter, no extensions of the date specified for filing comments will be entertained. Interested persons who wish to submit comments are urged to do so promptly.

Section 108 of the Transportation Safety Act of 1974, enacted into law on January 3, 1975, directs the Secretary of Transportation to issue regulations within 120 days after the date of enactment, in accordance with section 108 and pursuant to section 105 of that Act, with respect to the transportation of radioactive materials on any passenger-carrying aircraft in air commerce. The pertinent provision of section 108 of the Act states in part:

Sec. 108(a) General—• • • Such regulations shall prohibit any transportation of radioactive materials on any such aircraft unless the radioactive materials involved are intended for use in, or incident to, research, or medical diagnosis or treatment, so long as such materials as prepared for and during transportation do not pose an unreasonable hazard to health and safety. The Secretary shall further establish effective procedures for monitoring and enforcing the provisions of such regulations.

(b) Definition—As used in this section, "radioactive materials" means any materials or combination of materials which spontaneously emit ionizing radiation. The term does not include materials in which (1) the estimated specific activity is not greater than 0.002 microcuries per gram of material; and (2) the radiation is distributed in an essentially uniform manner.

To implement section 108 of the Act, it is proposed to amend § 103.1 and include for the purpose of Part 103 a definition of the term "radioactive materials", that conforms to the definition of the term in section 108(b) of the Act. The proposal would also add to § 103.1 a definition of the term "research," as used in section 108(a) of the Act, since it is not defined in the Act. In addition, this proposal would amend § 103.7 to restrict the carriage of radioactive materials on passenger-carrying aircraft to those materials intended for use in, or incident to, research, or medical diagnosis or treatment and those exempted by § 103.1(c) from the requirements of Part 103.

The legislative history of the Act indicates that it was not the intent of Congress to prohibit the carriage of tiny trace elements or small quantities of radioactive material on passenger-carrying aircraft, notwithstanding the literal wording of section 108 of the Act (Congressional Record of December 19, 1974; Volume 120, Number 179, page H12351). Accordingly, this proposal would amend § 103.1(c) and exclude from the applicability of Part 103 human beings and animals with an implanted medical device, such as a heart pacemaker, that contains radioactive material or with radiopharmaceuticals that have been injected or ingested. The FAA believes these devices and materials used for medical purposes do not pose an unreasonable hazard to health and safety aboard passenger-carrying aircraft.

In addition, in light of the legislative history of the Act, it is proposed to amend § 103.1(c) and exempt from the applicability of Part 103 small quantities of radioactive materials that meet those requirements in 49 CFR Parts 172 and 173 in effect on the issuance date of this Notice that exempt them from the packaging, marking and labeling requirements for shipment by rail express. These materials, which have been exempted under the regulations of 49 CFR Parts 172 and 173 for more than 20 years, are currently excluded from the applicability of Part 103 and this proposal would continue to exclude them under the exemption authority of section 107(a) of the Act for a period of two years. The two year period is necessary, since such a limitation is required by the exemption authority of section 107(a) of the Act, but that authority permits exemptions to be renewed.

Included in this category of exempted materials are devices such as luminous clocks and watches, aircraft dials, electron tubes, and exit markers. Also included are calibration sources that are component parts of radiation survey instruments routinely used by personnel of shippers, carriers, and regulatory agencies to monitor shipments for compliance with applicable regulations, as well as schedule quantities of materials not contained in any devices. The maximum allowable radiation level at the surface for any package of such exempted materials is 0.5 millirem per hour and in the event any material were lost from any package it would not pose any hazard to health and safety. Accordingly, the FAA considers the continued exemption of those materials to be safe and consistent with the public interest and the policy of the Hazardous Materials Transportation Act.

This proposal would also amend § 103.3 to prohibit a shipper from offering, and an aircraft operator from accepting, radioactive materials subject to Part 103 for shipment in a passenger-carrying aircraft, unless there is accompanying the shipment a clear and visible statement, in addition to that required by

current § 103.3(a), that the shipment contains radioactive materials intended for use in, or incident to, research, or medical diagnosis or treatment and meets the requirements of Part 103 for shipment in passenger-carrying aircraft.

The FAA believes the present provisions of Part 103 are adequate to ensure that radioactive materials authorized for carriage aboard passenger-carrying aircraft by section 108(a) of the Act will not, when so carried, pose an unreasonable hazard to health and safety. However, it should be noted that in 1973 the FAA suspended the effectiveness of that part of Amendment 103-17 governing the distribution of packages of radioactive materials aboard aircraft to permit the completion of studies then being conducted. The FAA stated that it would, thereafter, take whatever rule-making action it deemed appropriate. Studies and surveys conducted by the United States Atomic Energy Commission (AEC), in cooperation with the Department of Transportation, Office of Hazardous Materials, and the FAA to evaluate the adequacy and effectiveness of the present regulations of Part 103 for the transportation of radioactive materials by air have been completed and the AEC has issued a report based thereon. The FAA is currently developing a notice of proposed rule making based upon the studies and surveys conducted, including the AEC report.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and sections 105, 107, and 108 of Pub. L. 93-633, as delegated to the Administrator by the Secretary of Transportation (40 FR 2861).

In consideration of the foregoing, it is proposed to amend Part 103 of the Federal Aviation Regulations as follows:

1. By amending § 103.1(c) by revising subparagraph (4) and adding a new subparagraph (6) to read as follows:

§ 103.1 Applicability.

• • • • • •

(c) This part does not apply to—• • •

(4) Prior to (2 years after effective date of amendment) radioactive materials that meet those requirements in 49 CFR Parts 172 and 173 in effect on (issuance date of this notice) that exempt them from the packaging, marketing, and labeling requirements for shipment by rail express.

• • • • • •

(6) Human beings and animals with an implanted medical device, such as a heart pacemaker, that contains radioactive material or with radio pharmaceuticals that have been injected or ingested.

2. By amending § 103.1 by adding a new paragraph (d) to read as follows:

§ 103.1 Applicability.

• • • • • •

(d) For the purposes of this part—

(1) Radioactive materials means any materials or combination of materials which spontaneously emit ionizing radiation. The term does not include materials in which (i) the estimated specific activity is not greater than 0.002 microcuries per gram of material; and (ii) the radiation is distributed in an essentially uniform manner.

(2) Research means investigation or experimentation aimed at the discovery and interpretation of facts or revision of accepted theories or laws in the light of new facts.

3. By amending § 103.3 by adding a new paragraph (d) to read as follows:

§ 103.3 Certification requirements.

• • • • • •

(d) In addition to the requirements of paragraph (a) of this section, no shipper may offer, and no person operating an aircraft may knowingly accept, any radioactive materials subject to the requirements of this part for shipment in a passenger-carrying aircraft unless there is accompanying the shipment a clear and visible statement that the shipment contains radioactive materials intended for use in, or incident to, research, or medical diagnosis or treatment and meets the requirements of this part for shipment in passenger-carrying aircraft.

4. By amending § 103.7 by revising paragraph (b)(6) to read as follows:

§ 103.7 Passenger-carrying aircraft.

No person may carry any dangerous article in a passenger-carrying aircraft except—

• • • • • •

(b) The following articles when packaged, marked, and labeled as specifically provided in 49 CFR Parts 171 through 173 for shipment by rail express:

• • • • • •

(6) Subject to applicable provisions of this Part, radioactive materials intended for use in, or incident to, research, or medical diagnosis or treatment and those radioactive materials that are exempted by § 103.1(c) (4) and (6) from the requirements of this part.

Issued in Washington, D.C., on January 29, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-3156 Filed 2-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

[FRL 329-8]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Extension of Comment Period for Proposed Selective Enforcement Auditing Procedures

The Environmental Protection Agency published a notice of proposed rulemaking, 39 FR 45360, dated Tuesday, December 31, 1974, for Selective Enforcement Auditing of new motor vehicles. In order to afford interested persons an opportunity to participate in the rulemaking proceeding the notice invited written submissions of data, views, or arguments relative to the proposed regulation. The closing date for comments was set for March 3, 1975. Submissions to the docket by the Motor Vehicle Manufacturers Association and Ford Motor Company indicate that the March 3, 1975, closing date does not allow adequate time for participants to fully respond to the solicitation of data, views, or arguments, and request that the comment period be extended.

The Agency has considered these requests and has concluded that an extension of the comment period is warranted. Accordingly, the closing date is hereby extended to April 17, 1975, and all comments received on or before that date will be considered. Interested persons may participate in this rulemaking proceeding by submitting written comments (ten (10) copies) to Director, Mobile Source Enforcement Division (EG-340), room 3220 WSM, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All comments will be available for public inspection during normal working hours at the Freedom of Information Office, room 232 WSM, 410 M Street, SW., Washington, D.C. 20460.

Dated: January 29, 1975.

ALAN G. KIRK II,
Assistant Administrator for
Enforcement and General Counsel.

[FR Doc.75-3096 Filed 2-3-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11217, S7-545]

TRANSACTIONS IN GOLD

Proposed Financial Responsibility Requirements for Broker-Dealers, Extension of Comment Period

The Securities and Exchange Commission today announced an extension until February 5, 1975 of the comment period on proposed Rule 15c3-5 as announced in Securities Exchange Act Release No. 11158 [40 FR 1520]. The Commission has received several requests from self-regulatory organizations and others for an extension of time in which to comment on the proposed rule in order that such organizations may complete analysis of the proposed rule.

Comments should be addressed to George A Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7-545 and will be available for public inspection.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 29, 1975.

[FR Doc.75-3311 Filed 2-3-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/12]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Education and Cultural Affairs will meet in closed session on Tuesday, February 25, 1975 in room 507 at the State Department Annex 2, 515 22nd Street N.W., from 9:30 a.m. until approximately 12:00 noon, to consider the exchange of persons program between the United States and the People's Republic of China (PRC).

This portion of the meeting will be closed because during the discussion written and oral information will be presented which, if revealed, would be detrimental to an aspect of U.S. foreign policy under 5 U.S.C. 552(b)(1).

The Commission will meet in open session at the same location from approximately 12:00 noon until 1:00 p.m. The agenda for this portion of the meeting will include:

1. A report on Commission action in connection with the U.S. role in UNESCO.

2. The status of the budget request of the Bureau of Educational and Cultural Affairs.

3. Determination of dates and agenda for future Commission meetings.

4. Any new business that is brought to the attention of members.

For purposes of fulfilling building security, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone (202) 632-2764. Members of the public will be accommodated up to the seating capacity of the meeting room.

Dated: January 30, 1975.

WILLIAM E. WELD, Jr.,
Staff Director,
Commission Secretariat.

[FR Doc.75-3223 Filed 2-3-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bonham, Samuel H., R.R. #1, Union City, Indiana, convicted on November 23, 1962, in the Circuit Court, Randolph County, Winchester, Indiana.

Cabeen, George Miles, 45 Madison Street, Mt. Sterling, Ohio, convicted on October 4, 1963, in the Court of Common Pleas, Franklin County, Ohio.

Camper, Glen Arthur, P.O. Box 4684, Bartlett, Kansas, convicted on November 9, 1970, in the District Court, Labette County, Kansas.

Carpenter, Ralph E., Route 4, Box 322C, Charleston, West Virginia, convicted on July 10, 1972, in the United States District Court, Southern District of West Virginia, Charleston, West Virginia.

Childs, Charlie, 1408 South 'J' Street, Tacoma, Washington, convicted on October 7, 1943, in the Common Pleas Court, Cuyahoga County, State of Ohio.

Dominguez Vazquez, Jose Luis, 910 Pollard, Dallas, Texas, convicted on April 23, 1971, in the United States District Court for the Southern District of Texas.

Fox, David Cleveland, 134 Delaware Drive, Corsopolis, Pennsylvania, convicted on March 14, 1966, in the Beaver County Criminal Court, Beaver, Pennsylvania.

Ginty, III, Peter J., 95-03 Avenue L, Brooklyn, New York, convicted on November 13, 1963, in the Supreme Court of New York, held in and for Queens County, New York.

Glunt, Michael Lee, Route #1, Jefferson, Wisconsin, convicted on September 22, 1971, in the Circuit Court, Jefferson County, Wisconsin.

Gorton, Guy Erwin, 5828 Tobias Avenue, Van Nuys, California, convicted on October 3, 1972, in the Los Angeles Superior Court, Santa Monica Department West H, California; and on August 22, 1956, in the Los Angeles Superior Court, Los Angeles, California.

Green, Stephen L., 1040 S. 2nd East, #4, Salt Lake City, Utah, convicted on December 24, 1969, in the District Court for the Seventh Judicial District, Bonneville County, Idaho.

Gossin, Adelbert P., Green Road, Hubbardsville, New York, convicted on April 8, 1947, in the County Court of Oneida County, Utica, New York.

Groce, Willis, 219 Owen, Detroit, Michigan, convicted on or about October 25, 1932, in the Recorder's Court of the City of Detroit, Michigan; and on April 19, 1940, in the United States District Court, Eastern District of Michigan, Southern Division.

Hagewood, Karl B., 48427 1st Street, Oakridge, Oregon, convicted on October 16, 1967, in the United States District Court, Southern District of California.

Hessler, Jr., Richard A., L/Cpl., 226 McCarthy Midway Island, MCB Quantico, Virginia, convicted on November 21, 1973, in the Circuit Court of the County of Prince William, Manassas, Virginia.

Hollander, Nancy A., 7012 Victoria Avenue, Apt. #6, Highland, California, convicted on October 20, 1971, in the Superior Court, Riverside, California.

Keeler, Burton A., 5205 Wan-I-Da Avenue, N.E., Tacoma, Washington, convicted on October 13, 1930, in the Court of Common Pleas, Lorain County, Ohio; on February 25, 1953, in the Superior Court of the State of Washington, in and for Spokane County; and on December 9, 1960, in the Superior Court of the State of Washington, County of King.

Klima, Craig, 5652 West Reighmoor Road, Omro, Wisconsin, convicted on June 8, 1971, in the County Court, Winnebago County, Wisconsin.

Litts, Edward L., 2927 Gilbert Street, Marinette, Wisconsin, convicted on March 13, 1972, in the Marinette County Circuit Court, Marinette, Wisconsin.

McCraw, Dewey, 23750 Columbus, Warren, Michigan, convicted on October 16, 1950, and March 7, 1951, in the Circuit Court, Jefferson County, Alabama.

Mader, Irvin, 20 Tyler, Apt. 115, Highland Park, Michigan, convicted on February 21, 1933, in the Circuit Court of Madison County, Kentucky.

Mitchell, Berry, Cranks, Kentucky, convicted on January 9, 1950, in the Harlan Circuit Court, Harlan County, Kentucky.

Moritz, Leonard V., R. R. 4, Menomonie, Wisconsin, convicted on November 20, 1972, in the Dunn County Court, Menomonie, Wisconsin.

Myers, Jon Ronald, East Road, New Sweden, Maine, convicted on February 22, 1971, in the United States District Court for the District of Arizona.

Ochs, Larry Francis, Lucinda, Pennsylvania, convicted on November 10, 1972, in the Court of Common Pleas of Clarion County, Pennsylvania.

Pratt, Melvin Dale, P.O. Box 92, Bassett, Wisconsin, convicted on December 22, 1961, March 6, 1964, and May 24, 1966, in the Kenosha County Court, State of Wisconsin.

Reynolds, John Walter, Perryville Road, Springfield, Kentucky, convicted on July 16, 1973, in the United States District Court, Western District of Kentucky.

Rhea, John C., 151 East 6th Street, Russellville, Kentucky, convicted on December 14, 1972, in the United States District Court, Western District, Bowling Green, Kentucky.

Rittenberry, R. L., 701 Park Avenue, Poplar Bluff, Missouri, convicted on September 8, 1970, in the Circuit Court of Butler County, Missouri.

Roskelley, Curtis R., 778 North 300 West, Apt. 2, Salt Lake City, Utah, convicted on November 30, 1970, in the District Court of the First Judicial District of the State of Utah, in and for the County of Cache.

Sanchez, Paul P., 8542 Columbus, #21, Sepulveda, California, convicted on September 16, 1966, in the United States District Court, Northern District of California, Sacramento, California.

Schroyer, Russell T., 6505 Colgate Avenue, Baltimore, Maryland, convicted on May 3, 1974, in the United States District Court for the District of Maryland.

Sherman, Marvin M., 19613 Antago Street, Livonia, Michigan, convicted on February 28, 1944, in the State Court of Colorado, Denver, Colorado; and on July 17, 1947 in the United States District Court, Denver, Colorado.

Staszak, Darrell R., 3819A South Alabama Avenue, Milwaukee, Wisconsin, convicted on May 6, 1971, in the Milwaukee County Circuit Court, State of Wisconsin.

Sterling, Noel Leon, 2151 North 192nd, Seattle, Washington, convicted on October 1, 1968, in the King County Superior Court, Seattle, Washington.

Stevens, Raymond, Route 1, Box 32, Raven, Virginia, convicted on July 28, 1970, in the Circuit Court of the County of Buchanan, Commonwealth of Virginia.

Taylor, Raymond Gilbert, 22420 Petersburg Drive, East Detroit, Michigan, convicted on May 23, 1972, in the United States District Court for the Eastern District of Michigan.

Via, George Thomas, 2202 Zable Drive, Charleston, West Virginia, convicted on or about December 14, 1961, in the Intermediate Court of Kanawha County, West Virginia.

Wagner, Robert, 1691 B Valley Forge Court, Wheaton, Illinois, convicted on August 4, 1967, in the United States District Court, State of Oregon.

Watson, Billy E., 4329 Fulton Street, Houston, Texas, convicted on March 25, 1957, in the District Court #3, Harris County, Texas.

Wingert, Francis Alvern, 4801 W. 40th Street, Sioux Falls, South Dakota, convicted on or about January 21, 1971, in the Minnehaha County Circuit Court, Sioux Falls, South Dakota.

Wix, Patrick A., P. O. Box 54, Pittsville, Wisconsin, convicted on March 20, 1972, in Branch 2 County Court, Wood County, Wisconsin.

Woodrich, Raymond Lee, 639 West High Street, Lincoln, Nebraska, convicted on August 9, 1971, in the District Court of Washington County, Nebraska; and on September 3, 1972, in the District Court of Burt County, Nebraska.

Signed at Washington, D.C. this 21st day of January, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol,
Tobacco and Firearms.

[FR Doc.75-3111 Filed 2-3-75;8:45 am]

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Interim Exemption From Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks

CROSS REFERENCE: For a document concerning the granting of an exemption by both the Internal Revenue Service and the Department of Labor with respect to certain securities transactions between employee benefit plans and certain broker-dealers, reporting dealers and banks from the prohibited transaction provisions of section 4975 of the Internal Revenue Code of 1954 and section 406 of the Employee Retirement Income Security Act of 1974, see FR Doc. 75-3340, infra.

Office of the Secretary

[Public Debt Series No. 2-75]

SERIES D-1978 TREASURY NOTES

Rates of Percent Per Annum

JANUARY 29, 1975.

The Secretary of the Treasury announced on January 28, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 2-75, dated January 23, 1975, will be 7⅛ percent per annum. Accordingly, the notes are hereby redesignated 7⅛ percent Treasury Notes of Series D-1978. Interest on the notes will be payable at the rate of 7⅛ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-3145 Filed 2-3-75;8:45 am]

[Public Debt Series No. 3-75]

SERIES C-1981 TREASURY NOTES

Rates of Percent Per Annum

JANUARY 30, 1975.

The Secretary of the Treasury announced on January 29, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 3-75, dated January 23, 1975, will be 7⅜ percent per annum. Accordingly, the notes are hereby redesignated 7⅜ percent Treasury Notes of Series C-1981. Interest on the notes will be payable at the rate of 7⅜ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-3146 Filed 2-3-75;8:45 am]

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings and Determination

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on February 24, 1975, of the following debt management advisory committees:

American Bankers Association
Government Borrowing Committee
Securities Industry Association
Government Securities and Federal Agencies Committee

The agenda for the meetings will include a briefing for the advisory committees by Treasury staff on current debt management problems, deliberations by the two committees, and reports to the Secretary of the Treasury and Treasury staff.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552(b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

Dated: January 29, 1975.

[SEAL] JACK F. BENNETT,
Under Secretary for
Monetary Affairs.

[FR Doc.75-3063 Filed 2-3-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR UNIVERSITY BOARD OF VISITORS

Closed Meeting

JANUARY 29, 1975.

The Air University Board of Visitors will hold a closed meeting on March 18, 1975, at 2 p.m. in the Air University Conference Room, Austin Hall, Building 800, Maxwell Air Force Base, Alabama.

The board will present to the Commander, Air University, a report of findings and recommendations concerning Air University educational programs. The meeting will include an exchange of internal views on matters listed in 5 U.S.C. 552(b)(2) and, therefore, is closed to the public.

For further information on this meeting, contact Dorothy D. Reed, Coordinator, AU Board of Visitors, Office of the Deputy Chief of Staff, Education, Headquarters Air University (EDV), on 205-293-5158 or 205-293-7423.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative
Division, Office of The Judge
Advocate General.

[FR Doc.75-3270 Filed 2-3-75;8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

CONSUMER TASK GROUP COMMITTEE ON ENERGY CONSERVATION NATIONAL PETROLEUM COUNCIL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Consumer Task Group of the Committee on Energy Conservation of the National Petroleum Council will meet on February 19, 1975 at 9:30 a.m. in the National Petroleum Council's conference room, 1625 K Street NW., Washington, D.C. The agenda includes the following items:

1. Review of progress on preparation of a report on Phase II of the current study on the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the Nation. This study was requested by the Secretary of the Interior on July 23, 1973. Phase I of the study was completed on September 10, 1974.

2. Discussion of participation by the Task Group in Phase II of the study.

3. Discussion of any other matters pertinent to the overall assignment of the Task Group.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343-7976.

Dated: January 31, 1975.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-3287 Filed 2-3-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Notice of Public Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., February 20, 1975, in the Forum of the Sheraton Inn, Freeway 99 and Clinton Avenue, Fresno, California.

The purpose of the meeting is to: Review possible changes in minimum grade and condition standards for raisins; receive a report of a meeting between raisin industry representatives and U.S. Department of Agriculture officials in Washington, D.C.; and discuss domestic and export shipments of raisins in the current crop year. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674)).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California, 93720; telephone 209-268-5666.

Dated: January 30, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-3170 Filed 2-3-75;8:45 am]

Farmers Home Administration

[Designation No. A131]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in five counties in Mississippi as a result of natural disasters. The attached chart shows the counties, disasters, and dates on which the disasters occurred.

Therefore, the Secretary has designated these areas as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for emergency loans must be received by this Department no later than March 27, 1975, for physical losses and October 28, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 28th day of January, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

Mississippi, 4 counties, 1974

County	Excessive rainfall	Drought	Freeze and/or frost	Below normal temperatures
Choctaw	Mar. 1 to June 1	July 1 to Sept. 15	Oct. 3	
Leflore	Apr. 1 to June 16 (also flood Sept. 5 to Nov. 30.	Aug. 1 to Aug. 31	Nov. 14	
Marshall	Apr. 15 to May 10	June 24 to July 23	Oct. 2	June 1 to Sept. 30 (5° below normal 4-year average. Averaged 78° in August).
Pontotoc	Apr. 1 to June 23		Oct. 3 and 4	Apr. 1 to May 20.

[FR Doc.75-3075 Filed 2-3-75;8:45 am]

Forest Service

MEDICINE BOW NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Cancellation of Meeting

The annual meeting of the Medicine Bow National Forest Grazing Advisory Board will not be held as previously schedule. This Board was abolished January 5, 1975 but will be reestablished under the Federal Advisory Committee Act.

W. W. BRADSHAW,
Acting Forest Supervisor.

JANUARY 24, 1975.

[FR Doc. 75-3138 Filed 2-3-75; 8:45 am]

Soil Conservation Service

BOIS d'ARC BAYOU WATERSHED, ARKANSAS, ET AL.

Notice of Authorization for Planning

This provides notice of authorization dated January 29, 1975 to concerned state conservationists of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watersheds. The state conservationist may now proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended.

Environmental assessments will be made during the planning process. Environmental impact statements or negative declarations will be made available to the general public, filed with the Council on Environmental Quality, and the notice of availability published in the FEDERAL REGISTER.

Persons interested in any of these projects may contact the local organizations or the concerned state conservationist as indicated below:

Arkansas: *Bois d'Arc Bayou Watershed;* 10,700 acres; Little River County.

Sponsors—Bois d'Arc Bayou Improvement District and Little River Conservation District.

State Conservationist—Mrs. M. J. Spears, Soil Conservation Service, Federal Building, Room 5029, 700 West Capitol Street, P.O. Box 2323, Little Rock, Arkansas 72203.

Texas: *Brushy Creek Watershed;* 20,528 acres; Jackson and Lavaca Counties.

Sponsors—Jackson County County-Wide Drainage District, Jackson Soil and Water Conservation District, Lavaca Soil and Water Conservation District, and Jackson County Commissioners Court.

State Conservationist—Mr. E. E. Thomas, Soil Conservation Service, 16-20 South Main Street, P.O. Box 648, Temple, Texas 76501.

West Virginia: *Upper Mud River Watershed;* 60,922 acres; Boone and Lincoln Counties.

Sponsors—Guyan Soil Conservation District, Boone County Court and Lincoln County Court.

State Conservationist—Mr. J. S. Bennett, Soil Conservation Service, 75 High Street, P.O. Box 865, Morgantown, West Virginia 26505.

(Catalog of Federal Domestic Assistance Program No. 10,904, National Archives Reference Services)

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

JANUARY 29, 1975.

[FR Doc.75-3139 Filed 2-3-75;8:45 am]

MIDDLE OCONEE—WALNUT CREEK WATERSHED PROJECT, GEORGIA

Notice of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Middle Oconee—Walnut Creek Watershed Project, Hall and Jackson Counties, Georgia.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Charles W. Bartlett, State Conservationist, Soil Conservation Service, USDA, 355 East Hancock Avenue, Athens, Georgia 30601, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by seven single purpose floodwater retarding structures, and one multiple purpose structure for flood prevention and municipal and industrial water supply.

The environmental assessment file is available for inspection during regular hours at the following location:

Soil Conservation Service, USDA, 228 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until February 19, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JANUARY 28, 1975.

[FR Doc.75-3141 Filed 2-3-75;8:45 am]

NORTH DAKOTA

Notice of Equipment Grant Eligibility Determination

Notice is hereby given, in accordance with 7 CFR 662.2(c), of a determination that the Turtle Mountain Soil Conservation District, Bottineau, North Dakota, is eligible for a grant of the following items of equipment (or materials) to carry out soil and water conservation work:

Rotary snowplow.

The grant is subject to the availability of the equipment from federal excess property sources, and may be made after March 6, 1975.

ALLEN L. FISK,
State Conservationist, Soil Conservation Service.

[FR Doc.75-3140 Filed 2-3-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA—SAN FRANCISCO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00289-33-77030. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: Model CPS-2 Coherent NMR Pulse Spectrometer. Manufacturer: Spin-Lock Electronics, Ltd., Canada. Intended use of article: The article is intended to be used in research with a two fold objective. First, to develop a fast, reliable method of diagnosing a cancerous or precancerous condition that can be employed on a routine basis. Second, to establish the cause of the larger water proton relaxation times observed in samples from tumorous animals in terms of cellular or molecular properties that may be altered by the existence of cancer in an animal.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (December 18, 1973).

Reasons: The foreign article provides the capabilities for a CPMG pulse sequence (for measurement of T_2, spin-spin relaxation measurements; and, by a modification, measurement of diffusion coefficients) and T_1 (spin lattice relaxation time) spin locking experiments. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated July 2, 1974, that the combination of capabilities described above is pertinent to the applicant's studies of water in normal and malignant cells. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's purposes which was available at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-3133 Filed 2-3-75;8:45 am]

DUTY-FREE ENTRY OF SCIENTIFIC ARTICLES

Applications

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether

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an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before February 24, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00306-98-29900. Applicant: University of Pittsburgh, Department of Physics, Pittsburgh, Pennsylvania 15260. Article: Far Ultraviolet Interference Filter. Manufacturer: Engins Matra, France. Intended use of article: The foreign article will be used to filter for ultraviolet light in equipment intended to measure atomic oxygen at stratospheric altitudes. Application received by Commissioner of Customs: January 8, 1975.

Docket Number: 75-00307-33-46040. Applicant: Central Connecticut State College, 1615 Stanley Street, New Britain, Connecticut 06050. Article: Electron Microscope, Model HS-9. Manufacturer: Hitachi Limited, Japan. Intended use of article: The article is intended to be used for research on biological materials ranging from viruses, bacteria, blue-green algae and diatoms to multicellular plant and animal tissues. Specific interest lies in the organelles and structures involved in genetic transmission and in development of new stain techniques for wide microscopic applications. Research will also include studies involving Ehrlich ascites tumor cells. In addition, the article is intended to be used in the course Biology 472, Principles and Techniques of Electron Microscopy, to provide advanced undergraduate and graduate students with a grounding in the physical theories of transmission electron microscopy as well as the sequential operational procedures from specimen preparation and ultramicrotomy to darkroom techniques and interpretations of EM graphs they have made. Application received by Commissioner of Customs: January 8, 1975.

Docket Number: 75-00308-33-46500. Applicant: State Laboratory Institute, 305 South Street, Boston, Massachusetts 02130. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used as a tool that will permit rapid and accurate diagnosis of selected human and animal virus diseases. The materials to be studied include specimens which will be examined directly for virus and/or viral antigens in skin lesions; vesicle fluid; tissue from organs including brain, liver, lung, spleen, pancreas and other organs; exfoliated cells from throat and the reproductive system; biopsy specimens; leucocytes; exudates; and transudates. Application received by Commissioner of Customs: January 8, 1975.

Docket Number: 75-00309-33-90000. Applicant: Good Samaritan Hospital and Medical Center, 1015 NW. 22nd Avenue, Portland, Oregon 97210. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article is intended to be used for research experiments to be conducted for the study of patients both with and without the use of adjunctive intravenous contrast agents, to localize epilepigenic foci and record postictal changes in the central nervous system of epilepsy patients. The article will also be used as an educational tool for the resident doctor staff which includes Neuroscience Institute, neurosurgery, neurology and neuroradiology residents. Application received by Commissioner of Customs: January 8, 1975.

Docket Number: 75-00310-33-90000. Applicant: Mercy Hospital and Medical Center, 4077 Fifth Avenue, San Diego, California 92103. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article is intended to be used for clinical research into brain tumors, brain damage, brain infection, and other intracranial disease. The article will also be used for postgraduate instruction in all fields with emphasis in Radiology, Neurosurgery, and Neurology, Pediatrics and Internal Medicine. Application received by Commissioner of Customs: January 8, 1975.

Docket Number: 75-00311-33-46040. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02108. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used primarily for biomedical research in studies of animal (including human) calcifying tissues. The research will involve investigation of cells and subcellular components, as well as matrix and matrix components. The work will include: (1) Changes in cell structure and subcellular components of the different types of bone cells under influence of hormones and drugs; (2) structure of bone cells, subcellular components and matrix components in bone diseases; (3) changes in cellular and subcellular structure and matrix components of articular cartilage in experimental models and in arthritis; (4) the nature of the initial mineral deposits in bone matrix and their subsequent maturation; (5) the relationship between these mineral deposits and structures in the organic matrix, as well as between the mineral deposits and cellular components. Application received by Commissioner of Customs: January 8, 1975.

Docket Number: 75-00312-75-42800. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton Long Island, New York 11973. Article: Electron Analyzing Magnet. Manufacturer: Voest, Austria. Intended use of article: The article intended to be used in a research program of investigating the properties of atomic nuclei. The experiments to be conducted consist of irradiating targets of various elements in a beam of slow neutrons at the Brookhaven High Flux Beam Research Reactor and observing the electrons which are ejected after neutrons are captured by target nuclei. Application received by Commissioner of Customs: January 8, 1975.

Docket Number: 75-00313-33-46500. Applicant: University of Texas Medical Branch, Marine Biomedical Institute, 200 University Blvd., Galveston, Texas 77550. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of the cellular structure of embryonic marine fish larvae, particularly the leptocephalous larvae of eels and related fishes. The development of embryonic cells as they transform to adult organs with specific functions will be traced. Application received by Commissioner of Customs: January 8, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-3134 Filed 2-3-75;8:45 am]

National Bureau of Standards

DEVELOPMENT OF VOLUNTARY PRODUCT STANDARDS

Simplified Practice Recommendation Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice Recommendation R 252-60, "Standard Sizes of Pint, Quart, and Half-Gallon Rectangular Ice Cream Cartons and Molds."

It has been determined that this standard is technically inadequate and of insufficient public concern to warrant continuation as a Department of Commerce standard and that revision would serve no useful purpose. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of November 19, 1974 (39 FR 40599), to withdraw this standard.

The effective date for the withdrawal of this standard will be 60 days after the publication of this notice. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: January 29, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-3143 Filed 2-3-75;8:45 am]

Patent and Trademark Office

CHANGE IN NAME OF THE PATENT OFFICE

On January 2, 1975, President Ford signed into law H.R. 7599, a bill changing the name of the Patent Office to the "Patent and Trademark Office" and the title of the Commissioner of Patents to the "Commissioner of Patents and Trademarks." This change reflects the dual role of the Patent Office in administering both the patent law (Title 35, United States Code) and the Trademark Act of 1946 (60 Stat. 427 (15 U.S.C. 1051, et seq.)).

In order to minimize the cost of implementing this law (Pub. L. 93-596) and because of the similarity of the old and new names, existing stationery, printed forms, publications, etc. will continue in use until such supplies are exhausted. During the interim, the terms "Patent Office" and "Commissioner of Patents", appearing on patent grants and other official documents issued or dated on and after January 2, 1975, shall be construed to mean "Patent and Trademark Office" and "Commissioner of Patents and Trademarks." This same interpretation shall apply to the use of these terms in the patent and trademark rules of practice, 37 CFR, Parts 1 and 2, until such time as the Code of Federal Regulations is revised and new rules of practice are published.

In addition, the public is encouraged to minimize its costs in complying with this new law by exhausting reasonable quantities of existing stationery and forms which contain printed reference to the Patent and Trademark Office as the Patent Office and the Commissioner of Patents and Trademarks as the Commissioner of Patents. In preparing other written matter for submission to the Patent and Trademark Office, the public should use the new designation.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-3136 Filed 2-3-75;8:45 am]

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Meetings

The formation of a Panel on Sulfur Oxide Control Technology under the U.S. Department of Commerce Technical Advisory Board (CTAB) is now under consideration to provide the Secretary an assessment of how the utility industry in the Northeastern United States can best utilize sulfur-bearing Appalachian coal in meeting energy needs while complying with the Clean Air Act of 1970. This notice provides the schedule for the following meetings which are contingent on the establishment of the Panel.

Date	*Time*	*Purpose*	*Meeting place*
March 6, 1975	8:30 a.m. to 5 p.m.	Reports from members and consultants on scenario studies.	Room 4830, Main Commerce Bldg., Washington, D.C.
March 7, 1975	8:30 a.m. to 5 p.m.	Assignment to panel members and consultants.	Room 6802, Main Commerce Bldg., Washington, D.C.
March 10, 1975	8:30 a.m. to 5 p.m.	Reports from members and consultants on scenario studies.	Room 6802, Main Commerce Bldg., Washington, D.C.
March 11, 1975	8:30 a.m. to 5 p.m.	Assignment to panel members and consultants.	Room 6802, Main Commerce Bldg., Washington, D.C.

A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Dr. Bruce B. Robinson, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Dated: January 31, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology, U.S. Department of Commerce.

[FR Doc.75-3297 Filed 2-3-75;8:45 am]

[Administrative Order 216-6]

POLICIES AND PROCEDURES IN THE PREPARATION OF ENVIRONMENTAL STATEMENTS

Proposed Federal Actions

On January 9, 1974, there was published in the FEDERAL REGISTER (39 FR 1473) a notice soliciting public comment on a previously published (38 FR 33625) Department Administrative Order (DAO) which prescribed policies and procedures to be followed throughout the Department in the preparation of statements and comments on proposals for legislation and other major actions significantly affecting the quality of the environment. The notice also rescinded the initially prescribed effective date (11-27-73) of the DAO, pending receipt and evaluation of comment.

Pursuant to the above, the Department received some suggestions for clarification from the Environmental Protection Agency, but no comments from the public. The EPA suggestions resulted in technical changes to the DAO but no substantive changes were effected.

The order was subsequently issued in final form effective November 27, 1974, and is printed below for the information of all concerned.

Issued: January 27, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

This order, effective November 27, 1974, supersedes the material appearing at 38 FR 33625 of December 6, 1973, as amended by 39 FR 1473 of January 9, 1974, including all attachments.

SECTION 1. *Purpose.* .01 This order prescribes the policies and procedures to be followed throughout the Department in the preparation of statements and comments on proposals for legislation and other major actions significantly affecting the quality of the human environment. This order implements the Council on Environmental Quality (CEQ) guidelines which are attached hereto as an Appendix. See 38 FR 20550, August 1, 1973.

.02 This revision contains additional procedures that should assist the Department in meeting the requirements of the National Environmental Policy Act of 1969 (the "Act").

SEC. 2. *Statutory Background.* .01 Section 102(2)(C) of the Act requires that all Federal agencies include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official on:

a. The environmental impact of the proposed action;

b. Any adverse environmental effects which cannot be avoided;

c. Alternatives to the proposed action;

d. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

e. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action, should it be implemented.

.02 The section of the Act cited above further prescribes that prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement, and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards, shall be made available to appropriate officials as well as to the public, and shall accompany the proposal

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through the existing agency review process.

SEC. 3. *Scope.* .01 *Inclusions.* For the purposes of this order, the term "major actions" shall include:

a. Legislative actions including:

1. Reports or recommendations relating to legislation initiated by the Department, including those for appropriations;

2. Reports or recommendations relating to legislation initiated outside the Department for which the Department would have primary responsibility; and

3. Items classified in Section 1500.12 of the CEQ guidelines.

b. Projects and continuing activities including those directly undertaken by the Department or supported in whole or in part by the Department through technical assistance, contracts, grants, cost sharing, subsidies, loans or other forms of funding support. They include grants and loans for public works and development facilities, economic development planning assistance, or economic development technical assistance as provided in Attachment D to OMB Circular A-95 revised (effective January 1, 1974).

c. Policy changes or new procedures that may have a significant impact on the quality of the human environment, including rules and regulations.

d. Research projects and activities when:

1. Research is to be conducted in a manner which would have direct impact on the quality of the human environment, however, localized such impact may be (e.g., cloud seeding experiments); or

2. Research is intended to form the basis for development of future projects which would be considered major actions under this order.

e. Projects in a series where related projects under a program have substantial, similar impacts on the quality of the human environment. In such a case, the program, rather than the individual projects, may be considered to be the major action for the purposes of this order, unless the proposed projects are to be conducted under widely varying geographic or environmental conditions. When a program statement is prepared in accordance with this order, supplemental statements may still be required for specific actions.

.02. *Exclusions.* The dollar and physical size of a project will not necessarily determine whether it is a "major action." The following shall not be considered "major actions" under this order:

a. Normal housekeeping functions including personnel actions, procurement for general supplies and contracts for personnel services;

b. Amendments to actions, including increases in cost, which do not alter the environmental impact of the actions; or

c. Other actions specifically determined by the Deputy Assistant Secretary for Environmental Affairs (the "DAS") not to fall under the requirements of this order.

.03 *Significant Impact.* a. The term "significant impact" shall include impacts of both beneficial and detrimental effects, even if, on balance, they are believed to have a beneficial effect. A significant environmental impact may exist depending upon the extent to which there is a potential for:

1. The alteration of an ecosystem; or

2. Measurably affecting existing or future population of man or other forms of life.

b. Also, section 1500.6 of the CEQ guidelines provides a further discussion of what may constitute a significant impact.

c. For the purposes of this order, "cumulative impacts" shall mean actions which, in themselves, would not involve a significant impact on the quality of the human environment, but which, nonetheless shall be considered as having a significant impact if they can reasonably be expected to set a precedent for a series of subsequent actions which, when considered cumulatively, would result in a significant impact. Also, several related Federal actions in a specific area may result in a significant impact as a result of the aggregated actions.

SEC. 4. *Policies.* .01 The Department shall, to the maximum extent possible, cooperate fully in the national effort to improve the quality of the human environment, including extending its services to other Federal, State and local agencies for assistance in evaluating the impact of Federal actions upon the environment.

.02 As a general policy, the Department will only review draft environmental impact statements submitted by, or with the concurrence of, the Federal agencies having lead agency assignments for the preparation of statements. In other cases, operating units should consult with the DAS in regard to appropriate handling of requests for review of environmental impact statements.

.03 No major action, including action relating to legislative matters which will significantly affect the quality of the human environment, shall be taken or approved within the Department unless a detailed environmental statement has been prepared and approved as provided herein.

.04 The Department itself is responsible for the preparation of environmental statements on those actions related to responsibilities formally delegated or assigned to the Department. Where an agency within the Department relies upon an applicant or contractor to submit environmental information, the agency must specify the type of information to be required and the agency must independently evaluate the information and environmental issues and take responsibility for the scope and content of the environmental statement. The development of a position on the environmental issues may not be delegated outside of the Department and the views of a contractor or applicant may not be adopted without independent evaluation. Environmental impact statements shall normally not be prepared in support of matters which are the primary responsibility of other agencies.

.05 The CEQ guidelines state "Proposed major actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases." (section 1500.6(a), CEQ guidelines.) A proposed action shall be considered controversial where a substantial number of persons are known to question or dispute the size, effect or environmental impact of the proposed action, or where actions of a similar nature have been opposed on environmental grounds in the past.

SEC. 5. *Responsibilities.* .01 *Assistant Secretary for Science and Technology.* Pursuant to the provisions of Department Organization Order 10-1, the Office of the Assistant Secretary for Science and Technology, shall:

a. Review, evaluate, circulate, and where appropriate, approve discussion papers prepared pursuant to section 6 of this order, and conduct Departmental coordination and clearance thereof;

b. After completion of such review, evaluation, coordination and approval, designate appropriate documents as draft of final environmental impact statements;

c. Arrange for draft environmental impact statements to be made available to other agencies and to the public and transmit such statements to the CEQ in accordance with Council guidelines;

d. Receive for review draft environmental impact statements prepared by other agencies and referred to the Department of Commerce for that purpose and, where appropriate, prepare the comments of the Department thereon;

e. With the concurrence of the General Counsel interpret the National Environmental Policy Act and guidelines established thereunder by the Council; and provide guidance to operating units in preparing and commenting on environmental statements;

f. Supplement Department of Commerce procedures for the preparation, review, and coordination of environmental impact statements, except as noted in paragraph .03 below; and

g. Represent the Department in determining which Federal agency will be the "lead agency" with respect to any environmental impact statement, pursuant to section 1500.7(b) of the CEQ guidelines.

.02 *Heads of Operating Units.* In addition to following the procedures set forth in section 6 of this order, Heads of Operating Units shall:

a. Review statements prepared by the other agencies which have been referred to them by the DAS for that purpose. See section 1500.9(e) of the CEQ guidelines;

b. Keep the DAS advised of (1) future actions that will have or will be likely to have a significant impact on the environment and (2) other matters that affect the Assistant Secretary's responsibilities in the environmental area;

c. Maintain and submit quarterly to the Office of Environmental Affairs, in accordance with the provisions of section

8 of this order, a list of administrative actions for which environmental statements are being prepared. Negative determination in regard to preparation of environmental impact statements should be included when required by the special conditions listed in section 1500.6(e) of the CEQ guidelines; and

d. Forward promptly to the DAS any request for comments received directly from other agencies. However, this does not preclude field offices from providing a preliminary response to an impact statement received locally, if it is made clear that the official DoC position will be forthcoming at a later date.

.03 The *General Counsel.* Pursuant to the provisions of Department Organization Order 10-6, and the provisions of DAO 218-1, supplementary procedures for the preparation, review and coordination of environmental statements required in connection with legislative proposals or reports shall be prescribed, as necessary, by the General Counsel of the Department.

.04 *Assistant Secretary for Administration.* Pursuant to the provisions of Department Organization Order 10-5 and the provisions of DAO 203-1, supplementary procedures for the preparation, review, and coordination of environmental statements required in connection with budget materials shall be prescribed, as necessary, by the Assistant Secretary for Administration.

SEC. 6. *Procedures.* .01 *Heads of Operating Units* shall: a. Prepare, at the earliest practicable time, a discussion paper for any proposed action which may have a significant environmental impact. The discussion paper should consider whether the proposed action is a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act. These discussion papers should primarily contain relevant factual information and include economic and technical considerations as well as environmental values;

b. Submit the discussion paper to the DAS for circulation within the Department;

c. Review the discussion paper with the DAS to determine whether a draft environmental impact statement or a negative declaration should be prepared pursuant to section 1500.11(f) of the CEQ guidelines;

d. If it is determined that an environmental impact statement is to be prepared, make a public announcement of that determination. This announcement shall be sent to the CEQ, and other Federal, State, and municipal agencies as appropriate, and it shall be publicly posted. The announcement shall request comments which may be helpful in the preparation of the draft environmental statement. A current list of major Federal actions for which an environmental impact statement is being prepared will be maintained for public inspection;

e. Prepare a letter of transmittal to be signed by the DAS (see Exhibits 1 and 2) for each interested government agency and each interested member of the public to which the draft environmental impact statement will be sent;[1]

f. Receive and give due consideration to comments from other government agencies and members of the public; prepare a letter of transmittal to be signed by the DAS to each government agency and each member of the public who commented on the draft environmental impact statement; and effect the necessary distribution of the final environmental impact statement;

g. The draft environmental impact statement or the final environmental impact statement as appropriate, should accompany other relevant documents throughout the review process. In the case of legislative proposals originated by the Department which will significantly affect the quality of the human environment, the draft environmental impact statement should be prepared prior to the submission of the proposal to OMB for final clearance;

h. Determine with the DAS whether a public hearing is to be authorized. If the DAS so authorizes, a public hearing shall be convened by the head of the operating unit or his representative and conducted according to such procedures as he deems appropriate. Such a hearing shall not be held sooner than fifteen days after the draft environmental impact statement is made available to the public. Upon completion of the public hearing, the head of the operating unit shall prepare a report to the DAS stating where and when the hearing was held, who was in attendance and what positions were taken; and

i. Insure that environmental impact statements include all information required in paragraph 1500.8(a) of the CEQ guidelines. Environmental impact statements should be as short as feasible and easily understood. Where possible, appendices and footnotes are to be preferred to extensive textual discussions or detailed information not of general interest.

.02 The *Deputy Assistant Secretary for Environmental Affairs* shall: a. Circulate discussion papers within the Department of Commerce and determine pursuant to this order when an environmental impact statement shall be prepared;

b. Supervise the preparation of the draft environmental impact statement and the final environmental impact statement;

c. Authorize public hearings pursuant to this order; and

d. Assist agencies in obtaining adequate public notice both of the preparation and availability of each draft environmental impact statement.

SEC. 7. *Implementation of actions requiring statements.* To the maximum extent practicable, no actions subject to section 102(2)(C) of the Act are to be taken sooner than ninety (90) days after a draft environmental impact statement has been announced as available to the public by the CEQ in the FEDERAL REGISTER, or sooner than thirty (30) days after the final environmental impact statement has been made available to the public by the CEQ. When actions must be taken sooner than the above guidance permits, a full explanation should be prepared to supplement the environmental impact statement and the CEQ should be consulted in advance whenever possible.

SEC. 8. *Reporting Requirements.* .01 In order to comply with section 1500.6(e) of the revised CEQ guidelines, all operating units should submit to the Office of Environmental Affairs a listing of major Federal actions for which environmental statements are being prepared. This listing should be updated by revised submissions due on the last working day of each calendar quarter. The list should also include, with appropriate explanations, those actions for which a negative determination has been made concerning the preparation of an environmental impact statement when:

a. Such actions would normally require the preparation of a statement;

b. Statements have been prepared for similar actions;

c. A previous announcement has been made that a statement would be prepared; or

d. The CEQ has made a specific request that preparation of a statement be considered.

.02 A consolidated listing will be furnished by the Office of Environmental Affairs to the CEQ for publication in the FEDERAL REGISTER.

SEC. 9. *Advice of the General Counsel.* Responsible officers will seek the advice of the General Counsel on legal questions arising in connection with the foregoing functions.

FREDERICK B. DENT,
Secretary of Commerce.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-3137 Filed 2-3-75;8:45 am]

[1] Exhibits 1 and 2: Filed as part of original document.

Social and Economic Statistics Administration

ESTIMATES OF THE VOTING AGE POPULATION FOR 1974

In accordance with the requirements of the Federal Election Campaign Act of 1971 (47 U.S.C. 803), notice is hereby given that the estimates of the voting age population (18 years of age and over) for calendar year 1974 for each state, congressional district, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands are as shown in the following table. These estimates have been certified to the Comptroller General.

FREDERICK B. DENT,
Secretary of Commerce.

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ESTIMATES OF THE POPULATION OF VOTING AGE (18 YEARS AND OVER) FOR STATES, CONGRESSIONAL DISTRICTS, AND SELECTED OUTLYING AREAS: 1974

(In thousands)

State and congressional district:	Population 18 and over
UNITED STATES	144,128
Alabama	2,389
1	326
2	339
3	343
4	369
5	330
6	345
7	338
Alaska	207
Arizona	1,421
1	363
2	368
3	357
4	333
Arkansas	1,402
1	327
2	363
3	386
4	327
California	14,496
1	358
2	367
3	342
4	332
5	352
6	346
7	329
8	348
9	336
10	340
11	341
12	342
13	331
14	346
15	337
16	371
17	332
18	313
19	365
20	340
21	314
22	336
23	366
24	365
25	304
26	318
27	349
28	333
29	288
30	289
31	286
32	307
33	304
34	342
35	314
36	323
37	352
38	310
39	348
40	401
41	383
42	334
43	371
Colorado	1,687
1	320
2	351
3	319
4	345
5	352
Connecticut	2,139
1	357
2	366
3	357
4	343
5	360
6	356
Delaware	385
District of Columbia	517
Florida	5,768
1	321
2	355
3	324
4	387
5	458
6	444
7	361
8	390
9	329
10	447
11	433
12	413
13	360
14	389
15	356
Georgia	3,229
1	294
2	308
3	294
4	349
5	298
6	360
7	341
8	312
9	354
10	318
Hawaii	565
1	273
2	292
Idaho	524
1	272
2	252
Illinois	7,569
1	285
2	268
3	313
4	335
5	290
6	326
7	262
8	294
9	350
10	312
11	325
12	334
13	312
14	326
15	318
16	303
17	327
18	321
19	317
20	328
21	334
22	326
23	300
24	343
Indiana	3,576
1	300
2	339
3	324
4	323
5	326
6	321
7	346
8	328
9	327
10	327
11	313
Iowa	1,947
1	326
2	314
3	320
4	333
5	337
6	317
Kansas	1,580
1	309
2	326
3	313
4	297
5	325
Kentucky	2,267
1	345
2	315
3	300
4	317
5	331
6	339
7	319
Louisiana	2,428
1	300
2	311
3	306
4	305
5	308
6	317
7	298
8	289
Maine	707
1	361
2	346
Maryland	2,771
1	352
2	348
3	335
4	353
5	337
6	362
7	307
8	358

State and congressional district:	Population 18 and over
Massachusetts	4,081
1	346
2	322
3	328
4	338
5	328
6	332
7	331
8	355
9	320
10	343
11	327
12	360
Michigan	6,029
1	290
2	335
3	320
4	327
5	313
6	333
7	299
8	314
9	317
10	343
11	343
12	313
13	282
14	306
15	328
16	309
17	314
18	319
19	323
Minnesota	2,623
1	334
2	339
3	317
4	315
5	314
6	332
7	337
8	335
Mississippi	1,492
1	296
2	282
3	299
4	294
5	322
Missouri	3,299
1	283
2	316
3	306
4	353
5	309
6	347
7	372
8	345
9	330
10	338
Montana	489
1	253
2	236
Nebraska	1,052
1	358
2	353
3	341
Nevada	384
New Hampshire	547
1	275
2	272
New Jersey	5,058
1	334
2	381
3	340
4	322
5	328
6	347
7	326
8	336
9	343
10	307
11	351
12	332
13	345
14	337
15	330
New Mexico	711
1	373
2	338
New York	12,663
1	351
2	298
3	298
4	300
5	318
6	338
7	339
8	356
9	361
10	332
11	311
12	268
13	342
14	289
15	328
16	329
17	343
18	389
19	313
20	348
21	271
22	339
23	328
24	324
25	337
26	331
27	335
28	331
29	341
30	324
31	326
32	320
33	314
34	317
35	312
36	321
37	297
38	325
39	320
North Carolina	3,639
1	315
2	317
3	307
4	359
5	336
6	330
7	328
8	326
9	332
10	343
11	346
North Dakota	425
Ohio	7,257
1	313
2	301
3	309
4	314
5	323
6	322
7	311
8	322
9	314
10	335
11	314
12	327
13	311
14	313
15	332
16	325
17	318
18	325
19	321
20	293
21	278
22	315
23	323
Oklahoma	1,880
1	302
2	314
3	327
4	317
5	303
6	317
Oregon	1,576
1	410
2	395
3	371
4	399
Pennsylvania	8,279
1	325
2	316
3	311
4	318
5	344
6	350
7	316
8	328
9	333
10	347
11	350
12	333
13	325
14	320
15	347
16	337
17	343
18	321
19	340
20	316
21	328
22	335
23	336
24	331
25	329
Rhode Island	653
1	322
2	331
South Carolina	1,833
1	303
2	334
3	311
4	310
5	303
6	272
South Dakota	457
1	232
2	225

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State and congressional district:	Population 18 and over
Tennessee	2,828
1	361
2	367
3	349
4	370
5	343
6	350
7	352
8	336
Texas	8,019
1	349
2	372
3	355
4	351
5	323
6	349
7	358
8	315
9	317
10	388
11	389
12	304
13	319
14	309
15	316
16	312
17	326
18	323
19	310
20	317
21	353
22	341
23	315
24	306
Utah	730
1	366
2	364
Vermont	316
Virginia	3,350
1	392
2	318
3	386
4	317
5	328
6	344
7	358
8	331
9	343
10	843
Washington	2,387
1	340
2	333
3	361
4	345
5	362
6	332
7	315
West Virginia	1,236
1	309
2	322
3	299
4	306
Wisconsin	3,069
1	331
2	351
3	356
4	338
5	329
6	340
7	348
8	336
9	340
Wyoming	240
OUTLYING AREAS	
Puerto Rico	1,682
Guam	45
Virgin Islands	45

[FR Doc.75-3112 Filed 2-3-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[GRASP 5G0047]

BEATRICE FOODS CO., INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0047) has been filed by Beatrice Foods Co., Inc., 1526 South State St., Chicago, IL 60605 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that magnesium caseinate for use as an ingredient for making cheese alternate products which can be blended with natural cheese or used alone as a total substitute for cheese is generally recognized as safe (GRAS).

Preliminary review of this petition by the Food and Drug Administration has concluded that GRAS or food additive consideration of this product must be based upon scientific procedures, as defined in the FEDERAL REGISTER of September 23, 1974 (39 FR 34194).

Interested persons may, on or before April 17, 1975, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: January 21, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-3116 Filed 2-3-75;8:45 am]

Health Resources Administration

UNITED STATES NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS

Notice of Establishment; Correction

In FEDERAL REGISTER document 75–522 appearing at page 1535 in the issue for Wednesday, January 8, 1975, the Pub. L. number cited in the first paragraph was in error. The United States National Committee on Vital and Health Statistics was established pursuant to Pub. L. 93–353 rather than Pub. L. 92–353.

Dated: January 24, 1975.

DANIEL F. WHITESIDE, D.D.S.
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-3132 Filed 2-3-75;8:45 am]

Office of Education

HIGHER EDUCATION PERSONNEL TRAINING PROGRAMS

Proposed Criteria for Funding of Applications for Fellowships, Institutes, and Short-Term Training Programs for Fiscal Year 1975

Correction

In FR Doc. 75–2637 appearing at page 4327 in the FEDERAL REGISTER of Wednesday, January 29, 1975, the following correction should be made:

In the third column, the last sentence in the document should read, "All relevant material received not later than February 28, 1975 will be considered".

Social and Rehabilitation Service

SRS HEARING CLERK

Designation

The SRS Intergovernmental Program Compliance Officer is hereby designated to serve as the SRS Hearing Clerk.

In accordance with 45 CFR 213.2 and 213.5, the duties of the SRS Hearing Clerk shall include:

1. Recipient of all official papers and documents filed in connection with hearings convened by the Administrator under the authority of sections 201.4 and 201.6 of title 45, Code of Federal Regulations;

2. Establishment and maintenance of the official docket of all papers, documents and proceedings in connection with such hearings;

3. Maintenance for public inspection and copying, of all pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions and other documents filed in the docket in connection with such hearings.

All communications and inquiries may be directed to:

SRS Hearing Clerk, Room 5224, Mary Swizter Building, 330 C Street, SW, Washington, D.C. 20201, Phone: (202) 245–0365 or (202) 245–0192.

Dated: January 28, 1975.

JAMES S. DWIGHT, Jr.,
Administrator.

[FR Doc.75-3152 Filed 2-3-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75–006]

PROPOSED REPLACEMENT OF DUMBARTON HIGHWAY BRIDGE (ROUTE 84)

Postponement of Public Hearing

Proposed replacement of Dumbarton Highway Bridge (Route 84) across south part of San Francisco Bay, mile 32.0 navigation requirements and draft environmental impact statement.

Notice is hereby given that the public hearing notice of which was published in the FEDERAL REGISTER Wednesday, January 15, 1975 (40 FR 2740) is postponed from 8 p.m., Friday, February 14, 1975 to 8 p.m., Wednesday, February 19, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

JANUARY 29, 1975.

[FR Doc.75-3131 Filed 2-3-75;8:45 am]

[CGD 75–029]

U.S. SOLAS SUBCOMMITTEE WORKING GROUP ON RADIOCOMMUNICATIONS

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) of October 6, 1972 that the U.S. Solas Subcommittee Working Group on Radiocommunications will conduct an open meeting on Thursday, 20 February 1975, in Room 847 of the Federal Communications Commission, 1919 M. Street, NW, Washington, D.C. The meeting is scheduled to begin at 1:30 p.m.

The purpose of the meeting is to discuss the agenda for the Radiocommunications Subcommittee of the Intergovernmental Maritime Consultative Organization (IMCO).

The Safety of Life at Sea Subcommittee was established by the Department of State to provide advice, from the best information available towards improvement of safety of life at sea. In addition the Subcommittee may consider any matters which may be put forward by the International Conference on Safety of Life at Sea, by the IMCO Assembly, Council or Maritime Safety Committee, or which may originate within the SOLAS Subcommittee itself.

Public members of the Subcommittee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt. W. T. Adams
Chief, Telecommunications Management Division
U.S. Coast Guard (G–OTM/74)
Washington, D.C. 20590

or by calling (202) 426 1345.

Dated: January 30, 1975.

J. A. PALMER,
Rear Admiral, U.S. Coast Guard, Chief, Office of Public and International Affairs.

[FR Doc.75-3130 Filed 2-3-75;8:45 am]

Federal Aviation Administration

[Docket No. 14249]

CARRIAGE OF RADIOACTIVE MATERIALS

Public Hearing

The Federal Aviation Administration will hold a public hearing in order to receive the views of all interested persons regarding proposed amendments to Part 103 of the Federal Aviation Regulations which would implement section 108 of the Transportation Safety Act of 1974 (Pub. L. 93–633). These proposals are set forth in Notice of Proposed Rule Making No. 75–2, which is published elsewhere in this issue of the FEDERAL REGISTER. The hearing will be conducted on Thursday, February 27, 1975, at 9:30 a.m. at the Federal Aviation Administration, Auditorium—3rd Floor, 800 Independence Avenue, SW, Washington, D.C. 20591.

Section 108 of the new Transportation Safety Act of 1974, enacted into law on January 3, 1975, directs the Secretary of Transportation to issue regulations limiting the carriage of radioactive materials on passenger-carrying aircraft within 120 days after the date of enactment, in accordance with section 108 and pursuant to section 105 of the Act, including an opportunity for informal oral presentation. Pursuant to the authority delegated to the Administrator by the Secretary, the FAA has issued Notice 75–2 and will hold a public hearing in order to afford interested persons an opportunity for informal oral presentation regarding the proposals set forth in Notice 75–2.

The hearing will be an informal hearing conducted by a designated representative of the Administrator under 14 CFR 11.33. It will not be a judicial or evidentiary type hearing, so there will be no cross-examination of those persons presenting statements (5 U.S.C. Sec. 553).

An FAA spokesman will make an opening statement discussing, in brief, the proposals made in Notice 75–2. Interested persons will then be given an opportunity to present their oral statements. These statements should be responsive to Notice 75–2.

After all initial statements have been completed, those persons who wish to make rebuttal statements will be given an opportunity to do so in the same order in which they made their initial statements.

Interested persons are invited to attend the hearing and present oral or written statements on the proposals set forth in Notice 75–2. Such statements will be made a part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the FAA prior to the date of hearing, stating the amount of time requested for his initial statement. Written comments and all other communications concerning the hearing should be addressed to Office of the Chief Counsel, Rules Docket, AGC–24, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20591, marked "Attention" Presiding Officer, Public Hearing on Notice 75–2."

Notice 75–2, is published in this issue of the FEDERAL REGISTER and proposes amendments to Part 103 to implement section 108 of the Transportation Safety Act of 1974 by limiting the carriage of radioactive materials on passenger-carrying aircraft to those shipments intended for use in, or incident to, research or medical diagnosis or treatment and to those that meet the requirements of 49 CFR 172 and 173 which exempt them from the packaging, marking and labeling requirements for shipment by rail express and which are now exempt from the applicability of Part 103 of the Federal Aviation Regulations.

The FAA will carefully consider all statements presented at the hearing and relevant written comments received and made a part of the record and all other comments received in response to Notice 75–2. After consideration of all those statements and comments, the FAA will issue an appropriate amendment.

A transcript of the hearing will be made and anyone may purchase a copy of it from the reporter.

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421) and secs. 105, 107 and 108 of Pub. L. 93–633 as delegated to the Administrator by the Secretary of Transportation (40 FR 2861))

Issued in Washington, D.C., on January 29, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-3157 Filed 2-3-75;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS–75–3]

MASSENA TERMINAL RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Massena Terminal Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. sections 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–75–3, Room 5101, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before March 5, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on January 29, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75-3115 Filed 2-3-75;8:45 am]

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[FRA Waiver Petition HS–75–2]

DURHAM AND SOUTHERN RAILWAY CO.

Notice of Petition for Exemption From Hours of Service Act

The Durham and Southern Railway Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–75–2, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before March 5, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on January 29, 1975.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.75–3114 Filed 2–3–75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. Ex 75–5; Notice 1]

POLAR CO.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

The Polar Company of Holdingford, Minn., has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121 Air Brake Systems, on the basis that compliance would cause it substantial economic hardship.

Polar manufactured 365 vehicles in the 12-month period from December 1, 1973 to November 30, 1974, generally trailers required as of January 1, 1975 to conform to Standard No. 121. Polar represents that its primary and secondary suppliers have failed to deliver components necessary for conformance (air brakes and axles) as promised, and proposed delivery dates extend into the first half of 1975. Accordingly, Polar asks for a 6-month exemption from the Standard, at the end of which it will comply. Because of its limited sales in a competitive field the company believes that a 6-month shut-down could result in a loss of its entire market. The company's net income in the fiscal year ending May 31, 1974, was $427,000. It argues that the exemption is in the public interest, as Polar "is the largest employer in the small rural area of Holdingford, Minnesota", and a denial would mean a loss of jobs, perhaps permanent, for its 125 employees.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of The Polar Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW, Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: February 14, 1975.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on January 30, 1975.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.75–3298 Filed 2–3–75;8:45 am]

Office of the Secretary

[OST Docket No. 22; Notice No. 75–2]

DETROIT, TOLEDO & IRONTON RAILROAD COMPANY; ANN ARBOR RAILROAD COMPANY

Standard Time Zone Boundaries; Operating Exceptions

Effective 2 a.m., February 23, 1975, until 2 a.m., April 27, 1975, portions of the lines of the Detroit, Toledo and Ironton Railroad Company and the Ann Arbor Roalroad Company are granted exemptions, for operating purposes only, from the standard time zones created by Congress in the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67). The exceptions permit operation on eastern daylight time. The portions of the lines which are permitted operation on eastern advanced (daylight saving) time are as follows:

Railroad	From	To
Ann Arbor	Ohio-Michigan State line (north of Alexis, Ohio).	Owosso, Mich.
Do	Pittsfield and Pittsfield Junction, Mich.	Saline, Mich.
Detroit, Toledo and Ironton.	Ohio-Michigan State line (north of Metamora, Ohio).	Detroit and Dearborn, Mich.
Do	Ohio-Michigan State line (north of Denson, Ohio).	Tecumseh, Mich.
Do	Ohio-Michigan State line (north of Alexis, Ohio) (over the tracks of the Ann Arbor Railroad).	Diann, Mich.

(Act of March 18, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67); sec. 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)); sec. 1.59(b) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.59(b))

Issued in Washington, D.C., on January 28, 1975.

RODNEY E. EYSTER,
General Counsel.

[FR Doc.75–3142 Filed 2–3–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order No. 75–1–123, Docket No. 27457]

DELTA AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1975.

By tariff revision bearing the issue date of December 26, 1974, and marked to become effective February 1, 1975, Delta Air Lines, Inc. (Delta) proposes to establish a surcharge of $6.00 per shipment of nonradioactive restricted articles and a surcharge of $15.00 per shipment of radioactive restricted articles, as defined in the Restricted Articles Tariff, C.A.B. No. 82.

Delta asserts, in support of its proposal and in answer to several complaints, inter alia, that these charges are designed to cover additional equipment, handling, and administrative costs incurred in the carriage of restricted articles, as compared to the shipment of general commodity traffic; that, in a man-minute survey conducted systemwide, restricted articles required services additional to those required for other general commodity shipments; that the concept of a surcharge for these shipments is already an established tariff practice; and that the total number of such shipments in the coming year is expected to be unchanged from 1974, and the proposal will thus generate an additional $348,000 revenue annually.

Complaints variously requesting rejection, or in the alternative, suspension and investigation, have been filed by Shulman Air Freight, Inc. (Shulman), E. R. Squibb and Sons, Diagnostic Isotopes, Inc., the Council for Safe Transportation of Hazardous Articles, New England Nuclear Corporation, Amersham-Searle, Hyland Division of Travenol Laboratories, Inc., Abbott Laboratories, American Medical Association, American College of Radiology, the Joint Review Committee on Education Programs in Nuclear Medicine Technology, American Hospital Association, the Scientific Apparatus Makers Association, American College of Nuclear Physicians, The Society of Nuclear Medicine, and the College of American Pathologists.[1]

The complaints variously allege, inter alia, that the proposals will create economic hardship and plus an undue burden on shippers and the public; that the shipper of restricted articles is already paying a severe economic penalty, because, due to quantity limitations, such articles must frequently be tendered on many single airbills at minimum charges;[2] that there is no precedent of similar charges of this magnitude via other modes; that the proposed surcharges result in total charges disproportionate to the service, and Shulman alleges that such charges represent about 60 percent of its current door-to-door charge for a typical radioactive shipment; that the costs submitted are per shipment, without regard for the number of pieces per shipment; and that the rates proposed appear exorbitant and are designed to serve as a penalty to discourage this traffic by air.

Upon consideration of all relevant matters, the Board finds that Delta's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

[1] In addition, informal letters of protest have been received from the American College of Nuclear Medicine, Jet Air Freight, and Mallinckrodt Nuclear. These letters are being filed in the correspondence section of this Docket.

[2] This allegation is not clearly understood as to why a shipper may be required to tender the parts of a large volume of hazardous material consigned from one origin to one destination via the same carrier on many airbills at minimum charges. We find no such restriction in any of Delta's applicable tariffs as to quantity limitations per airbill as distinguished from quantity limitations imposed upon hazardous material in a single package or that which may be carried in a single aircraft or inaccessible cargo bin. We note, for example, that Delta has in its tariff C.A.B. No. 175, specific commodity rates from San Juan to Los Angeles, San Diego, and San Francisco on small arms ammunition (a Class C explosive) for quantities from 100 up to 3,000 pounds, while at the same time, Delta's governing restricted articles tariff, i.e., Airline Tariff Publishing Company, Agent's C.A.B. No. 82, provides for a maximum net quantity per package of 50 pounds on passenger aircraft and 150 pounds per package on cargo aircraft and a maximum weight of 50 pounds per aircraft for such traffic when carried in an inaccessible cargo bin. Thus, a single 3,000-pound shipment of small arms ammunition in the usual course may move upon more than one flight.

The Board further concludes that the proposal should be suspended pending investigation.

In support of its assertion that restricted articles require additional services peculiar to such articles, Delta submits the results of a man-minute survey designed to quantify the costs of certain of the services and presents a list of other direct and indirect costs, including agents' training, consultant services, and the costs of radiation survey meters. According to the carrier, the survey was presented to each of its air freight stations systemwide to arrive at the additional average time (including originating, transfer, and terminating time) devoted solely to the processing and handling of such articles above that compared to general commodity freight. The survey purportedly indicates that a radioactive restricted article incurs an additional cost over regular bulk freight of $15.10 and a nonradioactive restricted article incurs an additional cost of $6.97 per shipment, including return on investment. The surcharges are proposed to apply per shipment, since Delta asserts that a vast majority of restricted-article movements are single-piece shipments, and that, moreover, no matter how many pieces make up a restricted-article shipment, there is usually only one airwaybill and shipper's certificate to process, and, consequently, terminal handling costs will not vary significantly because of the number of pieces per shipment.

Delta's cost support of its proposed surcharges consists of the results of an in-house study, presenting the costs classified by a number of categories in conclusory form. It is very difficult, if not impossible, from the materials before us, to evaluate the validity of Delta's conclusions as to the additional costs incurred in handling the radioactive and other hazardous materials,[3] as well as to determine the manner and to what extent, if any, demonstrated costs should be passed on to the shipper.[4] The supporting detail supplied by Delta is minimal for a number of the major items. In these circumstances, we cannot find that Delta has supported the large surcharges proposed, and we shall suspend the tariff pending investigation.

While we recognize that there may be considerable variation among the different carriers as to the additional precautions taken and costs incurred in handling hazardous materials, our action herein is consistent with our previous suspensions of proposals establishing a $3.00 surcharge per shipment in Orders 74–1–100 for Braniff Airways, Inc. and 73–12–116 for United Air Lines, Inc., and a $5.00 surcharge in Order 74–12–71 for Airlift International, Inc.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the charges and provisions in Rule No. 51(D) on 1st, 2nd, and 3rd Revised Pages 18–C of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, and rules, regulations, or practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions in Rule 51(D) on 1st, 2nd, and 3rd Revised Pages 18–C of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, are suspended and their use deferred to and including May 1, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 27457, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaints of Shulman Air Freight, Inc. in Docket 27331, E. R. Squibb and Sons in Docket 27332, Diagnostic Isotopes, Inc. in Docket 27333, the Council for Safe Transportation of Hazardous Articles in Docket 27339, New England Nuclear Corporation in Docket 27341, Amersham-Searle in Docket 27342, Hyland Division of Travenol Laboratories in Docket 27343, Abbott Laboratories in Docket 27344, American Medical Association in Docket 27381, American College of Radiology in Docket 27383, the Joint Review Committee on Education Programs in Nuclear Medicine Technology in Docket 27388, the Scientific Apparatus Makers Association in Docket 27389, the American Hospital Association in Docket 27393, American College of Nuclear Physicians in Docket 27404, The Society of Nuclear Medicine in Docket 27405, and the College of American Pathologists in Docket 27406 are dismissed; and

5. Copies of this order shall be filed with the tariff and served upon Delta Air Lines, Inc., Shulman Air Freight, Inc., E. R. Squibb and Sons, Diagnostic Isotopes, Inc., the Council for Safe Transportation of Hazardous Articles, New England Nuclear Corporation, Amersham-Searle, Hyland Division of Travenol Laboratories, Abbott Laboratories, American Medical Association, American College of Radiology, the Joint Review Committee on Education Programs in Nuclear Medicine Technology,

[3] For example, the carrier's data indicate that the bulk of the costs (excluding return on investment) of handling restricted articles consists of "Direct Administrative and Managerial Costs" and "Agent Training (incl. instructors)" costs. No factual support of these two costs figures, however, is shown.

[4] The Board notes that the American College of Radiology alleges a sharp impact of this proposal having the effect of adding $1.00 or more to the costs of each nuclear examination provided.

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the Scientific Apparatus Makers Association, the American Hospital Association, the American College of Nuclear Physicians, The Society of Nuclear Medicine, and the College of American Pathologists, which are hereby made parties to Docket 27457.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc 75-3164 Filed 2-3-75;8:45 am]

[Order No. 75-1-119; Docket No. 25280
Agreement C.A.B. 24925 R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Related to Specific Commodity Rates; Order

JANUARY 29, 1975.

Issued under delegated authority.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates, as set forth below, reflecting reductions from general cargo rates, and were adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 22, 1975.

Agreement C.A.B.	Specific commodity Item No.	Description and rate
24925:		
R-1	9522	Handicraft Products,[1] 267 cents per kg., minimum weight 100 kgs. 255 cents per kg., minimum weight 300 kgs. From Teresina to New York.
R-2	0056	Chocolate Manufactures 115 cents per kg., minimum weight 500 kgs. From Honolulu to Osaka 110 cents per kg., minimum weight 500 kgs. From Honolulu to Tokyo.

[1] See tariff for complete commodity descriptions.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, It Is Ordered, That:

Agreement C.A.B. 24925, R-1 and R-2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[FR Doc.75-3163 Filed 2-3-75;8:45 am]

[Order No. 75-1-130; Docket No. 22859]

OZARK AIR LINES, INC.

Domestic Air Freight Rate Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of January, 1975.

By tariff revisions filed January 2 and marked to become effective February 1, 1975, Ozark Air Lines, Inc. (Ozark) proposes, inter alia, a 10 percent systemwide increase in all bulk general commodity rates except minimum charges, which will remain unchanged at $12.00.

In support of its proposal, Ozark asserts that the proposed increase will partially offset an immediate need for additional air freight revenues due to fuel and other cost increases experienced since its last rate adjustment. The carrier states that it sustained losses exceeding $1,384,000 on air freight operations for the 12 months ended September 30, 1974, while for the same period it received freight revenues of $5,275,000. The proposed increases are estimated to generate approximately $353,000 of additional revenue in 1975.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The Board has reviewed these rates in the light of recent industry average costs, including a full return on investment, of carrying air freight. With the exception of human remains, Ozark's proposed rates do not exceed those costs and will be permitted to become effective.

The rates on human remains, however, which are published in the tariff as a rating equal to 129 percent of the general commodity rates, significantly exceed costs for those commodities in all markets. In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it results in higher rates for movements of human remains, should be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It Is Ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including May 1, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board;[1]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3165 Filed 2-3-75;8:45 am]

[Order No. 75-1-133; Docket No. 27114 et al.]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Application for Approval of Route Agreement; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of January, 1975.

By Order 74-11-24, dated November 5, 1974, the Board advised Pan American World Airways and Trans World Airlines that a joint application for approval of an agreement filed on October 22, 1974, in Docket 27114, which contemplates a temporary restructuring of their Pacific and Transatlantic route systems was not susceptible of expeditious Board action due to the lack of factual support for the requests and the inclusion of certain controversial route transfer items that would require notice and hearing. However, the Board reasserted its commitment to give expedited consideration to any proposals for suspension or deletion of any points or operations that the carriers might deem uneconomic as a means of ameliorating their financial problems. TWA and Pan American were invited to resubmit separate requests for suspension, exemption and approval of agreements, pursuant to sections 401(j), 416, and 412 of the Act under the Board's nonhearing procedures and were urged to eliminate controversial route transfer proposals—such as the transfer of Pan American's nonstop turnaround authority in the Los Angeles-Hawaii market to TWA—which would preclude expeditious processing.

On November 20, 1974, Pan American and TWA informed the Board that they had failed to reach agreement regarding new filings in accordance with Order 74-11-24, but indicated that negotiations were still continuing. An agreement was finally reached which

[1] Appendix A filed as part of the original document.

culminated in the filing of Amendment No. 1 to the Joint Agreement on December 17, 1974. The amendment eliminates the proposal to substitute TWA for Pan American in the Los Angeles-Hawaii turnaround market and in its stead proposes the substitution of TWA for Pan American in Austria.

In accordance with the terms of the joint agreement, as amended, and consistent with the spirit of Order 74-11-24, Pan American and TWA filed applications requesting (1) authority to suspend service temporarily at certain points for a five-year period,[1] (2) temporary exemption authority to serve certain points which are to be suspended on the other carrier's system,[2] (3) changes in their respective Approved Service Plans to reflect the foregoing suspensions and exemptions,[3] and (4) approval of the joint agreement, as amended, pursuant to section 412 of the Act which, in addition to the above, provides that Pan American will refrain from operating single-plane service in the Chicago/Los Angeles/Philadelphia-London markets and that TWA will refrain from operating single-plane service in the Washington-London market.

In support of the various requests for relief, the applicants assert, inter alia, that approval of the total package will provide substantial benefits to both the carriers and the public and will help alleviate the carrier's current financial difficulties attributable to overcapacity in international markets, skyrocketing fuel costs and a significant decline in international traffic. The applicants further claim that affirmative Board action will result in a saving of expenses incurred by Pan American and TWA of $52.7 million[4] and $100.7 million,[5] respectively, and a positive contribution to their system operating results in 1975 of $24.2 million for Pan American and $25.4 million for TWA. It is also asserted that approval will have no detrimental effect on any other certificated carrier and will not injure the traveling public since sufficient capacity will still be available to provide needed services. Finally, the applicants allege that approval will result in a total fuel savings for both carriers of 147 million gallons in 1975.

Answers in opposition to some or all of the applications were filed by the Air Line Pilots Association (ALPA),[6] Braniff Airways, the Department of Justice (DOJ), The Flying Tiger Line (FTL), the County of Hawaii, the International Association of Machinists and Aerospace Workers (IAM), the Las Vegas and St. Louis Parties, the Master Executive Council of Pan American (MEC-Pan American), the Master Executive Council of TWA (MEC-TWA), Representative Norman Mineta-Member of Congress, National Airlines,[7] Northwest Airlines, Overseas National Airways (ONA), the City and Chamber of Commerce of Philadelphia,[8] the Pittsburgh Parties, Seaboard World Airlines Trans International Airlines (TIA), and World Airways.

Several of the respondents argue, inter alia, that a hearing is required because (a) the proposal is, in essence, a route transfer arrangement which requires section 408 approval after notice and hearing and (b) the implications on the public interest are so great that even if section 408 is not applicable, Board precedent requires a hearing under section 412 of the Act. It is also asserted that it would be unlawful for the Board to grant the various exemption requests without a hearing.[9] The supplementals also argue that implementation of the agreement will encourage widespread shifting of capacity into the charter market and request the imposition of restrictions on the charter authority of Pan American and TWA. Certain civic parties oppose aspects of the agreement which would result in the elimination or suspension of service in several markets affecting their respective cities.[10] The labor parties, in general, request a hearing to evaluate the impact of the agreement on airline employees and seek imposition of labor protective provisions. Other respondents urge that the Board avoid any action in this docket which could have an influence on action the Board may take in the pending Transatlantic Route Proceeding, Docket 25908. Finally, in addition to raising many of the contentions stated above, DOJ asserts that implementation of the agreement will significantly diminish the level of competition in virtually all of the affected markets, in contravention of the statutory policy favoring competition; that the joint applicants have not demonstrated that approval of this agreement is necessary to satisfy an important transportation need; and that less anticompetitive alternatives such as the unilateral suspension of service in beyond-gateway markets would meet the same objectives.

Answers in support of the various applications were filed by the Port Authority of New York and New Jersey, the Department of Transportation (DOT), and the Department of Commerce (DOC).[11]

Upon consideration of the foregoing and all the relevant facts, we have decided to grant the suspension[12] and exemption applications and to approve the joint agreement, as amended, for a period of two years or until 90 days following final Board decision in the Transatlantic Route Proceeding, Docket 25908, whichever first occurs.[13]

[1] In Docket 27255, Pan American requests authority to suspend service for five years at Paris, on route 132; the Azores, Lisbon, Barcelona, Nice, and Rome on segment 1, Part I, route 132; the Azores, Lisbon, Madrid, and Casablanca on route 133; and Austria on route 132. In Docket 27207, TWA requests authority to suspend service for five years at Frankfurt, Sri Lanka (formerly Ceylon), that portion of India south of the 20th parallel (i.e., Bombay), Thailand (Bangkok), Hong Kong, Taiwan (Taipei), Okinawa, Guam, Hilo, Honolulu, and Los Angeles/Ontario/Long Beach on routes 147 and 164. In Docket 27321 TWA requests suspension of service at Hilo and Honolulu, Hawaii, on route 2.

[2] In Docket 27323, Pan American requests exemption authority for five years to serve Okinawa, Taipei and Bombay (Pan American already holds authority at Honolulu, Guam, Hong Kong and Bangkok, at which points TWA requests suspension). In Docket 27299, TWA requests an exemption to serve Austria, Barcelona, Nice, and Casablanca on route 147 (TWA already holds authority to serve Lisbon and the Azores at which points Pan American is seeking suspension).

[3] Pan American in Docket 27255 requests amendment of its Approved Service Plan (a) for route 130 to add for five years the points Naha, Okinawa; Taipei, Taiwan; Colombo, Sri Lanka; and Bombay, India; (b) for route 132, Part II, to reflect the suspension authority at Paris and Vienna and to add to segment 1 thereof the points Rome, Italy; Bombay, India; Colombo, Sri Lanka; Bangkok, Thailand; and Hong Kong. TWA in Docket 27300 requests a change in its Approved Service Plan-Foreign Air Transportation for route 147 to add Vienna; Barcelona, Spain; Nice, France; and Casablanca, Morocco; and to delete Frankfurt, Germany; Bombay, India; Colombo Sri Lanka; Bangkok Thailand; and Hong Kong.

[4] Supplement to Amended Application for Approval of Agreement, App. C, pp. 1-2.

[5] *Id.*, App. D, p. 1 (variable plus net fixed expenses).

[6] ALPA also filed a petition for reconsideration of Order 74-11-24. Since Order 74-11-24 is neither a final order nor an interlocutory order instituting a proceeding or defining the scope and issues of a proceeding within the meaning of Rule 37 of the Board's procedural regulations, the petition does not properly lie and therefore will be dismissed.

[7] A previously filed pleading entitled Motion for Clarification of Order 74-11-24 was filed by National. In light of the carrier's more recent answer raising the same matters the motion is superfluous and will be dismissed.

[8] Philadelphia filed a consolidated answer to the various proposals together with a motion for leave to file an unauthorized document, which we will grant. Philadelphia also filed a further answer in response to the supplemental applications filed by Pan American and TWA.

[9] Northwest specifically opposes grant of Taiwan/Okinawa exemption authority to Pan American while FTL requests a condition on Pan American's service to Taiwan and Okinawa prohibiting such service via Japan and Alaska.

[10] Philadelphia does not oppose TWA's suspension at Frankfurt or the agreement provisions whereby Pan American will refrain from providing single-plane service between Philadelphia and London so long as a condition is imposed requiring the provision of daily nonstop or one-stop single-plane service by a U.S.-flag carrier in the Philadelphia-London/Frankfurt markets.

[11] In addition, Continental filed a motion requesting a hearing on that portion of the original agreement relating to mainland-Hawaii turnaround authority. That aspect of the agreement was eliminated by the applicants in Amendment No. 1 to the joint agreement and related applications were dismissed by Order 75-1-28, January 7, 1975. Accordingly, Continental's motion will be dismissed as moot.

[12] Since TWA received authority to postpone inauguration of service to Hilo by Order 73-7-104, we will dismiss that part of its applications in Dockets 27255 and 27321 requesting suspension of service at Hilo.

[13] We are issuing amended Approved Service Plans to reflect the authority granted herein, filed as part of the original document.

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Grant of temporary suspensions of service, temporary exemption authority, and approval of the agreement are governed by sections 401(j), 416(b) and 412 of the Act, respectively. Each of these sections require a finding by the Board that grant of the authority will be in the public interest. In view of the critical financial crisis confronting Pan American and TWA created by the combination of an absolute decline in the international travel market and rapidly rising costs beyond the control of the applicants or the U.S. government the Board has concluded that approval of the agreement and grant of the suspension and exemption applications as conditioned below is required by the public interest. The temporary action taken herein will provide immediate financial improvement to this nation's two primary U.S.-flag international carriers and in so doing help preserve the continuation of worldwide U.S.-flag service in the period immediately ahead.

Pan American and TWA have experienced severe and continuing financial problems in their international operations which threaten the long-term stability of these carriers and, as a consequence, threaten the disruption of U.S.-flag international service. Pan American reported losses (before taxes) on its Atlantic Division of $33.7 million for the year ended September 30, 1974, and a system loss of $94.4 million for the same period. TWA's Atlantic Division losses (before taxes) amounted to $25.9 million for the same period and the carrier lost $17 million over its entire system. Many factors contributing to this situation are beyond the control of the carriers and include rapidly increasing fuel costs, and the unprecedented decline in international traffic—particularly across the Atlantic—influenced by general worldwide economic conditions. At the present juncture there is no foreseeable likelihood that these conditions will improve. Without immediate regulatory action these destructive conditions place in jeopardy the continued existence of Pan American and substantially impair the viability of TWA's international services such that there is a realistic prospect that the major bulk of U.S. flag international service will cease. These are unusual circumstances which present a serious transportation need justifying approval and swift implementation of the agreement. We believe that grant of the several applications now before us holds the promise of significant financial improvement for both Pan American and TWA, and will help insure the maintenance of economically viable U.S.-flag service.

We have carefully evaluated the economic impact projections presented by the applicants and the DOT and find that these estimates present a reasonable range of operating results. The projected net operating gains for the first year under the agreement ranging between $17 million and $24.2 million for Pan American and between $16 million and $25.4 million for TWA are substantial,[14] and should help mitigate the serious financial losses, which have been increasing.

The primary benefits Pan American will receive from the agreement proposal will accrue in the Pacific as a result of the elimination of TWA's duplicative services and the addition of revenues from the integration of Taipei, Okinawa, and Bombay into Pan American's Pacific system. The applicant's estimate a net profit improvement to Pan American from Pacific and mainland-Hawaii operations in 1975 of over $25 million.[16] Additionally, Pan American's Atlantic operations should be strengthened as a result of the suspension of TWA's Frankfurt service and the savings to be realized from station closings made possible by the temporary suspensions. We recognize that the implementation of the agreement will have a net adverse impact upon Pan American's Atlantic Division results; however, these European suspensions are important facets of the entire package and, in the context of both the Pacific and Atlantic aspects, the carrier's overall financial situation will be substantially improved.

TWA will receive its greatest improvements in Europe principally as a result of the elimination of service by Pan American at Paris and between Los Angeles and London.[16] TWA will also experience a positive net impact as a result of the suspension of Pan American and the related exemption to TWA in the U.S.-Iberian markets. While TWA's temporary suspension of service at Frankfurt and in the Pacific will not result in a positive contribution to the carrier,[17] these aspects are important elements of the agreement and the net negative impact on TWA from the suspensions in the Pacific and at Frankfurt is more than outweighed by the improvements to be derived through the implementation of other portions of the agreement. The DOT estimates that the Europe proposal will have a positive impact on TWA of about $26.8 million.

We view this agreement as but the first of many self-help programs which we anticipate the carriers undertaking to improve their financial positions. The applicants should consider implementing immediately such other cost-saving programs as unilateral suspension of unprofitable routes, reductions of overall levels of operations, reductions in operating expenses through austerity measures, reduction of capital expenditures, the sale of aircraft and other assets, and other route restructuring proposals. Our action should afford the applicants immediate short-term relief and we anticipate that they will attempt to achieve additional economies over the long term by taking action—independent of the instant proposal—to reduce excess capacity and trim their fleets to levels commensurate with traffic demand. We rely upon the representations of the applicants that "over the longer term there would be an opportunity for aircraft ownership cost savings—either through sale or redeployment of equipment as well as opportunity for savings in other elements of expenses • • •." Any effort by Pan American or TWA to redistribute capacity made available as a result of this agreement into areas already the beneficiary of substantial U.S.-flag capacity (such as, for example, the charter market) would be inconsistent with the purposes for which this agreement is approved.

With respect to the exemption requests the statute requires, in addition to public interest findings, a finding that the operations of Pan American and TWA are affected by unusual circumstances such that enforcement of the certification provisions of the Act, the Board's regulations, and the terms of their certificates would place an undue burden on them. The Board believes that the severe financial conditions facing the joint applicants establish unusual circumstances warranting the expeditious grant of the exemption and suspension authority requested herein. Immediate regulatory action is demanded by the deterioration of Pan American and TWA, brought on, in part, by traffic and cost conditions not within their control.

Furthermore, we have determined that, under the circumstances presented, a formal evidentiary hearing is not required. We are not persuaded by the arguments of various respondents that a hearing is required by statute before the Board could approve the agreement and the related applications before us.

First, section 408 of the Act is not applicable in the instant circumstances since the agreement does not contemplate any change in certificate authority or the actual purchase and/or transfer of certificate ("property" as used in section 408) rights from one carrier to another. Rather, the authority we are granting involves only temporary suspensions of service, exemptions, and agreement approval and does not affect the underlying certificate rights of Pan American and TWA. Indeed, the primary thrust of the arrangement involves the temporary suspension of service aspect, while the temporary grant of new authority under section 416(b) accounts for only a small portion of the total transaction. Thus, while TWA will receive authority to temporarily suspend service at eight points,[15] Pan American will receive exemption authority at only three points [19] similarly, while Pan American will receive authority to temporarily suspend service at nine points,[20] TWA will receive exemption authority at only four points.[21] Moreover, a hearing is not required by law on applications filed pursuant to sections 412, 401(j) and 416(b) of the Act.[22]

As a matter of discretion we determined that a hearing on the matters raised is not desirable and, in fact, that any significant delay would not only vitiate the benefits to be derived from the agreement—which benefits, if they are to have any salutary effect, must be implemented immediately—but would be tantamount to disapproval of the proposal. We appreciate, in this connection, that certain of our actions herein—i.e. the temporary exemption of TWA to serve Vienna, Barcelona, Nice, and Casablanca—raise certain Ashbacker problems [23] in connection with the avoidance of prejudice to the rights of competing applicants to a fair comparative consideration of applications for certificate authority.[24] Several applicants in the pending Transatlantic Case have filed applications which seek authority at the four points which will be served on an interim basis by TWA. However, none of these applicants has prosecuted its application insofar as the four points are concerned. Consequently, the need for resolving complex issues and the potential for prejudice to competing applicants is limited. Furthermore, consistent with ordinary practice the Board will not rely upon interim exemption operations in considering a grant of certificate authority. On the other hand, the grant of exemption authority in no way compromises the Board's ability to place the exemption points on the routes of other applicants as the public convenience and necessity may require. In short, we find that the limited potential for prejudice, coupled with the critical need for immediate action on the agreement before us, warrants the grant of exemption authority notwithstanding the pendency of the Transatlantic Case.

The Board has scrutinized all answers to the proposals before us and concludes that approval and implementation of the agreement subject to certain conditions set forth below will not adversely affect the traveling public or any certificated air carrier.

In view of Northwest's objection, we will condition Pan American's exemption authority at Okinawa and Taiwan so as to prohibit Pan American from providing single-plane service in competition with Northwest to and from points not previously served by TWA on its Taiwan/Okinawa flights. Specifically, we will prohibit Pan American from performing single-plane service (including single-flight number) in any Taiwan/Okinawa city-pair market currently authorized by Northwest's certificates which did not receive single-plane service by TWA as reflected in the general schedule No. 51 on file with the Board effective November 1, 1974.[25] The above restriction will afford protection to Northwest by assuring that service provided by Pan American between Taiwan and Okinawa, on the one hand, and points on Northwest's system, on the other hand, will be limited to markets currently served by TWA. This condition will have no diminishing impact on the benefits to be derived by Pan American from the agreement, since Pan American does not propose any service which is not currently being provided by TWA.[26]

With regard to the arguments of the DOJ as to the impact of the agreement on competition in the affected markets, it is our belief that the gravity of the financial situation confronting Pan American and TWA, our two largest international competitors, is so severe that unless immediate emergency route-related action is taken to provide short-term economic relief there is a substantial likelihood of significant disruption of the international services of these carriers. Such a disruption could presage the virtual termination of all U.S.-flag competition in the affected international markets. The DOJ's desire to maintain existing levels of competition, at all costs, ignores the ultimate anticompetitive effect resulting from termination of the services of one or both of the carriers.[27]

In the Board's judgment the substantial benefits which Pan American and TWA will reap from the temporary emergency action taken in this order, will in the long run preserve U.S.-flag competition.

The DOT submitted a detailed market-by-market analysis of the impact on competition which would result from the agreement. We have carefully examined DOT's study and agree with its conclusion that the public benefits which will derive by reason of the prompt approval of the agreement outweigh its anticompetitive effects. In general, competition in Atlantic city-pair markets will be reduced from three carriers to two carriers, and there will remain adequate frequencies to meet the demands of the traveling public. In those individual markets in which two-carrier competition will be temporarily eliminated, sufficient numbers of daily flights will still be provided by the remaining carrier or through connecting services. In the Pacific, the suspension of TWA's Orient service will, in general, leave two U.S.-flag carriers (Pan American and Northwest) providing combination service and three U.S.-flag carriers (Pan American, Northwest, and FTL) providing all-cargo service, in addition to service provided by various foreign air carriers. The only market which will become a monopoly nonstop market is Guam-Honolulu in which Pan American will be the only carrier. While we do not believe that this situation warrants disapproval of the agreement at this time, we intend to carefully monitor load factors in this, as well as all other markets, in which competition has been reduced and will take immediate action to assure that the traveling public is afforded sufficient levels of service.

With respect to the matters raised by the supplemental carriers, we have stated that we will not look with favor upon a redistribution of capacity into areas already receiving a surfeit of U.S.-flag service. Jurisdiction will be retained so that we may take appropriate action at any time to insure against any widespread shifting of capacity into the charter market. World's proposed condition limiting Pan American's and TWA's charter service to markets in which single-plane service is provided and TIA's proposed condition placing a ceiling on the charter activity of Pan American and TWA are rejected. Such conditions are inherently uneconomic and could place Pan American and TWA at a serious disadvantage vis-a-vis their competitors, preventing them from utilizing capacity made available from cutbacks in areas not embraced by this or other Board-approved agreements. World's proposed condition is too restrictive and goes far beyond the mere prevention of increases in charter capacity; rather it would have the effect of substantially choking off much of the applicants' existing charter service for which no justification has been shown.

We are not convinced by the arguments of the Pittsburgh and Philadelphia parties that the suspension of TWA

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[14] The joint applicants estimate that Pan American and TWA will achieve a net benefit of $24.2 million and $25.4 million, respectively, in the first year of operations under the agreement, while the DOT projects benefits to Pan American and TWA of $17 million and $16 million, respectively. National questions the equities of the proposed transaction and asserts that TWA will receive greater advantages in Europe than Pan American. As stated below, it is not appropriate to measure the agreement's benefits by isolating its various components. Some aspects of the agreement will give greater benefit to one carrier while other aspects will give greater benefit to the other carrier; but, as the figures above reflect, when viewed as a whole the proposal will result in approximately equal improvement to both carriers.

[16] The applicants estimate that the suspension of TWA's mainland-Hawaii service will inure to Pan American's benefit to the extent of $8.4 million in 1975, while the other improvements to Pan American's Pacific system will improve the carrier by about $16.7 million.

[16] The applicants estimate that this aspect will have a positive net impact to TWA of over $38 million. The DOT estimates that the Europe proposal will have a positive impact on TWA of about $26.8 million.

[17] The applicants estimate that these aspects will have a net negative impact on TWA of $28.0 million in 1975.

[15] Frankfurt, Bombay, Bangkok, Hong Kong, Taipei, Okinawa, Guam, and Honolulu.

[19] Bombay, Taipei, and Okinawa.

[20] Paris, the Azores, Lisbon, Barcelona, Madrid (on route 133), Casablanca, Rome, and Vienna.

[21] Vienna, Barcelona, Nice, and Casablanca.

[22] Air Line Pilots Association v. C.A.B., 494 F.2d 1118 (D.C. Cir. 1974); Air Line Pilots Association v. C.A.B., 475 F.2d 900 (D.C. Cir. 1973); National Air Carrier Association v. C.A.B., 436 F.2d 185 (D.C. Cir. 1970).

[23] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945).

[24] See Kodiak Airways, Inc. v. C.A.B., 447 F. 2d 341 (D.C. Cir. 1971).

[25] Since we are restricting Pan American's Taiwan/Okinawa service to that provided by TWA and since TWA can not now serve Taiwan and Okinawa via points in Japan and Alaska the condition requested by FTL prohibiting Pan American from serving Taiwan and Okinawa via Japan or Alaska will not be necessary.

[26] Appendix A, Application for Exemption, Docket 27323.

[27] In addition, the DOJ overlooks the fact that the certificates of Pan American and TWA do not guarantee any particular level of competition in city-pair markets.

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at Frankfurt and the elimination of Pan American's service in the Philadelphia-London market will have an impact on transatlantic service to Pittsburgh and Philadelphia of such magnitude to warrant disapproval of these aspects of the agreement. The certificates of Pan American and TWA do not now require those carriers to provide single-plane service in any particular city-pair market; decisions to provide such service are left to the carriers' discretion. Thus, several months ago TWA elected to eliminate single-plane service in the Pittsburgh-Frankfurt market; and Pan American would have been free to likewise eliminate its Philadelphia-London and Philadelphia-Frankfurt single-plane service. Denial of this portion of the agreement as requested by Philadelphia and Pittsburgh will provide no guarantee that single-plane service in these markets will continue; and we do not believe it appropriate to use this forum as a means of imposing any greater responsibilities to serve these markets than already contained in the carriers' certificates.[28]

With respect to the contentions of the labor parties, we are not inclined to impose labor protective provisions or recommend labor protective guidelines on the basis of the record now before us. The applicants and labor parties have not presented sufficient information with respect to the impact of the agreement on employees and the financial impact on the applicants of the imposition of labor protective provisions upon which we can make an informed judgment. However, we do not believe that a hearing on these matters is either required or desirable since such data can be presented in written pleadings. Accordingly, we will direct the applicants and interested labor parties to file further pleadings in this docket within 21 days of this order setting forth in detail estimates of the impact of the agreement, by station, on each class of employees of Pan American and TWA, and the financial impact on the applicants which may result from the imposition of standard labor protective provisions. The parties should consider the possible tailoring of the standard labor protective provisions normally imposed in more expansive merger cases, to fit the scope of the present agreement, or the use of labor protective guidelines such as those adopted in the Alaska Service Investigation.[29] In the meantime, the agreement will be implemented and the Board will consider whether to impose any labor protective conditions it may find required by the public interest retroactive to the date on which the agreement is approved.

Finally, several respondents assert that any Board action approving the agreement must be reviewed by the President pursuant to section 801 of the Act. We disagree. Section 801 deals in terms of "issuance, denial, transfer, amendment, cancellation, suspension, or revocation of, and the terms, conditions, and limitations contained in, any certificate authorizing an air carrier to engage in overseas or foreign air transportation * * *." (emphasis added). The temporary suspensions here in issue are suspensions of service under section 401(j) of the Act, as distinguished from suspension of certificate authority under section 401(g) of the Act. The action we are taking does not affect, modify or suspend the underlying certificate authority held by the applicants and, consequently, sections 401(g) and 801 do not apply.[30] DOJ incorrectly attempts to place the instant suspensions within the ambit of section 401(g) of the Act (which is subject to Presidential approval) by claiming that 401(j) service suspensions are permissive while 401(g) certificate suspensions are mandatory and that the instant suspensions in light of the contractual obligations arising from the agreement become mandatory. As far as the Board is concerned, the certificate rights of the two carriers to serve the points herein suspended remain intact and the carriers can reinstate service at those points at any time. The fact that reinstitution of suspended service may give rise to breach of contract liability, as between the parties, and, in that sense, may be considered by the applicants as imposing a mandatory obligation, such obligation does not arise from the Board's suspension authority or from its section 412 approval, but rather from the terms of the agreement.[31]

Accordingly, it is ordered, That:

1. Pan American World Airways be and it hereby is exempted from section 401 of the Act, the Board's rules and regulations, and the terms, conditions, and limitations of its certificate for route 130 insofar as they would otherwise prevent Pan American from serving Bombay, India and points in Taiwan and Okinawa subject to the condition that Pan American shall not perform single-plane service (including single-flight number) in any Taiwan/Okinawa city-pair market currently authorized in the certificates of Northwest which did receive single-plane service by TWA as reflected in TWA's general schedule No. 51 on file with the Board effective November 1, 1974;

2. Trans World Airlines be and it hereby is exempted from section 401 of the Act, the Board's regulations and the terms, conditions, and limitations of its certificate for route 147 insofar as they may prevent TWA from serving Vienna, Austria; Barcelona, Spain; Nice, France; and Casablanca, Morocco;

3. Pan American World Airways be and it hereby is authorized pursuant to section 401(j) of the Act to suspend service at Paris, France; and Vienna, Austria, on route 132; the Azores, Lisbon, Portugal; Barcelona, Spain; Nice, France; and Rome, Italy on segment 1, Part I of route 132; the Azores and Lisbon, Portugal; Madrid, Spain; and Casablanca, Morocco; on route 133;

4. Trans World Airlines be and it hereby is authorized pursuant to section 401(j) of the Act to suspend service at Frankfurt, Germany; Colombo, Sri Lanka; that portion of India South of the 20th parallel; Bangkok, Thailand; Hong Kong; Taipei, Taiwan; Okinawa; Guam; and Honolulu, Hawaii on routes 147 and 164, Los Angeles/Ontario/Long Beach on route 164, and Honolulu on route 2;

5. The agreement between Pan American World Airways and Trans World Airlines be and it hereby is approved;

6. The exemption and suspension authority granted in paragraphs 1 through 4, above, and the Board's approval of the joint agreement in paragraph 5, above, shall be effective for a period of two years or until 90 days after final Board decision in the Transatlantic Route Proceeding, Docket 25908, whichever first occurs, unless sooner terminated by the Board;

7. The application of Pan American World Airways for amendment of its Approved Service Plan-Foreign Air Transportation for route 130 and for Part II of route 132 be and it hereby is granted;

8. The Approved Service Plan-Foreign Air Transportation of Pan American for route 130 and for Part II of route 132 be and they hereby are designated in the forms attached hereto;

9. The application of Trans World Airlines for amendment of its Approved Service Plan-Foreign Air Transportation for route 147 be and it hereby is granted;

10. The Approved Service Plan-Foreign Air Transportation of Trans World Airlines for route 147 be and it hereby is designated in the form attached hereto and TWA's Approved Service Plan-Foreign Air Transportation for route 164 be and it hereby is terminated;

11. Pan American World Airways, Trans World Airlines and interested labor parties are directed to file further pleadings within 21 days of this order as set forth at page 11 of this order;

[28] Philadelphia's fear that the elimination of Pan American's single-plane service between Philadelphia and London may ultimately cause Pan American to seek a suspension or deletion of its service to Philadelphia is not a proper ground for disapproval of this portion of the agreement. See Order 73-4-97, p. 3. The suspension of service by Pan American at Philadelphia cannot be accomplished without Board authority. Any application seeking such authority will be carefully evaluated by the Board after the views of all interested carrier and civic parties are presented. In fact the Board denied a Pan American request to suspend service at Philadelphia. Order 74-1-27, January 4, 1974.

[29] Order 71-12-45, p. 23. The financial estimates should also reflect the impact of any modifications to the standard labor protective provisions.

[30] Order 74-4-135 and cases cited in n. 3 thereof; cf. Pan American World Airways v. C.A.B., 261 F. 2d 754 (D.C. Cir. 1958).

[31] We will not adopt the condition requested by Seaboard prohibiting "Pan American and TWA from taking action to deny Seaboard World equal access to any cargo shippers (including forwarders and agents) which, prior to the realignment, used the transatlantic services of the 'replaced carrier.'" If the applicants take any action which may be in violation of the Act or the Board's Regulations, Seaboard is free to file a complaint with the Bureau of Enforcement and establish its claim in that forum. Finally, we find entirely inappropriate Seaboard's request that the Board find that it is entitled to compensatory relief because of the action taken in this docket.

12. The petition of the Air Line Pilots Association for reconsideration of Order 74-11-24 be and it hereby is dismissed;

13. The motion of National Airlines for clarification of Order 74-11-24 be and it hereby is dismissed;

14. The motion of the City and Chamber of Commerce of Philadelphia for leave to file an otherwise unauthorized document be and it hereby is granted;

15. The motion of Continental Air Lines be and it hereby is dismissed;

16. The applications of Trans World Airlines in Dockets 27207 and 27321 insofar as they request suspension of service at Hilo, Hawaii be and they hereby are dismissed;

17. Except to the extent granted herein the applications of Pan American and Trans World Airlines in Dockets 27207, 27321, 27299, 27300, 27255, 27323, 27114 be and they hereby are denied; and

18. Jurisdiction is hereby retained for the purpose of modifying, amending, or revoking the authority and approvals granted herein at any time in the Board's discretion without hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3166 Filed 2-3-75;8:45 am]

CIVIL SERVICE COMMISSION

MANPOWER SHORTAGE

Listing

Under the provisions of 5 U.S.C. § 5723 the Civil Service Commission has found effective January 3, 1975, that there is a manpower shortage for the single position of Chairman of the Provider Reimbursement Review Board for Medicare, Social Security Administration, Department of Health, Education, and Welfare. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3154 Filed 2-3-75;8:45 am]

PHYSICAL SCIENCE TECHNICIAN, MARE ISLAND NAVAL SHIPYARD, CALIFORNIA

Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

TABLE No. 500

Occupational Coverage: GS-1311—5/8, Physical Science Technician (Limited to employees assigned to Radiological Monitoring and Control duties only).
Geographic Coverage: Mare Island Naval Shipyard, California.
Effective date: First day of the first pay period beginning on or after February 2, 1975.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$9,915	$10,198	$10,481	$10,764	$11,047	$11,330	$11,613	$11,896	$12,179	$12,462
GS-6	10,737	11,053	11,369	11,685	12,001	12,317	12,633	12,949	13,265	13,581
GS-7	11,573	11,924	12,275	12,626	12,977	13,328	13,697	14,080	14,381	14,732
GS-8	12,416	12,804	13,192	13,580	13,968	14,356	14,744	15,132	15,520	15,908

Under provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3153 Filed 2-3-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 330-6]

OCEAN DUMPING

Notice of Receipt of Application and Meeting

Notice is hereby given of the filing by the United States Air Force of an application for a permit under the Marine Protection, Research, and Sanctuaries Act of 1972, Pub. L. 92-532, 33 U.S.C. 1401 (the "Act") to incinerate at sea the remaining stores of the compound known as Herbicide Orange. The applicant has also requested the designation of a new ocean disposal site in which the incineration will take place.

According to the information submitted by the Air Force as part of its application, there are approximately 1,400,000 gallons of Herbicide Orange in storage on Johnston Island in the Pacific Ocean and approximately 860,000 gallons in storage at Gulfport, Mississippi. The herbicide consists of approximately 50% by volume of the normal butyl ester of 2,4-dichlorophenoxyacetic (2,4-D) acid and 50% by volume normal butyl ester of 2,4,5-trichlorophenoxyacetic (2,4,5-T) acid. The Air Force intends to incinerate the chemical compound in a location approximately 120 miles from Johnston Island and 850 miles west of the Hawaiian Islands. The area in which incineration is proposed is bounded by the following coordinates:

14d 45' to 18d 45' north latitude.
171d 30' to 175d 0' west longitude.

The chemical wastes would be incinerated at above 1400 degrees C. aboard the *M/T Vulcanus,* a vessel recently used by the Shell Chemical Company to incinerate organochlorine wastes in the Gulf of Mexico. According to the application, it is expected that the combustion process will result in a worst case incineration efficiency of 99.9 percent. Using the assumed 99.9 percent figure and a maximum waste feed rate to each of the two incinerators of 12 metric tons per hour, the following mass discharges are anticipated by the Air Force (in pounds per second):

Carbon dioxide	23.1
Hydrogen chloride	4.1
Carbon monoxide	1.2
Carbon particles	0.07
Pyrolyzates of orange and its constituents	0.01

The Air Force has prepared and filed with the Council on Environmental Quality a final Environmental Impact Statement relating to the proposed incineration and the disposal site. Copies of this document, the application for a permit, and other relevant materials, are available for inspection at the following offices:

EPA Region IX, Room 100, 100 California Street, San Francisco, CA.
EPA Region IV, Room 306, 1421 Peachtree Street, NE, Atlanta, GA.
Freedom of Information Center, Room 221 West Tower, 401 M Street SW., Washington, D.C.

Notice also is hereby given of a public meeting to consider the issues raised by the application of the Air Force. This meeting will be preliminary to and not in lieu of the public hearing provided for in the regulations relating to ocean dumping, 40 CFR 222.5. It will be held beginning at 9:30 a.m. on February 19, 1975, at the GSA Auditorium, 18th & F Streets NW., Washington, D.C.

The preliminary meeting has been called to discuss several factual and legal issues that may arise in connection with the processing of this application. The Agency invites comments from the public on the following questions:

1. Whether feasible alternative methods of disposal exist.
2. Whether Herbicide Orange is a "chemical" or "biological warfare agent" within the meaning of the Act, and whether it retains this character following incineration.
3. Whether incineration of Herbicide Orange at high combustion efficiency is compatible with the Act, assuming the compound is a warfare agent.
4. Whether adequate techniques exist with which to monitor the incineration of Herbicide Orange.
5. Whether incineration is a feasible and environmentally safe means of disposal of Herbicide Orange.
6. Whether the disposal site requested by the Air Force is an appropriate location for incineration of this waste.

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Although the normal procedure is for the Regional Administrators to process applications for ocean dumping permits, the application of the Air Force will be considered by Headquarters due to the novel scientific and legal issues raised, and the possibility that the initial permit would be issued as a research permit.

The public is invited to comment on any of the issues outlined above. Also, any person may request a public hearing to consider the issuance or denial of the permit and designation of the site by submitting written objections to the issuance or denial of the permit or designation of the site. Title 40 Parts 220–227 of the Code of Federal Regulations sets forth the procedures and criteria relating to public hearings and approval of permits under the Act. Written comments, requests for a hearing and other correspondence relative to this application should be addressed, on or before March 5, 1975, date of this publication in the FEDERAL REGISTER, to the Chief, Marine Protection Branch, Oil and Special Materials Control Division (WH-448), 401 M Street SW., Washington, D.C. 20460.

Dated: January 31, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-3283 Filed 2-3-75;8:45 am]

[FRL 330-3]

SOUTH CAROLINA

Notice of Public Hearing and Notice of Request for Approval of State Program for the Control of Discharges of Pollutants to Navigable Waters

A public hearing to consider the request of the State of South Carolina for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. §§ 1251-1376 (Supp. 1973) (hereinafter, the "Act"), will be held on March 5, 1975, at 10 a.m., G.S.T. Peeples Auditorium, Third Floor, J. Marion Sims Building, 2600 Bull Street, Columbia, South Carolina 29201.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to ensure that the Administrator, the public, or any other affected States, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The State of South Carolina proposes that the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, operate the NPDES program.

The Governor's request and the program description may be inspected at the offices of the South Carolina Department of Health and Environmental Control at the above address, or at the Regional Office of the United States Environmental Protection Agency, 1421 Peachtree Street, NE., Altanta, Georgia 30309, or phone (404) 526-5727.

The public hearing panel will consist of the Administrator, or his representative, who will serve as the presiding officer; the Deputy Commissioner for Environmental Quality Control, or his representative; and the Regional Administrator, Region IV, or his representative.

All interested persons wishing to attend, to comment upon, or to support or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by March 12, 1975, either in person or by mail to the Regional Office of the United States Environmental Protection Agency at the above address.

Oral statements will be received and considered but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

The hearing record will be left open for a period of seven days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

All comments or objections received by March 12, 1975, or presented at the public hearing will be considered by EPA before taking final action on the South Carolina Request for State Program Approval.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

JANUARY 31, 1975.

[FR Doc.75-3284 Filed 2-3-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NORTHEAST ADVISORY COMMITTEE Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Northeast Advisory Committee will meet Friday, February 21, 1975 at 10:30 a.m., Room 2003A, Sen. Brooke Conference Room, JFK Federal Building, Government Center, Cambridge Street, Boston, Massachusetts.

The Committee was established to provide advice to the Federal Energy Administration regarding the interests and problems of this area of the country as they relate to FEA policies and programs.

The agenda for the meeting is as follows:

1. Presidential Energy Programs.
a. Impact on Consumers in Northeastern States.
b. Impact on Independent Fuel Oil Marketers.
c. Effectiveness in Achieving Conservation and Import Reduction Objectives.
d. National Security Storage Program.
e. Exploration on Atlantic Outer Continental Shelf.
f. Development of Deep Water Ports.
2. Alternative Proposals.
a. Continuation of Current Conservation Efforts.
b. Increased Conservation of All Fuels Including Natural Gas and Electricity.
c. Use of Allocation Program.
d. Incentives for Construction of Additional Refining Capacity in the Northeast and Elsewhere.
3. FEA Allocation and Price Issues.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on January 30, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-3119 Filed 2-3-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-3]

CHEVRON CHEMICAL CO. AND MITSUI O.S.K. LINES, LTD.

Filing of Complaint

Notice is hereby given that a complaint filed by Chevron Chemical Company against Mitsui O.S.K. Lines, Ltd. was served by the Commission January 29, 1975. The complaint alleges violation by respondent of section 18(b) of the Shipping Act, 1916 in connection with application of its tariff rates to certain shipments of "OLOA 229".

Hearing in this matter, if deemed necessary, shall commence on or before July 29, 1975.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3158 Filed 2-3-75;8:45 am]

COMPANHIA NACIONAL DE NAVEGACAO AND COMPANHIA DE NAVEGACAO ANGOLANA, S.A.R.L.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 24, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Renato C. Giallorenzi, Esquire
67 Broad Street
New York, New York 10004

Agreement No. 10152 is a joint service agreement between Companhia Nacional de Navegacao and Companhia de Navegacao Angolana, S.A.R.L., operating in the trade between Canadian, and United States Atlantic and Gulf ports and ports of West Africa. As a joint service the parties will act as a single member or party within any conference, pooling agreement or any other agreement subject to the Shipping Act, 1916, and will be represented by the East Coast Overseas Corp. of New York City. The parties will establish, maintain and file with the Commission, as a joint service, rates, charges and practices in those trades where they are not members of a conference. The parties will cooperate as to the tonnage to be contributed by each. They shall share equally the costs, expenses, profits and losses incurred by and derived from the joint service.

By Order of the Federal Maritime Commission.

Dated: January 29, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3159 Filed 2-3-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP-74-94-2]

ARKANSAS LOUISIANA GAS CO.; RICELAND FOODS, INC.

Petition for Extraordinary Relief

JANUARY 28, 1975.

Take notice that on December 16, 1974, Riceland Foods, Inc., (Riceland) Post Office Box 927, Stuttgart, Arkansas 72160 filed in Docket No. RP74-94-2 a petition for extraordinary relief pursuant to section 4 of the Natural Gas Act and section 2.78 of the Commission's rules of practice and procedure, (18 CFR 2.78). Riceland requests relief from the operation of the currently effective curtailment plan of Arkansas Louisiana Gas Company, (Arkla). In support of its petition Riceland avers that it is a soybean processing cooperative owned by 25,000 farmers from various states of the mid-south, and that it utilizes natural gas volumes which it purchases from Arkla for soybean and vegetable oil processing as well as grain drying.

Riceland operates two plants, located at Stuttgart and Helena, Arkansas. The Stuttgart plant has a peak day requirement of 5,750 Mcf and a monthly requirement of 125,000 Mcf, while the Helena plant has analogous requirements of 4,250 Mcf and 96,000 Mcf. These two plants employ approximately 800 employees and Riceland claims that the curtailment of gas deliveries from Arkla will result in the extended layoff of most of these people as well as reducing the output of its products.

Riceland requests that all gas deliveries from Arkla to its plants be considered Priority 2 volumes under Arkla's curtailment plan. Currently, as substantial portion of this gas is classified in Priority 4. Riceland's petition requests relief until it is able to make operational alternate fuel facilities which it estimates will be functioning by December, 1975.

A shortened notice period in this proceeding may be in the public interest.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3092 Filed 2-3-75;8:45 am]

[Docket No. E-9224]

ARKANSAS POWER & LIGHT CO.

Proposed Changes in FPC Rate Schedules

JANUARY 28, 1975.

Take notice that on January 21, 1975, Arkansas Power & Light Company (Company) tendered for filing proposed changes in twe of the Company's rate schedules:

(1) Arkansas Power & Light Company Rate Schedule FPC No. 67.
(2) Arkansas Power & Light Company Rate Schedule FPC No. 52.

Both of these schedules are contracts between the Company and the Arkansas Electric Cooperative Corporation (AECC). The changes in FPC No. 67 include the addition of three points of delivery and an increase in capacity at six other points of delivery. The changes in FPC No. 52 include the deletion of three points of delivery, an increase in capacity at three points of delivery, and the relocation with an accompanying increase in capacity at another point. Some of the changes are not proposed to take effect until May 1, 1975 or June 1, 1975. For these reasons the Company requests waiver of the Commission's ninety day rule on filings. The Company states that due to the difficulty in making accurate estimates on the billing effect of these changes, no billing data was filed. The Company states there will be no change in rates or provisions in the two schedules other than those noted above. The

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Company requests waiver of the Commissions regulations concerning this proposed filing.

A copy of the filing has been mailed to AECC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3091 Filed 2-3-75;8:45 am]

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Postponement of Hearing

JANUARY 28, 1975.

On January 28, 1975, Cities Service Gas Company filed a motion to extend the hearing date fixed by order issued January 23, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until March 4, 1975, at 10 a.m. (e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-3093 Filed 2-3-75;8:45 am]

[Docket No. E-8911]

GULF POWER CO.

Extension of Procedural Dates

JANUARY 27, 1975.

On January 21, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 13, 1974, as most recently modified by notice issued October 24, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, March 3, 1975.
Service of Intervenor's Testimony, April 3, 1975.
Service of Company Rebuttal, May 2, 1975.
Hearing, June 3, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3094 Filed 2-3-75;8:45 am]

[Docket No. CI67-1504, *et al.*]

KERR-McGEE CORP. ET AL.

Extension of Time

JANUARY 28, 1975.

On January 22, 1975, Kerr-McGee Corporation filed a request to extend the time within which to elect to transfer sums under the overriding royalty provision of the Commission's order of October 29, 1974, in the above-designated matter. On January 23, 1975, Southern Natural Gas Company and Phillips Petroleum Company jointly filed a similar motion.

Upon consideration, notice is hereby given that the time in which to take the above action is extended to and including February 26, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3095 Filed 2-3-75;8:45 am]

[Docket No. RI75-104]

MESA PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

JANUARY 23, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI75-104	Mesa Petroleum Co	12	11	El Paso Natural Gas Co. (Rocky Mountain Area):	$6,125	12-26-74		6-26-75	[1] [7] 24.5	[1] [7] 25.0	RI74-115.
do		56	35	do	2,674	12-26-74	1- 1-75	(11)	[1] [3] 24.5	[1] [3] 25.0	RI74-115.
				do	653	12-26-74		6-26-75	[1] [3] 24.98	[1] [3] 25.48	RI74-115.
				do	4,676	12-26-74		6-26-75	[1] [4] 28.5	[1] [4] 29.0	RI74-115.
				do	835	12-26-74	6-21-74	(11)	[1] 24.98	[1] [5] 51.0014	RI74-115.
				do	119	12-26-74	1- 1-75	(11)	[1] 51.0014	[1] [5] 52.0214	RI74-115.
do		[6] 63	35	Northwest Pipeline Corp. (Rocky Mountain Area).		12-26-74	1- 1-75	(11)	[1] [3] 24.5	[1] [3] 25.0	RI74-115.
				do		12-26-74		6-26-75	[1] [3] 24.98	[1] [3] 25.48	RI74-115.
				do		12-26-74		6-26-75	[1] [4] 28.5	[1] [4] 29.0	RI74-115.
				do		12-26-74	6-21-74	(11)	[1] 24.98	[1] [5] 51.0014	RI74-115.
				do		12-26-74	1- 1-75	(11)	[1] 51.0014	[1] [5] 52.0214	RI74-115.
do		46	5	El Paso Natural Gas Co. (Rocky Mountain Area).	65,261	12-26-74	6-21-74	(11)	[7] 24.5	[1] [8] 35.0	
				do	2,383	12-26-74		(12)	[7] 35.0	[7] 35.5	
do		47	42	do	587,999	12-26-74	6-21-74	(11)	{24.5 / 28.5}	[1] [8] 35.70	
				do	31,308	12-26-74		(12)	35.70	[7] 36.21	
do		49	13	do	18,329	12-26-74	6-21-74	(11)	24.5	[1] [8] 35.70	
				do	651	12-26-74		(12)	35.70	[7] 36.21	
do		50	47	do	133,487	12-26-74	6-21-74	(11)	{24.5 / 28.5}	[1] [8] 35.70	
				do	4,740	12-26-74		(12)	35.70	[7] 36.21	
				do	21,224	12-26-74	6-21-74	(11)	{24.5 / 28.5}	[1] [5] 51.0014	
				do	3,000	12-26-74	1- 1-75	(12)	51.0014	[1] [5] 52.0214	
do		53	21	do	85,393	12-26-74	6-21-74	(11)	24.5	[1] [8] 35.70	
				do	3,086	12-26-74		(12)	35.70	[7] 36.21	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to applicable taxes and Btu adjustment.
[2] For gas delivered from wells completed prior to June 1, 1970.
[3] Increase to the national rate pursuant to Opinion No. 699, as amended.
[4] Increase to the order No. 435 ceiling rate.
[5] The pressure base is 14.73 lb/in²a.
[6] Rate schedule established by Commission order issued Dec. 31, 1974, in docket No. G-4547, et al., Atlantic Richfield Co., et al.
[7] Not used.
[8] Not used.
[11] Accepted as of the date set forth in the "Effective date unless suspended" column.
[12] Those rate increases are subject to and in excess of the 35.0 cents ceiling established in opinion No. 699-H for sales from the Rocky Mountain Area under contracts dated on or after Oct. 1, 1968, from wells commenced prior to Jan. 1, 1973, and are rejected.

The proposed rate increases of Mesa are subject to the ceiling rates established in Opinion Nos. 658 and 699-H. Those proposed rates for sales subject to and in excess of the Opinion No. 658 ceiling rate are suspended for five months. Those rates for sales subject to and not in excess of ceilings established in Opinion No. 699-H are accepted as of June 21, 1974, or the contractual effective date, whichever is later. Those proposed rates subject to and in excess of the 35.0¢ ceiling established in Opinion No. 699-H for sales from the Rocky Mountain Area under contracts dated on or after October 1, 1968, from wells commenced prior to January 1, 1973, are rejected.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75-2756 Filed 2-3-75;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Extension of Procedural Dates

JANUARY 27, 1975.

On January 17, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 9, 1974, as most recently modified by notice issued December 12, 1974, in the above-designated matter. The motion states that National Fuel has been notified and opposes the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's testimony, March 21, 1975.
Service of Intervenor's Testimony, April 4, 1975.
Service of Company Rebuttal, April 18, 1975.
Hearing, May 6, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3096 Filed 2-3-75;8:45 am]

[Docket Nos. RP71-119 and RP74-31-26]

PANHANDLE EASTERN PIPE LINE CO.

Petition for Extraordinary Relief

JANUARY 30, 1975.

Take notice that on January 24, 1975, Brockway Glass Company, Inc. ("Brockway") filed a petition for permanent extraordinary relief from the natural gas curtailments imposed by Panhandle Eastern Pipe Line Company ("Panhandle") on Brockway's glass container plant located at Lapel, Indiana. Brockway, a direct sale customer of Panhandle, states that due to unexpected additional curtailments being imposed this winter season by Panhandle, Brockway could effectively lose delivery of the required 644 Mcf per average day necessary to fuel the feeders, the annealing lehrs, and the mold heating oven at the Lapel plant. If the minimum 644 Mcf of process gas per average day is curtailed, Brockway will not have sufficient gas to maintain full production and will as a result suffer irreparable injury. Without relief, the Lapel plant will have to shut down, at least in part. This will create a significant loss of employment in the town of Lapel, in which Brockway is one of the largest employers. Irreparable injury will also occur to Brockway itself and to its customers.

Brockway states that, since it is installing propane facilities, full extraordinary relief is only necessary for the period March 1, 1975 through June 30, 1975, by which time it expects the propane facilities to be operational. Thereafter Brockway requests extraordinary relief only if, despite its efforts, it is unable to secure a propane supply which, along with the natural gas available from Panhandle, is equal to 644 Mcf per average day. Thus, in the event of such a shortfall, it would only be requesting extraordinary relief to the extent necessary to make up the difference between 644 Mcf per average day and the sum of the available propane and the available natural gas supply from Panhandle.

Any volumes delivered pursuant to such extraordinary relief in excess of entitlements under the effective Panhandle curtailment plan would be subject to payback out of subsequent daily entitlements in excess of 644 Mcf per average day.

In order to avoid irreparable injury pending hearings on its request for permanent relief, Brockway has also moved for immediate temporary relief identical with the permanent relief requested. In

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this connection, Brockway requested and Panhandle has agreed to a grant of emergency relief from curtailments during the months of January and February.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before February 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3087 Filed 1-30-75;10:48 am]

[Docket Nos. E-7795, E-7986]

PHILADELPHIA ELECTRIC CO.

Extension of Time

JANUARY 27, 1975.

On January 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 4, 1974, as most recently modified by notice issued November 26, 1974, in the above-designated matter. On January 27, 1975, Philadelphia Electric Company filed an answer to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 11, 1975.
Service of Intervenor's Testimony, February 21, 1975.
Service of Company Rebuttal, March 4, 1975.
Hearing (unchanged), March 11, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3097 Filed 2-3-75;8:45 am]

[Docket No. R-389-B]

RATES; CERTAIN SALES OF NATURAL GAS AND NEW DEDICATIONS TO INTERSTATE COMMERCE

Order of Clarification of Opinion No. 699-F

JANUARY 27, 1975.

Just and Reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

On January 3, 1975, we issud an Order Modifying in Part Opinion No. 699-F. The order of January 3, 1975, was issued to make clear our view that the sale of natural gas under section 157.29 should be limited to a single sixty (60) day period. The order reinstated Paragraph (B) of Opinion No. 699-C so as to preclude more than one sixty (60) day sale regardless of a change in the identity of the seller or sellers and regardless of a change in the identity of a purchaser. Under § 1.13(c) of the Commission's rules and regulations the order of January 3, 1975, was effective as of the date of its issuance (18 CFR 1.13(c)).

On January 7, 1975, Transcontinental Gas Pipe Line Corporation (Transco) filed a telegram which (inter alia) requested "* * * clarification of whether or not its suppliers are required to cease immediately those current 60-day sales to Transco which were commenced in good faith in reliance on Commission Opinion No. 699-F." Transco stated that "* * * one producer has already ceased emergency deliveries to Transco because of the Commission's January 3, 1975 order * * *". The January 7, 1975, telegram from Transco further stated "Should Transco cease the other 60-day purchase now apparently prohibited, a further loss of approximately 7,000 Mcf per day, or a total of approximately 203,000 Mcf from January 7, 1975 for the remainder of the period, would result."

On January 23, 1975, Transco filed a second telegram in which it stated that the one supplier which has ceased emergency deliveries to it immediately following issuance of our January 3, 1975, order, had informed Transco that it would complete the remaining forty-four (44) days of emergency deliveries—it having made sixteen (16) days of such deliveries prior to January 3, 1975—if such sales would not jeopardize the non-jurisdictional status afforded by § 157.29 of the regulations.

We recognized in the order of January 3, 1975, that "* * * [c]onfusion was created when in Opinion No. 699-F, in response to an application for rehearing filed by [Transco] we modified Opinion No. 699-C to permit the sale of natural gas under § 157.29 for periods of up to 60 days to more than one pipeline * * *", and we do not question the "good faith reliance" of Transco and its suppliers. However, under our order of January 3, 1975, we cannot authorize the resumption of the emergency purchase by Transco which ceased on January 3, 1975. Likewise we cannot authorize the continuation of the other emergency purchase of 7,000 Mcf per day alluded to by Transco in its January 7, 1975 telegram, inasmuch as this purchase, according to Transco, also appears to be prohibited. These producer-suppliers of Transco must, therefore, file an application for a permanent certificate or temporary authorization in accordance with Section 157.29(c) as promulgated in Opinion No. 699-B, issued September 9, 1974, —— FPC ——.

The Commission orders. The request of Transcontinental Gas Pipe Line Corporation, as set forth in its telegrams of January 7 and 23, 1975, is denied.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3090 Filed 2-3-75;8:45 am]

[Docket No. RP75-13]

TENNESSEE GAS PIPELINE CO.

Extension of Procedural Dates

JANUARY 27, 1975.

On January 20, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 11, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, April 30, 1975.
Service of Intervenor's Testimony, May 30, 1975.
Service of Company Rebuttal, June 20, 1975.
Hearing, June 25, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3098 Filed 2-3-75;8:45 am]

[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Extension of Procedural Dates

JANUARY 27, 1975.

On January 22, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 19, 1974, as most recently modified by notice issued October 15, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, February 18, 1975.
Service of Intervenor's Testimony, March 4, 1975.
Service of Company Rebuttal, March 18, 1975.
Hearing, April 8, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3099 Filed 2-3-75;8:45 am]

[Project No. 2545]

WASHINGTON WATER POWER CO.

Application for Change in Land Rights

JANUARY 28, 1975.

Public notice is hereby given that an application for a change in land rights was filed on January 14, 1975, pursuant

[1] Dissenting opinion of Commissioners Brooke and Moody filed as part of the original.

to the Federal Power Act (16 U.S.C. 791a-825r) by The Washington Water Power Company of Spokane, Washington (Correspondence to: Mr. J. P. Buckley, Vice President and Secretary, The Washington Water Power Company, P.O. Box 3727, Spokane, Washington 99220), Licensee for Project No. 2545—Spokane River. The project is located on the Spokane River in Spokane, Stevens, and Lincoln Counties, Washington near the cities of Spokane, Nine Mile Falls, and Reardan.

The Company is requesting Commission approval of the conveyance in fee of two parcels of land within the project boundary totaling 0.74 acres to Spokane County, Washington. The two parcels are located within the Nine Mile Falls development approximately 800 feet downstream of the Nine Mile Dam. The property would be used by Spokane County for road purposes which entails realigning portions of routes to the proposed new Nine Mile Falls bridge F.A.S. (Federal Aid Secondary) No. S-1415 proposed to be constructed in 1975. The new bridge would be located 400 feet north of and would replace an existing bridge built in 1919 which is now obsolete. The new bridge would connect Nine Mile Road, S.R. 291, with realigned portions of Charles Road, F.A.S. 1415, and the Carlson Road. This construction is the first stage of plans to connect S.R. 291 to S.R. 231 in Lincoln County via F.A.S. Route 1415.

Any person desiring to be heard or to make protest with reference to this application should on or before February 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3089 Filed 2-3-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TEA-W-261]

WILLIAMSTON PARTS CO., INC. and WESTMINISTER MANUFACTURING CO., INC.

Workers' Petition for a Determination

Notice of Investigation

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Williamston Pants Co., Inc., Williamston, S.C., and Westminster Manufacturing Co., Inc., Westminster, S.C., the United States International Trade Commission, on January 29, 1975, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with men's and boys' trousers (of the types provided for in Items 380.00, 380.04, 380.06, 380.39, 380.81, and 380.84 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before February 14, 1975.

The petition filed in this case is available for inspection at the Office of the Secretary, United States International Trade Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: January 30, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-3167 Filed 2-3-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-5]

AD HOC ADVISORY SUBCOMMITTEE TO EVALUATE PROPOSALS FOR PARTICIPATION IN THE SCIENTIFC DEFINITION OF EXPLORER-CLASS PAYLOADS

Notice of Date and Place of Meeting

Two sections of the NASA Ad Hoc Advisory Subcommittee of the Space Science and Applications Steering Committee to evaluate proposals for participation in the scientific definition of Explorer-Class payloads will meet at the Goddard Space Flight Center in Greenbelt, Maryland during February. On February 19, 20, and 21, 1975, Subcommittee Section A (Magnetospheric Scout Missions and Cosmic Dust) will meet in Room 200 of Building 26 from 8:30 a.m. to 4:30 p.m. On February 25, 26, and 27, 1975, Subcommittee Section B (Electrodynamics) will meet in the Management Conference Center in Building 8 from 8:30 a.m. to 4:30 p.m. The meetings of other subcommittee sections will be advertised in the FEDERAL REGISTER and convened in the near future.

The Subcommittee sections will discuss, evaluate and categorize proposals for participation on Mission Definition Teams which will define Explorer-Class Atmospheric and Space Physics Payloads. Throughout the Subcommittee sessions, the professional qualifications of the proposers and their potential scientific contributions to the Mission Definition Teams will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved. The meeting will be closed to members of the public.

Since the Subcommittee session will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it is hereby determined that the session will be closed to the public.

For further information please contact Dr. David P. Cauffman at 202/755-3685.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

JANUARY 31, 1975.

[FR Doc.75-3222 Filed 2-3-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, 50-529, 50-530]

ARIZONA PUBLIC SERVICE COMPANY, ET AL. (PALO VERDE, UNITS 1, 2, AND 3)

Notice and Order Scheduling Second Prehearing Conference

At the Special Prehearing Conference held in this proceeding on January 23, 1975, the Atomic Safety and Licensing Board (the Board) granted leave to Mr. Carmine F. Cardamone, Jr. to file an amended petition to intervene. Also, the Board set a schedule for responses by the Applicants and the U.S. Nuclear Commission Regulatory Staff (the Staff) to the amended petition of Mr. Cardamone and to an amended petition to intervene filed by the Arizona Clean Energy Coalition. In view of these developments, the Board has scheduled a Second Prehearing Conference to hear oral argument on these two amended petitions to intervene.

Accordingly, please take notice that a Second Prehearing Conference will be held in the above-captioned proceeding on Thursday, February 27, 1975, at 10:30 a.m. local time at the County Board of Supervisors Auditorium, 205 West Jefferson Street, Phoenix, Arizona.

The attorneys for the respective parties and the petitioners to intervene are directed to confer in advance of the Second Prehearing Conference in such manner as they deem appropriate and report to the Board at said conference on any stipulations regarding interest and/or contentions, and on any other mutual agreeable procedures to expedite this proceeding.

Members of the public are invited to attend the Second Prehearing Conference as well as the Evidentiary Hearing to be held at a later date to be fixed by the Board.

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Issued at Bethesda, Maryland, this 29th day of January 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75-3150 Filed 2-3-75;8:45 am]

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Receipt of Request for Variance

The Consolidated Edison Company of New York, Inc. (licensee) is authorized by Provisional Operating License No. DPR-5 to operate a nuclear power reactor identified as Unit No. 1 at the licensee's Indian Point Station, located in Westchester County, New York at steady-state power levels up to 615 MWt. By letter dated January 15, 1975, the licensee has requested a variance for Unit No. 1 from the requirement for compliance with the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors. The licensee has previously been granted variances from compliance with these requirements for limited periods (See 39 FR 24942 and 39 FR 29215).

Notice is hereby given that the request is under consideration.

The requested variance would allow the Indian Point Nuclear Generating Unit No. 1 to resume power operation until the present core is expended, a period of approximately four months. The requested variance also may require exemption from the containment testing requirements of 10 CFR Part 50, Appendix J. The variance from the requirements of the Interim Acceptance Criteria may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The exemption from the requirements of Appendix J, if required, may be granted in accordance with 10 CFR 50.12. In connection with this request, the submission of views and comments by any interested persons is invited. Such views and comments should be submitted in writing, addressed to the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before February 24, 1975.

A copy of the licensee's January 15, 1975 request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

Dated at Bethesda, Maryland, this 28th day of January, 1975.

For the U.S. Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-3059 Filed 2-3-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUMMIT POWER STATION SUBCOMMITTEE

Meeting

JANUARY 30, 1975.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Summit Power Station, Units 1 and 2, will hold a meeting on February 20, 1975 in the Sir Galahad Room of the Royal Court Inn, 1750 S. Elmhurst, Des Plaines, Illinois.

The purpose of the meeting will be to discuss the application by the Delmarva Power and Light Company for construction permits for the Summit Power Station, Units 1 and 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, FEBRUARY 20, 1975,
9 A.M.-5 P.M.

Discussions with the Delmarva Power and Light Company and the NRC Staff.

Representatives of the Delmarva Power and Light Company will make presentations on various aspects of the design of the high temperature gas-cooled reactors proposed for the Summit Power Station.

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of the day's public session, which will involve a discussion of its preliminary views, and an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the NRC Staff and representatives of the Delmarva Power and Light Company to discuss privileged information relating to the proposed design features.

I have determined, in accordance with section 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 13, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents which are on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and the Newark Free Library, Elkton and Delaware Roads, Newark, Delaware 19711.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on February 20, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 18, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1371) between 8:30 a.m. and 5:15 p.m., e.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after February 24, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after May 20, 1975.

Copies may be obtained upon payment of appropriate charges.

JAMES R. LINDSAY,
Acting Assistant, Advisory Committee Management Officer.

[FR Doc.75-3149 Filed 2-3-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON COMBUSTION ENGINEERING SYSTEM

Meeting

JANUARY 30, 1975.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Combustion Engineering System 80 will hold a meeting on March 1, 1975 in the Pineapple Room of the Sheraton Tobacco Valley Inn at 450 Bloomfield Avenue, Windsor, Connecticut. The purpose of the meeting will be to discuss the Combustion Engineering System 80 Standard Safety Analysis Report.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

SATURDAY, MARCH 1, 1975—8:45 A.M. UNTIL ABOUT 2:45 P.M.

The Subcommittee will hear presentations by representatives of Combustion Engineering, Inc. and will hold discussions with this group pertinent to its review of matters related to the Combustion Engineering System 80 Standard Safety Analysis Report.

In connection with the above agenda item, the Subcommittee will hold executive sessions, not open to the public, at approximately 8:30 a.m. on March 1, 1975 and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the executive sessions, the Subcommittee may hold one or more closed sessions with representatives of the NRC Staff and Combustion Engineering, Inc. for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with section 10(d) of Public Law 92-463, that the above-noted executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 21, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 171 H Street, NW, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 10:30 a.m. and 11:30 a.m. on March 1, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 28, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1371) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 3, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection on or after March 3, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after June 1, 1975. Copies may be obtained upon payment of appropriate charges.

JAMES R. LINDSAY,
Acting Assistant Advisory Committee Management Officer.

[FR Doc.75-3148 Filed 2-3-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

Meeting

JANUARY 30, 1975.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on ECCS will hold a meeting on February 22, 1975 in Room 1046, 1717 H Street, NW, Washington, D.C. The purpose of this meeting will be to discuss analytical models formulated to meet current ECCS criteria for fuel fabricated by EXXON Nuclear Company, Inc.

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The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

SATURDAY, FEBRUARY 22, 1975, 9:00 A.M.–4:00 P.M.

Discussion with the NRC Staff on models formulated to meet ECCS criteria.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting, the Subcommittee may hold a closed session with the NRC Staff to discuss privileged information relating to the ECCS models.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussions of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held to discuss certain documents which are privileged and fall with exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 14, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m. and 3:00 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 21, 1975 to M. W. Libarkin, (telephone 202–634–1371) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002, (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room 1717 H Street, NW, Washington, D.C. 20555 after May 24, 1975. Copies may be obtained upon payment of appropriate charges.

JAMES R. LINDSAY,
Acting Assistant Advisory Committee Management Officer.

[FR Doc.75-3147 Filed 2-3-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 29, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and the indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Verification of Declination, E 493(T), Single-Time Applicants, Caywood, D.P. 395–3443.

NATIONAL SCIENCE FOUNDATION

Survey of Doctoral Scientists and Engineers, Annually, Doctoral Scientists and Engineers, Strasser, A. 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
- Collections and Collection Procedures within Health Professions Schools, HP ABHRCO 102, Single-Time, Health Professions Schools and Borrowers, Human Resources Division. 395–3532.
- Research in Emergency Medical Services Systems, Jacksonville, HR ABHSR1125, Single-Time, Emergency Patients, Reese, B.F. 395–5630.
- Research in Emergency Medical Services Systems, Memphis, HR ABHSR1125, Single-Time, Emergency Room and Ambulance Personnel, Insurance Forms, Reese, B.F. 395–5630.

Center for Disease Control:
- Public Attitudes Toward Public Health Problems (Maricopa County, Arizona), CDCBSSO114, Single-Time, Residents of Maricopa County, Arizona, Hall, George, 395–4697.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
- Request for Transient Accommodations, HUD 9969, on Occasion, Victims of Presidentially Declared Disasters, Community and Veterans Affairs Division, 395–3532.
- Request for Adaptation of Mobile Unit, HUD 9983, on Occasion, Victims of Presidentially Declared Disaster, Community and Veterans Affairs Division, 395–3532.
- Notice of Intent To Vacate, HUD–9974, on Occasion, Victims of Presidentially Declared Disasters, Community and Veterans Affairs Division, 395–3532.
- Damage assessment for temporary housing assistance, HUD 9958, on occasion, victims of presidentially declared disasters, community and veterans affairs division, 395–3532.
- Temporary housing insurance certification, HUD 9968, on occasion, victims of presidentially declared disasters, community and veterans affairs division, 395–3532.
- Priority consideration request, HUD 9976, on occasion, victims of presidentially declared disasters, community and veterans affairs division, 395–3532.

REVISIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration: pre-placement questionnaire—temporary housing assistance, HUD 9961, on occasion, victims of Presidentially declared disasters, Community and Veterans Affairs Division, 395–3532.

Policy Development and Research: housing assistance supply experiment—survey of landlords, single-time owners of real estate in two SMSAS, Community and Veterans Affairs Division, 395–3532.

Federal Disaster Assistance Administration: change of information record temporary housing assistance, HUD 9962, on occasion, victims of Presidentially declared disasters, Human Resources Division, 395–3532.

DEPARTMENT OF INTERIOR

Bureau of Mines: silver, 6–1C73–QA, quarterly, producers and consumers of refined silver, Weiner, N., 395–4890.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: semi-annual report of expenditures-commodity distribution program, FNS–61, semi-annually, State agencies responsible for food distribution, Lowry, R. L., 395–3772.

Agricultural Marketing Service: tobacco stocks report, TB–26, quarterly, dealers in leaf tobacco and manufacturers of tobacco, Evinger, S. K., 395–3648.

DEPARTMENT OF LABOR

Departmental and other survey of work experience, laborer—1, single-time, unemployed workers in 17 states, Strasser, A. 395–3880.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: food preference report-school lunch purchases under section 6, FNS–86, annually, school lunch directors, human resources division, 395–3532.

DEPARTMENT OF DEFENSE

Department of the Army (excl. Office of Civil Defense): application for the U.S. Army health professions scholarship program, DA3979–R(O), on occasion, potentially eligible individuals, Lowry, R.L., 395–3772.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration: application for temporary housing assistance, HUD 491, on occasion, victims of presidentially declared disasters, community and veterans affairs division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3224 Filed 2-3-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that a meeting of the Community Advisory Group will be held on Thursday, February 13, 1975, at 4 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 of the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purposes of the meeting will be to review the budgetary elements of the Pennsylvania Avenue Plan and comprehensive update of the Corporation's activities to the present.

The meeting will be open to the public to the extent that space and facilities will permit.

For future information call Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343–9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-3122 Filed 2-3-75;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Meeting

Pursuant to the provisons of section 10, Pub. L. 92–463, effective January 5, 1973, notice is hereby given that a meeting of the Owners and Tenants Advisory Board will be held on Wednesday, February 12, 1975 at 2 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 at the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purposes of the meeting will be to review the budgetary elements of the Pennsylvania Avenue Plan and comprehensive update of the Corporation's activities to the present.

The meeting will be open to the public to the extent that space and facilites will permit.

For further information call Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corportation, Washington, D.C. Area Code 202/343–9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-3123 Filed 2-3-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

JANUARY 27, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.s.t.) on January 27, 1975 through midnight (e.s.t.) on February 5, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3101 Filed 2-3-75;8:45 am]

[File No. 500–1]

BIO-MEDICAL SCIENCES, INC.

Amending Notice of Suspension of Trading

JANUARY 24, 1975.

The Commission having determined to amend its notice of January 17, 1975 summarily suspending trading in the securities of Bio-Medical Sciences, Inc. for the period January 19, 1975 through January 28, 1975.

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, and all other securities of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is suspended, for the period from 12:01 a.m. (e.s.t.) January 19, 1975 through midnight (e.s.t.) on January 24, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3102 Filed 2-3-75;8:45 am]

[File No. 500–1]

BUILDERS INVESTMENT GROUP

Suspension of Trading

JANUARY 28, 1975.

The shares of beneficial interest of Builders Investment Group being traded on the New York Stock Exchange; the warrants to purchase shares of beneficial interest and units consisting of 1 share of beneficial interest and 1 warrant being traded over-the-counter pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Builders Investment Group being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 11 a.m. (e.s.t.) on January 28, 1975 through midnight (e.s.t.) on February 6, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3103 Filed 2-3-75;8:45 am]

[File No. 500–1]

BURMAH OIL CO. LTD.

Amending Notice of Suspension of Trading

JANUARY 23, 1975.

The Commission having determined to amend its notice of January 22, 1975 summarily suspending trading in the securities of Burmah Oil Company Limited for the period January 23, 1975 through February 1, 1975.

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Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, and all other securities of Burmah Oil Company Limited being traded otherwise than on a national securities exchange is suspended, for the period from 12:01 a.m. (e.s.t.) on January 23, 1975 through 10 a.m. (e.s.t.) on January 24, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3104 Filed 2-3-75;8:45 am]

[Rel. No. 8653]

LENOX FUND

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 28, 1975.

Notice is hereby given that The Lenox Fund (the "Applicant"), registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act") filed an application pursuant to section 8(f) of the Act on May 8, 1974, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

At a special meeting of Applicant's shareholders held on April 23, 1974, a majority of shares of Applicant's outstanding common stock voted in favor of a proposed merger agreement pursuant to which Applicant was to be merged into Bayrock Growth Fund, Inc. ("Growth Fund").

Under the agreement, each outstanding share of Applicant's common stock would be converted into a number of shares of Growth Fund's common stock to be determined on the basis of the relative net asset values of the two funds as of the close of business on the last business day preceding the effective date of the merger. The merger was consummated in accordance with the terms of the agreement on April 24, 1974, and the separate corporate existence of applicant, accordingly, ceased on that date.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than February 24, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 24, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3100 Filed 2-3-75;8:45 am]

[70-5609]

NARRAGANSETT ELECTRIC CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JANUARY 28, 1975.

Notice is hereby given that The Narragansett Electric Company ("Narragansett"), an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Narragansett proposes to issue and sell $15,000,000 aggregate principal amount of its First Mortgage Bonds, Series L____ percent, to mature in not more than 30 years from March 1, 1975. Such bonds will be sold pursuant to the competitive bidding requirements of rule 50 and the interest rate (which shall be a multiple of ⅛ of 1 percent) and the price exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount) will be determined by competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of September 1, 1944, between Narragansett and Rhode Island Hospital Trust National Bank, Trustee, as heretofore supplemented and amended and as to be further supplemented by an eleventh Supplemental Indenture to be dated as of March 1, 1975. Narragansett shall notify prospective bidders no later than the second full business day prior to the time designated for the submission of bids of (i) the maturity date of the bonds and (ii) whether or not the bonds shall be redeemable during the first five years of their term in connection with a refunding of the bonds at a lesser effective interest cost to Narragansett.

The proceeds from the sale of the bonds will be applied to the payment of $7,500,000, Series H Bonds, 8½ percent, maturing April 1, 1975 and to the payment of outstanding short term notes payable which were issued to pay for capitalizable expenditures or to reimburse the treasury therefor.

The application states that the Department of Business Regulation of Rhode Island has jurisdiction over the issue and sale of the bonds, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid by Narragansett are estimated at $85,000, including service fees, at cost, of New England Power Service Company, a wholly-owned subsidiary company of NEES, of $30,000. The fees of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

Notice is further given that any interested person may, not later than February 28, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3107 Filed 2-3-75;8:45 am]

[File No. 500-1]

TELEX CORP.

Suspension of Trading

JANUARY 24, 1975.

The common stock of Telex Corp. being traded on the New York, Midwest, Pacific, Philadelphia - Baltimore - Washington and Boston Stock Exchanges; the warrants to purchase common stock being traded on the American and Philadelphia - Baltimore - Washington Stock Exchanges; the 9 percent subordinated debentures due November 1, 1996 being traded on the New York Stock Exchange; the 5 percent convertible subordinated debentures due October 1, 1987 and units consisting of $1000 debenture and 1 warrant being traded over-the-counter pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Telex Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 through 10 a.m. (e.s.t.) on January 28, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3105 Filed 2-3-75;8:45 am]

[File No. 500-1]

TELEX CORP.

Suspension of Trading

JANUARY 27, 1975.

The common stock of Telex Corp. being traded on the New York, Midwest, Pacific, Philadelphia-Baltimore-Washington and Boston Stock Exchanges; the warrants to purchase common stock being traded on the American and Philadelphia-Baltimore-Washington Stock Exchanges; the 9% subordinated debentures due November 1, 1996 being traded on the New York Stock Exchange; the five percent convertible subordinated debentures due October 1, 1987 and units consisting of $1000 debenture and 1 warrant being traded over-the-counter pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Telex Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 10:01 a.m. (e.s.t.) on January 28, 1975 through 10 a.m. (e.s.t.) on January 30, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3106 Filed 2-3-75;8:45 am]

DEPARTMENT OF LABOR

Labor-Management Services Administration

EMPLOYEE BENEFIT PLANS

Interim Exemption From Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks

This is notice that the Department of Labor and the Internal Revenue Service have granted the following exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 and section 4975(c)(2) of the Internal Revenue Code of 1954, respectively. The exemption applies to certain securities transactions between employee benefit plans subject to Title I and Title II of the Act and certain broker-dealers, reporting dealers and banks by exempting such transactions from the restrictions of section 406 of the Act and section 4975 of the Code.

Notices of an exemption proceeding were published on January 13, 1975, in the FEDERAL REGISTER (40 FR 2483 and 2455, respectively) and a public hearing was held on January 21, 1975, regarding a proposed exemption. The comments received in response to these notices and the oral testimony received at the public hearing constitute the record on which the determinations and findings contained herein are based.

In response to the notices of exemption proceeding, comments were submitted for the record by the Securities Industry Association, the National Association of Securities Dealers, The American Bankers Association, certain broker-dealers and other interested persons. Interested persons, including the Securities and Exchange Commission, stated that there are uncertainties in the securities industry over the application of the prohibited transaction provisions. The Commission expressed great concern about the severe disruption and dislocation in the capital markets and the probable concomitant negative impact on employee benefit plans and their beneficiaries which may occur from the immediate application of the prohibited transaction provisions without a temporary relief period in which to resolve the uncertainties and other problems created by their application.

More specifically, the written comments and testimony stated that there is great uncertainty in the securities industry over the nature and extent to which ordinary and customary transactions between broker-dealers and employee benefit plans are subject to the prohibited transaction provisions of section 406 of the Act and section 4975 of the Code, or are covered by the transitional rule provided in sections 414(c)(4) and 2003(c)(2)(D) of the Act, and the extent to which broker-dealers fall within the definitions of fiduciary contained in section 3(21) of the Act and section 4975(e)(3) of the Code, of party in interest contained in section 3(14) of the Act, and of disqualified person contained in section 4975(e)(2) of the Code. Citing the recent effective date of January 1, 1975 of section 4975 of the Code and of Part 4, Title I of the Act, the complexity of the provisions of such section and such part, and the risks of civil liability, the comments and testimony contained suggestions and requests that a temporary exemption be granted.

The record established the following:

The securities industry is singularly important in facilitating the raising of capital and is singularly important in maintaining market liquidity, particularly for institutional investors. Further, the field of securities trading is unique, complex, and closely regulated.

Those who invest plan assets and the broker-dealers, reporting dealers and banks who deal with them have traditionally been guided by the "best execution" principle, namely, securing the best price for the plan in executing the purchase or sale of securities without regard to whether the broker-dealer or bank functions in an agency (broker) relationship or in a principal (dealer) relationship to the plan.

Major segments of the securities markets (the so-called "over-the-counter market" and "third market") are dealer markets, as is the underwriting of corporate securities, and the bulk of trading in corporate bonds and government securities is in dealer markets.

In the securities markets as presently constituted, to obtain the best execution, plans often must sell to or purchase from securities dealers. Further, most plans, as a result of their normal selling and purchasing activities, have varied and ongoing relationships incidental to their securities transactions (including but not limited to, receipt of brokerage services, investment research services, securities custodial services, and securities portfolio evaluation services) with the securities firms with which they deal. It would be difficult for most plans immediately to change such relationships. If no exemption were granted for a temporary period, there is a substantial probability that those responsible for plan assets would be suddenly and substantially prevented from engaging in securities transactions with those broker-dealers and banks which provide the markets for the securities and are most capable of handling such transactions, that the potential resulting disruption of the market for securities transactions for plans would not only increase costs to plans, but would also substantially impede, if not prevent, the execution of securities transactions which proper plan management may dictate, and that this would, in turn, result in serious

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harm to the plans, their participants and beneficiaries.

The Department of Labor and the Internal Revenue Service have determined to grant the temporary exemption contained herein to prevent the harm to employee benefit plans and to the interests in plans of participants and beneficiaries which, in all likelihood, would result from the immediate and full application of all of the prohibited transactions provisions. Such temporary exemption is protective of the rights of plan participants and beneficiaries because it contains significant safeguards, is of short duration, and covers a class of transactions and a class of persons which are subject to close regulation.

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, in view of the foregoing, and based upon the entire record, including the written comments submitted in response to the notice and the testimony at the public hearing, the Department of Labor and the Internal Revenue Service make the following findings and determinations:

(1) The exemption is administratively feasible,

(2) It is in the interests of the plan and of its participants and beneficiaries, and

(3) It is protective of the rights of participants and beneficiaries of the plan.

Accordingly, the following interim exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code.

The restrictions of section 406 of the Act and section 4975 of the Code shall not apply to the following transactions:

(a) *Period from January 1, 1975 to February 15 1975.* With respect to a broker-dealer registered under the Securities Exchange Act of 1934, a reporting dealer who makes primary markets in Government securities and reports daily to the Federal Reserve Bank of New York its positions with respect to Government securities and borrowings thereof, or a bank supervised by the United States or a State, any purchase or sale of a security between an employee benefit plan and such a broker-dealer, reporting dealer, or bank, which purchase or sale has a final settlement date before February 15, 1975, if:

(1) Such broker-dealer, reporting dealer, or bank ordinarily and customarily engaged in similar transactions on December 31, 1974;

(2) Such transaction is at least as favorable to the plan as an arm's-length transaction with an unrelated party would be;

(3) The transaction was not, at the time of such transaction, a prohibited transaction (within the meaning of section 503(b) of the Internal Revenue Code of 1954 or the corresponding provisions of prior law); and

(4) In the case of such a bank or reporting dealer, such purchases or sales are purchases or sales of securities of the United States Government or of an agency of the United States Government (hereinafter referred to as "Government securities").

(b) *Period ending April 30, 1975.* With respect to a broker-dealer, reporting dealer, or bank, within the meaning of paragraph (a) of this document, any purchase or sale of a security between an employee benefit plan and such a broker-dealer, reporting dealer, or bank, which has a final settlement date after February 14, 1975, but before May 1, 1975, if the requirements of paragraph (a) (1), (2), (3), and (4) of this document are met and if such broker-dealer, reporting dealer, or bank does not render investment advice to the plan and does not have any discretionary authority or discretionary control respecting management of the plan or disposition of the assets of the plan. For purposes of this paragraph, such a broker-dealer, reporting dealer, or bank shall not be deemed to be rendering investment advice or having any such discretionary authority or discretionary control solely because it does one or more of the following:

(1) It renders advice to a plan (i) which is solely incidental to the conduct of its business as a broker or dealer, limited, however, in the case of a bank, to the conduct of that part of its business consisting of dealing in Government securities, and (ii) it receives no special compensation therefor (within the meaning of section 202(a)(11)(C) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)(C)));

(2) It provides services which enable a plan to evaluate its portfolio performance;

(3) It provides securities custodial services for a plan;

(4) It executes purchases or sales of securities on behalf of a plan in the ordinary course of its business as a broker, dealer, or bank, pursuant to instructions of an unrelated fiduciary if such instructions specify the security to be purchased or sold, a price range within which such security is to be purchased or sold, a time span during which such security may be purchased or sold (not to exceed five business days), and the minimum or maximum quantity of such security which may be purchased or sold within such price range.

(c) *Affiliates.* For purposes of paragraphs (a) and (b) of this document, an affiliate of any broker-dealer, reporting dealer, or bank shall be treated as the same entity as such broker-dealer, reporting dealer, or bank. For this purpose a corporation or partnership is an affiliate of an incorporated or unincorporated broker-dealer, reporting dealer, or bank if it is a member of a controlled group which includes such broker-dealer, reporting dealer, or bank; and a controlled group shall be defined in the same manner as the term "controlled group of corporations" is defined in section 1563(a) of the Internal Revenue Code of 1954, except that "50 percent" shall be substituted for "80 percent" wherever the latter percentage appears in such section, and except that in the case of a partnership, the term "corporation" shall be read as including a partnership, and the term "stock" shall be read as including the profits interest of a partnership.

PAUL J. FASSER, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.75-3340 Filed 2-3-75;9:42 am]

INTERSTATE COMMERCE COMMISSION

[Notice 688]

ASSIGNMENT OF HEARINGS

JANUARY 30, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 119777 Sub 271, Ligon Specialized Hauler, Inc., now assigned February 25, 1975, at Louisville, Ky., will be held in Room 829, Federal Building, 600 Federal Place.

MC-C8461, Akers Motor Lines, Inc.—Investigation and Revocation of Certificates—now assigned March 6, 1975, at Atlanta, Georgia, will be held in Room 3E-1, 3rd Floor, 1776 Peachtree Road NW.

MC 106644 Sub 185, Superior Trucking Company, Inc., now assigned March 7, 1975, at Atlanta, Georgia, will be held in Room 3E-1, 3rd Floor, 1776 Peachtree Road NW.

MC-C-7668, Georgia-Florida-Alabama Transportation Company and Bay Transportation, Inc.—Investigation and Revocation of Certificates—now assigned March 10, 1975, at Atlanta, Georgia, will be held in Room 305, 1252 W. Peachtree Street NW.

MC 111201 Sub 21, J. N. Zellner & Son Transfer Company, now assigned March 11, 1975, at Atlanta, Georgia, will be held in Room 305, 1252 W. Peachtree Street NW.

MC 139831 Sub 1, R. E. Strozier and R. H. Strozier, a partnership, doing business as S. & S. Boat Repair, now assigned March 13, 1975, at Atlanta, Georgia, will be held in Room 305, 1252 W. Peachtree Street NW.

MC 107295 Sub 707, Pre-Fab Transit Co., now assigned February 6, 1975, at Columbus, Ohio, is cancelled and the application is dismissed.

MC 117574 Sub 248, Daily Express, Inc., now being assigned March 11, 1975 (2 days), at Columbus, Ohio, in a hearing room to be designated later.

MC 107515 Sub 892, Refrigerated Transport Co., Inc., now assigned February 20, 1975, at Chicago, Illinois, is cancelled and reassigned on February 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139743 (Sub-No. 2), Georgia Carpet Express, Inc. now being assigned March 3, 1975, at Atlanta, Georgia, in Room 3E-1, 3rd Floor, 1776 Peachtree Road NW.

MC 119777 Sub 295, Ligon Specialized Hauler, Inc. now assigned February 4, 1975, at Washington, D.C., is cancelled and application dismissed.

MC-C-8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate and MC 52979 Sub 3, Hunt Truck Lines, Inc., now assigned February 24, 1975, at Kansas City, Mo., has been postponed in definitely.

Finance Docket No. 27829, Southern Railway Company Discontinuance of Trains Nos. 7 and 8 Between Washington, D.C., and Lynchburg, Va., now assigned March 19, 1975, at Charlottesville, Va., will be held at U.S. Post Office & Courthouse, 2nd Floor, 2nd and Market St., and March 20, 1975, at Lynchburg, Va., will be held in Room B, Circuit Court, 9th and Court St.

MC 138952 Sub 1, Central City Express, Inc., now assigned February 25, 1975, at *Frankfort, Ky.*, reassigned to February 25, 1975, at the Holiday Inn, Greenwood and Interstate 65 Interchange, *Bowling Green, Ky.*

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3174 Filed 2-3-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 30, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 14, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2304 (Sub-No. E1), filed June 4, 1974. Applicant: THE KAPLAN TRUCKING COMPANY, 2900 Chester Ave., Cleveland, Ohio 44114. Applicant's representative: John P. McMahon, 100 East Broad St., Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel* and *iron and steel products*, requiring specialized handling and *equipment;* between Wilmington, Del., and points in New Jersey, on the one hand, and, on the other, points in that part of Kentucky within 10 miles of the confluence of the Ohio and Licking Rivers at or near Covington, Ky. (Philadelphia, Pennsylvania, and Norwood, Ohio)*; (2) *Iron and steel and iron and steel products;* between points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., points in New York, Pennsylvania, West Virginia, that part of Michigan on and south of Michigan Highway 21, that part of Indiana on and north of U.S. Highway 30, and that part of Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Kentucky within 10 miles of the confluence of the Ohio and Licking Rivers at or near Covington, Ky. (Norwood, Ohio; New York, N.Y., Lima, Ohio, and points within 20 miles thereof, and all points in Pennsylvania on and west of U.S. Highway 219)*; (3) *Iron and steel* and *iron and steel articles;* between points in New York, Pennsylvania, and those in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., on the one hand, and, on the other, points in that part of Michigan on south and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to its junction with Michigan Highway 21, thence along Michigan Highway 21 to Lake Michigan, and points in that part of Indiana and Illinois on and north of Interstate Highway 70 (points in Ohio)*;

(4) *Iron and steel* and *iron and steel products* (except in bulk or requiring the use of special equipment); between points in that part of West Virginia on and north of a line beginning at the Kentucky-West Virginia State line and extending along Interstate Highway 64 to its junction with Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Virginia State line on the one hand, and, on the other, points in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to its junction with Indiana Highway 3, thence along Indiana Highway 3 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line, and points in that part of Illinois on and north of Interstate Highway 70 (points in Ohio)*; (5) *Iron and steel* and *iron steel products* (except in bulk or requiring the use of special equipment); between points in that part of Ohio on, east and north of a line beginning at Lake Erie and extending along U.S. Highway 42 to its junction with Ohio Highway 13, thence along Ohio Highway 13 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Indiana (Lima, Ohio, and points within 20 miles thereof)*;

(6) *Iron and steel* and *iron and steel products* (except in bulk or requiring the use of special equipment); between points in that part of Ohio on and east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 24 to its junction with Ohio Highway 66, thence along Ohio Highway 66 to its junction with U.S. Highway 224, thence along U.S. Highway 224 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Indiana on, west, and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 65 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line (Lima, Ohio, and points within 20 miles thereof)*; (7) *Iron and steel* and *iron and steel products* (except in bulk or requiring the use of special equipment); between points in that part of Ohio on and east of a line beginning at Lake Erie and extending U.S. Highway 42 to its junction U.S. Highway 30, thence along U.S. Highway 30 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction with U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Indiana on and north of Indiana Highway 28 (Lima, Ohio, and points within 20 miles thereof)*;

(8) *Iron and steel* and *iron and steel products* (except in bulk or requiring the use of special equipment), between points in that part of Ohio on, west and north of a line beginning at Lake Erie and extending along Ohio Highway 4 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along Interstate Highway 70 to its junction with Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line (Lima, Ohio, and points within 20 miles thereof)*; (9) *Iron and steel* and *iron and steel products* (except in bulk or requiring the use of special equipment); between points in West Virginia and that part of Ohio on and south of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 30 to its junction with U.S. Highway 30N, thence along U.S. Highway 30N to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line, on the one hand, and, on the other, points in that part of Michigan on and south of Michigan Highway 21 (Lima, Ohio, and points within 20 miles thereof)*; (10) *Iron and steel* and *iron and steel articles* (except in bulk or requiring the use of special equipment), between points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., and points in New York, on the one hand, and, on the other, points in Indiana and Illinois (points in Ohio)*;

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(11) *Iron and steel* and *iron and steel articles* (except in bulk or requiring the use of special equipment); between points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., and points in that part of New York on and east of U.S. Highway 15, and points in Pennsylvania on and east of U.S. Highway 15, on the one hand, and, on the other, points in that part of Michigan on and south of Michigan Highway 21 (points in Ohio)*; (12) *Iron and steel* and *iron and steel articles* (except in bulk or requiring the use of special equipment); between points in that part of Pennsylvania on, south, and east of a line beginning at the West Virginia-Pennsylvania State line and extending along Interstate Highway 79 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in that part of Michigan on and south of Michigan Highway 21 (points in Ohio)*; (13) *Iron and steel* and *iron and steel products*, which because of size or weight or bulk require the use of flat-bottom equipment or equipment having sides no higher than 36 inches, in shipments weighing not less than 10,000 pounds each from one consignor; from points in that part of Ohio on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 76 to its junction with Interstate Highway 71, thence along Interstate Highway 71 to Lake Erie, points in that part of Pennsylvania on and north of Interstate Highway 80, points in New York and points in Monmouth, Morris, Essex, Passaic, Union, Somerset, Middlesex, Hudson, and Bergen Counties, N.J., to Connersville and Evansville, Indiana, and points in the Chicago-Illinois Commercial Zone (Cuyahoga County, Ohio)*;

(14) *Iron and steel* and *iron and steel products*, requiring specialized handling and equipment; between Baltimore, Md., on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to its junction with Pennsylvania Turnpike N.E. Extension, thence along the Pennsylvania Turnpike N.E. Extension to Philadelphia and points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to its junction with New York Highway 57, thence along New York Highway 57 to Lake Ontario (Philadelphia, Pa.)*; (15) *Iron and steel and iron and steel products*, requiring specialized handling and equipment; between Wilmington, Del., on the one hand, and, on the other, point in that part of Pennsylvania on, north, and west of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, points in New York, and points in that part of West Virginia on and north of Interstate Highway 70, and points in Ohio (Philadelphia, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 16682 (Sub-No. E11), filed June 20, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Ave., Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from points in Rhode Island to New York, N.Y. (Hoboken, N.J.)*; (2) *New furniture*, from Syracuse, Fayetteville, and Oneida, N.Y., to points in Delaware (Philadelphia, Pa.)*; (3) *New furniture*, between New York, N.Y., on the one hand, and, on the other, points in Virginia and West Virginia (Hoboken, N.J.)*; and (4) *New furniture*, from Avenel, N.J., to points in Maryland, Ohio, Pennsylvania, Virginia, and West Virginia (Hoboken, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 16682 (Sub-No. E14), filed May 13, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Ave., Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional furniture, fixtures and equipment*, uncrated, (1) between Chicago, Ill., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) between Chicago, Ill., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri (except St. Louis, Mo.), Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Illinois (except Chicago), and Indiana.

No. MC 30280 (Sub-No. E70), filed January 19, 1975. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., to points in that part of North Carolina on and east of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 25 to the South Carolina-North Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to its junction with U.S. Highway 25. The purpose of this filing is to eliminate the gateways of (1) Danville, Va., or any point within 5 miles thereof; and (2) Reidsville, N.C.

No. MC 30845 (Sub-No. E1), filed May 15, 1974. Applicant: ELLIS MOVING & STORAGE, P.O. Box 1295, Nashville, Tenn. 37202. Applicant's representative: Stanley I. Goldman, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Alabama, on the one hand, and, on the other, points in New York, New Jersey, Kentucky, Ohio, Indiana, and Illinois (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (2) between points in Alabama, on the one hand, and, on the other, points in Massachusetts and Rhode Island (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (3) between points in Florida, on the one hand, and, on the other, points in Indiana and Illinois (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (4) between points in Georgia, on the one hand, and, on the other, points in Indiana, Illinois, Oklahoma, Arkansas, and Missouri (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (5) between points in Alabama and Mississippi, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylavnia, Ohio, West Virginia, and Maryland within 125 miles of said Counties)*; (6) between points in Mississippi, on the one hand, and, on the other, points in Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Rhode Island, and the District of Columbia (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (7) between points in Mississippi, on the one hand, and, on the other, points in New York, New Jersey, West Virginia, Virginia, North Carolina, and Ohio (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (8) between points in Tennessee, on the one hand, and, on the other, points in Massachusetts, Connecticut, and Rhode Island

(Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*

(9) Between Nashville, Tenn., and Points in Tennessee within 250 miles of Nashville and points in Kentucky within 65 miles of Nashville, Tenn., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylvania, Ohio, West Virginia, and Maryland within 125 miles of said Counties)*; (10) between points in Kentucky within 65 miles of Nashville, Tenn., on the one hand, and, on the other, points in Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Rhode Island, and the District of Columbia (Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (11) between points in Esca, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay Counties, Fla., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylvania, Ohio, West Virginia, and Maryland within 125 miles of said Counties)*; (12) between points in Esca, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay Counties, Fla., on the one hand, and on the other, points in Connecticut, Massachusetts, and Rhode Island (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (13) between Esca, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay Counties, Fla., on the one hand, and, on the other, points in New York, New Jersey, West Virginia, and points in that part of Virginia on and west of Interstate Highway 81 (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (14) between points in Florida (except the counties of Esca, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay), on the one hand, and, on the other, Oklahoma (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (15) between points in Florida, on the one hand, and, on the other, Huntsville, Ala. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (16) between Miami, Fla., on the one hand, and, on the other, Birmingham, Ala., Jackson, Miss., and Shreveport, La. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (17) between Miami, Fla., on the one hand, and, on the other, Caribou, Me. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylvania, Ohio, West Virginia, and Maryland within 125 miles of said Counties)*;

(18) Between Tampa, Fla., on the one hand, and, on the other, Caribou, Me. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylvania, Ohio, West Virginia, and Maryland within 125 miles of said Counties)*; (19) between Miami and Tampa, Fla., on the one hand, and, on the other, Dayton and Cleveland, Ohio (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (20) between Miami and Tampa, Fla., on the one hand, and, on the other, Erie, Pa. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (21) between Miami, Fla., on the one hand, and, on the other, Pittsburgh, Pa. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (22) between Pensacola, Fla., on the one hand, and, on the other, Norfolk, Va.; Oklahoma City, Okla.; Dayton, Ohio, and Cleveland, Ohio (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (23) between Pensacola, Fla., on the one hand, and, on the other, Baltimore, Md.; Dover, Del.; Erie, Pa., and Pittsburgh, Pa. (Lawrence, Wayne, Hardin, and Giles, Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (24) between points in Florida, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 127 to its junction with U.S. Highway 68, thence along U.S. Highway 68 to its junction with U.S. Highway 25, thence along U.S. Highway 25 to the Kentucky-Ohio State line (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (25) between Atlanta, Ga., on the one hand, and, on the other, Shreveport and Lake Charles, La.; Jackson, Tupelo, and Clarksdale, Miss.; Wheeling, W. Va.; and Huntsville, Ala. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (26) between Savannah, Ga., on the one hand, and, on the other, Shreveport, La., Jackson and Tupelo, Miss.; and Huntsville, Ala. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*;

(27) Between points in Georgia, on the one hand, and, on the other, points in that part of Arkansas on and north of a line beginning at the Tennessee-Arkansas State line and extending along Interstate Highway 40 to its junction with Interstate Highway 30, thence along Interstate Highway 30 to the Texas-Arkansas State line, and points in that part of Kentucky on and west of U.S. Highway 65 (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (28) between Valdosta, Ga., on the one hand, and, on the other, Buffalo, N.Y., and Dayton and Cleveland, Ohio (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (29) between Valdosta, Ga., on the one hand, and, on the other, Milwaukee and Ashland, Wisc., and Caribou, Me. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (30) between Valdosta, Ga., on the one hand, and, on the other, Erie, Pa. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (31) between points in Alabama, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 60 (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (32) between points in Alabama (except points in Fort Payne, Cherokee, Cleburne, Randolph, Chambers, Lee, Russell, Barbour, Henry, and Houston Counties), on the one hand, and, on the other, points in Connecticut (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (33) between points in Alabama (except points in Jackson, De Kalb, Cherokee, Etowah, Calhoun, Cleburne, Talladega, Clay, Randolph, Coosa, Tallapoosa, Chambers, Autauga, Elmore, Lee, Macon, Lowndes, Montgomery, Bullock, Russell, Butler, Crenshaw, Pike, Barbour, Conecuh, Escambia, Covington, Coffee, Dale, Henry, Geneva, and Houston Counties), on the one hand, and, on the other, points in Pennsylvania; Wilmington, Dela., and Baltimore, Md. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*; (34) between points in Lauderdale, Limestone, Madison, Jackson, Colbert, Franklin, Marion, Winston, Lawrence, Morgan, Cullman, and Marshall Counties, Ala., on the one hand, and, on the other, points in Delaware and points in that part of the eastern shore of Virginia and Maryland on and south of U.S. Highway 40 (Lawrence, Wayne, Hardin, and Giles Counties, Tenn., and Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va.)*;

(35) Between points in Alabama, on the one hand, and, on the other, points in Missouri (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (36) between points in Alabama (except points in Cherokee, Etowah, Calhoun, Cleburne, Talladega, Clay, Randolph, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore, Lee, Macon, Montgomery, Russell, Lowndes, Bullock, Barbour, Butler, Crenshaw, Pike, Conecuh, Coffee, Henry, Covington, Dale, Escambia, Geneva, and Houston Counties), on the one hand, and, on the other, Norfolk, Va. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (37) between Jackson, Miss., on the one hand, and, on the other, Greenville and Charleston, S. Caro.; Chicago and Peoria, Ill.; Huntsville, Ala.; Evansville and South Bend, Ind. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (38) between Tupelo, Miss., on the one hand, and, on the other, Greenville and Charleston, S. Caro.; Chicago and Peoria, Ill.; Huntsville, Ala.; St. Louis, Mo.; South Bend, Ind., and Jacksonville, Fla. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (39) between Gulfport, Miss., on the one hand, and, on the other, Chicago and Peoria, Ill.; Milwaukee and Ashland, Wisc.; Huntsville, Ala.; St. Louis and Springfield, Mo.; South Bend and Evansville, Ind. (Lawrence, Wayne, Hardin, and Giles Counties, Tenn.)*; (40) between Clarksdale, Miss., on the one hand, and, on the other, Jacksonville, Fla., and Dothan, Ala. (Lawrence,

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Wayne, Hardin, and Giles Counties, Tenn.) *; (41) between Knoxville and Kingsport, Tenn., on the one hand, and, on the other, Milwaukee and Ashland, Wisc.; Omaha, Nebr.; Denver, Colo., and Des Moines, Iowa (Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylvania, Ohio, West Virginia, and Maryland within 125 miles of said Counties) *; (42) between Kingsport, Tenn., on the one hand, and, on the other, El Paso, Amarillo, and Lubbock, Tex. (Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylvania, Ohio, West Virginia, and Maryland within 125 miles of said Counties) *; and (43) between Chattanooga, Tenn., on the one hand, and, on the other, Milwaukee and Ashland, Wisc., and Denver, Colo. (Belmont County, Ohio, and Marshall, Brooke, and Ohio Counties, W. Va., and points in Pennsylvania, Ohio, West Virginia, and Maryland within 125 miles of said Counties) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 31462 (Sub-No. E9), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on and east of a line beginning at the Alabama-Florida State line, thence along Alabama Highway 55 to Andalusia, Ala., thence along U.S. Highway 29 to junction U.S. Highway 331; thence along U.S. Highway 331 to junction Alabama County Highway 4, thence along Alabama County Highway 4 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 145, thence along Alabama Highway 145 to junction Alabama County Highway 47, thence along Alabama County Highway 47 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Alabama County Highway 27, thence along Alabama County Highway 27 to Leeds, Ala., thence along Alabama Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to Huntsville, Ala., thence along Alabama Highway 53 to junction Alabama County Highway 11, thence along Alabama County Highway 11 to the Alabama-Tennessee State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 60 to junction Missouri Highway 174, thence along Missouri Highway 174 to junction Interstate highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Tennessee; and (3) any point in Georgia.

No. MC 31462 (Sub-No. E19), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E215), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E216), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 60 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, Mont., thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point within 25 miles thereof; (2) Williston, N. Dak., or any point within 200 miles thereof; and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E284), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on other, points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 66 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E285), filed May 13, 1974: Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point within 50 miles thereof; and (2) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E286), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E303), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan to points in Mississippi. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof, and (2) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E304), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point within 50 miles thereof; and (2) any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E305), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi, to points in New York. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point within 25 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E307), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi, to points in Vermont. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point within 25 miles thereof; (2) Fort Wayne, Indiana, or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E308), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi, to points in Indiana. The purpose of this filing is to eliminate the gateway of Cairo, Ill.

No. MC 31462 (Sub-No. E309), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point within 25 miles thereof; (2) Burlington, Iowa, or any point within 50 miles thereof; and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E310), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, Mont., thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; (2) Williston, N. Dak., or any point in North Dakota within 200 miles thereof; and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E311), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and north of a line beginning at the Mississippi River, thence along U.S. Highway 60 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E312), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 16 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point within 25 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E313), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E314), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Mississippi on and north of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, to points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point within 25 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E315), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi, to points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 29 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E316), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster,

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Tex. 75146. Applicant's representative: R. L. Rork (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi, to points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 286, thence along Pennsylvania Highway 286 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 33317 (Sub-No. E1), filed June 3, 1974. Applicant: BISON FREIGHTWAYS, INC., 700 N. Keyser Ave., Scranton, Pa. 18508. Applicant's representative: Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between points in Susquehanna and Wayne Counties, Pa. (except those points on and south of Pennsylvania Highway 371), points in Broome, Chenango, and Delaware Counties, N.Y., those points in Ostege County, N.Y., which are within 50 miles of Hancock, N.Y., on the one hand, and, on the other, New York, N.Y., and those points in Union, Passaic, Essex, Hudson, and Bergen Counties, N.J. The purpose of this filing is to eliminate the gateway of Hancock, N.Y.

No. MC 40978 (Sub-No. E1), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, dental equipment, and stone fixtures*, from Chicago, Ill., and points in Illinois within 100 miles of Chicago, Ill., to points in the Upper Peninsula of Michigan (Sheboygan Falls, Wis.)*; and (2) *New furniture, dental equipment, and stone fixtures*, from Chicago, Ill., and points in Illinois within 100 miles of Chicago, Ill., to points in Minnesota (points in and on that part of Wisconsin bounded by a line beginning at the Minnesota-Wisconsin State line, and extending in a northerly direction along an unnumbered highway to Nelson, Wis., thence along Wisconsin Highway 25 to Durand, Wis., thence along Wisconsin Highway 85 to Eau Claire, Wis., thence along U.S. Highway 53 to junction U.S. Highway, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, thence along the Wisconsin-Michigan State line to junction Wisconsin Highway 139, thence along Wisconsin Highway 139 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, thence along the Wisconsin-Michigan State line to junction Wisconsin Highway 139, thence along Wisconsin Highway 139 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Marinette, Wis., thence along Lake Michigan to the Wisconsin-Illinois State line, thence along the Wisconsin-Illinois State line to the Wisconsin-Iowa State line, thence along the Wisconsin-Iowa State line to the point of beginning)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 40978 (Sub-No. E2), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from Munster, Ind., to points in Minnesota on and the Upper Peninsula of Michigan; (2) *New furniture and furniture parts*, from Munster, Ind., to points in Wisconsin (except those points on and bounded by a line beginning at the Illinois-Wisconsin State line and extending in a northerly direction along U.S. Highway 51 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan). The purpose of this filing is to eliminate the gateway of those points in that part of Wisconsin bounded by a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51, thence in a northerly direction along U.S. Highway 51 to junction U.S. Highway 14 in Wisconsin, thence along U.S. Highway 14 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan.

No. MC 40978 (Sub-No. E3), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New institutional, new household and new office fixtures and equipment*, uncrated, from those points in that part of the State of Wisconsin, bounded by a line beginning at Algoma, Wis., and extending in a westerly direction along Wisconsin Highway 54 to junction Wisconsin Highway 57, thence along Wisconsin Highway 57 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Michigan State line, thence along the Wisconsin-Michigan State line to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (except Two Rivers, Wis.), to points in Iowa; (2) *New furniture*, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending in a westerly direction along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (except Two Rivers, Wis), to points in Indiana, and (3) *New furniture*, from points in that part of Wisconsin, bounded by a line beginning at Algoma, Wis., and extending in a westerly direction along Wisconsin Highway 54 to junction Wisconsin Highway 57, thence along Wisconsin Highway 57 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 45, thence along U.S Highway 45 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (except Two Rivers, Wis), to points in Iowa. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

No. MC 40978 (Sub-No. E4), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New institutional, new household and new office fixtures and equipment*, uncrated, from points in that part of Wisconsin, bounded by a line beginning at Port Washington, Wis., and extending in a westerly direction along Wisconsin Highway 64 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 45, thence northerly along U.S. Highway 45 to the Wisconsin-Michigan State line, to points in Ohio, Kentucky, and the Lower Peninsula of Michigan (Sheboygan Falls, Wis.)*; (2) *New furniture and furniture parts*, from Burlington, Iowa, and the facilities of the Brammer Manufacturing Company at Davenport, Iowa, to points in the Upper Peninsula of Michigan (Sheboygan Falls, Wis.)*; and (3) *New furniture and furniture parts*, from Burlington, Iowa, and the facilities of the Brammer Manufacturing Company at Davenport, Iowa, to points in Minnesota (Wisconsin)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 40978 (Sub-No. E5), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Sturgis, Mich., to points in Minnesota (Wisconsin)*; (2) *New furniture*, from Sturgis, Mich., to points in the Upper Peninsula of Michigan (Wisconsin)*; and (3) *New furniture*, from Muscatine, Iowa, to points in Minnesota (Wisconsin)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 40978 (Sub-No. E6), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Muscatine, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

No. MC 40978 (Sub-No. E7), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from points in that part of Wisconsin, bounded by a line beginning at Port Washington, Wis., and extending in a westerly direction along Wisconsin Highway 33 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line, to points in Ohio, Kentucky, and the Lower Peninsula of Michigan; (2) *New institutional, new household and new office fixtures and equipment*, uncrated, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending in a westerly direction along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (except Two Rivers, Wis.), to points in Indiana; and (3) *New furniture*, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending in a westerly direction along Wisconsin Highway 64 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan, to points in Missouri. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

No. MC 40978 (Sub-No. E8), filed May 16, 1974. Applicant: CHAIR CITY MOTOR EXPRESS CO., P.O. Box 686, Sheboygan, Wis. 53081. Applicant's representative: R. E. Becker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New institutional, new household, and new office fixtures and equipment*, uncrated, from points in that part of Wisconsin bounded by a line beginning at Marinette, Wis., and extending in a westerly direction along Wisconsin Highway 64 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 51, thence along U.S. Highway 51 to Wisconsin-Illinois State line, to points in the Upper Peninsula of Michigan; and (3) *New furniture*, from points in that part of Wisconsin bounded by a line beginning at Cleveland, Wis., and extending in a westerly direction along Wisconsin Highway 149 to junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 51 to the Wisconsin-Illinois State line, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Sheboygan Falls, Wis.

No. MC 104654 (Sub-No. E1), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th & Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Elmo, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateways of Speedway, Ind., and Jackson County, Ind.

No. MC 104654 (Sub-No. E2), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th & Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lawrenceville, Ill., to points in that part of Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateways of Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E6), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lawrenceville, Ill., to points in that part of Arkansas on, north, and east of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 65 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateways of Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E8), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania

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Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Evansville, Ind., to that part of Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateways of Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E9), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Evansville, Ind., to that part of Arkansas on, east, and north of a line beginning at the Missouri-Arkansas State line extending along Arkansas Highway 9 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateways of Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E12), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Mt. Vernon, Ind., to points in that part of Arkansas on, east, and north of a line beginning at the Arkansas-Missouri State line extending along Arkansas Highway 9 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line. The purpose of this filing is to eliminate the gateways of Hickman, Ky., and Caruthersville, Mo.

No. MC 104654 (Sub-No. E13), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Paducah, Ky., and points in Kentucky within 5 miles thereof, to that part of Missouri on, south, and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Gale and Cairo, Ill.

No. MC 106920 (Sub-No. E19), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream* and *buttermilk*, in bulk, in tank vehicles, from points in Minnesota to points in Florida. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E20), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk*, in bulk, in tank vehicles, from points in Minnesota north and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 75 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 220, thence along Minnesota Highway 220 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 7, thence along Minnesota Highway 7 to junction Minnesota Highway 22, thence along Minnesota Highway 22, to junction Minnesota Highway 5, thence along Minnesota Highway 5 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 21, thence along Minnesota Highway 21 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Minnesota Highway 247, thence along Minnesota Highway 247 to junction Minnesota Highway 74, thence along Minnesota Highway 74 to junction Minnesota Highway 248, thence along Minnesota Highway 248 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E21), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream*, and *buttermilk*, in bulk, in tank vehicles, from points in Minnesota to points in Alabama north and east of a line beginning at the Alabama-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 52, thence along Alabama Highway 52 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E22), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box, 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11 St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk*, in bulk, in tank vehicles, from points in Kentucky east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E23), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* in bulk, in tank vehicles, from points in Minnesota north and west of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Kentucky east of a line beginning at the Kentucky-Tennessee State line and extending along

U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31W to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Augiaize Counties, Ohio.

No. MC 106920 (Sub-No. E24), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk*, in bulk, in tank vehicles, from points in Minnesota to points in Tennessee east of a line beginning at the Tennessee-Alabama State line and extending along Interstate Highway 65 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E25), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLaughlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream and buttermilk*, except concentrated whole milk and concentrated skim milk, in bulk, in tank vehicles, from points in Wisconsin to points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 108207 (Sub-No. E30), filed May 13, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), from points in Oklahoma, Arkansas, Louisiana, and Memphis, Tenn., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Carthage and Hernando, Miss.

No. MC 108207 (Sub-No. E31), filed May 13, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products*, not frozen, in vehicles equipped with mechanical refrigeration, from points in Montcalm County, Mich., to points in New Mexico, Arizona, and California, restricted to the transportation of traffic originating at the facilities of Ore-Ida Foods, Inc., in Montcalm County, Mich. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 108207 (Sub-No. E33), filed May 13, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat by-products* as defined by the Commission (except canned or packaged meats and canned or packaged meat products, other than canned hams, packaged hams, and packaged bacon), *dairy products* as defined by the Commission, *salad dressing, yeast, and uncooked bakery goods*, from Rossville, Tenn., to points in Arkansas, Louisiana, Texas, Oklahoma, Missouri, Illinois, and Michigan. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 108449 (Sub-No. E220), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lemont-Lockport, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateways of Winona, Minn., and LaCrosse and Eau Claire, Wis.

No. MC 108449 (Sub-No. E221), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Lemont-Lockport, Ill., o points in Minnesota. The purpose of this filing is to eliminate the gateways of LaCrosse, Wis., Spirit Lake, Iowa, and Spring Valley, Minn.

No. MC 108449 (Sub-No. E222), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 W. County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lemont-Lockport, Ill., to those points in Iowa on and north of a line beginning at the Wisconsin-Iowa State line and extending along U.S. Highway 52 to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of LaCrosse, Wis.

No. MC 108449 (Sub-No. E226), filed May 16, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1047 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Lemont-Lockport, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateways of LaCrosse, Wis., Spring Valley, Minn., and Spirit Lake, Iowa.

No. MC 113666 (Sub-No. E1), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16529. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and ammonium nitrate* (other than liquid), in bulk and in bags from the port of entry at the United States-Canada International Boundary line at Port Huron, Mich., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Pennsylvania, and New York (except those in Nassau and Suffolk Counties, N.Y.). The purpose of this filing is to eliminate the gateway of the port of entry at Detroit, Mich.

No. MC 113666 (Sub-No. E3), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea* (other than liquid), dry, in bulk, and in bags from the United States-Canada International Boundary line at Ports of Entry at Buffalo and Niagara Falls, N.Y., to points in Kansas and Nebraska, with no transportation for compensation on return except as otherwise authorized. Restriction: Transportation of the above commodities restricted to those originating in the Province of Ontario, Canada. The purpose of this filing is to eliminate the gateway of the port of entry at Detroit, Mich.

No. MC 113666 (Sub-No. E4), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea* (other than liquid), dry, in bags, from Ports of Entry at the United States-Canada International Boundary line at Ogdensburg, Alexandria Bay, and Rooseveltown, N.Y., to points in Kansas and Nebraska. Restriction: Transportation of the above

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commodities restricted to traffic originating in the Province of Ontario. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y., and Detroit, Mich.

No. MC 113666 (Sub-No. E5), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material used in the production of refractory products* (except liquid commodities in bulk), with no transportation for compensation on return except as otherwise authorized, from points in Illinois, Kansas, Wisconsin, and that part of Indiana on and west of U.S. Highway 31 to the ports of entry on the United States-Canada International Boundary line in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Armstrong County, Pa.

No. MC 113666 (Sub-No. E6), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Refractory products* (except in bulk), from Fords, N.J., to points in Ohio, Michigan, Indiana, Illinois, Kentucky, Kansas, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Armstrong County, Pa.

No. MC 113666 (Sub-No. E7), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the production of refractory products (except liquid commodities in bulk), from points in Kentucky, Missouri, and the Lower Peninsula of Michigan to the Ports of Entry on the United States-Canada International Boundary line located in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Tarentum, Pa.

No. MC 113666 (Sub-No. E9), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and ammonium nitrate* (other than liquid), in bags, from ports of entry on the United States-Canada International Boundary line at Ogdensburg, Alexandria Bay, and Rooseveltown, N.Y., to points in Indiana, Illinois, Michigan, and Ohio, with no transportation for compensation on return unless otherwise authorized. The purpose of this filing is to eliminate the gateway of port of entry at Buffalo, N.Y.

No. MC 113666 (Sub-No. E10), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Greenville, Pa., to ports of entry on the United States-Canada International Boundary line at Ogdensburg, Alexandria Bay, and Rooseveltown, N.Y. Restriction: The transportation of the above commodities restricted to traffic destined to the Province of Ontario, Canada. The purpose of this filing is to eliminate the gateway of the Port of Entry of Buffalo, N.Y.

No. MC 113666 (Sub-No. E12), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, in dump vehicles, and in containers (other than liquid), from Olean, N.Y., to points in Wisconsin, Missouri, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateway of Port of Entry at Detroit, Mich.

No. MC 113666 (Sub-No. E13), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except such commodities in bulk and those which because of their size, weight, or inherent nature, require the use of special equipment), from the plant site of A. P. Green Fire Brick Co., at or near Detroit, Mich., to points in Maryland, Delaware, New Jersey, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Tarentum, Pa.

No. MC 113666 (Sub-No. E14), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bags, from Ports of Entry on the United States-Canada International Boundary line at Ogdensburg, Alexandria Bay, and Rooseveltown, N.Y., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Olean, N.Y.

No. MC 113666 (Sub-No. E15), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and ammonium nitrate* (other than liquid), in bags, from Port of Entry on the United States-Canada International Boundary line at Ogdensburg, Alexandria Bay, and Rooseveltown, N.Y., to points in West Virginia, Kentucky, Missouri, Wisconsin, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateway of Port of Entry of Buffalo, N.Y.

No. MC 113666 (Sub-No. E17), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk and except such commodities which, because of their size, weight, or inherent nature require the use of special equipment), from the Borough of Tarentum, Allegheny County, Pa., and Porter Township, Clarion County, Pa., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the Port of Entry at Detroit, Mich.

No. MC 113666 (Sub-No. E18), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Irondale, New Salisbury, Wellsville, Uhrichsville, Oak Hill, Jackson, South Webster, Columbiana, Warren, Cincinnati, Powhatan, and Center Township, Carroll County, Ohio, Taylor and Mayfield, Ky., Mexico, Fulton, and Vandalia, Mo., to the Ports of Entry on the United States-Canada International Boundary line located in Maine, New Hampshire, Vermont, and at Alexandria Bay, Ogdensburg, and Rooseveltown, N.Y. Restriction: The operations authorized herein are restricted to the transportation of shipments destined to points in the Provinces of Ontario and Quebec, Canada. The purpose of this filing is to eliminate the gateway of the Ports of Entry of Buffalo or Niagara Falls, N.Y.

No. MC 114211 (Sub-No. E476), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in Iowa on and north and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, to points in that part of Michigan on and north of a line beginning at Muskegon, Mich., thence along Interstate Highway 96 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, and to points in that part of Indiana on and east of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line, and to points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, and to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to the Tennessee-Alabama State line, and to points in that part of Alabama on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 59 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line, and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin 23 to junction U.S. Highway 41, thence along U.S. Highway 41 to Milwaukee, Wis., and to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Maine, Vermont, and New Hampshire, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E477), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from points in Iowa on and north and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line to points in that part of Michigan on and north of a line beginning at Muskegon, Mich., thence along Interstate Highway 96 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, and to points in that part of Indiana on and east of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line, and to points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, and to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to the Tennessee-Alabama State line, and to points in that part of Alabama on and east of a line beginning at the Tennessee-Alabama State line, thence along Interstate Highway 59 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line, and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 41, thence along U.S. Highway 41 to Milwaukee, Wis., and to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Maine, Vermont, and New Hampshire, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E515), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractors attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads between the port of entry at Norfolk, Va., on the one hand, and, on the other, points in Colorado, Nebraska, South Dakota, and Kansas. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E516), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefore* when moving with such pipe, from points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 153, thence along Tennessee Highway 153 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Georgia State line to points in Nebraska, Wyoming, Montana, North Dakota, South Dakota, and to points in that part of Kansas on and north of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 383, thence along U.S. Highway 383 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line, and to points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E517), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa. 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), and fittings and accessories therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment

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from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E518), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to junction Texas Highway 14, thence along Texas Highway 14 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to Victoria, Tex., and from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to the Oklahoma-Texas State line to points in that part of Michigan on and north of a line beginning at Muskegon, Mich., thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to the Michigan-Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E519), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along Texas Highway 79 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Texas-Mexico International Boundary line and from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 81 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Oklahoma Highway 79, thence along Oklahoma Highway 79 to the Oklahoma-Texas State line to points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E520), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities, which because of size or weight, require the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Aurora, Decatur, Joliet, Morton, Moseville, and Peoria, Ill., to points in New Mexico, Arizona, California, and to points in that part of Nevada on and south of a line beginning at the Utah-Nevada State line, thence along U.S. Highway 50 to junction Nevada Highway 42, thence along Nevada Highway 42 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 48, thence along Nevada Highway 48 to junction Nevada Highway 81, thence along Nevada Highway 81 to the Nevada-California State line, with no transportation for compensation on return except as otherwise authorized restricted to the transportation of shipments originating at the above-named origins. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E521), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from Racine, Wis., to points in Washington, Oregon, Idaho, and to that part of Montana on and west of a line beginning at the Wyoming-Montana State line, thence along Carbon County Highway 297 to junction Carbon County Highway 308, thence along Carbon County Highway 308 to junction U.S. Highway 310, thence along U.S. Highway 310 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Montana-Idaho State line and to points in that part of Wyoming on and southwest of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Wyoming-Nebraska State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Springfield, Ill., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E522), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, restricted against the transportation of any of the described commodities which because of size or weight, require the use of special equipment, thence along U.S. Highway 177 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction Muskogee Turnpike, thence along Muskogee Turnpike to junction Oklahoma Highway 10, thence along Oklahoma Highway 10 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Arkansas State line to points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 80 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 29, thence along Texas Highway 29 to junction Texas Highway 190, thence along Texas Highway 190 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 6, thence along Texas Highway 6 to the Gulf of Mexico (except Galveston and El Paso, Tex.), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E523), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments* and *parts* of tractors and tractor attachments when moving in mixed loads, between points of entry on the United States-Canada International Boundary line in Washington, Idaho, Montana, and North Dakota, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 36 to junction Illinois Highway 96, thence along Illinois Highway 96 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line and points in that part of Kansas on and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 281 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E524), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments* the transportation of which, because of size or weight, requires special equipment, between points in Missouri, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, North Dakota, and points in that part of Nevada on and northwest of a line beginning at the California-Nevada State line, thence along U.S. Highway 50 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 30, thence along Nevada Highway 30 to the Nevada-Utah State line and points in that part of California on and north of a line beginning at the Nevada-California State line, thence along U.S. Highway 50 to junction California Highway 89, thence along California Highway 89 to junction California Highway 88, thence along California Highway 88 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 4, thence along California Highway 4 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 17, thence along California Highway 17 to San Jose, Calif., and points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways of points in Iowa and Canton, S. Dak.

No. MC 114211 (Sub-No. E525), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from points in that part of Texas on and west of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 80 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 83 to the Texas-Mexico International Boundary line to points in Minnesota, South Dakota, Nebraska, Iowa, Kansas, and Illinois. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E526), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand, and *parts thereof* when transported with such agricultural machinery and implements, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 except those requiring the use of special equipment, from Corpus Christi, Tex., to points in Nebraska restricted against the transportation of which, because of size or weight, requires the use of special equipment or special handling and further restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of points in South Dakota.

No. MC 114211 (Sub-No. E527), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, the transportation of which, because of size or weight, requires special equipment, from points in Texas to points in that part of Missouri on and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 36 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Kansas and Nebraska.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3185 Filed 2-3-75;8:45 am]

[Notice 225]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 24, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74173. By order of January 20, 1975, Division 3, acting as an Appellate Division, approved the transfer to Articare Transport, Inc., Shrewsbury, Mass., of the operating rights in Certificate No. MC 60186 (Sub-No. 50), issued June 11, 1974, to Nelson Freightways, Inc., Rockville, Conn., authorizing the transportation of foodstuffs from ports of entry on the United States-Canada Boundary line located in Maine, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, New York, North Carolina, South Carolina, Tennessee, Virginia, Pennsylvania, and West Virginia, subject to certain restrictions. James E. Wilson, Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C., 20004, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3182 Filed 2-3-75;8:45 am]

[Notice 226]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 24, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75598. By order entered January 27, 1975 the Motor Carrier Board approved the transfer to Hollis Express Service, Inc., Beverly, Mass., of the operating rights set forth in Certificate No. MC-8389, issued June 16, 1942, to Daniel H. Hollis, Jr., doing business as Hollis Express Service, Saugus, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Saugus, Boston,

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Somerville, Cambridge, Medford, Malden, Chelsea, Revere, Lynne, Nahant, Swampscott, Marblehead, Salem, and Peabody, Mass. Arthur Modugno, 72 Butler St., Salem, Mass. 01970, representative for transferee and Daniel H. Hollis, Jr., 34 Henery St., Saugus, Mass. 01906, representative for transferor.

No. MC-FC-75611. By order of January 17, 1975 the Motor Carrier Board approved the transfer to Floyd Duenow, Inc., Fergus Falls, Minn., of the operating rights in Certificates No. MC-127187 (Sub-No. 1), MC-127187 (Sub-No. 3), MC-127187 (Sub-No. 4), MC-127187 (Sub-No. 6), MC-127187 (Sub-No. 7), MC-127187 (Sub-No. 9) and MC-127187 (Sub-No. 10) issued March 15, 1966, April 11, 1967, April 11, 1967, January 2, 1970, March 28, 1970, August 23, 1972, April 29, 1974 respectively to Floyd Duenow, Fergus Falls, Minn., authorizing the transportation of various commodities from, to, and between specified points and areas in Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Montana, Wyoming, Illinois, Kansas, Missouri, Oklahoma, and Texas. James B. Hoyland, 425 Gate City Bldg., Fargo, N.D. 58102, attorney for applicants.

No. MC-FC-75614. By order of January 17, 1975 the Motor Carrier Board approved the transfer to Southern Freightlines, Inc., Pittsburgh, Pa., of the operating rights in Certificates No. MC-133268 and MC-133268 (Sub-No. 1) issued January 14, 1970 and May 19, 1972 respectively to Lee's Carrier Corp., Miami, Fla., authorizing the transportation of various commodities from and to specified points and areas in West Virginia, Texas, Florida, Louisiana, Illinois, Mississippi, Georgia, California and Pennsylvania. Samuel P. Delisi, 530 Grant Building, Pittsburgh, Pa., 15219, attorney for applicants.

No. MC-FC-75616. By order of January 17, 1975 the Motor Carrier Board approved the transfer to Donald H. Aschenbrenner, Dixon, Ill., of the operating rights in Certificate No. MC-135216 (Sub-No. 1) issued September 1, 1971 to LeRoy Deneau, Oregon, Ill., authorizing the transportation of general commodities, with exceptions, between Oregon, Ill., on the one hand, and, on the other, O'Hare International Airport, Midway Airport, and Meigs Field, at or near Chicago, Ill., restricted to traffic having a prior or subsequent movement by air. Donald S. Mullins, 4704 W. Irving Park Rd., Chicago, Ill., 60641, applicants representative.

No. MC-FC-75617. By order entered January 27, 1975 the Motor Carrier Board approved the transfer to Golden North Van Lines, Inc., Anchorage, Alaska, of that portion of the operating rights set forth in Certificate No. MC-118520 (Sub-No. 5), issued by the Commission September 23, 1964, to Alaska Truck Transport, Inc., Anchorage, Alaska, authorizing the transportation of household goods as defined by the Commission, between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)—Canada (Yukon Territory) Boundary line, except Haines, Alaska. J. Max Harding, Box 82028, Lincoln, Nebr. 68501, attorney for transferor, and J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004, attorney for transferee.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3183 Filed 2-3-75;8:45 am]

[Rev. S.O. No. 994; Order No. 137, Amdt. 1]

SOUTHERN PACIFIC TRANSPORTATION

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 137, and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 137 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 28, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3181 Filed 2-3-75;8:45 am]

[Notice 12]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 28, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19251 (Sub-No. 10TA), filed January 21, 1975. Applicant: HERBERT M. ADAMS, doing business as ADAMS VAN & STORAGE CO., 99 South Main Street, Caribou, Maine 04736. Applicant's representative (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (as defined by the Commission), between Caribou and Brunswick, Maine, on the one hand, and, points in Maine on the other, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 93840 (Sub-No. 16TA), filed January 21, 1975. Applicant: W. W. GLESS, doing business as GLESS BROS., Blue Grass, Iowa 52726. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap steel*, from Decatur, Ill., to Durant, Iowa, for 180 days. Supporting shipper: Russelloy Foundry Co., 1010 4th St., Durant, Iowa 52747. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107460 (Sub-No. 51TA), filed January 22, 1975. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald C. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum doors and windows, glazed and unglazed, and aluminum extrusions*, from the plantsite of Capitol Products Corporation, located at or near Kentland, Ind., to the plantsite of Capitol Products Corporation, located at Mechanicsburg, Pa., for 180 days. Supporting shipper: Capitol Products Corporation, Route 11, Mechanicsburg, Pa. 17055. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC-111485 (Sub-No. 17TA) (Amendment), filed December 19, 1974, published in the FEDERAL REGISTER issue of January 10, 1975, and republished as corrected this issue. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, Ky. 42071. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Monumental stone*, from points in Elbert County, Ga., to points in Missouri, Illinois, that part of Indiana in and west of Elkhart, Mosciusko, Fulton, Miami, Cass, Carroll, Tippecanoe, Montgomery, Boone, Putnam, Morgan, Monroe, Greene, Martin, Dubois, and Spencer Counties, Indiana; and that part of Kentucky west of the Tennessee River, for 180 days.

NOTE.—Applicant states that the purpose of filing is to permit it to lawfully continue a service previously performed by tacking and subject to the rules promulgated in Gateway Elimination, 119 MCC 530 (1074), 49 CFR 1065.

Supporting shippers: There are approximately 37 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Hohnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main Street, Memphis, Tenn. 38103.

No. MC 111812 (Sub-No. 512TA), filed January 21, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags*, envelopes, packets orouches, or wrappers flat, folded flat or in rools, requiring separation into individual units, with or without compliment of bag ties, for 180 days. Supporting shipper: American Western Corporation, 1500 M Avenue, Sioux Falls, S. Dak. 57104. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 113300 (Sub-No. 9TA), filed January 21, 1975. Applicant: WILLIAM T. HERRON, Route #3, Marietta, Ohio 45750. Applicant's representative: Paul F. Beery Co., L.P.A., Ninth Floor, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Preston County, West Virginia to points in Washington County, Ohio, for 180 days. Supporting shipper: Bucannon Sales, Inc., P.O. Box 788, Buchannon, W. Va. 26201. Att.: Carl Martin, President. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 116947 (Sub-No. 35TA), filed January 21, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard and dunnage materials*, between Memphis, Tenn., and Winston-Salem, N.C., for 180 days. Supporting shipper: Joseph Schlitz Brewing Company, 235 West Galena Street, Milwaukee, Wis. 53201. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 116947 (Sub-No. 36TA), filed January 21, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard, and dunnage materials*, between Tampa, Fla., and Winston-Salem, N.C., for 180 days. Supporting shipper: Joseph Schlitz Brewing Company, 235 West Galena Street, Milwaukee, Wis. 53201. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 117344 (Sub-No. 241), filed January 21, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Cincinnati, Ohio to Detroit, Mich., and Pittsburgh, Pa., for 180 days. Supporting shipper: Southdown Sugars, Inc., P.O. Box 52, Canal-LaSalle Bldg., New Orleans, La. 70112. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B FOB, 550 Main St., Cincinnati, Ohio 45202.

No. MC 118202 (Sub-No. 44TA), filed January 17, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides and chemicals*, other than in bulk, from the plantsite of Monsanto Company, at or near Muscatine, Iowa to points in Alabama, Arkansas, Connecticut, Georgia, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee and Virginia, for 150 days. Supporting shipper: Monsanto Company, 800 North Lindbergh, St. Louis, Mo. 63166. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119118 (Sub-No. 38TA), filed January 20, 1975. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Lawrence C. Maston (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Pabst, Ga., to Dayton, Ohio and *empty malt beverage containers* in the reverse direction, for 180 days. Supporting shipper: Heidleberg Distributing Co., 1225 Schaeffer St., Dayton, Ohio. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 119726 (Sub-No. 49TA), filed January 21, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Dunkirk, Ind., to Winona, Minn., for 180 days. Supporting shipper: Kerr Glass Manufacturing Corp., Sand Springs, Okla. 74063. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn St., Indianapolis, Ind. 46204.

No. MC 124796 (Sub-No. 141TA), filed January 20, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, and parts and accessories therefor*, for the account of Carrier Corporation, from Fort Smith, Ark., to points in Oklahoma, Texas, New Mexico, Arizona and California, for 180 days. Supporting shipper: Carrier Corporation, P.O. Box 1234, City of Industry, Calif. 91747. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126642 (Sub-No. 3TA), filed January 22, 1975. Applicant: BLACK HILLS MOVERS, INC., 610 E. Omaha Street, Rapid City, S. Dak. 57701. Applicant's representative: Robert L. Varilek, P.O. Box 1452, 405 East Omaha

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Street, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Pennington, Custer, Butte, Meade, Lawrence, Fall River Counties, South Dakota, on the one hand, and, on the other, Colorado, Iowa, Minnesota, Montana, North Dakota, South Dakota and Wyoming, for 180 days. Supporting shippers: Mount Rushmore Insurance Co., P.O. Box 726, Rapid City, S. Dak. 57701. Roger W. Faber, Vice President. United National Bank, 14 St. Joseph St., Rapid City, S. Dak. 57701. Larry Pisacka, Asst., Vice President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 133095 (Sub-No. 71TA), filed January 22, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), in mechanically refrigerated equipment, from Hartford, Conn., to Miami, Jacksonville, Pensacola, Tampa and Orlando, Fla., for 180 days. Supporting shipper: Heublein Beverage Group, Smirnoff Beverage and Import Company, 330 Park Ave., Hartford, Conn. 06101. Send protests to: H. C. Morrison, Sr., Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133708 (Sub-No. 16TA), filed January 21, 1975. Applicant: FIKSE BROS., INC., 12647 East South St., Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from the mine and plant sites of J. Irving Browell, Fr. & Sons, at or near Beatty, Nev., and the plant and mine sites of Fluoride Mines Co. (Monolith Fluorspar Mine), approximately 12 miles south and east of Beatty, Nev., to the plant site of Monolith Portland Cement Company at Monolith, Calif., for 180 days. Supporting shipper: Monolith Portland Cement Co., 3326 San Fernando Rd., Los Angeles, Calif. 90065. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138899 (Sub-No. 1TA), filed January 22, 1975. Applicant: GREEN RIVER TRANSPORTATION CO., INC., General Delivery, Central City, Ky. 42330. Applicant's representative: Ray S. Stone, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New empty containers, knocked down or set-up, made of any kind of material, and lumber, rough or dressed*, between points in Muhlenberg County, Ky., on the one hand, and, on the other, Joliet, Paris, Charleston, and Chicago, Ill., and points in the commercial zone of Chicago, Ill., as defined by the Interstate Commerce Commission, and points in Indiana, for 180 days. Supporting shipper: Charles R. Arnold, President, Expendable Pallet Mfg., Co., Inc., Box 363, Central City, Ky. 42330. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 139495 (Sub-No. 30TA), filed January 22, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and aquariums supplies*, from Canton, Calif., to points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Michigan, and Wisconsin, for 180 days. Supporting shipper: Triton Industries, Inc., 1930 South 23rd St., P.O. Box 1426, Saginaw, Mich. 48601. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139685 (Sub-No. 3TA), filed January 20, 1975. Applicant: SPEEDWAY CARRIERS, INC., 1040 Price Street, P.O. Box 2218, Pomona, Calif. 91767. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals* (except in bulk), from the plantsite of Monsanto Chemcial Company at or near Muscatine, Iowa, to points in Arkansas, S. Carolina, N. Carolina, Virginia, Tennessee, Mississippi, Alabama, Maryland, Kentucky, Georgia, New Jersey, New York and Connecticut, for 180 days. Supporting shipper: Monsanto Company, Agricultural Transporation Supervisor, 800 North Lindbergh, St. Louis, Mo. 63116. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, 300 North Los Angeles St., Room 7708, Los Angeles, Calif. 90012.

No. MC 140243 (Sub-No. 3TA), filed January 20, 1975. Applicant: APPLE HOUSE, INC., 3726 Birney Avenue, Scranton, Pa. 18505. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza crust*, in vehicles equipped with mechanical refrigeration, from Carbondale, Pa., to Charlotte, N.C., Atlanta, Ga., Tampa and Orlando, Fla., for 150 days. Supporting shipper: Pizza Crust Co., of Penna., Inc., Corner 7th Ave., and Clidco Drive, Carbondale, Pa. 18407. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 140468 (Sub-No. 1TA), filed January 22, 1975. Applicant: DONALD R. BAJEMA and GERALD O. BAJEMA, a Partnership, doing business as RIVERVIEW DAIRY FARMS, 2777 Hillside Drive, Grand Rapids, Mich. 49504. Applicant's representative: Donald R. Bajema (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and related items other than in bulk*, in vehicles equipped with mechanical refrigeration and the return of empty containers, from Sealtest Foods, Division Kraftco Corporation, plant site at 2224 W. Willow, Lansing, Mich., to South Bend, Ind., for 180 days. Supporting shipper: Sealtest Foods, Division Kraftco Corporation, 2224 W. Willow, Lansing, Mich. 48917. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 140496 (Sub-No. 1TA), filed January 22, 1975. Applicant: ABLE MOVING & STORAGE CO., INC., P.O. Box 1931, Baton Rouge, La. 70821. Applicant's representative: Clayton J. Constant, 9927½ Jefferson Highway, Baton Rouge, La. 70809. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission (with Kingpak type restrictions) restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, between points in East Baton Rouge, West Baton Rouge, and Livingston Parishes, La., for 180 days. Supporting shippers: Mollerup Freight Forwarding Company, 1110 N. 175th Street, Seattle, Wash., 98113, Robert H. Johnson, General Manager. Karevan, Inc., P.O. Box 15526, Santa Ana, Calif. 92705, Dean Forgey, Vice President. Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310, James E. Armstrong. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Post Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 140568 TA, filed January 21, 1975. Applicant: ROGERS TRUCKING, INC., P.O. Box 271 (Ky. Hwy. 61), Columbia, Ky. 42728. Applicant's representative: Ben K. Wilmot, Lancaster St., Stanford, Ky. 40484. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood, spent, ground or unground, loose*, in truckload shipments, from

points and places in Allen, Green, Jefferson, Pulaski, and Wayne Counties, Ky., to Seymour, Ind., Evanston, Ind., and commercial zones of each destination point, for 180 days. Supporting shippers: Herman W. Edlin, Traffic Mgr., Gamble Brothers, Inc., Traffic Manager, 4601 Allmon Ave., Louisville, Ky. 40221. Rexford D. Kelley, Off., & Traffic Mgr., Greensburg Mfg. Company, Greensburg, Ky. 42743. Send protests to: R. W. Schmeiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202.

APPLICATION OF PASSENGERS

No. MC 139035 (Sub-No. 2TA), filed January 21, 1975. Applicant: NATIONAL BUS LEASING, INC., 11408 Old Baltimore Pike, Beltsville, Md. 20705. Applicant's representative: Clarice Rowe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passangers and their baggage*, in the same vehicle as passengers, in charter operations, beginning and ending in Washington, D.C., Prince George and Montgomery Counties, Md., and extending to points in Florida, Georgia, South Carolina, North Carolina, Virginia, Ohio, Indiana, Illinois, Michigan, Pennsylvania, New York, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, and Maryland, West Virginia, New Jersey, for 180 days. Supporting shippers: Nightlites, 8069 Monteellar Drive, Laurel, Md. Harriet L. Hill Travel Agent, 2431 Newton St. NW., Washington, D.C. 20018. Admiral Travel Service, of Silver Spring, Inc., 8517 Fenton St., Silver Spring, Md. 20910. Social Club of Wash., James A. Mead, Washington, D.C. The Travelers, Box 511 Berwyn Station, College Park, Md. Donald D. Missinise, General Manager Fair Lanes, Prince Georges, 3321 E. W. Highway, Hyattsville, Md. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12 & Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3184 Filed 2-3-75;8:45 am]

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federal register

TUESDAY, FEBRUARY 4, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 24

PART II

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

■

NATIONAL REGISTER OF HISTORIC PLACES

Advisory Council on Historic Preservation

Protection of Properties on the National Register; Procedures for Compliance

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DEPARTMENT OF THE INTERIOR
National Park Service
NATIONAL REGISTER OF HISTORIC PLACES

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) the National Park Service, Department of the Interior has undertaken steps to implement the purposes of that act through: (1) Expansion of the National Register of Historic Places, (2) initiating a program of grants-in-aid for historic preservation, and (3) adoption of procedures and criteria for furthering the Nation's historic preservation program.

It is the purpose of this notice, through publication of information and materials included herein, to apprise the public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation of the implementing actions that have been taken in order that there will be a greater awareness of the means by which properties of State and local historical significance may be nominated for placement in the National Register and of the criteria used in evaluating the properties. The notice includes a list of the properties included in the National Register of Historic Places through December 31, 1974.

RUSSELL E. DICKENSON,
Deputy Director,
National Park Service.

THE NATIONAL HISTORIC PRESERVATION ACT

THE NATIONAL REGISTER OF HISTORIC PLACES AND PROCEDURES FOR REGISTRATION

A. *Introduction.* In the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470, the Congress found and declared:

(a) That the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) That the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.

(c) That, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) That, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

In order to accomplish these purposes, the National Historic Preservation Act provided for three significant innovations: An expanded National Register of Historic Places, a program of grants-in-aid for historic preservation, and an Advisory Council on Historic Preservation empowered to comment upon all undertakings licensed, assisted, or carried out by the Federal Government that have an effect upon properties in the National Register.

Official notice is hereby given to the public and government agencies of the opportunities and restrictions provided by the National Historic Preservation Act. Detailed administrative procedures for the program may be found in the manuals, "Historic Preservation Grants-in-Aid: Policies and Procedures," and "The National Register Program, Volume 2: How to Complete National Register Forms" January 1975 (U.S. Department of the Interior, National Park Service, Washington, D.C.). (Volume 1, "State and Federal Guidelines" to be published later in 1975.)

B. *Expanding the National Register of Historic Places.* The Act authorizes the Secretary of the Interior to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture. Previously, the National Register included only nationally significant properties that are historical or archeological units of the National Park System or that have been declared eligible for designation as National Historic Landmarks. Because they must meet exacting criteria of national significance, such properties are few in number. The National Historic Preservation Act of 1966 provides a means for States to nominate properties of State and local significance for placement in the National Register.

The following officials have been designated by their Governors to act as State Historic Preservation Officers responsible for State activities under the National Historic Preservation Act:

STATE HISTORIC PRESERVATION OFFICERS

ALABAMA

Chairman, Alabama Historical Commission, Alabama Department of Archives and History, Archives and History Building, Montgomery, Alabama 36104.

ALASKA

Director, Department of Natural Resources, Division of Parks, 323 East Fourth Avenue, Anchorage, Alaska 99501.

ARIZONA

Director, State Parks Board, 1688 West Adams, Phoenix, Arizona 85007.

ARKANSAS

Director, Arkansas Department of Parks and Tourism, State Capitol, Room 149, Little Rock, Arkansas 72201.

CALIFORNIA

Director, Department of Parks & Recreation, State Resources Agency, P.O. Box 2390, Sacramento, California 95811.

COLORADO

Chairman, State Historical Society, Colorado State Museum, 200 14th Avenue, Denver, Colorado 80203.

CONNECTICUT

Director, Connecticut Historical Commission, 59 South Prospect Street, Hartford, Connecticut 06106.

DELAWARE

Director, Division of Historical and Cultural Affairs, Department of State, Dover, Delaware 19901.

FLORIDA

Director, Division of Archives, History, and Records Management, Department of State, 401 East Gaines Street, Tallahassee, Florida 32304.

GEORGIA

Chief, Georgia Department of Natural Resources, 710 Trinity-Washington Building, 270 Washington Street, S.W., Atlanta, Georgia 30334.

HAWAII

Chairman, Department of Land and Natural Resources, State of Hawaii, P.O. Box 621, Honolulu, Hawaii 96809.

IDAHO

Director, Idaho Historical Society, 610 North Julia Davis Drive, Boise, Idaho 83706.

ILLINOIS

Director, Department of Conservation, 602 State Office Building, 400 South Spring Street, Springfield, Illinois 62706.

INDIANA

Director, Department of Natural Resources, State of Indiana, 608 State Office Building, Indianapolis, Indiana 46204.

IOWA

Director, Division of Historic Preservation, B–13, MacLean Hall, Iowa City, Iowa 52242.

KANSAS

Executive Director, Kansas State Historical Society, 120 West 10th Street, Topeka, Kansas 66612.

KENTUCKY

Director, Kentucky Heritage Commission, 401 Wapping Street, Frankfort, Kentucky 40601.

LOUISIANA

Director, Department of Art, Historical and Cultural Preservation, Old State Capitol, Baton Rouge, Louisiana 70801.

MAINE

Director, Maine Historical Preservation Commission, 31 Western Avenue, Augusta, Maine 04330.

MARYLAND

Director, Maryland Historical Trust, 2525 Riva Road, Annapolis, Maryland 21401.

MASSACHUSETTS

Secretary of the Commonwealth, Chairman, Massachusetts Historical Commission, 40 Beacon Street, Boston, Massachusetts 02108.

MICHIGAN

Director, Michigan History Division, Department of State, Lansing, Michigan 48918.

MINNESOTA

Director, Minnesota Historical Society, 690 Cedar Street, St. Paul, Minnesota 55101.

MISSISSIPPI

Director, State of Mississippi Department of Archives and History, P.O. Box 571, Jackson, Mississippi 39205.

MISSOURI

Director, Missouri State Park Board, P.O. Box 176, 1204 Jefferson Building, Jefferson City, Missouri 65101.

MONTANA

Administrator, Recreation and Parks Division, Department of Fish and Game, State of Montana, Mitchell Building, Helena, Montana 59601.

NEBRASKA

Director, Nebraska State Historical Society, 1500 R Street, Lincoln, Nebraska 68501.

NEVADA

Administrator, Division of State Parks, 201 South Fall Street, Carson City, Nevada 89701.

NEW HAMPSHIRE

Commissioner, Department of Resources and Economic Development, P.O. Box 856, Concord, New Hampshire 03801.

NEW JERSEY

Commissioner, Department of Environmental Protection, P.O. Box 1420, Trenton, New Jersey 08625.

NEW MEXICO

State Historic Preservation Officer, State Capitol, 403 Capitol Building, Santa Fe, New Mexico 87501.

NEW YORK

Commissioner, Parks and Recreation, Room 303, South Swan Street Building, Albany, New York 12223.

NORTH CAROLINA

Director, Division of Archives and History, Department of Cultural Resources, 109 East Jones Street, Raleigh, North Carolina 27611.

NORTH DAKOTA

Superintendent, State Historical Society of North Dakota, Liberty Memorial Building, Bismarck, North Dakota 58501.

OHIO

Director, Ohio Historical Society, Interstate #71 at 17th Avenue, Columbus, Ohio 43211.

OKLAHOMA

State Historic Preservation Officer, 117 East Oklahoma Avenue, Route 1, Guthrie, Oklahoma 73044.

OREGON

State Parks Superintendent, 300 State Highway Building, Salem, Oregon 97310.

PENNSYLVANIA

Executive Director, Pennsylvania Historical and Museum Commission, Box 1026, Harrisburg, Pennsylvania 17120.

RHODE ISLAND

Director, Rhode Island Department of Community Affairs, 150 Washington Street, Providence, Rhode Island 02903.

SOUTH CAROLINA

Director, State Archives Department, 1430 Senate Street, Columbia, South Carolina 29211.

SOUTH DAKOTA

Cultural Preservation Director, Department of Education and Cultural Affairs, Office of Cultural Preservation, State Capitol, Pierre, South Dakota 57501.

TENNESSEE

Executive Director of the Tennessee Historical Commission, 170 Second Avenue North, Nashville, Tennessee 37201.

TEXAS

Executive Director, Texas State Historical Survey Committee, P.O. Box 12276, Capitol Station, Austin, Texas 78711.

UTAH

Director, Division of State History, 603 East South Temple, Salt Lake City, Utah 84102.

VERMONT

Director, Vermont Division of Historic Sites, Pavilion Building, Montpelier, Vermont 05602.

VIRGINIA

Executive Director, Virginia Historic Landmarks Commission, 221 Governor Street, Richmond, Virginia 23219.

WASHINGTON

Director, Washington State Parks and Recreation Commission, P.O. Box 1128, Olympia, Washington 98504.

WEST VIRGINIA

State Historic Preservation Officer, West Virginia Antiquities Commission, Old Mountainlair, West Virginia University, Morgantown, West Virginia 26506.

WISCONSIN

Director, State Historical Society of Wisconsin, 816 State Street, Madison, Wisconsin 53706.

WYOMING

Director, Wyoming Recreation Commission, 604 East 25th Street, Box 309, Cheyenne, Wyoming 82001.

DISTRICT OF COLUMBIA

Acting Director, Office of Housing & Community Development, Room 112–A, District Building, 14th & E Streets NW, Washington, D.C. 20004.

AMERICAN SAMOA

Executive Secretary, Environmental Quality Commission, Office of the Governor, Pago Pago, American Samoa 96920.

COMMONWEALTH OF PUERTO RICO

State Historic Preservation Officer, Institute of Puerto Rico Culture, Apartado 4184, San Juan, Puerto Rico 00905.

GUAM

Director, Department of Commerce, Government of Guam, P.O. Box 682, Agana, Guam 96910.

TRUST TERRITORY

Chief, Land Resources Branch, Trust Territory of the Pacific Islands, Saipan, Marianas Islands 96950.

VIRGIN ISLANDS

Planning Director, Virgin Islands Planning Board, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

Under Executive 11593 agencies of the Executive branch of the government shall: (1) Administer cultural properties under their control, and (2) initiate measures necessary to preserve, restore, and maintain federally owned sites, structures, and objects of historical, architectural, and archeological significance.

The following are the Federal representatives responsible for implementing this Executive Order:

DEPARTMENT OF AGRICULTURE

Director, Division of Recreation, Forest Service, Department of Agriculture, Washington, D.C. 20250.

DEPARTMENT OF COMMERCE

Deputy Director for Operations, Office of Administrative Services, Department of Commerce, Washington, D.C. 20230.

DEPARTMENT OF DEFENSE

Director, Real Property and Natural Resources Division, Office of the Assistant Secretary of Defense (Installations and Logistics), Washington, D.C. 20301.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Director, Office of Facilities Engineering, Department of Health, Education, and Welfare, Washington, D.C. 20201.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410.

DEPARTMENT OF THE INTERIOR

Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C. 20240.

DEPARTMENT OF JUSTICE

Administrative Service Program Staff, Office of Management and Finance, Department of Justice, Washington, D.C. 20530.

DEPARTMENT OF TRANSPORTATION

Community Affairs Specialist, Office of Consumer Affairs, Department of Transportation, Washington, D.C. 20590.

DEPARTMENT OF THE TREASURY

Director of Administrative Programs, Department of the Treasury, Washington, D.C. 20220.

INDEPENDENT AGENCIES

Publications Editor, Appalachian Regional Commission, 1666 Connecticut Avenue, NW., Washington, D.C. 20235.

Director, Data and Support Systems Division, Environmental Protection Agency, Washington, D.C. 20400.

Secretary, Federal Communications Commission, Washington, D.C. 20554.

Advisor of the Chairman, Federal Power Commission, Washington, D.C. 20426.

Historian, Project Environment and Conservation, Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426.

Historic Preservation Office, General Services Administration, Washington, D.C. 20405.

Chief, Section of Administrative Services, Interstate Commerce Commission, Washington, D.C. 20423.

Director, NASA History Program Office, National Aeronautics and Space Administration, Washington, D.C. 20546.

Landmarks Coordinator, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20005.

Special Assistant to the Director, National Science Foundation, Washington, D.C. 20550.

Administrator, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

Special Assistant to the Secretary, Smithsonian Institution, Washington, D.C. 20560.

Director of Reservoir Properties, Tennessee Valley Authority, 530 New Sprankle Building, Knoxville, Tennessee 37902.

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Assistant for Economic and Community Affairs, Office of the General Manager, Mail Station CA-311, U.S. Atomic Energy Commission, Washington, D.C. 20545.
Program Manager, Logistics and Engineering Department, U.S. Postal Service, L'Enfant Plaza West, Washington, D.C. 20260.
Historian, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.
Chief, Planning and Reports, International Boundary and Water Commission, United States and Mexico, 200 IBWC Building, 4110 Rio Bravo, El Paso, Texas 79998.

The State Historic Preservation Officer is responsible for the development and implementation of a comprehensive State Historic Preservation Plan, based clearly on the State's history and established in conformance with local, State and Federal legislation and mechanisms, and approved by the Secretary of the Interior. The State Historic Preservation Officer supervises a professional staff in conducting a statewide survey of historic resources addressed to every aspect of the State's history. From this continuing inventory of historic resources, an integral part of the State Historic Preservation Plan, the State Historic Preservation Officer may nominate properties for inclusion in the National Register of Historic Places. The nominated properties which are approved by the National Park Service are entered in the National Register of Historic Places by the Director, Office of Archeology and Historic Preservation, National Park Service.

The following criteria shall be used by the States in evaluating properties for nomination to the National Register of Historic Places and by the National Park Service in reviewing State nominations.

National Register Criteria of Evaluation

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or

2. That are associated with the lives of persons significant in our past; or

3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. That have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) A religious property depriving primary significance from architectural or artistic distinction or historical importance.

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance.

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

C. *Grants for historic preservation.* The National Historic Preservation Act also authorizes a program of grants-in-aid to States for comprehensive statewide historic site surveys and preservation plans. Grants are also authorized to States, local governments, private organizations, and individuals for preservation projects in accordance with an approved statewide plan. All grants are made through the States. The State Liaison Officer may then distribute the funds to other approved public and private recipients. Funds may be used for acquisition, protection, rehabilitation, restoration, and reconstruction of properties included in the National Register of Historic Places.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Procedures for The Protection of Historic and Cultural Properties

Properties included in, or eligible for, inclusion in the National Register are afforded protection under the National Historic Preservation Act of 1966 and Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." The Advisory Council on Historic Preservation has prescribed procedures for Federal agencies to follow. In accordance with these authorities these "Procedures for Protection of Historic and Cultural Properties" were published in the FEDERAL REGISTER of January 25, 1974 (39 FR 3366), and had been codified in 36 CFR Part 800. These procedures are set forth below:

Procedures for the Protection of Historic and Cultural Properties in Accordance With Section 106 of the National Historic Preservation Act and Sections 1(3) and 2(b) of Executive Order 11593

800.1 *Purpose and authorities.* The National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation, an independent agency of the Executive branch of the Federal Government, to advise the President and Congress on matters involving historic preservation. Its members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and 10 citizen members appointed by the President on the basis of their outstanding service in the field of historic preservation.

The Council reviews Federal, federally assisted, and federally licensed undertakings affecting cultural properties as defined herein, in accordance with the following authorities:

(a) *Section 106 of the National Historic Preservation Act.* Section 106 requires that Federal, federally assisted, and federally licensed undertakings affecting properties included in the National Register of Historic Places be submitted to the Council for review and comment prior to the approval of any such undertaking by the Federal agency.

(b) *Section 1(3) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment."* Section 1(3) requires that Federal agencies, in consultation with the Council, establish procedures regarding the preservation and enhancement of nonfederally owned historic and cultural properties in the execution of their plans and programs. After soliciting consultation with the Federal agencies, the Advisory Council has adopted procedures, set forth in 36 CFR 800.3 through 800.10, to achieve this objective and Federal agencies should fulfill their responsibilities under section 1(3) by following these procedures. The Council further recommends that Federal agencies use these procedures as a guide in the development, in consultation with the Council, of their required internal procedures.

(c) *Section 2(b) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment."* Federal agencies are required, by section 2(a) of the Executive Order, to locate, inventory, and nominate properties under their jurisdiction or control to the National Register. Until such processes are complete, Federal agencies must submit proposals for the transfer, sale, demolition, or substantial alteration of federally owned properties eligible for inclusion in the National Register to the Council for review and comment. Federal agencies must continue to comply with section 2(b) review requirements, even after the initial inventory is complete, when they obtain jurisdiction or control over additional properties that are eligible for inclusion in the National Register or when properties under their jurisdiction or control are found to be eligible for inclusion in the National Register subsequent to the initial inventory.

800.2 *Coordination with agency requirements under the National Environmental Policy Act.* Section 101(b)(4) of the National Environmental Policy Act (NEPA) declares that one objective of the national environmental policy is to "preserve, important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice." In order to meet this objective, the Advisory Council instructs Federal agencies to coordinate NEPA compliance with the separate responsibilities of the National Historic Preservation Act and Executive Order 11593 to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements. Agency obligations pursuant to the National Historic Preservation Act and Executive Order 11593 are independent from NEPA and must be complied with even when an environmental impact statement is not required. However, where both NEPA and the National Historic Preservation Act or Executive Order 11593 are applicable, the Council on Environmental Quality, in its Guidelines for the Preparation of Environmental Impact Statements (40 CFR Part 1500), directs that compliance with section 102(2)(C) of NEPA should, to the extent possible, be combined with other statutory obligations—such as the National Historic Preservation Act and Executive Order 11593—to yield a single document which meets all applicable requirements. To achieve this objective, Federal agencies should undertake, to the fullest extent possible, compliance with the procedures set forth below whenever properties included in or eligible for inclusion in the National Register are involved in a project to ensure that obligations under the National Historic Preservation Act and Executive Order 11593 are fulfilled during the preparation of a draft environmental impact statement required under section 102(2)(C) of NEPA. The Advisory Council recommends that compliance with these procedures be undertaken at the earliest stages of the environmental impact statement process to expedite review of the statement. Statements on projects affecting properties included in or eligible for inclusion in the National Register should be sent directly to the Advisory Council for review. All statements involving historic, architectural, archeological, or cultural resources, whether or not included in or eligible for inclusion in the National Register, should be submitted to the Department of Interior for review.

800.3 *Definitions.* As used in these procedures:

(a) "National Historic Preservation Act" means Public Law 89-665, approved October 15, 1966, an "Act to establish a program for the preservation of additional historic properties throughout the Nation and for other purposes," 80 Stat. 915, 16 U.S.C. 470, as amended, 84 Stat. 204 (1970) and 87 Stat. 139 (1973) hereinafter referred to as "the Act."

(b) "Executive Order" means Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment," 36 FR 8921, 16 U.S.C. 470.

(c) "Undertaking" means any Federal action, activity, or program, or the approval, sanction, assistance, or support of any other action, activity or program, including but not limited to:

(1) Recommendations or favorable reports relating to legislation, including requests for appropriations. The requirement for following these procedures applies to both: Agency recommendations on their own proposals for legislation and agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will comply with these procedures.

(2) New and continuing projects and program activities: directly undertaken by Federal agencies; or supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; or involving a Federal lease, permit, license, certificate, or other entitlement for use.

(3) The making, modification or establishment of regulations, rules, procedures, and policy.

(d) "National Register" means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects, significant in American history, architecture, archeology, and culture, maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and section 101(a)(1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(e) "National Register property" means a district, site, building, structure, or object included in the National Register.

(f) "Property eligible for inclusion in the National Register" means any district, site, building, structure, or object which the Secretary of the Interior determines is likely to meet the National Register Criteria. As these determinations are made, a listing is published in the FEDERAL REGISTER on the first Tuesday of each month, as a supplement to the National Register.

(g) "Decision" means the exercise of agency authority at any stage of an undertaking where alterations might be made in the undertaking to modify its impact upon historic and cultural properties.

(h) "Agency Official" means the head of the Federal agency having responsibility for the undertaking or a subordinate employee of the Federal agency to whom such authority has been delegated.

(i) "Chairman" means the Chairman of the Advisory Council on Historic Preservation, or such member designated to act in his stead.

(j) "Executive Director" means the Executive Director of the Advisory Council on Historic Preservation established by Section 205 of the Act, or his designated representative.

(k) "State Historic Preservation Officer" means the official within each State, authorized by the State at the request of the Secretary of the Interior, to act as liaison for purposes of implementing the Act, or his designated representative.

(l) "Secretary" means the Secretary of the Interior, or his designee authorized to carry out the responsibilities of the Secretary of the Interior under Executive Order 11593.

800.4 *Agency procedures.* At the earliest stage of planning or consideration of a proposed undertaking, including comprehensive or area-wide planning in which provision may be made for an undertaking or an undertaking may be proposed, the Agency Official shall take the following steps to comply with the requirements of section 106 of the National Historic Preservation Act and sections 1(3) and 2(b) of Executive Order 11593.

(a) *Identification of resources.* As early as possible and in all cases prior to agency decision concerning an undertaking, the Agency Official shall identify properties located within the area of the undertaking's potential environmental impact that are included in or eligible for inclusion in the National Register.

(1) To identify properties included in the National Register, the Agency Official shall consult the National Register, including monthly supplements.

(2) To identify properties eligible for inclusion in the National Register, the Agency Official shall, in consultation with the appropriate State Historic Preservation Officer, apply the National Register Criteria, set forth in 36 CFR 800.10, to all properties possessing historical, architectural, archeological, or cultural value located within the area of the undertaking's potential environmental impact. If the Agency Official determines that a property appears to meet the Criteria, or if it is questionable whether the Criteria are met, the Agency Official shall request, in writing, an opinion from the Secretary of the Interior respecting the property's eligibility for inclusion in the National Register. The Secretary of the Interior's opinion respecting the eligibility of a property for inclusion in the National Register shall be conclusive for the purposes of these procedures.

(b) *Determination of effect.* For each property included in or eligible for inclusion in the National Register that is located within the area of the undertaking's potential environmental impact, the Agency Official, in consultation with the

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State Historic Preservation Officer, shall apply the Criteria of Effect, set forth in 36 CFR 800.8, to determine whether the undertaking has an effect upon the property. Upon applying the Criteria and finding no effect, the undertaking may proceed. The Agency Official shall keep adequate documentation of a determination of no effect.

(c) *Effect established.* Upon finding that the undertaking will have any effect upon a property included in or eligible for inclusion in the National Register, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Adverse Effect, set forth in 36 CFR 800.9, to determine whether the effect of the undertaking is adverse.

(d) *Finding of no adverse effect.* Upon finding the effect not to be adverse, the Agency Official shall forward adequate documentation of the determination, including evidence of the views of the State Historic Preservation Officer, to the Executive Director for review. Unless the Executive Director notes an objection to the determination within 45 days after receipt of adequate documentation, the Agency Official may proceed with the undertaking.

(e) *Finding of adverse effect.* Upon finding the effect to be adverse or upon notification that the Executive Director does not accept a determination of no adverse effect, the Agency Official shall: (1) Request, in writing, the comments of the Advisory Council; (2) notify the State Historic Preservation Officer of this request; (3) prepare a preliminary case report; and (4) proceed with the consultation process set forth in 36 CFR 800.5.

(f) *Preliminary case report.* Upon requesting the comments of the Advisory Council, the Agency Official shall provide the Executive Director and the State Historic Preservation Officer with a preliminary case report, containing all relevant information concerning the undertaking. The Agency Official shall obtain such information and material from any applicant, grants or other beneficiary involved in the undertaking as may be required for the proper evaluation of the undertaking, its effects, and alternate courses of action.

800.5 *Consultation process*—(a) *Response to request for comments.* Upon receipt of a request for Advisory Council comments pursuant to 36 CFR 800.4(e), the Executive Director shall acknowledge the request and shall initiate the consultation process.

(b) *On-site inspection.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Agency Official shall conduct an on-site inspection with the Executive Director, the State Historic Preservation Officer and such other representatives of national, State, or local units of government and public and private organizations that the consulting parties deem appropriate.

(c) *Public information meeting.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Executive Director shall conduct a meeting open to the public, where representatives of national, State, or local units of government, representatives of public or private organizations, and interested citizens can receive information and express their views on the undertaking, its effects on historic and cultural properties, and alternate courses of action. The Agency Official shall provide adequate facilities for the meeting and shall afford appropriate notice to the public in advance of the meeting.

(d) *Consideration of alternatives.* Upon review of the pending case and subsequent to any on-site inspection and any public information meeting, the Executive Director shall consult with the Agency Official and State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to avoid or satisfactorily mitigate any adverse effect.

(e) *Avoidance of adverse effect.* If the Agency Official, the State Historic Preservation Officer, and the Executive Director select and unanimously agree upon a feasible and prudent alternative to avoid the adverse effect of the undertaking, they shall execute a Memorandum of Agreement acknowledging avoidance of adverse effect. This document shall be forwarded to the Chairman for review pursuant to 36 CFR 800.6(a).

(f) *Mitigation of adverse effect.* If the consulting parties are unable to unanimously agree upon a feasible and prudent alternative to avoid any adverse effect, the Executive Director shall consult with the Agency Official and the State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to satisfactorily mitigate the adverse effect of the undertaking. Upon finding and unanimously agreeing to such an alternative, they shall execute a Memorandum of Agreement acknowledging satisfactory mitigation of adverse effect. This document shall be forwarded to the Chairman for review pursuant to 36 CFR 8006(a).

(g) *Memorandum of Agreement.* It shall be the responsibility of the Executive Director to prepare each Memorandum of Agreement required under these procedures. In preparation of such a document the Executive Director may request the Agency Official to prepare a proposal for inclusion in the Memorandum, detailing actions to be taken to avoid or mitigate the adverse effect.

(h) *Failure to avoid or mitigate adverse effect.* Upon the failure of consulting parties to find and unanimously agree upon a feasible and prudent alternative to avoid or satisfactorily mitigate the adverse effect, the Executive Director shall request the Chairman to schedule the undertaking for consideration at the next Council meeting and notify the Agency Official of the request. Upon notification of the request, the Agency Official shall delay further processing of the undertaking until the Council has transmitted its comments or the Chairman has given notice that the undertaking will not be considered at a Council meeting.

800.6 *Council procedures*—(a) *Review of Memorandum of Agreement.* Upon receipt of a Memorandum of Agreement acknowledging avoidance of adverse effect or satisfactory mitigation of adverse effect, the Chairman shall institute a 30-day review period. Unless the Chairman shall notify the Agency Official that the matter has been placed on the agenda for consideration at a Council meeting, the memorandum shall become final: (1) Upon the expiration of the 30-day review period with no action taken; or (2) when signed by the Chairman. Memoranda duly executed in accordance with these procedures shall constitute the comments of the Advisory Council. Notice of executed Memoranda of Agreement shall be published in the FEDERAL REGISTER monthly.

(b) *Response to request for consideration at Council meeting.* Upon receipt of a request from the Executive Director for consideration of the proposed undertaking at a Council meeting, the Chairman shall determine whether or not the undertaking will be considered and notify the Agency Official of his decision. To assist the Chairman in this determination, the Agency Official and the State Historic Preservation Officer shall provide such reports and information as may be required. If the Chairman decides against consideration at a Council meeting, he will submit a written summary of the undertaking and his decision to each member of the Council. If any member of the Council notes an objection to the decision within 15 days of the Chairman's decision, the undertaking will be scheduled for consideration at a Council meeting. If the Council members have no objection, the Chairman shall notify the Agency Official at the end of the 15-day period that the undertaking may proceed.

(c) *Decision to consider the undertaking.* Upon determination that the Council will consider an undertaking, the Chairman shall: (1) Schedule the matter for consideration at a regular meeting no less than 60 days from the date the request was received, or in exceptional cases, schedule the matter for consideration in an unassembled or special meeting; (2) notify the Agency Official and the State Historic Preservation Officer of the date on which comments will be considered; and (3) authorize the Executive Director to prepare a case report.

(d) *Content of the case report.* For purposes of arriving at comments, the Advisory Council prescribes that certain reports be made available to it and accepts reports and statements from other interested parties. Specific informational requirements are enumerated below. Generally, the requirements represent an explication or elaboration of principles contained in the Criteria of Effect and in the Criteria of Adverse Effect. The Council notes, however, that the Act recognizes historical and cultural resources should be preserved "as a living part of our community life and development." Consequently, in arriving at final comments, the Council considers those elements in an undertaking that have relevance beyond historical and cultural concerns. To assist it in weighing the public interest, the Council welcomes information not only bearing upon physical, sensory, or esthetic effects but also information concerning economic, social, and other benefits or detriments that will result from the undertaking.

(e) *Elements of the case report.* The report on which the Council relies for comment shall consist of:

(1) A report from the Executive Director to include a verification of the legal and historical status of the property; an assessment of the historical, architectural, archeological, or cultural significance of the property; a statement indicating the special value of features to be most affected by the undertaking; an evaluation of the total effect of the undertaking upon the property; a critical review of any known feasible and prudent alternatives; and recommendations to remove or mitigate the adverse effect;

(2) A report from the Agency Official requesting comment to include a general discussion and chronology of the proposed undertaking; when appropriate, an account of the steps taken to comply with section 102(2)(A) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321): an evaluation of the effect of the undertaking upon the property, with particular reference to the impact on the historic, architectural, archeological and cultural values; steps taken or proposed by the agency to take into account, avoid, or mitigate adverse effects of the undertaking; a thorough discussion of alternate courses of action; and, if applicable and available, a copy of the draft environmental statement prepared in compliance with section 102(2)(C) of the National Environmental Policy Act of 1969;

(3) A report from any other Federal agency having under consideration an undertaking that will concurrently or ultimately affect the property, including a general description and chronology of that undertaking and discussion of the relation between that undertaking and the undertaking being considered by the Council;

(4) A report from the State Historic Preservation Officer to include an assessment of the significance of the property; an identification of features of special value; and evaluation of the effect of the undertaking upon the property and its specific components; an evaluation of known alternate courses of action; a discussion of present or proposed participation of State and local agencies or organizations in preserving or assisting in preserving the property; an indication of the support or opposition of units of government and public and private agencies and organizations within the State; and the recommendations of his office;

(5) A report by an applicant or potential recipient when the Council considers comments upon an application for a contract, grant, subsidy, loan, or other form of funding assistance, or an application for a Federal lease, permit, license, certificate, or other entitlement for use. Arrangements for the submission and presentation of reports by applicants or potential recipients shall be made through the Agency Official having jurisdiction in the matter; and

(6) Other pertinent reports, statements, correspondence, transcripts, minutes, and documents received by the Council from any and all parties, public or private. Reports submitted pursuant to this section should be received by the Council at least two weeks prior to a Council meeting.

(f) *Coordination of case reports and statements.* In considerations involving more than one Federal department, either directly or indirectly, the Agency Official requesting comment shall act as a coordinator in arranging for a full assessment and discussion of all interdepartmental facets of the problem and prepare a record of such coordination to be made available to the Council. At the request of the Council, the State Historic Preservation Officer shall notify appropriate governmental units and public and private organizations within the State of the pending consideration of the undertaking by the Council, and coordinate the presentation of written statements to the Council.

(g) *Council meetings.* The Council does not hold formal hearings to consider comments under these procedures. Two weeks notice shall be given, by publication in the FEDERAL REGISTER, of all meetings involving Council review of Federal undertakings in accordance with these procedures. Reports and statements will be presented to the Council in open session in accordance with a prearranged agenda. Regular meetings of the Council generally occur on the first Wednesday and Thursday of February, May, August, and November.

(h) *Oral statements to the Council.* A schedule shall provide for oral statements from the Executive Director; the referring Agency Official presently or potentially involved; the applicant or potential recipient, when appropriate; the State Historic Preservation Officer; and representatives of national, State, or local units of government and public and private organizations. Parties wishing to make oral remarks shall submit written statements of position in advance to the Executive Director.

(i) *Comments by the Council.* The comments of the Council, issued after consideration of an undertaking at a Council meeting, shall take the form of a three-part statement, including an introduction, findings, and a conclusion. The statement shall include notice to the Agency Official of the report required under 36 CFR 800.6(j) of these procedures. Comments shall be made to the head of the Federal Agency requesting comment or having responsibility for the undertaking. Immediately thereafter, the comments of the Council will be forwarded to the President and the Congress as a special report under authority of section 202(b) of the Act and published as soon as possible in the FEDERAL REGISTER. Comments shall be available to the public upon receipt of the comments by the head of the Federal agency.

(j) *Report of agency action in response to Council comments.* When a final decision on the undertaking is reached by the Federal Agency, the Agency Official shall submit a written report to the Council containing a description of actions taken by the Federal Agency subsequent to the Council's comments; a description of actions taken by other parties pursuant to the actions of the Federal Agency; and the ultimate effect of such actions on the property involved. The Council may request supplementary reports if the nature of the undertaking requires them.

(k) *Record of the Council.* The records of the Council shall consist of a record of the proceedings at each meeting, the case report prepared by the Executive Director, and all other reports, statements, transcripts, correspondence, and documents received.

(l) *Continuing review jurisdiction.* When the Council has commented upon an undertaking pursuant to 36 CFR 800.6 such as a comprehensive or area-wide plan that by its nature requires subsequent action by the Federal Agency, the Council will consider its comments or approval to extend only to the undertaking as reviewed. The Agency Official shall ensure that subsequent action related to the undertaking is submitted to the Council for review in accordance with 36 CFR 800.4(e) of these procedures when that action is found to have an adverse effect on a property included in or eligible for inclusion in the National Register.

800.7 *Other powers of the Council*—(a) *Comment or report upon non-Federal undertaking.* The Council will exercise the broader advisory powers, vested by section 202(a)(1) of the Act, to recommend measures concerning a non-Federal undertaking that will adversely affect a property included in or eligible for inclusion in the National Register; (1) Upon request from the President of the United States, the President of the U.S. Senate, or the Speaker of the House of Representatives, or (2) when agreed upon by a majority vote of the members of the Council.

(b) *Comment or report upon Federal undertaking in special circumstances.* The Council will exercise its authority to comment to Federal agencies in certain special situations even written notice that an undertaking will have an effect has not been received. For example, the Council may choose to comment in situations where an objection is made to a Federal agency finding of "no effect."

800.8 *Criteria of effect.* A Federal, federally assisted, or federally licensed undertaking shall be considered to have an effect on a National Register property or property eligible for inclusion in the National Register (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological, or cultural charac-

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ter that qualifies the property under the National Register Criteria.

800.9 *Criteria of adverse effect.* Generally, adverse effects occur under conditions which include but are not limited to:

(a) Destruction or alteration of all or part of a property;

(b) Isolation from or alteration of its surrounding environment;

(c) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;

(d) Transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and

(e) Neglect of a property resulting in its deterioration or destruction.

800.10 *National Register Criteria.* (a) "National Register Criteria" means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register:

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association and:

(1) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(2) That are associated with the lives of persons significant in our past; or

(3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) That have yielded, or may be likely to yield, information important in prehistory or history.

(b) *Criteria considerations.* Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;

(2) A building or structure removed from its original location but which is the surviving structure most importantly associated with a historic person or event;

(3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life;

(4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;

(5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;

(6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

(7) A property achieving significance within the past 50 years if it is of exceptional importance.

The following properties were listed on the National Register as of December 31, 1974. Those which are marked by an asterisk have been designated National Historic Landmarks by the Secretary of the Interior.

NATIONAL REGISTER ENTRIES

Alabama

Autauga County

Prattville vicinity, *Whittaker, Jack, House,* S of Prattville off AL 14 (10–25–74).

Baldwin County

Bridgehead vicinity, *Blakley,* north of Bridgehead (6–25–74).
Gasque vicinity, **Fort Morgan,* western terminus of Alabama 180.
Stockton vicinity, *Battle Creek Indian Mounds,* approximately 7 miles west of Stockton (12–2–74).
Tensaw vicinity, *Fort Mims Site,* sec. 46 R. 2 E., T. 3 N.

Barbour County

Clayton, *Miller-Martin Town House,* Louisville Avenue (12–16–74).
Clayton, *Petty-Roberts-Beatty House, (Octagon House),* 103 North Midway (1–21–74).
Eufaula, *Bray-Barron Home,* North Eufaula Avenue.
Eufaula, *Cato House,* 823 West Barbour Street.
Eufaula, *Drewry-Mitchell-Moorer House,* 640 North Eufaula Avenue.
Eufaula, *Fendall Hall,* Barbour Street.
Eufaula, *Kendall Manor,* 534 West Broad Street.
Eufaula, *Kiels-McNab-Doughtie House,* Barbour Street.
Eufaula, *Lore Historic District,* bounded by Barbour Street on the south, Eufaula Avenue on the west, Browder Street on the north and Livingston Street on the east (12–12–73).
Eufaula, *McNab Bank Building,* Broad Street.
Eufaula, *Sheppard Cottage,* East Barbour Street.
Eufaula, *Shorter Mansion,* 340 North Eufaula Avenue.
Eufaula, *Sparks, Governor, House (H. C. Hart House),* 257 Broad Street.
Eufaula, *The Tavern (River Tavern),* 105 Riverside Drive.
Eufaula, *Wellborn (Welborn) House,* Livingston Avenue.

Bibb County

Brierfield, *Montebrier.*
Brierfield vicinity, *Brierfield Furnace,* west of Brierfield (11–20–74).

Blount County

Oneonta vicinity, *Horton Mill Covered Bridge,* 5 miles north of Oneonta on Route 3.

Calhoun County

Anniston, *Anniston Inn Kitchen,* 130 west 15th Street.
Coldwater, *Coldwater Creek Covered Bridge,* spans Coldwater Creek 0.5 mile from I–20 (also in Talladega County).
Jacksonville, *Francis, Dr. J. C., Office,* 100 Gayle Street.

Chambers County

LaFayette, *Oliver, Ernest McCarty, House,* North LaFayette Street (U.S. 431) (1–21–74).

Cherokee County

Cedar Bluff vicinity, *Cornwall Furnace,* 2 miles north of Cedar Bluff.

Clay County

Ashland, *Black, Hugo, House,* South Second Street East (Ala. 77) (10–9–73).

Cleburne County

Edwardsville vicinity, *Shoal Creek Church,* 4 mile northwest of Edwardsville on Forest Service Road 553 in Talladega National Forest (12–4–74).

Coffee County

Elba, *Coffee County Courthouse,* Courthouse Square.
Enterprise, *Boll Weevil Monument,* intersection of Main and College Streets.
Enterprise, *Seaboard Coastline Depot,* Railroad and West College (8–7–74).

Colbert County

**Barton Hall.*
Florence vicinity, **Wilson Dam,* Tennessee River, on Alabama 133 (also in Lauderdale County).
Leighton vicinity, *La Grange Rock Shelter,* southwest of Leighton (6–13–74).
Tuscumbia, *Colbert County Courthouse Square Historic District.*
Tuscumbia, *Ivy Green (Helen Keller Birthplace),* 300 West North Common.

Coosa County

Rockford, *Coosa County Jail,* off Alabama 22 (6–20–74).

Covington County

Opp, *Shepard, William T., House,* Pcley Road (8–14–73).

Cullman County

Cullman vicinity, *Clarkson Bridge,* west of Cullman off County Road 11 (6–25–74).

Dale County

Newton, *Oates-Reynolds Memorial Building,* Oates Street (6–13–74).

Dallas County

Selma, *Morgan, John Tyler, House,* 719 Tremont.
Selman, *Sturdivant Hall (Watts-Parkman-Gillman House),* 713 Mabry Street.
Selma, *Water Avenue Historic District,* Water Avenue.
Selma vicinity, *Cahaba,* 11 miles southwest of Selma, at junction of Cahaba and Alabama Rivers.

De Kalb County

Fort Payne, *Fort Payne Opera House,* 510 *road Passenger Depot,* Northeast Fifth Street.
Fort Payne, *Forte Payne Opera House,* 510 Gault Avenue. North.

Elmore County

Wetumpka, *First United Methodist Church (Methodist Episcopal Church),* 308 Tuskeena Street.
Wetumpka vicinity, *Alabama State Penitentiary,* northeast of Wetumpka on U.S. 231.
Wetumpka vicinity, **Fort Toulouse,* 4 miles southwest of Wetumpka at confluence of the Coosa and Tallapoosa Rivers.

Etowah County

Gadsden, *Alabama City Library,* 1 Cabot Avenue (12–27–74).

Franklin County

Hodges vicinity, *Overton Farm,* about 4 miles northwest of Hodges (10–3–73).

Greene County

Eutaw, *Coleman-Banks House,* 430 Springfield Road.
Eutaw, *First Presbyterian Church,* Main Street and Wilson Avenue (12–16–74).
Eutaw, *Greene County Courthouse,* Courthouse Square.
Forkland vicinity, *Rosemount,* 1 mile northwest of Forkland.

Hale County

Greensboro, *Magnolia Grove,* west end of Main Street.
Greensboro vicinity, *Tanglewood (Page Harris House),* about 11 miles north of Greensboro off Alabama 23.
Moundville vicinity, **Moundville Site,* 1 mile west of Moundville on County Route 21.
Prairieville, **St. Andrew's Church.*

Jackson County

Bridgeport vicinity, *Russell Cave National Monument,* 8 miles west of Bridgeport via U.S. 72 and County Routes 91 and 75.

Jefferson County

Bessemer, *Southern Railway Terminal Station,* 1905 Alabama Avenue.
Bessemer, *The McAdory House,* 214 Eastern Valley Road.
Birmingham, *Arlington (Mudd-Munger Home),* 331 Cotton Avenue SW.
Birmingham, *Brown, Dr. A. M. House,* 319 North 4th Terrace (6–20–74).
Birmingham, *Morris Avenue Historic District,* 2000 through 2400 blocks of Morris Avenue.
Birmingham, *Sloss Blast Furnace Site,* First Avenue at 32d Street.
Birmingham, *Steiner Bank Building,* 2101 North First Avenue (6–25–74).
McCalla vicinity, *Five Mile Creek Bridge,* 1 mile northeast of McCalla off U.S. 11.

Lauderdale County

**Wilson Dam* (see Colbert County).
Florence, *Courtview (Rogers Hall, Florence State University)* Court Street (6–13–74).
Florence, *Karsner-Carroll House,* 303 North Pine Street.
Florence, *Larimore House,* Mars Hill Road (11–21–74).
Florence Wesleyan Hall, Florence State University, Morrison Avenue (6–20–74).

Lawrence County

Town Creek vicinity, *Goode-Hall House,* N of Town Creek off AL 101 (10–1–74).

Lee County

Auburn, *Auburn Players Treater,* College Avenue at Thach Street.
Auburn vicinity, *Noble Hall (Frazier-Brown House),* Shelton Mill Road, 3 miles north of Auburn.
Loachapoka, *Loachapoka Historic District.*
Opelika, *Lee County Courthouse,* South Ninth Street between Avenue A and Avenue B (7–23–73).

Limestone County

Athens, *Donnell, Robert, House,* 601 South Clinton Street (9–19–73).
Belle Mina vicinity, *Belle Mina,* south of Belle Mina on the Mooresville-Elkton Road.
Elkmont vicinity, *Sulphur Trestle Fort Site,* 1 mile south of Elkmont.
Mooresville, *Mooresville.*

Lowndes County

Haynesville, *Lowndes County Courthouse,* Washington Street.
Lowndesboro, *Lowndesboro,* north of U.S. 80 (12–12–73).

Macon County

Tuskegee vicinity, **Tuskegee Institute,* 1 mile northwest of Tuskegee on U.S. 80.

Madison County

Huntsville, *Clemens House,* Clinton Avenue at Church Street (10–16–74).
Huntsville, *Episcopal Church of the Nativity,* 212 Eustis Street (10–9–74).
Huntsville, *First National Bank,* West Side Square (10–25–74).
Huntsville, *Southern Railway System Depot,* 330 Church Street.
Huntsville, *Steele-Fowler House,* 808 Maysville Road (6–20–74).
Huntsville, *Twickenham Historic District.*
Normal, *Domestic Science Building,* Alabama A. & M. University campus.

Marengo County

Dayton vicinity, *Half-Chance Bridge.*
Demopolis, *Bluff Hall,* 405 North Commissioners Avenue.
Demopolis, **Gaineswood,* 805 South Cedar Street (1–5–72).
Demopolis, *Glover Mausoleum,* Riverside Cemetery (1–21–74).
Demopolis, *Lyon-LaMar House,* 102 South Main Avenue (1–21–74).
Demopolis, *White Bluff,* Arch Street.
Demopolis vicinity, *Foscue-Whitfield House,* west of Demopolis on U.S. 80 (1–21–74).
Linden, *Old Courthouse (Veterans' Hall),* 300 West Cahaba Avenue (1–16–74).

Mobile County

Bucks vicinity, *Ellicott Stone,* about 1 mile south of Bucks off U.S. 43.
Dauphin Island, *Indian Mound Park* (8–14–73).
Mobile, *Barton Academy,* 504 Government Street.
Mobile, *Bishop Portier House,* 307 Conti Street.
Mobile, *Bragg-Mitchell House,* 1906 Springhill Avenue.
Mobile, *Brisk & Jacobson Store,* 51 Dauphin Street.
Mobile (Spring Hill), *Carolina Hall (Yesterhouse, Dawson-Purdue House),* 70 South McGregor.
Mobile, *Church Street East Historic District.*
Mobile, **City Hall,* 111 South Royal Street (12–3–69).
Mobile, *De Tonti Square Historic District.*
Mobile, *Fort Condé-Charlotte site,* within an area bounded roughly by Emanuel, Theater, Royal, and Church Streets, and extending slightly north of Church Street.
Mobile, *Gates-Davis House,* 1570–1572 Dauphin Street (6–20–74).
Mobile, *Georgia Cottage,* 2564 Springhill Avenue.
Mobile, *Horst, Martin, House,* 407 Conti Street.
Mobile, *Kirkbride House (Fort Conde-Charlotte House),* 104 Theater Street (12–12–73.)
Mobile, *Oakleigh,* 350 Oakleigh Place (5–27–71).
Mobile, *Oakleigh Garden Historic District (Washington Square)* (4–13–72).
Mobile, *Old City Hospital,* 900–950 St. Anthony Street.
Mobile, *Protestant Children's Home,* 911 Dauphin Street.
Mobile, *Semmes, Raphael, Home,* 804 Government Street.
Mobile, *Spring Hill College Quadrangle,* 4307 Old Shell Road (8–17–73).
Mobile, *U.S. Marine Hospital,* 800 St. Anthony Street (6–27–74).
Mon Louis vicinity, *Middle Bay Light,* offshore in Mobile Bay east of Mon Louis (12–30–74).
Stockton vicinity, *Seaboard Bluff (Nanna Hubba Bluff),* NW of Stockton (10–1–74).

Monroe County

Monroeville, *Old Monroe County Courthouse,* Courthouse Square.

Montgomery County

Montgomery, **Alabama State Capitol (First Confederate Capitol),* Goat Hill, east end of Dexter Avenue.
Montgomery, **Dexter Avenue Baptist Church,* 454 Dexter Avenue (7–1–74).
Montgomery, *Edgewood (Thomas House),* 3175 Thomas Avenue.
Montgomery, *First White House of the Confederacy,* 644 Washington Avenue (6–25–74).
Montgomery, *Governor's Mansion,* 1142 South Perry Street.
Montgomery, *The Murphy House,* 22 Bibb Street.
Montgomery, *Ordeman-Shaw Historic District,* bounded on the west by a line midway between McDonough and Hull Streets; on the north by Randolph Street; on the east by a line midway between Hull and Decatur Streets (to Jefferson Street) and by Decatur Street; and on the south by Madison Avenue.
Montgomery, *Perry Street Historic District,* bounded roughly by McDonough on the east, Sayre on the west, Washington on the north, and Donaldson on the south.
Montgomery, *Powder Magazine,* end of Eugene Street.
Montgomery, *Semple House,* 725 Monroe Street.
Montgomery, *Union Railway Station,* Water Street (7–24–73).
Montgomery, *Winter Building,* 2 Dexter Avenue.
Montgomery, **Yancey, William Lowndes, Law Office,* Adams and Perry Streets.
Montgomery vicinity, *Muklassa,* northeast of Montgomery (8–28–73).

Morgan County

Decatur, *State Bank Building, Decatur Branch,* 925 Bank Street NE.
Somerville, *Somerville Courthouse.*

Perry County

Marion, *Marion Female Seminary,* 202 Monroe Street (10–4–73).
Uniontown vicinity, *Westwood,* north of Uniontown off Alabama 61 (11–21–74).

Pickens County

Gordo, *Old Jail,* northeast corner of Church Street and 1st Avenue (12–17–74).

Russell County

Fort Mitchell vicinity, *Fort Mitchell Site,* north of Fort Mitchell.
Holy Trinity vicinity, **Apalachicola Fort,* 1.5 miles east of Holy Trinity on Chattahoochee River.
Seale, *Russell County Courthouse at Seale,* Courthouse Square (5–23–74).

St. Clair County

Ashville, *Inzer House,* Hartford Avenue (12–4–73).

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Ohatchee vicinity, *Fort Strother*, approximately 3 miles west of Ohatchee on Coosa River.

Shelby County

Columbiana, *Columbiana City Hall*, Main Street (10–29–74).
Montevallo, *Mansion House*, campus of the University of Montevallo.

Sumter County

Epes vicinity, *Fort Tombebee*, 0.75 mile northeast of Epes on the Tombigbee River, off U.S. 11 (10–2–73).
Livingston, *Sumter County Courthouse*.

Talladega County

Coldwater Creek Covered Bridge (see Calhoun County).
Talladega, *Talladega Court House Square Historic District*.
Talladega vicinity, **Curry, J. L. M., Home*, 3 miles northeast of Talladega on Alabama 21.

Tallapoosa County

Dadeville vicinity, *Horseshoe Bend National Military Park*, Tallapoosa River, 12 miles north of Dadeville on Alabama 49.

Tuscaloosa County

Abernant vicinity, *Tannehille Furnace*, sec. 33, R. 5 W., T. 20 S.
Northport, *Shirley, James, House*, 512 Main Avenue.
Northport vicinity, *Byler Road*, 11 miles north of Northport off U.S. 43 (11–19–74).
Tuscaloosa, *Collier-Overby House*, southeast corner of Ninth Street and 21st Avenue.
Tuscaloosa, *Battle-Friedman House (Friedman Civic and Cultural Center)*, 1010 Greensboro Avenue (1–14–72).
Tuscaloosa, *Gorgas-Manly (University of Alabama) Historic District*, on the University of Alabama campus.
Tuscaloosa, *Guild-Verner House*, 1904 University Avenue (12–4–73).
Tuscaloosa, *Jemison-Vandegraaff House*, 1305 Greensboro Avenue.
Tuscaloosa, *President's Mansion*, University of Alabama campus.
University, *The Old Observatory*, north of University Boulevard.

Walker County

Cordova vicinity, *Gilchrist House*, 12 miles southwest of Cordova on the Pleasantfield-Evansbridge Road.
Jasper, *Bankhead House*, 1400 Seventh Avenue.

Washington County

McIntosh vicinity, *McIntosh Log Church*, south of McIntosh off U.S. 43 (11–20–74).
St. Stephens vicinity, *Site of Old St. Stephens*, northeast of St. Stephens and bounded on the north by cement excavations, on the east by the Tombigbee River, on the south by woodland, and on the west by woodland and pasture.

Alaska

Interior District

Eagle, *Eagle Historic District*, left bank of the Yukon River at the mouth of Mission Creek.
Fairbanks, *George C. Thomas Memorial Library*, 901 First Avenue.
Fairbanks, *Nemana (steamer)*, Alaskaland.
Flaxman Island, *Leffingwell Camp*, Arctic coast, 58 miles west of Barter Island.
Lignite vicinity, *Dry Creek Archaeological Site*, SW of Lignite (9–6–74).
Paxson vicinity (also in South Central District), *Tangle Lakes Archeological District*, Denali Highway, western boundary is 40 miles west of Paxson.
Sleetmute vicinity, *Kolmakov Redoubt Site*, on the east bank of the Kuskokwim River (2–15–74).
Sourdough, *Sourdough Lodge*, Richardson Highway (10–1–74).

Northwestern District

Barrow vicinity, **Birnirk Site*, 5 miles northeast of Barrow.
Cape Denbigh Peninsula, **Iyatayet Site*, Norton Sound.
**Cape Krusenstern Archeological District*, northeast of the Seward Peninsula.
Cape Prince of Wales vicinity, **Wales Sites*, adjacent to Cape Prince of Wales on Seward Peninsula.
Kiana vicinity, *Onion Portage Archeological District*, east of Kiana on the Kobuk River.
Nome vicinity, **Anvil Creek Gold Discovery Site*, 4.25 miles north of Nome on Seward Peninsula at Anvil Creek.
Point Hope Peninsula, **Ipiutak Site*, tip of Point Hope.
St. Lawrence Island, **Gambell Sites*, Northwest Cape.
Teller, *Norge Storage Site*, Grantley Harbor (10–9–74).

South Central District

Chitina vicinity, *Copper River and Northwestern Railway*, southwest of Chitina along Copper River.
Dutch Harbor, Unalaska Island, **Church of the Holy Ascension*, Unalaska.
Eklutna, *Old St. Nicholas Russian Orthodox Church*, Eklutna Village Road (3–24–72).
Hope, *Hope Historic District*.
Katalla vicinity, *Chilkat Oil Company Refinery Site*, Katalla Road (9–6–74).
Kenai, **Church of the Assumption of the Virgin Mary*, east shore of Cook Inlet.
Kodiak, Kodiak Island, **Erskine House (Baranov Warehouse)*, Main Street and Mission Street.
Kodiak Island, *Three Saints Bay Archeological Site*, north of Cape Kasiak.
Kodiak vicinity, *Fort Abercrombie State Historic Site*, Kodiak Island.
Nikolski vicinity, **Chaluka Site*, Umnak Island, Aleutian Islands.
Palmer vicinity, *Independence Mines*, W of Palmer (10–6–74).
Port Graham vicinity, *Selenie Lagoon Archaeological Site*, NW of Port Graham (10–16–74).
Pribilof Islands, St. Paul Island, **Fur Seal Rookeries*.
Rip Rock vicinity, Hawkins Island, **Paluguik Site*, 3.75 miles east of Rip Rock on Prince William Sound.
Tangle Lakes Archeological District (see Interior District).
Wasilia vicinity, *Knik Site*, about 15 miles southwest of Wasilla on Knik Road (7–24–73).
Yukon Island, **Yukon Island Main Site*, Kachemak Bay, Cook Inlet.

Southeastern District

Haines, *Fort William H. Seward*, Port Chilkoot.
Juneau, *St. Nicholas Russian Orthodox Church*, 326 Fifth Street (9–19–73).
Ketchikan, *Alaska Totems*, between Park and Deermont Avenues.
Ketchikan vicinity, *Totem Bight State Historic Site*, west coast of Revillagigedo Island.
Metlakatla, *Duncan, Father William, House*, Fifth Avenue and Atkinson Street.
Sitka, *Alaska Native Brotherhood Hall, Sitka Camp No. 1*; Katlean Street.
Sitka, **American Flag Raising Site*, Castle Hill.
Sitka, *Russian Mission Orphanage*, Lincoln and Monastery Streets.
Sitka, **St. Michael's Cathedral*, Lincoln and Maksoutoff Streets.
Sitka, *Sheldon Jackson Museum*, Lincoln Street.
Sitka, Baranof Island, *Sitka National Monument*.
Sitka vicinity, **Old Sitka Site*, 6 miles north of Sitka on Starrigavan Bay.
Skagway vicinity, *Pleasant Camp*, Haines Highway on Canadian/Alaska border.
Skagway and vicinity, **Skagway Historic District and White Pass*, head of Taiya Inlet on Lynn Canal.
Wrangell, *Chief Shakes State Historic Site*, Shakes Island.
Yakutat vicinity, *New Russia Archeological Site*, southwest of Yakutat on Phipps Peninsula.

Southwestern District

Aleutians, *Ananiuliak Island Archeological District*.

American Samoa

Tutuila Island—Eastern District

Fagatoga, *Courthouse of American Samoa* (2–12–74).
Fagatoga, *Navy Building 38*.
Fagatoga, *Navy Building 43*.
Pago Pago, *Government House*, Togotoga Ridge.
Pago Pago Harbor, *Blunts Point Naval Gun*, Matautu Ridge at Tulutulu Point.

Western District

Aasu, at Massacre Bay.
Afao Village vicinity, *Atauloma Girls School*.
Leone Village vicinity, *Fagaicle Boys School*.

Arizona

Apache County

Chinle, *Canyon de Chelly National Monument*, east side of Chinle.
Ganado, *Hubbell Trading Post National Historic Site*, west side of Ganado.
Springerville vicinity, **Casa Malpais Site*, 2 miles north of Springerville.

Cochise County

Bisbee, *Phelps Dodge General Office Building*, Cooper Queen Plaza, intersection of Main Street and Brewery Gulch.
Bisbee vicinity, *Coronado National Memorial*, 30 miles southwest of Bisbee via Arizona 92 and secondary road.
Bisbee vicinity, **Lehner Mammoth-Kill Site*, 10 miles west of Bisbee.
Bowie vicinity, *Fort Bowie National Historic Site*, 13 miles south of Bowie.
Douglas vicinity, **Double Adobe Site*, 12 miles northwest of Douglas on the west bank of Whitewater Creek.
Douglas vicinity, **San Bernardino Ranch*, 17 miles east of Douglas on the international boundary.
Fairbank vicinity, *Quiburi*, north of Fairbank.
Sierra Vista, *Garden Canyon Petroglyphs*, Garden Canyon Road (7–30–74).
Sierra Vista vicinity, *Old Fort Huachuca*, 3.56 miles west of Sierra Vista (11–20–74).
Tombstone, *St. Paul's Episcopal Church*, Safford and Third Streets.
Tombstone, *Tombstone City Hall*, 315 East Fremont Street.
Tombstone, *Tombstone Courthouse (Cochise County Courthouse)*, 219 East Toughnut.
Tombstone, **Tombstone Historic District*.

Coconino County

Flagstaff vicinity, **Lowell Observatory*, 1 mile west of Flagstaff on Mars Hill.
Flagstaff vicinity, **Merriam C. Hart, Base Camp Site*, 20 miles northwest of Flagstaff, at Little Springs private enclave in Coconino National Forest.
Flagstaff vicinity, *Walnut Canyon National Monument*, 8 miles east of Flagstaff on U.S. 66.
Flagstaff vicinity, *Wupatki National Monument*, 30 miles north of Flagstaff off U.S. 89.
Grand Canyon, *El Tovar Hotel*, Grand Canyon National Park Route 8A (9–6–74).

Grand Canyon, *El Tovar Stables*, off Grand Canyon National Park Route 8A (9–6–74).
Grand Canyon, *Grand Canyon Railroad Station*, Grand Canyon National Park Route 8A (9–6–74).
Grand Canyon, *Grandview Mine*, Grand Canyon National Park (7–9–74).
Grand Canyon, *Hermits Rest Concession Building*, Grand Canyon National Park (8–7–74).
Grand Canyon, *Superintendent's Residence*, off Grand Canyon National Park Route 8A (9–6–74).
Grand Canyon, *Tusayan Ruins*, Grand Canyon National Park (7–10–74).
Grand Canyon *Water Reclaim Plant*, off Grand Canyon National Park Route 8A (9–6–74).
Winona vicinity, **Winona Site*, 5 miles northeast of Winona on U.S. 66, Coconino National Forest.

Gila County

Globe vicinity, **Roosevelt Dam*, Salt River, 31 miles northwest of Globe on Arizona 88 (also in Maricopa County).
Globe vicinity, *Tonto National Monument*, 28 miles northwest of Globe on Arizona 88.
Kohl's Ranch vicinity, *Zane Grey Lodge*, north of Kohl's Ranch off Arizona 260 (5–31–74).
Whiteriver vicinity, **Kinishba Ruins*, 15 miles west of Whiteriver via Arizona 73 and secondary road.

Graham County

Bonita vicinity, **Sierra Bonita Ranch*, southwest of Bonita.
Morenci vicinity, **Point of Pines*, 30 miles northwest of Morenci, San Carlos Indian Reservation.
Safford vicinity, *Kearny Campsite and Trail*, northeast of Safford off U.S. 666 (10–9–74).

Maricopa County

**Roosevelt Dam* (see Gila County).
Gila Bend vicinity, *Fortaleza*, Gila Bend Indian Reservation.
Gila Bend vicinity, **Gatlin Site*, 3 miles north of Gila Bend.
Phoenix, *Arizona State Capitol Building*, 1700 W. Washington (10–29–74).
Phoenix, **Hohokam-Pima Irrigation sites*, Park of the Four Waters.
Phoenix, *Phoenix Carnegie Library and Library Park*, 1101 W. Washington (11–19–74).
Phoenix, **Pueblo Grande Ruin*, Washington Avenue, Pueblo Grande City Park.
Phoenix, *Rosson, Dr. Ronald, House*, 139 North Sixth Street.
Scottsdale vicinity, *Taliesin West*, north of Shea Boulevard and 108th Street (2–12–74).
Tempe, *Farmer-Goodwin House*, 820 Farmer Avenue.
Tempe, *Hackett, Roy, House*, 401 and 405 Maple (12–4–74).

Mohave County

Fredonia vicinity, *Pipe Spring National Monument*, 15 miles southwest of Fredonia.
Kingman, *Camp Beale Springs*, Fort Beale Drive and Wagon Trail Road (7–18–74).

Navajo County

Kayenta vicinity, *Navajo National Monument*, 30 miles southwest of Kayenta.
Keams Canyon vicinity, **Awatovi Ruins*, 3 miles south of Keams Canyon, Hopi Indian Reservation.
Oraibi vicinity, **Old Oraibi*, 3 miles west of Oraibi on Arizona 264, Hopi Indian Reservation.
Snowflake, *Flake, James M., Home*, southwest corner of Stinson and Hunt Streets.
Snowflake, *Smith, Jesse N., Home (Pioneer Memorial Home)*, 203 West Smith Avenue.

Pima County

Santa Rosa vicinity, **Ventana Cave*, 11 miles west of Santa Rosa, Papago Indian Reservation.
Tucson, *Cordova House*, 178–177 North Meyer Avenue.
Tucson, *El Tiradito (Wishing Shrine)*, 221 South Main.
Tucson, *Fremont House*, 145–153 South Main Street.
Tucson, *The Old Adobe Patio (Charles O. Brown House)*, 40 West Broadway.
Tucson, *Old Main*, University of Arizona campus.
Tucson, *Velasco House*, 471–475–477 South Stone Avenue and 522 South Russell Street (3–5–74).
Tucson vicinity, **Desert Laboratory*, west of Tucson off West Anklam Road.
Tucson vicinity, **San Xavier del Bac.*, 9 miles south of Tucson via Mission Road.

Pinal County

Chandler vicinity, **Snaketown*, 12 miles southwest of Chandler, Gila River Indian Reservation.
Coolidge vicinity, *Casa Grande Ruins National Monument*, 2 miles north of Coolidge on Arizona 87.
Florence, *First Florence Courthouse*, Fifth and Main Streets (7–30–74).
Florence vicinity, *Adamsville Ruin*, 3.5 miles southwest of Florence on Arizona 287.

Santa Cruz County

Nogales vicinity, *Calabasas*, north of Nogales on the east bank of the Santa Cruz River.
Nogales vicinity, *Guevavi Mission Ruins*, approximately 6 miles above the international boundary.
Nogales vicinity, *Tumacacori National Monument*, 18 miles north of Nogales on Interstate 19.
Patagonia vicinity, *Finley, James, House*, 7.2 miles southwest of Patagonia on Harshaw Road in Coronado National Forest (11–19–74).
Tubac, *Old Tubac Schoolhouse*.
Tubac, *Tubac Presido*, Broadway and River Road.

Yavapai County

Camp Verde, *Fort Verde District*, bounded by Hance Street on the north, Coppinger Street on the east, and Woods Street on the west.
Clarkdale vicinity, *Hatalacva Ruin*, northeast of Clarkdale (7–24–74).
Clarkdale vicinity, *Tuzigoot National Monument*, 2 miles east of Clarkdale.
Flagstaff vicinity, *Montezuma Castle National Monument*, 40 miles south of Flagstaff on Interstate 17.
Jerome, **Jerome Historic District*.
Prescott, *Old Governor's Mansion*, 400 block of West Gurley.

Yuma County

Ehrenberg vicinity, *Old La Paz (Laguna de La Paz)*, northeast of Ehrenberg on the Colorado River Indian Tribes Reservation.
Parker vicinity, *Old Presbyterian Church (Mojave Indian Presbyterian Mission Church)*, southwest of Parker on Second Avenue.
Yuma, **Yuma Crossing and Associated Sites*, banks of the Colorado River (also in Imperial County, Calif.).

Arkansas

Arkansas County

DeWitt, *Halliburton House*, 300 West Halliburton (11–5–74).
Gillett vicinity, *Arkansas Post National Memorial*, 8 miles southeast of Gillett on Arkansas 1 and 169.
St. Charles, *St. Charles Battle Site*, junction of Arkansas 1 and the White River (12–2–75).

Baxter County

Norfolk, *Wolf, Jacob, House*, on Arkansas 5, west of fork of the White and North Fork Rivers.

Benton County

Pea Ridge, *Pea Ridge National Military Park*.

Carroll County

Eureka Springs, *Eureka Springs Historic District*.

Chicot County

Shives vicinity, *Lakeport Plantation*, approximately 3 miles southeast of Shives, off Arkansas 142 (11–20–74).

Clark County

Arkadelphia, *Barkman, James E. M., House*, 406 North 10th (7–30–74).
Arkadelphia, *Clark County Library*, 609 Caddo Street (11–5–74).
Arkadelphia, *Magnolia Manor*, on Arkansas 51.
Arkadelphia vicinity, *Bayou Sel*, E of Arkadelphia (9–10–74).

Clay County

St. Francis vicinity, *Chalk Bluff*, N of St. Francis (10–29–74).

Cleveland County

Fordyce vicinity, *Mark's Mill Battlefield Park*, intersection of Arkansas 5 and 97.

Columbia County

Bussey vicinity, *Frog Level*.

Conway County

Morrilton, *Cox House*, Bridge Street (10–22–74).
Morrilton, *Moose House*, 711 Green Street (10–22–74).

Craighead County

Jonesboro, *Frierson House*, 1112 South Main Street.

Crawford County

Van Buren, *Drennen-Scott House*, Drennen Reserve, North Third Street.
Van Buren, *Withauf House*, 109 North Third Street (8–27–74).

Cross County

Parkin vicinity, **Parkin Indian Mound*, north edge of Parkin.

Desha County

Rohwer, *Rohwer Relocation Center Site*, Arkansas 1 (7–30–74).

Drew County

Selma, *Selma Methodist Church*.

Faulkner County

Conway vicinity, *Cadron Settlement*, west of Conway on Arkansas River (8–17–74).

Garland County

Hot Springs, *Bathhouse Row*, Central Avenue between Reserve and Fountain Streets (11–13–74).

Grant County

Leola vicinity, *Jenkin's Ferry Battleground State Park*, northeast of Leola on Arkansas 46.

Hempstead County

Washington, *Confederate State Capitol (The Hempstead County Courthouse)*.
Washington, *Boyston, Grandison D., House*, Alexander Street.
Washington, *Washington Historic District*, boundaries correspond to original 1824 plat of Washington.

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Independence County

Batesville, *Garrott House* (*Case-Maxfield House*), 561 East Main Street.
Batesville, *Morrow Hall*, Seventh and Boswell Streets.
Batesville vicinity, *Spring Mill*, **northwest** of Batesville on Arkansas 69 (3-1-74).

Jackson County

Jacksonport, *Jacksonport State Park*, located between Avenue Main, and Dillard Streets, and the White River.

Jefferson County

Pine Bluff, *Du Bocage*, 1115 West Fourth Street.
Pine Bluff, *Hudson-Grace-Borreson House*, 716 West Barraque.
Pine Bluff, *Trinity Episcopal Church*, Third and Oak Streets (7-30-74).
Redfield vicinity, *Dollarway Road*, south of Redfield off U.S. 65 (5-17-74).

Lawrence County

Powhatan, *Powhatan Courthouse*.

Lee County

Blackton vicinity, *Louisiana Purchase Survey Marker*, southeast of Blackton at the corner of the three counties (also in Monroe and Phillips Counties.)

Lonoke County

Scott vicinity, *Toltec Indian Mounds* (*Knapp Mounds*).

Mississippi County

Wilson, **Nodena Site*, south edge of Wilson.

Monroe County

Louisiana Purchase Survey Marker (see Lee County).

Nevada County

Prescott vicinity, *Prairie De Ann Battlefield*, northwest of Prescott bounded roughly by county line, U.S. 30 and line about 1 mile north of intersection with Arkansas 19 (3-22-74).

Newton County

Boxley vicinity, *Villines Mill* (*Whiteley Mill*), **north of Boxley on Arkansas 43** (7-31-74).

Ouachita County

Camden, *Elliott-Meek House*, 761 Washington Street (3-1-74).
Camden, *Graham-Gaughan-Betts House*, 710 **Washington Street** (10-16-74).
Camden, *McCollum-Chidester House*, 926 Washington Street NW.
Camden, *Powell, Benjamin T., House*, 305 **California Avenue** (1-21-74).
Camden, *Smith, Rowland B., House*, 234 Agee Street (1-21-74).
Camden, *Tate's Barn*, 902 Tate Street.
Camden vicinity, *Bragg House*, west of Camden on Arkansas 4 (3-1-74).
Chidester vicinity, *Poison Spring State Park*.

Phillips County

Louisiana Purchase Survey Marker (see Lee County).
Helena, *Allin House*, 515 Columbia Street.
Helena, *Almer Store*, 524 Columbia Street (10-18-74).
Helena, *Battery D*, Military Road (9-17-74).
Helena, *Esteves Hall*, 653 S. Biscoe Street (10-23-74).
Helena, *Moore-Horner Shouse*, 323 Beech Street.
Helena, *Pillow, Jerome Bonaparte, House* (*Pillow-Thompson House*), 715 Perry Street.
Helena, *Short-Bieri House*, 609 Biscoe Street (10-23-74).
Helena, *Tappan, Major James Alexander, House*, 727 Columbia Street (9-9-74).
Helena, *Tappan, James C., House*, 717 Poplar Street.

Pike County

Murfreesboro vicinity, *Crater of Diamonds State Park*, **south of Murfreesboro on the** Little Missouri River.

Pope County

Pottsville, *Potts' Inn*, Main and Center Streets.

Pulaski County

Little Rock, *Arkansas State Capitol*, Fifth and Woodlane Streets (6-28-74).
Little Rock, *Capital Hotel*, 117 West Markham (7-30-74).
Little Rock, *Fowler, Absalom, House*, 502 East Seventh Street.
Little Rock, *Hanger, Frederick, House*, 1010 Scott Street (3-15-74).
Little Rock, *Hornibrook House*, 2120 South Louisiana (7-30-74).
Little Rock, *The Little Rock*, on the south bank of the Arkansas River at the foot of Rock Street.
Little Rock, *Mount Holly Cemetery*, 12th Street and Broadway.
Little Rock, *Old Post Office Building and Customhouse*, Second and Spring Streets.
Little Rock, *Old Statehouse*, 300 West Markham Street.
Little Rock, *Pike-Fletcher-Terry House*, 411 East Seventh Street.
Little Rock, *The Tavern, Arkansas Territorial Restoration*, 214 East Third Street.
Little Rock, *Trapnall Hall*, 423 East Capitol Avenue.
Little Rock, *U.S. Arsenal Building*, MacArthur Park, Ninth and Commerce Streets.
Little Rock, *Villa Marre* (*Angelo Marre House*), 1321 Scott Street.
Mabelvale vicinity, *Ten Mile House* (*Stage coach House*), north of Mabelvale on Arkansas 5.
North Little Rock, *Fort Logan H. Roots Military Post*, Scenic Hill Drive (9-4-74).

Randolph County

Black Rock vicinity, *Old Davidsonville State Historic Monument*, north-northeast of Black Rock on Black River (1-16-74).
Pocahontas, *Old Randolph County Courthouse*, Broadway and Vance.

Sebastian County

Fort Smith, *Bonneville House*, 318 North Seventh Street.
Fort Smith, *Clayton, W. H. H., Home*, 514 North Sixth Street.
Fort Smith, *Commercial Hotel*, 123 North First Street.
Fort Smith, *Fort Smith's Belle Grove Historic District* (7-16-73).
Fort Smith, *Fort Smith National Historic Site*.
Fort Smith, *Joseph Knoble's Brewery*, North Third and E Streets.
Fort Smith, *Sparks, James, House*, 201 North 14th Street.

Union County

El Dorado, *Garrett House*, 210 Peach Street (11-21-74).
El Dorado, *Rainey, Matthew, House*, 510 North Jackson Street (11-6-74).

Washington County

Fayetteville, *Gregg House*, 339 N. Gregg Street (9-17-74).
Fayetteville, *Headquarters House* (*Tebbetts House*), 118 East Dickson Street.
Fayetteville, *Old Main, University of Arkansas*, **Arkansas Avenue**.
Fayetteville, *Old Post Office*, **City Square** (8-27-74).
Fayetteville, *Ridge House*, The, 230 West Center Street.
Fayetteville, *Stone House*, 207 Center Street.
Fayetteville, *Washington County Courthouse*, **College Avenue and East Center Street**.
Prairie Grove, *Prairie Grove Battlefield Park*, **within a triangle formed by North Road** on the northwest and U.S. 62 on the south.
Prairie Grove vicinity, *Lake-Bell House*, north of Prairie Grove (11-8-74).
Searcy, *Black, Benjamin Clayton, House*, 300 East Race Street (11-20-74).

California

Alameda County

Berkeley, **Room 307 Gilman Hall, University of California*, University of California campus.
Berkeley, *St. John's Presbyterian Church*, 2640 College Avenue (8-7-74).
Berkeley, *Senior Hall*, University of California, **Berkeley campus** (11-5-74).
Fremont, *California Nursery Co. Guest House* (*Jose de Jesus Vallejo Adobe*), California Nursery Co., **Niles Boulevard at Nursery** Avenue.
Fremont (Mission San José District), *Mission San José*, Mission Boulevard at Washington Boulevard.
Hayward, *Meek Mansion and Carriage House*, 240 Hampton Road.
Oakland, *The Abbey* (*Joaquin Miller House*), Joaquin Miller Road and Sanborn Drive.
Oakland, *Cohen, Alfred H., House*, 1440 29th Avenue.
Oakland, Dunsmuir House, Peralta Oaks Court.
Oakland, **Lake Merritt Wild Duck Refuge*, Lakeside Park, Grand Avenue.
Oakland, *Mills Hall*, Mills College campus.
Oakland, *Old Oakland Public Museum* (*Cameron-Stanford House*), 1426 Lakeside Drive.
Oakand, *Paramount Theatre*, 2025 Broadway (8-14-73).

Amador County

Jackson, *Amador County Hospital Building*, 810 Court Street.
Volcano vicinity, *Indian Grinding Rock* (*Chaw'se*).

Butte County

Chico, *Bidwell Mansion*, Sowilleмno Avenue.
Paradise **vicinity**, *Centerville Schoolhouse*, 2 miles northwest of Paradise on Humbug Road.
Chico vicinity, *Mud Creek Canyon*, north of Chico (8-14-73).
Chico vicinity, *Patrick Rancheria*.
Chico vicinity, *Patrick, William G., Home*, 3 miles southeast of Chico off U.S. 99 E.

Calaveras County

Angels Camp, *Angels Hotel*, Main Street at Birds Way.
Douglas Flat, *Douglas Flat School*, on California 4.
Murphys, *Murphys Grammar School*, Jones Street.
Murphys, *Murphys Hotel* (*Mitchler Hotel*), **Main and Algiers Streets**.
San **Andreas**, *Calaveras County Courthouse*, **Main Street**.
San **Andreas**, *Thorn House*, 87 East St. Charles Street.

Colusa County

Grimes vicinity, *Nowi Rancheria*.

Contra Costa County

Byron vicinity, *Marsh, John, Home*, Marsh Creek Road, approximately 6 miles west of Byron.
Danville vicinity, *O'Neill, Eugene, House* (*Tao House*), 1.5 miles west of Danville.
Martinez, *John Muir National Historic Site*, 4440 Alhambra Avenue.
Orinda, *Moraga Adobe*, 24 Adobe Lane.
Pinole, *Fernandez, Bernardo, House*, 100 Tennent Avenue.

Richmond vicinity, *East Brother Island Light Station*, on the East Brother Island west of Point San Pablo.

Del Norte County

Fort Dick vicinity, *Yontocket Historical District*, northwest of Fort Dick off U.S. 101 (12-18-73).
Klamath vicinity, *Old Requa*, northwest of Klamath off U.S. 101 (12-16-74).

El Dorado County

Homewood vicinity, *Sugar Pine Point State Park* (*Phipps-Heilman-Ehrman Estate*), 3 miles south of Homewood on California 89.
Placerville vicinity, **Coloma*, 7 miles northwest of Placerville on California 49.

Fresno County

Fresno, *Old Administration Building, Fresno City College*, 1101 University Avenue (5-1-74).
Fresno, *Old Fresno Water Tower*, 2444 Fresno Street.

Humboldt County

Eureka, *First and F Street Building*, 112 F Street (7-12-74).
Eureka, *Janssen, E., Building*, 422 First Street (7-16-73).
Eureka, *Tsahpek*, 3431 Fort Avenue.
Eureka vicinity, **Gunther Island Site 67* (*Tolowot*).

Imperial County

Anza-Borrego Desert State Park *Fages-De Anza Trail—Southern Emigrant Route* (also in San Diego County).
Winterhaven, **Yuma Crossing and Associated Sites* (see Yuma County, Ariz.).

Inyo County

China Lake vicinity, **Big and Little Petroglyph Canyons*.
Death Valley, *Skidoo*, Death Valley National Monument (4-16-74).

Kern County

Bakersfield, **Walker Pass*.
Johannesburg vicinity, *Last Chance Canyon*.
Lebec vicinity, *Fort Tejon*, 3 miles northwest of Lebec on U.S. 99.

Kings County

Hanford, *Taoist Temple*, No. 12 China Alley.
Kettleman City vicinity, *Witt Site*.

Lake County

Clearlake Oaks vicinity, *Patwin Indian Site*.
Lakeport, *Lake County Courthouse*, 255 North Main Street.

Lassen County

Susanville, *Roop's Fort* (*Roop's Trading Post*), North Weatherlow Street (5-2-74).

Los Angeles County

Aqua Dulce, *Vasquez Rocks*.
Chatsworth vicinity, *Santa Susana Stage Road*, west-northwest of Chatsworth off California 18 (1-10-74).
Encino, *Rancho El Encino* (*Los Encinos State Historic Park*), 16756 Moorpark Street.
Industry, *Rowland, John A., House*, 16021 East Gale Avenue (7-16-73).
Industry, *Temple Mansion*, 15415 East Don Julian Road (12-2-74).
Industry, *Workman Adobe*, 15415 East Don Julian Road (11-20-74).
Industry, *Workman Family Cemetery*, 15415 East Don Julian Road (11-20-74).
Long Beach, **Los Cerritos Ranch House*, 4600 Virginia Road.
Long Beach, *Puvunga Indian Village Sites*, East Bixby Hill Road and East Seventh Street (1-21-74).
Los Angeles, *Barnsdall Park*, 4800 Hollywood Boulevard.
Los Angeles, *Bradbury Building*, 304 South Broadway.
Los Angeles, *Catholic-Protestant Chapels, Eisenhower Avenue near Bonsall Avenue*.
Los Angeles, *Centinela Adobe*, 7634 Midfield Avenue (5-2-74).
Los Angeles, *Ennis House*, 2607 Glendower Avenue.
Los Angeles, *Freeman, Samuel, House*, 1962 Glencoe Way.
Los Angeles, *Hale House*, 3800 North Homer Street.
Los Angeles, *Los Angeles Central Library*, 630 West Fifth Street.
Los Angeles, *Los Angeles Plaza Historic District*, generally bounded by Spring Street, Macy Street, Alameda Street, and Arcadia Street.
Los Angeles, *Lovell House*, 4616 Dundee Drive.
Los Angeles, *Lummis Home*, 200 E Avenue 43.
Los Angeles, *Schindler House*, 833 North Kings Road.
Los Angeles, *Sowden, John, House*, 5121 Franklin Avenue.
Los Angeles, *Storer House*, 8161 Hollywood Boulevard.
Los Angeles, *Streetcar Depot* (*Building No. 66*), Pershing and Dewey Avenues.
Los Angeles, *Watts Station*, 1686 East 103d Street (3-15-74).
Los Angeles, *Will Rogers State Historic Park* (*Will Rogers House*), 14253 Sunset Boulevard.
Lynwood, *Lynwood Pacific Electric Railway Depot*, 11453 Long Beach Boulevard (9-25-74).
Mission Hills, *Pico-Romulo Adobe*, 10940 Sepulveda Boulevard.
Montrovia, **Sinclair, Upton, House*, 464 North Myrtle Avenue.
Pasadena, *Gamble House* (*Greene and Greene Library*), 4 Westmoreland Place.
Pasadena, *Neighborhood Church*, northwest corner Pasadena Avenue and California Boulevard (4-9-74).
Pasadena (San Marino), *Old Mill* (*El Molino Viejo*), 1120 Old Mill Road.
Pomona, *Palomares Adobe*, corner of Arrow Highway and Orange Grove Avenue.
Pomona, *Phillips Mansion*, 2640 West Pomona Boulevard (11-6-74).
San Dimas, *San Dimas Hotel*, 121 North San Dimas Avenue.
San Fernando, *Lopez Adobe*, 1100 Pico Street.
San Fernando **vicinity**, **Well No. 4, Pico Canyon Oil Field*, 9.6 miles north of San Fernando and west of U.S. 99.
San Gabriel, *San Gabriel Mission*, Junipero Street and West Mission Drive.
San Pedro, *Battery Osgood-Farley*, Fort MacArthur Upper Reservation (10-16-74).
San Pedro, *Point Fermin Lighthouse*, 805 Paseo Del Mar.
South Pasadena, *Adobe Flores*, 1804 Foothill Street.
South Pasadena, *Garfield House*, 10001 Buena Vista Street.
South Pasadena, *Longley, Howard, House*, 1005 Buena Vista Street (4-16-74).
South Pasadena, *Miltimore House*, 1301 South Chelten Way.
South Pasadena, *Oaklawn Bridge and Waiting Station*, between Oaklawn and Fair Oaks Avenues (7-16-73).
South Pasadena, *Wynyate*, 851 Lyndon Street.
Tujunga, *Bolton Hall* (*Tujunga City Hall*), 10116 Commerce Avenue.
Whittier, *Pio Pico Casa*, 6003 Pioneer Boulevard.
Wilmington, *Banning Home*, 401 East M Street.
Wilmington, *Drum Barracks*, 1053 Carey Street.

Madera County

Madera, *Madera County Courthouse*, 210 West Yosemite Avenue.

Marin County

Novato vicinity, *Rancho Olompali* (*Coast Miwok Indian Village*), 8901 Redwood Highway (U.S. 101), 3.5 miles north of Novato.
San Rafael, *Boyd House*, 1125 B Street (12-17-74).
San Rafael, *Dixie Schoolhouse*, 2255 Las Gallinas Avenue.
San Rafael, *Dollar, Robert, Estate*, 1408 Mission Avenue.
San Rafael, *Miller Creek School Indian Mound*.
Sausalito vicinity, *Forts Baker, Barry and Cronkhite*, south of Sausalito off U.S. 101 (12-1-2-73).
Tiburon vicinity, *Angel Island*, southeast of Tiburon in San Francisco Bay.

Mariposa County

Yosemite National Park, *Yosemite Valley Chapel*, off California 140 (12-12-73).

Mendocino County

Mendocino, *Mendocino and Headlands Historic District*, bounded approximately by the Pacific Ocean on the west and south, Little Lake Street on the north, and U.S. 1 on the east.
Pine Grove vicinity, *Point Cabrillo Site*.

Merced County

Los Banos vicinity, *San Luis Gonzaga* Archeological District.

Modoc County

Alturas, *Nevada-California-Oregon Railway Company General Office Building*, 619 N. Main Street (9-6-74).
Canby vicinity, *Black Cow Spring*, west of Canby in Modoc National Forest (7-9-74).
Canby vicinity, *Core Site*, about 5 miles southeast of Canby in the Modoc National Forest (4-8-74).
Canby vicinity, *Cuppy Cave*, southwest of Canby in the Modoc National Forest (7-12-74).
Canby vicinity, *Sevenmile Flat Site*, about 8 miles northwest of Canby in Modoc National Forest (12-24-74).
Canby vicinity, *Skull Ridge*, northwest of Canby in Modoc National Forest (7-9-74).
Canby vicinity, *Skull Spring*, northwest of Canby in Modoc National Forest (7-9-74).

Mono County

Bridgeport, *Mono County Courthouse*, Main Street (3-1-74).
Bridgeport vicinity, **Bodie Historic District*, 7 miles south of Bridgeport on U.S. 395, then 12 miles east on secondary road.

Monterey County

Carmel, **Carmel Mission*, Rio Road.
Jolon, *Gil, Jose Mario, Adobe*, Hunter Liggett Military Reservation (6-7-74).
Jolon vicinity, *Dutton Hotel, Stagecoach Station*, King City-Jolon Road.
Monterey, *El Castillo*, on Presidio Headlands facing Lighthouse Avenue.
Monterey, **Larkin House*, 464 Calle Principal.
Monterey, **Monterey Old Town Historic District*. Two districts. The southern one bounded by Dutra Street on the west, Madison Street on the east, Polk Street on the south, and Jefferson Street on the north; northern district bounded by Pacific Street on the west, Scott Street on the south, by Alvardo Street on the east, and Decatur Street on the north.
Monterey, **Royal Presidio Chapel*, 550 Church Street.
Monterey, *Stevenson House* (*Monterey State Historic Park*), Houston Street between Pearl and Webster.
Monterey, **U.S. Customhouse* (*Old Customhouse*), Calle Principal at Decatur Street.

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Salinas vicinity, *Baronda, José Eusebio, Adobe*, west of Salinas on Baronda Road at West Laurel Drive.

Napa County

Napa, *Behlow Building*, Second and Brown Streets (10–25–73).
Napa, *Goodman Library*, 1219 First Street (1–21–74).
Napa, *Kee, Sam, Laundry Building*, 1245 Main Street (10–1–74).
Napa, *Napa Opera House*, 1018–1030 Main Street (10–25–73).
Napa, *Semorile Building*, 975 First Street (11–21–74).
St. Helena, *Krug, Charles, Winery*, St. Helena Highway (11–8–74).
St. Helena, *Pope Street Bridge*, Pope Street, over the Napa River.
St. Helena, *Rhine House*, 2000 Main Street.
St. Helena vicinity, *Bale Mill*, 3 miles northwest of Saint Helena off California 128.

Nevada County

French Corral vicinity, *Bridgeport Covered Bridge*, across the South Fork of the Yuba River on the road between French Corral and Smartville.
French Lake vicinity, *Meadow Lake Petroglyphs*, east of French Lake.
Grass Valley, *Mount St. Mary's Academy and Convent*, Church and Chapel Streets (5–3–74).
Nevada City, *Marsh, Martin Luther, House*, 254 Boulder Street.
Nevada City, *National Exchange Hotel (Bicknell's Block)*, 211 Broad Street (10–25–73).
Nevada City, *Nevada City Firehouse #2*, 420 Broad Street (5–3–74).
Nevada City, *Nevada Theatre (Cedar Theatre)*, Broad and Bridge Streets.
North Bloomfield, *Malakoff Diggins-North Bloomfield Historic District*, Graniteville Star Route.
Truckee vicinity, **Donner Camp*, 2.6 miles west of Truckee on U.S. 40.

Orange County

Costa Mesa, *Fairview Indian Site*.
Modjeska, *Modjeska House*, Modjeska Canyon Road.
Newport Beach, *Lovell Beach House*, 1242 West Ocean Front (2–5–74).
San Juan Capistrano, *Mission San Juan Capistrano*, Camino Capistrano and Ortega Highway.
Yorba Linda, *Nixon, Richard, Birthplace*, 18061 Yorba Linda Boulevard.

Placer County

Auburn, *Old Auburn Historic District*, bounded approximately by Interstate 80, Maple Street, and Hamilton Lane on the north, High Street on the south, and including the westerly frontage on Spring Street, the easterly frontage on Lincoln Way and Sacramento Street, and the Traveler's Rest and Winery property at the southeast of the historic district.
Dutch Flat, *Dutch Flat Historic District*, Main and Stockton Streets.
Roseville vicinity, *Strap Ravine Nisenan Maidu Indian Site*.
Tahoe City, *Outlet Gates and Gatekeeper's Cabin*, at California 89 and Truckee River.

Plumas County

Blairsden vicinity, *Plumas-Eureka Mills Jamison Mines District*, west of Blairsden off alternate U.S. 40 in Plumas-Eureka State Park (7–16–73).
Gold Lake vicinity, *Lakes Basin Petroglyphs*.

Riverside County

Palm Springs vicinity, *Andreas Canyon (Rincon Village)*, S. Palm Canyon Drive (1–8–73).
Palm Springs vicinity, *Tahquitz Canyon*.
Riverside, *Heritage House*, 8193 Magnolia Avenue.
Riverside, *Mission Inn*, 3649 Seventh Street.
Temecula vicinity, *Murrieta Creek Archeological Area*.
Torres-Martinez Indian Reservation, *Martinez Historical District*, 2 miles southeast of Highway 86.
Valerie vicinity, *Coachella Valley Fish Traps*.

Sacramento County

Folsom, *Folsom Powerhouse*, off Folsom Boulevard in Folsom Lake State Recreation Area (10–2–73).
Locke, *Locke Historic District*, bounded on the west by the Sacramento River, on the north of Locke Road, on the east by Alley Street, and on the south by Levee Street.
Locke vicinity, *Delta Meadows Site*.
Sacramento, *California Governor's Mansion*, southwest corner of 16th and H Streets.
Sacramento, *California State Capitol*, between 10th and 16th Streets and L and N Streets.
Sacramento, *Crocker, E. B., Art Gallery*, 216 O Street.
Sacramento, *Joe Mound*.
Sacramento, **Old Sacramento Historic District*, junctions of U.S. 40, 50, 99, and California 16 and 24.
Sacramento, **Pony Express Terminal (B. F. Hastings Building)*, 1006 Second Street.
Sacramento, *Stanford-Lathrop Home*, 800 N Street.
Sacramento, **Sutter's Fort*, 2701 L Street.
Sacramento, *Woodlake Site*.

San Benito County

San Juan Bautista, **Anza House*, Third and Franklin Streets.
San Juan Bautista, **Castro, Jose, House*, south side of the Plaza.
San Juan Bautista, **San Juan Bautista Plaza Historic District*.

San Bernardino County

Cucamonga, *Rains, John, House*, 7869 Vineyard Avenue.
Needles vicinity, *Piute Pass Archeological District, northwest of Needles* (8–14–73).
Yermo vicinity, *Calico Mountains Archeological District*.

San Diego County

Fages-De Anza Trail—Southern Emigrant Route (see Imperial County).
Camp Joseph H. Pendleton, **Las Flores Adobe*, Stuart Mesa Road, about 7 miles north of its junction with Vandegrift Boulevard.
Camp Pendleton, *Santa Margarita Ranch House*, off Vandegrift Boulevard.
Coronado, *Hotel Del Coronado*, 1500 Orange Avenue.
La Jolla, *La Jolla Woman's Club*, 715 Silverado Street (11–5–74).
National City, *Brick Row*, A Avenue between 9th and 10th Streets (7–16–73).
National City, *St. Matthew's Episcopal Church*, 521 East Eighth Street (10–25–73).
Oceanside vicinity, **San Luis Rey Mission Church*, 4 miles east of Oceanside on California 76.
Pine Valley vicinity, *Bear Valley Archaeological Site*, South of Pine Valley (7–30–74).
San Diego, *California Quadrangle (Panama-California International Exposition)*, Balboa Park (5–17–74).
San Diego, *Davis, William Heath, House*, 227 11th Street (2–15–74).
San Diego, **Estudillo House*, 4000 Mason Street.
San Diego, *Ford Building*, Balboa Park, Palisades Area.
San Diego, *Initial Point of Boundary between U.S. and Mexico*, S of Imperial Beach off Monument Road (9–6–74).
San Diego, *Klauber, Melville, House*, 3060 6th Avenue (11–13–74).
San Diego, *Marston, George W., House*, 3525 7th Avenue (12–16–74).
San Diego, **Old Mission Dam*, north side of Mission Street-Gorge Road.
San Diego, *Old Point Loma Lighthouse*, Cabrillo National Monument (6–27–74).
San Diego, *Old Town San Diego Historic District*, approximately from the easterly line of Wallace and Washington Streets to the westerly line of Twiggs Street, and from the northerly line of Congress Street to the southerly line of Juan Street.
San Diego, **San Diego Presidio*, Presidio Park.
San Diego, *Santa Fe Depot (Union Station)*, 1050 Kettner.
San Diego, **Star of India*, San Diego Embarcadero.
San Diego, *Villa Montezuma (Jesse Shepard House)*, 1925 K Street.
San Diego vicinity, *Cabrillo National Monument*, 10 miles from San Diego off U.S. 101, near the southern tip of Point Loma.
San Diego vicinity, **San Diego Mission Church*, 5 miles east of Old Town San Diego on Friars Road.
Spring Valley, **Bancroft, Hubert H., Ranch House*, Bancroft Drive off California 94.
Vista vicinity, **Guajome Ranch House*, 2.5 miles northeast of Vista.
Warner Springs vicinity, **Oak Grove Butterfield Stage Station*, 13 miles northwest of Warner Springs on California 79.
Warner Springs vicinity, **Warner's Ranch*, 4 miles south of Warner Springs on secondary road.

San Francisco County

San Francisco, **C. A. Thayer*, San Francisco Maritime State Historic Park.
San Francisco, *Eureka* (ferryboat), 2905 Hyde Street in San Francisco Maritime State Historic Park.
San Francisco, *Feusier Octagon House*, 1067 Green Street.
San Francisco, **Flood, James C., Mansion*, California and Mason Streets.
San Francisco, *Fort Mason Historic District*, northeast corner of Fort Mason, north and east of Franklin Street and McArthur Avenue.
San Francisco, *Fort Point National Historic Site*, northern tip of San Francisco Peninsula on U.S. 101 and Interstate 480.
San Francisco, *Golden Gate Park Conservatory*, Mount Lick, north of John F. Kennedy Drive, at the east end of Golden Gate Park.
San Francisco, *Haas-Lilienthal House*, 2007 Franklin Street.
San Francisco, *Hallidie Building*, 130 Sutter Street.
San Francisco, *House at 216–20 Elm Street*.
San Francisco, *House at 736–38 Franklin Street*.
San Francisco, *House at 848 Octavia Street*.
San Francisco, *House at 1624 Post Street*.
San Francisco, *House at 1356–62 Scott Street*.
San Francisco, *House at 743 Turk Street*.
San Francisco, *House at 751 Turk Street*.
San Francisco, *House at 770 Turk Street*.
San Francisco, *House at 773 Turk Street*.
San Francisco, *Jackson Square Historic District*, bounded roughly by Sansome Street on the east; Washington Street on the south; Columbus Avenue and Kearny Street on the west; and an irregular line midway between Pacific Avenue and Broadway on the north.
San Francisco, *Jessie Street Substation C*, 222–226 Jessie Street (9–6–74).
San Francisco, *McElroy Octagon House*, 2645 Gough Street.
San Francisco, *Mission Dolores*, 320 Dolores Street.
San Francisco, **Old United States Mint*, Fifth and Mission Streets.
San Francisco, *Phelps, Abner, House*, 329 Divisadero Street.

San Francisco, *The Presidio*, northern tip of San Francisco peninsula on U.S. 101 and I–480.
San Francisco, **San Francisco Cable Cars*.
San Francisco, *U.S. Post Office and Courthouse*, northeast corner of Seventh and Mission Streets.
San Francisco, *Wapama* (schooner), 2905 Hyde Street in San Francisco Maritime State Historic Park.

San Joaquin County

Lockeford, *Locke Home and Barn*, 19960 West Elliott Road.
Stockton, *Old Weber School*, 55 West Flora Street (7–16–73).

San Luis Obispo County

Nipomo, *Dana Adobe*, southern end of Oak Glen Avenue.
San Miguel, *Caledonia Adobe*, 0.5 mile south of 10th Street.
San Miguel, *Mission San Miguel*, U.S. 101.
San Simeon vicinity, *Hearst San Simeon State Historical Monument*, about 3 miles northeast of San Simeon.

San Mateo County

Belmont, **Ralston, William C., Home*, college of Notre Dame campus.
Half Moon Bay vicinity, *Johnston, James, House*, Higgins-Purisima Road.
Menlo Park, *Menlo Park Railroad Station*, 1100 Merrill Street (10–1–74).
Portola Valley, *Casa de Tableta*, 3915 Alpine Road (8–14–73).
Portola Valley, *Portola Valley School*, 775 Portola Road (6–28–74).
Redwood City, *Lathrop House*, 627 Hamilton Street.
San Bruno vicinity, **San Francisco Bay Discovery Site*, 4 miles west of San Bruno via Skyline Drive and Sneath Lane.

Santa Barbara County

Lompoc vicinity, **La Purisima Mission*, 4 miles east of Lompoc.
Los Alamos vicinity, **Los Alamos Ranch House*, 3 miles west of Los Alamos on old U.S. 101.
Santa Barbara, **Gonzalez, Rafael, House (Vhay House)*, 835 Laguna Street.
Santa Barbara, **Santa Barbara Mission*, 2201 Laguna Street.
Santa Barbara, *Santa Barbara Presidio*, bounded roughly by Carrillo, Garden, De la Guerra, and Anacapa Streets (11–26–73).
Santa Barbara vicinity, *Painted Cave*.

Santa Clara County

Alviso, *Alviso, Port of, Historic District*, bounded roughly by an arm of Alviso Slough on the north, the Alviso Slough and the Guadalupe River on the West, Moffat Street on the south, and Gold Street on the east (10–9–73).
Cupertino, *Le Petit Trianon, De Anza College campus*.
Gilroy Hot Springs vicinity, *Coyote Creek Archeological District*.
Gilroy vicinity, **Norris, Frank, Cabin*, 10 miles west of Gilroy via California 152 and secondary roads.
Los Gatos, *McCullagh-Jones House*, 1800 Overlook Road (10–29–74).
Morgan Hill vicinity, *Poverty Flat Site*.
Palo Alto, *Downing, T. B., House*, 706 Cowper Street (10–30–73).
Palo Alto, *Squire John Adams House*, 900 University Avenue.
San Jose, *Civic Art Gallery (Old Post Office)*, 110 Market Street.
San Jose, *Peralta, Luis Maria, Adobe*, 184 West St. John Street (10–15–73).
San Jose, *Winchester House*, 525 South Winchester Blvd. (8–7–74).
San Jose vicinity, **New Almaden*, 14 miles south of San Jose on County Route G8.

Santa Cruz County

Capitola, *Hihn Building (Superintendent's Office)*, 201 Monterey Avenue.
Felton, *Felton Covered Bridge*, Covered Bridge Road.
Santa Cruz, *Octagon Building*, corner of Front and Cooper Streets.

Shasta County

Cottonwood, *Cottonwood Historic District* (7–16–73).
Cottonwood vicinity, *Reading Adobe Site*, Adobe Lane, 5 miles east of the center of Cottonwood.
French Gulch, *French Gulch Historic District*.
Millville vicinity, *Cow Creek Petroglyphs*.
Millville vicinity, *Dersch-Taylor Petroglyphs*, southeast of Millville.
Redding vicinity, *Benton Tract Site*.
Redding vicinity, *Olsen Petroglyphs*.
Shasta, *Shasta State Historic Park*, U.S. 299.
Whiskeytown, *Tower House District*, Whiskeytown National Recreation Area.

Sierra County

Gold Lake vicinity, *Hawley Lake Petroglyphs*.
Loyalton vicinity, *Kyburz Flat Site*.
Truckee vicinity, *Sardine Valley Archeological District*.
Verdi vicinity, *Stampede Site*.

Sierra County

Dorris vicinity, **Lower Klamath National Wildlife Refuge*, Lower Klamath Lake, east of Dorris (also in Klamath County, Oreg.).
Tulelake vicinity, *Captain Jack's Stronghold*, south of Tulelake in Lava Beds National Monument (9–20–73).
Tulelake vicinity, *Hospital Rock*, south of Tulelake in Lava Beds National Monument (10–2–73).
Yreka, *West Miner Street—Third Street Historic District*, 102–402 West Miner Street; 122–419 Third Street.

Solano County

Benicia, *Benicia Capitol-Courthouse*, First and G Streets.
Benicia, *Old Masonic Hall*, 106 West J Street.
Collinsville vicinity, *Hastings Adobe*, 0.3 mile north of Collinsville on County Route 68, then east 1.25 miles on County Route 493.
Vacaville vicinity, *Pena Adobe*, 2 miles southwest of Vacaville on Interstate 80.
Vallejo, *Vallejo Old City Historic District*, bounded by Sonoma Boulevard and Monterey, Carolina, and York Streets.

Sonoma County

Bodega vicinity, *Bodega Bay* (12–18–73).
Bodega Bay vicinity, *The Ranch Site*.
Fort Ross vicinity, **Fort Ross*, north of Fort Ross on California 1, Fort Ross State Historical Monument.
Fort Ross vicinity, **Fort Ross Commander's House*, north of Fort Ross on California 1, Fort Ross State Hisorical Monument.
Glen Ellen vicinity, **London, Jack, Ranch*, 0.4 mile west of Glen Ellen, Jack London Historical State Park.
Jenner vicinity, *Duncans Landing Site*.
Petaluma vicinity, **Petaluma Adobe*, 4 miles east of Petaluma on Casa Grande Road.
Santa Rosa, **Burbank, Luther, House and Garden*, 200 block Santa Rosa Avenue.
Santa Rosa, *McDonald Mansion*, 1015 McDonald Avenue (3–1–74).
Sonoma, **Sonoma*, center of Sonoma.
Sonoma, *Vallejo House*, corner of Spain and West Third Street.
Stewarts point vicinity, *Salt Point State Park Archaeological District*.

Stanislaus County

La Grange vicinity, *Gold Dredge*, off county road.

Trinity County

Weaverville, *Weaverville Historic District*, both sides of Main Street.

Tulare County

Allensworth, *Allensworth Historic District*.

Tuolumne County

Sonora vicinity, **Columbia Historic District*, 4 miles northwest of Sonora on California 49.

Ventura County

Oxnard, *Oxnard Public Library (Oxnard Chamber of Commerce—Art Club of Oxnard)*, 424 South C Street.
Ventura, *Ventura County Courthouse*, 501 Poli Street.

Yolo County

Broderick, **First Pacific Coast Salmon Cannery Site*, on the Sacramento River, opposite the foot of K Street.
Brooks vicinity, *Cañon School*, north of Brooks.
Rumsey, *Rumsey Town Hall*, California 16 at Manzanita Street.
Woodland, *Woodland, Hershey, Opera House*, 320 Second Street.
Woodland vicinity, *Nelson Ranch*, California 18C between Routes 113 and 102.

Colorado

Arapahoe County

Strasburg vicinity, *Comanche Crossing of the Kansas Pacific Railroad*, on the Union Pacific Railroad tracks east of the Strasburg depot.

Archuleta County

Antonito vicinity, *Cumbres and Toltec Scenic Railroad (Denver & Rio Grande Western Railroad)*, between Antonito and Chama, N. Mex. (also in Conejos County, Colo., and Rio Arriba County, N. Mex.).
Chimney Rock vicinity, *Chimney Rock Archeological Site*, San Juan National Forest, 2 miles east of the Piedra River and 1.5 miles north of Colorado 151.

Boulder County

Boulder, *Chautauqua Auditorium*, in Chautauqua Park (1–21–74).
Lyons, *Lyons Railroad Depot*, 400 Block Broadway (12–2–74).

Chaffee County

Poncha Springs vicinity, *Hutchinson Ranch*, 2 miles east of Poncha Springs.

Clear Creek County

Georgetown, *Alpine Hose Company No. 2*, 507 Fifth Street.
Georgetown, *Grace Episcopal Church*, Taos Street (between Fourth and Fifth Streets) (8–14–73).
Georgetown, *Hamill House*, Argentine Street and Third.
Georgetown, *Hotel de Paris*, Alpine Street.
Georgetown, *McClellan House*, 919 Taos Street.
Georgetown, *Toll House (Julius G. Pohle House)*, south side of town adjacent to Interstate 70 right-of-way.
Georgetown vicinity, *Ore Processing Mill and Dam*, approximately 1 mile southwest of Georgetown, adjacent to Interstate 70 and Clear Creek.
Georgetown-Silver Plume vicinity, **Georgetown-Silver Plume Historic District*.
Silver Plume, *Silver Plume Depot*, Interstate 70.
Silver Plume vicinity, *Lebanon and Everett Mine Tunnels*, northeast of Silver Plume, adjacent to Interstate 70 right-of-way.

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Conejos County

Antonito, *Warshauer Mansion*, 515 River Street (8–30–74).
Cumbres and Toltec Scenic Railroad (*Denver & Rio Grande Western Railroad*) (see Archuleta County).
Sanford vicinity, **Pike's Stockade*, 4 miles east of Sanford on Colorado 136.

Costilla County

Fort Garland, *Fort Garland*, on Colorado 159, one block south of U.S. 10–160.

Denver County

Denver, *Auraria 9th Street Historic District*, both sides of Ninth Street, bounded by Curtis and Champa Streets.
Denver, *Brown, Molly, House*, 1340 Pennsylvania Street.
Denver, *Brown Palace Hotel*, 17th Street and Tremont Place.
Denver, *Byers-Evans Home*, 1310 Bannock Street.
Denver, *Central Presbyterian Church*, 1660 Sharman Street (11–21–74).
Denver, *Civic Center*, bounded roughly by Grant on the east; 13th Avenue on the south; Delaware on the west; and 16th, Court and Colfax on the north.
Denver, *Constitution Hall* (*First National Bank Building*), 1507 Blake Street.
Denver, *Croke-Patterson-Campbell Mansion*, 428–430 East 11th Avenue (9–19–73).
Denver, *Daniels and Fisher Tower*, 1101 16th Street.
Denver, *Denver Mint*, West Colfax Avenue and Delaware Street.
Denver, *Emmanuel Shearith Israel Chapel* (*Emmanuel Episcopal Chapel*), 1201 10th Street.
Denver, *Evans Memorial Chapel*, University of Denver campus (12–27–74).
Denver, *Field, Eugene, House*, 715 South Franklin (11–1–74).
Denver, *Fisher, William G., House*, 1600 Logan Street (11–20–74).
Denver, *Four Mile House*, 715 South Forest Street.
Denver, *Governor's Mansion*, 400 East Eighth Avenue.
Denver, *Grant-Humphreys House*, 770 Pennsylvania Street.
Denver, *Larimer Square*, 1400 block of Larimer Street.
Denver, *Marne, The*, 1572 Race Street (11–21–74).
Denver, *Pearce-McAllister Cottage*, 1880 Gaylord Street.
Denver, *St. Elizabeth's Church*, 1062 11th Street.
Denver, *Tivoli Brewery Co.*, 1320–1348 10th Street.
Denver, *Trinity United Methodist Church*, East 18th Avenue and Broadway.
Denver, *Union Station*, 17th and Wynkoop Streets (11–20–74).
Denver, *U.S. Post Office and Federal Building*, 18th and Stout Streets.
Denver, *Vine Street Houses*, 1415, 1429, 1435, and 1453 Vine Street (12–16–74).
Denver, *Wood-Morris-Bonfils House*, 707 Washington Street (12–4–74).

Dolores County

Rico, *Rico City Hall*, northeast corner of Commercial and Mantz Streets (12–31–74).

Douglas County

Castle Rock, *Castle Rock Depot*, 420 Elbert Street (10–11–74).
Palmer Lake vicinity, *Quick Ben, Ranch and Fort*, 6695 W. Plum Creek Road N of Palmer Lake (10–1–74).
Parker Lake vicinity, *Glen Grove School*, north of Palmer Lake off Perry Park Road (11–5–74).
Sedalia vicinity, *The Church of St. Philip-in-the-Field and Bear Canyon Cemetery*, 5 miles south of Sedalia on Colorado 105.
Sedalia vicinity, *Kinner, John, House*, 6694 Perry Park Road (10–11–74).

El Paso County

Colorado Springs, *El Paso County Courthouse*, 215 South Tejon Street.
Colorado Springs, *McAllister House*, 423 North Cascade Avenue (8–14–73).
Colorado Springs vicinity, **Pikes Peak*, 15 miles west of Colorado Springs, Pike National Forest.
Manitou Springs, *Briarhurst* (*William A. Bell House*), 404 Manitou Avenue.

Gilpin County

Central City, **Central City Historic District*.
Central City, *Central City Opera House*, Eureka Street.
Central City, *Teller House*, Eureka Street.

Grand County

Grand Lake, *Kaufman House*, northwest corner of Pitkin and Lake Avenue (11–21–74).

Gunnison County

Crested Butte, *Town of Crested Butte*, roughly bounded by White Rock Avenue, First Street, Maroon Avenue, and Eighth Street (5–29–74).

Huerfano County

Walsenburg, *Huerfano County Courthouse* (*and Jail*), 400 Main Street.

Jefferson County

Buffalo Creek, *Blue Jay Inn*, Highway 126 (10–1–74).
Buffalo Creek, *La Hacienda*, on secondary road off U.S. 285 (7–20–73).
Buffalo Creek vicinity, *Green Mercantile Store*, NW of Buffalo Creek off Highway 126 (10–1–74).
Buffalo Creek vicinity, *Green Mountain Ranch*, S of Buffalo Creek on Highway 126 (10–1–74).
Evergreen, *Hiwan Homestead*, Meadow Drive (4–9–74).
Evergreen, *Humphrey House*, 620 South Soda Creek Road (12–31–74).
Golden, *Astor House Hotel*, 822 12th Street.
Golden vicinity, *Mount Vernon House* (*Robert W. Steele House*), about 1 mile south of the Golden City limits at the junction of Interstate 70, Colorado 26, and Mount Vernon Canyon Road.
Morrison, *Morrison School House*, 226 Spring Street (9–4–74).
Pine and South Platte, *North Fork Historic District*, both sides of South Platte River from Pine to South Platte (10–9–74).
Wheat Ridge, *Pioneer Sod House*, 4610 Robb Street.

Lake County

Leadville, *Dexter Cabin*, 912 Harrison Avenue.
Leadville, *Healy House*, 912 Harrison Avenue.
Leadville, **Leadville Historic District*.
Twin Lakes, *Twin Lakes District*, both sides of Colorado 82 (7–30–74).
Twin Lakes vicinity, *Interlaken Resort District*, east of Twin Lakes off Colorado 82 (8–7–74).

La Plata County

Durango, **Durango-Silverton Narrow Gauge Railroad*, right-of-way between Durango and Silverton (also in San Juan County).
Durango vicinity, *Ute Mountain Ute Mancos Canyon Historic District*, that portion of the Ute Mountain Ute Indian Reservation lying north of the Colorado-New Mexico State line and east of Colorado 666 (also in Montezuma County).

Larimer County

Estes Park vicinity, *Mills, Enos, Homestead Cabin*, south of Estes Park off Colorado 7 (5–11–73).
Estes Park vicinity, *White, William Allen, Cabins*, west of Estes Park at Moraine Park Visitor Center in Rocky Mountain National Park (10–25–73).
Fort Collins, *Avery House*, 326 West Mountain Avenue.
Fort Collins vicinity, **Lindenmeier Site*, 28 miles north of Fort Collins.

Las Animas County

Trinidad, *Baca House and Outbuilding*, 300 block of Main Street.
Trinidad, *Bloom, Frank G., House*, 300 block of Main Street.
Trinidad, *Carazon de Trinidad*.
Trinidad, *Jaffa Opera House*, 100–116 West Main Street.
Trinidad vicinity, **Raton Pass*, U.S. 85–87, Colorado-New Mexico border (see Colfax County, N. Mex.).

Mesa County

Molina vicinity, *Convicts' Bread Oven*, west of Molina on Colorado 65 (12–31–74).

Montezuma County

Cortez vicinity, *Hovenweep National Monument*, northwest of Cortez (also in San Juan County, Utah).
Cortez vicinity, *Mesa Verde National Park*, 10 miles east of Cortez on U.S. 160.
Cortez vicinity, *Yucca House National Monument*, 12 miles south of Cortez via U.S. 666 and secondary roads.
Pleasant View vicinity, **Lowry Ruin*, 30 miles northwest of Cortez via U.S. 160 and secondary road.
Ute Mountain Ute Mancos Canyon Historic District (see La Plata County).

Montrose County

Montrose vicinity, *Ute Memorial Site*, 2 miles south of Montrose on U.S. 550.

Otero County

La Junta vicinity, *Bent's Old Fort National Historic Site*, 8 miles east of La Junta on Colorado 104.

Ouray County

Ouray, *Beaumont Hotel* (10–30–73).

Park County

Fairplay, *South Park Lager Beer Brewery*, Third and Front Streets (6–25–74).
Fairplay, *Summer Saloon*, Third and Front Streets (5–8–74).

Pitkin County

Aspen, *Wheeler Opera House*, 330 East Hyman Avenue.
Ghost Town, *Independence and Independence Mill Site*, on Colorado 82.
Redstone vicinity, *Osgood Castle* (*Cleveholm*), approximately 1 mile south of Redstone on Colorado 133.

Pueblo County

Pueblo, *Rosemount*, 419 West 14th Street (7–30–74).
Pueblo vicinity, *Goodnight Barn*, west of Pueblo at Colorado 96 West and Siloam Road (7–30–74).

Rio Blanco County

Rangely vicinity, *Fremont Lookout Fortification Site*, south of Rangely on Dragon Trail Road (11–20–74).

Routt County

Hahns Peak Village, *Hahns Peak School House*, Main Street (2–15–74).

San Juan County

**Durango-Silverton Narrow Gauge Railroad* (see La Plata County).
Silverton, **Silverton Historic District*.

San Miguel County

Telluride, **Telluride Historic District*.

Teller County

Cripple Creek, **Cripple Creek Historic District*.

Weld County

Greeley, *Meeker Memorial Museum*, 1324 Ninth Avenue.
Platteville vicinity, Fort Vasquez, on U.S. 85.

Connecticut

Fairfield County

Bridgeport, *Barnum Museum*, 805 Main Street.
Bridgeport, *Brooks, Captain John, Senior, House*, 199 Pembroke Street.
Danbury, *Octagon House*, 21 Spring Street.
Darian, **Mather, Stephen Tyng, Home*, Stephen Mather Road.
Fairfield, *Bronson Windmill*, 3015 Bronson Road.
Fairfield, *Fairfield Historic District*, all buildings bordering the Old Post Road from its intersection with the Post Road to the intersection with Turney Road (including buildings southeast and northeast of the Town Hall on both sides of Beach Road and the Old Burying Ground).
Fairfield, *Southport Historic District*, bounded generally by the New York, New Haven & Hartford Railroad on the north; Mill River and Southport harbor on the south; on the west by Old South Road; and on the east by Rose Hill Road.
Greenfield Hill, *Greenfield Hill Historic District*, the area comprising the village green and adjacent properties on Meeting House Lane, Hillside Road, and Old Academy Road; extending south on both sides of Bronson Road and Hillside Road to a point beyond the Old Cemetery on the former and to a point beyond Verna Hill Road on the latter.
New Canaan, **Rogers, John, Studio*, 10 Cherry Street.
Norwalk, **Lockwood-Mathews Mansion*, 295 West Avenue.
Redding, *Putnam Memorial State Park*, intersection of Routes 58 (Black Rock Turnpike) and 107 (Park Road).
Ridgefield, **Remington, Frederic, House*.
Stamford, *Hoyt-Barnum House*, 13 Bedford Street.
Stamford, *Old Town Hall*.
Stratford, *Judson, Captain David, House*, 967 Academy Hill.

Hartford County

Avon, *Avon Congregational Church*, at the junction of U.S. 202 and U.S. 44.
Bloomfield, *Old Farm School House*, Park Avenue and School Street.
Burlington, *Brown Tavern*, George Washington Turnpike.
East Granby, **Old New-Gate Prison*, Newgate Road.
East Granby, *Viets' Tavern*, Newgate Road.
Enfield, *Enfield Town Meetinghouse* (*Old Town Hall of Enfield*), Enfield Street at South Road (9–10–74).
Farmington, *Farmington Historic District*.
Farmington, **Stanley-Whitman House*, 37 High Street.
Glastonbury, *Hollister, John, House*, 14 Tryon Street.
Glastonbury, *Welles, Gideon, House*, 37 Hebron Avenue.
Hartford, **Armsmear* (*Samuel Colt Home*), 80 Wethersfield Avenue.
Hartford, **Barnard, Henry, House*, 118 Main Street.
Hartford, *Bull, Amos, House*, 59 South Prospect Street.
Hartford, *Bushnell Park*, bounded by Elm, Jewell, and Trinity Streets.
Hartford, *Butler-McCook Homestead*, 396 Main Street.
Hartford, *Cheney Building* (*G. Fox Building*), 942 Main Street.
Hartford, **Connecticut State Capitol*, Capitol Avenue.
Hartford, **Connecticut Statehouse* (*Old Statehouse*), Main Street at Central Row.
Hartford, *Day House*, 77 Forest Street.
Hartford, *First Church of Christ and the Ancient Burying Ground*, 60 Gold Street.
Hartford, *Stowe, Harriet Beecher, House*, 73 Forest Street.
Hartford, **Twain, Mark, House*, 351 Farmington Avenue.
Hartford, *Wadesworth Atheneum*, 25 Atheneum Square North.
New Britain, *City Hall—Monument District*, 13–35 West Main Street and Central Park.
Simsbury, *Phelps, Captain Elisha, House*, 800 Hopmeadow Street.
West Hartford, **Webster, Noah, Birthplace*, 227 South Main Street.
Wethersfield, **Buttolph-Williams House*, 249 Broad Street.
Wethersfield, **Deane, Silas, House*, 203 Main Street.
Wethersfield, *Old Wethersfield Historic District*, bounded on the north and west by the New York, New Haven & Hartford Railroad tracks, on the east by Interstate 91, and also on the north by Wethersfield Cove.
Wethersfield, **Webb, Joseph, House*, 211 Main Street.
Windsor, *Chaffee, Hezekiah, House*, Meadow Lane, off Palsado Green.
Windsor, *Ellsworth, Oliver, Homestead* (*Elmwood*), 778 Palisado Avenue.
Windsor, *Farmington River Railroad Bridge*, west of Palisado Avenue.

Litchfield County

Colebrook, *Phelps, Arah, Inn*, east side of Connecticut 183 at its junction with Prock Hill Road.
Cornwall, *Cornwall Bridge Railroad Station*, at the junction of Poppleswamp Brook Road and Kent Road.
Kent vicinity, *Bull's Bridge*, approximately 3 miles southwest of Kent on Bull's Bridge Road over the Housatonic River.
Litchfield, **Litchfield Historic District*, east and west sides of North and South Streets (to rear property lines), Prospect Street to Gallows Lane, village green between East and West Streets, and structures on northeast side of the green.
Litchfield, **Reeve, Tapping, House and Law School*, South Street.
Litchfield, **Wolcott, Oliver, House*, South Street.
North Canaan, *Union Depot*, U.S. 44.
Thomaston, *Thomaston Opera House*, Main Street.
Woodbury, *Bacon, Jabez, House*, north side of Hollow Road just above the intersection with U.S. 6.
Woodbury, *Glebe House*, south side of Hollow Road at the head of Hollow Road No. 2.
Woodbury, *Woodbury Historic District No. 1*, both sides of Main Street (U.S. 6) for a distance of 2 miles.
Woodbury, *Woodbury Historic District No. 2*, both sides of Main Street from the Woodbury-Southbury town line to Middle Quarter.

Middlesex County

Chester, *Old Town Hall* (*Second Congregational Meetinghouse*), on the green between Liberty Street and Goose Hill Road.
Chester, *Pratt, Dr., House*, Pratt Street.
East Haddam, *Day, Amasa, House*, Plains Road.
East Haddam, *The Goodspeed Opera House*, Norwich Road.
Middletown, *Alsop House* (*Davison Art Center*), 301 High Street.
Middletown, *Russell House*, corner of Washington and High Streets.
Middletown, *Wetmore, Seth, House* (*Oak Hill*), northwest corner of Route 66 and Camp Road.
Old Saybrook, *Eliot, Samuel, House*, 500 Main Street.
Old Saybrook, *Hart, General William, House*, 350 Main Street.
Old Saybrook, *Pratt, Humphrey, Tavern*, 287 Main Street.

New Haven County

Ansonia, *Humphreys, General David, House*, 37 Elm Street.
Ansonia, *Mansfield, Richard, House*, 35 Jewett Street.
Branford, *Stick Style House at Stoney Creek*, 34 Prospect Hill.
Cheshire, *Farmington Canal Lock*, 487 North Brooksvale Road.
Derby, *The Sterling Opera House*, northwest corner of Fourth and Elizabeth Streets.
Guilford, *Whitfield, Henry, House*, Old Whitfield Street.
Guilford vicinity, *Leete, Pelatiah House*, SW of Guilford off CT 146 (10–1–74).
Hamden, *Whitney, Eli, Gun Factory Site*, 915–940 Whitney Avenue (8–13–74).
New Haven, **Connecticut Agricultural Experiment Station*, 123 Huntington Street.
New Haven, **Connecticut Hall, Yale University*, bounded by High, Chapel, Elm, and College Streets.
New Haven, **Dana, James Dwight, House*, 24 Hillhouse Avenue.
New Haven, *Fort Nathan Hale*, at the southern end of Woodward Avenue.
New Haven, **Marsh Othniel C., House*, 360 Prospect Street.
New Haven, *Morris House*, 325 Lighthouse Road.
New Haven, **New Haven Green Historic District*, bounded by Chapel, College, Elm, and Church Streets.
New Haven, *Wooster Square Historic District*, includes Wooster Square.
Northford, *Williams, Warham, House*, intersection of Old Post Road with Connecticut 17 and 22.
Southbury, *Bullet Hill School*, west side of Main Street at the intersection of Seymour Road.
Southbury, *Southbury Historic District No. 1*, Main Street from Woodbury town line to Old Waterbury Road.
Wallingford, *Barker, John, House*, 898 Clintonville Road (8–23–74).

New London County

Colchester, *Champion, Henry, House*, Westchester Road.
Colchester, *Hayward House*, 9 Haywood Avenue.
East Lyme, *Lee, Thomas, House*, southeast corner of Connecticut 156 and Giant's Neck Road.
Groton, *Fort Griswold*, bounded by Baker Avenue, Smith Street, Park Avenue, Monument Avenue, and the Thames River.
Lebanon, **Trumbull, John, Birthplace* (*Governor Jonothan Trumbull House*), The Common.
Lebanon, *War Office* (*Captain Joseph Trumble Store and Office*), West Town Street.
Lebanon, **Williams, William House*, southeast corner of junction of Connecticut 207 and 87.
Ledyard, *Lester, Nathan, House*, Vinegar Hill Road.
Ledyard, *Main Sawmill*, Iron Street.
Mystic, **Charles W. Morgan*, Mystic Seaport.
New London, *Deshon-Allyn House*, 613 Williams Street.
New London, *Fort Trumbull*, Port Neck.

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New London, *Hempsted, Nathaniel, House* (*Old Huguenot House*), corner of Jay, Hempsted, Colt, and Truman Streets.
New London, *Hempsted, Joshua, House*, 11 Hempsted Street.
New London, **Monte Cristo Cottage*, (*Eugene O'Neill House*), 325 Pequot Avenue.
New London, *New London County Courthouse* (*State Courthouse*), 70 Huntington Street.
New London, *New London Customhouse*, 150 Bank Street.
New London, *New London Public Library*, 63 Huntington Street.
New London, *New London Railroad Station*, at the foot of State Street.
New London, *Shaw Mansion*, 11 Blinman Street.
New London, *Whale Oil Row*, 105–119 Huntington Street.
Norwich, *Backus, Nathaniel, House*, 44 Rockwell Street.
Norwich, *Converse House and Barn*, 185 Washington Street.
Norwich, *East District School*, 365 Washington Street.
Norwich, *Huntington, Colonel Joshua, House*, 11 Huntington Lane.
Norwich, *Little Plain Historic District*.
Norwich, *Norwichtown Historic District*.
Norwich, *Yantic Falls Historic District*, Yantic Street.
Norwichtown, *Bradford-Huntington House*, 16 Huntington Lane.
Norwichtown, *Carpenter House* (*Red House*), 55 East Town Street.
Norwichtown, *Carpenter, Joseph, Silversmith Shop*, 71 East Town Street.
Norwichtown, *Charlton, Captain Richard, House*, 12 Mediterranean Lane.
Norwichtown, *Huntington, General Jedidiah, House*, 23 East Town Street.
Norwichtown, *Huntington, Governor Samuel, House*, 34 East Town Street.
Norwichtown, *Lathrop, Dr. Daniel, School*, 69 East Town Street.
Norwichtown, *Lathrop, Dr. Joshua, House*, 377 Washington Street.
Norwichtown, *Leffingwell Inn*, 348 Washington Street.
Norwichtown, *Turner, Dr. Philip, House*, 29 West Town Street.
Old Lyme, *Old Lyme Historic District*, along Lyme Street from Shore Road to Sill Lane along the Old Boston Post Road from Sill Lane to Rose Lane.

Tolland County

Coventry, *Hale, Nathan, Homestead* (*Deacon Richard Hale House*), South Street.
Mansfield, *Mansfield Center Historic District*, Storrs Road.
Mansfield Center, *Williams, Eleazer, House*, east side of Storrs Road just south of the intersection with Dobbs Road.

Windham County

Brooklyn, *Trinity Church*, east side of Church Street.
Brooklyn, *Unitarian Meeting House*, at the junction of Routes 169 and 6.
Canterbury, *Clark, Captain John, House* (*Dyer-Clark House*), east side of Route 169.
Canterbury, *Crandall, Prudence, House* (*Elisha Payne House*), at intersection of Connecticut 14 and 169 (10–22–70).
Chaplin, *Witter House*, Chaplin Street.
Scotland, **Huntington, Samuel, Birthplace*, on Highway 14, 2 miles west of junction with Connecticut 97.
Willimantic, *Jillson, William, Stone House*, 561 Main Street.
Windham Center, *Hunt, Dr. Chester, Office*, Windham Center Road.

Delaware

Kent County

Camden, *Camden Friends Meetinghouse*, Commerce Street.
Camden, *Camden Historic District*, both sides of Camden-Wyoming Avenue and Main Street (9–17–74).
Camden vicinity, *Brecknock*, 0.5 mile north of Camden off U.S. 13 (12–24–74).
Clayton vicinity, *Jones, Enoch, House* (*Boxwood*), SW of Clayton off DE 300 (6–19–73).
Cowgill's Corners vicinity, *Octagonal Schoolhouse*, east of Cowgill's Corners off Delaware 9.
Dover, *Bradford-Lookerman House*, 419 South State Street.
Dover, *Christ Church*, southeast corner of South State and Water Streets.
Dover, *Delaware State Museum Buildings* (*Old Presbyterian Church Complex*), 316 South Governors Avenue.
Dover, *Eden Hill*, west end of Water Street.
Dover, *Governor's House, The*, Kings Highway.
Dover, *Greenwold* (*Manlove Hayes House*), 625 South State Street.
Dover, *Loockerman Hall*, Delaware State College campus.
Dover, *Macomb Farm* (*Thomas Irons House*), Long Point Road off Delaware 8 (12–2–74).
Dover, *Old State House*, The Green (2–24–71).
Dover, *Town Point*, Kitts Hummock Road.
Dover vicinity, **Dickinson, John, Mansion*, 5 miles southeast of Dover and 3 miles east of U.S. 13 on Kitts Hummock Road.
Dover vicinity, *Great Geneva*, about 3 miles south of Dover on Delaware 356.
Dover vicinity, *Tyn Head Court* (*Wethered Court*), east of Dover on South Little Creek Road.
Dutch Neck Crossroads vicinity, *Allee House*, Dutch Neck Road east of Delaware 9.
Farmington vicinity, *Tharp House*, east of Farmington on U.S. 13.
Frederica vicinity, *Barratt Hall*, South of Frederica off Delaware 372.
Frederica vicinity, *Barratt's Chapel*, north of Frederica on U.S. 113.
Frederica vicinity, *Bonwell House*, about 4 miles west of Frederica on Delaware 380 at Andrews Lake.
Frederica vicinity, *Mordington*, south of Frederica on Canterbury Road.
Kenton, *Cooper House*, on Delaware 300.
Kenton vicinity, **Aspendale*, c. 1 mile west of Kenton on Delaware 300.
Kenton vicinity, *Cheyney Clow's Rebellion* (*Scene of*), west of Kenton on Delaware 300 (1–14–74).
Leipsic, *Ruth Mansion House*, Main Street.
Leipsic vicinity, *Snowland*, northwest of Leipsic on Delaware 42.
Leipsic vicinity, *Wheel of Fortune*, south of Leipsic off Delaware 9.
Little Creek, *Old Stone Tavern*, Main Street.
Little Heaven, *Reed, Jehu, House*, U.S. 113 and Delaware 18.
Magnolia, *Lindale House*, 24 Walnut Street.
Magnolia, *Lowber, Mathew, House*, east of Main Street, north of the intersection.
Milford, *Christ Church, Milford*, Third and Church Streets.
Milford, *Thorne, Parson, Mansion* (*Silver Hill*), 501 NW Front Street (6–21–71).
Smyrna, *Belmont Hall*, 1 mile south of Smyrna on U.S. 13.
Smyrna vicinity, *Bannister Hall and the Baynard House*, south of Smyrna off Delaware 300.
Smyrna vicinity, *Duck Creek Village*, Delaware 65, between Duck Creek and Green's Branch.
Smyrna vicinity, *Ivy Dale Farm*, south of Smyrna off Delaware 9.
South Bowers vicinity, *Island Field Site*, 0.5 mile southeast of Bowers Beach.
Woodland Beach vicinity, *Sutton, Thomas, House*, Delaware 79, Woodland Beach Wildlife area.

New Castle County

Ashland, *Ashland Bridge*, south of Delaware 82 over Red Clay Creek.
Blackbird vicinity, *Old Union Methodist Church*, 1.5 miles north of Blackbird on U.S. 13.
Centerville, *Center Meeting and Schoolhouse*, Center Meeting Road (12–16–71).
Christiana, *Christiana Historic District*, intersection of Delaware 7 and Delaware 273 (12–16–74).
Claymont, *Blockhouse and Robinson House*, Naaman's Corner.
Claymont, *Darley House*, Darley Road and Philadelphia Pike.
Claymont, *Robinson House* (*Naaman's*), Naaman's Corner.
Delaware City, *Fort Delaware on Pea Patch Island*, Pea Patch Island in the Delaware River.
Glasgow vicinity, *La Grange*, near intersection of U.S. 40 and Delaware 896 (7–10–74).
Hockessin, *Hockessin Friends Meeting House*, at Routes 275 and 254 and Meeting House Road.
Hockessin vicinity, *Coffee Run Mission Site*, southeast of Hockessin off Delaware 48.
Kirkwood vicinity, *Lum's Mill House*, on Delaware 71 in Lums Pond State Park.
Kirkwood vicinity, *McCoy House*, 1.5 miles east of Kirkwood at Kirkwood and McCoy Roads.
Marshallton, *Greenbank Historic Area*, off Delaware 41, north of Delaware 2.
Middletown, *Greenlawn*, North Broad Street.
Middletown, *Middletown Academy* (*Town Hall*), 218 North Broad Street.
Middletown vicinity, *Cochran Grange*, west of Middletown on Delaware 4.
Middletown vicinity, *Hedgelawn*, 1.2 miles west of Middletown on Delaware 4.
Middletown vicinity, *Naudain, Arnold S., House*, south of Middletown off Delaware 71.
Middletown vicinity, *Nozontown*, south of Middletown off Delaware 896.
Middletown vicinity, *Old St. Anne's Church*, south of Middletown off Delaware 71.
Montchanin vicinity, *Strand Millas and Rock Spring*, between Montchanin and Rockland (7–16–73).
New Castle, *Glebe House*, Delaware 9.
New Castle, *The Hermitage*, on Delaware 273.
New Castle, *Lesley-Travers Mansion*, 112 West Sixth Street.
New Castle, **New Castle Historic District*, bordered by Harmony Street, The Strand, Third Street, and Delaware Street.
New Castle, **Old Courthouse* (*Old Colony and State House*), Delaware Street between Second and Third Streets.
New Castle Hundred, *Buena Vista*, on U.S. 13, 1.5 miles south of its junction with U.S. 40.
New Castle, **Stonum*, Ninth and Washington Streets.
Newark, *England House* (*Red Mill Farm*), 81 Red Mill Road.
Newark, *Fisher, Andrew, House*, 726 Art Lane.
Newark, *Old College Historic District* (*Delaware College*), Main and College Streets.
Newark, *Rotheram Mill House*, 318 Harmony Road.
Newark, *Welsh Tract Baptist Church*, Welsh Tract Road.
Newark vicinity, *Cooch's Bridge Historic District*, north of Newark off Delaware 896.
Newark vicinity, *Mermaid Tavern*, northeast of Newark on Delaware 7 (12–18–73).

Newark vicinity, *Mill Creek Friends Meetinghouse*, 6 miles north of Newark on Landenburg Road.
Newark vicinity, *White Clay Creek Presbyterian Church*, about 2 miles northeast of Newark on Delaware 2 at Delaware 324.
Newport, *Red Clay Creek Presbyterian Church*, corner of Mill Creek and McKennan's Church Roads.
Odessa, *Appoquinimink Friends Meeting House*, Main Street.
Odessa, **Corbit-Sharp House*, southwest corner of Main and Second Streets.
Odessa, *Odessa Historic District*, bounded by Appoquinimink Creek on the southeast; by the rear property lines of properties fronting on High Street on the northeast; on the northwest by Fourth Street; and on the southwest by the rear lines of properties fronting on Main Street.
Odessa vicinity, *Beard, Duncan, Site*, south of Odessa off U.S. 13 at Mathews Corners (12–18–73).
Odessa vicinity, *Old Drawyers Church* (*Drawyers Church*), 1 mile north of Odessa on U.S. 13.
Odessa vicinity, *Shallcross, Sereck, House*, west of Odessa off U.S. 13.
Odessa vicinity, *Williams House* (*Woodlawn*), 1.2 miles northwest of Odessa on Marl Pit Road.
Port Penn vicinity, *Augustine Beach Hotel*, south of Port Penn on Delaware 9.
Port Penn vicinity, *Dilworth House*, off Delaware 9 (11–27–73).
Porter vicinity, *New Castle and Frenchtown Railroad Right-of-way*, off U.S. 40 between Porter, Del., and Frenchtown, Md. (also in Cecil County, Md.).
Rockland, *Rockland*, intersection of Rockland and Mount Lebanon Roads, Brandywine, and Routes 232 and 235.
St. Georges, *Sutton House*, Broad and Delaware Streets.
Smyrna vicinity, *Clearwater Farm*, north of Smyrna on Delaware 9.
Smyrna vicinity, *Old Brick Store*, northeast of Smyrna off U.S. 13 (8–14–73).
Stanton vicinity, *Hale-Byrnes House*, south of Stanton at corner of Routes 7 and 4.
Stanton vicinity, *St. James Church*, west of Stanton on St. James Church Road.
Taylor's Bridge vicinity, *Hart House*, east of Taylor's Bridge on Delaware 453.
Taylor's Bridge vicinity, *Huguenot House*, west of Taylor's Bridge on Delaware 9.
Taylor's Bridge vicinity, *Liston House*, east of Taylor's Bridge on Delaware 453.
Wilmington, *Brandywine Village Historic District*, bounded roughly by Tatnall Street, 22d Street, Vandever Avenue, Mabel Street, and Brandywine Creek.
Wilmington, *Breck's Mill Area* (*Henry Clay Village*), Breck's Lane and Creek Road.
Wilmington, *Continental Army Encampment Site*, Lovering Avenue near Broom Street (12–18–73).
Wilmington, *Dingee, Jacob, House*, 105 East Seventh Street.
Wilmington, *Dingee, Obadiah, House*, 107 East Seventh Street.
Wilmington, *Ferris, Zachariah, House*, 414 West Second Street.
Wilmington, **Fort Christina Monument*, E. 7th Street and the Christine River, Fort Christina State Park.
Wilmington, **Holy Trinity* (*Old Swedes*) *Church*, Seventh and Church Streets.
Wilmington, *Laurel*, 619 Shipley Road (12–4–74).
Wilmington, *Lombardy Hall*, U.S. 202.
Wilmington, *Louviers* (*Upper Louviers and Black Gates*), 10 Black Gates Road.
Wilmington, *Lower Louviers and Chicken Alley*, 1 Black Gates Road.
Wilmington, *McLane, Louis, House*, 606 Market Street.
Wilmington, *Masonic Hall and Grand Theater, The*, 818 North Market Street.
Wilmington, *Mendenhall, Captain Thomas, House*, 205 East Front Street.
Wilmington, *Old Customshouse*, 6th and King Streets (11–21–74).
Wilmington, *Old First Presbyterian Church of Wilmington*, West Street on the Brandywine Park Drive.
Wilmington, *Old Town Hall*, 512 Market Street (12–31–74).
Wilmington, *Starr House*, 1310 King Street.
Wilmington, *Walker's Mill and Walker's Banks*, east bank of Brandywine at Rising Sun Lane Bridge.
Wilmington, *Woodstock*, 102 Middleboro Road (9–7–73).
Wilmington vicinity, *Village of Adren*, 6 miles north of Wilmington.
Wilmington vicinity, *Brandywine Manufacturers Sunday School*, north of Wilmington on Hagley Road.
Wilmington vicinity, **Eleutherian Mills*, north of Wilmington on Delaware 141 at Brandywine Creek Bridge.
Wilmington vicinity, *Lobdell Estate* (*Minquadale Home*), off U.S. 13.
Wilmington vicinity, *The Winterthur Museum and Gardens*, 6 miles northwest of Wilmington on Delaware 52.
Wooddale, *Wooddale Bridge*, over Red Clay Creek off Delaware 48.

Sussex County

Cool Spring vicinity, *Fisher House*, southeast of Cool Spring, Broadkill Hundred.
Dagsboro vicinity, *Prince George's Chapel*, east of Dagsboro on Delaware 26.
Delmar, *Highball Signal*, City Park, near Penn-Central Railroad.
Georgetown, *First Broiler House*, University of Delaware Experiment Station (7–3–74).
Georgetown, *Old Sussex County Courthouse*, South Bedford Street.
Georgetown, *Sussex County Courthouse and the Circle*, The Circle.
Laurel vicinity, *Old Christ Church*, on the south side of Chipman's Pond at the junction of County Routes 465 and 465A.
Lewes, *DeVries Palisade*, Pilottown Road at DeVries Monument.
Lewes, *Fisher's Paradise*, 624 Pilottown Road.
Lewes, *Maull House*, 542 Pilottown Road.
Lewes vicinity, *Pagan Creek Dike*, west of Lewes on Pagan Creek near New Road.
Lewes vicinity, *St. George's Chapel*, 9 miles southwest of Lewes on Delaware 5.
Milford vicinity, *Abbott's Mill*, southwest of Milford on Delaware 442.
Millsboro vicinity, *Carey's Camp Meeting Ground*, off Delaware 24 west of Millsboro.
Milton, *Draper-Adkins House*, 204 Federal Street.
Milton, *Hazzard House*, 327 Union Street.
Milton, *Ponder, Governor James, House*, 416 Federal Street.
Woodland, *Cannon's* (*Woodland*) *Ferry*, across the Nanticoke River.

District of Columbia

Washington

Adams Memorial, Webster Street and Rock Creek Church Road NW.
Adas Israel Synagogue, Third and G Streets NW.
**Administration Building, Carnegie Institution of Washington*, 1530 P Street NW.
**American National Red Cross*, 17th and D Streets NW.
American Security and Trust Company, 15th and Pennsylvania Avenue NW. (7–16–73).
Anderson, Larz, House, 2118 Massachusetts Avenue NW.
**Aqueduct*, MacArthur Boulevard.
**Army Medical Museum* (*Medical Museum*), Armed Forces Institute of Pathology Building, Walter Reed Army Medical Center, 13th Street and Fern Place NW.
Arts Club of Washington, 2017 I Street NW.
**Arts and Industries Building, Smithsonian Institution*, 900 Jefferson Drive SW.
**Ashburton House* (*St. John's Church Parish House*), 1525 H Street NW.
Bank of Columbia, 3210 M Street NW.
Battleground National Cemetery, 6625 Georgia Avenue NW.
Bayly, Mountjoy/Johnson, Hiram, House, 122 Maryland Avenue NE. (7–20–73).
Bearle, Joseph, House, 2301 Massachusetts Avenue NW.
Belmont, Perry, House (*International Eastern Star Temple*), 1613 New Hampshire Avenue NW.
Canadian Embassy, 1746 Massachusetts Avenue NW.
Central Public Library, Mount Vernon Square, Eighth and K Streets NW.
**Chapel Hall, Gallaudet College*, Florida Avenue and Seventh Street NE.
Chesapeake and Ohio Canal National Historical Park (see Allegany County, Md.).
Christ Church, 620 G Street SE.
Christ Church, 3116 O Street NW.
Church of the Epiphany, 1317 G Street NW.
**City Hall* (*District Courthouse*), Fourth and E Streets NW.
Civil War Fort Sites, Civil War forts from Battery Kemble NW., to Fort Greble SW. (7–15–74).
Commandant's Office, Washington Navy Yard, Montgomery Square and Dahlgren Avenue (8–14–73).
Conduit Road Schoolhouse, 4954 MacArthur Boulevard NW. (11–30–73).
Congressional Cemetery, 1801 E Street SE.
Corcoran Gallery of Art, 17th Street at New York Avenue NW.
Cosmos Club, 2121 Massachusetts Avenue NW.
Customhouse and Post Office, 1221 31st Street NW.
Decatur House, 748 Jackson Place NW.
District Building, southeast corner of 14th and E Streets NW.
Dumbarton Bridge (*Q Street Bridge*), Q Street, over Rock Creek Park at 23d Street NW. (7–16–73).
Duncanson-Cranch House, 468–470 N Street SW. (7–26–73).
East Capital Street Car Barn, 1400 East Capitol Street NE. (2–5–74).
East and West Potomac Parks, bounded by Constitution Avenue, 17th Street, Independence Avenue, Washington Channel, Potomac River, and Rock Creek Park (11–30–73).
Eastern Market, Seventh and C Streets SE.
800 Block of F Street NW., 800–818 F Street and 527 9th Street NW. (4–2–74).
Evermay, 1623 28th Street NW.
**Executive Office Building*, southeast corner, Pennsylvania Avenue and 17th Street NW.
Folger Shakespeare Library, 201 East Capitol Street SE.
Ford's Theatre National Historic Site, 10th Street NW. between E and F Streets.
Forrest-Marbury House, 3350 M Street NW.
Franklin School, 13th and K Streets NW.
Frederick Douglass Home, 1411 W Street SE.
Freer Gallery of Art, 12th Street and Jefferson Drive SW.
Friendship House (*The Maples*), 619 D Street SE.
Gallaudet College Historic District, Florida Avenue and 7th Street NE. (9–10–74).
**Georgetown Historic District*.
Georgetown Market, 3276 M Street NW.
Georgetown University Astronomical Observatory, 37th and O Streets NW.
Godey Lime Kilns, Rock Creek and Potomac Parkway at 27th and L Streets NW. (11–2–73).
Grace Protestant Episcopal Church, 1041 Wisconsin Avenue NW.
Halcyon House, 3400 Prospect Street NW.
Haw, John Stoddert, House, 2808 N Street NW. (7–16–73).

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Healy Building, Georgetown University, Georgetown University campus.
Heurich (Christian) Mansion, 1307 New Hampshire Avenue NW.
The Highlands (Sidwell Friends School), 3825 Wisconsin Avenue NW.
Holt House, Adams Mill Road, in National Zoological Park.
Howard Hall, Howard University campus (2-12-74).
Howard Theatre, 620 T Street NW. (2-15-74).
Hughes, Charles Evans, House, 2223 R Street NW.
Indonesian Embassy (Walsh-McLean House), 2020 Massachusetts Avenue NW.
Japanese Embassy, 2520 Massachusetts Avenue NW.
Jefferson Memorial, south bank of the Tidal Basin.
Lafayette Square Historic District, includes those buildings fronting on H Street, Jackson Place, Madison Place, and Pennsylvania Avenue.
Lansburgh, Julius, Furniture Co., Inc., 909 F Street NW. (5-8-74).
Law, Thomas, House, 1252 Sixth Street SW. (8-14-73).
LeDroit Park Historic District, bounded roughly by Florida and Rhode Island Avenues, Second and Elm Streets, Howard University Stadium and Bohrer Street (2-25-74).
Lenthall Houses, 612-614 19th Street NW.
Lewis, Edward Simon, House, 456 N Street SW. (7-23-73).
Lincoln Memorial, West Potomac Park.
The Lindens, 2401 Kalorama Road NW.
Lockkeeper's House, C&O Canal Extension, southwest corner of 17th Street and Constitution Avenue NW. (11-30-73).
Logan Circle Historic District.
Luther Place Memorial Church, 1226 Vermont Avenue NW. (7-16-73).
McCormick Apartments, 1785 Massachusetts Avenue NW.
Main Gate, Washington Navy Yard, Eighth and M Streets SE. (8-14-73).
Marine Corps Commandant's House, 801 G Street SE.
Massachusetts Avenue Historic District, both sides of Massachusetts Avenue between 17th Street and Observatory Circle NW (10-22-74).
Memorial Continental Hall, 17th Street, between C and D Streets NW.
Meridian House (Washington International Center), 1630 Crescent Place NW. (5-8-73).
Metropolitan African Methodist Episcopal Church, 1518 M Street NW. (7-26-73).
National Academy of Sciences, 2101 Constitution Avenue NW. (3-15-74).
The National Archives, Constitution Avenue between Seventh and Ninth Streets NW.
National Bank of Washington, Washington Branch, 301 Seventh Street NW. (5-8-74).
National Cathedral (Cathedral Church of St. Peter and St. Paul and Close), Wisconsin and Massachusetts Avenues NW. (5-3-74).
National Savings and Trust Company, New York Avenue and 15th Street NW.
National War College, P Street between Third and Fourth Streets SW., Fort Leslie J. McNair.
National Zoological Park, 3000 block of Connecticut Avenue NW.
Oak Hill Cemetery Chapel, R Street at 29th Street NW.
Octagon House, 1799 New York Avenue NW.
Old Naval Hospital, 921 Pennsylvania Avenue SE. (5-3-74).
Old Naval Observatory, 23d and E Streets NW.
Old Patent Office, F Street between Seventh and Ninth Streets NW.
Old Post Office and Clock Tower, Pennsylvania Avenue and 12th Street NW.
Old Stone House, 3051 M Street NW. (11-30-73).
Owens, Isaac, House (Gannt-Williams House), 2806 N Street NW.
Pan American Union, 17th Street between C Street and Constitution Avenue NW.
Pennsylvania Avenue National Historic Site.
Pension Building, F and G Streets between Fourth and Fifth Streets NW.
Philadelphia (gundelo), Smithsonian Institution, Museum of History and Technology, 14th Street and Constitution Avenue NW.
Phillips, Duncan, House, (The Phillips Collection) 1600-1614 21st Street NW. (8-14-73).
Pierce Mill, Rock Creek Park, northwest corner of Tilden Street and Beach Drive NW.
Pierce Springhouse and Barn, 2400 block of Tilden Street NW. (10-25-73).
Pierce-Klingle Mansion, 3545 Williamsburg Lane Northwest (10-10-73).
President's House, Gallaudet College, Seventh and Florida Avenue NE. (2-15-74).
Prospect House, 3508 Prospect Street NW.
Quality Hill (Mason, John Thomas, House), 3425 Prospect Street NW.
Quarters A, Washington Navy Yard, East of the Main Gate and South of M Street SE. (8-14-73).
Quarters B, Washington Navy Yard, Charles Morris Avenue (8-14-73).
Renwick Museum, northeast corner of Pennsylvania Avenue and 17th Street NW.
Rhodes Tavern (Hotel), 601-3 15th Street and 1431 F Street NW.
Richards, Zalmon, House, 1301 Corcoran Street NW.
Riggs National Bank (Washington Loan and Trust Co. Branch), southwest corner of Ninth and F Streets NW.
Riggs National Bank, 1503-05 Pennsylvania Avenue NW. (7-16-73).
Ringgold-Carroll House, 1801 F Street NW. (7-26-73).
Rosedale, 3501 Newark Street NW.
St. Aloysius Catholic Church, North Capitol and I Streets NW. (7-26-73).
St. John's Church, 16th and H Streets NW.
St. Mark's Church, Capitol Hill, Third and A Streets SE.
St. Mary's Episcopal Church, 730 23d Street NW.
St. Matthews Cathedral and Rectory, 1725-1739 Rhode Island Avenue NW. (1-24-74).
St. Paul's Episcopal Church, Rock Creek Church Road and Webster Street NW.
Sewall-Belmont House, 144 Constitution Avenue NE.
Smithsonian Building, Jefferson Drive at 10th Street SW.
Sulgrave Club, 1801 Massachusetts Avenue NW.
Tariff Commission Building, E and F Streets between Seventh and Eighth Streets, NW.
Tucker House and Myers House, 2310-2320 S Street NW. (8-14-73).
Tudor Place, 1644 31st Street NW.
Union Station, Massachusetts and Delaware Avenues NW.
U.S. Capitol Gatehouses and Gateposts, on Constitution Avenue, Seventh and 17th Streets (11-30-73).
U.S. Court of Military Appeals, 450 E Street NW. (1-21-74).
U.S. Department of Agriculture Administration Building, 12th and Jefferson Drive SW. (1-24-74).
U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW.
U.S. Marine Barracks Buildings, Eighth and I Streets SE.
U.S. National Arboretum, 24th and R Streets NE.
U.S. Soldiers' and Airmen's Home, Rock Creek Church Road NW.
Vigilant Firehouse, 1066 Wisconsin Avenue NW.
Volta Bureau, 3414 Volta Place NW.
Warder-Totten House, 2633 16th Street NW.
Washington Club, 15 Dupont Circle NW.
Washington Monument, The Mall between 14th and 17th Streets.
Washington Navy Yard Historic District, bounded by Isaac Hull Avenue, M and Ninth Streets and the Anacostia River.
Wheat Row, 1315-1321 Fourth Street SW. (7-23-73).
Whittemore House (Woman's National Democratic Club), 1526 New Hampshire Avenue NW. (7-16-73).
Willard Hotel, 1401-09 Pennsylvania Avenue NW. (2-15-74).
Wilson, Woodrow, House, 2340 S Street NW.
Winder Building, 604 17th Street (northwest corner 17th and F Streets).

Florida

Alachua County

Alachua vicinity, *Newnansville Town Site*, 1.5 miles northeast of Alachua (12-4-74).
Cross Creek, *Rawlings, Majorie Kinnan, House*, Florida 325, 0.25 mile south of the creek.
Gainesville, *Bailey, Major James B., House*, 1121 Northwest Sixth Street.
Gainesville, *Buckman Hall*, Northwest 17th Street, University of Florida campus (1-11-74).
Gainesville, *Epworth Hall*, 419 Northeast First Street (7-25-73).
Gainesville, *Hotel Thomas*, bounded by Northeast Second and Fifth Streets and Northeast Sixth and Seventh Avenues (7-16-73).
Gainesville, *Matheson House*, 528 Southeast First Avenue.
Gainesville, *Thomas Hall*, Fletcher Drive on University of Florida campus (10-1-74).
Windsor vicinity, *Neilson House*, North of Windsor off S.R. 325.
Rochelle, *Rochelle School*, off Florida 234.
Sanderson vicinity, *Burnsed Blockhouse*, North of Sanderson off Jacksonville Road.

Baker County

Olustee vicinity, *Olustee Battlefield*, 2 miles east of Olustee on U.S. 90 (8-12-76).

Bradford County

Starke, *Old Bradford County Courthouse*, 209 West Call Street (12-27-74).

Brevard County

Sebastian vicinity, *Spanish Fleet Survivors and Salvors Camp Site*, between Sebastian and Sebastian Inlet (8-12-70).
Titusville, *St. Gabriel's Episcopal Church*, 414 Palm Avenue.
Titusville vicinity, *Launch Complex 39*, Kennedy Space Center.

Broward County

Fort Lauderdale, *New River Inn (City Hall Annex)*, 229 Southwest Second Avenue.
Fort Lauderdale, *Stranahan House*, 335 Southeast Sixth Avenue (10-2-73).
Olustee vicinity, *Olustee Battlefield*, 2 miles east of Olustee on U.S. 90.

Clay County

Hibernia vicinity, *St. Margaret's Episcopal Church*, Old Church Road.

Collier County

Chokoloskee Island, *Smallwood, Ted, Store*, Florida 29 in Everglades National Park (7-24-74).
Naples, *Seaboard Coast Line Railroad Depot*, 1051 Fifth Avenue, South (9-10-74).

Columbia County

Lake City, *Henderson, T. G., House*, 207 South Marion Street (7-24-73).

Dade County

Cape Florida, *Cape Florida Lighthouse*, southeastern tip of Key Biscayne off U.S. 1.
Coconut Grove, *El Jardin*, 3747 Main Highway (8-30-74).
Coconut Grove, *Plymouth Congregational Church*, 3429 Devon Road (7-23-74).
Coconut Grove, *Ransom School Pagoda*, 3575 Main Highway (7-25-73).
Coral Gables, *Coral Gables City Hall*, 405 Biltmore Way (7-24-74).
Coral Gables, *Douglas Entrance (La Puerta del Sol)*, intersection of Douglas Road and Eighth Street SW.
Coral Gables, *Merrick Manor*, 907 Coral Way.
Coral Gables, *Miami-Biltmore Hotel* (VA Hospital), 1210 Anastasia Avenue.
Florida City, *Florida Pioneer Museum*, 0.5 mile south of Lucy Street on S.R. 27 (Krome Avenue) (3-14-73).
Miami (Coconut Grove), *Munroe, Ralp M., House*, 3485 Main Highway.
Miami, *Gesu Church*, 118 Northeast Second Street (7-18-74).
Miami, *Halissee Hall*, 1700 N.W. 10th Avenue (10-1-74).
Miami, *Miami Women's Club*, 1737 North Bayshore Drive (12-27-74).
Miami, *Vizcaya (James Deering Estate)*, 3251 South Miami Avenue.
North Miami Beach, *Old Spanish Monastery*, 16711 West Dixie Highway.
South Miami, *Allen, Hervey, Study (Glade Estates)*, 8251 Southwest 52d Avenue (5-7-74).

Duval County

Jacksonville, *Broward, Napoleon Bonaparte, House*, 9953 Heckshire Drive.
Jacksonville, *Catherine Street Fire Station*, 14 Catherine Street.
Jacksonville, *Epping Forest*, Christopher Point, off San Jose Boulevard.
Jacksonville, *Kingsley Plantation*, Florida A1A.
Jacksonville, *Old St. Luke's Hospital*, 314 Palmetto.
Jacksonville, *Red Banks Plantation*, 1230 Greenridge Road.
Jacksonville, *Riverside Baptist Church*, 2650 Park Street.
Jacksonville vicinity, *Fort Caroline National Memorial*, 10 miles east of Jacksonville.
Jacksonville vicinity, *Yellow Bluff Fort*, South of Florida 105 on New Berlin Road.

Escambia County

Pensacola, *Buccaneer* (schooner), Municipal Wharf.
Pensacola, *Dorr, Clara Barkley, House*, 311 South Adams Street (7-24-74).
Pensacola, *Fort George Site*, La Rua and Palafox Streets (7-8-74).
Pensacola, *Fort San Carlos de Barrancas*, U.S. Naval Air Station.
Pensacola, *L. & N. Marine Terminal Building*, Commendencia Street Wharf.
Pensacola, *Lavalle House*, 203 East Church Street.
Pensacola, *Old Christ Church*, 405 South Adams Street (5-3-74).
Pensacola, *Pensacola Historic District.*
Pensacola, *Pensacola Lighthouse & Keeper's Quarters*, Pensacola Naval Air Station (7-15-74).
Pensacola, *Plaza Ferdinand VII*, Palafox Street between Government and Zarragossa Streets.
Pensacola, *St. Michael's Creole Benevolent Association Hall*, 416 East Government Street (5-3-74).
Pensacola Beach vicinity, *Fort Pickens*, U.S. 98 west of Pensacola Beach.

Flagler County

Bunnell vicinity, *Bulow Plantation Ruins*, southeast of Bunnell off Florida S-5A.

Franklin County

Apalachicola, *Raney, David G., House*, southwest corner of Market Street and Avenue F.
Apalachicola, *Trinity Episcopal Church*, Avenue D and Sixth Street.
Apalachicola vicinity, *Pierce Site*, northwest of Apalachicola (1-11-74).
Little St. George Island, *Cape St. George Light*, southern point of Little St. George Island (9-10-74).
St. Teresa vicinity, *Yent Mound*, east of St. Teresa off U.S. 98.
Sumatra vicinity, *Fort Gadsden Historic Memorial*, 6 miles southwest of Sumatra.

Gadsden County

Chattahoochee, *U.S. Arsenal Officers Quarters*, U.S. 90.
Quincy, *Love, E. C., House*, 219 North Jackson Street (12-30-74).
Quincy, *McFarlin, John Lee, House*, 305 East King Street (12-27-74).
Quincy, *Methodist Parsonage*, 212 North Madison Street.
Quincy, *Quincy Library*, 303 N. Adams Street (9-9-74).

Hillsborough County

Ruskin, *Miller, George McA., House*, 508 Tamiami Trail (7-23-74).
Ruskin vicinity, *Cockroach Key*, west of Ruskin about 3 miles south of the mouth of Little Manatee River (12-4-73).
Tampa, *Centro Asturiano*, 1913 Nebraska Avenue (7-24-74).
Tampa, *Chapin House*, 4607 Bayshore Boulevard (7-24-74).
Tampa, *Circulo Cubano de Tampa* (Cuban Club), 10th Avenue and 14th Street.
Tampa, *El Centro Espanol of West Tampa*, 2306 North Howard Street (7-30-74).
Tampa, *El Pasoje*, 14th Street.
Tampa, *Federal Building, U.S. Courthouse, Dowtown Postal Station*, 601 Florida Avenue (6-7-74).
Tampa, *House at 1415 North Franklin Street* (9-17-74).
Tampa, *Johnson-Wolf House*, 6823 South DeSoto Street (7-24-74).
Tampa, *Leiman House*, 716 South Newport (9-9-74).
Tampa, *Levick House*, 2202 North Highland Street (7-30-74).
Tampa, *Old School House*, Lafayette Street, University of Tampa campus (12-4-74).
Tampa, *Stovall House*, 4621 Bayshore Boulevard (9-4-74).
Tampa, *Taliaferro, T. C., House*, 305 S. Hyde Park (10-1-74).
Tampa, *Tampa Bay Hotel*, 401 West Kennedy Boulevard.
Tampa, *Tampa City Hall*, 315 John F. Kennedy Blvd., East (10-1-74).
Tampa, *Union Railroad Station*, 601 North Nebraska Street (6-5-74).
Tampa, *Ybor City Historic District*, irregular pattern on both sides of East Broadway between 12th and 22nd Sts. (8-28-74).
Tampa, *Ybor Factory Building*, Seventh Avenue between 12th and 13th Streets.
Zephyrhills vicinity, *Fort Foster*, c. 9 miles south of Zephyrhills.

Indian River County

Sebastian vicinity, *Pelican Island National Wildlife Refuge*, east of Sebastian in the Indian River.

Jackson County

Greenwood, *Erwin House*, Fort Road, east of Florida 71 (6-5-74).
Greenwood, *Great Oaks*, Greenwood Highway (Florida 71).
Greenwood, *Pender's Store*, near intersection of Florida 71 and 69 (5-3-74).
Marianna, *Ely-Criglar House*, 242 West Lafayette Street.
Marianna, *West, Theophilus, House*, 403 Putnam Street.
Marianna vicinity, *Waddells Mill Pond*, about 7 miles northwest of Marianna.

Jefferson County

Capps vicinity, *May, Asa, House*, on U.S. 19, about 0.5 mile north of its intersection with U.S. 27.
Lamont vicinity, *San Miguel de Asile Mission Site*, south of Lamont (12-17-74).
Lloyd, *Lloyd Railroad Depot*, near intersection of SR 59 and Lester Lawrence Road (12-2-74).
Lloyd vicinity, *San Joseph de Ocuya Site*, about 17 miles east of Tallahassee.
Monticello, *Perkins Opera House*, Washington Street and Courthouse Square.
Monticello, *Wirick-Simmons House*, southeast corner of Jefferson and Pearl Streets.
Monticello vicinity, *Lyndhurst Plantation*, 15 miles northeast of Monticello, off Ashville Road.
Tallahassee vicinity, *San Juan de Aspalaga Site*, about 16 miles east of Tallahassee.

Lake County

Fruitland Park, *Holy Trinity Episcopal Church*, Spring Lake Road (12-27-74).
Leesburg, *Mote-Morris House*, 1021 North Main Street (12-27-74).

Lee County

Port Myers Beach vicinity, *Mound Key*, south of Fort Myers Beach in Koreshan State Park, on Estero Bay.
Pine Island vicinity, *Demere Key (8L131)*, off western shore of Pine Island, in Pine Island Sound.
Pineland, *Pineland Site*, on Pine Island (11-27-73).
Sanibel, *Sanibel Lighthouse and Keeper's Quarters*, Point Ybel on Sanibel Island (10-1-74).

Leon County

Tallahassee, *Brokaw-McDougall House*, 329 North Meridian (7-24-72).
Tallahassee, *Call, Governor Richard Keith, House (The Grove)*, Adams and First Avenue.
Tallahassee, *Cascades Park*, bounded roughly by Apalachee Parkway and East Bloxham Street on the north, Suwanee Street on the east, the State property line on the south and South Monroe and Meridian Streets on the west.
Tallahassee, *First Presbyterian Church*, 102 N. Adams Street (9-9-74).
Tallahassee, *Florida State Capitol*, South Monroe Street.
Tallahassee, *Goodwood (Old Croom Mansion)*, 1500 Miccosukee Road.
Tallahassee, *Tallahassee Historic District*, zones I and II.
Tallahassee, *Union Bank*, Apalachee Parkway and Calhoun Street (11-13-74).
Tallahassee vicinity, *Bellevue*, southwest of Tallahassee, on Big Bend Pioneer Farm.
Tallahassee vicinity, *Escambé (San Cosmo y San Damias de Escambé)*, 3 miles northwest of Tallahassee, adjacent to and north of Interstate 10, 0.5 mile west of Old Bainbridge Road.
Tallahassee vicinity, *Lake Jackson Mounds*, 4.5 miles north of Tallahassee via U.S. 27, on the south shore of Lake Jackson.
Tallahassee vicinity, *Pisgah United Methodist Church*, north of Tallahassee, off Florida 151 (5-3-74).
Tallahassee vicinity, *San Luis de Apalache*, 2 miles west of Tallahassee on U.S. 90.
Tallahassee vicinity, *San Pedro y San Pablo de Patole*, about 6 miles east of Tallahassee on Buck Lake Road.
Woodville vicinity, *Natural Bridge Battlefield*, 6 miles east of Woodville on U.S. 319.

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Liberty County

Bristol vicinity, *Torreya State Park*, 13 miles northeast of Bristol on Florida 12.

Madison County

Madison, *Dial, William M., House*, 105 Northeast Marion Street (7–24–73).
Madison, *Wardlaw-Smith House*, 103 North Washington Street.

Manatee County

Bradenton vicinity, *De Soto National Memorial*, 5 miles west of Bradenton.
Ellenton, *Gamble, Robert, House (Judah P. Benjamin Memorial)*, on U.S. 301.
Terra Ceia Island, *Madira Bickel Mound*, U.S. 19.

Martin County

Stuart vicinity, *House of Refuge at Gilbert's Bar*, Hutchinson Island, between Negro and Bessie Coves (5–3–74).

Monroe County

Dry Tortugas Island, *Fort Jefferson National Monument*, 68 miles west of Key West in the Gulf of Mexico.
Key Largo vicinity, *John Pennekamp Coral Reef State Park and Reserve*, U.S. 1.
Key West, *The Armory*, 600 White Street.
Key West, *East Martello Tower*, South Roosevelt Boulevard.
Key West, *Fort Zachary Taylor*, U.S. Naval Station.
Key West, *Gato Eduardo H., House*, 1209 Virginia Street.
Key West, **Hemingway, Ernest, House*, 907 Whitehead Street.
Key West, *Key West Historic District.*
Key West, *Little White House (Quarters "A")*, Naval Station (2–15–74).
Key West, *Old Post Office and Customs House*, Front Street (9–20–73).
Key West, *Porter, Dr. Joseph Y., House*, 429 Caroline Street.
Key West, *U.S. Coast Guard Headquarters, Key West Station*, northwest corner of Front and Whitehead Streets.
Key West vicinity, *Sand Key Lighthouse*, 7 miles southwest of Key West on Sand Key.
Miami vicinity, *Indian Key*, 75 miles south of Miami between upper and lower Matecumbe Key.

Nassau County

Fernandina Beach, *Bailey House*, northeast corner of Seventh and Ash Streets.
Fernandina Beach, *Fairbanks House*, 227 South Seventh Street.
Fernandina Beach, *Fernandina Beach Historic District* (7–20–73).
Fernandina Beach, *The Tabby House, (C. W. Lewis House)*, northwest corner of Seventh and Ash Streets.
Fernandina Beach vicinity, *Fort Clinch*, 3 miles north of Fernandina Beach on Florida A1A.

Okaloosa County

Fort Walton Beach, **Fort Walton Mound*, U.S. 98.

Okeechobee County

Okeechobee vicinity, **Okeechobee Battlefield*, 4 miles southeast of Okeechobee on U.S. 441.

Orange County

Orlando, *Newell, George R., House*, 624 South Lake Avenue (12–30–74).
Winter Park, *The Parsonage*, Fairbanks Avenue at Chase Avenue (10–2–73).

Palm Beach County

Canal Point vicinity, *Big Mound City*, about 10 miles east of Canal Point.
Jupiter, *Jupiter Inlet Lighthouse*, at the juncture of Loxahatchee River and Jupiter Sound (10–15–73).
Palm Beach, *Bingham-Blossom House*, 1250 South Ocean Boulevard.
Palm Beach, *Breakers Hotel Complex*, South County Road (8–14–73).
Palm Beach, *Breleford House*, 1 Lake Trail (5–3–74).
Palm Beach, *Paramount Theatre Building*, 145 North County Road (12–2–73).
Palm Beach, *Whitehall (Henry Morrison Flagler House)*, Whitehall Way.
West Palm Beach, *Seaboard Coast Line Railroad Passenger Station*, Tamarind Avenue and Datura Street.

Pinellas County

Dunedin, *Andrews Memorial Chapel*, corner of Buena Vista and San Mateo.
Safety Harbor vicinity, **Safety Harbor Site*, Philippe Park, 1 mile northeast of Safety Harbor.
St. Petersburg, *Weeden (Weedon) Island Site*, Weeden Island Road, 1 mile south of Gandy Boulevard at Tampa Bay.
Tarpon Springs, *Safford House*, Parken Place (10–16–74).
Tarpon Springs, *Tarpon Springs Sponge Exchange*, Dodecanese Street.

Polk County

Bartow, *South Florida Military College*, 1100 South Broadway.
Lake Wales vicinity, *Bok Mountain Lake Sanctuary and Singing Tower*, 2 miles north of Lake Wales.

Putnam County

Crescent City, *Hubbard House*, 600 North Park Street (8–14–73).
Palatka, *Bronson-Mulholland House*, Madison Street between First and Second Streets.
Palatka, *St. Marks Episcopal Church*, Main and Second Streets.
Welaka vicinity, *Mount Royal*, about 3 miles south of Welaka.

St. Johns County

St. Augustine, *Alcazar Hotel*, 79 King Street.
St. Augustine, *Avero House*, 39 St. George Street.
St. Augustine, *Castillo de San Marcos National Monument*, 1 Castillo Drive.
St. Augustine, **Cathedral of St. Augustine*, Cathedral Street between Charlotte and St. Georges Streets.
St. Augustine, *Lindsley House*, 241 St. George Street.
St. Augustine, **Llambias House*, 31 St. Francis Street.
St. Augustine, **Oldest House*, 14 St. Francis Street.
St. Augustine, *O'Reilly House*, 131 Aviles Street (10–15–74).
St. Augustine, *Rodriguez-Avero-Sanchez House*, 52 St. George Street.
St. Augustine, *St. Augustine Historic District.*
St. Augustine, *Ximenez-Fatio House*, 20 Aviles Street (7–25–73).
St. Augustine, *Sanchez Powder House Site*, on Marine Street, 300 feet south of the intersection of Marine and Hedrick Streets.
St. Augustine, *Ximenz-Fatio House*, 20 Viles Street (7–25–73).
St. Augustine vicinity, *Fish Island Site*, south of the city boundary near the Matanzas River.
St. Augustine vicinity, *Fort Matanzas National Monument*, 15 miles south of St. Augustine.
St. Augustine Beach, *Spanish Coquina Quarries*, Florida A1A, Anastasia State Park.

St. Lucie County

Fort Pierce, *Fort Pierce Site*, South Indian River Drive (1–11–74).

Seminole County

Altamonte Springs, *Bradlee-McIntyre House*, Massachusetts Park Place and Florida 436, 1 mile east of Interstate 4.

Sumter County

Bushnell vicinity, **Dade Battlefield Historic Memorial*, about 1 mile west of Bushnell and 0.6 mile west of U.S. 301.

Suwannee County

Live Oak vicinity, *Hull-Hawkins House*, about 10 miles south of Live Oak on Florida 49.

Volusia County

DeBary, *DeBary Hall*, DeBary Mansion State Park.
Enterprise, *All Saint's Episcopal Church*, corner of DeBary Avenue NE., and Clark Street (5–3–74).
New Smyrna Beach vicinity, *New Smyrna Sugar Mill Ruins*, 1 mile west off Florida 44.
New Smyrna Beach vicinity, *Turtle Mound*, Florida A1A, 9 miles south of New Smyrna Beach.
Ormond Beach, *The Casements*, 15 East Granada Avenue.
Ormond Beach, *Ormond Garage*, 79 East Granada Avenue.
Ormond Beach vicinity, *Nocoroco*, 2 miles north of Ormond Beach on Old Dixie Highway.
Ponce de Leon Inlet vicinity, *Ponce de Leon Inlet Lighthouse*, U.S. Coast Guard Reservation.
Port Orange vicinity, *Dunlawton Plantation-Sugar Mill Ruins*, west of Port Orange off Nova Road (8–28–73).

Wakulla County

Wakulla Beach vicinity, *Bird Hammock*, about 2 miles north of Wakulla Beach (12–15–72).
St. Marks, **Fort San Marcos de Apalache*, 18 miles south of Tallahassee on U.S. 319 and Florida 363.
St. Marks National Wildlife Refuge, *St. Marks Lighthouse*, north side of Apalachee Bay at Route 59 terminating point.

Walton County

DeFuniak Springs, *Chautauqua Auditorium*, Circle Drive.

Georgia

Baldwin County

Milledgeville, *Atkinson Hall, Georgia College*, Georgia College campus.
Milledgeville, *Milledgeville Historic District*, bounded by Irwin, Thomas, and Warren Streets, and Fishing Creek.
Milledgeville, *Former Governor's Mansion*, 120 South Clark Street (5–13–70).
Milledgeville, *Old State Capitol*, Greene Street.

Barrow County

Winder vicinity, *Fort Yargo*, Fort Yargo State Park, Georgia 81.

Bartow County

Cartersville, *Roselawn (Sam Jones House)*, 244 Cherokee Avenue.
Cartersville vicinity, **Etowah Mounds*, 3 miles south of Cartersville on Georgia 61.
Cartersville vicinity, *Valley View*, Euharlee Road, southwest of Cartersville (5–8–74).

Bibb County

Macon, *Anderson, Captain R. J. House*, 1730 West End Avenue.
Macon, *Anderson, Judge Clifford, House*, 642 Orange Street.
Macon, *Baber, Ambrose, House*, 577–587 Walnut Street (6–14–73).
Macon, *Burke, Thomas C., House*, 1085 Georgia Avenue.
Macon, *Cannonball House (Judge Asa Holt House)*, 856 Mulberry Street.
Macon, *Central City Park Bandstand*, Central City Park.
Macon, *Christ Episcopal Church*, 538–566 Walnut Street.

Macon, *Cowles, Jerry, Cottage*, 4569 Rivoli Drive.
Macon, *Cowles House*, 988 Bond Street (6–21–71).
Macon, *Dasher-Stevens House*, 904 Orange Terrace.
Macon, *Davis-Guttenberger-Rankin House*, 134 Buford Place (11–30–73).
Macon, *Domingos House*, 1261 Jefferson Terrace.
Macon, *Emerson-Holmes Building*, 566 Mulberry Street.
Macon, *Findlay House*, 785 Second Street.
Macon, *First Presbyterian Church*, 690 Mulberry Street.
Macon, *Goodall House*, 618 Orange Street.
Macon, *Grand Opera House Academy of Music*, 651 Mulberry Street.
Macon, *Green-Poe House*, 841–845 Poplar Street.
Macon, *Hatcher-Groover-Schwartz House*, 1144–1146 Georgia Avenue.
Macon, *Holt House*, 1129 Georgia Avenue.
Macon, **Johnston-Hay House*, 934 Georgia Avenue (5–27–71).
Macon, *Lanier Sidney, Cottage*, 935 High Street.
Macon, *Lassitter House*, 315 College Street.
Macon, *Macon Historic District* (12–31–74).
Macon, *Militia Headquarters Building*, 552–564 Mulberry Street.
Macon, *Lee, W. G., Alumni House (Bartlett House)*, 1270 Ash (Coleman) Street.
Macon, *McCrary, DeWitt, House*, 320 Hydrolia Street (3–22–74).
Macon, *Mercer University Administration Building*, Coleman Avenue.
Macon, *Monroe Street Apartments*, 641–661 Monroe Street.
Macon, *Monroe-Dunlap-Snow House*, 920 High Street.
Macon, *Municipal Auditorium*, 415–435 First Street.
Macon, *Munroe-Goolsby House*, 159 Rogers Avenue.
Macon, *Napier, Leroy, Home*, 2215 Napier Avenue.
Macon, *Ocmulgee National Monument.*
Macon, *Old Macon Library*, 652–62 Mulberry Street (11–26–73).
Macon, *Old U.S. Post Office and Federal Building*, 475 Mulberry Street.
Macon, **Raines-Carmichael House*, 1183 Georgia Avenue (6–21–71).
Macon, *Randolph-Whittle House*, 1231 Jefferson Terrace.
Macon, *Rogers, Rock, Home*, 337 College Street.
Macon, *Rose Hill Cemetery*, Riverside Drive (10–9–73).
Macon, *St. Joseph's Catholic Church*, 812 Poplar Street (533 New Street).
Macon, *Slate House*, 931–945 Walnut Street (1–21–74).
Macon, *Small House (Napier-Small House)*, 156 Rogers Avenue.
Macon, *Solomon-Curd House*, 770 Mulberry Street.
Macon, *Solomon-Smith-Martin House*, 2619 Vineville Avenue.
Macon, *Villa Albicini*, 150 Tucker Road (5–16–74).
Macon, *Willingham-Hill-O'Neal Cottage*, 535 College Street.

Brooks County

Quitman vicinity, *Eudora Plantation*, 3.5 miles south of Quitman off Georgia 33 (12–16–74).

Bryan County

Seven Mile Bend (Bryan's Neck).
Richmond Hill vicinity, *Fort McAllister*, 10 miles east of U.S. 17 on Georgia 67.

Butts County

Indian Springs, *McIntosh Inn*, on Georgia 42.

Camden County

St. Marys, *Orange Hall*, 311 Osborne Street.

Carroll County

Carrollton, *Bonner-Sharp-Gunn House*, West Georgia College campus.

Catoosa County

Chattanooga, Tenn., vicinity, *Chickamauga and Chattanooga National Military Park*, 9 miles south of Chattanooga on U.S. 27 (also in Hamilton County, Tenn.).

Chatham County

Savannah, *Central of Georgia Railway Company Shop Property*, between West Jones Street and Louisville Road.
Savannah, *Davenport, Isaiah, House*, 324 East State Street.
Savannah, *Federal Building and U.S. Courthouse*, Wright Square (6–7–74).
Savannah, *Green-Meldrim House*, Macon and Bull Streets (1–21–74).
Savannah, **Low, Juliette Gordon, Birthplace*, 10 Oglethorpe Avenue East.
Savannah, **Savannah Historic District*, bounded by East Broad, Gwinnett, West Broad Streets, and the Savannah River.
Savannah, *Savannah Victorian Historic District*, roughly bounded by Price, Anderson, Montgomery, and Gwinnett Streets (12–11–74).
Savannah, **Scarborough, William, House*, 41 West Broad Street (6–22–70).
Savannah, *Sturges, Oliver, House*, 27 Abercorn Street.
Savannah, *U.S. Courthouse*, 1–3 East Bay, Street (5–29–74).
Savannah vicinity, *Bethesda Home for Boys*, about 10 miles south of Savannah at Ferguson Avenue and Bethesda Road (9–12–73).
Savannah vicinity, *Fort Jackson*, Islands Expressway, 3 miles east of Savannah on the Savannah River.
Savannah vicinity, *Fort Pulaski National Monument*, 17 miles east of Savannah, Cockspur Island.
Savannah vicinity, *Wormsloe Plantation*, Isle of Hope and Long Island.

Chattahoochee County

Cusseta, *Chattahoochee County Courthouse*, off U.S. 27/280 (9–12–74).
Fort Benning, *Riverside (Quarters No. 1)*, 100 Vibbert Avenue.

Clarke County

Athens, *Chase, Albon, House (Old Presbyterian Manse)*, 185 N. Hull Street (8–19–74).
Athens, *Franklin House (Old Athens Hotel)*, 464–480 East Broad Street (12–11–74).
Athens, *Old North Campus, University of Georgia*, University of Georgia campus.
Athens, *Bishop House*, Jackson Street, University of Georgia campus.
Athens, *Garden Club of Georgia Museum-Headquarters House*, Lumpkin Street, University of Georgia campus.
Athens, *Lucy Cobb Institute Campus*, University of Georgia.
Athens, *Lumpkin House*, University of Georgia campus.
Athens, *President's House*, 570 Prince Street.
Athens, *Sledge, James J., House*, 749 Cobb Street (2–12–74).
Athens, *Upson House*, 1022 Prince Avenue (11–15–73).
Athens, *Wilkins House*, 387 South Milledge Avenue.

Clay County

Fort Gaines, *Fort Gaines Cemetery Site*, off Georgia 10 (12–16–74).
Fort Gaines vicinity, *Toney-Standley House*, NW of Fort Gaines off Ga. 39 (9–17–74).

Clayton County

Fayetteville vicinity, *Orkin Early Quartz Site*, south of Fayetteville (12–4–74).
Jonesboro, *Jonesboro Historic District.*
Jonesboro, *Stately Oaks*, Tara Boulevard.

Cobb County

Kennesaw, *The General*, Big Shanty Museum, Cherokee Street.
Mableton vicinity, *Johnston's Line*, southeast of Mableton off U.S. 78 at the Chattahoochee River.
Marietta vicinity, *Kennesaw Mountain National Battlefield Park*, 2 miles west of Marietta.
Marietta vicinity, *Sope Creek Ruins*, east of Marietta on Paper Mill Road.

Columbia County

Augusta vicinity, **Stallings Island*, 8 miles northwest of Augusta in the Savannah River.

Coweta County

Newnan vicinity, *Gordon-Banks House*, U.S. 29 south of Newnan.

Decatur County

Bainbridge vicinity, *Curry Hill Plantation*, 6 miles east of Bainbridge on U.S. 84.

De Kalb County

Atlanta, *Callanwolde*, 980 Briarcliff Road NE.
Atlanta vicinity, *Soapstone Ridge*, southeast of Atlanta off River Road.
Decatur, *Old De Kalb County Courthouse (Civic Center)*, Court Square.

Dougherty County

Albany, *Bridge House*, 112 North Front Street (11–19–74).
Albany, *Municipal Auditorium*, 301 Pine Avenue (6–25–74).

Early County

Blakely vicinity, **Kolomoki Mounds*, 8 miles north of Blakely on U.S. 27, Kolomoki Mounds State Park.

Effingham County

Springfield vicinity, *Ebenezer Townsite and Jerusalem Lutheran Church*, east of Springfield on Georgia 275 at Savannah River (12–4–74).

Floyd County

Rome, **Chieftains (Major Ridge House)*, 80 Chatillon Road (4–7–71).

Fulton County

Atlanta, *Cyclorama of the Battle of Atlanta*, Cherokee Avenue, Grant Park.
Atlanta, *Fox Theater*, 660 Peachtree Street NE. (5–17–74).
Atlanta, *Habersham Memorial Hall*, 15th Street, north of intersection with Piedmont Avenue (6–7–74).
Atlanta, **Harris, Joel Chandler, House*, 1050 Gordon Street SW.
Atlanta, *Inman Park* (7–23–73).
Atlanta, *Martin Luther King, Jr. Historic District*, bounded roughly by Irwin, Randolph, Edgewood, Jackson, and Auburn Avenues (5–2–74).
Atlanta, *Peters, Edward C., House*, 179 Ponce de Leon Avenue.
Atlanta, *Rhodes Memorial Hall*, 1516 Peachtree Street (3–1–74).
Atlanta, *Smith, Tullie, House*, 3099 Andrews Drive NW.
Atlanta, *Staff Row and Old Post Area—Fort McPherson*, northeast corner of Fort McPherson (11–5–74).
Atlanta, **State Capitol*, Capitol Square (5–13–70).
Atlanta, *The Texas*, Cyclorama Building, Grant Park.

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Atlanta, *U.S. Post Office and Courthouse*, 76 Forsyth Street (5–2–74).
Roswell, *Barrington Hall*, 60 Marietta Street.
Roswell, *Bulloch Hall*, Bulloch Avenue.
Roswell, *Roswell Historic District*, essentially original area laid out by Roswell and King (5–2–74).

Glynn County

Brunswick, *Brunswick Old Town*, roughly bounded by Newcastle, H, and London Streets, and the East River (12–2–74).
Brunswick vicinity, *Fort Frederica National Monument*, 12 miles north of Brunswick.
Jekyll Island, *Faith Chapel*, Old Plantation Road.
Jekyll Island, *Horton-duBignon House, Brewery Ruins, duBignon Cemetery*, Riverview Drive.
Jekyll Island, *Jekyll Island Club*, between Riverview and Old Village Boulevard.
Jekyll Island, *Rockefeller Cottage*, 331 Riverview Drive.
Saint Simons Island, *Saint Simons Lighthouse Keeper's Building*, 600 Beachview Drive.

Gordon County

Calhoun vicinity, **New Echota*, north of Calhoun on Georgia 225 (5–13–70).

Grady County

Beachton vicinity, *Sustna Plantation (Cedar Grove)*, 1.5 miles west of Beachton on Meridian Road.

Gwinnett County

Lawrenceville, *Old Seminary Building (Lawrence Female Seminary Building)*, Perry Street.

Hall County

Buford vicinity, *Bowman-Pirkle House*, northeast of Buford off U.S. 23 on Friendship Road (8–14–73).
Gainesville, *Federal Building and Courthouse*, 126 Washington Street (1–24–74).

Hancock County

Jewell vicinity, *Shivers-Simpson House (Rock Mill)*, Mayfield Road, on the Ogeechee River.
Mayfield vicinity, *Camilla-Zack Community Center District*, northwest of Mayfield on SR 2121 (12–3–74).
Sparta, *Sparta Historic District*, bounded roughly by Burwell, West, Elm, and Hamilton Streets; and north on Jones to Clinch Terrace (4–16–74).
Sparta vicinity, *Glen Mary*, Linton Road, south of Sparta (5–8–74).

Haralson County

Buchanan, *Haralson County Courthouse*, Courthouse Square (6–7–74).

Harris County

West Point, *White Hall*, off U.S. 29 (8–19–74).

Jenkins County

Millen vicinity, *Birdsville Plantation*, west of Millen on Route 2.

Jones County

Clinton, *Old Clinton Historic District* (9–12–74).
East Juliette vicinity, *Jarrell Plantation*, about 6 miles east of East Juliette off Dames Ferry Road.

Laurens County

Dublin vicinity, *Fish Trap Cut*, SE of Dublin off GA 19 (10–1–74).

Liberty County

Midway, *Midway Historic District*.
Midway vicinity, *Fort Morris*, about 10 miles east of Midway off Georgia 38 near the old town of Sunbury.
Riceboro vicinity, *Woodmanston Site (LeConte Plantation)*, south of Riceboro.
South Newport vicinity, **St. Catherine's Island*, 10 miles off the Georgia coast between St. Catherines' Sound and Sapelo Sound.

Lumpkin County

**Calhoun Mine.*
Dahlonega, *Dahlonega Courthouse Gold Museum*, U.S. 19.
Dahlonega, *Price Memorial Hall*, College Avenue.

McDuffie County

Thomson, *Usry House*, 211 Milledge Street (10–1–74).
Thomson vicinity, *The Old Rock House*, about 3 miles northwest of Thomson on Old Rock House Road.

McIntosh County

Cox vicinity, *Fort Barrington*.
Darien vicinity, *Fort King George*, east of U.S. 17.

Macon County

Andersonville vicinity, **Andersonville National Historic Site*, 1 mile east of Andersonville on Georgia 49 (also in Sumter County).

Meriwether County

Alvaton vicinity, *White Oak Creek Covered Bridge*, 3 miles southeast of Alvaton on Covered Bridge Road.
Greenville, *Meriwether County Courthouse*, Court Square.
Greenville, *Meriwether County Jail*, Gresham Street and Georgia 27A.
Greenville vicinity, *Clarkland Farms*, west of Greenville on La Grange Road (7–12–74).
Greenville vicinity, *Harman-Watson-Matthews House*, 7 miles southwest of Greenville on Odessadale-Durand Community Road.
Greenville vicinity, *Mark Hall*, southwest of Greenville on Ogletree Road off Georgia 18.
Warm Springs, *Warm Springs Historic District*, south of Georgia 194 and west of Georgia 85 west (7–30–74).

Monroe County

Bolingbroke vicinity, *Great Hill Place*, west of Bolingbroke on U.S. 23/41 (7–24–73).

Morgan County

Madison, *Bennett, Nathan, House*, Dixie Avenue (11–13–74).
Madison, *Bonar Hall*, Dixie Avenue.
Madison, *Madison Historic District*, roughly bounded on both sides by U.S. 441/129/278 at GA (10–29–74).
Madison vicinity, *Cedar Lane Farm*, off Georgia 83 north of Madison.

Murray County

Chatsworth vicinity, *Fort Mountain*, Fort Mountain State Park, U.S. 76.
Spring Place, *Vann House*, intersection of U.S. 76 and Georgia 225.

Muscogee County

Columbus, *The Cedars*, 2039 13th Street.
Columbus, *Columbus Historic District*, roughly bounded by Ninth Street on the north, Fourth Street on the south, Second on the east, and Broadway on the west.
Columbus, *Columbus Iron Works*, 901 Front Avenue.
Columbus, *Dinglewood*, 1429 Dinglewood.
Columbus, First National Bank (Bank of Columbus), 1048 Broadway (11–1–74).
Columbus, *Goetchius-Wellborn House*, 405 Broadway.
Columbus, Gunboats *Muscogee* and *Chattahoochee*, Fourth Street, west of U.S. 27.
Columbus, *Hilton*, 2505 Macon Road.
Columbus, *Illges House*, 1428 Second Avenue.
Columbus, *Joseph House*, 828 Broadway.
Columbus, *The Lion House*, 1316 Third Avenue.
Columbus, *McGehee-Woodall House*, 1534 Second Avenue.
Columbus, *Mott House*, Front Avenue (12–3–74).
Columbus, **Octagon House*, 527 First Avenue (7–29–69).
Columbus, *Peabody-Warner House*, 1445 Second Street.
Columbus, *The Pemberton House*, 11 Seventh Street.
Columbus, *Rankin House*, 1440 Second Avenue.
Columbus, *St. Elmo*, 2810 St. Elmo Drive.
Columbus, *Springer Opera House*, 105 10th Street.
Columbus, *Swift-Kyle House*, 303 12th Street.
Columbus, *Walker-Peters-Langdon House*, 716 Broadway.
Columbus, *Wells-Bagley House*, 22 Sixth Street.
Columbus, *The Wynn House*, 1230 Wynnton Road.
Columbus, *Wynnton Academy*, 2303 Wynnton Road.
Columbus, *Wynnwood*, 1846 Buena Vista Road.

Newton County

Covington, *Floyd Street Historic District*, Floyd Street between Elm and Sockwell Streets (12–4–74).
Oxford, *Orna Villa (Alexander Means House)*, 1008 North Emory Street.

Oconee County

Watkinsville, *Eagle Tavern*, intersection of U.S. 129 and 441.

Paulding County

Dallas vicinity, *Pickett's Mill Battlefield Site*, northeast of Dallas off Georgia 92.

Pickens County

Tate vicinity, *Tate House*, east of Tate on Georgia 53 (5–17–74).

Pulaski County

Hawkinsville, *Hawkinsville City Hall—Auditorium*, corner of Lumpkin and Broad Streets.

Putnam County

Eatonton vicinity, *Singleton House*, SW of Eatonton off GA 16 (10–1–74).

Richmond County

Augusta, *Academy of Richmond County*, 540 Telfair Street.
Augusta, *The Augusta Canal*, beginning at the Augusta City Lock and Dam and flowing southeasterly parallel to the Savannah River; continuing through downtown Augusta to a point just east of the intersection of Walton Way and 13th Street; thence flowing north to a point south of Telfair and 12th Streets; then turning northwest to the point where the canal rejoins the Savannah River at Hawk's Gully.
Augusta, *Brahe House*, 456 Telfair Street.
Augusta, *First Baptist Church of Augusta*, southwest corner of Greene and Eighth Streets.
Augusta, *Gertrude Herbert Art Institute (Nicholas Ware House)*, 506 Telfair Street.
Augusta, *Mackay House*, 1822 Broad Street.
Augusta, *Old Medical College Building*, corner of Telfair and Sixth Streets.
Augusta, **President's Home, Augusta College (Old Commandant's House, Augusta Arsenal)*, 2500 Walton Way.
Augusta, *Sacred Heart Catholic Church*, northwest corner of Greene and 13th Streets.
Augusta, *St. Paul's Episcopal Church*, Sixth and Reynolds Streets.
Augusta vicinity, **College Hill (Walton-Harper House)*, 2216 Wrightsboro Road.

Spalding County

Griffin, *Bailey, Sam, Building*, East Poplar and Fourth Streets.
Griffin, *Bailey-Teabault House*, 633 Meriwether Street.
Griffin, *Hawkes Library*, 210 South Sixth Street.
Griffin, *Hill-Kurtz House*, 570 South Hill Street.
Griffin, *Hunt House*, 232 South Eighth Street.
Griffin, *Mill House*, 406 North Hill Street.
Griffin, *Old Medical College Historical Area*, 223–233 East Broadway Street.
Griffin, *Pritchard-Moore-Goodrich House*, 441 North Hill Street.
Griffin vicinity, *Double Cabins (Mitchell-Walker-Hollberg House)*, northeast of Griffin on Georgia 16.
Williamson vicinity, *Old Gaissert Homeplace (Mary Brook Farm)*, northeast off Williamson on Georgia 362.

Stephens County

Toccoa vicinity, **Traveler's Rest*, 6 miles east of Toccoa on U.S. 123.

Stewart County

Lumpkin, *Bedingfield Inn*, Cotton Street.

Sumter County

**Andersonville National Historic Site* (see Macon County).

Talbot County

Talbotton, *Towns, George Washington Bonaparte, House*, on Georgia 208.
Talbotton vicinity, *Zion Episcopal Church*, south of Talbotton on U.S. 80 (5–8–74).

Taliaferro County

Crawfordville, *Liberty Hall*, Alexander Stephens Memorial Park, U.S. 278.
Crawfordville vicinity, *Colonsay Plantation*, east-northeast of Crawfordville off SR 908 (11–21–74).

Thomas County

Thomasville, *Brand, Dr. David, House (Hayes House)*, 329 North Broad Street.
Thomasville, *Bryan-Davis House (Cater House)*, 312 N. Broad Street (8–12–70).
Thomasville, *Burch-Mitchell House*, 737 Remington Avenue (9–4–70).
Thomasville, *Hansell, Augustine, House (Jeffries House)*, 429 South Hansell Street (8–22–70).
Thomasville, *Jefferies House (Augustine Hansell House)*, 429 South Hansell Street.
Thomasville, **Lapham-Patterson House (Scarborough House)*, 626 N. Dawson Street (8–12–70).
Thomasville, *Mitchell House (Munro House)*, 737 Remington Avenue.
Thomasville, *Park Front (Charles Hebard House)*, 711 S. Hansell Street (8–12–70).
Thomasville, *Ponder, Ephraim, House*, 324 North Dawson Street.
Thomasville, *Scarborough House (C. W. Lapham House)*, 626 North Dawson Street.
Thomasville, *Thomas County Courthouse*, North Broad Street.
Thomasville, *Wright House*, 415 Fletcher Street.

Troup County

La Grange, **Bellevue*, 204 Ben Hill Street (11–7–72).
La Grange vicinity, *Nutwood*, south of La Grange off Big Springs Road (5–8–74).
La Grange vicinity, *Reid-Glanton House (Hutchinson House)*, intersection of Georgia 109 and Pattillo Road, east of La Grange.

Walker County

Rossville, **Ross, John, House*, Lake Avenue and Spring Street.
Rossville vicinity, *Ashland Farm*, southwest of Rossville off Georgia 193 (10–18–73).

Walton County

Monroe, *Davis-Edwards House*, 238 North Broad Street (8–14–73).

White County

Cleveland, *Old White County Courthouse*.

Wilkes County

Washington, *Campbell-Jordan House*, 208 Liberty Street.
Washington, *The Cedars*, 210 Sims Street.
Washington, *East Robert Toombs District*.
Washington, *Gilbert-Alexander House (Fairfield Plantation)*, 116 Alexander Drive.
Washington, *Holly Court (Ficklen-Lyndon-Johnson House)*, 301 South Alexander Street.
Washington, *Mary Willis Library*, corner of East Liberty and South Jefferson Streets.
Washington, *North Washington District*.
Washington, *Old Jail*, 103 Court Street (6–5–74).
Washington, *Peacewood*, 120 Tignall Road.
Washington, *Poplar Corner*, 210 West Liberty Street.
Washington, **Toombs, Robert, House*, 326 East Robert Toombs Avenue (4–11–72).
Washington, **Tupper-Barnett House*, 101 West Robert Toombs Avenue (4–11–72).
Washington, *Washington Presbyterian Church*, 206 East Robert Toombs Avenue.
Washington, *Washington-Wilkes Historical Museum*, intersection of U.S. 78 and 378.
Washington, *West Robert Toombs District*.
Washington vicinity, *Arnold-Callaway Plantation*, 4 miles northwest of Washington on U.S. 78.

Guam

Agana, *Agana Spanish Bridge*, Aspinall Street and Route 1 (9–6–74).
Agana, *Fort Santa Agueda*, Route 7 (8–30–74).
Agana, *Plaza de Espana*, Saylor Street (5–1–74).
Agana, *Spanish Dikes*, off Route 4, northeast of Agana Springs (11–19–74).
Agat, *Taelayag Spanish Bridge*, W of Route 2 (10–10–74).
Agat, *Taleyfac Spanish Bridge*, off Route 2 (9–10–74).
Asan, *Memorial Beach Park*, Route 1 (8–7–74).
Dededo, *Uruno Site*, southwest of Uruno Point off Route 3 (12–27–74).
Dedeo, *Uruno Beach Site*, southwest of Achae Point off Route 3 (12–27–74).
Finegayan, *Haputo Beach Site*, south of Haputo Point on the Naval Communication Station (11–20–74).
Inarajan, *Gadao's Cave*, north shore of Inarajan Bay (11–19–74).
Inarajan vicinity, *Inarajan Ridge*, 2.5 miles west of Inarajan (12–4–74).
Inarajan vicinity, *Nomna Bay Site*, 1.3 miles northeast of Inarajan off Route 4 (12–27–74).
Inarajan vicinity, *Talofofo River Valley Site*, north of Inarajan off Route 4 (12–27–74).
Inarajan vicinity, *West Atate*, 3.2 miles northwest of Inarajan (12–4–74).
Mangilao, *Mochom*, off Route 15 (12–4–74).
Merizo, *Merizo Combento*, Route 4 (9–17–74).
Tamuning, *Fafai Beach Site*, south of Amantes Point (11–19–74).
Umatac, *Fort Santo Angel*, northwest corner or Umatac Bay (8–30–74).
Umatac, *San Dionisio Church Ruins*, Route 2 (8–30–74).
Umatac vicinity, *Cetti Bay*, 1.1 miles northnorthwest of Umatac (11–21–74).
Umatac vicinity, *Fort Nuestra Senora de la Soledad*, S of Umatac off Route 40 (10–18–74).
Umatac vicinity, *Fort San Jose*, northwest of Umatac on Route 2 (5–1–74).
Umatac vicinity, *Fouha Bay*, 0.7 mile northnorthwest of Umatac (11–21–74).
Umatac vicinity, *Sella Bay*, northwest of Umatac (11–8–74).
Yigo, *Jinapsan Site*, 1.5 miles southeast of Ritidian Point (12–27–74).
Yigo vicinity, *Pagat Site*, S of Yigo.

Hawaii

Hawaii County

Captain Cook vicinity, *Kealakekua Bay Historical District*, southwest of Captain Cook off Hawaii 11 (12–12–73).
Hawaii Volcanoes National Park, *Ainapo Trail*, east of Mauna Loa (8–30–74).
Hawaii Volcanoes National Park, *1790 Footprints*, Hawaii 11 (6–7–74).
Hawi vicinity, *Heiau in Kukuipahu*, southwest of Hawi.
Hawi vicinity, **Mookini Heiau*, northern tip of Hawaii, 1 mile west of Upolu Point Airport.
Hilo, *U.S. Post Office and Office Building*, Kinoole and Waianuenue streets (10–1–74).
Hilo vicinity, *Kilauea Crater*, southwest of Hilo in Hawaii Volcanoes National Park (7–24–74).
Hilo vicinity, **Mauna Kea Adz Quarry*, 25 miles northwest of Hilo via mountain trail.
Hilo vicinity, *Old Volcano House #42*, southwest of Hilo on Hawaii 11 in Hawaii Volcanoes National Park (7–24–74).
Hilo vicinity, *Whitney Seismograph Vault #29*, southwest of Hilo on Hawaii 11 in Hawaii Volcanoes National Park (7–24–74).
Hilo vicinity, *Wilkes Campsite*, west of Hilo at summit of Mauna Loa Volcano in Hawaii Volcanoes National Park (7–24–74).
Holualoa vicinity, *Kahaluu Historic District*, southwest of Holualoa off Route 11 (12–27–74).
Honaunau, Kona, *City of Refuge National Historical Park*, off Hawaii 11 (6–7–74).
Kailua-Kona, *Hulihee Palace*, Alii Drive.
Kailua-Kona, **Kamakahonu, Residence of King Kamehameha I*, on the northwest edge of Kailua Bay, north and west of Kailua Wharf.
Kailua-Kona vicinity, *City of Refuge National Historical Park*, 20 miles south of Kailua-Kona.
Kailua-Kona vicinity, **Honokohau Settlement*, Honokohau Bay, just north of Kailua-Kona.
Kailua-kona vicinity, *Kuamo'o Burials*, west of Hawaii 11 (8–13–74).
Kawaihae vicinity, **Puukohola Heiau National Historic Site*, north end of Hawaii off Hawaii 26, about 1 mile southeast of Kawaihae.
Keauhou, **Keauhou Holua Slide*, east of Hawaii 18.
Mahukona, *Lapakahi Complex*, 0.5 mile south of Mahukona.
Miloili vicinity, *Ahole Holua Complex*, south of Miloili on Ahole Bay (11–26–73).
Naalehu vicinity, **South Point Complex*, South Cape southern tip of Hawaii, Ka'u District.
North Kona, *Ahua A Umi Heiau*, between Hualalai and Mauna Loa (6–13–74).
Pahala vicinity, *Puna-Ka'u Historic District*, in Hawaii Volcanoes National Park (7–1–74).
Waiohinu vicinity, *Manuka Bay Petroglyphs*, west of Waiohinu at Manuka Bay (9–19–73).

Honolulu County

Aiea, *Keaiwa Heiau*, Aiea Heights Drive.
Haleiwa vicinity, **Puu o Mahuka Heiau*, 4 miles northeast of Haleiwa on Hawaii 83, overlooking Waimea Bay.
Honolulu, *Aliiolani Hale*, King Street.
Honolulu, *Chinatown Historic District*, bounded roughly by Beretania Street on the northeast, Nuuanu Stream on the north, Nuuanu Avenue on the southeast, and a line running north and south 50 feet west of the longest pier in Honolulu Harbor.

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Honolulu, *Falls of Clyde*, Pier 5, Honolulu Harbor.
Honolulu, *Honolulu Academy of Arts*, 900 South Beretania Street.
Honolulu, **Iolani Palace*, 364 South King Street.
Honolulu, *Kamehameha V Post Office*, corner of Merchant and Bethel Streets.
Honolulu, *Kapuaiwa Building*, 426 Queen Street.
Honolulu, **Kawaiahao Church and Mission Houses*, 957 Punchbowl Street and 553 South King Street.
Honolulu, *Merchant Street Historic District*.
Honolulu, *Moana Hotel*, 2365 Kalahaua Avenue.
Honolulu, *Nuuanu Petroglyph Complex*, south of the intersection of Nuuanu Avenue and Pali Highway.
Honolulu, *Our Lady of Peace Cathedral*, 1183 Fort Street.
Honolulu, *Punahou School Campus*, 1601 Punahou Street.
Honolulu, *Queen Emma's Summer Home*, 2913 Pali Highway.
Honolulu, *Royal Brewery, The*, 553 South Queen Street.
Honolulu, *The Royal Mausoleum*, 2261 Nuuanu Avenue.
Honolulu, *St. Andrew's Cathedral*, Beretania Street (Queen Emma Square).
Honolulu, *Thomas Square*, bounded by King Street, Ward Avenue, South Beretania, and Victoria Streets.
Honolulu, *U.S. Immigration Office*, 596 Ala Moana Boulevard (8–14–73).
Honolulu, *Walker, H. Alexander, Residence*, 2616 Pali Highway.
Honolulu, *Washington Place*, Beretania and Miller Streets.
Honolulu vicinity, *Pohaku ka luahine*, north of Honolulu near center of Moanalua Valley (7–23–73).
Haleiwa vicinity, *Kupopolo Heiau*, south of Waimea Bay on Kamehameha Hwy.
Kaaawa vicinity, *Small Heiau*, about 1 mile south of Kaaawa off Kaaawa Valley Road.
Kahaluu, *Kahaluu Fish Pond*, northeast of Leonani Street off Kamehameha Highway.
Kahaluu, *Kahaluu Taro Lo'i*, west of west end of Hui Keiu Street.
Kahuku vicinity, *Burial Platform*, northwest of Kahuku off Kamehameha Highway (8–14–73).
Kahuku vicinity, *Kahuku Habitation Area*, north of Kahuku and 0.3 mile northeast of Kahuku Airport Road.
Kailua, *Ulu Po Heiau*, off Kailua Road.
Kailua vicinity, *Pahukini Heiau*, southeast of Kailua near Kapaa Quarry.
Kaneohe, *Keoaeoae Heiau*, at rear of 45–162 Namoku Street.
Kaneohe, *Leleahina Heiau*, South of Haiku Plantation Drive.
Kaneohe, *Mokapu Burial Area*, off Moffet Road in the northeast section of Kaneohe Marine Corps Air Station.
Kaneohe vicinity, **Huilua Fishpond*, on Kahana Bay, 13 miles north of Kaneohe on Hawaii 83, adjacent to Kahana Bay State Park.
Kaneohe vicinity, *Kualoa Ahupua'a Historical District*, Kamehameha Highway (10–16–74).
Kaneohe vicinity, *Moli Fish Pond*, Southeast of Kamehameha Highway between Kualoa and Johnson Road.
Kaneone, *Heeia Fish Pond*, off Kamehameha Highway, adjacent to Heeia Point.
Kapapa Island, *Kapapa Island Complex*, in Kaneohe Bay.
Lualualei, *Waialua Agricultural Company Engine No. 6*, off Hawaii 76 (8–19–74).
Pearl City vicinity, **U.S. Naval Base, Pearl Harbor*, 8 miles south of Pearl City on Hawaii 73.
Pearl Harbor, *Okiokilepe Pond*, northwest of Iroquois Point at Pearl Harbor Entrance.
Wahiawa vicinity, *Kukaniloko Birthstones*, northwest of Wahiawa, off Hawaii 80.
Waianae vicinity, *Waianae District*, north of Waianae off Farrington Highway (1–21–74).
Waikane vicinity, *Waikane Taro Flats*, 1 mile northwest of Waikane in Upper Waikane Valley.
Waimanalo vicinity, *Bellows Field Archeological Area*, southeast of Waimanalo (8–14–73).

Kalawao County

Ualapue vicinity, **Hokukano-Ualapue Complex*, along Hawaii 45.

Kauai County

Hanalei, *Waioli Mission*, off Hawaii 56 (10–3–73).
Koloa, **Old Sugar Mill of Koloa*.
Lihue vicinity, *Grove Farm*, southeast of Lihue on Hawaii 501 (6–25–74).
Lihue vicinity, *Menehune Fish Pond*, south of Lihue on the Huleia River.
Wailua vicinity, **Wailua Complex of Heiaus*, east coast of Kauai at the mouth of the Wailua River, Lihue District.
Waimea, **Cook Landing Site*, 2 miles southwest of Hawaii 50.
Waimea vicinity, *Russian Fort*, on Hawaii 50, 200 yards southwest of the bridge over the Waimea River.

Maui County

Hana vicinity, **Pillanihale Heiau*, 4 miles north of Hana, at the mouth of Honomaele Gulch near Kalahu Point.
Kaupo vicinity, **Loaloa Heiau*, southeast coast of Maui on Hawaii 31, about 0.25 mile north of Kaupo.
Lahaina, **Lahaina Historic District*, west side of Maui on Hawaii 30.
Lanai City vicinity, **Kaunolu Village Site*, on Kaunolu Bay, on the southwest cape of the Island of Lanai.
Wailuku, *Old Bailey House*, Iao Valley Road.

Idaho

Ada County

Boise, *Ada Theater*, 700 Main Street (11–21–74).
Boise, *Alexander House*, 304 State Street.
Boise, **Assay Office*, 210 Main Street.
Boise, *Carnegie Public Library*, 815 Washington Street (11–21–74).
Boise, *Christ Chapel*, Broadway at Campus Drive (7–17–74).
Boise, *Congregation Beth Israel Synagogue*, 1102 State Street.
Boise, *Fort Boise*.
Boise, *GAR Hall*, 714 West State Street (1–21–74).
Boise, *Idanha Hotel*, 10th and Main Streets (7–9–74).
Boise, *Jacobs, Cyrus, House*, 607 Grove Street.
Boise, *Logan, Thomas E., House*, 602 North Julia Davis Drive.
Boise, *Old Idaho State Penitentiary*, 2200 Warm Springs Avenue (7–17–74).
Boise, *Union Pacific Mainline Depot*, 1701 Eastover Terrace (8–7–74).
Boise vicinity, *Oregon Trail*, about 8 miles southeast of Boise.

Bannock County

Fort Hall vicinity, **Fort Hall*, 11 miles west of Fort Hall, Fort Hall Indian Reservation.
Pocatello, *Pocatello Carnegie Library*, 105 South Garfield Avenue.
Pocatello, *Stanrod House*, 648 North Garfield Avenue.

Bear Lake County

Paris, *Bear Lake Stake Tabernacle*, Main Street.

Bingham County

Blackfoot, *Blackfoot Railway Depot*, northwest Main Street (11–20–74).
Fort Hall vicinity, *Fort Hall Site*, 16 miles north of Fort Hall (11–21–74).

Blaine County

Hailey, *Hiawatha Hotel*, First Avenue and Croy Street (7–25–74).

Boise County

Boise vicinity, *Arrowrock Dam*, east of Boise.

Bonner County

Sandpoint, *Sandpoint Burlington Northern Railway Station*, Cedar Street at Sand Creek.

Bonneville County

Idaho Falls, *Eagle Rock Street Historic District*, 353, 357, 361, and 375 Eagle Rock Street.
Idaho Falls vicinity, *Eagle Rock Ferry*, north of Idaho Falls on Snake River (6–7–74).
Iona, *Iona Meetinghouse (Stanger Memorial Gallery)*.

Butte County

Arco vicinity, **Experimental Breeder Reactor No. I*, National Reactor Testing Station.
Arco vicinity, *Goodale's Cutoff*, south of Arco off U.S. 20 (5–1–74).

Canyon County

Middleton, *Middleton Sub-station*, on Idaho 44.
Nampa, *Nampa Depot*, 12th Avenue and Front Street.
Parma vicinity, *Fort Boise and Riverside Ferry Sites*, northwest of Parma on Snake River (12–24–74).

Cassia County

Almo vicinity, **City of Rocks*, City of Rocks State Park.
Burley vicinity, *Granite Pass*, southwest of Burley.

Clark County

Blue Dome vicinity, *Birch Creek Rockshelters*, off Idaho 28 (12–2–74).

Clearwater County

Lolo Hot Springs vicinity, **Lolo Trail*, parallel to U.S. 12 on ridges of Bitterroot Mountains, from Lolo Pass to Weippe (also in Idaho County and in Missoula County, Mont.).
Pierce, *Pierce Courthouse*.
Spalding (park headquarters), *Nez Perce National Historical Park*, within an area 90 miles south and 150 miles east of Spalding (also in Idaho, Lewis, and Nez Perce counties).
Weippe vicinity, **Weippe Prairie*, south of Weippe and Idaho 11.

Franklin County

Franklin, *Hatch, L. H., House*.
Preston vicinity, *Bear River Battleground*, northwest of Preston off U.S. 91.
Weston vicinity, *Weston Canyon Rockshelter*, northwest of Weston in Caribou National Forest (7–25–74).

Idaho County

**Lolo Trail* (see Clearwater County).
Nez Perce National Historical Park (see Clearwater County).
Warrens vicinity, *Burgdorf*, about 15 miles west of Warrens.
White Bird vicinity, *White Bird Battlefield*, north of White Bird off U.S. 95 (7–18–74).
White Bird vicinity, *White Bird Grade*, northeast of White Bird (7–30–74).

Jerome County

Hunt vicinity, *Wilson Butte Cave*, 7 miles north of Hunt (11–21–74).
Murtaugh vicinity, *Caldron Linn*, 2 miles east of Murtaugh.

Kootenai County

Cataldo, **Cataldo Mission*, off U.S. 10.
Rathdrum, *Rathdrum State Bank*, 1st and Mills Streets (11–8–74).

Latah County

Moscow, *McConnell, W. J., House*, 110 south Adams Street (11–21–74).
Moscow, *Moscow Post Office and Courthouse*, Washington and Third Streets.

Lemhi County

Charcoal Kilns, 6 miles west of Idaho 28, about midway between Salmon and Idaho Falls.
Cobalt vicinity, *Shoup Rockshelters*, north of Cobalt (11–8–74).
Salmon vicinity, *Fort Lemhi (Salmon River Mission)*, about 18 miles southeast of Salmon.
Tendoy vicinity, **Lemhi Pass*, 12 miles east of Tendoy off Idaho 28 (also in Beaverhead County, Mont.).

Lewis County

Nez Perce National Historical Park (see Clearwater County).

Madison County

Rexburg, *Rexburg State Tabernacle*, 25 North Center Street (5–3–74).

Minidoka County

Minidoka vicinity, *Minidoka Dam and Power Plant*, S of Minidoka (10–29–74).

Nez Perce County

Nez Perce National Historical Park (see Clearwater County).
Lenore vicinity, *Lenore Site*, west of Lenore on the Clearwater River (11–21–74).
Lewiston, *Lewiston Depot*, 13th and Main Street.

Owyhee County

Reynolds vicinity, *Camp Lyon Site*, west of Reynolds, off U.S. 95.
Silver City vicinity, *Camp Three Forks*, South of Silver City.
Silver City vicinity, *Silver City Historic District*, on Jordan Creek.

Power County

American Falls vicinity, *Oregon Trail Historic District (Register Rock Area)*, southwest of American Falls along U.S. 30N.

Shoshone County

Avery, *Avery Ranger Station*, near St. Joe National Forest (6–27–74).

Illinois

Adams County

Quincy, *Wood, John, Mansion*, 425 South 12th Street.

Alexander County

Cairo, *Magnolia Manor*, 2700 Washington Avenue.
Cairo, *Old Custom House*, Washington and 15th Streets (7–24–73).
Thebes, *Thebes Courthouse*.

Bureau County

Princeton, *Lovejoy, Owen, Homestead*, Peru Street (U.S. 6).
Sheffield, *Old Danish Church*, southeast corner of Cook and Washington Streets (10–2–73).

Carroll County

Mount Carroll, *Carroll County Courthouse*, Courthouse Square (11–26–73).

Champaign County

Urbana, *Altgeld Hall, University of Illinois*, University of Illinois campus, Wright and John Streets.
Urbana, **Morrow Plots, University of Illinois*, Gregory Drive at Matthew Avenue.

Clinton County

Carlyle vicinity, *Dean, General, Suspension Bridge*, east of Carlyle across the Kaskaskia River.

Cook County

Chicago, *Alta Vista Terrace Historic District*, block bounded by West Byron, West Grace, North Kenmore, and North Seminary Streets.
Chicago, *Auditorium Building, Roosevelt University*, Michigan Avenue at Congress Street.
Chicago, *Carson, Pirie, Scott & Co.*, 1 South State Street.
Chicago, *Charnley, James, House*, 1365 North Astor Street.
Chicago, *Chicago Public Library, Central Building*, 78 East Washington Street.
Chicago, *Clarke, Henry B., House*, 4526 South Wabash Avenue.
Chicago, *Delaware Building*, 36 West Randolph (7–18–74).
Chicago, *Dewes, Francis J., House*, 503 West Wrightwood (8–14–73).
Chicago, **Site of First Self-sustaining Nuclear Reaction, The University of Chicago*, South Ellis Avenue between East 56th and 57th Streets.
Chicago, *Getty Tomb*, Graceland Cemetery, North Clark Street and West Irving Park Road (2–15–74).
Chicago, *Glessner, John J., House*, 1800 South Prairie Avenue.
Chicago, *Halsted, Ann, House*, 440 Belden (8–17–73).
Chicago, *Heller, Isadore H., House*, 5132 South Woodlawn Avenue.
Chicago, *Hitchcock, Charles, Hall*, 1009 East 57th Street (12–30–74).
Chicago, **Hull House*, the University of Illinois, Chicago Circle, 800 South Halstead Street.
Chicago, *Jackson Park Historic Landscape District and Midway Plaisance*.
Chicago, *Jewelers' Building*, 15–19 South Wabash (8–7–74).
Chicago, *Kehilath Anshe Ma'ariv Synagogue (Pilgrim Baptist Church)*, 3301 South Indiana Avenue.
Chicago, *Kimball, William W., House*, 1801 South Prairie Avenue.
Chicago, *Lathrop, Bryan, House*, 120 East Bellevue Place (2–15–74).
Chicago, *McClurg Building*, 218 South Wabash Avenue.
Chicago, *Madlener, Albert F., House*, 4 West Burton.
Chicago, *Marquette Building*, 140 South Dearborn Street (8–17–73).
Chicago, *Monadnock Block*, 53 West Jackson Boulevard (11–20–70).
Chicago, *Old Stonegate of Chicago Union Stockyards*, Exchange Avenue.
Chicago, *Prairie Avenue District*, bounded roughly by 18th Street on the north, Calumet and Prairie on the east, midway between 18th and Cullerton on the south, and Indiana on the west.
Chicago, **Pullman Historic District*, bounded on the north by 103d Street, on the east by C.S.S. and S.B. Railroad spur tracks, on the south by 115th Street, and on the west by Cottage Grove Avenue.
Chicago, *Reliance Building*, 32 North State Street.
Chicago, **Robie, Frederick C., House, The University of Chicago*, 5757 South Woodlawn Avenue.
Chicago, *Rookery Building*, 209 South La Salle Street.
Chicago, **Room 405 George Herbert Jones Laboratory, The University of Chicago*, S. Ellis Avenue between East 57th and 59th Streets.
Chicago, *Scoville Building*, 619–631 West Washington (7–31–73).
Chicago, *Second Presbyterian Church*, 1936 South Michigan Avenue (12–27–74).
Chicago, *Shedd Park Fieldhouse*, 3660 West 23d Street (12–30–74).
Chicago, **Taft, Lorado, Midway Studios, The University of Chicago*, 6016 South Ingleside Avenue.
Chicago, *Tree Studio Building and Annexes*, 4 East Ohio Street (12–16–74).
Chicago, *U.S.S. Silversides (S.S. 236)*, Naval Armory at the foot of Lake Street.
Chicago, **Wells-Barnett, Ida B., House*, 3624 South Martin Luther King Drive (7–1–74).
Evanston, *Carter, Frederick B. Jr., House*, 1024 Judson Avenue (7–30–74).
Evanston, **Willard, Frances, House*, 1730 Chicago Avenue.
Forest View, *Chicago Portage National Historic Site*, Forest Preserve District, northwest corner of South Harlem Avenue at the Chicago Sanitary and Ship Canal.
Glenview, *Kennicott's Grove*, near Milwaukee and Lake Avenues (8–13–73).
Oak Park, *Frank Lloyd Wright-Prairie School of Architecture Historic District*, bounded roughly by Harlem Avenue, Division, Cuyler, and Lake Streets (12–4–73).
Oak Park, *Gale, Mrs. Thomas H., House*, 6 Elizabeth Court.
Oak Park, *Gale, Walter, House*, 1031 West Chicago Avenue (8–17–73).
Oak Park, *Pleasant Home (Mills House)*, 217 Home Avenue.
Oak Park, *Thomas, Frank, House*, 210 Forest Avenue.
Oak Park, **Unity Temple*, 875 Lake Street.
Oak Park, *Wright, Frank Lloyd, Home and Studio*, 428 Forest Avenue (home), 951 Chicago Avenue (studio).
River Forest, *Drummond, William E., House*, 559 Edgewood Place.
River Forest, *Winslow, William H., House and Stable*, 515 Auvergne Place.
Riverside, **Coonley, Avery, House*, 300 Scottswood Road.
Riverside, **Riverside Landscape Architecture District*, bounded on the north by 26th Street, on the east by Harlem Avenue, on the south by Ogden Avenue and the south bank of the Des Plaines River, and on the west by Forbes Road.
Wilmette, *Baker, Frank J., House*, 507 Lake Avenue (11–8–74).
Winnetka, **Lloyd, Henry Demarest, Home (The Wayside)*, 830 Sheridan Road.

De Kalb County

De Kalb, *Glidden House*, 917 West Lincoln Highway (10–25–73).

Du Page County

Glen Ellyn, *Stacy Tavern*, Geneva Road and Main Street (10–29–74).

Fayette County

Vandalia, *Little Brick House*, 621 St. Clair.
Vandalia, *Vandalia State House*, 315 West Gallatin (1–21–74).

Fulton County

Canton, *Orendorff, Ulysses G., House*, 345 West Elm Street.
Lewistown, *St. James Episcopal Church*, northeast corner of MacArthur and Broadway (12–31–74).
Lewistown vicinity, *Dickson Mounds*, southeast of Lewistown.
Lewistown vicinity, *Ogden-Fettie Site*, southeast of Lewistown, off Route 78.

Gallatin County

Equality vicinity, *Saline Springs*, 3.5 miles southeast of Equality.
Old Shawneetown, *State Bank (Bank of Illinois)*, corner of Main Street and Illinois 13.

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Greene County

Eldred vicinity, ***The Koster Site***, c. 3 miles south of Eldred.

Hancock County

Carthage, ***Carthage Jail***, corner of Walnut and North Fayette Streets.
Nauvoo, ***Nauvoo Historic District.**

Hardin County

Elizabethtown, ***Rose Hotel***, South Main Street.
Rosiclare vicinity, ***Illinois Iron Furnace.***

Henry County

Bishop Hill, ***Bishop Hill Historic District.***
Kewanee vicinity, ***Ryan Round Barn***, 5 miles north of Kewanee (12–31–74).

Jefferson County

Mount Vernon, ***Appellate Court***, 14th and Main Streets.

Jersey County

Elsah, ***Elsah Historic District*** (7–27–73).

Jo Daviess County

Galena, ***Galena Historic District***, that part of the city of Galena recorded as the city limits on March 28, 1836, and all subdivisions added to the city prior to December 31, 1859.
Galena, ***Grant (Ulysses S.) Home**, 511 Bouthiller Street.
Galena, ***Old Market House***, Market Square-Commerce Street (7–16–73).
Galena, ***Washburne, Elihe Benjamin, House***, 908 Third Street.

Kane County

Carpentersville, ***Library Hall***, 21 North Washington Street (8–14–73).
North Aurora, ***Hartsburg and Hawksley Saw Mill***, 25 East State Street (7–11–74).

Knox County

Galesburg, ***Old Main, Knox College**, Knox College campus.
Yates City vicinity, ***Wolf Covered Bridge***, northwest of Yates City at Spoon River (12–4–74).

Lake County

Fort Sheridan, ***Water Tower, Building 49***, Leonard Wood Avenue (12–4–74).

La Salle County

Ottawa, ***Hossack, John, House***, 210 West Prospect Street.
Ottawa, ***Washington Park Historic District***, bounded by Jackson, La Salle, Lafayette, and Columbus Streets.
Ottawa vicinity, ***Old Kaskaskia Village**, 4 miles west of Ottawa on U.S. 6.
Ottawa vicinity, ***Starved Rock**, 6 miles from Ottawa on Illinois 71, Starved Rock State Park.

Logan County

Lincoln, ***University Hall***, 300 Keokuk Street.

McDonough County

Macomb, ***McDonough County Courthouse***, Public Square.

McHenry County

Woodstock, ***Old McHenry County Courthouse***, City Square (11–1–74).
Woodstock, ***Woodstock Opera House***, 119 Van Buren Street (7–17–74).

McLean County

Bloomington, ***Clover Lawn*** (*David Davis Mansion*), 1000 East Monroe.
Bloomington, ***McLean County Courthouse***, block bounded by Main, Washington, Center, and Jefferson Streets.
Bloomington, ***Stevenson House***, 1316 East Washington Street (5–24–74).

Macon County

Decatur, ***Millikin, James, House***, 125 North Pine Street (12–3–74).

Macoupin County

Mount Olive, ***Union Miners Cemetery***, 0.5 mile north of city park.

Madison County

Alton, ***Alton Military Prison Site***, corner of William, 4th, and Mill Streets (12–31–74).
Alton, ***Guertler House***, 101 Blair Street (7–30–74).
Alton, ***Haskell Playhouse***, Henry Street in Haskell Park (7–30–74).
Collinsville vicinity, ***Cahokia Mounds**, 7850 Collinsville Road, Cahokia Mounds State Park.

Massac County

Brookport vicinity, ***Kincaid Site**, east of Brookport on the Ohio River (also in Pope County).
Metropolis vicinity, ***Fort Massac***, southeast of Metropolis on the Ohio River.

Menard County

Petersburg vicinity, ***Lincoln's New Salem Village***, south of Petersburg, New Salem State Park.

Monroe County

Columbia vicinity, ***Lunsford-Pulcher Archeological Site***, northwest of Columbia (also in St. Clair County) (7–23–73).
Prairie du Rocher, ***French Colonial Historic District***, along Mississippi River from Old Maeystown Creek at Beagles Island southeast to Kaskaskia Island (*also in Randolph County*) (4–3–74).

Morgan County

Jacksonville, ***Beecher Hall, Illinois College***, Illinois College campus (4–8–74).
Jacksonville, ***Duncan Mansion*** (*Elm Grove*), 4 Duncan Place.

Ogle County

Grand Detour, ***Deere, John, Home and Shop.**
Polo, ***Barber, Henry D., House***, 410 West Mason (3–28–74).
Rochelle, ***Flagg Township Public Library***, Northeast corner of Seventh Street and Fourth Avenue (10–25–73).
Rochelle, ***Holcomb, William H., House***, 526 North Seventh Street (10–25–73).

Peoria County

Kickapoo vicinity, ***Jubilee College***, on U.S. 150 and Interstate 74, northwest of Kickapoo.
Peoria, ***Peoria City Hall***, 419 Fulton Street.

Pike County

Pittsfield, ***Pittsfield East School***, 400 East Jefferson.

Pope County

Glendale vicinity, ***Millstone Bluff***, northwest of Glendale off Illinois 145 in Shawnee National Forest (10–15–73).
***Kincaid Site** (see Massac County).

Pulaski County

Mound City, ***Mound City Civil War Naval Hospital***, Commercial Avenue at Central Street (10–9–74).

Randolph County

Chester vicinity, ***Mary's River Covered Bridge***, about 4 miles northeast of Chester off Illinois 150 (12–31–74).
Ellis Grove vicinity, ***Menard, Pierre, House**, Fort Kaskaskia State Park.
Modoc vicinity, ***Modoc Rockshelter**, 2 miles north of Modoc.
Prairie du Rocher, ***Creole House***, Market Street.
Prairie du Rocher and vicinity, ***French Colonial Historic District***, from Fort de Chartres State Park to Kaskaskia Island (4–3–74) (also in Monroe County).
Prairie du Rocher vicinity, ***Fort de Chartres**, terminus of Illinois 155, west of Prairie du Rocher, Fort Chartres State Park.
Prairie du Rocher vicinity, ***Kolmer Site***, northwest of Prairie du Rocher off Illinois 155 (5–1–74).

Rock Island County

Rock Island, ***Denkmann-Hauberg House***, 1300 24th Street.
Rock Island, ***Rock Island Arsenal***, Island of Rock Island.

St. Clair County

Cahokia, ***Church of the Holy Family**, East First Street.
Cahokia, ***Jarrot, Nicholas, House***, 1st Street (11–19–74).
Cahokia, ***Old Cahokia Courthouse***, corner of West First and Elm Streets.
Collingsville vicinity, ***Cahokia Mounds**, 7850 Collingsville Road, Cahokia Mounds State Park.
East St. Louis, ***Eads Bridge**, spanning the Mississippi River (see St. Louis, Mo.).
Lebanon vicinity, ***Emerald Mound and Village Site***, 3.5 miles northeast of Lebanon.
Lunsford-Pulcher Archeological Site (see Monroe County).

Sangamon County

Pleasant Plains vicinity, ***Clayville Tavern***, 0.5 mile southeast of Pleasant Plains on Illinois 125.
Springfield, ***Dana, Susan Lawrence, House***, 301 Lawrence Avenue (7–30–74).
Springfield, ***Edwards Place***, 700 North Fourth Street.
Springfield, ***Lincoln Home National Historic Site***, Eighth and Jackson Streets.
Springfield, ***Lincoln Tomb**, Oak Ridge Cemetery.
Springfield, ***Lindsay, Vachel, House**, 603 South Fifth Street.
Springfield, ***Old State Capitol**, bounded by Fifth, Sixth, Adams, and Washington Streets.

Stephenson County

Freeport, ***Stephenson County Courthouse***, Courthouse Square (1–17–74).

White County

Carmi, ***Ratcliff Inn***, 214 East Main Street.
Carmi, ***Robinson-Stewart House***, 110 South Main Cross Street (8–17–73).

Whiteside County

Albany vicinity, ***Albany Mounds Site***, SW of Albany off IL 80 (10–9–74).

Will County

Joliet vicinity, ***Illinois and Michigan Canal**, 7 miles southwest of Joliet on U.S. 6, Channahon State Park.
Lockport, ***Will County Historical Society Headquarters*** (Illinois and Michigan Canal Office Building), 803 South State Street.

Winnebago County

Rockford, ***Tinker Swiss Cottage***, 411 Kent Street.

Indiana

Adams County

Geneva, ***Porter, Gene Stratton, Cabin*** (***Limberlost Cabin***), 200 East Sixth Street (6–27–74).

Allen County

Fort Wayne, ***Fort Wayne City Hall***, 308 East Berry Street.
Fort Wayne, ***Johnny Appleseed Memorial Park***, about 0.4 mile south of Coliseum Boulevard (U.S. 30 Bypass) on the east side of Parnell Avenue (3800 block).

Brown County

Nashville vicinity, ***Steele, Theodore Clement, House and Studio***, southwest of Nashville, off Indiana 46 in Yellowwood State Forest (10–2–73).

Clark County

Borden, ***Borden Institute***, West Street.
Clarksville, ***Old Clarksville Site***, original town site at Silver Creek and the Ohio River (12–16–74).
Jeffersonville, ***Howard Home***, 1101 East Market Street.

Dearborn County

Aurora, ***Hillforest*** (*Forest Hill*), 213 Fifth Street.
Aurora vicinity, ***Veraestau***, about 1 mile south of Aurora on Indiana 56.

Decatur County

Greensburg, ***Decatur County Courthouse***, Courthouse Square.

De Kalb County

Auburn vicinity, ***Cornell, William, Homestead***, southwest of Auburn off Indiana 427, on Cedar Chapel Road (CR 68) (8–14–73).

Fayette County

Connersville, ***Canal House***, 111 East Fourth Street (7–16–73).

Floyd County

New Albany, ***Culbertson Mansion***, 914 East Main Street (6–28–74).

Franklin County

Brookville, ***Franklin County Seminary***, 412 Fifth Street (3–28–74).
Metamora, ***Whitewater Canal Historic District***, from Laurel Feeder Dam to Brookville.

Harrison County

Corydon, ***Corydon Historic District*** (8–28–73).

Howard County

Kokomo, ***Seiberling Mansion***, 1200 West Sycamore Street.
Indianapolis, ***Schmidt, John W., House***, 1410 North Delaware Street.

Jasper County

Rensselaer vicinity, ***St. Joseph's Indian Normal School***, St. Joseph's College campus off U.S. 231.

Jefferson County

Madison, ***Jefferson County Jail***, corner of Main and Walnut Streets.
Madison, ***Madison Historic District.***

Knox County

Vincennes, ***George Rogers Clark National Historical Park.***
Vincennes, ***Harrison, William Henry, Home, (Grouseland)**, 3 West Scott Street.
Vincennes, ***Old State Bank***, North 2nd Street (10–9–74).
Vincennes, ***Territorial Capitol of Former Indiana Territory***, bounded by Harrison, First, Scott, and Park Streets.

Lake County

Crown Point, ***Lake County Courthouse***, Public Square.

La Porte County

Michigan City, ***Michigan City Lighthouse***, Washington Park (11–5–74).

Madison County

Anderson vicinity, ***Mounds State Park***, 3 miles east of Anderson on State Road 32.

Marion County

Indianapolis, ***Allison Mansion***, 3200 Cold Spring Road.
Indianapolis, ***The Athenaeum***, 401 East Michigan Street.
Indianapolis, ***Ayres, L. S., Annex Warehouse*** (*14–22 Elliott's Block*), Maryland Street.
Indianapolis, ***Benton House***, 312 South Downey Avenue.
Indianapolis, ***Christ Church Cathedral***, 131 Monument Circle.
Indianapolis, ***City Market***, 222 East Market Street (3–27–74).
Indianapolis, ***Crown Hill Cemetery***, 4302 Boulevard Place.
Indianapolis, ***Harrison, Benjamin, Home**, 1204 North Delaware Street.
Indianapolis, ***Indianapolis Union Railroad Station***, 39 Jackson Place (7–19–74).
Indianapolis, ***Indiana State Museum***, 202 Alabama Street (10–29–74).
Indianapolis, ***Lockerbie Square Historic District.***
Indianapolis, ***Michigan Road Toll House***, 4702 Michigan Road, Northwest (8–7–74).
Indianapolis, ***Military Park***, bounded on the west by Blackford Street, on the north by New York Street, on the east by West Street, and on the south by the canal.
Indianapolis, ***Morris-Butler House***, 1204 North Park Avenue.
Indianapolis, ***Old Pathology Building***, 3000 West Washington Street, Central State Hospital.
Indianapolis, ***Propylaeum, The***, 1410 North Delaware Street.
Indianapolis, ***Riley, James Whitcomb, House**, 526 Lockerbie Street.
Indianapolis, ***State Soldiers and Sailors Monument***, Monument Circle.
Indianapolis, ***U.S. Courthouse and Post Office***, 46 East Ohio Street (1–11–74).
Indianapolis, ***Woodruff Place***, 1700–2000 East Michigan and East 10th Streets (500–1000 North).

Monroe County

Bloomington vicinity, ***Stout, Daniel, House***, northwest of Bloomington off Indiana 46 on Maple Grove Road (11–30–73).

Noble County

Rome City vicinity, ***Porter, Gene Stratton, Cabin***, southeast of Rome City off Indiana 9 (6–27–74).

Orange County

West Baden, ***West Baden Springs Hotel*** (Northwood Institute of Indiana), west of Indiana 56 (6–27–74).

Parke County

Marshall, ***Lusk Home and Mill Site***, Turkey Run State Park (10–29–74).

Porter County

Porter vicinity, ***Bailly, Joseph, Homestead**, 0.5 mile west of Porter on U.S. 20.

Posey County

Mt. Vernon vicinity, ***Mann Site***, E of Mt. Vernon (10–1–74).
New Harmony, ***New Harmony Historic District**, Main Street between Granary and Church Streets.

Rush County

Rushville, ***Melodeon Hall***, 210 North Morgan Street (11–15–73).

St. Joseph County

Mishawaka, ***Beiger House***, 317 Lincolnway East (8–28–73).
South Bend, ***Oliver, Joseph D., House*** (***Copshaholm***), 808 West Washington Avenue (8–28–73).
South Bend, ***Old Courthouse*** (*Second St. Joseph County Courthouse*), 112 South Lafayette Road.
South Bend, ***Tippecanoe Place*** (*Studebaker House*), 620 West Washington Avenue.

Spencer County

Lincoln City, ***Lincoln Boyhood National Memorial.***
Rockport, ***Brown-Kercheval House***, 315 South Second Street (9–20–73).

Switzerland County

Vevay, ***Eggleston, Edward and George Cary, House***, 306 West Main Street (10–15–73).

Tippecanoe County

Lafayette, ***Fowler, Moses, House***, corner of 10th and South Streets.
Lafayette, ***Tippecanoe County Courthouse***, Public Square.
Lafayette vicinity, ***Fort Ouiatenon.***
Lafayette vicinity, ***Indiana State Soldiers Home Historic District***, north of Lafayette off Indiana 43 (1–2–74).
Lafayette vicinity, ***Tippecanoe Battlefield**, 7 miles northeast of Lafayette on Indiana 225.

Vanderburgh County

Evansville, ***Evansville Post Office***, 100 block northwest Second Street.
Evansville, ***Former Vanderburgh County Sheriff's Residence***, Fourth Street between Vine and Court Streets.
Evansville, ***Old Vanderburgh County Courthouse***, entire block bounded by Vine, Fourth, Court, and Fifth Streets.
Evansville, ***Reitz, John Augustus, House***, 224 Southeast First Street (10–15–73).
Evansville, ***Willard Library***, 21 First Avenue.
Evansville vicinity, ***Angel Mounds**, east of Evansville, Angel Mounds State Memorial.

Vigo County

Terre Haute, ***Condit House***, 829 Mulberry Street, Indiana State University campus.
Terre Haute, ***Debs, Eugene V., Home**, 451 North Eighth Street.
Terre Haute, ***Dresser, Paul, Birthplace***, northwest corner of First and Farrington Streets in Fairbanks Park.
Terre Haute, ***Sage-Robinson-Nagel House***, 1411 South Sixth Street.
Terre Haute, ***State Bank of Indiana, Branch of*** (*Memorial Hall*), 219 Ohio Street (10–25–73).

Warrick County

Newburgh vicinity, ***Roberts-Morton House***, 1.5 miles east of Newburgh on SR 662 (12–30–74).

Washington County

Salem, ***Hay-Morrison House***, 106 South College Avenue.

Wayne County

Centerville, ***Centerville Historic District***, bounded on the north by the corporation line, on the east by Third Street, on the south by South Street, and on the west by Willow Grove Road.
Fountain City, ***Coffin Levi, House**, 115 North Main Street.
Richmond, ***Old Richmond Historic District***, roughly bounded by C&O Railroad, South 11th, South A, and alley south of South E Street (6–28–74).
Richmond, ***Starr Historic District***, roughly bounded by North E, North A, North 16th and alley west of North 10th Street (6–28–74).

Iowa

Adair County

Greenfield vicinity, ***Catalpa***, southeast of Greenfield (11–13–74).

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Allamakee County

Lansing, *Lansing Stone School*, southwest corner of Center and Fifth (12–18–73).
Marquette vicinity, *Effigy Mounds National Monument*, 3 miles north of Marquette on Iowa 13 (also in Clayton County).

Black Hawk County

Waterloo, *Russell, Rensselaer, House*, 520 West Third Street.

Cedar County

West Branch, *Herbert Hoover National Historic Site*.

Cerro Gardo County

Mason City, *Adams Building (Mason City National Bank)*, 4 South Federal Avenue.
Mason City, *Park Inn Hotel*, 15 West State Street.

Cherokee County

Cherokee, *Cherokee Sewer Site*, off U.S. 59 near Little Sioux River (12–24–74).
Cherokee vicinity, **Phipps Site*, 3 miles north of Cherokee.

Clayton County

Effigy Mounds National Monument (see Allamakee County).
Clayton, *Clayton School*, First Street (7–30–74).

Crawford County

Dow City vicinity, *The Dow House*, just outside edge of town on the south end of Prince Street.

Dallas County

Adel, *Dallas County Courthouse*, Town Square (11–26–73).

Davis County

Bloomfield, *Davis County Courthouse*, Bloomfield Town Square (5–3–74).
Centerville vicinity, *Stringtown House*, east of Centerville on Iowa 2 (4–16–74).

Delaware County

Hopkinton, *Old Lenox College*, College Street (12–19–74).
Manchester vicinity, *Spring Branch Butter Factory Site*, southwest of Manchester on National Fish Hatchery Road (6–28–74).

Des Moines County

Burlington, *Snake Alley*, N. Sixth Street, between Washington and Columbia streets (9–6–74).

Dickinson County

Arnolds Park, *Spirit Lake Massacre Log Cabin*, in Arnolds Park, west of Estherville on U.S. 71.

Dubuque County

Dubuque, *Dubuque City Hall*, 50 West 13th Street.
Dubuque, *Dubuque County Courthouse*, 720 Central Avenue.
Dubuque, *Dubuque County Jail*, 36 East Eighth Street.
Dubuque, *Orpheum Theatre and Site*, 405 Main Street.
Dubuque vicinity, *Johnson House and Barn*, south of Dubuque (11–5–74).

Fayette County

Clermont, *Union Sunday School*, McGregor and Larrabee Streets (11–5–74).
Clermont vicinity, *Montauk*, 1 mile northeast of Clermont on U.S. 18.

Guthrie County

Panora, *Panora-Linden High School (Guthrie County High School)*, bounded by Main, Vine, Market and Second streets (7–23–74).

Henry County

Mount Pleasant, *Harlan-Lincoln House*, 101 West Broad.
Mount Pleasant, *Old Main*, on Iowa Wesleyan College campus, Broad Street between Main and Broadway.

Ida County

Ida Grove, *Ida County Courthouse*, 401 Moorehead Street (3–15–74).
Ida Grove, *Moorehead Stagecoach Inn*, off U.S. 59 (8–27–74).

Iowa County

Middle Amana, **Amana Villages*, northeastern Iowa County.

Johnson County

Coralville, *Coralville Public School*, 402–404 Fifth Street (1–11–74).
Downey vicinity, *Secrest-Ryan Octagon Barn*, west of Downey (11–5–74).
Iowa City, *Close House*, 938 South Gilbert Street (5–31–74).
Iowa City, *College Block Building*, 125 East College Street (7–23–73).
Iowa City, *Congregational Church of Iowa City*, 30 North Clinton Street.
Iowa City, *First Presbyterian Church*, 26 East Market Street (6–28–73).
Iowa City, *Kirkwood House*, 1101 Kirkwood (9–17–74).
Iowa City, *Old Capitol*, University of Iowa campus, bounded by Washington, Madison, Jefferson, and Clinton Streets.
Iowa City, *Plum Grove (Robert Lucas House)*, 1030 Carroll Avenue.
Iowa City, *South Summit Street District*, 301–818 South Summit Street (10–9–73).
Iowa City, *Trinity Episcopal Church*, 320 East College Street (12–31–74).
Iowa City, *Wentz, Jacob, House*, 219 North Gilbert Street (6–27–74).

Keokuk County

Delta vicinity, *Delta Covered Bridge*, south of Delta off Iowa 108 (11–8–74).
What Cheer, *What Cheer Opera House, Inc.*, 201 Barnes Street.

Lee County

Fort Madison, *Old Fort Madison Site*, 315–335 Avenue H.
Keokuk, *Brown, Dr. Frank, House*, 318 North Fifth Street.
Keokuk, *U.S. Post Office and Courthouse*, 25 North Seventh Street (1–24–74).

Louisa County

Columbus Junction, *Community Building*, 122 E. Maple Street (8–14–73).
Toolesboro vicinity, **Toolesboro Mound Group*, north of Toolesboro.

Lyon County

Rock Rapids vicinity, *Melan Bridge*, east of Rock Rapids in Emma Sater Park (10–18–74).
Sioux Falls vicinity, **Blood Run Site*, south of Sioux Falls at the junction of Blood Run Creek and the Big Sioux River (also in Lincoln County, S. Dak.).

Mahaska County

Oskaloosa vicinity, *Nelson, Daniel, House and Barn*, northeast of Oskaloosa off U.S. 63 (11–20–74).

Marshall County

Marshalltown, *Marshall County Courthouse*, bordered by Center, Main, and Church Streets, and First Avenue.

Mills County

Glenwood vicinity, *Pony Creek Park*, northeast of Glenwood on Pony Creek.

Montgomery County

Red Oak, *Chautauqua Park*, Oak Street.

Muscatine County

Muscatine, *Bowman Livery Stable*, 219 East Mississippi Drive (6–28–74).
Muscatine, *McKibben, S. M., House*, Walnut Street between Front and Second (8–27–74).
Muscatine, *Old Jail*, 411 East Fourth Street (7–24–74).
Muscatine, *Trinity Episcopal Church*, 411 E. Second Street (10–29–74).
Muscatine vicinity, *Sinnett Octagon House*, north of Muscatine near Iowa 38 (7–18–74).

O'Brien County

Sutherland vicinity, **Indian Village Site (Wittrock Area)*, 3 miles east of Sutherland.

Page County

Clarinda, *Hepburn, Colonel William Peters, House*, 321 West Lincoln.

Pocahontas County

Laurens, *Laurens Public Library*, 263 North Third (11–5–74).

Polk County

Des Moines, *Flynn Farm, Mansion and Barn*, 2600 111th Street (11–30–73).
Des Moines, **Fort Des Moines Provisional Army Officer Training School*.
West Des Moines, *Jordan House*, 2251 Fuller Road (12–10–73).
Des Moines, *Naylor House*, 944 West Ninth Street (7–10–74).
Des Moines, *Terrace Hill (Hubbell Mansion)*, 2300 Grand Avenue.
Des Moines, *U.S. Post Office*, 2d and Walnut Streets (11–19–74).

Pottawattamie County

Council Bluffs, **Dodge, Grenville M., House*, 605 South Third Street.
Council Bluffs, *Pottawattamie County Jail*, 226 Pearl Street.

Scott County

Davenport, *Frick's Tavern*, 1402–04 W. Third Street (9–9–74).
Davenport, *LeClaire, Antoine, House*, 630 East Seventh Street (3–22–74).
Davenport, *Schick Apartments*, 310–314 Gaines Street (7–24–74).
Davenport, *Trinity Episcopal Cathedral*, 121 West 12th Street (12–24–74).
McCausland vicinity, *Cody Homestead*, south of McCausland (1–24–74).

Story County

Ames, **Knapp-Wilson House, The Farm House*, Iowa State University campus.

Tama County

Traer, *Brooks and Moore Bank Building*, 423 Second Street (12–3–74).

Union County

Creston, *Creston Railroad Depot*, 200 West Adams Street (8–15–73).

Van Buren County

Keosauqua, *Hotel Manning*, River Street and Van Buren.
Keosauqua vicinity, *Bentonsport*, east of Keosauqua on the Des Moines River.

Wapello County

Eldon, *American Gothic House (Dibble House)*, Burton & Gothic streets (10–1–74).
Ottumwa vicinity, *Mars Hill (Mars Hill Church and Cemetery)*, SE of Ottumwa (9–13–74).

Washington County

Washington, *Blair House*, East Washington Street and South Second Avenue.
Washington, *Conger, Jonathan Clark, House*, 903 East Washington Street (6–28–74).
Washington, *Wilson, Colonel C. J., House*, 903 East Washington Street (6–28–74).
Washington, *Young Alexander, Cabin*, West Madison Street between G and H Avenues (8–14–73).

Webster County

Fort Dodge, *Vincent House*, 824 Third Avenue South.

Winneshiek County

Decorah, *Painter-Bernatz Mill*, 200 North Mill Street (1–11–74).

Woodbury County

Sioux City, **Sergeant Floyd Monument*, Glenn Avenue and Lewis Road.
Sioux City, *Sioux City Central High School*, 1212 Nebraska Street (7–23–73).
Sioux City, *Woodbury County Courthouse*, Seventh and Douglas (12–18–73).

Kansas

Allen County

Iola, *Allen County Jail*, 204 North Jefferson Street.
Iola vicinity, *Funston Home*, 4 miles north of Iola on U.S. 69.

Anderson County

Garnett, *Anderson County Courthouse*, Fourth and Oak Streets.

Atchison County

Atchison, *Atchison Post Office*, 621 Kansas Street.
Atchison, *Earhart, Amelia, Birthplace*, 223 North Terrace.
Atchison, *Hetherington, W. W., House*, 805 North Fifth Street (7–12–74).
Atchison, *Howe, Edgar W., House*, 1117 North Third Street.
Atchison, *Mount Saint Scholastica Convent*, 801 South Eighth Street.
Atchison, *Muchnic, H. E. House*, 704 North Fourth Street (7–12–74).
Atchison, *Price Villa*, 801 South Eighth Street.
Atchison, *Waggener, B. P., House*, 819 North Fourth Street (5–3–74).

Barber County

Medicine Lodge, *Nation, Carry, Home*, 211 West Fowler Avenue.
Medicine Lodge vicinity, **Medicine Lodge Peace Treaty Site*, just south and east of Medicine Lodge.

Barton County

Great Bend vicinity, *Walnut Creek Crossing*, east of Great Bend, off U.S. 56.
Pawnee Rock vicinity, *Pawnee Rock*, 0.2 mile north of Pawnee Rock of U.S. 56.

Bourbon County

Fort Scott, *Fort Scott, Historic Area and other Kansas Historic Areas*.
Fort Scott, *Union Block*, 24 South Main Street.

Butler County

Augusta, *James, C. N., Cabin (Augusta Historical Museum)*, 305 State Street.

Chase County

Cottonwood Falls, *Chase County Courthouse*, on the square at the south end of Broadway.
Cottonwood Falls vicinity, *Wood, S. N., House*, 0.5 miles east of Cottonwood Falls.
Strong City vicinity, *Lower Fox Creek School*, NW of Strong City on KS 18/57 (9–6–74).
Strong City vicinity, *Spring Hill Farm and Stock Ranch House*, 3 miles north of Strong City on Kansas 177 (4–16–71).

Clark County

Ashland, *First National Bank*, northwest corner of Eighth and Main Streets.

Clay County

Clay Center, *Clay County Courthouse*, Fifth and Court Streets.

Cloud County

Concordia, *Brown Grand Opera House*, 310 West 6th Street (7–26–73).
Concordia, *Nazareth Convent and Academy*, 13th and Washington Streets.

Coffey County

Hartford vicinity, *Williamson Archeological Site*, southeast of Hartford (11–19–74).

Cowley County

Arkansas City, *Old Arkansas City High School*, 300 West Central (11–21–74).
Winfield, *Hackney, W. P., House*, 417 East 10th Street.
Winfield vicinity, *Magnolia Ranch*, 10.5 miles southeast of Winfield.

Dickinson County

Abilene, *Eisenhower Home*, 201 Southeast Fourth Street.
Abilene, *Lebold, C. H., House*, 106 North Vine Street.
Solomon, *Union Pacific Railroad Depot*, Third Street between Walnut and Pine Streets.

Doniphan County

Doniphan vicinity, *Doniphan Archeological Site* (14DP2), southeast of Doniphan (3–1–74).
Fanning vicinity, *Fanning Archeological Site*, c. 1 mile north of Fanning.
Highland, *Irvin Hall, Highland Community Junior College*, Highland Community Junior College campus.
Highland vicinity, *Iowa, Sac, and Fox Presbyterian Mission (Highland Presbyterian Mission)*, 1.5 miles east of Highland on U.S. 36 and 0.2 mile north of K–136.
Troy, *Doniphan County Courthouse*, Courthouse Square, bounded by Walnut, Liberty, Chestnut, and Main Streets (7–15–74).
White Cloud, *Poulet House*, Poplar Street between First and Second Streets.
White Cloud, *White Cloud School*, southwest corner of Fifth and Main Streets.

Douglas County

Baldwin, *Old Castle Hall*, 513 Fifth Street.
Clinton vicinity, *Steele, J. C., House*, east of Clinton (8–7–74).
Eudora, *Pilla, Charles, House*, 615 Elm (9–6–74).
Lawrence, *Blood, Colonel James, House*, 1015 Tennessee.
Lawrence, *Dyche Hall, University of Kansas*, 14th Street and Oread Avenue on University of Kansas campus (7–14–74).
Lawrence, *Green Hall, University of Kansas*, Jayhawk Drive (7–15–74).
Lawrence, **Haskell Institute*.
Lawrence, *Ludington House*, 1613 Tennessee Street.
Lawrence, *Old Lawrence City Hall (Watkins National Bank)*, 1047 Massachusetts Street.
Lawrence, *Old West Lawrence Historic District*, bounded approximately by Tennessee, Eighth, Indiana, and Sixth.
Lawrence, *Roberts, John N., House*, 1307 Massachusetts St. (9–6–74).
Lawrence, *Spooner Hall, University of Kansas*, 14th Street and Oread Avenue on University of Kansas campus (7–15–74).
Lawrence, *Zimmerman, S. T., House*, 304 Indiana (9–6–74).
Lecompton, *Lane University*.
Lecompton, **Lecompton Constitution Hall*, Elmore Street between Woodson and Third streets (5–14–71).

Ellis County

Ellis, *Chrysler, Walter P., House*, 104 West 10th Street.
Hays, *First Presbyterian Church*, 100 West Seventh Street.
Hays, *Fort Hays*, Frontier Historical Park.
Victoria, *St. Fidelis Catholic Church*, southeast corner of St. Anthony and Delaware Streets.
Victoria vicinity, *Grant, George, Villa*, 7 miles southeast of Victoria.

Ellsworth County

Ellsworth, *Hodgden House*, 104 West Main Street.
Kanopolis, *Fort Harker Guardhouse*, corner of Wyoming and Ohio Streets.
Kanopolis, *Fort Harker Officers' Quarters*, Ohio Street between Kansas and Colorado Streets (11–20–74).
Marquette vicinity, *Indian Hill Site*, northwest of Marquette (12–31–74).

Finney County

Garden City, *Windsor Hotel*, 421 North Main Street.

Ford County

Dodge City, *Mueller-Schmidt House*, 112 East Vine.
Dodge City vicinity, **Santa Fe Trail Remains*, 9 miles west of Dodge City on U.S. 50.

Franklin County

Ottawa, *Dietrich Cabin*, Main and Fifth Streets.
Ottawa, *Old Santa Fe Railroad Depot*, 135 West Tecumseh Street.
Ottawa, *Downtown Ottawa Historic District*, east side of the 200 block of South Main Street, plus 135 South Main Street.
Ottawa, *Franklin County Courthouse*, Courthouse Square on Main Street, between Third and Fourth Streets.
Ottawa, *Ransom, James H., House*, 318 South Locust (11–21–74).
Ottawa vicinity, *Jones Tauy, House*, c. 3 miles northeast of Ottawa.
Williamsburg vicinity, *Silkville*, 2.5 miles southwest of Williamsburg on U.S. 50.

Geary County

Junction City vicinity, *Bogan Archeological Site*, Milford Reservoir.
Junction City vicinity, *First Territorial Capitol*, on K–18 in Fort Riley Military Reservation.
Junction City vicinity, *Main Post Area, Fort Riley*, northeast of Junction City on Kansas 18 (5–1–74).
Junction City vicinity, *Wetzel, Christian, Cabin*, about 2 miles east of Junction City at the junction of I–70 and Kansas 57 (10–15–73).

Grant County

Ulysses vicinity, **Wagon Bed Springs*, 12 miles south of Ulysses on U.S. 270.

Greenwood County

Madison vicinity, *Curry Archeological Site*, northwest of Madison (11–20–74).

Harper County

Harper, *Old Runnymede Church (St. Patrick's Episcopal Church)*, northeast corner of 11th and Pine Streets.

Harvey County

Halstead vicinity, *Warkentin, Bernhard, Homestead*, north of Halstead (2–15–74).
Newton, *Carnegie Library*, 203 Main Street (5–31–74).
Newton, *Warkentin House*, 211 East First Street.

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Newton, *Warkentin Mill*, Third and Main Streets.
North Newton, *Bethel College Administration Building*, Bethel College Campus.

Hodgeman County

Jetmore, *Haun, Thompson S., House*, Main Street.

Jefferson County

Oskaloosa, *Union Block*, southwest corner of Delaware and Jefferson.

Johnson County

Fairway, **Shawnee Mission*, 53d Street at Mission Road.
Leawood, *Majors, Alexander, House*, 8145 State Line Road. (*Also in Jackson County, Mo.*)

Kingman County

Kinkman, *Kingman City Building*, northeast corner of Main Street and Avenue C.

Kiowa County

Greensburg, *Greensburg Well*, Sycamore Street.

Leavenworth County

Fort Leavenworth, *Quarry Creek Archeological Site (14LV401)*.
Lansing vicinity, *Lansing Man Archeological Site*, southeast of Lansing.
Leavenworth, *Aza Building (Espenscheid Building)*, 205 South Fifth Street.
Leavenworth, *Brewer, David J., House*, 403 Fifth Avenue.
Leavenworth, **Fort Leavenworth*.
Leavenworth, *Harvey, Fred, House*, 624 Olive.
Linwood vicinity, *Harris, Senator William A., House*, northwest of Linwood on Kansas 32 (11–5–74).

Linn County

Mound City, *Linn County Courthouse*, Fourth and Main (7–15–74).
Pleasanton vicinity, *Battle of Mine Creek Site*, 2.5 miles southwest of Pleasanton off U.S. 69 (12–12–73).
Trading Post vicinity, **Marais des Cygnes Massacre Site*, 5 miles northeast of Trading Post (6–21–71).

Logan County

Russell Springs, *Old Logan County Courthouse*, Main Street.

Lyon County

Emporia, *White, William Allen, House*, 927 Exchange Street.
Hartford, *Hartford Collegiate Institute*, southwest corner of Plumb and College Avenues.

McPherson County

Lindsborg, *Smoky Valley Roller Mill*, Mill Street.
Lindsborg, *Swedish Pavilion*, Mill Street.
Lindsborg vicinity, *Point Creek Archeological Site*, c. 5 miles southwest of Lindsborg.
Lindsborg vicinity, *Sharps Creek (Swenson) Archeological Site*.
McPherson, *McPherson Opera House*, 221 South Main Street.

Marion County

Florence, *Harvey House*, 204 West Third Street (8–14–73).
Hillsboro, *Pioneer Adobe House (Peter Loewen Adobe House)*, U.S. 56 and south Ash Street.
Peabody, *Old Peabody Library*, East Division and Walnut Street.

Marshall County

Blue Rapids, *Blue Rapids Library*, east side of the public square.
Blue Rapids vicinity, *Alcove Springs*, 4 miles north of Blue Rapids on secondary roads.
Frankfort, *Frankfort School*, 400 Locust Street.
Frankfurt vicinity, *Barrett Schoolhouse*, about 4 miles southwest of Frankfort off Kansas 99.
Marysville, *Marshall County Courthouse*, 1207 Broadway (11–5–74).
Marysville, *Marysville Pony Express Barn*, 108 South Eighth Street.
Marysville vicinity, *Hutchinson, Perry, House*, 0.5 mile northwest of Marysville on U.S. 77.
Waterville, *Powell, Samuel, House*, 108 West Commercial.

Miami County

Osawatomie, *Brown, John, Cabin (Samuel Adair Cabin)*, John Brown Memorial Park.
Paola, *Miami County Courthouse*, east of the intersection of Miami and Silver Streets.

Mitchell County

Beloit, *Hart, F. H., House*, 304 East Main Street.
Cawker City, *Old Cawker City Library*, Seventh and Lake Streets.

Montgomery County

Coffeyville, *Condon National Bank*, 811 Walnut Street.
Independence vicinity, *Infinity Archeological Site*, 8 miles west of Independence on U.S. 160, 1.5 miles north and 1.5 miles east on a secondary road.

Morris County

Council Grove, **Council Grove Historic District*.
Council Grove, *Farmers and Drovers Bank*, 201 West Main Street.
Council Grove, *Last Chance Store*, 500 West Main Street.
Council Grove, *Old Kaw Mission*, 500 North Mission Street.
Council Grove vicinity, *William Young Archeological Site*, 4.5 miles north of Council Grove.

Nemaha County

Sebetha vicinity, *Old Albany Schoolhouse*, 2.7 miles north of Sebetha on Sixth Street.

Ness County

Ness City, *Ness County Bank*, Main Street and Pennsylvania Avenue.

Osborne County

Osborne vicinity, *Geodetic Center of the U.S.*, about 17 miles southeast of Osborne off U.S. 281 (10–9–73).

Ottawa County

Minneapolis vicinity, *Minneapolis Archeological Site (14OT5)*, c. 2 miles south of Minneapolis.

Pawnee County

Larned vicinity, *Fort Larned National Historic Site*, 5 miles west of Larned.

Pottawatomie County

Belvue vicinity, *Vermillion Creek Crossing, Oregon Trail*, northwest of Belvue (6–20–74).
St. Marys, *Pottawatomie Indian Pay Station*, off of U.S. 24–40 on Mission Street.
Wamego, *Old Dutch Mill (Schonoff Mill)*, Wamego City Park.

Pratt County

Pratt vicinity *Pratt Archeological Site*, west of Pratt.

Republic County

Republic vicinity, *Pawnee Indian Village Site*, on Kansas 266, 8 miles north of U.S. 36, on the Republican River.

Rice County

Sterling, *Cooper Hall, Sterling College*, North Broadway Avenue (5–3–74).
Geneseo vicinity, **Tobias-Thompson Complex*, 4 miles southeast of Geneseo.
Lyons vicinity, *Malone Archeological Site*.

Riley County

Manhattan, *Goodnow House*, 2301 Claflin Road.

Rush County

La Croose, *Rush County Courthouse*, 715 Elm Street.

Saline County

Brookville, *Brookville Hotel*, Perry Street.
Salina, *Schwartz, A. J., House*, 636 East Iron Street.
Salina vicinity, **Whiteford, Price, Site*, 3 miles east of Salina.

Scott County

Scott City vicinity, **El Cuartelejo*, 12 miles north of Scott City, Scott County State Park.

Sedgwick County

Wichita, *Allen, Henry J., House (Arthur W. Kincade House)*, North 225 Roosevelt.
Wichita, *Campbell, B. H., House*, 1155 North River Boulevard.
Wichita, *The Carey House (Eaton Hotel)*, 525 East Douglas Avenue.
Wichita, *Old Sedgwick County Courthouse*, 504 North Main Street.
Wichita, *Rock Island Depot*, 729 East Douglas Street.
Wichita, *Scottish Rite Temple*, northwest corner of First Street and Topeka.
Wichita, *University Hall, Friends University*, 2100 University Avenue.
Wichita, *Wichita City Hall*, 204 South Main Street

Shawnee County

Topeka, *Curtis, Charles, House*, 1101 Topeka Avenue.
Topeka, *Kansas State Capitol*, bounded by Eighth and 10th Avenues and Jackson and Harrison Streets.
Topeka, *Pottawatomie Baptist Mission Building*, off West Sixth Street, 0.5 mile west of Wanamaker Road.
Topeka, *St. Joseph's Catholic Church*, 235 Van Buren Street.
Topeka vicinity, *Pottawatomie Baptist Mission Site*, west of Topeka.

Smith County

Smith Center vicinity, *"Home on the Range" Cabin*, about 11 miles northwest of Smith Center off Kansas 8.

Sumner County

Argonia, *Salter Home*, 220 West Garfield Street.
Caldwell vicinity, *Buresh Archeological Site*, northwest of Caldwell on F.A.S. 299.

Wabaunsee County

Wabaunsee, *Beecher Bible and Rifle Church*, southeast corner of Chapel and Elm Streets.

Wallace County

Wallace vicinity, *Pond Creek Station*, just east of Wallace on the north side of U.S. 40.

Washington County

Hanover vicinity, **Hollenberg (Cottonwood) Pony Express Station*, 1.5 miles east of Hanover on a secondary road.

Wilson County

Neodesha, *Norman No. 1 Oil Well Site*, east Mill Street (8–28–74).

Wyandotte County

Kansas City, *Huron Cemetery*, Minnesota Avenue between Sixth and Seventh Streets.
Kansas City, *St. Augustine Hall (Mather Hall)*, 3301 Parallel Avenue.
Kansas City, *Trowbridge Archeological Site*, between 61st and 63d Streets north of May Lane and Leavenworth Street.
Muncie, *Grinter Place*, 1420 South 78th Street.

Kentucky

Adair County

Columbia, *Adair County Courthouse*, 500 Public Square (8–27–74).
Columbia, *Trabue, Daniel, House*, 299 Jamestown Street (12–16–74).

Anderson County

Lawrenceburg, *Kavanaugh Academy*, 241 East Woodford Street (9–19–73).
Lawrenceburg vicinity, *McBrayer-Clark House*, north of Lawrenceburg on Ky. 326 (9–19–73).

Bell County

Middlesboro vicinity, *Cumberland Gap National Historical Park* (also in Claiborne County, Tenn., and Lee County, Va.).

Boone County

Burlington vicinity, *Piatt's Landing*, south of Burlington off Kentucky 338 (7–18–74).
Union vicinity, *Big Bone Lick*, 8 miles west of Union on Kentucky 338.

Bourbon County

Millersburg vicinity, *Colville Covered Bridge*, 4 miles northwest of Millersburg at Hinkston Creek (12–30–74).
Paris, *Duncan Tavern*, 323 High Street (U.S. 68).
Paris, *Eades Tavern (Robert Trimble House)*, 421 High Street (10–2–73).
Paris, *Paris Railroad Depot*, between 10th Street and Winchester Pike.
Paris vicinity, *The Grange*, 4 miles north of Paris on U.S. 68.

Boyd County

Ashland, *First Presbyterian Church*, 1600 Winchester Avenue.
Ashland, *Indian Mounds in Central Park*, Central Park, Carter Avenue (1–21–74).
Catlettsburg, *Catlett House (Beechmoor)*, 25th and Walnut Streets.
Catlettsburg, *Catlettsburg National Bank*, 110 26th Street.
Catlettsburg, *First United Methodist Church*, 2712 Louisa Street (11–19–74).
Catlettsburg vicinity, *Stone Serpent Mound* (1–21–74).

Boyle County

Danville, *Boyle County Courthouse-Jail Complex*, northeast corner of Main and Fourth Streets.
Danville, **Jacobs Hall, Kentucky School for the Deaf*, South Third Street.
Danville, *McClure-Barbee House*, 304 South Fourth Street.
Danville, **McDowell (Dr. Ephraim) House*, 125–27 South Second Street.
Danville, *Old Centre, Centre College*, West Walnut Street.
Perryville, *Perryville Historic District* (10–25–73).
Perryville vicinity, **Perryville Battlefield*, west of Perryville on U.S. 150.

Bracken County

Augusta vicinity, *Wine Cellar*, south of Augusta on Kentucky 1839 (12–30–74).

Caldwell County

Princeton, *Adsmore*, 304 North Jefferson Street (10–25–73).

Campbell County

Bellevue, *Sacred Heart Church*, 337 Taylor Avenue (8–13–74).

Carter County

Grahn vicinity, *Sellers House and Laboratory Building*, S of Grahn (10–16–74).
Grayson vicinity, *Kitchen, Van, House*, south of Grayson off Kentucky 7 (5–2–74).

Clark County

Winchester, *Clark County Courthouse*, Main Street (8–7–74).
Winchester, *Clark, Governor James, Mansion (Holly Road)*, Burns Avenue and Belmont Street (6–13–74).

Daviess County

Owensboro, *Old Trinity Episcopal Church*, 403 West Fifth Street.

Estill County

Fitchburg, *Red River Iron Furnace*, KY 975 in Daniel Boone National Forest (5–17–74).
Irvine vicinity, *Cottage Iron Furnace*, 7 miles northeast of Irvine in Daniel Boone National Forest (9–20–73).

Fayette County

Lexington, **Ashland (Henry Clay Home)*, 2 miles southeast of Lexington on Richmond Road.
Lexington, *Botherum*, 341 Madison Place.
Lexington, *Clay, Henry, Law Office*, 176 North Mill Street.
Lexington, *First Presbyterian Church*, 174 North Mill Street (12–30–74).
Lexington, *Giron's Confectionery*, 125 North Mill Street (12–27–74).
Lexington, *Gratz Park Historic District*, bounded by Second Street, the Byway, Third Street, and Bark Alley.
Lexington, *January, Thomas, House*, 437 West Second Street (12–27–74).
Lexington, *Kennedy House*, 216 North Limestone Street.
Lexington, *Lemon, James, Houses*, 329–331 South Mill Street (11–21–74).
Lexington, *Lincoln, Mary Todd, House*, 574 West Main Street.
Lexington, *Loudoun House*, corner of Bryan Avenue and Castlewood Drive.
Lexington, *McAdams and Morford Building*, 200–210 West Main Street (10–25–73).
Lexington, *McGarvey, Dr. John, House*, 361 South Mill Street (5–15–74).
Lexington, *McPheeters, Charles, House*, 352 South Mill Street (5–15–74).
Lexington, **Old Morrison, Transylvania College*, West Third Street between Upper Street and Broadway.
Lexington, *Poindexter, William, House*, 359 South Mill Street (5–15–74).
Lexington, *Ridgely House*, 190 Market Street.
Lexington, *Rose Hill*, 461 North Limestone Street (12–30–74).
Lexington, *Scott and Wilson Houses District*, 324, 328, 330, 336 South Mill Street (12–31–74).
Lexington, *West High Street Historic District*, now consists only of the Rev. Adam Rankin House (215 West High Street), William Bowman House (125 West High Street), Dr. John C. and Samuel B. Richardson House (129 West High Street), and the John Leiby House (133 West High Street).
Lexington vicinity, *Walnut Hill Presbyterian Church*, east of Lexington off U.S. 25/421.
Lexington vicinity, *Waveland*, 5 miles south of Lexington off U.S. 27.

Floyd County

Prestonsburg, *Garfield Place*, Second Avenue (12–4–74).

Franklin County

Frankfort, *Corner in Celebrities Historic District*, bounded roughly by the Kentucky River on the west; by Main Street on the north with extensions northward along Wilkinson and Washington Streets; by Madison and St. Clair Streets on the east; and by Wapping Street on the south with extensions southward to the river.
Frankfort, *Frankfort Cemetery and Chapel*, 215 East Main (7–12–74).
Frankfort, *Glen Willis*, Leestown Pike.
Frankfort, *Jackson Hall*, East Main Street (U.S. 60).
Frankfort, *Kentucky Governor's Mansion*, Capital Avenue.
Frankfort, *Kentucky State Arsenal*, Main Street and Capital Avenue (Arsenal Hill).
Frankfort, *Kentucky State Capitol Building*, terminus of Capital Avenue.
Frankfort, **Liberty Hall*, 218 Wilkinson Street.
Frankfort, *Morehead, Gov. Charles S., House*, 217 Shelby Street (12–30–74).
Frankfort, *Old Governor's Mansion*, 420 High Street.
Frankfort, **Old Statehouse*, Broadway between Lewis and Madison Streets.
Frankfort, *Old U.S. Courthouse and Post Office*, 305 Wapping Street (7–3–74).
Switzer, *Switzer Covered Bridge*, off Rocky Branch Road (9–6–74).

Garrard County

Lancaster, *Bradley, Governor William O., House*, Lexington Street (11–5–74).

Green County

Greensburg, *The Old Courthouse*, Public Square.

Hardin County

Elizabethtown, *Brown Pusey House Community Center*, 128 North Main Street (7–12–74).
Elizabethtown, *First Baptist Church*, 112 West Popular Street (12–31–74).
Elizabethtown vicinity, *Lincoln Heritage House (Hardin Thomas House)*, north of Elizabethtown on Freeman Lake.

Harrison County

Cynthiana, *Harrison County Courthouse*, 100 Main Street (12–6–74).

Hickman County

Columbus, *Columbus-Belmont Battlefield State Park*, on U.S. 80.

Hopkins County

Dawson Springs, *Hamby Well Building*, 120 South Main Street.

Jefferson County

Louisville, *Belle of Louisville*, Steamer, Carrie Gaulbert Cox Park, 3700 Upper River Road.
Louisville, *Christ Church Cathedral*, 421 South Second Street (8–14–73).
Louisville, *Farmington*, 3033 Bardstown Road.
Louisville, *Jefferson County Courthouse*, 527 West Jefferson Street.
Louisville, *Jefferson County Jail*, 514 West Liberty Street (7–16–73).
Louisville, *Kentucky Air National Guard Archeological Site, Standiford Field*, at the north end of Grade Lane.
Louisville, *L & N Steam Locomotive #152*, 1837 East River Road (12–30–74).
Louisville, *Landward House*, 1385–1387 South Fourth Street (9–20–73).
Louisville, *Louisville Board of Trade Building*, 301 West Main Street (8–14–73).

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Louisville, *Louisville Water Company Pumping Station, Zorn Avenue.
Louisville, *Ridgeway, 4095 Massie Avenue.
Louisville, St. James-Belgravia Historic District, bounded by Wilson Avenue on the north, South Fourth Street on the east, Hill Street on the south, and South Sixth Street on the west.
Louisville, *Southern National Bank (Old Bank of Louisville), 320 West Main Street.
Louisville, *Taylor, Zachary, House, Springfield, 5608 Apache Road.
Louisville, Trade Mart Building, 131 West Main Street.
Louisville, Tyler Block, 319 West Jefferson Street (10–15–73).
Louisville, West Main Street Historic District, 600–800 blocks of West Main Street (3–22–74).
Louisville vicinity, Locust Grove, northeast of Louisville, 561 Blankenbaker Lane.
Middletown, Head House, Main Street (6–28–74).

Johnson County

Paintsville, Mayo, John C. C., Mansion and Office, Third Street (5–3–74).
Paintsville vicinity, Davis, Daniel, Home, NW of Paintsville on U.S. 460 (10–9–74).

Kenton County

Covington, *Beard, Daniel Carter, Boyhood Home, 322 East Third Street.
Covington, Cathedral Basilica of the Assumption, 1130 Madison Avenue (7–20–73).
Covington, Hearne House, 500 Garrard Street (6–24–74).
Covington, Kenton County Library (Carnegie Library and Auditorium Building), 1028 Scott Street.
Covington, Mother of God Roman Catholic Church, 119 West 6th Street (7–26–73).
Covington, Riverside Drive Historic District, bounded on the north by Riverside Drive, on the south by Fourth Street, on the east by the Licking River, and on the west by the alley between Greenup and Garrard streets.
Ludlow, Carneal, Thomas, House (Elmwood Hall), 244–246 Forrest Avenue.

Larue County

Hodgenville vicinity, Abraham Lincoln Birthplace National Historic Site, 3 miles south of Hodgenville.

Laurel County

London, Federal Building-Courthouse, Main and Third Streets (6–19–74).

Lawrence County

Louisa, Vinson, Fred M., Birthplace, East Madison and Vinson Boulevard (9–4–74).

Lincoln County

Crab Orchard vicinity, Whitley, William, House, State Shrine, 2 miles west of Crab Orchard off U.S. 150.

Livingston County

Smithland, Grower House, Water Street.

Logan County

Adairville vicinity, Savage Cave Archeological Site, about 1 mile east of Adairville on Kentucky 591.
Russellville, Forst, William, House, southeast corner of Fourth and Winter Streets.
South Union, South Union Shaker Centre House and Preservatory, U.S. 68 (6–28–74).

Lyon County

Kuttawa vicinity, Kelly's Suwanee Furnace Office, 1.4 miles west of Kuttawa.

McCracken County

Paducah, Market House, South Second Street between Broadway and Kentucky Avenue.
Paducah, Yeiser, Mayor David A., House (Alben W. Barkley Museum), 533 Madison Street.

Madison County

Big Hill vicinity, Merritt Jones Tavern, 1 mile south of Big Hill on U.S. 421.
Richmond, Old Central University, University Drive.
Richmond vicinity, White Hall, Clay Lane, off U.S. 25, 7 miles north of Richmond.

Marion County

Loretto, Burks' Distillery (Maker's Mark Distillery), east of Loretto off Kentucky 49/52 (12–31–74).

Mason County

Maysville, Old Library Building, 221 Sutton Street (6–30–74).
Maysville, West Fourth Street District, 24, 29, 31, 32, and 33 West 4th Street (11–7–74).
Washington, Washington Historic District, corporate limits of the city of Washington in 1969.

Mercer County

Harrodsburg, Morgan Row, 222, 230, 232 South Chiles.
Harrodsburg vicinity, Dutch Reform Church (Old Mud Meeting House), 3 miles southwest of Harrodsburg, on Dry Branch Road.
Shakertown, *Shakertown at Pleasant Hill, U.S. 68.

Monroe County

Tompkinsville vicinity, Old Mulkey Meetinghouse, south of Tompkinsville on Kentucky 1446.

Nelson County

Bardstown, Old Talbott Tavern, Court Square (10–30–73).
Bardstown, St. Joseph Proto Cathedral, West Stephen Foster Avenue (1–9–74).
Bardstown, Spalding Hall, north Sixth Street, on St. Joseph's College campus.
Bardstown vicinity, Federal Hill (My Old Kentucky Home), 1 mile east of Bardstown on U.S. 150.
Bardstown vicinity, Wickland, 0.5 mile east of Bardstown on U.S. 62.

Nicholas County

Carlisle vicinity, Forest Retreat Farm and Tavern, northwest of Carlisle at junction of U.S. 68 and Kentucky 32 (10–2–73).

Ohio County

Paradise vicinity, *Indian Knoll, 0.5 mile upstream from Paradise ferry landing on the Green River.
Hartford, Hartford Seminary, 224 East Center Street.
Hartford, Pendleton House, 403 East Union Street.

Pike County

Pikeville, Pikeville College Academy Building, College Street.

Scott County

Georgetown, Branham House, 208 South Broadway.
Georgetown, Cantrill House, 324 East Jackson Street.
Georgetown, Giddings Hall, Giddings Drive between Jackson and College Streets.
Georgetown, Holy Trinity Episcopal Church, South Broadway and West Clinton Street (10–30–73).
Georgetown, Johnston-Jacobs House, 205 North Hamilton Street (10–2–73).
Georgetown, McFarland House, 510 Fountain Avenue (10–15–73).
Georgetown, Payne-Desha House, Kelly Avenue (12–2–74).
Georgetown, Royal Spring Park, west of Water Street and Broadway, between Clinton and Jefferson.
Georgetown, Scott County Courthouse, East Main and Broadway.
Georgetown, Showalter House (McHatton House), 316 North Hamilton Street.
Georgetown, Shropshire House, 355 East Main Street.
Georgetown vicinity, Allenhurst, west of Georgetown on Cane Run Pike south of U.S. 460.
Georgetown vicinity, Audubon, southwest of Georgetown off U.S. 62 on Moore's Mill Pike (12–4–73).
Georgetown vicinity, Bradford, Fielding, House, north of Georgetown off U.S. 25 on Long Lick Pike (12–4–73).
Georgetown vicinity, Bradley, John W., House, southwest of Georgetown off U.S. 62 (11–5–74).
Georgetown vicinity, Buford-Duke House, southeast of Georgetown off U.S. 75.
Georgetown vicinity, Choctaw Indian Academy, 4.5 miles west of Georgetown off U.S. 227.
Georgetown vicinity, Elmwood, northeast of Georgetown off U.S. 227/460 (11–19–74).
Georgetown vicinity, Buford-Duke House, southeast of Georgetown off I–75 (11–20–74).
Georgetown vicinity, Johnson, George W., Slave Quarters and Smokehouse, southwest of Georgetown off Ironworks Road (11–19–74).
Georgetown vicinity, Longview, about 4 miles west of Georgetown off U.S. 460 (10–25–73).
Georgetown vicinity, Osburn House, 4 miles north of Georgetown on U.S. 25.
Georgetown vicinity, Prewitt, Levi, House, south of Georgetown off I–64 (11–1–74).
Georgetown vicinity, St. Francis Mission at White Sulphur, 7 miles west of Georgetown on U.S. 460.
Georgetown vicinity, Sanders, Robert, House, about 2 miles south of Georgetown on U.S. 25 (10–15–73).
Georgetown vicinity, Smith, Nelson and Clifton Rodes, House, northeast of Georgetown off the Leesburg Pike (10–3–73).
Georgetown vicinity, Stone-Grant House, east of Georgetown on East Main Street extended (1–11–74).
Georgetown vicinity, Ward Hall, about 15 miles west of Georgetown on U.S. 460.
Stamping Ground, Bradford, Alexander, House, Main Street at Locust Fork Pike (6–27–74).

Shelby County

Simpsonville, Young, Whitney M. Jr., Birthplace, southwest of Simpsonville, off U.S. 60.

Todd County

Elkton, Edwards Hall, Goebel Avenue (1–11–74).
Fairview, Davis Jefferson, Monument, on Kentucky 115 near junction with U.S. 68.

Warren County

Bowling Green, Moore, Maria, House, 801 State Street.
Bowling Green, Riverview (Hobson House), Hobson Grove Park, Main Street.
Bowling Green vicinity, Ironwood, north of Bowling Green on Old Richardsville Road.

Washington County

Springfield vicinity, Lincoln, Mordecai, House, 5.9 miles north of Springfield on Kentucky 528.

Wayne County

Mill Springs, Mill Spring Mill, off Kentucky 90.

Woodford County

Midway, Pinkerton Hall, 650 East Street (11–20–74).

Versailles vicinity, Crittenden, John Jordan, Birthplace Cabin, 2 miles east of Versailles off U.S. 60.
Versailles vicinity, Jouett, Captain Jack, House, 5 miles southwest of Versailles on Craig's Mill Pike.

Louisiana

Ascension Parish

Darrow vicinity, The Hermitage, 1.75 miles east of Darrow on Louisiana 942.

Assumption Parish

Napoleonville vicinity, Madewood, east of Napoleonville on Louisiana 306 (10–3–73).

Avoyelles Parish

Marksville vicinity, *Marksville Prehistoric Indian Site, Marksville Prehistoric Indian Park State Monument.

Caddo Parish

Shreveport, Lindsay, Colonel Robert H., House (Symphony House), 2803 Woodlawn Avenue.
Shreveport, U.S. Post Office and Courthouse, Marshall and Texas streets (9–12–74).

DeSoto Parish

Gloster vicinity, Myrtle Hill Plantation House, southeast of Gloster off Louisiana 5 (12–4–74).
Mansfield vicinity, Mansfield Battle Park, 4 miles southeast of Mansfield on Louisiana 175.
Stonewall vicinity, Land's End Plantation, 7 miles southeast of Stonewall on Red Bluff Road.

East Baton Rouge Parish

Baton Rouge, Baton Rouge Water Works Company Standpipe, 131 Lafayette Street (12–4–73).
Baton Rouge, Magnolia Mound Plantation House, 1261 Nicholson Drive.
Baton Rouge, Old Louisiana State Capitol (State House), North Boulevard and St. Philip Street.
Baton Rouge, Pentagon Barracks (U.S. Barracks), North Riverside Mall (7–26–73).
Baton Rouge, Potts House, 831 North Street.
Baton Rouge, Powder Magazine, State Capitol Drive.
Baton Rouge, Stewart-Doughery House, 741 North Street.
Baton Rouge, Warden's House, Old Louisiana State Penitentiary, 701–705 Laurel Street (12–2–74).

East Feliciana Parish

Clinton, Brame-Bennett House, 227 South Baton Rouge Street.
Clinton, East Feliciana Parish Courthouse, Bounded by St. Helena, Woodville, Liberty, and Bank Streets.
Clinton, The Marston House, Bank Street.
Jackson vicinity, Asphodel Plantation and Cemetery, south of Jackson on Louisiana 74.
Port Hudson, *Port Hudson.

Iberia Parish

Delcambre vicinity, Jefferson, Joseph, House (Bob Acres Plantation), north of Delcambre at Jefferson Island.
New Iberia, The Shadows-on-the-Teche, East Main Street.
New Iberia vicinity, Darby Plantation, north of New Iberia on Darby Lane.

Iberville Parish

Plaquemine City vicinity, Plaquemine Lock, confluence of Bayou Plaquemine with the Mississippi River.
Rosedale, Live Oaks Plantation, Louisiana 77 (11–20–74).
St. Gabriel, St. Gabriel Roman Catholic Church, 0.25 mile south of Louisiana 74 between the Illinois Central Railroad tracks and Louisiana 75.

Jefferson Parish

Grand Isle vicinity, Fort Livingston, northeast of Grand Isle on western tip of Grande Terre Island (8–30–74).

Lincoln Parish

Ruston, Federal Building, Vienna and Mississippi streets (10–9–74).

Natchitoches Parish

Cloutierville, Cloutier, Alexis, House, Main Street (12–31–74).
Melrose, *Melrose Plantation, Louisiana 119 (6–13–72).
Natchitoches, Natchitoches Historic District, roughly bounded by Texas Street on the north, Second and Third on the west, Texas & Pacific RR., on the south, and Cane River and East Second Street on the east (6–5–74).
Natchitoches vicinity, Cherokee Plantation, southeast of Natchitoches on Cane River Road (8–14–73).

Orleans Parish

New Orleans, Bank of Louisiana, 334 Royal Street.
New Orleans, Big Oak-Little Oak Islands, northeast part of New Orleans; Big Oak is on the east side of Roger's Lagoon, 1.7 miles east of Little Woods; Little Oak is 2.6 miles east of Little Woods.
New Orleans, *The Cabildo, Jackson Square, Chartres Street, and St. Peter Street.
New Orleans, *Cable, George Washington House, 1313 Eighth Street.
New Orleans, French Market-Old Meat Market, 800 Decatur Street.
New Orleans, French Market-Old Vegetable Market, 1000 Decatur Street.
New Orleans, Galtier House, 1132 Royal Street (2–15–74).
New Orleans, The Garden District, bounded by properties fronting on Carondelet Street on the north, Josephine Street on the east, Magazine Street on the south, and Louisiana Avenue on the west.
New Orleans, General Laundry Building, 2512 St. Peter Street (12–27–74).
New Orleans, *Girod Nicholas House, 500 Chartres Street.
New Orleans, Hermann-Grima House, 818–820 St. Louis Street.
New Orleans, *Jackson Square (Place d'Armes), bounded by Decatur, St. Peter, St. Ann, and Chartres Streets.
New Orleans, Lafayette Cemetery No. 1, 1400 Washington Avenue.
New Orleans, *Lafitte's Blacksmith Shop, 941 Bourbon Street.
New Orleans, Lower Garden District.
New Orleans, *Madame John's Legacy, 632 Dumaine Street.
New Orleans, Merieult House, 533 Royal Street.
New Orleans, *Old Ursuline Convent, 1114 Chartres Street.
New Orleans, Old U.S. Mint, New Orleans, 420 Esplanade Avenue (6–5–73).
New Orleans, Perseverance Hall, 901 St. Claude Avenue (10–2–73).
New Orleans, Pitot House (Ducayet House), 1440 Moss Street.
New Orleans, *The Presbytère, 713 Chartres Street.
New Orleans, Rabassa, Jean Louis, House (McDonogh No. 18 School Annex), 1125 St. Ann Street (2–15–74).
New Orleans, St. Alphonsus Church (Roman Catholic), 2029 Constance Street.
New Orleans, St. Charles Line (Streetcar), St. Charles and Carrollton avenues route.
New Orleans, St. Mary's Assumption Church, 2030 Constance Street.
New Orleans, Turpin-Kofler-Buja House, 2319 Magazine Street.
New Orleans, U.S. Court of Appeals—Fifth Circuit, 600 Camp Street (2–15–74).
New Orleans, U.S. Custom House, 423 Canal Street (7–17–74).
New Orleans, *Vieux Carré Historic District, bounded by the Mississippi River, Rampart Street, Canal Street, and Esplanade Avenue.
New Orleans vicinity, Fort Pike, north of New Orleans off U.S. 90.

Plaquemines Parish

Phoenix vicinity, *Fort de la Boulaye Site, near Phoenix on the Mississippi River, near Louisiana 50.
Triumph vicinity, *Fort Jackson, 2.5 miles southeast of Triumph on Louisiana 23, on the west bank of the Mississippi River.
Triumph vicinity, *Fort St. Philip, 2.5 miles southeast of Triumph on Louisiana 23, on the east bank of the Mississippi River.

Pointe Coupee Parish

Innis vicinity, St. Stephen's Episcopal Church, north of Innis off Louisiana 418 (4–24–74).
Mix vicinity, *Parlange Plantation House, at junction of Louisiana 1 and 78.

Rapides Parish

Alexandria vicinity, Kent Plantation House, west of Alexandria on Bayou Rapides.
Pineville vicinity, Old LSU Site, north of Pineville at 2500 Shreveport Highway in Kisatchei National Forest (8–14–73).

Sabine Parish

Many vicinity, *Fort Jesup, 7 miles northeast of Many on Louisiana 6, Fort Jesup State Monument.

St. Bernard Parish

New Orleans vicinity, Chalmette National Historical Park, 6 miles south of New Orleans.

St. Charles Parish

Destrehan, Destrehan Plantation, on River Road (Louisiana 48).
Hahnville vicinity, *Homeplace Plantation House, 0.5 mile south of Hahnville Post Office on Louisiana 18.

St. Martin Parish

St. Martinville, Acadian House, Longfellow Evangeline State Park on Louisiana 31.
St. Martinville, St. Martin of Tours Catholic Church, 133 South Main Street.
St. Martinville, U.S. Post Office, corner of Main and Port Streets.

St. Mary Parish

Franklin vicinity, Oaklawn Manor, about 2 miles northeast of Franklin on Irish Bend Road.

Tangipahoa Parish

Hammond, Grace Memorial Episcopal Church, 100 West Church Street.

Terrebonne Parish

Houma vicinity, Southdown Plantation, southwest of Houma off Louisiana 311 (1–18–74).

West Carroll Parish

Delhi vicinity, *Poverty Point, 12 miles north of Delhi on Bayou Macon.

West Feliciana Parish

St. Francisville, Propinquity, corner of Royal and Johnson Streets.
St. Francisville vicinity, Oakley Plantation House, 4.5 miles east of St. Francisville, off Louisiana 965, in Audubon Memorial State Park.

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Weyanoke vicinity, *Rosebank Plantation House*, southeast of Weyanoke off Louisiana 66.

Maine

Androscoggin County

Auburn, *Jordan, Charles A., House*, 63 Academy Street (7–15–74).
Lewiston, *Hathorn Hall, Bates College*, Bates College campus.
Lisbon Falls, *Worumbo Mill*, on the bank of the Androscoggin River (10–15–73).
Livermore, *The Norlands*, The Norlands Road.
Poland, *Maine State Building*, Poland Spring (7–18–74).
Sabbathday Lake vicinity, *Shaker Village*, on Route 26 (12–3–69).

Aroostook County

Fort Kent vicinity, *•Fort Kent State Memorial*, southwest of Fort Kent off Maine 11 (10–1–69).
Grand Isle, *Our Lady of Mount Carmel Catholic Church*, U.S. 1 (10–15–73).
Houlton, *First National Bank of Houlton*, Market Square (9–20–73).
Littleton vicinity, *Watson Settlement Bridge*, across the Meduxnekeag Stream, 1 mile west of United States-Canadian border.
Madawaska vicinity, *Acadian Landing Site*, East of Madawaska on the St. John River, off U.S. 1 (9–20–73).
Madawaska vicinity, *St. David Catholic Church*, east of Madawaska on U.S. 1 (10–2–73).
New Sweden vicinity, *Timmerhuset*, W of New Sweden on Me. 161 (8–23–73).

Cumberland County

Brunswick, *First Parish Church*, 207 Maine Street.
Brunswick, *Massachusetts Hall, Bowdoin College*, Bowdoin College campus.
Brunswick, *Richardson House (Capt. George McManus House)*, 11 Lincoln Street (5–16–74).
Brunswick, *•Stowe, Harriet Beecher, House*, 63 Federal Street.
Cape Elizabeth, *Beckett's Castle*, off Maine 77 (12–31–74).
Cape Elizabeth, *Brown, C. A., Cottage*, 9 Delano Park (7–30–74).
Cape Elizabeth, Portland Headlight, Portland Head, off Shore Road.
Cape Elizabeth, *Spurwink Congregational Church (South Meetinghouse)*, Spurwink Avenue.
Cape Elizabeth, *Two Lights*, off Maine 77 (12–27–74).
Falmouth, *Skeleton, Thomas, House*, 124 U.S. 1.
Freeport, *Harraseeket Historic District*, roughly both sides of the Harraseeket River including South Freeport, Porter Landing, and Mast Landing (6–28–74).
Freeport, *Pettengill House and Farm*, south of Bow Street.
Freeport, *Pote, Captain Greenfield, House (Pettengill House)*, Wolf Neck Road (10–6–70).
Gorham, *Academy Building (Gorham Academy, Gorham Seminary)*, Gorham School Street (Route 114).
Gorham, *Art Gallery*, College Avenue, University of Maine campus.
Gorham, *McLellan House*, Gorham School Street.
Harpswell Center, *•Harpswell Meetinghouse*.
Harpswell vicinity, *Peary, Robert E., Home*, Eagle Island.
Naples vicinity, *Songo Lock (Cumberland-Oxford Canal)*, 1 mile off Maine 114 south of Naples.
New Gloucester, *New Gloucester Historic District*, both sides of Maine 33 and 231 (11–13–74).
Otisfield vicinity, *Nutting Homestead*, south of Otisfield off Maine 121 (12–3–74).
Portland, *Baxter, Percival P., House*, 61 Deering Street.
Portland, *Butler, A. B., House*, 4 Walker Street (5–8–74).
Portland, *Clapp, Charles Q., House*, 97 Spring Street.
Portland, *Dow, General Neal, House*, 714 Congress Street.
Portland, *Eastern Cemetery*, Congress Street at the corner of Mountfort Street (12–12–73).
Portland, *First Parish Church*, 425 Congress Street.
Portland, *Gothic House*, 387 Spring Street (12–31–74).
Portland, *Green Memorial A.M.E. Zion Church (Abyssinian Congregational Church and Society)*, 46 Sheridan Street.
Portland, *How, Daniel, House*, 23 Danforth Street.
Portland, *Ingraham, Joseph Holt, House*, 51 State Street (7–16–73).
Portland, *•McLellan-Sweat Mansion*, 111 High Street.
Portland, *Mariner's Church*, 368–374 Fore Street.
Portland, *Marine Hospital*, 331 Veranda Street (8–21–74).
Portland, *Mechanics' Hall*, 519 Congress Street (10–3–73).
Portland, *•Morse-Libby Mansion*, 109 Danforth Street.
Portland, *Park Street Row*, 88–114 Park Street.
Portland, *Portland City Hall*, 389 Congress Street.
Portland, *Portland Club (Hunnewell-Shepley House)*, 156 State Street.
Portland, *Portland Observatory*, 138 Congress Street.
Portland, *Portland Stove Foundry*, 57 Kennebec Street (11–18–74).
Portland, *Portland Waterfront*, Waterfront Area (5–2–74).
Portland, *Rackleff Building*, 127, 129, 131, 133 Middle Street.
Portland, *Reed, Thomas Brackett, House*, 30–32 Deering Street.
Portland, *Smith, F. O. J., Tomb*, Stevens Avenue in Evergreen Cemetery (12–31–74).
Portland, *Spring Street Historic District*
Portland, *Stevens, John Calvin, House*, 52 Bowdoin Street (7–16–73).
Portland, *Stroudwater Historic District*.
Portland, *•Tate House*, 1270 Westbrook Street.
Portland, *Thompson Block*, 117–125 Middle Street.
Portland, *U.S. Courthouse*, 156 Federal Street (2–12–74).
Portland, *U.S. Custom House*, 312 Fore Street.
Portland, *•Wadsworth-Longfellow House*, 487 Congress Street.
Portland, *Woodman Building*, 133–141 Middle Street.
Portland vicinity, *Fort Gorges*, E of Portland on Hog Island, Portland Harbor (8–28–73).
Scarborough, *•Homer, Winslow, Studio*, Winslow Homer Road, Prout's Neck.
Shaker Village (see Androscoggin County).
South Casco, *Hawthorne, Nathaniel, Boyhood Home*, Hawthorne and Raymond Cape Roads.
South Portland, *Portland Breakwater Light*, northeast end of Portland Breakwater, Portland Harbor.
South Windham vicinity, *Smith, Parson, House*, Southeast of South Windham on River Road (7–16–73).
Standish, Windham, Gorham and Westbrook, *Cumberland and Oxford Canal*, from Sebago Lake Basin to Conant Street (11–1–74).
Standish, *Marrett, Daniel, House*, on Maine 25 (2–15–74).
Westbrook, *Cumberland Mills Historic District*, roughly both sides of Presumpscot River between railroad tracks and Warren Avenue (5–2–74).
Westbrook, *Warren Block*, Main Street (11–5–74).
Yarmouth, *Merrill, Captain Reuben, House*, 97 West Main Street (7–12–74).

Franklin County

Farmington, *Abbott, Jacob House*, Main Street (Maine 27) (11–26–73).
Farmington, *Cutler Memorial Library*, corner of Academy and High Street (11–2–73).
Farmington, *First Congregational Church, United Church of Christ*, Main Street (7–25–74).
Farmington, *Free Will Baptist Meetinghouse*, Main Street (3–28–73).
Farmington, *Ramsdell, Hiram, House*, corner of High and Perham streets (12–4–73).
Farmington vicinity, *Nordica Homestead*, Holly Road, 0.5 mile from Route 27.
Farmington Falls, *Old Union Meetinghouse (Union Baptist Church)*, U.S. 2 (10–30–73).
North Jay, *Holmes-Crafts Homestead*, on Maine 4 at Old North Jay Road.
North Jay, *North Jay Grange Store*, ME 17 (10–23–74).
Popham Beach vicinity to Coburn Gore, *Arnold, Trail to Quebec*, along Kennebec River, through Wyman Lake and Flagstaff Lake, along Deal River and Chain of Ponds to Quebec, Canada (*also in Kennebec, Sagadahoc, and Somerset counties*).
West Farmington vicinity, *Little Red Schoolhouse*, south of West Farmington on Wilton Road.

Hancock County

Bar Harbor, *The Turrets*, Eden Street (12–24–74).
Blue Hill, *Hinckley, Ward, House*, Maine 172/175 (12–16–74).
Blue Hill, *Jonathan Fisher Memorial*, outer Main Street (Route 15).
Bucksport, *Emery, James, House*, Main Street (6–13–74).
Castine, *Castine Historic District*.
Castine, *Cate House*, corner of Court and Pleasant Streets.
Castine, *Fort George Memorial*.
Castine, *Perkins, John, House*, Perkins Street.
East Sullivan vicinity, *•Wickyup (Admiral Richard E. Byrd Estate)*, 8 miles northeast of East Sullivan.
Ellsworth, *Black Mansion*, West Maine Street on Route 172.
Ellsworth, *Ellsworth Congregational Church*, State Street.
Ellsworth, *Jordan, Col. Meltiah, House (Ellsworth Public Library)*, State Street (6–13–74).
Ellsworth vicinity, *Stanwood Homestead (Birdsacre Sanctuary)*, 1 mile south of Ellsworth on Maine 3.
Northeast Harbor, *•Gilman, Daniel Coit, Summer Home (Over Edge)*.
Sedgwick, *First Baptist Church*, off Maine 172.
Sullivan, *Granite Store*, U.S. 1 (12–16–74).

Kennebec County

Arnold Trail to Quebec (see Franklin County).
Augusta, *•Blaine, James G., House*, Capitol and State Streets.
Augusta, *•Fort Western*, Bowman Street.
Augusta, *Kennebec Arsenal*, Arsenal Street.
Augusta, *Kennebec County Courthouse*, 95 State Street (7–25–74).
Augusta, *Lithgow Library*, Winthrop Street (7–24–74).
Augusta, *Maine State House*, Capitol Street.
Augusta, *Morrill, Lot, House*, 113 Winthrop Street (7–18–74).
Augusta, *Old Post Office*, Water Street (7–18–74).
Gardiner, *Christ Episcopal Church*, 1 Dresden Avenue (7–24–73).
Gardiner, *Oaklands*, South end of Dresden Street (7–27–73).

Gardiner, *•Robinson, Edwin Arlington, House*, 67 Lincoln Avenue.
Hallowell, *Elm Hill Farm (Merrick Cottage)*, Litchfield Road.
Hallowell, *Hallowell Historic District*.
Hallowell, *Row House (The Gage Block)*, 106–114 Second Street.
Hallowell, *Vaughn Homestead*, Middle Street off Litchfield Road.
Monmouth, *Cumston Hall*, Main Street (8–14–73).
Waterville-Winslow, *Two Cent Bridge*, spans the Kennebec River at Temple Street (9–20–73).
Winslow, *•Fort Halifax*.
Winslow, *Shurtleff, Jonas B., House*, Augusta Road (12–30–74).

Knox County

Camden, *The Conway House*, Conway Road.
Camden, *Norumbega*, High Street (7–12–74).
Camden vicinity, *Curtis Island Light*, 0.8 mile southeast of Camden Harbor on Curtis Island.
Rockland, *Farnsworth Homestead*, 21 Elm Street.
Rockport, *Rockport Historic Kiln Area*, on Rockport harbor at the mouth of the Goose River.
Rockport, *Spite House*, Deadman's Point (8–13–74).
Thomaston, *Thomaston Historic District*, roughly both sides of U.S. 1 between Maine 131 and Wadsworth Street and both sides of Knox Street to river (5–2–74).
Vicinity of Warren, Union, Appleton, and Searsmont, *Georges River Canal*, Upper Falls, Georges River in Warren to Union town line, extending to Quantabacook Pond in Searsmont (*also in Waldo County*).
Vinalhaven, *The Vinalhaven Galamander*, Bandstand Park.

Lincoln County

Alna, *Head Tide Historic District*, both sides of Sheepscot River (11–19–74).
Alna Center, *Alna Meetinghouse*, Maine 218.
Damariscotta, *Chapman-Hall House*, Main and Vine Streets.
Damariscotta, *Cottrill, Matthew, House*, Main Street (5–2–74).
Damariscotta vicinity, *Damariscotta Oyster Shell Heaps*, Damariscotta River north of Damariscotta.
Dresden, *Bowman-Carney House*, 0.5 mile north of Maine 197 and west of Maine 128.
Dresden, *Pownalborough Courthouse*, Cedar Grove Road.
Edgecomb, *Fort Edgecomb*, on Davis Island in the Sheepscot River.
New Castle, *Kavanaugh, Governor Edward, House*, Maine 213 (Damariscotta Mills) (5–3–74).
New Castle, *St. Patrick's Catholic Church*, Academy Road.
Pemaquid vicinity, *Harrington Meetinghouse*, northwest of Pemaquid on Old Harrington Road.
Pemaquid Beach vicinity, *Fort William Henry*, northwest of Pemaquid Beach.
Pemaquid Beach vicinity, *Pemaquid Restoration and Museum*, Pemaquid Point.
South Bristol, *Thompson Ice House*, Maine 129 (12–31–74).
Waldoboro, *U.S. Custom House and Post Office (Waldoboro Public Library)*, Main Street (1–18–74).
Waldoboro vicinity, *German Church and Cemetery*, Maine 32, 1 mile south of Waldoboro.
Wiscasset, *•Nickels-Sortwell House*, northeast corner of Main and Federal Streets.
Wiscasset, *Scott, George, House (Octagon House)*, Federal Street.
Wiscasset, *U.S. Customhouse (Old Customhouse) and Post Office*, Water Street.
Wiscasset, *Wiscasset Historic District*.
Wiscasset, *Wiscasset Jail and Museum*, Maine 218.

Oxford County

Bethel, Mason, *Dr. Moses, House (Ada Durrell House)*, Broad Street.
Fryeburg Center vicinity, *Hemlock Bridge*, Across the Old Course Saco River, northeast of Fryeburg Center.
Hiram vicinity, *Wadsworth Hall*, south of Hiram (1–21–74).
Newry vicinity, *Sunday River Bridge*, across the Sunday River west of Newry.
Paris Hill, *Paris Hill Historic District*.
Porter vicinity, *Porter Old Meetinghouse*, north of Porter off Maine 25.
Porter vicinity, *Porter-Parsonfield Bridge*, 0.5 mile south of Porter (also in York County).
Rumford, *Strathglass Park District*, bounded by Lincoln Avenue, Hancock Street, Maine Avenue and York Street (10–18–74).
South Andover, *Lovejoy Bridge*, across the Ellis River.
Wilsons Mills vicinity, *Bennett Bridge*, across the Magalloway River 1.5 miles south of Wilsons Mills.

Penobscot County

Bangor, *Adams-Pickering Block*, corner of Main and Middle Streets (5–2–74).
Bangor, *Bangor House*, 174 Main Street.
Bangor, *Bangor Standpipe*, Jackson Street (8–30–74).
Bangor, *Blake House*, 107 Court Street.
Bangor, *Broadway Historic District*.
Bangor, *Farrar, Samuel, House*, 123 Court Street (5–23–74).
Bangor, *Godfrey-Kellogg House*, 212 Kenduskeag Avenue.
Bangor, *Grand Army Memorial Home*, 159 Union Street.
Bangor, *Jonas Cutting-Edward Kent House*, 48–50 Penobscot Street.
Bangor, *Low, Joseph W., House*, 51 Highland Street (12–4–73).
Bangor, *Morse Bridge*, Valley Avenue, across Kenduskeag Stream.
Bangor, *Morse & Co. Office Building*, Harlow Street.
Bangor, *Mt. Hope Cemetery District*, U.S. 2 (12–4–74).
Bangor-Brewer, *Site of Penobscot Expedition*, Penobscot River between Bangor and Brewer, at the mouth of the Kenduskeag Street.
Bangor, *St. John's Catholic Church*, York Street.
Bangor, *Smith, Zebulon, House*, 55 Summer Street (1–21–74).
Bangor, *Symphony House*, 166 Union Street.
Bangor, *Wheelwright Block*, 34 Hammond Street (7–18–74).
Corinna, *Stewart Free Library*, Maine 11/43 (7–30–74).
East Corinth vicinity, *Skinner Settlement, Corinth Village*, 3.5 miles west of East Corinth on Kenduskea-Exeter Mills Road.
Old Town, *St. Anne's Church and Mission Site*, on Indian Island off Maine 43 (11–26–73).
Old Town, *St. James Episcopal Church*, Center Street (11–19–74).
Orono, *Colburn, William, House*, 91 Bennoch Road.
Orono, *Treat, Nathaniel, House*, 114 Main Street (9–20–73).
Orono, *Washburn, Governor Israel, House*, 120 Main Street.
Robyville, *Robyville Bridge*, across the Kenduskeag Stream.

Piscataquis County

Brownville Junction vicinity *Katahdin Iron Works*, 5 miles north of Brownville Junction on Route 11, follow gravel road for 6 miles.
Chesuncook, *Chesuncook Village*, northwestern shore, Chesuncook Lake.
Guilford vicinity, *Low's Bridge*, across the Piscataquis River between Guilford and Sangerville.
Millinocket vicinity, *Ambajejus Boom House*, about 11 miles northwest of Millinocket on the Ambajejus Lake.

Sagadahoc County

Arnold Trail to Quebec (see Franklin County).
Bath, *Bath Historic District*.
Bath, *Percy and Small Shipyard*, 451 Washington Street.
Bath, *Seguin* (tugboat), Bath Marine Museum.
Bath, *U.S. Customhouse and Post Office*, 25 Front Street.
Bath, *Winter Street Church*, corner of Washington and Winter Streets.
Popham Beach vicinity, *Fort Popham Memorial*, north of Popham Beach on Hunnewell Point.
Popham Beach vicinity, *Popham Colony Site*, northeast of Sabino Head at the end of Maine 209.
Richmond, *Richmond Historic District*, bounded roughly by the Kennebec River, South, Hight, and Main Streets (11–12–73).
Richmond, *Southard Block*, 25 Front Street.
Topsham, *Pejepscot Paper Company*, off U.S. 201 at Androscoggin River (9–17–74).

Somerset County

Arnold Trail to Quebec (see Franklin County).
Fairfield, *Connor-Borie House*, 22 Summit Street (1–18–74).
Fairfield, *Lawrence Library*, off U.S. 201 (12–31–74).
Mason vicinity, *Old Point and Sebastian Rale Monument*, south of Madison off Alternate U.S. 201.
New Portland vicinity, *New Portland Wire Bridge*, Wire Bridge Road, over the Carrabassett River.
Skowhegan, *Coburn, Governor Abner, House*, Main Street (7–30–74).

Waldo County

Georges River Canal (see Knox County).
Belfast, *Belfast National Bank*, Main and Beaver Streets.
Belfast, *Masonic Temple*, High Street (U.S. 1).
Belfast, *Primrose Hill Historic District*, High and Anderson Streets (10–3–73).
Belfast, *White, James P., House*, 1 Church Street.
Frankfort vicinity, *Mount Waldo Granite Works*, south of Frankfort on U.S. 1–A (3–15–74).
Liberty, *Old Post Office*, Main Street (Route 173).
Prospect vicinity, *•Fort Knox State Park*.
Searsport, *Penobscot Marine Museum*, Church Street.
Stockton Springs vicinity, *Fort Pownall Memorial*, southeast of Stockton Springs on Fort Point.
Winterport, *Winterport Congregational Church*, Alternate U.S. 1.

Washington County

Columbia Falls, *Ruggles House*, Main Street.
East Machias, *East Machias Historic District*, High, Water, and Bridge Streets.
East Mathias vicinity, *"The Rim" and Site of Fort Foster*, South of East Mathias off U.S. 1 (7–23–73).
Eastport, *Fort Sullivan*, Moose Island; *Barracks*, 74 Washington Street.
Machias, *Burnham Tavern*, Main Street.
Machiasport vicinity, *Fort O'Brien (Fort Machias)*, south of Machiasport on secondary road.
Robbinston vicinity, *Mansion House (General John Brewer House)*, north of Robbinston on U.S. 1.
St. Croix Junction vicinity, *St. Croix Island National Monument*, on the international boundary, in the St. Croix River.

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York County

Biddeford, *Biddeford City Hall*, 205 Main Street.
Biddeford, *First Parish Meetinghouse*, Old Pool Road.
Biddeford, *U.S. Post Office*, 35 Washington Street.
Biddeford Pool, *Fletcher's Neck Life Saving Station*, Ocean Avenue (11–1–74).
Eliot vicinity, *Frost Garrison and House*, Frost's Hill.
Kennebunk, *Kennebunk Historic District*, both sides of Maine 35 from Kennebunk River to U.S. 1, radiating streets at intersection (6–5–74).
Kennebunk, *Lord Mansion* (*Clark Mansion*), 20 Summer Street.
Kennebunkport, *Lord Captain Nathaniel, Mansion*, corner of Pleasant and Green Streets (9–20–73).
Kennebunkport, *Perkins Tide Mill*, Mill Lane (9–7–73).
Kennebunkport, *U.S. Custom House* (*Louis T. Graves Memorial Public Library*), Main Street (1–18–74).
Kittery vicinity, *Isles of Shoals*, 6.5 miles southeast of Kittery (5–16–74).
Kittery Point, **Lady Pepperrell House*, Maine 103.
Kittery Point, *Pepperrell, William, House*, Pepperrell Cove on Maine 103 (8–14–73).
Kittery Point vicinity, *Fort McClary*, off Maine 103 near Fort McClary State Park.
Porter vicinity, *Porter-Parsonfield Bridge* (see Oxford County).
South Berwick, **Hamilton, Jonathan, House*, Vaughan's Lane and Old South Road.
South Berwick, *Jewett, Sarah Orne, House*, Junction of Maine 4 and 236.
York, *Hancock, John, Warehouse*, Lindsay Road.
York, *Old Schoolhouse*, York Street (on the Village Green).
York, **Old York Gaol*, 4 Lindsay Road.
York, *York Historic District* (7–16–73).
York vicinity, **McIntire Garrison House*, 5 miles west of York on Maine 91.

Massachusetts

Barnstable County

Barnstable, *Old Jail*, Main Street and Old Jail Lane.
Chatham, **Brandeis, Louis, House*, Neck Lane, Hyannis Port, **Kennedy Compound*, Irving and Marchant avenues (11–28–72).
Dennis, *Dennis, Josiah, Manse*, Nobscusset Road at Whig Street (2–15–74).
Orleans, *French Cable Station*, southeast corner of Cove Road and Route 28.
Provincetown, *First Universalist Church*, 236 Commercial Street.

Berkshire County

Florida and Savoy vicinity, *Mohawk Trail*, along the bank of the Cold River (also in Franklin County).
Hancock, *Hancock Town Hall*, Main Street.
Interlaken, *Citizens Hall*, Stockbridge, off U.S. 90.
Lanesborough, *St. Luke's Episcopal Church*, U.S. 7.
Lenox vicinity, **The Mount* (*Edith Wharton Estate*), south of Lenox on U.S. 7.
Lenox, *Lenox Library*, 18 Main Street.
North Adams, *Beaver Mill*, Beaver Street.
North Adams, *Freight Yard Historic District*, Boston and Maine Freighthouse Area, Troy and Greenfield Railroad Depot and Freight Area.
North Adams, *Hoosac Tunnel*, from North Adams on the west to the Deerfield River on the east (11–2–73).
North Adams, *Monument Square-Eagle Street Historic District*.
North Adams, *Windsor Print Works*, 121 Union Street.
Pittsfield, **Melville, Herman, House* (*Arrowhead*), Holmes Road.
Pittsfield, **Hancock Shaker Village*, west of Pittsfield on U.S. 20.
Pittsfield, *Old Town Hall*, 45 East Street.
Pittsfield, vicinity, *South Mountain Concert Hall*, south of Pittsfield off U.S. 7/20 on New South Mountain Road (8–14–73).
South Lee, *Merrell Tavern*, Massachusetts 102.
Stockbridge, **Mission House*, Main Street.
Stockbridge vicinity, **Chesterwood* (*Daniel Chester French Home and Studio*), 2 miles west of Stockbridge.

Bristol County

Dighton vicinity, *Dighton Rock*, across the Taunton River from Dighton in Dighton Rock State Park.
Easton, *Bay Road*, 416–535 Bay Road (Foundry Street to the Norton town line).
Easton, *North Easton Historic District*, bounded roughly by both sides of Lincoln, Main, and Elm Streets; south side of Canton; and west side of Route 138.
Easton, *North Easton Railroad Station*, off Oliver Street on railroad right-of-way.
Fairhaven, *Fort Phoenix*, south of U.S. 6 in Fort Phoenix Park.
Fall River, *Academy Building*, South Main Street.
New Bedford, *Fort Taber District*, on Wharf Road, within Fort Rodman Military Reservation.
New Bedford, **New Bedford Historic District*, bounded by Front Street on the east, Elm Street on the north, Acushnet Avenue on the west, and Commercial Street on the south.
New Bedford, *Old Third District Courthouse*, Second and William Streets.
New Bedford, **U.S. Customhouse*, southwest corner, Second and Williams Streets.
Norton, *Old Bay Road*, from Easton town line to Taunton town line (11–8–74).
Seekonk, *Martin House*, 940 Court Street (5–2–74).
Westport, **Cuffe, Paul, Farm*, 1504 Drift Road.

Essex County

Amesbury, *Rocky Hill Meetinghouse and Parsonage*, Portsmouth Road and Elm Street.
Amesbury, **Whittier, John Greenleaf, Home*, 86 Friend Street.
Beverly, *Balch, John, House*, 448 Cabot Street.
Beverly, *Fish Flake Hill* (*Front Street*) *Historic District*, north and south sides of Front Street from Cabot to Bartlett Streets (excluding the lot on the northwest corner of Front and Cabot Streets).
Beverly, *Hale, Rev. John, House*, 39 Hale Street (10–9–74).
Beverly, **Holmes Oliver Wendell, House*, 868 Hall Street.
Boxford, *Boxford Village Historic District*, Middleton and Topsfield Roads and Main and Elm Streets.
Boxford, *Holyoke-French House*, Elm Street and Topsfield Road.
Boxford, *Spofford-Barnes House*, Kelsey Road (9–6–74).
Boxford vicinity, *House Village Historic District*, northeast of Boxford on Massachusetts 97.
Danvers, **Derby Summer House*, Glen Magna Estate, Ingersoll Street.
Danversport, *Fowler House*, 166 High Street (9–17–74).
Gloucester, *Front Street Block*, West End, 55–71 Main Street (5–8–74).
Gloucester, *Gloucester City Hall*, Dale Avenue.
Gloucester, *Hammond Castle*, 80 Hesperus Avenue.
Gloucester, *Lane, Fitz Hugh, House*, harbor side of Rogers Street.
Hamilton, *Hamilton Historic District*, Bay Road (Nos. 540–700 and 563–641).
Ipswich, *Choate Bridge*, over the Ipswich River, South Main Street.
Ipswich, **Whipple, John, House*, 53 South Main Street.
Lawrence, *Essex Company Machine Shop*, Union Street.
Lawrence, *Mechanics Block Historic District*, 107–139 Garden Street, 6–38 Orchard Street.
Marblehead, *Abbot Hall*, Washington Square (9–6–74).
Marblehead, *Gerry, Elbridge House*, 44 Washington Street.
Marblehead, **Glover, General John, House*, 11 Glover Street.
Marblehead, **Lee Jeremiah, House*, Washington Street.
Marblehead, *St. Michael's Church*, 28 Pleasant Street.
Newbury, **Spencer-Pierce-Little House*, end of Little's Lane, east of U.S. 1A.
Newburyport, **Cushing, Caleb, House*, 98 High Street.
Newburyport, *Market Square Historic District*, Market Square and properties fronting on State, Merrimac, Liberty, and Water Streets.
Newburyport, *U.S. Customhouse*, 25 Water Street.
North Andover, *Osgood, Samuel, House*, 440 Osgood Street (12–30–74).
North Andover, *Barnard, Parson, House*, 179 Osgood Street (9–6–74).
Peabody, *Peabody Institute Library*, Main Street.
Peabody, *Peabody City Hall*, 24 Lowell Street.
Salem, **Bowditch, Nathaniel, House*, 9 North Street.
Salem, *Chestnut Street District*, bounded roughly by Broad, Flint, Federal, and Summer Streets (8–28–73).
Salem, *City Hall*, 93 Washington Street.
Salem, *Essex Institute Historic District*, 132–134, 128, 126 Essex Street and 13 Washington Square West.
Salem, *Fort Pickering* (*Fort William, Fort Anne*), southeastern part of Winter Island.
Salem, **Gardner-Pingree House*, 128 Essex Street.
Salem, *Gedney and Cox Houses*, 19 and 21 High Street (10–1–74).
Salem, **Hamilton Hall*, 9 Cambridge Street.
Salem, *House of Seven Gables Historic District*, Turner, Derby, and Hardy Streets.
Salem, *Old Town Hall Historic District*, 215–231 Essex Street, 121–145 Washington Street, 6–34 Front Street, and Derby Square.
Salem, **Peabody Museum of Salem*, 161 Essex Street.
Salem, **Peirce-Nichols House*, 80 Federal Street.
Salem, *Salem Maritime National Historic Site*, Derby Street.
Salem, **Story, Joseph, House*, 26 Winter Street.
Salem, **Ward, John, House, Essex Institute*, 132 Essex Street.
Saugus, *Saugus Ironwork National Historic Site*, off U.S. 1.
Saugus, **Boardman House*, Howard Street.
Thacher's Island, *Twin Lights*, 1 mile off the coast, east of Rockport.
Topsfield, **Parson Capen House*, Howlett Street.
Wenham, *Claflin-Richards House*, 132 Main Street.
Wenham, *Wenham Historic District*, both sides of Main Street from Beverly city line to Hamilton city line.

Franklin County

Buckland, *Griswold, Major Joseph, House*, Upper Street.
Charlemont vicinity, *Mohawk Trail* (see Berkshire County).
Deerfield, **Old Deerfield Village Historic District*.

Hampden County

Chicopee, *City Hall*, Market Square (7–30–74).

Chicopee Falls, **Bellamy, Edward, House*, 91–93 Church Street.
Holyoke, *Hadley Falls Company Housing District, The*, center, North Canal, Grover, and Lyman Streets.
Holyoke, *Wistariahurst*, 238 Cabot Street.
Springfield, *Ames Hill/Crescent Hill District*, roughly both sides of Maple Street between Mill and Central Streets (both sides) (5–1–74).
Springfield, *Court Square Historic District*, bounded by Main, State, Broadway, Pynchon Streets and City Hall Place (5–2–74).
Springfield, *First Church of Christ, Congregational*, 50 Elm Street.
Springfield, *Hampden County Courthouse*, Elm Street.
Springfield, *1767 Milestones*, between Boston and Springfield along the Old Post Road (*also in Suffolk, Norfolk, Middlesex, and Worcester Counties*).
Springfield, *Mills-Stebbins Villa*, 3 Crescent Hill (10–15–73).
Springfield, *Quadrangle-Mattoon Street Historic District*, bounded by Chestnut, State, and properties on either side of Mattoon, Salem, Edwards and Elliot Streets (5–8–74).
Springfield, **Springfield Armory*, Armory Square.

Hampshire County

Amherst, **Dickinson, Emily, Home*, 280 Main Street.
Cummington vicinity, **Bryant, William Cullen, Homestead*, 2 miles from Cummington on side road.
Hadley, *Porter-Phelps-Huntington House*, 130 River Drive.
Pelham, *Pelham Town Hall Historic District*, Amherst Road at the corner of Daniel Shays Highway.

Middlesex County

1767 Milestones (see Hampden County).
Acton, *Faulkner Homestead*, High Street.
Acton, *Isaac Davis Trail* (*Acton Trail*), from Acton, along Hayward Street, Musket Drive, Main Street, Strawberry Hill Road, Barrett's Mill Road, and Barnes Hill Road to Concord.
Arlington, *Arlington Town Center District*, bounded by Massachusetts Avenue, Academy, Pleasant, and Maple Streets (7–18–74).
Arlington, *Old Schwamb Mill*, 17 Mill Lane and 29 Lowell Street (10–7–71).
Arlington, *Russell, Jason, House*, 7 Jason Street (10–9–74).
Bedford, *Lane, Job, House*, 295 North Road.
Billerica, *Sabbath Day House*, 20 Andover Road (8–14–73).
Billerica, *Billerica Town Common District*, bounded by Cummings Street, and Concord and Boston roads (8–14–73).
Cambridge, *Austin Hall*, Harvard University campus.
Cambridge, *Brattle, William, House*, 42 Brattle Street.
Cambridge, *Cambridge Common Historic District*, 0–18 Garden Street; 1–13 Waterhouse Street; 1448, 1511–1553 Massachusetts Avenue; Cambridge and Peabody Streets.
Cambridge, **Christ Church*, Garden Street.
Cambridge, *Cooper-Frost-Austin House*, 21 Linnaean Street.
Cambridge, **Elmwood* (*James Russell Lowell Home*), Elmwood Avenue.
Cambridge, *Fuller, Margaret, House*, 71 Cherry Street.
Cambridge, *Fort Washington*, 95 Waverly Street.
Cambridge, **Gray, Asa, House*, 88 Garden Street.
Cambridge, **Hastings, Oliver, House*, 101 Brattle Street.
Cambridge, **Massachusetts Hall, Harvard University*, Harvard University Yard.
Cambridge, **Memorial Hall, Harvard University*, Harvard University campus.
Cambridge, *Old Harvard Yard*, Massachusetts Avenue and Cambridge Street.
Cambridge, *Pratt, Dexter, House*, 54 Brattle Street.
Cambridge, **Sever Hall, Harvard University*, Harvard University campus.
Cambridge, **University Hall, Harvard University*, Harvard University campus.
Cambridge, **Vassall, John, House* (*Craigie-Longfellow House*), 105 Brattle Street.
Chelmsford, *Old Chelmsford Garrison House Complex*, 105 Garrison Road.
Concord, **Alcott, Louisa May, House* (Orchard *House*), Lexington Road.
Concord, *Barrett, Colonel James, Farm*, 448 Barrett's Mill Road (11–15–73).
Concord, **Emerson, Ralph Waldo, Home*, Lexington Road and Cambridge Turnpike.
Concord, *Minute Man National Historical Park* (also in the towns of Lincoln and Lexington).
Concord, **Old Manse*, Monument Street.
Concord, **Wright's Tavern*, Lexington Road, opposite the Burying Ground.
Concord vicinity, *Brooks, Daniel, House*, east of Concord off Massachusetts 2 on Brooks Road (10–25–73).
Concord vicinity, **Walden Pond*, 1.5 miles south of Concord.
Lexington, **Buckman Tavern*, Hancock Street, on the east side of Lexington Green.
Lexington, **Hancock-Clarke House*, 35 Hancock Street.
Lexington, **Lexington Green*, Massachusetts and Hancock Streets.
Lincoln, *The Grange*, Codman Road (4–18–74).
Lowell, *Chelmsford Glass Works' Long House*, 139–141 Baldwin Street.
Lowell, *Middlesex Canal*, runs southeasterly from Lowell to Boston.
Lincoln vicinity, *Hoar Tavern*, northeast of Lincoln on Massachusetts 2 (7–23–73).
Medford, *Grace Episcopal Church*, 160 High Street.
Medford, **Royall, Isaac, House*, 15 George Street.
Medford, **Tufts, Peter, House*, 350 Riverside Avenue.
Newton, *Jackson Homestead*, 527 Washington Street.
Natick, **The Parsonage* (*Horatio Alger House*), 16 Pleasant Street.
Sudbury, *Wayside Inn Historic District*, Old Boston, Post Road.
Waltham, **Gore Place*, 52 Gore Street.
Waltham, **The Vale* (*Theodore Lyman Estate*), Lyman and Beaver Streets.
Wayland, *Wayland Center Historic District*, irregular pattern along both sides of U.S. 20 and Mass. 27 (9–6–74).
Weston, *Golden Ball Tavern*, 662 Boston Post Road.
Woburn, *Baldwin, Loammi, Mansion*, 2 Alfred Street (11–5–74).
Woburn, *1790 House*, 827 Main Street (10–9–74).

Nantucket County

Nantucket, **Coffin, Jethro, House*, Sunset Hill.
Nantucket, **Nantucket Historic District*.
Nantucket, *NOBSKA* (steamship), Steamboat Wharf, Nantucket Harbor (5–2–74).

Norfolk County

1767 Milestones (see Hampden County).
Braintree, *Thayer, General Sylvanus, House*, 786 Washington Street (12–3–74).
Brookline, *John Fitzgerald Kennedy National Historic Site*, 83 Beals Street.
Brookline, **Olmsted, Frederick Law, House*, 99 Warren Street.
Brookline (also in Suffolk County), *Olmsted Park System*, encompassing the Back Bay Fens, Muddy River, Olmsted (Leverett) Park, Jamaica Park, Arborway, and Franklin Park.
Dedham, **Fairbanks House*, Eastern Avenue and East Street.
Dedham, **Norfolk County Courthouse*, 650 High Street.
Medfield, *First Parish Unitarian Church*, North Street (4–18–74).
Mills, *Partridge, John, House*, 315 Exchange Street (10–15–74).
Milton, **Forbes, Captain Robert B., House*, 215 Adams Street.
Milton, *Holbrook, Dr. Amos, House*, 208 Adams Street (4–18–74).
Milton, *Suffolk Resolves House* (*Daniel Vose Residence*), 1370 Canton Avenue (7–23–73).
Quincy, *Adams Academy*, 8 Adams Street (9–6–74).
Quincy, **Adams, John, Birthplace*, 133 Franklin Street.
Quincy, **Adams, John Quincy, Birthplace*, 141 Franklin Street.
Quincy, *Adams National Historic Site*, 135 Adams Street.
Quincy, *Moswetuset Hummock*, on Squantum Street, about 1,000 feet northeast of the intersection with Morrissey Boulevard.
Quincy, *Quincy Granite Railway*, Bunker Hill Lane (10–15–73).
Quincy, *Quincy Granite Railway Incline*, Mullin Avenue.
Quincy, *Quincy Homestead*, 34 Butler Road.
Quincy, *Thomas Crane Public Library*, 40 Washington Street.
Quincy, **United First Parish Church* (*Unitarian*) *of Quincy*, 1266 Hancock Street.
Sharon, *Cobb's Tavern*, 41 Bay Road (8–14–74).
Stoughton, *Stoughton Railroad Station*, 53 Wyman Street (1–21–74).

Plymouth County

Cohasset vicinity, *Cushing Homestead*, west of Cohasset on Massachusetts 128.
Hingham, **Lincoln, General Benjamin, House*, 181 North Street.
Hingham, **Old Ship Meetinghouse*, Main Street.
Marshfield, **Webster, Daniel, Law Office*, Careswell and Webster Streets.
Middleboro vicinity, *Wapanucket Site*, SW of Middleboro off MA 25 (6–4–78).
Plymouth, **Cole's Hill*, Carver Street.
Plymouth, *Harlow Old Fort House*, 119 Sandwich Street (12–27–74).
Plymouth, *Howland, Jabez, House*, 33 Sandwich Street (10–9–74).
Plymouth, *National Monument to the Forefathers*, Allerton Street (8–30–74).
Plymouth, *Old County Courthouse*, corner of Leyden and Market Streets.
Plymouth, *Pilgrim Hall*, 75 Court Street.
Plymouth, *Plymouth Antiquarian House*, 126 Water Street (12–27–74).
Plymouth, *Plymouth Rock*, Water Street.
Plymouth, *Sparrow, Richard, House*, 42 Summer Street (10–9–74).

Suffolk County

Belmont, **Red Top* (*William Dean Howells House*), 90 Somerset Street.
Boston, *African Meetinghouse*, 8 Smith Street.
Boston, *Ames Building*, 1 Court Street (4–26–74).
Boston, *Arlington Street Church*, corner of Arlington and Boylston Streets.
Boston, *Armory of the First Corps of Cadets*, 97–105 Arlington Street and 130 Columbus Avenue.
Boston, **Arnold Arboretum*, 22 Divinity Avenue.
Boston, *Back Bay Historic District* (8–14–73).
Boston, **Beacon Hill Historic District*, bounded roughly by Beacon Street on the south, Embankment Road on the west, Cambridge Street on the north, and Hancock and Bowdoin Streets on the east.
Boston, *Blackstone Block Historic District*, bounded by Union, Hanover, Blackstone, and North Streets.

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Boston, *Boston Athenaeum, 10½ Beacon Street.
Boston, *Boston Common and Public Garden, Beacon, Park, Tremont, Boylston, and Arlington Streets.
Boston, *Boston Light, Little Brewster Island, Boston Harbor.
Boston, *Boston Naval Shipyard, east of Chelsea Street, Charlestown.
Boston, Boston Public Library, Copley Square.
Boston, *Bunker Hill Monument, Breed's Hill.
Boston, *U.S.S. Constitution, Boston Naval Shipyard.
Boston, Copp's Hill Burial Ground, Charter, Snowhill, and Hull Streets (4–18–74).
Boston, Crowninshield House, 164 Marlborough Street.
Boston, Custom House District.
Boston, Cyclorama Building, 543–547 Tremont Street.
Boston, Dorchester Heights National Historic Site, South Boston.
Boston, Eliot, John, Square District, John Eliot Square.
Boston, *Ether Dome, Massachusetts General Hospital, Fruit Street.
Boston, *Faneuil Hall, Dock Square.
Boston, First Baptist Church (Brattle Square Church), Commonwealth Avenue and Clarendon Street.
Boston, *First Harrison Gray Otis House, 141 Cambridge Street.
Boston (South), Fort Independence, Castle Island.
Boston, Fulton-Commercial Streets District, Fulton, Commercial, Mercantile, Lewis and Richmond Streets.
Boston, *Harding, Chester, House, 16 Beacon Street.
Boston, *Headquarters House, 55 Beacon Street.
Boston, *King's Chapel, Tremont and School Streets.
Boston, King's Chapel Burying Ground, Tremont Street (5–2–74).
Boston, *Long Wharf and Customhouse Block, foot of State Street.
Boston, Loring-Greenough House, 12 South Street.
Boston, *Massachusetts General Hospital, Fruit Street.
Boston, *Massachusetts Historical Society, 1154 Boylston Street.
Boston, *Massachusetts Statehouse, Beacon Hill.
Boston, Old Corner Bookstore, northwest corner of Washington and School Streets.
Boston, *Old South Church in Boston, 645 Boylston Street.
Boston, *Old City Hall, School and Providence Streets.
Boston, *Old North Church, Christ Church, 193 Salem Street.
Boston, *Old South Meetinghouse, Milk and Washington Streets.
Boston, *Old Statehouse, Washington and State Streets.
Boston, *Old West Church, 131 Cambridge Street.
Boston, Olmsted Park System (see Norfolk County).
Boston, Otis, (First) Harrison Gray, House, 141 Cambridge Street.
Boston, Otis, (Second) Harrison Gray, House, 85 Mount Vernon Street (7–27–73).
Boston, Park Street District, Tremont, Park and Beacon Streets (5–1–74).
Boston, *Parkman, Francis, House, 50 Chestnut Street.
Boston, *Pierce-Hichborn House, 29 North Square.
Boston, *Quincy Market, bounded by Clinton, Commercial, and Chatham Streets, and Merchants Row.
Boston, *Revere, Paul, House, 19 North Square.
Boston, Roxbury High Fort, Beech Glen Street and Fort Avenue.
Boston, *St. Paul's Church, 136 Tremont Street.
Boston, *Sears, David, House (Somerset Club), 42 Beacon Street.
Boston, South End District.
Boston, 1767 Milestones (see Hampden County).
Boston, Suffolk County Courthouse, Pemberton Square (5–8–74).
Boston, *Sumner, Charles, House, 20 Hancock Street.
Boston (Charlestown), Town Hill District.
Boston, *Tremont Street Subway, beneath Tremont, Boylston, and Washington Streets.
Boston, *Trinity Church, Copley Square.
Boston, Trinity Rectory, northeast corner of Clarendon and Newbury Streets.
Boston, Winthrop Building, 7 Water Street (4–18–74).
Boston, Youth's Companion Building (Sawyer Building), 209 Columbus Avenue (5–2–74).
Boston harbor, *Fort Warren, Georges Island.
Boston-Milton, Paul's Bridge, Neponset Valley Parkway, across the Neponset River.
Charlestown, Phipps Street Burying Ground, Phipps Street (5–15–74).
Chelsea, Bellingham-Cary House, 34 Parker Street (9–6–74).
Chelsea, Naval Hospital Boston, 1 Broadway (8–14–73).
Dorchester, Blake, James, House, 735 Columbia Road (5–1–74).
Dorchester, Clapp Houses, 199 & 195 Boston Street (5–2–74).
Dorchester, Dorchester North Burying Ground, Stoughton Street and Columbia Road (4–18–74).
Dorchester, Pierce House, 24 Oakton Avenue (4–26–74).
Revere, Slade Spice Mill, 770 Revere Beach Parkway.
Roxbury, Eliot Burying Ground, Eustis and Washington Streets (6–25–74).
Roxbury, *Garrison, William Lloyd, House, 125 Highland Street.
Roxbury, Hale, Edward Everett, House, 12 Morley Street.
Roxbury, Kittredge, Alban, House, 12 Linwood Street.
Roxbury, *Shirley-Eustis House, 31–37 Shirley Street.
West Roxbury, *Brook Farm, 670 Baker Street.

Worcester County

Auburn vicinity, *Goddard Rocket Launching Site, ninth fairway, Pakachoag Golf Course, Pakachoag Road.
Lancaster, *First Church of Christ, facing the Common.
North Uxbridge, Crown and Eagle Mills, 123 Hartford Avenue East.
North Uxbridge, Rogerson's Village Historic District, north and south sides of Hartford Avenue.
Northborough, Northborough Town Hall, northeast corner of West Main and Blake Streets.
Northbridge, Uxbridge, Blackstone Canal, east of Route 122, from Northbridge to Uxbridge.
1767 Milestones (see Hampden County).
Rutland, *Putnam, General Rufus, House, 344 Main Street.
Uxbridge vicinity, Friends Meetinghouse, south of Uxbridge on Massachusetts 146 (1–24–74).
West Boylston, Old Stone Church, off Massachusetts 140.
Worcester, *American Antiquarian Society, 185 Salisbury Street.
Worcester, Elm Park, bounded by Elm, Russell, Highland, and Pleasant Streets, and by private properties on the west and north of Federal and Marmon Places (excludes the property of Worcester High School on Highland Street).
Worcester, Massachusetts Avenue Historic District, between Salisbury Street and Drury Lane.
Worcester, Mechanics Hall, 321 Main Street.

Maryland

Allegany County

Chesapeake and Ohio Canal National Historical Park (also in Frederick, Montgomery, and Washington Counties, Md.; in D.C.; and Morgan County, W. Va.).
Cumberland, Bell Tower Building (Allegany County League for Crippled Children), southwest corner of Bedford and Liberty Streets.
Cumberland, City Hall, North Center Street between Frederick and Bedford Streets.
Cumberland, Old Post Office, southwest corner of Frederick and Liberty Streets.
Cumberland, Washington Street Historic District, east bank of Wills Creek to mid-600 block of Washington Street and Prospect Square.
Cumberland, Western Maryland Railway Station, Canal Street.
La Vale, La Vale Tollgate House, U.S. 40.
Oldtown, Cresap, Michael, House, north side of Main Street at Green Spring Road.
Lonaconing, Lonaconing Furnace, behind the Central Elementary School on East Main Street.

Anne Arundel County

Annapolis, Artisan's House, 43 Pinkney Street.
Annapolis, *Brice House, 42 East Street.
Annapolis, Callahan, John, House, 164 Conduit Street (10–2–73).
Annapolis, *Chase-Lloyd House, 22 Maryland Avenue.
Annapolis, *Colonial Annapolis Historic District, district boundaries approximate those of the city plan of 1695.
Annapolis, Creagh, Patrick, House, 160 Prince George Street.
Annapolis, *Hammond-Harwood House, Maryland Avenue and King George Street.
Annapolis, *Maryland Statehouse, State Circle.
Annapolis, Mount Moriah A.M.E. Church, 84 Franklin Street.
Annapolis, Old City Hall & Engine House, 211–213 Main Street.
Annapolis, *Paca House and Garden, 186 Prince George Street.
Annapolis, *Stewart, Peggy, House, 207 Hanover Street.
Annapolis, *U.S. Naval Academy, Maryland Avenue and Hanover Street.
Annapolis, *Whitehall, off St. Margaret's Road.
Bristol vicinity, St. James Church, 3 miles east of Bristol on Maryland 2.
Crownsville, St. Paul's Chapel, Maryland 178 at Crownsville Road.
Crownsville vicinity, Belvoir, approximately 0.5 mile east of Crownsville on Maryland 178.
Davidsonville, Mount Airy, on Mount Airy Road off Maryland 424.
Davidsonville vicinity, All Hallows' Church, intersection of Maryland 2. All Hallows' Church Road, and South River Club Road.
Davidsonville vicinity, Summer Hill, east of Davidsonville off Maryland 214 (7–25–74).
Deale vicinity, Sudley, north of Deale off Maryland 468 on Old Sudley Road.
Friendship vicinity, Holly Hill, Maryland 261, 1.5 miles east of Solomon's Island Road.

Galesville vicinity, Cedar Park, 4.4 miles south of intersection of Maryland 214 and 468 and 1.5 miles north of intersection of Maryland 255 and 468.
Galesville vicinity, *Tulip Hill, c. 2.5 miles west of Galesville on Owensville Road.
Gambrills, Hammond Manor House (U.S. Naval Academy Dairy Farm), U.S. Naval Academy Dairy off MD 175 (10–16–74).
Harwood vicinity, Larkin's Hill Farm, off Maryland 2 on Mill Swamp Road.
Harwood vicinity, Larkin's Hundred, on Mill Swamp Road, 1 mile east of Maryland 2 and 0.9 mile west of Maryland 468.
Harwood vicinity, Mary's Mount, 0.5 mile east of Maryland 2 and south of Mill Swamp Road.
Harwood vicinity, Obligation, west side of Maryland 2, 0.2 mile south of intersection of Maryland 2 and Mill Swamp Road.
Iglehart, Iglehart, west side of Maryland 178.
Lothian vicinity, Burrages End, Nutwell Road off Maryland 2.
Owensville, Christ Church, Owensville Road (Md. 255).
Owensville vicinity, Evergreen, Sudley Road, 2 miles southeast of Maryland 255.
Sandy Point, Sandy Point Farm House, Sandy Point State Park.
South River vicinity, The South River Club, South River Club Road, 1 mile east of Maryland 2 and 0.4 mile west of Maryland 468.
Woodland Beach vicinity, *London Town Publik House, south bank of the South River, c. 0.5 mile northeast of Woodland Beach.

Baltimore (independent city)

American Brewery (Wiessner Brewery), 1701 North Gay Street.
Baltimore City Hall, 100 North Holliday Street.
*Baltimore and Ohio Transportation Museum and Mount Clare Station, Pratt and Poppleton Streets.
Battle Monument, Center of Calvert Street between Fayette and Lexington Streets.
Bolton Hill Historic District, bounded on the north by North Avenue, on the northeast by Mount Royal Avenue, on the east by Cathedral Street, on the south by Dolphin Street, and on the southwest by Madison Street.
Carroll Mansion, 800 East Lombard Street.
*Carrollton Viaduct, Gwynn's Falls near Carroll Park.
Clifton Park Valve House, 2801 Harford Road.
*U.S. Frigate Constellation, Pier 1, Pratt Street.
Cylburn House and Park Historic District, 4915 Green Spring Avenue.
Davidge Hall, 522 West Lombard Street (4–24–74).
Dickeyville Historic District, within the Baltimore city line, north and south of Gwynn's Falls, east and west sides of Forest Park Avenue.
Druid Hill Park Historic District.
Eastern Female High School, 249 Aisquith Street.
Emerson Bromo-Seltzer Tower, 312–318 West Lombard Street.
Engine House No. 6, 416 North Gay Street.
Federal Hill Historic District, bounded on the north by Hughes Street, on the west by Hanover, on the south by Cross, and on the east by Piers.
Fells Point Historic District, bounded on the north by Aliceanna Street, on the east by Wolfe Street, on the south by the harbor, and on the west by Dallas Street.
First Presbyterian Church and Manse, 200–210 West Madison Street.
*First Unitarian Church, 2–12 West Franklin Street.
*The Flag House, 844 East Pratt Street.
Fort McHenry National Monument and Historic Shrine, Locust Point, at the eastern end of Fort Avenue.
Franklin Street Presbyterian Church and Parsonage, 100 West Franklin Street and 504 Cathedral Street (parsonage).
*Homewood, North Charles and 34th Streets.
Howard Street Tunnel, Beneath Howard Street from Mt. Royal Station to Camden Station.
Lombard Street Bridge, Lombard Street over Jones Falls Stream.
Londontown Manufacturing Company, Inc. (Meadow Mill), 3600 Clipper Mill Road.
Lovely Lane Methodist Church, 2200 St. Paul Street.
Baltimore (independent city), McKim's School, 1120 East Baltimore Street.
Mother Seton House, 600 North Paca Street.
*Mount Clare, Carroll Park.
Mount Royal Station, 1400 Cathedral Street.
*Mount Vernon Place Historic District, Mount Vernon Place and Washington Place.
Mount Vernon Place United Methodist Church and Asbury House, 2–10 East Mount Vernon Place.
*Old Roman Catholic Cathedral (Minor Basilica), 401 Cathedral Street.
Old Town Friends Meeting House, 1201 East Fayette Street (3–30–73).
Otterbein Church, 112 West Conway Street.
Pascault Row, 651–655 West Lexington Street.
*Peale's Baltimore Museum (Municipal Museum of the City of Baltimore), 225 North Holliday Street.
*Phoenix Shot Tower, southeast corner of Fayette and Front Streets.
*Poe, Edgar Allan, House, 203 Amity Street.
Poole and Hunt Company Buildings, 3500 Clipper Road.
Roland Park Historic District, irregular pattern between Belvedere Avenue, Falls Road, 39th Street and Stoney Run (12–23–74).
St. Alphonsus' Church, Rectory, Convent and Halle, 112–116 and 125–127 Saratoga Street.
St. John's Protestant Episcopal Church, 3009 Greenmount Avenue (3–27–74).
St. Luke's Church, 217 North Carey Street (3–30–73).
St. Mary's Seminary Building, 600 North Paca Street.
*St. Mary's Seminary Chapel, 600 North Paca Street.
St. Paul's Church Rectory, 24 West Saratoga Street (3–20–73).
St. Paul's Episcopal Church, 233 North Charles Street (3–30–73).
St. Vincent de Paul Roman Catholic Church, 120 North Front Street (2–12–74).
U.S. Customs House, 40 South Gay Street (2–15–74).
Westminster Presbyterian Church and Cemetery, 509 W. Fayette Street (9–17–74).

Baltimore County

Brooklandville, Brooklandwood, Falls Road.
Brooklandville, Rockland Historic District, both sides of Falls Road (Maryland 25) at intersection of Old Court Road (Maryland 133).
Cockeysville vicinity, Stone Hall, north of Cockeysville off Maryland 25 on Cuba Road (7–26–73).
Fort Howard, Todd Farmhouse, 9000 Old North Point Road (Maryland 20) (10–18–73).
Glyndon, Glyndon Historic District (9–20–73).
Long Green vicinity, Prospect Hill, northeast of Long Green on Kanes Road (7–26–73).
Lutherville, Lutherville Historic District, North of I–695, west of York Road, south of Ridgely Road, and east of Lutherville-Riderwood Drive.
Phoenix, Eagle's Nest, Jarrettsville Pike (Maryland 146) (7–25–74).
Monkton vicinity, St. James' Church, SE of Monkton off Monkton Road (Md. 138) (9–12–74).
Pikesville vicinity, Sudbrook Park, south of Pikesville off U.S. 140 on Greenwood Road (6–19–73).
Relay, *Thomas Viaduct, Baltimore & Ohio Railroad, across the Patapsco River between Relay and Elkridge (also in Howard County).
Stevenson vicinity, Fort Garrison, Garrison Farms Court, south of Stevenson.
Towson, Baltimore County Courthouse, Washington Avenue between Pennsylvania and Chesapeake Avenues.
Towson, Hampton National Historic Site, Hampton Lane, 1 mile north of Interstate 695.
Towson, *Sheppard and Enoch Pratt Hospital, Charles Street Avenue.

Calvert County

Adelina vicinity, Taney Place, south of Adelina on Maryland 506.
Barstow vicinity, Cedar Hill, about 2 miles west of Barstow on Buena Vista Road.
Barstow vicinity, Willow Glenn, Northwest of Barstow off Maryland 507.
Cove Point, Cove Point Lighthouse, off Maryland 497.
Drum Point, Drum Point Lighthouse, at the confluence of the Patuxent River and Chesapeake Bay.
Johnstown vicinity, Preston-on-the-Patuxent, N of Johnstown off Sollers Mill Road (10–9–74).
Lower Marlboro, Grahame House, 0.2 mile northeast of Maryland 262 and 523.
Lower Marlboro vicinity, All Saints' Church, 3.5 miles east of Lower Marlboro on Maryland 416.
Mutual vicinity, La Veille, west of Mutual on Le Veille Road off Maryland 264 (9–20–73).
Owings vicinity, Maidstone, northwest of Owings on Chesapeake Road.
Parran, Cornehill, Parran Road.

Caroline County

Greensboro vicinity, Willow Grove, Maryland 457, 2.5 miles southeast of Maryand 213.

Carroll County

Union Mills, Union Mills Homestead Historic District, intersection of U.S. 140 and Deep Run Road.
Uniontown, Uniontown Academy, Uniontown Rd. (8–14–73).

Cecil County

Cecilton, Greenfields on U.S. 213.
Chesapeake City, *Old Lock Pump House, Chesapeake and Delaware Canal, U.S. 213.
Chesapeake City, South Chesapeake City Historic District, east side of U.S. 213, south of Chesapeake and Delaware Canal (7–15–74).
Earleville, Bohemia Farm, 1 mile south of the Bohemia River off U.S. 213.
Earleville vicinity, Mount Harmon, southwest of Earleville (6–5–74).
Earleville vicinity, Rose Hill, southwest of Earleville (11–5–74).
Frenchtown, New Castle and Frenchtown Railroad Right-of-way (see New Castle County, Del.).
Perryville, Principio Furnace, on Post Road, 1.5 miles east of Perryville.
Perryville, Rogers Tavern, West Main Street.

Charles County

Accokeek vicinity, Piscataway Park, Piscataway Park (incorporating Accokeek Creek Site), across the Potomac River from Mount Vernon (also in Prince Georges County).
Mason's Springs vicinity, Araby, southeast of Mason's Springs off Maryland 225 (7–25–74).

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Newport vicinity, *Sarum*, southeast of Newport off Maryland 234 (8–13–74).
Patuxent vicinity, *Maxwell Hall*, east of Patuxent on Teagues Point Road (7–30–74).
Port Tobacco, *Habre-de-Venture (Thomas Stone House)*, Rose Hill Road.
Port Tobacco, *Rose Hill*, Rose Hill Road.
Port Tobacco vicinity, *Mt. Carmel Monastery*, north of Port Tobacco off Maryland 225 and Mitchell Road (12–4–73).
Waldorf vicinity, *St. Catharine (Dr. Samuel A. Mudd House)*, E of Waldorf near jct. of MD 232 and 382 (10–1–74).

Dorchester County

East New Market, *Friendship Hall*, off Maryland 14, 0.10 mile east of the intersection with Maryland 16 (10–18–73).
El Dorado, *Rehoboth*, Punkum Road.

Frederick County

Catoctin Furnace, *Catoctin Furnace Historic District*, on U.S. 15, 12 miles northwest of Frederick.
Chesapeake and Ohio Canal National Historical Park (see Allegany County).
Frederick, *Frederick Historic District*, two blocks east and three blocks west of Market Street from South Street to Seventh Street (10–18–73).
Frederick, *Hanson-Thomas Houses*, 108 and 110 West Patrick Street.
Frederick, *Hessian Barracks*, 242 South Market Street.
Frederick, *The Historical Society of Frederick County Building*, 24 East Church Street.
Frederick, *Rose Hill Manor*, 1611 North Market Street.
Frederick, *Scheifferstadt*, West Second and Rosemont Street (7–22–74).
Frederick vicinity, *Nallin Farm House*, Fort Detrick, north of Frederick (5–23–74).
Libertytown, *Jones, Abraham, House*, Main Street (7–24–74).
Point of Rocks, *Point of Rocks Railroad Station*, south side of U.S. 15, north side of B. & O. tracks.
Urbana vicinity, *Amelung House and Glassworks*, 4 miles southwest of Urbana off U.S. 240 on secondary road (10–3–73).

Garrett County

Grantsville vicinity, *Casselman's Bridge, National Road*, east of Grantsville on U.S. 40.
Grantsville vicinity, *Fuller-Baker Log House*, 0.5 mile west of Grantsville on U.S. 40.
Grantsville vicinity, *Tomlinson Inn and the Little Meadows*, 3 miles east of Grantsville on U.S. 40 (9–20–73).
Oakland, *Baltimore & Ohio Railroad Station, Oakland*, Liberty Street (2–5–74).
Westernport vicinity, *Meyer Site*, southwest of Westernport on the north branch of the Potomac River.

Harford County

Aberdeen Proving Ground, *Gunpowder Meetinghouse*, Magnolia Road (6–5–74).
Aberdeen Proving Ground, *Presbury Meetinghouse*, Austin and Parrish Roads (5–23–74).
Aberdeen vicinty, *Sophia's Dairy*, southwest of Aberdeen off U.S. 40 (9–20–73).
Bel Air, *Hays-Heighe House*, 401 Thomas Run Road.
Bel Air vicinity, *D. H. Springhouse*, about 6 miles northeast of Bel Air on Sandy Hook Road.
Bel Air vicinity, *Tudor Hall*, northeast of Bel Air off Maryland 22.
Berkley vicinity, *Rigbie House*, southeast of Berkley off Maryland 623 (8–14–73).
Churchville vicinity, *Medical Hall Historic District*, west of Churchville off Maryland 154 (8–28–73).
Darlington vicinity, *Wildfell (Scott House)*, northwest of Darlington on U.S. 1 (9–20–73).
Emmorton vicinity, *St. Mary's Church*, south of Emmorton on Maryland 24.
Forest Hill, *St. Ignatius Church*, 533 East Jarrettsville Road (4–16–74).

Howard County

Daniels, *Daniels Mill*, Alberton Road.
Elkridge, *Trinity Church*, 7474 Washington Boulevard (5–6–74).
Elkridge vicinity, *Thomas Viaduct, Baltimore & Ohio Railroad* (see Baltimore County).
Ellicott City, *Ellicott City Station*.
Ellicott City vicinity, *Doughoregan Manor*, 8 miles west of Ellicott City on Manor Lane.
Marriottsville vicinity, *Waverly*, S of Marriottsville off U.S. 40 (10–18–74).
Savage, *Boltman Railroad Truss*, Gorman and Savage Roads.
Savage, *Savage Mill*, southwest corner of Foundry Road and Washington Street (4–18–74).

Kent County

Chestertown, *Chestertown Historic District*, bounded roughly by the Chester River on the southeast, Cannon Street on the southwest, Cross Street on the northwest, and Maple Avenue on the northeast.
Chestertown, *Denton House*, 107 Water Street.
Chestertown, *Godlington Manor*, Wilkins Lane.
Chestertown, *Widehall*, 101 Water Street.
Chestertown vicinity, *Carvill Hall*, 10 miles west of Chestertown.
Fairlee vicinity, *Fairlee Manor Camp House*, 1.5 miles northwest of Fairlee, off Maryland 445.
Sassafras, *Rich Hill, The Griffith House*, on Maryland 299 south of Sassafras.

Montgomery County

Chesapeake and Ohio Canal National Historical Park (see Allegany County).
Ednor, *Clifton*, 17107 New Hampshire Avenue (8–25–74).
Forest Glen, *National Park Seminary Historic District*, Linden Lane.
Glen Echo, *Clara Barton National Historic Site*, 5801 Oxford Road.
Glen Echo vicinity, *Cabin John Aqueduct*, MacArthur Boulevard over Cabin John Creek.
Poolesville vicinity, *Chiswell's Inheritance*, NW of Poolesville off Md. 109 (9–10–74).
Rockville, *Beall-Dawson House*, 103 West Montgomery Avenue.
Rockville, *Rockville Railroad Station*, Church Street and Baltimore Road (7–18–74).
Sandy Spring, *Sandy Spring Friends Meetinghouse*, Meeting House Lane.
Saneca, *Seneca Quarry*, Tschiffeley Mill Road.
Silver Spring, *Milimar*, 410 Randolph Road.

Prince Georges County

Accokeek Creek Site (see Charles County).
Accokeek vicinity, *Piscataway Park*, across the Potomac River from Mount Vernon.
Bladensburg, *Washington, George, House*, Baltimore Avenue at Upshur Street (8–7–74).
Bowie, *Belair Stables*, Belair Drive.
Clinton, *Surratt House*, 9110 Brandywine Road.
Clinton vicinity, *Woodyard Archeological Site*, northeast of Clinton off Maryland 223 (12–19–74).
Croom vicinity, *Beelefields*, north side of Dudley Station Road, 0.3 mile south of Croom.
Laurel, *Laurel Railroad Station*, East Main Street.
Laurel vicinity, *Montpelier*, Maryland 197.
Laurel vicinity, *Snow Hill*, south of Laurel off Maryland 197 (8–13–74).
Oxon Hill, *St. Ignatius Church*, 2317 Brinkley Road (6–27–74).
Oxon Hill, *St. John's Church*, 9801 Livingston Road (4–8–74).
Riverdale, *Riverdale (Calvert Mansion)*, Riverdale Road between 48th and Taylor Streets.
Rosaryville vicinity, *His Lordship's Kindness*, 3.5 miles west of Rosaryville.
Seat Pleasant, *St. Matthew's Church*, Addison Road and 62d Place.
Upper Marlboro, *Bowieville*, 2300 Church Road.
Upper Marlboro, *Mount Pleasant*, Mount Pleasant Road.
Washington, D.C., vicinity, *Fort Washington*, 5.5 miles south of District of Columbia line on Maryland 210, west on Old Fort Road.

Queen Annes County

Centreville vicinity, *Readbourne*, about 5.4 miles northwest of Centreville.
Queenstown, *Bloomingdale*, Bloomingdale Road and U.S. 50.
Queenstown, *Bowlingly*, off Route 18.

St. Marys County

Beauvue vicinity, *Mulberry Fields*, about 4.5 miles southeast of Beauvue off Maryland 244.
Bushwood vicinity, *Ocean Hall*, on Bushwood Road off Maryland 239 (10–25–73).
Chaptico, *Bachelor's Hope*, off Maryland 238.
Compton vicinity, *St. Francis Xavier Church and Newtown Manor House*, 1.5 miles south of Compton on Maryland 243.
Drayden vicinity, *Porto Bello*, east of Drayden on Maryland 244.
Drayden vicinity, *West St. Mary's Manor*, c. 1 mile east of Drayden on the St. Mary's River.
Hollywood vicinity, *Resurrection Manor*, about 4 miles east of Hollywood (4–15–70).
Hollywood vicinity, *Sotterley (Bowles' Separation)*, east of junction of Maryland 245 and Vista Road (11–9–72).
Leonardtown, *Tudor Hall*, Tudor Hall Road.
Leonardtown vicinity, *St. Andrew's Church*, 5 miles east of Leonardtown on St. Andrew's Church Road.
St. Marys City, *St. Marys City Historic District*, bounded on the west by the St. Marys River, on the south by St. Inigoes Creek and a branch of Broome (Hill) Creek, and on the north by Chancellor's (Fisherman or St. John's) Creek; the eastern boundary extends south and east about 2 miles across the peninsula from Chancellor's Creek to Broome Creek.
St. Marys City vicinity, *St. George's Protestant Episcopal Church*, west of St. Marys City off Maryland 249 (10–3–73).
St. Clement's Island Historic District, south of Colton Point in the Potomac River.
Valley Lee vicinity, *St. George's Protestant Episcopal Church (Poplar Hill)*, west of Valley Lee off Maryland 249 on Maryland 244 (10–3–73).

Somerset County

Kingston vicinity, *Kingston Hall*, 0.5 mile north of Kingston off Maryland 667 (12–31–74).
Manokin vicinity, *Sudler's Conclusion*, northwest of Manokin off Maryland 361 (8–26–73).
Princess Anne, *Beckford*, Beckford Avenue (8–13–74).
Princess Anne, *Teackle Mansion (Beckford Mansion)*, Mansion Street.
Princess Anne vicinity, *Beverly*, south of Princess Anne on U.S. 13.
Rehobeth vicinity, *Rehobeth Presbyterian Church*, south of Rehobeth off Maryland 667 (11–5–74).
Shelltown vicinity, *Reward*, southwest of Shelltown on Williams Point Road (8–13–74).

Upper Fairmount vicinity, *Tudor Hall*, southeast of Upper Fairmount off Maryland 36 (12–19–74).

Talbot County

Easton vicinity, *Anchorage*, northwest of Easton off Maryland 370 (7–30–74).
Easton vicinity, *Myrtle Grove*, northwest of Easton on Goldsborough Neck Road (8–13–74).
Easton vicinity, *St. John's Chapel of St. Michael's Parish*, about 3 miles west of Easton on Maryland 370.
Easton vicinity, *Wye House*, 6.9 miles northwest of Easton on Miles Neck River.
St. Michaels, *Crooked Intention*, west of Maryland 33 (7–24–74).
Trappe vicinity, *Compton*, west of Trappe on Howell Point Road (7–25–74).
Trappe vicinity, *Wilderness*, southwest of Trappe on Island Neck Road (7–25–74).

Washington County

Chesapeake and Ohio Canal National Historical Park (see Allegany County).
Boonsboro vicinity, *Keedy House*, northwest of Boonsboro off U.S. 40A on Barnes Road (7–25–74).
Boonsboro vicinity, *Washington Monument*, east of Boonsboro in Washington Monument State Park.
Cavetown vicinity, *The Willows*, southwest of Cavetown on Maryland 66.
Fort Frederick, *Fort Frederick State Park*.
Hagerstown, *Hager House*, 19 Key Street (11–5–74).
Hagerstown, *Washington County Courthouse*, West Washington Street and Summit Avenue (12–24–74).
Hagerstown vicinity, *Brightwood*, north of Hagerstown off Maryland 60 (7–30–74).
Hagerstown vicinity, *Valentia, south of* Hagerstown on Poffenberger Road, east of Maryland 65 (6–27–74).
Harpers Ferry National Historical Park (see Jefferson County, W. Va.).
Samples Manor, *Kennedy Farm—John Brown headquarters*, Chestnut Grove Road.
Sharpsburg, *Antictam National Battlefield Site*.
Williamsport vicinity, *Rose Hill*, 0.5 mile south of Williamsport on Maryland 63.
Williamsport vicinity, *Springfield Farm*, south of U.S. 11 (7–30–74).

Wicomico County

Salisbury, *Grillis-Grier House*, 401 North Division Street.
Salisbury, *Pemberton Hall*, Pemberton Road.
Salisbury, *Poplar Hill Mansion*, 117 Elizabeth Street.
Wetipquin vicinity, *Long Hill*, 1 mile southeast of Wetipqui on Wetipquin Ferry Road (12–31–74).

Worcester County

Berlin, *Burley Manor*, 3 South Main Street (6–7–74).
Berlin vicinity, *Genesar*, southeast of Berlin on Maryland 611, 9 miles south of U.S. 50.

Michigan

Alger County

AuTrain vicinity, *Paulson House*, south of AuTrain.
Christmas vicinity, *Bay Furnace*, northwest of Christmas off Michigan 28.

Allegan County

Hacklander Site, northwest Allegan County (7–27–73).

Antrim County

Holtz Site, Central Antrim County.

Baraga County

Assinins, *Assinins*, U.S. 41.
Sand Point Site, northern Baraga County.

Barry County

Hastings, *Striker, Daniel, House*, 321 South Jefferson Street.

Bay County

Fletcher Site
Bay City, *Tromble House*, 114, 116, 118 Webster Street.

Benzie County

Benzonia, *Mills Community House*, 891 Michigan Avenue.

Berrien County

Benton Harbor, *Shiloh House*, Britain Road.
Berrien Springs, *Berrien Springs Courthouse*, north side, corner of Union and Cass Streets.
Harbert, *Sandburg House*, Birchwood Court.
Niles, *Fort St. Joseph Site*, off south Bond Street.
Niles, *Lardner, Ring, House*, 519 Bond Street.
Three Oaks, *Union Meat Market*, 14 South Elm.
Niles, *Paine Bank*, 1008 Oak Street.

Calhoun County

Albion, *Gardner House*, 509 South Superior Street.
Athens vicinity, *Pine Creek Potawatomi Reservation*, about 1 mile west of Athens.
Battle Creek, *Battle Creek Post Office*, 67 East Michigan.
Battle Creek, *Federal Center, Main Building*, 74 North Washington Street (7–30–74).
Battle Creek, *Penn Central Railway Station (New York Central and Michigan Central Railway Station)*, West Van Buren.
Marshall, *Brooks, Harold C., House (Jabez S. Fitch House)*, 310 North Kalamazoo Avenue.
Marshall, *Capitol Hill School*, 603 Washington Street.
Marshall, *Honolulu House (Abner Pratt House)*, 107 North Kalamazoo Street.
Marshall, *Joy House*, 224 North Kalamazoo Avenue.
Marshall, *Oakhill*, 410 North Eagle Street (12–31–74).
Marshall, *Pratt, Daniel, House (Wright-Brooks House)*, 122 North High Street.
Marshall, *Stonehall (Andrew L. Hayes House)*, 303 North Kalamazoo Street.
Marshall, *Wagner's Block*, 143 West Michigan.

Charlevoix County

O'Neill Site
Pewangoing Quarry.
Pine River Site
Pi-wan-go-ning Prehistoric District, northwestern Charlevoix County (10–3–74).
Beaver Island, *Protar, Feodar, Cabin*, in Peaine Township on Slop Town Road.
Charlevoix, *Charlevoix City Park Site*, northwest Charlevoix County.
Charlevoix vicinity, *Greensky Hill Mission*, east of Charlevoix at intersection of U.S. 31 and County Road 630.
St. James, *Mormon Print Shop*, Main and Forest Streets.

Cheboygan County

Mackinaw City vicinity, *Mackinac Point Lighthouse*, Michillimackinac State Park.

Chippewa County

Naomikong Point Site.
Drummond Township, *Fort Drummond*, western end of Drummond Island.
Sault Ste. Marie, *Elmwood*, 705 East Portage Avenue (2–25–74).
Sault Ste. Marie, *Johnston, John, House*, 415 Park Place.
Sault Ste. Marie, *New Fort Brady*, Lake Superior State College.
Sault Ste. Marie, *Old Fort Brady*, bounded by the C.O.E. Service Plaza on the north, by Portage Street on the south, Brady Street on the east, and Bingham Street on the west.
Sault Ste. Marie, *St. Mary's Falls Canal*, St. Mary's River.
Sault Ste. Marie, SS *Valley Camp*, Old Union Carbide dock.
Shelldrake vicinity, *Whitefish Point Lighthouse*, 5 miles northeast of Shelldrake on Whitefish Road.

Clinton County

Ovid, *Main Street Building United Church of Ovid*, 222 Main Street.

Delta County

Summer Island Site.
Fayette, *Fayette*, on a peninsula in Big Bay de Noc, on Michigan 149.
Fayette vicinity, *Spider Cave*, on Big Bay de Noc between Fayette and Fairport.

Dickinson County

Iron Mountain, *Ardis Furnace*, Aragon and Antoine Streets.

Eaton County

Charlotte, *Eaton County Courthouse*, West Lawrence Avenue at Cochran and Bostwick Streets.
Eaton Rapids, Reynolds, *Isaac N., House*, 123 North East Street (7–18–74).
Olivet, *Hance House*, 217 Yale Street.
Vermontville, *First Congregational Church*, 341 South Main Street.
Vermontville, *Vermontville Chapel and Academy*, North Main Street.

Emmet County

Ponshewaing Point Site.
Wycamp Creek Site.
Harbor Springs, *Blackbird, Chief Andrew J., House (Chief Blackbird Ottawa Indian Museum)*, 368 East Main Street.
Harbor Springs, *Shay Complex*, Main and Judd Street.
Mackinaw City, *Fort Michilimackinac*, near Mackinac Bridge, at the terminus of U.S. 31.
Petoskey, *Chesapeake and Ohio Railway Station (Chicago and West Michigan Railway Station, Pere Marquette Railway Station)*, Pioneer Park, West Lake Street.
Petoskey, *St. Francis Solanus Mission*, West Lake Street.
Petoskey vicinity, *Bay View*, northeast of Petoskey on U.S. 131.
Walloon Lake, *Hemingway, Ernest, Cottage (Windemere)*, Lake Grove Road.

Genesee County

Fenton, *Fenton Downtown Historic District*, bounded by Silver Lake Rd., Walnut, Ellen, and River Streets (9–26–74).
Linden, *Linden Mill*, Tickner Street.

Gogebic County

Ironwood, *Copper Peak*, North Black River Valley Parkway.

Grand Traverse County

Skegemog Point Site.
Traverse City, *City Opera House*, 106–112 Front Street.
Traverse City, *Hannah, Perry, House*, 306 Sixth Street.

Hillsdale County

Jonesville, *Grace Episcopal Church*, 360 East Chicago Street.

Houghton County

Calumet, *Calumet and Hecla Industrial District*, roughly bounded by Hecla and Torch Lake Railroad tracks, Calumet Avenue, Mine, and Depot Streets (6–28–74).

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Calumet, *Calumet Downtown Historic District*, Fifth and Sixth Streets, between Scott and Pine Streets (6–25–74).
Calumet, *Calumet Fire Station*, Sixth Street (11–5–74).
Calumet, *Calumet Theatre*, 340 Sixth Street.
Hancock, *Old Main*, Quincy Street.
Hancock vicinity, *Quincy Mine No. 2 Shaft Hoist House*, off U.S. 41.

Huron County

Bad Axe, *Sleeper, Albert E., House*, 302 West Huron.
Grindstone City, *Grindstone City Historic District*, on U.S. 25.
Harbor Beach, *Murphy, Frank, Birthplace*, 142 South Huron Street.
Huron City vicinity, *Pointe Aux Barques Lighthouse*, east of Huron City on Light House Road.
Port Hope, *Stafford House*, 4467 Main Street.
Sebewaing, *Indian Mission, The (Luckhard Museum)*, 590 East Bay Street.

Ingham County

East Lansing, *Eustace Hall (Horticultural Laboratory Building)*, Michigan State University campus.
East Lansing vicinity, *St. Katherine's Chapel*, 4650 Meridian Road, east of East Lansing.
Lansing, *Dodge Mansion*, 106 East North Street.
Lansing, *Michigan State Capitol*, Capitol Avenue at Michigan Avenue.
Mason, *Ingham County Courthouse*, Jefferson and Ash Streets.

Ionia County

Ionia, *Blanchard, John C., House*, 253 East Main Street (7–24–74).
Ionia, *Hall-Fowler Memorial Library (Frederick Hall House)*, 126 East Main Street.
Ionia, *Lovell-Webber House*, 111 East Main Street (7–30–74).

Isabella County

Mt. Pleasant, *Doughty House*, 301 Chippewa (10–29–74).

Jackson County

Clark-Stringham Site, Southern quarter of Jackson County.
Concord, *Mann House*, 205 Hanover Street.
Grass Lake, *Smith, Sidney T., House*, Michigan Avenue.
Jackson, *Sharp, Ella, House*, 3225 Fourth Street.
Waterloo Township, *Siebold Farm/Ruehle (Realy) Farm (Waterloo Farm Museum)*, 9998 Waterloo Munith Road.

Kalamazoo County

Kalamazoo, *Kalamazoo State Hospital Water Tower*, Oakland Drive.
Kalamazoo, *Ladies Library Association Building*, 333 South Park Street.
Kalamazoo, *Stuart, Charles E., House*, 427 Stuart Avenue.

Kent County

Ada vicinity, *Ada Covered Bridge*, across the Thornapple River.
Grand Rapids, *Heritage Hill Historic District*, bounded by Michigan Avenue on the north, Pleasant Street on the south, Union Avenue on the east and by Clarendon Place, Jefferson, and Lafayette Avenues on the west.
Grand Rapids, *Ladies' Literary Club*, 61 Sheldon SE.
Grand Rapids, *Pike, Abram W., House (Grand Rapids Art Museum)*, 230 Fulton Street, East (7–8–70).
Grand Rapids, *St. Cecilia Society Building*, 24–30 Ransom Avenue NE.
Grand Rapids, *Turner House (R. C. Allen, Inc., Employees' Clubhouse)*, 731 Front Street NW.
Grand Rapids, *U.S. Post Office*, Ionia and Pearl Streets (7–10–74).
Grand Rapids vicinity, **Norton Mound Group*, 2 miles south of Grand Rapids on Indian Mound Drive.
Lowell, *Lowell Library*, 323–325 Main Street.
Lowell vicinity, *Fallasburg Covered Bridge*, north of Lowell across the Flat River.

Keweenaw County

Central, *Central Mine Historic District*, U.S. 41 (6–28–74).
Central, *Central Mine Methodist Church*, approximately 1 mile north of U.S. 41.
Copper Harbor, *Fort Wilkins*, Fort Wilkins State Park.
Eagle Harbor, *Eagle Harbor Schoolhouse*.
Eagle Harbor, *Holy Redeemer Church*.

Lake County

Marlborough and vicinity, *Marlborough Historic District*, James Road.

Lapeer County

Lapeer, *Lapeer County Courthouse*, Courthouse Square, Nepessing Street.

Leelanau County

Omena, *New Mission Church (Omena Presbyterian Church)*.

Lenawee County

Adrian, *Civil War Memorial*, Monument Park.
Adrian, *Croswell, Governor Charles, House*, 228 North Broad Street.
Blissfield, *First Presbyterian Church of Blissfield*, 306 Franklin Street.
Cambridge Junction, *Walker Tavern (Cambridge State Historical Park)*, on U.S. 12.
Hudson, *Hudson Downtown Historic District*, roughly bounded by N.Y. Central Railroad tracks, Market, Seward, and Howard Streets (12–24–74).
Macon, *Pennington-Ford House*, 8281 Clinton Macon Road (12–31–74).
Tecumseh, *Evans, Musgrove, House*, 409–411 East Logan Street.

Livingston County

Brighton, *Bingham House*, 13270 Silver Lake Road (10–18–72).
Howell, *Ann Arbor Railroad Station*, 126 Wetmore Street.
Rushton vicinity, *Olds, Alonzo W., House*, 10084 Rushton Road.

Mackinac County

Gros Cap vicinity, *Gros Cap Cemetery*, southeast of Gros Cap on U.S. 2.
Mackinac Island, *Fort Mackinac*, Huron Road (7–8–70).
Mackinac Island, *Geary, Mathew, House*, Market Street.
Mackinac Island, *Grand Hotel*, Grand Htoel Avenue.
Mackinac Island, *Indian Dormitory*, Huron Street.
Mackinac Island, **Mackinac Island*, northeast across the Straits of Mackinac from Mackinaw City.
Mackinac Island, *Mission Church*, Huron Street.
Mackinac Island, *Mission House*, Huron Street.
Mackinac Island, *Stuart, Robert, House (Agency House for the American Fur Co.)*, Market Street.
Mackinac Island vicinity, *Round Island Lighthouse*, south of Mackinac Island in Hiawatha National Forest (8–21–74).
St. Ignace, *Lasenen Site*, 600 South State Street.
St. Ignace, **St. Ignace Mission*, State and Marquette Streets, Marquette Park.

Macomb County

Holcombe Site.
Romeo, *Romeo Historic District*.
Utica vicinity, *Clinton-Kalamazoo Canal* (also in Oakland County).
Washington, *Washington Octagon House*, 57500 Van Dyke (9–3–71).

Manistee County

Manistee, *First Congregational Church*, 412 South Fourth Street (6–25–74).
Manistee, *Our Saviour's Evangelical Lutheran Church*, 300 Walnut Street.
Manistee, *Ramsdell Theatre*, 101 Maple Street.

Marquette County

Lake Superior, *Stannard Rock Lighthouse*, off Keweenaw Peninsula.
Marquette, *Call House*, 450 East Ridge Street.
Negaunee vicinity, *Jackson Mine*, west of Negaunee.

Mason County

Not-a-pe-ka-gon Site, southeast Mason County (7–27–73).

Menominee County

Menominee, *First Street Historic District*, bounded by 2d Street, 4th and 10th Avenues, and Green Bay (12–31–74).
Menominee vicinity, *Alvin Clark* (sailing ship), Mystery Ship Seaport, Lake Michigan (5–16–74).

Midland County

Ozbow Archeological District, eastern Midland County.
Midland, *Bradley House*, corner of Cook Road and Main Street.

Missaukee County

Aetna Earthworks, Central Missaukee County.
Boven Earthwork, Southwestern Missaukee County (8–14–73).

Monroe County

Monroe, *Fix House*, Sterling State Park.
Monroe, *McClelland, Governor Robert, House*, 47 East Elm.
Monroe, *Nims, Rudolph, House*, 206 West Noble Avenue.
Monroe vicinity, *Havarre-Anderson Trading Post*, North Custer Road at Raisinville Road.

Muskegon County

Spring Creek Site.
Jackson, *Stone Post Office*, at the rear of 125 North Jackson Street.
Muskegon, *Hackley, Charles H., House*, 484 West Webster Avenue.
Muskegon, *Hume Home*, 472 West Webster Avenue.
Muskegon, *Muskegon Historic District*.

Newaygo County

Toft Lake Village Site.

Oakland County

Birmingham, *Hunter, John W., House*, 556 West Maple Road.
Bloomfield Hills, *Cranbrook*, Lone Pine Road.
Clinton-Kalamazoo Canal (see Macomb County).
Franklin, *Franklin Historic District*, bounded approximately by the Franklin River and properties fronting on Bowden Street, by Romany Way and Scenic Highway, properties fronting on Franklin Road, and a line extending about 300 feet north of and parallel to Fourteen Mile Road.
Northville, *Yerkes, Robert, House*, 535 East Base Line Road (11–30–73).
Ortonville, *Ortonville Mill*, 336 Mill Street.
Pontiac, *Myrick-Palmer House*, 223 West Huron Street.
Pontiac, *Wisner House (Pine Grove)*, 405 Oakland Avenue.
Rochester vicinity, *Stony Creek Village Historic District*, northeast of Rochester on Washington Road.

Troy, *Brooks Farm*, 3521 Big Beaver Road.
Troy, *Caswell House*, 60 West Wattles Road.

Oceana County

Dumaw Creek Site.
Green Quarry Site.

Oscoda County

Mio, *Oscoda County Courthouse*, Morence Street.

Ottawa County

Battle Point Site, Northwest Ottawa County (8–14–73).
Spoonville Site, northwest Ottawa County.
Coopersville, *Grand Rapids, Grand Haven & Muskegon Railway Depot*, 363 West Main Street.
Holland, *Third Reformed Church*, 110 West 12th Street.

Presque Isle County

Presque Isle Township, *Old Presque Isle Lighthouse*, Presque Isle Harbor.

Saginaw County

Bridgeport Township, *Schmidt Site*, Central Saginaw County (7–27–73).

Saginaw County

Saginaw, *Castle Station Federal Building*, South Jefferson at Federal.
Saginaw, *Passolt House*, 1105 South Jefferson Avenue.

St. Clair County

Marine City, *Ward-Holland House*, 433 North Main Street.
Port Huron, *Davidson, W. F., House*, 1707 Military Street.
Port Huron, *Federal Building (U.S. Post Office and Customhouse)*, 526 Water Street (8–7–74).
Port Huron, *St. Clair River Tunnel*, St. Clair River between Port Huron, Mich., and Sarnia, Ontario.

St. Joseph County

Colon, *Farrand Hall*, 451 Farrand Road.
Constantine, *Barry, Governor John S., House*, 380 North Washington Street.
Mendon, *Marantette House*, Simpson Road.
Nottawa vicinity, *Nottawa Stone School*, east of Nottawa, Sturgis Road at Filmore Road.

Sanilac County

Minden City vicinity, *Sanilac Petroglyphs*.
Port Sanilac, *Loop, Joseph M., House*, 228 South Ridge Street.

Shiawassee County

Durand, *Grand Trunk Railway Station*, 200 Railroad Street.
Ososso, *Curwood Castle*, 224 John Street.

Tuscola County

Vassar, *McKinley School*, 510 Butler Street.
Vassar, *Smith House*, 113–115 Prospect Street.
Watrousville, *Watrous General Store*, 4607 W. Caro Road (10–1–74).

Van Buren County

Paw Paw, *Paw Paw City Hall*, East Michigan Avenue.

Washtenaw County

Ann Arbor, *Ann Arbor Central Fire Station*, corner of Fifth Avenue and Huron Street.
Ann Arbor, *Bennett, Henry, House*, 312 South Division Street.
Ann Arbor, *Detroit Observatory*, Observatory and Ann Streets (9–20–73).
Ann Arbor, *Frieze, Henry S., House*, 1547 Washtenaw Avenue.
Ann Arbor, *Judge Wilson House*, 126 North Division Street.
Ann Arbor, *Newberry Hall (Francis W. Kelsey Museum of Archeology)*, 434 South State Street, University of Michigan campus.
Ann Arbor, *Old West Side Historic District*, bounded on the north by West Huron Street, on the east by the Ann Arbor Railroad tracks and South Main Street, on the south by Pauline Boulevard and Madison Street, and on the west by South Seventh Street and Crest Avenue.
Ann Arbor, *President's House, University of Michigan*, 815 South University, University of Michigan campus.
Ann Arbor, *Ticknor, Benejah, House*, 2781 Packard Road.
Ann Arbor, *White, Orrin, House (Robert Hodges Residence)*, 2940 Fuller Road.
Dexter, *Gordon Hall (Judge Samuel W. Dexter House)*, 8347 Island Lake Road.
Dixboro, *Dixboro United Methodist Church*, 5221 Church Street.
Ypsilanti, *Davis, William M., House*, 218 North Washington Street.

Wayne County

Dearborn, *Commandant's Quarters*, 21950 Michigan Avenue.
Dearborn, **Fair Lane (Henry Ford Estate)*, 4901 Evergreen Road.
Dearborn, *Greenfield Village*, Oakwood Boulevard.
Detroit, *Bagley Memorial Fountain*, Woodward and Monroe Avenues.
Detroit, *Belle Isle*, Detroit River (2–25–74).
Detroit, *Christ Church, Detroit*, 960 East Jefferson Avenue.
Detroit, *Detroit Cornice & Slate Co. Building*, 733 St. Antoine (12–16–74).
Detroit, *Eighth Precinct Police Station*, 4150 Grand River (12–31–74).
Detroit, *Fort Street Presbyterian Church*, 631 West Fort Street.
Detroit, *Fort Wayne*, 6053 West Jefferson Avenue.
Detroit, *Freer, Charles Lang, House (Merrill-Palmer Institute of Human Development and Family Life)*, 71 East Ferry Street.
Detroit, *Hecker, Colonel Frank J., House*, 5510 Woodward Avenue.
Detroit, *Hunter House*, 3985 Trumbull Avenue (12–31–74).
Detroit, *Indian Village Historic District*, bounded by Mack, Burns, Jefferson, and Seminole Avenues.
Detroit, *Kahn, Albert, House*, 208 Mack Avenue.
Detroit, *Mariners' Church*, 170 East Jefferson Avenue.
Detroit, *Moross House*, 1460 East Jefferson.
Detroit, *Orchestra Hall*, 3711 Woodward Avenue.
Detroit, *Pewabic Pottery*, 10125 East Jefferson Avenue.
Detroit, *St. Joseph's Roman Catholic Church*, 1828 Jay Street.
Detroit, *SS. Peter and Paul Church (Roman Catholic)*, 629 East Jefferson Avenue.
Detroit, *Sibley House*, 976 East Jefferson Avenue.
Detroit, *West Canfield Historic District*, Canfield Avenue between Second and Third Streets.
Detroit, *Whitney, David, House*, 4421 Woodward Avenue.
Grosse Ile, *East River Road Historic District*, East River Road (8–13–74).
Grosse Ile, *St. James Episcopal Chapel*, 25150 East River Road.
Grosse Pointe Farms, *Dodge Mansion (Rose Terrace)*, 12 Lakeshore Drive.
Highland Park, *Highland Park Plant, Ford Motor Company*, 15050 Woodward Avenue.
Livonia, *Greenmead Farms (Simmons 38125 Base Line Road.*
Livonia, *Wilson Barn*, northeast corner of Middlebelt and West Chicago Roads (12–12–7).
Northville, *Northville Historic District*.

Minnesota

Aitkin County

McGregor vicinity, *Savanna Portage*, Savanna Portage State Park.

Benton County

Royalton vicinity, *Posch Site*, south of Royalton (10–2–73).

Blue Earth County

Mankato, *Old First National Bank of Mankato*, 229 South Front Street (7–30–74).
Mankato vicinity, *Seppman Mill*, west of Mankato off Minnesota 68.

Brown County

New Ulm, *Federal Post Office Building*, Center Street and Broadway.
New Ulm, *Hermann Monument*, Hermann Heights Park (10–2–73).
New Ulm, *Kiesling House*, 227 North Minnesota Street (2–23–72).
New Ulm, *Lind, Gov. John, House*, 622 Center Street (12–31–74).
New Ulm, *Melges Bakery*, 213 South Minnesota Street (6–28–74).
New Ulm, *Schell, August, Brewing Company*, 20th Street South (12–27–74).

Carlton County

Duluth vicinity, *Grand Portage of the St. Louis River*, west of Duluth in Jay Cooke State Park, off Minnesota 210.

Carver County

St. Bonifacius vicinity, *Grimm, Wendelin, Homestead*, southeast of St. Bonifacius on Carver Park Reserve (12–30–74).

Cass County

Backus vicinity, *Old Backus*, south of Backus on Pine Mountain Lake (12–24–74).
Barrows vicinity, *Crow Wing State Park*, 2 miles southwest of Barrows on U.S. 371 (also in Crow Wing and Morrison Counties).
Pillager vicinity, *Chippewa Agency Historic District*, east of Pillager, near confluence of Gull and Crow Wing Rivers.
Pillager vicinity, *Gull Lake Mounds Site*, northeast of Pillager.
Hole-in-the-Day II Cabin Site, north of Pillager on the northeast corner of Hole-in-the-Day Lake.
Pillager vicinity, *Rice Lake Hut Rings*, north of Pillager (8–14–73).

Chippewa County

Granite Falls vicinity, *Swensson Farm*, north of Granite Falls (12–30–74).

Chisago County

Taylors Falls, *Angel's Hill Historic District*.
Taylors Falls, *Munch-Roos House*, 360 Bench Street.
Taylors Falls, *Taylors Falls Public Library*, 417 Bench Street.

Clay County

Moorhead, *Comstock, Solomon Gilman, House*, 5th Avenue and 8th Street South (12–30–74).

Clearwater County

Itasca Bison Site.
Park Rapids vicinity, *Itasca State Park*, 21 miles north of Park Rapids off U.S. 71.

Cook County

Grand Marais vicinity, *Grand Portage National Monument*, 38 miles north of Grand Marais.
Grand Marais vicinity, *Height of Land*, NW of Grand Marais in Superior National Forest (10–18–74).

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Hovland vicinity, *Fowl Lake Site*, north of Hovland on South Fowl Lake in Superior National Forest (12-30-74).

Cottonwood County

Jeffers vicinity, *Jeffers Petroglyph Site*.
Mountain Lake vicinity, *Mountain Lake Site*.

Crow Wing County

Crow Wing State Park (see Cass County).
Brainerd, *Brainerd Water Tower*, Washington at Sixth Street (7-17-74).
Merrifield vicinity, *Gordon-Schaust Prehistoric Embankments District*, north of Merrifield in Crow Wing State Forest (12-23-74).
Pillager vicinity, *St. Columba Mission Site*, northeast of Pillager on the east shore of Gull Lake (12-18-73).
Pine River vicinity, *Hay Lake Mound District*, southeast of Pine River off U.S. 371 (1-21-74).
Trommald vicinity, *Fort Flatmouth Mound Group*, SE of Cass Lake (8-14-73).

Chippewa County (also in Lac qui Parle County)

Montevideo vicinity, *Lac qui Parle Mission Site*, about 10 miles northwest of Montevideo at end of Lac qui Parle Lake.

Dakota County

Hastings, *Le Duc House*, 1629 Vermillion Street.
Mendota, *Mendota Historic District*.
Mendota, *Sibley House*.
St. Paul vicinity, **Fort Snelling*, bounded irregularly by Minnehaha Park and the Mississippi River (north); Government Lot 2 (east); the east-west quarterline of sec. 26, T. 28 N., R. 23 W., and the municipal airport (south); and a line parallel to and 600 feet northeast of Bloomington Road (west) (also in Hennepin County).

Dodge County

Mantorville, *Mantorville Historic District*, both sides of Minnesota 57 and Fifth Street (5-28-74).

Fillmore County

Preston vicinity, *Forestville Townsite*, about 9 miles southwest of Preston in Forestville State Park.

Goodhue County

Kenyon vicinity, *Gronvold, Dr. Just Christian, Estate*, northeast of Kenyon on County Route 8.
Old Frontenac, *Old Frontenac Historic District*.
Red Wing, *Minnesota State Training School*, East Seventh Street.
Red Wing vicinity, *Bartron Site*.
Welch vicinity, *Fort Sweney Site*.

Grant County

Ashby vicinity, *Fort Pomme de Terre*, southwest of Ashby (5-23-74).

Hennepin County

**Fort Snelling* (see Dakota County).
Bloomington, *Pond, Gideon H., House*, 401 East 104th Street.
Edina, *Cahill School*, corner of Eden Avenue and Minnesota 100.
Edina, *Grange Hall*, corner of Eden Avenue and Minnesota 100.
Excelsior, *Gideon, Peter, Homestead*, 24590 Glen Road (9-17-74).
Minneapolis, *American Swedish Institute (Swan J. Turnblad Residence)*, 2600 Park Avenue.
Minneapolis, *Butler Brothers Building*, First Avenue North at Sixth Street.
Minneapolis, *Dania Hall*, South 5th Street and Cedar Avenue (12-27-74).
Minneapolis, *Milwaukee Avenue Historic District*, Milwaukee Avenue from Franklin Avenue to 24th Street (5-2-74).
Minneapolis, *Minneapolis City Hall/Hennepin County Courthouse*, between South 3rd and 4th Avenues and 4th and 5th Streets (12-4-74).
Minneapolis, *Minnehaha Park Historic District*, south of Minnehaha Parkway between Hiawatha Avenue and the Mississippi River (11-25-69).
Minneapolis, *Olson, Floyd B., House*, 1914 West 49th Street (12-31-74).
Minneapolis, **Pillsbury A Mill*, Main Street and Third Avenue SE.
Minneapolis, *Purcell, William Gray, House*, 2328 Lake Place (10-29-74).
Minneapolis, *St. Anthony Falls Historic District*, the district lies on both sides of the Mississippi River from the Plymouth Avenue Bridge on the northwest to 10th Avenue South (west bank) and Sixth Avenue Southeast (east bank) on the southeast; it extends onto the east river shore as far as University Avenue and onto the west river shore to Second Street South.
Minnetonka, *Burwell House*, McGinty Road and Minnetonka Boulevard (5-2-74).
St. Louis Park, *St. Louis Park Depot*, West 37th Street and Brunswick Avenue (11-25-69).

Houston County

Brownsville, *Emmanuel Evangelical Lutheran Church (Methodist Episcopal Church)*, Main Street.

Hubbard County

Park Rapids vicinity, *Shell River Prehistoric Village and Mound District*, 15 miles southeast of Park Rapids near the confluence of the Shell and Crow Wing Rivers.

Itasca County

Grand Rapids vicinity, *White Oak Point Site*, west of Grand Rapids on the Mississippi River.
Inger vicinity, *Old Cut Foot Sioux Ranger Station*, south of Inger off Minnesota 46 (8-7-74).
Inger vicinity, *Turtle Oracle Mound*, off Minnesota 35 (8-27-74).

Kanabec County

Mora vicinity, *Knife Lake Historic District*, north of Mora off Minnesota 65 (1-21-74).

Koochiching County

Little Fork vicinity, *Laurel Mounds*.
Nett Lake vicinity, *Nett Lake Petroglyph Site*, north of Nett Lake on Spirit Island (12-30-74).

Lac qui Parle County

Lac qui Parle vicinity, *Thoreson, Andreus, House*, northwest of Lac qui Parle (11-5-74).
Montevideo vicinity, *Camp Release State Monument*, about 2 miles southwest of Montevideo off U.S. 212 (3-14-73).
Montevideo vicinity, *Lac qui Parle Mission Site* (see Chippewa County).

Lake County

Two Harbors vicinity, *Split Rock Lighthouse*, about 20 miles northeast of Two Harbors on U.S. 61.

Lake of the Woods County

Angle Inlet vicinity, *Northwest Point*, northwest of Angle Inlet.

Le Sueur County

Le Sueur, *Mayo, Dr. William W., House*, 118 North Main Street.

Marshall County

Newfolden vicinity, *Old Mill*, about 9 miles west of Newfolden on the Middle River in Old Mill State Park.

Mille Lacs County

Vineland vicinity, *Cooper Site*, on the south bank of Ogechie Lake within Mille Lacs-Kathio State Park.
Vineland vicinity, **Kathio Site*, U.S. 169, Mille Lacs-Kathio State Park.
Vineland vicinity, *Petaga Point*, on the southeast shore of Ogechie Lake in Mille Lacs-Kathio State Park.
Vineland vicinity, *Saw Mill Site*, on the northwest side of Lake Ogechie in Mille Lacs-Kathio State Park.
Vineland vicinity, *Vineland Bay Site (Kathio School Site)*, southwest shore of Mille Lacs Lake above the Rum River outlet and within Mille Lacs-Kathio State Park.

Morrison County

Crow Wing State Park (see Cass County).
Belle Prairie, *Ayer Mission Site*, 0.5 mile north of Belle Prairie off U.S. 371.
Camp Ripley, *Old Fort Ripley*.
Little Falls vicinity, *Belle Prairie Village Site*, north of Little Falls (3-14-73).
Little Falls vicinity, *Charles A. Lindbergh State Park and Lindbergh House*, southwest of Little Falls on the Mississippi River.
Little Falls vicinity, *Pelkey Lake Site*, east of Little Falls (10-2-73).
Little Falls vicinity, *Rice Lake Peninsula Prehistoric District*, southeast of Little Falls (10-2-73).
Little Falls vicinity, *Swan River Indian Village Site*, south of Little Falls (10-2-73).
Royalton vicinity, *Old McDougall Farm*, northwest of Royalton on CR 23 (12-4-74).

Nicollet County

Fairfax, *Fort Ridgely*.
New Ulm vicinity, *Harkin, Alexander, Store*, about 10 miles west of New Ulm on County Road 21.
St. Peter, *Cox, E. St. Julien, House*, 500 North Washington Avenue.
St. Peter vicinity, *Traverse des Sioux State Park*, 2 miles north of St. Peter, off U.S. 169.

Olmsted County

Rochester, *1914 and 1928 Mayo Clinic Buildings*, 110-115 Second Avenue.
Stewartville vicinity, *Mayowood*, northwest of Stewartville on County Road D.

Otter Tail County

Battle Lake vicinity, *Morrison Mounds*, on the south bank of the Otter Tail River.
Fergus Falls vicinity, *Orwell Site*, southwest of Fergus Falls (12-4-74).

Pine County

Hinckley, *Hinckley Depot*, old Highway No. 61 and First Street, SE.
Pine City vicinity, *Connor's Fur Post*, at Snake River.
Pine City vicinity, *Stumne Mounds*, about 4 miles west of Pine City on the Snake River.

Pipestone County

Pipestone vicinity, *Pipestone National Monument*, 1 mile north of Pipestone.

Ramsey County

St. Paul, *Burbank-Livingston-Griggs House*, 432 Summit Avenue.
St. Paul, *Como Park Conservatory*, Como Park (11-19-74).
St. Paul, **Fitzgerald, F. Scott, House (Summit Terrace)*, 509 Summit Avenue.

St. Paul, **Hill, James J., House*, 240 Summit Avenue.
St. Paul, *Irvine, Horace Hills, House*, 1006 Summit Avenue (12-16-74).
St. Paul, *Irvine Park Historic District*, bounded roughly by Sherman, West Seventh, Chestnut Streets, and the railroad tracks (11-27-73).
St. Paul, *Kellogg, Frank B., House*, 633 Fairmount Avenue (11-6-74).
St. Paul, *McColl Building*, 366-368 Jackson Street (12-19-74).
St. Paul, *McGill, Andrew R., House*, 2203 Scudder Avenue (12-31-74).
St. Paul, *Minnesota Historical Society Building*, 690 Cedar Street.
St. Paul, *Minnesota State Capitol*, Aurora between Cedar and Park.
St. Paul, *Old Federal Courts Building*, 109 West Fifth Street.
St. Paul, *Pioneer and Endicott Buildings*, Fourth and Robert Streets (7-10-74).
St. Paul, *Ramsey, Alexander, House*, 265 South Exchange Street.
St. Paul, *St. Paul Cathedral*, west side of Summit Avenue between Dayton and Selby Avenues (6-28-74).
St. Paul, *St. Paul Union Depot*, 214 East 4th Street (12-16-74).

Redwood County

Belview, *Odeon Theater*, off Minnesota 273 (8-30-74).
Redwood Falls vicinity, *Lower Sioux Agency*, 9 miles east of Redwood Falls off County Route N 2.

Renville County

Morton vicinity, *Birch Coulee*, 1.5 miles north of Morton off U.S. 71 in Birch Coulee State Park.

Rice County

Faribault, *Faribault, Alexander, House*, 12 Northeast First Avenue.
Northfield, *Nutting House*, 217 Union Street.
Northfield, *Rolvaag, O. E., House*, 311 Manitou Street.

St. Louis County

Duluth, *Aerial Lift Bridge*, Lake Avenue.
Duluth, *Duluth Central High School*, Lake Avenue and Second Street.
Duluth, *Duluth Union Depot*, Fifth Avenue West and Michigan Street.
Duluth, *Minnesota Point Lighthouse*, on Minnesota Point (12-27-74).
Hibbing vicinity, **Hull-Rust-Mahoning Open-Pit Iron Mine*, Third Avenue East.
Mountain Iron vicinity, **Mountain Iron Mine*, north of Mountain Iron.
Tower vicinity, **Soudan Iron Mine*, Tower-Soudan State Park.

Scott County

Shakopee, *Atwater, Isaac, House*, Shakopee Historic District, Memorial Park.
Shakopee, *Shakopee Historic District (Minnesota Valley Restoration Project/Memorial Park)*, Memorial Park.

Sherburne County

Elk River vicinity, **Kelley, Oliver H., Homestead*, 2 miles southeast of Elk River on U.S. 10.

Stearns County

Sauk Centre, **Lewis, Sinclair, Boyhood Home*, 812 Sinclair Lewis Avenue.

Steele County

Owatonna, *Security Bank and Trust Co. (National Farmers Bank of Owatonna)*, North Cedar Street and East Broadway.

Wadena County

Menahga vicinity, *Blueberry Lake Village Site*, northeast of Menahga (10-2-73).
Staples vicinity, *Old Wadena Site*, north of Staples (10-9-73).
Wadena vicinity, *Reaume's Trading Post*, northeast of Wadena on the Leaf River (12-24-74).

Washington County

Lakeland, *Grout House*, Minnesota Street between Green and Prairie Streets.
Marine on St. Croix, *Marine Mill Site*, Mill Reservation, block 47.
Marine on St. Croix, *Marine on St. Croix Historic District*, roughly bounded by St. Croix River, railroad tracks, Kennedy and Spruce Streets (6-28-74).
Scandia, *Hay Lake School*.
Stillwater, *Old Warden's House*, 602 North Main Street (12-17-74).
Stillwater, *Washington County Courthouse*, West Pine Street at South Third Street.
Stillwater vicinity, **St. Croix Boom Site*, 3 miles north of Stillwater on St. Croix River.

Winona County

Homer, *Bunnell, Willard, House*, U.S. 14.
Winona, *Merchants National Bank*, 102 E. 3rd Street (10-16-74).
Winona, *Winona County Courthouse*, Washington Street between Third and Fourth Streets.
Winona vicinity, *Pickwick Mill*, Hamlet of Pickwick.

Yellow Medicine County

Granite Falls, *Volstead, Andrew John, House*, 163 9th Avenue (12-30-74).
Granite Falls vicinity, *Upper Sioux Agency*.

Mississippi

Adams County

Natchez, *Arlington, Main Street* (12-12-73).
Natchez, *Baynton, John, House*, 821 Main Street (10-16-74).
Natchez, *D'Evereux*, D'Evereux Drive.
Natchez, *Dunleith*, 84 Homochitto Street.
Natchez, *King's Tavern*, 611 Jefferson Street.
Natchez, *Monmouth*, East Franklin Street and Melrose Avenue.
Natchez, *Monteigne*, Liberty Road (12-11-74).
Natchez, *Natchez Bluffs and Under-the-Hill Historic District*.
Natchez vicinity, **Fatherland Plantation Site*, 3 miles southeast of Natchez.
Natchez vicinity, **Longwood*, 1.5 miles southeast of Natchez.
Natchez vicinity, *Mistletoe*, northeast of Natchez on Mississippi 554 (10-10-73).
Washington, *Jefferson College*, North Street.
Washington vicinity, *Fort Dearborn Site*, N of Washington off U.S. 61 (9-17-74).

Alcorn County

Corinth, *Fort Robinette*, Robinette Street.
Rienzi, *Jacinto Courthouse*, Route 1.

Amite County

Liberty, *Amite County Courthouse*, Main Street (4-9-74).

Benton County

Michigan City, *Davis' Mills Battle Site*, off Mississippi 7 (10-2-73).

Bolivar County

Alligator vicinity, *Alligator Mounds*, west of Alligator (7-24-74).

Carroll County

Avalon vicinity, *Teoc Creek Site*.
Carrollton, *George, James Z., Law Office*, Washington Street, between Lexington and Green Streets.
Carrollton, *Merrill's Store*, corner of Jackson and Lexington Streets.
Carrollton vicinity, *Malmaison Site*, northeast of Carrollton.

Claiborne County

Alcorn, *Oakland Chapel*, Alcorn State University campus (12-27-74).
Alcorn vicinity, *Catledge Archeological Site*, northwest of Alcorn (7-15-74).
Port Gibson, *Van Dorn House*, Van Dorn Drive.
Port Gibson vicinity, *Buena Vista Cotton Gin*, northeast of Port Gibson (12-27-74).
Port Gibson vicinity, *Grand Gulf Military State Park*, approximately 6 miles west of Port Gibson.
Port Gibson vicinity, *Port Gibson Battlefield*, 4 miles west of Port Gibson.
Port Gibson vicinity, *Windsor Ruins*, 12 miles southwest of Port Gibson on Mississippi 552.
Russum vicinity, *Centers Creek Mound*, north of Russum (8-14-73).
Willows vicinity, *Nelson, John, Site*, southwest of Willows (6-13-74).

Clay County

West Point vicinity, *Waverley*, 10 miles east of West Point (9-20-73).

Coahoma County

Clarksdale vicinity, *Oliver Site*, south of Clarksdale on Sunflower River (12-30-74).
Friars Point vicinity, *Perchman Place Site*, 5 miles east of Friars Point.
Lula vicinity, *Wilsford (Wilford) Site*, south-southwest of Lula (12-30-74).
Yazoo Pass Levee, at Mississippi 1 near Moon Lake.

Copiah County

Wesson, *Wesson Hotel*, Railroad Avenue and Spring Street.

Forrest County

Hattiesburg, *U.S. District Courthouse*, corner of Pine and Forrest Streets (9-18-73).

Grenada County

Grenada vicinity, *Confederate Earthworks*, east of Grenada off Mississippi 8 near Grenada Reservoir.

Hancock County

Pearlington vicinity, *Jackson Landing Site*, 3 miles southeast of Pearlington (7-27-73).

Harrison County

Biloxi, **Beauvoir (Jefferson Davis Shrine)*, 200 West Beach Boulevard (11-7-73).
Biloxi, *Biloxi Garden Center (Old Brick House)*, 410 East Bayview Avenue.
Biloxi, *Biloxi Lighthouse*, on U.S. 90 at Porter Avenue (10-3-73).
Biloxi, *Gillis House*, 806 West Beach Boulevard.
Biloxi, *Magnolia Hotel*, 137 Magnolia Street.
Biloxi, *Margaret Emilie (schooner)*, 1036 Fred Haise Boulevard.
Gulfport, *Milner House (Grass Lawn)*, 720 East Beach Boulevard.
Gulfport vicinity, *Fort Massachusetts*, south of Gulfport on Ship Island.

Hinds County

Bolton vicinity, *Champion Hill Battlefield*, approximately 4 miles southwest of Bolton.
Bovina vicinity, *Floyd Mound*.
Edwards vicinity, *Dupree Mound and Village Archeological Site*.
Jackson, *Capitol Green*, 100 North State Street.
Jackson, *City Hall*, 203 South President Street.
Jackson, *Governor's Mansion*, 316 East Capitol Street.
Jackson, *Manship House*, 412 East Fortification Street.
Jackson, *Millsaps-Buie House*, 628 North State Street.
Jackson, *New Capitol*, Mississippi Street between North President and North West Streets.

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Jackson, *The Oaks (Boyd House)*, 823 North Jefferson Street.
Jackson, *Old Capitol*, 100 North State Street.
Pocahontas, *Pocahontas Mound A*.
Pocahontas, *Pocahontas Mound B*.
Raymond vicinity, *Peyton House*, north of Raymond on Clinton Road (10–3–73).
Raymond vicinity, *Raymond Battlefield*, 2.5 miles southwest of Raymond on Mississippi 16.
Smith's Station vicinity (also in Warren County), *Big Black River Battlefield*, on both banks of the Big Black River between Smith's Station and Bovina.
Terry vicinity, *Berry Mound and Village Archeological Site*.

Holmes County

Richland, *Eureka Masonic College*, on Mississippi 17.

Humphreys County

Belzoni vicinity, *Jaketown Site*, 5 miles north of Belzoni.

Jackson County

Pascagoula, *Louisville & Nashville Railroad Depot*, Railroad Avenue (8–27–74).
Pascagoula, U.S.S. *Cairo*, Ingalls Shipyard.

Jefferson County

Fayette vicinity, *Springfield Plantation*, 8 miles west of Fayette via Mississippi 553.
Rodney, *Rodney Presbyterian Church*.
Rodney, *Sacred Heart Roman Catholic Church*.
Rodney vicinity, *Laurel Hill Plantation House*, 2 miles southeast of Rodney.

Lafayette County

Oxford, **Faulkner, William, House (Rowan Oak)*, Old Taylor Road.

Lauderdale County

Meridian, *Grand Opera House*, 2208 Fifth Street.
Meridian, *Merrehope*, 905 31st Avenue.

Lawrence County

Monticello, *Longino House*, Caswell Street.

Lee County

Baldwyn vicinity, *Brices Cross Roads, National Battlefield Site*, 6 miles west of Baldwyn on Mississippi 370.
Tupelo, *Tupelo National Battlefield*, on Mississippi 6 about a mile west of its intersection with U.S. 45.

Leflore County

Greenwood vicinity, *Fort Pemberton Site*, 2 miles southwest of Greenwood off U.S. 49E.

Lowndes County

Columbus, *Lee House (Blewett-Harrison-Lee House)*, 314 North Seventh Street.

Madison County

Mannsdale, *Chapel of the Cross*, on Mississippi 463, 6 miles northwest of its juncture with Interstate 55.

Marion County

Sandy Hook vicinity, *Ford House*, south of Sandy Hook on Old Columbia-Covington Road.

Marshall County

Abbeville vicinity, *Civil War Earthworks at Tallahatchie Crossing*, off Mississippi 7 (8–14–73).
Holly Springs, Confederate Armory Site.

Monroe County

Amory vicinity, *Cotton Gin Port Site*, 3 miles west of Amory.
Amory vicinity, *Inzer Site*, 3 miles west of Amory off U.S. 278.

Neshoba County

Vernon vicinity, *Nanih Waiya Cave Mound*, 4 miles south of Vernon.

Noxubee County

Macon vicinity, *Dancing Rabbit Creek Treaty Site*, 13 miles southwest of Macon.

Pontotoc County

Pontotoc vicinity, *Treaty of Pontotoc Site*, 7 miles southeast of Pontotoc (7–27–73).

Sharkey County

Rolling Fork vicinity, *Rolling Fork Mounds*, SW of Rolling Fork off U.S. 61 (10–18–74).

Tishomingo County

Iuka, *Old Tishomingo County Courthouse*, northeast corner of Quitman and Liberty Streets.

Tunica County

Robinsville vicinity, *Hollywood Site*, about 5 miles southwest of Robinsville.

Warren County

Bovina vicinity (also in Hinds County), *Big Black River Battlefield*.
Redwood, *Snyder's Bluff (Fort Saint Peter-Fort Snyder)*, on Mississippi 3.
Vicksburg, *Balfour House*, 1002 Crawford Street.
Vicksburg, **Old Courthouse, Warren County*, Court Square.
Vicksburg, *Pemberton House (Willis-Cowan Home)*, 1020 Crawford Street.
Vicksburg, *Planters Hall*, 822 Main Street.
Vicksburg and vicinity, *Vicksburg National Military Park*.
Vicksburg, *Vicksburg Siege Cave*, near Vicksburg City Cemetery.
Vicksburg vicinity, *Chickasaw Bayou Battlefield*, north of Vicksburg on U.S. 61.
Youngton vicinity, *Federal Fortifications along Bear Creek*, southwest of Youngton (8–30–74).

Washington County

Foote vicinity, *Mount Holly*, northwest of Foote off Mississippi 1 (8–14–73).
Greenville vicinity, *Winterville Site*, north of Greenville (8–17–73).
Wayside, *Belmont*, intersection of Routes 1 and 488.

Wilkinson County

Fort Adams vicinity, *Fort Adams Site*, south of Fort Adams (1–11–74).
Woodville, *Rosemont*, on Mississippi 24 (12–30–74).

Winston County

Fearns Springs, *Nanih Waiya Mound and Village*, southwest of Fearns Springs.

Yazoo County

Holly Bluff, **Holly Bluff Site*.
Vaughan vicinity, *Casey Jones Wreck Site*, 1 mile north of Vaughan.

Missouri

Adair County

Adair, *St. Mary's Church*, on Missouri 11 (12–16–74).
Kirksville, *Harris, Captain Thomas C. House*, 1308 North Franklin Street (10–15–73).
Kirksville vicinity, *Thousand Hills State Park Petroglyphs Archeological Site*, 2.5 miles west of Kirksville.

Atchison County

Tarkio, *Mule Barn Theatre (David Rankin Mule Barn)*, 10th and Park Streets.
Watson vicinity, *The Gibbs Site*, 4 miles northeast of Watson.

Barry County

Cassville vicinity, *Natural Bridge Archeological Site*, 8 miles north of Cassville.
Monett vicinity, *Courdin, David W., House*, 2½ miles southeast of Monett on blacktop road.

Barton County

Lamar, *Truman, Harry S., Birthplace Memorial*, north corner, 11th Street and Truman Avenue.

Benton County

Fristoe vicinity, *Rodgers Shelter Archeological Site*, 5 miles west of Fristoe.

Boone County

Columbia, *Conley, Sanford F., House*, 602 Sanford Place (12–18–73).
Columbia, *Francis Quadrangle Historic District (Red Campus)*, bounded by Conley, Sixth, Ninth, and Elm Streets (12–18–73).
Columbia, *Gordon Tract Archeological Site (Hinkson Creek Site)*.
Columbia, **Sanborn Field and Soil Erosion Plots*, University of Missouri Campus.

Buchanan County

St. Joseph, *Buchanan County Courthouse and Jail*, Courthouse Square.
St. Joseph, *King's Hill Archeological Site*, 5600 South First Street.
St. Joseph, *Maple Grove (Joseph Davis House)*, 2100 N. 11th Street (10–16–74).
St. Joseph, *Market Square Historic District*.
St. Joseph, **Patee, John, House*, 12th and Penn Streets.
St. Joseph, *Pony Express Stables*, 914 Penn Street.
St. Joseph, *Robidoux Row*, 219–225 East Poulin Street.

Butler County

Naylor vicinity, *Koehler Fortified Archeological Site*, 1 mile northeast of Naylor.
Neelyville vicinity, *Wilborn-Steinberg Site*, 2 miles west of Neelyville.

Caldwell County

Kingston, *Caldwell County Courthouse*, Main Street.
Kingston vicinity, *Far West*, 5.5 miles west of Kingston via County Routes D and H.

Callaway County

Fulton, **Westminster College Gymnasium*, Westminster College campus.
Fulton, *Winston Churchill Memorial*, Seventh Street and Westminster Avenue.
Mokane vicinity, *Mealy Mounds Archeological Site*, 2 miles northeast of Mokane.
Portland vicinity, **Research Cave*.
Tebbetts vicinity, *Cote Sans Dessein Archeological Site*, 3 miles southwest of Tebbetts.

Cape Girardeau County

Burfordville, *Burfordville Mill*, Missouri 34.
Burfordville vicinity, *Burfordville Covered Bridge*, eastern edge of Burfordville on County Route HH.
Oriole vicinity, *Trail of Tears State Park Archeological Site*, north of Oriole on the Mississippi River.

Carroll County

Miami Station vicinity, *Wright II Archeological Site*, 1 mile south of Miami Station.

Cass County

Harrisonville vicinity, *Brown, Robert A., House*, 0.7 mile north of Harrisonville on U.S. 71 Bypass, 0.5 mile west and northwest on gravel road.

Chariton County

Keytesville, *Chariton County Courthouse*, State Street.
Keytesville, *Redding-Hill House*, 100 West North Street (8–5–69).

Clark County

Canton vicinity, *Boulware Mound Group Archeological Site*, 10 miles north of Canton and adjacent to west side of U.S. 61.

Clay County

Excelsior vicinity, **Watkins Mill*, 6 miles northwest of Excelsior.
Kearney vicinity, *James Brothers' House*, 2.25 miles northeast of Kearney on State Route 92.
Liberty vicinity, *Nebo Hill Archeological Site*, 3 miles southeast of Liberty.
Smithville vicinity, *Aker Cemetery*, northeast of Smithville off Missouri W (11–13–74).

Cole County

Jefferson City, *Cole County Courthouse and Jail-Sheriff's House*, east corner of Monroe and East High Streets.
Jefferson City, *Cole County Historical Society Building*, 109 Madison Street.
Jefferson City, *Governor's Mansion*, 100 Madison Street.
Jefferson City, *Lohman's Landing Building*, west corner, intersection of Jefferson and Water Streets.
Jefferson City, *Missouri State Capitol Building and Grounds*, High Street between Broadway and Jefferson Streets.
Osage City vicinity, *Gay Archeological Site*, 0.5 mile northeast of Osage City.

Cooper County

Blackwater vicinity, *The Imhoff Archeological Site*, 4 miles southeast of Blackwater.
Boonville, *Harley Park Archeological Site*.
Boonville, *Lyric Theater*, northeast corner Main (Fifth) and Vine Streets.
Lamine vicinity, *Mellor Village and Mounds Archeological District*, north of Lamine.
Wooldridge vicinity, *Wooldridge Archeological Site*, 0.5 mile northwest of Wooldridge.

Crawford County

Leasburg vicinity, *Scotia Iron Furnace Stack*, 6.3 miles southeast of Leasburg on County Route H.

Dent County

Salem, *Dent County Courthouse*, Main and Fourth Streets.

Dunklin County

Hornersville vicinity, *Langdon Site*, north of Hornersville (1–11–74).

Franklin County

Moselle vicinity, *Moselle Iron Furnace Stack*, 1 mile southeast of Moselle.
St. Albans vicinity, *Tavern Cave*, 2 miles northeast of St. Albans off the Chicago Rock Island & Pacific Railroad.

Gasconade County

Bem vicinity, *Peenie Archeological Petroglyph Site*, 3 miles east of Bem.
Hermann, *Hermann Historic District*.
Hermann, *Old Stone Hill Historic District*, bounded by West 12th, Geothe, Jefferson Streets, and Iron Road.

Green County

Ash Grove vicinity, *Boone, Nathan, House*, 1.75 miles north of Ash Grove on Missouri V.
Springfield vicinity, *Wilson's Creek National Battlefield*, 10 miles southwest of Springfield on County Route 22.

Howard County

Boonsboro vicinity, *Boonslick State Park*.
Fayette vicinity, *Morrison, Alfred W., House, Lilac Hill*, 1 mile southwest of Fayette on Missouri 5.
Glasgow, *Glasgow Public Library*, northwest corner, Market and Fourth Streets.
New Franklin, *"Rivercene,"* R.F.D. 1.

Iron County

Ironton, *St. Paul's Episcopal Church*, northwest corner, Knob and Reynolds Streets.
Pilot Knob vicinity, *Fort Davidson*, on Missouri 21 south of intersection with County Route V.

Jackson County

Independence, *Jackson County Courthouse*, bounded by Lexington and Maple Avenues and Liberty and Main Streets.
Independence, *Jackson County Jail and Marshal's House*, 217 North Main Street.
Independence, *Temple Site*, corner of Lexington Avenue and River Boulevard.
Independence, **Truman, Harry S., Historic District*, North Delaware Street area.
Independence, *Vaile, Harvey M., Mansion*, 1500 North Liberty and 1518 North Osage Streets.
Kansas City, Boley Building (Katz Building), 1130 Walnut Street (3–9–71).
Kansas City, *Coates House Hotel*, 1005 Broadway.
Kansas City, *Curtiss, Louis, Studio Building*, 1116–1118–1120 McGee Street.
Kansas City, *Harris, Colonel John, House*, 4000 Baltimore Avenue.
Kansas City, *Kelly's Westport Inn*, Westport Road and Pennsylvania Avenue.
Kansas City, *Majors, Alexander, House*, 8145 State Line Road.
Kansas City, *New York Life Building*, 20 West Ninth Street.
Kansas City, *Old New England Building*, 112 West Ninth Street (10–25–73).
Kansas City, *Savoy Hotel and Savoy Grill*, 219 West 9th Street (12–30–74).
Kansas City, *Scarritt Building and Arcade*, corner of Ninth and Grand Streets, and 819 Walnut Street.
Kansas City, *Standard Theatre*, 300 West 12th Street (6–5–74).
Kansas City, *Union Station*, Pershing Road and Main Street.
Kansas City, *Wornall House*, 146 West 61st Terrace.
Sibley, **Fort Osage*, north edge of Sibley on the Missouri River.
Sibley, *Fort Osage Archeological District*, Fort Osage Park.

Jasper County

Carthage, *Jasper County Courthouse*, Courthouse Square.
Joplin, *Connor Hotel*, 324 Main Street.
Joplin, *Joplin Union Depot*, Main Street and Broadway.

Jefferson County

Byrnes Mill vicinity, *Boemler Archaeological District*, NW of Byrnes Mill (10–1–74).
Hillsboro, *Fletcher, Thomas C., House*, Elm between 1st and 2nd Streets (11–19–74).
Hillsboro vicinity, *Sandy Creek Covered Bridge*, 5 miles north of Hillsboro on U.S. 21, east on Goldman Road, and southwest on Lemay Ferry Road.
House Springs vicinity, *Moder Archaeological District*, NW of House Springs off MO 30 (10–16–74).
Times Beach vicinity, *Beaumont-Tyson Quarry District*, E of Times Beach on MO 44 (10–10–74) (also in St. Louis County).
Times Beach vicinity, *Boland Archaeological District*, S of Times Beach (10–1–74).

Johnson County

Warrensburg, *Johnson County Courthouse (Old Johnson County Courthouse)*, Old Public Square.

Lafayette County

Lexington, *Anderson House and Lexington Battlefield*, bounded on the west by 10th Street, on the northwest by the Missouri Pacific Railroad, on the south by Utah and Wood Streets, and on the east by the continuation of 15th Street.
Lexington, *Lafayette County Courthouse*, Public Square.
Lexington vicinity, *Linwood Lawn*, southeast of Lexington off U.S. 24.

Lawrence County

Mount Vernon vicinity, *Old Spanish Fort Archeological Site*, 3 miles south of Mount Vernon.

Lincoln County

Moscow Mills, *Old Rock House*, Second and Mill Streets.

Linn County

Laclede, *Pershing, General John J., Boyhood Home*, State and Worlow Streets.
Laclede vicinity, *Locust Creek Covered Bridge*, 3 miles west of Laclede on U.S. 36, then north 1 mile and east 0.63 mile on a gravel road.

Marion County

Hannibal, *Osterhout Mound Park* (23 MA8), Wauneta Place.
Hannibal, **Twain, Mark, Boyhood Home*, 206–208 Hill Street.
Hannibal vicinity, *Sharkey Mound Group*, northwest of Hannibal (12–18–73).
Palmyra, *Gardner House*, 421 South Main Street.

Mississippi County

Charleston, *Missouri Pacific Depot*, east of the intersecting branches of the Missouri Pacific Railroad.
Charleston vicinity, *Hearnes Site*, 3 miles east of Charleston (11–26–73).
Charleston vicinity, *Swank, Jacob, House*, west of Charleston off U.S. 60.
Crosno vicinity, *Crosno Fortified Village Archeological Site*, 1 mile south of Crosno.
East Prairie vicinity, *Hess Archaeological Site*, southeast of East Prairie (7–12–74).
East Prairie vicinity, *Hoecake Village Archeological Site*, 7 miles southeast of East Prairie.
East Prairie vicinity, *Mueller Archeological Site*, southeast of East Prairie (8–13–74).
Wolf Island vicinity, *Beckwith's Fort Archeological Site*.
Wyatt vicinity, *O'Bryan Ridge Archeological District*, 2 miles south of Wyatt.

Moniteau County

California, *Moniteau County Courthouse Square*, Public Square.
Jamestown vicinity, *Geiger Archeological Site*, 3 miles east of Jamestown.

Monroe County

Florida vicinity, *Crigler Mound Group Archeological Site*, 1 mile north of Florida.
Florida vicinity, *Twain, Mark, Birthplace Cabin*, Mark Twain State Park, 0.25 mile south of Florida on Missouri 107.
Holliday vicinity, *Holliday Petroglyphs*, northeast of Holliday (1–11–74).
Paris vicinity, *Union Covered Bridge*, about 6 miles southwest of Paris on the Elk Fork of the Salt River.

Montgomery County

Big Spring vicinity, *Pinnacle Lake Rockshelter*, 3 miles northeast of Big Spring.
Mineola vicinity, **Graham Cave*, 0.5 mile north of Mineola.

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New Madrid County

Catron vicinity, *Hurricane Ridge Site*, 3 miles northeast of Catron.
La Forge vicinity, *La Plant Archeological Site*, east of La Forge (7–25–74).
Lilbourn, *Lilbourn Fortified Village Archeological Site*, within city limits of Lilbourn.
Portageville vicinity, *Double Bridges Archeological Site*, east of Portageville (7–25–74).
Sikeston vicinity, *Sikeston Fortified Village Archeological Site*, 2 miles southeast of Sikeston.

Newton County

Diamond vicinity, *George Washington Carver National Monument*, 3 miles south of Diamond.

Oregon County

Riverton vicinity, *Pigman Mound Archeological Site*, 3 miles southeast of Riverton.

Osage County

Westphalia, *St. Joseph Church*, 4 blocks east of U.S. 63 on Main Street.

Pemiscot County

Caruthersville vicinity, *Murphy Mound Archeological Site*, both sides of County Route D, 1.5 miles south of intersection of County Routes D and U.
Cooter vicinity, *Campbell Archeological Site*, southeast of Cooter (7–24–74).
Denton vicinity, *Denton Mound and Village Archeological Site*, 1 mile northeast of Denton.
Portageville vicinity, *Delta Center Mound*, southeast of Portageville (7–24–74).
Wardell vicinity, *Wallace, J. M., Archeological Site (Wardell Mounds)*, 1 mile southwest of Wardell.

Perry County

Perryville, *Shelby-Nicholson-Schindler House*, 701 West St. Joseph Street (7–24–74).
Wittenburg vicinity, *Tower Rock*, 1 mile south of Wittenburg, east 1 mile from County Route A.

Phelps County

Newburg vicinity, *Gourd Creek Cave Archeological Site*, 8 miles south of Newburg.
Newburg vicinity, *Ozark Iron Furnace Stack*, 2 miles west of Newburg.
St. James vicinity, *Maramec Ironworks District*, 7 miles south of St. James on Missouri 8.
St. James vicinity, *Verkamp Shelter*, southeast of St. James (7–30–74).

Pike County

Eolia vicinity, *St. John's Episcopal Church*, 0.25 mile north of Eolia on County Route D, 0.25 mile east on County Route H.

Platte County

Kansas City, *Deister Archeological Site*, within Kansas City limits, Line Creek Park.
Riverside vicinity, *Renner Village Archeological Site*, 0.25 mile southwest of Riverside.
Walden vicinity, *Babcock Site*, 3 miles north of Walden (11–15–73).
Weston, *Weston Historic District*.
Weston vicinity, *McCormick Distillery*, southeast of Weston off Route JJ (4–16–74).
Weston vicinity, *Sugar Creek Site*, northwest of Weston (12–12–73).

Pulaski County

Buckhorn vicinity, *Decker Cave Archeological Site*, 4 miles southwest of Buckhorn.

Ralls County

New London, *Ralls County Courthouse and Jail/Sheriff's House*, Courthouse Square.

Randolph County

Cairo vicinity, *Mitchell Petroglyph Archeological Site*, 6 miles east of Cairo.

St. Charles County

Defiance, *Boone, Daniel, House (Nathan Boone House)*, Highway F.
Defiance vicinity, *Hays, Daniel Boone, House (Hays Farm)*, of Defiance off Highway F.
St. Charles, *First Missouri State Capitol Buildings*, 206–16 South Main Street.
St. Charles, *Newbill-McElhiney House*, 625 South Main Street.
St. Charles, *St. Charles Historic District*.
St. Charles, *Stone Row*, 314–330 South Main Street.

St. Francois County

Bonne Terre, *Bonne Terre Mine*, MO 47 (9–9–74).

Ste. Genevieve County

Ste. Genevieve, **Bolduc, Louis, House*, 123 South Main Street.
Ste. Genevieve, *Guibourd, Jacques Dubreuil, House*, northwest corner, Fourth and Merchant Streets.
Ste. Genevieve, **Ste. Genevieve Historic District*.
Ste. Genevieve vicinity, *Common Field Archeological Site*, 3 miles south of Ste. Genevieve.
Ste. Genevieve vicinity, *The Kreilich Archeological Site*, 3 miles south of Ste. Genevieve.

St. Louis (independent city)

**Anheuser-Busch Brewery*, 721 Pestalozzi Street.
Bissell Street Water Tower, intersection of Bissell Street and Blair Avenue.
Compton Hill Water Tower, in Reservoir Park, at Grand and Russell Boulevards and Lafayette Avenue.
**Eads Bridge*, spanning the Mississippi River at Washington Street (also in St. Clair County, Ill.).
**Goldenrod Showboat*, 400 North Wharf Street.
Grand Avenue Water Tower, intersection of East Grand Avenue and 20th Street.
Jefferson National Expansion Memorial National Historic Site, on the Mississippi River between Washington and Poplar Streets.
Lafayette Square Historic District.
**Old Post Office (U.S. Custom House and Post Office)*, Eighth and Olive Streets.
Portland and Westmoreland Places, northeast corner of Forest Park (2–12–74).
Quinn Chapel A.M.E. Church 225 Bowen Street (10–18–74).
St. John Nepomuk Parish Historic District.
**St. Louis Union Station*, 18th and Market Streets.
Shaw's Garden (Missouri Botanical Garden), bounded by Tower Grove Avenue and Magnolia, Alfred, and Shaw Streets.
Soulard Neighborhood Historic District.
Tower Grove Park, bounded by Magnolia and Arsenal Streets on the north and south and Grand and Kingshighway Boulevards on the east and west.
**Wainwright Building*, 709 Chestnut Street.
Wainwright Tomb, Bellefontaine Cemetery, 4947 West Florissant Avenue.

St. Louis County

Afton, *Benoist, Louis Auguste, House*, 7802 Geneeta Street.
Beaumont-Tyson Quarry District (see Jefferson County).
Chesterfield, *Old Stone Church*, Conway Road at White Road.
Chesterfield, *Thornhill*, Olive Street Road in Faust County Park (7–18–74).
Chesterfield vicinity, *Bonhomme Creek Archeological District*, west of Chesterfield on Wildhorse Creek Road (11–21–74).
Clayton, *Hanley, Martin Franklin, House*, 7600 Westmoreland Avenue.
Crescent vicinity, *Crescent Quarry Archeological Site*, 1 mile east of Crescent.
Crestwood, *Sappington, Thomas J., House*, 1015 South Sappington Road (6–28–74).
Florissant, *Myers, John B., House*, 180 Dunn Road (12–13–74).
Florissant, *St. Stanislaus Seminary*, 700 Howdershell Road.
Florissant vicinity, *Sioux Passage Park Archaeological Site*, Old Jamestown Road west of Valle (7–24–74).
Hazelwood, *Utz-Tesson House*, 615 Utz Lane.
St. Louis vicinity, *Jefferson Barracks Historic District*, 10 miles south of St. Louis on the Mississippi River.
Webster Groves, *Hawken House*, northeast corner of Southwest Park, Rock Hill Road.

Saline County

Arrow Rock, **Arrow Rock*, Arrow Rock State Park.
Arrow Rock, *Arrow Rock Tavern*, Main Street.
Arrow Rock, **Bingham, George Caleb, House*, Arrow Rock State Park.
Arrow Rock vicinity, *Sappington, William B., House*, 3 miles southwest of Arrow Rock on County Route TT.
Malta Bend vicinity, *Gumbo Point Archeological Site*, 3 miles northwest of Malta Bend.
Marshall vicinity, **Utz Site*, 12 miles north of Marshall, adjoining Van Meter State Park.
Malta Bend vicinity, *Plattner Archeological Site*, 1 mile north of Malta Bend.
Miami vicinity, *The Fisher-Gabbert Archeological Site*, 2 miles east of Miami.
Miami vicinity, *Guthrey Archeological Site*, 1.75 miles east-northeast of Miami.
Miami vicinity, *The Old Fort*, Van Meter State Park.

Scott County

Diehlstadt vicinity, *Brown, E. L., Village and Mound Archeological Site*, 2 miles northeast of Diehlstadt.
Diehlstadt vicinity, *Sandy Woods Settlement Archeological Site*, 1.75 miles northwest of Diehlstadt.

Shelby County

Bethel, *Bethel Historic District*, bounded on the north by a line parallel to and 322 feet north of Fourth Street; bounded on the east and west by lines parallel to and approximately equidistant (513 feet) from Main Street running south 1,930 feet to the southern boundary; bounded on the south by a line parallel to and 312 feet south of First Street.
Bethel vicinity, *Elim (Dr. William Keil House)*, 1.5 miles east of Bethel.
Shelbina, *Benjamin House*, 322 South Shelby Street.

Stoddard County

Bernie vicinity, *Rich Woods Archeological Site*, 2 miles north of Bernie.

Texas County

Buckyrus vicinity, *White Rock Bluffs Archeological Pictograph Site*, 2 miles south of Buckyrus.

Vernon County

Arthur vicinity, *Coal Pit Archeological Site*, 1 mile northwest of Arthur.
Fair Haven vicinity, *Brown Archeological Site*, 2 miles west of Fair Haven.
Nevada vicinity, **Carrington Osage Village Site*, north of Nevada, on west edge of Green Valley Prairie.
Shell City vicinity, *Halleys Bluff Site*, west of Shell City (7–24–74).

Warren County

Marthasville vicinity, *Borgmann Mill*, 5 miles east of Marthasville on County Route D.

Marthasville vicinity, *Callaway, Flanders, House*, 1 mile south of Marthasville on Missouri 94.
Warrenton, *Warren County Courthouse and Circuit Court Building*, Main Street.

Washington County

Caledonia vicinity, *Land Archeological Site*, 3 miles northeast of Caledonia.
Caledonia vicinity, *Lost Creek Pictograph Archeological Site*, 2 miles northeast of Caledonia.
Fertile vicinity, *Cresswell Petroglyph Archeological Site*, 2 miles east of Fertile.
Fertile vicinity, *Washington State Park Petroglyph Archeological Site*, 1 mile northeast of Fertile.

Wright County

Mansfield vicinity, *Wilder, Laura Ingalls, House*, 1 mile east of Mansfield on U.S. Business 60.

Montana

Beaverhead County

Armstead vicinity, **Lemhi Pass* (see Lemhi County, Idaho).
Dillon vicinity, **Bannack Historic District*, 22 miles from Dillon on secondary road off Montana 278.
Wisdom vicinity, *Big Hole National Battlefield*, 12 miles west of Wisdom.

Big Horn County

Hardin vicinity, *Custer Battlefield National Monument*, 15 miles south of Hardin.
Kirby vicinity, *Battle of the Rosebud Site*, 6 miles south of Kirby.
Pryor vicinity, *Chief Plenty Coups Memorial*, 1 mile west of Pryor on Montana 416.

Blaine County

Chinook vicinity, *Chief Joseph Battleground of the Bear's Paw (Bearpaw Mountain Fight)*, about 15 miles south of Chinook.

Carbon County

Bridger vicinity, *Demijohn Flat Archeological District*, southeast of Bridger (11–20–74).

Cascade County

Great Falls, **Russell, Charles M., House and Studio*, 1217–19 Fourth Avenue North.
Great Falls vicinity, **Great Falls Portage*, southeast of Great Falls at junction of Montana 87, 89, and 91.
Ulm vicinity, *Ulm Pishkun (Ulm Buffalo Jump)*, northwest of Ulm (12–17–74).

Chouteau County

Big Sandy vicinity, *Lewis and Clark Camp at Slaughter River*, 40 miles south of Big Sandy on Missouri River (12–16–74).
Fort Benton, **Fort Benton*.
Fort Benton, *Fort Benton Historic District*.
Fort Benton vicinity, *Citadel Rock (Cathedral Rock)*, east of Fort Benton (11–13–74).

Dawson County

Glendive vicinity, **Hagen Site*, 5 miles southeast of Glendive on secondary road.

Deer Lodge County

Anaconda, *Daly, Marcus, Hotel*, corner of Park Avenue and South Main.
Anaconda, *Hearst Free Library*, Main and Fourth Street.

Gallatin County

Logan vicinity, *Madison Buffalo Jump State Monument*.
Three Forks vicinity, **Three Forks of the Missouri*, northeast of Three Forks on the Missouri River, Missouri Headwaters State Monument.

Glacier County

Browning vicinity, **Camp Disappointment*, 12 miles northeast of Browning on the Blackfeet Reservation.

Granite County

Philipsburg vicinity, Miners Union Hall, east of Philipsburg in Deerlodge National Forest (12–19–74).
Philipsburg vicinity, *Superintendent's House*, east of Philipsburg in Deerlodge National Forest (12–17–74).

Hill County

Havre vicinity, *Too Close for Comfort Site*, 0.5 mile west of Havre (12–30–74).

Lake County

St. Ignatius, *St. Ignatius Mission*, off U.S. 93.

Lewis and Clark County

Helena, *Former Executive Mansion*, Sixth Avenue and Ewing Street.
Helena, *Helena Historic District*.
Helena, *Kluge House*, 540 West Main Street.

Madison County

Dillon vicinity, *Beaverhead Rock*.
Virginia City, **Virginia City Historic District*, Wallace Street.

Meagher County

White Sulphur Springs vicinity, *Fort Logan and Blockhouse*, 17 miles northwest of White Sulphur Springs (10–6–70).

Missoula County

Lolo vicinity, **Traveler's Rest*, 1 mile south of Lolo near U.S. 93.
Lolo vicinity, **Lolo Trail* (see Clearwater County, Idaho).

Pondera County

Browning vicinity, *Two Medicine Fight Site*, about 25 miles southeast of Browning.

Powell County

Deer Lodge, **Grant-Kohrs Ranch National Historic Site*, edge of Deer Lodge.

Ravalli County

Conner vicinity, *Alta Ranger Station*, south of Conner in Bitterroot National Forest (12–19–74).
Hamilton vicinity, *Canyon Creek Laboratory of the U.S. Public Health Service*, 0.75 mile west of the Hamilton city limits.
Stevensville, *St. Mary's Mission Church and Pharmacy*, North Avenue.
Stevensville vicinity, *Fort Owen*, about 0.5 mile northwest of Stevensville.

Roosevelt County

Fort Union Trading Post National Historic Site (see Williams County, N. Dak.).
Poplar, *Fort Peck Agency*.

Silver Bow County

Butte, **Butte Historic District*.
Butte, *Clark, W. A., Mansion*, 219 West Granite.

Wibaux County

Wibaux, *Wibaux, Pierre, House*, Orgain Avenue.

Yellowstone County

Billings, *Billings Chamber of Commerce Building*, 303 North 27th Street.
Billings, *Parmly Billings Memorial Library*, 2822 Montana Avenue.
Billings vicinity, *Hoskins Basin Archeological District*, northwest of Billings (11–20–74).
Billings, vicinity, **Pictograph Cave*, 7 miles southeast of Billings via U.S. 87 and secondary road, Indian Caves Park.
Pompey's Pillar vicinity, **Pompey's Pillar*, west of Pompey's Pillar on U.S. 10.

Nebraska

Antelope County

Neligh, *Neligh Mill*, 111 West Second Street.

Boyd County

Lynch vicinity, *Lynch Archeological Site*, northwest of Lynch (12–2–74).

Buffalo County

Kearney, *Frank, George W., House*, West 25th Street.

Burt County

Oakland vicinity, *Logan Creek Site*, 3 miles south of Oakland.

Butler County

Abie vicinity, *Barcal or Skull Creek Site*, 3 miles north of Abie.
Bellwood vicinity, *Bellwood Archeological Site*, northeast of Bellwood (8–13–74).
Linwood vicinity, *Linwood Site*, 1 mile southwest of Linwood on Nebraska 115.

Cass County

Murray vicinity, **Gilmore (Walker), Site (Stearns Creek Site)*, 5 miles southeast of Murray.
Nehawka vicinity, *Nehawka Flint Quarries*, 2 miles north of Nehawka.
Weeping Water, *Weeping Water Historic District*.
Weeping Water vicinity, *Theodore Davis Site (25CC17)*, 1.5 miles east on Nebraska 250.

Cedar County

St. Helena vicinity, *Schulte Archeological Site*, north of St. Helena (7–30–74).
Wynot vicinity, *Wiseman Archeological Site*, northeast of Wynot (12–2–74).

Chase County

Wauneta vicinity, *Lovett Site*, 12 miles north of Wauneta on U.S. 6.

Cheyenne County

Potter vicinity, *Wes Stevens Site*, east of Potter (8–28–73).
Sidney, *Fort Sidney Historic District*.

Colfax County

Schuyler vicinity, *Schuyler Site* (8–14–73).
Schuyler vicinity, *Wolfe Archeological Site*, northwest of Schuyler (7–30–74).

Cuming County

Bancroft, *Neihardt, John G., Study*, northwest corner, Washington and Grove Streets.

Dakota County

Dakota City, *Emmanuel Lutheran Church*, 1500 Hickory Street.
Homer vicinity, *Homer Site*, northeast of Homer (8–14–73).

Dawes County

Chadron vicinity, *Bordeaux, James, Trading Post*, 3 miles east of Chadron on U.S. 20.
Crawford vicinity, **Fort Robinson and Red Cloud Agency*, 2 miles west of Crawford (also in Sioux County).

Dawson County

Gothenburg vicinity, *Midway Stage Station*, 3 miles south of Gothenburg.

Deuel County

Big Springs, *Phelps Hotel*, northeast corner Second and Pine Streets.

Dixon County

Ponca, *Cook Blacksmith Shop*, 204 3d Street (12–27–74).

Dodge County

Fremont, *Love-Larson Opera House*, 548 N. Broad Street (9–10–74).

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Douglas County

Omaha, *Aquila Court Building*, 1615 Howard Street (10–2–73).
Omaha, *Astro Theater*, 2001 Farnam Street (8–13–74).
Omaha, *Bank of Florence*, 8502 North 30th Street.
Omaha, *Barton, Guy C., House*, 3522 Farnam Street (8–14–73).
Omaha, *Burlington Headquarters Building*, 1004 Farnam Street (12–4–74).
Omaha, *Burlington Station*, 925 South 10th Street (8–7–74).
Omaha, *Cornish, Joel N., House*, 1404 South 10th Street (8–13–74).
Omaha, *Crook, General George, House*, Quarters No. 1, Fort Omaha.
Omaha, *Fort Omaha Historic District*, 30th Street between Fort Street and Laurel Avenue (3–27–74).
Omaha, *Joslyn, George A., Mansion*, 3902 Davenport Street.
Omaha, *Omaha National Bank Building (New York Life Insurance Building)*, 17th and Farnam Streets.
Omaha, *Storz, Gottlieb, House*, 3708 Farnam Street (8–7–74).
Omaha, *Trinity Cathedral*, 113 North 18th Street (8–7–74).
Omaha, *Union Passenger Terminal*, 10th and Marcy Streets.
Omaha vicinity, *Cabanne Archeological Site*, approximately 2 miles north of Omaha.

Frontier County

Cambridge vicinity, *Mowry Bluff Archeological Site*, northwest of Cambridge (7–12–74).
Stockville vicinity, *Red Smoke Archeological Site*, SE of Stockville (10–1–74).

Gage County

Barneston Site (1–21–74).
Beatrice, *Paddock, Algernon S., House*, 1401 North 10th Street.
Beatrice vicinity, *Homestead National Monument*, 4 miles northwest of Beatrice on Nebraska 4.
Blue Springs vicinity, *Blue Springs Site* (8–14–73).

Garden County

Lewellen vicinity, **Ash Hollow Cave*, 2 miles southeast of Lewellen.

Hall County

Grand Island, *Stolley State Park Historic District*, Stolley State Park.
Grand Island vicinity, *Grand Island FCC Monitoring Station*, 5 miles west of Grand Island near State Spur 430.

Hitchcock County

Trenton vicinity, *Massacre Canyon Battlefield*, northweast of Trenton (7–25–74).

Holt County

O'Neill, *Old Nebraska State Bank Building*, Douglas and 4th Streets (10–1–74).
O'Neill vicinity, *Eagle Creek Archeological Site*, NW of O'Neill (10–1–74).
Redbird vicinity, *Redbird I Site*, north of Redbird (11–21–74).

Hooker County

Humphrey Archeological Site (1–21–74).
Kelso Site (1–21–74).

Howard County

Cotesfield vicinity, **Coufal Site*, 6 miles northwest of Cotesfield on Davis Creek.
Palmer vicinity, **Palmer Site*, 4 miles north and 1 mile west of Palmer on Loup River.

Jefferson County

Fairbury, *Jefferson County Courthouse*, block bounded by Fourth and Fifth Streets and D and E Streets.
Fairbury vicinity, *Smith, Woral C., Lime Kiln and Limestone House*, northwest of Fairbury (12–3–74).
Steele City, *Steele City Historic District*.

Kearney County

Kearney vicinity, *Dobytown*, southeast of Kearney (12–16–74).
Newark vicinity, *Fort Kearney*, 2 miles west of Newark on Nebraska 10.

Keith County

Brule vicinity, *California Hill*, west of Brule (7–15–74).
Brule vicinity, *Diamond Spring Stage Station*, 1 mile west of Brule exit on Interstate 80.
Ogallala, *Brandhoefer, Leonidas A., Mansion*, 10th and Spruce Street (10–3–73).

Knox County

Santee, *Episcopal Church (Church of Our Most Merciful Savior)*, on the Missouri River in the Santee Indian Reservation.
Santee vicinity, *Congregational Church and Manse*, on the Missouri River in the Santee Indian Reservation.
Verdel vicinity, *Ponca Fort Site*, about 1 mile east of Verdel.

Lancaster County

Lincoln, **Bryan, William Jennings, House, Fairview*, 4900 Sumner Street.
Lincoln, *City Hall*, 920 O Street.
Lincoln, *Ferguson, William H., House*, 700 South 16th Street.
Lincoln, *Kennard, Thomas P., House (Nebraska Statehood Memorial)*, 1627 H Street.
Lincoln, *Lewis-Syford House*, 700 North 16th Street.
Lincoln, *Nebraska State Capitol*, 1445 K Street.
Lincoln, *Rock Island Depot*, 1944 O Street.
Schrader Archeological Site (1–21–74).

Lincoln County

Sutherland vicinity, *O'Fallons Bluff*, southeast of Sutherland (7–12–74).

Madison County

Norfolk, *U.S. Post Office and Courthouse*, 125 S. Fourth Street (10–9–74).

Morrill County

Bayard vicinity, *Chimney Rock National Historic Site*, 3 miles southwest of Bayard off Nebraska 88.
Bridgeport vicinity, *Camp Clarke Bridge*, west of Bridgeport (11–8–74).
Bridgeport vicinity, *Courthouse and Jail House Rocks*, 5 miles south of Bridgeport.
Dalton vicinity, *Mud Springs Pony Express Station Site (25MO72)*, about 8 miles northwest of Dalton.

Nance County

Belgrade vicinity, *Cottonwood Creek Archeological Site*, SW of Belgrade (10–18–74).
Fullerton vicinity, *Fullerton Archeological Site*, northeast of Fullerton (11–1–74).
Fullerton vicinity, *Horse Creek Pawnee Village*, southwest of Fullerton (7–12–74).
Genoa vicinity, *Burkett Archaeological Site*, southwest of Genoa (7–12–74).
Genoa vicinity, *Genoa Site*, 1 mile south of Genoa on Nebraska 39.
Genoa vicinity, *Pawnee Mission and Burnt Village Archeological Site*, southwest of Genoa (8–7–74).
Genoa vicinity, *Wright Site* (8–14–73).

Nemaha County

Brownville, *Brownville Historic District*, bounded on the south by Allen and Richard Streets, on the north by Nemaha and Nebraska Streets, on the west by Seventh Street, on the east by the Missouri River, and on the northwest and southwest by Second Street.

Otoe County

Nebraska City, *U.S. Post Office*, 202 South Eighth Street.
Nebraska City vicinity, *Morton, J. Sterling, House (Arbor Lodge)*, Arbor Lodge State Park.
Nebraska City vicinity, *Ware, Jasper A., House (Wildwood Farm)*, south of Nebraska City on Steinhart Park Road (7–16–73).

Pawnee County

Pawnee City, *Hotel Pawnee*, 700 G Street (7–24–74).
Table Rock vicinity, *Table Archaelogical Site*, east of Table Rock (7–12–74).

Platte County

Creston vicinity, *Wurdeman-Lawson Archaeological Site*, southeast of Creston (7–12–74).
Feye Archeological Site (1–21–74).

Polk County

Osceola vicinity, *Clarks Site* (8–14–73).
Stromsburg vicinity, *Morrill, Charles H., Homestead*, 0.5 mile southeast of Stromsburg on U.S. 81.

Red Willow County

McCook, **Norris, Senator George William, House*, 706 Norris Avenue.
McCook vicinity, *Doyle Archeological Site*, north of McCook (12–4–74).

Richardson County

Humboldt, *Holman, John, House*, 947 Nemaha Street.
Rulo vicinity, **Leary Site*, 4 miles southwest of Rulo.

Sarpy County

Bellevue, *Burlington Depot (Omaha & Southern Railroad Station)*, Haworth Park.
Bellevue, *Fontanelle Bank*, 2212 Main Street.
Bellevue, Fontenelle Forest Historic District (1–21–74).
Bellevue, *Hamilton, William, House*, 2003 Bluff Street.
Bellevue, *Old Log Cabin*, 1805 Hancock Street.
Bellevue, *Presbyterian Church*, 2002 Franklin Street.
La Platte vicinity, *Moses Merrill Mission and Oto Indian Village*, 4 miles west of La Platte.
Papillion vicinity, *Kurz Omaha Village* (8–14–73).

Saunders County

Cedar Bluffs vicinity, *Pahuk* (8–14–73).
Inglewood vicinity, *McClean site (McClaine Site)*, 2 miles south of Inglewood on U.S. 77.
Inglewood vicinity, *Woodcliff Burials*, 2.5 miles south of Inglewood off U.S. 77.
Leshara vicinity, *Leshara Site*, 0.5 mile northwest of Leshara.
Yutan vicinity, *Yutan Site*, southeast of Yutan, off U.S. 92.

Scotts Bluff County

Gering vicinity, **Robidoux Pass*, 9 miles west of Gering.
Gering vicinity, *Scotts Bluff National Monument*, 3 miles west of Gering on Nebraska 92.
Gering vicinity, **Signal Butte*, 13 miles west of Gering.

Sheridan County

Hay Springs vicinity, *Camp Sheridan and Spotted Tail Indian Agency*, north of Hay Springs (11–19–74).

Sherman County

Sweetwater vicinity, *Sweetwater Archeological Site*, northwest of Sweetwater (7–29–74).

Sioux County

Crawford vicinity, *Hudson-Meng Bison Kill Site*, in Nebraska National Forest (8–28–73).
**Fort Robinson and Red Cloud Agency* (see Dawes County).

Thayer County

Alexandria, *Dill, Richard E., House*.

Valley County

North Loup vicinity, **Schultz Site*, 3 miles northwest of North Loup.

Washington County

Blair vicinity, *Bertrand* (steamboat), De Soto. National Wildlife Refuge.
Fort Calhoun vicinity, **Fort Atkinson*, 1 mile east of Fort Calhoun.

Webster County

Guide Rock vicinity, **Pike Pawnee Village Site (Hill Site)*, 4 miles southwest of Guide Rock.
**Red Cloud, Cather House*, southwest corner, Third and Cedar Streets.
Red Cloud vicinity, *Starke Round Barn*, 4.5 miles east of Red Cloud on U.S. 136.

Nevada

Carson City County

Carson City, *Virginia and Truckee RR engines: No. 18, the Dayton; and No. 22, the Inyo*, northeast corner of Colorado and Carsons Streets (12–18–73).

Churchill County

Austin vicinity, *Cold Springs Station*, 51 miles west of Austin on U.S. 50.
Fallon vicinity, *Grimes Point*, 12 miles southeast of Fallon on U.S. 50.

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, northwest of Indian Springs (12–16–74).
Las Vegas, *Las Vegas Mormon Fort*, 900 Las Vegas Boulevard North.
Las Vegas vicinity, *Mormon Well Spring*, north of Las Vegas on Mormon Well Road (12–14–74).
Las Vegas vicinity, *Potosi*, south of Las Vegas off I–15 near Potosi Pass (11–13–74).
Las Vegas vicinity, *Sheep Mountain Range Archeological District*, north of Las Vegas (also in Lincoln County) (12–31–74).

Eureka County

Eureka, *Eureka Historic District*.

Lander County

Austin, *Austin Historic District*.

Lincoln County

Caliente, *Caliente Railroad Depot*, 100 Depot Avenue (3–5–74).
Pioche vicinity, *Bristol Wells*, off U.S. 93, 23 miles north of Pioche.

Lyon County

Weeks vicinity, **Fort Churchill*, U.S. 95A, 8 miles south of U.S. 50.

Mineral County

Hawthorne vicinity, *Aurora*, southwest of Hawthorne (7–30–74).

Nye County

Berlin, *Berlin Historic District*.
Fish Springs vicinity, *James Wild Horse Trap*, about 5 miles east of Fish Springs (11–19–74).
Tonopah vicinity, *Belmont*, 46 miles northeast of Tonopah via U.S. 6, Nevada, 8A and 82.
Tonopah vicinity, *Tybo Charcoal Kilns*, about 55 miles northeast of Tonopah off U.S. 6 (11–19–74).

Pershing County

Lovelock vicinity, **Leonard Rockshelter*, 12 miles south of Lovelock off Nevada 159.

Storey County

Virginia City, **Virginia City Historic District*.

Washoe County

Carson City vicinity, *Old Winters Ranch/Winters Mansion*, north of Carson City on U.S. 395 (7–30–74).
Reno, *Billinghurst, Benson, House*, 729 Evans Avenue (11–8–74).
Reno, *Lake Mansion*, 46 South Virginia Street.
Reno, *Morrill Hall, University of Nevada/Reno*, University of Nevada campus (5–1–74).
Reno, **Newlands*, Senator Francis G., House, 7 Elm Court.

White Pine County

Ely vicinity, *Fort Schellbourne*, 43 miles north of Ely via U.S. 93 and east 3 miles on Nevada 2.
Ely vicinity, *Ward Charcoal Ovens*, off U.S. 6–50–93, then 14 miles south via Cave Valley Road.
Hobson vicinity, **Fort Ruby*, near Hobson on a secondary road, west side of Ruby Lake.

New Hampshire

Belknap County

Laconia, *Belknap-Sulloway Mill*, Mill Street.
Laconia, *Busiel-Seeburg Mill*, Mill Street.

Carroll County

Silver Lake vicinity, **Joy Farm (E. E. Cummings House)*, Salter Hill Road, Silver Lake.

Cheshire County

Harrisville, *Harrisville Historic District*.
Keene, *Cooke, Noah, House*, 136 West Street.
Keene, *Wyman Tavern*, 339 Main Street.

Grafton County

Bethlehem vicinity, *Felsengarten*, southwest of Bethlehem off Lewis Hill Road.
Canaan, *Canaan Street Historic District*, Canaan Street.
Canaan, *Canaan Town Hall*, Canaan Street.
Littleton, *Littleton Town Building (Littleton Opera House)*, 1 Union Street.

Hillsborough County

Hillsboro vicinity, **Pierce, Franklin, Homestead*, 3 miles west of Hillsboro on New Hampshire 31.
Manchester, *Stark, General John, House*, 2000 Elm Street.
Nashua, *Hunt Memorial Library*, 6 Main Street.
Peterborough, **MacDowell Colony*, west of U.S. 202.
Peterborough, *Peterborough Unitarian Church*, Main and Summer Streets.

Merrimack County

Concord, *Old Post Office*, North State Street between Capitol and Park Streets (8–13–73).
West Franklin, **Webster, Daniel, Family Home (The Elms)*, South Main Street.

Rockingham County

Derry Village, **Thornton, Matthew, House*, 2 Thornton Street.
Derry vicinity, **Frost, Robert, Homestead*, 2 miles southeast of Derry on New Hampshire 28.
Exeter, *Congregational Church (First Church)*, 21 Front Street.
Exeter, *Dudley House (Perry-Dudley House)*, 14 Front Street.
Exeter, *Front Street Historic District*.
Hampton Falls, *Weare, Governor Meshech, House*, Exeter Road (New Hampshire, 88)
Kingston, **Bartlett, Josiah, House*, Main Street.
New Castle, *Fort Constitution (Fort William and Mary Site)*, Walbach Street (off New Hampshire B1).
Portsmouth, *Beck, Samuel, House*, 107 Deer Street.
Portsmouth, *Benedict House (Thomas W. Penhallow House)*, 30 Middle Street.
Portsmouth, *Hart, Jeremiah, House*, 112 Deer Street.
Portsmouth, *Hart, John, House*, 83 Deer Street.
Portsmouth, *Hart, Phoebe, House*, 184 Deering Street.
Portsmouth, *Hart-Rice House*, 77 Deer Street.
Portsmouth, **Jackson, Richard, House*, Northwest Street.
Portsmouth, **Jones, John Paul, House*, Middle and State Streets.
Portsmouth, **Macpheadris-Warner House*, Chapel and Daniel Street.
Portsmouth, **Moffatt-Ladd House*, 154 Market Street.
Portsmouth, *Neal, James, House*, 74 Deer Street.
Portsmouth, *Nutter-Rymes House*, 48 School Street.
Portsmouth, *Pinkham, Daniel, House*, 190 Deer Street.
Portsmouth, *Portsmouth Athenaeum*, 9 Market Square.
Portsmouth, *Portsmouth Parade Historic District*.
Portsmouth, *Portsmouth Public Library*, 8 Islington Street.
Portsmouth, *Shapley Town House*, 454–456 Court Street.
Portsmouth, *Sherburne, Henry, House*, 73 Deer Street.
Portsmouth, *Smith, Simeon P., House*, 94 Russell Street.
Portsmouth, *Wentworth, Governor John, House*, 346 Pleasant Street.
Portsmouth, *Wentworth, Joshua, House*, Strawberry Banke.
Portsmouth, **Wentworth-Gardner House*, 140 Mechanic Street.
Portsmouth, *Whidden-Ward House*, 117 Deer Street.
Portsmouth vicinity, **Wentworth-Coolidge Mansion*, 2 miles south of Portsmouth, off U.S. 1A.

Strafford County

Durham, **Sullivan, General John, House*, 23 Newmarket Road.

Sullivan County

Claremont, *Claremont City Hall (Claremont Opera House)*, Tremont Square.
Cornish, *Saint Gaudens, Louis, House and Studio*, Dingleton Hill and Whitten Roads.
Langdon vicinity, *Cold River Bridge (McDermott Bridge)*, off McDermott Road north of New Hampshire 123–A.
Langdon vicinity, *Prentiss Bridge (Drewsville Bridge)*, off Old Cheshire Turnpike south of New Hampshire 12–A.
Newport, *Sullivan County Courthouse (Grange Hall)*, Court Square.
Plainfield vicinity, *Saint-Gaudens National Historic Site*, south of Plainfield off New Hampshire 12A.

New Jersey

Atlantic County

Atlantic City, *Absecon Lighthouse*, Vermont and Pacific Avenues.
Margate City, *Lucy, the Margate Elephant*, Decatur and Atlantic Avenues.
Somers Point, *Somers Mansion*, Shore Road and Somers Point Circle.

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Bergen County

Fair Lawn, *Garretson, Peter, House*, River Road (11–19–74).
Hohokus, **The Hermitage*, 335 North Franklin Turnpike.
Mahway, *Hopper-Van Horn House*, 398 Ramapo Valley Road.
Oakland, *Van Allen House*, at corner of U.S. 202 and Franklin Avenue (7–24–73).
**Palisades Interstate Park*, west bank of Hudson River (also in Orange and Rockland Counties, N.Y.).
Paramus, *Terhune-Gardner-Lindenmeyer House*, 218 Paramus Road.
Park Ridge, *Wortendyke Barn*, Pascack Road.
River Edge, *Steuben House* (Ackerman-*Zabriskie-Steuben House*), New Bridge Road.
Rutherford, *Williams, William Carlos, House*, 9 Ridge Road.
Washington Township (Westwood), *Seven Chimneys* (*Zabriskie-Vanemburgh House*), 25 Chimney Ridge Court.

Burlington County

Arney's Mount, *Arney's Mount Friends Meeting House and Burial Ground*, intersection of Mount Holly-Juliustown and Pemberton-Arney's Mount Roads.
Atsion, *Atsion Village*, U.S. 206 (10–22–74).
Batsto, *Batsto Village*, Route 542, 10 miles east of Hammonton.
Bordentown, **Hopkinson, Francis, House*, 101 Farnsworth Avenue.
Browns Mills vicinity, *Hanover Furnace*, east of Browns Mills (3–1–74).
Burlington, *St. Mary's Episcopal Church*, north side Broad Street between Talbot and Wood Streets.
Medford vicinity, *Kirby's Mill* (*Haines Mill*), northeast of Medford at Church Road and Postertown Road.
Mount Holly, *Mount Holly Historic District*, Mount Holly vicinity, *Peachfield*, north of Mount Holly on Burr Road.

Camden County

Camden, *Cooper, Joseph, House*, at Pyne Point Park at Seventh Street.
Camden, *Fairview District*, roughly bounded by Newton Creek, Crescent Blvd., Mount Ephraim Avenue, Olympia, and Hull Roads (11–19–74).
Camden, *Newton Friends' Meetinghouse*, 722 Cooper Street.
Camden, *Pomona Hall* (*Cooper House*), Park Boulevard and Euclid Avenue.
Camden, *Taylor, Dr. Henry Genet, House and Office*, 305 Cooper Street.
Camden, **Whitman, Walt, House*, 330 Mickle Street.
Cherry Hill, *Coles, Samuel, House*, 1743 Old Cuthbert Road.
Cinnaminson vicinity, *Morgan, Griffith, House*, about 2 miles west of Cinnaminson on the Delaware River at the mouth of Pennsauken Creek.
Haddonfield, *Greenfield Hall*, 343 Kings Highway East (6–5–74).
Haddonfield, *Haddon Fortnightly Club House* (*Haddon Field Methodist Church*), 301 East Kings Highway.
Haddonfield, *Indian King Tavern*, 233 Kings Highway East.
Pennsauken, *Burrough-Dover House*, off the Haddonfield Road (10–25–73).

Cape May County

Cape May, *Cape May Historic District*.
Cape May vicinity, *Cape May Lighthouse*, on Cape May Point west of Cape May off Sunset Boulevard (11–12–73).

Cumberland County

Bridgeton, *Old Broad Street Presbyterian Church and Cemetery*, Broad and Lawrence Streets (12–2–74).
Bridgeton, *Potter's Tavern*, 49–51 Broad Street.
Greenwich, *Greenwich Historic District*, Main Street from the Cohansey River north to Othell.

Essex County

Montclair, *Crane, Israel, House*, 110 Orange Road.
Montclair, *Montclair Railroad Station*, Lackawanna Plaza.
Morris Canal, irregular line beginning at Phillipsburg and ending at Jersey City (10–1–74) (*also in Hudson, Morris, Sussex and Warren Counties*).
Newark, *Ballantine, John, House*, 48 Washington Street (10–2–73).
Newark, *Catedral Evangelica Reformada*, 27 Lincoln Park and Halsey Street.
Newark, *First Baptist Peddie Memorial Church*, Broad and Fulton Streets.
Newark, *First United Methodist Church*, 227 Market Street.
Newark, *Grace Church, Episcopal*, Broad and Walnut Streets.
Newark, *House of Prayer Episcopal Church and Rectory*, Broad Street, north of State Street.
Newark, *Krueger Mansion*, 601 High Street.
Newark, *New Point Baptist Church*, 17 East Kinney Street.
Newark, *Newark Orphan Asylum*, High and Bleecker Streets.
Newark, *North Reformed Church*, 510 Broad Street.
Newark, *Old First Presbyterian Church, The*, 820 Broad Street.
Newark, *Pan American C.M.A. Church*, 76 Prospect Street.
Newark, *Queen of Angels Church*, Belmont Avenue at Morton Street.
Newark, *St. Barnabas' Episcopal Church*, West Market Street, Sussex Avenue, and Roseville Avenue.
Newark, *St. Columbia's Church*, Pennsylvania Avenue and Brunswick Street.
Newark, *St. James' Church*, Lafayette and Jefferson Streets.
Newark, *St. James' A.M.E. Church*, High and Court Streets.
Newark, *St. John's Church*, 22–26 Mulberry Street.
Newark, *St. Mary's Abbey Church*, High and William Streets.
Newark, *St. Patrick's Pro Cathedral*, Washington Street and Central Avenue.
Newark, *St. Stephan's Church*, Ferry Street and Wilson Avenue.
Newark, *South Park Calvary United Presbyterian Church*, 1035 Broad Street.
Newark, *Sydenham House*, Old Road to Bloomfield.
Newark, *Trinity Cathedral, Episcopal*, Broad and Rector Streets.
Nutley, *Enclosure Historic District*, Enclosure and Calico Lane (12–31–74).
West Orange, *Edison National Historic Site*, Main Street between Alden and Lakeside Streets.

Gloucester County

Barnsboro, *Barnsboro Hotel* north side of intersection of Pitman-Sewell Roads.
Colonial Manor, *Ladd's Castle*, 1337 Lafayette Aveune.
Glassboro, *Whitney Mansion* (*Holly Bush*), Whitney Avenue.
National Park, *Whitall, James Jr., House*, 100 Grove Avenue.
National Park vicinity, **Red Bank Battlefield Park*, west end of Hessian Avenue at Delaware River.
Oliphant's Mill, *Moravian Church*, Swedesboro-Sharptown Road.
Sewell, *Chew, Jesse, House*, 611 Mantua Boulevard.
Swedesboro, *Trinity Church* (*Old Swedes Church*), northwest corner of Church Street and King's Highway.
Swedesboro vicinity, *Stratton, Governor Charles C., House*, 0.5 mile east of Swedesboro on King's Highway.
Wenonah, *Clark, Benjamin, House*, Glassboro Road (CR 553).
Woodbury, *Hunter-Lawrence House*, 58 North Broad Street.
Woodbury, *Woodbury Friends' Meeting House*, 120 North Broad Street.

Hudson County

Morris Canal (see Essex County)
Hoboken, *Erie-Lackawanna Railroad Terminal at Hoboken*, on the Hudson River at the foot of Hudson Place (7–24–73).
Jersey City, *Hudson County Courthouse*, Newark Avenue.
Jersey City, *Old Bergen Church*, Bergen and Highland Avenues (8–14–73).
Statue of Liberty National Monument (see New York County, N.Y.).

Hunterdon County

Allerton vicinity, *Bridge FC–64–Hamden*, west of Allerton off New Jersey 31 at the South Branch of the Raritan River (12–24–74).
Annandale, *Bray-Hofman House*, west side of Bray's Hill Road, 0.6 mile south of U.S. 22.
Clinton, *Old Grandin Library*, 12 East Main Street (11–1–74).
Clinton, *McKinneys, David, Mill*, 56 Main Street (1–8–74).
Lambertville, *Marshall, James W., House*, 60 Bridge Street.
Lambertville vicinity, *Delaware and Raritan Canal*, follows the Delaware River to Trenton and then eastward to New Brunswick (also in Mercer, Middlesex, and Somerset Counties).
Pittstown vicinity, *Mechlins Corner Tavern*, northwest of Pittstown (11–1–74).
Stockton vicinity, *Green Sergeant's Covered Bridge*, north of Stockton off Rosemont-Sergeantsville Road (11–19–74).
Stockton vicinity, *Locktown Baptist Church*, north of Stockton on Locktown—Stugeonville Roads (2–15–74).

Mercer County

Delaware and Raritan Canal (see Hunterdon County).
Ewing, *Green, William, House*, off New Jersey 69 on Green Lane (12–4–73).
Hamilton Square vicinity, *Hutchinson House*, 1 mile northeast of Hamilton Square on Hutchinson Mill-Pond Road.
Harbourton, *Harbourton Historic District*, junction of Harbourton/Rocktown and Harbourton/Mount Airy Roads (12–31–74).
Hightstown, *Sloan, Samuel, House*, 238 South Main Street (3–28–74).
Hopewell vicinity, *Stout, Joseph, House*, Province Line Road (10–29–74).
Lawrence, *Anderson-Capner House*, 700 Trumbull Avenue.
Lawrenceville, *Lawrence Township Historic District*, Lawrenceville and vicinity north including both sides of U.S. 206.
Lawrenceville vicinity, *White, John, House*, 1 mile north of Lawrenceville on Cold Soil Road.
Pennington, *Hart, John D., House*, Curlis Avenue.
Pennington, *Welling, John, House*, Curlis Avenue.
Pennington vicinity, *Hart-Hoch House*, southwest of Pennington on New Jersey 546 at the corner of Scotch Road.
Princeton, **Cleveland, Grover, Home* (*Westland*), 15 Hodge Road.
Princeton, **Henry, Joseph, House*, Princeton University campus.

Princeton, **Maybury Hill* (*Joseph Hewes Birthplace and Boyhood Home*), Snowden Lane.
Princeton, **Morven*, Stockton Street.
Princeton, **Nassau Hall, Princeton University*, Princeton University campus.
Princeton, **President's House* (*Maclean House*), Nassau Street.
Princeton, **Princeton Battlefield*, Princeton Battlefield State Park.
Princeton, *Princeton Battlefield Addendum*.
Titusville vicinity, *Somerset Roller Mills*, New Jersey 29 (11–19–74).
Trenton, *Bow Hill* (*DeKlyn House*), Jeremiah Avenue off Laylor Street.
Trenton, *Dickinson, General Philemon, House* (*The Hermitage*), 46 Colonial Avenue (5–17–74).
Trenton, *Douglass House*, corner of Front and Montgomery Streets.
Trenton, *The Mansion House* (*McCall House, Ellarslie*), Cadwalader Park.
Trenton, *Mercer Street Friends Center* (*Chesterfield Friends Meetinghouse*), 151 Mercer Street.
Trenton, **Old Barracks*, South Willow Street.
Trenton, *Old Eagle Tavern*, 431–433 South Broad Street.
Trenton, *The Old Ryan Farm*, 2306 Pennington Road.
Trenton, **Trent, William, House*, 539 South Warren Street.
Trenton, *Watson, Isaac, House*, 151 Westcott Street (1–21–74).
Washington Crossing vicinity, **Washington Crossing State Park* (see Bucks County, Pa.).

Middlesex County

Delaware and Raritan Canal (see Hunterdon County).
Cranbury, *Old Cranbury School*, 23 North Main Street.
New Brunswick, *Queen's Campus, Rutgers University*, bounded by College Avenue, George, Hamilton and Somerset Streets.
Perth Amboy, *Propietary House* (*The Westminster*), 139–151 Hearny Avenue.
Piscataway, *Fitz-Randolph, Ephraim, House*, 430 South Randolphville Road.
Piscataway, *Ivy Hall* (*Cornelius Low House*), 1225 River Road.
Piscataway, *Metlar House*, 1281 River Road.
Piscataway, *Onderdonk, Isaac, House*, 685 River Road (10–30–73).
Piscataway, *Smock, Matthias, House*, off New Jersey 18 (12–4–73).

Monmouth County

Colts Neck vicinity, *North American Phalanx*, northeast of Colts Neck on County Route 537.
Englishtown, *Village Inn*, Water and Main Streets.
Farmingdale vicinity, *Allaire Village* (*Howell Works, Monmouth Furnace*), 3 miles southeast of Farmingdale on New Jersey 524 (1–11–74).
Freehold, *Hankinson, Moreau, Covenhoven House* (*Clinton's Headquarters*), 150 West Main Street (5–1–74).
Freehold vicinity, **Monmouth Battlefield*, northwest of Freehold on New Jersey 522.
Highlands, *Twin Lights* (*Navesink Lighthouse*), south of New Jersey 36 on a promontory between the Navesink River and Sandy Hook Bay.
Holmdel vicinity, *Kovenhoven*, north of Holmdel off New Jersey 34 (4–26–74).
Holmdel vicinity, *Old Kentuck*, northwest of Holmdel off New Jersey 34 off Pleasant Valley Road (11–6–73).
Manalapan vicinity, *Anderson House*, east of Manalapan on New Jersey 33.
Matawan, *Burrowes, Major John, Mansion*, 94 Main Street.
Middletown, *Christ Church, Middletown*, 92 King's Highway.
Middletown, *Kings Highway District*, irregular pattern, both sides of Kings Highway, south and west of New Jersey 35 (5–3–74).
Middletown, *Seabrook-Wilson House*, 119 Port Monmouth Road (10–29–74).
Navesink, *All Saints' Memorial Church Complex*, Navesink Avenue and Locust Road (2–15–74).
New Shrewsbury, *Old Mill at Tinton Falls*, 1205 Sycamore Avenue.
Sandy Hook, *Sandy Hook Light*.
Shrewsbury, *Allen House*, Broad Street and Sycamore Avenue (5–8–74).
Shrewsbury, *Wardell House*, 419 Sycamore Avenue (7–24–74).

Morris County

Morris Canal (see Essex County).
Boonton, *Boonton Public Library*, 619 Main Street.
Boonton, *Miller-Kingsland House*, 455 Vreeland Avenue (7–24–73).
Boonton vicinity, *Split Rock Furnace*, northwest of Boonton (11–6–74).
Chester, *Chester House Inn*, Main Street and Hillside Road (7–18–74).
Dover vicinity, *Ford-Faesch House*, north of Dover at Mount Hope Road and Mount Hope Avenue (2–12–74).
Dover vicinity, *Friends Meetinghouse*, south of Dover at Quaker Avenue and Quaker Church Road, off New Jersey 10.
Florham Park, *Ford, Samuel Jr., Hammock Farm*, 310 Columbia Turnpike (12–30–74).
Florham Park, *Little Red School House*, Ridgedale Avenue at Columbia Turnpike (7–24–73).
Mendham, *Thompson, David, House*, 56 West Main Street (7–24–73).
Morristown, *Acorn Hall*, 68 Morris Avenue.
Morristown, *Condict's, Dr. Lewis, House*, 51 South Street.
Morristown, *Morristown District* (10–30–73).
Morristown, *Morristown National Historical Park*.
Morristown, **Nast, Thomas, Home* (*Villa Fontana*), MacCulloch Avenue and Miller Road.
Morristown, *Speedwell Village*, 333 Speedwell Avenue.
Morristown vicinity, *Revere, Joseph W., House*, northwest of Morristown on Mendham Avenue (9–20–73).
Parsippany *Bowers-Livingston-Osborn House*, 25 Parsippany Road.
Parsippany vicinity, *Condit, Stephen, House*, northeast of Parsippany on North Beverwyck Road off U.S. 46 (2–15–74).
Pompton Plains, *Berry, Martin, House*, 581 New Jersey 23.
Towaco, *Doremus House*, 490 Main Road.
Washington Valley, *Washington Valley Schoolhouse*, Washington Valley Road and Schoolhouse Lane (10–15–73).

Ocean County

Barnegat Light, *Barnegat Lighthouse*, northern end of Long Beach Island.
Lakehurst vicinity, **Hangar No. 1, Lakehurst Naval Air Station*, north of Lakehurst on County Route 547.
Manahawkin, *Manahawkin Baptist Church*, North Main Street (U.S. 9).

Passaic County

Haledon, *Botto, Pietro, House*, 83 Norwood Street (7–30–74).
Hewitt vicinity, **Ringwood Manor*, 3 miles east of Hewitt, Ringwood Manor State Park.
Mountain View, *Van Duyne House*, 636 Fairfield Road.
Paterson, *Great Falls of Paterson and Society for Useful Manufactures Historic District*, bounded on the north by West Broadway and Ryle Avenue; on the south by Grand Street; on the east by Morris, Barbour, Spruce, Market, Mill, Van Houten, Curtis, and River Streets; and on the west by the west bank of the Passaic River, crossing at Wayne and McBride Avenues, then south to Grand Street.
Paterson, *Westside Park* (*Van Houten House*), 114–242 Totowa Avenue.
Wayne, *Dey Mansion*, 199 Totowa Road.
Wayne, *Schuyler-Colfax House*, 2343 Paterson Hamburg Turnpike.
Wayne vicinity, *Van Riper-Hopper House* (*Wayne Museum*), 533 Berdan Avenue, north of Wayne.
West Milford vicinity, *Long Pond Ironworks*, northeast of West Milford on New Jersey 511 (1–11–74).

Salem County

Hancocks Bridge, *Hancock House*.

Somerset County

Delaware and Raritan Canal (see Hunterdon County).
Franklin, *The Meadows*, 1289 Easton Avenue (12–4–73).
Kingston vicinity, *Rockingham*, north of Kingston on Old Rocky Hill Road.
Morristown National Historical Park (see Morris County).
Raritan, *Frelinghuysen, General John, House*, Somerset Street and Wyckoff Avenue.
Somerville, *Old Dutch Parsonage*, 65 Washington Place (1–25–71).
Somerville, *Wallace House*, 38 Washington Place.

Sussex County

Morris Canal (see Essex County).
Newton, *Merriam, Henry W., House*, 131 Main Street.
Sussex vicinity, *Van Bunschooten, Elias, House*, northwest of Sussex on New Jersey 23 (11–1–74).

Union County

Cranford, *Droeschers Mill* (*Rahway River Mill*), 347 East Lincoln Avenue (1–8–74).
Elizabeth, **Boxwood Hall* (*Boudinot Mansion*), 1073 East Jersey Street.
Elizabeth, **Liberty Hall* (*Governor William Livingston House*), Morris and North Avenues.
Plainfield, *Drake, Nathaniel, House*, 602 West Front Street.
Scotch Plains, *DeCamp, John, House*, 2101 Raritan Road (12–4–73).
Scotch Plains, *Old Baptist Parsonage*, 547 Park Avenue.
Union, *First Presbyterian Congregation of Connecticut Farms*, Stuyvesant Avenue at Chestnut.
Westfield, *Miller-Cory House*, 614 Mountain Avenue.

Warren County

Morris Canal (see Essex County).
Hope, *Hope District* (7–23–73).
Phillipsburg, *Roseberry, John, Homestead*, 540 Warren Street.

New Mexico

Bernalillo County

Albuquerque, *San Felipe de Neri Church*, Old Town Plaza.

Catron County

Silver City vicinity, *Gila Cliff Dwellings National Monument*, 47 miles north of Silver City of New Mexico 26 and 527.

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Colfax County

Abbott vicinity, *Dorsey Mansion*, about 12 miles northeast of Abbott via U.S. 56.
Cimmaron, *Cimmaron Historic District*.
Folsom vicinity, **Folsom Site*, 8 miles west of Folsom on banks of Dead Horse Gulch.
Raton vicinity, **Raton Pass*, U.S. 85 and 87 (also in Las Animas County, Colo.).
Springer, *Mills House*, 509 First Street.

De Baca County

Fort Sumner vicinity, *Fort Sumner Ruins*, southeast of Fort Sumner off NM 212 (8–13–74).

Dona Ana County

El Paso vicinity, *International Boundary Monument No. 1, U.S. and Mexico, west of* El Paso off I–10 (9–10–74).
Las Cruces vicinity, *Fort Fillmore*, southeast of Las Cruces (7–30–74).
Las Cruces vicinity, *Fort Selden*, 18 miles north of Las Cruces via Interstate 25 at Radium Springs Interchange.
Las Cruces vicinity, **Mesilla Plaza*, 2 miles south of Las Cruces on New Mexico 28.

Eddy County

Carlsbad vicinity, **Carlsbad Reclamation Project*, north of Carlsbad.

Grant County

Cliff vicinity, *Woodrow Ruin*, c. 5 miles northeast of Cliff off New Mexico 293.
Tyrone vicinity, *Burro Springs Site #2*, 15 miles southwest of Tyrone in Gila National Forest (12–31–74).

Hidalgo County

Lordsburg vicinity, *Shakespeare Ghost Town*, southwest of Lordsburg off New Mexico 494 (7–16–73).

Lincoln County

Capitan vicinity, *Fort Stanton*, 7 miles southeast of Capitan on New Mexico 214.
Lincoln, **Lincoln Historic District*, U.S. 380.
Lincoln vicinity, *Feather Cave*, north of Lincoln (11–20–74).
White Oaks, *White Oaks Historic District*.

Los Alamos County

Los Alamos, **Los Alamos Scientific Laboratory*, Central Avenue.

McKinley County

Gallup vicinity, **Manuelito Complex*, 17 miles southwest of Gallup.
Thoreau vicinity, *Chaco Canyon National Monument*, 64 miles north of Thoreau on New Mexico 56.

Mora County

Mora, *St. Vrain's Mill*, on New Mexico 38 (8–28–73).
Mora vicinity, *La Cueva Historic District*, 6 miles southeast of Mora at junction of New Mexico 3 and 21.
Wagon Mound vicinity, **Wagon Mound*, east of Wagon Mound on U.S. 85.
Watrous, **Watrous (La Junta)*, U.S. 85.
Watrous vicinity, *Fort Union National Monument*, 9 miles north of Watrous on New Mexico 477.

Quay County

Tucumcari, *Baca-Goodman House*, corner of Aber and Third Streets (8–14–73).

Rio Arriba County

Cumbres and Toltec Scenic Railroad (*Denver & Rio Grande Western Railroad*) (see Archuleta County, Colo.
Abiquiu vicinity, *Tsiping*, 7 miles west of Abiquiu.
Blanco vicinity, *Frances Canyon Ruin*, 17 miles northeast of Blanco.
Espanola vicinity, **Puye Ruins*, 14 miles west of Espanola.
Espanola vicinity, **San Gabriel de Yungueouinge*, 4 miles north of Espanola.
Espanola vicinity, *Santa Clara Pueblo (Kapo' onwi)*, south of Espanola off New Mexico 30 (11–5–74).
Farmington vicinity, *Crow Canyon Archaeological District*, east of Farmington (*also in San Juan County*) (7–15–74).
Santa Fe vicinity, *San Juan Pueblo (Oke' onwi)*, north of Santa Fe (7–30–74).

Roosevelt County

Clovis vicinity, **Anderson Basin (Blackwater Draw)*, 12 miles south of Clovis.

San Juan County

Aztec vicinity, *Aztec Ruins National Monument*, 1 mile north of Aztec on secondary road.
Farmington vicinity, *Salmon Ruin*, 9 miles east of Farmington off New Mexico 17.

San Miguel County

Bell ranch vicinity, *Bell Ranch Headquarters*, north and east of the Conchas Reservoir.
Las Vegas, *Las Vegas Plaza*, roughly bounded by Valencia and Moreno Streets and rear property line of Gonzales Street and Hot Springs Boulevard (12–16–74).
Las Vegas vicinity, *Montezuma Hotel Complex*, northwest of Las Vegas in Gallinas Canyon (5–3–74).
Pecos vicinity, *Pecos National Monument*, south of Pecos on New Mexico 63.
San Jose vicinity, *San Miguel del Vado Historic District*, southeast of San Jose on New Mexico 3, off U.S. 84–85.
Santa Fe vicinity, **Glorieta Pass Battlefield*, 20 miles southeast of Santa Fe on U.S. 84–85 and New Mexico 50 (also in Santa Fe County).

Sandoval County

Albuquerque vicinity, *Santo Domingo Pueblo*, 35 miles northeast of Albuquerque off I–25 (12–12–73).
Bernalillo vicinity, **Sandia Cave*, 11 miles east of Bernalillo on New Mexico 44, Cibola National Forest.
Bernalillo vicinity, *Santa Ana Pueblo*, north of Bernalillo (11–1–74).
Bernalillo vicinity, *Zia Pueblo*, 18 miles west of Bernalillo on New Mexico 44.
Casa Salaza vicinity, **Big Bead Mesa*, west of Casa Salaza on secondary roads, Cibola National Forest.
Jemez Springs, *Jemez State Monument*, New Mexico 4.
Jemez Springs vicinity, *San Juan Mesa Ruin*, 4 miles east of Jemez Springs.
Los Alamos vicinity, *Bandelier National Monument*, 12 miles south of Los Alamos on New Mexico 4.
Santa Fe vicinity, *Cochiti Pueblo*, 27 miles southwest of Santa Fe on the Rio Grande (11–20–74).

Santa Fe County

Chimayo vicinity, *Plaza Del Cerro*, southwest of the intersection of Routes 76 and 4.
Espanola vicinity, *San Ildefonso Pueblo (Pohwoge)*, SW of Espanola off NM 4 (6–20–74).
Santa Cruz, *La Iglesia de Santa Cruz and the site of the Plaza of Santa Cruz de la Canada* (8–17–73).
Santa Fe, **Barrio de Analco Historic District*, bounded on the south by properties.
Santa Fe, *Davey, Randall, House*, Upper Canyon Road.
Santa Fe, *Federal Building*, Cathedral Place at Palace (8–15–74).
Santa Fe, *National Park Service Southwest Regional Office*, Old Santa Fe Trail.
Santa Fe, **Palace of the Governors*, The Plaza.
Santa Fe, *Reredos of Our Lady of Light*, Cristo Rey Church, Canyon Road and Cristo Rey Street.
Santa Fe, *Santa Fe Historic District* (11–23–73).
Santa Fe, **Santa Fe Plaza*.
Santa Fe, *Spiegelberg House (Spitz House)*, 237 East Palace Avenue.
Santa Fe, *Tully, Pinckney R., House*, 136 Grant Avenue (11–5–74).
Santa Fe, *U.S. Courthouse*, Federal Place.
Santa Fe, *Vigil, Donaciano, House*, 518 Alto Street.
Santa Fe vicinity, **Glorieta Pass Battlefield* (see San Miguel County).
Santa Fe vicinity, *Nambe Pueblo*, about 18 miles north of Santa Fe off New Mexico 4 (1–21–74).
Santa Fe vicinity, **San Lazaro*, 25 miles south of Santa Fe via New Mexico 10 and secondary road.
Santa Fe vicinity, **Seton Village*, 6 miles south of Santa Fe off U.S. 84–85 and secondary road.
Santa Fe vicinity, *Tesuque Pueblo (Tatunge), about* 8 miles north of Santa Fe off U.S. 64/84/285 (7–16–73).
Truchas vicinity, **El Santuario de Chimayó*, south of Truchas in Chimayo.

Socorro County

Bingham vicinity, **Trinity Site*, 25 miles south of U.S. 380 on White Sands Missile Range.
Gran Quivira vicinity, *Gran Quivira National Monument*, 1 mile east of Gran Quivira on New Mexico 10 (also in Torrance County).
Magdalena vicinity, *Gallinas Springs Ruin*, 12 miles northeast of Magdalena.
Socorro, *Baca, Severo A., House*, Park and Church Streets (8–13–74).
Socorro, *Garcia Opera House*, Terry Avenue and California Street (8–13–74).
Socorro vicinity, *Fort Craig*, 37 miles south of Socorro.

Taos County

Las Trampas, **San Jose de Gracia Church*.
Las Trampas, **Las Trampas Historic District*.
Ranchos de Taos, **San Francisco de Assisi Mission Church*, on the Plaza.
Taos, **Blumenschein, Ernest L., House* Ledoux Street.
Taos, **Carson, Kit, House*, Kit Carson Avenue.
Taos, *Martinez, Severino, House*, 2 miles from Taos Plaza, on the Lower Ranchitos Road.
Taos vicinity, *Picuris Pueblo*, south of Taos (8–13–74).
Taos vicinity, **Taos Pueblo*, 3 miles north of Taos.
Vadito, *Laureano Cordova Mill*, off New Mexico 75 (11–5–74).

Torrance County

Gran Quivira National Monument (see Socorro County).
Abó vicinity, **Abó*, 3 miles west of Abó on U.S. 60 and secondary road in Abó State Monument.
Punta de Agua vicinity, **Quarai*, 1 mile south of Punta de Agua on secondary road in Quaral State Monument.

Union County

Clayton vicinity, **Rabbit Ears (Clayton Complex)*, north and west of Clayton.

Valencia County

Acoma, **San Estevan de Rey Mission Church*, on New Mexico 23.
Albuquerque vicinity, *Pueblo of Laguna*, about 45 miles west of Albuquerque off U.S. 66.
Casa Blanca vicinity, **Acoma*, 13 miles south of Casa Blanca on New Mexico 23.
El Morro vicinity, *El Morro National Monument*, 2 miles west of El Morro on New Mexico 53.

Laguna, *San Jose de la Laguna Mission and Convento*, southeast corner of Laguna Plaza.
Zuni vicinity, **Hawikuh*, 12 miles southwest of Zuni, Zuni Indian Reservation.

New York

Albany County

Albany, *Albany Academy (Joseph Henry Memorial)*, Academy Park.
Albany, *Albany City Hall*, Eagle Street at Maiden Lane.
Albany, *Albany Union Station*, east side of Broadway between Columbia and Steuben Streets.
Albany, *Cathedral of All Saints*, South Swan Street (7–25–74).
Albany, *Cherry Hill*, South Pearl Street between First and McCarthy Avenues.
Albany, *Delaware & Hudson Railroad Company Building*, the Plaza on State Street.
Albany, *First Reformed Church*, 56 Orange Street (1–21–74).
Albany, *First Trust Company Building*, 35 State Street.
Albany, *New York Executive Mansion*, 138 Eagle Street.
Albany, *New York State Capitol*, Capitol Park.
Albany, *New York State Court of Appeals (State Hall)*, Eagle Street between Pine and Columbia Streets.
Albany, *New York State Department of Education Building*, Washington Avenue between Hawk and Swan Streets.
Albany, *Nut Grove*, McCarty Avenue (7–30–74).
Albany, *Old Post Office*, corner of Broadway and State Street.
Albany, *Pastures Historic District*.
Albany, *Quackenbush House*, 683 Broadway.
Albany, *St. Peter's Church*, 107 State Street.
Albany, **Schuyler, Philip, Mansion*, Clinton and Schuyler Streets.
Albany, *Ten Broeck Mansion*, 9 Ten Broeck Place.
Albany, *Washington Park Historic District*, Washington Park and properties that face it on Madison Avenue, Willett Street, State Street, and South Lake Avenue, plus Thurlow Terrace and Englewood Place.
Albany, *Whipple Cast and Wrought Iron Bowstring Truss Bridge*, 1000 Delaware Avenue (3–18–71).
Albany vicinity, *Onesquethaw Valley Historic District*, about 10 miles southwest of Albany off New York 43 (1–17–74).
Altamont, *Delaware & Hudson Railroad Passenger Station (Altamont Village Hall)*, Main Street and the Delaware and Hudson Railroad.
Altamont, *Hayes House*, 104 Fairview Avenue.
Bethlehem vicinity, *Bethlehem House (Rensselaer Nicoll House)*, east of Bethlehem off New York 144.
Coeymans, *Coeymans, Ariaanje, House*, Stone House Road.
Coeymans, *Coeymans School (Acton Civill Polytechnic Institute)*, SW corner of Westerlo Street and Civill Avenue (12–29–70).
Cohoes, *Harmony Mill No. 3 (Mastodon Mill)*, 100 North Mohawk Street.
Cohoes, *Lock 18 of Enlarged Erie Canal (Double Lock)*, west of 252 North Mohawk Street, east of Reservoir Street near Manor Avenue.
Cohoes, *Music Hall*, northwest corner of Remsen and Oneida Streets.
Cohoes, *Olmstead Street Historic District*.
Cohoes, *Van Schaick House*, Van Schaick Avenue and the Delaware and Hudson Railroad track.
Colonie, *Watervliet Shaker Historic District*.
Green Island, *Green Island Car Shops*, James and Tibbits Streets and the Delaware and Hudson Railroad tracks.
Newtonville, *Newtonville Post Office*, 534 Loudonville Road.
Watervliet, *Schuyler Flatts*, west side of Hudson River on New York 2 (1–21–74).
Watervliet, **Watervliet Arsenal*, South Broadway.
Watervliet, *Watervliet Side Cut Locks (Double Lock)*, 23d Street at the Hudson River.

Allegany County

Alfred, *Steinheim, Allen, Museum*, Alfred University campus.
Alfred, *Terra Cotta*, Main Street (temporary site).
Angelica, *Angelica Courthouse*, Park Circle.
Belmont vicinity, *Belvidere*, on Gibson Hill Road, north of Belmont.
Belvidere vicinity, *Christ Episcopal Church*, west of Belvidere on Gibson Hill Road (New York 408) (5–17–74).
Friendship, *Wellman House*, Main Street (6–20–74).

Bronx County

Bronx, **New York Botanical Gardens*, Southern and Bedford Park Boulevards.
Bronx, *Rainey Memorial Gates*, New York Zoological Park, Bronx Park.
Bronx, **Van Cortlandt, Frederick, House*, Van Cortlandt Park at 242d Street.
New York, *Bartow-Pell Mansion and Carriage House*, Shore Road, Pelham Bay Park (12–30–74).

Broome County

Binghamton, *Binghamton City Hall*, Collier Street between Court and Academy Streets.
Binghamton, *Broome County Courthouse*, Court Street.
Binghamton, *Christ Church*, Washington and Henry Streets (12–2–74).
Binghamton, *Phelps Mansion*, 191 Court Street.

Cattaraugus County

Ellicottville, *Ellicottville Town Hall*, Village Square, northwest corner of Washington and Jefferson Streets.
Napoli vicinity, *Gladden Windmill*, north of Napoli on Pigeon Valley Road (7–16–73).
Salamanca, *Zawatski Site* (11–14–73).

Cayuga County

Auburn, *Flatiron Building*, 1–3 Genessee Street.
Auburn, **Seward, William H., House*, 33 South Street.
Auburn, **Tubman, Harriet, Home for the Aged*, 180–182 South Street.
Poplar Ridge, **Wood, Jethro, House*, New York 34B.

Chautauqua County

Ashville, *Smith Bly House*, 4 N. Maple Street (10–1–74).
Chautauqua, *Chautauqua Institution Historic District*.
Chautauqua, **Miller, Lewis, Cottage, Chautauqua Institution*, New York 17J.
Jamestown, *Fenton, Governor, Mansion (Walnut Grove)*, 68 South Main Street.
Westfield, *Barcelona Lighthouse and Keeper's Cottage*, East Lake Road.

Chemung County

Elmira, *Chemung County Courthouse Complex*, 210–228 Lake Street.
Elmira vicinity, **Newtown Battlefield*, 6 miles southeast of Elmira on New York 17.

Chenango County

Earlville, *Earlville Opera House (Douglass Opera House)*, 12–20 East Main Street.
New Berlin, *Moss, Horace O., House*, 45 South Main Street (5–17–74).

Clinton County

**Adirondack Forest Preserve*, northeastern New York State (also in Essex, Franklin, Fulton, Hamilton, Herkimer, St. Lawrence, and Warren Counties).
Plattsburgh, *City Hall*, City Hall Place (12–12–73).
Plattsburgh, *Kent-Delord House*, 17 Cumberland Avenue.
Plattsburgh, *Old Stone Barracks*, Rhode Island Avenue, Plattsburgh Air Force Base.
Plattsburgh vicinity, **Plattsburgh Bay*, Cumberland Bay, east of Plattsburgh.
Plattsburgh vicinity, **Valcour Bay*, 7 miles south of Plattsburgh on the west shore of Lake Champlain.

Columbia County

Ancram, *Simons General Store*, Ancram Square.
Austerlitz vicinity, **Steepletop (Edna St. Vincent Millay House)*, northeast of Austerlitz on East Hill Road.
Chatham, *Spangler Bridge*, Spangler Road.
Chatham, *Union Station*, at intersection of New York 66 and New York 295 (5–1–74).
Church Hill, **Church, Frederic E., House, Olana*, Church Hill, east end of Rip Van Winkle Bridge.
Germantown, **Clermont*, Clermont State Park.
Hudson, *Evans, Cornelius H., House*, 414–416 Warren Street (11–1–74).
Hudson, *Front Street-Parade Hill-Lower Warren Street Historic District*, Warren Street between Second Street and Parade Hill, both sides of North Front and South Front Streets between Diamond and Allen (Ferry) Streets, both sides of Prison Alley between North Front Street and the bluff, the north side of Fleet Street, and Parade Hill, and Franklin Square.
Hudson vicinity, *Bronson, Dr. Oliver, House and Stables*, south of Hudson off U.S. 9.
Kinderhook, *Kinderhook Village District*, both sides of U.S. 9 (7–24–74).
Kinderhook vicinity, **Van Alen, Luycas, House*, U.S. 9H, 2.1 miles south of U.S. 9.
Kinderhook vicinity, **Van Buren, Martin, House (Lindenwald)*, east of Kinderhook on New York 9H.
Livingston, *Livingston, Henry W., House (The Hill)*, at intersection of U.S. 9 and New York 82.
New Lebanon, **Mount Lebanon Shaker Society*, U.S. 20.
Spencertown, *Spencertown Academy*, off New York 203.
Stockport, *The Church of Saint John the Evangelist*, Chittenden Road.
Stuyvesant, *Van Alen, Johannis L., Farm*, School House Road.

Cortland County

Cortland, *Cortland County Courthouse*, Courthouse Park (10–9–74).
Cortland, *Cortland Fire Headquarters*, 21 Court Street (7–12–74).
Homer, *Old Homer Village Historic District* (10–2–73).

Delaware County

Delhi, *Delaware County Courthouse Square District* (7–16–73).
East Meredith, *Hanford Mill*, on County Route 12.
Meredith, *MacDonald Farm*, Elk Creek Road at Monroe Road.
Roxbury vicinity, **Burroughs, John, Home, (Woodchuck Lodge)*, 2 miles from Roxbury.

Dutchess County

Beacon, *Howland Library*, 477 Main Street.
Fishkill, *Fishkill Village District*.
Fishkill vicinity, *Fishkill Supply Depot Site* (1–21–74).
Fishkill vicinity, *Van Wyck-Wharton House*, on U.S. 9 south of Fishkill.
Hyde Park, *Bergh-Stoutenburgh House*, U.S. 9.
Hyde Park, *Home of Franklin D. Roosevelt National Historic Site*, 2 miles south of Hyde Park on U.S. 9.
Hyde Park, *Stoutenburgh, William, House*, East Park, U.S. 9G.

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Hyde Park, *Vanderbilt Mansion National Historic Site*, north edge of Hyde Park, U.S. 9.
Pawling, *Oblong Friends Meeting House*, Meetinghouse Road, Quaker Hill.
Poughkeepsie, *Church of the Holy Comforter (Episcopal)*, 13 Davies Street.
Poughkeepsie, *Garfield Place Historic District*, both sides of Garfield Place.
Poughkeepsie, *Italian Center*, 225–227 Mill Street.
Poughkeepsie, *Main Building, Vassar College*, Vassar College campus (9–19–73).
Poughkeepsie, *Mill Street-North Clover Street Historic District*, Mill, Mansion, Vassar, North Clover Streets, Davies and Lafayette Place.
Poughkeepsie, **Morse, Samuel F. B., House, Locust Grove*, 370 South Street.
Poughkeepsie, *Poughkeepsie City Hall*, 228 Main Street.
Poughkeepsie, *Second Baptist Church*, 38 Vassar Street.
Poughkeepsie, *Union Street Historic District*, approximately eight blocks in downtown Poughkeepsie centered around Union Street.
Poughkeepsie, *Vassar Home for Aged Men*, 1 Vassar Street.
Poughkeepsie, *Vassar Institute*, 12 Vassar Street.
Poughkeepsie, **Vassar, Matthew, House, Springside*, Academy and Livingston Streets.
Red Hook, *Maizefield*, 75 West Market Street (11–26–73).
Rinebeck, *Delamater, Henry, House*, 44 Montgomery Street.
Sylvan Lake vicinity, *Sylvan Lake Rockshelter Site*, northwest of Sylvan Lake (7–12–74).

Erie County

Buffalo, *Albright-Knox Art Gallery*, 1285 Elmwood Avenue.
Buffalo, *Ansley Wilcox House National Historic Site*, Delaware Avenue.
Buffalo, *Buffalo State Hospital*, 400 Forest Avenue.
Buffalo, *Delaware Avenue Historic District*, west side of Delaware Avenue between North and Bryant Streets (1–17–74).
Buffalo, *Macedonia Baptist Church*, 511 Michigan Avenue (2–12–74).
Buffalo, *Pierce-Arrow Factory Complex*, Elmwood and Great Arrow avenues (10–1–74).
Buffalo, *Prudential Building*, Church and Pearl Streets.
Buffalo, *St. Paul's Episcopal Cathedral*, 125 Pearl Street.
Buffalo, *U.S. Post Office*, 121 Ellicott Street.
East Aurora, **Fillmore, Millard, House*, 24 Shearer Avenue.
East Aurora, *Roycroft Campus*, Main and South Grove Streets (11–8–74).
Irving, *Thomas Indian School*, on Route 438, in Cattaraugus Indian Reservation.

Essex County

**Adirondack Forest Preserve* (see Clinton County).
Crown Point, **Fort St. Frederic*, junction of New York 8 and U.S. 9N.
Crown Point vicinity, *Fort Crown Point*, Crown Point Reservation, west of the south end of Lake Champlain Bridge and New York 8.
Essex vicinity, *Church of the Nazarene*, west of Essex on New York 22.
Essex vicinity, *Octagonal Schoolhouse*, on Route 22 in Bouquet.
Ironville, *Ironville Historic District* (12–27–74).
Lake Placid, *Brown, John, Farm*, John Brown Road.
Port Kent, **Watson, Elkanah, House*, 3 miles east of U.S. 9.
Ticonderoga vicinity, **Fort Ticonderoga*, 2.5 miles south of Ticonderoga on New York 22.

Franklin County

**Adirondack Forest Preserve* (see Clinton County).

Fulton County

**Adirondack Forest Preserve* (see Clinton County).
Dolgeville, *Dolge Company Factory Complex*, 1 S. Main Street (9–17–74) (*also in Herkimer County*).
Johnstown, *Fulton County Courthouse*, North William Street.
Johnstown, **Johnson Hall*, Hall Street.

Genesee County

Alexander, *Alexander Classical School*, Buffalo Street (10–25–73).
Batavia, *Batavia Club*, corner Main and Bank Streets.
Batavia, *Genesee County Courthouse*, Main and Ellicott Streets.
Batavia, **Holland Land Office*, West Main Street.
Batavia, *Richmond Memorial Library*, 19 Ross Street (7–24–74).
Morganville, *Morganville Pottery Factory Site*, Morganville Road off New York 237 (2–15–74).

Greene County

Athens vicinity, *West Athens Hill Site*, west of Athens.
Catskill, **Cole, Thomas, House*, 218 Spring Street.
Catskill, *Susquehannah Turnpike*, beginning at Catskill follows the Mohican Trail (New York 145) and county routes 20, 22 northwest to the Schoharie County line (1–2–74).
Coxsackie vicinity, **Bronck, Pieter, House*, 2 miles northwest of Coxsackie on the west side of U.S. 9W.
Earlton vicinity, *Forestville Commonwealth*, northwest of Earlton off New York 81 (11–20–74).
Greenville vicinity, *Prevost Manor House*, west of Greenfield off New York 81.

Hamilton County

**Adirondack Forest Preserve* (see Clinton County).

Herkimer County

**Adirondack Forest Preserve* (see Clinton County).
Cold Brook, *Cold Brook Feed Mill*, NY 8 (10–9–74).
Danube, *Herkimer House*, near New York 5S.
Dolge Company Factory Complex (see Fulton County).
East Herkimer vicinity, *Fort Herkimer Church*, south of East Herkimer on Route 5S.
Herkimer, *Herkimer County Courthouse*, 320 North Main Street.
Herkimer, *Herkimer County Historical Society (Dr. Walter Suiter House)*, 400 North Main Street.
Herkimer, *Herkimer County Jail*, 327 North Main Street.
Herkimer, *The Reformed Church*, 405 North Main Street.
Indian Castle vicinity, *Indian Castle Church*, east of Indian Castle on New York 5 South.
Little Falls, *Herkimer County Trust Co. Building*, corner of Ann and Albany Streets.
Salisbury Center, *Salisbury Center Covered Bridge*, Fairview Road and Spruce Creek.

Jefferson County

Adams vicinity, *Talcott Falls Site*, north of Adams on U.S. 11 (6–5–74).
Black River vicinity, *LeRay Mansion*, northeast of Black River on Camp Drum Military Reservation (7–11–74).
Cape Vincent, *LeRay, Vincent, House*, Broadway (New York 12E) (11–15–73).
Sackets Harbor, *Camp, Elisha, House*, 310 General Smith Drive.
Sackets Harbor, *Madison Barracks*, Military Road (11–21–74).
Sackets Harbor, *Union Hotel*, corner of Main and Ray Streets.
Watertown, *Jefferson County Courthouse Complex*, southeast corner of Arsenal and Sherman Streets (6–7–74).

Kings County

Brooklyn, *Boat House on the Lullwater of the Lake in Prospect Park*, Prospect Park.
Brooklyn, **Brooklyn Bridge (also in New York County)*, across the East River, connecting Brooklyn and Manhattan.
Brooklyn, **Brooklyn Heights Historic District*, bounded by Atlantic Avenue, Court Street, Fulton Street, and the East River.
Brooklyn, *Casemate Fort, Whiting Quadrangle*, Ft. Hamilton, off New York 27 (8–7–74).
Brooklyn, *Federal Building and Post Office*, 271 Cadman Plaza, East (10–9–74).
Brooklyn, *Flatbush Town Hall*, 35 Snyder Avenue.
Brooklyn, *Fulton Ferry District*, roughly bounded by East River, Washington, Water, Front, and Doughty Streets (6–28–74).
Brooklyn, Houses on Hunterfly Road Historic District, 1698–1708 Bergen Street.
Brooklyn, **Perry, Matthew C., House*, Quarters A, U.S. Naval Facility.
Brooklyn, **Plymouth Church of the Pilgrims*, 75 Hicks Street.
Brooklyn, *Wyckoff-Bennett Homestead*, 1669 East 22d Street (12–24–74).
Brooklyn, **Wyckoff, Pieter, House*, 5902 Canarsie Lane.
New York City, *The Grecian Shelter*, Prospect Park near Parkside Avenue.
New York City, *Old Brooklyn Fire Headquarters*, 365–367 Jay Street.

Lewis County

Constableville, *Constable Hall*, off New York 26.
Lowville, **Hough, Franklin B., House*, Collins Street.
Port Leyden vicinity, *Wilson, Edmund, House*, south of Port Leyden off New York 12 on Talcottville Road (11–26–73).

Livingston County

Dansville, *Pioneer Farm (McCurdy House)*, on the south side of Dansville on New York 36.
Geneseo, *The Homestead*, New York 39 and U.S. 20A (8–30–74).
Piffard, *Westerly*, Chandler Road (12–19–74).

Madison County

Cazenovia, *Lorenzo*, Ledyard Street (U.S. 20).
Hamilton, *Old Biology Hall, Colgate University*, Colgate University campus (9–20–73).
Hamilton, *Smith, Adon, House (Village Office Bldg.)*, 3 Broad Street (5–2–74).
Oneida, **Onedia Community Mansion House*, Sherrill Road.

Monroe County

Honeoye Falls, *Lower Mill*, North Main Street.
Pittsford, *Phoeniz Building*, South Main and State Streets (8–7–74).
Rochester, **Anthony, Susan B., House*, 17 Madison Street.
Rochester, *Bevier Memorial Building*, Washington Street (10–25–73).
Rochester, *Campbell-Whittlesey House*, 123 South Fitzhugh Street.

Rochester, *Child, Jonathan, House and Brewster-Burke House Historic District*, 37 South Washington Street and 130 Spring Street.
Rochester, *City Hall Historic District*, S. Fitzhugh Street between Broad and W. Main Streets (9–17–74).
Rochester, *Daisy Flour Mill, Inc.*, 1880 Blossome Road.
Rochester, **Eastman, George, House*, 900 East Avenue.
Rochester, *Ely, Hervey, House*, 138 Troup Street (8–12–71).
Rochester, *Federal Building (Old Post Office)*, northeast corner of North Fitzhugh and Church Streets.
Rochester, *First Presbyterian Church*, 101 South Plymouth Avenue (10–25–73).
Rochester, *First Universalist Church*, southeast corner of South Clinton Avenue and Court Street.
Rochester, *Genesee Lighthouse*, 70 Lighthouse Street (8–13–74).
Rochester, *Leopold Street Shule*, 30 Leopold Street (6–7–74).
Rochester, *Mt. Hope-Highland Historic District*, bounded roughly by the Clarissa Street Bridge, Genesee River, Grove and Mount Hope Avenues, plus the entire Highland Park properties (1–21–74).
Rochester, *Old Stone Warehouse*, 1 Mount Hope Avenue (10–15–73).
Rochester, *Powers Building*, northwest corner of West Main and State Streets.
Rochester, *Rochester Savings Bank*, 40 Franklin Street.
Rochester, *Third Ward Historic District*, roughly bounded by Adams and Peach Streets, I–490, and both sides of Troup and Fitzhugh Streets (7–12–74).
Scottsville, *Rochester Street Historic District*, both sides of Rochester Street from the creek to Oakwood Drive (10–25–73).

Montgomery County

Amsterdam, *Guy Park*, West Main Street.
Amsterdam vicinity, **Erie Canal*, 6 miles west of Amsterdam on New York 53.
Fonda vicinity, *Coughnawaga Indian Village Site*, west of Fonda (8–28–73).
Fort Johnson Village, **Fort Johnson*, junction of New York 5 and 67.
Palatine, *Palatine Church (Evangelical Lutheran)*, on Mohawk Turnpike (New York 5).
Palatine Bridge, *Palatine Bridge Freight House*, east of Palatine Bridge on New York 5.
Palatine Bridge, *Wagner, Webster, House*, East Grand Street.
St. Johnsville vicinity, **Fort Klock*, 2 miles east of St. Johnsville on New York 5.

Nassau County

Hempstead, *St. George's Church*, 319 Front Street.
Hicksville, *Heitz Place Courthouse*, Heitz Place (7–30–74).
Oyster Bay, *Beekman, James William, Estate*, West Shore Road (12–12–73).
Oyster Bay, Long Island, *Sagamore Hill National Historic Site*, end of Cove Neck Road.
Oyster Bay, *Raynham Hall*, 20 West Main Street (6–5–74).
Oyster Bay, *Seawanhaka Corinthian Yacht Club*, Centre Island Road (1–8–74).
Port Washington, **Sousa, John Philip, House, Wildbank*, 14 Hicks Lane, Sands Point.
Roslyn, *Main Street Historic District*, Main Street from North Hempstead Turnpike to East Broadway, including Tower Street and portions of Glen Avenue and Paper Mill Road (1–21–74).

New York County

New York, *The Admiral's House*, Governor's Island.
New York, **Arthur, Chester A., House*, 123 Lexington Avenue.
New York, *Bialystoker Synagogue (Willett Street Methodist Episcopal Church)*, 7–13 Willett Street.
New York, *Blackwell House*, Welfare Island.
New York, *The Block House*, Governor's Island.
New York, **Brooklyn Bridge*, Boroughs of Manhattan and Brooklyn across the East River.
New York, **Carnegie Hall*, Seventh Avenue, 56th to 57th Streets.
New York, **Carnegie, Andrew, Mansion*, 2 East 91st Street.
New York, *Castle Clinton National Monument*, South Ferry.
New York, *Castle Williams*, Governor's Island.
New York, **Central Park*, bounded by Central Park South, Fifth Avenue, Central Park West, and 110th Street.
New York, *Central Synagogue (Congregation Ahawath Chesed-Shaar Hashomayim)*, 646–652 Lexington Avenue.
New York, *Chamber of Commerce Building*, 65 Liberty Street.
New York, *Chapel of the Good Shepherd*, Welfare Island.
New York, *Charlton-King-Vandam Historic District* (7–20–73).
New York, *Church of the Holy Apostles*, 300 Ninth Avenue.
New York, *Church of the Transfiguration and Rectory*, 1 East 29th Street.
New York, **City Hall*, Broadway and Chambers Street.
New York, *City Hospital*, Welfare Island.
New York, **Cooper Union*, Cooper Square, Seventh Street and Fourth Avenue.
New York, *Dakota Apartments*, 1 West 72d Street.
New York, **Dyckman, William, House*, 4881 Broadway.
New York, *Federal Hall National Memorial*, Wall and Nassau Streets.
New York, *Federal Office Building (U.S. Appraisers' Warehouse)*, 641 Washington Street (8–30–74).
New York, *Fire House, Engine Company 31*, 87 Lafayette Street.
New York, *Fire House Engine Company Thirty-three*, 44 Great Jones Street.
New York, *First National City Bank*, 55 Wall Street.
New York, *Fort Jay*, Governor's Island (3–27–74).
New York, *General Grant National Memorial*, Riverside Drive and West 122d Street.
New York, *Governor's House*, Governors Islands.
New York, *Grace Church and Dependencies*, Broadway, 10th Street, and 4th Avenue (6–28–74).
New York, *Hamilton Grange National Memorial*, 287 Convent Avenue.
New York, *Haughwout, E. V., Building*, 488–492 Broadway (8–28–73).
New York, *Henderson Place Terrace*, Henderson Place (6–20–74).
New York, *High Bridge Aqueduct and Water Tower*, Harlem River at West 170th Street (also in Bronx County).
New York, *India House*, 1 Hanover Square.
New York, *Jefferson Market Courthouse*, 425 Avenue of the Americas.
New York *170–176 John Street Building*, 170–176 John Street.
New York, *John Street Methodist Church*, 44 John Street.
New York, *Judson Memorial Church Campanile and Judson Hall*, Washington Square South at Thompson Street (10–16–74).
New York, *Jumel Terrace Historic District*, West 160th and 162d Streets between St. Nicholas and Edgecombe Avenues.
New York, *Lighthouse*, Welfare Island.
New York, *Madison Avenue Facade of the Squadron A Armory*, Madison Avenue between 94th and 95th Streets.
New York, *Moore, William H., House*, 4 East 54th Street.
New York, *Morgan, J. P. and Co. Building*, 23 Wall Street.
New York, **Morgan, Pierpont, Library*, 33 East 36th Street.
New York, **Morris-Jumel Mansion*, 160th Street and Edgecombe Avenue.
New York, *Mount Morris Park Historic District*.
New York, *Municipal Building*, Centre Street.
New York, *75 Murray Street Building*, 75 Murray Street.
New York, **New York Public Library*, Fifth Avenue and 42d Street.
New York, *New York Shakespeare Festival Public Theater (Astor Library)*, 425 Lafayette Street.
New York, *The Octagon*, Welfare Island.
New York, **Old Merchant's House (Seabury Tredwell House)*, 29 East Fourth Street.
New York, *131 Charles Street House*.
New York, **The Players*, 16 Gramercy Park.
New York, **Pupin Physics Laboratories, Columbia University*, Broadway and 120th Street.
New York, *St. James Church*, 32 James Street.
New York, *St. Mark's Historic District*, roughly bounded by 2d and 3d Avenues and East 9th and 11th Streets (11–13–74).
New York, *Saint-Mark's-in-the-Bowery*, East 10th Street at Second Avenue.
New York, **St. Paul's Chapel*, Broadway between Fulton and Vesey Streets.
New York, *Salmagundi Club*, 47 Fifth Avenue (7–25–74).
New York, *Schermerhorn Row Block (New York State Maritime Museum Block)*, bounded by Front, Fulton, South Streets, and Burling Slip.
New York, **Scott, General Winfield, House*, 24 West 12th Street.
New York, *Smallpox Hospital*, Welfare Island.
New York, *Smith, Abigail Adams, House (Stable)*, 421 East 61st Street.
New York, **Smith, Alfred E., House*, 25 Oliver Street.
New York, *Sniffen Court Historic District*, East 36th Street between Lexington and Third Avenue (11–28–73).
New York, *Strecker Memorial Laboratory*, Welfare Island.
New York, *South Street Seaport*.
New York, *Statue of Liberty National Monument, Liberty Island*, New York Harbor (also in Hudson County, N.J.).
New York, *Stuyvesant-Fish House*, 21 Stuyvesant Street.
New York, *Surrogate's Court (Hall of Records)*, 31 Chambers Street.
New York, *Theodore Roosevelt Birthplace, National Historic Site*, 28 East 20th Street.
New York, *Tweed Courthouse (Criminal Court of the City of New York)*, 52 Chambers Street (9–25–74).
New York, *U.S. Customhouse*, Bowling Green.
New York, *U.S. General Post Office*, Eighth Avenue between 31st and 33d Streets.
New York, *Watson, James, House*, 7 State Street.
New York, **Woolworth Building*, 233 Broadway.

Niagara County

Lewiston, *Frontier House*, 460 Center Street (7–8–74).
Lewiston, *Lewiston Mound*, Lewiston State Park (1–21–74).
Lewiston, *Lewiston Portage Landing Site*, Lewiston State Park on Niagara River (7–18–74).
Lockport, *Lowertown Historic District*.
Lockport, *Moore, Benjamin C., Mill (Lockport City Hall, Holly Water Works)*, Pine Street on the Erie Canal.
Niagara Falls, *DeVeaux School Complex*, 2900 Lewiston Road (6–5–74).
Niagara Falls, *Niagara Falls Public Library*, 1022 Main Street (6–5–74).

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Niagara Falls, *Niagara Reservation.
Niagara Falls, *Shredded Wheat Office Building*, 430 Buffalo Avenue (10–18–74).
Niagara Falls, *U.S. Custom House*, 2245 Whirlpool Street (7–16–73).
Niagara Falls, *Whitney Mansion*, 335 Buffalo Avenue (1–17–74).
Youngstown vicinity, *Old Fort Niagara*, north of Youngstown on New York 18.

Oneida County

Boonville, *Erwin Library and Pratt House*, 104 and 106 Schuyler Street (8–14–73).
Boonville, *Five Lock Combine and Locks 37 and 38, Black River Canal*, Rome-Boonville Gorge Road (New York 46).
Clinton, *Hamilton College Chapel*, Hamilton College Campus.
Clinton, *Root, Elihu, House*, 101 College Hill Road.
Rome, *Arsenal House*, 514 West Dominick Street (7–18–74).
Rome, *Fort Stanwix National Monument*, bounded by Dominick, Spring, Liberty, and James Streets.
Rome vicinity, *Oriskany Battlefield*, 5 miles east of Rome on New York 69.
Utica, *Fountain Elms*, 318 Genesee Street.
Utica, *Rutger-Steuben Park Historic District* (9–19–73).
Utica, *Utica State Hospital*, 1213 Court Street.
Westernville, *Floyd, General William, House*, west side of Main Street.
Whitesboro, *Whitestown Town Hall (Courthouse)*, 8 Park Avenue (11–26–73).

Onondaga County

Manlius, *Manlius Village Historic District*, bounded by Pleasant, Franklin, North Clinton, and East Seneca Streets (11–6–73).
Onondaga, *Hutchinson, General Orrin, House*, 4311 West Seneca Turnpike.
Syracuse, *Central New York Telephone & Telegraph Building*, 311 Montgomery Street.
Syracuse, *Crouse College, Syracuse University*, Syracuse University campus (7–50–74).
Syracuse, *Gere, Robert, Bank Building*, 121 East Water Street.
Syracuse, *Grace Episcopal Church*, 819 Madison Street.
Syracuse, *Hall of Languages, Syracuse University*, Syracuse University campus (9–20–73).
Syracuse, *Onondaga County Savings Bank Building (Gridley Building)*, 101 South Salina Street.
Syracuse, *Syracuse Savings Bank*, 102 North Salina Street.
Syracuse, *Teall, Oliver, House*, 105 South Beech Street.
Syracuse, *Third National Bank (Community Chest Building)*, 107 James Street.
Syracuse, *Weighlock Building*, southeast corner of Erie Boulevard and Montgomery Street.
Syracuse, *White, Hamilton, House*, 307 South Townsend Street (7–20–73).
Syracuse, *White Memorial Building*, 106 East Washington Street.

Ontario County

Canandaigua, *North Main Street Historic District* (7–20–73).
Canandaigua, *Sonnenberg Gardens*, 151 Charlotte Street (9–28–73).
Geneva, *Geneva Hall and Trinity Hall*, South Main Street (7–16–73).
Geneva, *Parrott Hall (Denton House)*, West North Street between Castle Street and Preemption Road.
Geneva, *South Main Street Historic District*, irregular pattern along South Main Street (12–31–74).
Stanley vicinity, *Seneca Presbyterian (Number Nine) Church*, east of Stanley off New York 245 on Number Nine Road.
Victor vicinity, *Broughton Hill*, 1.25 miles south of Victor.

Orange County

Delaware and Hudson Canal (also in Sullivan and Ulster Counties and Pike and Wayne Counties, Pa.).
Bear Mountain, *Fort Montgomery*, north of Bear Mountain Bridge on the Hudson River.
Campbell Hall, *Bull Stone House*, Hamptonburgh Road (7–18–74).
Campbell Hall vicinity, *Bull-Jackson House (Hillhold)*, northwest of Campbell Hall, on New York 416 (5–17–74).
Fort Montgomery vicinity, *Fort Montgomery Site*, south of Fort Montgomery (8–14–73).
Goshen, *Historic Track*, Main Street.
Goshen vicinity, *Dutchess Quarry Cave Site* (1–18–74).
Harriman, *Harriman, E. H., Estate (Arden)*, New York 17.
Highland Mills vicinity, *Smith Clove Meetinghouse*, north of Highland Mills off New York 32 (1–11–74).
Monroe vicinity, *Southfield Furnace Ruin*, South of Monroe off New York 17 (11–2–73).
New Windsor, *New Windsor Cantonment*, Temple Hill Road.
New Windsor vicinity, *Haskell House*, west of New Windsor off N.Y. 32.
Newburgh, *Crawford, David House*, 189 Montgomery Street.
Newburgh, *Dutch Reformed Church*, northeast corner of Grand and Third Streets.
Newburgh, *Mill House (Gomez the Jew House)*, Mill House Road.
Newburgh, *Montgomery - Grand - Liberty Streets Historic District* (7–16–73).
Newburgh, *Washington's Headquarters (Hasbrouck)*, Liberty and Washington Streets.
*Palisades Interstate Park (see Bergen County, N.J.).
Port Jervis, *Fort Decker*, 127 West Main Street (6–13–74).
Valls Gate, *Knox Headquarters, Quassaick* Avenue and Forge Hill Road.
West Point, *U.S. Military Academy*, New York 218.

Oswego County

Brewerton, *Fort Brewerton*, State and Lansing Streets.
Oswego, *Fort Ontario*, East Seventh Street.
Oswego, *Market House*, Water Street (6–20–74).
Oswego, *Oswego City Hall*, West Oneida Street.
Oswego, *Oswego City Library*, 120 East Second Street.

Otsego County

Cooperstown, *Otsego County Courthouse*, 193 Main Street.
Gilbertsville, *Gilbertsville Historic District*, bounded roughly by Marion Avenue, Cliff and Green Streets, Grover and Sylvan Streets (5–17–74).
Gilbertsville, *Major's Inn and Gilbert Block*, both sides of Commercial Street near New York 51.
Oneonta, *Fairchild Mansion (Masonic Temple)*, 318 Main Street (2–12–74).
Springfield, *Hyde Hall*, Glimmerglass State Park, east of County Route 31.

Putnam County

Brewster, *Old Southeast Church*, off New York 22, south of intersection with Putnam Lake Road.
Cold Spring vicinity, *West Point Foundry*, New York 9D, south of intersection with New York 301.

Queens County

Flushing, *Flushing Town Hall*, 137–35 Northern Boulevard.
Flushing, *Kingsland Homestead*, 37th Street and Parsons Boulevard.
Flushing, *Old Quaker Meetinghouse*, south side of Northern Boulevard.
New York, *Hunters Point Historic District* (9–19–73).

Rensselaer County

Rensselaer, *Aiken House*, northeast corner of Riverside and Aiken Avenues (12–31–74).
Rensselaer, *Fort Crailo*, south of Columbia Street on Riverside Street.
Schaghticoke, *Knickerbocker Mansion*, Knickerbocker Road.
Schodack, *Muitzes Kill Historic District*, in an irregular pattern on both sides of Schodack Landing Road (7–24–74).
Troy, *Burden Iron Works, Office Building*, Polk Street.
Troy, *Cannon Building*, 1 Broadway.
Troy, *Church of the Holy Cross*, 136 Eighth Street.
Troy, *Bussey, Esek, Firehouse*, 302 10th Street (7–16–73).
Troy, *Fifth Avenue-Fulton Street Historic District*, two blocks off Fifth Avenue, on the eastern edge of the downtown Troy business district, bounded on the north by Grand Street, on the south by Broadway, on the east (between Grand and Fulton Streets) by Sixth Avenue and (between Fulton Street and Broadway) by Union Street, and on the west by Williams Street.
Troy, *Troy Gas Light Co., Gasholder House*, northwest corner of Jefferson Street and Fifth Avenue (2–18–71).
Troy, *Glenwood (Titus Eddy Mansion)*, Eddy's Lane.
Troy, *Grand Street Historic District*.
Troy, *Hart-Cluett Mansion*, 59 Second Street.
Troy, *Ilium Building*, northeast corner of Fulton and Fourth Streets.
Troy, *McCarthy Building*, 255–257 River Street.
Troy, *National State Bank Building*, 297 River Street.
Troy, *Old Troy Hospital*, Eighth Street (10–25–73).
Troy, *Powers Home*, 819 Third Avenue (4–16–74).
Troy, *Second Street Historic District*, both sides of Second Street (8–7–74).
Troy, *Troy Public Library (Hart Memorial Library)*, 100 Second Street.
Troy, *W. & L. E. Gurley Co.*, 514 Fulton Street.
Troy, *Washington Park Historic District*.
Walloomsac vicinity, *Bennington Battlefield*, New York 67, on Vermont line.

Richmond County

New Brighton, Staten Island, *Sailors' Snug Harbor Historic District*, Richmond Terrace.
New York, *New Dorp Light*, Altamont Avenue, Staten Island (3–28–73).
Rosebank, *Austen, Elizabeth Alice, House*, 2 Hyland Boulevard.
Staten Island, *Battery Weed*, Fort Wadsworth Reservation.
Staten Island, *Ft. Tompkins Quadrangle*, Building No. 137, Fort Wadsworth (7–30–74).
Staten Island, *Kreuzer-Pelton House*, 1262 Richmond Terrace.
Staten Island, *The Voorlezer's House*, Arthur Kill Road, opposite Center Street.
Tottenville, Staten Island, *Conference House*, Hylan Boulevard.

Rockland County

*Palisades Interstate Park (see Bergen County, N.J.).
Garnerville, *Garner, Henry, Mansion*, 18 Railroad Avenue (8–14–73).
Sloatsburg, *Sloat House*, 19 Orange Turnpike (11–5–74).
Stony Point vicinity, *Stony Point Battlefield*, north of Stony Point on U.S. 9W and U.S. 202.
Tappan, *De Wint House*, Livingston Avenue and Oak Tree Road.

West Nyack, *Terneur-Hutton House*, 160 Sickelton Road.

St. Lawrence County

*Adirondack Forest Preserve (see Clinton County).
Canton, *Herring-Cole Hall, St. Lawrence University*, St. Lawrence University campus (5–1–74).
Canton, *Richardson Hall, St. Lawrence University*, St. Lawrence University campus (5–1–74).
Ogdensburg, *U.S. Customhouse*, 127 N. Water Street (10–9–74).

Saratoga County

Albany vicinity, *Saratoga National Historical Park*, 30 miles north of Albany on U.S. 4 and New York 32.
Saratoga Springs, *Drinkhall*, 297 Broadway (11–20–74).
Mount McGregor, *Grant Cottage*, County Route 101 north of U.S. 9.
Saratoga, *Casino-Congress Park-Circular Street Historic District*, bounded on the west by Broadway, on the north by Spring Street, and the southeast by Circular Street.
Saratoga Springs, *Franklin Square Historic District*, in an irregular pattern from Beekman Street, along both sides of Grand Avenue, Franklin, and Clinton to Van Dam (10–9–73).
Saratoga Springs, *Todd, Hiram Charles, House*, 4 Franklin Square.
Waterford, *Peebles (Peobles) Island*, at the junction of the Mohawk and Hudson Rivers (10–2–73).

Schenectady County

Delanson vicinity, *Christman Bird and Wildlife Sanctuary*, southeast of Delanson on Schoharie Turnpike.
Schenectady, *Nott Memorial Hall, Union College*, Union College campus.
Schenectady, *Stockade Historic District*.
Schenectady vicinity, *Dellemont-Wemple Farm*, west of Schenectady on Wemple Road (10–25–73).

Schoharie County

Blenheim, *North Blenheim Historic District*, both sides of New York 30 (12–31–74).
Blenheim vicinity, *Lansing Manor House*, 2 miles south of north Blenheim on N.Y. 30.
Breakabeen, *Breakabeen Historic District*, New York 30 (12–31–74).
North Blenheim, *Old Blenheim Bridge*, New York 30.
Schoharie, *Old Lutheran Parsonage*, adjacent to Spring Street in Lutheran Cemetery.
Schoharie, *Schoharie Valley Railroad Complex*, Depot Lane.

Schuyler County

Tyrone vicinity, *Lamoka*, 2 miles west of Tyrone at northern edge of Lamoka Lake.
Watkins Glenn, *Schuyler County Courthouse Complex*, Franklin Street (6–5–74).

Seneca County

Fayette vicinity, *Rose Hill*, west of Fayette on New York 96A.
Seneca Falls, *Fall Street-Trinity Lane Historic District*, off New York 414 at Van Cleef Lake (2–25–74).
Seneca Falls, *Stanton, Elizabeth Cady, House*, 32 Washington Street.

Steuben County

Corning, *Jenning's Tavern (Patterson Inn)*, 59 West Pulteney Street (9–20–73).
Corning, *Market Street Historic District*, Market Street from Chestnut to Wall Street (3–1–74).

Suffolk County

Cutchogue, *The Old House*, New York 25.
Cutchogue vicinity, *Fort Corchaug Site* (1–18–74).
East Hampton, *East Hampton Village District*, bounded by Main Street, James and Woods Lanes (5–2–74).
East Hampton, Long Island, *Moran (Thomas) House*, Main Street.
Great River vicinity, *Cutting, Bayard, Estate (Westbrook)*, north of Great River on New York 27 (10–2–73).
Great River vicinity, *Southside Sportsmens Club District*, northeast of Great River off New York 27 (7–23–73).
Huntington, *Eatons Neck Light*, Eatons Neck Point at Huntington Bay and Long Island Sound, off New York 25–A.
Mastic, *Floyd, William, House*, 20 Washington Avenue (4–21–71).
Montauk vicinity, *Montauk Point Lighthouse*.
Sag Harbor, *Sag Harbor Village District* (7–20–73).
St. James, *Box Hill Estate*, northwest of St. James on Moriches Road (12–4–73).
St. James, *St. James District* (7–20–73).
St. James vicinity, *Mill Pond District*, north of St. James on New York 25A (8–1–73).
Smithtown, *Hallock Inn*, 263 East Main Street (8–7–74).
Stony Brook, *Mount, William Sydney, House*, Gould Road and New York 25.

Sullivan County

*Delaware and Hudson Canal (see Orange County).

Tioga County

Owego, *Tioga County Courthouse*, Village Park.

Tompkins County

Ithaca, *Boardman House*, 120 East Buffalo Street.
Ithaca, *Clinton House*, 116 North Cayuga Street.
Ithaca, *DeWitt Park Historic District*, a square bounded roughly by properties fronting on East Buffalo, East Court, North Cayuga, and North Tioga Streets.
Ithaca, *Lehigh Valley Railroad Complex*, W. Buffalo St. and Taughannock Boulevard (12–31–74).
Ithaca, *Morrill Hall, Cornell University*, Cornell University campus.
Ithaca, *Second Tompkins County Courthouse*, 121 East Court Street.
Ithaca, *White, Andrew Dickson, House*, 27 East Avenue (12–4–73).
Trumansburg, *Camp, Hermon, House*, Camp Street (12–4–73).

Ulster County

*Delaware and Hudson Canal (see Orange County).
Esopus, *Burroughs, John, Cabin (Slabsides)*, west of West Park.
Esopus, *Burroughs, John, Riverby Study*, West Park.
Gardiner vicinity, *Decker, Johannes, Farm*, southwest of Gardiner on Red Mill Road and Shawangunk Hill (3–5–74).
Hurley, *Hurley Historic District*, Hurley Street, Hurley Mountain Road, and Schoonmaker Lane.
Kingston, *Clinton Avenue Historic District*, includes all of Clinton Avenue between Westbrook Lane and North Front Street, North Front Street between Clinton Avenue and Fair Street, and the east side of Fair Street between North Front and John Streets.
Kingston, *Kingston City Hall*, 406 Broadway.
Kingston, *West Strand Historic District*, West Strand and Broadway (6–28–74).
Kingston, *Senate House*, northwest side of Clinton Avenue near the intersection of North Front Street.
New Paltz, *Hasbrouck, Jean, House*, Huguenot Street, opposite its junction with North Street.
New Paltz, *Huguenot Street Historic District*, Huguenot Street.
New Paltz vicinity, *Lake Mohonk Mountain House Complex*, northwest of New Paltz off Canaan Road (7–16–73).
New Paltz vicinity, *Locust Lawn Estate*, New York 32, south of New Paltz (5–17–74).
Rosendale vicinity, *Perrine's Bridge*, over Wallkill River off U.S. 87.

Warren County

*Adirondack Forest Preserve (see Clinton County).
Joshua's Rock, Lake George vicinity, *The Owl's Nest (Edward Eggleston Estate)*, Route 9L.
Lake George, *Old Warren County Courthouse Complex*, corner of Canada and Amherst Streets.

Washington County

Fort Edward, *Rogers Island*, in the Hudson River at Fort Edward (7–24–73).
Schuylerville vicinity, *DeRidder Homestead*, East of Schuylerville off New York 29 on County Road 116 (3–22–74).
Whitehall, *Potter, Judge Joseph, House, Mountain Terrace* (5–2–74).

Wayne County

Lyons, *Broad Street-Water Street Historic District* (8–14–73).
Ontario, *Brick Church Corners*, intersection of Brick Church and Ontario Center Roads (6–5–74).
Palmyra, *East Main Street Commercial Historic District*, between Clinton and William-Cuyler Streets (11–21–74).
Palmyra, *Market Street Historic District*, both sides of Market Street.

Westchester County

Bedford, *Bedford Village Historic District*, includes most of the original village (10–2–70).
Chappaqua, *Old Chappaqua Historic District*, Quaker Road (7–16–74).
Croton-on-Hudson, *Van Cortlandt Manor*, U.S. 9, north of intersection with U.S. 9A.
Dobbs Ferry, *Pyett-Livingston House*, 152 Broadway.
Greenburgh, *Odell House*, 425 Ridge Road.
Hastings-on-Hudson, *Cropsey, Jasper F., House and Studio*, 48 Washington Avenue.
Katonah, *Jay, John, Homestead*, Jay Street.
Mount Vernon, *St. Paul's Church National Historic Site*, Eastchester, Mount Vernon.
Mount Vernon, *Stevens, John, House*, 29 West Fourth Street.
New Rochelle, *Paine, Thomas, Cottage*, 20 Sicard Avenue.
North Tarrytown, *Dutch Reformed (Sleepy Hollow)* Church, north edge of Tarrytown on U.S. 9.
Ossining, *First Baptist Church of Ossining*, South Highland Avenue and Main Street.
Ossining vicinity, *Site of Old Croton Dam, New Croton Dam*, about 10 miles north of Ossining on New York 129.
Pelham Manor, *Bolton Priory*, 7 Priory Lane (6–28–74).
Purchase, *Red Hall, Manhattanville College (Ophir Hall)*, Manhattanville College campus, Purchase Street (3–22–74).
Purdys, *Purdy, Joseph, Homestead*, intersection of (Old) New York 22 and New York 116.
Rye, *Widow Haviland's Tavern*, Purchase Street (4–16–74).
Scarsdale, *Hyatt, Caleb, House (Cudner-Hyatt House)*, 937 White Plains Post Road.
Somers vicinity, *Somers Town House (Elephant Hotel)*, junction of U.S. 202 and New York 100 (8–7–74).
Tarrytown, *Gould, Jay, Estate (Lyndhurst)*, 635 South Broadway.

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Tarrytown vicinity, *Irving, Washington, House (Sunnyside), Sunnyside Lane.
Upper Mills, *Philipsburg Manor, 381 Bellwood Avenue.
Van Courtlandtville, Old St. Peter's Church, Oregon Road and Locust Avenue.
Yonkers, Old Croton Aqueduct, runs north from Yonkers to New Croton Dam (12-2-74).
Yonkers, *Philipse Manor, Warburton Avenue and Dock Street.
Yonkers, Trevor, John Bond, House, 511 Warburton Avenue.
Yonkers, Untermyer Park, between Warburton Avenue and North Broadway (5-31-74).

Wyoming County

Wyoming, Middlebury Academy, 22 South Academy Street.
Wyoming, Wyoming Village Historic District, New York 19 (12-27-74).

North Carolina

Alamance County

Alamance vicinity, Alamance Battleground State Historic Site, 4 miles south of Alamance on North Carolina 62.
Burlington vicinity, Allen House, southwest of Burlington on Route 1, off North Carolina 62, near intersection with S.R. 1129.

Alleghany County

Whitehead vicinity, Brinegar Cabin, at mile 238.5, Blue Ridge Parkway.

Anson County

Wadesboro, Boggan-Hammond House and Alexander Little Wing, 210 Wade Street.

Beaufort County

Bath, Bath Historic District, bounded on the west by Bath Creek, on the north by North Carolina 92, on the east by King Street, and on the south by Bath Creek.
Bath, Bonner House, Main and Front Streets.
Bath, *Palmer-Marsh House, 104 Main Street.
Bath, St. Thomas Episcopal Church, Craven Street.
Washington, Bank of Washington, West End Branch, 218 West Main Street.
Washington, Beaufort County Courthouse, corner of West Second and Market Streets.

Bertie County

Roxobel vicinity, Woodbourne, west of Roxobel on S.R. 1139.
Windsor vicinity, Hope Plantation, 4 miles northwest of Windsor off North Carolina 308.
Windsor vicinity, Jordan House, south of Windsor on S.R. 1522.
Windsor vicinity, King House, northwest of Windsor on S.R. 1116.

Bladen County

Carvers, Oakland Plantation, off S.R. 1730.
White Oak vicinity, Harmony Hall, west of White Oak on S.R. 1351, near the Cape Fear River.

Brunswick County

Orton vicinity, St. Philip's Church ruins, bounded on the east by the Cape Fear River, on the south by S.R. 1533, on the west by S.R. 1529, and on the north by Orton Plantation.
Smithfield Township, Orton Plantation, on Cape Fear River at junction of S.R. 1530 and 1529.
Southport, Fort Johnston, Moore Street (6-7-74).

Buncombe County

Asheville, *Biltmore Estate, Biltmore Plaza.
Asheville, Grove Park Inn, Macon Avenue.
Asheville, *Wolfe, Thomas, House, 48 Spruce Street.

Burke County

Morganton, Burke County Courthouse, Courthouse Square, bounded by Union, Sterling, Meeting and Green Streets.
Morganton, Creekside, intersection of U.S. 70 and 70-A west of Morganton.
Morganton, Tate House, 100 South King Street.
Morganton vicinity, Bellevue, north of Morganton off North Carolina 18 on S.R. 1419 (12-4-73).
Morganton vicinity, Magnolia Place, south of Morganton on U.S. 64.
Morganton vicinity, Pleasant Valley, junction of S.R. 1423, 1438 and 1439.
Morganton vicinity, Quaker Meadows, west of Morganton off North Carolina 181 (10-3-73).
Morganton vicinity, Swan Ponds, about 4 miles west of Morganton off North Carolina 126.

Cabarrus County

Concord, Cabarrus County Courthouse, south Union Street (8-5-74).
Concord vicinity, McCurdy Home Place, south of Concord off U.S. 601 (1-21-74).
Concord vicinity, *Reed Gold Mine, 11 miles southeast of Concord on North Carolina 601 and 200.
Kannapolis vicinity, Mill Hill, W. of Kannapolis on S.R. 1618 (9-10-74).

Caldwell County

Lenoir vicinity, Fort Defiance, north of Lenoir on North Carolina 268.
Patterson vicinity, Clover Hill, east of Patterson off North Carolina 268, on east side of S.R. 1514.

Camden County

Camden, Camden County Courthouse, on North Carolina 343, 0.25 mile north of junction with U.S. 158 and U.S. 168.
Camden vicinity, Milford, on S.R. 1205; 0.5 mile south of junction with State Route 343.

Carteret County

Atlantic Beach vicinity, Fort Macon, on Bogue Point, on Fort Macon Road 4 miles east of Atlantic Beach.
Beaufort, Beaufort Historic District, roughly bounded by Beaufort Channel, Pine Craven, Broad, Gordon Ann Fulford Streets and approximately 1 mile offshore of waterfront (5-6-74).
Beaufort, Gibbs House, 903 Front Street.
Beaufort, Henry, Jacob, House, 229 Front Street.
Beaufort, Old Burying Ground, bounded by Ann, Craven, and Broad Streets (4-8-74).
Cape Lookout, Cape Lookout Light Station, on Core Banks, across Barden Inlet from Shackleford Banks.

Caswell County

Leasburg vicinity, Garland-Buford House, north of Leasburg on S.R. 1561 (1-24-74).
Locust Hill, Rose Hill, on U.S. 158 at the junction with North Carolina 150 (10-25-73).
Locust Hill vicinity, Moore House (Stamp's Quarter), east of Locust Hill off U.S. 158 (8-28-73).
Milton, Milton Historic District, encompasses town limits of Milton (10-25-73).
Milton, Milton State Bank, Main (Broad) Street between Liberty Street and Lea's Alley.
Prospect Hill, Warren House and Warren's Store, on North Carolina 86.
Yanceyville, Caswell County Courthouse, Courthouse Square.
Yanceyville, Yanceyville Historic District, West Main Street, Courthouse Square, and North Avenue to Church Street (10-15-73).
Yanceyville vicinity, Brown-Graves House and Brown's Store, southwest of Yanceyville on North Carolina 150 (7-15-74).
Yanceyville vicinity, Graves House, U.S. 158 at North Carolina 86 (11-20-74).
Yanceyville vicinity, Yancey, Bartlett, House (12-4-73).

Catawba County

Catawba vicinity, Perkins House, N. of Catawba off I-40 (10-1-74).
Catawba vicinity, Powell-Trollinger Lime Kilns, south of Catawba (11-8-74).
Claremont vicinity, Bunker Hill Covered Bridge, 2 miles east of Claremont off U.S. 70.
Hickory, Propst House, Shuford Memorial Garden.
Hickory, Shuford House, 542 Second Street NE.
Hickory vicinity, Weidner Rock House, south of Hickory on S.R. 1142 (12-4-73).
Newton vicinity, Rudisill-Wilson House, southwest of Newton off North Carolina 10 (8-14-73).
Newton vicinity, St. Paul's Church and Cemetery (Lutheran), junction of S.R. 1149 and S.R. 1164.

Chatham County

Durham vicinity, Mason, John A., House, SW of Durham off NC 751 (10-23-74).
Pittsboro vicinity, Alston-DeGrafenried House, west of Pittsboro off U.S. 64 (11-18-74).
Pittsboro vicinity, Ebenezer Log Church, east of Pittsboro (11-19-74).

Cherokee County

Andrews vicinity, Andrews Mound, west of Andrews.

Chowan County

*Hayes Plantation.
Edenton, The Barker House, south terminus of Broad Street.
Edenton, *Chowan County Courthouse, East King Street.
Edenton, *Cupola House, 408 South Broad Street.
Edenton, Edenton Historic District (7-16-73).
Edenton, Iredell, James, House, 107 East Church Street.
Edenton, Wessington House, 120 West King Street.
Edenton vicinity, Shelton Plantation House, off NC 32 (10-29-74).

Craven County

Jasper vicinity, Clear Springs Plantation, north of Jasper.
New Bern, Attmore-Oliver House, 513 Broad Street.
New Bern, Baxter Clock, 323 Pollock Street.
New Bern, Blades House, 602 Middle Street.
New Bern, The Bryan House and Office, 603-605 Pollock Street.
New Bern, Cedar Grove Cemetery, Bounded by Queen, George, Cypress, Howard, and Metcalf Streets.
New Bern, Centenary Methodist Church, 209 New Street.
New Bern, Central Elementary School, 311-313 New Street and 517 Hancock Street.
New Bern, Christ Episcopal Church and Parish House, 320 Pollock Street.
New Bern, Coor-Bishop House, 501 East Front Street.
New Bern, Coor-Gaston House, 421 Craven Street.
New Bern, First Baptist Church, northwest corner of Middle Street and Church Alley.
New Bern, First Church of Christ, Scientist, 406-408 Middle Street (10-2-73).
New Bern, First Presbyterian Church and Churchyard, New Street between Middle and Hancock Streets.

New Bern, Gull Harbor, 514 East Front Street (8-14-73).
New Bern, Harvey Mansion, 219 Tryon Palace Drive.
New Bern, Hawks House, 306 Hancock Street.
New Bern, Hollister, William, House, 613 Broad Street.
New Bern, Jerkins, Thomas, House, 305 Johnson Street.
New Bern, Jones-Jarvis House, 528 East Front Street.
New Bern, Mace, Ulysses S., House, 518 Broad Street.
New Bern, Masonic Temple and Theater, 516 Hancock Street.
New Bern, New Bern Historic District.
New Bern, New Bern Municipal Building, Pollock and Craven Streets.
New Bern, Rhem-Waldrop House, 701 Broad Street.
New Bern, St. Paul's Roman Catholic Church, 610 Middle Street.
New Bern, Simpson-Oaksmith-Patterson House, 226 East Front Street.
New Bern, Slover-Bradham House, 201 Johnson Street.
New Bern, Smallwood, Ell, House, 524 East Front Street.
New Bern, Smith, Benjamin, House, 210 Hancock Street.
New Bern, Smith-Whitford House, 506 Craven Street.
New Bern, Stanly, Edward R., House, 502 Pollock Street.
New Bern, Stanly, John Wright, House, 307 George Street.
New Bern, Stevenson House, 609-611 Pollock Street.
New Bern, Taylor, Isaac, House, 228 Craven Street.
New Bern, Tisdale-Jones House (New Bern City Schools Administration Building), 520 New Street.
New Bern, York-Gordon House, 213 Hancock Street.
New Bern vicinity, Bellair, 0.3 mile north of the junction of S.R. 1401 and 1419.

Cumberland County

Erwin vicinity, Oak Grove, south of Erwin off North Carolina 82, 0.8 mile north of junction of North Carolina 82 and S.R. 1376.
Fayetteville, Belden-Horne House, 283 Green Street.
Fayetteville, Cool Spring Place, 119 North Cool Spring Street.
Fayetteville, Fayetteville Woman's Club and Coal Ballroom, 225 Dick Street.
Fayetteville, Kyle House, 234 Green Street.
Fayetteville, Liberty Row, 101-143 Person Street (8-14-73).
Fayetteville, Mansard Roof House, 214 Mason Street.
Fayetteville, *Market House, Market Square (9-15-70).
Fayetteville, Nimocks House, 225 Dick Street.
Fayetteville, St. John's Episcopal Church, Green Street (9-6-74).
Linden vicinity, Ellerslie, west of Linden on S.R. 1607 at junction with S.R. 1606 (8-7-74).
Wade vicinity, Old Bluff Presbyterian Church, north of Wade on S.R. 1709 (8-7-74).

Currituck County

Corolla, Currituck Beach Lighthouse, northern Outer Banks (10-15-73).
Shawboro, The Twin Houses, on Highway 168 at junction with S.R. 1203 and 1147.

Dare County

Cape Hatteras vicinity, U.S.S. Monitor, S of Cape Hatteras in Atalntic Ocean (10-11-74).
Kitty Hawk, Wright Brothers National Memorial.
Manteo vicinity, Roanoke Island, Fort Raleigh National Historic Site, 4 miles north of Manteo on U.S. 158.

Davidson County

Lexington, Old Davidson County Courthouse, Main and Center Streets.

Davie County

*Helper, Hinton Rowan, House.
Mocksville, Davie County Jail, 20 South Main Street.
Mocksville vicinity, Cooleemee, east of Mocksville, off U.S. 64.

Durham County

Bahama vicinity, Hardscrabble, on S.R. 1002, W of junction with S.R. 1003 (1-20-72).
Durham, Bull Durham Tobacco Factory (American Tobacco Company), Pettigrew St. between Carr and Blackwell Streets (9-10-74).
Durham vicinity, Bennett Place State Historic Site, intersection of S.R. 1313 and 1314.
Durham vicinity, *Duke Homestead and Tobacco Factory, 0.5 mile north of Durham on Guess Road and east on S.R. 1025.
Durham vicinity, Fairntosh Plantation, north of Durham off S.R. 1004.
Durham vicinity, Stagville, north of Durham off S.R. 1004.

Edgecombe County

Battleboro, Old Town Plantation, U.S. 97, 4.7 miles east of the junction with U.S. 301.
Battleboro, St. John's Episcopal Church, East Main Street.
Leggett vicinity, Mount Prospect (Exum Lewis, Jr., House), junction of S.R. 1409 and S.R. 1428 (11-20-74).
Tarboro, The Barracks, 1100 Albemarle Street.
Tarboro, Blount House (The Grove), 130 Bridgers Street.
Tarboro, Calvary Episcopal Church and Churchyard, 411 East Church Street.
Tarboro, Coats House, 1503 St. Andrews Street.
Tarboro, Cotton Press, Town Common.
Tarboro, Tarboro Town Common, bounded by Wilson Street, Albemarle Avenue, Park Avenue, and St. Patrick Street.
Tarboro, Walston-Bulluck House (Pender Museum), 1018 St. Andrews Street.
Tarboro vicinity, Bracebridge Hall, near small crossroads of Macklesfield.
Tarboro vicinity, Coolmore Plantation, west of Tarboro on U.S. 64.
Tarboro vicinity, Piney Prospect (Sugg House), 5.7 miles south of Tarboro off S.R. 1601.
Tarboro vicinity, Wilkinson-Dozier House, SE of Tarboro (10-23-74).

Forsyth County

Kernersville, Korner's Folly, Main Street.
Winston-Salem, Bethabara Moravian Church, 2147 Bethabara Road.
Winston-Salem, *Old Salem Historic District, Salem College campus and area near Salem Square.
Winston-Salem, *Salem Tavern, 800 South Main Street.
Winston-Salem, *Single Brother's House, southwest corner of South Main and Academy Streets.
Winston-Salem, Zevely House, 734 Oak Street.

Franklin County

Louisburg, The Person Place, 603 North Main Street.
Louisburg vicinity, Cascine, south of Louisburg on S.R. 1702.

Gaston County

Belmont, Belmont Abbey Cathedral, on S.R. 2093.
Dallas, Dallas Historic District (7-26-73).

Gates County

Gatesville, Elmwood Plantation, 0.6 mile north of the junction of S.R. 1400 and North Carolina 37.

Granville County

Stovall vicinity, Hill Airy, S of Stovall (10-29-74).

Guilford County

Greensboro, Blandwood, 411 West Washington Street.
Greensboro, Founders Hall, 5800 West Friendly Avenue, Guilford College campus.
Greensboro vicinity, Guilford Courthouse National Military Park, 6 miles northwest of Greensboro near U.S. 220.
High Point, Haley, John, House, 1805 East Lexington Avenue.
Jamestown, Jamestown Historic District, about 1 mile stretch flanking U.S. 29A-70A.
Jamestown vicinity, Gardner House, E of Jamestown (10-15-74).
Jamestown vicinity, Mendenhall, Richard, Plantation Buildings, U.S. 29-70A.

Halifax County

Airlie, Oakland, on North Carolina 4.
Enfield vicinity, Bellamy's Mill, southwest of Enfield (11-5-74) (also in Nash County).
Enfield vicinity, Shell Castle, west of Enfield on North Carolina 481.
Halifax, Davie, William R., House, Norman Street.
Halifax, Eagle Tavern, Main Street.
Halifax, Halifax Historic District, bounded on the southwest by St. David Street, on the northwest by the Owens House drainage ditch, on the northeast by the Roanoke River, and on the southeast by the Magazine Spring Gut.
Hollister vicinity, Matthews Place (Ivey Hill), southeast of Hollister (11-11-74).
Scotland Neck vicinity, Sally-Billy House, 0.8 mile west of Scotland Neck on south side of S.R. 1117.

Harnett County

Dunn vicinity, Lebanon, 4.5 miles southwest of Dunn on North Carolina 82.

Henderson County

Flat Rock, Flat Rock Historic District (10-15-73).
Flat Rock vicinity, *Carl Sandburg Home National Historic Site, 0.25 mile west of Flat Rock.

Hertford County

Ahoskie vicinity, Mitchell, William, House, 3 miles east of Ahoskie on North Carolina 350.
Como vicinity, Hare Plantation House, 1.6 miles west of the junction of S.R. 1317 and U.S. 258.
Como vicinity, Riddick House, 1 mile south of the intersection of S.R. 1319 and 1322.
Murfreesboro, The Columns, Jones Drive.
Murfreesboro, Freeman House (Hertford Academy), 200 East Broad Street.
Murfreesboro, Melrose, 100 East Broad Street.
Murfreesboro, Myrick House, 402 Broad Street.
Murfreesboro, Murfreesboro Historic District, bounded on the east by a line 60 feet east of Fourth Street; on the south by Vance Street extending beyond to a point 1,050 feet west of Liberty Street and 300 feet south of Main Street; on the west by a line 500 feet west of Winder Street; and on the north by a line 120 feet north of Broad Street.
Murfreesboro, Rea, William, Store, East Williams Street.
Murfreesboro, Roberts-Vaughan House, 130 East Main Street.
Murfreesboro, Wheeler, John, House, 403 East Broad Street.

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Hoke County

Fayetteville vicinity, *Long Street Church*, west of Fayetteville on S.R. 1300 (1–21–74).

Iredell County

Elmwood vicinity, *Farmville Plantation*, southeast of Elmwood off U.S. 70 on S.R. 2362.

Mount Mourne, *Mount Mourne*, off NC 115 (10–29–74).

Statesville, *Main Building, Mitchell College*, Broad Street.

Statesville, *U.S. Post Office and County Courthouse (Statesville City Hall)*, 227 South Center Street (1–24–74).

Statesville vicinity, *Fort Dobbs*, Fort Dobbs Road.

Johnson County

Clayton vicinity, *Sanders-Hairr House*, S.R. 1525 south of Clayton.

Newton Grove vicinity, *Bentonville Battleground State Historic Site*, 2 miles north of Newton Grove on S.R. 1006.

Newton Grove vicinity, *Harper House*, Bentonville Battleground State Historic Site.

Jones County

Pink Hill vicinity, *Eagle Nest*, southeast of Pink Hill off S.R. 41 (11–13–74).

Pollocksville vicinity, *Foscue Plantation House*, east side of U.S. 17, 1.5 miles south of the junction of U.S. 17 and S.R. 1002.

Pollocksville vicinity, *Sanderson House*, southwest of Pollocksville on S.R. 1115.

Trenton, *Grace Episcopal Church*, Lake View Drive and Weber Street.

Trenton, *Trenton Historic District*, roughly bounded by Pollock, Trent, Lower, and Market Streets, and Brock Mill Pond (7–3–74).

Lee County

Cumnock vicinity, *Endor Iron Furnace*, southeast of Cumnock (8–13–74).

Sanford, *The Railroad House*, Carthage Street at Hawkins Avenue.

Lenoir County

Falling Creek vicinity, *Cedar Dell*, southeast of Falling Creek on S.R. 1338, 0.4 mile from the intersection with S.R. 1324.

Falling Creek vicinity, Wood, *Dempsey, House*, southwest of Falling Creek on S.R. 1324.

Kinston, *Peebles House (Harmony Hall)*, 109 East King Street.

Kinston vicinity, *Jackson, Jesse, House*, on U.S. 11, south of Kinston.

La Grange vicinity, *Herring House*, northwest of La Grange off S.R. 1503.

Lincoln County

Catawba Springs vicinity, *Vesuvius Furnace*, on S.R. 1382 north of North Carolina 73 (8–13–74).

Iron Station vicinity, *Ingleside*, S.R. 1383, 0.1 mile south of junction with Highway 73.

Iron Station vicinity, *Magnolia Grove*, at junction of S.R. 1309 and 1313.

Lincolnton, *Shadow Lawn*, 301 West Main Street.

Lincolnton vicinity, *Loretz House*, northwest of Lincolnton on S.R. 1204.

Lincolnton vicinity, *Rock Springs Camp Meeting Ground*, on S.R. 1373, 0.5 mile north of the intersection with North Carolina 16.

Lincolnton vicinity, *Woodside*, on U.S. 182, 0.4 mile west of junction with U.S. 27.

Machpelah vicinity, *Tucker's Grove Camp Meeting Ground*, north of Machpelah off S.R. 1360.

McDowell County

Marion vicinity, *Carson House*, west of Marion on U.S. 70 (9–15–70).

Macon County

Wests Mill vicinity, *Cowee Mound and Village Site*, 0.75 mile west of Wests Mill on the south bank of Little Tennessee River.

Martin County

Hamilton vicinity, *Fort Branch Site*, southeast of Hamilton on S.R. 1416.

Mecklenburg County

Charlotte, *Alexander, Hezekiah, House*, 3420 Shamrock Drive.

Charlotte, *Rosedale*, 3427 North Tryon Street.

Charlotte, *Victoria*, 1600 The Plaza.

Davidson, *Eumenean Hall*, Davidson College campus.

Davidson, *Philanthropic Hall*, Davidson College campus.

Huntersville, *Cedar Grove*, S.R. 2136, 0.8 mile northeast of junction with S.R. 2131.

Huntersville, *Holly Bend*, on S.R. 2720, 0.25 mile west of junction with S.R. 2127.

Huntersville vicinity, *Latta House*, 6 miles south of Huntersville on S.R. 2125.

Pineville vicinity, *Dinkins House*, north of Pineville on Nation's Ford Road (S.R. 1126) (12–4–73).

Montgomery County

Mount Gilead vicinity, **Town Creek Indian Mound*, 4.5 miles southeast of Mount Gilead on North Carolina 73.

Moore County

Glendon vicinity, *Alston House*, southeast of Glendon on S.R. 1624 (2–26–70).

Pinehurst, *Pinehurst Historic District* (8–14–73).

Nash County

Bellamy's Mill (see Halifax County).

Battleboro vicinity, *The Meadows*, northwest of Battleboro on S.R. 1510 (5–16–74).

Dortches vicinity, *Dortche House*, southwest of Dortches on S.R. 1527.

Hilliandston vicinity, *Arrington, General Joseph, House*, northeast of Hilliardston on S.R. 1500 (7–15–74).

Red Oak vicinity, *Black Jack*, North of Red Oak (7–31–74).

Rocky Mount vicinity, *Stonewall*, Falls Road Extension.

New Hanover County

Wilmington, *City Hall-Thalian Hall*, 100 North Third Street.

Wilmington, *Federal Building and Courthouse*, North Water between Market and Princess Streets (5–2–74).

Wilmington, *Wilmington Historic District*, roughly 100 yards west of Cape Fear River, Ninth Street on the east, Wright Street on the south and Harnett Street on the north (5–6–74).

Wilmington vicinity, **Fort Fisher*, 18 miles south of Wilmington on U.S. 421.

Orange County

Chapel Hill, *Chapel of the Cross*, 304 East Franklin Street.

Chapel Hill, **Old East University of North Carolina*, University of North Carolina Campus.

Chapel Hill, **Old East University of North Carolina*, University of North Carolina Campus.

Chapel Hill, **Playmakers Theatre (Smith Hall)*, Cameron Avenue, University of North Carolina. (6–24–71).

Hillsborough, *Ayr Mount*, St. Mary's Road.

Hillsborough, *Burwell School*, North Churton Street.

Hillsborough, *Commandant's House, The*, Barracks Road.

Hillsborough, *Eagle Lodge*, 142 West King Street.

Hillsborough, *Hazel-Nash House*, 116 West Queen Street.

Hillsborough, *Heartsease*, 113 East Queen Street.

Hillsborough, *Hillsborough Historic District*, roughly bounded by North Nash Street, the Eno River and the Southern Railroad tracks, the Ayr Mount property and the town boundary, and the old Oxford Road and West Corbin Street (10–15–73).

Hillsborough, *Nash Law Office*, 143 West Margaret Lane.

Hillsborough, **Nash-Hooper House*, 118 West Tryon Street.

Hillsborough, *Old Orange County Courthouse*, 106 East King Street.

Hillsborough, *Ruffin-Roulhac House*, northeast corner of Churton and Orange Streets.

Hillsborough, *St. Matthew's Episcopal Church and Churchyard*, St. Mary's Road.

Hillsborough, *Sans Souci*, East Corbin Street.

Hillsborough vicinity, *Moorefields*, on S.R. 1135, 0.1 mile from its junction with S.R. 1134.

Pamlico County

Oriental vicinity, *China Grove*, 3 miles southwest of Oriental on S.R. 1302.

Pasquotank County

Elizabeth City, *Old Brick House*, 182 Brick House Lane.

South Mills, *Morgan House*, 4.1 miles north of the junction of S.R. 1333 and U.S. 17.

Pender County

Burgaw vicinity, *Bannerman House*, northeast of Burgaw off North Carolina 53 on S.R. 1520 (5–31–74).

Vista, *Sloop Point*, off S.R. 1561, 2.4 miles from the junction with U.S. 17.

Wilmington vicinity, *Moores Creek National Military Park*, 25 miles northwest of Wilmington on North Carolina 210.

Perquimans County

Bethel vicinity, *Myers-White House*, northeast of Bethel on S.R. 1347, 0.7 mile east of the junction with S.R. 1339.

Hertford vicinity, *Cove Grove*, east of Hertford near junction of S.R. 1301 and 1302 (8–7–74).

Hertford vicinity, *Land's End*, about 12 miles southeast of Hertford near junction S.R. 1300 and 1324 (9–20–73).

Hertford vicinity, *Newbold-White House*, southeast of Hertford off S.R. 1336 north of the junction with S.R. 1337.

Hertford vicinity, *Nixon, Samuel, House*, northwest of Hertford on the Perquimans River (10–15–73).

Hertford vicinity, *Sutton-Newby House*, E of of Hertford (9–10–74).

Woodville vicinity, *Stockton*, south of Woodville on S.R. 1329 (6–7–74).

Person County

Cunningham vicinity, *Waverly Plantation*, S of U.S. 58 (10–9–74).

Pitt County

Grimesland vicinity, *Grimesland Plantation*, east of Grimesland on S.R. 1569.

Polk County

Columbus, *Polk County Courthouse*, Courthouse Street (11–8–74).

Columbus vicinity, *Green River Plantation*, east of Columbus off S.R. 1006 (3–28–74).

Tryon vicinity, *Blackberry Hill*, east of Tryon on S.R. 1516 (11–21–74).

Tryon vicinity, *Block House Site*, 0.5 mile east of U.S. 176 on the boundary between North and South Carolina.

Randolph County

Flint Hill vicinity, *Skeen's Mill Covered Bridge*, southwest of Flint Hill, 1.7 miles west on S.R. 1408 from the junction with S.R. 1408.

Pisgah, *Pisgah Community Covered Bridge*, S.R. 1109, 0.5 mile south of the junction with S.R. 1112.

Richmond County

Hamlet, *Seaboard Coast Line Passenger Depot*, Main Street.

Rockingham, *Great Falls Mill*, West Washington and Broad Avenue.

Robeson County

Lumberton vicinity, *Humphrey-Williams House*, west of Lumberton on North Carolina 211 (7–24–73).

Rockingham County

Monroeton vicinity, *Troublesome Creek Iron-Works*, about 1.5 miles north of Monroeton on S.R. 2422.

Reidsville, *Reid, Governor David S., House*, 219 Southeast Market Street (4–26–74).

Reidsville vicinity, *High Rock Farm*, southeast of Reidsville on S.R. 2619 (4–26–74).

Wentworth, *Wright Tavern*, North Carolina 65.

Rowan County

Granite Quarry vicinity, *Braun, Michael, House*, northwest of Granite City on S.R. 2308, 0.5 mile from the junction of S.R. 2308 and U.S. 52.

Rockwell vicinity, *Grace Evangelical and Reformed Church*, south of Rockwell near the intersection of S.R. 1221 and 2335.

Salisbury, *Community Building, Rowan County Courthouse*, 200 North Main Street.

Salisbury, *Henderson, Archibald, Law Office*, corner of Church and Fisher Streets.

Salisbury, *McNeely-Strachan House*, 226 South Jackson Street.

Salisbury, *Maxwell Chambers House*, 116 South Jackson Street.

Salisbury, *Zion Lutheran Church*, S.R. 1006, 0.5 mile from the junction with S.R. 1221.

Spencer, *Long, Alexander, House*, Sowers Ferry Road.

Rutherford County

Rutherfordton, *Trinity Lutheran Church*, 702 North Main Street.

Rutherfordton vicinity, *Fox Haven Plantation*, 1.4 miles north of the intersection of S.R. 1157 and 108.

Scotland County

Wagram vicinity, *Richmond Temperance and Literary Society Hall*, about 1 mile southwest of Wagram on S.R. 1405.

Stokes County

Danbury vicinity, *Moore, Mathew, House*, W of Danbury (10–29–74).

Danbury vicinity, *Moratock Iron Furnace*, east of Danbury off N.C. 8/89 (7–30–74).

Surrey County

Dobson vicinity, *Franklin, Bernard, House*, northwest of Dobson on S.R. 1442.

Swain County

Bryson City vicinity, *Governor's Island (Kituhwa)*, 3.5 miles east of Bryson City off U.S. 19.

Transylvania County

Brevard vicinity, *Biltmore Forest School*, northwest of Brevard off U.S. 276 in Pisgah National Forest (11–19–74).

Union County

Monroe, *Monroe City Hall*, 102 West Jefferson Street.

Monroe, *Union Courthouse*, Courthouse Square.

Waxhaw vicinity, *Pleasant Grove Camp Meeting Ground*, northeast of Waxhaw on S.R. 1327.

Vance County

Henderson vicinity, *Ashland*, north of Henderson on Satterwhite Point Road.

Williamsboro, *St. John's Episcopal Church*, S.R. 1329.

Williamsboro vicinity, *Burnside Plantation House*, on S.R. 1335 about 1.8 miles east of Williamsboro Crossroads.

Wake County

Creedmoor vicinity, *Wakefields (Home Acres)*, SE of Creedmoor off U.S. 15A (10–16–74).

Durham vicinity, *Mangum, James, House*, southwest of Durham off NC 751 (11–18–74).

Raleigh, *Andrews-Duncan House*, 407 North Blount Street.

Raleigh, *Briggs Hardware Building*, 220 Fayetteville Street (10–25–73).

Raleigh, *Christ Episcopal Church*, 120 East Edenton Street.

Raleigh, *Dodd-Hinsdale House*, 330 Hillsborough Street.

Raleigh, *Dorton, J. S., Arena*, North Carolina State Fairgrounds, West Hillsborough Street.

Raleigh, *Estey Hall*, Shaw University campus, 118 East South Street.

Raleigh, *Executive Mansion*, 210 North Blount Street.

Raleigh, *Federal Building (Raleigh Post Office and Courtroom)*, 300 Fayetteville Street.

Raleigh, *Hawkins-Hartness House*, 310 North Blount Street.

Raleigh, *Haywood Hall*, 211 New Bern Avenue.

Raleigh, *Haywood, Richard B., House*, 127 East Edenton Street.

Raleigh, *Heck Houses*, 503 East Jones Street (Heck-Lee House), 511 East Jones Street (Heck-Wynne House), 218 North East Street (Heck-Pool House).

Raleigh, *Heck-Andrews House*, 309 North Blount Street.

Raleigh, *Lane, Joel, House*, 728 West Hargett Street.

Raleigh, *Lewis-Smith House*, 515 N. Blount Street (12–31–74).

Raleigh, *Mordecai House*, Mimosa Street.

Raleigh, *Oakwood Historic District*, roughly bounded by North Boundary, Person, Jones, and Linden Streets, includes Oakwood Cemetery (6–25–74).

Raleigh, *Peace College Main Building*, Peace Street at north end of Wilmington Street.

Raleigh, *Raleigh Water Tower*, 115 West Morgan Street.

Raleigh, *St. Mary's Chapel* 900 Hillsborough Street.

Raleigh, *Seaboard Coast Line Railroad Co. Office Building*, 325 Halifax Street.

Raleigh, *State Bank of North Carolina (Christ Church Rectory)*, 11 New Bern Avenue.

Raleigh, **State Capitol Building*, Capitol Square, bounded by Wilmington, Edenton, Salisbury, and Morgan Streets (2–26–70).

Raleigh, *White-Holman House*, 209 East Morgan Street.

Raleigh vicinity, *Jones, Crabtree, House*, north of Raleigh on Old Wake Forest Road.

Raleigh vicinity, *Midway Plantation*, 8 miles east of Raleigh on U.S. 64.

Raleigh vicinity, *Yates Mill*, Lake Wheeler Road.

Wake Forest vicinity, *Powell House*, SW of Wake Forest off U.S. 1 (10–1574).

Warren County

Arcola vicinity, *Dalkeith*, southwest of Arcola off N.C. 43 (12–16–74).

Littleton, *Person's Ordinary*, S.R. 1001.

Littleton vicinity, *Little Manor (Mosby Hall)*.

Manson vicinity, *Duke, Green, House*, southeast of Manson off S.R. 1100 (8–7–74).

Vaughan vicinity, *Buck Spring Plantation (Nathaniel Macon House)*, north of Vaughan on S.R. 1348.

Warrenton, *Coleman-White House*, Halifax and Hall Streets (10–25–73).

Warrenton vicinity, *Cherry Hill*, southeast of Warrenton on NC 58 (11–5–74).

Warrenton vicinity, *Elgin*, 1.5 miles southeast of Warrenton on S.R. 1509.

Warrenton vicinity, *Reedy Hill*, south of Warrenton off S.R. 1600 (12–3–74).

Warrenton vicinity, *Tusculum*, southeast of Warrenton (10–23–74).

Washington County

Creswell vicinity, *Somerset Place State Historic Site*, 9 miles south of Creswell on Lake Phelps.

Watauga County

Blowing Rock vicinity, *Gragg House*, west of Blowing Rock on U.S. 221 (10–25–73).

Valle Crucis vicinity, *Mast Farm*, on S.R. 1112, 0.4 mile east of the junction with S.R. 1135.

Valle Crucis vicinity, *Mast General Store*, south of Valle Crucis on S.R. 1112.

Wayne County

Fremont vicinity, *Aycock, Charles B., Birthplace*, 1 mile south of Fremont off U.S. 117.

Mt. Olive vicinity, *Vernon*, northwest of Mt. Olive off NC 55 (10–9–74).

Wilkes County

Purlear vicinity, *Cleveland, Robert, Log House*, on S.R. 1300, 0.2 mile northwest of the junction with S.R. 1317.

Wilkesboro, *Old Wilkes County Jail*, North Bridge Street.

Yadkin County

Richmond Hill vicinity, *Richmond Hill Law School*, north of Richmond Hill on S.R. 1530.

North Dakota

Benson County

Fort Totten vicinity, *Fort Totten*, south of Fort Totten.

Billings County

Medora, *Theodore Roosevelt National Memorial Park* (also in McKenzie County).

Burleigh County

Bismarck, *Camp Hancock Site*, 101 Main Avenue.

Menoken vicinity, **Menoken Indian Village Site*, 1.25 miles north of Menoken, Verendrye State Park.

Grand Forks County

Grand Forks, *Ozford House*, University of North Dakota campus.

McKenzie County

Theodore Roosevelt National Memorial Park (see Billings County).

Mercer County

Stanton vicinity, **Big Hidatsa Village Site*, north bank of Knife River, 1 mile north of Stanton.

Williams County

Buford vicinity, *Fort Union Trading Post National Historic Site*, west of Buford (also in Roosevelt County, Mont.).

Ohio

Adams County

Locust Grove vicinity, **Serpent Mound*, northwest of Locust Grove.

Manchester vicinity, *Buckeye Station*, east of Manchester off U.S. 52 (5–1–74).

Sandy Springs vicinity, *Adams County Paleo-Indian District*, off U.S. 52 (10–18–74).

Stout vicinity, *Wamsely Village Site*, west of Stout (7–30–74).

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Wrightsville vicinity, *Dayton Power and Light Company Mound*, east of Wrightsville (7–30–74).

Allen County

Lima, *Allen County Courthouse*, Courthouse Square (7–24–74).
Spencerville vicinity, **Miami and Erie Canal, Deep Cut*, 2 miles south of Spencerville on Ohio 66.

Ashtabula County

Ashtabula, *Hubbard, Col. William, House*, corner of Lake Avenue and Walnut Boulevard.
Conneaut, *Conneaut Works*, off Mill Road (7–30–74).
Conneaut, *Cummins, David, Octagon House*, 301 Liberty Street (9–9–74).
Geneva vicinity, *Shandy Hall*, 6333 South Ridge Road (6–28–74).
Jefferson, **Giddings, Joshua Reed, Law Office*, 112 North Chestnut Street.
Rays Corner, *House, Colonel Erastus, House*, Ohio 46 and Richmond-Footville Road (7–30–74).
Wayne vicinity, *Boice Fort and Village Site*, southeast of Wayne (7–24–74).
Windsor Mills vicinity, *Wiswell Road Covered Bridge*, southwest of Windsor Mills over Phelps Creek.

Athens County

Athens, **Manasseh Cutler Hall, Ohio University*, Ohio University campus.
Athens vicinity, *The Wolf Plains*, northwest of Athens on U.S. 33 (5–31–74).
The Plains, *Hartman Mound (Connett Mound)*, west of The Plains.

Auglaize County

Wapakoneta, *Auglaize County Courthouse*, Courthouse Square.
Wapakoneta vicinity, *Fort Amanda Site*, northwest of Wapakoneta.

Belmont County

Barnesville vicinity, *Barnesville Petroglyph*, southwest of Barnesville (7–15–74).

Brown County

Aberdeen vicinity, *Aberdeen Mound*, north of Aberdeen (7–15–74).
Fincastle vicinity, *Eagle Township Works I Mound*, southeast of Fincastle.
Ripley vicinity, *Rankin, John, House*, east of Ripley, Liberty Hill.

Butler County

Fairfield vicinity, *Pleasant Run Mounds*.
Hamilton, *Anderson-Shafer House*, 404 Ross Avenue (1–18–74).
Hamilton, *Benninghofen House*, 327 North Second Street.
Hamilton, *Lane-Hooven House*, 319 North Third Street (10–25–73).
Hamilton vicinity, *Fairfield Township Works I*, northeast of Hamilton.
Hamilton vicinity, *Fortified Hill Works*, west of Hamilton (7–12–74).
Jacksonburg vicinity, *Mann Mound (Leslie Mound)*, north of Jacksonburg.
Middletown vicinity, *Great Mound*, west of Middletown.
Millville vicinity, *Cochran Farm*, 2900 Ohio 129 (7–16–73).
Oxford, *Fisher Hall (Oxford Female College)*, Miami University campus.
Oxford, **McGuffey, William H., House*, 401 East Spring Street.
Oxford, *Elliott and Stoddard Halls, Miami University*, Miami University campus.
Oxford vicinity, *DeWitt, Zachariah Price, Cabin*, east of Oxford off U.S. 73.
Oxford vicinity, *Unzicker-Cook House*, 2975 Oxford-Middletown Road (7–24–74).
Pisgah vicinity, *Union Township Works II*, south of Pisgah.
Ross vicinity, *Shaw Farm*, 3357 Cincinnati-Brookville Road (7–24–74).

Carroll County

Carrollton, *Carroll County Courthouse*, Courthouse Square (10–22–74).
Carrollton, *McCook, Daniel, House*, Public Square.
Carrollton vicinity, *Petersburg Mill*, 4.3 miles south of Carrollton on Ohio 322.
Minerva, *Minerva Grade School*, southeast corner of West Line Street and Grant Boulevard (10–15–73).

Champaign County

Mechanicsburg vicinity, *Potter, Carl, Mound*, southwest of Mechanicsburg (8–13–74).
Saint Paris, *Monitor House*, 375 West Main Street (5–2–74).
Urbana, Ward, *John Q. A., House*, 335 College Street (7–30–74).

Clark County

Enon, *Enon Mound*.
Springfield, *Arcade Hotel*, Fountain Avenue and High Street (10–16–74).
Springfield, *Bushnell-Foos Historic District*, 810 and 838 East High Street.
Springfield, *East High Street District*, roughly bounded by E. High, S. Sycamore and Walnut Streets (10–9–74).
Springfield, *Municipal City Building (City Hall)*, South Fountain Avenue between High and Washington Streets.
Springfield, *Pennsylvania House*, 1311 West Main Street.
Springfield, *Westcott House*, 1340 East High Street (7–24–74).
Springfield vicinity, *Brewer Log House*, 2665 Old Springfield Road (8–13–74).
Springfield vicinity, *Newlove Works*, east of Springfield.

Clermont County

Bantam vicinity, *Pinkham Farm*, northwest of Bantam off Ohio 125 (7–23–73).
Milford vicinity, *Gatch Site*, S of Milford (10–15–74).
Neville vicinity, *Edginton Mound*, east of Neville (7–15–74).
Neville vicinity, *Ferris Site*, N of Neville off U.S. 52 (10–29–74).
Neville vicinity, *Schafer House*, east of Neville off U.S. 52 (5–13–74).
Neville vicinity, *Snead Mound*, off U.S. 52 (7–30–74).
Perintown vicinity, *Stonelick Covered Bridge*, E of Perintown (9–10–74).
Point Pleasant vicinity, *Clarke Farm Site*, south of Point Pleasant (11–19–74).

Clinton County

Clarksville vicinity, *Pansy Methodist Church and Pansy School District*, south of Clarksville on Ohio 730.
Martinsville vicinity, *Martinsville Road Covered Bridge*, W of Martinsville (9–10–74).
Wilmington, *College Hall*, east of College Street between Douglas Street and Pfe Avenue on Wilmington College campus.
Wilmington vicinity, *Cowan Creek Circular Enclosure*, southwest of Wilmington (7–15–74).

Columbiana County

East Liverpool, **The Beginning Point of the U.S. Public Land Survey*, on the Ohio-Pennsylvania boundary (also in Beaver County, Pa.).
East Liverpool, *East Liverpool Pottery*, southwest corner of Second and Market Streets.
East Liverpool, *Thompson, Cassius Clark, House*, 305 Walnut Street.
East Liverpool vicinity, *Gaston's Mill-Lock No. 36, Sandy and Beaver Canal District*, northwest of East Liverpool in Beaver Creek State Forest (5–23–74).
Salem, *Street, John, House*, 631 North Ellsworth Avenue (10–10–73).
West Point vicinity, *Morgan, John H., Surrender Site*, 3.1 miles west of West Point on Ohio 518.

Coshocton County

Coshocton, *Coshocton County Courthouse*, Courthouse Square.
Coshocton, *Johnson-Humrickhouse House*, 302 S. Third Street (10–9–74).
Coshocton, *Roscoe Village*.

Crawford County

Bucyrus, *Picking, D., and Company*, 119 South Walnut Street (7–11–74).
Bucyrus, *Scroggs House*, 202 S. Walnut Street (10–9–74).
Crestline, *Crestline City Hall*, 121 West Bucyrus Street (5–8–74).

Cuyahoga County

Bay Village, *Bay View Hospital*, 23200 Lake Road (8–27–74).
Berea, *Whitney, George W., House*, 330 S. Rocky River Drive (10–22–74).
Bratenahl, *Gwinn Estate*, 12407 Lake Shore Boulevard (10–1–74).
Bratenahl, *Hanna, Howard M. Jr., House*, 11505 Lake Shore Boulevard (7–24–74).
Brecksville, *Brecksville Town Hall*, Public Square.
Chagrin Falls, *Chagrin Falls Township Hall*, 83 N. Main Street (10–1–74).
Chagrin Falls, *Chagrin Falls West Side District*, bounded by West Washington, Church, Maple and Franklin Streets (10–9–74).
Cleveland, *Adelbert Hall*, 2040 Adelbert Road (10–30–73).
Cleveland, *Bingham Company Warehouse*, 1278 West Ninth Street (11–2–73).
Cleveland, *Carton Building*, 812 Huron Road SE. (10–30–73).
Cleveland, *Cleveland Arcade*, 401 Euclid Avenue.
Cleveland, *Cleveland Grays Armory*, 1234 Bolivar Road.
Cleveland, *Cleveland Trust Company*, 900 Euclid Avenue at East Ninth Street (11–26–73).
Cleveland, *Cozad, Justus L., House*, 11508 Mayfield Road (1–18–74).
Cleveland, *Cuyahoga Building*, 216 Superior Avenue NE. (12–31–74).
Cleveland, *Detroit-Superior High Level Bridge*, between Detroit and Superior Avenues (1–9–74).
Cleveland, *Division Avenue Pumping Station*, Division Avenue and West 45th Street (1–18–74).
Cleveland, *Dunham Tavern*, 6709 Euclid Avenue (7–25–74).
Cleveland, *Garfield Memorial*, 12316 Euclid Avenue in Lakeview Cemetery.
Cleveland, *Hoyt Block*, 608 West St. Clair (1–18–74).
Cleveland, *Mather, Flora Stone, College District*, Bellflower Road at Ford Drive (2–15–74).
Cleveland, *Mather, Samuel, Mansion (University Hall, Cleveland State University)*, 2605 Euclid Avenue.
Cleveland, *May Company*, 158 Euclid Avenue (1–18–74).
Cleveland, *Merwin, George, House*, 3028 Prospect Avenue.
Cleveland, *Miles Park*, Miles Park Avenue (5–17–74).
Cleveland, *Newburgh Town Hall*, 9213 Miles Road (10–30–73).
Cleveland, *North Presbyterian Church*, 4001 Superior Avenue (10–29–74).
Cleveland, *North Union Shaker Site*, in Shaker and Cleveland Heights between North Park and South Park boulevards (8–13–74).
Cleveland, *Northern Ohio Lunatic Asylum*, 4455 Turney Road (10–30–73).

Cleveland, *Ohio City Preservation District*, bounded by W. 26th, Clinton, W. 38th, and Carroll Streets (10–9–74).
Cleveland, *Old Federal Building (and Post Office)*, 201 Superior Avenue NE. (5–3–74).
Cleveland, *Old Stone Church*, 91 Public Square.
Cleveland, *Perry-Payne Building*, 740 Superior Avenue (7–16–73).
Cleveland, *Prospect Avenue Row House Group*, 3645–3657 Prospect Avenue (3–27–74).
Cleveland, *Rockefeller Building*, 614 Superior Avenue.
Cleveland, *St. Ignatius High School*, 1911 West 30th Street (1–21–74).
Cleveland, *St. John's Episcopal Church*, 2600 Church Street.
Cleveland, *St. Michael the Archangel Catholic Church*, 3114 Scranton Road (1–18–74).
Cleveland, *St. Theodosius Russian Orthodox Cathedral*, 733 Starkweather Avenue (1–18–74).
Cleveland, *Schweinfurth, Charles, House*, 1951 East 75th Street.
Cleveland, *Sterling School*, 2104 East 30th Street (2–25–74).
Cleveland, *The Temple (Tifereth Israel Society)*, University Circle at Silver Park (8–30–74).
Cleveland, *Trinity Cathedral*, Euclid Avenue and East 22d Street.
Cleveland, *Union Club*, 1211 Euclid Avenue (2–15–74).
Cleveland, *Wade Memorial Chapel*, 12316 Euclid Avenue (Lakeview Cemetery).
Cleveland, *Western Reserve Building*, 1468 West Ninth Street (10–30–73).
Cleveland, *West Side Market*, Loraine Avenue and West 24th Street (12–18–73).
Cleveland, *White, Henry P., House*, northwest corner of Euclid Avenue and East 90th Street (7–16–73).
Cleveland, *Winslow Block (Upson-Walton and Company; Samsel Rope and Marine Supply Company)*, 1310 Old River Road (West 11th Street) (1–21–74).
Cleveland Heights, *Burdick, Harold B., House*, 2424 Stratford Road (9–17–74).
Cleveland Heights, *Overlook Road Carriage House District*, 2141 Kenilworth, 2141, 2171, and 2187 Overlook Road (5–6–74).
Cleveland Heights, *Tremaine-Gallagher Residence*, 3001 Fairmount Boulevard (10–30–73).
Independence, *Kuenzer, Joseph II, House*, 2345 Rockside Road (8–13–74).
Lakewood, *Clifton Park Lakefront District*, roughly bounded by Clifton Boulevard, Rocky River, Lake Erie, and Webb Road (11–20–74).
Mayfield Village, *Old Center School*, 784 S.O.M. Center Road.
Middleburg Heights, *Old District 10 Schoolhouse*, corner of Cheldon and Fry Roads (10–15–73).
North Olmsted vicinity, *Fort Hill*, east of North Olmstead off Ohio 252 (7–25–74).
Rocky River-Lakewood, *Detroit Avenue Bridge*, Detroit Avenue at the Rocky River.
Seven Hills, *Froelich, John, House*, 7095 Broadview Road (7–30–74).
Shaker Heights, *Warren, Moses, House*, 3535 Ingleside Road (10–22–74).
Solon, *Gilbert, Calvin, House*, 6344 SOM Center Road (12–4–74).
South Euclid, *Telling, William E., House*, 4645 Mayfield Road (10–16–74).
Valley View Village, **Ohio and Erie Canal*, Ohio 631.

Darke County

Fort Jefferson, *Fort Jefferson Site*, Ohio 121.

Delaware County

Delaware, *Delaware County Courthouse*, North Sandusky and Central.
Delaware, *Elliott Hall, Sturges Library, and Merrick Hall*, Ohio Wesleyan University campus.
Delaware vicinity, *Ufferman Site*, north of Delaware (7–24–74).
Galena vicinity, *Spruce Run Earthworks*, south of Galena (7–16–73).
Olive Green vicinity, *Chambers Road Covered Bridge*, northeast of Olive Green on CR 63 (11–21–74).
Worthington vicinity, *Highbank Park Works*, east bank of Olentangy River (2–15–74).

Erie County

Kelleys Island, *Inscription Rock*, on Water Street off Ohio 575.
Milan, *Andrews, Ebenezer, House*, 200 South Main Street (7–25–74).
Milan, **Edison, Thomas Alva, Birthplace*.
Milan, *Jenkins-Perry House*, 37 W. Front Street (10–29–74).
Milan, *Lockwood, J. C., House*, 30 Edison Drive (12–4–74).
Sandusky, *Erie County Office Building*, 1202 Sycamore Line (11–20–74).
Sandusky, *Mad River Block*, 1002–1018 W. Adams (10–16–74).
Sandusky, *Sycamore School*, 3d and Sycamore Streets (11–19–74).
Vermilion, *Vermilion Town Hall*, 736 Main Street (11–20–74).

Fairfield County

Carroll vicinity, *Coon Hunters Mound*, southwest of Carroll (5–2–74).
Carroll vicinity, *Ety Enclosure*, northeast of Carroll (7–12–74).
Carroll vicinity, *Ety Habitation Site*, northeast of Carroll (7–12–74).
Carroll vicinity, *Old Maid's Orchard Mound*, west of Carroll (7–15–74).
Lancaster, *Bush, Samuel, House*, 1934 Cold Spring Drive (10–1–74).
Lancaster, **Sherman, John, Birthplace*, 137 East Main Street.
Lancaster, *Square 13 Historic District*.
Lancaster vicinity, *Chestnut Ridge Farm*, southwest of Lancaster off U.S. 22.
Lancaster vicinity, *Concord Hall*, 1445 Cincinnati-Zanesville Road SW.
Lancaster vicinity, *Wollow Lane Farm*, southwest of Lancaster on U.S. 22.
Lockville, *Lockville Canal Locks*, off Pickerington-Lockville Road (9–10–74).
Pickerington vicinity, *Fortner Mounds, I, II*, northeast of Pickerington (7–12–74).
Rushville vicinity, *Winegardner Village*, northwest of Rushville (7–30–74).
Tarlton vicinity, *Tarlton Cross Mound*, north of Tarlton.

Fayette County

Washington Court House, *Fayette County Courthouse*, 517 Columbus Avenue (7–2–73).
Washington Court House, *Sharp, Morris, House*, Columbus Street (1–21–74).

Franklin County

Canal Winchester vicinity, *Bergstresser Covered Bridge*, south of Canal Winchester off Ohio 674 (5–3–74).
Central College vicinity, *Squire's Glen Farm*, 6770 Sunbury Road (8–13–74).
Columbus, *Camp Chase Site*, 2900 Sullivant Avenue.
Columbus, *Campbell Mound*, McKinley Avenue.
Columbus, *Coe Mound*, west of High Street (7–18–74).
Columbus, *Columbus Country Club Mound*, 4831 East Broad Street (2–15–74).
Columbus, *Davis, Samuel, House*, 4264 Dublin Road (2–15–74).
Columbus, *Fort Hayes*, Cleveland Avenue and Interstate 71.
Columbus, *Franklin Park Conservatory*, 1547 East Broad Street, Franklin Park (1–18–74).
Columbus, *Franklinton Post Office (Deardurf, David, House)*, 72 South Gift Street.
Columbus, *German Village*, roughly bounded by Livingston Avenue, Pearl Alley, Nursery Lane, Blackberry Alley, and Lathrop Street (12–30–74).
Columbus, *Harrison, General William Henry, Headquarters (Jacob Oberdier House)*, 570 West Broad Street.
Columbus, *Hayes and Orton Halls, The Ohio State University*, The Oval.
Columbus, *Jackson Fort*, Westerville Road (12–16–74).
Columbus, *Ohio Asylum for the Blind*, 240 Parsons Avenue (7–26–73).
Columbus, *Ohio Stadium*, 404 West 17th Avenue (3–22–74).
Columbus, *Ohio State Arsenal*, 139 West Main Street (7–18–74).
Columbus, *Ohio Statehouse*, southeast corner of Broad and High Streets.
Columbus, *Ohio Theatre*, 39 East State Street.
Columbus, *Old Governor's Mansion*, 1234 East Broad Street.
Columbus, *Old, Old Post Office (U.S. Post Office and Courthouse)*, 121 East State Street (11–28–73).
Columbus, *Peruna Drug Manufacturing Co. Building*, 115 East Rich Street.
Columbus, *Smith, Benjamin, House*, 181 East Broad Street.
Columbus, *Sullivant, Lucas, Building*, 714 West Gay Street.
Columbus, *Toledo & Ohio Central Railroad Station*, 379 West Broad Street.
Columbus, *Union Station Entrance*, 348 North High Street (1–17–74).
Columbus, *Wyandotte Building*, 21 West Broad Street.
Columbus vicinity, *Hartley Mound*, north of Columbus (7–15–74).
Columbus vicinity, *Hartman Stock Farm Historic District*, S of Columbus on U.S. 23 (10–9–74).
Dublin vicinity, *Holder-Wright Works* (2–15–74).
Galloway vicinity, *Galbreath, John, Mound*, west of Galloway (7–15–74).
Georgesville vicinity, *Cannon, Tom, Mound*, north of Georgesville (5–2–74).
Westerville, *Hart, Gideon, House*, 732 Hempstead Road (8–14–73).
Westerville, *Hanby House*, 160 West Main Street.
Westerville, *Towers Hall, Otterbein College*, West Main and Grove Streets, Otterbein College campus.
Worthington, *Johnson, Orange, House*, 956 High Street.
Worthington, *New England Lodge*, 634 North High Street.
Worthington, *Snow, John, House*, 41 West New England Avenue (7–26–73).
Worthington, *Worthington Manufacturing Company Boarding House*, 25 Fox Lane.
Worthington vicinity, *Jeffers, H.P., Mound*, west of Worthington (5–2–74).

Fulton County

Wauseon, *Fulton County Courthouse*, South Fulton and Chestnut Streets.

Gallia County

Gallipolis, *Our House*, 434 First Avenue.

Greene County

Cedarville vicinity, *Pollock Works*, west of Cedarville.
Cedarville vicinity, *Reid, Whitelaw, House*, southwest of Cedarville at 2587 Conley Road.
Cedarville vicinity, *Williamson Mound State Memorial*, northwest of Cedarville.
Clifton vicinity, *Whiteman, Benjamin House*.
Fairborn vicinity, *Huffman Field*, Wright-Patterson Air Force Base, 1 mile southwest of Fairborn.
Fairborn vicinity, *Wright Brothers Memorial Mound Group*, Skyline Drive (2–12–74).

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Fairborn vicinity, *Wright-Patterson Air Force Base Mound*, Area B, P Street between Seventh and Eighth Streets.
Wilberforce, *Homewood Cottage (Hallie Q. Brown House)*, on Brush Row Road, immediately northwest of the Post Office.
Wilberforce, *President's House, Central State University (Scarborough, William, House)*, southeast side of Brush Row Road, just southeast of the Post Office.
Wilberforce, **Young, Colonel Charles, House*, Columbus Pike between Clifton and Stevenson roads.
Xenia, *Bank of Xenia*, northeast corner of Detroit and East Second Streets.
Xenia, *E. 2nd Street District*, 235 East Second Street (Hivling-Kinney House) and 209–213–215 East Second Street (John Allen House).
Yellow Springs vicinity, *Orators Mound*, east of Yellow Springs (7–15–74).

Geauga County

Burton, *Burton Village Historic District*, surrounding Public Square (11–20–74).
Chardon, *Chardon Courthouse Square District*, roughly bounded by Public Green, Main and Center Streets (10–18–74).
Claridon, *Claridon Congregational Church*, U.S. 322 (8–13–74).
East Claridon, *Hathaway, Lot, House*, 12236 Old State Road (10–16–74).

Guernsey County

Cambridge, *Guernsey County Courthouse*, Courthouse Square (7–16–73).
Old Washington vicinity, **S Bridge, National Road*, 4 miles east of Old Washington on U.S. 40.

Hamilton County

Cincinnati, *Albee Theater*, 13 East Fifth Street.
Cincinnati, *Apostolic Bethlehem Temple Church*, 1205 Elm Street.
Cincinnati, *Benham Mound*, Grand Vista Avenue (7–30–74).
Cincinnati, *Cary Cottage*, 7000 Hamilton Avenue.
Cincinnati, *Cincinnati City Hall*, 801 Plum Street.
Cincinnati, *Cincinnati Music Hall*, 1243 Elm Street.
Cincinnati, *Cincinnati Union Terminal*, 1301 Western Avenue.
Cincinnati, *Court Street Firehouse*, 311 West Court Street (7–18–74).
Cincinnati, *Covenant-First Presbyterian Church*, Eighth and Elm Streets.
Cincinnati, *Cox, George B., House (Parkview)*, Brookline and Jefferson Avenues (11–6–73).
Cincinnati, *Cuvier Press Club*, 22 Garfield Place.
Cincinnati, *Dayton Street Historic District*, bounded on the north by Bank Street, on the east by Linn Street, and on the south by Poplar Street, and on the west by Winchell Avenue.
Cincinnati, *Delta Queen* (steamboat), Public Landing.
Cincinnati, *Fenwick Club Annex*, 426 East Fifth Street.
Cincinnati, *Findley Market Building*, Esplanade at Elder Street, between Elm and Race Streets.
Cincinnati, *Goshorn, Sir Alfred T., House*, 3504 Clifton Avenue.
Cincinnati, *Langdon House*, 3626 Eastern Avenue.
Cincinnati, *Lloyd, John Uri, House*, 3901 Clifton Avenue.
Cincinnati, *Moormann, Bernard H., House*, 1514 East McMillan Street.
Cincinnati, *Morrison House*, 750 Ludlow Avenue.
Cincinnati, *Mount Auburn Historic District*.
Cincinnati, **Pendleton, George Hunt, House*, 559 East Liberty Street.
Cincinnati, *Pittman, Benn, House*, 1852 Columbia Parkway.
Cincinnati, *Plum Street Temple*, Eighth and Plum Streets.
Cincinnati, *Probasco, Henry, House*, 430 West Cliff Lane.
Cincinnati, *Rawson House*, 3767 Clifton Avenue (7–24–73).
Cincinnati, *Resor, William, House*, 254 Greendale Avenue.
Cincinnati, *Rookwood Pottery*, Celestial and Rookwood Place.
Cincinnati, *St. Francis de Sales Church Historic District*, Woodburn Avenue and Madison Road (3–1–74).
Cincinnati, *St. Paul Church Historic District*, bounded roughly by Spring and 12th Streets, and Dodt Alley (1–18–74).
Cincinnati, *St. Peter-in-Chains Cathedral*, 325 West Eighth Street.
Cincinnati, *Sacred Heart Academy*, 525 Lafayette.
Cincinnati, *Sayler House*, 6901 Gracely Drive (12–4–73).
Cincinnati, *Scarlet Oaks*, 440 Lafayette Avenue.
Cincinnati, *Stowe House*, 2950 Gilbert Avenue.
Cincinnati, *Taft Museum (Baum, Martin, House)*, 316 Pike Street.
Cincinnati, *Waldschmidt-Camp Donnison District*, 7509 and 7567 Glendale-Millford Road.
Cincinnati, *Westwood Town Center Historic District*, Epworth and Harrison Avenues (12–2–74).
Cincinnati, *William Howard Taft National Historic Site*, 2038 Auburn Avenue.
Cincinnati, *Worth, Gorham A., House*, 2316 Auburncrest Avenue.
Cincinnati vicinity, *Clough Creek and Sand Ridge Archaeological District*, Elstun Road (10–1–74).
Cincinnati vicinity, *Hill, Jediah, Covered Bridge*, 7 miles north of Cincinnati off U.S. 127 on Covered Bridge Road.
Cincinnati vicinity, *Miller-Leuser Log House*, Clough Pike and Newtown Road (8–30–74).
Cincinnati vicinity, *Turpin Site*, east of Cincinnati (12–27–74).
Cleves vicinity, *Shawnee Lookout Archeological District*, southwest of Cleves (12–2–74).
Elizabethtown vicinity, *Fort Hill (Fort Miami)*, south of Elizabethtown.
Greenhills, *Whallon, James, House*, 11000 Winton Road.
Mariemont, *Mariemont Embankment and Village Site*, Mariemont Avenue and Miami Bluff Road (10–16–74).
Montgomery, *Universalist Church Historic District*, Montgomery Road from 9433 north to Remington Avenue.
Mount Nebo, *William Henry Harrison Tomb*, Ohio 128.
New Haven vicinity, *Whitewater Shaker Settlement*, 11813, 11347, and 11081 Oxford Road (1–21–74).
Newtown vicinity, *Hahn Field Archeological District*, off Ohio 32 (10–29–74).
Newtown, *Odd Fellows' Cemetery Mound*.
Norwood, *Norwood Mound*, east of Indian Mound Avenue (5–2–74).
Saylor Park, *Short Woods Park Mound*, 7036 Fernbank Avenue (10–1–74).
Springdale vicinity, *Becker House*, 179 West Crescentville Road (7–18–74).

Hancock County

Findlay, *Hancock County Courthouse*, Courthouse Square.
Findlay, *Hull, Jasper, G., House*, 422 W. Sandusky Street (8–14–73).
Napoleon, *Henry County Courthouse*, corner of North Perry and East Washington Streets.

Hardin County

Roundhead vicinity, *Zimmerman Kame*, northeast of Roundhead (7–30–74).

Harrison County

Cadiz, *Harrison County Courthouse*, Courthouse Square (7–18–74).

Highland County

Marshall vicinity, *Rocky Fort Park Group*, northwest of Marshall.
Hillsboro vicinity, *Fort Hill*, 18 miles southeast of Hillsboro on Ohio 41.
Pricetown vicinity, *Workman Works*, south of Pricetown.
Rainsboro vicinity, *Barretts Mills*, southeast of Rainsboro.
Rainsboro vicinity, *Rocky Fork Park Site*, southwest of Rainsboro (5–2–74).

Hocking County

Haydenville, *Haydenville Historic Town*.
Laurelville vicinity, *Davis Works*, southeast of Laurelville (7–15–74).
Laurelville vicinity, *Deffenbaugh, George, Mound*, northeast of Laurelville (7–15–74).
Laurelville vicinity, *Karshner Mound*, southeast of Laurelville (7–15–74).
Laurelville vicinity, *Ross, Edith, Mound*, north of Laurelville.
Mount Vernon, *Knox County Courthouse*, High Street.

Holmes County

Millersburg, *Brightman House*, Wooster Road and Walnut (10–29–74).
Millersburg, *Holmes County Courthouse and Jail*, Courthouse Square (7–25–74).

Huron County

Bellevue vicinity, *Wright, John, Mansion*, east of Bellevue on Ohio 113 (7–15–74).
Monroeville, *Brown, Seth, House*, 29 Brown Street (5–3–74).
Monroeville, *Hosford, John, House*, 64 Sandusky Street (5–3–74).
Monroeville, *Zion Episcopal Church*, Ridge Street at Monroe Street (5–3–74).
Norwalk, *Huron County Courthouse and Jail*, East Main Street and Benedict Avenue (7–12–74).
Norwalk, *West Main Street District*, in an irregular pattern, both sides of West Main Street for six blocks from west edge of business district (2–27–74).

Jackson County

Coalton vicinity, *Leo Petroglyph*, northwest of Coalton.
Jackson vicinity, *Buckeye Furnace*, east of Jackson.

Jefferson County

Mount Pleasant, *Friends Meetinghouse*, near Ohio 150.
Mt. Pleasant, **Lundy, Benjamin, House*, Union and Third streets.
Mount Pleasant, *Mount Pleasant Historic District*, roughly bounded by Third, North, High, and South Streets (6–28–74).
Rayland, *Stringer Stone House*, 224 Warren Street (7–10–74).
Steubenville, *Federal Land Office*, at U.S. 22 and Ohio 7.

Knox County

Fredericktown vicinity, *Braddock Mound and Works*, east of Fredericktown.
Mount Liberty, *Mount Liberty Tavern*, U.S. 36 (5–3–74).
Mount Vernon, *Pennsylvania Depot*, South Main Street.
Mt. Vernon vicinity, *McLaughlin Mound*, south of Mt. Vernon.

Lake County

Fairport Harbor, *Fairport Marine Museum*, 129 Second Street.

Kirtland, *Kirtland Temple*, 9020 Chillicothe Road.
Kirtland, *Old South Church*, 9002 Chillicothe Road (9–20–73).
Madison, *Kimball, Lemuel (II)*, House, 467 W. Main Street (10–15–74).
Madison vicinity, *Madison Fort*, southeast of Madison (7–30–74).
Mentor, *Corning-White House*, 8353 Mentor Avenue.
Mentor, **Garfield, James A., Home, Lawnfield*, 1059 Mentor Avenue.
Mentor vicinity, *Sawyer-Wayside House*, 9470 Mentor Avenue (10–29–74).
Painesville, *Administration Building, Lake Erie College*, 391 West Washington Street.
Painesville, *Lutz' Tavern (Rider Tavern)*, 792 Mentor Avenue.
Painesville, *Mathews House*, 309 West Washington Street.
Painesville, *Octagon House*, 1615 Mentor Avenue (7–25–74).
Painesville, *Painesville City Hall*, 7 Richmond Street.
Painesville, *Secley, Uri, House*, 969 Riverside Drive (8–14–73).
Painesville, *Sessions House (Tuscan House)*, 157 Mentor Avenue (8–14–73).
Painesville, *Smead House*, 187 Mentor Avenue (11–21–74).
Painesville vicinity, *Indian Point Fort*, east of Painesville (7–30–74).
Unionville, *Connecticut Land Company Office*, 7071 East Main Street (8–14–73).
Unionville, *Unionville Tavern*, on Ohio 84 (7–23–73).

Licking County

Brownsville vicinity, *Flint Ridge*, north of Brownsville.
Granville, *The Buxton Inn*, 313 East Broadway.
Granville vicinity, *Alligator Effigy Mound*, east of Granville.
Heath vicinity, *Ohio Canal Ground Breaking Site*, Ohio 79.
Homer, *Dixon Mound*.
Newark, *Home Building Association Bank*, 6 West Main Street.
Newark, *Licking County Courthouse*, Courthouse Square.
Newark, **Newark Earthworks*, Mound Builders State Memorial.
Utica vicinity, *McDaniel Mound*, west of Utica (5–2–74).
Utica vicinity, *Melick Mound*, south of North Fork Licking River (3–27–74).

Logan County

Bellefontaine, *First Concrete Street in the United States*, Court Avenue (2–25–74).
Bellefontaine, *Logan County Courthouse*, Public Square.
Huntsville vicinity, *Dunns Pond Mound*, northwest of Huntsville (7–30–74).
Russells Point vicinity, *Lake Ridge Island Mounds*, NE of Russells Point, on OH 368 (10–16–74).

Lorain County

Avon, *Hurst, William E., House*, 33065 Detroit Avenue (9–11–74).
Elyria, *Garford, Arthur L., House*, 509 Washington Avenue (12–30–74).
Elyria, *Monteith Hall*, 218 East Avenue (10–9–74).
North Ridgeville, *North Ridgeville City Hall*, Center Ridge Road (12–30–74).
Oberlin, *Congregational Church of Christ*, West Lorain and North Main Streets (8–13–74).
Oberlin, **Oberlin College*, Tappan Square.
Oberlin, *Westervelt Hall*, South Main Street (5–3–74).
Wellington, *Wellington Center Historic District*, Main Street and Herrick Avenue (11–21–74).

Lucas County

Maumee, *First Presbyterian Church of Maumee Chapel*, 200 East Broadway (8–14–73).
Maumee, *Governor's Inn*, 301 River Road (10–18–74).
Maumee, *House of Four Pillars*, 332 East Broadway (7–16–73).
Maumee, *Hull-Wolcott House*, 1031 River Road.
Maumee, *Maumee Historic District*, bounded roughly by Allen, W. Harrison, Rosamond, West Broadway, Cass, and West Dudley (1–18–74).
Maumee, *Maumee Sidecut*, north of the Maumee River and southwest of Ewing Island.
Maumee vicinity, **Fallen Timbers Battlefield*, 2 miles west of Maumee on U.S. 24.
Providence, *Ludwig, Isaac R., Historical Mill*, Mill Road in Providence Park (6–28–74).
Toledo, *Fort Industry Square* (7–23–73).
Toledo, *Lucas County Courthouse and County Jail*, Courthouse Square and 810–814 Jackson Street.
Toledo, *Neukom, Albert, House*, 301 Broadway (3–4–71).
Toledo, *Old Central Post Office*, 13th Street between Madison and Jefferson Avenues.
Toledo, *Old West End District*.
Toledo, *Philipps, Henry, House*, 220 Columbia.
Toledo, *Pythian Castle (Bleckner Music Company)*, 801 Jefferson Avenue.
Toledo, *St. Patrick's Catholic Church*, 13th Street and Avondale Avenue.
Toledo, *Successful Sales Co. (Oliver House)*, 27 Broadway.
Toledo, *Toledo City Market (city of Toledo Service Building)*, 237 South Erie Street.
Toledo, *Toledo News-Bee Building*, 604 Jackson Street.
Waterville, *Columbian House*, River and Farnsworth Roads.
Waterville vicinity, *Interurban Bridge*, 1 mile south of Waterville, across Maumee River.

Madison County

London, *Madison County Courthouse*, Public Square.
Mount Sterling, *Mount Sterling Historic District*, both sides of London Street (10–1–74).
Somerford vicinity, *Wilson, Valentine, House*, about 1 mile north of Somerford off I–70.
West Jefferson vicinity, *Skunk Hill Mounds*, south of West Jefferson (7–30–74).

Mahoning County

Canfield, *Newton, Judge Eben, House*, 105 North Broad Street (7–18–74).
Canfield, *Old Mahoning County Courthouse*, 7 Court Street (10–7–74).
Canfield vicinity, *Neff, Conrad, House*, 3967 Canfield-Boardman Road (10–9–74).
Coitsville Township, **McGuffey (William H.) Boyhood Home Site*, McGuffey Road, near Ohio 616.
Poland, *South Main Street District*, both sides of S. Main Street (10–1–74).
Youngstown, *Arlington Avenue District*, 304–373 Arlington Avenue (8–13–74).
Youngstown, *Butler Institute of American Art*, 524 Wick Avenue (10–29–74).
Youngstown, *Lanterman Mill*, Canfield Road (U.S. 62) in Mill Creek Park (7–10–74).
Youngstown, *Mahoning County Courthouse*, 120 Market Street (8–13–74).
Youngstown, *Rayen School*, 222 Wick Avenue (10–22–74).
Youngstown, *Wick Avenue Historic District*, bounded by Wick Avenue, Bryson Street, Expressway, Spring Street, and Wick Oval (11–20–74).
Youngstown vicinity, *Austintown Log House*, west of Youngstown on Raccoon Road (7–30–74).

Marion County

Marion, **Harding, Warren G., Home*, 380 Mount Vernon Avenue.
Marion, *Marion County Courthouse*, Courthouse Square (7–25–74).

Medina County

Medina, *Medina County Courthouse*, Liberty Street and Broadway, Public Square.
Medina vicinity, *Blakslee, Burritt, House*, 3756 Fenn Road (12–4–74).
Wadsworth, *St. Mark's Episcopal Church (Wadsworth Congregational Church)*, 146 College Street.

Meigs County

Alfred vicinity, *Reeves Mound*, north of Alfred (7–15–74).
Chester vicinity, *Mound Cemetery Mound*, north of Chester (5–2–74).
Pomeroy vicinity, *Buffington Island*, 20 miles east of Pomeroy on Ohio 124, Lebanon Township.

Mercer County

Fort Recovery Site, Fort Recovery on Ohio 49.

Miami County

Lockington and vicinity, *Lockington Locks Historical Area*.
Piqua, *Fort Piqua Hotel (Plaza Hotel, The Favorite Hotel)*, 114 West Main Street (2–15–74).
Piqua vicinity, *Piqua Historical Area State Memorial (John Johnston Farm and Indian Agency)*, 1 mile north of Piqua.

Montgomery County

Brookville, *Spitler, Samuel, House*, 15 Hay Avenue (9–28–73).
Centerville, *Centerville Historic District*, irregular pattern at Franklin and Main Street (12–17–74).
Centerville vicinity, *Watkins House*, 9950 Lebanon Pike (12–24–74).
Dayton, *Dayton Art Institute*, Forest and Riverview Avenues (11–19–74).
Dayton, **Dunbar, Paul Laurence, House*, 219 North Summit Street.
Dayton, *Ohmer, Nicholas, House*, 1350 Creighton (10–16–74).
Dayton, *Old Courthouse*, northwest corner of Third and Main Streets.
Dayton, *Pollack, Isaac, House*, 319 West 3d Street (12–16–74).
Dayton, *St. Mary's Hall*, 300 College Park, University of Dayton.
Dayton, *Smith, Edwin, House (Dayton Bicycle Club)*, 131 West 3d Street (8–13–74).
Dayton, *Victory Theater Building*, 138 North Main Street.
Dayton, *Walters, Dr. Jefferson A., House*, 35 East First Street (11–20–74).
Dayton, *Wright, Orville, Laboratory*, 15 North Broadway.
Dayton vicinity, *Lichliter Mound and Village Site*, west of Dayton.
Germantown, *Germantown Covered Bridge*, Center Street, over Little Twin Creek.
Germantown vicinity, *Carlisle Fort*, south of Germantown on Eby Road (2–15–74).
Kettering, *Deeds Barn*, Prugh Park.
Miamisburg, *Weber House*, 120 north Second Street (7–3–74).
Miamisburg vicinity, *Miamisburg Mound*, south of Miamisburg.
Oakwood, *Hawthorn Hill*, Harman and Park Avenues (10–18–74).
Trotwood vicinity, *Wolf Creek Mound*, west of Trotwood.

Morgan County

Stockport vicinity, *Big Bottom*, 1 mile southeast of Stockport on Ohio 266.

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Morrow County

Mount Gilead, *Morrow County Courthouse and Jail*, Courthouse Square (7–25–74).

Muskingum County

Nashport vicinity, *Nashport Mound*, east of Nashport.
New Concord, *Paul Hall*, Layton Drive, Muskinggum College campus.
New Concord vicinity, *"S" Bridge II*, west of New Concord off U.S. 40.
Norwich vicinity, *Salt Creek Covered Bridge* 3 mi. NW of Norwich (9–10–74).
Zanesville, *Muskingum County Courthouse and Jail*, Fourth and Main Streets (7–16–73).
Zanesville, *Y Bridge*, spans the Licking and Muskingum Rivers at Main Street (11–2–73).

Ottawa County

Gibraltar Islands, **Cooke, Jay, Home*, Put-in-Bay, Lake Erie.
Marblehead, *Marblehead Lighthouse*, Ohio 163.
Mineyahta-on-the-Bay, *War of 1812 Battle Site*, East Bay Shore Road, 1 mile west of the junction with T–142.
Port Clinton, *Ottawa County Courthouse*, West Fourth and Madison Streets (5–3–74).
Put-in-Bay, South Bass Island, *Perry's Victory and International Peace Memorial National Monument*.

Paulding County

Paulding, *Paulding County Courthouse*, Courthouse Square (5–3–74).

Perry County

Glenford vicinity, *Glenford Fort*, approximately 0.75 mile south of Glenford.
Somerset vicinity, *Parks Covered Bridge*, N of Somerset on C.R. 33 (9–10–74).

Pickaway County

Circleville vicinity, *Arledge Mounds I and II*, southeast of Circleville (7–30–74).
Circleville vicinity, *Luthor List Mound*, SE of Circleville off Circleville-Kingston Road (10–16–74).
Circleville vicinity, *Mound Oval (Tolbert House)*, off U.S. 23 (7–25–74).
Fox vicinity, *Clemmons, W.O., Mound*, west of Fox (5–2–74).
Tarlton vicinity, *Horn Mound*, southeast of Tarlton (8–7–74).
Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 miles northwest of Williamsport (5–23–74).

Pike County

Morgantown vicinity, *Eager Inn*, north of Morgantown off Ohio 772 (11–8–74).
Piketon, *Friendly Grove*, Ohio 220 east of Piketon.
Piketon, *Piketon Historic District*, bounded by West Street, Third Street, U.S. 23, and the Scioto River (2–28–74).
Piketon vicinity, *Piketon Mounds*, south of Piketon (5–2–74).
Wakefield vicinity, *Scioto Township Works I*, NW of Wakefield off U.S. 23 (10–9–74).

Portage County

Atwater, *Atwater Congregational Church*, 1237 Ohio 183.
Aurora, *Aurora Center Historic District*, roughly both sides of Chillicothe Road from and including Pioneer Trail to Route 82, also Maple Lane (6–20–74).
Aurora, *Howard, C. R., House*, 411 East Garfield (8–13–74).
Aurora vicinity, *Kent, Zeno, House*, 2.5 miles southwest of Aurora on Aurora-Hudson Road.
Kent, *Brown-Kent Tannery*, Stow Street (10–2–73).
Kent, *Kent Industrial District*, roughly bounded by River, Main, and Franklin Streets, and S property line of the Portage Paper Box Co. (12–30–74).
Kent, *Masonic Temple*, 409 West Main Street (7–18–74).
Kent vicinity, *Ferrey, Aaron, House (Winan Snyder House)*, 5058 Sunny Brook Road (8–13–74).
Mantua, *Mantua Station Brick Commercial District*, Main and Prospect Streets (12–24–74).
Mantua Center, *Mantua Center District*, roughly bounded by OH 82 and Mantua Center Road (10–9–74).

Preble County

College Corner vicinity, *Hueston Woods Park Mound*, northeast of College Corner.
Eaton vicinity, *Fort St. Clair Site*, 1 mile west of Eaton.
Eaton vicinity, *Roberts Covered Bridge*, 3 miles south of Eaton.

Putnam County

Ottawa, *Putnam County Courthouse*, Courthouse Square (5–3–74).

Richland County

Bellville, *Bellville Bandstand*, North Bellville Municipal Park (11–26–73).
Lucas vicinity, *Malabar Farm*, southeast of Lucas on Pleasant Valley Road.
Mansfield, *Bushness, Martin, House*, 34 Sturges Avenue (4–26–74).
Mansfield, *Oak Hill Cottage*, 310 Springmill Street.

Ross County

Bainbridge, *Harris, Dr. John, Dental School*, Main Street (7–23–73).
Bainbridge vicinity, *Campbell, T. C., Mound*, southwest of Bainbridge (7–15–74).
Bainbridge vicinity, *Seip Earthworks and Dill Mounds District*, east of Bainbridge (11–10–70).
Bourneville vicinity, *Spruce Hill Works*, east of Bourneville.
Chillicothe, *Canal Warehouse*, northeast corner of East Main and North Mulberry Streets.
Chillicothe, *Chillicothe's Old Residential District*, roughly bounded by Seventh, Walnut, Belevue Avenue, Fourth, and Mulberry Streets (11–23–73).
Chillicothe, *Kendrick-Barrett House*, 475 Western Avenue.
Chillicothe, *Oak Hill*, Dun Road.
Chillicothe, *Renick House, Paine Hill*, 17 Mead Drive.
Chillicothe, *Story Mound State Memorial*, east of Cherokee and Delano Streets.
Chillicothe vicinity, *Brown, Austin, Mound*, northwest of Chillicothe (2–15–74).
Chillicothe vicinity, *Cedar-Bank Works*, north of Chillicothe (2–15–74).
Chillicothe vicinity, *Great Seal State Park Archeological District*, northeast of Chillicothe (12–2–74).
Chillicothe vicinity, *High Banks Works*, southeast of Chillicothe (7–16–73).
Chillicothe vicinity, *Hopewell Mound Group*, west of Chillicothe (2–12–74).
Chillicothe vicinity, *Metzger, Charles, Mound*, northwest of Chillicothe.
Chillicothe vicinity, *Mound City Group National Monument*, 4 miles north of Chillicothe on Ohio 104.
Chillicothe vicinity, *Stitt, David, Mound*, north of Chillicothe.
Frankfort, *Frankfort Works Mound*.
Hopetown vicinity, **Hopeton Earthworks*, near Mound City Group National Monument on U.S. 23.
Scioto Township, *Adena*, Allen Avenue extended.
South Salem vicinity, *Kinzer Mound*, west of South Salem (1–17–74).

Sandusky County

Burgoon vicinity, *Mull Covered Bridge*, E of Burgoon between OH 12 and 53 (10–15–74).
Clyde, *McPherson, Major General James B., House*, 300 East McPherson Highway (10–18–74).
Fremont, *Buckland, Ralph P., House*, 300 South Park Avenue (12–17–74).
Fremont, **Hayes, Rutherford B., Home (Spiegel Grove)*, Hayes and Buckland Avenues.

Scioto County

Otway vicinity, *Otway Covered Bridge*, south of Otway off Ohio 348 (5–3–74).
Portsmouth, *First Presbyterian Church*, 221 Court Street (11–28–73).
Portsmouth, *Horseshoe Mound*, Hutchins Avenue between Grant and 17th Avenues (5–2–74).
Portsmouth, *Kinney, Aaron, House*, Waller Street.
Portsmouth, *Lyric Theatre*, 820 Gallia Street (5–15–74).
Portsmouth vicinity, *Feurt Mounds and Village Site*, north of Portsmouth.
West Portsmouth vicinity, *Tremper Mound and Works*, north of West Portsmouth.

Seneca County

Tiffin, *Founders Hall, Heidelberg College*, Perry Street (Ohio 18).

Shelby County

Lockington Locks Historical Area (see Miami County).
Sidney, *People's Federal Savings & Loan Association*, Public Square, 101 East Court Street at Ohio Avenue.

Stark County

Alliance, *Glamorgan*, 1025 South Union Avenue.
Alliance, *Haines House*, 186 West Market Street (7–30–74).
Alliance, *Mount Union College District*.
Canton, *Wilham McKinley Tomb*, Seventh Street NW.
Massillon, *Five Oaks*, 210 Fourth Street NE.
Massillon, *Spring Hill*, Wales Road NE.

Summit County

Akron, *Fort Island Works*.
Akron, *Hower Mansion*, 60 Fir Hill.
Akron, *Loew's Theatre*, 182 South Main Street (7–16–73).
Akron, *Old Akron Post Office*, 70 East Market Street.
Akron, *Perkins, Colonel Simon, Mansion*, 550 Copley Road (8–13–74).
Akron, *Summit County Courthouse and Annex*, 209 S. High Street (10–15–74).
Akron vicinity, *Goodyear Airdock*, south of Akron at the Akron Airport.
Barberton, *Barber, O. C., Barn No. 1*, 115 Third Street.
Barberton, *Barber, O. C., Colt Barn*, Austin Drive (10–9–74).
Barberton, *Barber, O. C., Creamery*, 365 Portsmouth Avenue.
Barberton, *Barber, O. C., Machine Barn*, Austin Drive (10–9–74).
Barberton, *Barber, O. C., Piggery or "Pork Palace,"* 248 Robinson Avenue.
Bath, *Hale, Jonathan Homestead*, 2686 Oak Hill Road.
Cuyahoga Falls, *Chuckery Race*, George Metropolitan Park.
Hudson, *Hudson Historic District*, roughly bounded by College, Streetsboro, First, and Baldwin Streets (11–28–73).
Northfield Center, *Palmer House*, 9370 Olde Eight Road (8–13–74).
Peninsula, *Peninsula Village Historic District*, irregular pattern along both sides of Ohio 303 (8–23–74).

Peninsula vicinity, *Everett Road Covered Bridge*, southwest of Peninsula, Everett Road at Furnace Creek (5–23–74).
Peninsula vicinity, *Ohio and Erie Canal Deep Lock*, S of Peninsula on Riverview Road (9–9–74).
Sagamore Hills, *McKisson, Robert, House*, 7878 North Gannett Road (12–4–74).
Tallmadge, *Tallmadge Town Square Historic District*, Public Square.
Twinsburg, *Twinsburg Congregational Church*, Twinsburg Public Square (5–3–74).
Twinsburg vicinity, *Herrick, Jonathan, House*, 8327 Darrow Road (7–18–74).
Vinton, Wilkesville vicinity, *Ponn Humpback Covered Bridge*, 4 miles southwest of Wilkesville over Racoon Creek.

Trumbull County

Howland Corners vicinity, *Seely, Dr. John W., House*, 2245 Niles-Courtland Road.
Kinsman, *Congressional-Presbyterian Church*, near Ohio 5–7.
Kinsman, *Darrow, Clarence, Octagon House*, Ohio 5 and 7.
Kinsman vicinity, *Allen, Dr. Peter, House*, Kinsman, West Williamsfield State Road north of the intersection of Ohio 87.
Mesopotamia, *Mesopotamia Village District*, Ohio 534 and 87 (12–24–74).
Newton Falls, *Newton Falls Covered Bridge*, off OH 534 (10–16–74).
North Bloomfield, *Brownwood*, Ohio 45.
Warren, *Mahoning Avenue Historic District*, 241–391 Mahoning Avenue NW.
Warren, *Warren Public Library*, 120 High Street NW.

Tuscarawas County

Bolivar vicinity, *Fort Laurens Site*, south of Bolivar.
Gnadenhutten vicinity, *Gnadenhutten Massacre Site*, 1 mile south of Gnadenhutten.
New Philadelphia, *Schoenbrunn Site*, U.S. 250.
New Philadelphia, *Tuscarawas County Courthouse*, Courthouse Square (7–16–73).
Zoar, *Zoar Historic District*, bounded by Fifth Street on the north, Foltz Street on the east, First Street on the south, and by the rear property lines of those properties fronting on West Street on the west.

Union County

Marysville vicinity, *Ellis Mounds*, northeast of Marysville (7–30–74).

Van Wert County

Van Wert, *Van Wert County Courthouse*, 121 East Main Street (7–30–74).

Vinton County

Zaleski, *Markham Mound*, Webb Hollow Road (5–3–74).
Zaleski, *Ranger Station Mound*, off Ohio 278 (7–15–74).
Zaleski, *Zaleski Methodist Church Mound*, 22 North Broadway (7–15–74).
Zaleski vicinity, *Hope Furnace*, 5 miles northeast of Zaleski on Ohio 278.

Warren County

Franklin vicinity, *Hill-Kinder Mound*, northeast of Franklin.
Harveysburg vicinity, *Lukins-Plummer House*, west of Harveysburg off Middletown Road (6–5–74).
Lebanon, *Glendower*, U.S. 42.
Lebanon vicinity, **Fort Ancient*, 7 miles southeast of Lebanon on Ohio 350, Fort Ancient State Memorial.
Oregonia vicinity, *Bone Mound II*, northwest of Oregonia (7–15–74).
Oregonia vicinity, *Bone Stone Graves*, northwest of Oregonia (7–15–74).

Washington County

Marietta, *Erwin Hall*, Fifth Street, Marietta College campus.
Marietta, *First Unitarian Church of Marietta*, 232 Third Street (10–3–73).
Marietta, *Harmar Historic District*, roughly bounded by the Ohio and the Muskingum Rivers, and the rear property line of Lancaster, George, and Franklin Streets (12–19–74).
Marietta, *Marietta Historic District*, roughly bounded by the Ohio and the Muskingum Rivers, Warren, 5th, 6th, and 3d Streets (12–19–74).
Marietta, *Mound Cemetery Mound (Conus Mound)*, Fifth and Scammel Streets.
Marietta, *Ohio Company Land Office*, Campus Martius Museum, corner of Second and Washington Streets.
Marietta, *Putnam, Rufus, House*, Campus Maritus Museum, corner of Second and Washington Streets.
Marietta, *W. P. Snyder, Jr.* (steamboat), on the Muskingum River at Sacra Via.
Marietta, *Wilcox-Mills House (President's House, Marietta College)*, 301 Fifth Street.

Wayne County

Millbrook, *Kister Mill*, junction of Township Roads 34 and 228 (7–10–74).
Orrville vicinity, *Barnett-Hoover Log House*, northwest of Orrville (8–13–74).
Wooster, *McSweeney, John, House*, 531 North Market Street (7–30–74).
Wooster, *Wayne County Courthouse District* (7–26–73).

Williams County

Bryan, *Williams County Courthouse*, Main and High Streets.
Nettle Lake vicinity, *Nettle Lake Mound Group*, northwest of Nettle Lake (3–27–74).

Wood County

Interurban Bridge (also in Lucas County).
Bowling Green, *Wood County Courthouse and Jail*, 200 East Court Street (3–14–73).
Perrysburg, *Hood-Simmons House*, 202 West 5th Street (12–30–74).
Perrysburg, *Old Wood County Jail*, 240 West Indiana Avenue.
Perrysburg vicinity, **Fort Meigs*, 1.3 miles southwest of Perrysburg.
Perrysburg vicinity, *Spafford House*, 27338 West River Road (7–15–74).

Wyandot County

Upper Sandusky, *Wyandot County Courthouse and Jail*, Courthouse Square.
Upper Sandusky vicinity, *Indian Mill*, 3.5 miles northeast of Upper Sandusky on Crane Township Road.

Oklahoma

Adair County

Stilwell vicinity, *Golda's Mill*, 12 miles northwest of Stilwell.

Alfalfa County

Cleo Springs vicinity, *Sod House*, about 4 miles north of Cleo Springs.

Atoka County

Atoka vicinity, *Boggy Depot*, 14 miles southwest of Atoka.
Atoka vicinity, *Middle Boggy Battle Site and Confederate Cemetery*, approximately 1 mile north of Atoka.
Limestone Gap vicinity, *Leflore, Captain Charles, House*, c. one-half mile north of Limestone Gap on U.S. 69.
Wapanucka vicinity, *Old Faucett Well*, approximately 4 miles northeast of Wapanucka.
Wesley vicinity, *Waddell's Station Site*, approximately 3 miles southwest of Wesley.

Beaver County

Beaver City, *Lane Cabin*, Main Street and Avenue C (6–5–74).
Beaver City, *Presbyterian Church*, Third Street and Second Avenue East (5–16–74).

Beckham County

Carter vicinity, *Edwards Archeological Site*, west of Carter (9–19–73).

Blaine County

Canton vicinity, *Cantonment*, NW¼ sec. 29, T. 19 N., R. 13 W.
Geary vicinity, *Chisholm, Jesse, Grave Site*, 8 miles northeast of Geary via unnumbered county roads.
Watonga, *Ferguson, Thompson Benton, House*, 521 North Weigel.

Bryan County

Achille vicinity, *Bloomfield Academy Site*, 2.5 miles south of Achille.
Bokchito vicinity, *Armstrong Academy Site*, approximately 3 miles northeast of Bokchito.
Colbert vicinity, *Colbert's Ferry*, 3 miles southeast of Colbert.
Durant vicinity, *Carriage Point (Fisher's Station)*, 4 miles west of Durant.
Kenefic vicinity, *Fort McCulloch*, approximately 2 miles southwest of Kenefic.
Kenefic vicinity, *Nail's Station*, 2 miles southwest of Kenefic.
Nida vicinity, **Fort Washita*, southwest of Nida on Oklahoma 199.

Caddo County

Anadarko, *Black-Beaver's Grave*, on the north edge of Anadarko.
Apache, *Apache State Bank*, southwest corner of Evans and Coblake.
Fort Cobb vicinity, *Fort Cobb Site*, about 1 mile east of Fort Cobb.
Hinton vicinity, *Rock Mary, c.* 4 miles west of Hinton.

Canadian County

El Reno vicinity, *Darlington Agency Site*, about 6 miles northwest of El Reno (8–14–73).
El Reno vicinity, *Fort Reno*, 3 miles west and 2 miles north of El Reno.

Cherokee County

Park Hill, **Murrell House (Hunter's House)* (6–22–70).
Tahlequah, *Cherokee Female Seminary*, Northeastern State College campus.
Tahlequah, **Cherokee National Capitol*.
Tahlequah, *Cherokee National Jail*, East Choctaw Street and Water Avenue (6–28–74).
Tahlequah, *Cherokee Supreme Court Building*, East Keetoowah Street and Water Avenue (6–28–74).
Tahlequah vicinity, *First Cherokee Female Seminary Site*, southeast of Tahlequah (4–30–74).

Choctaw County

Fort Towson vicinity, *Fort Towson*, 1 mile northeast of Fort Towson.
Swink vicinity, *Chief's House*, 1.5 miles northeast of Swink.

Cimarron County

Wheeless vicinity, **Camp Nichols*, 3 miles northeast of Wheeless on Ranch Road.

Comanche County

Cache vicinity, *Quanah Parker's Star House*, Eagle Park.
Fort Sill, *Medicine Bluffs*, at Medicine Bluff Creek (12–31–74).
Lawton vicinity, *Building 309, Fort Sill Indian School*, E edge of Lawton off U.S. 62 (10–15–73).
Lawton vicinity, **Fort Sill*, north of Lawton.
Lawton vicinity, *Old Tower Two*, Northwest of Lawton at junction of Signal Mountain and Tower Two Roads (12–31–74).

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Delaware County

Grove vicinity, *Splitlog Church*, 9 miles northeast of Grove.
Siloam Springs vicinity, *Hildebrand Mill*, about 10 miles west of Siloam Springs.

Ellis County

Arnett vicinity, *Grand Town Site*, S of Arnett (6–5–72).

Garvin County

Davis vicinity, *Initial Point*, about 7.5 miles west of Davis on Garvin-Murray County line (also in Murray County).
Erin Springs, *Erin Springs Mansion (Frank Murray Home)*, south of the Washita River.
Hoover vicinity, *Site of Fort Arbuckle*, c. 0.5 mile north of Hoover.

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, southwest of Keota (12–31–74).
Kinta vicinity, *McCurtain, Green, House.*

Hughes County

Wetumka vicinity, *Levering Mission*, northeast of Wetumka (5–16–74).

Johnston County

Bromide vicinity, *Wapanucka Academy Site*, approximately 2 miles southeast of Bromide.
Emet vicinity, *White House of the Chickasaws*, northwest of Emet.
Tishomingo, *Chickasaw National Capitals*, Capitol Avenue, between Eighth and Ninth Streets.

Kay County

Newkirk vicinity, **Deer Creek Site*, 6 miles northeast of Newkirk.
Ponca City, *Marland, E. W., Mansion*, Monument Road.
Ponca City vicinity, *101 Ranch*, about 6 miles southwest of Ponca City.
Tonkawa vicinity, *Nez Perce Reservation*, east of Tonkawa (2–15–74).
Washunga, *Kaw Indian Agency*, north of the Arkansas River.

Kingfisher County

Kingfisher, *Seay Mansion*, corner of 11th Street and Zellers Avenue.

Kiowa County

Lugert vicinity, *Devil's Canyon*, approximately 3 miles southeast of Lake Altus Dam.
Mountain Park vicinity, *Camp Radziminski*, approximately 4 miles northwest of Mountain Park.

Latimer County

Higgins vicinity, *Pusley's Station*, approximately 2 miles southwest of Higgins.
Red Oak vicinity, *Edwards Store*, approximately 8 miles northeast of Red Oak.
Red Oak vicinity, *Holloway's Station*, approximately 5 miles northeast of Red Oak.
Wilburton vicinity, *McLaughlin Site*, 11 miles east of Wilburton.
Wilburton vicinity, *Riddle's Station Site*, c. 3 miles east of Wilburton.

Le Flore County

Fort Coffee vicinity, *Spiro Mound Group*, 2 miles northeast of Fort Coffee.
Hodgens vicinity, *Conser, Peter, House*, 3.5 miles west of Hodgens.
Shadypoint vicinity, *Trahern's Station*, approximately 9 miles west of Shadypoint.
Spiro vicinity, *Choctow Agency/Walker Station*, approximately 1 mile northeast of Spiro.

Lincoln County

Stroud vicinity, *Keokuk, Moses, House*, about 6 miles west of Stroud.

Logan County

Guthrie, *Carnegie Library*, Oklahoma Avenue and Ash Street.
Guthrie, *Co-operative Publishing Co. Building*, Harrison Avenue and Second Street.
Guthrie, *Guthrie Historic District*, roughly bounded by 14th Street, College Avenue, Pine Street, and Lincoln Avenue, includes fairground (6–13–74).

Love County

Marietta vicinity, *Washington, Bill, Ranch House*, about 4 miles southwest of Marietta.

McCurtain County

Bethel vicinity, *Pine Creek Mound Group*, southwest of Bethel (1–21–74).
Millerton vicinity, **Wheelock Academy*, east of Millerton on U.S. 70.
Millerton vicinity, *Wheelock Church*, 2 miles northeast of Millerton.

McIntosh County

Rentiesville vicinity, *Honey Springs Battlefield*, north of Rentiesville (also in Muskogee County).

Mayes County

Mazie vicinity, *Union Mission Site*, about 5 miles northeast of Mazie.
Pensacola vicinity, *Cabin Creek Battlefield*, about 3 miles north of Pensacola near Cabin Creek.

Murray County

Initial Point (see Garvin County).

Muskogee County

Fort Gibson, **Fort Gibson.*
Honey Springs Battlefield (see McIntosh County).
Muskogee, *Foreman, Grant, House*, 1419 West Okmulgee Street (9–19–73).
Muskogee, *Union Agency*, Agency Hill in Honor Heights Parks.
Muskogee vicinity, *Fort Davis*, 2.5 miles northeast of Muskogee.

Oklahoma County

Edmond, *Old North Tower*, 400 East Hurd Street, Central State College campus.
Jones vicinity, *"Singing the Wild Horse" Site.*
Oklahoma City, *Harn House*, northeast 17th Street and Stiles.
Oklahoma City, *Overholser House*, 405 Northwest 16th Street.
Oklahoma City, *Post Office, Courthouse and Federal Office Building, Robinson* at 3d (8–30–74).

Okmulgee County

Okmulgee, **Creek National Capitol.*
Okmulgee vicinity, *Nuyaka Mission*, approximately 11 miles west of Okmulgee.

Osage County

Pawhuska, *Osage Agency*, Agency Hill (5–17–74).

Pawnee County

Pawnee, *Pawnee Indian Agency*, east edge of Pawnee.

Payne County

Stillwater, *Old Central, Oklahoma State University*, Oklahoma State University campus.
Yale, *Thorpe, Jim, House*, 704 East Boston Street.

Pittsburg County

McAlester vicinity, *Perryville*, approximately 4 miles south of McAlester.
Pittsburg vicinity, *Blackburn's Station Site*, about 9 miles southeast of Pittsburg.

Pottawatomie County

Shawnee, *Santa Fe Depot*, Main Street and Minnesota Avenue (6–5–74).
Shawnee vicinity, *Shawnee Friends Mission*, about 2 miles south of Shawnee.

Pushmataha County

Tuskahoma vicinity, *Tuskahoma, Choctaw Council House*, 2 miles north of Tuskahoma.

Roger Mills County

Cheyenne vicinity, **Washita Battlefield*, northwest of Cheyenne on U.S. 283.

Rogers County

Oologah vicinity, *Will Rogers Birthplace*, about 4 miles northeast of Oologah.

Seminole County

Seminole vicinity, *Mekasukey Academy*, southwest of Seminole (3–28–74).

Sequoyah County

Akins vicinity, **Sequoyah's Cabin*, Oklahoma 101, Sequoyah's Cabin State Park.
Marble City vicinity, *Dwight Mission*, about 3 miles southwest of Marble City.

Texas County

Hardesty vicinity, *Old Hardesty*, northeast of Hardesty (6–20–74).
Optima vicinity, **Stamper Site*, 2.5 miles south of Optima on the south bank of the North Canadian River.

Wagoner County

Cowetah vicinity, *Koweta Mission Site*, 1 mile south of Cowetah.
Tullahassee vicinity, *Tullahassee Mission Site*, northeast of Tullahassee.

Washington County

Bartlesville, *Price Tower*, Sixth Street and Dewey Avenue (9–13–74)
Bartlesville, *Nellie Johnstone No. 1*, Johnstone Park.

Washita County

Colony, *Seger Indian Training School (Colony School)*, east edge of Colony.
Colony vicinity, **McLemore Site*, 4 miles southeast of Colony on Oklahoma 69.

Woods County

Waynoka, *Santa Fe Depot and Reading Room*, Santa Fe tracks (6–20–74).

Woodward County

Fort Supply, *Fort Supply Historic District.*

Oregon

Baker County

Sumpter, *Sumpter Valley Gold Dredge*, southwest of town near Cracker Creek.

Benton County

Corvallis, *Corvallis Arts Center (Episcopal Church of the Good Samaritan)*, 700 Southwest Madison Avenue.
Kings Valley vicinity, *Fort Hoskins Site*, southwest of Kings Valley (5–1–74).
Philomath, *Philomath College*, Main Street.

Clackamas County

Brightwood vicinity, *Rock Corral on Barlow Road*, west of Brightwood off U.S. 26 near Sandy River (12–19–74).
Government Camp vicinity, *Timberline Lodge*, 6 miles north of Government Camp in Mount Hood National Forest (11–12–73).
Lake Oswego, *Oregon Iron Company Furnace*, George Rogers Park (2–12–74).
Molalla, *Dibble, Horace L., House*, 616 South Molalla Avenue (12–19–74).
Oregon City, *Barclay, Dr. Forbes, House*, 719 Center Street (11–6–74).
Oregon City, *McCarver, Morton Matthew House*, 554 Warner-Parrot Road (1–21–74).

Oregon City, *McLoughlin House National Historic Site*, McLoughlin Park, between Seventh and Eighth Streets.
Oregon City, *Rose Farm*, 834 Holmes Lane (12–2–74).
Oregon City vicinity, *Ainsworth, Captain John C., House*, 19195 South Leland Road.
Wemme vicinity, *Oregon Trail, Barlow Road Segment*, northwest of Wemme off U.S. 26 (11–20–74).
West Linn, *Willamette Falls Locks*, west bank of Willamette River (2–5–74).

Clatsop County

Astoria, *Astoria Column*, Coxcomb Hill (5–2–74).
Astoria, **Elmore, Samuel, Cannery*, on the waterfront at the foot of Flavel Street.
Astoria, **Fort Astoria*, 15th and Exchange Streets.
Astoria vicinity, *Fort Clatsop National Memorial*, 4.5 miles south of Astoria.
Hammond, *Fort Stevens*, Fort Stevens State Park.

Coos County

Bandon, *Coquille River Light*, Bullard's Beach State Park (3–22–74).
Coos Bay, *Marshfield Sun Printing Plant*, 1049 North Front Street.

Douglas County

Glide vicinity, *Susan Creek Indian Mounds Site*, east of Glide off Oregon 138 (11–20–74).

Grant County

Canyon City, *St. Thomas Episcopal Church*, 135 Washington Street (11–21–74).
John Day, *Kam Wah Chung Co. Building*, Canton Street in John Day City Park.

Harney County

Burns vicinity, *Pete French Round Barn.*

Hood River County

Cascade Locks, *Cascade Locks Marine Park*, on Columbia River (5–15–74).
Mt. Hood, *Cloud Cap Inn*, NE flank of Mt. Hood in Mt. Hood National Forest (10–18–74).

Jackson County

Jacksonville, **Jacksonville Historic District.*
Jacksonville, *Orth, John, House*, northwest corner of intersection of Main and Third Streets.
Rogue River vicinity, *Birdseye, David N., House*, U.S. 99, south of Rogue River (5–1–74).

Josephine County

Wolf Creek, *Wolf Creek Tavern*, on U.S. 99.

Klamath County

Fort Klamath vicinity, *Fort Klamath Site*, approximately 1.25 miles southeast of Fort Klamath.
Klamath Falls, *Baldwin Hotel*, 31 Main Street (10–2–73).
Worden, **Lower Klamath National Wildlife Refuge* (see Siskiyou County, Calif.).

Lake County

Adel vicinity, *Greaser Petroglyph Site*, east of Adel (11–20–74).
Fort Rock vicinity, **Fort Rock Cave.*
Lakeview vicinity, *Abert Lake Petroglyph Site*, north of Lakeview (11–20–74).
Plush vicinity, *Stone Bridge and the Oregon Central Military Wagon Road, The Narrows*, south of Plush (11–8–74).

Lane County

Cottage Grove, *First Presbyterian Church*, 216 South 3d Street (12–31–74).
Eugene, *Deady Hall*, University of Oregon campus.
Eugene, *Smeede Hotel*, 767 Williamette Street (1–17–74).
Eugene, *Villard Hall*, University of Oregon.

Lincoln County

Newport, *Old Yaquina Bay Lighthouse*, Yaquina Bay State Park (5–1–74).

Linn County

Brownsville, *Moyer, John M., House*, 204 Main Street (1–21–74).
Stayton vicinity, *Mt. Pleasant Presbyterian Church*, south of Stayton on Stayton-Jordon Road (1–24–74).

Malheur County

Arock vicinity, *Sheep Ranch Fortified House*, west of Arock (11–1–74).
Danner vicinity, *Charbonneau, Jean Baptiste, Memorial and Inskip Station Ruins*, north of Danner off U.S. 95.
Jordan Valley, *Pelota Fronton*, Bassett Street (U.S. 95).
Vale, *Old Stone House*, 283 South Main Street.

Marion County

Aurora, *Aurora Colony Historic District*, roughly includes both sides of 99E from Bob's Street to east city limits, and to the northwest to include Market Road and cemetery (4–16–74).
Champoeg vicinity, *Case, William, House*, southeast of Champoeg off Arbor Grove Road.
Gervais vicinity, *Brown, Sam, House*, east of Gervais (11–6–74).
Hubbard vicinity, *Stauffer, John, House and Barn*, northeast of Hubbard off U.S. 99E (5–1–74).
Jefferson, *Conser, Jacob, House*, 114 Main Street (1–21–74).
Salem, *Bush, Asahel, House*, 600 Mission Street SE. (1–21–74).
Salem, *Kay, Thomas, Woolen Mill*, 260 12th Street SE.
Salem, *Lee, Jason, House*, 260 12th Street SE.
Salem, *Methodist Mission Parsonage*, 260 12th Street NE. (12–31–74).
Salem, *Port, Dr. Luke A., House (Deepwood)*, 1116 Mission SE. (10–2–73).
Silverton vicinity, *McCorkle, George F., House*, west of Silverton (12–24–74).
West Stayton vicinity, *Pleasant Grove Presbyterian Church*, northwest of West Stayton (8–7–74).
Woodburn, *Settlemier, Jesse H., House*, 355 North Settlemier Avenue (12–19–74).

Multnomah County

Crown Point, *Vista House*, Columbia River Scenic Highway (11–5–74).
Portland, *Bishop's House*, 219–223 SW Stark Street (10–18–74).
Portland, *First Presbyterian Church of Portland*, 1200 Southwest Alder (12–19–74).
Portland, *First National Bank (Oregon Pioneer Savings Landmark Building)*, 401 SW 5th Avenue (10–15–74).
Portland, *Kamm, Jacob, House*, 1425 Southwest 20th Avenue (11–5–74).
Portland, *The Old Church (Calvary Presbyterian Church)*, 1422 Southwest 11th Avenue.
Portland, *Pioneer Courthouse*, 520 Southwest Morrison Street.
Portland, *Pittock Mansion*, 3229 Northwest Pittock Drive (11–21–74).
Portland, *Portland Art Museum*, 1219 Southwest Park Avenue (12–31–74).
Portland, *Portland City Hall*, 1220 Southwest 5th Avenue (11–21–74).
Portland, *St. John's Episcopal Church*, Southeast Spokane Street (12–27–74).
Portland, *St. 'Patrick's Roman Catholic Church and Rectory*, 1635 Northwest 19th Avenue (5–1–74).
Portland, *U.S. Customhouse*, 220 Northwest Eighth Avenue (5–2–74).
Portland, *Watzek, Aubrey R., House*, 1061 Southwest Skyline Boulevard (11–1–74).
Sauvie Island, *Bybee-Howell House*, off Sauvie Island Road (11–6–74).

Polk County

Willamina vicinity, *Fort Yamhill Site*, at the confluence of Cosper Creek and the South Fork of the Yamhill River.
Zena, *Spring Valley Presbyterian Church*, southeast of McCoy (5–8–74).

Union County

Cove, *Ascension Episcopal Church and Rectory*, Church Street (12–3–74).

Wasco County

The Dalles, *Fort Dalles Surgeon's Quarters*, 15th and Garrison Streets.
The Dalles, *St. Peter's Roman Catholic Church*, Third and Lincoln Streets (6–20–74).
The Dalles vicinity, *Fivemile Rapids Sites*, northeast of the Dalles on the Columbia River (12–19–74).

Washington County

Forest Grove, *Smith, Alvin T., House*, South Elm Street (11–8–74).
Forest Grove, *Tualatin Academy (Old College Hall)*, Pacific University campus (2–12–74).
Hillsboro, *Old Scotch Church*, Scotch Church Road (11–5–74).
Tualatin, *Sweek, John, House*, 18815 Southwest Boones Ferry Road (11–8–74).
West Union, *West Union Baptist Church*, West Union Road (7–10–74).

Yamhill County

Dayton vicinity, *Cook, Amos, House*, northwest of Dayton on Oregon 233 (12–31–74).
Dundee, *Hagey, Levi, House*, off U.S. 99 (12–19–74).

Pennsylvania

Adams County

Fairfield, *Fairfield Inn*, Main Street.
Gettysburg, *Adams County Courthouse*, Baltimore and W. Middle Streets (10–1–74).
Gettysburg, *Dobbin House*, 89 Steinwehr Avenue.
Gettysburg, *Gettysburg National Military Park.*
Gettysburg, *Lutheran Theological Seminary-Old Dorm*, Seminary Ridge, Lutheran Theological Seminary campus (5–3–74).
Gettysburg, *Pennsylvania Hall*, Gettysburg College campus.
Gettysburg vicinity, *Eisenhower National Historic Site*, southwest edge of Gettysburg National Military Park.
Hunterstown, *Great Conewago Presbyterian Church*, Church Road (12–27–74).
New Oxford vicinity, *John's Burnt Mill Bridge*, southwest of New Oxford at South Branch of Conewago Creek (12–16–74).

Allegheny County

Braddock, *Carnegie Free Library of Braddock*, 419 Library Street.
Heidelberg vicinity, *Neville House*, south of Heidelberg on Pennsylvania 50 (2–6–74).
Natrona Heights vicinity, *Old Burtner Stone House*, Burtner Road, northwest of Natrona Heights.
Pittsburgh, *Allegheny County Buildings*, 436 Grant Street, 420 Ross Street.
Pittsburgh, *Allegheny Post Office (Old North Post Office)*, Allegheny Center.
Pittsburgh, *Butler Street Gatehouse*, 4734 Butler Street (7–30–74).
Pittsburgh, *Byers-Lyons House*, 901 Ridge Avenue (11–19–74).
Pittsburgh, *Carnegie Free Library of Allegheny*, Allegheny Center (11–1–74).

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Pittsburgh, *Emmanuel Episcopal Church*, North and Allegheny Avenues (5–3–74).
Pittsburgh, *Evergreen Hamlet*, Evergreen Hamlet Road (9–17–74).
Pittsburgh, **Forks of the Ohio, Point Park.*
Pittsburgh, *Gardner-Bailey House*, 124 W. Swissvale Avenue (10–1–74).
Pittsburgh, *Heathside Cottage*, 416 Catoma Street (12–30–74).
Pittsburgh, *Main Building, U.S. Bureau of Mines*, 4800 Forbes Avenue (5–24–74).
Pittsburgh, *Monongahela Incline*, Grandview and Wyoming Avenues (6–25–74).
Pittsburgh, *Pittsburgh & Lake Erie Railroad Station*, Smithfield and Carson Streets (1–11–74).
Pittsburgh, *Rotunda of the Pennsylvania Railroad Station*, 1100 Liberty Avenue.
Pittsburgh, *St. John Baptist Ukranian Catholic Church*, 109 S. Carson Street (10–29–74).
Pittsburgh, *St. Stanislaus Kostka Roman Catholic Church*, 21st and Smallman Streets.
Pittsburgh, *Singer, John F., House*, 1318 Singer Place (11–13–74).
Pittsburgh, *Soldiers and Sailors Memorial Hall*, 5th Avenue and Bigelow Boulevard (12–30–74).
Pittsburgh, *Smithfield Street Bridge*, Smithfield Street at the Monongahela River (3–21–74).
Pittsburgh, *Union Trust Building*, 435 Grant Street (1–21–74).

Beaver County

Ambridge, **Old Economy*, northwest of Pittsburgh on Pennsylvania 65.
Freedom, *Vicary, Captain William, House*, 1251 4th Avenue (11–8–74).
Glasgow vicinity, **The Beginning Point of the U.S. Public Land Survey* (see Columbiana County, Ohio).

Bedford County

Bedford, *Espy House (General Arthur St. Clair Office)*, 123 Pitt Street (11–19–74).

Berks County

Bally vicinity, *Christman, Philip, House*, 1 mile southeast of Bally.
Birdsboro vicinity, *Boone, Daniel, Homestead Site and Bertolet Cabin*, approximately 2 miles north of Birdsboro.
Centerport vicinity, *Bellman's Union Church*, southwest of Centerport off Route 726 (12–4–73).
Douglassville, *Old Swede's House*, Old Philadelphia Pike (1–21–74).
Kutztown vicinity, *Hottenstein Mansion*, 2 miles east of Kutztown on U.S. 222.
Lobachsville vicinity, *Keim Homestead*, west of Lobachsville (5–1–74).
Morgantown vicinity, *Hopewell Village National Historic Site*, 10 miles northeast of Morgantown Interchange, Pennsylvania Turnpike.
Pleasant Valley, *Gruber Wagon Works*, southeast of Mount Pleasant on Pennsylvania 183.
Reading, *Askew bridge*, North Sixth Street, near Woodward.
Reading, *Pagoda*, Duryea Drive and Skyline Boulevard.
Womelsdorf vicinity, **Weiser, Conrad, House*, 2 miles east of Womelsdorf, U.S. 422.
Yellow House vicinity, *Fisher, Henry, House*, about 1.25 miles north of Yellow House on Pennsylvania 662.

Blair County

Altoona, *Mishler Theatre*, 1208 12th Avenue.
Altoona vicinity, **Horseshoe Curve*, 5 miles west of Altoona on Pennsylvania 193.
Culp vicinity, *Fort Roberdeau*, west of Culp off U.S. 220 (5–29–74).
Johnstown vicinity, *Allegheny Portage Railroad National Historic Site*, U.S. 22 (also in Cambria County).
Williamsburg vicinity, *Etna Furnace*, North of Williamsburg.

Bradford County

Troy, *Van Dyne Civic Building*, Main and Elmisa Streets (1–21–74).

Bucks County

Doylestown, *Fonthill*, East Court Street, at intersection of Pennsylvania 313.
Doylestown, *Fountain House*, State and Main Streets.
Doylestown, *James-Lorah House*, 132 North Main Street.
Doylestown, *Mercer Museum*, Pine and Ashland Streets.
Doylestown, *Moravian Pottery and Tile Works*, Court Street and Swamp Road (Pennsylvania 313).
Dublin vicinity, *Green Hills Farm*, southwest of Dublin on Dublin Road (2–27–74).
Easton and Bristol, *Delaware Division* of the *Pennsylvania Canal*, parallels west bank of the Delaware River from Easton to Bristol (10–29–74). (Also in Northampton County)
Fallsington, *Fallsington Historic District*.
Levittown, *Pemberton, Phineas, House (Bolton Mansion)*, Holly Drive.
Morrisville, **Summerseat (Thomas Barclay House)*, Clymer Street and Morris Avenue.
Morrisville vicinity, *Pennsbury Manor*, on Delaware River south of Bordentown Road.
New Hope vicinity, *Chapman, John, House*, south of New Hope off Pennsylvania 232 on Eagle Road (1–24–74).
New Hope vicinity, *Honey Hollow Watershed*, 2½ miles south of the Delaware River on Pennsylvania 263.
Newtown vicinity, *Makefield Meeting (Makefield Monthly Meeting)*, northeast of Newtown at Mount Eyre and Dolington Roads (1–18–74).
Philadelphia vicinity, **Biddle, Nicholas, Estate (Andalusia)*, 1.4 miles north of Philadelphia on Pennsylvania 32.
Richboro, *Hampton Hill (Bennet-Search House)*, 1269 Second Street Pike.
Richboro vicinity, *Thompson, John, House*, 1925 Second Street Pike (7–16–73).
Wrightstown vicinity, *Hayhurst Farm*, northeast of Wrightstown on Eagle Road (2–12–74).
Yardley vicinity, **Washington Crossing State Park*, between Yardley and New Hope, on the Delaware River (also in Mercer County, N.J.).

Butler County

Harmony, *Harmony Historic District*, off Pennsylvania 68.

Cambria County

Allegheny Portage Railroad National Historic Site (see Blair County).
Johnstown, *Cambria Public Library Building*, 304 Washington Street.
Johnstown, *Johnstown Inclined Railway*, Johns Street and Edgehill Drive.
Johnstown vicinity, *Johnstown Flood National Memorial*, intersection of U.S. 219 and Pennsylvania 869.

Carbon County

Jim Thorpe, *Carbon County Jail*, 128 Broadway Street (11–8–74).
Jim Thorpe, *Packer, Asa, Mansion*, Packer Road (12–30–74).
Jim Thorpe, *Packer, Harry, Mansion*, Packer Road (11–20–74).

Centre County

Curtin, *Curtin Village (Eagle Ironworks)*, Route 14010.

Chester County

Birmingham, *Birmingham Friends Meetinghouse*, 1245 Birmingham Road.
Birmingham Township, *Edgewood (Charles Sharpless House)*, intersection of L.R. 15087 and 15221.
Birmingham vicinity, *Davis, Daniel, House and Barn*, Birmingham and Street Road (Pennsylvania 926).
Chadds Ford vicinity, *Brinton, Edward, House*, northwest of Chadds Ford on Pennsylvania 100.
Chadds Ford vicinity, *Brinton's Mill*, 1.5 miles north of Chadds Ford on U.S. 100.
Chadds Ford vicinity, *Harvey, William, House*, northwest of Chadds Ford on Brinton's Bridge Road just north of U.S. 1.
Chadds Ford vicinity, *Oakdale*, southwest of Chadds Ford on Hillendale Road.
Chadds Ford vicinity, *Pennsbury Inn*, on U.S. 1 at junction with Hickory Hill Road.
Chester Springs vicinity, *Good News Building (Yellow Springs Spa)*, north of Chester Springs on Art School Road.
Chester Springs vicinity, *Hall's Bridge*, about 3 miles north of Chester Springs at Sheeder Road and Birch Run.
Coventryville, *Coventry Hall*, off Pennsylvania 23 (12–16–74).
Dilworthtown, *Dilworthtown Historic District*, intersection of CR 15199 and 15087.
Downingtown vicinity, *Rooke, Robert, House*, north of Downingtown at Horseshoe Trail and Fellowship Road (9–19–73).
Dowingtown vicinity, *Wheelen House*, northeast of Downingtown on Fellowship Road (6–20–74).
Easttown, *Waynesborough*, 2049 Waynesborough Road.
Ercildoun vicinity, *Pierce, Lukens, House, (Fallowfield Octagonal House)*, northwest of Ercildoun on Wilmington Road.
Elverson vicinity, *Warwick Mills*, east of Elverson off Pennsylvania 23 on James Mills Road (12–30–74).
Hamorton vicinity, *Barnes-Brinton House*, east of Hamorton on U.S. 1.
Hamorton vicinity, *Longwood Gardens District*, on U.S. 1.
Kennet Square vicinity, **Cedarcroft (Bayard Taylor House)*, north of Kennett Square.
Kimberton vicinity, *Kennedy Bridge*, north of Kimberton off Pennsylvania 23 on Seven Stars Road (1–21–74).
Lenape vicinity, *East Bradford Boarding School for Boys*, 1 mile east of Lenape at Westchester and Sconnelltown Roads.
Lionville, *Uwchlan Meeting House*, North Village Avenue (Pa. 113) (9–20–73).
Marshallton, *Bradford Friends Meetinghouse*, east side of Northbrook Road.
Marshallton, *Marshall, Humphrey, House*, Strasburg Road (Pennsylvania 162) at the intersection of Northbrook Road.
Mendenhall, *Peters, William, House*, Hillendale Road.
Mendenhall vicinity, *Springdale Farm*, northeast of Mendenhall on Hillendale Road.
Mont Clare vicinity, *Rapps Bridge*, west of Mont Clare off Pennsylvania 724 on Mowere Road.
Norristown vicinity, **Valley Forge*, Valley Forge State Park (also in Montgomery County).
Northbrook, *Derbydown Homestead*, at intersection of County Routes 15077 and 15080.
Parkersville vicinity, *Parkersville Friends Meeting House*, off Pennsylvania 926, south of Parkersville.
Phoenixville vicinity, *Martin-Little House*, south of Phoenixville off Pennsylvania 113 on Church Road.
Phoenixville vicinity, *Moore Hall*, east of Phoenixville on Valley Forge Road (11–19–74).

Pughtown vicinity, *Meredith, Simon, House*, 0.5 mile west of Pughtown on Pughtown Road (12–16–74).
Pughtown vicinity, *Townsend House*, southwest of Pughtown off Pennsylvania 100 (12–16–74).
Romansville vicinity, *Temple-Webster-Stoner House*, east of Romansville off Pennsylvania 162.
Tredyffrin, *Wetherby-Hampton-Snyder-Wilson-Erdman Log House*, 251 Irish Road.
Valley Forge, **von Steuben, General Frederick, Headquarters*, on Pennsylvania 23.
Valley Forge vicinity, *Cressbrook Farm (Duportail's Quarters)*, south of Valley Forge off U.S. 76.
Valley Forge vicinity, *East, Nicholas, House*, west of Valley Forge on Kimberton Road.
Valley Forge vicinity, *Esherick, Wharton, Studio*, southwest of Valley Forge off Country Club Road.
Valley Forge vicinity, *Harvard, David, House (Lee and Bradford Quarters)*, south of Valley Forge off U.S. 76.
Valley Forge vicinity, *Lafayette's Quarters*, southeast of Valley Forge on Wilson Road (6–20–74).
Valley Forge vicinity, *Lightfoot Mill*, west of Valley Forge off Pennsylvania 401.
Valley Forge vicinity, *Stirling, Major-General, Quarters*, south of Valley Forge on Yellow Springs Road (2–15–74).
Warwick Township, *Rogers, Philip, House*, Ridge Road.
West Chester, *Chester County Courthouse*, 10 North High Street.
West Chester, *Collins Mansion*, 633 Goshen Road.
West Chester, *First Presbyterian Church of West Chester*, 130 West Miner Street.
West Chester, *National Bank of Chester County*, 17 North High Street.
West Chester, *Strode's Mill (Etter's Mill)*, intersection of Pennsylvania 100–52 and County Route 15087.
West Chester vicinity, *Old Kennett Meetinghouse*, south of West Chester on U.S. 1 east of Junction of Pennsylvania 52 (7–15–74).
West Chester vicinity, *Orthodox Meetinghouse*, southwest of West Chester on Birmingham Road.

Clinton County

Lock Haven, *Heisey House*, 362 East Water Street.
Lock Haven, *Water Street District*.

Crawford County

Meadville, *Baldwin-Reynolds House*, Terrace Street (12–30–74).

Cumberland County

Camp Hill, *Peace Church*, northwest corner of the intersection of State Route 641 and St. John's Road.
Carlisle, **Carlisle Indian School*, east edge of Carlisle on U.S. 11.
Carlisle, *Hessian Powder Magazine*, Guardhouse and Garrison Lanes (5–17–74).
Carlisle, **Old West, Dickinson College*, Dickinson College campus.
Mechanicsburg vicinity, *Eberly, Johannes, House*, northeast of Mechanicsburg off U.S. 11.
Shippensburg, *Widow Piper's Tavern (Old Courthouse)*, southwest corner of King and Queen Streets (1–17–74).

Dauphin County

Harrisburg, *Broad Street Market*, Verbeke Street between 3d and 6th Streets (12–27–74).
Harrisburg, *Harris, John, Mansion*, 219 South Front Street (9–20–73).
Harrisburg, *Walnut Street Bridge*, Walnut Street at Susquehanna River.
Middletown, *St. Peter's Kierch*, 31 West High Street.

Delaware County

Ardmore, *Pont Reading*, 2713 Haverford Road.
Boothwyn, *Chinchester Friends Meetinghouse*, 611 Meetinghouse Road.
Broomall, *Massey, Thomas, House*, Lawrence Road, opposite Springhouse Road.
Chadds Ford, **Brandywine Battlefield*, Brandywine Battlefield Park.
Chadds Ford, *Chadds Ford*, intersection of U.S. 1 and Pennsylvania Route 100.
Chadds Ford, *Chadd House*, Pennsylvania 100.
Chadds Ford, *Gilpin Homested*, Harvey Road.
Chadds Ford vicinity, *Painter, William, Farm*, 2 miles northeast of Chadds Ford on U.S. 1.
Chadds Ford vicinity, *Twaddell's Mill and House*, south of Chadds Ford on Rock Hill Road.
Chester (Upland), *Old Main*, 21st Street and Upland Avenue.
Chester, *Penn, William, Landing Site*, Penn and Front Streets.
Chester, *1724 Chester Courthouse*, Market Street below Fifth Street.
Concord Township, *Ivy Mills Historic District*, corner of Ivy Mills and Pole Cat Roads.
Concordville, *Concordville Historic District*, intersection of Concord Road and U.S. 1.
Concordville, *Newlin, Nicholas, House*, Concord Road.
Dilworthtown vicinity, **Brinton, William House, 1704*, Oakland Road near junction of U.S. 202 and County Route 15199.
Essington, *The Lazaretto*, Wanamaker Avenue at Second Street.
Essington, **The Printzhof*, Taylor Avenue and Second Street.
Haverford, *Federal School*, Haverford-Darby Road.
Haverford, *Nitre Hall*, Karakung Drive.
Media vicinity, *Old Rose Tree Tavern*, junction of Rose Tree and Providence Roads north of Media.
Prospect Park, *Morton Homestead*, 100 Lincoln Avenue.
Swarthmore, **West, Benjamin, Birthplace*, Swarthmore College campus.
Thornbury, *Chester Creek Historic District*, encompasses the flood plains and bluffs of the West Branch of Chester Creek.
Upland, *Crozer, George K., Mansion*, Sixth Street (8–14–73).
Upland, *Pusey, Caleb, House*, 15 Race Street.
Wallingford, *Leiper, Thomas, Estate*, Avondale Road.
Wawa, *Forge Hill*, off U.S. 1.

Erie County

Erie, *Cashier's House*, 413 State Street.
Erie, *Old Customshouse*, 409 State Street.
Erie, *U.S.S. Niagara*, State Street at Lake Erie (6–5–73).

Fayette County

Brier Hill, *Brier Hill*, on U.S. 40.
Brier Hill, *Colley, Peter, Tavern and Barn*, on U.S. 40 (7–24–73).
Mill Run vicinity, *Fallingwater*, off Pennsylvania 381 (7–23–74).
Mount Braddock vicinity, *Meason, Isaac, House (Dr. Christopher Gist Plantation)*, U.S. 119 North.
Perryopolis, *Searight's Fulling Mill*, Cemetery Road.
Point Marion vicinity, **Gallatin, Albert, House, Friendship Hill*, 3 miles north of Point Marion on Pennsylvania 166.
Uniontown vicinity, *Fort Necessity National Battlefield*, 11 miles east of Uniontown on U.S. 40.
Uniontown vicinity, *Gaddis, Thomas, Homestead*, off U.S. 119, south of Uniontown (4–26–74).
Uniontown vicinity, **Searights Tollhouse, National Road*, west of Uniontown near U.S. 40.

Franklin County

Chambersburg, *Brown, John, House*, 225 East King Street.
Chambersburg, *Franklin County Courthouse*, 1 North Main Street (1–18–74).
Chambersburg, *Franklin County Jail*, northwest corner of King and Second Streets.
Chambersburg vicinity, *Finley, James, House*, Building 505, Letterkenny Army Depot (11–19–74).
Greencastle vicinity, *Martin's Mill Covered Bridge*, southwest of Greencastle across the Conococheague Creek (2–15–74).
Kauffman, *Old Brown's Mill School*, off U.S. 11.
Mercersburg, *Lane House*, 14 North Main Street.
St. Thomas vicinity, *Woodland*, southwest of St. Thomas on Pennsylvania 416 (9–20–73).

Greene County

Jefferson, *Hughes House*, Hatfield Street.
Waynesburg vicinity, *Greene Hills Farm*, 3.5 miles east of Waynesburg on Pennsylvania 21.

Huntingdon County

Rockhill Furnace, **East Broad Top Railroad*, U.S. 522.

Indiana County

Georgeville vicinity, *McCormick, John B., House*, west of Georgeville off Pennsylvania 210 (5–3–74).
Indiana, *Old Indiana County Courthouse*, 601 Philadelphia Street (10–29–74).

Juniata County

Mifflintown vicinity, *Tuscarora Academy*, 8 miles south of Mifflintown at the intersection of Routes 34005 and 34028.

Lackawanna County

Scranton, **Powderly, Terence V., House*, 614 North Main Street.
Scranton, *Tripp Family Homestead*, 1011 North Main Avenue.

Lancaster County

Brickerville, **Stiegel-Coleman House*, Pennsylvania 501 and U.S. 322.
Ephrata, **Ephrata Cloister*.
Lancaster, **Buchanan, James, House (Wheatland)*, 1120 Marietta Avenue.
Lancaster, *Central Market*, William Henry Place.
Lancaster, *Ellicott, Andrew, House*, 123 North Prince Street.
Lancaster, **Fulton Opera House*, 12–14 North Prince Street.
Lancaster, *Herr, Hans, House*, 1851 Hans Herr Drive.
Lancaster, *Old City Hall*, Penn Square.
Lancaster, *Soldiers and Sailors Monument*, Penn Square, Intersection of King and Queen Streets (6–5–73).
Letort vicinity, *Conestoga Town (36 LA 52)*, 1.25 miles South of Letort.
Lititz, *Sturgis, Julius, Pretzel House*, 219–221 East Main Street (12–16–74).
Mount Joy, *Central Hotel/A. Bube's Brewery*, 102 North Market Street.
Quarryville vicinity, **Fulton, Robert, Birthplace*, 8 miles south of Quarryville on U.S. 22.
Washington Borough vicinity, *Strickler Site (36 La 3)*, south of Washington Borough.

Lebanon County

Cornwall, **Cornwall Iron Furnace*, 5 miles south of Lebanon on U.S. 322.
Lebanon, *Cornwall & Lebanon Railroad Station*, 161 North 8th Street (12–4–74).
Lebanon, *St. Lukes Episcopal Church*, Sixth and Chestnut Streets (9–4–74).
Lebanon vicinity, *Union Canal Tunnel*, W of Lebanon off PA 72 (10–1–74).
Myerstown, *Meier, Isaac, Homestead*, 520 South College Street.

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Newmanstown vicinity, *House of Miller at Milbach*, southwest of Newmanstown.
Schaefferstown, *Brendle Farms*, intersection of Routes 501 and 897.

Lehigh County

Catasauqua, **Taylor, George, House*, Front Street.

Luzerne County

Eckley, *Eckley Historic District*.
Forty Fort, *Denison House*, 35 Denison Street.
Wilkes-Barre, *Gathn, George, Hall (Reynolds House)*, 92 South River Street.
Wilkes-Barre, *McClintock Hall*, 44 South River Street.
Wilkes-Barre, *Weiss Hall*, South River Street.

Lycoming County

Williamsport, *Post Office*, West Fourth Street between Government Place and West Street.

Mercer County

Greenville vicinity, *Kidd's Mills Covered Bridge Historic District*, 5 miles south of Greenville off Pennsylvania 58 (12–2–74).
Greenville vicinity, *New Hamburg Historical Area*, 7 miles south of Greenville off Pennsylvania 58 (12–2–74).
Mercer vicinity, *Johnston's Tavern*, 6 miles south of Mercer on U.S. 19.

Mifflin County

Lewistown, *McCoy House*, 17 North Main Street.

Monroe County

East Stroudsburg vicinity, *Zion Lutheran Church* off River Road.
Stroudsburg vicinity, *Quiet Valley Farm*, southwest of Stroudsburg off U.S. 209.

Montgomery County

**Valley Forge* (see Chester County).
Audubon, *Mill Grove*, Pawling Road.
Bryn Mawr, *Bryn Mawr (Harriton)*, 500 Harriton Road.
Collegeville vicinity, *Evansburg Historic District*, on U.S. 422, bounded by Cross Keys Road, Grange Avenue, Mill Road, and Ridge Pike.
Collegeville vicinity, *Kuster Mill*, on Skippack Creek at Mill Road and Water Street Road.
Conshohocken, *Mount Joy (Peter Legaux Mansion)*, North Lane and Hector Street.
Elkins Park, *Anselm Hall*, 915 Spring Avenue (5–8–74).
Evansburg vicinity, *Skippack Bridge*, east of Evansburg on Pennsylvania 422.
Delphi, *Knurr Log House*, Meng Road (11–5–74).
Fort Washington, *Farmar Mill*, north of Flourtown junction of U.S. 309 and Pennsylvania 73.
Fort Washington, *Hope Lodge*, 553 Bethlehem Pike.
Harleysville, *Klein Meetinghouse*, Maple Avenue.
Harleysville vicinity, *Bergy Bridge Historic District*, northwest of Harleysville off Pennsylvania 63 (10–10–73).
Harmonville vicinity, *Corson, Alan W., Homestead*, northeast of Harmonville at 5130 Butler Pike.
Horsham vicinity, **Graeme Park*, Keith Valley Road.
Kulpsville vicinity, *Morgan, Edward, Log House*, off Pennsylvania 363 on Weikel Road.
Lederach vicinity, *Kolb, Dielman, Homestead*, south of Lederach on Kinsey Road (6–17–73).
Pennsburg vicinity, *Rieth, Andreas, Homestead*, southeast of Pennsburg on Geryville Pike (9–19–73).
Plymouth Meeting, *Hovenden House, Barn, and Abolition Hall*, No. 1 East Germantown Pike.
Plymouth Meeting, *Plymouth Friends Meetinghouse*, corner of Germantown and Butler Pikes.
Plymouth Meeting, *Plymouth Meeting Historic District*, contained within a rectangle.
Pottstown, *Pottsdown Roller Mill*, South and Hanover Streets (10–10–74).
Pottstown vicinity, *Pottsgrove Mansion*, west of Pottstown on Benjamin Franklin Highway (High Street) (1–16–74).
Schwenksville vicinity, *Englehardt, John, Homestead*, west of Schwenksville off Pennsylvania 73 on Keyser Road.
Schwenksville vicinity, *Grubb, Conrad, Homestead*, northwest of Schwenksville off Pennsylvania 73 on Perkiomenville Road.
Schwenksville vicinity, *Long Meadow Farm*, northwest of Schwenksville on Pennsylvania 73.
Skippack, *Cole House (Kidder-DeHaven House)*, Skippack Pike and Evansburg Road.
Trappe, **Augustus Lutheran Church*, Seventh Avenue East and Main Street.
Tylersport vicinity, *Landis Homestead*, southwest of Tylersport off Pennsylvania 563 on Morwood Road (10–10–73).
Valley Forge, **Washington's Headquarters*, Valley Creek Road near junction of Pennsylvania 252 and 23.
Worcester Township, *Wentz, Peter, Homestead*, off Pennsylvania 73 on Shultz Road.

Northampton County

Delaware Division of the Pennsylvania Canal (see Bucks County).
Bethlehem, *Bethlehem Historic District I, New Street, County Line, Hill Bridge*, First Avenue, and Broad Street.
Bethlehem, *Grist Miller's House*, 459 Old York Road.
Bethlehem, *Moravian Sun Inn*, 564 Main Street (10–2–73).
Bethlehem, *The Old Water Works*, located in Historic Bethlehem Park.
Bethlehem, *The Tannery*, located in Historic Bethlehem Park.
Easton vicinity, *Chain Bridge*, southwest of Glendon on Hugh Moore Parkway across the Lehigh River (2–12–74).

Northumberland County

McEwensville vicinity, *Warrior Run Presbyterian Church*, north of McEwensville on Pennsylvania 147.
Montandon vicinity, *Sodom Schoolhouse*, east of Montandon on Pennsylvania 45 (2–12–74).
Northumberland, **Priestley, Joseph, House*, Priestley Avenue.
Sunbury, *Northumberland County Courthouse*, 207 Market Street (12–30–74).

Philadelphia County

Philadelphia, **Academy of Music*, Broad and Locust Streets.
Philadelphia, **American Philosophical Society Hall*, Independence Square.
Philadelphia, *Arch Street Meetinghouse*, 302–338 Arch Street.
Philadelphia, *Arch Street Presbyterian Church*, 1726–1732 Arch Street.
Philadelphia, *The Athenaeum of Philadelphia*, 219 South Sixth Street.
Philadelphia, **Bartram, John, House*, 54th Street and Eastwick Avenue.
Philadelphia, *Beggarstown School*, 6669 Germantown Avenue.
Philadelphia, *Billmeyer, Daniel, House*, 6504 Germantown Avenue.
Philadelphia, *Billmeyer, Michael, House*, 6505–6507 Germantown Avenue.
Philadelphia, **Carpenters' Hall*, 320 Chestnut Street.
Philadelphia, *Cathedral of Sts. Peter and Paul*, 18th Street and the Parkway.
Philadelphia, *Centennial National Bank*, 3200 Market Street.
Philadelphia, *Chamounix*, West Fairmount Park, overlooking Schuylkill Falls.
Philadelphia, **Chew House*, Germantown Avenue between Johnson and Cliveden Streets.
Philadelphia, *Christ Church Burying Ground*, Fifth and Arch Street (6–24–71).
Philadelphia, **Christ Church*, Second Street between Market and Filbert Streets.
Philadelphia, *Church of the Holy Trinity*, southwest corner of 19th and Walnut Streets.
Philadelphia, *Church of St. James the Less*, Hunting Park Avenue at Clearfield Street (11–20–74).
Philadelphia, *Clarkson-Watson House*, 5275–77 Germantown Avenue.
Philadelphia, *The Cliffs*, East Fairmount Park near 33d Street.
Philadelphia, *Clinton Street Historic District*, four blocks facing on Clinton Street bounded by Ninth and 11th Streets, Pine and Spruce Streets.
Philadelphia, **Coleman, William, House, (Woodford)*, East Fairmount Park.
Philadelphia, **Colonial Germantown Historic District*, Germantown Avenue between Windrim Avenue and Upsal Street.
Philadelphia, *Conyngham-Hacker House*, 5214 Germantown Avenue.
Philadelphia, *Deshler-Morris House*, 5442 Germantown Avenue.
Philadelphia, *Drinker's Court*, 236–238 Delancey Street.
Philadelphia, **Eakins, Thomas, House*, 1729 Mount Vernon Place.
Philadelphia, **Eastern State Penitentiary*, 21st Street and Fairmount Avenue.
Philadelphia, **Elfreth's Alley Historic District*, between Second and Front Streets.
Philadelphia, *Fairmount Park*, extends along both banks of the Schuylkill River and Wissahickon Creek, from the Art Museum at Spring Garden Street to Northwestern Avenue.
Philadelphia, *Fidelity Mutual Life Insurance Company Building*, Fairmount and Pennsylvania Avenues.
Philadelphia, *First Unitarian Church*, 2121 Chestnut Street.
Philadelphia, *Forrest, Edwin, House*, 1326 North Broad Street.
Philadelphia, *Fort Mifflin Hospital*, Marina and Penrose Ferry Roads.
Philadelphia, **Founder's Hall, Girard College*, Corinthian and Girard Avenues.
Philadelphia, *Frankford Arsenal*, Tacony and Bridge Streets.
Philadelphia, *Free Quaker Meetinghouse*, southwest corner of Fifth and Arch Streets.
Philadelphia, *Furness Library*, 34th Street below Walnut Street.
Philadelphia, *Girard College Complex*, bounded by Poplar Street, Girard, West College, South College, and Ridge avenues (10–29–74).
Philadelphia, *Gloria Dei (Old Swedes') Church National Historic Site*, Swanson Street, between Christian and Water Streets.
Philadelphia, *Grumblethrope*, 5267 Germantown Avenue.
Philadelphia, *Grumblethrope Tenant House*, 5269 Germantown Avenue.
Philadelphia, **Hamilton, William, House, The Woodlands*, 40th Street and Woodland Avenue West.
Philadelphia, *Hatfield House*, Fairmount Park, 33rd Street near Girard Avenue.
Philadelphia, *Head House Square*, both sides of 400 block of South Second Street.
Philadelphia, *Hill-Physick House*, 321 South Fourth Street.
Philadelphia, *Howel House*, 5218 Germantown Avenue.
Philadelphia, *Independence National Historical Park*, bounded by Walnut, Sixth, Chestnut, and Second Streets.

Philadelphia, **Institute of the Pennsylvania Hospital*, 111 North 49th Street.
Philadelphia, *Irish, Nathaniel, House*, 704 South Front Street.
Philadelphia, *Ivy Lodge*, 29 East Penn Street.
Philadelphia, *Johnson House*, 6306 Germantown Avenue.
Philadelphia, *Knowlton (Rhawn House)*, 8001 Verree Road (10–1–74).
Philadelphia, *Kosciuszko House*, 301 Pine Street.
Philadelphia, **Logan, James, Home, Stenton*, 18th and Courtland Streets.
Philadelphia, **MacPherson, John, House (Mount Pleasant)*, Fairmount Park.
Philadelphia, *Masonic Temple*, 1 North Broad Street.
Philadelphia, *Maxwell, Ebenezer, House*, 200 West Tulpenhocken Street.
Philadelphia, *Mennonite Meetinghouse*, 6119 Germantown Avenue (7–23–73).
Philadelphia, *Metropolitan Opera House*, 858 North Broad Street.
Philadelphia, *Mikveh Israel Cemetery*, northwest corner of Spruce and Darien Streets.
Philadelphia, *The Monastery*, Fairmount Park, Kitchen's Lane at Wissahickon Creek.
Philadelphia, *Moor, Clarence B., House*, 1321 Locust Street.
Philadelphia, **Mother Bethel A.M.E. Church*, 419 South Sixth Street (3–16–72).
Philadelphia, **Musical Fund Society Hall*, 808–810 Locust Street (3–11–71).
Philadelphia, **New Market*, South Second Street between Pine and Lombard Streets.
Philadelphia, *Odd Fellows Hall*, 800 North Third Street.
Philadelphia, *Old City Historic District*, includes parts of Washington Square East and Franklin Square East Development areas.
Philadelphia, **Old Fort Mifflin*, Marina and Penrose Ferry Roads (9–29–69).
Philadelphia, *Old Germantown Academy and Headmasters' Houses*, Greene Street and School House Lane (1–13–72).
Philadelphia, *Plays and Players*, 1714 Delancey Street.
Philadelphia, **U.S.S. Olympia*, Pier 40, at the foot of Chestnut Street.
Philadelphia, **Peale, Charles Willson, House (Belfield)*, 2100 Clarkson Avenue.
Philadelphia, *Pennsylvania Academy of the Fine Arts*, southwest corner of Broad and Cherry Streets.
Philadelphia, **The Pennsylvania Hospital*, Eighth and Spruce Streets.
Philadelphia, *Philadelphia College of Art (Asylum for the Deaf and Dumb)*, northwest corner of Broad and Pine Streets.
Philadelphia, *Philadelphia Contributionship*, 212 South Fourth Street.
Philadelphia, **Poe, Edgar Allan, House*, 530 North Seventh Street.
Philadelphia, *The Randolph House*, East Fairmount Park.
Philadelphia, *Reading Terminal*, 1115–1141 Market Street.
Philadelphia, **Reynolds-Morris House*, 225 South Eighth Street.
Philadelphia, *St. Clement's Protestant Episcopal Church*, southwest corner of 20th and Cherry Streets.
Philadelphia, *St. George's Methodist Church*, 324 New Street.
Philadelphia, *702 South Front Street*.
Philadelphia, *Society Hill Historic District*, bounded on the north by Walnut Street (both sides), on the south by Lombard Street, on the east by the pier line of the Delaware River, and on the west by Eighth Street (both sides).
Philadelphia, *South Front Street Historic District*, west side of South Front Street (700 to 712) between Bainbridge and Kenilworth Streets.
Philadelphia, *Southwalk District*, bounded by Delaware and Washington Avenues, Fifth, Lombard, Front, and Catherine Streets.
Philadelphia, **Sully, Thomas, Residence*, 530 Spruce Street.
Philadelphia, *U.S. Naval Home*, Gray's Ferry Avenue and 24th Street.
Philadelphia, *Upsala*, 6430 Germantown Avenue.
Philadelphia, **Walnut Street Theatre*, Ninth and Walnut Streets.
Philadelphia, *Wanamaker, John, House*, 2032 Walnut Street.
Philadelphia, *Widow Maloby's Tavern*, 700 South Front Street.
Philadelphia, **Woodford*, East Fairmount Park (12–24–67).
Philadelphia, *Woodland Terrace*, 501–519, 500–520 Woodland Terrace.
Philadelphia, *Wyck House*, 6026 Germantown Avenue.

Pike County

**Delaware and Hudson Canal* (see Orange County, N.Y.).
Milford, **Pinchot, Gifford, House, Grey Towers*, west edge of Milford.

Sullivan County

Hillsgrove vicinity, *Hillsgrove Covered Bridge*, 3 miles east of Hillsgrove off Pennsylvania 87.

Susquehanna County

Susquehanna, *Erie Railroad Station*.

Union County

New Berlin, *New Berlin Presbyterian Church (Community Center)*, High and Vine Streets.
New Berlin, *Old Union County Courthouse*, corner of Market and Vine Streets.

Venango County

Titusville vicinity, **Drake Oil Well*, 3 miles southeast of Titusville on Pennsylvania 36, Drake Well Memorial Park.
Titusville vicinity, *Site of Pithole City*, 10 miles southeast of Titusville, off Pennsylvania 227.

Warren County

Warren, *Pennsylvania Railroad Passenger Station*, 316 Chestnut Street (11–19–74).

Washington County

Blainsburg vicinity, *Malden Inn*, west of Blainsburg on U.S. 40 (1–24–74).
California, *Old Main, California State College*, California State College campus (5–2–74).
Centerville vicinity, *Harrison House*, east of Centerville on Pennsylvania 481 (12–30–74).
Claysville, *Derrow, Margaret, House*, West Main Street (11–5–74).
Claysville, *Montgomery House*, West Main Street (10–25–74).
Fredericktown vicinity, *Regester Log House*, N of Fredericktown off PA 88 (10–16–74).
Scenery Hill, *Hill's Tavern (Century Inn)*, U.S. 40 (11–19–74).
Washington, *Bradford, David House*, 175 South Main Street (7–16–73).
Washington, *Le Moyne, Dr. Julius, House*, 49 East Maiden Street (10–25–73).
Washington, *Washington County Courthouse*, South Main Street (7–30–74).
Washington, *Washington County Jail*, Cherry Street (7–30–74).
West Brownsville, *Dorsey, Joseph, House*, 113 Cherry Avenue (11–19–74).

Wayne County

**Delaware and Hudson Canal* (see Orange County, N.Y.).
Bethany, *Wilmot House*, Wayne Street (2–15–74).
Equinunk vicinity, *Hill's Sawmill*, south of Equinunk off Pennsylvania 191 (11–8–74).

Westmoreland County

Greensburg vicinity, *Site of Old Hannastown*, 4 miles northeast of Greensburg off U.S. 119.
Harrison City vicinity, **Bushy Run Battlefield*, 2 miles east of Harrison City on Pennsylvania 993.
Torrance vicinity, *Western Division-Pennsylvania Canal (Conemaugh River Lake)*, N of Torrance (9–17–74).

York County

Hanover, *Nace, George, House*, 113–115 West Chestnut Street.
York, *Billmeyer House*, East Market Street.
York, *Cookes House*, 438–440 Codorus Street.
York, *Gates, Horatio, House and Golden Plough Tavern*, 157–159 West Market Street.

Puerto Rico

San Juan

**La Fortaleza*, San Juan Island, between San Juan Bay and Calle Recinto Oeste.
San Juan National Historic Site.
San Juan, *San Juan Historic District*, northwestern triangle of the islet of San Juan.

Rhode Island

Bristol County

Bristol, *Bristol County Courthouse*, High Street.
Bristol, *Bristol County Jail*, 48 Court Street.
Bristol, *Bristol Customs House and Post Office*, 420–448 Hope Street.
Bristol, *Church, Benjamin, House*, 1014 Hope Street.
Bristol, *Longfield (Charles Dana Gibson House)*, 1200 Hope Street.
Bristol, *Reynolds, Joseph, House*, 956 Hope Street.
Warren, *Warren United Methodist Church and Parsonage*, 27 Church Street.
Warren, *Warren Waterfront Historic District*, bounded roughly by the Warren River, Belcher Cove, and the old town line (includes Main Street to Campbell Street) (2–28–74).

Kent County

Coventry, **Greene, General Nathanael, Homestead*, 40 Taft Street (10–7–71).
Coventry, *Paine House*, Station Street (5–1–74).
Coventry, *Waterman Tavern*, Maple Valley Road (7–24–74).
East Greenwich, *Armory of the Kentish Guards*, Armory and Pierce Streets.
East Greenwich and Warwick, *East Greenwich Historic District*, roughly bounded by Kenyon Avenue, Division, Pierce, and London Streets, Greenwich Cove, Dark Entry Brook (6–13–74).
East Greenwich, *Kent County Courthouse*, 127 Main Street.
East Greenwich, *Varnum, General James Mitchell, House*, 57 Pierce Street.
East Greenwich, *Windmill Cottage*, 144 Division Street.
East Greenwich, *Witmarsh, Colonel Micah, House (John Reynold House)*, 294 Main Street.
Warwick, *Arnold, John W., House*, 11 Roger Williams Avenue.
Warwick, *Forge Farm*, 40 Forge Road (1–11–74).
Warwick, *Gaspee Point*, off Namquid Drive.
Warwick, *Greene-Bowen House*, 698 Buttonwoods Avenue (5–2–74).
Warwick and Cranston, *Pautuxet Village Historic District* (also in Providence County).
Warwick, *Pontiac Mills*, Knight Street, Pontiac.
Warwick, *Rhodes, Christopher, House*, 25 Post Road.

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West Greenwich (Coventry), *Hopkins Mill*, Rhode Island 3 at Nooseneck River (1–11–74).
West Warwick, *Clapp, Silas, House*, East Greenwich Avenue.
West Warwick, *Lippitt Mill*, 825 Main Street (1–11–74).

Newport County

Jamestown, *Artillery Park*, North Road and Narragansett Avenue.
Jamestown, *Conanicut Battery*, west of Beaver Tail Road.
Jamestown, *Fort Dumpling*, Ocean Street.
Jamestown, *Friends Meeting House*, North Road and Weeden Lane.
Jamestown, *Jamestown Windmill*, north of Weeden Lane on North Road.
Little Compton, *Little Compton Common Historic District*, bounded by properties on Simmons Road, Willow Avenue, South Commons Road, Meeting House Lane, West Road, School House Lane; surrrounding Common (5–3–74).
Middletown, *Whitehall*, Berkeley Avenue.
Newport, *Baldwin, Charles H., House*, Bellevue Avenue opposite Perry Street.
Newport, *Bell, Isaac, House*, 70 Perry Street.
Newport, *Bellevue Avenue-Casino Historic District*, 170–230 Bellevue Avenue.
Newport, *The Breakers*, Ochre Point Avenue.
Newport, **Brick Market*, Thames Street and Washington Square.
Newport, *Chateau-sur-Mer*, Bellevue, Leroy, Lawrence, and Shepard Avenues.
Newport, *Clark, Sherman, House*, 279 Thames Street.
Newport, *Clarke Street Meetinghouse (Second Congregational Church)*, Clarke Street.
Newport, *Cook, Clark, House*, 285 Thames Street.
Newport, *Cotton, Dr. Charles, House*, 5 Cotton's Court.
Newport, *Cozzell, William King, III, House*, 72 Washington Street.
Newport, *The Elms*, Bellevue Avenue.
Newport, *Fort Adams State Park*, Harrison Avenue.
Newport, *Gale, Levi H., House*, 89 Touro Street.
Newport, *Griswold, John, House*, 76 Bellevue Avenue.
Newport, **Hunter House*, 54 Washington Street.
Newport, *Kay Street-Catherine Street-Old Beach Road Historic District* (5–22–73).
Newport, **King, Edward, House*, Aquidneck Park, Spring Street.
Newport, *Kingscote*, northwest corner of Bellevue Avenue and Bowery Street.
Newport, *Lucas-Johnston House*, 40 Division Street.
Newport, *Luce Hall*, U.S. Naval War College.
Newport, *Marble House*, Bellevue Avenue.
Newport, *Mawdsley, Captain John, House*, 228 Spring Street.
Newport, *Miantonomi Memorial Park*, bounded on the south by Admiral Kalbfuss Road, on the west by Girard Avenue, on the north by property of the Newport Housing Authority, and on the east by Hillside Avenue.
Newport, *Newport Artillery Company Armory*, 23 Clarke Street.
Newport, *Newport Casino*, 194 Bellevue Avenue.
Newport, **Newport Historic District*, near but not including the waterfront area, within the 18th-century town limits.
Newport, **Old Colony House (Old Statehouse)*, Washington Square.
Newport, *Newport Steam Factory*, 449 Thames Street.
Newport, *Perry Mill*, 337 Thames Street.
Newport, **Redwood Library*, 50 Bellevue Avenue.
Newport, *Rogers, Joseph, House*, 37 Touro Street.
Newport, *Roseclif (Hermann Oelrichs House, J. Edgar Monroe House)*, east side of Belmont Avenue, south of Marine Avenue.
Newport, **Sherman, William Watts, House*, 2 Shepard Avenue.
Newport, *Shiloh Church (Trinity Schoolhouse)*, 25 School Street.
Newport, *Stiles, Ezra, House*, 14 Clarke Street.
Newport, *Tillinghast, John, House*, 142 Mill Street.
Newport, *Touro Synagogue National Historic Site*, 85 Touro Street.
Newport, **Trinity Church*, Spring and Church streets.
Newport, *United Congressional Church*, Spring and Pelham Streets.
Newport, **U.S. Naval War College*, Coaster's Harbor Island.
Newport, **Vernon House*, 46 Clarke Street.
Newport, **Wanton-Lyman-Hazard House*, 17 Broadway.
Newport, *White Horse Tavern*, 26 Marlborough Street.
Newport, *Whitehorne, Samuel, House*, 414 Thames Street.
Newport, *Commandant's Residence, Quarters Number One, Fort Adams*, Harrison Avenue (5–8–74).
Newport, *Common Burying Ground and Island Cemetery*, Farewell and Warner Streets (5–1–74).
Portsmouth, **Battle of Rhode Island Site*.
Portsmouth, *Mott, Jacob, House*, West Main Road (Rhode Island 114).
Portsmouth, *Union Church*, Union Street and East Main Road (6–13–74).
Portsmouth vicinity, *Wreck Sites of H.M.S. Cerberus and H.M.S. Lark*, in Narragansett Bay adjacent to Aquicneck Island.
Tiverton, *Fort Barton Site*, Lawton and Highland Avenues.
Tiverton, *Tiverton Four Corners Historic District*, both sides of Main Road in an irregular pattern (6–20–74).

Providence County

Central Falls, *Jenks Park*, adjoining 580 Broad Street.
Cranston, *Joy Homestead*, 156 Scituate Avenue.
Cranston, *Pautuxet Village Historic District* (see Kent County).
Cranston, *Sprague, Governor William, Mansion*, 1851 Cranston Street.
Cumberland, *Berkley Mill Village*, bounded by properties on both sides of Martin Street and Mendon Road on the northeast and northwest, by the railroad on the southwest, and the cemetery on the southeast (2–23–72).
Cumberland, *Burlingame-Noon House*, 3261 Mendon Road (2–15–74).
East Providence, *Walker, Philip, House*, 432 Massasoit Avenue.
Foster, *Dorrance, Captain George, House*, Jencks Road.
Foster, *Foster Center Historic District*, irregular pattern, surrounding intersection of Foster Center Road, Howard Hill Road, and South Killingly Road (5–1–74).
Foster vicinity, *Mount Vernon Tavern*, Plainfield Pike, (Rhode Island 14) (5–8–74).
Georgiaville vicinity, *Smith-Appleby House*, north of Georgiafield off Rhode Island 116 on Stillwater Road (5–1–74).
Glocester, *Chepachet Village Historic District*, both sides of Main Road from the intersection of U.S. 44/R.I. 102 to the intersection of R.I. 100 and 102/U.S. 44 also properties on both sides of Dorr Drive, Douglas Hook Road, Point Lane, and Oil Mine Lane (3–31–71).
Glocester, *Glocester Town Pound*, Pound Road and Chopmist Hill Road.
Johnston, *Brown Avenue Historic District*, Brown Avenue.
Johnston, *Clemence-Irons House*, 38 George Waterman Road.
Johnston, *Farnum, Edwin H., House*, U.S. 44 and Collins Street (5–17–74).
Lincoln, **Arnold Eleazer, House*, Great Road (Rhode Island 123).
Lincoln, *Arnold, Israel, House*, Great Road.
Lincoln, *Blackstone Canal (Paul Bonci Memorial Park)*, from Front Street north to Ashton Dam.
Lincoln, *Hearthside (Stephen Hopkins Smith House)*, Great Road (4–24–73).
Lincoln, *Limerock Village Historic District*, in irregular pattern along Smith, Wilbur, and Great Roads, and Old Louisquisset Pike (5–23–74).
North Providence. *Olney, Captain Stephen, House*, 138 Smithfield Road (5–1–74).
North Scituate, *Old Congregational Church*, off U.S. 6 on Greenville Road (Rhode Island 116) (1–11–74).
North Smithfield, *Forestdale Mill Village Historic District*, (6–5–72).
North Smithfield, *Slatersville Historic District* (4–24–73).
Pawtucket, **Old Slater Mill*, Roosevelt Avenue.
Pawtucket, *Trinity Church*, 50 Main Street.
Providence, *Allen, Candace, House*, 12 Benevolent Street.
Providence, *Allendale Mill*, 494 Woonasquatucket Avenue.
Providence, *The Arcade*, 130 Westminster Street and 65 Weybosset Street.
Providence, *Arnold-Palmer House*, 33 Chestnut Street.
Providence, *Bailey, William L., House*, Eaton Street, Providence College campus.
Providence, *Bell Street Chapel*, 5 Bell Street.
Providence, *Beneficent Congregational Church*, 300 Weybosset Street.
Providence, *Brackett, Charles, House*, 45 Prospect Street.
Providence, *Brick School House*, 24 Meeting Street.
Providence, *Broadway-Armory Historic District*, bounded by Dean, Carpenter, Bridgham, Dunlee, Cranston, Superior, Messer, Barton, Grove, Vinton, Federal, America, and Henryon Streets (5–1–74).
Providence, **Brown, John, House*, 52 Power Street.
Providence, *Carr House*, 20 Waterman Street.
Providence, **College Hill Historic District*, the entire length of Benefit Street and east and west of that street in irregular form.
Providence, *Congdon Street Baptist Church*, 17 Congdon Street.
Providence, *Corliss, John, House*, 201 South Main Street (5–1–74).
Providence, **Corliss-Carrington House*, 66 William Street.
Providence, *Customs House*, 24 Weybosset Street.
Providence, *Dexter, Edward, House*, 72 Waterman Street.
Providence, *Elizabeth Building*, 100 North Main Street.
Providence, *Federal Building*, Kennedy Plaza.
Providence, **First Baptist Meetinghouse*, North Main Street between Thomas and Waterman Streets.
Providence, *Grace Church*, 175 Mathewson Street.
Providence, *Halle, Joseph, House (Gardner House)*, 106 George Street.
Providence, *Hope-Power-Cooke Streets Historic District*, roughly bounded by Angell, Governor, Williams, and Brook Streets (1–16–73).
Providence, *Hopkins, Esek, House*, 97 Admiral Street.
Providence, **Hopkins, Governor Stephen House*, 15 Hopkins Street (4–3–70).
Providence, *Hoppin, Thomas F., House*, 383 Benefit Street.
Providence, **Ives, Thomas P., House*, 66 Power Street.
Providence, *Lippitt, Governor Henry, House*, 199 Hope Street.

Providence, *Market House*, Market Square.
Providence, *Martin Hall*, Eaton Street.
Providence, *Moshassuck Square (American Screw Co. Factories)*, Stevens Street.
Providence, Pawtucket, Central Falls, Lincoln vicinity, *Blackstone Canal*, extends from Front Street Bridge, Lincoln, to Steeple and Promenade Streets, Providence.
Providence, *Pearce, Nathaniel, House*, 305 Brook Street.
Providence, *Providence and Worcester Railroad Depot*, Canal Street.
Providence, *Roger Williams National Memorial*, Old Town.
Providence, *Roger Williams Park Historic District*, Roger Williams Park (5–2–74).
Providence, *Russell, Joseph and William, House*, 118 North Main Street.
Providence, *St. Joseph's Roman Catholic Church*, 86 Hope Street (7–15–74).
Providence, *St. Stephen's Church*, 114 George Street.
Providence, *Sixth District Courthouse*, 150 Benefit Street.
Providence, *State Arsenal*, 176 Benefit Street.
Providence, *Statehouse*, 90 Smith Street.
Providence, *Stimson Avenue Historic District*.
Providence, *Trinity Square Repertory Theater (Majestic Theater)*, 201 Washington Street.
Providence, *Union Trust Co. Building*, 62 Dorrance Street.
Providence, **University Hall, Brown University*, Brown University campus.
Providence, *Winsor-Swan-Whitman Farm*, 416 Eaton Street (5–1–74).
Providence, *Woods-Gerry House*, 62 Prospect Street.
Saylesville vicinity, *Great Road Historic District*, west of Saylesville at Great and Breakneck Hill roads (7–22–74).
Smithfield, *Allenville Mill*, 5 Esmond Street, Union Village, *Arnold, Peleg, House*, Woonsocket Hill Road (7–30–74).
Woonsocket, *Woonsocket City Hall*, 169 Main Street (5–1–74).
Woonsocket, *Woonsocket Company Mill Complex*, 100–115 Front Street.
Woonsocket, *Woonsocket Opera House*, 37–41–45 North Main Street.

Washington County

Carolina, *Carolina Village Historic District*, in irregular pattern on both sides on Rhode Island 112 from Shannock Hill Road to Rhode Island 91 (5–2–74).
Charlestown, *Fort Ninigret*, Fort Neck Road.
Charlestown, *Historic Village of the Narragansetts in Charlestown*.
Charlestown, *Indian Burial Ground*, Narrow Lane.
Hopkinton, *Hopkinton City Historic District*, in irregualr pattern surrounding intersection of Hopkinton-Clarks Falls Road, North Road, Route 3, Woodville and Burdickville Roads (5–1–74).
Kingston, *Kingston Village Historic District*, irregular pattern, both sides of Rhode Island 138 (5–1–74).
Narragansett, *The Towers*, Ocean Road.
New Shoreham, *Block Island North Light*, Sandy Point, off Corn Neck Road (5–23–74).
New Shoreham, *Old Harbor Historic District*, bounded by waterfront and inland in semicircle from Mineral Spring through Continental and Harbor Pond (5–8–74).
North Kingstown, *Casey, Silas, Farm*, Boston Neck Road (8–14–73).
North Kingstown, *Old Narragansett Church*, 60 Church Lane, Wickford.
North Kingstown (Wickford), *Palmer-Northrup House*, 7919 Post Road.
North Kingstown (Wickford), *St. Paul's Church*, 76 Main Street (6–30–72).
North Kingstown (Wickford), *Shaw, Dr. William G., House*, 41 Brown Street (1–18–72).
North Kingstown (Wickford), *Smith's Castle*, Post Road (2–23–72).
North Kingstown, **Stuart, Gilbert, Birthplace*, Gilbert Stuart Road (12–21–65).
Westerly, *Babcock-Smith House*, 124 Granite Street.
Westerly, *Former Immaculate Conception Church*, 119 High Street.
Westerly, *U.S. Post Office*, High and Broad Streets.
Westerly, *Wilcox Park Historic District*.
Wyoming, *Wyoming Village Historic District*, both sides of Bridge Street and Routes 130 and 3 from Route 138 to Old Nooseneck Road, includes Prospect Street (5–2–74).

South Carolina

Abbeville County

Abbeville, *Abbeville Historic District*.
Abbeville, *Abbeville Opera House*, Court Square.
Abbeville, *Burt-Stark House*, 306 North Main Street (4–3–70).
Abbeville, *Trinity Episcopal Church and Cemetery*, Church Street.
Due West, *Young Place*, SC 185 (10–9–74).

Aiken County

Aiken, *Phelps House, Barnwell Avenue* 6–10–74).
Beech Island vicinity, *Fort Moore-Savano Town Site*, northwest of Beech Island (8–14–73).
Beech Island vicinity, *Redcliffe*, 1.5 miles northeast of Beech Island on South Carolina 125.
North Augusta, *Hammond, Charles, House*, 908 Martintown Road West (10–2–73).

Allendale County

Allendale vicinity, *Red Bluff Flint Quarries*, 13 miles southwest of Allendale, off U.S. 301.
Johnson's Landing vicinity, *Lawton Mounds*, 0.75 mile south of Johnson's Landing off South Carolina 73.
Peeples vicinity, *Fennell Hill*, northwest of Peeples off South Carolina 73 (11–19–74).

Anderson County

Anderson, *Anderson Historic District*, 14 blocks in the city of Anderson, bounded by Hampton, Main, Franklin, McDuffie, Benson, and Pant Streets.
Anderson, *Caldwell-Johnson-Morris House*, 220 E. Morris Street (10–7–71).
Anderson, *Orr, Marshall, House*, 809 West Market Street.
Pendleton, *Pendleton Historic District*.
Pendleton vicinity, *Ashtabula*, 1.25 miles northeast of Pendleton on South Carolina 88.
Pendleton vicinity, *Woodburn*, end of Woodburn Road, 1.5 miles west of Pendleton.

Bamberg County

Bamberg vicinity, **Woodlands (William Gilmore Simms Estate)*, on Highway 78, 3 miles south of Bamberg.
Ehrhardt vicinity, *Rivers Bridge State Park*, 6 miles southwest of Ehrhardt via South Carolina 641 and 36.

Barnwell County

Barnwell, *Banksia Hall*, 2108 Reynolds Road (5–31–74).
Barnwell, *Church of the Holy Apostles (Episcopal)*, 1706 Hagood Avenue.
Barnwell, *Church of the Holy Apostles Rectory*, 1700 Hagood Avenue (11–21–74).
Barnwell, *Old Presbyterian Church*, 1905 Academy Street.

Beaufort County

Beaufort, *The Anchorage*, 1103 Bay Street.
Beaufort, *Barnwell, William, House*, 800 Prince Street.
Beaufort, *Barnwell-Gough House*, 705 Washington Street.
Beaufort, **Beaufort Historic District*, bounded on the north by Boundary Street, on the west by Hamar and Bladen Streets, and on the south and east by the Beaufort River (12–17–69).
Beaufort, *Cuthbert, John A., House*, 1203 Bay Street.
Beaufort, **Marshlands*, 501 Pinckney Street.
Beaufort, **Smalls, Robert, House*, 511 Prince Street.
Beaufort, *Tabby Manse (Thomas Fuller House)*, 1211 Bay Street.
Beaufort, *Verdier, John Mark, House*, 801 Bay Street.
Beaufort vicinity, *Charles Forte*, south of Beaufort on Parris Island (8–7–74).
Beaufort vicinity, *Hunting Island State Park Lighthouse*, 17 miles south-southeast of Beaufort via U.S. 21.
Frogmore vicinity, *Penn Center Historic District*, S of Frogmore on SC 37 (9–9–74).
Gardens Corner vicinity, *Sheldon Church Ruins*, northwest of Gardens Corner on U.S. 21.
Hilton Head vicinity, *Skull Creek (Hilton Head)*, north of Hiltonhead off Hickory Bluff-Mount Calvary Church Road.
Hilton Head Island, *Sea Pines*, 2.7 miles south of Opossum Point.
Hilton Head Island vicinity, *Green's Shell Enclosure*, Northwest of Hilton Head Island off U.S. 278 (8–7–74).
Laurel Bay vicinity, *Chester Field Site*, south of Laurel Bay on Port Royal Island.
Port Royal vicinity, *Fort Frederick*, north of Port Royal off South Carolina 281 at U.S. Naval Hospital (12–31–74).
Port Royal vicinity, *Hasell Point Site* (8–14–73).
Port Royal vicinity, *Little Barnwell Island*, north of Port Royal (8–14–73).
St. Helena Island, *Indian Hill Site*, on St. Helena Island (3–22–74).

Berkeley County

Cainhoy vicinity, *Colais Milestones*, on County Route 98, north of Cainhoy to County Route 44 near Cordesville.
Cainhoy vicinity, *The White Church (St. Thomas Episcopal Church)*, approximately 2 miles north of Cainhoy on County Highway 98.
Goose Creek, **St. James' Goose Creek*.
Huger, **Pomption Hill Chapel*, 0.5 mile southwest of the intersections of South Carolina 41 and 402.
Huger vicinity, **Middleburg Plantation*, c. 2 miles southwest of Huger, on the East Branch of the Cooper River.
Moncks Corner, *Strawberry Chapel and Site of Town of Childsburg*, southeast of Moncks Corner on South Carolina 402.
Moncks Corner vicinity, *Lewisfield Plantation*, about 2.5 miles south of Moncks Corner off U.S. 52.
Moncks Corner vicinity, **Mulberry*, off U.S. 52 on the Cooper River.
Mount Holly vicinity, *Medway*, 2.1 miles east of Mount Holly.
St. Stephens, **St. Stephens' Episcopal Church*, on South Carolina 45.

Calhoun County

Cameron, *Ulmer-Summers House*, Old Orangeburg Road (10–25–73).
Fort Motte, *Fort Motte Battle Site*, 2.3 miles northeast of Fort Motte on County Route 13.
St. Matthews, *Crutchfield House*, 412 East Bridge Street.

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St. Matthews vicinity, *Prehistoric Indian Village*, north of St. Matthews (7–30–74).
St. Matthews vicinity, *Puritan Farm*, west of St. Matthews (7–25–74).

Charleston County

Adams Run vicinity, *Willtown Bluff*, southwest of Adams Run off County Road 55 on bank of South Edisto River (1–8–74).
Awendaw vicinity, *Sewee Mound (The Old Fort)*, 2.8 miles South of Awendaw.
Charleston, **Aiken, William, House and Associated Railroad Structures*, 456 King Street.
Charleston, *Bethel Methodist Church*, 57 Pitt Street (11–20–74).
Charleston, **Blacklock, William, House*, 18 Bull Street.
Charleston, *Blake Tenements*, 2–4 Courthouse Square.
Charleston, *Branford-Horry House*, 59 Meeting Street.
Charleston, **Brewton, Miles, House*, 27 King Street.
Charleston, **Brewton, Robert, House*, 71 Church Street.
Charleston, **Charleston Historic District* (extended), the total area corresponds to the Old and Historic District delineated in the zoning ordinance of the city of Charleston, ratified on August 16, 1966.
Charleston, *Charleston's French Quarter District (Lodge Alley)*, bounded by Lodge Alley, Cumberland, East Bay, and State Streets (9–19–73).
Charleston, *Citizens and Southern National Bank of South Carolina*, 50 Broad Street.
Charleston, **College of Charleston*, Glebe, George, St. Philip and Green Streets.
Charleston, *Dock Street Theatre (Planter's Hotel)*, 135 Church Street.
Charleston, **The Exchange and Provost*, East Bay and Broad Streets (12–17–69).
Charleston, **Farmers' and Exchange Bank*, 14 East Bay Street.
Charleston, **Fireproof Building*, 100 Meeting Street (7–29–69).
Charleston, *Fort Sumter National Monument*, Charleston harbor.
Charleston, **Gibbs, William, House*, 64 South Battery.
Charleston, **Heyward, DuBois, House*, 76 Church Street.
Charleston, **Heyward-Washington House*, 87 Church Street.
Charleston, **Hibernian Hall*, 105 Meeting Street.
Charleston, **Huguenot Church*, 136 Church Street.
Charleston, *McCrady's Tavern and Long Room*, 153 East Bay Street.
Charleston, *McLeod Plantation*, 325 Country Club Drive (8–13–74).
Charleston, **Manigault, Joseph, House*, 350 Meeting Street.
Charleston, **Market Hall and Sheds*, 188 Meeting Street (6–4–73).
Charleston, **Mills, Clark, Studio*, 51 Broad Street.
Charleston, *Nicholson, James, House (Ashley Hall School)*, 172 Rutledge Avenue (8–30–74).
Charleston, *Site of Old Charles Towne*, Albemarle Point.
Charleston, **Old Marine Hospital*, 20 Franklin Street.
Charleston, **Parish House of the Circular Congregational Church*, 150 Meeting Street.
Charleston, *Powder Magazine*, 79 Cumberland Street.
Charleston, **Rhett, Robert Barnwell, House*, 6 Thomas Street.
Charleston, **Roper, Robert William, House*, 9 East Battery.
Charleston, *Rose, Thomas, House*, 57–59 Church Street.
Charleston, **Russell, Nathaniel, House*, 51 Meeting Street (8–19–71).
Charleston, **Rutledge, Edward, House (Carter-May House)*, 117 Broad Street.
Charleston, **Rutledge, Governor John, House*, 116 Broad Street.
Charleston, **St. Michael's Episcopal Church*, 80 Meeting Street.
Charleston, **St. Philip's Church*, 146 Church Street.
Charleston, **Simmons-Edwards House*, 12–14 Legare Street (1–25–71).
Charleston, *South Carolina National Bank of Charleston*, 16 Broad Street.
Charleston, *South Carolina State Arsenal (Old Citadel)*, 2 Tobacco Street (Marion Square).
Charleston, *Stiles-Hinson-Thompson House*, 940 Paul Revere Drive (10–9–74).
Charleston, **Stuart, Colonel John, House*, 104–106 Tradd Street (10–22–70).
Charleston, *Sword Gates House*, 32 Legare Street, 111 Tradd Street.
Charleston, **Unitarian Church*, 6 Archdale Street.
Charleston, *U.S. Customhouse*, 200 E. Bay Street (10–9–74).
Charleston, *U.S. Post Office and Courthouse*, 83 Broad Street (8–13–74).
Charleston harbor, *Castle Pinckney*, on Shute's Folly Island.
Charleston vicinity, **Drayton, John, House (Drayton Hall)*, 12 miles west of Charleston off South Carolina 61.
Charleston vicinity, *Fenwick Halls*, on John's Island approximately 10 miles south of Charleston.
Charleston vicinity, *Fort Johnson/Powder Magazine*, approximately 3 miles southeast of Charleston.
Charleston vicinity, *Magnolia Gardens*, 10 miles northwest of Charleston on South Carolina 61.
Charleston vicinity, *St. Andrews Parish Church*, 5 miles northwest of Charleston on the Ashley River Road (South Carolina 61) (10–15–73).
Charleston vicinity, *Vander Horst, Arnoldus, House*, about 25 miles southwest of Charleston on Kiawah Island (10–25–73).
Edisto Island, **Brick House Ruin.*
Edisto Island vicinity, *Bleak Hall Plantation Outbuildings*, about 4 miles off South Carolina 174.
Edisto Island vicinity, *Edisto Island Presbyterian Church*, 1.9 miles north of Edisto Island on South Carolina 174.
Edisto Island vicinity, *Middleton's Plantation*, 3.5 miles north of Edisto Island, then south 2 miles via unnumbered road.
Edisto Island vicinity, *Old House Plantation*, northeast of Edisto Island via South Carolina 174, County Route 768, and unnumbered road.
Edisto Island vicinity, *Peter's Point Plantation*, southwest of Edisto Island off South Carolina 174 on County Road 764.
Edisto Island vicinity, *The Presbyterian Manse*, northwest of Edisto Island via South Carolina 174 and unnumbered road.
Edisto Island vicinity, *Seabrook, William, House*, north of Edisto Island via South Carolina 174 and County Routes 968 and 768.
Edisto Island vicinity, *Trinity Episcopal Church*, about 1.2 miles north of Edisto Island on South Carolina 174.
Edisto Island vicinity, *Windsor Plantation*, northeast of Edisto Island off South Carolina 174 (7–23–74).
McClellanville vicinity, *Fairfield Plantation*, north of McClellanville (7–25–74).
Georgtown vicinity, **St. James' Church*, 17 miles south of Georgetown, near the Santee River.
James Island, *Marshlands Plantation House*, Fort Sumter Drive.
McClellanville vicinity, **Hampton Plantation*, 8 miles north of McClellanville.
Mount Pleasant, *Mount Pleasant Historic District*.
Mount Pleasant, *Old Courthouse*, 311 King Street.
Mount Pleasant vicinity, *Auld Mound*, northeast of Mount Pleasant, 1.2 miles southeast of U.S. 17.
Mount Pleasant vicinity, *Buzzard's Island Site*, northeast of Mount Pleasant, 1.3 miles south of U.S. 17.
Mount Pleasant vicinity, *Christ Episcopal Church*, 4.6 miles northeast of Mount Pleasant on U.S. 17.
Mr. Pleasant vicinity, *Pritchard, Paul, Shipyard*, about 2 mi. N. of Mt. Pleasant (9–17–74).
Mount Pleasant vicinity, **Snee Farm*, about 6 miles northeast of Mount Pleasant off U.S. 17 (4–13–73).
Rantowles vicinity, **Stono River Slave Rebellion Site.*
Rockville, *Village of Rockville Historic Height.*
Rockville vicinity, *Fig Island Site*, 2 miles southwest of Rockville on Edisto Island on the north bank of Ocella Creek.
Rockville vicinity, *Hanckel Mound*, 2 miles northwest of Rockville on Wadmalaw Island.
Rockville vicinity, *Horse Island*, 1 mile south of Rockville on Seabrook Island.
Rockville vicinity, *Seabrook, John, Plantation Bridge*, NW of Rockville off SC 700 (10–9–74).
Sullivan's Island, *Battery Gadsden*, 2017 Ion Avenue (6–25–74).
Sullivan's Island, *Battery Thomson*, 2013 Ion Avenue (6–25–74).
Sullivan's Island, *U.S. Coast Guard Historic District.*

Cherokee County

Chesnee vicinity, *Cowpens National Battlefield*, 2 miles east of Chesnee at junction of South Carolina 11 and South Carolina 110.

Chester County

Chester, *Chester City Hall and Opera House*, West End and Columbia Streets.
Chester, *Chester Historic District.*
Chester vicinity, *Catholic Presbyterian Church*, 14 miles southeast of Chester on South Carolina 97 and County Route 355.
Chester vicinity, *Fishdam Ford*, southwest of Chester off South Carolina 72 (also in Union County) (8–14–73).
Chester vicinity, *Lewis Inn*, 6.5 miles northeast of Chester on South Carolina 72, then 0.5 mile west on South Carolina 909.
Chester vicinity, *McCollum Mound (Turkey Creek Mound and Village)*, 14 miles northwest of Chester off S.C. 9.
Lockhart vicinity, *McCollum Fish Weir*, southeast of Lockhart, on Broad River (8–28–74).
Richburg vicinity, *Elliott House*, 0.3 mile north of Richburg on South Carolina 901, then 1 mile on County Route 136.
Rowell, *Landsford Canal*, off U.S. 21, a 2-mile section parallel to the Catawba River.

Chesterfield County

Cheraw, *Cheraw Historic District*, bounded by Front, Kershaw, 3d, McIver, Cedar, Greene, Christian, and Church Streets (11–20–74).
Cheraw, *St. David's Episcopal Church and Cemetery*, Church Street.

Clarendon County

Summerton vicinity, *Santee Indian Mound*, south of Summerton off U.S. 301.

Colleton County

Jacksonboro vicinity, *Pon Pon Chapel*, on Parker's Ferry Road, 1 mile from South Carolina 64.
Walterboro, *Colleton County Courthouse*, corner of Hampton and Jeffries Streets.
Walterboro, *Old Colleton County Jail*, Jeffries Boulevard.

Walterboro, *Walterboro Library Society Building*, 801 Wichman Street.
Williams vicinity, *Williams, Tom, House*, 0.25 mile west of Williams on North Street.

Darlington County

Bennettsville vicinity, *Welsh Neck-Long Bluff-Society Hill Historic District*, southwest of Bennettsville along U.S. 15/401 (12–16–74).
Hartsville vicinity, **Coker Experimental Farms*, west of Hartsville on South Carolina 151.
Hartsville vicinity, *Kelley, Jacob, House*, 3 miles west of Hartsville, Route 2, South Carolina S–16–12.

Dillon County

Bingham vicinity, *Selkirk Farm*, east of Bingham on old Cashua Perry Road (7–24–74).
Dillon, *Dillon, James W., House*, 1302 West Main Street.
Latta vicinity, *Allen, Joel, House*, northwest of Latta (8–13–74).
Latta vicinity, *Early Cotton Press*, 0.5 mile west of junction of South Carolina 917 and 38.

Dorchester County

St. George vicinity, *Carroll Place*, intersection of Quaker and Wire Roads (7–25–74).
St. George vicinity, *Indian Fields Methodist Camp Ground*, about 4 miles northeast of St. George on South Carolina 73.
Stallsville vicinity, *Newington Plantation*, W of Stallsville (9–17–74).
Summerville vicinity, **Middleton Place*, 10 miles southeast of Summerville on South Carolina 61.
Summerville vicinity, *Old Dorchester*, Dorchester State Park, including the ruins of the village and fort of Dorchester and St. George's Church, on the Ashley River near the mouth of Dorchester Creek.

Edgefield County

Edgefield, *Edgefield Historic District.*
Edgefield vicinity, *Blocker House*, about 6 miles northwest of Edgefield on U.S. 25.
Edgefield vicinity, *Cedar Grove*, 5 miles northwest of Edgefield on U.S. 25.
Edgefield vicinity, *Darby Plantation*, southeast of Edgefield off U.S. 25 (8–13–74).
Edgefield vicinity, *Horn Creek Baptist Church*, south of Edgefield via Routes 34, 133, and a dirt road.
North Augusta vicinity, *Big Stevens Creek Baptist Church*, about 8 miles northwest of North Augusta on South Carolina 230.

Fairfield County

Jenkinsville vicinity, *Ebenezer Associate Reformed Presbyterian Church (Old Brick Church)*, 4.3 miles north of Jenkinsville on South Carolina 213.
Jenkinsville vicinity, *Kincaid-Anderson House (Fairfield)*, northeast of Jenkinsville off South Carolina 213 (7–30–74).
Jenkinsville vicinity, *Little River Baptist Church*, 3.8 miles north of Jenkinsville on South Carolina 213.
Longtown vicinity, *Blink Bonnie (Robertson Place)*, 10 miles northeast of Ridgeway.
Monticello vicinity, *Davis Plantation*, 0.25 mile south of Monticello on South Carolina 215.
Ridgeway, *Century House (Brick House)*, South Carolina 34, 1 block west of Main Street.
Ridgeway vicinity, *St. Stephen's Episcopal Church*, about 1 mile northeast of Ridgeway on County Route 106.
Ridgeway vicinity, *Valencia*, about 2 miles northwest of Ridgeway on County Route 106.
Winnsboro, *Ketchin Building*, 231 South Congress Street.
Winnsboro, *Rural Point (Robertson House)*, Old Camden Road.
Winnsboro, *Winnsboro Historic District*, bounded on the west by Garden Street; on the south by Buchanan Street, Fairfield Country Club, and Moultrie Street; on the east by Congress Street, Zion Street, Walnut Street, and Gooding Street; and on the north by a line running from Roosevelt Street to Woodland Terrace.
Winnsboro vicinity, *Blair Mound*, northwest of Winnsboro (8–23–74).
Winnsboro vicinity, *McMeekin Rock Shelter*, west of Winnsboro (8–23–74).

Florence County

Florence vicinity, *Harwell, James, House*, NE of Florence off SC 305 (10–9–74).
Johnsonville vicinity, *Snow's Island*, east of Johnsonville at the confluence of the Great Pee Dee River and Lynch's Creek.
Mars Bluff, *Slave Houses, Gregg Plantation*, Francis Marion College campus (7–22–74).

Georgetown County

Georgetown, *Georgetown Historic District*, the Old City of Georgetown, bounded on the south by the Sampit River; on the west by Wood Street; on the north by U.S. 17; and on the east by Meeting Street.
Georgetown, *Old Market Building (Georgetown County Rice Museum)*, Front and Screven Streets (12–3–69).
Georgetown, *Prince George Winyah Church (Episcopal) and Cemetery*, corner Broad and Highmarket Streets.
Georgetown vicinity, *Annandale Plantation*, about 14 miles south of Georgetown between South Carolina 30 and South Carolina 18 (10–25–73).
Georgetown vicinity, *Chicora Wood Plantation*, about 12 miles northeast of Georgetown on South Carolina 52.
Georgetown vicinity, *Georgetown Lighthouse*, about 12 miles southeast of Georgetown on North Island (12–30–74).
Georgetown vicinity, **Hopsewee (Thomas Lynch House)*, 12 miles south of Georgetown on U.S. 17.
Pawleys Island, *Pawleys Island Historic District*, bounded on the north by Williamson House property line, on the south by Prevost House property line, on the east by the Atlantic Ocean, and on the west by Marshlands.
Plantersville vicinity, *Prince Frederick's Chapel Ruins*, southeast of Plantersville on Route 52 (8–28–74).

Greenville County

Conestee, *McBee Methodist Church*, Main Street.
Greenville, *Beattie, Fountain Fox, House*, 1 Beattie Place (10–9–74).
Greenville, *Christ Church (Episcopal) and Churchyard*, 10 North Church Street.
Greenville, *Earle Town House*, 107 James Street.
Greenville, *Reedy River Falls Historic Park and Greenway*, both banks of the Reedy River from the falls to Church Street.
Greenville, *Whitehall*, 310 West Earle Street.
Tigerville vicinity, *Poinsett Bridge*, about 4 miles north of Tigerville on County Route 42.

Greenwood County

Cokesbury and vicinity, *Old Cokesbury Historic District and Masonic Female College Conference School.*
Greenwood vicinity, *Brooks, J. Wesley, House*, 2 miles south of Greenwood on U.S. 25.
Ninety Six vicinity, **Old Ninety Six and Star Fort*, 2 miles south of Ninety Six between South Carolina 248 and 27 (12–3–69).

Horry County

Conway, *Old Horry County Courthouse and Jail*, Main Street.

Jasper County

Gillisonville, *Gillisonville Baptist Church*, U.S. 278.
Robertville, *Robertville Baptist Church*, intersection of U.S. 321 and County Route 26.

Kershaw County

Camden, *City of Camden Historic District*, bounded on the south by the city limits, on the east and west by the Southern Railroad right-of-way, and on the north by Dicey Creek Road.
Camden, *Historic Camden Revolutionary War Restoration*, southern area of the city, Dekalb Township (7–29–69).
Camden vicinity, *Adamson Mounds Site*, c. 2 miles west of Camden, along the left bank of Mound Creek.
Camden vicinity, **Camden Battlefield*, 5 miles north of Camden on U.S. 521 and 601.
Camden vicinity, *McDowell Site (Chestnut Mounds)*, 2.5 miles south of Camden, surrounding the mouth of Big Pine Tree Creek on the Wateree River.

Lancaster County

Heath Springs vicinity, *Battle of Hanging Rock Historic Site*, about 3.5 miles south of Heath Springs off U.S. 521 (12–31–74).
Lancaster, **Lancaster County Courthouse*, 104 North Main Street (2–24–71).
Lancaster, **Lancaster County Jail*, 208 West Gay Street (8–9–71).

Laurens County

Clinton vicinity, *Duncan's Creek Presbyterian Church*, 5 miles northeast of Clinton off South Carolina 72 (11–15–73).
Laurens, *Dunklin, James, House*, 544 W. Main Street (10–1–74).
Laurens, *Laurens County Courthouse*, Laurens Courthouse Square.
Laurens, *Octagon House*, 619 East Main Street.
Laurens, *Simpson, William Dunlap, House*, 726 West Main (7–24–74).
Laurens vicinity, *Sullivan House*, about 10 miles west of Laurens on U.S. 76.

Lexington County

Cayce, *Taylor Site*, Taylor Road (11–21–74).
Cayce vicinity, *Congaree Historic District*, about 2 miles south of Cayce on Congaree River (12–31–74).
Lexington, *Fox House (Classical and Theological Seminary of the Evangelical Lutheran Synod of South Carolina and Adjacent States)*, 232 Fox Street.
Lexington, *Hazelius, Ernest L., House*, 225 Columbia Avenue.
West Columbia, *Saluda Factory Historic District* (also in Richland County).

McCormick County

Parksville vicinity, *Price's Grist Mill*, E of Parksville on Steven's Creek (11–22–72).
Willington vicinity, *De La Howe State School*, 3 miles southeast of Willington on South Carolina 81.
Willington vicinity, *Gillebeau House*, about 2.5 miles southeast of Willington off South Carolina 81.

Marion County

Latta vicinity, *Old Ebenezer Church*, 5 miles south of Latta on South Carolina 38.
Marion, *Marion Historic District* (10–4–73).

Marlboro County

Bennettsville, *Jennings-Brown House*, 121 South Marlboro Street.
Bennettsville, *Magnolia (Chancellor William Johnson House)*, 508 East Main Street.
Wallace vicinity, *Pegues Place*, 6 miles north of Wallace, just off U.S. 1 on County Route 266.

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Newberry County

Newberry, *Newberry Opera House*, Boyce and Nance Streets.
Newberry, *Old Courthouse, Newberry*, 1207 Caldwell Street.

Oconee County

Seneca, *Seneca Historic District*, roughly bounded by 1st, Poplar, 4th, and both sides of Townville Street (12–31–74).
Seneca vicinity, *Alexander-Hill House*, approximately 10 miles north of Seneca off Route 183.
Walhalla vicinity, *Ellicott Rock*, north of Walhalla off South Carolina 107 along North Carolina-South Carolina State line (7–24–73).
Walhalla vicinity, *Oconee Station and Richards House*, 11 miles north of Walhalla via South Carolina 11 and County Route 95.
Walhalla vicinity, *Stumphouse Tunnel Complex*, 5 miles north of Walhalla via South Carolina 28 and Route 226.
Westminster vicinity, *Prather's Bridge*, over Tugaloo River, 10 miles southwest of Westminster via U.S. 124, then 1 mile northwest on County Route 68, then 0.25 mile west on County Route 160.

Orangeburg County

Branchville, *Southern Railway Passenger Depot*, 110 North Main Street.
Eutawville vicinity, *Eutaw Springs Battleground Park*, 2 miles east of Eutawville on South Carolina 6 and 45.
Orangeburg, *Orangeburg County Jail*, 44 St. John Street (10–2–73).
Orangeburg vicinity, *White House United Methodist Church*, north of Orangeburg on U.S. 301 (5–13–74).

Pickens County

Pendleton Historic District (see Anderson County).
Clemson, **Calhoun, John C., House, Fort Hill*, Clemson University campus.
Clemson, *St. Julien-Ravenel House* (*Hanover House*), Clemson University campus.
Pendleton vicinity, *Old Stone Church and Cemetery*, off U.S. 76, 1.5 miles north of Pendleton at the intersection of County Route 37.
Pickens vicinity, *Hagood Mill*, 3.5 miles NW of Pickens on U.S. 178 (12–11–72).

Richland County

Saluda Factory Historic District (see Lexington County).
Columbia, *Arsenal Hill* (*Palmetto Ironworks and Armory*), 1800 Lincoln Street.
Columbia, *Caldwell - Hampton - Boylston House*, 829 Richland Street.
Columbia, *Chestnut Cottage*, 1718 Hampton Street (5–6–71).
Columbia, *Columbia City Hall*, Main and Laurel Streets.
Columbia, *Columbia Historic District I.*
Columbia, *Columbia Historic District II.*
Columbia, *DeBruhl-Marshall House*, 1401 Laurel Street.
Columbia, **First Baptist Church*, 1306 Hampton Street (1–25–71).
Columbia, *First Presbyterian Church*, 1324 Marion Street.
Columbia, **Hall, Ainsley, House*, 1616 Blanding Street (7–16–70).
Columbia, *Hampton-Preston House*, 1615 Blanding Street.
Columbia, *Horry-Guignard House*, 1527 Senate Street.
Columbia, *The Lace House*, 803 Richland Street.
Columbia, *Lorick-Baker House*, 1727 Hampton Street.
Columbia, **Mills Building, South Carolina State Hospital*, 2100 Bull Street (6–5–70).
Columbia, *Old Campus District, University of South Carolina*, bounded on the west by Sumter Street, on the south, east, and north by buildings not included in the old campus quadrangle.
Columbia, *Picriccorn House* (*Hale-Elmore-Seibels House*), 1601 Richland Street.
Columbia, *Simons Cottage*, 1403 Richland Street.
Columbia, *South Carolina Governor's Mansion*, 800 Richland Street.
Columbia, *South Carolina Statehouse*, bounded on the north by Main Street, on the west by Assembly Street, on the south by Senate Street, and on the east by Sumter Street.
Columbia, *Supreme Court of South Carolina Building*, northwest corner of Gervais and Sumter Streets.
Columbia, *Sylvan Building* (*Central National Bank*), 1500 Main Street.
Columbia, *Town Theatre*, 1012 Sumter Street (10–9–74).
Columbia, *Trinity Episcopal Church*, 1100 Sumter Street.
Columbia, *Union Station*, 401 South Main Street.
Columbia, *Washington Street United Methodist Church*, 1401 Washington Street.
Columbia, *Wilson, Thomas Woodrow, Boyhood Home*, 1705 Hampton Street.
Columbia vicinity, *Millwood*, Garner's Ferry Road.
Eastover vicinity, *Kensington Plantation House*, 8 miles east of Eastover near Farm Road 764.

Saluda County

Saluda vicinity, *Bonham House*, southeast of Saluda off U.S. 178 (12–30–74).
Saluda vicinity, *Butler Family Cemetery*, northeast of Saluda off South Carolina 194 (12–31–74).
Saluda vicinity, *Saluda Old Town Site*, 10 miles north of Saluda on Route 54.

Spartanburg County

Campobello vicinity, *Ingleside*, about 1 mile north of Campobello on U.S. 176.
Glenn Springs vicinity, *Camp Hill* (*Smith House*), 2 miles south of Glenn Springs on South Carolina 215.
Lyman vicinity, *McMakin's Tavern*, NW of Lyman off SC 358 (10–9–74).
Moore vicinity, *Fredonia*, E of Moore off U.S. 221 (10–9–74).
Moore vicinity, *Price House* (*Price's Post Office*), southeast of Moore at junction of County Roads 86, 199, 200 (10–28–69).
Roebuck vicinity, *Smith's Tavern*, southeast of Roebuck off South Carolina 49 (7–29–74).
Spartanburg, *Cleveland Law Range*, 171 Magnolia Street.
Spartanburg, *Evins-Bivings House* (*Dr. James Bivings House*), 563 North Church Street.
Spartanburg, *Foster's Tavern*, 191 Cedar Spring Road.
Spartanburg, *Seay, Jammie, House*, Darby Road off Crescent Avenue, within the city limits.
Spartanburg, *Wofford College Historic District*, Wofford College campus (12–27–74).
Spartanburg vicinity, *Nicholls-Crook House*, about 15 miles southwest of Spartanburg off U.S. 221.
Spartanburg vicinity, *Walnut Grove Plantation*, 8 miles southeast of Spartanburg, c. 1 mile east of the intersection of U.S. 221 and Interstate 26.

Sumter County

Pinewood vicinity, **Milford Plantation*, 2 miles west of Pinewood on South Carolina 261 (11–19–71).
Rembert vicinity, *Ellerbe's Mill*, about 3 miles south of Rembert off U.S. 521 (11–20–74).
Stateburg, **Church of the Holy Cross*.
Stateburg vicinity, *The Borough House Plantation*, Stateburg, and vicinity.
Sumter, *Sumter Town Hall/Opera House*, North Main Street.
Sumter vicinity, *Stateburg Historic District*.

Union County

Fishdam Ford (see Chester County).
Jonesville vicinity, *Means House*, 2 miles southwest of Jonesville on South Carolina 12.
Union, *Dawkins, Judge Thomas, House*, Dawkins Court (north of East Main Street).
Union, *Episcopal Church of the Nativity*, Church and Pinckney Streets (8–30–74).
Union, *Herndon Terrace*, North Pinckney Street at the corner of Catherine Street.
Union, *Jeter, Gov. Thomas B., House*, 203 Thompson Boulevard (12–2–74).
Union, *Merridun*, 100 Merridun Place (6–20–74).
Union, *Union County Jail*, Main Street (8–30–74).
Union vicinity, *Battle of Blackstock's Historic Site*, west of Union off South Carolina 49 (12–16–74).
Union vicinity, *Cedar Bluff*, southwest of Union, South Carolina 49 (6–20–74).
Union vicinity, *Cross Keys House*, 12 miles southwest of Union on South Carolina 49.
Union vicinity, *Padgett's Creek Baptist Church*, southwest of Union on South Carolina 18 (5–6–71).
Union vicinity, *Pinckneyville*, 13 miles northeast of Union on South Carolina 13.
Union vicinity, *Rose Hill*, 9 miles southsouthwest of Union on County Route 16.

Williamsburg County

Kingstree, *Thorntree* (*Witherspoon House*), Fluitt-Nelson Memorial Park.

York County

Bethany vicinity, *Kings Mountain National Military Park*, northwest of Bethany on South Carolina 161.
McConnellsville vicinity, *Brattonsville Historic District*, east of McConnellsville on County Route 165, 2 miles south of the intersection with South Carolina 322.
Rock Hill, *The White House*, 258 East White Street.
York, *Wilson House*, 3 South Congress Street (11–20–74).

South Dakota

Beadle County

Huron, *Campbell Park Historic District of Huron*, roughly bounded by 5th, 7th, 9th, Wisconsin, California, Kansas, and Dakota Streets (11–5–74).
Huron, *Pyle House*, 376 Idaho SE. (12–30–74).

Brown County

Aberdeen, *Easton's Castle*, 1210 Second Avenue NW.

Buffalo County

Chamberlain vicinity, **Crow Creek Site*, 15 miles north of Chamberlain on the east side of the Missouri River near South Dakota 47.
Fort Thompson vicinity, **Fort Thompson Mounds*, near Fort Thompson on South Dakota 50, Crow Creek Indian Reservation.

Charles Mix County

Geddes, *Geddes Historic District*.

Clay County

Vermillion, *Austin-Whittemore Museum*, 18 Austin Avenue.
Vermillion, *Old Main*, Clark Street, University of South Dakota campus.
Vermillion vicinity, *Spirit Mound*, north of Vermillion off South Dakota 19 (11–19–74).

Custer County

Custer, *Custer County Courthouse*, 411 Mt. Rushmore Road.
Custer, *Way Park Museum*, corner of Fourth and Mount Rushmore Road.
Custer vicinity, *Badger Hole*, 9 miles east of Custer off U.S. 16A.
Custer vicinity, *Cold Springs Schoolhouse*, southeast of Custer off C.R. 336.

Davidson County

Mitchell, **Mitchell Site*, municipal golf course.

Dewey County

Mobridge vicinity, **Molstad Village*, 18 miles south of Mobridge, overlooking the Oahe Reservoir.

Fall River County

Hot Springs, *Hot Springs Historic District*, roughly both sides of River Street in an irregular pattern from Summit Road south to Baltimore Street, includes part of Minnekahta Avenue (6–25–74).

Faulk County

Faulkton, *Pickler, Major John A., Homestead*, south edge of town.

Gregory County

Dixon vicinity, *Pocahontas Schoolhouse*, about 4.5 miles northeast of Dixon.

Hanson County

Bloom vicinity, **Bloom Site*, east of Bloom on the James River.

Hughes County

Pierre vicinity, **Arzberger Site*, 7.5 miles east of Pierre on the Missouri River.

Jackson County

Interior vicinity, *Prairie Homestead*, north of Interior on U.S. 16A/South Dakota 40 (1–11–74).

Kingsbury County

De Smet, *Railroad Camp Shanty* (*Surveyor's Shanty*), corner of First and Olivet Streets.

Lawrence County

Deadwood, **Deadwood Historic District*.
Lead, *Lead Historic District* (12–31–74).
Spearfish vicinity, *Frawley Historic Ranch*, 6 miles east of Spearfish on U.S. 14/85 (12–31–74).

Lincoln County

**Blood Run Site* (see Lyon County, Iowa).

Lyman County

Lower Brule vicinity, **Langdeau Site*, north of Lower Brule on South Dakota 47W.

Marshall County

Britton vicinity, *Fort Sisseton*, southeast of Britton.

Meade County

Fort Meade, *Fort Meade District*, on South Dakota 34/79.
Sturgis vicinity, *Bear Butte*.

Minnehaha County

Sioux Falls, *All Saints School, Main Building*, 101 West 17th Street.
Sioux Falls, *Federal Building and U.S. Courthouse*, 400 South Phillips Avenue (5–2–74).
Sioux Falls, *Old Minnehaha County Courthouse*, Main Avenue and Sixth Street.
Sioux Falls, *Rock Island Depot*, 210 East 10th Street (2–15–74).
Sioux Falls, *Sioux Falls Historic District*, bounded by West Fourth Street, Spring, Prairie, and Summit Avenues and West 10th Street (6–5–74).
Sioux Falls, *Sioux Falls Public Library*, 235 West 10th Street.

Pennington County

Keystone vicinity, *Mount Rushmore National Memorial*, 3 miles west of Keystone off U.S. 16A.
Rapid City, *Rapid City Historic Commercial District*, bounded by both sides of Main, St. Joseph, 7th, and 6th streets (10–1–74).
Rapid City, *Rapid City West Boulevard Historic District*, bounded by Kansas City, Fairview, 11th, 7th, and 8th Streets (12–31–74).

Shannon County

Batesland vicinity, **Wounded Knee Battlefield*, 11 miles west of Batesland, Pine Ridge Indian Reservation.

Stanley County

Fort Pierre, *LaVerendrye Site*, off U.S. 83 (8–7–74).

Yankton County

Yankton, *Bishop Marty Rectory*, 1101 West 5th Street (12–27–74).

Tennessee

Anderson County

Oak Ridge, **X–10 Reactor, Oak Ridge National Laboratory*.

Bedford County

Bell Buckle, *Webb School, Junior Room*, off Tennessee 82.
Wartrace vicinity, *Martin House*, 7 miles northeast of Wartrace off Tennessee 64.

Benton County

Big Sandy vicinity, *Mount Zion Church*, 5.5 miles southeast of Big Sandy (10–2–73).

Blount County

Binfield vicinity, *Henry House*, southwest of Binfield on Henry Lane (11–1–74).
Louisville, *Louisville Historic District*, between railroad tracks and the Tennessee River (12–23–74).
Maryville vicinity, *Sam Houston Schoolhouse*, northeast of Maryville on Tennessee 8.
Townsend, *Little River Lumber Company Office*, Tennessee 73 (11–8–74).

Bradley County

Cleveland vicinity, *Red Clay Council Ground*, 13 miles south of Cleveland.

Cannon County

Readyville, *Readyville Mill*, on U.S. 70S.

Carter County

Elizabethton, *Carter, John and Landon, House* (*The Mansion*), East Broad Street.
Elizabethton, *Elizabethton Historic District*.
Elizabethton, *Sabine Hill*, off Tennessee 67 at Watauga Point.
Elizabethton vicinity, **Sycamore Shoals*, 2 miles west of Elizabethton on the Watauga River.

Cheatham County

Ashland City vicinity, *Indian Town Bluff*, west of Ashland City off Tennessee 49 (8–30–74).
Kingston Springs vicinity, *Mound Bottom*, east of Kingston Springs.
Kingston Springs vicinity, *Narrows of the Harpeth*, north of Kingston Springs on Route 2.

Claiborne County

Cumberland Gap National Historical Park (see Bell County, Ky.).
Tazewell, *Parkey House*, Main Street.

Cocke County

Parrotsville vicinity, *Swaggerty Blockhouse*, east of Parrotsville on U.S. 411.

Coffee County

Manchester, *Coffee County Courthouse*, Public Square (2–12–74).
Manchester, *Old Stone Fort*, on the Duck River off U.S. 41.

Davidson County

Antioch, *Hays-Kiser House*, 834 Reeves Road (9–10–74).
Bellevue, *Belle Vue*, Old Harding Road off U.S. 70S (10–25–73).
Donelson, *Two Rivers* (*David H. McGavock House*), McGavock Pike.
Hermitage, *Tulip Grove*, Lebanon Road.
Nashville, *Belair*, 2250 Lebanon Road.
Nashville, *Belmont*, Belmont Boulevard.
Nashville, *Cole House*, 2001 Lebanon Road (12–27–74).
Nashville, *Federal Office Building* (*Customs House*), Broadway.
Nashville, *First Presbyterian Church* (*Downtown Presbyterian Church*), 154 Fifth Avenue North.
Nashville, *Gymnasium, Vanderbilt University*, southwest corner of West End and 23d Avenues.
Nashville, *Holy Trinity Church*, 615 South Sixth Avenue.
Nashville, *Hubbard House*, 1109 First Avenue, South (8–14–73).
Nashville, *Hume-Fogg High School*, 700 Broad Street (10–16–74).
Nashville, *J. S. Reeves and Co. Building*, 208–210 Public Square.
Nashville, *Jubilee Hall, Fisk University*, 17th Avenue North.
Nashville, *Nashville Arcade*, between Fourth and Fifth Avenues.
Nashville, *Nashville Children's Museum* (*Lindsley Hall, University of Nashville*), 724 Second Avenue South.
Nashville, *Nashville City Cemetery*, 1001 South Fourth Avenue.
Nashville, *Nashville Union Station*, Broadway and 10th Avenue South.
Nashville, *The Parthenon*, Centennial Park.
Nashville, **Peabody College for Teachers*, 21st Avenue South and Edgehill Avenue.
Nashville, *Ryman Auditorium* (*Grand Old Opry House*), 116 Opry Place.
Nashville, *St. Mary's Catholic Church*, 330 Fifth Avenue North.
Nashville, *Second Avenue Commercial District*, Second Avenue North between Brandon Street and Broadway.
Nashville, *Stump, Frederick, House*, 4941 Buena Vista Pike.
Nashville, *Sunnyside*, 3000 Granny White Pike (10–1–74).
Nashville, **Tennessee State Capitol*, Capitol Hill.
Nashville, *Traveller's Rest*, Franklin Road.
Nashville vicinity, *Belle Meade*, Harding Road at Leake Avenue.
Nashville vicinity, *Brick Church Mound and Village Site*, 3 miles North of Nashville.
Nashville vicinity, *Devon Farm*, south of Nashville on Tennessee 100 (8–28–74).
Nashville vicinity, **The Hermitage*, 12 miles east of Nashville on U.S. 70N.
Old Hickory, *Cleveland Hall*, 4041 Old Hickory Boulevard.

Dickson County

Dickson vicinity, *Ruskin* (*Ruskin Colony Grounds*), NW of Dickson on Yellow Creek Road (10–29–74).

Fayette County

La Grange, *Immanuel Church* (*Episcopal*), Second and Chestnut Streets.

Fentress County

Pall Mall, *York, Sargeant, Historic Area*.

Franklin County

Belvidere vicinity, *Zaugg Bank Barn*, Southeast of Belvidere off U.S. 64 (12–18–73).

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Huntland vicinity, *Falls Mill*, 1 mile off U.S. 64.
Winchester, *Knies Blacksmith Shop*, 118 North Jefferson Street.

Gibson County

Milan vicinity, *Browning House*, east of Milan on Milan Army Ammunition Plant (6–28–74).

Giles County

Dellrose vicinity, *Wilson-Young House*, about 2 miles southwest of Dellrose off I–65.
Wales, *Clifton Place*, Campbellsville Road.

Grainger County

Bean Station vicinity, *Tate Springs Springhouse*, about 3.5 miles east of Bean Station on U.S. 11W.
Blaine, *Shields' Station*, U.S. 11W.

Greene County

Greeneville, *Andrew Johnson National Historic Site*, Depot and College Streets.
Greeneville, *Greeneville Historic District*, roughly both sides of Main Street, from McKee to railroad tracks and Irish Street to East Church (5–3–74).

Hamblen County

Morristown, *Hamblen County Courthouse*, 511 West Second North Street.
Russellville vicinity, *Bethesda Presbyterian Church*, about 1.5 miles southwest of Russellville, off U.S. 11E.

Hamilton County

Chickamauga and Chatanooga National Military Park (see Catoosa County, Ga.).
Chattanooga, *Brabson House*, 407 East Fifth Street.
Chattanooga, *Brown's Ferry Tavern*, Brown's Ferry Road.
Chattanooga and Lookout Mountain, *Lookout Mountain Incline Railway*, from Tennessee 17 (St. Elmo) to Lookout Mountain.
Chattanooga, *Newton Chevrolet Building*, 329 Market Street.
Chattanooga, *Old Library Building*, 200 East Eighth Street.
Chattanooga, *Old Post Office*, East 11th and Lindsay Streets.
Chattanooga, *Ross' Landing*, 101 Market Street (6–27–74).
Chattanooga, *Terminal Station*, 1434 Market Street (2–20–73).
Chattanooga, *Tivoli Theater*, 709 Broad Street.
Chattanooga vicinity, *Williams Island*, northwest of Chattanooga in the Tennessee River.
Ooltewah vicinity, *Brown House*, about 10 miles northeast of Ooltewah on the Georgetown Pike.
Ooltewah vicinity, *Douglas, Hiram, House*, about 5 miles north of Ooltewah on Snow Hill Road.
Signal Mountain vicinity, *Topside*, about 3 miles northeast of Signal Mountain on Wilson Avenue.

Hardin County

Shiloh, *Shiloh National Military Park*.

Hawkins County

Kingsport, *Boatyard Historic District*, on the north side of the South Fork of the Holston River to the lower end of Long Island and both sides of the North Fork of the Holston River in the western limits of Kingsport (12–12–73) (also in Sullivan County).
Rogersville vicinity, *Amis House*, east of Rogersville on the Burem Pike.
Surgoinsville vicinity, *Long Meadow*, north of Surgoinsville off U.S. 11W (1–11–74).
Surgoinsville vicinity, *Sony Point*, northeast of Surgoinsville on U.S. 11W.

Hancock County

Sneedville, *Old Jail*, Jail Street.

Henry County

Elkhorn vicinity, *Mt. Zion Church and Cemetery*, northeast of Elkhorn near Tennessee River (12–23–74).
Paris, *Porter House*, 407 South Dunlap Street.
Paris vicinity, *Work Farm Site (Obion Mounds)* northeast of Paris.

Hickman County

Nunnelly vicinity, *Pinewood*, approximately 3 miles north of Nunnelly on Pinewood Road (Route 3).

Humphreys County

Hurricane Mills vicinity, *Link Farm Site*, northwest of Hurricane Mills.

Jefferson County

Dandridge, *Dandridge Historic District*, bounded on the east by Mill Street extended to the dike, on the south by the dike, on the west by a line about 800 feet west of Gay Street, and on the north by a line about 900 feet north of Meeting Street.
Dandridge, *Swann, Judge James Preston, House*, Cherokee Drive (7–16–73).
Gainesboro vicinity, *Fort Blount-Williamsburg Site*, on Cumberland River south of Gainesboro (7–17–74).
Jefferson City, *Glenmore*, off U.S. 11E.
Jefferson City vicinity, *Branner-Hicks House*, east of Jefferson City on Chucky Road (7–9–74).
White Pine vicinity, *Fairfax*, southeast of White Pine off U.S. 25E.
White Pine vicinity, *Franklin, Lawson D., House*, southeast of White Pine off U.S. 25E.

Johnson County

Laurel Bloomery, *Morrison Farm and Store*, Tennessee 91.
Mountain City, *Butler House*, 309 North Church Street.
Shouns, *Rhea House*, on U.S. 421.

Knox County

Knoxville, **Blount, William, Mansion*, 200 West Hill Avenue.
Knoxville, *Camp House*, 1306 Broadway NE.
Knoxville, *Craighead-Jackson House*, 1000 State Street.
Knoxville, *Dulin H. L. House*, 3100 Kingston Pike (10–15–74).
Knoxville, *Jackson Avenue Warehouse District*, Jackson Avenue.
Knoxville, *Knoxville City Hall*, City Hall Park, Western Avenue.
Knoxville, *Middlebrook*, 4001 Middlebrook Pike (6–18–74).
Knoxville, *Old Post Office Building*, corner of Clinch and Market Streets.
Knoxville, *Park, James, House*, 422 West Cumberland Avenue.
Knoxville vicinity, *Marble Springs*, south of Knoxville on Neubert Springs Road (5–6–71).
Knoxville vicinity, *Ramsey House*, Thorngrove Pike.
Knoxville vicinity, *Statesview*, about 11 miles southwest of Knoxville on Peters Road, off U.S. 70.

Lauderdale County

Fort Pillow, **Fort Pillow*, Tennessee 87 (4–11–73).

Lincoln County

Fayetteville vicinity, *Conger, Isaac, House*, northeast of Fayetteville off Hamestring Road (7–16–73).

Loudon County

Greenback, *National Campground*, Route 1.
Loudon, *Carmichael Inn*, off U.S. 11.
Loudon vicinity, *Bowman House*, east of Loudon on Little River Road.
Loudon vicinity, *Cannon-Calloway House*, west of Loudon off U.S. 11.
Loudon vicinity, *Lenoir, Albert, House*, west of Loudon on River Road (Tennessee 72).

Madison County

Jackson, *Jones, Casey, Home and Railroad Museum*, 211 West Chester Street.
Pinson vicinity, **Pinson Mounds*, 3 miles east of Pinson on secondary road.

Maury County

Columbia, *Athenaeum, The*, 808 Athenaeum Street.
Columbia, *Blythewood*, Trotwood and Hatcher Lane.
Columbia, *Mayes-Hutton House*, 306 West Sixth Street.
Columbia, **Polk, James K., House*, West Seventh and South High Streets.
Columbia vicinity, *Beechlawn*, south of Columbia on U.S. 31.
Columbia vicinity, *Cherry Glen*, southwest of Columbia off U.S. 43.
Columbia vicinity, *Clifton Place*, southwest of Columbia on Mount Pleasant Highway.
Columbia vicinity, *Hamilton Place*, west of Columbia off U.S. 43 (7–16–73).
Columbia vicinity, *Polk Manor*, west of Columbia off U.S. 43 (9–7–73).
Columbia vicinity, **Rattle and Snap*, on U.S. 43.
Columbia vicinity, *St. John's Episcopal Church*, 8 miles west of Columbia.
Columbia vicinity, *Zion Presbyterian Church*, 6.3 miles west of Columbia off Tennessee 99.
Williamsport vicinity, *Gordon, John, House*, northwest of Williamsport off Tennessee 50 (4–18–74) *(also in Hickman County)*.

Monroe County

Madisonville, *Cook-Kefauver House*, Kefauver Lane (10–9–74).
Madisonville, *Stickley House*, W of intersection of U.S. 411 and TN 68 (9–10–74).
Tellico Plains, Johnson, Elisha, Mansion, Ballplay Road (12–24–74).
Vonore vicinity, *Chota and Tanasi Cherokee Village Sites*, southeast of Vonore in Cherokee National Forest (8–30–73).
Vonore vicinity, **Fort Loudoun*, U.S. 411.
Vonore vicinity, *McGhee Mansion*, east of Vonore on Fort Loudoun Road (8–28–74).

Montgomery County

Clarksville, *Clarksville Federal Building*, southwest corner of Commerce and South Second Streets.
Clarksville, *Emerald Hill (Eagle's Nest)*, North Second Street.
Clarksville, *Poston Block*, southwest corner of Main and Telegraph Streets.
Clarksville, *Sevier Station*, west side of Walker Street, 216 feet south of B Street.

Moore County

Lynchburg, *Jack Daniel Distillery*, on Tennessee 55.

Morgan County

Rugby and vicinity, *Rugby Colony*, on Tennessee 52 (also in Scott County).

Perry County

Linden vicinity, *Cedar Creek Furnace*, 9 miles southwest of Linden on Furnace Creek.

Pickett County

Byrdstown vicinity, *Hull, Cordell, Birthplace*, west of Byrdstown.

Polk County

Benton vicinity, *Ward, Nancy, Tomb*, 2 miles south of Benton on U.S. 411.

Rhea County

Dayton, *Rhea County Courthouse*, Market Street between Second and Third Avenues.

Roane County

Harriman, *Harriman City Hall*, Roane Street and Walden.
Kingston, *Roane County Courthouse*, Kentucky Avenue.
Kingston, *Southwest Point*, on east bank of Tennessee River, off Route 58.

Robertson County

Cedar Hill, *St. Michael's Catholic Church*, 4 miles west of Tennessee 49.
Cedar Hill vicinity, *Glen Raven*, southwest of Cedar Hill on Washington Road (10–2–73).
Cedar Hill vicinity, *Wessyngton*, about 3 miles south of Cedar Hill, near Calebs Creek.
Cross Plains, *Randolph, William, House*, on Tennessee 25 (10–30–73).
Cross Plains vicinity, *Cornsilk (Thomas Stringer House)*, north of Cross Plains on Highland Road (1–11–74).
Cross Plains vicinity, *Rock Jolly*, northeast of Cross Plains off Tennessee 52 (10–30–73).
Springfield vicinity, *Pitt, Arthur, House and Distillery*, northeast of Springfield off Tennessee 49 (12–18–73).
Youngville vicinity, *Sudley Place*, north of Youngfield on State Line Road (1–11–74).

Rutherford County

Eagleville vicinity, *Scales, Absalom, House*, north of Eagleville off Tennessee 16 on Rocky Glade Road (10–30–73).
Murfreesboro, *Collier-Crichlow House*, 511 East Main (7–16–73).
Murfreesboro, *Oaklands*, North Maney Avenue.
Murfreesboro, *Palmer, General Joseph B., House*, 434 East Main Street (9–20–73).
Murfreesboro, *Rutherford County Courthouse*, Public Square (7–16–73).
Murfreesboro vicinity, *Elmwood*, northwest of Murfreesboro off U.S. 70S/41 (10–15–73).
Murfreesboro vicinity, *Fortress Rosecrans Site*, west of Murfreesboro at Stones River (6–7–74).
Murfreesboro vicinity, *Marymount*, southwest of Murfreesboro off Tennessee 99 on Rucker Lane (10–30–73).
Murfreesboro vicinity, *Stones River National Battlefield*, 3 miles northwest of Murfreesboro on U.S. 41.
Readyville, *Ready, Charles, House (The Corners)*, on U.S. 70S.
Readyville vicinity, *Macon, Uncle Dave, House*, west of Readyville on U.S. 70A (11–15–73).
Smyrna vicinity, *Davis, Sam, House*, northeast of Smyrna off Tennessee 102 (12–23–69).
Smyrna vicinity, *Ridley's Landing*, north of Smyrna on Jones Mill Road at Stone River (7–16–73).

Scott County

Rugby Colony (see Morgan County).
Huntsville, *Old Scott County Jail*, Courthouse Square (4–18–74).

Sevier County

Sevierville vicinity, *Buckingham House*, W of Sevierville off Sevierville Pike.
Sevierville, *Sevier County Courthouse*, Court Avenue.

Shelby County

Memphis, **Beale Street Historic District*, Beale Street from Main to Fourth Streets.
Memphis, *Chucalissa Indian Village*, Mitchell Road.
Memphis, *First Baptist Church*, 379 Beale Avenue.
Memphis, *Fowlkes-Boyle House*, 208 Adams Avenue (8–7–74).
Memphis, *Hunt-Phelan House*, 533 Beale Avenue.
Memphis, *The Lee and Fontaine Houses of the James Lee Memorial*, 680–690 Adams Avenue.
Memphis, *Magevney House*, 198 Adams Avenue (11–6–73).
Memphis, *Randolph House*, 546 Beale Street.
Memphis, *St. Mary's Catholic Church*, 155 Market Street (8–7–74).
Memphis, *Tri-State Bank*, 390 Beale Street.
Memphis, *Victorian Village District*, Adams and Jefferson Streets.

Smith County

Dixon Springs vicinity, *Dixona*, northwest of Dixon Springs on Tennessee 25.

Stewart County

Dover vicinity, *Dover Flint Quarries*, 3 miles east of Dover.
Dover vicinity, *Fort Donelson National Military Park*, 1 mile west of Dover on U.S. 79.

Sullivan County

Boatyard Historic District (see Hawkins County).
Arcadia vicinity, *Fain Plantation*, east Bloomingdale off U.S. 11W.
Blountville, *Fain, Squire John, Barn*, Lone Oak Estates, Tennessee 126.
Blountville, *Old Decry Inn*, Main Street.
Blountville vicinity, *Erwin Farm*, west of Blountville off Tennessee 75.
Bluff City vicinity, *Alison, Jesse, House*, southwest of Bluff City off U.S. 11E.
Bristol vicinity, *Pemberton Mansion and Oak*, about 9 miles northeast of Bristol off Tennessee 34.
Kingsport, *Church Circle District*.
Kingsport, *Clinchfield Railroad Station*, 101 East Main Street.
Kingsport, *Johnson, J. Fred, House*, 1322 Watauga Avenue.
Kingsport, *Mount Ida*, 1010–1012 Sevier Terrace Drive.
Kingsport, *Netherland Inn and Complex*, 2144 Netherland Inn Road.
Kingsport, *Old Kingsport Presbyterian Church*, Stone Drive and Afton (10–2–73).
Kingsport, *The Preston Farm*, 4812 Orebank Road.
Kingsport vicinity, **Long Island of the Holston*, south fork of the Holston River.
Kingsport vicinity, *Pearson Brick House*, east of Kingsport on Shipley Ferry Road.
Kingsport vicinity, *Roseland*, south of Kingsport on Shipp Street.
Kingsport vicinity, *Spring Place*, northwest of Kingsport on West Carter's Valley Road, west of U.S. 23.
Kingsport vicinity, *Wills-Dickey Stone House*, northwest of Kingsport on West Carter's Valley Road, west of U.S. 23.
Kingsport vicinity, *Yancey's Tavern*, east of Kingsport on Tennessee 126.
Piney Flats vicinity, *Alison, Finley, House*, west of Piney Flats on Route 2.
Piney Flats vicinity, *Rocky Mount*, southwest of Piney Flats off County Route 11E.

Sumner County

Castalian Springs, **Castalian Springs (Bledsoe's Lick)*, Gallatin-Hartsville Pike (Tennessee 25).
Gallatin vicinity, *Cragfont*, about 5 miles west of Gallatin off Tennessee 25.
Hendersonville vicinity, *Rock Castle*, southeast of Hendersonville on Indian Lake Road.

Unicoi County

Erwin vicinity, *Clarksville Iron Furnace*, southwest of Erwin off Tennessee 107 in Cherokee National Forest.

Van Buren County

Bone Cave vicinity, *Big Bone Cave*, 1.5 miles east of Bone Cave.

Washington County

Johnson City vicinity, *Dungan's Mill and Stone House*, northeast of Johnson City on Watauga Road.
Johnson City vicinity, *Tipton-Haynes House*, southeast of Johnson City on U.S. 19W.
Jonesboro, *Jonesboro Historic District*, bounded roughly by College Street, Sabin Avenue, and properties fronting on Main Street on the north; by Franklin Avenue and Depot Street on the south; by Second Avenue, Oak Grove Avenue, and private property on the west; and by private property on the east.
Jonesboro vicinity, *DeVaul Tavern*, west of Jonesboro on Leesburg Road (Route 6).
Jonesboro vicinity, *Taylor, Christopher, House*, southwest of Jonesboro off Old U.S. 11–E.

White County

Sparta vicinity, *Sparta Rock House*, 3 miles east of Sparta on U.S. 70 (8–14–73).

Williamson County

Franklin, *Carnton*, Confederate Cemetery Lane.
Franklin, *Fort Granger*, off Liberty Pike.
Franklin, *Franklin Historic District*, bounded by North Margin Street on the north; Big Harpeth River and North and South First Avenue on the east; both sides of South Margin Street on the south; and both sides of North and South Fifth Avenue on the west.
Franklin, **Masonic Hall*, South Second Avenue.
Franklin, *Rainey-Lawrence House*, 244 First Avenue South.
Franklin, *St. Paul's Episcopal Church*, 510 Main Street.
Franklin vicinity, **Franklin Battlefield*, south of Franklin on U.S. 31.
Franklin vicinity, *Winstead Hill*, 2 miles south of Franklin on U.S. 31 (11–29–74).
Lebanon vicinity, *Sellars Indian Mound*, East of Lebanon off Tennessee 26.

Wilson County

Mount Juliet vicinity, *Cloyd, John, House*, NW of Mount Juliet on U.S. 70 (10–1–74).

Texas

Armstrong County

Palo Duro vicinity, **JA Ranch*, Palo Duro Canyon.

Aransas County

Rockport, *Mathis, Thomas H., House*, 612 Church Street.

Bastrop County

Bastrop, *Allen-Bell House*, 1408 Church Street.
Hills Prairie vicinity, *Hill, Abraham Wiley, House*, 5 miles southwest of Hills Prairie.

Bell County

Belton, *Old St. Luke's Episcopal Church*, 401 north Wall (1–17–74).

Bexar County

Fort Sam Houston, *Post Chapel, Fort Sam Houston*, Building 2200, Wilson Street (5–17–74).
San Antonio, **The Alamo*, Alamo Plaza.
San Antonio, *Edward H. White II Museum (Hangar Nine)*, Brooks Air Force Base.
San Antonio, **Espada Aqueduct*, Espada Road, just east of U.S. 281S.
San Antonio, *First National Bank of San Antonio*, 213 West Commerce Street.
San Antonio, *King William Historic District*.
San Antonio, *La Villita Historic District*, bounded by Durango, Navarro, Alamo Streets and the San Antonio River.
San Antonio, *Menger Soap Works*, between North Laredo Street and San Pedro Creek (12–12–73).
San Antonio, **Mission Concepcion*, 807 Mission Road.
San Antonio, *Mission San Francisco de la Espada*, Espada Road.

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San Antonio, *Mission San Juan Capistrano*, Mission Road.
San Antonio, *Navarro, Jose Antonio, House Complex*, 228–232 South Laredo Street.
San Antonio, *Old Lone Star Brewery*, 110–116 Jones Avenue.
San Antonio, *Pershing House (Quarters No. 6, Staff Post)*, Staff Post Road, Fort Sam Houston (7–30–74).
San Antonio, *Quadrangle*, Grayson Street, Fort Sam Houston (7–30–74).
San Antonio, *San Jose Mission National Historic Site*, 6519 San Jose Drive.
San Antonio, **Spanish Governor's Palace*, 105 Military Plaza.
San Antonio, *U.S. San Antonio Arsenal*, bounded by South Flores Street on the west, East Arsenal Street on the south, the San Antonio River on the east, and private property on the north.
San Antonio, *Ursuline Academy*, 300 Augusta Street.

Blanco County

Blanco, *Conn, Adrian Edwards, House*, at intersection of U.S. 281 and the southwest boundary of the courthouse square.
Johnson City vicinity, **Lyndon B. Johnson National Historic Site* (also in Gillespie County).

Bowie County

Texarkana, *Offenhauser Insurance Building*, State Line Avenue and Third Street.
Texarkana vicinity, *Texarkana Phase Archeological District*, northwest of Texarkana (8–14–73).

Brewster County

Big Bend National Park, *Castolon Historic District*, along Rio Grand at jct. of Park routes 5, 9, and 35 (9–6–74).
Big Bend National Park, *Hot Springs*, west of Rio Grande Village (9–17–74).
Big Bend National Park, *Luna Jacal*, at base of Pena Mountain in Big Bend National Park (11–8–74).
Big Bend National Park, *Mariscal Mine*, about 25 miles west of Rio Grande Village on River Road (9–13–74).
Big Bend National Park, *Rancho Estelle*, on Rio Grande (8–3–74).

Briscoe County

Silverton vicinity, *Mayfield Dugout* (41 BI 52), 7 miles west-northwest of Silverton.

Caldwell County

Lockhart, *Emmanuel Episcopal Church*, southeast corner of North Church and Walnut Streets (6–5–74).

Cameron County

Brownsville, **Fort Brown*.
Brownsville, **Resaca de la Palma Battlefield*, north edge of Brownsville on Parades Line Road.
Brownsville vicinity, **Palo Alto Battlefield*, junction of Farm Roads 1847 and 511, 6.3 miles north of Brownsville.
Port Isabel vicinity, *Brazos Santiago Depot*, off Port Isabel, north end of Brazos Island.
Port Isabel vicinity, *Garcia Pasture Site*, Loma del Mesquite about 2 miles south-southwest of Port Isabel.

Carson County

Panhandle, *Carson County Square House Museum*, Fifth and Elsie Streets.

Chambers County

Cove vicinity, *Site 41 CH 110*, east of Cove and north of U.S. 10.
Wallisville vicinity, *Orcoquisac Archeological District*, north of Wallisville on Lake Miller.

Cherokee County

Alto vicinity, *George C. Davis Site*, about 6 miles southwest of Alto on Texas 21.

Coke County

Bronte vicinity, *Fort Chadbourne (41CK129)*, 12 miles north of Bronte.

Colorado County

Columbus, *Stafford Bank and Opera House*, southeast Corner of Milam and Spring Streets.

Comal County

New Braunfels, *First Protestant Church (United Church of Christ)*, 296 South Sequin Street.
New Braunfels, *Klein, Stephen, House*, 131 South Sequin Street.
New Braunfels, *Lindheimer House*, 489 Comal Avenue.

Concho County

Paint Rock vicinity, *Paint Rock Indian Pictograph Site*, 1 mile northwest of Paint Rock off U.S. 83.

Crockett County

Ozona, *Crockett County Courthouse*, 907 Avenue D (12–27–74).
Sheffield vicinity, *Fort Lancaster*, 10 miles east of Sheffield on U.S. 290.

Culberson County

Guadalupe Mountain National Park, *Pinery Station*, off U.S. 62/180 (10–9–74).

De Witt County (also in Gonzales County)

Cuero and Gonzales, *Cuero I Archeological District*, 4 miles north of Cuero, upstream to Gonzales (10–9–74).

Dallas County

Dallas, *Swiss Avenue Historic Distric*, Swiss Avenue between Fitzhugh and La Vista (3–28–74).

De Witt County

Cuero, *De Witt County Courthouse*, bounded by North Gonzales, East Live Oak, North Clinton, and East Courthouse Streets.

Ellis County

Waxahachie, *Waxahachie Chautauqua Building*, Getzendaner Park (5–3–74).

El Paso County

El Paso, *Chamizal National Memorial*.
El Paso, *Magoffin Homestead*, 1120 Magoffin Avenue.
El Paso, *Old Fort Bliss*, 1800 Block Doniphan Street; property between Doniphan Street and the Rio Grande, north of Franklin Canal.
El Paso vicinity, *Hueco Tanks*, 22 miles northeast of El Paso off U.S. 62.
El Paso vicinity, *Northgate Site*, 7 miles north of El Paso on Fort Bliss Military Reservation.
San Elizario, *Presidio Chapel of San Elizario*, south side of the Plaza.
Socorro, *Socorro Mission*, Moon Road and F.M. 258.
Ysleta, *Ysleta Mission*, on U.S. 80.

Fannin County

Bonham vicinity, *The Sam Rayburn House*, 1.5 miles west of Bonham on U.S. 82.

Fayette County

Winedale, *Winedale Inn Complex*, off F.M. 1457.

Fisher County

Noodle vicinity, *Foy Steadman Site*, 8.5 miles northwest of Noodle.

Galveston County

Galveston, *Ashbel Smith Building*, 914–916 Avenue B (Strand Avenue).
Galveston, *Ashton Villa*, 2328 Broadway (10–28–69).
Galveston, *Bishop's Palace (Gresham House)*, 1402 Avenue J (Broadway).
Galveston, *Grand Opera House*, 2012–2020 Avenue E (1–2–74).
Galveston, *St. Mary's Cathedral*, 2011 Church Avenue.
Galveston, *Sealy, George, House*, 2424 Broadway.
Galveston, *The Strand Historic District*, bounded on the north by Avenue A, on the east by 20th Street, on the south by an alley separating Avenues C and D, and on the west by the railroad passenger depot extending north to Avenue A (including lots 5, 6, and 7 of block 685 between Avenue A and New Strand Street).
Galveston, *Trueheart-Adriance Building*, 212 22d Street.
Galveston, *U.S. Customhoüse (Old Galveston Customhouse)*, southeast corner of 20th and Post Office (Avenue E) Streets.
Galveston, *Williams, Samuel May, House*, 3601 Avenue P.

Gillespie County

Fredericksburg, *Fredericksburg Historic District*.
Fredericksburg, *Fredericksburg Memorial Library*, Courthouse Square.
**Lyndon B. Johnson National Historic Site* (see Blanco County).

Goliad County

Goliad, *Old Market, House Museum*, southwest corner of South Market and Franklin.
Goliad vicinity, **Presidio Nuestra Señora de Loreto de la Bahia*, 1 mile south of Goliad State Park on U.S. 183.
Goliad vicinity, *Ruins of Mission Neustra Senora del Rosario de los Cujanes*, approximately 3.8 miles southwest of Goliad off U.S. 59.

Gonzales County

Cuero I Archeological District (see De Witt County).
Gonzales, *Gonzales County Courthouse*, bounded by St. Louis, St. Paul, St. Lawrence, and St. Joseph Streets.
Gonzales, *Kennard House*, 621 St. Louis Street.
Gonzales vicinity, *Braches Home*, 12 miles southeast of Gonzales on U.S. 90 Alternate.

Grimes County

Anderson, *Anderson Historic District* (3–15–74).

Guadalupe County

Seguin, *Erskine House No. 1 (Hollamon House)*, 902 North Austin Street.
Seguin, *Los Nogales*, northeast corner of South River and East Live Oak Streets.
Seguin, *Sebastopol (Zorn House)*, northeast corner of West Court and North Erkel Streets.

Hale County

Plainview, **Plainview Site*, 0.5 mile west of the junction of U.S. 70 and 87.

Harris County

Houston, *1884 Houston Cotton Exchange Building*, 202 Travis Street.
Houston, *Pilot Building*, 106 Congress (6–13–74).
Houston, *Sweeney, Coombs, & Fredericks Building*, 301 Main Street (6–20–74).
Houston, *U.S. Courthouse*, San Jacinto at Rusk Street (8–28–74).
Houston vicinity, **San Jacinto Battlefield*, 22 miles east of Houston on Texas 134.

Harrison County

Marshall, *Old Pierce House (Magnolia Hall)*, 303 North Columbus Street.

Hawkins County

Rogersville, *Rogersville Historic District*.

Hays County

San Marcos, *Cock House*, 402 East Hopkins Street.
San Marcos, *First United Methodist Church*, 129 West Hutchison (11–8–74).

Hill County

Blum vicinity, *Sheep Cave*, southwest of Blum (7–9–74).
Hillsboro, *Hill County Courthouse*, Courthouse Square.
Lake Whitney Estates vicinity, *Buzzard Cave*, northwest of Lake Whitney Estates (7–18–74).
Lake Whitney Estates vicinity, *Kyle Shelter*, northwest of Lake Whitney Estates (7–9–74).
Lake Whitney Estates vicinity, *Pictograph Cave*, northwest of Lake Whitney Estates (3–13–74).

Hood County

Granbury, *Hood County Courthouse Historic District*, Courthouse Square, bounded by Bridge, Crockett, Pearl, and Houston Streets (6–5–74).

Houston County

Crockett, *Monroe-Crook House*, 707 East Houston Street.
Kennard vicinity, *Westerman Mound*, 5.8 miles southeast of Kennard.

Hunt County

Greenville, *Post Office Building*, Lee at King Street (8–7–74).

Hutchinson County

Fritch vicinity, *Antelope Creek Archeological District*, about 3 miles northeast of Fritch off Texas 136.

Jack County

Jacksboro vicinity, **Fort Richardson*, south of Jacksboro on U.S. 281.

Jeff Davis County

Fort Davis, *Fort Davis National Historic Site*, junction of Texas 17 and 118.

Jefferson County

Beaumont, *French Home Trading Post*, 2995 French Road.
Beaumont, *McFadden House Complex*, 1906 McFadden.
Beaumont vicinity, **Lucas Gusher, Spindletop Oil Field*, 3 miles south of Beaumont on Spindletop Avenue.
Port Arthur, *Pompeiian Villa*, 1953 Lakeshore Drive.

Johnson County

Rio Vista vicinity, *Ham Creek Site X41JN1*, southwest of Rio Vista on Texas 916 (2–15–74).

Jones County

Abilene vicinity, *Fort Phanton Hill*, 14 miles north of Abilene on Ranch Road 600.

Kaufman County

Terrell vicinity, **Porter, Walter C., Farm*, 2 miles north of Terrell on Farm Road 986.

Kenedy County

Kingsville vicinity, **King Ranch*, in and near Kingsville (also in Kleberg, Nueces, and Willacy Counties).
Port Isabel vicinity, *Mansfield Cut Underwater Archeological District*, north of Port Isabel off South Padre Island (1–21–74), *(also in Willacy County)*.

Kerr County

Camp Verde vicinity, *Old Camp Verde (41 KR111)*, about 2 miles west of Camp Verde on county road.

Kleberg County

Corpus Christi vicinity, *Dunn Ranch, Noville Line Camp*, south of Corpus Christi in Padre Island National Seashore (10–1–74).
**King Ranch* (see Kenedy County).

Lamar County

Faulkner vicinity, *Mackin, A. C. Archeological Site*, southwest of Faulkner (5–16–74).
Paris, *Maxey, Samuel Bell, House*, 812 East Church Street.

Lampasas County

Lampasas, *Lampasas County Courthouse*, bounded by South Live Oak, East Fourth, South Pecan, and East Third Streets.

Lavaca County

Hallettsville, *Lavaca County Courthouse*, bounded by La Grange, Second, Third, and Main Streets.
Hallettsville, *Lay-Bozka House*, 205 Fairwinds.

Lee County

Giddings, *Schubert House*, 183 Hempstead Street.

Liberty County

Dayton vicinity, *Site 41 LB 4*, 12 miles southeast of Dayton.

Lubbock County

Lubbock vicinity, *Lubbock Lake Site*, north of Lubbock near the intersection of Clovis Highway and Loop 289.

McLennan County

Waco, *Earle-Napier-Kinnard House*, 814 South Fourth Street.
Waco, *Fort House*, 503 East Fourth Street.
Waco, *McCulloch House*, 406 Columbus Avenue.
Waco, *Mann, John Wesley, House*, 100 Mill Street.
Waco, *Waco Suspension Bridge*, across the Brazos River at Bridge Street.

Marion County

Jefferson, *Alley-Carlson House*, 501 Walker Street.
Jefferson, *Beard House*, 212 North Vale Street.
Jefferson, *Epperson-McNutt House*, 409 South Alley Street.
Jefferson, *Excelsior Hotel*, Austin Street between Market and Vale Streets.
Jefferson, *Freeman Plantation House*, 0.8 mile west of Jefferson on Route 49.
Jefferson, *Jefferson Historic District*, bounded roughly by Owens, Priou, Taylor, Lafayette, Market, Camp, Walnut extended, Polk, Vale and Line Streets; and by a line parallel to and between Dixon and Walker Streets, and by a line north of and parallel to Dixon Street.
Jefferson, *Jefferson Playhouse*, northwest corner of Market and Henderson Streets.
Jefferson, *The Magnolias*, 209 East Broadway.
Jefferson, *Old U.S. Post Office and Courts Building*, 223 Austin Street.
Jefferson, *Perry, Captain William, House*, northwest corner of Walnut and Clarksville Streets.
Jefferson, *Planters Bank Building*, 224 East Austin Street.
Jefferson, *Presbyterian Manse*, northeast corner of Alley and Delta Streets.
Jefferson, *Sedberry House*, 211 North Market Street.
Jefferson, *Singleton, Captain William E., House*, 204 North Soda Street.
Jefferson, *Woods, Perry House (Old Ligon Place)*, 502 Walker Street.

Mason County

Mason, *Mason Historic District*, irreg. pattern along both sides of U.S. 87 and TX29 (9–17–74).
Mason, *Reynolds-Seaquist House*, 400 Broad Street (11–20–74).

Maverick County

Eagle Pass, *Fort Duncan*, bounded on the east by Monroe, on the north by Garrison, on the south by the city limits, and on the west by the Rio Grande.

Medina County

Castroville, *Castroville Historic District*.
Castroville, *Landmark Inn Complex*, Florella and Florence Streets.

Menard County

Fort McKavett, *Fort McKavett Historic District*, south bank of the San Saba River.
Menard vicinity, *Presidio San Luis de Las Amarillas*, approximately 1 mile northwest of Menard on Texas 29.

Milam County

Rockdale, *San Xavier Mission Complex Archeologic District*, 13 miles west of Rockdale (7–27–73).

Montague County

Bowie, *Fort Worth and Denver City Depot*, on U.S. 81.

Montgomery County

Montgomery vicinity, *Kirbee Kiln Site*, south of Montgomery (8–28–73).

Morrison County

Marshall, *Old Pierce House (Magnolia Hall)*, 303 North Columbus.

Nacogdoches County

Nacogdoches, *Old Nacogdoches University Building*, Washington Square.

Nueces County

**King Ranch* (see Kenedy County).

Oldham County

Adrian vicinity, *Rocky Dell*, 9 miles northwest of Adrian and 2.7 miles north of U.S. 40.
Vega vicinity, **Landergin Mesa*, east side of East Alamosa Creek, Mansfield Ranch.

Parker County

Weatherford, *Parker County Courthouse*, Courthouse Square.

Pecos County

Fort Stockton, Fort Stockton Historic District.

Potter County

Fritch vicinity, *Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument*, southwest of Fritch on the Canadian River.

Presidio County

Presidio vicinity, *Fort Leaton (41PS 18)*, 4 miles east of Presidio on F.M. 170.

Real County

Camp Wood, *Mission San Lorenzo de la Santa Cruz*, on the west side of Texas 55 at the north edge of the city.

Red River County

Blakeney vicinity, *Kaufman, Sam, Site*, north of Blakeney (8–14–73).
Klomatia vicinity, *Klomatia Mounds Archeological District*, north of Klomatia (1–11–74).

Robertson County

Calvert, *Hammond House*, bounded by Burnet, China, Elm, and Hanna Streets.

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San Augustine County

San Augustine, *Cartwright, Matthew, House*, 912 East Main Street.
San Augustine, *Cullen, Ezekiel, House*, 307 South Congress.
San Augustine vicinity, *Blount, Capt. Thomas William, House*, 2.5 miles west on Texas 21.

San Patricio County

San Patricio vicinity, *McGloin, James, Homestead*, 1 mile northwest of San Patricio on F.M. 666.

Shackelford County

Albany vicinity, *Fort Griffin*, 15 miles north of Albany on U.S. 283.

Shelby County

Center, *Shelby County Courthouse*, Courthouse Square.

Shelby County

Teaseiville vicinity, *Dewberry, Colonel John House*, 1 mile north of Teaseiville on F.M. 346.

Starr County

Roma, *Roma Historic District*.

Sullivan County

Blountville, *Blountville Historic District*.

Tarrant County

Fort Worth, *Flatiron Building*, 1000 Houston Street.
Fort Worth, *Gulf, Colorado & Sante Fe Railroad Passenger Station*, 1601 Jones Street.
Fort Worth, *Knights of Pythias Building*, 315 Main Street.
Fort Worth, *Pollock-Capps House*, 1120 Penn Street.
Fort Worth, *Tarrant County Courthouse*, bounded by Houston, Belknap, Weatherford, and Commerce Streets.

Terrell County

Dryden vicinity, *Meyers Springs Pictograph Site*, 10 miles northeast of Dryden.

Tom Green County

San Angelo, **Fort Concho*, south edge of San Angelo.

Travis County

Austin, *Battle Hall (Old Barker History Center)*, University of Texas, South Mall, University of Texas campus (8–25–70).
Austin, *Bremond Block Historic District*.
Austin, *Brizendine House*, 507 West 11th (7–22–74).
Austin, *Carrington-Covert House*, 1511 Colorado Street.
Austin, *Doyle House*, 310 East 14th Street.
Austin, *Driskill Hotel*, 117 East 7th Street.
Austin, *French Legation*, 802 San Marcos.
Austin, *Gethsemane Lutheran Church*, 1510 Congress Avenue.
Austin, *Goodman Building*, 202 West 13th Street.
Austin, *Hancock, John, House*, 1306 Colorado.
Austin, *Hardeman House*, 401 East 16th Street.
Austin, *Hirshfeld, Henry, House and Cottage*, 303 and 305 West Ninth Street.
Austin, *Houghton House*, 12th and Guadalupe Streets.
Austin, *Little Campus*, bounded by 18th, Oldham, 19th, and Red River Streets (8–13–74).
Austin, *Littlefield House*, 24th Street and Whitis Avenue.
Austin, *Neill-Cochran House*, 2310 San Gabriel.
Austin, *Ney, Elisabet, Studio and Museum*, 204 East 44th Street.
Austin, *The Old Bakery*, 1006 Congress Avenue.
Austin, *Old Land Office Building*, 108 East 11th Street.
Austin, *Porter, William Sidney (O. Henry), House*, 409 East Fifth Street.
Austin, *Raymond-Morley House*, 510 Baylor Street (11–20–74).
Austin, *St. Edward's University Main Building and Holy Cross Dormitory*, 3001 South Congress.
Austin, *St. Mary's Cathedral*, 201–207 10th Street.
Austin, *Texas State Capitol*, Congress and 11th Streets.
Austin, *Texas Governor's Mansion*, 1010 Colorado Street.
Austin, *U.S. Post Office (Old Post Office) and Federal Building (O. Henry Hall)*, 126 West Sixth Street.
Austin, *Woodlawn (Pease Mansion)*, 6 Niles Road.
Austin vicinity, *Levi Rockshelter*, on Lick Creek west of Texas 71, about 27 miles west of Austin.
Austin vicinity, McKinney Homestead, SW of Austin between TX 71 and U.S. 183 (10–16–74).
Austin vicinity, *Rogers, Edward H., Homestead*, north of Austin off Texas 1325 (12–27–74).
Austin vicinity, *Smith Rockshelter*, SE of Austin (10–1–74).

Val Verde County

Comstock vicinity, *Lower Pecos Canyon Archeological District*, 12 miles west of Comstock on U.S. 90.
Comstock vicinity, *Seminole Canyon Archeological District*, 7 miles west of Comstock, south of U.S. 90.
Comstock vicinity, *West of Pecos Railroad Camps District*, about 15 miles west of Comstock off U.S. 90.
Del Rio, *San Felipe Creek Archeological District*, NE of Del Rio (10–16–74).
Langtry vicinity, *Mile Canyon (Eagle Nest Canyon)*, northeast of Langtry off U.S. 90.
Langtry vicinity, *Rattlesnake Canyon Site*, about 4 miles southwest of Langtry.

Victoria County

Inez vicinity, *Fort St. Louis Site*, about 13 miles south of Inez on Garcitas Creek.

Walker County

Huntsville, **Houston, Sam, House (Woodland)*, Avenue L.

Waller County

Hempstead vicinity, *Liendo*, 2 miles northeast of Hempstead off F.M. 1488.

Washington County

Brenham *Pampell-Day House*, 409 West Alamo Street.
Brenham vicinity, *Hatfield Plantation*, northwest of Brenham off F.M. 912.
Chappell Hill, *Browning House*, 0.6 mile south of U.S. 290 and F.M. 1155 intersection.
Gay Hill vicinity, *The Red House*, northeast of Gay Hill via Texas 36 and F.M. 390.
Independence, *Houston, Mrs. Sam, Home*, F.M. 390, one block east of the intersection with F.M. 50.

Webb County

Laredo, *San Agustin de Laredo Historic District* (9–19–73).
Laredo vicinity, *San Jose de Palafox Historic/Archeological District*, about 30 miles northeast of Laredo (7–24–73).

Willacy County

**King Ranch* (see Kenedy County).
Mansfield Cut Underwater Archeological District (see Kenedy County).

Williamson County

Georgetown, *Tinnen House*, 1220 Austin Street.
Old Round Rock, *Inn at Brushy Creek (Cole House)*, Taylor exit of U.S. 79, off Interstate Highway 35, west side.
Round Rock vicinity, *Merrell, Captain Nelson, House*, northeast of Round Rock on U.S. 79.

Wilson County

Floresville vicinity, *Rancho de las Cabras*, 3 miles west of Floresville off Texas 97.

Wise County

Decatur, *Administration Building, Decatur Baptist College*, 1602 South Trinity Street.
Decatur, *Waggoner Mansion*, 1003 East Main (5–1–74).

Young County

Newcastle vicinity, **Fort Belknap*, 1 mile south of junction of Texas 24 and 251.
South Bend, **Harrell Site*, 1 mile north of South Bend on the Brazos River.

Zapata County

Laredo vicinity, *Dolores Nuevo*, south of Laredo off U.S. 83 (11–27–73).
San Ygnacio, *San Ygnacio Historic District* (7–16–73).
San Ygnacio vicinity, *Dolores Viejo*, north of San Ygnacio off U.S. 83 (8–17–73).

Trust Territory of the Pacific Islands

Mariana Islands District

Rota Island, *Rota Latte Stone Quarry*, eastern end of Rota Island (12–23–74).
Saipan, *Japanese Lighthouse*, Navy Hill at Garapan Village (12–19–74).
Saipan, *Japanese Hospital*, Route 3, Garapan Village (12–19–74).
Tinian, *House of Taga*, San Jose Village (12–19–74).

Ponape District

Kolonia, *Spanish Wall*, Likin Kel (12–19–74).
Tamuen, *Nan Madol* (12–19–74).

Utah

Beaver County

Beaver, *Beaver County Courthouse*, 90 East Center Street.
Beaver vicinity, *Fort Cameron, E of Beaver* on UT 153 (9–9–74).

Box Elder County

Brigham City, *Box Elder Stake Tabernacle*, Main Street between Second and Third South Streets.
Collinston vicinity, *Hampton's Ford Stage Stop and Barn*, northwest of Collinston on Utah 154 at the Bear River.
Corinne, *Corinne Methodist Episcopal Church*, corner of Colorado and South Sixth Street.
Ogden vicinity, *Southern Pacific Railroad Ogden-Lucin Cut-off Trestle*, 30 miles west of Ogden at the north arm of the Great Salt Lake.
Promontory, *Golden-Spike National Historic Site*.
Willard, *Willard Historic District*, roughly bounded by Second West, Second North, First East, and Second South Streets (6–25–74).

Cache County

Logan, *Old Main, Utah State University*, Utah State University campus.
Newton vicinity, *Newton Reservoir*, 3 miles north of Newton (11–30–73).

Carbon County

Green River, **Desolation Canyon* (also in Emery, Grand, and Uintah Counties).
Price, *Hellenic Orthodox Church of the Assumption*, 61 South Second East Street.

Emery County

**Desolation Canyon* (see Carbon County).

Grand County

**Desolation Canyon* (see Carbon County).

Iron County

Cedar City vicinity, *Old Irontown*, about 22 miles west of Cedar City, 3 miles south of Utah 56.

Millard County

Cove Fort vicinity, *Cove Fort*, 2 miles east of Interstate 15 on Utah 4.
Delta vicinity, *Topaz War Relocation Center Site*, 16 miles northwest of Delta (1–2–74).
Deseret vicinity, *Fort Deseret*, 2 miles south of Deseret on Utah 257.
Fairfield vicinity, *Camp Floyd Site*, 0.5 mile south of Fairfield (11–11–74).
Fillmore, *Utah Territorial Capitol*, Center Street between Main and First West Streets.

Piute County

Junction, *Piute County Courthouse*, Main Street at Center Street.

Salt Lake County

Salt Lake City, *Beehive House*, 67 East South Temple Street.
Salt Lake City, *Cathedral of the Madeleine (Roman Catholic)*, 381 East South Temple Street.
Salt Lake City, *Chase, Isaac, Mill*, Liberty Park, Sixth Street East.
Salt Lake City, *The Council Hall (Old City Hall)*, Capitol Hill, head of State Street.
Salt Lake City, *Culmer, William, House*, 33 C Street (4–18–74).
Salt Lake City, *Devercaux House (Staines-Jennings Mansion)*, 334 West South Temple Street.
Salt Lake City, *Dinwoody, Henry, House*, 411 East 100 South (7–24–74).
Salt Lake City, **Emigration Canyon*, east edge of Salt Lake City on Utah 65.
Salt Lake City, *Fort Douglas*, Fort Douglas Military Reservation.
Salt Lake City, *Granite Paper Mill*, 6900 Big Cottonwood Canyon Road.
Salt Lake City, *Keith-Brown Mansion and Carriage House*, 529 East South Temple Street.
Salt Lake City, *McCune, Alfred W., Mansion*, 200 North Main Street (6–13–74).
Salt Lake City, *Old Pioneer Fort Site*, 4th South and 2nd West Streets (10–15–74).
Salt Lake City, *Ottinger Hall*, 233 Canyon Road.
Salt Lake City, *Platts, John, House*, 364 Quince Street.
Salt Lake City, *St. Mark's Episcopal Cathedral*, 231 East First South Street.
Salt Lake City, *Salt Lake City and County Building*, 451 Washington Square.
Salt Lake City, **Temple Square*.
Salt Lake City, *Utah State Historical Society Mansion and Carriage House*, 603 East South Temple Street.
Salt Lake City, *Young, Brigham, Forest Farmhouse*, 732 Ashton Avenue.
Salt Lake City, **Young, Brigham, House, Lion House*, 63 South Temple Street.
Salt Lake City, *Z.C.M.I. Cast Iron Front (Zions Cooperative Mercantile Institute)*, 15 South Main Street.
Salt Lake City vicinity, **Bingham Canyon Open Pit Copper Mine*, 18 miles southwest of Salt Lake City on Utah 48.
Salt Lake City vicinity, *Little Dell Station*, east of Salt Lake City in Mountain Dell Canyon, near the intersection of Utah 293 and 65.

San Juan County

Blanding vicinity, *Edge of the Cedars Indian Ruin*, 0.25 mile west of Fourth North and Fourth West Streets.
Bluff vicinity, *Hovenweep National Monument* (see Montezuma County, Colo.).
Monticello vicinity, **Alkali Ridge*, 25 miles southeast of Monticello on secondary road, 10 miles east from Recapture Creek on Utah 47.

Sanpete County

Ephraim, *Ephraim United Order Cooperative Building*, corner Main and First North Streets.
Manti, *Manti Temple*, U.S. 89, north edge of town.

Summit County

Park City vicinity, *Kimball Stage Stop*.

Tooele County

Iosepa, *Iosepa Settlement Cemetery*, Skull Valley.
Mills Junction vicinity, *Benson Mill*, southwest of Mills Junction on Utah 138.
Wendover vicinity, **Danger Cave*, 1 mile east of Wendover on U.S. 40.

Uintah County

**Desolation Canyon* (see Carbon County).

Utah County

Fairfield, *Stagecoach Inn*.
Pleasant Grove, *Driggs, Benjamin W., House*, 119 East Battlecreek Road.
Provo vicinity, *Olmstead Station Power House*, 5 miles north of Provo on U.S. 189.

Wasatch County

Heber City, *Wasatch Stake Tabernacle and Heber Amusement Hall*, Main Street at 100 North Street and 100 West Street corners.
Midway, *Watkins-Coleman House*, 5 East Main Street.

Washington County

Pine Valley, *Pine Valley Chapel and Tithing Office*, Main and Grass Valley Streets.
Rockville, *Deseret Telegraph and Post Office*, Utah 15.
St. George, *Old Washington County Courthouse*, 85 East 100 North.
St. George, *St. George Tabernacle*, Intersection of Tabernacle and Main Streets.
St. George, *Young, Brigham, Winter Home and Office*, corner of Second North and First West Streets.
Santa Clara, *Hamblin, Jacob House*.
Silver Reef, *Wells Fargo and Company Express Building*, Main Street.
Washington, *Washington Cotton Factory*, on U.S. 91 (Frontage Road West).

Wayne County

Fruita, *Fruita Schoolhouse*, Utah 24.
Green River vicinity, *Horseshoe (Barrier) Canyon Pictograph Panels*, south of Green River.

Weber County

Mill, *Eureka Schoolhouse*, Charleston.
Ogden, *Bertha Eccles Community Art Center*, 2580 Jefferson Avenue.
Ogden, *Browning, John Moses, House*, 505 27th Street.
Ogden, *Goodyear, Miles Cabin*, Tabernacle Square.
Ogden, *Episcopal Church of the Good Shepherd*, 2374 Grant Avenue.
Ogden, *Ogden Union Depot*, 25th Street and Wall Avenue.

Vermont

Addison County

Addison, *Chimney Point Tavern*, Vermont 125.
Ferrisburg vicinity, *Rokeby*, north of Ferrisburg off U.S. 7 (6–20–74).
Middlebury, *Stone Mill*, Mill Street.
Middlebury, **Willard, Emma, House*, Middlebury College Campus.
Middlebury vicinity, *Halpin Covered Bridge*, NE of Middlebury (9–10–74).
Middlebury vicinity, *Pulp Mill Covered Bridge*, NW of Middlebury off VT 23 (9–10–74)
Orwell, *Mount Independence*, on Lake Champlain opposite Fort Ticonderoga.
Orwell vicinity, *Wilcox-Cutts House*, 2 miles south of Orwell on Vermont 22A (12–2–74).
Ripton, *Ripton Community House*, on Vermont 125.
Ripton vicinity, **Frost, Robert, Farm, Homer Noble Farm*, 1 mile north on Vermont 125, 3 miles east of Ripton.
Shoreham vicinity, *East Shoreham Covered Railroad Bridge*, southeast of Shoreham (6–13–74).
Vergennes, *Strong, General Samuel, House*, 64 West Main Street.
West Salisbury vicinity, *Cedar Swamp Covered Bridge*, W of West Salisbury (9–10–74).
Weybridge, *University of Vermont Morgan Horse Farm*, off U.S. 7 on Morgan Horse Farm Road.

Bennington County

Arlington vicinity, *Arlington Green Covered Bridge*, west of Arlington off Vermont 313 (8–28–73).
Bennington, *Bennington Battle Monument*, Monument Circle.
Bennington, *First Congregational Church of Bennington*, Monument Avenue.
Bennington vicinity, *Bennington Falls Covered Bridge*, northwest of Bennington off Vermont 67A (8–28–73).
Bennington vicinity, *Henry Covered Bridge*, northwest of Bennington off Vermont 67A (3–28–73).
Bennington vicinity, *Silk Covered Bridge*, northwest of Bennington off Vermont 67A (3–28–73).
Manchester, *Equinox House*, Main Street.
North Bennington, *North Bennington Depot*, Main Street.
North Bennington, *Park-McCullough House*, southwest corner of West and Park Streets (10–26–72).
Shaftsbury Center vicinity, *Munro-Hawkins House*, 0.5 mile south of Shaftsbury Center on U.S. 7.
South Shaftsbury, **Frost, Robert, Farm, The Gully*, 0.25 mile east of Vermont 7 on Buck Hill Road.

Caledonia County

Danville vicinity, *Greenbanks Hollow Covered Bridge*, south of Danville (6–13–74).
East Burke vicinity, *Burklyn Hall*, west of East Burke on Bemis Hill Road.
Lyndon, *Chamberlin Mill Covered Bridge*, west of Vermont 114 (7–30–74).
Lyndon, *Old Schoolhouse Bridge*, South Wheelock Road.
Lyndon vicinity, *Bradley Covered Bridge*, Vermont 122, north of Lyndon (6–13–74).
Lyndon vicinity, *Burrington Covered Bridge*, northeast of Lyndon off Vermont 114 (6–13–74).
Lyndon vicinity, *Centre Covered Bridge*, northeast of Lyndon off U.S. 5 (6–20–74).
St. Johnsburg, *Railroad Street Historic District*, roughly bounded by Railroad Street and C&P Railroad tracks (6–25–74).

Chittenden County

Burlington, *Chittenden County Courthouse*, 180 Church Street.
Burlington, *Ethan Allen Engine Co. No. 4*, Church Street.
Burlington, *Follett House*, 63 College Street.
Burlington, *Grassemount (Thaddeus Tuttle House)*, 411 Main Street (U.S. 2).
Burlington, *Head of Church Street Historic District*, Pearl and Church Streets (7–15–74).
Burlington, *U.S. Post Office and Custom House (Smith-Goldberg U.S. Army Reserve Center)*, southeast corner of Main and Church Streets.

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Charlotte vicinity, *Holmes Creek Covered Bridge*, NW of Charlotte (9–6–74).
East Charlotte vicinity, *Quinlan's Covered Bridge*, S of East Charlotte (9–10–74).
East Charlotte vicinity, *Seguin Covered Bridge*, SE of East Charlotte (9–6–74).
Jericho, *Old Red Mill*, on Route 15.
Richmond, *Round Church*, Bridge Street and Cochran Road (6–20–74).
Shelburne, **The Ticonderoga*, Shelburne Museum.
Williston, *Williston Congregational Church*, On U.S. 2.
Winooski, *Old Stone House*, 73 East Allen Street.
Winooski, *Winooski Block*, East Allen and Main Streets (11–20–74).

Franklin County

East Fairfield, *East Fairfield Covered Bridge*, off Vermont 108 (11–19–74).
Enosburg, *Hopkins Covered Bridge*, at Trout River (11–20–74).
Fairfax, *Fairfax Covered Bridge*, off Vermont 104 (11–5–74).
Highgate Falls vicinity, *Douglass & Jarvis Patent Parabolic Truss Iron Bridge*, junction of State Aid Route 2 and the Missisquoi River (3–21–74).
Montgomery, *Comstock Covered Bridge*, off Vermont 118 (11–19–74).
Montgomery, *Fuller Covered Bridge*, across Black Falls Brook (12–23–74).
Montgomery vicinity, *Longley Covered Bridge*, northwest of Montgomery across Trout River (12–30–74).
Montgomery Center vicinity, *Hectorville Covered Bridge*, south of Montgomery Center across south branch of Trout River (11–20–74).
Montgomery Center vicinity, *Hutchins Covered Bridge*, south of Montgomery Center across South Branch of Trout River (12–30–74).
St. Albans, *Central Vermont Railroad Headquarters*, bounded roughly by Federal, Catherine, Allen, Lower Welden, Houghton, and Pine Streets (1–21–74).
St. Albans, *Houghton House*, 86 South Main Street.
Swanton vicinity, *Swanton Covered Railroad Bridge*, south of Swanton across the Missisquoi River.

Grand Isle County

Grand Isle, *Hyde Log Cabin*, U.S. 2.

Lamoille County

Belvidere, *Mill Covered Bridge*, off Vermont 109 (11–19–74).
Belvidere, *Morgan Covered Bridge*, off Vermont 109 (11–19–74).
Cambridge, *Gates Farm Covered Bridge*, off Vermont 15 (11–19–74).
Cambridge Junction, *Poland Covered Bridge*, between Vermont 109 and 15 (10–9–74).
Cambridge vicinity, *Grist Mill Covered Bridge*, east of Cambridge on Brewster River (8–13–74).
Johnson, *Power House Covered Bridge*, off Vermont 100 (10–9–74).
Johnson vicinity, *Scribner Covered Bridge*, east of Johnson (10–1–74).
Johnson vicinity, *Waterman Covered Bridge*, south of Johnson (6–13–74).
Morristown vicinity, *Red Covered Bridge*, southwest of Morristown (10–16–74).
Stowe vicinity, *Gold Brook Covered Bridge*, south of Stowe (10–1–74).
Waterville, *Village Covered Bridge*, across north branch of the Lamoille River (12–16–74).
Waterville vicinity, *Jaynes Covered Bridge*, northeast of Waterville (10–1–74).
Waterville vicinity, *Montgomery Covered Bridge*, northeast of Waterville (10–18–74).
Wolcott vicinity, *Fisher Covered Railroad Bridge*, southeast of Wolcott (10–1–74).

Orange County

Brookfield, *Brookfield Village Historic District* (3–28–74).
Chelsea vicinity, *Moxley Covered Bridge*, S of Chelsea (9–10–74)
Coventry vicinity, *Orne Covered Bridge*, southwest of Coventry off Vermont 14 (11–20–74).
East Randolph vicinity, *Gifford Covered Bridge*, south of East Randolph off Vermont 14 (7–30–74).
East Randolph vicinity, *Kingsbury Covered Bridge*, south of East Randolph off Vermont 14 (7–30–74).
North Troy vicinity, *River Road Covered Bridge*, south of North Troy off Vermont 101 (11–19–74).
North Tunbridge vicinity, *Larkin Covered Bridge*, northeast of North Tunbridge off Vermont 110 (7–30–74).
Randolph, *Chandler Music Hall and Bethany Parish House*, 71 Main Street (7–16–73).
Randolph, *Randolph Center Historic District*, West and Main Streets (11–21–74).
Randolph vicinity, *Braley Covered Bridge*, east of Randolph off Vermont 14 (6–13–74).
Strafford, **Morrill, Justin Smith, Homestead*, south of the Common.
Strafford, *Strafford Village Historic District*, roughly both sides of Morrill Highway and Sharon Brook Road (8–20–74).
Thetford Center, *Thetford Center Covered Bridge*, across Ompompanoosue River (9–17–74).
Tunbridge, *Mill Covered Bridge*, west of Vermont 110 (7–30–74).
Tunbridge vicinity, *Cilley Covered Bridge*, SW of Tunbridge (9–10–74).
Tunbridge vicinity, *Flint Covered Bridge*, NE of Tunbridge off VT 110 (9–10–74).
Tunbridge vicinity, *Howe Covered Bridge*, S of Tunbridge off VT 110 (9–10–74).
Union Village, *Union Village Covered Bridge*, across Ompompanoosue River (9–17–74).

Orleans County

Browington, *Brovington Village Historic District*, junction of Hinman Road and Brovington Center Road.

Rutland County

Brandon, *Forestdale Iron Furnace*, northeast of Brandon at Vermont 73 and Furnace Road (6–13–74).
Brandon vicinity, *Dean Covered Bridge*, S of Brandon across Otter Creek (9–10–74).
Brandon vicinity, *Sanderson Covered Bridge*, west of Brandon (6–13–74).
Castleton, *Castleton Medical College Building*, South Street.
East Clarendon vicinity, *Kingsley Covered Bridge*, southwest of East Clarendon across the Mill River (2–12–74).
Hubbardton, *Hubbardton Battlefield*, junction of Castleton-Hubbardton Road, and Old Military Road to Mount Independence.
North Clarendon vicinity, *Brown Covered Bridge*, 2.9 miles east of North Clarendon across Cold River (1–21–74).
Pittsford vicinity, *Cooley Covered Bridge*, 1.2 miles south of Pittsford across Furnace Brook (1–24–74).
Pittsford vicinity, *Depot Covered Bridge*, 0.8 mile west of Pittsford across Otter Creek (1–21–74).
Pittsford vicinity, *Hammond Covered Bridge*, northwest of Pittsford across Otter Creek (1–21–74).
Proctor vicinity, *Gorham Covered Bridge*, north of Proctor across Otter Creek off Vermont 3 (2–12–74).

Washington County

Barre, *Barre City Hall and Opera House*, 12 North Main Street.
Calais, *Kent's Corner, Historic District.*
Calais, *Old West Church*, 0.8 mile south of Kent's Corner.
East Montpelier vicinity, *Coburn Covered Bridge*, NE of East Montpelier between VT 14 and U.S. 2 (10–9–74).
Montpelier, *Athenwood and Thomas W. Wood Studio*, 41 and 39 Northfield Street (6–13–74).
Montpelier, **Vermont Statehouse*, State Street.
Northfield Falls, *Lower Cox Brook Covered Bridge*, off VT 12 (10–15–74).
Northfield vicinity, *Northfield Falls Covered Bridge*, north of Northfield off Vermont 12 (8–13–74).
Northfield vicinity, *Slaughterhouse Covered Bridge*, north of Northfield off Vermont 12 (6–13–74).
Northfield vicinity, *Stony Brook Covered Bridge*, southwest of Northfield off Vermont 12A (11–20–74).
Northfield vicinity, *Upper Cox Brook Covered Bridge*, N of Northfield off VT 12 (10–1–74).
Plainfield vicinity, *Martin Covered Bridge*, NE of Plainfield (10–9–74).
Waitsfield, *Great Eddy Covered Bridge*, E of VT 100 (9–6–74).
Waitsfield vicinity, *Pine Brook Covered Bridge*, northeast of Waitsfield (6–13–74).
Warren, *Warren Covered Bridge*, off Vermont 100 (8–7–74).

Windham County

Bartonsville, *Bartonsville Covered Bridge*, across the Williams River at south end of Bartonsville.
Bellows Falls vicinity, *Hall Covered Bridge*, West of Bellowa Falls across the Saxtons River off Vermont 121 (9–20–73).
Brattleboro, *Union Station*, junction of Bridge Street and the Boston & Maine RR tracks (6–7–74).
Brattleboro vicinity, *Creamery Covered Bridge*, west of Brattleboro off Vermont 9 (8–28–73).
Dummerston, *West Dummerston Covered Bridge*, Vermont 30, over the West River.
Grafton vicinity, *Kidder Covered Bridge*, 0.3 mile southeast of Grafton across the south branch of Saxtons River.
Green River, *Green River Covered Bridge*, across the Green River (8–28–73).
Newfane vicinity, *Williamsville Covered Bridge*, southwest of Newfane at Williamsville (8–14–73).
Rockingham vicinity, *Worral Covered Bridge*, north of Rockingham across the Williams River (7–18–73).
Townshend vicinity, *Scott Covered Bridge*, west of Townshend off Vermont 30 (8–28–73).

Windsor County

Cavendish, *Cavendish Universalist Church*, on Vermont 131.
Chester, *Jefrey House*, North Street (6–13–74).
Chester, *Stone Village Historic District*, both sides of Vermont 103 (5–17–74).
Goulds Mill, *Eureka Schoolhouse*, Charleston Road (3–11–71).
Hartford, *Strong, Jedediah II, House*, Clubhouse and Deweys Mills Roads (8–13–74).
Hartland vicinity, *Martin's Mill Covered Bridge*, south of Hartland off U.S. 5 (8–28–73).
Hartland vicinity, *Willard Covered Bridge*, northeast of Hartland off U.S. 5 (8–28–73).
Ludlow, *Black River Academy*, High Street.
Perkinsville vicinity, *Upper Falls Covered Bridge*, north of Perkinsville off Vermont 131 (8–28–73).
Plymouth, *Plymouth Historic District*, the entire village of Plymouth; bounded on the east by East Mountain, on the south by Blueberry Hill and Solitudus Mountain, on the west by Mount Tom, and on the north by Wood Peak.

Plymouth Notch, **Coolidge, Calvin, Homestead*, off Vermont 100A.
Reading, *Indian Stones*, Vermont 106 (11–20–74).
Westhersfield, *Historic Crown Point Road*, off Vermont 131 (12–2–74).
Windsor, *Old Constitution House*, 16 North Main Street.
Windsor, **Robbins and Lawrence Armory and Machine Shop*, South Main Street.
Windsor, *Windsor House*, North Main Street.
Windsor vicinity, *Best's Covered Bridge*, about 8 miles west of Windsor off Vermont 44.
Windsor vicinity, *Bowers Covered Bridge*, west of Windsor (8–28–73).
Woodstock, **Marsh, George Perkins, Boyhood Home*, 54 Elm Street.
Woodstock, *Woodstock Village Historic District.*
Woodstock vicinity, *Lincoln Covered Bridge*, southwest of Woodstock off U.S. 4 (8–28–73).
Woodstock vicinity, *Taftsville Covered Bridge*, east of Woodstock off U.S. 4 (8–28–73).

Virgin Islands

St. Croix Island

Christiansted, *Christiansted National Historic Site.*
Christiansted, *Danish West India and Guinea Company Warehouse*, Church and Company streets (10–9–74).
**Columbus Landing Site*, Salt River Bay.

St. Thomas Island

St. Thomas National Historic Site, Charlotte Amalie.

Virginia

Accomack County

Accomac, *Bank Building*, No. 1 Court House Avenue (7–23–74).
Accomac, *St. James Church*, east side of Daugherty Road between Back Street and Ocean Highway.
Chincoteague vicinity, *Assateague Lighthouse*, south of Chincoteague at southern end of Assateague Island.
Guilford vicinity, *Mason House*, north of Guilford off Virginia 658 (11–21–74).
Hallwood vicinity, *Wessells Root Cellar*, 0.1 mile north of intersection of Routes 701 and 692.
Horntown vicinity, *Corbin Hall*, east of Horntown on Route 679.
Mappsville vicinity, *Wharton Place*, 0.4 mile southeast of Route 679.
Metomkin Island vicinity, *Bowman's Folly*, 2.5 miles southeast of intersection of Route 652 and Route 13.
Onancock, *Hopkins and Brother Store*, Market Street.
Onancock, *Kerr Place*, northeast corner of Crockett Avenue and Market Street.
Pungoteague, *St. George's Church*, northwest side of Route 178, 0.3 mile northeast of the intersection with Route 180.

Albemarle County

Charlottesville vicinity, *Ash Lawn*, southeast of Charlottesville off Va. 53 (8–14–73).
Charlottesville vicinity, *Farmington*, 0.9 mile west of the intersection of Routes 250 and 20–250 Bypass.
Charlottesville vicinity, **Monticello*, 2 miles south of Charlottesville on Virginia 53.
Cismont vicinity, *Castle Hill*, 0.8 mile northwest of Route 231, 2 miles northeast of the intersection with Route 600.
Cobham vicinity, *Cobham Park*, south of Virginia 22 (7–18–74).
Covesville vicinity, *Redlands*, 0.1 mile east of intersection of Routes 708 and 627.
Keene vicinity, *Christ Church Glendower*, on Route 713, 0.4 mile southwest of its intersection with Route 712.
Simeon vicinity, *Morven*, west of Simeon off Virginia 20.
Yancey Mills vicinity, *Miller School of Albemarle*, southeast of Yancey Mills off Virginia 635 (2–15–74).

Alexandria (independent city)

**Alexandria Historic District.*
Bank of Alexandria, 125 North Fairfax Street.
Carlyle House, 123 North Fairfax Street.
**Christ Church*, southeast corner of Cameron and Columbus Streets.
**Gadsby's Tavern*, 128 North Royal Street.
The Lyceum, 201 South Washington Street.

Alleghany County

Covington, *Humpback Bridge*, 0.2 mile south of U.S. 60, 0.8 mile southwest of intersection of U.S. 60 and County Route 651.
Earlhurst vicinity, *Sweet Charybcate Springs*, south of Earlhurst on Virginia 311 (1–21–74).

Amelia County

Amelia vicinity, *Haw Branch*, north of Amelia off Virginia 667.
Chula vicinity, *Wigwam*, 8 miles northwest of Chula.

Amherst County

Clifford, *Winton*, west of Virginia 151 (5–2–74).
Sweet Briar, *Sweet Briar House*, 0.1 mile southwest of the intersection of Routes 29 and 624.

Appomattox County

Appomattox vicinity, *Appomattox Court House National Historical Park*, 3 miles northeast of Appomattox on Virginia 24.

Arlington County

Arlington, *Arlington House, The Robert E. Lee Memorial*, Arlington National Cemetery.
Arlington, **Fort Myer Historic District.*
Arlington, *The Glebe*, 4527 North 17th Street.

Augusta County

Fishersville vicinity, *Tinkling Spring Presbyterian Church*, south of Fishersville on Virginia 608.
Fort Defiance, *Augusta Stone Church*, on U.S. 11.
Jolivue vicinity, *Valley Railroad Stone Bridge*, south of Jolivue off Virginia 654 (11–19–74).
Staunton vicinity, *Folly*, south of Staunton on U.S. 11 (10–25–73).
Spottswood vicinity, *Old Providence Stone Church*, northwest of Spottstown at junction of Virginia 613 and 620.
Waynesboro, *Swannanoa*, 0.5 mile west of Route 610, 0.4 mile south of intersection of Route 610 and Route 250 (also in Nelson County).
Waynesboro vicinity, *Mt. Torry Furnance*, southwest of Waynesboro on Virginia 664 in the George Washington National Forest (2–25–74).

Bath County

Bacova vicinity, *Hidden Valley*, 1.1 miles north of intersection of Routes 621 and 39.
Warm Springs vicinity, *Warm Springs Bath Houses*, northeast of Warm Springs off Route 220.

Bedford County

Bedford vicinity, *Fancy Farm*, on Route 43, 0.1 mile north of the intersection with Route 682.
Bedford vicinity, *Three Otters*, 0.7 mile west of the intersection of Routes 838 and 43.
Forest vicinity, *Elk Hill, northwest of Forest* on Virginia 663.
Forest vicinity, *New London Academy*, 0.1 mile east of intersection of State Routes 297 and 811.
Forest vicinity, *Woodbourne*, northeast of Forest off Virginia 609.
Lynchburg vicinity, *Hope Dawn*, northwest of Lynchburg off Virginia 761 (10–9–74).
Lynchburg vicinity, **Poplar Forest*, 0.5 mile south of intersection of Routes 661 and 460.
Perrowville vicinity, *Old Rectory*, south of Perrowville on Virginia 663 (7–24–73).

Botetourt County

Fincastle, *Botetourt County Courthouse*, northwest corner of Main and Roanoke Streets.
Fincastle, *Fincastle Historic District*, bounded roughly by Back and Carper Streets on the north, by properties fronting on Hancock Street on the east by Griffin Alley, the cemetery, and a line midway between Main Street and Murray Street on the south, and Catawba Street on the west.
Fincastle vicinity, *Santillane*, west of U.S. 220 (7–24–74).
Glen Wilton vicinity, *Callie Furnace*, 1.5 miles north of Glen Wilton in George Washington National Forest (1–21–74).

Brunswick County

Lawrenceville vicinity, *Bentfield*, southwest of Lawrenceville off U.S. 58 and Virginia 656 (1–24–74).

Buckingham County

Buckingham, *Buckingham Court House Historic District*, along Route 60 extending 0.3 mile east of intersection of Routes 60 and 631, through Buckingham Court House.
Dillwyn vicinity, *Francisco, Peter, House*, southeast of Dillwyn, 0.9 mile south of State Route 626.

Buena Vista (independent city)

Southern Seminary Main Building, intersection of Ivy and Park Avenues.

Campbell County

Long Island vicinity, *Green Hill*, 0.3 mile south of intersection of Routes 633 and 728.

Caroline County

Bowling Green, *Caroline County Courthouse*, corner of Main Street and Court House Lane.
Bowling Green vicinity, *Old Mansion*, 0.4 mile south of intersection of Routes 2 (301) and 207.
Port Royal, *Port Royal Historic District*, bounded on the north by the intersection of Route 301 and the Rappahannock River; extending 0.1 mile east of intersection of Routes T 1004 and T 1005, 0.1 mile west of intersection of Routes T 1003 and 301, and 0.2 mile south of intersection of Routes T 1003 and 301.
Port Royal vicinity, **Camden*, 0.5 mile north of intersection of Routes 686 and 17.
Port Royal vicinity, *Gay Mont*, on U.S. 17 near junction with U.S. 301.
Port Royal vicinity, *Hazelwood*, northwest of Port Royal off U.S. 17 (1–11–74).

Carroll County

Fancy Gap, vicinity, *Allen, Sidna, House*, north of Fancy Gap off U.S. 52 (7–15–74).

Charles City County

Charles City, *Charles City County Courthouse*, 0.1 mile south of intersection of Routes 628 and 5.
Charles City vicinity, *Belle Air*, north of Virginia 5 (7–18–74).
Charles City vicinity, **Berkeley Plantation (Benjamin Harrison V Birthplace and Home)*, 8 miles west of Charles City.
Charles City vicinity, *Greenway*, 0.6 mile west of intersection of Routes 5 and 155.

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Charles City vicinity, *Tyler, John, House (Sherwood Forest), 4 miles east of Charles City on Virginia 5.
Charles City vicinity, *Westover, 7 miles west of Charles City on Virginia 5.
Charles City vicinity, Westover Church, 5 miles west of Charles City off Virginia 5.
Hopewell vicinity, Eppes Island, between Eppes Creek and the James River at the confluence of the James and Appomattox Rivers.
Hopewell vicinity, *Shirley, 0.4 mile southwest of Route 608, 1.5 miles west of intersection of Route 608 and Route 5.
Tettington vicinity, Margots, northeast of Tettington off Virginia 621 (8-17-73).

Charlotte County

Brookneal vicinity, Staunton Hill, 0.8 mile west of Turnip Creek, 0.2 mile southeast of Route 619, 1.4 miles southwest of intersection of Route 619 and Route 693.
Charlotte Court House vicinity, Greenfield, east of Charlotte Court House on Virginia 656.
Randolph vicinity, Mulberry Hill, north of Randolph on Route 641.
Saxe vicinity, Roanoke Plantation, west of Saxe off Virginia 746.

Charlottesville (independent city)

Albemarle County Court House Historic District.
Oak Lawn, Cherry Avenue and Ninth Street.
*Rotunda, University of Virginia, University of Virginia campus.
*University of Virginia Historic District, bounded on the north by University Avenue, on the south by Jefferson Park Avenue, on the east by Hospital Road, and on the west by McCormick Road.

Chesapeake (independent city)

Site of Great Bridge Battle, both sides of the Albemarle and Chesapeake Canal between Oak Grove and Great Bridge.

Chesterfield County

Colonial Heights vicinity, Swift Creek Mill, north of Colonial Heights on U.S. 1 (1-11-74).
Midlothian vicinity, Bellona Arsenal, 0.1 mile northwest of Route 673, 2 miles northwest of the intersection with Route 147.
Winterpock vicinity, Eppington, 1.6 miles south of intersection of Routes 621 and 602.

Clarke County

Berryville vicinity, Annefield, 0.7 mile east of intersection of Routes 633 and 652.
Berryville vicinity, Fairfield, 0.2 mile east of intersection of Routes 340 and 610.
Berryville vicinity, Long Branch, 0.1 mile north of Long Branch, 18 miles southwest of Route 626, 0.1 mile west of intersection of Route 626 and Route 624.
Boyce vicinity, *Saratoga, 0.4 mile southeast of intersection of Routes 723 and 617 (2-26-70).
Millwood, Millwood Mill, southwest side of intersection of Routes 723 and 255.
Millwood vicinity, Carter Hall, northeast of Millwood off Virginia 255 (7-24-73).
Millwood vicinity, Old Chapel, 3 miles north of Millwood off U.S. 340.
White Post vicinity, *Greenway Court, 1 mile south of White Post on Virginia 277.
White Post vicinity, The Tuleyries, 1.5 miles east of White Post off Route 628.

Colonial Heights (independent city)

Ellerslie, Ellerslie Road (12-4-73).
Oak Hill, 151 Carroll Avenue (7-30-74).
Violet Bank, Royal Oak Avenue (7-30-74).

Craig County

New Castle, New Castle Historic District, Main and Court Streets (10-25-73).

Culpeper County

Culpeper, Hill, A. P., Boyhood Home, 102 North Main Street (10-2-73).
Stevensburg vicinity, Salubria, 0.8 mile east of intersection of Routes 3 and 663.
Warrenton vicinity, Little Fork Church, intersection of Routes 624 and 726.

Cumberland County

Cartersville vicinity, Ampthill, on State Route 602, 3 miles north of intersection with State Route 45.
Cartersville vicinity, Cartersville Bridge, Virginia 45 over the James River (also in Goochland County).
Cartersville vicinity, Muddy Creek Mill, south of Cartersville off Virginia 684 (10-9-74).
Hamilton vicinity, Clifton, 1.1 miles northeast of intersection of Virginia 690 and 605.

Danville (independent city)

Danville Historic District.
Danville Public Library, 975 Main Street.

Dinwiddie County

Dinwiddie, Dinwiddie County Courthouse, at intersection of Virginia 619 and U.S. 1.
Dinwiddie vicinity, Burnt Quarter, 0.7 mile southwest of intersection of Routes 627, 613, and 645.
Petersburg vicinity, *Five Forks Battlefield, 12 miles west of Petersburg on County Road 627 at Church Road.
Petersburg vicinity, Mayfield Cottage, 0.5 mile east of intersection of Routes 1 and 460.
Petersburg vicinity, Petersburg National Battlefield, southeast, south, and southwest of Petersburg (also in Prince George County).
Petersburg vicinity, Wales, west of Petersburg off Virginia 632 (12-23-74).
Rowanta vicinity, Williamson Site, 0.9 mile north of intersection of Routes 693 and 703.

Emporia (independent city)

Klugel, H. T., Architectural Sheet Metal Work Building, 135 E. Atlantic Street (4-2-73).

Essex County

Caret vicinity, Blandfield, 0.7 mile east of intersection of Routes 624 and 17.
Loretto vicinity, Brooke's Bank, 1 mile east of Loretto, 1.4 miles north of Route 17.
Loretto vicinity, Elmwood, 0.2 mile southwest of the intersection of Routes 640 and 17.
Loretto vicinity, Vauter's Church, 1 mile northwest of Loretto on U.S. 17.
Tappahannock, Tappahannock Historic District.

Fairfax (independent city)

Earp's Ordinary (Ratcliffe-Logan-Allison House), 200 E. Main Street (2-16-73).
Fairfax County Courthouse, 4000 Chain Bridge Road (5-3-74).

Fairfax County

Accotink vicinity, Pope-Leighey House, east of Accotink off U.S. 1.
Accotink vicinity, Woodlawn Plantation, 0.4 mile west of intersection of U.S. 1 and Route 235.
Alexandria vicinity, *Gunston Hall, 15 miles south of Alexandria on Virginia 242.
Alexandria vicinity, Huntley, 6918 Harrison Lane.
Alexandria vicinity, *Mount Vernon, 7 miles south of Alexandria on George Washington Memorial Parkway.
Chantilly vicinity, Sully, 0.8 mile northeast of the intersection of Routes 28 and 50.
Dranesville vicinity, Dranesville Tavern, 11919 Leesburg Pike.
Fort Belvoir, Belvoir Site, southeast of intersection of 23d Street and Belvoir Road.
Lorton, Pohick Church, 9201 Richmond Highway.
McLean, Salona, 1214 Buchanan Street (7-24-73).

Falls Church (independent city)

Cherry Hill, 312 Park Avenue (7-26-73).
The Falls Church, 115 East Fairfax Street.

Fauquier County

Delaplane vicinity, Ashleigh, south of Delaplane off U.S. 17 (8-14-73).
Delaplane vicinity, Oak Hill, 2.2 miles southeast of Delaplane off U.S. 17 (1-66).
Upperville, Upperville Historic District.

Fluvanna County

Bremo Bluff vicinity, *Bremo, 0.9 mile north of intersection of Routes 15 and 656.
Columbia, Point of Fork, west bank of Rivanna River, 0.3 mile north of southeast end of Route 624, 1.3 miles southeast of intersection of Route 624 and Route 656.
Columbia vicinity, Point of Fork Plantation, west of Columbia off Virginia 624 (8-13-74).
Palmyra, Fluvanna County Courthouse Historic District, extending 0.3 mile north of the intersection of Routes 601 and 15 and to the Rivanna River on the south; bounded on the east by Route 15 and on the west by the river.

Franklin County

Rocky Mount, Washington Iron Furnace, 108 Old Furnace Road.
Rocky Mount vicinity, Booker T. Washington National Monument, 16 miles east of Rocky Mount on Virginia 122.

Frederick County

Middletown, St. Thomas Chapel, intersection of Route 1102 and Route 1105 (4-11-73).
Middletown vicinity, *Cedar Creek Battlefield and Belle Grove, on Interstate 81 between Middletown and Strasburg.

Fredericksburg (independent city)

Fredericksburg Historic District, bounded on the northeast by the Rappahannock River; on the southwest by a line parallel to Prince Edward Street halfway between it and Winchester Street; extending north to Canal Street and south to the intersection of Hazel Run and the river.
*Kenmore, 1201 Washington Avenue.
*Monroe Law Office, 908 Charles Street.
*Rising Sun Tavern, 1306 Caroline Street.

Gloucester County

Gloucester, Gloucester County Courthouse Square Historic District (10-3-73).
Gloucester, Gloucester Woman's Club (Long Bridge Ordinary), on U.S. 17 (1-24-74).
Gloucester vicinity, Abingdon Glebe House, 0.7 mile south of the intersection of Routes 17 and 615.
Gloucester vicinity, Little England, east of Gloucester on west end of Route 672.
Gloucester vicinity, Reed, Walter, Birthplace, southwest of Gloucester at intersection of Virginia 614 and 616.
Gloucester vicinity, Roaring Spring, 0.3 mile east of Virginia 616.
Gloucester vicinity, Rosewell, 0.1 mile west of Carter Creek, 15 miles southeast of Route 644, 0.3 mile south of intersection of Route 644 and Route 632.
Gloucester vicinity, Toddsbury, 1.1 miles east of intersection of Routes 622 and 14 (3).
Gloucester vicinity, Ware Parish Church, northeast of Gloucester on Virginia 14.
Naxera vicinity, Lands End, southeast of Naxera on Virginia 614 (11-6-74).
Ware Neck vicinity, Lowland Cottage, southwest of Ware Neck, 0.6 mile south of Route 623.

White Marsh vicinity, Abingdon Church, 0.6 mile south of the intersection of Routes 17 and 614.
White Marsh vicinity, Fairfield Site, west of White Marsh near junction of Virginia 633 and 614 (7-16-73).

Goochland County

Cartersville Bridge (see Cumberland County).
Cedar Point, Lock-Keeper's House, off Virginia 6 at James River (11-21-74).
Goochland, Goochland County Court Square, east side of Route 6 (Route 522).
Goochland vicinity, Bolling Hall, west of Goochland off Virginia 600.
Manakin vicinity, Powell's Tavern, on Virginia 650.
Manakin vicinity, *Tuckahoe, on James River southeast of Manakin via secondary roads.
Oilville vicinity, Woodlawn, at the intersection of Routes 250 and 612.
Pemberton vicinity, Howard's Neck, 1 mile northwest of Pemberton.
Rock Castle vicinity, Rock Castle, east side of the southern end of Route 600.

Grayson County

Trout Dale vicinity, *Ripshin, north side of Route 732, 0.1 mile east of the intersection with Route 603.

Greene County

Standardsville, Greene County Courthouse, northwest corner of Route 649, 0.1 mile south of intersection with Route 33.
Standards vicinity, Octonia Stone, 1.7 miles northwest of the intersection of Routes 637 and 1001.

Halifax County

Ingram vicinity, Carter's Tavern, southeast of Ingram (10-11-74).
South Boston vicinity, *Berry Hill, 1.5 miles south of intersection of Routes 659 and 682.

Hampton (independent city)

Chesterville Plantation Site, Langley Research Center (NASA) (8-14-73).
*Fort Monroe, Old Point Comfort.
Fort Wool, on island at the entrance to Hampton Roads between Willoughby Spit and Old Point Comfort.
Hampton Institute, south side of Route 60, 0.6 mile northwest of intersection of Route 60 and Hampton Roads Bridge Tunnel.
Herbert House, east end of Marina Road on Hampton Creek.
Old Point Comfort Lighthouse, Fenwick Road, 0.2 mile southwest of the east gate of Fort Monroe.
St. John's Church, northwest corner of West Queen and Court Streets.

Hanover County

Ashland vicinity, Fork Church, east side of Route 738 at intersection with Route 685.
Ashland vicinity, *Henry, Patrick, House (Scotchtown), 10 miles northwest of Ashland on Virginia 685.
Ashland vicinity, Hickory Hill, east of Ashland off Virginia 646 (11-21-74).
Ashland vicinity, Slash Church, on Virginia 656.
Hanover,* Hanover County Courthouse, east side of Route 301 at intersection of Route 1006 and Route 301. (10-1-69)
Hanover, Hanover County Courthouse Historic District, the boundaries extend 0.1 mile northeast and 0.1 mile southwest of Route 301; the northern boundary extends 0.1 mile north of the intersection of Routes 301 and 1006; the southern boundary is the intersection of Routes 301 and 1001.
Mechanicsville vicinity, Hanover Town, northeast of Mechanicsville off Virginia 605 (9-17-74).
Montpelier vicinity, Oakland, north of Montpelier off Virginia 715 (7-30-74).
Montpelier vicinity, Sycamore Tavern, southwest side of U.S. 33 (7-24-74).
Richmond vicinity, Richmond National Battlefield Park (also in Henrico County and Richmond).
Richmond vicinity, *Ruffin, Edmund, Plantation (Marlbourne), 11 miles northeast of Richmond on U.S. 360.

Harrisonburg (independent city)

Harrison, Thomas, House, 30 West Bruce Street (7-26-73).
Morrison House, northwest corner of the intersection of West Market and North Liberty Streets.

Henrico County

Richmond National Battlefield Park (see Hanover County).
Dutch Gap vicinity, Henrico, northeastern tip of Farrar Island.
Glen Allen vicinity, Meadow Farm, Mountain and Courtney Roads (8-13-74).
Richmond vicinity, Flood Marker of 1771, 0.8 mile southeast of the intersection of Routes 5 and 156.
Richmond vicinity, James River and Kanawha Canal Historic District, extends from Ship Locks to Bosher's Dam.
Richmond vicinity, Malvern Hill, 1.2 miles southeast of intersection of Routes 5 and 156.
Richmond vicinity, Tree Hill, Virginia 5 (10-17-74).
Tuckahoe vicinity, Woodside, southwest of Tuckahoe off Virginia 157 (7-24-73).

Henry County

Martinsville vicinity, Martinsville Fish Dam, off U.S. 220 south of Martinsville in Smith River (1-21-74).
Ridgeway vicinity, Belleview, northwest of Ridgeway, south of Virginia 641 (6-10-74).

Highland County

Monterey, Monterey Hotel, Main Street (U.S. 250) (1-18-74).

Hopewell (independent city)

Appomattox Manor, at the confluence of the James and Appomattox Rivers, on the south bank.
Weston Manor, south bank of Appomattox River, 0.4 mile west of Route 10.

Isle of Wight County

Benn's Church, *St. Luke's Church.
Isle of Wight, Boykin's Tavern, west of U.S. 258 (6-19-74).
Smithfield, Old Isle of Wight County Courthouse, northeast corner of Main and Mason Streets.
Smithfield, Smithfield Historic District.
Smithfield vicinity, Wolftrap Farm, northwest of Smithfield off Virginia 627 (10-15-74).

James City County

Five Forks vicinity, Powhatan, 0.8 mile north of the intersection of Routes 615 and 5.
Jamestown, Colonial National Historical Park (also in Williamsburg and in York County).
Jamestown, Jamestown National Historic Site, Jamestown Island.
Lightfoot vicinity, Pinewoods (Warburton House), 1.4 miles southwest of the intersection of Routes 613 and 614.
Toano vicinity, Hickory Neck Church, north of Toano on U.S. 60.
Toano vicinity, Stone House Site, northeast of Toano off Virginia 600 (8-14-73).
Williamsburg vicinity, *Carter's Grove, 0.2 mile southeast of intersection of Routes 60 and 667.
Williamsburg vicinity, Governor's Land Archeological District, west of Williamsburg (9-21-73).
Williamsburg vicinity, Kingsmill Plantation, 5 miles south of Williamsburg.

King and Queen County

Aylett vicinity, Holly Hill, northeast of Aylett off U.S. 360 (7-24-73).
Cumnor vicinity, Mattaponi Church, 0.5 mile south of Cumnor off Virginia 14.
Shanghai vicinity, Upper Church, Stratton Major Parish, southeast of Shanghai on Virginia 14.
Stevensville vicinity, Hillsborough, 0.6 mile southwest of Route 633, 1.9 miles northwest of its intersection with Route 632.

King George County

Comorn vicinity, Marmion, 8.0 miles northeast of intersection of Routes 649 and 609.
King George Court House vicinity, Nanzatico, 1.8 miles south of intersection of Routes 650 and 625.
Owens vicinity, St. Paul's Church, west of Owens off Virginia 206.
Port Conway, Belle Grove, on U.S. 301.
Sealston vicinity, Lamb's Creek Church, on Virginia 607.

King William County

King William, King William County Courthouse, east side of Route 619, 0.1 mile north of intersection of Route 619 and Route 30.
Mangohick vicinity, Mangohick Church, south of Mangohick off Virginia 30.
Sweet Hall vicinity, St. John's Church, north of Sweet Hall on Virginia 30.
Tunstall vicinity, *Elsing Green, 2.1 miles southwest of intersection of Routes 632 and 623.
West Point vicinity, Chelsea, 1.7 miles north of intersection of Chelsea Road and Route 30.

Lancaster County

Kilmarnock vicinity, *Christ Church, 3 miles south of Kilmarnock on Virginia 3.
Lancaster vicinity, Bell Isle, southwest side of the west end of Route 683, 1 mile west of intersection with Route 354.
Lively vicinity, St. Mary's Whitechapel, 0.1 mile northwest of intersection of Routes 354 and 201.
Weems vicinity, Corotoman, south side of the intersection of Routes 222 and 631.

Lee County

Cumberland Gap National Historical Park (see Bell County, Ky.).
Jonesville vicinity, Jonesville Methodist Campground, west of Jonesville at junction Virginia 652 and U.S. 58 (5-16-74).

Lexington (independent city)

Alexander-Withrow House, north corner of Main and Washington Streets.
*Barracks, Virginia Military Institute, north edge of Lexington on U.S. 11.
Jackson, Stonewall, House, 8 east Washington Street.
*Lee Chapel, Washington and Lee University campus.
Lexington Historic District, bounded on north and west by southwestern tributary of Maury River and the Chesapeake & Ohio Railroad; and on the south by Edmondson Avenue, extending 800 feet east of Randolph Street (7-26-72).
*Virginia Military Institute.
*Washington and Lee University Historic District.

Loudoun County

Aldie, Aldie Historic District, extending 0.1 mile east of the intersection of Routes 612 and 50, 0.1 mile west of the intersection of Routes 50 and 732, and 0.2 mile north and 0.3 mile south of Route 50.
Atoka vicinity, Goose Creek Stone Bridge, northwest of Atoka off U.S. 50 (10-9-74).

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Leesburg, *Leesburg Historic District.*
Leesburg vicinity, *Exeter*, east of Leesburg on Edwards Ferry Road (8–14–73).
Leesburg vicinity, **Monroe, James, House, Oak Hill*, 8 miles south of Leesburg on U.S. 15.
Leesburg vicinity, **Oatlands*, 1 mile south of intersection of Routes 15 and 651.
Leesburg vicinity, *Oatlands Historic District*, south of Leesburg on U.S. 15 (5–3–74).
Leesburg vicinity, **Waterford Historic District.*
Lincoln, *Goose Creek Meetinghouse Complex*, south of Virginia 7 (7–24–74).
Middleburg vicinity, *Farmer's Delight*, about 3 miles north of Middleburg off Route 745.
Middleburg vicinity, *Welbourne*, 0.1 mile south of Route 743, 1.2 miles northwest of its intersection with Route 6111.
Sterling vicinity, *Broad Run Bridge and Tollhouse*, at intersection of Routes 7 and 28 with Broad Run.
Waterford vicinity, *Catoctin Creek Bridge*, Route 673, north of Waterford (6–25–74).

Louisa County

Gordonsville vicinity, *Boswell's Tavern*, 0.1 mile southeast of intersection of Routes 22 and 15.
Gordonsville vicinity, *Hawkwood*, 0.5 mile west of the intersection of Routes 617 and 15.
Green Springs, **Green Springs Historic District.*
Gum Spring vicinity, *Providence Presbyterian Church*, northwest of Gum Spring off U.S. 250.
Poindexter vicinity, *Jonia*, north of Poindexter, off Route 640 near its intersection with Route 613.
Trevilians vicinity, *Grassdale*, west of Trevilians off U.S. 15.
Trevilians vicinity, *Westend*, 1.1 miles south of the intersection of Routes 638 and 22.
Zion Crossroads vicinity, *Green Springs*, northeast of Zion Crossroads, off U.S. 15.
Zion Crossroads vicinity, *Green Springs Historic District*, northeast of Zion Crossroads on U.S. 15.

Lunenburg County

Lunenburg, *Lunenburg Courthouse Historic District*. 0.2 mile west and north of the intersection of Routes 40 and 49; and 0.4 mile east and south of the intersection of Routes 40 and 675.

Lynchburg (independent city)

The Academy of Music, 522–526 Main Street.
Point of Honor, 112 Cabell Street.
Garland Hill Historic District.
Lynchburg Court House, Ninth Street between Court and Church Streets.
Old City Cemetery, bounded roughly by Fourth, Monroe, and First Streets and the Southern RR, on the west.
Western Hotel, Fifth and Madison Streets (7–22–74).

Madison County

Madison, *Madison County Courthouse*, U.S. 29.
Madison vicinity, *Hebron Lutheran Church*, northeast side of Routes 638 and 653, 1 mile northeast of the intersection of Routes 638 and 231.

Mathews County

Cobbs Creek vicinity, *Hesse*, east of Cobbs Creek off Virginia 631 (2–12–74).
Hudgins vicinity, *Cricket Hill* (*Fort Cricket Hill*), northeast of Hudgins, 0.2 mile east of the intersection of Routes 609 and 223.
New point vicinity, *New Point Comfort Lighthouse*, at intersection of Chesapeake Bay and Mobjack Bay.
Williams vicinity, *Poplar Grove Mill and House*, west of Williams on secondary road.

Mecklenburg County

Clarksville vicinity, *Prestwould*, 1 mile north of Clarksville off U.S. 15.

Middlesex County

Hartfield vicinity, *Lower Church*, west of Hartfield on Virginia 33.
Saluda vicinity, *Christ Church*, on Route 33.
Saluda vicinity, *Deer Chase*, SE. of Saluda off Virginia 629 (8–14–73).
Urbanna, *Lansdowne*, Virginia Street at Upton Lane (11–8–74).
Urbanna, *Mills, James, Storehouse* (*Old Tobacco Warehouse*), south side of Route T–1002.
Urbanna vicinity, *Rosegill*, east of Urbanna.

Montgomery County

Blacksburg vicinity, *Smithfield*, 1 mile west of Blacksburg city limits.
Elliston vicinity, *Fotheringay*, 1.4 miles south of intersection of Routes 11 and 631.

Nelson County

Lovingston, *Nelson County Courthouse*, off U.S. 29.
Midway Mills, *Midway Mill*, on the James River at end of Virginia 743.
Waynesboro, *Swannanoa* (see Augusta County).

New Kent County

New Kent, *St. Peter's Church*, north side of Route 642, northeast of intersection of Routes 642 and 609 (10–1–69).
New Kent vicinity, *Criss Cross*, southwest of New Kent off Virginia 608.
Tunstall vicinity, *Foster's Castle*, northeast of Tunstall off Virginia 608.
Tunstall vicinity, *Hampstead*, 1 mile northwest of the intersection of Routes 606 and 607.

Newport News (independent city)

Fort Crafford, Fort Eustis Military Reservation (5–17–74).
Denbigh Plantation, 0.2 mile southwest of southern end of Lukas Creek Road.
Hilton Village, bounded by the James River on the southwest, Post Street on the northwest, the Chesapeake & Ohio Railroad tracks on the northeast, and Hopkins Street on the southeast.
Jones, Matthew, House, Fort Eustis Military Reservation, intersection of MacAuliffe Audubon, *Mill Grove*, Pawling Road.
Lee Hall, 0.6 mile northwest of intersection of U.S. 60 and Virginia 238.

Norfolk (independent city)

Allmand-Archer House, 327 Duke Street.
Boush-Tazewell House, 6225 Powhatan Avenue (7–18–74).
Freemason Street Baptist Church, northeast Freemason and North Bank Streets.
MacArthur, General Douglas, Memorial (*Norfolk City Hall*), 421 East City Hall Avenue.
Myers Moses, House, southwest corner of East Freemason and North Bank Streets.
Norfolk Academy Building, 420 Bank Street.
U.S. Customshouse, 101 East Main Street.
St. Paul's Church, 201 St. Paul's Boulevard.
West Freemason Street Area Historic District, bounded on the north by Brambleton Avenue, on the east by property lines on east side of Duke Street, on the south by property lines on south side of West Freemason Street, and on the west by the Elizabeth River.
Whittle House, 225 West Freemason Street.
Willoughby-Baylor House, 601 Freemason Street.

Northampton County

Bridgetown, *Hungars Church*, 0.2 mile east of the intersection of Routes 619 and 622.
Bridgetown vicinity, *Vaucluse*, 1.8 miles south of the intersection of Routes 619 and 657.
Bridgetown vicinity, *Westerhouse House*, west of Bridgetown off Virginia 619 (11–19–74).
Bridgetown vicinity, *Winona*, 0.7 mile south of Route 619, 0.4 mile northwest of intersection of Route 619 and Route 622.
Cheapside vicinity, *Custis Tombs*, 1.3 miles northwest of intersection of Routes 644 and 645.
Cheriton vicinity, *Eyre Hall*, 1.6 miles north of intersection of Routes 13 and 680.
Eastville, *Northampton County Court House Historic District.*
Eastville vicinity, *Caserta*, 1 mile northwest of intersection of U.S. 13 and Route 630.
Eastville vicinity, *Pear Valley*, 0.1 mile south of intersection of Routes 689 and 628.
Franktown vicinity, *Glebe of Hungar's Parish*, 1.3 miles northwest of intersection of Routes 622 and 619.
Jamesville vicinity, *Somers House*, southwest of Intersection of Routes 183 and 691 (2–26–70).
Nassawadox vicinity, *Brownsville*, 1.2 miles southeast of the intersection of Routes 608 and 600.

Nottoway County

Blackstone, *Schwartz Tavern*, 111 Tavern Street (6–28–74).
Nottoway vicinity, *Nottoway County Courthouse*, off U.S. 460 on Virginia 625 (8–13–73).

Orange County

Barboursville vicinity, *Barboursville*, 0.5 mile south of intersection of Routes 777 and 678.
Gordonsville, *Exchange Hotel*, South Main Street (8–14–73).
Orange vicinity, *Mayhurst*, 0.4 mile southwest of intersection of Routes 15 and 647.
Orange vicinity, **Madison, James, House, (Montpelier)*, 4 miles west of Orange on Virginia 20.

Page County

Luray, *Aventine Hall*, 143 South Court Street.
Luray, *Page County Courthouse*, 116 South Court Street.
Newport vicinity, *Catherine Furnace*, 2 miles west of Newport in George Washington National Forest (1–21–74).
Stanley vicinity, *Fort Philip Long*, on Shenandoah River off Virginia 616.

Patrick County

Critz vicinity, *Reynolds Homestead*, east side of Route 798, 0.5 mile north of the intersection with Route 626.
Stuart, *Patrick County Courthouse*, Main and Blue Ridge Streets (12–27–74).
Woolwine vicinity, *Jack's Creek Covered Bridge*, about 2 miles south of Woolwine off Virginia 8.
Woolwine vicinity, *Bob White Covered Bridge*, about 2.5 miles south of Woolwine off Virginia 618.

Petersburg (independent city)

Battersea, 793 Appomattox Street.
Blandford Church, 319 South Crater Road.
Centre Hill, North of Franklin Street at the end of Centre Hill Lane.
City Market, Rock and west Old Street.
**Exchange Building*, 15–19 West Bank Street.
Farmers' Bank, northwest corner of Bollingbrook Street and Cockade Alley.
McIlwaine House, Market Square at corner of Pellam and Cockade Alleys (7–16–73).
Petersburg Courthouse, Court House Square.
Strawberry Hill, 231–235–237 Hinton Street (12–23–74).

Pittsylvania County

Chatham vicinity, *Little Cherrystone*, 0.1 mile north of intersection of Routes 703 and 832.
Gretna vicinity, *Yates Tavern*, south of Gretna on U.S. 29 (12–19–74).

Portsmouth (independent city)

Cradock Historic District, bounded by Paradise Creek, Victory Boulevard, and George Washington Highway (6–20–74).
**Drydock No. 1*, Norfolk Naval Shipyard.
Portsmouth Courthouse, northeast corner of Court and High Streets.
Portsmouth Naval Hospital, on Hospital Point at Washington and Crawford Streets.
Portsmouth Olde Towne Historic District, bounded on the north by Crawford Parkway, on the south by London Street, on the east by the Elizabeth River, and extending 0.1 mile west of Washington Street.
Quarters A, B, and C, Norfolk Naval Shipyard (12–19–74).
Trinity Episcopal Church, southwest corner of High and Court Streets.

Powhatan County

Powhatan, *Powhatan Court House Historic District*, 0.2 mile north and south and 0.1 mile east and west of Routes 13 and 300.
Powhatan vicinity, *Belmead* (*St. Emma's Industrial & Agricultural School*), 0.5 mile northwest of intersection of Routes 663 and 600.
Powhatan vicinity, *Keswick*, northeast of Powhatan off Virginia 711 (12–19–74).

Prince Edward County

Briery vicinity, *Briery Church*, 0.3 mile north of intersection of Routes 747 and 671.
Hampden-Sydney, *Hampden-Sydney College Historic District*, bounded approximately by the campus of Hampden-Sydney College.
Worsham, *Debtors' Prison*, on U.S. 15.

Prince George County

Petersburg National Battlefield (see Dinwiddie County).
Brandon vicinity, **Brandon*, west bank of the James River at end of Route 611.
Hopewell vicinity, *Merchant's Hope Church*, 0.5 mile west of intersection of Route 641 and Virginia 10.

Prince William County

Dumfries, *Old Hotel*, U.S. 1.
Manassas vicinity, *Manassas National Battlefield Park.*
Minnieville vicinity, *Bel Air*, 0.9 mile west of Route 640.
Occoquan, *Rockledge*, Telegraph Road.
The Plains vicinity, *Beverly Mill* (*Chapman Mill*), north side of the intersection of Routes 600 and 55.
Woodbridge vicinity, *Rippon Lodge*, 0.8 mile north of the intersection of Routes 1 and 642.

Pulaski County

Radford vicinity, *Ingles Ferry*, 0.9 mile north of intersection of Routes 611 and 624.

Rappahannock County

Sperryville vicinity, *Montpelier*, south of Sperryville on Virginia 231.
Richmond (independent city), *Mayo Memorial Church House*, 110 West Franklin Street.

Richmond (independent city)

Barret House, 15 South 5th Street (2–23–72).
Beers, William, House, 1228 East Broad Street.
Bell Tower, Capitol Square.
Branch Building, 1015 East Main Street.
Broad Street Station, Broad and Robinson Streets.
Cabell, Henry Coalter, House, 116 South Third Street.
Confederate Memorial Chapel, 2900 Grove Avenue.
Crozet House (*Curtis Carter House*), 100 East Main Street.
Donnan-Asher Iron Front Building, 1207–1211 East Main Street.
**Egyptian Building*, southwest corner of East Marshall and College Streets.
First African Baptist Church, northeast corner of College and East Broad Streets.
First Baptist Church, northwest corner of 12th and Broad Streets.
**Glasgow House*, 1 West Main Street.
Hancock-Wirt-Caskie House, 2 North Fifth Street.
Hazall House, 211 East Franklin Street.
Hollywood Cemetery, 412 Cherry Street.
James River and Kanawha Canal Connection Locks, south of Cary between 9th and Virginia Streets.
James River and Kanawha Canal Historic District (see Hennico County).
and 13th Streets.
Jefferson Hotel, northeast corner, West Main and North Jefferson Streets.
Kent-Valentine House, 12 East Franklin Street.
Leigh, Benjamin Watkins, House, 1000 East Clay Street.
Leigh Street Baptist Church, 617 North 25th Street.
Linden Row, 100–114 East Franklin Street.
Main Street Station, 1520 East Main Street.
**Marshall, John, House*, Ninth and Marshall Streets.
Mason's Hall, 1807 East Franklin Street.
Maupin-Maury House, 1105 East Clay Street.
Maymont, Spottswood Road.
**Monroe, James, Tomb*, Hollywood Cemetery 412 South Cherry Street.
Monument Avenue Historic District.
**Monumental Church*, 1224 East Broad Street.
Morson's Row, 219–223 Governor Street.
Old Stone House, 1914 East Main Street (11–14–73).
Putney Houses, 1010–1012 East Marshall Street.
**Richmond City Hall*, bounded by 10th, Broad, 11th, and Capitol Street.
Richmond National Battlefield Park, East Broad Street.
St. John's Church Historic District, bounded roughly by 22d, Marshall, 32d, Williamsburg Avenue, Main, and Franklin Streets (9–15–70).
**St. John's Episcopal Church*, East Broad Street between 24th and 25th Streets.
St. Paul's Church, 815 East Grace Street.
St. Peter's Church, 800 East Grace Street.
Scott-Clarke House, 9 South Fifth Street.
Second Presbyterian Church, 9 North Fifth Street.
Sheltering Arms Hospital, 1008 East Clay Street.
Shockoe Slip Historic District.
Stearns Iron Front Building, 1007–1013 East Main Street.
Stewart-Lee House, 707 East Franklin Street.
Tredegar Ironworks, bounded on the north by the James River and Kanawha Canal, on the south by the James River, on the west by Route 1 (301), and thence extending 0.4 mile east.
2900 Block Grove Avenue Historic District, 2901, 2905, 2911, and 2915 Grove Avenue.
U.S. Post Office and Customshouse, 1000 East Main Street.
**Valentine Museum*, 1005–1015 East Clay Street.
Virginia Governor's Mansion, Capitol Square.
**Virginia State Capitol* (*Second Confederate Capitol*), Capitol Square.
West Franklin Street Historic District, all properties fronting on West Franklin Street between Laurel and Ryland Streets.
**White House of the Confederacy*, Clay and 12th Streets.
William J. Clark Library and Barco-Stevens Hall, west side of Lombardy Street at intersection with Brook Road.
Woodward House, 3017 Williamsburg Avenue (6–19–74).

Richmond County

Ethel vicinity, **Menokin*, 0.8 mile southwest of Route 690, 1.2 miles northwest of intersection of Routes 690 and 621.
Farnham, *Farnham Church*, at intersection of Virginia 602 and 692 (8–14–73).
Tappahannock vicinity, **Sabine Hall*, 1.4 miles south of intersection of Routes 624 and 360.
Warsaw, *Richmond County Court House*, at intersection of U.S. 360 and Virginia 3.
Warsaw vicinity, **Tayloe, John, Plantation* (*Mount Airy*), 1 mile west of Warsaw on U.S. 360.

Roanoke (independent city)

Buena Vista, Penmar Avenue and Ninth Southeast (7–30–74).
St. Andrew's Roman Catholic Church, 631 North Jefferson Street.
Fire Station No. One, 13 East Church Avenue.

Roanoke County

Hollins, *Hollins College Quadrangle*, Hollins College campus (11–5–74).
Roanoke vicinity, *Deyerle, Benjamin, Place*, 3402 Grandin Road Extension SW.
Roanoke vicinity, *Monterey*, Tinker Creek Lane, Northeast (7–30–74).

Rockbridge County

Brownsburg, *Brownsburg Historic District.*
Lexington vicinity, *Timber Ridge Presbyterian Church*, 0.3 mile southwest of intersection of Routes 11 and 716.
Staunton vicinity, **McCormick, Cyrus, Farm and Workshop*, 18 miles south of Staunton on U.S. 11 and Rockbridge County 606 at Walnut Grove.

Rockingham County

Broadway, *Tunker House* (*Yount-Zigler House*), 0.2 mile east of the intersection of Routes 736 and 42.
Broadway vicinity, *Lincoln Homestead and Cemetery*, on Virginia 42, 1 mile south of its intersection with Route 684.
Dayton vicinity, *Fort Harrison*, northeast of Dayton on Virginia 42 (7–24–73).
Harrisonburg vicinity, *Baxter House*, about 8 miles northeast of Harrisonburg on Virginia 42 (10–3–73).
Harrisonburg vicinity, *Beery, John K., Farm*, about 5 miles north of Harrisonburg off Virginia 42 (9–19–73).

Russell County

Dickersonville vicinity, *Old Russell County Courthouse* (*Dickenson-Fugate House*), west of Dickersonville on Alternate U.S. 58 (7–16–73).

Salem (independent city)

Evans House, 213 Broad Street (5–19–72).
Roanoke College, Main Campus Complex (3–7–73).
Salem Presbyterian Church, E. Main and Market streets (10–15–74).
Williams-Brown House-Store, 523 E. Main Street (11–23–71).

Scott County

Nickelsville vicinity, *Kilgore Fort House*, southeast side of Virginia 71, 0.8 mile south of intersection with Virginia 670.

Shenandoah County

Middletown vicinity, *Fort Bowman*, 0.4 mile northeast of intersection of Routes 11 and 660.
New Market, *New Market Historic District*, present-day town limits.
New Market vicinity, *New Market Battlefield Park*, 1 mile north of the intersection of Routes 11 and 211.
Woodstock, *Shenandoah County Courthouse*, West Court and South Main Streets.

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Smyth County

Marion vicinity, *Preston House, Herndon*, 0.1 mile south of intersection of Routes 645 and 11.

Southampton County

Capron vicinity, *Belmont*, northeast of Capron off Virginia 652 (10–3–73).

Spotsylvania County

Fredericksburg vicinity, *Fall Hill*, Northwest of Fredericksburg off Virginia 639.

Fredericksburg vicinity, *Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park*, Fredericksburg and the area in Spotsylvania County to the west and southwest.

Fredericksburg vicinity, *Rapidan Dam Canal of the Rappahannack Navigation* (7–26–73)

Stafford County

Brooke vicinity, *Potomac Creek Site*, north bank of Potomac Creek at confluence with Accokeek Creek.

Falmouth, *Carlton*, 501 Melchers Drive (10–3–73).

Falmouth, *Falmouth Historic District*, extending from the intersection of Routes 1 and 17,0.3 mile north, 0.6 mile east, 0.2 mile south, and 0.3 mile west.

Falmouth, **Melchers, Gari, Home (Belmont)*.

Falmouth vicinity, *Hunter's Iron Works*, west of Falmouth off U.S. 17 (1–18–74).

Fredericksburg vicinity, *Ferry Farm Site (site of George Washington's Boyhood Home)*, 712 Kings Highway, east of Fredericksburg.

Garrisonville vicinity, *Aquia Church*, 0.1 mile north of intersection of Routes 1 and 610.

Staunton (independent city)

Mary Baldwin College, Main Building, Mary Baldwin College campus (7–26–73).

Sears House, Sears Hill Road in Woodrow Wilson City Park.

Stuart Hall (main building), 235 West Frederick (8–13–74).

Stuart House, 120 Church Street.

Trinity Episcopal Church, southwest corner of Beverley and Lewis Streets.

Virginia School for the Deaf and Blind, southeast side of intersection of East Beverly Street and Pleasant Terrace.

Western State Hospital, southeast corner of Greenville Avenue and Route 250.

Wharf Area Historic District, includes all properties with frontage on Middlebrook Avenue between South New Street and South Lewis Street and on South Augusta Street between Johnson Street and Middlebrook Avenue.

**Wilson, Woodrow, Birthplace*, North Coalter Street between Beverly and Frederick Streets.

Suffolk (independent city)

Glebe Church, Virginia 337 (5–25–73).

Riddick House, 510 Main Street (5–2–74).

St. John's Church, Virginia 125 (4–11–73).

Surry County

Bacon's Castle, **Allen, Arthur, House (Bacon's Castle)*.

Jamestown vicinity, *Chippokes Plantation*, south bank of James River between College Run on the west and Lower Chippokes Creek on the east, opposite Jamestown Island.

Surry vicinity, *Four Mile Tree*, 0.2 mile northeast of the intersection of Routes 610 and 618.

Surry vicinity, *Smith's Fort*, 0.8 mile northeast of the intersection of Routes 31 and 620.

Surry vicinity, *Warren House*, northeast of Surry off Virginia 31 (11–14–73).

Sussex County

Grizzard vicinity, *Fortsville*, 1.6 miles southeast of the intersection of Routes 612 and 611.

Homeville vicinity, *Chester*, 0.2 mile north of the intersection of Routes 625 and 35.

Sussex, *Sussex County Courthouse Historic District* (7–24–73).

Tazewell County

Malden Spring vicinity, *Indian Paintings*, 2½ miles northwest of Malden Spring.

Pocahontas, *Pocahontas Historic District*, boundaries correspond to the corporate boundaries of the town of Pocahontas and the cemetery on the north.

Virginia Beach (independent city)

**Cape Henry Lighthouse*, Atlantic Avenue at U.S. 60.

Keeling House, 3157 Adam Keeling Road.

Old Donation Church, 4449 North Witch Duck Road.

Pembroke Manor, 1.5 miles east of intersection of Routes 58, 627, and 647.

Pleasant Hall, 5184 Princess Anne Road.

**Thoroughgood, Adam, House*, 4 miles east of Norfolk on Lynnhaven River.

Weblin House, 5588 Moore's Pond Road (11–8–74).

Wishart-Bousch House, 0.4 mile east of intersection of Route 649 and Absalom Road.

Warren County

Cedar Creek Battlefield and Belle Grove (see Frederick County).

Millidale, *Mount Zion*, 0.7 mile northeast of intersection of Routes 624 and 639.

Washington County

Abingdon, *Abingdon Bank*, 225 East Main Street.

Abingdon, *Abingdon Historic District*, extending 0.1 mile north and south of Main Street (Route 11) and 0.3 mile northeast and southwest of intersection of Main and Cummings Streets.

Abingdon, *Mont Calm*, west of Virginia 75 (7–18–74).

Abingdon vicinity, *White's Mill*, NW of Abingdon on White Mill Road (Virginia 692) (9–10–74).

Westmoreland County

Fredericksburg vicinity, *George Washington Birthplace National Monument*, 38 miles east of Fredericksburg via Virginia 218, 301, and 705.

Hague vicinity, *Jones, Morgan, 1677 Pottery Kiln*, northwest of Hague (10–16–74).

Montros vicinity, *Chantilly*, 1.4 miles east of Route 609, 1.5 miles north of the intersection with Route 622.

Stratford, **Stratford Hall*.

Tucker Hill vicinity, **Yecomico Church*, on Route 606, 0.5 mile southwest of Tucker Hill.

Westmoreland vicinity, **Spence's Point (John R. Dos Passos Farm)*, on Route 749, 0.3 mile northeast of junction with Route 610.

Williamsburg (independent city)

**Bruton Parish Church*, Duke of Gloucester Street.

Colonial National Historical Park (see James City County).

**Randolph, Peyton, House*, intersection of Nicholson and North England Streets.

**Semple, James, House*, south side of Francis Street between Blair and Waller Streets.

**Williamsburg Historic District*, bounded by Francis, Waller, Nicholson, North England, Lafayette, and Nassau Streets.

**Wren Building, College of William and Mary*, College of William and Mary campus.

**Wythe House*, west side of the Palace Green.

Winchester (independent city)

Abram's Delight, northeast corner of Parkview Street and Rouss Spring Road.

Handley Library, northwest corner of Braddock and Piccadilly Streets.

**Jackson, Thomas J., Headquarters*, 415 North Braddock Street.

Wise County

Big Stone Gap, *Fox, John Jr., House*, 117 Shawnee Avenue (6–7–74).

Big Stone Gap, *"June Tolliver" House*, on Virginia 613 (8–28–73).

Wythe County

Fosters Falls vicinity, *Martin Site*, northeast of Fosters Falls off Virginia 618 (8–13–74).

Max Meadows vicinity, *Fort Chiswell Mansion*, U.S. 11, 0.6 mile east of the intersection with U.S. 52 and Virginia 121.

Max Meadows vicinity, *Shot Tower*, 0.1 mile west of intersection of Route 608 and Route 52, 2.3 miles southeast of intersection of Route 52 and Route 619.

Wytheville, *Haller-Gibbney Rock House*, northwest corner of Monroe and Tazewell Streets.

York County

Colonial National Historical Park (see James City County).

Lackey vicinity, *Lee House, Kiskiack*, 2.4 miles northeast of intersection of Routes 238 and 168.

Williamsburg vicinity, *Porto Bello*, on Queens Creek on Camp Peary Military Reservation.

Yorktown, *Grace Church*, near intersection of Route 1003 and Main Street.

Yorktown vicinity, *Gooch, William, Tomb and York Village Archeological Site*, east of Yorktown on U.S. Coast Guard Reserve Training Center (1–18–74).

Yorktown vicinity, *Yorktown Wrecks*, 4 miles of York River between Gloucester and York County shores at Yorktown (10–9–73).

Washington

Asotin County

Asotin, *Full Gospel Church*, First and Monroe Streets.

Chelan County

Cashmere, *Burbank Homestead Waterwheel*, Cottage Avenue (9–6–74).

Cashmere vicinity, *Blewett Arrastra*, south of Cashmere on U.S. 97 (9–17–74).

North Cascades National Park, *Black Warrior Mine*, Okanogan National Forest (10–15–74).

Stehekin, *Buckner Cabin*, Lake Chelan National Recreation Area (5–17–74).

Stehekin, *Courtney Cabin*, Lake Chelan National Recreation Area (5–31–74).

Stehekin, *Stehekin School*, Lake Chelan National Recreation Area (5–31–74).

Wenatchee, *Wells House*, 1300 Fifth Street.

Wenatchee vicinity, *Wenatchee Flat Site*, north of Wenatchee (8–14–73).

Clallam County

LaPush vicinity, *Ozette Indian Village Archeological Site*, north of LaPush on Cape Alava (1–11–74).

Olympic Peninsula, *Tatoosh Island*, northwest of Cape Flattery.

Clark County

Vancouver, *Covington House*, 4208 Main Street.

Vancouver, *Fort Vancouver National Historic Site*.

Vancouver, *Officers Row, Fort Vancouver Barracks*, 611–1616 East Evergreen Boulevard (11–11–74).

Vancouver, *Slocum House*, 605 Esther Street.

Columbia County

Dayton, *Dayton Depot*, Second and Commercial (11–19–74).

Douglas County

East Wenatchee vicinity, *Pangborn-Herndon Memorial*, 3 miles northeast of East Wenatchee.

Ferry County

Kettle Falls vicinity, *Kettle Falls District*, west of Kettle Falls on Roosevelt Lake (11–20–74) (also in Stevens County).

Franklin County

Lyons Ferry vicinity, **Marmes Rockshelter*, 1 mile north of Lyons Ferry on west side of Palouse River.

Garfield County

Pomeroy, *Garfield County Courthouse*, Eighth and Main Street (7–24–74).

Pomeroy vicinity, *Lewis and Clark Trail-Travois Road*, 5 miles east of Pomeroy off U.S. 12 (1–11–74).

Grant County

Warden vicinity, *Lind Coulee Archeological Site*, northeast of Warden (1–21–74).

Grays Harbor County

Hoquiam, *Hoquiam's Castle (Lytle, Robert, Mansion)*, 515 Chenault Avenue.

Island County

Oak Harbor vicinity, *Central Whidbey Island Historic District*, south of Oak Harbor roughly 6 miles either side of Coupeville (12–12–73).

Jefferson County

Port Townsend, *Bartlett, Frank, House*, 314 Polk Street.

Port Townsend, *City Hall*, Water and Madison Streets.

Port Townsend, *Fowler, Captain Enoch S., House*, corner of Polk and Washington Streets.

Port Townsend, *James Francis Wilcox, House*, corner of Washington and Harrison Streets.

Port Townsend, *Jefferson County Courthouse*, Jefferson and Cass Streets.

Port Townsend, *Leader Building (Fowler Building)*, 226 Adams Street.

Port Townsend, *Manresa Hall (Eisenbeis Castle)*, Sheridan Street.

Port Townsend, *Old German Consulate (Olson-Hastings House)*, 313 Walker.

Port Townsend, *Point Wilson Lighthouse*, on a point of land between Juan de Fuca Strait and Admiralty Inlet.

Port Townsend, *Rothschild House*, Taylor and Franklin Streets.

Port Townsend, *St. Paul's Episcopal Church*, corner of Jefferson and Tyler Streets.

Port Townsend, *Starrett House*, 744 Clay Street.

Port Townsend, *Tucker, Horace, House*, 706 Franklin Street.

Port Townsend vicinity, *Fort Worden Historic District, north of Port Townsend* (3–15–74).

King County

Auburn vicinity, *Neely, Aaron Sr., Mansion*, east of Auburn off Washington 18 (10–15–74).

Kirkland, *Kirk, Peter, Building*, 620 Market Street (8–14–73).

Redmond, *Clise, James W., House*, 6046 Lake Sammamish Parkway NE.

Redmond vicinity, *Marymoor Prehistoric Indian Site*, 6046 West Lake Sammamish Parkway NE.

Redmond vicinity, *Yellowstone Road*, 196th Avenue northeast between the Fall City Highway and 80th Northeast (12–2–74).

Seattle, *Alaska Trade Building (Union Record Building)*, 1915–1919 First Avenue.

Seattle, *Assay Office*, 613 Ninth Avenue.

Seattle, *Bell Apartments*, 2326 First Avenue (7–12–74).

Seattle, *Broadway High School (Edison Technical School)*, Broadway Avenue and East Pine Street (7–11–74).

Seattle, *Building No. 105, Boeing Airplane Co. (E. W. Heath Shipyard)*, 200 Southwest Michigan Street.

Seattle, *Butterworth Building*, 1921 First Avenue.

Seattle, *Colman Building*, 811 First Avenue.

Seattle, *Fire Station No. 18*, 5427 Russell Avenue NW.

Seattle, *Fire Station No. 23*, 18th and Columbia.

Seattle, *Fire Station No. 25*, 1400 Harvard Avenue.

Seattle, *Iron Pergola*, First Avenue and Yesler Way.

Seattle, *King Street Station*, Third Street South and South King.

Seattle, *Leary, Eliza Ferry, House*, 1551 East 10th Street.

Seattle, *Moore Theatre and Hotel Building*, 1932 2d Avenue (8–30–74).

Seattle, *Old Public Safety Building*, Fourth Avenue, Terrace, Fifth Avenue and Yesler way.

Seattle, *Paramount Theatre*, 901 Pine Street (10–9–74).

Seattle, *Park Department, Division of Playgrounds*, 301 Terry Avenue.

Seattle, *Pike Place Public Market Historic District*, roughly bounded by Western and 1st Avenues and Virginia and Pike Streets (3–13–70).

Seattle, *Pioneer Hall*, 1642 43d Avenue East.

Seattle, *Pioneer Square-Skid Road Historic District*,

Seattle, *Storey, Ellsworth, Residences*, 260 and 270 East Dorffel Drive.

Seattle, *Union Station*, 4th Street and South Jackson (8–30–74).

Seattle, *Virginia V*, 4250 21st Avenue West.

Seattle, *Ward Home*, 1427 Boren Avenue.

Seattle, *W. T. Preston* (snagboat), Lake Washington Ship Canal, Hiram Chittenden Locks.

Seattle, *Washington Street Public Boat Landing Facility*, South Washington Street, west of Alaskan Way (6–10–74).

Seattle, *Wawona* (schooner), Seattle Police Harbor Patrol Dock, foot of Densmore Street.

Seattle, *Wilke Farmhouse*, 1920 2d North (11–1–74).

Snoqualmie, *Snoqualmie Depot*, 109 King Street (7–24–74).

Kitsap County

Bainbridge Island, SS *San Mateo* (ferryboat), Eagle Harbor.

Bremerton, U.S.S. *Missouri*, Puget Sound Naval Shipyard.

Olalla, *Nelson, Charles F., House*, corner of Nelson and Crescent Valley Roads (8–28–73).

Port Gamble, **Port Gamble Historic District*.

Port Orchard, *Sidney Hotel (Navy View Apartments)*, 700 Prospect Street.

Kittitas County

Cle Elum vicinity, *Salmon la Sac Guard Station*, north of Cle Elum in Wenatchee National Forest (7–12–74).

Ellensburg vicinity, *Olmstead Place State Park*, 4 miles east of Ellensburg near the Kittitas Highway.

Liberty, *Liberty Historic District*, both sides of Williams Creek Wagon Road (10–15–74).

Roslyn, *Northwestern Improvement Company Store*, First Street and Pennsylvania Avenue.

Klickitat County

The Dalles vicinity, *Wishram Indiana Village Site*, 5 miles northeast of The Dalles.

Goldendale vicinity, *Maryhill*, southwest of Goldendale on U.S. 197 (12–31–74).

Lewis County

Chehalis, *Burlington Northern Depot*, off U.S. 99/WA 1 (11–6–74).

Chehalis vicinity, *Jackson, John R., House*, south of Chehalis on U.S. 12 (1–11–74).

Claquato, *Claquato Church*, off Washington 12.

Okanogan County

Bridgeport vicinity, *Sites of Fort Okanogan*, north of Bridgeport between the Columbia and the Okanogan rivers.

Conconully vicinity, *Conconully Reservoir Dam*, south of Conconully (9–6–74).

Nespelem, *Chief Joseph Memorial (Nez Perce Cemetery)*, near intersection of Washington 10A and Cache Creek Road (5–15–74).

Winthrop vicinity, *Parson Smith Tree*, 40 miles north of Winthrop on the Canadian border.

Pacific County

Chinook vicinity, **Chinook Point*, 0.5 mile southeast of Fort Columbia Historical State Park on U.S. 101.

Pierce County

Dupont vicinity, *Fort Nisqually Site*, northwest of Dupont off I 5 (10–16–74).

Puyallup, *Meeker, Ezra, Mansion*, 321 Pioneer, East.

Steilacoom, *Davidson House (Phillip Keach House)*, 1802 Commercial Street (7–27–73).

Steilacoom, *Orr, Nathaniel, House and Orchard*, 1807 Rainier Street.

Steilacoom, *Steilacoom Catholic Church*, 1810 Nisqually (7–30–74).

Tacoma, *Camp Six*, Within Point Defiance Park.

Tacoma, **Fort Nisqually Granary and Factor's House*, Point Defiance Park.

Tacoma, *Old City Hall*, Seventh Avenue between Commerce and Pacific (5–17–74).

Tacoma, *St. Peter's Episcopal Church*, Starr between 29th and 30th Streets (11–5–74).

Tacoma, *Union Passenger Station*, 1713 Pacific Avenue (3–15–74).

Wilkeson vicinity, *Coke Ovens*, southeast of Wilkeson at railroad tracks (6–10–74).

San Juan County

Friday Harbor vicinity, San Juan Island, *San Juan Island National Historical Park*.

Shaw Island, *Little Red Schoolhouse*, corner of Hoffman Cove and Neck Point Cove Road.

Skagit County

LaConner, *LaConner Historic District*, roughly bounded by Second, Calhoun, Commercial, and Morris Streets and the Swinomish Channel (4–24–74).

Snohomish County

Edmonds, *Carnegie, Andrew, Library*, 118 Fifth Avenue North.

Everett, *Equator* (schooner), 14th Street Yacht Basin.

Everett vicinity, *"Jack Knife" Bridge*, spans the Ebey Slough at Home Acres Road east of Everett (3–2–73).

Index, *Red Men Hall*, Index Avenue and Sixth Street.

Snohomish, *Snohomish Historic District*, roughly bounded by Ave. E, Fifth Street, Union Avenue, Northern Pacific RR and Snohomish River (10–22–74).

Stanwood, *Pearson, D. O., House*, Pearson and Market Streets.

Spokane County

Spokane, *Campbell House*, West 2316 First Avenue (5–31–74).

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Spokane, *Cowley Park*, South Division Street between Sixth and Seventh Avenues.
Spokane, *Glover House*, West 321 Eighth Avenue (8–14–73).
Spokane, *Spokane County Courthouse*, West 1116 Broadway (1–21–74).
Spokane, *Strahorn Pines*, West 2216 First Avenue (5–31–74).

Stevens County

Kettle Falls District (see Ferry County).
Chewelah, *Old Indian Agency*, Third Street (5–17–74).

Thurston County

Tenino, *Tenino Depot*, off Washington 507 (12–27–74).

Wahkiakum County

Cathlamet, *Pioneer Church*, Alley Street.
Deep River vicinity, *Deep River Pioneer, Lutheran Church*, north of Deep River (8–7–74).
Grays River vicinity, *Grays River Covered Bridge*, 1.5 miles east of Grays River.

Walla Walla County

Walla Walla, *Dacres Hotel*, 4th and Main Streets (11–5–74).
Walla Walla, *Fort Walla Walla Historic District*, 77 Wainwright Drive (4–16–74).
Walla Walla, *Kirkman House*, 214 North Colville Street (12–27–74).
Walla Walla, *Memorial Building*, 345 Boyer Avenue (12–3–74).
Walla Walla, *Walla Walla Public Library*, 109 South Palouse Street (11–20–74).
Walla Walla vicinity, *Whitman Mission National Historic Site*, 6 miles west of Walla Walla off U.S. 410.

Whatcom County

Bellingham, *Bacon, George H., House*, 2001 Eldridge Avenue (11–21–74).
Bellingham, *Gamwell House*, 1001 16th Street.
Bellingham, *Pickett House*, 910 Bancroft Street.
Bellingham, *Whatcom Museum of History and Art*, 121 Prospect Street.
Ferndale, *Hovander Homestead*, 5299 Nelson Road (10–16–74).
Newhalem vicinity, *Devil's Corner*, north of Newhalem along Skagit River (6–7–74).

Whitman County

Colfax, *Perkins House*, North 623 Perkins.
Garfield, *McCroskey, R. C., House*, 4th and Manring Streets (11–21–74).
Pullman, *Thompson, Albert W., Hall*, Administration Road on Washington State University campus.
Uniontown vicinity, *Collins House and Granary*, southeast of Uniontown off U.S. 195 (7–30–74).

Yakima County

Yakima, *Capitol Theatre*, 19 South Third Street.
Yakima vicinity, *Fort Simcoe State Park*, southwest of Yakima (6–27–74).

West Virginia

Barbour County

Philippi, *Philippi Covered Bridge*, Main Street, at the junction of U.S. 250 and 119.

Berkeley County

Hedgesville vicinity, *Snodgrass Tavern*, west of Hedgesville on West Virginia 3.
Martinsburg, *Boydville*, 601 South Queen Street.
Martinsburg, *Federal Aviation Administration Records Center (Old Court House)*, 300 W. King Street (9–10–74).
Martinsburg, *Stephen, Adam, House*, 309 East John Street.

Brooke County

Bethany, *Old Main, Bethany College*, Bethany College campus.
Bethany vicinity, *Campbell, Alexander, Mansion*, east of Bethany on West Virginia 67.

Cabell County

Huntington, *Baltimore & Ohio Railroad Depot*, 1100 block Second Avenue (10–30–73).
Huntington, *Carroll, Thomas, House*, 234 Guyan Street.
Huntington, *Harvey House*, 1305 Third Avenue.
Huntington, *Old Main-Marshall University*, 16th Street on the Marshall University campus (7–16–73).

Fayette County

Ansted, *Contentment*, on U.S. 60 (12–30–74).

Greenbrier County

Lewisburg, *Greenbrier County Courthouse and Lewis Spring*, corner of Court and Randolph Streets (8–17–73).
Lewisburg, *John Wesley Methodist Church*, East Foster Street (6–5–74).
Lewisburg, *North, John A. House (Star Tavern)*, 100 Church Street (10–9–74).
Lewisburg, *Old Stone Church (Presbyterian)*, Church and Foster Streets.
Lewisburg, *Supreme Court Library Building (Greenbrier County Library and Museum)*, U.S. 60 west and Courtney Drive.
Lewisburg vicinity, *Stuart Manor*, southwest of Lewisburg off U.S. 219 (7–27–73).
Lewisburg, *Withrow, James, House*, 200 North Jefferson Street (12–31–74).
White Sulphur Springs, *Greenbrier*, off U.S. 60 (10–9–74).

Hardy County

Mathias vicinity, *Lee Lighthorse Harry, Cabin*, west of Mathias in Lost River State Park (7–30–74).
Moorefield, *Old Hardy County Courthouse*, Winchester Avenue and Elm Street (10–9–74).
Moorefield vicinity, *Fort Pleasant*, north of Moorefield (7–16–73).
Moorefield vicinity, *Mill Island*, south of Moorefield.
Moorefield vicinity, *The Willows*, south of Moorefield.
New Manchester, *Old Courthouse*, High and Elm Streets.
Old Fields vicinity, *Willow Wall*, south of Old Fields.

Harrison County

Clarksburg vicinity, *Smith, Watters, Farm on Duck Creek*, west of Lost Creek, off U.S. 19 in Watters Smith Memorial State Park (5–16–74).
Shinnston, *Shinn, Levi, House*, Clarksburg Road (U.S. 19) (7–16–73).

Jefferson County

Charles Town, *Jefferson County Courthouse*, corner of North George and East Washington Streets.
Charles Town vicinity, *Cedar Lawn*, 3.5 miles west of Charles Town off Virginia 51 (12–4–74).
Charles Town vicinity, *Claymont Court*, about 3 miles southwest of Charles Town on West Virginia 13 (7–25–73).
Charles Town vicinity, *Harewood*, west of Charles Town off West Virginia 51.
Charles Town vicinity, Richwood Hall, about 4 miles west of Charles Town off West Virginia 51.
Charles Town vicinity, *Washington, Charles, House (Happy Retreat)*, south of Charles Town off West Virginia 9.
Charles Town vicinity, *Worthington, Robert, House (Piedmont)*, about 2 miles west of Charles Town off West Virginia.
Halltown vicinity, *Beall-Air*, west of Halltown off U.S. 340 (8–17–73).
Harpers Ferry, *Harpers Ferry National Historical Park* (also in Washington County, Md.).
Shepherdstown, *Shepherd's Mill*, High Street.
Harpers Ferry, *St. Peter's Roman Catholic Church*, corner of Church Street and Jefferson Rock Trail.
Kearneysville, **Traveller's Rest*, on West Virginia 48.
Leetown, *Prato Rio*, on West Virginia 48.
Leetown vicinity, *Woodbury*, NE of Leetown (10–9–74).
Shepherdstown, *Rumsey Hall (Entler Hotel)*, German and Princess Streets.
Shepherdstown, *Shepherdstown Historic District* (8–17–73).
Shepherdstown vicinity, *Cold Spring*, south of Shepherdstown off Flowing Springs Road (8–14–73).
Shepherdstown vicinity, *Elmwood*, south of Shepherdstown on CR 17 (8–17–73).

Kanawha County

Cedar Grove, *Little Brick Church (Virginia's Chapel)*, on U.S. 60 (12–16–74).
Charleston, *Craik-Patton House (Elm Grove)*, 1316 Lee Street.
Charleston, *Holly Grove Mansion*, 1710 East Kanawha Boulevard (8–28–74).
Charleston, Sunrise (MacCorkle Mansion), 746 Myrtle Road (7–24–74).
Charleston, *West Virginia Capitol Complex*, East Kanawha Boulevard (12–31–74).
Dunbar, *Dutch Hollow Wine Cellers*, Dutch Hollow Road.
Malden, *African Zion Baptist Church*, 4104 Malden Drive (12–27–74).
Marmet, *Ebenezer Chapel*, Ohio Avenue and Hillview Drive (12–16–74).
South Charleston, *South Charleston Mound (Criel Mound)*, in a triangle formed by Oakes, MacCorkle, and Seventh Avenues.
St. Albans, *St. Albans Site*, between U.S. 60 and the Kanawha River (5–3–74).

Lewis County

Jackson Mill vicinity, *Jackson's Mill*, east of Jackson Mill on Route 1 (Route 12).

Marion County

Barrackville, *Barrackville Covered Bridge*, Route 21 across Buffalo Creek.
Fairmont vicinity, *Prickett's Fort*, east of Fairmont off West Virginia 73 (2–13–74).

Marshall County

Moundsville, **Grave Creek Mound*, Tomlinson and Ninth Streets.

Mason County

Point Pleasant vicinity, *Point Pleasant Battleground*, confluence of the Ohio and Kanawha Rivers.

Mineral County

Fort Ashby, *Fort Ashby*, South Street.

Monongalia County

Cheat Neck vicinity, *Henry Clay Furnace*, southeast of Cheat Neck in Cooper's Rock State Forest.
Morgantown, *The Old Stone House*, Chestnut Street.
Morgantown, **Wade, Alexander, House*, 256 Prairie Street.
Morgantown, *Woodburn Circle*, West Virginia University campus (12–4–74).
Pentress vicinity, *Brown's Hill-Mason and Dixon Survey Terminal Point*, 2.25 miles northeast of Pentress, West Virginia 39.
Ringgold vicinity, *Hamilton Farm Petroglyphs*, southeast of Ringgold off U.S. 119 (8–7–74).
Union vicinity, *Rehoboth Church*, 2 miles east of Union off West Virginia 3 (12–31–74).

Monroe County

Sweet Springs, *Old Sweet Springs*, West Virginia 3, 0.5 mile from the Virginia line.
Union vicinity, *Spring Valley Farm*, northeast of Union on U.S. 219 (12–30–74).

Morgan County

Chesapeake and Ohio Canal National Monument (see Allegany County, Md.).

Nicholas County

Kesslers Cross Lanes vicinity, *Carnifex Ferry State Park*, south of Kesslers Cross Lanes off West Virginia 129 (7–24–74).

Ohio County

Wheeling, *Independence Hall*, 16th and Market Streets.

Ohio County

Wheeling, *Shepherd Hall (Monument Place)*, Monument Place and Kruger Street (12–18–70).
Wheeling, *Wheeling Suspension Bridges*, Monument Place and Kruger Street.
Wheeling, *Wheeling Suspension Bridge*, across the Ohio River from 10th Street, Wheeling, to Virginia Street, Wheeling Island.

Preston County

Aurora vicinity, *Red Horse Tavern; Old Stone House*, 1 mile east of Aurora on U.S. 50.

Pocahontas County

Cass, *Cass Scenic Railroad*, along railroad tracks from Cass to Bald Knob (7–12–74).
Droop vicinity, *Droop Mountain Battlefield State Park*, west side of U.S. 219 between Droop and Hillsboro.
Green Bank vicinity, *Reber Radio Telescope*, northeast of Green Bank on West Virginia 28.
Hillsboro vicinity, *Buck, Pearl, House*, northeast of Hillsboro on U.S. 219.

Putnam County

Buffalo, *Buffalo Indian Village Site*, southwest of Buffalo off U.S. 35.

Raleigh County

Beckley, *Wildwood (General Alfred Beckley Home)*, 117 Laurel Terrace.

Randolph County

Elkins, *Graceland (Henry Gassaway Davis Home)*, Davis and Elkins College.

Taylor County

Grafton, *Andrews Methodist Church (Mothers' Day Shrine)*, East Main Street between St. John and Luzader Streets.

Tyler County

Sistersville, *Durham, E. A., House*, 110 Chelsea Street.
Sistersville, *Sistersville City Hall*, Main and Diamond Streets.
Sistersville, *The Wells Inn*, 316 Charles Street.

Tucker County

Pierce vicinity, *Fairfax Stone Historical Monument*, northeast of Pierce.

Upshur County

French Creek, *French Creek Presbyterian Church*, off Virginia 4/20 (12–24–74).

Wirt County

Burning Springs, *Burning Springs Complex*, along the north bank of the Kanawha River from the confluence of Burning Springs Run.
Elizabeth, *Beauchamp-Newman House*, Court Street (7–24–74).

Wood County

Parkersburg vicinity, *Blennerhassett Island Historic District*, on the Ohio River, 1.7 miles south of Parkersburg.
Williamstown, *Tomlinson Mansion*, 901 West Third Street (7–24–74).

Wisconsin

Ashland County

Ashland, *Old Ashland Post Office*, northwest corner of Second Street and Sixth Avenue West (1–21–74).
Ashland, *Security Savings Bank*, 212–214 West 2d Street (12–27–74).

Bayfield County

Bayfield, *Boutin, Frank Jr., House*, 7 Rice Street (12–27–74).
Bayfield, *Christ Episcopal Church*, North 3d Street between Washington and Rice Avenues (12–27–74).
Bayfield, *Old Bayfield County Courthouse*, Washington Street between 4th and 5th Streets (12–27–74).

Brown County

Green Bay, *Baird Law Office*, 2630 South Webster Avenue.
Green Bay, *Cotton House*, 2632 South Webster Avenue.
Green Bay, *East Moravian Church*, 512 Moravian Street.
Green Bay, *Fort Howard Hospital*, northeast corner of Kellogg Street and North Chestnut Avenue.
Green Bay, *Fort Howard Officers Quarters*, 402 North Chestnut Avenue.
Green Bay, *Fort Howard Ward Building*, 402 North Chestnut Avenue.
Green Bay, *Hazlewood*, 1008 South Monroe Avenue.
Green Bay, *Tank Cottage*, 10th Avenue and Fifth Street.

Burnett County

Webster vicinity, *N.W. & X.Y. Company Trading Post Sites*, north of Webster on Yellow River (2–15–74).

Chippewa County

Chippewa Falls, *Cook-Rutledge House*, 509 West Grand Avenue (8–7–74).

Columbia County

Columbus, *Farmers and Merchants Union Bank*, 159 West James Street.
Merrimac, *Merrimac Ferry*, Wisconsin 113 at Wisconsin River (12–31–74) (also Sauk County).
Portage, *Fox-Wisconsin Portage Site*, Wauona Trail.
Portage, *Old Indian Agency House*, northeast end of Old Agency House Road near northeast corporate limits of Portage.
Portage vicinity, *Fort Winnebago Surgeon's Quarters*, 0.1 mile east of the corporate city limits on Wisconsin 33.
Wisconsin Dells, *Kilbourn Public Library*, 429 Broadway (12–27–74).

Crawford County

Lynxville vicinity, *Foley Mound Group*, south of Lynxville (7–15–74).
Lynxville vicinity, *Olson Mound Group (Cr 38)*, (2–12–74).
Lynxville vicinity, *Wall-Smethurst Mound Group*, southwest of Lynxville (6–13–74).
Prairie du Chien, **Astor Fur Warehouse*, Water Street, St. Feriole Island.
Prairie du Chien, **Brisbois, Michael, House*, Water Street, St. Feriole Island.
Prairie du Chien, **Dousman Hotel*, Water Street, St. Feriole Island.
Prairie du Chien, *Rolette House*, northeast corner of North Water and Fisher Streets.
Prairie du Chien, **Second Fort Crawford*, bank of the Mississippi River.
Prairie du Chien, **Villa Louis*, St. Feriole Island.

Dane County

Madison, *Bascom Hill Historic District*, bounded by Observatory Drive, University Ave., N. Park, Langdon, and State sts. (9–12–74)
Madison, *Bashford, Robert M., House*, 423 North Pinckney Street.
Madison, *Bradley, Harold C., House*, 106 North Prospect Avenue.
Madison, *Burrows Park Bird Effigy Mound and Campsite*, Burrows Park (12–31–74).
Madison, *Camp Randall*, Camp Randall Memorial Park.
Madison, *Collins, William, House*, 704 East Gorham Street (12–3–74).
Madison, *Ely, Richard T., House*, 205 North Prospect Avenue (12–16–74).
Madison, *Farwells Point Mound Group*, off Wisconsin 113 (12–27–74).
Madison, *Forest Hill Cemetery Mound Group*, in Forest Hill Cemetery (12–27–74).
Madison, *Gilmore, Eugene A., House*, 120 Ely Place.
Madison, *Hirsig, Louis, House*, 1010 Sherman Avenue (12–2–74).
Madison, *Jacobs, Herbert A., House*, 441 Toepfer Avenue (7–24–74).
Madison, *Mendota State Hospital Mound Group*, Mendota State Hospital grounds (12–27–74).
Madison, **North Hall, University of Wisconsin*, University of Wisconsin campus.
Madison, *Old Executive Mansion*, 130 East Gilman Street.
Madison, *Old Spring Tavern (Gorham's Hotel)*, 3706 Nakoma Road (1–21–74).
Madison, *Old Synagogue (Shaare Shomain Synagogue)*, 214 West Washington Avenue.
Madison, *Pierce, Carrie, House*, 424 North Pinckney Street.
Madison, *State Historical Society of Wisconsin*, 816 State Street.
Madison, *Vilas Circle Bear Effigy Mound*, west end of Vilas Circle Park (12–30–74).
Madison, *Wisconsin State Capitol*, Capitol Square.
Maple Bluff, **La Follette, Robert M., Home*, 733 Lakewood Boulevard.
Middleton, *Jacobs, Herbert, Second House*, 7033 Old Sauk Road (12–31–74).
Shorewood Hills, *First Unitarian Society Meetinghouse*, 900 University Bay Drive.
Springfield Corners vicinity, *Kohlmann, Friederich, House*, west of Springfield Corners off Wisconsin 19 (12–27–74).

Dodge County

Beaver Dam, *Williams Free Library*, 105 Park Avenue (8–7–74).

Door County

Ellison Bay, *The Clearing*, off Wisconsin 42 (12–31–74).
Fish Creek vicinity, *Eagle Bluff Lighthouse*, 3.5 miles north of Fish Creek on Shore Road in Peninsula State Park.
Washington vicinity, *Rock Island Historic District*, island at northeast tip of Wisconsin, in Lake Michigan.

Douglas County

Solon Springs vicinity, *Brule-St. Croix Portage*, about 3 miles northeast of Solon Springs in Brule River State Forest.
Superior, *Meteor* (whaleback carrier), NW tip of Barkers Island (9–9–74).

Dunn County

Menomonie, *Tainter, Louis Smith, House*, Broadway at Crescent (7–18–74).
Menomonie, *Tainter, Mabel, Memorial*, 205 Main Street (1–18–74).

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Eau Claire County

Augusta vicinity, *Dells Mill*, about 3 miles north-northwest of Augusta off Wisconsin 27 (12–24–74).
Eau Claire, *Cobblestone House*, 1011 State Street (11–19–74).
Eau Claire, *Community House, First Congregational Church*, 310 Broadway (7–18–74).
Eau Claire, *Drummond, David, House*, Oakwood Place and Park Avenue (7–30–74).

Fond du Lac County

Fond du Lac, *Octagon House*, 276 Linden Street.
Ripon, *Little White Schoolhouse*, southeast corner of Blackburn and Blossom Streets (8–14–73).
Ripon, *St. Peter's Episcopal Church*, 217 Houston Street (12–31–74).
Ripon, *Woodruff, Jacob, House*, 610 Liberty Street (12–30–74).
Waupun, *Recording Angel*, Forest Mound Cemetery, North Madison Street (7–15–74).

Grant County

Cassville vicinity, *Stonefield*, 2.5 miles west of Cassville, on County Route VV.
Platteville, *Mitchell-Rountree House*, Jewett and Lancaster Streets.
Platteville, *Rountree Hall*, University of Wisconsin, Platteville campus (12–17–74).

Iowa County

Dodgeville, *Iowa County Courthouse*, northwest corner of Iowa and Chapel Streets.
Mineral Point, *Mineral Point Hill*, on Wisconsin 23.
Mineral Point, *Mineral Point Historic District*.
Mineral Point, *Pendarvis*, 114 Shake Rag Street.
Spring Green vicinity, *Taliesin*, 2 miles south of Spring Green on Wisconsin 23.
Spring Green vicinity, *Shot Tower*, southeast of Spring Green in Tower Hill State Park.
Spring Green vicinity, *Unity Chapel*, south of Spring Green off Wisconsin 23 (7–18–74).

Jefferson County

Fort Atkinson, *May, Eli House (Site of Fort Koshkonong)*, 407 East Milwaukee Avenue.
Fort Atkinson, *Panther Intaglio Effigy Mound*, on Wisconsin 106 at west corporate city limits.
Lake Mills vicinity, **Aztalan*, near Lake Mills on Wisconsin 89, Aztalan State Park.
Watertown, *First Kindergarten*, 919 Charles Street.
Watertown, *Octagon House*, 919 Charles Street.

Kenosha County

Kenosha, *Simmons, Gilbert M., Memorial Library*, 711 59th Place (12–17–74).
Kenosha, *Weed, Justin, House*, 3509 Washington Road (12–3–74).

La Crosse County

La Crosse, *Cargill, William W., House*, 235 West Avenue South (5–1–74).
La Crosse, *Hixon, Gideon C., House*, 429 North 7th Street (12–30–74).
West Salem, **Garland, Hamlin, House*, 357 West Garland Street.

Lafayette County

Belmont vicinity, *First Capitol*, 3 miles north and 1 mile west of Belmont.
New Diggings, *St. Augustine Church*, just off County Route W.

Lincoln County

Merrill, *Scott, T. B., Free Library*, East First Street (1–21–74).

Marathon County

Wausau, *Stewart, Hiram C., House*, 521 Grant Street (8–30–74).
Wausau, *Yawkey, Cyrus C., House*, 403 McIndow Street (12–31–74).

Marinette County

Peshtigo, *Peshtigo Fire Cemetery*, Oconto Avenue between Peck and Ellis Avenues.

Milwaukee County

Greendale, *Curtain, Jeremiah, House*, 8685 West Grange Avenue.
Milwaukee, *All Saints' Episcopal Cathedral Complex*, 804–828 East Juneau Avenue (12–27–74).
Milwaukee, *Bogk, Frederick C., House*, 2420 North Terrace Avenue.
Milwaukee, *Central Library*, 814 West Wisconsin Avenue (12–20–74).
Milwaukee, *Church, Benjamin, House*, Parkway Drive, Estabrook Park.
Milwaukee, *Federal Building*, 515–519 East Wisconsin Avenue.
Milwaukee, *First Unitarian Church*, 1009 East Ogden Avenue (12–30–74).
Milwaukee, *Holy Trinity Roman Catholic Church*, 605 South Fourth Street.
Milwaukee, *Home Office, Northwestern Mutual Life Insurance Company*, 605–623 North Broadway.
Milwaukee, *Immanuel Presbyterian Church*, 1100 North Astor Street (12–27–74).
Milwaukee, *Iron Block*, 205 East Wisconsin Avenue (12–27–74).
Milwaukee, *Mackie Building*, 225 East Michigan Street.
Milwaukee, *Milwaukee City Hall*, 200 East Wells Street.
Milwaukee, *Milwaukee County Historical Center (Second Ward Savings Bank)*, 910 North Third Street.
Milwaukee, *Milwaukee-Downer Quad*, northwest corner of Hartford and Downer Avenues (1–17–74).
Milwaukee, *Mitchell Building*, 207 East Michigan Street.
Milwaukee, *North Point Water Tower*, East North Avenue between North Lake Drive and North Terrace Avenue.
Milwaukee, *Old St. Mary's Church*, 844 North Broadway.
Milwaukee, *Pabst Theater*, 144 East Wells Street.
Milwaukee, *St. John's Roman Catholic Cathedral*, 812 North Jackson Street (12–31–74).
Milwaukee, *St. Josaphat Basilica*, 601 West Lincoln Avenue.
St. Francis, *Henni Hall*, 3257 South Lake Drive (7–24–74).
St. Francis, *Old St. Peter's Church*, 3257 South Lake Drive (7–25–74).
Milwaukee, *St. Patrick's Roman Catholic Church*, 1105 South 7th Street (12–16–74).
Milwaukee, *St. Paul Episcopal Church*, 904 East Knapp Street (12–27–74).
Milwaukee, *Smith, Lloyd R., House*, 2220 North Terrace Avenue (12–30–74).
Wauwatosa, *Annunciation Greek Orthodox Church*, 9400 West Congress Street (12–19–74).
Wauwatosa, *Damon House*, 2107 North Wauwatosa Avenue.

Oconto County

Oconto, *First Church of Christ, Scientist*, Chicago and Main Streets.
Oconto, **Oconto Site*, Copper Culture State Park.
Oconto, *Scofield, Governor Edward, House*, 610 Main Street.

Oneida County

Rhinelander, *First National Bank*, 8 West Davenport Street (8–14–73).

Outagamie County

Appleton, *Hearthstone*, 625 West Prospect Avenue (12–2–74).
Appleton, *Main Hall, Lawrence University*, 400–500 East College Avenue (1–16–74).
Appleton, *Whorton, John Hart, House*, 315 West Prospect Avenue (11–19–74).
Appleton, *Volksfreund Building*, 200 East College Avenue (12–27–74).
Kaukauna, *Grignon, Charles A., House*, Augustine Street.

Ozaukee County

Cedarburg, *Cedarburg Mill*, 215 East Columbia Avenue (5–8–74).
Cedarburg vicinity, *Concordia Mill*, southeast of Cedarburg at 252 Green Bay Road, Hamilton (4–26–74).
Cedarburg vicinity, *Covered Bridge*, 3 miles northwest of Cedarburg on Covered Bridge Road.

Portage County

Plover, *Morgan, J. H., House*, Madison Avenue and Green Drive (10–1–74)
Stevens Point, *McMillan, David, House*, 1924 Pine Street (12–16–74).

Racine County

Burlington vicinity, *Hazelo, Franklyn, House*, north of Burlington off Wisconsin Drive (12–30–74).
Caledonia, *Collins, John, House*, 6409 Nicholson Road (11–20–74).
Racine, *Cooley, Eli R., House (Kuchneman, William F., House)*, 1135 South Main Street.
Racine, *First Presbyterian Church*, 716 College Avenue.
Racine, *Hardy, Thomas P., House*, 1319 South Main Street (12–3–74).
Racine, *Johnson Wax Administration Building and Research Tower*, 1525 Howe Street (12–27–74).

Richland County

Richland Center, *German, A. D., Warehouse*, 316 South Church Street (12–31–74).

Rock County

Cooksville, *Cooksville Historic District*, both sides of the streets bordering the Public Square and Rock Street (10–25–73).
Janesville, *Tallman House*, 440 North Jackson Street (10–15–70).
Milton, *Milton House*, 18 South Janesville Street.

St. Croix County

Hudson, *Moffat, John S., House*, 1004 Third Street (7–18–74).

Sauk County

Merrimac Ferry (see Columbia County).
Baraboo, **Ringling Brothers Circus Headquarters, Ringlingville*, bounded roughly by Water Street on the north, Briar Street on the east, Lynn Street on the south, and East Street on the west.

Sheboygan County

Greenbush, *Wade, Sylvanus, House*, intersection of Wisconsin 23 and Kettle Moraine Drive in Old Wade House State Park.
Sheboygan, *Friendship House*, 721 Ontario Avenue (7–10–74).
Sheboygan, *Jung Carriage Factory*, 829–835 Pennsylvania Avenue (7–10–74).
Sheboygan, *Thomas, I. C., Drug Store*, 632 North Eighth Street (7–10–74).

Taylor County

Jump River, *Jump River Town Hall*, south of Wisconsin 73 (3–28–74).

Trempealeau County

Trempealeau vicinity, *Schwert Mound Group*, north of Trempealeau (11–1–74).

Vernon County

Ontario vicinity, *Hay Valley Archeological District*, south of Ontario off Wisconsin 131 (12–31–74).
Ontario vicinity, *Rockton Archeological District*, south of Ontario on Wisconsin 131 (12–31–74).
Viola vicinity, *Hanson Petroglyphs*, north of Viola off Wisconsin 131 (12–31–74).

Walworth County

Burlington vicinity, *Strang, James Jesse, House*, west of Burlington on Wisconsin 11 (1–24–74).
East Troy vicinity, *Loomis, Horace, House*, 2.4 miles south of East Troy on County Road G (12–3–74).
Elkhorn, *Elderkin, Edward, House (Round House)*, 127 South Lincoln (5–3–74).
Elkhorn, *Webster, Joseph P., House*, 9 East Rockwell Street.

Washington County

West Bend, *Gadow's Mill*, Barton Avenue and Commerce Street (12–24–74).
West Bend vicinity, *Lizard Mound State Park*, 3 miles northeast of West Bend on Wisconsin 144, then 0.33 mile east on County Route A.

Waukesha County

Delafield, *Hawks Inn*, 428 Wells Street.
Delafield, *St. John Chrysostom Church*, 1111 Genesee Street.
Eagle vicinity, *Hinkley, Ahira R., House*, northeast of Eagle off Wisconsin 59 (1–21–74).
Eagle vicinity, *Koepsel House*, Old World Wisconsin off Wisconsin 67 (10–25–73).
Eagle vicinity, *Turck, Christian, House*, Old World Wisconsin off Wisconsin 67 (10–25–73).
Menomonee Falls, *Miller-Davidson House*, on County Line Road, east of U.S. 41.
Nashotah vicinity, *Chapel of St. Mary the Virgin*, 1 mile south and 1 mile west of Nashotah on Nashotah House Road.
Saylesville vicinity, *Booth, J. C., House (John Rankin House)*, about 1 mile southwest of Saylesville on Saylesville Road (County Trunk Highway X).
Waukesha, *Chandler, Walter S., House*, 151 West College Avenue (12–27–74).
Waukesha, *Lain, Isaac, House*, 229 Wisconsin Avenue (12–27–74).

Winnebago County

Neenah, *Babcock, Havilah, House*, 537 East Wisconsin Avenue (8–7–74).
Neenah, *Grand Loggery*, Doty Park, Lincoln Street (3–22–74).
Oshkosh, *Algoma Boulevard Methodist Church*, 1174 Algoma Boulevard (12–3–74).
Oshkosh, *First Presbyterian Church*, 110 Church Avenue (12–27–74).
Oshkosh, *Oshkosh Grand Opera House*, 100 High Avenue (1–21–74).
Oshkosh, *Trinity Episcopal Church*, 203 Algoma Boulevard (12–30–74).

Wood County

Nekoosa, *Wakeley's Tavern*, Wakeley Road (12–27–74).

Wyoming

Albany County

Between Rock River and Medicine Bow, *Como Bluff*, on U.S. 30, along Como Ridge (also in Carbon County).
Laramie, *Ivinson Mansion and Grounds*, lots 1–8, block 178.
Sherman vicinity, *The Ames Monument*, northwest of Sherman.

Bighorn County

Hyattville vicinity, *Medicine Lodge Creek Site*, northeast of Hyattville.
Kane vicinity, **Medicine Wheel (Indian site)*, just north of U.S. 14 alternate, about 15 miles east of Kane.

Carbon County

Como Bluff (see Albany County).
Elk Mountain vicinity, *Fort Hallack*.
Elk Mountain vicinity, *Allen, Garrett, Prehistoric Site*, northwest of Elk Mountain off I–80 (8–7–74).
Encampment vicinity, *Grand Encampment Mining Region: The Boston-Wyoming Smelter*, east of Encampment on Encampment River.
Encampment vicinity, *Grand Encampment Mining Region: The Ferris-Haggarty Mine Site*, west of Encampment.
Fort Fred Steele vicinity, *Fort Fred Steele*, on North Platte River at point of Union Pacific Railroad crossing.
Independence Rock vicinity, **Sun, Tom, Ranch*, 6 miles west of Independence Rock on Wyoming 220 (also in Natrona County).
Rawlins vicinity, *Bridger's Pass*.
Saratoga, *Hotel Wolf*, 101 East Bridge Street (11–21–74).
Saratoga vicinity, *Platte River Crossing (Bennett's Crossing)*, 17 miles west of Saratoga, SE¼ sec. 33, T. 19 N., R. 85 W.

Converse County

Glenrock vicinity, *Glenrock Buffalo Jump*, about 2 miles west of Glenrock Interchange on Int. 25.
Douglas vicinity, *Fort Fetterman*.

Crook County

Sundance vicinity, *Inyan Kara Mountain*, in Black Hills National Forest.
Sundance vicinity, *Vore Buffalo Jump*.

Fremont County

Ethete, *St. Michael's Mission*.
Fort Washakie, *Fort Washakie*, on U.S. 287.
Fort Washakie vicinity, *Shoshone-Episcopal Mission*, 3 miles southwest of Fort Washakie on Moccasin Lake Road.
Moneta vicinity, *Castle Gardens Petroglyph Site*, c. 28 miles south of Moneta on U.S. 20–26.
South Pass City, *South Pass City*.
South Pass City vicinity, **South Pass*, 10 miles southwest of South Pass City on Wyoming 28.
Union Pass, on Continental Divide, 12 miles west-southwest of Wind River Ranger Station, Shoshone National Forest; 16 miles north-northeast of Kendall Ranger Station, Bridger National Forest; 20 miles east-southeast of Goose Wing Ranger Station, Teton National Forest.

Goshen County

Lusk vicinity, *Cheyenne-Black Hills Stage Route and Rawhide Buttes and Running Water Stage Stations*, 1 mile west of Lusk to c. 15 miles southwest of Lusk (includes both stage stations) * (also in Niobrara County).
Fort Laramine vicinity, *Fort Laramine National Historic Site*, 3 miles southwest of Fort Laramie.
Torrington, *South Torrington Union Pacific Depot*, U.S. 85 (12–31–74).

Hot Springs County

Grass Creek vicinity, *Legend Rock Petroglyph Site*, south of Grass Creek.
Lysite vicinity, *Bates Battlefield*, about 25 miles north of Lysite (11–20–74).
Thermopol vicinity, *Woodruff Cabin Site*, 26 miles northwest of Thermopolis, 18 miles west on County Route 0900 from intersection with Wyoming 120.

Johnson County

Story vicinity, **Fort Phil Kearny and Associated Sites*, west of U.S. 87 (also in Sheridan County).
Sussex vicinity, *Fort Reno*.

Laramie County

Cheyenne, *Atlas Theatre*, 213 West 16th Street.
Cheyenne, *Baker, Jim, Cabin*, Frontier Park.
Cheyenne, *Governor's Mansion*, 300 East 21st Street.
Cheyenne, *St. Mark's Episcopal Church*, 1908 Central Avenue.
Cheyenne, *St. Mary's Catholic Cathedral*, 2107 Capitol Avenue (11–20–74).
Cheyenne, *Union Pacific Depot*, 121 West 15th Street.
Cheyenne, *Wyoming State Capitol Building and Grounds*, 24th Street and Capitol Avenue.
Cheyenne vicinity, *Francis E. Warren Air Force Base*, bounds against the west side of Cheyenne; the two are roughly separated by Interstate 25.

Lincoln County

La Barge vicinity, *Names Hill*, on the Green River, 5 miles south of La Barge, just west of U.S. 189.

Natrona County

Casper, *Fort Casper*, 14 Fort Casper Road.
Casper vicinity, *Casper Buffalo Trap*, northwest of Casper off U.S. 20/26 (6–25–74).
Casper vicinity, **Independence Rock*, 60 miles southwest of Casper on Wyoming 220.
Casper vicinity, *Pathfinder Dam*, 45 miles southwest of Casper.
Midwest vicinity, *Teapot Rock*, south of Midwest off U.S. 87 (12–30–74).
**Sun, Tom, Ranch* (see Carbon County).

Niobrara County

Cheyenne-Black Hills State Route and Rawhides Buttes and Running Water Stage Stations (see Goshen County).
Mule Creek vicinity, *Agate Basin Site*, east of Mule Creek (2–15–74).
Van Tassell, *Ferdinand Branstetter Post No. 1, American Legion*.

Park County

Cody, *Buffalo Bill Statue*, 720 Sheridan Avenue (12–31–74).
Cody, *Irma Hotel*, 1192 Sheridan Avenue.
Cody vicinity, *Buffalo Bill Dam (Shoshone Dam)*, 7 miles west of Cody.
Cody vicinity, *Colter's Hell*, west of Cody on U.S. 14–16–20 (8–14–73).
Cody vicinity, *Dead Indian Campsite*, north of Cody in Shoshone National Forest (5–3–74).
Cody vicinity, **Horner Site*, 4 miles northeast of Cody on U.S. 20.
Cody vicinity, *Pahaska Tepee*, 50 miles west of Cody on U.S. 14.
Cody vicinity, *T E Ranch Headquarters*, 30 miles southwest of Cody on South Fork Road.
Wapiti vicinity, **Wapiti Ranger Station*, Shoshone National Forest.

Platte County

Chugwater, **Swan Land and Cattle Company Headquarters*, east side of Chugwater.

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Guernsey vicinity, *Oregon Trail Ruts*, south side of the North Platte River, 0.5 mile south of Guernsey.
Guernsey vicinity, *Register Cliff*.

Sheridan County

*Fort Phil Kearny and Associated Sites (see Johnson County).
Ranchester, *Connor Battlefield (Tongue River Battlefield)*, City Park on the Tongue River.
Sheridan, *Sheridan Inn* Broadway and Fifth Street.
Sheridan, *Trail End*, 400 Clarendon Avenue.
Sheridan vicinity, *Big Goose Creek Buffalo Jump*, southwest of Sheridan (2-12-74).

Sublette County

Big Piney vicinity, *Wardell Buffalo Trap*, 6 miles east and 2 miles north of Big Piney.
Daniel vicinity, *Father De Smet's Prairie Mass Site*.
Daniel vicinity, *Upper Green River Rendezvous Site*, on Green River above and below Daniel.
Pinedale vicinity, *Fort Bonneville*.
Union Pass (see Fremont County).

Sweetwater County

Granger, *Granger Stage Station*.
Green River, *Expedition Island*.
Rock Springs vicinity, *Point of Rocks Stage Station*.

Teton County

Jackson vicinity, *Miller Cabin*, c. 3 miles east of Jackson's central square, along Main Street; follow northeast fork of road for 1 mile beyond city limits.
Moose, *Menor's Ferry*, on the Snake River.
Moose vicinity, *Cunningham Cabin*, northeast of Moose of U.S. 26-89-187 in Grand Teton National Park (10-2-73).
West Thumb vicinity, *Old Faithful Inn*, west of West Thumb at Old Faithful on Grand Loop Road (7-23-73).

Uinta County

Evanston vicinity, *Bridger Antelope Trap*, east of Evanston off U.S. 189 (1-21-74).
Fort Bridger vicinity, *Fort Bridger*, on Black's Fork of the Green River near town of Fort Bridger.
Hilliard vicinity, *Piedmont Charcoal Kilns*, 14 miles northeast of Hilliard.

Weston County

Newcastle vicinity, *Jenney Stockade*.

Historic properties which are either (1) eligible for nomination to the National Register of Historic Places or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal. Authorization for such comments are in section 1(3) and section 2(b) of Executive Order 11593.

The Secretary of the Interior has determined that the following properties may be eligible for inclusion in the National Register of Historic Places and are therefore entitled to protection under section 1(3) and section 2(b) of Executive Order 11593 and other applicable Federal legislation. All determinations of eligibility are made under the Secretary of the Interior's authorities in sections 2(b) and 3(f) of Executive Order 11593. This list is not complete. As required by Executive Order 11593, an agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

Alabama

Dallas County

Selma, *Gill House*, 1109 Selma Avenue.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Alaska

Northwestern District

Little Diomede Island, *Iyapana, John, House*.

Arizona

Coconino County

Grand Canyon National Park, *Old Post Office*.
Grand Canyon National Park, *O'Neill, Buckey, Cabin*.
Grand Canyon National Park, *Ranger's Dormitory*.
Sedona vicinity, *Mayhew's Lodge*, N of Sedona on U.S. 89A in Coconino National Forest.

Maricopa County

Carefree vicinity, *Brazaletes Pueblo*, northeast of Carefree in Tonto National Forest.

Pima County

Tucson vicinity, *Old Santan*, NW of Tucson.

Yuma County

Wickenburg vicinity, *Harquahala Peak Observatory*, SW of Wickenburg.
Yuma, *Southern Pacific Depot*.

Arkansas

Ouachita County

Camden, *Old Post Office*, Washington Street.

California

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District*.

Marin County

Point Reyes, *Point Reyes Light Station*.

Mariposa County

Yosemite National Park, *Degnan Residence and Bakery*, Southside Drive.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 miles north of Alturas in Modoc National Forest.
Alturas vicinity, *Yellowjackets Landing*, NW of Alturas in Modoc National Forest.
Canby vicinity, *Sevenmile Flat*, NW of Canby in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station*.
King City vicinity, *Painted Cave*, SW of King City on Hunter Liggett Military Reservation.
Pacific Grove, *Point Pinos Light Station*.

Riverside County

Blythe vicinity, *Blythe Intaglios, Indian Intaglios*, N of Blythe on U.S. 95.
Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.

San Bernardino County

Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station*.

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station*.
Hillsborough, *Point Montara Light Station*.

Shasta County

Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office*.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

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Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves Street, on Lowry AFB.
Denver, *West Side Housing Historic District*, bounded by W. Colfax, W. 13th, Mariposato, and Speer Streets.

Eagle County

Wolcott, *Wolcott Stage Station*.

Jefferson County

Littleton vicinity, *Hildebrand Ranch*, SW of Littleton.

Rio Blanco County

Meeker vicinity, *Thornburgh Monument*, NE of Meeker on Thornburgh Road 9 miles from junction CO 13 and 789.
Rangely vicinity, *Canon Pintado*, S of Rangely on Highway 139.
Rangely vicinity, *Carrot Men Pictograph Site*, SW of Rangely and W of Rangely Dragon Road.

Connecticut

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, intersection of Wyllys Street and Van Block Avenue.
Hartford, *Colt Factory Housing*, Huyshope Avenue between Sequassen and Weehassett Streets.
Hartford, *Colt Factory Housing (Potsdam Village)*, Curcombe Street between Hendrickxen Avenue and Locust Street.
Hartford, *Colt Park*, bounded by Wethersfield Avenue, Stonington, Wawarme, Curcombe, and Marseck Streets, and by Huyshope and Van Block Avenues.
Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings*, Van Dyke Avenue.
Hartford, *Flat-Iron Building (Motto Building)*, intersection of Congress Street and Maple Avenue.
Hartford, *Houses on both sides of Congress Street*.
Hartford, *Houses on Charter Oak Place*.
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Streets, particularly Nos. 97-81, 65.

Middlesex County

Middletown, *Mather-Douglas-Santangelo House*, 11 South Main Street.

New Haven County

New Haven, *City Hall and Annex*.
New Haven, *Post Office-Courthouse*, Church and Court Streets.

New Haven, *Tannery Building and appended office*, 202 George Street.

New London County

New London, *Thames Shipyard*, west bank of Thames River north of the U.S. Coast Guard Academy.

Delaware

New Castle County

Wilmington, *Wilmington Custom House*, King Street.

Suffolk County

Lewes, *Delaware Breakwater*.
Lewes, *Harbor of Refuge Breakwater*.

District of Columbia

Auditors' Building, 201 14th Street SW.
Riggs Bank, 800 17th Street NW.
Washington Aqueduct Georgetown Reservoir Castle Gatehouse, Reservoir Road and MacArthur Boulevard NW.
1700 Block Q Street NW.

Florida

Hillsborough County

Tampa, *Firehouse No. 10*, Ybor City.

Bryan County

Georgia

Fort Stewart, *Site of Old Fort Argyle*, NE of Headquarters via GA 144, E GA 67 North, E to Ogeechee River.

Chatham County

Archeological Site, north end of Skidway Island.

Clarke County

Athens, *Carnegie Library Building*, 1401 Prince Avenue.

Clay County

Archeological Site WGC-73, downstream from Walter P. George Dam.

Fulton County

Fort McPherson, *Forscom Command Sergeant Major's Quarters (Bldg. No. 532)*.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chert Quarry*, Souther Field.

Hawaii

Moanalua Valley.

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail*.

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Route 31.

Idaho

Ada County

Boise, *Alexanders*, 826 Main Street.
Boise, *Falks Department Store*, 100 North Eighth Street.
Boise, *Idaho Building*, 216 North Eighth Street.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho Street.
Boise, *Union Building*, 712½ Idaho Street.

Clearwater County

Orofino vicinity, *Canoe Camp—Site 18*, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Custer County

Challis, *Challis Bison Jump*.

Idaho County

Kamiah vicinity, *East Kamiah—Site 15*, Southeast of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

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Tendoy, *Lewis and Clark Trail, Pattee Creek Camp*.

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S. of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Drive and C Street in Nez Perce National Park.
Lapwai, *Spalding*.

Illinois

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Chicago, *Methodist Book Concern (later Stop and Shop Warehouse)*, 12 West Washington.
Chicago, *Ogden Building*, 130 West Lake Street.
Chicago, *Oliver Building*, 159 North Dearborn Street.
Chicago, *Springer Block* (Bay, State, and Kranz Buildings), 126-146 North State.
Chicago, *Unity Building*, 127 North Dearborn Street.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of Sixth and Lincoln streets.

Lake County

Fort Sheridan, *Water Tower*, Building 49, Leonard Wood Avenue.

Indiana

Vermillion, *Houses in SR 63/32 Project*, junction of SR 32 and SR 63.

Monroe County

Bloomington, *Carnegie Library*.

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Muscatine County

Muscatine, *Clark, Alexander, Property*, 125-123 W. 3rd and 307, 309 Chestnut.

Kentucky

Jefferson County

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Anne Arundel County

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Chestertown, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Port Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Cecil County

Perryville, *Perry Point Mansion House*, Veterans Administration Hospital Grounds.
Perryville, *Perry Point Mill*, Veterans Administration Hospital Grounds.
Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light*.

St. Marys County

Piney Point, *Piney Point Light Station*.
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilgman Island, *Sharps Island Light*, on Chesapeake Bay.

Minnesota

Winona County

Winona, *Second Street Commercial Block*.

Missouri

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th Street on West, Robidoux on South, 10th on East, and Michel, Corby, and Ridenbaugh on North.

Dent County

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Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Route 1.

St. Louis (independent city)

St. Louis Air Force Station, Second and Arsenal streets.

Montana

Carbon County

Barry's Landing, *Bad Pass Trail (Sioux Trail)*, Big Horn Canyon National Recreation Area.
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Fergus County

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Lewis & Clark Campsite, May 24, 1805.

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Sheridan County

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Nevada

Churchill County

Stillwater Marsh, NE of U.S. 50 and NV 42.

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Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Corn Creek Campsite*, N of Las Vegas.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 miles northwest of Las Vegas on U.S. 95.

Storey County (also in Washoe County)

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 miles east of Sparks, along Interstate 80.

Washoe County

Derby Diversion Dam. See Storey County.

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Grafton County

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New Jersey

Middlesex County

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Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Richmond County

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Suffolk County

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New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, south of Fishers Island, 10 miles north of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at junction of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower southwest portion of Long Island Sound.
White Plains, *Westchester County Courthouse Complex*, corner of Main and Court streets.

North Carolina

Brunswick County

Southport, *Fort Johnston*, Moore Street.

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey Street.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market Street between 17th and 18th streets.

Ohio

Clermont County

Neville vicinity, *Maynard House*, 2 miles east of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 miles northwest of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington Street.

Oklahoma

Comanche County

Fort Sill, *Blockhouse on Signal Mountain*, off Mackenzie Hill Road.
Fort Sill, *Camp Comanche Site*, east range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, north of Macomb Road.
Fort Sill, *Geronimo's Grave*, north of junction of Dodge Hill and Elgin Roads.
Fort Sill, *Henry Post Air Field*, Post Road.
Fort Sill vicinity, *Medicine Bluffs*, northwest of Fort Sill.
Fort Sill, *Henry Post Air Field, U.S. Army*, Post Road.
Fort Sill, *Site of Camp Comanche*, east range on Cache Creek.
Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

Oregon

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Curry County

Port Orford, *Cape Blanco Light Station*.
Wolf Creek, *Rogue River Branch*, Star Route, Box 78.

Douglas County

Winchester Bay, *Umpqua River Lighthouse*.

Josephine County

Whisky Creek Cabin.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lake County

Silver Lake, *Picture Rock Pass Petroglyphs Site*.

Lane County

Roosevelt Beach, *Heceta Head Lighthouse*.
Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yaquina Head Lighthouse*.

Sherman County

Grass Valley vicinity, *Mack Canyon Archeological Site*, at end of BLM access road adjacent to Deschutes River N of Maupin.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

Pennsylvania

Brumbaugh Homestead, Raystown Lake Project.

Adams County

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Gettysburg, *Gettysburg Battlefield Historic District*.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Road.

Clinton County

Lockhaven, *Apsley House*, 302 East Church Street.
Lockhaven, *Harvey, Judge, House*, 29 North Jay Street.
Lockhaven, *McCormick, Robert, House*, 234 East Church Street.
Lockhaven, *Mussina, Lyons, House*, 23 North Jay Street.

Lehigh County

Dorneyville, *King George Inn and two other stone houses*, intersection of Hamilton and Cedar Crest Boulevards.

Mercer County

Mercer vicinity, *Big Bend Historical Area*, NW of Mercer.

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Henry County

Mt. Zion Church and Cemetery (United Baptist Church).

Texas

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Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th sts.

Potter County

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Utah

Tooele County

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VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missisquoi River.

Windsor County

Windsor, *Post Office Building*.

Washington

Clallam County

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Segium, *New Dungeness Light Station*.

Grays Harbor County

Westport, *Grays Harbor Light Station*.

Jefferson County

Olympic National Park Archeological District (see Clallam County).

King County

Burton, *Point Robinson Light Station*.
Seattle, *Alki Point Light Station*.
Seattle, *West Point Light Station*.

Kitsap County

Hansville, *Point No Point Light Station*.

Pacific County

Ilwaco, *Cape Disappointment Light Station*.
Ilwaco, *North Head Light Station*.

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes July 4, 1841, Celebration Site*.
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station*.

Snohomish County

Mukilteo, *Mukilteo Light Station*.

West Virginia

Cabell County

Huntington, *Old Bank Building*, 1208 Third Avenue.

Kanawha County

Saint Albans, *Chilton House*, 439 B Street.

Wood County

Parkersburg, *Wood County Courthouse*.
Parkersburg, *Wood County Jail*.

Wisconsin

Ashland County

Ashland vicinity, *Madeline Island Site 7302*.

Door County

Chambers Island, *Chambers Island Lighthouse Dwelling*, northern tip Chambers Island, Green Bay, Lake Michigan.

Wyoming

Goshen County

Torrington, *Union Pacific Depot*.

Park County

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Puerto Rico

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NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Personnel Employment Referrals

Part 1001 is amended by adding § 1001.735–205a which sets out a standard of Civil Service Commission employee conduct which bans all Civil Service Commission officers and employees from making employment referrals to other Federal agencies.

Section 1001.735–205a is set out below.

§ 1001.735–205a Employment referrals.

Unless requested by an agency, or specifically part of his or her official duties, no officer or employee of the Civil Service Commission shall make or transmit to a Federal agency any written or oral referral or recommendation in behalf of, or against, an applicant for Federal employment. Further, unless requested by an agency, or specifically part of his or her official duties, no officer or employee of the Commission shall make or transmit to a Federal agency any written or oral recommendation bearing on agency action in the promotion, assignment, transfer, or retention of an agency employee. This standard of conduct does not preclude inquiry by a Commission officer or employee into any aspect of a personnel action proposed or taken in behalf of, or against, an agency employee as part of his or her officially assigned duties or when the Commission officer or employee has reason to believe that the action was or may be in violation of the laws, rules or regulations administered by the Commission.

(E.O. 11222, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–3359 Filed 2–4–75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 102—GRAIN WAREHOUSES

Licensing of Inspectors Otherwise Licensed and Exemption From License Fees of Such Inspectors

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is amending warehouse regulations appearing in Part 102 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to issue licenses under the U.S. Warehouse Act to inspectors who hold a license under another Federal act and to exempt such inspectors from the required license fee.

Under grain warehouse regulations, any person who holds a valid license as a grain inspector under the U.S. Grain Standards Act is granted an inspectors license under the U.S. Warehouse Act and is exempt from payment of the license fee required under such Act. Agricultural commodity graders who inspect rice are licensed under the authority of the Agricultural Marketing Act of 1946 rather than under the U.S. Grain Standards Act. Such inspectors have not been granted licenses without show of evidence that they can correctly grade rice and have not been exempt from fee payment under the U.S. Warehouse Act.

The Agricultural Marketing Service is hereby amending the regulations for grain warehouses to grant inspectors' licenses under the U.S. Warehouse Act to applicants who show satisfactory evidence that they hold an effective license under the Agricultural Marketing Act of 1946 and to exempt such inspectors from payment of the specified fee of $6. This change follows the precedent set for U.S. Grain Standards Act inspectors under existing regulations. No prior notices or public procedures are being given because they would be impracticable, unnecessary and contrary to the public interest and because the amended regulation grants an exemption and relieves a former restriction.

Said regulations therefore are amended to read:

§ 102.57 License fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license or amendment thereto issued to an inspector and/or weigher, except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any grain and to certificate the grade thereof.

Paragraph (c) of § 102.61 is amended to read:

§ 102.61 Inspectors and weighers applications.

• • • • •

(c) In lieu of compliance with the requirements of paragraph (b) of this section, the license applied for may be granted whenever such applicant furnishes satisfactory evidence that he holds an effective license under the Grain Standards Act or the Agricultural Marketing Act of 1946 and regulations thereunder, to inspect and grade such grain and to certificate the grade thereof.

• • • • •

This amendment shall become effective on February 5, 1975.

Done at Washington, D.C. January 30, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75–3310 Filed 2–4–75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

PART 299—IMMIGRATION FORMS

U.S. Citizen Identification Card

Correction

In FR Doc. 75–1697 appearing on page 3210A in the issue for Monday, January 20, 1975 the ninth line from the bottom of the first column now reading "nity to see and to rebut the reverse evi-" should read "nity to see and to rebut the adverse evi-".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–SW–47; Amdt. 39–2067]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 305A Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of aluminum oil line fittings modified in accordance with STC–SA568SW or SA504SW was published in 39 FR 41539.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

CESSNA AIRCRAFT CORPORATION. Applies to Cessna Model 305A series airplanes, modified in accordance with STC SA568SW or SA504SW (oil line rerouting), including airplanes listed in Note 3 of Aircraft Specification 5A5.

Compliance required within the next twenty-five hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the aluminum elbow fitting P/N X34352, remove the fitting from the old cooler and replace with a fitting of the same part number fabricated from brass, or equivalent part approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

NOTE: Advisory Circular AC 43.13-1A, Chapter 10, provides information on the proper flex line installation procedure that should be followed when reconnecting the oil system line. These parts are available from Ector Aircraft Company, 414 East Hillmont, Odessa, Texas 79760.

This amendment becomes effective March 10, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on January 27, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-3188 Filed 2-4-75;8:45 am]

[Docket No. 75-CE-1-AD; Amdt. 39-2083]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna T310, 320, 340, 401, 402, 411, 414 and 421 Series Airplanes

AD 72-10-5, Amendments 39-1442 (37 FR 9385, 9386), and 39-1562 (37 FR 25021), is an Airworthiness Directive (AD) which requires repetitive inspections of the exhaust system on Cessna T310, 320, 401, 402, 411, 414 and 421 series airplanes to detect incipient failure of the engine exhaust system components. Notwithstanding the issuance of AD 72-10-5, as amended, reports continue to be received of exhaust system failures, heat damage to powerplant components and in-flight fires involving these airplanes. In addition, service reports received on the Cessna 340 airplanes establish that similar incidents can occur on these airplanes. Review and evaluation of these reports indicate that in addition to the inspections required by AD 72-10-5, replacement of certain exhaust system clamps when they have reached a total time-in-service of 400 hours and installation of improved exhaust system clamps now available for some locations will substantially reduce or eliminate the above-noted unsafe conditions. The inspection and replacement procedures are covered in Cessna Service Letter No. ME74-21, dated December 18, 1974. Accordingly, an AD is being issued superseding AD 72-10-5 applicable to Cessna T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes making compliance with the Service Letter mandatory.

Since these conditions may exist or develop on other aircraft of the same type design, expeditious adoption of this amendment is required in the interest of safety. Consequently, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes.

Compliance required as indicated, unless already accomplished.

To detect incipient failure and improve reliability of the engine exhaust systems installed on the above-noted airplanes, accomplish the following:

1. On all new and in-service aircraft listed herein:

(a) Within 50 hours' time in service after the effective date of this AD (or 50 hours' time in service after the last AD 72-10-5 inspection, as applicable) and thereafter at intervals not to exceed 50 hours' time in service, inspect the exhaust system in accordance with Cessna Service Letter ME74-21, dated December 18, 1974, or later revisions.

(b) Within 50 hours' time in service for those clamps having more than 350 hours' time in service or prior to 400 hours' time in service for those clamps having less than 350 hours' time in service, and at or prior to each additional 400 hours' time in service thereafter, replace existing multi segment "V" band exhaust system clamps located between aft engine cylinders and the turbocharger inlet (except for waste gate to exhaust overboard pipe clamp on Models 421 airplanes) with new parts having Cessna part numbers in accordance with Cessna Service ME74-21 dated December 18, 1974, or later revisions. Use aircraft total time for clamp time in service unless aircraft maintenance records establish location and time in service on previously replaced clamps.

2. Within 50 hours' time in service after the effective date of this AD:

(a) On T310 (all aircraft prior to S/N T310Q0734), 320D, 320E, 320F, 401 and 402 (all aircraft prior to S/N 402B0383) series airplanes, replace the existing multi segment "V" band turbocharger to overboard tail pipe clamp with a new Part Number V57A4234 or 41195AA423 clamp as applicable, in accordance with Cessna Service Letter ME74-21, dated December 18, 1974, or later revisions. These new clamps are not "Life Limited".

(b) On 340 (all aircraft prior to S/N 340-0213), 414 (all aircraft prior to S/N 414-0935) and 421 (all aircraft prior to S/N 421B0397) series airplanes, replace the existing multi segment "V" band turbocharger to overboard tail pipe clamp with a new Part Number V57A5019 or 41195AA502 clamp as applicable, in accordance with Cessna Service Letter ME74-21, dated December 18, 1974, or later revisions. These new clamps are not "Life Limited".

3. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes AD 72-10-5, Amendments 39-1442 and 39-1562.

This amendment becomes effective February 11, 1975.

Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on January 28, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-3189 Filed 2-4-75;8:45 am]

[Airspace Docket No. 75-RM-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendement to Part 71 of the Federal Aviation Regulations is to delete reference to Howes Municipal Airport in the description of the Huron, So. Dak. control zone and transition area, and substitute in lieu thereof the Huron Regional Airport. The name of this airport was officially changed in December 1974.

Since this amendment is editorial in nature and no substantial change in regulation is effected, notice and public procedure thereon are unnecessary. In view of the foregoing, § 71.171 (40 FR 354) and § 71.181 (40 FR 441) are amended by deleting "Howes Municipal Airport" in the description of the control zone and transition area and substituting "Huron Regional Airport" therefor.

Effective date: February 5, 1975.

Issued in Aurora, Colorado, on February 4, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-3190 Filed 2-4-75;8:45 am]

[Airspace Docket No. 74-RM-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 20, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 44036) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Livingston, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.T., March 27, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on February 4, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (40 FR 441) amend the description of the Livingston, Mont. transition area to read as follows:

LIVINGSTON, MONT.

That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2.5 miles each side of the Livingston 085° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° and 265° radials, extending from 7 miles west to 21 miles east of the VORTAC.

[FR Doc.75-3191 Filed 2-4-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 924—MONITOR MARINE SANCTUARY

Interim Regulations

JANUARY 31, 1975.

On January 30, 1975, the Secretary of Commerce designated as a marine sanctuary an area of the Atlantic Ocean around and above the submerged wreckage of the Civil War ironclad Monitor pursuant to the authority of section 302 (a) of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052, 1061, hereafter the Act). The sanctuary area (hereafter the Sanctuary) is about 16.10 miles south-southeast of Cape Hatteras (North Carolina) Light.

Section 302(f) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. This section also provides that no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of Title III of the Act ("Marine Sanctuaries"); and that it can be carried out within the regulations promulgated under section 302(f).

The authority of the Secretary to administer the provisions of the Act has been delegated to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce (hereafter the Administrator, 39 FR 10255, March 19, 1974).

There are published herewith interim regulations relating to activities to be prohibited or permitted in the Sanctuary, and relating to the certification requirement described above. Comments upon these regulations are invited through March 7, 1975. Comments should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of this 30-day period, any comments received will be reviewed. In the discretion of the Administrator, these interim regulations will be amended so as to reflect any such comments. The Administrator shall then publish final regulations in the FEDERAL REGISTER. As authorized by 5 U.S.C. 553(d)(3), these interim regulations are effective in order to protect the wreckage until final regulations become effective.

Sec.
924.1 Authority
924.2 Description of the Sanctuary
924.3 Activities Prohibited Within the Sanctuary
924.4 Penalties for Commission of Prohibited Acts
924.5 Permitted Activities
924.6 Permit Procedures and Criteria
924.7 Certification Procedures
924.8 Appeals of Administrative Action

§ 924.1 Authority.

The Sanctuary has been designated by the Secretary of Commerce pursuant to the authority of section 302(a) of the Act. The following regulations are issued pursuant to the authorities of sections 302(f), 302(g) and 303 of the Act.

§ 924.2 Description of the Sanctuary.

The Sanctuary consists of a portion of the water column in the Atlantic Ocean one mile in diameter extending from the surface to the seabed and around and above the submerged wreckage of the Monitor. The central point of the Sanctuary is about 16.10 nautical miles south-southeast of the Cape Hatteras (North Carolina) Light at the coordinates of 35°00'23" north latitude and 75°24'32" west longitude.

§ 924.3 Activities Prohibited Within the Sanctuary.

Except as may be permitted by the Administrator, no person subject to the jurisdiction of the United States shall conduct, nor cause to be conducted, any of the following activities in the Sanctuary:

(a) bottom anchoring;

(b) any type of subsurface salvage or recovery operation;

(c) any type of diving, whether by an individual or by a submersible;

(d) lowering below the surface of the water any grappling, suction, conveyor, dredging or wrecking device;

(e) detonation below the surface of the water of any explosive or explosive mechanism;

(f) seabed drilling or coring;

(g) lowering, laying, positioning or raising any type of seabed cable or cable-laying device;

(h) trawling; or

(i) discharging waste material into the water.

§ 924.4 Penalties for Commission of Prohibited Acts.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 for each violation of any regulation issued pursuant to Title III of the Act, and further authorizes a proceeding *in-rem* against any vessel used in violation of any such regulation. Details are set out in Subpart (D) of Part 922 of this Chapter (39 FR 23254, 23257, June 27, 1974). Subpart (D) is applicable to any instance of a violation of these regulations.

§ 924.5 Permitted Activities.

Any person or entity may conduct in the Sanctuary any activity listed in § 924.3 of this Part if: (a) such activity is either (1) for the purpose of research related to the Monitor, or (2) is in connection with an air or marine casualty or the avoidance of same; and (b) such person or entity is in possession of a valid permit issued by the Administrator authorizing the conduct of such activity; except that, no permit is required for the conduct of any activity immediately necessary in connection with an air or marine casualty.

§ 924.6 Permit Procedures and Criteria.

(a) Any person or entity who wishes to conduct in the Sanctuary an activity for which a permit is authorized by § 924.5 (hereafter a permitted activity) may apply in writing to the Administrator for a permit to conduct such activity citing this Section as the basis for the application. Such application should be made to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Upon receipt of such application, the Administrator shall request, and such person or entity shall supply to the Administrator, such information and in such form as the Administrator may require to enable him to act upon the application.

(b) In considering whether to grant a permit for the conduct of a permitted activity for the purpose of research related to the Monitor, the Secretary shall evaluate such matters as (1) the general professional and financial responsibility of the applicant; (2) the appropriateness of the research method(s) envisioned to the purpose(s) of the research; (3) the extent to which the conduct of any permitted activity may diminish the value of the Monitor as a source of historic, cultural, aesthetic and/or maritime information; (4) the end value of the research envisioned; and (5) such other matters as the Administrator deems appropriate.

(c) In considering whether to grant a permit for the conduct of a permitted activity in the Sanctuary in relation to an air or marine casualty, the Administrator shall consider such matters as (1) the fitness of the applicant to do the work envisioned; (2) the necessity of conducting such activity; (3) the appropriateness of any activity envisioned to the purpose of the entry into the Sanctuary; (4) the extent to which the conduct of any such activity may diminish the value of the Monitor as a source of historic, cultural, aesthetic and/or maritime information; and (5) such other matters as the Administrator deems appropriate.

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(d) In considering any application submitted pursuant to this section, the Administrator may seek and consider the views of any person or entity, within or outside of the Federal Government, as he deems appropriate; except that, he shall seek and consider the views of the Advisory Council on Historic Preservation.

(e) The Administrator may, in his discretion, grant a permit which has been applied for pursuant to this Section, in whole or in part, and subject to such condition(s) as he deems appropriate, *except that* the Administrator shall attach to any permit granted for research related to the Monitor the condition that any information and/or artifact(s) obtained in the research shall be made available to the public. The Administrator may observe any activity permitted by this section; and/or may require the submission of one or more reports of the status or progress of such activity.

(f) A permit granted pursuant to this section is nontransferable.

(g) The Administrator may amend, suspend or revoke a permit granted pursuant to this Section, in whole or in part, temporarily or indefinitely, if, in his view, the permit holder (hereafter the Holder) has acted in violation of the terms of the permit; or the Administrator may do so for other good cause shown. Any such action shall be in writing to the Holder, and shall set forth the reason(s) for the action taken. Any Holder in relation to whom such action has been taken may appeal the action as provided in § 924.8 of this Part.

§ 924.7 Certification Procedures.

Any Federal agency which, as of the effective date of these regulations, already has permitted, licensed or otherwise authorized any activity in the Sanctuary shall notify the Administrator of this fact in writing. The writing shall include a reasonably detailed description of such activity, the person(s) involved, the beginning and ending dates of such permission, the reason(s) and purposes(s) for same, and a description of the total area affected. The Administrator shall then decide whether the continuation of the permitted activity, in whole or in part, or subject to such condition(s) as he may deem appropriate, is consistent with the purposes of Title III of the Act and can be carried out within these regulations. He shall inform the Federal agency of his decision in these regards, and the reason(s) therefore, in writing. The decision of the Secretary made pursuant to this section shall be final action for the purpose of the Administrative Procedure Act.

§ 924.8 Appeals of Administrative Action.

(a) In any instance in which the Administrator, as regards a permit authorized by, or issued pursuant to, this Part: (1) denies a permit; (2) issues a permit embodying less authority than was requested; (3) conditions a permit in a manner unacceptable to the applicant; or (4) amends, suspends, or revokes a permit for a reason other than the violation of regulations issued under this Part, the applicant or the permit holder, as the case may be (hereafter the Appellant), may appeal the Administrator's action to the Secretary. In order to be considered by the Administrator, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefore; and shall be submitted within 30 days of the action(s) by the Administrator to which the appeal is directed. The Appellant may request a hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Secretary may request, and if he does, the Appellant shall provide, such additional information and in such form as the Secretary may request in order to enable him to act upon the appeal. If the Appellant has not requested a hearing, the Secretary shall decide the appeal upon (1) the basis of the criteria set out in §§ 924.6 (b) or 924.6(c) of this part, as appropriate, (2) information relative to the application on file in NOAA, (3) information provided by the Appellant, and (4) such other considerations as he deems appropriate. He shall notify the Appellant of his decision, and the reason(s) therefore, in writing within 30 days of the date of his receipt of the appeal.

(c) If the Appellant has requested a hearing, the Secretary shall grant an informal hearing before a Hearing Officer designated for that purpose by the Secretary after first giving notice of the time, place, and subject matter of the hearing in the FEDERAL REGISTER. Such hearing shall be held no later than 30 days following the Secretary's receipt of the appeal. The Appellant and any interested person may appear personally or by counsel at the hearing, present evidence, cross-examine witnesses, offer argument and file a brief. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend in writing a decision to the Secretary based upon the considerations outlined in paragraph (b) of this section and based upon the record made at the hearing.

(d) The Secretary may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Secretary shall notify the Appellant of his decision, and the reason(s) therefore, in writing within 15 days of his receipt of the recommended decisions of the Hearing Officer. The Secretary's action, whether without or after a hearing, as the case may be, shall constitute final action for the purposes of the Administrative Procedure Act.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-3286 Filed 2-4-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

AMYLOGLUCOSIDASE ENZYME PRODUCT

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP OA2569) filed by Biocon Ltd., Hall Lane, Rookery Bridge, Nr. Sandbach, Cheshire, CW11 9QZ, England (present address: Grenagh, Rathduff, County Cork, Ireland), and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the safe use of an amyloglucosidase enzyme product for degrading gelatinized starch into constituent sugars.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding a new section to Subpart D as follows:

§ 121.1265 Amyloglucosidase enzyme product.

Amylglucosidase enzyme product, consisting of enzyme derived from *Rhizopus niveus*, and diatomaceous silica as a carrier, may be safely used in food in accordance with the following conditions:

(a) *Rhizopus niveus* is classified as follows: Class, Phycomycetes; order, Mucorales; family, Mucoraceae; genus, *Rhizopus*; species, *niveus*.

(b) The strain of *Rhizopus niveus* is nonpathogenic and nontoxic in man or other animals.

(c) The enzyme is produced by a process which completely removes the organism *Rhizopus niveus* from the amyloglucosidase.

(d) The additive is used or intended for use for degrading gelatinized starch into constituent sugars, in the production of distilled spirits and vinegar.

(e) The additive is used at a level not to exceed 0.1 percent by weight of the gelatinized starch.

Any person who will be adversely affected by the foregoing order may at any time on or before March 7, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: This order shall become effective February 5, 1975.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3196 Filed 2-4-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

Diethylstilbestrol as Postcoital Oral Contraceptive; Patient Labeling

In the FEDERAL REGISTER of September 26, 1973 (38 FR 26809) the Commissioner of Food and Drugs proposed to amend § 130.45 (subsequently recodified as § 310.501 and published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)) by redesignating the existing text of the entire section as paragraph (a) and by adding a new paragraph (b) establishing requirements for marketing diethylstilbestrol (DES) for use as a postcoital oral contraceptive, setting forth the text of patient labeling for that use, and providing for and inviting abbreviated new drug applications. Sixty days were provided for comment on the proposal.

An amendment to the proposed restructured paragraph (a) was published in the FEDERAL REGISTER of April 19, 1974 (39 FR 13972), upon which, since it is still under consideration, action will be taken at a later date.

In response to the September 1973 proposal, comments were received from 21 persons including several from consumer organizations, one from a religious organization, one from a municipality, one from a private physician, one from an individual employed by a pharmaceutical concern, and several from private individuals.

One abbreviated new drug application has been received.

Three respondents endorsed the proposal. Several endorsed the concept of requiring patient labeling, but were critical of its proposed content. The remainder were generally opposed to approval of DES for oral contraception. The comments, organized into categories, and the Commissioner's response with respect to each, are as follows:

1. Some comments asserted that DES is a dangerous drug due to its carcinogenic potential both to the fetus and to the mother, and should not be allowed on the market. One comment urged that the leaflet state more honestly the risk to the offspring when exposed in utero to DES. It was also requested that the patient leaflet indicate that there is some risk of cancer to the patient herself from taking DES.

In considering the use of DES as a postcoital oral contraceptive, the Commissioner has carefully reviewed all available data and also consulted with the Obstetrics and Gynecology Advisory Committee for the Food and Drug Administration on the issues of both safety and effectiveness.

a. Fetal risks: It has been reported by Herbst et al. in *The New England Journal of Medicine* of April 22, 1971 (284: 878-881) that DES, if taken, usually for a prolonged period, by a woman who is pregnant, increases the risk of carcinoma of the vagina or cervix in the female offspring. It has been estimated that less than one percent of the offspring of women who have received DES treatment during pregnancy have developed cancer. The directions for use proposed for DES state that pregnancy should be ruled out prior to use of the drug. Obviously, if there is no pre-existing or ensuing pregnancy, issues involving a fetus are moot. Where it is later discovered that there is a pre-existing or ensuing pregnancy, however, the patient package insert advises that the patient consult with her physician regarding the continuation of the pregnancy. The physician's labeling also fully discusses this issue.

In order to emphasize this risk, the former fourth sentence in the third paragraph of the patient package insert, set forth in the proposal published in the FEDERAL REGISTER of September 26, 1973, has been revised to delete the word "some" preceding "evidence" and to change the word "may" to "will" in the phrase "the child may have an increased risk of developing cancer of the vagina or cervix later in life." This discussion has also been highlighted by setting it out separately as a new fourth paragraph.

Although it was stated in paragraph (b)(2) of the proposed regulation that teratogenic and other adverse effects on the fetus with the very early administration recommended are not well understood, this was not mentioned in the proposed patient package insert. The Commissioner concludes that it should be mentioned. The patient package insert accordingly contains the following statement as the third sentence of the new fourth paragraph: "Also, it is not definitely known whether this drug may cause other abnormalities in the fetus." The statement is also included in the labeling for the physician.

b. Adult risks: In *The New England Journal of Medicine* of September 28, 1972 (287: 628-631) Cutler et al. reported the occurrence of endometrial carcinoma after stilbestrol therapy in patients with gonadal dysgenesis who were treated with the drug for long periods of time, i.e., 5 years or more. For many years there has been concern that estrogens, both exogenous and endogenous, may have an etiological role in the development of cancer of the genital tract or breast. The observation felt to support this is that certain functioning ovarian tumors, such as granulosa cell and theca cell types which secrete large amounts of estrogen, are associated with an increased frequency of carcinoma of the endometrium. The paper by Cutler et al. may also be considered to support this possibility for certain unusual circumstances. Cutler's cases all had chromosomal abnormalities (only one X chromosome instead of the normal two) and the authors themselves observe that a genetic predisposition of such patients to this type of cancer, enhancing the effect of prolonged estrogen therapy, cannot be excluded. They further point out that abnormal chromosomal constitutions are known to be associated with an increased incidence of specific types of malignant tumors. The Commissioner concludes that the study of Cutler et al. is not applicable to a 5-day course of DES in normal women because the Cutler study involved the cyclic administration of DES for many years to women with chromosomal abnormalities. Therefore, in spite of the Cutler study, there continues to be no relevant evidence at the present time that a short course of DES in normal women, as would be used in postcoital contraception, would expose a woman to an increased risk of cancer. At the same time, it cannot be said that such a risk definitely does not exist.

The Commissioner recognizes that the patient package insert, as originally proposed, did not deal with the carcinogenicity of DES in animals and the possible relevance of these data to human use. In the regulation previously promulgated concerning oral contraceptives, § 310.501 (a)(6)(xi) requires that patient information include a statement regarding production of cancer in certain animals, and provides that such statement may be coupled with a statement that there is no proof of such effect in human beings.

The Commissioner concludes that such a requirement is equally applicable for the patient information to be supplied with DES as a postcoital oral contraceptive. Accordingly, the last sentence in the third paragraph of the proposed patient package insert has been deleted and is replaced by a new fifth paragraph, which cites the tests conducted in animals resulting in increased frequency of cancer, and warns that high dosages of estrogen are recommended for emergencies only, and not for repeated use.

c. Effectiveness: The Commissioner concludes that data from clinical investigations provide substantial evidence that DES is effective in preventing conception; however, its effectiveness depends upon close adherence to the dosage regimen of 25 milligrams twice a day for 5 consecutive days, with initiation of administration preferably within 24 hours and not later than 72 hours after coitus. On reconsideration, the Commissioner believes the words "highly effective," which appeared in the proposed patient package insert, may be misconstrued by some readers to imply a greater degree of effectiveness than other forms

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of contraception or to imply that this treatment is always successful. To minimize the possibility of such misconception, the words "highly effective" in the first sentence of the third paragraph of the proposed patient package insert and in the last sentence of § 310.501(b)(1) have been changed to "usually effective."

The following studies are regarded as providing substantial evidence of effectiveness:

(1) Morris, J. M. and G. van Wagenen, "Postcoital Oral Contraception," Proc. 8th Int. Conf. International Planned Parenthood Federation, Santiago, 1967, p. 256.

(2) Kuchera, L. K., "Postcoital Contraception with Diethylstilbestrol," *Journal of the American Medical Association* 4:562, 1971.

The following studies and review paper provide supportive evidence of effectiveness:

(1) Morris, J. M. and G. van Wagenen, "Compounds Interfering with Ovum Implantation and Development," *American Journal of Obstetrics and Gynecology* 96:804, 1966.

(2) Haspel, A. A., "The Effect of Large Doses of Oestrogens Postcoitum in 2000 Women," Unpublished paper (available from the Food and Drug Administration).

(3) Morris, J. M. and G. van Wagenen, "Interception: The Use of Postovulatory Estrogens to Prevent Implantation," *American Journal of Obstetrics and Gynecology* 115: 101, 1973.

(4) Blye, R. P., "The Use of Estrogens as Postcoital Contraceptive Agents," *American Journal of Obstetrics and Gynecology* 115: 1044, 1973. Presented at the 26th meeting of the Obstetrics and Gynecology Advisory Committee to the Bureau of Drugs, Food and Drug Administration, January 26, 1973. This paper reviewed the studies currently available in support of the efficacy of DES as well as other estrogens (ethinyl estradiol, conjugated equine estrogens, dienestrol, estradiol cyclopentylpropionate). This paper supports the finding that estrogens are biologically effective as contraceptive agents and that there is need to determine the appropriate safe and effective dose with respect to each estrogen.

2. Several comments contended that DES is an abortifacient and not a contraceptive.

The exact mechanism of action through which DES prevents pregnancy when used postcoitally is presently unknown. There have been several theories advanced as to the mechanism, including interference with nidation through effects on the endometrium (the most likely), accelerated tubal transport of ovum, closure of the uterotubal junction, and luteolytic activity. The definition of an abortifacient is a matter of controversy. On the one hand, it may be defined as a drug or device which is capable of destroying an implanted ovum. Under this definition, DES cannot be an abortifacient because it cannot do this. Alternatively, an abortifacient could be defined as a drug or device which can prevent implantation of a fertilized ovum. Intrauterine devices and certain oral contraceptives are considered by experts to act, at least in part, by preventing implantation. These devices and drugs are generally classified as contraceptives rather than abortifacients. There is no scientific basis for distinguishing DES from such oral drugs or intrauterine devices on the basis of mechanism of action.

Since classification of DES as an abortifacient would be arbitrary unless many other devices and drugs were similarly classified, the Commissioner concludes it is proper to call DES a contraceptive.

3. A number of persons expressed considerable concern regarding what they construed as a "recommendation" that abortion be performed in the event that the method fails.

The patient package insert advises the patient to consult with her physician regarding continuation of the pregnancy if there is pre-existing pregnancy or if pregnancy ensues. The final decision as to the course of action to be taken rests with the patient and her physician. Thus, there is no "recommendation" that an abortion be performed.

4. One comment requested that the patient leaflet make it clear that the drug is for emergency use only, and define exactly what emergency use is.

The Commissioner agrees that the patient package insert should make it quite clear that this use is an emergency measure and that it is not to be used as a routine or frequent method of contraception. Therefore, in order to emphasize this, the first sentence in the first paragraph of the patient package insert has been changed by revising the phrase "emergency measure to prevent pregnancy" to read "measure to prevent pregnancy in an emergency, for example, after a rape." In addition, the second paragraph of the patient package insert has been revised to state: "You should use this drug only under the direction of your physician. This treatment is for emergencies only and should not be used repeatedly. If you find it necessary to use this treatment more than once, you should consult with your physician to obtain an adequate method of routine contraception." Finally, the point is again emphasized in the new fifth paragraph of the patient package insert.

The Commissioner believes that these additions to the patient package insert provide sufficient emphasis that DES is intended for emergency use only, but that a definition of what constitutes an emergency is unnecessary and should properly be left to the patient and her physician.

5. A comment stated that women should be fully informed concerning possible side effects. Another suggested that all possible contraindications to the drug be included in the patient package insert.

The Commissioner agrees with these comments. All contraindications to the use of the drug are listed in the patient package insert. The patient package insert does list the most common as well as the most serious adverse effects which may be encountered with the use of an estrogenic preparation such as DES. Additionally, the patient package insert does list special health problems that should be brought to the attention of the physician. Each and every side effect associated with the use of DES is not listed in the patient package insert because, although they apply to estrogens as a class, they have not been associated with the use of DES as a postcoital contraceptive to an appreciable extent. All side effects are listed in the package insert intended for the physician and such information should be readily available to the patient from her physician if she requests it. Furthermore, the physician's package insert states in the "Important Notes" section that "patients should be informed of . . . all other existing information relative to known and potential side effects prior to use of DES for this indication."

In order to discourage use for postcoital contraception of dosage strengths of DES other than the 25 mg. tablets which are accompanied by the patient package insert, the physician's package insert for such dosage strengths will be required to include the following in block letters before the description:

THIS DRUG PRODUCT SHOULD NOT BE USED AS A POSTCOITAL CONTRACEPTIVE

A FEDERAL REGISTER notice will be published in the near future setting forth this requirement.

6. It was requested that users of DES be strongly cautioned to contact a physician if they are pregnant, because of the association between DES and carcinoma of the vagina in female offspring.

The Commissioner agrees and notes that the patient package insert does recommend that the patient consult her physician regarding continuation of pregnancy in the event the drug is not successful.

7. One comment requested that a medical history of the patient be taken, including any history of cancer in the family.

Good medical practice dictates that an appropriate medical history be taken prior to initiation of therapy with any drug. Thus, the Commissioner concludes that such a statement is unnecessary and inappropriate for inclusion in any drug labeling.

8. A comment urged that patient followup be made to assure that the patient did not become pregnant, to discover possible adverse side effects, and to determine pregnancy rates associated with this use of DES.

In order to assure patient followup in the event that pregnancy occurs, the Commissioner has concluded that the sixth sentence in the original third paragraph of the proposed patient package insert should be deleted and replaced by a new sentence inserted at the end of the new fourth paragraph, to read as follows: "If you have not had a normal menstrual period within 4 weeks after taking the last tablet, you should contact your physician to determine if you are pregnant, and if you are, consult with him regarding continuation of the pregnancy."

With respect to adverse effects, the proposed labeling informs the patient that if any of the serious adverse effects mentioned in the labeling are noted, these should be reported to her physician.

With respect to collecting data on adverse effects and pregnancy rates associated with this treatment, it is highly unlikely that meaningful and valid results could be obtained unless such followup visits were done as part of a controlled study.

9. Two comments contended that provisions for informed patient consent are inadequate and that written consent should be required in some cases.

The Commissioner concludes that the patient who has consulted her physician, discussed her problem with him, and read her patient package insert, will ordinarily be adequately informed. The physician may consult with a parent or guardian if he finds it appropriate or necessary. If experience should prove that the present requirements do not ensure that patients are adequately informed, the Commissioner will consider other measures.

10. One comment recommended that every possible attempt be made to ensure that a patient is never prescribed DES for this particular indication more than once.

Both the patient package insert and the physician's package insert indicate that DES is not to be used routinely or frequently as a method of contraception, and draw attention to the lack of evidence of safety in repeated use. This point is now emphasized in both the second and fifth paragraphs of the revised patient package insert. The Commissioner believes that this labeling adequately discloses current knowledge to both physician and patient and that further measures to limit usage are not warranted at this time.

11. One comment objected to the proposal and requested that the reasons for his objections be explored in public hearings.

The regulation proposed is not the type of regulation on which the Food and Drug Administration is required to hold a public hearing, although the Commissioner may exercise his discretion in that regard. The topic of DES as a postcoital contraceptive was considered during a public hearing at the open session of the Obstetrics and Gynecology Advisory Committee on January 26, 1973. Anyone wishing to present his views on this subject was invited to do so and several people availed themselves of this opportunity either through personal appearance or through correspondence. Their views were carefully considered by the members of the Advisory Committee and by the Food and Drug Administration in reaching their final decision relative to DES as a postcoital contraceptive. The Commissioner has carefully considered the data and information available, finds that the proposed approval of DES as a postcoital contraceptive is justified by the facts, and concludes that a further public hearing at this time on this matter would serve no useful purpose.

The Commissioner, having considered the comments received, finds no basis for altering his finding that DES is safe and effective as a postcoital contraceptive for emergency use when used under the conditions proposed, and concludes that, except for the revisions in the patient package insert and the regulation noted above, the regulation shall be promulgated as proposed.

Shipment in interstate commerce of diethylstilbestrol for use as a postcoital contraceptive is unlawful unless such use is provided for in an approved new drug application as described in the regulation below.

The references cited in this preamble, and other related background material have been assembled and are on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. The following is a list of the material on display:

(1) Proposed DES regulation. FEDERAL REGISTER, September 26, 1973.

(2) Notice that DES is contraindicated in pregnancy FEDERAL REGISTER, November 10, 1971.

(3) "Postcoital Diethylstilbestrol," FDA Drug Bulletin, May 1973.

(4) "Diethylstilbestrol Contraindicated in Pregnancy," FDA Drug Bulletin, November 1971.

(5) Obstetrics and Gynecology Advisory Committee: Minutes of December 1971 meeting. Material not relevant to DES has been deleted.

(6) Obstetrics and Gynecology Advisory Committee: Minutes of March 1972 meeting. Material not relevant to DES has been deleted.

(7) Obstetrics and Gynecology Advisory Committee: Minutes of January 1973 meeting (both open and closed sessions).

(8) Results of NIH/FDA Workshop on Pregnancy Prevention by Estrogens, held February 14, 1972.

(9) Kuchera, L. K., M.D., "Postcoital Contraception with Diethylstilbestrol," *Journal of the American Medical Association* 4: 562–563, 1971.

(10) Haspels, A. A., M.D., "The Effect of Large Doses of Oestrogens Post-Coitum in 2000 Women." Unpublished paper.

(11) Connell, E. B., M.D., "New York State Survey on 'Morning After' Estrogen Contraceptive Therapy," report presented at NIH Workshop on Aversion of Pregnancy by Estrogens, held February 14, 1972.

(12) Herbst, A. L., et al., "Adenocarcinoma of the Vagina," *New England Journal of Medicine* 284:878–881, 1971.

(13) Cutler, B. S., et al., "Endometrial Carcinoma after Stilbestrol Therapy in Gonadal Dysgenesis," *New England Journal of Medicine* 287:628–631, 1972.

(14) Morris, J. M., et al., "Compounds Interfering with Ovum Implantation and Development," *American Journal of Obstetrics and Gynecology* 96:804, 1966.

(15) Morris, J. M., et al., "Post-Coital Oral Contraception." Proc. 8th Int. Conf. International Planned Parenthood Federation, Santiago, 1967, p. 256.

(16) Blye, R. P., "The Use of Estrogens as Postcoital Contraceptive Agents," *American Journal of Obstetrics and Gynecology* 7:1044, 1973.

(17) Morris, J. M. and G. van Wagenen, "Interception: The Use of Postovulatory Estrogens to Prevent Implantation," *American Journal of Obstetrics and Gynecology* 115:101, 1973.

(18) Morris, J. M., "Mechanisms Involved in Progesterone Contraception and Estrogen Interception," *American Journal of Obstetrics and Gynecology* September 15, 1973.

Accordingly, the Commissioner concludes that § 310.501 should be amended by revising the section heading; redesignating paragraph (a) as paragraph (a)(1) and adding a new heading for paragraph (a); redesignating paragraph (b) as paragraph (a)(2); redesignating the remainder of the existing paragraphs as subparagraphs of paragraph (a) with no change in the existing text; and by adding a new paragraph (b).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(a) and (f), 505, 701(a), 52 Stat. 1050–1053, 1055, as amended; 21 U.S.C. 352(a) and (f), 355, 371(a)) and under authority delegated to him (21 CFR 2.120), Part 310 is amended by revising § 310.501 to read as follows:

§ 310.501 Preparations for contraception; labeling directed to the patient.

(a) *Oral contraceptives.* (1) The Food and Drug Administration is charged with assuring both physicians and patients that drugs are safe and effective for their intended uses. The full disclosure of information to physicians concerning such things as the effectiveness, contraindications, warnings, precautions and adverse reactions is an important element in the discharge of this responsibility. In view of this, the Administration has reviewed the oral contraceptive products, taking into account the following factors: The products contain potent steroid hormones which affect many organ systems; they are used for long periods of time by large numbers of women who, for the most part, are healthy and take them as a matter of choice for prophylaxis against pregnancy, in full knowledge of other means of contraception; and there is no present assurance that persons for whom the drugs are prescibed or dispensed are uniformly being provided the necessary information for safe and effective use of the drugs.

(2) In view of the foregoing, it is deemed in the public interest to present to users of the oral contraceptives a brief notice of the nature of the drugs, the fact that continued medical supervision is needed for safe and effective use, that the drugs may cause side effects and are contraindicated in some cases, that the most important complication is abnormal blood clotting which can have a fatal outcome, that the physician recognizes an obligation to discuss the potential hazards of taking the drugs with the patient, that he has available for the patient written material discussing the effectiveness and the hazards of the drugs, and that users of the oral contraceptives should notify their physicians if they notice any unusual physical disturbance or discomfort.

(3) The Commissioner agrees that the physician is the proper person for providing use information to his patients,

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and these regulations will provide him a balanced discussion of the effectiveness and the risks attendant upon the use of oral contraceptives for his use in discussing the drugs with his patients.

(4) The oral contraceptives are restricted to prescription sale, and their labeling is required to bear information under which practitioners licensed to administer the drugs can use them safely and for the purpose for which they are intended. In addition, in the case of oral contraceptive drugs, the Commissioner conclude that it is necessary in the best interests of users that the following printed information for patients be included in or with the package dispensed to the patient:

(Patient Package Information)

ORAL CONTRACEPTIVES

(Birth Control Pills)

Do Not Take This Drug Without Your Doctor's Continued Supervision

The oral contraceptives are powerful and effective drugs which can cause side effects in some users and should not be used at all by some women. The most serious known side effect is abnormal blood clotting which can be fatal.

Safe use of this drug requires a careful discussion with your doctor. To assist him in providing you with the necessary information, ---------- has prepared a booklet (or other form) written in a style understandable to you as the drug user. This provides information on the effectiveness and known hazards of the drug including warnings, side effects and who should not use it. Your doctor will give you this booklet (or other form) if you ask for it and he can answer any questions you may have about the use of this drug.

(Firm name)

Notify your doctor if you notice any unusual physical disturbance or discomfort.

(5) Providing the patient package information to users may be accomplished by including it in each package of the type intended for the user as follows:

(i) If such package includes additional printed materials for the patient (e.g., dosage schedules), the text of the information in paragraph (a)(4) of this section shall be an integral part of the printed material and be in boldface type set out in a box, preceding all other printed text.

(ii) If such package does not include other printed material for the patient, the text of the information in paragraph (a)(1) of this section shall be provided as a printed leaflet in boldface type.

(iii) Include in each bulk package intended for multiple dispensing a sufficient number of the patient package information leaflets, with instructions to the pharmacist to include one with each prescription dispensed.

(6) Written, printed, or graphic materials on the use of a drug that are disseminated by or on behalf of the manufacturer, packager, or distributor and are intended to be made available to the patient, are regarded as labeling. The commissioner also concludes that it is necessary that information in lay language, concerning effectiveness, contraindications, warnings, precautions, and adverse reactions be incorporated prominently in the beginning of any such materials, and that such labeling must be made available to physicians for all patients who may request it. Such labeling shall be substantially as follows, based on the approved package insert for prescribers of the oral contraceptives, and shall include the following points:

(i) A statement that the drug should be taken only under continued supervision of a physician.

(ii) A statement regarding the effectiveness of the product.

(iii) A warning regarding the serious side effects with special attention to thromboembolic disorders and stating the estimated morbidity and mortality in users vs. nonusers. Other serious side effects to be mentioned include mental depression, edema, rash, and jaundice. The possibility of infertility following discontinuation of the drug should be mentioned.

(iv) A statement of contraindications.

(v) A statement of the need for special supervision of some patients including those with heart or kidney disease, asthma, high blood pressure, diabetes, epilepsy, fibroids of the uterus, migraine, mental depression or history thereof.

(vi) A statement of the most frequently encountered side effects such as spotting, breast changes, weight changes, skin changes, and nausea and vomiting.

(vii) A statement of the side effects frequently reported in association with the use of oral contraceptives, but not proved to be directly related, such as nervousness, dizziness, changes in appetite, loss of scalp hair, increase in body hair, and increased or decreased libido.

(viii) A statement regarding metabolic effects such as on blood sugar and cholesterol setting forth our current lack of knowledge regarding the long term significance of these effects.

(ix) Instructions in the event of missed menstrual periods.

(x) A statement cautioning the patient to consult her physician before resuming the use of the drug after childbirth, especially if she intends to breastfeed the baby, pointing out that the hormones in the drug are known to appear in the milk and may decrease the flow.

(xi) A statement regarding production of cancer in certain animals. This may be coupled with a statement that there is no proof of such effect in human beings.

(xii) A reminder to the patient to report promptly to her physician any unusual change in her general physical condition and to have regular examinations.

Optionally, the booklet may also contain factual information on family planning, the usefulness and hazards of other available methods of contraception, and the hazards of pregnancy. This material shall be neither false nor misleading in any particular and shall follow the material presented above.

(7) The marketing of oral contraceptives may be continued if all the following conditions are met on or before May 6, 1975, the date of publication of this section in the FEDERAL REGISTER.

(i) The labeling of such preparations shipped within the jurisdiction of the Act is in accord with paragraph (a)(4), (5), and (6) of this section.

(ii) The holder of an approved new-drug application for such preparation submits a supplement to his new drug application under the provisions of § 314.8(d) of this chapter to provide for labeling as described in paragraph (a)(4), (5) and (6) of this section. Such labeling may be put into use without advance approval of the Food and Drug Administration.

(iii) Existing stocks may be shipped without the package insert for a period of 90 days, provided the labeling booklet is prepared and disseminated as promptly as possible.

(b) *Oral postcoital contraceptives.* (1) Diethylstilbestrol orally for postcoital contraception. Studies conducted with this drug have shown its effectiveness in contraception when administered under restricted conditions. The Commissioner, having considered comments by members of the Food and Drug Administration's Obstetrics and Gynecology Advisory Committee, concludes that the drug is safe and effective as an emergency treatment only, and not as a routine method of birth control. Repeated courses of therapy are to be avoided. The effectiveness of diethylstilbestrol in preventing pregnancy depends upon the time lapse after coitus and administration of the drug. The recommended dosage is one 25 milligram tablet twice a day, for 5 consecutive days beginning, preferably, within 24 hours and not later than 72 hours after exposure. When this dosage is given within the specified time interval, the drug is usually effective in preventing conception. Its use, however, will not terminate pregnancy.

(2) There is at present no positive evidence that the restricted use of diethylstilbestrol for postcoital contraception carries a significant carcinogenic risk either to the mother or the fetus. However, because existing data support the possibility of delayed appearance of carcinoma in females whose mothers have been given diethylstilbestrol later in pregnancy, and because teratogenic and other adverse effects on the fetus with the very early administration recommended are not well understood, failure of postcoital treatment with the drug deserves serious consideration of voluntary termination of pregnancy. For these reasons, as well as possible adverse effects in the patient, the drug should not be used as a routine method of birth control. A pregnancy test should be performed prior to use of the drug as a postcoital contraceptive. If the test is positive, the drug should not be used.

(3) Because of the nature of the conditions surrounding this use of diethylstilbestrol, the Commissioner concludes that it is in the best interests of the patient that, in addition to receiving specific instructions from her physician, she also receive with her package of the drug a printed leaflet describing how to use the drug, limitations on its use, its potential for serious effects on the fetus in the event she is pregnant, and possible adverse effects, contraindications and precautions.

(4) Diethylstilbestrol for use as a postcoital contraceptive shall be packaged in containers of 10 tablets, each tablet to contain 25 milligrams diethylstilbestrol. Each drug package of 10 tablets shall contain, in addition to information under which the practitioner licensed to administer the drug can use it safely and for the purpose for which it is intended, a brief leaflet for the user to read as follows:

(Patient package information)

Your doctor has prescribed these tablets which contain estrogen (female hormone) as a measure to prevent pregnancy in an emergency, for example, after a rape. To be effective the treatment must be started within 3 days of sexual intercourse and preferably within 1 day. Also, you must take the full course of tablets (1 twice a day for 5 days) even if some nausea and vomiting occurs. These symptoms are common in patients receiving this medicine.

You should use this drug only under the direction of your physician. This treatment is for emergencies only and should not be used repeatedly. If you find it necessary to use this treatment more than once, you should consult with your physician to obtain an adequate method of routine contraception.

This treatment is usually effective in preventing pregnancy if used as described above. However, this drug will not cause an abortion if you are already pregnant. Before prescribing this drug, your physician will determine whether or not you may be pregnant.

An important reason for not taking the drug if you are already pregnant is that such usage exposes the fetus to an unnecessary hazard. There is evidence that, if the growing fetus is a female and the mother is given this drug during pregnancy, the child will have an increased risk of developing cancer of the vagina or cervix later in life. Also, it is not definitely known whether this drug may cause other abnormalities in the fetus. If you have not had a normal menstrual period within 4 weeks after taking the last tablet, you should contact your physician to determine if you are pregnant; and if you are, consult with him regarding continuation of the pregnancy.

In tests conducted in animals, estrogens given for long periods have increased the frequency of cancer in certain species. While there is no evidence from currently available studies in women to indicate that you will have an increased risk of developing cancer later in life if you use this treatment, there is no way to be certain that such evidence will not appear in the future. Therefore, it is sensible and prudent to avoid the high dose of estrogen used in this treatment unless absolutely necessary. That is why this method of contraception is recommended for emergency use only and should not be used repeatedly.

These tablets which contain estrogen may cause certain side effects, most of which are not serious. The most common side effects are nausea, vomiting, breast tenderness and swelling. The most serious side effect of estrogens, which is rare but can at times be fatal, is abnormal blood clotting, the symptoms of which may be severe leg or chest pain, coughing up of blood, difficulty in breathing, sudden severe headaches, dizziness or fainting, disturbances in vision or speech or weakness or numbness of an arm or leg. If any of these occur, you should stop taking the tablets and notify your doctor as soon as possible.

Women who have or have had blood clotting disorders, serious liver conditions, cancer of the breast or womb, or undiagnosed vaginal bleeding in the past should not take these tablets. Furthermore, you should inform your physician if you have or have had a special health problem, such as migraine, mental depression, fibroids of the uterus, heart or kidney disease, asthma, high blood pressure, diabetes or epilepsy. He may wish to make sure that it is suitable for you to take these tablets.

(5) Diethylstilbestrol for use as a postcoital contraceptive may be marketed only on the basis of an approved new drug application containing information required by § 314.1(f) of this chapter, except that full information described under items 7 and 8 (composition and methods, facilities, and controls) of the new drug application Form FD-356H (§ 134.1(c) of this chapter) is required. Guidelines for labeling directed to the physician are available from the Food and Drug Administration, Bureau of Drugs, Division of Metabolic and Endocrine Drug Products (HFD-130), 5600 Fishers Lane, Rockville, MD 20852.

Effective date: This order shall be effective on March 7, 1975.

(Secs. 502 (a) and (f), 505, 701(a), 52 Stat. 1050–1053, 1065, as amended; 21 U.S.C. 352 (a) and (f), 505, 701(a).)

Dated: January 30, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-3201 Filed 2-4-75;8:45 am]

PART 442—CEPHA ANTIBIOTIC DRUGS

Cephalothin Sodium for Injection

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, regarding approval of the antibiotic drug cephalothin sodium for injection.

The Commissioner concludes that data supplied by the manufacturer about this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended to provide for its certification, effective immediately.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 442 in Subchapter D of Chapter I of Title 21, of the Code of Federal Regulations, is amended in Subpart C by adding the following new section to provide for certification of the antibiotic drug product cephalothin sodium for injection:

§ 442.225c Cephalothin sodium for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Cephalothin sodium for injection is a dry mixture of cephalothin sodium with one or more suitable and harmless buffer substances. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of cephalothin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not more than 1.5 percent. When reconstituted as directed in the labeling, its pH is not less than 6.0 and not more than 8.5. The cephalothin sodium used conforms to the standards prescribed in § 442.25a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cephalothin sodium used in making the batch for potency, loss on drying, pH, specific rotation, identity, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The cephalothin sodium used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove an accurately measured representative portion from each container and dilute with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephalothin per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter, preparing the sample for assay as follows: Reconstitute the sample as directed in the labeling. Using a suitable hypodermic needle and syringe, remove an accurately measured representative portion from each container and dilute with distilled water to give a stock solution of convenient concentration. Further dilute with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

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(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cephalothin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using the drug reconstituted as directed in the labeling.

Since the conditions prerequisite to providing for certification of the subject antibiotic drug have been complied with and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective February 5, 1975.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 29, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-3199 Filed 2-4-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-75-235]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Factory Inspection of Mobile Homes

On September 4, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23803) by the Department of Housing and Urban Development proposing a new system for third party factory inspection of mobile homes financed with loans insured under this part.

A final rule was adopted on March 29, 1974 (39 FR 11552), effective on April 29, 1974. The effective date was subsequently postponed to January 29, 1975 (39 FR 17440, 39 FR 38905).

The regulations are being amended to provide that the provisions governing inspections will become effective for mobile homes manufactured in each state 30 days after approval by the Commissioner of individual state programs (with inspections made by the state and/or approved third parties) governing the manufacture and inspection of mobile homes. These provisions shall apply for mobile homes manufactured in all states after April 30, 1975, except that in unusual circumstances and for good cause the Commissioner may grant a waiver of the above requirements.

The regulations are also being amended to provide that the mobile homes must be certified to be in compliance with either mobile home standard A119.1 as approved by the American National Standards Institute or with applicable state standards governing mobile home construction which are certified by the state as equivalent to or exceeding ANSI A119.1. Current regulations require a certification to the ANSI A119.1 requirements.

The Secretary has determined that advance notice and public procedure are unnecessary and that good cause exists for making these amendments effective on January 29, 1975, as an interim rule.

Interested persons may submit written comments during the next 30 days addressed to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address. Such comments will be considered prior to the publication of the final rule.

1. Accordingly § 201.520(b) is revised to read as follows:

§ 201.520 Structural design and standards.

• • • • •

(b) *Criteria.* The requirement of paragraph (a) of this section may be satisfied by compliance with the specifications in effect at the time the home is manufactured which are (1) prescribed in mobile home standard No. A119.1, as approved by the American National Standards Institute, hereinafter referred to as "ANSI" or (2) contained in applicable state standards which the state certifies are substantially equivalent to, or exceed the ANSI A119.1 requirements. A certification shall be obtained from the manufacturer stating that the mobile home was constructed in accordance with the ANSI requirements or applicable state requirements that have been certified by the state as equivalent to or exceeding the ANSI A119.1 standard. In addition, in those states where the Commissioner has made a finding that the state in which the home is manufactured has adequate provisions governing the manufacture and inspection of mobile homes, a label or tag of a state agency or private inspection organization or agency, certifying that the mobile home was construced in accordance with ANSI standards or with state requirements that have been certified by the state as equivalent to or exceeding the ANSI A119.1 standard, shall be permanently affixed to each mobile home.

• • • • •

2. Section 201.521 is amended to read as follows:

§ 201.521 Factory inspection.

In states where the Commissioner has made a finding that the state in which the home is manufactured has adequate provisions governing the manufacture and inspection of mobile homes, each mobile home manufactured after the applicable date shall display a seal certifying that it has been subject to representative inspections in accordance with a quality control program approved by the Commissioner and is in compliance with the requirements of § 201.520. Inspections shall be made by a state agency and/or a private inspection agency or organization approved by the Commissioner. This provision shall be applicable 30 days after a state has been notified of a satisfactory finding by the Commissioner as to the state program, but in no event later than April 30, 1975, unless the Commissioner has granted a waiver of the requirements of this paragraph.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d); Sec. 2, 48 Stat. 1246 (12 U.S.C. 1701))

Effective date. This amendment is effective January 29, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.75-3304 Filed 2-4-75;8:45 am]

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Deadline for Submission of Applications

The Department is amending § 570.300 (a) of Title 24 of the Code of Federal Regulations which governs the deadlines for submission of applications for community development block grants under Title I of the Housing and Community Development Act of 1974, Pub. Law 93-383. The Part 570 regulation was published Nov. 13, 1974 (39 FR 40136). The purpose of this amendment is to allow the Secretary discretion to extend the deadline for particular cases in certain narrow circumstances. It is necessary that this amendment take effect at the earliest possible date in order that potential applicants can better evaluate their positions with respect to this program which goes into effect on January 1, 1975. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing the usual public comment and notice procedure, and he finds further good cause that this amendment to the regulations should take effect on February 5, 1975.

The section is amended as follows:

In Subpart D of Part 570, § 570.300 is amended to read as follows:

§ 570.300 Pre-submissions.

(a) *Timing of submission of applications.* The Secretary will establish from time to time the earliest and latest dates for submission of an application for each fiscal year. Applications, or draft materials relating to applications, received before the earliest date will be returned

to the applicant without review. For fiscal year 1975, the earliest date for submission of an application shall be December 1, 1974; the latest date shall be April 15, 1975: *Provided, however,* That the Secretary may extend the April 15, 1975, deadline for submission of an application in particular cases in which, in his judgment, procedures mandated by state statute or regulation render submission of the application by April 15, 1975, impracticable, but in no event will submission of an application be accepted after May 30, 1975. Applicants wishing to request an extension of the April 15, 1975, headline pursuant to this paragraph shall inform the appropriate HUD Area Office by March 1, 1975, giving the basis for the applicant's inability to file an application by April 15, 1975. No extension will be granted if the request for extension and the reasons therefor have not been received by HUD by March 1, 1975. Prior to the earliest date for submission of an application for each fiscal year, HUD will provide all applicants with forms and instructions, including the actual or estimated entitlement amount. Entitlement applicants wishing to apply for discretionary grants shall follow the procedures described in Subpart E, Applications and Criteria for Discretionary Grants.

• • • • •

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Effective date. This amendment shall be effective on February 5, 1975.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-3303 Filed 2-4-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Miscellaneous Amendments

At the January 1975 quarterly meeting of the Board of Parole, several amendments were made to the Board's regulations. The Board welcomes any public comment on these amendments and its regulations generally, pursuant to the notice of proposed rulemaking published at 39 FR 45296. However, because of the immediate need to clarify certain regulations and to eliminate delays in processing cases, the Board finds under 5 U.S.C. 553(b)(3)(B) that notice and public procedure are impracticable for these regulations.

quents.

Section 2.4 is amended to reflect the 1974 change in the statutory criteria for parole decision making for juvenile delinquents.

The last two sentences of the former § 2.11(c) are deleted as superfluous and possibly misleading.

The procedure for considering original jurisdiction cases under § 2.17(a) is amended to minimize delays in processing cases by providing for consideration by the National Directors in Washington rather than at the quarterly meetings of the Regional Directors. The appeal procedure for original jurisdiction cases in § 2.27 has been revised to provide an appeal as of right to the entire Board. Section 2.28 has been amended to provide a more streamlined procedure for reopening original jurisdiction cases by authorizing the same Board Members who reopen a case to order the substantive action deemed appropriate.

The paroling policy guidelines set out in § 2.20 have been amended to clarify the appropriate severity categories for offenses involving "soft drugs."

The provisions for rescission of parole have been moved from § 2.30 to § 2.37, and the release date policy set out in the former § 2.37 has been moved to § 2.30. Section 2.30 has also been revised to indicate that a parole grant is not effective until the parole certificate is delivered to the prisoner. There was also added a provision that a parole grant may be retarded for up to one hundred and twenty days for development and approval of release plans.

Section 2.31 has been amended to provide for a hearing and to eliminate the necessity for an original jurisdiction decision in order to rescind or revoke a parole because of false or withheld information.

Section 2.37 has been amended to set out in detail the procedures to be followed for rescission of parole.

The criteria for designating original jurisdiction cases under § 2.17(b) have been changed to delete "organized crime" as a basis for such designation. Traditionally, certain cases involving national security, unusual public interest, major violence, or organized crime have been designated for consideration by a larger quorum of Board Members than that required for other cases. Increased voting quorum requirement for these cases is designed to protect the public's confidence in the integrity of Parole Board decisions by providing a broadly based consensus of Board Members in cases where there is more likely to be public interest in the grant or denial of parole.

However, in certain cases in the organized crime category association of the subject in organized crime has appeared open to question. To eliminate such uncertainties in designations of cases for original jurisdiction the Board has deleted the organized crime category as a basis for such designation. With elimination of organized crime as a criterion, the Board has adopted a new category for original jurisdiction designation based on the circumstances of the offense behavior. This category consists of crimes involving an unusual degree of sophistication or planning or crimes which were part of a large scale criminal conspiracy or a continuing criminal enterprise. The criteria thus adopted do not depend upon a prisoner's alleged association with a criminal organization. While cases involving these offense factors will often contain allegations of organized crime involvement, use of these criteria without relation to the organized crime allegations will, in the Board's judgment, furnish a more objective method for designating cases for original jurisdiction consideration.

Under the authority of 28 CFR Chapter 1, Part 0, Subpart V and 18 U.S.C. 4201-4210 and 5010-5037, 28 CFR Chapter 1, Part 2 is amended, effective on February 5, 1975, as follows:

Section 2.4 is amended to read as follows:

§ 2.4 Same; juvenile delinquents.

The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice (18 U.S.C. 5041).

Section 2.11(c) is revised to read as follows:

§ 2.11 Application for parole.

• • • • • •

(c) Prisoners committed under the Federal Juvenile Delinquency Act, The Youth Correction Act, and the Narcotic Addict Rehabilitation Act shall be considered for parole without application and may not waive parole consideration.

Section 2.17 is revised to read as follows:

§ 2.17 Original jurisdiction cases.

(a) A Regional Director may designate certain cases as original jurisdiction cases. The Regional Director shall then forward the case with his vote, and any additional comments he may deem germane, to the National Directors for decision. Decisions shall be based upon the concurrence of three votes with the appropriate Regional Director and each National Director having one vote. Additional votes, if required, shall be cast by the other Regional Directors on a rotating basis as established by the Chairman of the Board.

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(b) The following criteria will be used in designating cases as original jurisdiction cases:

(1) Prisoners who have committed serious crimes against the security of the Nation, e.g., espionage or aggravated subversive activity.

(2) Prisoners whose offense behavior (A) involved an unusual degree of sophistication or planning or (B) was part of a large scale criminal conspiracy or a continuing criminal enterprise.

(3) Prisoners who have received national or unusual attention because of the nature of the crime, arrest, trial, or prisoner status, or because of the community status of the offender or his victim.

(4) Prisoners sentenced to a maximum term of forty-five years (or more) or prisoners serving life sentences.

Section 2.20 is revised to read as follows:

§ 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Board of Parole has adopted guidelines for parole release consideration.

(b) These guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established specifically for the cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered. For example, cases with exceptionally good institutional program achievement may be considered for earlier release.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) These guidelines do not apply to parole revocation or reparole considerations. The Board shall review the guidelines periodically and may revise or modify them at any time as deemed appropriate.

ADULT

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations. Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 16 mo.
LOW MODERATE				
Alcohol law violations. Counterfeit currency (passing/possession less than $1,000). Drugs: marihuana, simple possession (less than $500). Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000). Income tax evasion (less than $10,000). Selective Service Act violations. Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	14 to 20 mo.	20 to 25 mo.
MODERATE				
Bribery of public officials. Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession (less than $5,000). "Soft drugs", sale (less than $500). Embezzlement (less than $20,000). Explosives, possession/transportation. Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000). Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications. Misprision of felony. Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens. Theft/forgery/fraud ($1,000 to $19,999). Theft of motor vehicle (not multiple theft or for resale).	12 to 16 mo.	16 to 20 mo.	20 to 24 mo.	24 to 30 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing). Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000). Embezzlement ($20,000 to $100,000). Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes). Organized vehicle theft. Receiving stolen property ($20,000 to $100,000). Theft/forgery/fraud ($20,000 to $100,000)	16 to 20 mo.	20 to 24 mo.	26 to 32 mo.	32 to 38 mo.
VERY HIGH				
Robbery (weapon or threat). Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit [no prior conviction for sale of "hard drugs"]. "Soft drugs", possession with intent to distribute/sale (over $5,000). Extortion. Mann Act (force). Sexual act (force)	26 to 35 mo.	36 to 45 mo.	45 to 58 mo.	55 to 65 mo.
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking. Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit [prior conviction(s) for sale of "hard drugs"]. Espionage. Explosives (detonation). Kidnapping. Willful homicide.	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

[1] These guidelines are predicated upon good institutions' conduct and program performance.

[2] If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.

[3] If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

[4] If an offense behavior involved multiple separate offenses, the severity level may be increased.

[5] If a continuance is to be given, allow 30 d (1 mo) for release program provision.

[6] "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

YOUTH

[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations. Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway	6 to 10 mo.	8 to 12 mo.	10 to 14 mo.	12 to 16 mo.
LOW MODERATE				
Alcohol law violations. Counterfeit currency (passing/possession less than $1,000). Drugs: marihuana, simple possession (less than $500). Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000). Income tax evasion (less than $10,000). Selective Service Act violations. Theft from mail (less than $1,000)	8 to 12 mo.	12 to 16 mo.	16 to 20 mo.	20 to 25 mo.
MODERATE				
Bribery of public officials. Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession (less than $5,000). "Soft drugs", sale (less than $500). Embezzlement (less than $20,000). Explosives, possession/transportation. Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000). Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications. Misprision of felony. Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens. Theft/forgery/fraud ($1,000 to $19,999). Theft of motor vehicle (not multiple theft or for resale).	9 to 13 mo.	13 to 17 mo.	17 to 21 mo.	21 to 26 mo.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing). Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000). Embezzlement ($20,000 to $100,000). Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes). Organized vehicle theft. Receiving stolen property ($20,000 to $100,000). Theft/forgery/fraud ($20,000 to $100,000)	12 to 16 mo.	16 to 20 mo.	20 to 24 mo.	24 to 28 mo.
VERY HIGH				
Robbery (weapon or threat). Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (no prior conviction for sale of "hard drugs"). "Soft drugs", possession with intent to distribute/sale (over $5,000). Extortion. Mann Act (force). Sexual act (force)	20 to 27 mo.	27 to 33 mo.	33 to 39 mo.	39 to 48 mo.
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking. Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs"). Espionage. Explosives (detonation). Kidnaping. Willful homicide.	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

[1] These guidelines are predicated upon good institutional conduct and program performance.

[2] If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.

[3] If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

[4] If an offense behavior involved multiple separate offenses, the severity level may be increased.

[5] If a continuance is to be given, allow 30 d (1 mo) for release program provision.

[6] "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

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[Guidelines for decisionmaking, average total time served before release (including jail time)]

Offense characteristics: Severity of offense behavior (examples)	Offender characteristics: Parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
LOW				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000). Walkaway		6 to 12 mos.		12 to 18 mos.
LOW MODERATE				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000). Drugs: Marihuana, simple possession (less than $500). Firearms Act, possession/purchase/sale (single weapon—not altered or machinegun). Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)		6 to 12 mos.		12 to 18 mos.
MODERATE				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: "Hard drugs", possession by drug user (less than $500). Marihuana, possession with intent to distribute/sale (less than $5,000). "Soft drugs", possession (less than $5,000) "Soft drugs", sale (less than $500) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (altered weapon(s), machinegun(s), or multiple weapons). Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000). Mailing threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000). Smuggler of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale).		12 to 18 mos.		18 to 24 mos.
HIGH				
Burglary or larceny (other than embezzlement) from bank or post office. Counterfeit currency (passing/possession $20,000 or more). Counterfeiting (manufacturing) Drugs: "Hard drugs" (possession with intent to distribute/sale) by drug user to support own habit only. Marihuana, possession with intent to distribute/sale ($5,000 or more). "Soft drugs", possession with intent to distribute/sale ($5,000 to $9,999) Embezzlement ($20,000 to $100,000) Interstate transportation of stolen/forged securities ($20,000 to $100,000). Mann Act (no force—commercial purposes) Organized vehicle theft Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)		12 to 18 mos.		18 to 24 mos.
VERY HIGH				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (no prior conviction for sale of "hard drugs"). "Soft drugs", possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)		20 to 26 mos.		26 to 32 mos.
GREATEST				
Aggravated felony (e.g. robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs"). Espionage Explosives (detonation) Kidnapping Willful homicide		(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)		

NOTES

1. These guidelines are predicated upon good institutional conduct and program performance.
2. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
3. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
4. If an offense behavior involved multiple separate offenses, the severity level may be increased.
5. If a continuance is to be given, allow 30 d (1 mo.) for release program provision.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes.

SALIENT FACTOR SCORE

Case name_____ Register No._____

Item A_____ □
- No prior convictions (adult or juvenile) = 2
- One or two prior convictions = 1
- Three or more prior convictions = 0

Item B_____ □
- No prior incarcerations (adult or juvenile) = 2
- One or two prior incarcerations = 1
- Three or more prior incarcerations = 0

Item C_____ □
- Age at first commitment (adult or juvenile) 18 years or older = 1
- Otherwise = 0

Item D_____ □
- Commitment offense did not involve auto theft = 1
- Otherwise = 0

Item E_____ □
- Never had parole revoked or been committed for a new offense while on parole = 1
- Otherwise = 0

Item F_____ □
- No history of heroin, cocaine, or barbiturate dependence = 1
- Otherwise = 0

Item G_____ □
- Has completed 12th grade or received GED = 1
- Otherwise = 0

Item H_____ □
- Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community = 1
- Otherwise = 0

Item I_____ □
- Release plan to live with spouse and/or children = 1
- Otherwise = 0

Total score_____ □

Section 2.27 is revised to read as follows:

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision on a form provided for this purpose. Attorneys, relatives, and other interested parties who wish to submit written information in support of a prisoner's appeal should send such information to the National Appellate Board Executive, United States Board of Parole, 320 First Street NW., Washington, D.C. 20537. Appeals of original jurisdiction cases shall be reviewed by the entire Board at its next quarterly meeting. A quorum of five members shall be required and all decisions shall be by majority vote. The Chairman shall vote on the decision only in the absence of a member. This appellate decision shall be final.

(b) Attorneys, relatives, or other interested parties who wish to speak for or against parole at such consideration must submit a written request to the Chairman of the Board stating their relationship to the prisoner and the general nature of the material they wish to present. The Chairman shall determine if the requested apperances will be permitted.

(c) If no appeal is filed within thirty days of the entry of the decision under § 2.17, this decision shall stand as the final decision of the Board.

(d) The bases for this appeal shall be the same as for a regional appeal as set forth in § 2.25(d).

Section 2.28 is revised to read as follows:

§ 2.28 Reopening of cases.

Notwithstanding the appeal procedure of § 2.25 and § 2.26, the appropriate Regional Director may on his own motion reopen a case at any time upon the receipt of new information of substantial significance and may then take any action authorized under the provisions and procedures of § 2.25. Original jurisdiction cases may be reopened upon the motion of the appropriate Regional Director under the procedures of § 2.17.

Section 2.30 is revised to read as follows:

§ 2.30 Release on parole.

(a) A grant of parole shall not be deemed to be effective until a certificate of parole has been delivered to the prisoner.

(b) Parole release dates generally will not be set more than six months from the date of the parole hearing. Exceptions may be made in extraordinary situations or when necessary to permit an adequate period of residence in a Community Treatment Center. Such residence in a Community Treatment Center shall not generally exceed one hundred and twenty days. An effective date of parole shall not be set for a Saturday, Sunday, or a legal holiday.

(c) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner and the completion of a satisfactory plan for parole supervision. The appropriate Regional Director may, on his own motion, reconsider any case prior to release and may reopen and advance or retard a parole date. A parole grant may be retarded for up to one hundred and twenty days without a hearing for development and approval of release plans.

Section 2.31 is revised to read as follows:

§ 2.31 False or withheld information.

All paroles are ordered on the assumption that information from the prisoner has not been fraudulently given or withheld from the Board. If evidence comes to the attention of the Board that a prisoner willfully concealed or misrepresented information deemed significant, the Regional Director may schedule a hearing to determine whether parole should be revoked or rescinded. Such a hearing shall be conducted in accordance with the procedure set out in § 2.37 (b)(2).

Section 2.37 is revised to read as follows:

§ 2.37 Rescission of parole.

(a) When an effective date of parole has been set by the Board, release on that date shall be conditioned upon continued good conduct by the prisoner. If a prisoner has been granted parole and has subsequently been charged with institutional misconduct sufficient to become a matter of record, the Regional Director shall be advised promptly of such misconduct. The prisoner shall not be released until the institution has been notified that no change has been made in the Board's order to parole.

(1) Upon receipt of information that a prisoner has violated the rules of the institution, the Regional Director may retard the parole grant for up to sixty days without a hearing or may retard the parole grant and schedule the case for a rescission hearing. If the prisoner was confined in a federal prison at the time of the order retarding parole, the rescission hearing shall be scheduled for the next docket of parole hearings at the institution. If the prisoner was residing in a federal community treatment center or a state or local halfway house, the rescission hearing shall be scheduled for the first docket of parole hearings after return to a federal institution. When the prisoner is given written notice of the Board action regarding parole, he shall be given notice of the charges of misconduct to be considered at the rescission hearing. The purpose of the rescission hearing shall be to determine whether rescission of the parole grant is warranted. At the rescission hearing the prisoner may be represented by a person of his choice and may present documentary evidence.

(2) An institution discipline committee hearing conducted by the institution resulting in a finding that the prisoner has violated the rules of his confinement, may be relied upon by the Board as conclusive evidence of institutional misconduct.

(3) If the parole grant is rescinded, the prisoner shall be furnished a written statement of the findings of misconduct and the evidence relied upon.

(b)(1) Upon receipt of new information adverse to the prisoner regarding

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matters other than institutional misconduct, the Board acting upon the procedures of § 2.17 may retard a previously granted parole and schedule the case for an institutional review hearing on the next docket of parole hearings or at the first docket of parole hearings following return to a federal institution.

(2) The prisoner shall be given notice of the nature of the new adverse information upon which the rescission consideration is to be based. The hearing shall be conducted in accordance with the procedures set out in §§ 2.12 and 2.13. The purpose of the hearing shall be to determine if the parole grant should be rescinded or if a new parole date should be established.

Dated: January 24, 1975.

MAURICE H. SIGLER,
Chairman,
United States Board of Parole.

[FR Doc.75-3233 Filed 2-4-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT IN COMMISSIONED GRADES—RESERVE OF THE AIR FORCE AND UNITED STATES AIR FORCE (TEMPORARY)

Miscellaneous Amendments

The purpose of this amendment to Part 881 is to substitute DOD Form 398 for DOD Form 98; to adopt the title Officer Training School, USAF (OTS) in place of School of Military Sciences, Officer (SMSO); to add guidance in regard to noncitizen physician applicants; to clarify requirements for appointment of nurses and other applicants; and to make other minor changes to update the Part.

Part 881, Subchapter I of Chapter VII of title 32 of the Code of Federal Regulations is amended as follows: 1. Part 881 Table of Contents is amended by revising the titles of §§ 881.16 and 881.61 as follows:

Sec.
881.16 Officer Training School, USAF (OTS), and AFROTC graduates.
881.61 [Reserved]

2. Section 881.11(h) is amended by revising to read as follows:

§ 881.11 Persons ineligible for appointment.

• • • • • •

(h) A person who intentionally fails or refuses to accomplish DD Form 398, Statement of Personal History, in its entirety. A person who refuses to complete or sign a completed DD Form 398 or enters a "yes" in item 17 thereof will be processed for a preappointment investigation according to AFR 35–62, Security Program.

• • • • • •

3. Section 881.16 is amended by revising to read as follows:

§ 881.16 Officer Training School, USAF (OTS), and AFROTC graduates.

(a) *OTS graduates.* Applicants must have successfully completed the prescribed course and be recommended for appointment by a faculty board.

(b) *AFROTC graduates.* Applicants must have successfully completed the prescribed academic and military training requirements.

4. Section 881.22(b) is amended by revising to read as follows:

§ 881.22 Eligibility requirements.

• • • • • •

(b) *Citizenship requirements.* A person, other than a physician, appointed as a Reserve of the Air Force under this part must at the time of appointment be a citizen of the United States. An individual who is not a citizen by birth must submit the statement in paragraph (b)(1) of this section, signed by an officer, notary public, or other person authorized by law to administer oaths. In no circumstances will facsimiles or copies (photographic or otherwise) of naturalization certificates, declarations of intention, certificates of citizenship, or alien registration receipt cards be made. Title 18 U.S.C. 1426(h) provides that "whoever, without lawful authority, prints, photographs, makes or executes a print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both." Submission of the document in paragraph (b)(2) of this section is acceptable as proof of citizenship for persons born of American parent(s) outside the United States. Noncitizen physician applicants must submit the statement in paragraph (b)(3) of this section.

(1) For persons who are not citizens by birth:

I certify that I have this date seen the original certificate of citizenship No. ------ (or certified copy of the court order establishing citizenship) stating that ---------- ------ was admitted to United States citizenship by the court of ----------
(district or country)
at ----------, on ----------
(city and state) (date)

(signature) (date)

(2) For persons born of American parent(s) outside the United States. Authenticated copy of Department of State Form FS–240, Report of Birth Abroad of a Citizen of the United States of America. This form is referred to as the Consular Report of Birth and may be obtained from the Authentication Officer, Department of State, Washington, D.C. 20520.

(3) Noncitizen physician applicants must possess a valid INS Form I–151, Immigration and Naturalization Service (INS) Alien Registration Receipt Card (which may be obtained from the local Immigration and Naturalization Office), as evidence of lawful entry into the United States for permanent residence. Since reproduction of this form is prohibited, the applicant must submit the following statement signed by an officer, notary public, or other person authorized to administer oaths:

I certify that I have this date seen INS Form I–151 issued to ---------- indicating lawful entry into the United States for permanent residence on ----------
(name of applicant) (date)

(signature) (date)

NOTE: Burden of proof is upon the applicant.

§ 881.23 [Amended]

• • • • • •

5. Section 881.23(a) is amended by adding at the end of the paragraph the sentence, "Constructive service credit does not apply to persons commissioned through officer commissioning programs such as OTS and AFROTC."

6. Section 881.34 is amended by revising to read as follows:

§ 881.34 Personnel security investigations.

Rule	A If an applicant	B then he may not be tendered an appointment until (note 1)
1	[Reserved]	
2	has a father, mother, sisters, brothers, spouse, or children residing in one of the countries listed in AFR 205-32, atch 7, para 2k.	a report of a BI under AFR 205-32 has been completed and a favorable report rendered.
3	is a U.S. citizen and has resided or traveled in a country listed in AFR 205-32, atch 7, para 2k, for 30 or more continuous days after dates indicated (note 2).	
4	enters a "yes" in item 17, DD Form 398 or makes other entries that provide reasons for belief that the appointment may not be clearly consistent with the interest of National security.	
5	is not listed in rules 1 thru 4	a NAC has been completed and a favorable decision rendered.
6	is an Air Force member under consideration for appointment with a LNAC.	
7	has a break in service or employment after a prior investigation under AFR 205-32.	a NAC has been completed and a favorable decision rendered if the break in service or employment exceeded one year.

NOTES: 1. Individuals applying for appointment in any of the corps of the medical services for assignment to Ready Reserve units (USAFR and ANGUS) may be appointed prior to completion of the appropriate personnel security investigation provided the following Certificate of Understanding is submitted with the application:

I understand that my appointment as a commissioned officer in the Reserve of the Air Force is being accomplished prior to completion of the required security investigation. I further understand that if as a result of completion of the Postcommissioning investigative procedures I am determined unacceptable for appointment as a commissioned officer, I will be discharged from the United States Air Force and that I will receive an Honorable Discharge Certificate.

2. Travel or residence in these countries under the auspices of the U.S. Government will not be considered.

§ 881.53 [Amended]

7. Section 881.53(c)(1) is amended by changing "AFM 35–3, chapter 31" to read "AFR 35–41, chapter 18."

8. Section 881.61 is amended by deleting the content and reserving the section as follows:

§ 881.61 [Reserved]

9. Section 881.67(a)(1)(iii) is amended by revising to read as follows:

§ 881.67 Appointment of nurses.

(a) • • •

(1) • • •

(iii) Have at least six months appropriate full-time professional experience or be pursuing additional education in nursing within the 12-month period prior to submitting an application for an appointment. New graduates must be actively engaged in the practice of nursing within six months from date of graduation from basic nursing program; or be a graduate of an AFROTC program pursuing successful completion of the State Board Test Pool Examination in nursing.

• • • • • •

10. Section 881.72(b) is amended by revising to read as follows:

§ 881.72 Other applicants.

• • • • • •

(b) May be made under paragraph (a)(1) and (3) of this section only in the grade of second lieutenant and under paragraph (a)(2) of this section in grades not to exceed captain. Qualification for a grade higher than second lieutenant is based on prior commissioned service.

The grade for participants under paragraph (a)(4) of this section is determined according to AFR 36–17, Air Force Health Professions Scholarship Program.

• • • • • •

(10 U.S.C., sections 591, 593, 1211, 8067, 8353, 8358, 8359, 8444, and 9411 and chapter 103)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-2984 Filed 2-4-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 330–7]

PART 35—STATE AND LOCAL ASSISTANCE

Amendment to Final Construction Grant Regulations

Notice is hereby given that the Environmental Protection Agency is amending regulations published February 11, 1974 (39 FR 5252) for the program of construction grants for waste treatment works to include an allotment of sums among the States for Fiscal Year 1976 for construction grants.

Sections 35.910–3 and 35.910–4 of the regulations, as amended, set forth the bases for and amounts of construction grant sums allotted among the States for Fiscal Years 1973, 1974, and 1975. The amendment below adds a § 35.910–5 setting forth similar information concerning allotments for Fiscal Year 1976.

By letter dated January 24, 1975, the President directed the Administrator of the Environmental Protection Agency to allot among the States $4 billion for Fiscal Year 1976. This amount represents a substantial portion of funds which, pursuant to earlier Presidential direction, had been withheld from the previous allotment of sums for Fiscal Years 1973 and 1974. Therefore, the funds are allotted on the basis of Table III of House Public Works Committee Print No. 92–50, which was used as the basis for the Fiscal Year 1973 and 1974 allotments.

The President stated in his letter that a decision on the disposition of the remaining $2 billion of Fiscal Year 1974 authority and $3 billion of Fiscal Year 1975 authority would be made at a later time. The disposition of these funds remains the subject of pending litigation, and a decision by the U.S. Supreme Court is expected in the near future.

The Fiscal Year 1976 allotments are available for obligation immediately and will remain available to each State through June 30, 1977, in order to make them available for approximately the same period of time originally contemplated by the statute. Funds remaining unobligated at the end of this allotment period will be reallotted by the Administrator pursuant to Section 35.910–2 of the regulations. Projects initially funded from this Fiscal Year 1976 allotment will be subject to requirements for study of alternative waste management techniques and application of best practicable waste treatment technology and, as appropriate, provision for reclamation or recycling, consistent with the intent of section 201(g)(2).

This amendment also reflects the fact that no reallotment of Fiscal Year 1973 funds was necessary after June 30, 1974, inasmuch as each State fully exhausted its Fiscal Year 1973 allotment on or before that date.

Effective date. This amendment shall be effective February 5, 1975, in order to permit those states and grantees which have been anxiously expecting this allocation to timely prepare revised or amended project priority lists pursuant to 40 CFR 30.55 and 35.915 and to hold public hearings, to the extent appropriate and necessary, prior to obligation of these funds. This will accomplish the requirement of section 205(a) of the Act (33 U.S.C. 1285(a)) and also permit accelerated accomplishment of other statutory objectives and deadlines relating to water pollution control.

Dated: February 3, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 35 is amended as follows:

§ 35.910 [Amended]

Section 35.910–3 is amended by adding the following new paragraph (d):

(d) No reallotment of sums allotted for Fiscal Year 1973 was made after June 30, 1974, inasmuch as each State had fully exhausted its Fiscal Year 1973 allotment on or before June 30, 1974, in accordance with Section 205(b) of the Act.

Add the following new § 35.910–5:

§ 35.910–5 Fiscal year 1976 allotments.

(a) For the Fiscal Year ending June 30, 1976, a sum of $4 billion is allotted on the basis of Table III of House Public Works Committee Print No. 92–50. These allotments shall be available through June 30, 1977.

(b) The percentages used in computing the State allotments set forth in paragraph (c) of this section for Fiscal Year 1976 are as follows:

State:	*Percentage*
Alabama	.3612
Alaska	.2252
Arizona	.1346
Arkansas	.3536
California	9.8176
Colorado	.3166
Connecticut	1.6810
Delaware	.0565
District of Columbia	.7114
Florida	3.6264
Georgia	.9730
Hawaii	.3308
Idaho	.2177
Illinois	6.2489
Indiana	3.3662
Iowa	1.1557
Kansas	.3742
Kentucky	.6599
Louisiana	.9428
Maine	.9675
Maryland	4.2582
Massachusetts	3.7576
Michigan	7.9814
Minnesota	2.0319
Mississippi	.3935
Missouri	1.6556
Montana	.1662
Nebraska	.3708
Nevada	.2877
New Hampshire	.8309
New Jersey	7.7040
New Mexico	.2108
New York	11.0578
North Carolina	.9229
North Dakota	.0467
Ohio	5.7737
Oklahoma	.4608
Oregon	.8494
Pennsylvania	5.4214
Rhode Island	.4889
South Carolina	.6455
South Dakota	.0948
Tennessee	1.1605
Texas	2.7694
Utah	.1408
Vermont	.2218
Virginia	2.9143
Washington	.8906
West Virginia	.4999
Wisconsin	1.7415

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State:	Percentage
Wyoming	.0269
Guam	.0872
Puerto Rico	.8845
Virgin Islands	.0893
American Samoa	.0048
Trust Territory of Pacific	.0378
Total	100.0000

(c) Based upon the percentages set forth in paragraph (b) of this section, the sums allotted to the States for Fiscal Year 1975 are as follows:

Alabama	$14,448,000
Alaska	9,008,000
Arizona	5,384,000
Arkansas	14,144,000
California	392,704,000
Colorado	12,664,000
Connecticut	67,240,000
Delaware	26,260,000
District of Columbia	28,456,000
Florida	145,056,000
Georgia	38,920,000
Hawaii	13,212,000
Idaho	8,706,000
Illinois	349,956,000
Indiana	134,648,000
Iowa	46,228,000
Kansas	14,968,000
Kentucky	26,396,000
Louisiana	37,712,000
Maine	38,700,000
Maryland	170,328,000
Massachusetts	150,304,000
Michigan	319,256,000
Minnesota	81,276,000
Mississippi	15,740,000
Missouri	86,224,000
Montana	6,648,000
Nebraska	14,832,000
Nevada	11,508,000
New Hampshire	89,236,000
New Jersey	308,160,000
New Mexico	8,432,000
New York	443,312,000
North Carolina	36,916,000
North Dakota	1,868,000
Ohio	230,948,000
Oklahoma	16,432,000
Oregon	33,976,000
Pennsylvania	216,856,000
Rhode Island	19,556,000
South Carolina	25,820,000
South Dakota	3,792,000
Tennessee	46,420,000
Texas	110,776,000
Utah	5,632,000
Vermont	8,872,000
Virginia	116,572,000
Washington	35,624,000
West Virginia	19,996,000
Wisconsin	69,560,000
Wyoming	1,072,000
Guam	3,488,000
Puerto Rico	35,380,000
Virgin Islands	3,572,000
American Samoa	192,000
Trust Territory of Pacific Islands	1,512,000
Total	4,000,000,000

(d) Projects initially funded from this Fiscal Year 1976 allotment will be subject to requirements for study of alternative waste management techniques and application of best practicable waste treatment technology and, as appropriate, provision for reclamation or recycling, consistent with the intent of section 201(g)(2).

[FR Doc.75-3477 Filed 2-4-75;10:14 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

INTERIM REVISION OF CHAPTER 9 TO REFLECT THE ENERGY REORGANIZATION ACT OF 1974

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (Pub. L. 93-438), and the creation of ERDA was made effective on January 19, 1975 by Executive Order 11834 dated January 15, 1975, which Executive Order was published on January 17, 1975 at 40 F.R. 2971.

Pursuant to the authority contained in section 105 of the Energy Reorganization Act of 1974 and 5 U.S.C. 552, all rules and regulations in Chapter 9 of Title 41, Code of Federal Regulations, are adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974, (Public Law 93-577), and other applicable law, to the extent these rules and regulations are not inconsistent with applicable law, and are redesignated as the Energy Research and Development Administration Procurement Regulations (ERDA-PR), with the following changes:

1. The Title of Chapter 9 of Title 41 is changed to "Energy Research and Development Administration."

2. Pending decisions regarding the total organizational structure, functions, roles, responsibilities, and authorities of of ERDA organizational entities, the following references to organizational entities and titles in the ERDA-PR are changed to read as follows (pen and ink changes are authorized):

(a) "U.S. Atomic Energy Commission" or "AEC" shall be the "Energy Research and Development Administration" or "ERDA," as appropriate.

(b) "The Commission" or "the General Manager" shall be "the Administrator or his designee."

(c) "Director, Division of Contracts," shall be the "Director of Procurement."

(d) "Division of Contracts" shall be the "Division of Procurement."

The decision to apply the AECPR to all ERDA activities involves consideration of the applicability of AECPR 9-15.50, Cost Principles and Procedures, to contract activities under the Assistant Administrators for Fossil Energy; Solar, Geothermal and Advanced Energy Systems; and Conservation. Prior to activation of ERDA, such activities conducted in commercial facilities were subject to the cost principles and procedures of FPR 1-15. An assessment is underway to determine the cost principles and procedures which will apply to all ERDA activities. Pending the conclusion of this assessment, the Assistant Administrators for Fossil Energy; Solar, Geothermal and Advanced Energy Systems; and Conservation will continue to apply FPR 1-15, Cost Principles and Procedures, to nonnuclear activities conducted in commercial facilities.

Subsequent ERDA-PRs will be published in the daily issues of the FEDERAL REGISTER over the signature of the Director of Procurement, ERDA, and will appear in the Code of Federal Regulations as Chapter 9 of Title 41, Public Contracts and Property Management.

Questions or comments concerning this Notice may be directed to the Director of Procurement, ERDA.

(Sec. 105, Energy Reorganization Act of 1974 (P.L. 93-438)).

Effective date. This notice is effective immediately.

Dated at Washington, D.C., this 29th day of January 1975.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.75-3296 Filed 2-4-75;8:45 am]

CHAPTER 109—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

INTERIM REVISION OF CHAPTER 109 TO REFLECT THE ENERGY REORGANIZATION ACT OF 1974

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (Pub. L. 93-438), and the creation of ERDA was made effective on January 19, 1975 by Executive Order 11834 dated January 15, 1975, which Executive Order was published on January 17, 1975 at 40 FR 2971.

Pursuant to the authority contained in Section 105 of the Energy Reorganization Act of 1974 and 5 U.S.C. 552, all rules and regulations in Chapter 109 of Title 41, Code of Federal Regulations, are adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577), and other applicable law, to the extent these rules and regulations are not inconsistent with applicable law, and are redesignated as the Energy Research and Development Administration Property Management Regulations (ERDA-PMR), with the following changes:

1. The title of Chapter 109 of Title 41 is changed to "Energy Research and Development Administration."

2. Pending decisions regarding the total organizational structure, functions, roles, responsibilities, and authorities of ERDA organizational entities, the following references to organizational entities and titles in the ERDA-PMR are changed to read as follows (pen and ink changes are authorized):

(a) "U.S. Atomic Energy Commission," "Atomic Energy Commission," or "AEC" shall be the "Energy Research and Development Administration" or "ERDA," as appropriate.

(b) "The General Manager" shall be "the Administrator or his designee."

(c) "Division of Contracts" shall be the "Division of Procurement."

Subsequent ERDA-PMRs will be published in the daily issues of the FEDERAL REGISTER and will appear in the Code of Federal Regulations as Chapter 109 of Title 41, Public Contracts and Property Management.

Questions or comments concerning this Notice may be directed to the Director of Procurement, ERDA.

(Sec. 105, Energy Reorganization Act of 1974 (P.L. 93-438))

Effective date: This notice is effective immediately.

Dated at Washington, D.C., this 29th day of January 1975.

ROBERT C. SEAMANS, Jr.,
Administrator.

[FR Doc.75-3295 Filed 2-4-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5463]

VIRGIN ISLANDS

Reservation of Lands

1. Pursuant to the authority vested in me by section 3 of the Act of October 5, 1974, 88 Stat. 1210, the following described lands are hereby reserved from conveyance to the Government of the Virgin Islands:

All that certain tract or parcel of land lying and being situated in the City of Christiansted, Saint Croix Island, Virgin Islands of the United States, and being more particularly described as follows:

PARCEL A

Beginning at the intersection of the northwest side of Queen Street with Christiansted Harbor; thence in a southwesterly direction following along Queen Street to the intersection with easterly line of Hospital Street; thence in a northwesterly direction following easterly side of Hospital Street, 90 feet, more or less; thence in a southwesterly direction parallel to Queen Street to a point on the Northeast side of Church Street; thence following along the easterly side of Church Street to the intersection with Christiansted Harbor; thence in a southeasterly direction along said Harbor to the point of beginning.

PARCEL B

Beginning at the intersection of the northeasterly side of Queen's Cross Street with the southeasterly side of King Street; thence in a northeasterly direction along the southerly side of King Street, 325 feet, more or less; thence in a southeasterly direction, 125 feet, more or less, to a point on a line parallel to King Street and 310 feet, more or less, from Queen's Cross Street; thence in a southwesterly direction parallel to King Street, 310 feet, more or less, to Queen's Cross Street; thence following along the northeasterly side of Queen's Cross Street to the point of beginning.

2. The lands described in paragraph 1 are reserved in order to preserve the following described buildings and associated properties, identified on map No. NHS-VI-17001 on file in the office of the Secretary of the Interior, as a national historic site pursuant to the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. section 461 *et seq.* (1970):

Government House
Old West India & Guinea Co. Warehouse
Old Danish Customs House (Library)
Old Customs House (Scalehouse)
Fort Christiansvaern
Steeple Building
Hamilton Jackson Park

3. The lands described in paragraph 1 are to be administered as a national historic site by the National Park Service pursuant to the Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. section 461 *et seq.* (1970) and the Act of August 25, 1916, 39 Stat. 535, as amended and supplemented, 16 U.S.C. section 1 *et seq.* (1970).

Dated: January 30, 1975.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.75-3120 Filed 2-4-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-88]

ALIENS AND ALIEN-AFFILIATED ENTITIES

Licensing in the Safety and Special Radio Services and Experimental Radio Services

In the matter of amendments of Parts 1, 5, 13, 81, 83, 87, 89, 91, 93, 95, and 97 of the Commission's rules to remove the prohibitions against licensing aliens and alien-affiliated entities in the Safety and Special Radio Services and Experimental Radio Services except for aeronautical enroute, aeronautical fixed, and public coast stations, and foreign governments and representatives thereof.

1. On November 30, 1974, the enactment of Pub. L. 93-505, 88 Stat. 1576, removed prohibitions in the Communications Act of 1934, as amended, against licensing aliens and alien-affiliated entities in order to permit the Commission to issue, except for aeronautical fixed and aeronautical enroute stations, and common carrier stations in the Safety and Special Radio Services, namely, public coast and Alaska-public fixed stations, radio station licenses and operator licenses to the holders thereof in the Safety and Special and the Experimental Radio Services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders. The legislation maintained in force the restrictions concerning aliens in the case of aeronautical fixed, aeronautical enroute and common carrier stations in the Safety and Special Radio Services, namely, public coast and Alaska-public fixed stations. Also unchanged are the prohibitions concerning foreign governments and their representatives thereof.

2. The Commission adopted its prohibitory rules concerning aliens because of the statutory prohibitions concerning aliens. However, as a result of its experience in administering those rules, the Commission has, for the past several sessions of the Congress, included as part of the Commission's legislative program a proposal to amend the Act to remove those prohibitions in the Safety and Special and the Experimental Radio Services. Pub. L. 93-505 originated in those legislative proposals. The Commission is, therefore, desirous of implementing the legislation by the removal of whatever prohibitions are possible under Pub. L. 93-505 as soon as possible. Notwithstanding the permissive legislation, the prohibitory rules adopted by the Commission would remain in effect and unchanged until the Commission takes some action with respect to them. Accordingly, the Commission deems it expedient to act quickly in order to implement the will of Congress.

3. In view of the foregoing, the Commission concludes that the public policy will be served by amending the captioned rules parts to delete the aforesaid prohibitions where permitted by Pub. L. 93-505 and by revising the appropriate application forms. In order to expedite the conduct of official correspondence by the Commission with the anticipated alien applicants, the Commission is hereby adopting rules to require each applicant and licensee to furnish an address within the United States to be used by the Commission in serving documents or directing correspondence to that licensee.

4. For the foregoing good cause, the Commission finds that the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable to the amendments adopted therein.

5. *Accordingly it is ordered,* Pursuant to the authority contained in section 4(i) of the Communications Act of 1934, as amended, that the captioned parts of the Commission's Rules are amended effective February 5, 1975, as set forth below.

Adopted: January 22, 1975.

Released: February 5, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 1, 5, 13, 81, 83, 87, 89, 91, 93, 95, and 97 of Chapter 1, 47 CFR, are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. Section 1.83(a)(1)(ii) is revised as follows:

§ 1.83 Application for radio operator license.

(a) • • •

(1) • • •

(ii) Applications for Restricted Radiotelephone Operator Permits filed by aliens shall be on FCC Form 755 entitled "Application for Restricted Radiotelephone Operator Permit (By an Alien)".

§ 1.911 [Amended]

2. § 1.911(f) is deleted.

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§ 1.922 [Amended]

3. In the table of forms in § 1.922, the entry for FCC Form 610–C is deleted.

4. Section 1.958(b)(1) is revised to read as follows:

§ 1.958 Defective applications.

(b) • • •

(1) Statutory disqualification of applicant.

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

5. In § 5.4 paragraphs (a), (b), (c), (d), (e), (f), and (g) are deleted. The revised text reads as follows:

§ 5.4 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

PART 13—COMMERCIAL RADIO OPERATORS

6. Section 13.3(a) is amended and paragraph (c) added to read as follows:

§ 13.3 Dual holding of licenses.

(a) A person may not hold more than one radiotelegraph operator license or permit and one radiotelephone operator license or permit at the same time except as provided by paragraphs (b) and (c) of this section.

• • • • •

(c) An alien at the same time may hold two restricted radiotelephone operator permits, each conveying different operating authority.

7. Section 13.4(c) is revised as follows:

§ 13.4 Term of licenses.

• • • • •

(c) A commercial operator license or permit granted to an alien aircraft pilot under a waiver of the United States nationality provisions of Section 303(1) of the Communications Act will normally be issued for a term of five (5) years from the date of issuance. An operator license or permit issued to an alien aircraft pilot shall be valid only if the operator continues to hold a valid aircraft pilot certificate issued by the Federal Aviation Administration or one of its predecessor agencies.

8. Section 13.5(a) is amended as follows:

§ 13.5 Eligibility for new license.

(a) Commercial operator licenses are issued to

(1) United States citizens.

(2) United States nationals.

(3) Citizens of the Trust Territory of the Pacific Islands presenting valid identity certificates issued by the High Commissioner of the Trust Territory.

(4) Aliens holding Federal Aviation Administration pilot certificates.

(5) Aliens holding Federal Communications Commission station licenses, but the operator license will be valid only for operating the station licensed in the name of the alien.

9. Section 13.11(b) is revised as follows:

§ 13.11 Procedure.

• • • • •

(b) *Place of filing.* (1) Applications for Restricted Radiotelephone Operator Permits shall be filed as follows:

(i) United States citizens, United States nationals, citizens of the Trust Territory of the Pacific Islands—File application FCC Form 753:

(*a*) When there is an immediate need for the permit for safety purposes, submit the application in person or by an agent to the nearest field office of the Field Operations Bureau—Federal Communications Commission. The application must be accompanied by a written showing by the applicant that he has an immediate need for the permit for safety purposes.

(*b*) When the applicant is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States, submit the application in person or by mail to the nearest field office of the Field Operations Bureau—Federal Communications Commission.

(*c*) All other cases—mail the application to the Federal Communications Commission, Gettysburg, Pennsylvania 17325.

(ii) Aliens holding a station license—File application FCC Form 755:

(*a*) When there is an immediate need for the permit for safety purposes, submit the application in person or by an agent to the nearest field office of the Field Operations Bureau—Federal Communications Commission. The application must be accompanied by a written showing by the applicant that he has an immediate need for the permit for safety purposes.

(*b*) When the applicant is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States, submit the application in person or by mail to the nearest field office of the Field Operations Bureau—Federal Communications Commission.

(*c*) All other cases—mail application to the Federal Communications Commission, Washington, D.C. 20554.

(iii) Alien aircraft pilots holding Federal Aviation Administration pilot certificates—Submit the application FCC Form 755 either in person or by mail to the Federal Communications Commission, Washington, D.C. 20554 (see § 13.4 (c)).

• • • • •

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

10. Section 81.20 is added to read as follows:

§ 81.20 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

11. Section 81.23 is amended to read as follows:

§ 81.23 Statutory eligibility for station license.

(a) A station license shall not be granted to or held by a foreign government or a representative thereof.

(b) A station license for a public coast station or a common carrier fixed station in the Alaska-Public Fixed Service shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by a corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

12. Section 83.20 is added to read as follows:

§ 83.20 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

13. Section 83.23 is revised to read as follows:

§ 83.23 Statutory eligibility for station license.

A station license shall not be granted to or held by a foreign government or a representative thereof.

PART 87—AVIATION SERVICES

14. Section 87.3 is revised to read as follows:

§ 87.3 General citizenship restrictions.

(a) A station license shall not be granted to or held by a foreign government or a representative thereof.

(b) A license for an aeronautical en route or an aeronautical fixed station shall not be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien;

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

15. Section 87.20 is added to read as follows:

§ 87.20 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 89—PUBLIC SAFETY RADIO SERVICES

16. Section 89.9 is revised to read as follows:

§ 89.9 General citizenship restrictions.

A station license shall not be granted to or held by a foreign government or a representative thereof.

17. Section 89.56 is added to read as follows:

§ 89.56 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 91—INDUSTRIAL RADIO SERVICES

18. Section 91.4 is revised to read as follows:

§ 91.4 General citizenship requirements.

A station license shall not be granted or held by a foreign government or representative thereof.

19. Section 91.50 is revised to read as follows:

§ 91.50 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 93—LAND TRANSPORTATION RADIO SERVICES

20. Section 93.5 is revised to read as follows:

§ 93.5 General citizenship restrictions.

A station license shall not be granted to or held by a foreign government or a representative thereof.

21. Section 93.50 is added to read as follows:

§ 93.50 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 95—CITIZENS RADIO SERVICE

22. Section 95.7 is revised to read as follows:

§ 95.7 General citizenship requirements.

A station license shall not be granted to or held by a foreign government or a representative thereof.

23. Section 95.14 is added to read as follows:

§ 95.14 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

PART 97—AMATEUR RADIO SERVICE

24. Section 97.9 is amended to read as follows:

§ 97.9 Eligibility for new operator license.

Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Anyone except a representative of a foreign government, who either (1) any time prior to receipt of his application by the Commission has held for at least 1 year an amateur operator license of other than the novice or technician class, issued by any agency of the U.S. Government, or submits proof that he held for a period of 1 year an amateur operator license at least equivalent to a general class license issued by a foreign government, or (2) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the U.S. Government during or prior to April 1917.

(b) *Advanced class.* Anyone except a representative of a foreign government.

(c) *General class.* Anyone except a representative of a foreign government.

(d) *Conditional class.* Except for the representative of a foreign government, anyone:

(1) Whose actual residence and amateur station location are more than 175 miles airline distance from the nearest location at which examinations are held at intervals of not more than 6 months for General Class amateur operator licenses.

(2) Who is shown by physician's certificate to be unable to appear for examination because of protracted disability.

(3) Who is shown by certificate of the commanding officer to be in the armed forces of the United States at any Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(4) Who furnishes sufficient evidence, at the time of the filing, of temporary residence for a continuous period of at least 12 months outside the continental limits of the United States, its territories or possessions, irrespective of other provisions of this paragraph.

(e) *Technician class.* Anyone except a representative of a foreign government.

(f) *Novice class.* Anyone except a representative of a foreign government or a person who holds, or who has held within the 12-month period prior to the date of receipt of his application, a Commission-issued amateur radio license. The Novice Class license may not be concurrently held with any other class of amateur radio license.

25. Section 97.37 is amended to read as follows:

§ 97.37 General eligibility for station license.

An amateur radio station license will be issued only to a licensed amateur radio operator, except that a military recreation station license may also be issued to an individual not licensed as an amateur radio operator (other than a

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representative of a foreign government), who is in charge of a proposed military recreation station not operated by the U.S. Government but which is to be located in approved public quarters.

26. Section 97.42 is added to read as follows:

§ 97.42 Mailing address furnished by licensee.

Each application shall set forth and each licensee shall furnish the Commission with an address in the United States to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

Subpart G—Operation of Amateur Radio Stations in the United States by Aliens Pursuant to Reciprocal Agreements

27. In Subpart G of Part 97 the title is revised to read as set forth above and § 97.301(a) is revised to read as follows:

§ 97.301 Basis, purpose, and scope.

(a) The rules in this subpart are based on, and are applicable solely to, alien amateur operations pursuant to section 303(1)(3) and 310(c) of the Communications Act of 1934, as amended. (See Pub. L. 93–505, 88 Stat. 1576.)

* * * * *

Subpart H—[Removed]

28. Subpart H of Part 97 is deleted.

[FR Doc.75–3124 Filed 2–4–75;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RAR–2]

PART 225—RAILROAD ACCIDENTS/INCIDENTS; REPORTS CLASSIFICATION, AND INVESTIGATIONS

Report and Recordkeeping; Denial of Petition for Reconsideration

On December 9, 1974 (39 FR 43222, December 11, 1974), the Federal Railroad Administration (FRA) issued a revision to Part 225 of the Code of Federal Regulations under Docket No. RAR–2. The revision provides a nationally uniform reporting requirement of accidents/incidents by railroads.

On December 20, 1974, the National Association of Regulatory Utility Commissioners (NARUC) and the Pennsylvania Public Utility Commission filed a joint Petition for Reconsideration, together with a request for a stay of the January 1, 1975 effective date of the revision. By letter dated January 6, 1975, FRA denied the request for a stay of the effective date and also requested additional information and facts from the parties of record in order to rule on the Petition for Reconsideration. A conference on the record was held in Washington, D.C. on January 27, 1975, in order to develop the facts concerning the Petition for Reconsideration. In the Petition, NARUC stated three reasons for reconsideration which are discussed separately.

(1) *The FRA is not authorized to preempt states from prescribing accident/incident reporting requirements.* Section 225.1 of the reporting regulations contains a statement that promulgation of these regulations by FRA would preempt state reporting requirements. This statement merely restates the provision contained in section 205 of the Federal Railroad Safety Act of 1970, (the Act), 84 Stat. 972, 45 U.S.C. 434. It is this provision of the Act, and the fact that FRA has adopted comprehensive Federal regulations of the subject matter, that create preemption of state regulations. The Act clearly states an intent to establish uniform, national railroad safety standards to the extent possible, and this policy prohibits fifty different state reporting requirements. It is section 205 of the Act that provides for the preemption: once there is Federal regulation of a subject matter, additional or more stringent state regulation is lawful only when it (1) is necessary to eliminate or reduce an essentially local safety hazard; (2) is not incompatible with the Federal regulation; and (3) does not put an undue burden upon interstate commerce. Burdening the railroads with numerous different state report requirements, forms, compliance dates and procedures of accident reporting would interfere with the Federal program designed to expedite full accident reporting, and frustrate the Congressional purpose as expressed in the Act.

The arguments of NARUC are based on a misconception of the results of the preemption specified in section 205 of the Act. Preemption here does not mean withholding of information from the states. In § 225.1, FRA has provided a procedure for the states to receive the same complete information FRA receives at the same time. The single uniform accident reporting system will provide the states with more complete accident information than they now receive. The uniform national system should upgrade the quality of the accident data, and the regularity of the flow of information. By making this information available to the states, FRA is providing for a cooperative effort for the receipt of accident data. FRA has established the requirement for a comprehensive accident reporting system. A State may adopt and enforce a requirement to receive this same data.

This is not unlike the situation before January 1, 1975 where many states adopted the Federal reporting requirements. One commentator at the conference of January 27, 1975 provided copies of the reporting forms of 35 states. Out of this group of 35 state reports, a total of 23 states accepted the report form or required basically the same information as required by FRA under the previous Part 225. Some states, however, required the railroads to utilize different forms than those supplied to FRA by the carriers in those states. These differing forms required additional information than the FRA forms in some instances and less information in others. However, the revision to Part 225 provides substantially all of the statistics desired by these states.

The revision to Part 225 adopted by FRA provides for the most comprehensive reporting requirements of any of the transportation modes. Part 225 now requires total industry reporting of all personal injuries and occupational illness as well as a report of all train accidents above an established threshhold level.

The revised reporting system was developed as a result of the new and expanded responsibilities of FRA under the Act. Studies were conducted to analyze the current accident reporting system, to identify deficiencies and recommend system improvements. The investigation included a survey of railroads, states and labor organizations and several discussions and conferences with the Occupational Safety and Health Administration (OSHA) for the purpose of analyzing user requirements. The studies culminated in recommendations for improving the accident report forms and procedures in use at that time, as well as other aspects of the information system. Additionally, FRA met with interested persons and groups to discuss the new reporting forms and instructions. Four monthly reporting forms and two annual reporting forms were developed to provide FRA comprehensive rail safety data necessary in the discharge of its responsibilities. While the new forms are similar to the older forms, they were expanded to provide additional information necessary to the exercise of the FRA's functions. There has been a substantial increase in the information to be reported by the carriers to FRA. Therefore, more information will now be available to the States should they desire to obtain copies of the reports filed with FRA, as provided in 49 CFR 225.1.

(2) *Section 225.1, which provides that a state may require copies of accident reports filed with FRA, is an insufficient response to the states' need for accident reports pursuant to their own police powers.* As provided in the response to the first contention by NARUC, FRA disagrees with the above statement with respect to monthly reporting of accidents/incidents. However, as developed at the conference on January 27, 1975, it became apparent that NARUC was also concerned with rapid notification to the appropriate state agency of an accident occurring in that state for the purpose of accident investigations. FRA feels that this issue is not one involving the collection of accident data and periodic reporting requirements of Part 225. The rapid notification of railroad related accidents to the proper state agency is an aid to immediate investigation of accidents and for other responses by local authorities to an accident. The revision to Part 225 as promulgated by FRA deals with the monthly and yearly reporting and classification of accidents/incidents on a nationwide basis. Thus, the revision of Part 225 does not preempt a state requirement

which requires immediate notification of the fact of an accident in that state which is not in the form or nature of the monthly report of accidents required by revised Part 225. If the state has the authority to engage in the investigation of accidents in that state, it may request immediate notification of the accident in accordance with the provisions of the state statutes.

(3) *The change in the reporting threshold from $750 to $1,750 is unreasonable and arbitrary, for it will result in an obfuscation of rail safety trends.* Additional arguments presented at the January 27, 1975, conference merely restated arguments presented by previous commentators that the raising of the reporting threshold from $750 to $1,750 is in error. FRA has carefully considered this matter in the final revision of Part 225. The record in this docket show clearly that a change in the threshold reporting level is necessary. Inflation costs have seriously distorted accident statistics compiled since 1957. Several commentators alleged again that by raising the reporting threshold figure in one year from $750 to $1,750 it will not be possible to make any type of comparison with past accident statistics. The new threshold figure of $1,750 need not result in the loss of comparability of 1975 statistics with those of past years if similar escalation factors were applied to historical data. FRA feels that it is essential that corrective action be taken now. Perpetuation of the $750 threshold would only result in further distortion of accident/incident data. Moreover, statistics generated under the new $1,750 threshold may be compared with a reasonable degree of accuracy to those compiled previously and FRA intends to do this when publishing 1975 statistics.

FRA has carefully reviewed and considered the Petition for Reconsideration and information submitted thereon. Based upon this review, the FRA has determined that the information submitted does not justify reconsideration. Therefore, the Petition for Reconsideration is hereby denied.

Issued in Washington, D.C. on January 31, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75–3285 Filed 2–4–75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. 1193]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of January 1975.

It appearing, that an acute shortage of plain boxcars exists on the Maine Central Railroad Company; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1193 Service Order No. 1193.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in paragraphs (3), (4), and (6) herein, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 394, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, bearing reporting marks issued to the Maine Central Railroad Company,[1] and having inside length of forty-six feet and less.

(2) Plain boxcars described in paragraph (1) include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Boxcars described in paragraph (1) herein, may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in paragraph (1) herein located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(5) Boxcars described in paragraph (1) herein shall not be back-hauled empty from a junction with the car owner.

[1] Cars in excess of forty-six feet eliminated.

(6) Exception. To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(7) The return to the owner of a boxcar described in paragraph (1) herein shall be accomplished when it is delivered to the car owner, either empty or loaded.

(8) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points".

(9) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraphs (3), (4), or (6), of this section.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., January 31, 1975.

(d) *Expiration date.* This order shall expire at 11:59 p.m., March 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–3316 Filed 2–4–75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 51]

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Discrimination; Compliance Procedures

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (the Revenue Sharing Act), approved October 20, 1972, the Department of the Treasury proposes to amend § 51.32(f) of the regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, which became effective April 5, 1973 (38 FR 9132) for entitlement periods beginning on or after January 1, 1973. Section 51.32 (f) pertains to procedures available to effect compliance with the nondiscrimination provision.

This proposed amendment has two purposes. First, to clarify § 51.32(f) by reorganizing subparagraphs (1), (2) and (3) into a new subparagraph (1). Second, to provide in proposed subparagraphs (2) and (3) that the Secretary may initiate administrative action in conjunction with litigation based on the nondiscrimination provision of the Act or regulations.

Paragraph (2) of § 51.32(f) would provide that the Secretary may withhold revenue sharing funds from a recipient government if a Federal court finds that it has violated the nondiscrimination provision. In order for this withholding to occur it is necessary that an allegation of a violation of the nondiscrimination provision be made to the court in a judicial complaint. However, such an allegation need not be raised by the United States but may be raised by any party.

Subparagraph (3) would make clear that if the Attorney General has initiated a civil action against a recipient government under section 122(c) of the Revenue Sharing Act, it is not required that the Secretary also initiate an administrative enforcement action. This policy is necessary in order to avoid duplication of effort in resolving complaints of discrimination, and to avoid unnecessary use of limited enforcement resources.

Before adoption of this proposed amendment, consideration will be given to any written comments or suggestions which are received, in triplicate, on or before March 17, 1975. Written comments should be directed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. In accordance with 31 CFR 1.4(h), written comments submitted in response to this solicitation will be available to the public upon request therefor, unless confidential status of the submission has been requested in writing and approved.

This proposed regulation is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title 1, Pub. L. 92-512 (31 U.S.C. Supp. III, 1221-1263) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Dated: January 31, 1975.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,
Under Secretary of the Treasury.

§ 51.32 Discrimination.

* * * * *

(f) *Procedure for effecting compliance.* (1) Whenever the Secretary determines that a recipient government has failed to comply with this section, he will notify the chief executive officer of the recipient government and the Governor of the State in which the government is located of the noncompliance and will request the Governor to secure compliance. If, within a reasonable time, not to exceed 60 days, the Governor fails or refuses to secure compliance, the Secretary is authorized by the Act to take one of the following remedial measures:

(i) To refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted;

(ii) To initiate an administrative hearing pursuant to the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d). An order of an administrative law judge to withhold temporarily, to repay, or to forfeit entitlement funds, will not become effective until:

(A) There has been an express finding on the record, after notice and opportunity for hearing, of a failure by the recipient government to comply with a requirement of this section.

(B) At least 10 days have elapsed from the date of the order of the administrative law judge. During this period, additional efforts will be made to assist the recipient government in complying with this regulation and in taking appropriate corrective action.

(C) Thirty days have elapsed after the Secretary has filed with the Committee on Government Operations of the House of Representatives and the Committee on Finance of the Senate a full written report of the circumstances and the grounds for such action. The time limitations of subparagraphs (B) and (C) can run concurrently.

(D) The Secretary has notified the recipient government that, in addition to whatever sanctions have been imposed by the administrative law judge, the Office of Revenue Sharing will withhold payment of all entitlement funds until such time as the recipient government complies with the order of the administrative law judge.

Further, the amount of the forfeiture or payment of entitlement funds, if any, will be limited to the program or activity in which the noncompliance has been found. Such funds shall be collected by a downward adjustment to future entitlement payments and will be deposited in the general fund of the Treasury. If the Secretary determines that adjustment to future entitlement payments is impracticable, he may refer the matter to the Attorney General for appropriate civil action to require repayment of such amount to the United States.

(2) The Secretary may immediately defer the payment of entitlement funds to a recipient government pending the entry of an affirmative action order by a Federal court if:

(i) A violation of the nondiscrimination provision of this section or the Act (section 122) was alleged in the complaint before the court;

(ii) The court finds that the recipient government has violated the nondiscrimination of this section or the Act; and

(iii) The question of deferral has not been considered by the court.

(3) Nothing in these regulations is intended to preclude the United States, in a civil action initiated by the Attorney General of the United States pursuant to section 122(c) of the Act, from seeking or a court from granting an order to require the repayment of funds previously paid under this Act, or ordering that the payment of funds under this Act be terminated or deferred. In addition, the Secretary may initiate the procedure provided for in paragraph (f) (1) (ii) of this section against a recipient government which has been named as a defendant in such a civil action if it is the Secretary's judgment, after consultation with the Attorney General, that an administrative withholding of entitlement funds is an appropriate measure to ensure compliance with this section.

* * * * *

[FR Doc.75-3289 Filed 2-4-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214]

[EDR-237E; Docket No. 24906]

ONE STOP INCLUSIVE TOUR CHARTER

Extension of Time to Comment on Proposed Rulemaking

JANUARY 30, 1975.

By notice of proposed rule making, EDR-237C, October 30, 1974 (39 FR 39289), the Board instituted a rule making proceeding to consider termination of the "prior affinity" charter rules, by appropriate amendments of Parts 207, 208, 212 and 214 of the Board's Economic Regulations, as well as various technical amendments to other parts of the Board's regulations related to such charters. Contemporaneously therewith we also issued a Notice of Proposed Rule Making, EDR-281/SPDR-38/ODR-9 (39 FR 39672), to consider adoption of a rule authorizing a new type of charter, "One-stop-inclusive Tour Charter" (OTC).

The Board has determined that additional time is required to consider the numerous comments filed concerning the authorization of OTC's and the termination of affinity charters. Accordingly, the Board has decided that it will not terminate the sale of affinity charters on March 31, 1975, as previously proposed, or anytime during the year 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3308 Filed 2-4-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19417]

CABLE TELEVISION

Sports Programs; Extension of Time

In the matter of amendment of Part 76 of the Commission's rules and regulations Relative to Cable Television Systems and the Carriage of Sports Programs on Cable Television Systems (39 FR 45300, December 31, 1975).

1. On January 21, 1975, Colony Communications, Inc., Cox Cable Communications, Inc., New Channels Corporation, Sammons Communications, Inc., The TM Communications Co., and Jerrold Electronics Corporation jointly filed a petition requesting that the time for filing comments in the captioned proceeding be extended from January 31, 1975, for a period of thirty days or in the alternative, at least three weeks from the date on which the Commission responds to a request by the National Cable Television Association for materials pursuant to the Freedom of Information Act (5 U.S.C. 522) and § 0.461(a) of the Commission's rules. On January 22, 1975, Counsel for Daniels Properties Inc., UA-Columbia Cablevision, Inc., and United Cable Television Corporation, Community Tele-Communications, Inc., Tele-Cable Corporation, and Warner Cable Corporation have filed similar motions for extension of time. Daniels Properties et al., request that comments be due March 3, 1975, Colony et al.'s request is opposed by the National Hockey League and the Commissioner of Baseball.

2. In support of their request, petitioners state that the Commission has not yet responded to National Cable Television Association's referenced "Freedom of Information" request. The material requested therein is allegedly "essential to the preparation of meaningful comments in this most important proceeding * * *." Petitioners believe that fairness requires a short extension of time within which to prepare these comments. The National Hockey League and the Commissioner of Baseball object to a grant of any extension of time alleging that "further delay as more (cable television) systems become established will simply make it more difficult for the Commission to deal with the question fairly and even-handedly." Objectors further suggest, after reviewing the Commission's Calendar of Meetings through March 31, 1975 (Mimeo No. 34109, December 12, 1974), that a grant of the requested extension would delay Commission consideration, perhaps, for many months and, in any case, that the issues are susceptible of resolution without additional time. Objectors propose, in the alternative, that should an extension of time be granted, that the Commission halt the grants of certificates of compliance during the interim period until a final resolution of the Docket.

3. Because the National Cable Television Association's request under the Freedom of Information Act for material which they hope to use in filing comments in this proceeding has not yet been answered, it appears that good cause exists for the requested 30-day extension of time. This should provide an appropriate period of time after the information request has been answered to prepare comments. We are not persuaded by the comments in opposition that this extension is not appropriate in the circumstances and in view of complexity of this proceeding.

Accordingly, it is ordered, That the motion for extension of time to file comments filed January 21, and 22, 1975, by the parties listed in paragraph 1, *supra,* are granted and the date for filing comments and reply comments in the captioned proceeding are extended until March 3, 1975, and March 17, 1975, respectively.

Adopted: January 28, 1975.

Released: January 30, 1975.

[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-3228 Filed 2-4-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20272]

CABLE TELEVISION

Duplication and Over-Regulation; Extension of Time

In the matter of amendment of Part 76 of the Commission's rules and regulations Relative to an Inquiry on the Need for Additional Rules in the Area of Duplicative and Excessive Over-Regulation of Cable Television (39 FR 43850, December 19, 1974).

1. On January 16, 1975, the Citizens for Cable Awareness in Pennsylvania and the Philadelphia Community Cable Coalition filed a petition requesting that the captioned proceeding be held in abeyance until other outstanding rule makings have been decided or, in the alternative, for an extension of time to file comments for a period of 45 days from the initially announced due date of February 17, 1975.

2. In support of their request, petitioners argue that, since this Commission has several rule makings outstanding in the area of Federal/State-Local relationships, particularly relating to transfers (Docket 20023), franchisee selection (Docket 20019), and expiration, cancellation, and continuation of service (Docket 20022), and since the Commission has a reregulation study underway, decisions on duplicative regulation should not be made until the completion of these other matters. Petitioners also mention potential Congressional action as another reason to delay. In the alternative, petitioners mention the need to respond to other rule making petitions in this area as well as potential requests for reconsideration of recent actions taken by this Commission as grounds for an extension of the filing deadline.

3. We do not believe that it would be in the public interest to indefinitely delay this proceeding. While it is true that the potential effects of the outstanding rule makings mentioned interrelate with the Docket at issue here, the same could be stated in the reverse. The subjects are not dependent, rather they are ancillary. The Commission has clearly expressed a desire to deal specifically with the issues involved in this Docket (see Concurring Statement to Docket 20272 of Chairman Richard E. Wiley joined by Commissioners Reid and Robinson). Hence we are not persuaded that holding this Docket in abeyance would serve any overriding interest.

4. Petitioners request for an extension of time to file comments, however, does appear to have some merit. This Commission has recently completed three rule makings relating to Federal/State-Local relationships in response to the FSLAC report, (Docket 20024—Subscriber Complaints, Docket 20021—Duration, Docket 20020—Line Extension). As petitioner mentions, it is reasonable to assume that parties interested in responding to the present docket would also

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be the same ones put under time constraints by the issuance of these other actions thus restricting their ability to adequately respond to all. Further, the Commission acknowledged the extreme complexity of the issues involved in excessive and/or duplicative regulation. For these reasons, good cause can be shown for an extension of time for filing comments in this proceeding. Petitioner requests 45 days, however no basis for that time period is given. Since we are vitally interested in reaching the issues outlined in this proceeding, we believe a 30 day extension will be sufficient to meet the needs of petitioners and at the same time not unduly delay the proceeding.

Accordingly, pursuant to authority delegated by § 0.289(c)(4) of the Commission's rules, it is ordered, that, to the extent stated above, the motion for extension of time filed by the parties listed in paragraph 1, *supra*, is granted and the dates for all interested parties filing comments and reply comments in the captioned proceeding are extended until March 19, 1975, and April 8, 1975, respectively.

Adopted: January 29, 1975.

Released: January 30, 1975.

[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-3227 Filed 2-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 250, 257]

[Release No. 35-18782; File No. S7-548]

PUBLIC UTILITY HOLDING COMPANIES

Uniform System of Accounts

The Securities and Exchange Commission is considering a proposal to rescind its Uniform System of Accounts for Public Utility Holding Companies ("System of Accounts") under the Public Utility Holding Company Act of 1935 ("Act") and to provide a procedure for regulating holding company accounts more adaptable to developing accounting standards.

The System of Accounts was adopted August 8, 1936, and it is prescribed by Rule 26 (17 CFR 250.26) promulgated under the Act for all registered holding companies and every subsidiary company thereof which is not an operating company but which has a public utility or other subsidiary. Since the adoption of the System of Accounts the number of holding companies subject to the Act has been greatly reduced and the structure of the surviving systems simplified. In addition, there have been major and continuing improvements in generally accepted accounting principles which, in some respects, have developed in a manner different from those embodied in the System of Accounts.

The present System of Accounts, including the Appendix promulgated November 24, 1959, Public Utility Holding Company Act Release No. 14093 [17 CFR 257] should be rescinded, but there is no need for a new or revised System of Accounts to replace it. The requirements contained in the Commission's Regulation S-X, which has been promulgated under authority in the statutes administered by this Commission, including the 1935 Act, should be the primary source of accounting regulation for matters under this Commission's jurisdiction.

Regulation S-X is directed to the form and content of financial statements; it does not directly govern the underlying accounts and records. A revised Rule 26 under the authority of Section 15 of the Act is, therefore, needed to state the particular responsibilities of registered holding companies thereunder and to limit, in necessary respects, the scope of the alternatives generally available under Regulation S-X.

The rescission of the System of Accounts will authorize registered holding companies and subsidiary companies to adjust their accounting systems to generally prevailing standards of financial reporting as provided in Regulation S-X. The principal effect of rescinding the System of Accounts is that investments in subsidiaries will be accounted for by the equity method in accordance with Regulation S-X. Under revised Rule 26, however, undistributed earnings, etc., of subsidiaries will be restricted against the payment of dividends or other distributions by the holding company. Another significant effect is that extraordinary gains or losses realized by the holding company will be accounted for through the all-inclusive income statement rather than through its surplus account. The effect and application of these two matters are discussed in detail in Accounting Principles Board Opinions No. 18, "The Equity Method of Accounting for Investments in Common Stock," and No. 30, "Reporting the Results of Operations."

Rule 26, as revised, also prescribes the keeping and retention of records and permits disposition of bulky records of transitory significance. It does not affect the jurisdiction of any other regulatory agency.

The changes will become effective following the adoption of revised Rule 26 by the Commission as proposed or as it may be changed in response to comments. To avoid the inconvenience of an accounting change in mid-year, the rule shall be applied as of January 1, 1975, or January 1, 1976, as the company may elect. Pursuant to Rule 28, the Commission announces that financial statements in accordance with the principles herein proposed may be published with respect to the calendar year 1974.

The terms "company" and "subsidiary company," as used under the Act and in the proposed revised Rule 26, include any joint ventures, whether or not in corporate form, in which an interest of 10% or more with power to vote is owned directly or indirectly. The corporate joint ventures referred to in APB No. 18 are, for the most part, subsidiaries under the proposed rule. The use of equity accounting for other corporate joint ventures, if any, is not prohibited by the rule, but should be governed by the applicable accounting standards.

As of the effective date, accounts reflecting investment in subsidiaries shall be adjusted to reflect the proportionate share of accumulated undistributed earnings since date of acquisition and, correspondingly, a subaccount to retained earnings shall be established reflecting the accumulated amount of undistributed retained earnings.

COMMISSION ACTION

Pursuant to authority in section 15(a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission proposes to revise § 250.26 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 250.26 Financial statement and record keeping requirements for certain holding companies and subsidiaries.

(a) Every registered holding company and every subsidiary thereof shall conform to the requirements as to form and content of financial statements in Regulation S-X.

(b) Every registered holding company and every subsidiary thereof shall hereafter follow the equity method of accounting for investments in any subsidiary.

(1) Each investment shall be recorded at its carrying value heretofore established and the actual cost of investments hereafter made. The investments shall be periodically adjusted for the proportionate share of earnings or losses or capital changes of the subsidiary since its acquisition, crediting any dividends received from such subsidiary.

(2) Every company subject to this rule shall maintain a subaccount to its retained earnings account which shall be periodically debited or credited with its proportionate share of undistributed retained earnings of subsidiaries. The balance of such subaccount shall be stated separately on each balance sheet.

(3) No company subject to this rule shall declare or pay any dividends or reacquire any of its own securities from or on the basis of any balances recorded in the subaccount referred to in paragraph (2) above, except pursuant to a declaration under Section 12(c) of the Act which has become effective in accordance with the procedure specified in Rule 23 (§ 250.23).

(4) Every company subject to this rule shall make and keep current accounts, books and other records of all of its transactions in sufficient detail to permit examination, audit and verification of the financial statements, schedules and reports it is required to file with the Commission, or which it issues to stockholders. Such accounts, books and other records shall be maintained in appropriate form and in sufficient detail to provide all of the information with respect to the business of the company specified by such Commission filing requirements as are in effect when the transactions recorded occur.

(5) Every company subject to this rule shall include a copy of the chart of accounts it proposes to use under this rule in its Form U5S for the year in which use of such accounts is to begin; and shall file, at least 30 days prior to any modification of such chart of accounts, an appropriate amendment to its Form U5S describing the nature, purpose, and effect of the proposed modification. Unless the Commission, by order, directs otherwise, the chart of accounts and modifications thereof, if any, so filed shall thenceforth be used by the company.

(c) No company subject to this rule shall dispose, without authorization from the Commission, of any accounts, books and other records including any documents relating to the acquisition or disposition of any asset or the issuance or sale of any securities or the negotiations with respect thereto, except that a company may:

(1) After any of such records or documents have aged four years, substitute microfilm or other forms of reduced reproduction;

(2) With respect to records of ownership and transfer of the company's securities, dispose of such records after they have aged ten years—provided, that a permanent record shall be kept of the holders of record of one percent or more of each class of voting securities at any time outstanding and, to the extent that information is available, of the beneficial owners of one percent or more of each such class; and,

(3) Dispose of any records relating to items reflected in its income and expense accounts, or in its dividend accounts, upon the expiration of four years from the end of the year in which such items originated. Records with respect to tangible depreciable assets may be disposed of four years after retirement of such assets, but records with respect to the acquisition or disposition of intangible assets shall be preserved even though such intangibles are amortized through the income accounts.

(d) This rule shall not modify or revoke any order of the Commission heretofore entered as to the accounting by any company subject to this rule including any continuing provision as to amortization or other disposition of any item governed thereby.

(e) Nothing in this rule shall relieve any company subject thereto from compliance with the requirements as to record keeping and retention that may be prescribed by any other regulatory agency.

(f) Any references in other rules or forms under the Act to the System of Accounts shall be hereafter deemed to refer to this rule.

All interested persons are invited to submit their views and comments in writing on the proposed rescission of the System of Accounts and the proposed revised Rule 26 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, designating File No. S7-548, on or before March 4, 1975. All comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 23, 1975.

[FR Doc.75-3257 Filed 2-4-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1004, 1001, 1002, 1006, 1007, 1011, 1012, 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1093, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, and 1139]

[Docket Nos. AO-160-A50-RO1, et al.]

MILK IN THE MIDDLE ATLANTIC, AND CERTAIN OTHER MARKETING AREAS

Emergency Decision on Proposed Amendments to Marketing Agreements and to Orders

Correction

7 CFR Part	Marketing area	Docket No.
1004	Middle Atlantic	AO-160-A50-R01.
1001	Boston Regional	AO-14-A55-R01.
1002	New York-New Jersey	AO-71-A67-R01.
1006	Upper Florida	AO-356-A13.
1007	Georgia	AO-366-A13.
1011	Appalachian	AO-251-A18.
1012	Tampa Bay	AO-347-A17.
1013	Southeastern Florida	AO-286-A25.
1015	Connecticut	AO-306-A38-R01.
1030	Chicago Regional	AO-361-A13.
1032	Southern Illinois	AO-338-A23.
1033	Ohio Valley	AO-166-A47.
1036	Eastern Ohio-Western Pennsylvania.	AO-379-A41.
1040	Southern Michigan	AO-225-A30.
1044	Michigan Upper Peninsula	AO-299-A22.
1046	Louisville-Lexington-Evansville.	AO-123-A43.
1049	Indiana	AO-319-A25.
1050	Central Illinois	AO-355-A18.
1060	Minnesota-North Dakota	AO-360-A10-R01.
1061	Southeastern Minnesota-Northern Iowa (Dairyland).	AO-367-A9-R01.
1062	St. Louis-Ozarks	AO-10-A49.
1063	Quad Cities-Dubuque	AO-105-A41.
1064	Greater Kansas City	AO-23-A48.
1065	Nebraska-Western Iowa	AO-86-A34.
1068	Minneapolis-St. Paul Minn.	AO-178-A38-R01.
1069	Duluth-Superior	AO-153-A22-R01.
1070	Cedar Rapids-Iowa City	AO-229-A30.
1071	Neosho Valley	AO-227-A31.
1073	Wichita	AO-173-A32.
1075	Black Hills, S. Dak	AO-248-A17.
1076	Eastern South Dakota	AO-260-A21-R01.
1078	North Central Iowa	AO-272-A35.
1079	Des Moines, Iowa	AO-256-A30.
1090	Chattanooga, Tenn	AO-266-A20.
1064	New Orleans, La	AO-103-A37.
1096	Northern Louisiana	AO-257-A25.
1097	Memphis, Tenn	AO-219-A31.
1098	Nashville, Tenn	AO-184-A38.
1099	Paducah, Ky	AO-188-A31.
1101	Knoxville, Tenn	AO-196-A24.
1102	Fort Smith, Ark	AO-237-A25.
1104	Red River Valley	AO-268-A25.
1106	Oklahoma Metropolitan	AO-210-A38.
1108	Central Arkansas	AO-243-A29.
1120	Lubbock-Plainview, Tex	AO-328-A18.
1121	South Texas	AO-364-A8-R01.
1124	Oregon-Washington	AO-368-A8.
1125	Puget Sound, Wash	AO-226-A28.
1126	North Texas	AO-231-A41-R01.
1127	San Antonio, Tex	AO-232-A27-R01.
1128	Central West Texas	AO-236-A30-R01.
1129	Austin-Waco, Tex	AO-256-A23-R01.
1130	Corpus Christi, Tex	AO-259-A27-R01.
1131	Central Arizona	AO-271-A19.
1132	Texas Panhandle	AO-262-A27.
1133	Inland Empire	AO-275-A28.
1134	Western Colorado	AO-301-A16.
1136	Great Basin	AO-309-A22.
1137	Eastern Colorado	AO-326-A26.
1138	Rio Grande Valley	AO-335-A23.
1139	Lake Mead, Nev	AO-374-A4.

1. FR Doc. 75-2903 appearing at page 4634 in the issue for Friday, January 31, 1975, was published in error in the Rules and Regulations section of the FEDERAL REGISTER. It should have been published in the Proposed Rules section with headings reading as set forth above.

2. In this same FR Doc. 75-2903, on page 4635 in the third column, the second sentence of the fourth paragraph which reads: "The continued orderly marketing of milk in the respective areas requires that the attached order be made effective on January 31, 1975." should be corrected to read: "The continued orderly marketing of milk in the respective areas requires that the attached order be made effective upon publication in the FEDERAL REGISTER."

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-7]

REDESIGNATION AND ALTERATION OF TRANSITION AREAS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate and alter the Meridian, Miss. (Key Field) and (NAS Meridian), transition areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administraton, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Meridian (Key Field) and (NAS Meridian), transition areas, described in § 71.181 (40 F.R. 441), would be amended to read:

MERIDIAN, MISS.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (Lat. 32°19'58" N., Long. 88°45'05" W); within 3 miles each side of the ILS localizer south course, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 3 miles each side of the 191° bearing from Meridian RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 5 miles each side of Meridian VORTAC 315° radial, extending from the 11-mile radius area to 11.5 miles northwest

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of the VORTAC; within a 10-mile radius of NAS Meridian (Lat. 32°33'27" N., Long. 88°33'33" W); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF/RBN, extending from the 10-mile radius area to 11.5 miles north of the RBN; and the airspace east, bounded on the north by the arc of a 10-mile radius circle centered on NAS Meridian, on the east by the Kewanee VORTAC 005° and 179° radials, on the south by Meridian VORTAC 110° radial, and on the west by the arc of an 11-mile radius circle centered on Key Field.

The proposed redesignation is required for simplicity of charting and description. The proposed alteraton is required to provide controlled airspace protection for IFR aircraft executing a Ground Controlled Approach (GCA) to NAS Meridian.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 28, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-3192 Filed 2-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1102, 1104]

[Ex Parte No. 311]

OPERATIONS OF INTERSTATE CARRIERS

Energy Conservation Measures

The Interstate Commerce Commission is charged with the responsibility "to provide for fair and impartial regulation of all modes of transportation [subject to its jurisdiction] * * * to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation * * * to encourage the establishment and maintenance of reasonable charges for transportation services * * * all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense." The Commission is concerned that unless existing regulations governing the filing of tariff schedules are amended, the effects of Proclamation No. 3279, as amended on January 23, 1975, increasing the fee on imported crude oil and other energy conservation measures being considered by Congress will be adverse to the needs of commerce of the United States.

Fair and impartial regulation requires that increased cost of operation by the regulated carrier industry, not offset by other factors,[1] be reflected in the rate structure as quickly as possible in order to assure the continued existence of a viable surface carrier industry. Existing regulations requiring the submission of a detailed evidentiary case in support of general increases and preventing increases from becoming effective before the elapse of a 30-day period may not be adequate in the present circumstances to offset anticipated increases in fuel prices. Accordingly, it is proposed that on an interim basis an expedited procedure be established to permit the recovery of increases in fuel directly attributable to the increase in the fee on imported fuel. Views on this proposal are earnestly solicited.

The interim procedure proposed for consideration by interested persons would require the submission of information of the type set forth in Appendix A hereto by individual carriers or rate bureaus in justification of a proposed increase in rates of a stated percent or amount. Alternatively, if sufficient data is available from the Federal Energy Administration and other Federal agencies, the Commission proposes to develop (in lieu of the type of computation set forth in Appendix A) a formula for a uniform percentage increase which would be applied either (1) nationally or (2) regionally so as to take into consideration variations in prices of fuel experienced by different sections of the Nation such as New England. Interested persons are requested to submit their views with respect to the proposed evidentiary requirements in Appendix A and the alternative proposal discussed above in this paragraph. In addition, parties commenting are requested to discuss actions which could be taken to deter fuel consumption such as possible limitation of any fuel-related increase.

Oral hearing does not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence either in support of or in opposition to the action proposed in this notice may do so by the submission of written data, views or arguments. An original (and 15 copies whenever possible) of such data, views or arguments shall be filed with this Commission, Room 5342, on or before February 19, 1975. This relatively short comment period is necessitated by the need for action as soon as possible after February 1, 1975.

All written submissions will be available for public inspection during regular business hours at the Office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423.

Issued in Washington, D.C., this 31st day of January 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[Ex Parte No. 311]

EFFECT OF MODIFYING PROCLAMATION NO. 3279 AND OTHER ANTICIPATED ENERGY CONSERVATION MEASURES ON THE OPERATIONS OF CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of January 1975.

It is ordered, That based on the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553 and 559 (the Administrative Procedure Act), to the National Transportation Policy preceding title 49, Sections 1, 301, 901, and 1001 of the Interstate Commerce Act, and to the provisions of the Interstate Commerce Act including 49 U.S.C. 6, 15, 15a, 316, 317, 318, 906, 907, 1005, and 1006;

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order,

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[1] Other factors might include, but are not limited to, increased productivity or tax credits.

APPENDIX A

VERIFIED STATEMENT OF FUEL EXPENSES AND RELATED DATA IN SUPPORT OF REQUESTED FUEL RATE INCREASE

Submitted by (Rate bureau, other): _____
Address: _____
_____

Line No.	Item (a)	Ratemaking Carrier 1/ (b)	Owner-Operator (if applicable) 1/ (c)
1.	Requested fuel rate increase (percent)---------- Effective date: _____		xxx
	I. BASE PERIOD - 4th QUARTER 1974		
2.	Fuel expenses 2/----------	$	xxx
3.	Fuel taxes 3/ ----------	$	xxx
4.	Total (L. 2 + L.3) 4/ ----------	$	$
5.	Number of gallons consumed ----------		
6.	Cost per gallon of fuel consumed (Cents to 2 dec.) (L. 4 ÷ L. 5)----------	c	c
	II. CURRENT PERIOD:SPECIFY MONTH/YEAR		
7.	Average cost per gallon of fuel, including taxes, during month ----------	c	c
8.	Number of gallons consumed ----------		
9.	Increase in cost per gallon of fuel, including taxes, (L. 7 - L. 6) ----------	c	c
10.	Increase in fuel costs, including taxes (L. 8 x L. 9) ----------	$	$
11.	Ratemaking carriers' revenues		
	a. Total operating revenues ----------	$	xxx
	b. Ratemaking carriers' portion of revenues when transportation is performed by owner-operators ----------	$	xxx
	c. Balance of operating revenues L. 11 a- L.11 b ----------	$	xxx
12.	Owner-operators' revenues (Revenues accruing to owner-operators from transportation associated with L. 11b) ---------	xxx	$
13.	Percent of increased fuel costs, including taxes, to operating revenues		
	a. Ratemaking carrier (L. 10, col.(b) ÷ L.11c) ----------	%	xxx
	b. Owner-operators (L. 10, col.(c) ÷ L.12) ----------	xxx	%
	c. (L. 10, col. (c)) ÷ (L. 11b, col.(b) + L.12, col.(c)) ----------	%	xxx
	d. (L.10, cols.(b) + (c)) ÷ (Ls.11b,11c,col.(b) plus L. 12, col. (c))	%	xxx

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Line No	Item (a)	Ratemaking Carrier (b)	Owner-Operator (if applicable) (c)
	III. DATA FOR LAST PREVIOUSLY GRANTED FUEL RATE INCREASE UNDER THIS PROCEEDING		
14.	(a) Pct. granted ___ (b) Eff. date _____		
15.	Average cost per gallon of fuel, including taxes, for month relied on to support last previously granted fuel rate increase. (Cents to 2 dec.) ------ Month and year relied on: _____	¢	¢
16.	Increase per gallon of fuel, including taxes since last previously granted fuel rate increase. (L.7 - L. 15) ----------	¢	¢
17.	Increase in fuel costs, including taxes, since last previously granted fuel rate increase. (L. 8 x L. 16) ----------	$	$
18.	Percent of increased fuel costs, including taxes, since last previously granted fuel rate increase to operating revenues. (Cents to 2 dec.)		
	a. Ratemaking carrier (L. 17 ÷ L. 11c) ----------	%	xxx
	b. Owner-operators (L. 17 ÷ L. 12) ----------	xxx	%
	c. (L. 17, col. (c)) ÷ (L. 11b, col. (b) + L. 12, col. (c)) ----------	%	xxx
	d. (L. 17, cols. (b) + (c)) ÷ (Ls.11b,11c, col.(b) plus L. 12, col. (c)) ----------	%	xxx

IV. COMPARISON OF REQUESTED FUEL RATE INCREASE (LINE 1) WITH COMPUTED FUEL RATE INCREASE

A. Initially Requested Fuel Rate Increase Under This Proceeding

19. Computad fuel rate increase (Line 13d) ---------- _____ %

20. Requested fuel rate increase (Line 1) (Not to exceed line 19) ---------- _____ %

B. Subsequent to Previously Granted Fuel Rate Increase Under This Proceeding

21. Computed fuel rate increase (Line 18d) ---------- _____ %

22. Requested fuel rate increase (Line 1) (Not to exceed line 21)---------- _____ %

VERIFICATION

_____ (State) }
_____ (County) } ss:

_____, being duly sworn, deposes and says that he has read the foregoing statement, knows the contents thereof, and that the same are true as stated.

_____ (Signature)

Subscribed to and sworn before me, a Notary Public, this _____ day of _____, _____.
(Month) (Year)

_____ (Notary Public)

My Commission expires _____

EXPLANATORY

Purpose. The purpose of this verified statement is to develop factual data for the justification of proposed fuel rate increases filed by various rate bureaus on behalf of their members and other carriers subject to regulation under the Interstate Commerce Act. The statement is designed for use by all modes.

Although this statement may be used by individual carriers, these carriers are encouraged to become participating parties to proposed fuel rate increases filed by the rate bureaus in order to avoid possible delay in processing and adjudicating the proposed fuel rate increases.

The data to be provided in this statement represent the minimum data required to be filed. If additional data are filed, appropriate explanation should be provided.

This statement is developed for use not only for any initially proposed fuel rate increase but also for use in a proposed fuel rate increase subsequent to the initial request. Thus, even though the base period (4th quarter, 1974) is not used in computing data subsequent to the first proposed fuel rate increase under this proceeding, the base period data are required.

Study Carriers. For the purpose of this statement motor carrier rate bureaus filing under the provisions of MC–82, *New Procedures in Motor Carrier Revenue Proceedings* (340 I.C.C. 1) may use, as a study group, those study carriers used in their last general rate increase. All other motor carrier rate bureaus may base their statement data on those study carriers which they believe to be representative of the traffic at issue. However, supporting data and explanation for this selection of representative carriers should be provided. In the case of railroads, water carriers and freight forwarders, tariff bureaus filing on behalf of these carriers should include *all* those carriers participating in its tariffs, and any differences should be explained. A list of the study carriers should be furnished.

Filing Date. This statement shall be filed at least 10 days prior to the effective date of the proposed fuel rate increase shown on line 1.

Dollar Amounts and Percents. All dollar amounts shall be rounded off to the nearest one-thousand, and all percents shall be expressed to 2 decimals.

FOOTNOTES

[1] A ratemaking carrier means any ICC-certificated carrier, i.e., one having the authority to publish rates, fares, charges, etc., in accordance with its certificate or permit. An owner-operator is an independent contractor which performs a transportation service for, and on behalf of, an ICC-certificated carrier and in compliance with the terms and conditions of its contractual arrangements.

[2] For motor general commodity carriers, use quarterly data comparable to annual report account 4510; for other modes, use comparable account.

[3] For motor general commodity carriers, use quarterly data comparable to annual report accounts 4710 and 4760; for other modes, use comparable accounts.

[4] For owner-operators, only the total of fuel expenses and taxes need be reported in line 4, column (c). This total should be based on the owner-operators' or the ratemaking carriers' records. If estimates are used for owner-operators, an explanation of the procedures used shall be provided.

[FR Doc.75-3318 Filed 2-4-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/11]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session at the East-West Center, 1777 East-West Road, Honolulu, Hawaii on March 17 and 18, 1975. The meeting will be held in the Asia Room from 9 a.m. to 4:30 p.m. each day.

The Board will discuss:

1. Plans for implementing the incorporation of the East-West Center
2. The Center's future program directions and,
3. The status of women at the Center.

Dated: January 28, 1975.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.75-3220 Filed 2-4-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN CONSUMER ELECTRONIC PRODUCTS FROM JAPAN

Notice of Preliminary Determination

In the FEDERAL REGISTER of May 19, 1972 (37 FR 10087), there was published a "notice of countervailing duty proceedings" in which the Commissioner of Customs announced that information had ben received pursuant to the provisions of § 16.24(b) of the Customs Regulations (currently 19 CFR 159.47(b), Customs Regulations) which raised a question as to whether certain payments, bestowals, rebates, or refunds granted by the Government of Japan upon the manufacture, production, or exportation of certain consumer electronic products constituted the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) (referred to in this notice as "the Act"), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates or refunds applied. This notice was amended by a second notice which was published in the FEDERAL REGISTER of June 8, 1972 (37 FR 11487). The notices enumerated specific consumer electronic products under consideration which are set forth in Appendix A below. In accordance with the provisions of the second notice dated June 8, a time period of 60 days was provided from the date of the original notice for the receipt of relevant data, views, or arguments with respect to the existence or nonexistence, and the net amount, of any bounty or grant within the meaning of section 303 of the Act.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it has been determined that benefits have been received under three programs which constitute bounties or grants within the meaning of section 303 of the Act. These programs include preferential interest rate loans from the Japanese Development Bank, promotional assistance from the Japan External Trade Organization (JETRO), and tax deferrals under the Overseas Market Development Reserve.

In the first two programs, the benefits bestowed on exporters involve an amount considered to be *de minimis*. In the case of the Overseas Market Development Program, the aggregate data available indicates that the pro rated benefits to exporters of the consumer electronic products in question are also *de minimis*, and that, when considered in this light in the aggregate, all three programs combined are also considered *de minimis*. Since the Overseas Market Development Program is available only to firms which are capitalized at less than one billion yen, however, significant benefits could conceivably be concentrated in a few smaller firms exporting these products to the United States. In order to ensure that significant bounties or grants are not being paid or bestowed under this program, the Commissioner of Customs will require reports from Japanese firms eligible for tax deferrals under the Overseas Market Development Program and exporting the consumer electronic products in question to the United States to ascertain whether and to what extent they benefit from the program.

If it is determined that no Japanese firm benefits from the Overseas Market Development Program in an amount more than *de minimis* in relation to the quantity of exports involved a final negative determination will be issued. If it is determined that any Japanese firms do benefit from this program by an amount that is more than *de minimis* in relation to the quantity of exports involved an affirmative determination will be issued as to such firms, and, additionally, suspension of liquidation will be ordered as to entries of the subject merchandise manufactured or exported by any firm which is eligible for benefits under the program but has not submitted the required report. Such suspension of liquidation would remain in effect until the report was received and a determination made as to whether a bounty or grant were being paid or bestowed.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, in addition to the required reports described above, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office on or before March 7, 1975. This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930 (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: January 30, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APPENDIX A

Television receivers.
Parts of television receivers: Color television picture tubes, resistors, transformers (deflection components), and tuners for receivers with integrated circuits.
Radio receivers.
Radio—Phonograph combinations.
Radio—Television-Phonograph combinations.
Radio/tape recorder combinations.
Tape players.
Record players and phonographs complete with amplifiers and speakers.
Tape recorders.

[FR Doc.75-3160 Filed 2-4-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY CONTRACT ADJUSTMENT BOARD

Rules of Procedure

JANUARY 22, 1975.

In accordance with Memorandum, Assistant Secretary of the Army (Installations & Logistics), Subject: Re-establishment of the Army Contrcat Adjustment Board, dated January 22, 1975, the following rules of procedure for the conduct of the Board are adopted:

RULE I—COMMUNICATIONS

1. *Address of Board.* All correspondence with the Board shall be addressed "Army Contract Adjustment Board, Office, Assistant Secretary of the Army (Installations & Logistics), Washington, D.C. 20310."

2. *Direct Communication Authorized.* The Chairman of the Board, any member thereof, the Recorder, and any Assistant to the Board may communicate directly with any person within or outside the Army Establishment, with

respect to any matter pertaining to the business of the Board.

RULE II—ORGANIZATION AND OPERATION OF THE BOARD

1. *Organization.* The Board will be organized as a unit, and four or more members, one of whom shall be the Chairman or a member designated by him temporarily as Acting Chairman, and one of whom shall be an attorney, shall constitute a quorum. The Chairman shall designate a civilian or military member of the Department to serve as Recorder of the Board, without vote. The Recorder shall perform such administrative and other duties for the Board as may be assigned to him by the Chairman, including arranging for the presence at hearings of individuals having knowledge of the facts involved. There shall be such assistants to the Board, but not members thereof, as shall from time to time be found to be desirable. Among such assistants shall be:

a. *A Counsel to the Board.* The Counsel shall be designated by The General Counsel, Department of the Army, and shall prepare and present cases to the Board, assist at hearings, and render such legal services as may be requested by the Board. The positions of Counsel to the Board and Recorder may be held by the same individual.

b. *An Audit Consultant.* The Audit Consultant shall be designated by the Chairman and shall render such financial advice and audit assistance as may be requested by the Board.

2. *Operation.* There shall be no inflexible procedure for the consideration of matters referred to the Board for disposition. Normally, any such matter will be assigned by the Chairman to the Recorder or another member of the Board, or to the Counsel, for preliminary analysis. After such analysis, the designated individual will present the matter to the Board with a statement summarizing the facts and issues involved. In the discretion of the Chairman, or a member designated by him, a hearing may be held with respect to any matter before the Board. The concurrence of at least four members shall be required in any decision of the Board. Matters of administration affecting the Board may be disposed of by the Chairman without referral to the Board.

RULE III—RECORDS

1. *Register.* There will be maintained a register in which there will be entered, with respect to each request for contractual adjustment considered by the Board, information believed by the Chairman to be essential, such as the following (more completely defined in ASPR 17-401 and 17-402):

a. Number assigned to the case.
b. Name and address of contractor and small business status.
c. Date of contractor's request.
d. Date received by Government.
e. Date received by Board.
f. Name and address of contractor's representative, if any.
g. Cognizant contracting officer or office.
h. Procuring activity.
i. Property or service.
j. Extent of performance as of date of request.
k. Contract number and date.
l. Advertised or negotiated.
m. Firm FP, FP Redet, or cost.
n. Category of case.
o. Amount or description of request.
p. Action below Secretarial level and date.
q. Date of hearing by Board, if any.
r. Action taken by Board and date.
s. Implementation and date.

2. *Docketing.* Cases will be entered in the Board's Register in the order of receipt.

3. *Retained Records.* A record will be made of all meetings and hearings of the Board, which will show the date and place thereof, the names of the persons participating, and will contain a brief synopsis of the matters considered. A copy of the Board's Memorandum of Decision in each case, and such papers relative thereto as the Chairman may deem appropriate, will be retained in the files of the Board.

RULE IV—ORDER OF BUSINESS

Requests for contractual adjustment will ordinarily be considered in the order of docketing. The Chairman may in his discretion assign special priorities of consideration to particular cases.

RULE V—HEARINGS

1. *Notice.* If the Chairman or his designee determines that a hearing should be held, the applicant will be notified of the time and place thereof.

2. *Time and Place.* Hearings will be held at the office of the Board, The Pentagon, Washington, D.C., or at such other place as the Chairman may direct.

3. *Representation by Counsel.* An applicant for contractual adjustment may be represented by counsel. Counsel desiring to appear before the Board may be required to file a Notice of Appearance Before a Command or Agency of the Army Establishment (DA Form 1627), and otherwise to establish his eligibility to act in such capacity.

4. *Presentation of Evidence.* Both the Government and the applicant may present such matters at hearings as they believe pertinent and as the Chairman in his discretion considers to be relevant, not limited by formal rules of evidence.

5. *Absence of Applicant.* Absence of an applicant or his counsel after notice of hearing shall not be a basis for a postponement of the hearing, except that the Board, in its discretion, may grant a reasonable postponement.

6. *Conduct of Hearing.* Hearings will be conducted by the Chairman or, in his absence, by the Acting Chairman.

RULE VI—DECISIONS

1. *Memorandum of Decision.* After considering the merits of each case the Board will arrive at a final decision which shall be reduced to writing in a Memorandum of Decision signed by the Chairman or the Acting Chairman. If the action of the Board is favorable to the applicant in whole or in part, the Memorandum of Decision will contain a statement that the action taken will facilitate the national defense. The Memorandum of Decision of the Board shall contain the following information in all cases:

a. Name of the contractor.
b. Actual cost or estimated potential cost involved.
c. Description of the property or services involved.
d. Circumstances justifying the action of the Board.

2. *Finality of the Board's Action.* The Board's action in all matters properly before it constitutes final action of the Department of the Army with respect thereto, except that the Board may, on its own motion or on proper showing, reconsider such action.

3. *Notification.* The Memorandum of Decision will be transmitted to the Head of the Procuring Activity or other authority from whom the case was received, with instructions to take the action necessary to implement the decision and to notify the applicant accordingly.

Approved this 22nd day of January 1975.

For the Army Contract Adjustment Board.

LOUIS RACHMELER,
Chairman,
Major General, USA.

HAROLD L. BROWNMAN,
Assistant Secretary of the Army,
(Installations and Logistics).

[FR Doc.75-3271 Filed 2-4-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ACCURACY

Advisory Committee Meeting

The Defense Science Board Task Force on Accuracy will meet in closed session on 20 and 21 February at the Rand Corporation (1700 Main Street, Santa Monica, California).

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the accuracy of U.S. and Soviet strategic offensive systems to determine the confidence that can be placed in our present estimates of accuracy and it will recommend an R&D program which can lead to improved accuracy.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed

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insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JANUARY 31, 1975.

[FR Doc. 75-3195 Filed 2-4-75;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

NONIMMIGRANT STUDENT SUMMER EMPLOYMENT

Policy Statement

Reference is made to the notice published in the FEDERAL REGISTER of November 15, 1974 (39 FR 40311) of the intention of the Service to terminate its policy of annually making a determination whether to authorize school officials to permit nonimmigrant students as defined in section 101(a)(15)(F) of the Immigration and Nationality Act (66 Stat. 166; 8 U.S.C. 1101(a)(15)(F)) to engage in employment during the summer vacation period.

In accordance with the spirit of the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons were afforded until December 14, 1974 within which to submit representations. All relevant material received in response to the notice of November 15, 1974, has been accorded very careful consideration.

The matter has been reconsidered in this office in the light of the representations received; however, it has been concluded that no change should be made in the proposal. While the great majority of the representations were in opposition to the proposal, none responded directly to nor presented any overriding arguments against the basic premise set forth in the notice of November 15, 1974, namely, that the authority of the Attorney General under section 214(a) of the Immigration and Nationality Act (66 Stat. 189; 8 U.S.C. 1184(a)) to regulate the conditions of admission of nonimmigrants, should not properly be redelegated outside the Service. Accordingly, notice is hereby given of the discontinuance of the Service policy under which school officials in the past have been authorized to permit nonimmigrant students to engage in summer employment.

It is desired to again emphasize that current regulations, 8 CFR 214.2(f), which prescribe the conditions for admission and employment of nonimmigrant students, provide that a nonimmigrant student may apply to the Service for and may be granted permission to engage in part-time off-campus employment necessitated by unforeseen circumstances arising subsequent to entry into the United States, and may apply for and may be granted permission to engage in employment for practical training in a field related to the student's course of study. This present policy change does not in any manner whatsoever affect the existing rights of the nonimmigeant student to apply for or be granted permission to engage in employment in accordance with current regulations.

Dated: January 30, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-3193 Filed 2-4-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ATTU, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92d Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 21, 1974, his Final Decision determining the eligibility of the unlisted Native village of Attu, said decision appearing in 39 FR 2366 (1974).

The decision was appealed by the Aleut Corporation, a Regional Corporation formed pursuant to the Alaska Native Claims Settlement Act of December 18, 1971.

Upon agreement at a conference held September 3, 1974, the appellants failure to respond to the "Notice to Show Cause" within five (5) days after October 25, 1974, and no other appeals being submitted, the Ad Hoc Board thereby issued a "Final Order Dismissing" the appeals of the Native village of Attu.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, then notified the Director, Juneau Area Office, Bureau of Indian Affairs, that his Final Decision certifying the unlisted Native village of Attu as ineligible for benefits shall become final and be properly published in the FEDERAL REGISTER upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on December 17, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs to certify the unlisted Native village of Attu as ineligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the unlisted Native village of Attu to be ineligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Attu a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.75-3221 Filed 2-4-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

Applicant. Western Game Breeders Society, Mr. Gerald D. Perkins, Secretary-Treasurer, 1535 Adobe Drive, Pacifica, California 94044.

Notice of application published in FEDERAL REGISTER June 7, 1974 (39 FR 20219).

Official action. Issued permit August 28, 1974, authorizing importation at New York, N.Y., of one pair of White-eared Pheasants (*Crossoptilon-crossoptilon*), from the Jersey Wildlife Preservation Trust, England, and transport to Fallon, Nevada.

Applicant. ABC Scenic & Wildlife Attractions, Inc., Operating The Wildlife Preserve, 13710 Central Avenue, Largo, Maryland 20870.

Notice of application published in FEDERAL REGISTER July 12, 1974 (39 FR 25672).

Official action. Issued permit September 10, 1974, authorizing transport in interstate commerce from Florida to Maryland of three (3) Brazilian Tapirs (*Tapirus terrestris*), and—twenty (20) American Alligators (*Alligator mississipiensis*).

Applicant. Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653.

Notice of application published in FEDERAL REGISTER June 19, 1974 (39 FR 21173).

Official action. Issued permit September 12, 1974, authorizing the transfer of six (6) Tigers (*Panthera tigris*), one male/five female, from Lion Country Safari, Laguna Hills, California, to—Lion Country Safari, West Palm Beach, Florida.

Applicant. Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653.

Notice of application published in FEDERAL REGISTER September 16, 1974 (39 FR 33246).

Official action. Issued permit November 8, 1974, authorizing transfer/transport of six (6) American Alligators (*Alligator mississipiensis*) from Lion Country Safari, West Palm Beach, Florida, to—Lion Country Safari, Laguna Hills, California.

Applicant. Mr. Charles A. Ross, Research Associate in Herpetology, New York Zoological Society, c/o Division of Amphibians and Reptiles, National Museum of Natural History, Washington, D.C. 20560.

Notice of application published in FEDERAL REGISTER August 8, 1974 (39 FR 28544—45).

Official action. Issued permit September 13, 1974, authorizing scientific research of the American alligator (*Alligator mississipiensis*).

Applicant. Columbia Zoological Park, Riverbanks Park Commission, Columbia, South Carolina 29202.

Notice of application published in FEDERAL REGISTER July 17, 1974 (39 FR 26178—80).

Official action. Issued permit September 24, 1974, authorizing permittee to acquire one Baird's Tapir (*Tapirus bairdii*), presently on loan from the Charles P. Chase Company of Miami, Florida.

Applicant. Columbia Zoological Park, Riverbanks Park Commission, Columbia, South Carolina 29202.

Notice of application published in FEDERAL REGISTER July 5, 1974 (39 FR 24677).

Official action. Issued permit September 25, 1974, authorizing shipment of two (2) male African Cheetah (*Acinonyx jubatus*), interstate from Texas to South Carolina.

Applicant. California Alligator Farm, 7671 La Palma Avenue, Post Office Box 236, Buena Park, California 90620.

Notice of application published in FEDERAL REGISTER July 5, 1974 (39 FR 24676).

Official action. Issued permit September 25, 1974, authorizing importation of one female Tuatara (*Sphenodon punctatus*) from New Zealand.

Applicant. El Paso Zoological Park, Evergreen and Paisano, El Paso, Texas 79905.

Notice of application published in FEDERAL REGISTER July 30, 1974 (39 FR 27595).

Official action. Issued permit October 8, 1974, authorizing possession/transport of four (4) American Alligators (*Alligator mississipiensis*), from the Western Zoological Supply Company, Monrovia, California, to El Paso, Texas.

Applicant. Dr. Leslie W. Knapp, Oceanographic Sorting Center, Smithsonian Institution, Washington, D.C. 20560.

Notice of application published in FEDERAL REGISTER September 4, 1974 (39 FR 32041-42).

Official action. Issued permit October 16, 1974, authorizing a survey of the Maryland Darter population (*Etheostoma sellare*).

Applicant. Dr. Howard W. Campbell, Gainesville Substation, National Fish & Wildlife Laboratory, U.S. Fish and Wildlife Service, Gainesville, Florida 32601.

Notice of application published in FEDERAL REGISTER August 26, 1974 (39 FR 30848-49).

Official action. Issued permit October 22, 1974, authorizing salvage of up to thirty (30) dead Manatees (*Trichechus manatus latirostris*), for scientific purposes. (Upon completion of scientific tests and data collections, the remaining parts are to be preserved and deposited in the U.S. National Museum).

Applicant. Dr. Howard W. Campbell, National Fish & Wildlife, Laboratory, Gainesville, Florida 32601.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37222-23).

Official action. Issued permit December 10, 1974, authorizing scientific research on American alligators (*Alligator mississipiensis*), found dead.

Applicant. Todd L. Vogel, U.S. Fish & Wildlife Service, 601 E. 12th Street, Kansas City, Missouri 64106.

Notice of application published in FEDERAL REGISTER October 2, 1974 (39 FR 35582).

Official action. Issued permit November 11, 1974, authorizing capture for purposes of identification and release of not more than twenty-five (25) Indiana bats (*Myotis sodalis*).

Applicant. Okefenokee National Wildlife Refuge, Post Office Box 117, Waycross, Georgia 31501; John R. Eadie, Refuge Manager.

Notice of application published in FEDERAL REGISTER October 4, 1974 (39 FR 35824-25).

Official action. Issued permit November 21, 1974, authorizing scientific research of the American Alligator (*Alligator mississipiensis*), and to take, mark, release, and subsequently recapture tagged individuals, not to exceed 300 during the tenure of the permit, 75 per year.

Applicant. Dr. James C. Kroll, Assistant Professor of Wildlife Management, School of Forestry, Stephen F. Austin State University, Nacogdoches, Texas 75961.

Notice of application published in FEDERAL REGISTER September 10, 1974 (39 FR 32634-35).

Official action. Issued permit November 22, 1974, to take twenty (20) released captive-reared American Alligators (*Alligator mississipiensis*), in East Texas, in the course of conducting radiotelemetry studies and research.

Applicant. L. David Mech, Wildlife Research Biologist, Minnesota Field Station, Patuxent Wildlife Research Center, (North Central Forest Experiment Station), Folwell Avenue, St. Paul, Minnesota 55101.

Notice of application published in FEDERAL REGISTER October 11, 1974 (39 FR 36612).

Official action. Issued permit November 22, 1974, authorizing scientific research on live Eastern timber wolves (*Canis lupus lycaon*).

Applicant. Dr. F. Prescott Ward, Chief, Ecological Research Group, Biomedical Laboratory Department of the Army, Headquarters, Edgewood Arsenal, Aberdeen Proving Ground, Maryland 21010.

Notice of application published in FEDERAL REGISTER October 4, 1974 (39 FR 35823).

Official action. Issued permit November 25, 1974, authorizing capture, for the purpose of attaching aluminum and plastic leg bands, and release, of nestling and migrant Peregrine Falcons, (*Falco peregrinus tundrius*).

Applicant. Walter O. Stieglitz, Refuge Manager, Department of the Interior, U.S. Fish and Wildlife Service, San Francisco Bay National Wildlife Refuge, Fremont, California 94536.

Notice of application published in FEDERAL REGISTER October 11, 1974 (39 FR 36612-13-14).

Official action. Issued permit December 3, 1974, to take, by live trap, mark, and release to the wild, Salt marsh harvest mice (*Reithrodontomys raviventris*), for scientific purposes.

Applicant. W. O. Nelson, Jr., Regional Director, U.S. Fish & Wildlife Service, Albuquerque, New Mexico 87103.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37225).

Official action. Issued permit December 17, 1974, authorizing scientific research on the Texas Red Wolf (*Canis rufus gregoryi*).

Applicant. Dr. Carl Gans, Department of Zoology, The University of Michigan, Ann Arbor, Michigan 48104.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37224-25).

Official action. Issued permit December 17, 1974, authorizing importation of four (4) live Tuataras (*Sphenodon punctatus*), for scientific investigation.

Applicant. National Zoological Park, Theodore H. Reed, D.V.M., Director, Smithsonian Institution, Washington, D.C. 20009.

Notice of application published in FEDERAL REGISTER October 2, 1974 (39 FR 35581-82).

Official action. Issued permit December 17, 1974, to take: twenty-four (24) Utah prairie dogs (*Cynomys parvidens*), in Utah, and transport to the National Zoological Park Conservation Center, Front Royal, Virginia, or to the National Zoological Park, Washington, D.C., to establish a breeding program for the species.

Applicant. Dr. Thomas J. Cade, Section of Ecology & Systematics, Langmuir Laboratory, Cornell University, Ithaca, New York 14850.

Notice of application published in FEDERAL REGISTER August 8, 1974 (39 FR 28544).

Official action. Issued permit December 20, 1974, to transport/ship two (2) Peregrine falcons (*Falco peregrinus*)—each—to New Mexico and Illinois, for propagation purposes.

Applicant. Dr. Ralph M. Wetzel, Systematic & Evolutionary Biology, University of Connecticut, Storrs, Connecticut 06268.

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Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37223–24).

Official action. Issued permit December 20, 1974, to import from Paraguay, six (6) skulls of the Brazilian tapir (*Tapirus terrestris*), and—three (3) skulls of the Ocelot (*Felis pardalis*).

Applicant. Robert Allen Thomas, Texas A&M University, College Station, Texas 77843.

Notice of application published in FEDERAL REGISTER October 18, 1974 (39 FR 37224).

Official action. Issued permit December 20, 1974, to photograph, record calls, and estimate population status of the Houston Toad (*Bufo houstonensis*).

Applicant. Dr. Wayne C. Hanson, Los Alamos Scientific Laboratory, Los Alamos, New Mexico 87544.

Notice of application published in FEDERAL REGISTER November 1, 1974 (39 FR 38682–83).

Official action. Issued permit December 20, 1974, to take, possess, and transport eggshell fragments and nonviable eggs of American Peregrine Falcons (*Falco peregrinus anatum*), for scientific study.

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: January 30, 1975.

C. R. BAVIN,
Chief,
Division of Law Enforcement.

[FR Doc.75–3528 Filed 2–4–75;8:45 am]

Geological Survey

[Power Site Modification 455]

ILLINOIS RIVER BASIN, OREGON

Power Site Modification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 123, of January 7, 1926, is hereby modified to the extent necessary to permit the grant of a right-of-way under Revised Statute 2477 (43 U.S.C. 932) to Josephine County, Oregon, for the realignment of a county road as shown on a map on file with the Bureau of Land Management under Oregon 10951. The right-of-way will affect the following described lands.

WILLAMETTE MERIDIAN, OREGON
T. 40 S., R. 8 W.,
Sec. 5, lot 6.

This power site modification is subject to the condition that should the land traversed by the right-of-way be required for reservoir or power purposes, any improvements or structures thereon, when found by the Secretary of the Interior to interfere with reservoir or power development, shall be removed or relocated to eliminate interference with such development at no cost to the United States, its permittees or licensees.

W. A. RADLINSKI,
Acting Director.

JANUARY 16, 1975.

[FR Doc.75–3279 Filed 2–4–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SOUTH FORK PAYETTE RIVER PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the South Fork Payette River Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–75–12.

The environmental statement identifies and evaluates the probable effects of the land use plan for the South Fork Payette River Planning Unit on the Boise National Forest in south-central Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects. Minor adverse effects from some development activities will be temporary stream sedimentation and short periods of air pollution. Major resource activities will be monitored so that tolerable levels of sedimentation will not be exceeded in the South Fork Payette River.

The plan provides for a moderate level of consumption resource uses with significant areas remaining undeveloped with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on January 27, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 3230,
12th St. and Independence Ave., SW.,
Washington, D.C. 20250.

Regional Planning Office,
USDA, Forest Service,
Federal Building, Room 4403,
Ogden, Utah 84401.

Forest Supervisor,
Boise National Forest,
1075 Park Boulevard,
Boise, Idaho 83706.

District Forest Ranger,
Lowman Ranger District,
Idaho Building, Room 517,
Boise, Idaho 83702.

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by March 28, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: January 27, 1975.

JEFF M. SIRMON,
Acting Regional Forester.

[FR Doc.75–3226 Filed 2–4–75;8:45 am]

Office of the Secretary

GRAZING ADVISORY BOARDS

Intent To Establish

Notice is hereby given that the Department of Agriculture proposes to establish its Forest Service grazing advisory boards for a period of 2 years.

The purpose of these boards is to provide National Forest System grazing permittees within a designated grazing area a means for expressing their recommendations concerning the management and administration of National Forest System grazing lands.

Forest Service grazing advisory boards were originally established under the Granger-Thye Act (16 USC 580k) and terminated as statutory committees on January 5, 1975, pursuant to section 14 (a)(1)(B) of the Federal Advisory Committee Act (Pub. L. 92–463). Since it is more effective and efficient for the Forest Service to deal with elected grazing advisory boards rather than with up to 400 permittees from within the designated grazing area which the board represents, the Secretary of Agriculture has determined that establishment of the boards under his own authority is necessary and in the public interest in connection with duties imposed on the Department by law. The boards will have the same duties and responsibilities they previously had. The 54 boards to be established are listed hereafter.

Comments of interested persons concerning establishment of these boards may be submitted to the Forest Service, Range Management Staff, Rosslyn Plaza E Building, Room 610C, 1621 N. Kent Street, Arlington, Virginia 22209, on or before February 22, 1975.

All written submissions made pursuant to this notice will be available for public inspection in the Range Management Staff office during regular business hours (7 CFR 1.27(b)).

Dated: January 31, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

FOREST SERVICE GRAZING ADVISORY BOARD

Apache National Forest Grazing Advisory Board
Bighorn National Forest Grazing Advisory Board

Boise National Forest Livestock Advisory Board
Caribou National Forest Grazing Advisory Board
Carrizo Grazing Advisory Board
Challis National Forest Livestock Advisory Board
Cibola National Forest Grazing Advisory Board
Coconino National Forest Grazing Advisory Board
Coronado National Forest Grazing Advisory Board
Descanso District Grazing Advisory Board
Deschutes National Forest Cattlemen's and Wool Growers' Grazing Advisory Board
Fremont National Forest Grazing Advisory Board
Gila National Forest Grazing Advisory Board
Grand Mesa National Forest Grazing Advisory Board
Gunnison Valley Forest Grazing Advisory Board
Humboldt National Forest Advisory Board
Klamath National Forest Grazing Advisory Board
Lincoln National Forest Grazing Advisory Board
Lyndon B. Johnson National Grasslands Advisory Board
Malheur National Forest Grazing Advisory Board
Manti-LaSal National Forest—Manti Division Advisory Board
Medicine Bow National Forest Grazing Advisory Board
Miguel District Grazing Advisory Board
Modoc National Forest Grazing Advisory Board
Montezuma Section, San Juan Grazing Advisory Board
Nebraska National Forest Grazing Advisory Board
North End District Grazing Advisory Board
North Kaibab Grazing Advisory Board
Norwood District Grazing Advisory Board
Okanogan National Forest Grazing Advisory Board
Ouray District Grazing Advisory Board
Paonia Area Forest Grazing Advisory Board
Prescott National Forest Grazing Advisory Board
Rio Grande National Forest Grazing Advisory Board
Rogue River National Forest Grazing Advisory Board
Roosevelt National Forest Grazing Advisory Board
Routt National Forest Grazing Advisory Board
San Isabel NF Grazing Advisory Board
San Juan Section, San Juan Grazing Advisory Board
Santa Fe National Forest Grazing Livestock Advisory Board
Sawtooth National Forest Grazing Advisory Board
Shoshone National Forest Livestock Advisory Board
Sitgreaves National Forest Grazing Advisory Board
South Kaibab Grazing Advisory Board
Spearfish District Grazing Advisory Board
Stanislaus Forest-wide Livestock Advisory Board
Taos-Penasco-Questa Division Grazing Advisory Board
Timpas Unit Grazing Advisory Board
Tonto National Forest Grazing Advisory Board
Umatilla National Forest Grazing Advisory Board
Union County Grazing Advisory Board
Uinta National Forest Grazing Advisory Board
Wallowa-Whitman National Forest Grazing Advisory Board
Winema National Forest Grazing Advisory Board

[FR Doc.75–3312 Filed 2–4–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EVANSTON HOSPITAL, et al.

Applications for Duty-Free Entry of Scientific Articles: Correction

In the notice of applications for Duty-Free Entry of Scientific Articles appearing at page 4171 in the FEDERAL REGISTER of Tuesday, January 28, 1975 the following corrections should be made:

1. Docket Number: 75–00296–75–77000 should be corrected to read: Docket Number: 75–00296–75–77000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, P.O. Box 999, Richland, WA 99352. Article: Fast Neutron Spectrometer, Model LC–7 and Preamplified Ortec Model 120–3F and accessories. Manufacturer: Technion Research & Development Foundation, Ltd., Israel. Intended use of Article: The article is intended to be used to measure the energy spectra of neutrons emitted from certain fission products called delayed-neutron emitters. Application Received by Commissioner of Customs: December 31, 1974.

2. Docket Number: 75–00300–33–46500 should be corrected to read: Docket Number: 75–00300–33–46500. Applicant: University of California at San Diego, Department of Biology, P.O. Box 109, La Jolla, California 92037. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to carry out experiments on the behavior of plasma membranes and membranes of various organelles in regard to such phenomena as the immune response, pino and phagocytosis, secretion, ion pumping, and the movement of proteins within and across membranes. In addition, the modification of these phenomena under the influence of various chemicals will be studied. Application received by Commissioner of Customs: December 31, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–3264 Filed 2–4–75;8:45 am]

STEEL IMPORTS

Termination of Statistical Series

The Department of Commerce, in conjunction with the Departments of State and the Treasury, announces the scheduled termination of the special statistical information series on importation of steel mill products covered by (1) the May 4, 1972, declaration of the Japan Iron and Steel Exporters' Association of its intention to extend through December 31, 1974, its limitations on exports of steel mill products to the United States, and (2) the May 2, 1972, declaration of the Association of the Steel Producers of the European Coal and Steel Community and the Association of Steel Producers of the United Kingdom of their intention to limit through December 31, 1974, exports of steel mill products to the United States (37 FR 24775).[1]

The termination of the statistical series will be effective upon publication of the May 1975 issue, providing final data on steel shipments from exporting countries in calendar year 1974.

Dated: January 30, 1975.

ALAN POLANSKY,
Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75–3232 Filed 2–4–75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARD ON THE SUBSETS OF THE STANDARD CODE FOR INFORMATION INTERCHANGE (FIPS 15)

Withdrawal of Proposed Amendment

Under the provisions of Pub. L. 89–306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP standards. Pursuant to these authorities, a proposed amendment to the Federal Standard on the Subsets of the Standard Code for Information Interchange (FIPS 15) was recommended for Federal use, and published in the FEDERAL REGISTER of August 28, 1974 (39 FR 31353), with a request for comments from interested members of the public, manufacturers, and state and local governments. As a result of the comments received, it has been determined that the particular solution provided in the proposed amendment to FIPS 15 to allow for overpunching digits in punched card applications would create considerable technical and economic problems in equipment and applications conforming to FIPS 15. Accordingly, the problem of accommodating overpunched digits in punched card applications needs to be the subject of further consideration, and the purpose of this notice is to announce the withdrawal from further consideration of the amendment proposed in the notice of August 28, 1974. If other solutions are proposed, another notice to that effect will be issued.

Dated: January 31, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75–3307 Filed 2–4–75;8:45 am]

National Oceanic and Atmospheric Administration

ENVIRONMENTAL RESOURCES TECHNOLOGY SATELLITE (ERTS) PHOTO PRODUCERS

Notice of Price List

Notice is hereby given that ERTS photo products may be purchased by interested parties from the Satellite Data Services

[1] Notice of availability of new information series (37 FR 24775) filed as part of the original document.

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XUM

Branch (D543), World Weather Building (Room 606), Washington, D.C. 20233 at prices listed below:

	Product	Unit price
1.	70mm B/W Print	$3.00
2.	9.5" x 9.5" B/W Print	4.00
3.	20" x 20" B/W Print	6.00
4.	70mm B/W Positive Transparency	3.00
5.	70mm B/W Negative Transparency	4.00
6.	9.5" x 9.5" B/W Positive Transparency	5.00
7.	9.5" x 9.5" B/W Negative Transparency	6.00
8.	35mm B/W Slide	[1] 3.00
9.	16mm 100 Ft. Roll Film	15.00
10.	Maximum B/W Enlarged Print	15.00
11.	9.5" x 9.5" Color Print	7.00
12.	9.5" x 9.5" Color Positive Transparency	12.00
13.	9.5" x 9.5" Color Negative Transparency	13.00
14.	35mm Color Slide	[1] 3.00
15.	20" x 20" Color Print	20.00
16.	Maximum Color Enlargement	40.00
17.	70mm Color Lantern Slide	5.00
18.	8" x 8" Color Composite Negative	50.00

[1] $1 each additional copy.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-3269 Filed 2-4-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 740; Docket No. FDC-D-660; NDA 4-039, etc.]

CERTAIN ESTROGENS FOR ORAL USE

Notice of Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of September 26, 1973 (38 FR 26825) extending to the firms named below and any interested person an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act to withdraw approval of pertinent parts of the listed new drug applications. The basis of the proposed action was that the drugs in the described strengths are not shonw to be safe for use for their labeled indications.

NDA's 4-039 and 4-041: Those parts of the NDA's providing for Diethylstilbestrol Tablets and Enseals containing 25 mg. diethylstilbestrol; Eli Lilly and Co., Post Office Box 618, Indianapolis, IN 46206.

NDA 6-603: Those parts of the NDA providing for a tablet containing 25 mg. diethylstilbestrol; Rexall Drug Company, 3901 North Kingshighway, St. Louis, MO 63115.

NDA 4-056: Those parts of the NDA providing for tablets containing 25 and 100 mg. diethylstilbestrol; E. R. Squibb and Sons, Lawrenceville-Princeton Road, Post Office Box 4000, Princeton, N.J. 08540.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

Neither the holders of the applications nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Director of the Bureau of Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under the authority delegated to him (21 CFR 2.121) finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him at the time of approval of the applications, the drug products are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of NDA's 4-039, 4-041, 4-056, and 6-603 providing for the products described above, and all amendments and supplements applying thereto, is withdrawn effective on February 18, 1975.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: September 16, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-3200 Filed 2-4-75;8:45 am]

SANITARY QUALITY OF DRY MILK PRODUCTS

Memorandum of Understanding Between the United States of America and France

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding between the Food and Drug Administration and the Directorate for Veterinary Services of the Ministry of Agriculture of France was executed by signatures of the Commissioner of Food and Drugs and the Director of Veterinary Services on September 9, 1974 and October 15, 1974, respectively. The memorandum was developed and agreed to for the purpose of controlling the sanitary quality of dry milk products exported to the United States of America. The Memorandum of Understanding reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION, PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, UNITED STATES OF AMERICA AND THE DIRECTORATE FOR VETERINARY SERVICES OF THE MINISTRY OF AGRICULTURE OF FRANCE EXPORTING DRY MILK PRODUCTS TO THE UNITED STATES OF AMERICA

This Memorandum of Understanding has been developed and agreed to by the Food and Drug Administration of the U.S. and the Directorate for Veterinary Services of Ministry of Agriculture of France to control the sanitary quality of dry milk products exported to the United States of America.

For the purposes of this Memorandum, both parties agree to the definitions following:

Lot. A lot is a quantity of dry milk product produced during a discrete period of time, by one manufacturer, in one continuous process using a single processing line, packaged in identical containers identified by a code or mark traceable to the manufacturer and the other parameters listed above.

Salmonella-negative. The absence of *Salmonella* will be determined by methodology contained in:

a. "Bacteriological Analytical Manual for Foods," Third ed., June 1972, Chap. VIII.[1]

b. "AOAC 11," sec. 41.026(b), et seq.[2]

c. With exceptions as provided in FDA Compliance Program Guidance Manual, October 13, 1972, sec. 3. "The sampled lot is acceptable only if analysis of all the composite units are negative for *Salmonella*."

Phosphatase activity-negative. The absence of phosphatase activity will be determined by "AOAC 11," sec. 16.081, et seq.

DIRECTORATE FOR VETERINARY SERVICES OF MINISTRY OF AGRICULTURE OF FRANCE

1. We agree to inspect each lot of dry milk product produced in this country and offered for export to the United States of America to assure that it is negative for *Salmonella* based upon examination of 60/100-gram sample units and analyzed by methods prescribed above under "*Salmonella*-negative," and that it contains no phosphatase activity by methods prescribed above under "Phosphatase activity-negative."

2. We agree to issue an export certificate for only those lots which meet the criteria of 1., above. A specimen of certificate is attached to this Memorandum of Understanding. This certificate will be signed and stamped by an official veterinarian.

3. We agree to require all containers of all lots exported to the United States of America to be identified by lot number, and marked "FOR HUMAN USE ONLY! NOT TO BE USED FOR ANIMAL FEED" together with all other information required by the Food, Drug, and Cosmetic Act.

4. We agree to include in the certificate for each lot exported to the United States of America the following information:

a. Lot identification.

b. Number and size of containers in the lot.

c. Analytical results for *Salmonellae* and phosphatase activity.

d. Date.

e. Name and stamp or seal of authorizing official.

[1] "Bacteriological Analytical Manual for Foods," Pub. No. 1712-00-162, U.S. Government Printing Office, Washington, DC 20402.

[2] "Official Methods of Analysis," 1970, Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20044.

5. We agree to furnish to the Food and Drug Administration a copy of the regulations, and procedures we use to assure that dry milk products are sanitary.

6. We agree to furnish to the Food and Drug Administration a full description of the manufacturing processes and quality controls used to assure the production of sanitary dry milk products.

FOOD AND DRUG ADMINISTRATION

1. The Food and Drug Administration is responsible for the safety and quality of dry milk products imported into this country for human consumption.

2. We will sample products certificated under this program to assure that the exporting country and the exported products comply with specifications set forth in this Memorandum of Understanding and all other requirements of the Food, Drug, and Cosmetic Act.

3. We will share information about our audit sampling with the exporting country.

4. We will share expertise and will provide consultative assistance to the exporting country when necessary to assure the safety of the dry milk products exported to us.

The Directorate for Veterinary Services of Ministry of Agriculture of France and the Food and Drug Administration agree that this Memorandum of Understanding shall become effective on the date it is signed and will apply only to shipments manufactured after one month following the date of signature. It shall remain in effect, and govern all dry milk products exported to the United States of America pending revision or revocation at the request of either agency.

In witness whereof, the agencies have executed this Memorandum of Understanding.

For the Directorate for Veterinary Services of Ministry of Agriculture of France:

E. MATHIEU,
Director of Veterinary Services, Ministry of Agriculture, France.

Date: October 15, 1974.

For the Food and Drug Administration:

A. M. SCHMIDT,
Commissioner of Food and Drugs, United States of America.

Date: September 9, 1974.

A copy of the Memorandum of Understanding, with a copy of the specimen of the Export Certificate mentioned in the memorandum as being attached, may be viewed in the office of Public Records and Documents Center, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday. The certificate is printed in the French language with English translation.

Effective date. This Memorandum of Understanding became effective on October 15, 1974; however, it will apply only to shipments manufactured after one month following that date.

Dated: January 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3198 Filed 2-4-75;8:45 am]

TOXLINE NETWORK

Memorandum of Understanding Between the Food and Drug Administration and the National Library of Medicine

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding was approved and accepted by the Food and Drug Administration and the National Library of Medicine on June 13, 1974 and December 6, 1974, respectively, to assure a common understanding of the responsibilities of each party in the TOXLINE Network. This memorandum reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL LIBRARY OF MEDICINE AND THE FOOD AND DRUG ADMINISTRATION

This agreement between the National Library of Medicine (NLM) and the Food and Drug Administration (FDA) is intended to assure a common understanding of the responsibilities of each party in the TOXLINE Network.

1. NLM agrees to provide:

a. Access to the TOXLINE data base and to other files necessary for its proper exploitation, at times determined by NLM.

b. Training for personnel provided by FDA.

c. Additional technical data and documentation covering modifications made to the system as appropriate.

d. On-call and on-line assistance during normal business hours (8:30 a.m.—5 p.m. ET) to resolve operating problems and difficulties.

2. FDA agrees to provide:

a. Personnel and documentation tools necessary to carry out the services covered by this agreement.

b. Salaries and other expenses for all FDA personnel during training.

c. Suitable terminals and communication facilities to access the NLM computer or communications network.

d. The necessary protection of the system as agreed to between NLM and FDA.

e. Periodic progress reports, statistical reports, evaluative studies, and copies of commercial products and publications derived from the use of the system to NLM.

3. FDA will contract on a separate basis with Tymshare, Inc., to pay for network charges.

4. FDA will be given a minimum notice of ninety (90) days prior to any rate changes becoming effective.

5. Requests for multiple access codes by FDA (it is estimated that FDA will require three) will be subject to review and approval by NLM and subject to the imposition of an additional charge as determined by NLM. Said additional charge shall be by mutual agreement.

6. TOXLINE service provided under this agreement will be for the exclusive use of FDA.

7. The data bases incorporated into TOXLINE include copyrighted materials, ownership of which is retained by the supplier of that section of the data base involved. FDA will not release, without the express consent of the copyright owner, any material that is received by FDA and has been identified as copyrighted material.

8. Both parties will designate project officers responsible for the administration of the agreement.

9. This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Food and Drug Administration by: SAM D. FINE, *Associate Commissioner for Compliance.*

Dated: June 13, 1974.

Approved and accepted for the National Library of Medicine by: HENRY M. KISSMAN, *Associate Director, Specialized Information Services.*

Dated: December 6, 1974.

Effective date. This Memorandum of Understanding became effective on December 6, 1974.

Dated: January 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3197 Filed 2-4-75;8:45 am]

National Library of Medicine

TOXLINE NETWORK

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the National Library of Medicine and the Food and Drug Administration regarding certain related objectives in carrying out their respective responsibilities in the Toxline Network, see FR Doc. 75-3197, *supra*.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-305]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

Delegation of Authority

In August of 1974 the President signed into law the Housing and Community Development Act of 1974 (Pub. L. 93-383), title I of which establishes the Community Development Block Grant Program. Accordingly, with certain exceptions the authority to implement this new program is being delegated to the Assistant Secretary and Deputy Assistant Secretary for Community Planning and Development.

SECTION A. *Authority Delegated.* The Assistant Secretary and the Deputy Assistant Secretary for Community Planning and Development each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to title I of the Housing and Community Development Act of 1974. They are authorized further

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to exercise the power and authority of the Secretary of Housing and Urban Development pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601).

SEC. B. *Authority Excepted.* There is excepted from the authority delegated under section A:

1. The power to issue obligations for purchase by the Secretary of the Treasury under section 108(d) of the Housing and Community Development Act of 1974. (42 USC 5308)

2. The power to sue and be sued.

3. The power and authority of the Secretary with respect to discretionary grants from the Secretary's fund under section 107(a)(1) of title I of the Housing and Community Development Act of 1974 in behalf of new communities, under section 107(a)(4) for the purpose of demonstrating innovative community development projects, and under section 107(a)(5) for the purpose of meeting emergency community development needs caused by federally recognized disasters, except that initial proposed and final regulations with respect to such grants shall be issued by the Assistant Secretary for Community Planning and Development. (42 USC 5307)

4. The power and authority of the Secretary with respect to nondiscrimination under section 109 of the Housing and Community Development Act of 1974 (42 USC 5309), with respect to the powers to make audits and reviews under section 104(d) (42 USC 5304), and with respect to remedies for noncompliance under section 111 (42 USC 5311), except that initial proposed and final regulations with respect to such sections shall be issued by the Assistant Secretary for Community Planning and Development, subject, however to revision at such time as the power and authority under these sections may be delegated by the Secretary.

SEC. C. *Authority to Redelegate.* The Assistant Secretary and the Deputy Assistant Secretary for Community Planning and Development each is authorized to redelegate to the employees of the Department any of the authority delegated under section A, and not excepted under section B.

(Sec. 7(d), Department of HUD Act, 42 USC 3535(d)).

Effective Date. This delegation of authority is effective as of August 22, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.75-3260. Filed 2-4-75;8:45 am]

[Docket No. D-75-306]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority

A delegation of authority from the Secretary to the Assistant Secretary for Community Planning and Development with respect to the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 USC 5301) has been published in the FEDERAL REGISTER. Pursuant to that delegation, the Assistant Secretary for Community Planning and Development is redelegating certain authority to implement this program to the Regional Administrators and their subordinate officials.

SECTION A. *Authority redelegated.* 1. Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, and the Director of the Anchorage, Alaska Insuring Office is authorized to exercise the power and authority of the Assistant Secretary for Community Planning and Development with respect to Title I of the Housing and Community Development Act of 1974 except as provided in section B of this redelegation and subject to the limitations set forth in subsections 2 and 3 of this section A.

2. With respect to Regional Administrators and Deputy Regional Administrators for Regions I through VII, IX and X, the powers and duties set forth in subsection 1 of this section A are:

a. Limited to general supervisory direction of subordinate field offices with respect to the program responsibility described in subsection 1 of this section A, but

b. Retained in full, by such Administrators, including final program authority, in the jurisdiction of those subordinate field offices from which the Regional Administrator or Deputy Regional Administrator determines that such authority should be withheld or withdrawn, provided the Regional Administrator or Deputy Regional Administrator shall first publish in the FEDERAL REGISTER such determination specifying the field office or offices affected and indicating approval of that determination by the Assistant Secretary for Community Planning and Development.

3. Area Office Directors, Deputy Area Office Directors and the Director of the Anchorage, Alaska Insuring Office in Regions I through VII, IX and X shall exercise full and exclusive final authority for the block grant program as described in section A.1 unless the Regional Administrator or Deputy Regional Administrator having general supervisory direction over a specific office determines as provided in section A.2 that the community block grant program should be administered by the Regional Office and has published such determination in the FEDERAL REGISTER.

4. Each Regional Administrator and Deputy Regional Administrator is authorized to reallocate pursuant to section 106(e) (42 USC 5306) amounts allocated to metropolitan cities or urban counties within the states in which those metropolitan cities or urban counties are located.

SEC. B. *Authority Excepted.* There is excepted from the authority redelegated under section A the power to:

1. Disapprove applications filed pursuant to section 104 (42 USC 5304).

2. Terminate, reduce or limit the availability of grant payments pursuant to section 111(a) (42 USC 5311).

3. Approve applications under section 107, except section 107(a)(3) (42 USC 5307).

4. Reallocate funds pursuant to section 106 (e) or (f)(2), except that Regional Administrators and Deputy Regional Administrators shall have certain reallocation powers under section 106(e), as indicated in section A(4) of this redelegation of authority (42 USC 5306).

5. Determine basic grant amounts for metropolitan cities and urban counties pursuant to section 106(b) and determine hold-harmless amounts for those localities entitled thereto pursuant to section 106(g) (42 USC 5306).

6. Determine the qualifications of localities for status which would entitle them to special consideration. This includes but is not limited to the determination of qualifications of counties as urban counties pursuant to section 102(a)(6) (42 USC 5302), the determination of what constitutes a city pursuant to section 102(a)(5) (42 USC 5302), the determination of what constitutes a new community for purposes of section 107(a)(1), and the determinations of what entities qualify for joint application pursuant to section 107(a)(2) (42 USC 5307).

7. Determine that an applicant lacks the legal capacity to assume or carry out environmental review responsibilities under 24 CFR 570.603 pursuant to section 104(h) (42 USC 5304).

8. Redelegate any authority delegated under section A, except in Region VIII, where the Regional Administrator shall have the power to redelegate any authorities to the Assistant Regional Administrator for Community Development.

SEC. C. *Effect of Redelegation.* Redelegation of authority made under section A shall not be construed to modify or otherwise affect the administrative and supervisory powers of the Regional Administrator and Deputy Regional Administrator to whom an Area Director or other delegate is responsible or to affect any other program in any way.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective Date. This redelegation of authority is effective as of January 1, 1975.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-3261 Filed 2-4-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-112; Notice No. 73-9]

TRANSPORTATION OF HAZARDOUS MATERIALS ABOARD AIRCRAFT

Notice of Hearing

Notice is hereby given that the Hazardous Materials Regulations Board ("the Board") will hold a public hearing beginning at 9:30 a.m. on February 20,

1975 in Room 310, Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue, SW., Washington, D.C. to receive comments from interested persons on present regulations pertaining to the operating requirements applicable to carriers by aircraft when they transport hazardous materials and the need for any amendments to those regulations which would improve the protections afforded the traveling public and aircraft crews.

The present operating requirements pertaining to the transportation of hazardous materials aboard aircraft are in Part 103 of Title 14, Code of Federal Regulations. Training requirements pertaining to hazardous materials are in Parts 121 and 135 of the same title. On January 24, 1974, the Board published a notice of proposed rule making (39 FR 3022) under Docket HM-112 proposing among other things a new Part 175 under Title 49, Code of Federal Regulations to replace Part 103 of Title 14. Included in that notice were several proposals pertaining to operating requirements including changes in documentation procedures.

On January 29, 1975, a notice was published in the FEDERAL REGISTER (40 FR 4329) announcing a public hearing to be held on February 10, 1975 at the location stated above. That hearing will focus on the materials presently authorized to be transported aboard aircraft. The hearing announced in this notice will focus on the operating requirements that possibly should be imposed in addition, or as an alternative, to those presently specified or proposed in Docket HM-112; Notice 73-9.

Commenters are also advised that this proceeding does not include those matters pertaining to radioactive materials covered by FAA Dockets Nos. 13868 and 14249.

The notice published on January 29 also discussed a Departmental task force which will prepare a report following consideration of the comments presented at the hearing scheduled for February 10 and the hearing announced herein or submitted in writing in connection with either hearing. The report will be made part of this docket and may serve as the basis for further rule making.

In preparation of comments, commenters should consider (1) the training requirements presently specified in 14 CFR, Parts 121 and 135 and the need for modification thereof; (2) the documentation requirements and informational needs of crew members prescribed in 14 CFR 103.25 and proposed under Docket HM-112 (39 FR 3022) for new § 175.35, or the need for modifications thereof; (3) the purpose and benefit of the requirement that all hazardous materials (of the type and quantity authorized aboard cargo only aircraft) be accessible to crew members during flight; (4) the type and quantity of emergency gear and apparatus, such as fire extinguishers, that should be kept aboard aircraft used to transport hazardous materials; (5) the possibility of requiring registration of shippers, carriers and package manufacturers relative to the transportation of hazardous materials via aircraft; (6) the use of the gross weight of a package or the net weight of its contents to determine quantity and stowage limitations aboard aircraft and (7) any other operational factor that should be considered relative to the safety of the passengers, crew, or operation of an aircraft.

The Director of the Office of Hazardous Materials acting as the designated representative of the Board Member for the Federal Aviation Administration in accordance with 49 CFR 170.31(b) will preside at the hearing. Any person who wishes to make an oral statement at the hearing should notify the Director in writing or preferably by telephone or telegram providing his name, address, telephone number, and the approximate time needed for his presentation. The notification should be provided on or before February 18, 1975 and addressed to Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. ((202) 426-0656)

Interested persons not desiring to make oral presentations are invited to give their views in writing. Communications should identify the Docket number and be submitted in duplicate to the Director at the above address by February 28, 1975.

A transcript of the hearing will be made and anyone may purchase a copy of the transcript from the reporter. A copy of the transcript and copies of all comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215 Trans Point Building, Second and V Streets, S.W., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831-835) section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on January 31, 1975.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.75-3333 Filed 2-4-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-1; Notice 1]

AUTOMOBILI LAMBORGHINI

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Automobile Ferruccio Lamborghini, S.p.A. of Italy has applied for temporary exemption of its Espada model from Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, and from Motor Vehicle Safety Standard No. 212, *Windshield Mounting*. The basis of the petition is that compliance would cause it substantial economic hardship.

Lamborghini manufactured 412 vehicles in the 12-month period before it filed its petition. It requested an exemption until April 30, 1975 from Standard No. 212 and the minimum headlamp mounting height requirement of Standard No. 108. Standard No. 108 requires that headlamps be mounted not less than 24 inches above the ground. Recent front suspension modifications intended to improve roadholding have lowered the vehicle 55 millimeters and created a compliance problem. Lamborghini intends to bring its vehicles into compliance by installation of a device that raises the heights of the headlamps when they are switched on. An immediate changeover, however, would create a loss of $225,977 in parts inventory and downtime. Standard No. 212 requires that a windshield retain not less than 75 per cent of its periphery in a 30 mph frontal barrier crash. The Espada windshield retains only 50 per cent to 55 per cent of its periphery. Denial of the exemption petition for Standard No. 212 would create a loss similar to that resulting from a denial of Standard No. 108. Company financial data for the last three years indicate a net profit after taxes of $125,500 (1971), $128,900 (1972) and $226,000 (1973). It believes an exemption would be in the public interest because of the effect that a denial would have upon individuals selling and servicing Lamborghinis in the United States.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Automobili Lamborutghini. Comments should refer to the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: March 6, 1975.

Proposed effective date: Date of issuance of the exemption.

(Sec. 3, Pub. Law 92-543, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 30, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-3305 Filed 2-4-75;8:45 am]

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ACTION

DOMESTIC AND ANTI-POVERTY OPERATIONS, VISTA PROGRAM

Volunteer Supervision and Transportation Support Guidelines

This notice makes several minor changes in the VISTA Volunteer Supervision and Transportation Support Guidelines published in the FEDERAL REGISTER on March 8, 1974 (39 FR 9221). The VISTA program is authorized pursuant to Section 102 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 396, 42 USC 952. Pursuant to section 105(b) of Pub. L. 93-113, the Director of ACTION shall provide volunteers such transportation and supervision support as may be necessary and shall insure that each volunteer has available such support as will enable the volunteer to carry out his assignment.

The minor substantive changes that have been made to these guidelines are:

(1) Section 6a.(4) allows for funding of less than a full-time supervisor under any one of the following conditions:

1. Volunteers serving in a project are geographically scattered; it is administratively more practical to have them supervised by persons in the area who are employed by the sponsor in other capacities.

2. Supervision required is technical rather than administrative in nature. The term "technical" refers to assistance provided to volunteers in areas related to their job assignment, e.g., legal, architectural, etc.

3. Volunteers are placed under supervisory personnel already on the sponsor's staff. Such a person must spend at least 50 percent of his time supervising the volunteers and up to 50 percent of his salary may be paid for by ACTION.

(2) Section 7(g) now provides that a sponsoring organization in categories (a), (b), and (c) will be eligible for up to 50 percent ACTION funding of its transportation and/or supervision needs during the first year that volunteers are assigned. Such organizations have been previously ineligible for such support beyond six months without the express approval of the Deputy Director for VISTA and Anti-Poverty Operations. The new regulations allow Regional Directors to provide up to 50 percent of the total cost of supervision and transportation. The following categories are affected:

a. State and local government agencies;

b. Very large, well-established organizations, i.e., budgets over $1,000,000;

c. Fully-funded Federal programs.

This change will give sponsoring organizations time to reprogram monies and/or establish new budgetary patterns so that they will be able to assume these costs themselves.

(3) Section 9, entitled, "Elimination or Reduction of VISTA Transportation and Supervisory Support Services," provides that ACTION will continue to maintain the transportation or supervisory support during the term of the agreement between ACTION and the sponsor. It further provides that no reduction will take place during the period such agreements are being renegotiated.

By reason of the fact that the material contained herein is a general statement of agency policy, relevant provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay of effective date are inapplicable. Pursuant to section 420 of Pub. L. 93-113 ACTION guidelines are effective 30 days after publication in the FEDERAL REGISTER.

In accordance with the spirit of the public policy set forth in (5 U.S.C. 553), interested persons may submit written comments, or suggestions to the Director of ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, Attention: General Counsel. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, this statement as set forth herein shall remain in effect.

1. *Purpose.* Section 105(b) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, requires the Director of ACTION to ensure that each Volunteer has available such allowances and support as will enable the Volunteer to carry out the purpose and provisions of the Act and to perform effectively the work to which he has been assigned. In accordance with section 105(b) and these guidelines, ACTION may make a commitment through a contract, agreement, or other arrangement with a sponsor to pay the on-the-job transportation and supervisory support services expenses of VISTA Volunteers.

The purpose of this instruction is to establish the policy and guidelines for determining the following:

(a) In what circumstances contracts or other arrangements for ACTION contributions to the on-the-job transportation expenses of VISTA Volunteers may be negotiated between the Regional Office and sponsor; and

(b) In what circumstances contracts or other arrangements may be made whereby ACTION/VISTA will contribute to the cost of providing supervisory support to VISTA Volunteers.

2. *Scope.* Provisions of this policy and guidelines apply to all VISTA Volunteers under Part A, Title I of Pub. L. 93-113.

3. *Background.* It is ACTION/VISTA policy that, while the Agency must ensure that each Volunteer has available such allowances and support as will enable the Volunteer to perform his work assignment effectively, the provision of adequate on-the-job transportation and supervision for VISTA Volunteers is the primary responsibility of the sponsor.

ACTION/VISTA recognizes, however, that in some instances sponsoring organizations requesting Volunteers for projects that conform to ACTION/VISTA's programming criteria may nonetheless need assistance in providing this support. Regional Offices are provided with a limited obligational authority for the purposes of entering into transportation and supervision arrangements with such organizations.

When a transportation or supervision arrangement is established with a sponsoring organization, it provides for the direct support of the Volunteer. It is not intended to provide for other project support needed to accomplish the goals of the project itself. All other overhead expenses such as supplies, materials, and equipment are the sole responsibility of the sponsoring organization.

The judgement concerning the viability of the project (which includes consideration of constraints and resources) is made by the Regional Office at the time that the project proposal is reviewed and approved; consideration is also given at that time as to whether ACTION/VISTA should contribute any direct support requested (other than living expenses to the Volunteer) and, if so, consideration is also given to the amount and type of support (transportation and/or supervision) that is necessary. These issues, considered in light of the particular project and pertinent regional program and budget priorities, are decided upon at the time of project approval by the Regional Director.

4. *Policy.* ACTION/VISTA will provide funds for on-the-job transportation of Volunteers and/or for the hiring of persons whose responsibility is supervision of the Volunteers, but only in those cases in which such support is deemed by the Regional Director to be necessary to the effective functioning of the Volunteer on the project and to be within the guidelines contained herein. In such cases, the transportation and/or supervision arrangements will provide for a phasing out of such ACTION/VISTA support and the assumption of the same support by the sponsoring organization as soon as this is feasible.

When a supervision and/or transportation arrangement is approved, the nature of the agreement between ACTION/VISTA and the sponsor will be reflected in the Memorandum of Agreement.

Any agreement whereby ACTION/VISTA provides funds for these purposes will include provision to ensure that services are furnished at a reasonable rate; that persons employed by the contractor will be paid no more than comparable federal salary scales; that the rate conforms to the previous salary level of the person hired and local prevailing salary levels; and that any expenses incurred by the sponsoring organization over the agreed amount will be at its own expense.

In developing new projects, the Regional Offices shall take into account the implication of its travel and supervisory requirements. When possible, attempts should be made to develop projects so that a minimum of transportation consistent with the needs of the project is required, and so that supervisory responsibility can be readily absorbed into the existing structure of the organization. In some cases, this will mean developing projects with fewer, or more, Volunteers and with a more concentrated target area than may have been the practice, or altering job descriptions.

ACTION regions are encouraged to continue to develop projects utilizing Volunteers sponsored by organizations that fall into all of the categories described under paragraph 7 below.

5. *Guidelines for transportation arrangements.* The Regional Director will establish the following before approving provision of ACTION funds to provide on-the-job transportation for VISTA VOLUNTEERS:

a. The inability of the sponsoring organization to provide adequate transportation.

b. The necessity of transportation for Volunteers to achieve the goals of the project as outlined in the project proposal.

c. On-the-job transportation funded by ACTION/VISTA may only be used in order to get a Volunteer to the places where he/she is to perform his/her duties as contained in his/her job description. It is not designed for use to get the Volunteer to and from the Volunteer's regularly assigned post. It is not to be used directly or indirectly as a method of transporting or otherwise providing travel or delivery services for members of the target population.

The Regional Director may need to establish priorities for the distribution of available funds.

6. *Guidelines for superivsion arrangements.* The Regional Director will establish the following before approving the use of ACTION funds to provide on-the-job supervision of VISTA Volunteers:

a. The inability of the sponsor to provide adequate supervision;

b. The need for supervision of the Volunteers. (Ordinarily the more professional the duties to be performed by Volunteers, the less the need for full-time supervision provided by VISTA);

c. The number of Volunteers on the project. A supervisor should ordinarily not be funded by VISTA for a project that is planned to average fewer than eight Volunteers on-site over the life of the supervision arrangement.

d. The funds are to be used to provide for a position whose full-time duties are supervision of the efforts of VISTA Volunteers. However, a less than full-time supervisor may be provided under any one of the following conditions;

1. Volunteers serving in a project are geographically scattered; it is administratively more practical to have them supervised by persons in the area who are employed by the sponsor in other capacities.

2. Supervision required is technical rather than administrative in nature. The term "technical" refers to assistance provided to volunteers in areas related to their job assignment, e.g., legal, architectural, etc.

3. Volunteers are placed under supervisory personnel already on the sponsor's staff. Such a person must spend at least 50 percent of his time supervising the volunteers and up to 50 percent of his salary may be paid for by ACTION.

7. *Procedures for determining conformance of the guidelines.* In order to determine the applicability of the guidelines of both supervision and transportation contracts (paragraph 5 and 6 above), the Regional Director will consider the following:

a. State and local government agencies are not ordinarily eligible for transportation and/or supervision funding from ACTION/VISTA.

b. Very large, well-established organizations are not ordinarily eligible for ACTION/VISTA transportation and/or supervision funding.

c. Fully-funded federal programs are not ordinarily eligible for such support.

d. Medium to large organizations are ordinarily eligible for 50 percent ACTION/VISTA funding of transportation and/or supervision in the first year of the project, with an agreed upon phase-out funding schedule in subsequent years as reflected in the memorandum of agreement.

e. Small to medium organizations are ordinarily eligible for 75 percent ACTION/VISTA funding of transportation and/or supervision in the first year of the project, with an agreed upon phase-out funding schedule in subsequent years as reflected in the memorandum of agreement.

f. Grassroots and small organizations are eligible for 100% ACTION/VISTA funding of transportation and/or supervision needs in at least the first year of the VISTA project, with an agreed upon phase-out funding schedule in subsequent years as reflected in the memorandum of agreement.

g. At the discretion of the Regional Director, a sponsoring organization in categories a, b, and c above will be eligible for up to 50 percent ACTION/VISTA funding of its transportation and/or supervision needs for its VISTA Volunteers only during the first year of its Agreement with VISTA.

8. *Definition of terms.* a. *State and local government agencies.* Any branch, agency or department of any State or of any municipality or other political subdivision of such State and any other entity established by law to carry out functions which are essentially governmental in nature.

b. *Very large, well-established organizations.* Large budget (ordinarily over $1,000,000), with a substantial number of professional and supervisory personnel.

c. *Fully-funded Federal programs.* Programs which are totally or almost totally funded directly by the Federal Government for the purpose of accomplishing their missions.

d. *Medium to large organizations.* Organizations with a medium to large budget (ordinarily $500,000-$1,000,000) and a medium-size supervisory and professional staff.

e. *Small to medium organizations.* Organizations with a small to medium budget (ordinarily $100,000-$500,000) with a small number of supervisory and professional staff members.

f. *Grassroots Organizations.* Organizations that are under the operational policy direction of members of the group that the organization is designed to serve. A grassroots organization has a limited budget (ordinarily under $100,000) and few or no full-time professional and supervisory personnel.

The organization budget levels cited above, however, are not intended to imply that an organization within a given category automatically is eligible for the ACTION/VISTA-funded amount of supervision or transportation indicated. The categories represent upper limits. In all instances, geographic location and area served should also be taken into consideration. In determining eligibility, the Regional Director should weigh regional program and budget considerations and the willingness and/or ability of the organization to contribute more than the applicable percentage cited.

9. *Elimination or reduction of VISTA transportation and supervisory support services.* a. Once ACTION enters into an agreement for transportation and/or supervision support services, it will not, in carrying out its responsibility under section 105(b) of Pub. L. 93-113, during the term of such arrangement, eliminate or reduce support services provided to or for individual Volunteers unless such arrangement:

(1) Is mutually amended by ACTION and the sponsor,

(2) Is terminated by the sponsor for any reason,

(3) Is suspended or terminated in accordance with Subpart A, Part 1206 of Title 45 of the Code of Federal Regulations, 39 FR 1996, January 16, 1974, or

(4) The project on which the Volunteers work materially changes, affecting Volunteer assignments.

b. If such arrangement expires, ACTION will not eliminate or reduce such support services during any period in which such arrangement is being renegotiated, or until the sponsor's rights under Subpart B, Part 1206, Title 45, of the Code of Federal Regulations have been exhausted.

Issued in Washington, D.C. on January 31, 1975.

JOHN GANLEY,
Deputy Director.

[FR Doc.75-3259 Filed 2-4-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1975, November 12, 1974 (39 FR 39964).

Pencil, Woodcased with imprinting, RAD 599-0395

Comments and views regarding this proposed addition may be filed with the

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Committee on or before March 7, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street, North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-3204 Filed 2-4-75;8:45 am]

PROCUREMENT LIST 1975

Deletion From Procurement List

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on December 13, 1974 (39 FR 43419).

Pursuant to the above notice the following Military Resale Commodities are deleted from the Procurement List.

DESCRIPTION AND ITEM NO.

Brush, grooming, 958; bag, dampening, 968.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-3205 Filed 2-4-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7920

Squeegee, floor cleaning, 7920-00-985-4873; 7920-00-530-5740.

Comments and views regarding these proposed additions may be filed with the Committee on or before March 7, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-3206 Filed 2-4-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-1-134; Docket No. 23060-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Fixing Temporary Mail Rates

Issued under delegated authority January 30, 1975. By Order 75-1-76, dated January 17, 1975, the Board directed all interested persons, and particularly the Postmaster General and all certificated air carrier parties to this investigation, to show cause why the Board should not amend its temporary rate order [1] so as to reflect the minimum chargeable weight and pickup and delivery charges proposed in the show cause order for LD-9 containers.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision by the Board.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302 and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(g):

It is ordered, That:

1. Subparagraphs (e) and (g) of ordering paragraph 3 of Order 74-1-89, January 16, 1974, be and they hereby are amended as follows:

(a) In subparagraph (e), insert "LD-9" and "5550" in the columns headed "Container Type" and "Minimum Charge Weight" after "LD-W" and "800", respectively.

(b) In subparagraph (g) change "A-1, A-2, A-3 and LD-7" to "A-1, A-2, A-3, LD-7 and LD-9" in the column headed "Container Type."

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-2.

3. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

By Frank R. Chabot, Chief, Government Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3309 Filed 2-4-75;8:45 am]

[1] Order 74-1-89, January 16, 1974.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

JANUARY 31, 1975.

On March 29, 1974, there was published in the FEDERAL REGISTER (39 FR 11622) a letter dated March 25, 1974 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning April 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972, between the Governments of the United States and Thailand, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent.

Accordingly, there is published below a letter of January 31, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 60, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on April 1, 1974.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

January 31, 1975.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On March 25, 1974, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning April 1, 1974 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Thailand in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972 between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on February 5, 1975, to increase the level of restraint established for cotton textile products in Category 60 to 43,990 dozen [1] for the twelve-month period which began on April 1, 1974.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-3308 Filed 2-4-75;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 16, 1972 between the Governments of the United States and Thailand which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 330-4; OPP-32000/183 & 184]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before April 7, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 7, 1975.

Dated: January 30, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-32000/183)

EPA File Symbol 34962-R. Dickersons' Ups & Downs, PO Box 216, Bloomingdale MI 49026. DICKERSON'S MOUSE BAIT 2. Active Ingredients: Zinc Phosphide 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 34761-A. Ecology Ltd., Industrial Park, Bldg. #5, West Haverstraw NY 10993. ECOLOGY TOTAL RELEASE FOGGER. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34761-T. Ecology Ltd. ECOLOGY GENERAL PURPOSE SYNTEX SPRAY. Active Ingredients: Tetramethrin (1 : Cyclohexene-1,2-dicarboximidomethyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate) 0.250%; related compounds 0.034%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; related compounds 0.034%; Petroleum Distillate 6.800%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34761-U. Ecology Ltd. ECOLOGY DRIONE INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%; Silica Gel 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 4581-206. Pennwalt Corp., Agchem Div., Three Parkway, Philadelphia PA 19106. PENNWALT DES-I-CATE. Active Ingredients: Mono (N,N-dimethylalkylamine) salt of Endothall (7-Oxabicyclo (2, 2,1) heptane-2,3-dicarboxylic acid) 15.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 4758-REE. Pet Chem., Inc., PO Box 660656, Miami Springs FL 33166. HOLIDAY HOME FOGGER. Active Ingredients: Petroleum distillates 16.00%; Pyrethrin 0.50%; Technical piperonyl butoxide 1.50%; N-octyl bicycloheptene dicarboximide 1.50%; dichlorovinyl dimethyl phosphate 0.47%; related compounds 0.03%. Method of Support: Application proceeds under 2(c) of interim policy. PM18

[1] This level has not been adjusted to reflect any entries made on or after April 1, 1974.

EPA File Symbol 602-ELO. Ralston Purina Co., Checkerboard Sq., St. Louis MO 63188. PURINA RAT AND MOUSE CONTROL PELLETS. Active Ingredients: Warfarin (3-(alpha-Acetonylbenzyl) - 4 - hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 10308-L. Sumitomo Chem. Co., Ltd., c/o Eugene Gerberg, 1330 Dillon Hghts. Ave., Baltimore MD 21228. SUMITHION, TECHNICAL. Active Ingredients: O,O-Dimethyl O-(4-nitro-m-tolyl) phosphorothioate 95%. Method of Support: Application proceeds under 2(b) of interim policy. PM14

APPLICATIONS RECEIVED (OPP-3200/184)

EPA File Symbol 12465-EE. Aqua Chem. Corp., 1 Allen St., Springfield MA 01108. AQUAMAID AQUACARE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 8.4%; n-Dialkyl (60% C14, 30% C12, 5% C18) methyl benzyl ammonium chlorides 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 11525-4. DuBois Chem., 3630 E. Kemper Rd., Sharonville OH 45241. DUBOIS CHEMICALS WATER BASE TROUNCE SYNTHETIC INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028% d-trans Allerthrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36306-R. Hadco East Chem. Corp., 35 Ralph Ave., Copiague NY 11726. LEMON DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 259-4. Mokan, Missouri Kansas Chem. Co., 1708-16 Campbell St., Kansas City MO 64108. CHEMCIDE. Active Ingredients: Ammonium Chloride 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 3624-30. Nova Products, Inc., PO Box 5086, Kansas City KS 66119. NOVA MALATHION 57-WE. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 57.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 36139-R. Petrochemicals Co., Inc., 2001 N. Grove St., Fort Worth TX 76106. FORMULA 114-74-3 GERMICIDAL CLEANER CONCENTRATE. Active Ingredients: O-Benzyl, P-Chloro phenol 7.5%; Ortho phenyl phenol 4.4%; P-tertiary amyl phenol 2.8%; Chloro ortho phenyl phenol 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 6921-U. Tesch Chem. Co., Inc., E. Midway Rd., Appleton WI 54911. TEOO BLUE. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

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EPA File Symbol 8727-RN. Wright, Inc., 5703 Crawford Ln., Ft. Worth TX 76119. DEFEND DISINFECTANT-SANITIZER-FUNGICIDE-DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 8727-RR. Wright, Inc., 5703 Crawford Ln., Ft. Worth TX 76119. SANISOFT. Active Ingredients: Actyl decyl dimethyl ammonium chloride 15.0%; Dioctyl dimethyl ammonium chloride 7.5%; Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.75-3335 Filed 2-4-75;8:45 am]

[FRL 330-1]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9 a.m. on February 19 and 20, 1975, at the Admiral Benbow Inn, 1470 Spring Street, NW, Atlanta, Georgia (30309), telephone (404) 872-5821.

The purpose of the meeting will be to discuss New Source Performance Standards to be proposed under section 111 of the Clean Air Act for (1) by-product coke ovens (charging operations, topside leaks, combustion stacks, and pushing emissions), (2) raft pulp mills and (3) grain elevators.

The meeting will be open to the public. Anyone wishing to attend or to submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are (919) 688-8146, extension 271.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

JANUARY 30, 1975.

[FR Doc.75-3207 Filed 2-4-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

On February 21-22, 1975, there will be a meeting of the High Energy Physics Advisory Panel at the Reporters Building, 7th & D Streets, Washington, D.C., in the 4th floor Conference Room. Below is that portion of the agenda for this meeting which will be open to the public. Practical considerations may require changes in the agenda or schedule.

FRIDAY, FEBRUARY 21, 1975

10 a.m.	Status of ERDA.
10:30 a.m.	Status and Opportunities for Follow-up of New Particle Discovery: —FERMILAB —BNL —SLAC —ANL.
1:30 p.m.	Status of FY 1975, FY 1976 Budgets.

SATURDAY, FEBRUARY 22, 1975

9 a.m.	Subpanel on Research and Program Balance: —V. Fitch.
10 a.m.	Status of Future Facilities.
11:30 a.m.	Planning for New Orleans Seminar.

In addition to the above items, the Panel plans to hold three (3) executive sessions. The first is scheduled on Friday morning prior to the beginning of the open session, the second will begin at 2 p.m. on Friday and continue throughout the end of the day. The third executive session is scheduled on Saturday afternoon beginning at 2 p.m. and continuing throughout the end of the meeting.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than February 7, 1975, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Robert M. Woods, Jr., Division of Physical Research, Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301-973-3624.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

ROBERT A. KOHLER,
Deputy Advisory Committee, Management Officer.

[FR Doc.75-3451 Filed 2-4-75;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 782]

DEPUTY GOVERNOR

Statement of Authority and Order of Precedence

JANUARY 30, 1975.

1. The Deputy Governor, Credit and Operations, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit and operations functions of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor, Credit and Operations, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties of the Deputy Governor, Credit and Operations pertaining to the credit and operations functions:

(1) Director, Supervisory Division
(2) Director, Technical Services Division
(3) Director, Review Division

3. This order shall be effective on January 1, 1975, and revokes Farm Credit Administration Order No. 771, dated March 13, 1974 (39 FR 10651).

W. M. HARDING,
Governor, Farm Credit Administration.

[FR Doc.75-3262 Filed 2-4-75;8:45 am]

[Farm Credit Administration Order No. 777]

DEPUTY GOVERNOR, FINANCE AND RESEARCH

Statement of Authority

JANUARY 9, 1975.

Whereas, the Governor of the Farm Credit Administration is authorized by the Farm Credit Act of 1971 (§§ 4.2, 4.3, 4.4, 4.5; 85 Stat. 610, 611) to approve the issuance, form, amounts, maturities, rates of interest, terms, conditions, and participation by the several banks of the Farm Credit System in each issue of consolidated and Systemwide obligations, and to execute such obligations on their behalf; and

Whereas, the Governor is authorized by said Act (§ 5.13; 85 Stat. 620) to exercise and perform his powers through such other officers and employees of the Farm Credit Administration as he shall designate;

Now, Therefore, it is hereby ordered effective on the date above written, that the Deputy Governor, Finance and Research, be and he hereby is authorized and empowered to approve the issuance, forms, amounts, maturities, rates of interest, terms, conditions, and participation by the several banks of the Farm Credit System in each issue of, and to execute on their behalf:

(a) As such Deputy Governor, Systemwide discount notes; and

(b) As Acting Governor, consolidated and Systemwide obligations, other than discount notes; *Provided*, That authority as to these obligations shall be exercised (1) only when the Governor is absent or not able to perform the duties of his office for any other reason, and (2) without regard to the order in which other officials are authorized to exercise and perform the powers, authority, and duties of the Governor in the event of his absence or inability to perform.

W. M. HARDING,
Governor, Farm Credit Administration.

[FR Doc.75-3263 Filed 2-4-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 738]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 27, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict), as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21052-CD-P-75, Beep Communications System, Inc. (KEA855). C.P. to change antenna system operating on 152.15 MHz at Loc. #1: Private Road, 3 miles SE of Manorville, New York.

21053-CD-MP-75, E. H. Cannon (KUD239). Mod. Permit to replace transmitter, and change antenna system operating on 454.050 MHz located 0.3 mile North of Hondo, Texas.

21054-CD-MP-75, Page Boy, Inc. (KEA860). Mod. Permit to relocate facilities operating on 35.22 MHz to be located at WSNL-TV Tower, Long Island Expressway and Blydenburgh Road, Islip, New York.

21055-CD-AL-75, Charles F. Mefford d.b.a. Southern Ohio Radio Telephone and Paging. Consent to Assignment of License from Southern Ohio Radio Telephone and Paging, Assignor to Telepage Corporation, Assignee. Station: KSV960, Cincinnati, Ohio.

21056-CD-P-75, The Mountain States Telephone and Telegraph Company (KOK330). C.P. to replace transmitter operating on 152.78 MHz located 7.5 miles South of Rawlins, Wyoming.

21057-CD-P-(2)-75, Halstad Telephone Company (KAI932). C.P. for additional facilities to operate on 454.525 and 454.575 MHz located at Bygland, Minnesota.

21058-CD-P-75, Seattle Radiotelephone Service (KLF804). C.P. to add antenna Loc. #2 to operate on 454.100 MHz to be located at Seattle First National Bank Building, Seattle, Washington.

21059-CD-AL-75, Peabody Telephone Answering Service. Consent to Assignment of License from Peabody Telephone Answering Service, Assignor to Omni Communications, Inc., Assignee. Station: KCC786, West Peabody, Massachusetts.

21060-CD-AL-75, Albert F. DiCroce d.b.a. Peabody Telephone Answering Service. Consent to Assignment of License from Peabody Telephone Answering Service, Assignor to Omni Communications, Inc., Assignee. Station: KSV954, West Peabody, Massachusetts.

Major amendments

21265-C2-P-75, Continental Telephone Company of California (KMA746). Amend. to show that the applicant also proposes to increase the transmitter output power of his existing channel on 152.75 MHz. All other particulars are to remain as reported on PN #698 dated April 29, 1974.

20618-CD-P-75, Island Telepage Systems (new), Oak Harbor, Washington. Amend base frequency 152.18 MHz to read 454.250 MHz and the associated mobile frequency 158.61 MHz to read 459.250 MHz. All other particulars to remain as reported on PN #726, dated November 4, 1974.

Correction

20192-CD-P-75, Chalfont Communications (KMM581), Palm Springs, California. Correct to read "Major amendment" to application file No. 1034-C2-P-(2)-72. All other particulars to remain as reported on PN #714 dated August 19, 1974.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Industrial Communication Systems, Inc., KMD990, 20024-CD-P-(4)-75, Saddle Peak, California.

Mobilfone, Inc., KMA253, 21390-C2-P-(24)-74, Los Angeles, California.

RURAL RADIO SERVICE

60253-CR-P/L-75, RCA Alaska Communications, Inc. (WSM98). C.P. to change antenna system operating on 454.650 and 454.400 MHz located at remote repeater site near Hill 3911 on Alyeska pipeline route; 128 miles NW of Fairbanks, Hamlin, Alaska.

60254-CR-P/L-75, RCA Alaska Communications, Inc. (WSM91). C.P. to change antenna system operating on 454.450 and 454.600 MHz located at remote repeater site near Hill 6545 on Alyeska pipeline route; 230 miles North of Fairbanks, Table Mountain, Alaska.

60255-CR-P/L-75, RCA Alaska Communications, Inc. (WSM88). C.P. to change antenna system operating on 454.575 MHz located at remote repeater site at Hill 7700 on Alyeska Pipeline route; 252 miles North of Fairbanks, Twin Glacier, Alaska.

60256-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new central office station to operate on 152.51, 152.60, 152.75, and 152.78 MHz to be located on Hilltop 3452, 103 miles NE of Fairbanks, Crazy Mountain, Alaska.

60257-CR-P-75, RCA Alaska Communications, Inc. (new). C.R. for a new central office station to operate on 152.51, 152.60, 152.75, and 152.78 MHz to be located on Hilltop 2279, 128 miles North of Fairbanks, 29 mile Ridge, Alaska.

60258-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Yukon River, 105 miles North of Fairbanks, Beaver, Alaska.

60259-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Yukon River, 87 miles NNW of Fairbanks, Stevens Village, Alaska.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

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606260–CR–P–75. RCA Alaska Communications, Inc. (New). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Birch Creek, 113 miles NE of Fairbanks, Birch Creek Village, Alaska.

60261–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Black River, 168 miles NE of Fairbanks, Chalkyitsik, Alaska.

60262–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Steese Highway, 100 miles NE of Fairbanks, Central, Alaska.

60263–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Yukon River, 127 miles NE of Fairbanks, Circle, Alaska.

60264–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.77, 157.86, 158.01, and 158.04 MHz to be located at Village on Chandalar River, 155 miles NNE of Fairbanks, Venetie, Alaska.

60265–CR–F/L–75, Lincoln County Telephone System, Inc. (new). C.P. for a new rural subscriber-fixed station to operate on 157.92 MHz located in any temporary fixed location within the territory of the grantee.

60266–CR–P–75, Continental Telephone Company of Utah (new). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located at Atlas Minerals Wood Mine, 17½ miles NE of Monticello, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2308–CF–P–75, American Telephone and Telegraph Company (WHT84). 5.5 Miles East of Nelson, Georgia. Lat. 34°33'15" N. Long. 84°16'13" W. C.P. to add a frequency 3970H MHz toward Dahlonega, Georgia on azimuth 67°39"; add 3970H MHz toward Waleska, Georgia on azimuth 264°29'.

2309–CF–P–75, Same (KIT26). 4.0 Miles NW of Waleska, Georgia. Lat. 34°21'35" N., Long. 84°36'39" W. C.P. to add frequency 4010H MHz toward Nelson, Georgia on azimuth 84°17'; add 4010H MHz toward Adairsville, Georgia on azimuth 259°54'.

2310–CF–P–75, same (KIK32). 3.5 Miles SE of Adairsville, Georgia. Lat. 34°19'01" N., Long. 84°53'52" W. C.P. to add frequency 3970H MHz toward Waleska, Georgia on azimuth 79°44'.

2331–CF–P–75, RCA Alaska Communications, Inc. (new). Fort Yukon, 140 Miles NNE of Fairbanks, Alaska. Lat. 66°33'45" N., Long. 145°13'25" W. C.P. for a new station on frequency 2162.0H MHz toward 29 Mile Ridge, Alaska on azimuth 279°08'; and frequency 2178.0H MHz toward Crazy Mountain, Alaska on azimuth 70°57'.

2332–CF–P–75, same (new). 29 Mile Ridge, Hilltop 2279, 128 Miles North of Fairbanks, Alaska. Lat. 66°40'10" N., Long. 147°22'08" W. C.P. for a new station on frequency 2112.0H MHz toward Fort Yukon, Alaska on azimuth 96°10'.

2333–CF–P–75, same (new). Crazy Mountain, 103 Miles NE of Fairbanks, Alaska. Lat. 65°41'22" N., Long. 144°53'12" W. C.P. for a new station on frequency 2128.0H MHz toward Fort Yukon, Alaska on azimuth 351°16'.

2329–CF–TC–(2)–75, Blue Mountain Telephone, Inc. Consent to Transfer of Control from Robert and R. Margaret Ashmead et al, TRANSFEROR to Beaver State Telephone Company, TRANSFEREE for stations: WQQ24–Spray, Oregon, and WQQ23–Monument, Oregon.

2362–CP–P–75, General Telephone Company of the Southeast (new). Hinch Mountain, 414 Miles SSE of intersection of Basses Creek and State Hwy. 28, Tennessee. Lat. 35°46'50" N., Long. 84°58'44" W. C.P. for a new station on frequency 2162.4V MHz toward Crossville, Tennessee on azimuth 333°54'.

2363–CP–P–75, same (new). Crossville, Tennessee, 3.3 Miles West of intersection of U.S. 70 and U.S. 127 (Crossville Airport) Lat. 35°57'14" N., Long. 85°05'00" W. C.P. for a new station on frequency 2112.4V MHz toward Hinch Mountain, Tennessee on azimuth 153°50'.

2364–CP–P–75, RCA Alaska Communications, Inc. (new). Tin City, Alaska. Lat. 65°33'58" N., Long. 167°57'52" W. C.P. for a new station on frequency 2172.0V MHz via Passive Reflector toward Port Clarence, Alaska on azimuth 124°38'.

2296–CP–ML–75, American Telephone and Telegraph Company (KGF64), 900 Race Street, Philadelphia, Pennsylvania. Lat. 39°57'17" N., Long. 75°09'18" W. Mod. of License to change polarity from Horizontal to Vertical on frequencies 5925.5, 5974.8, 6034.2, 6093.5, and 6152.8; from Vertical to Horizontal on 6004.5 and 6172.5 toward Mt. Royal, New Jersey on azimuth 192°11'.

2297–CP–ML–75, same (KAR57). 3.5 Miles South of Sentinel Butte, North Dakota. Lat. 46°52'11" N., Long. 103°49'25" W. Mod. of License to change location of alarm center and polarity from Horizontal to Vertical on frequency 4190 toward Fryburg, N. Dak. on azimuth 86°39'.

2298–CP–ML–75, same (KAR55). 6.0 Miles East of Dickinson, North Dakota. Lat. 46°53'22" N., Long. 102°39'56" W. Mod. of License to change polarity from Horizontal to Vertical on frequency 4190 toward Fryburg, N. Dak. on azimuth 270°08'.

2299–CP–ML–75, Same (KAR56). 1.5 Miles NW of Fryburg, North Dakota. Lat. 46°53'21" N., Long. 103°19'38" W. Mod. of License to change location of alarm center, and polarity from Horizontal to Vertical on frequency 4196 toward Sentinel Butte, N. Dak. on azimuth 267°/00'; change polarity from Horizontal to Vertical on frequency 4198 toward Dickinson, N. Dak. on azimuth 89°/39'.

2300–CP–ML–75, Same (KAQ86). 3.2 Miles ENE of Valley City, North Dakota. Lat. 46°56'18" N., Long. 97°55'32" W. Mod. of License to change polarity from Horizontal to Vertical on frequency 4190 toward Casselton, N. Dak. on azimuth 97°/13'.

2301–CP–ML–75, Same (KSQ43). 2.7 Miles WSW of Casselton, North Dakota. Lat. 46°52'42" N., Long. 97°15'29" W. Mod. of License to change polarity from Horizontal to Vertical on frequency 4198 toward Valley City, N. Dak. on azimuth 277°/43'.

2304–CP–P–75, Same (KKC93). 105 Auditorium Circle, San Antonio, Texas. Lat. 29°25'48" N., Long. 98°29'20" W. C.P. to add 3910H MHz toward Bulverde, Texas on azimuth 13°/56'.

2305–CP–P–75, Same (KKC92). 2.5 Miles SW of Bulverde, Texas. Lat. 29°43'48" N., Long. 98°24'12" W. C.P. to change transmission path data and add frequency 3890H MHz toward Seguin, Texas on azimuth 118°/10'.

2306–CP–P–75, Same (KKZ89). 8.0 Miles SE of Seguin, Texas. Lat. 29°29'02" N., Long. 97°52'49" W. C.P. to correct transmission path data toward Shiner, Floresville, Lockhart and Bulverde, Texas; add frequency 3930H MHz toward Bulverde, Texas on azimuth 298°/26'.

2307–CP–P–75, Same (KRS93). 5.0 Miles ESE of Dahlonega, Georgia. Lat. 34°30'49" N., Long. 83°53'53" W. C.P. to add frequency 4010H MHz toward Nelson, Georgia on azimuth 247°/52'.

2007–CF–AL–(13)–75, Interdata Communications, Inc. Consent to Assignment of Radio Station Licenses from Interdata Communications, Inc. Assignor to MCI Telecommunications Corporation Assignee for stations: WIU99–Washington, D.C.; WIU86–Washington East, D.C.; WIU87–Jessup, Maryland; WIU88–Towson, Maryland; WIU89–Perryman, Maryland; WIU90–North East, Maryland; WIU91–Chester, Pennsylvania; WOG70–Roxborough, Pennsylvania; WIU92–Philadelphia, Pennsylvania; WOG71–Plumsteadville, Pennsylvania; WOG72–Neshanic, New Jersey; WIU95–South Amboy, New Jersey; WIU98–55 Water Street, New York City;

2008–CF–AP/AL–(53)–75, MCI–New York West, Inc. Consent to Assignment of Radio Station Construction Permit and Assignment of Radio Station Licenses from MCI–New York West, Inc. Assignor to MCI New York West, Inc. Assignee for stations: WIL70–Chicago, Illinois; WLI71–Chicago South, Illinois; WLI72–Hammond, Indiana; WLI73–Gary, Indiana; WLI74–Portage, Indiana; WLI75–Pinola, Indiana; WLI76–New Buffale, Michigan; WLI77–Buchanan, Michigan; WLI78–South Bend, Indiana; WIL79–Vandalia, Michigan; WLI80–Leonidas, Michigan; WLI81–South Butler, Michigan; WLI82–Vandercook, Michigan; WLI83–Bridgewater, Michigan; WLI84–Petersburg, Michigan; WLI85–Toledo, Ohio–WLI86–Scotch Ridge, Ohio; WLI87–Bascom, Ohio; WLI88–Lykens, Ohio; WLI89–Shelby, Ohio; WLI90–New London, Ohio; WLI91–Chatham, Ohio; WLI92–North Royalton, Ohio; WLI93–Cleveland, Ohio; WLI94–Bainbridge, Ohio; WLI95–Huntsburg, Ohio; WLI96–Jefferson, WLI98–Hickernell, Pennsylvania; WLI99–Erie South, Pennsylvania; WLJ20–Erie, Penn.; WLJ21–Hartford, Ohio; WLJ22–Poland Center, Ohio; WLJ23–Zellenople, Pennsylvania; WLJ24–Glenshaw, Pennsylvania; WLJ25–Pittsburgh, Pennsylvania; WLJ26–Delmont, Pennsylvania; WLJ27–Boswell, Pennsylvania; WLJ28–Reels Corner, Pennsylvania; WLJ 29–Martinsburg, Pennsylvania; WLJ30–Butler Knob, Pennsylvania; WLJ31–Roxbury, Pennsylvania; WLJ–Mount Holly, Pennsylvania; WLJ33–Hershey, Pennsylvania; WLJ34–Womelsdorf, Pennsylvania; WLJ35–Boyertown, Pennsylvania; WLJ36–Spinnerstown, Pennsylvania; WLJ 37–Kingwood, New Jersey; WLJ38–Middle Valley, New Jersey; WLJ39–West Orange, New Jersey; WLJ40–Newark, New Jersey; WLJ41–55 Water Street, New York, New York; WLJ42–1301 Avenue of the Americas, New York, New York; WQQ46–Roxborough, Pennsylvania.

2290–CF–P–75, Western Telecommunications, Inc., (WOI57), 4.5 Miles South of Elsinore (Riverside) California. Lat. 33°36'09" N., Long. 117°20'38" W. C.P. to change frequency 6093.5V MHz to 6026.7V MHz toward Santa Catalina Island, California on azimuth 254°08'.

2326–CF–P–75, Same (WOI58), 2.5 Miles WNW of Avalon (Los Angeles) California Lat. 33°21'21" N., Long. 118°21'50" W. C.P. to change frequencies 6345.5H MHz to 6278.8H MHz toward Elsinore Peak on azimuth 73°34' and 6241.2H MHz to 6301.0H MHz toward Saddle Peak, Calif. on azimuth 341°12'.

2327–CF–P–75, Western Tele-Communications, Inc. (WOI59), 3.5 Miles NNE of Malibu Beach (Los Angeles) California. Lat. 34°04'32" N., Long. 118°39'30" W. C.P. to change frequency 5989.7H MHz to 6167.6H MHz toward Santa Catalina Island, California on azimuth 161°03'.

2302–CF–MP–75, N-Triple-C, Inc. (WOI36), 1.5 Miles North of Aubry, Texas. Lat. 33°19'28" N., Long. 96°59'20" W. Mod. C.P. to change point of communication on frequency 5974.8V MHz from Dallas, Texas to Stony, Texas on azimuth 257°22'.

2302–CF–P–75, MCI Telecommunications Corporation (WPE20), 5.0 Miles NE of Stony, Texas. Lat. 33°16'03" N., Long. 97°17'14" W. C.P. to add point of communication on frequency 6226.9V MHz toward Aubrey, Texas on azimuth 77°02'.

2368–CF–MP–75, Southern Pacific Communications Company (WAS897), Lat. 41°26'46" N., Long. 81°30'17" W. Mod. C.P. to add frequency 6226.9H MHz toward Suffield, Ohio on azimuth 160°28'.

2369–CF–P–75, Same (New) 2.2 Miles NE of Suffield, Ohio. Lat. 41°02'39" N., Long. 81°18'59" W. C.P. for a new station on frequency 6286.2H MHz toward Salem, Ohio on azimuth 119°17' and frequency 6226.9H MHz toward Warrensville, Ohio on azimuth 340°36'.

2370–CF–P–75, Same (New), 2.4 Miles South of Salem, Ohio. Lat. 40°51'15" N., Long. 80°52'20" W. C.P. for a new station on frequencies 5974.8H MHz toward Georgetown, Ohio on azimuth 127°06' and 6063.8V MHz toward Suffield, Ohio on azimuth 299°35'.

2371–CF–P–75, Same (new), 1.2 Miles SSE of Georgetown, Pennsylvania, Lat. 40°37'44" N., Long. 80°28'56" W. C.P. for a new station on frequencies 6226.9H MHz toward Thompsonville, Pennsylvania on azimuth 140°42' and 6226.9H MHz toward Salem, Pennsylvania on azimuth 307°20'.

2372–CF–P–75, Same (new), 0.9 Mile West of Thompsonville, Pennsylvania. Lat. 40°17'37" N., Long. 80°07'28" W. C.P. for a new station on frequencies 5974.8 MHz toward Arona, Pennsylvania on azimuth 89°20' and 5974.8H MHz toward Georgetown, Pennsylvania on azimuth 320°56'.

2373–CF–P–75, Same (new), 2.1 Miles South of Jeanette, Pennsylvania. Lat. 40°17'49" N., Long. 79°37'22" W. C.P. for a new station on frequencies 6226.9H MHz toward Waterford, Pennsylvania on azimuth 94°00' and 6226.9H MHz toward Thompsonville, Pennsylvania on azimuth 296°40'.

2374–CF–P–75, Southern Pacific Communications Company (new), 2 Miles SE of Rachelwood, Pennsylvania. Lat. 40°16'00" N., Long. 79°04'55" W. C.P. for a new station on frequencies 5974.8H MHz toward Roxbury, Pennsylvania on azimuth 151°48' and 5974.8H MHz toward Arona, Pennsylvania on azimuth 274°22'.

2375–CF–P–75, Same (new), 2.7 Miles SE of Downey, Pennsylvania. Lat. 39°56'09" N., Long. 76°51'06" W. C.P. for a new station on frequencies 6256.5V MHz toward Saluvia, Pennsylvania on azimuth 81°55' and 6226.9H MHz toward Waterford, Pennsylvania on azimuth 331°57'.

2376–CF–P–75, Same (new), 5.5 Miles NE of Crystal Springs, Pennsylvania. Lat. 40°00'39" N., Long. 78°08'43" W. C.P. for a new station on frequencies 5974.8V MHz toward Edenville, Pennsylvania on azimuth 93°87' and 5974.8V MHz toward Roxbury, Pennsylvania on azimuth 282°22'.

2377–CF–P–75, Same (new), 2.5 Miles Northwest of Edenville, Pennsylvania. Lat. 39°59'39" N., Long. 77°48'46" W. C.P. for a new station on frequencies 6197.2H MHz toward Pen Mar Park, Maryland on azi-Saluvia, Pennsylvania on azimuth 272° 50'.

2378–CF–P–75, Same (new), 1.5 Miles SSE of Pen Mar Park, Maryland. Lat. 39°41'47" N., Long. 77°30'46" W. C.P. for a new station on frequencies 6034.2H MHz toward Cooksville, Maryland on azimuth 134°54' and 5974.8H MHz toward Edenville, Pennsylvania on azimuth 322°16'.

2379–CF–P–75, Same (new), 0.3 Mile Southwest of Cooksville, Maryland. Lat. 39°19'08" N., Long. 77°01'35" W. C.P. for a new station on frequencies 6315.9H MHz toward Reistertown, Maryland on azimuth 59°38' and 6315.9H MHz toward Pen Mar Park, Maryland on azimuth 315°13'.

2380–CF–P–75, Same (new), 0.7 Mile East of Intersection of Green Spring Ave. and Ridge Road, Reistertown, Maryland. Lat. 39°27'32" N., Long. 76°43'02" W. C.P. for a new station on frequencies 6063.8H MHz toward Cooksville, Maryland on azimuth 239°50' and 5974.8V MHz toward Crownsville, Maryland on azimuth 170°15'; 6034.8H MHz toward Shawsville, Maryland on azimuth 31°28' and 2121.8V MHz toward Baltimore, Maryland on azimuth 154°41'.

2381–CF–MP–75, Same (WAH560), Mount Darby, Massachusetts, 3.0 Miles Southwest of South Egremont, Massachusetts. Lat. 42°08'00" N., Long. 73°27'26" W. C.P. Mod. C.P. to add frequency 6286.2 MHz toward new point of communication at Shaupeneak, New York on azimuth 233°54'.

2382–CF–P–75, Southern Pacific Communication Company (new), Shaupeneak, New York, 5.5 Miles South of Kingston, New York. Lat. 41°50'28" N., Long. 73°59'27" W. C.P. for a new station on frequencies 6004.5V MHz toward Mountain Lodge, New York on azimuth 193°21' and 5974.8H MHz toward Mount Darby, Massachusetts on azimuth 53°32'.

2383–CF–P–75, Same (new), 2.5 Miles Northwest of Mahwah, New Jersey. Lat. 41°07'17" N., Long. 74°11'24" W. C.P. for a new station on frequencies 5945.2H MHz toward Sparta, New Jersey on azimuth 250°07' and 6063.8H MHz toward Jersey City, New Jersey on azimuth 168°34' and 5945.2V MHz toward Mountain Lodge, New York on azimuth 8°54'.

2384–CF–P–75, Same (new), Mountain Lodge, New York. 4.0 Miles Northeast of Monroe, New York. Lat. 41°23'41" N., Long. 74°08'12" W. C.P. for a new station on frequencies 6197.2H MHz toward Mahwah, New Jersey on azimuth 188°56' and 6286.2V MHz toward Shaupeneak, New York on azimuth 13°15'.

2385–CF–MP–75, Same (WAH394), 418 Duncan Avenue, Jersey City, New Jersey. Lat. 40°43'58" N., Long. 74°05'12" W. Mod. C.P. to add frequency 6345.5H MHz toward new point of communication at Mahwah, New Jersey on azimuth 348°38'.

2386–CF–P–75, Same (new), 2.5 miles Northwest of Mahwah, New Jersey. Lat. 41°07'17" N., Long. 74°11'24" W. C.P. for a new station on frequencies 5945.2H MHz toward Sparta, New Jersey on azimuth 250°07' and 6063.8H MHz toward Jersey City, New Jersey on azimuth 168°34'.

2387–CF–P–75, Same (new), 2.9 Miles Southeast of Sparta, New Jersey. Lat. 41°00'36" N., Long. 74°35'39" W. C.P. for a new station on frequencies 6197.2H MHz toward Montana, New Jersey on azimuth 236°02' and 6197.2H MHz toward Mahwah, New Jersey on azimuth 69°52'.

2388–CF–P–75, Same (new), 0.2 Miles Northeast of intersection of Hartman Drive and Summerfield Road, Montana, Harmony Township, New Jersey. Lat. 40°46'11" N., Long. 75°03'41" W. C.P. for a new station on frequencies 6063.8H MHz toward Palmerton, Pennsylvania on azimuth 271°42' and 5974.8H toward Sparta, New Jersey, on azimuth 55°43'.

2389–CF–P–75, Same (new), 2.3 Miles Southwest of Palmerton, Pennsylvania. Lat. 40° 46'53" N., Long. 75°38'36" W. C.P. for a new station on frequencies 6315.9V MHz toward Bernville, Pennsylvania on azimuth 225°50' and 6315.9H toward Montana, New Jersey on azimuth 91°19'.

2390–CF–P–75, Southern Pacific Communications Company (new), 3.6 Miles Northeast of Bernville, Pennsylvania. Lat. 40°28'10" N., Long. 76°03'45" W. C.P. for a new station on frequencies 6063.8H MHz toward Honey Brook, Pennsylvania on azimuth 157°28' and 6034.2V MHz toward Palmerton, Pennsylvania on azimuth 45°33'.

2391–CF–P–75 (new), Centre Square (West Tower) 1500 Market Street, Philadelphia, Pennsylvania. Lat. 39°57'08" N., Long. 75° 10'02" W. C.P. for a new station on frequency 11445.0V MHz toward Ivy Hill, Pennsylvania on azimuth 355°09'.

2392–CF–P–75, Same (new), Mermaid Lane Near Wyndmoor, Ivy Hill, Pennsylvania. Lat. 40°04'58" N., Long. 75°10'54" W. C.P. for a new station on frequencies 10715.0V MHz toward Philadelphia, Pennsylvania on azimuth 175°08' and 6004.5V MHz toward Honey Brook, Pennsylvania on azimuth 275°11'.

2393–CF–P–75, Same (new), 2.9 miles Northeast of Honey Brook, Pennsylvania. Lat. 40°07'45" N., Long. 75°52'49" W. C.P. for a new station on frequencies 6286.2V MHz toward Ivy Hill, Pennsylvania on azimuth 94°44' and 6345.5H MHz toward Bernville, Pennsylvania on azimuth 337°35' and 6286.2V MHz toward Quarryville, Pennsylvania on azimuth 229°48'.

2394–CP–P–75, Same (new), Rawlinsville Avenue, 1.5 miles Northwest of intersection of Routes #272 and #372, Quarryville, Pennsylvania. Lat. 39°53'10" N., Long. 76° 15'02" W. C.P. for a new station on frequencies 6004.5V MHz toward Shawsville, Maryland on azimuth 225°55' and 6034.2V MHz toward Honey Brook, Pennsylvania on azimuth 49°34'.

2395–CF–P–75, Same (new), 0.8 Mile Northwest of Junction of Routes #439 and #23, Shawsville, Maryland. Lat. 39°39'00" N., Long. 76°33'57" W. C.P. for a new station on frequencies 6286.2H MHz toward Reisterstown, Maryland on azimuth 211°34' and 6226.9V MHz toward Quarryville, Pennsylvania on azimuth 45°41'.

2396–CF–P–75, Same (new), 201 North Charles Street, Baltimore, Maryland. Lat. 39°17'29" N., Long 76°36'55" W. C.P. for a new station on frequency 2171.8V MHz toward Reisterstown, Maryland on azimuth 334°45'.

2397–CF–P–75, Same (new), 0.7 Mile East of intersection of Green Spring Avenue and Ridge Road, Reisterstown, Maryland. Lat. 39°27'32" N., Long. 76°43'02" W. C.P. for a new station on frequencies 5945.2H MHz toward Crownsville, Maryland on azimuth 170°15' and 6034.2H MHz toward Shawsville, Maryland on azimuth 31°28' and 2121.8V MHz toward Baltimore, Maryland on azimuth 154°41'.

2398–CF–P–75, Southern Pacific Communications Company (new), Southern end of Bacon Ridge Road, Crownsville, Maryland. Lat. 39°01'27" N., Long. 76°37'17" W. C.P. for a new station on frequencies 6226.-9V MHz toward Landover, Maryland on azimuth 245°16' and 6226.9H MHz toward Reisterstown, Maryland on azimuth 350° 18'.

2399–CF–P–75, Same (new), 7600 Preston Drive, Landover, Maryland. Lat. 38°56'15" N., Long. 76°51'42" W. C.P. for a new station on frequencies 6004.5V MHz toward Washington, D.C. on azimuth 256°15' and 5974.8H MHz toward Crownsville, Maryland on azimuth 85°07'.

2400–CF–P–75, Same (new), 1801 K Street NW., Washington, D.C. Lat. 38°54'10" N., Long. 77°02'33" W. C.P. for a new station on frequency 6256.5V MHz toward Landover, Maryland on azimuth 76°08'.

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2401–CF–P/ML–75, Same (KFF67), Southland Life Building, Dallas, Texas. Lat. 32° 47'06" N., Long 96°47'41" W. C.P. and Mod. of License to change azimuth 348°59' to 349°09' toward Lewisville, Texas.

2402–CF–P/ML–75, Same (WOH82), 2 Miles South of Miami, Oklahoma. Lat. 36°50'06" N., Long. 94°53'15" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth to 256°21' toward Centralia and 64°42' toward Joplin, Oklahoma.

2403–CF–P/ML–75, Same (WOF52), 1.3 Miles North of McKiddyville, Oklahoma. Lat. 35°-06'08" N., Long. 97°11'56" W. C.P. and Mod. of License to correct station location to that shown above.

2404–CF–P/ML–75, Same (WPF34), ½ Mile North of High Ridge, Missouri. Lat. 38°28'-2" N., Long. 90°32'18" W. C.P. and Mod. of License to correct station location to that shown above.

2405–CF–P/ML–75, Same (WPF41), 4 Miles South of Centralia, Oklahoma, Lat. 36°44'-30" N., Long. 95°21'36" W. C.P. and Mod. of License to correct coordinates to those shown above and to change the azimuth to 254°37' toward Nowata, Oklahoma and 76°04' toward Miami, Oklahoma.

2406–CF–P/ML–75, Same (WPX50), 522 South Boston, Oklahoma. Lat. 36°09'08" No., Long. 95°59'19" W. C.P. and Mod. of License to correct the coordinates and station location as shown above.

2407–CF–P/ML–75, Same (WPX51), 2.5 Miles North of Sand Springs, Oklahoma. Lat. 36°11'16" N., Long. 96°06'06" W. C.P. and Mod. of License to correct station location to that shown above and to correct azimuth toward Shamrock, Oklahoma to 237°23'.

2408–CF–P/ML–75, Southern Pacific Communications Company (WPX52), 3.2 Miles NNE of Shamrock, Oklahoma, Lat. 35°57'-02" N., Long. 96°33'21" W. C.P. and Mod. of License to correct coordinates to that shown above and to change azimuth toward Sand Springs, Oklahoma to 57°07'.

2409–CF–P/ML–75, Same (WPX53), 1 Mile Southwest of Carney, Oklahoma. Lat. 35°-47'54" N., Long. 97°01'39" W. C.P. and Mod. of License to correct station location to that shown above.

2410–CF–P/ML–75, Same (WPX54), 2.7 Miles Southwest of Woods, Oklahoma. Lat. 35°-24'59" N., Long. 97°14'26" W. C.P. and Mod. of License to correct coordinates to those shown above and to correct azimuth toward McKiddyville, Oklahoma to 173°-47'.

2411–CF–P/ML–75, Same (WPX55), Oklahoma City, Oklahoma. Lat. 35°26'01" N., Long. 97°30'59" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Woods, Oklahoma to 102°32'.

2412–CF–P/ML–75, Same (WPX56), 3 Miles West of Byars, Oklahoma. Lat. 34°52'55" N., Long. 97°06'13" W. C.P. and Mod. of License to correct coordinates to those shown above.

2413–CF–P/ML–75, Same (WPX57), 1 Mile North of Scullin, Oklahoma. Lat. 34°32'11" N., Long. 96°51'41" W. C.P. and Mod. of License to correct coordinates to those shown above and to correct azimuth toward Mannsville, Oklahoma to 153°25' and 330°00' toward Byers, Oklahoma.

2414–CF–P/ML–75, Same (WPX58), 3 Miles West of Mannsville, Oklahoma. Lat. 34°-08'28" N., Long. 96°53'23" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth to 212°50' toward Thackerville, Oklahoma and 3°24' toward Scullin, Oklahoma.

2415–CF–P/ML–75, Same (WPX59), 3.8 Miles Northeast of Thackerville, Oklahoma. Lat. 33°50'21" N., Long. [illegible] °07'23" W. C. P. and Mod. of License to correct station location to that shown above.

2416–CF–P/ML–75, Same (WPX60), 1.2 Miles Southwest of Mountain Springs, Texas. Lat. 33°28'29" N., Long. 97°03'47" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Lewisville, Texas to 157°47' and 352°11' toward Thackerville.

2417–CF–P/ML–75, Southern Pacific Communications Company (WPX61), 3 Miles East of Lewisville, Texas. Lat. 33°02'29 N., Long. 96°51'11" W. C.P. and Mod. of License to correct coordinates to those shown above and to correct azimuth toward Dallas SLB to 169°07' and 337°54' toward Mountain Springs, Texas.

2419–CF–P/ML–75, Same (WQR82), 1 Mile North of Grey Summit, Missouri. Lat. 38°30'29" N., Long. 90°48'29" W. C.P. and Mod. of License to correct coordinates as those shown above and to correct azimuth toward High Ridge, Missouri to 99°22'.

2420–CF–P/ML–75, Same (WQR83), 2 Miles East of Waynesville, Missouri. Lat. 37°-49'19" N., Long. 92°14'16" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Lebanon, Missouri to 253°20' and 68°07" toward Rolla, Missouri.

2421–CF–P/ML–75, Same (WQR85), 6 Miles Southeast of Joplin, Missouri. Lat. 37°-01'00" N., Long. 94°24'20" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Miami, Oklahoma to 244°00' and 64°56' toward Phelps, Missouri.

2422–CF–P/ML–75, Same (WQR86), 6 Miles Southwest of Nowata, Oklahoma. Lat. 36°39'21" N., Long. 95°44'39" W. C.P. and Mod. of License to correct coordinates as those shown above and to change azimuth toward Avant, Oklahoma to 239°56' and 74°23' toward Centralia, Oklahoma.

2423–CF–P/ML–75, Same (WQR87), 4 Miles South of Avant, Oklahoma. Lat. 36°26'27" N., Long. 96°03'36" W. C.P. and Mod. of License to correct coordinates to those shown above and to change azimuth toward Sand Springs, Oklahoma to 187°36' and 49°45' toward Nowata, Oklahoma.

2424–CF–P/ML–75, Same (WSM56), 6 Miles West of Union, Missouri. Lat. 38°23'39" N., Long. 91°06'24" W. C.P. and Mod. of License to correct azimuth toward Belle, Missouri to 64°02' and 257°47' toward Belle, Missouri.

2425–CF–P/ML–75, Same (WSM57), 2 Miles East of Belle, Missouri. Lat. 38°17'31" N., Long. 91°41'49" W. C.P. and Mod. License to correct station location to that shown above and to correct coordinates; and to change azimuth to 191°56' toward Rolla, Missouri, and 77°25' toward Union, Missouri.

2426–CF–P/ML–75, Same (WSM58), 5 Miles North of Rolla, Missouri. Lat. 37°57'55" N., Long. 91°47'03" W. C.P. and Mod. of License to correct station location and to correct coordinates to those shown above; and to change azimuth toward Belle, Missouri to 11°53'.

2427–CF–P/ML–75, Southern Pacific Communications Company (WSM59), 2 Miles Northwest of Lebanon, Missouri. Lat. 37°-42'29" N., Long. 92°42'45" W. C.P. and Mod. of License to correct station location, coordinates and azimuth toward Marshfield, Missouri to 200°55' and 73°02' toward Waynesville, Missouri.

2428–CF–P/ML–75, Same (WSM62), ¼ Mile South of Marshfield, Missouri. Lat. 37°19'-32" N., Long. 92°53'44" W. C.P. and Mod. of License to correct station location, coordinates and azimuth 243°25' toward Springfield, Missouri and 20°49' toward Lebanon, Missouri.

2451–CF–P–75, N-Triple-C, Inc., 1.0 Mile WSW of Sherburn, Minnesota (WOH26), Lat. 43°38'43" N., Long. 94°44'45" C.P. to correct coordinates to those shown above; and to change azimuth toward Winnebago, Minnesota to 73°34' and 242°33' toward Spirit Lake, Iowa.

2459–CF–P–75, Same (WOH30), 5.0 Miles WSW of Worthington, Minnesota. Lat. 43°-36'08" N., Long. 95°42'14" W. C.P. to correct coordinates to those shown above; and to change azimuth toward Spirit Lake, Iowa toward 107°30' and 287°15' toward Luverne, Minnesota.

2463–CF–P–75, Same (WOH38), 1.5 Miles South of Sioux Falls, South Dakota. Lat. 43°29'12" N., Long. 96°44'13" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Luverne, Minnesota to 57°44'; and toward Beresford, South Dakota to 183°36'.

2455–CF–P–75, Same (WOH34), 5.5 Miles East of Vermillion, South Dakota. Lat. 42°47'-12" N., Long. 96°49'13" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Beresford, South Dakota to 6°10' and toward Sioux City, Iowa to 134°06'.

2456–CF–P–75, Same (WOH35), 0.2 Mile NE of Military Road and Berry Street intersection, Sioux City, Iowa. Lat. 42°31'15" N., Long. 96°27'01" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Vermillion, South Dakota to 314°21' and toward Decatur, Nebraska to 172°56'.

2457–CF–P–75, Same (WOH43), 18th and Farnham, Omaha, Nebraska. Lat. 41°15'-30" N., Long. 95°56'20" W. C.P. to correct coordinates to those shown above.

2458–CF–P–75, Same (WPF68), 1.7 Miles North of Magnolia, Magnolia, Iowa. Lat. 41°43'16" N., Long. 96°52'32" W. C.P. to correct coordinates to those shown above and to correct azimuth toward Decatur, Nebraska to 308°16' and toward Omaha, Nebraska to 185°54'.

2365–CF–P–75, RCA Alaska Communicatons, Inc. (new), Hill 3870, approximately 32 Miles NW. of Nome, Alaska. Lat. 64°54'06" N., Long. 166°04'44" W. C.P. for a new station on frequency 2162.4V MHz toward Anvil Mountain, Alaska on azimuth 137°-44'; frequency 2167.2H MHz toward Port Clarence, Alaska on azimuth 315°54'.

2366–CF–P–75, Same (new), Port Clarence, 15 Miles West of Teller, Alaska. Lat. 65°14'-37" N., Long. 166°52'26" W. C.P. for a new station on frequency 2117.2H MHz toward Hill 3870, Alaska on azimuth 135°11'; frequency 2122.0V MHz via Passive Reflector toward Tin City, Alaska on azimuth 119°00'.

2367–CF–P–75, Same (new), Anvil Mountain, White Alice Site near Nome, Alaska. Lat. 64°33'52" N., Long. 165°22'11" W. C.P. for a new station on frequency 2112.4V MHz toward Hill 3870, Alaska on azimuth 318°-22'.

2462–CF–ML–75, New Jersey Bell Telephone Company (KEK94), 114 Paterson Street, Paterson, New Jersey. Lat. 40°55'12" N., Long. 74°10'09" W. Mod. of License to change polarization from Horizontal to Vertical on 10715 MHz toward Wayne Twp., New Jersey on azimuth 311°27'.

Corrections

2109–CF–P–75, Munising Telephone Company, (new). Correct entry to read: C.P. for a new station on 2166.5V MHz (Rest same as reported on Public Notice No. 796, dated January 13, 1975).

[FR Doc.75–3231 Filed 2–4–75;8:45 am]

[Docket Nos. 20235, 20236; Files Nos. 234–A–L–84 13–A–RL–94]

CITY OF EUGENE, OREG. AND McKENZIE FLYING SERVICE INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of City of Eugene, Oregon, Eugene, Oregon, Docket No. 20235, File No. 234–A–L–84; and McKenzie Flying Service, Inc., Eugene, Oregon, 97402, Docket No. 20236, File No. 13–A–RL–94; for aeronautical advisory station to serve Mahlon Sweet Municipal Airport, Eugene, Oregon.

1. The Commission's rules § 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Mahlon Sweet Municipal Airport, Eugene, Oregon, and therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, *it is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules.

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard, City of Eugene, Oregon and McKenzie Flying Service, Inc., pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: January 27, 1975.

Released: January 30, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75–3229 Filed 2–4–75;8:45 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on March 12, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on March 11, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on March 11, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: January 24, 1975.

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

BP–19728	New, Franklin, N.C. Joe M. Henry, doing business as Mountain Broadcasting Co. Req: 1480 kHz, 5 kW, D.
BP–19759	New, Monterey, Tenn. Edward M. Johnson, doing business as Monterey Broadcasting Co. Req: 1420 kHz, 1 kW, D.
BP–19799	KLYQ, Hamilton, Mont. Bitter Root Broadcasting Co. Has: 960 kHz, 1 kW, D. Req: 1240 kHz, 250 W, 1 kW–LS, U.
BP–19803	New, Middleborough Center, Mass. Middleborough Broadcasters, Inc. Req: 1070 kHz, 500 W, DA, D.
BP–19809	New, Lykens, Pa. Quinn Broadcasting, Inc. Req: 1290 kHz, 500 W, D.
BP–19819	New, Elkton, Ky. Todd County Enterprises, Inc. Req: 1070 kHz, 250 W, D.
BP–19820	New, Alexander City, Ala. Kowaliga Broadcasting, Inc. Req: 1590 kHz, 1 kW, D.
BP–19828	WFTN, Franklin, N.H. Northeast Communications Corp. Has: 1240 kHz, 250 W, U. Req: 1240 kHz, 250 W, 1 kW–LS, U.

[FR Doc.75–3230 Filed 2–4–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

TRANSFER PRICING REPORT

Availability of Form

Notice is hereby given that the Federal Energy Administration has mailed to certain refineries Form FEA–F701–M–O (Transfer Pricing Report). This form requires the reporting, pursuant to 10 CFR 212.84(i), of crude oil prices obtaining in transactions between affiliated entities and in transactions between non-affiliated entities and also requires the provision to the FEA of data necessary for the FEA to execute its role in monitoring certain U.S. and world petroleum costs and prices.

A refiner which imports at least 500,000 barrels of crude oil during the month or a refiner which imports crude oil from an affiliated entity during the month must file a Form FEA–F701–M–O for that month. Forms for the month of May 1973 and for the months of October 1973 through December 1974 must be filed within 45 days of their receipt. Reports for the months of January 1975 and February 1975 must be filed by March 15, 1975 and by April 15, 1975, respectively. Beginning with March 1975, Form FEA–F701–M–O is required to be filed by the thirtieth day of each month following the month of measurement.

If you are required to file Form FEA–F701–M–O and are not listed in the Appendix hereto, please contact the Federal Energy Administration, Code 2897, Washington, D.C. 20461, or telephone (202) 961–8033 to obtain copies of the forms.

Dated: January 31, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

APPENDIX

The following is a list of firms to which the Federal Energy Administration mailed copies of Form FEA–F701–M–O:

Amerada Hess Corp.
American Petrofina, Inc.
Ashland Oil, Inc.
Atlantic Richfield Co.
Champlin Petroleum Corp.
Cities Service Co.
Clark Oil and Refining Corp.
Coastal States Petrochemical
Commonwealth Oil Refining Co.
Continental Oil Co.

XUM
V40025
FEB 5 75
XUM

Exxon Corp.
Getty Oil Co.
Guam Oil and Refining Co.
Gulf Oil Corp.
Kerr-McGee Corp.
Koch Industries, Inc.
Marathon Oil Co.
Mobil Oil Corp.
Murphy Oil Corp.
Phillips Petroleum Co.
Shell Oil Co.
Skelly Oil Co.
Standard Oil Co. of California
Standard Oil Co. (Indiana)
Standard Oil Co. (Ohio)
Sun Oil Co.
Tenneco Oil Co.
Texaco Inc.
Total Leonard, Inc.
Union Oil Co. of California
United Refining Co.

[FR Doc.75-3265 Filed 2-4-75;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

CROSS REFERENCE: For a document on the above subject issued jointly by the Federal Energy Administration and the General Services Administration, see FR Doc. 75-3360, General Services Administration, *infra*.

FEDERAL POWER COMMISSION

[Docket No. RP74-92]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant To Purchased Gas Cost Adjustment Provisions

JANUARY 27, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on January 16, 1975 tendered for filing Fourth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This tariff sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate adjustment, amounting to an increase of 0.20¢ per MMBtu in Algonquin Gas' sales rates under applicable rate schedules, is being filed to amortize the balance in Algonquin Gas' Unrecovered Purchased Gas Cost Account.

The proposed effective date of the revised tariff sheet is March 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3236 Filed 2-4-75;8:45 am]

EAST TENNESSEE NATURAL GAS CO.

Revised Tariff Sheets

JANUARY 29, 1975.

Take notice that on January 24, 1975, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Third Revised Sheet Nos. 83 and 84 to Sixth Revised Volume No. 1 of its FPC Gas Tariff.

East Tennessee states that the revised tariff sheets reflect the current status of its Index of Purchasers and propose an effective date of March 1, 1975.

East Tennessee further states that copies of the filing have been mailed to all of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3237 Filed 2-4-75;8:45 am]

[Dockets Nos. RP74-22, RP74-23]

EL PASO NATURAL GAS CO. ET AL

Extension of Time

JANUARY 28, 1975.

On January 21, 1975, El Paso Natural Gas Company filed a motion in Docket No. RP74-22 and on January 21, 1975, Northwest Pipeline Corporation filed a motion in Docket No. RP74-23, to extend the dates for filing briefs on exceptions and briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued August 28, 1974. The California Public Utilities Commission objects to the extension. All other parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions is extended to February 28, 1975, and the date for filing briefs opposing exceptions is extended to March 20, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-3238 Filed 2-4-75;8:45 am]

[Docket No. CP70-289]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Supplement and Amendment to Petition To Amend

JANUARY 29, 1975.

Take notice that on January 6, 1975, Inter-City Minnesota Pipelines, Ltd., Inc. (Inter-City), 1500 Richardson Building, 1 Lombard Place, Winnipeg 2, Manitoba, Canada, filed in Docket No. CP70-289 a supplement and amendment to a petition filed October 22, 1974,[1] to amend the order of the Commission issued pursuant to section 3 of the Natural Gas Act in said docket on August 10, 1970 (44 FPC 262), as amended September 26, 1973 (50 FPC 868). Inter-City supplements said petition to amend with amending agreements dated December 6, 1974, and December 9, 1974, between Inter-City and ICG Transmission Ltd., and Inter-City amends said petition to amend by requesting authorization to continue importation of natural gas from Canada at the increased rate of $1.00 (Canadian) per million Btu, all as more fully set forth in the supplement and amendment to petition to amend which is on file with the Commission and open to public inspection.

Inter-City states that the December 6, 1974, amending agreement provides for the purchase by Inter-City of additional quantities of natural gas at Sprague, Manitoba, and for an increase in prices to be paid for natural gas at Baudette, Minnesota, and Fort Frances, Ontario, occasioned by higher depreciation rates on Inter-City's facilities. Inter-City further states that the December 9, 1974, amending agreement provides for an increase in price to be paid by Inter-City for natural gas purchased at Sprague, Manitoba, and Fort Frances, Ontario, to $1.00 (Canadian) per million Btu.

Inter-City claims that the instant request to import gas at an increased rate is necessitated by the actions of the Canadian Government which has instructed the National Energy Board to amend existing export licenses to establish a border export price of not less than nor greater than $1.00 (Canadian) per million Btu effective January 1, 1975.

Any person desiring to be heard or to make any protest with reference to said supplement and amendment to petition to amend should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3239 Filed 2-4-75;8:45 am]

[1] Notice of the petition to amend was published in the FEDERAL REGISTER on November 18, 1974 (39 FR 40632).

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Compliance Filing

JANUARY 29, 1975.

Take notice that Mississippi Power Company (Mississippi), on January 17, 1975, tendered for filing in this docket a fuel clause filed in compliance with the Commission's order dated December 31, 1975.

In its December 31, 1975, order the Commission rejected a fuel clause filed by Mississippi on November 29, 1974, on the basis that the proposed fuel clause reflected the total cost of economy purchases rather than reflecting only the cost of fuel included in such purchases as required by § 35.14(a)(1) of the Commission's regulations. The Commission's order rejected the tendered fuel clause without prejudice to Mississippi's right to file a revised fuel clause conforming with the regulations, or in the alternative, a revised fuel clause conforming to Order No. 517.

Mississippi's fuel clause tendered in its compliance filing was filed pursuant to Opinion No. 517. Mississippi requested the Commission to waive the 30-day notice requirements and grant a retroactive effective date of January 2, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3240 Filed 2-4-75;8:45 am]

[Docket No. E-9220]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 20, 1975, Northwestern Public Service Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act, and Commission Regulations thereunder, seeking authorization to negotiate with at least three underwriters in separate transactions, regarding the proposed issuance and sale of (1) $15 million principal amount of First Mortgage Bonds; and (2) 30,000 shares of its Cumulative Preferred Stock, par value $100 per share, by negotiated sale.

Applicant seeks permission to negotiate with underwriters regarding the terms upon which the securities might be issued in order to determine whether application for exemption from the competitive bidding requirements of § 34.1a (a), (b) and (c) of the Commission's regulations under the Federal Power Act should be made. The Applicant represents that it has not engaged in any negotiations for the sale or underwriting of securities, and will not do so prior to receiving Commission authorization.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota, and Nebraska, with its principal business office at Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3241 Filed 2-4-75;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Revision To Tariff

JANUARY 27, 1975.

Take notice that on January 20, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following second substitute revised tariff sheets:

Second Substitute Tenth Revised Sheet No. 3A.
Second Substitute Thirty-fifth Revised Sheet No. 5.
Second Substitute Thirty-Fourth Revised Sheet No. 6.
Second Substitute Twenty-Sixth Revised Sheet No. 9.
Second Substitute Twenty-Fifth Revised Sheet No. 11.
Second Substitute Twenty-Ninth Revised Sheet No. 12B.

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The company further states that it proposes to increase its rates $475,608 for the purpose of tracking a second substitute rate increase filing made on January 16, 1975 by Southern Natural Gas Company (Southern). Such second substitute filing is in lieu of the filing made by Southern on December 20, 1974. The instant second substitute filing will increase South Georgia's cost of gas $760,070 annually. An effective date of January 1, 1975 is requested.

South Georgia also submitted the following alternate second substitute revised tariff sheets:

Alternate Second Substitute Tenth Revised Sheet No. 3A.
Alternate Second Substitute Thirty-Fifth Revised Sheet No. 5.
Alternate Second Substitute Thirty-Fourth Revised Sheet No. 6.
Alternate Second Substitute Twenty-Sixth Revised Sheet No. 9.
Alternate Second Substitute Twenty-Fifth Revised Sheet No. 11.
Alternate Second Substitute Twenty-Ninth Revised Sheet No. 12B.

South Georgia states that the alternate second substitute revised sheets were submitted in order to track the alternate second substitute sheet filed by Southern on January 16, 1975. South Georgia states that Southern's alternate second substitute rate will increase South Georgia's cost of gas $755,320 annually if ordered by the Commission to become effective. $472,489 of such increase is applicable to jurisdictional customers.

South Georgia requests that if Southern's second substitute rates become effective that South Georgia's second substitute rates also become effective on the same date. South Georgia also requests that if Southern's alternate second substitute rates are ordered to become effective that South Georgia's alternate substitute rates become effective on the same date.

South Georgia has requested waiver of the forty-five (45) day notice requirements as set forth in § 14.2(e) of the General Terms and Conditions of South Georgia's FPC Gas Tariff. South Georgia states that knowledge of Southern's second substitute filing, which South Georgia proposes to track, was not known to South Georgia in time to make it possible for South Georgia to comply with the forty-five (45) day notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North

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Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3242 Filed 2-4-75;8:45 am]

[Docket No. G-5135 etc.]

SUN OIL CO.

Petition To Amend

JANUARY 29, 1975.

Take notice that on January 21, 1975, Sun Oil Company (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed in Docket Nos. G-5135 and G-6628 a petition to amend the orders issuing certificates of public convenience and necessity in said dockets on December 15, 1958, and May 28, 1956, pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) in accordance with the settlement agreement certified to the Commission in *Hilda B. Weinert and Jane W. Blumberg, et. al.*, Docket No. G-2730, *et al.*, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

In the initial orders in the subject dockets Petitioner was authorized to sell gas to Transco from certain acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas. Petitioner relates that it filed applications for permission to abandon sales to Transco from the La Gloria Field on May 26, 1971, in Docket No. CI71-832 and on April 6, 1973, in Docket No. CI73-684, and that said applications were subsequently approved, along with other similar applications, by the order accompanying Opinion No. 655, in Docket No. G-2730 *et al.* on March 21, 1973 (49 FPC 738). The United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. *Transcontinental Gas Pipe Line Corporation* v. *FPC*, 488 F.2d 1325 (D.C. Cir. 1973).

Petitioner states that, as a result of settlement negotiations, it has entered into a contract, dated November 7, 1974, to become effective upon the effective date of the revised settlement in Docket No. G-2730, *et al.*, subject to approval of said settlement.

Petitioner describes the November 7, 1974, contract as providing for a change in the volumes to be delivered to Transco which are different from those volumes certificated in the proceedings in Docket Nos. G-5135 and G-6628 and as further providing for sales to continue at certain quantities during specified periods until all of the gas reserves committed to Transco have been delivered. Petitioner states that the new contract provides for sales of approximately 4,000 Mcf of gas per month at 54.1605 cents per Mcf 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot plus reimbursement for all taxes and a gathering allowance, as provided for in § 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Petitioner states that the sales in the La Gloria Field are sales formerly made pursuant to permanent certificates of unlimited duration under contracts which expired by their own terms.

Petitioner, accordingly, requests that in the event the Commission approves the settlement agreement in Docket Nos. G-2730, *et al.*, the Commission contemporaneously issue an order amending the orders issuing Petitioner's certificates of public convenience and necessity in Docket Nos. G-5135 and G-6628 to authorize Petitioner to perform all acts and obligations pursuant to the November 7, 1974, contract. Petitioner further requests that the Commission terminate the proceedings on Petitioner's requests for abandonment in Docket Nos. CI71-832 and CI73-684.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3243 Filed 2-4-75;8:45 am]

[Docket No. CP75-210]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 20, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-210 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a gas loan arrangement with Sun Oil Company (Sun) under the terms of an agreement between the parties dated December 10, 1974, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Sun proposes to deliver to Applicant daily, for a three-month period during the present winter season on a best efforts basis, up to approximately 5,000 Mcf of undedicated natural gas, and following the winter, Applicant proposes to return equivalent volumes at mutually agreeable times and locations, utilizing existing authorized delivery points.

According to the application, Sun is conducting a pressure maintenance program at the Fordouche Field, Point Coupee and Iberville Parishes, Louisiana, the natural gas for which comes from the Chacahoula Field, Lafourche Parish, Louisiana. It is stated that in order to evaluate the effectiveness of the program to date and to conduct the various tests necessary therefor, Sun plans to reduce the gas injections at Fordouche for a limited period of time. To the extent of the reduced gas injections, Sun will temporarily have gas volumes in excess of its needs which volumes are not available for sale since they will be required by Sun at Fordouche when the full scale pressure maintenance program recommences. Accordingly, Applicant states, Sun has agreed to loan these volumes to Applicant during the present winter season, with deliveries to commence as soon as authorization is received.

Applicant states that the subject gas will be delivered by Sun in the same manner as deliveries are presently being made in the Chacahoula-to-Fordouche transportation by Applicant under a temporary certificate issued May 26, 1972, in the proceeding pending in Docket No. CP72-140, i.e., into the Florida Gas Transmission Company (Florida Gas) system at Chacahoula. Applicant further states that Florida Gas will, in turn, deliver the volumes to Applicant under a presently authorized exchange arrangement between the parties. Applicant claims that no additional facilities are required to implement the proposed gas loan.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426 a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject

to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3244 Filed 2-4-75;8:45 am]

[Docket No. CI75-425]

VULCAN MATERIALS CO.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 22, 1975, Vulcan Materials Company (Applicant), P.O. Box 545, Wichita, Kansas 67201, filed in Docket No. CI75-425 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) in Kingman County, Kansas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Panhandle an estimated 15,000 Mcf per month of gas from the subject acreage at 55 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant requests authorization to sell gas, with pre-granted abandonment authorization, pursuant to a gas purchase contract with Panhandle the term of which gas purchase contract commences on the date of the agreement, November 6, 1974, and ends on the first day of the month following expiration of one year from the date of first delivery. Applicant further states that the total price per Mcf is expected to be 59.7 cents, including an estimated upward Btu adjustment of 4.7 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3245 Filed 2-4-75;8:45 am]

[Docket No. RP71-41]

UNITED GAS PIPE LINE CO.

Extension of Procedural Dates

JANUARY 28, 1975.

On January 13, 1975, United Gas Pipe Line Company filed a motion to extend the procedural dates fixed by order issued December 27, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of company's testimony	Apr. 22, 1975.
Service of staff's testimony	June 10, 1975.
Service of intervenor's testimony	July 1, 1975.
Service of company rebuttal	July 22, 1975.
Hearing	Aug. 5, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-3246 Filed 2-4-75;8:45 am]

FEDERAL RESERVE SYSTEM

DEXTER BANKING CO.

Order Denying Formation of Bank Holding Company

Dexter Banking Company, Dexter, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 95 per cent or more of the voting shares of The Farmers & Merchants State Bank of Dexter, Dexter, Kansas ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of the former Kemp-McFall Agency, a company that engages in the activities of a general insurance agency in a community with a population not exceeding 5,000. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 41308 (1974)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant presently conducts general insurance agency activities in Dexter, Kansas. Bank, with deposits of about $2.3 million,[1] is the sixth largest of eight banks in the relevant banking market,[2] controlling approximately 2.7 per cent of the total deposits in commercial banks in the market. Since the proposal represents a restructuring of the ownership of Bank from individuals to a corporation owned by the same individuals and Applicant has no present subsidiaries, consummation of the proposal would have no significantly adverse effects on competition in any relevant area.

The Board has indicated on previous occasions that it believes a holding company should provide a source of strength for its subsidiary bank(s) and that it will examine closely the condition of the Applicant in each case with this view in mind. Applicant proposes to service the debt that it will incur as a result of the acquisition of Bank over a period of 11 years through dividends from Bank, tax savings, and income from its insurance agency activities. In the Board's view, the debt retirement program, which contemplates significant dividends from Bank, does not provide Applicant with the necessary financial flexibility to service the acquisition debt while maintaining Bank's capital at an acceptable level. Furthermore, those financial requirements could place an undue strain on the financial condition of Bank and thus impair Bank's ability to remain a viable banking organization in meeting the banking needs of the community which it serves. Similarly, Applicant's debt structure would effectively preclude it from rendering financial assistance to Bank if the need should arise. In addition, it is noted that the principals of

[1] All banking data are as of June 30, 1974.
[2] The relevant banking market is approximated by Cowley County.

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Applicant appear to lack any previous banking experience. The Board is unable to conclude, therefore, that managerial considerations lend any weight toward approval of the application. Accordingly, on the basis of the facts of record, the Board concludes that the above considerations relating to the banking factors weigh against approval of the application.

The proposed formation represents merely a restructuring of the ownership of Bank with no significant changes in Bank's operations or the services offered to customers. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all the circumstances concerning this application, the Board concludes that the banking considerations involved in the proposal present adverse factors bearing on the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application for approval to become a bank holding company should be denied.[2]

By order of the Board of Governors,[4] effective January 23, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3208 Filed 2-4-75;8:45 am]

ESSEX BANCORP, INC.

Order Denying Acquisition of Bank

Essex Bancorp, Inc., Peabody, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Saugus Bank and Trust Company, Saugus, Massachusetts.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eleventh largest banking organization in Massachusetts, controls one bank with deposits of about $127 million, representing .9 percent of the total deposits held by commercial banks in the State.[1] Acquisition of Bank ($21.3 million) would not change Applicant's rank among the banking organizations in the State, nor would it result in a significant increase in the concentration of banking resources.

Bank operates its three offices in the town of Saugus in Essex County and is the 36th largest banking organization in the Boston banking market[2] wherein it holds about .2 of one percent of the total commercial bank deposits. Applicant's sole subsidiary bank, Essex County Bank and Trust Company ("Essex Bank"), is also located in the Boston banking market and is the eighth largest banking organization in that market. All of Essex Bank's thirteen offices are located in the southern portion of Essex County, including one office in Saugus. From the facts of record, it appears that significant existing competition between Applicant and Bank would be eliminated as a result of the consummation of the proposal. In fact, Essex Bank and Bank are the only banks represented in Saugus and are directly in competition with one another. This proposal would thus eliminate the only alternative source of banking services in Saugus. Accordingly, on the basis of the record, the Board concludes that consummation of the proposal would have adverse effects on existing competition. These considerations lend weight toward denial of the proposal.

While the managerial resources and prospects of Applicant, its subsidiary bank, and Bank appear to be satisfactory, the Board is concerned about Applicant's ability to serve as a source of financial strength for Bank as well as for Essex Bank. In the Board's view, Essex Bank is in need of some additional capital. Expansion by Applicant at this time through the subject acquisition could impair Applicant's ability to augment the capital of its existing subsidiary. These financial considerations strongly suggest that Applicant should direct its efforts towards strengthening its present subsidiary rather than expanding its interests at this time. Accordingly, the Board finds that financial considerations also lend weight toward denial of the application.

With respect to convenience and needs considerations, Applicant states that it intends to expand Bank's services. Applicant, however, is already offering such services in Saugus through the Essex Bank. Therefore, this consideration alone does not outweigh the other adverse factors reflected in the record. Accordingly, it is the Board's judgment that consummation of the proposed transaction would not be in the public interest, and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective January 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3209 Filed 2-4-75;8:45 am]

FIRST OGDEN CORP.

Order Denying Formation of Bank Holding Company

First Ogden Corporation, Naperville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the Bank of Naperville, Naperville, Illinois.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given (39 FR 27837). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied[3] for the reasons set forth in the Board's Statement, which will be released at a later date.

By order of the Board of Governors,[4] effective January 27, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3210 Filed 2-4-75;8:45 am]

HAMPTON BANCO, INC.

Formation of Bank Holding Company

The Hampton Banco, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 89 per cent or more of the voting shares of Hampton State Bank, Hampton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the

[2] In view of the Board's action with respect to the application to become a bank holding company, consideration of the section 4(c)(8) application to retain the insurance activities becomes moot.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1974.

[2] The Boston banking market is approximated by the Boston RMA.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governors Wallich and Coldwell.

[1] In view of the Board's action with respect to the application to become a bank holding company, consideration of a concurrent application filed by Applicant to retain three nonbanking subsidiaries becomes moot.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, and Coldwell. Absent and not voting: Governor Wallich.

application should submit views in writing to the Reserve Bank, to be received not later than February 20, 1975.

Board of Governors of the Federal Reserve System, January 28, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3211 Filed 2-4-75;8:45 am]

HAWKEYE BANCORPORATION

Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of Farmers and Merchants State Bank, Lake Mills, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 27, 1975.

Board of Governors of the Federal Reserve System, January 27, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3212 Filed 2-4-75;8:45 am]

LACROSSE INSURANCE, INC.

Order Approving Formation of Bank Holding Company and Acquisition of General Insurance Agency

LaCrosse Insurance, Inc., LaCrosse, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 83.2 per cent or more of the voting shares of The Farmers and Merchants State Bank of Rush County, LaCrosse, Kansas ("Bank").

At the same time, Applicant has applied for the Board's approval pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y to acquire LaCrosse Insurance Agency, LaCrosse, Kansas ("Agency"), a company that engages in the activities of a general insurance agency in a community with a population of less than 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 F.R. 37432 (1974)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant was formed for the purposes of becoming a bank holding company through the purchase of Bank's stock and of operating as a general insurance agency. Bank (deposits of about $9 million),[2] the largest of 6 banks in the relevant banking market,[3] controls approximately 27 percent of the total deposits in commercial banks in the market. Since Applicant does not presently have any subsidiaries, there is no existing competition, nor is any likely to develop. Accordingly, consummation of the proposal would have no significantly adverse effects on competition in any relevant market. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and management resources and future prospects of Applicant, which are dependent upon those of Bank and Agency, are considered generally satisfactory and consistent with approval. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, banking factors are regarded as being consistent with approval of the application. Applicant expects to increase Bank's loan-to-deposit ratio, thereby increasing funds available for loans to area residents. Therefore, considerations relating to the convenience and needs of the community to be served lend some weight toward approval. Approval of the application would insure continued local ownership and satisfactory successor management for Bank. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency is a general insurance agency and conducts its business from the premises of Bank in LaCrosse. The continued availability of these services through Applicant assures the residents of the LaCrosse area of a convenient source of insurance agency services, which factor the Board regards as being in the public interest. It does not appear that Applicant's acquisition of Agency would have any significant effect on existing or future competition, and there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of the proposal with respect to Agency can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and the application to acquire Agency should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and Agency shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective January 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3213 Filed 2-4-75;8:45 am]

MINGO INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

Mingo Insurance Agency, Inc., Mingo, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.5 percent or more of the voting shares of Mingo Trust and Savings Bank, Mingo, Iowa ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of a general insurance agency in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act

[2] All banking data are as of June 30, 1974.

[3] The relevant banking market is approximated by Rush County.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

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(39 FR 40900). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant, a recently formed Iowa corporation, engages on bank premises in the sale of insurance as a general agent, an activity which commenced in December 1973 when Applicant purchased the Albert E. Toms Agency in connection with the contemplated acquisition of the controlling interest in Bank. With deposits of $2.73 million, representing about 0.03 percent of the commercial bank deposits in Iowa, Bank is the only bank in Mingo, an agricultural community with a population of approximately 260, located 30 miles northeast of Des Moines, Iowa. In its relevant market, approximated by Jasper County, Bank holds about 2.4 percent of the commercial bank deposits. (Banking data are as of December 31, 1973.) Since Applicant has no existing banking subsidiaries, consummation of the proposal would not eliminate any existing or potential competition. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and consistent with approval. The management of Applicant is satisfactory, furthermore, the Bank's management succession problem will be solved by this transfer of ownership. Applicant's financial condition and future prospects, which are dependent upon profitable operations by both Bank and the insurance agency activities, appears favorable. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, such considerations are regarded as being consistent with approval of the application to become a bank holding company.

In connection with the application to become a bank holding company, Applicant has also applied for permission to continue to engage in insurance activities on Bank's premises. Prior to the transfer of the insurance agency business to Applicant, the insurance activities were conducted on Bank premises as a sole proprietorship owned by the then-President and majority stockholder of Bank. For some years there has been a close relationship between the Bank and the insurance agency. Approval of the proposal herein will continue this relationship and thereby assure the availability of insurance to this community. In addition, there is no evidence in the record indicating that continuation of Applicant's insurance activities would result in an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the factors under § 3 of the Act and the balance of public interest factors the Board is required to consider under section 4(c)(8) of the Act, as both are favorable. Accordingly, the application to become a bank holding company and the application to continue to engage in insurance activities are approved. The acquisition of the Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority. The determination as to the insurance agency activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] dated January 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3214 Filed 2-4-75;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

NBC CORP.

Order Approving Formation of Bank Holding Company

NBC Corporation, Altus, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of more than 80 per cent of the voting shares of The National Bank of Commerce, Altus, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently-organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. The proposed transaction essentially involves the transfer of ownership from individuals to a corporation owned by the same individuals with no change in Bank's management or operations. Bank (deposits of $15.6 million)[1] is the second largest among six banking organizations competing in its banking market,[2] and holds about 28.4 percent of the market's total commercial deposits. Upon acquisition of Bank, Applicant would control about 0.2 percent of total commercial bank deposits in the State. Applicant's principal shareholders also control the First State Bank, Grandfield, Oklahoma, however, that bank is located 75 miles southeast of Bank in a separate market area and does not compete with Bank. Since the subject proposal represents merely a restructuring of existing ownership interests, its consummation would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered to be generally satisfactory and the prospects of each appear favorable. The Board notes that the Comptroller of the Currency has expressed some concern that consummation of this proposal may result in a burden upon Bank's earnings. However, on the basis of the Board's review of the financial resources of Bank and Applicant, the Board is of the view that, although Applicant will incur debt in the acquisition of Bank, Applicant appears to be able to service the debt without impairing the financial condition of Bank. In addition, it appears that Applicant will be assuming a preferential interest rate on certain bank stock loans made to Bank's major shareholders. Although the Board has expressed some concern about such loans in the past, there is no evidence in the record indicating that the loans in this case have resulted in any abuses to Bank or the minority shareholders. Considerations relating to the banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank as a result of the shifting of Bank's ownership to a corporation, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction is consistent with the public interest and that the application should be approved.

On the basis of the record,[3] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Board of Governors,[4] effective January 23, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3215 Filed 2-4-75;8:45 am]

[1] Deposit data are as of December 31, 1973.
[2] The relevant market is approximated by Jackson County.
[3] Dissenting Statement of Governors Mitchell and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Florida Center Bank, Orlando, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 20, 1975.

Board of Governors of the Federal Reserve System, January 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3216 Filed 2-4-75;8:45 am]

SOUTHWEST NATIONAL CORP.

Order Approving Formation of Bank Holding Company

Southwest National Corporation, Albuquerque, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 per cent or more of the voting shares of The Carlsbad National Bank, Carlsbad, New Mexico ("Carlsbad Bank") and The Bank of Las Vegas, Las Vegas, New Mexico ("Las Vegas Bank"), and through acquisition of all of the voting shares (less directors' qualifying shares) of Southwest National Bank, Albuquerque, New Mexico ("Southwest Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized by the principal stockholder of Carlsbad Bank and Las Vegas Bank for the purpose of bringing those banks and Southwest Bank within a holding company structure. Consummation of the proposal herein would result in Applicant controlling three banks with aggregate deposits of approximately $53 million, representing 2 per cent of total commercial bank deposits in the State, and Applicant would thereby become the smallest of five mutibank holding companies operating in New Mexico.[1] Approval of the application would not increase significantly the concentration of banking resources in New Mexico.

Carlsbad Bank ($28.9 million in deposits), located in the southeast corner of the State, is the largest of three banks in the Carlsbad banking market[2] and controls approximately 47 per cent of total commercial bank deposits in the market. The two other banks therein hold 33 and 20 per cent, respectively, of the deposits in the market. Las Vegas Bank ($24.1 million in deposits), located over 250 miles north of Carlsbad Bank, is the larger of two banks in the Las Vegas banking market[3] and holds about 69 per cent of total commercial banks deposits therein. Southwest Bank would be located in the Albuquerque banking market,[4] approximately 130 miles west of Las Vegas Bank. There are nine commercial banks in the market with the first, third, and fourth largest controlling about 63 per cent of those market deposits.

Since Southwest Bank is a proposed new bank, its acquisition by Applicant would not eliminate any existing or potential competition in the Albuquerque banking market, nor would it have an adverse effect on any area banks. In fact, Applicant's entry in the Albuquerque banking market would stimulate additional competition with the larger organizations operating therein. There appears to be no significant existing competition between Carlsbad Bank and Las Vegas Bank in view of their common ownership and management, their relatively small size, and the distances separating them. Furthermore, for the same reasons, it appears unlikely that any substantial amount of competition would develop in the future between any of Applicant's proposed subsidiary banks. On the basis of the record before it, the Board concludes that consummation of the proposed transaction would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its proposed subsidiary banks are satisfactory. While Applicant and Southwest Bank have no financial or operating history, the Board believes that growth, earnings and debt retirement projections by Applicant are attainable, and that adequate equity capital levels would be maintained in all three subsidiary banks. Accordingly, financial and managerial considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the communities to be served are also regarded as being consistent with approval. While both Carlsbad Bank and Las Vegas Bank presently provide a full range of services to area residents, Southwest Bank would provide another source of full banking services for Albuquerque residents. In addition, consummation of the transaction would enable Applicant to facilitate the internal operations of its subsidiary banks through centralized bond and asset management, advertising, computer services, and loan participations. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Southwest National Bank, Albuquerque, New Mexico, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[5]

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3217 Filed 2-4-75;8:45 am]

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1974.
[2] The Carlsbad banking market is approximated by the southern half of Eddy County, New Mexico.
[3] The Las Vegas banking market is approximated by the western two-thirds of San Miguel County and all of Mora County, New Mexico.
[4] The Albuquerque banking market is approximated by Bernalillo County, New Mexico.

[4] Voting for this action: Chairman Burns and Governors Holland, Wallich and Coldwell. Voting against this action: Governors Mitchell and Sheehan. Absent and not voting: Governor Bucher.

STAPLETON INVESTMENT CO.

Formation of Bank Holding Company and Proposed Acquisition of Burnham Insurance Agency

Stapleton Investment Co., Stapleton, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to became a bank holding

[5] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich. effective January 22, 1975.

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company through acquisition of 98 per cent of the voting shares of Bank of Stapleton, Stapleton, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Stapleton Investment Co. has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire Burnham Insurance Agency, Stapleton, Nebraska. Notice of the application was published on January 2, 1975 in The Stapleton Enterprise, a newspaper circulated in Stapleton, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 19, 1975.

Board of Governors of the Federal Reserve System, January 23, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3218 Filed 2-4-75;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Denying Acquisition of Banks

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval in two separate applications under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of The Austin National Bank, Austin, Texas ("Austin Bank") and Oak Hill National Bank, Oak Hill, Texas ("Oak Hill Bank") through the acquisition of all the assets, properties and businesses of Austin Bancshares Corporation, Austin, Texas ("Austin Bancshares").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls 25 banks with aggregate deposits of $2.5 billion, representing 6.3 per cent of the total commercial bank deposits in Texas, and is the third largest banking organization in the State. (Unless otherwise indicated, all banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through December 31, 1974.) Applicant's acquisition of Oak Hill Bank would not increase appreciably Applicant's share of deposits nor its rank in the State since this recently organized bank was opened for business on March 1, 1974, and held deposits of only $1.4 million on June 30, 1974. However, as a result of the acquisition of Austin Bank, Applicant's share of commercial bank deposits in Texas would increase from 6.3 per cent to 7.1 per cent, and it would become the second largest banking organization in Texas. The increase in the concentration of banking resources in the State of Texas which would result from such acquisition is viewed with some degree of concern by the Board.

This proposal represents Applicant's initial entry in the Austin banking market, which is approximated by Travis and Hays Counties. Austin Bank is located in downtown Austin and Oak Hill Bank is located nine miles southwest of downtown Austin. Austin Bank is the largest of 17 market banks [1] and holds deposits of $301 million. Applicant's closest existing subsidiary to the Austin and Oak Hill banks is located 160 miles southeast of Austin. Since Oak Hill Bank and Austin Bank are each subsidiaries of Austin Bancshares, there is no meaningful existing competition between them. In addition, it appears that there is no existing competition between any of Applicant's present subsidiaries and the banks proposed to be acquired that would be eliminated by consummation of the proposal.

Although the acquisition of Austin Bank would have no adverse effect on existing competition, the Board is concerned with the adverse effects that the acquisition would have on potential competition. In addition, the Board has some concern for the increase in the concentration of banking resources which would result from this proposal. In recent decisions of applications by Texas' first and second largest banking organizations to acquire leading banks in local markets, the Board noted that approval of such proposals would result in an increase in the share of deposits held by the State's largest organizations as well as an increase in the size disparity between those financial institutions and the State's other bank holding companies.[2]

As noted above, the Board views with some concern the effect of Applicant's acquisition of the Austin Bank on banking competition and concentration in the State as a whole. However, the Board is *primarily* concerned with the significantly adverse effects that Applicant's acquisition of Austin Bank would have on the concentration of banking resources within the Austin banking market and on potential competition within that market. Turning first to the subject of concentration, approval of the proposal would establish Applicant as the largest banking organization in the market with control of the market's largest bank in terms of deposits. Austin Bank, as the largest of 19 market banks, controls approximately 23 percent of the market's total deposits. While Applicant's acquisition of Oak Hill and Austin Bank may not have an immediate effect on the concentration of banking resources in the market, the Board views the acquisition of such a significant competitor as Austin Bank in a concentrated market by one of the State's leading competitors as reducing appreciably the likelihood that the market would become less concentrated and more competitive in the future.

In addition to reducing the likelihood that the market would become less concentrated, Applicant's acquisition of Austin Bank would have significantly adverse effects on potential competition. At the present time, Austin Bank appears to be a viable and effective competitor in the Austin market. It sponsored the formation of a bank holding company and has recently expanded that holding company's operations by establishing a new bank (Oak Hill) within the market. The consummation of the subject proposal would eliminate Austin Bank as a lead bank for a bank holding company that would be able to continue to serve as a meaningful competitor in the Austin market as well as possibly to expand into a regional holding company in Texas.

Even though this proposal represents Applicant's initial entry into the Austin market, the Board is unable to conclude that the proposal is competitively preferable to alternative means of entry available to Applicant. Due in part to its position as the State's capital, the Austin area has experienced exceptionally rapid growth, and the banking market appears particularly attractive for new entry. Applicant has indicated that *de novo* entry into the central business district of Austin is not feasible. However, the record indicates that a charter for a bank in Austin's central business district was recently approved. Furthermore, the ratios of population to banking office and deposits per banking office are more than twice the Statewide averages. Given this economic climate, as well as the size and expertise of Applicant, it is the Board's view that Applicant's *de novo* entry into the market is a realistic and viable alternative to the acquisition of the market's largest bank. Also, there are smaller independent banks in the market which could serve as entry vehicles for Applicant some time in the future. Accordingly, the Board is of the view that there are reasonable alternative means of entry available to Applicant that would be conducive to promoting competition within the Austin market. Such alternative entry by Applicant would introduce a new and aggressive banking competitor to the market and, ultimately, could serve to reduce the concentration level within the market.

On the basis of the foregoing and other facts of record, the Board concludes that Applicant's acquisition of the Austin Bank would have significantly adverse effects on the concentration of banking resources and on potential competition with respect to the Austin banking market. Accordingly, it is the Board's view that considerations relating to the competitive factors weigh against approval of Applicant's proposal to acquire Austin Bank.

Regarding Applicant's application to acquire Oak Hill Bank, the Board finds that the proposed acquisition would have no significantly adverse effects on either existing or future competition. Accordingly, competitive considerations are consistent with approval of that application.

The financial and managerial resources and future prospects of Austin Bank and Oak Hill Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory and consistent with approval of the applications. Although the proposed affiliation of Applicant with Austin Bank and with Oak Hill Bank would make available to these institutions Applicant's expertise in various banking services, these considerations relating to the convenience and needs of the communities to be served do not, in the Board's judgment, outweigh the significantly adverse competitive effect of Applicant's proposal to acquire Austin Bank. Under the terms of the agreement entered into between Applicant and Austin Bancshares, Applicant may not make a partial acquisition of the assets of Austin Bancshares. Accordingly, the applications to acquire both Austin Bank and Oak Hill Bank are denied on the grounds hereinbefore stated relating to Austin Bank.

On the basis of the record,[4] it is the Board's judgment that consummation of the proposal would not be in the public interest, and the applications are denied for the reasons summarized above.

By order of the Board of Governors,[4] effective January 22, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3219 Filed 2-4-75;8:45 am]

BANK OF VIRGINIA CO.

Acquisition of Bank

Bank of Virginia Company, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Cavalier-Country Bank, Charlottesville, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 3, 1975.

Board of Governors of the Federal Reserve System, January 29, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3272 Filed 2-4-75;8:45 am]

CITIBANC GROUP, INC.

Acquisition of Bank

Citibanc Group, Inc., Alexander City, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Peoples Bank, Anniston, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 27, 1975.

Board of Governors of the Federal Reserve System, January 29, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3273 Filed 2-4-75;8:45 am]

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 50.9 percent of the voting shares of Barry County Bank, Cassville, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(24) of the Rules Regarding Delegation of Authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the application to the Missouri Commissioner of Finance. The Commissioner offered no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on December 12, 1974 (39 FR 43336) providing an opportunity for interested persons to submit comments and views with respect to the proposal. Time for filing comments and views has expired and none has been received. The Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Missouri, controls 30 banks with aggregate deposits of $1,227.8 million,[1] representing 8.20 percent of the commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank ($16.0 million in deposits) is the largest of seven banking organizations in the Cassville market (approximated by Barry County minus Monett and vicinity) and holds 39.6 percent of the deposits in commercial banks in the market.

Applicant's banking subsidiary closest to Bank is located 60 miles away in Joplin, Missouri, and it appears that no significant competition exists between them. Further, it appears unlikely that

[1] In addition, three *de novo* banks have been opened during 1974.

[2] Board's orders denying the applications of First International Bancshares, Inc., Dallas, Texas, to acquire Citizens First National Bank of Tyler, Tyler, Texas (1974 *Federal Reserve Bulletin* 43); and First National Bank of Waco, Waco, Texas (1974 *Federal Reserve Bulletin* 290); and First City Bancorporation of Texas, Inc., Houston, Texas, to acquire the Lufkin National Bank, Lufkin, Texas (1974 *Federal Reserve Bulletin* 450).

[4] Dissenting Statement of Governor Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich, Coldwell. Voting against this action: Governor Sheehan.

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved by the Board to January 7, 1975.

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any future competition would develop between Bank and Applicant's banking subsidiary in view of the distances involved and Missouri's restrictive branching laws. While it appears that Applicant has the resources to enter the market de novo, such entry appears unlikely due to the market's low population per banking office ratio. This Reserve Bank concludes, therefore, that consummation of the proposed acquisition would not have significant adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and prospects of Bank are consistent with approval. Affiliation with Applicant should provide Bank with additional expertise in commercial, real estate, and consumer lending and will assist Bank with the provision of trust services which have not previously been available at Bank. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

WILBUR T. BILLINGTON,
Senior Vice President.

JANUARY 24, 1975.

[FR Doc.75-3274 Filed 2-4-75;8:45 am]

FIRSTBANK HOLDING CO.

Order Approving Formation of Bank Holding Company

Firstbank Holding Company, Marietta, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of Firstbank of Marietta, Marietta, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through acquisition of Bank, deposits of $10 million, representing 0.1 of 1 per cent of the total commercial bank deposits in Oklahoma.[1] Bank is the only bank located in the Love County banking market, which has a population of approximately 5,600 persons. The proposal represents a corporate reorganization with no change in the management of Bank. Since Applicant has no present operations, consummation of the proposal would have no effect on existing or potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant are dependent upon these same conditions as they exist in Bank. Bank's financial condition and management are satisfactory and, based upon Bank's past earnings, the projected dividends from Bank appear sufficient to provide the necessary funds for retirement of the debt that Applicant would incur as a result of this proposal without placing a burden on Bank's capital position. Prospects for Applicant and Bank appear favorable. In addition, the Board notes that Applicant will be assuming a preferential interest rate on certain bank stock loans made to Bank's major shareholders. Although the Board has expressed some concern about such loans in the past, there is no evidence in the record indicating that the loans in this case have resulted in any abuses to Bank or its minority shareholders. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective January 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3275 Filed 2-4-75;8:45 am]

THIRD NATIONAL CORP.

Amended Order

By Order dated October 11, 1974 (39 FR 37545), the Board approved the application of Third National Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, to acquire 50 per cent or more of the voting shares of Bank of Elbridge, Elbridge, Tennessee ("Bank"). That Order stated that the Applicant would inject $100,000 of equity capital into Bank within 45 days of its acquisition. The acquisition of Bank by Applicant was consummated on December 1, 1974.

By letter dated December 16, 1974, Applicant requested that the Board grant an extension of time, until March 1, 1975, during which to make the subject capital additions to Bank because of the difficulty of having to call a special meeting of shareholders of Bank by the expiration date of the 45-day period.

The Board has concluded that the request should be granted. Accordingly, the Board's Order of October 11, 1974, is hereby amended by extending until March 1, 1975, the date by which Applicant must inject an additional $100,000 of equity capital into Bank.

By order of the Board of Governors,[1] effective January 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3276 Filed 2-4-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-327]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the United States Government before the Georgia Public Service Commission (Docket No. 2663-U) involving the application of Georgia Power Company for permanent increases in its electrical rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 27, 1975.

[FR Doc.75-3277 Filed 2-4-75;8:45 am]

[FPMR Temporary Reg. F-328]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the United States Government in proceedings before the Federal Communications Commission involving interstate telephone service.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission concerning the application of January 3, 1975, of American Telephone and Telegraph Company for increases and changes in its tariffs for interstate telephone rates, tolls, and charges. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 27, 1975.

[FR Doc.75-3278 Filed 2-4-75;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

This Notice amends the General Services Administration and Federal Energy Administration Notices of September 23, 1974 (39 FR 34608), and December 30, 1974 (40 FR 26), which authorize priorities assistance and allocation support under the Defense Production Act of 1950, as amended, for construction of the Trans-Alaska Pipeline and the development of Alaskan North Slope oil resources as set forth in those Notices.

In the formulation of this Notice and the Notices of September 23, 1974, and December 30, 1974, there was consultation with representatives of industries receiving the priorities and allocations support and consideration has been given to their recommendations. Further consultation with other industries, including trade associations, was rendered impracticable because these Notices apply to numerous trades and industries.

By virtue of the authority vested in the President by Title I of the Defense Production Act of 1950, as amended, and delegated pursuant to Executive Orders 10480 of August 14, 1953, 11725 of June 27, 1973, and 11790 of June 25, 1974, the General Services Administration and Federal Energy Administration Notice of December 30, 1974, is amended as follows:

Section 3 to read:

3. Wherefore, the parties designated in section 2 above are authorized priorities assistance and allocations support in procuring those items, equipment and materials which have been shown to be necessary and critical to the construction of facilities for oil production on the Alaska North Slope and which will be utilized in the fabrication and installation of modules, including appurtenances and interconnections of such modules, and in the construction and erection of construction camps including items such as gas turbine generators, sewerage treatment plants, and fire protection systems.

Section 4 to read:

4. This authorization is limited to the purpose of ensuring the timely availability of those items, equipment and materials included in section 3 above, in view of the limited Arctic Ocean barge seasons. This authorization shall expire not later than October 1, 1976.

Section 5 is redesignated as section 6, and a new section 5 is added to read:

5. The Department of the Interior may authorize on a case-by-case basis, upon certification to the Department of Commerce and the approval of the signatory agencies, special priorities assistance for items not included in section 3 above which are necessary and critical to the construction of production facilities on the Alaska North Slope.

Dated: January 31, 1975.

LESLIE W. BRAY, Jr.,
Director, Office of Preparedness, General Services Administration.

FRANK G. ZARB,
Administrator, Federal Energy Administration.

[FR Doc.75-3360 Filed 2-4-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

HOBBS BROS. COAL CO., INC.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4226-000, Hobbs Bros. Coal Company, Inc., Mine No. 15, Mine ID No. 44 00593 0, Whitewood, Va.:
- ICP Permit No. 4226-005-R-1 (S&S 80 Tractor, I.D. No. HB-3-18),
- ICP Permit No. 4226-008-R-1 (S&S 80 Tractor, I.D. No. HB-5-15),
- ICP Permit No. 4226-010-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-HB-2).

(2) ICP Docket No. 4197-000, Hobbs Bros. Coal Company, Inc., Mine No. 7, Mine ID No. 44 02705 0, Whitewood, Va.:
- ICP Permit No. 4197-003-R-1 (S&S 80 Tractor, I.D. No. HB-1-7),
- ICP Permit No. 4197-004-R-1 (S&S 88 Tractor, Ser. No. 1462),
- ICP Permit No. 4197-005-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-EH-HB-1),
- ICP Permit No. 4197-009-R-1 (Goodman 212 Cutting Machine, I.D. No. G-212-HB-2-7).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before February 20, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

JANUARY 30, 1975.

[FR Doc.75-3202 Filed 2-4-75;8:45 am]

MARY E. COAL CO.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4225-000, Mary E Coal Company, Inc., Mine No. 2, Mine ID No. 44 00526 0, Whitewood, Va.:
- ICP Permit No. 4225-001-R-1 (S&S 88 Tractor, I.D. No. ME-4),
- ICP Permit No. 4225-002-R-1 (S&S 88 Tractor, Ser. No. 2161),
- ICP Permit No. 4225-003-R-1 (S&S 120 Tractor, Ser. No. 43063),
- ICP Permit No. 4225-004-R-1 (S&S 120 Tractor, Ser. No. 82964),
- ICP Permit No. 4225-005-R-1 (S&S 100 Tractor, Ser. No. 92163),
- ICP Permit No. 4225-012-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SWB-ME-3),
- ICP Permit No. 4225-013-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-EH-ME-2),
- ICP Permit No. 4225-014-R-1 (Stacy's Spinner Loading Machine, I.D. No. S-SB-ME-1),

[1] All banking data are as of December 31, 1973.

[2] Voting for this action: Governors Holland, Wallich, and Coldwell. Voting against this action: Governors Mitchell and Sheehan. Absent and not voting: Chairman Burns and Governor Bucher.

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

V40-25 FEB 5 75 XUM

ICP Permit No. 4225-015-R-1 (Royal Cutting Machine, I.D. No. R-ME-1),
ICP Permit No. 4225-016-R-1 (Royal Cutting Machine, I.D. No. R-ME-2),
ICP Permit No. 4225-017-R-1 (Goodman 212 Cutting Machine, I.D. No. G-212-ME-3).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 30, 1975.

[FR Doc.75-3203 Filed 2-4-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Agenda of Meeting

The previously noticed meeting of the ACRS on February 6, 1975, in Room 1046 at 1717 H Street, NW., Washington, D.C. to discuss the General Electric Company Standard Safety Analysis Report (4 pm-8:30 pm) will be focused on a discussion of recently discovered cracking in the emergency core cooling system of a GE boiling water reactor and the primary coolant systems of several boiling water reactors.

The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the General Electric Company. This open portion of the meeting will be held from 5:30 pm to 7:30 pm. Closed portions of this session will be held if necessary to discuss proprietary information related to the design, fabrication and/or performance of emergency core cooling systems for boiling water reactors. Closed portions will also be held for Committee deliberative sessions.

JAMES R. LINDSAY,
Acting Assistant, Advisory Committee Management Officer.

[FR Doc.75-3294 Filed 2-4-75;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-35 issued to the Boston Edison Company which revised Technical Specifications for operation of the Pilgrim Nuclear Power Station located in Plymouth County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment deletes the requirements in the Technical Specifications of the Pilgrim Nuclear Power Station for an accelerated scram insertion time testing program which has served its intended purpose of confirming that the modification of the control rod drive has eliminated a potential failure mode that had been identified in earlier reactors using similar control rod drives.

The application or the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated March 13, 1974, (2) Amendment No. 8 to License No. DPR-35, with Change No. 10, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A copy if items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 28th day of January, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-3299 Filed 2-4-75;8:45 am]

[Dockets Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Notice and Order for Prehearing Conference

Please take notice that pursuant to the "Notice of Hearing on Applications for Construction Permits" published by the Atomic Energy Commission [1] on July 11, 1973 (38 FR 18481) and by agreement of the parties, a Prehearing Conference will be held in the above captioned proceeding on February 19, 1975 at 10 a.m., local time, at the Lake County Courthouse, Courtroom No. 2 in Painesville, Ohio 44077.

The purpose of this conference will be to permit consideration of the following:

(1) Applicants' "Motion for Determination Pursuant to 10 CFR 50.10(e)(3)," dated December 4, 1974, (and responses thereto) relating to the expansion of the existing LWA workscope to include certain additional activities;

(2) An "Order to Show Cause", dated January 20, 1975, wherein all work activities under the existing LWA were temporarily suspended as of January 20, 1975, and the Applicants required to show cause why all work activities under the existing LWA should not be suspended pending completion of the NRC's review and evaluation of the environmental and site suitability impact of certain proposed design changes set forth by Applicants' PSAR Amendment 22;

(3) The "Nuclear Regulatory Commission Staff's Motion to Reopen the Record on Environmental and Site Suitability Matters", dated January 24, 1975, wherein the Staff moves this Board to reopen the environmental and site suitability record;

(4) Any other matters that would aid the orderly disposition of this proceeding.

The parties are directed to confer as soon as possible and to report to the Board at the Prehearing Conference on the following:

(a) A joint stipulation on the issues to be heard. If the parties are not able to agree on a joint statement then the Board will require that each party submit a statement of the issues to be heard.

(b) A joint proposed schedule for this proceeding. If the parties are not able to agree to a proposed schedule, then the Board will require that each party individually present a proposed schedule.

It is so ordered.

Dated at Bethesda, Maryland, this 30th day of January 1975.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75-3292 Filed 2-4-75;8:45 am]

[Dockets Nos. 50-413, 50-414]

DUKE POWER CO. (CATAWBA NUCLEAR STATION UNITS 1 AND 2)

Reopened Evidentiary Hearings

Take notice that, pursuant to the Board's Memorandum and Order of November 14, 1974 herein, reopening the record in the above-captioned proceeding, further evidentiary hearings will be conducted to begin at 11 am, local time, on Tuesday, February 18, 1975, at the Downtowner East Motor Inn (Marco Polo Room), 301 South McDowell Street, Charlotte, North Carolina. The public is invited to attend the hearing, which will deal with the issues of "need for power" and the financial qualifications of the Applicant, Duke Power Company.

It is so ordered.

Dated at Bethesda, Maryland this 30th day of January 1975.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN, Esq.,
Chairman.

[FR Doc.75-3300 Filed 2-4-75;8:45 am]

[NRS Docket No. 50-482A]

KANSAS GAS AND ELECTRIC COMPANY AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 F.R. 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Kansas Gas and Electric Company and Kansas City Power and Light Company (Wolf Creek Generating Station, Unit No. 1) NRS Docket No. 50-482A.

This action is in reference to a FEDERAL REGISTER notice entitled "Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" (39 FR 44269).

The members of the Board are:

Marshall E. Miller, Esq., Chairman
Sidney G. Kingsley, Esq., Member
Margaret M. Laurence, Esq., Member

It is so ordered.

Dated at Bethesda, Maryland this 30th day of January, 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-3301 Filed 2-4-75;8:45 am]

[Docket No. P-531-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters; Correction

An incorrect docket number was cited in FR Doc. 75-1355 appearing on pages 3030 and 3031 of the issue on Friday, January 17, 1975 and pages 3806 and 3807 of the issue on Friday, January 24, 1975.

The correct docket number for this project is P-531-A.

Dated at Bethesda, Maryland this 30th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-3302 Filed 2-4-75;8:45 am]

[Docket No. P-505-A]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Indiana, Inc. (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 13, 1974, and docketed December 24, 1974, in connection with its plans to construct and operate two pressurized water reactors in Saluda Township, Jefferson County, Indiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application, including the Preliminary Safety Analysis Report and the Environmental Report, are to be submitted for review in early summer 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission, including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Docket No. P-505-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 8th day of January, 1975.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.75-1176 Filed 1-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 30, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES TARIFF COMMISSION

Questionnaires on Pulp and Paper Industry: Single-time, business firms, Weiner, N., 395-4890.

DEPARTMENT OF COMMERCE

Bureau of the Census:
Agriculture Questionnaire Listing Page, 74-AL(VI), 74-A2(VI), Single-time, Farms, Lowry, R. L., 395-3772.
Influenza Supplement Current Medicare Survey, CMS-20, CMS-21, Single-time, CMS sample persons 65 yrs. and older, Hall, George, 395-4697.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Improving Teacher Competency: Research Using Problem Solving Rups Instrumentation, NIE 88, On occasion, 4th and 6th grade students, Planchon, P., 395-3898.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Peanut Stocks and Processing Report, C.E. 6-18A, Monthly, Peanut handlers, Lowry, R. L., 395-3772.
Rural Electrification Administration: Engineer's Semi-Monthly Report of Substation Progress-Rea Borrowers, REA-457, Other (see SF-83), REA electric borrowers, Lowry, R. L., 395-3772.

DEPARTMENT OF JUSTICE

Departmental and Other: Application for action Grant Advance Funds, LEAA4401/1, Annually, State Units of government, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Graphic Schedule and Progress Report (project engineers employed by REA), REA-443, Monthly, REA electric borrower engineers, Lowry, R. L. 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3365 Filed 2-4-75;8:45 am]

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CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 31, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing Division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

VA Co-op Study of Vasodilation Therapy in Acute Myocardial Infarction, VA 10-7990A, on occasion, patients in VA hospitals, Hall, George, 395-4697.

U.S. CIVIL SERVICE COMMISSION

Format for Experimental Score Occupational Supplements, single-time, individuals, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Acceptability of Teaching Materials About Food Production and Distribution for Urban High Schools, single-time, high school teachers, Planchon, P., 395-3898.

DEPARTMENT OF COMMERCE

National Oceanic & Atmospheric Administration: Capital Construction Fund—Deposit/Withdrawal Report, NOAA 34-82, annually, citizens of the United States, Lowry, R. L., 395-3772.

Bureau of the Census: National Longitudinal Surveys, Survey of Work Experience of Mature Men—1975 Questionnaire and Advance Letter, LGT-171, LGT-173, annually, men who were 45-59 yrs. old in 1966, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Survey of Baseline Consumer Nutrition Knowledge, FDABF1227, Annually, Grocery buyers, Hall, George, 395-4697.

Office of Education: A Handbook for Validation of Educational Practices (Title III, ESEA), OE4552, On occasion, State and local education agencies, Human Resources Division, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Disabled Veterans Application for Vocational Rehabilitation, 21E-1900, On occasion, Disabled veterans, Caywood, D. P., 395-3443.

RAILROAD RETIREMENT BOARD

Record of Employees Prior Service, AA-2P (R), On occasion, Employers under RRA, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Dry Beans, Peas, and Lentil Inquiries—Dealers, Other (see SF-83), Dry bean, pea and lentil dealers, Lowy, R. L., 395-3772.
Broomcorn Inquiries—Growers and Balers, Other (see SF-83), Broomcorn growers, Lowry, R. L. 395-3772.

Foreign Agricultural Service: Regulations-Export Financing of Sales of Agricultural Commodities Under the CCC Export Credit Sales Program and Supplements I, II, III, on occasion, Exporters, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census: CPS Supplement—Multiple Jobholding and Premium Pay, CPS-1, Annually, Households, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary: Questionnaire—Study of Family Economics, Annually, Individuals, Gonzalez, M., 395-3793.
National Institutes of Health: Evaluation of the Student Selection Process in Nursing, Single-time, Administrators of and applicants to RN schools, Planchon, P., 395-3898.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Monthly Report on Actions Related to Letters of Credit—Operating Expense Fund—Commodity Distribution Program, FNS-60, Monthly, State Agencies responsible for Food distribution, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Home Health Agency Report and Billing Form, SSA-1487, On occasion, Evinger, S. K., 395-3648.
Request for Claim Number Verification, SSA-1600, on occasion, Evinger, S. K., 395-3648.
Food and Drug Administration: Drug Defect Reporting System (Hospital/Retail Pharmacists, Nurses), FD-2519, On occasion, hospitals, laboratories, and retail drugstores, Evinger, S. K., 395-3648.
Office of Education: In-Depth Field Instruments for Conditions and Processes of Effective School Desegregation, OE 190, Annually, Schools in second yr. sample for study, Human resources division, 395-3532.

Social Security Administration:
Medical Development Summary-Disability Claims, SSA-430 A, On occasion, Evinger, S. K., 395-3648.
Report on Individual With Childhood Impairment, OA-01323, On occasion, Evinger, S. K., 395-3648.
Request for Evidence or Assistance-Overpayment Case, SSA-2327, On occasion, Evinger, S. K., 395-3648.
Transmittal of Uncollected Intermediary Medicare Overpayment, SSA-2382, On occasion, Evinger, S. K., 395-3648.
Recapitulation of States Quarterly Report of Wages Paid, OAR-S2, Quarterly, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3417 Filed 2-4-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5605]

AMERICAN NATURAL GAS CO. AND ANG COAL GASIFICATION CO.

Proposal To Issue and Sell Common Stock

JANUARY 27, 1975.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and ANG Coal Gasification Company ("Gasification Company"), 100 West Tenth Street, Wilmington, Delaware 19807, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a)(1), 10 and 12 of the Act and Rults 43 and 50(a)(3) promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Gasification Company, a newly organized Delaware corporation, proposes to issue and sell, and American Natural proposes to purchase, up to 100 authorized but unissued shares of common stock, par value $100, for an aggregate purchase price of $10,000. After such purchase, American Natural will own all of the issued and outstanding shares of Gasification Company, which will thereupon become a wholly-owned non-utility subsidiary of American Natural. Gasification Company proposes to use the proceeds from the sale for organizational and other immediate expenses.

It is contemplated that Gasification Company will construct, own and operate a coal gasification plant in Mercer County, North Dakota ("Plant") and sell the coal gas produced to Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), the principal natural gas transmission and underground storage company of the American Natural system. The Plant will be designed to produce 91 billion cubic feet of coal gas annually, which would represent 10 percent of the sales of the American Natural system for the 12-month period ended September 30, 1974. The coal feedstock requirements of the Plant will be supplied from lignite holdings totaling over 3.7 billion tons acquired by Michigan Wisconsin in North Dakota. Gasification Company will use the "Lurgi" process for gasification of the coal. Current estimates indicate that the total cost of the Plant will be approximately $780 million and that the total cost of the coal mine will be approximately $125 million. It is stated that approval of this Commission will be requested when additional capital contributions by American Natural are required to meet these costs.

The fees, commissions and expenses paid or incurred or to be paid or incurred in connection with the proposed transaction total $3,500, which includes legal fees of $1,000. It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 20, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3252 Filed 2-4-75;8:45 am]

[811-1988]

B.A.I. FUND, INC.

Filing of Application

JANUARY 29, 1975.

Notice is hereby given that B.A.I. Fund, Inc. ("Applicant"), 40 Wall Street, New York, New York, 10005, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on December 19, 1974, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, formerly known as Bayrock Growth Fund, Inc., was organized as a Maryland corporation on November 29, 1969 and registered under the Act by filing a Form N-8A Notification of Registration on December 24, 1969. At the time Applicant commenced its public offering in May, 1971, it had one stockholder, Bache & Co. Incorporated. Since that time it has had only one other stockholder, which redeemed its shares in October 1972. Applicant has not sold any shares since September 1971 and has not offered its shares since early 1972. Since November 1972 the only stockholder of Applicant has been Bache & Co. Incorporated which holds one share of common stock. On November 26, 1974 Applicant's Board of Directors voted that Applicant be liquidated and dissolved. On November 26, 1974 Applicant's sole stockholder consented to the dissolution and liquidation of Applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 25, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 25, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3253 Filed 2-4-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

JANUARY 29, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 30, 1975 through February 8, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3247 Filed 2-4-75;8:45 am]

[File No. 500-1]

INTERNATIONAL BUSINESS MACHINES CORP.

Suspension of Trading

JANUARY 24, 1975.

The capital stock of International Business Machines Corp. being trade on the New York, Midwest, Philadelphia-Baltimore-Washington, Boston, Detroit and Cincinnati Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of International Business Machines Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 10 a.m. (e.s.t.) on January 28, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3248 Filed 2-4-75;8:45 am]

[File No. 500-1]

INTERNATIONAL BUSINESS MACHINES CORP.

Suspension of Trading

JANUARY 27, 1975.

The Commission having determined to amend its notice of January 24, 1975 summarily suspending trading in the securities of International Business Machines Corp. for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 10 a.m. (e.s.t.) on January 28, 1975;

Therefore, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the capital stock and all other securities of International Business Machines Corp.

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being traded on the New York, Midwest, Philadelphia - Baltimore - Washington, Boston, Detroit and Cincinnati Stock Exchanges and all other securities of International Business Machines Corp. being traded otherwise than on a national securities exchange is suspended for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 2 p.m. (e.s.t.) on January 27, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3249 Filed 2-4-75;8:45 am]

[File Nos. 2-34367 (22-5695), 2-25939 (22-4325)]

PANHANDLE EASTERN PIPE LINE CO.

Application and Opportunity for Hearing

JANUARY 28, 1975.

Notice is hereby given that Panhandle Eastern Pipe Line Company (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank under an indenture of the Company dated as of March 15, 1967, (the "1967 Indenture") and under an indenture of the Company dated as of October 1, 1969 (the "1969 Indenture"), which were heretofore qualified under the Act, and the trusteeship by Chemical Bank under a new Indenture dated as of January 15, 1975, which was not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under the 1967 Indenture and the 1969 Indenture and under the new Indenture.

Section 310(b) of the Act, which is included in Section 7.08 of the 1967 Indenture and Section 7.08 of the 1969 Indenture, provides in part that if a Trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding.

Under clause (ii) of Subsection (1), however, there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) It has outstanding $23,972,000 principal amount 5¾% Debentures due 1987 issued under the 1967 Indenture and $32,884,000 principal amount 8⅝% Debentures due 1989 issued under the 1969 Indenture. The Debentures issued pursuant to the 1967 Indenture and the 1969 Indenture were registered under the Securities Act of 1933 (File No. 2-25939 and File No. 2-34367, respectively) and the 1967 Indenture and the 1969 Indenture were qualified under the Trust Indenture Act of 1939 (File No. 22-4325 and File No. 22-5695, respectively). Chemical Bank is trustee under the 1967 Indenture and the 1969 Indenture.

(2) The Company proposes to issue and sell $50,000,000 principal amount 11¼% Debentures due February 1, 1989, to be issued under the new Indenture. All the Debentures to be issued pursuant to the new Indenture will be purchased by institutional investors for investment and not with a view to distribution. The issuance of these Debentures is therefore exempt from the registration requirements of the Securities Act of 1933 and the new Indenture is exempt from the qualification provisions of the Trust Indenture Act of 1939.

(3) The 1967 Indenture, the 1969 Indenture and the new Indenture are wholly unsecured and no Debentures issued under any of these indentures are subordinate to any Debenture issued under any of these indentures. The only material differences between the indentures and the rights of the holders of the Debentures issued thereunder relate to aggregate principal amounts, dates of issue, maturity and interest payment dates, interest rates, redemption prices and procedures, and sinking fund provisions.

(4) It is not in default under the 1967 Indenture or the 1969 Indenture.

(5) Neither the differences indicated above, nor any other provisions of the aforementioned indentures, are likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any of the Debentureholders to disqualify Chemical Bank from acting as Trustee under any of the aforementioned indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than February 24, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3254 Filed 2-4-75;8:45 am]

[812-3744]

TAX-EXEMPT MUNICIPAL TRUST, (FIRST NEW YORK SERIES AND SUBSEQUENT SERIES)

Filing of Application

JANUARY 29, 1975.

Notice is hereby given that Tax-Exempt Municipal Trust (First New York Series and Subsequent Series) ("Applicant"), 767 Fifth Avenue, New York, New York, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on January 6, 1975, pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from the provisions of section 14(a) of the Act and Rule 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is organized under the laws of the State of New York. Shearson Hayden Stone, Inc. ("Sponsor") will act as Applicant's sponsor. Each series of Applicant will be governed by a trust agreement ("Trust Agreement") with United States Trust Company ("Trustee") as Trustee. Standard & Poor's Corporation ("Evaluator") will serve as Evaluator.

The Trust Agreement for each series will contain terms and conditions common to all the series. Pursuant to the Trust Agreement for each series, Sponsor will deposit with the Trustee between $3,000,000 and $20,000,000 principal amount of bonds which Sponsor shall have accumulated for such purpose, and, simultaneously with such deposit, will receive from the Trustee registered certificates for between 3,000 and 20,000 units, which will represent the entire ownership of that series at the date of deposit. Applicant presently proposes to offer units of its First New York series for sale to the public, and has filed, for this purpose, a registration statement under the Securities Act of 1933.

Each unit for a particular series will represent a fractional undivided interest in that series. Units will be redeemable. In the event that any unit shall be redeemed, the portion of the fractional undivided interest represented by each unit outstanding will be increased. Units will remain outstanding until redeemed

or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100% agreement of the unitholders, automatically on a date 50 years after the date of deposit; or if the net worth of any series is reduced below $1,000,000, the Trust Agreement must be terminated and the Trustee shall liquidate the Trust in the manner provided in the Trust Agreement.

The Trust Agreement does not provide for the issuance of additional units after the initial offering of a series. Each series will consist of the bonds, and any bonds received in exchange or substitution therefor upon certain refundings, as may from time to time continue to be held, accrued and undistributed interest and undistributed cash. Certain of the bonds may from time to time be sold under special circumstances set forth in the Trust Agreement, or may be redeemed or may mature in accordance with their terms. The proceeds from any such disposition will not be reinvested but will be distributed to unitholders. While the Sponsor is not obligated to do so, it is its present intention to maintain a market for units of Applicant and continuously to offer to purchase such units at prices in excess of the redemption price, as set forth in the Trust Agreement.

SECTION 14(a)

Section 14(a) of the Act, in part, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant seeks exemption from section 14(a) in order to proceed with the public offering of its units, as described above. In connection with the requested exemption, Sponsor has agreed that it will refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering of a series if, within 90 days from the time that the registration statement relating to such series becomes effective, either the net worth of such series shall be reduced to less than $1,000,000 or such series shall have been terminated.

RULE 22c-1

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed or repurchased except at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant represents that the Sponsor, while not obligated to do so, intends to maintain a market for the units and continuously to offer to purchase units at prices in excess of redemption prices. For purposes of the secondary market transactions, an evaluation will only be made as of the last business day of the preceding week, which calculation shall be the basis for the offering price of all units sold by the Sponsor during the ensuing week.

Applicant asserts that the pricing of units by the Sponsor in the secondary market will in no way affect the assets of Applicant, i.e., the underlying bonds, and that unitholders will benefit from such pricing procedures by receiving a normally higher repurchase price for their units than they would receive upon redemption without the cost burden of daily evaluations of the unit redemption value. In addition, because of the nature of the bonds in Applicant's portfolio, it is represented that the net asset value per unit is anticipated to vary only slightly on a week-to-week basis.

The application states that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsor with estimated evaluations on trading days. In the case of a repurchase by the Sponsor, if the Evaluator cannot state that the previous Friday's offering side evaluation is at least equal to the current bid price, the Sponsor will order a new offering side evaluation. In the case of a resale by the Sponsor, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $1,000.00 principal amount of underlying bonds) greater than the current offering side evaluation, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 18, 1975, at 12:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3256 Filed 2-4-75;8:45 am]

[File No. 500-1]

TELEX CORP.

Suspension of Trading

JANUARY 27, 1975.

The common stock of Telex Corp. being traded on the New York, Midwest, Pacific, Philadelphia-Baltimore-Washington, and Boston Stock Exchanges; the warrants to purchase common stock being traded on the American and Philadelphia - Baltimore - Washington Stock Exchanges; the 9 percent subordinated debentures due November 1, 1996 being traded on the New York Stock Exchange; the 5 percent convertible subordinated debentures due October 1, 1987 and units consisting of $1,000 debenture and 1 warrant being traded over-the-counter pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Telex Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 10:01 a.m. (e.s.t.) on January 28, 1975, to 10 a.m. (e.s.t.) on January 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3250 Filed 2-4-75;8:45 am]

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[File No. 500-1]

TELEX CORP.

Suspension of Trading

JANUARY 24, 1975.

The common stock of Telex Corp. being traded on the New York, Midwest, Pacific, Philadelphia-Baltimore-Washington and Boston Stock Exchanges; the warrants to purchase common stock being traded on the American and Philadelphia-Baltimore-Washington Stock Exchanges; the 9% subordinated debentures due November 1, 1996 being traded on the New York Stock Exchange; the 5% convertible subordinated debentures due October 1, 1987 and units consisting of $1000 debenture and 1 warrant being traded over-the-counter pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Telex Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 4:50 p.m. (e.s.t.) on January 24, 1975 to 10 a.m. (e.s.t.) on January 28, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3251 Filed 2-4-75;8:45 am]

[70-5611]

T. W. PHILLIPS GAS & OIL CO.

Notice of Application for Intrastate Exemption

JANUARY 28, 1975.

Notice is hereby given that T. W. Phillips Gas and Oil Company ("Phillips"), 205 N. Main Street, Butler, Pennsylvania 16001, a gas utility company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 3(a), 9(a)(2), 9(b)(2), and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to said application for a statement of the proposed transaction which is summarized below.

Phillips, a Pennsylvania corporation, is a privately owned, integrated gas utility company. All of the utility assets, business and operations now owned by Phillips are located in the State of Pennsylvania. Phillips produces, purchases, distributes and sells natural gas to the public in various communities located in seven contiguous counties in western Pennsylvania, and produces gas in two other adjacent counties. As of December 31, 1974, Phillips had 46,524 customers of which 43,302 were residential, 2,555 were commercial, 50 were industrial, 10 were public utilities, and 607 other. During the calendar year 1974, Phillips distributed 9,414,818 Mcf of natural gas at retail to residential and commercial customers, 8,565,477 Mcf to industrial consumers in Pennsylvania for their own use, and 327,116 Mcf to other gas utility companies for resale in Pennsylvania.

Phillips presently has three subsidiary companies. Two of the subsidiaries, Castle, Incorporated and PIRECO INC., do not sell natural gas at retail or to Phillips or any of Phillips' subsidiaries. The third subsidiary, Acme Natural Gas Co. ("Acme"), is incorporated under the laws of Pennsylvania and is engaged in the business of purchasing natural gas from a non-affiliated pipeline company for delivery and sale to two industrial consumers for their own use in Pennsylvania. The balance of any gas not required by Acme's industrial customers is sold to Phillips for resale in Pennsylvania. During 1974, Acme sold 5,863,351 Mcf. of natural gas to its industrial customers and a total of 314,624 Mcf. to Phillips. The certificate of public convenience issued by the Pennsylvania Public Utility Commission ("Pennsylvania PUC") authorize Acme to furnish service to its two industrial customers and to no one else, including any residential or commercial customers.

Phillips now contemplates organizing a new subsidiary ("Gas Utility Subsidiary") and to acquire securities of the Gas Utility Subsidiary in consideration of the transfer by Phillips of all its gas utility assets and business to (and assumption of related liabilities by) the Gas Utility Subsidiary. The Gas Utility Subsidiary will be organized as a Pennsylvania corporation, and will be a wholly-owned subsidiary of Phillips. The Gas Utility Subsidiary will employ Phillips' present facilities to continue the service of natural gas to the public in the territory now being served by Phillips without change in the nature or character of such service. The Gas Utility Subsidiary will be subject to regulation by the Pennsylvania PUC to the same extent as Phillips is at present, and will file a supplement adopting Phillips' existing tariff of rates and terms of service in Phillips' present territory.

To effectuate the foregoing transaction, the Gas Utility Subsidiary will issue to Phillips 50,000 shares of its common stock (par value $100 per share) and $15,000,000 aggregate principal amount of its 11% sinking fund debentures due 1982, in consideration of the transfer by Phillips to the Gas Utility Subsidiary of all of Phillips' gas utility assets and the assumption by the Gas Utility Subsidiary of the related liabilities. The utility assets to be transferred will have a net book value of approximately $36,700,000.

Upon consummation of the contemplated reorganization, Phillips will be a holding company within the meaning of the Act. However, Phillips proposes that it be exempted from such status under section 3(a)(1) of the Act because all of the utility assets, business and operations now owned by Phillips, which will be acquired by Gas Utility Subsidiary, are located in Pennsylvania, and because Phillips and Gas Utility Subsidiary are both organized under the laws of Pennsylvania.

The estimated fees and expenses to be incurred in connection with the proposed transaction aggregate $104,830 and consist of estimated State taxes of $80,000 and legal and other expenses in connection with the filing and proposed transaction in the amount of $22,830.

The Pennsylvania PUC has authorized the acquisition by Phillips of all the outstanding voting capital stock of the Gas Utility Subsidiary, the transfer by Phillips and the acquisition by the Gas Utility Subsidiary of all Phillips' gas utility assets and related liabilities, the exercise by the Gas Utility Subsidiary of the right to furnish or supply gas service to the public in the same territory presently served by Phillips and the abandonment by Phillips of all gas service, and the issuance by the Gas Utility Subsidiary of its capital stock and debentures. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as filed, or as it may be amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3255 Filed 2-4-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1113]

GEORGIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January, because of the effects of a certain disaster, damage resulted to property located in the State of Georgia;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Decatur, Mitchell, Seminole, Turner, and Worth Counties, and adjacent affected areas, suffered damage or destruction resulting from tornadoes, high winds and flooding which occurred January 10–12, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Small Business Administration, District Office, 1401 Peachtree Street NE., Atlanta, Georgia 30309.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 25, 1975. EIDL application will not be accepted subsequent to October 24, 1975.

THOMAS S, KLEPPE, *Administrator.*

JANUARY 24, 1975.

[FR Doc.75-3280 Filed 2-4-75;8:45 am]

[License No. 06/06-5160]

GULF SOUTH VENTURE CORP.

Filing of Application

Notice is hereby given that Gulf South Venture Corporation (licensee), 821 Gravier Street, New Orleans, Louisiana 70112, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application for exemption from the provisions of 13 CFR 107.1004 (1974).

Licensee proposes to invest $100,000 in the capital stock of the Republic National Bank of Louisiana (Republic), a recently organized minority-owned and controlled national bank, located in New Orleans. This investment will constitute 10 percent of the capital of Republic.

The proposed financing comes within the purview of the cited regulation by virtue of the fact that Mr. Robert P. Aulston III, President and Chief Executive Officer of the licensee, is also one of nine (9) directors of Republic. Mr. Aulston also owns one percent of the capital stock of Republic.

Notice is hereby given that any person may, not later than February 20, 1975, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW, Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

Dated: January 27, 1975.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.75-3281 Filed 2-4-75;8:45 am]

MADISON DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Madison District Advisory Council will meet at 10:30 am (c.s.t.) Thursday, February 27, 1975, at the Downtowner Motel in Green Bay, Wisconsin, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Lucian G. Schlimgen, Jr., Small Business Administration, 122 West Washington Avenue, Room 713, Madison, Wisconsin 53703, (608) 252-5267.

Dated: January 28, 1975.

JOHN JAMESON, *Director, Office of Advisory Councils, Small Business Administration.*

[FR Doc.75-3282 Filed 2-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 689]

ASSIGNMENT OF HEARINGS

JANUARY 31, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 2900 (Sub-No. 261), Ryder Truck Lines, Inc., now being assigned April 1, 1975 (9 days), in Admiral Benbow Inn, 1200 N. Westshore Blvd., Tampa, Florida.

MC 118520 Sub 10, Alaska Truck Transport, Inc., now being assigned March 25, 1975 (3 days), at Seattle, Washington, in a hearing room to be later designated.

MC 118959 Subs 108, 109, 111, 112, and 113, Jerry Lipps, Inc., now being continued April 7, 1975, at the Offices of The Interstate Commerce Commission, Washington, D.C.

MC 10794 Sub 4, Perrow Motor Freight Lines, Inc., now assigned February 10, 1975 at Charleston, W. Va., is canceled and the application is dismissed. I & S No. 9002, Increased Grain Rates, To Louisiana Gulf Ports, now assigned April 1, 1975, at Kansas City, Mo., is postponed to June 3, 1975 (4 days), at Kansas City, Mo., in a hearing room to be designated later.

MC-F-12257, International Carriers, Inc.—Purchase—Motor Dispatch, Inc., now assigned February 24, 1975, at Chicago, Ill., is postponed indefinitely. Pre-hearing conference now being assigned February 13, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3320 Filed 2-4-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 31, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 20, 1975.

FSA No. 42932—*Pipeline Rates—Petroleum Products from and to the Southwest.* Filed by Kaneb Pipe Line Company (KPL), (No. 1), for interested rail carriers. Rates on petroleum products, as described in the application, from points in Kansas and Oklahoma, to Milford, Iowa.

Grounds for relief—Carrier competition.

Tariff—Kaneb Pipe Line Company tariff 1-E, I.C.C. No. 9.

Rates are published to become effective on March 1, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3318 Filed 2-4-75;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 63, Amdt. 4]

BESSEMER & LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

To: Bessemer and Lake Erie Railroad Company and Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.

XUM V40 N25 FEB 5 75 XUM

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended by extending to April 30, 1975.

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3325 Filed 2-4-75;8:45 am]

[Ex Parte No. 70; Rule 19, Exemption 70, Amdt. 3]

ERIE LACKAWANNA RAILWAY CO. AND NORFOLK & WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

To: Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees; and Norfolk and Western Railway Company.

Upon further consideration of Exemption No. 70 issued May 6, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 70 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire April 30, 1975.

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-3322 Filed 2-4-75;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 89, Amdt. 1]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 89 issued November 25, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 89 to the Mandatory Car Service Rules, ordered in Ex Parte No. 241, be, and it is hereby amended to *expire March 31, 1975.*

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3323 Filed 2-4-75;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 55, Amdt. 7]

NORFOLK & WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

To: Norfolk & Western Railway Company and Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees.

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 30, 1975.

This amendment shall become effective January 31, 1975.

Issued at Washington, D.C., January 27, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3324 Filed 2-4-75;8:45 am]

[Rev. S.O. 994; ICC Order 7, Amdt. 1]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 74 (Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 74 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, charged, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 22, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-3326 Filed 2-4-75;8:45 am]

[Finance Docket No. 27685; AB 9 (Sub-No. 3)]

ST. LOUIS SAN FRANCISCO RAILWAY CO.

Notice of Abandonment

Upon consideration of the record in these proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Pickens and Sumter Counties, Ala., on or before February 14, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 29th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

In the matter of St. Louis San Francisco Railway Company, Abandonment of Bridge Spanning Tombigbee River in Cochrane, Alabama.

St. Louis San Francisco Railway Company. Trackage rights over Alabama Great Southern Railroad between Boligee, Greene County, Alabama, and York, Sumter County, Alabama.

The Interstate Commerce Commission hereby gives notice that by order dated January 29, 1975, it has been determined that the proposed abandonment of the St. Louis San Francisco Railway Company of its Cochrane Bridge over the Tombigbee River and the proposed acquisition of trackage rights over the Alabama Great Southern line, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because local service will still be provided in the area and bridge traffic will be permanently rerouted over a line of comparable length and in the same general region. Approval of the abandonment will facilitate the removal of the collapsed Cochrane Bridge structure from the Tombigbee River.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 3, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-3319 Filed 2-4-75;8:45 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 31, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(3)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 688), GREYHOUND LINES, INC. (Eastern Division), P.O. Box 6903, 1400 West Third Street, Cleveland, Ohio, 44101, filed January 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Grand Rapids, Mich., over Interstate Highway 196 to junction U.S. Highway 31 (also known as Interstate Highway 196) south of Holland, Mich., with the following access routes: (a) from junction Interstate Highway 196 and Michigan Highway 21 over Michigan Highway 21 to Jenison, Mich., and (b) from junction Interstate Highway 196 and Byron Road over Byron Road to junction Michigan Highway 21 (east of Zeeland, Mich.) and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Grand Rapids, Mich., over Michigan Highway 21 to Holland, Mich., thence over U.S. Highway 31 to junction Interstate Highway 196 and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3321 Filed 2-4-75;8:45 am]

[Notice 227]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75670. By application filed January 28, 1975, W. J. LANDES, doing business as LANDES GARAGE, 115 South Augusta St., Staunton, VA 24401, seeks temporary authority to lease the operating rights of LANDES WRECKER SERVICE, INC., 702 Waynesboro Rd., Staunton, VA 24401, under section 210a (b). The transfer to W. J. LANDES, doing business as LANDES GARAGE, of the operating rights of LANDES WRECKER SERVICE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3317 Filed 2-4-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 31, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55444, filed January 17, 1975. Applicant: MISSION CITIES FREIGHT LINES, INC., 534 Bellomy Street, Santa Clara, Calif. 95050. Applicant's representative: Bertram S. Silver and Michael J. Strecher, 140 Montgomery Street, San Francisco, Calif. 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of 1. *General commodities* (except as hereinafter provided), between all points and places in the San Francisco Territory which includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway

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82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Parmanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road;

Northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning; and (2) *General commodities* (except as hereinafter provided), between any and all points on or within ten miles of the following routes and all off-route points encompassed by the outer perimeters of the designated routes.

(A) State Highway 17 between its intersection with State Highway 9 at Los Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive; (B) State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, inclusive; (C) State Highway 156 West from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive, (D) State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive; (E) U.S. Highway 101 between its intersection with State Highway 68 at Salinas and its intersection with Tully Road at San Jose, inclusive; (F) State Highway 156 East between its intersection with U.S. Highway 101 near San Juan Bautista and its intersection with State Highway 152, inclusive; (G) State Highway 152 between its intersection with State Highway 156 East and its intersection with State Highway 1 at Watsonville, inclusive; and (3) Through routes and rates may be established between any and all points specified in paragraphs 1 and 2 above. Pursuant to the authority granted herein, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office store and institution furniture, fixtures and euipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B.

(2) Automobiles, trucks and buses, viz; new and used, finished or unfinished passenger automobiles (including Jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz; barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Portland or similar cements, in bulk or packages, when located substantially to capacity of motor vehicle. (8) Logs; and (9) Articles of extraordinary value. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T–8561, filed December 30, 1974. Applicant: AVON TRAILER CENTER, INC., P.O. Box 37, Avon, N.Y. 14414. Applicant's representative: S. Michael Richards, 44 North Ave., P.O. Box 225, Webster, N.Y. 14580. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Trailer coaches*, furnished or unfurnished, *prefabricated buildings* and *modular homes*, complete or in sections, *mounted* or *wheeled undercarriages* and *undercarriages* in the reverse direction, between all points in a territory comprised of the following counties: Allegany, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, Yates, Seneca, Schuyler and Chemung, N.Y.; and between Monroe, Livingston, Ontario, Genesee, Wayne, Seneca and Steuben, on the one hand, and, on the other, all points in New York. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12226 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3331 Filed 2-4-75;8:45 am]

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 31, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules–Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules–Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–29120 (Deviation No. 15), ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, S. Dak. 57101, filed January 17, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 20 and U.S. Highway 6 near Fremont, Ohio over U.S. Highway 6 to junction U.S. Highway 20 near Gary, Ind., and (2) From junction Interstate Highway 90 and U.S. Highway 6 near Fremont, Ohio over U.S. Highway 6 to junction Interstate Highway 90 near Gary, Ind., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From junction U.S. Highway 20 and U.S. Highway 6 near Fremont, Ohio over U.S. Highway 20 to junction Alternate U.S. Highway 20 near Maumee, Ohio, thence over Alternate U.S. Highway 20 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Interstate Highway 90 near Gary, Ind., and (2) from junction Interstate Highway 90 and U.S. Highway 6 over Interstate Highway 90 to junction U.S. Highway 6 near Gary, Ind., and return over the same routes. Restriction: The service authorized herein is restricted against the transportation of shipments originating at and destined to points in Ohio and restricted against service to or from Sioux City, Iowa and points in the Sioux City, Iowa commercial zone as defined by the Commission (except Dakota City, Nebr.).

No. MC 29120 (Deviation No. 16), ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, S. Dak. 57101, filed January 21, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 29 and U.S. Highway 36 near St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 275 near Omaha, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over Interstate Highway 29 to junction U.S. Highway 59 near Mound City, Mo., thence over U.S. Highway 59 to junction Iowa Highway 92, thence over Iowa Highway 92 to Council Bluffs, Iowa, thence over city streets to Omaha, Nebr., and return over the same route. Restriction: The above-described authority herein authorized is (1) restricted to service at Omaha, Nebraska, and points in its commercial zone as defined by the Commission as a point of joinder only in connection with service from and to Thief River Falls, Granite Falls, Marshall, Pipestone, Worthington, Winnebago, and Chatfield, Minnesota, points in North Dakota and South Dakota, and those in that part of Iowa west of U.S. Highway 65 (excluding Des Moines, Iowa); (2) restricted against local service between Kansas City and St. Joseph, Missouri, and points in their respective commercial zones as defined by the Commission; and (3) restricted against the transportation of shipments originated or interlined with a connecting carrier at a point within one of the commercial zones of Kansas City, Missouri; St. Joseph, Missouri; or Omaha, Nebraska, and destined for delivery or interline with connecting carriers at a point within one of the said commercial zones.

No. MC 106485 (Deviation No. 1), LEWIS TRUCK LINES, INC., P.O. Box 642, Lisbon, N. Dak. 58054, filed January 17, 1975. Carrier's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From South St. Paul, Minn., over Minnesota Highway 56 to St. Paul, Minn., thence over U.S. Highway 12 to Aberdeen, S. Dak., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From South St. Paul, Minn., over Minnesota Highway 56 to St. Paul, Minn., thence over U.S. Highway 52 to Fergus Falls, Minn., thence over Minnesota Highway 210 to Minnesota-North Dakota State line, thence over North Dakota Highway 13 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, N. Dak., thence over unnumbered highway to U.S. Highway 281, thence over U.S. Highway 281 to Aberdeen, S. Dak., and return over the same route.

No. MC–112713 (Deviation No. 28), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed November 1, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to junction Interstate Highway 30 near Little Rock, Ark., thence over Interstate Highway 30 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Nashville, Tenn., over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to Blackburn, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 to Mt. Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., thence over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, Mo., thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway, Mo., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 69 near Vinita, Okla., thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3329 Filed 2-4-75;8:45 am]

[Notice 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 31, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

MC 139692 (Republication), filed April 15, 1974, and published in the FEDERAL REGISTER issue of May 31, 1974, and republished this issue. Applicant: DELTA TRUCKING, INC., P.O. Box 1144, Stratford, Tex. 79084. Applicant's representative: E. R. Finney, 1100 Plaza/One, Amarillo, Tex. 79101. An Order of the Commission, Operating Rights Board, dated November 27, 1974, and served January 13, 1975, finds, that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over *irregular routes*, of *ammoniated rice hulls*, in bulk, from Stratford, Tex., to Ulysses, Kans., and Boise City, Cuymon, and Texhoma, Okla., under a continuing contract or contracts with Delta Industries, Inc., of

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Stratford, Tex., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the contracting shipper for whom the above service is to be performed, is Delta Industries, Inc., of Stratford, Tex., in lieu of International Cattle Systems, Boise City Feed Yards, Texas County Feed Yards, and Jones Feed Yards. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59640 (Sub-No. 24) (Notice of filing of petition to modify a permit), filed January 15, 1975. Petitioner: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Petitioner's Representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds a motor *contract carrier* permit in No. MC 59460 (Sub-No. 24), issued October 5, 1972, authorizing transportation over irregular routes, of *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except in bulk), between the facilities of Supermarkets General Corporation at Baltimore, Md., on the one hand, and, on the other, the facilities of Supermarkets General Corporation at Woodbridge Township, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Supermarkets General Corporation, of Woodbridge Township, N.J. By the instant petition, petitioner seeks to modify the above territorial description so as to read, Between Baltimore, Md., on the one hand, and, on the other, the facilities of Supermarkets General Corporation at Woodbridge Township, N.J. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 66101 (Notice of filing of petition to change a territorial description), filed January 10, 1975. Petitioner: AFT Services, Inc., 303 South Street, Newark, N.J. 07114. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 66101, issued October 30, 1974 authorizing transportation, over irregular routes, of *General Commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, and commodities requiring dump or tank trucks), between points in that part of the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in New York, and New Jersey, within 35 miles of Columbus Circle, New York, N.Y. By the instant petition, petitioner seeks to change the territorial description in the above authority so as to read: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, and commodities requiring dump or tank trucks), between points in New Jersey and New York within 35 miles of Columbus Circle, New York, N.Y., including the entire community any portion of which is within 35 miles of Columbus Circle, New York, N.Y. and those within the corporate limits of any New Jersey or New York township or municipality, as defined at 49 CFR 1048, 100(a) any part of which is within 35 miles of Columbus Circle, New York, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113678 (Sub-No. 384) (Notice of filing of petition to change a territorial description), filed January 8, 1975. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 384), issued May 26, 1972, authorizing transportation, over irregular routes, of: (1) *Aquariums, household pet cages,* and *aquarium accessories, supplies, and equipment:* (a) From Maywood, Hackensack, and East Paterson, N.J., to Gardena and Mountain View, Calif.; and (b) From Gardena and Mountain View, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, New Mexico, Oregon, Texas, Washington, and Wisconsin; (2) *Materials and supplies* used in the manufacture of *aquariums and household* pet *cages,* From Maywood, Hackensack, and East Paterson, N.J., and Harleysville, Pa., to Gardena and Mountain View, Calif., and (3) *Brine shrimp, frozen or freeze dried,* From Menlo Park, Calif., to points in Georgia, Illinois, Kansas, Minnesota, Missouri, New Jersey, Ohio, Oregon, Rhode Island, Virginia, and Washington. By the instant petition, petitioner seeks to modify the above territorial description by substituting points in "Los Angeles County" for "Gardena, Calif.," so as to read: (1) *Aquariums, household pet cages and aquarium accessories, supplies and equipment:* (a) from Maywood, Hackensack, and East Paterson, N.J., to points in Los Angeles County and Mountain View, Calif.; and (b) From points in Los Angeles County and Mountain View, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, New Mexico, Oregon, Texas, Washington, and Wisconsin; (2) *Materials and supplies used* in the manufacture of aquarium and household pet cages, from Maywood, Hackensack, and East Paterson, N.J. and Harleysville, Pa., to points in Los Angeles County and Mountain View, Calif., and (3) *Brine shrimp,* frozen or freeze dried, from Menlo Park, Calif., to points in Georgia, Illinois, Kansas, Minnesota, Missouri, New Jersey, Ohio, Oregon, Rhode Island, Virginia, and Washington. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113678 (Sub-No. 446) (Notice of filing of petition to change a territorial description), filed January 8, 1975. Petitioner: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Petitioner's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 113678 (Sub-No. 446), issued November 15, 1972, authorizing transportation, over irregular routes, of *Aquariums, aquarium accessories, supplies, and equipment,* and *household pet cages,* From Los Angeles, Calif., to points in Utah, Arizona, and Nevada. By the instant petition, petitioner seeks to change the origin in the above authority to points in Los Angeles County, Calif., so as to read: *Aquariums, aquarium accessories, supplies and equipment and household pet cages,* from points in Los Angeles County, Calif., to points in Utah, Arizona, and Nevada. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 120800 (Sub-No. 46). (Notice of filing of petition to remove restriction), filed January 14, 1975. Petitioner: CAPITAL TRUCK LINE, INC., 2500 N. Alameda St., Compton, Calif. 90222. Petitioner's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Petitioner holds a motor *common carrier* certificate in No. MC 120800 (Sub-No. 46) issued June 1,

1972, authorizing transportation, as pertinent, over irregular routes, of *Liquid hydrogen, liquid oxygen,* and *liquid nitrogen,* in bulk, in tank vehicles, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, New Mexico, New York, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming, restricted against the transportation of shipments moving to points which are not missile storage or missile launching sites, missile test facilities, or manufacturing plants producing liquid oxygen, liquid hydrogen, or liquid nitrogen. By the instant petition, petitioner seeks to remove the restriction imposed on the above authority. Any interested person or persons desiring to participate may file on original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124652 (Sub-No. 1) (Notice of filing of petition to modify a permit), filed January 17, 1975. Petitioner: DUNCAN TRANSPORTATION CO., a Corporation, P.O. Box 1, Riverton, Va. 22652. Petitioner's Representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street, NW., Washington, D.C. 20004. Petitioner holds a motor *contract carrier* permit in No. MC 124652 (Sub-No. 1), issued January 21, 1974, authorizing transportation, over irregular routes, of (1) *Masonry and mortar cement,* in bags, from Riverton, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pensylvania, West Virginia, and the District of Columbia; (2) *Masonry and mortar cement,* from Riverton, Va., to points in New York, Ohio, South Carolina, and Tennessee; (3) *Materials, equipment, and supplies* used in the manufacture of mortar cement (except commodities in bulk), from points in Delaware, Maryland, New Jersey, North Carolina, West Virginia, and Pennsylvania (except cement from points in Northampton County), to Riverton, Va.; (4) *Masonry cement and mortar cement,* from Riverton, Va., to points in Connecticut, under a continuing contrace or contracts, with Riverton Lime and Stone Co., Inc., of Riverton, Va.; and

(5) *Masonry cement and mortar cement,* from Riverton, Va., to points in Michigan, Indiana, Kentucky, Georgia, Florida, Massachusetts, and Rhode Island; and (6) *Materials, equipment* and *supplies* used in the manufacture of masonry cement and mortar cement, from points in New York, Ohio, South Carolina, Tennessee, Connecticut, Rhode Island, Michigan, Indiana, Kentucky, Georgia, Florida, and Massachusetts, to Riverton, Va., under a continuing contract or contracts, with the Riverton Corporation, of Riverton, Va. By the instant petition, petitioner seeks to modify the above authority so as to read: (1) *Masonry and mortar cement,* from Riverton, Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, the District of Columbia, New York, Ohio, South Carolina, Tennessee, Connecticut, Michigan, Indiana, Kentucky, Georgia, Florida, Massachusetts and Rhode Island; and (2) *Materials, equipment and supplies* used in the manufacture of masonry cement and mortar cement, from points in Delaware, Maryland, New Jersey, North Carolina, West Virginia, Pennsylvania, (except cement from points in Northampton County, Pa.) New York, Ohio, South Carolina, Tennessee, Connecticut, Rhode Island, Michigan, Indiana, Kentucky, Georgia, Florida, and Massachusetts. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 126817 and MC 126817 (Sub-No. 2) (Notice of filing of petition to modify permits), filed January 21, 1975. Petitioner: A.L.A. DELIVERY CORP., 545 West 22nd Street, New York, N.Y. 10011. Petitioner's Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds motor *contract carrier* permits in Nos. MC 126817 and MC 126817 (Sub-No. 2) issued October 3, 1967 and August 29, 1972, respectively, authorizing transportation, over irregular routes, in MC 126817, of *Toilet preparations,* From Deer Park, N.Y., to New York, N.Y., under a continuing contract, or contracts, with Germaine Monteil Cosmetique Corporation, of Deer Park, N.Y., Scandia Cosmetics Corporation, of Deer Park, N.Y., and Tuvache Rare Perfumes, Inc., of Deer Park, N.Y.; and in MC 126817 (Sub-No. 2), of (1) *Infants', children's, and boys' shirts, sweaters, pajamas, pants, and swimwear,* From New Hyde Park, N.Y., to New York, N.Y.; and (2) *Samples,* and *refused, rejected, and returned shipments* of the above-described commodities, From New York, N.Y., to New Hyde Park, N.Y., under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y. By the instant petition, petitioner seeks either to modify the above territorial descriptions so as to read: in MC 126817, *Toilet preparations,* From Deer Park, N.Y., to points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone) and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., under a continuing contract, or contracts, with Germaine Monteil Cosmetique Corporation, of Deer Park, N.Y., Scandia Cosmetics Corporation, of Deer Park, N.Y.; and Tuvache Rare Perfumes, Inc., of Deer Park, N.Y.; and in MC 126817 (Sub-No. 2), *Infants', children's, and boys' shirts, sweaters, pajamas, pants, and swimwear,* From New Hyde Park, N.Y., to points in the New York, N.Y. Commercial Zone, as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act, (the "exempt" zone) and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., to New Hyde Park, N.Y., under a continuing contract, or contracts, with Donmoor, Inc., of New York, N.Y.; or, in the alternative, that the Commission issue its appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y. Commercial Zone and points in New Jersey within 5 miles thereof, as established by the Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 130092 (Notice of filing of petition to modify a license), filed January 16, 1975. Petitioner: GREEN MOUNTAIN TOURS, INC., 24 West Pleasant Avenue, Maywood, N.J. 07607. Petitioner's Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a license as a *broker* at Maywood, N.J. in No. MC 130092, issued February 1, 1971, to sell or offer to sell the transportation of *Passengers and their baggage,* in all-expense ski tours, beginning and ending at points in Bergen County, N.J., and extending to points in New York and Vermont. Restriction: The service authorized herein is subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the Proceeding in Ex Parte No. MC–29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation,* such terms and conditions, if any, as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage, in all-expense ski tours. By the instant petition, petitioner seeks to eliminate the word "ski" in the above authority, and to modify the points of origin in the

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above territorial description to include Morris, Hudson, Passaic, and Essex Counties, N.J., so as to read, *Passengers and their baggage*, in all expense tours, beginning and ending at points in Bergen, Morris, Hudson, Passaic, and Essex Counties, N.J., and extending to points in New York and Vermont. Restriction: The service authorized herein is subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the Proceeding in No. MC–29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation*, such terms and conditions, if any, as may be deemed necessary to insure that the transportation which applicant arranges is limited to bona fide service as a broker of transportation by motor vehicle of passengers and their baggage, in all-expense tours. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC–67111 (Sub-No. 23), filed January 13, 1975. Applicant: KAIN'S MOTOR SERVICE CORP., P.O. Box 270, Logansport, Ind. 46947. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Illinois in Lake, Cook, Kane, Kendall, DuPage, and Will Counties, that part of McHenry County on and east of U.S. Highway 47, that part of Kankakee County on and north of Illinois Highway 17, restricted against service to or from Kankakee, and that part of Grundy County on and east of U.S. Highway 47 and on and north of Illinois Highway 113.

Note.—Applicant seeks to acquire the operating rights of Apache Air Freight, Inc., in MC–121404 (Sub-No. 1). This is a matter directly related to the Section 5 proceeding in MC–F–12416, published in the FEDERAL REGISTER issue of January 29, 1975. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 69901 (Sub-No. 30) (Correction), filed December 3, 1974, published in the FEDERAL REGISTER issue of January 3, 1975, and republished as corrected this issue. Applicant: COURIER-NEWSON EXPRESS, INC., P.O. Box 270, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, those of unusual value and those requiring special equipment), between points in Lake, McHenry, Kane, DuPage, DeKalb, Cook, Will, and Kendall Counties, Ill.; those in that part of LaSalle County bounded on the west by a line along an unnumbered county highway running in a southerly direction from the LaSalle County line thru Earlville, to U.S. Highway 34; thence east of U.S. Highway 34 to Illinois Highway 23, thence south on Illinois Highway 23 to U.S. Highway 52 to the county line; those in that part of Grundy County bounded by the Grundy County line on the north and east and bounded by Illinois Highway 113 and 47 and U.S. Highway 6 on the South and West; and points in Kankakee County on and north of Illinois Highway 17, restricted against service to and from Kankakee, Bradley, and Momence, Ill., but serving all points on the highways designated above.

NOTE.—The purposes of this republication are (1) indicated applicant seeks service through Earlville, Ill. in lieu of Earlville, Ill. and (2) indicate that service is restricted against traffic to and from Kankakee, Bradley, and Momence, Ill. Applicant intends to tack at the common points in the Chicago Commercial Zone as well as common points in DeKalb and McHenry Counties, Ill. to provide service to and from points authorized to be served by applicant in the States of Illinois, Indiana, Ohio, Michigan, Kentucky, and Tennessee. Applicant seeks to purchase the operating rights of Berglund Trucking, Inc. in MC–97705 Sub-No. 1. This is a matter directly related to the Section 5 proceeding in MC–F–12379 published in the FEDERAL REGISTER issue of December 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127745 (Sub-No. 3), filed January 6, 1974. Applicant: GEORGE B. KING, doing business as KING TRANSFER, 714 Pearl St., Onawa, Iowa 51040. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading), between Onawa, Iowa and Decatur, Nebr.: From Onawa, Iowa over Highway 175 to the junction of Nebraska Highway 51, and return over the same route, as an alternate route for operating convenience only in connection with carriers authorized routes and the authority sought in the directly related finance proceeding in MC–F–12410 published in the FEDERAL REGISTER issue of January 22, 1975.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC–F–11702. (Amendment) (ILLINOIS-CALIFORNIA EXPRESS, INC.—Purchase (portion—HENNIS FREIGHT LINES, INC., OF NEBRASKA), Published in the November 8, 1972 and June 27, 1973, issues of the FEDERAL REGISTER. By amendment filed January 22, 1975, THE MARMON GROUP, INC. (Michigan) and GL CORPORATION, both of 39 S. LaSalle St., Chicago, Ill. 60603, join in as party applicants.

No. MC–F–11979. (Amendment) (MARTY'S EXPRESS, INC.—Purchase (portion)—THE MUSHROOM TRANSPORTATION COMPANY, INC.), published in the September 12, 1973, issue of the FEDERAL REGISTER on page 25243. By amendment filed January 20, 1975, Mushroom has contracted to transfer to Marty's Express the following general commodities authority, over regular routes: between Lancaster, Pa., and Camden, N.J., serving all intermediate points, and the off-route point of Pomeroy, Pa., between Downingtown, Pa., and Camden, N.J., serving all intermediate points, and the off-route point of Pomeroy, Pa., between Lancaster, Pa., and Honey Brook, Pa., serving all intermediate points, and the off-route point of Pomeroy, Pa.

No. MC–F–12087. (Amendment) (H. P. WELCH CO.—Purchase—E. B. TRANS. CO.), published in the January 16, 1974, issue of the FEDERAL REGISTER on page 2058. By amendment filed January 23, 1975, it is requested that MAISLIN TRANSPORT OF DELAWARE INC., be substituted as the vendee in the above-mentioned proceeding, and that MAISLIN TRANSPORT OF DELAWARE INC., be substituted as the applicant in No. MC–68917 (Sub-No. 8).

No. MC–F–12404. (Correction) (TAKIN BROS. FREIGHT LINE, INC.—Purchase—STROMSBURG MOTOR FREIGHT, INC.), published in the January 15, 1975, issue of the FEDERAL REGISTER on page 2787. Prior publication should be amended to read, between Stromsburg and Omaha, Nebr., via US–81 to junction with US–30A.

No. MC–F–12115. (Amendment) (ILLINOIS CALIFORNIA EXPRESS, INC.—Purchase (portion)—ROGERS CARTAGE CO.), published in the January 30, 1974, issue of the FEDERAL REGISTER on page 3880. By amendment filed January 22, 1975, THE MARMON GROUP, INC. (Michigan) and GL CORPORATION, both of 39 S. LaSalle St., Chicago, Ill. 60603, join in as party applicants.

No. MC–F–12418. Authority sought for purchase by RETAIL DELIVERY SERVICE, INC., 382 McLean Blvd., Paterson, N.J. 07513, of the operating rights of TOSE, INC., 424 W. Fourth St., Bridgeport, PA. 19405, and for acquisition by

JOHN E. CRAWFORD, EDWARD O. RAPPOLD, DAVID W. MORRISON, and LEONARD J. LaVACCA, all of 382 McLean Blvd., Paterson, N.J. 07513, of control of such rights through the purchase. Applicants' attorney: Anthony C. Vance, Suite 501, 1111 E St. NW., Washington, D.C. 20004. Operating rights sought to be transferred: *Parcels* and *packages* (no single parcel or package to exceed 50 pounds in weight), *garments* and *furs* on hangers, for storage, and *damaged, defective, refused, or exchanged merchandise* on return, as a *common carrier* over irregular routes, between points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., that part of Burlington and Mercer Counties, N.J., bounded by a line beginning at the Delaware River at Washington Crossing, N.J., and extending through Hamilton Square, N.J., and Allentown, N.J., to Camden County line at New Jersey Highway 534, and New Castle County, Del.; *such merchandise* as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses, from Camden, N.J., to New York, N.Y., Washington, D.C., points in Fairfield, Hartford, and New Haven Counties, Conn., Albany, Columbia, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Putnam, Rensselaer, Rockland, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Delaware, Maryland, New Jersey, and Pennsylvania, between New York, N.Y., Washington, D.C., points in Fairfield, Hartford, and New Haven Counties, Conn., Dutchess, Nassau, Orange, Putnam, Rockland, Schoharie, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in Delaware, Maryland, New Jersey, and Pennsylvania, between Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, and Schenectady Counties, N.Y., from Newark, Del., to Washington, D.C., and points in Maryland, with restrictions. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, Delaware, New York, Maryland, Connecticut, Massachusetts, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12420. Auhority sought for purchase by WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712, of a portion of the operating rights of ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137, and for acquisition by WESSLEY WAYNE DANIEL, and CHARLES A. DANIEL, of Mt. Vernon, Mo. 65712, of control of such rights through the purchase. Applicants' attorney: Arnold L. Burke, 127 N. Dearborn St., Chicago, Ill. 60602. Operating rights sought to be transferred: *Bird, fish, poultry*, and *animal feed ingredients*, and *bird, fish, poultry*, and *animal feed*, except commodities in bulk, in tank vehicles, as a *common carrier* over irregular routes, from points in Missouri to points in Arizona, California, Nevada, and Utah; *canned foodstuffs and canned animal food*, from Siloam Springs and Gentry, Ark., the plant site of Allen Canning Company, Inc., located approximately 10 miles northeast of Siloam Springs, Ark., and Proctor and Kansas Okla., to points in Arizona, California, Minnesota, New Mexico, Oregon, Wisconsin, Washington, and points in Texas west of U.S. Highway 83. Vendee is authorized to operate as a *common carrier* in Texas, California, Nevada, Utah, Washington, Oregon, New Mexico, Arizona, Colorado, Idaho, Arkansas, Wyoming and Montana, and as a *contract carrier* in Missouri, California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, Nevada, Oklahoma, Texas, Nebraska, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12419. Authority sought for purchase by ARROW CARRIER CORPORATION, 160 Route 17, Rochelle Park, N.J. 07662, of the operating rights of NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress St., Boston, Mass. 02210, and for acquisition by PAUL S. DOHERTY, PAUL S. DOHERTY, JR., and SHIRLEY A. DOHERTY, all of Rochelle Park, N.J. 07662, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, N.J. 07102, and Francis P. Barrett, P.O. Box 238, Milton, Mass. 02187. Operating rights sought to be transferred: In year around service of *general commodities*, except articles of extraordinary value, uncrated household goods, and bulk commodities such as coal and petroleum products in tank trucks, between the points and over all the routes described in appendix A, except route 12, including service from and to intermediate points, and in seasonal service (September 1 to March 31 inclusive) between the points and over route 12, including service from and to intermediate points as described in appendix A; and over irregular routes from and to off-route points described in appendix A or B which are within 15 miles of the routes described in appendix A:

APPENDIX A

Between Boston, Mass., and New York, N.Y., between Boston, Mass., and New Haven, Conn., serving all intermediate and off-route points, between Boston and Pittsfield, Mass., between Athol and Springfield, Mass., serving various intermediate and off-route points, between Hartford, Conn., and Orleans, Mass., between Newton, Conn., and New Bedford, Mass., between Boston and Woods Hole, Mass., between Brockton and Plymouth, Mass., between Brockton and Kingston, Mass., serving all intermediate and off-route points, between Buzzards Bay and Sagamore, Mass., between Falmouth and Hyannis, Mass., between Hyannis and Chatham, Mass., between Boston, Mass., and Newport, R.I., serving all intermediate and off-route points, between Concord and Littleton, Mass., serving various intermediate points, between Woonsocket, R.I., and Chelmsford, Mass., serving various intermediate and off-route points, between South Attleboro and Franklin, Mass., between Providence, R.I., and Uxbridge, Mass., between Woonsocket, R.I., and Worcester, Mass., between Plainfield, Conn., and Slatersville, R.I., between Central Village, Conn., and Oneco, Conn., between West Glocester, R.I., and Webster, Mass., serving all intermediate and off-route points, between Groton, Conn., and Fitchburg, Mass., serving various off-route points, between New London, Conn., and Charlton City, Mass. between Essex and Norwich, Conn., between South Windham and North Windham, Conn., between Chaplin and Eastford, Conn., serving all intermediate and off-route points, between Willimantic and Coventry, Conn., serving all intermediate points, between New London and Glastonbury, Conn., serving all intermediate and off-route points, between Holyoke and Northampton, Mass., serving all intermediate points, between Springfield and Lenox, Mass., serving various intermediate points, between Southwick and Springfield, Mass., serving all intermediate points, between Hartford, Conn., and Becket, Mass., serving various intermediate points, between Farmington, Conn., and Northampton, Mass., between New Haven and Milldale, Conn., between Waterbury and New Haven, Conn., between Naugatuck and Bridgeport, Conn., between Waterbury and Canaan, Conn., between New Haven, Conn., and Pittsfield, Mass., between New Milford and Torrington, Conn., between Bridgeport and Gaylordsville, Conn., serving various intermediate and off-route points, between Bethel and Newtown, Conn., serving all off-route points, between New Fairfield, Conn., and the Connecticut-New York State line, between Salisbury, Conn., and Great Barrington, Mass., between Norwalk, Conn., and Brewster, N.Y., serving all intermediate points, from the Borough of Manhattan, N.Y., to the Borough of Richmond, N.Y., serving all intermediate points and various off-route points, between New York, N.Y., and Bayonne, N.J., serving all intermediate points.

APPENDIX C

Cement, in bulk, in tank or hopper-type vehicles over regular routes, from, to, and between points, including all intermediate and off-route points, specified in "A" and "B" herein above in Connecticut, Massachusetts and Rhode Island, over the routes authorized in "A" herein above, with restriction; *cement*, in bulk in tank or hopper-type vehicles over irregular routes, from Bridgeport, Conn., to those points in Massachusetts and Rhode Island, to which service is authorized in "A" and "B" herein above.

APPENDIX B

New England Transportation Company, serves certain freight stations of the Penn Central Transportation Company; such freight stations are served

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over irregular routes from and to off-route points described in appendix A which are within 15 miles of the routes described in appendix A. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12421. Authority sought for control by HERMANN FORWARDING COMPANY, Hermann Rd., P.O. Box 1, North Brunswick, N.J. 08902, of COSSITT MOTOR EXPRESS, INC., 63 W. Kendrick Ave., Hamilton, N.Y. 13346, and for acquisition by RICHARD W. HERMANN, and ALBERT W. HERMANN, both of North Brunswick, N.J. 08902, of control of COSSITT MOTOR EXPRESS, INC., through the acquisition by HERMANN FORWARDING COMPANY. Applicants' attorney: Maxwell A. Howell, 1511 K Street, N.W., Washington, D.C. 20005. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hamsphire, Maryland, Virginia, West Virginia, Ohio, Delaware, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC 79135 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. HERMANN FORWARDING COMPANY, is authorized to operate as a *common carrier* in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Rhode Island, Virginia, West Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3330 Filed 2-4-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 31, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 18, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 16682 (Sub-No. E12), filed June 20, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Ave., Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial and institutional furniture*, (1) between points in Connecticut, Massachusetts and Rhode Island, on the one hand, and, on the other, points in Virginia and West Virginia; and (2) between points in Bergen, Hudson, Essex and Union Counties, N.J., and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties, N.Y., points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Hoboken, N.J.

No. MC 31462 (Sub-No. E217), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 60 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in that part of North Dakota on and west of a line beginning at the North Dakota-Minnesota State line, thence along Interstate Highway 29 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of (1) Cairo, Ill., or any point in Illinois within 25 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E218), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and south of a line beginning at the Indiana-West Virginia State line, thence along U.S. Highway 60 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 16 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of (1) Cairo, Ill., or any point within 25 miles thereof, and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E219) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and south of a line beginning at the Kentucky-West Virginia State line, thence along U.S. Highway 60 to the Kentucky-Indiana State line, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E220), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to Glasgow, Ky., thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 25W, thence along U.S. Highway 25W to junction U.S. Highway

25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line on Minnesota Highway 43, thence along Minnesota Highway 43 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any point within 50 miles thereof; and (2) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E221), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along Kentucky Highway 91 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 45 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa or any point within 50 miles thereof, and (2) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E222), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Tennessee-Kentucky State line, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Clinton, Ind.

No. MC 31462 (Sub-No. E223), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and south of a line beginning at the Kentucky-West Virginia State line, thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 36 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E224), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146 Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, Tex., thence along Texas Highway 19, to junction Texas Highway 31, thence along Texas Highway 31 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 113, thence along Texas Highway 113 to junction Texas Highway 35, thence along Texas Highway 35 to Copano Bay, Tex., on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 5 miles of Cairo, Ill., and (2) any point in Okmulgee County Okla.

No. MC 31462 (Sub-No. E225), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 16 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., or any point within 35 miles thereof; (2) Cairo, Ill., or any point within 25 miles thereof; (3) Burlington, Iowa, or any point within 50 miles thereof; and (4) Alden, Minn., or any point within 35 miles thereof.

No. MC 31462 (Sub-No. E226) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of Montana on, north and east of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 287; thence along U.S. Highway 287 to junction U.S. Highway 89, thence along U.S. Highway 89 to Browning, thence along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; (3) Burlington, Iowa, and points within 50 miles thereof; (4) Alden, Minn., and points within 35 miles thereof; and (5) Williston, N. Dak., and points within 200 miles thereof.

No. MC 31462 (Sub-No. E227) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of Nebraska on and north of a

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line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; and (2) Cairo, Ill., and points within 25 miles thereof.

No. MC 31462 (Sub-No. E228) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E229) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line on U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, La., on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; (3) Burlington, Iowa, and points within 50 miles thereof; and (4) Alden, Minn., and points within 35 miles thereof.

No. MC 31462 (Sub-No. E230) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E231) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, on the one hand, and, on the other, points on the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Burlington, Iowa, and points within 35 miles thereof.

No. MC 31462 (Sub-No. E232) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Mississippi and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E233) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in Maine. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof, and (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E235) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E234) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line, extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in Maine. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof, and (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E236), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof; and (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E237), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in that part of Pennsylvania on and north of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 40 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Louisiana Highway 590, thence along Louisiana Highway 590 to junction Interstate Highway 84, thence along Interstate Highway 84 to the Pennsylvania-New York State line.

The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., or any point within 35 miles thereof; (2) Cairo, Ill., or any point within 25 miles thereof; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E238), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on, east and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line extending along Louisiana Highway 571 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Pennsylvania State line.

The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points within 35 miles thereof.

No. MC 31462 (Sub-No. E239), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on, east and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 51 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to Louisiana-Texas State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Gulfport, Miss., and points within 35 miles thereof; and Cairo, Ill., and points within 25 miles thereof.

No. MC 31462 (Sub-No. E240), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Texas-Louisiana State line, to points in that part of New York on and north of a line beginning at the Pennsylvania-New York State line, thence along Interstate Highway 84 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Miss., and points within 35 miles thereof; (2) Cairo, Ill., and points within 25 miles thereof; and (3) Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E241), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line extending along Louisiana Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to Houma, La., on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Maine Highway 8, thence along Maine Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Maine Highway 72, thence along Maine Highway 72 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gulfport, Miss., and points within 35 miles and any point in Missouri within 25 miles of Cairo, Ill.

No. MC 106920 (Sub-No. E50), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Texas to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia (except points in West Virginia on and north of U.S. Highway 50). The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E52), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products*, under Section B of the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, except sweet cream and milk, processed and unprocessed, from points in Texas to points in Virginia north of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 64 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 254, thence along Virginia Highway 254 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 15, thence along U.S. Highway 15 to

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junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E54), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 67 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 350, thence along U.S. Highway 350 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 283, thence along Texas Highway 283, to points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 74 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E55), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under Section B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk, in containers, from points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 190 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 158, thence along Texas Highway 158 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 94 to junction U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 111956 (Sub-No. E18), filed June 4, 1974. Applicant: SUWAK TRUCKING CO., 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys* (except in bulk, and except molybdenum products to points in New York), from Fayette, Greene and Washington Counties, Pa., to Newport, Ky., Buffalo, Dunkirk, Lockport, and Syracuse, N.Y.; and (2) *refused or damaged shipments* of the above-specified commodities, and *empty cartons*, therefore (except in bulk), from Newport, Ky., Buffalo, Dunkirk, Lockport, and Syracuse, N.Y., to Fayette, Greene and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 113666 (Sub-No. E2), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Urea and ammonium nitrate (other than liquid), in bags, from the United States-Canada International Boundary line at port of entry in Port Huron, Mich., to points in Vermont. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Buffalo, N.Y.

No. MC 113666 (Sub-No. E11), filed June 4, 1974. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, Pa. 16229. Applicant's representative: Daniel R. Smetanick (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea* (other than liquid), in bulk, in dump vehicles, and in bags, from the United States-Canada International Boundary line at Ports of Entry at Buffalo and Niagara Falls, N.Y., and Detroit and Port Huron, Mich., to the District of Columbia. The purpose of this filing is to eliminate the gateways of Olean, N.Y., and Port of Entry at the United States-Canada International Boundary line at Detroit, Mich.

No. MC 114019 (Sub-No. E274), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glycerine, soap stock, liquid soap, and fatty acids*, from the facilities of the Armour Grocery Products Co., near Aurora, Ill., to points in Blue Earth, Brown, Dakota, Dodge Faribault, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Martin, Mower, Nicollet, Olmsted, Redwood, Rice, Steele, Wabasha, Waseca, Watonwan, and Winona Counties, Minn. The purpose of this filing is to eliminate the gateway of Onalaska, Wis.

No. MC 114019 (Sub-No. E275), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Elmira and Mt. Morris, N.Y., and from points in that part of New York on and north of U.S. Highway 20, and west of a line beginning at Lafayette, N.Y., and extending along U.S. Highway 11 to junction New York Highway 57 to Lake Ontario, to points in Douglas, Franklin, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 114211 (Sub-No. E409), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except, in each instance, commodities wihch because of size or weight, require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Minnesota on and west of a line beginning at the Canada-United States International Boundary line extending along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to the Minnesota-Iowa State line, (1) to points in that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line extending along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Arkansas-Oklahoma State line; (2) to points in that part of California on and south of a line beginning at Oceanside, Calif., extending along California Highway 76 to junction California Highway S–16, thence along California Highway S–16 to junction California Highway 71, thence along California Highway 71 to junction California Highway 74, thence along California Highway 74 to junction California Highway 111, thence along California Highway 111 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95

to the Arizona-California State line; (3) to points in that part of Arkansas on, south, and west of a line beginning at the Oklahoma-Arkansas State line extending along Arkansas Highway 33 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 23.

Thence along Arkansas Highway 23 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line; (4) to points in that part of Mississippi on, south, and east of a line beginning at the Arkansas-Mississippi State line extending along Mississippi Highway 1 to junction Mississippi Highway 322, thence along Mississippi Highway 322 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 430, thence along Mississippi Highway 430 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line; (5) to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 80, thence along U.S. Highway 80 east to the Alabama-Georgia State line; (6) to points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 80 to junction Georgia Highway 55, thence along Georgia Highway 55 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to Brunswick, Ga.; (7) to points in that part of Arizona on and south of a line beginning at the California-Arizona State line extending along Interstate Highway 40 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-New Mexico State line; (8) to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Texas State line; and (9) to points in Florida and Louisiana, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Independence, Kans., and Claremore, Okla.

No. MC 114211 (Sub-No. E443), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery and contractors' equipment and supplies*, from points in that part of Iowa on, west and north of a line beginning at the South Dakota-Iowa State line extending along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, to points in that part of Michigan on and north of a line beginning at Muskegon, Mich., extending along Interstate Highway 96 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, to points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line extending along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 41, thence along U.S. Highway 41 to Milwaukee, Wisc., points in that part of Indiana on and east of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line, to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to the Tennessee-Alabama State line and to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Maine, Vermont, New Hampshire and New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E445), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled sweepers*, from that part of Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 14 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line; to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 220 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction North Carolina-South Carolina State line; to points in that part of Virginia on and east of a line beginning at the Virginia-Maryland State line extending along U.S. Highway 15 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; to points in that part of Maryland on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 15 to the Maryland-Virginia State line; to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 22–322, thence along U.S. Highway 22–322 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line; to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line extending along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 11, thence along New York Highway 11 to junction New York Highway 57, thence along New York Highway 57 to Oswego, N.Y.; and points in Massachusetts, Connecticut, Delaware, and New Jersey, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E446), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in that part of Minnesota on and south and east of a line beginning at the Minnesota-Wisconsin State line extending along Interstate Highway 94 to junction Interstate Highway 35W, thence along Interstate Highway 35W to the Minnesota-Iowa State line; to points in that part of Florida on and south of a line beginning at Punta Rassa, Fla., extending along Florida Highway 867 to junction Florida Highway 80, thence along Florida Highway 80 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Turnpike, thence along Florida Turnpike to junction Florida Highway 710, thence along Florida Highway 710 to Riviera

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Beach; to points in that part of Louisiana on, south, and west of a line beginning at the Gulf of Mexico extending along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Louisiana-Texas State line; to points in that part of Texas on and south of a line beginning at the Texas-Arkansas State line extending along U.S. Highway 67 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line; to points in that part of Oklahoma on, west, and south of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 35 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Kansas-Oklahoma State line; to points in that part of Kansas on, south, and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 83 to junction Kansas Highway 96.

Thence along Kansas Highway 96W to the Kansas-Colorado State line; to points in that part of Colorado on, south, and west of a line beginning at the Nebraska-Colorado State line extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 63, thence along Colorado Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado Highway 59, thence along Colorado Highway 59 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line; to points in that part of Nebraska on, south, and west of a line beginning at the Nebraska-Colorado State line extending along Colorado Highway 19 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line; to points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 85 to junction Alternate U.S. Highway 14, thence along Alternate U.S. Highway 14 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line; points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, North Dakota, and New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E447), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa, 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from that part of Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 14 to junction U.S. Highway 57, thence along U.S. Highway 57 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, to points in that part of North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 21 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line; to points in that part of South Carolina on and east of a line beginning at the South Carolina-Georgia State line extending along South Carolina Highway 72 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 29/70, thence along U.S. Highway 29/70 to junction U.S. Highway 29, thence along U.S. Highway 21 to the North Carolina-South Carolina State line; to points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 78 to junction Georgia Highway 72, thence along Georgia Highway 72 to the Georgia-South Carolina State line; to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 82 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line; to points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line extending along U.S. Highway 85, thence along U.S. Highway 85 to the Mississippi-Alabama State line; to points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line extending along Arkansas Highway 37 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 7.

Thence along Arkansas Highway 7 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Missouri State line; to points in that part of Missouri on and west of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 37, thence along Missouri Highway 37 to the Missouri-Arkansas State line; to points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 31, thence along Kansas Highway 31 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line; to points in that part of Nebraska on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line; to points in that part of South Dakota on and west of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line; and points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, North Dakota, Texas, Oklahoma, Louisiana, Florida, Colorado, Wyoming, and New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E449), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 283 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U. S. Highway 377, thence along U.S. Highway 377 to Del Rio, Tex., and points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 62, thence

along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line; to points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 12 to junction North Dakota Highway 22, thence along North Dakota Highway 22 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 85, thence along U.S. Highway 85 to the International Boundary line between Canada and the United States; points in that part of South Dakota on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-North Dakota State line; points in that part of Nebraska on, north, and east of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along Wisconsin Highway 82 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Algoma, Wis., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E503), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts thereof*, from Portal, N. Dak., to points in Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Arkansas, Missouri, Kentucky, Virginia, West Virginia, District of Columbia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Masaschusetts, New Hampshire, Vermont, Maine, New York, Pennsylvania, Ohio, Michigan, the Upper Peninsula of Michigan, Indiana, Illinois, Iowa, Wisconsin, and points in that part of Arizona on, south, and east of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 10 to junction U.S. Highway 89, thence along U.S. Highway 89 to Nogales, Ariz.; points in that part of New Mexico on, south, and east of a line beginning at the Oklahoma-New Mexico State line extending along U.S. Highway 56 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line; points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 56, thence along U.S. Highway 56 to the Oklahoma-New Mexico State line; points in that part of Kansas on, east, and south of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line; points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to the South Dakota-Nebraska State line; points in that part of North Dakota on and east of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 10 to junction U.S. Highway 81, thence along U.S. Highway 81 to the North Dakota-South Dakota State line; and points in that part of Minnesota on and east of a line beginning at the International Falls, Minn., extending along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 west to junction U.S. Highway 10, thence along U.S. Highway 10 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E504), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from points in that part of Iowa on and northeast of a line begnining at the Iowa-Minnesota State line extending along Interstate Highway 4 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Illinois State line, to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 177 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Texas-Oklahoma State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa and Beatrice, Nebr.

No. MC 114211 (Sub-No. E506), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in that part of South Dakota on, south and east of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in that part of Montana on and west of a line beginning at the Montana-Canada Boundary line extending along Hill County Highway 233 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, and points in Washington, Oregon, Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E507), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories and attachments*, between points in Nebraska, on the one hand, and, on the other, points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maine, and points in that part

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of Virgina on and east of a line beginning at the Maryland-Virginia State line extending along U.S. Highway 17 to junction U.S. Highway 17/258, thence along U.S. Highway 17/258 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line; points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 222 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 2, thence along Maryland Highway 2 to junction Maryland Highway 3, thence along Maryland Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-Maryland State line; points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 36 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 125, thence along Pensylvania Highway 125 to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Pennsylvania-Maryland State line; points in that part of New York on and east of a line beginning at the International Boundary line between the United States and Canada extending along New York Highway 18.

Thence along New York Highway 18 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 36, thence along New York Highway 36 to the New York-Pennsylvania State line; points in that part of Michigan on and northeast of a line beginning at the Mackinaw Bridge extending along Interstate Highway 75 to Michigan Highway 32, thence along Michigan Highway 32 to Lake Huron; points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along Interstate Highway 90 to junction U.S. Highway 90/944, thence along U.S. Highway 90/944 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan; points in that part of Minnesota on and northeast of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 12 to junction Minnesota Highway 7, thence along Minnesota Highway 7 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line; and to points in that part of North Dakota on and east of a line beginning at the International Boundary line between the United States and Canada extending along North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Clinton, S. Dak.

No. MC–114211 (Sub-No. E528), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities requiring special equipment, from points in that part of South Dakota on and northwest of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, Maryland, and Delaware, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Dubuque, Iowa.

No. MC–114211 (Sub-No. E529), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental tractors*, from points in that part of Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line, thence along Wisconsin Highway 80 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 33, thence, along Wisconsin Highway 33 to the Port Washington, Wis., to points in that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line, thence along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 20, thence along New Mexico Highway 20 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line and to points in Washington, Oregon, Idaho, California, Nevada, Montana, Utah, Arizona, Wyoming, and North Dakota, with no transportation for compensation on return except as otherwise authorized.

No. MC–114211 (Sub-No. E530), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), B) *Equipment* designed for use in conjunction with tractors, (C) *Agricultural, industrial, and construction machinery and equipment*, (D) *Trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (F) *Internal combustion engines*, and (G) *Parts* of the commodities described in (A) through (F), the transportation of which, because of size or weight, requires special equipment, from points in that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 136 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Kansas State line to points in that part of Pennsylvania on and east of a line beginning at Lake Erie, thence along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line and to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–114211 (Sub-No. E531), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those which, because of size or weight, require the use of special equipment), from Laredo, Tex., to points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Iowa-Nebraska State line, and to points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line, thence

along North Dakota Highway 3 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction North Dakota Highway 37, thence along North Dakota Highway 37 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Dakota-Canada International Boundary line, and to points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, and to points in Minnesota limited to service in foreign commerce only. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC–114211 (Sub-No. E532), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural shedders agricultural sprayers, scalpers, row crow shields, corn cribs* (knocked down), and *attachments and parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from points in that part of Colorado on and north and west of a line beginning at the Wyoming-Colorado State line, thence along Interstate Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along Interstate Highway 75 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Kentucky-Tennessee State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice and Nebraska City, Nebr., and Oelwein, Iowa.

No. MC–114211 (Sub-No. E533), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultual shredders, agricultural sprayers, scalpers, row crop shields, corn cribs* (knocked down), and *attachments and parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from points in Colorado and from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 183 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, and from points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 54 to the Oklahoma-Texas State line to points in Pennsylvania and New York (except Kings, Queens, Nassau, and Suffolk Counties), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., Nebraska City, Nebr., and Oelwein, Iowa.

No. MC 114211 (Sub-No. E534), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Kansas west and north of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr., and Council Bluffs, Iowa.

No. MC–114211 (Sub-No. E535), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments*, and *parts* of tractors and tractor attachments, when moving in mixed loads between the port of entry at New Orleans, La., on the one hand, and, on the other, points in that part of Kansas on and north of a line beginning at the Missouri-Kansas State line, thence along Kansas Highway 68 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. 154, thence along U.S. Highway 154 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, and points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction Colorado Highway 10, thence along Colorado Highway 10 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 550, thence along U.S. 550 to the Colorado-New Mexico State line, and points in that part of Iowa on and west of a line beginning at the Missouri-Iowa State line, thence along Iowa Highway 5 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Minnesota State line, and to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 44 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-Wisconsin State line and points in South Dakota and Nebraska. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E536), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 75 to junction U.S. Highway 27 thence along U.S. Highway 27 to the Kentucky-Tennessee State line; from points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 27 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Tennessee-Georgia State line; from points in that part of North Carolina on and south of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 321 to junction U.S. Highway 74, thence along U.S. Highway 74 to juncton U.S. Highway 601, thence along U.S. Highway 61 to the North Carolina-South Carolina State line; from points in that part of Virginia on and east of a line beginning at the Kentucky-Virginia

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State line extending along U.S. Highway 23 to junction Alternate U.S. Highway 56, thence along Alternate U.S. Highway 56 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Virginia-Tennessee State line, to points in that part of Kansas on and west and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line; and to points in that part of New Mexico on and north of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 126, thence along New Mexico Highway 126 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 57, thence along New Mexico Highway 57 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC-114211 (Sub-No. E538), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements and parts thereof* (except, in each instance, commodities which because of size or weight, require the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from West Chicago, Ill., to points in California, Arizona, New Mexico, and to points in that part of Nevada on and south of a line beginning at the Utah-Nevada State line, thence along U.S. Highway 50 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Nevada-California State line, and to points in that part of Utah on and south of a line beginning at the Colorado-Utah State line, thence along Utah Highway 46 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the plant site or storage facilities utilized by International Harvester Company at West Chicago, Ill.

No. MC-114211 (Sub-No. E539), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and stationary engines and attachments and parts therefor* when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of size or weight, require the use of special equipment), from points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 385, thence, along U.S. Highway 385 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Wyoming State line to points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 231 to the Indiana-Kentucky State line, thence along U.S. Highway 231 to the Kentucky-Tennessee State line, and to points in that part of Indiana on and east of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 50 to junction Indiana Highway 50, thence along Indiana Highway 50 to junction Indiana Highway 61, thence along Indiana Highway 61 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, and to points in that part of Michigan on and south of a line beginning at Lake Michigan, thence along U.S. Highway 10 to junction Michigan Highway 25 thence along Michigan Highway 25 to junction Michigan Highway 142, thence along Michigan Highway 142 to Lake Huron, and to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and Ohio, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Company. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Horicon, Wis.

No. MC 114211 (Sub-No. E540), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements and parts thereof*, from points in Colorado, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along Nebraska Highway 15W to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 9, thence along Nebraska Highway 9 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma State line beginning at points in that part of Pennsylvania on and northeast of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 46 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-Delaware State line, to points in that part of New York on and east of a line beginning at Silver Creek, N.Y., extending along New York Highway 428 to junction New York Highway 83, thence along New York Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line, and to points in New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere and Co., and further restricted against movement to off field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Horicon, Wis.

No. MC 114211 (Sub-No. E541), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in Colorado, on the one hand, and, on the other, points in Wisconsin, Michigan, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, and to points in that part of West Virginia on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 250 to the West Virginia-Virginia State line, and to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, and to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along North Carolina Highway 86 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E542), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, (except in each instance, commodities which, because of size or weight, requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of California on and north of a line beginning at the Pacific Ocean, thence along California Highway 299 to junction California Highway 96, thence along California Highway 96 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 89, thence along California Highway 89 to junction California Highway 299, thence along California Highway 299 to the California-Nevada State line to points in Louisiana, Arkansas, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina and North Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E543), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along Illinois Highway 92 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, on the one hand, and, on the other, points in California, Nevada, Utah and Arizona. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E544), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in Illinois, on the one hand, and, on the other, points in Washington, Oregon, Idaho, and to points in that part of Utah on and west of a line beginning at the Idaho-Utah State line, thence along U.S. Highway 91 to junction Utah Highway 56, thence along Utah Highway 56 to the Utah-Nevada State line, and to points in that part of Nevada on and north of a line beginning at the Utah-Nevada State line, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, and to points in that part of California on and north of a line beginning at the Nevada-California State line, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 41, thence along California Highway 41 to junction U.S. Highway 101, thence along U.S. Highway 101 to San Luis Obispo, Calif. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E545), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors and stationery engines and attachments and parts* therefor when moving incidental to and in the same vehicle with tractors and stationery engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of their size or weight require the use of special equipment), from points in Illinois on and west of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Missouri State line to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Lake Michigan and to points in the Upper Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E546), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm tractors*, from Racine, Wis., to points in Colorado, Kansas, and that part of Nebraska on and south of a line beginning at the Missouri-Nebraska State line, thence along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Springfield, Ill.

No. MC 114211 (Sub-No. E547), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in Ohio, West Virginia, Virginia, South Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Pennsylvania, New York, Massachusetts, Vermont, New Hampshire, Maine, and points in that part of North Carolina on and east of a line

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beginning at the Georgia-North Carolina State line, thence along U.S. Highway 64 to junction U.S. Highway 129, thence along U.S. Highway 129 to the North Carolina-Tennessee State line, and points in that part of Georgia on and east of a line beginning at the North Carolina-Georgia State line, thence along Georgia Highway 60 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 5, thence along Georgia Highway 5 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line, and points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 319 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Florida Highway 365, thence along Florida Highway 365 to Spring Creek, Fla., and points in that part of Tennessee on and east of a line beginning at the North Carolina-Tennessee State line, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Kentucky State line, and points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in that part of Colorado on and south of a line beginning at the Nebraska-Colorado State line, thence along Interstate Highway 805 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E548), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in San Miquel, Ouray, Hinsdale, Mineral, Dolores, Montezuma, La Plata, and Archuleta Counties in Colorado, on the one hand, and, on the other, points in Ohio, West Virginia, and points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 52 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E549), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road-making machinery, and contractors' equipment and supplies*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Colorado, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115703 (Sub-No. E13), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in North Carolina, on the one hand, and, on the other, Rhode Island. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 115703 (Sub-No. E15), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Ohio, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of Berks and Luzerne Counties, Pa.

No. MC 115703 (Sub-No. E16), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Ohio on and north of Interstate Highway 70, on the one hand, and, on the other, points in Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of York County, Pa.

No. MC 115703 (Sub-No. E17), filed April 7, 1974. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, Wyomissing, Pa. 19610. Applicant's representative: James Alan Vitez (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, between points in Rhode Island, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateways of Berks, Luzerne, and York Counties, Pa.

No. MC 119496 (Sub-No. E1), filed May 15, 1974. Applicant: THE JAMES GIBBONS CO., 1770 Sutton Ave., Relan, Baltimore, Md. 21227. Applicant's Representative: William F. King, 421 King St., Suite 301, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and asphalt products*, in bulk, in tank vehicles, from Baltimore, Md., to points in North Carolina, and points in West Virginia and Virginia which are located more than 200 miles from Baltimore, Md. (Cockpit Point, Va.) *; and (2) *Asphalt and asphalt products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Ohio (North Charlerol and Floreffe, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119988 (Sub-No. E96), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Florida. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 119988 (Sub-No. E108), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements otherwise* exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E111), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Maine. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E112), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation, under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E113), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E114), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Michigan. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. 115), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING COMPANY, INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Montgomery County, Kansas.

No. MC 124423 (Sub-No. E1), filed May 12, 1974. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, N.J. 08840. Applicant's representative: Allan J. Day (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, chemicals and materials, equipment, supplies, and records* used in connection with the research, manufacture, and distribution thereof (except commodities in bulk), moving in express service, between points in Connecticut, those in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., those in Nassau, Rockland, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., on the one hand, and, on the other, Baltimore, Md., Pittsburgh, Pa., Riverside, Pa., Elkton, Va., and Washington, D.C., Restriction: No service shall be provided in the transportation of articles weighing in the aggregate more than 5,000 pounds from one consignor at one location to one consignee at one location on any one day. The purpose of this filing is to eliminate the gateway of Rahway, N.J.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3315 Filed 2-4-75;8:45 am]

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PART II

FEDERAL ENERGY ADMINISTRATION

■

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Notice of Proposed Rulemaking

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 303, 305, 307]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION

Notice of Proposed Rulemaking

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend Chapter II of Title 10 of the Code of Federal Regulations by the addition of the following new parts: Part 303—Administrative Procedures and Sanctions; Part 305—Coal Utilization; and Part 307—New Powerplants.

I. *Introduction.* In order to reduce the Nation's dependence on foreign oil, Congress passed the Energy Supply and Environmental Coordination Act of 1974 ("ESECA"). Congress expressly intended to "provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment." As it relates to these regulations, the Conference Report states that ESECA was intended to "encourage increased burning of coal" and "the opening of new coal mines to increase energy supplies."

Section 2 (Coal Conversion and Allocation) of ESECA grants the Administrator of FEA the authority to: (a) prohibit certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source; (b) require that certain powerplants in the early planning process (other than a combustion gas turbine or combined cycle unit) be designed and constructed to be capable of using coal as its primary energy source; and (c) allocate coal to any powerplant or major fuel burning installation that has been prohibited by an FEA order from burning natural gas or petroleum products as its primary energy source or to other persons as is necessary to effectuate the purposes of ESECA.

The purpose of the rulemaking proposed herein is to implement sections 2 (a), (b) and (c) of ESECA. The regulations implementing section 2(d) (allocation) will be proposed in a separate rulemaking, which will be published shortly.

FEA proposes to implement sections 2 (a), (b) and (c) of ESECA by prohibiting certain powerplants and other major fuel burning installations from burning natural gas or petroleum products as their primary energy source, through issuance of "prohibition orders," and by requiring that certain powerplants in the early planning process be designed and constructed to be capable of burning coal as their primary energy source, through issuance of "construction" orders. Before issuing either of those orders, however, FEA must make certain findings, which are discussed in connection with Part 305—Coal Utilization, and Part 307—New Powerplants.

If FEA is able to make the appropriate findings concerning a powerplant or other major fuel burning installation, FEA is required by ESECA to issue a prohibition order to a powerplant, but has discretion concerning whether to issue a prohibition order to a major fuel burning installation. The issuance of a construction order to a powerplant in the early planning process is discretionary.

Prohibition orders cannot become effective until the Environmental Protection Agency ("EPA") makes several determinations and so notifies FEA. The nature of EPA's involvement in the coal utilization program is described in connection with Part 305.

FEA's authority to issue prohibition orders and construction orders expires on June 30, 1975, in accordance with section 2(f) of ESECA. However, FEA retains the authority to modify or rescind and enforce such orders until midnight, December 31, 1978.

In the following discussion, each subpart will be addressed separately. Parts 305 and 307 contain substantive regulations, while Part 303 constitutes the procedural regulations.

II. *Part 305—Coal Utilization.* Section 2(a) of ESECA authorizes FEA to issue orders prohibiting certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source if the findings stated in sections 2(a) and (b) are made, and Part 305 of these proposed regulations implements that authority.

Several terms in ESECA are central to these proposed regulations, and it is appropriate to define them at this point. "Powerplant" is defined in the proposed regulations as one or more fossil-fuel fired steam electric generating units that produce steam electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls or supervises any such unit or units. "Major fuel burning installation" is defined in the proposed regulations as an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combuster of fuel or any combination thereof at a single site, and includes any person who owns, leases, operates, controls or supervises any such installation or unit. The regulations also would provide that prohibition orders will be issued only to a boiler, burner or other combuster of fuel, or combinations of combusters at a single site (major fuel burning installation) that otherwise qualify for issuance of a prohibition order under the Act and which fire at a rate of 50 million Btu's per hour or greater. "Primary energy source" would be defined by the regulations to mean, with respect to a powerplant or major fuel burning installation that utilizes fossil-fuels, the fuel that is or will be used for all purposes except for the minimum amounts required for startup, testing, flame stabilization and control.

The proposed prohibition orders would be of two durations; those applicable for a period ending on or before June 30, 1975 ("short-term orders") and those applicable after June 30, 1975 ("long-term orders"). Prior to issuance of a short-term or long-term prohibition order, or the modification of a short-term order to make it a long-term prohibition order, ESECA requires that FEA make several findings. The findings described in paragraphs A to C below must be made before a prohibition order can be issued either to a powerplant or to a major fuel burning installation. The finding described in paragraph D is applicable only to powerplants.

FEA may at its discretion, make these findings, in the case of a powerplant, either for an individual fossil-fuel fired steam electric generating unit that produces electric power for sale or exchange, or for combinations thereof; and in the case of major fuel burning installations, either for an individual fossil-fuel fired boiler, burner or other combustor of fuel, or for combinations thereof at a single site.

A. *Capability and necessary plant equipment to burn coal.* FEA may issue a prohibition order only if it finds that on the date of the enactment of ESECA (June 22, 1974), the powerplant or major fuel burning installation had the capability and necessary plant equipment to burn coal. The assessment of capability and necessary plant equipment requires that FEA investigate coal handling facilities and appurtenances, both internal and external; adequate facilities for the storage of coal; and other equipment such as a boiler, unloaders, crushers, conveyors, pulverizers, scales, burners, soot blowers, and special coal-burning instrumentation and controls.

The absence of any one or combination of the above facilities or equipment is not grounds, however, for concluding that the plant lacked the capability and necessary plant equipment to burn coal. The Conference Report to ESECA makes it clear that this finding should not be rigidly applied in a way that would frustrate the purpose of the Act to encourage the burning of coal in lieu of petroleum products and natural gas. The requirement of capability to burn coal does not mean that the powerplant or major fuel burning installation actually had to have been burning coal on June 22. Therefore prohibition orders may be issued to those burning natural gas or petroleum products on that date, provided the required finding can be made. Furthermore, the fact that any reconversion required as a result of a prohibition order might necessitate the upgrading of or additions to plant equipment would not preclude a finding of capability.

B. *Prohibition of the utilization of natural gas and petroleum products is practicable and consistent with the purposes of ESECA.* To determine whether a prohibition order is practicable, FEA proposes to analyze the reasonableness of any additional costs associated with burning coal, including the cost of coal and the equipment required for burning coal, and any costs that may be associated with complying with section 119 of the Clean Air Act (section 3 of

ESECA). The analysis of any costs associated with compliance with the Clean Air Act would be based on the facts available to FEA before issuance of an order. FEA's analysis also would take into account the susceptibility of natural gas and petroleum products to volatile changes in price and to interruption of supply. The prohibition would be found to be consistent with the purposes of ESECA if it serves to discourage the use of natural gas and petroleum products and to encourage the use of coal as the primary energy source by powerplants and major fuel burning installations.

C. *Coal and coal transportation facilities will be available during the period the prohibition is in effect.* FEA would base its conclusion as to availability of coal on a determination of the anticipated demand for coal, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) it is anticipated that the powerplant or major fuel burning installation will burn, the location of such coal, the practicability of its production including the possibility that new mines would be opened, and any State or local laws or policies that limit the extraction or utilization of such coal. To determine the availability of coal transportation facilities, FEA proposes to evaluate the means and ease with which coal is or could be transported to the powerplant or major fuel burning installation, including the availability of rolling stock and tracks, barges, pipelines and other feasible means of transportation.

D. *The prohibition will not impair the reliability of service in the area served by the powerplant.* Whether there will be an impairment of the reliability of service to the area served by the powerplant would be found by evaluating the length of time scheduled outage, if any, associated with any prohibition order in relation to other scheduled outages of electric power generation units that are part of the electric power generation system, and the reserve capacity of other systems with which the powerplant is interconnected. "Impairment" means an unreasonable risk of loss of load.

In addition, if the FEA proposes to issue a short-term prohibition order, it must take into account the likelihood that the powerplant or major fuel burning installation will be permitted to burn coal after June 30, 1975. To satisfy this requirement, FEA proposes to consider the likelihood that environmental or economic restraints will prevent the powerplant or installation from burning coal after June 30, 1975.

In selecting a major fuel burning installation to which it proposes to issue a prohibition order, FEA would consider, among other things, the installation's location, its product or output, the purpose for which coal would be burned, the quantity of natural gas or petroleum products now being burned, the practicability of burning coal given the short-term variation of demand for output by the installation, and the burden a prohibition order would place on existing coal supply and means of delivery. As mentioned previously, no major fuel burning installation, whether a single burner, boiler or other combuster of fuel, or a combination of these, would be issued a prohibition order unless the combustor, or combinations thereof, fire at a rate of 50 million Btu's per hour or greater.

Prior to issuance of a prohibition order, short-term or long-term, or the modification of a short-term order to make it a long-term order, ESECA explicitly requires that there be public participation in the decision-making process. Prior to issuance of a short-term order, interested persons may submit written data, views and argument, before issuance of a long-term order or the modification of a short-term order to make it long-term, interested persons must be given an opportunity to make oral presentation of data, views and argument, as well as to submit written comments. In addition to satisfying these notice requirements, FEA proposes to go beyond the requirement of ESECA and to invite the submission of written data, views and argument before issuing other types of modifications or before rescission of a prohibition order, when the impact of such actions would be of public interest.

The presentation of data, views and argument, whether oral or written, may be made by interested persons, which includes members of the public. The public participation will be invited by issuance of a "Notice of Intent to Issue Prohibition Order (or to Modify or Rescind a Prohibition Order)", as appropriate, in the FEDERAL REGISTER. The time period for submission of written comments will be no less than 10 days from publication of the notice.

EPA involvement. Section 3 of ESECA, which amended the Clean Air Act (42 U.S.C. 1851 et seq., as amended by Pub. L. 93-319, 88 Stat. 246) by adding section 119, authorizes EPA, subject to certain qualifications, to issue a "temporary suspension", during the period June 22, 1974 to June 30, 1975, of any stationary source fuel or emission limitation. EPA is also authorized to issue a "compliance date extension," for the period through December, 1978 to any powerplant or major fuel burning installation that has been issued a prohibition order.

Issuance of a compliance date extension means that the powerplant or major fuel burning installation shall not, until January 1, 1979, be prohibited from burning coal that is available to that source as a result of the application of any air pollution requirement in that section, except as provided in section 119 (d)(3). Section 119(d)(3) states that if a source to which a temporary suspension or compliance date extension applies is determined not to be in compliance with an applicable primary standard condition or regional limitation, EPA may revoke the suspension or extension. Further, if the Administrator of EPA finds that the burning of coal by the source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public health, the Administrator of EPA shall certify the period for which the prohibition order shall not be in effect.

The issuance of a temporary suspension or a compliance date extension is contingent on the Administrator of EPA making certain findings, set out in sections 119(b) and 119(c), respectively, of the Clean Air Act. Not all powerplants and major fuel burning installations that receive prohibition orders from FEA will be eligible for temporary suspensions or compliance date extensions. They will, nevertheless, be prohibited from burning petroleum products or natural gas as soon as they are able to burn coal in compliance with all applicable air pollution requirements. EPA's findings are fully discussed in the preamble to its proposed regulations for temporary suspensions and compliance date extensions (39 FR 32624-31 (September 10, 1975)).

Under the provisions of ESECA, a short-term prohibition order cannot become effective until the date that the Administrator of EPA certifies, pursuant to section 119(d)(1)(A) of the Clean Air Act, is the earliest date that the powerplant or major fuel burning installation will be able to comply with the air pollution requirements that will be applicable to it. A long-term prohibition order (or modification of a short-term order to make it long-term) cannot become effective until the Administrator of EPA notifies FEA, pursuant to section 119(d)(1)(B) of the Clean Air Act, that the powerplant or major fuel burning installation will be able on and after July 1, 1975 to burn coal and to comply with all applicable air pollution requirements without a compliance date extension under section 119(c) of the Act, or if such notification is not given, the date which the Administrator of EPA certifies, pursuant to section 119(d)(1)(B) is the earliest date that such powerplant or installation will be able to burn coal in compliance with all applicable requirements of section 119.

Neither a short-term order, a long-term order, nor the modification of a short-term order to make it long-term can become effective until the date determined by EPA, and transmitted to FEA as described above. Under the proposed regulations, however, those orders would not become effective until the date determined by EPA and until FEA serve a Notice of Effectiveness on the powerplant or major fuel burning installation to which a prohibition order was issued, which notice would inform it of the effective date of the order.

III. *PART 307—New Powerplants.* Section 2(c) of ESECA authorizes FEA to require that a powerplant in the early planning process (other than a combustion gas turbine or a combined cycle

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unit) be designed and constructed to be capable of using coal as its primary energy source, which would be effected by issuance of a construction order. The proposed regulations provide that such a requirement is discretionary, but FEA intends to issue construction orders to all powerplants in the early planning process, for which FEA can make the findings required by section 2(c) of ESECA.

A construction order would require that a powerplant in the early planning process be designed and constructed to be capable of using coal as its primary energy source. A powerplant would satisfy that requirement if it is designed and constructed either to use only coal as its primary energy source, or to use two or more fuels, one of which is coal, as its primary energy source. ("Powerplant" and "primary energy source" each have the same definitions as in Part 305.)

The regulatory scheme in Part 307 is similar to that of Part 305. The issuance of a construction order to a powerplant in the early planning process would depend on the making of several findings by FEA. No powerplant would be issued a construction order unless FEA finds that it is in the early planning process. "Early planning process" would be defined to mean either of the following time periods: (1) Before the formation of a contract, express or implied, for the design of a powerplant or before the commencement of the design of a powerplant, if such design is not to be performed in accordance with a contract, or (2) after commencement of the design of a powerplant, but not later than commencement of field erection of boiler steel.

ESECA does not define "early planning process." The definition proposed in the regulations fixes on the commencement of field erection of boiler steel as the time at which a powerplant no longer would be in the early planning process. Other time periods were considered to set the outside limits of the early planning process, including three months after formation of a contract for the boiler or the point in the contract for the boiler at which the powerplant would incur substantial termination charges. Comments are solicited regarding the adequacy of the proposed definition of early planning process. Those comments should take into account the variations in design and construction schedules for powerplants, and the potential effect on design schedules of the republication of prior designs or the use of standard designs.

As with prohibition orders, FEA, at its discretion, may issue a construction order for an individual fossil-fuel fired electric steam generating unit that produces electric power for sale or exchange, or for combinations thereof. FEA would not issue a construction order if it finds that the design or construction of a powerplant with the capability of using coal as its primary energy source is likely to result in the impairment of the reliability or adequacy of service to be provided by the powerplant, or an adequate and reliable supply of coal is not reasonably expected to be available.

FEA proposes to determine if there is an impairment of the reliability or adequacy of service by evaluating the length of any delay in commencement of the sale or exchange of electric power, if any, and the effect of such delay, if any, on reserve capacity margin within the electric power generator system or combination of systems to determine if there is an unreasonable risk of loss of load.

It is proposed that the availability of an adequate supply of coal be determined by an evaluation of the powerplant's anticipated demand for coal, the type of coal (including, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) it is anticipated the powerplant would be able to utilize, the location of such coal, the practicability of its production including the possibility that new mines will be opened before the powerplant commences the sale or exchange of electric power and any State or local laws or policies limiting the extraction or utilization of coal. The availability of a reliable supply of coal would be determined on the basis of an evaluation of the supply's susceptability to interruption and the nature of the supply contract that the powerplant reasonably could be expected to enter into.

In addition to the above findings, ESECA also directs FEA to consider the existence and effect of any contractual commitment for the construction of such powerplant, and the capability of the powerplant (as defined to include its owner) to recover any increase in projected capital investment required as a result of a construction order. FEA proposes also to consider the relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by powerplants, and the potential loss of revenue resulting from a delay in the commencement of the sale or exchange of electric power resulting from a construction order, to the extent that electric power will have to be purchased from another powerplant.

Although not required by ESECA, FEA proposes to invite public participation through written comment prior to issuance of a construction order. A notice of FEA's intention to issue a construction order would be published in the FEDERAL REGISTER, which would provide that interested persons could submit written comments regarding the construction order within 10 days of its publication.

The identification of powerplants in the early planning process would be accomplished by submission to FEA of an Identification Report, which would be a form available from the National Office. Under FEA's proposed regulations, the initial report shall be filed within 30 days of the effective date of Part 307. Thereafter, any powerplant that enters the early planning process at any time in a month would file an Identification Report with FEA by the fifteenth day of the next month.

IV. *Part 303—Administrative procedures and sanctions.* Much of Part 303 is identical to Part 205 of Chapter II, 10 Code of Federal Regulations, the procedural regulations for the mandatory petroleum allocation program. Therefore, this discussion will focus on the differences between the two procedural regulations that are necessitated by the particular requirements of the coal utilization program. If there is no discussion of a particular procedure or proceeding it can be assumed either that it is identical to that in Part 205 or that only minor, technical changes are proposed to be incorporated in Part 303, e.g., address changes, time schedule alterations, or minor improvements in or clarification of language. Part 205 was fully discussed in the rulemaking proceeding regarding it (39 FR 25602 (July 11, 1974) and 39 FR 32262 (September 5, 1975)).

The coal utilization program requires that FEA propose several new procedures. Prohibition orders would be issued to prohibit certain powerplants and major fuel burning installations from burning natural gas or petroleum products as their primary energy source and construction orders would be issued to require that a powerplant in the early planning process be designed and constructed to be capable of burning coal as its primary energy source. New procedures have been developed concerning the appeal, modification or rescission of prohibition orders and construction orders, procedures for the modification or rescission of any other order remain similar to those in Part 205. Furthermore, as previously discussed, the public participation provisions are tailored to the requirements of ESECA.

Subpart A—General provisions. Definitions (§ 303.2): In general, the proposed definitions in Subpart A are restated in identical form in the "Definitions" section of each part to which they are applicable. However, the term "action" is differently defined in each part. Several of the more important terms defined in Subpart A have been more fully discussed previously in connection with the substantive regulations.

The term "air pollution requirements" is similar to the definition of that term in § 119(a) of the Clean Air Act, as is the definition of "stationary source fuel or emission limitation." The terms "compliance date extension" and "temporary suspension" are descriptions of actions EPA is authorized to take by § 119 (b) and (c), respectively, of the Clean Air Act.

The term "petroleum product" is defined to include the term "refined petroleum products," which term is used in the mandatory petroleum allocation program and crude oil and residual fuel oil. The term "natural gas" includes gas and casinghead gas.

Effective date of orders (§ 303.10(b)): The involvement of EPA in the process of prohibiting a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source, as previously discussed, necessitates a revision of the section that describes the effective date of FEA orders. FEA proposes that a prohibition order (or modification of a short-term order to make it long-term) would not be effective until FEA has received the previously described certification or notification from EPA and has, in turn, issued a Notice of Effectiveness to the affected powerplant or major fuel burning installation.

Addresses for filing documents with FEA (§ 303.12): Unless the applicable subpart of this part provides that an application or other document filed by mail be sent to the Office of Exceptions and Appeals, the Office of General Counsel or the Office of Private Grievances and Redress, the document would be mailed to: Federal Energy Administration, Code OFU, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

Office of Private Grievances and Redress (§ 303.14): The procedures applicable to a "Petition for Special Redress or Other Relief" would be governed by Subpart R of Part 205.

Subpart B—Prohibition orders. This proposed proceeding, as well as the one for issuance of construction orders, is intended to satisfy the intention of the Conference Report that procedures be informal and expedited. A proceeding regarding the issuance of a prohibition order would be commenced either by application from a powerplant or major fuel burning installation or by FEA on its initiative. The sections in this subpart that describe notice, the criteria to be considered in making the determination regarding issuance of a prohibition order, the effective date and content of a prohibition order, and the right of appeal are applicable regardless of whether the proceeding was initiated by application or by FEA.

In recognition of the practical effect of the June 30, 1975 expiration of FEA's authority to issue prohibition orders, applications for prohibition orders filed after April 1, 1974 would be dismissed automatically, with no right of administration appeal. The acceptance of applications after April 1 would not give sufficient time to permit FEA to process the application and any administrative appeal of denial of the application. An order dismissing an application filed after April 1, 1975 is a final order of FEA.

An application for a prohibition order would be required to contain the information FEA needs to make a decision as to whether it can make the findings specified by ESECA. The accuracy of this information must be certified by the applicant's chief executive officer or his duly authorized representative. Any information or documents provided during a proceeding may be investigated by FEA. Third person submissions regarding an application may be solicited or accepted by FEA, provided the applicant is afforded an opportunity to respond to all relevant third person submissions (except written or oral presentation of data, views or arguments submitted in response to the notice of intention published in the FEDERAL REGISTER).

The criteria for issuance of a prohibition order are contained in §§ 305.3 and 305.4 are derived in part from language in section 2 (a) and (b) of ESECA. If a prohibition order is issued, it would include a recitation of the conclusions regarding those findings and a summary of the rationale for each.

The timeliness section of Subpart B is drafted to accommodate the time constraints imposed on FEA by the June 30, 1975 expiration of its authority to issue prohibition orders. If FEA has not taken any action on an application for a short-term or long-term prohibition order within 30 days of the filing or by May 1, 1975, whichever is earlier, the applicant may treat it as denied and may file an administrative appeal. Given the requirements for written comment and oral presentation, and the June 30 expiration of authority, the significant action by FEA with respect to a prohibition order is service on the applicant of the notice of intent to issue such order, and, accordingly, the definition of the term "action" has been expanded to include that event.

The appeal of an order denying an application for a prohibition order must be filed within 10 days of service of that order, or within 10 days of the date the applicant can treat the application as denied. Appeal of an issued prohibition order can only be taken after it becomes effective—that is after EPA review and FEA issuance of a Notice of Effectiveness; the appeal must be filed within 30 days of service of that notice. A further discussion of the appeals procedure for effective prohibition orders is in the discussion of Subpart H—Appeals.

Subpart C—Construction orders. The requirement that a powerplant (other than a combustion gas turbine or combined cycle unit) in the early planning process be designed and constructed to be capable of burning coal as its primary energy source is proposed to be effected by issuance of a construction order. Unlike a prohibition order, a construction order would be effective upon issuance. The proceeding for issuance of a construction order would be initiated either by application from a powerplant in the early planning process or by FEA. If the proceeding is to be initiated by an applicant, an "Application for Construction Order" would be filed.

FEA proposes that all applications for construction orders be filed by April 1, 1975, and that those filed after that date would be dismissed automatically. The rationale for this cut-off date is the same as for applications for prohibition orders.

Although not a requirement of ESECA, FEA proposes that before issuance of a construction order, it will publish a notice of its intention to issue a construction order in the FEDERAL REGISTER. The notice would state that interested persons would be allowed no less than 10 days from publication of the notice within which to file written data, views and arguments.

ESECA requires that FEA make certain findings before issuing a construction order. These findings are similar to those required for prohibition orders. An applicant for a construction order would be required to provide FEA with information regarding these findings, in addition to more general descriptive information regarding locale, fuels to be utilized, area to be served by the powerplant and other factors that are stated in Part 307.

Any construction order will be issued subject to the findings stated in § 307.3 (b) and (c). FEA also will give consideration to the factors stated in § 307.3(d) that were discussed in connection with Part 307. The proposed construction order would state FEA's conclusions and a summary of the rationale for the findings required by ESECA, and its conclusions regarding the other factors FEA must consider prior to issuance of an order.

In view of the June 30, 1975 expiration of FEA's authority to issue construction orders, the proposed regulations treat FEA's failure to take action within 30 days of filing or by May 1, 1975, whichever is earlier, as a denial of the application. The term "action" includes service of the notice of intention to issue a construction order. Appeal must be taken within 10 days of service of the construction order or the order denying the application, or within 10 days of the date on which the applicant can treat the application as having been denied.

Subparts E/F—Exception/exemption. These procedures are the same as those stated in Subparts D and E of Part 205. Subpart E of this part provides a procedure for obtaining an exception from a regulation, ruling or generally applicable requirement, while Subpart F states a procedure for seeking an exemption from no less than an entire part or subpart of Parts 303, 305 or 307. These procedures are included because of the requirements of section 7(i)(1)(D) of the Federal Energy Administration Act of 1974. It is unlikely, however, that they will have much application to the coal utilization program. Specifically, neither the exception nor the exemption procedures provide relief from an FEA order. Thus, neither proceeding could result in relief from a prohibition order or construction order, nor from the orders FEA would issue to deny applications for such orders. An appeal or, if appropriate, modification or rescission, would be the appropriate vehicle for relief from these orders.

The criteria for issuance of an exception are special hardship, inequity or unfair distribution of burdens. These factors are also considered by FEA in making its determination to issue a prohibition order or construction order, and could be raised, if appropriate, on administrative appeal and in applications for modification or rescission. Since Subpart E provides that an exception will not be considered when a more appropriate proceeding is available, it is likely that appeals and modification/rescission procedures will be used more often than the exceptions procedure.

The exemption procedure also is of limited applicability to the proposed ESECA substantive regulations. If the

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findings specified in ESECA are made regarding a particular powerplant, the Act requires FEA to issue a prohibition order. It is unlikely that FEA could offer a procedure that could be used to thwart the mandatory requirements of ESECA. Conversely, since FEA has discretionary authority with respect to prohibition orders issued to major fuel burning installations and with respect to construction orders, the exemption proceeding may not be available for those procedures either, since it is not clear whether a request for exemption from discretionary authority is a meaningful request. The appeals and modification/rescission procedures, in any event, provide adequate relief to any person aggrieved by a construction order, or a prohibition order issued to a major fuel burning installation.

Subpart H—Appeal. The procedures for appeal of construction orders, most other orders, or interpretations are basically the same as those provided in Subpart H of Part 205. However, there would be a change in the procedures regarding the appeal of a prohibition order. The proposed appeals procedures provide that the appeal of a prohibition order must be filed within 30 days after FEA serves a Notice of Effectiveness and cannot be filed prior to service of that notice.

FEA has received preliminary inquiries concerning the procedures by which it intends to take into account new information that develops subsequent to the issuance by FEA of a prohibition order, particularly new information regarding the costs of compliance with air quality requirements that are engendered by EPA action on an issued prohibition order. The proposed regulations provide that the modification and rescission procedures of Subpart J are the appropriate vehicle for requesting that a prohibition order be reconsidered on the ground of significantly changed circumstances, such as discovery of material facts affecting the findings on which the prohibition order is based. Therefore, these procedures would be the appropriate method of seeking the modification or rescission of a prohibition order based on an assertion that FEA's finding of practicability (including economic feasibility) is affected by material new facts concerning the requirements of section 119 of the Clean Air Act that result from EPA's evaluation of an issued prohibition order. Because it is contemplated that an application for modification or rescission of a prohibition order is the proper procedure in these circumstances, this subpart contains a conforming provision stating that the appeal of a prohibition order may not raise the issue of significantly changed circumstances.

If a powerplant or major fuel burning installation files an application for modification or rescission of a prohibition order (other than a modification to make a short-term order long-term), any appellate proceeding on that order would be suspended automatically. The suspension would be in effect until 30 days after an order is issued in the modification/rescission proceeding or until 30 days after the applicant for modification or rescission of the prohibition order could treat the application as denied. If an appeal arises from the modification/rescission proceeding, it would be consolidated with the appeal of the prohibition order.

At two points in any appeals procedure the appellant may treat FEA inaction as a denial and may seek judicial review: (1) 90 days after service of a notice that all substantive information has been received, and (2) 120 days after the appeal has been filed, notwithstanding the provision in number 1. However, if the appeal is suspended because an application for modification or rescission has been filed, the running of the 120 days also would be suspended.

Subpart J—*Modification or Rescission of Prohibition Orders and Construction Orders.* As proposed, Part 303 contains two separate procedures for the modification or rescission of an FEA order: Subpart J, which applies only to the modification or recission of prohibition and construction orders, and Subpart K, which applies to modification or rescission of all other orders issued in the coal utilization program. Within Subpart J, there is a distinction between the procedures for modification of short-term prohibition orders to make them long-term and other modifications or rescissions of prohibition orders: this distinction is made because the former action must conform to the special requirements that ESECA places on the issuance of long-term orders.

It is proposed that the proceeding for modification or rescission of a prohibition order or a construction order may be commenced by application or by FEA on its initiative. In all such proceedings the sections of the subpart pertaining to notice, criteria for issuance of an order, the content of an order, and appeals would be applicable.

The basis on which there could be a modification or rescission of a prohibition order (other than modification of a short-term order to make it a long-term order) or a construction order is "significantly changed circumstances." This term is defined as:

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based—in particular, those that would substantially affect the findings made by FEA in accordance with §§ 305.3(b), 305.4(b), or 307.3(b) and (c), or the factors considered pursuant to §§ 305.4(c) and 307.3(d).

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal or exception that was in effect at the time of the proceeding upon which the application or order is based and which, if such had been made known the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts of circumstances upon which was based an outstanding and continuing prohibition order or, upon which was based an outstanding and continuing construction order, which change occurred during the interval between issuance of the order and service of the Notice of Effectiveness, or occurred during the interval after service of the Notice of Effectiveness and the application for modification or rescission of a prohibition order, or during the interval between issuance of a construction order and the date of the application for modification or rescission of it, and was caused by forces or circumstances beyond the control of the applicant.

A short-term prohibition order would be modified to make it a long-term order only if FEA is able to make the findings required by ESECA. These criteria are stated in §§ 305.3 and 305.4 of the regulations. The application to modify a short-term order to make it a long-term order would have to be filed by May 15, 1975.

If the application for modification or rescission of a prohibition order is the result of significantly changed circumstances that occurred during the interval between issuance of the order and service the Notice of Effectiveness, the application would be required to be filed within 30 days of service of that notice. An application based on significantly changed circumstances, other than those that occurred during that interval, may be filed at any time after the notice is served.

It is proposed that an application for modification of a construction order not be filed until the lapse of the 30-day period within which a person may file an appeal of that order, or if an appeal has been filed, a final order has been issued.

Before FEA modifies or rescinds a prohibition order (other than modification of a short-term order to make it long-term) or a construction order, the proposed regulations would provide that FEA may publish notice of its intention to take such action in the FEDERAL REGISTER. This provides FEA the descretion not to publish a notice when the proceeding involves insubstantial issues. For modification of a short-term order to make it a long-term order, however, ESECA requires that FEA publish notice in the FEDERAL REGISTER of its intention to make such modification and give interested persons an opportunity to make written or oral presentation of data, views or arguments. Any notice published would provide no less than a 10-day period from the date of its publication within which written comments must be made.

The content of an application for modification or rescission of a prohibition order (other than modification of a short-term order to make it a long-term order) or a construction order would be required to include sufficient information to demonstrate that there were significantly changed circumstances. An application for modification of a short-term order to make it a long-term order would have to contain sufficient information to enable FEA to determine whether it can make the findings required by ESECA.

As with a long-term prohibition order, the effective date of the order modifying a short-term order to make it long-term order is dependent upon FEA's receipt of the EPA certification or notification, previously described in conjunction with the discussion of subpart B, and service by FEA of a Notice of Effectiveness. The modified short-term order would not be effective for any period certified by the Administrator of EPA under § 119(d)(3)(B) of the Clean Air Act. The order modifying a short-term order would include a recitation of the findings required by ESECA and a summary of the rationale for each.

The modification or rescission of other prohibition orders and construction orders would state the pertinent facts and legal basis of the order, and that any person aggrieved thereby may file an appeal with the Office of Exceptions and Appeals. These orders are effective upon issuance.

The proposed regulations provide that if FEA fails to take action on an application to modify or rescind any prohibition order within 30 days of its filing, the applicant may treat the application as being denied and may file an appeal. In each case, the term "action" would include publication of a notice of intention to modify or rescind in the FEDERAL REGISTER, if such were published. If the action taken by FEA is publication of that notice, FEA proposes that if it fails to grant or deny the application within 150 days of filing, the applicant may treat the application as being denied and may file an appeal.

Pursuant to Subpart I, a stay of the effectiveness of a prohibition order may be obtained incident to an application for modification or rescission of a prohibition order (other than the modification of a short-term order to make it a long-term order).

Subpart N—*Conferences, Hearings and Public Hearings.* FEA proposes that conferences may be requested in connection with any proceeding, but will be held only in the discretion of FEA. Hearings, other than public hearings, may be requested only in connection with exceptions and appeals proceedings. The granting of the request for a hearing would be in the discretion of FEA. FEA on its initiative, however, may determine that a hearing or a conference should be held in connection with any proceedings.

In response to the ESECA requirement that there be made available an opportunity for oral presentation of data, views and argument prior to issuance of a long-term prohibition order or the modification of a short-term order to make it a long-term order, this proposed subpart provides that there shall be a public hearing prior to issuance of those orders.

Subpart Q—*Investigations, Violations, Sanctions and Judicial Actions.* The violation of Parts 303, 305 or 307 will subject the violator to the civil and criminal penalties provided in ESECA. The willful violation of any of those parts by any person shall subject that person to a criminal fine of not more than $5,000 for each violation. The violation of those parts also will subject the person to a civil penalty of not more than $2,500 for each violation. When appropriate, FEA may compromise, settle and collect civil penalties.

Criminal violations and actions for civil penalties are prosecuted by the Department of Justice upon referral by FEA.

A public hearing on this proposed rulemaking will be held beginning at 9:30 a.m., on February 19, 1975, in Room 2105, 2000 M Street, NW, Washington, D.C., to receive oral presentation of data, views and argument from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. That request should be directed to FEA Executive Communications and must be received before 4:30 p.m., e.s.t., February 11, 1975. The request may be hand-delivered to FEA Executive Communications, Room 3309, Federal Building, 12th and Pennsylvania Avenues NW, Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through February 18, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., February 14, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 3:00 p.m., e.s.t., February 18, 1975.

The FEA reserves the right to limit the number of representatives of a particular group or class of persons to be heard at the hearing, to schedule their or other person's presentations, and to establish the procedures governing the conduct of the hearing. The length of time allocated to each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to FEA Executive Communications before 4:30 p.m., February 14, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules necessary for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the FEA Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Federal Energy Administration, Box BY, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Coal Utilization Regulations." Fifteen copies should be submitted. All comments received by February 18, 1975, and all relevant information, will be considered by FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

As required by § 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of EPA for his comments concerning the impact of this proposed rulemaking on the quality of the environment. The EPA has stated that "[d]ue to the complexity of these proposals [the proposed coal utilization regulations] and the time limitations of this initial review period, EPA intends to review the FEA proposals under the more extended agency review process and pursuant to our authority under section 309 of the Clean Air Act, as amended."

(Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185))

In consideration of the foregoing, it is proposed to amend Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., January 31, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

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1. Chapter II of 10 Code of Federal Regulations is amended to add Part 303, which reads as follows:

PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart A—General Provisions

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303.1 Purpose and scope.
303.2 Definitions.
303.3 Appearance before the FEA.
303.4 Filing of documents.
303.5 Computation of time.
303.6 Extension of time.
303.7 Service.
303.8 Subpoenas; witness fees.
303.9 General filing requirements.
303.10 Effective date of orders.
303.11 Order of precedence.
303.12 Address for filing documents with the FEA.
303.13 Public docket room.
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Subpart B—Prohibition Orders

303.30 Purpose and scope.
303.31 What to file.
303.32 Where to file.
303.33 When to file.
303.34 Notice.
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303.36 FEA evaluation.
303.37 Decision and order.
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Subpart C—Construction Orders

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303.45 Contents.
303.46 FEA evaluation.
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303.48 Timeliness.
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Subpart D—[Reserved]

Subpart E—Exception

303.60 Purpose and scope.
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303.63 Notice.
303.64 Contents.
303.65 FEA evaluation.
303.66 Decision and order.
303.67 Timeliness.
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Subpart F—Exemption

303.70 Purpose and scope.
303.71 Procedures.
303.72 What to file.
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303.74 Contents.
303.75 FEA evaluation.
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Subpart G—Interpretation

303.80 Purpose and scope.
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303.99 Appeal of a remedial order.
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Subpart I—Stay

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Subpart J—Modification or Rescission of Prohibition Orders and Construction Orders

303.120 Purpose and scope.
303.121 What to file.
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Subpart K—Modification or Rescission of Orders (Other Than Prohibition Orders and Construction Orders) and Interpretations

303.130 Purpose and scope.
303.131 What to file.
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303.134 Contents.
303.135 FEA evaluation.
303.136 Decision and order.
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Subpart L—Rulings

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303.151 Criteria for issuance.
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303.153 Comments.
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Subpart M—Rulemaking

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303.161 What to file.
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Subpart N—Conferences, Hearings, and Public Hearings

303.170 Purpose and scope.
303.171 Conferences.
303.172 Hearings.
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Subpart O—Complaints

303.180 Purpose and scope.
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Subpart P—Notice of Probable Violation and Remedial Order

303.190 Purpose and scope.
303.191 Notice of probable violation.
303.192 Remedial order.
303.193 Remedial order for immediate compliance.
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Subpart Q—Investigations, Violations, Sanctions and Judicial Actions

303.200 Investigations.
303.201 Violations.
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Subpart A—General Provisions

§ 303.1 Purpose and scope.

(a) Part 303 establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Federal Energy Administration in accordance with Parts 305 and 307 of this chapter.

(b) This subpart defines certain terms and establishes procedures that are applicable to each proceeding described in this part.

§ 303.2 Definitions.

As used in this part, the term:

"Action" means an order, or modification or rescission thereof, interpretation, notice of probable violation, or ruling issued, or a rulemaking undertaken by the FEA.

"Aggrieved", for purposes of administrative proceedings, means a person with an interest sought to be protected under the FEAA or ESECA who is adversely affected by an order or interpretation issued by the FEA.

"Air pollution requirements" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Clean Air Act (except for any requirement prescribed under subsections (c) or (d) or section 119, section 110(a)(2)(F)(v), or section 303 of such Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic).

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857 et seq. (1970), as amended by Pub. L. 93-319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Compliance date extension" means an extension issued by the Administrator of EPA in accordance with section 119 (c) of the Clean Air Act as a result of which a powerplant or major fuel burning installation may not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirements, from burning coal which is available to such source, except as otherwise provided in section 119(d)(3) of that Act.

"Conference" means an informal meeting, incident to any proceeding, between FEA and any person aggrieved by that proceeding.

"Construction order" means a directive issued by FEA pursuant to section 2(c) of ESECA that requires a powerplant in the early planning process to be designed and constructed to be capable of using coal as its primary energy source.

"Duly authorized representative" means a person who has been designated to appear before the FEA in connection with a proceeding on behalf of a person interested in or aggrieved by that proceeding. Such appearance may consist of the submission of applications, petitions, requests, statements, memoranda of law, other documents, or of a personal appearance, verbal communication, or any other participation in the proceeding.

"Early planning process" means a stage in the design and construction of a powerplant to be determined in accordance with § 307.3(b) of Part 307 of this chapter.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"Exception" means the waiver or modification of the requirements of a regulation, ruling, or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with all or each part of any subpart of Parts 303, 305 or 307 of this chapter.

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"FEAA" means the Federal Energy Administration Act of 1974 (Pub. L. 93-275).

"Federal legal holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Interpretation" means a written statement issued by the FEA General Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the FEA to the particular facts of a prospective or completed act or transaction.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Major fuel burning installation" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combuster of fuel, or any combination thereof at a single site, and includes any person who owns, leases, operates, controls or supervises any such installation or unit.

"Natural gas" includes dry gas and casinghead gas.

"Notice of effectiveness" means a written statement issued by FEA to a powerplant or major fuel burning installation, subsequent to a certification or notification by EPA pursuant to section 119 (d)(1) of the Clean Air Act, advising such powerplant or installation of the date that a prohibition order applicable to it becomes effective.

"Notice of probable violation" means a written statement issued to a person by the FEA that states one or more alleged violations of the provisions of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto.

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the FEA pursuant to Parts 303, 305 or 307 of this chapter. It may be issued in response to an application, petition or request for FEA action or in response to an appeal from an order, or it may be a remedial order or other directive issued by the FEA on its initiative, including prohibition orders, and construction orders. A notice of probable violation is not an order. For purposes of this definition a "written directive" shall include telegrams, telecopies and similar transmissions.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls,

(b) a parent and its consolidated entities,

(c) an unconsolidated entity, or

(d) any part of a person.

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means one or more fossil-fuel fired steam electric generating units that produce electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls or supervises any such unit or units.

"Primary energy source" means, with respect to a powerplant or major fuel burning installation that utilizes a fossil-fuel, the fuel that is or will be used for all purposes except for the minimum amounts required for startup, testing, flame stabilization and control.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA, either on its initiative or in response to an application, complaint, petition or request submitted by a person, that may lead to an action by the FEA.

"Prohibition order" means a directive issued by FEA pursuant to sections 2 (a) and (b) of ESECA that prohibits a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

"Remedial order" means a directive issued by the FEA requiring a person to cease a violation or to eliminate or to compensate for the effects of a violation, or both.

"Ruling" means an official interpretative statement of general applicability issued by the FEA General Counsel and published in the FEDERAL REGISTER that applies the FEA regulations to a specific set of circumstances.

"Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Clean Air Act (other than sections 119, 111(b), 112, or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v)), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

"Temporary suspension" means a suspension issued to any person by the Administrator of EPA in accordance with section 119(b) of the Clean Air Act that results in the temporary suspension of any stationary source fuel or emission limitation as it applies to such person during any period beginning June 22, 1974 and prior to or on June 30, 1975.

"United States", when used in the geographic sense, means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 303.3 Appearance before the FEA.

(a) A person may make an appearance and participate in any proceeding described in this part on his own behalf or by a duly authorized representative. Personal appearances are at the discretion of FEA, except as required by ESECA or the FEAA. Any application, appeal, petition, request or complaint filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an FEA form requires otherwise. Falsification of such certification will subject such person to the sanctions stated in 18 U.S.C. 1001 (1970).

(b) *Suspension and disqualification.* The FEA may deny, temporarily or permanently, the privilege of participating in proceedings, including oral presentation, to any individual who is found by FEA—

(i) to have made false or misleading statements, either verbally or in writing;

(ii) to have filed false or materially altered documents, affidavits or other writings;

(iii) to lack the specific authority to represent the person seeking an FEA action; or

(iv) to have engaged in or to be engaged in contumacious conduct that substantially disrupts a proceeding.

§ 303.4 Filing of documents.

(a) Any document, including, but not limited to, an application, request, complaint, petition and other documents submitted in connection therewith, filed with the FEA under Parts 303, 305 or 307 of this chapter is considered to be filed when it has been received by the FEA National Office. Documents transmitted to the FEA shall be addressed as required by § 303.12. All documents and exhibits submitted become part of an FEA file and will not be returned.

(b) Notwithstanding the provisions of subsection (a) of this section, if transmitted by registered or certified mail and addressed to the appropriate office, the following are considered to be filed upon mailing: (1) an application for a pro-

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hibition order or for a modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, or for a construction order, (2) an appeal, (3) a response to a denial of an appeal or application for modification or rescission of an order in accordance with §§ 303.97(a)(3) and 303.135(a)(3), respectively, (4) an application for modification or rescission of a prohibition order as a result of significantly changed circumstances that occurred during the interval between issuance of the prohibition order and service of the Notice of Effectiveness, (5) an application for the quashing or modification of a subpoena, (6) a reply to a notice of peobable violation, (7) the appeal of a remedial order or remedial order for immediate compliance, (8) a response to denial of a claim of confidentiality, or (9) a comment submitted in connection with any proceeding.

(c) Hand-delivered documents to be filed with the Office of Exceptions and Appeals shall be submitted to Room 8002 at 2000 M Street NW, Washington, D.C. All other hand-delivered documents to be filed with the FEA National Office shall be submitted to Executive Communications, Room 3309, 12th and Pennsylvania Avenue NW, Washington, D.C.

(d) Documents received after regular business hours are deemed filed on the next regular business day. Regular business hours for the FEA National Office are 8 a.m. to 4:30 p.m.

§ 303.5 Computation of time.

(a) *Days* (1) Except as provided in subsection (b) of this section, in computing any period of time prescribed or allowed by these regulations or by an order of the FEA, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a Federal legal holiday.

(2) Saturdays, Sundays or intervening Federal legal holidays shall be excluded from the computation of time when the period of time allowed or prescribed is 7 days or less.

(b) *Hours* If the period of time prescribed in an order issued by the FEA is stated in hours rather than days, the period of time shall begin to run upon actual notice of such order, whether by verbal or written communication, to the person directly affected, and shall run without interruption, unless otherwise provided in the order, or unless the order is stayed, modified, suspended or rescinded. When a written order is transmitted by verbal communication, the written order shall be served as soon thereafter as is feasible.

(c) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this part within a prescribed period of time after issuance to such person of an order, notice, interpretation or other document and the order, notice, interpretation or other document is served by mail, 3 days shall be added to the prescribed period.

§ 303.6 Extension of time.

When a document is required to be filed within a prescribed time, an extension of time to file may be granted by the office with which the document is required to be filed upon good cause shown.

§ 303.7 Service.

(a) All orders, notices, interpretations or other documents required to be served under this part shall be served personally or by registered or certified mail or by regular United States mail (only when service is effected by the FEA), except as otherwise provided.

(b) Service upon a person's duly authorized representative shall constitute service upon that person.

(c) Service by registered or certified mail or, if by FEA, by regular mail is complete upon mailing. Official United States Postal Service receipts from such registered or certified mailing shall constitute prima facie evidence of service.

§ 303.8 Subpoenas; witness fees.

(a) The Administrator of the FEA, his duly authorized agent, the FEA General Counsel, or the agency official designated to conduct a hearing or public hearing convened in accordance with Subpart N of this part, may sign and issue subpoenas either on his own initiative or upon the request of any person participating in that proceeding, which request shall be supported by an adequate showing that the information sought will materially advance a proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than 18 years of age, or by certified or registered mail. For purposes of this section "interested person" means a person who is not participating in this proceeding or who would not be aggrieved by any action taken by FEA as a result of the proceeding.

(d) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (f) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person; leaving them at his office with the person in charge thereof; leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; by mailing them by registered or certified mail to him at his last known address; or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date. If any person is an entity with offices and operations in more than one jurisdiction, such person may designate one address to which any subpoena may be served by filing such designation with the General Counsel at the address specified in § 303.12.

(e) The original subpoena bearing a certificate of service shall be filed with the FEA office with the responsibility for the proceeding in connection with which the subpoena was issued.

(f) A witness subpoenaed by the FEA shall be paid the same fees and mileage as would be paid to a witness in a proceeding in the district courts of the United States. The witness fees and mileage shall be paid by the person at whose instance the subpoena was issued.

(g) Notwithstanding the provisions of paragraph (f) of this section, and upon request, the witness fees and mileage shall be paid by the FEA when it is shown that:

(1) The presence of the subpoenaed witness will materially advance the proceeding; and

(2) The person at whose instance the subpoena was issued would suffer a serious hardship if required to pay the witness fees and mileage. The designated FEA official issuing the subpoena shall make the determination required by this paragraph.

(h)(1) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the designated FEA official who issued the subpoena, or if he is unavailable, to the Administrator of FEA, to quash or modify such subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein.

(2) The Administrator of FEA or such other designated FEA official specified in paragraph (h)(1) of this section may (i) deny the application, (ii) quash or modify the subpoena, or (iii) condition denial of the application to quash or modify the subpoena upon the satisfaction of certain just and reasonable requirements. Such denial may be summary.

(i) If there is a refusal to obey a subpoena served upon any person under the provisions of this section, the FEA may request the Attorney General to seek the aid of the District Court of the United States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce the subpoenaed documents before the agency, or both.

§ 303.9 General filing requirements.

(a) *Purpose and scope.* The provisions of this section shall apply to all documents required or permitted to be filed with the FEA.

(b) *Signing.* All applications, petitions, requests, appeals, complaints, comments, or any other documents that are required to be signed shall be signed by the person filing the document or a duly authorized representative. Any application, petition, request, appeal, complaint, comment or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an FEA form otherwise requires. (A false certification is unlawful under the provisions of 18 U.S.C. 1001 (1970)).

(c) *Labeling.* An application, petition, or other request for action by the FEA should be clearly labeled according to the nature of the action involved (*e.g.*, "Application for Prohibition Order") both on the document and on the outside of the envelope in which the document is transmitted.

(d) *Obligation to supply information.* (1) A person who files an application, petition, complaint, appeal or other request for action and other documents relevant thereto, or to whom a prohibition order is issued is under a continuing obligation during the proceeding to provide the FEA with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, appeal or request for action or document required to be submitted that is subsequently filed by that person with any FEA office or EPA office if such document pertains to Parts 303, 305 or 307 of this chapter, or Subpart A of 40 C.F.R., Part 55 (which states the EPA regulations implementing section 3 of ESECA).

(2) With respect to documents required to be filed with EPA in accordance with Subpart A of 40 C.F.R., Part 55, notice of the filing of such documents shall be filed with FEA within 5 days of their filing with EPA.

(e) *The same or related matters.* A person who files an application, petition, complaint or other request for action by the FEA shall state whether, to the best knowledge of that person, the same or related issue, act or transaction has been or presently is being considered or investigated by any FEA office, other Federal agency, department or instrumentality; or by a state or municipal agency or court; or by any law enforcement agency, including, but not limited to, a consideration or investigation in connection with the proceeding described in this part or under Subpart A of 40 C.F.R., Part 55 (which states the EPA regulations implementing section 3 of ESECA). In addition, the person shall state whether contact subsequent to the issuance of Parts 303, 305 or 307 of this chapter has been made by the person or one acting on his behalf with any person who is employed by the FEA or EPA with regard to the same issue, act or transaction or a related issue, act or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact.

(f) *Request for confidential treatment.* (1) If any person filing a document with the FEA claims that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552 (1970)), as amended, or is information referred to in 18 U.S.C. 1905 (1970), or is otherwise exempt by law from public disclosure, and if such person requests the FEA not to disclose such information, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The person shall indicate in the original document that it is confidential or contains confidential information and shall file a concise statement specifying the justification for non-disclosure of the information for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information or is covered by 18 U.S.C. 1905, such person shall include a concise statement specifying why such information is privileged or confidential.

If the person filing a document does not submit a second copy of the document with the confidential information deleted, the FEA may assume that there is no objection to public disclosure of the document in its entirety.

(2) The FEA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by the FEA to deny such claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than 48 hours prior to the public disclosure of such information.

(g) *Separate applications, petitions or requests.* Each application, petition or request for FEA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act or transaction, or are submitted in connection with the same proceeding.

§ 303.10 Effective date of orders.

(a) Any order issued by the FEA under Parts 303, 305 or 307 of this chapter, except a prohibition order or modification thereof as stated in subsection (b) of this section, is effective as against all persons having actual notice thereof upon issuance, in accordance with its terms, unless and until it is stayed, modified, suspended, or rescinded. Such order is deemed to be issued on the date, as specified in the order, on which it is signed by an authorized representative of FEA, unless the order provides otherwise.

(b) A prohibition order or the modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975 shall not become effective before certain action by EPA and service by FEA upon the affected powerplant or major fuel burning installation of a "Notice of Effectiveness," in accordance with § 305.7 of this chapter. A prohibition order or Notice of Effectiveness is deemed to be issued on the date, as specified in the order or notice, on which it is signed by an authorized representative of FEA.

§ 303.11 Order of precedence.

If there is any conflict or inconsistency between the provisions of this part and any other provisions of Parts 305 or 307 of this chapter, the provisions of this part shall control with respect to procedure.

§ 303.12 Addresses for filing documents with the FEA.

(a) All applications, requests, petitions, appeals, reports, FEA forms, written communications and other documents to be submitted to or filed with the FEA National Office in accordance with Parts 303, 305 or 307 of this chapter shall be addressed as provided in this section.

The FEA National Office has facilities for the receipt of transmissions via TWX and FAX. The FAX is a 3M full duplex 4 or 6 minute (automatic) machine.

FAX NUMBERS

(202) 254-6175
(202) 254-6461

TWX NUMBERS

(710) 822-9454
(710) 822-9459

(b) Documents for which a specific address number is not provided in accordance with subsections (c)–(e) below shall be addressed as follows: Federal Energy Administration, Code, OFU, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

(c) Documents to be filed with the Office of Exceptions and Appeals, as provided in this part or otherwise, shall be addressed as follows: Office of Exceptions and Appeals, Federal Energy Administration, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

(d) Documents to be filed with the Office of General Counsel, as provided in this part or otherwise, shall be addressed as follows: Office of the General Counsel, Federal Energy Administration, Attn: (name of person to receive document, if known, and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

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(e) Documents to be filed with the Office of Private Grievances and Redress shall be addressed as follows:

Office of Private Grievances and Redress, Federal Energy Administration, Attn: (name of person to receive document, if known and/or labeling as specified in § 303.9(c)), Washington, D.C. 20461.

§ 303.13 Public docket room.

There shall be made available at the public docket room of FEA National Office, 12th and Pennsylvania Avenue NW., Washington, D.C., for public inspection and copying:

(a) A list of all persons who have applied for an exception, an exemption, or an appeal, and a digest of each application;

(b) Each decision and statement setting forth the relevant facts and legal basis of an order, with confidential information deleted, issued in response to an application for an exception or exemption or at the conclusion of an appeal;

(c) The written comments received from interested persons in connection with issuance of prohibition orders, or modification or rescission thereof if applicable, or construction orders, with a verbatim transcript of the public hearing held prior to issuance of a prohibition order applicable for a period after June 30, 1975 or held prior to modification of a prohibition order for a period ending prior to or on June 30, 1975 to make it applicable for a period after June 30, 1975;

(d) The comments received during each rulemaking proceeding, with a verbatim transcript of the public hearing, if such a public hearing was held; and

(e) Any other information required by statute to be made available for public inspection and copying, and any information that the FEA determines should be made available to the public.

§ 303.14 Office of Private Grievances and Redress.

Petitions that seek special redress, relief or other extraordinary assistance apart from or in addition to the proceedings and procedures described in this part, including those petitions based on an assertion that the FEA is not complying with the FEAA, ESECA, FEA regulations, orders, rules, or otherwise, shall be filed in accordance with Subpart R of Part 205 of this chapter.

Subpart B—Prohibition Orders

§ 303.30 Purpose and scope.

(a) This subpart establishes the procedures for the filing by any powerplant or major fuel burning installation of an application for a prohibition order that is applicable for a period ending either prior to or on June 30, 1975, or for a period ending after June 30, 1975, which application shall be filed only by a powerplant or major fuel burning installation. (The procedure for filing an application for modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975, is stated in Subpart J of this part.)

(b) A proceeding for issuance of a prohibition order may be commenced by FEA on its initiative or in response to an application. Sections 303.34, 303.36, 303.37, 303.39 shall be applicable to the proceeding regardless of the manner in which it is initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application.

§ 303.31 What to file.

(a) A powerplant or major fuel burning installation filing under this subpart shall file an "Application for Prohibition Order" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) Application may be made in the case of a powerplant for an individual fossil-fuel fired steam electric generating unit that produces electric power for sale or exchange, or for combinations thereof, and in the case of a major fuel burning installation, for an individual fossil-fuel fired boiler, burner or other combuster of fuel, or for combinations thereof at a single site. The application should specify the unit or units or combuster, or combinations thereof, with respect to which application is being made.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9 (f) shall apply.

§ 303.32 Where to file.

All applications for a prohibition order shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.33 When to file.

All applications for prohibition orders shall be filed by April 1, 1975.

§ 303.34 Notice.

(a) *Prohibition orders that are applicable for a period ending prior to or on June 30, 1975.* Prior to issuance of a prohibition order that is applicable for a period ending prior to or on June 30, 1975, either in response to an application or on its initiative, FEA shall publish notice of the intention to issue such order in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. The notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views and arguments.

(b) *Prohibition orders applicable after June 30, 1975.* Prior to issuance of a prohibition order that is applicable after June 30, 1975, either in response to an application or on its initiative, FEA shall publish notice of the intention to issue such order in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. The notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views or arguments, and shall set a date, time and place at which there shall be an opportunity for interested persons to make oral presentation of data, views and arguments in accordance with Subpart N.

§ 303.35 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. In addition to such information, the application shall include the following information:

(1) Description of applicant, including but not limited to, location, output, fuels utilized and rate of use thereof, and, in the case of a powerplant, area served.

(2) Information regarding the applicant's capability to burn coal as of June 22, 1974 and an identification and description of the applicant's plant equipment as of that date that is necessary to the burning of coal. ("Capability" and "necessary" are defined in § 305.3(b) (1) and 305.4(b) (1) of this chapter.)

(3) Information regarding sources of coal now available and potentially available, the type of coal that is anticipated the applicant will burn (including rank, Btu's, moisture, volatiles, ash and sulfur content), State or local laws or policies limiting the extraction or utilization of such coal, and the means and ease of transporting such coal to the applicant.

(4) An estimate of the practicability of burning coal as the applicant's primary energy source. ("Peacticability" is defined in §§ 305.3(b) (2) (i) and 305.4 (b) (2) (i) of this chapter.)

(5) With respect to powerplants, information regarding the reliability of service in the area served by such powerplant if the plant were to be subject to a prohibition order. ("Reliability of service" is defined in § 305.3(b) (4) of this chapter.)

(6) An estimate of the anticipated effect that denial of the application would have on the applicant's operation.

(7) Any other information that the applicant believes would be pertinent to FEA's evaluation of the application.

(8) A certification by the applicant's chief executive officer or his duly authorized representative of the accuracy of the information stated in the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it is most beneficial. The request and FEA's determination concerning it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

§ 303.36 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third parties relevant to the application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions, other than written comments or oral presentations in response to a notice of intention to issue an order. In evaluating an application or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the applicaton.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) Applications for prohibition orders filed after April 1, 1975 shall be dismissed automatically.

(b) *Criteria.* The decision with respect to an application and the decision with respect to an FEA-initiated proceeding shall depend on whether FEA can make the findings stated in § 305.3(b) or § 305.4(b) of this chapter, as appropriate, and, with respect to a major fuel burning installation, shall include a consideration of the factors stated in § 305.3(d) and § 305.4 (c) and (d) of this chapter, as applicable.

§ 303.37 Decision and order.

(a) Upon consideration of an application for a prohibition order and other relevant information received or obtained during the proceeding, the FEA shall issue either a prohibition order or an order denying the application.

(b) Prohibition orders, whether issued in response to an application or on FEA's initiative, shall not become effective until the notification or certification procedures described in this paragraph are satisfied.

(1) Prohibition orders that are applicable for a period ending prior to or on June 30, 1975 shall not become effective (i) until the date which the Administrator of EPA certifies, pursuant to section 119(d) (1) (A) of the Clean Air Act, is the earliest date that the powerplant or major fuel burning installation will be able to comply with the air pollution requirements that will be applicable to it and (ii) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness. Such order shall not be effective for any period certified by the Administrator of EPA pursuant to section 119(d) (3) (B) of such Act.

(2) Prohibition orders that are applicable after June 30, 1975 shall not become effective (i) until either (A) the Administrator of EPA notifies the FEA, in accordance with section 119(d) (1) (B) of the Clean Air Act, that the powerplant or major fuel burning installation will be able on and after July 1, 1975 to burn coal and to comply with all applicable air pollution requirements without a compliance date extension, or (B) if no notification is given, the date which the Administrator of EPA certifies pursuant to section 119(d) (1) (B) of the Clean Air Act is the earliest date that the powerplant or major fuel burning installation will be able to comply with all applicable requirements of section 119, and (ii) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness. Such order shall not be effective during any period certified by the Administrator of EPA under section 119(d) (3) (B) of such Act.

(3) Upon receipt of notification or certification by the Administrator of EPA, in accordance with the procedure described in paragraphs (1) and (2) of this subsection, the FEA shall issue a Notice of Effectiveness.

(c) The prohibition order or the order denying an application for a prohibition order shall include a written statement of the pertinent facts, a statement of the legal basis upon which the order is issued, and, when the order is a prohibition order, a recitation of the conclusions regarding the findings to be made by FEA in accordance with §§ 305.3(b) or 305.4(b) of this chapter, as appropriate, and a summary of the rationale for each. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part, except that an order dismissing the application for a prohibition order filed after April 1, 1975 shall state that it is a final order of which the applicant may seek judicial review. A prohibition order shall state that it will not be effective prior to a date in accordance with section 119 of the Clean Air Act, and service of a Notice of Effectiveness by FEA, and that it will not be effective for any period certified by the Administrator of EPA pursuant to section 119 (d) (3) (B) of such Act.

(d) The FEA shall serve a copy of the prohibition order, or of the order denying or dismissing the application for a prohibition order, upon the applicant or, if the action was initiated by FEA, upon the affected powerplant or major fuel burning installation, and any other person who participated in the proceeding by filing written comments or making oral presentation. Notice of issuance of a Notice of Effectiveness of a prohibition order shall be published in the FEDERAL REGISTER.

§ 303.38 Timeliness.

(a) *Prohibition orders applicable for a period ending prior to or on June 30, 1975.* If the FEA fails to take action on an application for a prohibition order applicable for a period ending prior to or on June 30, 1975 within 30 days of filing, or by May 1, 1975, whichever is earlier, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) *Prohibition orders applicable after June 30, 1975.* If the FEA fails to take action on an application for a prohibition order applicable after June 30, 1975 within 30 days of filing, or by May 1, 1975, whichever is earlier, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(c) For purposes of this section, the term "action" includes service on the applicant of the notice of intention to issue a prohibition order.

§ 303.39 Appeal.

(a) Any person aggrieved by an order issued by the FEA under this subpart that denies an application for a prohibition order may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal shall be filed within 10 days of service of the order from which the appeal is taken or within 10 days of the date on which the applicant can treat the application as being denied in all respects.

(b) Any person aggrieved by a prohibition order may file an appeal with the FEA Office of Exceptions and Appeals, after issuance of a Notice of Effectiveness. The appeal shall be filed within 30 days after the service by FEA of the Notice of Effectiveness.

(c) If a powerplant or major fuel burning installation applies for a modification or rescission of a prohibition order, in accordance with Subpart J of this part, any appeal of such prohibition order shall be suspended until 30 days after an order has been issued in accordance with Subpart J or until 30 days from the date on which such powerplant or major fuel burning installation may treat that application as being denied in all respects.

(d) There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal, except that an order dismissing an application for a prohibition order that was filed after April 1, 1975 shall be a final order of which there may be judicial review.

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Subpart C—Construction Orders

§ 303.40 Purpose and scope.

(a) This subpart establishes the procedures for the filing by a powerplant (other than a combustion gas turbine or combined cycle unit) in the early planning process of an application for a construction order.

(b) A proceeding for issuance of a construction order may be commenced by FEA on its initiative or in response to an application. Sections 303.44, 303.46, 303.47, 303.49 shall be applicable to the proceeding regardless of the manner in which the proceeding is initiated. Other sections of this subpart apply only to proceedings commenced in response to an application.

§ 303.41 What to file.

(a) A powerplant filing under this subpart shall file an "Application for Construction Order" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) Application may be made for an individual fossil-fuel fired steam generating unit that produces electric power for sale or exchange, or for combinations thereof. The application should specify the unit or units with respect to which the application is being made.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.42 Where to file.

All applications for construction orders shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.43 When to file.

(a) All applications for construction orders must be filed by April 1, 1975.

§ 303.44 Notice.

Prior to issuance of a construction order, FEA shall publish notice of the intention to issue such order in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant that would be affected by the proposed order. The notice shall describe the proposed action and provide a period of no less than 10 days from the date of publication in which interested persons may file written data, views and adjustments.

§ 303.45 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the subject of the application and the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. In addition to such information, the application shall include the following information:

(1) Description of applicant's proposed powerplant, including, but not limited to, location, output, fuels to be utilized, and rate of use thereof, area served, and stage of early planning process that the powerplant has reached at time of application. ("Early planning process" is defined in § 307.3(b) of this chapter.)

(2) A description of the modifications to the design and construction of the powerplant, if any, required to render it capable of using coal as its primary energy source, if the use of coal currently is not intended. ("Capable" is defined in § 307.3(a) of this chapter.)

(3) An analysis of the likelihood that use of coal would result in the impairment of reliability or adequacy of service, as such terms are defined in § 307.3(c)(1) of this chapter.

(4) An analysis of the availability of a supply of coal and its adequacy and reliability, as such terms are defined in § 307.3(c)(2) of this chapter.

(5) The identification and description of any contractual commitments for the design or construction of the powerplant and an analysis of the impact, if any, (taking into account the considerations stated in § 307.3(d) of this chapter) of the requirement that the powerplant be designed and constructed to be capable of using coal as its primary energy source.

(6) An analysis of the capability of the powerplant to recover any increase in projected capital investment that might be required as a result of a construction order.

(7) The identification of any loss of revenue resulting from a delay in the commencement of the sale or exchange of electric power, to the extent that electric power will have to be purchased from another powerplant, resulting from a construction order.

(8) The identification of any relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by powerplants.

(9) Any other information that the applicant believes would be pertinent to FEA's evaluation of the application.

(10) An estimate of the anticipated effect that denial of the application would have on the applicant's proposed operation.

(11) A certification by the applicant's chief executive office or his duly authorized representative of the accuracy of the information stated in the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it is most beneficial. The request and FEA's determination concerning it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

§ 303.46 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions, other than written comments in response to a notice of intention to issue an order. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted by the applicant, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) Applications for construction orders filed after April 1, 1975 shall be dismissed automatically.

(b) *Criteria.* The dicision with respect to an application and the decision with respect to an FEA-initiated proceeding shall be subject to the findings stated in § 307.3 (b) and (c) of this chapter and shall include a consideration of the factors stated in § 307.3(d) of this chapter.

§ 303.47 Decision and order.

(a) Upon consideration of an application for a construction order and other relevant information received or obtained during the proceeding, the FEA shall issue either a construction order or an order denying the application.

(b) The construction order, or the order denying an application for a construction order, shall include a written statement of the pertinent facts, statement of the legal basis upon which the order is issued, and when the order is a construction order, a recitation of the conclusions regarding the findings FEA stated in § 307.3 (b) and (c) of this chapter, as appropriate, and a summary of the rationale for each. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part, except that an order dismissing an application for a construction order filed after April 1, 1975 shall state that it is a final order of which the applicant may seek judicial review.

(c) The FEA shall serve a copy of the construction order, or of the order denying the application for a construction order, upon the applicant or, if the action was initiated by FEA, upon the affected powerplant, and any other person who participated in the proceeding by filing written comments. Notice of issuance of a construction order shall be published in the FEDERAL REGISTER.

§ 303.48 Timeliness.

If the FEA fails to take action on an application for a construction order filed under this subpart within 30 days of filing, or by May 1, 1975, whichever is earlier, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart. For purposes of this section, the term "action" includes service on the applicant of a notice of intention to issue construction order.

§ 303.49 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal shall be filed within 10 days of service of the order from which the appeal is taken or within 10 days of the date on which the applicant can treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal, except that an order dismissing an application for a construction order that was filed after April 1, 1975 shall be a final order of which there may be judicial review.

Subpart D—[Reserved]

Subpart E—Exception

§ 303.60 Purpose and scope.

(a) This subpart establishes the procedures for applying for an exception from a regulation, ruling or generally applicable requirement based on an assertion of serious hardship, inequity or unfair distribution of burdens and for the consideration of such application by the FEA.

(b) A request for an interpretation or other specific action which includes, or could be construed to include, an application for an exception may be treated solely as a request for an interpretation or other action, and processed as such by FEA.

(c) The filing of an application for an exception shall not constitute grounds for non-compliance with the requirements of the regulation, ruling or generally applicable requirement from which an exception is sought, unless a stay has been issued in accordance with Subpart I.

§ 303.61 What to file.

(a) A person filing under this subpart shall file an "Application for Exception (ESECA)" which should be clearly labeled as such on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9 (f) shall apply.

§ 303.62 Where to file.

All applications for exception shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.63 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the FEA action sought. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA Office of Exceptions and Appeals within 10 days of service of such application. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this subsection and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding the provisions of subsection (a) of this section, if an applicant determines that compliance with subsection (a) of this section would be impracticable, the applicant shall:

(1) Comply with the requirements of subsection (a) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by subsection (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within 10 days of service of such notice.

(d) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the applicant. The person shall certify to the FEA that he has complied with the requirements of this subsection. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

(e) At regular intervals, the FEA shall publish a list of all persons who have applied for an exception under this subpart, with a brief description of the factual situation and the relief requested.

§ 303.64 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference or hearing regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is within FEA's discretion.

(c) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA and EPA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular action sought therein.

(d) The application shall specify the exact nature and extent of the relief requested.

§ 303.65 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient informaton upon which to base a decision and if upon request necessary additional information is not submitted by the applicant, the FEA may

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dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 303.63, the FEA may dismiss the application without prejudice.

(b) *Criteria.* (1) The FEA shall only consider an application for an exception when it determines that a more appropriate proceeding is not provided by this part.

(2) An application for an exception may be granted to alleviate or prevent special hardship, inequity or unfair distribution of burdens.

(3) An application for an exception shall be decided in a manner that is, to the extent possible, consistent with the disposition of previous applications for exception.

§ 303.66 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order either granting or denying the application.

(b) The order shall include a written statement setting forth the pertinent facts and the legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order. A copy of each order, with such modification as is necessary to insure the confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552, will be on file in the public docket room described in § 303.13. If such copy contains information that has been claimed by an applicant or other person to be confidential, notice of the FEA's intention to place a copy in the docket room and an opportunity to respond shall be given to such person no less than five days prior to its placement in such room. The Office of Exceptions and Appeals shall publish periodically a digest of all orders issued.

§ 303.67 Timeliness.

(a) When the FEA has received all substantive information deemed necessary to process an application filed under this subpart, the FEA shall serve notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to the provisions of § 303.63; and if the FEA fails to take action on the application within 90 days of serving such notice, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the FEA fails to take action on the application within 150 days from the filing of the application, the applicant may treat it has having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 303.68 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant can treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart F—Exemption

§ 303.70 Purpose and scope.

This subpart establishes the procedures for filing an application for exemption and the consideration of such by the FEA. The applicant must be seeking an exemption from no less than an entire part, or subpart thereof, of Parts 303, 305, 307 or 309 of this chapter.

§ 303.71 Procedures.

(a) An exemption may be effected only by amendment to the regulations. Although an application for an exemption is a request for a rulemaking, the application is not subject to the procedures of Subpart M of this part. If a rulemaking proceeding is convened, however, it shall be held in accordance with Subpart M.

(b) An application for an exemption shall be submitted separate and apart from any other application, appeal, petition or other request submitted in accordance with this part. If an application for exemption is included with any other application, appeal, petition, or other request, the application for exemption will not be processed, nor will it be severed for separate consideration.

§ 303.72 What to file.

A person filing under this subpart shall file an "Application for Exemption (ESECA)" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application.

The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

§ 303.73 Where to file.

An application for exemption shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.74 Contents.

The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that are the subject of the application and to the FEA action sought. The application shall identify the part or parts, or subparts thereof, of this chapter from which the exemption is sought; describe the business or other reason that would justify such exemption; identify the persons or classes of persons and acts or transactions that would be aggrieved or affected by such exemption and describe the adverse impact; describe the benefit to the person making the application, or others, that would result if the exemption were effected; and explain the reasons why the action sought by the application cannot be accomplished by any other proceeding provided in this part. Upon request, the applicant shall submit copies of relevant contracts, agreements, leases, instruments, and other documents that are representative of those that would be affected by the granting of the requested exemption.

§ 303.75 FEA evaluation.

(a) *Processing.* All applications for exemption shall be evaluated by FEA to determine if the institution of a rulemaking proceeding is warranted and if the FEA action sought by the applicant could more appropriately be considered in any other proceeding provided by this part. The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application for exemption or other document provided that the person making the request is afforded an opportunity to respond to all relevant third person submissions other than written comments or oral presentations in response to a rulemaking. In evaluating an application or other document, the FEA may conduct its own investigation and consider any other source of information.

(b) *Criteria.* (1) Rulemaking proceedings for the purpose of considering an application for exemption will be instituted only if the FEA is its discretion determines that such a proceeding would be appropriate. Among the factors that the FEA will evaluate in making a determination with respect to a rulemaking are—

(i) The impact that granting the exemption would have on the regulatory scheme and objectives;

(ii) The number of persons who would be exempted; and

(iii) The economic justification for such exemption.

(2) The FEA may summarily deny an application for exemption if—

(i) The exemption sought is not from each or all of Parts 303, 305 or 307, or a subpart thereof, of this chapter;

(ii) The granting of an exemption to the person making the application would not have sufficient national impact, economic or otherwise, to warrant rulemaking proceedings for the purpose of considering an amendment to the regulation;

(iii) It is determined that the statutory criteria cannot be met; or

(iv) It is determined that another proceeding provided by this part is more appropriate.

§ 303.76 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an appropriate order. If the application is not denied, the order shall provide for publication of a Notice of Proposed Rulemaking regarding the application in the FEDERAL REGISTER.

(b) The order shall include a written statement setting forth the pertinent facts and legal basis upon which the order is issued. The order denying the application shall state that any person aggrieved thereby may file an appeal with the Office of Exceptions and Appeals in accordance with Subpart H of this part.

§ 303.77 Timeliness.

(a) If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 303.78 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart that denies an application for exemption may file an appeal with the Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant can treat the application as being denied in all respects. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart G—Interpretation

§ 303.80 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request by the FEA. Interpretations shall be in writing and shall only be issued by the FEA General Counsel. Responses, which may include verbal or written responses, to general inquiries or to other than formal written requests for interpretation filed with the General Counsel are not interpretations and merely provide general information.

(b) A request for interpretation that includes, or could be construed to include, an application for an exception or an exemption may be treated solely as a request for interpretation and processed as such.

§ 303.81 What to file.

(a) A person filing under this subpart shall file a "Request for Interpretation (ESECA)" which should be clearly labeled as such both on the request and on the outside of the envelope in which the request is transmitted, and shall be in writing and signed by the person filing the request. The person filing the request shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the person filing the request wishes to claim confidential treatment for any information contained in the request or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.82 Where to file.

A request for interpretation shall be filed with the General Counsel at the address provided in § 303.12.

§ 303.83 Contents.

(a) The request shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that are the subject of the request and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the request. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the request.

(b) The request for interpretation shall include a discussion of all relevant authorities, including, but not limited to, FEA and EPA rulings, regulations, interpretations and decisions on appeals and execptions relied upon to support the particular interpretation sought therein.

§ 303.84 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in a request or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any request for interpretation or other document provided that the person making the request is afforded an opportunity to respond to all relevant third person submissions. In evaluating a request for interpretation or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the request.

(2) The FEA shall issue its interpretation on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of the General Counsel during the proceeding. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(3) If the FEA determines that there is insufficient information upon which to base a decision and if upon request necessary additional information is not submitted by the person requesting the interpretation, the FEA may refuse to issue an interpretation.

(b) *Criteria.* (1) The FEA shall base an interpretation on the FEAA and ESECA and the regulations and published rulings of the FEA as applied to the specific factual situation.

(2) The FEA shall take into consideration previously issued interpretations dealing with the same or a related issue.

§ 303.85 Decision and effect.

(a) Upon consideration of the request for interpretation and other relevant information received or obtained during the proceeding, the General Counsel may issue a written interpretation.

(b) The interpretation shall contain a written statement of the information upon which it is based and a legal analysis of and conclusions regarding the application of rulings, regulations and other precedent to the situation presented in the request.

(c) Only those persons to whom an interpretation is specifically addressed and other persons upon whom the FEA serves the interpretation and who are directly involved in the same transaction or act may rely upon it. No person entitled to rely upon an interpretation shall be subject to civil or criminal penalties stated in Subpart Q of this part for any act made in reliance upon the interpretation, notwithstanding that the interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(d) FEA at any time may rescind or modify an interpretation on its initiative. Rescission or modification may be effected by notifying persons entitled to rely on the interpretation that it is rescinded or modified. This notification shall include a statement of the reasons for the rescission or modification and, in the case of a modification, a restatement of the interpretation as modified.

(e) An interpretation is modified by a subsequent amendment to the regulations or ruling to the extent that it is inconsistent with the amended regulation or ruling.

§ 303.86 Appeal.

Any person aggrieved by an interpretation issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the interpretation from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart H—Appeal

§ 303.90 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an administra-

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tive appeal of FEA actions taken under Subparts B, C, E, F, G, J, K or P of this part and the consideration of such appeal by the FEA.

(b) A person who has appeared before the FEA in connection with a matter arising under Subparts B, C, E, F, G, J, K or P of this part has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

§ 303.91 Who may file.

Any person aggrieved by an order or interpretation issued by the FEA under Subparts B, C, E, F, G, J, K or P of this part may file an appeal.

§ 303.92 What to file.

(a) A person filing under this subpart shall file an "Appeal of Order (ESECA)" or an "Appeal of Interpretation (ESECA)" which should be clearly labeled as such both on the appeal and on the outside of the envelope in which the appeal is transmitted, and shall be in writing and signed by the person filing the appeal. The appellant shall comply with the general filing requirements stated in § 303.9 (other than § 303.9(e), as provided in § 303.96(c) of this subpart) in addition to the requirements stated in this subpart.

(b) If the appellant wishes to claim confidential treatment for any information contained in the appeal or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.93 Where to file.

The appeal of an order or interpretation shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.94 When to file.

The time within which an appeal must be filed and, in the case of a prohibition order, the time before which an appeal cannot be filed is stated in the appeals section of each subpart, unless a subpart describes a proceeding for which there is not an administrative appeal.

§ 303.95 Notice.

(a) The appellant shall send by United States mail a copy of the appeal and any subsequent amendments or other documents relating to the appeal, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to each person who is reasonably ascertainable by the appellant as a person who will be aggrieved by the FEA action sought, including those who participated in the prior proceeding, except as provided in paragraphs (b) and (c) of this section. The copy of the appeal shall be accompanied by a statement that the person may submit comments regarding the appeal to the FEA Office of Exceptions and Appeals within 10 days. The appeal filed with the FEA shall include certification to the FEA that the appellant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the appeal was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an appellant determines that compliance with subsection (a) would be impracticable, the appellant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the appeal a description of the persons or class or classes of persons to whom notice was not sent.

(c) The FEA may require the appellant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER. With respect to the appeal of a construction order, a prohibition order, or the modification or rescission of a prohibition order as a result to significantly changed circumstances that occurred during the interval between issuance of a prohibition order and service to Notice of Effectiveness, FEA shall provide notice of the appeal of those orders by publication in the FEDERAL REGISTER. Such notice shall state that aggrieved persons shall have 10 days from publication of the notice to file written comments regarding the appeal.

(d) The FEA shall serve notice on any other person reasonably identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the appeal will be accepted if filed within 10 days of service of that notice, except as stated in paragraph (c) of this section with respect to prohibition orders, construction orders, or the modification or rescission of such orders.

(e) Any person submitting written comments to the FEA with respect to an appeal filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the appellant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 303.96 Contents.

(a) The appeal shall contain a concise statement of grounds upon which it is brought and a description of the relief sought. It shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the appeal.

An appeal of a prohibition order, or of an order modifying a prohibition order that is applicable for the period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, may not contain an assertion of significantly changed circumstances, as that term is defined in this subpart, as modified in § 303.126(b)(2). An assertion of significantly changed circumstances relating to such orders should be made pursuant to Subpart J of this part.

If the appeal (other than the appeal of a prohibition order or of the modification of a prohibition order applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1974) includes a request for relief based on significantly changed circumstances, there shall be a complete description of the events, acts, or transactions that comprise the significantly changed circumstances, and the appellant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding. For purposes of this subpart, the term "significantly changed circumstances" shall mean—

(1) The discovery of material facts that were not known or could not have been known at the time of the prior proceeding;

(2) The discovery of a law, regulation, interpretation, ruling, order or decision on an appeal or exception that was in effect at the time of the proceeding upon which the order or interpretation is based and which, if such had been made known to FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(3) A substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation affecting the appellant was issued, which change has occurred during the interval between issuance of the order or interpretation and the date of the appeal and was caused by forces or circumstances beyond the control of the appellant.

(b) A copy of the order or interpretation that is the subject of the appeal shall be submitted with the appeal.

(c) The appellant shall state whether to the best of his knowledge the same or a related issue, act or transaction that is the subject of the appeal has been or presently is being considered or investigated by any FEA or EPA office, other Federal agency, department or instrumentality; or by a state or municipal agency or court; or by any law enforcement agency, including, but not limited to, a consideration or investigation in connection with an FEA proceeding described in this part, other than the proceeding from which the appeal is taken, or under Subpart A of 40 C.F.R., Part 55 (which states the EPA regulations implementing section 3 of ESECA). In addition, the appellant shall state whether contact has been made by the appellant or a person acting on his behalf with any person who is employed by the FEA or EPA subsequent to service of the order or interpretation that is being appealed with regard to the issue, act or transaction that is the subject of the appeal; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact. An appellant shall comply with this paragraph in lieu of § 303.9(e).

(d) The appellant shall state whether he requests or intends to request that there be a conference or hearing regarding the appeal. Any request not made at the time the appeal is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is within FEA's discretion.

§ 303.97 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an appeal or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any appeal or other document provided that the appellant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an appeal or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference or hearing if, in its discretion, it considers that such conference or hearing will advance its evaluation of the appeal.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if, upon request, the necessary additional information is not submitted, the FEA may dismiss the appeal with leave to amend within a specified time. If the failure to supply additional information is repeated or willful, the FEA may dismiss the appeal with prejudice. If the appellant fails to provide the notice required by § 303.95, the FEA may dismiss the appeal without prejudice.

(3) *Failure to satisfy requirements.*

(i) If the appellant fails to satisfy the requirements of paragraph (b)(1) of this section, the FEA may issue an order summarily denying the appeal. The order shall state the grounds for the denial and a copy of the order shall be served upon the appellant and any other person who participated in the appellate proceeding.

(ii) The order denying the appeal shall become a final order of the FEA within 10 days of its service upon the appellant, unless within such 10-day period an amendment to the appeal that corrects the deficiencies identified in the order is filed with the Office of Exceptions and Appeals.

(iii) Within 10 days of the filing of such amendment, as provided in paragraph (b)(1) of this section, the FEA shall notify the appellant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, that notice shall be an order dismissing the appeal as amended. Such order shall be a final order of the FEA of which appellant may seek judicial review.

(b) *Criteria.* (1) An appeal may be summarily denied if—

(i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the FEA action was erroneous in fact or in law, or that it was arbitrary or capricious.

(2) The FEA may deny any appeal if the appellant does not establish that—

(i) The appeal was filed by a person aggrieved by an FEA action;

(ii) The FEA's action was erroneous in fact or in law; or

(iii) The FEA's action was arbitrary or capricious. The denial of an appeal shall be a final order of FEA of which the appellant may seek judicial review.

§ 303.98 Decision and order.

(a) Upon consideration of the appeal and other relevant information received or obtained during the proceeding, the FEA shall enter an appropriate order, which may include the modification of the order or interpretation that is the subject of the appeal.

(b) The order shall include a written statement setting forth the pertinent facts and the legal basis of the order. The order shall state that it is a final order of the FEA of which the appellant may seek judicial review.

(c) The FEA shall serve a copy of the order upon the appellant, any other person who participated in the appellate proceeding and upon any other person reasonaby identifiable by the FEA as one who is aggrieved by such order.

(d) A copy of each order, with such modification as is necessary to insure the confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552, will be filed in the public docket room described in § 303.13. If such copy contains information that has been claimed by an appellant or other person to be confidential, notice of the FEA's intention to place a copy in the public docket room and an opportunity to respond shall be given to such person no less than five days prior to its placement in such room.

§ 303.99 Appeal of a remedial order.

The appeal of a remedial order shall be in accordance with the procedures stated in this subpart, except:

(a) the appeal must be filed within 10 days of the service of the remedial order; and

(b) if the appeal is of a remedial order that was issued subsequent to a notice of probable violation that relates to an order or interpretation previously issued by the FEA, with respect to which there was an exhaustion of administrative remedies, no issues will be considered on the current appeal that were raised in that prior proceeding.

(c) If an issue raised on an appeal of a remedial order is also being considered in connection with any other FEA proceeding, the FEA may consolidate such issues and consider them in the appellate proceeding for the remedial order.

§ 303.100 Timeliness.

(a) When the FEA has received all substantive information deemed necessary to process any appeal filed under this subpart, the FEA shall serve notice of that fact upon the appellant and all other persons who received notice of the proceeding pursuant to the provisions of § 303.95, except those persons who received notice by publication of the notice in the FEDERAL REGISTER, or participated in the appellate proceeding by the filing of comments; and if the FEA fails to take action on the appeal within 90 days of serving such notice, the appellant may treat the appeal as having been denied in all respects and may seek judicial review thereof.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the FEA fails to take action on the appeal within 120 days of the filing of the appeal, the appellant may treat it as having been denied in all respects and may seek judicial review thereof.

(c) If a powerplant or major fuel burning installation applies for a modification or rescission of a prohibition order in accordance with Subpart J of this part (other than a modification to a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975), any appeal of the prohibition order that is the subject of such application shall be suspended until 30 days after an order has been issued in accordance with Subpart J or until 30 days from the date on which the powerplant or major fuel burning installation may treat that application for modification or rescission as being denied in all respects pursuant to Subpart J. The 120-day period provided in paragraph (b) shall be suspended during the period the appeal is stayed.

Subpart I—Stay

§ 303.110 Purpose and scope.

This subpart establishes the procedures for the application for and granting of a stay by the FEA. An application for a stay will only be considered—

(a) Incident to or pending an appeal from an order of the FEA;

(b) Incident to an application for an exception from the application of any plicable requirements when the stay FEA regulations, rulings, or generally apsought is of the same regulation, ruling or generally applicable requirement from which the exception is sought;

(c) Incident to an application for modification or rescission of a prohibition order (other than the modification of an order that is applicable for a period ending prior to or before June 30, 1975 to make it applicable after June 30, 1975); or

(d) pending judicial review.

All FEA orders, regulations, rulings, and generally applicable requirements shall be complied with unless and until an application for a stay is granted.

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§ 303.111 What to file.

(a) A person filing under this subpart shall file an "Application for Stay (ESECA)" which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.112 Where to file.

(a) An application for stay of an FEA order incident to an appeal from such order shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

(b) An application for stay of the application of any or all FEA regulations, rulings, or generally applicable requirements incident to an application for an exception therefrom shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

(c) An application for stay of an FEA order or of the application of any FEA regulations, rulings or generally applicable requirements pending judicial review shall be filed with the office that issued the order of which judicial review is sought.

§ 303.113 Notice.

(a) When administratively feasible, the FEA shall notify each person reasonably identifiable by the FEA as one who would be aggrieved by the FEA action sought that the applicant has filed for a stay and that the FEA will accept written comment on the application.

(b) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9 (f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 303.114 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include, but not be limited to, all information that relates to the satisfaction of the criteria in § 303.115(b).

(b) The application shall include a description of the proceeding incident to which the stay is being sought. This description shall contain a discussion of all FEA and EPA actions relevant to the proceeding.

(c) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is within FEA's discretion.

§ 303.115 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application or other documents, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted by the applicant, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) The FEA shall process applications for stay as expeditiously as possible. When administratively feasible, the FEA shall grant or deny the application for stay within 10 business days after receipt of the application.

(4) Notwithstanding the provision for notice to third persons in § 303.113(a), the FEA may make a decision on an application for stay prior to the receipt of written comments.

(b) *Criteria.* The grounds for granting a stay are a showing that there is a likelihood of success on the merits and one or more of the following:

(1) A showing that irreparable injury will result in the event that the stay is denied;

(2) A showing that denial of the stay will result in a more immediate special hardship, inequity or unfair distribution of burdens to the applicant than to the other persons affected by the proceeding;

(3) A showing that it would be desirable for public policy or other reasons to perserve the status quo ante pending a decision on the merits of the appeal or exception; or

(4) A showing that it is impossible for the applicant to fulfill the requirements of the original order.

§ 303.116 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the decision, and the terms and conditions of the stay.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person reasonably identifiable by FEA as one who is aggrieved by such decision.

(d) The grant or denial of a stay is not an order of the FEA subject to administrative review.

(e) In its discretion and upon a determination that such is in accordance with the objectives of the regulations and the FEAA or ESECA, the FEA may order a stay on its own initiative.

Subpart J—Modification or Rescission of Prohibition Orders and Construction Orders

§ 303.120 Purpose and scope.

(a) This subpart establishes the procedures for the filing by any powerplant or major fuel burning installation of an application for modification or rescission of a prohibition order or a construction order.

(b) A proceeding for modification or rescission of a prohibition order or a construction order may be commenced by FEA in response to an application or upon its initiative. Sections 303.124, 303.126, 303.127 and 303.129 of this subpart shall be applicable to the proceeding regardless of the manner in which the proceeding was initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application.

§ 303.121 What to file.

(a) A powerplant or major fuel burning installation filing under this subpart shall file an "Application for Modification (or Rescission) of Prohibition Order (or Construction Order)" which should be clearly labeled as such, using the applicable terms, both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures stated in § 303.9(f) shall apply.

§ 303.122 Where to file.

An application for modification or rescission shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.123 When to file.

(a) *Prohibition orders.* (1) An application for modification of a prohibition order that is applicable for the period ending prior to or on June 30, 1975, to make it applicable for a period after June 30, 1975, shall be filed by May 15, 1975.

(2) An application for modification or rescission of a prohibition order based on significantly changed circumstances, which circumstances occurred during the interval between issuance of the order and service of a Notice of Effectiveness, shall be filed within 30 days of service of such notice.

(3) An application for modification or rescission of a prohibition order based on significantly changed circumstances other than those stated in subparagraph (2) of this paragraph may be filed at anytime after the Notice of Effectiveness is served.

(b) *Construction orders.* An application for modification or rescission of a construction order may not be filed until the 30-day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued.

§ 303.124 Notice.

(a) *Prohibition orders applicable for a period ending prior to or on June 30, 1975.* (1) Prior to issuance of an order or modifying or rescinding a prohibition order that is applicable for a period ending prior to or on June 30, 1975 (other than the modification described in subparagraph (2) of this paragraph), either in response to an application or on its initiative, FEA may publish notice of the intention to take any such action in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. Any such notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views and arguments.

(2) Prior to issuance of an order modifying a prohibition order that is applicable for a period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975, either in response to an application or on its initiative, FEA shall publish notice of the intention to take such action in the FEDERAL REGISTER and shall serve a copy of such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. Such notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views or arguments, and shall set a date, time and place at which there shall be an opportunity for interested persons to make oral presentation of data, views and arguments in accordance with Subpart N of this part.

(b) *Prohibition orders applicable after June 30, 1975.* Prior to issuance of an order modifying or rescinding a prohibition order that is applicable after June 30, 1975, either in response to an application or on its initiative, FEA may publish notice of the intention to take such action in the FEDERAL REGISTER and shall serve a copy of any such notice on the powerplant or major fuel burning installation that would be affected by the proposed order. Any such notice shall describe the proposed action and provide a period of no less than 10 days from date of publication in which interested persons may file written data, views or arguments.

(c) *Construction orders.* Prior to issuance of an order modifying or rescinding a construction order, either in response to an application or on its initiative, FEA may publish notice of the intention to take such action in the FEDERAL REGISTER and shall serve a copy of any such notice on the powerplant that would be affected by the proposed order. Such notice shall describe the proposed action and provide a period of no less than 10 days from the date of its publication in which interested persons may file written data, views or arguments.

§ 303.125 Contents.

(a) An application (other than an application for modification of a prohibition order that is applicable for the period ending prior to June 30, 1975 to make it applicable after June 30, 1975) shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a description of the acts or transactions that would be affected by the requested action; and a full description of the pertinent provisions and relevant facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the FEA upon its request. A copy of the prohibition order or construction order of which modification or rescission is sought shall be included with the application.

The application shall fully describe the events, acts, or transactions that comprise the significantly changed circumstances, as defined in § 303.126(b)(2), upon which the application for modification or rescission of a prohibition order or construction order is based. The application shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(b) An application for modification of a prohibition order that is applicable for the period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975 shall contain the information required to be submitted by § 303.35(a).

(c) The applicant shall state whether he requests or intends to request that there be a conference regarding an application (other than an application for modification of an order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975). Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

(d) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA or EPA rulings, regulations, interpretations, and decisions on appeal and exceptions relied upon to support the action sought therein.

§ 303.126 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to any application for modification or rescission or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions, other than written comments or oral presentations in response to a notice of intention to issue modification or rescission of an order. In evaluating an application for modification or rescission or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA may on its initiative convene a conference, if, in its discretion, it considers that such will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(b) *Criteria.* (1) The decision with respect to modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, either in response to an application or on its initiative, shall depend on whether FEA can make the findings stated in § 305.3 (b) or § 305.4(b) of this chapter, as appropriate, and, with respect to major fuel burning installations, shall include a consideration of the factors stated in § 305.4 (c) and (d) of this chapter when applicable.

(2) FEA's decision with respect to modification or rescission of a prohibition order or a construction order, other than the modification described in subparagraph (1) of this paragraph, either in response to an application or on its initiative, shall be based on a determination that there are significantly changed circumstances. For purposes of this paragraph, the term "significantly changed circumstances" shall mean—

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based—in particular, those that would substantially affect the findings

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made by FEA in accordance with §§ 305.3(b), 305.4(b), or 307.3 (b) and (c) of this chapter, or the factors considered pursuant to §§ 305.4(c) and 307.3(d) of this chapter.

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal or exception that was in effect at the time of the proceeding upon which the application or order is based and which, if such had been made known the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which was based an outstanding and continuing prohibition order or, upon which was based an outstanding and continuing construction order, which change occurred during the interval between issuance of the order and service of the Notice of Effectiveness, or occurred during the interval after service of the Notice of Effectiveness and the application for modification or rescission of a prohibition order, or during the interval between issuance of a construction order and the date of the application for modification or rescission of it, and was caused by forces or circumstances beyond the control of the applicant.

§ 303.127 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an appropriate order.

(1) If the appropriate order is a modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975, such order shall not become effective (i) until (A) the Administrator of EPA notifies the FEA under section 119(d)(1)(B) of the Clean Air Act that the affected powerplant or major fuel burning installation will be able on and after July 1, 1975 to burn coal and to comply with all applicable air pollution requirements without a compliance date extension or (B) if no notification is given, the date which the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant or major fuel burning installation will be able to comply with all applicable requirements of such section 119, and (ii) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness. Upon receipt of notification or certification by the Administrator of EPA, in accordance with the procedures described in this paragraph, FEA shall issue a Notice of Effectiveness.

(2) Prohibition orders as modified shall not be effective during any period certified by the Administrator of EPA under section 119(d)(3)(B) of the Clean Air Act.

(b) (1) *Prohibition orders applicable for a period ending prior to or on June 30, 1975 modified to make them applicable after June 30, 1975.* The order shall include a written statement of the pertinent facts, a recitation of the conclusions regarding the findings to be made by FEA in accordance with §§ 305.3(b) or 305.4(b) of this chapter, as appropriate, and a summary of the rationale for each, and a statement of the legal basis upon which the order is issued. The order shall provide that any person aggrieved thereby may file an appeal with the Office of Exceptions and Appeals in accordance with Subpart H of this part. The order shall state that it will not become effective prior to a date set in accordance with section 119 of the Clean Air Act and service of a Notice of Effectiveness by FEA, and that it will not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of such Act.

(2) *Other prohibition orders.* The order shall include a written statement setting forth the pertinent facts and legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. If appropriate, it shall state that the modified prohibition order will not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of the Clean Air Act.

(c) *Construction orders.* The order shall include a written statement setting forth the pertinent facts and legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(d) The FEA shall serve a copy of the order upon the applicant or, if the action was initiated by FEA, upon the affected powerplant or major fuel burning installation, and any other person who participated in the proceeding by filing written comments or making oral presentation. Notice of issuance of an order modifying or rescinding a prohibition order or a construction order shall be published in the FEDERAL REGISTER.

§ 303.128 Timeliness.

(a) *Prohibition orders applicable for a period ending prior to or on June 30, 1975.* If the FEA fails to take action on an application for modification or rescission of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 within 30 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) *Prohibition orders for a period ending after June 30, 1975.* If the FEA fails to take action on an application for modification or rescission of a prohibition order for a period ending after June 30, 1975 within 30 days of filing, the applicant may treat the application as having been denied in all respects, and may appeal therefrom as provided in this subpart.

(c) *Construction orders.* If FEA fails to take action on an application for modification or rescission of a construction order within 30 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(d) In any event, the applicant may treat the application as having been denied in all respects and may seek appeal therefrom as provided in this subpart if FEA fails to issue an order granting or denying the application within 150 days of the filing of such application.

(e) For purposes of this section, the term "action" includes service of a "Notice of Intention to Modify (or Rescind) Prohibiton Order (or Construction Order)" on the applicant.

§ 303.129 Appeal.

(a) Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part.

(b) (1) The appeal of an order (including an order modifying a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975) shall be filed within 30 days of service of the order from which the appeal is taken or within 30 days of the date on which the applicant can treat the application as being denied in all respects.

(2) The appeal of an order denying an application to modify a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make it applicable after June 30, 1975 shall be filed within 10 days of service of a Notice of Effectivenes under this subpart.

(c) There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart K—Modification or Rescission of Orders (Other Than Prohibition Orders or Construction Orders) and Interpretations

§ 303.130 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an application for modification or rescission of an FEA order (other than a prohibition order or construction order) or an interpretation. Modification or rescission is a summary proceeding that will be initiated only if the criteria described in § 303.135(b) are satisfied.

(b) A proceeding for modification or rescission of an order (other than a prohibition order or construction order) or an interpretation may be commenced by FEA in response to an application or on its initiative. Sections 303.133(c)(2), 303.135(a)(1), 303.136 (b) and (c), and 303.138 of this subpart shall be applicable to the proceeding regardless of the manner in which the proceeding was initiated. Other sections of this subpart apply only to a proceeding commenced in response to an application:

§ 303.131 What to file.

(a) A person filing under this subpart shall file an "Application for Modification (or Rescission)" which should be clearly labeled, using the appropriate terms, as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 303.9(f) shall apply.

§ 303.132 Where to file.

All applications for modification or rescission filed under this subpart shall be filed with the Office of Exceptions and Appeals at the address provided in § 303.12.

§ 303.133 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, from which confidential information has been deleted in accordance with § 303.9(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the FEA action sought, including persons who participated in the prior proceeding. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA office with which the application was filed within 10 days. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding paragraph (a) of this section, if an applicant determines that compliance with paragraph (a) would be impracticable, the applicant shall:

(1) Comply with the requirements of subsection (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) (1) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within 10 days of service of that notice.

(2) If FEA on its initiative commences a proceeding for the modification or rescission of an order (other than a prohibition order or construction order) or an interpretation, it shall give notice, either by service of a written notice or by verbal communication, which communication shall be promptly confirmed in writing, on each person who was served the order or interpretation that FEA proposes to modify. A reasonable period of time shall be given for each person notified to file a written response or give a verbal communication, if promptly confirmed in writing.

(d) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 303.9(f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this subsection. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 303.134 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, acts or transactions that are the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full description of the pertinent provisions and relevant facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the FEA upon its request. A copy of the order or interpretation of which modification or rescission is sought shall be included with the application.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart N of this part, which determination is in FEA's discretion.

(c) The applicant shall fully describe the events, acts, or transactions that comprise the significantly changed circumstances, as defined in § 303.135(b)(2), upon which the application is based. The applicant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(d) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA or EPA rulings, regulations, interpretations and decisions on appeal and exception relied upon to support the action sought therein.

§ 303.135 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions from third persons relevant to the application for modification or rescission or other document provided that the applicant is afforded an opportunity to respond to all relevant third person submissions. In evaluating an application for modification or rescission or other document, the FEA may conduct its own investigation and consider any other source of information. The FEA on its initiative may convene a conference if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 303.133, the FEA may dismiss the application without prejudice.

(3) *Failure to satisfy requirements.* (i) If the applicant fails to satisfy the requirements of paragraph (b)(1) of this section, the FEA shall issue an order denying the application. The order shall state the grounds for the denial.

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(ii) The order denying the application shall become final within 10 days of its service upon the applicant, unless within such 10-day period an amendment to correct the deficiencies identified in the order is filed with the Office of Exceptions and Appeals.

(iii) Within 10 days of the filing of such amendment, the FEA shall notify the applicant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, the notice shall be an order dismissing the application as amended. Such order shall be a final order of the FEA of which the applicant may seek judicial review.

(b) *Criteria.* (1) An application for modification or rescission of an order (other than a prohibition order or construction order) or an interpretation shall be processed only if—

(i) The application demonstrates that it is based on significantly changed circumstances; and

(ii) The 30-day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued.

(2) For purposes of this subpart, the term "significantly changed circumstances" shall mean—

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based;

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal or exception that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation of the FEA affecting the applicant was issued, which change has occurred during the interval between issuance of such order or interpretation and the date of the application and was caused by forces or circumstances beyond the control of the applicant.

§ 303.136 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the pertinent facts and the legal basis of the order. The order shall state that it is a final order of which the applicant may seek judicial review.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order.

§ 303.137 Timeliness.

(a) If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 303.138 Appeal.

The denial of an application for modification or rescission filed under this subpart shall be a final order of FEA of which the applicant may seek judicial review.

Subpart L—Rulings

§ 303.150 Purpose and scope.

This subpart establishes the criteria for the issuance of interpretative rulings by the General Counsel. All rulings shall be published in the FEDERAL REGISTER. Any person is entitled to rely upon such ruling to the extent provided in this subpart.

§ 303.151 Criteria for issuance.

(a) A ruling may be issued, in the discretion of the General Counsel, whenever there have been a substantial number of inquiries with regard to similar factual situations or a particular section of the regulations.

(b) The General Counsel may issue a ruling whenever it is determined that it will be of assistance to the public in applying the regulations to a specific situation.

§ 303.152 Modification or rescission.

(a) A ruling may be modified or rescinded by:

(1) Publication of the modification or rescission in the FEDERAL REGISTER; or

(2) A rulemaking proceeding in accordance with Subpart M of this part.

(b) Unless and until a ruling is modified or rescinded as provided in subsection (a) of this section, no person shall be subject to the sanctions or penalties stated in Subpart Q of this part for actions taken in reliance upon the ruling, notwithstanding that the ruling shall thereafter be declared by judicial or other competent authority to be invalid. Upon such declaration, no person shall be entitled to rely upon the ruling.

§ 303.153 Comments.

A written comment on or objection to a published ruling may be filed at any time with the General Counsel at the address provided in § 303.12.

§ 303.154 Appeal.

There is no administrative appeal of a ruling.

Subpart M—Rulemaking

§ 303.160 Purpose and scope.

(a) This subpart establishes the procedures that govern a rulemaking proceeding. The initiation of a rulemaking proceeding is within the sole discretion of the FEA.

(b) Rulemaking by the FEA shall be in accordance with the Administrative Procedure Act (5 U.S.C. 551, *et seq.* (1970)) and the FEAA.

§ 303.161 What to file.

(a) *Comments in connection with a rulemaking.* Any comments filed in connection with a rulemaking shall be filed in accordance with the instructions in the Notice of Proposed Rulemaking published in the FEDERAL REGISTER. Such comments shall be in writing and signed by the person filing them.

(b) *Petition for rulemaking.* (1) Any person may at any time file a petition regarding any FEA regulation or amendment thereto or, by letter, request that a rulemaking proceeding be instituted. Such petition or request shall be signed by the person filing it.

(2) Upon due consideration of a petition for rulemaking, expressly designated as such, the FEA shall either: (i) institute a rulemaking as proposed or as modified in its discretion; (ii) notify the petitioner in writing that it does not intend to institute a rulemaking as proposed or as modified and stating the reasons therefore; or (iii) notify the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other reasons as set forth in such notice.

§ 303.162 Where to file.

All comments filed in connection with a rulemaking shall be submitted in accordance with the instructions in the Notice of Proposed Rulemaking. Any other petition or request shall be filed with the General Counsel at the address provided in § 303.12.

Subpart N—Conferences, Hearings, and Public Hearings

§ 303.170 Purpose and scope.

This subpart establishes the procedures for requesting and conducting an FEA conference, hearing, or public hearing. Such proceedings shall be convened in the discretion of the FEA, consistent with the requirements of the FEAA and ESECA.

§ 303.171 Conferences.

(a) The FEA in its discretion may direct that a conference be convened, on its initiative or upon request by a person, when it appears that such conference will materially advance the proceeding. The determination as to who may attend a conference convened under this subpart shall be in the discretion of the FEA, but a conference will usually not be open to the public.

(b) A conference may be requested in connection with any proceeding of the FEA by any person who might be aggrieved by that proceeding. The request may be made in writing or verbally, but must include a specific showing as to why such conference will materially advance the proceeding. The request shall be addressed to the FEA office that is conducting the proceeding.

(c) A conference may only be convened after actual notice of the time, place, and nature of the conference is provided to the person who requested the conference.

(d) When a conference is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the conference, but will be treated as if submitted in the regular course of the proceedings. A transcript of the conference will not usually be prepared. However, the FEA in its discretion may have a verbatim transcript prepared.

(e) Because a conference is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the FEA in its discretion determines that such would be advisable.

§ 303.172 Hearings.

(a) The FEA in its discretion may direct that a hearing be convened, on its initiative or upon request by a person, when it appears that such hearing will materially advance the proceeding. The determination as to who may attend a hearing convened under this subpart shall be in the discretion of the FEA, but a hearing will usually not be open to the public.

(b) A hearing may only be requested in connection with an application for an exception, or an appeal. Such request may be by the applicant, appellant, or any other person who might be aggrieved by the FEA action sought. The request shall be in writing and shall include a specific showing as to why such hearing will materially advance the proceeding. The request shall be addressed to the Office of Exceptions and Appeals as provided in § 303.12.

(c) The FEA will designate an agency official to conduct the hearing, and will specify the time and place for the hearing.

(d) A hearing may only be convened after actual notice of the time, place, and nature of the hearing is provided both to the applicant or appellant and to any other person reasonably identifiable by the FEA as one who will be aggrieved by the FEA action involved. The notice shall include, as appropriate:

(1) A statement that such person may participate in the hearing; or

(2) A statement that such person may request a separate conference or hearing regarding the application or appeal.

(e) When a hearing is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the hearing, but will be treated as if submitted in the regular course of the proceedings. A transcript of the hearing will not usually be prepared. However, the FEA in its discretion may have a verbatim transcript prepared.

(f) The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing, and otherwise regulate the course of the hearing.

(g) Because a hearing is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the FEA in its discretion determines that such would be advisable.

§ 303.173 Public hearings.

(a) A public hearing shall be convened prior to issuance of a prohibition order applicable after June 30, 1975 and prior to the modification of a prohibition order that is applicable for a period ending prior to or on June 30, 1975 to make such order applicable after June 30, 1975.

(b) A public hearing shall be convened incident to a rulemaking:

(1) When the proposed rule or regulation is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses; or

(2) When the FEA determines that a public hearing would materially advance the consideration of the issue. A public hearing may be requested by any interested person in connection with a rulemaking proceeding, but shall only be convened on the initiative of the FEA unless otherwise required by statute.

(c) A public hearing may be convened incident to any other proceeding when the FEA in its discretion determines that such public hearing would materially advance the consideration of the issue.

(d) A public hearing may only be convened after publication of a notice in the FEDERAL REGISTER, which shall state the time, place, and nature of the public hearing.

(e) Interested persons may file a request to participate in the public hearing in accordance with the instructions in the notice published in the FEDERAL REGISTER. The request shall be in writing and signed by the person making the request. It shall include a description of the person's interest in the issue or issues involved and of the anticipated content of the presentation. It shall also contain a statement explaining why the person would be an appropriate spokesperson for the particular view expressed.

(f) The FEA shall appoint a presiding officer to conduct the public hearing. An agenda shall be prepared that shall provide, to the extent practicable, for the presentation of all relevant views by competent spokespersons.

(g) A verbatim transcript shall be made of the hearing. The transcript, together with any written comments submitted in the course of the proceeding, shall be made available for public inspection and copying in the public docket room described in § 303.13.

(h) The information presented at the public hearing, together with the written comments submitted and other relevant information developed during the course of a proceeding, shall provide the basis for the FEA decision.

Subpart O—Complaints

§ 303.180 Purpose and scope.

This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the regulations stated in Parts 303, 305 or 307 of this chapter.

§ 303.181 What to file.

A person filing under this subpart shall file a "Complaint (ESECA)" which should be clearly labeled as such both on the complaint and on the outside of the envelope in which the complaint is transmitted, and shall be in writing and signed by the person filing the complaint. The complainant shall comply with the general filing requirements stated in § 303.9 in addition to the requirements stated in this subpart. Verbal complaints that otherwise satisfy the requirements of this subpart will be accepted, but written verification may be requested by the FEA.

§ 303.182 Where to file.

A complaint shall be filed with the FEA National Office at the address provided in § 303.12.

§ 303.183 Contents.

The complaint shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint and to the FEA action sought. Such facts shall include the names and addresses of all persons involved (if reasonably ascertainable) and a description of the events that led to the complaint. It shall include a statement describing the regulation, ruling, order or interpretation that allegedly has been violated.

§ 303.184 FEA evaluation.

(a) *Processing.* The FEA may initiate an investigation of any statement in a complaint or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit or accept submissions relevant to a complaint or other document from third persons to the proceeding. In evaluating a complaint, the FEA may consider any other source of information. The FEA on its initiative may order a conference if, in its discretion, it considers such conference will advance its evaluation of the complaint.

(b) *Confidentiality of information.* Information received in the investigation of a complaint, including the identity of the complainant and any other person who provides information during the proceeding, shall remain confidential to the extent it is covered by the investigatory file exception to public disclosure contained in 5 U.S.C. 552 unless, upon proper notice to the complainant and an opportunity to respond, the FEA determines that disclosure would be in the public interest.

§ 303.185 Decision.

After consideration of a written complaint, unless written verification of a verbal complaint was not requested, and of other relevant information received or obtained during the proceeding, the FEA may:

(a) Issue a notice of probable violation or remedial order for immediate compliance in accordance with the provisions of Subpart P of this part;

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(b) Determine that no violation has occurred or that a notice of probable violation or a remedial order for immediate compliance would not be appropriate; or

(c) Take such other action as it deems appropriate.

Subpart P—Notice of Probable Violation and Remedial Order

§ 303.190 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the FEA regulations stated in Parts 303, 305, and 307 of this chapter and the procedures for issuance of a notice of probable violation, a remedial order, or a remedial order for immediate compliance.

(b) When any report required by the FEA or any audit or investigation discloses, or the FEA otherwise discovers, that there is reason to believe a violation of any provision of Parts 303, 305, or 307 of this chapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the FEA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The FEA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

§ 303.191 Notice of probable violation.

(a) The FEA may begin a proceeding under this subpart by issuing a notice of probable violation if the FEA has reason to believe that a violation has occurred, is continuing, or is about to occur.

(b) Within 10 days of the service of a notice of probable violation, the person upon whom the notice is served may file a reply with the FEA office that issued the notice of probable violation at the address provided in § 303.12. The FEA may extend the 10-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, if appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the notice of probable violation pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information regarding the entire transaction shall be submitted.

(d) The reply shall include a discussion of all relevant authorities, including, but not limited to FEA and EPA rulings, regulations, interpretations, and decisions on appeal and exception relied upon to support the particular position taken.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart N of this part, which determination is within FEA's discretion.

(f) If a person has not filed a reply with the FEA within the 10-day period provided, and the FEA has not extended the 10-day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(g) If the FEA finds, after the 10-day period provided in § 303.191(b), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall notify in writing, the person to whom a notice of probable violation has been issued that the notice is rescinded.

§ 303.192 Remedial order.

(a) If the FEA finds, after the 10-day period provided in § 303.191(b), that a violation has occurred, is continuing, or is about to occur, the FEA may issue a remedial order. The order shall include a written statement setting forth the relevant facts and the legal basis of the remedial order.

(b) A remedial order issued under this section shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified, or rescinded. A remedial order shall remain in effect notwithstanding the filing of an application to modify or rescind it under Subpart K.

(c) A remedial order may be referred at any time to the Department of Justice for appropriate action in accordance with Subpart Q of this part.

§ 303.193 Remedial order for immediate compliance.

(a) Notwithstanding the provisions of §§ 303.191 and 303.192, the FEA may issue a remedial order for immediate compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds that:

(1) there is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) irreparable harm will occur unless the violation is remedied immediately; and

(3) the public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under §§ 303.191 and 303.192.

(b) A remedial order for immediate compliance shall be served promptly by telex or telegram upon the person against whom such order is issued, with a copy of the remedial order for immediate compliance served by registered or certified mail. The order shall contain a written statement of the relevant facts and the legal basis for the remedial order for immediate compliance, including the findings required by paragraph (a) of this section.

(c) The FEA may rescind or suspend a remedial order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under § 303.191.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in subsection (a) of this section are satisfied, the FEA may issue a remedial order for immediate compliance, even if the 10-day period for reply specified in § 303.191 (b) has not expired.

(e) At any time after a remedial order for immediate compliance has become effective, the FEA may refer such order to the Department of Justice for appropriate action in accordance with Subpart Q of this part.

§ 303.194 Remedies.

A remedial order or a remedial order for immediate compliance may require the person to whom it is directed to take such action as the FEA determines is necessary to eliminate or to compensate for the effects of a violation.

§ 303.195 Appeal.

(a) No notice of probable violation issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal pursuant to Subpart H of this part.

(b) Any person to whom a remedial order or a remedial order for immediate compliance is issued under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 10 days of service of the order from which the appeal is taken.

Subpart Q—Investigations, Violations, Sanctions and Judicial Actions

§ 303.200 Investigations.

(a) *General.* The FEA may, in its discretion, initiate investigations relating to compliance by any person with any rule, regulation, or order promulgated by the FEA under the authority of sections 2 and 12 of ESECA, any decree of court relating thereto, or any other agency action. The FEA encourages voluntary cooperation with its investigations. When the circumstances warrant, however, the FEA may issue subpoenas in accordance with and subject to § 303.8. The FEA may conduct investigative conferences and hearings in the course of any investigation in accordance with Subpart N of this part, which determination is within FEA's discretion.

(b) *Investigators.* Investigations will be conducted by representatives of the FEA who are duly designated and authorized for such purposes. Such representatives have the authority to administer oaths and receive affirmations in any matter under investigation by the FEA.

(c) *Notification.* Any person who is under investigation by the FEA in accordance with this section and who is requested to furnish information or documentary evidence shall be notified as to the general purpose for which such information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file will be closed without prejudice to further investigation by the FEA at any time that circumstances so warrant.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the FEA, remain confidential to the extent it is covered under the investigatory file exception to public disclosure contained in 5 U.S.C. 522.

§ 303.201 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto is a violation of the FEA regulations stated in such parts and is unlawful.

§ 303.202 Sanctions.

(a) *General.* Any person who violates any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this part relating to criminal fines and civil penalties.

(b) *Criminal Fines.* Any person who willfully violates any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto shall be subject to a fine of not more than $5,000 for each violation. Criminal violations are prosecuted by the Department of Justice upon referral by the FEA.

(c) *Civil Penalties.* (1) Any person who violates any provision of Parts 303, 305, or 307 of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than $2,500 for each violation. Actions for civil penalties are prosecuted by the Department of Justice upon referral by the FEA.

(2) When the FEA considers it to be appropriate or advisable, the FEA may compromise and settle, and collect civil penalties.

(d) *Other Penalties.* Willful concealment of material facts, or false or fictitious or fraudulent statements or representations, or willful use of any false writing or document containing false, fictitious or fraudulent statements pertaining to matters within the scope of the ESECA or FEAA by any person shall subject such person to the criminal penalties provided in 18 U.S.C. 1001 (1970).

§ 303.203 Injunctions.

Whenever it appears to the FEA that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under Parts 303, 305, or 307 of this chapter, FEA may request the Attorney General to bring a civil action in the appropriate district court of the United States to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any provision of such order or regulation, the violation of which is prohibited by section 12(a) of ESECA.

2. Chapter II of 10 Code of Federal Regulations is amended to add Part 305, which reads as follows:

PART 305—COAL UTILIZATION

Sec.
305.1 Scope.
305.2 Definitions.
305.3 Powerplants.
305.4 Major fuel burning installations.
305.5 Public participation.
305.6 Consultation with EPA.
305.7 Effective date of prohibition orders.
305.8 Modification, rescission and suspension of prohibition orders.
305.9 Procedures.

§ 305.1 Scope.

(a) *Applicability.*

This part applies to certain powerplants and major fuel burning installations that FEA is authorized to prohibit from burning natural gas or petroleum products as their primary energy source.

(b) *Purpose.*

This part, together with Part 303 of this chapter, establishes the methods and procedures by which FEA will exercise its powers under section 2 of ESECA to prohibit a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

§ 305.2 Definitions.

For purposes of this part:

"Action" means a prohibition order, or modification or rescission of such order, issued by FEA pursuant to sections 2 (a) and (b) of ESECA.

"Air pollution requirements" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Clean Air Act (except for any requirement prescribed under subsections (c) or (d) of section 119, section 110(a)(2)(F)(v), or section 303 of such Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel or any type, grade, or pollution characteristic).

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857, et seq. (1970), as amended by Pub. L. 93-319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Compliance date extension" means an extension issued by the Administrator of EPA in accordance with section 119(c) of the Clean Air Act as a result of which a powerplant or major fuel burning installation may not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to that source, except as otherwise provided in section 119(d)(3) of that Act.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Major fuel burning installation" means an installation or unit other than a powerplant that has or is a fossil-fuel fired boiler, burner, or other combuster of fuel or any combination thereof at a single site, and includes any person who owns, leases, operates, controls or supervises any such installation or unit.

"Natural gas" includes dry gas and casinghead gas.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government, including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a person.

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means one or more fossil-fuel fired steam electric generating units that produce electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls or supervises any such unit or units.

"Primary energy source" means, with respect to a powerplant or major fuel burning installation that utilizes fossil fuels, the fuel that is or will be used for all purposes except for the minimum amounts required for start-up, testing, flame stabilization and control.

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"Proceeding" means the process and activity, and any part thereof, instituted by the FEA, either on its initiative or in response to an application submitted by a powerplant or major fuel burning installation, that may lead to an action by FEA.

"Prohibition order" means a directive issued by FEA pursuant to sections 2 (a) and (b) of ESECA that prohibits a powerplant or major fuel burning installation from burning natural gas or petroleum products as its primary energy source.

"Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Clean Air Act (other than sections 119, 111(b), 112, or 303) or contained in an applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v)), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

"Temporary Suspension" means a suspension issued to any person by the Administrator of EPA in accordance with section 119(b) of the Clean Air Act that results in the temporary suspension of any stationary source fuel or emission limitation as it applies to such person during any period beginning June 22, 1974, and ending on or before June 30, 1975.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 305.3 Powerplants.

(a) Any powerplant shall be prohibited from using natural gas or petroleum products as its primary energy source, by means of the issuance of a prohibition order to such powerplant, if the findings stated in paragraph (b) of this section are made by FEA. FEA may, at its discretion, make these findings for an individual fossil-fuel fired steam generating unit that produces electric power for sale or exchange or for combinations thereof.

(b) No powerplant shall be prohibited from burning natural gas or petroleum products as its primary energy source unless FEA finds that:

(1) The powerplant on June 22, 1974, had the "capability and necessary plant equipment" to burn coal. For purposes of this finding, "capability and necessary plant equipment" is defined to include, but not be limited to, necessary coal handling facilities and appurtenances—internal and external; adequate facilities for the storage of coal; and other equipment such as a boiler, unloaders, conveyors, crushers, pulverisers, scales, burners, soot blowers, and special coal-burning instrumentation and controls. The absence of any one or combination of these facilities or equipment is not grounds, however, for concluding that the plant lacked the capability and the necessary plant equipment to burn coal.

(2) The prohibition of the utilization of natural gas or petroleum products is "practicable and consistent with the purposes of ESECA." For purposes of this finding—

(i) The determination of the "practicability" of a prohibition shall include an analysis of the reasonableness of additional costs associated with burning coal, including its cost, costs of equipment for coal burning, and costs of complying with the requirements of section 119 of the Clean Air Act. The analysis shall be based on the facts concerning the requirements of section 119 that are available to FEA prior to the time of issuance of the order. The analysis also will take into account the susceptibility of natural gas and petroleum products to volatile changes in price and to interruptions of supply.

(ii) The prohibition shall be considered to be "consistent with the purposes" of ESECA if it serves to discourage the use of natural gas and petroleum products and to encourage increased or continued use of coal by powerplants.

(3) Coal and coal transportation facilities will be available during the period the prohibition is in effect. For purposes of this finding—

(i) The availability of coal shall be evaluated by determining anticipated demand for coal, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulphur content) that it is anticipated that the powerplant will be able to utilize, the location of such coal, the practicability of its production, including the possibility of new mines being opened, and State or local laws or policies limiting the extraction or utilization of such coal.

(ii) The availability of coal transportation facilities shall be determined by evaluating the means and ease with which coal is or could be transported to the powerplant, including the availability of rolling stock and tracks, barges, pipelines and other relevant means of transportation.

(4) The prohibition will not "impair the reliability of service" in the area served by the powerplant. For purposes of this finding—

(i) Whether there will be an impairment of the "reliability of service" shall be determined by evaluating the length of time of scheduled outage, if any, associated with any prohibition order in relation to other scheduled outages of electric power generating units that are part of the electric power generation system, and the reserve capacity margins of other systems with which the powerplant is interconnected.

(ii) "Impairment" means unreasonable risk of loss of load.

(c) A powerplant may be prohibited from using natural gas or petroleum products as its primary energy source as a result of FEA action taken on its initiative or at the conclusion of a proceeding initiated by an application.

(d) Prior to issuance of a prohibition order to a powerplant that is applicable for the period ending prior to or on June 30, 1975, FEA shall take into account the likelihood that such powerplant will be permitted to burn coal after June 30, 1975. FEA may consider, in determining "likelihood," the potentiality that environmental or economic constraints would prevent the powerplant from burning coal after June 30, 1975.

§ 305.4 Major fuel burning installations.

(a) A major fuel burning installation may be prohibited from using natural gas or petroleum products as its primary energy source by means of the issuance of a prohibition order to such installation if the findings stated in paragraph (b) of this section are made by FEA. FEA may, at its discretion, make these findings for an individual fossil-fuel boiler, burner or other combuster of fuel, or for combinations thereof at a single site.

(b) No major fuel burning installation shall be prohibited from burning natural gas or petroleum products as its primary energy source unless FEA finds that:

(1) The major fuel burning installation fires at a rate of 50 million Btu's per hour or greater and on June 22, 1974, had the capability and necessary plant equipment to burn coal. For purposes of this finding, "capability and necessary plant equipment" is defined to include, but not be limited to, necessary coal handling facilities and appurtenances—internal and external; adequate facilities for the storage of coal; and other equipment such as a boiler, unloaders, conveyors, crushers, pulverizers, scales, burners, soot blowers, and special coal-burning instrumentation and controls. The absence of any one or combination of these facilities or equipment is not grounds, however, for concluding that the plant lacked the capability and the necessary plant equipment to burn coal after June 30, 1975.

(2) The prohibition of the utilization of natural gas and petroleum products is "practicable and consistent with the purposes of ESECA." For purposes of this finding—

(i) The determination of the "practicability" of a prohibition shall include an analysis of the reasonableness of additional costs associated with burning coal, including its cost, costs of equipment for coal burning, and costs of complying with the requirements of section 119 of the Clean Air Act. The analysis shall be based on the facts concerning the requirements of section 119 that are available to FEA prior to the time of issuance of the order. The analysis also will take into account the susceptibility of natural gas and petroleum products to volatile changes in price and to interruptions of supply.

(ii) The prohibition shall be considered to be "consistent with the purposes" of ESECA if it serves to discourage the use of natural gas and petroleum products and to encourage the use of coal as a primary energy source by major fuel burning installations.

(3) Coal and coal transportation facilities will be available during the period the prohibition is in effect. For purposes of this finding—

(i) The availability of coal shall be evaluated by determining the anticipated demand for coal, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) that it is antcipated that the major fuel burning installation will be able to utilize, the practicability of its production, including the possibility of new mines being opened during the period the prohibition order is in effect, and State or local laws or policies limiting the extraction or the utilization of such coal.

(ii) The availability of coal transportation facilities shall be determined by evaluating the means and ease with which coal is or could be transported to the major fuel burning installation, including the availability of rolling stock and tracks, barges, pipelines and other relevant means of transportation.

(c) In selecting a major fuel burning installation for an order prohibiting that installation from burning natural gas or petroleum products as its primary energy source, the FEA shall consider, among other factors, the following: the location of the installation, the production or output of the installation, purpose for which coal would be burned, the quantity of natural gas or petroleum product presently burned, the practicability of burning coal given the short-term variation of demand for output by the installation, and the burden a prohibition order would place on existing coal supply and means of delivery.

(d) Prior to issuance of a prohibition order to a major fuel burning installation that is applicable for the period ending prior to or on June 30, 1975, FEA shall take into account the likelihood that such installation will be permitted to burn coal after June 30, 1975. FEA may consider, in determining "likelihood," the potentiality that environmental or economic constraints would prevent the installation from burning coal after June 30, 1975.

(e) A major fuel burning installation may be prohibited from burning natural gas or petroleum products as its primary energy source as a result of FEA action taken on its own initiative or at the conclusion of proceedings initiated by an application.

§ 305.5 Public participation.

(a) *Prohibition orders that are applicable for a period ending prior to or on June 30, 1975.* No powerplant or major fuel burning installation shall be issued an order that is applicable for a period ending prior to or on June 30, 1975, prohibiting that powerplant or installation from burning natural gas or petroleum products as its primary energy source unless prior to issuance of such order there has been published in the FEDERAL REGISTER a notice of FEA's intent to issue a prohibition order and an opportunity given to interested persons to make written presentation of data, views and arguments regarding such order.

(b) *Prohibition orders applicable after June 30, 1975.* No powerplant or major fuel burning installation shall be issued an order that is applicable after June 30, 1975 (or modification of an order to make it applicable after June 30, 1975), prohibiting that powerplant or installation from burning natural gas or petroleum products as its primary energy source unless prior to issuance of such order there has been published in the FEDERAL REGISTER a notice of FEA's intent to issue a prohibition order and an opportunity given to interested persons to make oral and written presentation of data, views, and arguments.

§ 305.6 Consultation with EPA.

Prior to issuance of a prohibition order to a powerplant or a major fuel burning installation that is applicable for a period ending prior to or on June 30, 1975, the FEA shall consult with the Administrator of EPA.

§ 305.7 Effective date of prohibition orders.

(a) *Prohibition orders that are applicable for a period ending prior to or on June 30, 1975.* A prohibition order issued to a powerplant or major fuel burning installation that is applicable for a period ending prior to or on June 30, 1975, shall not become effective: (1) Until the date that the Administrator of EPA certifies, pursuant to section 119(d)(1)(A) of the Clean Air Act, is the earliest date the powerplant or installation will be able to comply with the air pollution requirements that will be applicable to it; and (2) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness, as provided in §§ 303.10(b) and 303.37(b) of this chapter. Such order will not be effective for any period certified by the Administrator of EPA pursuant to section 119(d)(3)(B) of such Act.

(b) *Prohibition orders applicable after June 30, 1975.* A prohibition order that is applicable after June 30, 1975 (or modification of an order that is applicable for the period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975), issued to a powerplant or major fuel burning installation shall not become effective: (1) Until either; (i) the Administrator of EPA notifies the FEA, in accordance with section 119(d)(1)(B) of the Clean Air Act, that the powerplant or installation will be able on and after July 1, 1975, to burn coal and to comply with all applicable air pollution requirements without a compliance date extension, or (ii) if no notification is given, the date that the Administrator of EPA certifies pursuant to section 119(d)(1)(B) of the Clean Air Act is the earliest date that the powerplant or installation will be able to comply with all applicable requirements of section 119 of that Act; and (2) until FEA has served the affected powerplant or major fuel burning installation a Notice of Effectiveness, as provided in §§ 303.10(b) and 303.37(b) of this chapter. Such order (or modification) will not be effective during any period certified by the Administrator of EPA under section 119(d)(3)(B) of such Act.

§ 305.8 Modification, rescission and suspension of prohibition orders.

(a) FEA may modify or rescind any prohibition order at any time up to and including December 31, 1978. A modification or rescission of a prohibition order may be the result of an FEA action taken on its own initiative or at the conclusion of proceedings initiated by an application. A prohibition order shall be rescinded or modified to the extent that FEA determines that the findings set out in §§ 305.3(b)(2)–(4) and 305.4 (b)(2) and (3) of this part are no longer supported in fact.

(b) The modification or rescission of any prohibition order (other than the modification of an order that is applicable for a period ending prior to or on June 30, 1975, to make it applicable after June 30, 1975) shall be preceded by an opportunity for interested persons to make written presentation of data, views and arguments.

(c) Upon notification by the Administrator of EPA, in accordance with section 119(d)(3)(B) of the Clean Air Act, FEA shall notify the powerplant or major fuel burning installation affected that the prohibition order applicable to it is suspended for the time period certified by the Administrator of EPA by service of a notice of the suspension of a prohibition order.

§ 305.9 Procedures.

(a) All applications for a prohibition order or modification or rescission thereof shall be filed with the FEA in accordance with Subparts B and J, respectively, of Part 303 of this chapter.

(b) Procedures pertaining to issuance of prohibition orders or the modification or rescission thereof (e.g., notice, hearings, content of order, process of evaluation, appeal) are stated in Subparts B and J, respectively, of Part 303 of this chapter.

3. Chapter II of 10 Code of Federal Regulations is amended to add Part 307, which reads as follows:

PART 307—NEW POWERPLANTS

Sec.
307.1 Scope.
307.2 Definitions.
307.3 Use of coal as the primary energy source.
307.4 Public participation.
307.5 Identification of powerplants in the early planning process.
307.6 Procedures.

§ 307.1 Scope.

(a) *Applicability.* This part applies to certain powerplants (other than powerplants utilizing a combustion gas turbine or a combined cycle unit) that are in the early planning process.

(b) *Purpose.* This part, together with Part 303 of this chapter, establishes the methods and procedures by which FEA will exercise its powers under section 2 of ESECA to require a powerplant in the early planning process to be designed and constructed to be capable of using coal as its primary energy source.

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§ 307.2 Definitions.

For purposes of this part—

"Action" means a construction order, or modification or rescission of such order, issued by FEA pursuant to section 2 of ESECA.

"Clean Air Act" means the Clean Air Act, as amended, 42 U.S.C. 1857, et seq. (1970), as amended by Pub. L. 93–319, 88 Stat. 246.

"Coal" includes coal derivatives.

"Construction order" means a directive issued by FEA pursuant to section 2(c) of ESECA that requires a powerplant in the early planning process to be designed and constructed to be capable of using coal as its primary energy source.

"Early planning process" means a state in the design and construction of a powerplant to be determined in accordance with § 307.3(b) of this part.

"EPA" means the Environmental Protection Agency.

"ESECA" means the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93–319).

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Interested person" includes members of the public, as well as any person with an interest sought to be protected under ESECA.

"Natural gas" includes dry gas and casinghead gas.

"Person" means any association, firm, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments, and includes any officer, director, owner or duly authorized representative thereof. The FEA may, in regulations and in any forms issued in this part, treat as a person:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a person.

"Petroleum product" means crude oil, residual fuel oil or any refined petroleum product, as that last term is defined in section 3(5) of the Emergency Petroleum Allocation Act of 1973.

"Powerplant" means one or more fossil-fuel fired steam electric generating units that produce electric power for purposes of sale or exchange, and includes any person who owns, leases, operates, controls, or supervises any such unit or units.

"Primary energy source" means, with respect to a powerplant that utilizes fossil fuels, the fuel that is or will be used for all purposes except the minimum amounts required for start-up, testing, flame stabilization and control.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA, either on its initiative or in response to an application submitted by a powerplant in the early planning process, that may lead to an action by FEA.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 307.3 Use of coal as the primary energy source.

(a) Any powerplant in the early planning process (other than a combustion gas turbine or combined cycle unit) may be required by FEA to be designed and constructed to be capable of using coal as its primary energy source, by means of the issuance of a construction order to such powerplant, subject to the findings stated in paragraphs (b) and (c) of this section. Subject to such findings, FEA may, at its discretion, issue a construction order for an individual fossil-fuel fired steam generating unit that produces electric power for sale or exchange, or for combinations thereof. The requirement that a powerplant be capable of using coal as its primary energy source shall be satisfied if the powerplant is designed and constructed to use only coal as its primary energy source, or to use two or more fuels interchangeably, one of which is coal, as its primary energy source.

(b) A powerplant will not be required to be designed and constructed to be capable of using coal as its primary energy source unless FEA finds that such powerplant is in the early planning process. For purposes of this finding, "early planning process" means either of the following time periods:

(1) Before the formation of a contract, express or implied, for the design of a powerplant or before the commencement of the design of the powerplant, if such design is not to be performed in accordance with a contract; or

(2) After commencement of design of the powerplant, but not later than the commencement of field erection of boiler steel.

(c) No powerplant in the early planning process may be required to be designed and constructed to be capable of using coal as its primary energy source if FEA finds that:

(1) The design or construction of a powerplant with the capability of using coal as its primary energy source is likely to result in an impairment of the reliability or adequacy of service to be provided by such powerplant. For purposes of this finding whether there is likely to be an impairment of the "reliability or adequacy of service" shall be determined by evaluating the length of any delay in the commencement of the sale or exchange of electric power, if any, and the effect of such delay, if any, on reserve capacity margin within the electric power generation system or any combination of such systems to determine if there is an unreasonable risk of loss of load.

(2) An adequate and reliable supply of coal is not reasonably expected to be available. For purposes of this finding—

(i) The availability of an adequate supply of coal shall be determined on the basis of an evaluation of the anticipated demand for coal by the new powerplant, the type of coal (which may include, but is not limited to, rank, Btu's, moisture, volatiles, ash and sulfur content) that it is anticipated the powerplant will be able to utilize, the location of such coal, the practicability of its production including the possibility that new mines will be opened before the powerplant commences the sale or exchange of electric power, and any State or local laws or policies limiting the extraction or the utilization of coal.

(ii) The availability of a reliable supply of coal shall be determined on the basis of an evaluation of the supply's susceptability to interruption and the nature of the supply contract that the powerplant reasonably could be expected to enter into.

(d) In making the evaluation whether a powerplant in the early planning process should be required to be designed and constructed to be capable of using coal as its primary energy source, FEA shall consider, among other factors—

(1) the existence and effects of any contractual commitment for the construction of such powerplant;

(2) the capability of the powerplant (as defined in § 307.2 to include owner) to recover any increase in projected capital investment required as a result of a construction order;

(3) the potential loss of revenue resulting from a delay in the commencement of the sale or exchange of electric power resulting from a construction order, to the extent that electric power will have to be purchased from another powerplant; and

(4) the relevant regulations or policies of any State or local agency with jurisdiction over the sale or exchange of electric power by powerplants.

(e) A powerplant in the early planning process may be required to be designed and constructed to be capable of using coal as its primary energy source on the basis of FEA action taken on its initiative or at the conclusion of proceedings initiated by an application.

§ 307.4 Public participation.

(a) No powerplant in the early planning process shall be issued a construction order requiring such powerplant to be designed and constructed to be capable of using coal as its primary energy source unless prior to issuance of the order there has been published in the FEDERAL REGISTER a notice of FEA's intent to issue a construction order, and an opportunity has been given to interested persons to make written presentation of data, views and arguments regarding such action.

(b) Before issuance of an order modifying or rescinding a construction order, FEA may publish in the FEDERAL REGISTER a notice of its intention to issue such order. The notice shall provide interested persons with an opportunity to make written presentation of data, views and arguments regarding such action.

§ 307.5 Identification of powerplants in the early planning process.

(a) The identification of powerplants in the early planning process shall be accomplished by requiring that such plants file with FEA, at the address provided in § 303.12 of this chapter, an Identification Report in accordance with paragraph (b) of this section and by a review of information otherwise on file with or provided to the Federal government. FEA will require additional information from a powerplant subsequent to the filing of an Identification Report to determine if such powerplant meets the criteria and other considerations stated in this part pertaining to issuance of a construction order.

(b)(1) An Identification Report shall be filed by each powerplant (defined to mean a single unit or several units by § 307.2), other than a combustion gas turbine or combined cycle unit, which is in the early planning process either because the—

(1) formation of a contract, express or implied, for the design of a powerplant has not occurred; or the design of the powerplant has not commenced, if such design is not to be performed in accordance with a contract; or

(2) design of the powerplant has commenced, but field erection of boiler steel has not begun.

The initial Report shall be filed within 30 days of the issuance of Part 307 of this chapter. Thereafter, any powerplant that enters the early planning process at any time in a month shall file an Identification Report with the FEA, at the address provided in section 303.12 of this chapter, by the fifteenth day of the subsequent month.

(2) The Identification Report shall contain the information required by FEA Form ____

§ 307.6 Procedures.

(a) All applications for a construction order or modification or rescission thereof shall be filed with the FEA in accordance with Subparts C and J, respectively, of Part 303 of this chapter.

(b) Procedures pertaining to issuance of construction orders, the modification or rescission thereof, (e.g., notice, hearings, content of order, process of evaluation, appeal) are stated in Subparts C and J respectively, of Part 303 of this chapter.

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PART III

DEPARTMENT OF DEFENSE

Engineers Corps, Department of the Army

■

WATER RESOURCES

Planning Assistance; Framework and River Basin Study Programs; Aquatic Plant Control

V40-25 FEB 5 75 XUM

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 265]

PLANNING ASSISTANCE TO STATES

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide policies and guidelines for the Corps of Engineers implementation of section 22, Pub. L. 93–251, which authorizes the Chief of Engineers to participate with States in the preparation of comprehensive plans for water and related resources.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN–CWP–A, Washington, D.C. 20314, on or before March 24, 1975.

Until the final regulation is published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize this proposed regulation as interim guidance in the execution of studies conducted under the section 22 program.

Dated: January 14, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 265—PLANNING ASSISTANCE TO STATES

Sec.
265.10 Purpose.
265.11 Applicability.
265.12 References.
265.13 Legislative provisions.
265.14 Basic policies.
265.15 General guidelines.
265.16 Program management.
265.17 Funding.

AUTHORITY: Sec. 22, Pub. L. 93–251, Water Resources Development Act of 1974, (88 Stat 20).

§ 265.10 Purpose.

This regulation provides basic policies and general guidelines for Corps of Engineers' participation in the program authorized by section 22 of the Water Resources Development Act of 1974 (Pub. L. 93–251).

§ 265.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 265.12 References.

(a) Section 22, Public Law 93–251, 7 March 1974.

(b) "Coastal Zone Management Act of 1972", Public Law 92–583, 27 October 1972.

(c) Section 214, Public Law 89–298, 27 October 1965.

(d) Section 204, Public Law 91–611, 31 December 1970.

§ 265.13 Legislative provisions.

(a) Specifically, section 22 provides for the following:

(1) The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State in the preparation of comprehensive plans for the development, utilization and conservation of the water and related resources of drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal Participation in carrying out such plans.

(2) There is authorized to be appropriated not to exceed $2,000,000 annually to carry out the provisions of this section except that not more than $200,000 shall be expended in any one year in any one State.

(b) Both Congressional Committees on Public Works reported to their respective bodies of Congress prior to enactment of the measure, that

"[i]n view of the success of the previous (section 214) program, the Committee feels that it is now desirable and proper to extend the same assistance to all of the States. This legislation is particularly desirable in view of the provisions of the Water Resources Planning Act of 1965 which provides for increased participation by the States in water resources planning and in the formulation of comprehensive river basin plans in connection with the River Basin Commissions established under that Act. The cooperative program authorized by this section will constitute a valuable compliment to the program being carried out under the Water Resources Planning Act." (House Report No. 93–541, p. 94 and Senate Report No. 93–615, p. 119).

(c) Stripped of connecting language sec. 22 provides authority for the Secretary of the Army, acting through the Chief of Engineers "• • • to cooperate with any State in the preparation of comprehensive plans for • • • drainage basins located within the boundaries of such State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans."

§ 265.14 Basic policies.

(a) The first phrase "to cooperate with any State in the preparation of comprehensive plans" is taken to mean the following: (1) The State must have a planning program for the development, utilization or conservation of the water and related resources underway or laid out in sufficient detail so that the relationship of a State's request for Corps input for some particular aspect of the program may be appraised. All Corps input must be an integral part of the State program for developing their plans for water and related resources of drainage basins located in the State. (2) The input from the Corps is to be on an effort or service sharing basis in lieu of an outright grant basis. It is anticipated that such effort will normally be in the area of Corps' expertise such as comprehensive basin planning or other areas in which the Corps normally has legislative authority. However, other areas may be investigated on a case by case basis if they are necessary in the State's decision making process.

(b) "Drainage basins located within the boundaries of such State" does not mean that the drainage basin must fall entirely within the State. For the purpose of this Act, Coastal zone areas may also be included in the general heading of "drainage basins."

(c) The third aspect of the authorizing language pertains to the reporting process. Under this process, upon completion of the pertinent portion of the State's planning effort and with the concurrence of the State, the Corps will prepare a report of survey type scope on those aspects of the study for which there is a Federal interest. The Corps' report will be processed to Congress following the customary survey report procedures including sponsorship requirements, cost-sharing, etc. and will include recommendations for authorization as appropriate. If no Federal interest is found to exist, no report is necessary. Funds for preparing the Corps report will come from sec. 22 funds.

(d) The term "State" means a State, the District of Columbia, Puerto Rico and the Virgin Islands. However, in the case of New York and Puerto Rico, specific legislative authorities have been previously provided, consistent with section 22. Funding requests for these States should be submitted under either the previous (section 214, PL 89–298 for New York State and section 204, PL 91–611 for Puerto Rico) authorities or section 22, but not both in the same year.

§ 265.15 General Guidelines.

(a) Mutually understood goals will be agreed upon with the State before the Corps enters into a cooperative planning effort.

(b) Duplication of effort must be avoided. This authority is not to be used to insert additional funds into ongoing or pending Federal programs such as comprehensive studies, regular surveys, flood plain information programs, small projects under continuing authorities or other specific authorizations. In determination of eligibility, the section 22 program is to furnish information to states for their planning purposes. An exception to this rule is Corps assistance under the Coastal Zone Management Act of 1972 (Pub. 92–583). Corps participation under section 22 may be used for these studies but must not offset the required state contribution to the National Oceanic and Atmospheric Administration (NOAA)-administered grant program. Under the NOAA program, the state must finance at least one-third of the annual costs. Guidelines and procedures to be implemented by the Corps pursuant to this Act will be furnished separately.

(c) Inter-agency disputes must be avoided, as for example, those which might arise from diversions of activities to section 22 from the comprehensive studies being handled under coordinated budget procedures with full state participation.

(d) Corps activities under section 22 within one State should not extend to areas which clearly involve the interests of other States, unless all States involved agree that the activities reflect coordinated response to the needs of those states.

(e) All Corps—State activities are to be conducted through the lead Corps Division for each state as noted in Appendix A. The responsibility may be delegated by the Division Engineer to a District office to act as lead Corps contact for that State. Division Engineers will insure the adequacy of support of the lead office in their coordinating role. For those states that fall within two or more Corps Districts or Divisions, extra effort will be required by the lead office. This is especially critical due to the nature of funding for the program. All affected Divisions and Districts should be regularly represented and be permitted to participate in activities concerning areas within their Division or District.

(f) The lead office will contact each state for which the office is responsible to advise them of the program and to obtain an expression of interest. If interest is expressed a meeting should be encouraged to discuss potential areas of assistance with the state representatives and appropriate representatives of other affected Corps Districts and Divisions. Based on these contacts and meetings, the State should submit a request for assistance to the lead office for transmittal through appropriate channels to OCE. Upon transmittal of the request to OCE, an information copy should be furnished to affected Divisions and/or Districts if different from the lead office. OCE will review and approve all requests and allocate funds to the lead Division with an information copy to all affected Divisions and Districts.

§ 265.16 Program Management.

Program management and funding will be the responsibility of the Planning Division, DAEN–CWP. Accordingly, all planning and funding matters, submitted in triplicate, in accordance with instructions contained herein, will be to HQDA (DAEN–CWP–E, C or W, as appropriate) WASH DC 20314. Division Engineers are to designate an individual within the Division Office to manage and coordinate the activities under this program. Overall OCE program coordination and selection of studies to be undertaken, when funding requests exceed available funds, will be by DAEN–CWP–A.

§ 265.17 Funding.

Funding requests submitted to OCE should list each study by state, study name, lead Corps District, priority of study state-wide, District capability and contain a brief description of the nature of the study. Division submissions must further list the state-wide priorities into Division-wide priorities. Budget requests for a 5-year program beginning with FY 77 will be submitted as required by appropriate budget circulars and regulations. Annual budget requests for purposes of Congressional justification will be contained under the general title of "Coordination Studies with Other Agencies", and will be the responsibility of OCE.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

LEAD COORDINATING DIVISIONS

1. By State.

Alabama—SAD
Alaska—NPD
Arizona—SPD
Arkansas—SWD
California—SPD
Colorado—MRD
Connecticut—NED
Delaware—NAD
District of Columbia—
Florida—SAD
Georgia—SAD
Hawaii—POD
Idaho—NPD
Illinois—NCD
Indiana—ORD
Iowa—NCD
Kansas—SWD
Kentucky—ORD
Louisiana—LMV
Maine—NED
Maryland—NAD
Massachusetts—NED
Michigan—NCD
Minnesota—NCD
Mississippi—LMV
Missouri—MRD
Montana—MRD
Nebraska—MRD
Nevada—SPD
New Hampshire—NEI
New Jersey—NAD
New Mexico—SWD
New York—NAD
North Carolina—SAD
North Dakota—MRD
Ohio—ORD
Oklahoma—SWD
Oregon—NPD
Pennsylvania—NAD
Puerto Rico—SAD
Rhode Island—NED
South Carolina—SAD
South Dakota—MRD
Tennessee—ORD
Texas—SWD
Utah—SPD
Vermont—NED
Virginia—NAD
Virgin Islands—SAD
Washington—NPD
West Virginia—ORD
Wisconsin—NCD
Wyoming—MRD

2. By Division.

NED:
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

NAD:
Delaware
District of Columbia
Maryland
New Jersey
New York
Pennsylvania
Virginia

SAD:
Alabama
Florida
Georgia
North Carolina
Puerto Rico
South Carolina
Virgin Islands

ORD:
Indiana
Kentucky
Ohio
Tennessee
West Virginia

NCD:
Illinois
Iowa
Michigan
Minnesota
Wisconsin

LMV:
Louisiana
Mississippi

MRD:
Colorado
Missouri
Montana
Nebraska
North Dakota
South Dakota
Wyoming

SWD:
Arkansas
Kansas
New Mexico
Oklahoma
Texas

NPD:
Alaska
Idaho
Oregon
Washington

SPD:
Arizona
California
Nevada
Utah

POD:
Hawaii

3. Key to Division Abbreviations.

NED—Division Engineer,
New England Division,
424 Trapelo Road,
Waltham, Mass. 02154.

NAD—Division Engineer,
North Atlantic Division,
90 Church St.,
New York, N.Y. 10007.

SAD—Division Engineer,
South Atlantic Division,
510 Title Bldg.,
30 Pryor St., S.W.,
Atlanta, Ga. 30303.

ORD—Division Engineer,
Ohio River Division,
P.O. Box 1159,
Cincinnati, Ohio.

NCD—Division Engineer,
North Central Division,
536 S. Clark St.,
Chicago, Ill. 60605.

LMV—Division Engineer,
Lower Mississippi River Division,
P.O. Box 80,
Vicksburg, Miss. 39180.

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[33 CFR Part 252]

FRAMEWORK AND RIVER BASIN STUDY PROGRAMS: LEVEL A AND LEVEL B STUDIES

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide general guidance for Corps of Engineers participation in multi-agency studies of Level A scope (Framework and Assessments) and Level B scope (Regional or River Basin) as defined by the Water Resources Council.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, Office of the Chief of Engineers, ATTN: DAEN–CWP–A, Washington, D.C. 20314, on or before March 24, 1975.

Until the regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having Civil Works responsibilities will utilize the proposed regulation as interim guidance for Corps participation in Level A and Level B studies conducted under the general direction of the Water Resources Council.

Dated: February 1, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 252—FRAMEWORK AND BASIN STUDY PROGRAMS

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AUTHORITY: Pub. L. 89–80, Water Resources Planning Act, 22 July 1965 (42 U.S.C. 1962).

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§ 252.10 Purpose.

This regulation provides general guidance for Corps of Engineers' participation in multi-agency studies of Level A scope (Framework and Assessment) and Level B scope (Regional or River Basin) as defined by the Water Resources Council (WRC).

§ 252.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 252.12 References.

(a) Section 209, Pub. L. 92–500, (86 Statute 843, 33 U.S.C. 1289), Federal Water Pollution Control Act Amendment of 1972, 18 October 1972.

(b) Public Law 89–80, Water Resources Planning Act, (79 Statute 244–254) 22 July 1965.

(c) Water Resources Council Policy Statement, Water and Related Land Resources Planning, 22 July 1970, (available from Water Resources Council, 2120 L Street NW., Washington, D.C. 20037).

(d) Water Resources Council, Statement of Purpose, Policy, and Objectives, 13 June 1974, (available from the Water Resources Council).

(e) Water Resources Council, The New Approach, 31 May 1974, contained in the Second Annual Report to the Congress of the United States on Level B planning (Appendix A).

(f) Water Resources Council, "75 Water Assessment, The Example," July 1974 (available from the Water Resources Council).

(g) ER 1105–2–10, "Intensive Management".

§ 252.13 Types of studies.

(a) *General.* There are generally three types of studies in the Federal water and related land planning programs. These are Level A Assessments and Framework Studies; Level B Regional or River Basin Studies; and Level C Implementation Studies. While the sequential lettering of these studies implies an order of procedure for those studies that are interrelated, studies are not restricted to that particular sequence. Level C or Implementation Studies may be undertaken in areas where the problems and potential solutions are well defined and the intermediate Level B study is not needed or has not yet been completed. In addition, Level C studies of a specific basin or area may be conducted prior to or concurrent with Level B Studies unless it is apparent that interrelationships require a broader analysis to avoid potentially adverse and irreversible decisions.

(b) *Level A Studies.* Assessments and Framework Studies are the broadest comparison of water and related land planning problems in major regions of the nation. Generally, the assessment will involve a continuing program with reports prepared at five year intervals to serve as a national guide to more detailed studies. Assessments are characterized by utilization of available data organized around major policy and broad socio-economic trends to determine their implications on more detailed planning studies. Required outputs of Level A Studies are identified in reference § 252.12(f).

(c) *Level B Studies.* (1) Level B studies are made at the Regional or River Basin level for water and related land resources where problems are of a complex, interdisciplinary nature necessitating an intermediate planning step between Level A and Level C studies. Level B studies are designed to resolve long range problems identified in a Level A study, by focusing on mid-term problems and solutions and recommending plans and programs to be pursued by appropriate Federal, State, or local entities. Water quality, water quantity and land management problems are the focus for integration. The primary characteristic of Level B Studies is that they are largely based on judgemental planning, no new data collection, strong public involvement, and increased participation and leadership by the states.

(2) Level B plans provide for an interpretation of national and regional projections; identify alternative plans (methods) and programs; and identify alternative programs for management and use of water and related resources by including multiobjective and multipurpose considerations in each plan or program. The measures or programs included in each Level B plan must recognize and be based on reasonable assumptions of investment capabilities of agencies designated to carry out such programs or plans, whether the agencies are Federal, State, or local. Alternative levels of investment and their impacts may be shown where appropriate.

(3) The required outputs of a Level B study have not been clearly defined by WRC. However, Level B planning will generally result in programs, plans, and implementation studies needed within a 15–25 year time frame, a statement of long-term and unresolved issues, and recommendations for new policies or changes in existing policies.

§ 252.14 Program legislative and executive authorities.

(a) Title I of the Water Resources Planning Act, Pub. L. 89–80 encourages the conservation, development, and utilization of water and related land resources of the Nation on a comprehensive and coordinated basis by all levels of government and non-governmental entities and individuals. This Act applies to both Level A and Level B studies. Title II, section 201(b) of the Act provides the general authority for River Basin Commissions, including Federal and State members, to participate in preparing assessments and river basin plans.

(b) The WRC Policy Statement (reference § 252.12(c)) further states that multi-agency water and related land resources planning shall be perrfomed under guidance of the Water Resources Council. Study leaders shall be designated by river basin commissions in their areas or by the Water Resources Council in other areas. Federal agencies, including the Corps of Engineers, engaged in this type of planning are participants in multi-agency studies.

§ 252.15 Program policy.

As a member of the Water Resources Council, the Department of the Army endorses the policies and procedures established by the Council for Level A and Level B studies. A summary of these policies, with appropriate references, is provided below. In addition, policies on the management aspects of Corps participation in Level A and Level B studies are contained in § 252.16.

(a) The WRC Statement of Purpose, Policy and Objectives (reference § 252.12 (d)) will guide the Council's development and implementation of policies, programs and activities in the future. The Statement of Purpose defines the broad framework and legislative basis for the Council's functions and activities; the Statement of Policy is a summary of the criteria, assumptions and activities that will guide and carry out implementation of the purpose of the Water Resources Council; and the Statement of Objectives sets out a schedule of specific, desired accomplishments for the relative near-term future (12–18 months).

(b) The WRC Second Annual Report to Congress on Level B Planning outlines the new approach to Level B studies adopted in 1973, (Appendix A). The new approach stresses the importance of Level B planning, the issues to be addressed, the study participants, funding and the relationships between water and land management problems including land use, coastal zones management, and rural area development. It also advanced some study limitations on time, funds and data input. Although primarily directed toward section 209, Pub. L. 92–500, the new approach is generally applicable for all Level B planning.

(c) The Corps of Engineers' role in Level A and Level B studies will usually be that of a participant but in some cases the coordinating field entity may request the Corps to assume the role of study leadership. In areas of the nation where there is no coordinating entity, the Corps may be directly named as study sponsor by the Water Resources Council. All Level A regional sponsors operate under a Regional Work Agreement which is an agreement between the sponsor and the Water Resources Council. When there is no organized regional entity, the current WRC approach is to delegate a strong leadership role to the affected State or States. Although the Corps role in Level A and Level B studies will generally be as a participant, the level of responsibility will vary on a case-by-case basis.

§ 252.16 Program management.

The Water Resources Council has the primary responsibility for managing and coordinating Level A and Level B studies nationwide. The Council assigns particular studies to appropriate regional entities, such as River Basin Commissions. When the Corps participates in a Level A or Level B study, the following management responsibilities are to be exercised:

(a) *Office, Chief of Engineers.* OCE will not normally be involved in the management and coordination of Corps participation in specific Level A and Level B Studies (see § 252.17). However, OCE will be involved as a participant through the Water Resources Council in the selection of Level A and Level B studies, the development of criteria for study, and selection and formulation of budget recommendations. The primary responsibility to effect the above coordination rests with the Army Representative to the Water Resources Council, designated by the Secretary of the Army.

(b) *Division Engineers.* (1) Division Engineers are responsible for intensive management of Corps participation in Level A and Level B studies conducted within respective Division boundaries (ref ER 1105–2–10). This responsibility includes, but is not limited to insuring that appropriate Division and District personnel are assigned to work with the regional entity designated by the Water Resources Council as the study leader, to assist the study leader, as requested, in developing study schedules, funding requirements, areas of responsibility and to assist in the conduct of the study generally in accordance with the guidelines provided by the Water Resources Council. Division Engineers are also to monitor fiscal and physical progress of Corps effort, with appropriate use of milestones, and are to assure that Corps responsibilities are fulfilled.

(2) In cases where the Corps is assigned a leadership role in a Level A or Level B study, Division Engineers are to be personally and directly involved in the study, and are to insure that the Army Representative to the Water Resources Council is kept apprised of significant activities and actions (see § 252.17).

(c) *District Engineers.* District Engineers are responsible for accomplishing assignments made by their Division Engineers, insuring that appropriate personnel are designated to represent the Corps in Level A and Level B studies. For the most part, work assignments given to the Corps by the study leader will be delegated to District Engineers based on capability, location, and available expertise in the particular areas of required effort.

§ 252.17 Reporting requirements.

There are no recurring report requirements for field operating agencies prescribed by this regulation. However, through their intensive management, Division Engineers are to keep the Chief of Engineers informed, in accordance with the following guidelines:

(a) Letters containing information warranting the personal attention of the Army Representative to the Water Resources Council or the Director of Civil Works are to be sent to HQDA (DAEN–CWZ–A) WASH DC 20314.

(b) Letters outlining problems or significant actions concerning policy matters should be sent to HQDA (DAEN–CWR–W) WASH DC 20314. In all cases where an OCE position is desired, the Division Engineer should present his recommended course of action.

(c) Letters outlining problems or significant actions concerning planning procedures and application of Federal planning criteria are to be addressed to HQDA (DAEN–CWP–P) WASH DC 20314.

§ 252.18 Review of Level A and B Study Reports.

The Chief of Engineers will review Level A and Level B study reports as requested by the Water Resources Council. The review will be conducted by various elements of OCE, including BERH, as deemed appropriate by DAEN–CWR–W. When Division Engineers review or prepare draft reports as input to a Level A or Level B study, informal OCE review may be requested on particular aspects as deemed appropriate, based on interfaces identified with Corps programs. Review of selected portions of draft reports should be requested through DAEN–CWR–W.

§ 252.19 Program funding.

At this time, funding procedures for Level A and Level B studies are being revised. Information pertaining to budgetary submissions to OCE is contained in ER 11–2–101 and annual Engineer Circulars. Further guidance on funding requests will be furnished when available.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

SECOND ANNUAL REPORT TO THE CONGRESS OF THE UNITED STATES ON LEVEL B (SECTION 209) PLANNING

United States Water Resources Council
Washington, D.C. 20037

Honorable GERALD R. FORD,
President of the Senate
Washington, D.C. 20510.

MAY 31, 1974.

DEAR MR. PRESIDENT: On behalf of the President, I am pleased to transmit the second annual report required by section 209 of the Federal Water Pollution Control Act Amendments of 1972. Section 209 directs the President, acting through the Water Resources Council, to prepare a Level B plan for all basins in the United States and to report annually to the Congress on progress.

During the past year considerable effort was expended by the Council in developing a position on implementing section 209. Representatives of Member Departments and Agencies of the Council, the States, and the River Basin Commissions cooperated effectively with each other in evolving a new approach to Level B planning. The new approach is based largely on judgmental planning; strong compact central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States. As a result, Level B study time periods and costs will be substantially lower than those of river basin studies of prior years. We are presently testing this new approach. The results of these tests will greatly influence future activities under the section 209 program.

The enclosed report provides background information on Council activities in connection with Level B planning during the past year.

Sincerely,

JACK HORTON,
Acting Chairman.

Identical letter to Carl Albert, Speaker of the House.

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INTRODUCTION

The first annual report to the Congress in response to section 209 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500) was submitted to the Senate and to the House of Representatives by letter from the Chairman of the Water Resources Council (WRC), dated May 15, 1973.

In response to a letter inquiry from the Chairman, House Committee on Public Works, the Chairman, WRC, by letter of July 12, 1973, stated: "As you know, the Environmental Protection Agency and other Federal agencies are working closely to establish the coordination and program design for the implementation of Pub. L. 92–500. The results of this review will be reflected in next year's report."

Because of this commitment and in response to a directive of September 21, 1973, from the Chairman, WRC, the Director of WRC organized a Task Committee to develop a position on implementing section 209. Membership of that Committee consisted of the Director as Chairman and representatives of the Departments of Interior, Agriculture, and Army, the Environmental Protection Agency, and the River Basin Commissions (RBC's). Four Work Groups, which included State representatives, provided the basis for the Task Committee's proposed section 209 implementation program.

Section 209 provides for development of Level B plans for all river basins or regions in the United States by January 1, 1980. $200 million have been authorized in the Act for this purpose. This impetus, together with the proliferation of interrelated programs, dictates the necessity of utilizing Level B planning as an important and essential vehicle for integrating the many water and land programs.

The tremendous changes of the last ten years or so have engendered the current criticism that the results of the comprehensive planning program, based on concepts and methodology of the 1960's, are overly expensive and of limited value to decision-makers. Changes are needed because of very fast-moving events affecting public desires and preferences. It was with this background that the Task Committee developed the new approach to Level B planning, which was adopted by the Council on October 17, 1973.

THE NEW APPROACH

Task Committee's report. The Task Committee's proposed program, as adopted by the Council, for the new Level B planning approach, has the following main characteristics:

Section 209 is recognized as an important and essential vehicle for integrating all related land and water planning programs. A Level B study, conducted under the mandates of the Water Resources Planning Act of 1965 (Pub. L. 89–80) and section 209 of the Federal Water Pollution Control Act

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Amendments of 1972 (Pub. L. 92-500) and organized and funded to guarantee the participation of key entities with natural resource responsibilities and capabilities, is the most effective device for achieving the integration of a wide range of natural resource planning programs.

Studies are to address major Federal and non-Federal issues requiring near and mid-term (15 to 25 years) solutions and are to identify major data gaps, unmet needs, and requirements for additional studies by others (both Federal and non-Federal) in implementation of Level B plans.

A strong participating and leadership role by the States is essential for effective Level B planning. It is the policy of both the President and the Congress to strengthen the role of the States in natural resource decision-making.

The need for minimal Federal funding to the States is acknowledged and provided for in the proposed program in order to insure timely State planning inputs.

Commitments by the States to address critical State issues and to delineate components of the study objectives that relate to State needs and opportunities are required.

It is recognized that water quality problems are inseparable from water quantity and land management problems and that local, State, and Federal commitments on water and land resources should not be made without jointly concurrent consideration.

An accelerated Level B program would contribute to integrated and balanced water quality programs (a) by emphasizing and defining, on a river basin or regional basis, abatement programs to be implemented by the States and appropriate Federal agencies; and (b) by supplementing and thereby increasing the effectiveness of pollution abatement measures outlined in Areawide Waste Treatment Management Plans prepared under section 208 and section 303(e) of Pub. L. 92-500.

A Level B planning program will support land use, coastal zone management, and rural area development planning efforts. It is believed to be the only program sufficiently developed at this time (or in the immediate future) to integrate existing programs.

A 2-year limitation is placed on each Level B study.

A typical section 209 study is estimated to cost approximately $750,000 to $1,000,000.

The program looks to RBC's for leadership in areas where RBC's are organized and to other WRC designated persons or entities for leadership in areas where RBC's do not exist. In all cases, however, the States concerned would be expected to be partners in Level B planning and would provide leadership in predetermined geographical and functional areas.

To hold costs and study time down, a Level B study is to be based largely on judgmental planning; strong central management; immediate and iterative plan formulation (involving public review and feedback); no new original data collection; and increased emphasis on participation and leadership of the States.

The comparatively vast amount of relevant information, plans, analyses, etc., now available, as a result of comprehensive basin and other planning, permits the exercise of a higher degree of judgment than was possible—say 10 years ago. Accordingly, despite continuing gaps in information and data, it should be possible at the start of a Level B study for a compact study team, under a study manager, to formulate an immediate or initial plan and/or alternatives based upon thorough review and use of available material. The objective is to progress quickly to the planning process as such, which—as explained in the first annual report—is an iterative process.

The States, in particular, must be major participants and leaders and must have a major role in the initiation, coordination, and conduct of Level B studies, because, if nothing else, this will facilitate the acceptance of the resulting, jointly-developed plans. Funding requirements for all participants in a Level B study must be recognized and provided for on a timely basis.

All needs of a Level B study area cannot be addressed because of the constraints on time and funds. Further, some needs can be met more effectively through Level C and other planning. These items will be specifically identified as recommended actions in the study report.

PTS–POS process. Experience of the last ten years, particularly in basin planning, has revealed that proposals to study (PTS) and plans of study (POS) need to be separately financed to achieve the most effective Level B planning at minimum costs. The PTS–POS process requires that funds be made available to the Council in advance for funding the preparation of those PTS in detail that are specifically authorized by the Council. Authorizations will be given only when it appears that the completed PTS will have an excellent chance of approval as a basis for actual conduct of a new study start in the proposed Level B study area.

The end product. Each Level B study will produce a total report that consists of four types of documents: (1) study report; (2) environmental impact statement (EIS); (3) technical (backup) papers; and (4) a brochure.

Current thinking is that the study report is to be limited to 100 pages, including tables, figures, illustrations, etc., in order to induce reading thereof by busy top-level decisionmakers in the Administration and in the Congress. It is to be written so that there will be little demand by reviewers for backup documents. The EIS is not included in the 100 pages of the study report. Planning in connection with environmental quality and the other objective, national economic development, of the recently adopted principles and standards should be very helpful in preparing the EIS.

Technical papers are to serve as backup in the detail files of individual study participants; no general distribution will be made but they will be available for review on loan. In order to conserve limited Level B funds for actual planning, there is to be no printing of expensive reports, such as the shelf-length appendices of past basin studies.

The executive summary in the form of a brochure is intended for easy understanding by the public. Its form may be that of a folded highway map and will, among other things, show where additional information and backup data are available for examination on site or on loan.

The end product will have substantial intrinsic value for many users because the recommended Basin or Regional Plan should:

Show which programs and projects are to be recommended for detailed (Level C) planning and sequences.

Minimize duplication of future efforts and land use conflicts.

Maximize multipurpose opportunities.

Save money because of coordinated efforts.

Serve to crystallize public opinion as to desired alternative futures.

Application to ongoing Level B Studies. On the basis that ongoing studies should embody the concepts and methodology of the new approach to Level B (Section 209) planning as nearly as feasible, a meeting was held in December 1973, among the Study Managers of the nine ongoing studies, RBC Chairmen and personnel, State representatives, and WRC staff to discuss application of the new approach. Possible modifications in the various plans of study were suggested and are now being explored in the field. Obviously, the more advanced the study, the less the opportunity for modification. Some examples of possible changes are described below.

With reference to Table I, scheduled early-completion dates of the Connecticut, Long Island Sound, and Southeastern New England (SENE) studies make changes difficult at this stage. This is so because the nature of study results and the basin plans have been generally determined. However, the end products of these studies will conform with the new approach. In particular, the study report format will be changed accordingly and a brochure will be produced for each study with the aim of expediting review and decisionmaking. Level B funds will not be spent for printing many volumes of material whose use as a basis for reaching decisions is limited. Of course, this approach will apply to all Level B studies, including new starts.

While the Pacific Northwest is not typical—especially in geographic extent of the study area—this study has already been rescoped to reduce total study costs by about 50 percent. This was accomplished by focusing only on major problems and priority areas. In other words, all needs will not be addressed in what amounts to eleven Level B studies going on concurrently over most of a vast area of over 274,000 square miles.

Eighty percent of the estimated total cost for the Platte study has been budgeted through FY 1974. Reduction in costs seem unlikely, but the new approach may be feasible in some subdivisions of the Platte River Basin where plan formulation has not been initiated.

TABLE I.—*Ongoing level B studies*

Study	Drainage area	Start [1]	Complete	Estimated Federal cost (thousands)
Connecticut	11,250	July 1973	Fiscal year 1975	$854
Hawaii	6,450	Fiscal year 1973	Fiscal year 1976	1,200
Long Island Sound	2,000	Fiscal year 1972	Fiscal year 1975	3,613
Minneapolis-St. Paul	2,820	Fiscal year 1974	Fiscal year 1976	970
Maumee	6,590	do	do	1,562
Monongahela	7,360	do	do	[2] 208
Platte	40,800	Fiscal year 1972	do	2,675
Pacific Northwest	274,400	do	Fiscal year 1977	[3] 3,104
Southeastern New England	4,407	do	Fiscal year 1975	3,594

[1] The dates shown are those when organization for study was established and work actually began. In some cases e.g., the Connecticut study, funds were made available in advance of the dates shown.

[2] The estimated amount needed by the Ohio River Basin Commission for coordination of many ongoing studies by other Federal and non-Federal entities, costing in the range of $3.5 to $4.0 million, in order to produce a study report of the level B scope.

[3] $6,080 originally.

The ongoing effort in the Monongahela is designed to coordinate the many planning activities now underway by various State and Federal agencies. The organization and methodology being employed in the Monongahela study are considered to be fully consistent with the new approach to Level B planning.

It would be possible to apply the new approach to other studies that were started in FY 1974 that is, to the Minneapolis-St. Paul, Maumee, and Hawaii studies. The current POS of the Minneapolis-St. Paul study largely conforms, but rescoping of recreation and fish and wildlife studies might be followed up in subsequent Level C or implementation studies.

Early formulation of an "Initial" or "Sketch" Plan in the Maumee study may permit substantial reductions in the large sum presently budgeted for Plan Formulation. The initial plan will then be progressively refined and narrowed down through the iterative process, as previously explained. However, it should be noted that the study costs increase with increasing number of iterations. Tentatively, it is expected that an Initial Plan for the Maumee will be put together by mid-summer of 1974.

The current POS for the Hawaii study generally conforms to the new approach but some streamlining in the organization for study may be effected by substantially reducing the number of functional Task Forces. It should be recognized that the State of Hawaii has appropriated $580,000 for the study as compared with the estimated Federal cost of $1.2 million.

THE 209 PROGRAM

The President's Fiscal Year 1975 budget request reflects the application of $500,000 in additional funds to improve and demonstrate the value of Level B planning (includes $100,000 of redirected FY 1974 funds). A major part of these total funds will be utilized to achieve improvements in some of the ongoing Level B studies through possible changes, previously discussed, and through reorientation of plans, programs, and recommendations that more nearly conform to the public priorities and preferences that have evolved over the last few years. The remaining funds will be utilized to evolve five to seven proposals to study (PTS) for national, high-priority areas in advance of actual authorizations for the conduct of studies in those areas. The idea is that it is worth spending a relatively small amount in advance to develop the best possible proposals (for purposes of comparative evaluations and establishing priorities on a national basis) before committing large sums for full-blown studies. By this approach, emphasis and focus will be placed on where it belongs—on major problems and priorities of a complex, multidisciplinary nature involving many Federal and non-Federal agencies and interests. To achieve this will require that the PTS be as complete as practicable. Among other things, a particular proposal will be required to quantify and explain in sufficient detail why a Level B scope rather than another type of study, such as a Level C, is necessary.

Designations by the Governors under section 208 (Pub. L. 92-500) as well as other sources of recommendations, particularly from the River Basin Commissions, will be considered in the selection of the initial five to seven study areas for which PTS will be developed under the new approach. In accordance with published EPA guidelines and AWTM planning under section 208, the Governors have until the middle of March 1974 to designate the high priority areas. However, many tentative designations of high priority areas are already on hand, as reported last year. The Governors have indicated considerable interest in the 209 program by their responses to recent letters notifying them that the Council is accepting proposals from them for Level B planning in connection with the formulation of the FY 1976 budget request.

It is anticipated that the five to seven study areas for which the initial set of PTS will be developed will be identified and approved by the Council shortly after April 1, 1974. After identification of the initial five to seven study areas, compact study teams in the field, composed of a limited number of Federal and non-Federal representatives, will evolve the PTS for those areas through firmly coordinated efforts, including consultations with many relevant interests, under the River Commissions and the Council. These teams will be required to do considerable "homework" on the studies by thorough review and best use of the large amount of relevant information and material now presumed to be available in each study area. Conflicts of interest and major problems will be highlighted for each area of study. In preparing the PTS, commitments will be sought—and made whenever practicable—from all proposed study participants, particularly from the proposed non-Federal partners on estimates of manpower and funding requirements. In comparative evaluations of the PTS that are evolved, lack of or weak commitments in a particular study area will weigh heavily against that area in preparing follow-up recommendations for the authorizations and actual conduct of Level B studies. The experience gained from the efforts of improving processes and results of the ongoing Level B studies and from evolving the initial set of five to seven PTS will be of great value and will be utilized in formulating the Level B (section 209) Planning Program for Fiscal Year 1976.

The firm, Wendell Associates, Consultants on Governmental Affairs, was employed in late 1973 to provide advice concerning the Council's responsibilities and activities under section 209 and the interrelationships with and among the several other current and pending statutes and programs that require or relate to water and land resources planning.

The consultants concluded that " • • • even if the land use planning programs contemplated by pending legislation can get underway within the next year or two, the first usable results from them cannot be available until 1980 or thereafter • • • Accordingly, the Water Resources Council, both through its specific charge under section 209 of the FWPCA to produce basin plans by 1980, and more broadly through its statutory mandate under the Water Resources Planning Act, is the only agency equipped and directed to coordinate the planning required under the many far-reaching programs of the several agencies which involve or affect water resources. The accomplishment of this task will not detract from the performance of their separate missions by each Federal agency. Instead it should enhance the planning activities under each such program by providing a common basis pursuant to which the work of each agency will be effective. In the absence of the coordination which the Water Resources Council must give, the end product of specific planning programs could be made impossible of realization for lack of the resources which a particular plan presumes to be available, or because incompatible action has already been taken under a plan that was developed on other premises."

In their report the consultants made the following recommendations:

In order to perform its statutory responsibilities of coordination and to assist in avoiding the conflicts and waste which could otherwise result, the Water Resources Council should proceed as soon as possible to identify the interrelationships and points of contact among water and other resources planning processes and requirements and among water and other resources plans and programs. It should analyze these interrelationships. Then it should proceed to develop guidelines, principles and standards by which the several agencies can prosecute their planning activities in a coordinated fashion. In addition, the Water Resources Council itself will have need of these same guidelines, principles and standards in the basin planning authorized by section 209 of the Water Pollution Control Act.

In this connection, considerable work has been done or is underway. Additional use will be made during calendar 1974 of consultant services to delineate more clearly program responsibilities and interrelationships as a basis for improving section 209 program guidance and execution.

[33 CFR Part 273]

AQUATIC PLANT CONTROL PROGRAM

Proposed Policies and Procedures

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to provide revised policies, procedures and guidelines to implement section 302 of the Rivers and Harbors Act of 1965. This legislative authority authorizes the Corps of Engineers to conduct a comprehensive program for the control and progressive eradication of obnoxious aquatic plants from the nations waters.

Prior to adoption of the proposed regulation, consideration will be given to any comments submitted to the Chief of Engineers, ATTN: DAEN–CWP–A, Washington, D.C. 20314, on or before March 24, 1975.

Until the regulation is adopted and so published in the FEDERAL REGISTER, elements of the Office of the Chief of Engineers and field operating agencies having civil works responsibilities will utilize the proposed regulation as interim guidance in the implementation of the Aquatic Plant Control Program.

Dated: February 1, 1975.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PART 273—AQUATIC PLANT CONTROL PROGRAM

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273.10 Purpose.
273.11 Applicability.
273.12 References.
273.13 Program policy.
273.14 Planning procedures.
273.15 Annual work plans.
273.16 Operations.
273.17 Annual budget request.

AUTHORITY: Section 302, Title III, Pub. L. 89-298, River and Harbor Act of 1965, (33 U.S.C. 610), October 27, 1965.

§ 273.10 Purpose.

This regulation prescribes policies, procedures and guidelines for research, planning and operations for the Aquatic Plant Control Program under authority of section 302 of the Rivers and Harbors Act of 1965.

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§ 273.11 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having civil works responsibilities.

§ 273.12 References.

(a) Section 302, Pub. L. 89–298, (79 Stat. 1092), Rivers and Harbors Act of 1965, (Appendix A).

(b) Pub. L. 92–516, Federal Insecticide, Fungicide and Rodenticide Act of 1972, (86 Stat. 973), 21 October 1972.

(c) 40 CFR 165.1, Pesticide and Pesticide Containers, FEDERAL REGISTER Vol. 39, No. 85, 1 May 1974.

(e) Pub. L. 91–596, Occupational Safety and Health Act of 1970, (84 Stat. 1609, 29 U.S.C. 668), 29 December 1970.

(f) 29 CFR 1960, Safety and Health Provisions for Federal Employees, FEDERAL REGISTER, Vol. 39, No. 9, 9 October 1974.

(g) ER 11–2–240, "Civil Works Activities, Construction and Design."

(h) ER 70–2–3, "Civil Works Research and Development Management System."

(i) ER 1105–2–507, "Preparation and Coordination of Environmental Statements." (33 CFR 209.410)

§ 273.13 Program policy.

(a) *Program orientation.* The Aquatic Plant Control Program is designed to deal primarily with weed infestations of major economic significance including those that have reached that stage (such as water-hyacinth) and those that have that potential (such as alligatorweed and Eurasian watermilfoil) in navigable waters, tributaries, streams, connecting channels and allied waters. This does not imply that the infestation must have countrywide distribution. However, the infestation should constitute a known problem of economic importance in the area involved. Initial planning should constitute investigation of a specific problem weed or weed complex, not generalized surveys of aquatic vegetation. The common submersed aquatics and floating or emergent, wetland, marsh, and swamp vegetation do not generally meet those criteria for special problems merely because they may qualify as "obnoxious aquatic plants" under the language of the legislation authorizing the program.

(b) *Work not eligible under this program.* Weed control for operation and maintenance of reservoirs, channels, harbors, or other water areas of authorized projects under jurisdiction of the Corps of Engineers or other Federal agencies will not be undertaken as a part of the Aquatic Plant Control Program, except as such areas may be used for experimental purposes in research performed for the program.

(c) *Applied research.* Applied research developed by OCE with the assistance of the Interagency Aquatic Plant Control Research Advisory Committee and the appropriate Division Engineer will be an all Federal cost. This research will be accomplished through contracts with Federal, State and private research institutions. A research planning meeting will be held the last quarter of each calendar year to provide professional presentation of current research projects, review of current operation activities, and review new research proposals. Requested programs, estimated cost, and other information will be developed in the field and submitted to HQDA (DAEN–CWP–V) Washington, DC 20314, for approval and financing as prescribed by ER 70–2–3.

(d) *Planning.* Planning will be an all Federal cost item, will be developed by reporting officers in acordance with their needs and will be fully justified for funds requested. Normally, the program will be initiated with a reconnaissance report (§ 273.14(a)) and will be accomplished under a State design memorandum (§ 273.14(b)). Supplement design memorandums will be used to implement changes in the program. These memorandums will establish a continuing program and will be used to enable the Chief of Engineers to allot available funds on a priority basis in accordance with the urgency of the needs of each area.

(e) *Criteria for recommending a Federal project.* (1) A recommendation favorable to adoption of the project under the authority provided by section 302, as amended, will be warranted when the following conditions exist:

(i) The problem and practical measures of improvement are of such nature that there is a clear and definite Federal interest warranting Federal participation under the purview of this special authority.

(ii) The proposed work will result in an independent and complete-within-itself project.

(iii) Analysis based on sound economic principles clearly demonstrates that the project will provide information and/or control of aquatic plants.

(iv) Each separable element of the project, as well as the entire project, is economically justified.

(iv) Local interests are legally and financially able and willing to meet fully all requirements of local cooperation.

(2) Recommendations for preparation of a detailed planning report for new work on a new problem in a District or Division where control of other aquatic plant problems is currently underway should consider whether such new work represents an equal or higher priority of need for allocation of funds in the same State.

§ 273.14 Planning procedures.

Investigation of new problems and/or additional control operations not covered by previously approved plans will begin with preparation of a preliminary report based on reconnaissance-type investigations. If it is determined that further planning of a more detailed nature is warranted, aproval of a reconnaissance report by HQDA (DAEN–CWP–V) Washington, D.C. 20314 will be followed by further investigations. Normally, a detailed State design memorandum encompassing all aspects of the problem and a proposed plan of action for dealing with it will be prepared.

(a) *Reconnaissance reports.* Investigations for reconnaissance reports will be limited to readily available data and information. Field surveys and office studies should be limited to minimum essentials for further detailed planning. The reconnaissance report will be used for the overall program planning and should contain adequate information for these purposes.

(1) *Authorization.* Preparation of a reconnaissance report will be authorized by OCE granting of work allowances and allotment of funds based on requests submitted by reporting officers. Funds for such reports may be requested in annual submissions of budget requests and subsequently to DAEN-CWP-V as required to meet unanticipated needs. Since the program is proceeding under a limited budget, costs should be limited to minimum requirements. Only in exceptional cases will more than $3,000 be made available for a reconnaissance report on a problem in any one district.

(2) *Content of reports.* Where findings and conclusions are unfavorable to undertaking further detailed planning, a brief letter report summarizing the problem and findings should be submitted to OCE to provide a basis for answering outstanding inquiries. Where findings and conclusions are favorable, a more detailed report should include, but not be limited to, the information contained in Appendix B.

(b) *State design memorandum.* When authorized to prepare a detailed planning report, the reporting officer will proceed with necessary investigations and develop plans and data in sufficient detail to assure a complete and fully operable aquatic plant control operation. The report will be in the form of a State design memorandum (SDM). The SDM will be prepared by the District, reviewed by the Division, then forwarded to DAEN–CWP–V for review and approval. The data presented will be used to set priorities and request funds to finance activities on various projects. Fund requirements are divided into four categories: applied research; planning; control operations; and development.

(c) *Review of the proposed design Memoranda.* Review of State design memoranda should insure that:

(1) The work involved is not the type normally provided by local entities or private interests as a local responsibility.

(2) The cost of control operation will be shared between the Federal Government (70 percent) and the State receiving the benefit (30 percent).

(3) The actual control operation can be done by Federal, State, and/or private company facilities, under agreements specifying the details and standards of work to be performed.

(d) *Environmental impact statement requirements.* Programs which involve pest control operations, such as aquatic plant control, and affect either man's health or his environment (soil, flora, fauna, aesthetics, water resources), are candidates for review and possible preparation of an environmental impact statement (EIS) under the National Environmental Policy Act. (The information outlined in Appendix C should be included in the analysis section of an EIS in addition to the treatment prescribed by 33 CFR 209.410.)

§ 273.15 Annual work plans.

Reporting officers will prepare and submit to DAEN–CWP–V a detailed description of anticipated Aquatic Plant Control projects for the next calendar year. Submissions must reach OCE by 15 December of the preceding calendar year, in the format prescribed by Appendix D.

§ 273.16 Operations.

Operational activities will be conducted by reporting officers in accordance with approved annual work plans and State design memoranda. Questions should be referred to HQDA (DAEN–CWO–M) WASH DC 20314.

(a) *Certification of pesticide applicators.* Activities will be subject to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act of 1972, (reference § 273.12(b) and (c)), regarding the training and certification of pesticide supervisors and/or applicators.

(b) *Safety in use of herbicides.* Use of herbicides will be in accordance with the Occupational Safety and Health Act of 1970, reference § 273.12(d) and (e). Some herbicides are toxic chemicals and must be used with utmost care. Operators and applicators are required to use respiratory protective devices to prevent inhalation of toxic dusts, vapors, or gases; protective clothing to protect the skin; and eye protection. Some of the primary precautions which must be observed in handling herbicides are listed in Appendix E. Questions concerning safety should be referred to HQDA (DAEN–SO) Washington, D.C. 20314.

§ 273.17 Annual budget request.

The Aquatic Plant Control Program is a continuing activity funded under Construction, General, subject to monetary limitations of $5,000,000 on annual appropriations authorized for the program. Recommendations and supporting data will be submitted in accordance with ER 11–2–240. The amounts requested should be the minimum requirements for the purpose of the authorized program to meet essential needs and should be within the Division's capability to utilize within the budget year taking into account the forseeable avalability of local funds to meet cost-sharing requirements for control operations.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A

AQUATIC PLANT CONTROL PROGRAM LEGISLATIVE AUTHORITY

Section 104 of the Rivers and Harbors Act, approved 3 July 1958 (72 Stat. 297, 300), as amended by section 104 of the Rivers and Harbors Act of 1962 (76 Stat. 1173, 1180), and as amended by section 302 of the Rivers and Harbors Act, approved 27 October 1965 (79 Stat. 1092) states as follows:

SEC. 302. (a) There is hereby authorized a comprehensive program to provide for control and progressive eradication of waterhyacinth, alligatorweed, Eurasian watermilfoil, and other obnoxious aquatic plant growths, from the navigable waters, tributary streams, connecting channels, and other allied waters of the United States, in the combined interest of navigation, flood control, drainage, agriculture, fish and wildlife conservation, public health, and related purposes, including continued research for development of the most effective and economic control measures, to be administered by the Chief of Engineers, under the direction of the Secretary of the Army, in cooperation with other Federal and State agencies. Local interests shall agree to hold and save the United States free from claims that may occur from control operations and to participate to the extent of 30 per centum of the cost of such operations. Costs for research and planning undertaken pursuant to the authorities of this section shall be borne fully by the Federal Government.

(b) There are authorized to be appropriated such amounts not in excess of $5,000,000 annually, as may be necessary to carry out the provisions of this section. Any such funds employed for control operations shall be allocated by the Chief of Engineers on a priority basis, based upon the urgency and need of each area, and the availability of local funds.

APPENDIX B

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM REPORTS

1. Location and brief description of problem area if necessary for understanding environmental factors, including a suitable map (appendix).

2. Statement of problem with brief description of physical factors pertaining thereto, including identication my common and scientific name of the plant or plants concerned, origin of infestation and likely source of reinfestation; extent of infestation including estimated surface area, depth or density; nature of physical and economic damages occasioned by presence of the infestation; and other information clarifying the nature and magnitude of the problem. Explanation should be given of how and why the infestation meets the principal criteria governing the program.

3. Preliminary plan of procedure, if any, for control operations or engineering works, including control methods, materials, equipment and procedures that may be employed. If sufficient information is not available to outline a preliminary plan for opration control, the report should include a brief statement of the special problems in control methods that need to be resolved before detailed planning can be undertaken.

4. Preliminary project cost estimates broken down into planning and operation costs for Federal and non-Federal budgeting. The report should present sufficient data concerning cost estimates for review by item and unit price.

5. Preliminary economic evaluation with approximation of benefits and brief summary of supporting data classified as general or local.

6. Discussion of availability of authority for State participation in the program, the interest of State agencies in such participation, and the likelihood of State funds being available for cost-sharing required for any control operations.

7. Cost estimate for subsequent preparation of a detailed planning report, and estimated length of time to complete after receipt of funds, and schedule of funding by fiscal years.

APPENDIX C

INFORMATION REQUIREMENTS FOR AQUATIC PLANT CONTROL PROGRAM ENVIRONMENTAL IMPACT STATEMENTS

1. Description of the problem.

a. *Pests.* Identify the pest to be controlled by common name. Be as specific as possible.

b. *Location and size of infestation.* Describe the target area as specifically as possible.

c. *Severity of infestation.* Discuss the degree and importance of the pest problem.

d. *History of infestation.* Discuss obvious development as established.

e. *Criteria for identification of the treatment areas.* Include technical details as established.

f. Possible cumulative effects of the proposed action in relation to other Federal or non-Federal pesticides application in the treatment area.

g. *Relationship to environmental situation.* Non-target organisms and integrated pest management programs.

2. Program Accomplishments:

a. *Goals.* Discuss practical control levels.

b. Monitoring accomplishment level.

3. Identification of each chemical:

a. *Name.* Use common or coined names, and/or chemical name.

b. *Active ingredient.* Give name and percentage.

c. *Status of Federal registration.* Give registration number.

4. Application:

a. *Form applied.* Dust, granule, emulsion, bait solution, gas, etc.

b. *Choice of equipment and techniques.* Discuss general details of method of application.

c. *Use Strength.* Give concentration of the active ingredient as applied.

d. *Rate.* Give rate of application in pounds per acre or other rate.

e. *Frequency.* Discuss probable frequency of application.

f. *Acreage or other descriptive unit.* Discuss area of proposed control.

g. *Site description.* Lake, river, drainage canal, irrigation canal, etc.

h. *Sensitive areas.* Discuss areas of potential contamination.

i. *Container disposal.* Discuss disposal requirements.

j. *Safety precautions.* Discuss hazards of exposure.

5. Alternative measures: Discuss details of alternative methods of control.

APPENDIX D

ANNUAL WORK PLAN

Aquatic Plant Control Program

(Example)

District: Vicksburg. Year Ending: 1 December 1974.

Division: Lower Mississippi Valley. Date Submitted: 15 December 1974.

1. *Status of contracts scheduled for award in current fiscal year.*

Contract	Scheduled award date	Actual award date
Plant control operations....	July 1973....	July 31, 1973

2. *Comparison of scheduled and actual current FY obligations and expenditures to date.*

	Approved Mar. 28, 1974	Actual	Difference
Obligations.....	$4.7	$3.2	−$1.5
Expenditures.....	4.1	2.9	−1.2

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8. *Explanation of difference.* Not applicable.

4. *Outlook for meeting programmed objectives.*

a. *Programmed objectives.* Full utilization of work allowance.

b. *Outlook.* We expect to meet our programmed objectives.

5. *Problems and corrective action taken or proposed action.* Not applicable.

6. *Status of over-all program progress.* Contract for plant control operations was awarded in July 1973 to take advantage of last part of plant growing season. Plant control operations began in October 1973 and have been completed for this fiscal year. Surplus funds in the amount of $21,700 will be revoked.

APPENDIX E

PREVENTIVE SAFETY MEASURES IN HANDLING OF HERBICIDES

1. Follow the label on each container before using the contents. The manufacturers are required by law to list recommendations and precautions.

2. Weather conditions are important. Winds could carry toxic sprays and dusts to areas not under your control, causing accidental poisoning to the public or domestic animals.

3. Smoking is not permitted while herbicides are being handled.

4. All herbicides must be handled in well ventilated areas to minimize inhalation of toxic vapors.

5. Shower and washing facilities must be near herbicides mixing areas.

6. Any contamination of the skin, particularly with liquid concentrations or solutions, must be immediately washed off with detergent and water.

7. Protective clothing is used in conjunction with respiratory protective devices to prevent skin contact and inhalation of herbicides. Recommended articles of protective clothing are rubber aprons, coveralls, chemical splash goggles, safety shoes and hard hats. A lightweight water and chemical resistant throw away type protective clothing that is impervious to herbicides is now available. In warm geographical areas this type of lightweight protective clothing would be beneficial in reducing physical stress to applicators. Additional protection is afforded by protective skin cream.

8. Clothing contaminated by spillage must be removed immediately and thoroughly laundered before wearing. Special care is required to prevent contamination of the inside of gloves.

9. Approved respirators must be worn while herbicides are being mixed, and when dusts or liquids are being handled or sprayed. Care should be exercised when selecting the respirator type to insure that it is designated specifically for the substance to be used. Each canister must be labeled and approved by the Bureau of Mines or HEW (NIOSH). Filters or canisters must be changed after 8 hours use and more often if odor of the herbicide is detected. (Always have extra cartridges available when needed.)

10. Herbicide storage, mixing and formulation facilities.

a. All herbicides must be stored in a dry, well ventilated, separate room, building or covered area not accessible to authorized personnel or the public and placed under lock and key.

b. Identification signs should be placed on rooms, buildings, and fences to advise of the contents and warn of their hazardous nature.

c. Where applicable, label the outside of each storage with the "Danger," "Poison", and "Pesticide Storage" signs.

d. Fire extinguishers must be installed near door of material storage room. Diluted oil based herbicides are flammable and must be stored separate from other materials.

e. All herbicide storage, mixing and formulation areas must have adequate ventilation in order to reduce inhalation of toxic vapors. Sparkproof lighting fixtures should be installed in closed storage areas to eliminate ignition hazards.

11. Empty herbicide containers must be disposed of properly. Do not burn them. When herbicides or defoliants volatize, the resulting vapors may be poisonous to humans, and they may damage nearby plants, crops or shrubbery; also, herbicides or defoliants containing chlorates may be a serious fire hazard when heated.

12. Glass herbicide containers should be disposed of by breaking. Chop holes in top, bottom, and sides of metal containers or crush them so they cannot collect water or be reused. After breaking or puncturing them, bury the containers at least 18 inches deep in an isolated area provided for this purpose, away from water supplies or high water tables. Records to locate such buried herbicides within the landfill site should be maintained. Post warning signs.

13. Safety programs developed for the safe handling and mixing of toxic chemicals should be coordinated with the Safety Office prior to implementation.

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Volume 40 ■ Number 26

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Special Assistant to the President and Chairman is reestablished under Schedule C.

Effective February 6, 1975, § 213.3342 (d) is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(d) One Special Assistant to the President and Chairman.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[SEAL]

[FR Doc.75-3472 Filed 2-5-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-WE-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulation is to alter the description of the Los Angeles, California (Los Angeles International Airport); Santa Ana, California (Orange County Airport) and Santa Ana, California (MCAS) control zones.

The control zone at Hawthorne, California, in order to provide controlled airspace for IFR operations, becomes part of the Los Angeles control zone when the part-time tower at Hawthorne is not operating. In the same manner the Santa Ana, California (MCAS) control zone provides controlled airspace for IFR procedures to Orange County Airport.

To provide uniform description of the regulation and uniform charting, it is necessary to amend the descriptions of the Los Angeles, California (Los Angeles International Airport) and the Santa Ana, California (Orange County Airport) control zones. The descriptions, as amended, will then correspond to the description of the Oakland and Hayward, California adjacent control zones and their charting notations.

The Santa Ana, California (MCAS) control zone is amended to remove wording that is duplicated in the Orange County control zone description.

Since this amendment is editorial in nature, involves no change in airspace boundaries, and imposes no additional burden on any person, notice and public procedure thereon is unnecessary.

In consideration of the foregoing in § 71.171 (40 FR 354) the description of the Los Angeles, Calif. (Los Angeles International Airport) control zone is amended by adding "* * * when it is effective * * *" following "* * * the Hawthorne Municipal Airport Control Zone * * *"

In consideration of the foregoing in § 71.171 (40 FR 354) the description of the Santa Ana, Calif. (Orange County Airport) control zone is amended in part as follows: Delete all after "* * * (MCAS) control zone * * *" and substitute "* * * when it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

In consideration of the foregoing in § 71.171 (40 FR 354) the description of the Santa Ana, Calif. (MCAS) control zone is amended to read as follows:

SANTA ANA, CALIF. (MCAS)

Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°52'36" W.) excluding that portion east and south of a line from latitude 33°46'56" N., longitude 117°47'00" W. to latitude 33°43'15" N., longitude 117°48'10" W., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment shall be effective 0901 G.m.t. March 27, 1975.

This amendment is issued under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on January 28, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-3349 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Name Change of Control Zone and Transition Area

On page 43315 of the FEDERAL REGISTER dated December 12, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to change the name of the Jefferson, Ohio control zone and Jefferson, Ohio transition area to Ashtabula, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 24, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), and Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.171 (39 FR 354) and § 71.181 (39 FR 440) the name of the control zone and transition area is changed from Jefferson, Ohio to Ashtabula, Ohio.

[FR Doc.75-3350 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 38389 and 38390 of the FEDERAL REGISTER dated October 31, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Angola, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 24, 1975.

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(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

ANGOLA, INDIANA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tri-State Airport (Latitude 41°-36'22" N., Longitude 85°05'12" W.), and within three miles either side of the 239° bearing from the airport extending from the 7-mile radius to 8 miles southwest of the airport.

[FR Doc.75-3348 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 43556 and 43557 of the FEDERAL REGISTER dated December 16, 1974, The Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cadiz, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective April 24, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

CADIZ, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Harrison County Airport (Latitude 40°14'18" N., Longitude 81°00'45" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 7-mile radius area to 8 miles northwest of the airport.

[FR Doc.75-3346 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 43557 of the FEDERAL REGISTER dated December 16, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Antigo, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 22, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

ANTIGO, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Langlade County Airport (Latitude 45°09'20" N., Longitude 89°06'33" W.); within 3 miles each side of the 358° bearing from the airport extending from the 5-mile radius area to 8 miles north of the airport.

[FR Doc.75-3345 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 43556 of the FEDERAL REGISTER dated December 16, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Medford, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective April 24, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

MEDFORD, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Taylor County Airport (Latitude 45°06'02" N., Longitude 90°18'18" W.); within 3 miles each side of the 182° bearing from the airport extending from the 5.5 mile radius area to 8 miles Southeast of the airport.

[FR Doc.75-3347 Filed 2-5-75;8:46 am]

[Docket No. 14300; Amdt. No. 954]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Amarillo Air Terminal, VOR Rwy 21, Amdt. 19.
Clearfield, Pa.—Clearfield Lawrence Arpt., VOR Rwy 30, Orig.

Hutchinson, Kans.—Hutchinson Municipal Arpt., VOR Rwy 3, Amdt. 14.
Hutchinson, Kans.—Hutchinson Municipal Arpt., VOR/TAC Rwy 21, Amdt. 1.
St. Joseph, Mo.—Rosecrans Memorial Arpt., VOR Rwy 17, Amdt. 9.
Waterloo, Iowa—Waterloo Municipal Arpt., VOR Rwy 12, Amdt. 3.

• • • *effective February 27, 1975:*

Decatur, Tex.—Decatur Municipal Arpt., VOR-A, Orig.
Mt. Pleasant, Tex.—Mt. Pleasant Municipal Arpt., VOR/DME-A, Orig.

• • • *effective January 29, 1975:*

Visalia, Calif.—Visalia Municipal Arpt., VOR Rwy 30, Amdt. 2.

• • • *effective January 27, 1975:*

Cross City, Fla.—Cross City Arpt., VOR Rwy 31, Amdt. 14.
Saginaw, Mich.—Tri-City Arpt., VOR Rwy 14, Amdt. 8.

• • • *effective January 23, 1975:*

Elyria, Ohio—Elyria Arpt., VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective March 20, 1975.*

Amarillo, Tex.—Amarillo Air Terminal, LOC (BC) Rwy 21, Amdt. 9.
Hutchinson, Kans.—Hutchinson Municipal Arpt., LOC (BC) Rwy 31, Amdt. 8.
Moline, Ill.—Quad-City Arpt., LOC (BC) Rwy 27, Amdt. 16.
St. Joseph, Mo.—Rosecrans Memorial Arpt., LOC (BC) Rwy 17, Amdt. 2.
Waterloo, Iowa—Waterloo Municipal Arpt., LOC (BC)/DME Rwy 30, Amdt. 1.

• • • *effective February 27, 1975:*

Greenville, Miss.—Greenville Municipal Arpt., LOC (BC) Rwy 35R, Orig.

• • • *effective January 30, 1975:*

Savannah, Ga.—Savannah Municipal Arpt., LOC (BC) Rwy 27, Amdt. 8.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Tradewind Arpt., NDB-A, Amdt. 10.
Amarillo, Tex.—Amarillo Air Terminal, NDB Rwy 3, Amdt. 11.
Butler, Pa.—Butler-Graham Arpt., NDB Rwy Orig.
Butler, Pa.—Butler-Graham Arpt., NDB Rwy 36, Amdt. 9, cancelled.
Hutchinson, Kans.—Hutchinson Municipal Arpt., NDB Rwy 13, Amdt. 7.
St. Joseph, Mo.—Rosecrans Memorial Arpt., NDB Rwy 17, Amdt. 2.
St. Joseph, Mo.—Rosecrans Memorial Arpt., NDB Rwy 35, Amdt. 22.
Waterloo, Iowa—Waterloo Municipal Arpt., NDB Rwy 12, Amdt. 2.

• • • *effective February 27, 1975:*

Greenville, Miss.—Greenville Municipal Arpt., NDB Rwy 35R, Orig.

• • • *effective January 23, 1975:*

Fairmont, W. Va.—Fairmont Municipal Arpt., NDB-A, Amdt. 1.

4. Section 97.29 as amended by originating, amending, or canceling the following ILS SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Amarillo Air Terminal, ILS Rwy 3, Amdt. 14.
Hutchinson, Kans.—Hutchinson Municipal Arpt., ILS Rwy 13, Amdt. 8.
St. Joseph, Mo.—Rosecrans Memorial Arpt., ILS Rwy 35, Amdt. 23.
Waterloo, Iowa—Waterloo Municipal Arpt., ILS Rwy 12, Admt. 1.

• • • *effective January 30, 1975:*

Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 17L, Amdt. 1.

• • • *effective January 22, 1975:*

New Orleans, La.—New Orleans Int'l. Arpt., (Moisant Field), ILS Rwy 10, Admt. 27.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective March 20, 1975:*

Fort Wayne, Ind.—Fort Wayne Municipal Arpt., (Baer Field), RADAR-1, Amdt. 11.

• • • *effective January 27, 1975:*

Washington, D.C.—Washington National Arpt., RADAR-1, Amdt. 19.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Amarillo Air Terminal, RNAV Rwy 21, Amdt. 1.
St. Joseph, Mo.—Rosecrans Memorial Arpt., RNAV Rwy 17, Amdt. 1.

These amendments are made effective under the authority of (secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on January 30, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75-3355 Filed 2-5-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 304—RULES AND REGULATIONS UNDER THE HOBBY PROTECTION ACT

On July 19, 1974 (39 FR 26429) a notice of proposed regulations to be promulgated under the Hobby Protection Act, 15 U.S.C. 2101, et seq., was published in the FEDERAL REGISTER. Promulgation of these proposals would regulate the manner and form of permanently marking imitation political and imitation numismatic items. The proposals afforded all interested persons the opportunity to submit data, and express views or comments.

The Commission has now considered all matters of fact, law and policy, including all responses to the published proposals, and has determined that the proposed regulations, with certain modifications as explained herein, should be adopted.

The Commission received sixty-seven (67) comments from Federal and local officials, private citizens and industry representatives. Fifty-four (54) of the comments objected to the proposal in § 304.1(d) that the term "imitation numismatic item" shall not include any reissue or re-strike of any original numismatic item by the United States Mint. This exemption is based upon the fact that nothing in the Hobby Protection Act or its legislative history suggests that the Congress intended to subject the United States Mint to the marking requirements. In fact, the language of the Act makes it clear that governmental operations are outside the Act's purview. The general statutory definition of "person" subject to Act, as contained in sections 3 and 4 of the Act, in 1 U.S.C. 1, does not include the United States Government or its agencies. Further, a requirement that re-issued or re-struck United States Mint medals be incused with the word "COPY" would impose a limitation on the Treasury's general authority to strike national medals (31 U.S.C. 368), which would be inconsistent with section 6 of the Hobby Protection Act which provides that the provisions of the statute are in addition to, and not in substitution for or in limitation of, any other law of the United States. Therefore, the specific language in the Act and its legislative history exempts the United States Mint from the marking requirements of the Act.

The definition of "United States" in section 304.1(j) of the regulation is redefined to conform to the definition contained in the Hobby Protection Act [15 U.S.C. 2106(7)] and the Tariff Act of 1930 [19 U.S.C. 1401(h)] in order to avoid conflicts with the enforcement jurisdiction of the United States Customs Service under Section 5 of the Hobby Protection Act.

It was suggested that the Commission make it clear that the regulations do not permit the otherwise unlawful reproduction of genuine currency simply because it is marked with the word "COPY". This suggestion prompted new §304.4 which incorporates section 6 of the Hobby Protection Act and provides, in effect, that the regulations are in addition to and not in substitution for or limitation of the existing statutes and regulations prohibiting the reproduction of genuine currency.

It has been brought to the Commission's attention that marking requirements for imitation political and imitation numismatic items should be amended to require that the calendar year or the word "COPY", as appropriate, be marked only on either the obverse or reverse surface of the items. Such a requirement would prevent any attempt to subvert the purpose of the regulations by marking the edge of the items, which would be inconsistent with the requirement that the items be conspicuously marked. The Commission considers this proposed change to be justified to avoid circumvention of the Act's requirements, and therefore has incorporated it in §§ 304.5 and 304.6.

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The remaining substantive comments were evaluated and rejected by the Commission as not being within the scope of section 2(c) of the Act or as not being in the public interest, because they either (1) recommended regulations which would have exceeded the permissible authority of the Hobby Protection Act, e.g., advertisements offering reproductions for sale should state the items are being sold as reproductions; (2) recommended expanding the authority of the Act in an area already covered by existing statutes, e.g., medals and decorations of a military nature which are governed by 18 U.S.C. 704; (3) suggested word changes inconsistent with the language of the Act, e.g., date of manufacture be substituted for the word "COPY" as the marking requirement on imitation numismatic items; or (4) recommended a size requirement which was not as clear and conspicuous as the proposed requirement. Since there were only two comments relating to size of the calendar year or the word "COPY", and since our initial size proposals were based on the expert opinion of twenty representative consumer, industry and government authorities, the size requirements are adopted as proposed.

Accordingly, pursuant to the provisions of the Hobby Protection Act, 15 U.S.C. 2101 et seq., Subchapter C is amended by adding thereto the following new Part 304:

Sec.
304.1 Terms defined.
304.2 General requirement.
304.3 Applicability.
304.4 Application of other laws and regulations.
304.5 Marking requirements for imitation political items.
304.6 Marking requirements for imitation numismatic items.

AUTHORITY: 15 U.S.C. 2101 et seq.

§ 304.1 Terms defined.

(a) "Act" means the Hobby Protection Act (approved November 29, 1973; Pub. L. 93-167, 87 Stat. 686, (15 U.S.C. 2101, et seq.)).

(b) "Commerce" has the same meanings as such term has under the Federal Trade Commission Act.

(c) "Commission" means the Federal Trade Commission.

(d) "Imitation numismatic item" means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item. Such term includes an original numismatic item which has been altered or modified in such a manner that it could reasonably purport to be an original numismatic item other than the one which was altered or modified. The term shall not include any re-issue or re-strike of any original numismatic item by the United States or any foreign government.

(e) "Imitation political item" means an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy or counterfeit of an original item.

(f) "Original numismatic item" means anything which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person, object, place, or event. Such term includes coins, tokens, paper money, and commemorative medals.

(g) "Original political item" means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(h) "Person" means any individual, group, association, partnership, or any other business entity.

(i) "Regulations" means any or all regulations prescribed by the Federal Trade Commission pursuant to the Act.

(j) "United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 304.2 General requirement.

Imitation political or numismatic items subject to the Act shall be marked in conformity with the requirements of the Act and the regulations promulgated thereunder. Any violation of these regulations shall constitute a violation of the Act and of the Federal Trade Commission Act.

§ 304.3 Applicability.

Any person engaged in the manufacturing, or importation into the United States for introduction into or distribution in commerce, of imitation political or imitation numismatic items shall be subject to the requirements of the Act and the regulations promulgated thereunder.

§ 304.4 Application of other law or regulation.

The provisions of these regulations are in addition to, and not in substitution for or limitation of, the provisions of any other law or regulation of the United States (including the existing statutes and regulations prohibiting the reproduction of genuine currency) or of the law or regulation of any State.

§ 304.5 Marking requirements for imitation political items.

(a) An imitation political item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked with the calendar year in which such item was manufactured.

(b) The calendar year shall be marked upon the item legibly, conspicuously and nondeceptively, and in accordance with the further requirements of these regulations.

(1) The calendar year shall appear in arabic numerals, shall be based upon the Gregorian calendar and shall consist of four digits.

(2) The calendar year shall be marked on either the obverse or the reverse surface of the item. It shall not be marked on the edge of the item.

(3) An imitation political item of incusable material shall be incused with the calendar year in sans-serif numerals. Each numeral shall have a vertical dimension of not less than two millimeters (2.0 mm) and a minimum depth of three-tenths of one millimeter (0.3 mm) or one-half (½) the thickness of the reproduction, whichever is the lesser. The minimum total horizontal dimension for the four numerals composing the calendar year shall be six millimeters (6.0 mm).

(4) An imitation political button, poster, literature, sticker, or advertisement composed of nonincusable material shall be imprinted with the calendar year in sans-serif numerals. Each numeral shall have a vertical dimension of not less than two millimeters (2.0 mm). The minimum total horizontal dimension of the four numerals composing the calendar year shall be six millimeters (6.0 mm).

§ 304.6 Marking requirements for imitation numismatic items.

(a) An imitation numismatic item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked "COPY".

(b) The word "COPY" shall be marked upon the item legibly, conspicuously, and nondeceptively, and in accordance with the further requirements of these regulations.

(1) The word "COPY" shall appear in capital letters, in the English language.

(2) The word "COPY" shall be marked on either the obverse or the reverse surface of the item. It shall not be marked on the edge of the item.

(3) An imitation numismatic item of incusable material shall be incused with the word "COPY" in sans-serif letters having a vertical dimension of not less than two millimeters (2.0 mm) and a minimum depth of three-tenths of one millimeter (0.3 mm) or to one-half (½) the thickness of the reproduction, whichever is the lesser. The minimum total horizontal dimension of the word "COPY" shall be six millimeters (6.0 mm).

(4) An imitation numismatic item composed of nonincusable material shall be imprinted with the word "COPY" in sans-serif letters having a vertical dimension of not less than two millimeters (2.0 mm). The minimum total horizontal dimension of the word "COPY" shall be six millimeters (6.0 mm).

Effective date. Pursuant to Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.16(e) these regulations shall be effective March 10, 1975.

Dated: February 6, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.75-3403 Filed 2-5-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE 1950—.....)

Representation of Parties, Time Limit for Petitioning for Approval of Attorney Fees

On November 7, 1974, there were published in the FEDERAL REGISTER (39 FR 39474), a notice of proposed rule making and proposed amendments to Regulations No. 4 of the Social Security Administration, providing: (1) For administrative review of initial approvals of attorney fees subsequent to the expiration of the time limitation for requesting such review and (2) for the establishment of a time limitation on the filing of petitions for approval of fees when past-due benefits are being withheld.

The present regulations preclude any administrative review of a fee determination upon failure on the part of either the representative or the claimant to request such review within the prescribed 30-day time limit under any circumstances. The amendment makes this provision more flexible and permits review upon showing of good cause for not filing the request timely. Examples of what constitutes "good cause" are also included.

The present regulations do not provide a time limitation for filing a petition for approval of a fee, so that, technically a portion of past-due benefits must be withheld indefinitely. In disability cases the amount withheld can be a substantial amount. The amendment remedies this by providing that if a petition is not filed within 60 days of the notice of a favorable determination, the attorney representing the claimant will be notified that if he does not file a petition or a request for extension of time within 20 days of the date of such notice, the funds withheld will be released to the claimant. If no such petition is filed upon the expiration of the 20-day period or the period for which an extension of time was granted, the Social Security Administration may release the funds.

Interested parties were given 30 days within which to submit their data, views, and comments. No comments were received. Accordingly, the amendments are adopted without change, and are set forth below.

(Secs. 205, 206, and 1102, 53 Stat. 1368, as amended, 68 Stat. 1082, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 406, and 1302)

Effective date: These amendments shall be effective on February 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: January 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.975 is amended by revising paragraph (e) to read as follows:

§ 404.975 Fee for services performed for an individual before the Social Security Administration.

. . . . . .

(e) *Administrative review of fee determination.* (1) *Request timely filed.* Administrative review of a fee determination will be granted if either the representative or the claimant files a written request for such review at an office of the Social Security Administration within 30 days after the date of the notice of the fee determination. The party requesting the review shall send a copy of the request to the other party. An authorized official of the Administration who did not participate in the fee determination in question will review the determination. Written notice of the decision made on the administrative review shall be mailed to the representative and the claimant at their last known addresses.

(2) *Request not timely filed.* Where the representative or the claimant files a request for administrative review, in accordance with paragraph (e) (1) of this section, but more than 30 days after the date of the notice of the fee determination, the person making the request shall state in writing the reasons why it was not filed within the 30-day period. The Social Security Administration will grant the review only if it determines that there was good cause for not filing the request timely. For purposes of this section, "good cause" is defined as any circumstance or event which would prevent the representative or the claimant from filing the request for review within such 30-day period or would impede his efforts to do so. Examples of such circumstances include the following:

(i) The representative or claimant was seriously ill or had a physical or mental impairment and such illness prevented him from contacting the Social Security Administration in person or in writing;

(ii) There was a death or serious illness in the individual's family;

(iii) Pertinent records were destroyed by fire or other accidental cause;

(iv) The representative or claimant was furnished incorrect or incomplete information by the Social Security Administration about his right to request review;

(v) The individual failed to receive timely notice of the fee determination;

(vi) The individual transmitted the request to another government agency in good faith within such 30-day period and the request did not reach the Social Security Administration until after such period had expired.

The Social Security Administration assumes no responsibility for the payment of a fee based on a revised determination where the request for administrative review was not filed timely. (See § 404.977(b) for payment of attorney fees authorized by the Administration.)

2. Section 404.977 is amended by revising paragraph (b)(1) and adding paragraph (c) to read as follows:

§ 404.977 Payment of fees.

. . . . . .

(b) *Fees authorized by the Administration.* (1) *Attorneys.* Except as provided in paragraph (c) of this section, in any case where the Social Security Administration makes a determination favorable to a claimant who was represented by an attorney as defined in § 404.972(a) in a proceeding before the Social Security Administration and as a result of such determination past-due benefits, as defined in § 404.975(c), are payable, the Social Security Administration shall certify for direct payment to the attorney, out of such benefits, whichever of the following is the smallest:

(i) 25 percent of the total of such past-due benefits,

(ii) The amount of the attorney's fee set by the Administration, or

(iii) The amount agreed upon between the attorney and the claimant.

. . . . . .

(c) *Time limit for filing petition for approval of attorney fee.* In order for an attorney to receive direct payment of a fee authorized by the Social Security Administration from a claimant's past-due benefits (see paragraph (b) of this section), the petition for approval of a fee, or written notice of the intent to file a petition, should be filed with the Social Security Administration within 60 days of the date the notice of the determination favorable to the claimant is mailed. Where no such petition is filed within 60 days after the date such notice is mailed, written notice shall be sent to the attorney and the claimant, at their last known addresses, that the Social Security Administration will certify for payment to the claimant all the past-due benefits unless the attorney files within 20 days from the date of such notice a written petition for approval of a fee pursuant to § 404.976(a), or a written request for an extension of time. The attorney shall send to the claimant a copy of any request for an extension of time. Where the petition is not filed within this time, or by the last day of any extension approved, the Social Security Administration may certify the funds for payment to the claimant. Any fee charged thereafter remains subject to Social Security Administration approval but collection of any such approved fee shall be a matter between the attorney and his client.

[FR Doc.75-3423 Filed 2-5-75;8:45 am]

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—.....)

Procedures, Payment of Benefits, and Representation of Parties

GOOD CAUSE FOR FAILURE TO FILE A TIMELY REQUEST

On September 17, 1974, there was published in the FEDERAL REGISTER (39 FR

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33377) a Notice of Proposed Rule Making with a proposed amendment to Subpart J of Regulations No. 4. The proposed amendment specified the circumstances to be considered in determining whether good cause existed for failure to file a request for reconsideration, hearing, or review or to commence a civil action for judicial review timely and gave examples of when good cause might be found.

Interested persons were given a 30-day period to submit data, views, or arguments with regard to the proposed amendment.

One letter of comments was received in response to the Notice of Proposed Rule Making. This commenter suggested that it be made clear in the regulations that the examples of "good cause" spelled out in paragraphs (a) through (h) of proposed new § 404.954(a) are not exclusive and that "good cause" may be established by a showing of other circumstances. The commenter also indicated that extensions are frequently needed because the claimant did not understand the complex procedure of the appellate process or the effect of each step. In this regard, the commenter suggested that an additional example be added to § 404.954a illustrating that "good cause" may be found upon a showing that the claimant did not understand or comprehend the procedural steps necessary to pursue his claim.

In response to the commenter's suggestions we have added a new paragraph (i) to § 404.954a which contains a provision establishing "good cause" upon a showing of unusual or unavoidable circumstances, the nature of which demonstrates that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

The commenter also expressed concern over the wording of the first sentence in § 404.954a which states 'hat an extension "may" be granted if the individual establishes good cause for failure to file a timely request. The commenter indicated that unless the word "shall" is used in this sentence instead of the word "may", an Administrative Law Judge could deny a request for extension even after "good cause" has been established.

The wording in the first sentence of § 404.954a is not new. It is merely repetitive of the wording in § 404.954, which has been in existence for many years and which states: "For good cause shown, an Administrative Law Judge or the Appeals Council, as the case may be, may extend the time for filing such request or action." Similar language is also used in § 405.712 (with respect to reconsideration under the Hospital Insurance Benefits program), § 410.669 (with respect to hearing, Appeals Council review, and judicial review under the Black Lung Benefits program), and § 416.1473 (with respect to hearing, Appeals Council review, and judicial review under the Supplemental Security Income for the Aged, Blind, and Disabled program) of this chapter. No objections were received from the public with respect to the language used in these sections. Under the circumstances, a change of language is not deemed necessary.

Accordingly, with the addition of a new paragraph (i) to § 404.954a, the proposed amendment to the regulations is adopted as set forth below.

Effective date: This amendment shall be effective February 6, 1975.

(Catalog of Federal Domestic Assistance Programs No. 13.800 Health Insurance for the Aged—Hospital Insurance, No. 13.801 Health Insurance for the Aged—Supplementary Medical Insurance, No. 13.802 Social Security—Disability Insurance, No. 13.803 Social Security—Retirement Insurance, No. 13.804 Social Security—Special Benefits for Person Aged 72 and Over, No. 13.805 Social Security—Survivors Insurance.)

Dated: January 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart J of Regulations No. 4 is amended by adding § 404.954a to read as follows:

§ 404.954a "Good cause" for extension of time to request reconsideration, hearing, or review, or to begin civil action.

With regard to §§ 404.953 and 404.954, an extension of time to request reconsideration, hearing, or review, or to begin civil action may be granted if the individual establishes to the satisfaction of the Administrative Law Judge, the Appeals Council, or other component of the Social Security Administration, that his failure to file a timely request was due to good cause. In determining whether "good cause" for failure to file a timely request has been established by the individual, consideration is given to whether the failure to file the request within the proper time limit was the result of circumstances which impeded the individual's efforts to pursue his claim, misleading action of the Social Security Administration, or misunderstanding as to the requirements of the Act resulting from amendments to the Act, other legislation, or court decisions. For example, good cause for failure to file a timely request may be found where such failure resulted from the following circumstances:

(a) The individual was seriously ill or had a physical or mental impairment and such illness or impairment prevented him from contacting the Social Security Administration in person, or in writing, or through a friend, relative, or other person;

(b) There was a death or serious illness in the individual's immediate family;

(c) Pertinent records were destroyed or damaged by fire or other accidental cause;

(d) The individual was actively seeking evidence to perfect his claim and his search, though diligent, was not completed before the time period expired;

(e) The individual requested additional explanation concerning the Social Security Administration's decision within the time limit, provided that, within 60 days after receipt of such explanation, he requested reconsideration or hearing, or within 30 days after receipt of such explanation, he requested review or began a civil action;

(f) The individual was furnished incorrect or incomplete information by the Social Security Administration or was otherwise misled by a representative of the Social Security Administration about his right to request reconsideration, hearing, or review, or to begin a civil action.

(g) The individual failed to receive the notice of initial determination, reconsideration, decision of an Administrative Law Judge, or a decision of the Appeals Council;

(h) The individual transmitted the request to another Government agency in good faith within the time limit and the request did not reach the Social Security Administration until after the time period had expired; or

(i) Unusual or unavoidable circumstances exist, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

(Secs. 205 and 1102 of the Social Security Act, as amended; 53 Stat. 1368 as amended and 49 Stat. 647 as amended; 42 U.S.C. (405 and 1302))

[FR Doc.75-3424 Filed 2-5-75;8:45 am]

CHAPTER V—MANPOWER ADMINISTRATION

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

The "Emergency Unemployment Compensation Act of 1974", Public Law 93-572, 88 Stat. 1869, was approved by the President on December 31, 1974. The Act creates a new, temporary unemployment compensation program, financed from Federal funds, to furnish up to thirteen additional weeks of supplemental benefits to individuals covered by established unemployment compensation programs who are unemployed and unable to obtain work. Individuals may qualify for the supplemental benefits after exhausting their rights to regular unemployment benefits under State laws which are included in the Federal-State Unemployment Compensation Program, or under the Federal unemployment compensation laws for Federal employees and for ex-servicemen and ex-servicewomen (20 CFR Parts 609 and 614), and who have also exhausted their rights to Federal-State Extended Unemployment Compensation (20 CFR Part 615) or, in certain situations, have no rights to the extended

benefits. The supplemental benefits payable under the new Act (hereafter referred to as Federal Supplemental Benefits, or in shortened form as FSB) are payable through State unemployment compensation agencies in those States which have entered into an agreement under the Act with the Secretary of Labor of the United States. The first week in which the new program could become effective in any State was the first week beginning after December 31, 1974, which was the week beginning on January 5, 1975.

Part 618 is issued to effectuate the required implementation of the Act, and shall take effect February 6, 1975.

Since the new program of Federal Supplemental Benefits became effective in some States in the first week of January 1975, it is essential to publish the required implementing regulation in Part 618 as quickly as possible. For this reason I, as Secretary of Labor, find that, irrespective of 29 CFR 2.7, it is contrary to the public interest to publish Part 618 as a proposal with opportunity for comment, and for the same reason I find that it is necessary that it shall become effective February 6, 1975.

Although Part 618 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor to solicit and consider comments on the regulations it issues. Therefore, comments will be received, just as though Part 618 were a proposal, until March 14, 1975, after which time the comments received will be evaluated and, if warranted, the regulation will be appropriately revised. Meanwhile, in the interest of making Part 618 effective as soon as possible, it shall remain in force until revised.

Interested persons are invited to submit written data, views, or arguments on Part 618, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213, on or before March 14, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Part 618 is added to Title 20, Code of Federal Regulations. The new Part 618 reads as follows:

Sec.
618.1 Purpose.
618.2 Definitions.
618.3 Effective period of the program.
618.4 Eligibility requirements for Federal Supplemental Benefits.
618.5 Definition of "exhaustee."
618.6 Federal Supplemental Benefits: weekly amount.
618.7 Federal Supplemental Benefits: maximum amount.
618.8 Claims for Federal Supplemental Benefits.
618.9 Determination of entitlement; notice to individual.
618.10 Reconsideration and appeal of determination.
618.11 Provisions of State law applicable to claims.
618.12 The applicable State for an individual.
618.13 Restrictions on entitlement.
618.14 Overpayments; penalties.
618.15 Disclosure of information.
618.16 Federal Supplemental Benefit Period.
618.17 Determination of "on" and "off" indicators.
618.18 Announcement of beginning and ending of a Federal Supplemental Benefit Period.
618.19 Payments to States.
618.20 Information, reports and studies.

AUTHORITY: Pub. L. 93-572 (88 Stat. 1869).

§ 618.1 Purpose.

This regulation is promulgated to implement the "Emergency Unemployment Compensation Act of 1974", under which a State whose unemployment compensation law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954, and contains a requirement that extended compensation shall be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, as amended, may enter into an agreement with the Secretary of Labor whereby the unemployment compensation agency of the State will pay supplemental benefits to eligible individuals as specified in the Act. The benefits provided under the Act are hereafter referred to as Federal Supplemental Benefits, or FSB.

§ 618.2 Definitions.

For the purposes of the Act and this regulation:

(a) "Act" means the Emergency Unemployment Compensation Act of 1974.

(b) "Agreement" means the agreement entered into pursuant to § 102 of the Act, between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Federal Supplemental Benefits in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Base period" means, with respect to an individual, the base period as determined under the applicable State law for the individual's benefit year.

(e) "Benefit year" means the benefit year as defined in the applicable State law.

(f) "Extended benefit period" shall have the meaning assigned to the term by section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

(g) "Compensation" means cash benefits payable to individuals with respect to their unemployment.

(h) "Regular compensation" means compensation payable to an individual (including dependents' allowances) under any State law, including compensation payable pursuant to 5 U.S.C. Ch. 85, but not including extended compensation or additional compensation.

(i) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors.

(j) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. ch. 85.

(k) "Federal Supplemental Benefits" means the compensation payable under the Act to individuals eligible thereunder for the payments, and which is referred to as FSB.

(l) "Period of eligibility" means, in the case of any individual, the weeks in the individual's benefit year which begin in an extended benefit period or a Federal Supplemental Benefit Period and, if the benefit year ends within the extended benefit period; any weeks thereafter which begin in the extended benefit period or in the Federal Supplemental Benefit Period.

(m) "Secretary" means the Secretary of Labor of the United States.

(n) "State" means the States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(o) "State agency" means the agency of the State which administers the applicable State law.

(p) "State law" means the unemployment compensation law of a State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954.

(q) "Week" means, for purposes of eligibility for and payment of FSB, a week as defined in the applicable State law, and, for purposes of computations of Federal Supplemental Benefit "on" and "off" indicators and the beginning and ending of a Federal Supplemental Benefit Period, a calendar week.

(r) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law but less than the earnings allowance plus the individual's weekly amount of FSB. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance prescribed by the applicable State law but less than the earnings allowance plus the individual's weekly amount of FSB.

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§ 618.3 Effective period of the program.

(a) Except as provided in paragraph (b) of this section, FSB shall be payable with respect to any week of unemployment beginning:

(1) After December 31, 1974, or

(2) With the week after the week in which the State enters into an Agreement under the Act, or

(3) The first week after the date of enactment of the Act, whichever is the latest: *Provided*, That such weeks of unemployment begin in a Federal Supplemental Benefit Period.

(b) FSB shall not be payable to any individual with respect to any week of unemployment that:

(1) Ends after December 31, 1976; or

(2) Ends after March 31, 1977, in the case of an individual who had a week of unemployment ending January 1, 1977, with respect to which FSB was payable; even though there remains in effect an Agreement entered into pursuant to the Act and a Federal Supplemental Benefit Period.

(c) Notwithstanding any other provision of the Act or this regulation, FSB shall be payable solely through a State agency and only pursuant to an Agreement.

§ 618.4 Eligibility requirements for Federal Supplemental Benefits.

An individual is entitled to FSB for a week of unemployment which begins in the individual's period of eligibility if, with respect to such week, the individual is an exhaustee as defined in § 618.5, files a timely claim for FSB, and satisfies the pertinent requirements of the applicable State law as provided in the Act and this regulation.

§ 618.5 Definition of "exhaustee."

An individual is an exhaustee with respect to a week of unemployment if the individual:

(a) Is an exhaustee of regular compensation as prescribed in § 615.4 (b) and (c) of this chapter; and

(b) Is an exhaustee of extended compensation; that is, the individual has received, prior to that week, all the extended compensation available under a State law in the individual's most recent eligibility period, or the individual is not entitled to extended compensation because of the ending of the individual's eligibility period for extended compensation under the applicable State law or any other State law prior to the beginning of that week; and

(c) Has no right to any compensation, including regular, additional, and extended compensation, with respect to that week under the applicable State law or the State law of any other State, or the Hawaii Agricultural Unemployment Compensation Law, and has no right to compensation under the Railroad Unemployment Insurance Act or any other Federal unemployment compensation law; and

(d) The individual is not receiving compensation with respect to that week under the unemployment compensation law of the Virgin Islands or Canada.

§ 618.6 Federal Supplemental Benefits: weekly amount.

(a) *Total unemployment.* The weekly amount of FSB payable to an individual for a week of total unemployment in a period of eligibility shall be equal to the amount of regular compensation (including dependents' allowances) payable to the individual for a week of total unemployment during the individual's current benefit year, of if the individual has no current benefit year, during the most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during the benefit year, the weekly amount of FSB for total unemployment shall be the weekly amount payable under the applicable State law with respect to extended compensation.

(b) *Partial and part-total unemployment.* The weekly amount of FSB payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation.

§ 618.7 Federal Supplemental Benefits: maximum amount.

(a) The State agency of the applicable State shall establish a Federal Supplemental Benefit Account for each individual determined to be eligible for FSB, in an amount equal to the lesser of—

(1) Fifty per centum of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's applicable benefit year; or

(2) Thirteen times the individual's average weekly benefit amount of regular compensation (including dependents' allowances), as determined pursuant to § 618.6(a).

(b) If, after a Federal Supplemental Benefit Account is established, it is determined as the result of a redetermination or appeal that the individual was entitled to more or less of regular or more or less of extended compensation, the individual's status as an exhaustee for the purposes of the Act shall be redetermined as of new date of exhaustion of extended compensation and an appropriate change shall be made in the individual's Federal Supplemental Benefit Account.

§ 618.8 Claims for Federal Supplemental Benefits.

(a) An initial claim for FSB shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) Claims for FSB for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) The procedures for reporting and filing claims for FSB shall be consistent with the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (Employment Security Manual, Part V, sections 5000 et seq.).

§ 618.9 Determination of entitlement; notice to individual.

(a) The State agency shall, promptly upon the filing of an initial claim for FSB, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the weekly and maximum amounts of FSB payable to the individual.

(b) The State agency shall give notice in writing to the individual of any determination of an initial claim and determinations of all subsequent claims with respect to weeks of unemployment, and each notice of determination shall include such information regarding the determination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations with respect to claims for regular compensation.

(c) The procedures for making determinations and furnishing written notices of determinations to individuals claiming FSB shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

§ 618.10 Reconsideration and appeal of determination.

(a) *Reconsideration.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to FSB. Written notice of redetermination, with notice of right to appeal, shall be furnished to the individual claiming FSB and shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

(b) *Appeal.* (1) The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for on entitlement to FSB.

(2) The provisions on right of appeal and opportunity for a fair hearing with respect to claims for FSB shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

§ 618.11 Provisions of State law applicable to claims.

(a) Except where the result would be inconsistent with the provisions of the Act, or this regulation and the procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, FSB. The provisions of the applicable State law which shall apply to claims for, and the payment of, FSB include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to FSB;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) The Interstate Benefit Payment Plan shall apply where appropriate, to individuals filing claims for FSB.

(c) The Interstate Arrangement for Combining Employment and Wages (20 CFR Part 616) shall apply, where appropriate, to individuals filing claims for FSB: *Provided*, That the "Paying State" shall be the applicable State as prescribed in § 618.12.

(d) The provisions of the applicable State law which apply hereunder to claims for, and the payment of, FSB shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular and extended compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this regulation.

§ 618.12 The applicable State for an individual.

(a) The applicable State for an individual is the State with respect to which the individual most recently exhausted rights to regular and extended compensation.

(b) FSB is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 618.13 Restrictions on entitlement.

(a) An individual who is entitled with respect to a week to both FSB and a training allowance under section 203 of the Manpower Development and Training Act of 1962 shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(b) An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 shall not, by reason of entitlement to a payment under that Act, be disqualified for a payment of FSB to which the individual otherwise is entitled.

(c) If the week of unemployment for which an individual claims FSB is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to such compensation, the individual shall not be entitled to a payment of FSB for that week.

§ 618.14 Overpayments; penalties.

(a) If the State agency of the applicable State or a court of competent jurisdiction finds, after a determination and opportunity for a fair hearing thereon, that an individual has received a payment of FSB to which the individual was not entitled under the Act and this regulation, irrespective of whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under the applicable State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

(b) In addition to recovery in the manner prescribed in paragraph (a) of this section, the State agency of the applicable State, or the State agency of any other applicable State, shall recover any payment to which an individual was not entitled by offset against any further payment to which the individual lawfully may be otherwise entitled under the Act and this regulation.

(c) In addition, the provisions of 5 U.S.C. 8507 shall be applicable in the event of fraudulent overpayments of FSB to former Federal employees and ex-servicemen and ex-servicewomen.

(d) FSB payable to an individual under the Act and this regulation shall not be available for the recovery by offset of any debt due to any State or the United States or any overpayment under any other State or Federal law providing for assistance or an allowance with respect to an individual's unemployment. Overpayments of FSB shall be recoverable only as provided in this section, or by civil suit against the individual concerned, and shall not be recoverable by offsetting any sum due to the individual under any State law or under any other Federal law providing for payments to individuals for the relief of unemployment.

(e) Overpayments recovered pursuant to this section, 5 U.S.C. 8507, or in any other manner, shall be credited or returned, as the case may be, to the appropriate account of the United States.

(f) Any provision of the applicable State law providing for waiver of recovery of overpayments of compensation shall not be applicable to FSB. However, provisions of the applicable State law relating to disqualification for fraudulently claiming or receiving a payment of compensation shall apply to claims for and payments of FSB.

(g) Recovery of any overpayment of FSB shall not be enforced by a State agency until the determination establishing the overpayment has become final or the decision after opportunity for a fair hearing has become final.

(h) Procedures for the determination of overpayments of FSB, and opportunity for a hearing thereon, shall accord with the procedures under the applicable State law for determinations and hearings with respect to overpayments of compensation, and shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act.

(i) Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of FSB shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (Employment Security Manual, Part V, sections 7510 et seq.).

§ 618.15 Disclosure of information.

Information obtained by a State agency in administering the Act shall be kept confidential, and may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information obtained in the administration of the Act shall not apply, however, to the U.S. Department of Labor or in the case of information and reports requested pursuant to § 618.20.

§ 618.16 Federal Supplemental Benefit Period.

(a) A Federal Supplemental Benefit Period shall begin in a State on the first day of the third calendar week following the week for which there is a Federal Supplemental Benefit "on" indicator in the State, but in no event shall a Federal Supplemental Benefit Period commence with a week beginning before January 5, 1975.

(b) Except as provided in paragraph (c) of this section, a Federal Supplemental Benefit Period in a State shall end on the last day of the third calendar week after the first week for which there is a Federal Supplemental Benefit "off" indicator in that State.

(c) A Federal Supplemental Benefit Period which becomes effective in any State shall continue for not less than 26 consecutive weeks, but in no event shall FSB be paid for any week beginning before or ending after the dates specified in § 618.3.

§ 618.17 Determination of "on" and "off" indicators.

(a) There is a Federal Supplemental Benefit "on" indicator in a State for a week if the Secretary determines with respect to that State that there is a State or National "on" indicator for the week as determined under subsection (d) or (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended.

(b) There is a Federal Supplemental Benefit "off" indicator in a State for a week if the Secretary determines with respect to that State that there is both a State and a National "off" indicator for the week as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended.

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§ 618.18 Announcement of the beginning and ending of a Federal Supplemental Benefit Period.

(a) In the case of Federal Supplemental Benefit indicators based on National indicators under the Federal-State Extended Unemployment Compensation Act of 1970, as amended—

(1) Whenever the Secretary determines that there is an "off" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Federal Supplemental Benefit Period will commence and information regarding the nationwide scope of the Federal Supplemental Benefit Program.

(2) Whenever the Secretary determines that there is an "off" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "off" indicator, the week when the Federal Supplemental Benefit Period will end, and each State which shall remain in a Federal Supplemental Benefit Period because there was not for that week a State "off" indicator as prescribed in section 203(e) of the Federal-State Extended Unemployment Compensation Act of 1970.

(3) The Secretary shall also notify appropriate news media and the heads of all State agencies of the determination of an "on" or "off" indicator and of its effect.

(b) In the case of Federal Supplemental Benefit indicators, when there is not in effect a Federal Supplemental Benefit Period based on a National "on" indicator under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, the Secretary shall cause to be published in the FEDERAL REGISTER the determination that there is a Federal Supplemental Benefit "on" or "off" indicator in a State which has entered into an Agreement that is in effect, and the beginning or ending date, as the case may be, of the Federal Supplemental Benefit Period in that State.

(c) Whenever the head of a State agency is notified of the Secretary's determination that a Federal Supplemental Benefit "on" or "off" indicator will begin or end a Federal Supplemental Benefit Period in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Federal Supplemental Benefit Period through appropriate news media in the State. In the case of a Federal Supplemental Benefit Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for FSB during the period; and in the case of a Federal Supplemental Benefit Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to FSB will be terminated.

(d) (1) Whenever there has been a determination that a Federal Supplemental Benefit Period will begin in a State, the State agency shall provide prompt written notice of potential entitlement to FSB to each individual who is an exhaustee of regular and extended compensation as prescribed in § 618.5.

(2) The State agency shall provide the same notice promptly to each individual who exhausts rights to regular and extended compensation, as prescribed in § 618.5, during a Federal Supplemental Benefit Period.

(e) Whenever there has been a determination that a Federal Supplemental Benefit Period will end in a State, the State agency shall provide written notice to each individual who is currently filing claims for FSB of the forthcoming end of the Federal Supplemental Benefit Period and its effect on the individual's right to compensation.

§ 618.19 Payments to States.

(a) *Federal Supplemental Benefits.* The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an Agreement, either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of FSB in accordance with the Act and this regulation and the procedures thereunder prescribed by the Secretary; except that the amounts certified shall not include sums for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with the certifications, by transfers from the extended unemployment compensation account in the Unemployment Trust Fund to the account of the State in the Fund.

(b) *Costs of administration.* With the amount certified by the Secretary for payment to each State, pursuant to title III of the Social Security Act, for the purpose of assisting the State in the administration of the State law, there shall be included such amount as the Secretary determines to be necessary for the proper and efficient administration of the Act by the State. Sections 303 (a) (8) and 303(a) (9) of the Social Security Act shall apply to amounts paid to a State for costs of administration of the Act.

§ 618.20 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

Effective date. Part 618 shall become effective February 6, 1975.

Signed at Washington, D.C. this 30th day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3411 Filed 2-5-75;8:45 am]

PART 619—SPECIAL UNEMPLOYMENT ASSISTANCE

Implementation

Title II of the "Emergency Jobs and Unemployment Assistance Act of 1974", Public Law 93-567, 88 Stat. 1845, was approved by the President on December 31, 1974. The Act creates a new, temporary program of unemployment assistance, financed from Federal funds, to furnish up to twenty-six weeks of unemployment benefits to individuals who are unemployed and unable to obtain work, and who have no rights to compensation under established unemployment compensation laws or to assistance or allowances with respect to their unemployment under other Federal laws. Special Unemployment Assistance (referred to in shortened form as SUA) is payable through State unemployment compensation agencies in those States which have entered into an agreement under the Act with the Secretary of Labor of the United States. In the light of the fact that the rate of national unemployment averaged more than 6.0 per centum for the three month period of September to November 1974, the Special Unemployment Assistance Program became effective with the week beginning on December 22, 1974.

Part 619 is issued to effectuate the required implementation of the Act, and shall take effect February 6, 1975.

Since the new program of Special Unemployment Assistance became effective in many States with the week beginning on December 22, 1974, it is essential to publish the required implementing regulation in Part 619 as quickly as possible. For this reason I, as Secretary of Labor, find that, irrespective of 29 CFR 2.7, it is contrary to the public interest to publish Part 619 as a proposal with opportunity for comment, and for the same reason I find that it is necessary that Part 619 shall become effective February 6, 1975.

Although Part 619 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor to solicit and consider comments on the regulations it issues. Therefore, comments will be received, just as though Part 619 were a proposal, until March 14, 1975, after which time the comments received will be evaluated and, if warranted, the regulation will be appropriately revised. Meanwhile, in the interest of making Part 619 effective as soon as possible, it shall remain in force until revised.

Interested persons are invited to submit written data, views, or arguments on Part 619, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213, on or before March 14, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Part 619 is added to Title 20, Code of Federal Regulations. The new Part 619 reads as follows:

Sec.
619.1 Purpose.
619.2 Definitions.
619.3 Effective period of the program.
619.4 Eligibility requirements for Special Unemployment Assistance.
619.5 Special Unemployment Assistance: weekly amount.
619.6 Special Unemployment Assistance: maximum amount.
619.7 Claims for Special Unemployment Assistance.
619.8 Determination of entitlement; notice to individual.
619.9 Reconsideration and appeal of determination.
619.10 Provisions of State law applicable to claims.
619.11 The applicable State for an individual.
619.12 Restrictions on entitlement.
619.13 Overpayments; penalties.
619.14 Disclosure of information.
619.15 Special Unemployment Assistance Period.
619.16 Determination of national and area unemployment rates.
619.17 Determination of "on" and "off" indicators.
619.18 Announcement of the beginning and ending of a Special Unemployment Assistance Period.
619.19 Grants to States.
619.20 Information, reports and studies.

AUTHORITY: Pub. L. 93-567 (88 Stat. 1845).

§ 619.1 Purpose.

The regulation in this part is issued to carry out the purpose of establishing a temporary program of Special Unemployment Assistance (SUA) for individuals who are unemployed during a period of aggravated unemployment and who are not otherwise eligible for unemployment compensation or allowance with respect to their unemployment under any other law.

§ 619.2 Definitions.

For the purposes of the Act and this regulation:

(a) "Act" means title II of the "Emergency Jobs and Unemployment Assistance Act of 1974", providing for the Special Unemployment Assistance Program.

(b) "Agreement" means an agreement entered into pursuant to section 202 of the Act, between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Special Unemployment Assistance in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Area" means an area designated by the Secretary as an area served by an entity which is eligible to be a prime sponsor under section 102(a) of the Comprehensive Employment and Training Act of 1973.

(e) "Compensation" means cash benefits payable to individuals with respect to their unemployment, and includes regular, additional, extended, and emergency compensation as defined herein, and unemployment compensation payable under the Hawaii Agricultural Unemployment Compensation Law and the Railroad Unemployment Insurance Act.

(f) "Regular compensation" means compensation payable to an individual (including dependents' allowances) under any State law, including compensation payable pursuant to 5 U.S.C. ch. 85, but not including extended compensation or additional compensation.

(g) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors.

(h) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. ch. 85.

(i) "Emergency compensation" means compensation payable under the Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572), and referred to as Federal Supplemental Benefits (20 CFR Part 618).

(j) "Not covered" means services performed by an individual for another as an employee (as defined in 26 U.S.C. 3306 (i)) within a State or within or among two or more States, or on or in connection with an American vessel or American aircraft (as specified and defined in 26 U.S.C. 3306 (c), (m), and (n)), or outside of the States (except in Canada) for an American employer (as defined in 26 U.S.C. 3306(j)(3)) if the individual is a citizen of the United States, if the services are not services covered for the purpose of determining eligibility for compensation under a State law, the Hawaii Agricultural Unemployment Compensation Law, the Railroad Unemployment Insurance Act, or 5 U.S.C. ch. 85.

(k) "Secretary" means the Secretary of Labor of the United States.

(l) "Special Unemployment Assistance" (referred to herein as SUA) means the benefits payable under the Act to individuals who are not entitled to compensation as defined herein.

(m) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(n) "State agency" means the agency of the State which administers the applicable State law.

(o) "State law" means the unemployment compensation law of a State which has been approved by the Secretary under section 3304 of the Internal Revenue Code of 1954, and further means, with respect to the Virgin Islands, the unemployment compensation law of the Virgin Islands.

(p) "Wages" means remuneration for services performed for another in an employer-employee relationship.

(q) "Waiting period" means the waiting period as provided in the applicable State law.

(r) "Week" means a calendar week.

(s) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law but less than the earnings allowance plus the individual's weekly amount of SUA. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance prescribed by the applicable State law but less than the earnings allowance plus the individual's weekly amount of SUA.

§ 619.3 Effective period of the program.

(a) Except as provided in paragraphs (b) and (c) of this section, SUA shall be payable, or waiting period credited, with respect to a week of unemployment commencing with the week beginning on December 22, 1974.

(b) SUA shall not be payable to any individual with respect to any week of unemployment ending after March 31, 1976; and no individual shall be entitled to a payment of SUA with respect to any week of unemployment which begins after December 31, 1975, unless the individual has filed an initial claim for SUA which is effective with respect to a week that begins on or before December 31, 1975.

(c) Notwithstanding any other provision of the Act or this regulation, SUA shall be payable solely through a State agency and only pursuant to an Agreement.

§ 619.4 Eligibility requirements for Special Unemployment Assistance.

An individual shall be eligible to receive a payment of SUA or waiting period credit with respect to a week of unemployment which begins during a Special Unemployment Assistance Period, in accordance with the provisions of the Act and this regulation, if that week is within the effective period of the program as set forth in § 619.3, and if, with respect to that week, all of the following requirements of (a) through (f) are met.

(a) The individual (1) is not eligible for compensation under any State or Federal unemployment compensation law, including the State law of any State, 5 U.S.C. ch. 85, the Railroad Unemployment Insurance Act, the Emergency Unemployment Compensation Act of 1974, and the Hawaii Agricultural Unemployment Compensation Law, with respect to that week of unemployment; (2) is not receiving compensation with respect to that week of unemployment under the

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unemployment compensation law of Canada; and (3) is not eligible for assistance or an allowance payable with respect to that week of unemployment under such laws as the Public Works and Economic Development Act Amendments of 1974, the Disaster Relief Act of 1974, the Trade Expansion Act of 1962, as amended, or any successor legislation or similar legislation, as determined by the Secretary.

(b) The individual meets the qualifying employment and wage requirements of the applicable State law in a base year which, notwithstanding the State law, shall be the 52-week period preceding the first week with respect to which the individual (1) files a timely initial claim for SUA; (2) is totally, part-totally, or partially unemployed; and (3) meets such qualifying employment and wage requirements; and for the purpose of this paragraph employment and wages which are not covered by the applicable State law shall be treated as though they were covered, and shall be combined with employment and wages covered by any State or Federal unemployment compensation law, including the Railroad Unemployment Insurance Act and the Hawaii Agricultural Unemployment Compensation Law, in determining whether the individual meets the qualifying employment and wage requirements of the applicable State law, except that employment and wages shall be excluded for this purpose to the extent that individual is or was entitled to compensation on the basis of such employment and wages under any unemployment compensation law, and employment and wages considered in determining an individual's eligibility for and entitlement to SUA shall not thereafter be considered in determining the individual's eligibility for an entitlement to SUA in connection with any further claim for SUA.

For the purpose of determining an individual's eligibility for SUA under a State law that bases eligibility on employment or wages by calendar quarters, any employment and wages during the 52-week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters or shall be combined and treated as falling within one quarter, whichever is most advantageous to the individual.

(c) The individual is totally, part-totally, or partially unemployed, and is able to work, available for work, and seeking work within the meaning of, or as required by, the applicable State law, and is not subject to disqualification under that law as provided in § 619.12(d), with respect to that week of unemployment.

(d) The individual has filed a timely initial claim for SUA, and, as appropriate, has filed a timely claim for waiting period credit or a payment of SUA with respect to that week of unemployment.

(e) In the area in which the individual was last employed for at least five workdays prior to filing an initial claim for SUA, a Special Unemployment Assistance Period is in effect with respect to that week of unemployment: *Provided*, That if the individual, except for the imposition of a disqualification, was otherwise eligible for a payment of SUA or waiting period credit with respect to a week of unemployment which began during a Special Unemployment Assistance Period, but did not exhaust entitlement to SUA during the period, entitlement shall continue after the end of the period, but SUA shall not be payable for any week of unemployment that begins more than twenty-six weeks after the end of the period or after the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

(f) The State in which the individual was last employed for at least five workdays, prior to filing an initial claim for SUA, entered into an Agreement which is in effect with respect to that week of unemployment.

§ 619.5 Special Unemployment Assistance: weekly amount.

(a) *Total unemployment.* (1) The weekly amount of SUA payable to an eligible individual for a week of total unemployment shall be the weekly benefit amount for a week of total unemployment that would be payable to the individual as regular compensation (including dependents' allowances), as computed under the provisions of the applicable State law: *Provided*, That, in computing the individual's weekly benefit amount, the base year, notwithstanding the applicable State law, shall be the fifty-two week period preceding the first week with respect to which the individual (i) files a timely initial claim for SUA; (ii) is totally, part-totally, or partially unemployed; and (iii) meets the qualifying employment and wage requirements as set forth in § 619.4(b), and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall be treated in the same manner and with the same effect and exception as is provided in § 619.4(b).

(2) If the individual would have more than one weekly amount of regular compensation for total unemployment computed under the provisions of the applicable State law in accordance with this paragraph, the weekly amount of SUA for total unemployment shall be (i) the average amount determined by (A) multiplying each weekly amount, including dependents' allowances, payable for total unemployment, by the number of weeks for which each amount would be payable, (B) totaling the products so obtained, and (C) dividing this sum by the total number of weeks involved in the computation; or (ii) the amount that is reasonably representative of the weekly amounts of regular compensation computed under the provisions of the applicable State law.

(b) *Partial and part-total unemployment.* The weekly amount of SUA payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation.

(c) For the purpose of computing an individual's weekly amount of SUA under a State law that calculates the weekly benefit amount on the basis of distribution of employment or wages among calendar quarters, any wages during the 52-week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, or be added together and treated as wages in one quarter, whichever is most advantageous to the individual.

§ 619.6 Special Unemployment Assistance: maximum amount.

(a) The maximum amount of SUA which an individual shall be entitled to receive with respect to any initial claim shall be the maximum amount of regular compensation that would be payable to the individual as computed under the provisions of the applicable State law on the basis of the individual's employment and wages creditable for this purpose under the Act and this regulation, but not exceeding twenty-six times the weekly benefit amount payable to the individual for a week of total unemployment as determined under § 619.5: *Provided*, That, for the purpose of computing an individual's maximum amount of SUA the individual's base year, notwithstanding the State law, shall be the fifty-two week period preceding the first week with respect to which the individual (1) files a timely initial claim for SUA; (2) is totally, part-totally, or partially unemployed; and (3) meets the qualifying employment and wage requirements as set forth in § 619.4(b), and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall be treated in the same manner and with the same effect and exception as is provided in § 619.4(b).

(b) (1) A Special Unemployment Assistance Account shall be established for each individual determined to be eligible for SUA, in the sum of the maximum amount potentially payable to the individual as computed in accordance with paragraph (a) of this section.

(2) If it is subsequently determined as the result of a redetermination or appeal that the individual is entitled to a different amount of SUA than was originally determined, an appropriate change shall be made in the individual's Special Unemployment Assistance Account.

§ 619.7 Claims for Special Unemployment Assistance.

(a) An initial claim for SUA shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) Claims for waiting period credit and payments of SUA for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) The procedures for reporting and filing claims for SUA shall be consistent with the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (*Employment Security Manual*, Part V, sections 5000 et seq.).

§ 619.8 Determination of entitlement; notice to individual.

(a) (1) The State agency shall, promptly upon the filing of an initial claim for SUA, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the weekly and maximum amounts of SUA payable to the individual.

(2) Notwithstanding the provisions of the applicable State law, an individual's eligibility for SUA may be determined, where a record of employment and wages is not available, on the basis of an affidavit submitted to the State agency by the individual.

(b) The State agency shall give notice in writing to the individual of any determination of an initial claim and determinations of all subsequent claims with respect to weeks of unemployment (and any claim with respect to a waiting week, if applicable), and each notice of determination shall include such information regarding the determination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations with respect to claims for regular compensation.

(c) The procedures for making determinations and furnishing written notices of determinations to individuals claiming SUA shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

§ 619.9 Reconsideration and appeal of determination.

(a) *Reconsideration.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to SUA. Written notice of redetermination, with notice of right to appeal, shall be furnished to the individual claiming SUA, and shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

(b) *Appeal.* (1) The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to SUA.

(2) The provisions on right of appeal and opportunity for a fair hearing with respect to claims for SUA shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

§ 619.10 Provisions of State law applicable to claims.

(a) Except where the result would be inconsistent with the provisions of the Act, or this regulation and procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, SUA. The provisions of the applicable State law which shall apply to claims for, and the payment of, SUA include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to SUA and waiting period credit;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) The Interstate Benefit Payment Plan shall apply, where appropriate, to individuals filing claims for SUA.

(c) The provisions of the applicable State law which apply hereunder to claims for, and the payment of, SUA shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this regulation.

§ 619.11 The applicable State for an individual.

(a) The applicable State for an individual shall be that State in which the individual last worked for at least five workdays prior to filing a timely initial claim for SUA, and with respect to which the individual is determined to be eligible for SUA.

(b) SUA is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 619.12 Restrictions on entitlement.

(a) An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual has received or is entitled to receive a payment with respect to unemployment under any of the following laws:

(1) Any State law or the Agricultural Unemployment Compensation Law of Hawaii;

(2) Any Federal unemployment compensation law, including 5 U.S.C. chapter 85 and the Railroad Unemployment Insurance Act, but not including the Act;

(3) The Emergency Unemployment Compensation Act of 1974;

(4) The Public Works and Economic Development Act Amendments of 1974;

(5) The Disaster Relief Act of 1974;

(6) The Trade Expansion Act of 1962 or the Trade Act of 1974;

(7) Any other Federal law which is a successor to any of the laws referred to in (3) through (6) or is similar to such laws in providing for the payment of assistance or an allowance with respect to unemployment.

(b) An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual is receiving compensation under the unemployment compensation law of Canada.

(c) Employment and wages creditable pursuant to § 619.4(b) in determining an individual's eligibility for SUA shall not include employment or wages earned or paid for employment which is contrary to or prohibited by any Federal law.

(d) If the week of unemployment for which an individual claims SUA is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to such compensation, the individual shall not be entitled to a payment of SUA for that week: *Provided*, That employment or wages required by a State law to end a disqualification shall not be applied subject to any restriction that the employment or wages must be covered under an unemployment compensation law.

(e) An individual who is entitled with respect to a week of unemployment to both SUA and a training allowance under § 203 of the Manpower Development and Training Act of 1962 shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(f) An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 shall not, by reason of entitlement to a payment under that Act, be disqualified for a payment of SUA to which the individual otherwise is entitled.

§ 619.13 Overpayments; penalties.

(a) If the State agency of the applicable State or a court of competent jurisdiction finds, after a determination and opportunity for a fair hearing thereon, that an individual has received a payment of SUA to which the individual was not entitled under the Act and this regulation, irrespective of whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under the applicable State law or Federal law to recover for the account of the

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United States the total sum of the payment to which the individual was not entitled.

(b) In addition to recovery in the manner prescribed in paragraph (a) of this section, the State agency of the applicable State, or the State agency of any other applicable State, shall recover any payment to which an individual was not entitled by offset against any further payment to which the individual lawfully may be otherwise entitled under the Act and this regulation.

(c) In any case where an individual's eligibility for SUA is determined on the basis of an affidavit submitted pursuant to section 205(b) of the Act, the individual who submits such affidavit, and knowingly provides false information therein, shall be ineligible for any payment of SUA under the Act and this regulation, and the individual shall, in addition, be subject to prosecution under section 1001 of title 18, United States Code.

(d) SUA payable to an individual under the Act and this regulation shall not be available for the recovery by offset of any debt due to any State or the United States or an overpayment under any other law referred to in this regulation. Overpayments of SUA shall be recoverable only as provided in this section, or by civil suit against the individual concerned, and shall not be recoverable by offsetting any sum due to the individual under any State law or under any other Federal law providing for payments to individuals for the relief of unemployment.

(e) Overpayments recovered pursuant to this section, section 205(b) of the Act, or in any other manner, shall be credited or returned, as the case may be, to the appropriate account of the United States.

(f) Any provision of the applicable State law providing for waiver of recovery of overpayments of compensation shall not be applicable to SUA. However, provisions of the applicable State law relating to disqualification for fraudulently claiming or receiving a payment of compensation shall apply to claims for and payments of SUA.

(g) Recovery of any overpayment of SUA shall not be enforced by a State agency until the determination establishing the overpayment has become final or the decision after opportunity for a fair hearing has become final.

(h) Procedures for the determination of overpayments of SUA, and opportunity for a hearing thereon, shall accord with the procedures under the applicable State law for determinations and hearings with respect to overpayments of compensation, and shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act.

(i) Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of SUA shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud" and

there is an "on" indicator in the area, and shall terminate with the last day of the third calendar week after the first week for which there is an "off" indicator in the area.

§ 619.14 Disclosure of information.

Information obtained by a State agency in administering the Act shall be kept confidential, and may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information obtained in the administration of the Act shall not apply, however, to the U.S. Department of Labor or in the case of information and reports requested pursuant to § 619.20.

§ 619.15 Special Unemployment Assistance Period.

(a) A Special Unemployment Assistance Period shall begin in an area of a State on the first day of the third calendar week after the week for which Overpayment Detection" (Employment Security Manual, Part V, section 7510 et seq.).

(b) A Special Unemployment Assistance Period which triggers "on" in any area shall have a duration of not less than thirteen weeks, but in no event shall SUA be paid for any week beginning before or ending after the dates specified in § 619.3.

§ 619.16 Determination of national and area unemployment rates.

The Secretary shall determine the national and area unemployment rates for the purposes of establishing the beginning and ending dates of a Special Unemployment Assistance Period in any area. In making a determination the Secretary shall use:

(a) For a national unemployment rate, the rate (seasonally adjusted) of national unemployment for all States, as determined by the Secretary.

(b) For an area unemployment rate, the rate of unemployment (not seasonally adjusted) in the area, as determined by the Secretary.

§ 619.17 Determination of "on" and "off" indicators.

(a) There shall be an "on" indicator in an area for a week, if for the most recent three consecutive calendar months ending before that week, for which data are available, the Secretary determines that:

(1) The rate of national unemployment (seasonally adjusted) averages 6.0 per centum or more; or

(2) The rate of unemployment in the area (not seasonally adjusted) averaged 6.5 per centum or more.

(b) There shall be an "off" indicator for a week if, for the most recent three consecutive calendar months ending before that week for which data are available, the Secretary determines that both paragraphs (a)(1) and (a)(2) of this section are not satisfied.

§ 619.18 Announcement of the beginning and ending of a Special Unemployment Assistance Period.

(a) In the case of an indicator based on the rate of national unemployment—

(1) Whenever the Secretary determines that there is an "on" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Special Unemployment Assistance Period will commence, and information regarding the nationwide scope of the Special Unemployment Assistance Program.

(2) Whenever the Secretary determines that there is an "off" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination and shall include in such notice the week for which there was an "off" indicator, the week when the Special Unemployment Assistance Period will end, and the areas which shall remain in a Special Unemployment Assistance Period by reason of area continuing "on" indicators.

(3) The Secretary shall also notify appropriate news media and the heads of all State agencies of the determination of an "on" or "off" indicator and of its effect.

(b) In the case of area indicators, when there is not in effect an "on" indicator based on the rate of national unemployment, the Secretary shall cause to be published in the FEDERAL REGISTER any determination made by the Secretary that there is an "on" or "off" indicator in an area, the area to which the determination is applicable, and the beginning or ending date, as the case may be, of the Special Unemployment Assistance Period in the area, where the State in which the area is located has entered into an Agreement which is in effect.

(c) Whenever the head of a State agency is notified of the Secretary's determination that an "on" or "off" indicator will begin or end a Special Unemployment Assistance Period in an area in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Special Unemployment Assistance Period through appropriate news media in the State. In the case of a Special Unemployment Assistance Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for SUA during the period; and in the case of a Special Unemployment Assistance Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to SUA will be terminated. Whenever there has been a determination that a Special Unemployment Assistance Period will terminate in a State, the State agency shall provide written notice to each individual who is currently filing claims for SUA of the forthcoming

end of the Special Unemployment Assistance Period and its effect on the individual's right to assistance.

§ 619.19 Grants to States.

Each State which has entered into an Agreement shall be paid by the United States, from time to time, prior to audit or settlement by the General Accounting Office, and either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of SUA in accordance with the Act and this regulation and the procedures thereunder prescribed by the Secretary, and such amounts as are determined by the Secretary to be equal to the necessary costs for the proper and efficient administration of the Act by the State.

§ 619.20 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

Effective date. Part 619 shall become effective February 6, 1975.

Signed at Washington, D.C., this 30th day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3410 Filed 2-5-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-75-261]

PART 2205—FEDERAL DISASTER ASSISTANCE

Interim Rules; Individual and Family Grant Application

On May 22, 1974, the President signed into law the Disaster Relief Act of 1974 (42 U.S.C. 5121 note.). This new law applies to any major disaster declared after April 1, 1974. However, section 408, Individual and Family Grant Programs, of the Act takes effect as of April 20, 1973. Section 408 authorizes "grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster in those cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this Act, or from other means * * *."

On August 5, 1974, the Federal Disaster Assistance Administration published Interim Regulations, 24 CFR 2206 (39 FR 28212), to implement the Disaster Relief Act of 1974. Section 2205.48 of these regulations sets forth the availability and procedures for requesting Federal assistance under section 408. In order for section 408 assistance to be available following a major disaster, a Governor must submit a request for assistance to the appropriate Regional Director pursuant to § 2205.48(d) of those regulations.

The Administrator of the Federal Disaster Assistance Administration has determined that the provision of assistance to disaster victims requires a timely determination on the part of a Governor of an affected State as to the application for section 408, Individual and Family Grant Programs. Therefore, the Administrator is publishing this notice to prescribe a time limit for a Governor to request Federal assistance under Section 408 for all major disasters declared prior to the date of this notice. The setting of a time limit for such Governor's request will enable the disaster victims and the Federal Government to know whether the section 408 Individual and Family Grant Programs will be available in an affected State.

Because of the character of disaster assistance, this notice must be operative as soon as possible in order to reflect the legislative mandate. Therefore, notice and public comment procedure are impractical and contrary to the public interest. For the aforesaid reasons and the fact that this notice confers a benefit on the public, good cause exists for making this notice effective upon publication.

Pursuant to the authority contained in section 7(d) of the Department of Housing and Urban Development Act (79 Stat. 670, 42 U.S.C. section 3535(d)) and the Disaster Relief Act of 1974 (42 U.S.C. 5121 note.), the Administrator of the Federal Disaster Assistance Administration publishes the following notice:

Whereas, section 408(e) of the Disaster Relief Act of 1974 (42 U.S.C. 5121 note.) states that section 408 takes effect as of April 20, 1973;

Whereas, Interim Regulations and Delegations of Authority to implement the Disaster Relief Act of 1974 (including section 408) were published August 5, 1974 (39 FR 28212);

Whereas, all Governors of affected States have been advised as to the availability and procedures for requesting Federal assistance under this section;

Now therefore, as Administrator of the Federal Disaster Assistance Administration, I hereby determine that for all major disasters declared subsequent to April 20, 1973, but prior to February 5, 1975, the effective date of this notice, applications by a Governor for assistance pursuant to section 408 of the Disaster Relief Act of 1974 must be made to the appropriate Regional Director of the Federal Disaster Assistance Administration not later than March 21, 1975.

Effective date: This notice shall be effective on February 5, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-3387; Filed 2-5-75;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2601—BYLAWS OF THE PENSION BENEFIT GUARANTY CORPORATION

Section 4002(f) of the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, 88 Stat. 829, requires that the Bylaws of the Pension Benefit Guaranty Corporation be published in the FEDERAL REGISTER not less often than once each year. Accordingly the Bylaws of the Corporation are set forth below.

As the Bylaws involve agency organization and procedure, a previous general notice of proposed rule making is not required.

Effective date: These Bylaws became effective on September 5, 1974 pursuant to the action of the Board of Directors.

Chapter XXVI of Title 29, Code of Federal Regulations, is amended by adding a new Part 2601, reading as follows:

Sec.
2601.1 Name.
2601.2 Offices.
2601.3 Board of Directors.
2601.4 Chairman.
2601.5 Quorum.
2601.6 Meetings.
2601.7 Place of meetings; use of conference call comunications equipment.
2601.8 Amendments.

AUTHORITY: Pub. L. 93-406, 88 Stat. 829.

§ 2601.1 Name.

The name of the Corporation is the Pension Benefit Guaranty Corporation.

§ 2601.2 Offices.

The principal office of the Corporation shall be in the Metropolitan area of the City of Washington, District of Columbia. The Corporation may have additional offices at such other places as the Board of Directors may deem necessary or desirable to the conduct of its business.

§ 2601.3 Board of Directors.

(a) The Board of Directors shall establish the policies of the Corporation and shall perform the other functions assigned to the Board of Directors in Title IV of the Employee Retirement Income Security Act of 1974. The Board of Directors of the Corporation shall be composed of the Secretary of Labor, the Secretary of the Treasury, and the Secretary of Commerce. Members of the Board shall serve without compensation, but shall be reimbursed by the Corporation for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board. A person at the time of a meeting of the Board of Directors who is serving as Secretary of Labor, Secretary of the Treasury or Secretary of Commerce in an acting capacity shall serve as a member of the Board of Directors with the same authority and effect as the designated Secretary.

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(b) The following powers are expressly reserved to the Board of Directors and shall not be delegated:

(1) Approval of all proposed and final substantive regulations prior to publication in the FEDERAL REGISTER;

(2) Approval of all reports or recommendations to the Congress that are required by statute;

(3) Establishment from time to time of the Corporation's budget and debt ceiling up to the statutory limit;

(4) Determination from time to time of limits on advances to the revolving funds administered by the Corporation pursuant to section 4005(a) of the Act;

(5) Final decision on any policy matter that would materially affect the rights of a substantial number of employers or covered participants and beneficiaries.

§ 2601.4 Chairman.

The Secretary of Labor shall be the Chairman of the Board of Directors and he shall be the administrator of the Corporation with responsibility for its management, including overall supervision of the Corporation's personnel, organization, and budget practices, and shall exercise such incidental powers as may be necessary to carry out his administrative responsibilities. The Chairman may delegate his administrative responsibilities.

§ 2601.5 Quorum.

A majority of the Directors shall constitute a quorum for the transaction of business. Any act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board, except as may otherwise be provided in these bylaws.

§ 2601.6 Meetings.

Regular meetings of the Board of Directors shall be held at such times as the Chairman shall select. Special meetings of the Board of Directors shall be called by the Chairman on the request of any other Director. Reasonable notice of any meetings shall be given to each Director. The General Counsel of the Corporation shall serve as Secretary to the Board of Directors and keep its minutes. As soon as practicable after each meeting, a draft of the minutes of such meeting shall be distributed to each member of the Board for correction or approval.

§ 260.17 Place of meetings; use of conference call communications equipment.

Meetings of the Board of Directors shall be held at the principal office of the Corporation unless otherwise determined by the Board of Directors or the Chairman. Any Director may participate in a meeting of the Board of Directors through the use of conference call telephone or similar communications equipment, by means of which all persons participating in the meeting can simultaneously speak to and hear each other. Any Director so participating in a meeting shall be deemed present for all purposes. Actions taken by the Board of Directors at meetings conducted through the use of such equipment, including the votes of each member, shall be recorded in the usual manner in the minutes of the meetings of the Board of Directors. A resolution of the Board of Directors signed by each of its three members shall have the same force and effect as if agreed at a duly called meeting and shall be recorded in the minutes of the Board of Directors.

§ 2601.8 Amendments.

These bylaws may be amended or new bylaws adopted at any meeting of the Board of Directors by a unanimous vote of the entire Board. A copy of any proposed amendments shall normally be delivered to each member at least seven days prior to such meeting.

Signed at Washington, D.C., this 31st day of January 1975.

PETER J. BRENNAN,
Chairman of the Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75-3405 Filed 2-5-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-75-1-R]

PART 127—SECURITY ZONES

Establishment

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of Buttermilk Channel, New York, as a security zone. This security zone is established because of the presence of the Italian Fishing Vessel "Tontini Pesca Quarto", which, having been duly seized, is in the custody of the United States of America.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.316, to read as follows:

§ 127.316 Buttermilk Channel, New York.

That area of the waters of Buttermilk Channel, New York Harbor, within a 200 yard (radius) circle drawn from the center of the "Y" shaped pier on the eastern shore of Governors Island, N.Y.

(46 Stat. 220, as amended, 6(b), 80 Stat. 937 (50 U.S.C. Art. 191, 49 U.S.C. Art. 1655 (b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873, 3 CFR 1954-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(B))

Effective date. This amendment becomes effective on February 2, 1975.

Dated: February 2, 1975.

FRANK OLIVER,
Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc.75-3470 Filed 2-5-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 325-6]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Nevada SO_2 Control Strategy

The purpose of this rulemaking is to approve the visible emissions article of the Nevada Air Quality Regulations, to disapprove the State of Nevada implementation plan for attainment and maintenance of the primary standards for sulfur oxides in the Nevada Intrastate Air Quality Control Region, to promulgate substitute regulations for the control of SO_2 at the Kennecott Copper Corporation Smelter, McGill, Nevada, and to promulgate an extension of time to meet the primary standards. The preamble which follows contains the background for this action, a summary of public comments, the Administrator's findings, and a description of the promulgated regulations.

BACKGROUND

On May 31, 1972 (37 FR 10642) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions the State of Nevada implementation plan for attainment and maintenance of the National Ambient Air Quality Standards. Specifically, the Administrator disapproved Nevada's plan for the attainment and maintenance of the secondary standard for sulfur oxides in the Nevada Intrastate Region. Article 8.1.3 of the State of Nevada "Air Quality Regulations" (emission limitation for sulfur from existing copper smelters), which was a part of the sulfur oxides control strategy, was disapproved since it did not provide the degree of control needed to attain and maintain the secondary standard for sulfur oxides in the Nevada Intrastate Region. On July 27, 1972 (37 FR 15086) the Administrator extended for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standard for sulfur oxides in the Nevada Intrastate Region. This extension permitted the establishment of a monitoring network near the smelter to collect data on short term ambient levels of sulfur oxides. The data collected provided a basis for determining control requirements.

The Nevada Mines Division, Kennecott Copper Corporation, owns and operates a copper smelter at McGill, Nevada, within the Nevada Intrastate Region. This smelter is the only major source of sulfur oxides in the Region and the only smelter within the Region. The control strategy for sulfur oxides within the Region is written specifically to provide for control of emissions from this smelter.

On June 14, 1974, Mike O'Callaghan, Governor of Nevada, submitted to the Administrator amendments to the Nevada Air Quality Regulations for control of sulfur oxide emissions. The amendments, in part, require discharge of controllable fugitive sulfur oxide emissions through "stacks serving the smelter". They also allow the use of Supplementary Control Systems (SCS) to meet all ambient air quality standards after application of constant emission reduction technology, defined for the Kennecott Smelter as an allowable sulfur emission equal to 40 percent of the feed sulfur. EPA provided extensive comment to the Nevada Department of Human Resources and the Nevada Environmental Commission during preparation and adoption of this regulation. In the comments, EPA made it clear that SCS could only be used as a temporary measure until such time as further constant emission controls become available for application to a source. The Nevada regulation permits SCS to be used on a permanent basis and has no provision for the application of additional positive controls as they become available. It was further stated that the regulations did not contain enforceable emission limits. Specific SCS requirements and implementation procedures were also missing.

The Administrator acknowledged receipt in the October 22, 1974, FEDERAL REGISTER (39 FR 37506) of the amendments to the Nevada Air Quality Regulations, and solicited public comment on the submitted regulations. In the same FEDERAL REGISTER, EPA stated that the preliminary review indicated that the SCS amendments could not be approved for the reasons outlined in the comments made to the State of Nevada. On October 29, 1974, the Administrator proposed regulations to replace the Nevada regulations for the control of sulfur oxide emissions at the Kennecott smelter. Public hearings were held on the proposed regulations in Ely, Nevada, on December 3, 1974.

PUBLIC COMMENT

The EPA hearings in Ely, Nevada elicited substantial public comment regarding the regulations proposed by EPA. The following is a summary of the testimony and exhibits taken during the public hearing and also of the 123 written responses to the public notice and the October 29, 1974, FEDERAL REGISTER request for comments. In substance, the 123 submittals and 63 testimonies provided EPA with the following information:

Legal considerations. The attorney representing Kennecott questioned the legal basis for EPA adopting emission limits for a specific source in a rule-making hearing. He stated his opinion that an adjudicatory hearing is required.

Economics. Both the economic burden upon Kennecott and the burden upon the community without the Kennecott operation ranked foremost in the frequency of written and oral comments. Approximately 90 percent of the comments contain statements regarding the economic burden that would result if the proposed regulations were promulgated. The citizens and business community's fear for their livelihood was indicated strongly in their statements, through their large turnout at the hearing, from the large number of letters received, and from their earnestness and zeal.

Representatives of the State of Nevada indicated that because of the continuing delay in arriving at final regulations applicable to Kennecott, EPA has caused new businesses to shun the Ely-McGill area. Kennecott, the largest employer, directly or indirectly provides the livelihood of approximately 90 percent of the county's residents (40 percent of the county work force is employed by Kennecott).

Kennecott stated that the proposed EPA requirements would impose an unknown economic liability over an unending time period. Kennecott estimates a cost of 73 million dollars for a new smelter and acid plant providing 86 percent sulfur capture. Retrofitting costs were not estimated. The acid plant alone will cost Kennecott 24 million dollars. The low grade copper ore, dwindling ore supply, and the age of the present facility are the reasons given for the extreme reluctance of Kennecott to invest further monies into unproductive expenditures. Most of the Nevada residents providing comments believe Kennecott has and is doing everything that is economically and technologically possible. Kennecott contends that the EPA adoption of regulations that require research and additional constant control equipment installation at unspecified future dates is uneconomical and that all construction plans (acid plant and attendant facilities) would have to be dropped and the smelter would therefore close. Since Kennecott feels it cannot afford to spend more than the 24 million dollars already agreed to, Kennecott suggested, notwithstanding other objections, the adoption of a regulation which requires the additional installation of newly developed constant control measures only where they can be demonstrated to be as cost-effective as using SCS.

Several statements were made that the citizens' debt of 13.5 million dollars for the Mt. Wheeler Power Project will be the responsibility of the federal government if the plant closes.

EPA Urged to Support State Plan. Approximately 40 percent of all written and oral testimony supported the regulation and compliance plan approved and adopted by the State of Nevada Environmental Commission. It is fervently believed by the commentors that the State plan is adequate to insure sufficiently clean air and the attainment and maintenance of the national primary and secondary sulfur dioxide ambient air quality standards. Points raised include the matter of constant versus intermittent or supplementary control techniques and the EPA interpretation of congressional intent. Testimony by commentors contended that the proposed disapproval of the State's regulations is based solely on a policy determination of the EPA and as such has no congressional authorization. Many believe that the Clean Air Act required EPA to approve all plans which provide for attainment and maintenance of the national standards. Not only are EPA's actions questioned constitutionally, but they are also questioned on economic grounds. The use of SCS techniques (intermittent production curtailment) has been estimated by Kennecott to be needed only 1 percent of the time, the equivalent of four or five days per year. Thus, expenditures of additional millions of dollars are wasteful and certainly are not warranted when compliance is already assured through the State plan. Kennecott further stated that the economic consequences of an undefined and open-ended research and constant control installation program on prospective business ventures have been shown to be deleterious to the future of White Pine County.

Technical Considerations. Most of the technical comments were presented by Kennecott representatives or by the State of Nevada. Data was submitted by Kennecott from its air quality monitoring sites indicating a 92 percent reduction in sulfur dioxide concentrations at ground level due to the use of the recently installed 750 foot stack, as opposed to the 3.4 percent reduction estimated in EPA projections. Both Kennecott and the State of Nevada indicated that since future concentrations will be monitored after pollutants are emitted from the new 750 foot stack, control requirements should be based on air quality levels measured with the new stack in operation. The stack was put into operation about October 1, 1974 and the October 1974 data submitted to EPA shows compliance with the sulfur dioxide standards during that period.

Further, Kennecott stated that the degree of control required should account for variations in sulfur levels of the ore which is processed. An emission limitation based on a 30-day instead of a 6-hour averaging time is needed to cover these variations. Kennecott objected to the fact that acid plant downtime, estimated at 8 percent was not addressed in the proposed regulations, and that violations of the national standards could occur, even with production approaching zero, when adverse meteorology coincides with acid plant downtime. Both Kennecott and the State believe that SCS is capable of averting violations, even in such extreme cases, and that additional controls are not required.

FINDINGS

The Administrator is approving, in this rulemaking, the Nevada regulation for monitoring visible emissions at existing copper smelters. This regulation was submitted to the Administrator on June 14, 1974, and noticed for public comment in the October 22, 1974, FEDERAL REGISTER. Evaluation of this regulation indicates that all requirements of 40 CFR 51.10(c) have been met.

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The Administrator is disapproving the previously approved State regulations for sulfur oxide control at the Kennecott smelter since recent air quality data has shown that the amount of control required in the State regulations is insufficient to meet National Ambient Air Quality Standards.

A detailed analysis of recent (1973–1974) data collected in the vicinity of McGill, Nevada by the EPA monitoring network indicates that greater than an 80-percent reduction is required to meet all SO_2 air quality standards. The analysis also indicates that even the primary annual standard, which is the least restrictive requires a 72-percent emission reduction. It is therefore necessary to disapprove the Nevada regulation, which requires only a 60-percent emission limitation, since it is inadequate to achieve any of the national standards.

The Administrator has reviewed the Nevada SCS amendments and finds that these amendments are unapprovable. The Administrator has also reviewed the public comments on the regulations proposed by EPA to replace the Nevada SCS regulations and is promulgating those regulations with minor changes. This promulgation is based on a determination that the selective use of Supplementary Control Systems (systems which limit pollutant emissions during periods when meteorological conditions are conducive to ground level concentrations in excess of the National Ambient Air Quality Standards) to attain and maintain the ambient standards is consistent with the Clean Air Act when the only alternatives are permanent production curtailment, shutdown, or delays in the attainment of the national standards. However, constant emission limitation remains the preferred strategy for attaining and maintaining the standards. SCS is acceptable only as a temporary measure where its use is necessary to augment constant emission limitation techniques as determined on a case-by-case basis, and only in circumstances wherein the SCS can be expected to exhibit a high degree of reliability and can be made legally enforceable; that is, where the emission source can be readily and unequivocally identified.

In promulgating the temporary use of SCS it is the Administrator's judgment that its use is consistent with the purposes and provisions of the Clean Air Act and is in the best interest of the public. This position is supported by a decision by the U.S. Court of Appeals, Fifth Circuit, in *Natural Resources Defense Council, Inc.* v. *EPA, No. 72-2402*. The Court held that, under the Clean Air Act, dispersion techniques may be allowed if emission limitations sufficient to meet standards are unachievable or infeasible, and if regulations are adopted which will attain the maximum degree of emission limitations achievable through available retrofit controls.

EPA will approve such measures as intermittent production curtailment and use of dispersion techniques, including tall stacks, as an addition to available constant control measures, until such time as the treatment of weak gas streams can be accomplished through reasonable retrofit control techniques. Evaluation of the availability of constant control techniques which may be developed in the future will be made using the same criteria as were used in developing these regulations. Namely, SCS will continue to be allowed where permanent production curtailment, shutdown or delays in attainment of national standards are the only other alternatives.

The Administrator finds that the alternative emissions limit set by paragraph (e) of § 52.1475 is consistent with Kennecott's current plans. Paragraph (e) requires installation of reasonable and available retrofit constant control measures. At Kennecott's McGill smelter these measures consist of installation of a single absorption acid plant to treat all converter off-gases. Kennecott Copper Corporation has contracted for the installation of such a facility and therefore has indicated that installation of this control equipment is economically feasible. It should be noted that Kennecott is also planning to reduce production to 750 tons/day from their current maximum rate of 1300 tons/day. The EPA regulations do not require such a permanent production curtailment.

The question of whether EPA must hold an adjudicatory "trial type" hearing prior to promulgation of specific emission limitations for the Kennecott McGill smelter was raised by the attorney representing Kennecott. It is the Administrator's opinion that this question has been answered by several court cases. Namely, this question was answered in the case of *Anaconda* v. *Ruckelshaus*, 482 F. 2d 1301, 1306–1307 (10th Cir. 1973) and most recently reaffirmed by the United States Court of Appeals for the First Circuit in the case of *South Terminal Corporation et al* v. *EPA, No. 73-1366* September 27, 1974. The decision of the court in *Anaconda* v. *Ruckelshaus* was that neither the Clean Air Act nor the Administrative Procedure Act required EPA to hold an adjudicatory hearing (as contended) before promulgating an implementation plan for Montana, even though the plan contained sulfur oxide emission standards applicable only to the Anaconda Copper Company facility.

The development of regulations for SO_2 control included two hearings, one by the State and one by EPA, as well as numerous meetings and other contacts among representatives of the Company, the State agency, and EPA. All factors relevant to determining air quality and emission control have been discussed extensively with the Company and the Company has, on a periodic basis, been given an opportunity to review the factual and technical basis for all significant EPA determinations impacting on these two issues. While distinct areas of disagreement remain between Kennecott and EPA, these tend to center around legal interpretations and policies rather than facts. In this context, legal considerations aside, an adjudicatory hearing is inappropriate since the cross-examination which is the key feature of such hearings is designed to provide for the fullest development of factual issues as opposed to policy or legal disputes.

Based on public hearing records and other information available to the Administrator, several changes in emission limits and compliance testing periods have been incorporated in this promulgation. These changes were considered in response to questions concerning the acid plant efficiencies used in calculating emission rates, and the use of a short term averaging period that did not appear to consider wide variations in the operating conditions of either the smelter or the acid plant.

Recent EPA tests on acid plants used in conjunction with copper smelters indicate that emission concentrations averaged over a six-hour period may be 10 to 20 percent above vendor guarantees. This is due to fluctuations in volumetric flow rate and in SO_2 concentration in the gas stream to the acid plant. Averaging times beyond six hours do not significantly affect the average emission concentration. Further, it has been determined that a 10-percent deterioration in catalyst efficiency can occur between catalyst cleanings. Therefore, EPA has set a maximum emission limit of 2600 ppm for a single absorption acid plant.

The mass emission limits were changed to reflect sulfur balance data supplied by Kennecott at the public hearing and the EPA acid plant test data mentioned previously.

Appendix D, pertaining to testing procedures, has been modified for clarification. The 20-percent calibration point has been eliminated, since it is the Administrator's judgment that three points are sufficient to verify the calibration curve. Also, by using the three point calibration, we are making Appendix D compatible with procedures for non-extractive monitors.

The test period for compliance testing has been changed to conform more closely to accepted compliance testing practices. In the promulgated regulations, three 6-hour tests must be conducted and a 1-hour average calculated, instead of determining a 1-hour average from a single 6-hour test as proposed.

Kennecott requested the regulations include provisions for plant upsets. The Administrator recognizes that emissions may increase during start up/shut down, upset or malfunction. Regulations addressing this problem for all industrial operations for which EPA has set emission limits are due for promulgation in the near future. In all events, regulations governing emission reductions during start up/shut down, upset or malfunction conditions will be promulgated well in advance of the January 1, 1977, effective date for the emission limitations set forth in paragraph (e) of this promulgation.

REGULATIONS

The promulgated regulations are composed of three sections and two appendices. The first section (§ 52.1475(c)) requires the control of low-level fugitive emissions, identifies specific points of control, and sets a compliance schedule for achieving control of fugitive emissions. The second section (§ 52.1475(d)) sets an emission limit to be achieved by a constant emission control sufficient to meet all national standards by July 31, 1977. The third section, (§ 52.1475(e)) is offered as an alternative to § 52.1475 (d) and sets emission limits based on available constant emission control technology, outlines the conditions that must be satisfied prior to use of SCS, and establishes a compliance schedule for implementing both the constant control and SCS. Continuous monitoring of the emission limits set in either of the two latter sections is required. Appendix D specifies procedures for determination of the SO_2 concentration while Appendix E contains procedures for determination of volumetric rates.

Implementation procedures for these regulations will require Kennecott to comply with the requirements to control fugitive emissions (§52.1475(c)) and to comply either with the emission limits set to meet all standards (§ 52.1475(d)) or with the temporary alternative to comply with the emission limit requirements based on available constant control and additional approved controls (§ 52.1475(e)). This alternative is proposed because it is the Administrator's judgment that the available constant control technology for the McGill smelter is insufficient to achieve all national standards at this time. Therefore, Kennecott may apply for permission to comply with the temporary alternative to use supplementary controls to achieve the standards. The temporary alternative requires compliance with the emission limit based on available constant control and requires employment of such additional control measures as may be necessary to ensure the attainment and maintenance of national standards. These additional controls include process changes, SCS, tall stacks, production reduction or any other technique approved by the Administrator. By allowing the use of SCS, the Administrator is acknowledging that SCS can incorporate design and enforcement features that will provide a satisfactory temporary means to attain and maintain national SO_2 standards. The Administrator has stipulated specific requirements to ensure reliability. These requirements include the assumption of liability for violation of air quality standards within a designated area, and the operation of the SCS in accordance with an approved manual based on demonstration studies. Certain recordkeeping procedures are also specified.

In the regulations, two emission limits are established as achievable with available constant control. These emission limits include an SO_2 concentration limit on acid plant emissions and a mass emission limit for the entire smelter. The emission limit for the acid plant (2600 ppm), and the requirement that all converter gases must be processed by the acid plant, are specified to ensure full application of available constant control technology and to minimize emissions from the converters. A total plant emission limitation is established based on the existing smelter configuration.

The Kennecott Copper Corporation has embarked on a control program at the McGill smelter designed to attain the national primary standard by July 1976 through the use of both constant emission controls and supplementary controls. Since the specific requirements for a supplementary control system, as outlined in the proposed regulations, were not available to the smelter at the time its program was initiated, the attainment date for the primary standard, if the smelter elects to follow the provisions of § 52.1475(e), is established as January 1, 1977. It is assumed that if the smelter chooses the option of § 52.1475 (e), the supplementary control system will be needed to meet both primary and secondary standards and will be so designed. Therefore, the attainment date for the secondary standard via the supplementary control option is also established as January 1, 1977.

On the other hand, should Kennecott elect to meet the standards through constant emission controls, and abide by the provisions of § 52.1475(d), EPA recognizes that additional planning and equipment would be required and that equipment ordering procedures alone could preclude completion of such controls by January, 1977. Therefore, the date for attainment of both primary and secondary standards solely through constant emission controls in accordance with the provisions of § 52.1475(d) is extended to July, 1977.

A summary of the air quality data collected by EPA in the vicinity of McGill, Nevada and the calculations of the emission limits are detailed in "Technical Data in Support of Regulations for Control of Sulfur Dioxide Emissions (Nevada Intrastate Region)". This document is available at:

Environmental Protection Agency,
Region IX,
100 California Street,
San Francisco, CA 94111.
EPA Freedom of Information Center,
401 "M" Street SW.,
Washington, DC 20460.
Nevada Bureau of Environmental Health,
Nye Building, 201 South Fall Street,
Carson City, NV 89701.

The regulations promulgated herein are effective March 10, 1975.

(42 USC 1857c–5)

Dated: January 23, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

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(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972, January 19, 1973, and June 14, 1974 (revisions to "Article 4—Visible Emissions from Stationary Sources").

2. Section 52.1475 is revised to read as follows:

§ 52.1475 Control strategy and regulations: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not adequately provide for attainment and maintenance of the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

(b) Article 8.1.3 of Nevada's "Air Quality Regulations" (emission limitation for sulfur from existing copper smelters), which is part of the sulfur oxides control strategy, is disapproved since it does not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

(c) *Regulation for control of fugitive sulfur oxides emissions (Nevada Intrastate Region).* (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region shall utilize best engineering techniques for reducing escape of pollutants to the atmosphere and to capture sulfur oxides emissions and vent them through a stack or stacks. Such techniques shall include, but not be limited to:

(i) Installing and operating hoods on all active matte tapholes, matte launders, slag skim bays, slag handling operations, and holding ladles on each reverberatory furnace;

(ii) Installing tight fitting hoods on each active converter and operating such hoods except during pouring and charging operations;

(iii) Maintaining all ducts, flues, and stacks in a leak-free condition;

(iv) Maintaining all reverberatory furnaces and converters under normal operating conditions in such a fashion that out-leakage of gases will be prevented to the maximum extent possible;

(v) Wherever feasible, ducting emissions through the tallest stack or stacks serving the facility; and

(vi) Wherever feasible, passing the effluents from all hooding through the tallest stack or stacks serving the facility.

(2) (i) If the owner or operator of the smelter subject to this paragraph is not in compliance with the provisions of subparagraph (c) (1) of the section the following compliance schedule shall apply:

(a) 30 days after the effective date of this regulation. Let contracts or issue purchase orders for hoods and flues for control of fugitive sulfur oxides emissions or provide evidence that such contracts have been let.

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(b) July 1, 1975. Initiate on-site construction and/or installation of emission control equipment.

(c) July 1, 1976. Complete on-site construction and/or installation of emission control equipment.

(d) January 1, 1977. Achieve final compliance with requirements of subparagraph (c)(1) of this section.

(ii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iii) If the source subject to this paragraph is presently in compliance with the requirements of subparagraph (c)(1) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this subparagraph shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(3) The owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1977. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this subparagraph for the affected source.

(d) *Regulation for control of sulfur dioxide emissions (Nevada Intrastate Region).* (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region shall comply with all the requirements of this paragraph, except as provided in paragraph (e) of this section.

(2)(i) After July 31, 1977, the owner or operator of the smelter subject to this paragraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 10,150 pounds per hour (4,603 kg/hr.) maximum 6-hour average as determined by the method specified in subparagraph (d)(4) of this section.

(ii) The limitation specified in subparagraph (d)(2)(i) of this section shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(3)(i) The owner or operator of the smelter to which this paragraph is applicable shall, no later than 30 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with subparagraph (d)(2) of this section as expeditiously as practicable but not later than July 31, 1977.

(ii) The compliance schedule submitted to the Administrator pursuant to subparagraph (d)(3)(i) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the following:

(a) Submittal of final control plan to the Administrator for meeting the requirements of subparagraph (d)(2) of this section.

(b) Letting of necessary contracts or process changes, or issuance of orders for the purchase of component parts, to accomplish emission control or process modification;

(c) Initiation of on-site construction or installation of emission control equipment or process modification;

(d) Completion of on-site construction or installation of emission control equipment or process modification;

(e) Full compliance with the requirements of subparagraph (d)(2) of this section.

(iii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iv) Notice must be given to the Administrator at least 10 days prior to conducting a performance test to afford him the opportunity to have an observer present.

(v) If the source subject to this paragraph is currently in compliance with the requirement of subparagraph (d)(2) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this subparagraph (d)(3) of this section shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(4)(i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least ten (10) days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 $ft.^2$) or at a point no closer to the wall than 0.914 m (3 ft.) if the cross sectional area is 4.647 m^2 (50 $ft.^2$) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration proeedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide emission rates shall be calculated in accordance with subparagraph (d)(5) of this section, and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as pounds of sulfur dioxide emitted per six hour period. A 6-hour average value calculated pursuant to subparagraph (d)(5)(i) of this section shall be reported as of each hour for the preceding 6-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(ix) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable nine months after the effective date of this regulation.

(5)(i) Compliance with the requirements of subparagraph (d)(2) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (d)(4) of this section.

For all stacks equipped with the measurement system(s) required by subparagraph (d)(4) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour, for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into 24 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the later case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average (lbs SO_2/hr) from all 24 emission rate measurements in each 6-hour period for each stack.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of subparagraph (5)(i) of this paragraph, compliance with the requirements of subparagraph (d)(2) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by subparagraph (d)(4) of this section, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 69 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each two hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement system(s) required by subparagraph (d)(4) of this section.

(e) *Alternate regulation for control of sulfur dioxide emissions (Nevada Intrastate Region).* (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Air Quality Control Region may apply to the Administrator for approval to meet the requirements of this paragraph. Upon such approval, granted pursuant to subparagraph (e)(3) of this section, the requirements of paragraph (d) shall not be applicable during the period of such approval, and all requirements of this paragraph shall apply.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Act, Part 51 or § 52.01 of this chapter.

(i) The term "supplementary control system" means any system which limits the amount of pollutant emissions during periods when meteorological conditions conducive to ground-level concentrations in excess of national standards exist or are anticipated.

(ii) The term "ambient air quality violation" means any single ambient concentration of sulfur dioxide that exceeds any National Ambient Air Quality Standard for sulfur dioxide at any point in a designated liability area, as specified in subparagraph (e)(8) of this section.

(iii) The term "isolated source" means a source that will assume legal responsibility for all violations of the applicable national standards in its designated liability area, as specified in subparagraph (e)(8) of this section.

(iv) The term "designated liability area" means the geographic area within which emissions from a source may significantly affect the ambient air quality.

(3)(i) The application for permission to comply with this paragraph shall be submitted to the Administrator no later than sixty (60) days following the effective date of this paragraph and shall include the following:

(a) A short description of the type and location of the smelter; the process, equipment, raw materials and fuels used; the stacks employed; and emissions to the atmosphere from various points on the smelter premises.

(b) A general description and the location of other sources of air pollution and of the uses of land, and the topography in the vicinity of the smelter.

(c) A summary of all ambient air quality data in the vicinity of the smelter collected by or under contract to smelter.

(d) A description of the methods of constant emission reduction that are or will be applied and the degree of emission reduction achieved or expected due to their application.

(e) A description of the investigations that the owner or operator has made, and the results thereof, as to the availability of constant emission reduction methods that would meet the requirements of paragraph (d)(2) of this section and a discussion of the reasons why any potentially available methods cannot reasonably be used.

(f) A specific description of the research, investigations, or demonstrations that the owner or operator will conduct or support for the purpose of developing constant emission reduction technology applicable to the smelter. Such description shall include the resources to be committed, qualifications of the participants, a description of the facilities to be utilized and milestone dates.

(g) A detailed description of all other measures the owner or operator will apply, in addition to those described in (d), to provide for attainment and maintenance of the air quality standards. These measures include but need not be limited to supplementary control systems, tall stacks and other dispersion techniques.

Each measure to be applied shall be described in sufficient detail to allow the Administrator to determine its effectiveness in reducing ambient concentrations.

(h) A written commitment by the owner or operator of the source subject to this paragraph agreeing to assume liability for all violations of National Ambient Air Quality Standards within the designated liability area.

(i) Such other pertinent information as the Administrator may require.

(ii) Upon receipt of the information specified in subparagraph (e)(3)(i) of this section, and after making a determination of its adequacy, the Administrator promptly shall, after thirty (30) days notice, conduct a public hearing on the application submitted by the owner or operator. The Administrator shall make available to the public the information contained in the application. Within thirty (30) days after the hearing, the Administrator shall notify the owner or operator of the smelter and other interested parties of his decision as to whether to grant or deny the application. If he denies the application, he

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will set forth his reasons. If he approves the application the owner or operator shall comply with all provisions of paragraph (e) of this section and need not comply with provisions of paragraph (d) of this section except as provided in subparagraph (e)(16) of this section.

(iii) Approval of the application to abide by the provisions of paragraph (e) will be granted if it can be satisfactorily demonstrated to the Administrator that control measures in addition to the available constant emission controls are required and if the specific measures submitted pursuant to subparagraph (e)(3)(i)(*g*) of this section will provide for the attainment and maintenance of the National Ambient Air Quality Standards.

(4)(i) The owner or operator of the smelter subject to this paragraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of:

(*a*) 2,600 parts per million-maximum 6-hour average, from any single absorption sulfuric acid producing facility designed for the removal of sulfur dioxide, as determined by the method specified in subparagraph (e)(6)(i) or (iii) of this section, and

(*b*) 29,000 pounds per hour (13,154 kg/hr) maximum 6-hour average, as determined by the method specified in subparagraph (e)(6)(ii) or (iv) of this section. Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation.

(ii) All emissions from the converters, with the exception of the uncaptured fugitive emissions, shall be processed through a facility for the removal of sulfur dioxide which meets the requirements of subparagraph (e)(4)(i)(*a*) of this section.

(5)(i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) No later than the date specified in subparagraph (e)(14)(i)(*b*)(*5*) of this section and at such other times in the future as the Administrator may reasonably specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) No later than the date specified in subparagraph (e)(14)(i)(*b*)(*5*) of this section and at such other times in the future as the Administrator may reasonably specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least 10 days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 ft^2) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m^2 (50 ft^2) or more. The monitor sample point shall be an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide concentration and emission rates shall be calculated in accordance with subparagraph (6) of this paragraph, and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this subparagraph. Measurement results shall be expressed in the units prescribed by the emission limitations in subparagraph (e)(4) of this section. Six-hour average values calculated pursuant to subparagraph (e)(6)(i) and (ii) of this section shall be reported as of each hour for the preceding six hours. The results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days of the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(6)(i) Compliance with the requirements of subparagraph (e)(4)(i)(*a*) of this section shall be determined using the continuous measurements system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (e)(5) of this section. For the stack(s) equipped with the measurement system(s) required by subparagraph (e)(5) of this section and serving the sulfur dioxide removal device a 6-hour average sulfur dioxide concentration shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(*a*) Divide each 6-hour period into twenty-four 15-minute segments.

(*b*) Determine on a compatible basis a sulfur dioxide concentration measurement for each 15-minute period. These measurements may be obtained either by continuous integration of all measurements (from the respective affected facility) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similary spaced within each 15-minute period.

(*c*) Calculate the arithmetic average of all 24 concentration measurements in each 6-hour period.

(ii) Compliance with the requirements of subparagraph (e)(4)(i)(*b*) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (e)(5) of this section. For all stacks equipped with the measurement system(s) required by subparagraph (e)(5) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(*a*) Divide each 6-hour period into twenty-four 15-minute segments.

(*b*) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentrations and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow rate readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(*c*) Calculate the arithmetic average (lbs SO_2/hr) of all 24 emission rate measurements in each 6-hour period for each stack.

(*d*) Total the average sulfur dioxide emission rates for all affected stacks.

(iii) Notwithstanding the requirements of subparagraph (e)(6)(i) of this section, compliance with the requirements of subparagraph (e)(4)(i)(*a*) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For each stack serving any process designed for the removal of sulfur dioxide a 6-hour average sulfur dioxide concentration shall be determined as follows:

(*a*) The test of each stack emission concentration shall be conducted while the processing units vented through such

stack are operating at or above the maximum rate at which such will be operated and under such other conditions as the Administrator may specify.

(*b*) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(*c*) Three independent sets of measurements of sulfur dioxide concentration shall be conducted during three 6-hour periods of each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(*d*) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(*e*) The velocity of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content can be considered to be zero.

(*f*) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.

(*g*) The sulfur dioxide concentration in parts per million-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(iv) Notwithstanding the requirements of subparagraph (e)(6)(ii) of this section, compliance with the requirements of subparagraph (e)(4)(i)(*b*) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by subparagraph (e)(5) of this section, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(*a*) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator shall specify.

(*b*) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical, and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(*c*) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three consecutive 2-hour periods for each stack. Measurements need not necessarily be conducted simultaneously of emissions from all stacks on the smelter premises.

(*d*) In using Method 8, Traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(*e*) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(*f*) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(*g*) For each 2-hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(*h*) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement system(s) required by subparagraph (5) of this paragraph.

(7) The owner or operator of the smelter subject to this paragraph, in addition to meeting the emission limitation requirements of subparagraph (e)(4) of this section, shall employ supplementary control systems and/or such additional control measures as may be necessary to assure the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide.

(i) Such measures will be limited to those specified in the application submitted pursuant to subparagraph (e)(3)(i)(*g*) of this section.

(ii) Sulfur oxides emissions shall be curtailed whenever the potential for violating any National Ambient Air Quality Standard for sulfur dioxide is indicated at any point in a designated liability area by either of the following:

(*a*) Air quality measurement.

(*b*) Air quality prediction.

(8)(i) For the purposes of this paragraph the designated liability area shall be a circle with a radius of fifteen (15) statute miles (24 km) with the center point of such circle coinciding with the tallest stack serving the affected facility. The owner or operator of the smelter subject to this paragraph may submit a detailed report which justifies redefining the designated liability area specified by the Administrator. Such a justification shall be submitted with the application submitted pursuant to subparagraph (e)(3)(i) of this section and shall describe and delineate the requested designated liability area and discuss in detail the method used and the factors taken into account in the development of such area. Upon receipt and evaluation of such report, and after the public hearing described in subparagraph (e)(3)(ii) of this section, the Administrator shall issue his final determination.

(ii) If new information becomes available which demonstrates that the designated liability area should be redefined, the Administrator shall consider such and if appropriate, after notice and comment, redefine the designated liability area.

(9)(i) The owner or operator of the smelter subject to the paragraph shall submit with the application submitted pursuant to subparagraph (e)(3)(i) of this section, a detailed plan for the establishment of a supplementary control system and/or such other measures as may be proposed. Such plan shall describe all air quality and emission monitoring and meteorological equipment to be used, including instruments installed pursuant to subparagraph (5) of this paragraph for continuously monitoring and recording sulfur dioxide emissions and stack gas flow rate, the methods that will be used to determine emission rates to be achieved in association with various meteorological and air quality situations, and the general plan of investigations to be followed in developing the system and the operational manual.

(ii) Such plan shall include detailed specifications of any modifications to existing equipment including new stacks, stack extensions, stack heating systems or any process changes to be applied.

(iii) The monitoring described in the detailed plan submitted in accordance with this subparagraph and the appropriate recordkeeping requirements of subparagraph (e)(12) of this section shall commence and become applicable as of the date specified in subparagraph (e)(14)(i)(*b*)(*5*) of this section.

(10) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator a comprehensive report of a study which demonstrates the capability of the supplementary control system, in conjunction with any other control measures, to reduce air pollution levels. The report shall describe a study conducted during a period of at least 120 days during which the supplementary control system was being developed and operated and shall be submitted no later than the date specified in subparagraph (e)(14)(i)(*b*)(*6*) of this section. The report shall:

(i) Describe the emission monitoring system and the air quality monitoring network.

(ii) Describe the meteorological sensing network and the meteorological prediction program.

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(iii) Identify the frequency, characteristics, times of occurrence and durations of meteorological conditions associated with high ground-level concentrations.

(iv) Describe the methodology (e.g., dispersion modeling and measured air quality data) by which the source determines the degree of control needed under each meteorological situation.

(v) Describe the method chosen to vary the emission rate, the basis for the choice, and the time required to effect a sufficient reduction in the emission rate to avoid violations of National Ambient Air Quality Standards.

(vi) Contain an estimate of the frequency that emission rate reduction is required to prevent National Ambient Air Quality Standards from being exceeded and the basis for the estimate.

(vii) Include data and results of objective reliability tests. "Reliability," as the term is applied here, refers to the ability of the supplementary control system to protect against violations of the National Ambient Air Quality Standards.

(viii) Demonstrate that the supplementary control system and other measures expected to be employed after the date specified in subparagraph (e) (14) (i) (b) (6) of this section will result in attainment and maintenance of National Ambient Air Quality Standards.

(11) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator an operational manual for the supplementary control system. Such manual shall be submitted no later than the date specified in subparagraph (e) (14) (i) (b) (6) of this section and is subject to the approval of the Administrator as satisfying the specific requirements of this subparagraph. Such approval shall not relieve the owner or operator of the smelter subject to this paragraph from its assumed liability for violations of any National Ambient Air Quality Standards for sulfur oxides in the designated liability area. Prior to making his final decision, the Administrator shall, after reasonable notice, provide an opportunity of not less than forty-five (45) days for public inspection and comment upon the manual. Such manual shall:

(i) Specify the number, type, and location of ambient air quality monitors, instack monitors and meteorological instruments to be used.

(ii) Describe techniques, methods, and criteria to be used to anticipate the onset of meteorological situations associated with ground-level concentrations in excess of National Ambient Air Quality Standards and to systematically evaluate and, as needed, improve the reliability of the supplementary control system.

(iii) Describe the criteria and procedures that will be used to determine the degree of emission control needed for each class of meteorological and air quality situations.

(iv) Specify maximum emission rates which may prevail during all probable meteorological and air quality situations, which rates shall be such that National Ambient Air Quality Standards will not be exceeded in the designated liability area. Such emission rates shall be determined by in-stack monitors. Data from such monitors shall be the basis for determining whether the emission rate provisions of the approved operational manual are adhered to.

(v) Describe specific actions that will be taken to curtail emissions when various meteorological conditions described in paragraph (e) (11) (ii) of this section exist or are predicted and/or when specified air quality levels occur.

(vi) Identify the company personnel responsible for initiating and supervising the actions that will be taken to curtail emissions. Such personnel must be responsible, knowledgeable and able to apprise the Administrator of the status of the supplementary control system at any time the source is operating.

(vii) Be modified only if approval by the Administrator is first obtained.

(12) The owner or operator of the smelter subject to this paragraph shall:

(i) Maintain, in a usable manner, records of all measurements and reports prepared as part of the supplementary control system described in the approved operational manual. Such records shall be retained for at least two years.

(ii) Submit, on a monthly basis, the hour by hour measurements made of air quality, emissions and meteorological parameters, and all other measurements made on a periodic basis, as part of the approved supplementary control system.

(iii) Submit a monthly summary indicating all places, dates, and times when National Ambient Air Quality Standards for sulfur oxides were exceeded and the concentrations of sulfur dioxide at such times.

(iv) Notify the Administrator of any violation of National Ambient Air Quality Standards within 24 hours of the occurrence of such violation.

(v) Submit a monthly summary report describing and analyzing how the supplementary control system was operated as related to the approved operations manual and how the system will be improved, if necessary, to prevent violations of the National Ambient Air Quality Standards for sulfur oxides or to prevent any other conditions which are not in accordance with the approved operational manual.

(13) (i) The owner or operator of the smelter subject to this paragraph shall participate in a research program to develop and apply constant emission reduction technology adequate to attain and maintain the national standards. Such program shall be carried out in accordance with the plan submitted pursuant to subparagraph (e) (3) (i) (f) of this section.

(ii) The owner or operator of the smelter subject to this paragraph shall submit annual reports on the progress of the research and development program required by subparagraph (e) (13) (i) of this section. Each report shall also include, but not be limited to, a description of the projects underway, information on the qualifications of the personnel involved, information on the funds and personnel that have been committed, and an estimated date for the installation of the constant emission reduction technology necessary to attain and maintain the National Ambient Air Quality Standards.

(14) (i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedules specified below.

(a) Compliance schedule for meeting the emission reduction requirements of subparagraph (e) (4) of this section:

(1) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—submit a final plan and schedule to the Administrator for meeting the requirements of subparagraph (4) of this paragraph.

(2) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—let contracts or issue purchase order for emission control systems or process modifications or provide evidence that such contracts have been let.

(3) July 1, 1975. Initiate on-site construction or installation of emission control equipment or process change.

(4) July 1, 1976. Complete on-site construction or installation of constant emission control equipment or process change.

(5) January 1, 1977. Achieve final compliance with the requirements of subparagraph (4) of this paragraph.

(b) Compliance schedule for implementing a supplementary control system or other measures which meet the requirements of subparagraphs (e) (7), (9), (10), and (11) of this section.

(1) No later than sixty (60) days after approval to meet the requirements of this paragraph—submit to the Administrator a detailed schedule for establishment and implementation of the supplementary control system and other measures in accordance with subparagraph (e) (9) of this section.

(2) No later than ninety (90) days after approval to meet the requirements of this paragraph—let contracts or issue purchase orders, or provide evidence that such contracts have been let, for ambient air quality monitors, meteorological instruments, and other component parts necessary to establish a supplementary control system.

(3) No later than ninety (90) days after approval to meet the requirements of this paragraph—let contracts or issue purchase orders, or provide evidence that such contracts have been let, for any stack extensions or modifications of equipment approved pursuant to subparagraph (e) (3) of this section.

(4) November 1, 1975. Complete installation of air quality and emission monitors and meteorological equipment.

(5) January 1, 1976. Complete installation of any stack extensions or modifications of equipment approved pursuant to subparagraph (3) of this paragraph.

(6) May 1, 1976. Submit to the Administrator the comprehensive report on the supplementary control system required by subparagraph (e) (10) of this section, and submit to the Administrator for his approval the operational manual required by subparagraph (e) (11) of this section.

(7) January 1, 1977. The National Ambient Air Quality Standards for sulfur dioxide shall not be violated in the designated liability area.

(ii) Any owner or operator subject to the requirements of this subparagraph shall certify to the Administrator within five (5) days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(iii) Notice must be given to the Administrator at least ten (10) days prior to conducting a performance test to afford him the opportunity to have an observer present.

(iv) If the source subject to this paragraph is presently in compliance with any of the increments of progress set forth in this subparagraph, the owner or operator of such source shall certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(v) The owner or operator of the smelter subject to this paragraph may submit to the Administrator proposed alternative compliance schedules. Each such proposed compliance schedule shall be submitted with the application submitted pursuant to subparagraph (e) (3) (i) of this section. No such compliance schedule may provide for final compliance after January 1, 1977. If approved by the Administrator, such schedule shall replace the compliance schedule set forth in this subparagraph.

(vi) Any such compliance schedule submitted to the Administrator shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the increments specified in the appropriate compliance schedule set forth in subparagraphs (e) (14) (i) (a) and (b) of this section.

(15) (i) The Administrator shall annually review the supplementary control system and shall deny continued use of the supplementary control system if he determines that:

(a) The review indicates that constant emission control technology has become available or that other factors which may bear on the conditions for use of a supplementary control system have changed to the extent that continued use of the supplementary control system would no longer be deemed approvable within the intent of subparagraph (e) (3) of this section; or

(b) The source owner or operator has not demonstrated good faith efforts to follow the stated program for developing constant emission reduction procedures; or

(c) The source owner or operator has not developed and employed a control program that is effective in preventing violations of National Ambient Air Quality Standards.

(ii) Prior to denying the continued use of a supplementary control system pursuant to subparagraph (e) (15) (i) of this section, the Administrator shall notify the owner or operator of the smelter subject to this paragraph of his intent to deny such continued use, together with:

(a) The information and findings on which such intended denial is based.

(b) Notice of opportunity for such owner or operator to present, within thirty (30) days, additional information or arguments to the Administrator prior to his final determination.

(iii) The Administrator shall notify the owner or operator of the smelter subject to this paragraph of his final determination within thirty (30) days after the presentation of additional information or arguments, or thirty (30) days after the final date specified for such presentation if no presentation is made. If the continued use of the supplementary control system is denied, the final determination shall set forth the specific grounds for such denial.

(16) Upon denial of the continued use of a supplementary control system pursuant to subparagraph (e) (15) of this section all the requirements of paragraph (d) of this section shall be immediately applicable to the owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region and compliance therewith shall be achieved in accordance with such schedule as the Administrator shall order.

(17) The owner or operator of the smelter subject to this paragraph shall be in violation of a requirement of an applicable implementation plan and subject to the penalties specified in Section 113 of the Clean Air Act if:

(i) an increment of the compliance schedules set forth in subparagraph (14) is not met by the date specified; or

(ii) the total sulfur dioxide concentration determined according to subparagraph (e) (6) (i) or (iii) of this section exceeds the emission limitation set forth in subparagraph (e) (4) (i) (a) of this section; or

(iii) the total sulfur dioxide emission rate determined according to subparagraph (e) (6) (ii) or (iv) of this section exceeds the emission limitation set forth in subparagraph (e) (4) (i) (b) of this section; or

(iv) any National Ambient Air Quality Standards for sulfur oxides are violated in the designated liability area; or

(v) operations of the supplementary control system are not conducted in accordance with the approved operational manual; or

(vi) such owner or operator fails to submit any of the information required by this paragraph.

§ 52.1480 [Amended]

3. In § 52.1480, footnote (b) beneath the table setting forth dates of attainment of national standards is amended to read as follows:

"b: July 1977, except that in the event the source subject to § 52.1475(d) is granted permission to comply with § 52.1475(e) the attainment date for the national primary and secondary standards shall be January 1, 1977."

4. In § 52.1480, the letter "a" indicating the date for attainment of the National Primary Ambient Air Quality Standards for sulfur dioxide in the Nevada Intrastate Air Quality Control Region is amended to read "b".

5. Section 52.1481 is revised to read as follows:

§ 52.1481 Extensions.

The Administrator hereby extends to July 31, 1977, the attainment date for the primary standards of sulfur oxides in the Nevada Intrastate Air Quality Control Region. In the event that the source subject to § 52.1475(d) is granted permission to comply with § 52.1475(e) the attainment date for the primary standards for sulfur oxides in the Nevada Intrastate Air Quality Control Region shall be extended only to January 1, 1977.

APPENDICES B AND C [RESERVED]

6. Appendices B and C to Part 52 are reserved. Appendices D and E are added to Part 52 as follows:

APPENDIX D—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS MONITORS

1. *Definitions.*

1.1 *Concentration Measurement System.* The total equipment required for the continuous determination of SO_2 gas concentration in a given source effluent.

1.2 *Span.* The value of sulfur dioxide concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at the expected maximum sulfur dioxide concentration except as specified under section 5.2, Field Test for Accuracy.

1.3 *Accuracy (Relative).* The degree of correctness with which the measurement system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error which is the difference between the paired concentration measurements expressed as a percentage of the mean reference value.

1.4 *Calibration Error.* The difference between the pollutant concentration indicated by the measurement system and the known concentration of the test gas mixture.

1.5 *Zero Drift.* The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time for the measurement is zero.

1.6 *Calibration Drift.* The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurement is the same known upscale value.

1.7 *Response Time.* The time interval from a step change in pollutant concentration at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

1.8 *Operational Period.* A minimum period of time over which a measurement system is

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expected to operate within certain performance specifications without unscheduled maintenance, repair or adjustment.

1.9 *Reference Method.* The reference method for determination of SO_2 emissions shall be Method 8 as delineated in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide, as well as isokinetic sampling, may be omitted from the overall test procedure.

2. *Principle and Applicability.*

2.1 *Principle.* Gases are continuously sampled in the stack emissions and analyzed for sulfur dioxide by a continuously operating emission measurement system. Performance specifications for the continuous measurement systems are given. Test procedures are given to determine the capability of the measurement systems to conform to the performance specifications. Sampling may include either the extractive or nonextractive (in-situ) approach.

2.2 *Applicability.* The performance specifications are given for continuous sulfur dioxide measurement systems applied to nonferrous smelters.

3. *Apparatus.*

3.1 *Calibration Gas Mixture.* Mixture of a known concentration of sulfur dioxide in oxygen-free nitrogen. Nominal volumetric concentrations of 50 percent and 90 percent of span are recommended. The mixture of 90 percent of span is to be used to set and to check the span and is referred to as the span gas. The gas mixtures shall be analyzed by the Reference Method at least two weeks prior to use or demonstrated to be accurate and stable by an alternate method subject to approval of the Administrator.

3.2 *Zero Gas.* A gas containing less than 1 ppm sulfur dioxide.

3.3 Equipment for measurement of sulfur dioxide concentration using the Reference Method.

3.4 *Chart Record.* Analog chart recorder, input voltage range compatible with analyzer system output.

3.5 Continuous measurement system for sulfur dioxide.

4. *Measurement System Performance Specifications.*

The following performance specifications shall be met in order that a measurement system shall be considered acceptable under this method.

TABLE I.—*Performance specifications*

Parameter: [a]	Specification
1. Accuracy [a]	≤20 percent of reference mean value.
2. Calibration Error [a]	≤5 percent of each (50%, and 30%) calibration gas mixture.
3. Zero Drift (2-hours) [a]	≤2 percent of emission standard.
4. Zero Drift (24-hours) [a]	≤4 percent of emission standard.
5. Calibration Draft (2-hours) [a]	≤2 percent of emission standard.
6. Calibration Drift (24-hours) [a]	≤5 percent of emission standard.
7. Response Time	15 minutes maximum.
8. Operational Period	168 hours minimum.

[a] Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

5. *Performance Specification Test Procedures.*

The following test procedures shall be used to determine compliance with the requirements of paragraph 4:

5.1 Calibration test.

5.1.1 Analyze each calibration gas mixture (50 percent, 90 percent) for sulfur dioxide by the Reference method and record the results on the example sheet shown in Figure D-1. This step may be omitted for nonextractive monitors where dynamic calibration gas mixtures are not used (see 5.1.2).

5.1.2 Set up and calibrate the complete measurement system according to the manufacturer's written instructions. This may be accomplished either in the laboratory or in the field. Make a series of five nonconsecutive readings with span gas mixtures alternately at each concentration (example, 50 percent, 90 percent, 50 percent, 90 percent, 50 percent). For nonextractive measurement systems, this test may be performed using procedures specified by the manufacturer and two or more calibration gases whose concentrations are certified by the manufacturer and differ by a factor of two or more. Convert the measurement system output readings to ppm and record the results on the example sheet shown in Figure D-2.

5.2 *Field Test for Accuracy (Relative), Zero Drift and Calibration Drift.* Install and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:

5.2.1 *Conditioning Period.* Offset the zero setting at least 10 percent of span so that negative zero drift may be quantified. Operate the system for an initial 168-hour conditioning period. During this period the system should measure the SO_2 content of the effluent in a normal operational manner.

5.2.2 *Operational Test Period.* Operate the system for an additional 168-hour period. The system shall be monitoring the source effluent at all times when not being zeroed, calibrated or backpurged.

5.2.2.1 *Field Test for Accuracy (Relative).* The analyzer output for the following test shall be maintained between 20 percent and 90 percent of span. It is recommended that a calibrated gas mixture be used to verify the span setting utilized. During this 168-hour test period, make a minimum of nine (9) SO_2 concentration measurements using the Reference Method with a sampling period of one hour. If a measurement system operates across the stack or a portion of it, the Reference Method test shall make a four-point traverse over the measurement system operating path. Isokinetic sampling and analysis for SO_2 and H_2SO_4 mist are not required. For measurement systems employing extractive sampling, place the measurement system and the Reference Method probe tips adjacent to each other in the duct. One test will consist of two simultaneous samples with not less than two analyses on each sample. Record the test data and measurement system concentrations on the example sheet shown in Figure D-3.

5.2.2.2 *Field Test for Zero Drift and Calibration Drift.* Determine the values given by zero and span gas SO_2 concentrations at 2-hour intervals until 15 sets of data are obtained. Alternatively, for nonextractive measurement systems, determine the values given by an electrically or mechanically produced zero condition, and by inserting a certified calibration gas concentration equivalent to not less than 20 percent of span, into the measurement system. Record these readings on the example sheet shown in Figure D-4. These 2-hour periods need not be consecutive but may not overlap. If the analyzer span is set at the expected maximum concentration for the tests performed under 5.2.2, then the zero and span determinations to be made under this paragraph may be made concurrent with the tests under 5.2.2.1. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals (except as required under 5.2.2) or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour test period, record the values given by zero and span gas SO_2 concentrations before and after adjustment at 24-hour intervals in the example sheet shown in Figure D-5.

5.3 Field Test for Response Time.

5.3.1 This test shall be accomplished using the entire measurement system as installed including sample transport lines if used. Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer's written instructions. In the case of cyclic analyzers, the response time test shall include one cycle.

5.3.2 Introduce a zero concentration of SO_2 into the measurement system sampling interface as or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of SO_2 at 70 to 90 percent of span. Record the time from concentration switching to final stable response. After the system response has stabilized at the upper level, switch quickly to a zero concentration of SO_2. Record the time from concentration switching to final stable response. Alternatively, for nonextractive monitors, a calibration gas concentration equivalent to 20 percent of span or more may be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. For each test record the results on the example sheet shown in Figure D-6.

6. *Calculations, Data Analysis and Reporting.*

6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation D-1.

$$\bar{x} = \frac{\sum_{i=1}^{n} x_i}{n} \qquad \text{Equation D-1}$$

where:

x_i = individual values.
Σ = sum of the individual values.
$\bar{x}$ = mean value.
n = number of data points.

6.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation D-2.

$$\text{C.I.}_{95} = \frac{t_{.975}}{n\sqrt{n-1}} \sqrt{n(\Sigma x_i^2) - (\Sigma x_i)^2} \qquad \text{Equation D-2}$$

where:

Σx_i = sum of all data points.
$t_{.975}$ = $t_{1-\alpha/2}$, and
C.I.$_{95}$ = 95 percent confidence interval estimated of the average mean value.

Typical values for $t_{.975}$

n	$t_{.975}$	n	$t_{.975}$	n	$t_{.975}$
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

The values in this table are already corrected for n-1 degrees of freedom. Use n *equal to the number of samples* as data points.

6.2 Data Analysis and Reporting.

6.2.1 *Accuracy (Relative).* For each of the nine reference method testing periods, determine the average sulfur dioxide concentration reported by the continuous measurement system. These average concentrations shall be determined from the measurement system data recorded under 5.2.2.1 by integrating the pollutant concentrations over each of the time intervals concurrent with each reference method test, then dividing by the cumulative time of each applicable reference method testing period. Before proceeding to the next step, determine the basis (wet or dry) of the measurement system data and reference method test data concentrations.

If the bases are not consistent, apply a moisture correction to either the referenced method concentrations or the measurement system concentrations, as appropriate. Determine the correction factor by moisture tests concurrent with the reference method testing periods. Report the moisture test method and the correction procedure employed. For each of the nine test runs, subtract the Reference Method test concentrations from the continuous monitoring system average concentrations. Using these data, compute the mean difference and the 95 percent confidence interval using equations D-1 and D-2. Accuracy is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure D-3.

6.2.2 *Calibration Error.* Using the data from Section 5.1 of this Appendix, subtract the measured SO_2 value determined under 5.1.1 (Figure D-1) from the value shown by the measurement system for each of the 5 readings at each concentration measured under 5.1.2 (Figure D-2). Calculate the mean of these difference values and the 95 percent confidence intervals according to equations D-1 and D-2. The calibration error is reported as the sum of absolute value of the mean difference and the 95 percent confidence interval as a percentage of each respective calibration gas concentration. Use example sheet shown in Figure D-2.

6.2.3 *Zero Drift (2-hour).* Using the zero concentration values measured each two hours during the field test, calculate the differences between *consecutive* two-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using Equations D-1 and D-2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-4.

6.2.4 *Zero Drift (24-hour).* Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using Equations D-1 and D-2. Report the zero drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-5.

6.2.5 *Calibration Drift (2-hour).* Using the calibration values obtained at two-hour intervals during the field test, calculate the differences between *consecutive* two-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that two-hour period. Calculate the mean and confidence interval of these corrected difference values using Equations D-1 and D-2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure D-4.

6.2.6 *Calibration Drift (24-hour).* Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations D-1 and D-2. Report the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure D-5.

6.2.7 *Response Time.* Using the charts from section 5.3 of this Appendix, calculate the time interval from concentration switching to 95 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. For nonextractive instruments using a calibration gas cell to determine response time, the observed times shall be extrapolated to 90 percent of full scale response time. For example, if the observed time for a 20 percent of span gas cell is one minute, this would be equivalent to a 4½-minute response time when extrapolated to 90 percent of span. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Use the example sheet shown in Figure D-6.

6.2.8 *Operational Period.* During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a one-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than specified above, during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

6.2.9 *Performance Specification Testing Frequency.* In the event that significant repair work is performed in the system, the company shall demonstrate to the Administrator that the system still meets the performance specifications listed in Table I of this appendix. The Administrator may require a performance test at any time he determines that such test is necessary to verify the performance of the measurement system.

7. *References.*

7.1 *Monitoring Instrumentation for the Measurement of Sulfur Dioxide in Stationary Source Emissions,* Environmental Protection Agency, Research Triangle Park, N.C., February 1973.

7.2 *Instrumentation for the Determination of Nitrogen Oxides Content of Stationary Source Emissions,* Environmental Protection Agency, Research Triangle Park, N.C., APTD 0847, Vol. I, October 1971; APTD 0942, Vol. II, January 1972.

7.3 *Experimental Statistics,* Department of Commerce, Handbook 91, 1963, p. 3-31, paragraphs 3-3.1.4.

7.4 *Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions,* Environmental Protection Agency, Research Triangle Park, N.C., EPA-650/2-74-013, January 1974.

Date_____ Reference Method Used_____

Mid Range Calibration Gas Mixture

Sample 1 _____ ppm
Sample 2 _____ ppm
Sample 3 _____ ppm
Average _____ ppm

High Range (span) Calibration Gas Mixture

Sample 1 _____ ppm
Sample 2 _____ ppm
Sample 3 _____ ppm
Average _____ ppm

FIGURE D-1.—Analysis of Calibration Gas Mixtures

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FIGURE D-2.—*Calibration error determination*

Calibration gas mixture data (from fig. D-1): Mid (50 percent) average —— p/m, high (90 percent) average —— p/m

Run No.	Calibration gas concentration [1]	Measurement system reading, p/m	Differences, p/m [2]
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

	Percent of full scale reading	
	50% mid	90% high
Mean difference		
Confidence interval	±	±
Calibration error = $\frac{\text{Mean difference}^3 + \text{C.I.}}{\text{Average calibration gas concentration}} \times 100$	%	%

[1] Mid or high.
[2] Calibration gas concentration—measurement system reading.
[3] Absolute value.

FIGURE D-3.—*Accuracy*

Date and time	Test No.	Reference method samples	Analyzer 1-hour average [1] (p/m)	Difference [2] (p/m)
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			

Mean difference = ... p/m.
95 percent confidence interval = + ... p/m.
Mean Reference method value = ... p/m.

Accuracy = $\frac{\text{Mean difference (absolute value)} + 95 \text{ percent confidence interval}}{\text{Mean reference method value}} \times 100$ —— percent

[1] Explain method used to determine average.
[2] Difference = the 1-h average minus the reference method average.

FIGURE D-4.—*Zero and calibration drift (2 h)*

Date	Time Begin	Time End	Date set No.	Zero reading	Zero drift (ΔZero)	Span reading	(Δspan)	Calibration drift (Δspan−Δzero)
			1					
			2					
			3					
			4					
			5					
			6					
			7					
			8					
			9					
			10					
			11					
			12					
			13					
			14					
			15					

Zero drift = [mean zero drift [1] —— + CI (zero) ——+emission standard] × 100 = ——
Calibration drift = [mean span drift [1] —— CI + CI (span) ——+emission standard] × 100 = ——

[1] Absolute value.

FIGURE D-5.—*Zero and calibration drift (24 hr)*

Date and time	Zero reading	Zero drift (Δzero)	Span reading (after zero adjustment)	Calibration drift (Δspan)

Zero drift = [mean zero drift [1] ——— + CI (zero) ———+emission standard] × 100 = ———.
Calibration drift = [mean span drift [1] ——— + CI (span) ——— +emission standard] × 100 = ———.

[1] Absolute value.

Date of Test .....
Span Gas Concentration ..... ppm.
Analyzer Span Setting ..... ppm.
Upscale:
1 ..... seconds.
2 ..... seconds.
3 ..... seconds.
Average upscale response ..... seconds.
Downscale:
1 ..... seconds.
2 ..... seconds.
3 ..... seconds.
Average downscale response ..... seconds.
System response time = slower time ..... seconds.

Percent deviation from slowest time = $\frac{\text{average upscale} - \text{average downscale}}{\text{slower time}} \times 100\%$

FIGURE D-6.—Response Time

APPENDIX E—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR MONITORING SYSTEMS FOR EFFLUENT STREAM GAS VOLUMETRIC FLOW RATE

1. *Principle and applicability.*

1.1 *Principle.* Effluent stream gas volumetric flow rates are sampled and analyzed by a continuous measurement system. To verify the measurement system performance, values obtained from the measurement system are compared against simultaneous values obtained using the reference method. These comparison tests will be performed to determine the relative accuracy, and drift of the measurement system over the range of operating conditions expected to occur during normal operation of the source. If the measurement system is such that the specified tests in section 5.1 for drift do not apply, those test procedures shall be disregarded.

1.2 *Applicability.* This method is applicable to subparts which require continuous gas volumetric flow rate measurement. Specifications are given in terms of performance. Test procedures are given for determining compliance with performance specifications.

2. *Apparatus.*

2.1 Continuous measurement system for determining stack gas volumetric flow rate.

2.2 Equipment for measurement of stack gas volumetric flow rate as specified in the reference method.

3. *Definitions.*

3.1 *Measurement system.* The total equipment required for the determination of the gas volumetric flow rate in a duct or stack. The system consists of three major subsystems:

3.1.1 *Sampling Interface.* That portion of the measurement system that performs one or more of the following operations: Delineation, acquisition, transportation, and conditioning of a signal from the stack gas and protection of the analyzer from any hostile aspects of the source environment.

3.1.2 *Analyzer.* That portion of the measurement system which senses the stack gas flow rate or velocity pressure and generates a signal output that is a function of the flow rate or velocity of the gases.

3.1.3 *Data presentation.* That portion of the measurement system that provides a display of the output signal in terms of volumetric flow rate units, or other units which are convertible to volumetric flow rate units.

3.2 *Span.* The value of gas volumetric flow rate at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at 1.5 times the maximum volumetric flow rate expected under varying operating conditions of the source.

3.3 *Zero drift.* The change in measurement system output over a stated period of time of normal continuous operation when gas volumetric flow rate at the time of the measurements is zero.

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3.4 *Calibration drift.* The change in measurement system output over a stated time period of normal continuous operation when the gas volumetric flow rate at the time of the measurement is 67 percent of the span value.

3.5 *Operation period.* A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.6 *Orientation sensitivity.* The angular tolerance to which the sensor can be misaligned from its correct orientation to measure the flow rate vector before a specified error occurs in the indicated flow rate compared to the reference flow rate.

3.7 *Reference method.* Method 2 as delineated in 40 CFR Part 60.

4. *Measurement system performance specifications.* A measurement system must meet the performance specifications in Table E–1 to be considered acceptable under this method.

TABLE E–1

Parameter:	Specifications
Accuracy (relative)	≤10 percent of mean reference value (paragraph 6.3.1).
Zero drift (24 hours)	≤3 percent of span (paragraph 6.3.2).
Calibration drift (24 hours)	≤3 percent of span (paragraph 6.3.3).
Operational period	168 hours minimum.

5. *Test procedures.*

5.1 Field test for accuracy, zero drift, calibration drift, and operation period.

5.1.1 *System conditioning.* Set up and operate the measurement system in accordance with the manufacturer's written instructions and drawings. Offset the zero point of the chart recorder so that negative values up to 5 percent of the span value may be registered. Operate the system for an initial 168-hour conditioning period. During this initial period, the system should measure the gas stream volumetric flow rate in a normal operational manner. After completion of this conditioning period, the formal 168-hour performance and operational test period shall begin.

5.1.2 *Field test for accuracy and operational period.* During the 168-hour test period, the system should be continuously measuring gas volumetric flow rate at all times. During this period make a series of 14 volumetric flow rate determinations simultaneously using the reference method and the measurement system. The 14 determinations can be made at any time interval at least one hour apart during the 168-hour period except that at least one determination on five different days must be made with one determination on the last day of such period. The determinations shall be conducted over the range of volumetric flow rates expected to occur during normal operation of the source. The measurement system volumetric flow rate reading corresponding to the period of time during which each reference method run was made may be obtained by continuous integration of the measurement system signal over the test interval. Integration may be by use of mechanical integration of electrical units on the chart recorder or use of a planimeter on the strip chart recorder. The location and orientation of the reference method measurement device and the measurement system should be as close as practical without interference, but no closer than 1.3 cm (0.5 inch) to each other and shall be such that dilution air or other interferences cannot be interjected into the stack or duct between the pitot tube and the measurement system. Be careful not to locate the reference method pitot tube directly up or down stream of the measurement system sensor.

5.1.3 *Field test for calibration drift and zero drift.* At 24-hour intervals, but more frequently if recommended by the manufacturer, subject the measurement system to the manufacturer's specified zero and calibration procedures, if appropriate. Record the measurement system output readings before and after adjustment. Automatic corrections made by the system without operator intervention are allowable at anytime.

5.1.4 *Field test for orientation sensitivity.* If a velocity measurement system is either a single point measurement device or a pressure sensor or any other device such as pitot tube which uses the flow direction of the test gas, then the following test shall be followed and a performance specification of ±10 degrees device orientation sensitivity for ±4 percent flow rate determination accuracy must be met in order for the measurement system to be considered acceptable under this method. This is in addition to the performance specifications given in paragraph 4 of this appendix. During a period of relatively steady state gas flow, perform the following orientation test using the measurement system. The system should be continuously measuring gas velocity at all times. Rotate the measurement 10° on each side of the direction of flow in increments of 5°. Perform this test three times each at: (1) Maximum operating velocity (±15 percent); (2) 67 percent ±7.5 percent of the maximum operating velocity; and (3) 33 percent ±7.5 percent of the maximum operating velocity if (2) and (3) are normal operating practices.

6. *Calculations data analysis and reporting.*

6.1 *Procedure for determination of stack gas volumetric flow rate.* Calculate the reference stack gas velocity and corresponding stack gas volumetric flow rate with the calibrated type S pitot tube measurements by the reference method. Calculate the measurement systm stack gas volumetric flow rate as specified by the manufacturer's written instructions. Record the volumetric flow rates for each in the appropriate tables.

6.2 *Procedure for determination of mean values and 95 percent confidence intervals.*

6.2.1 *Mean value.* The mean value of a data set is calculated according to equation E–1.

EQUATION E–1

$$\bar{x}=\frac{1}{n}\sum_{i=1}^{n}x_i$$

where:

x_i = individual values.
Σ = sum of the individual values.
$\bar{x}$ = mean value.
n = data points.

6.2.2. *95 percent confidence level.* The 95 percent confidence level (two sided) is calculated according to Equation E–2.

EQUATION E–2

$$\text{C.I.}_{95}=\frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i 2)-(\Sigma x_i)^2}$$

where:

Σx_i = sum of all data points.
(Σx_i) = sum of squares of all data points.
C.I._{95} = 95 percent confidence interval estimate of the average mean value.

Values for $t_{.975}$

n	$t_{.975}$	n	$t_{.975}$	n	$t_{.975}$
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of samples as data points.

6.3 *Data analysis and reporting.*

6.3.1 *Accuracy (relative).* First, calculate the mean reference value (equation E–1) of the 14 average volumetric flow rates calculated by the reference method. Second, from the 14 pairs of average volumetric flow rates calculated by the reference method and measurement system volumetric flow rate readings, calculate the mean value (equation E–1) of the differences of the 14 paired readings. Calculate the 95 percent confidence interval (equation E–2) using the differences of fourteen paired readings. To calculate the values in the second part of this section substitute d_i for x_i and d for x in equations E–1 and E–2 where d_i equals the difference of each paired reading and d equals the mean value of the fourteen paired differences. Third, report the sum of the absolute mean value of the differences of the fourteen paired readings and the 95 percent confidence interval of the differences of value calculated in the first part of the section. Divide this total by the mean reference value and report the result as a percentage. This percentage is the relative accuracy.

6.3.2 *Zero drift (24 hour).* From the zero values measured each 24 hours during the field test, calculate the differences between successive readings expressed in volumetric flow rate units. Calculate the mean value of these differences and the confidence interval of these differences using equations E–1 and E–2. Report the sum of the absolute value of the mean difference and the confidence interval as a percentage of the measurement system span. This percentage is the zero drift.

6.3.3 *Calibration drift (24 hour).* From the calibration values measured every 24 hours during the field test calculate the differences between: (1) The calibration reading after zero and calibration adjustment, and (2) the calibration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations E–1 and E–2. Report the sum of the absolute value of the mean difference and confidence interval as a percentage of the measurement system span. This percentage is the calibration drift.

6.3.4 *Operation period.* Other than that clearly specified as required in the operation and maintenance manual, the measurement system shall not require any corrective maintenance, repair, replacement or adjustment during the 168-hour performance and operational test period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test, except for the 168-hour field test period, which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded.

Output readings shall be recorded before and after all adjustments.

6.3.5 *Orientation sensitivity.* In the event the conditions of paragraph 5.1.4 of this appendix are required, the following calculations shall be performed. Calculate the ratio of each measurement system reading divided by the reference pitot tube readings. Graph the ratio vs. angle of deflection on each side of center. Report the points at which the ratio differs by more than ±4 percent from unity (1.00).

§ 52.1479 [Amended]

7. In § 52.1479, paragraph (b) is revoked.

(b) [Revoked.]

[FR Doc.75–2961 Filed 2–5–75;8:45 am]

[FRL 318–8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maryland; Revocation of Regulation for Control of Photochemically Reactive Organic Solvents

On December 6, 1973 (38 FR 33702, 33716), and December 12, 1973 (38 FR 34240), the Administrator of the Environmental Protection Agency promulgated transportation control plans for the Maryland portion of the National Capital Interstate Air Quality Control Region and the Metropolitan Baltimore Intrastate Air Quality Control Region. These plans, which to the maximum extent reflected the preferences of the State of Maryland, included measures such as improved mass transit, emission inspection programs, and additional stationary source controls. One of the measures included in the Metropolitan Baltimore AQCR transportation plan, 40 CFR 51.1112 (Control of Organic Solvents), totally reflected the preferences of the State of Maryland.

On April 24, 1974, the State of Maryland proposed further amendments to their state implementation plan. These amendments included, but were not limited to, regulations for control of organic solvents (10.03.38.04J(1)i, 10.03.38.06G; 10.03.39.04J(1)i, 10.03.39.06G.

On April 26, 1974, the State provided certification that, after having given adequate notice to the public, hearings on these amendments had taken place on August 10, 1973, and November 30, 1973, in Baltimore, Maryland, on August 9, 1973, in Greenbelt, and on November 30, 1973, in Bethesda.

On August 29, 1974 (39 FR 31533), the Administrator announced receipt of these amendments and announced a 30 day period for public comment. A correction notice that appeared in the October 1, 1974, FEDERAL REGISTER extended the comment period for an additional 30 days (39 FR 35386).

On October 4, 1974, the State of Maryland was informed that regulations 10.03.38.06G(2) and 10.03.39.06G(2), which prevent existing sources in the Metropolitan Baltimore and Maryland portion of the National Capital AQCR currently emitting photochemically reactive solvents at the rate of greater than 550 pounds per day from increasing their emissions, would be unacceptable for the Administrator's approval. The specific objections were as follows:

1. Justification for the 550 pounds per day cutoff between regulated and unregulated sources was lacking.

2. The definition of "average daily emissions," and the base period on which the average was determined was too vague.

3. The time period over which the emissions would be measured to determine whether they are in violation or not was unclear.

On November 29, 1974, the State of Maryland requested that regulations 10.03.38.06G(2) and 10.03.39.06G(2) be withdrawn from consideration as a proposed amendment to the state implementation plan. The State agreed that the wording and intent of this regulation may be interpreted as vague and unclear. The State has also indicated that new amendments will be proposed shortly to replace the amendments being withdrawn.

The Administrator agrees with these findings and hereby rescinds 40 CFR 52.1112, the regulation which corresponds to State regulation 10.03.38.06G, as its wording and intent is similarly vague and unclear.

(42 U.S.C. 1857 c–5)

Dated: January 31, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart V—Maryland

1. Section 52.1070 is amended by revising paragraph (c) as follows:

§ 52.1070 Identification of plans.

* * * * *

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control, and

(2) July 27, 1972, by the Maryland Department of Natural Resources, and

(3) April 10, May 5, June 15, June 22, June 28, July 9, July 31, 1973; and April 24 and November 29, 1974.

§ 52.1112 [Revoked]

2. Section 52.1112 is revoked.

[FR Doc.75–3448 Filed 2–5–75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 331–1]

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

On August 8, 1974, the Environmental Protection Agency published a notice of proposed rulemaking (39 FR 28536) announcing its intention to amend Subpart U (Sulfuric Acid Production Subcategory) and Subpart V (Titanium Dioxide Production Subcategory) of 40 CFR Part 415 which was promulgated on March 12, 1974 (39 FR 9612). The amendments were proposed in order to define more precisely the applicability of the respective subparts.

In the case of the Sulfuric Acid Production Subcategory, the purpose of the proposed amendment to § 415.210 was to clarify the Agency's intent that the provisions of Subpart U apply to discharges of pollutants from point sources manufacturing sulfuric acid by the sulfur burning process and that they do not apply to discharges resulting from the manufacture of sulfuric acid by the sulfide burning process or to plants recovering sulfuric acid from wastes of other manufacturing processes.

In the case of the Titanium Dioxide Production Subcategory, the purpose of the proposed amendment to § 415.220 was to confine the applicability of Subpart V to discharges resulting from the manufacture of titanium dioxide by means of the chloride or sulfate processes and to exclude discharges resulting from the production of titanium dioxide by a process in which beneficiation of raw ilmenite ore and chlorination are inseparably combined.

Interested persons were afforded 30 days in which to submit comments, suggestions, or objections to the proposed amendments. No written objections have been received. Accordingly, the proposed amendments are adopted without change. Pursuant to Section 301, 304(b) and 501 (a) of the Federal Water Pollution Control Act, 86 Stat. 816, Pub. L. 92–500 (33 U.S.C. 1215, 1311, 1314(b), 1361(a)), 40 CFR, Chapter I, Subchapter N is hereby amended as set forth below. The revisions shall become effective March 10, 1975.

Dated: January 31, 1975.

JOHN QUARLES,
Acting Administrator.

Section 415.210 is amended to read as follows:

§ 415.210 Applicability; description of the sulfuric acid production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of sulfuric acid by the sulfur burning contact process in both single and double adsorption plants. The provisions of this subpart are not applicable to discharges from plants burning sulfides, or recovering sulfuric acid from waste streams of other processes such as oil refining or metallurgical operation.

Section 415.220 is amended to read as follows:

§ 415.220 Applicability; description of the titanium dioxide production subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of titanium dioxide by the sulfate process and by the chloride process. The provisions of this subpart are not applicable to the wastes resulting

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from discharges from produtcion by processes in which beneficiation of raw ilmenite ore and chlorination are inseparably combined in the same process step.

[FR Doc.75-3450 Filed 2-5-75;8:45 am]

[FRL 326-6]

SUBCHAPTER C AIR PROGRAMS

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Technical Amendments, Corrections

On June 20, 1973 (38 FR 16062), the Environmental Protection Agency published in the FEDERAL REGISTER a series of amendments to the motor vehicle air pollution control regulations. On June 28, 1973 (38 FR 17133), the regulations were reprinted in their entirety. The June 28 publication inadvertently negated the amendments published on June 20. In addition, similar errors of omission have been discovered in the regulations applicable to light duty diesel-powered vehicles and light duty trucks, as well as in other sections of the regulations.

These technical amendments are issued to become effective immediately February 6, 1975, as without exception they reflect existing operating procedures in effect since the beginning of the 1975 model year certification program.

Part 85 of Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1975 model year is amended as follows, effective February 6, 1975.

The provisions of this Part 85 are issued under sections 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, and 1857g(a)).

Dated: January 31, 1975.

JOHN QUARLES,
Acting Administrator.

1. In § 85.075-2, paragraph (a) is revised. As revised, the section reads as follows:

§ 85.075-2 Application for certification.

(a) An application for a certificate of conformity shall be made for each set of standards applicable to new motor vehicles. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

2. In § 85.075-5, paragraph (a) is amended as follows:

§ 85.075-5 Test vehicles.

(a)(1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all of the following respects:

* * * * *

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

* * * * *

3. In § 85.075-28, paragraph (a) is amended as follows:

§ 85.075-28 Compliance with emission standards.

(a) The applicable exhaust and fuel evaporative emission standards in § 85.075-1 apply to the emissions of vehicles for their useful life.

* * * * *

4. In § 85.075-30, paragraph (a)(3) is added and paragraph (b)(2) is revised as follows:

§ 85.075-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(b) * * *

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with one set of applicable standards.

* * * * *

5. In § 85.075-35, paragraph (a)(4)(v) is revised as follows:

§ 85.075-35 Labeling.

(a) * * *

(4) * * *

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles" or "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles, with the exception of the carbon monoxide standard for California," whichever is applicable.

* * * * *

6. In § 85.175-2, paragraph (a) is revised as follows:

§ 85.175-2 Application for certification.

(a) An application for a certificate of conformity shall be made for each set of standards applicable to new motor vehicles. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

7. In § 85.175-28, paragraph (a) is revised as follows:

§ 85.175-28 Compliance with emission standards.

(a) The applicable exhaust and fuel evaporative emission standards in § 85.175-1 apply to the emissions of vehicles for their useful life.

* * * * *

8. In § 85.175-30, paragraph (a)(3) is added and paragraph (b)(2) is revised as follows:

§ 85.175-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(b) * * *

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with one set of applicable standards.

* * * * *

9. In § 85.175-35, paragraph (a)(4)(v) is revised as follows:

§ 85.175-35 Labeling.

(a) * * *

(4) * * *

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles" or "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles, with the exception of the carbon monoxide standard for California," whichever is applicable.

* * * * *

10. In § 85.275-5, paragraph (a) is amended as follows:

§ 85.275-5 Test vehicles.

(a)(1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

* * * * *

(viii) Catalytic convertor characteristics.

(ix) Thermal reactor characteristics.

* * * * *

11. In § 85.077-30, paragraphs (a)(3), (4) and (5) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertenly deleted. As corrected, paragraph (a) reads as follows:

§ 85.077-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, or delivers for introduction into commerce at high altitude locations any motor vehicle subject to the regulations under the Act which is not covered by a certificate of conformity issued under this subpart, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for use at a high altitude location.

(5) For the purpose of paragraph (a)(4) "high altitude location" means the intended location of registration, licensing, or titling of such motor vehicle by the ultimate purchaser, such location identified by name and altitude.

(6) For the purpose of paragraph (a)(4) determination of "high altitude location" shall rest with the U.S. Geological Survey, as published in that Agency's 1:250,000 scale series of topographic maps for the United States.

* * * * *

12. In § 85.077-38, paragraphs (a)(3) and (4) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertently deleted. As corrected, paragraph (a) reads as follows:

§ 85.077-38 Maintenance instructions.

(a) * * *

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.077-6(a) and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(5) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

* * * * *

13. In § 85.177-30, paragraphs (a)(3), (4) and (5) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertently omitted. As corrected, paragraph (a) reads as follows:

§ 85.177-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, or delivers for introduction into commerce at high altitude locations any motor vehicle subject to the regulations under the Act which is not covered by a certificate of conformity issued under this subpart, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for use at a high altitude location.

(5) For the purpose of paragraph (a)(4) "high altitude location" means the intended location of registration, licensing, or titling of such motor vehicle by the ultimate purchaser, such location identified by name and altitude.

(6) For the purpose of paragraph (a)(4) determination of "high altitude location" shall rest with the U.S. Geological Survey, as published in that Agency's 1:250,000 scale series of topographic maps for the United States.

* * * * *

14. In § 85.277-38, paragraphs (a)(3), (a)(4) and (b) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertently deleted. As corrected, § 85.277-38 reads as follows:

§ 85.277-38 Maintenance instructions.

(a) * * *

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.275-6(a) and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(5) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emission standards when operated at low altitude.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

* * * * *

[FR Doc.75-3449 Filed 2-5-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-30—FEDERAL CATALOG SYSTEM

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective February 6, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JANUARY 30, 1975.

Part 114-30 is added as follows:

Subpart 114-30.1—General

§ 114-30.103-2 Agency responsibilities.

(a) Each bureau and office of the Department shall:

(1) Cooperate in the conversion and utilization of the Federal Catalog System to the extent practicable and feasible without formal participation, and depend upon the General Services Administration to provide required information.

Subpart 114-30.5—Maintenance of the Federal Catalog System

§ 114-30.503 Maintenance actions required.

(a) Each bureau and office shall be responsible for submitting to the General Services Administration any GSA Form 1303 needed to request the performance of all cataloging functions and the preparation and transmission of data to DLSC when required.

(Sec. 205(c), 63 Stat. 390; (5 U.S.C. 301).

[FR Doc.75-3431 Filed 2-5-75;8:45 am]

PART 114-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 114-39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 (U.S.C. 486(c)), Chapter 114, Title 41 of the Code of Federal Regulations, is amended by the addition of Subpart 114-39.6 as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective February 6, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JANUARY 30, 1975.

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Subpart 114–39.6 is added to read as follows:

Sec.
114–39.601 General requirements.
114–39.602 Authorized use.
114–39.602–1 Government vehicles.

§ 114–39.601 General requirements.

(a) Leasing of motor vehicles. The head of each bureau and office is designated as responsible for certifying that leased vehicles larger than Type I (compact) passenger vehicles are essential to the mission of that particular bureau of office.

(1) New requirements for leased vehicles on a nationwide basis shall be submitted to the Director of Management Services (PM) for transmittal to the General Services Administration.

§ 114–39.602 Authorized use.

§ 114–39.602–1 Government vehicles.

(a) Subpart 114–38.50, Official Use of Motor Vehicles, prescribes Departmental policies and procedures governing the use of Government vehicles.

(b) The heads of bureaus and offices are responsible for compliance with FPMR 101–39.602–1(b).

(Sec. 205(c), 63 Stat. 390; (5 U.S.C. 301))

[FR Doc.75–3432 Filed 2–5–75;8:45 am]

MOTOR EQUIPMENT MANAGEMENT

Miscellaneous Amendments to Chapter

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective February 6, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JANUARY 30, 1975.

PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114–38.1—Reporting Motor Vehicle Data

Section 114–38.102–1 is revised to read as follows:

§ 114–38.102–1 Reporting period and submission.

Standard Form 82 shall be prepared as of June 30 of each year and submitted in triplicate to reach the Director of Management Services (PM) by September 1 of each year.

Subpart 114–38.4—Official Legend and Agency Identification

Section 114–38.401 paragraph (a) is revised to read as follows:

§ 114–38.402 Agency identification.

(a) Department of the Interior and Bureau or Office identification shall be displayed on motor vehicles, trailers, and motorcycles in conformance with 41 CFR 101–38.4 and 101–38.4903. Bureau emblems, or unusual legends, may not be displayed on Bureau-owned and interagency motor pool vehicles without the advance approval of the Administrator of General Services. Requests for such approval shall be referred to the Director of Management Services (PM), and should include a sample of the emblem or legend proposed to be displayed.

PART 114–39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 114–39.4—Establishment, Modification and Discontinuance of Motor Pools

Section 114–39.404–3 is revised to read as follows:

§ 114–39.404 Discontinuance or curtailment of service.

§ 114–39.404–3 Problems involving service or cost.

In any instance where problems involving motor pool service or cost arise, the affected bureau or office should bring the matter to the attention of the Chief of the motor pool prviding the vehicles for resolution. In the event a satisfactory solution does not result, full particulars should be forwarded to the Director of Management Services (PM) for consideration and possible referral to the Administrator, General Services Administration.

§ 114–39.404–4 Agency requests to withdraw participation.

Should circumstances arise at a given interagency motor pool location which tend to justify discontinuance or curtailment of participation in such motor pool by an Interior activity, the participating Bureau or Office should forward complete details concerning these circumstances to the Director of Management Services (PM) for consideration and possible referral to the Administrator, General Services Administration.

PART 114–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 114–40.3—Freight Rates, Routes, and Services

Section 114–40.307 is revised to read as follows:

§ 114–40.307 Tonnage reports.

In fulfilling the reporting requirements of 41 CFR 101–40.307, it is recognized that outbound shipments of 100 short tons or more will occur infrequently. Accordingly, a monthly report will be required only for the months in which such a shipment is made. This report, when required, shall be submitted in the form of Appendix I, in duplicate, to reach the Office of Management Services (PM) by not later than the 15th of the month following the month reported. Negative reports are not required.

PART 114–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Subpart 114–42.3—Reclamation of Precious Metals and Critical Materials

Section 114–42.302–2 is revised to read as follows:

§ 114–42.302–2 Reporting to GSA.

The annual report prescribed in 41 CFR 101–42.302–2 should be prepared in the format illustrated in section 101–42.4902 of this title, consolidated for the bureau, and submitted to the Director of Management Services (PM) by July 25 of each year.

§ 114–42.302–4 [Deleted]

Section 114–42.302–4 is deleted in its entirety.

PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 114–45.3—Sale of Personal Property

Section 114–45.316 is revised to read as follows:

§ 114–45.316 Report on identical bids.

§ 114–45.316–2 Reporting requirements and procedures.

(a) The reporting requirements specified in 41 CFR 101–45.316–2 are applicable to all sales of Government-owned personal property made on a competitive basis, including program sales made pursuant to special statutes authorizing the Secretary of the Interior to sell specific items of personal property.

(b) Reports on identical bids required by 41 CFR 101–45.316–2 shall be submitted by the head of Bureaus and Offices directly to the Attorney General. A copy of the transmittal letter and a copy of the abstract of bids shall be furnished to the Director of Management Services (PM).

Section 114–45.317 paragraph (b) is revised to read as follows:

§ 114–45.317 Noncollusive bids and proposals.

* * * * *

(b) The authority to make the determinations referred to in 41 CFR 101–45.317(b) is vested in the heads of Bureaus and Offices and may not be redelegated.

* * * * *

Section 114–45.317–50 is revised to read as follows:

§ 114–45.317–50 Compliance review.

The head of each Bureau and Office engaged in programs which involve the conduct of sales of Government property shall install an appropriate monitoring system at the headquarters office level to ensure compliance with these reporting requirements and procedures.

Subpart 114–45.8—Mistakes in Bids

Subpart 114–45.8 is revised to read as follows:

§ 114–45.803 Other mistakes disclosed before award.

(a) The Director, Office of Management Services, is authorized to make the determinations contemplated by 41 CFR 101–45.803. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnishes evidence in support of an alleged mistake in bid, the case shall be referred to the Director of Management Services (PM) for determination. The referral shall include the documents and data specified in 41 CFR 101–45.803(d)(3).

(d) The Office of Management Services shall maintain case file records of all administrative determinations made in accordance with 41 CFR 101–45.803. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

§ 114–45.804 Mistakes disclosed after award.

(a) The Director, Office of Management Services, is authorized to make the determinations contemplated by 41 CFR 101–45.804. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnishes evidence in support of an alleged mistake in bid, the case shall be referred to the Director of Management Services (PM) for determination. The referral shall include the documents and data specified in 41 CFR 101–45.804(f)(2).

(d) The Office of Management Services shall maintain case file records of all administrative determinations made in accordance with 41 CFR 101–45.804. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

PART 114–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114–46.2—Authorization

Subpart 114–46.2 is revised to read as follows:

§ 114–46.202 Restrictions and limitations.

(a) Basic responsibility for compliance with 41 CFR 101–46 rests with Bureaus and Offices. Consistent with Departmental financial management practices, Bureaus and Offices should establish procedures to provide adequate management control and documentation of exchange/sale transactions.

Subpart 114–46.4—Disposal

Section 114–46.407 is amended so the first sentence will read as follows:

§ 114–46.407 Reports.

The report required by this subpart shall be submitted to the Director of Management Services (PM), Office of the Assistant Secretary-Management, by not later than August 15 of each year. * * *

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 114–47.2—Utilization of Excess Real Property

Section 114–47.203–7 is amended so the first paragraph will read as follows:

§ 114–47.203–7 Transfers.

(a) One copy of GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property, shall be furnished the Director of Management Services (PM), Office of the Assistant Secretary-Management, when:

* * * * *

Subpart 114–47.3—Surplus Real Property Disposal

Section 114–47.301–5 paragraph (b) is revised to read as follows:

§ 114–47.301–5 Records and reports.

* * * * *

(b) *Submission and due date.* GSA Form 1100 shall be submitted in original only, to the Director of Management Services (PM) by not later than the 25th of July of each year. Negative reports are required and may be submitted in the form of a memorandum in lieu of GSA Form 1100.

Section 114–47.304–8 paragraph (b) is revised to read as follows:

§ 114–47.304–8 Report of identical bids.

* * * * *

(b) Whenever identical bids or offers are received through closed competitive negotiations or through sealed or spot bid procedures for the sale of real property under the conditions set forth in paragraphs (1), (2), and (3) of this paragraph, a copy of the invitation and a copy of the completed abstract of bids with identical bids circled in red shall be submitted to the Director of Management Services (PM), for transmittal to the Attorney General. These documents shall be forwarded to reach the Office of Management Services within 15 days following the disposition of all bids received in response to the invitation involved whether by awarding of contract(s) or other action.

* * * * *

Section 114–47.304–51 paragraph (c)(2)(v) is revised to read as follows:

§ 114–47.304–51 Noncollusive bids and proposals.

* * * * *

(v) White letterhead tissue copy to be marked "Director of Management Services (PM)."

Subpart 114–47.8—Identification of Undesded Federal Real Property

Section 114–47.802–54 paragraph (d) is revised to read as follows:

§ 114–47.802–54 Annual report to the Department.

* * * * *

(d) Be prepared, in duplicate, and transmitted to reach the Director of Management Services (PM) by August 21 of each year.

PART 114–52—ESTABLISHMENT OF QUARTERS RENTAL RATES

Subpart 114–52.2—Surveys and Appraisals

Section 114–52.203 paragraph (b) is revised to read as follows:

§ 114–52.203 Establishment of basic rental rates.

* * * * *

(b) *FHA appraisers.* Rental rate appraisals made by Federal Housing Administration appraisers permit the use of generally accepted real estate concepts. Should any Bureau or Office desire to use this method to establish rates, it should submit its proposal to the Director of Management Services (PM) for consideration and referral to the Washington, D.C., headquarters office of the Federal Housing Administration.

* * * * *

PART 114–60—PERSONAL PROPERTY MANAGEMENT

Subpart 114–60.1—General

Section 114–60.104 is revised to read as follows:

§ 114–60.104 General ledger control accounts.

Each Bureau and Office shall establish and maintain general ledger control accounts to properly account for all personal property acquired or to be acquired in accordance with the provisions of this part 114–60. All basic property accounting systems and procedures shall be cleared with the Office of the Assistant Secretary-Management (Reference shall be made to the Budget and Accounting Procedures Act of 1950 (64 Stat. 832)).

(Sec. 205(c), 63 Stat. 390; (5 U.S.C. 301))

[FR Doc.75–3430 Filed 2–5–75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart C—Special Rules Applicable To Contract Appeals

SPECIAL PROCEDURAL RULES

On November 20, 1974, there was published in the FEDERAL REGISTER (39 FR 40781–40782), pursuant to authority contained in 5 U.S.C. 301, a notice and text of proposed amendments of Department Hearings and Appeals Procedures in 43 CFR Part 4, Subpart C—Special Rules Applicable to Contract Appeals, by revising §§ 4.113, 4.115, and 4.116, pertaining,

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respectively, to accelerated procedure; depositions; and interrogatories to parties, inspection of documents, and admission of facts. The notice stated that the revised rules provide for an optional accelerated procedure in the case of disputes involving $25,000 or less, and improved, clarifying language with respect to procedures for depositions, interrogatories to parties, inspection of documents, and admission of facts. As was pointed out in the notice, the Commission on Government Procurement, in a report issued in December 1972, recommended uniform procedures for contract appeals boards, particularly in the areas of the proposed regulations. Promulgation of the revised rules will bring the procedures of the Interior Board of Contract Appeals into uniformity with those of the Armed Services Board of Contract Appeals in these important areas and in line with the Procurement Commission's report.

Interested persons were given 30 days within which to participate in the rulemaking through submission of written comments, suggestions or objections. No comments, suggestions or objections were received.

In view of the foregoing, the proposed revised regulations are adopted, without change, as set forth below.

Effective date: These revised regulations shall be effective February 6, 1975.

Date: January 30, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

1. § 4.113 is revised to read as follows to provide for an optional accelerated procedure in disputes involving $25,000 or less:

§ 4.113 Optional accelerated procedure.

(a) In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board, acting through the Chairman, sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decisions by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board member with the concurrence of the Chairman; except that in cases involving $5,000 or less where there has been a hearing, the single Board member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the latter instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under § 4.125 commences.

2. §§ 4.115 and 4.116 are revised to read as follows to provide improved, clarifying language:

§ 4.115 Discovery—Depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or, failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may in its discretion receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 4.116 Interrogatories to parties; inspection of documents; admission of facts.

Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

(5 U.S.C. 301)

[FR Doc.75-3433 Filed 2-5-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Domestic Tariff Circular No. 3]

PART 531—FILING OF FREIGHT AND PASSENGER RATES, FARES AND CHARGES IN THE DOMESTIC OFFSHORE TRADE, PUBLICATION AND POSTING

Transportation of U.S. Government Personnel and Property; Revocation of Special Permission

Section 6 of the Intercoastal Shipping Act, 1933, previously permitted domestic offshore carriers subject to Federal Maritime Commission jurisdiction to provide services to the United States, state, and municipal governments or for charitable purposes free or at reduced rates. The shipping acts did not permit carriers in the domestic offshore trades to carry property or passengers lawfully at any rate different from that specified in its effective tariff on file with the Commission. Because the reduced governmental rates were permitted by section 6 of the Intercoastal Shipping Act, 1933, were subject to the approval of the government agency involved, were not held out to the general public, and were not then subject to full economic regulation by this Commission, and because the Commission was of the opinion that no useful regulatory purpose would be served by requiring the carriers to comply with all of the tariff circular rules, which were promulgated to protect the public interest, the Federal Maritime Commission, on August 25, 1967, adopted regulations (Rule 25, Domestic Tariff Circular No. 3, as amended; 46 CFR 531.25) to govern the submission to the Commission, on one-day's notice, of quotations or tenders of rates, fares, or charges for the transportation, storage, or handling of property or the transportation of persons for the United States Government, or any agency or department thereof, free or at reduced rates, pursuant to the provisions of section 6 of the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 846).

On October 26, 1974, section 6 of the Intercoastal Shipping Act, 1933, was repealed. The purpose and effect of the new legislation, designated Pub. L. 93-487, is to provide for the full economic regulation by the Federal Maritime Commission of the carriage, storage, and handling of governmental and charitable cargo in the domestic offshore trades of the United States so as to insure that the rates on such cargo meet the same statutory standards of reasonableness and fairness currently applicable to commercial cargo rates.

Since the publications, the filing of which were governed by Rule 25, are no longer permitted, and since the special permission authority for one-day's notice authorized by Rule 25 has no further force nor effect, the rule serves no useful purpose and should be revoked.

§ 531.25 [Revoked]

Therefore, pursuant to section 4 of the Administrative Procedure Act, (5 U.S.C. 553) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) Title 46 CFR is hereby amended by revoking § 531.25 *Transportation of U.S. Government Personnel and Property; Special Permission* (Rule 25 of Domestic Tariff Circular No. 3), effective on February 6, 1975. Carriers which have effective quotations or tenders on file with the Commission shall, on or before April 7, 1975, cancel or reissue such quotations or tenders in tariff form.

Notice and public procedure are not required for this revocation since Rule 25 applied only to those quotations or tenders permitted by section 6 of the Intercoastal Shipping Act, 1933. That section having been repealed, Rule 25 no longer has any applicability.

By the Commission, January 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3447 Filed 2-5-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-25; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars and Vehicles Other Than Passenger Cars; Definition of Test Rim

This notice amends the definition of "test rim" in 49 CFR 571.109 (Motor Vehicle Safety Standard No. 109) and modifies related provisions of that section and § 571.110 (Motor Vehicle Safety Standard No. 110). A conforming amendment is made to similar provisions in § 571.119 (Motor Vehicle Safety Standard No. 119). The notice of proposed rulemaking on which this amendment is based was published on July 10, 1974 (39 FR 25329).

The definition of "test rim" has previous to this amendment referenced the 1967 and earlier editions of publications of various foreign and domestic tire and rim associations as the source for determining rim specifications and appropriate tire/rim matching information for testing tires to the requirements of Motor Vehicle Safety Standard No. 109, and for equipping passenger cars pursuant to Motor Vehicle Safety Standard No. 110. The Rubber Manufacturers' Association petitioned that this reference be changed because the publications have become outdated in terms of the rim information they provide. This amendment, which adopts the proposed rule of July 10, 1974, in essentially the form proposed, deletes the references to the 1967 and earlier publications and substitutes for them the publications of the various associations current at the time of tire manufacture.

Under the amendment, a "test rim" will be any rim listed for use with a tire size designation in any of the current publications of the various foreign and domestic tire and rim associations. The listing will apply to all tires that fit the description (by tire size designation, use category, etc.) unless the publication itself or a separately published manufacturer's document states otherwise. A manufacturer wishing to except any tire manufactured by him from any listing would be expected to request the association to publish the exception in its publication. If it does not, the manufacturer must himself publish the exception in his own listing, which he must distribute to his dealers, this agency, and to any member of the public on request. The language of the proposal is clarified, and a conforming amendment made to Standard No. 119 to show that an exception must be published in each association publication listing the tire and rim combination. The amendment further specifies that a "listing" of a rim must contain dimensional specifications, including diagrams, for the rim. This is necessary to provide for uniformity of rim dimensions and reflects the present practice of association publications of publishing such dimensional specifications. However, dimensional specifications or a diagram of a rim need not be included in manufacturers' separate listings if the specifications and diagram for the rim appear in each association publication where it is listed.

By referencing the current publications, the amendment ends the need for Appendix "A" of Standard No. 110, which lists tire/rim combinations approved for use subsequent to the 1967 and earlier associations publications. The associations and various manufacturers should ascertain that all tire/rim combinations presently listed in that Appendix are incorporated into at least one of their respective publications before the effective date of this amendment. Moreover, the addition of new tire/rim combinations subsequent to the effective date becomes the sole responsibility of the industry. Appendix "A" of Standard No. 109, listing tire size designations, is not affected by this amendment.

An effect of the amended definition of test rim is to clarify this agency's position that each tire must be able to pass each performance requirement (except that for physical dimensions) of Standard No. 109 with any rim with which it is listed, regardless of rim width, unless that tire is specifically excepted from each listing where it appears. The requirements for physical dimensions must be met only on a test rim of the width specified for the tire size designation in Standard No. 109. A tire failing the requirements on any test rim would be considered as having failed the requirements on all test rims. This continues existing NHTSA enforcement policy.

One of the two comments received regarding the proposal objected to this aspect of the amendment, arguing that some manufacturers have traditionally certified conformity on the basis of test results using only the test rims of the specified test rim width and that no safety problems had been encountered. The NHTSA believes, however, that the interest of safety demands that manufacturers ensure that tires certified as conforming to Standard No. 109 will conform to the standard's requirements on any rim which the manufacturer lists for use with the tire and with which the tire may consequently be used in service. This position has been reflected in the guidelines for the additions of new tire/rim combinations to the Appendix of Standard No. 110, which have required that the manufacturer demonstrate conformity to Standard No. 109 on each newly requested rim. If a manufacturer doubts the ability of his tires to conform to the standard on certain recommended rims, he has the option of excepting his tires from being used with those rims. No other objections to the proposed rule were received.

In light of the above, the following amendments are made to 49 CFR 571.109, 571.110, and 571.119:

§ 571.109 [Amended]

A. Section 571.109 is amended as follows:

1. The definition of "test rim" in S3. is revised to read:

"Test rim" means, with reference to a tire to be tested, any rim that is listed as appropriate for use with that tire in accordance with S4.4. For purposes of this section and § 571.110, each rim listing shall include dimensional specifications and a diagram of the rim.

* * * * * *

2. A new paragraph S4.4, *Tire and rim matching information*, is added to read:

S4.4 *Tire and rim matching information.*

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S4.4.1 Each manufacturer of tires shall ensure that a listing of the rims that may be used with each tire that he produces is provided to the public. A listing compiled in accordance with paragraph (a) of this section need not include dimensional specifications or diagram of a rim if the rim's dimensional specifications and diagram are contained in each listing published in accordance with paragraph (b). The listing shall be in one of the following forms:

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires, to any person upon request, and in duplicate to: Tire Division, National Highway Traffic Safety Administration, 400 Seventh Street SW. Washington D.C. 20590; or

(b) Contained in publications current at the date of manufacture of the tire or any later date of at least one of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Technical Organisation.
Japanese Industrial Standards.
Deutsche Industrie Norm.
The Society of Motor Manufacturers & Traders, Ltd.
British Standards Institution.
Scandinavian Tire and Rim Organisation.

S4.4.2 Information contained in any publication specified in S4.4.1(b) which lists general categories of tires and rims by size designation, type of construction and/or intended use, shall be considered to be manufacturer's information pursuant to S4.4.1 for the listed tires and rims, unless the publication itself or specific information provided according to S4.4.1(a) indicates otherwise.

3. Paragraph S5.1(a) is revised to read:

(a) Mount the tire on a test rim having the test rim width specified in Appendix A of this section for that tire size designation and inflate it to the applicable pressure specified in Table III.

§ 571.110 [Amended]

B. Section 571.110 is amended as follows:

1. Paragraph S4.4.1(a) is revised to read:

(a) Be constructed to the dimensions of a rim that is listed pursuant to the definition of "test rim" in paragraph S3. of § 571.109 (Standard No. 109) for use with the tire size designation with which the vehicle is equipped.

2. Appendix A is deleted.

§ 571.119 [Amended]

C. Section 571.119 is amended as follows:

1. Paragraph S5.1 is amended to read:

S5. *Tire and rim matching information.*

S5.1 Each manufacturer of tires shall ensure that a listing of the rims that may be used with each tire that he produces is provided to the public. For purposes of this section each rim listing shall include dimensional specifications and a diagram of the rim. However a listing compiled in accordance with paragraph (a) of this section need not include dimensional specifications or a diagram of a rim if the rim's dimensional specifications and diagram are contained in each listing published in accordance with paragraph (b). The listing shall be in one of the following forms:

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires to any person upon request and in duplicate to: Tire Division, National Highway Safety Administration, 400 Sevnth Street SW., Washington, D.C. 20590; or

(b) Contained in publications, current at the date of manufacture of the tire or any later date, of at least one of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Technical Organisation.
Japanese Industrial Standards.
Deutsche Industrie Norm.
The Society of Motor Manufacturers and Traders, Ltd.
British Standards Institution.
Scandinavian Tire and Rim Organisation.

. . . . . .

Effective date. August 5, 1975, for Standard No. 109; March 1, 1975, for Standard No. 119. The amendment to Standard No. 119 is of a clarifying nature, and should be made effective with the existing effective date of that standard. The amendment does not require substantial leadtime for conformity, and it is found for good cause shown that an effective date less than 180 days from publication is in the public interest.

(Secs. 103, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1407, 1421, 1422; delegation of authority at 49 CFR 1.51.)

Issued on January 31, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-3409 Filed 2-5-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

Sequoyah National Wildlife Refuge, Oklahoma; Correction

In FR Doc.75-1811, appearing on pages 3297 and 3298 of the issue for Tuesday, January 21, 1975, special conditions 1 and 2 should read as follows:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, except for an area of approximately 2,200 acres south of Vian Creek, as posted, to be closed during the periods January 1 through March 31, 1975, inclusive, and October 1 through December 31, 1975, inclusive.

(2) Some refuge roads leading to waters open to fishing may be closed during the periods January 1 through March 31, 1975, inclusive, and October 1 through December 31, 1975, inclusive.

The following special regulation is issued and is effective February 6, 1975.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

The Sequoyah National Wildlife Refuge, Oklahoma, is open to public access, use, and recreational activity from January 1 through December 31, 1975, inclusive, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area. The refuge area, comprising approximately 20,800 acres, is delineated on maps available at refuge headquarters, 412 N. Maple, Sallisaw, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and is subject to the following special conditions:

(1) An area of approximately 2,200 acres, south of Vian Creek and east of the refuge tour road, shall be closed, as posted, to all public access during the periods January 1 through March 31, 1975, inclusive, and October 1 through December 31, 1975, inclusive. This land is set aside to provide an area of minimum disturbance for waterfowl and other wildlife during the winter months.

(2) Sightseeing, nature observation, photography and hiking are permitted.

(3) Picknicking is permitted only at the Vian Creek Recreation Area. Picnic fires may be built at the recreation area only in the fire grills provided or in camp stoves or charcoal grills.

(4) Overnight camping is not permitted except for youth conservation groups supervised by adults. Permits must be obtained in advance from the refuge manager.

(5) Firearms are prohibited except during authorized hunting seasons when only shotguns are permitted. Firearms being transported in a motor vehicle must be unloaded and dismantled or cased. Possession of any firearm on the refuge at night is prohibited. Long bows and arrows are permitted only as authorized in current refuge hunting and State fishing regulations.

(6) Boating is permitted in accordance with Federal and State regulations.

(7) Waterskiing is prohibited in all refuge waters.

(8) Pets must be kept in a vehicle or on a leash. Dogs may be used for hunting in accordance with refuge hunting regulations.

(9) Pecan picking is limited to one quart per person per day.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on national wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

JANUARY 28, 1975.

[FR Doc.75-3342 Filed 2-5-75;8:45 am]

PART 33—SPORT FISHING

Sherburne National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on February 6, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to public fishing. These open areas, comprising approximately 1,000 acres, are delineated on maps available at the refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing extends from May 1, 1975 to March 1, 1976, inclusive.

(2) During periods when no ice exists, fishing activity is confined to the St. Francis River.

(3) Access to all fishing areas is permitted only at designated access sites.

(4) Boats, without motors, may be used on the St. Francis River only from designated access sites.

(5) The use of snowmobiles, all terrain vehicles, trail bikes, motorcycles, minibikes, and other such conveyances are prohibited on the refuge at all times.

JOHN E. WILBRECHT,
Refuge Manager, Sherburne National Wildlife Refuge, Zimmerman, Minnesota.

JANUARY 24, 1975.

[FR Doc.75-3428 Filed 2-5-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 338]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 7–13, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.638 Navel Orange Regulation 338.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues very good.

Prices f.o.b. averaged $3.69 per carton on a reported sales volume of 1,278 carlots last week, compared with an average f.o.b. price of $3.44 per carton and sales of 1,121 carlots a week earlier.

Track and rolling supplies at 536 cars were up 108 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 4, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 7, 1975, through February 13, 1975, are hereby fixed as follows:

(i) District 1: 1,392,000 cartons;

(ii) District 2: 208,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: February 6, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-3627 Filed 2-5-75;11:46 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA INSTRUCTION 444.16]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart M—Sections 502 and 504 Rural Housing Loans on Leasehold Interests in Nonfarm Tracts; Deletion of Subpart

Subpart M of Part 1822, "Sections 502 and 504 Rural Housing Loans on Leasehold Interests in Nonfarm Tracts," (36 FR 3954) is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. Authorization for Sections 502 and 504 rural housing loans on leasehold interests in nonfarm tracts has been incorporated in the revision of Subpart A of Part 1822 (39 FR 44992 dated 12-30-74).

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

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Effective date. This deletion shall become effective on February 6, 1975.

Dated: January 17, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3440 Filed 2-5-75;8:45 am]

[AL-116 (451)]

PART 1890n—SERVICING OF INTEREST CREDIT FOR SECTION 502 RH BORROWERS

Deletion of Part

Part 1890n, "Servicing of Interest Credit for Section 502RH Borrowers," (37 FR 21425), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of this Part have been incorporated in Subpart A of Part 1822 of this Chapter.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date: This deletion shall become effective on February 6, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3441 Filed 2-5-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 522—ORGANIZATION OF THE BANKS

The Federal Home Loan Bank System was created by the Federal Home Loan Bank Act, Pub. L. 304, 72d Congress, approved July 22, 1932. Until recently, section 7(a) of the Act provided, with exceptions not relevant in this connection, that the management of each Federal Home Loan Bank shall be vested in a board of directors, eight of whom shall be elected by the members of the Bank and four of whom shall be appointed by this Board. Section 522.20 of the Board's Regulations for the Federal Home Loan Bank System (12 CFR 522.20) implements section 7(a).

Pub. L. 93-541, approved December 26, 1974, amended section 7(a) to increase the number of directorships which are filled by appointment by the Board from a minimum of four to a minimum of six. The enactment of Pub. L. 93-541 thus requires a conforming amendment to § 522.20.

In addition, § 522.26 of the Board's regulations for the Federal Home Loan Bank System (12 CFR 522.26) has now become obsolete. Section 522.26 provides that directors of the Federal Home Loan Banks who were serving prior to the amendment of section 7 of the Federal Home Loan Bank Act in 1961 by Pub. L. 87-211 would continue to serve until the expiration date of their terms.

Accordingly, the Board considers it desirable to amend Part 522 by amending § 522.20 and by deleting § 522.26, as set forth below, effective February 7, 1975.

§ 522.20 Appointive Directors.

(a) The Board will appoint six directors for each Bank. Each director must be a citizen of the United States and a bona fide resident of the district in which the Bank is located.

* * * * *

§ 522.26 [Deleted]

Since the above amendments are, respectively, required by statute and delete an obsolete provision, affording public notice and procedure on these amendments would be unnecessary and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be unnecessary for the same reasons, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

(Section 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

Dated: January 30, 1975.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-3438 Filed 2-5-75;8:45 am]

CHAPTER VIII—FEDERAL FINANCING BANK

PART 811—BOOK-ENTRY PROCEDURE FOR FEDERAL FINANCING BANK SECURITIES

Adoption of Regulations

The regulations governing the book-entry procedure for Federal Financing Bank securities, set forth below, are issued under authority of the Federal Financing Bank Act of 1973, sections 9-11, 87 Stat. 939, 940; 12 U.S.C. 2288, 2289, 2290.

As these regulations relate to the fiscal policy of the United States, notice and public procedures thereon are unnecessary.

The regulations were adopted on January 31, 1975.

Dated: January 31, 1975.

JOHN K. CARLOCK,
Vice President and Treasurer,
Federal Financing Bank.

Sec.
811.0 Definition of terms.
811.1 Authority of Reserve Banks.
811.2 Scope and effect of book-entry procedure.
811.3 Transfer or pledge.
811.4 Withdrawal of Federal Financing Bank securities.
811.5 Delivery of Federal Financing Bank securities.
811.6 Registered bonds and notes.
811.7 Servicing book-entry Federal Financing Bank securities; payment of interest; payment at maturity or upon call.

§ 811.0 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Federal Financing Bank securities in book-entry form) as fiscal agent of the United States acting on behalf of the Federal Financing Bank and, when indicated, acting in its individual capacity.

(b) "Federal Financing Bank security" means a Federal Financing Bank bond, note, certificate of indebtedness, or bill issued under the Federal Financing Bank Act of 1973, in the form of a definitive Federal Financing Bank security or a book-entry Federal Financing Bank security.

(c) "Definitive Federal Financing Bank security" means a Federal Financing Bank bond, note, certificate of indebtedness, or bill issued under the Federal Financing Bank Act of 1973, in engraved or printed form.

(d) "Book-entry Federal Financing Bank security" means a Federal Financing Bank bond, note, certificate of indebtedness, or bill issued under the Federal Financing Bank Act of 1973, in the form of an entry made as prescribed in this part on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Federal Financing Bank securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" is the date fixed in the official notice of call published in the FEDERAL REGISTER on which the Federal Financing Bank will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, State bank or bank or trust company which is a member of a Reserve Bank.

§ 811.1 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to (a) issue book-entry Federal Financing Bank securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Federal Financing Bank securities and definitive Federal Financing Bank securities; (c) otherwise service and maintain book-entry Federal Financing Bank securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred and the date of the transaction.

§ 811.2 Scope and effect of book-entry procedure.

(a) A Reserve Bank, as fiscal agent of the United States acting on behalf of the Federal Financing Bank, may apply the book-entry procedure provided for in this part to any Federal Financing Bank securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationship that would otherwise exist between a Reserve Bank in its individual capacity and its depositors covering any deposits under this paragraph. Whenever the book-entry procedure is applied to such Federal Financing Bank securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such Federal Financing Bank securities.

(b) A Reserve Bank, as fiscal agent of the United States acting on behalf of the Federal Financing Bank, shall apply the book-entry procedure to Federal Financing Bank securities deposited as collateral pledged to the United States under current revisions of Department of the Treasury Circulars Nos. 92 and 176 (31 CFR, Parts 203 and 202), and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Federal Financing Bank securities deposited with a Reserve Bank, as fiscal agent of the United States.

(c) Any person having an interest in Federal Financing Bank securities which are deposited with a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Federal Financing Bank securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 811.3 Transfer or pledge.

(a) A transfer or a pledge of book-entry Federal Financing Bank securities to a Reserve Bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this part, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the effect of a delivery in bearer form of definitive Federal Financing Bank securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Federal Financing Bank securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Federal Financing Bank securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this part, including securities in book-entry form under § 811.2(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Federal Financing Bank securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Federal Financing Bank securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Federal Financing Bank securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this subsection, or a third person in possession for purposes of acknowledgement of transfers thereof under this subsection. Where transferable Federal Financing Bank securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or a similar party, which regularly accepts in the course of its business Federal Financing Bank securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve Bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgement of the holding of the securities for the purchaser may be obtained. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this subsection, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this subsection.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Federal Financing Bank securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Federal Financing Bank securities into definitive Federal Financing Bank securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such Federal Financing Bank securities.

(e) A transfer of book-entry Federal Financing Bank securities within a Reserve Bank shall be made in accordance with procedures established by the Bank not inconsistent with this part. The transfer of book-entry Federal Financing Bank securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 811.4 Withdrawal of Federal Financing Bank securities.

(a) A depositor of book-entry Federal Financing Bank securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Federal Financing Bank securities to itself or on its order to a transferee.

(b) Federal Financing Bank securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form, except that Federal Financing Bank bills will be issued in bearer form only.

§ 811.5 Delivery of Federal Financing Bank securities.

A Reserve Bank which has received Federal Financing Bank securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this part by the delivery of Federal Financing Bank securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depository (other than a Reserve Bank) may obtain Federal Financing Bank securities

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in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 811.6 Registered bonds and notes.

Registered Federal Financing Bank securities deposited with a Reserve Bank for any purpose specified in § 811.2 shall be assigned for conversion to book-entry Federal Financing Bank securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of 31 CFR, Part 306, so far as applicable, shall be to "Federal Reserve Bank of ----------, as fiscal agent of the United States acting on behalf of the Federal Financing Bank for conversion to book-entry Federal Financing Bank securities."

§ 811.7 Servicing book-entry Federal Financing Bank securities; payment of interest; payment at maturity or upon call.

Interest becoming due on book-entry Federal Financing Bank securities shall be charged against the special agent account maintained by the Department of the Treasury for the Federal Financing Bank on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged against the above said account on the date of maturity or call, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

[FR Doc.75-3386 Filed 2-5-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

REGULATIONS RELATING TO EXCEPTION FOR CERTAIN INSURANCE CONTRACT PLANS FROM MINIMUM FUNDING STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 10, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 10, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 412(i) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 919, 68A Stat. 917; 26 U.S.C. 412(i) and 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) to reflect the addition of section 412 to the Internal Revenue Code of 1954, as added by section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914), relating to minimum funding standards. This document also contains proposed regulations to implement section 412(i) of the Code and section 301(b) of such Act (88 Stat. 869), relating to the requirements which an insurance contract plan must satisfy to be treated as described in section 412(i) of such Code and section 301(b) of such Act.

Under section 412(h)(2) of the Code, as added by section 1013(a) of the Employee Retirement Income Security Act of 1974, any insurance contract plan described in section 412(i) of the Code for a plan year is not subject to the minimum funding requirements of section 412 of the Code for that plan year. Section 412(i) of the Code sets forth certain requirements which an individual insurance contract plan must meet in order to qualify for this exception from the minimum funding requirements.

Under section 412(i) of the Code, a plan funded exclusively by the purchase of group insurance contracts is treated as a plan described in section 412(i) if it is determined under regulations prescribed by the Secretary of the Treasury or his delegate to have the same characteristics as an individual insurance contract plan. In general, these rules apply to plans in existence on January 1, 1974, for plan years beginning after December 31, 1975, and to other plans for plan years beginning after September 2, 1974.

The proposed regulations provide requirements which an individual contract plan or a group insurance contract plan must satisfy in order to be considered described in section 412(i) of the Code. Both types of plans must be funded exclusively by the purchase of annuity or life insurance contracts from an insurance company. Other requirements which must be satisfied by individual and group plans relate to the manner of premium payments, benefit levels under the contracts, a guarantee of benefits, and the prohibition of security interests or loans with respect to the contracts. The proposed regulations also provide that a group insurance contract plan must have certain minimum benefits guaranteed by the insurance company for individual participants in the plan.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the addition of section 412 to the Internal Revenue Code of 1954 by section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914), and to prescribe rules under section 412(i) of the Code and section 301(b) of such Act (88 Stat. 869), the following new sections are added immediately after § 1.405-3:

§ 1.412(a) Statutory provisions; minimum funding standards; general rule.

Sec. 412. *Minimum funding standards*—(a) *General rule.* Except as provided in subsection (h), this section applies to a plan if, for any plan year beginning on or after the effective date of this section for such plan—

(1) Such plan included a trust which qualified (or was determined by the Secretary or his delegate to have qualified) under section 401(a), or

(2) Such plan satisfied (or was determined by the Secretary or his delegate to have satisfied) the requirements of section 403(a) or 405(a).

A plan to which this section applies shall have satisfied the minimum funding standard for such plan for a plan year if as of the end of such plan year, the plan does not have an accumulated funding deficiency. For purposes of this section and section 4971, the term "accumulated funding deficiency" means for any plan the excess of the total charges to the funding standard account for all plan years (beginning with the first plan year to which this section applies) over the total credits to such account for such years or, if less, the excess of the total charges to the alternative minimum funding standard account for such plan years over the total credits to such account for such years.

[Section 412(a) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(b) Statutory provisions; minimum funding standards; funding standard account.

Sec. 1.412. Minimum funding standards. * * *

(b) *Funding standard account*—(1) *Account required.* Each plan to which this section applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

(2) *Charges to account.* For a plan year, the funding standard account shall be charged with the sum of—

(A) The normal cost of the plan for the plan year,

(B) The amounts necessary to amortize in equal annual installments (until fully amortized)—

(i) In the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 40 plan years,

(ii) In the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 30 plan years (40 plan years in the case of a multiemployer plan),

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(iii) Separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 30 plan years (40 plan years in the case of a multiemployer plan),

(iv) Separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years (20 plan years in the case of a multiemployer plan), and

(v) Separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 30 plan years,

(C) The amount necessary to amortize each waived funding deficiency (within the meaning of subsection (d)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years, and

(D) The amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under paragraph (3)(D).

(3) *Credits to account.* For a plan year, the funding standard account shall be credited with the sum of—

(A) The amount considered contributed by the employer to or under the plan for the plan year,

(B) The amount necessary to amortize in equal annual installments (until fully amortized)—

(i) Separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 30 plan years (40 plan years in the case of a multiemployer plan),

(ii) Separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years (20 plan years in the case of a multiemployer plan), and

(iii) Separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 30 plan years,

(C) The amount of the waived funding deficiency within the meaning of subsection (d)(3) for the plan year, and

(D) In the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard, the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

(4) *Combining and offsetting amounts to be amortized.* Under regulations prescribed by the Secretary or his delegate, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

(A) May be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

(B) May be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

(5) *Interest.* The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary or his delegate) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

[Sec. 412(b) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(c) Statutory provisions; minimum funding standards; special rules.

Sec. 1.412. *Minimum funding standards.* • • •

(c) *Special rules*—(1) *Determinations to be made under funding method.* For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

(2) *Valuation of assets*—(A) *In general.* For purposes of this section, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of evaluation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary or his delegate.

(B) *Election with respect to bonds.* The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary or his delegate shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary or his delegate.

(3) *Actuarial assumptions must be reasonable.* For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods which, in the aggregate, are reasonable (taking into account the experience of the plan and reasonable expectations) and which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

(4) *Treatment of certain changes as experience gain or loss.* For purposes of this section, if—

(A) A change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

(B) A change in the definition of the term "wages" under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5), results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

(5) *Change in funding method or in plan year requires approval.* If the funding method for a plan is changed, the new funding method shall become the funding method used to determine costs and liabilities under the plan only if the change is approved by the Secretary or his delegate. If the plan year for a plan is changed, the new plan year shall become the plan year for the plan only if the change is approved by the Secretary or his delegate.

(6) *Full funding.* If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency (determined without regard to the alternative minimum funding standard account permitted under subsection (g)) in excess of the full funding limitation—

(A) The funding standard account shall be credited with the amount of such excess, and

(B) All amounts described in paragraphs (2)(B), (C), and (D) and (3)(B) of subsection (b) which are required to be amortized shall be considered fully amortized for purposes of such paragraphs.

(7) *Full funding limitation.* For purposes of paragraph (6), the term "full funding limitation" means the excess (if any) of—

(A) The accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

(B) The lesser of the fair market value of the plan's assets or the value of such assets determined under paragraph (2).

(8) *Certain retroactive plan amendments.* For purposes of this section, any amendment applying to a plan year which—

(A) Is adopted after the close of such plan year but no later than 2 and one-half months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

(B) Does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

(C) Does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances, shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary of Labor notifying him of such amendment and the Secretary of Labor has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary of Labor unless he determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (d)(2)) and that a waiver under subsection (d)(1) is unavailable or inadequate.

(9) *3-year valuation.* For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every 3 years, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary or his delegate.

(10) *Time when certain contributions deemed made.* For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this paragraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary or his delegate.

[Section 412(c) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(d) Statutory provisions; minimum funding standards; variance from minimum funding standard.

Sec. 1.412. *Minimum funding standards.* • • •

(d) *Variance from minimum funding standard*—(1) *Waiver in case of substantial business hardship.* If an employer or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan, are unable to satisfy the minimum funding standard for

a plan year without substantial business hardship and if application of the standard would be adverse to the interests of plan participants in the aggregate, the Secretary or his delegate may waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard other than the portion thereof determined under subsection (b)(2)(C). The Secretary or his delegate shall not waive the minimum funding standard with respect to a plan for more than 5 of any 15 consecutive plan years.

(2) *Determination of substantial business hardship.* For purposes of this section, the factors taken into account in determining substantial business hardship shall include (but shall not be limited to) whether or not—

(A) The employer is operating at an economic loss,

(B) There is substantial unemployment or underemployment in the trade or business and in the industry concerned,

(C) The sales and profits of the industry concerned are depressed or declining, and

(D) It is reasonable to expect that the plan will be continued only if the waiver is granted.

(3) *Waived funding deficiency.* For purposes of this section, the term "waived funding deficiency" means the portion of the minimum funding standard (determined without regard to subsection (b)(3)(C)) for a plan year waived by the Secretary or his delegate and not satisfied by employer contributions.

[Sec. 412(d) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(e) Statutory provisions; minimum funding standards; extension of amortization periods.

Sec. 1.412. *Minimum funding standards.* • • •

(e) *Extension of amortization periods.* The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any plan may be extended by the Secretary of Labor for a period of time (not in excess of 10 years) if he determines that such extension would carry out the purposes of the Employee Retirement Income Security Act of 1974 and would provide adequate protection for participants under the plan and their beneficiaries and if he determines that the failure to permit such extension would—

(1) Result in—

(A) A substantial risk to the voluntary continuation of the plan, or

(B) A substantial curtailment of pension benefit levels or employee compensation, and

(2) Be adverse to the interests of plan participants in the aggregate.

[Sec. 412(e) added by section 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(f) Statutory provisions; minimum funding standards; benefits may not be increased during waiver or extension period.

Sec. 1.412. *Minimum funding standards.* • • •

(f) *Benefits may not be increased during waiver or extension period*—(1) *In general.* No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under subsection (d)(1) or an extension of time under subsection (e) is in effect with respect to the plan, or if a plan amendment described in subsection (c)(8) has been made at any time in the preceding 12 months (24 months for multiemployer plans). If a plan is amended in violation of the preceding sentence, any such waiver or extension of time shall not apply to any plan year ending on or after the date on which such amendment is adopted.

(2) *Exception.* Paragraph (1) shall not apply to any plan amendment which—

(A) The Secretary of Labor determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

(B) Only repeals an amendment described in subsection (c)(8), or

(C) Is required as a condition of qualification under this part.

[Sec. 412(f) added by section 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(g) Statutory provisions; minimum funding standards; alternative minimum funding standard.

Sec. 1.412. *Minimum funding standards.* • • •

(g) *Alternative minimum funding standard*—(1) *In general.* A plan which uses a funding method that requires contributions in all years not less than those required under the entry age normal funding method may maintain an alternative minimum funding standard account for any plan year. Such account shall be credited and charged solely as provided in this subsection.

(2) *Charges and credits to account.* For a plan year the alternative minimum funding standard account shall be—

(A) Charged with the sum of—

(i) The lesser of normal cost under the funding method used under the plan or normal cost determined under the unit credit method,

(ii) The excess, if any, of the present value of accrued benefits under the plan over the fair market value of the assets, and

(iii) An amount equal to the excess (if any) of credits to the alternative minimum standard account for all prior plan years over charges to such account for all such years, and

(B) Credited with the amount considered contributed by the employer to or under the plan for the plan year.

(3) *Special rules.* The alternative minimum funding standard account (and items therein) shall be charged or credited with interest in the manner provided under subsection (b)(5) with respect to the funding standard account.

[Section 412(g) added by section 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(h) Statutory provisions; minimum funding standards; exceptions.

Sec. 1.412. *Minimum funding standards.* • • •

(h) *Exceptions.* This section shall not apply to—

(1) Any profit-sharing or stock bonus plan,

(2) Any insurance contract plan described in subsection (i),

(3) Any governmental plan (within the meaning of section 414(d)),

(4) Any church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made,

(5) Any plan which has not, at any time after the date of the enactment of the Employee Retirement Income Security Act of 1974, provided for employer contributions, or

(6) Any plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

No plan described in paragraph (3), (4), or (6) shall be treated as a qualified plan for purposes of section 401(a) unless such plan meets the requirements of section 401(a)(7) as in effect on the day before the date of the enactment of the Employee Retirement Income Security Act of 1974.

[Section 412(h) added by section 1013(a), Employee Retirement Income Security Act of 1974 (88 Stat. 914)]

§ 1.412(i) Statutory provisions; minimum funding standards; certain insurance contract plans.

Sec. 1.412. *Minimum funding standards.* • • •

(i) *Certain insurance contract plans.* A plan is described in this subsection if—

(1) The plan is funded exclusively by the purchase of individual insurance contracts,

(2) Such contracts provide for level annual premium payments to be paid extending not later than the retirement age for each individual participating in the plan, and commencing with the date the individual became a participant in the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective),

(3) Benefits provided by the plan are equal to the benefits provided under each contract at normal retirement age under the plan and are guaranteed by an insurance carrier (licensed under the laws of a State to do business with the plan) to the extent premiums have been paid,

(4) Premiums payable for the plan year, and all prior plan years, under such contracts have been paid before lapse or there is reinstatement of the policy,

(5) No rights under such contracts have been subject to a security interest at any time during the plan year, and

(6) No policy loans are outstanding at any time during the plan year.

A plan funded exclusively by the purchase of group insurance contracts which is determined under regulations prescribed by the Secretary or his delegate to have the same characteristics as contracts described in the preceding sentence shall be treated as a plan described in this subsection.

[Section 412(i) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(i)–1 Certain insurance contract plans.

(a) *In general.* Under section 412(h)(2) of the Internal Revenue Code of 1954, as added by section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914) (hereinafter referred to as "the Act"), an insurance contract plan described in section 412(i) for a plan year is not subject to the minimum funding requirements of section 412 for that plan year. Consequently, if an individual or group insurance contract plan satisfies all of the requirements of paragraph (b)(2) or (c)(2) of this section, whichever are applicable, for the plan year, the plan is not subject to the requirements of section 412 for that plan year. The effective date for section 412 of the Code is determined under section 1017 of the Act. In general, in the case of a plan which was not in existence on January 1, 1974, this section applies for plan years beginning after September 2, 1974, and in the case of a plan in

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existence on January 1, 1974, to plan years beginning after December 31, 1975.

(b) *Individual insurance contract plans.* (1) An individual insurance contract plan is described in section 412(i) during a plan year if the plan satisfies the requirements of paragraph (b)(2) of this section for the plan year.

(2) The requirements of this paragraph are:

(i) The plan must be funded exclusively by the purchase from a life insurance company (licensed under the law of a State or the District of Columbia to do business with the plan) of individual annuity or individual insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust.

(ii) The individual annuity or individual insurance contracts issued under the plan must provide for level annual, or more frequent, payments to be paid for the period commencing with the date each individual participating in the plan became a participant and ending not later than the normal retirement age for that individual or, if earlier, the date the individual ceases his participation in the plan. In the case of an increase in benefits the contracts must provide for level annual payments with respect to such increase to be paid for the period commencing at the time the increase becomes effective. If payment commences on the first payment date under the contract occurring after the date an individual becomes a participant or after the effective date of an increase in benefits, the requirements of this subdivision will be satisfied even though payment does not commence on the date on which the individual's participation commenced or on the effective date of the benefit increase, whichever is applicable. If an individual accrues benefits after his normal retirement age, the requirements of this subdivision are satisfied if payment is made at the time such benefits accrue. If the provisions required by this subdivision are set forth in a separate agreement with the issuer of the individual contracts, they need not be included in the individual contracts.

(iii) The benefits provided by the plan for each individual participant must be equal to the benefits provided under his individual contracts at his normal retirement age under the plan provisions.

(iv) The benefits provided by the plan for each individual participant must be guaranteed by the life insurance company, described in paragraph (b)(2)(i) of this section, issuing the individual contracts to the extent premiums have been paid.

(v) Except as provided in the following sentence, all premiums payable for the plan year, and for all prior plan years, under the insurance or annuity contracts must have been paid before lapse. If the lapse has occurred during the plan year, the requirements of this subdivision will be considered to have been met if reinstatement of the insurance policy, under which the individual insurance contracts are issued, occurs during such year.

(vi) No rights under the individual contracts may have been subject to a security interest at any time during the plan year. This subdivision shall not apply to contracts which have been distributed to participants if the security interest is created after the date of distribution.

(vii) No policy loans, including loans to individual participants, on any of the individual contracts may be outstanding at any time during the plan year. This subdivision shall not apply to contracts which have been distributed to participants if the loan is made after the date of distribution.

(c) *Group insurance contract plans.* (1) A group insurance contract plan is described in section 412(i) during a plan year if the plan satisfies the requirements of subparagraph (2) for the plan year.

(2) The requirements of this subparagraph are:

(i) The plan must be funded exclusively by the purchase from a life insurance company, described in paragraph (b)(2)(i) of this section, of group annuity or group insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust.

(ii) In the case of a plan funded by a group insurance contract or a group annuity contract the requirements of paragraph (b)(2)(ii) of this section must be satisfied by the group contract issued under the plan. Thus, for example, each individual participant's benefits under the group contract must be provided for by level annual, or more frequent, payments equivalent to the payments required to satisfy such paragraph. The requirements of this subdivision will not be satisfied if benefits for any individual are not provided for by level payments made on his behalf under the group contract.

(iii) The group annuity or group insurance contract must satisfy the requirements of clauses (iii), (iv), (v), (vi), and (vii) of paragraph (b)(2). Thus, for example, each participant's benefits provided by the plan must be equal to his benefits provided under the group contract at his normal retirement age.

(iv)(A) If the plan is funded by a group annuity contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participant under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual annuity contract plan satisfying the requirements of paragraph (b) and delivered in the State where the principal office of the plan is located.

(B) If the plan is funded by a group insurance contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participant under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual insurance contract plan satisfying the requirements of paragraph (b) and delivered in the State where the principal office of the plan is located.

(v) Under the group annuity or group insurance contract, premiums or other consideration received by the insurance company (and, if a custodial account or trust is used, the custodian or trustee thereof) must be allocated to purchase individual benefits for participants under the plan. A plan which maintains unallocated funds in an auxiliary trust fund or which provides that an insurance company will maintain unallocated funds in a separate account, such as a group deposit administration contract, does not satisfy the requirements of this subdivision.

[FR Doc.75-3343 Filed 2-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1867]

[FmHA Instruction 452.1]

REAMORTIZING AND RENEWING OPERATING LOANS

Proposed Revision

Notice is hereby given that the Farmers Home Administration has under consideration the revision of Part 1867, Title 7 of the Code of Federal Regulations (36 FR 17843; 37 FR 23628). The major proposed changes are as follows:

1. A delinquent Operating loan note may be reamortized within seven years from the date of its execution.

2. A delinquent Operating loan note may be renewed after the end of the seventh year from the date of its execution.

3. An Operating loan note may be reamortized or renewed when extra payments or refunds have been made totaling at least 10 percent of the balance owed on the note.

4. Reamortized or renewed notes will be retained in the borrower's case file.

5. The interest rate will be the current rate in effect at the time of reamortization or renewal.

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before March 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, Part 1867 is revised to read as follows:

Part 1867—Reamortizing and Renewing Operating Loans

Sec.

1867.1 Introduction.
1867.2 Definitions.
1867.3 Eligibility requirements.
1867.4 Reamortization and renewal prohibitions.
1867.5 Rates and terms.
1867.6 Security.
1867.7 County Committee considerations.
1867.8 Processing the renewal promissory note.
1867.9 Approval authority.
1867.10 Disposition of promissory notes.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

§ 1867.1 Introduction.

All borrowers are expected to repay their Operating loans in accordance with the planned repayment schedules. However, circumstances may occur which will not permit them to pay as scheduled or to refinance their loans with credit from other sources. This regulation prescribes the policy and procedure for reamortizing or renewing Operating loans made under the Consolidated Farm and Rural Development Act.

§ 1867.2 Definitions.

(a) *"Reamortize."* Reschedule the payments of an original note within seven years from the date of its execution.

(b) *"Renew."* Reschedule the payments of an original note after the end of the seventh year from the date of its execution.

§ 1867.3 Eligibility requirements.

(a) *Delinquent Operating loans.* A delinquent Operating loan note may be reamortized or renewed, as appropriate, when:

(1) The borrower is unable to refinance his Operating loan indebtedness;

(2) The borrower is making satisfactory progress under prevailing conditions in establishing his enterprise(s);

(3) The inability of the borrower to pay his Operating loan note(s) on schedule was due to circumstances beyond his control, such as depressed prices; adverse weather conditions which materially reduced income; accident or serious illness; substantial loss of livestock or crops due to disease, pestilence, or catastrophe; major tenure adjustments, etc.;

(4) The borrower's plan for the next operating year (or typical year if the next year will not be typical) shows that he can realistically meet the terms of the proposed payment schedule on the reamortized or renewed note(s) under the conditions which will likely prevail; and

(5) The reasons for the delinquency and the justification for the reamortization or renewal are fully documented in the running case record.

(b) *Other Operating loans.* An Operating loan note, regardless of whether it is delinquent, may be reamortized or renewed, as appropriate, when:

(1) The borrower has made extra payments or refunds, both totaling 10 percent or more of the principal balance of the note being reamortized or renewed;

(2) The refund or extra payment will result in a significantly reduced income for the remaining period of the loan;

(3) The borrower is unable to refinance his Operating loan indebtedness;

(4) The borrower is making satisfactory progress under prevailing conditions in establishing his enterprise(s);

(5) The borrower's plan for the next operating year (or typical year if the next year will not be typical) shows that he can realistically meet the terms of the proposed payment schedule on the reamortized or renewed note under the conditions which will likely prevail;

(6) The approving official determines that the borrower cannot reasonably be expected to meet the repayment schedule in the original note(s); and

(7) The justification for the reamortization or renewal is fully documented in the running case record.

§ 1867.4 Reamortization and renewal prohibitions.

An Operating loan note will not be reamortized or renewed when:

(1) The account is being serviced or may be serviced in the near future by the State Office, or has been referred to the Office of the General Counsel or the U.S. Attorney; or

(2) The rescheduling is solely for the purpose of improving the Farmers Home Administration's (FmHA) record with respect to delinquencies.

§ 1867.5 Rates and terms.

(a) The interest rate will be the current rate in effect at the time Form FmHA 452-1, "Renewal Promissory Note," is signed by the borrower. The unpaid accrued interest will be scheduled in the first installment. In some cases this will affect the scheduling of the unpaid principal.

(b) The repayment terms may include installments which are either unequal or equal, depending on the circumstances, and may also include a balloon installment when such arrangement is appropriate to the borrower's financial situation.

(c) The repayment period on a reamortized note will not extend beyond 7 years from the date of the original promissory note.

(d) The repayment period on a renewed note will not commence until after the end of the seventh year or extend beyond 12 years from the date of the original promissory note.

(e) The repayment period on a reamortized or renewed note will not exceed the useful life of the security.

§ 1867.6 Security.

A new security instrument will not be obtained as a prerequisite to reamortization or renewal, unless required for other reasons.

§ 1867.7 County committee considerations.

Before the reamortization or renewal of an Operating loan note is processed, the County Supervisor will take into consideration recommendations of the County Committee as a result of:

(a) The graduation review;

(b) The annual review of delinquent and other problem cases; and

(c) Consideration and certification of eligibility for any FmHA loan.

§ 1867.8 Processing the renewal promissory note.

A separate Form FmHA 452-1 will be prepared for each Operating loan note being reamortized or renewed. All parties who executed the note being reamortized or renewed will be required to execute Form FmHA 452-1, unless otherwise authorized by the State Director.

(a) If the County Office is in possession of the original note being reamortized or renewed, Form FmHA 452-1 will be processed in accordance with the provisions of the guidelines for completing this form available in any FmHA office and this regulation.

(b) If the County Office is not in possession of the original note being reamortized or renewed, the County Supervisor will request the Finance Office to have the note assigned to the insurance fund and returned to the County Office before processing Form FmHA 452-1.

§ 1867.9 Approval Authority.

Loan approval officials are hereby authorized to approve the reamortization or renewal of Operating loans subject to the policies within this regulation, and provided the principal amount owed on the Operating loan note being reamortized or renewed plus the outstanding total principal balance owed by the borrower on other Operating and Emergency loans does not exceed the loan approval official's authority shown in Subpart B of Part 1810 of this Chapter.

§ 1867.10 Disposition of promissory notes.

The original and County Office copy of all notes that are reamortized or renewed will be stamped "RENEWED, NOT PAID" or "REAMORTIZED, NOT PAID," as appropriate, by the County Office and retained in the borrower's case file. When a renewed or reamortized note has been paid in full or otherwise satisfied, it will be handled in accordance with the provisions of Subpart A of Part 1861 or Part 1864 of this Chapter.

Dated: January 30, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3389 Filed 2-5-75;8:45 am]

[7 CFR Part 1871]

[FmHA Instruction 455.1]

CHATTEL SECURITY

Liquidation of Chattel Security and Related Actions

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment to Subpart B of Part 1871, Title 7, Code of Federal Regulations (36 FR 1118). The proposed change in § 1871.40(c)(3) will provide that the interest rate on Operating and Emergency loans to be paid by an ineligible transferee will be the current interest rate in effect at the time the transfer is approved or the rate in the note(s) being assumed, whichever is greater.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, United States Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before March 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m. to 4:45 p.m.)

As proposed, § 1871.40(c)(3) will read as follows:

§ 1871.40 Transfer of chattel security and EO property and assumption of debts not provided for in § 1871.39 and release of liability.

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(c) *Transfer to ineligibles* • • •

• • • • • •

(3) FmHA debts assumed will be scheduled for repayment in amortized

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installments not to exceed five years, using Form FmHA 460-5. Interest to the transferee for Operating and EM loans will be the current interest rate in effect at the time of approval of the transfer or the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater. The interest rate for EO loans will be 6 percent. The transferred property (including EO property) will be made subject to any existing lien in favor of FmHA or by execution of new lien instruments.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 of P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: January 29, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3439 Filed 2-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Exclusion from Social Security Coverage of Certain Farm Rental Income Received by a Landowner or Tenant

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect the provisions of section 10 of Pub. L. 93-368, enacted August 7, 1974, which provide for the exclusion from social security coverage of farm rental income received by a landowner or tenant who turns over the management of his farm to an agent and does not himself materially participate in the farm operation.

Under present law, farm rental income is covered under social security if the rental arrangement provides that the landowner or tenant materially participate in the production of the agricultural or horticultural commodities on his land and if there is material participation by the landowner or tenant. In determining whether the landowner's or tenant's actions contribute in a material way to the production of the commodities raised on his farm, his own actions plus actions of his agent are considered. Actions by an agent are attributed to the farm landowner or tenant, so that if the agent participates in the management and operation of the farm, the farmowner or tenant is also deemed to be participating even though he does not personally participate.

A problem has arisen in the case of landowners who enter into an agreement with a professional farm management company or other person who has the responsibility to choose a tenant and to manage and supervise the farm operation. In such a situation, the landowner does not participate in the operation of the farm and views his income as investment income rather than income from farm self-employment.

Accordingly, the amendment provides that in such a situation the landowner would not be considered to participate in the operation of the farm. Therefore, his farm income would not count for social security purposes if he entered into an agreement with another person to manage or supervise the farm operation, including the selection of tenants, when there is in fact no participation on his part.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW, Washington, D.C. 20201, on or before March 10, 1975. The amendments will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority of sections 205(a), 211(a)(1), and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 502, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405(a), 411(a)(1), and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: January 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education and Welfare.

Subpart K—Employment—Wages—Self-Employment—Self-Employment Income

Subpart K of Regulation No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended by revising paragraph (c)(5) and examples (5) and (6) in paragraph (c)(6) of § 404.1053 to read as follows:

§ 404.1053 Rentals from real estate; material participation.

• • • • • •

(c) *Special rule for "includible farm rental income"* • • •

• • • • • •

(5) ***Employees or agents.*** Any arrangement entered into by an employee or agent of an owner or tenant and another person is considered an arrangement entered into by the owner or tenant for purposes of satisfying the requirement set forth in paragraph (c)(2) of this section that the income must be derived under an arrangement between the owner or tenant and another person. For purposes of determining whether the arrangement satisfies the requirement set forth in paragraph (c)(3) of this section that the parties contemplate that the owner or tenant is to materially participate in the production or management of production of a commodity: (i) for taxable years ending after 1955 and beginning before January 1, 1974, services performed by such an employee or agent are considered services performed by the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity; (ii) for taxable years beginning after December 31, 1973, the activities (including services) of such an employee or agent shall not be considered as the activities (including services) of the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity.

(6) *Examples* • • •

• • • • • •

Example 5. J owned a farm several miles from the town in which he lived. He rented the farm to K under an arrangement which contemplated J's material participation in the management of production of wheat. J furnished one-half the seed and fertilizer and all the farm equipment and livestock. He employed H to perform all the services in advising, consulting, and inspecting which were contemplated by the arrangement, effective with taxable years beginning after December 31, 1973. J is not materially participating in the management of production of wheat by K. The work done by J's employee, H, is not attributable to J in determining the extent of J's participation. J's rental income from the arrangement is not to be included in computing his net earnings from self-employment.

Example 6. Assume the same facts as in the previous example except that J appointed the X Bank as his agent to enter into the rental arrangement with K and to perform the services which were contemplated by the arrangement, effective with taxable years beginning after December 31, 1973. J is not materially participating in the management of production of wheat by K because the work done by X Bank is not attributable to J in determining the extent of J's participation. J's rental income from the arrangement would not be included in computing his net earnings from self-employment.

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[FR Doc.75-3425 Filed 2-5-75;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 205]

GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Proposed Cost Allocation

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed revision is necessary as we found the existing regulation, 45 CFR 205.150 (published in the FEDERAL REGISTER on September 26, 1973 (38 FR 26804)) deficient in two areas: (1) The existing regulation provides that no Federal financial participation will be allowed in the costs of administration, services (excluding those purchased) and training if a State fails to submit a revised cost allocation plan within 3 months after a request by the SRS Regional Commissioner, and the regulation does not clearly provide for reinstatement of the disallowed expenditures upon receipt of an approved cost allocation plan. (2) It inadvertently provides that FFP will be based on the old plan even where the State submits a new plan within the prescribed three months.

The proposal provides for deferring payment of any overstated portions of expenditures due to use of an outdated cost allocation plan until a new plan is filed with and approved by the SRS Regional Commissioner, rather than a total withdrawal of Federal financial participation in all allocated expenditures as required under the existing regulation. In addition, it places responsibility on the State to revise its cost allocation plan whenever it is outdated due to organizational changes within the State agency, changes in Federal law or regulations, or other similar changes, rather than only when the SRS Regional Commissioner requests a revised cost allocation plan.

Prior to the adoption of the proposed regulation, consideration will be given to any comments, suggestions or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before March 10, 1975. Comments received will be available for public inspection in room 5324 of the Department's offices at 330 C Street, SW, Washington, D.C., on Monday through Friday of each week from 8:30 am to 5 pm (area code 202-245-0950).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program Nos. 13.707, Child Welfare Services; 13.714, Medical Assistance Program; 13.724, Public Assistance—State and Local Training; 13.748, Work Incentive Program—Child Care; 13.754, Public Assistance Social Services; 13.761, Public Assistance—Maintenance Assistance (State Aid)).

Dated: December 16, 1974.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: January 31, 1975.

CASPAR W. WIENBERGER,
Secretary.

Section 205.150 of Part 205, Chapter II, Title 45, of the Code of Federal Regulations is revised to read as set forth below:

§ 205.150 Cost allocation.

(a) *State plan requirements.* (1) (i) A State plan under Titles I, IV-A, IV-B, VI, X, XIV, XVI or XIX of the Social Security Act must provide that the Single State Agency will have an approved cost allocation plan on file with the SRS Regional Commissioner which identifies and describes the methods and procedures the State has established for properly charging the costs of administration, services, and training activities under the plan in accordance with the Federal requirements set out in 45 CFR Part 74, Appendix C, and in Department and Social and Rehabilitation Service regulations and instructions.

(ii) The cost allocation plan shall include descriptions of the functions and activities by organizational units; *estimated costs for an annual period by organizational units* (unless *specifically waived by the Regional Commissioner*); and the basis used for allocating the various pools of costs to programs and activities (with justification for each).

The cost allocation plan must contain such other information as is necessary to document the validity of the cost allocation methods and precedures and must include methods and procedures for:

(A) Allocating all such administrative costs of the State Department in which the State agency is located between Federal and non-Federal programs;

(B) Identifying, of the costs applicable to more than one of the Federal programs, those applicable to each of the separate programs, in accordance with program classifications specified by the Secretary; and

(C) Segregating costs in paragraph (a)(1)(ii)(B) of this section by service and income maintenance functions, where applicable, and by such other classifications as are found necessary by the Secretary.

(iii) The estimated costs are included solely to permit evaluation of the methods of allocation, and therefore approval of the cost allocation plan shall not constitute approval of these estimated costs for use in calculating claims for Federal financial participation.

(2) A State shall revise its cost allocation plan when the allocation method shown in the existing plan is outdated due to organizational changes within the State agency, changes in Federal law or regulations, or other similar changes.

(b) *Federal financial participation.* (1) As a condition for receipt of Federal financial participation in administration, services and training for any quarterly period, a State's claim for such expenditures must be in accord with a cost allocation plan on file with and approved by the Regional Commissioner for that period.

(2) If a State fails to revise its cost allocation plan as required by paragraph (a)(2) of this section within the quarter that such changes are effective, the Regional Commissioner will defer payment of any overstated portions of expenditures which he determines to result from the State using an outdated cost allocation method until the State has submitted a revised cost allocation plan which is approved by him and the State has revised its claim accordingly.

(3) If a State does not have any cost allocation plan on file with the Regional Commissioner, payment will be made only for those costs of administration, services, and training which are entirely chargeable to a function or activity within a given title having one rate of Federal financial participation. Payment for the remaining cost of administration, services and training which requires an allocation method, will be deferred until such time as a cost allocation plan has been submitted and is approved by the Regional Commissioner.

[FR Doc.75-3422 Filed 2-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75-035]

FOX RIVER, WISC.

Proposed Drawbridge Operation Regulations

At the request of the City of Oshkosh, Wisconsin, the Coast Guard is considering revising the regulations for the 4 highway drawbridges across the Fox River and Portage Canal located within the City of Oshkosh, to provide periods during which the draws would not be required to open for the passage of vessels. The periods are 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m. In addition, the draws would open from 12 midnight to 8 a.m. only if at least 4 hours notice is given. The draws of these bridges are presently required to open on signal. This change is being considered because of increased vehicular traffic during the day and few vessel passages during the midnight to 8 a.m. period.

Interested persons may participate in the this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reason for any recommended

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change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before March 7, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new paragraph (d) to § 117.643 to read as follows:

§ 117.643 Fox River and Portage Canal, Wis.

* * * * *

(d) Highway bridges at Oshkosh, Wisconsin

(1) The owners of or agencies controlling the bridges shall provide the necessary drawtenders and properly maintain operating machinery to ensure the safe opening of the draws.

(2) Signals.

(i) The signal for opening the bridges shall be one long blast followed by one short blast of a whistle, horn or other sound producing device.

(ii) The acknowledging signal from the drawtender when the draw shall open is one long blast followed by one short blast.

(iii) When the draw cannot be opened, the drawtender shall sound four short, rapid blasts.

(3) The draws shall be opened promptly on signal between the hours of 8 a.m. and 12 midnight except that on Monday through Friday from 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m. the draw need not open for the passage of vessels other than public vessels of the United States.

(4) Between the hours of 12 midnight and 8 a.m., the draws of the bridges shall open for the passage of the vessels if at least four hours notice is given to the Winnebago County Highway Department.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: January 30, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-3471 Filed 2-5-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 45]

[Docket No. 14130; Notice No. 74-36A]

NATIONALITY AND REGISTRATION MARKS ON FIXED-WING AIRCRAFT

Extension of Comment Period

This notice extends the period for comments on notice 74-36 (published November 21, 1974; 39 FR 40862), proposing to regulate the size and location of registration marks on fixed-wing aircraft. The present comment period terminates on February 19, 1975.

This extension of the comment period is provided in response to a petition submitted by the Experimental Aircraft Association (EAA). The EAA states that additional time is needed because the Notice of Proposed Rule Making is of great interest to its members and because it plans to publish the full text of the notice in the January issue of its publication, "Sport Aviation." The EAA expects that its publication of the notice will result in numerous pertinent comments from its readers, inasmuch as the proposals therein will have a direct affect on their operations. The Experimental Aircraft Association requests that the period for comment be extended 30 days to March 19, 1975.

The FAA agrees that the members of the EAA have a particular interest in this notice because they build, own, and operate many types of aircraft which will be subject to the proposed rule. Moreover, the EAA submitted the original petition which led to the development of this notice, and we expect the EAA to contribute many useful and pertinent comments. Accordingly, we conclude that the public interest will be served by granting the extension. Further, we do not believe that granting the exemption will have any adverse effect on safety nor appreciably delay the completion of this regulatory action.

I find that the petitioners have shown a substantive interest in the proposed amendment, that good cause exists for an extension of the comment period until March 19, 1975, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the closing date for public comment on notice 74-36 is extended to March 19, 1975.

Issued in Washington, D.C., on January 29, 1975.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.75-3344 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-52]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Escanaba, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A review of controlled airspace at Escanaba, Michigan, indicates the airspace should be changed to conform with present operation.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is amended to read:

ESCANABA, MICHIGAN

Within a 5-mile radius of Delta County Airport (Latitude 45°43'25" N., Longitude 87°05'56" W.); within 8 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east and west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

ESCANABA, MICHIGAN

That airspace extending from 700 feet above the surface within a 6 mile radius of the Delta County Airport (Latitude 45°43'-25" N., Longitude 87°05'56" W.); that airspace extending from 1200 feet above the surface within a 19-mile radius of Escanaba VORTAC, excluding that portion which overlies the Marquette, Michigan transition area and that portion south of the 45°45' parallel.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 13, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-3352 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-2]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to designate a control zone at Waukesha, Wisconsin.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Attention: Chief, Air Traffic Division, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A non-federal tower has been established on the Waukesha County Airport. The tower has official weather reporting capability. All requirements for a control zone have been met and one has been requested by the airport manager.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is added:

WAUKESHA, WISCONSIN

Within a 5 mile radius of the Waukesha County Airport (Latitude 43°02'25" N., Longitude 88°14'00" W.); within 2½ miles each side of the 272° bearing from the airport extending from the 5 mile radius area to 5.5 miles west. This control zone shall be effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 13, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.75-3351 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-55]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Ironwood, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The instrument approach procedures for the Gogebic County Airport have been revised. This requires a change in the controlled airspace required to protect the procedures. Accordingly it is necessary to alter the Ironwood, Michigan, control zone and transition area to adequately protect aircraft executing the revised procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is amended to read:

IRONWOOD, MICHIGAN

Within a 6½-mile radius of Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the Ironwood VORTAC 258° radial, extending from the 6½-mile radius zone to 8 miles west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

IRONWOOD, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the 272° radial, extending from the 13-mile radius to 15 miles west of the Ironwood VORTAC and that airspace extending upward from 1200 feet above the surface within a 24-mile radius of the Ironwood VORTAC excluding the portion in the State of Wisconsin.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 14, 1975.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

[FR Doc.75-3353 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-41]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at East Liverpool, Ohio.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

A new instrument approach procedure has been developed for the Columbiana County Airport, East Liverpool, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at East Liverpool, Ohio.

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In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

EAST LIVERPOOL, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbiana County Airport (Latitude 40°40'24'' N., Longitude 80°38'30'' W.); within 8 miles each side of the 070° bearing from the airport, extending from the 5-mile radius area to 8.5 miles east of the airport, excluding that portion which overlies the Beaver Falls, PA transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 20, 1975.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.75-3354 Filed 2-5-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. circular—Public Debt Series No. 4–75]

TREASURY BONDS OF 1995–2000

Redesignation

JANUARY 31, 1975.

The Secretary of the Treasury announced on January 30, 1975, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 4–75, dated January 23, 1975, will be 7⅞ percent per annum. Accordingly, the bonds are hereby redesignated 7⅞ percent Treasury Bonds of 1995–2000. Interest on the bonds will be payable at the rate of 7⅞ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-3385 Filed 2-5-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 011389]

WESTERN SLOPE GAS CO.

Pipeline Application

JANUARY 29, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right of way for installation of the Rocky Mountain Exchange Meter Station Site across the following lands:

SIXTH PRINCIPAL MERIDAN, COLORADO

T. 8 S., R. 103 W.,
Sec. 29, NE¼SW¼ in Mesa County, Colorado.

The facility is necessary for the metering and regulation of natural gas moving through an already existing and approved pipeline system.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed meter station right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, on or before March 10, 1975.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-3341 Filed 2-5-75;8:45 am]

[Wyoming 49372]

WYOMING

Notice of Application

JANUARY 29, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Stauffer Chemical Company of Wyoming has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 99 W.,
Sec. 34, S½S½.

The pipeline will convey natural gas from the Kemmerer Well, Unit No. 4, in the SW¼, sec. 33 to an existing pipeline in the SW¼, sec. 35, all in T. 21 N., R. 99 W., 6th Principal Meridian, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-3427 Filed 2-5-75;8:45 am]

[Wyoming 49376]

WYOMING

Notice of Application

JANUARY 29, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 113 W.,
Sec. 2, lots 13 and 14.

The pipeline will convey natural gas from the Green River Bend #51–1 well in the NW¼SW¼, sec. 1 to an existing pipeline in Lot 14, sec. 2, all in T. 26 N., R. 113 W., 6th P.M., Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-3426 Filed 2-5-75;8:45 am]

Geological Survey

PLATFORMS, STRUCTURES AND ASSOCIATION EQUIPMENT

Revision of OCS Order No. 8, Gulf of Mexico Area

Correction

In FR Doc. 75–1792, appearing at page 3220 in the issue of Tuesday, January 21, 1975, in the third column of page 3322, under paragraph "(8) Electrical Equipment." the paragraphs that appear immediately after paragraph (a), beginning with paragraph "1. Description of operations." through the first full paragraph of the first column of page 3323, beginning with "Prior to burning • • •", should be transposed to appear immediately after paragraph "B. Simultaneous facility operations." in the first column of page 3323.

Office of Hearings and Appeals

[Docket No. M 75–66]

L. & M. COAL CO., INC. ET AL.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), L. & M. Coal Company, Inc. *et al.*

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have filed a petition to modify the application of 30 CFR 75.1201 to the following mines located in Lee County, Virginia:

L. & M. Coal Co., Inc.	No. 2 Mine
Glenwood Coal Co.	No. 1 Mine
H. & R. Coal Co., Inc.	No. 1 Mine
Bee Coals, Ltd.	No. 1 Mine
C. & C. Coal Co.	No. 1 Mine
Lawrence F. Williams Coal Co., Inc.	No. 1 Mine

30 CFR 75.1201 provides:

Such [mine] map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located.

In support of their petition to secure a waiver of Section 75.1201, Petitioners state:

(1) Due to a shortage of certified engineers in the Lee County, Virginia area, Petitioners have utilized the services of a person who has experience, but not a degree, in engineering. The materials prepared by this individual were certified and accepted by the Mining Enforcement and Safety Administration during the period from July, 1971, to September, 1974. On September 25, 1974, Petitioners were issued notices of violation for failure to have mine maps which were made or certified by a registered engineer or a registered surveyor.

(2) Petitioners' employee has experience in all phases of mine engineering including: planning, projection, mapping, surveying, and plotting. In addition, this individual is certified by the State of Virginia as a mine foreman for both deep and surface mines.

(3) Petitioner's alternate method of employing a person who is not an engineer to supplement and revise mine maps will at all times guarantee no less than the same measure of protection afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 10, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JANUARY 27, 1975.

[FR Doc.75-3429 Filed 2-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A133]

PENNSYLVANIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Clarion County, Pennsylvania, as a result of a natural disaster consisting of a hailstorm, wind, and rain on September 9, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Milton J. Shapp that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 30th day of January, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3388 Filed 2-5-75;8:45 am]

[Designation Number A132]

INDIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Indiana:

Greene	Marshall
Hamilton	Parke
Lawrence	

The Secretary has found that this need exists as a result of a natural disaster shown on the attached sheet.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Otis R. Bowen that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 31st day of January, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Indiana, 5 Counties, 1974

County	Excessive rainfall	Drought	Frost
Greene	Apr. 15 to June 22.	June 23 to Sept. 10.	Oct. 2.
Hamilton	Apr. 1 to June 22.	June 20 to Aug. 15.	Oct. 1 to 2.
Lawrence	May 10 to June 12 (flooding).	June 13 to July 23.	Sept. 15.
Marshall	May 1 to June 15.	June 1 to Sept. 15.	Sept. 23.
Parke	Jan. 1 to June 22 (flooding).	June 23 to July 28.	Oct. 3.

[FR Doc.75-3442 Filed 2-5-75;8:45 am]

Forest Service

CLEAR CREEK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Clear Creek Planning Unit, Gifford Pinchot National Forest, Washington. USDA-FS-R6-DES-(Adm)-75-08).

The environmental statement concerns a revised land use plan for the Clear Creek Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

This draft environmental statement was transmitted to CEQ on January 29, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250.

Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oregon 97204.

A limited number of single copies are available upon request to Forest Supervisor, Spencer T. Moore, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Spencer T. Moore, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660. Comments must be received by March 31, 1975 in order to be considered in the preparation of the final environmental statement.

JANUARY 29, 1975.

ROBERT R. TYRREL,
Director, Planning, Programing and Budgeting.

[FR Doc.75-3418 Filed 2-5-75;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON HOG CHOLERA ERADICATION

Notice of Determination

Notice is hereby given that the Secretary of Agriculture proposes to establish the Advisory Committee on Hog Cholera Eradication for a 2-year period. The Secretary has determined that establishment of the Committee is in the public interest in connection with the duties imposed on the Department by law.

The purpose of the Committee will be to advise the Secretary regarding program operations and measures to prevent, suppress, control or eradicate hog cholera. Membership will include representatives of the swine and related industries, State and local government agencies, professional and scientific groups, an officer or employee of the Department, and the general public.

This notice is given in compliance with Pub. L. 92-463. Views and comments of interested persons may be submitted to the Administrator, Animal and Plant Health Inspection Service, South Building, Room 312-E, Washington, D.C. 20250, until February 24, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 705, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

FEBRUARY 3, 1975.

[FR Doc.75-3443 Filed 2-5-75;8:45 am]

Soil Conservation Service

UPPER BRUSHY CREEK WATERSHED, ALABAMA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines 39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Upper Brushy Creek Watershed Project, Alabama, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-AL.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by 7.2 miles of channel work and one grade stabilization structure. The channel work will involve enlargement by excavation to provide a more efficient and unrestricted stream flow in a flatland watershed that is about 60 percent agricultural cropland and pastureland. Of the 7.2 miles of work proposed on existing streams or channels, none involves streams with perennial flow. There is practically no defined channel on 5.8 miles of which one-half involves ponded water and the rest ephemeral or intermittent flow. The balance of 1.4 miles is manmade or previously modified channels which involves ponded water and ephemeral flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. B. Lingle, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830.

Comments must be received on or before April 1, 1975, in order to be considered in the preparation of the final environmental impact statement.

Dated: January 30, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-3419 Filed 2-5-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (40 FR 2458) of a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee to be held Thursday, February 20, 1975, in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW Washington, D.C. 20230. The time of the meeting was inadvertently omitted. The meeting will begin at 9:30 a.m.

Date: January 29, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.75-3414 Filed 2-5-75; 8:45 am]

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting and Correction

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (40 FR 3485) of a meeting of the Electronic Instrumentation Technical Advisory Committee to be held Tuesday, February 25, 1975, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230. The Notice of Determination, approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce on December 16, 1974 and December 12, 1974 respectively, to close a portion of such meeting to the public, was incorrectly published and should read as set forth below.

Dated: January 29, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the electronic industry, the Electronic Instrumentation Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(s)(1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c)(1) (Supp. III, 1973), as amended, Public Law No. 93-500, section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOR) controls.

The Committee, which currently has eleven members representing industry and eight members representing government agencies, will terminate no later than October 23, 1975, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other

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things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Electronic Instrumentation Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on March 12, 1974 for the Committee's first meeting on April 9, 1974; on April 25, 1974, for the meeting of May 9, 1974; and on May 28, 1974, covering a series of meetings for the period May 28, 1974 through January 3, 1975.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1975, to October 22, 1975, from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: December 16, 1974.

GUY W. CHAMBERLIN, JR.,
Assistant Secretary for Administration.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.75-3415 Filed 2-5-75;8:45 am]

National Oceanic and Atmospheric Administration

COHANZICK ZOO, BRIDGETON, N.J.

Withdrawal of Permit Application for Marine Mammals

On February 26, 1974, notice was published in the FEDERAL REGISTER (39 FR 7476), that an application had been filed with the National Marine Fisheries Service by the Cohanzick Zoo, Cumberland County, Bridgeton, New Jersey 08302, for a public display permit to take one (1) California sea lion (*Zalophus californianus*).

Notice is hereby given that the Cohanzick Zoo has requested to withdraw the application, and that the request to withdraw was acknowledged and accepted without prejudice by the National Marine Fisheries Service on January 27, 1975.

Dated: January 30, 1975.

ROBERT F. HUTTON,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-3402 Filed 2-5-75;8:45 am]

LLOYD SMALLEY

Issuance of Permit for Marine Mammals

On October 31, 1974, notice was published in the FEDERAL REGISTER (39 FR 38403) that an application had been filed with the National Marine Fisheries Service by Lloyd Smalley, 212 Belle Avenue, San Rafael, California 94901, to take an unspecified number of beached and stranded California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), and northern elephant seals (*Mirounga angustirostris*) from the beaches of California for the purposes of rehabilitating the animals and returning them to their natural habitat. This application was for the purpose of scientific research.

Notice is hereby given that on January 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Lloyd Smalley, subject to certain conditions set forth therein. The Permit authorizes the taking of up to twenty-five (25) of the above requested marine mammals in any combination each year through calendar year 1979, provided no more than ten animals are maintained at any one time. The Permit is available for review by interested persons in the office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 31, 1975.

JOHN W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-3396 Filed 2-5-75;8:45 am]

PAUL J. PONGANIS

Issuance of Permit for Marine Mammals

On November 18, 1974 notice was published in the FEDERAL REGISTER (39 FR 40522), that an application had been filed with the National Marine Fisheries Service by Paul J. Ponganis, Division of Natural Sciences, Coastal Marine Laboratory, University of California, Santa Cruz, California 95064, for a scientific research permit to take twelve (12) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), removing up to four (4) muscle tissue samples from each dolphin.

Notice is hereby given that, on January 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above mentioned taking to Paul J. Ponganis, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 31, 1975.

JOHN W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.75-3398 Filed 2-5-75;8:45 am]

ROEDING PARK ZOO

Issuance of a Permit for Marine Mammals

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25967) that an application had been filed with the National Marine Fisheries Service by Roeding Park Zoo, 890 W. Belmont Street, Fresno, California 93728, to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on January 27, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to the Roeding Park Zoo, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and in the Office of the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island California 90731.

Dated: January 27, 1975.

JOHN W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-3399 Filed 2-5-75;8:45 am]

SEA-ARAMA MARINEWORLD

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17783), that an application had been filed with the National Marine Fisheries Service by Sea-Arama Marineworld, Seawall Boulevard at 91st Street, P.O. Box 3086, Galveston, Texas 77550, for a permit to take seven (7) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display, and to subsequently maintain a permanent inventory of no more than fifteen (15) Atlantic bottlenosed dolphins (*Tursiops truncatus*), through the replacement of animals lost in the course of normal attrition.

Notice is hereby given that, on January 30, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Sea-Arama Marineworld, for four (4) Atlantic bottlenosed dolphins.

Sea-Arama was denied a permit to maintain a permanent inventory of marine mammals. The policy statement regarding permanent inventory was published in the FEDERAL REGISTER (39 FR 29607). The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: January 30, 1975.

JOHN W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.75-3400 Filed 2-5-75;8:45 am]

TURTLEBACK ZOO

Issuance of Permit To Take Marine Mammals

On November 11, 1974, notice was published in the FEDERAL REGISTER (39 FR 39752), that an application had been filed with the National Marine Fisheries Service by the Turtleback Zoo, 560 Northfield Avenue, West Orange, New Jersey 07052, for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on January 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to the Turtleback Zoo, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 31, 1975.

JOHN W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.75-3397 Filed 2-5-75;8:45 am]

WAIKIKI AQUARIUM, UNIVERSITY OF HAWAII

Notice of Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Waikiki Aquarium, University of Hawaii, 2777 Kalakaua Avenue, Honolulu, Hawaii 96815, to take one female monk seal (*Monachus schauinslandi*) for the purpose of public display.

The Hawaiian monk seal will be taken from Laysan Islands. The animal would be taken by the applicant or appropriate members of the Armed Forces, such as the Coast Guard or Navy.

The animal will be maintained in a 70,000 gallon pool, within a fenced off area 58 feet long, 20 feet wide and 5½ feet deep. There is an island, 19 feet long and 8 feet wide for basking with coves underneath for hiding and privacy. A total of two monk seals and three harbor seals will be maintained in this fenced-in area.

The Curator/Acting Director, has worked with captive animals for 5½ years with experience in captive pinniped husbandry. The Aquarium's leading caretaker has 28 years of experience in the maintenance of pinnipeds in captivity.

The Waikiki Aquarium is an educational branch of the University of Hawaii, which hosts approximately 229,000 visitors annually.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the Hawaiian monk seals.

Documents submitted in connection with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202/634-7529);

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731 (telephone 213/548-2575).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application within 30 days of the publication of this notice to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in support of this application are summaries based upon information supplied by the applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: January 30, 1975.

ROBERT F. HUTTON,
Associate Director for Resource
Management, National Marine
Fisheries Service.

[FR Doc.75-3401 Filed 2-5-75;8:45 am]

Office of the Secretary

[Department Organization Order 45-1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Economic Development Administration (EDA). Department Organization Order 10-4, "Assistant Secretary for Economic Development," prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of EDA.

.02 This revision provides for decentralization of approval authority of projects under sections 101 and 201 of the Public Works and Economic Development Act of 1965, as amended, (42 U.S.C. 3121) (the "Act"), to the Regional Directors.

SEC. 2. *Organization Structure.* The principal organization structure and line of authority of the Economic Development Administration shall be as depicted in the attached organization chart (Exhibit 1).[1] A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Assistant Secretary for Economic Development.* .01 *The Assistant Secretary* directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directives prescribed by the Secretary of Commerce.

.02 *The Deputy Assistant Secretary* shall act as principal adviser to the Assistant Secretary in the formulation, development and definition of policy issues; serve as Executive Secretary and provide or arrange for staff support, as required, for the National Public Advisory Committee on Regional Economic Development; represent the Administration on international organizations when so designated; provide overall direction and coordination of the Regional Offices, and establish uniform overview standards and procedures to be followed by the Regional Offices' Environmental Specialists in their review of projects under Sections 101 and 201 of the Act; supervise the

[1] Exhibit 1 filed as part of the original document.

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activities of the Investigations and Inspections Staff and the Indian Program Staff; assist the Assistant Secretary in all matters affecting the Economic Development Administration; and perform the duties of the Assistant Secretary during the latter's absence.

.03 *The Investigations and Inspections Staff* shall investigate alleged violations of law or other impropriety on the part of applicants or recipients; conduct inspections relating to the conduct and performance of field personnel and review the suitability of applicants for financial assistance. The Staff shall also conduct special investigations requested by the Assistant Secretary, as well as inspections to assure the physical security of all EDA offices.

.04 *The Indian Program Staff* shall administer the Indian economic development program and advise the Deputy Assistant Secretary concerning its general effectiveness. It shall recommend approval or denial of projects proposed for Indian areas except all projects under sections 101 and 201 of the Act which do not require special action; and negotiate and monitor interagency agreements relating to Indian economic development. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

SEC. 4. *Deputy Assistant Secretary for Economic Development Planning.*

.01 The Deputy Assistant Secretary for Economic Development Planning is the principal adviser to the Assistant Secretary on matters of development planning, including the development of policies for improving Federal, State, and local government economic programming. Through the offices reporting to him, the Deputy Assistant Secretary shall:

a. Coordinate and direct EDA economic development planning activities relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial needs;

b. Formulate and recommend to the Assistant Secretary standards and criteria for administration of economic development planning by Regional Offices;

c. Exercise responsibility for EDA's interagency and inter-governmental relations and its relations with those quasi-public and private agencies interested in economic development for districts and areas;

d. Recommend designation of economic development districts, economic development centers, redevelopment areas, and Title I areas which fulfill the statutory criteria;

e. Conduct an annual review of the areas and districts designated for assistance under the Act, and recommend such modifications or terminations of eligibility as may be appropriate;

f. Provide economic data, analyses and studies, and planning grants to development districts and areas; and

g. Recommend technical assistance proposals for areas and districts.

.02 The Deputy Assistant Secretary for Economic Development Planning shall direct and supervise the following organization elements:

a. *The Office of Planning and Program Support* which shall:

1. Have prime responsibility for coordinating the preparation, review and approval of EDA-developed planning documents;

2. Develop analyses and recommended strategies of economic development, including a system of priorities of EDA's financial assistance, for areas and districts;

3. Develop economic development planning systems that reflect EDA objectives and respond to local and regional problems and potentials;

4. Develop the methods and techniques needed to evaluate established planning systems including the ability of local representatives to understand and utilize the planning system as well as the compatibility of locally developed plans with annual agency objectives;

5. Participate in the development of budgetary requirements and coordinate with the Office of Administration and Program Analysis in the allocation of resources among Regional Offices as well as among EDA programs;

6. Provide information and special services on domestic and international regional development planning;

7. Provide guidance to Regional Offices on the application of economic development planning techniques and systems to the specific problems of the Region;

8. Advise and assist Regional Offices in implementing economic planning activities after the formal designation of economic development districts and areas;

9. Guide Regional Offices in assisting development organizations to prepare Overall Economic Development Programs (OEDPs);

10. In coordination with Regional Offices, provide guidance to economic development district and area organizations on the techniques and methods of economic analysis;

11. Formulate planning and development policies and procedures for guiding the preparation and submission of district and area OEDPs, including the establishment of policies and standards for their review by Regional Offices;

12. Initiate suspension of the receipt and processing of all applications for assistance from areas and districts which fail to submit acceptable OEDP progress reports;

13. Evaluate services, efficient existing capacity, and competitive producers for use in making determinations on excess capacity, pursuant to section 702 of the Act; and

14. Identify industries which have demonstrated growth trends for the purpose of relating those industries to agency plans.

b. *The Office of Economic Research* which shall:

1. Direct and conduct a program of internal and external economic research designed to meet both planning and operating needs and concerned with economic development problems and opportunities for geographical subdivisions (e.g., regions, development districts, redevelopment areas, etc.);

2. Arrange for and monitor EDA-sponsored research conducted by other elements of the Department, other Government agencies, or private organizations;

3. Encourage and stimulate research and data collection on economic development, both in and out of Government;

4. Review, evaluate, integrate and disseminate (a) the results of research sponsored by EDA, and (b) current methodological and other research findings wherever generated that are relevant to EDA's objectives and programs;

5. Maintain a central reference collection of economic development materials; and

6. Study and evaluate the effects of Government policies on sub-national economic development.

c. *The Office of Development Organizations* which shall:

1. Design and direct a program to establish multi-county development districts in consultation and with the assistance and cooperation of EDA Regional Offices, and with the concurrence of the States affected;

2. Initiate policy guidelines and criteria concerning the development district and area organizations for use by other elements of EDA, and by appropriate State and local agencies;

3. Evaluate and approve proposed area and district economic development organizations;

4. Assist Regional Office efforts to organize economic development districts, including the recruitment of staff;

5. Develop and recommend model administrative budgets, reporting procedures, and job specifications for use by area and district economic development organizations;

6. Establish policies and standards for the review of progress reports by Regional Offices in cooperations with the Office of Planning and Program Support;

7. Design a system of records to indicate progress as compared to planned objectives on all grants made under section 301(b) of the Act and assist Regional Offices in implementing system;

8. Provide guidelines to Regional Offices in order to administer planning grants made under the Act to State, district, and area agencies;

9. Evaluate and recommend candidates for appointments to professional staff positions in economic development districts in cooperation with the Regional Offices;

10. Review Regional Office recommendations for the designation and/or termination of economic development district and economic development centers;

11. Promptly advise interested Federal, State, and local agencies of all changes affecting the eligibility status of existing or proposed economic development districts;

12. Prepare and distribute maps and related materials showing organizational and designation status of economic development districts;

13. Determine whether an area meets the statistical criteria to qualify as a redevelopment area or a Title I area;

14. Recommend changes in the qualification status of redevelopment areas and Title I areas;

15. Recommend designation or change in the designation status of redevelopment or Title I areas;

16. Conduct an annual review of area eligibility and recommend termination of areas no longer eligible for designation; and

17. Recommend minor adjustments to boundaries of redevelopment areas.

SEC. 5. *Deputy Assistant Secretary for Economic Development Operations.*

.01 The Deputy Assistant Secretary for Economic Development Operations, through the offices reporting to him, shall:

a. Provide coordinated direction of all EDA activities related to financial assistance for or to physical projects which will improve local economies and supervise the execution of this aspect of EDA's program;

b. Recommend standards, policies and criteria for the technical evaluation and processing of project applications for financial assistance, including public works grants and loans, business loans, and technical assistance;

c. Direct, conduct, coordinate, monitor and, where appropriate, originate technical assistance projects (including management assistance and feasibility studies) subject to coordination with the Deputy Assistant Secretary for Economic Development Planning on proposed technical assistance projects related to area, district or center planning;

d. Review and recommend approval or denial of project applications except all projects under sections 101 and 201 of the Act, which do not require special action. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

e. Evaluate activities of the Regional Offices in applying policies, standards, and procedures for processing project applications to assure efficient, effective, and economical accomplishment of approved projects;

f. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance; and

g. Study and evaluate the manpower development and training needs of redevelopment areas and of economic development districts, and recommend appropriate joint action with the Departments of Labor and Health, Education, and Welfare.

.02 The Deputy Assistant Secretary for Economic Development Operations shall direct and supervise the following organization elements:

a. *The Office of Public Works* which shall:

1. Direct and oversee all phases of the Public Works program;

2. Recommend policies, standards and procedures for accepting, processing, reviewing, and approving requests for public works grants and loans, consistent with the procedures contained in the Act;

3. Maintain surveillance, evaluate progress, and submit reports on the application by Regional Offices of standards, policies, and procedures to assure efficient, effective, and economical accomplishment of the approved projects;

4. Arrange for services from other Federal agencies for the administration of approved public works grants and loans;

5. Maintain operating liaison with Federal agencies having grant-in-aid programs which may supplement EDA programs, and with those Federal agencies delegated responsibility for administering or servicing EDA projects;

6. Make program and policy reviews and initiate action for the reservation of funds for all public works grants and loans, overruns, amendments and revisions, and concur in all major amendments and major revisions to approved projects which require no additional funding; and

7. For projects which require special action at the Washington level, review the project file and recommend approval or disapproval to the Assistant Secretary.

b. *The Office of Business Development* which shall:

1. Recommend policies, standards, and procedures for processing and approving applications for financial assistance for industrial or commercial usage, consistent with the criteria contained in the Act;

2. Review applications for commercial or industrial loans and working capital guarantees, and recommend approval or denial;

3. Maintain surveillance over the implementation by Regional Offices and policies, standards and procedures related to processing loan of applications for business development to assure efficient, effective, and economical accomplishment of the business development programs;

4. Develop and implement EDA approved agreements with the Small Business Administration and other Federal agencies to secure support of the business development programs;

5. Monitor operations of industrial and commercial projects approved by EDA, including outstanding loans for projects approved under provisions of the Area Redevelopment Act, and prepare reports of accomplishments;

6. Arrange for or provide needed specialized assistance to recipients of EDA industrial and commercial loans and guarantees and Area Redevelopment Act loans;

7. Develop policies, plans, and procedures to improve or terminate projects in default of loan conditions;

8. Provide assistance in the liquidation of the affairs and functions conducted under the Area Redevelopment Act;

9. Establish contact and promote large scale involvement of the private sector in EDA's economic development activities; and

10. Maintain operating liaison with other agencies concerned with the activities of this Office.

c. *The Office of Technical Assistance* which shall:

1. Propose policies, standards, and procedures pertaining to the acceptance, review, and approval of requests for technical assistance, consistent with the criteria of the Act;

2. Plan and develop technical assistance projects in cooperation with other offices, where appropriate;

3. Direct or monitor the performance and implementation of approved technical assistance projects;

4. Recommend policies, standards, and procedures for evaluating and utilizing the results of technical assistance projects;

5. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance;

6. Recommend policies and practices to facilitate effective relationships with other Government agencies which have complementary programs for technical assistance;

7. Maintain surveillance over the application of policies, standards, and procedures by the Regional Offices in processing project applications;

8. Review and recommend project applications for approval or denial; and

9. Coordinate the efforts of EDA in the manpower training program.

SEC. 6. *Office of Administration and Program Analysis.* The Office of Administration and Program Analysis shall be responsible for providing the full range of administrative management services and for program analysis and evaluation functions with respect to EDA's substantive programs. These functions shall be carried out through the principal organizational elements of the Office, as prescribed below, except that personnel management services, accounting for administrative funds, and inhouse equal opportunity staff services shall be obtained from the appropriate Departmental offices.

.01 *The Program Analysis Division* shall develop and implement measures of resources utilization for programming and budgeting purposes; develop and conduct a systematic program evaluation effort for EDA; prepare the annual Program Memorandum and analytical studies required by the Office of Management and Budget; and develop cost benefits studies to aid the Assistant Secretary in making choices and decisions between alternative programs for economic development projects, activities, and programs in achieving the objectives of the Act and EDA.

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.02 *The Management Analysis Division* shall conduct organization and management studies and surveys; plan and conduct a program for achieving maximum economy, effectiveness, and efficiency, and for obtaining optimum personnel utilization; develop and conduct a program for the efficient management of all official records, including an issuance system for administrative and program orders, and the design and control of official forms; and develop and administer a report control system for all administrative and operational reports.

.03 *The Budget Division* shall develop and manage an integrated financial management and budgeting system for EDA. It shall develop and prepare the annual budget for EDA; be responsible for the total financial program of EDA, and for the fiscal aspects of EDA programs entrusted to other Federal agencies; and operate a fiscal control system for both program and administrative expenses consistent with the requirements of the Anti-Deficiency Act, which shall include but not be restricted to, allotment of funds, operating budgets, employment limitations, and analyses of reports and proposed actions relating thereto.

.04 *The Accounting Division* shall develop and maintain accounting systems and prepare financial reports for internal and external use, according to the needs of management, the requirements of laws or regulations, and established policies; analyze financial and operating data to assure that financial and management policies are being followed; and serve as the liaison with the Office of the Secretary and other Federal agencies in all accounting matters.

.05 *The Information Systems and Services Division* shall plan, develop, acquire, and coordinate the use of automatic data processing systems and equipment for EDA; provide data processing services, including the conduct of feasibility studies and the development of systems and programs for the applications of automatic data processing techniques; develop and maintain a comprehensive information and data base system to meet specified requirements for administrative, planning, operational, program management, and program evaluation purposes; and provide periodic and special summary reports on current optional trends and performance comparisons to planned goals.

.06 *The Office Services Division* shall provide or arrange for office services for EDA's headquarters and, as required, for the Regional Offices, including the procurement of administrative supplies, vehicle hire, furniture, equipment, and the distribution of printed and bound materials; evaluate, report on, and make recommendations on the utilization of space, supplies, equipment, communications, and related services within EDA; and serve as liaison with the Office of the Secretary on office services matters.

.07 *The Executive Secretariat* shall receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and non-controlled correspondence, maintain prompt followup of replies to insure that deadlines are met; and provide a selective reference service to files as requested by EDA officials.

SEC. 7. *Office of the Chief Counsel. The Office of the Chief Counsel* shall:

a. Render all necessary legal services, subject to the provisions of Department Organization Order 10–6;

b. Have primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Department orders; and

c. Establish uniform overview standards and procedures to be followed by the Regional Offices' legal staffs in their review of projects under sections 101 and 201 of the Act.

SEC. 8. *Office of Public Affairs. The Office of Public Affairs* shall:

a. Advise on all public information matters;

b. Conduct a public information program under the policy guidance of the Assistant Secretary; and

c. Provide assistance in the editing, printing or reproduction, and distribution of technical materials and publications.

SEC. 9. *Office of Congressional Relations. The Office of Congressional Relations* shall:

a. Advise on all Congressional matters pertinent to the activities under the direction of the Assistant Secretary; and

b. Serve as the primary point of coordination for continuing liaison with the Congress in collaboration with the Deputy Under Secretary for Legislative Affairs.

SEC. 10. *Office of Civil Rights. The Office of Civil Rights* shall:

a. Advise the Assistant Secretary in the development and implementation of policy and guidance affecting equality of opportunity connected with economic development programs;

b. Maintain liaison with Federal, State and local governmental organizations and with non-governmental organizations to coordinate and assist in planning operations aimed at achieving nondiscrimination and equality of opportunity;

c. Provide leadership, staff services and advice in matters affecting nondiscrimination to economic development program units, to organizations obligated as participants in an economic development program to achieve nondiscrimination, and to ultimate beneficiaries of economic development program activities;

d. Conduct, sponsor, or coordinate meetings, conferences, and training courses for equal employment specialist, program managers, and executives to achieve nondiscrimination in economic development programs;

e. Establish effective systems throughout EDA to obtain and monitor reports concerning the program of equality of opportunity and assure conformance thereto;

f. Establish report requirements to insure equality of opportunity by participants in economic development programs, conduct on-site inspections, and receive, investigate, and adjust complaints;

g. Receive, investigate, review, adjust complaints, and evaluate EDA experience relating to the Equal Employment Opportunity program and make recommendations to the Assistant Secretary for improvement of employment practices within EDA; and

h. Establish uniform overview standards and procedures to be followed by the Regional Offices' Civil Rights staffs in their reviews of projects under sections 101 and 201 of the Act.

SEC. 11. *Economic Development Regional Offices.*

.01 The Economic Development Regional Offices, headed by Regional Directors, are as follows:

Name	Located at	Serves
Atlantic	Philadelphia, Pa.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.
Southeastern	Atlanta, Ga.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Midwestern	Chicago, Ill.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Rocky Mountain	Denver, Colo.	Colorado, Kansas, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
Southwestern	Austin, Tex.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Western	Seattle, Wash.	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

.02 Each Regional Director, for the EDA programs in his region, shall:

a. Assist designated areas and districts in organizing, staffing, and funding for economic planning through the development of OEDPs;

b. Assist local communities in the development of applications for financial assistance to meet the needs of areas and districts serviced by the Regional Office;

c. Approve all projects except projects requiring special action under sections 101 and 201 of the Act. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

d. Process applications for economic development assistance, monitor and service approved projects, including appropriate public works construction projects and, when appropriate, liquidate projects.

.03 The geographic areas of the EDA Regional Offices are depicted in Exhibit 2.[1]

This order, effective December 24, 1974, supersedes the material appearing at 39 FR 3702 of January 29, 1974.

WILLIAM W. BLUNT, Jr.,
Assistant Secretary for Economic Development.

Approved:

GUY W. CHAMBERLIN,
Acting Assistant Secretary for Administration.

[FR Doc.75–3312 Filed 2–5–75;8:45 am]

[Department Organization Order 25–5B; Amdt. 3]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

Department Organization Order 25–5B dated April 25, 1974 is hereby further amended as follows:

1. SECTION 4. *Special Staff Offices.* a. Paragraph .01 is revised to read as follows:

.01 The *Office of the General Counsel* shall provide legal services for all components of NOAA and shall be responsible for the preparation or review of all legislative proposals emanating from any component of NOAA, for the expression of NOAA's views as to the merits of proposed or pending legislation, and for statements concerning pending legislation to be made before committees of Congress. These activities shall be carried out subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10–6.

b. Paragraph .02 is revised to read as follows:

.02 The *Office of Congressional Liaison* shall coordinate contacts with the Congress, except for matters relating to appropriations. These activities shall be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations.

2. SEC. 5. *Associate Administrator for Marine Resources.* The opening paragraph is revised to read as follows:

The Associate Administrator for Marine Resources shall maintain cognizance over and establish policy for NOAA's marine resources, marine environment management and protection, mapping, charting, and geodetic programs, as well as those programs closely related thereto. He shall not maintain cognizance over or establish policy for NOAA's real time marine environmental predictions (including observations related thereto) which are assigned to the Associate Administrator for Environmental Monitoring and Prediction, or the coastal zone management and marine sanctuaries programs which are assigned to the Assistant Administrator for Coastal Zone Management. As the primary program policy officer for marine resources, marine environment management and protection, mapping, charting, and geodetic programs, he shall:

3. a. Renumber sections 7 and 8 as sections 8 and 9, respectively.

b. Delete the present *Section 9. Office of Coastal Zone Management*, in its entirety.

4. Add a new section 7 to read as follows:

SEC. 7. *Assistant Administrator for Coastal Zone Management.* The Assistant Administrator for Coastal Zone Management shall maintain cognizance over and establish policy for NOAA's coastal zone management and marine sanctuaries programs and other closely related programs. This shall not include NOAA's marine resources, marine environment management and protection, mapping, charting, or geodetic programs. As the primary program policy officer for coastal zone management and marine sanctuaries programs, he shall:

Serve as the focal point for the coordination with state, Federal and other governmental institutions concerned with the implementation of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451–1464).

Develop policies and guidelines on a continuing basis to assist State and local governments in the effective management, and where possible, restoration and enhancement, of the land and water resources of the coastal zone of the nation within the context of the coastal zone management program.

Administer and monitor annual grants to states in support of the development and administration of coastal zone management programs.

Administer and monitor annual grants to states in support of the acquisition, development and operation of estuarine sanctuaries.

Develop policies and guidelines and administer the marine sanctuaries program authorized under Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431–1434).

Develop NOAA policy, promulgate regulations, and implement procedures necessary for Federal review and approval of state coastal zone management programs and the execution of Federal consistency provisions which then come into force.

5. SEC. 8. *Assistant Administrator for Administration.*

a. Amend paragraph .01 by deleting the term "reports management," from the third and fourth lines.

b. Paragraph .02 is revised to read as follows:

.02 *The Office of Management and Computer Systems* shall conduct studies and provide analytical assistance to develop or improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advance management principles and techniques; carry out the NOAA committee and reports management functions; develop and maintain a central system for collecting, analyzing, presenting and disseminating information on program status and performance; develop systems for measuring productivity and performance; exercise overall management, planning and coordination of NOAA's automatic data processing and telecommunications needs and facilities including serving as the focal point within NOAA for intra- and interagency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and systems; coordinate the Federal planning program for environmental telecommunications systems; and engage in research into advance system concepts and apply or provide guidance in the application of these concepts. It shall provide systems analysis and programming support to NOAA's executive and administrative management functions and to other NOAA functions as requested, and shall operate and provide system and special software support for automatic data processing facilities for all NOAA components except where separate facilities are approved."

6. SEC. 17. *Environmental Research Laboratories.* Subparagraph .01d. is revised to read as follows:

d. The *Program Manager for Weather Modification* shall have technical cognizance over laboratory and field work in experimental weather modification: and, in particular, shall have line management authority over the hurricane and cumulus research and the flight and instrumentation support activities.

7. The organization chart Exhibit 1, attached to this amendment, supersedes the organization chart dated November 14, 1974. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

This order, effective January 16, 1975, further amends the material appearing at 39 FR 17786 of May 20, 1974; 39 FR 26766 of July 23, 1974; and 39 FR 43565 of December 16, 1974.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

Approved:

GUY W. CHAMBERLAIN,
Acting Assistant Secretary for Administration.

[FR Doc.75–3361 Filed 2–5–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4H2995]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

[1] Exhibit 2, map of geographic areas, filed as part of the original document.

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(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H2995) has been filed by Life and Materials Sciences Division, Syracuse University Research Corp., Merrill Lane, University Heights, Syracuse, NY 13210, on behalf of Betz Laboratories, Inc., Somerton Rd., Trevose, PA 19047, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for safe use of *N*-(2-nitrobutyl) morpholine as a slimicide in the manufacture of paper and paperboard that contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: January 29, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-3394 Filed 2-5-75;8:45 am]

National Institutes of Health

TUMOR REGISTRY WORKSHOP

Notice of Meeting

Notice is hereby given of the meeting of the Tumor Registry Workshop, National Cancer Institute, March 14, 1975, Building 31, A Wing, Conference Room 3.

This meeting will be open to the public from 9 a.m. to 5 p.m. on March 14, 1975, to discuss tumor registries. Attendance by the public will be limited to space available.

For additional information, please contact: John Cutler, M.D., Blair Building, Room 720, Division of Cancer Control and Rehabilitation; National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 427-8055.

Dated: January 29, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-3420 Filed 2-5-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Title I Committee of the National Advisory Council on Extension and Continuing Education will be held on February 17-18, 1975, in the Executive Suite of the Statler Hilton Hotel, 16th and K Streets NW, Washington, D.C. Meetings on both days will begin at 9 a.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Title I Committee will be open to the public, but because of the limited space available at the hotel, anyone wishing to attend the meeting should inform the Council's staff office (382-7991) no later than February 12, 1975. The purpose of the meeting will be to discuss portions of the Council's report on the Evaluation of Title I which is scheduled to be sent to Congress on March 31, 1975. All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street NW, Washington, D.C.

RICHARD F. MCCARTHY,
Associate Director.

JANUARY 30, 1975.

[FR Doc.75-3434 Filed 2-5-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Title I Committee of the National Advisory Council on Extension and Continuing Education will be held on February 27-28, 1975, in Room 334 of the Washington Hotel, 15th Street and Pennsylvania Ave. NW, Washington, D.C. Meetings on both days will begin at 9 a.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Title I Committee will be open to the public, but because of the limited space available at the hotel, anyone wishing to attend the meeting should inform the Council's staff office (382-7991) no later than February 24, 1975. The purpose of the meeting will be to discuss portions of the Council's report on the Evaluation of Title I which is scheduled to be sent to Congress on March 31, 1975. All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street NW, Washington, D.C.

RICHARD F. MCCARTHY,
Associate Director.

JANUARY 31, 1975.

[FR Doc.75-3435 Filed 2-5-75;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

Notice is hereby given that a delegation of authority was made by the Secretary to the Assistant Secretary for Health on January 24, 1975, to perform all of the authorities vested in the Secretary of Health, Education, and Welfare by the Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (Pub. L. 93-353), except for the prescribing of regulations.

These authorities may be redelegated.

Dated: January 21, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-3421 Filed 2-5-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-249; FDAA-45-DR]

MISSISSIPPI

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 30, 1975, the President declared a major disaster as follows:

I have determined that the impact of tornadoes on the State of Mississippi, occurring on January 10, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Mississippi.

This declaration of a major disaster supersedes the President's January 18, 1975, declaration of an emergency for the State of Mississippi, FDAA-3006-EM.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Mississippi to have been adversely affected by this declared major disaster:

The Counties of:

Lincoln Pike

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: January 30, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-3393 Filed 2-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DISTRICT OF COLUMBIA'S PROPOSED ACTION PLAN

The District of Columbia Department of Highways and Traffic has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by 23 CFR Part 795 (39 FR 41819, December 2, 1974). The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the District to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. District of Columbia Department of Highways and Traffic, Office of Planning and Programming, Room 519, 415 12th Street, NW., Washington, D.C. 2004.
2. District of Columbia Division Office—FHWA, Pennsylvania Building, Room 1248, 425 13th Street, NW., Washington, D.C. 20004.
3. FHWA Regional Office—Region 3, George H. Fallon Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 Seventh Street, SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before March 3, 1975.

Issued on: January 29, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-3436 Filed 2-5-75;8:45 am]

Federal Railroad Administration

[Docket No. RAR-2]

RAILROAD ACCIDENT/INCIDENT REPORTING

Public Meeting

The Federal Railroad Administration (FRA) promulgated reporting and record keeping requirements, entitled "Railroad Accident/Incidents: Reports Classification, and Investigations", in the December 11, 1974 FEDERAL REGISTER (39 FR 23222). These rules constituted a revision to Part 225 of Title 49 of the Code of Federal Regulations, and became effective as of January 1, 1975. The revision has changed the reporting and record keeping requirements imposed upon railroads.

In an effort to familiarize railroad personnel with the new requirements under Part 225, the FRA is conducting a number of briefings in a series of public meetings. Earlier meetings were held in Washington, D.C. and Chicago, Illinois. Further meetings will be held on Monday, February 10, 1975 at the Federal Office Building, 601 East 12th Street, Kansas City, Missouri, at 9:30 a.m. in Room 140; and on Thursday, February 13, 1975 at the Federal Aviation Administration Building (adjacent to the Atlanta Airport), 3400 Whipple Street, East Point, Georgia, at 9:30 a.m. in Room 702.

At each of these meetings FRA Office of Safety personnel will explain the new reporting requirements and the use of new reporting forms.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-3392 Filed 2-5-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-2; Notice 1]

EXECUTIVE INDUSTRIES, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Executive Industries, Inc. of Anaheim, California, has applied for temporary exemption for a new passenger car from Standards Nos. 215, *Exterior Protection*, and 216, *Roof Crush Resistance*, on grounds of substantial economic hardship.

Executive is a manufacturer of motor homes, producing 1183 such vehicles in its fiscal 1974 (October 1, 1974-September 30, 1974). Anticipating the energy crisis and a decline in demand for recreational vehicles, Executive began in July 1973 to develop a two-passenger sports car. Although the company planned to conform to all applicable Federal motor vehicle safety standards, an outside review of its compliance status in October 1974 disclosed two areas of concern: The corner impact requirements of Standard No. 215 (49 CFR 571.215) and the roof crush resistance test of Standard No. 216 (49 CFR 571.216).

With respect to Standard No. 215, Executive's vehicle will meet all requirements other than corner impact protection. To immediately redesign and retool the body structure and panels of its prototypes would add an estimated $850 to the target retail price of $6,900, and delay its initial production by 6 months. It asks a 3-year exemption during which it would design a bumper system meeting the additional corner impact requirements effective September 1, 1975, and a "no damage" bumper standard issued under the Motor Vehicle Information and Cost Savings Act.

Concerning Standard No. 216, the company asks whether its vehicle is a "convertible" and hence excepted from the roof crush resistance requirements by the terms of the standard. It bases its requests upon the fact that the roof of its small vehicle contains a removable panel 31½ inches by 21½ inches in size, which forms the major portion of the top. Although NHTSA has not defined the term "convertible," the configuration of Executive's vehicle is more like that of a vehicle with a "sun roof" (i.e., a fixed top with a sliding panel) than it is of a vehicle which has no top, or a removable top. With the panel removed, Executive's car is still basically an enclosed vehicle with substantial body structure above the windshield and side windows, unlike a vehicle such as the Porsche Targa which features a removable top. Therefore, NHTSA has decided that Executive's vehicle is not a "convertible" within the normal or intended meaning of that term, and must comply with Standard No. 216 unless exempted under Part 555. Although its designs indicate that the production vehicle will meet Standard No. 216, Executive prefers the security of an exemption until it can produce a prototype and test it. If the tests indicate a failure it believes that the redesign of the vehicle would add $1,300 to manufacturing costs alone. The vehicle utilizes a rollbar and has a center of gravity behind the occupants which, in the event of a rollover, would, in its manufacturer's opinion, provide protection equivalent to that provided by windshield pillars strong enough to meet Standard No. 216.

In support of its petition, the company states that "the commitment of another quarter million dollars to product development before preliminary market testing is completed is not economically viable." With the costs of EPA certification and "validation of FMVSS compliance," start up costs for initial vehicle production are estimated at $500,000. The company's net income for fiscal 1974 was $1,103,976, representing almost a 50

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per cent drop from 1973's $2,088,831. Denial of the application would force the company "to abandon this vehicle project, at a monetary loss of more than $215,000 and with a concomitant loss of employment opportunities for its work force." The company believes that an exemption would serve the public interest by allowing it to develop a lightweight bumper system, contributing to better fuel mileage and energy savings over the life of the vehicle, as well as marketing a handcrafted low-volume vehicle of a type usually manufactured abroad. This, if successful, might lessen dollar outflow and would create job opportunities in the United States.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Executive Industries, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW, Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of final action on the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 10, 1975.

Proposed effective date: Date of issuance of the exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 3, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-3408 Filed 2-5-75;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on February 14, 1975, at 10 a.m. in Room 500, 1700 Pennsylvania Avenue NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include legislation, Committee publications, land use, energy, solid waste, and other current environmental issues.

A limited number of seats—approximately 10—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Thursday, February 13, 1975, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, telephone (202) 233-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.75-3547 Filed 2-5-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25990; Agreements C.A.B. 24827-24832; Order 75-1-140]

AMERICAN AIRLINES, INC. ET AL.

Order Regarding Capacity Agreement To Implement Fuel Allocation Program

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of January 1975.

By joint application, American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United) request approval pursuant to section 412 of the Federal Aviation Act of 1958, as amended, (the Act) of six agreements limiting capacity in 23 markets[1] for the period February 1, 1975 through June 14, 1975. The agreements were negotiated pursuant to authority granted by Order 74-11-35, November 7, 1974, authorizing inter-carrier discussions concerning, inter alia, extension of the fuel-related capacity limitation agreements approved in Order 74-7-105, July 24, 1974.

In support of their application, the joint applicants state, inter alia, that the form and substance of the agreements are similar to earlier agreements approved in this docket; with a few exceptions, capacity levels will be unchanged from last year's off-peak level;[2] the load factors projected in each agreement market fully meet the criteria established by the Board for fuel restraint agreements;[3] current jet fuel allocations are at the same 100 percent of 1972 levels as when the Board initially approved fuel restraint agreements in Order 73-10-110, but foreign as well as domestic carriers now have the right to draw on the domestic jet fuel pool; the coal strike combined with a predicted unusually severe winter will adversely affect the supply of middle distillate fuels; the international fuel situation shows no sign of improvement; the Board has already approved capacity agreements in numerous international markets for the winter of 1975; the agreements benefit both the agreement carriers and the traveling public by enabling the carriers to raise load factors in the agreement markets to levels approximating those attained on the remainder of their systems, thereby allowing the carriers to continue to offer more services on nonagreement routes than would otherwise be possible; the agreements will save over 110,000,000 gallons of fuel during their 4½ month term; the applicants will not use released capacity to increase competition with other carriers; and all three carriers will again ground aircraft this winter because of lack of fuel.[4]

Answers in opposition to these agreements have been filed by Frontier Airlines, Inc., the City of Chicago, the Las Vegas Parties, the Cincinnati Parties, Northwest Airlines, Inc., the National Air Carrier Association (NACA), the Department of Transportation, Braniff Airways,

[1] The markets and agreements to which they relate are as follows:

Agreement C.A.B. 24827, American, TWA, and United, New York/Newark-Los Angeles, New York/Newark-San Francisco, Washington/Baltimore-Los Angeles, and Chicago-San Francisco.

Agreement C.A.B. 24828, American, TWA and United, Philadelphia-Los Angeles, Detroit-Los Angeles, Hartford-Los Angeles, Boston-Los Angeles, and Cleveland-Los Angeles.

Agreement C.A.B. 24829, American and TWA, New York-Cincinnati, New York-Dayton, and Chicago-Phoenix.

Agreement C.A.B. 24830, American and United, Chicago-San Diego, and Washington-San Diego.

Agreement C.A.B. 24831, TWA and United, Boston-San Francisco, Philadelphia-San Francisco, Washington/Baltimore-San Francisco, New York-Denver, Washington-Denver, New York-Las Vegas, Chicago-Las Vegas, and Philadelphia-Chicago.

Agreement C.A.B. 24832, American, TWA and United, New York-Chicago.

[2] The following changes have been made from the September 15-December 14, 1974 level: New York-San Francisco, eleven percent reduction in seats; Chicago-San Francisco, six percent reduction in seats; Detroit-Los Angeles, substitution of one narrow-body for one wide-body; Cleveland-Los Angeles, elimination of one narrow-body; Chicago-Las Vegas, substitution of two wide-bodies for two narrow-bodies; New York-Denver, two additional narrow-bodies weekly; Chicago-Phoenix, February 1-April 14, substitution of two wide-bodies for two narrow-bodies, April 15-June 14, substitution of two narrow-bodies for two wide-bodies.

[3] The projected industry load factor for all markets combined is 55 percent and the highest projected load factor is 66 percent in the Chicago-Las Vegas market. The carriers assume no traffic growth in any market except for Chicago-Las Vegas in which 10 percent growth was assumed.

[4] As of February 1, 1975, American expects to have grounded four B-747's; TWA will have grounded three L-1011's, one B-747, and one B-707; and United will have grounded 15 DC-8's.

Inc., Delta Air Lines, Inc., the Department of Justice, the Airline Pilots Association (ALPA),[5] Continental Air Lines, Inc., and the State of Maryland.[6] These answers are summarized in Appendix A, as are the consolidated replies of American and TWA.

In general, the answers in opposition to these agreements are based on five major contentions: (1) Approval of the agreements would be contrary to the Initial Decision in the Capacity Reduction Agreements Case[7] and would constitute prejudgment of that case; (2) the agreements are not needed as no fuel shortage currently exists and the applicants appear to have ample fuel to operate without the benefit of capacity agreements over the peak holiday period;[8] (3) the agreements will not result in any saving of aviation fuel as any fuel not used in the agreement markets will be used in other markets to the detriment of competing nonagreement carriers; (4) the schedule reductions resulting from approval of these agreements will adversely affect the traveling public; and (5) the applicants have failed to provide justification based specifically on summer operations and specific information describing the actual amount of fuel that will be saved within the agreement markets as required by previous Board orders.

Upon consideration of the pleadings and all the relevant facts, we have concluded that Agreements C.A.B. 24827 through 24832, if made subject to certain conditions, are neither adverse to the public interest nor in violation of the Federal Aviation Act and, accordingly, should be approved pending final Board decision in the Capacity Case, or until they expire by their terms on June 14, 1975, whichever first occurs.[9]

[5] ALPA has also filed an amendment to its answer with a motion for leave to amend. For good cause shown, the motion will be granted.

[6] The State of Maryland's answer was filed four days late and was accompanied by a motion for leave to file an otherwise unauthorized document. We will consider that motion as a motion for leave to file late under Rule 17 and will grant the motion, excusable neglect having been demonstrated.

[7] Initial Decision of Administrative Law Judge E. Robert Seaver in the Capacity Reduction Agreements Case, Docket 22908, served November 18, 1974, concludes that capacity agreements are adverse to the public interest and not justified on either economic or fuel-saving grounds. By Order 75-1-32, January 8, 1975, the Board took review and stayed the effectiveness of Judge Seaver's Initial Decision. Hereinafter, the proceeding in Docket 22908 will be referred to as the Capacity Case.

[8] The predecessor agreements of those currently in issue, which were approved by Order 74-7-105, July 24, 1974, expired December 14, 1974. The instant agreements would not become applicable until February 1, 1975.

[9] In our view the applicants have sufficiently met the evidentiary requirements imposed in Orders 74-7-105 and 74-11-35 to warrant our considering the Joint Application on its merits. See application for a discussion authorization filed in this docket on September 24, 1974; TWA's Consolidated Reply herein; Attachment VIII to the Joint Application; Reply of American at Appendix A; Reply of TWA at Appendix B.

In several previous orders the Board approved capacity agreements because it was the Board's conclusion that the agreements would result in a better allocation of fuel resources in circumstances in which the carriers could not obtain the quantities of fuel they needed to meet the public's needs for air transportation services. This same concern was expressed by the Board in Order 74-11-35, in which the Board authorized the discussions that led to the agreements here under consideration. More specifically, the Board authorized the discussions because, at that time (early November), it appeared that the fuel shortage was still with us and that this shortage could be further exacerbated by a lengthy coal workers' strike, heavy use of middle distillate fuels for home heating, and so forth.

There is no doubt that the fuel shortage which faced the nation when the capacity agreements were last approved has changed considerably.[10] But one fact is clear. A very serious fuel problem continues to exist. Previously the unavailability of fuel called for extraordinary measures for allocation of scarce supplies. Presently the critical national need is for reduction in the use of available fuel supplies in order to reduce this nation's dependence on imported oil, and eliminate the drain on our national wealth and exposure of our economy to serious disruption that are the consequences of such dependence.

The critical necessity for fuel conservation has been central to the programs of both the President and Congress. Thus, in his State of the Union Message the President pointed to the urgent need to reduce oil imports by one million barrels per day by the end of 1975, and by two million barrels per day by the end of 1977, with an end to the vulnerability of our economy to foreign suppliers by 1985.[11]

Congress fully shares the goal of reduction in energy consumption. The Senate Majority Leader recently remarked, "to cope effectively with exorbitant and arbitrary prices for petroleum * * * a reduction of consumption equal to at least two million barrels per day, and preferably more, must be achieved." He added, "Unless we put an end to the superfluous and extravagant, supplies, no matter how great, will never be sufficient." Remarks of Senator Mansfield, 121 Cong. Rec. S 16, January 15, 1975 (Daily Ed.).

Indeed, many members of both Houses of Congress of both political parties have made statements urging the conservation of scarce energy resources. Another Senator, in outlining a comprehensive program for fuel conservation, stated his view that, "The very health of our economy, and our position as a World economic power, may depend on our will to adopt tough fuel conservation measures." (Senator Charles H. Percy, 120 Cong. Rec. S. 20920, December 10, 1974 (Daily Ed.)).

The Recommendations of the President's Labor-Management Committee were to the same effect. The Committee emphasized that, "Conservation in every way is essential, and the present level of imports of oil should be promptly reduced significantly." Its proposed program included, "* * * the establishment of formalized energy conservation programs throughout industry and all levels of Government to economize on energy use * * *." Recommendations of the President's Labor-Management Committee Concerning Economic Initiatives and National Energy Policy, December 30, 1974, 11 Weekly Compilation of Presidential Documents at 35 (1975).

The Board also has a responsibility to carefully consider measures proposed by the carriers to eliminate superfluous or extravagant utilization of fuel supplies. We recognized that responsibility when capacity agreements were granted interim approval by the Board in the transcontinental markets in Order 73-7-147. That Order set for hearing the joint application of American, TWA and United for approval of an agreement comparable to Agreement C.A.B. 24827, here before us. One of the prime considerations which the Board found warranted that interim approval was its conclusion that the agreement would save substantial quantities of fuel.

As noted, the applicants allege that substantial fuel savings will be accomplished by maintenance of reduced capacity under the agreements. Moreover, it is axiomatic that to the extent overall reduced capacity may be attributed to the agreements, fuel savings will result.[12] The opposing parties urge that minimal fuel savings have in fact resulted, since savings in agreement markets have been expended in nonagreement markets, and unilateral restraint would be equally effective in maintaining the present reduced capacity in the agreement markets.

Whether substantial fuel savings will in fact result from capacity agreements in appropriate markets, and whether any such fuel savings and other benefits

[10] Fuel limitations nevertheless remain. Thus, Federal Energy Administration Regulations continue to provide for the allocation of aviation fuels. Carriers are currently limited to no more than their 1972 fuel usage unless they can show compelling situations requiring adjustments to the base period use. Mandatory Petroleum Allocation Regulations, 10 C.F.R. Part 211, Subpart H; 39 Fed. Reg. 37969.

[11] 11 Weekly Compilation of Presidential Documents 49(1975). Other Presidential Statements are to the same effect. See, 10 Weekly Compilation of Presidential Documents 1239, 1272, 1321 and 1556 (1974).

[12] The most recent data available (from Forms 41, Schedule P5(b)) indicate that, during the past year when capacity agreements covering the 23 markets were in effect, the three agreement carriers decreased their fuel use substantially more than did the nonagreement carriers (using 1972 as a base: See, *e.g.* Mandatory Petroleum Allocation Regulations, 39 Fed. Reg. 37969 (1974)). Moreover, data filed with the Board show a decrease in fuel consumption, *e.g.* for the month of October 1974 alone, compared to October 1973, in the 23-agreement markets, consumption was down 16.9 million gallons, with a total cost savings of some $4.0 million (based on October 1974 fuel costs).

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outweigh other detrimental effects, are questions which will be determined in the pending Capacity Case proceeding, Docket 22908. That case involves agreements substantially similar to those here before us.[13] However, the question which we now must resolve is whether, pending that determination, the Board should create a risk that the benefits, particularly in the form of fuel conservation, which appear to have been derived from the agreements, might be lost by premature disapproval of the agreements prior to our final determinations as to the public interest of such agreements in the Capacity Case. Considering the short duration of the agreements, the very serious present necessity for fuel conservation, and the Board's responsibility to give very careful consideration to proposed fuel conservation measures, we conclude that that risk is one which the Board should not take. We will, therefore, grant interim approval of these agreements through June 14, 1975, or until the final Board order in the Capacity Case.

There are additional reasons which lend support to our conclusion that continued interim approval of these agreements should be granted. In Order 73–7–147 we tentatively concluded that capacity reduction agreements also have beneficial effects on the financial health of the parties to such agreements. In this respect we take note of the recent slump in the traffic picture of the airlines, and the various projections of a continuation, at least for the immediate future, of the current recession. Coupled with the gloomy traffic picture are steeply rising carrier costs.[14] Thus the prospects are not bright with respect to the carriers' finances, a matter of serious concern in view of TWA's already mounting losses and the fact that American's present period of profitability has not been a lengthy one.[15]

Further, while we would be reluctant to continue to approve capacity limitation agreements based on tentative views if final resolution of the matter were not in sight, the Capacity Case is fast drawing to a close. (Briefs to the Board are due on February 7, and we contemplate that oral argument will be held as soon thereafter as is practicable.) With the exception of a few short periods, agreements covering New York/Newark-Los Angeles/San Francisco, Chicago-San Francisco and Baltimore/Washington-Los Angeles have been in effect for more than three years. Agreements covering capacity in the other 19 markets have been in effect for most of the past 14 months. Even were the apparent public interest benefits of the agreements (as discussed above) less compelling, we could not conclude that operation of the agreement pendente lite in the Capacity Case would be adverse to the public interest since it does not appear that the agreements will have any overriding detrimental effects for the relatively brief period February-June, and since such agreements to all intents and purposes continue the status quo.[16]

As we have touched on above, the place that capacity agreements should have in the regulation of the nation's air transportation system will be resolved in the Capacity Case. The question of the validity of the Board's tentative views about capacity agreements will be answered there. As we have also discussed, however, in the meantime, and necessarily without the understanding of the record in the Capacity Case that will be gained from a study of the parties' briefs and arguments, the Board remains of the tentative view that capacity agreements such as those before us benefit the public interest. The applicants should be on notice, however, that if the Board's study of the record and Initial Decision in the Capacity Case leads us to conclude that it would be in the public interest to do so, we will order that the agreements be brought to an end forthwith.

As we have repeatedly said, we will also order an end to the agreements if it appears that the agreement carriers are misusing the resources that the agreements free: See, e.g., Order 73–4–98, at 5. This, in turn, brings us to the claims of the various competitors of the agreement carriers that the agreements have, in fact, had a detrimental impact on these competitors.

Continental's contentions have already been disposed of in Order 74–7–105, and Delta's complaint against American is currently pending in Docket 26995.[17] Braniff alleges that, on June 15, 1974, American increased its Chicago-Dallas frequencies from 6 to 10 nonstop round-trip flights. American admits that it increased its Chicago-Dallas frequencies on June 15 from 6½ to 10½ nonstop round trips; however, American contends that it was forced to do so in order to maintain its capacity share and keep Braniff from driving it out of the market.[18] Upon consideration of available information, we have concluded that American was attempting to maintain its competitive position in the face of Braniff's increased frequencies, and that the capacity agreements had no causative effect on American's actions. As we have stated in the past, we do not believe it equitable to place agreement carriers at a competitive disadvantage in nonagreement competitive markets by precluding them from responding to a competitor's increase in such markets.[19]

We have also concluded that the service proposed in the agreements will reasonably satisfy the needs of the traveling public. A number of civic parties argue that capacity agreements have unduly limited service to those cities. The City of Chicago asserts that approval of the agreements may result in a further deterioration of business travel; however,

[13] Various parties to the present proceeding also urge us to take into consideration the findings and conclusions of the Initial Decision in the Capacity Case. As noted earlier, the Administrative Law Judge there concluded that capacity limitation agreements are, except in extraordinary circumstances, contrary to the public interest. However, as also noted above, petitions seeking review have been filed which take issue with practically all aspects of the Initial Decision and the Board has agreed to review the case. Accordingly, reliance by the Board on any of the Initial Decision's findings and conclusions would, at this juncture, be unfair and inappropriate.

[14] Fuel costs, for example, have virtually doubled since the year ended June 30, 1973, when the average price per gallon for the domestic trunks and local service carriers was only 11.745 cents. The latest available data (November 1974) shows the average price per gallon is 23.129 cents. Moreover, if the President's proposed petroleum taxes are implemented, further increases in fuel costs are likely to result.

[15]

(12 months ended September 30)

	Net income (thousands)		Rate of return (percent)	
	1974	1973	1974	1973
American	$14,400	($34,400)	4.2	0.3
TWA	(1,900)	52,000	4.4	8.1
United	97,400	45,000	9.2	6.0

[16] In view of the fact that the Capacity Case will soon be completed and that the instant agreements will be in operation for such a short term, we have not undertaken to attempt to determine precisely their fuel savings, financial and environmental effects: Compare Order 73–7–147. However, we tentatively conclude that the agreement will considerably reduce capacity in the agreement markets compared to what would be offered but for the agreements. Since we continue to adhere to our tentative view that such reductions will not be counterbalanced by unreasonable capacity increases elsewhere, we also tentatively conclude that the savings and reductions, in terms of fuel use, costs, and noise and air pollution, will be substantial. In respect to alleged alternative measures for reducing capacity we adhere to the views expressed in Order 73–7–147.

[17] By letter dated December 17, 1974, the Bureau of Enforcement notified Delta of its determination that it would not be in the public interest to institute an enforcement proceeding on the basis of Delta's complaint. Delta has sought Board review of that determination. Under the circumstances, it would be inappropriate for us to consider the merits of that complaint here.

[18] On April 1, 1974, Braniff increased its nonstop round-trip frequencies in the Chicago-Dallas market from 8 to 10. OAG, March 15 and April 1, 1974.

[19] See Orders 72–4–63 at 7 and 73–4–98 at 5, n. 10.

based on this record we cannot agree. Load factors in the Chicago-New York and Chicago-Philadelphia markets, which the city mentions as important business markets, were 60 percent during the off-peak period of February through May 1974, and are projected at 60 percent under the instant agreements. The Las Vegas parties expressed concern about the Chicago-Las Vegas market, which had 70 percent load factors in the February-May 1974 off-peak period. However, the applicants intend to substitute two wide-bodies for two narrow-bodies and project a 66 percent load factor during the term of the instant agreement. We think that the actual load factor will be no higher in the Chicago markets than the applicants' project (and probably will be lower) and that those load factors are reasonable.[20]

The Cincinnati parties complain of high load factors in the New York/Newark-Cincinnati market and the absence of nonstop Newark-Cincinnati service. The industry load factors in the New York/Newark-Cincinnati market were 62 percent during the February-May 1974, off-peak season and are projected to be at the same level under the instant agreements. Again, we estimate that load factors will be no higher than as projected by the applicants, and we cannot conclude that such load factors are excessive. As to the lack of nonstop Newark-Cincinnati service, that market currently receives two one-stop round trips daily from TWA and the Cincinnati parties have provided no evidence to indicate that nonstop service is needed in the market, particularly in light of the availability of nonstop service from LaGuardia. The State of Maryland's complaint of insufficient service at Baltimore/Washington International Airport has been dealt with in a prior order[21] and is a question which will be resolved in the Capacity Case.

We have also considered the possible impact of the agreements on competition between the agreement carriers and on their employees. In respect to the competitive impact of the agreements, they will, of course, reduce or eliminate nonstop capacity competition in the markets involved. That is a debit to be chalked up against the agreements. On the other hand, we again find no reason to depart here from the Board's earlier expressed view that agreements like the ones before us do not have a detrimental effect on other forms of competition.[22] As to impact on employees, we have concluded that that impact will be limited, given the fact that the agreements in the main preserve the status quo and that the agreements will be in effect for 4½ months (or less), and that such effect, together with the agreements' effects on competition and on passenger convenience, will not outweigh the agreements' beneficial effects: see Order 73–7–147 at 14.

Jurisdiction over the agreements will be retained, pursuant to section 412 of the Act, for the purpose of amending, modifying, or revoking our approval at any future time.[23] We shall also require the applicants to submit a variety of reports: See, *e.g.*, Orders 73–7–147 and 74–7–105.[24] If these reports or other information coming to our attention indicate that the agreements may be working to the detriment of the public interest for any reason, the Board will exercise its discretionary powers of review under section 412(b) of the Act.[25]

Accordingly, *It is ordered*, That:

1. Effective February 1, 1975 through June 14, 1975, or until final Board order in the Capacity Reduction Agreements Case, whichever first occurs, Agreements C.A.B. 24827, 24828, 24829, 24830, 24831, and 24832, be and they hereby are approved subject to the following conditions:

a. Within 15 days after the end of each calendar month each applicant shall submit to the Board's Docket Section three copies of a report in the form required by Order 72–4–63, stating for each total market affected by the agreements (including satellite airports in each market) and for each flight flown therein (including extra sections), by flight number, departure time and aircraft type, the revenue passengers carried, number of seats flown, and load factor for each day of the week and for the month; and as an attachment to that report, each applicant shall report the number of times an aircraft being operated in any of the agreement markets departed with 95 percent or more of its seats filled; [26]

b. A copy of such reports shall be served upon each airport operator in the cities which are the subject of the report;

c. Within 15 days after the end of each month each carrier shall file a report with the Board's Docket Section stating, on a systemwide basis, average seat-miles operated per gallon of fuel used, by type of equipment;

d. Each carrier shall maintain records, subject to inspection by the Board, or by such other persons as the Board may authorize, of the fuel used each month by the carrier, throughout its system, on a city-pair and flight-by-flight basis (including charter operations);

e. Any schedule changes resulting pursuant to the agreements approved herein shall be reported to the Board within 15 days after the end of each month in accordance with the format in Appendix D to Order 74–7–105. Copies of such reports shall be provided to all carriers and interested civic parties requesting them; and

f. Schedule deletions resulting pursuant to the agreements herein approved which occur at any of the controlled high-density airports,[27] and which result in the vacating of slots allocated by the Airline Schedule Committees of the respective airports pursuant to authority granted in Order 72–11–72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the Airline Scheduling Committee, *Provided, however*, That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operated plus or minus three hours of the flights to be reinstated; [28]

2. The reports required by ordering paragraph 1 above, shall be filed for the period December 1, 1974 through June 14, 1975;

3. The Board shall retain jurisdiction over this proceeding in order to modify, amend or revoke our approval at any time, or take whatever other action may be deemed appropriate in the public interest, without a hearing;

4. The motions of the Air Line Pilots Association and the State of Maryland, be and they hereby are granted;

5. Copies of this order shall be served on the U.S. Postal Service and all certificated air carriers as well as the parties named in Appendix A; and

6. Except to the extent granted herein, all outstanding requests be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[29]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[20] See, in this regard, the discussion of appropriate projected load-factor levels in Orders 73–4–98 and 73–7–147. We would only add that the intensified national goal of favoring actions that save fuel reinforces our view that projected mid-60's load factors in agreement markets are entirely acceptable.

[21] See Order 73–7–147, at 10.

[22] See, Orders 73–7–147 at 11 and 74–7–105 at 7. See also, the recent discount-fare proposals of American, TWA and United, Dockets 27273–77, 27280, 27328, 27335, 27337–38.

[23] We have touched on this matter earlier. We would also note that such action will be taken if it appears that traffic in any of the agreement markets turns out to be materially greater than expected and the carriers fail to react by adding appropriate amounts of extra capacity. In this regard, while we have retained the requirement that capacity be added if load factors average more than 72 percent over any two-month period, we note that the carriers' forecast load factors are considerably below this level, and we expect them to use best efforts not to exceed their forecast load factors.

[24] In order that we may have a complete picture of the situation, we shall require these reports to be filed for the 2½ month hiatus period between the predecessor and the instant agreements (see footnote 8, above) as well as for the period covered by these agreements.

[25] Consistent with past orders, we will not impose the restrictive charter service condition proposed by NACA. NACA's proposed cure, it seems to us, is considerably worse than the claimed disease. Of course the subject is specifically in issue in the Capacity Case.

[26] For purposes of the 95 percent reports, the applicants shall take into account both revenue and positive space nonrevenue passengers. Such reports shall include flight numbers.

[27] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport and LaGuardia Airport. See Order 72–11–72.

[28] See Order 73–12–32, December 7, 1973, at p. 7.

[29] Members Minetti and West dissented. Members Minetti and West reserve the right to set forth their views in a dissent to follow.

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APPENDIX A

SUMMARY OF ANSWERS IN OPPOSITION

Frontier states that: the oil embargo has been lifted and fuel is available as needed; the benefits derived from the agreements are no longer of such critical importance as to warrant their continuation; pendente lite approval should not be granted because the Initial Decision in the Capacity Reduction Agreements Case[1] found the agreements contrary to the public interest; the agreements afford United and TWA an unfair competitive advantage in nonagreement markets.[2]

The City of Chicago opposes approval of the agreements in the six Chicago markets in issue, asserting that: approval may result in a further deterioration of business travel; the coal strike will result in little, if any, diversion of aviation fuel because coal users cannot readily switch to middle distillate fuels; the lack of opposition to international capacity agreements is an attempt to assist Pan Am which is unrelated to domestic markets; the Initial Decision in the Capacity Case concludes that the agreement is not saving and will not save any aviation fuel; and the discussions leading up to this agreement do not indicate any efforts to save fuel.

The Las Vegas Parties oppose the application on the grounds that it failed to "include a justification based specifically on the summer operations pursuant to the agreements, focusing, inter alia, on the data included in the reports being filed in this docket" as required by Order 74–7–105, p. 16, ordering paragraph (3); the Initial Decision in the Capacity Case found such agreements adverse to the public interest in the economic area and unnecessary as a fuel conservation device; extension of the agreements without hearing would raise a serious question of Board prejudgment of that proceeding; applicants appear to have ample fuel to operate without agreements over the peak holiday period since the new agreement will not start until February 1; the coal strike is now over; the new agreements threaten substantial damage to the traveling public and the tourism industry[3]; ordering paragraph 1(h) of Order 74–7–105 is ineffective as the condition can easily be met by dumping extra section capacity into the market at the tail end of the period; and the Board has been unresponsive to Las Vegas' pleas for relief from oppressive load factors (actual load factors in the Denver-Las Vegas market ran close to 90 percent during February and March, 1974); and the only way carriers will properly respond to the needs of major markets is through the stimulus of competition.

The Cincinnati Parties contend that: The agreements are not justified based on summer operations pursuant to the agreements, as required by Order 74–7–105; the carriers have not justified the agreement on fuel-conservation grounds; the carriers cannot be concerned about fuel supplies this winter since the new agreements will not commence until February 1, after the holiday peak is over; approval threatens substantial injury to the traveling public in a number of markets[4]; the applicants have presented no valid reason for any further interim approvals and the Board should cease its practice in granting long-term authorizations to these agreements through the mechanism of a series of short-term approvals.

Northwest asserts that: the instant agreement is for the spring, not for this winter as contemplated in the order approving discussions; the applicants' justifications are directed to winter fuel supplies and do not justify approval through June; the coal strike has been settled without reducing airline fuel allocations and an unusually severe winter cannot justify a spring agreement; the applicants admit that these agreements are not needed to conserve fuel this winter; the applicants have failed to justify approval on the basis of their summer operations as required by Order 74–7–105; the carriers have sufficient fuel to meet the public's needs, as no agreement is necessary during the winter; in light of a projected absence of traffic growth, the applicants will act rationally and not add excessive capacity in the agreement markets; and the Initial Decision in the Capacity Case found that fuel-related agreements are unnecessary through mid-1975. Northwest further alleges that the agreement carriers will obtain control of each other within the meaning of section 408(a)(5); that section 408 requires a hearing before these agreements can be approved; the time span of the proposed agreement would extend the fuel-related agreements to the end of the period that the carriers had sought approval of an economic agreement in Docket 22908; and approval of the agreements would be arbitrary.

The National Air Carrier Association avers that: they are a clear violation of the antitrust laws; the Initial Decision in the *Capacity* Case concluded that the agreements are detrimental to the public interest and harmful to both nonagreement and agreement carriers; failure to disapprove the agreements would constitute prejudgment of the issues in that case; the supply of aviation fuel is increasing; the coal strike is settled; the agreements will not save fuel as any fuel saved in the agreement markets would be immediately used in other markets; and, if the instant agreements are approved, that approval should be subject to a condition that the agreement carriers' available seat miles operated in charter service not exceed the ASMs operated in calendar year 1971 unless the carrier can demonstrate that the additional capacity has not been made available as a result of any capacity agreement or is needed to meet a demand for charter service which cannot be met by an supplemental or other nonagreement carrier.

The Department of Transportation asserts that the agreements are contrary to antitrust policy and may only be approved if they are required by a serious transportation need, necessary to secure important public benefits, or are in furtherance of a valid regulatory purpose, and if less anticompetitive alternatives are unavailable. In the absence of substantial evidence, which is here lacking, there is absolutely no justification for the Board authorizing new capacity agreements in light of the Initial Decision in the Capacity Case.

Braniff Airways opposes the agreements on the grounds that the Initial Decision in the Capacity Case rejects all of the purported justifications advanced by the applicants for approval of these agreements. Braniff states that: the applicants admit that freed resources will be used in non-agreement markets[5]; contrary to Order 74–11–35, the applicants have not been specific in describing the actual amount of fuel that will be saved by approval of these agreements; it is impossible to verify their fuel saving estimate; and the calculations bear no relationship whatsoever to fuel savings which may properly be attributed to the agreements.

Delta Air Lines states that: by arguing that the over-capacity situation in the 23 agreement markets will return, with an attendant reduction in service in other markets because of lack of spare fuel, the applicants admit that fuel saved from earlier agreements has been used in nonagreement markets; there is no further need for such agreements as the industry is able to make necessary schedule adjustments on a unilateral basis during the fuel shortage while maintaining fully adequate levels of service; the fuel savings alleged to flow from the agreements are unsubstantiated and depend upon the invalid assumption that pre-agreement schedules would be reinstated in the absence of agreements; the agreements have serious anticompetitive potential and do not meet the Board's standards for approving such agreements; any fuel "saved" will be used for competitive purposes elsewhere; approval of the agreements would prejudice the Board's final decision in the Capacity Case; applicants have failed to provide specific information in describing the actual amount of fuel that will be saved as required by Order 74–11–37; there is no way to verify the claimed savings since the applicants have not supplied any fuel-burned data by which their assertions can be tested; and the Board's conditions against transfer of freed fuel capacity to nonagreement markets have been proved ineffective in Delta's complaint in Docket 28995.

The Department of Justice asserts that: these agreements do not save fuel on a systemwide basis and do not facilitate a more equitable distribution of short supplies of fuel among various markets than is available through less anticompetitive means; the Board has failed to determine whether any less anticompetitive alternative remedy exists; the Initial Decision in the Capacity Case compels rejection to this application; and the applicants at no point argue that there will be any jet fuel savings on a systemwide basis.

The Air Line Pilots Association maintains that: Approval is not justified by reason of a serious transportation need and will not achieve substantial public interest benefits; approval will not result in fuel savings; while the fuel shortage exists in the sense that carriers are limited to 100% of 1972 levels, the affect is not at all drastic because traffic levels have diminished to or below 1972 levels; and, if the Board approves the proposed agreements, labor protective provisions should be imposed.

Continental Air Lines states that: The agreements do not meet the standards of

[1] Docket 22908. Hereinafter referred to as Capacity Case.

[2] During the term of the agreement, United inaugurated a DC–10 round trip between Denver and Las Vegas in competition with Frontier. While Frontier cannot prove that this equipment escalation was attributable to capacity released by virtue of the agreements in other markets, but for the artificially restrained competition between United, TWA, and American, United might have concentrated more on the 23 markets included in the proposed agreements.

[3] The carriers have consistently underestimated traffic in the Las Vegas-Chicago market, for example.

[4] For example, neither carrier offers nonstop service between Newark and Cincinnati despite clear evidence of public need for such service; and load factors have consistently run on the high side in this market and are quite excessive during peak times of the day.

[5] *E.g.*, on June 15, 1974, American increased its frequency of service in the Chicago-Dallas market from 6 to 10 nonstop round trips and admitted in the Capacity Case that it expected that this increase would produce losses by both American and braniff in that market.

sections 412(b) and 102(d) of the Act and are also in violation of the antitrust law; no conditions of economic stringency exist to support approval as the applicants are all experiencing operating profits; low load factors no longer exist in the markets in question; the fuel crisis is no longer a legitimate justification for the agreements; the use of freed capacity has an adverse impact on nonagreement carriers; the agreements shelter the applicants in their major markets thereby enabling them to unleash their greater marketing power in nonagreement markets; the decreasing capacity in the agreement markets has lowered the quality of service provided in those markets; and there is no serious risk of the return to excess capacity in the agreement markets.

The State of Maryland also opposes the application asserting that: the agreements do not save fuel; the carriers generally are now operating at reduced levels of fuel consumption and can continue to do so unilaterally; the record of recent discussions is barren of any discussion of fuel economy; the applicants are making adequate profits and will continue to do so in the absence of capacity agreements; and the reduction of service in the Baltimore-Los Angeles market has significantly impaired the generation of traffic in this market and has resulted in public inconvenience and a failure to provide ample flights.

SUMMARY OF REPLIES

Trans World Airlines states that: There is a need to conserve fuel and extension of this agreement will serve that purpose; a comparison of domestic ASM's operated during September, October and November, 1974, versus the same months in 1972 shows that the agreement carriers have exercised considerably more scheduling restraint than the nonagreement carriers; for the last four months of 1974, TWA's fuel consumption was 3.1 percent below that of the comparable 1972 period and the gap between 1974/1972 fuel consumption is increasing; approval of the agreements will not only permit the agreement carriers to equitably allocate fuel in order to maintain a balance between their highly competitive, less competitive and monopoly routes, but will also permit the agreement carriers to continue to save fuel in absolute terms; the agreements have not unduly inconvenienced the traveling public, as load factors in each agreement market have been reasonable even during the peak summer months of July and August, 1974; the objecting carriers have not been harmed as each of them has logged substantial profits during the term of the agreement; the contention that the agreement carriers have diverted fuel saved in agreement markets to other markets is invalid because the agreement carriers are not using all of the fuel to which they are entitled; the Initial Decision in the *Capacity* Case is directed at economic agreements rather than fuel agreements; and the only reason February 1 was established as the effective date of the agreements was to give opponents sufficient time to answer the application, the agreement carriers sufficient time to reply, and the Board sufficient time to consider the pleadings before issuing an order.

American Airlines states that nonbonded aviation fuel is still allocated at the same 100% of 1972 level as when the Mandatory Fuel Allocation Program was first established; the fuel outlook, both as to supply and price, is most unclear; the agreements have enabled their participants to save more fuel than other carriers[6]; there is evidence of excess capacity on the long-haul routes of nonagreement carriers; American plans schedule reductions in January that will result in fuel usage at approximately 92 percent of its 1972 consumption during the period of the agreement; the Initial Decision in the Capacity Case should not be relied upon here because it is subject to petitions for review and the present fuel restraint application involves a substantially different basic rationale than the agreements considered in that decision; summer 1974 data required by Order 74–7–105 was included in American's application filed in this docket on September 24, 1974, requesting authority to discuss an extension of the agreements; as the purpose of these agreements is to save fuel and achieve an equitable allocation of the scarce resource among markets, arguments regarding the profitability of the agreement carriers are largely irrelevant; the agreement carriers, operating profits fall far short of a reasonable rate of return; American was forced to add Chicago-Dallas frequencies in order to maintain its capacity share and keep Braniff from driving it out of the market[7]; Delta's complaint in Docket 26995 has been rejected by the Bureau of Enforcement; NACA's proposed condition is designed to protect NACA from legitimate competition and is unwarranted in that there have been significant increases in commercial charter traffic since 1971, through normal growth and the expansion of types of charters, as well as reductions in military charters resulting in the transfer of equipment to commercial operations; the Cincinnati parties' allegations of excessive load factors in the Cincinnati-New York market are without merit,[8] and the alleged need for Newark-Cincinnati nonstop service is unsubstantiated;[9] and labor protective provisions have previously been rejected by the Board.

[FR Doc.75–3468 Filed 2–5–75;8:45 am]

[Docket No. 26776, etc.; Order 75–1–136]

CANADIAN FOREIGN AIR CARRIERS

Order Regarding Charter Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of January, 1975.

By Order 74–11–154 the Board delegated authority to the Director, Bureau of Operating Rights, to issue foreign air carrier permits to 57 Canadian air carriers, listed in Appendix A of that Order, authorizing charter operations between the United States and Canada pursuant to the Nonscheduled Air Service Agreement executed May 8, 1974 by the Governments of Canada and the United States. The permits were to be issued upon evidence of compliance with certain requirements[1] of the Federal Aviation Act. For the interim, the Board granted waivers of certain regulations to the Canadian carriers so as to authorize them to perform charter services contemplated by the Agreement under their existing permits. The waivers were to be in effect for 60 days from the date of Order 74–11–154.

Twenty-two of the fifty-seven carriers listed in Appendix A[2] of Order 74–11–154 have provided evidence to the Board of compliance with the requirements of the Federal Aviation Act and have been issued their new permits. Several of the remaining carriers have fulfilled some of the requirements, but have experienced difficulty in completing documentation of other requirements. In view of the evidence that effort has and is continuing to be made to reach compliance and in order to prevent the possible disruption in the nonscheduled air services between the two countries, we believe it to be in the public interest to extend for a further period of 60 days the waivers provided for by ordering paragraphs 1, 2, 4, 5, and 6 of Order 74–5–37, finalized by Order 74–7–140 for those carriers that have not yet received their new permit as set forth in Appendix A of this order. Upon the expiration of the extended time period, the Board will proceed to cancel the existing permits of those carriers failing to comply with the requirements as set forth in Order 74–11–154.

Accordingly, it is ordered, That:

1. Ordering paragraph 8 of Order 74–11–154 is hereby amended to read:

8. Ordering paragraphs 1, 2, 4, 5, and 6 of Order 74–5–37, finalized by Order

[6] The agreement carriers' fuel consumption during the first half of 1974 was 11.5 percent less than the comparable period in 1972. The nonagreement trunks reduced consumption by only 6.5 percent. The agreement carriers have reduced ASM's by 3.8 percent compared to the remaining trunks' increase of 2.1 percent.

[7] On June 15, 1974, American increased its Chicago-Dallas round-trip frequencies from 6½ to 10½ in response to Braniff's April 1, 1974 increase to 10 round-trip frequencies. As of August 1, 1974, both carriers were operating 11 round-trip frequencies. American's testimony was that while Braniff's added frequencies had probably driven the total market into a loss situation, and American's added flights would place it in a better financial posture than not matching Braniff's schedules.

[8] Cincinnati-New York load factors were 62 percent during the February–May 1974 period, 60 percent during July and August, 1974, and are projected at 62 percent under the proposed agreement. They are entirely reasonable for a market of 585 miles in length.

[9] TWA currently provides 2 daily one-stop round trips in the Cincinnati-Newark market. If traffic volumes were sufficient for nonstop service, it would clearly be in the carrier's interest to provide it.

[1] Specifically, the requirements are that the carrier: (1) has been granted by the Federal Aviation Administration the Operating Specifications required under Part 129 of the Federal Aviation Regulations, or other appropriate aircraft operating authority; (2) has designated in writing pursuant to section 1005(b) of the Federal Aviation Act an agent upon whom service of all notices and process and all orders, decisions, and requirements of the Board and the Secretary of Transportation may be made for and on behalf of such carrier; (3) has filed with the Board a signed counterpart of CAB Agreement 18900; and (4) has in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under the permit, and liability insurance with respect to passengers sufficient to cover the obligations assumed in CAB Agreement 18900 (the evidence of such insurance to be in the form specified in the proposed new permits).

[2] Appendix A filed as part of original document.

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74–7–140, be revoked, effective (a) immediately with respect to those carriers that have been issued new permits on or before January 31, 1975, pursuant to ordering paragraph 2 of Order 74–11–154, and (b) March 31, 1975 with respect to those carriers (as listed in Appendix A to Order 75–1–136) that have not been issued new permits pursuant to ordering paragraph 2 of Order 74–11–154 on or before January 31, 1975.

2. This order shall be served upon the Departments of State and Transportation, the carriers listed in Appendix A, and the Ambassador of Canada.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–3469 Filed 2–5–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 326–5]

LOW-EMISSION VEHICLE CERTIFICATION BOARD

Determination Regarding Suitability of Purchase by Federal Government

On November 2, 1973, the Battronic Truck Corporation Division of the Boyertown Auto Body Works submitted an application for certification of six battery-powered vehicles under section 212 of the Clean Air Act.

On June 18, 1974, the Administrator of the Environmental Protection Agency determined under section 212(c) that the vehicles covered by this application qualify as low-emission vehicles. Notice to this effect was published in the FEDERAL REGISTER (39 FR 21068). No comments have been received in response to this notice.

On December 2, 1974 the Low Emission Vehicle Certification Board (LEVCB) met to determine whether these vehicles are suitable substitutes for any vehicles presently being purchased by the Federal government in accordance with the criteria specified in section 212(d) of the Clean Air Act. The LEVCB determined that the applicant vehicles are not suitable substitutes for any government purchased vehicles. The vehicles covered by the application were rejected as substitutes for existing vehicles covered by the General Services Administration procurement specifications, since they do not meet performance requirements of these specifications in terms of acceleration, high speed passing, maximum sustained velocity and maximum range.

The record of the Board's proceedings is available for inspection in the Public Docket at the Office of Public Affairs, Room 329 West Tower, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

Date: January 29, 1975.

JOHN QUARLES,
Acting Chairman.

[FR Doc.75–3338 Filed 2–5–75;8:45 am]

[FRL 330–5]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93–523, the "Safe Drinking Water Act", will be held at 9:30 a.m. on February 26 and 27, 1975 in Conference Room 3908, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

The purpose of the meeting will be:

(1) To brief the Council on provisions of the "Safe Drinking Water Act" and seek its advice on matters relating to the Act.
(2) To discuss the role of the Council and ways of assuring its effectiveness; and
(3) To consult with the Council on the proposed National Interim Primary Drinking Water Regulations.

The agenda will also include brief reports or informational items of current interest to the members.

The meeting will be open to the public. This is a tentative meeting date and any member of the public wishing to attend or submit a written statement should contact the Acting Executive Secretary, Mr. Lawrence C. Gray, Water Supply Division [WH–450], Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, by February 20, 1975, for confirmation of the meeting arrangements.

The telephone number is Area Code: 202–426–8847.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

JANUARY 31, 1975.

[FR Doc.75–3339 Filed 2–5–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COAL INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Coal Industry Advisory Committee will meet on Tuesday, February 25, 1975, at 10 a.m., Conference Room B, Interdepartmental Auditorium, Labor Building, between 12th and 14th on Constitution Avenue, NW., Washington, D.C.

The Committee was established to assist the Administrator of the Federal Energy Administration in encouraging the expansion of a readily-usable energy source—coal—and maintaining a fair and reasonable consumer price for such supplies subject to the Federal Energy Administration Act of 1974.

The agenda for the meeting is as follows:

1. President's Energy Message—
a. Surface Mining Legislation.
b. Coal Leasing Policy.
c. Clean Air Act Amendment.
2. Present Constraints to Achieving Significant Increased Coal Production or Meeting Presidential Goals.
3. Research and Development—What is Needed in Extraction and Demethanization.
4. Coal Pricing and Profits.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961–7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 3, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75–3391 Filed 2–3–75;12:18 pm]

FEDERAL MARITIME COMMISSION

N.V. PRINSENDAM AND HOLLAND AMERICA CRUISES N.V.

Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

N.V. Prinsendam and Holland America Cruises N.V., C/O Holland America Cruises, 2 Pennsylvania Plaza, New York, New York 10001.

Dated: January 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–3445 Filed 2–5–75;8:45 am]

N.V. PRINSENDAM AND HOLLAND AMERICA CRUISES N.V.

Financial Responsibility for Liability Incurred for Death or Injury To Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

N.V. Prinsendam and Holland America Cruises N.V., c/o Holland America Cruises, 2 Pennsylvania Plaza, New York, New York 10001

Dated: January 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–3446 Filed 2–5–75;8:45 am]

[FMC 145]

R.C.D. SHIPPING SERVICES

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C., 20573, on or before February 26, 1975. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statements of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement filed by:

L. A. Parish, Agent, L. A. Parish Company, 61 Saint Joseph Street, P.O. Box 231, Mobile, Alabama 36601.

Agreement No. 9490 D.R. 1 revises the Merchant's Contract of R.C.D. Shipping Services to conform more closely to the form of contract contained in the Commission's General Order 19.

By order of the Federal Maritime Commission.

Dated: January 30, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–3444 Filed 2–5–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–9211]

CINCINNATI GAS & ELECTRIC CO.

Changes in Rates and Charges

JANUARY 30, 1975.

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on January 13, 1975 a First Supplemental Agreement dated as of January 1, 1975, to the Interconnection Agreement dated September 15, 1969, between Cincinnati and the City of Hamilton, Ohio (Hamilton) designated Cincinnati's Rate Schedule FPC No. 32.

Section 1 of this First Supplemental Agreement provides for a new Revised Sheet No. 7, to supersede Original Sheet No. 7 of the service schedule identified in the 1969 Agreement as, Exhibit D–Short Term Power Service. This new Revised Sheet No. 7 provides for an increase in the Demand Charge from 30¢ per kilowatt per week to 45¢ per kilowatt per week.

Cincinnati has requested waiver of the Commission's regulations in order that the proposed filing will be effective as of January 1, 1975. Cincinnati asks for waiver of any other Commission Rules or Regulations with which Cincinnati has not already complied. Cincinnati states that a copy of the filing has been sent to Hamilton.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3366 Filed 2–5–75;8:45 am]

[Docket No. RP71–106 (1973 Phase)]

CITIES SERVICE GAS CO.

Notice of Compliance Filing

JANUARY 29, 1975.

Take notice that on January 16, 1975, Cities Service Gas Company tendered for filing copies of its Report of Collections from jurisdictional customers. The company states that its tender is made in accordance with the Commission's September 5, 1974 order in the above docket, which approved and adopted the stipulation and agreement, dated April 24, 1974, in this docket.

The company also states that copies of the filing are being served on each customer receiving a refund, interested state commissions, and all parties in the above docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3367 Filed 2–5–75;8:45 am]

[Docket No. CI75–202, et al.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend; Correction

JANUARY 17, 1975.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates issued January 10, 1975, and published in the FEDERAL REGISTER on January 20, 1975, 40 FR 3255, page 3255, first column: change "CI75–389" to read "CI75–388."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3381 Filed 2–5–75;8:45 am]

[Docket No. CP75–216]

COLORADO INTERSTATE GAS CO. ET AL.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 27, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, Cascade Natural Gas Corporation (Cascade), P.O. Box 24464, Seattle, Washington 98124, and Mountain Fuel Supply Company (Mountain Fuel), P.O. Box 11368, Salt Lake City, Utah 84139, filed a joint application pursuant to section 7 of the Natural Gas Act for authority to continue to implement a short-term sale of natural gas by CIG to Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

By the instant application, CIG requests authority to sell up to 10,000 Mcf of gas per day for a period commencing February 2, 1975, and terminating April 15, 1975, to Rocky Mountain. According to the application the sale is expected to average about 6,000 Mcf of gas

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per day or less and will be interruptible, subject to the operations of CIG's system. CIG states that it will charge Rocky Mountain 72.17 cents per Mcf for deliveries up to 6,000 Mcf per day and 97.57 cents for all volumes delivered in excess of 6,000 Mcf per day. The application states that Applicants are advised that Rocky Mountain will not require any additional authorizations to undertake the proposed transaction.

Applicants state that the short-term sale is proposed because Rocky Mountain, which endeavors to obtain its gas supply entirely within the state of Colorado, has been forced to enter into several short-term gas supply arrangements similar to the one proposed in the instant application as a result of declines in local gas production. Applicants further state that Rocky Mountain has informed CIG that without this supplemental supply of gas Rocky Mountain will be forced to curtail partially its firm deliveries in February and March 1975, including residential and small commercial customers.

In order to implement the subject sale, according to the application, CIG, whose system does not connect with Rocky Mountain's, has entered into a gas exchange agreement with Cascade and Mountain Fuel whereby Cascade will make deliveries to Rocky Mountain for CIG's account from an existing interconnection in the Divide Creek Field in Mesa County, Colorado, and reduce deliveries to Mountain Fuel at Bonanza, Utah, under Cascade's FPC Rate Schedule No. 1, by a volume equal to the volume delivered to Rocky Mountain, and whereby CIG will deliver to Mountain Fuel for Cascade's account volumes, equal to those which Cascade delivered to Rocky Mountain, at an existing interconnection between CIG's and Mountain Fuel's systems in Sweetwater County, Wyoming. The application further states that should the exchange account between CIG and Mountain Fuel not be in balance on April 15, 1975, the account will be balanced within a reasonable time. No new facilities are proposed by Applicants to effectuate said gas exchange.

The application relates that CIG has been selling gas to Rocky Mountain and that the subject exchange has been in operation pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) since December 4, 1974. Said emergency operations were originally scheduled to terminate, according to the application, on February 1, 1975. Applicants, therefore, request authorization to continue the sale and exchange as heretofore described for the reasons hereinbefore explained.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3368 Filed 2-5-75;8:45 am]

[Docket No. RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets and Establishing Procedures; Correction

JANUARY 17, 1975.

In the order accepting for filing and suspending proposed revised tariff sheets and establishing procedures, issued on January 15, 1975 and published in the FEDERAL REGISTER on January 22, 1975 (40 FR 3510, please change the heading at the top of page 3510, Change "Consolidated Natural Gas Company" to "Consolidated Gas Supply Corporation."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3369 Filed 2-5-75;8:45 am]

[Docket No. RP72-134 (PGA75-7)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

JANUARY 29, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on January 17, 1975, tendered for filing Second Substitute Eleventh Revised Sheet No. 3A and Second Substitute Eleventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective February 1, 1975. The proposed changes reflect the rates accepted by Commission letter order dated December 24, 1974, as adjusted to include the rate changes proposed by its supplier.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to decrease the demand charges and to increase the commodity or delivery charges in its rate schedules by amounts equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, contained in the latter's filing in Docket No. RP75-3 on December 23, 1974. Eastern Shore requests waiver of the notice requirements of § 154.22 of the regulations under the Natural Gas Act and § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of February 1, 1975, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such Petitioners or Protests should be filed on or before February 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3370 Filed 2-5-75;8:45 am]

[Docket No. RP75-28]

EAST TENNESSEE NATURAL GAS CO.

Postponement of Hearing

JANUARY 30, 1975.

On January 24, 1975, Staff Counsel filed a motion to extend the hearing date fixed by order issued November 27, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until February 18, 1975, at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3371 Filed 2-5-75;8:45 am]

[Dockets Nos. G-13202, RP67-9, RP71-14, et al.]

EL PASO NATURAL GAS CO.

Payment of Refunds

JANUARY 30, 1975.

Take notice that on November 15, 1974, El Paso Natural Gas Company ("El Paso") tendered for filing a Report of Refunds made on October 11, 1974, to its former Northwest Division System jurisdictional customers.[1] El Paso states that such refunds were made in compliance with the Commission's two (2) letter orders issued September 11, 1974, in the captioned dockets and in accordance with the Stipulations and Agreements dated as of January 1, 1967, and July 19, 1973, approved at Dockets Nos. RP67-9 and RP71-14, et al., respectively.

El Paso further states that the refunds made, aggregating $10,726,269.74, encompass (i) $9,416,968.36 principal refunds, plus interest thereon of $1,181,096.21, applicable to the Stipulation and Agreement dated July 19, 1973, at Docket Nos. RP71-14, et al., and (ii) $86,150.04 in refunds received from gas suppliers, plus additional interest of $42,055.13 thereon, flowed through to the affected customers in accordance with the Stipulation and Agreement dated as of January 1, 1967, at Docket No. RP67-9. The above interest amounts on the said principal refunds were computed through October 10, 1974, at the interest rates specified by the Commission in each of the docketed proceedings.

El Paso states that copies of the filing were served on all of El Paso's former Northwest Division System customers subject to the proceedings at Docket No. RP67-9, all interested parties to the proceedings at Dockets Nos. RP71-14, RP71-84, RP71-137, and RP72-155 and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3372 Filed 2-5-75;8:45 am]

[1] Effective as of January 31, 1974, El Paso's Northwest Division properties were divested to Northwest Pipeline Corporation pursuant to the Commission's order issued September 21, 1973, at Docket Nos. CP74-14 et al.

[Docket No. R-389-B; Opinion 699-F]

JUST AND REASONABLE NATIONAL RATES FOR SALES AND NEW DEDICATIONS OF NATURAL GAS TO INTERSTATE COMMERCE

Correction

JANUARY 22, 1975.

In the order modifying in part opinion No. 699-F, issued January 3, 1975 and published in the FEDERAL REGISTER on January 10, 1975, 40 FR 2267, Page 2267, 3rd column, paragraph 4, lines 6 and 7, reads of opinion No. 699, and should read of opinion No. 699-B.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3384 Filed 2-5-75;8:45 am]

[Docket No. E-7942]

NANTAHALA POWER AND LIGHT CO.

Filing of Revised Tariff Sheet

JANUARY 29, 1975.

Take notice that on January 17, 1975, Nantahala Power and Light Company (Nantahala) tendered for filing Substitute First Revised Sheet No. 4 which supersedes First Revised Sheet No. 4. Nantahala states that the sole purpose of the instant filing is to eliminate from the availability clause of Schedule PL the potentially restrictive language.

Nantahala requests that the tendered tariff sheet be made retroactively effective as of March 30, 1973; the same effective date applicable to the superseded First Revised Sheet No. 4.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3373 Filed 2-5-75;8:45 am]

[Docket No. RP74-35]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Refund Report

JANUARY 29, 1975.

Take notice that on January 27, 1975, National Fuel Gas Supply Corporation (National Fuel) tendered for filing a statement of the detail supporting the refunds which will be credited to jurisdictional customers' January, 1975 bills as a result of our order issued January 6, 1975 in the instant docket. National Fuel states that copies of this filing are being sent to purchasers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3374 Filed 2-5-75;8:45 am]

[Docket No. E-9226]

OKLAHOMA GAS AND ELECTRIC CO. (OKLAHOMA)

Notice of Application

JANUARY 30, 1975.

Take notice that on January 23, 1975, Oklahoma Gas and Electric Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks and to commercial paper dealers in amounts not exceeding in the aggregate $65,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the period ending December 31, 1975, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1975, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric service and (2) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant, which general funds will be used, among other things, to finance in part the Applicant's 1975 construction program. Applicant estimates that construction expenditures for the

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year ending December 31, 1975 will total about $135,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties of the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3375 Filed 2-5-75;8:45 am]

[Project No. 1121]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Battle Creek Project No. 1121 located in the Counties of Shasta and Tehama, California.

Applicant seeks Commission approval of its proposal to modify the operation of eight company reservoirs including one reservoir at Project No. 1121. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation of 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Battle Creek Project No. 1121, the North Battle Creek Reservoir, applicant proposes to add 1 foot of flashboards to the existing 4 feet of flashboards during the period April through October. This modification would increase the reservoir area by about 4 acres and would increase the annual generation by 144,000 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary

[FR Doc.75-3376 Filed 2-5-75;8:45 am]

[Project No. 2310]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Drum Spaulding Project No. 2310 located in the Counties of Nevada and Placer, California.

Applicant seeks Commission approval of its proposal to modify the operation of eight company reservoirs including one reservoir at Project No. 2310. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation of 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Drum Spaulding Project No. 2310, the Drum Forebay, applicant proposes to install 1 foot of flashboards year round. This modification would increase the reservoir area by about 22 acres if the reservoir water surface is at the top of the flashboards and would increase the annual generation by 749,000 kwh.

In addition, applicant is requesting the Commission to make the changes in the pending application for license for Drum Spaulding Project No. 2310 to show its proposal of modifying the unlicensed Halsey Forebay Reservoir. Applicant proposes to install 1 foot of flashboards year round. This modification would increase the annual generation by 188,300 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3377 Filed 2-5-75;8:45 am]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Mokelumne River Project No. 137, located on the Mokelumne River in the Counties of Alpine, Amador and Calaveras, California.

Applicant seeks Commission approval of its proposal to modify the operation of eight company reservoirs including three reservoirs at Project No. 137. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Project No. 137, three reservoirs will be affected: (1) At Lake Tabeaud, applicant proposes to increase the water surface elevation 2 feet by installation of flashboards during the period April to October. The additional 2 feet of flashboard is being installed in order to retain 2 feet of freeboard on the spillway during normal operation. This modification would increase the reservoir area by an estimated 3 acres if the reservoir water surface is at the top of the flashboards. The annual increase in generation would be 599,200 kwh, (2) At Upper Bear River Reservoir applicant proposes a net increase of 2.0 feet in the operating level of the reservoir during the period April through October. The proposal would involve the removal of the existing 2 foot timber crest and replacing it with 4 feet of flashboards. This modification would increase the reservoir area by an estimated 4 acres. The annual increase in generation would be 1,366,000 kwh, and (3) At Lower Bear River Reservoir, applicant proposes a net increase of 4.0 feet in the operating level of the reservoir during the period April through October. This proposal would involve the removal of the existing .67 feet of timber crest and replacing it with 4.67 feet of flashboards. This modification would increase the reservoir area by an estimated 20 acres and would increase the annual generation by 12,916,800 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commisison's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3378 Filed 2-5-75;8:45 am]

[Dockets Nos. RP71-119, RP74-31-26]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Petition for Extraordinary Relief

JANUARY 30, 1975.

Take notice that on January 24, 1975, Brockway Glass Company, Inc. ("Brockway") filed a petition for permanent extraordinary relief from the natural gas curtailments imposed by Panhandle Eastern Pipe Line Company ("Panhandle") on Brockway's glass container plant located at Lapel, Indiana. Brockway, a direct sale customer of Panhandle, states that due to unexpected additional curtailments being imposed this winter season by Panhandle, Brockway could effectively lose delivery of the required 644 Mcf per average day necessary to fuel the feeders, the annealing lehrs, and the mold heating oven at the Lapel plant. If the minimum 644 Mcf of process gas per average day is curtailed, Brockway will not have sufficent gas to maintain full production and will as a result suffer irreparable injury. Without relief, the Lapel plant will have to shut down, at least in part. This will create a significant loss of employment in the town of Lapel, in which Brockway is one of the largest employers. Irreparable injury will also occur to Brockway itself and to its customers.

Brockway states that, since it is installing propane facilities, full extraordinary relief is only necessary for the period March 1, 1975 through June 30, 1975, by which time it expects the propane facilities to be operational. Thereafter Brockway requests extraordinary relief only if, despite its efforts, it is unable to secure a propane supply which, along with the natural gas available from Panhandle, is equal to 644 Mcf per average day. Thus, in the event of such a shortfall, it would only be requesting extraordinary relief to the extent necessary to make up the difference between 644 Mcf per average day and the sum of the available propane and the available natural gas supply from Panhandle.

Any volumes delivered pursuant to such extraordinary relief in excess of entitlements under the effective Panhandle curtailment plan would be subject to payback out of subsequent daily entitlements in excess of 644 Mcf per average day.

In order to avoid irreparable injury pending hearings on its request for permanent relief, Brockway has also moved for immediate temporary relief identical with the permanent relief requested. In this connection, Brockway requested and Panhandle has agreed to a grant of emergency relief from curtailments during the months of January and February.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before February 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3379 Filed 2-5-75;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Compliance Filing

JANUARY 30, 1975.

Take notice that on January 9, 1975 and January 10, 1975, Southwest Gas Corporation (Southwest) tendered for filing proposed changes in the following:

Sheets	*Effective*
FPC Gas Tariff, Original Volume No. 1:	
Substitute, Substitute Sixth Revised Sheet No. 3A	June 30, 1974
Substitute, Second Substitute Sixth Revised Sheet No. 3A	Oct. 1, 1974
Substitute, Third Substitute Sixth Revised Sheet No. 3A	Dec. 1, 1974
Seventh Revised Sheet No. 3A	Jan. 1, 1975

Southwest states that the filing is in compliance with the Commission order of December 31, 1974 which accepted a proposed settlement and required Southwest file new rates to be effective January 1, 1975.

Southwest states that it has mailed a copy of the filing to all interested parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20526, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3380 Filed 2-5-75;8:45 am]

[Docket No. E-9200]

UPPER PENINSULA POWER CO.

Order Accepting and Suspending Proposed Rate Increase, Establishing Procedures and Providing for Filing of Substitute Fuel Clause

JANUARY 30, 1975.

On December 30, 1974, the Upper Peninsula Power Company (Upper Peninsula) tendered for filing proposed changes in the rate schedules [1] for service to the Alger-Delta Cooperative Electric Association, the Ontonagon County Rural Electrification Association, the Village of Baraga, the City of Gladstone, the Village of L'Anse, the City of Negaunee, and to the Wisconsin Michigan Power Company.

The proposed changes would increase revenues from these jurisdictional sales by approximately $287,079 based on the 12-month period ended July 31, 1974 and would increase revenues by approximately $455,095 based on estimated sales for the year ending January, 1976. Upper Peninsula asserts that the proposed increased rates are required to overcome the revenue deficiency from this type of service occasioned by the continued inflationary impact on its costs during the 13-year period the existing rates have been in effect. Upper Peninsula's filing also includes a revised fuel adjustment clause which it contends conforms with Section 35.14 of the Commission's Regulations as set forth in Order No. 517.[2] Upper Peninsula has requested an effective date for its filing of January 31, 1975.

Notice of Upper Peninsula's filing was issued January 6, 1975 with comments, protests, or petitions to intervene due on or before January 22, 1975. On January 17, 1975, comments and protest to Upper Peninsula's proposed rate increase were filed by the Alger Delta Cooperative Electric Association.

[1] FPC Rate Schedule Nos. 14, 15, 6, 13, 7, 11, 2, and 3.

[2] Order No. 517, Docket No. R-479, issued November 13, 1974.

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Our review of Upper Peninsula's filing indicates that the fuel clause proposed herein provides for losses on a system basis rather than on a wholesale basis. Hence the rates resulting from the implementation of the proposed fuel clause may be excessive. Moreover the proposed rate increase of Upper Peninsula has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Upon this review we shall therefore suspend the effectiveness of Upper Peninsula's December 30, 1974 filing for 30 days until March 2, 1975, when it shall become effective subject to refund.

With respect to Upper Peninsula's tendered fuel clause, we note that Upper Peninsula had the alternative of filing a fuel clause conforming to the then effective Section 35.14 of our Regulations or an Order No. 517 fuel clause, since its filing preceded January 1, 1975, the date upon which Order No. 517 took effect as part of the Commission's Regulations. Because Upper Peninsula's purported Order No. 517 fuel clause was filed prior to the date upon which Order No. 517 became binding, its tender of a fuel clause not in conformance with the requirements of Order No. 517 does not give grounds for an outright rejection. We shall therefore provide that within thirty days of the issuance of this order Upper Peninsula shall file a substitute fuel clause providing for losses on a wholesale basis. Upon such a submittal and a finding that the revised fuel clause conforms to Order No. 517, we shall lift the suspension of the effectiveness of Upper Peninsula's fuel clause, make it effective on March 2, 1975 without further refund as may be required. In the event Upper Peninsula does not file a substitute fuel clause consistent with this order providing for losses on a wholesale, rather than on a system basis, the fuel clause tendered on December 30, 1974 and herein suspended will be subject to the hearing in this docket as hereinafter ordered.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing Upper Peninsula's December 30, 1974, tendered proposed rate changes, suspend the effectiveness thereof for thirty days until March 2, 1975, and enter upon a hearing concerning the lawfulness of the proposed rates and charges contained therein as hereinafter ordered.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that Upper Peninsula be directed to submit a substitute fuel clause providing for losses on a wholesale basis rather than on a system basis within thirty (30) days of the issuance of this order as hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the proposed rates tendered herein by Upper Peninsula in Docket No. E-9200.

(B) Pending hearing and a final decision thereon, Upper Peninsula's proposed rate increases filed on December 30, 1974, in Docket No. E-9200 are hereby accepted for filing and suspended for 30 days and the use thereof deferred until March 2, 1975.

(C) On or before April 29, 1975, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any intervenors shall be served on or before May 13, 1975. Any rebuttal evidence of Upper Peninsula shall be filed on or before May 27, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Upper Peninsula shall, within 30 days of the issuance of this order, file a substitute fuel clause providing for losses on a wholesale basis rather than a system basis to conform with Order No. 517. Upon such submittal and a finding that the substitute fuel clause conforms fully to Order No. 517, we shall lift the suspension of the effectiveness of the fuel clause, make it effective on March 2, 1975 without further refund obligation and order such interim refunds as may be required. Failure to file a revised fuel clause as provided above will require the fuel clause tendered on December 30, 1974 in Docket No. E-9200 to be a subject of the hearing as hereinbefore provided.

(F) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3382 Filed 2-5-75;8:45 am]

[Docket No. CP75-219]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JANUARY 31, 1975.

Take notice that on January 27, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-219 an applicaiton pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce during a sixty-day period for New Jersey Zinc Company (Zinc), a resale customer of Union Gas Company (Union), which is a distributor customer of Applicant, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas for Zinc from the tailgate of Mobil's Cameron Meadows Gas Plant, Cameron Parish, Louisiana, to Union at an existing point of delivery between Applicant and Union at Palmerton, Carbon County, Pennsylvania, for ultimate delivery to Zinc's smelting facility in Palmerton. Applicant proposes that this service continue for a period of sixty days after the date of first delivery at a price of 22.0 cents per Mcf delivered at Palmerton. Applicant states that it has agreed, by contract dated January 24, 1975, with Zinc to transport on an interruptible basis volumes purchased by Zinc in the Northwest Cameron Field, Cameron Parish, Louisiana, from Apexco, Inc., et al. (Apexco). Applicant states that said volumes are anticipated to be approximately 10,000 Mcf per day. The January 24, 1975, agreement states that 10 percent of the volumes purchased by Zinc from Apexco and delivered to Applicant shall be retained by Applicant as compensation for compressor fuel and line loss. The January 24, 1975, agreement further states that the daily volumes to be transported by Applicant pursuant to the agreement when combined with the curtailed volumes Union receives from Applicant pursuant to Applicant's rate schedule CD-3 will not exceed Union's total CD-3 entitlement, that the agreement is conditioned upon Union's agreement to transport the volumes from the Palmerton point of receipt to Zinc's plant, and that imbalances that occur in Applicant's line as a result of the subject deliveries will be balanced periodically as operations permit against deliveries to Union for Zinc's account.

Applicant states that, as a result of its current supply difficulties, it has decreased deliveries to Union and, consequently, deliveries by Union to Zinc have decreased to the point where continued operation of the smelting facilities is jeopardized. Applicant further states that, although Union's contract with Zinc is firm for the delivery of 10,500 Mcf per day, as a result of Applicant's curtailment of Union's supply, deliveries from Union to Zinc have decreased to as low as 2,100 Mcf per day, resulting in layoffs of Zinc's employees and possibilities of future layoffs. Applicant concludes that Zinc will be forced to take further steps to shut down its facility without the gas Applicant proposes to transport in the instant application. Applicant describes Zinc's plant as a manufacturing facility of zinc metal, zinc oxides and powders, ammonia and other items of importance to the American economy.

Zinc has contracted for the supply of gas pursuant to an agreement dated January 21, 1975, with Apexco. Said agreement provides for an emergency sale for a period of 60 days beginning February 5, 1975, of an estimated 8,000 to 10,000 Mcf per day of residue gas from Mobil's plant at a price of $1.25 per Mcf. The January 21, 1975, agreement is conditioned upon Zinc's furnishing to Apexco by February 3, 1975, any and all Commission disclaimers of jurisdiction which Apexco may require. The agreement is further conditioned upon issuance of a final non-appealable order of the Commission granting authorization for Applicant to transport the gas. If said conditions are not met by February 3, 1975, according to the agreement, Apexco may terminate the agreement at any time thereafter by giving written notice to Zinc.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3487 Filed 2-4-75;10:34 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Federal Communications Commission; Receipt and Approval of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 23, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL COMMUNICATIONS COMMISSION

Request was made for approval of a revision of FCC Form 755, Application for Restricted Radiotelephone Operator Permit by an Alien.

Public Law 93-505, enacted November 30, 1974, removes the restrictions in the Communications Act concerning the licensing of aliens and alien-affiliated entities in the Safety and Special and the Experimental Radio Services. Prior to this action, the only aliens entitled to apply for a Restricted Radiotelephone Operator Permit (RP) were those who held FAA Pilot Certificates and used the permit in connection with their piloting duties.

The Commission adopted an Order on January 22, 1975, permitting aliens to hold radio station licenses in the ship and aircraft radio services effective February 5, 1975. In order to operate such a station, the person must be granted an RP by the Commission. This action extends to aliens the privilege which heretofore has not been accorded them by statute.

The FCC, therefore, has requested emergency clearance of this form so that the benefits can be made available to aliens as soon as possible.

The GAO provided clearance on this revised form on January 31, 1975, under B-180227 (R0148). This clearance expires September 30, 1977.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-3383 Filed 2-5-75;8:45 am]

REGULATORY REPORTS REVIEW

Federal Trade Commission; Receipt and Approval of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 15, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL TRADE COMMISSION

Request was made for approval of a single-time supplemental form to FTC's Form MG, Quarterly Financial Report. The form will be used to evaluate the impact, on the Quarterly Financial Report series, of the change in accounting method of inventory valuation from first-in, first-out (FIFO) to last-in, first-out (LIFO).

Economic and tax income data being reported to the Department of Commerce, the Treasury Department, and the Federal Trade Commission by U.S. corporations for the year 1974 are increasingly being distorted as a result of the adoption of a change in accounting method of inventory valuation from Fifo to Lifo. The effect of this change poses serious problems for the Federal Trade Commission's Quarterly Financial Report which is a valuable statistical report for measuring quarter to quarter changes in the financial structure of an industry. For this measurement to be meaningful, comparable data must be assured. In the event that a change in accounting method will materially distort one quarter's results, the FTC's Division of Financial Statistics must be prepared to tabulate, evaluate and adjust the data accordingly. The change from Fifo to Lifo, although occurring throughout the year, escalated in the fourth calendar quarter of 1974 and must be monitored.

The FTC, therefore, requested emergency clearance of this supplement so that respondents would be able to submit the supplement with their current MG report for the three month period of October, November, December 1974.

The GAO provided clearance on this supplemental form on January 31, 1975, under number B-180229 (S75015). This clearance expires March 31, 1975.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-3454 Filed 2-5-75;8:45 am]

REGULATORY REPORTS REVIEW

Interstate Commerce Commission; Receipt of Report Proposals

The following request for clearance of report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 31, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 24, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW, Washington, D.C. 20548.

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Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for review and clearance of a renewal of Form OP–F–44, "Application for Authority Under Section 5, Interstate Commerce Act, to Consolidate, Merge, Purchase or Lease Operating Rights and Properties, or any Part Thereof, of a Motor Carrier." All motor carriers seeking to merge properties or franchises, and whose annual gross operating revenue in the aggregate exceeds $300,000, shall file Form OP–F–44. Fewer than 15,000 carriers are subject to the requirement and about 400 applications are received each year. Average number of man-hours required per response is estimated to be 80.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–3453 Filed 2–5–75;8:45 am]

REGULATORY REPORTS REVIEW

Interstate Commerce Commission; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 29, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 24, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW, Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form M–2, required to be filed by some 2,500 Class II Common and Contract Motor Carriers of Property (those with annual gross revenue averaging from $500,000 to 3 million dollars) pursuant to Section 220(a) of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1207) adopted through rulemaking proceedings. Estimated average number of man-hours required per response is 88. Estimated total man-hours of respondent burden is 224,400.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form M–1, required to be filed by some 830 Class I Common and Contract Motor Carrier of Property (those with annual gross revenue averaging 3 million dollars or more) and 70 motor carrier holding companies, pursuant to Section 220(a) of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1207) adopted through rulemaking proceedings. Estimated average number of man-hours required per response is 118. Estimated total man-hours of respondent burden is 106,200.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–3455 Filed 2–5–75;8:45 am]

INTERNATIONAL JOINT COMMISSION

LAKE ERIE ICE BOOMS

Public Hearing

The International Joint Commission will hold a public hearing at the place and date noted below for the purpose of reviewing 1974–75 winter operations, current and probable conditions for the remainder of the season on Lake Erie and the Upper Niagara River and to receive the views of any interested persons on the effects the operation of the ice boom has on the environment, navigation, power and other interests and also to consider the request to extend the authority to operate and maintain the ice boom.

10 a.m., Wednesday, March 5, 1975
Embassy Room
Statler Hilton Hotel
107 Delaware Avenue
Buffalo, New York 14202

The discussion of the 1974–75 operations relates to the advice the International Niagara Board of Control submits to the Commission as to the timing of the opening of the Boom in the Spring of 1975.

Under the terms of the Commission's Order of Approval of June 9, 1964, as supplemented by Orders of Approval of May 24, 1965, October 3, 1969, and by a minute of the Commission dated July 29, 1970, the authority granted to Ontario Hydro and the Power Authority of the State of New York to operate and maintain the boom expires on May 15, 1975.

The Power Entities have made a written request to the Commission for an indefinite extension for the authority to operate and maintain the ice boom in conformance with the terms and conditions of the present order of approval as supplemented. Therefore following the discussions relating to current conditions, the Commission will receive testimony from those interested on the desirability of approving the Power Entities' request.

At the meeting, submissions may be made orally or in writing and evidence submitted will be taken into account by the Commission when considering the Power Entities' request. Where written statements are provided it would be helpful to have sufficient copies deposited with the Secretaries for the use of the Commission, the news media and others interested. Copies of the Power Entities' request and the Orders of Approval governing the operation of the ice boom are available upon request to the Secretaries.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission.

[FR Doc.75–3544 Filed 2–5–75;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Notice of Meeting

FEBRUARY 3, 1975.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C. on February 27 and 28, 1975.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street NW, Washington, D.C. The session of the proposed meeting on February 27, 1975 and the afternoon session on February 28, 1975, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on February 28, 1975 will convene at 9 a.m. and will be open to the public. The agenda for the morning session will be as follows:

I. Minutes of Previous Meeting
II. Reports
  A. Summary of Recent Business.
  B. Application Report.
  C. Gifts and Matching Report.
  D. Chairman's Grants.
  E. Budget for FY 1976.
  F. Report on Science, Technology and Human Values Program.
  G. Analysis of NEH Awards to Institutions of Higher Education in FY 1974.
  H. Analysis of Employment of Humanities Ph D's.
  I. Arrangements for the Jefferson Lecture.
  J. Report on American Issues Forum.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW, Washington, D.C. 20605, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee, Management Office.

[FR Doc.75–3334 Filed 2–5–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ANTHROPOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Anthropology to be held at 9 a.m. on February 27, 28, and March 1, 1975, in room 338, 1800 G Street, NW, Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b) (4), (5) and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about this Panel, please contact Dr. Iwao Ishino, Program Director for Anthropology, Rm. 306, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4208.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 3, 1975.

[FR Doc.75–3363 Filed 2–5–75;8:45 am]

WORKSHOP ON INSTITUTIONAL PROBLEMS OF ELECTRIC FACILITY SITING

Meeting

The National Science Foundation is convening a Workshop on Institutional Problems of Electric Facility Siting on February 27–28, 1975, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Sessions on February 27 and 28 will commence at 9 a.m. The meeting will adjourn at 2 p.m. on February 28. The purpose of this Workshop is to provide a forum for discussion of institutional issues associated with the siting of electric facilities.

The agenda for the meeting is as follows:

FEBRUARY 27

Overview Paper on Electric Power Demand Projections
Relationships among Institutions and Groups Involved in Electric Facility Siting Process
Primary Issues and Desired Changes in the Siting-Decision Process
Alternative Regulatory Structures
Development of Detailed Agenda for Working Group Sessions

FEBRUARY 28

Working Group Session
Reports by Working Group Chairmen
Adjournment

The Workshop will be chaired by Mr. Edmond Rovner of the National Governor's Conference. The Workshop will be open to the public as observers only. Individuals who wish to attend should inform Dr. Hans L. Hamester, Energy Policy Analyst, Office of Energy R&D Policy, by phone 202/632–7804 or by mail (Room 537, 1800 G Street, NW., Washington, D.C. 20550) prior to the Workshop. Dr. Hamester should be contacted for further information concerning this Workshop or for a copy of summary proceedings of the Workshop.

PAUL P. CRAIG,
Deputy Director, Office of Energy R&D Policy.

[FR Doc.75–3364 Filed 2–5–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Memorandum and Order

In the matter of Kansas Gas and Electric Company and Kansas City Power and Light Company (Wolf Creek Generating Station, Unit No. 1).

The Staff has moved, with the consent of the applicants and the petitioners for intervention, for an extension of time until February 14, 1975, within which to respond to the petitions for leave to intervene filed by the Kansas Electric Cooperatives, Inc. and the city of Osawatomie. All parties who wish to respond to the petitions for leave to intervene should be allowed an equal opportunity to do so.

In view of the nature of the issues presented by the petitions, oral argument should be of assistance to the board in ruling upon such petitions. Parties should be prepared to identify and to address themselves to all significant issues of fact and law which are considered to be raised by the two petitions.

It is therefore ordered:

1. The time within which any party may respond to the petitions for leave to intervene filed by the Kansas Electric Cooperatives, Inc. and the City of Osawatomie is extended to and including February 14, 1975;

2. Oral argument will be held on said petitions in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, at 9:30 a.m. on Friday, February 28, 1975.

Issued at Bethesda, Maryland, this 3rd day of February, 1975.

ATOMIC SAFETY AND LICENSING BOARD,
MARSHALL E. MILLER,
Chairman.

[FR Doc.75–3452 Filed 2–5–75;8:45 am]

[Docket No. P–527–A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed in April 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P–527–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

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Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75-1301 Filed 1-15-75;8:45 am]

[Docket No. P-556-A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, Docket No. P-556-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1-2, Directorate of Licensing.

[FR Doc.75-1302 Filed 1-15-75;8:45 am]

[Docket No. P-537-A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-537-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1823 Filed 1-22-75;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

Section 642.14 (new)
Temporary Instruction No. 632-18
Temporary Instruction No. 643-1
Current Temporary Instruction Check List (Rev. December 31, 1974)
Chapter 641—Duty of Registrants (Rev. February 1, 1975)
Temporary Instruction No. 622-7/680-3

BYRON V. PEPITONE,
Director.

FEBRUARY 3, 1975.

Section 642.14 *Reporting of alien registrants suspected of being illegally within the United States.* 1. Under the Military Selective Service Act, aliens who are illegally within the United States are nevertheless liable for registration and induction.

2. When any alien registrant is suspected of being illegally within the United States, the State Director will be notified by letter (See Attachment 642-7). The State Director will forward the information to the nearest field office of the Immigration and Naturalization Service.

SAMPLE LETTER FOR REPORTING AN ALIEN REGISTRANT SUSPECTED OF BEING ILLEGALLY WITHIN THE UNITED STATES

(See Section 642.14)

(Local Board Stamp)

Date of Mailing: ------

TO: The State Director

(Address)

DEAR SIR:

This registrant is suspected of being an alien illegally within the United States, and he is reported to you as such in accord with RPM Chapter 642.

Name: ------
SSN: ------ RSN: ------
Address: ------
Birthdate: ------
Place of Birth: ------
Present Citizenship: ------
Other Pertinent Information: ------

Sincerely,

Authorized Signature

[Temporary Instruction No. 632-18]

Issued: February 1, 1975.
Subject: Rescission of Temporary Instruction No. 632-17.

Temporary Instruction No. 632-17, Change In AFEES Procedures (Submission Of DD Form 44), is rescinded and should be withdrawn from the Registrants Processing Manual (RPM) and destroyed.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE.

[Temporary Instruction No. 643-1]

Issued: February 1, 1975.
Subject: Rescission of Chapter 643, RPM.

Chapter 643, *Parole For Selective Service Law Violators*, is rescinded and should be withdrawn from the Registrants Processing Manual (RPM) and destroyed. The divider-label for Chapter 643 will be retained in the manual.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE.

REGISTRANT PROCESSING MANUAL

CURRENT TEMPORARY INSTRUCTIONS CHECK LIST

1. The following list sets forth all current temporary instructions as of Dec. 31, 1974. Where 2 numbers are shown for a temporary instruction, it is issued in sufficient quantity so that a copy may be filed under each number.

Temporary instruction No.	Date issued or amended	Termination date
Apps. 1 to 7	Oct. 17, 1973	Upon amendment or rescission.
Apps. 1 to 8/608-3.	Dec. 18, 1973	Upon receipt of revised SSS form 725 or upon rescission thereof.
Apps. 1 to 10.	Jan. 21, 1974	Upon amendment or rescission.
Apps. 1 to 12.	Oct. 25, 1974	Do.
613-2	Dec. 19, 1972	Upon publication of revision to RPM changing references from SSS forms 2 and 110 to SSS form 7.
613-6	Apr. 29, 1974	May 31, 1975.
613-7/642-5 (corrected copy).	Sept. 21, 1974	Feb. 1, 1975.
619-3	Mar. 8, 1974	Upon publication of revision of ch. 619, RPM.
621-5/631-14	Mar. 20, 1974	Upon amendment or rescission.
622-4	Oct. 15, 1973	Do.
622-5/680-2	Nov. 30, 1973	Do.
622-6	Apr. 26, 1974	Do.
632-16	June 17, 1974	Upon receipt of revision to sec. 632.9 of the RPM.
632-17	do	If notice is received that inductions are to be resumed.

2. All temporary instructions not appearing in the above list have been terminated or rescinded.

CHAPTER 641 DUTY OF REGISTRANTS

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CHAPTER 641 DUTY OF REGISTRANTS

Section 641.1 *Introduction.* Part 1641 of Selective Service Regulations, as amended January 31, 1975, is quoted below for the information and guidance of and compliance by all registrants and personnel of the Selective Service System.

1641.1 *Reporting by registrants of their current status.*

(a) It shall be the duty of every registrant, so long as his file is actively maintained by his local board, to keep his local board currently informed in writing of the address where mail will reach him.

(b) It shall be the duty of every registrant until his liability for training and service [1] has terminated, to inform his local board in writing of his entrance into a professional course of study leading to a professional degree in a medical, dental or allied specialist category, together with his current address, and to inform his local board in writing of the receipt of any such professional degree, together with his current address.

(c) It shall be the duty of every registrant to submit to his local board information concerning his status within ten days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board.

"1641.3 *Waiver of right or privilege.*

If the registrant fails to claim and exercise any right or privilege within the required time, he shall be deemed to have waived the right or privilege.

1641.4 *Duty to report for and submit to Armed Forces examination.*

(a) When the local board mails to a registrant an Order to Report for Armed Forces Examination (SSS Form 223), it shall be the duty of the registrant to report for such examination at the time and place fixed in such order unless, after the date the Order to Report for Armed Forces Examination (SSS Form 223) is mailed and prior to the time fixed therein for the registrant to report for his Armed Forces examination, the local board cancels such Order to Report for Armed Forces Examination (SSS Form 223) or postpones that time when such registrant shall so report and advises the registrant in writing of such cancellation or postponement.

(b) If the time when the registrant is ordered to report for Armed Forces examination is postponed, it shall be the duty of the registrant to report for Armed Forces examination upon the termination of such postponement and he shall report for Armed Forces examination at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for Armed Forces examination when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for Armed Forces examination to his local board and to each local board whose area he enters or in whose area he remains.

(c) Upon reporting for Armed Forces examination, it shall be the duty of the registrant (1) to follow the instructions of a member, executive secretary, or local board clerk as to the manner in which he will be transported to the location where his Armed Forces examination will take place, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for Armed Forces examination, (3) to appear at the place where such examination will be accomplished, (4) to obey the orders of the representatives of the Armed Forces while at the place where his examination will be accomplished, (5) to submit to examination, and (6) to follow the instructions of a member, executive secretary, or clerk of the local board as to the manner in which he will be transported on his return trip from the place where his Armed Forces examination takes place.

1641.5 *Duty to report for and submit to Induction.*

(a) When the local board orders the registrant for induction it shall be the duty of the registrant to report for induction at the time and place ordered by the local board. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuing duty of the registrant to report for induction at such time and place as may be ordered by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for induction to his local board.

(b) Upon reporting for induction, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he shall be transported to the location where his induction will be accomplished, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for induction, (3) to appear at the place where his induction will be accomplished, (4) to obey the orders of the representatives of the Armed Forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is found not qualified for induction, to follow the instructions of the representatives of the Armed Forces as to the manner in which he will be transported on his return trip to the local board.

1641.6 *Effect of failure to have unaltered documents in personal possession.*

The failure of any person to have his Registration Certificate (SSS Form 2) or Status Card (SSS Form 7) in his personal possession shall be prima facie evidence of his not having registered.

[Temporary Instruction No. 622-7/680-3]

Issued: February 1, 1975.
Subject: Rescission of Temporary Instructions 622-4, 622-5/680-2, and 622-6.

The following Temporary Instructions are rescinded and should be withdrawn from the Registrants Processing Manual and destroyed:

1. 622-4, Registrants Under Confinement or Court Supervision.
2. 622-5/680-2, Classification Of Medical Specialists Into Class 2-AM.
3. 622-6, Classification of Registrants Separated From The Armed Forces.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE.

[FR Doc.75-3437 Filed 2-5-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Meeting

The regular winter meeting of the Business Research Advisory Council will be held on February 26, 1975, at 9:30 a.m. in Conference Room B of the Interdepartmental Auditorium, 14th and Constitution Avenue, NW., Washington, D.C. Agenda for the meeting follows:

1. Chairman's Opening Remarks
2. Commissioner's Remarks
3. Status Report of BLS Task Force on Hours Worked vs. Hours Paid. (Follow up on the earlier BRAC committee for this subject)
4. Committee Reports
   a. Committee on Consumer and Wholesale Prices (Plans for WPI and inquiries on CPI revision)
   b. Committee on Economic Growth (Assumptions underlying recent projection work)
   c. Committee on Manpower and Employment (Real spendable earnings, status of local area estimates)

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

[1] Liability for training and service is a person's responsibility for service imposed by the Military Selective Service Act. This liability commences when he reaches the age of 18 years and 6 months after having been required to register. It terminates when he reaches the age of 26 unless extended to age 35.

XUM V40-026 FEB 6 75 XUM

Signed at Washington, D.C. this 30th day of January 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-3407 Filed 2-5-75;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

Notice is hereby given of a meeting of the National Advisory Committee on Occupational Safety and Health, established under section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The meeting which was previously scheduled for January 24 and 25, 1975, will be held February 20 and 21, 1975, in Room 102 ABCD, Main Labor Building, 14th and Constitution Avenue, NW, Washington, D.C. The meeting will begin at 9 a.m. and will be open to the public.

The agenda will include presentations and discussions on the role of the states in the standards development process, a review of the activities of both the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, a discussion of voluntary compliance programs, a presentation on statistics, and a report by NIOSH on its recently completed summary of training facilities.

Any written data or views concerning the subject to be considered which are received by the Committee's Executive Secretary by February 15, 1975, together with 20 duplicate copies, will be presented to the Committee and included in the official record of the meeting. Those persons desiring to make presentations at the meeting must also notify the Executive Secretary by February 15, 1975, of their desire to appear, stating the amount of time requested and the capacity in which they will appear as well as a brief outline of the content of their presentation. Oral presentations will be scheduled at the discretion of the Committee Chairman depending on the extent to which time permits.

Communications to the Executive Secretary should be addressed as follows:

Ms. J. Goodell, Executive Secretary,
National Advisory Committee on Occupational Safety and Health,
U.S. Department of Labor,
1726 M Street NW., Room 200,
Washington, D.C. 20210,
Phone: 202/961-2248, 2487

Signed at Washington, D.C. this 31st day of January, 1975.

J. GOODELL,
Executive Secretary.

[FR Doc.75-3404 Filed 2-5-75;8:45 am]

Office of the Secretary

LABOR RESEARCH ADVISORY COMMITTEE

Establishment

A. *Establishment.* The Secretary of Labor, having determined after consultation with the Director, Office of Management and Budget, that the establishment of a committee to deal with matters related to the Department of Labor research program is in the public interest, hereby establishes the Department of Labor Research Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, functions, and administrative provisions*—1. *Objectives and scope.* The Committee's objective will be to help improve the quality of the research program of the Department. It will deal with both the general direction of the Departmental research effort and the specific programs of each agency within the Department. 2. *Committee tenure.* The Committee will operate on a continuing basis.

3. *Official to whom committee reports.* The Committee will report to the Assistant Secretary for Policy, Evaluation and Research.

4. *Support services.* The Assistant Secretary for Policy, Evaluation and Research, and the Manpower Administration will provide the necessary support for the Committee.

5. *Committee duties.* The Committee will evaluate Departmental research on a continuing basis and will meet with the Department's Research Policy Committee to discuss current and planned areas of research. In addition, the Committee will serve as source of expertise for each agency-evaluating the problems in the research program that are specific to each agency.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $6,000 and involve approximately one-fourth man years of staff support.

7. *Meetings.* The Committee will meet twice a year.

8. *Termination date.* Two years—renewable.

Signed at Washington, D.C. this 23rd day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3406 Filed 2-5-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARKANSAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on February 22, 1975, in the Sheraton Motor Inn, Arkansas Room C, 6th & Perry Street, Little Rock, Arkansas 72201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is SWRO activities, Economic Recession Project, Era Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3458 Filed 2-5-75;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 12 noon on February 25, 1975, in the Fifth Floor Conference Room, U.S. Commission on Civil Rights, 1121 Vermont Avenue NW., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss proposal for D.C. Housing Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3459 Filed 2-5-75;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on February 22, 1975, at 202 Second Street N., YMCA-Reading Room-Center Lounge, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80202.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3460 Filed 2-5-75;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on February 28, 1975, in the Federal Building, 600 Arch Street, Room 6306, Philadelphia, Pa.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of the meeting is to discuss a possible Committee project for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3461 Filed 2-5-75;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. on March 4, 1975, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02906.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to Committee's report "Minorities and Women in Government: Practice/vs Promise" and other new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3462 Filed 2-5-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Texas State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for February 8-9, 1975, a notice of which was previously published on page 3033 in the FEDERAL REGISTER on Friday, January 17, 1975 (FR Doc. 75-1622), has been cancelled.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3463 Filed 2-5-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on February 23, 1975, at the Sheraton-Crest Inn, Room 206, 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to review and make additional plans for the Mexican American Education follow-up study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3464 Filed 2-5-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on March 1 and 2, 1975, Sheraton-Crest Inn, Room 206, 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to review and make additional plans for the Mexican American Education follow-up study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-3465 Filed 2-5-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 690]

ASSIGNMENT OF HEARINGS

FEBRUARY 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 6, 1975.

MC 139254, Brooks Transportation, Inc., continued hearing now assigned March 4, 1975, at Atlanta, Ga., is postponed to March 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. M-28281, Commutation Fares, Hudson Transit Lines, Inc., now being assigned March 10, 1975 (1 week), at New York, N.Y., in a hearing room to be designated later.

I & S No. 9019, Prepayment of Freight Charges to Points in Mass. & R.I., now being assigned March 24, 1975 (1 week), at Boston, Mass., in a hearing room to be designated later.

No. 35914, H & R Scrap Iron and Metal Company v. Chicago and Northwestern Transportation Company, now being assigned April 1, 1975 (9 days), at Chicago, Illinois, in a hearing room to be designated later.

Finance Docket No. 27827, Southern Railway Change in Service of Trains Nos. 1 and 2 Between Atlanta, Georgia and Birmingham, Alabama to Three Days A Week, and Finance Docket No. 27828, Southern Railway Company—Discontinuance of Operation of Trains No. 5 and 6 Between Charlotte, N.C., and Atlanta, Ga., and Change Of Service Between Washington, D.C., and Charlotte, N.C., now assigned March 11 and 12, 1975 at Atlanta, Ga., will be held in Room 522, U.S. Post Office & Courthouse, 56 Forsythe St.; March 13, 1975, Room 209-210, Federal Building, 1129 Noble St., Anniston, Ala.; March 14, 1975 Ensley Court Room, Police Precinct, 1623 Avenue G, Birmingham, Ala.; March 17, 1975 Grand Jury Room, 2nd Floor, U.S. Courthouse East, Washington & Church St., Greenville, S.C. and March 18, 1975, Charlotte Public Library, 310 N. Tryon St., Charlotte, N.C.

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MC 41406 Sub-44, Artim Transportation System, Inc., Application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3456 Filed 2-5-75;8:45 am]

[Notice No. 10]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 31, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 1103 (Sub-No. 16), filed December 12, 1974. Applicant: MAX H. KOFMAN, FREDA KOFMAN GAINES, BENJAMIN KOFMAN AND JOSEPH KOFMAN, doing business as KOFMAN'S, 130 Dunlop Street, Bellefonte, Pa. 16823. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass products, brass bars and brass rods, and unfinished shapes*, from points in Illinois, to points in Indiana, Michigan, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Ohio; (2) *copper, brass, and bronze bars and rods, and unfinished shapes* from points in Illinois, to Pittsburgh, Pa.; (3) *brass scrap and rejected or refused brass products*, from New Britain and Hartford, Conn.; Wilmington, Del.; Perth Amboy, Picatinny Arsenal, Newark, Trenton, Rahway, Waverly, Jersey City, and Camden, N.J.; Rochester, Buffalo, Brooklyn, Staten Island, Lockport, North River, Hoosick Falls, Tottenville, Auburn, Binghamton, Syracuse, and New York, N.Y.; Cleveland, and Maple Heights, Elyria, and Springfield, Ohio; Baltimore, Md.; Boston and Ashland, Mass.; Newport and Providence, R.I.; and the District of Columbia, to points in Illinois; (4) *loose brass, brass products, copper, copper products, and brass and copper scrap*, from Reedsville and Morgantown, W. Va. to points in Illinois;

(5) *brass rods and brass shapes*, from points in Illinois to Reedsville and Morgantown, W. Va.; (6) *aluminum bars, blanks, stampings, unfinished shapes, extensions, castings, forgings, molding, rods, scrap, twinings, borings, burnings, aluminum and aluminum products, zinc, lead, empty containers, and empty pallets*, from Reedsville and Morgantown, W. Va. to Baltimore, Md., Wilmington, Del., and points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Indiana Michigan; (7) *aluminum billets, blooms, ingots, pigs, slabs borings, scrap, and twinings*, from Baltimore, Md., Wilmington, Del., and points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Indiana, and Michigan, to points in Illinois; and (8) *aluminum bars, blanks, stampings, unfinished shapes, extensions, castings, forgings, moldings, rods, scrap, twinings, borings, turnings, aluminum and aluminum products, zinc, lead, empty containers and empty pallets*, from points in Illinois, to Baltimore, Md., Wilmington, Del., and points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Indiana, and Michigan.

NOTE.—Applicant states it already holds the above authority via a gateway at Bellefonte, Penna. The purpose of this application is to eliminate the gateway of Bellefonte, Penna. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 4963 (Sub-No. 47), filed January 14, 1975. Applicant: ALLEGHANY CORPORATION, doing business as, JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Western Electric Company, Incorporated at the junction of New York State Highway 422 and Maple Street in Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y. or Washington, D.C.

No. MC 9692 (Sub-No. 4), filed January 10, 1975. Applicant: ROBERT D. ECKERT, 219 North President Avenue, Lancaster, Pa. 17603. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are generally made by a manufacturer of rugs and linoleum, and equipment, materials and supplies incidental thereto* (except in bulk), *and rugs and carpets*, (1) from Lancaster, Pa., to Landover, Md., restricted to transportation to be performed under a continuing contract or contracts with the Jos. M. Zamoiski Co.; and (2) from Lancaster and Marietta, Pa., to points in Harford and Baltimore Counties, Md., restricted to transportation to be performed under a continuing contract or contracts with J. J. Haines & Company, Inc., at Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13123 (Sub-No. 79), filed January 8, 1975. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, com-

modities in bulk, and those requiring special equipment), serving the plantsite of General Cable Corporation at or near Lawrenceburg, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Lexington, Ky.

No. MC 13845 (Sub-No. 4), filed January 3, 1975. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, Ill. 62896. Applicant's representative: Donald Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from West Frankfort, Ill., to the plantsite of West Virginia Pulp and Paper Company at or near Wickliffe, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo. or Springfield, Ill.

No. MC 27817 (Sub-No. 113), filed January 7, 1975. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from the facilities of Heinz U.S.A. Division, H. J. Heinz Co. located at Bowling Green, Fremont, and Toledo, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, and Virginia, points in New York on and east of a line beginning at Lake Ontario, thence along State Highway 57 to its junction with U.S. Highway 11 at Syracuse, thence along U.S. Highway 11 to the Pennsylvania State line, and points in Pennsylvania on and east of U.S. Highway 220.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 27817 (Sub-No. 114), filed January 6, 1975. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale and chain grocery food business houses (except commodities in bulk and frozen foods), from points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia, to points in Cumberland County, Pa. on and east of Pennsylvania Highway 34.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 30237 (Sub-No. 29), filed January 10, 1975. Applicant: YEATTS TRANSFER COMPANY, a corporation, Box 66, Altavista, Va. 24517. Applicant's representative: Nancy Pyeatt, 1750 New York Avenue NW., Suite 210, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the facilities of Keller Manufacturing Company, Inc., at or near Corydon and New Salisbury, Ind.; Tell City Chair Company, at Tell City, Ind.; Jackson of Danville, Inc., at or near Danville, Ky.; and Cresent Manufacturing Company, at Gallatin, Tenn.; to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia; and (2) *damaged, rejected, and refused shipments of new furniture*, from points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, to the facilities of Cresent Manufacturing Company, at Gallatin, Tenn.; Jackson of Danville, Inc., at or near Danville, Ky.; Tell City Chair Company, at Tell City, Ind.; and Keller Manufacturing Company, Inc., at or near Corydon and New Salisbury, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 525), filed January 13, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk and those requiring special equipment) used in the manufacture and distribution of road building machinery, contractor's equipment and supplies, self-propelled vehicles (except passenger vehicles or truck tractors), and *attachments and parts therefor*, between the facilities of Schield Bantam, Division Koehring, at or near Waverly, Iowa, and Parsons, Division Koehring, at or near Newton, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 35320 (Sub-No. 145), filed January 2, 1975. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), serving the plant site of General Cable Corporation on U.S. Highway 127 Bypass, in Anderson County, approximately 3 miles north of Lawrenceburg, Ky., as an off-route point in connection with applicant's regular route authority to serve Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 35334 (Sub-No. 77), filed January 8, 1975. Applicant: COOPER-JARRETT, INC., 23 South Essex Ave., Orange, N.J. 07051. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading): Serving Clarksville, Ind., an off-route point in connection with applicant's regular route operating authority, to and from Cincinnati, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 35807 (Sub-No. 54), filed November 22, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Bailet (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear materials*, (1) between points in Pike County, Ohio, on the one hand, and, on the other, points in Cleveland, Ohio, Commercial Zone, the Detroit, Mich., Commercial Zone, Montgomery County, Ohio, the New York, N.Y., Commercial Zone, and the Chicago, Ill., Commercial Zone, restricted to traffic having prior and subsequent movement by air; (2) between points in Pike County, Ohio, on the one hand, and, on the other, Baltimore, Md., Elizabeth, N.J., Norfolk, Va., and Portsmouth, Va., restricted to traffic having a prior or subsequent movement by water; (3) between points in Pike County, Ohio, on the one hand, and, on the other, points in Armstrong County, Pa., Allegheny County, Pa., Washington County, R.I., Campbell County, Va., Unicoi County, Tenn., Oak Ridge, Tenn., and Cattaraugus County, N.Y.; (4) between points in Washington County, R.I., on the one hand, and, on the other, points in the Boston, Mass., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (5) between Oak Ridge, Tenn., on the one hand, and, on the other, points in Pike County, Ohio, Washington County, R.I., Campbell County, Va., and Cattaraugus County, N.Y.; (6) between Oak Ridge, Tenn., on the one hand, and, on the other, points in Blount County, Tenn., and the Atlanta, Ga., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (7) between Oak Ridge, Tenn., on the one hand, and, on

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the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water.

(8) Between points in Armstrong County, Pa., on the one hand, and, on the other, points in the Cleveland, Ohio, Commercial Zone, the Chicago, Ill., Commercial Zone, and the Detroit, Mich., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (9) between points in Armstrong County, Pa., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water; (10) between points in Campbell County, Va., on the one hand, and, on the other, points in Armstrong County, Pa., Allegheny County, Pa., Washington County, R.I., New Haven County, Conn., New London County, Conn., and Unicoi County, Tenn.; (11) between points in Allegheny County, Pa., on the one hand, and, on the other, points in the Pittsburgh, Pa., Commercial Zone, and the New York, N.Y., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (12) between points in Allegheny County, Pa., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water; (13) between points in Cattaraugus County, N.Y., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, restricted to traffic having a prior or subsequent movement by air;

(14) Between points in Cattaraugus County, N.Y., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water; (15) between points in Benton County, Wash., on the one hand, and, on the other, points in the Seattle, Wash., Commercial Zone and the Portland, Oreg., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (16) between points in Calavaras County, Calif., on the one hand, and, on the other, the San Francisco International Airport, Calif., restricted to traffic having a prior or subsequent movement by air; (17) between points in Barnwell County, S.C., on the one hand, and, on the other, points in the Columbia, S.C., Commercial Zone, the Atlanta, Ga. Commercial Zone, the New York, N.Y., Commercial Zone and the Dulles International Airport, Va., restricted to traffic having a prior or subsequent movement by air; (18) between Barnwell County, S.C., on the one hand, and, on the other, Wilmington, N.C., restricted to traffic having a prior or subsequent movement by water; and (19) between Wilmington, N.C., on the one hand, and, on the other, points in the New York, N. Y., Commercial Zone and the Dulles International Airport, Va., under a continuing contract or contracts with Transnuclear, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 45736 (Sub-No. 47), filed January 7, 1975. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and woodpulp*, from Calhoun, Tenn., to points in Ohio on, north and east of a line starting at the Indiana-Ohio State Boundary line to junction U.S. Highway 30, thence along U.S. Highway 30, to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, near Mansfield, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 13, thence southward along Ohio Highway 13 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 13, thence along Ohio Highway 13 to Athens, Ohio thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to Pomeroy, Ohio; and (2) *materials, equipment, and supplies* used in the manufacture of paper, paper products, and woodpulp, from points in the area in Ohio described in (1) above, to Calhoun, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Charlotte, N.C.

No. MC 61592 (Sub-No. 324) (Correction), filed September 23, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, skids, bases, boxes, crates, crating, veneer, baskets, treads, risers, sills, molding, cardboard cartons, nails, flooring, treated poles, treated piling, treated lumber, treated crossarms, and treated crossties* (except commodities in bulk), between points in Alabama, on the one hand, and, on the other, points in Wisconsin, Michigan, Pennsylvania, Ohio, Indiana, Illinois, and Kentucky.

NOTE.—The purpose of this republication is to correct the commodity description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 337), filed December 26, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing;* and (2) *parts, materials, and accessories*, used in the installation of fencing (except commodities in bulk), from Kansas City, Mo., to points in Nebraska and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 61592 (Sub-No. 338), filed January 14, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board and forest products* (except commodities in bulk), from Silsbee and Bon Weir, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 67646 (Sub-No. 73), filed January 2, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, a Corporation, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between the junction of Interstate Highways 79 and 80, in Mercer County, Pa., on the one hand, and, on the other, points in Ohio and Pennsylvania within 80 miles of Greenville, Pa.

NOTE.—Applicant states that the purpose of this application is to provide an additional gateway at the junction of Interstate Highways 79 and 80. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 71593 (Sub-No. 3), filed January 10, 1975. Applicant: C. G. POTTER, doing business as MAUMEE EXPRESS, Box 1073, Secaucus, N.J. 07094. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission requiring special equipment), which are at the time moving on bills of lading of freight forwarders as defined in Section 402(a)(5) of the Interstate Commerce Act, between points in the New York, N.Y., Commercial zone as defined by the Commission, and Newark, N.J., on the one hand, and, on the other, Cleveland, Toledo, Columbus, and Cincinnati, Ohio; Louisville, Ky., Detroit, Mich., and Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 73165 (Sub-No. 359), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst, P.O. Box 11086, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designated for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; and (B) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Louisiana, Mississippi, Missouri, Tennessee, Texas, and Wisconsin, restricted to traffic in (1) and (2) above moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 80430 (Sub-No. 153), filed January 6, 1975. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: F. Neil Aschemeyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commision, commodities in bulk, and those requiring special equipment), from the plantsite of General Cable Corporation 3 miles north of Lawrenceburg, Ky., on U.S. Highway 127 bypass as an off-route point in connection with its authorized regular route operations between Cincinnati, Ohio, and Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., Chicago, Ill., or Washington, D.C.

No. MC 82063 (Sub-No. 54), filed January 13, 1975. Applicant: KLIPSCH HAULING CO., a Corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrofluosilicic* acid, in bulk, in rubber-lined tank vehicles, from Montpelier, Iowa, to points in Illinois, Missouri, Indiana, Ohio, Wisconsin, Michigan, Minnesota Nebraska, Iowa, and South Dakota; (2) *Liquid feed and feed ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee; and (3) *spent hydrofluoric acid*, in bulk, in tank vehicles, from Gore, Okla., to points in Louisiana, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 403), filed January 6, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments, and accessories* for the commodities described in (1) above, (a) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Colorado, Florida, North Carolina, South Carolina, and Tennessee; and (b) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arizona, Colorado, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, and Wyoming; (c) from ports of entry in California, Oregon and Washington, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (d) from ports of entry on the International Boundary Line between the United States and Canada, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 89617 (Sub-No. 17), filed January 13, 1975. Applicant: LEWIS TRUCK LINES, INCORPORATED, Route 6, Box 65A, Conway, S.C. 29526. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap brass*, in the form of chips and shavings, from the plantsite of American Gear & Pinion Corp., near Conway, S.C., to the plantsite of Mueller Brass Co., at Port Huron, Mich.; and (2) *brass rods*, from the plantsite of Mueller Brass Co., at Port Huron, Mich., to the plantsite of American Gear & Pinion Corp., near Conway, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.; Charlotte, N.C.; or Myrtle Beach, S.C.

No. MC 95540 (Sub-No. 920), filed December 16, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food products and foodstuffs*, from the plant sites and warehouse facilities utilized by Cadbury Schweppes U.S.A. Inc. located of Port of New York at or near New York City, N.Y.; Port Elizabeth at or near Elizabeth, N.J.; Linden, N.J., and Hazelton, Pa., to points in Alabama, Arkansas, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 100449 (Sub-No. 56), filed January 8, 1975. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cherokee, Iowa, to points in Wisconsin, restricted to the transportation of traffic originating at the above named origins, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa; Omaha, Nebr.; or Washington, D.C.

No. MC 102616 (Sub-No. 908), filed January 10, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry facings, liquid mold release products, quenching compounds and hydraulic fluids*, in bulk, from Howell, Mich., to points in Illinois, Indiana, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106074 (Sub-No. 19), filed January 10, 1975. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, Forest City, N.C. 28043. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and furniture parts*, from Andrews, N.C., to points in the United States (except Alaska, Hawaii and Tennessee).

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106497 (Sub-No. 106), filed January 10, 1975. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Hope, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 106497 (Sub-No. 109), filed January 13, 1975. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912 (Bus. Rte 1–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyor systems, and conveyor system parts;* (2) *heating equipment and parts*, from points in Campbell County, Tenn., to points in the United States (except Alaska and Hawaii); and (3) *parts, equipment, machinery, materials and supplies*, used in the manufacturing, processing and fabrication of heating equipment and conveyor systems, from points in the United States (except Alaska and Hawaii), to points in Campbell County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 106644 (Sub-No. 200), filed January 6, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highways trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (B) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Alabama, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (C) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted in (1) and (2) above to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 107162 (Sub-No. 37), filed January 13, 1975. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route #1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, and salt products* with or without mineral additives, in bags, and in block form, from Manistee, Mich., to the ports of entry on the International Boundary line between the United States and Canada located in Minnesota and Michigan, having a subsequent movement to points in Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Green Bay, Wis.; Milwaukee, Wis. or Chicago, Ill.

No. MC 107403 (Sub-No. 927) (Correction), filed December 13, 1974, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as corrected, this issue. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid pitch*, in bulk, in tank vehicles, from Lima, Ohio, to West Bend, Wis.; (2) *methyl chloride*, in bulk, in tank vehicles, from Institute, W. Va., to Chattanooga, Tenn., and Beaumont, Tex.; (3) *Lead oxides*, in bulk, in tank vehicles, from Hammond Lead Products, Inc. (West Pottsgrove Township, Montgomery County), Stowe, Pa., to Huguenot, N.Y.; Trenton, N.J.; Beltsville, Md.; Secaucus, N.J.; Sumter, S.C., Bennington, Vt.; Middletown, Del.; Port Jervis, N.Y., and Lynchburg, Va.; and (4) *dry adipic acid*, in bulk, in tank vehicles, from Hopewell, Va., to Chestertown, Md.

NOTE.—The purpose of this correction is to indicate the correct commodity description in part (4) above, as dry *adipic* acid, in lieu of dry *adinic* acid. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108185 (Sub-No. 50), filed January 10, 1975. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from the plantsite of the Ford Motor Company, at Romeo, Mich., to points in Alabama, Florida, Georgia, Louisiana, and Mississippi, restricted to the transportation of traffic originating at the origin point and destined to the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Chicago, Ill.; or Washington, D.C.

No. MC 108676 (Sub-No. 75) (Correction), filed December 12, 1974, published in the FEDERAL REGISTER issue, January 9, 1975 and republished as corrected, this issue. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, N.E., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe and valves, cast iron pressure pipe fittings, fire hydrants and fire hydrant sections*, and (2) *components, parts, attachments, accessories and supplies* used in connection with commodities described in (1) above, (a) from the plantsite and storage facilities of Mueller Co., located at or near Albertsville, Ala., to points in the United States (except Alaska and Hawaii) and (b) from the plantsite and storage facilities of Mueller Co., located at Chattanooga, Tenn., to points in the United States located east of New Mexico, Colorado, Wyoming, and Montana.

NOTE.—The purpose of this republication is to state the correct territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 110325 (Sub-No. 62), filed January 8, 1975. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), Between Albany, N.Y., and Springfield, Mass., in connection with carrier's authorized regular-route operations, serving no intermediate points, but serving Albany, N.Y. and Springfield, Mass., for purposes of joinder: From Albany, N.Y., over Interstate Highway 87, to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 5, thence over U.S. Highway 5, to Springfield, Mass., and return over the same route, restricted to be used only as an alternate route for operating convenience, for movement of traffic to or from points west of the States of New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 110325 (Sub-No. 63), filed January 8, 1975. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Jerome Biniasz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Memphis, Tenn. and Denver, Colo.: From Memphis, Tenn. over Interstate Highway 55 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Missouri Highway 13, at or near Springfield, Mo., thence over Missouri Highway 13 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Interstate Highway 70, thence over Interstate Highway 70 to Denver, Colo., and return over the same route, serving no intermediate points, but serving Memphis, Tenn. and Denver, Colo. for joinder purposes only, as an alternate route for operating convenience only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Washington, D.C.

No. MC 110325 (Sub-No. 64), filed January 9, 1975. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Serving the Turner Industrial Park, near Tupelo, Miss., as an off-route point in connection with carrier's authorized regular-route operations, between Memphis, Tenn., and Tupelo, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 111320 (Sub-No. 63), filed January 6, 1975. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: James E. Wilson, Suite 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin; and (B) from ports of entry in Wisconsin, Illinois, Michigan, and Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at the same time and place as similar applications filed simultaneously herewith on behalf of C & H Transportation Co., Inc.

No. MC 111729 (Sub-No. 496), filed January 7, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers and decorative greens*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, (a) between Emerson, N.J., on the one hand, and, on the other, points in New Jersey and New York, on traffic having an immediately prior or subsequent movement by air or motor vehicle, (b) between Emerson, N.J., and Newark, N.J., on traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 111729 (Sub-No. 501), filed January 10, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, from Dothan and Ozark, Ala.; Dalton, Dawson, Fitzgerald, Manchester, Milledgeville, Moultrie, Toccoa, and Winder, Ga.; Myrtle Beach, S.C.; Cookeville, Tenn.; and Bluefield, W. Va., to Durham, N.C.; and (2) *radiopharmaceuticals, radioactive drugs, and medical isotopes, and related supplies and accessories*, (a) between Arlington Heights, Ill., on the one hand, and, on the other, points in Georgia, and Tennessee; and (b) between Arlington Heights, Ill., on the one hand, and, on the other, points in Alabama, Florida, North Carolina, and South Carolina.

NOTE.—Applicant holds contract carrier authority in MC 112750 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112750 (Sub-No. 317), filed January 7, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities), between Atlanta, Augusta and Savannah, Ga., on the one hand, and, on the other, points in South Carolina.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 361), filed January 13, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, liquid, in tank vehicles, from Lenexa, Kans., to Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 113024 (Sub-No. 135), filed December 20, 1974. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South DuPont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground oyster shells*, in bags, from Berwick, La., to McCook, Nebr., and Wilmington, Del., under contract with Electric Hose & Rubber Company, at Wilmington, Del.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 574) (Correction), filed December 6, 1974 published in the FEDERAL REGISTER issue of January 9, 1975, and republished, as corrected, this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk), from the plantsite and storage facilities of Paramount Foods, Inc., at Louisville, Ky., to points in Arkansas, Kansas, Louisiana, Maryland, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Texas, and West Virginia, restricted to traffic originating at the above named origin, and destined to the above named points.

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NOTE.—The purpose of this republication is to indicate the correct docket No. assigned to this proceeding as MC No. 113637 (Sub-No. 574) in lieu of MC No. 13678 (Sub-No. 574). If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.; Indianapolis, Ind.; or Denver, Colo.

No. MC 113678 (Sub-No. 579), filed January 13, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Dallas, Tex., to points in Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 580), filed January 13, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared edible flour*, from the plantsite of Modern Maid Food Products, Inc. located at or near Evansville, Ind., to points in Alabama, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Missouri, Ohio, Oregon, Texas, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 113843 (Sub-No. 216), filed January 3, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams St., P.O. Box 238, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 113855 (Sub-No. 306), filed January 6, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (B) from ports of entry in California, Oregon and Washington, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (C) from ports of entry on the International Boundary Line between the United States and Canada, to points in the United States (except Alaska and Hawaii), restricted in (1) and (2) above, to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Duplicate authority may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 307), filed January 7, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, attachments and parts* for agricultural implements and agricultural machinery, from Fort Collins, Colo. and Gagetown, Mich., to points in the United States including Alaska but excluding Hawaii; and (2) *materials supplies, and equipment* used in the manufacturing and distribution of commodities in (1) above, from points in the United tSates (except Alaska and Hawaii), to Fort Collins, Colo. and Gagetown, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114939 (Sub-No. 45), filed December 20, 1974. Applicant: BULK CARRIERS LIMITED, Box 10 Cawthra Rd., Cooksville, Ontario, Canada L5A 2W7. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between ports of entry on the International Boundary line between the United States and Canada, on the St. Clair, Detroit, St. Marys, Niagara, and St. Lawrence Rivers, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115311 (Sub-No. 173), filed December 17, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, and in sections; (2) *building sections and building panels*; (3) *parts and accessories*, used in the installation thereof; , (4) *pre-fabricated structural components and panels;* and (5) *materials and supplies*, used in the manufacture, production and distribution of the commodities named in (1) through (4) above, between the plantsites and storage facilities of Stran-Steel Corporation, at or near La Grange, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 383), filed January 13, 1975. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, in package, vermiculite, in packages, lighter fluid*, (except in bulk), *fireplace logs*, sawdust and wax impregnated, and *accessories* used in outdoor cooking, (1) from Burnside, Ky.; Parsons, W. Va. and Dothan, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, Tennessee, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and Iowa; (2) between the plantsites and storage facilities of Kingsford Charcoal Company located at or near Burnside, Ky., Parsons, W. Va., Belle, Mo. and Dothan, Ala.; (3) from Belle, Mo. and points within 10 miles thereof, to points in Colorado, North Dakota, and South Dakota; and (4) from East St. Louis, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma, Missouri, Tennessee, Wisconsin, Alabama, Georgia, Louisiana, Mississippi, New Mexico and Texas; (b) *fireplace logs* sawdust and wax impregnated, from Belle, Mo., and points within 10 miles thereof to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma, Tennessee, Wisconsin, Alabama, Georgia, Louisiana, Mississippi, New Mexico and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 116063 (Sub-No. 136), filed January 10, 1975. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West 5th Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils, and products thereof*, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in California, Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 116254 (Sub-No. 147), filed January 7, 1975. Applicant: CHEM-HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled non-ferrous metal ingots, slabs and pigs, metal scraps, aluminum slag and dross*, between the plantsite and facilities of Apex International Alloys, Inc. at or near Checotah, Okla., on the one hand, and, on the other, points in Texas, Arkansas, Louisiana, Kansas, Missouri, Nebraska, Iowa, Illinois, Wisconsin, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Indiana, Michigan and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.; Birmingham, Ala.; or St. Louis, Mo.

No. MC 117119 (Sub-No. 521), filed December 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in containers, and *blood analysis instruments, supplies, and parts*, in vehicles equipped with mechanical refrigeration, from Houston, Tex., to Chicago, Ill., Philadelphia, Pa., Los Angeles, Calif. and Tampa, Fla.

NOTE.—Common control and dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 117765 (Sub-No. 182), filed December 23, 1974. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest 5th Street, P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Non-frozen foodstuffs* in containers, from the plantsite of Woldert Canning Company, Lindale, Tex., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin; and (2) *malt beverages*, in containers and *related advertising material*, from Peoria, Ill. to Ardmore, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117851 (Sub-No. 17), filed January 8, 1975. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile home air conditioners, heaters, and parts and accessories* used in the manufacture thereof, from the plantsite of Evans Products Company at or near Tifton, Ga., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of mobile home air conditioners, heaters, and parts and accessories thereof, from points in the United States (except Alaska and Hawaii), to the plantsite of Evans Products Company at or near Tifton, Ga., under a continuing contract or contracts with Evans Products Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 117940 (Sub-No. 156), filed January 13, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Park and school playground and park picnic ground and campground apparatus, equipment, paraphernalia, and structures and pedal boats*, from Litchfield and Hillsdale, Mich., to points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, restricted to shipments originating at and destined to named points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119777 (Sub-No. 314), filed January 10, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies*, moving in connection therewith, from the plantsite and storage facilities of FMC Corp., Crane and Excavator Div., at Lexington, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Wisconsin, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 126970 Subs 1 and 3 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lexington or Louisville, Ky., or Nashville, Tenn.

No. MC 119789 (Sub-No. 234), filed January 6, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, defoaming compounds, boiler preserving compounds, ice anti-slipping compounds, rust preventing compounds, plasticizers, paints and paint products, wood filler, adhesives, water treating compounds, descaling agents, packing and moulding compound, coating compounds, paving and sealing materials, oil additives, lubricants, aerosol sprays, plastics, sealants, corrosion inhibitors, dust depressant, coolants, ice melting material, toilet preparations and ointments, cosmetics, insecticides, pesticides, fungicides, herbicides, viricides, algaecide, fertilizers, plant growth retardant, deodorants, disinfectants, solvents, fabric softeners, detergents, and soaps, waxes and polishes, soil conditioners, mulch, acids and chemicals, fire retardants, hardware and houseware, catalogs and parts thereof, camping equipment, sporting goods, cameras, pen and pencil sets, luggage, jewelry, tools, umbrellas, leather goods, novelties, washing and cleaning machinery and equipment, sprayers, electrical appliances, equipment and supplies, application and dispensing machinery and equipment and testing and metering equipment and materials, equipment and supplies* used in the manufacture thereof, (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), between plant site of and storage facilities in Dallas County, Texas of or utilized by National Chemsearch Corporation and its subsidiaries and divisions, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123407 (Sub-No. 187) (Correction), filed July 8, 1974, and published in the FEDERAL REGISTER issue of August 22, 1974, and republished as corrected this issue. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Ap-

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plicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Montana; Wyoming; points in Idaho in and north of Idaho County; points in Oregon on and west of U.S. Highway 97; and points in Washington on and west of the Cascade Mountains, to points in Arkansas, Colorado, Kansas, Idaho, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah and Wisconsin.

NOTE.—The purpose of this republication is to correct the territorial description. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Washington, D.C.

No. MC 123872 (Sub-No. 42), filed January 7, 1975. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Appomattox, Va., to points in Arizona, California, Colorado, Iowa, Kansas, Minnesota, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Texas, South Dakota, Utah, Wisconsin and Wyoming, restricted to traffic originating at the facilities of Thomasville Furniture Industries at or near Appomattox, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hickory or Charlotte, N.C.

No. MC 124411 (Sub-No. 10), filed January 9, 1975. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, Iowa 50251. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed, and liquid feed supplements, in bulk*, from the facilities of Land O'Lakes, Inc., at or near Clarence, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 125120 (Sub-No. 4), filed January 14, 1975. Applicant: TWIN STATE SAND & GRAVEL CO., INC., Elm Street, West Lebanon, N.H. 03784. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, from Rutland, Vt., to points in New York and Vermont, under a continuing contract or contracts with Cargill, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Concord, N.H. or Montpelier, Vt.

No. MC 126320 (Sub-No. 7), filed January 6, 1975. Applicant: DETTINBURN TRUCKING, INC., Box 24, Route 3, Petersburg, W. Va. 26847. Applicant's representative: D. L. Bennett, 129 Edington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in pneumatic tank semi-trailers, dump trucks, or in bags, (1) from the plantsite of Monongahela Power Company at or near Willow Island, W. Va., to points in Ohio, Pennsylvania, Maryland and Virginia; and (2) from Albright, Fairmont, Morgantown, Mt. Storm and Shinnston, W. Va., to points in Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126539 (Sub-No. 22), filed January 6, 1975. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed, and liquid animal feed supplements*, from at or near Clarence, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 129135 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 127278 (Sub-No. 4), filed December 16, 1974. Applicant: PACIFIC VAN & STORAGE CO., INC., 1415 West Torrance Blvd., Torrance, Calif. 90501. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019, Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, on the one hand, and, on the other, points in Arizona, Nevada, Washington, Oregon, New Mexico, and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Torrance, Long Beach, or Santa Ana, Calif.

No. MC 127525 (Sub-No. 5), filed December 26, 1974. Applicant: COMET GARMENT CARRIERS, INC., 257 West 38th Street, New York, N.Y. 10018. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of ladies' coats and suits, and clothing hangers, from Suz-Ette Fashions, Inc., Jersey City, N.J., to G. C. Fashions, Inc., Glen Cove, N.Y.; (2) *cutwork, materials and supplies* used in the manufacture of ladies' coats and suits, *clothing hangers, and ladies 'coats and suits*, between G. C. Fashions, Inc., Glen Cove, N.Y. and L & S Fashions, Inc., Amityville, N.Y.; and (3) *ladies' coats and suits*, on hangers, from G. C. Fashions, Inc., Glen Cove, N.Y., to Suz-Ette Fashions, Inc., Jersey City, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128273 (Sub-No. 166), filed December 27, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and mechanical apparatus, parts and accessories* for electrical and mechanical apparatus, and *such other merchandise* as is dealt in by hardware distributors and/or industrial supply houses, from the plantsites and storage facilities of W. W. Grainger Co., Inc., at Bensonville, Chicago and Elk Grove Village, Ill., to points in Oregon, Washington, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 128527 (Sub-No. 50), filed January 13, 1975. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, unassembled and knocked down, and their component parts and fittings*, from Ontario, Oreg., to points in Wisconsin, Minnesota, Wyoming, North Dakota, South Dakota, Nebraska, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129759 (Sub-No. 3), filed January 7, 1975. Applicant: TRIANGLE TRUCKING CO., a Corporation, P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of pipe, conduit, wire, cable, cord set, plastic materials, and *materials, equipment, and supplies* used in the conduct of such business, between plants and warehouses of Plastic Wire and Cable Co., Inc. Subsidiary of Triangle Industries, Inc., located in Jewett City and Montville, Conn., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Kansas, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, Texas, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with Plastic Wire and Cable Co., Inc., Subsidiary of Triangle Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133966 (Sub-No. 39), filed December 26, 1974. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 61, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising matter*, from the plantsite of Cadbury Corporation, at Humbolt Industrial Park (Hazle Township), Pa., to Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif., restricted to shipments originating at and destined to the above points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133977 (Sub-No. 20), filed January 6, 1975. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail distributors of pizza ingredients, fish, potatoes, fish and potato ingredients, and *equipment, materials and supplies* used in the manufacture of pizza ingredients, fish, potatoes, and fish and potato ingredients, between Kettering, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Missouri, Iowa, Kentucky, Pennsylvania, Michigan, Florida, Tennessee, Georgia, West Virginia, and Virginia, restricted to service in dual refrigerated compartmented trailers.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134734 (Sub-No. 20), filed January 13, 1975. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, Box 37106, Omaha, Nebr. 68137. Applicant's representative: Lanny Fauss, Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products* in hermetically sealed containers, (1) from warehouse facilities utilized by Ocean Spray Cranberries, Inc., located at North Chicago, Ill., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Texas, and (2) from Peoria, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee and Texas, under a continuing contract with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 135243 (Sub-No. 5), filed January 13, 1975. Applicant: WISPAK TRANSPORT, INC., 4700 North 132nd Street, Butler, Wis. 53007. Applicant's representative: Stephen E. Zwicky, 119 Monona Avenue, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used and useful in the manufacturing, processing, sales and distribution of meats, meat products, and meat by-products, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *meats, meat products, and meat by-products* (except commodities in bulk), from Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, to Butler and Milwaukee, Wis., under contract with Wisconsin Packing Co., Inc., at Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 135680 (Sub-No. 5), filed January 6, 1975. Applicant: BEVERAGE DISTRIBUTORS, INC., 119 N. 46th Street, Yakima, Wash. 98902. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, beer, and malt beverages*, from points in Los Angeles, Napa, San Francisco, San Joaquin, Santa Clara, Sonoma, and Stanislaus Counties, Calif., to Yakima, Kennewick, and Moses Lake, Wash., under contract with Crown Distributing Co., and Roth Distributing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima, Wash.

No. MC 135999 (Sub-No. 3), filed January 2, 1975. Applicant: HARRY PATTERSON TRUCK LINE, Box 192, Salisbury, Mo. 65281. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, used in the construction of heating and ventilating systems, (a) from the plantsite of Semco Manufacturing, Inc., at Jamierson Industrial Park, at Hollins, Va., to points in the United States (except points in Virginia, Alaska, and Hawaii); and (b) *rejected and damaged shipments*, from points in the United States (except points in Virginia, Alaska, and Hawaii), to the plantsite of Semco Manufacturing, Inc., at Jamierson Industrial Park, at Hollins, Va.; (2) *materials, supplies, and equipment*, used in the manufacturing, processing, sales, and distribution of building materials, used in the construction of heating and ventilating systems, from the plantsites of McKee Perforating, at or near New Berlin, Wis.; National Material Corp., at or near Elk Grove Village, Ill.; Caine Steel, at or near Madison, Ill.; and Harrington & King, at or near Chicago, Ill., to the plantsite of Semco Manufacturing, Inc., at Salisbury, Mo.; and (b) *rejected or damaged shipments*, from the plantsite of Semco Manufacturing, Inc., at Salisbury, Mo., to the plantsites of Harrington & King, at or near Chicago, Ill.; Caine Steel, at or near Madison, Ill.; National Material Corp., at or near Elk Grove Village, Ill.; and McKee Perforating, at or near New Berlin, Wis.; and (3) *rejected and damaged building materials*, used in the construction of heating and ventilating systems from points in the United States (except Missouri, Alaska and Hawaii), to the plantsite of Semco Manufacturing, Inc., at Salisbury, Mo., restricted to a transportation service to be performed under a continuing contract or contracts with Semco Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jefferson City, or Kansas City, Mo.

No. MC 136168 (Sub-No. 4), filed January 2, 1975. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 529, Albert Lea, Minn. 56007. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and warehouse facilities utilized by Wilson & Co., Inc., at Cherokee and Cedar Rapids, Iowa, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia and (2) *materials, supplies and equipment*, utilized in the manufacture, sale and distribution of commodities in (1) above, from the requested destinations to facilities utilized by Wilson & Co., Inc., at Cherokee and Cedar Rapids, Iowa, under contract with Wilson & Co., Inc., restricted to traffic originating or terminating at the above facilities utilized by Wilson & Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Omaha, Nebr.

No. MC 136315 (Sub-No. 5), filed January 13, 1975. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets timbers and crossties*, between points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, and Tennessee, restricted to traffic originating in and destined to the above named states.

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NOTE.—Applicant holds contract carrier authority in MC 123905, Subs 1, 13, and 14 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 138772 (Sub-No. 4), filed January 6, 1975. Applicant: DELBERT D. McCLELLAND, doing business as ALL WAYS FREIGHT LINE, 215 North 18th Street, Leavenworth, Kans. 66048. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the construction site and plant of the Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Marys, Pottawatomie County, Kans., as an off-route point in connection with its authorized regular route operation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on a consolidated record with applications of Santa Fe Trail Transportation Co. and Graves Truck Line, Inc., and does not specify a location.

No. MC 138933 (Sub-No. 4), filed January 6, 1975. Applicant: DEUTZ & CROW CONCRETE CORP., P.O. Box 585, Marshall, Minn. 56358. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from Minneapolis and St. Paul, Minn., and points in Ottertail County, Minn., to Estherville and Swea City, Iowa; (2) from Sioux City, Iowa, to Luverne, Worthington, Marshall, Jackson, Canby and Madison, Minn.; and (3) from points in Grant County, S.D., to Estherville and Swea City, Iowa, and Luverne, Worthington, Marshall, Jackson, Canby and Madison, Minn., under contract with Deutz & Crow, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 139112 (Sub-No. 7), filed December 23, 1974. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, and *related advertising matter*, from the plantsite of Cadbury Corporation, Humbolt Industrial Park, Hazle Township, Pa., to Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif., restricted to shipments originating at the above origin, and destined to the above destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 25), filed January 8, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs, and food seasonings*, from the plantsites and storage facilities of Wm. Underwood Co., in California, to points in Arizona, Montana, Oregon, Utah, and Washington; and (2) from the plantsites and storage facilities of Wm. Underwood Co., located at or near Dover, Del., to points in California.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 26), filed January 8, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary products*, from the plantsites and storage facilities of Luden's, Inc., located at or near Reading, Pa., to points in California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Ohio, Tennessee, Texas, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 28), filed December 31, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office supplies*, from the plantsite and storage facilities of National Blank Book Company, Inc. located at or near Holyoke and Springfield, Mass., to points in Illinois, Missouri, Nebraska, Kansas, Oklahoma, Arkansas, Texas, and California.

NOTE.—Applicant holds contract carrier authority in MC 133106 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139781 (Sub-No. 1), filed December 19, 1974. Applicant: LOCH RAVEN ENTERPRISES, INC., doing business as LOCH RAVEN TOWING, Joppa and Satyr Hill Roads, Baltimore County, Md. 21234. Applicant's representative: Joel H. Pachino, 210 Dunkirk Building, Dundalk, Md. 21222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wrecked, disabled, inoperative and abandoned motor vehicles and trailers and replacement motor vehicles and trailers; and* (B) *trailers*, (except mobile homes), between points in Virginia, West Virginia, New Jersey, Pennsylvania, Delaware, New York, and Maryland, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baltimore, Md., or Washington, D.C.

No. MC 139810 (Sub-No. 1), filed January 7, 1975. Applicant: TRI-STATE CONTRACT CARRIER CORPORATION, a Corporation, P.O. Box 153, Bethel Springs, Tenn. 38315. Applicant's representative: R. Connor Wiggins, Jr., 909-100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl plastic*, from Corinth, Miss., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of vinyl plastic and returned shipments of *vinyl plastic* from points in the United States (except Alaska and Hawaii), to Corinth, Miss., under a continuing contract or contracts with Southbridge Plastics Division of W. R. Grace & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 140162 (Sub-No. 1), filed January 9, 1975. Applicant: SCHNEIDER MOTORWAYS, INC., Rural Route #1, Postville, Iowa 52162. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Knowlton, Waupun, Pardeeville, Reeseville, and Friesland, Wis., to points in Michigan, Indiana, Illinois, Missouri, Iowa, and Minnesota; and (a) *canned goods*, from Elgin, Iowa, to points in Michigan, Indiana, Illinois, Missouri, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 140388, filed October 31, 1974. Applicant: EVELYN DETERT, doing business as ROCKET TRANSFER COMPANY, 3350 Cambridge Street, St. Louis County, Mo. 63143. Applicant's representative: John J. Riley, 7777 Bonhomme Avenue, Suite 2300, Clayton, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles or uncrated furniture and household goods as defined by the Commission), between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, Alton, Ill., and its commercial zone, and Valley Park, Mo., and its commercial zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 140511, filed December 20, 1974. Applicant: AUTOLOG CORPORATION, a Corporation, 319 West 101st Street, New York, N.Y. 10025. Applicant's representative: Myron Levine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Shipper owned or operated *used automobiles with accompanying baggage, contents thereof and/or other effects* transported for shipper's use and not for resale, all to be transported on a trailer capable of carrying approximately six to eight automobiles, between points in Massachusetts, Connecticut, New Jersey, and Florida and those points in New York east of Interstate Highway 81, restricted against (1) passengers; (2) commodities other than used automobiles with accompanying baggage, contents and/or other effects; (3) new automobiles; (4) automobiles from or to a shipper acting as a dealer in automobiles; (5) automobiles to be carried to their ultimate destination by means other than by conveyance on a trailer; (6) automobiles to be shipped distances of less than seven hundred miles; and (7) automobiles having an immediate prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140545, filed January 6, 1975. Applicant: MIDWEST VAN & STORAGE, INC., 6400 Central Ave., N.E., Fridley, Minn. 55432. Applicant's representative: Will Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott and Washington Counties, Minn., and Eau Claire, Dunn, Pierce and St. Croix Counties, Wis., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup crating, and containerization or unpacking and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 140546, filed December 31, 1974. Applicant: ROADHOUND TRUCK COMPANY, a corporation, 811 W. Hale Street, Osceola, Ark. 72370. Applicant's representative: Gerald K. Gimmel, 303 N. Federick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products and copper and copper products*, between Osceola, Ark., on the one hand, and, on the other, points in Arkansas, Kentucky, Tennessee, Missouri, and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Osceola, Ark., Memphis, Tenn., or Little Rock, Ark.

APPLICATIONS OF PASSENGER(S)

No. MC 228 (Sub-No. 75), filed January 7, 1975. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07340. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations, from Dutchess County, N.Y., to points in the United States including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Poughkeepsie, N.Y.

No. MC 140554, filed January 13, 1975. Applicant: HEY INC., Box 366, Jasper, Minn. 56144. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, in the same vehicle with passengers, and baggage of passengers in a separate vehicle*, in charter operations, and in round-trip sightseeing and pleasure tours, beginning and ending at points in Chippewa, Lac Qui Parle, Renville, Yellow Medicine, Lyon, and Redwood Counties, Minn., and points in Lincoln County, Minn. (except Lake Benton and Tyler), and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

BROKER APPLICATION(S)

No. MC 21763 (Sub-No. 2), filed December 16, 1974. Applicant: ALLIED BUS CORP., a corporation, 165 West 46th Street, New York, N.Y. 10036. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y. and Los Angeles, Calif., to sell or offer to sell the transportation of *passengers* as individuals and in groups, *and their baggage*, in the same vehicle with passengers, by motor common carrier, in all expense tours in special and charter operations, between points in the United States, including Alaska and Hawaii, restricted to passengers having an immediately prior or immediately subsequent movement by air to or from a foreign country.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130285, filed December 13, 1974. Applicant: SPECIAL FREIGHT SYSTEMS, INC., 7703 Main Street, N.E., Fridley, Minn. 55432. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Fridley, Minn., to sell or offer to sell the transportation by motor vehicle, of *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and bulk commodities in tank vehicles), between points in Minnesota and Wisconsin, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 130289, filed December 26, 1974. Applicant: R A TRANSPORTATION, INC., 115 Jacobus Avenue, S. Kearny, N.J. 07032. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at S. Kearny, N.J., to sell or offer to sell by motor, rail and water carriers, the transportation of *General commodities* (except commodities in bulk), from New York, N.Y., points in Nassau and Suffolk Counties and points in New Jersey, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

WATER CARRIER APPLICATION(S)

No. W-536 (Sub-No. 15), filed December 27, 1974. Applicant: HENNEPIN TOWING COMPANY, a corporation, 7703 Normandale Road, Minneapolis, Minn. 55435. Applicant's representative: William F. King, Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 32312. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General Commodities*, by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage (1) between ports and points along the Gulf Intracoastal Waterway between Brownsville, Tex. and Carrabelle, Fla., including the Atchafalaya River and the Port Allen Section of the Waterway, the Pearl and West Pearl Rivers below and including Bogalusa, La., the Victoria Channel to and including Victoria, Tex., the Arroyo Colorado to and including Harlingen, Tex., the Mississippi River-Gulf Outlet Channel, the Mobile River, the Tombigbee River, the Warrior River, including the Locust and Mulberry Forks, the Black Warrior River, the Alabama River, the Apalachicola River, the Chattahoochee River, the Flint River, and including all connecting streams and ship channels relating to such waterways and rivers; (2) between Carrabelle, Fla. and Tampa, Fla., including Port Tampa and East Tampa, Fla. along the Gulf of Mexico, serving all ports and points in Florida between Carrabelle and Tampa; (3) between Tampa, Fla., on the one hand, and, on the other, Miami, Fort Lauderdale and Port Everglades, Fla. along the Gulf of Mexico, the Caloosahatchee River, the St. Lucie Canal, and the Atlantic Intracoastal Waterway, serving all intermediate ports and points; and (4) between the ports and points in (1) and (2) above (except ports and points in the Mississippi River, below and including Baton Rouge, La., on the one hand, and, on the other, Miami,

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Fort Lauderdale and Port Everglades, Fla., along the Gulf of Mexico and the Atlantic Ocean).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. W-1285-Ex, filed December 19, 1974. Applicant: DIAMOND MANUFACTURING COMPANY, INC., 645 Indian Street, P.O. 727, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as an *exempt carrier by water* in the transportation of *its own equipment, materials and supplies*, between construction, dredging, storage, or repair sites along the Atlantic coastline, the Gulf of Mexico coastline and their inland tributary waterways, nonradially, under the provisions of Section 302(e) of the Interstate Commerce Act exempting the furnishing for compensation, under a charter, lease or other agreement, of tugs and barges to B. F. Diamond Construction Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Savannah, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3314 Filed 2-5-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 3, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 17, 1975 from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 200 (Sub-No. E1), filed June 4, 1974. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Philadelphia, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, New York. The purpose of this filing is to eliminate the gateway of Rockland County, N.Y.

No. MC 13134 (Sub-No. E1) (correction), filed May 30, 1974, published in the FEDERAL REGISTER January 16, 1975. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products, glassware, and clay refractory products*, except commodities in bulk, lime, limestone, and lime and limestone products, (a) between points in that part of Ohio on, north, and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 30 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 57, thence along Ohio Highway 57 to Lorain, on the one hand, and, on the other, points in that part of West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction U.S. Highway 60 thence along U.S. Highway 60 to the West Virginia-Virginia State line; (b) between points in that part of Ohio on, north, and east of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Ohio Highway 45, thence along Ohio Highway 45 to Lake Erie, on the one hand, and, on the other, points in West Virginia on and south of Interstate Highway 70 (Washington, Pa., and points in Pennsylvania within 5 miles of Washington*);

(2) *clay products, and refractories* (except furnace and stove lining shapes and plastic brick), from Oak Hill, Ohio, and points within 14 miles thereof, to points in Florida, Georgia, North Carolina, South Carolina, and Louisiana, (Ironton, Ohio*); (3) *clay products and refractories*, from the plant site of the Esso-Ramite Co., near Siloam, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin, and *damaged* or *returned shipments* of clay products and *pallets* used in the transportation of clay products from points in the States described above to the named plant site, (Ironton, Ohio, and those points in Kentucky within the Ironton Commercial Zone*); (4) *clay products and refractories*, except furnace and stove lining shapes and plastic brick, from the plant site of the Esso-Ramite Co., near Siloam, Ky., to points in the District of Columbia, Maine, New Hampshire, Texas, Vermont, Alabama, Connecticut, Delaware, Iowa, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Rhode Island, Tennessee, Virginia, and Wisconsin, and *damaged or returned shipments* of clay products and *pallets* used in the transportation of clay products from points in the States described above to the named plant site, (Ironton, Ohio*);

(5) *Clay products and refractories* from the plant site of the Lawrence Refractories Clay Company, in Elizabeth Township, Lawrence County, Ohio, to all points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin; and *damaged or returned shipments* of such commodities, and *pallets, containers*, or *other packing materials* used in the transportation of clay products, from points in the States described above to the named plant site, (Ironton, Ohio and points in Kentucky within the Ironton Commercial Zone*); (6) *iron and steel articles*, from the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., direct to all points in Washington County, Pa., restricted to shipments originating at or destined to the named plant site, (points in Ohio*); and (7) (a) *iron and steel articles*, except commodities in bulk, from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill., to points in Washington County, Pa., restricted to shipments originating at the named plantsite, and, (b) *materials, equipment, and supplies*, except commodities in bulk, used in the manufacture and processing of iron and steel articles, from points in Washington County, Pa., to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., restricted to shipments destined to the named plant site (points in Ohio*). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the elimination points above.

No. MC 16682 (Sub-No. E13), filed May 16, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Ave., Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture and fixtures* (except commodities the transportation of which requires the use of special equipment), (1) between points in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (Cuyahoga County, Ohio and Nebraska)*; (2) between points in Delaware, Maryland, Rhode Island, and the District of Columbia, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (Pennsylvania, Cuyahoga County, Ohio, and Nebraska)*; (3) between points in Maine, New Hampshire and Vermont, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming. (New York, Cuyahoga County, Ohio and Nebraska)*. The purpose of this filing is to eliminate the gateway indicated by the asterisks above.

No. MC 31462 (Sub-No. E317), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Nebraska. The purpose of this filling is to eliminate the gateways of Omaha, Nebr., or any point in Nebraska within 100 miles thereof.

No. MC 31462 (Sub-No. E318), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, *on* the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E319), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E320), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Virginia on and north of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E322), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Tennessee on and east of a line beginning at the Mississippi River, thence along Tennessee Highway 20 to the Mississippi-Tennessee State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Oklahoma State line, thence along U.S. Highway 60 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E323), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to Paris, Tex., thence from Paris along U.S. Highway 24 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 113, thence along Texas Highway 113 to junction Texas Highway 35, thence along Texas Highway 35 to Copano Bay, Tex. The purpose of this filing is to eliminate the gateway of any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E324), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., or any point within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E325) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., and points within 50 miles thereof, and (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E326), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in New York. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., and points within 50 miles thereof, and (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E327), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., and points within 50 miles thereof, and (2) Ft. Wayne, Ind., and points within 40 miles thereof.

No. MC 31462 (Sub-No. E328), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., and points within 30 miles thereof, (2) Burlington, Iowa, and points within 50 miles thereof, and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway

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16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E329), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) St. Louis, Mo., and East St. Louis, Ill., thereof; (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E330), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in Missouri, to points in Vermont. The purpose of this filing is to eliminate the gateways of (1) St. Louis, Mo., and East St. Louis, Ill., thereof; (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E332), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 66 to the Missouri-Kansas State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Burlington, Iowa and points within 50 miles.

No. MC 31462 (Sub-No. E333), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 66 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Montana bounded on, north, and east of a line beginning at the Montana-North Dakota State line on U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 89, thence along U.S. Highway 89 to Browning, thence from Browning along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, and points within 50 miles thereof; (2) Alden, Minn., and points in Minnesota within 35 miles thereof; and (3) Williston, N. Dak., and points in North Dakota within 200 miles thereof.

No. MC 31462 (Sub-No. E334), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, and points within 50 miles thereof; and (2) Alden, Minn., and points in Minnesota within 35 miles thereof.

No. MC 53269 (Sub-No. E3), filed June 3, 1974. Applicant: EDITH R. ALLEN, dba S. P. RUTHERFORD TRANSFER AND STORAGE, Bristol, Tenn. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery;* between points in Virginia within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points in Georgia; between points in Tennessee within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points in Maryland, New Jersey, West Virginia (except those in Cabell and Wayne Counties, W. Va.), and Virginia (except those points within 150 miles of Bristol, Tenn.); between points in Lee, Scott, Wise, Dickenson, Russell, Washington, and Buchanan Counties, Va., on the one hand, and, on the other, points in Maryland and New Jersey; between points in Washington, Carter, Johnson, Sullivan, Hawkins, Hancock, and Greene Counties, Tenn., on the one hand, and, on the other, points in Maryland, New Jersey, Virginia (except those points within 150 miles of Bristol, Tenn.), West Virginia, and North Carolina (except those points in Mitchell, Avery, Burke, McDowell, Rutherford, Yancy, Buncombe, Polk, Henderson, Haywood, Transylvania, Swain, Jackson, Macon, Graham, Cherokee, and Clay Counties, N.C.). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 106401 (Sub-No. E1), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), (1) from points in that part of South Carolina south and west of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15, to junction South Carolina Highway 64, thence along South Carolina Highway 64 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 174, thence along South Carolina Highway 174 to the Atlantic Ocean, and to points in that part of North Carolina, Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at Greensboro, N.C., thence along Alternate U.S. Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 1, thence along U.S. Highway 1 to Baltimore, Md., thence along U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, Pa.; and to points in that part of North Carolina on a line beginning at Durham, N.C., thence along U.S. Highway 70 to junction North Carolina Highway 54, thence along North Carolina Highway 54 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to junction U.S. Highway 1, thence along U.S. Highway 1 to Henderson, N.C.; and to points in that part of North Carolina and Virginia on a line beginning at Greensboro, N.C., thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 1, thence along U.S. Highway 1 to South Hill, Va.; and to Camden, N.J., and points in Allegany, Baltimore, Frederick, and Washington Counties, Md., and points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa.; and (2) from points in that part of

South Carolina east and east of a line beginning at the Atlantic Ocean, thence along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 64, thence along South Carolina Highway 64 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, and to points in that part of North Carolina, Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at Greensboro, N.C., thence along Alternate U.S. Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 1, thence along U.S. Highway 1 to Baltimore, Md., thence along U.S. Highway 40 to junction U.S. Highway 13; thence along U.S. Highway 13 to Philadelphia, Pa.; and to points in that part of North Carolina and Virginia on a line beginning at Greensboro, N.C., thence along U.S. Highway 29 to Danville, Va.; and to Camden, N.J., and points in Allegany, Baltimore, Frederick, and Washington Counties, Ind., and points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa. The purpose of this filing is to eliminate the gateways of Guilford and Albemarle, N.C.

No. MC 106401 (Sub-No. E10), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading, from points in Russell County, Alabama to points in that part of North Carolina, Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at the North Carolina-South Carolina State line, thence along alternate U.S. Highway 29 to junction U.S. Highway 29, thence along North Carolina Highway 49 to junction unnumbered Highway to Concord, North Carolina, thence along alternate U.S. Highway 29 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction alternate U.S. Highway 29, thence along alternate U.S. Highway 29 to junction alternate U.S. Highway 70, thence along alternate U.S. Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 1, thence along U.S. Highway 1 to Baltimore, Md., thence along U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, Pa.; to points in that part of North Carolina on a line beginning at the North Carolina-South Carolina State line thence along U.S. Highway 1 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 311, thence along U.S. Highway 311 to High Point, N.C.; to points in that part of North Carolina on a line beginning at Durham, N.C., thence along U.S. Highway 70 to junction unnumbered Highway, thence along unnumbered Highway to junction North Carolina Highway 54.

Thence along North Carolina Highway 54 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction alternate U.S. to junction U.S. Highway 1, thence along U.S. Highway 1 to Henderson, N.C.; to points in North Carolina and Virginia on a line beginning at Greensboro, N.C., thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 1, thence along U.S. Highway 1 to South Hill, Va.; to points in that part of North Carolina on a line beginning at Salisbury, N.C., thence along U.S. Highway 70 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction alternate U.S. Highway 321, thence along alternate U.S. Highway 321 to Valmead, N.C.; to points in that part of North Carolina on a line beginning at the junction of U.S. Highway 29 and North Carolina Highway 49, Northeast of Charlotte, N.C.; thence along U.S. Highway 29 to China Grove, N.C.; and to points in Allegany, Baltimore, Frederick, and Washington Counties, Md., and Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, North ampton, and Schuylkill Counties, Pa. The purpose of this filing is to eliminate the gateways of Columbus, Ga., Graniteville, S.C., and Pineville, N.C.

No. MC 106401 (Sub-No. E13), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, livestock and commodities injurious or contaminating to other lading, (1) from points in that part of Georgia on and south of a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 85 to junction Georgia Highway 120, thence along Georgia Highway 120 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 115, thence along Georgia Highway Highway 115 to junction Georgia Highway 254, thence along Georgia Highway 254 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 123, thence along U.S. Highway 123 to the South Carolina-Georgia State line, and to points in that part of Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, Pa.; and to points in that part of Virginia on a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 1, thence along U.S. Highway 1 to South Hill, Va.; and to points in Allegany, Baltimore, Frederick, and Washington Counties, Md., and

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Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northamption, and Schuylkill Counties, Pa.;

(3) from points in that part of Georgia bounded by a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 278 to junction Georgia Highway 120, thence along Georgia Highway 120 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Tennessee State line, and to points in that part of Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, Pa., and to points in Baltimore County, Md., and Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa.; and (4) from points in that part of Georgia bounded by a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 411 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Georgia Highway 115, thence along Georgia Highway 115 to junction Georgia Highway 254, thence along Georgia Highway 254 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 123, thence along U.S. Highway 123 to the Georgia-South Carolina State line, and to points in that part of Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at Fredericksburg, Va., thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, Pa.; and to points in that part of Maryland and Pennsylvania on a line beginning at Baltimore, Md., thence along U.S. Highway 1 to Philadelphia, Pa.; and to points in Baltimore County, Md., and Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa. The purpose of this filing is to eliminate the gateways of Graniteville, S.C., and Pineville, N.C.

No. MC 104654 (Sub-No. E3), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th and Penn. Ave. NW., Suite 1032 Penn Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (except liquid chemicals), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Elmo, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Jackson County, Ind., and Butler County, Ohio.

No. MC 106920 (Sub-No. E32), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk*, processed or unprocessed, except concentrated whole milk and concentrated skim milk, in bulk, in tank vehicles, from points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to the Wisconsin-Michigan State line, to points in Indiana south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E33), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream and buttermilk*, except concentrated whole milk and concentrated skim milk, in bulk, in tank vehicles, from points in Minnesota north of a line beginning at the North Dakota-Minnesota State line and extending along Minnesota Highway 1 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to Lake Superior, to points in Tennessee east of a line beginning at the Mississippi-Tennessee State line and extending along Tennessee Highway 22 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Alabama Tennessee State line, and west of a line beginning at the Alabama Tennessee State line and extending along Interstate Highway 65 to the Kentucky Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E51), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* classified as dairy products, under B in the Appendix to the Report in *Modification of Permits of Motor Contract Carriers* of Packing-house products, 48, M.C.C. 628, from points in Texas West of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 67 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 18, thence along Texas Highway 18 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Texas Highway 207, thence along Texas Highway 207 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E53), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* classified as dairy products, under Section B of the Appendix to the report in *Modification of permits of Motor Contract Carriers* of Packing house products, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the Texas-Mexico International Boundary line and extending along U.S. Highway 80 to junction Texas Highway 115, thence along Texas Highway 115 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line, to points in Tennessee on and east of a line beginning at the Tennessee Virginia State line and extending along U.S. Highway 23 to junction U.S. Highway 321, thence along U.S. Highway 321 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E63), filed May 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* classified as dairy products, under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers* of Packing

house products, 48 M.C.C. 628, from the Upper Peninsula of Michigan to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along Kentucky Highway 79 to junction Kentucky Highway 185, thence along Kentucky Highway 185, to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 107064 (Sub-No. E9), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on and south of U.S. Highway 66, and on and west of U.S. Highway 83 (except points in Gray, Wheeler, Donley, Collingsworth, and Childress Counties), to points in Vermont. The purpose of this filing is to eliminate the gateway of any point in Ector County, Tex.

No. MC 107064 (Sub-No. E10), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, in bulk*, in tank vehicles, from points in that part of Texas on, south and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to Clarendon, thence along Texas Highway 70 to Sweetwater, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico at Laredo, (except points in Donley County, Tex.), to points in New Jersey. The purpose of this filing is to eliminate the gateway of any point in Ector County, Tex.

No. MC 107064 (Sub-No. E13), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and south of Bailey, Lamb, Floyd, Dickens, and Stonewall Counties, and on and west of U.S. Highway 83, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of any points in Ector County, Tex.

No. MC 107515 (Sub-No. E209) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER December 27, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (7) *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from San Angelo, Tex., to points in Indiana, Michigan, West Virginia, Virginia, Pennsylvania, that part of Wisconsin on and east of U.S. Highway 51, restricted against the transportation originating at Nashville, Tenn.; and (13) *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Palestine, Tex., to points in Indiana, Michigan, Pennsylvania, Virginia, West Virginia, that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, thence along Wisconsin Highway 169 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 104, thence along Wisconsin Highway 104 to the Wisconsin-Illinois State line, and that part of Illinois on and east of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 45, thence along Illinois Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Ohio River, restricted against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn. The purpose of this partial correction is to include (7) above and to delete (12) which was published twice and to include (13) above. The remainder of this letter-notice remains as previously published.

No. MC 111496 (Sub-No. E2), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minnesota 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment. (1) from Grand Forks, North Dakota, to those points in North Dakota on and north of North Dakota Highway 5. (2) from Minot, North Dakota, to those points in North Dakota on and north of North Dakota Highway 5 on and east of North Dakota Highway 20. The purpose of this filing is to eliminate the gateways of points in Walsh County, North Dakota.

No. MC 111496 (Sub-No. E3), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minnesota 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment. (1) from Williston, North Dakota, to those points in North Dakota on and north of North Dakota Highway 5 and on and east of North Dakota Highway 20 (points in Walsh County, North Dakota)*, (2) from points in Norman County, Minn. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114019 (Sub-No. E419), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and by-products, and packinghouse supplies*, from Sioux City and Des Moines, Iowa, St. Joseph, Kansas City, and St. Louis, Mo., Kansas City, and Wichita, Kansas, Omaha, Nebraska, on the other, points in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Cleveland, Ohio.

No. MC 114019 (Sub-No. E420), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, Madison, Wis., St. Louis, Mo., Chicago, Peoria, and Carbondale, Ill., Ft. Wayne, Indianapolis, and Evansville, Ind., Bellevue, Covington, and Louisville, Ky., and Toledo, Akron, Dayton, Columbus, and Cincinnati, Ohio, on the one hand, and, on the other, points in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E421), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

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ing: *Paper cartons, and paper accessories* used for glassware and glass containers, from Monroe, Mich., to points in Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado. The purpose of this filing is to eliminate the gateway of the facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill.

No. MC 114211 (Sub-No. E268), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, from points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line to points in that part of North Dakota on and west of a line beginning at the South Dakota-North Dakota State line extending along North Dakota Highway 1, thence along North Dakota Highway 1 to the U.S.-Canada Boundary line; points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 33, thence along Nebraska Highway 33 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 27, thence along Nebraska Highway 27 to the Nebraska-Kansas State line; points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line extending along Kansas Highway 27 to junction U.S. Highway 36.

Thence along U.S. Highway 36 to the Kansas-Colorado State line; points in that part of Colorado on, north and west of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 36 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line; points in that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 285 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line; and points in Montana, South Dakota and Wyoming, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E514), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors, stationary engines and attachments and parts* therefor when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of size or weight, require the use of special equipment), restricted to the transportation of traffic originating at the Deere & Company, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction Nebraska Highway 12, thence along Nebraska Highway 12 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 95, thence along Nebraska Highway 95 to junction Nebraska Highway 11, thence along Nebraska Highway 11 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 40, thence along Nebraska Highway 40 to junction Nebraska Highway 47, thence along Nebraska Highway 47 to junction Nebraska Highway 23, thence along Nebraska Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line, and from points in that part of Colorado on and west of a line beginning at the Nebraska-Colorado State line extending along Interstate Highway 80 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 50.

Thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, to points in that part of Ohio on and northeast of a line beginning at the Indiana-Ohio State line extending along Ohio Highway 119 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-West Virginia State line; to points in that part of Indiana on and northeast of a line beginning at Gary, Ind., extending along Indiana Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line; to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; and to points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 60 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa and Harlcon, Wis.

No. MC 114211 (Sub-No. E550), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors and stationary engines and attachments and part therefor* when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of their size or weight, require the use of special equipment), from points in that part of Illinois on and west of a line beginning at the Kentucky-Illinois State line, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 84, thence along Interstate Highway 84 to points in that part of Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 151 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, Wisc., and to points in the Upper Peninsula of Michigan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E551), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line to points in that part of New Mexico on, west and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 285 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E552), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in Missouri to points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line, thence along Nebraska Highway 92 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Colorado State line, and to points in that part of Colorado on and north of a line beginning at the Nebraska-Colorado State line, thence along U.S. Highway 34 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Colorado Highway 119, thence along Colorado Highway 119 to junction Colorado Highway 93, thence along Colorado Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E553), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Nebraska on and west of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line to points in Illinois. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E555), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery, and contractors' equipment and supplies*, the transportation of which, because of size or weight, requires special equipment, from points in Missouri to points in that part of North Dakota on and north of a line beginning at the North Dakota-Canada International Boundary line, thence along Interstate Highway 29 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along Idaho Highway 200 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Washington State line, and to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 2 to the Montana-Idaho State line, and to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 126, thence along Washington Highway 126 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., to points in Iowa.

No. MC 114211 (Sub-No. E556), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Missouri to points in that part of North Dakota on and north of a line beginning at the North Dakota-Canada International Boundary line, thence along Interstate Highway 29 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along Idaho Highway 200 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Washington State line, and to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line, thence along U.S. Highway 2 to the Montana-Idaho State line, and to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 126, thence along Washington Highway 126 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., to points in Iowa.

No. MC–114211 (Sub-No. E559), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, from points in that part of Minnesota on, south, and west of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line, to points in that part of Louisiana beginning at the Gulf of Mexico extending along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line; to points in that part of Mississippi on and east of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Natchez Trace Parkway, thence along Natchez Trace Parkway to junction U.S.

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Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line; to points in that part of Tennessee on and east of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 45 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line; to points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 65.

Thence along Interstate Highway 65 to the Kentucky-Indiana State line; to points in that part of Indiana on and east of a line beginning at the Indiana-Kentucky State line extending along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line; to points in that part of Michigan on, north, and east of a line beginning at the Michigan-Indiana State line extending along Interstate Highway 69 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 46, thence along Michigan Highway 46 to Muskegon, Mich.; to points in that part of Wisconsin on and north of a line beginning at Marinette, Wis., extending along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line; to points in that part of California on and west of a line beginning at the California-Arizona State line extending along U.S. Highway 395 to junction California Highway 299, thence along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to the California-Arizona State line; to points in that part of Oregon on and west of a line beginning at the Oregon-Washington State line extending along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Oregon State line; to points in that part of Washington on and west of a line beginning at the United States-Canada International Boundary line extending along Interstate Highway 5, to the Washington-California State line; and points in Maine, Vermont, New Hampshire, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E560), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Minnesota on, west and south of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E561), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from the plants, warehouse sites and storage facilities of the Sperry Rand Corp., New Holland Division, located at Belleville, Mountville, and New Holland, Pa., to points in that part of Iowa on and west of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 15, thence along Iowa Highway 15 to the Iowa-Minnesota State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E562), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental tractors*, from Porter and Lake Counties, Ind., to points in Washington, Oregon, and to points in that part of California on and north of a line beginning at Los Angeles, Calif., thence along Interstate Highway 10 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 190, thence along California Highway 190 to junction California Highway 58, thence along California Highway 58 to the California-Nevada State line, and to points in that part of Nevada on and west of a line beginning at the Idaho-Nevada State line, thence along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, and to points in that part of Idaho on and north of a line beginning at the Nevada-Idaho State line, thence along U.S. Highway 93 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State line, and to points in that part of Montana on and west of a line beginning at the Montana-Canada International Boundary line, thence along Montana Highway 247 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and that part of the Fargo, N. Dak., Commercial Zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E563), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories and attachments*, between points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 141 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 44, thence along Wisconsin Highway 44 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Illinois-Wisconsin State line, and points in that part of the Upper Peninsula of Michigan on and east of a line beginning at Marquette, extending along U.S. Highway 41 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E564), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelsen (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments* between points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 283 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E565), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas, and petroleum and their products and by-products) and *fittings and* accessories therefor when moving with such pipe, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line to points in Idaho, Utah and Arizona with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E566), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, distribution of natural gas and petroleum and their products and by-products) and *fittings and accessories* therefor when moving with such pipe, from points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 153, thence along Tennessee Highway 153 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Georgia State line to points in Idaho and points in that part of Utah on and north of a line beginning at the Colorado-Utah State line, thence along U.S. Highway 50 to junction Utah Highway 128, thence along Utah Highway 128 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E567), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled sweepers*, from points in that part of Minnesota on and north and west of a line beginning at the South Dakota-Minnesota State line thence along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 210 thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to, the Minnesota-Canada International Boundary line to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E568), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled rollers* from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 23, thence along Kansas Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line to points in Massachusetts and Connecticut, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E569), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, to points in that part of North Dakota on and east of a line beginning at the South Dakota—North Dakota State line, thence along North Dakota Highway 20 to the North Dakota—Canada International Boundary line to points in Oklahoma and Texas, with no transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restructed against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska, Beatrice, Nebraska and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E571), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts*, from points in that part of Illinois on and east of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 51, thence along Illinois Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, and points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 52, to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction Iowa Highway 64, thence along Iowa Highway 64 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line extending along U.S. Highway 12 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line; to points in that part of California on and east of a line beginning at the Nevada-California State line extending along U.S. Highway 6 to junction U.S. Highway 395.

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Thence along U.S. Highway 395 to junction California Highway 14, thence along California Highway 14 to junction California Highway 138, thence along California Highway 138 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 91, thence along California Highway 91 to junction California Highway 55, thence along California Highway 55 to Santa Ana, Calif.; to points in that part of Nevada on, north, and south of a line beginning at the Idaho-Nevada State line extending along Nevada Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 21, thence along Nevada Highway 21 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; to points in that part of Idaho on and northwest of a line beginning at the Wyoming-Idaho State line extending along U.S. Highway 20/191 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Idaho Highway 51, thence along Idaho Highway 51 to the Idaho-Nevada State line; and to points in Washington, Oregon, and North Dakota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E572), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, each weighing 15,000 pounds or more, from points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36 thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Missouri-Illinois State line to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Montana Highway 41 to junction Interstate Highway 15 thence along Interstate Highway 15 to junction Beaverhead County Highway 324 to the Montana-Idaho State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along the southern boundary of Idaho County to the Idaho-Oregon State line, and to points in that part of Oregon on and north of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, Florence, Oreg., and to points in Washington and North Dakota, with no transportation for compensation on return except as otherwise authorized restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Minneapolis, Minnesota and points in Iowa.

No. MC 114211 (Sub-No. E573), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to the Indiana-Ohio State line, and points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 127 to the Tennessee-Kentucky State line, to points in that part of Nebraska on, north, and west of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction Nebraska Highway 8, thence along Nebraska Highway 8 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line; to points in that part of Kansas on, west, and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line; to points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 24 to junction Colorado Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line; to points in that part of New Mexico on and north of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 550 to junction New Mexico Highway 504, thence along New Mexico Highway 504 to the New Mexico-Arizona State line; and to points in Montana, North Dakota, Wyoming, South Dakota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E574), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled, farm machinery and parts thereof*, from points in that part of Minnesota on and north and west of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Canada International Boundary line to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinai Corporation at Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E575), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, from points in that part of Minnesota on and northwest of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Maine, Vermont, New Hampshire, Rhode Island, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Tennessee, Kentucky, Indiana, Illinois, Arizona, Highway 96, thence along Interstate 21 to the United States-Canada International Boundary line, to points in that and to points in that part of California on and south of a line beginning at the Nevada-California State line extending along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 140, thence along California Highway 140 to junction

California Highway 99, thence along California Highway 99 to junction California Highway 32, thence along California Highway 32 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 20, thence along California Highway 20 to Ft. Bragg, Calif., to points in that part of Nevada on and south of a line beginning at the Nevada-Utah State line extending along New York Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; and to points in that part of Utah on and west of a line beginning at the Utah-Nevada State line extending along Utah Highway 56 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line; to points in that part of Colorado on and south of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 160 to junction U.S. Highway 84.

Thence along U.S. Highway 84 to the Colorado-New Mexico State line; to points in that part of New Mexico on and southwest of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line; to points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line; to points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 69 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; to points in that part of Kansas on and east of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 66 to junction Kansas Highway 26, thence along Kansas Highway 26 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Kansas-Missouri State line; to points in that part of Missouri on and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line; to points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line; to points in that part of Michigan on and south of a line beginning at Lake Michigan extending along U.S. Highway 10 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, Wis., with no compensation for transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E576), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum, and their products and by-products and by-products) and *fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in Missouri to points in that part of Utah on and north of a line beginning at the Arizona-Utah State line thence along U.S. Highway 91 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Interstate Highway 89 to junction Interstate Highway 70 thence along Interstate Highway 70 to junction U.S. Highway 173, thence along U.S. Highway 163 to junction Utah Highway 46, thence along Utah Highway 46 to the Utah-Colorado State line and to points in Idaho, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 119641 (Sub-No. E3), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating, insulating materials, siding and siding materials*, from Lockland, Ohio, to points in Iowa (except Mose within one mile of the Mississippi River, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

No. MC 119988 (Sub-No. E28), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in Louisiana. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line begining at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E117), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in New York. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E119), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E120), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Vermont. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3457 Filed 2-5-75;8:45 am]

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THURSDAY, FEBRUARY 6, 1975
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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Food and Drug Administration

■

CONTROL OF COMMUNICABLE DISEASES AND INTERSTATE CONVEYANCE SANITATION

Transfer of Regulations

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 72—INTERSTATE QUARANTINE

Transfer of Regulations

The Commissioner of Food and Drugs, for the purpose of establishing an orderly development of informative regulations coordinated and consolidated under Chapter I of Title 21 of the Code of Federal Regulations, is transferring sections of 42 CFR Part 72 appropriate to his function under the Public Health Service and Federal Food, Drug, and Cosmetic Acts, and reorganizing and recodifying them under 21 CFR Parts 1240 and 1250.

The seventh in a series of recodification documents, which is also the third document transferring regulations from Chapter I of Title 42 to Chapter I of Title 21, appears elsewhere in this issue of the FEDERAL REGISTER. Sections 72.1, 72.25, and 72.201 through 72.207 remain behind in Title 42 of the Code of Federal Regulations. An extracted version of § 72.1 has been added to Title 21 under 21 CFR 1240.3 and 1250.3.

Therefore, the regulations appropriate to Food and Drug Administration function, formerly appearing in Part 72 of Chapter I of Title 42 of the Code of Federal Regulations, are hereby transferred to Chapter I of Title 21 and redesignated as Parts 1240 and 1250 of that chapter. Accordingly, the sections so affected in Part 72 are hereby vacated.

Effective date. This transfer of regulations becomes effective February 6, 1975.

Dated: January 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3393 Filed 2-5-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Recodification Docket No. 7]

SUBCHAPTER L—REGULATIONS UNDER CERTAIN OTHER ACTS ADMINISTERED BY THE FOOD AND DRUG ADMINISTRATION

PART 1240—CONTROL OF COMMUNICABLE DISEASES

PART 1250—INTERSTATE CONVEYANCE SANITATION

Transfer of Regulations

The Commissioner of Food and Drugs, for the purpose of establishing an orderly development of informative regulations for the Food and Drug Administration, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations. This is the seventh in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration.

It is also the third document transferring regulations from Chapter I of Title 42 of the Code of Federal Regulations to Chapter I of Title 21, effected for the purpose of coordinating and consolidating under one title of the Code the regulatory responsibility of the Commissioner of Food and Drugs under the Public Health Service and Federal Food, Drug, and Cosmetic Acts.

Only the sections of 42 CFR Part 72 appropriate to Food and Drug Administration function have been transferred; §§ 72.1, 72.25, and 72.201 through 72.207 remain behind. New §§ 1240.3 and 1250.3 (21 CFR 1240.3 and 1250.3), an extracted form of 42 CFR 72.1, have been added to reflect the definitions which apply to both material being transferred to Title 21 and material remaining in Title 42. In the interest of clarity, the transferred sections have been organized into two parts, Part 1240—Control of Communicable Diseases and Part 1250—Interstate Conveyance Sanitation. The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this publication. The following table shows the relationship of the regulations under their assigned section numbers in 42 CFR Part 72 prior to this republication, and their redesignations reflected in 21 CFR Parts 1240 and 1250:

Old section	*New section*	*Old section*	*New section*
72.1 (extracted)	1240.3, 1250.3	72.133	1250.62
72.2	1240.54	72.134	1250.63
72.3	1240.30	72.135	1250.65
72.4	1240.10	72.136	1250.67(a)
72.11	1240.40	72.137	1250.67(b)
72.12	1240.50	72.139	1250.67(c)
72.13	1240.55	72.140	1250.70
72.14	1240.57	72.141	1250.75
72.15	1240.45	72.142	1250.79
72.21	1240.70	72.146	1250.40
72.22	1240.65	72.147	1250.41
72.23	1240.75	72.148	1250.42
72.24	1240.60	72.149	1250.44
72.26	1240.62	72.150	1250.50
72.101	1240.80	72.151	1250.45
72.102	1240.83	72.152	1250.49
72.103	1240.90	72.153	1250.43
72.104	1240.95	72.154	1250.51
72.105	1240.86	72.155	1250.53
72.111	1250.80	72.156	1250.52
72.112	1250.81	72.161	1250.20
72.113	1250.82	72.162	1250.21
72.114	1250.83	72.163	1250.22
72.115	1250.84	72.164	1250.25
72.116	1250.86	72.165	1250.26
72.117	1250.85	72.166	1250.27
72.118	1250.87	72.167	1250.28
72.119	1250.89	72.168	1250.30
72.120	1250.90	72.169	1250.33
72.121	1250.93	72.170	1250.34
72.122	1250.95	72.171	1250.39
72.123	1250.96	72.172	1250.38
72.131	1250.60	72.173	1250.32
72.132	1250.61	72.174	1250.35
		72.181	1240.20

Therefore, Parts 1240 and 1250, formerly appearing in Part 72 of Title 42, are hereby added to Subchapter L of Chapter I of Title 21 of the Code of Federal Regulations, without substantive change, to read as set forth below.

Dated: January 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

PART 1240—CONTROL OF COMMUNICABLE DISEASES

Subpart A—General Provisions

Sec.
1240.3 General definitions.
1240.10 Effective bactericidal treatment.

Subpart B—Administrative Procedures

1240.20 Issuance and posting of certificates following inspections.
1240.30 Measures in the event of inadequate local control.

Subpart C—Restrictions on Travel of Persons

1240.40 All communicable diseases.
1240.45 Report of disease.
1240.50 Certain communicable diseases; special requirements.
1240.54 Apprehension and detention of persons with specific diseases.
1240.55 Responsibility with respect to minors, wards, and patients.
1240.57 Members of military and naval forces.

Subpart D—Specific Administrative Decisions Regarding Interstate Shipments

1240.60 Shellfish.
1240.62 Turtles.
1240.65 Pattacine birds.
1240.70 Lather brushes.
1240.75 Garbage.

Subpart E—Source and Use of Potable Water

1240.80 General requirements for water for drinking and culinary purposes.
1240.83 Approval of watering points.
1240.86 Protection of pier water system.
1240.90 Approval of treatment aboard conveyances.
1240.95 Sanitation of water boats.

AUTHORITY: Secs. 215, 361, 58 Stat. 690, 703, as amended; (42 U.S.C. 216, 264).

Subpart A—General Provisions

§ 1240.3 General definitions.

As used in this part, terms shall have the following meaning:

(a) *Bactericidal treatment.* The application of a method or substance for the destruction of pathogens and other organisms as set forth in § 1240.10.

(b) *Communicable diseases.* Illnesses due to infectious agents or their toxic products, which may be transmitted from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly through the agency of an intermediate plant or animal host, vector, or the inanimate environment.

(c) *Communicable period.* The period or periods during which the etiologic agent may be transferred directly or indirectly from the body of the infected person or animal to the body of another.

(d) *Contamination.* The presence of a certain amount of undesirable substance or material, which may contain pathogenic microorganisms.

(e) *Conveyance.* Conveyance means any land or air carrier, or any vessel as defined in paragraph (n) of this section.

(f) *Garbage.* (1) The solid animal and vegetable waste, together with the natural moisture content, resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, and similar establishments, or (2) any other food waste containing pork.

(g) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestation of the disease.

(h) *Interstate traffic.* (1) The movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation which is entirely within a State or possession, (i) from a point of origin in any State or possession to a point of destination in any other State or possession, or (ii) between a point of origin and a point of destination in the same State or possession but through any other State, possession, or contiguous foreign country.

(2) Interstate traffic does not include the following:

(i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country, or loading persons or property for transportation to a foreign country.

(ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.

(i) *Minimum heat treatment.* The causing of all particles in garbage to be heated to a boiling temperature and held at that temperature for a period of not less than 30 minutes.

(j) *Possession.* Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(k) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207.

(l) *State.* Any State, the District of Columbia, Puerto Rico and the Virgin Islands.

(m) *Utensil.* Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(n) *Vessel.* Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shell-fishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(o) *Watering point.* The specific place or water boat from which potable water is loaded on a conveyance.

(p) *Shellfish.* Any fresh, frozen, or incompletely cooked oysters, clams, or mussels, either shucked or in the shell, and any fresh, frozen, or incompletely cooked edible products thereof.

§ 1240.10 Effective bactericidal treatment.

Whenever, under the provisions of this part, bactericidal treatment is required, it shall be accomplished by one or more of the following methods:

(a) By immersion of the utensil or equipment for at least 2 minutes in clean hot water at a temperature of at least 170° F or for one-half minute in boiling water;

(b) By immersion of the utensil or equipment for at least 2 minutes in a lukewarm chlorine bath containing at least 50 ppm of available chlorine if hypochlorites are used or a concentration of equal bactericidal strength if chloramines are used;

(c) By exposure of the utensil or equipment in a steam cabinet at a temperature of at least 170° F for at least 15 minutes or at a temperature of 200° F for at least 5 minutes;

(d) By exposure of the utensil or equipment in an oven or hot air cabinet at a temperature of at least 180° F for at least 20 minutes;

(e) In the case of utensils or equipment so designed or installed as to make immersion or exposure impractical, the equipment may be treated for the prescribed periods of time either at the temperatures or with chlorine solutions as specified above, (1) with live steam from a hose if the steam can be confined, (2) with boiling rinse water, or (3) by spraying or swabbing with chlorine solution;

(f) Any other method determined by the Surgeon General, upon application of an owner or operator of a conveyance, to be effective to prevent the spread of communicable disease.

Subpart B—Administrative Procedures

§ 1240.20 Issuance and posting of certificates following inspections.

The Surgeon General may issue certificates based upon inspections provided for in this part and Part 1250. Such certificates shall be prominently posted on conveyances.

§ 1240.30 Measures in the event of inadequate local control.

Whenever the Surgeon General determines that the measures taken by health authorities of any State or possession (including political subdivisions thereof) are insufficient to prevent the spread of any of the communicable diseases from such State or possession to any other State or possession, he may take such measures to prevent such spread of the diseases as he deems reasonably necessary, including inspection, fumigation, disinfection, sanitation, pest extermination, and destruction of animals or articles believed to be sources of infection.

Subpart C—Restrictions on Travel of Persons

§ 1240.40 All communicable diseases.

A person who has a communicable disease in the communicable period shall not travel from one State or possession to another without a permit from the health officer of the State, possession, or locality of destination, if such permit is required under the law applicable to the place of destination. Stop-overs other than those necessary for transportation connections shall be considered as places of destination.

§ 1240.45 Report of disease.

The master of any vessel or person in charge of any conveyance engaged in interstate traffic, on which a case or suspected case of a communicable disease develops shall, as soon as practicable, notify the local health authority at the next port of call, station, or stop, and shall take such measures to prevent the spread of the disease as the local health authority directs.

§ 1240.50 Certain communicable diseases; special requirements.

The following provisions are applicable with respect to any person who is in the communicable period of cholera, plague, smallpox, typhus or yellow fever, or who, having been exposed to any such disease, is in the incubation period thereof:

(a) *Requirements relating to travelers.* (1) No such person shall travel from one State or possession to another, or on a conveyance engaged in interstate traffic, without a written permit of the Surgeon General or his authorized representative.

(2) Application for a permit may be made directly to the Surgeon General or to his representative authorized to issue permits.

(3) Upon receipt of an application, the Surgeon General or his authorized representative shall, taking into consideration the risk of introduction, transmission, or spread of the disease from one State or possession to another, reject it, or issue a permit which may be conditioned upon compliance with such precautionary measures as he shall prescribe.

(4) A person to whom a permit has been issued shall retain it in his possession throughout the course of his authorized travel and comply with all conditions prescribed therein, including presentation of the permit to the operators of conveyances as required by its terms.

(b) *Requirements relating to operation of conveyances.* (1) The operator of any conveyance engaged in interstate traffic shall not knowingly (i) accept for transportation any person who fails to present a permit as required by paragraph (a) of this section, or (ii) transport any person in violation of conditions prescribed in his permit.

(2) Whenever a person subject to the provisions of this section is transported on a conveyance engaged in interstate traffic, the operator thereof shall take such measures to prevent the spread of

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the disease, including submission of the conveyance to inspection, disinfection and the like, as an officer of the Public Health Service designated by the Surgeon General for such purposes deems reasonably necessary and directs.

§ 1240.54 Apprehension and detention of persons with specific diseases.

Regulations prescribed in Parts 1240 and 1250 are not applicable to the apprehension, detention, or conditional release of individuals except for the purpose of preventing the introduction, transmission, or spread of the following diseases: Anthrax, chancroid, cholera, dengue, diphtheria, granuloma inguinale, infectious encephalitis, favus, gonorrhea, leprosy, lymphogranuloma venereum, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, scarlet fever, streptococcic sore throat, smallpox, syphilis, trachoma, tuberculosis, typhoid fever, typhus, and yellow fever.

§ 1240.55 Responsibility with respect to minors, wards, and patients.

A parent, guardian, physician, nurse, or other such person shall not transport, or procure or furnish transportation for any minor child or ward, patient or other such person who is in the communicable period of a communicable disease, except in accordance with provisions of this subpart.

§ 1240.57 Members of military and naval forces.

The provisions of §§ 1240.40, 1240.45, 1240.50, 1240.55 and 1240.57 shall not apply to members of the military or naval forces, and medical care or hospital beneficiaries of the Army, Navy, Veterans' Administration, or Public Health Service, when traveling under competent orders: *Provided*, That in the case of persons otherwise subject to the provisions of § 1240.50 the authority authorizing the travel requires precautions to prevent the possible transmission of infection to others during the travel period.

Subpart D—Specific Administrative Decisions Regarding Interstate Shipments

§ 1240.60 Shellfish.

A person shall not offer for transportation, or transport, in interstate traffic any shellfish handled or stored in such an insanitary manner, or grown in an area so contaminated, as to render such shellfish likely to become agents in, and their transportation likely to contribute to the spread of communicable disease from one State or possession to another.

§ 1240.62 Turtles.

(a) *Definitions.* As used in this section:

(1) The term "turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia* except marine species (families *Dermachelidae* and *Chelonidae*).

(2) The term "State of origin" as used in paragraph (b) of this section means the State or possession in which the turtles or turtle eggs were originally hatched or produced.

(b) *Interstate shipment; general prohibition.* Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 4 inches shall not be transported or offered for sale after shipment in interstate commerce, unless the shipment is accompanied by a certificate issued by the health authority of the State of origin certifying that each shipment of live turtles or viable turtle eggs is free of bacteria of the *Salmonella* and *Arizona* genera. After shipment in interstate commerce the same intact shipment of live turtles or viable turtle eggs shall not require further such certification under provisions of this section; however, if at any subsequent point in its distribution such shipment becomes commingled or intermingled with a lot that has not been so certified, then such turtles or turtle eggs shall not be offered for sale or further transported in interstate commerce unless the entire lot has been tested and certified free of bacteria of the *Salmonella* and *Arizona* genera by the health authority of the State or possession in which such commingling or intermingling occurred.

(c) *Certification; test procedures.* Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued by the health authority of the appropriate State or possession on the basis of the examination of 60 turtles or 60 turtle eggs from each shipment, regardless of the size of the shipment. The examination shall be conducted in a laboratory licensed in microbiology pursuant to section 353 of the Public Health Service Act and shall utilize the following procedure adapted from "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed. 1970, sections 41.024–41.040, pages 845–851.[1]

(1) Place five turtles in each of 12 sterile glass containers with a capacity of 1,000 milliliters. Larger capacity containers should be used if necessary to avoid overcrowding.

(2) Add 50 milliliters of sterile distilled water to each of the containers of turtles.

(3) Cover each container with sterile aluminum foil and hold the turtles in the containers at room temperature, about 25° C for at least 72 hours.

(4) Do not remove the foil cover or add food, water, or other materials to the containers during the holding period.

(5) After a minimum of 72 hours remove the turtles from the containers using a sterile forceps.

(6) For each of the 12 containers transfer 1 milliliter of the residual water into a separate tube containing 10 milliliters of tetrathionate broth, with iodine and brilliant green, and incubate these 12 tetrathionate enrichment cultures for 24 hours at 35° to 37° C.

(7) After 24 hours incubation, subculture each of the 12 tetrathionate enrichment cultures to brilliant green agar and complete isolation and identification according to methods specified in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed. 1970, section 41.024–41.040, pages 845–851.[1]

(8) In the examination of turtle eggs, rinse 60 eggs with sterile distilled water to remove visible extraneous matter from the shells. Place the 60 cleansed eggs into a sterile blender cup. Replace blender lid and homogenize eggs for 2 minutes at low speed. Transfer 1 milliliter of the blended egg material into 10 milliliters of tetrathionate broth, and proceed as in paragraphs (c) (6) and (7) of this section.

(9) Upon completion of the laboratory examination, the examining laboratory shall submit a report to the health officer of the appropriate State or possession, or his delegated representative. The laboratory report shall specify the name and address of the producer or shipper (consignor) and of the consignee, the number and species of turtles or turtle eggs intended for interstate shipment, and the results of the examination, and it shall be signed by the examining microbiologist or director of the examining laboratory. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued if, to the satisfaction of the health authority of the appropriate State or possession, the laboratory examination has been performed according to the procedure specified in this section, and all specimens examined were free of bacteria of the *Salmonella* and *Arizona* genera.

(d) *Destruction of turtles or turtle eggs; criminal penalties*—(1) *Destruction.* Any live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b) of this section, and any live turtles or viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to contain bacteria of the *Salmonella* or *Arizona* genera when sampled and tested by a method appropriate for determination of the presence of such bacteria in the turtles or turtle eggs, and any live turtles or viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to be held in water which contains bacteria of the *Salmonella* or *Arizona* genera when tested by an appropriate method, shall be subject to destruction, by or under the supervision of an officer or employee of the Food and Drug Administration in accordance with the following procedures:

(i) Any District Office of the Food and Drug Administration, upon detecting live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b) of this section, or which are held for sale or offered for any other type of commercial or public distribution and which contain, or are held in water containing, bacteria of the *Salmonella* or *Arizona* genera, shall serve upon the person in whose possession such turtles or turtle eggs are found a written demand that such turtles or turtle eggs be destroyed, under the supervision of said District Office, within 10 working days from the date of promulgation of the demand. The demand shall recite with particularity the facts which justify the demand. After service of the demand, the person in possession of the turtles or turtle eggs shall not sell, distribute, or otherwise dispose of any of the turtles or turtle eggs except to destroy them under the supervision of the District Office, unless and until the Director of the Bureau of Foods withdraws the demand for destruction after an appeal pursuant to paragraph (d) (1) (ii) of this section.

(ii) The person on whom the demand for destruction is served may either comply with the demand or, within 10 working days from the date of its promulgation, appeal the demand for destruction to the Director of the Bureau of Foods, Food and Drug Administration. The demand for destruction may also be appealed, within the same period of 10 working days, by any other person having a pecuniary interest in such turtles or turtle eggs. In the event of such an appeal, the Bureau Director shall provide an opportunity for a hearing, by written notice to the appellant(s) specifying a time and place for the hearing, to be held within 14 days from the date of the notice but not within less than 7 days unless by agreement with the appellant(s).

(iii) Appearance by any appellant at the hearing may be by mail or in person, with or without counsel. The hearing shall be conducted by the Bureau Director or his designee, and a written summary of the proceedings shall be prepared by the person presiding. Any appellant shall have the right to hear and to question the evidence on which the demand for destruction is based, including the right to cross-examine witnesses, and he may present oral or written evidence in response to the demand.

(iv) If, based on the evidence presented at the hearing, the Bureau Director finds that the turtles or turtle eggs were transported in interstate commerce without a certificate in violation of this section, or that the turtles or turtle eggs were held for sale or offered for any other type of commercial or public distribution and that they contain, or are held in water which contains, bacteria of the *Salmonella* or *Arizona* genera, the Bureau Director shall affirm the demand that they be destroyed under the supervision of an officer or employee of the Food and Drug Administration; otherwise, the Bureau Director shall issue a written notice that the prior demand by the District Office is withdrawn. If the Bureau Director affirms the demand for destruction he shall order that the destruction be accomplished within 10 working days from the date of the promulgation of his decision. The Bureau Director's decision shall be accompanied by a statement of the reasons for the decision. The decision of the Bureau Director shall constitute final agency action, appealable in the courts.

(v) If there is no appeal to the Director of the Bureau of Foods from the demand by the FDA District Office and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, or if the demand is affirmed by the Director of the Bureau of Foods after an appeal and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, the District Office shall designate an officer or employee to destroy the turtles or turtle eggs. It shall be unlawful to prevent or to attempt to prevent such destruction of turtles or turtle eggs by the officer or employee designated by the District Office. Such destruction will be stayed if so ordered by a court pursuant to an appeal in the courts as provided in paragraph (d) (1) (iv) of this section.

(2) *Criminal penalties.* Any person who violates any provision of this section, including but not limited to any person who transports live turtles or viable turtle eggs in interstate commerce without a certificate required by paragraph (b) of this section, or who offers for sale, live turtles or viable turtle eggs which have been transported in interstate commerce without such a certificate, or who refuses to comply with a valid final demand for destruction of turtles or turtle eggs, i.e., either an unappealed demand by an FDA District Office or a demand which has been affirmed by the Director of the Bureau of Foods pursuant to appeal, shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for each violation, in accordance with section 368 of the Public Health Service Act (42 U.S.C. 271).

(e) *Exceptions.* The provisions of this section are not applicable to:

(1) Live turtles and viable turtle eggs used for bona fide scientific, educational, or exhibitional purposes, other than use as pets.

(2) Lots of less than seven live turtles or less than seven viable turtle eggs or any combination of such turtles and turtle eggs totaling less than seven.

(3) Marine turtles excluded from this regulation under the provisions of paragraph (a) (1) of this section and eggs of such turtles.

§ 1240.65 Psittacine birds.

(a) The term psittacine birds shall include all birds commonly known as parrots, Amazons, Mexican double heads, African grays, cocatoos, macaws, parakeets, love birds, lories, lorikeets, and all other birds of the psittacine family.

(b) No person shall transport, or offer for transportation, in interstate traffic any psittacine bird unless the shipment is accompanied by a permit from the State health department of the State of destination where required by such department.

(c) Whenever the Surgeon General finds that psittacine birds or human beings in any area are infected with psittacosis and there is such danger of transmission of psittacosis from such area as to endanger the public health, he may declare it an area of infection. No person shall thereafter transport, or offer for transportation, in interstate traffic any psittacine bird from such area, except shipments authorized by the Surgeon General for purposes of medical research and accompanied by a permit issued by him, until the Surgeon General finds that there is no longer any danger of transmission of psittacosis from such area. As used in this paragraph, the term "area" includes, but is not limited to, specific premises or buildings.

§ 1240.70 Lather brushes.

(a) *General requirements.* A person shall not transport, or offer for transportation by the owner or operator of a conveyance, nor shall the owner or operator of a conveyance knowingly transport for another person, in interstate traffic lather brushes made from animal hair or bristles unless:

(1) Such brushes have been imported in compliance with the provisions of 42 CFR 71.151; or

(2) Such brushes have been manufactured in the United States, its territories, or possessions in compliance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section.

(b) *Treatment.* The hair or bristles used in such brushes, if other than badger hair, shall be subjected to sterilization or to a treatment found by the Surgeon General, upon application of an interested person and the submission by such person of supporting data, to be effective to destroy anthrax spores in the hair or bristles to be treated. Badger hair shall be subject to the requirement of sterilization or other treatment only if the Surgeon General finds, and so notifies the manufacturer, that the hair was secured from areas, or has been stored or handled under circumstances, likely to render it an agent in the spread of communicable diseases from one State or possession to another.

(c) *Sterilization.* Sterilization shall consist of:

(1) Exposure to steam under pressure in an autoclave at a minimum temperature of 120° C (248° F) for 15 minutes for bristles and 20 minutes for hair; or

(2) Exposure to streaming steam in an autoclave (not under pressure) at 100° C (212° F) for 30 minutes for bristles and 40 minutes for hair.

In either case, the steam temperature shall be measured in the exhaust line at its exit from the autoclave by an indicating thermometer found by the Surgeon General to give reasonable assurance of accuracy, and by a recording thermometer adjusted to read no higher at any time than the indicating thermometer. The time of exposure shall be measured from the moment at which the indicating thermometer reaches the specified sterilization temperature. Record-

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

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ing thermometer charts for each sterilization shall be kept readily available. The hair or bristles shall be sterilized in tied or wrapped bundles not exceeding 2½ inches in diameter and 5 inches in length, or in untied and unwrapped lots not exceeding 2½ inches in depth. The bundle or lots shall be placed on racks or trays in single layers, with the racks or trays separated from each other sufficiently to assure free circulation of the steam and the exposure of all the hair or bristles to such steam. If the hair or bristles are placed in the autoclave in wrapped bundles, the ends of the bundles shall be left open.

(d) *Handling and storage.* Hair or bristles which have been treated, by sterilization or otherwise, shall be marked with the date of treatment, the method used, and name and location of the establishment at which treatment occurred, and shall be so handled and stored as to prevent their contamination or recontamination with anthrax spores.

(e) *Identifying marks.* Lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark of the manufacturer registered with the Surgeon General.

(f) *Inspection.* Persons engaged in processing or other handling of hair or bristles for use in lather brushes manufactured for transportation in interstate traffic and persons engaged in manufacturing such lather brushes from hair or bristles shall permit authorized representatives of the Surgeon General to make at any reasonable time such inspection of the plants or other places, including the equipment, operations, and products thereof, at which such manufacturing, processing or handling is carried on as may be necessary in the judgment of such representatives to determine compliance with the provisions of this section.

§ 1240.75 Garbage.

(a) A person shall not transport, receive, or cause to be transported or received, garbage in interstate traffic and feed such garbage to swine unless, prior to the feeding, such garbage has received minimum heat treatment.

(b) A person transporting garbage in interstate traffic shall not make, or agree to make, delivery thereof to any person with knowledge of the intent or customary practice of such person to feed to swine garbage which has not been subjected to minimum heat treatment.

Subpart E—Source and Use of Potable Water

§ 1240.80 General requirements for water for drinking and culinary purposes.

Only potable water shall be provided for drinking and culinary purposes by any operator of a conveyance engaged in interstate traffic, except as provided in § 1250.84(b) of this chapter. Such water shall either have been obtained from watering points approved by the Surgeon General, or, if treated aboard a conveyance, shall have been subjected to treatment approved by the Surgeon General.

§ 1240.83 Approval of watering points.

(a) The Surgeon General shall approve any watering point if (1) the water supply thereat meets the standards prescribed in the Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207, and (2) the methods of and facilities for delivery of such water to the conveyance and the sanitary conditions surrounding such delivery prevent the introduction, transmission, or spread of communicable diseases.

(b) The Surgeon General may base his approval or disapproval of a watering point upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) If a watering point has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases.

(d) Upon request of the Surgeon General, operators of conveyances shall provide information as to watering points used by them.

§ 1240.86 Protection of pier water system.

No vessel engaged in interstate traffic shall make a connection between its nonpotable water system and any pier potable water system unless provisions are made to prevent backflow from the vessel to the pier.

§ 1240.90 Approval of treatment aboard conveyances.

(a) The treatment of water aboard conveyances shall be approved by the Surgeon General if the apparatus used is of such design and is so operated as to be capable of producing and in fact does produce, potable water.

(b) The Surgeon General may base his approval or disapproval of the treatment of water upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) Overboard water treated on vessels shall be from areas relatively free of contamination and pollution.

§ 1240.95 Sanitation of water boats.

No vessel engaged in interstate traffic shall obtain water for drinking and culinary purposes from any water boat unless the tanks, piping, and other appurtenances used by the water boat in the loading, transportation, and delivery of such drinking and culinary water, have been approved by the Surgeon General.

PART 1250—INTERSTATE CONVEYANCE SANITATION

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AUTHORITY: Secs. 215, 361, 58 Stat. 690, 703, as amended; (42 U.S.C. 216, 264).

Subpart A—General Provisions

§ 1250.3 Definitions.

As used in this part, terms shall have the following meaning:

(a) *Bactericidal treatment.* The application of a method or substance for the destruction of pathogens and other organisms as set forth in § 1240.10 of this chapter.

(b) *Communicable diseases.* Illnesses due to infectious agents or their toxic products, which may be transmitted from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly through the agency of an intermediate plant or animal host, vector, or the inanimate environment.

(c) *Communicable period.* The period or periods during which the etiologic agent may be transferred directly or indirectly from the body of the infected person or animal to the body of another.

(d) *Contamination.* The presence of a certain amount of undesirable substance or material, which may contain pathogenic microorganisms.

(e) *Conveyance.* Conveyance means any land or air carrier, or any vessel as defined in paragraph (m) of this section.

(f) *Existing vessel.* Any vessel the construction of which was started prior to the effective date of the regulations in this part.

(g) *Garbage.* (1) The solid animal and vegetable waste, together with the natural moisture content, resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, and similar establishments, or (2) any other food waste containing pork.

(h) *Interstate traffic.* (1) The movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation which is entirely within a State or possession, (i) from a point of origin in any State or possession to a point of destination in any other State or possession, or (ii) between a point of origin and a point of destination in the same State or possession but through any other State, possession, or contiguous foreign country.

(2) Interstate traffic does not include the following:

(i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country, or loading persons or property for transportation to a foreign country.

(ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.

(i) *Possession.* Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(j) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207.

(k) *State.* Any State, the District of Columbia, Puerto Rico and the Virgin Islands.

(l) *Utensil.* Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(m) *Vessel.* Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shell-fishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(n) *Wash water.* Water suitable for domestic uses other than for drinking and culinary purposes, and medical care purposes excluding hydrotherapy.

(o) *Shellfish.* Any fresh, frozen, or incompletely cooked oysters, clams, or mussels, either shucked or in the shell, and any fresh, frozen, or incompletely cooked edible products thereof.

Subpart B—Food Service Sanitation on Land and Air Conveyances, and Vessels

§ 1250.20 Applicability.

All conveyances engaged in interstate traffic shall comply with the requirements prescribed in this subpart and § 1240.20 of this chapter.

§ 1250.21 Inspection.

The Surgeon General may inspect such conveyances to determine compliance with the requirements of this subpart and § 1240.20 of this chapter.

§ 1250.22 General requirements.

All food and drink served on conveyances shall be clean, wholesome, and free from spoilage, and shall be prepared, stored, handled, and served in accordance with the requirements prescribed in this subpart and § 1240.20 of this chapter.

§ 1250.25 Source identification and inspection of food and drink.

(a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors or dealers from whom they have acquired or are acquiring their food supply, including milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, bottled water, sandwiches and box lunches.

(b) The Surgeon General may inspect any source of such food supply in order to determine whether the requirements of the regulations in this subpart and in § 1240.20 of this chapter are being met, and may utilize the results of inspections of such sources made by representatives of State health departments or of the health authorities of contiguous foreign nations.

§ 1250.26 Special food requirements.

Milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, and shellfish served or sold on conveyances shall conform to the following requirements:

(a) Milk and fluid milk products, including cream, buttermilk, skim milk, milk beverages, and reconstituted milk, shall be pasteurized and obtained from a source of supply approved by the Surgeon General. The Surgeon General shall approve any source of supply at or from which milk or fluid milk products are produced, processed, and distributed so as to prevent the introduction, transmission, or spread of communicable diseases. If a source of supply of milk or fluid milk products has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases. Containers of milk and fluid milk products shall be plainly labeled to show the contents, the word "pasteurized", and the identity of the plant at which the contents were packaged by name and address, provided that a code may be used in lieu of address.

(b) Ice cream, other frozen desserts, and butter shall be manufactured from milk or milk products that have been pasteurized or subjected to equivalent heat treatment.

(c) Cheese shall be (1) pasteurized or subjected to equivalent heat treatment, (2) made from pasteurized milk products or from milk products which have been subjected to equivalent heat treatment, or (3) cured for not less than 60 days at a temperature not less than 35° F.

(d) Milk, buttermilk, and milk beverages shall be served in or from the original individual containers in which received from the distributor, or from a bulk container equipped with a dispensing device so designed, constructed, installed, and maintained as to prevent the transmission of communicable diseases.

(e) Shellfish purchased for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.

(f) Shucked shellfish shall be purchased in the containers in which they are placed at the shucking plant and shall be kept therein until used. The State abbreviation and the certificate number of the packers shall be permanently recorded on the container.

§ 1250.27 Storage of perishables.

All perishable food or drink shall be kept at or below 50° F, except when being prepared or kept hot for serving.

§ 1250.28 Source and handling of ice.

Ice coming in contact with food or drink and not manufactured on the conveyance shall be obtained from sources approved by competent health authorities. All ice coming in contact with food or drink shall be stored and handled in such manner as to avoid contamination.

§ 1250.30 Construction, maintenance and use of places where food is prepared, served, or stored.

(a) All kitchens, galleys, pantries, and other places where food is prepared, served, or stored shall be adequately lighted and ventilated: *Provided, however,* That ventilation of cold storage rooms shall not be required. All such places where food is prepared, served, or stored shall be so constructed and maintained as to be clean and free from flies, rodents, and other vermin.

(b) Such places shall not be used for sleeping or living quarters.

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(c) Water of satisfactory sanitary quality, under head or pressure, and adequate in amount and temperature, shall be easily accessible to all rooms in which food is prepared and utensils are cleaned.

(d) All plumbing shall be so designed, installed, and maintained as to prevent contamination of the water supply, food, and food utensils.

§ 1250.32 Food-handling operations.

(a) All food-handling operations shall be accomplished so as to minimize the possibility of contaminating food, drink, or utensils.

(b) The hands of all persons shall be kept clean while engaged in handling food, drink, utensils, or equipment.

§ 1250.33 Utensils and equipment.

(a) All utensils and working surfaces used in connection with the preparation, storage, and serving of food or beverages, and the cleaning of food utensils, shall be so constructed as to be easily cleaned and self-draining and shall be maintained in good repair. Adequate facilities shall be provided for the cleaning and bactericidal treatment of all multi-use eating and drinking utensils and equipment used in the preparation of food and beverages. An indicating thermometer, suitably located, shall be provided to permit the determination of the hot water temperature when and where hot water is used as the bactericidal agent.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned in warm water and subjected to an effective bactericidal treatment after each use. All other utensils that come in contact with food and drink shall be similarly treated immediately following the day's operation. All equipment shall be kept clean.

(c) After bactericidal treatment, utensils shall be stored and handled in such manner as to prevent contamination before reuse.

§ 1250.34 Refrigeration equipment.

Each refrigerator shall be equipped with a thermometer located in the warmest portion thereof. Waste water drains from ice boxes, refrigerating equipment, and refrigerated spaces shall be so installed as to prevent backflow of contaminating liquids.

§ 1250.35 Health of persons handling food.

(a) Any person who is known or suspected to be in a communicable period or a carrier of any communicable disease shall not be permitted to engage in the preparation, handling, or serving of water, other beverages, or food.

(b) Any person known or suspected to be suffering from gastrointestinal disturbance or who has on the exposed portion of the body an open lesion or an infected wound shall not be permitted to engage in the preparation, handling, or serving of food or beverages.

§ 1250.38 Toilet and lavatory facilities for use of food-handling employees.

(a) Toilet and lavatory facilities of suitable design and construction shall be provided for use of food-handling employees. Railroad dining car crew lavatory facilities are regulated under § 1250.45.

(b) Signs directing food-handling employees to wash their hands after each use of toilet facilities shall be posted so as to be readily observable by such employees. Hand washing facilities shall include soap, sanitary towels and hot and cold running water or warm running water in lieu of hot and cold running water.

(c) All toilet rooms shall be maintained in a clean condition.

§ 1250.39 Garbage equipment and disposition.

Watertight, readily cleanable nonabsorbent containers with close-fitting covers shall be used to receive and store garbage. Garbage and refuse shall be disposed of as frequently as is necessary and practicable.

Subpart C—Equipment and Operation of Land and Air Conveyances

§ 1250.40 Applicability.

The sanitary equipment and facilities on land and air conveyances engaged in interstate traffic and the use of such equipment and facilities shall comply with the requirements prescribed in this subpart.

§ 1250.41 Submittal of construction plans.

Plans for the construction or major reconstruction of sanitary equipment or facilities for such conveyances shall be submitted to the Surgeon General for review of the conformity of such plans with the requirements of this subpart, except that submittal of plans shall not be required for any conveyance under reconstruction if the owner or operator thereof has made arrangements satisfactory to the Surgeon General for inspections of such conveyances while under reconstruction for the purpose of determining conformity with those requirements.

§ 1250.42 Water systems; constant temperature bottles.

(a) The water system, whether of the pressure or gravity type, shall be complete and closed from the filling ends to the discharge taps, except for protected vent openings. The water system shall be protected against backflow.

(b) Filling pipes or connections through which water tanks are supplied shall be provided on both sides of all new railway conveyances and on existing conveyances when they undergo heavy repairs. All filling connections shall be easily cleanable and so located and protected as to minimize the hazard of contamination of the water supply.

(c) On all new or reconstructed conveyances, water coolers shall be an integral part of the closed system.

(d) Water filters if used on dining cars and other conveyances will be permitted only if they are so operated and maintained at all times as to prevent contamination of the water.

(e) Constant temperature bottles and other containers used for storing or dispensing potable water shall be kept clean at all times and shall be subjected to effective bactericidal treatment as often as may be necessary to prevent the contamination of water so stored and dispensed.

§ 1250.43 Ice.

Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

§ 1250.44 Drinking utensils and toilet articles.

(a) No cup, glass, or other drinking utensil which may be used by more than one person shall be provided on any conveyance unless such cup, glass, or drinking utensil shall have been thoroughly cleaned and subjected to effective bactericidal treatment after each individual use.

(b) Towels, combs, or brushes for common use shall not be provided.

§ 1250.45 Food handling facilities on railroad conveyances.

(a) Both kitchens and pantries of cars hereafter constructed or reconstructed shall be equipped with double sinks, one of which shall be of sufficient size and depth to permit complete immersion of a basket of dishes during bactericidal treatment; in the pantry a dishwashing machine may be substituted for the double sinks. If chemicals are used for bactericidal treatment, 3-compartment sinks shall be provided.

(b) A sink shall be provided for washing and handling cracked ice used in food or drink and shall be used for no other purpose.

(c) Lavatory facilities for the use of the dining car crew shall be provided on each dining car. Such facilities shall be conveniently located and used for hand and face washing only: *Provided, however,* That where the kitchen and pantry on a dining car hereafter constructed or reconstructed are so partitioned or separated as to impede free passage between them lavatory facilities shall be provided in both the kitchen and the pantry.

(d) Wherever toilet and lavatory facilities required by paragraph (c) of this section are not on the dining car, a lavatory shall be provided on the dining car for the use of employees. The lavatory shall be conveniently located and used only for the purpose for which it is installed.

§ 1250.49 Cleanliness of conveyances.

Conveyances while in transit shall be kept clean and free of flies and mosquitoes. A conveyance which becomes infected with vermin shall be placed out of service until such time as it shall have been effectively treated for the destruction of the vermin.

§ 1250.50 Toilet and lavatory facilities.

Where toilet and lavatory facilities are provided on conveyances they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes or hydrants.

§ 1250.51 Discharge of wastes on railroad conveyances.

(a) *New railroad conveyances.* Human wastes, garbage, waste water, or other polluting materials shall not be discharged from any new railroad conveyance except at servicing areas approved by the Commissioner of Food and Drugs. In lieu of retention pending discharge at approved servicing areas, human wastes, garbage, waste water, or other polluting materials that have been suitably treated to prevent the spread of communicable diseases may be discharged from such conveyances, except at stations. For the purposes of this section, "new railroad conveyance" means any such conveyance placed into service for the first time after July 1, 1972, and the terms "waste water or other polluting materials" do not include drainage of drinking water taps or lavatory facilities.

(b) *Nonnew railroad conveyances.* Human waste, garbage, waste water, or other polluting materials shall not be discharged from any railroad conveyance after December 31, 1974, except at servicing areas approved by the Commissioner of Food and Drugs. If justified, an extension may be granted by the Commissioner of Food and Drugs, but in no case beyond December 31, 1977. In lieu of retention pending discharge at approved servicing areas, human wastes, garbage, waste water, or other polluting materials that have been suitably treated to prevent the spread of communicable diseases may be discharged from such conveyances, except at stations. The terms "waste water or other polluting materials" do not include drainage of drinking water taps or lavatory facilities.

(c) *Toilets.* When railroad conveyances, occupied or open to occupancy by travelers, are at a station or servicing area, toilets shall be kept locked unless means are provided to prevent contamination of the area or station.

(d) *Requests for approvals or extensions.* Requests for approval of servicing areas or extensions of compliance time under the provisions of this section should be addressed to the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

§ 1250.52 Discharge of wastes on highway conveyances.

There shall be no discharge of excrement, garbage, or waste water from a highway conveyance except at servicing areas approved by the Surgeon General.

§ 1250.53 Discharge of wastes on air conveyances.

There shall be no discharge of excrement or garbage from any air conveyance except at servicing areas approved by the Surgeon General.

Subpart D—Servicing Areas for Land and Air Conveyances

§ 1250.60 Applicability.

Land and air conveyances engaged in interstate traffic shall use only such servicing areas within the United States as have been approved by the Surgeon General as being in compliance with the requirements prescribed in this subpart.

§ 1250.61 Inspection and approval.

The Surgeon General may inspect any such areas to determine whether they shall be approved. He may base his approval or disapproval on investigations made by representatives of State departments of health.

§ 1250.62 Submittal of construction plans.

Plans for construction or major reconstruction of sanitation facilities at servicing areas shall be submitted to the Surgeon General for review of the conformity of the proposed facilities with the requirements of this subpart.

§ 1250.63 General requirements.

Servicing areas shall be provided with all necessary sanitary facilities so operated and maintained as to prevent the spread of communicable diseases.

§ 1250.65 Drainage.

All platforms and other places at which water or food supplies are loaded onto or removed from conveyances shall be adequately drained so as to prevent pooling.

§ 1250.67 Watering equipment.

(a) *General requirements.* All servicing area piping systems, hydrants, taps, faucets, hoses, buckets, and other appurtenances necessary for delivery of drinking and culinary water to a conveyance shall be designed, constructed, maintained and operated in such a manner as to prevent contamination of the water.

(b) *Outlets for nonpotable water.* Outlets for nonpotable water shall be provided with fittings different from those provided for outlets for potable water and each nonpotable water outlet shall be posted with permanent signs warning that the water is unfit for drinking.

(c) *Ice.* If bulk ice is used for the cooling of drinking water or other beverages, or for food preservation purposes, equipment constructed so as not to become a factor in the transmission of communicable diseases shall be provided for the storage, washing, handling, and delivery to conveyances of such bulk ice, and such equipment shall be used for no other purposes.

§ 1250.70 Employee conveniences.

(a) There shall be adequate toilet, washroom, locker, and other essential sanitary facilities readily accessible for use of employees adjacent to places or areas where land and air conveyances are serviced, maintained, and cleared. These facilities shall be maintained in a clean and sanitary condition at all times.

(b) In the case of diners not in a train but with a crew on board, adequate toilet facilities shall be available to the crew within a reasonable distance but not exceeding 500 feet of such diners.

(c) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

§ 1250.75 Disposal of human wastes.

(a) At servicing areas and at stations where land and air conveyances are occupied by passengers the operations shall be so conducted as to avoid contamination of such areas and stations by human wastes.

(b) Toilet wastes shall be disposed of through sanitary sewers or by other methods assuring sanitary disposal of such wastes. All soil cans and removable containers shall be thoroughly cleaned before being returned to use. Equipment for cleaning such containers and for flushing nonremovable containers and waste carts shall be so designed as to prevent backflow into the water line, and such equipment shall be used for no purpose connected with the handling of food, water or ice.

(c) All persons who have handled soil cans or other containers which have come in contact with human wastes shall be required to wash their hands thoroughly with soap and warm water and to remove any garments which have become soiled with such wastes before engaging in any work connected with the loading, unloading, transporting or other handling of food, water or ice.

§ 1250.79 Garbage disposal.

(a) Water-tight, readily cleanable, nonabsorbent containers with close-fitting covers shall be used to receive and store garbage.

(b) Can washing and draining facilities shall be provided.

(c) Garbage cans shall be emptied daily and shall be thoroughly washed before being returned for use.

Subpart E—Sanitation Facilities and Conditions on Vessels

§ 1250.80 Applicability.

The sanitation facilities and the sanitary conditions on vessels engaged in interstate traffic shall comply with the requirements prescribed in this subpart, provided that no major structural change will be required on existing vessels.

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§ 1250.81 Inspection.

The Surgeon General may inspect such vessels to determine compliance with the requirements of this subpart.

§ 1250.82 Potable water systems.

The following conditions must be met by vessel water systems used for the storage and distribution of water which has met the requirements of § 1240.80 of this chapter.

(a) The potable water system, including filling hose and lines, pumps, tanks, and distributing pipes, shall be separate and distinct from other water systems and shall be used for no other purposes.

(b) All potable water tanks shall be independent of any tanks holding nonpotable water or other liquid. All potable water tanks shall be independent of the shell of the ship unless (1) the bottom of the tank is at least 2 feet above the maximum load water line, (2) the seams in the shell are continuously welded, and (3) there are no rivets in that part of the shell which forms a side of a tank. A deck may be used as the top of a tank provided there are no access or inspection openings or rivets therein, and the seams are continuously welded. No toilet or urinal shall be installed immediately above that part of the deck which forms the top of a tank. All potable water tanks shall be located at a sufficient height above the bilge to allow for draining and to prevent submergence in bilge water.

(c) Each potable water tank shall be provided with a means of drainage and, if it is equipped with a manhole, overflow, vent, or a device for measuring depth of water, provision shall be made to prevent entrance into the tank of any contaminating substance. No deck or sanitary drain or pipe carrying any nonpotable water or liquid shall be permitted to pass through the tank.

(d) Tanks and piping shall bear clear marks of identification.

(e) There shall be no backflow or cross connection between potable water systems and any other systems. Pipes and fittings conveying potable water to any fixture, apparatus, or equipment shall be installed in such way that backflow will be prevented. Waste pipes from any part of the potable water system, including treatment devices, discharging to a drain, shall be suitably protected against backflow.

(f) Water systems shall be cleaned, disinfected, and flushed whenever the Surgeon General shall find such treatment necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 1250.83 Storage of water prior to treatment.

The following requirements with respect to the storage of water on vessels prior to treatment must be met in order to obtain approval of treatment facilities under § 1240.90 of this chapter.

(a) The tank, whether independent or formed by the skin of the ship, deck, tank top, or partitions common with other tanks, shall be free of apparent leakage.

(b) No sanitary drain shall pass through the tank.

(c) The tank shall be adequately protected against both the backflow and discharge into it of bilge or highly contaminated water.

§ 1250.84 Water in galleys and medical care spaces.

(a) Potable water, hot and cold, shall be available in the galley and pantry except that, when potable water storage is inadequate, nonpotable water may be piped to the galley for deck washing and in connection with garbage disposal. Any tap discharging nonpotable water which is installed for deck washing purposes shall not be more than 18 inches above the deck and shall be distinctly marked "For deck washing only".

(b) In the case of existing vessels on which heat treated wash water has been used for the washing of utensils prior to the effective date of the regulations in this part, such water may continue to be so used provided controls are employed to insure the heating of all water to at least 170° F before discharge from the heater.

(c) Potable water, hot and cold, shall be available in medical care spaces for hand-washing and for medical care purposes excluding hydrotherapy.

§ 1250.85 Drinking fountains and coolers; ice; constant temperature bottles.

(a) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

(b) Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

(c) Constant temperature bottles and other containers used for storing or dispensing potable water shall be kept clean at all times and shall be subjected to effective bactericidal treatment after each occupancy of the space served and at intervals not exceeding one week.

§ 1250.86 Water for making ice.

Only potable water shall be piped into a freezer for making ice for drinking and culinary purposes.

§ 1250.87 Wash water.

Where systems installed on vessels for wash water, as defined in § 1250.3(n), do not comply with the requirements of a potable water system, prescribed in § 1250.82, they shall be constructed so as to minimize the possibility of the water therein being contaminated. The storage tanks shall comply with the requirements of § 1250.83, and the distribution system shall not be cross connected to a system carrying water of a lower sanitary quality. All faucets shall be labeled "Unfit for drinking".

§ 1250.89 Swimming pools.

(a) Fill and draw swimming pools shall not be installed or used.

(b) Swimming pools of the recirculation type shall be equipped so as to provide complete circulation, replacement, and filtration of the water in the pool every six hours or less. Suitable means of chlorination and, if necessary, other treatment of the water shall be provided to maintain the residual chlorine in the pool water at not less than 0.4 part per million and the pH (a measure of the hydrogen ion concentration) not less than 7.0.

(c) Flowing-through types of salt water pools shall be so operated that complete circulation and replacement of the water in the pool will be effected every 6 hours or less. The water delivery pipe to the pool shall be independent of all other pipes and shall originate at a point where maximum flushing of the pump and pipe line is effected after leaving polluted waters.

§ 1250.90 Toilets and lavatories.

Toilet and lavatory equipment and spaces shall be maintained in a clean condition.

§ 1250.93 Discharge of wastes.

Vessels operating on fresh water lakes or rivers shall not discharge sewage, or ballast or bilge water, within such areas adjacent to domestic water intakes as are designated by the Surgeon General.

§ 1250.95 Insect control.

Vessels shall be maintained free of infestation by flies, mosquitoes, fleas, lice, and other insects known to be vectors in the transmission of communicable diseases, through the use of screening, insecticides, and other generally accepted methods of insect control.

§ 1250.96 Rodent control.

Vessels shall be maintained free of rodent infestation through the use of traps, poisons, and other generally accepted methods of rodent control.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register on March 20, 1973.

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PART III

THE PRESIDENT

■

SPECIAL MESSAGE TO CONGRESS ON BUDGET RESCISSIONS AND DEFERRALS

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Special Message to Congress on Budget Rescissions and Deferrals

To the Congress of the United States

I herewith report on additional rescissions and deferrals for fiscal year 1975, as required by the Congressional Budget and Impoundment Control Act of 1974.

Thirty-five new rescissions and 14 new deferrals are proposed in the amounts of $1,097 million and $769 million, respectively. In addition, five revised rescission reports reduce by $178 million the amounts proposed for rescission in earlier reports, and 12 revised deferral reports increase the amounts reported as deferred in earlier reports by $111 million.

In the main, the rescissions and deferrals transmitted herein seek to reduce the increased Federal spending that would otherwise result from four recently-enacted 1975 appropriation bills—Labor-Health, Education, and Welfare, Agriculture-Environmental and Consumer Protection, the First Supplemental; and the Urgent Supplemental. The 93rd Congress, in the conference report on the Labor-HEW bill, indicated its willingness "* * * to give full consideration to such rescissions and deferrals * * *" as might be required to keep 1975 spending within the total estimate for the bill.

If the Congress does not agree to the rescissions and deferrals accompanying this message, the 1975 deficit will grow by $357 million and the 1976 deficit by $675 million. I ask the 94th Congress to give full consideration to the question of whether increased Federal spending—with its associated inflationary effects and implied longer-term commitments—is warranted for these programs at this time.

Gerald R. Ford

THE WHITE HOUSE,
January 30, 1975.

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

(Dollars in thousands)

Rescission #	Item	Budget Authority
	Agriculture:	
	Extension Service:	
R75-47	Extension Service	3,200
	Agricultural Stabilization and Conservation Service:	
R75-48	Agricultural Conservation Program (REAP)	156,250
R75-8A	Water Bank Program	21,213
R75-49	Forestry Incentives Program	25,000
	Farmers Home Administration:	
R75-50	Rural Development Grants	3,750
R75-51	Rural Community Fire Protection Grants	3,500
	Commerce:	
	National Oceanic and Atmospheric Administration:	
R75-15A	Operations, Research and Facilities	3,227
R75-52	United States Travel Service: Inter-American Cultural and Trade Center	5,000
	Defense-Military:	
R75-27A	Aircraft Procurement, Army	5,700
R75-28A	Aircraft Procurement, Air Force	152,500
R75-53	Special Foreign Currency Program, 1973/1975	915
R75-54	Special Foreign Currency Program, 1974/1975	40
	Health, Education, and Welfare:	
	Health Services Administration:	
R75-55	Health Services	25,681
R75-56	Center for Disease Control: Preventive Health Services	9,805
	National Institutes of Health:	
R75-57	National Cancer Institute	123,006
R75-58	National Heart and Lung Institute	37,730
R75-59	National Institute of Dental Research	7,489
R75-60	National Institute of Arthritis, Metabolism, and Digestive Diseases	28,473
R75-61	National Institute of Neurological Diseases and Stroke	30,283
R75-62	National Institute of Allergy and Infectious Diseases	13,975
R75-63	National Institute of General Medical Sciences	30,794
R75-64	National Institute of Child Health and Human Development	23,978
	Health, Education, and Welfare--Continued:	
	Health Services Administration--Continued:	
R75-65	National Eye Institute	6,512
R75-66	National Institute of Environmental Health Sciences	6,922
R75-67	Research Resources	40,560
R75-68	Fogarty International Center	1,020
R75-69	National Library of Medicine	385
	Alcohol, Drug Abuse and Mental Health Administration:	
R75-70	Alcohol, Drug Abuse and Mental Health	103,894
	Health Resources Administration:	
R75-71	Health Resources	25,477
R75-29A	Health Services Planning and Development	284,719
	Office of Education:	
R75-72	Elementary and Secondary Education	35,856
R75-73	Education for the Handicapped	102,500
R75-74	Occupational, Vocational and Adult Education	39,712
R75-75	Higher Education	58,300
R75-76	Library Resources	49,433
	Social and Rehabilitation Services:	
R75-77	Public Assistance	12,900
R75-78	Rehabilitation Services	29,848
	Office of Human Development:	
R75-79	Human Development	41,582
	Labor:	
	Manpower Administration:	
R75-80	Community Service Employment For Older Americans	12,000
	Consumer Product Safety Commission:	
R75-81	Salaries and Expenses	1,709
	Deferral #	
	Agriculture:	
	Agriculture Stabilization and Conservation Service:	
D75-139	Water Bank Program	1,266
D75-21A	Emergency Conservation Measures	11,688
	Agriculture Marketing Service:	
D75-22A	Marketing Services	1,459
D75-23A	Perishable Agricultural Commodities Act Fund	511

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Deferral #	Item	Budget Authority
	Agriculture--Continued:	
	Forest Service:	
D75-25A	Forest Fire Prevention	173
D75-26A	Expenses, Brush Disposal	26,141
	Commerce:	
	General Administration:	
D75-140	Special Foreign Currency	1,500
	Economic Development Administration:	
D75-141	Job Opportunities Program	125,000
	National Bureau of Standards, Office of Telecommunications:	
D75-97A	Scientific and Technical research and services	4,628
	Maritime Administration:	
D75-99A	Research and Development	7,768
	Health, Education, and Welfare:	
	Health Services Administration:	
D75-142	Health Services	13,996
	National Institutes of Health:	
D75-143	Research Resources	6,255
	Alcohol, Drug Abuse and Mental Health Administration:	
D75-144	Alcohol, Drug Abuse, and Mental Health	2,326
	Health Resources Administration:	
D75-145	Health Resources	2,823
D75-146	Health Resources (Health Facilities Construction)	301,340
D75-102A	Health Resources (Program Management)	740
	Office of Education:	
D75-147	Higher Education (Basic Opportunity Grants)	298,714
D75-42A	Higher Education (Construction)	72,790
D75-148	Library Resources	2,792
	Social Security Administration:	
D75-44B	Limitation on Construction	20,576
	Special Institutions:	
D75-149	Gallaudet College (Construction)	1,267
D75-46A	Howard University (Construction)	6,323
	Interior:	
	Indian Affairs:	
D75-63A	Road Construction	135,175
D75-150	Labor: Departmental Management: Special Foreign Currency	200
D75-151	Transportation: National Highway Traffic Safety Administration: Traffic and Highway Safety	1,800
D75-152	Environmental Protection Agency: Abatement and Control (Air and Water Control Agency Grants)	9,375
	Total	2,621,464

Proposal No.: R75-47

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 93-563)	$ 215,357,000
Bureau: Extension Service	Other budgetary resources	--
Appropriation Title & Symbol: Extension Service: 1250502	Total budgetary resources	215,357,000
	Amount proposed for rescission	3,200,000

Justification

Rescission of $3,200,000 for Expanded Food & Nutrition Education Program is one of the special actions proposed by the President to restrain the 1975 budget outlays. This program provides educational assistance to improve the nutritional level of low income families. In addition, a program evaluation is currently underway and its expected results could produce greater efficiencies and improve participant benefits. Until this determination is completed, the current program level should be continued.

Estimated Effects

The fiscal year 1975 grant level of $47,360,000 will provide for the highest priority needs for this program.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February Transmittal)	206.9
Without rescission (current estimates)	214.1
With rescission (revised estimate)	210.9
(Effect of action on 1976 outlays	---)

DEPARTMENT OF AGRICULTURE

Extension Service

Nutrition and Family Education Programs

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $3,200,000.

Rescission Proposal No.: R75-48

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 93-563)	$ 190,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	--
Appropriation Title & Symbol	Total Budgetary Resources	190,000,000
Agricultural Conservation Program 125/73315	Amount proposed for rescission	156,250,000

Justification: Rescission of $156,250,000 of the contract authority authorized in the 1975 Agriculture-Environmental Consumer Protection Appropriation Act for the Agricultural Conservation Program is one of the special actions proposed by the President to restrain 1975 budget outlays as part of his program to combat inflation. This program provides cost-sharing assistance to farmers for carrying out practices for the conservation of soil and water resources on the Nation's agricultural land. The value of carrying out such practices has proven to be beneficial to farmers in terms of increased income through the years since the program's inception in 1936. With average farm income at high levels relative to the past, farmers are in a better position to meet the cost of resource conservation from their own income and should be expected to do so.

Estimated Effects: The proposed rescission will reduce the Agricultural Conservation Program contract authorization for fiscal year 1975 to $33,750,000. This amount will be sufficient authorization to cover remaining increments of long-term agreements under the 1974 Agricultural Conservation Program (REAP). No new program will be implemented for 1975.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	255.0 1/
Without rescission (current estimate)	274.1
With rescission (revised estimate)	239.1
(Effect of action on 1976 outlays	-121.0)

1/ Includes budget amendment.

DEPARTMENT OF AGRICULTURE

Agriculture Stabilization and Conservation Service

Agricultural Conservation Program

Contract authority provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 is rescinded in the amount of $156,250,000.

Rescission No. R75-8A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Rescission No. R75-8 transmitted in the special message of November 26, 1974, and printed as House Document No. 93-398.

The previous proposal reflected the rescission of $11,212,940 of the funds provided in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1974. The current proposal includes this amount and $10,000,000 of the funds provided in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 for a total rescission proposal of $21,212,940.

Rescission Proposal No.: R75-8A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 93-563)	$ 10,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	17,553,712 1/*
Appropriation Title & Symbol	Total Budgetary Resources	27,553,712 *
Water Bank Program - 1975 12X3320	Amount proposed for rescission	21,212,940 1/*

Justification *

Rescission of $10,000,000 of the fiscal year 1975 appropriation for the Water Bank Program is one of the special actions proposed by the President to restrain 1975 budget outlays. The Water Bank Program was authorized by the Water Bank Act, Public Law 91-559, approved December 19, 1970. The Act authorized the Secretary of Agriculture to enter into agreements for a period of 10 years with landowners and operators to preserve and improve migratory waterfowl habitat.

The Administration proposes no new program for 1975. Payments under agreements for 1972 and 1974 programs will continue to be made for the term of the agreements.

This program provides only limited wildlife and conservation benefits. It duplicates the objectives of a program currently being carried out by the Department of the Interior. For these reasons, it is a prime candidate for termination as a nonessential government program.

Estimated Effect *

The 1975 Water Bank Program can be terminated with little adverse impact to the Nation since it provides minimum conservation benefits.

Total 1975 Outlays *	Dollars in Millions
1975 Budget (February transmittal)	3.8
Without rescission (current estimate)	4.1
With rescission (revised estimate)	2.2
(Effect of action on 1976 outlays	-2.4)

1/ Includes $11,212,940 proposed for rescission under Proposal No. R75-8.

*Revised from previous submission.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Water Bank Program

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Acts for 1974 and 1975 are rescinded in the amount of $21,212,940.

Rescission Proposal No.: R75-49

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 93-563)	$ 25,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	--
Appropriation Title & Symbol Forestry Incentives Program - 1975 12X3336	Total Budgetary Resources	25,000,000
	Amount proposed for rescission	25,000,000

Justification

Rescission of the entire appropriation of $25,000,000 for the Forestry Incentives Program is one of the special actions proposed by the President to restrain 1975 budget outlays as part of his program to combat inflation.

This is a new program which would provide for government participation through cost-sharing for stimulating long-term sawtimber production on private, nonindustrial lands.

The Administration understands the concerns related to reforestation of lands and present and future needs of forests and forest products. But there is no indication of economic justification at this time for government participation through cost sharing for stimulating long-term sawtimber production on private, nonindustrial lands.

Estimated Effects

The 1975 Forestry Incentives Program can be terminated with little adverse impact to this Nation. Government technical assistance and advice would still remain available to owners of such lands who wish to carry out tree planting as a conservation measure or desire help to establish at their own expense a timber stand based on their assessment that such an undertaking is a sound economic investment.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	6.2
Without rescission (current estimate)	6.2
With rescission (revised estimate)	---
(Effect of action on 1976 outlays	-8.0)

DEPARTMENT OF AGRICULTURE

Agriculture Stabilization and Conservation Service

Forestry Incentives Program

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $25,000,000.

Rescission Proposal No.: R75-50

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Department of Agriculture	New budget authority PL 93-563	$ 13,750,000
Farmers Home Administration	Other budgetary resources	-
Rural Development Grants 1252065	Total Budgetary Resources	13,750,000
	Amount proposed for rescission	3,750,000

Justification

Rescission of $3,750,000 of the annual appropriation for rural development grants is one of the special actions proposed by the President to restrain 1975 budget outlays. This program supplements business and industrial loans made in rural areas for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities.

The rescission of $3,750,000 is justified due to the lower demand for capital expansion in rural communities at this time. In addition, loan funds are available to fund this type program at reasonable interest rates and terms through the community facilities loan program. Also, the water and waste development grant program is funded at the highest level in its history making funds available for extension of water and waste facilities to rural industrial areas.

Estimated Effects

The estimated effects of the proposed rescission of $3,750,000 of funds available under the Rural Development Grant program is considered negligible for three reasons. First, the program is funded at the level provided in the prior year which is considered adequate for projects considered essential. Second, the amount of funds involved in the rescission is extremely small considered on a nation-wide basis. Third, funds are available from other sources through the water and waste development program and the community facilities loan program to fund necessary projects.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$6.0
Without rescission (current estimate)	6.8
With rescission (revised estimate)	6.0
(Effect of action on 1976 outlays	-2.0)

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Development Grants

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $3,750,000.

Rescission Proposal No.: R75-51

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Department of Agriculture	New budget authority PL 93-563	$3,500,000
Farmers Home Administration	Other budgetary resources	-
Rural Community Fire Protection Grants 1252067	Total Budgetary Resources	3,500,000
	Amount proposed for rescission	3,500,000

Justification

Rescission of the $3,500,000 appropriated for rural community fire protection grants is one of the special actions proposed by the President to restrain 1975 budget outlays. This program, authorized under the Rural Development Act of 1972, would provide fire fighting equipment and funds for organizing and training of personnel to rural communities to assist in fire control. Procurement of equipment is a low priority in investment capital in view of the number of people benefitting from the program. In addition, adequate credit assistance to provide this equipment is available at reasonable interest rates and terms through the community facilities loan program.

Estimated Effects,

The estimated effects of the proposed rescission is negligible for the following reasons: First, community facilities loans are available at reasonable interest rates and terms; Second, the Forest Service makes surplus fire fighting equipment available to rural communities; and Third, the amount of funds involved is small when considering the number of communities that would be helped on a nationwide basis.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	---
Without rescission (current estimate)	3.5
With rescission (revised estimate)	---
(Effect of action on 1976 outlays	---)

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Community Fire Protection Grants

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $3,500,000.

Rescission No. R75-15A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Proposed Rescission No. 75-15A transmitted in the message of November 26, 1974 and printed as House Document No. 93-398.

An additional $2,727,000 is now proposed for rescission. These funds were previously reported as deferrals for the entire year in Deferral No. D75-94.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1014(c) of P.L. 93-344

R75-15A

Agency Department of Commerce	New budget authority (P.L. 93-433)	$ 440,930,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources	$ 4,175,851
Appropriation Title & Symbol Operations, Research and Facilities 13X1450	Total Budgetary Resources	$ 445,105,851
	Amount proposed for rescission	$ 3,227,000 *

JUSTIFICATION: *

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. These funds were placed in reserve on December 16, 1974.

It is proposed that a total of $3,227,000 of the 1975 appropriation for Operations, research, and facilities be rescinded. Projects which would not be carried out are: data gathering by the Atlantic, Gulf, and Pacific Marine Fisheries Commissions leading to the development of a national fisheries plan; construction and operation of four salmon and steelhead rearing ponds in the Columbia River hatchery system; initiation of a marine ecosystems analysis project in Puget Sound; and procurement and deployment of four data buoys.

The Congress appropriated $500,000 in FY 1975 for use by Interstate Fisheries Commissions in gathering data leading to the development of a national fisheries policy. NOAA is currently in the advanced stages of developing a national fisheries plan. Since the plan is due to be completed in 1975, the input that would be provided by this research would not be available in time for inclusion in the plan.

Congress also appropriated $1,300,000 in FY 1975 for the construction, maintenance, and operation of four salmon and steelhead rearing ponds on the Columbia River. These ponds, when in operation, would eventually increase the supply of these fish available for harvest. However, 21 fish hatcheries are already operated on the Columbia River, at an annual cost of $5.1 million, and high priority is being given to actions which will provide for the conservation and better management of these fish stocks. For example, through the International North Pacific Fisheries Commission, NOAA is attempting to lower the foreign catch of anadromous species on the high seas. Additional fishery stock assessments and joint State-Federal fisheries management efforts are being directed to this end.

Also in 1975, $500,000 was appropriated to initiate a marine ecosystems analysis project in Puget Sound. This would eventually require a three to five year effort costing several million dollars. NOAA is presently conducting a similar project in the area of the New York Bight which is expected to result in the development of techniques and procedures which will enable future marine ecosystems analysis projects to be conducted more efficiently and effectively. Consequently, delay in initiation of the Puget Sound project is proposed until the new techniques and procedures are more fully developed.

*Revised from previous submission.

A total of $8.8 million was appropriated in FY 1975 for procurement, deployment and maintenance of data buoys. Rescission of $927,000 of this amount is proposed. A data buoy program adequate to present needs and conditions can be operated in FY 1975 at the reduced level.

The funds proposed for rescission are available without regard to fiscal year limitation.

ESTIMATED EFFECTS: *

The proposed rescission of $500,000 for Fisheries Commission data gathering should have no effect on the development of a national fisheries policy. NOAA has a direct program of fisheries research which contributes a broad range of scientific knowledge on fisheries problems. This, along with public comment and input from private research groups, should provide adequate information for development of the national plan.

Rescission of $1,300,000 for rearing pond construction is expected to have no immediate impact on Columbia River fishery conditions. The lead time involved in construction of the facilities and in rearing a nature crop of fish would have required a number of years before the harvestable supply could have been increased. Alternative methods are already being implemented which are expected to improve conditions.

Rescission of $500,000 for initiation of a marine ecosystems analysis project in Puget Sound will delay the start of the project. However, it is expected that this delay can be made up in future years so that there will be no long-term effect.

The number of data buoys deployed as part of NOAA's marine observations program will be reduced in 1975 from 13 to 9 by the rescission of $927,000. NOAA is presently reviewing its long-term requirements for data buoy observations, so it is not possible to determine the eventual effect of the rescission at the current time.

TOTAL 1975 OUTLAYS: *

	DOLLARS IN MILLIONS
1975 Budget (February transmittal)	$ .9
Without rescission (current estimate)	3.2
With rescission (revised estimate)	.0
(Effect of action on 1976 outlays	(.0)

*Revised from previous submission.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Operations, Research, and Facilities

Appropriations provided under this head in the Department of Commerce Appropriation Act, 1975, are rescinded in the amount of $3,227,000: Provided, That no part of the remaining sums shall be subject to the second proviso of said appropriation.

Rescission No.: R75-52

R75-52

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. _____)	$ --
Bureau United States Travel Service	Other budgetary resources	5,159,704
	Total Budgetary Resources	5,159,704
Appropriation Title & Symbol Inter-American Cultural and Trade Center 13X1804	Amount proposed for rescission	4,999,704

Justification:

Funds were appropriated in 1966 for a Federal exhibit at the Inter-American Cultural and Trade Center (Interama) in Dade County, Florida. These Federal funds were appropriated for the purpose of thematic design and operation of a Federal exhibit at Interama. These funds are available without regard to fiscal year limitation. Dade County has had responsibility for financing and construction of the Interama facility since 1966. Since then Dade County has been unable to obtain financing for the Interama facility and it now appears financing for the facility will not be forthcoming. Accordingly, it is now proposed to end Federal planning for the project, and the funds appropriated will not be needed.

Deferral of funds for this program was planned for the entire year and reported to the Congress. This rescission report serves to cancel deferral number D75-93 transmitted on November 26, 1974 and printed as House Document No. 93-398.

Estimated Effects:

This rescission reflects the termination of the Interama project because of the inability of the local government to obtain required financing. Thus, the withholding action has no economic or budgetary effect.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	0.1
Without deferral (current estimate)	0.2
With deferral (revised estimate)	0.2
(Effect of action on 1976 outlays	0.0)

DEPARTMENT OF COMMERCE

United States Travel Service

Inter-American Cultural and Trade Center

Appropriations provided under this head in the Supplemental Appropriations Act, 1967, are rescinded in the amount of $4,999,704.

Rescission No.: R75-27A

Rescission Proposal No.: R75-27A

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014(C) OF P.L. 93-344

This supplementary message modifies rescission number R75-27 transmitted in the Special Message of November 26, 1974, and printed as House Document 93-398. The amount proposed for rescission has been reduced by $7.8 million in order to permit the obligation of funds during the 45 days in which the Congress has to enact this proposal. This will ensure that no cost penalties will result if this rescission is not enacted.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. 93-437)	$ 242,800,000
Bureau	Other budgetary resources	984,900,000
	Total Budgetary Resources	1,227,700,000
Appropriation Title & Symbol Aircraft Procurement, Army 1975/1977 212031	Amount proposed for rescission	5,700,000 *

Justification *

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This rescission of multi-year funds results from the decision not to procure any UH-1H aircraft in 1975. These items are considered marginal in light of the present and projected aircraft inventory.

Estimated Effects *

This rescission will reduce 1975 budget authority by $5.7 million and result in outlay reductions of $.4 million in 1975 and $2.1 million in 1976.

Total 1975 Outlays	Dollars in millions
1975 Budget (February transmittal)	$119.0
Without rescission (current estimate)	77.1
With rescission (revised estimate)	76.7
(Effect of action on 1976 outlays	-2.1)

*Revised from previous submission.

R75-27A

DEPARTMENT OF DEFENSE - MILITARY

Procurement

Aircraft Procurement, Army

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $5,700,000.

Rescission No.: R75-28A

Rescission Proposal No.: R75-28A

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014(C) OF P.L. 93-344

This supplementary message modifies rescission number R75-28 transmitted in the Special Message of November 26, 1974, and printed as House Document 93-398. The amount proposed for rescission has been reduced by $95.5 million in order to permit the obligation of funds during the 45 days in which the Congress has to enact this proposal. This will ensure that no cost penalties will result if this rescission is not enacted.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Defense	New budget authority (P.L. 93-437)	$ 3,062,800,000
Bureau	Other budgetary resources	718,600,000
Appropriation Title & Symbol: Aircraft Procurement, Air Force 1975/1977 5730010	Total Budgetary Resources	3,781,400,000
	Amount proposed for rescission	152,500,000 *

Justification *

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This rescission of multi-year funds results from the decision not to procure 24 A-7D's and 12 F-111's in 1975. These items were not requested by the Air Force, nor included in the President's 1975 budget and are considered marginal in light of present and projected aircraft inventory.

Estimated Effects *

This rescission will reduce 1975 budget authority by $152.5 million and result in outlay reductions of $16.0 million in 1975 and $66.3 million in 1976.

Total 1975 Outlays	Dollars in millions
1975 Budget (February transmittal)	$2,888.0
Without rescission (current estimate)	2,669.0
With rescission (revised estimate)	2,653.0
(Effect of action on 1976 outlays	-66.3)

*Revised from previous submission.

DEPARTMENT OF DEFENSE - MILITARY

Procurement

Aircraft Procurement, Air Force

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $152,500,000.

Rescission Proposal No.: R75-53

PROPOSAL RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. ___ ___)	$ ___
Bureau	Other budgetary resources	2,255,171
Appropriation Title & Symbol Special Foreign Currency Program 1973/1975 973/50800	Total budgetary resources	2,255,271
	Amount proposed for rescission	915,000

Justification

Funds in this multi-year appropriation are used exclusively for the purchase from the Department of the Treasury excess foreign currency for projects of insufficient priority for inclusion in other DOD appropriations. A shortage in the availability of U.S. owned Yugoslavian dinars has resulted in the cancellation of four projects. No new projects have been identified that could utilize these funds. These funds are proposed for rescission under the provisions of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects

This rescission will reduce unobligated balances by $915,000. No reduction in outlays will result from this action.

DEPARTMENT OF DEFENSE - MILITARY

Special Foreign Currency Program

Appropriations provided under this head in the Department of Defense Appropriation Act, 1973, are rescinded in the amount of $915,000.

Rescission Proposal No.: R75-54

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. _____)	$ _____
Bureau	Other budgetary resources	2,600,000
Appropriation Title & Symbol	Total Budgetary Resources	2,600,000
Special Foreign Currency Program 1974/1975 974/50800	Amount proposed for rescission	40,000

Justification

Funds in this multi-year appropriation are used exclusively for the purchase from the Department of the Treasury excess foreign currency for projects of insufficient priority for inclusion in other DOD appropriations. The costs of these projects is now estimated to be $40,000 less than the amount originally budgeted. No new projects have been identified that could utilize these funds. These funds are proposed for rescission under the provisions of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects

This rescission will reduce unobligated balances by $40,000. No reduction in outlays will result from this action.

DEPARTMENT OF DEFENSE - MILITARY

Special Foreign Currency Program

Appropriations provided under this head in the Department of Defense Appropriation Act, 1974, are rescinded in the amount of $40,000.

Rescission Proposal No.: R75-55

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517)	$ 496,177,000
Bureau Health Services Administration	Other budgetary resources	85,878,000
Appropriation Title & Symbol Health Services 7550350 (See activities below)	Total Budgetary Resources	582,055,000
	Amount proposed for rescission	25,681,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increase	Net Amount Prop. for Rescission
Community Health Services:				
Maternal and Child Health Grants to States	$277,423,000	$23,000,000	---	$23,000,000
Research & Training	25,917,000	4,716,000	$4,168,000	548,000
Sudden Infant Death Syndrome	2,000,000	2,000,000	1,116,000	884,000
Subtotal, Community Health Services	$305,340,000	$29,716,000	$5,284,000	$24,432,000
Patient Care and Special Health Services	112,684,000	4,448,000	3,199,000	1,249,000
Emergency Medical Services	37,000,000	10,000,000	10,000,000	---
Total affected by the reacission	$455,024,000	$44,164,000	$18,483,000	$25,681,000
Total unaffected by the rescission	127,031,000			
Total Budgetary Resources	$582,055,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill, which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

In 1976, the Federal Government will spend over $22 billion in health care financing through Medicare and Medicaid. These funds will provide financing to many of the individuals now receiving care through narrow categorical grant programs.

Maternal and Child Health

This reduction is proposed on the grounds that the major program priorities can be achieved without the $24.4 million proposed for rescission. FY 1975 will be the first year that formula and project grant funds will be combined and allocated as formula grants to States. Therefore, States will have the option of determining priorities, including activities related to Sudden Infant Death Syndrome. At the same time, total program expenditures can be maintained at the 1974 level.

Patient Care and Special Health Services

The current network of eight PHS hospitals will be maintained, as required by law. Funding is provided to meet the statutory patient workload. Between FY 1974 and FY 1975, approximately $24 million appropriated by the Congress to modernize these hospitals will have been spent. However, the patient load has declined in recent years to an estimated 65 percent of capacity in FY 1975 and further expansion of the hospitals as envisioned by the Congressional add-on (which is the amount proposed for rescission) is not warranted at this time.

Estimated Effects

Maternal and Child Health

Grants to States -- The proposed program level includes $10.5 million over the program level of 1974. The proposed level will continue to support formula grants to States for Maternal and Child Health and Crippled Children's health services and support for the continuation of approximately 117 service projects formerly supported by project grant funds. This change in the method of distributing funds among the States and other jurisdictions means that 38 States will receive less in 1975 than they did in 1974 while the other 16 jurisdictions will receive more. If the funds proposed for rescission were obligated, those States slated for increases would receive them, and all other States would be maintained at the FY 1974 level.

Research and Training -- The President's proposed level of $21,917,000 would provide training funds to support the twenty existing university-affiliated centers for the mentally retarded and continue training for 150 nurses and other physicians' assistants. Also, 68 research projects focused on improving health and medical services to mothers and children would be continued. The funds proposed for rescission would provide $750,000 for a new university-affiliated training center, $1,250,000 for strengthening existing university-affiliated centers and training physician assistants and nurse

practitioners, $2,000,000 for 25 research studies and $716,000 for evaluation activities.

Sudden Infant Death Syndrome -- The funds proposed for rescission would support ten positions, initiate a program for the preparation and dissemination of information materials, and support the development of SIDS information centers. States may use Maternal and Child Health formula grant funds to support these activities if they are considered of sufficient importance.

Patient Care -- This proposal would permit the PHS hospitals and clinics to maintain the 1974 level of operations. The reduction of $4,488,000 includes $3,500,000 that would enable the hospitals to recruit an additional staff of 393. The balance of the proposed rescission includes $594,000 for evaluation activities, and $354,000 for administrative travel.

Emergency Medical Services -- The proposed program level would support the funding of 130 grant and contract awards. The $10,000,000 proposed for rescission would allow for an additional 49 grant and contract awards.

Total 1975 Outlays [a]	Dollars in millions
-- 1975 Budget (February Transmittal)	$ 340
+Maternal and Child Health	(215)
+Patient Care and Special Health Services	(111)
+Emergency Medical Services	(14)
-- Without Rescission (current estimate)	359
+Maternal and Child Health	(231)
+Patient Care and Special Health Services	(114)
+Emergency Medical Services	(14)
-- With Rescission (revised estimate)	348
+Maternal and Child Health	(222)
+Patient Care and Special Health Services	(112)
+Emergency Medical Services	(14)
-- Effect of action on 1976 outlays	- 6
+Maternal and Child Health	(- 6)
+Patient Care and Special Health Services	(---)
+Emergency Medical Services	(---)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $25,681,000.

Rescission Proposal No.: R75-56

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517)	$ 136,443,000 [a]
Bureau Center for Disease Control	Other budgetary resources	3,728,000
Appropriation Title & Symbol Preventive Health Services 7550943	Total Budgetary Resources	140,171,000 [a]
	Amount proposed for rescission	9,805,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increase	Net Amount Proposed for Rescission
Disease control:				
Program grants				
Venereal diseases	$28,000,000	$4,345,000	$ 1,612,000	$2,733,000
Immunization	6,206,000	300,000	-	300,000
Lead-based paint	9,000,000	2,500,000	-	2,500,000
Subtotal Project Grants	$43,206,000	7,145,000	1,612,000	5,533,000
Disease investigations, surveillance & control	40,049,000	299,000	299,000	-
Laboratory improvement	9,558,000	750,000	530,000	220,000
Health education	3,232,000	42,000	21,000	21,000
Subtotal Disease Control	96,045,000	8,236,000	2,462,000	5,774,000
Occupational health:				
Grants	4,252,000	2,000,000	-	2,000,000
Direct operations	27,734,000	2,580,000	549,000	2,031,000
Subtotal Occupational health	31,986,000	4,580,000	549,000	4,031,000
Total affected by rescission	$128,031,000	12,816,000	3,011,000	9,805,000
Total unaffected by rescission	12,140,000			
Total budgetary resources	140,171,000			

a/ Excludes $13,100,000 for rate control project grants authorized by continuing resolution, which is unaffected by the proposed rescission.

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the conference report on the Labor/HEW appropriations bill which indicated Congressional willingness "...to give consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Disease control: This proposal would permit funding for venereal disease and immunization project grants at a level sufficient to accomplish program objectives - among them, raising the level of immunity to diseases such as measles, polio, diptheria and tetanus in central city and rural areas (particularly among pre-school age children) and improving the quality of epidemiology used to reduce syphilis.

In keeping with the Department's view that the problem of lead-based paint poisoning is not effectively addressed by project grants to a few communities and that the Department's responsibilities in this area are better met (a) by encouraging early diagnosis and treatment under Medicaid and other health service delivery programs and (b) by strengthening the capability of State health laboratories to perform blood lead analysis, this proposal would hold funding for lead-based paint poisoning prevention project grants to the level of the 1975 budget request.

This proposal would maintain laboratory improvement activities at the level recommended in the 1975 budget request.

Occupational health: The proposed funding level for occupational health is $1.6 million higher than the level originally proposed in the 1975 budget and $1.9 million higher than the 1974 appropriation (exclusive of non-recurring costs). This proposal would provide for additional research necessary to develop criteria for occupational safety and health standards.

Estimated effects

Disease control: This proposal would hold the amounts for venereal disease, immunization, and lead-based paint poisoning prevention project grants to the 1974 level, but would not reduce the number of grant awards.

The proposed funding level would eliminate 40 positions and $700,000 added to the budget request for laboratory improvement. However, the purpose for which the Congress appropropriated the additional funds--to accelerate development of standards for diagnostic products in cooperation with the Food and Drug Administration--can be accomplished in spite of the proposed rescission.

Occupational health: This proposal would maintain funds for research grants at the level recommended in the 1975 budget. The proposal for direct operations will permit NIOSH to initiate sufficient research to be able to recommend to the Department of Labor criteria for standards on 20 rather than 14 as proposed in the original 1975 budget. If the amount proposed for rescission were obligated, NIOSH would be able to recommend criteria on 26 hazardous substances each year (beginning in FY 1977).

Total 1975 outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$111
Without rescission (current estimates)	112
With rescission (revised estimate)	111
(Effect of action on 1976 outlays	-9)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $9,805,000.

Rescission No.: R75-57

RESCISSION OF BUDGET AUTHORITY

Report Pursuant To Sec. 1012 of P.L. 93-344

Agency: DHEW	New budget authority (P.L. 93-517)	$691,666,000
Bureau: NIH/NCI	Other budgetary resources	7,712,000
Appropriation Title & Symbol: National Cancer Institute - 754/50849 and 7550849	Total Budgetary Resources	$699,378,000 1/
	Amount Proposed for Rescission	$123,006,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of reduction to be used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$276,050,000	$56,237,000	---	$56,237,000
Fellowships & Training Grants	22,163,000	4,000,000	---	4,000,000
Research & Development Contracts	198,994,000	34,306,000	---	34,306,000
Direct Operations	106,361,000	9,667,000	$2,146,000	7,521,000
Construction	38,000,000	16,000,000	---	16,000,000
Cancer Control	50,098,000	5,000,000	58,000	4,942,000
Total affected by the rescission	$691,666,000	$125,210,000	$2,204,000	$123,006,000
Total unaffected by the rescission	7,712,000			
Total Budgetary Resources	$699,378,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness... "to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

1/ This figure will be further reduced by $55 thousand as a result of the transfer of public affairs activities to the Office of the Director, NIH.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because the revised estimate provides postdoctoral fellowship support in areas of specific research manpower shortages which, for this Institute, includes radiologists, chemotherapists and immunologists. Financial assistance is available under the general student assistance loan program of the Office of Education.

Direct Operations. The proposed rescission will be directed primarily toward reducing overhead costs related to research grants and contracts management, and other program activities. The cutback should not seriously affect the overall management or research capability of the Institute.

Construction. Since the inception of the special Cancer initiative in FY 1972, $127,361,000 has been obligated to fund 58 cancer construction projects. This is the only Institute with a construction appropriation and the funds to date have provided the necessary stimulus to provide support to expand cancer research significantly. Even with the rescission, $29,010,000 will be available to support projects in FY 1975 of which $7,010,000 is available for obligation in 1975 from 1974 funds carried forward.

Cancer Control. The proposed rescission eliminates additional increases for cancer control. The funds that would remain available still provide an increase of over $10,000,000 between 1974 and 1975 (a growth rate exceeding 30%) that will permit the orderly expansion of the cancer control effort.

Estimated Effects:

Research Grants and Contracts. Funds planned for this program will permit the funding of about 580 new and competing grants and 36 new contracts. If the funds proposed for rescission were obligated, approximately 641 additional grants and 142 additional contracts would be made.

Fellowships and Training Grants. Planned funding for this program will permit the award of approximately 269 continuation awards and 671 new and competing awards. If the funds proposed for rescission were obligated, funding for existing training awards would be increased.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. Under the proposed rescission, $42,691,000 for management overhead and related administrative costs and $54,003,000 for laboratory and clinical research would be funded during 1975. The management and research activities would be reduced $6,640,000 and $3,027,000 respectively.

Construction. Funds planned for this program will permit the award of 7 construction projects. If the funds proposed for rescission were obligated, approximately 4 additional construction awards would be made.

Cancer Control. This proposal would permit the funding of 180 cancer control awards. If the funds proposed for rescission were obligated, an additional 24 awards could be made.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$559
Without Rescission (Current estimate)	584
With Rescission (Revised estimate)	557
(Effect of action on 1976 Outlays	-70)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Cancer Institute

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $123,006,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Rescission No.: R75-58

Agency: Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517) $324,130,000
Bureau: National Institutes of Health	Other Budgetary Resources 3,227,000
Appropriation Title and Symbol:	Total Budgetary Resources 327,357,000a/
National Heart and Lung Institute 7550872	Amount proposed for rescission 37,730,000
(See activities below)	

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$184,581,000	$19,774,000	---	$19,774,000
Research Contracts	83,408,000	18,513,000	$557,000b/	17,956,000
Direct Operations	40,521,000	643,000	643,000	---
Total affected by the rescission	308,510,000	38,930,000	1,200,000	37,730,000
Total unaffected by the rescission	18,847,000			
Total Budgetary Resources	327,357,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-1489) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. In order to restrict outlays, a cutback is proposed in each research program. For new and competing research programs, funding is being restricted to the highest priority projects. For continuation costs of ongoing projects, a reduction of approximately five percent is being made.

a/ This figure will be further reduced by $37 thousand as a result of the transfer of public affairs activities to the Office of the Director, NIH.
b/ Includes pay increases to be used in the area of Direct Operations

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts.

Estimated Effects

Research Grants and Contracts. This proposal would permit the funding of about 311 new and competing grants and 60 new and competing contracts. Continuation awards would be reduced by about 5%, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 229 additional grants and 60 additional contracts would be made.

Direct Operations. Under this proposal, $17,245,000 for management overhead and related administrative costs and $23,833,000 for laboratory and clinical research would be funded during 1975. Reductions of approximately $303,000 and $340,000 would be made in the management and research activities respectively. Funding would not be available for 29 positions.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$315
Without rescission (current estimate)	320
With rescission (revised estimate)	305
(Effect of action on 1976 outlays	-22)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Heart and Lung Institute

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $37,730,000.

Rescission Proposal No. R75-59

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$ 49,864,000
Bureau National Institutes of Health	Other Budgetary Resources	—
Appropriation Title and Symbol National Institute of Dental Research 7550873	Total Budgetary Resources	$ 49,864,000 a/
(See activities below)	Amount proposed for rescission	$ 7,489,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants.....	$20,349,000	$6,908,000	$156,000 b/	$6,752,000
Research Contracts....	4,171,000	750,000	13,000 b/	737,000
Direct Operations.....	12,086,000	219,000	219,000	0
Total affected by the rescission.....	$36,606,000	$7,877,000	$388,000	$7,489,000
Total unaffected by the rescission.....	13,258,000			
Total Budgetary Resources.	49,864,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness ... "to give full consideration to such rescissions and deferrals" ... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. For new and competing research programs, funding is being limited to the highest priority projects. A reduction of approximately five percent is being made for continuation costs of ongoing projects.

a/ This figure will be further reduced by $9,000 as a result of the transfer of activities to the Office of Director, NIH.

b/ Includes pay increases to be used for direct operations.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback would not seriously affect the overall management of research capability of the Institute.

Estimated Effects

Research Grants and Contracts. This proposal would permit the funding of about 69 new and competing grants and 25 new and competing contracts. Continuation awards would be reduced by about 5%, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 130 additional grants and 10 additional contracts would be made.

Direct Operations. Under the proposed rescission, $4,306,000 for management overhead and related administrative costs, and $7,980,000 for intramural, laboratory and clinical research, would be funded during 1975. Management overhead and the research activities would be reduced by $191,000 and $28,000 respectively.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal).....	$31
Without rescission (current estimate).....	21
With rescission (revised estimate).....	19
(Effect of action on 1976 outlays.....	-5)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Dental Research

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $7,489,000.

Rescission No.: R75-60

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare
Bureau: National Institutes of Health
Appropriation Title and Symbol:
National Institute of Arthritis, Metabolism, and Digestive Diseases

7550884
753/50884

(See activities below)

New budgetary resources (P.L. 93-517) $173,121,000
Other Budgetary Resources 81,000
Total Budgetary Resources 173,202,000

Amount proposed for rescission 28,473,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$119,567,000	$18,054,000	---	$18,054,000
Research Contracts	9,275,000	1,512,000	$93,000 a/	1,419,000
Training Awards	14,448,000	9,000,000	---	9,000,000
Direct Operations	29,831,000	714,000	714,000	---
Total affected by rescission	173,121,000	29,280,000	807,000	28,473,000
Total unaffected by rescission	81,000			
Total budgetary resources	173,202,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of these appropriations, available only through fiscal year 1975, is proposed under Section 1012 of the Impoundment Control Act (P.L. 93-344).

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

a/ Includes pay increases for direct operations.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately five percent is being made for continuation costs of ongoing projects.

Fellowships and Training Grants. Additional training funds are unnecessary because in most research specialities, sufficient predoctoral students are being attracted to biomedical research without additional specific Federal inducements; financial assistance is available under the general student assistance loan programs of the Office of Education; and the Budget provides postdoctoral fellowship support in areas of specific research manpower shortages.

Director Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily towards reducing overhead costs. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. Funds planned for this program will permit the funding of about 339 new and competing grants and 119 new and competing contracts. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 280 additional grants and 24 additional contracts would be made.

Training Awards. Planning funding for this program will permit the award of approximately 243 continuation awards and 80 new and competing awards. If the funds proposed for rescission were obligated, approximately 159 additional awards would be made.

Direct Operations. Under the proposed rescission, $6,249,000 for management overhead and related administrative costs, and $23,998,000 for intramural, laboratory and clinical research would be funded during 1975. The management and research activities would be reduced $377,000 and $337,000 respectively.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$189
Without rescission (current estimate)	196
With rescission (revised estimate)	173
(Effect of action on 1976 outlays	-5)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Arthritis, Metabolism, and Digestive Diseases

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $28,473,000.

Rescission No.: R75-61

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetetary resources (P. L. 93-517)	$142,498,000
Bureau: National Institutes of Health	Other Budgetary Resources	33,000
Appropriation Title and Symbol: National Institute of Neurological Diseases and Stroke 7550886 (See activities below)	Total Budgetary Resources	142,531,000 a/
	Amount proposed for rescission	30,283,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$ 91,748,000	$27,066,000	$ ---	$27,066,000
Research Contracts	10,060,000	1,431,000	---	1,431,000
Training Awards	14,156,000	1,513,000	---	1,513,000
Direct Operations	26,234,000	995,000	722,000	273,000
Total affected by rescission	142,198,000	31,005,000	722,000	30,283,000
Total unaffected by rescission	333,000			
Total budgetary resources	142,531,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is inconsistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"...as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344)is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. Continuation costs of ongoing projects will be reduced approximately five percent.

a/ This figure will be further reduced by $300 thousand as a result of the transfer of activities to Research Resources.

Fellowships and Training Grants. The funds proposed for rescission are unnecessary because in most research specialties, sufficient predoctoral students are being attracted to biomedical research without additional specific Federal inducements. Financial assistance is available under the general assistance loan programs of the Office of Education and the post-doctoral fellowship support in areas of specific research manpower shortages will be provided.

Direct Operations. In line with program reductions mentioned above, corresponding reductions would be made for related management support services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. This proposal would permit the funding of about 171 new and competing grants and 19 new and competing contracts. Continuation awards would be reduced by about 5%, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 437 additional grants and 11 additional contracts would be made.

Fellowships and Training Grants. Planned funding for this program will permit the award of approximately 190 continuation awards and 206 new and competing awards. If the funds proposed for rescission were obligated, approximately 108 additional new and competing awards would be made.

Direct Operations. Under the proposed rescission, $4,241,000 for management overhead and related administrative costs and $21,720,000 for laboratory and clinical research would be funded during 1975. Management and research activities would be reduced by $312,000 and $683,000 respectively.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	152
Without rescission (current estimate)	141
With rescission (revised estimate)	129
(Effect of action on 1976 outlays	-17)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Neurological Diseases and Stroke

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $30,283,000.

Rescission No.: R75-62

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517)	$119,452,000
Bureau: National Institutes of Health	Other Budgetary Resources	47,000
Appropriation Title and Symbol: National Institute of Allergy and Infectious Diseases 7550885	Total Budgetary Resources	$119,499,000
(See activities below)	Amount proposed for rescission	13,975,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Reacission
Research Grants	$69,131,000	$12,417,000	---	$12,417,000
Research Contracts	13,088,000	1,402,000	---	1,402,000
Direct Operations	28,273,000	857,000	$701,000	156,000
Total affected by rescission	110,492,000	14,676,000	701,000	13,975,000
Total unaffected by rescission	9,007,000			
Total budgetary resources	119,499,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. Continuation costs of ongoing projects are being reduced by approximately five percent.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants/Contracts. This proposal would permit the funding of about 185 new and competing grants and 26 new and competing contracts. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 144 additional grants and 10 additional contracts would be made.

Direct Operations. Under the proposed rescission, $5,780,000 for management overhead and related administrative costs would be funded during 1975. Costs would be reduced by $857,000.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$102
Without rescission (current estimate)	95
With rescission (revised estimate)	93
(Effect of action on 1976 outlays	-8)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Allergy and Infectious Diseases

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $13,975,000.

Report Pursuant to Sec. 1012 of P.L. 93-344 Rescission No. R75-63

Agency Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517)	$ 187,400,000
Bureau National Institutes of Health	Other budgetary resources	2,524,000
	Total budgetary resources	189,924,000 a/
Appropriation Title & Symbol National Institute of General Medical Sciences 7550851 (See activities below)	Amount proposed for rescission	30,794,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$124,568,000	$22,503,000	---	$22,503,000
Training Awards	51,867,000	8,000,000	---	8,000,000
Direct Operations	6,972,000	462,000	$171,000	291,000
Total affected by Rescission	183,407,000	30,965,000	171,000	30,794,000
Total unaffected by Rescission	6,517,000			
Total budgetary resources	189,924,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness ..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants. A cutback is proposed in each research program to reduce outlays. Funding for new and competing research grants is being restricted to the highest priority projects. A reduction of approximately 5 percent is being made for continuation of ongoing projects.

a/ The figure will be further reduced by $30 thousand as a result of the transfer of funds to the Office of the Director.

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because provision is made for postdoctoral fellowship support in areas of specific research manpower shortages which for this Institute includes basic pathobiology, genetics, trauma and burn research, cellular and molecular biology, pharmacological sciences, systems and integrative biology, behavioral sciences related to medicine, clinical laboratory sciences, epidemiology and anesthesiology. Financial assistance is available under the general student loan program of the Office of Education.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants. Funds planned for this program will permit the funding of about 595 new and competing grants. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 22 additional grants would be made.

Training Awards. Planning funding for this program will permit the award of approximately 584 continuation awards and 260 new and competing awards. If the funds proposed for rescission were obligated, approximately 182 additional new and competing awards would be made.

Direct Operations. Under the proposed rescission, $6,651,000 for management overhead and related administrative costs would be funded during 1975. A reduction of $462,000 would be made.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	205
Without rescission (current estimate)	194
With rescission (revised estimate)	172
(Effect of action on 1976 outlays	-4)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of General Medical Sciences

Appropriations under this head for fiscal year 1975 are rescinded in the amount of $30,794,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Rescission No. R75-64

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$141,966,000
Bureau National Institutes of Health	Other Budgetary Resources	39,000
Appropriation title & Symbol	Total Budgetary Resources	142,005,000 a/
National Institute of Child Health and Human Development 7550844 and 753/50844 (See activities below)	Amount proposed for rescission	23,978,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$86,247,000	$22,093,000		$22,093,000
Research Contracts	20,218,000	1,766,000		1,766,000
Direct Operations	23,866,000	863,000	$744,000	119,000
Total affected by Rescission	130,331,000	24,722,000	744,000	23,978,000
Total unaffected by Rescission	11,674,000			
Total budgetary resources	142,005,000 a/			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"...as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

a/ This figure will be further reduced by $25,000 as the result of transferring public information functions to the Director, NIH.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and equipment. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. This proposal will permit the funding of approximately 204 new and competing grants and 40 new and competing contracts. Continuation awards would be reduced by approximately 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 342 additional new and competing grants and 13 additional contracts would be made.

Direct Operations. Under the proposed rescission, $8,170,000 for management overhead and related administrative costs and $15,552,000 for intramural, laboratory and clinical research would be funded during 1975. This would reduce the management and research activities by $651,000 and $212,000 respectively. Funding would not be available for about 23 positions.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$132
Without rescission (current estimate)	132
With rescission (revised estimate)	123
(Effect of action on 1976 outlays	-13)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Child Health and Human Development

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $23,978,000.

Rescission No.: R75-65

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517)	$44,133,000
Bureau: National Institutes of Health	Other budgetary resources	15,000
Appropriation Title and Symbol:	Total Budgetary Resources	44,148,000
National Eye Institute 75 0887	Amount proposed for rescission	6,512,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increase a/	Net Amount Proposed for Rescission
Research Grants	$29,635,000	$5,919,000	---	$5,919,000
Research Contracts	2,322,000	198,000	---	198,000
Direct Operations	7,529,000	624,000	229,000	395,000
Total affected by rescission	39,486,000	6,741,000	229,000	6,512,000
Total unaffected by rescission	4,662,000			
Total budgetary resources	44,148,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness ... "to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants, and contract management, services and supplies. The cutback should not seriously affect the overall management or capability of the Institute.

Estimated Effects

Research Grants and Contracts. Funds planned for this program will permit the funding of about 72 new and competing grants and 2 new and competing contracts. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 79 additional grants and 2 additional contracts would be made.

Direct Operations. Under the proposed rescission, $2,495,000 for management overhead and related administrative costs and $4,722,000 for laboratory and clinical research would be funded during 1975. The management and research activities would be reduced by $291,000 and $333,000 respectively. Funding would not be available for 30 positions.

Total 1975 Outlays a/	Dollars in millions
1975 Budget (February transmittal)	$37
Without rescission (current estimate)	41
With rescission (revised estimate)	40
(Effect of action on 1976 outlays	-3)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Eye Institute

Appropriations under this head for fiscal year 1975 are rescinded in the amount of $6,512,000.

Rescission Proposal No.: R75-66

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 34,999,000
Bureau National Institute of Health	Other budgetary resources	844,000
Appropriation Title & Symbol National Institute of Environmental Health Sciences 75508621	Total Budgetary Resources	35,793,000
	Amount proposed for rescission	6,922,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research grants.....	$17,602,000	$4,120,000	-	$4,120,000
Research contracts....	2,949,000	1,313,000	$ 11,000	1,302,000
Training awards.....	3,275,000	1,500,000	-	1,500,000
Direct operations.....	11,123,000	211,000	211,000	-
Total affected by the rescission.....	34,999,000	$7,144,000	$222,000	$6,922,000
Total unaffected by the rescission.....	844,000			
Total Budgetary Resources.....	$35,793,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made to continuation costs of ongoing projects.

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because financial assistance is available under the general student assistance programs of the Office of Education. Also, this proposal provides postdoctoral fellowship support in areas of specific research manpower shortages. The, for this institute, includes Environmental Biology - (Mutagenesis). Environmental Epidemiology and Statistics, Environmental Pathology-Pathophysiology, and Environmental Toxicology.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. Funds planned for this program would permit the funding of approximately 14 new and competing research grants (including Research Career Development Awards and Environmental Health Sciences Centers) and 4 new research contracts. Continuation awards would be reduced by approximately 5 percent. If the funds proposed for rescission were obligated, approximately 56 additional research grant awards and 12 additional research contract awards would be made.

Fellowships and Training Grants. Planned funding for this program will permit the award of 17 continuation training grants and 25 postdoctoral fellowships in areas of specific manpower shortages. If the funds proposed for rescission were obligated, training grant continuation reductions would be restored and an additional 7 new training grants would be awarded.

Direct Operations. Under the proposed rescission, $1,514,000 for management overhead and related administration costs and $9,609,000 for laboratory and clinical research would be funded during 1975. The management and research activities would be reduced by $79,000 and $132,000 respectively.

Total 1976 Outlays a/	Dollars in Millions
1975 Budget (February transmittal).....	$34
Without rescission (current estimate).....	35
With rescission (revised estimate).....	31
(Effect of action on 1976 outlays.....	-3)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Environmental Health Sciences

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $6,922,000.

Rescission Proposal No. R75-67

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare
Bureau: National Institutes of Health
Appropriation Title and Symbol:

Research Resources

7550848

New budgetary resources (P.L. 93-517)	$127,200,000
Other Budgetary Resources	---
Total Budgetary Resources	127,200,000[a/]
Amount proposed for reascission	$ 40,560,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants [d/]	$ 78,019,000	$ 3,679,000	---	$ 3,679,000
General Research Support Grants [d/]	43,000,000	43,000,000	6,219,000 [b/]	36,781,000
Training Awards	434,000	100,000	--- [b/]	100,000
Direct Operations	2,532,000	160,000	160,000 [b/]	---
Total affected by rescission	123,985,000	46,939,000	6,379,000	40,560,000
Total unaffected by rescission (Contracts)	3,215,000			
Total budgetary resources	127,200,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

a/ This figure will be further increased by $300 thousand as a result of a transfer from the National Institute of Neurological Diseases and Stroke for funding the Caribbean Primate Center.
b/ Funds in the amount of $6,255,000 will be transferred to other agencies within the Department of Health, Education, and Welfare. Research Resources increased pay costs for Direct Operations equals $74,000.

Research Grants. A cutback is proposed in each research program to reduce outlays. Funding for new and competing research programs is being restricted to the highest priority projects. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

General Research Support Grants. This rescission is proposed for the following reasons:

- The original intent of the General Research Support Grant program--to build up institutional biomedical research capabilities--has been largely accomplished;
- The institutions which are best able to compete for regular NIH project support--usually the wealthiest institutions--are also the ones which receive the largest formula awards through this program.

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because the proposed funding level provides postdoctoral fellowship support in areas of specific research manpower shortages, which for this Division includes laboratory animal sciences.

Director Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related management support services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Division.

Estimated Effects

Research Grants. This proposal would permit the funding of about 23 new and competing grants. Continuation awards would be reduced by about 5 percent; though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 14 additional grants would be made.

General Research Support Grants. Under the rescission, no funding is planned for this program.

Training Awards. Funding for this program would provide for approximately 5 continuation awards and 15 new and competing awards. If the funds proposed for rescission were obligated, 1 new training award would be funded.

Direct Operations. Under the proposed rescission, $2,446,000 for management overhead and related administrative costs would be funded during 1975; and a reduction of approximately $160,000 would be made.

Total 1975 Outlays c/	Dollars in Millions
1975 Budget (February transmittal)	137
Without rescission (current estimate)	121
With rescission (revised estimate)	105
(Effect of action on 1976 outlays	-25)

c/ Includes only activities proposed for reduction.

d/ Minority Biomedical Support (competitive research grants to minority group-oriented institutions) is shown in "Research Grants," although its legislative authority is derived from "General Research Support." This proposal would fund the program at approximately the same level as 1974.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

Research Resources

Appropriations under this head for fiscal year 1975 are rescinded in the amount of $40,560,000.

Rescission Proposal No. R75-68

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P. L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetary resources (P. L. 93-517)	$5,589,000
Bureau: National Institutes of Health	Other Budgetary Resources	185,000
Appropriation Title and Symbol: Fogarty International Center for Advanced Study in the Health Sciences 7550819	Total Budgetary Resources	5,774,000 a/
	Amount proposed for rescission	1,020,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Scholars	$2,185,000	$805,000	---	$805,000
Direct Operations	3,044,000	274,000	$59,000	215,000
Total affected by rescission	5,229,000	1,079,000	59,000	1,020,000
Total unaffected by rescission	545,000			
Total budgetary resources	5,774,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"...as might be required to keep 1975 spending within the total budget estimate for the bill (p.21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P. L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

a/ This figure will be further reduced by $45 thousand as a result of the transfer costs of Public Affairs activities to the Office of the Director, NIH.

Scholars A cutback in scholarship awards is proposed to reduce outlays.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed toward reducing research management and program services. The cutback should not seriously affect the overall management capability of the Center.

Estimated Effects

Scholars. This proposal would permit the award of approximately 70 scholarships. If the funds proposed for rescission were obligated, approximately 40 additional awards would be made.

Direct Operations. The reduction of $274,000 would be applied to the Center's Advanced Study Program, especially in the Preventive Medicine Studies.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$5
Without rescission (current estimate)	5
With rescission (revised estimate)	5
(Effect of action on 1976 outlays	-1)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

Fogarty International Center for Advanced Study in the Health Sciences

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $1,020,000.

Rescission Proposal No.: R75-69

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517) $ 28,450,000
Bureau National Institutes of Health	Other budgetary resources $ 182,000
Appropriation Title & Symbol	Total Budgetary Resources $ 28,632,000
Appropriation Title & Symbol National Library of Medicine 7550807	Amount proposed for rescission $ 385,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Medical Library Assistance	6,682,000	605,000	220,000 a/	385,000
Direct Operations	4,618,000	223,000	223,000	---
Total affected by rescission	11,300,000	828,000	443,000	385,000
Total unaffected by rescission	17,332,000			
Total budgetary resources	28,632,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Medical Library Assistance. The proposed rescission includes the elimination of lower priority new and competing grants and contracts to regional medical libraries and approximately a five percent reduction in the continuation costs of previously-funded projects.

Direct Operations. The proposed rescission will be directed primarily towards reducing management and administrative costs. With the remaining funds available, the Library will be able to continue to operate at its 1974 level.

Estimated Effects

a/ Includes pay increases to be used for Direct Operations.

R75-69

Medical Libraries Assistance Grants and Contracts. This proposal would permit the funding of about 34 new and competing grants and 12 new and competing contracts. Continuation awards would be reduced by five percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 27 additional grants and five additional contracts would be made.

Direct Operations. This proposal would provide $4,438,000 for management overhead and $23,809,000 for Library program services during 1975. The approximately $180,000 and $205,000 would be reduced respectively. Management and library program activities would be reduced $180,000 and $205,000 respectively.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	7.6
Without rescission (current estimate)	7.8
With rescission (revised estimate)	7.4
Effect of action on 1976 outlays	---

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Library of Medicine

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $385,000.

Rescission No: R75-70

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency - Department of Health, Education and Welfare	New budget authority (P.L. 93-517)	$ 781,358,000
	Other budgetary resources	58,949,000
Bureau - Alcohol, Drug Abuse, and Mental Health Administration	Total Budgetary Resources	840,307,000
Appropriation Title & Symbol - Alcohol, Drug Abuse and Mental Health 7551361	Amount proposed for rescission	103,894,000

Justification:

Program/Activity	Total Budgetary Resources	Total Reductions	Amount of Reduction to be used for Pay Increase b/	Net Amount Proposed for Rescission
Mental Health:				
Research	$94,243,000	$11,930,000	$ 322,000	$11,608,000
Training	97,737,000	30,839,000	1,574,000	29,265,000
Management and Information	19,025,000 a/	40,000	40,000	---
Subtotal	211,005,000	42,809,000	1,936,000	40,873,000
Drug Abuse:				
Research	34,000,000	2,477,000	65,000	2,412,000
Training	14,035,000	4,066,000	238,000	3,828,000
Project Grants and Contracts	122,000,000	1,123,000	---	1,123,000
Management and Information	14,880,000 a/	1,520,000	217,000	1,303,000
Subtotal	184,915,000	9,186,000	520,000	8,666,000
Alcohol:				
Research	10,998,000	1,984,000	12,000	1,972,000
Training	11,420,000	5,900,000	1,348,000	4,552,000
Project Grants and Contracts	80,940,000	40,407,000	---	40,407,000
Grants to States	57,000,000	6,400,000	---	6,400,000
Management and Information	10,435,000 a/	1,124,000	100,000	1,024,000
Subtotal	165,793,000	55,815,000	1,460,000	54,355,000
Total Affected by Rescission	561,713,000	107,810,000	3,916,000	103,894,000
Total Unaffected by Rescission	278,594,000			
Total Budgetary Resources	840,307,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Research: In order to restrict outlays, a cutback is proposed in each research program. For new and competing research programs, funding is being restricted to the highest priority projects. For continuation costs of ongoing projects, approximately a 5 percent reduction is being made.

Training Grants and Fellowships: For new and competing training programs, funding is being restricted to the highest priority projects. Additional training funds are proposed for rescission because:

-- in most research specialties, sufficient predoctoral students are being attracted to biomedical research without additional specific Federal inducements.
-- financial assistance is available under the general student assistance loan programs of the Office of Education.
-- the President's Budget provides postdoctoral fellowship support in areas of specific research manpower shortages.

Project Grants and Contracts

Drug Abuse: The proposed program level allows continued support of the 95,000 treatment slots supported in FY 1974. In addition, some new demonstration grants can be supported without the Congressional increase. Funds to support drug projects will continue to be provided through formula grants, for which the revised budget is $10 million above the FY 1974 appropriation.

Alcohol: The proposed program level provides for all non-competing continuations, competing continuation awards to Indian and poverty projects and new funds for awards such as the Uniform Act and incentive contracts. In addition, funds for alcohol projects are available through formula grants at the same level as in FY 1974.

Grants to States (Alcohol): The proposal provides the same amount for alcohol awards to States as the FY 1974 appropriation and recommends rescission of the Congressional increase as being an unwarranted increase given the restrictive fiscal situation.

Management and Information: The proposed program level will be directed primarily toward reducing overhead costs such as travel, information systems, and funds to fill additional positions.

Estimated Effects

General Mental Health:

Research - This proposal would still permit the funding of 84 competing and 800 non-competing priority awards. Continuation awards would be reduced by 5 percent, but no projects should terminate as a result. If the funds proposed for rescission were obligated, approximately 300 additional new and competing grants would be awarded.

Training - This proposal would support the students in the ongoing training grant programs and would provide funds for 1,216 training grant and fellowship continuation awards and 300 new followship awards. If the funds proposed for rescission were obligated, 515 new training grant and fellowship awards would be made. The funds would also be used to permit institutions with ongoing training grants to make new individual awards as students complete their committed training periods.

Management and Information - Travel funds would be reduced by $40,000.

Drug Abuse:

Research - This proposal would permit the funding of 59 competing and 236 non-competing priority awards. Continuation awards will be reduced by 5 percent, but no projects should terminate as a result. If the funds proposed for rescission were obligated, approximately 23 additional new awards would be made.

Training - Planned funding for this program would permit the phase-out of the training grant program as individual students complete their commitments, and the award of approximately 59 continuation grants and contracts and fellowships. If the rescinded funds were obligated, approximately 41 new and competing awards would be made. The funds would also be used to permit institutions with ongoing training grants to make new individual awards as students complete their committed training periods.

Community Programs - Planned funding for this program permits the funding of 95,000 drug abuse treatment slots, 15 continuation awards in the drug abuse education area, and 31 new and continuation treatment demonstration projects. If the rescinded amounts were obligated an additional 2 new treatment demonstration projects could be awarded.

Management and Information - Planned rescissions would reduce funds available to support the Drug Abuse Financial Management Information System and for technical assistance in other Drug Abuse Information Systems.

Alcoholism:

Research - Funds planned for this program will permit the funding of 32 competing and 79 non-competing awards. If the rescinded funds were obligated, approximately 32 additional new and competing awards would be made.

Training - Planned funding for this program will permit the phase-out of the training grant programs as individual students complete their commitments, and the awarding of approximately 29 continuation awards and approximately 76 new awards. If the rescinded funds were obligated, 70 new training grant awards could be made. The funds would also be used to permit institutions with ongoing training grants to make new individual awards as students complete their committed training periods.

Project Grants and Contracts - Under the plan, 217 new and competing and 78 non-competing awards will be made for a variety of project grants and contracts including 96 to provide an additional year of funding to a select number of high priority projects. If the rescinded funds were obligated, approximately 534 new projects could be awarded as well as 188 competing renewals.

Grants to States - Under the plan, all States and territories will receive the same amount of funds as in FY 1974. If the rescinded funds were obligated, most States would receive additional funding.

Management and Information - Under the rescission, 20 positions would not be filled and the National Alcohol Education Center contract would be reduced.

Total 1975 Outlays c/	Dollars in Millions
1975 Budget (February Transmitted)	$587
Without Rescission (Current Estimate)	597
With Reacission (Revised Estimate)	581
(Effect of Action on 1976 Outlays	-57)

Footnotes:

a/ Adjusted from $19,240,000 for Mental Health, $14,864,000 for Drug Abuse, and $10,163,000 for Alcohol to reflect a redistribution among the three Institutes and Program Direction of the $3,500,000 increase for restored positions and the reduction of $234,000 in travel. In addition, $344,000 is proposed for reprogramming from General Mental Health Research to cover the cost of physician's bonus pay. With this exception, the total available for ADAMHA direct operations remains the same as the amount made available by Congress in the HEW-Labor Appropriations Bill.

b/ Includes pay raise for Saint Elizabeths Hospital ($2,326,000) and ADAMHA Program Direction ($373,000).

c/ Includes only activities proposed for reduction.

Department of Health, Education, and Welfare

Alcohol, Drug Abuse, and Mental Health

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $103,894,000.

Rescission Proposal No.: R75-71

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, & Welfare	New budgetary resources (P.L. 93-517 and 93-554)	$ 155,433,000
Bureau: Health Resources Administration	Other budgetary resources	5,055,336
Appropriation Title & Symbol: Health Resources 7550712 (See activities below)	Total Budgetary Resources	160,488,336
	Amount proposed for rescission	$ 25,477,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay incr.	Net Amount Proposed for Rescission
Health Manpower:				
Health Professions Student Loans	$ 36,000,000	$ 6,000,000	$ 2,823,000	$ 3,177,000
DC Medical/Dental Manpower Assistance	7,500,000	7,500,000	---	7,500,000
National Health Service Scholarships	22,500,000	10,000,000	---	10,000,000
Nursing Student Loans	22,800,000	4,800,000	---	4,800,000
Total affected by rescission	$ 88,800,000	$28,300,000	$ 2,823,000	$25,477,000
Total unaffected by rescission	71,688,336			
Total Budgetary resources	$160,488,336			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill which indicated Congressional willingness"...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P. L. 93-344) is proposed.

The rescission of all increases above the budget request is proposed to effect fiscal restraint. In addition, rescission of $10 million below the budget request is proposed for the National Health Service Scholarship program.

Estimated Effects

Health Professions Student Loans

This program is funded on a current year basis and is now supporting approximately 23,000 students. This level of support can be maintained despite the rescission. If the amount proposed for rescission were obligated, an additional 4,000 students would be assisted in academic year 1974-75.

DC Medical/Dental Manpower Assistance

This action would rescind institutional support funds appropriated specifically for the George Washington University Medical School, the Georgetown Medical School and the Georgetown Dental School. In the current 1974-75 academic year these schools have approximately $11.6 million in 1974 health manpower appropriations available for institutional support. These schools will be eligible to compete on the same terms with all other medical and dental schools for funding comparable to the 1974 amount from funds appropriated to the Department in 1975.

National Health Service Scholarships

The current program level would support 1,100 students. This level of support can be maintained despite the rescission. If the amount proposed for rescission were obligated, an additional 1,000 students would be assisted.

Nursing Student Loans

This program is funded on a current year basis with approximately 22,500 students currently supported. This level of support can be maintained despite the rescission. If the rescinded amount were obligated, an additional 4,800 students would be assisted in academic year 1974-75.

Total 1975 outlays a/	Dollars in Millions
1975 Budget	$89
Without rescission (current estimate)	88
With rescission (revised estimate)	67
(Effect of action on 1976 outlays	-5)

a/ Includes only activities proposed for reduction

Department of Health, Education, and Welfare

Health Resources

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of 25,477,000, of which $7,500,000 shall be from funds provided under the District of Columbia Medical and Dental Manpower Act of 1970, as amended.

SUPPLEMENTARY REPORT

Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary message modifies Rescission No. R75-29 transmitted in the special message of November 26, 1974, and printed as House Document No. 93-398. That rescission was submitted in order to achieve the withholding of the unobligated balances of 1973 and 1974 appropriations for medical facilities construction (Hill-Burton program) allotted to States, but not approved or obligated for specific construction projects by the Department of Health, Education, and Welfare.

Rescission No. R75-29 identified as the amount proposed for rescission the sum of $372,465,933, representing the unobligated balance of 1973 and 1974 appropriations brought forward on July 1, 1974. Between July 1, 1974, and December 16, 1974 -- the effective date of this rescission proposal -- additional obligations and commitments under the Hill-Burton program were incurred in the amount of $87,746,601. This included: $46,270,810 in obligations for construction projects initiated during this period; $3,729,190 for the Federal share of the State Hill-Burton agencies' administrative expenses; and $37,746,601 in total commitments to construction projects that received Part I approvals before December 16, 1974. The remaining amount of the proposed rescission, therefore, is $284,719,332. No other changes have been made from the previous report.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health Education and Welfare	New budget authority (P.L.)	$ ---
Bureau Health Resources Administration	Other budgetary resources	284,719,332*
Appropriation Title & Symbol	Total Budgetary Resources	284,719,332*
Health Services Planning, and Development 753/50321 754/60321	Amount proposed for rescission	284,719,332*

Justification*

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used For Pay Increase	Net Amount Proposed for Rescission
Medical Facilities Construction.....	$284,719,332	$284,717,332	---	$284,719,332

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. A rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

In order to avoid further stimulation of hospital construction at a time of a general national oversupply of hospital beds, a rescission of 1973 and 1974 appropriations for medical facilities construction is proposed. The suboptimal occupancy rates associated in large part with that oversupply are a factor contributing to the growing cost of medical care generally, and of hospital costs in particular. Based upon the spending history of the Hill-Burton program, $284 million in Federal matching grants could be expected to help fund construction projects totaling $1.1 billion. This sum translates to the potential addition of approximately 22,000 new hospital beds. Although many of these new beds would be replacing obsolete ones, a significant percentage would represent an increment to the current national oversupply of hospital beds.

Funds proposed for rescission would include those unobligated balances for which there have been no Part I approvals or obligations for specific construction projects by the Department. A Part I approval of an application (in a four part review process) represents a genuine funding commitment to a project

* Revised from previous submission.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration
Health Resources

Unobligated balances of appropriations for grants under Part A of Title VI of the Public Health Service Act are rescinded in the amount of $284,719,332.

by the Federal government, although an actual obligation of funds has not taken place. Therefore, funds for projects which received such approvals prior to December 16, 1974 are not included in the amount proposed for rescission.

Estimated Effects*

Of the $384.5 million appropriated in 1973 and 1974 for medical facilities construction, $99.6 million has been committed to fund approximately 200 construction projects. If the rescinded amount were obligated an estimated 630 additional projects would be assisted.

Total 1975 outlays	Dollars in Millions
1975 Budget (February transmittal).....	$ 226
Without rescission (current estimates).....	178
With rescission (revised estimate).....	167
(Effect of action on 1976 outlays.....	-32)

* Revised from previous submission.

Rescission Proposal No. R75-72

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517 and 93-554)	$4,465,893,000
Bureau Office of Education	Other budgetary resources	8,000,000
Appropriation Title & Symbol Elementary and Secondary Education - 7550279 7550279 75/50279	Total Budgetary Resources	4,473,893,000
	Amount proposed for rescission	35,856,250

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction To Be Used For Pay Increases	Net Amount Proposed For Rescission
-Strengthening State Departments of Education.....	$ 39,425,000	$ 9,856,250	---	$ 9,856,250
-Bilingual Education...	85,000,000	15,000,000	---	15,000,000
-Follow Through.....	53,000,000	6,000,000	---	6,000,000
-Educational Broadcasting Facilities....	12,000,000	5,000,000	---	5,000,000
Total Affected By Rescission.....	189,425,000	35,856,250	---	35,856,250
Total Budgetary Resources Not Affected By Rescission.....	4,284,468,000			
Total.....	$4,473,893,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Strengthening State Departments of Education--The proposed rescission would encourage States to control overhead and administrative expenses as the Federal Government is in the process of doing. Only the amount of the fourth quarter allocation would be rescinded.

Bilingual Education--Funds are proposed for rescission on the grounds that the Congressional increase of $15,000,000 beyond the budget request of $70,000,000 is excessive. The 1975 budget request included an increase of nearly 20 percent over the 1974 level. The amount included by the Congress represents about a 45 percent increase over the 1974 level.

These funds are considered excessive because they build in a basis for an even larger Federal role in this program, even without any formal expansion of a defined Federal role.

Follow Through--Follow Through is an experimental compensatory education program designed to test and validate effective approaches to the education of disadvantaged children in early primary grades (kindergarten-3). The 1975 budget reflects plans initiated in 1974 to phase out this program upon successful completion of experimental objectives and in coordination with an extensive evaluation. The proposed rescission eliminates funding to support a new entry level class. Additional classes are not necessary for achievement of the experimental purposes of this program.

Educational Broadcasting Facilities--This program already provides more than 80 percent of the Nation with ETV coverage and more than 65 percent with full-service public radio coverage. At a $7 million level, an emphasis on the replacement or updating of equipment will be made while coverage goals are achieved. The reduced level is a step towards phasing out Office of Education support of broadcast facilities.

ESTIMATED EFFECTS

Strengthening State Departments of Education--The rescission of $9,856,250 would mean that States would have to absorb or find alternate sources of funds to pay part or all of the salaries of about 2,300 persons employed by State Educational Agencies and about 105 persons employed by local school districts for the fourth quarter of 1975.

Bilingual Education--The proposed funding level of $70,000,000 for this program would permit 311 continuing classroom projects serving about 217,000 students and providing inservice training for some 12,000 classroom personnel; support 100 graduate fellowships; provide preservice training funds for 714 students (at an average grant of $3,500); and support for an estimated 13 grants for materials development, assessment and dissemination. The funds proposed for rescission would allow an estimated 22 new classroom projects serving about 15,000 more students, support an additional 270 graduate fellowships, provide preservice training funds for an

additional 855 students, and initiate bilingual-vocational education programs newly authorized by Part J of the Vocational Education Act.

Follow Through--The proposed funding level of $47,000,000 for this program will permit continuation in school year 1975-76 of the kindergarten, first, and second grade classes currently enrolled. The funds proposed for rescission would provide partial funding for a new entry class to be included in 1975.

Educational Broadcasting Facilities--The President's proposed funding level of $7,000,000 for this program will permit the award of 40-45 new grants. The funds proposed for rescission would allow an additional 15 new grants to be awarded.

Total 1975 outlays [a]	Dollars in millions
1975 Budget (February transmittal)	$ 88 [b]
Without rescission	$121
With rescission (revised estimate)	$114
(Effect of action on 1976 outlays	- $ 21)

a/ Includes only activities proposed for reduction.

b/ Excluded outlays for items proposed in 1975 under Consolidated education grants legislation.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
ELEMENTARY AND SECONDARY EDUCATION

Appropriations under this head for the fiscal year 1975 are rescinded in the following amounts:

$9,856,250 for title V and $15,000,000 for title VII of the Elementary and Secondary Education Act and part J of the Vocational Education Act of 1963; $6,000,000 for section 222 of the Economic Opportunity Act and $5,000,000 for the Communications Act of 1934.

Rescission Proposal No.: R75-73

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517 & 93-554)	$ 299,609,000
Bureau Office of Education	Other budgetary resources	--
Appropriation Title & Symbol Education for the Handicapped 7550282 7560282	Total Budgetary Resources	299,609,000
	Amount proposed for rescission	102,500,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amt. of Red. to be used for Pay Increases	Net Amt. Prop. for Rescission
-State grant program, FY 1975	$100,000,000	52,500,000	--	52,500,000
-State grant program, FY 1976	100,000,000	50,000,000	--	50,000,000
Total affected by proposed rescission	200,000,000	102,500,000	--	102,500,000
Total not affected by proposed rescission ..	99,609,000			
Total	299,609,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill, which indicated Congressional willingness "... to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of 1975 and 1976 appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

State grant program, 1975--The proposed rescission of $52,500,000 maintains the 1974 level of $47,500,000. The proposed rescission assumes that the primary responsibility for providing basic educational services to handicapped children should remain a State and local responsibility. State and local governments now spend over $2 billion for such services. The proposed rescission assumes that the Federal role should be one of leadership and improving the capacity of the educational system through demonstration, research and training activities for which funds are included in the budget.

State grant program, FY 1976--Funds for fiscal year 1976 (school year 1975-76) were requested along with the 1975 budget in order to place the State grant program on an advance-funded basis. A rescission is requested now for FY 1976 funds to maintain the program at the 1975 proposed level with only a slight increase to cover the increased minimum State allotments provided for in the Education Amendments of 1974.

ESTIMATED EFFECTS

State grant program, FY 1975--The President's proposed level would provide educational services to a quarter of a million children in nearly 2,000 projects. The funds proposed for rescission could support an additional 2,200 projects serving 200,000 new studenta.

State grant program, FY 1976--The President's proposed level for 1976 will continue the program at the 1975 proposed level of funding. The funds proposed for rescission would continue support for the 2,200 projects serving 200,000 new students provided for in the increased appropriation for 1975.

Total 1975 Outlays a/	Dollars in millions
1975 Budget (February transmittal)	$ 38
Without rescission (current estimate)	$ 49
With rescission (revised estimate)	$ 38
(Effect of action on 1976 outlays	- $ 49)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION

EDUCATION FOR THE HANDICAPPED

Appropriations under this head for the fiscal years 1975 and 1976 are hereby rescinded in the following amounts:

$102,500,000 for part B of the Education of the Handicapped Act, of which $50,000,000 shall be from funds available July 1, 1976 through June 30, 1977.

Rescission Proposal No.: R75-74

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517 & 93-554)	$ 749,176,000
Bureau Office of Education	Other budgetary resources	7,843,348 a/
Appropriation Title & Symbol: Occupational, Vocational, and Adult Education 7550273 755/60273 75X0273	Total Budgetary Resources	757,019,348
	Amount proposed for rescission	$39,712,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed for Rescission
- Basic Vocational Education Grants	$420,978,000	$15,631,000	$---	$15,631,000
- Consumer and Homemaking Education	35,994,000	5,000,000	---	5,000,000
- Work-Study	9,849,000	2,000,000	---	2,000,000
- Vocational Education, EPDA, Part F	9,000,000	9,000,000	---	9,000,000
- Higher Education, EPDA, Part E	2,100,000	2,100,000	---	2,100,000
- Adult Education	67,500,000	4,181,000	---	4,181,000
- Ethnic Heritage Studies	1,800,000	1,800,000	---	1,800,000
Total affected by rescission	547,221,000	39,712,000	---	39,712,000
Total budgetary resources not affected by rescission	209,798,348			
Total	$757,019,348			

a/Includes $7,161,455 of permanent appropriation authorized by Smith-Hughes Act.

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of 1975 appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Basic Vocational Education Grants--The Congressional increase of $15,631,000 beyond the 1974 level is proposed for rescission on the grounds that vocational education already receives high priority among the States and many States are likely to meet any need for increased funding. In fact, all States currently overmatch the 50-50 matching requirement in the basic grants program. On the average, States overmatch by as much as 5 to 1, and some States overmatch by as much as 10 to 1.

Consumer and Homemaking Education, Work-Study--The proposed rescissions of the Congressional increases of $5,000,000 for consumer and homemaking education and $2,000,000 for work-study would reduce available funding to the President's original budget request. Further expansion is not recommended at this time because legislation to consolidate vocational education activities is being developed.

Vocational Education, EPDA, Part F--The proposed rescission of $9,000,000 would terminate this categorical training program in 1975. This activity provides support to assist State and local education agencies and institutions of higher education in their efforts to recruit and train individuals in the areas of career and vocational education. Financial assistance for those who wish to pursue a career in vocational education will be available in the form of general student support under the Higher Education budget. In addition, vocational education basic grants may be used for this purpose.

Higher Education, EPDA, Part E--The proposed rescission of $2,100,000 would terminate this program in 1975. This program authorizes training for present or prospective college teachers, administrators and educational specialists at less than the doctoral level. No funds are needed for this program because of the general surplus of persons available to teach at the postsecondary level and because funding of general student support under the Higher Education budget will enable students to finance their own education.

Adult Education--The $4,181,000 appropriated above the President's budget request is designed to carry out the "hold harmless" provisions in the substantive legislation. The rescission is proposed on the grounds that a slight decrease in funds from 1974 for some States is appropriate in the light of the need for fiscal restraint. Appropriation language is included to eliminate the "hold harmless" requirement for FY 1975 only.

Ethnic Heritage Studies--The proposed rescission of $1,800,000 would terminate this program. The principal reason for not requesting support is that there is additional authority for ethnic heritage studies programs without the funding of this particular categorical authority. For example, curriculum materials can be developed and disseminated by the National Institute of Education and the Office of Education within their present authorities. Assistance is provided in the 1975 budget for bilingual-bicultural programs benefitting several ethnic groups. Assistance is also provided for developing institutions of higher education enrolling large numbers of minority students. These institutions are able to provide special programs in ethnic studies.

ESTIMATED EFFECTS

Basic Vocational Education Grants--The proposed funding level for this program will permit us to provide the same level of support to the States as in 1974. The impact of the rescission will either be to support approximately 9.5 million students (about 1.2 million less than if the rescinded funds were obligated) or to make a prorata reduction in per pupil expenditure for all students.

Consumer and Homemaking Education--The impact of the President's proposed funding level of $30,994,000 for this program will either be to support approximately 3.6 million students (about 400,000 less than if the rescinded funds were obligated) or to make a prorata reduction in per pupil expenditure for all students.

Work-Study--The impact of the proposed funding level of $7,849,000 for this program will either be to support approximately 30,000 students (about 3,000 less than if the rescinded funds were obligated) or to make a prorata reduction in per pupil expenditure for all participants.

Vocational Education, EPDA, Part F--The President's budget proposed the termination of this categorical training program in 1975 and reliance on general student aid for training purposes. Of the funds proposed for rescission, $5.0 million would be used for 56 State-wide systems and $4.0 million would support 10 institutes serving 200 individuals.

Higher Education, EPDA, Part E--The President's budget proposed termination of this training program in 1975 and reliance on general student aid for training purposes. The funds proposed for rescission would allow continuation of 80 fellowships ($530,000) and 28 institutes for 840 individuals ($1,570,000).

Adult Education--The proposed funding level of $63,319,000 for this program would provide the same level of support to the States as in 1974 when nearly 820,000 persons were served. The amount proposed for rescission would support an additional estimated 340,000 persons and would permit funding of a "hold harmless" provision in the authorizing legislation specifying that no State shall receive less than 90 percent of the grant amounts received in FY 1973.

Ethnic Heritage Studies--The funds proposed for rescission would provide for 32 new grants.

Total 1975 Outlays b/	Dollars in Millions
1975 Budget (February transmittal)	513
Without rescission (current estimate)	530
With rescission (revised estimate)	517
(Effect of action on 1976 outlays	-9)

b/Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

Appropriations under this head for the fiscal year 1975 are hereby rescinded in the following amounts:

$15,631,000 for part B, $5,000,000 for part F and $2,000,000 for part H of the Vocational Education Act of 1963, as amended; $2,100,000 for part E and $9,000,000 for part F of the Education Professions Development Act; $1,800,000 for section 907 of the Elementary and Secondary Education Act and $4,181,000 for the Adult Education Act without regard to section 313(a) of the Adult Education Act, as amended.

Rescission Proposal No.: R75-75

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$2,131,271,000
Bureau Office of Education	Other budgetary resources	435,570,213
Appropriation Title & Symbol	Total Budgetary Resources	2,566,841,213
Higher Education 7550293	Amount proposed for rescission	$58,300,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed for Rescission
- Language Training and Area Studies	$ 14,000,000	$ 4,000,000	---	$ 4,000,000
- University Community Services (HEA I)	14,250,000	13,350,000	---	13,350,000
- Aid to Land-Grant Colleges, Annual Appro. (Bankhead-Jones)	9,500,000	9,500,000	---	9,500,000
- Postsecondary Education Commissions (HEA 1202 & 1203)	3,000,000	2,200,000	---	2,200,000
- Veterans Cost of Instruction (HEA Sec. 420)	23,750,000	23,750,000	---	23,750,000
- Public Service Fellowships Program (HEA IX-A & C)	4,000,000	4,000,000	---	4,000,000
- Mining Fellowships (HEA IX-D)	1,500,000	1,500,000	---	1,500,000
Total affected by proposed rescissions	$70,000,000	$58,300,000	---	$58,300,000
Total not affected by proposed rescission	2,496,841,213			
Total	2,566,841,213			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Language Training and Area Studies--The proposed rescission of $4,000,000 would reduce support of this program to the level requested by the President. Over the past 17 years this program has helped establish more than 100 foreign language and area studies centers in American higher education and has helped develop a pool of more than 5,000 highly trained specialists on the non-Western world. Today more than 90% of the funding for this program comes from universities and external sources. The proposed rescission is based on a diminished need for Federal support.

Uuniversity Community Services (HEA I)--The proposed rescission would terminate a program which fails to direct aid to areas of greatest need. The campus and community cooperation facilitated by the program is regarded as primarily a State and local concern.

Aid to Land-Grant Colleges, Annual Appropriation--The proposed rescission would terminate a program which dates back to 1935 and represents a very small percentage of the operating costs of recipient schools, including some of the strongest and most prestigious institutions of learning in the country.

Postsecondary Education Commissions--The proposed rescission would eliminate grants for State planning of postsecondary education and for fourth quarter support of the State agency costs of administering programs of Federal grants for undergraduate construction (HEA VII-A) and undergraduate equipment (HEA VI-A). Planning of State postsecondary education is regarded as a State responsibility.

Veterans Cost of Instruction Program--The proposed rescission would terminate a program which helped some schools establish and operate special programs for returning Vietnam veterans. The high point of need for the funds has already passed, and the 1975 appropriation would not be expended by recipient institutions before fiscal year 1976.

Public Service & Mining Fellowship Programs--The proposed rescission assumes that Federal funds should be concentrated on general aid to students, that career selection is better left to the individual, and that institutions can and have established programs in response to student needs without the stimulus of a Federal program.

ESTIMATED EFFECTS

Language Training and Area Studies - Centers, Fellowships, and Research (NDEA VI)-- The proposed rescission would not reduce the 50 centers currently funded, the number funded during the two previous years. It is estimated that 14 undergraduate centers would be added at the appropriated level. The number of research and exemplary projects would be reduced from the appropriated level of 86 to the budgeted level of 47. The number of fellowships would be reduced to 604 versus about 690 at the appropriated level. The rescission would reduce the Fulbright-Hays program from the appropriated level of $2,700,000 to the 1974 level of $1,360,000.

University Community Services (HEA I)--The rescission would terminate the program, including fourth quarter State agency administrative expenses. The appropriation would fund an estimated 626 State grant projects and 11 experimental and demonstration projects.

Aid to Land-Grant Colleges, Annual Appropriation--The proposed rescission would eliminate grants to 72 land-grant institutions in 54 jurisdictions ranging from $200,000 to $383,900 per institution.

State Postsecondary Education Commissions--The proposed rescission would eliminate $2 million in grants to States for comprehensive planning of postsecondary education (HEA Sec. 1203) as well as fourth quarter support of State agencies administering Federal undergraduate construction and equipment programs.

Veterans Cost of Instruction Program--The proposed rescission would terminate the program. The funds proposed for rescission would provide grants of about $17,500 to approximately 1,350 institutions.

Public Service Fellowships--Under the proposed rescission, this new categorical program would not be initiated. The funds (under HEA IX-A and C) proposed for rescission would provide an estimated 23 grants to to graduate institutions and 261 fellowships to facilitate training for public service.

Mining Fellowships--Under the proposed rescission, this new categorical program would not be initiated. The funds proposed for rescission would provide 258 fellowships for persons interested in domestic mining and mineral conservation.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	50
Without rescission (current estimate)	57
With rescission (revised estimate)	35
(Effect of action on 1976 outlays	-26)

a/Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
HIGHER EDUCATION

Appropriations under this head for the fiscal year 1975 are hereby rescinded in the amount of $58,300,000, of which $23,750,000 shall be from funds for carrying out section 420 of the Higher Education Act.

Rescission Proposal No.: R75-76

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L.93-517 & 93-554)	$167,474,000
Bureau Office of Education	Other budgetary resources	5,224,000
Appropriation Title & Symbol	Total Budgetary Resources	172,698,000
Library Resources 7550212	Amount proposed for rescission	$49,433,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed for Rescission
- Public libraries	$ 51,749,000	$26,750,000	$2,792,000	$23,958,000
- School library resources	95,250,000	5,000,000	---	5,000,000
- College library resources	9,975,000	9,975,000	---	9,975,000
- Undergraduate instructional equipment	7,500,000	7,500,000	---	7,500,000
- Training and demonstrations	3,000,000	3,000,000	---	3,000,000
Total affected by proposed rescissions	$167,474,000	$52,225,000	$2,792,000	$49,433,000
Total not affected by proposed rescission	5,224,000			
Total	172,698,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Public libraries--The proposed reduction of $26,749,000 of which $2,792,000 would be transferred to other accounts for pay raise purposes would continue efforts to change the Federal role in this area. New legislation, the Library Partnership Act, has been proposed which would replace the present formula grant program with a project grant program which would target Federal resources more effektively on the integration of library and information services, the demonstration of new methods for delivery of library services, and the focusing of these services on higher priority target populations, such as the disadvantaged. The proposed rescission would avoid expanding the present program while this new legislation is being considered.

School library resources--The proposed rescission of $5 million would eliminate a marginal increase of this amount over the 1974 operating level of $90,250,000.

College library resources and undergraduate instructional equipment--Rescissions of $9,975,000 and $7,500,000, respectively, are proposed. The college library resources rescission is proposed on the grounds that this program is a marginal and inefficient source of support for higher education institutions. Small amounts are allocated annually to practically every institution of higher education, including some of the wealthiest in the country. In addition, both the library resources and instructional equipment programs are considered less effective forms of Federal support than student assistance programs which expand the opportunities of individuals to select the education of their choice.

Training and demonstrations--The proposed rescission of $3 million would eliminate Federal support of these activities. The proposed rescission of training funds is consistent with efforts to move away from specialized manpower training programs in favor of general student assistance programs which allow individuals to receive training in the area of their choice, including library training. The proposed elimination of support for library demonstrations is made on the grounds that such projects could supported under proposed Library Partnership Act.

ESTIMATED EFFECTS

Public libraries--The proposed rescission of $23,958,000 will require State and local governments to absorb a greater portion of the costs of basic public library services. To the degree that State and local

projects are dependent on Federal support and are unable to maintain current levels, there will be some reduction in hours of service, numbers of personnel and acquisition of books and materials.

School library resources--The President's proposed level would provide textbooks and instructional materials to approximately 48 million elementary and secondary school children. The funds proposed for rescission would provide additional textbooks and materials, but would not necessarily serve a larger number of children.

College library resources--The proposal in the President's budget was to terminate this program because it provides marginal support to colleges and universities irrespective of need. The $9,975,000 proposed for rescission would provide basic grants averaging about $4,300 to approximately 2,300 institutions of higher education.

Undergraduate instructional equipment--The proposed rescission would terminate this program. The $7,500,000 proposed for rescission would provide grants to 1,100 institutions of higher education.

Training and demonstrations--The proposed rescission would terminate this program. The $3,000,000 proposed for rescission would have provided 120 fellowships, the training or retraining of about 540 persons in educational institutions, and about 14 research awards.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	136
Without rescission (current estimate)	181
With rescission (revised estimate)	169
(Effect of action on 1976 outlays	-16)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
LIBRARY RESOURCES

Appropriations under this head for the fiscal year 1975 for "Library Resources" are hereby rescinded in the following amounts:

$21,364,000 for title I and $2,594,000 for title III of the Library Services and Construction Act; $5,000,000 for title II of the Elementary and Secondary Education Act; and $12,975,000 for title II and $7,500,000 for title VI of the Higher Education Act.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517) $ 12,111,731,000
Bureau Social and Rehabilitation Service	Unobligated balance from prior years ---
Appropriation Title & Symbol	Total Budgetary Resources 12,111,731,000
Public Assistance - 754/50581	Amount proposed for rescission 12,900,000

Justification:

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed For Rescission
Child Welfare Services	$50,000,000	$4,000,000	---	$4,000,000
Training Projects	8,900,000	8,900,000	---	8,900,000
Total Affected by Rescission	58,900,000	12,900,000	---	12,900,000
Total Unaffected by Rescission	12,052,831,000			
Total Budgetary Resources	12,111,731,000			

This withdrawal of funds is one of several special actions to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness to "...give full consideration to such rescissions and deferrals...." as might be required to keep 1975 spending within the total budget estimate for the bill (p.21, House Report No. 93-1489). Accordingly, a rescission of appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed. The funds proposed for rescission are not available beyond fiscal year 1975.

Child Welfare Services

Funds are proposed for rescission on the grounds that their use would not result in a proportional increase in services. More likely, the effect would be to reduce the share of State funding, since Child Welfare Services are currently financed primarily with State funds; the Federal share representing only about 3% of the total.

Training Projects

Funds proposed for rescission reflect the phase-out of specialized categorical training projects. The majority of this money is now being used to support long-term training for students to receive graduate degrees in social work. This same activity is also funded under the Public Assistance State and Local Training program at a seventy-five percent matching rate. This latter program is initiated and carried out at the direction of the State and Local Welfare Agencies. As a result, it is more directly related to their needs for trained social workers.

ESTIMATED EFFECTS:

Child Welfare Services

If the $4.0 million proposed for rescission were obligated, it would be distributed on a formula basis to all jurisdictions. The use to which these funds would be put cannot be determined. The funds might be used simply to replace State funds.

Training Projects

This rescission would eliminate the categorical training projects authorized by Section 707 and 426 of the Social Security Act. The full amount proposed for rescission would support about 800 students.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February Transmittal)	46
Without rescission (current estimate)	53
With rescission (revised estimate)	46
(Effect of Action on 1976 Outlays)	(-6)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

Public Assistance

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $12,900,000, of which $4,000,000 shall be from funds for Title IV, Part B of the Social Security Act.

Rescission Proposal No.: R75-78

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$ 771,820,000
Bureau Social & Rehabilitation Service	Unobligated balance from prior years	—— a/
Appropriation Title & Symbol Rehabilitation Services - 7550508	Total Budgetary Resources	771,820,000
	Amount proposed for rescission	29,848,000

JUSTIFICATION:

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduc. to be used for Pay Increase	Net Amount Proposed for Rescission
Rehabilitation services and facilities:				
Innovation and expansion grants	23,000,000	23,000,000	----	23,000,000
Deaf-blind center	2,000,000	220,000	----	220,000
Training	22,200,000	6,628,000	----	6,628,000
Total affected by rescission	47,200,000	29,848,000	----	29,848,000
Total unaffected by rescission	724,620,000			
Total budgetary resources	771,820,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p.21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Innovation and Expansion Grants--No funds were requested in the President's original budget for this activity since the Basic State Grant program has received increased funding to absorb the activities formerly carried out under the expansion grant program.

Deaf-Blind Center--The $1,780,000 funding level proposed for the Deaf-Blind Center is the amount requested by the Center, and repreaents the operating needs of the Center in fiscal year 1975.

Training--The Administration is unable to justify the funding of categorical training programs when general student assistance is available through Office of Education programs.

a/ Excludes programs for the developmentally disabled which are covered under the Continuing Resolution.

ESTIMATED EFFECTS:

Innovation and Expansion Grants--The funding level proposed would increase the number of people served under the Basic State Grant program by about 36,000 over the 1974 level. If the funds proposed for rescission were obligated, it is estimated that an additional 20,000 persons could be served under the expansion grant program.

Deaf-Blind Center--As noted above, the proposed funding level would provide the full range of services planned by the Center. If the funds proposed for rescission were obligated, these programs could be extended to the western half of the Nation.

Training--The proposed funding level provides an $8 million increase over the 1974 program level. The total amount appropriated provides an additional $2-3 million above this level. If the funds proposed for rescission were obligated, an additional 155 long-term trainees would be supported, and $4.5 million would be used to fund 1976 projects.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February Transmittal)	$17
Without rescission (current estimate)	36
With rescission (revised estimate)	21
(Effect of Action on 1976 Outlays	-14)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

Rehabilitation Services

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $29,848,000, of which $23,000,000 shall be from funds for sections 120 and 130 of the Rehabilitation Act of 1973.

THE PRESIDENT

FEDERAL REGISTER, VOL. 40, NO. 26—THURSDAY, FEBRUARY 6, 1975

Rescission Proposal No. R75-79

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517 and 93-554)	$ 312,950,000
Bureau Office of Human Development	Unobligated balance from prior years	---
Appropriation Title & Symbol Human Development - 7550136 (Programs for the Aging)	Total Budgetary Resources	312,950,000 a/
	Amount proposed for rescission	41,582,000

JUSTIFICATION:

Program/Activity	Total Budgetary Resources	Reduction	Amount of Resc. To Be Used For Pay Increases	Net Amount Proposed for Rescission
Programs for the Aging:				
a) State and Community Services	$105,000,000	$ 9,000,000	---	$ 9,000,000
b) Nutrition	125,000,000	25,400,000	---	25,400,000
c) Training	8,000,000	8,000,000	818,000	7,182,000
Total Affected by Rescisions	238,000,000	42,400,000	818,000	41,582,000
Total Unaffected by Rescisions	74,950,000			
Total Budgetary Resources	312,950,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescisions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly a rescission of appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

State and Community Services--The proposed funding level would be the same as that of the two previous years. The principal program target of increasing the number of area agencies in planning and service areas, and strengthening State agency staff and make grants for Model Projects has been achieved.

Nutrition--The proposed level would enable the Department to provide about the same number of meals served as were served in 1974. Increases in costs of food will be partially offset by management improvement, savings from nonrecurring capital and administrative expenses incurred in 1974, and obtaining funds from other public and private sources.

a/ excludes the Head Start program and the Native Americans program which are covered under the Continuing Resolution.

Training--The Administration cannot justify the funding of categorical training programs when general student assistance is available through Office of Education programs.

ESTIMATED EFFECTS:

State and Community Services--The proposed funding level would provide support for 412 area agencies on aging. If the rescinded funds proposed for rescission were obligated, it is estimated that as many as 25-50 additional area agencies could be established.

Nutrition--The level of services provided in this proposal--200,000 daily meals, five days per week--is the same level provided in 1974. If the funds proposed for rescission were obligated, it is estimated that an additional 40,000 to 50,000 meals could be served.

Training--The rescission would have no effect on academic year 1974-1975 since the program is forward-funded from the 1974 appropriation. If the funds proposed for rescission were obligated, the $8 million Congressional increase would be used to continue this categorical training support in fiscal year 1976.

Total 1975 Outlays a/	Dollars in millions
1975 Budget (February Transmittal)	$49
Without Rescission (current estimate)	59
With Rescission (revised estimate)	50
(Effect of Action on 1976 Outlays	-23)

a/ includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Human Development

Human Development

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $41,582,000.

Rescission Proposal No.: R75-80

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Labor	New budget authority (P.L. 93-517)	$ 12,000,000
Bureau: Manpower Administration	Other budgetary resources	
Appropriation Title & Symbol: Community Service Employment for Older Americans 1650175	Total Budgetary Resources	12,000,000
	Amount proposed for rescission	$ 12,000,000

Justification

This proposed rescission is in recognition of the existence of identical authority under the Comprehensive Employment and Training Act (CETA) and adequate funding in the Comprehensive Manpower Assistance (CMA) account. The Congress and the Administration worked for several years to develop a comprehensive statute providing a full range of manpower activities. CETA is the result of that cooperative effort. The Community Service Employment program, Title IX of the Older Americans Comprehensive Services Amendments of 1973, unnecessarily duplicates CETA authority.

Estimated Effects

The Labor Department estimates that the funds proposed for rescission would have financed 2,970 part-time job opportunities and would have provided supplementary financing to comparable older worker activities funded by prior year appropriations for this account and in CMA. It is expected that States and localities will finance activities for older workers well in excess of this amount.

Total 1975 Outlays	Dollars in millions
1975 Budget (February transmittal)	10
Without rescission (current estimate)	14
With rescission (revised estimate)	10
(Effect of action on 1976 outlays	-8)

R75-80

DEPARTMENT OF LABOR

Manpower Administration

Community Service Employment for Older Americans

Appropriations provided under this head in the Department of Labor, Appropriation Act, 1975, are rescinded in the amount of $12,000,000.

Rescission Proposal No.: R75-81

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Consumer Product Safety Commission	New budget authority (P.L. 93-563)	$ $37,454,000
Bureau:	Other budgetary resources	---
Appropriation Title & Symbol: Salaries and Expenses - 6150100	Total Budgetary Resources	$37,454,000
	Amount proposed for rescission	$ 1,709,000

	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Consumer Product Safety Commission.....	37,454,000	2,454,000	745,000	1,709,000

JUSTIFICATION

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed funding level of $35,745,000 provides for substantial expansion of the Commission's programs. If this rescission were enacted, this balance of funds available would still represent an increase of more than 20% above the 1974 program level. In the Administration's judgment, the amount proposed for rescissions is not warranted at this time given the need to effect fiscal restraint.

Estimated Effects: The Commission would apply the amount proposed for rescission over all budget activities and still meet its essential program objectives in 1975.

TOTAL 1975 OUTLAYS

1975 Budget (February transmittal).....	$41.9
Without rescission (current estimate).....	$43.6
With rescission (revised estimate).....	$42.7
(Effect of action on 1976 outlays.....	-0.8)

R75-81

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Consumer Product Safety Commission

Salaries and Expenses

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $1,709,000.

Deferral No. D75-139

PROPOSED DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U. S. Department of Agriculture	New budget authority (P. L. 93-563)	$ 10,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	$ 17,553,712
Appropriation Title & Symbol Water Bank Program Agricultural Stabilization and Conservation Service 12X3320	Total Budgetary Resources	$ 27,553,712 1/
	Amount to be deferred part of year	$ - -
	Amount to be deferred for entire year	$ 1,265,572

Justification:

This action would withhold $1,265,572 of no year funds which are not needed for obligation in F. Y. 1975.

The Water Bank Program was authorized by the Water Bank Act, Public Law 91-559, approved December 19, 1970. The Act authorized the Secretary of Agriculture to enter into agreements for a period of 10 years with landowners and operators to preserve and improve migratory waterfowl habitat. Under the act, funds appropriated remain available until expended.

The Water Bank program includes $2,973,677 for technical assistance to be provided in connection with the ten year agreements entered into under the 1972 and 1974 programs. It is estimated that only $1,708,105 will be required for technical assistance obligations through the end of F. Y. 1975. This leaves an unobligated balance of $1,265,572, which is not needed for obligation in F. Y. 1975 and should be deferred for the entire fiscal year.

Estimated Effects:

The deferral of $1,265,572 would have no effect on the Water Bank program in F. Y. 1975 since these funds are not required for obligation in the current fiscal year, but will be needed in subsequent fiscal years.

Total 1975 Outlays:	Dollars in Millions
1975 Budget (February transmittal)	3.8
Without deferral (current estimate)	4.1
With deferral (revised estimate)	4.1 2/
(Effect of action on 1976 outlays	---)

1/ Includes $21,212,940 proposed for rescission under R75-8A.

2/ Includes $1.3 million in outlays proposed for reduction under Rescisaion R75-8A.

D75-21A

SUPPLEMENTAL REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-21 transmitted in the Special Message of October 4, 1974, and printed as House Document No. 93-365.

The previous report reflected a deferral of $5,000,000 which was to be reserved for contingencies. The current proposal increases this reserve to a total of $11,687,589.

Deferral Proposal No. D75-21A

PROPOSED DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U. S. Department of Agriculture	New budget authority (P. L. 93-563)	$ 10,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	$ 19,687,589 *
Appropriation Title & Symbol Emergency Conservation Measures 12X3316	Total Budgetary Resources	$ 29,687,589 *
	Amount to be deferred part of year	$
	Amount to be deferred for entire year	$ 11,687,589 *

Justification: *

These funds are used for sharing the cost of emergency conservation measures to deal with cases of severe damage to farm and range lands as a result of natural disasters. Assistance is made available to treat new conservation problems which meet the criteria set forth in the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(h)) and funds are allocated for use only in those counties designated by the Secretary of Agriculture as disaster counties. These allocations do not become obligations until agreements are signed to rehabilitate the land.

It is anticipated that $18,000,000 will be required for obligation during F. Y. 1975, leaving an unobligated balance of $11,687,589 for contingencies. These funds are available without regard to fiscal year limitation. The $11,687,589 deferred is reserved for contingencies pursuant to the Antideficiency Act (31 U.S.C. 665) and will be made available should additional emergency requirements arise.

Estimated Effects: *

There are no programmatic or budgetary effects as a result of this deferral. The reserved funds would only be made available and obligated if damage to farm and range lands exceeds the levels experienced in recent years. This action is being taken purely to satisfy requirements of the new Congressional Budget and Impoundment Control Act of 1974, P. L. 93-344.

Total 1975 Outlays: *	Dollars in Millions
1975 Budget (February transmittal)	10.0
Without deferral (current estimate)	12.0
With deferral (revised estimate)	12.0
(Effect of action on 1976 outlays	0)

*Revised from previous submission.

D75-22A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-22 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous report reflected the deferral of $903,000 of funds considered to be in excess of program requirements for fiscal year 1975. The current deferral increases this amount to $1,459,209 as the result of greater than anticipated carry-over of funds from fiscal year 1974.

Deferral No.: D75-22A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture		
Bureau Agricultural Marketing Service	New budget authority (21 USC 1053)	$
Appropriation Title & Symbol	Other budgetary resources	3,521,209 *
12X2500 - Marketing Services, Agricultural Marketing Service (General fund financed from reimbursements)	Total Budgetary Resources	3,521,209 *
	Amount to be deferred part of year	- -
	Amount to be deferred for entire year	1,459,209 *

Justification:

The U.S. Grain Standards Act (7 USC 71, 74-79, 84-87h) provides for the establishment of official United States standards for grain and an official inspection system.

This system provides for appeal inspections when requested by an applicant who does not agree with the initial official grade designation and for collection of fees for this service. These fees . . ."shall be deposited into a fund which shall be available without fiscal year limitation". . .(7 USC 79).

The Egg Products Inspection Act (21 USC 1031-1056) provides for the mandatory continuous inspection of egg products processing plants and regulates the distribution of certain qualities of shell eggs in interstate, foreign, and intrastate commerce.

The cost of inspection and other costs of administration of this Act . . ."shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act." (21 USC 1053).

For FY 1975, the apportionment for this fund has been approved at the level of $2,062,000. This amount is sufficient to fully carry out the requirements of the law.

The budgetary reserve of $1,459,209 for these activities is in excess of the 1975 program requirements and is to be carried forward for use in FY 1976 in accordance with the provisions of the Anti-Deficiency Act (31 USC 665).

Estimated Effects:

None. It is not anticipated that additional funds would be expended unless either additional grain appeals occur or the need for overtime or holiday work in official plants subject to inspection under the Egg Products Inspection Act should develop.

* Revised from previous submission.

Total 1975 Outlays: *	Dollars in Millions
1975 Budget (February transmittal)	1.9
Without deferral (current estimate)	2.1
With deferral (revised estimate)	2.1
(Effect of action on 1976 outlays	0)

*Revised from previous submission.

D75-23A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-23 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous proposal reflected the deferral of $341,000 of funds considered to be in excess of program requirements for fiscal year 1975. The current deferral increases this amount to $511,330 as the result of greater than anticipated carry-over of funds from fiscal year 1974.

Deferral No.: D75-23A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (7 USC 490)	$ 1,640,000
Bureau Agricultural Marketing Service	Other budgetary resources	506,330*
Appropriation Title & Symbol 12X5070 - Perishable Agricultural Commodities Act Fund (Permanent indefinite special fund).	Total Budgetary Resources	2,146,330*
	Amount to be deferred part of year	- -
	Amount to be deferred for entire year	511,330*

Justification:*

Pursuant to the provisions of the Perishable Agricultural Commodities Act, license fees are collected from commission merchants, dealers, brokers and large retailers who handle fresh or frozen fruits and vegetables in interstate or foreign commerce. These license fees are deposited in the Perishable Agricultural Commodities Act Fund (7 USC 499c) and are available without fiscal year limitations to meet expenses of administering both the Perishable Agricultural Commodities Act (7 USC 499a-s) and the Produce Agency Act (7 USC 491-497). These laws are designed to protect producers, shippers, distributors and retailers from unfair and fraudulent practices in the marketing of perishable agricultural commodities and to prevent the unwarranted destruction or dumping of farm products handled for and on behalf of others.

For FY 1975, the apportionment for this fund has been approved at the level of $1,635,000. This amount is believed sufficient to fully carry out the requirements of the law.

The budgetary reserve of $511,330 represents estimates of receipts in excess of the 1975 program requirements to be carried forward for use in FY 1976, in accordance with the provisions of the Anti-Deficiency Act (31 USC 665).

Estimated Effects:*

None. It is not anticipated that additional funds would be expended unless additional license requests occur.

Total 1975 Outlays:*	Dollars in Millions
1975 Budget (February transmittal)	1.6
Without deferral (current estimate)	1.6
With deferral (revised estimate)	1.6
(Effect of action on 1976 outlays	0)

* Revised from previous submission.

D75-25A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-25, transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous proposal reflected a deferral of $152,000 in receipts in excess of program needs for fiscal year 1975. The current proposal increases this amount to $173,499 due to higher than anticipated receipts in the current year and a larger carry-over from fiscal year 1974 than was estimated.

The present proposal also reflects an increase of $32,000, from $273,000 to $309,000, in funds made available for use in 1975. This increase is due to initiation of the anti-pollution program ($30,000) with royalties collected under license for the use of the "Woodsy Owl" character pursuant to P.L. 93-318 dated June 22, 1974, and $2,000 for increased pay costs pursuant to E.O. 11811.

Deferral No.: D75-25A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Agriculture	New budget authority (18 USC 711)	$ 265,000*
Bureau Forest Service	Other budgetary resources	217,499*
Appropriation Title & Symbol Forest Fire Prevention Forest Service 12X5214	Total Budgetary Resources	482,499*
	Amount to be deferred part of year	
	Amount to be deferred for entire year	173,499*

Justification: *

Royalties collected under licenses for use of the character "Smokey Bear" are permanently appropriated and utilized for furthering the nationwide forest fire prevention campaign as provided by the Act of May 23, 1952 (18 U.S.C. 711). Also, "Woodsy Owl" program receipts are collected pursuant to P.L. 93-318 and are similarly appropriated. The total budgetary resources available in this program for fiscal year 1975 consist of $217,499 in actual receipts earned in fiscal year 1974 and brought forward $265,000 in receipts anticipated for fiscal year 1975. In keeping with routine financial management practices maintained over the years, $173,499 of the total budgetary resources available has been reserved. The reserve is justified on two grounds.

First, the reserve contributes to a consistent, stable program level from year to year which, in turn, promotes more efficient operations. The fiscal year 1975 program is being funded, in part, from reserved balances carried forward from last year. The 1976 program will be partially funded by the estimated receipts being deferred in fiscal year 1975.

Second, reservation of funds is required to avoid the possibility of a violation of the Antideficiency Act (31 U.S.C. 665, (a), (b), (h)). A violation of the sections cited could occur if all the estimates of receipts now deferred were made available and obligated while estimated receipts were not fully realized.

This reserve action is taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies (31 U.S.C. 665(c)(2)).

Estimated Effects: *

The funds made available are sufficient to carry out 1975 program objectives. The deferred funds also assure sufficient carryover of funds to operate a 1976 program comparable to 1975.

* Revised from previous submission

Release of deferred funds would necessitate development of a plan for a substantially expanded 1975 program. The outlay impact would be an increase of about $142,000 in 1975 and $31,499 in 1976. The estimate of funds to be deferred assumes that receipt estimates in 1975 will be fully realized.

TOTAL 1975 OUTLAYS	Dollars in Millions
1975 Budget (February transmittal)	.3
Without deferral (current estimate)	.4
With deferral (revised estimate)	.3
(Effect of action on 1976 outlays	1/)

1/ Less than $50,000

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-334

This supplementary message modifies Deferral No. D75-26 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous proposal reflected a deferral of $18,747,000, which was to be reserved for contingencies. The current proposal increases this amount to $26,141,027 due to higher than anticipated receipts during the current year.

The present proposal also reflects an increase of $4.4 million in funds made available for use in 1975. This increase is due to identification of additional work which can be accomplished ($1.6 million) and for increased pay costs pursuant to E.O. 11811 ($2.8 million).

Deferral No.: D75-26A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Agriculture	New budget authority (16 USC 490)	$ 30,000,000 *
Bureau: Forest Service	Other budgetary resources	25,778,027 *
Appropriation Title & Symbol: Expenses, Brush Disposal 12X5206	Total Budgetary Resources	55,778,027 *
	Amount to be deferred part of year	
	Amount to be deferred for entire year	26,141,027 *

Justification: *

Purchasors of national forest timber are required to deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. An apportionment of $29.6 million has been made to the Forest Service for this program in the current fiscal year compared with $25.0 million in 1974 and $18.6 million in 1973. The current fiscal year reserve of $26.1 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies compared with reserves of $21.6 million in 1974 and $23.3 million in 1973.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year.

Estimated Effects: *

There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of the program and the establishment of a reserve for contingencies pursuant to the Antideficiency Act (31 USC 665).

TOTAL 1975 OUTLAYS	Dollars in Millions
1975 Budget (February transmittal)	25.2
Without deferral (current estimate)	27.3
With deferral (revised estimate)	27.3
(Effect of action on 1976 outlays	--)

*Revised from previous submission.

Deferral No.: D75-140

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. ---)	$ ---
Bureau General Administration	Other budgetary resources	$ 3,300,496
Appropriation Title & Symbol Special Foreign Currency 13X0160	Total Budgetary Resources	3,300,496
	Amount to be deferred part of year	0
	Amount to be deferred for entire year	$ 1,500,496

Justification:

The Department of Commerce Special Foreign Currency Program supplements the activities of the Domestic and International Business Administration, the National Bureau of Standards, and the National Oceanic and Atmospheric Administration. There was an obligational limitation placed on Special Foreign Currency in FY 1975 of $1,800,000 by the Department of the Treasury because of the shortages of excess currencies. The remaining $1,500,496 has been reserved for contingencies pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

None. The obligational authority required to carry out this program in FY 1975 has been apportioned. This action has no effect upon the latest budget estimates, which assume no outlays in FY 1975 from the $1,500,496 being deferred.

Total 1975 Outlays	Dollars in thousands
1975 budget (February transmittal).....	$ 900
Without deferral (current estimate).....	1,900
With deferral (revised estimate).....	1,900
(Effect of action on 1976 outlays.....	0)

Deferral No.: D75-141

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 93-624)	$125,000,000
Bureau Economic Development Administration	Other budgetary resources	---
Appropriation Title & Symbol Job Opportunities Program 135/62051	Total Budgetary Resources	125,000,000
	Amount to be deferred part of year	125,000,000
	Amount to be deferred for entire year	---

Justification:

These funds were appropriated in the Urgent Supplemental Appropriations Act (P.L. 93-624) to the Department of Labor and transferred to the Department of Commerce for the Title III program of the Emergency Jobs and Unemployment Assistance Act. This title requires each Federal agency to evaluate the job creation effectiveness of its 1975 programs and to submit to the Secretaries of Commerce and Labor its recommendations for programs which could be expanded to provide jobs for the unemployed. Funds could be allocated to programs selected by the Secretaries of Commerce and Labor based upon the criteria in the Act. These funds remain available for obligation until December 31, 1975.

The funds appropriated for this purpose could not be used properly until after these review and evaluation processes were completed. Further, it is not yet evident that any programs will be identified which make effective use of these resources.

Accordingly, the use of these funds by the Department of Commerce is being deferred, and supplemental appropriation action is being requested to restore these funds to the Department of Labor for use under Title I to the Emergency Jobs and Unemployment Assistance Act.

Estimated Effects:

This action, together with the supplemental request to transfer these funds to the Department of Labor, will permit the use of these funds for establishing 14,000 additional Title I public service jobs. It is not possible to estimate with accuracy the number of jobs that could be created under the Title III job opportunities program.

	Dollars in Thousands	
Total 1975 Outlays	Department of Commerce	Department of Labor
1975 Budget (February transmittal).....	--	--
Without defferal (current estimate).....	31,375	--
With deferral (revised estimate).....	--	50,000
(Effect of action on 1976 outlays.....	-93,625	75,000)

D75-97A

SUPPLEMENTARY REPORT
Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Deferral No. 75-97 transmitted in the message of November 26, 1974, and printed as House Document No. 93-398.

This revision reflects an $910,318 increase in the amount deferred for fiscal year 1975 for the Experimental Technology Incentive Program (ETIP) at the National Bureau of Standards. These funds, available from prior year appropriations, are not required to finance the fiscal year 1975 program.

As previously reported, the emphasis of the 1975 program will be on evaluating results of experiments initiated under this program in order to determine the future scope and direction of the program. The $3,477,000 apportioned for 1975 is considered sufficient for this purpose as well as to fund a reduced number of experiments in 1975.

Deferral No. D75-97A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce Bureau: National Bureau of Standards, Ofc. of Telecommunications Appropriation Title & Symbol Scientific and technical research and services 13X0500	New budget authority (P.L. 93-433)	$ 61,400,000
	Other budgetary resources	$ 10,310,054
	Total Budgetary Resources	$ 71,710,054
	Amount to be deferred part of year	$ [illegible]
	Amount to be deferred for entire year	$ 4,628,318*

JUSTIFICATION:*

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. Since these restraints are being proposed after Congressional action affecting most 1975 funds has been completed, this withholding will be delayed until February 15, 1975, to permit Congressional review of the action contemplated. This appropriation funds the activities of the National Bureau of Standards (NBS), which conducts research and develops standards to support the Nation's physical measurement system and equity in trade and performs technical services to promote public safety. The activities of the National Technical Information Service (NTIS) and the Office of Telecommunications (OT) are also funded through this appropriation.

It is proposed to defer NBS new initiatives in the following areas: radiation safety, water pollution and clinical measurements. On-going activities in electromagnetics, flow measurements, chemical materials, polymeric materials and experimental technology incentives will be deferred. Finally, it is proposed that programs in engineering mechanics and inventor assistance in NBS, and ionospheric research in OT, be terminated.

ESTIMATED EFFECTS:*

Deferral of NBS new initiatives will have the following effects: Delays in initiating aspects of the radiation safety program ($256,000) will defer by eighteen months the implementation of a national system of radiation calibrations. A one year delay in water pollution data gathering and development of detection methods ($80,000) will delay implementation of water pollution measurement and standards. Postponement of research on clinical measurement methods and materials ($190,000) will delay by one year the planned upgrading of the performance of clinical laboratories with respect to their measurement accuracy.

Deferrals in on-going programs would have the following impacts: Slowing development of an electromagnetic measurement capability ($153,000) will delay beyond FY 1976 the improved handling of data from research on broadcast waves. A two-year delay in implementing a field calibration program for flow measurement, postponement of achievement of improved methods for predicting pollution levels and a one-year delay in developing standards for high voltage distribution systems will result from proposed deferrals in flow measurements,

*Revised from previous submission.

chemical materials and polymeric materials ($245,000). The slowdown in the number of technology incentive experiments initiated ($3,539,318) will make possible a systematic evaluation of experiments which have already been initiated.

Termination of the activities in engineering mechanics ($91,000) will eliminate dissemination of some engineering data and development of new fiberglass test methods. Termination of National Inventors Council support ($50,000) will make it necessary for inventors to seek government assistance without benefit of a central advisory service. Termination of OT research in ionospheric modification ($24,000) will delay development and implementation of further application of this technique.

TOTAL 1975 OUTLAYS:	DOLLARS IN MILLIONS
1975 Budget (February transmittal)	$65
Without deferral (current estimate)	64
With deferral (revised estimate)	62
(Effect of action on 1976 outlays	-2)

D75-99A

Supplemental Report

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises deferral No. D 75-99, which was transmitted to Congress on November 26, 1974, (House Document No. 93-398):

As a result of the deobligation in FY 1975 of a prior year contract, the Maritime Administration's Research and Development appropriation will show a larger deferral of FY 1975 funds than had been previously reported. No adjustments in the FY 1975 or 1976 program are involved. The recovered funds are simply being carried forward into FY 1976 where they reduce the appropriation required to fund the previously planned program.

Deferral No.: D75-99A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 94-433)	$ 25,900,000
Bureau Maritime Administration	Other budgetary resources	193,000
Appropriation Title & Symbol Research and Development 13X1716	Total Budgetary Resources	26,093,000
	Amount to be deferred part of year	--
	Amount to be deferred for entire year	7,768,000 *

Justification:*

The deferral of $7,768,000 consists of two items: one is $3,468,000 deferred for fiscal policy reasons as proposed by the President in his message to Congress of November 26, 1974; the other item is $4,300,000 related to the deobligation in FY 1975 of a 1972 research contract.

This appropriation provides for research and development activities directed toward increasing the competitiveness of the U.S. merchant marine. Work is principally conducted through contracts, with many on a cost-sharing basis with private industry. The deferral of $3,468,000 will reduce nuclear R&D funding by $1,468,000 and other R&D projects by $2,000,000. The deferral of $4,300,000 is a result of the deobligation of a 1972 contract.

These funds are available without regard to fiscal year limitation.

Estimated Effects:*

Recent uncertainties concerning the commercial viability of nuclear-powered tankers have resulted in the need to re-evaluate the supporting nuclear R&D program. Thus, a portion of the program relating to the development of nuclear system components can be deferred in FY 1975. Deferrals, principally due to program slippages, will also be made in shipboard automation efforts, the start up of the ship operations simulator, ports and terminal development, and advanced communication systems development. The deferral of $4,300,000 as a result of the deobligation of a 1972 contract does not affect the current program; it simply frees up funds no longer needed for the prior year contract.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	24.3
Without deferral (current estimate)	25.8
With deferral (revised estimates)	24.0
Effect of action on 1976 outlays	-1.7)

*Revised from previous submission.

D75-142

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 496,177,000
Bureau Health Services Administration	Other budgetary resources	85,878,000
Appropriation Title & Symbol Health Services 7550350	Total Budgetary Resources	582,055,000
	Amount to be deferred part of year	13,996,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 93-55[illegible] Public Law 90-207 as implemented by Executive Orders 11491 and 11[illegible]; and pay increases granted wage board employees in accordance with 5 U.S.C. 53[illegible] as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	836
Without deferral (current estimate)	855
With deferral (revised estimate)	855
Effect of action on 1976 outlays	--)

Deferral No.: D75-143

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 127,200,000
Bureau National Institutes of Health	Other budgetary resources	800,000
Appropriation Title & Symbol	Total Budgetary Resources	128,000,000
7550848 Research Resources	Amount to be deferred part of year	6,255,000
	Amount to be deferred for entire year	---

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 91-656 and Public Law 90-207 as implemented by Executive Orders 11811 and 11812; and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal).....	124
Without deferral (current estimate).....	105
With deferral (revised estimate).....	105
(Effect of action on 1976 outlays.....	(--)

Deferral No.: D75-144

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 781,358,000
Bureau Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources	58,949,000
Appropriation Title & Symbol	Total Budgetary Resources	840,307,000
Alcohol, Drug Abuse, and Mental Health 7551361	Amount to be deferred part of year	2,326,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 91-656 and Public Law 90-207 as implemented by Executive Orders 11811 and 11812; and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal).....	778
Without deferral (current estimate).....	818
With deferral (revised estimate).....	818
(Effect of action on 1976 outlays.....	--)

Deferral No.: D75-145

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517 and 93-554)	$ 155,433,000
Bureau Health Resources Administration	Other budgetary resources	5,055,336
Appropriation Title & Symbol	Total Budgetary Resources	160,488,336
Health Resources 7550712	Amount to be deferred part of year	2,823,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in this and other HEW accounts. Authority to affect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 91-656 and Public Law 90-207 as implemented by Executive Orders 11811 and 11812; and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	3
Without deferral (current estimate)	3
With deferral (revised estimate)	3
(Effect of action on 1976 outlays	--)

a/Includes only amounts proposed for deferral.

Deferral No.: D75-146

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-570)	$ 301,340,000
Bureau Health Resources Administration	Other budgetary resources	---
Appropriation Title & Symbol	Total Budgetary Resources	301,340,000
Health Resources 7550712	Amount to be deferred part of year	301,340,000
(Health Facilities Construction)	Amount to be deferred for entire year	---

Justification

	New Budget Authority	Amount Deferred
Health Facilities Construction		
Medical Facilities (Hill-Burton)	$187,340,000	$187,340,000
Health Teaching Facilities	114,000,000	114,000,000

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This deferral action is being taken to preserve the flexibility of the Congress and the Administration in arriving at a final decision on funding for these programs. The funds proposed for deferral are authorized under the Continuing Resolution covering third quarter operations.

Estimated Effects:
Medical Facilities

Hill-Burton funds are available to the States for 3 years. The awards would be made for new projects; no continuations are involved. Thus, the only impact of deferring these allocations through the third quarter is to delay the date on which interested applicants can begin to pursue further development of their projects. In addition, the Conference report accompanying the National Health Planning and Resources Development Act of 1974 stated, "The conferees have not included an authorization for appropriations for fiscal year 1975 under Title VI (Public Health Service Act) and therefore do not contemplate that appropriations will be made under that authority pursuant to a continuing resolution."

Health Teaching Facilities

Construction grant funds are available without fiscal year limitations. The awards would be for new projects; no continuations are involved. Thus, the only impact of deferring the obligations through the third quarter is to delay the date on which interested applicants can begin to pursue further development of their projects.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$378
Without deferral (current estimate)	330
With deferral (revised estimate)	330
(Effect of action on 1976 outlays	-0-)

D75-102A

Deferral No. D75-102A

SUPPLEMENTARY REPORT

Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary message modifies Deferral No. D75-102 transmitted in the special message of November 26, 1974, and printed as House Document No. 93-398. That deferral was submitted in connection with the withholding of $2,800 thousand in program management funds for the Health Resources Administration (HRA), made available under the Continuing Resolution in effect until adjournment of the 93rd Congress.

In the Supplemental Appropriation Act for Fiscal Year 1975 (P.L. 93-554), Congress reduced HRA program management funds by $1,540 thousand of the $2,800 thousand requested by the President. This supplementary report, therefore, is based upon an annual spending reduction of $1,260 thousand, the remaining amount needed to achieve the total reduction of $2,800 thousand proposed in the November 26, 1974 special message. Under the Continuing Resolution in effect through February 28, 1975, it is necessary to withhold $740 thousand to achieve the full year reduction of the remaining $1,260 thousand. No other changes have been made from the previous report.

Deferral No.: D75-102A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-448)	$ 32,323,000
Bureau Health Resources Administration	Other budgetary resources	
Appropriation Title & Symbol	Total Budgetary Resources	32,323,000
Health Resources 7550712	Amount to be deferred part of year	740,000*
(Program Management)	Amount to be deferred for entire year	

Justification

*This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This deferral is proposed to preserve the flexibility of the Congress and the Administration in arriving at a final decision on funding for this program. The funds proposed for deferral are authorized under the Continuing Resolution.

Estimated Effects

*Deferral of the availability of funds through the third quarter will result in the delay of travel to various project sites and the use of fewer consultant services. This is consistent with recent congressional actions to reduce government-wide travel expenses.

Total 1975 Outlays	Dollars in Millions
*1975 Budget (February transmittal)	43
Without deferral (current estimate)	43
With deferral (revised estimate)	42
(Effect of action on 1975 outlays	+1

*Revised from previous submission.

Deferral No.: D75-147

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$648,500,000 a/
Bureau: Office of Education	Other budgetary resources	288,714,000
Appropriation Title & Symbol	Total budgetary resources	937,214,000
Higher Education 755/60293	Amount to be deferred part of year	
(Basic Education Opportunity Grants)	Amount to be deferred for entire year	$298,714,000

Justification

Deferral is proposed for the portion of the Basic Education Opportunity Grants appropriation that will not be obligated until 1976. Although the Basic Grants program is forward funded, i.e., 1975 funds are for school year 1975-76, approximately half of the funds are obligated toward the end of FY 1975 for the summer and fall semesters of school year 1975-76. The remaining portion of the funds are obligated in FY 1976 for the spring semester of the same school year. This deferral action has been taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies.

Estimated effects

This action does not reflect a program reduction, but simply reflects the established pattern for obligating funds. The funds deferred will be used for the second half of the 1975-76 school year.

OE - Higher Education

Total 1975 Outlays b/	Dollars in Millions
1975 Budget (February transmittal)	488
Without deferral (current estimate)	450
With deferral (revised estimate)	450
(Effect on 1976 outlays	---)

a/ Excludes $11,500,000 for Administrative contrscts which is apportioned under appropriation symbol 7550293.

b/ Includes only activities deferred.

Deferral No. D75-42A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Deferral No. 75-42 transmitted in the special message of October 31, 1974 and printed as House Document No. 93-365.

This revision reflects an increase of $64,001,590 in the amount deferred through June 30, 1975, broken down as follows:

Construction subsidized loans annual interest grants	+$63,324,907
Graduate facilities construction	No change
Subsidized insured student loans: Reserve fund advances	+$676,581

The total deferral would increase from $8,788,102* to $72,789,590.

A change in the method of accounting for subsidized construction has resulted in de-obligation of funds from prior year appropriations. These unobligated funds are not needed for the 1975 program, but will be used in future years. The change in reserve fund advances for subsidized insured student loans reflects the latest estimate of 1975 requirements.

* Previously reported as $8,788,000

Deferral No.: D75-42A

DEFFERAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	---
Bureau: Office of Education	Other budgetary resources	$93,539,590*
Appropriation Title & Symbol	Total budgetary resources	93,539,590*
Higher Education 75X0293 (Construction Loan Subsidies, Graduate Construction Grants, Guaranteed Student Loan Program-Advances for Reserve Funds)	Amount to be deferred part of year	---
	Amount to be deferred for entire year	$72,789,590*

Justification*

Program	Total budgetary resources	Amount to be deferred
Construction		
Subsidized loans		
--Annual interest grants	$90,101,704	$70,101,704
Graduate facilities	375,232	375,232
Subsidized insured student loans		
Reserve fund advances	3,061,554	2,311,554
Total	$93,539,590	$72,789,590

The amounts shown as deferred are not necessary to meet program requirements during the current fiscal year.

Annual interest grants*--A change in the method of accounting for subsidized construction loans caused a substantial amount of prior year appropriations to be de-obligated. Obligations are not recorded now until payments are due. Funds on hand are more than adequate to cover anticipated obligations on annual interest grant contracts signed in prior years and no new starts are authorized or planned. The unobligated funds will be needed in the future, however, to pay continuation costs on loans the Federal government has agreed to subsidize.

Graduate facilities*--The amount shown as deferred results from cancellation of unused prior year obligations. The deferred funds will be retained to cover obligation adjustments in future years.

Subsidized insured student loans, reserve fund advances*--These funds were appropriated in 1969 to make advances to agencies guaranteeing student loans that could not meet reserve requirements. It is estimated that no more than $750,000 will be needed during 1975 to meet request from these agencies.

*Revised from previous submission.

Estimated Effects:*

These actions do not result in any reduction in program activity from the levels authorized in the appropriations process. The funds, however, will be available to meet future year requirements.

OE - Higher Education

Total 1975 Outlays a/*	Dollars in millions
1975 Budget (February transmittal)	22
Without rescission (current estimate)	24
With rescission (revised estimate)	24
(Effect of deferral on 1976 outlays)	--

a/ Includes only activities proposed for reduction.

*Revised from previous submission.

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Deferral No.: D75-148

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare Bureau	New budget authority (P.L.)	$ 167,474,000
	Other budgetary resources	5,224,000
Appropriation Title & Symbol	Total Budgetary Resources	172,698,000
Library Resources 7550212	Amount to be deferred part of year	2,792,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian personnel under provisions of Public Law 91-656 as implemented by Executive Order 11811, and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

This deferral of $2,792,000 is part of a proposed $26,749,000 reduction affecting the appropriation for Public Libraries. The amount deferred will require states to absorb additional costs of basic public library services or to the degree they are dependent on Federal support and can not maintain current levels, there would be some reduction in hours of service, numbers of personnel, and acquision of books and materials.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal).....	136
Without deferral (current estimate).....	181
With deferral (revised estimate).....	181
(Effect of action on 1976 outlays.....	---)

Deferral No. D75-44B

SUPPLEMENTARY REPORT
Report Pursuant to Sec 1014 (c) of P.L. 93-344

This supplementary message revises Deferral No. D75-44A transmitted in the special message of December 27, 1974.

This revision reflects an increase of $8,048,000 in the amount deferred through June 30, 1975. These funds were appropriated for FY 1975 by P.L. 93-517 for district office programs and for purchase contract payments on three new program centers. Of the total $8,232,000 appropriated for FY 1975, only district office site studies requiring $184,000 will be obligated in the current fiscal year. The remaining funds for district offices are deferred until decisions are reached on the future of the program. Funds to support the program centers are not needed until FY 1976 when purchase contract payments will be made at the time of occupancy.

Deferral No. D75-44B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health Education and Welfare	New budget authority (P.L. 93-517)	$ 8,232,000 *
Bureau: Social Security Admin.		15,393,497
Appropriation Title & Symbol:	Other budgetary resources	
Limitation on Construction	Total Budgetary Resources	23,625,497 *
75X8705	Amount to be deferred part of year	---
	Amount to be deferred for entire year	20,575,621 *

Justification

* Funds provided under the Limitation on Construction of the Social Security Administration remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. Previously, $15,393,497 was placed in deferral. In addition, we received new budget authority of $8,232,000 in FY 1975. We plan to obligate a part of this total in FY 1975, and now, a total of $20,575,621 has been placed in reserve pursuant to the Antideficiency Act (31 USC 665) and is proposed for deferral. This full amount is proposed to be deferred for the entire year. The amounts involved fall into two categories, discussed below.

Unused balances of funds provided for construction of program centers --

* In 1972, $18.2 million, to remain available until expended, was provided in the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1972, for direct construction of program centers in Philadelphia, Chicago, and San Francisco. Subsequent to the provision of these funds, it was determined, with the concurrence of the Congress, that these centers would be built under the purchase contract method. This reduced the immediate funding requirements to $6.1 million, thus making $12.1 million available to meet other SSA construction requirements. In 1974, the Congress authorized $4.1 million to be reprogrammed for district office construction. Of these reprogrammed funds, $2.0 million was released for obligation in 1974, and $2.0 million is reserved for future obligation. Of the remaining 8.0 million of unused program center funds, $5.8 million

* Revised from previous submission.

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is proposed for reprogramming in 1975 for district office construction and $1.1 million is to be reprogrammed to meet unexpected needs in headquarter's construction. If this reprogramming is approved by the Congress, it is expected that these funds will be released for obligation in future years. The balance of unused program center funds (about 1.1 million) is proposed for deferral through the end of 1975, remaining available to meet requirements in future years. In addition, $3.6 million was requested in 1975 to pay purchase contract payments on three new program centers. These will not be occupied until 1976.

Unused balances of funds provided for district office construction

* A total of $10,094 thousand (in addition to the $5.8 million mentioned above) is being reserved for future obligation. This includes $3,613 thousand remaining from the 1967 district office construction program, $2,033 thousand reprogrammed from the program center activity in 1974, and $4,448 thousand appropriated in 1975. The fact that these funds have not yet been obligated reflects a change in circumstances which required a re-evaluation of the district office construction program which had been approved in 1967. Subsequent to the provision of funds for this program, it was determined that efficiency of operations and better service to the public necessitated the development of a system of branch offices. The effect of this decision was to delay much of the district office construction that had been authorized in the 1967 program. The branch offices, however, are generally located in leased space, rather than in facilities constructed specifically for SSA use. Thus, they are not financed from this appropriation, and reprogramming of the unneeded district office funds for this purpose was not feasible. SSA is evaluating whether or not these funds are needed. A further complication in determining the appropriate use of the district office funds was introduced by the enactment of the Supplemental Security Income program, which has a significant impact on the requirements for district office space. As a result of these factors, plans have not yet been developed for the use of the remaining balances of these funds and their release is proposed to be deferred pending the development of such plans.

Estimated Effects

The funds intended to be apportioned for obligation in 1975 will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in 1975 and would have minimal impact on 1976 outlays. This deferral has no effect on the level of outlays forecast in the February budget.

*Revised from previous submission.

Total 1975 Outlays*
($ in millions)

FY 1975 Budget (Feb. Transmittal)	16
Without deferral (current estimate)	15
With deferral (revised estimate)	15
Effect on 1976 outlays	--

*Revised from previous submission.

ENCLOSURE

Deferral No. D75-44B

* PLANNED DISPOSITION OF UNAPPORTIONED
SOCIAL SECURITY CONSTRUCTION FUNDS (75X8705)
($ in thousands)

Construction Program	Total Amount	Planned for Obligation In 1975	Planned for Obligation In future years
Headquarters Funds:	———	———	———
Program Center Funds:			
Balance available for other construction (as of 7/1/74)	10,062	———	———
Reprogrammed in 1974 for district office construction		———	2,033
Proposed for reprogramming in 1975 for district office construction		———	5,796
Proposed for reprogramming in 1975 for headquarters construction		1,148	———
Proposed to remain available for future requirements		———	1,085
Purchase Contract money (1975 approp.)		3,600	3,600
District Office Funds:			
Balances available (as of 7/1/74)			
1967 construction program	4,531	918	3,613
1971 construction program	800	800	———
1975 Appropriation	4,632	184	4,448
Total Deferrals a/	23,625	3,050	20,576

a/ Totals do not add due to rounding.

*Revised from previous submission.

Deferral No.: D75-149

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Dept. of Health, Education, and Welfare Bureau Special Institutions	New budget authority (P.L. 93-517)	$ 10,465,000
	Other budgetary resources	2,218,373
Appropriation Title & Symbol Gallaudet College - 75X0102 (Construction)	Total Budgetary Resources	12,683,373
	Amount to be deferred part of year	---
	Amount to be deferred for entire year	1,267,482

Justification

The $1,267,482 represents funds appropriated in the 1975 Labor-HEW Appropriations Act (P.L. 93-517) for purchase of equipment and furnishings. The funds have not been utilized due to the slow pace of the new school construction on the Gallaudet campus. Contracts are expected to be let in calendar year 1976 for the purchase of equipment for the facilities under construction. The funds deferred will be apportioned when required by the construction timetable. This reserve action has been taken under provisions of the Anti-Deficiency Act (31 U.S.C. 665), that authorizes the establishment of reserves for contingencies.

Estimated Effect

This deferral has no restrictive effect on construction plans and there will be no budgetary impact on 1975 outlays. Upon completion of the facilities, these funds will be made available for purchase of equipment and furnishings and will be obligated in 1976.

Deferral No. D75-46A

SUPPLEMENTARY REPORT
Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Deferral No. D75-46A transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365.

This revision reflects a decrease of $11,490,000 in the amount to be deferred for part of the year, and an increase of $6,323,110 in the amount to be deferred for the entire year--a net change of -$5,166,890 representing funding required to proceed with the planning and construction of authorized projects.

Deferral No.: D75-46A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Dept. of Health, Education, and Welfare Bureau Special Institutions	New budget authority (P.L. 93-517)	$ 12,500,000 *
	Other budgetary resources	18,092,389 *
Appropriation Title & Symbol Howard University - 75X0106 (Construction)	Total Budgetary Resources	30,592,389 *
	Amount to be deferred part of year	---
	Amount to be deferred for entire year	6,323,110 *

Justification *

The deferred funds have been reserved for contingencies pursuant to the Anti-Deficiency Act (31 U.S.C. 665) pending completion of plans and specifications for renovation, and construction of a new teaching hospital to replace the old Freedmen's Hospital. The deferred funds remain available without fiscal year limitation.

Estimated Effects: *

This deferral has no restrictive effects on construction plans and there will be no budgetary impact in FY 1975. These funds will be released in 1976 when required by the construction timetable.

*Revised from previous submission.

Deferral No. D75-63A

SUPPLEMENTARY REPORT
Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary report modifies Deferral No. D75-63 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The revised report reflects an increase of $24,751,958 in the amount being deferred. The increase results from additional contract authority in the amount of $25 million provided in the Federal-Aid Highway Amendments of 1974 (P.L. 93-643) and an increase of $251,958 in unobligated balances brought forward from fiscal year 1974. The increase in unobligated balances represents the difference between estimates of balances made early in fiscal year 1974 and actual balances recently determined. In addition, congressional action to increase the appropriation required to liquidate contract authority resulted in a $500,000 increase in the program level since the previous report was submitted. A further increase of $600,000 in the program level is attributable to increased estimates of reimbursements from other Federal programs.

Deferral No.: D75-63A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (23 USC 203) as amended	$ 100,000,000 *
Bureau Indian Affairs	Other budgetary resources	96,474,958 *
Appropriation Title & Symbol	Total Budgetary Resources	196,474,958 *
Road Construction 14X2364	Amount to be deferred part of year	---
	Amount to be deferred for entire year	135,174,958 *

Justification *

The Bureau of Indian Affairs road construction program level in FY 1975 is estimated to be $61,300,000 This amount represents the estimate of funds needed in the construction and rehabilitation of roads on Indian reservations. The Federal Aid Highway Act of 1973 (23 USC 203) as amended by the Federal-Aid Highway Amendments of 1974 (P.L. 93-643) provides contract authority of $83 million in fiscal year 1974, $84 million in fiscal year 1975, and $83 million in fiscal year 1976 and authorizes its use one year in advance and two years subsequent to the fiscal year for which it is designated. The unobligated contract authority available from previous years is $95,674,958 This amount plus the $100 million available in 1975, and $800,000 in reimbursements to be received for work performed for other agencies, allows for total available funding in FY 1975 of $196,474,958 This figure, less the estimated program amount of $60,700,000, leaves an unapportioned balance of $135,174,958 through the current fiscal year.

The amount of contract authority made available is consistent with the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations.

Estimated Effects *

If all contract authority were to be released from reserve, the obligation plan would still have to take into consideration the amount of cash appropriated by the Congress to liquidate such obligations. Thus, there would be no significant change in the program plan if all of the contract authority were to be made available.

Total 1975 Outlays	Dollars in Millions
1975 budget (February transmittal)	63.5
Without deferral (current estimate)	64.0
With deferral (revised estimate)	64.0
(Effect of action on 1976 outlays	-0-)

*Revised from previous submission.

Deferral No.: D75-150

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 93-517)	$ 200,000
Bureau Departmental Management	Other budgetary resources	16,049
Appropriation Title & Symbol	Total Budgetary Resources	216,049
Special Foreign Currency Departmental Management 16X0151	Amount to be deferred part of year	200,000
	Amount to be deferred for entire year	-0-

Justification

This deferral action involves the postponement of funds for foreign service consultations. This withholding of funds is taken under provisions of the Antideficiency Act (31 U.S.C. 665 et. seq.). This reserve will allow the Department of Labor to prepare a financial plan which describes the activities to be financed, the foreign currency to be used, the number of attendees and other supporting information.

Estimated Effects

Since the funds would in any event not be used in the absence of final determinations of the activities to be financed, there will be no delay in activities, generally international conferences of foreign service officers. Upon the transmittal of the necessary plan these funds will be released from reserve. The deferral is not expected to affect 1975 outlays.

Total 1975 Outlays	Dollars in thousands
1975 Budget (February transmittal)	(195)
Without deferral (current estimate)	230
With deferral (revised estimate)	230
(Effect of action on 1976 outlays...	---)

Deferral No.: D75-151

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 93-391)	$ 42,764,000
Bureau National Highway Traffic Safety Administration	Other budgetary resources	44,360,632
Appropriation Title & Symbol Traffic and Highway Safety 69X0650	Total Budgetary Resources	87,124,632
	Amount to be deferred part of year	1,800,000
	Amount to be deferred for entire year	---

Justification:

Total funds of $17,482,000 were appropriated in fiscal years 1974 and 1975 to carry out five State diagnostic inspection demonstration projects, as required by Title III of the Motor Vehicle Information and Cost Savings Act (PL 92-513, Approved October 20, 1972). As the contract proposals were received from the States and evaluated, it was possible to negotiate final awards below original estimates. Thus, total costs of the projects are $1,900,000 less than was appropriated.

It is proposed to use $100,000 of these savings in FY 1975 and $1,800,000 in FY 1976 to initiate a special motor vehicle diagnostic inspection demonstration project, concentrating on advanced inspection equipment. This new project was authorized in an amendment to Title III of PL 92-513 pursuant to the Motor Vehicle and Schoolbus Safety Amendments of 1974 (PL 93-492, approved October 27, 1974).

The 1976 funding for this project has been placed in reserve for contingencies as authorized under provisions of the Antideficiency Act (31 USC 665).

Estimated Effects:

This deferral action has no programmatic effect since the five demonstration projects, for which the deferral funds were originally appropriated, will be completed as required by June 30, 1976.

Total 1975 Outlays:	Dollars in thousands
1975 Budget (February transmittal)	90,000
Without deferral (current estimate)	82,671
With deferral (revised estimate)	82,671
(Effect of action on 1976 outlays	---)

Deferral No.: D75-152

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 93-563)	$ 100,875,000
Bureau	Other budgetary resources	14,170,000
Appropriation Title & Symbol Abatement and Control 68X0108 (Air and Water Control Agency Grants)	Total Budgetary Resources	115,045,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	9,375,000

Justification

Deferral of no-year funds is one of several special actions proposed by the President in his message of November 26, 1974 to restrain 1975 budget outlays. His message proposed deletion of the $9.4 million in excess of his budget request from the then-pending appropriation bill. Deletion was not effected because the request arrived too late for adequate consideration. The amount is, therefore, to be deferred until FY 1976, at which time it will be made available for obligation.

Estimated Effects

The impact of this deferral will be to delay the granting of approximately 8 percent of available FY 1975 funds until FY 1976. Based upon past experiences, it is estimated that some 380 grants would be affected, resulting in grant deferrals of $25,000 on an average grant of $303,000. Deferral of the $9.4 million appropriation will enable the maintenance of this program at a level of $91.5 million in both FY 1975 and FY 1976. This deferral will permit local, State, and interstate agencies to develop plans for a constant program level in lieu of planning for increases in FY 1975 and reductions in FY 1976.

Total 1975 Outlays	Dollars in Millions
1975 Budget (Feb. transmittal)	88.0
Without deferral (current estimate)	107.0
With deferral (revised estimate)	101.0
(Effect of action on 1976 outlays)	+6.0

[FR Doc.75-3390 Filed 2-5-75;8:45 am]

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As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

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FRIDAY, FEBRUARY 7, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 27

Pages 5739–6196



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Title 3—The President

PROCLAMATION 4349

1974 Census of Agriculture

By the President of the United States of America

A Proclamation

A periodic census of all the American people is required by the Constitution as the basis for apportioning representation in Congress. In addition, Congress has since 1840 provided for a special census of agriculture to periodically meet the Nation's requirements for reliable and timely statistics on this indispensable segment of our economy.

The 1974 Census of Agriculture has just begun. Statistics for more than 2.5 million farms will be collected to provide measures of the farm industry and agricultural economy for the Nation, each State, and every county. These data will be aggregated for use by virtually every segment of American society—farmers and their representative groups, the Congress, Federal agencies, State and local governments, educational institutions, private businesses, and consumer organizations.

Under the statute authorizing this Census, receipients of census questionnaires are required to answer the questions in those questionnaires that apply to them, their families, and their farms to insure the accurate compilation of these statistics. The sole purpose of the Census is to secure general statistical information regarding agriculture and related resources of the country. No person can be harmed in any way by furnishing the information required. The Census has nothing to do with taxation or the enforcement of any National, State, or local law or ordinance. The Census Act expressly provides that there will be no public or private disclosure regarding any person or his affairs. To assure the due protection of the rights and interests of the persons furnishing information, every employee of the Census Bureau is prohibited, under heavy penalty, from disclosing any information that may thus come to his knowledge.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby declare and make known that under the law it is the duty of every person from whom information is sought in connection with the 1974 Census of Agriculture to reply to the questions in the questionnaire.

Prompt, complete, and accurate responses to all official inquiries made by Census officials are of great importance to our country. Therefore, I ask affected Americans for their full cooperation in the 1974 Census of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

[FR Doc.75-3782 Filed 2-6-75;12:30 pm]

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Save Your Vision Week, 1975

PROCLAMATION 4350

By the President of the United States of America

A Proclamation

One of every twenty people in the United States suffers some degree of visual disability. Yet, many eye injuries and disorders could be prevented if Americans took greater care to preserve their vision. Simple measures, such as wearing protective goggles when engaged in hazardous activity, will help avoid eye injuries and save sight. Many disorders that impair vision or cause blindness can be arrested before the eyes become seriously damaged, if they are detected and treated early in their development. Even blindness can sometimes be cured. For example, 95 percent of the 5,000 Americans blinded or visually disabled by cataract, for whom surgery is recommended, could have their vision restored.

Researchers in the visual science are continually striving to reduce the toll of visual disability. Advances made in vision research, many of which have been supported by the Federal Government through the National Eye Institute, and by several philanthropic organizations, can benefit many Americans if only we avail ourselves of them. The simplest way is by making eye examinations a routine part of health care through the professional guidance of ophthalmologists, optometrists, and opticians. All of us should know where to go in our communities for assistance in visual problems. We must be aware of preventive measures that can be taken at home, school, work, and play to protect our vision. We must learn the warning signals of serious eye problems so we know when to seek professional attention.

To encourage all of us to protect our vision and to care properly for our eyes, Congress, by joint resolution, approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 169a), has requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week of March 2 through March 8, 1975, as Save Your Vision Week. I urge all Americans to join in this observance by taking steps to assure eye safety and by making themselves aware of the vision care facilities available in their communities. I invite the appropriate officials of State and local governments to issue similar Proclamations.

I also invite the communications media, the health care professions, and all other agencies and individuals concerned with the improvement and preservation of vision, to join in public activities supporting programs to improve and protect the vision of Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of February in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-3783 Filed 2-6-75;12:30 pm]

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Amending Executive Order No. 11491, As Amended by Executive Orders 11616 and 11636, Relating to Labor-Management Relations in the Federal Service

EXECUTIVE ORDER 11838

By virtue of the authority vested in me by the Constitution and statutes of the United States, including sections 3301 and 7301 of title 5 of the United States Code, and as President of the United States, Executive Order No. 11491 [1] of October 29, 1969, as amended by Executive Orders 11616 [2] and 11636,[3] relating to labor-management relations in the Federal service, is further amended as follows:

1. Section 2(c) is amended by deleting the words "or to evaluate their performance,".

2. Section 2(d) is revoked.

3. Paragraph (1) of section 4(c) is amended to read as follows:

"(1) appeals from decisions of the Assistant Secretary issued pursuant to section 6 of this order, except where, in carrying out his authority under section 11(d), he makes a negotiability determination, in which instance the party adversely affected shall have a right of appeal;".

4. Paragraphs (4) and (5) of section 6(a) are amended to read as follows:

"(4) decide unfair labor practice complaints (including those where an alleged unilateral act by one of the parties requires an initial negotiability determination) and alleged violations of the standards of conduct for labor organizations; and

"(5) decide questions as to whether a grievance is subject to a negotiated grievance procedure or subject to arbitration under an agreement as provided in section 13(d) of this order."

5. Section 7(d) is amended to read as follows:

"(d) Recognition of a labor organization does not—

(1) preclude an employee, regardless of whether he is in a unit of exclusive recognition, from exercising grievance or appellate rights established by law or regulation, or from choosing his own representative in a grievance or appellate action, except when the grievance is covered under a negotiated procedure as provided in section 13;

(2) preclude or restrict consultations and dealings between an agency and a veterans organization with respect to matters of particular interest to employees with veterans preference; or

(3) preclude an agency from consulting or dealing with a religious, social, fraternal, professional or other lawful association, not qualified as a labor organization, with respect to matters or policies which involve individual members of the association or are of particular applicability to it or its members. Consultations and dealings under subparagraph (3)

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[1] 3 CFR 1969 Comp., p. 191; 34 FR 17605.
[2] 3 CFR 1971 Comp., p. 191; 36 FR 17319.
[3] 3 CFR 1971 Comp., p. 232; 36 FR 24901.

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of this paragraph shall be so limited that they do not assume the character of formal consultation on matters of general employee-management policy covering employees in that unit or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees."

6. Section 7(c) is revoked.

7. Section 9(b) is amended by substituting the word "consult" for the word "confer" in the third sentence thereof.

8. Section 10(a) is amended to read as follows:

"(a) An agency shall accord exclusive recognition to a labor organization when the organization has been selected, in a secret ballot election, by a majority of the employees in an appropriate unit as their representative; provided that this section shall not preclude an agency from according exclusive recognition to a labor organization, without an election, where the appropriate unit is established through the consolidation of existing exclusively recognized units represented by that organization."

9. Paragraph (2) of section 10(b) is amended by adding at the end thereof the word "or".

10. Paragraph (3) of section 10(b) is revoked.

11. Section 10(c) is revoked.

12. Section 10(d) is amended to read as follows:

"(d) All elections shall be conducted under the supervision of the Assistant Secretary, or persons designated by him, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union', except as provided in subparagraph (4) of this paragraph. Elections may be held to determine whether—

(1) a labor organization should be recognized as the exclusive representative of employees in a unit;

(2) a labor organization should replace another labor organization as the exclusive representative;

(3) a labor organization should cease to be the exclusive representative; or

(4) a labor organization should be recognized as the exclusive representative of employees in a unit composed of employees in units currently represented by that labor organization or continue to be recognized in the existing separate units."

13. Section 11 is amended to read as follows:

"SEC. 11. *Negotiation of agreements.* (a) An agency and a labor organization that has been accorded exclusive recognition, through appropriate representatives, shall meet at reasonable times and confer in good faith with respect to personnel policies and practices and matters affecting working conditions, so far as may be appropriate under applicable laws and regulations, including policies set forth in the Federal Personnel Manual; published agency policies and regulations for which a compelling need exists under criteria established by the Federal Labor Relations Council and which are issued at the agency headquarters level or at the level of a primary national subdivision; a national or other controlling agreement at a higher level in the agency; and this order. They

may negotiate an agreement, or any question arising thereunder; determine appropriate techniques, consistent with section 17 of this order, to assist in such negotiation; and execute a written agreement or memorandum of understanding.

"(b) In prescribing regulations relating to personnel policies and practices and working conditions, an agency shall have due regard for the obligation imposed by paragraph (a) of this section. However, the obligation to meet and confer does not include matters with respect to the mission of an agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. This does not preclude the parties from negotiating agreements providing appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

"(c) If, in connection with negotiations, an issue develops as to whether a proposal is contrary to law, regulation, controlling agreement, or this order and therefore not negotiable, it shall be resolved as follows:

(1) An issue which involves interpretation of a controlling agreement at a higher agency level is resolved under the procedures of the controlling agreement, or, if none, under agency regulations;

(2) An issue other than as described in subparagraph (1) of this paragraph which arises at a local level may be referred by either party to the head of the agency for determination;

(3) An agency head's determination as to the interpretation of the agency's regulations with respect to a proposal is final;

(4) A labor organization may appeal to the Council for a decision when—

(i) it disagrees with an agency head's determination that a proposal would violate applicable law, regulation of appropriate authority outside the agency, or this order, or

(ii) it believes that an agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency, or this order, or are not otherwise applicable to bar negotiations under paragraph (a) of this section.

"(d) If, as the result of an alleged unilateral change in, or addition to, personnel policies and practices or matters affecting working conditions, the acting party is charged with a refusal to consult, confer or negotiate as required under this order, the Assistant Secretary may, in the exercise of his authority under section 6(a)(4) of the order, make those determinations of negotiability as may be necessary to resolve the merits of the alleged unfair labor practice. In such cases the party subject to an adverse ruling may appeal the Assistant Secretary's negotiability determination to the Council."

14. Section 13 is amended to read as follows:

"SEC. 13. *Grievance and arbitration procedures.* (a) An agreement between an agency and a labor organization shall provide a procedure, applicable only to the unit, for the consideration of grievances. The coverage and scope of the procedure shall be negotiated by the parties to the agreement with the exception that it may not cover matters for which a statutory appeal procedure exists and so long as it does not otherwise conflict with statute or this order. It shall be the exclusive procedure

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available to the parties and the employees in the unit for resolving grievances which fall within its coverage. However, any employee or group of employees in the unit may present such grievances to the agency and have them adjusted, without the intervention of the exclusive representative, as long as the adjustment is not inconsistent with the terms of the agreement and the exclusive representative has been given opportunity to be present at the adjustment.

"(b) A negotiated procedure may provide for arbitration of grievances. Arbitration may be invoked only by the agency or the exclusive representative. Either party may file exceptions to an arbitrator's award with the Council, under regulations prescribed by the Council.

(c) [Revoked.]

"(d) Questions that cannot be resolved by the parties as to whether or not a grievance is on a matter for which a statutory appeal decision exists, shall be referred to the Assistant Secretary for decision. Other questions as to whether or not a grievance is on a matter subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement, may by agreement of the parties be submitted to arbitration or may be referred to the Assistant Secretary for decision."

(e) [Revoked.]

15. Section 15 is amended to read as follows:

"SEC. 15. *Approval of agreements.* An agreement with a labor organization as the exclusive representative of employees in a unit is subject to the approval of the head of the agency or an official designated by him. An agreement shall be approved within forty-five days from the date of its execution if it conforms to applicable laws, the order, existing published agency policies and regulations (unless the agency has granted an exception to a policy or regulation) and regulations of other appropriate authorities. An agreement which has not been approved or disapproved within forty-five days from the date of its execution shall go into effect without the required approval of the agency head and shall be binding on the parties subject to the provisions of law, the order and the regulations of appropriate authorities outside the agency. A local agreement subject to a national or other controlling agreement at a higher level shall be approved under the procedures of the controlling agreement, or, if none, under agency regulations."

16. Section 21(a) is revoked.

17. Section 23 is amended by deleting at the end thereof the following:

"other than those for the implementation of section 7(e) of this order".

The amendments made by this order shall become effective ninety days from this date except that the amendments to sections 11(a) and 11(c) shall not become effective until ninety days after issuance by the Federal Labor Relations Council of the criteria for determining compelling need. Each agency shall issue appropriate policies and regulations consistent with this order for its implementation.

Gerald R. Ford

THE WHITE HOUSE,
February 6, 1975.

[FR Doc.75-3781 Filed 2-6-75;12:30 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to reflect the following title change from: one Secretary to the Assistant Secretary for Administration to one Staff Assistant to the Assistant Secretary for Administration.

Effective February 7, 1975, § 213.3305 (a)(39) is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary* • • •

(39) One Staff Assistant to the Assistant Secretary for Administration.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES G. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3476 Filed 2-6-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the President of the Uniformed Services University of the Health Sciences is excepted under Schedule C.

Effective February 7, 1975, § 213.3306 (a)(17) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary* • • •

(17) One Confidential Assistant to the President of the Uniformed Services University of the Health Sciences.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3473 Filed 2-6-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Special Assistant for Foreign Affairs Legislation to the Assistant Secretary of Defense (Legislative Affairs), is excepted under Schedule C.

Effective February 7, 1975, § 213.3306 (a)(18) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary* • • •

(18) One Special Assistant for Foreign Affairs Legislation to the Assistant Secretary of Defense (Legislative Affairs).

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3474 Filed 2-6-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Secretary is reestablished under Schedule C.

Effective February 7, 1975, § 213.3312 (a)(2) is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(2) Five Special Assistants to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3475 Filed 2-6-75;8:45 am]

PART 870—REGULAR LIFE INSURANCE

Increase in Employee Withholding for Insurance

The life insurance regulations are hereby amended to provide for an increase in the amount withheld for regular life insurance from the pay of an employee during any period in which the employee is in a pay status.

Effective on the first day of the first pay period beginning after February 28, 1975 § 870.401(a) and (b) are amended as set out below:

§ 870.401 Withholdings and contributions.

(a) During any period in any part of which an insured employee is in a pay status there shall be withheld from the biweekly pay of such employee the sum of 35.5 cents for each $1,000 of his regular insurance. The amount withheld from the pay of an employee who is paid on other than a biweekly basis is determined at a proportionate rate, adjusted to the nearest cent.

(b) The amount withheld from the pay of an insured employee whose annual pay is paid during a period shorter than 52 workweeks is the sum obtained by converting the biweekly rate of 35.5 cents for each $1,000 of his regular insurance to an annual rate and prorating the annual rate over the number of installments of pay regularly paid during the year.

• • • • • •

(5 U.S.C. 8707, 8716)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3592 Filed 2-6-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[FSP No. 1975-2.2, Amdt. 46]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Alaska

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975–2.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed

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rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975–2.1 for Alaska issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded by this Notice FSP No. 1975–2.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance or supplemental security income benefit, in Alaska shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Alaska prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:

1	[1] $229
2	360
3	546
4	693
5	826
6	946
7	1,066
8	1,186
Each additional member	+100

[1] Poverty Guideline

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Alaska is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	Alaska
1	$62
2	114
3	164
4	206
5	248
6	284
7	320
8	356
Each additional person	+30

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026) (Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–3531 Filed 2–6–75;8:45 am]

[FSP No. 1975–3.2, Amdt. 49]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program, Hawaii

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975–3.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975–3.1 for Hawaii issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded by this Notice FSP No. 1975–3.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: HAWAII

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance or supplemental security income benefit, in Hawaii shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Hawaii prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:

1	[1] $216
2	360
3	520
4	660
5	786
6	900
7	1,013
8	1,120
Each additional member	+93

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Hawaii is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	Hawaii
1	$60
2	108
3	156
4	198
5	236
6	270
7	304
8	336
Each additional person	+28

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; (7 U.S.C. 2011–2026))

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–3528 Filed 2–6–75;8:45 am]

[FSP No. 1975–4.2; Amdt. 50]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Puerto Rico

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975–4.1 for Puerto Rico, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975–4.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico. Additionally, section 5(b) specifies that these special standards of eligibility or coupon allotments shall not exceed those in effect for the fifty States.

As provided in § 271.3(b), households in which all members are included in the federally-aided public assistance grant or general assistance grant, shall be determined to be eligible to participate in the Program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including

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those in which some members are recipients of federally-aided public assistance or general assistance, in Puerto Rico shall be as follows:

Household size:	
1	[1] $194
2	273
3	393
4	500
5	593
6	680
7	767
8	853
Each additional member	+73

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in Puerto Rico is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	*Puerto Rico*
1	$46
2	82
3	118
4	150
5	178
6	204
7	230
8	256
Each additional person	+22

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3527 Filed 2-6-75;8:45 am]

[FSP No. 1975-52, Amdt. 51]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Virgin Islands

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975-5.1 currently provides that the percentage of income represented by the purchase requirements reflect historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 2,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment for each household size.

Thus, Notice FSP No. 1975-5.1 for the Virgin Islands, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975-5.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: VIRGIN ISLANDS

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands. Additionally, section 5(b) specifies that these special standards of eligibility or coupon allotments shall not exceed those in effect for the fifty States.

As provided in § 271.3(b), households in which all members are included in the federally-aided public assistance grant or general assistance grant, shall be determined to be eligible to participate in the Program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in the Virgin Islands shall be as follows:

Household size:	
1	[1] $194
2	353
3	507
4	640
5	760
6	873
7	987
8	1,100
Each additional member	+93

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. The first coupon allotment schedules, effective July 1, 1974, were based on the economy food plan in February 1974. A similar procedure was used for the January 1, 1975 adjustment in the value of the coupon

allotment which is based on the cost of the economy food plan in August 1974.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in the Virgin Islands is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	*Virgin Islands*
1	$58
2	106
3	152
4	192
5	228
6	262
7	296
8	330
Each additional person	+28

PURCHASE REQUIREMENTS

Pursuant to Section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date: This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3529 Filed 2-6-75;8:45 am]

[FSP No. 1975-6.2, Amdt. 52]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Guam

Notice of proposed rulemaking was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42700) setting forth a proposal to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to provide that, effective March 1, 1975, the amount each household will pay for its coupon allotment will be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made, except that one- and two-person households with net monthly income of less than $20 and all other households with net monthly income of less than $30 shall continue to receive their coupon allotments without paying anything.

Notice FSP No. 1975-6.1 currently provides that the percentage of income represented by the purchase requirements reflects historical differentials which show a wide variation of the percentage of income by household size and income. Additionally there are further distortions due to the use of income intervals which result in varying percentages of income within these intervals. Under the proposed amendment, these differentials and distortions would be removed, as every household with the same income will pay the same purchase requirement.

Interested persons were given 21 days in which to submit comments, suggestions, or objections to the proposed amendment. Comments on the proposed rulemaking were received from over 4,000 interested persons and organizations.

After consideration of all comments as presented by interested persons, the amendment so proposed to remove the current differentials and distortions is hereby adopted, subject to the following changes:

1. Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total monthly coupon allotment, and

2. The maximum amount that a household shall be required to pay shall be $1.00 less than its total monthly coupon allotment.

Thus, Notice FSP No. 1975-6.1 for Guam, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chaper II, Code of Federal Regulations, is amended and superseded, by this Notice FSP No. 1975-6.2 to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Guam. Additionally, section 5(b) specifies that these special standards of eligibility or coupon allotments shall not exceed those in effect for the fifty States.

As provided in § 271.3(b), households in which all members are included in the federally-aided public assistance grant or general assistance grant, shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in Guam shall be as follows:

Household size:	
1	[1] $218
2	380
3	546
4	693
5	826
6	946
7	1,066
8	1,186
Each additional member	+100

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

The cost of a nutritionally adequate diet—the economy food plan—is estimated by the Agricultural Research Service based on food prices published by the Bureau of Labor Statistics. Based on prices provided for Guam, the Agricultural Research Service estimated that the cost of the economy food plan would be higher than in the fifty States. Thus, the coupon allotments set forth for Guam are the same as those which became effective in Alaska on January 1, 1975.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to

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participate in the Program in Guam is as follows:

MONTHLY COUPON ALLOTMENTS

Household size:	Guam
1	$63
2	114
3	164
4	208
5	264
6	264
7	320
8	356
Each additional person	+30

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted net monthly income; i.e., income after all allowable deductions have been made; except that:

1. One- and two-person households with adjusted net income of less than $20 per month shall continue to receive their coupon allotments without paying anything; and

2. Households of three or more persons with adjusted net income of less than $30 per month shall continue to receive their coupon allotments without paying anything.

Less than whole dollar amounts shall be dropped in computing the amount that a household shall be required to pay for its total coupon allotment. The maximum amount that a household shall be required to pay shall be $1.00 less than the total coupon allotment for each household size.

Effective date. This amendment shall become effective March 1, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: February 4, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3530 Filed 2-6-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 678]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period February 9-15, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.978 Lemon Regulation 678.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues about unchanged from last week. Average f.o.b. price was $4.77 per carton the week ended February 1, 1975, compared to $4.90 per carton the previous week. Track and rolling supplies at 129 cars were down 1 car from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 4, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 9, 1975, through February 15, 1975, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 5, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-3689 Filed 2-6-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-797 (400)]

PART 1890b—EQUAL OPPORTUNITY IN EMPLOYMENT IN CONSTRUCTION

Deletion of Part

Part 1890b, "Equal Opportunity in Employment in Construction," (35 FR 13975), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. Regulations concerning nondiscrimination in construction financed with a Farmers Home Administration's loan or grant is covered in Part 1890p of this chapter.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FF 9850)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3523 Filed 2-6-75;8:45 am]

[AL-889 (443)]

PART 1890d—FARM OWNERSHIP LOANS ON LEASEHOLD INTEREST IN HAWAII

Deletion of Part

Part 1890d, "Farm Ownership Loans on Leasehold Interest in Hawaii" (35 FR 13979), is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. The statute authorizing Farm Ownership loans on leasehold interests in Hawaii has expired. Servicing loans on leasehold interests is covered in Subpart A of Part 1872 of this Chapter.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3524 Filed 2-6-75;8:45 am]

[AL-965 (465)]

PART 1890e—REAL ESTATE SECURITY—EO LOANS

Deletion of Part

Part 1890s, "Real Estate Security—EO Loans," (35 FR 13980), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The policies servicing real estate purchased, refinanced or improved with EO Loans is covered in Subpart A of Part 1872 of this Chapter.

(42 U.S.C. 2942; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; Order of Director of OEO, 29 FR 14764, 33 FR 9850)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3525 Filed 2-6-75;8:45 am]

[AL-740 (441)]

PART 1890l—OPERATING LOANS FOR FAMILY FARMING OPERATIONS IN HAWAII

Deletion of Part

Part 1890l, "Operating Loans for Family Farming Operations in Hawaii" (36 FR 1131), is deleted from Chapter XVIII, Title 7, of the Code of Federal Regulations. This Part has served its purpose and no longer has any applicability.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This deletion shall become effective on February 7, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3526 Filed 2-6-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5464]

VIRGIN ISLANDS

Reserved Lands

1. Pursuant to the authority vested in me by section 3 of the Act of October 5, 1974, 88 Stat. 1210, the following described lands are hereby reserved to the United States:

a. The property known as the United States Coast Guard Light Attendant Station and Moorings, located in the city and harbor of Charlotte Amalie, St. Thomas, United States Virgin Islands which is currently used and occupied by the United States Coast Guard.

b. The property known as Nos. 47 and 48aa Norre Gade in the City of Charlotte Amalie, St. Thomas, United States Virgin Islands, currently used and occupied by the United States Post Office.

c. The property known as No. 48b, Norre Gade or Talbod Gade in the City of Charlotte Amalie, St. Thomas, United States Virgin Islands, currently used and occupied by the United States District Court, the United States Attorney's Office and the United States Immigration and Naturalization Service. This reservation is effective until such time as the Secretary of the Interior determines that the property is no longer needed by the United States Government.

2. The lands described in Paragraph 1 are for the use of the agencies involved or other United States Government agencies which may require them.

ROGERS C. B. MORTON,
Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3571 Filed 2-6-75;8:45 am]

[Public Land Order No. 5466]

[Montana 27716]

MONTANA

Withdrawal from Mineral Entry

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subect to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, for the protection of a scenic and historic area that has been nominated for inclusion in the National Register of Historic Places:

CUSTER NATIONAL FOREST

MONTANA PRINCIPAL MERIDIAN

T. 3 S., R. 62 E.,
Sec. 16, SW¼SW¼NW¼, W½SW¼;
Sec. 17, SE¼SE¼NE¼, E½E½SE¼;
Sec. 20, E½NE¼NE¼;
Sec. 21, N½NW¼.

The area described contains 240 acres in Carter County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3569 Filed 2-6-75;8:45 am]

[Public Land Order No. 5467]

[Idaho 5053]

IDAHO

Withdrawal for National Forest Research Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

Upper Fishhook Research Natural Area

T. 44 N., R. 5 E.,
Sec. 32, N½.

The area described aggregates 320 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3568 Filed 2-6-75;8:45 am]

[Public Land Order 5468]

[Montana 23901]

SOUTH DAKOTA

Partial Revocation of National Forest, Administrative Site Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 1744 dated October 6, 1958, withdrawing national forest lands is hereby revoked so far as it affects the following described lands:

XUM V40127 FEB 7 75 XUM

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

Hill City Shop Administrative Site

T. 1 S., R. 4 E.,
Sec. 36, A tract of land described as follows:

Beginning at Corner No. 1, a point on the southeasterly boundary of right-of-way for U.S. Highway No. 85A within the Bonham Placer Mining Survey No. 626 located in sec. 36, T. 1 S., R. 4 E., B.H.M.; thence, S. 35°08' W., 600 feet along said right-of-way to Corner No. 2; S. 6°39' E., 84 feet to Corner No. 3, which is identical with Corner No. 4 of Bonham Placer, M.S. 626; N. 63°37' E., 866.4 feet to Corner No. 4, which is identical with Corner No. 5 of said M.S. 626; N. 68°42' W., 336 feet to Corner No. 5; N. 38°35' W., to Corner No. 1, the place of beginning.

The area described contains 4.05 acres in Pennington County.

2. The land was acquired by the Forest Service and has been used as an administrative site, and will continue to be used as such.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3570 Filed 2-6-75;8:45 am]

[Public Land Order 5469]

[Colorado 15838]

COLORADO

Revocation of Recreation Withdrawal No. 48

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The departmental order of September 15, 1931, withdrawing lands for Recreational Withdrawal No. 48 is hereby revoked as to the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 38 N., R. 6 E.,
Sec. 26, SE¼SW¼, SW¼SE¼.

The area described contains 80 acres in Rio Grande County.

2. At 10 a.m. on March 8, 1975, the lands shall be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 8, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiry concerning the lands should be addressed to the Chief, Technical Services Division, Colorado State Office, Bureau of Land Management, Colorado Bank Building, Denver, Colorado 80202.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3566 Filed 2-6-75;8:45 am]

[PUBLIC LAND ORDER 5470]

[CA-817]

CALIFORNIA

Amendment of Executive Order of July 22, 1915; Revocation in Part of Executive Order of May 26, 1931, and Executive Order No. 5843 of April 28, 1932

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is hereby ordered as follows:

1. The Executive Order of July 22, 1915, reserving NE¼ section 11, T. 2 S., R. 31 E., Mount Diablo Meridian, for the use of a small band of Paiute Indians as a cemetery and camping ground, is hereby amended to reserve said land for a cemetery and other purposes.

2. The Executive Order of May 26, 1931, withdrawing lands for municipal water supply purposes, and Executive Order No. 5843 of April 28, 1932, withdrawing lands for classification and in aid of legislation, are hereby amended to delete the following described land:

MOUNT DIABLO MERIDIAN

T. 2 S., R. 31 E.,
Sec. 11, NE¼.

The area described contains 160 acres in Mono County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3565 Filed 2-6-75;8:45 am]

[Public Land Order 5471]

[Colorado 16211]

COLORADO

Withdrawal for National Forest Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

WHITE RIVER NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Eagle Park Campground

T. 7 S., R. 80 W.,
Sec. 22, lots 5, 6, 7, E½E½SE¼SW¼.

Yeoman Park Campground

T. 6 S., R. 83 W.,
Sec. 26, W½NE¼SW¼, N½SW¼SW¼;
Sec. 27, SW¼NE¼, N½NW¼SE¼.

Deep Creek Overlook

T. 4 S., R. 87 W.,
Sec. 19, S½NE¼SE¼SE¼, N½SE¼SE¼SE¼;
Sec. 20, S½NW¼SW¼SW¼, N½SW¼SW¼SW¼.

Trappers Lake Recreation Area

T. 1 S., R. 88 W. (Protraction Diagram No. 3, dated 10-10-61),
Secs. 2, 3, 10, 11, beginning at a point from which the outlet of Trappers Lake bears S. 44° W., 8 chains; thence N. 22 chains to a point on the north line of sec. 2 (protracted); thence W. 20 chains, thence S. 22 chains, thence W. 50 chains, thence S. 60 chains, thence W. 10 chains, thence S. 40 chains, thence E. 60 chains, thence S. 20 chains, thence E. 40 chains, thence N. 120 chains, thence W. 20 chains to the point of beginning.

Heart Lake Recreation Area Addition

T. 3 S., R. 88 W.,
Sec. 30, NE¼SW¼.
T. 3 S., R. 89 W.,
Sec. 25, N½SW¼.

Marvine Creek Campground

T. 1 N., R. 89 W. (Protraction Diagram #3, dated 10-10-61),
Sec. 31, beginning at the E¼ Corner of sec. 36, T. 1 N., R. 90 W., thence N. 15 chains, thence E. 10 chains, thence S. 30 chains, thence W. 10 chains, thence N. 15 chains to the point of beginning.
T. 1 N., R. 90 W.,
Sec. 36, SE¼SE¼NE¼, E½NE¼SE¼.

The areas described aggregate approximately 1,474.66 acres in Eagle, Garfield and Rio Blanco Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3567 Filed 2-6-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NW-22-AD, Amdt. 39-2086]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100 and -200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the modification of the pitot-static tubes to include a vertical rise on the Boeing Model 747-100/200 series airplanes was published in FR Doc. 74-27567.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received that the proposed AD is not justified because experience indicates that water in the Boeing 747 pitot-static system is not a significant problem. It was also suggested that only the installation of transparent drains be required if the FAA felt mandatory action was necessary. In addition, this commentator stated that a time period substantially greater than 3,500 hours will be required to prevent removal of aircraft from service for modification if mandatory action should be required. This is due to delivery time for modification kits and the time required after kit delivery to modify the airplanes.

Another commentator stated that its records show that the water ingestion problem has diminished during the last 1½ year period and it is believed that increased and proper maintenance has contributed to this improvement. Pitot-static systems were originally drained at every fifth "C" check and later the systems were drained at 4,000-hour intervals.

The FAA has reviewed 747 pitot-static drain service history, and the records show that five reports of pitot-static instrument error readings caused by water in the pitot-static lines were logged in the year 1971. Subsequently, in 1974, there were two reports of erratic air data indications. These were traced to ruptured pitot-static tubes due to water freezing in the lines. Investigation has not revealed the specific source of ingested water. Although the recorded incidents of water ingestion in the pitot-static lines are few and sporadic, the FAA cannot consider the problem and related instrument errors insignificant.

Water in the pitot-static system can be caused by condensation or improper protection of the pitot-static ports during airplane cleaning. The FAA will issue a companion maintenance alert bulletin recommending draining every "B" check, and in addition, the bulletin will emphasize the need for proper pitot-static port covers during cleaning.

A third source of ingested water in the pitot-static lines is direct impingement on pitot-static openings during extremely heavy driving rains. Experience has shown airplanes, like the Boeing 747 which do not have a sufficient rise in pitot-static lines adjacent to the pitot-static openings are susceptible to this type of water ingestion. The preventive measure is to install a riser in the pitot-static lines similar to that required on Model 737 airplanes by Airworthiness Directive 74-NW-4-AD.

As stated above, one commentator objected to the proposed 3,500 hours time for accomplishment of the AD as not adequate due to a delay in kit delivery. The FAA has determined that the delivery time for kit delivery can be shortened considerably. It is, therefore, not in the public interest to increase the compliance time from 3,500 hours.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 747 airplanes, certificated in all categories, listed in Boeing Service Bulletin 747-34-2058 dated January 31, 1974, or later FAA approved revisions. To prevent erroneous information from being displayed on flight instruments.

Within the next 3,500 hours time in service after the effective date of this AD, modify the pitot-static tubing to include a vertical rise just inboard of each pitot-static probe in accordance with Work Package 1, 2, and 3 of Boeing Service Bulletin 747-34-2058, dated January 31, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective March 10, 1975.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Seattle, Wash., on January 31, 1975.

C. B. WALK, JR.,
Director Northwest Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-3479 Filed 2-6-75;8:45 am]

[Airworthiness Docket No. 75-WE-5-AD, Amdt. 39-2085]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-10-10, -30, and -40 Series Airplanes

The Agency has received reports of failure to achieve 100 percent passenger oxygen mask deployment during periodic maintenance program drop tests. As many as 50% of the masks have failed to drop during these tests, and, during a recent decompression incident, approximately 25% of the masks failed to deploy. An airworthiness directive is being issued to require modifications to the passenger oxygen system to improve oxygen mask deployment reliability.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Douglas Model DC-10-10, -30, and -40 series airplanes, certificated in all categories.

Compliance required as follows unless already accomplished.

To improve cabin oxygen mask deployment reliability, accomplish the following:

A. Within the next 300 hours' additional time in service after the effective date of this AD, unless already accomplished within the last 300 hours' time in service:

1. Conduct an oxygen mask functional (drop) test, by cabin or by each section, in accordance with Paragraph IX of Douglas All Operators Letter No. 10-742, dated December 13, 1974, or 10-742A, dated January 24, 1975, or later FAA-approved revisions.

2. Oxygen compartments that fail to open must be inspected and modified in accordance with all of the applicable provisions of Douglas All Operators Letter No. 10-742, dated December 13, 1974, or 10-742A, dated January 24, 1975, or later FAA-approved revisions.

3. Repeat the oxygen mask functional test until 100% mask drops are achieved by cabin or by each section.

B. Within the next 1500 hours' additional time in service after the effective date of this AD:

1. Modify partition oxygen compartment doors to insure 180° opening in accordance with Douglas Service Bulletin No. 25-163, dated June 11, 1974, or later FAA-approved revisions.

2. Install pictorial warning placards on oxygen generator heat shields in accordance with Douglas Service Bulletin No. 35-12, dated April 26, 1974, or later FAA-approved revisions.

3. Modify oxygen compartments in passenger seat backs and partitions in accordance with Douglas Service Bulletin No. 35-16, dated August 19, 1974, or later FAA-approved revisions.

4. (a) Inspect and modify the cabin oxygen system, as applicable, in accordance with Douglas All Operators Letter No. 10-742, dated December 13, 1974, or 10-742A, dated January 24, 1975, or later FAA-approved revisions.

(b) Repeat the oxygen mask functional test until 100% mask drops are achieved by cabin or by each section.

C. Results of the functional tests required in paragraphs A. and B. must be forwarded within 30 days in a written report to the Chief, Aircraft Engineering Division, FAA Western Region. Recording approved by the Bureau of the Budget under Order BOB No. 04-R0174.

D. The Chief, Aircraft Engineering Division, FAA Western Region, may approve equivalent inspections and modifications upon submittal of substantiating data.

E. Aircraft may be flown to a base for accomplishment of the maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective February 14, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 29, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-3478 Filed 2-6-75;8:45 am]

[Docket No. 74-NE-46; Amdt. 39-2084]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT3D Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive reducing the disk cyclic life on Pratt & Whitney JT3D engines containing tenth stage compressor disks, P/N 701810, was published in the FEDERAL REGISTER (39 FR 39733) on November 11, 1974.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT3D-3, JT3D-3D, and JT3D-7 turbofan engines containing tenth stage compressor disk, P/N 701810.

Compliance required as indicated.

To ensure adequate life limit margin for tenth stage compressor disk, P/N 701810, the

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cyclic life limits on these disks have been reduced below the figures currently approved. Unless already accomplished, remove from service the tenth stage compressor disk prior to exceeding the revised life limit listed below or within the next 25 cycles in service after the effective date of this AD, whichever comes later.

	Previous life limit (cycles)	Revised life limit (cycles)
Engine model:		
JT3D-3	30,000	25,000
JT3D-3B	30,000	25,000
JT3D-7	25,000	23,000

If a disk has been used in more than one engine model, the disk is limited to the lowest cyclic life permitted for the engine models in which it has been exposed.

This amendment becomes effective February 19, 1975.

Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act), (49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 29, 1975.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.75-3481 Filed 2-6-75;8:45 am]

[Airworthiness Docket No. 75-WE-9-AD, Amdt. 39-2087]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International NA-265 Series Airplanes

There have been reports of fuel seepage from the engine fuel pressure switch due to internal failure of the switch, Hydra-Electric Co. P/N 12251, installed on Rockwell International NA-265 series airplanes. If this failure occurs fuel can be released into an undrained, nonventilated compartment of the airplane forward of the rear spar underneath the fuselage floor. When this condition continues undetected, a potential fire hazard can exist in an area not designated by Part 25 of the Federal Aviation Regulations (or CAR 4b) as a fire zone. While no fires have been reported to the agency as a result of this condition to date, the agency has determined that an airworthiness directive is required to ensure an adequate level of public safety.

Since this condition can exist or develop in other airplanes of the same type, an airworthiness directive is being issued to require replacement of the fuel pressure switch, Hydra-Electric Co. P/N 12251, with an improved Hydra-Electric Co. design or an alternate approved design which will preclude such fuel seepage.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROCKWELL INTERNATIONAL. Applies to all NA-265 Series Airplanes certificated in all categories.

Compliance as indicated, unless already accomplished.

To provide protection in the event of an unknown incipient failure condition in the engine fuel pressure switch, Hydra-Electric Co. P/N 12251, accomplish the following:

(a) Within 10 hours' time in service after the effective date of this AD, inspect the engine fuel pressure switches for fuel seepage or leakage.

(1) If seepage or leakage is found, replace the failed switch before further flight, in accordance with Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions.

(2) If seepage or leakage is not found, repeat the inspection at intervals not to exceed 10 hours' time in service until the inspection and installation described in (b) are accomplished.

(b) Within 90 days after the effective date of this AD, conduct an inspection to determine the part number of the engine fuel pressure switch installed in accordance with steps 1 through 3 of Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions.

(1) If Hydra-Electric Co. P/N 12251 is found installed, either

(i) Accomplish the installation described in steps 4 through 10 of Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions, prior to further flight; or

(ii) Repeat (a), above, until the installation described in (b)(1)(i) is accomplished. The installation required by (b)(1)(i) is to be performed within 90 days after the effective date of this AD.

(c) If P/N 1B2522-25 (Aero Instruments Co., or Century Electronics and Instrument Inc., or Hathaway Industries, or Electro Controls Inc., or P/N 685-1, Value Engineering Products, is installed, proceed with steps 5 through 10 of Sabreliner Service Bulletin 74-34, dated January 15, 1975, revised January 24, 1975, or later FAA-approved revisions.

(d) Airplanes may be flown to a base for the performance of the inspections and installations required by this AD, per FAR's 21.197 and 21.199, except when seepage or leakage is known to exist.

(e) Return P/N 12251 switches removed from service to Rockwell International, Aviation Service Division, Lambert Field, St. Louis, Mo. 63145.

(f) Equivalent inspections and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

This amendment becomes effective February 18, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 31, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-3480 Filed 2-6-75;8:45 am]

[Airspace Docket No. 74-EA-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Extension of Effective Date

The Federal Aviation Administration has promulgated a rule designating a Clearfield, Pa., transition area (39 FR 42342) to be effective January 30, 1975.

Due to delays in the effectivity of an accompanying runway procedure, the effective date of this docket must be extended.

Since this is a change which is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 7, 1975, as follows:

1. Amend the effective date so as to delete January 30, 1975, and insert in lieu thereof March 20, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on January 27, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75-3482 Filed 2-6-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-896, Amdt. 37]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Average Commercial and Military Fuel Prices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 31, 1975.

On January 17, 1975, by ER-896, the Board adopted revised minimum rates applicable to various air transportation services performed by air carriers for the Department of Defense and set forth in Part 288 of the Board's Economic Regulations (14 CFR Part 288). The minimum rates adopted were subject to a surcharge based upon a comparison of average commercial and military fuel prices as of December 1, 1974, with the average fuel costs reflected in the rate base. In addition, the Board provided for monthly review of fuel prices and prospective adjustments of the surcharge rates to reflect fuel price changes reported as of the first of each month.[1]

Appendices A and B set forth the results of our computations of reported fuel price changes as of January 1, 1975, for both commercial and military fuel, based upon application of the "active stations" methodology to fuel consumption reported for the quarter ended September 30, 1974, and the rate impact of the change in average fuel prices from that reflected in the base rates. Based on these computations, we will revise the fuel surcharge rates established in ER-896 effective February 1, 1975, as follows: (a) Increase the long-range Category B and Category A rate from 1.30 to 1.53 percent; (b) increase the Pacific interisland short-range Category B rate from 1.66 to 1.72 percent; and, (c) increase the "all other" short-range Category B rate from 1.59 to 1.93 percent.

In view of the findings in ER-896 concerning the continuing need for a fuel surcharge to the minimum rates set forth in Part 288,[2] we find good cause exists to make the within amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective February 1, 1975, as follows:

1. Section 288.7 is amended as follows:

a. The third proviso following the table in paragraph (a) is amended; and

b. In paragraph (d) the proviso to subparagraphs (1) and (2) is amended to read as follows:

[1] ER-896 at 9-10.

[2] ER-896 at 7-10.

§ 288.7 Reasonable level of compensation.

* * * * * * *

(a) * * *

(1) * * *

Provided, however, That effective February 1, 1975, the total minimum compensation pursuant to the rates set forth above for (i) services performed with regular jet, wide-bodied jet, and DC-8F-61/63 aircraft, (ii) Pacific interisland services performed with B-727 aircraft, and (iii) all other services performed with B-727 aircraft shall be increased by surcharges of 1.53 percent, 1.72 percent, and 1.93 percent, respectively.[3]

* * * * * * *

[3] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

(d) For Category A transportation * * *

(1) * * *

(2) * * *

Provided, That effective February 1, 1975, the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 1.53 percent.

* * * * * * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; (49 U.S.C. 1324, 1373, 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

MAC INTERNATIONAL OPERATIONS

Impact of current fuel prices on final rates based on prices effective as at January 1, 1975

Carriers	Gallons purchased QE Sept. 30, 1974 (in thousands) JP-4	JP-5	Commercial	Price per gallon Jan. 1, 1975 (cents) JP-4	JP-5	Commercial [1]	Current average price (cents)	Base rate price per gallon [2] (cents)	Percent price increase (decrease) current/base	Percent of price impact on total economic cost [3]	Weighted impact on final rates [4] (percent)
LONG-RANGE											
Airlift	1,848		715	[5] 37.80	[5] 35.50		44.42	39.29	40.66	(3.37)	(1.36) (0.03)
Capitol	778	14	578				41.68	39.13	38.79	.88	.01
Flying Tiger	2,767	20	882				25.09	34.66	34.66	(0.87)	(.04)
Northwest	3,009		1,361				32.11	35.72	34.51	3.51	1.10 .13
Overseas	556		922				45.10	42.17	40.75	3.48	1.42 .08
Pan American	4,061		3,867				30.69	38.33	36.89	3.90	1.13 .24
Saturn	1,815	62	2,874				50.21	45.09	42.43	6.27	2.58 .05
Seaboard	1,131		1,653				37.33	37.32	33.86	10.22	3.85 .34
Trans International	1,992	20	1,461				34.03	35.92	34.28	4.78	1.55 .16
Trans World	1,057	107	1,007				43.27	39.98	36.18	10.50	3.81 .41
World	2,086		1,179				36.47	37.00	34.78	6.38	1.97 .18
Total	21,189	223	15,698				39.96	38.41	36.88	4.15	1.51 1.53
SHORT-RANGE											
Pacific Interisland World	2,111		77				48.85	37.71	35.72	5.57	1.72 1.72
All other Eastern	869		210				50.03	39.77	37.66	5.60	1.93 1.93

[1] App. B.
[2] See ER-896, App. Q.
[3] Product of increase or (decrease) for current price, from base price, multiplied by the ratio of fuel costs to total economic costs. See ER-896, app. R, especially footnote 2 for Trans World.
[4] To reflect the weighting applied to individual carrier unit costs in computing ER-896 final base rates (individual carrier's percentage of group's fiscal year 75 fixed-buy revenues).
[5] These prices are for all carriers.

NOTE.—Totals may not add due to rounding.

APPENDIX B

MAC INTERNATIONAL OPERATIONS

Average fuel price computation for commercial fuel price changes [1] based on reported fuel data—quarter ended September 30, 1974

Carriers	Currently active stations: Reported for QE Sept. 30, 1974 Gallons	Cost	Average price (cents)	Jan. 1, 1975 [2] Average price (cents)	Percent increase or (decrease)	All stations in MAC services quarter ended Sept. 30, 1974 Reported cost	Adjusted cost [3]	Reported gallons	Adjusted average price (cents)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
LONG-RANGE									
Airlift	715,196	$291,270	40.73	44.42	9.07	$291,270	$317,688	715,196	44.42
Capitol	550,800	228,717	41.52	42.46	2.25	235,591	240,830	577,774	41.68
Flying Tiger	882,085	285,133	32.32	25.09	(22.37)	285,133	221,340	882,085	25.09
Northwest	1,350,128	446,456	33.07	32.13	(2.85)	446,744	436,926	1,360,688	32.11
Overseas	875,885	361,623	41.29	45.04	11.50	372,888	415,770	921,824	45.10
Pan American	3,043,738	1,169,958	38.44	39.54	3.12	1,180,363	1,217,190	3,066,991	39.69
Saturn	2,874,492	1,355,633	47.16	50.21	6.47	1,355,633	1,443,375	2,874,492	50.21
Seaboard	1,649,696	625,654	37.99	37.34	(1.70)	627,587	616,918	1,662,818	37.33
Trans International	1,356,576	454,890	34.23	33.31	(2.70)	510,965	497,188	1,480,841	34.03
Trans World	1,006,611	376,316	37.38	43.27	15.74	376,316	435,535	1,006,611	43.27
World	1,094,735	395,796	36.15	36.50	0.96	425,791	429,836	1,178,564	36.47
Total	15,399,942	6,001,946	38.97	40.02	2.68	6,111,241	6,272,596	15,607,534	39.96
SHORT-RANGE									
Pacific Interisland World	77,383	37,272	48.16	48.85	1.41	37,272	37,798	77,383	48.85
All other Eastern	173,355	83,222	48.01	49.81	3.76	101,132	104,935	209,759	50.03

[1] As of Jan. 1, 1975.
[2] Reflecting latest prices reported as at Jan. 1, 1975.
[3] Column (6) plus 100 percent times column (7).

[FR Doc.75-3466 Filed 2-6-75;8:45 am]

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[Reg. ER-899; Special Economic Reg.]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Revision of Categories A and B Fuel Surcharges for Period January 1–January 16, 1975

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 31, 1975.

On January 17, 1975, by ER–896, the Board adopted revised minimum rates applicable to various air transportation services performed by air carriers for the Department of Defense and set forth in Part 288 of the Board's Economic Regulations (14 CFR Part 288). The revised rates were effective prospectively from the date adopted. The interim rates in effect prior to adoption of ER–896 were subject to a surcharge based upon commercial fuel prices which was reviewed monthly and retroactively adjusted to reflect price changes reported as of the first of each month compared to the base fuel prices reflected in the minimum rates. The purpose of this Special Regulation is to retroactively adjust the fuel surcharge rates applicable to the Categories A and B minimum rates in effect for the period January 1 through January 16, 1975, to reflect fuel price changes reported as of January 1, 1975.

In accordance with the procedures adopted by ER–860 and ER–862, May 24, 1974 and June 11, 1974, respectively, the Board has reviewed commercial fuel prices for foreign and overseas Military Airlift Command air transportation services as of January 1, 1975, and compared these fuel prices to the base fuel prices reflected in the rates established by ER–879, October 22, 1974. Based on the computations set forth in Appendices A and B, we will adjust the fuel surcharges effective for the period January 1 through January 16, 1975, as follows: Increase the long-range Category B and Category A rate from 6.09 to 6.11 percent; retain the short-range Category B rate at 1.75 percent; and decrease the "all other" short-range rate from 3.45 to 3.28 percent.

Since the interim rates in effect for the period during which these surcharges apply are no longer set forth in Part 288, we have determined to reflect our determinations herein by a Special Economic Regulation.

Accordingly, we find good cause exists to make the within final rates effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby adopts the following Special Economic Regulation, effective for the period January 1 through January 16, 1975, as follows:

SECTION 1. Notwithstanding the provision of § 288.7(a), the minimum rates for long-range Category B services, short-range Pacific interisland Category B services, and "all other" short-range Category B services, other than specified in paragraph (c) of that section, for the period January 1, 1975, through January 16, 1975, are the minimum rates for those services set forth in ER–879, adopted October 22, 1974, increased by surcharges of 6.11 percent for services performed with regular jet, wide-bodied jet, and DC–8F–61–63 aircraft; 1.75 percent for Pacific interisland services performed with B–727 aircraft; and 3.28 percent for all other services performed with B–727 aircraft.[1]

SEC. 2. Notwithstanding the provisions of § 288.7(d) the minimum rates for Category A transportation services performed during the period January 1, 1975 through January 16, 1975, are the minimum rates for those services set forth in ER–879, adopted October 22, 1974, increased by a surcharge of 6.11 percent.

(Secs. 204(a), 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373, and 1386.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[1] The surcharge provisions for services performed with B–727 aircraft will be applied to all other common-rated aircraft types.

APPENDIX A

LONG-RANGE MAC INTERNATIONAL CARRIERS

Rate impact for current level of commercial fuel costs [1] based on reported results—year ended June 30, 1974—(in thousands)

Carriers	Year ended June 30, 1974 [2] Gallons	Cost	Average price per gallon (cents)	Jan. 1, 1975, adjusted price per gallon (cents) [3]	Cost year ended June 30, 1974 based on price at Jan. 1, 1975	Cost impact at Jan. 1, 1975 prices	Computed revenues year ended June 30, 1974 [4]	MAC rate impact (percent) [5]
(1)	(2)	(3)	(4)					
LONG-RANGE ROUTE CARRIERS								
Combination service:								
Northwest	7,069	$1,694	21.96	32.05	$2,464	$780	$15,585	4.71
Pan American	12,350	4,142	24.27	40.32	5,222	2,080	28,700	7.23
Trans World	4,200	881	20.97	41.62	1,748	867	7,259	11.95
Total Combination	24,539	5,707	22.98	37.98	9,434	3,728	52,614	7.09
All-Cargo Service:								
Airlift	2,323	554	23.87	44.12	1,025	471	6,149	7.66
Flying Tiger	4,571	806	17.63	24.72	1,130	324	16,361	1.98
Seaboard	3,456	568	16.44	37.27	1,288	720	6,385	11.28
Total All-Cargo	10,350	1,928	18.63	33.27	3,443	1,515	28,895	5.24
LONG-RANGE SUPPLEMENTALS								
Capitol	4,952	1,329	26.83	41.96	2,078	749	8,458	8.86
Overseas	3,521	876	24.88	44.78	1,576	700	7,183	9.75
Saturn	2,821	1,089	38.62	49.45	1,395	306	5,241	5.84
Trans International	3,470	881	25.40	31.90	1,107	226	10,876	2.07
World	4,535	949	20.93	32.99	1,496	547	13,996	3.91
Total Supplementals	19,299	5,124	26.55	39.65	7,652	2,528	45,752	5.53
Total Long-Range Carriers	54,488	12,759	23.42	37.08	20,530	7,771	127,261	6.11

[1] Per Carrier Reports as at Jan. 1, 1975.
[2] Reflects revised data submitted by carriers.
[3] See page 2.
[4] Revenue aircraft miles as reported on Form 243 adjusted to reflect circuity absorption, times the appropriate rate established in ER–879.
[5] Ratio of net commercial fuel cost impact to revenues produced under current interim final rates.

NOTE.—Totals may not add due to rounding.

LONG-RANGE INTERNATIONAL CARRIERS

Fuel cost impact—commercial fuel price changes [1] for currently active stations based on reported results—year ended June 30, 1974 (in thousands)

Carriers	Currently active stations: Reported for year ended June 30, 1974 Gallons	Cost	Average price (cents)	Jan. 1, 1975 [2] Average price (cents)	Percent increase	All stations in MAC services year ended June 30, 1974: Reported cost	Adjusted cost [3]	Reported gallons	Adjusted average price (cents)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Northwest	7,204	$1,544	21.44	31.37	46.34	$1,684	$2,464	7,698	32.05
Pan American	8,061	1,861	23.09	38.48	66.19	3,142	5,222	12,950	40.32
Trans World	3,404	738	21.69	43.06	98.48	881	1,748	4,200	41.62
Airlift	1,162	276	23.77	43.98	85.00	554	1,025	4,571	24.72
Flying Tiger	4,242	761	17.93	25.14	40.21	806	1,130	2,456	37.27
Seaboard	2,224	522	16.19	36.71	126.81	568	1,288	3,456	41.96
Capitol	3,697	1,116	30.19	47.22	56.40	1,329	2,078	4,952	44.75
Overseas	3,245	811	24.99	44.97	79.98	876	1,576	3,521	49.40
Saturn	2,711	1,069	39.44	50.52	28.10	1,089	1,395	2,821	31.96
Trans International	3,353	833	24.85	31.21	25.60	881	1,107	3,470	32.99
World	3,616	746	20.62	32.50	57.61	949	1,496	4,535	

[1] As of Jan. 1, 1975.
[2] Included latest reported prices through Jan. 1, 1975.
[3] Column (6) plus 100 percent times column (7).

APPENDIX B

SHORT-RANGE MAC INTERNATIONAL CARRIERS

Rate impact for current level of commercial fuel costs based on reported results—year ended June 30, 1974

Carriers	Year Ended June 30, 1974 [1] Gallons (in thousands)	Cost (thousands of dollars)	Average price per Gallon cents [2]	Jan. 1, 1975, adjusted price per gallon (cents) [2]	Cost year ended June 30, 1974 Based on Price Jan. 1, 1975 (thousands of dollars)	Cost Impact At Jan. 1, 1975 prices (thousands of dollars)	Computed Revenues year ended June 30, 1974 (thousands of dollars) [4]	MAC rate impact (percent) [5]
SHORT-RANGE CARRIERS								
Pacific interisland: World	578	128	22.09	44.46	$257	$129	$7,398	1.75
All other: Eastern	886	272	30.64	43.91	389	117	3,550	3.28

[1] Per carrier reports as at Jan. 1, 1975.
[2] Reflects revised data submitted by carriers.
[3] See page 2.
[4] Revenue aircraft miles as reported on Form 243 times the appropriate rate established in ER–879.
[5] Ratio of net commercial fuel impact to revenues produced under current interim final rates.

SHORT-RANGE MAC INTERNATIONAL CARRIERS

Fuel cost impact—commercial fuel price changes [1] for currently active stations based on reported results—year ended June 30, 1974 (in thousands)

Carriers	Currently active stations: Reported for year ended June 30, 1974 Gallons	Cost	Average price (cents)	Jan. 1, 1975 [2] Average price (cents)	Percent increase	All stations in MAC services year ended June 30, 1974: Reported cost	Adjusted cost	Reported gallons	Adjusted average price (cents)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
CARRIERS									
Pacific interisland: World	410	$98	23.96	48.25	101.26	$128	$257	578	44.46
All other: Eastern	849	268	31.36	44.86	43.04	272	389	886	43.91

[1] As of Jan. 1, 1975.
[2] Includes latest reported prices through Jan. 1, 1975.
[3] Column (6) plus 100% times Column (7).

[FR Doc.75–3467 Filed 2–6–75;8:45 am]

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Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965-.....) [1]

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

DETERMINING REASONABLE COSTS FOR THERAPY SERVICES

On May 28, 1974, there was published in the FEDERAL REGISTER (39 FR 18467) a notice of proposed rulemaking with proposed amendments to Subpart D of Regulation No. 5 (20 CFR Part 405), regarding implementation of section 251 (c) of the Social Security Amendments of 1972, Pub. L. 92-603, as amended by section 17(a) of Pub. L. 93-233. On July 9, 1974, an extension of the comment period was granted (39 FR 25235) giving interested parties until July 27, 1974, to submit written comments or suggestions, thereon. Comments and suggestions received with regard to this Notice of Proposed Rule Making, responses thereto, and changes in the proposed regulations are summarized below.

Publication of guidelines in FEDERAL REGISTER. It has been recommended that the guidelines be published in the FEDERAL REGISTER prior to the effective date of the guidelines. Ordinarily, implementing instructions are sent directly to providers and intermediaries. However, in this case, it is appropriate to provide for more widespread notification via the FEDERAL REGISTER and we have adopted the recommendation. The guidelines will be published as a notice in the FEDERAL REGISTER prior to the beginning of the period to which they are applicable.

Allowance of exceptions to the guidelines. Many comments have been received to the effect that the guidelines do not reflect current market conditions for all providers. In order to provide for the most equitable evaluation of therapy services possible, a section has been added to provide that in certain circumstances, exceptions may be granted by the intermediary if the provider demonstrates to the satisfaction of the Social Security Administration that the guidelines are inappropriate to that provider.

Use of actual travel time for home health agencies. The recommendation was received and adopted that the proposed regulations be revised to permit a cost evaluation on the basis of actual travel time when services are performed for home health agencies. It is recognized that when services are performed for home health agencies, travel may be one of the major determinants of productivity, especially in sparsely populated areas. For this reason, the regulations have been revised so that the costs of therapy services provided under arrangements with home health agencies may be evaluated, at the option of the provider, by using necessary actual travel time in lieu of the standard travel allowance, if the provider maintains time records of visits. The travel time, of course, must be recorded by the therapist, and approved and maintained by the provider.

Effective date. Many comments were received recommending that the effective date of the regulations be delayed to allow for contract changes. Because the effective date of section 251(c) of Pub. L. 92-603, as amended by section 17(a) of Pub. L. 93-233, has been fixed by statute, the recommendation could not be adopted. However, an allowance has been made in the form of an exception where a provider has a binding contract with a therapist.

Suggestions and comments received but not adopted.

Unit of time vs. unit of services. A great number of those commenting disagreed with the methodology to evaluate the cost of therapy services by using cost per unit of time rather than cost per unit of service. The specific statutory language contained in section 251(c) of Pub. L. 92-603 provides that when therapy services are furnished under arrangements, reimbursement to the provider under the Medicare program "shall not exceed an amount equal to the salary which would reasonably have been paid for such services • • • if they had been performed in an employment relationship with such provider • • •." Moreover, both the statute (section 1861(v)(5)(B)) and the Senate Finance Committee report accompanying this legislation refer to a unit of service in lieu of a unit of time for limited part-time or intermittent service, which is an exception to the salary equivalence rule. To evaluate all therapy costs by using cost per unit of service would be inconsistent with the statute and the intent of Congress, which was to prevent program abuse through provision of many separately counted services by therapists contracting with providers who had little or no financial incentive to control therapy costs because these costs would be passed on in large part to Medicare and other payers. Moreover, these services are often furnished by persons who are salaried employees of a contractor who charges the provider for this service on a fee-for-service basis.

Definition of limited or intermittent part-time services. Some therapists have indicated that the establishment of 15 hours per week for "regular part-time" services is an arbitrary figure not founded on a reasonable basis. The statute refers to two categories of services: (a) Full-time and regular part-time services, and (b) limited or intermittent part-time services. Only when services are performed on a limited or intermittent part-time basis may the cost of these services be evaluated by units of service. It would seem reasonable to assume that if a provider required the services of a therapist on an average of at least two full days a week, the services were required on a regular part-time basis; thus, the limit for limited or intermittent part-time services was established at an average of less than 15 hours per week.

Fringe benefit and expense factor. Some comments indicated a misunderstanding about the extent to which overhead and fringe benefits are taken into account. The fringe benefit and expense factor includes an allowance for the fringe benefits an individual working as an employee receives in an employment relationship in addition to an allowance for the expenses an individual rendering services under arrangements for a provider would incur in rendering those services. It was never intended that overhead costs be substituted for fringe benefits but that this factor include both fringe benefits and overhead expenses.

Scope of regulations. Many who commented believed that the regulations applied only to physical therapists and were thus discriminatory. The regulations, in fact, apply to all therapy services and to the services of all health care specialists furnished under arrangements, not just the services of physical therapists. The initial guidelines, though, are being issued to evaluate the costs of physical therapy services furnished under arrangements inasmuch as physical therapy is the most common therapy service obtained under arrangements. Guidelines will be developed, as may be necessary, for the other services at a later date after consultation with the appropriate organizations. Until such guidelines are issued for a specific therapy, the costs of these therapy services will continue to be evaluated so that such costs do not exceed what a prudent and cost-conscious buyer would pay for the given services.

Use of Bureau of Labor Statistics (BLS) salary data. Many of those commenting argued against the use of BLS salary data for the following reasons:

The commenters believed the BLS data to be too limited because they reflect a sampling of only hospital departments. Congress recommended the use of BLS data to the Social Security Administration because the techniques employed by BLS are statistically valid, the BLS is an impartial source of information, and the data are readily available and are updated on a periodic basis. Guidelines derived from other statistically valid survey data may be used in lieu of the Social Security Administration guidelines, provided that the study designs, questionnaires, and instructions, as well as the resultant survey data are submitted to and approved in advance by the Social Security Administration and that the 75th percentile of the range of salaries paid to full-time employee therapists can be determined from the data. None of the major organizations has offered any data which establishes that BLS information is not reflective of the market.

The BLS salary data do not include salaries paid to supervisors, department heads or unit directors. However, the BLS data are appropriate for this purpose because in its report accompanying Pub. L. 92-603, the Senate Finance Committee instructed the Medicare program to set the salary equivalents at the 75th percentile of the range of salaries paid in the area to therapists working full time in an employment relationship, with an additional allowance for therapists whose duties are administrative or supervisory in nature. This allowance for supervisory or administrative duties, then, may be added to the salary equivalents only when the therapist actually performs supervisory or administrative duties for the provider in addition to performing therapy services.

Many who commented also claimed that the guidelines based on BLS data were inappropriate for nonurban areas. No evidence has been submitted to indicate that BLS statistics are not appropriate for nonurban areas. Survey data obtained indicate that salaries in the health care field are generally lower in the nonurban areas and no salary data to the contrary have been offered and, therefore, applying the higher urban salary rates to the nonurban areas as well does not disadvantage nonurban providers.

Filing of appeal when guidelines issued. Comments have been received that a provider should be allowed to file an appeal as soon as the guideline amounts are issued rather than waiting until the intermediary has made an initial determination on the cost report submitted after the close of the cost reporting period. An appeal cannot be filed by the provider until the initial determination has been made on the provider's cost report because the total costs for therapy services cannot be determined until that time.

Request for exception to guidelines when providers furnish services to other providers. Recommendations were received, but not adopted, that an exception to the guidelines be permitted when a hospital or other provider furnishes services under arrangements to another provider because of the overhead costs involved. In this type of situation, it does not appear appropriate to allow an exception when alternative methods of delivering these services are available at rates that would not exceed the guidelines.

Charges imposed on beneficiaries. A comment was received that if the amount paid under the guidelines is less than the actual amount charged to the provider by the contracting therapist, the provider will be forced to charge the patient for the excess. In order to receive payment by the Medicare program, a provider in its agreement with the Secretary agrees under section 1866(a)(1)(A) of the Social Security Act not to charge the patient for covered items and services. Therefore, no modification is being made as a result of this comment.

A number of editorial changes have also been made in the interest of clarity.

(Secs. 1102, 1814(b), 1833(a), 1861(v)(5), 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 302, as amended, 79 Stat. 313, as amended, 79 Stat. 331; (42 U.S.C. 1302, 1395f (b), 1395l(a), 1395x(v)(5), 1395hh), sec. 17(a), Pub. L. 93-233, 87 Stat. 967).

Effective date. These regulations will be effective March 10, 1975, and will be effective for cost-reporting periods beginning after the month in which final regulations become effective.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: DECEMBER 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: JANUARY 27, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is further amended by adding § 405.432 to read as set forth below:

§ 405.432 Reasonable cost of physical and other therapy services furnished under arrangements.

(a) *Principle.* The reasonable cost of the services of physical, occupational, speech, and other therapists, and services of other health specialists (other than physicians), furnished under arrangements (as defined in section 1861(w) of the Social Security Act) with a provider of services, a clinic, a rehabilitation agency or a public health agency, shall not exceed an amount equivalent to the prevailing salary and additional costs that would reasonably have been incurred by the provider or other organization had such services been performed by such person in an employment relationship, plus the cost of other reasonable expenses incurred by such person in furnishing services under such an arrangement. However, if the services of a therapist are required on a limited part-time basis, or to perform intermittent services, payment may be made on the basis of a reasonable rate per unit of service, even though this rate may be greater per unit of time than salary-related amounts, where the greater payment is, in the aggregate, less than the amount that would have been paid had a therapist been employed on a full-time or regular part-time salaried basis. Pursuant to section 17(a) of Pub. L. 93-233 (87 Stat. 967), the provisions of this section shall be effective for cost reporting periods beginning after March, 1975.

(b) *Definitions*—(1) *Prevailing salary.* The prevailing salary is the hourly salary rate based on the 75th percentile of salary ranges paid by providers in the geographical area, by type of therapy, to therapists working full time in an employment relationship.

(2) *Fringe benefit and expense factor.* The standard fringe benefit and expense factor is an amount that takes account of fringe benefits, such as vacation pay, insurance premiums, pension payments, allowances for job-related training, meals, etc., generally received by an employee therapist, as well as expenses, such as maintaining an office, appropriate insurance, etc., an individual not working as an employee might incur in furnishing services under arrangements.

(3) *Adjusted hourly salary equivalency amount.* The adjusted hourly salary equivalency amount is the prevailing hourly salary rate plus the standard fringe benefit and expense factor. This amount is determined on a periodic basis for appropriate geographical areas.

(4) *Travel allowance.* A standard travel allowance is an amount that will be recognized, in addition to the adjusted hourly salary equivalency amount.

(5) *Limited part-time or intermittent services.* Therapy services will be held to be on a limited part-time or intermittent basis if the provider or other organization furnishing the services under arrangements requires the services of a therapist or therapists on an average of less than 15 hours per week. This determination shall be made by dividing the total hours of service furnished during the cost reporting period by the number of weeks in which the services were furnished in the cost reporting period regardless of the number of days in each week in which services were performed.

(6) *Guidelines.* Guidelines are the amounts published by the Social Security Administration reflecting the application of paragraph (b)(1), (2), (3) and (4) of this section to an individual therapy service and a geographical area. Other statistically valid data may be used to establish guidelines for a geographical area, provided that the study designs, questionnaires and instructions, as well as the resultant survey data for determining the guidelines are submitted to and approved in advance by the Social Security Administration. Such data must be arrayed so as to permit the determination of the 75th percentile of the range of salaries paid to full-time employee therapists.

(7) *Administrative responsibility.* Administrative responsibility is the performance of those duties which normally fall within the purview of a department head or other supervisor. This term does not apply to directing aides or other assistants in rendering direct patient care.

(c) *Application.* (1) Under this provision, the Social Security Administration will establish criteria for use in determining the reasonable cost of physical, occupational, speech, and other therapy services and the services of other health specialists (other than physicians) furnished by individuals under arrangements with a provider of services, a clinic, a rehabilitation agency, or a public health agency. It is recognized that providers have a wide variety of arrangements with such individuals. These individuals may be independent practitioners or employees of organizations furnishing various health care specialists. This provision does not require change in the substance of these arrangements.

(2) Where therapy services are performed under arrangements at a provider site on a full-time or regular part-time basis, the reasonable cost of such services may not exceed the amount determined by taking into account the total

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number of hours of service rendered by the therapist, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered, and a standard travel allowance.

(3) Where therapy services are performed under arrangements on a limited part-time or intermittent basis at the provider site, the reasonable cost of such services will be evaluated on a reasonable rate per unit of service basis, except that payment for these services, in the aggregate, during the cost reporting period, may not exceed the amount which would be determined to be reasonable under paragraph (c) (2) of this section, had a therapist furnished the provider or other organization furnishing the services under arrangements 15 hours of service per week on a regular part-time basis for the weeks in which services were rendered by the non-employee therapist.

(4) Where a home health agency furnishes services under arrangements at the patient's residence or in other situations where therapy services are not performed at the provider's site, the reasonable cost of such services will be evaluated as follows:

(i) *Time records available.* Where time records of home health visits are maintained by the provider, the reasonable cost of such services will be evaluated on a unit of time basis, by taking into account the total number of hours of service rendered by the therapist, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered, and a standard travel allowance for each visit. However, where the travel time of the therapist is accurately recorded by the therapist and approved and maintained by the provider, the reasonable cost of such services may be evaluated, at the option of the provider, by taking into account the total number of hours of service rendered by the therapist, including travel time, and the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered. This option does not apply to services furnished by home health agencies under arrangements with providers other than home health agencies.

(ii) *No time records available.* Where time records are unavailable or found to be inaccurate, each home health agency visit is considered the equivalent of 1 hour of service. In such cases, the reasonable cost of such services will be determined by taking into account the number of visits made by the therapist under arrangements with such agency, the adjusted hourly salary equivalency amount appropriate for the particular therapy in the geographical area in which the services are rendered, and a standard travel allowance.

(iii) *Limited part-time or intermittent services.* Where, under paragraphs (c) (4) (i) or (ii) of this section, the provider required therapy services on an average of less than 15 hours per week, the services will be considered limited part-time or intermittent services, and the reasonable cost of such services will be evaluated on a reasonable rate per unit of service basis as described in paragraph (c) (3) of this section.

(5) These provisions are applicable to individual therapy services or disciplines by means of separate guidelines by geographical area and will apply to costs incurred after issuance of the guidelines but no earlier than the beginning of the provider's cost reporting period described in paragraph (a) of this section. Until a guideline is issued for a specific therapy or discipline, costs will be evaluated so that such costs do not exceed what a prudent and cost-conscious buyer would pay for the given service.

(d) *Notice of guidelines to be imposed.* Prior to the beginning of a period to which a guideline will be applied, a notice will be published in the FEDERAL REGISTER establishing the guideline amounts to be applied to each geographical area by type of therapy.

(e) *Additional allowances.* (1) Where a therapist supervises other therapists or has administrative responsibility for operating a provider's therapy department, a reasonable allowance may be added to the adjusted hourly salary equivalency amount by the intermediary based on its knowledge of the differential between therapy supervisors' and therapists' salaries in similar provider settings in the area.

(2) Where a therapist performing services under arrangements furnishes equipment and supplies used in rendering therapy services, the guideline amount may be supplemented by the cost of the equipment and supplies, provided the cost does not exceed the amount the provider, as a prudent and cost-conscious buyer, would have been able to include as allowable cost.

(f) *Exceptions.* The following exceptions may be granted but only upon the provider's demonstration that the conditions indicated are present:

(1) *Exception because of binding contract.* A provider will be excepted from the provisions of this section if it has a binding contract in writing with a therapist or contracting organization entered into prior to the date guidelines are published. Before the exception may be granted, however, the provider must submit the contract to its intermediary for a determination under this paragraph, subject to review and approval by the Social Security Administration regional office. Such an exception may be granted for the contract period, but not longer than 1 year from the date initial guidelines for the particular therapy are published.

(2) *Exception because of unique circumstances or special labor market conditions.* An exception may be granted under this section by the intermediary when a provider demonstrates that the costs for therapy services established by the guideline amounts are inappropriate to a particular provider because of some unique circumstances or special labor market conditions in the area.

(g) *Appeals.* A request by a provider for a hearing on the determination of an intermediary concerning the therapy costs determined to be allowable based on the provisions of this section, including a determination with respect to an exception under paragraph (f) of this section, shall be made to the intermediary only after submission of its cost report and receipt of the notice of amount of program reimbursement reflecting such determination, in accordance with the provisions of Subpart R of this Part 405 (20 CFR 405.1801 et seq.).

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Order Amending Canned Fruit Standards of Identity

The Commissioner of Food and Drugs published a proposal in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368), based on a petition submitted by the California Canners and Growers, 3100 Ferry Building, San Francisco, CA 94106, to amend ten canned fruit identity standards so as to conform to the pattern of the canned plums standard as adopted by the Codex Alimentarius Commission. These are the United States identity standards for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40), canned pineapple (21 CFR 27.50) and canned figs (21 CFR 27.70).

Following a review of the comments received to the proposal and for the reasons set forth below the Commissioner is taking action essentially as proposed. However, as explained below, no action is being taken regarding the canned pineapple identity standard at this time. The principal features of this order as it relates to the other canned fruits is that it promotes consistency with the anticipated world-wide standards for these products and with the amendments proposed in the definition section for the canned fruits and fruit juices (21 CFR 27.1), and the canned plums identity standard (21 CFR 27.45) published elsewhere in this issue of the FEDERAL REGISTER. Adversely affected persons are invited to submit objections on or before March 10, 1975. In the absence of proper objections compliance with this order may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to those portions which are stayed.

Seventeen letters were received in response to the proposal. Two letters supported the proposal as published. The comments in the remaining fifteen letters

and the Commissioner's conclusions with respect to them were as follows:

1. The National Red Cherry Institute (NRCI) requested that the canned cherry standard permit the optional use of safe and suitable artificial red coloring. The NRCI stated that it represents the growers of red tart cherries in Michigan, New York, Pennsylvania, and Wisconsin producing on the average 95 percent of the tart cherries harvested in the United States and that such growers have been adversely affected by decreased consumer acceptance of products packed in water or uncolored light to heavy syrup. NRCI further stated that such cherries turn a dull gray to tepid brown in color when heated during the canning process and that, if the products contain safe and suitable artificial red coloring, the cherries will have a color characteristic of the fresh fruit. NRCI submitted documentation that the use of safe and suitable red coloring will not conceal the blemishes that may be on the fruit due to hailmarks, windwhips, limbrubs, scald or bruising. It further stated that studies have shown that the use of approved red colors increased the intensity of the blemishes and such intensity increased during the storage life of the processed product.

The Commissioner is aware that, while the recommended international standard for canned cherries has not reached the final step of development, the current draft provides for the optional use of artificial red coloring. The Commissioner, however, concludes that before providing for such use in 21 CFR 27.30 a petition to amend the standard should be submitted for publication in the FEDERAL REGISTER so as to allow interested persons the opportunity to comment on the use of safe and suitable artificial coloring in canned cherries. Data demonstrating the problem of the decreased consumer acceptance of canned cherries packed in water or sirup should be included in support of the petition. The procedure for the filing of petitions requesting such amendments is set forth under 21 CFR 2.65.

2. The National Red Cherry Institute requested that the canned cherry standard provide for the term "red sour" as an optional alternative designation for "red tart".

The Commissioner concludes that since "red tart" is synonymous with "red sour", the term should be permitted as an alternative designation for the varietal type commonly referred to as "red sour".

3. The Del Monte Corporation suggested that the canned peach standard provide for an additional optional style of pack designated as "slices and pieces" in which the slices will be more than 50 percent by weight of the product. The product would be vacuum packed in a small amount of heavy sirup which is absorbed into the fruit. The Food and Drug Administration issued Del Monte a temporary marketing permit published in the FEDERAL REGISTER of October 18, 1973 (38 FR 28962), to test-market the product. Del Monte reported that the product has met with excellent consumer acceptance. Del Monte further stated that while it recognizes that the intent of the published proposal is to bring the United States identity standards for canned fruits into conformity with the Codex standards, and that the addition of a new style of peach ingredient would constitute a deviation from Codex, "this new style should be recognized because it is necessitated by the development of a wholly new canned peach product not in contemplation when the Codex standard was developed."

The Commissioner concludes that before a provision for "slices and pieces" as an optional style of pack for canned peaches is permitted, an amendment to the standard should first be proposed in the FEDERAL REGISTER to allow interested persons the opportunity to comment on the addition of "slices and pieces" as an optional style of pack. In addition, an appropriate amendment of the quality standard for canned peaches should also be proposed at the same time.

4. One comment suggested that the format for the canned plums standard be used as the format for all canned fruit standards. The California Canners and Growers commented that it was their intention in the petition to have the format for each identity standard as nearly the same as that for canned plums as circumstances peculiar to the fruit involved would permit.

It is the Commissioner's intention that the format of this order amending the canned fruit standards shall be the same as that of the canned plums standard.

5. Two comments requested that "clarified juice(s)" continue to be an optional packing medium for canned pears as provided in the present standard.

The Commissioner concurs with these comments and the regulations so provide. In addition § 27.20(c)(2) has been revised to include the recital covering the designation of clarified juice that has been concentrated which was inadvertently omitted from the proposal. This is consistent with the requirements already set out in the standard being revised.

6. The Pineapple Growers Association of Hawaii (PGAH), an association representing all processors of canned pineapple produced in the United States, objected to the amendment of the canned pineapple identity standard on the ground that it was proposed without recourse to the views and expert knowledge of the United States pineapple industry. The PGAH also filed a petition to amend the United States standards of identity, quality and fill of container for canned pineapple in consideration of the "Recommended International Standard for Canned Pineapple."

The Commissioner concludes that it is inappropriate at this time to issue an order ruling on the proposed amendment to the canned pineapple standard. He will hold the order ruling on the amendment in abeyance and consider it at a later date in conjunction with the petition of the PGAH.

7. The International Flavors and Fragrances, Inc. (IFF) took exception to the proposed amendment to the standard for canned berries in that there is no provision for the optional use of natural and artificial flavors. Added natural or artificial flavorings, the IFF stated, could compensate for some of the flavor lost in the canning process. Since artificial flavors often are less expensive than their natural counterparts, IFF added, flavor fortification could be effected without a significant cost increase to the consumer. Further, IFF stated that prohibiting the use of any flavors in canned berries imposes an unnecessary restraint on the quality and variety of available canned fruits.

The Commissioner concludes that safe and suitable natural and artificial flavors shall be optional ingredients of canned berries inasmuch as they are listed as optional ingredients of the other canned fruit standards being amended by this order. Canned pineapple will be dealt with at a later date.

8. Tri-Valley Growers recommended that the standards provide for fruit nectars as optional packing media. The proportion of pulp used in the nectar would be dependent upon the character of the pulp and the necessary quantity of water and sugar to achieve a good mouth feel. The sweetness level of the nectar would be at 14° to 16° Brix. Tri-Valley was issued a temporary permit, published in the FEDERAL REGISTER of October 26, 1973 (38 FR 29630), to market-test canned peaches, canned pears, and canned fruit cocktail packed in fruit nectars. The tests, though not completed, indicate, Tri-Valley stated, that consumers consider these products desirable items.

A proposed standard for canned fruit nectars was published in the FEDERAL REGISTER of October 1, 1964 (29 FR 13535). In response to the final order on that proposal, published in the FEDERAL REGISTER of May 7, 1968 (33 FR 6862), objections were filed and a public hearing was requested by adversely affected persons. The order was stayed, published in the FEDERAL REGISTER of July 27, 1968 (33 FR 10713). Among the issues to be resolved is the minimum percentage of fruit solids to be required in the nectars. An industry petition has been submitted to the office of the Hearing Clerk, Food and Drug Administration to amend the stayed standards in consideration of the "Recommended International Standard for Apricot, Peach, and Pear Nectars Preserved Exclusively by Physical Means."

The Commissioner is hopeful that the issues surrounding the stayed standard will be resolved and the United States will be able to adopt the recommended world-wide standard with relatively few deviations. The Commissioner concludes that it would be improper and inconsistent to provide for fruit nectars in canned fruits until the issues raised by the objections to the 1968 order have been resolved.

9. One comment suggested that the phrase which appears in each of the subject standards "• • • which imparts a characteristic to the finished food in addition to sweetness • • •" relating to

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label declaration requirements of packing media should be revised in the interest of clarity so as to read "* * * which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness * * *".

The Commissioner concurs in this suggested change and the regulations have been changed accordingly.

10. It was suggested that the word "carbohydrate" be deleted from the term "nutritive carbohydrate sweeteners" to identify the class of sweetening ingredients which may be used in preparing packing media. The stated basis for this deletion is that the term will then conform to the title of 21 CFR Part 26 and nomenclature promulgated by the Codex Alimentarius Commission.

The Commissioner does not agree with this suggestion. The Commissioner is not aware of any sweetener, presently regarded as suitable for use in preparing packing media for canned fruits, which would be excluded from such use by restricting the class of sweeteners to "safe and suitable nutritive carbohydrate sweeteners." On the other hand, the Commissioner is aware of certain "nutritive sweeteners," which are not "nutritive carbohydrate sweeteners", that are not permitted by either the Codex standard or the existing U.S. standards for canned fruits. No data are available indicating that such "nutritive sweeteners" are suitable for use in the canned fruits covered by these standards. Any interested person may submit a petition, supported by reasonable grounds to provide for the use of such "nutritive sweeteners". The Codex standard specifically lists and limits the sweetener ingredients to five nutritive carbohydrate sweeteners. The U.S. standard in permitting the class designation "safe and suitable nutritive carbohydrate sweeteners" is less restrictive and will permit greater flexibility in the choice of suitable sweeteners that can be used. The Commissioner concludes that the term "carbohydrate" should be retained for the purpose of identifying those nutritive sweeteners in Part 26 that can properly be used in the Part 27 standards.

11. The question has recently been raised as to whether or not the substances mannitol and sorbitol are included in the Commissioner's use of the term "carbohydrate."

The Commissioner is aware that different chemical text books and scientific dictionaries may differ in their definition of the term "carbohydrate." The Food and Drug Administration is of the opinion that mannitol and sorbitol are sugar alcohols and are not "carbohydrates." Thus, they are not included within the term "nutritive carbohydrate sweetener" whenever it is used in Food and Drug Administration regulations.

12. One comment pointed out that the present definitions in 21 CFR 27.1 for corn sirup, dextrose, dried glucose sirup and glucose sirup should be changed to reference the recently published standards of identity for these foods in 21 CFR Part 26 or the definitions in Part 26 should be repeated in 21 CFR 27.1.

The Commissioner agrees with this comment, and applicable paragraphs of each of the subject standards have been revised to provide that if a nutritive carbohydrate sweetener has been defined in both § 27.1 and in Part 26 it shall comply with the standard in Part 26 in lieu of any definition that may appear in § 27.1.

13. One comment pointed out that the standard for canned peaches provides for the preparation of the liquid packing media from any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) whereas the other standards provide for the use of any safe and suitable nutritive carbohydrate sweetener. The petitioner stated in commenting on the proposal that it was their intention to propose the use of any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) in each of the standards.

The Commissioner concurs that the standards should provide for the use of any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) and this is reflected in the order set out below.

14. Hoffman-LaRoche, Inc., requested that the standards permit the optional fortification of canned fruits with vitamin C to enable industry to develop food products that would be of greater nutritive value to the consumer.

The Commissioner concludes that such a request is beyond the scope of the proposal and should be filed as a petition to amend the standards.

Elsewhere in this same issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs is publishing the order amending the definitions for canned fruits and fruit juices (21 CFR 27.1), and the standard of identity for canned plums (21 CFR 27.45) and establishing standards of quality (21 CFR 27.46) and fill of container (21 CFR 27.47) for canned plums based upon the canned plums standard adopted by the Codex Alimentarius Commission.

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the identity standards for canned fruits and fruit juices as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120); *It is ordered*, That Part 27 be amended as follows:

1. Section 27.2 is revised to read as follows:

§ 27.2 Canned peaches; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned peaches is the food prepared from one of the fresh, frozen, or previously canned optional peach ingredients *Prunus persica* L., of commercial canning varieties, but excluding nectarine varieties, specified in paragraph (b) of this section, which may be packed as a solid pack or in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.
(2) Spice.
(3) Vinegar, lemon juice, or organic acids.
(4) Peach pits, except in the cases of peeled whole peaches, in a quantity not more than 1 peach pit to each 227 grams (8 ounces) of finished canned peaches.
(5) Peach kernels, except in the cases of peeled whole peaches and except when the optional ingredient in paragraph (a) (4) of this section is used.
(6) Ascorbic acid in an amount no greater than necessary to preserve color. Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles.* The optional peach ingredients referred to in paragraph (a) of this section are prepared from mature peaches of the following optional varietal and color types and styles of peach ingredients; namely:

(1) *The optional varietal types.* (i) Freestone is the distinct varietal type where the pit separates readily from the flesh.

(ii) Clingstone is the distinct varietal type where the pit adheres to the flesh.

(2) *The optional color types.*—(i) *Yellow*—the varietal types in which the predominant color ranges from pale yellow to rich red orange.

(ii) *White*—the varietal types in which the predominant color ranges from white to yellow-white.

(iii) *Red*—The varietal types in which the predominant color ranges from pale yellow to orange red and with variegated red coloring other than that associated with the pit cavity.

(iv) *Green*—varietal types in which the flesh has a green tint even when mature.

(3) *The optional styles of the peach ingredients.*—(i) *Whole*—Consisting of whole peeled unpitted peaches.

(ii) *Halves*—consisting of peeled pitted peaches cut into two approximately equal parts.

(iii) *Halves and pieces*—consisting of a mixture in which the halves will be more than 50 percent by weight.

(iv) *Quartered*—consisting of peeled pitted peaches cut into four approximately equal parts.

(v) *Sliced*—consisting of peeled pitted peaches cut into wedge-shaped sectors.

(vi) *Diced*—consisting of peeled pitted peaches cut into cube-like parts.

(vii) *Pieces or irregular pieces*—consisting of peeled pitted peaches of irregular shapes and sizes.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).

Such packing media may be used as such for any one or any combination of two or

more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m), shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 10 percent or more but less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "peaches". The optional varietal type as set forth in paragraph (b)(1) of this section shall be a part of the name. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Peach Kernels". When two or more of the optional ingredients specified in paragraph (a)(2) through (5) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Peach Kernels".

(2) The color type and style of the peach ingredient as provided in paragraph (b)(2) and (3) of this section and the name of the packing medium specified in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. The terms "Cling" and "Free" may be used as optional designations for "Clingstone" and "Freestone" respectively. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor, or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "_____ sirup if brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(2) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

2. Section 27.10 is revised to read as follows:

§ 27.10 Canned apricots; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned apricots is the food prepared from mature apricots of one of the optional styles specified in paragraph (b) of this section, which may be packed as solid pack or in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.
(2) Spice.
(3) Vinegar, lemon juice, or organic acids.
(4) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 227 grams (8 ounces) of finished canned apricots.
(5) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient under paragraph (a)(4) of this section is used.
(6) Ascorbic acid in an amount no greater than necessary to preserve color. Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Optional styles of the apricot ingredient.* The optional styles of the apricot ingredient referred to in paragraph (a) of this section are peeled or unpeeled:

(1) Whole.
(2) Halves.
(3) Quarters.
(4) Slices.
(5) Pieces or irregular pieces.

Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 10 percent or more but less than 16 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 16 percent or more but less than 21 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 21 percent or more but less than 25 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 25 percent or more but not more than 40 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "apricots". The name

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of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Apricot Kernels". When two or more of the optional ingredients specified in paragraph (a)(2) through (5), inclusive, of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Apricot Kernels".

(2) The style of the apricot ingredient as provided in paragraph (b) of this section and the name of the packing medium as used in paragraph (c)(1) and (2) of this section, are preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. The style of the apricot ingredient shall be preceded or followed by "Unpeeled" or "Peeled", as the case may be. "Halves" may be alternatively designated "halved", "quarters" as "quartered" and "slices" as "sliced". When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "_____ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit".

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section, and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate," as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

3. Section 27.15 is revised to read as follows:

§ 27.15 Canned prunes; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned prunes is the food prepared from dried prunes, which may be packed as a solid pack or in one of the optional packing media specified in paragraph (b) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.
(2) Spice.
(3) Vinegar, lemon juice, or organic acids.
(4) Unpeeled pieces of citrus fruits.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in §27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is less than 20 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 20 percent or more but less than 24 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 24 percent or more but less than 30 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 30 percent or more but not more than 45 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(c) *Labeling requirements.* (1) The name of the food is "prunes—prepared from dried prunes". The words "prepared from dried prunes" shall be in close proximity to the word "prunes" and shall be of the same style and not less than ½ of the point size of the type used for the word "prunes". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Unpeeled Pieces of Citrus Fruit". When two or more of the optional ingredients specified in paragraph (a)(2) through (4) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Unpeeled Pieces of Citrus Fruit."

(2) When the food is prepared with a packaging medium, the name of the packing medium specified in paragraph (b)(1) and (2) of this section, preceded by "In" or "Packed In" and the words "cooked", "stewed", or "prepared", shall be included as part of the name or in close proximity to the name of the food. When no packing medium is used, the words "solid pack" or "moist pack" or the word "moistened" followed by the words "without sirup" shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "_____ sirup of brown sugar and honey", the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (b)(1) and (2) of this _____ section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit",

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (c)(3) of this section, and

(iii) In the case of the single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (c)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (c)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (c)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

4. Section 27.20 is revised to read as follows:

§ 27.20 Canned pears; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned pears is the food prepared from one of the fresh or previously canned optional pear ingredients *Pyrus communis* or *Pyrus sinensis* specified in paragraph (b) of this section which may be packed in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients.

(1) Natural and artificial flavors.
(2) Spice.
(3) Vinegar, lemon juice, or organic acids.
(4) Artificial colors.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Styles and forms of units.* The optional pear styles and forms of units referred to in paragraph (a) of this section are:

(1) Peeled or unpeeled whole.
(2) Peeled or unpeeled halves.
(3) Peeled quarters.
(4) Peeled slices.
(5) Peeled dice.
(6) Diced or cubed.
(7) Peeled pieces or irregular pieces.

Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).
(iv) Clarified juice.

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) If the concentration of clarified juice is such that the packing medium forms to the density range for one of the sirups under paragraph (c)(2)(i), (ii), (iii), or (iv) of this section, the concentrated clarified juice is considered to be light sirup, heavy sirup, or extra heavy sirup, as the case may be. When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "pears". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice" the common name of the spice, "Seasoned with Vinegar". When two or more of the optional ingredients specified in paragraph (a)(2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil".

(2) The style and forms of units of the pear ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "_____ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

5. Section 27.25 is revised to read as follows:

§ 27.25 Canned seedless grapes; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned seedless grapes is the food prepared from one of the fresh or previously canned optional grape ingredients specified in paragraph (b) of this section, which may be packed in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.
(2) Spice.
(3) Vinegar, lemon juice, or organic acids.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles.* The optional grape ingredients referred to in paragraph (a) of this section are prepared from stemmed grapes of the light or dark seedless varieties or from unstemmed clusters of such grapes. For the purposes of paragraph (d) of this section, the names of such optional grape ingredients are "light seedless grapes" or "dark seedless grapes", as the case may be, preceded by the words "unstemmed clusters" where applicable.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.
(ii) Fruit juice(s) and water.
(iii) Fruit juice(s).

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Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "seedless grapes." The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added," or in lieu of the word "Spice," the common name of the spice, or "Seasoned with Lemon Juice." When two or more of the optional ingredients specified in paragraph (a) (2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(2) The color type and style of the grape ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c) (1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack," where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "---------- sirup of brown sugar and honey" the blank to be filled in with the word "light," "heavy," or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d) (3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d) (3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d) (2) (ii) of this section, such names and the words "from concentrate", as specified in paragraph (d) (2) (iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

6. Section 27.30 is revised to read as follows:

§ 27.30 Canned cherries; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned cherries is the food prepared from one of the optional fresh or previously canned cherry ingredients specified in paragraph (b) of this section, which may be packed in one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles.* The optional cherry ingredients referred to in paragraph (a) of this section are prepared from mature pitted or unpitted cherries of the red tart or alternatively, red sour, light sweet or dark sweet varietal group.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) In the case of sweet cherries:

(a) When the density of the solution is less than 16 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)," as the case may be.

(b) When the density of the solution is 16 percent or more but less than 20 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)," as the case may be.

(c) When the density of the solution is 20 percent or more but less than 25 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)," as the case may be.

(d) When the density of the solution is 25 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(ii) In the case of red tart cherries:

(a) When the density of the solution is less than 18 percent, the medium shall be designated as "slightly sweetened water"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(b) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(c) When the density of the solution is 22 percent or more but less than 28 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(d) When the density of the solution is 28 percent or more but not more than 45 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "cherries". The optional varietal type as set forth in paragraph (b) of this section, preceded or followed by the word "pitted" when this is the fact, shall be a part of the name. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, or "Seasoned with Lemon Juice". When two or more of the optional ingredients specified in paragraph (a) (2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil".

(2) The color type and style of the cherry ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c) (1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "---------- sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d) (3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d) (3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d) (2) (ii) of this section, such names and the words "from concentrate", as specified in paragraph (d) (2) (iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

7. Section 27.35 is revised to read as follows:

§ 27.35 Canned berries; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned berries is the food prepared from any suitable variety of one of the optional berry ingredients specified in paragraph (b) of this section, which may be packed in one of the optional packing media specified in paragraph (c) of this section. It may contain safe and suitable natural and artificial flavors. It is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types.* The optional berry ingredients referred to in paragraph (a) of this section are prepared from stemmed fruit of the following optional varietal types of berry ingredient; namely:

(i) Raspberry varieties conforming to the characteristics of *Rubus idaeus* L. or *Rubus occidentalis* L.

(ii) Blackberries.

(iii) Blueberries.

(iv) Boysenberries.

(v) Dewberries.

(vi) Gooseberries.

(vii) Huckleberries.

(viii) Loganberries.

(ix) Strawberries.

(x) Youngberries.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the four density ranges of the resulting packing media hereinafter specified for each berry ingredient, expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure described in § 27.1(m), shall be designated by the appropriate name for each of the respective density ranges for each berry ingredient as:

(i) "Slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) "Light sirup", when the liquid used is water; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) "Heavy sirup", when the liquid used is water; or "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) "Extra heavy sirup", when the liquid used is water; or "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

The density ranges referred to herein are:

Optional berry ingredient	Density ranges (i) Minimum	(i) Maximum less than	(ii) Minimum	(ii) Maximum less than	(iii) Minimum	(iii) Maximum less than	(iv) Minimum	(iv) Maximum not more than
Raspberries	11	15	15	20	20	27	27	35
Blackberries		14	14	19	19	24	24	35
Blueberries		15	15	20	20	25	25	35
Boysenberries		14	14	19	19	24	24	35
Dewberries		14	14	19	19	24	24	35
Gooseberries		14	14	20	20	26	26	35
Huckleberries		15	15	20	20	25	25	35
Loganberries		14	14	19	19	24	24	35
Strawberries		14	14	19	19	27	27	35
Youngberries		14	14	19	19	24	24	35

(d) *Labeling requirements.* (1) The name of the food is the appropriate name of the berry ingredient specified in paragraph (b) of this section.

(2) The name of the packing medium, as used in paragraph (c) (1) of this section preceded by "In" or "Packed In" as provided in paragraph (c) of this section and, in the case of raspberries other than red raspberries provided for in paragraph (b) of this section, the name of such packing medium and the color of such raspberry shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "---------- sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this sec-

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tion consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (c) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

8. Section 27.40 is revised to read as follows:

§ 27.40 Canned fruit cocktail; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fresh, frozen, or previously canned fruit ingredients of mature fruits in the forms and proportions as provided in paragraph (b) of this section, and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

(4) Ascorbic acid in an amount no greater than necessary to preserve color.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) *Varietal types and styles.* The fruit ingredients referred to in paragraph (a) of this section, the forms of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) *Peaches.* Any firm yellow variety of the species *Prunus persica* L., excluding nectarine varieties, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent.

(2) *Pears.* Any variety, of the species *Pyrus communis* L. or *Pyrus sinensis* L., which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent.

(3) *Pineapples.* Any variety, of the species *Ananas comosus* L., which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent.

(4) *Grapes.* Any seedless variety, of the species *Vitis vinifera* L. or *Vitis labrusca* L., not less than 6 percent and not more than 20 percent.

(5) *Cherries.* Approximate halves or whole pitted cherries of the species *Prunus cerasus* L., not less than 2 percent and not more than 6 percent, of the following types:

(i) Cherries of any light, sweet variety; or

(ii) Cherries artificially colored red; or

(iii) Cherries artificially colored red and flavored, natural or artificial.

Provided, That each 127.5 grams (4½ ounces avoirdupois) of the finished canned fruit cocktail and each fraction thereof greater than 56.7 grams (2 ounces avoirdupois) contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 10 percent or more, but less than 14 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 14 percent or more but less than 18 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 18 percent or more but less than 22 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 22 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "fruit cocktail". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Lemon Juice". When two or more of the optional ingredients specified in paragraph (a)(2) and (3) of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Lemon Juice".

(2) The name of the packing medium as used in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example, in the case of a mixture of brown sugar and honey, an appropriate statement would be "_____ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in

an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

9. Section 27.70 is revised to read as follows:

§ 27.70 Canned figs; identity; label statement of optional ingredients.

(a) Canned figs is the food prepared from one of the optional fig ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section, to which lemon juice, concentrated lemon juice or organic acid(s) is added, when necessary to reduce the pH of the finished product to pH 4.9 or below. Such food may also contain one, or any combination of two or more, of the following safe and suitable optional ingredients:

(1) Natural and artificial flavoring.

(2) Spice.

(3) Vinegar.

(4) Unpeeled segments of citrus fruits.

(5) Salt.

Such food is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage.

(b) The optional fig ingredients referred to in paragraph (a) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A "whole fig" is one which is whole, but may be slightly cracked, provided it retains its natural conformation without exposing the interior. A "split" or "broken" fig is one which is open to an extent that the seed cavity is exposed whether broken entirely into separate pieces.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 11 percent or more but less than 16 percent, the medium shall be designated as "slightly sweetened water"; or "extra light sirup"; "slightly sweetened fruit juice(s) and water"; or "slightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 16 percent or more but less than 21 percent, the medium shall be designated as "light sirup"; "lightly sweetened fruit juice(s) and water"; or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 21 percent or more but less than 26 percent, the medium shall be designated as "heavy sirup"; "heavily sweetened fruit juice(s) and water"; or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 26 percent or more but not more than 35 percent, the medium shall be designated as "extra heavy sirup"; "extra heavily sweetened fruit juice(s) and water"; or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "figs". The words "broken" or "split" shall be a part of the name when the optional fig ingredient is a broken or split fig. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice, "Seasoned with Vinegar" or "Seasoned with Unpeeled Segments of Citrus Fruits". When two or more of the optional ingredients specified in paragraph (a)(2) through (5), inclusive, of this section are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil and Unpeeled Segments of Citrus Fruits."

(2) The name of the packing medium as used in paragraph (c)(1) of this section, preceded by "In" or "Packed In", as provided in paragraph (c) of this section, shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food other than sweetness, as for example, a mixture of brown sugar and honey, the statement "_____ sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be, shall be included as part of the name or in close proximity to the name of the food. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit";

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d)(3) of this section; and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d)(3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d)(2)(ii) of this section, such names and the words "from concentrate", as specified in paragraph (d)(2)(iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before March 10, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919, 72 Stat. 948; (21 U.S.C. 341, 371))

Dated: February 3, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3518 Filed 2-6-75;8:45 am]

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PART 27—CANNED FRUITS AND FRUIT JUICES

Definitions for Canned Fruits and Fruit Juices and Identity Standard for Canned Plums and Establishing Quality and Fill of Container Standards for Canned Plums

In the FEDERAL REGISTER of January 21, 1974 (39 FR 2377) the Commissioner of Food and Drugs, on his own initiative, proposed amendment of the definitions for canned fruits and fruit juices (21 CFR 27.1), amendment of the standard of identity for canned plums (21 CFR 27.45), and the establishment of standards of quality (21 CFR 27.46) and fill of container (21 CFR 27.47) for canned plums based upon the canned plums standard adopted by the Codex Alimentarius Commission.

Following a review of the comments received to the proposal and for the reasons set out below the Commissioner is taking action essentially as proposed and consistent with the Codex standard being considered.

The principal features of this order are: The elimination of the specific listing of sweeteners and proportionality requirements for such sweeteners; substituting a provision for the use of "safe and suitable nutritive carbohydrate sweeteners"; and establishing a standard of quality and fill of container for canned plums. Persons adversely affected are invited to submit objections on or before March 10, 1975. In the absence of proper objections compliance with this order may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to any portions which are stayed.

Four letters containing a number of comments were received in response to the proposed amendment to the definitions section for canned fruits and fruit juices, and the identity standard for canned plums as well as the proposed establishment of standards of quality and fill of container for canned plums. Two of the comments supported the proposal. The remaining comments and the Commissioner's response to the comments are as follows:

1. One comment recommended that the identity standard provide for the optional use of sodium hexametaphosphate (SHMP) at a level equal to one-half of one percent in the finished food. The comment stated that a review of the substances "Generally Recognized as Safe" (GRAS), 21 CFR 121.101, indicates that SHMP may be used as a sequestrant and could also function as a preservative. Accompanying material submitted with the comment stated that there is evidence in the literature that SHMP can tenderize the skins of canned Italian plums and that the tenderizing effect was confirmed in limited tests on canned Stanley plums. It further stated that there also appears to be less color loss (the sirup is more red) in plums treated with SHMP.

Although SHMP is listed in 21 CFR 121.101(d)(6) as a sequestrant, the Commissioner is unaware of any history of its commercial use as a tenderizer or color enhancer in any food, pursuant to the proposal on general recognition of safety and prior sanctions for food ingredients, published in the FEDERAL REGISTER of September 23, 1974, (39 FR 34194). He therefore concludes that, in view of the inadequate support submitted to demonstrate that providing for the use of SHMP in canned plums for the requested use would promote honesty and fair dealing in the interest of consumers, the request is denied.

2. It was suggested that the word "carbohydrate" be deleted from the term "nutritive carbohydrate sweeteners" to identify the class of sweetening ingredients which may be used in preparing packing media. The stated basis for this deletion is that the term will then conform to the title of 21 CFR Part 26 and nomenclature promulgated by the Codex Alimentarius Commission.

The Commissioner does not agree with this suggestion. The Commissioner is not aware of any sweetener, presently regarded as suitable for use in preparing packing media for canned fruits, which would be excluded from such use by restricting the class of sweeteners to "safe and suitable nutritive carbohydrate sweeteners." On the other hand, the Commissioner is aware of certain "nutritive sweeteners," which are not "nutritive carbohydrate sweeteners," that are not permitted by either the Codex standard or the existing U.S. standards for canned fruits. No data are available indicating that such "nutritive sweeteners" are suitable for use in the canned fruits covered by these standards. Any interested person may submit a petition, supported by reasonable grounds to provide for the use of such "nutritive sweeteners." The Codex standard specifically lists and limits the sweetener ingredients to five nutritive carbohydrate sweeteners. The U.S. standard in permitting the class designation "safe and suitable nutritive carbohydrate sweeteners" is less restrictive and will permit greater flexibility in the choice of suitable sweeteners that can be used. The Commissioner concludes that the term "carbohydrate" should be retained for the purpose of identifying those nutritive sweeteners in Part 26 that can properly be used in the Part 27 standards.

3. The question has recently been raised as to whether or not the substances mannitol and sorbitol are included in the Commissioner's use of the term "carbohydrate."

The Commissioner is aware that different chemical text books and scientific dictionaries may differ in their definition of the term "carbohydrate." The Food and Drug Administration is of the opinion that mannitol and sorbitol are sugar alcohols and are not "carbohydrates." Thus, they are not included within the term "nutritive carbohydrate sweetener" whenever it is used in Food and Drug Administration regulations.

4. One comment pointed out that the present definitions in 21 CFR 27.1 for corn sirup, dextrose, dried glucose sirup and glucose sirup should be changed to reference the recently published standards of identity for these foods in 21 CFR Part 26 or the definitions in Part 26 should be repeated in 21 CFR 27.1.

The Commissioner agrees with this comment, and § 27.45(c) has been revised to provide that if a nutritive carbohydrate sweetener has been defined in both § 27.1 and in Part 26 it shall comply with the standard in Part 26 in lieu of any definition that may appear in § 27.1.

5. One comment suggested that the phrase in § 27.2(d)(2) "* * * which imparts a characteristic to the finished food in addition to sweetness * * *" relating to label declaration requirements of packing media should be revised in the interest of clarity to read "* * * which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness * * *".

The Commissioner concurs in this suggested change and the regulation has been changed accordingly.

6. One comment suggested that the definitions for canned fruits and fruit juices contain the following definition for clarified juice: "The term clarified juice means the liquid expressed wholly or in part from peelings, shells, cores, or from the flesh or parts thereof, which is clarified and may be further refined or concentrated."

The Commissioner concludes that the definition for clarified juice suggested encompasses the definitions of clarified juice which appear in §§ 27.20 and 27.50 and that with minor modifications it should be incorporated into the definitions section for canned fruits and fruit juices.

7. The Commissioner concludes that the procedure for the determination of the drained weight of canned fruit, which is applicable to many of the canned fruit standards, should be included in the definitions for canned fruits and fruit juices under 21 CFR 27.1 rather than repeated in each of the standards where the procedure is required. The drained weight procedure has therefore been deleted from the fill of container standard for canned plums and a cross-reference in 21 CFR 27.47(a) is created to the procedure now set forth in 21 CFR 27.1(n). In addition § 27.1(n) has been revised to clarify the procedure and make it consistent with the Official Methods of Analysis of the Association of Official Analytical Chemists.

8. The Commissioner concludes that the definition of "blemishes" in the standard of quality under 21 CFR 27.46 (a)(1) should be revised to be more specific with respect to the types of blemishes common to plums. He concludes that canned plums are considered as containing blemishes when damaged by insects or when the appearance or eating quality is materially affected by friction, disease, external stone gum or discoloration.

The Commissioner also published a proposal in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368), based on a petition submitted by the California Canners and Growers, 3100 Ferry Bldg., San Francisco, CA 94106, to amend other U.S. canned fruit identity standards so as to conform to the pattern of the proposed canned plums identity standard. These are the U.S. identity standards for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40), canned pineapple (21 CFR 27.50) and canned figs (21 CFR 27.70). The order ruling on this proposal is published elsewhere in this issue of the FEDERAL REGISTER.

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the definitions for canned fruits and fruit juices and the standard of identity for canned plums and to establish standards of quality and fill of container for canned plums as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 27 be amended as follows:

1. In § 27.1 by adding new paragraphs (h), (i), (j), (k), (l), (m), (n), (o), and (p) to read as follows:

§ 27.1 Definitions.

* * * * *

(h) The term "water" means, in addition to water, any mixture of water and fruit juice in which the fruit juice(s) is less than 50 percent of such mixture, including any water contributed by the use of liquid nutritive carbohydrate sweeteners.

(i) The term "fruit juice(s) and water" means any mixture of fruit juice as herein defined and water, including any water contributed by the use of liquid nutritive carbohydrate sweeteners, in which the fruit juice(s) is 50 percent, or more, of such mixture except that water used in preparing equivalent single strength juice(s) from concentrate(s) shall not be considered to be a mixture of fruit juice and water.

(j) The term "fruit juice(s)" means single strength expressed juice(s) of sound, mature fruit(s). It may be fresh, frozen, canned, or made from concentrate(s). However, if it is made from concentrate(s), the juice(s) shall be reconstituted with water to not less than the soluble solids that such fruit juice had before concentration. Fruit juice(s) may be used singly or in combination. If a fruit juice(s) is used which is regulated by a standard of identity of this chapter, it shall conform to the compositional requirements prescribed by such standard prior to the addition of any sweetener which may be used.

(k) The term "clarified juice" means the liquid expressed wholly or in part from fruit peelings, fruit shells, fruit cores, or from the fruit flesh or parts thereof, which is clarified and may be further refined or concentrated.

(l) The term "solid pack" means the product contains practically all fruit with only the very little free flowing liquid that is expressed from the fruit and to which no packing media have been added.

(m) The procedure for determining the densities of the packing media means the following: The density of the packing medium, when measured 15 days or more after packing, or the density of the blended homogenized slurry of the comminuted entire contents of the container, when measured less than 15 days after canning, is determined according to "Official Method of Analysis of the Association of Official Analytical Chemists", 11th Ed., 1970, p. 526, section 31.011 (Solids) "By Means of the Refractometer—Official, Final Action" (and 47.012 and 47.015)[1] with result expressed as percent by weight of sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C., but without correction for invert sugar or other substances.

(n) The procedure for determining drained weight is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 20.3 centimeters (8 inches) if the quantity of contents of the container is less than 1.4 kilograms (3 pounds) and 30.5 centimeters (12 inches) if such quantity is 1.4 kilograms (3 pounds) or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for the No. 8 sieve set forth in the "Definitions of Terms and Explanatory Notes," p. xviii, of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970.[1] Carefully invert by hand all fruits having cups or cavities if they fall on the sieve with cups or cavities up. Cups or cavities in soft products may be drained by tilting sieve. Without further shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after the drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained fruit.

(o) Compliance means the following: Unless otherwise provided in a standard, a lot of canned fruits shall be deemed in compliance for the following factors, to be determined by the sampling and acceptance procedure as provided in paragraph (p) of this section, namely:

(1) *Packing medium density.* A lot shall be deemed to be in compliance for packing medium density based on the average sucrose value for all samples analyzed according to the sampling plans, but no container may have a sucrose value lower than that of the next lower category or 2 percent by weight sucrose (degrees Brix) lower if no lower category exists.

(2) *Quality.* The quality of a lot shall be considered acceptable when the number of defectives does not exceed the acceptance number in the sampling plans.

(3) *Fill of container.* A lot shall be deemed to be in compliance for fill of container (packing medium and fruit ingredient) when the number of defectives does not exceed the acceptance number (c) in the sampling plans.

(4) *Drained weight.* A lot shall be deemed to be in compliance for drained weight based on the average value of all samples analyzed according to the sampling plans.

(p) The sampling and acceptance procedure means the following:

(1) *Definitions*—(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size.* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(vi) *Acceptance number* (c). The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) *Sampling plans:*

[1] Copies may be obtained from: The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20004.

[1] Copies may be obtained from: The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20004.

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Lot size (primary containers)	Size of container	
	Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n	c
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
	Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)	
	n	c
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
	Net weight greater than 4.5 kilograms (10 pounds)	
	n	c
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

n=number of primary containers in sample.
c=acceptance number.

2. By revising § 27.45 to read as follows:

§ 27.45 Canned plums; identity; label statement of optional ingredients.

(a) *Ingredients.* Canned plums is the food prepared from clean, sound, and mature fruit of plum varieties conforming to the characteristics of *Prunus domestica* L., greengage varieties conforming to the characteristics of *Prunus italica* L., mirabelle or damson varieties conforming to the characteristics of *Prunus insititia* L., or cherry varieties conforming to the characteristics of *Prunus cerasifera* Ehrh. The food consists of one of the optional styles of the plum ingredient, specified in paragraph (b) of this section, and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one, or any combination of two or more of the following safe and suitable optional ingredients:

(1) Natural and artificial flavors.

(2) Spice.

(3) Vinegar, lemon juice, or organic acids.

(4) Artificial coloring.

Such food is sealed in a container and before or after sealing is so processed by heat so as to prevent spoilage.

(b) *Optional styles of the plum ingredient.* The optional plum ingredients specified in paragraph (a) of this section are:

(1) Whole peeled with or without pits;

(2) Whole unpeeled with or without pits;

(3) Halves peeled, without pits; and

(4) Halves unpeeled, without pits.

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section, as defined in § 27.1 are:

(i) Water.

(ii) Fruit juice(s) and water.

(iii) Fruit juice(s).

Such packing media may be used as such or any one or any combination of two or more safe and suitable nutritive carbohydrate sweetener(s) may be added. Sweeteners defined in § 27.1 shall be as defined therein, except that a nutritive carbohydrate sweetener for which a standard of identity has been established in Part 26 of this chapter shall comply with such standard in lieu of any definition that may appear in § 27.1.

(2) When a sweetener is added as a part of any such liquid packing medium, the density range of the resulting packing medium expressed as percent by weight of sucrose (degrees Brix) as determined by the procedure prescribed in § 27.1(m) shall be designated by the appropriate name for the respective density ranges, namely:

(i) When the density of the solution is 11 percent or more but less than 15 percent, the medium shall be designated as "slightly sweetened water", or "extra light sirup", "slightly sweetened fruit juice(s) and water", or "lightly sweetened fruit juice(s)", as the case may be.

(ii) When the density of the solution is 15 percent or more, but less than 19 percent, the medium shall be designated as "light sirup", "lightly sweetened fruit juice(s) and water", or "lightly sweetened fruit juice(s)", as the case may be.

(iii) When the density of the solution is 19 percent or more, but less than 25 percent, the medium shall be designated as "heavy sirup", "heavily sweetened fruit juice(s) and water", or "heavily sweetened fruit juice(s)", as the case may be.

(iv) When the density of the solution is 25 percent or more, but less than 35 percent, the medium shall be designated as "extra heavy sirup", "extra heavily sweetened fruit juice(s) and water", or "extra heavily sweetened fruit juice(s)", as the case may be.

(d) *Labeling requirements.* (1) The name of the food is "plums" accompanied by the color designation "yellow" or "golden" or "red" or "purple", as appropriate, or the specific name of the variety or "Greengage plums", "Damson plums", "Cherry plums", "Mirabelle plums". The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "Spice Added", or in lieu of the word "Spice", the common name of the spice; "Seasoned with Vinegar". When two or more of the optional ingredients specified in paragraph (a) (2) and (3) of this section are used, such words may be combined as for example, "Seasoned with cider vinegar, cloves, and cinnamon oil".

(2) The style of the plum ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c) (1) and (2) of this section, preceded by "In" or "Packed in" shall be included as part of the name or in close proximity to the name of the food. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example, in the case of a mixture of brown sugar and honey, an appropriate statement would be "-------- sirup of brown sugar and honey", the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

(i) In the case of a single fruit juice, the name of the juice shall be used in lieu of the word "fruit".

(ii) In the case of a combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium, or be declared on the label as specified in paragraph (d) (3) of this section, and

(iii) In the case of a single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (d) (3) of this section.

(3) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided in paragraph (d) (2) (ii) of this section, such names and the words "from concentrate", as specified in paragraph (d) (2) (iii) of this section, shall appear in an ingredient statement pursuant to the requirements of § 1.8(d) of this chapter.

(4) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

3. By adding the following new sections:

§ 27.46 Canned plums; quality; label statement of substandard quality.

(a) The standard of quality for canned plums is as follows:

(1) *Blemishes (damaged).* After draining in accordance with the procedure set out in § 27.1(n) not more than 30 percent by weight of the drained plums consists of plums which have been blemished or damaged by any of the following factors either singly or in combination: Damaged by insects; appearance or eating quality materially affected by friction, disease, external stone gum or discoloration.

(2) *Crushed or broken units in whole and halves styles.* In the case of the whole styles, not more than 25 percent by weight of the drained plums are deformed or broken to an extent that the normal shape of the fruit is seriously affected. In the case of the halves style, not more than 25 percent by weight of the drained plums are damaged or torn to such an extent that they are smaller than 50 percent of a plum half.

(3) *Blemishes and crushed or broken units.* Not more than 35 percent by weight of the drained plums consist of both blemishes as specified in subparagraph (1) of this paragraph and crushed or broken units in the case of the whole and halves styles as specified in subparagraph (2) of this paragraph.

(4) *Extraneous plant material.* Not more than one piece of stalk or stem from the plum tree or other harmless extraneous plant material per 200 grams (7 ounces) of drained plums.

(5) *Loose pits in whole style.* Not more than three loose pits per 500 grams (17.6 ounces) of drained plums.

(6) *Pits or pieces of pits in whole pitted and halves styles.* Not more than two pits or pieces of pits per 500 grams (17.6 ounces) of drained plums.

(b) Determine compliance as specified in § 27.1(o) of this chapter except that a lot shall be deemed to be in compliance for extraneous plant material, loose pits in whole style, and pits or pieces of pits in whole pitted and halves styles based on the average of all samples analyzed according to the sampling plans set out in § 27.1(p) of this chapter.

(c) If the quality of canned plums falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned plums falls below standard with respect to only one of the factors of quality specified in paragraph (a) (1) through (6) of this section, there may be substituted for the second line of such general statement of substandard quality ("Good Food—Not High Grade") a new line, as specified after the corresponding designation of paragraph (a) of this section which the canned plums fail to meet, as follows:

(1) "Blemished";

(2) "Partly Crushed or Broken";

(3) "Blemished and Partly Crushed or Broken";

(4) "Contains Extraneous Plant Material";

(5) "Contains Loose Pits"; or

(6) "Contains Pits" or "Contains Pieces of Pits".

§ 27.47 Canned plums; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned plums is:

(1) The fill of the plums and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) The drained weight of the plum ingredient as determined by the method prescribed in § 27.1(n) is not less than 50 percent for whole styles and 55 percent for halves styles based on the water capacity of containers as determined in § 10.6(a) of this chapter.

(b) Determine compliance for fill of container as specified in § 27.1(o) of this chapter.

(c) If canned plums fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified. If canned plums fall below the standard of fill of container in respect to drained weight, the words "Low drained weight" shall follow the general statement of substandard fill on the label.

Any person who will be adversely affected by the foregoing order may at any time on or before March 10, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on March 11, 1975, and all products shipped in interstate commerce after December 31, 1975, shall comply with this regulation except as to any provisions that may be stayed.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated: February 3, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the Office of the Federal Register March 26, 1973.

[FR Doc.75-3519 Filed 2-6-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-75-272]

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart C—Eligibility Requirements-Supplemental Loans To Finance Purchase and Installation of Fire Safety Equipment

Correction

In FR Doc.75-2998, appearing on page 4980 in the issue for Monday, February 3, 1975 make the following changes:

1. The first and second lines in the second column should be transferred under the first line in the third column.

2. In the third line of the second column the last word now reading, "programs" should read, "program".

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 529—EMPLOYMENT OF PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS AT SUBMINIMUM WAGES

Special Wage Certificates

On September 4, 1974, notice of proposed rule making regarding a new Part 529, Title 29, Code of Federal Regulations was published in the FEDERAL REGISTER (39 FR 32037-32040). 29 CFR Part 529 governs the employment at subminimum wages under the Fair Labor Standards Act of patients, whose earning or productive capacity is impaired, in hospitals and institutions primarily engaged in the residential care of the sick, the aged, or the mentally ill or defective. Interested parties were given opportunity to submit comments until October 4, 1974.

Comments received have been carefully and consequently I adopt the proposed revision, effective immediately, subject only to the changes outlined below.

These regulations are necessary to implement the order of the United States District Court of the District of Columbia in "Souder v. Brennan," dated December 7, 1973, and to enable employers to secure the appropriate special wage certificates that the court's order contemplated. Accordingly, in order to implement this procedure and to avoid any hardship, these regulations are made effective immediately.

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1. Table of contents is revised to show changes in various sections affected.

2. Paragraph (c) of § 529.1, is revised to add a statement that patient workers whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage.

3. Paragraph (b) of § 529.2, the definition of "patient worker" is broadened to include resident workers and nonresidents who are receiving treatment or care by the hospital or institution in which they are employed.

4. Paragraph (c) of § 529.2, intermediate care facilities is added as a further example of residential hospitals and institutions which come within the definition of "hospitals and institutions."

5. Paragraph (d) of § 529.2, the definition of "employment relationship" is revised to make it more definitive. Included in the definition are examples of activities which may be beneficial to the patients and are considered of no significant benefit to the institution, which do not result in an employment relationship.

6. Paragraph (h) of § 529.2, the definition of "work activities center" is revised to change the term "recorded plan of therapy" to read "recorded plan of therapy or care," and to eliminate the reference to the Administrator, the voluntary monitoring agency and the Advisory Committee on Sheltered Workshops.

7. Paragraph (i) of § 529.2 is revised by adding the term "maintaining approved labor standards" following the word "industry" to make it consistent with paragraph (f) of § 529.8.

8. Paragraph (j) of § 529.2 is revised to eliminate the voluntary monitoring agency.

9. Section 529.2 is revised to change the lettering of paragraphs (k) and (l) to (j) and (k), respectively.

10. Paragraph (a) of § 529.4 is revised to emphasize the first sentence.

11. Paragraph (c) of § 529.4 is revised to eliminate the reference to a voluntary monitoring agency.

12. Paragraph (f) of § 529.4 is revised to eliminate the reference to a voluntary monitoring agency.

13. Paragraph (h) of § 529.4 is revised to require that each patient workers' work performance be reviewed at 3 months intervals during the first 6 months of the employment relationship and semiannually thereafter, and that the reviews be made by staff members who observe the patient workers being rated on a continuing basis and who are familiar with appropriate nonhandicapped production standards. A subsection on deductions for services is added as paragraph (i).

14. Section 529.5 is deleted, and the numbering of all subsequent sections and references appropriately revised.

15. Paragraph (c) of §529.6 which was incorrectly designated (a) is properly designated "c."

16. Paragraph (e) of § 529.6 is revised to eliminate the reference to a voluntary monitoring agency.

17. In paragraph (i) of §529.8, the text is revised to provide for oral as well as written notification. The notification requirement is expanded to include both written and oral notification and the type of notification is changed to the patient worker's rights under the Act. Previously, only written notification was required and the notification consisted of the applicable minimum wage and the terms of the certificate.

18. Section 529.10, on records to be kept, is revised to add a new paragraph (d) to require records be maintained of production standards for an average nonhandicapped worker for the jobs being performed by patient workers in the hospital or institution, and to change the lettering of paragraph (d) through (i) to (e) through (j).

19. Section 529.14 is revised to make it more definitive.

20. Section 529.15, issuance of certificates for experimental purposes, is revised to limit the issuance of certificates under this section to not more than 1 year.

21. A new section is added, "§ 529.17 Review of regulations.," requiring the Wage and Hour Division, in cooperation with the Advisory Committee on Sheltered Workshops, to undertake a review of the administration and enforcement of these regulations approximately six months after they become effective.

22. In the previous text all references to gender were masculine. The new text is revised to make reference to both the masculine and feminine gender where required.

23. In addition, certain typographical errors have been corrected.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below. Since there will not be time for hospitals or institutions to file applications and for these applications to be acted upon by the Wage and Hour Division before the effective date of this part, an application received in the appropriate Regional Office of the Wage and Hour Division by March 9, 1975 will be considered timely filed permitting, on the effective date of this Part, the employment of patient workers at the subminimum wages proposed in the application by the hospital or institution without certificate. This allowance is conditional upon: (a) Compliance with the provisions of Part 529; and (b) provision for the payment of back wages to patient workers if a certificate is denied or the minimum wage set in the certificate is higher than that paid by the hospital or institution.

Signed at Washington, D.C., this 3d day of February 1975.

BERNARD E. DELURY,
Assistant Secretary,
Employment Standards Administration.

Sec.

529.1 Statutory language and scope of regulations.
529.2 Definitions.
529.3 Advisory Committee on Sheltered Workshops.
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529.5 Application for certificates.
529.6 Criteria for consideration in issuance of certificates.
529.7 Issuance of certificates.
529.8 Terms and conditions of certificates.
529.9 Renewal of certificates.
529.10 Records to be kept.
529.11 Cancellation of a certificate.
529.12 Review.
529.13 Submission of information, investigations, and hearings.
529.14 Relation to other laws.
529.15 Issuance of certificates for experimental purposes.
529.16 Amendment of this part.
529.17 Review of regulations.

AUTHORITY: Sec. 14, 52 Stat. 1068, as amended (29 U.S.C. 214, unless otherwise noted).

§ 529.1 Statutory language and scope of regulations.

(a) The Fair Labor Standards Act as amended, among other things, makes provision for the employment of handicapped persons at subminimum wages under certificate. This provision is now designated as section 14(c) of the Act. It reads as follows:

(c)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary, pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services, may issue special certificates for the employment of—

(A) handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment, at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimum applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

(b) Authority to promulgate the regulations and issue the certificates referred to in section 14(c) has been delegated by the Secretary to the Administrator of the Wage and Hour Division (Secretary's Orders 13–71 and 15–71 (36 FR 8755 and 8756)).

(c) Patient workers whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage. For patient workers whose earning or productive capacity is impaired to the extent that they are not able to earn the statutory minimum wage, the regulations in this Part 529 govern certificates authorizing special minimum wages for patient workers in hospitals and institutions for the sick, the aged, and the mentally ill or defective with the following exceptions which are governed by Parts 524 and 525 of this chapter, as appropriate:

(1) Patients of hospitals or institutions working for employers other than the hospital or institution.

(2) Patients working in sheltered workshops, including work activities centers, as defined in Part 525, operated by the hospital or institution.

§ 529.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(b) "Patient worker" or "resident worker," hereafter referred to as "patient worker," means a sick, aged or mentally ill or defective individual who receives treatment or care by a hospital or institution, whether he or she is a resident or not, and has an employment relationship with such establishment, other than in a sheltered workshop program.

(c) "Hospital or institution," hereinafter referred to as "institution," is a public or private, nonprofit or profit facility primarily engaged in (i.e., more than 50 percent of the income is attributable to) providing residential care for the sick, the aged, or the mentally ill or defective, including but not limited to nursing homes, intermediate care facilities, rest homes, convalescent homes, homes for the elderly and infirm, halfway houses, residential centers for drug addicts or alcoholics, and the like, whether licensed or not licensed.

(d) "Employment relationship" generally arises whenever a patient is suffered or permitted to work. The total facts surrounding a given situation, other than those factors specifically excluded in this subsection, determine whether the test is satisfied. A major factor in determining whether or not an employment relationship exists under this Part is whether the work performed is of any consequential economic benefit to the institution. Generally, work shall be considered to be of consequential economic benefit if it is of the type that nonhandicapped workers normally perform, in whole or in part, in the institution or elsewhere. A patient does not, however, become an employee merely if he or she performs personal housekeeping chores, such as maintaining his or her own quarters, or receives a token remuneration for his or her services. Nor does the patient become an employee if engaged in such activities as making craft products, where the patient voluntarily engages in such activity and the products become the property of the patient making them, or the funds resulting from the sale of the products are divided among the patients participating in that program or are used for purposes of purchasing materials consumed in making the craft products. On the other hand, determination of an employment relationship does not depend on the level of performance of the patient or whether the work is of therapeutic value to the patient.

(e) "Evaluation and training" means a program, authorized pursuant to section 14(c)(2)(A) of the Act, which provides competent instruction and supervision and is designed to determine a working patient's potential and to teach adjustment to a work environment or the skills related to one or more types of work. The duration of the evaluation and training depends on the total facts of the situation, but in no case shall exceed 12 months. Time spent in an employment relationship in the institution prior to the effective date of these regulations shall be counted in determining the duration a patient worker is in evaluation and training. (Any workweek during which there was regular and recurrent engagement in work, even though small in amount, which gave rise to an employment relationship, shall be considered as a week spent in evaluation and training.)

(f) "Group minimum wage" means the minimum wage authorized pursuant to section 14(c)(1) of the Act which shall apply to all patient workers who have completed the evaluation and training program, if one has been authorized for the institution under this part (where no such program has been authorized, the group minimum wage applies immediately upon a patient's entering into an employment relationship with the institution), except for patient workers who are: Entitled to a commensurate wage higher than the group minimum wage; subject to an individual exception; or subject to a work activities center certificate, as defined in this part.

(g) "Individual exception" means authorization, pursuant to section 14(c)(2)(B) of the Act, to pay a particular patient worker whose earning or productive capacity is severely impaired less than the group minimum wage.

(h) "Work activities center" is an administrative classification given to a facility which has an approved program (other than a work activities center program as defined in Part 525), authorized pursuant to section 14(c)(3) of the Act, which is planned and designed exclusively to provide work activities for patients whose physical or mental impairment is so severe as to render their productive capacity inconsequential. The work activities shall be part of a recorded plan of therapy or care for such patients. Such activities need not, however, be restricted to a particular physical or program area of the institution, nor to a particular type of work. No program shall qualify for a work activities center certificate under this part unless the productive capacity of each individual in the program is so severely impaired as to make that person incapable of earning as commensurate pay at least 25 percent of the minimum wage under section 6 of the Act, and the patient workers are participating in the program as a part of planned therapy.

(i) "Commensurate pay" (the term used in these regulations) is intended to have the same meaning as "equitable compensation" and "wages related to the worker's productivity," which terms are used in the statute, and means wages which are commensurate with those paid nonhandicapped workers in the institution or in industry maintaining acceptable labor standards in the vicinity for essentially the same type, quality, and quantity of work. So for example, the commensurate pay of a patient worker who is 75 percent as productive, considering quality and quantity, as the average nonhandicapped worker performing essentially similar work in the institution would be at least 75 percent of the wage paid to such nonhandicapped worker.

(j) "State agency" means the agency within the State which administers or supervises the administration of vocational rehabilitation services in any State of the United States, the District of Columbia, or any territory or possession of the United States.

(k) "The Act" means the Fair Labor Standards Act of 1938, as amended.

§ 529.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops, appointed periodically by the Secretary of Labor, shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereto and for such other purposes as may be desired by the Administrator.

(b) The Administrator may consult with the Advisory Committee on Sheltered Workshops prior to any action taken under this part and may afford the Committee 15 days, or such additional time as may be allowed, to present its views. The Administrator may also afford the Committee an opportunity to present its views in connection with any petition for review filed, any hearing held, and any petition for amendment of these regulations, or any proposed legislation by the Secretary of Labor pertaining to the problems dealt with in these regulations.

§ 529.4 Wage payments.

(a) A patient worker whose earning or productive capacity is not impaired

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shall be paid at least the statutory minimum wage. A patient worker whose earning or productive capacity is impaired to the extent that the individual is unable to earn at least the statutory minimum wage may be paid a subminimum wage but only after a certificate authorizing payment of such lower wage has been obtained from the Wage and Hour Division.

(b) Four types of certificates authorizing subminimum wages are available for patient workers in institutions: Evaluation and training, group minimum wage, individual exception, and work activities center. All but the individual exception are group certificates. Under a group certificate, the program is certificated and not the individual patient worker. In the case of the individual exception, authority to pay a subminimum wage must be obtained for each individual.

(c) Evaluation and training: Patient workers subject to an evaluation and training certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(d) Group minimum wage: Patient workers subject to a group minimum wage certificate shall receive at least the minimum wage authorized in the certificate or commensurate pay, whichever is higher. The group minimum wage shall not be less, and may be more, than 50 percent of the minimum wage under section 6 of the Act.

(e) Individual exception: A patient worker subject to an individual exception shall receive not less than the minimum wage authorized in the individual exception certificate issued for that patient worker or commensurate pay, whichever is higher. An individual exception shall not be less, and may be more, than 25 percent of the minimum wage under section 6 of the Act.

(f) Work activities center: Patient workers subject to a work activities center certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(g) Compensable time for a patient worker starts when the individual begins to perform work involving an employment relationship.

(h) Each patient worker's work performance shall be reviewed by the institution at three month intervals during the first 6 months in an employment relationship, and at least every 6 months thereafter and his or her wages adjusted accordingly. The review shall relate the patient worker's quantity and quality of performance to that of nonhandicapped workers receiving the prevailing wage in the institution for similar work or work requiring similar skills. If similar work or work requiring similar skills is not performed by nonhandicapped workers in the institution the prevailing wage paid nonhandicapped workers in the vicinity in industry maintaining acceptable labor standards shall be used. The review shall be made by a staff member or members who observe the patient worker(s) being rated on a continuing basis and who are familiar with appropriate nonhandicapped production standards.

(i) No part of the minimum wage and overtime earned by a patient worker can be deducted for the cost of room, board or services. The patient worker must receive his or her wages free and clear, except for legal payroll deductions. It is not the intention of these regulations, however, to preclude the institution thereafter from assessing or collecting the reasonable cost of room, board and other services actually provided to a patient worker to the extent permitted by applicable Federal or State law and on the same basis as it assesses and collects from nonworking patients.

§ 529.5 Application for certificates.

(a) Application for a certificate for an evaluation and training program, a group minimum wage, an individual exception, or a work activities center may be filed by any institution with the Regional Office or Caribbean Director of the administrative region or area of the Wage and Hour Division, U.S. Department of Labor, in which the institution is located. Application forms may be obtained from the appropriate Office.

(b) An application for an evaluation and training certificate and for an individual exception certificate for payment of a wage below 50 percent of the minimum wage under section 6 of the Act shall also be filed with the State agency. Before the Wage and Hour Division can act on such an application, the State agency must certify that the evaluation and training program meets the standards defined in § 529.2 or, in the case of an individual exception, that the individual's earning capacity is so severely impaired that he or she is unable to earn at least 50 percent of the minimum wage under section 6 of the Act.

(c) An institution initially applying for a certificate, other than an individual exception certificate, which does not have the information called for in the application, may be issued a temporary certificate if it meets the requirements of, and provides assurance of compliance with, this Part.

(d) Application for an individual exception certificate may be filed at the time of applying for a group minimum wage certificate or during the life of the certificate. The application must show, among other things, that the patient worker is unable to earn the minimum wage authorized in the group minimum wage certificate.

(e) An application for an individual exception filed before the patient worker has completed evaluation and training shall be considered timely. In such case, if action on the application is not completed before the expiration of the evaluation and training period, the minimum wage requested in the application by the institution (not less than 25 percent of the minimum wage) shall be the interim minimum wage.

§ 529.6 Criteria for consideration in issuance of certificates.

The following criteria will be considered by the Administrator in determining the necessity of issuing a certificate or certificates and the conditions to be specified therein:

(a) The present and previous earnings of the patient workers.

(b) Whether the patient workers are receiving commensurate pay.

(c) The nature and extent of the disabilities of the patient workers and the degree to which these factors affect earning or productive capacity of the patient workers.

(d) Whether the conditions required for certification under this part have been met.

(e) Whether the certification by the State agency has been made in accordance with this part.

§ 529.7 Issuance of certificates.

(a) Upon consideration of criteria specified in § 529.6, the Administrator may issue a certificate or certificates, as appropriate.

(b) If a certificate is issued, a copy shall be sent to the institution. If denied, the institution shall be notified in writing of the denial and the reasons therefor.

(c) A group minimum wage certificate may be issued for the entire institution or a department or departments of the institution.

§ 529.8 Terms and conditions of certificates.

(a) A certificate shall specify the terms and conditions under which it is granted.

(b) A certificate shall apply to every patient worker in the program for which the certificate is granted.

(c) A certificate shall be effective for a period to be designated by the Administrator, generally for a period of 1 year. Patient workers may be paid wages lower than the statutory minimum only during the effective period of a certificate.

(d) A group minimum wage certificate shall set a special minimum wage of not less than 50 percent of the minimum wage under section 6 of the Act. An individual exception certificate shall set a special minimum wage not less than 25 percent of the minimum wage under section 6 of the Act.

(e) An evaluation and training certificate and a work activities center certificate need not set a special minimum wage other than that required by paragraph (f) of this section or provided for by § 529.4.

(f) All patient workers subject to a certificate shall be paid wages commensurate with those paid nonhandicapped workers in the institution in which they are patients or in the vicinity in industry maintaining acceptable labor standards for essentially the same type, quality,

and quantity of work, but not less than the certificate rate applicable if such a rate has been authorized.

(g) Patient workers shall be paid not less than one and one half times the regular rate for all hours worked in excess of the maximum workweek applicable under section 7 of the Act.

(h) No patient worker shall be newly-employed under a certificate issued under these regulations while abnormal labor conditions, such as a strike, a lock-out, or other similar condition, exist in the institution.

(i) Each patient worker and his or her parent or guardian shall be informed promptly, orally and in writing, of his or her rights under the Act.

(j) The terms of any certificate may be amended for cause, upon request of the institution, or a patient worker or his or her parent or guardian, or upon the initiative of the Administrator.

§ 529.9 Renewal of certificates.

(a) Application may be filed for renewal of any certificate.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Patient workers may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 529.12: *Provided, however,* That if the denial is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 529.10 Records to be kept.

Every institution shall maintain and have available for inspection by the Administrator records of:

(a) Disability, which show the nature of each patient worker's disability.

(b) Productivity, which show the productivity of each patient worker on a continuing basis or at periodic intervals as defined in § 529.4(h).

(c) Prevailing wage, which show the prevailing wages paid nonhandicapped workers in the institution or in industry in the vicinity for essentially similar work to that performed by the patient workers.

(d) Production standards for an average nonhandicapped worker for each job being performed by a patient worker in the institution (for use as a norm in measuring patient worker productivity.)

(e) When an evaluation and training program is authorized by certificate, records showing which patient workers are in the evaluation and training program, and the total period of time each worker has been in such a category.

(f) When an institution holds both a work activities center certificate and a group minimum wage certificate, records showing which patient workers are under each certificate.

(g) Records showing the patient workers for whom individual exceptions have been authorized.

(h) In addition, the records required under all the applicable provisions of Part 516 of this chapter.

(i) Every institution having patient workers who are entitled to benefits under the Act shall at all times display a poster, as prescribed by the Administrator, in a conspicuous place in the institution where it may be observed readily by the patient workers and other workers in the institution.

(j) Records required by this section shall be kept for the periods specified in Part 516 of this chapter.

§ 529.11 Cancellation of a certificate.

(a) The Administrator may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been utilized in obtaining the certificate or in permitting a patient worker to be employed thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 529.12, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the institution in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 529.12 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent it is deemed appropriate, afford other interested persons an opportunity to present data and views.

§ 529.13 Submission of information, investigations, and hearings.

The Administrator may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a hearing, prior to taking any action pursuant to this part. To the extent it is deemed appropriate, the Administrator may provide an opportunity to other interested persons to present data and views.

§ 529.14 Relation to other laws.

No provision of this part, or of any certificate issued under this part, shall excuse noncompliance with any other Federal or State law or municipal ordinance establishing higher standards.

§ 529.15 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 529.1 to 529.14, the Administrator may authorize the issuance of certificates to permit employment of patient workers in institutions at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such persons. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the Act as the Administrator shall determine will best further any such experimental programs. Certificates issued under this section shall be limited to an effective period of not more than 1 year.

§ 529.16 Amendment of this part.

The Administrator may at any time upon his or her own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

§ 529.17 Review of regulations.

Approximately six months after the effective date of this part, the Wage and Hour Division will undertake a review of its program for administration and enforcement of this Part in cooperation with the Advisory Committee on Sheltered Workshops.

[FR Doc.75-3585 Filed 2-6-75;8:45 am]

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2300—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

On pages 12, 13, and 14 of the FEDERAL REGISTER of January 2, 1975 (40 FR 12), notice was published of regulations proposed to be issued implementing the Freedom of Information Act as amended. Comment was invited thereon.

The period for submission of such comment ended on February 1, 1975, with only two comments being received from outside the Commission.

One questioned how trade secret materials in case files will be handled. This is a matter covered by 29 U.S.C. 654 and 29 CFR 2200.11. There is no need for the inclusion of any other provision in these regulations.

The other comment suggested the time limit of 10 days for appealing the denial of a request under these regulations was

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too restrictive and suggested a 30-day limit instead. That suggestion has been accepted. 10 has been changed to 30 in the seventh line of § 2300.7(d) as published.

With the noted change the proposed regulations are adopted as set forth below.

Effective date. This part becomes effective on February 7, 1975.

Sec.

2300.1 Purpose and scope.
2300.2 Description of agency.
2300.3 Delegation of authority.
2300.4 Information policy.
2300.5 Copies of records.
2300.6 Procedure for obtaining information.
2300.7 Processing requests.
2300.8 Maintenance of statistics.

AUTHORITY: Sec. 12(g), Pub. L. 91-596, 84 Stat. 1604 (29 U.S.C. 661(f)), 5 U.S.C. 552 as amended November 21, 1974 (Pub. L. 93-502).

Dated: February 3, 1975.

ROBERT D. MORAN,
Chairman.

§ 2300.1 Purpose and scope.

The purpose of the provisions of this Part is to provide procedures to implement the Freedom of Information Act, 5 U.S.C. section 552, as amended November 21, 1974 (Pub. L. 93-502). The following provisions are applicable only to such items of information as relate to the agency or are items within its custody. They are not applicable to the rights of parties appearing in adversary proceedings before the Commission to obtain discovery from an adverse party. Such matters are governed by the Commission's Rules of Procedure which are published at 29 CFR 2200.1 et seq.

§ 2300.2 Description of agency.

(a) The Occupational Safety and Health Review Commission (OSAHRC) adjudicates contested enforcement actions under the Occupational Safety and Health Act of 1970 (84 Stat. 1590, 29 U.S.C. 651-677). Decisions of the Commission on such actions are issued only after the parties to the case are afforded an opportunity for a hearing in accordance with section 554 of Title 5, United States Code. All such hearings are conducted by an OSAHRC Administrative Law Judge at a place convenient to the parties and are open to the public.

(b) Except insofar as its decisions or its Rules of Procedure may be so construed, the Review Commission does not issue substantive rules of general applicability, statements of general policy or interpretations of general applicability. The Rules of Procedure appear in 29 CFR Part 2200. The decisions are published by the U.S. Government Printing Office. See §§ 2300.4(c) and 2300.5(a).

§ 2300.3 Delegation of authority.

The Director of Information and Publications is delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization.

§ 2300.4 Information policy.

(a) Except for matters specifically excluded by section 552(b) of Title 5, United States Code or other applicable statute, all documents and records maintained by this agency or within the custody thereof shall be available to the public upon request filed in accordance with these regulations.

(b) Any person may examine and copy any such document or record of this agency (or within the custody thereof) under conditions prescribed by the Director of Information and Publications at any time during normal operating hours so long as it does not interfere with the trial or disposition of a pending case.

(c) All final OSAHRC decisions, of general applicability (including concurring and dissenting opinions) are published by the Superintendent of Documents, U.S. Government Printing Office, in a series of bound volumes known as *OSAHRC Reports*. The Director of Information and Publications will be responsible for supervising the continued publication of this series on a current basis.

(d) Indexes to such decisions will be published by the said Superintendent of Documents under the supervision of the Director of Information and Publications and shall be updated at least quarterly.

(e) It shall be the responsibility of the Director of Information and Publications to insure that the full text of all decisions of general applicability and comprehensive and accurate indexes thereto are published as expeditiously as possible and in accordance with this regulation.

§ 2300.5 Copies of records.

(a) Copies of documents or records of this agency, or within the custody thereof, or information respecting the time and place of hearings will be furnished to any person or organization requesting the same in accordance with these regulations, except for copies of decisions or indexes thereto which are contained in *OSAHRC Reports*. These publications are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) The Director of Information and Publications may charge a fee for searching for and copying such documents or records.

(1) The fee for copies shall be $.10 per copy per page.

(2) The search charge shall be $5.00 per hour.

(c) All charges may be waived or reduced whenever it is in the public interest to do so.

(d) Copies of documents (including the hearing transcript) which have been filed in an OSAHRC case which, at the time of the request therefor, is pending in any United States Court should be requested from such Court.

(e) Requests by parties for copies of transcripts of hearings, which are made by or on behalf of any party to such hearings, shall be made to the official hearing reporter. If such a party is given the opportunity to purchase the transcript from the official reporter but does not do so, the Director of Information and Publications will respond affirmatively to a request for a copy or copies of the same submitted by such party or representative but may charge for this service at a rate equal to that which would have been charged by the official reporter at the time such party was given the opportunity to purchase such transcript.

§ 2300.6 Procedure for obtaining information.

(a) All persons or organizations requesting any information from OSAHRC or any record or document of this agency (or in the custody thereof) shall submit such request in writing to the Director of Information and Publications, OSAHRC, 1825 K Street, NW, Washington, D.C. 20006.

(b) All such requests should be clearly and prominently identified as a request for information under the Freedom of Information Act, and if submitted by mail or otherwise submitted in an envelope or other cover, should be clearly and prominently identified as such on the envelope or other cover.

(c) If a request does not comply with the provisions of the preceding paragraph, it shall not be deemed received by OSAHRC until the time it is actually received by the Director of Information and Publications.

§ 2300.7 Processing requests.

(a) The Director of Information and Publications shall respond promptly to all requests for information or for copies of records or documents which are submitted in accordance with this regulation but in no event shall such response be furnished later than ten (10) working days following receipt of such request.

(b) A request that is expected to involve assessed fees in excess of $50.00 will not be deemed to have been received until the requester is advised of the anticipated cost and agrees to bear it.

(c) In the event any request for information or for a copy of any document or record is denied, the Director of Information and Publications shall, within 10 working days of the receipt of the request, notify the requester of the denial. Such denial shall specify the reason therefor and also advise that the denial may be appealed to the head of the agency as specified hereinafter.

(d) Whenever any request for information, or for a copy of any document or record is denied by the Director of Information and Publications, an appeal may be filed with the Chairman of the Occupational Safety and Health Review Commission within 30 working days after the requester receives notification that the request has been denied. The appeal shall be in writing and the Chairman shall respond to the same in accordance with section 552(a)(6) of Title 5, United States Code, and within the time period set forth therein.

(e) Any person in the employ of this agency who receives a request for any information, document or record of this agency or within the custody thereof shall advise the requester to address such request to the Director of Information and Publications. If the request so received is in writing it shall be immediately referred for action to the Director of Information and Publications.

§ 2300.8 Maintenance of statistics.

(a) The Director of Information and Publications shall maintain records of

(1) The total amount of fees collected by this agency pursuant to this part;

(2) The number of denials of requests for records made pursuant to this part and the reason for each;

(3) The number of appeals from such and spirit of section 552 of Title 5, United together with the reason(s) for the action upon each appeal that results in a denial of information;

(4) The name(s) and title(s) or position(s) of each person responsible for each denial of records requested and the number of instances of participation for each;

(5) The results of each proceeding conducted pursuant to section 552(a)(4)(F) of Title 5, United States Code, including a report of the disciplinary action against the official or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(6) A copy of every rule made by this agency affecting or in implementation of section 552 of Title 5, United States Code;

(7) A copy of the fee schedule for copies of records and documents requested pursuant to this regulation; and

(8) All other information which indicates efforts to administer fully the letter for such calendar year and shall forth-States Code.

(b) The Director of Information and Publications shall annually, within 60 days following the close of each calendar year, prepare a report covering each of the categories of records to be maintained in accordance with the foregoing President of the Senate for referral to with submit the same to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress.

[FR Doc.75-3535 Filed 2-6-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Subpart 5A-1.73—Preparation and Distribution of Contract Documents

PURCHASE ORDER NUMBERING

This change to the General Services Administration Procurement Regulations (GSPR) revises the procedures for numbering of purchase orders.

Section 5A-1.7301-1 is revised as follows:

§ 5A-1.7301-1 Assigning purchase order numbers.

(a) *Applicability.* The purchase order numbering system prescribed below shall apply to all purchase orders issued by FSS except for those issued by the Special Programs Division (FPZ) of the Office of Procurement and the Contract Operations Division (FJM) of the Office of Property Management. FPZ may use the agency requisition number in lieu of a case number.

(b) *Composition of purchase order number.* The purchase order number shall be a four-group, hyphenated number, such as 6PN-E-A5439-2B, and composed of the following elements:

(1) *Prefix.* The prefix shall consist of a three-position code identifying the buying activity, buying office, and buying program, in that order. Example: The prefix "6PN" identifies Region 6, Procurement, nonstock program.

(2) *Type of order.* The type of order shall be shown by an alpha code, as applicable, from the codes listed in § 5A-76.320. Example: The letter "E" indicates that the case involves "export-nonstock-regular surcharge." If an order using a code which includes a surcharge is canceled and results in termination charges, the replacement order shall use the code "F" to indicate that no surcharge is applicable.

(3) *Basic case number.* The basic case number shall be the basic purchase order number; i.e., the number "A5439" illustrated above. The basic case number shall be a five-position series of alpha numeric designations within the range of A0001 through Z9999, excluding I, O, and Q. Numbers shall be assigned and controlled by each buying activity. The numbers shall begin with A0001 at the beginning of every other fiscal year. If additional numbers are needed above Z9999, five-digit numbers ranging from 00001 through 99999 shall be used.

(4) *Suffix.* The suffix shall consist of one or two positions. The first position shall be an alpha or numeric identifying the number of the order written against the case file. The first purchase order shall be number "-1" with subsequent purchase orders numbered sequentially through 9. If the number of purchase orders exceeds 9, additional orders shall be identified by alphabetical designations A through Z, except I, O, and Q; i.e., number "10" would be "A," number "11," "B," etc. The second position shall be an alpha, from A through Z, except I, O, and Q, to identify amendments to a purchase order. Example: In the example number shown in (b), above, the first position number "2" indicates that this is the second purchase order written against the case. The alpha code "B" shown in the second position of the suffix, indicates that this is the second amendment to the purchase order.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: January 21, 1975.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.75-3514 Filed 2-6-75;8:45 am]

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 9-7—CONTRACT CLAUSES

PART 9-16—PROCUREMENT FORMS

Standard Clauses and Contract Forms

These revisions to the AECPR's are being made to make the Safety and Health Clause mandatory as to text and to provide an alternative clause for non-GOCO contracts where the RDA elects not to assert its statutory authority to prescribe general occupational safety and health standards.

1. In Part 9-7, the Table of Contents is revised as follows:

Subpart 9-7.50 Use of Standard Clauses

* * * * * *

9-7.5004-12 Safety and Health.

* * * * * *

9-7.5006-47 [Reserved]

* * * * * *

AUTHORITY: Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9-7.50 Use of Standard Clauses

2. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5004-12, [Reserved], is revised as follows:

§ 9-7.5004-12 Safety and Health.

(a) The clause set forth herein shall be included in all contracts and subcontracts for, and be made applicable to, work to be performed at a government-owned contractor-operated (GOCO) facility where the Energy Research and Development Administration has elected to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees.

SAFETY AND HEALTH

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the safety and health of employees and of members of the public and shall comply with all applicable safety and health regulations and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said regulations or requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

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(b) The clause set forth herein shall be included in those contracts or subcontracts for, and be made applicable to, work to be performed at a facility where the Energy Research and Development Administration does not elect to assert its statutory authority to enforce occupational safety and health standards applicable to the working conditions of contractor and subcontractor employees, but does need to enforce radiological safety and health standards pursuant to provisions of the contract or subcontract rather than by reliance upon Energy Research and Development Administration licensing requirements (including agreements with states under section 274 of the Atomic Energy Act).

RADIATION PROTECTION AND NUCLEAR CRITICALITY

The contractor shall take all reasonable precautions in the performance of work under this contract to protect the safety and health of employees and of members of the public against the hazards of ionizing radiation and radioactive materials and shall comply with all applicable radiation protection and nuclear criticality safety standards and requirements (including reporting requirements) of the Commission. In the event that the contractor fails to comply with said standards and requirements of the Commission, the Contracting Officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter a start order for resumption of the work may be issued at the discretion of the Contracting Officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of or in connection with such work stoppage.

Subpart 9–7.5 Use of Standard Clauses

§ 9–7.5006–47 [Reserved]

3. In Subpart 9–7.50, Use of Standard Clauses, § 9–7.5006–47, Safety, health, and fire protection, is deleted and reserved as follows:

Subpart 9–16.4 Forms for Advertised Construction Contracts

4. In Subpart 9–16.4, Forms for Advertised Construction Contracts, § 9–16.404–50, ERDA authorized additions to Standard Form 19, paragraph (b) (1) is revised as follows:

§ 9–16.404–50 ERDA authorized additions to Standard Form 19.

• • • • • •

(b) • • •

(1) Safety and health (§ 9–7.5004–12).

• • • • • •

5. In Subpart 9–16.4, Forms for Advertised Construction Contracts, § 9–16.404–52, ERDA additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition), paragraph (a) (23) is revised as follows:

§ 9–16.404–52 ERDA additions to Standard Form 23A General Provisions (Construction Contract) (October 1969 edition).

(a) • • •

23. Safety and health (§ 9–7.5004–12).

• • • • • •

Subpart 9–16.7 Forms for Negotiated Architect-Engineer Contracts

6. In Subpart 9–16.7, Forms for Negotiated Architect-Engineer Contracts, § 9–16.703–50, Terms, conditions, and provisions, paragraph 22 is revised as follows:

§ 9–16.703–50 Terms, conditions, and provisions.

• • • • • •

22. Safety and health (§ 9–7.5004–12).

• • • • • •

Subpart 9–16.50 Contract Outlines

7. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–4, Outline of a cost-plus-a-fixed-fee-construction contract, Article XVI is revised as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee-construction contract.

• • • • • •

Article XVI—*Safety and health.* Insert contract clause set forth in § 9–7.5004–12.

• • • • • •

8. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–5, Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article XVII is revised as follows:

§ 9–16.5002–5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

• • • • • •

Article XVII—*Safety and health.* Insert contract clause set forth in § 9–7.5004–12.

• • • • • •

9. In Subpart 9–16.50, Contract Outlines, § 9–16.5002–9, Outline of cost-type contract for research and development with educational institutions, Article B–17 is revised as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

• • • • • •

Article B–17 *Safety and Health.*

If applicable, include one or both of the clauses set forth in § 9–7.5004–12.

• • • • • •

Effective date. This amendment is effective January 28, 1975.

Dated at Germantown, Maryland this 17th day of January 1975.

For the Energy Research and Development Administration.

JOSEPH L. SMITH,
Director, Division of Contracts.

NOTE.—This document is republished from the issue of January 28, 1975 (40 FR 4146).

[FR Doc.75–2425 Filed 1–27–75;8:45 am]

CHAPTER 14—DEPARTMENT OF THE TREASURY

PART 14–3—PROCUREMENT BY NEGOTIATION

Subpart 14–3.3—Determinations, Findings, and Authorities

Correction

In FR Doc. 74–30119 appearing at page 44980, in the issue of Monday, December 30, 1974, in the fourth line of § 14–3.305–15(1) the word now reading, "contracts" should read, "contractors".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 2]

FREEDOM OF INFORMATION ACT

Proposed Uniform Fee Schedule for Requests

The Department of the Interior is considering adoption of a uniform fee schedule for requests made under the Freedom of Information Act. The schedule will apply to all constituent units of the Department. The Department does not currently have a Department-wide schedule setting specific fees.

The uniform fee schedule is proposed to be added as Appendix A to Part 2 of Title 43, Code of Federal Regulations. The current appendix to this part will be designated Appendix B.

The uniform fee schedule is proposed to include fees to be charged for manual searches for records, for duplicating of records and for computer services involved in producing records. These services are the only services required to be performed in connection with requests under the Freedom of Information Act for which charges are permitted by section 1(b)(2) of the recent amendments to that Act, Pub. L. 93–502, 88 Stat. 1561, to be charged. The proposed fees to be charged are based on the direct costs of performing these services.

The uniform fee schedule contains two fees for manual searches for records. One fee is to be charged for searches which can be performed by clerical personnel. The other fee is to be charged for searches which require the services of professional employees.

The fee proposed to be charged for clerical searches, $1.10 for each quarter hour, is based on an average hourly salary drawn from 1974 salary figures for all employees in the secretarial and clerk-typist job series and employees in grades 1 through 6 of the general job series. These employees are the employees believed most likely to be called upon to conduct clerical searches.

The fee proposed to be charged for searches conducted by professional employees, $2.10 for each quarter hour, is based on the actual 1974 average hourly salary for all employees in the GS–7 to GS–14 grade range. Because of the great diversity of the Department, it was deemed not possible to attempt to base the fees on the salaries paid to employees in particular job categories within this grade range.

Two fees are also proposed for duplication of requested records. The basic duplication fee is for duplication of average records, that is, records not requiring special handling. The second fee is to be charged in unusual cases involving duplication of records which, because of their age require special handling.

The basic duplicating fee is proposed to be $0.25 for the first page of copy and $0.05 for each page of copy thereafter. The $0.05 per page charge is calculated on the following basis. Three cents of the charge covers duplicating machine operating costs. This figure is based on the actual cost per copy of operating duplicating machines currently in use by the Department of the Interior, excluding certain machines used for large-volume multi-copy duplicating jobs which would not ordinarily be used in duplicating records in response to Freedom of Information requests. One cent of the charge covers personnel costs involved in operating a duplicating machine and one cent covers supplies, such as paper and duplicating fluid. The $0.25 charge for the first copy is designed to cover miscellaneous start-up costs associated with making copies, such as the personnel time involved in changing the paper being used in the duplicating machine.

The fee for duplicating of documents requiring special handling, which is proposed to be $0.25 for the first page of copy and $0.10 for each page of copy thereafter is designed primarily to be charged in connection with duplication of very old land records and other old documents. While many of these documents can be duplicated on standard equipment, they are, because of their age, quite fragile and their duplication thus requires the investment of a substantially greater amount of personnel time.

Several fee levels are proposed to be charged for computer services involved in responding to Freedom of Information requests. These varying fee levels appear required because the direct costs of providing computer services vary greatly depending on the size and complexity of the computer hardware involved and the configuration of that hardware. An additional factor precluding the establishment of a single fee for computer services is that, while earlier generation computers can process only a single job at a time, permitting billing on the basis of a flat hourly rate, later generation computers can process several jobs simultaneously, thus necessitating more sophisticated billing systems.

The fee to be charged for certification of documents is established by a statute of particular applicability to the Department of the Interior. 43 U.S.C. 1460.

A final paragraph is contained in the fee schedule to allow a charge for unanticipated types of services or material required to be provided in connection with Freedom of Information requests.

The proposed fee schedule contains a paragraph indicating that the schedule will be in effect from February 19, 1975, to November 30, 1975. The purpose of this provision is to provide for revision of the schedule ultimately adopted in the light of initial experience under it.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be addressed to: Assistant Solicitor—General Legal Services, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. All comments received on or before February 14, 1975, will be considered before action is taken on the proposed fee schedule.

Comments received will be available for examination at: Room 6525, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C.

Pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 552 and 43 U.S.C. 1460, Part 2 of Title 43 of the Code of Federal Regulations is proposed to be amended by redesignating the Appendix thereto as Appendix B and adding an Appendix A to read as follows:

APPENDIX A

FEES

The following uniform fee schedule is applicable to all constituent units of the Department. It states the fees to be charged to members of the public for services performed in locating and making available records or copies thereof in connection with requests made under the Freedom of Information Act. It also states the fees to be charged for certification of documents.

(1) *Copies, basic fee.* For copies of documents other than documents requiring special handling because of their age or unusual dimensions: $0.25 for the first page of copy, $0.05 for each page of copy thereafter.

(2) *Copies, documents requiring special handling.* For copies of documents which require special handling because of their age: $0.25 for the first page of copy, $0.10 for each page of copy thereafter.

(3) [Reserved].

(4) [Reserved].

(5) *Clerical searches.* For each quarter hour, or portion thereof, spent by clerical personnel in locating a requested record or records: $1.10.

(6) *Nonclerical searches.* For each quarter hour, or portion thereof, spent by professional or managerial personnel in locating a requested record or records where the search cannot be performed by clerical personnel: $2.10.

(7) [Reserved].

(8) Certification. For each certificate of verification attached to authenticated copies of records furnished to the public: $0.25.

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(9) [Reserved].

(10) *Computerized records, computer time charges.* For services in processing requests for records maintained in computerized form (includes personnel cost):

(a) CDC 6500

(i) Batch use, central processing unit per hour, $160.00.

(ii) Batch use, Input/Output, per hour, $138.00.

(iii) Remote Terminals, central processing unit, per hour, $160.00.

(iv) Remote Terminals, Input/Output, per hour, $350.00.

(v) Remote Terminals, connect time, per hour, $5.00.

(vi) Plotters, $24.00.

(b) Burroughs 5500

(i) Computer time, per hour, $66.00.

(c) CYBER 74–28

(i) Central Memory, kiloword hour, $10.53.

(ii) Extended Core Storage, kiloword hour, $5.92.

(iii) Mass Storage, Input/Output, per 1000 physical records, $0.07.

(iv) Central processor, per second, $0.10.

(v) Magnetic Tape, Input/Output, per 1000 physical records, $3.01.

(vi) Card Input, per 1000 cards, $0.85.

(vii) Card Output, per 1000 cards, $11.75.

(viii) Printer, per 1000 lines, $0.66.

(ix) Interactive Terminal, connect time, per hour, $3.60.

(d) IBM 1130

(i) Computer time, per hour, $25.00.

(e) IBM 1620

(i) Computer time, per hour, $15.00.

(f) NCR 200

(i) In house batch, per hour, $19.00.

(ii) Remote batch, per hour, $22.00.

(g) DEC 1070

(i) *Basic charge for batch processing.* $4.00 per job plus $2.16 per 1000 disk accesses plus $260.00 per hour central processor charge.

(ii) *Core use charge.* In addition to the basic charges, a core use charge is added to each job. This charge is computed using the following formula: CPU Charge under aragraphm (i) multiplied by Words of Core, divided by 25,000.

(iii) *Terminal Access by COPE 1200.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per COPE 1200 machine resource unit, defined as follows: Lines printed, divided by 18,333, plus cards read, divided by 5,556, plus cards punched, divided by 2,500.

(iv) *Terminal access by Data 110 Model 78.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per model 78 machine resource unit, defined as follows: Lines printed, divided by 12,300, plus cards read, divided by 7,000, plus cards punched, divided by 4,500.

(v) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Freedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on the following basis: $2.00 per job plus $1.26 per 1000 disk accesses plus $260.00 per hour central processor charge.

(h) IBM 360/65 and 370/155.

(i) *Basic charge for batch processing.* $16.00 per job plus $33.03 per 1000 tape access plus $11.01 per 1000 disk accesses plus $3.67 per 1000 drum accesses plus $1320.00 per hour central processor charge.

(ii) *Core use charge.* (A) If in any Job Step the amount of core reserved exceeds the amount of core used by more than 20K, the basic charges are increased for every Job Step by 1% for each 1K of such excess core reserved. If the excess condition exists in more than one Job Step, the maximum excess is applied to the charges for all Job Steps. The minimum charge is $10.00.

(iii) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Freedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on any one of seven lower priority bases. The charge for each priority basis is as follows:

(A) *Priority A.* $7.50 per job plus $21.96 per 1000 tape accesses plus $7.32 per 1000 disk accesses plus $2.44 per 1000 drum accesses plus $880.00 per hour central processor charge.

(B) *Priority B and C.* $3.00 plus $10.98 plus $3.66 plus $1.22 plus $440.00 per hour central processor charge.

(C) *Priority D and E.* $1.50 plus $5.48 plus $2.50 plus $0.72 plus $260.00 per central processor charge.

(D) *Priority F.* $1.00 plus $3.24 plus $1.08 plus $0.36 plus $130.00 per central processor charge.

(11) *Computerized records, materials.* For materials used in processing requests for records maintained in computerized form:

(a) Paper. $7.00 per 1000 sheets.

(b) Cards. $1.50 per 1000 cards.

(12) [Reserved]

(13) [Reserved]

(14) *Other services.* When a response to a request requires services or materials other than the common ones described in this schedule, the direct cost of such services or materials to the Government may be charged, but only if the requester has been notified of such cost before it is incurred.

(15) *Effective dates.* This schedule applies to all requests made under the Freedom of Information Act between February 19, 1975 and November 30, 1975, inclusive.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3572 Filed 2-6-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1121, 1126, 1127, 1128, 1129, 1130]

[Docket Nos. AO-231-A41, etc.]

MILK IN NORTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1126	North Texas	AO-231-A41.
1121	South Texas	AO-354-A8.
1127	San Antonio, Tex	AO-225-A-27.
1128	Central West Texas	AO-233-A-30.
1129	Austin-Waco, Tex	AO-286-A-28.
1130	Corpus Christi, Tex	AO-299-A-27.

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas, which was issued November 27, 1974 (39 FR 43000), is hereby extended to February 18, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on February 4, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-3688 Filed 2-6-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 50]

CATTLE DESTROYED BECAUSE OF TUBERCULOSIS

Proposed Tuberculosis Indemnity Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of sections 3, 4, 5, 11 and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b), regulations to appear in a new Part 50 designated "Animals Destroyed Because of Tuberculosis" in Title 9, Code of Federal Regulations, are proposed to be issued to read as follows:

Statement of considerations. The purpose of this regulation is to separate indemnity regulations relating to cattle destroyed because of tuberculosis from those which relate to cattle destroyed because of brucellosis, thus establishing a separate set of indemnity regulations for each disease; to provide for the payment of indemnity for steers and nonregistered bulls affected with tuberculosis and for certain cattle which have been exposed to that disease; to provide for the independent appraisal of cattle destroyed; to provide alternate means of identifying tuberculosis exposed cattle being transported; to provide an alternate means of destroying tuberculosis affected cattle; to provide liberalized criteria for requiring cleaning and disinfection of tuberculosis infected and exposed premises and to limit extension of time periods provided for the removal of reactors and the cleaning and disinfection of tuberculosis infected and exposed premises.

It is proposed to add Part 50 to read as follows:

PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

Sec.
50.1 Definitions.
50.2 Cooperation with States.
50.3 Payment to owners for cattle destroyed.
50.4 Determination of existence of or exposure to tuberculosis.
50.5 Record of tests.
50.6 Identification of cattle to be destroyed because of tuberculosis.
50.7 Destruction of cattle.
50.8 Payment of expenses for disposal of carcasses.
50.9 Appraisals.
50.10 Report of appraisals.
50.11 Report of salvage proceeds.
50.12 Claims for indemnity.
50.13 Disinfection of premises, conveyances, and materials.
50.14 Claims not allowed.
50.15 Part 53 of this chapter not applicable.

§ 50.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) "Department": The United States Department of Agriculture.

(b) "Veterinary Services": Veterinary Services, Animal and Plant Health Inspection Service, USDA.

(c) "Deputy Administrator": The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) "Veterinarian in Charge": The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, USDA, who is assigned by the Deputy Administrator to supervise and perform official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(e) "Veterinary Services Representative": A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Services, USDA, in animal health activities who is authorized to perform the function involved.

(f) "State": A State, the District of Columbia, or a territory or possession of the United States; or a political subdivision thereof; which has executed a cooperative agreement with Veterinary Services, Animal and Plant Health Inspection Service, USDA, for the control and eradication of tuberculosis.

(g) "Accredited Veterinarian": An accredited veterinarian as defined in Part 160 of this chapter.

(h) "Mortgage": Any mortgage, lien or other security or interest that is recorded under State law or identified in the indemnity claim form filed under § 50.12 and held by any person other than the one claiming indemnity.

(i) "Person": Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or any organized group of any of the foregoing.

(j) "Owner": Any person who has a legal or rightful title to cattle whether or not they are subject to a mortgage.

(k) "Destroyed": Condemned under State authority and destroyed by slaughter or by death otherwise.

(l) "Animals": Any mammalian species which may serve as a carrier or reservoir of tuberculosis.

(m) "Herd": Any group of animals (of like kind) maintained on common ground for any purpose, or two or more groups of animals (of like kind) under common ownership or supervision, geographically separated but which have an interchange or movement of cattle without regard to health status.

(n) "Herd Depopulation": Removal by slaughter or other means of destruction of all cattle in a herd or from specific premises or under common ownership prior to restocking with new animals.

(o) "Registered Cattle": Cattle for which individual records of ancestry are recorded and maintained, and for which individual registration certificates are issued and recorded by a recognized breed association whose purpose is the improvement of the breed.

(p) "Permit": A permit for movement of cattle direct to slaughter listing the disease, status and identification of the animal, where consigned, cleaning and disinfecting requirements, and proof of slaughter certification.

§ 50.2 Cooperation with States.

The Deputy Administrator has been delegated the authority to cooperate with the proper State authorities in the eradication of tuberculosis and to pay Federal indemnities for the destruction of cattle affected with or exposed to tuberculosis.

§ 50.3 Payment to owners for cattle destroyed.

(a) *Affected cattle.* The Department may pay owners an indemnity for cattle affected with tuberculosis not to exceed 90 percent of the difference between the appraised value of each animal so destroyed and the net salvage received by the owner; *Provided*, That no such payment may exceed $350 for each animal, *And provided, further*, That any joint State-Federal indemnity payment, plus salvage, does not exceed the appraised value of each animal.

(b) *Herd depopulation—cattle.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis not to exceed $100 for any nonregistered animal or $200 for any registered animal[1] which has been found to be exposed, is a part of a known infected herd, and when it has been determined by the Deputy Administrator that the destruction of all the cattle in the herd will contribute to the tuberculosis eradication program: *Provided*, That the joint State-Federal indemnity payment, plus salvage, does not exceed the appraised value of each animal.

(c) *Exposed cattle.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis not to exceed $100 for any nonregistered animal or $200 for any registered animal[1] which has been found to have been exposed by reason of association with tuberculosis cattle, and when it has been determined by the Deputy Administrator that the destruction of such exposed cattle will contribute to the tuberculosis eradication program: *Provided*, That the joint State-Federal indemnity payment, plus salvage, does not exceed the appraised value of each animal.

[1] Cattle presented for appraisal as registered shall be accompanied by their registration papers, or shall be paid for as nonregistered: *Provided, however*, That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers.

§ 50.4 Determination of existence of or exposure to tuberculosis.

(a) Cattle are classified as affected with tuberculosis on the basis of an intradermal tuberculin test or other test approved by the Deputy Administrator applied by a Federal, State or accredited veterinarian.

(b) Cattle are classified as exposed to tuberculosis when such animals are: (1) Part of a known infected herd qualifying for indemnity under § 50.3(b), or (2) found to have been exposed, having been part of a herd before infection was introduced prior to movement to the present premises and qualifying for indemnity under § 50.3(c), or (3) found to have been exposed by virtue of nursing a reactor dam and qualifying for indemnity under § 50.3(c): *Provided*, That cattle classified as exposed to tuberculosis shall be removed direct to slaughter.

§ 50.5 Record of tests.

When any animal in a herd of cattle is classified by a Veterinary Services or State representative or accredited veterinarian as a reactor to a test for tuberculosis, a complete test record shall be made for such herd, including the reactor tag number of each reacting animal and the registration name and number of each reacting registered animal. A form acceptable to Veterinary Services shall be used for the record of any herd having any reactor to a tuberculin test. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate State veterinarian's office.

§ 50.6 Identification of cattle to be destroyed because of tuberculosis.

Cattle to be destroyed because of tuberculosis must be identified within 15 days after being classified as reactors or otherwise condemned because of tuberculosis, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for identification to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

(a) *Reactor cattle.* Reactor cattle shall be identified by branding the letter "T" on the left jaw not less than 2 nor more than 3 inches high and by tagging with an approved metal eartag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag suitably attached to the left ear of each animal.

(b) *Exposed cattle.* Exposed cattle shall be identified by branding the letter "S" on the left jaw not less than 2 nor

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more than 3 inches high and by tagging with an approved metal tag bearing a serial number attached to the left ear of each animal; *Provided, however,* That they may be accompanied to slaughter by a Veterinary Services or State representative; or be shipped in vehicles closed with officials seals.

§ 50.7 Destruction of cattle.

(a) Cattle to be destroyed because of tuberculosis must be shipped direct to slaughter under permit to a Federal or State inspected slaughtering establishment or be disposed by of rendering, burial, or burning in an approved manner under supervision of a Department or State employee.

(b) *Time limit for destruction of cattle.* Cattle for which Federal indemnity may be paid because of tuberculosis must be destroyed and carcass disposal completed within 15 days after the date of appraisal, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for slaughter to 30 days when request for such extension is received by him prior to the expiration of the original 15-day period allowed.

§ 50.8 Payment of expenses for disposal of carcasses.

When slaughter of cattle affected with or exposed to tuberculosis at approved slaughtering establishments is not possible or practical, the Department may pay, when approved in writing by the Veterinarian in Charge, one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of such cattle and one-half the expenses of transportation of such animals to the point where such disposal shall take place. Claims for such payment shall be made on forms furnished by Veterinary Services and shall be signed by a Veterinary Services or State representative or jointly and by the owner certifying his acceptance of the amount claimed. No charges for expenses of disposal or trucking by the owner shall be paid by the Department.

§ 50.9 Appraisals.

Cattle. Cattle to be destroyed because of tuberculosis under § 50.3 (a), (b), or (c) shall be appraised by a Veterinary Services or State representative, or independent professional appraiser at Veterinary Services expense where the Veterinarian in Charge deems necessary. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for payment as registered shall be accompanied by their registration papers, or shall be paid for as nonregistered: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. The appraiser shall be responsible for their verification. Veterinary Services may decline to accept any appraisal that appears to be unreasonable or out of proportion to the market value of cattle of like quality.

§ 50.10 Report of appraisals.

Appraisals of cattle made in accordance with § 50.9 shall be recorded on forms furnished by Veterinary Services. The appraisal form shall be signed by the appraiser and by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date that the owner signs the appraisal form. The original of the appraisal form and as many copies thereof as may be required for Veterinary Services, the State, and the owner of the animals shall be sent to the appropriate Veterinarian in Charge.

§ 50.11 Report of salvage proceeds.

A report of the salvage derived from the sale of each animal on which a claim for indemnity may be made under the provisions of § 50.3 shall be made on a salvage form acceptable to Veterinary Services which shall be signed by the purchaser or his agent or by the selling agent handling the animals. If the cattle are sold by the pound, the salvage form shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the salvage form and an explanation showing how the amount was arrived at must be submitted. In the event the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the salvage form, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said animals. In an emergency, a certificate executed by the appropriate Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for an animal after deducting freight, truckage, yardage, commissions, slaughtering charges, and similar costs. The original of the salvage form or the affidavit of the owner or certificate of the appropriate Veterinarian in Charge, furnished in lieu thereof, shall be furnished to the Veterinarian in Charge if it is not already in his possession. Additional copies may be furnished to the State officials, if required. Destruction of animals by burial, burning, or other disposal of carcasses shall be supervised by a Veterinary Services or State representative who shall prepare and transmit to the Veterinarian in Charge a report identifying the animals and showing the disposition thereof.

§ 50.12 Claims for indemnity.

Claims for Federal indemnity for cattle destroyed because of tuberculosis shall be presented on indemnity claim forms furnished by Veterinary Services, on which the owner of the animals covered thereby shall certify that the animals are or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, the Veterinary Services indemnity claim form shall be signed by the owner and by each person holding a mortgage on the animals consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the Veterinary Services indemnity claim form has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. On claims for indemnity made under the provisions of § 50.3, the Veterinarian in Charge or official designated by him shall record on the Veterinary Services indemnity claim form the amount of Federal and State indemnity payments that appear to be due to the owner of the animals. The owner of the animals shall be furnished a copy of the Veterinary Services indemnity claim form. The Veterinarian in Charge or official designated by him shall then forward the Veterinary Services indemnity claim form to the appropriate official for further action on the claim. No charges for holding the cattle on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department.

§ 50.13 Disinfection of premises, conveyances, and materials.

All premises, including all structures, holding facilities, conveyances, or materials which are determined by the appropriate Veterinarian in Charge to constitute a health hazard to humans or animals because of tuberculosis shall be properly cleaned and disinfected, in accordance with procedures approved by the Department, within 15 days after the removal of tuberculosis affected or exposed cattle except that the Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for disinfection to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

§ 50.14 Claims not allowed.

Claims for compensation for cattle destroyed because of tuberculosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If any part of the claimants' herd has not been tested for tuberculosis under Veterinary Services or State supervision.

(c) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals.

(d) If at the time of test or condemnation, the cattle belonged to or were upon the premises of any person to whom they had been sold, shipped, or delivered for slaughter unless or until all of the cattle remaining on the premises or in the herd from which the tested or condemned cattle originated are tested or otherwise examined for tuberculosis in a manner satisfactory to the Deputy Administrator or his designated representative.

(e) If the cattle affected with tuberculosis have been added to the herd while the herd was under quarantine for tuberculosis.

§ 50.15 Part 53 of this chapter not applicable.

No claim for Federal indemnity for cattle destroyed because of tuberculosis shall hereafter be paid under the regulations contained in Part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this part.

Any person who wishes to submit written data, views or arguments concerning this proposed regulation may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before March 12, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-3589 Filed 2-6-75;8:45 am]

[9 CFR Part 51]

CATTLE DESTROYED BECAUSE OF BRUCELLOSIS

Proposed Brucellosis Indemnity Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b), it is proposed that the heading for Part 51 be amended to read as set forth above and that Part 51, Title 9, Code of Federal Regulations, be amended to read as follows: (Proposed regulations, to appear as a new Part 50, relating to cattle destroyed because of tuberculosis are being simultaneously issued).

Statement of considerations. The purpose of this amendment is to clarify existing authority for the payment of brucellosis indemnity for cattle destroyed when certain herds are depopulated; to require appraisal of brucellosis exposed cattle for which indemnity is authorized; to provide for the payment of indemnity for nonregistered bulls destroyed; and to limit the extension of the 15-day periods for identification of reactors, destruction of infected and exposed cattle, and the cleaning and disinfection of infected and exposed premises, to an additional 15-day period.

Sec.
51.1 Definitions.
51.2 Cooperation with States.
51.3 Payment to owners for cattle destroyed.
51.4 Determination of existence of or exposure to brucellosis.
51.5 Record of tests.
51.6 Identification of cattle to be destroyed because of brucellosis.
51.7 Destruction of cattle; time limit for slaughter.
51.8 Appraisals.
51.9 Report of appraisals.
51.10 Report of salvage proceeds.
51.11 Claims for indemnity.
51.12 Disinfection of premises, conveyances, and materials.
51.13 Claims not allowed.
51.14 Part 53 of this chapter not applicable.

AUTHORITY: Secs. 3, 4, 5, 11 and 13, Act of May 29, 1884; secs. 1 and 2, Act of Feb. 2, 1903; sec. 3, Act of Mar. 3, 1905 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b).

§ 51.1 Definitions.

For the purposes of this part, the following terms shall be construed respectively, to mean:

(a) "Department": The United States Department of Agriculture.

(b) "Veterinary Services": Veterinary Services, Animal and Plant Health Inspection Service, USDA.

(c) "Deputy Administrator": The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, USDA, or any other Veterinary Services official to whom authority has heretofore lawfully been delegated or may hereafter be delegated to act in his stead.

(d) "Veterinarian in Charge": The Veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, USDA, who is assigned by the Deputy Administrator to supervise and perform official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(e) "Veterinary Services Representative": A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Service, USDA, in animal health activities who is authorized to perform the function involved.

(f) "State": A State, the District of Columbia, or a territory or possession of the United States; or a political subdivision thereof; which has executed a cooperative agreement with Veterinary Services, Animal and Plant Health Inspection Service, USDA, for the control and eradication of brucellosis.

(g) "Accredited Veterinarian": An accredited veterinarian as defined in Part 160 of this chapter.

(h) "Mortgage": Any mortgage, lien or other security or interest that is recorded under State law or identified in the indemnity claim form filed under § 51.11 and held by any person other than the one claiming indemnity.

(i) "Person": Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or any organized group of any of the foregoing.

(j) "Owner": Any person who has a legal or rightful title to cattle whether or not they are subject to a mortgage.

(k) "Destroyed": Condemned under State authority and destroyed by slaughter or by death otherwise.

(l) "Official vaccinate": A female bovine animal vaccinated subcutaneously against brucellosis while from 3 to 6 months (90 to 179 days) of age or a female bovine animal of a beef breed vaccinated subcutaneously against brucellosis while from 3 to 10 months (90 to 299 days) of age, under the supervision of a Federal or State veterinary official, with a vaccine approved by Veterinary Services, permanently identified as an official vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis: *Provided, however,* That a bovine animal vaccinated prior to July 1, 1972, in accordance with the existing definition of an official vaccinate as set forth in this part at the time of vaccination, shall be deemed to be an official vaccinate.

(m) "Herd": Any group of animals (of like kind) maintained on common ground for any purpose, or two or more groups of animals (of like kind) under common ownership or supervision, geographically separated but which have an interchange or movement of animals without regard to health status.

(n) "Herd depopulation": Removal by slaughter or other means of destruction of all cattle in a herd or from a specific premises or under common ownership prior to restocking with new animals, except that steers and spayed heifers maintained for feeding purposes may be retained on the premises if the Veterinarian in Charge finds such retention to be compatible with eradication efforts.

(o) "Registered cattle": Cattle for which individual records of ancestry are recorded and maintained, and for which individual registration certificates are issued and recorded by a recognized breed association whose purpose is the improvement of the breed.

(p) "Permit": A permit for movement of animals direct to slaughter listing the disease, status and identification of the animal, where consigned, cleaning and disinfecting requirements, and proof of slaughter certification.

§ 51.2 Cooperation with States.

The Deputy Administrator has been delegated the authority to cooperate with the proper State authorities in the eradication of brucellosis and to pay indemnities for the destruction of cattle affected with or exposed to brucellosis.

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§ 51.3 Payment to owners for cattle destroyed.

(a) *Affected cattle.* Owners of cattle destroyed which are affected with brucellosis may be paid an indemnity by the Department not to exceed $50 for any grade animal or $100 for any registered animal,[1] except in Alaska, Hawaii, Puerto Rico, and Virgin Islands where no payment for any animal destroyed shall exceed $100. Appraisals and reports of salvage are not required. Proof of slaughter is required. Post-mortem reports will be accepted as proof of slaughter.

(b) *Herd depopulation.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners whose cattle are destroyed because of brucellosis not to exceed $50 for any nonregistered animal or $100 for any registered animal which has been found to be exposed, is a part of a known infected herd, and when it has been determined by the Deputy Administrator that the destruction of all cattle in the herd will contribute to the brucellosis eradication program. Proof of slaughter, appraisals, and reports of salvage are required. Post-mortem reports will be accepted as proof of slaughter. The joint State-Federal indemnity payment plus salvage may not exceed the appraised value of each animal.

(c) *Exposed cattle.* The Deputy Administrator has been delegated the authority to authorize the payment of Federal indemnity to owners for cattle destroyed because of brucellosis not to exceed $50 for any nonregistered animal or $100 for any registered animal which has been found to be exposed by reason of previous association with brucellosis affected cattle and it has been determined by the Deputy Administrator that the destruction of such exposed cattle will contribute to the brucellosis eradication program. Proof of destruction, appraisals, and reports of salvage are required. Post-mortem reports will be accepted as proof of slaughter. The joint State-Federal indemnity payment plus salvage may not exceed the appraised value of each animal.

§ 51.4 Determination of existence of or exposure to brucellosis.

Cattle are classified as affected with brucellosis on the basis of an agglutination or other test approved by the Deputy Administrator, applied by a Veterinary Services, State, or accredited veterinarian or by a nonveterinary technician under the supervision of a Veterinary Services or State veterinarian. Cattle are classified as exposed to brucellosis that are part of a known infected herd or that have been in contact with brucellosis infected cattle in marketing channels for periods of 24 hours or for periods of less than 24 hours if any of the infected cattle to which they are exposed have recently aborted, calved, or have a vaginal or uterine discharge.

§ 51.5 Record of tests.

When any animal in a herd of cattle is classified as affected with brucellosis, a complete test record shall be made for such herd, including the reactor tag number of each affected animal and the registration name and number of each affected registered animal. A form acceptable to Veterinary Services shall be used for the record of any herd having a reactor to a brucellosis test. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate State veterinarian's office.

§ 51.6 Identification of cattle to be destroyed because of brucellosis.

Cattle to be destroyed because of brucellosis must be identified within 15 days after being classified as reactors or otherwise condemned because of brucellosis. The appropriate Veterinarian in Charge for reasons satisfactory to him, may extend the time limit to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed. Such cattle must be identified by branding the letter "B" on the left jaw not less than 2 nor more than 3 inches high and by tagging with an approved metal tag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag suitably attached to the left ear of each animal.

§ 51.7 Destruction of cattle; time limit for slaughter.

(a) *Destruction.* Cattle to be destroyed because of brucellosis shall be sold under permit to a State or Federal slaughtering establishment approved for this purpose or to a State or Federal approved market for sale to such slaughtering establishment.

(b) *Time limit for slaughter.* Payment of indemnity may be made under this Part for cattle destroyed because of brucellosis only if the cattle are destroyed, slaughtered, or die otherwise within 15 days after the date of identification or appraisal except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

§ 51.8 Appraisals.

Cattle. Appraisals are not required for cattle affected with brucellosis which are to be destroyed and indemnities paid under § 51.3(a). Cattle affected with or exposed to brucellosis which are to be destroyed and indemnities paid under § 51.3(b) or (c) shall be appraised by a Veterinary Services or State representative or an independent professional appraiser at Veterinary Services expense when the Veterinarian in Charge deems necessary. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for payment as registered shall be accompanied by their registration papers or shall be paid for as grades: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. The appraiser shall be responsible for their verification. Veterinary Services may decline to accept appraisals that appear to be unreasonable or out of proportion to the market value of cattle of like quality.

§ 51.9 Report of appraisals.

Appraisals of cattle made in accordance with § 51.8 shall be recorded on forms furnished by Veterinary Services. The appraisal form shall be signed by the appraiser and by the owner certifying his acceptance of the appraisal. The "date of appraisal" shall be the date that the owner signs the appraisal form. The original of the appraisal form and as many copies thereof as may be required for Veterinary Services, the State, and the owner of the animals shall be sent to the appropriate Veterinarian in Charge.

§ 51.10 Report of salvage proceeds.

A report of the salvage derived from the sale of cattle on which a claim for indemnity may be made under the provisions of § 51.3 shall be made on a salvage form acceptable to Veterinary Services which shall be signed by the purchaser or his agent or by the selling agent handling the animals. If the cattle are sold by the pound, the salvage form shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the salvage form and an explanation showing how the amount was arrived at must be submitted. In the event the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the salvage form, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said animals. In an emergency, a certificate executed by the appropriate Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for an animal after deducting freight, truckage, yardage, commissions, slaughtering charges, and similar costs. An acceptable form furnished by the purchaser or selling agent, or the affidavit of the owner or certificate of the appropriate Veterinarian in Charge, furnished in lieu thereof, shall be furnished to the Veterinarian in Charge if it is not already in his possession. Additional copies may be furnished to the State officials, if required.

[1] Cattle presented for appraisal as registered shall be accompanied by registration papers, or shall be paid for as nonregistered: *Provided, however,* That if the registration papers are temporarily not available or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers.

§ 51.11 Claims for indemnity.

Claims for indemnity for cattle destroyed because of brucellosis shall be presented on indemnity claim forms furnished by Veterinary Services on which the owner of the animals covered thereby shall certify that the animals are or are not subject to any mortgage as defined in this part. If the owner states there is a mortgage, the Veterinary Services indemnity claim form shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the Veterinary Services indemnity claim form has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. On claims for indemnity made under the provisions of § 51.3, the Veterinarian in Charge or official designated by him shall record on the Veterinary Services indemnity claim form the amount of Federal and State indemnity payments that appear to be due to the owner of the animals. The owner of the animals shall be furnished a copy of the Veterinary Services indemnity claim form. The Veterinarian in Charge or official designated by him shall then forward the Veterinary Services indemnity claim form to the appropriate official for further action on the claim. No charges for holding the animals on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department.

§ 51.12 Disinfection of premises, conveyances, and materials.

All premises, including all structures, holding facilities, conveyances, and materials, contaminated because of occupation or use by brucellosis affected or exposed cattle shall be properly cleaned and disinfected with a disinfectant permitted by Veterinary Services in accordance with recommendations of the Veterinary Services or State inspector within 15 days from the date reactors were removed from the premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for disinfection to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed, and except that certain premises may be exempted from such cleaning and disinfecting requirements by approval of the appropriate Veterinarian in Charge on written recommendations by the Veterinary Services or State inspector or when a written report by the Veterinary Services or State inspector determines that there are no buildings, holding facilities, conveyances, or other materials on the premises that would require such cleaning and disinfection.

§ 51.13 Claims not allowed.

Claims for compensation for cattle destroyed because of brucellosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If the existence of any such disease in the cattle was determined as the result of an agglutination test applied by an accredited veterinarian and specific instructions for the administration of such test had not previously been issued to such veterinarian by the proper Veterinary Services and State authorities.

(c) If all eligible cattle in the claimant's herd have not been tested for brucellosis under Veterinary Services or State supervision.

(d) If the cattle are steers unless the steers are work oxen.

(e) If the cattle are classified as reactors and are unofficial vaccinates unless there is either a record of a negative blood agglutination test made not less than 30 days following the date of vaccination, or unless other Veterinary Services approved tests show the vaccinates are affected with virulent Brucellae.

(f) If there is substantial evidence that the owner or his agent has in any way been responsible for any unlawful or improper attempt to obtain indemnity funds for such cattle.

§ 51.14 Part 53 of this chapter not applicable.

No claim for indemnity for cattle destroyed because of brucellosis shall hereafter be paid under the regulations contained in Part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with regulations contained in this part.

Any person who wishes to submit written data, views, or arguments concerning this proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before March 12, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of February 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and ice.

[FR Doc.75-3590 Filed 2-6-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Widow and Widower's Benefit Increase

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect various provisions of Pub. L. 92-603. These include the following revisions.

(1) The maximum monthly benefit amount to which a widow or widower may be entitled is 100 percent of the deceased wage earner's primary insurance amount. Prior to enactment of Pub. L. 92-603, the highest monthly benefit amount was limited to 82½ percent of the deceased wage earner's primary insurance amount.

(2) The widow or widower's monthly benefit amount may be subject to a reduction if the deceased wage earner received a benefit prior to his reaching age 65. Section 404.330(b)(3) of these proposed amendments discusses the applicability of the provision.

(3) If no one else other than a widow or a widower is entitled to monthly benefits based on the deceased wage earner's earnings, such widow or widower is guaranteed no less than $84.50 reduced, if necessary, for months of entitlement prior to age 62.

(4) An individual may have his old-age insurance benefit increased if such individual's monthly benefit is not reduced (because of early retirement) at age 65. Section 404.305a describes the rules needed for this provision to be applicable.

(5) A nondisabled widower may now receive benefits at age 60. Prior to enactment of Pub. L. 92-603, such an individual had to be at least age 62 to be eligible for monthly benefits.

(6) Prior to enactment of Pub. L. 92-603, a divorced wife a divorced widow, and a surviving divorced mother had to meet certain dependency requirements in order to be eligible for monthly benefits. The proposed amendments to these regulations, reflecting the law, remove these dependency requirements. All of these amendments are effective for monthly benefits payable after December 1972.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 10, 1975.

Copies of all comments received in response to this notice will be available

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for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 202, 205, 1102, 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 42 U.S.C. 402, 405, 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, 13.803, 13.805, Social Security—Disability Insurance, Social Security—Retirement Insurance, Social Security—Survivors Insurance)

Dated: December 23, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.305 is revised to read as follows:

§ 404.305 Old-age insurance benefits; rate of benefit.

The amount of the old-age insurance benefit to which an individual is entitled for any month is, except as provided in § 404.113a, equal to his primary insurance amount (see section 215(a) of the Act) for such month, subject to reduction under section 202(q) of the Act or subject to increase as provided in § 404.305a.

2. A new § 404.305a is added to read as follows:

§ 404.305a Increase in old-age insurance benefit amount on account of delayed retirement.

(a) *In general.* Effective with old-age insurance benefits payable for months beginning after 1972, an individual may be entitled to a delayed retirement credit which will increase the amount of his old-age insurance benefit, if:

(1) (i) The first month of entitlement to the old-age insurance benefit is no earlier than the month in which he attains age 65; or

(ii) The old-age insurance benefit at age 65 is not reduced under section 202(q) of the Act; and

(2) Such benefit is not based on a primary insurance amount determined under section 215(a)(3) of the Act. (See paragraph (f) of this section.)

(b) *Delayed retirement credit.* The amount of the delayed retirement credit is 1/12 of 1 percent of the individual's old-age insurance benefit (before any increase under this section) multiplied by the number of increment months (determined in accordance with paragraphs (c) and (d) of this section) to which he is entitled.

(c) *Increment months.* The number of increment months is equal to the total number of months which:

(1) Have elapsed in the period beginning with the month in which the individual attained age 65 or (if later) January 1971 and ending with the month immediately prior to the month in which he attained age 72, and

(2) With respect to which:

(i) He was fully insured as defined in §§ 404.108–404.113, and

(ii) He was not entitled to an old-age insurance benefit or suffered deductions under section 203(b) or 203(c) of the Act in amounts equal to the amount of such benefit.

(d) *When increment months are determined and effective date of increase.* For purposes of applying the delayed retirement credit provisions, a determination will be made under paragraph (c) of this section for each year, beginning with 1972, of the total number of an individual's increment months through the year for which the determination is made. The total so determined shall be applicable to the individual's old-age insurance benefits (before any increase under this section) beginning with benefits for January of the year following the year for which the determination is made. In the case of an individual who attains age 72 after 1972, the total number of increment months will be determined for the period ending with the month immediately before the month in which he attains age 72 and shall be applicable to his old-age insurance benefit beginning with the month in which he attains such age.

(e) *Benefits amounts affected.* The increase resulting from the delayed retirement credit does not affect the individual's primary insurance amount; it is applied only to his old-age insurance benefit. The increase payable to the individual does not apply to auxiliary benefits nor, after death, to survivors benefits nor does it affect the family maximum. The increase will be applied to the individual's old-age insurance benefit even if the family maximum is thereby exceeded.

(f) *Use of special minimum primary insurance amount.* If the individual's regular primary insurance amount as determined under section 215(a)(1) of the Act is lower than the special minimum primary insurance amount as determined under section 215(a)(3) of the Act but the regular primary insurance amount yields a higher old-age insurance benefit under the delayed retirement provision, the regular primary insurance amount will be used to establish the old-age insurance benefit for the individual. However, the special minimum primary insurance amount will be used for auxiliary benefits and the family maximum.

3. Section 404.313 is amended by revising paragraph (a)(3) to read as follows:

§ 404.313 Wife's insurance benefits; condition of entitlement.

(a) *Conditions of entitlement after August 1965.* The wife (as defined in § 404.1103) and every divorced wife (as defined in § 404.1105(a)) of an individual entitled to old-age or disability insurance benefits is entitled to wife's insurance benefits if she:

* * * * *

(3) In the case of a divorced wife:

(i) Is not married; and

(ii) With respect to entitlement to benefits for months prior to January 1973, at the time specified in paragraph (b) of this section, was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions (see § 404.351(c)) to her support from such individual; and

* * * * *

4. Section 404.328 is amended by revising paragraph (a) to read as follows:

§ 404.328 Widow's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow (as defined in § 404.1104) and every surviving divorced wife (as defined in § 404.1105(b)) of an individual who died fully insured is entitled to widow's insurance benefits if she:

(1) Is not married (except as provided in paragraph (d) of this section); and

(2) (i) Has filed application for widow's insurance benefits (see Subpart G of this part); or

(ii) For months prior to January 1973, was entitled after attainment of age 62 to wife's insurance benefits on the basis of the wages and self-employment income of such individual for the month preceding the month in which he died; or

(iii) For months after December 1972, was entitled to wife's insurance benefits on the basis of the wages and self-employment income of such individual for the month preceding the month in which he died provided that:

(A) She has attained age 65, or

(B) She is not entitled to either old-age or disability benefits; or

(iv) Was entitled, on the basis of such wages and self employment income, to mother's insurance benefits for the month preceding the month in which:

(A) Prior to January 1973, she attained age 62, or

(B) After December 1972, she attained age 65; and

(3) (i) Has attained age 60, or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 60 and (A) is under a disability as defined in section 223(d) of the Act which began during the period specified

in paragraph (e)(1) of this section, and (B) has been under such disability through the waiting period as defined in paragraph (e)(2) of this section where such period is required; and

(4) Is not entitled to old-age insurance benefits or is entitled to an old-age insurance benefit which is less than:

(i) For months prior to January 1973, 82½ percent of the primary insurance amount of such deceased individual; or

(ii) For months after December 1972, the primary insurance amount of such deceased individual; and

(5) With respect to entitlement to benefits for months prior to January 1973, in the case of a surviving divorced wife who was not entitled to a wife's insurance benefit on the basis of the earnings record of such individual for the month preceding the month in which he died, at the time specified in paragraph (b) of this section,

(i) She was receiving at least one-half of her support from such individual (see § 404.350), or

(ii) She was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or

(iii) there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c)).

* * * * *

5. Section 404.330 is amended by revising paragraphs (a) and (b) as follows:

§ 404.330 Widow's insurance benefits; rate of benefit.

(a) *For months prior to January 1973.* (1) *Basic benefit rate.* Except as provided in paragraphs (a)(2), (b), and (c) of this section, the amount of the widow's insurance benefit for any month prior to January 1973 is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.113a(c) for benefit rate under transitional insured status provision and § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 62.* If a woman becomes entitled to widow's insurance benefits for months prior to January 1973 before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of the deceased individual upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(b) *For months after December 1972.* (1) *Basic benefit rate.* Except as provided in paragraphs (a), (b)(2), (b)(3), and (c) of this section, the amount of the widow's insurance benefit for any month after December 1972 is equal to the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.113a(c) for benefit rate under transitional insured status provision and § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 65.* If a woman becomes entitled to widow's insurance benefits (for any month after December 1972) before attainment of age 65, the amount of such benefit for each such month is equal to the primary insurance amount of the deceased individual upon whose earnings records such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(3) *Benefit rate; deceased wage earner entitled to reduced old-age insurance benefits prior to death.* Where a widow's benefit reduced under paragraph (b)(2) of this section is greater than 82½ percent of the primary insurance amount and the benefit rate to which the deceased wage earner would have been entitled if he were still living is lower than the rate described in paragraph (b)(2) of this section, the widow will receive the higher of:

(i) 82½ percent of the deceased wage earner's primary insurance amount, or

(ii) The benefit rate to which the deceased wage earner would have been entitled if he were still living.

* * * * *

6. Section 404.331 is amended by revising paragraphs (a)(3) through (7) and (c)(1) to read as follows:

§ 404.331 Widower's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement.* A man is entitled to widower's insurance benefits if:

* * * * *

(3) (i) He has attained age 60 (age 62 for months prior to January 1973), or

(ii) For benefits for months after January 1968, but only on the basis of an application filed in or after January 1968, has attained age 50 but is under age 60 (age 62 for months prior to January 1973) and (a) is under a disability as defined in section 223(d) of the Act which began during the period specified in paragraph (c)(1) of this section, and (b) has been under such disability throughout the waiting period as defined in paragraph (c)(2) of this section where such period is required; and

(4) He has not remarried since the death of his wife, except that if he remarries after attaining age 60 (age 62 for months prior to January 1973) the marriage is deemed not to have occurred for purposes of determining if he is entitled to widower's insurance benefits for months after August 1965 provided that he was entitled to such benefits for the month of August 1965 or an application for such benefits was filed after June 1965; and

(5) (i) He has filed an application (see Subpart G of this part) for widower's insurance benefits; or

(ii) was entitled to husband's insurance benefits based on his wife's earnings for the month before the month in which she died, and for monthly benefits payable after December 1972, and

(A) Has attained age 65, or

(B) Is not entitled to either retirement or disability benefits.

(6) He was, at a time specified in § 404.334, receiving at least one-half of his support (see § 404.350) from his wife, except as provided in paragraph (b) of this section, and within a 2-year period specified in § 404.334(c) submitted evidence that he was receiving such support; and

(7) He is not entitled to an old-age insurance benefit which equals or exceeds the amount of the widower's insurance benefits determined in accordance with paragraphs (a)(1) or (b)(1) of § 404.333.

* * * * *

(c) *Widower's entitlement based on disability.* (1) *When disability must begin.* For the purposes of paragraph (a)(3)(ii) of this section a widower must be under age 60 (age 62 for months prior to January 1973) and under a disability as defined in section 223(d) of the Act which began before the month he attained age 60 (age 62 for months prior to January 1973) or if earlier before the close of the 84th month following the latest of:

(i) The month in which the wage earner died, or

(ii) The month in which a previous entitlement to widower's insurance benefits on the basis of the earnings record of such individual terminated because his disability had ceased.

* * * * *

7. Section 404.333 is amended by revising paragraphs (a) and (b) to read as follows:

§ 404.333 Widower's insurance benefits; rate of benefit.

(a) *For months prior to January 1973.* (1) *Basic benefit rate.* Except as provided in paragraphs (a)(2), (b), and (c) of this section the amount of the widower's insurance benefit for any month prior to January 1973 is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based. (See § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 62.* If a man becomes entitled to widower's insurance benefits (for any month prior to January 1973) before attainment of age 62, the amount of such benefit for each such month is equal to 82½ percent of the primary insurance amount of his deceased wife upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(b) *For months after December 1972.* (1) *Basic benefit rate.* Except as provided in paragraphs (a), (b)(2), and (c) of this section, the amount of the widower's insurance benefit for any month after December 1972 is equal to the primary insurance amount of the deceased individual upon whose earnings record such benefit is based. (See § 404.352 for minimum survivor's insurance benefit rate.)

(2) *Benefit rate; entitlement prior to age 65.* If a man becomes entitled to

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widower's insurance benefits (for any month after December 1972) before attainment of age 65, the amount of such benefit for each such month is equal to the primary insurance amount of the deceased individual upon whose earnings record such benefit is based reduced in accordance with the provisions of section 202(q)(1) of the Act.

(3) *Benefit rate; deceased wage earner entitled to reduced old-age insurance benefits prior to death.* Where a widower's benefit reduced under paragraph (b)(2) of this section is greater than 82½ percent of the primary insurance amount and the benefit rate to which the deceased wage earner would have been entitled if shew ere still living is lower than the rate described in paragraph (b)(2) of this section, the widower will receive the higher of:

(i) 82½ percent of the deceased wage earner's primary insurance amount, or

(ii) The benefit rate to which the deceased wage earner would have been entitled if she were still living.

* * * * *

8. Section 404.335 is amended by revising paragraph (a)(6) to read as follows:

§ 404.335 Mother's insurance benefits; conditions of entitlement.

(a) *Conditions of entitlement after August 1965.* The widow and every surviving divorced mother as defined in § 404.1105(c) of an individual who died fully or currently insured is entitled to mother's insurance benefits if she:

* * * * *

(6) In the case of a surviving divorced mothers—

(i) The child referred to in subparagraph (2) of this paragraph is her son, daughter, or legally adopted child, and

(ii) The benefits referred to in such subparagraph are payable on the basis of such individual's earnings record, and

(iii) With respect to entitlement for months prior to January 1973, she was receiving at least one-half of her support from such individual (see § 404.350), or was receiving substantial contributions from such individual pursuant to a written agreement (see § 404.351(a)), or there was in effect a court order for substantial contributions to her support from such individual (see § 404.351(c) at the time of his death, or if he had a period of disability which did not end before the month in which he died, at the time such period began.

* * * * *

9. Section 404.350 is amended by revising paragraph (a) to read as follows:

§ 404.350 "One-half support" defined.

(a) *Applicability.* One of the requirements for entitlement to a husband's, widower's, or parent's insurance benefit under sections 202(c)(1)(C), 202(f)(1)(D), and 202(h)(1)(B)(i) of the Act, respectively, is that the person claiming such benefit was receiving at least one-half support from the insured individual at a specified time. (For exceptions to this requirement in the case of husband's or widower's insurance benefits see §§ 404.316(c) and 404.331(b).) Under the Social Security Amendments of 1965 (Pub. L. 89-97), a requirement for entitlement to a wife's insurance benefit as a divorced wife, a widow's insurance benefit as a surviving divorced wife, or a mother's insurance benefit as a surviving divorced mother is that, at a specified time, she was receiving at least one-half support from the insured individual, or she was receiving substantial contributions from such individual (pursuant to a written agreement), or there was in effect a court order for substantial contributions to her support from such individual. Pub. L. 92-603 removed these support requirements for entitlement to benefits as a divorced wife, a surviving divorced wife, and a surviving divorced mother effective with monthly benefits payable after December 1972. Under section 202(g)(1)(F) of the Act, prior to the 1965 amendments, one of the requirements for entitlement to a mother's insurance benefit as a former wife divorced (now designated as a surviving divorced mother and (under the law in effect prior she was receiving from her deceased former husband (pursuant to agreement or court order) at least one-half of her support. One-half support may be required in some cases to establish dependency of a child on a stepfather, stepmother, adopting father, or adopting mother and (under the law in effect prior to the Social Security Amendments of 1967 (Pub. L. 90-248)) to establish dependency of a child on a natural or adopting mother.

* * * * *

10. Section 404.351 is amended by revising paragraphs (a) and (c) to read as follows:

§ 404.351 Agreement, court order, and substantial contributions defined.

(a) *Agreement for substantial contributions after August 1965 and prior to January 1973.* For purposes of section 202(b)(1)(D), 202(e)(1)(D), and 202(g)(1)(F)(I)(II) of the Act, as in effect for months September 1965 through December 1972, the term "written agreement" means an agreement signed by the former husband providing for substantial contributions by him for the claimant's support. It must be in effect at the applicable time but it need not be legally enforceable. "Substantial contributions pursuant to a written agreement" means contributions (as defined in § 404.350(d)) that are regular and sufficient to constitute a material factor in the cost of the claimant's support. Generally, the claimant must actually be receiving the contributions at the applicable time. However, if the former husband had been making such contributions toward the claimant's support, but, prior to the applicable time, was either forced to stop making such contributions, or to decrease the amount of his contributions because of circumstances beyond his control (such as illness or unemployment), it may be determined that he was making substantial contributions at the applicable time if the former husband would have continued the contributions if he could and his failure to do so did not last for more than 9 months (either consecutive or intermittent) of the 12-month period ending with the applicable time.

* * * * *

(c) *Court order for substantial contributions after August 1965 and prior to January 1973.* For purposes of sections 202(b)(1)(D), 202(e)(1)(D), and 202(g)(1)(F)(I)(III) of the Act, as in effect for months September 1965 through December 1972, the term "court order for substantial contributions" means any court order, judgment, or decree of a court of competent jurisdiction which requires regular contributions that are a material factor in the cost of the claimant's support and which is in effect at the applicable time. If such contributions are required by a court order, this condition is met whether or not the contributions were actually made.

* * * * *

11. Section 404.352 is revised as follows:

§ 404.352 Minimum monthly survivor's insurance benefit amount.

(a) *General.* When only one individual is entitled to a survivor's insurance benefit for any month, the amount of such monthly survivor's insurance benefit, before any reduction under § 404.353, or section 202(q) of the Act, shall be not less than:

(1) $93.80 for months after May 1974;

(2) $90.50 for months after February 1974 and before June 1974;

(3) $84.50 for months after August 1972 and before March 1974;

(4) $70.40 for months after December 1970 and before September 1972;

(5) $64 for months after December 1969 and before January 1971;

(6) $55 for months after January 1968 and before January 1970;

(7) $44 for months after December 1964 and before February 1968;

(8) $40 for months after July 1961 and before January 1965.

(b) *Sole surviving widow(er)'s monthly benefit.* Effective January 1973, a widow or widower who is the sole survivor entitled to benefits will not receive less than $84.50 reduced for months of entitlement prior to age 62.

[FR Doc.75-3561 Filed 2-6-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

ALPHA-METHYL STYRENE, TERPHENYLS, VINYL TOLUENE, ACROLEIN, P-TERT-BUTYLTOLUENE, CUMENE (ISOPROPYL BENZENE), CYCLOHEXANE, DIPHENYL (BIPHENYL), ETHYL BENZENE, FURFURAL

Standards Completion Project; Advanced Notice of Proposed Rulemaking

Correction

In FR Doc. 75-3019 appearing in the issue of Monday, February 3, 1975, at

page 4930, the heading of the document should read as set forth above.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal aviation regulations so as to designate a transition area at Middlefield, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Geauga County Airport, Middlefield, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Middlefield, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

MIDDLEFIELD, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Geauga County Airport (Latitude 41°27'00" N., Longitude 81°03'48" W.); excluding the portion which overlies the Cleveland, Ohio transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on January 20, 1975.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

[FR Doc.75-3485 Filed 2-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ulysses, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

An instrument approach procedure is being established to the Ulysses Airport, Ulysses, Kansas, using a City-owned NDB being installed on the airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ulysses, Kansas. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

ULYSSES, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ulysses, Kansas Municipal Airport (latitude 37°36'10" N., longitude 101°22'15" W.); within 3 miles each side of the 307° bearing from the Ulysses radio beacon (latitude 37°35'51" N., longitude 101°22'00" W.); extending from the 5-mile radius area 2.5 miles northwest.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on January 3, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-3483 Filed 2-6-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-35]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Salina, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before March 10, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The VOR Runway 17 instrument approach procedure to Salina Municipal Airport is being amended by lowering the procedure turn altitude. Consequently, it is necessary that the controlled airspace designated to protect the procedure be altered so as to compensate for the procedural change.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

SALINA, KANSAS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 8 miles N to 18½ miles S of the ILS OM; and, within 5 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 17½ miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700-foot floor transition area.

This amendment is proposed under the authority of section 307(a) of the Federal

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Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on January 3, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-3484 Filed 2-6-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20065; RM-2224]

TELEVISION BROADCAST STATIONS IN CERTAIN CITIES IN NEBRASKA

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Alliance, Hay Springs, and Scottsbluff, Nebraska).

1. The Commission by the Chief, Broadcast Bureau, pursuant to delegated authority, has before it a request of Wyneco Communications, Inc., licensee of Station KSTF(TV), Scottsbluff, Nebraska, filed January 24, 1975, requesting a further extension of time from January 31, 1975, to February 15, 1975, to file reply comments in this proceeding.[1]

2. Wyneco advises that the requested extension is necessary for its economic consultant to complete his analysis of the financial reports of the proponent of the rule making, Duhamel Broadcasting Enterprises, for Station KDUH-TV, Hay Springs, Nebraska, as well as its parent, Station KOTA-TV, Rapid City, South Dakota, and its sister satellite, Station KHSD-TV, Lead, South Dakota, for the years 1958-1973, for inclusion in its reply comments. Wyneco explains that it was not until after the Commission's clarification on December 31, 1974, of its December 16, 1974 ruling authorizing Wyneco to examine the Duhamel financial reports for these years rather than only from 1970 through 1973, and notice from Duhamel on January 7, 1975, advising that it would not appeal the ruling, that it was in position to arrange for inspection and duplication of the pertinent Duhamel records, which it promptly did. However, since it did not receive copies of the reports until later, January 16, 1975, copies of which were promptly thereafter mailed to its out-of-town economic consultant, the brief additional time sought is needed to complete an analysis of the reports.

3. In the circumstances, the requested extension appears reasonable and since the economic position of the Duhamel Hay Springs station is among the important issues in this proceeding upon which meaningful comments would be helpful in reaching a decision on the Duhamel proposal, we believe that the public interest is served by granting the additional time.

4. *Accordingly, it is ordered,* That the date for filing reply comments in this proceeding is extended from January 31, 1975, to and including February 15, 1975.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: January 29, 1975.

Released: January 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-3536 Filed 2-6-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities

Pursuant to its authority under Sections 4(c)(8) and 5(b) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and 1844(b)), the Board proposes to amend § 225.4(c) of its Regulation Y to clarify the circumstances under which a bank holding company engaged in nonbank activities, directly or indirectly through a subsidiary, may acquire assets of another company without first obtaining Board approval pursuant to section 4(c)(8) of the Act.

On September 13, 1974, the Board issued an interpretation of Regulation Y regarding situations in which an acquisition of assets of a going concern by a bank holding company or its section 4(c)(8) nonbank subsidiary might require prior Board approval. The interpretation noted that, in determining whether Board approval is required in connection with an acquisition of assets, it is necessary to determine (a) whether the acquisition is made in the ordinary course of business[1] or (b) whether it constitutes the acquisition, in whole or in part, of a going concern.[2] Among the examples illustrating transactions where prior Board approval would generally be required was a transaction involving the "acquisition of all or substantially all of the assets of a company, or a subsidiary, division, department or office thereof."

Section 225.4(c)(3) of Regulation Y provides, in effect, that acquisitions of assets in the ordinary course of business do not require prior Board approval. It has come to the Board's attention that there may exist certain circumstances under which the above-mentioned portion of the Board's interpretation could be viewed as conflicting with § 225.4(c)(3) of Regulation Y, i.e., those instances in which the acquisition of all or substantially all of the assets of a company, or a subsidiary, division, department or office thereof is made in the ordinary course of business. In order to avoid any ambiguity, the Board proposes to formalize the relevant portion of the interpretation by an appropriate amendment to Regulation Y.

Under the present provisions of the regulation (12 CFR 225.4(c)(3)), a bank holding company may acquire assets "in the ordinary course of business" without prior Board approval. The proposed amendment would prohibit, without prior Board approval, the acquisition of all or substantially all of the assets of a company, or a subsidiary, division, department or office thereof, even if such acquisition were made in the ordinary course of business.

The proposed amended subparagraph (3) of § 225.4(c) of Regulation Y would read as follows:

§ 225.4 Nonbanking activities.

(c) *Tie-ins, alterations, relocations, consolidations.* • • • (3) except for acquisitions made in the ordinary course of business of less than substantially all of the assets of a company, or a subsidiary, division, department or office thereof,[1] no merger or acquisition of assets to which the acquired company is a party shall be consummated without prior Board approval, if thereafter the bank holding company will continue to own, directly or indirectly, more than 5 per cent of the voting shares of such company of its successor.

• • • • • •

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comments, or argument. Any requests for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing. The Board also hereby solicits suggestions and comments on the establishment of standards for determining when an acquisition of assets would constitute "substantially all" of the assets of a company, or a subsidiary, division, department or office thereof.

Any views or requests for hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 19, 1975.

By order of the Board of Governors, January 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3555 Filed 2-6-75;8:45 am]

[1] Published first at 40 FR 2449, January 13, 1975.

[1] Section 225.4(c)(3) of the Board's Regulation Y (12 CFR 225.4(c)(3)) generally prohibits a bank holding company or its subsidiary engaged in activities pursuant to authority of section 4(c)(8) of the Act from being a party to any merger "or acquisition of assets other than in the ordinary course of business" without prior Board approval.

[2] In accordance with the provisions of section 4(c)(8) of the Act and § 225.4(b) of Regulation Y, the acquisition of a going concern requires prior Board approval.

[1] An acquisition of assets, the effect of which would be to eliminate the seller as a viable competitor in any geographic market, in the line of business to which the assets pertain, would be viewed by the Board for the purposes of this subsection as being an acquisition of "substantially all" of the assets.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order No. 233-8]

COORDINATOR, ECONOMIC STABILIZATION PROGRAM RECORDS

Delegation of Authority

By virtue of the authority vested in me by Treasury Department Order No. 233 (Revision No. 1), 39 FR 45302, December 31, 1974, it is ordered as follows:

1. There is delegated to the Coordinator, Economic Stabilization Program Records, the authority, without power of further redelegation, to grant or deny, in accordance with 6 CFR Part 102, access to the records of the Economic Stabilization Program, subject to prior consultation with appropriate legal counsel.

2. All appeals from denials of access to records shall be addressed to the Assistant Secretary for Administration for decision.

Dated: January 27, 1975.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.75-3583 Filed 1-6-75;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

INGERSOLL MILLING MACHINE CO.

Proposed Cancellation of Contracts and Debarment and Notice of Hearing

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2)(i) and (ii):

DCAS-VO

Mr. EDSON GAYLORD, *President and Chairman of the Board,*
Ingersoll Milling Machine Company,
707 Fulton Avenue,
Rockford, Illinois 61103.

JANUARY 30, 1975.

DEAR MR. GAYLORD: The Ingersoll Milling Machine Company has agreed, pursuant to the Equal Employment Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR), Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On June 10, 1974, an onsite Equal Employment Opportunity compliance review was initiated at your Rockford, Illinois facility. During the course of the review it was determined that your Company did not have an acceptable written Affirmative Action Program (AAP) for the period January 30, 1974, to January 29, 1975. Your Company refused to provide relevant personnel records, and refused all assistance to develop the required program.

The Ingersoll Milling Machine Company is in violation of Executive Order 11246, as amended, and its implementing regulations which require contractors with 50 or more employees and a contract of $50,000 or more to develop a written AAP which is acceptable in accordance with the standards and guidelines set forth in 60-2.10 through 60-2.32.

The Commander, DCASR, Chicago issued a show cause letter on June 21, 1974, which stated the deficiencies found to exist and offered assistance to resolve them by mediation and negotiation. During the 30-day show cause period, a conciliation meeting was held with you but it failed to yield positive results. Subsequent to the show cause period, you advised DCASR, Chicago that your company is not interested in future Government business. To date there is no indication that your Company intends to change its position.

In view of your apparent noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts. It is also proposed that you be declared ineligible for further contracts and subcontracts with the United States Government. This action is pursuant to section 209 of the Order and 41 CFR 60-1.26(b). The Ingersoll Milling Machine Company may within 14 days after receipt of this notice file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. The answer and request for a hearing should conform with the requirements of 41 CFR 60-1.26(b)(2)(iii).

Sincerely,

P. F. COSGROVE, JR.,
Rear Admiral, SC, USN,
Deputy Director.

NOTICE OF HEARING

The office of Contracts Compliance, Headquarters, Defense Supply Agency (DSA) requested and received approval from the Director, DSA to issue a Notice of Proposed Cancellation of Contracts and Debarment to the Ingersoll Milling Machine Company for its failure to respond to the 30-day show cause letter issued to that company June 21, 1974. The Ingersoll Milling Machine Company has been given 14 days after receipt of the Proposed Cancellation and Debarment Notice to answer the allegations therein, and request a hearing on the issues with the Directors, DSA.

[FR Doc.75-3595 Filed 2-6-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CIBA-GEIGY CORP.

Hearing

On December 13, 1974, the Drug Enforcement Administration published the proposed aggregate production quotas for 1975 for controlled substances in schedules I and II. 39 FR 43411. Among the production quotas was the quota for methylphenidate.

On January 8, 1975, Ciba-Geigy Corporation of Summit, New Jersey, requested a hearing on the quota for methylphenidate noting that "it is the owner of the methylphenidate patent and is the sole manufacturer and distributor of the product in the United States." Ciba-Geigy contended that "the production quota, as proposed, is insufficient to meet legitimate scientific and medical needs in the United States as evidenced by prescription purchases since January 1, 1974."

Title 21, Code of Federal Regulations, § 1303.11(c) provides in pertinent part that the Administrator "may, but shall not be required to, hold a public hearing" on the issues raised by objections to a proposed aggregate production quota and that, should he determine that a public hearing should be held, he shall "summarize the issues to be heard."

It is the opinion of the Administrator that a public hearing should be held in this matter on the issue framed by Ciba-Geigy as whether the proposed 1975 production quota for methylphenidate is "insufficient to meet legitimate scientific and medical needs in the United States as evidenced by prescription purchases since January 1, 1974."

Therefore, pursuant to section 306 of the Controlled Substances Act (21 U.S.C. 826) which requires that the Attorney General establish aggregate production quotas for drugs in schedules I and II, and which responsibility has been delegated to the Administrator in Title 28, Code of Federal Regulations, § 0.100, Notice is hereby given that a hearing will be held in this matter at 10 a.m. on April 7, 1975, or as soon thereafter as this matter may be heard, in room 1210 of the Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C.

Dated: January 28, 1975.

JOHN R. BARTELS, JR.,
Administrator.

[FR Doc.75-3574 Filed 2-6-75;8:45 am]

[Docket No. 74-6]

FLEET PHARMACY, INC., AND WASHINGTON-MAIN MEDICAL PHARMACY

Revocation of Certificate of Registration

On May 16, 1974, the Drug Enforcement Administration issued an Order to Show Cause to Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy, 1842 South Main Street, Los Angeles, California, as to why its Certificate

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of Registration (DEA Registration AW 5915535) should not be revoked.

The basis for the issuance of the Order to Show Cause was that John D. Gardner, a corporate officer of Respondent corporation, who had been adjudged guilty on or about June 23, 1960 in the Superior Court of the State of California of violating section 11501, Health and Safety Code of the California General Statutes, a felony provision of said law relative to controlled substances, had intentionally and materially falsified his January 26, 1972 Application for Registration (which resulted in the issuance of BNDD Registration AF0318659 to Respondent) by indicating that he had never been convicted of a felony, under State or Federal law. The foregoing basis had been set forth in an Order to Show Cause issued to Respondent on May 12, 1973. See "Quality Medical Pharmacy; Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy; Ruby M. Beaman, d/b/a Quality Professional Pharmacy," 39 FR 12365, April 5, 1974. An additional underlying reason for the Order to Show Cause issued to Respondent on May 16, 1974 was that John D. Gardner had submitted his Application for Registration dated January 24, 1974 (which resulted in the issuance of DEA Registration AW5915535 to Respondent) in behalf of a suspended corporation and when he knew that a Final Order from the Administrator was forthcoming with reference to BNDD AF0318659. See "Quality Medical Pharmacy, et al.," 39 FR 12365, April 5, 1974.

Simultaneously with the institution of this proceeding, the Acting Deputy Administrator ordered the immediate suspension of Respondent's registration pending a final determination of the proceeding, pursuant to section 304(d) of the Controlled Substances Act, 21 U.S.C. 824(d).

Subsequently, by letter of May 21, 1974, counsel for Respondent requested a hearing in the matter, and a prehearing conference was held in Washington, D.C. on June 14, 1974. Thereafter, on August 6, 1974, a hearing on the merits was held before George A. Koutras, Administrative Law Judge, in Los Angeles, California. Following that hearing, Proposed Findings of Fact and Conclusions of Law, with supporting briefs, were submitted to Judge Koutras by counsel for the Government and the Respondent.

On November 18, 1974 Judge Koutras filed Recommended Findings of Fact and Conclusions of Law and his Recommended Decision with the Drug Enforcement Administration.

The Administrator, pursuant to § 1316.66, Title 21, Code of Federal Regulations, hereby adopts the findings of fact and also adopts in part the conclusions of law submitted by Judge Koutras.

Specifically, the Administrator finds that on or about June 23, 1960, John D. Gardner, President of Respondent corporation, was adjudged guilty at the Superior Court of the State of California, in and for the County of Los Angeles, of violating section 11501, Health and Safety Code of the California General Statutes, a felony provision of said law relative to controlled substances.

Furthermore, with reference to this finding of fact, it is the opinion of the Administrator that the Administrative Law Judge's Conclusion of Law, holding that 28 U.S.C. 2462 bars the use of Mr. Gardner's 1960 felony conviction as a basis for the revocation of Respondent's registration, is in error. The purpose of the Controlled Substances Act is to protect and promote the public health, and its primary aim is to ensure that those who engage in the dispensing of controlled substances do so in accordance with factors measuring conduct consistent with the public interest. Under these circumstances, the Administrator finds that the instant case is sufficiently distinguishable on its facts from "H. P. Lambert Co. v. Secretary of the Treasury," 354 F. 2d 819 (1st Cir. 1965), to make reliance on the Lambert holding inappropriate here. Therefore, it is the opinion of the Administrator that Mr. Gardner's conviction in 1960 of a felony relative to controlled substances serves as an independent basis for the revocation of Respondent's registration.

The Administrator adopts the Administrative Law Judge's finding that Mr. Gardner's denial of any prior felony convictions on Respondent's Application for Registration dated January 26, 1972, which resulted in the issuance of Respondent's prior Federal registration to dispense controlled substances (BNDD Registration AF0318659), constitutes a material false statement within the language of 21 U.S.C. 824(a)(1). This also serves as an independent statutory basis for the revocation of Respondent's registration.

The Administrator also takes notice of the fact that Mr. Gardner also denied any prior felony convictions on Respondent's Application for Registration dated January 24, 1974, which resulted in the issuance of DEA Registration AW-5915535. Likewise, the Administrator finds that this is a material false statement under 21 U.S.C. 824(a)(1).

In addition, the Administrator finds there is substantial evidence that, although Mr. Gardner admitted in the Application for Registration executed on January 24, 1974 and received by the Drug Enforcement Administration on March 7, 1974 that he had had a previous CSA Registration revoked or suspended, Mr. Gardner failed to attach a letter setting forth the circumstances of such action, as required by Item 5(c) of the Application. This Application had been submitted by Mr. Gardner under the name of a suspended corporation and when he knew in fact that a Final Order was forthcoming from the Administrator with reference to BNDD Registration AF0318659. This set in motion the unique combination of circumstances resulting in what was described in the Order to Show Cause as an "egregious administrative error", culminating in the issuance of DEA Registration AW5915535 to Respondent. In view of these facts, the Administrator finds that, on January 24, 1974 and March 7, 1974, and at all times within the instant proceedings held pursuant to the Order to Show Cause issued to Respondent on May 16, 1974, the Drug Enforcement Administration has been in the unusual position of dealing with a corporate entity which had been suspended on April 6, 1971, under the law of the State of California. The Administrator finds further that the use of the corporate name "Fleet Pharmacy, Inc." in the Application for Registration executed by John D. Gardner on January 24, 1974 was not only inaccurate but materially misleading. It would strain logic to hold that a registration obtained as a result of this set of circumstances could be anything but a nullity.

However, assuming for purposes of this Order that the Administrator could not make the finding on the basis of the record below that Respondent corporation had been placed under suspension pursuant to State law, the Administrator would nevertheless adopt, and herein does adopt, the Administrative Law Judge's conclusion that Respondent's corporate status does not bar revocation of its Federal controlled substances registration based on the actions of one of its corporate officers. Furthermore, the Administrator adopts the Administrative Law Judge's finding that there is substantial evidence on the record relative to substantial shortages and discrepancies in Respondent's controlled substances inventory, as well as its purchases and distribution of controlled substances, during a period when Respondent's controlled substances registration was suspended. The Administrator also adopts the finding by the Administrative Law Judge that there is substantial evidence of a general failure by Respondent to take the precautions required to prevent diversion of controlled substances into other than legitimate channels.

Therefore, in accordance with the provisions of § 1316.66, Title 21, Code of Federal Regulations, and in view of the foregoing, it is the Administrator's opinion that John D. Gardner, the President of Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy, was convicted of a drug related felony under California State law, to wit, the willful, unlawful and felonious sale of opium.

Further, that John D. Gardner did intentionally and materially falsify his applications for Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy, by indicating that he had never been convicted of a felony relating to a controlled substance.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and the Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the Certificate of Registration of Fleet Pharmacy, Inc., d/b/a Washington-Main Medical Pharmacy (DEA Registration AW5915535) be, and hereby is revoked, effective the date of this Order.

Dated: January 28, 1975.

JOHN R. BARTELS, JR.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-3575 Filed 2-6-75;8:45 am]

JERDAN CHEMICAL CORP.

Importation of Controlled Substances Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on December 9, 1974, Jerdan Chemical Corporation, 181 South Franklin Avenue, Valley Stream, New York 11581, made application to the Drug Enforcement Administration to be registered as an Importer of Methaqualone, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methaqualone in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, JR.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-3573 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Amobarbital, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Amobarbital in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, JR.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-3579 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Secton 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 277 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Amphetamine (1100), a basic class controlled substance listed in schedule II.

Any person registered to manufacture Amphetamine in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, JR.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-3578 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into

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other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Methamphetamine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methamphetamine in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3577 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as bulk manufacturer of Methylphenidate, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methylphenidate in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3581 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Phenmetrazine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Phenmetrazine in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3580 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Pentobarbital, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Pentobarbital in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3582 Filed 2-6-75;8:45 am]

M.B.H. CHEMICAL CORP.

Manufacture of Controlled Substances Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on December 18, 1974, M.B.H. Chemical Corporation, 377 Crane Street, Orange, New Jersey 07051, made application to the Drug Enforcement Administration to be registered as bulk manufacturer of Secobarbital, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Secobarbital in bulk may, on or before March 10, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 3, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-3576 Filed 2-6-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

WESTERN GASIFICATION CO. (WESCO) COAL GASIFICATION PROJECT AND EXPANSION OF NAVAJO MINE BY UTAH INTERNATIONAL INC.

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed WESCO Coal Gasification Project and the Expansion of the Navajo Mine by Utah International Inc. This statement (INT DES 74-107) was made available to the public on December 11, 1974.

The draft environmental statement deals with the proposed construction and operation of four coal gasification plants, the mine operation and the appurtenant facilities which are located about 20 miles southwest of Fruitland, New Mexico, on the Navajo Indian Reservation. The first plant, capable of producing 250 million cubic feet per day (MMCFD) of synthetic natural gas, would be operational in late 1977. All four plants, with a capacity of 1000 MMCFD, would be operational by 1983. Water for the project will be supplied from the Bureau of Reclamation's Navajo Reservoir.

A public hearing will be held in Window Rock, Arizona, at the Window Rock Civic Center on March 11, 1975, and in Farmington, New Mexico, at the City Council Meeting Room, 800 Municipal Drive, on March 12, 1975, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. Both hearings will be held from 10:00 a.m. to 12:00 Noon, from 1:30 p.m. to 5:00 p.m. and from 7:00 p.m. to 10:00 p.m. Oral statements at the hearing will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 5:00 p.m., March 7, 1975, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524-5592, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be received by March 19, 1975, for inclusion in the hearing record.

Dated: February 5, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-3705 Filed 2-6-75;9:30 am]

Office of the Secretary

ELECTRIC UTILITY TASK GROUP COMMITTEE ON ENERGY CONSERVATION OF THE NATIONAL PETROLEUM COUNCIL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Electric Utility Group of the Committee on Energy Conservation of the National Petroleum Council will meet on February 26, 1975 at 9:30 a.m. in the National Petroleum Council's conference room, 1625 K Street, NW, Washington, D.C. The agenda includes the following items:

1. Review of progress on preparation of a report on Phase II of the current study on the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the Nation. This study

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was requested by the Secretary of the Interior on July 23, 1973. Phase I of the study was completed on September 10, 1974.

2. Discussion of instructions and guidance by the Coordinating Subcommittee of the Committee on Energy Conservation regarding Phase II of the study.

3. Discussion of any other matters pertinent to the overall assignment of the Task Group.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343–7976.

Dated: January 31, 1975.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–3515 Filed 2–6–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BLACKFEET INDIAN LANDS IN MONTANA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Blackfeet Indian Lands in Montana has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These lands are reservations or other lands designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservations and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on February 3, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75–3591 Filed 2–6–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held Tuesday, March 11, 1975, at 10 a.m., in Room 3708, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Committee was established on April 5, 1973, to advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(2) Present 123456
(3) Discussion and approval of Findings Volume of The Second Annual Report due March, 1975.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967–4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in "Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.," September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838–73), the Complete Notice of Determination to close portions of the meetings of the Telecommunications Equipment Technical Advisory Committee was published in the FEDERAL REGISTER (40 FR 1287, appearing in the issue of January 7, 1975, 74 FR Doc. 30275).

Dated: February 3, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75–3532 Filed 2–6–75;8:45 am]

HOSPITALS OF THE UNIVERSITY OF PENNSYLVANIA ET AL.

Consolidated Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892) et seq. (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00112–33–90000. Applicant: Hospitals of the University of Pennsylvania, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. The article is intended to be used for investigating the early detection and pathogenesis of brain tumors, brain

infection and brain trauma. The article will also be used extensively in training medical students and postgraduate physician trainees in Neuroradiology, Neurology, Neurosurgery, as well as in Nuclear Medicine. The correlation with conventional neuroradiologic and radionuclide diagnostic examinations will be emphasized and the proper indications for various diagnostic modalities will be stressed. Application received by Commissioner of Customs: September 17, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 9, 1975. Article ordered: January 25, 1974.

Docket number: 75–00124–33–90000. Applicant: St. Luke's Hospital, 5535 Delmar, St. Louis, Missouri 63112. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in research in neurosurgery and neuroradiology in reference to the behavior of glial tumors and its response to radiation treatment and chemopeutic agents. The response to various modalities of treatment will be measured by computerized axial transverse tomographic scanning. Application received by Commissioner of Customs: September 23, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 10, 1975. Article ordered: March 22, 1974.

Docket number: 75–00133–33–90000. Applicant: Swedish Medical Center, 501 East Hampden Avenue, Englewood, Colorado 80110. Article: EMI Scanner with High Resolution Option and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of patients with neurological disorders. Patient phantom models (simulated cranium brain contents with known characteristics) will also be studied to determine the article's accuracy for localization of diagnostic changes that would be seen with calcium, tumor, cysts, liquid, fat, blood (liquid or clotted) in brain and skull disorders. Other research includes: (1) the study of the brain injured patients and other clinical population in the usual scanning method after injection of a radioisotope into the circulating blood and/or spinal fluid, and (2) the investigation of methods of patient immobilization during study with the article. Planned educational programs will involve (1) presentation of data developed from the brain injury unit, (2) dissemination of information of the value of EMI study and value of the diagnostic material obtained, and (3) training of technology personnel. Application received by Commissioner of Customs: September 24, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 10, 1975. Article ordered: March 1, 1974.

Docket number: 75–00137–33–90000. Applicant: St. Vincent Medical Center, 2131 West Third Street, Los Angeles, California 90057. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of patients with posterior fossa brain tumors especially cerebello-pontine angle tumors. The studies will be clinically oriented so that the information gathered would be of potential benefit to the patients themselves as well as to future patients. The areas of study will include, among others, surgical planning in relation to tumor size, surgical planning in relation to ventricular size and ventricular size in post-operative course with respect to complications. Application received by Commissioner of Customs: September 26, 1974. Advice submitted by The Department of Health, Education, and Welfare on: January 10, 1975. Article ordered: January 9, 1974.

Docket number: 75–00145–33–90000. Applicant: Scott and White Clinic, Division of Radiology, 2501 South 31st Street, Temple, Texas 76501. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the following research projects: (1) A cooperative study to determine whether the addition of procarbozine to CCNU and Radiation Therapy adds to the response rate and duration of response as compared to CCNU and Radiation Therapy alone in the treament of malignant cerebral gliomas.

(2) Extent of cerebral infarction resulting from the intracranial arterial spasm that frequently follows subarachnoid hemorrhage from intracranial aneurysms.

(3) Study the development and spontaneous regression or persistence of hydrocephalus in patients with blood in the intracranial subarachnoid spaces following head injury, craniotomy, or spontaneous subarachnoid hemorrhage.

(4) Evaluation of the treatment of cystic craniopharyngiomas by injection of radioactive material or transphenoidal marsupialization.

(5) Assessment of the effects of steroid therapy and hyperosmolar therapy in the treatment of closed head injuries with cerebral contusions and edema.

(6) Studies of patients with CSF shunts by serial scan to systematically evaluate the actual functioning of the shunts.

(7) Assessment of the extent of hydrocephalus in dogs before and after treatment with serial EMI scans.

(8) Development of a technique that will allow the computer to recognize abnormal densities in the various anatomical slices and further, predict possible diagnoses based on location and abnormal density.

(9) Investigate alternate means of data reduction to provide better quality information display for diagnosis.

The article will also be used extensively for educational purposes. Application received by Commissioner of Customs: October 1, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: January 31, 1974.

Docket number: 75–00154–33–90000. Applicant: Community Memorial Hospital of San Buenaventura, Loma Vista Road at Brent Street, Ventura, California 93003. Article: EMISCAN 80 Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the education of radiologists, neurosurgeons, and neurologists. Application received by Commissioner of Customs: October 7, 1974. Advice submitted by The Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: November 30, 1973.

Docket number: 75–00159–33–90000. Applicant: Children's Cancer Research Foundation, Inc., 35 Binney Street, Boston, Mass. 02115. Article: EMI Scanner System with Magnetic Tape Machine and High Definition Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for investigation of central nervous system problems and for the assessment of absorption differences in various types of intracerebral tissues and fluids. The article will also be used to train medical students, interns and residents in the most up-to-date techniques for evaluating intracerebral abnormalities. Application received by Commissioner of Customs: October 15, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: December 6, 1973.

Docket number: 75–00162–33–90000. Applicant: Henry Ford Hospital, 2799 West Grand Blvd., Detroit, Michigan 48202. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the following investigations:

(1) The differential radiodensity of a portion of the brain affected by a stroke and a similar portion affected by a brain tumor in different individuals.

(2) Investigation of low pressure hydrocephalus.

(3) Investigation of epileptic patients to try and better define the focus of excitation.

(4) Definition of the area of brain damage from a stroke by distinguishing the actual area of damage from the much wider area of surrounding edema.

(5) Evaluation of various treatments for malignant brain tumors.

(6) Diagnosis of immediate life threatening conditions such as subdural and epidural hematomas. Application received by Commissioner of Customs: October 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: November 27, 1973.

Docket number: 75–00163–33–90000. Applicant: The Methodist Hospital, 6516 Bertner Drive, Houston, Texas 77025. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use article: The article is intended to be used in studies of tumors

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of the brain in patients. In particular, the subtle absorption between normal and abnormal brain tissue will be examined and charted. Patients with a wide variety of suspected central nervous system disease will be evaluated on this article. The diagnosis will be correlated with current available techniques to understand the best diagnostic approach to patients. In addition, the article will be used for training residents in radiology, neuroradiology, neurosurgery, neuroradiology fellows in nuclear medicine, neuroradiology and radiation physics, clinicians and research scientists through evaluation of patients with neuroradiological diseases. Application received by Commissioner of Customs: October 23, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: April 9, 1973.

Docket number: 75-00166-33-90000. Applicant: Montefiore Hospital Association of Western Pennsylvania, 3459 Fifth Avenue, Pittsburgh, Pa. 15213. Article: EMI Scanner System, Magnetic Tape System and High Density Display Unit. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used in research to evaluate the effectiveness of computerized transaxial tomography in the diagnosis of neurological disease. The article will also be used to teach the application, interpretation, and analysis of computerized transaxial tomography to technical personnel and radiologists in the University Health Center of Pittsburgh. Application received by Commissioner of Customs: October 23, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: May 1, 1974.

Docket number: 75-00186-33-90000. Applicant: University of Alabama Hospitals, Department of Diagnostic Radiology, 619 South Nineteenth St., Birmingham, Alabama 35233. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for detection and evaluation of primary and secondary tumors. Comparisons will be made evaluating the accuracy of detection between the Computer Assisted Tomography (CAT) and conventional radiographic methods (brain scan, pneumonencephalogram and arteriography). Stroke patients will be studied at various intervals following the onset of symptoms to determine CAT's potential and accuracy in early detection of strokes. The article will also be used for the evaluation of infants with hydrocephalus and congenital anomalies and follow-up examination of the above conditions post-treatment. Evaluation of CAT's diagnostic capability through statistical analysis of the data print-out sheets as compared to the photographic printout. Application received by Commissioner of Customs: October 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: April 16, 1974.

Docket Number: 75-00190-33-90000. Applicant: Tallahassee Neurological Foundation, Inc., 2412 W. Plaza Drive, Eastwood Plaza, Tallahassee, Florida 32303. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the study of the human brain in patients who have lost the ability to speak. The objectives to be pursued in the course of the investigation include precise identification of areas of brain damage which result in various types of aphasia. Application received by Commissioner of Customs: October 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on: January 15, 1975. Article ordered: March 12, 1974.,

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-3512 Filed 2-6-75;8:45 am]

SANDIA LABORATORIES ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by February 27, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00314-75-01700. Applicant: Sandia Laboratories, Kirtland AFB, East, Albuquerque, NM 87115. Article: Laser Amplifier, Model SF-210-45. Manufacturer: Quantel, France. Intended use of article: The article is intended to be used in research on extremely short (under one billionth of a second) X-ray pulses generated when high power laser pulses are focussed on metallic surface. One purpose of this research is to develop a beam of coherent X-ray, etc., an X-ray laser beam. Application received by Commissioner of Customs: January 15, 1975.

Docket Number: 75-00315-99-74000. Applicant: Rutgers University, Department of Biology, Queens Campus, New Brunswick, N.J. 08930. Article: FS-3 Portable Reflection-Refraction Seismograph and Accessories. Manufacturer: Huntec Ltd., Canada. Intended use of article: The article is intended to be used to acquaint students with the principles, operations, and applications of reflection and refraction geophysical wavesounding techniques, in the courses of Engineering, Geology, Advanced Engineering Geology, Geophysical Methods, and Advanced Exploration Geophysics. Application received by Commissioner of Customs: January 15, 1975.

Docket Number: 75-00316-33-46500. Applicant: University of Cincinnati, Department of Pathology, College of Medicine, 1206 Medical Science Building, 231 Bethesda Ave., Cincinnati, Ohio 45267. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for research in which several different tissues from human biopsies and experimental animals will be examined. These include renal, liver and skin biopsies for diagnostic purposes and occasionally malignant tumors which present problems in differential diagnosis. Cell cultures (WI 38-human lung fibroblast; HELA, embryonic and adult renal parenchymal; and "L" cells) will also be examined. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00317-33-90000. Applicant: North Carolina Baptist Hospitals, Inc., 300 South Hawthorne Road, Winston-Salem, North Carolina 27103. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article s intended to be used for detecting lesions and/or other abnormalities in the brain of patients who are suspected of having lesions and/or abnormalities. A cooperative study is being drawn up to compare the results of brain scans, plan skull films, electroencephalograms, and ultrasound scans to the results of the EMI scans in patients with central nervous system disorders. In addition, the article will be made an integral part of the training program of residents in Radiology, Neurology, and Neurosurgery. Application received by Commissioner of Customs: November 22, 1974.

Docket number: 75-00318-33-90000. Applicant: Virginia Commonwealth University, 520 North 12th Street, Richmond, Virginia 23298. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The foreign article, a new development in the field of Diagnostic Radiologic equipment, is intended for use in research as well as for training of physicians and radiologic technologists in its use. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00319-60-46040. Applicant: United States Department of Agriculture, Agricultural Research Service, U.S. Grain Marketing Research Center, 1515 College Ave., Manhattan, Kansas 66502. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the structure, physiology, and mode of action of selected bacterial insect pathogens. Viral control of insect pests will also be investigated. A fine-structural analysis is to be conducted to identify and classify insect sensory organs with the objective of determining which sensory structure can be altered to prevent the feeding and mating responses. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00320-33-90000. Applicant: University of Texas Medical Branch, 915 Strand, Galveston, Texas 77550. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to examine the various structures contained within the skull and face, in determining the effectiveness of the use of this machine on human patients with a variety of neurological and brain disease. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00321-56-17500. Applicant: University of Washington, Department of Oceanography WB-10, Seattle, Washington 98195. Article: Recording Current Meter, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used in experiments involving the continuous year-long monitoring of currents and gross thermal and salinity structure of waters entering the Arctic Ocean through the Bering Strait. Application received by Commissioner of Customs: January 15, 1975.

Docket number: 75-00323-80-46040. Applicant: Bureau of Mines, Virginia & Cudahy Streets, Bartlesville, Oklahoma 74003. Article: Electron Microscope, Model JEM 100B/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to obtain count and size distribution information for aerosol and particulate matter in diesel exhaust. This material is primarily carbon particles with trace quantities of condensed-ring hydrocarbon. Trace metals, such as platinum and other heavy metals together with sulphur compounds, may also be present and subject to analytical determination. Application received by Commissioner of Customs: January 15, 1975.

A. H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-3513 Filed 2-6-75;8:45 am]

National Oceanic and Atmospheric Administration

CONSERVATION OF NORTH PACIFIC FUR SEALS

Availability of Draft Environmental Impact Statement

Section 108(b), 16 U.S.C. 1378(b) of the Marine Mammal Protection Act of 1972 (the Act) requires the Secretary of Commerce, in consultation with the Secretary of State, to study the provisions of the Act, as they relate to North Pacific fur seals, and the provisions of the Interim Convention on Conservation of North Pacific Fur Seals, to determine what modifications, if any, should be made to the provisions of the Convention, or of the Act, or both, to make the Convention and the Act consistent with each other.

The Convention as amended will continue in force until October 1975 and thereafter until the entry into force of a new or revised fur seal convention between the parties, or until October 1976, whichever comes earlier. The 1969 agreement extending the Convention requires that the parties meet not later than early in 1975 to determine what further agreements may be desirable. Representatives of the member governments of Japan, Canada, U.S.S.R., and the United States will meet to initiate the renegotiation of the Convention beginning March 17, 1975, immediately following the annual meeting of the Fur Seal Commission in Washington, D.C. The United States intends to negotiate a new convention which will essentially continue the present management arrangements and amend the Convention's management objectives to provide for the maintenance of the health and stability of the marine ecosystem and in other ways bring the language of the Convention into conformity with the Marine Mammal Protection Act of 1972.

It has been determined that renegotiating the Interim Convention would constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Therefore, a draft environmental impact statement (DEIS) has been prepared. The DEIS was transmitted to the Council on Environmental Quality on January 24, 1975.

Copies of the DEIS are available at the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

A public hearing will be held in Washington, D.C., to discuss any comments which may be helpful in the preparation of a final environmental impact statement (FEIS). The FEIS will be prepared after the convention's negotiations have been completed, but prior to ratification of any agreement by the United States.

The hearing will be held on February 26, 1975, at 9 a.m. in the Penthouse Conference Room, Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. 20235. The hearing record will remain open for 15 days following the hearing for the submission of additional comments to the Director.

Dated: February 4, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-3546 Filed 2-6-75;8:45 am]

Office of the Secretary

VOLUNTARY APPLIANCE EFFICIENCY PROGRAM

Meeting

On January 15, 1975, President Ford in a supplement to his State of the Union Message directed the Energy Resources Council to develop energy efficiency goals for major appliances and to obtain agreements within six months from the major manufacturers of these appliances to comply with the goals. The goal is a 20 percent average improvement by 1980 for all major appliances, including air conditioners, refrigerators and other home appliances. Achievement of these goals would save the equivalent of over one-half million barrels of oil per day by 1985. If agreement cannot be reached, the President will submit legislation to establish mandatory appliance efficiency standards.

The Secretary of Commerce has been asked by President Ford to contact all appliance manufacturers to seek their support in arriving at an effective means to meet this goal.

The Secretary, therefore, invites industry leaders and senior officials of all companies who make room air conditioners, refrigerators, combination refrigerator-freezers, freezers, water heaters, clothes washers, clothes dryers, dishwashers, kitchen ranges and ovens, and television receivers to a meeting at the

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Department of Commerce, Room 6802, on February 20 at 10 a.m.

At this meeting a proposed program will be presented for consideration and comment by the industry.

Those desiring to attend this meeting should notify the Assistant Secretary, Science and Technology, Department of Commerce, Room 3864, Main Commerce Building, Washington, D.C. 20230, prior to the day of the meeting, indicating companies and products they will represent.

This meeting is open to all members of the public and press.

Dated: February 1, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-3534 Filed 2-4-75;2:07 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

RIGHT TO READ STATE GRANTS PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Cooperative Research Act, Pub. L. 83-531, as amended, 20 U.S.C. 331, applications are being accepted for new grants under the Right to Read State Grants Program.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 24, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.533. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The Application was sent by registered or certified mail not later than March 19, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing day by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

3. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW, Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal Holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a), the General Regulations for Right to Read (45 CFR Part 151, Subpart A; published in the FEDERAL REGISTER on June 20, 1974, at 39 FR 22147), and proposed regulations for the State Grants Program published in the FEDERAL REGISTER on December 27, 1974, at 39 FR 44774.

D. *Program information and forms.* Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2131, 400 Maryland Avenue SW, Washington, D.C. 20202.

(20 U.S.C. 331a(a)(1))

Dated: January 30, 1975.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read—Elimination of Illiteracy)

[FR Doc.75-3560 Filed 2-6-75;8:45 am]

Office of the Assistant Secretary for Health

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the first meeting of the President's Biomedical Research Panel on February 24 and 25, 1975, in Room 2010, New Executive Office Building.

The entire meeting will be open to the public from 9:30 a.m. to 5 p.m. on February 24, 1975, and from 9 a.m. to 5 p.m. on February 25, 1975. The agenda includes orientation of Panel members, formalization of ad interim staff, schedule and location of future meetings, interpretation of mandate, definition of tasks and assignment of priorities. Attendance by the public will be limited to space available. Members of the public who wish to participate in this meeting must file a written request with the Executive Director 10 days before the date of the meeting, giving the name and address of the person to be contacted, and summarizing the nature of the proposed participation.

All requests for information, including the roster of Panel members, should be directed to Ms. Anne Ballard (301-496-7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (301-496-5035), Building 31, Room 4B-59, 9000 Rockville Pike, Bethesda, Maryland 20014.

C. U. LOWE,
Executive Director.

FEBRUARY 3, 1975.

[FR Doc.75-3558 Filed 2-6-75;8:45 am]

Office of the Assistant Secretary for Planning and Evaluation

ANALYSIS OF UTILIZATION OF MEDI-CAL SERVICES THROUGH DATA USED FROM PAID CLAIMS SYSTEM

Program Results

Pursuant to section 608 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the results, findings, data or recommendations reported as a result of activities associated with HEW project entitled "Analysis of Utilization of Medi-Cal Services through Use of Data from the Paid Claims System."

This final report evaluates the Medicaid program in the U.S. as a whole and for the State of California. The first part of this study based primarily on aggregate State data from the National Center for Social Statistics for 1969 and 1970 analyzes the determinants of interstate variations in the utilization of health services by AFDC children and adults as well as APTD adults. The study employs multiple regression techniques to analyze the underlying behavioral determinants of these interstate variations. The main conclusions from the empirical analysis of this part of the study are:

1. Hospital bed availability does not affect the use of hospital inpatient services by Medicaid eligibles.

2. The distribution of physicians affects the use of both inpatient and ambulatory facilities.

3. Reimbursement arrangements have strong effects on hospital and medical service expenditures.

4. The use of physician services by Medicaid eligibles is quite responsive to income.

The second part of this study based on 2 percent samples of paid claims from the State of California for 1969 and 1970, analyzes the effects of resource availability and the San Joaquin Foundation on the utilization of services by California Medicaid eligibles. Micro data from the 2-percent sample are aggregated into county averages and a regression model is employed. The most important findings from this part of the study are:

1. The utilization of physician visits, prescription drugs, laboratory, X-ray, and other diagnostic services is quite sensitive to changes in the overall supply of physicians in urban counties but not in rural counties.

2. Surgery rates are quite responsive to the availability of surgeons.

3. Admission rates are positively related to bed availability in urban but not rural counties.

4. Black and Spanish-surnamed individuals generally use less services than other Medicaid eligibles.

5. Medicaid eligibles in urban counties are less likely to visit an office-based physician but had more total visits than those in rural counties.

6. Utilization controls imposed by the San Joaquin Foundation through peer review had no major utilization or cost-reducing effects.

A copy of this report will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: February 4, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-3557 Filed 2-6-75;8:45 am]

URBAN EXPERIMENT FOLLOW-ON STUDY

Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the results, findings, data, or recommendations reported as a result of the activities associated with HEW project entitled, "Urban Experiment Follow-On Study."

This research was devoted to further exploration of a number of issues which arose from the analysis presented in the "Final Report of the New Jersey Negative Income Tax Experiment." The results were reported in a series of short papers.

The finding of an unexpected positive experimental differential in hours and earnings (experimentals worked or earned at a statistically significantly greater level than controls) for the black subsample which appeared in the "Final Report" was subject to further investigation.

It was found that there were significan differences between experimentals and controls in family size and total firmly labor force participation at pre-enrollment, with experimentals having larger families and higher participation rates. Attempts were made to determine whether these pre-enrollment differences explained the positive experimental differentials. However, the positive experimental effects persisted even after correction for these pre-enrollment differences.

Future work will pursue these leads further.

The various approaches used in the "Final Report" to estimate the effects of the welfare alternatives on the experimental results were reviewed and new models for estimating these effects were proposed.

In the "Final Report" all analysis was done on a restricted sample of 693 continuous husband-wife families. In this Follow-On Study analysis was done on wider samples (including as many as 1100 families) to determine whether major differences in results would be obtained with less restricted samples. The only differences which appeared were, with the less restricted sample, larger and more significant negative experimental differentials for the Spanish sub-sample for total family hours and earnings and for wives' hours and earnings.

A number of issues regarding the analyses of total family labor supply response were pursued using variations of the models reported in the "Final Report." Most importantly, results estimated for only quarters 1-12. (In the "Final Report," results for heads and wives were based primarily on analysis of quarters 3-10 whereas the total family result was on the basis of quarters 1-12. This reanalysis for the family puts all the analysis on a comparable time period base and leaves conclusions essentially the same as in the "Final Report.")

A new set of tables was prepared to replace those reported in "Summary Report: New Jersey Graduated Work Incentive Experiment," U.S. Department of Health, Education, and Welfare, December 1973. These revised tables put the tables in the text and those in the appendix on a comparable basis (both adjusted by the same regression equation specification).

Many of the proposed models reported in these papers will be further tested and developed in subsequent research.

A copy of this report (in production) will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: February 4, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-3556 Filed 2-6-75;8:45 am]

Office of the Secretary

ASSISTANT REGIONAL DIRECTOR FOR HUMAN DEVELOPMENT

Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to add to Chapter 1E80, 38 FR 17262, June 29, 1973, Assistant Regional Director for Human Development, the responsibility for certain rehabilitation service program responsibilities heretofore assigned to the Regional Commissioner of Social and Rehabilitation Service. Delegations of authority in existence at the time this notice is approved continue in effect until superseded by new delegations. The amended Chapter reads as follows:

Section 1E-80-00-Mission. The Assistant Regional Director for Human Development is responsible for planning, directing, coordinating, implementing and monitoring Regional Office of Human Development programs within the framework of the policies and guidelines set forth by the Assistant Secretary for Human Development. However, pursuant to section 101(a) of the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, certain basic authorities of Titles I, II, and III of the Rehabilitation Act of 1973, as amended, have been delegated directly by the Commissioner to the Director, Office of Rehabilitation Services, Region 1-10. The responsibilities of the ARD are to ensure effective planning and monitoring of these activities.

Section 1E-80-10-Organization. The Office of the Assistant Regional Director for Human Development includes:

Director, Office of Child Development, Region 1-10
Director, Office on Aging, Region 1-10
Director, Office of Youth Development, Region 1-10
Director, Office of Rehabilitation Services, Region 1-10

Section 1E-80-20-Functions. The Assistant Regional Director for Human Development:

(1) Serves under the direct line of authority of the Regional Director.

(2) Serves as the representative of the Assistant Secretary for Human Development and the Regional Director in direct official dealings with other Federal agencies, State and local activities related to Human Development Programs, and reports progress and status to the Regional Director and the Assistant Secretary for Human Development.

(3) Recommends program priorities and policy or procedural changes to the Assistant Secretary for Human Development through the Regional Director.

(4) Works with other elements of the Regional Office to ensure that all areas of OHD program operations in the Region receive necessary assistance, including programmatic and administrative management assistance to perform their mission effectively and efficiently.

(5) Maintains working relationships with other Federal agencies, State and local governments and institutions, and develops ways in which their plans and programs and those of the Department can actively complement each other.

(6) Ensures intra-departmental coordination between the Office of Human Development, other elements of the Office of the Regional Director, and the principal operating components of the Department on Human Development matters; serves as the advocate for those interests represented in the Office of Human Development with the other elements of the Department.

Dated: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-3564 Filed 2-6-75;8:45 am]

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to add to Chapter 1R, "Assistant Secretary for Human Development," (39 FR 11614, March 29, 1974), the following changes: These changes include (1) addition of rehabilitation services functions to the Office of Human Development mission statement, (2) addition of the Rehabilitation Services Administration to the

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Office of Human Development organization structure, (3) addition of RSA summary mission statement, (4) a listing of delegations of program authorities to the Assistant Secretary for Human Development, and (5) continuation of administrative and program authorities within RSA. The amended portions of Chapter 1R read as follows:

1R00. *Mission.* Serves as the principal staff adviser to the Secretary and the Under Secretary on matters dealing with special populations served by the Department, including the aging, children, youth, Native Americans, the mentally retarded, the handicapped, and those living in rural areas; recommends to the Secretary actions and strategies for improving coordination and government-wide effectiveness in these areas; provides responsive and effective programs for groups of people and ensures that other Department programs also recognize and serve the needs of these people; directs, coordinates, and manages Human Development programs ordering priorities within the Office of Human Development. Provides executive leadership in the planning, development and coordination of those OHD programs which provide services for the handicapped, including the disabled social security applicants and beneficiaries, the developmentally disabled, the blind, and welfare applicants and recipients. Serves as the designee of the Secretary on the Architectural and Transportation Barriers Compliance Board pursuant to section 502(a), Rehabilitation Act of 1973, as amended by Title I of Pub. L. 93–516.

1R10. *Organization.* The Office of the Assistant Secretary for Human Development, headed by the Assistant Secretary for Human Development who reports directly to the Secretary, consists of:

A. Immediate Office of the Assistant Secretary for Human Development.
B. Office of Administration and Management.
C. Office for the Handicapped Individuals.
D. President's Committee on Mental Retardation.
E. (Reserved)
F. Office of Child Development.
G. Office of Youth Development.
H. Administration on Aging.
I. Office of Rural Development.
J. Office of Native American Programs.
K. Office of Manpower.
L. Office of Planning and Evaluation.
M. Rehabilitation Services Administration.

1R20. *Functions.* (Added) M. Acts as principal agency for carrying out the Rehabilitation Act of 1973 and the Randolph-Sheppard Act, and provides leadership in planning, developing, and coordinating Department programs which provide services for the handicapped, including disabled social security applicants, and beneficiaries, the developmentally disabled, the blind, and welfare applicants and recipients in accordance with Federal statutes.

1R30. *Delegations of Authorities.* (a) Except as provided in Section 1A–30 of DHEW Organization Manual and in this Section, the Assistant Secretary for Human Development is delegated the following authorities by the Secretary:

1. The authority vested in the Secretary by the Juvenile Delinquency Prevention Act (43 U.S.C. 3801 et seq.).
2. The authority vested in the Secretary by the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).
3. The authority under Title V of the Economic Opportunity Act of 1964, as amended by section 8(a), the Headstart, Economic Opportunity and Community Partnership Act of 1974.
4. Such authority with respect to research, demonstration and training projects under section 426 of the Social Security Act to the extent of the funds appropriated to the Office of Child Development for this purpose.
5. The authority vested in the Secretary by Titles I, II, III, and IV of the Rehabilitation Act of 1973, Pub. L. 93–112, as amended, by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516.
6. The authority vested in the Secretary by Pub. L. 732, 74th Congress, the Randolph-Sheppard Vending Stand Act, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516.
7. The authority vested in the Secretary under Parts B, C, and D of Title I and the functions relating to developmental disabilities under Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended by Pub. L. 91–517, the Developmental Disabilities Service and Facilities Construction Act.
8. Such of the authority under the Public Health Service Act, as amended, as is necessary to carry out the functions exercised, as of August 1, 1967, by the Division of Mental Retardation, authorized by section 303(a), 42 U.S.C. 242a, to make hospital improvement project grants, including institutional improvement project grants and inservice training project grants to hospitals or other institutions for the mentally retarded (such grants require post approval by the National Advisory Mental Health Council and to be paid in advance or by way of reimbursement as may be determined by, and on such conditions as found necessary by, the Assistant Secretary, Human Development).
9. The authority vested in the Secretary by Title V, section 513 of the Public Health Service Act, as amended by Pub. L. 91–296, to conduct evaluation of developmental disabilities programs authorized by Pub. L. 88–164, the Mental Retardation Facilities Construction Act, as amended, and section 303 of the Public Health Service Act.
10. The authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) (now sec. 104(b)(3)) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), insofar as this authority pertains to the mission of the Rehabilitation Services Administration: *Provided,* That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to insure consistency with basic foreign policy and with related Federal programs.
11. The authority vested in the Secretary by section 4 of the International Health Research Act of 1960, Pub. L. 86–610; 74 Stat. 364, 22 U.S.C. 2102, with respect to responsibilities relating to the mission of the Rehabilitation Services Administration: *Provided, however,* That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to insure consistency with basic foreign policy and with related Federal programs.
12. The authority vested in the Secretary by section 222(d) of the Social Security Act (42 U.S.C. 422(d)), authorizing vocational rehabilitation services to SSDI Beneficiaries from Social Security Trust Funds.
13. The authority vested in the Secretary by sections 1611(e)(13) and 1633 of the Social Security Act, to enter into and administer agreements with State vocational rehabilitation agencies for the referral of certain SSI recipients medically determined to be drug addicts or alcoholics to a treatment facility and for the monitoring of the treatment of such individuals. This includes the authority to approve institutions or facilities to be utilized for such treatment. The following restrictions shall apply with respect to the exercise of this authority:

i. This delegation must be exercised in accordance with all applicable regulations and Social Security Administration policies.

ii. In States where the State vocational rehabilitation agency has refused to enter into an agreement with OHD, the Commissioner of Social Security retains authority to enter into agreements under section 1633 with other appropriate State agencies to carry out the provisions of section 1611(e)(3) of the Social Security Act, as amended, and to approve or disapprove institutions or facilities for the purpose of providing for the referral and monitoring of treatment received by drug addicts and alcoholics at such institutions or facilities.

iii. The authority to terminate agreements with State vocational rehabilitation agencies shall be exercised jointly by SSA and OHD.

iv. All model agreements shall be developed jointly by SSA and OHD, and approved by the Office of the General Counsel.

b. *Limitations on authority.* i. No State plan or amendment thereto submitted pursuant to any statute administered by the Assistant Secretary for Human Development shall be finally disapproved without prior consultation and discussion by the Assistant Secretary for Human Development with the Secretary.

ii. An application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch 6A), shall not be disapproved, nor shall a designation made pursuant to that Act be revoked, without prior consultation and discussion by the Assistant Secretary with the Secretary.

iii. The authority delegated for Titles I, II, and III of the Rehabilitation Act of 1973, shall be redelegated to the Commissioner, Rehabilitation Services Administration, in compliance with provisions of section 101(a), Rehabilitation Act Amendments of 1974, Pub. L. 93–516. The authority delegated for Title IV of the Rehabilitation Act of 1973 may be redelegated.

iv. The authority delegated for the Randolph-Sheppard Vending Stand Act, as amended, shall be redelegated to the Commissioner, Rehabilitation Services Administration, in compliance with section 203(a)(1) of the Randolph-Sheppard Act Amendments of 1974 (Title II, Pub. L. 93–516).

(c) *Continuation of Authorities.* All regulations, rules, orders, authorities or statements of policy or interpretation heretofore issued with respect to the Rehabilitation Services Administration are continued in full force and effect until such time as they are specifically modified or superseded.

Dated: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75–3562 Filed 2–6–75;8:45 am]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to attain the purposes of the Education Amendments of 1974, Section 422 by providing the special educational training programs for teachers of Indian children and fellowships for Indian students in graduate and professional programs. Therefore, the statement published in the FEDERAL REGISTER on November 21, 1973 at 38 FR 32157 is hereby amended as follows:

The statement under the heading Bureau of Indian Education is deleted in its entirety and a new statement is added to read as follows:

OFFICE OF INDIAN EDUCATION

The Office of Indian Education administers programs of grants to local educational agencies for elementary and secondary school programs designed to meet the special educational needs of Indian children, and administers grants and, where applicable, contracts with eligible institutions, organizations or agencies for special programs and projects to improve educational opportunities for Indian children and for special programs to improve educational opportunities for adult Indians. Responsible for programs designed to prepare individuals for teaching or administering programs for Indian children and for awarding fellowships to Indian students in graduate and professional programs. Also coordinates other efforts to improve educational opportunities for Indians at all educational levels.

Dated: February 3, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–3559 Filed 2–6–75;8:45 am]

REHABILITATION SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is amended to add to Chapter 1R, Assistant Secretary for Human Development, a new Subchapter in accordance with section 101(a) Rehabilitation Act Amendments of 1974, Pub. L. 93–516. The new Subchapter, 1R94, Rehabilitation Services Administration follows:

1R94.00 *Mission.* Acts as principal agency for carrying out Titles I, II, and III of the Rehabilitation Act of 1973, as amended, and the Randolph-Sheppard Act, as amended, administers Title IV of the Rehabilitation Act of 1973, as amended, and provides leadership in the planning, development, and coordination with other OHD programs, including disabled social security applicants and beneficiaries, the developmentally disabled, the blind, and welfare applicants and recipients in accordance with the provisions of the Vocational Rehabilitation Act of 1973, as amended; Title II of the Social Security Act, as amended; the Randolph-Sheppard Act as amended; Parts B, C, and D of the Developmental Disabilities Services and Facilities Construction Act; and sections 301 and 303 of the Public Health Service Act. Within the authorities delegated to it, the Administration: Establishes program goals and objectives; develops standards, program policies, criteria, and guidelines; provides direction and professional consultation to rehabilitation services staff in the regional offices; and assists them in the guidance and leadership of State and local organizations; conducts a program of research and demonstrations to evolve new approaches toward more meaningful lives for the handicapped; directs and promotes a training program to provide skilled manpower for working with those who are handicapped or disabled; maintains relationships with a variety of Federal, State, and local organizations who serve or have an impact upon the handicapped; evaluates progress in meeting the needs of the handicapped and both stimulates national action and takes action to promote improvements; reviews and prepares legislative, administrative, and management actions affecting agency programs and services, and public information operations, and coordinates its activities and programs with other concerned OHD organizations. The Rehabilitation Services Administration has assigned functional responsibilities to various offices and divisions as follows:

1R94.10. *Organization.* The Rehabilitation Services Administration is under the direction of a Commissioner who reports directly to the Assistant Secretary for Human Development. RSA consists of the following organizational elements which report directly to the Commissioner, RSA:

A. Office of Planning and Policy Development.
B. Office of Rehabilitation Research and Demonstration.
C. Division of Special Populations.
D. Office for the Blind and Visually Handicapped.
E. Office for Deafness and Communicative Disorders.
F. Division of Developmental Disabilities.
G. Division of Service Systems.
H. Division of Manpower Development.
I. Division of Planning and Management Assistance.
J. Division of Monitoring and Program Analysis.
K. Division of State Program Financial Operations.
L. Budget Division.

1R94.20 *Functions.* A. Office of Planning and Policy Development provides leadership, under the Commissioner, in policy formulation, program planning and program budgeting for the agency. Designs and directs evaluation activities of all RSA programs in accordance with OHD evaluation policy guidance. Provides direction in overall program planning, program budgeting, provision of information needs of the agency, coordination of agency programs and development of legislative initiatives. Conducts policy and legislative analyses and gives direction to the formulation of agency goals and regulations.

B. *Office of Rehabilitation Research and Demonstrations.* Directs and manages the overall Research and Demonstrations program of the Rehabilitation Services Administration so that it is responsive to program goals and needs, and to overall OHD policy guidance on R&D objectives. Rehabilitation Research and Demonstration grants or contracts are made for the purpose of planning and conducting research, demonstration and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational rehabilitation services to handicapped individuals. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial vocational, social psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals;

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and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps. Responsible for preparation and implementation of a yearly and five-year plan for domestic and international rehabilitation research and demonstrations consistent with legislation and policy and priority guidelines set by the OHD. Suggests new and expanded program goals to meet the needs of the handicapped, especially the severely disabled. Maintains relationships with Rehabilitation Services Administration-related research organizations including the National Science Foundation, The National Academy of Sciences and other domestic and international agencies. Conducts research and demonstrations under provisions of Pub. L. 86–610 and section 202(b)5 of the Rehabilitation Act of 1973 as well as interchange of experts and technical assistance under the same provisions.

C. *Division of Special Populations.* Provides for the full development of projects, programs and services for individuals and groups who suffer from specific disabilities, except for blindness and visual handicaps, for deafness and communicative disorders, and for developmental disabilities, or who share common conditions or characteristics, medical or otherwise, which permit categorical identification. Reviews project grant applications as assigned to the Division in accordance with agency guidelines, appropriate evaluative criteria, and central-regional office responsibilities. Assumes leadership for the achievement of agency missions as assigned by the Commissioner on the basis of the division's particular expertise. Provides leadership and consultation to regional offices, State agencies, and other grantees in the development and expansion of rehabilitation programs and services for all disability groups, except for the blind and visually handicapped, for those suffering from deafness and communicative disorders, and those with developmental disabilities. Develops and implements program strategies and approaches to reach public assistance recipients and the disabled residents of target poverty communities (e.g. migratory agricultural workers). Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances and other directives for existing programs serving various disability groups and for those programs mandated by legislative amendment such as vocational education and juvenile delinquency. Develops appropriate techniques to facilitate client participation in the formulation of program objectives within the agency and at the State agency and other grantee level.

D. *Office for the Blind and Visually Handicapped.* Provides for the full development of projects, programs, and services for individuals who suffer from blindness and visual handicaps. Reviews project grant applications as assigned to the Office for the Blind and Visually Handicapped in accordance with agency guidelines, and appropriate evaluative criteria. Assumes leadership for achievement of agency missions as assigned by the Commissioner on the basis of the office's special expertise. Provides leadership and consultation to regional offices, State agencies, and other grantees in the development and expansion of rehabilitation programs and services for the blind and visually handicapped. Maintains liaison and consultation with national organizations of and for the blind and with the blind community nationwide to serve as a focal point and to provide increased leadership and advocacy for the Nation's blind and visually handicapped. In collaboration with other appropriate agency staff, develops and implements program strategies and approaches to reach blind public assistance recipients and the blind and visually handicapped residents of target poverty communities (e.g., migatory agricultural workers). Within assigned area of responsibility, collaborates with the other appropriate agency staff in the development of guidelines, manual issuances, and other directives for existing programs serving the blind and visually handicapped and for those programs mandated by legislative amendment, such as vocational education and juvenile delinquency. Develops appropriate methods to facilitate client participation in the formulation of program objectives within the agency and at the State agency and other grantee level.

E. *Office for Deafness and Communicative Disorders.* Provides for the full development of projects, programs, and services for individuals who suffer from deafness and communicative disorders. Reviews project grant applications as assigned to the Office for Deafness and Communicative Disorders in accordance with agency guidelines and appropriate evaluative criteria. Assumes leadership for achievement of agency missions as assigned by the Commissioner on the basis of the office's special expertise. Provides leadership and consultation to regional offices, State agencies, and other grantees in the development and expansion of rehabilitation programs and services for those persons suffering from deafness and communicative disorders. Maintains liaison and consultation with national organizations of and for the deaf and with the deaf community nationwide to serve as a focal point and to provide increased leadership and advocacy for the Nation's deaf and those suffering from communicative disorders. In collaboration with other appropriate agency staff, develops and implements program strategies and approaches to reach those persons suffering from deafness and communicative disorders who are on public assistance as well as such persons who are resident in target poverty communities (e.g., migratory agricultural workers). Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances, and other directives for existing programs serving those suffering from deafness and communicative disorders and for those programs mandated by legislative amendment, such as vocational education and juvenile delinquency. Develops appropriate methods to facilitate client participation in the formulation of program objectives within the agency and at the State agency and other grantee level.

F. *Division of Developmental Disabilities.* Provides leadership, coordination, and guidance for agency programs applicable to individuals with mental retardation and other developmental disabilities. Provides guidelines for and assists academic institutions, state agencies and local community organizations in the planning, administration, and delivery of services, construction of facilities, and in the operation and improvement of resources for the developmentally disabled through the use of specialized or the special adaptation of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability. Provides a central point for information on developmental disabilities programs and services. Reviews State plans and project grant applications as assigned to the Division of Developmental Disabilities, in accordance with agency guidelines and appropriate evaluative criteria. Provides leadership and consultation to regional offices, State agencies and other grantees in the development and expansion of programs and services for the developmentally disabled. Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances and other directives for existing and new programs serving those with developmental disabilities. Assists in the development of comprehensive State agency planning methods and procedures which embrace services and programs for the developmentally disabled.

G. *Division of Service Systems.* Develops and supports the introduction of program approaches, techniques and methods leading to the establishment and improvement of service delivery mechanisms which are responsive to agency client needs. Reviews project grant applications as assigned to the Division of Service Systems, in accordance with agency guidelines, appropriate evaluative criteria, and central-regional office responsibilities. Assumes leadership for the achievement of agency missions assigned by the Commissioner on the basis of the division's particular expertise. Develops comprehensive agency programs, designs and models, and prepares manual chapters and standards to facilitate improved client service and to coordinate public and private programs. Assists the Division of Planning and Management Assistance in developing a program of technical consultation and assistance to other departments, regional offices, State agencies, and other

grantees to accomplish the Division mission. Provides leadership in the development of new projects with industry under the legislative mandate and promotes employer interest in hiring the handicapped. Collaborates in development of demonstration programs to test concepts in community multiservice delivery, linkage development, and special purpose centers. Prepares pertinent inputs to the management information system. Provides consultative assistance in the architectural aspects and design of public and non-profit facilities provided for the diagnosis, treatment, education, vocational training care, and provision of maintenance services for the disabled. Within assigned area of responsibility, collaborates with other appropriate agency staff in the development of guidelines, manual issuances and other directives for existing and new programs for the support of service delivery system.

H. *Division of Manpower Development.* Provides and expands training opportunities and materials for professional, technical, and subprofessional persons to meet the manpower requirements of State and other agencies responsible for providing rehabilitation and habilitation services. Reviews project grant applications as assigned to the Division of Manpower Development in accordance with agency guidelines and appropriate evaluative criteria. Assumes leadership for the achievement of agency missions as assigned by the Commissioner on the basis of the division's particular expertise. Develops guidelines and analytic procedures to measure the need for and progress in the training of all manpower training programs financed under agency appropriations. Works with State agencies and the Division of Planning and Management Assistance to assess requirements and develop plans and programs for training professional and paraprofessional staff to meet manpower needs in agency supported programs. Stimulates grant applications from educational and other institutions. Prepares and disseminates guidance materials for volunteers to serve in agency sponsored programs. Encourages the development of innovative instructional materials and methods. Plans and conducts short-term training courses for the purpose of generating new knowledge in program areas of high priority to the Department and the agency.

I. *Division of Planning and Management Assistance.* Provides non-financial technical support and assistance to regional offices, State agencies and other grantees across agency programs. Develops planning and management procedures and methods of common application and implements such systems leading to improvement in overall program performance and goal achievement. Provides leadership in development of planning, operations, and management tools and methods to serve State agency and other grantee programs. With the assistance of the divisions concerned with program development, designs and provides consultative assistance in implementation of new program techniques through manual chapter instructions, guide materials, and on-site visits. Provides staff support and assistance to facilitate decentralization of agency functions in cooperation with field operations staff. Evaluates and assists State agencies in the development of comprehensive state plans.

J. *Division of Monitoring and Program Analysis.* Develops and applies evaluative tools and indicators for the purpose of measuring State agency and other grantee program performance. Makes appropriate recommendations and reports leading to program changes, policy decisions, and legislative amendments. Designs and maintains information systems needed for management and program decision-making. Conducts statistical analysis and studies of individuals comprising the handicapped population and State agency program operations. Develops and implements a program monitoring system of all agency financial operations and services. Conducts analyses, makes reports and appropriate recommendations concerning State agency and other grantee program performance and goal achievement including the Program Administrative Review (PAR). Conducts on-site evaluations and investigations of State agency programs and other grantee operations, including Research and Training Centers, university sponsored training programs, etc. Makes recommendations to upgrade and improve the agency data base and information systems. Provides leadership in conducting decision analyses and review of the essential data requirements of the agency leading to the design of management information systems. Collaborates with component agencies of OHD and the department in the development of data systems to meet the needs of other bureau executives and administrators. Provides direction in the administration and implementation of the agency program of data reduction, factor analysis and statistical reporting. Prepares data reports and publications for various departments, State agencies, and other user groups, in cooperation with public information staff.

K. *Division of State Program Financial Operations.* Provides for the financial management of RSA formula grant programs. Provides support services in financial management with RSA and to regional offices, State agencies and across all agency programs. Develops a financial plan for the administration of RSA project grants. Develops procedures, provides leadership, and evaluates the development and implementation of program and financial planning activities of the PPBS type by State agencies. Assists State agencies in developing capabilities to provide program financial inputs to overall RSA short and long-term program planning. Consolidates the administration of agency grant programs. Assists the Budget Division in the formulation, justification and execution of the legislative budget including the budgetary call for estimates from State agencies. In cooperation with the Division of Planning and Management Assistance, provides financial consultative support to regional offices and State agencies, including preparation of pertinent manual chapters, forms, and other assistance. Applies statutory formulae for allotment of funds across all agency appropriations. Makes analyses of and coordinates all audit reports for the agency.

Monitors the accuracy and timeliness of State agency fiscal reports and financial data. Designs and develops systems for processing program financial data and reports, and interprets administrative and fiscal policies and procedures governing the use of formula grants funds, including the cost principles to be applied in the preparation of grant applications and budgets. Makes special studies of problem areas in the application of fiscal management policies, procedures and standards. Prepares uniform terminology standards of policies and procedures for grants administration and fiscal management. Reviews new legislation and legislative proposals relating to grants to determine their conformance with established grant policies and recommends policy revisions when necessary. Establishes and maintains working relationships with other Federal agencies, grantee institutions and State agencies in order to develop and coordinate grant policies and procedures. Establishes and maintains proper fiscal management, including the accountability of funds, for grant programs administered by RSA which are delegated to Regional Offices.

L. *Budget Division.* Provides budgetary services and assistance to the agency and maintains associated liaison services with the OHD. In conjunction with the Division of State Program Financial Operations and in cooperation with other program units, formulates, justifies, and executes the legislative budget. Provides technical assistance in ensuring implementation of HD budgetary directives. Assists the Division of State Program Financial Operations in preparation of financial reports and summaries, and adoption of improved internal financial analysis procedures and methods. Cooperates with other program units in the formulation of short and long-term program financial planning methods.

1R94.30 *Delegation of Authority.* Except as provided in sec. 1A–30 of the DHEW Organizational Manual and in sec. 400(b) of the Rehabilitation Act of 1973, and pursuant to the provisions of sec. 3(a) of the Rehabilitation Act of 1973, as amended by sec. 101(a) of the Rehabilitation Act Amendments of 1974, the Commissioner, Rehabilitation Services Administration, has been delegated the authority to administer Titles I, II, and III, of the Rehabilitation Act of 1973, Pub. L. 93–112 (29 U.S.C. 701 et seq. Chap. 16), as amended by the Rehabilitation Act Amendments of 1974. The Commissioner also has been delegated the authority to administer Title IV of the Rehabilitation Act of 1973, as amended; and pursuant to sec. 2(a)(1) of the Randolph-Sheppard Act, as amended by sec. 203(a)(1), Title II, Pub. L. 93–516, the authority to administer the Randolph-Sheppard Act, as amended.

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Dated: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.75-3563 Filed 2-6-75;8:45 am]

Social Security Administration

PHYSICAL THERAPY SERVICES

Schedule of Guidelines

SCHEDULE OF GUIDELINES UNDER HEALTH INSURANCE PROGRAM

Notice is hereby given that the schedule of guidelines for evaluating the costs of physical therapy services furnished under arrangements in the Medicare program has been established by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. This schedule is applicable to cost reporting periods beginning after the month in which final regulations implementing section 251(c) of Pub. L. 92-603 (i.e., 20 CFR 405.432) become effective.

SCHEDULE OF GUIDELINES FOR PHYSICAL THERAPY SERVICES FURNISHED UNDER ARRANGEMENTS

ADJUSTED HOURLY SALARY EQUIVALENCY AMOUNTS AND STANDARD TRAVEL ALLOWANCES FOR QUALIFIED PHYSICAL THERAPISTS (FULL TIME, REGULAR PART TIME, OR HOME VISITS)

(THIS SCHEDULE IS NOT TO BE USED FOR PHYSICAL THERAPY ASSISTANTS OR AIDES.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$9.00	$4.50
Alaska [1]	[1] 12.00	6.00
Arizona	9.60	4.80
Arkansas	7.70	3.85
California	9.60	4.80
Colorado	7.70	3.85
Connecticut	8.30	4.15
Delaware	9.60	4.80
District of Columbia	8.90	4.45
Florida	9.20	4.60
Georgia	8.90	4.45
Hawaii [2]	[2] 11.10	5.55
Idaho	8.30	4.15
Illinois	8.90	4.45
Indiana	9.20	4.60
Iowa	8.40	4.20
Kansas	8.40	4.20
Kentucky	9.30	4.65
Louisiana	7.70	3.85
Maine	8.30	4.15
Maryland	9.80	4.90
Massachusetts	8.30	4.15
Michigan	9.50	4.75
Minnesota	8.40	4.20
Mississippi	9.00	4.50
Missouri	8.60	4.30
Montana	7.70	3.85
Nebraska	8.40	4.20
Nevada	9.60	4.80
New Hampshire	8.30	4.15
New Jersey	9.60	4.80
New Mexico	7.70	3.85
New York	9.90	4.95
North Carolina	9.30	4.65
North Dakota	7.70	3.85
Ohio	9.20	4.60
Oklahoma	7.70	3.85
Oregon	8.60	4.30
Pennsylvania	9.30	4.65
Rhode Island	8.30	4.15
South Carolina	9.00	4.50
South Dakota	7.70	3.85
Tennessee	9.30	4.65
Texas	7.70	3.85
Utah	7.70	3.85
Vermont	8.30	4.15
Virginia	9.30	4.65
Washington	7.80	3.90
West Virginia	9.30	4.65
Wisconsin	8.90	4.45
Wyoming	7.70	3.85

[1] Adjusted for 25 percent salary differential.
[2] Adjusted for 15 percent salary differential.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 27, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-3291 Filed 2-6-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 13542; Notice No. 74-5D]

AIRWORTHINESS REVIEW PROGRAM

Availability of Conference Summary

From December 2 through 11, 1974, the Federal Aviation Administration conducted a conference in Washington, D.C., as a part of the 1974-1975 Airworthiness Review Program. Information relating to the objectives of the program, to its operation, and specifically to that conference are contained in the following notices that have been published in the FEDERAL REGISTER:

Notice No. 74-5 (39 FR 5785) February 15, 1974;

Notice No. 74-5A (39 FR 18662) May 29, 1974;

Notice No. 74-5B (39 FR 38594) October 11, 1974; and

Notice No. 74-5C (39 FR 41319) November 26, 1974.

The FAA now announces the availability of a document, entitled Conference Summary. That document contains:

(1) The committee chairmen's summaries of the agenda item discussions that took place at the conference;

(2) Copies of certain addresses given at the opening and closing plenary sessions of the conference; and

(3) A list of those who registered for the conference.

As indicated in Notice No. 74-5B copies of the Conference Summary are being forwarded to those persons who registered at the Conference, and a copy has been placed in the Rules Docket for the 1974-1975 Airworthiness Review Program. In addition, copies are being forwarded to other persons who have indicated an interest in the Program. A limited number of copies of the Conference Summary may remain after this distribution. Until the supply is exhausted, a copy may be obtained by writing the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS-70, 800 Independence Avenue SW., Washington, D.C. 20591.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 4, 1975.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.75-3543 Filed 2-6-75;8:45 am]

National Highway Traffic Safety Administration

HIGHWAY SAFETY PROGRAMS

Semi-Annual Qualification Testing of Evidential Breath Measurement Devices

In accordance with the National Highway Traffic Safety Administration Standard for Devices to Measure Breath Alcohol, published in the FEDERAL REGISTER November 5, 1973 (38 FR 30459), qualification testing of evidential breath testers is scheduled to be performed during February and March 1975. Manufacturers wishing to submit devices for evaluation must apply for a test date, not later than February 18, 1975, to the Transportation Systems Center, Kendall Square, Cambridge, Massachusetts 02142, Attention A. L. Flores/641.

(23 U.S.C. 402, 403)

Issued on January 31, 1975.

FRED W. VETTER, JR.,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.75-3533 Filed 2-6-75;8:45 am]

ATOMIC ENERGY COMMISSION

HARRISONVILLE TEST ANNEX

Trespassing on Commission Property

Correction

FR Doc. 75-2424, which appeared on page 4194 of the issue for Tuesday, January 28, 1975, was inadvertently placed under the Nuclear Regulatory Commission. It should have been carried under the Atomic Energy Commission as set forth above, and in the text of the document Nuclear Regulatory Commission should be amended to read "Atomic Energy Commission" wherever it appears.

CIVIL AERONAUTICS BOARD

[Docket No. 27468; Order 75-2-14]

COACH PASSENGERS

Order Regarding Free Alcoholic Beverages Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February, 1975.

As stated in a press release issued on November 13, 1974, the Board is concerned that the practice recently instituted by some carriers of serving free alcoholic beverages in coach service will have an adverse economic impact on the price of air transportation. Although the Board had been informed that the carriers involved would discontinue free service of hard liquor to coach passengers early in 1975, the carriers have now decided to continue this practice. Each carrier claims that competition requires continuation of its own free beverage policy, including the service of complimentary wine or champagne with meals.

The Board has received hundreds of letters from air passengers and from Congressmen and Senators with respect to this practice, principally stating opposition of nonusers to being charged for the service in their air fares. Certainly, the erosion of revenues incurred by not charging for alcoholic beverages in the coach compartment, coupled with the continued expense of providing such service, can only add to the already substantial cost squeeze faced by the carriers. Particularly at this time of scarce resources and rising costs, it is highly questionable for the carriers to compete for traffic by indulging in such giveaways.

While as a general proposition the provision of in-flight amenities has been viewed as a matter left to carrier discretion, we cannot ignore instances where complimentary services that are not integral to air transportation might adversely affect air fares. We are therefore requiring by this order that the trunkline air carriers submit data relating to the costs of providing in-flight alcoholic beverage service in coach class, in order that we shall have sufficient information to evaluate the effect of continuation or proliferation of the free-drink policy and to determine what further Board action may be necessary to assure that passenger fares are not affected.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 407(a) thereof:

It is ordered, That:

1. The carriers listed in paragraph 2 below shall file with the Board's Docket Section, within 30 days from the date of this order, five copies of the information set forth in Appendix A attached hereto.

2. This order shall be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—*Alcoholic beverage report domestic 50-State operations, carrier:*

Data	Calendar year 1973	1974	Estimated 1975 [1]
Beverages sold:			
Expense (dollars) [2]:			
Hard liquor			
Beer, wine, and champagne			
Revenue (dollars):			
Hard liquor			
Beer, wine, and champagne			
Free beverages [3]:			
Expense (dollars) [2]:			
Hard liquor			
Beer, wine, and champagne			
Dollars in thousands:			
Total operating expense			
Total operating revenue			
Total passenger revenue			

[1] Provide detail support for all estimates.
[2] Provide basis for any allocation.
[3] Specify effective date of free alcoholic beverage dispersal.

[FR Doc.75-3549 Filed 2-6-75;8:45 am]

[Docket No. 27464]

HUGHES AIRWEST

Application for Amendment of Certificate of Public Convenience and Necessity

FEBRUARY 4, 1975.

Notice is hereby given that the Civil Aeronautics Board on February 3, 1975, received an application, Docket 27464, from Hughes Air Corp. d/b/a Hughes Airwest for amendment of its certificate of public convenience and necessity for route 76 to provide Oakland-Las Vegas/Phoenix nonstop service.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3550 Filed 2-6-75;8:45 am]

[Docket No. 26877]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Enforcement Proceeding; Postponement of Hearing

The Enforcement Attorney has requested a two to three week postponement of the hearing in this proceeding because of conflicting commitments in other proceedings. The Enforcement Attorney states that attorneys for the respondents have been contacted and do not object to the requested postponement.

Accordingly, the hearing now scheduled for February 25, 1975 (40 FR 2464, January 13, 1975), is hereby postponed to March 18, 1975, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 3, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-3548 Filed 2-6-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COMMITTEE ON ALTERNATIVE AUTOMOTIVE POWER SYSTEMS

Meeting

Notice is hereby given that the Council on Environmental Quality's Advisory Committee on Alternative Automotive Power Systems will hold its next meeting in Washington, D.C., on February 13 and 14, 1975. The sessions, which are open to the public will commence both days at 9 a.m. in Room 2010, New Executive Office Building, 726 Jackson Place NW.

This meeting will focus primarily upon the role of the Alternative Automotive Power Systems program under the newly formed Energy Research and Development Administration.

A list of advisory committee members is available from, and requests for additional information should be made to: Barrett J. Riordan, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006.

GARY WIDMAN,
General Counsel.

[FR Doc.75-3545 Filed 2-6-75;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from January 27 through January 31, the date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 24, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3965

FOREST SERVICE

Final

South Fork Payette River Planning Unit, Boise National Forest, Boise County, Idaho, January 30: The statement concerns the

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land use plan for the 232,541 acre South Fork Payette River Planning Unit in Boise National Forest. The unit is divided into four management areas and will be developed according to one of three alternatives. Adverse effects on vegetation soil, scenic, wildlife and watershed values are expected (44 pages). Comments made by: (ELR Order No. 50155.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Minnkota Power Transmission Line, several counties, Minnesota, January 28: Comments made by: USDA, DOT, FPC, DOI, EPA. (ELR Order No. 50131.)

SOIL CONSERVATION SERVICE

Draft

Big Mortar-Snuff Box Swamp Watershed Project, Long and McIntosh Counties, Georgia, January 27: The project proposes conservation land treatment measures, dikes, peripheral canals, streambank erosion control, and fish and wildlife measures in Long and McIntosh Counties, Georgia. Flood protection will be provided for approximately 50,389 acres of forest and agricultural land. Clearing operations will lower wildlife habitat values on approximately 1,160 acres, project canals will replace about 250 acres of forest land. The increased access possible on about 49,340 acres of forest land may increase the fire hazard (37 pages). (ELR Order No. 50124.)

Deer Creek Watershed, Worth County, Iowa, January 29: Proposed is a project for watershed protection, flood prevention, and drainage in Worth County, Iowa. The project will provide drainage outlets to 27,300 acres for a minimum of 50 years. The aquatic habitat will be lost in 15 miles and reestablished in a modified form. Crop production will be lost on 5 acres, and forest production on 26 acres. (ELR Order No. 50139.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

S & S Corrugated, New York, January 27: Proposed is the granting of financial assistance to the S & S Corrugated Paper Machinery Co. in Brooklyn, in order to construct a building and to purchase machinery and equipment for the expansion of production capacity. A number of residents of the area have already moved due to related property condemnations. Comments made by: DOI, DOT, AHP, EPA, one State agency and the applicant. (ELR Order No. 50129.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, (202) OX 7-9297.

Final

Over the Horizon Radar (OTH), (2), Somerset and Washington Counties, Maine, January 31: Proposed is the design and construction of an OTH-B radar system in the United States. A prototype system would be built and tested in Maine until 1979, and if successful, a larger operational OTH-B radar will be built. Adverse impacts include interference with radio and TV reception, air, noise, and water pollution, and the commitment of 650 acres of productive land to the receiver site (380 pages). Comments made by: HEW, DOC, EPA, DOI, State and local agencies and concerned citizens. (ELR Order No. 50157.)

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Final

Blackbird Control, Army Installations, Kentucky and Tennessee, January 27: The statement refers to the proposed reduction of blackbird populations that have established winter roosts at Fort Campbell, Kentucky, and Milan Army Munition Plant, Tennessee. The roosts would be treated with Compound PA-14, Avian Stressing Agent, a biodegradable wetting agent. Operations would be conducted in cooperation with the Department of the Interior. An increase in soil insect populations may result. If the operation is successful, disposal of bird carcasses may be a problem: at Fort Campbell they would be removed to a landfill; at Milan they would be left to decay. Army has requested a waiver of a portion of the thirty day waiting period, to be ended February 3, 1975, or after. Comments made by: EPA, USDA, DOC, DOT, HEW, concerned citizens and organizations. (ELR Order No. 50117.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-7168.

Draft

Lost River Mining Project, Permit Application, Alaska, January 27: The statement refers to the permit application of The Lost River Mining Corporation Limited for construction of a marine terminal to facilitate removal of 1,750,000 tons of ore per year for a minimum of 16 years. The marine terminal is part of a larger complex, community, airport, and surface transportation system. Adverse impacts include loss of undetermined number of plants and animals, total loss of Rapid River Valley, and the release of an undetermined amount of pollutants into the atmosphere (Alaska District). (ELR Order No. 50118.)

Keenwick West Addition, Sussex County, Delaware, January 27: The statement refers to a permit action filed by William G. Adkins of Adkins Realty, concerning a permit for the dredging of six unbulkheaded lagoons which would be in connection with Roy Creek. The project will provide recreational areas near Fenwick Island. Adverse impacts include disrupted bottom biota and construction on wildlife habitat (Philadelphia District) (78 pages). (ELR Order No. 50123.)

Pebble Beach-Indianola Development Permit, Ocean County, New Jersey, January 29: The statement concerns the permit application by the Mayer Corp. for the Dredging and bulkheading of the Peble Beach-Indianola area. The proposed action will allow the construction of approximately 393 single family residences in the northern portion of the largely completed site. Adverse impacts include destruction of marsh salt, elimination of vegetation and habitat on wetlands and low and upland forests, and temporary turbidity, noise and erosion (Philadelphia District). (ELR Order No. 50132.)

Transmission Cable Permit Application, Long Island, Nassau County, New York, January 30: The proposed action is the issuance of a construction permit to the Long Island Lighting Company and Con Edison to dredge, excavate, dispose of material, backfill, and install two steel conduits and associated cables across Long Island Sound, and to install five steel conduits across Hempstead Harbor, New York. Adverse impacts include the destruction of benthic organisms through dredging, and the blasting of 600 feet of rock (New York District) (50 pages). (ELR Order No. 50154.)

Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia, January 27: The statement refers to the modernizing of the existing dam and replacing the existing navigation locas with new locks in a bypass canal. The plan entails adding a bulkhead system to the existing piers, the construction of two 1200' X 110' chambers, dredging and excavation. Deposition of the excavated material will eliminate 535 acres of agricultural land. Industrial development in the Ohio Valley will also replace agricultural land on the flood plain (Huntington District). (ELR Order No. 50120.)

Huron Harbor, Operations and Maintenance, Erie County, Ohio, January 27: The project entails maintenance of the 3523-foot west pier, the 1450-foot east breakwater, the 200-foot steel sheet pile shore protection and the existing 25-foot project depth in the lake approach and entrance channel. Polluted sediments dredged from the harbor will be deposited in an open lake dumping site in 1975 and in a diked disposal facility (now under construction) in 1976. Adverse impacts include annual disruption of the aquatic ecosystem, adverse effects upon water quality, recreation, aesthetics, and boat traffic during dredging (Buffalo District). (ELR Order No. 50121.)

Freeport Harbor, Diked Disposal Facility, Ohio, January 27: Proposed is the construction and operation of a 100 acre diked disposal facility to receive polluted sediments from Fairport Harbor, Ohio. The facility is designed to accomodate 360,000 cu. yds. of material annually for 10 years. Fishing and water recreation areas of Lake Erie at Fairport will be reduced by 100 acres (Buffalo District). (ELR Order No. 50128.)

Final

Upper Mississippi River, 9 Ft. Channel, Pools 11-2, January 29: The final statement addresses the combined impacts of operation and maintenance dredging on the navigation system from Guttenburg, Iowa (Pool 11) to Saverton, Missouri (Pool 22). For the draft analysis, separate draft statements were filed for each of the eleven pools involved; the pools are situated along a 314 mile stretch of the river. The statement indicates that the disposal of dredged material will lower water quality and will adversely affect land disposal sites (Rock Island District) (four volumes). Comments made by: EPA, USDA, DOD, HUD, DOI, DOT, USCG, FPC, State and local agencies. (ELR Order No. 50134.)

Carence J. Brown Dam and Reservoir, Clark County, January 29: Proposed is the completion of the remaining five percent of construction, operation, and maintenance activities at the dam, which is located on Buck Creek and the mainstem of the Mad River, in the Miami River Basin. The project will result in the creation of a 2,120 acre seasonal lake, for the purposes of floodcontrol, water quality, recreation, and fish and wildlife activities. Five miles of free flowing stream, 50 acres of flood plain forest, 2,000 acres of agricultural land, and the 340 acre Reid Memorial Park will be inundated (Louisville District). Comments made by: (ELR Order No. 50137.)

Dillingham Small Boat Harbor, Alaska, January 29: Proposed is the maintenance dredging of the Dillingham Small Boat Harbor to authorized dimensions. Typical maintenance involves the dredging of 60,000 cu. yds. of material annually. Adverse impact includes that resulting from the disturbance of marine biota, and from the commitment of land to spoil disposal. Comments made by: DOI, DOC, USCG, EPA, State agencies. (ELR Order No. 50135.)

Intracoastal Waterway, Jacksonville to Miami, several counties, Florida, January 29: The statement refers to the proposed removal of 172,000 cu. yds. of shoal material from the channel, and placing it in diked upland areas and as nourishment on a county beach south of Jupiter Inlet. There will be adverse impact to marine life, with turtle nests at the nourishment site perhaps being destroyed.

Comments made by: USCG, USDA, DOT, DOC, OEO, State agencies. (ELR Order No. 50133.)

Saint John River Flood Protection, Fort Kent, Aroostook County, Maine, January 30: The statement refers to the local flood protection project designed to afford protection to the residents of Fort Kent, Aroostook County. The plan selected calls for the construction of an earth dike on the Saint John River, a pumping station and appurtenances, a pressure conduit and a raised roadway at Fort Kent. Adverse impacts are the loss of part of the shore line, and temporary noise and dust associated with construction (Waltham District) (61 pages). Comments made by: DOI, EPA, HUD, HEW, State agencies. (ELR Order No. 50153.)

Coal Unloading, Lake Superior and Ishpeming RR, Michigan, January 27: The statement refers to the proposed granting of a permit by the Corps of Engineers for construction by the Lake Superior and Ishpeming Railroad of a new coal unloading facility in the Upper (Presque Isle) Harbor at Marquette, Michigan. Negative factors resulting from the construction would include increased water turbidity and reduced visual attractiveness (St. Paul District). Comments made by: DOC, DOI, USCG, FPC, State agencies and concerned citizens. (ELR Order No. 50126.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460. 202-755-0940.

Final

Crabtree Creek, Wake County, N.C., January 30: The statement refers to the awarding of grant funds for the construction of an interceptor sewer line to service the upper drainage basin of Crabtree Creek. The present EPA grant offer is $2,445,750 of a total estimated cost of $5,300,000 for approximately 92,000 linear feet of pipe sized from 48" to 12", 12,000 linear feet of 20" force main, and one pumping station. Construction erosion and sedimentation and objectionable odors may result (231 pages). Comments made by: (ELR Order No. 50156.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202-343-4161.

Final

Social Security Administration Facilities, Baltimore, Baltimore County, Md., January 14: Proposed is the consolidation of Social Security Administration office and data processing facilities at two sites, one adjacent to SSA headquarters in Woodlawn, the other, Metro West, in the Orchard-Biddle Neighborhood Development Project in Baltimore. The former facility will comprise 697,000 gross square feet, the latter 1,335,000 gross square feet, including structural parking for 500 vehicles (two volumes). Comments made by: HUD, OEO, OMB, GSA, DOT, DOI, AHP. (ELR Order No. 50072.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-6295.

Draft

Church-Muaser Urban Renewal Program, Lancaster County, Pa., January 29: The statement concerns the redevelopment of 120.2 acres of land containing 1,261 structures (1,132 residential) and 1,402 dwelling units. Of these, clearance is planned for 443 structures, and rehabilitation for 92 percent of the remaining 818. Adverse impacts include the temporary or permanent relocation of families and businesses and possible damage through demolition to adjacent properties. (ELR Order No. 50138.)

Water Mill Lane Project, Long Island: As a result of the Environmental Impact Statement and comments made by other agencies, as well as fiscal constraints, the HUD Regional Office will be issuing a letter of rejection concerning the Water Mill Lane Project, Long Island, N.Y., to CEQ and all those agencies who commented on the Draft Environmental Impact Statement. HUD does not intend to issue a Final EIS on the project.

The Council on Environmental Quality announced January 30, 1975, receipt of the first draft environmental impact statement prepared under new procedures in the Housing and Community Development Act of 1974 which requires cities to undertake the environmental reviews previously done at the Federal level by the Department of Housing and Urban Development. The new procedures are part of a general effort in the Act to give greater responsibility and authority to localities over housing, renewal, and other projects. The first EIS was filed by the City of San Francisco on its community development and housing plans for 1975.

Section 104(h) of the Housing and Community Development Act of 1974 transfers the Federal environmental review responsibilities of HUD to local communities which apply for block grant funds under Title I of the Act.

The draft EIS prepared by the Planning Department of the City of San Francisco represents the City's proposal for distribution of its block grant funds, and puts priority on rehabilitation of existing housing, development of neighborhood centers, renovation of recreation facilities, improvements in traffic control, and beautification projects in residential areas.

Chairman Russell W. Peterson of the Council noted that this new approach of delegating environmental responsibilities to the 1700 urban areas eligible for block grants under the Act makes a strong step in the direction of achieving a better urban environment. "The cities now have the opportunity to use these Federal funds as their citizens think best, with a minimum amount of second-guessing from Washington, and with assurance that the community has reviewed and discussed the full environmental effects of alternative ways of spending these funds."

Draft

Community Development and Housing Proposal, Block Grant, San Francisco, Calif., January 30: The statement refers to the anticipated allocation of $28.6 million in federal funds to the city of San Francisco. Of that amount, $9.5 million has already been committed to continue existing redevelopment, concentrated code enforcement and Model Cities projects. Another $12.5 million will be spent toward the completion of other existing programs, and $6.6 million used to begin new projects. Adverse impacts include the displacement of families and construction disruption. (ELR Order No. 50158.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

Final

Proposed Chugach N.F. Additions, Alaska, January 29: The statement refers to the proposed addition of 672,000 acres of public lands to the Chugach National Forest. Management would be in accordance with the laws, rules, and regulations applicable to the Forest Service. Short term exploration of the Forest resources will be limited in order to maintain a sustained yield of goods and services (416 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and state agencies and organizations. (ELR Order No. 50143.)

BUREAU OF OUTDOOR RECREATION

Final

Proposed Fortymile National Wild River, Alaska, January 29: Proposed is the legislative designation of 375 miles of the Fortymile River drainage system and an adjacent 320,000 acres of land along the United States-Canada border as a component of the National Wild and Scenic Rivers System. Administration would be by the Bureau of Land Management. Mining in scenic and recreational river areas will be permitted under regulations to provide safeguards against pollution and unnecessary impairment of the scenery. The overall affect of the action would be the preservation of existing scenic, recreational, historic, and water quality values (422 pages). Comments made by: USDA, DOD, DOC, EPA, HEW, HUD, DOT, DOI, and state agencies. (ELR Order No. 50144.)

Proposed Unalakleet Wild River, Alaska, January 29: The statement refers to the proposed legislative designation of 60 miles of the Unalakleet River and 104,000 acres of adjacent land in the Norton Sound region of northwest Alaska as a component of the National Wild and Scenic Rivers System. Inclusion of the land will have the overall effect of preserving the existing scenic, recreational, and water quality values of the river. Adjacent lands would be retained in their existing primitive condition (386 pages). Comments made by: USDA, DOD, DOC, EPA, HEW, HUD, DOT, DOI, and state agencies. (ELR Order No. 50145.)

Proposed Birch Creek National Wild River, Alaska, January 29: The statement refers to the legislative designation of a 135 mile segment of Birch Creek and 200,000 acres of adjacent land in the center of Interior Alaska as a component of the National Wild and Scenic Rivers System. The overall effect of the action is the preservation of existing scenic, recreational, and water quality values (404 pages). Comments made by: USDA, DOD, DOC, EPA, HEW, HUD, DOT, DOI, and state agencies. (ELR Order No. 50146.)

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BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Proposed Alaska Coastal National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed legislative designation of 65,000 acres of public lands along the coast of Alaska as the Alalik, Barren Islands, Bering Sea, Chukchi Sea, Kodiak, and Shumagin Islands National Wildlife Refuges. (This would amount to the establishment of four new refuges, and additions to the other two.) Additional lands within the area of ecological concern would be acquired by the Secretary of the Interior, should they become available. The lands of the Refuges would be withdrawn from all forms of appropriations under the public land laws, including the mineral leasing laws (678 pages). Comments made by: AHP, DOD, DOC, EPA, DOT, DOI, and State agencies (ELR Order No. 50140.)

Proposed Noatak National Arctic Range, Alaska, January 29: The statement refers to the proposed designation of 7.5 million acres of public lands in the Noatak and Squirrel River basins of northwestern Alaska as the Noatak National Ecological Range. The Range would be managed by the BLM, and be placed under a twenty year development moratorium. Additionally, 265 miles of the Noatak River would be designated as a component of the National Wild and Scenic Rivers System. The ecological range would be closed to all forms of appropriation under the public laws; comprehensive studies would be made of the area's natural resource values, including minerals and wilderness; the Secretary would report his findings to Congress in 20 years. Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and state agencies. (ELR Order No. 50141.)

Arctic National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed addition of four million acres of public lands to the Arctic National Wildlife Refuge, and the legislative designation of the combined area as the Arctic National Wildlife Refuge. The Secretary of the Interior would be authorized to acquire private lands, and to withdraw the area from all forms of entry and appropriation under the public lands laws, including the mining and mineral leasing laws. The Refuge would be further studied for possible inclusion in the National Wilderness Preservation System. The action will result in the denial of intensive resource development (668 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and State agencies. (ELR Order No. 50147.)

Proposed Togiak National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed designation of 214,600 acres of public interest lands and 2,626,500 acres of national interest lands, 587,300 acres of refuge replacement lands and 2,800 acres of public domain lands, as well as the 247,700 acre Cape Newenham National Wildlife Refuge, as the Togiak National Wildlife Refuge. The Refuge would be administered by BSFW, and would be studied for possible inclusion in the National Wilderness Preservation System. Additionally, 60 miles of the Kanektok River would be designated as a Wild River. Potential long-term adverse impact would result from the denial of intensive resource development (546 pages). Comments made by: AHP, USDA, DOD, DOC, EPA, FPC, DOT, DOI, and State agencies. (ELR Order No. 50148.)

Proposed Yukon Delta National Wildlife Refuge, Alaska, January 29: The statement refers to the proposed legislative designation of 4.7 million acres of public lands adjacent to the Clarence Rhode National Wildlife Refuge as the Yukon Delta National Wildlife Refuge. Public lands within an area of ecological concern, including the Clarence Rhode National Wildlife Range and the Hazen Bay Migratory Waterfowl Refuge would be acquired by the Secretary of the Interior, should they become available. The lands would be withdrawn from all forms of appropriation under public land laws, including the mining and mineral leasing laws; the Yukon Refuge would be studied for possible inclusion in the National Wilderness Preservation System (257 pages). Comments made by:. USDA, DOD, DOC, HUD, HEW, EPA, FPC, GSA, DOI, DOT, and State agencies. (ELR Order No. 50150.)

Selawik National Wildlife Refuge, Alaska, January 29: Proposed is the legislative designation of 1.4 million acres of public lands east of Kotzebue Sound as the Selawik National Wildlife Refuge. (Included would be the Chamisso National Wildlife Refuge.) The Secretary of the Interior would be granted authority over all navigable waters within the Refuge, and would be authorized to purchase private inholdings as they become available. The lands of the Refuge would be withdrawn from all forms of appropriation under public land laws, including mining and mineral lease laws; and the Refuge would be studied for possible inclusion in the National Wilderness Preservation System (632 pages). Comments made by: USDA, DOC, DOD, EPA, DOT, DOI, and State agencies. (ELR Order No. 50151.)

NATIONAL PARK SERVICE

Final

Proposed Gates of the Arctic National Park, Alaska, January 29: The statement refers to the proposed Congressional designation of the Arctic National Wilderness Park and the Nunamiut National Wildlands. Included in the proposal is the designation of the Noatak, Alatna, Tinayuk, Killik (including Easter Creek), and the North Fork of the Koyubuk River as Wild Rivers. A master plan for administration of the areas is considered in the statement (686 pages). Comments made by: USDA, DOC, COE, DOI, DOT, EPA, and State agencies and organizations. (ELR Order No. 50142.)

Proposed Katmai National Park, Alaska, January 29: The statement refers to the proposed Congressional establishment of a 4,660,000 acre Katmai National Park on the Alaska Peninsula, 200 miles from Anchorage. The park would include the waters and lands of the present Katmai National Monument, and other lands selected in accordance with provisions of the Alaska Native Claims Settlement Act. Also proposed is a master plan for management and development of the park (652 pages). Comments made by: DOI, DOT, DOC, USDA, DOD, COE, EPA, and State agencies and organizations. (ELR Order No. 50149.)

Proposed Mount McKinley National Park, Alaska, January 29: The statement refers to a proposal that Congress legislatively add land and water parcels to Mount McKinley National Park, increasing the size of the Park from the present 1,939,493 acres to 5,150,000 acres. Also proposed is a master plan for the administration of the Park, and the continuation of a cooperative planning and management zone to the south and east of the Park. The proposal may affect wildlife, scenic and geologic features, natural resources development, and recreation (687 pages). Comments made by: DOT, DOC, DOI, USDA, COE, EPA, and State and local agencies and organizations. (ELR Order No. 50152.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Roane County Airport, Spencer, W. Va., January 27: The project involves the construction of a new general aviation airport in Roane County. A runway, stub taxiway, parking apron, and access road will be constructed. There will also be installation of lighting and VASI. The most significant adverse impact will be an increase in the noise level (46 pages). Comments made by: USDA, DOI, HUD, DOC, HEW, EPA, FPC, COE, and State and local agencies. (ELR Order No. 50125.)

FEDERAL HIGHWAY ADMINISTRATION

Final

U.S. 30-95, I-80N to Gayway Junction, Idaho, January 27: Proposed is the construction of 3.65 miles of four lane U.S. 95 and U.S. 30 on a common alignment from the I-80N Interchange to Gayway Junction. A portion of the alignment will bypass Fruitland. Adverse impact will include the relocation of two homes, and the loss of some right-of-way. Comments made by: HUD, HEW, DOI, and State agencies and concerned citizens. (ELR Order No. 50119.)

N.H. Route 101-A, N.H., January 27: The project involves the construction of New Hampshire Rte 101-A from Amherst to Nashua in Hillsborough County. The 4-lane facility will have a length of 4 miles. Adverse impacts include increased noise levels, acquisition of 15 acres of land, and displacement of 9 families and 4 businesses. Comments made by: EPA, HUD, DOI, HEW, USDA, and State and local agencies. (ELR Order No. 50127.)

Texas SR 35, Tex., January 29: The proposed project is the construction of 6.9 miles of SR 35. The project will require an unspecified amount of agricultural and timber land. Eleven families and 3 businesses will be displaced. The facility will traverse the San Bernard and Brazos Rivers and Dry Creek which will require structure crossings. Adverse impacts will include increased water pollution and loss of wildlife (171 pages). Comments made by: COE, DOT, USDA, HUD, DOI, EPA, and State and local agencies. (ELR Order No. 50136.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-3336 Filed 2-6-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

TOKAMAK FUSION TEST REACTOR FACILITIES, PRINCETON, NEW JERSEY

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, Tokamak Fusion Test Reactor Facilities, Princeton, New Jersey (WASH-1544) was issued February 3, 1975, pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The Statement was prepared in support of legislative action related to the ERDA request for appropriation of funds for Fiscal Year 1976 for the project.

Copies of the Draft Statement have been distributed for review and comment to Federal and New Jersey State and local agencies and local organizations and individuals. Copies of the Draft Statement are available for public inspection in the ERDA's Public Document Rooms at 1717 H Street NW., Washington, D.C.; Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Comments and views concerning the Draft Statement are requested from other interested agencies, organizations and individuals. Single copies of the Draft Environmental Statement will be furnished for review and comment upon request addressed to W. H. Pennington, Office of the Deputy Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Washington, D.C. 20545, (301) 973-4241. Comments should be sent to the same address.

Comments on the Draft Environmental Statement will be considered in the preparation of the Final Environmental Statement if received by March 31, 1975.

Dated at Germantown, Md., this 31st day of January 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Acting Deputy Assistant Administrator for Environment and Safety.

[FR Doc.75-3703 Filed 2-6-75;9:36 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 783]

DEPUTY GOVERNOR, ADMINISTRATION

Order of Precedence of Certain Officers to Act as Deputy Governor, Authority and Administration

JANUARY 31, 1975.

1. The Deputy Governor, Administration, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to Farm Credit Administration budget, personnel, information, and other internal, administrative support services, and activities relating to Farm Credit System personnel and information programs, and to all matters incidental thereto, and to administration of all provisions of law pertinent thereto.

2. In the event the Deputy Governor, Administration, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties of the Deputy Governor, Administration, pertaining to the functions of his office:

(1) Director, Administrative Division.
(2) Director, Personnel Division.
(3) Director, Information Division.

3. This order shall be effective on January 1, 1975.

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-3520 Filed 2-6-75;8:45 am]

[Farm Credit Administration Order No. 784]

DEPUTY GOVERNOR, CREDIT AND OPERATIONS

Delegation of Authority

JANUARY 31, 1975.

Whereas, the Governor of the Farm Credit Administration is authorized by the Farm Credit Act of 1971 (§§ 1.13, 2.10, 5.18; 85 Stat. 587, 597, 621) to issue and amend or modify Federal charters and the bylaws of institutions of the Farm Credit System, approve mergers and consolidations of Federal land bank associations and of production credit associations, and consolidations or divisions of the territories they serve; and approve consolidations of boards of directors and of management agreements; and

Whereas, the Governor is authorized by said Act (§ 5.13; 85 Stat. 620) to exercise and perform his powers through such other officers and employees of the Farm Credit Administration as he shall designate;

Now, therefore, It is hereby ordered, effective on the day and date above written, that the Deputy Governor, Credit and Operations, be and he hereby is authorized and empowered, with respect to Federal land bank associations and production credit associations, to (1) amend or modify charters; (2) amend or modify bylaws; (3) approve agreements of merger or consolidation; (4) approve consolidations or divisions of territories they serve; (5) approve consolidations of boards of directors; (6) approve management agreements.

This order shall be effective on January 31, 1975, and revokes Farm Credit Administration Order No. 750 (37 FR 7646).

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-3521 Filed 2-6-75;8:45 am]

[Farm Credit Administration Order No. 785]

DEPUTY GOVERNOR, FINANCE AND RESEARCH

Authority and Order of Precedence of Certain Officers to Act as Deputy Governor, Finance and Research

JANUARY 31, 1975.

1. The Deputy Governor, Finance and Research, shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to functions of the Farm Credit Administration in the Areas of Farm Credit System financing and agricultural and financial research and to all matters incidental thereto, and the administration of all provisions of law pertinent thereto.

2. In the event the Deputy Governor, Finance and Research, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties of the Deputy Governor, Finance and Research, pertaining to the functions of his office:

(1) Director, Finance Division.
(2) Director, Research Division.

3. This order shall be effective on January 1, 1975, and revokes Farm Credit Administration Order No. 773, dated July 19, 1974 (39 FR 27607).

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-3522 Filed 2-6-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-103]

AERONAUTICAL RADIO SERVICES

Potential Interference From Cable Television Systems

JANUARY 31, 1975.

The Commission is calling attention to a potential radio interference problem to VHF aeronautical radionavigation and radiocommunication operations which may be caused by the operation of malfunctioning cable television facilities employing the same frequencies.

Although cable television systems do not normally have signal leakage of sufficient electromagnetic energy to have any effect on radiocommunication services, recent studies and tests have indicated the possibility that damage to or improper termination of the shielded cables employed could result in signals sufficiently strong to disrupt aeronautical radio services in the frequency band 108-136 MHz. These aeronautical services include radiocommunications in the band 118-136 MHz, Instrument Landing Systems (ILS) using 108-112 MHz, and Visual Omnidirectional Range (VOR) stations using the band 108-118 MHz. Those frequency bands are allocated both nationally and internationally for these uses and provide services essential to the safety and protection of life and property in the air.

Commission concern is primarily focused on the possibility of delays in locating and repairing damaged or improperly terminated cable that has excessive signal leakage. Further coordinated tests are being undertaken to explore and evaluate the problem in greater detail and to develop any solutions which appear necessary. Participants in these tests include representatives of federal agencies and industry. The Commission will follow these developments closely and may initiate further actions in the future.

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In the interim, the operators of cable television systems using the band 108–136 MHz are cautioned to exercise special care to avoid cable system malfunctions which result in abnormally high signal leakage in that frequency band. If such interference occurs, the Commission would expect to apply its longstanding policy of requiring the operation of the interfering source to be immediately discontinued and not resumed until the problem had been effectively corrected. Operators may wish to give preference to the use of alternate frequencies, where possible, pending the outcome of these tests and studies.

Action by the Commission January 28, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn, and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3539 Filed 2-6-75;8:45 am]

EQUIPMENT TYPE ACCEPTANCE ACTIVITY

Change in Location

JANUARY 28, 1975.

The Federal Communications Commission's equipment type acceptance activity has been transferred from its Washington, D.C., offices to its Laboratory Division, which is located near Laurel, Maryland. The Commission's equipment type approval activity will continue to be conducted at its Laboratory Division.

Applicants or others desiring information by telephone concerning equipment type acceptance or type approval may reach the Commission's Laboratory Division at (301) 725–1585.

Type acceptance and type approval applications which are sent by mail should continue to be addressed to: Federal Communications Commission, Washington, D.C. 20554. Such applications when delivered in person to the Commission should continue to be delivered to the Commission's Fee Collection Office, Room 217, 1919 M Street NW., Washington, D.C. It is emphasized that such applications should not be mailed or delivered to the Commission's Laboratory.

Correspondence concerning type acceptance and type approval of equipment, other than applications and filings which contain fee payments, may be addressed to: Federal Communications Commission, P.O. Box 40, Laurel, Maryland 20810.

The Commission's equipment certification activity (for equipment subject to certification under Parts 15 and 18 of the rules) remains at its Washington, D.C. offices.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3538 Filed 2-6-75;8:45 am]

PBX STANDARDS ADVISORY COMMITTEE

Notice of Public Meeting

FEBRUARY 3, 1975.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Standards Advisory Committee to be held March 4–5, 1975 at 1919 M Street NW, Room 752, Washington, D.C. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various aspects of technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* March 4—*Meeting of Glossary Task Group.*

a. Review of draft glossary.
b. Plans for updating document.

March 5—*Meeting of Technical Standards Subcommittee.*

a. Review of status of task groups.
(1) Interface criteria.
(2) Equipment test standards.
(3) Glossary.
b. Plans for completion of documentation and reports to FCC.
c. Future assignments and schedules.

4. *Public participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Interconnection Branch, Common Carrier Bureau on 202–632–6920.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3540 Filed 2-6-75;8:45 am]

[Docket Nos. 20335, 20336; FCC 75-75; File Nos. 8951-C2-P-(4)-70; 6808-C2-P-(4)-70]

RAM BROADCASTING OF FLORIDA, INC. AND TEL-CAR CORP.

Applications for Consolidated Hearing on Stated Issues

1. The Commission has before it for consideration applications filed by Tel-Car Corporation (Tel-Car) on April 16, 1970, and by RAM Broadcasting of Florida, Inc. (RAM), on April 23, 1970, for new air-ground radio service in the Domestic Public Land Mobile Radio Service (DPLMRS) in the Miami, Florida area. Both applications are for a signalling frequency of 454.675 MHz and base frequencies of 454.725, 454.775, 454.825, and 454.900 MHz. Also before the Commission are (a) an amendment to its application filed by Tel-Car on April 16, 1973; (b) a further amendment filed by Tel-Car on January 16, 1974; (c) an amendment to its application filed by RAM on January 23, 1974; (d) a Petition to Dismiss Tel-Car's application filed by RAM on January 23, 1974; (e) Tel-Car's Opposition To the Petition To Dismiss; and (f) RAM's reply thereto.

2. RAM's Petition To Dismiss argues that an amendment filed in January, 1974, by Tel-Car indicating it is now controlled by Digital Paging Systems, Inc. is a major amendment under the terms of the notice of proposed rulemaking, Docket 19905, 44 F.C.C. 2d 556 (1973), and as such is subject to the "cut off" provisions of Commission §§ 21.30(b) and 1.227. In the notice of proposed rulemaking, the Commission proposed to amend its definition of a major amendment to explicitly include a substantial change in ownership of an applicant. Pending final adoption, the proposed rules were to be effective not only for applications subsequently amended, but also to previously amended pending applications. Special waivers, however, would be granted to preclude unfair results. 44 F.C.C. 2d at 560. RAM argues that the waiver sought by Tel-Car is inappropriate here since Tel-Car had notice that such a change would be a major amendment, the notice of proposed rulemaking having been released in December, 1973, and the Tel-Car amendment having been filed in January, 1974. RAM is in error. The Tel-Car application was first amended on April 16, 1973, to indicate the change in control. A copy of this amendment apparently was served on counsel for RAM. The January 1974, amendment merely restated the earlier amendment and also provided additional information requested by the Commission.

3. We feel a waiver is appropriate and hereby grant it. The application amended in April 1973, had already been on file for three years. The amendment was filed 9 months prior to the issuance of the notice of proposed rulemaking. A dismissal of Tel-Car's application, after nearly five years, would be the type of unfair result foreseen in the notice of proposed rulemaking and therein provided for. See Racom, Inc., 48 F.C.C. 2d 217 (1974); "Vegas Instant Page," F.C.C. 75–21, released January 13, 1975.

4. Insofar as the contents of the two applications are concerned, they propose to use the same frequencies in the same area. They are thus mutually exclusive. Since both applicants appear to be legally, financially and technically qualified to construct and operate the proposed facilities, a comparative hearing must be held to determine which applicant is the better qualified to operate the proposed facilities in the public interest. "Ashbacker Radio Corp. v. F.C.C." 326 U.S. 327 (1945).

5. We are currently examining the comparative criteria used in the DPLMRS. Until we announce changes in those criteria, we will continue to consider, where they are asserted, significant differences between the applicants as to charges, maintenance, personnel, practices, classifications, regulations and facilities under the general comparative issue (Issue 1). See Vegas Instant Page, supra. Since rates for this service are governed by one interstate tariff, we do not believe comparative evidence on rates is warranted. In Arlington Telephone Co., 27 F.C.C. 2d 1 (1971), one of the applicants for air-ground service would have provided day-to-day management functions by contracting with a local individual who was not an employee of the applicant. Since there was no general comparative issue set forth in Arlington, we included as a separate issue the effect such an arrangement might have on the efficiency of the proposed service. Here, RAM also proposes to provide management and maintenance services through local contractors and not local employees. Since we have a general comparative issue (#1), there is no need for a specific Arlington issue. If the parties feel there are significant service-affecting differences in their proposed local arrangements, proof of such differences may be offered under Issue 1.

6. In view of the foregoing: *It is ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934 as amended, (47 U.S.C. section 309 (d) and (e)) that the captioned applications of RAM Broadcasting of Florida, Inc., and Tel-Car Corporation are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of the services proposed by each applicant.

2. To determine, in light of the evidence adduced pursuant to the above issue, what disposition of the above-captioned applications would best serve the public interest, convenience and necessity.

7. *It is further ordered*, That the hearing shall be held at the Commission offices in Washington, D.C., at a time and place and before an Administrative Law Judge, to be specified in a subsequent order.

8. *It is further ordered*, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. *It is further ordered*, That applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within twenty days of the release date hereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

Adopted: January 21, 1975.

Released: February 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3541 Filed 2-6-75;8:45 am]

[Docket Nos. 20300, 20301; File Nos. BP-19587, 19733]

TECHE BROADCASTING CORP. AND PHILLIPS RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Teche Broadcasting Corporation, Bayou Vista, Louisiana, Requests: 1170 kHz, 250 W, Day, Docket No. 20300, File No. BP-19587; Phillips Radio, Inc., Berwick, Louisiana. Requests 1170 kHz, 1 kW, DA-Day, Docket No. 20301, File No. BP-19733; For Construction Permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same frequency in nearby communities.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals and the availability of other primary aural service (1 mV/m or greater in the case of FM) to such areas and populations.

2. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence aduced pursuant to the foregoing issues which, if either, of the applications should be granted.

5. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 6, 1975.

Released: January 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-3542 Filed 2-6-75;8:45 am]

[FCC 75-116]

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Public Participation in Preparation

JANUARY 31, 1975.

The Commission, on January 10, 1975, released a notice of inquiry looking toward possible revisions to the international Radio Regulations to be considered in 1979 by the World Administrative Radio Conference. (Docket 20271).

As has been the case in preparation for previous international conferences of a general or specialized nature, the Commission wishes to obtain the maximum public input in developing the United States positions for the 1979 WARC. In view of the significance of the 1979 WARC to this country, and particularly since the conference results are expected to develop the international frequency allocation framework for the remainder of this century, it is important that such preparation be more intensive than that obtained solely through normal administrative procedure.

An internal organization is being established to coordinate the Commission's efforts in planning for the 1979 Conference. It is desired that an opportunity for public participation in such effort be extended at the working group levels. Accordingly, notice is hereby given of a meeting scheduled for 9:30 a.m. on February 21, 1975, in the Commission's meeting room, Room 856, 1919 M Street

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NW., which will be open to the public. The meeting will be held for the purpose of presenting a briefing on the Commission organization and for offering an opportunity for public participation as observers in the preparatory effort.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] Action by the Commission January 29, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

[FR Doc.75-3537 Filed 2-6-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9225]

ELECTRIC ENERGY, INC.

Filing for Reimbursement Pursuant to FPC Rate Schedule

JANUARY 31, 1975.

Take notice that on January 24, 1975, Electric Energy, Inc. (EEI), tendered for filing as a rate schedule supplement a statement of charges under § 4.06 of rate schedule FPC No. 4. EEI states that the filing is for the purpose of reimbursement of allocated net costs of property replacements. EEI states the changes will amount to approximately 0.03 mills per KWH of surplus power or $67,680.30 for the year.

EEI states that copies of the filing have been mailed to the affected customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. All such petitions or protests should be filed on or before February 18, 1975. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3491 Filed 2-6-75;8:45 am]

[Docket No. CP75-209]

EL PASO NATURAL GAS CO.

Petition for a Declaratory Order

JANUARY 30, 1975.

Take notice that on January 20, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-209 pursuant to § 1.7 (c) of the Commission's rules of practice and procedure a petition for a declaratory order resolving certain questions and removing certain uncertainties in connection with the expiration of a 50-year fixed term lease currently held by Gulf Oil Corporation which will expire on July 14, 1975.

The petition states that on July 14, 1925, Gulf Production Company, the corporate predecessor of Gulf Oil Corporation (Gulf), as lessee, executed a 50-year fixed term oil and gas lease with W. N. Waddell, et al., lessors. It is stated that by the terms of said 50-year fixed term lease, Gulf obtained the exclusive right of exploiting 45,771 acres of land in Crane County, Texas, and producing oil and gas therefrom, and that the leasehold estate expires fifty years after date of execution, which is July 14, 1975, whereupon the mineral rights, including the rights to natural gas production, shall revert to the reversionary mineral interest owners.

The petition further states that Gulf and other leasehold interest owners of said 50-year fixed term lease make percentage-type sales to Warren Petroleum Corporation (Warren), a division of Gulf, of certain quantities of casinghead gas produced from the acreage covered by the said 50-year fixed term lease. On January 26, 1951, El Paso, as buyer, and Gulf, as seller, executed a residue gas purchase agreement by which El Paso agreed to buy surplus residue gas from Gulf's natural gasoline extraction plant in Crane County, Texas, called the Waddell Gasoline Plant. On March 1, 1972, El Paso and Warren entered into an additional residue gas purchase agreement concerning certain quantities of residue gas from the Waddell Gasoline Plant. El Paso states that pursuant to these gas purchase contracts, El Paso takes delivery of approximately 60,000 Mcf daily of surplus residue gas into its pipeline system at the outlet at the Waddell Gasoline Plant and transports it through its jurisdictional facilities for subsequent resale in interstate commerce. El Paso further states that it is informed by Warren that approximately 25,000 Mcf daily of such surplus residue gas is attributable to production from wells on land leased by Gulf and other leasehold interest owners to El Paso pursuant to the said 50-year fixed term lease.

The petition indicates that El Paso has become aware that the reversionary interest owners[1] are soliciting proposals from intrastate gas transmission companies for the purchase of their shares of natural gas produced after July 14, 1975, from the acreage covered by said 50-year fixed term lease.

Therefore, El Paso is petitioning the Commission for a declaratory order resolving the following questions: (i) Given the fact that, according to Texas law, a certain 50-year fixed term lease automatically terminates on July 14, 1975, and the mineral rights thereunder revert to the reversionary interest owners, must Gulf Oil Corporation and other lessees under said certain 50-year fixed term lease, who have been selling gas produced from said lease on a percentage-of-the-proceeds basis to Warren Petroleum Corporation for resale in interstate commerce, obtain abandonment authorization pursuant to section 7(b) of the Natural Gas Act and § 154.91 of the Commission's regulations under the Natural Gas Act in order to cease such sales to Warren and effectuate the transfer by reversion to Exxon Corporation, Southland Royalty Company, and other reversionary interest owners of the mineral rights under said certain 50-year fixed term lease? (ii) Given the facts set forth in (i), without prior Commission authorization, may Exxon Corporation, Southland Royalty Company, and other reversionary interests divert natural gas from its present movement in interstate commerce to delivery and sale in intrastate commerce? (iii) Given the facts set forth in (i), without prior Commission authorization, may Warren Petroleum Corporation reduce its sales in interstate commerce of residue natural gas to El Paso, the present level of which is attributable in part to production from the lease in question?

Any person desiring to be heard or to make any protest with reference to said petition should, on or before February 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3492 Filed 2-6-75;8:45 am]

[Docket No. CI75-430]

H. L. BROWN, JR., ET AL.

Application

JANUARY 31, 1975.

Take notice that on January 23, 1975, H. L. Brown, Jr. et al. (Applicant) PO. Box 2237, Midland, Texas 79701, filed in Docket No. CI75-430 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Texaco Inc. from certain wells in the Poquito Field located in Ward and Winkler Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a certain percentage-of-proceeds contract with Texaco Inc. dated December 1, 1963, Applicant sells gas-well gas to Texaco Inc. and that Applicant receives a percentage of the proceeds derived by Texaco Inc. from the sale of liquid products and residue gas attributable to Applicant's gas-well gas. Applicant states that due to the cost it incurs in compression of gas for delivery to Texaco Inc. and the low price received from Texaco Inc. Applicant entered into negotiations with Texaco Inc. to obtain additional gas revenue. Applicant indicates that Texaco Inc. has agreed to enter into a Gas Processing Agreement with Applicant and that Applicant has in turn entered into a Gas Purchase Contract (Residue) with the purchaser from Texaco Inc., Northern Natural Gas Company, for the sale of gas-well gas. Applicant alleges that under this arrangement there has been no change in the service being performed but it will result in a change in the gas purchaser and an increase in the price of gas based on the Commission's Opinion No. 699 issued June 21, 1974, as amended by Opinion No. 699-H issued December 4, 1974. Applicant asserts that without such an increase in rate it will be forced to abandon its well due to uneconomical production.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction converred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3489 Filed 2-6-75;8:45 am]

[1] El Paso states that Southland Royalty Company, soliciting on behalf of the estate of the estate of Warren Wright and the Penn interests, collectively represents 80 percent of the term lease gas, and that Exxon's interest represents 14 percent of the term lease gas.

[Docket No. E-9023]

INTERSTATE POWER CO.

Conference

FEBRUARY 5, 1975.

Take notice that on Friday, February 14, 1975, a conference of all interested parties in the above-referenced docket will be convened at 11 a.m. in Room No. 8402 of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, their attendance at the conference will not be deemed to authorize their intervention or to make them a party to these proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Interstate's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3638 Filed 2-5-75;2:52 pm]

[Docket No. RP73-43, PGA 75-2]

MID-LOUISIANA GAS CO.

Order Accepting Filing and Suspending Proposed PGA Rate Change

JANUARY 31, 1975.

On December 20, 1974, Mid-Louisiana Gas Company (Mid-Louisiana) tendered for filing Eleventh Revised Sheet No. 3a to FPC Gas Tariff, First Revised Volume No. 1, providing for a purchased gas adjustment to rate schedules G-1, SG-1, I-1 and E-1, to reflect the current cost of gas purchased by Mid-Louisiana. The proposed adjustment would provide for a PGA decrease of 2.90¢ per Mcf under rate schedules G-1, SG-1, and I-1 which reflects the net effect of an increase of 6.51¢ per Mcf in the cost of gas and 9.41¢ per Mcf reduction in the surcharge to recoup the balance in Mid-Louisiana's unrecovered purchased gas cost account. The proposed adjustment would also provide for a PGA increase of 11.80¢ per Mcf under Rate Schedule E-1 which tracks an increase by United Gas Pipe Line Company (United) under rate schedule PL-C.

Mid-Louisiana points out that United Gas Planning Company (United), from whom it purchases significant volumes of gas, filed on December 18, 1974 a modification of the purchased gas adjustment to its rates to be effective January 1, 1975. Mid-Louisiana states that United's rates to it have a saginificant impact upon Mid-Louisiana's purchased gas adjustment to its rates to be effective February 1, 1975. In order to include the impact upon Mid-Louisiana of United's modified rates, Mid-Louisiana requests a waiver of the 45-day notice requirement and requests the Commission to permit Eleventh Revised Sheet No. 3a to become effective February 1, 1975.

Mid-Louisiana's December 20, 1974 filing was noticed on January 14, 1975, with comments, protests, or petitions to intervene to be filed on or before January 27, 1975. No comments have been filed.

Our review of Mid-Louisiana's December 20, 1974 filing indicates that it is based in part on small producer purchases at rates in excess of Opinion No. 699-H[1] rate levels. Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Mid-Louisiana's December 20, 1974 purchased gas adjustment for filing, suspend it for one day to become effective February 2, 1975, subject to refund. Our acceptance of Mid-Louisiana's filing is, however, expressly subject to any reduction which may be necessary to reflect any changes in the United rates being tracked herein. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[2] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of Mid-Louisiana's December 20, 1974 filing indicates that the claimed adjustments reflecting costs other than those costs associated with small producer purchases in excess of rates established in opinion No. 699-H are justified and comply with the standards set forth in Docket No. R-406. Accordingly, Mid-Louisiana may file within fifteen days of the issuance of this order, a revised tariff sheet to be effective on February 1, 1975 which eliminates the effect of the small producer purchases in excess of Opinion No. 699-H rate levels.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Mid-Louisiana's December 20, 1974 filing tendering Eleventh Revised Sheet No. 3a to its FPC Gas Tariff, First Revised Volume No. 1 be accepted for filing, suspended

[1] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[2] Federal Power Commission v. Texaco, Inc., et al., Dockets Nos. 72-1490 and 72-1491, Opinion issued June 10, 1974.

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for one day, and permitted to become effective on February 2, 1975, subject to refund.

(2) The claimed adjustments, other than those associated with small producer purchases at rates in excess of the rate levels established by Opinion No. 699–H, have been reviewed and have been found to be in compliance with the standards set forth in Docket No. R–406.

(3) Good cause exists to grant Mid-Louisiana's request for waiver of the 45-day notice requirement in § 154.38(4)(v) of our Regulations.

The Commission orders. (A) Mid-Louisiana's Eleventh Revised Sheet No. 3a to its FPC Gas Tariff, Original Volume No. 1, is hereby accepted for filing, suspended for one day, and permitted to become effective February 2, 1974, subject to refund, pending further Commission order in this docket.

(B) Within fifteen (15) days of the issuance of this order Mid-Louisiana may file, to become effective February 1, 1975, a substitute tariff sheet reflecting that portion of Mid-Louisiana's rates as filed December 20, 1974, which reflect increased costs other than those increased costs associated with small producer purchases in excess of the rate levels prescribed in Opinion No. 699–H.

(C) Mid-Louisiana's request for waiver of the 45-day notice requirements of § 154.38(4)(v) of our regulations is hereby granted.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3493 Filed 2–6–75;8:45 am]

[Docket No. E–9063]

MISSOURI POWER AND LIGHT CO.

Compliance Filing

JANUARY 30, 1975.

Take notice that on January 23, 1975 Missouri Power and Light Company (MP&L), pursuant to Paragraph (A) of the order issued December 31, 1974 in the above docket, tendered clarifying data in support of the loss factor used in its proposed fuel adjustment computations. MP&L states that the loss factor employed was 2.5 percent, which is the loss factor relating to wholesale losses and not total system losses as noted in the Municipal Electric Service Wholesale Rate. The language in "C" of the MESWR Rate should read, "a factor to adjust for wholesale system losses" rather than, "a factor to adjust for system losses." MP&L further states that the fuel adjustment in Order No. 517 arrives at a cents per Kwh fuel cost which is the same as cents per Kwh fuel cost as submitted in the fuel adjustment of this filing, and that MP&L is therefore in compliance with Order No. 517.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3494 Filed 2–6–75;8:45 am]

[Docket No. E–7942]

NANTAHALA POWER AND LIGHT CO.

Motion To Terminate Proceedings and Withdraw Consolidation

JANUARY 31, 1975.

Take notice that on January 17, 1975, Nantahala Power and Light Company tendered for filing a motion to terminate the proceedings in Docket No. E–7942 and to withdraw a previous motion for consolidation in Docket No. E–9181.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3495 Filed 2–6–75;8:45 am]

[Docket No. RP71–125 (PGA 75–5B), Docket No. RP74–96]

NATURAL GAS PIPE LINE COMPANY OF AMERICA

Rate Change

JANUARY 30, 1975.

Take notice that on January 17, 1975, Natural Gas Pipe Line Company of America (Natural), tendered for filing Second Substitute Eighteenth Revised Sheet No. 5 to Natural's FPC Gas Tariff, Third Revised Volume No. 1. The proposed effective date is January 1, 1975.

Natural states that the purpose of its January 17, 1975, filing is to revise Natural's prior PGA tracking filing of December 19, 1974. Natural further states that the January 17, 1975, filing reflects the necessary revisions to its PGA unit adjustment as a result of United Gas Pipe Line's rate revisions (Docket No. RP72–122, PGA 75–1) filed on January 13, 1975, to become effective January 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3496 Filed 2–6–75;8:45 am]

[Docket No. E–9140]

NEW ENGLAND POWER SERVICE CO.

Order Granting Intervention

JANUARY 31, 1975.

On December 16, 1974, Rhode Island Consumers' Council (RICC) filed a timely petition to intervene in this proceeding. On December 27, 1974, New England Power Company filed an answer with this Commission which stated, inter alia, that it does not oppose the petition to intervene filed by RICC. No other party filed an answer to RICC's petition. We believe that the participation of the petitioner may be in the public interest.

The Commission finds. Participation by petitioner Rhode Island Consumers' Council in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: Rhode Island Consumers' Council is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission:. *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission, that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3497 Filed 2–6–75;8:45 am]

[Projects Nos. 619 and 2105]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Bucks Creek Project No. 619 and Upper North Fork Feather River Project No. 2105 located in Plumas County, California.

Applicant seeks Commission approved of its proposal to modify the operation of eight company reservoirs, including two reservoirs at Project No. 619 and one at Project No. 2105. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation of 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Project No. 619, two reservoirs will be affected At Three Lakes, applicant proposes to install 2.2 feet of flashboard during the period April through October. This modification would increase the reservoir area by about 4 acres and would increase the annual generation by 241,000 kwh. At Bucks Lake, applicant proposes to install 2.0 feet of flashboards during the period April through October. This modification would increase the reservoir area by about 25 acres and would increase the annual generation by 9,514,000 kwh.

At Project No. 2105, the Butt Valley Reservoir, applicant proposes to install 2 feet of flashboards during the period April through October. This modification would increase the reservoir area by about 1,622 acres if the reservoir water surface is at the top of the flashboards and would increase the annual generation by 171,000 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3499 Filed 2–6–75;8:45 am]

[Docket No. RP75–57]

PACIFIC GAS TRANSMISSION CO.

Rate Change

JANUARY 31, 1975.

Take notice that on January 27, 1975, Pacific Gas Transmission Company (PGT) tendered for filing a notice of a change in rate for its interstate pipeline system containing the following revised tariff sheets:

ORIGINAL VOLUME NO. 1

Sixth Revised Sheet No. 6
Sixth Revised Sheet No. 13

PGT states that the tendered revised tariff sheets provide for an increase in PGT's rate of return on net investment base to 10.00 percent and that no other change in PGT's Cost of Service Tariff is proposed. The proposed effective date is February 26, 1975.

The filing will affect the rates at which natural gas is purchased from PGT, under Rate Schedule PL–1, by its only customer Pacific Gas and Electric Company. The filing will also affect the rates charged Northwest Pipeline Corporation for transportation of natural gas under Rate Schedule T–1.

According to PGT, recent changes in financial conditions have rendered the return on PGT's common equity inadequate, especially in view of the substantial increase in risk to which PGT contends it is exposed as a result of this Commission's revocation of cost of service treatment for Canadian gas costs in Docket No. RP73–111.

PGT states further that copies of the filing have been served upon all of its affected customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said notice should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR, 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3498 Filed 2–6–75;8:45 am]

[Dockets Nos. RP73–36, PGA75–2, RP73–108, AP75–1]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Rate Filing and Setting Advance Payments for Hearing

JANUARY 31, 1975.

On December 13, 1974, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing a proposed increase of $43.3 million annually in rates and charges[1] to reflect increased producer purchased gas costs, new advance payments[2], a demand charge adjustment surcharge, rate increase from Trunkline Gas Company, and a surcharge filed pursuant to Opinion No. 699–G to clear the deferred purchased gas account. Panhandle proposed a February 1, 1975, effective date.

The filing was noticed with comments due on or before January 17, 1975. On January 17, 1975, the Commission Staff filed comments with respect to nine of the advance payments included in Panhandle's filing.[3] Staff stated that the advances, which are subject to Order Nos. 465 and 499, had not been shown to be reasonably related to costs to be incurred by the producer within a reasonable time from the date the advances were made and thus may not be reasonable and appropriate under Order Nos. 465 and 499. We agree. Accordingly, we shall set a hearing to determine the reasonableness and appropriateness of the advances listed in Appendix A below as hereinafter ordered. This proceeding shall be docketed as Docket Nos. RP73–108 and AP75–1.

Our review of the producer purchased gas portion of the filing indicates that it contains small producer and emergency purchases at rates in excess of the rate levels established in Opinion No. 699–H.[4] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept rate increase for filing, suspend it for one day until February 2, 1975, when it shall be permitted to become effective, subject to refund.

With regard to the issue of small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[5] With regard to the emergency purchases, we note that the legality of Commission Order Nos. 491 and 491–B is presently subject to judicial review.[6] Accordingly, we believe it would be premature to establish a hearing schedule with respect to these issues at this time. This proceeding shall be docketed as Dockets Nos. RP73–36 and PGA75–2.

[1] Twelfth Revised Sheet No. 3–A to FPC Gas Tariff, Original Volume No. 1. Panhandle also filed Alternate Twelfth Revised Sheet No. 3–A which did not anticipate, inter alia, the action we are taking with respect to Panhandle's advance payments. Accordingly, we shall take no action on Alternate 12th Revised Sheet No. 3–A.

[2] These advance payments are proposed to be tracked pursuant to Article V of the settlement agreement approved by the Commission in Docket No. RP73–108.

[3] See Appendix A below.

[4] Issued December 4, 1974, in Docket No. R–389–B.

[5] "Federal Power Commission v. Texaco, Inc., et al.", Docket Nos. 72–1490 and 72–1491, Opinion issued June 10, 1974.

[6] "Consumer Federation of America v. F.P.C.", CADC, Docket No. 73–2009, petition filed September 21, 1973.

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Further review of Panhandle's filing indicates that the claimed increased producer purchased gas costs other than those producer purchased gas costs associated with that portion of emergency and small producer purchases in excess of the rate levels prescribed in Opinion No. 699–H are fully justified and comply with the standards set forth in Docket No. R–406. Moreover, our review of the advance payments in Panhandle's filing, other than those listed in Appendix A below, indicates that they are reasonable and appropriate. Accordingly, we shall permit Panhandle to file a revised tariff sheet to become effective February 1, 1975, which would reflect only that portion of Panhandle's filing which reflects (1) costs other than those costs associated with that portion of small producer and emergency purchases in excess of the costs levels prescribed in Opinion No. 699–H; (2) costs associated with the advance payments not listed in Appendix A below; and (3) the impact, if any, of rates made effective as of February 1, 1975, by Trunkline pursuant to the Commission's order issued January 31, 1975, in Dockets Nos. RP73–35 and PGA75–1.

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that;

(1) Panhandle's Twelfth Revised Sheet No. 3–A be suspended for one day until February 2, 1975, when it shall become effective, subject to refund.

(2) The Commission enter upon a hearing to determine the reasonableness and appropriateness of the advances contained in Appendix A below.

(3) The claimed increased producer purchased gas costs other than those increased producer purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H be approved as being in compliance with the standards set forth in Docket No. R–406.

The Commission orders. (A) Panhandle's twelfth revised sheet No. 3–A is accepted for filing, and suspended for one day until February 2, 1975, when it shall become effective, subject to refund, pending further Commission action in Docket Nos. RP73–36 and PGA75–2 with respect to the small producer and emergency purchases in excess of opinion No. 699–H rate levels and pending Commission action in the advance payment hearing hereinafter ordered in Docket Nos. RP73–108 and AP75–1.

(B) Within 15 days of the date of issuance of this order Panhandle may file a substitute tariff sheet to become effective February 1, 1975, which reflects (1) increased producer purchased gas costs other than those increased producer purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H; (2) the advance payments in the filing other than those listed in Appendix A below; and (3) the impact, if any, of increased costs made effective by Trunkline as of February 1, 1975, pursuant to the Commission's order issued January 31, 1975.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, and 5, thereof, and the Commission's rules and regulations, a hearing shall be held to determine the reasonableness and appropriateness of the advances contained in Appendix A below.

(D) On or before March 4, 1975, Panhandle shall file its direct case. On or before April 8, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before April 29, 1975. Company Rebuttal shall be served May 13, 1975. Cross-examination of the evidence shall commence on May 28, 1975, at 10 a.m., e.d.t. in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Panhandle Eastern Pipe Line Co., advance payment contracts to be set for hearing*

Producer	Date of advance	Amount of advance
1. Exeter Oil Co.	Sept. 24, 1974	$2,000,000
2. H & L Operating Co. et al.	Jan. 31, 1974	108,000
3. H & L Operating Co. et al.	May 1, 1974	102,000
4. Joseph I. O'Neill Jr.	(1)	750,000
5. May Petroleum, Inc.	July 22, 1974	140,000
6. Panhandle Western Gas. Co.	(May 31, 1974 (July 15, 1974	104,010
7. W. B. Osburn Jr. et al.	Nov. 21, 1973	50,000
8. William Ornenerwald & Association, Inc.	July 18, 1974	65,000
9. Zoller & Dunneburg, Inc. (July 16, 1973)	(1)	516,482

[1] Various.

[FR Doc.75–3500 Filed 2–6–75;8:45 am]

[Docket Nos. AR64–1, etc., RI74–29]

PANHANDLE PRODUCING CO., ET AL.

Refunds

JANUARY 31, 1975.

Take notice that on December 23, 1974, and January 22, 1975, Colorado Interstate Gas Company (CIG) reports of intended disposition of refunds in the above-captioned docket. In its December 23, 1974, filing, CIG states that it received $683,497.57 from Panhandle Producing Company. In the January 22, 1975, filing CIG states that it received $88,938.53 from Phillips Petroleum Company. As to both filings, CIG states that, pursuant to its Settlement Agreement in Docket No. RP73–93, it plans to flow through the refunds related to gas purchases during the period August 31, 1966, to September 30, 1970, by crediting amounts to its unrecovered cost of purchased gas account. These amounts are $535,110.25 and $2,434.86, respectively.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3501 Filed 2–6–75;8:45 am]

[Docket No. R–389–B]

PIPELINE PRODUCTION AREA RATES

Order Clarifying Opinion No. 699–H

JANUARY 31, 1975.

El Paso Natural Gas Company on January 14, 1975, filed a request for immediate clarification of the effective date of the 35¢ per Mcf rate established for certain sales from the Rocky Mountain Area in Opinion No. 699–H, issued December 4, 1974, in the above-entitled proceeding. The effective date for any proposed increased rates filed on or before January 31, 1975, pursuant to Opinion No. 699–H for sales from the Rocky Mountain Area subject to the 35¢ per Mcf ceiling is June 21, 1974.

Northwest Pipeline Corporation (Northwest) and Consoliated Gas Supply Corporation (Consolidated) on January 2 and January 3, 1975, respectively, sought clarification with respect to the applicability of the national rate prescribed in Opinion No. 699–H to pipeline and pipeline affiliate production. The basic purpose of including pipeline production in Opinion No. 699–H, mimeo pp. 47–50, was to permit pipelines to charge the same rate for gas produced by them from leases acquired prior to October 7, 1969, which came within the general categories covered in that opinion as they were permitted to charge with respect to leases acquired on or after October 7, 1969. Northwest and Consolidated contend, however, that they are entitled to higher rates than those prescribed in Opinion No. 699–H for their production in the Rocky Mountain and Appalachian Areas, respectively, from leases acquired prior to October 7, 1969. Our determination in Opinion No. 699–H does not preclude a pipeline from showing in a pipeline rate case that it is entitled to special relief from that opinion in the form of a higher rate for its own production or that of its affiliate.

The Commission orders. (A) The effective date for any proposed increased rate filed on or before January 31, 1975, pursuant to Opinion No. 699–H for sales from the Rocky Mountain Area subject to the 35¢ per Mcf ceiling is June 21, 1974.

(B) Opinion No. 699–H does not preclude a pipeline from showing in a pipeline rate case that it is entitled to special relief from that opinion in the form of a higher rate for its own production or that of its affiliate.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3511 Filed 2–6–75;8:45 am]

[Docket No. E–8878]

POTOMAC EDISON CO.

Filing of Settlement Agreement

JANUARY 31, 1975.

Take notice that on January 23, 1975, a Settlement Agreement between the Potomac Edison Company and the Town of Front Royal, Virginia was tendered for filing.

The Settlement Agreement provides that Front Royal shall accept the proposed revisions in Potomac Edison's rate schedule No. 12, Schedule WS–HV as filed by Potomac Edison in Docket No. E–8878 and that the revised rates will become effective February 1, 1975, subject to the company conforming its fuel clause with the Commission's order in rulemaking Docket No. 479 within sixty (60) days from the date of issuance of that order.

The proposed tariff increases the charges to Front Royal (based upon the billing data for the 12-month period ending May 1975) by approximately $55,320 annually effective April 1, 1975.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 20, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3502 Filed 2–6–75;8:45 am]

[Docket No. E–9164]

SIERRA PACIFIC POWER CO.

Cancellation

JANUARY 30, 1975.

Take notice that on January 22, 1975, Sierra Pacific Power Company (Sierra), pursuant to Southern California Edison's (Edison) filing of November 18, 1974, in the above docket, tendered for filing a Notice of Cancellation of its Certificate of Concurrence (FPC Rate Schedule No. 9) with Southern California Edison Company FPC Rate Schedule No. 49.

Sierra states that no service has been provided under this rate schedule from Edison since October 18, 1974, and none is contemplated in the future.

Copies of this filing were served upon Edison, the Public Service Commission of Nevada, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said cancellation should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.18, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3503 Filed 2–6–75;8:45 am]

[Docket No. E–9231]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

JANUARY 31, 1975.

Take notice that on January 27, 1975, Southern California Edison Company (Edison) tendered for filing on October 3, 1974, Transmission Service Agreement with the City of Los Angeles (City), where in the event of certain outages of City's transmission facilities, Edison accepts and delivers City's scheduled Mojave and Navajo Generating Station energy to Los Angeles on an interruptible basis, less one percent for transmission losses. Edison charges City 0.6 mills per Kwh for providing emergency routing for Mojave and Navajo generation.

Edison states that service was initiated on January 16, 1974, and Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective as of January 16, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3504 Filed 2–6–75;8:45 am]

[Docket No. RP75–56]

TEXAS GAS PIPE LINE CORP.

Proposed Changes in FPC Gas Tariff

JANUARY 31, 1975.

Take notice that Texas Gas Pipe Line Corporation (TGPLC), on January 24, 1975, tendered for filing proposed changes in its FPC Gas Tariff First Revised Volumes No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by $1,644,141 based on the 12-month period ending October 31, 1974, as adjusted. TGPLC states that the principal reasons for the proposed rate increases are increased purchased gas costs, other increased operating expenses and to offset a net operating revenue deficiency. TGPLC has requested a proposed effective date of March 10, 1975.

TGPLC states that copies of its filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are now on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–3506 Filed 2–6–75;8:45 am]

[Docket Nos. RP74–25, RP72–156, PGA75–2, PGA75–2A]

TEXAS GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase

JANUARY 31, 1975.

On December 16, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a purchased gas cost

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adjustment (PGA) increase[1] (Docket No. RP72-156 PGA 75-2) pursuant to its PGA clause which reflects an increase in the current cost of purchased gas, a surcharge to recover both the $6,241,940 balance in the deferred purchased gas cost account as of October 31, 1974, and $1,287,839 in estimated costs to be incurred up to the proposed February 1, 1975, effective date as a result of producer rate increases filed pursuant to Opinion No. 699-H, and a surcharge to recover the $1,141,698 balance in the deferred demand charge adjustment account as of October 31, 1974.

On December 23, 1974, Texas Gas amended its December 16, 1974, filing[2] to reflect a revised rate increase filed by United Gas Pipe Line Company (United) and Texas Eastern Transmission Corporation (TETCO) which became effective on January 2, 1975. As a result of Texas Gas' December 23, 1974, filing, the total rate increase to be effective February 2, 1975, is $37,723,047. Both the December 16, 1974, and December 23, 1974, filings were based in part on emergency purchases at rate levels in excess of Opinion No. 699-H.

Furthermore, in Docket No. RP74-25, the Commission, issued an order on December 20, 1974, which approved Texas Gas' settlement rates. Accordingly, Texas Gas on December 26, 1974, filed the RP74-25 settlement rates adjusted to reflect the cumulative effect of its PGA rate increase filings of December 16, 1974, and December 23, 1974, as previously discussed.[3] Since Fifth Substitute Tenth Revised Sheet No. 7, filed December 26, 1974, reflects the total rate increases of Texas Gas' three filings, we are required to act only on the December 26, 1974, filing. Accordingly, the December 16, 1974, and December 23, 1974, filings shall be deemed withdrawn.

All three filings were noticed with comments, protests and petitions to intervene due on or before January 23, 1975. To date, no comments, protests or petitions to intervene have been received by this Commission.

As stated previously, our review of Texas Gas' December 26, 1974, filing indicates that it is based in part upon emergency purchases at rates in excess of the rate levels established by Opinion No. 699-H.[4] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Texas Gas' December 26, 1974, filing, suspend it for one day to become effective February 2, 1975, subject to refund.

With regard to emergency purchases, we note that the legality of Commission Order Nos. 491 and 491-B is presently subject to judicial review.[5] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further review of Texas Gas' December 26, 1974, filing indicates that the claimed increased costs other than those costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, Texas Gas may file a substitute tariff sheet to become effective February 1, 1975, reflecting increased costs other than that portion of those increased costs associated with emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H referred to in this order.

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

(1) Texas Gas' Fifth Substitute Tenth Revised Sheet No. 7, filed December 26, 1974, be accepted for filing, suspended and permitted to become effective February 2, 1975.

(2) The claimed increased costs other than those increased costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) Texas Gas' Fifth Substitute Tenth Revised Sheet No. 7, filed December 26, 1974, is hereby accepted for filing, suspended and permitted to become effective February 2, 1975, subject to refund, pending further Commission order in this docket.

(B) Within 15 days of the issuance hereof, Texas Gas may file to become effective February 1, 1975, a substitute tariff sheet reflecting that portion of Texas Gas' rates as filed December 26, 1974, which reflect increased costs other than those increased costs associated with that portion of emergency purchases which are in excess of the rate levels prescribed in Opinion No. 699-H.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3507 Filed 2-6-75;8:45 am]

[Docket No. RP73-35, PGA 75-1]

TRUNKLINE GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Increase

JANUARY 31, 1975.

On December 13, 1974, Trunkline Gas Company (Trunkline) tendered for filing a purchased gas cost adjustment (PGA) increase[1] pursuant to its PGA clause which reflects an increase of 3.07¢ per Mcf to track increases in the current cost of purchased gas and a 4.16¢ per Mcf surcharge to recover both the $3,228,450 deferred purchased gas cost balance as of October 31, 1974, and approximately $4,524,312 in estimated costs to be incurred by the proposed February 1, 1975, effective date as a result of rate increases filed pursuant to Opinion No. 699 (Alternate 1). The rates described above include small producer and emergency purchases at rate levels in excess of Opinion No. 699. Furthermore, Trunkline's December 13, 1974, filing included another tariff sheet[2] proposed to become effective February 1, 1975, which eliminates the effect of small producer and emergency purchases at rates in excess of Opinion No. 699. (Alternate 2)

Trunkline's December 13, 1974, filing was noticed with comments, protests and petitions to intervene due on or before January 6, 1975. To date, no comments, protests or petitions to intervene have been received by this Commission.

Our review of Trunkline's Alternate 1 proposal indicates that, while it contains no small producer rate in excess of Opinion No. 699-H, it is based in part upon emergency purchases at rates in excess of the rate levels established by Opinion No. 699-H.[3] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Trunkline's Alternate 1 tariff proposal, suspend it for one day to become effective February 2, 1975, subject to refund. As to Trunkline's Alternate 2 tariff sheets, those sheets shall be deemed to have been withdrawn without prejudice to the company's right to file a substitute tariff sheet to become effective February 1, 1975, reflecting increased costs other than that portion of those increased costs associated with emergency purchases in excess of the rate levels prescibed in Opinion No. 699-H referred to in this order.

With regard to emergency purchases, we note that the legality of Commission Order Nos. 491 and 491-B is presently subject to judicial review.[4] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time. Further review of Trunkline's December 13, 1974, filing indicates that the claimed increased costs other than those costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406.

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

(1) Trunkline's Eleventh Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, filed December 13, 1974, be accepted for filing, suspended and permitted to become effective February 2, 1975.

(2) The claimed increased costs other than those increased costs associated with that portion of emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

The Commission orders. (A) Trunkline's Eleventh Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, filed December 13, 1974, be accepted for filing, suspended and permitted to become effective February 2, 1975.

(B) Within 15 days of the issuance hereof, Trunkline may file to become effective February 1, 1975, a substitute tariff sheet reflecting that portion of Trunkline's rates as filed December 13, 1974, which reflect increased costs other than those increased costs associated with that portion of emergency purchases which are in excess of the rate levels prescribed in Opinion No. 699-H.

(C) The Secrtary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3508 Filed 2-6-75;8:45 am]

[Docket No. RP72-133, PGA 75-1b]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Making Subject To Refund in Part, Proposed PGA Rate Increase

JANUARY 31, 1975.

On January 13, 1975, United Gas Pipe Line Company (United) tendered for filing proposed revised tariff sheets,[1] and proposed alternate revised tariff sheets[2] to its FPC Gas Tariff, First Revised Volume No. 1. United's proposed revised sheets were filed in response to our December 31, 1974 order which accepted United's proposed purchased gas adjustment (PGA) increase for filing, suspended it for one day to become effective January 2, 1975, subject to refund, and conditioned its acceptance upon United's modifying the filing to eliminate all costs attributable to producer rate changes which did not become effective prior to January 1, 1975. In addition, we permitted United to file a substitute sheet to become effective January 1, 1975, without a refund obligation, which reflected the elimination of all costs associated with small producer and emergency purchases in excess of Opinion No. 699-H rate levels.

At the time of the instant filing, there was pending Commission action a substitute PGA filing[3] proposed by United which reflected United's PGA increase as adjusted to include a one-time special surcharge[4] designed to reflect the impact of Opinion No. 699 (excluding Opinion No. 699-H) producer increases incurred during the period June 21, 1974, through December 31, 1974. Accordingly, in the event that we subsequently approved the inclusion of the special surcharge in United's PGA filing, United filed alternate revised sheets in the instant filing which reflect the PGA increase with the special surcharge but as modified in accordance with the aforementioned conditions of our December 31, 1974 order. Alternate Twenty-First Revised Sheet No. 4, proposed to be effective for the single day, January 1, 1975, reflects United's PGA increase with the special surcharge as adjusted: (1) To eliminate $1,130,177 attributable to small producer and emergency purchases in excess of Opinion No. 699-H rate levels; (2) to eliminate $43,754,321 attributable to producer rate changes which did not become effective by January 1, 1975; and (3) to reflect a Surcharge Adjustment recalculated after deleting $54,217 attributable to purchased gas costs associated with small producer and emergency purchases in excess of Opinion No. 699-H rate levels. Alternate twenty-second Revised Sheet No. 4, to be effective as of January 2, 1975, reflects United's PGA increase with the special surcharge as adjusted to eliminate the $43,754,321 of producer rate changes which did not become effective by January 1, 1975.

By order issued January 17, 1975, we approved the inclusion of the special surcharge in United's PGA filing, but inadvertently omitted reference to the conditions imposed by our December 31, 1974 order. Since United's proposed alternate revised sheets comply with the intent of both our December 31, 1974 and January 17, 1975 orders, we believe it is appropriate to accept these proposed alternate sheets for filing subject to the conditions hereinafter ordered.

Notice of United's filing was issued on January 22, 1975, with protests, notices of intervention, and petitions to intervene due on or before February 3, 1975. To date no comments have been received, but as the period for such comments has not yet expired, our action in this order is taken without prejudice to any future action regarding United's filing which may be taken in response to any timely comments which may be received.

Further, we note that our December 31, 1974, order made all costs associated with nonjurisdictional purchases which are at issue in the rate proceeding pending in Docket No. RP74-83, and all costs associated with purchases from affiliates which are the subject of the proceedings in Docket Nos. RP70-13, et al., subject to the ultimate disposition of the proceedings in those two respective dockets. To the extent that United's instant filing includes such costs, it is made subject to the disposition of the proceedings in the aforementioned dockets.

The Commission finds. (1) Good cause exists to accept United's alternate Twenty-First Revised Sheet No. 4 for filing to be effective January 1, 1975, subject to the conditions hereinafter ordered.

(2) Good cause exists to accept United's alternate Twenty-Second Revised Sheet No. 4 for filing to be effective January 2, 1975, subject to refund and subject to the conditions as hereinafter ordered.

The Commission orders. (A) United's alternate Twenty-First Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered on January 13, 1975, is hereby accepted for filing and made effective as of January 1, 1975, subject to the conditions as hereinafter ordered.

(B) United's alternate Twenty-Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered on January 13, 1975, is hereby accepted for filing and made effective as of January 2, 1975, subject to refund and subject to the conditions as hereinafter ordered.

(C) United's Twenty-First Revised Sheet No. 4 and Twenty-Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered on January 13, 1975, are hereby deemed withdrawn.

(D) Acceptance of United's alternate Twenty-First Revised Sheet No. 4 and alternate Twenty-Second Revised Sheet No. 4 is granted without prejudice to any future action regarding such sheets which may be taken in response to timely filed comments.

(E) The inclusion of any costs in the instant filing associated with nonjurisdictional purchases which are at issue in the rate proceeding in Docket No. RP74-83 and the inclusion of any costs associated with the purchases from affiliates which are the subject of the proceedings in Docket No. RP70-13, et al., will be subject to the ultimate disposition of the proceedings in those two respective dockets.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3509 Filed 2-6-75;8:45 am]

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[1] Third Substitute Tenth Revised Sheet No. 7 to Third Revised Volume No. 1.

[2] Fourth Substitute Tenth Revised Sheet No. 7 to Third Revised Volume No. 1.

[3] Fifth Substitute Tenth Revised Sheet No. 7 to Third Revised Volume No. 1.

[4] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[5] Consumer Federation of America v. F.P.C., CADC, Docket No. 73-2009, petition filed September 21, 1973.

[1] Eleventh Revised Sheet No. 3-A to FPC Gas Tariff, Original Volume No. 1.

[2] Alternate Eleventh Revised Sheet 3-A to Original Volume No. 1.

[3] Eleventh Revised Sheet No. 3-A to Original Volume No. 1.

[4] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[5] "Consumer Federation of America v. F.P.C." CADC, Docket No. 73-2009, petition filed September 21, 1973.

[1] Twenty-First Revised Sheet No. 4 and Twenty-Second Revised Sheet No. 4.

[2] Twenty-First Revised Sheet No. 4 and Twenty-Second Revised Sheet No. 4, reflecting the one-time special surcharge, hereinafter designated alternate Twenty-First Revised Sheet No. 4 and alternate Twenty-Second Revised Sheet No. 4.

[3] Substitute Twentieth Revised Sheet No. 4, to United's FPC Gas Tariff, First Revised Volume No. 1, tendered December 18, 1974, in the instant docket.

[4] United was permitted to file for such a surcharge by order issued November 29, 1974, in Docket No. RP75-22.

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[Dockets Nos. CP75-211, CP75-212, and CP75-213]

WESTERN GAS INTERSTATE CO.

Application

JANUARY 30, 1975.

Take notice that on January 22, 1975, Western Gas Interstate Company (Applicant), 1506 Fidelity Union Tower, Dallas, Texas 75201, filed in Dockets Nos. CP75-211, CP75-212, and CP75-213 applications pursuant to section 7 of the Natural Gas Act, as implemented by paragraphs (g), (c) and (b), respectively, of § 157.7 of the regulations thereunder (18 CFR 157.7 (g), (c) and (b)), for authorization for the construction, relocation, removal or abandonment during the twelve-month period following the date of requested Commission authorization and operation of field compression and related metering and appurtenant facilities, for a certificate of public convenience and necessity authorizing the construction, also during the twelve month period following requested Commission authorization, and operation of facilities for rearrangements of minor gas-sales or transportation facilities, and for a certificate of public convenience and necessity authorizing the construction, during the same time period, and operation of gas purchase facilities, respectively, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

The respective purposes of these applications are (1) to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the applications, (2) to enable Applicant to act with reasonable dispatch in making miscellaneous minor rearrangements on its system without the delay incident to the filing and processing of numerous individual certificate applications, and (3) to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas.

Applicant states that the total cost for the abandonment, removal and relocation, and construction of field compression facilities will not exceed $500,000, with no single project to exceed 25 percent of the total authorization, that the total cost of construction of the miscellaneous rearrangements of gas-sales and transportation facilities will not exceed $100,000, and that the total cost of construction of gas purchase facilities will not exceed $100,000, with no single project to exceed 25 percent of the total authorization. Applicant further states that the costs will be financed from funds on hand and by short term borrowing from Applicant's parent company, Southern Union Gas Company.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matters finds that grants of the certificates and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3510 Filed 2-6-75;8:45 am]

FEDERAL RESERVE SYSTEM

BBHC, LTD.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

BBHC, Ltd., Anamosa, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bankholding company through acquisition of 80 percent of the voting shares of Onslow Savings Bank, Onslow, Iowa ("Bank"). Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of a general insurance agency in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 40541). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant was recently organized for the purpose of becoming a bank holding company through acquisition of Bank and of engaging in general insurance agency activities. Bank is the only bank in Onslow (population of 350 persons), an agriculturally oriented community located in east-central Iowa. Upon acquisition of Bank (deposits of $3.8 million),[1] Applicant would control the 580th largest bank in Iowa, holding .04 per cent of total deposits in commercial banks in the State.

Bank is the smallest of six banks in the relevant banking market,[2] with approximately 4.3 per cent of the total commercial bank deposits therein. The largest banking organization in the market controls 52.2 percent of the deposits in the market. A principal of Applicant together with his brother are principals in Lesernal Corporation, Anamosa, Iowa, a registered one-bank holding company, which owns approximately 57 per cent of Citizens Savings Bank, Anamosa, Iowa ("Citizens Bank"). In addition, those individuals also hold, directly and indirectly, interests in three other banks in Iowa: City National Bank of Cedar Rapids, Cedar Rapids; Farmers Savings Bank, Martelle ("Farmers Bank"); and The Exchange State Bank, Springville. Citizens Bank and Farmers Bank are each located in the relevant banking market and rank as the second and fifth largest banks in the market with 17.7 and 4.4 per cent of the total market deposits, respectively. Inasmuch as the proposed transaction is essentially a reorganization of Bank's ownership and in view of the nature and duration of the relationship of Applicant's principal and his brother to the other banks in the market, consummation of the proposal would not eliminate existing or potential competition, nor have an adverse effect on other area banks. Accordingly, it is concluded that competitive considerations are consistent with approval of this application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and future prospects, which are dependent upon profitable operations of both Bank and the insurance agency, appear favorable. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Applicant proposes to increase Bank's services by providing an afterhours depository, extending banking hours, and providing trust services. Therefore, considerations relating to the convenience and needs of the community to be served, with respect to the acquisition of Bank, are consistent with approval of the application. It has been determined that consummation of the transactions would be in the public interest and that the application to acquire Bank should be approved.

[1] All banking data are as of December 31, 1973.

[2] The relevant banking market is approximated by Jones County and a small southwestern portion of Dubuque County.

Applicant recently acquired the only insurance agency in Onslow and currently engages in the sale of all general lines of insurance (except life insurance) from Bank's premises. Onslow is a town with a population not exceeding 5,000 persons and the operation of a general insurance agency in such a community is an activity the Board has found to be closely related to banking (§ 225.4(a)(9)(ii)(a) of Regulation Y). There is no evidence in the record indicating that Applicant's retention of its general insurance agency business would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. On the other hand, approval of the application would enable Applicant to continue to offer the residents of the Onslow area a convenient source of insurance services, which result is regarded as being in the public interest.

Based on the foregoing and other considerations reflected in the record, it has been determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors required to be considered under section 4(c)(8) of the Act both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective January 29, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3551 Filed 2-6-75;8:45 am]

CORONADO, INC.

Order Approving Formation of Bank Holding Company and Acquisition of a General Insurance Agency

Coronado, Inc., Sterling, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) ("Act") of formation of a bank holding company through acquisition of 85 per cent or more of the voting shares of The Farmers State Bank, Sterling, Kansas ("Bank"). The factors that are considered in acting upon this application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 89.8 per cent of the voting shares of The Farmers State Agency, Inc., Sterling, Kansas ("Agency"). Applicant would thereafter engage in the conduct of a full service insurance agency business that would include the sale of life insurance, health and accident insurance, fire, casualty, and surety insurance on the premises of Bank, which is located in a community of less than 5,000 people. Such activity has been determined by the Board in § 225.4(a)(9)(iii) of Regulation Y to be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views has been duly published (39 FR 40333 (1974)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act 12 U.S.C. 1843(c)(8)).

Applicant is a nonoperating Kansas corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank; and of acquiring the insurance business of Agency. Bank holds deposits of $6 million, representing approximately 16.3 per cent of the commercial bank deposits in the relevant market area (approximated by Rice County), and is the second largest of ten commercial banks operating in the Rice County banking market.[1] Inasmuch as this proposal merely represents a transfer of the ownership of Bank from a family to a corporation controlled by that same family and Applicant has no present banking subsidiaries, the acquisition of Bank would not eliminate any significant existing or potential competition, increase the concentration of banking resources, and would not have any adverse effects on competition within the banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of the bank to be acquired and are regarded as satisfactory, particularly in view of Applicant's plan to inject $160,000 of additional capital into Bank. These considerations relating to banking factors are consistent with approval of the application. The same conclusion applies with respect to considerations relating to the convenience and needs of the communities to be served. It is the Board's judgment that consummation of the holding company formation would be consistent with the public interest and that the application to acquire Bank should be approved.

Also incident to the reorganization, Applicant proposes to operate a general insurance agency business, pursuant to § 225.4(a)(9)(iii) of Regulation Y, by acquiring the insurance business presently owned and operated by the owners of Bank. It does not appear that the acquisition of Agency would have any adverse effects on competition. Moreover, approval of the proposal would enable Applicant to continue to offer Bank's customers a convenient source of insurance services, which result the Board considers to be in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors that the Board is required to consider under section 4(c)(8) both favor approval of Applicant's proposals.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of Agency shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y as

[1] All banking data are as of June 30, 1974, unless otherwise indicated.

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well as to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board may find necessary to assure compliance with the provisions and purposes of the Act and of the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective January 29, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-3552 Filed 2-6-75;8:45 am]

MOUNTAIN BANKS, LTD.

Acquisition of Bank

Mountain Banks, Ltd., Colorado Springs, Colorado, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Mountain National Bank of Aurora, Aurora, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 24, 1975.

Board of Governors of the Federal Reserve System, January 30, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-3553 Filed 2-6-75;8:45 am]

TEXAS AMERICAN BANCSHARES INC.

Acquisition of Bank

Texas American Bancshares Inc., Fort Worth, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Gulf Southern National Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 4, 1975.

Board of Governors of the Federal Reserve System, January 30, 1075.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-3554 Filed 2-6-75;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Proposals

The following request for clearance of a questionnaire intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 4, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this information in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CPSC questionnaire are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 25, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the questionnaire may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CONSUMER PRODUCT SAFETY COMMISSION

Request for clearance of a new single-time questionnaire directed to domestic manufacturers of sleepwear subject to the Standards for Flammability of Children's Sleepwear (FF 3-71), Sizes 0-6X, and (FF 5-74), Sizes 7-14. The purpose of the mailing is to disseminate the Standards and Regulations, to measure compliance, and to aid the Commission in its selection of firms to be inspected. Potential respondents are 1000 sleepwear manufacturers. Respondent burden is estimated at ½ man-hour per respondent. Response is mandatory under FTC section 6A and CPSA section 27.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

[FR Doc.75-3598 Filed 2-6-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 3, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received, the name of the agency sponsoring the proposed collection of information, and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 25, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the item on this notice may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new single-time letter survey entitled "Survey of Recreational Land Developers." Potential respondents are fifty large recreational land developers active in Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Respondent burden is estimated to average 4 man-hours per response.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

[FR Doc.75-3599 Filed 2-6-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Social Psychology to be held at 9 a.m. on February 27 and 28, 1975, in room 517, 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Roland W. Radloff, Program Director, Social Psychology Program, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-5714.

R. GAIL ANDERSON, *Acting Committee Management Officer.*

FEBRUARY 4, 1975.

[FR Doc.75-3517 Filed 2-6-75;8:45 am]

ADVISORY PANEL FOR SOCIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Sociology to be held from 9 a.m. to 6 p.m. on February 27 and 28, 1975, in room 542, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals as well as information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Roland W. Radloff, Program Director, Social Psychology Program, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-5714.

R. GAIL ANDERSON, *Acting Committee Management Officer.*

FEBRUARY 4, 1975.

[FR Doc.75-3516 Filed 2-6-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Postponement of Announced Meeting

Due to unforeseen circumstances, the meeting of the Community Advisory Group, announced in the FEDERAL REGISTER, 40 FR 5199 on Tuesday, February 4, 1975 (FR Doc. 75-3122) will be postponed from Thursday, February 13, 1975 at 4 p.m. until Tuesday, February 25, 1975 at 4 p.m.

The meeting's location will remain unchanged as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202-343-9423.

PETER T. MESZOLY, *General Counsel.*

[FR Doc.75-3593 Filed 2-6-75;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Postponement of Announced Meeting

Due to unforeseen circumstances, the meeting of the Owners and Tenants Advisory Board, announced in the FEDERAL REGISTER, 40, 5199, on Tuesday, February 4, 1975 (FR Doc.75-3123), will be postponed from Wednesday, February 12, 1975 at 2 p.m. until Wednesday, February 26, 1975 at 2 p.m.

The meeting's location will remain unchanged, as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202-343-9423.

PETER T. MESZOLY, *General Counsel.*

[FR Doc.75-3594 Filed 2-6-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Coke Oven Emissions, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will hold meetings on March 4 and 5, and on March 18 and 19, 1975, in Washington, D.C.

The meetings are open to the public and all interested persons are encouraged to attend. The meetings announced in this notice, as well as a meeting on February 11 and 12 which was annuonced in the FEDERAL REGISTER on Friday, January 3, 1975 (40 FR 845), will be held in the following locations:

February 11 and 12—Room 218 ABCD, Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C., 10 a.m.—February 11, 9 a.m.—February 12.

March 4—Room 102 ABCD, Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C., 10 a.m.

March 5—Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C., 9 a.m.

March 18 and 19—Room 216 ABCD, Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C., 10 a.m.—March 18, 9 a.m.—March 19.

These meetings will be the fifth, sixth, and seventh of this ad hoc committee which began its deliberations on November 6, 1974. The committee will submit its recommendations within 200 days of the date of its initial meeting.

It is anticipated that the committee will hear public presentations in February and will begin discussing and drafting recommendations during the March meetings. Because the committee recommendations are due in late May, oral presentations before the committee will be restricted after the February meeting.

Although persons desiring to make an oral presentation to the committee may submit a written request to be heard to the Committee Management Officer at least three days prior to the date of the meeting at which the person wishes to appear, these parties are encouraged to submit such comments in writing rather than request oral participation.

Any member of the public wishing to submit written presentations to the committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer. Such submissions will be provided to the members of the committee and will be included in the record of the meeting.

The committee has previously requested relevant information or data on employee exposure to coke oven emissions, feasible analytical methods, engineering methods available for control of emissions, and medical surveillance. It is important that the committee receive any such information as quickly as possible.

Communications and questions should be addressed to:

Jeanne W. Ferrone, Committee Management Office, U.S. Department of Labor, Occupational Safety and Health Administration, 1726 M Street NW., Room 200, Washington, D.C. 20210. Phone: 202-961-2248, 2487.

All materials which have been submitted to or developed by the committee since the beginning of its deliberations, as well as the official record of all committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 4th day of February 1975.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.75-3584 Filed 2-6-75;8:45 am]

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Wage and Hour Division

[Administrative Order No. 637]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wage Rates; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR 511, I hereby appoint the following industry committees for the indicated industries:

Committee number:	*Industry*
125–A	Chemical, Petroleum and related products industry, in Puerto Rico.
125–B	Construction industry in Puerto Rico.

2. These industries are defined as follows:

(A) The chemical, petroleum, and related products industry in Puerto Rico is defined as:

(a) The manufacture or packaging of chemicals, drugs, medicines, toilet preparations, cosmetics, and related products; the mining or other extraction or processing of any mineral used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom: *Provided, however,* That the industry shall not include any activity included in the food and kindred products industry; the stone, clay and glass products and nonmetallic mining industry; and the metal, machinery, transportation equipment, and allied products industry, as defined in the wage orders for those industries, and any activities performed in the capacity of a public utility.

(b) The products of this industry include, among others: Primary plastic materials such as sheets, rods, tubes, filaments, granules, powders, and liquids; soap and glycerin; cleaning and polishing preparations; paints, varnishes, colors, dyes, inks, putty, and fillers; industrial alcohol, wood distillation and naval stores; fertilizers; vegetable and animal oils and fats; candles; glue and gelatin; compressed and liquified gases; insecticides and fungicides; salt; explosives, fireworks and pyrotechnics; coke and coke-oven by-products; paving mixtures and blocks containing asphalt, creosote, or tar; fuel briquettes; roofing felts and coatings; and asphalt tile and linoleum.

(B) The construction industry in Puerto Rico, to which this part shall apply, is defined as: The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements on land; the assembling at the construction site and the installation of machinery and other facilities in or upon such improvements; and the dismantling, wrecking, or other demolition of such improvements: *Provided, however,* That the construction industry shall not include any activity carried on by an establishment in Puerto Rico for its own use to which another wage order for the primary business of such establishment would otherwise be applicable.

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committees;

(b) Refer to the industry committees the question of the minimum rates of wages to be fixed for the above-mentioned industries in Puerto Rico.

(c) Give notice of the hearings to be held by the several committees at the times and place indicated. The committees shall investigate conditions in the industries, and the committees, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the committees to perform their duties and functions under the aforementioned Act.

Industry Committee No. 125–A will meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 10 a.m. on Monday, March 10, 1975.

Following this hearing, Industry Committee No. 125–B will immediately convene to conduct its investigation and begin its public hearing.

The hearings will take place in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, P.R.

Each industry committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that each committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

4. The rate or rates recommended by the committees shall not exceed the rates prescribed by section 6(a) of the Act, namely, $2.10 an hour for the period ending December 31, 1975; and $2.30 an hour after December 31, 1975, for those classifications covered before the Fair Labor Amendments of 1966; nor those rates prescribed by section 6(b) of the Act, namely, $2.00 an hour for the period ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976; nor $2.30 an hour after December 31, 1976, for those classifications brought under the Act by the Fair Labor Standards Amendments of 1966.

5. Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications, within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the industry committees containing such data as she is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The industry committees shall take official notice of the facts stated in the economic reports to that extent that they are not refuted at the hearing.

7. The procedure of industry committees shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date, i.e., February 28, 1975.

Signed at Washington, D.C., this 31st day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3586 Filed 2-6-75;8:45 am]

[Administrative Order No. 636]

INDUSTRY COMMITTEE FOR VARIOUS INDUSTRIES IN THE VIRGIN ISLANDS

Appointment To Investigate Conditions and Recommend Minimum Wage Rates; Notice of Hearings

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and 29 CFR 511, I hereby appoint Special Industry Committee No. 16 for the Virgin Islands for the classifications defined below.

These classifications shall not include any employee employed in the Virgin Islands by the United States or by the government of the Virgin Islands, by an establishment which is a hotel, motel, or restaurant, or by any retail or service establishment which employed such employee primarily in connection with the preparation or offering of food and beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guest of members of clubs.

2. These classifications are defined as follows:

(a) *The pre-1966 coverage classification.* This classification includes all activities of employees in the Virgin Islands which were within the purview of section 6 of the Fair Labor Standards Act of 1938 prior to the effective date of the Fair Labor Standards Amendments of 1966.

(b) *1966 coverage classifications.* The classifications in this paragraph (b) include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966 or by section 906 of the Education Amendments of 1972.

(1) *The Agriculture classification.* This classification is defined as farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or natural state, or canning of agricultural or horticultural commodities for dling, packing, storing, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agriucultural or horicultural commodities for market, or making cheese or butter or other dairy products; the operation of a country elevator, including such an establishment which sells products and services used in the operation of a farm; the ginning of cotton for market; and the transportation and preparation for transportation of fruits and vegetables, whether or not performed by a farmer, from the farm to a place of first processing or first marketing.

(2) *The other activities classification.* This classification is defined as all activities of employees in the Virgin Islands, including the activities of those preschool employees which were brought within the purview of section 6 of the Fair Labor Standards Act by section 906 of the Education Amendments of 1972, other than those activities included in the agriculture classification defined in subparagraph (1) of this paragraph.

(c) *The 1974 coverage classifications.* The classifications in this paragraph (c) include only those activities of employees in the Virgin Islands which were brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1974.

(1) *The domestic service classification.* This classification is defined as service of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or a family in an apartment house or hotel may constitute a private home. However, a dwelling primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home. Domestic service in and about a private home includes, but is not limited to, services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

(2) *The motion picture theater classification.* This classification is defined as the activities of employees of motion picture theaters.

(3) *The retail and service classification.* This classification is defined as the activities of employees employed in retail and service establishments that are parts of covered enterprises and that have an annual volume of sales that is less than $250,000 but not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977. (Retail and service establishments with $250,000 or more in annual sales volume are covered under the pre-1974 provision of the Fair Labor Standards Act of 1938).

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed Industry Committee;

(b) Refer to the Committee the question of the minimum rates of wages to be fixed for the above-mentioned classifications in the Virgin Islands.

(c) Give notice of the hearing to be held by the Committee at the times and places indicated below. The Committee shall investigate conditions in the classifications, and the Committee, or any authorized subcommittee thereof, shall hear witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the aforementioned Act.

The Committee will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 11 a.m. on Monday, March 3, 1975, at Government House, Christianstead, St. Croix, Virgin Islands. The public hearing will continue on March 4, 1975.

Upon completion of its proceedings in St. Croix, the Committee will move its proceedings to the College of the Virgin Islands, St. Thomas, Virgin Islands where the hearing will resume at 9:30 a.m. on Wednesday, March 5, 1975.

The Committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, or American Samoa; except that the Committee shall recommend the minimum rates prescribed in section 6(a) or section 6(b), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years which establishes that the industry or a predominant portion thereof, is unable to pay the wage.

4. The rate or rates recommended by the Committee shall not exceed the rates prescribed by section 6(a) of the Act, namely, $2.10 an hour for the period ending December 31, 1975; and $2.30 an hour after December 31, 1975, for those classifications covered before the Fair Labor Standards Amendments of 1966; nor those rates prescribed by section 6(b) of the Act, namely, $2.00 an hour for the period ending December 31, 1975; $2.20 an hour during the year beginning January 1, 1976; nor $2.30 an hour after December 31, 1976, for those classifications brought under the Act by the Fair Labor Standards Amendments of 1966; except, however, the rate or rates recommended for agricultural employees shall not exceed those rates prescribed by section 6(a) (5) of the Act, namely, $1.80 an hour for the period ending December 31, 1975; $2.00 during the year beginning January 1, 1976; $2.20 during the year beginning January 1, 1977, and $2.30 an hour after December 31, 1977.

5. Whenever the Committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in that industry, it shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10 which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications, within an industry, in making such classification, and in determining the minimum wage rates for such classifications, the Committee shall consider, among other relevant factors, the following: (a) competitive conditions as affected by transportation, living, and production costs; (b) wages established

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for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

6. The Administrator shall prepare an economic report for the Committee containing such data as she is able to assemble pertinent to the matters referred to it. Copies of such reports may be obtained at the national and Puerto Rican offices of the Wage and Hour Division of the U.S. Department of Labor as soon as they are completed and prior to the hearings. The Committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearing.

7. The procedure of the industry committee shall be governed by 29 CFR Part 511. Interested persons wishing to participate in the hearing shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the hearing date, i.e., February 21, 1975.

Signed at Washington, D.C., this 31st day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3587 Filed 2-6-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 691]

ASSIGNMENT OF HEARINGS

FEBRUARY 4, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 7, 1975.

MC 72253 Sub 42, The Aetna Freight Lines, Inc., now being assigned April 1, 1975 (1 day), at Birmingham, Alabama, in a hearing room to be designated later.

MC 73165 Sub 348, Eagle Motor Lines, Inc., now being assigned April 2, 1975 (3 days), at Birmingham, Alabama, in a hearing room to be designated later.

MC 72243 Sub 42, The Aetna Freight Lines, Inc., now being assigned April 7, 1975 (1 wk.), at Birmingham, Alabama, in a hearing room to be designated later.

MC-F-12090, Cedar Rapids Steel Transportation, Inc.—Purchase—The Kinnison Trucking Company and MC 114273 Sub 158, Cedar Rapids Steel Transportation, Inc.; now being assigned April 2, 1975 (3 days), at Columbus, Ohio, in a hearing room to be designated later.

MC-C-8339, Quick Air Freight, Inc., et al. v. Mt. Vernon Aviation, now being assigned April 1, 1975 (1 day), at Columbus, Ohio, in a hearing room to be designated later.

MC-F-12199, General Highway Express, Inc.—Purchase—Roethlisberger Transfer Co.; MC 97841 Sub 20, General Highway Express, Inc., and No. F.D. 27697, General Highway Express, Inc.—Securities; now being assigned April 7, 1975 (1 week), at Columbus, Ohio, in a hearing room to be designated later.

MC 113678 Sub 547, Curtis, Inc., now being assigned April 1, 1975, at Omaha, Nebr., in a hearing room to be later designated.

MC-C-8435, The Rock Island Motor Transit Company—Investigation of Practices, now being assigned April 3, 1975, at Omaha, Nebr., in a hearing room to be later designated.

MC 95084 Sub 106, Hove Truck Line, MC 119493 Sub 116, Monkem Company, Inc., now being assigned April 4, 1975, at Omaha, Nebr., in a hearing room to be later designated.

MC 113678 Sub 546, Curtis, Inc., now being assigned April 7, 1975, at Omaha, Nebr., in a hearing room to be later designated.

No. 36056, Oklahoma Intrastate Rail Freight Rates and Charges, now being assigned April 1, 1975 (4 days), at Oklahoma City, Oklahoma, in a hearing room to be designated later.

MC 108207 Sub 408, Frozen Food Express, Inc., now being assigned April 7, 1975 (1 day), at Dallas, Texas, in a hearing room to be designated later.

MC 115840 Sub 98, Colonial Fast Freight Lines, Inc., now being assigned April 8, 1975 (1 day), at Dallas, Texas, in a hearing room to be designated later.

MC 52460 Sub 147, Ellex Transportation, Inc., now being assigned April 9, 1975 (3 days), at Dallas, Texas, in a hearing room to be designated later.

MC 53965 (Sub-No. 101), Graves Truck Line, Inc., now being assigned April 1, 1975 (2 weeks), at Garden City, Kansas in Wheat Lands Motor Inn, 1311 E. Fulton.

MC 116915 Sub 13, Eck Miller Transportation Corporation, application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3596 Filed 2-6-75;8:45 am]

[AB 10 (Sub-No. 2)]

NORFOLK AND WESTERN RAILWAY CO.

Abandonment Between Waterville and Delphos in Lucas, Wood, Henry, and Putnam Counties, Ohio

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Lucas, Wood, Henry, and Putnam Counties, Ohio, on or before February 26, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of January 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 10 (Sub-No. 2)]

NORFOLK AND WESTERN RAILWAY COMPANY ABANDONMENT BETWEEN WATERVILLE AND DELPHOS IN LUCAS, WOOD, HENRY AND PUTNAM COUNTIES, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975, it has been determined that the proposed abandonment of the Norfolk and Western Railway Company's line between Waterville and Delphos, Ohio, a distance of 55.8 miles, which has been amended to exclude the southern 5.5 mile segment between Delphos and Douglas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (c) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because increases in air pollution and fuel consumption which may result from the subsequent increase in highway traffic would be minimal due to the small amount of involved traffic. There are no major development plans in the area that are dependent on this line for direct rail service. The ecological and historic impacts associated with the proposed action have been determined to be minor or absent. Furthermore the Ohio Department of Natural Resources and the Toledo, Lake Erie, and Western Railway, Inc., have expressed desires to purchase certain segments of the line for use as a linear trail consistent with the existing Buckeye Trail and excursion train operation respectively.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-3597 Filed 2-6-75;8:45 am]

federal register

FRIDAY, FEBRUARY 7, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 27

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria

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Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-307]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Subpart E—Applications and Criteria for Discretionary Grants

Notice was given on November 27, 1974 (39 FR 41492), that the Department of Housing and Urban Development was proposing to amend Title 24 of the Code of Federal Regulations by adding Subpart E to Part 570 of Chapter V. The Department herewith publishes its regulations for Subpart E—Applications and Criteria for Discretionary Grants.

These regulations deal with the distribution and application process for these discretionary grants as more fully defined in § 570.104, Funds for discretionary grants. There are four basic sources of funds authorized by Title I of the Housing and Community Development Act of 1974. The first source is entitlement grants described in the November 13, 1974, FEDERAL REGISTER publication. The other three sources of funds are the urgent needs fund, general purpose funds for metropolitan and nonmetropolitan areas, and the Secretary's fund, which are all described in these proposed regulations.

The urgent needs fund is authorized by section 103(b) of the Act. This fund, referred to in § 570.104(b) of the November 13, 1974, FEDERAL REGISTER publication as the "transition funds," will be hereafter called the "urgent needs fund."

General purpose grants made for metropolitan and nonmetropolitan areas are authorized by section 103(a) of the Act, and the amounts are established under section 106 (d) and (f) of the Act.

The Secretary's fund is authorized by section 107 of the Act and is available for the following purposes: New communities; areawide projects; Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands; innovative projects; federally recognized disasters; and correction of inequities resulting from the allocation provisions of section 106 of the Act.

The Department has received more than 100 responses to the November 27, 1974 publication. All comments received were given consideration and many of the changes incorporated in these regulations reflect the suggestions received from the public. The principal changes are set forth below.

A number of comments were received suggesting that the requirement for preapplications be dropped because of the time restraints on funding in Fiscal Year 1975. The language of § 570.400(b) has been changed to encourage the submission of preapplications while permitting applicants to submit full applications without a preapplication.

A new subparagraph has been added to § 570.400(c) to clarify what may be encompassed by an application and to make it clear that subsequent years' funding is not precluded for activities proposed in the application.

Most of the comments received addressed the problem of meeting the requirements of OMB Circular No. A-95. The revised language of § 570.400(d) allows for a reduction in the time of the A-95 review process for Fiscal Year 1975 submissions.

Language has been added to § 570.400 (e) to permit applicants to be reimbursed pursuant to a letter to proceed, for the cost of planning an application for discretionary block grants once the application has been approved by HUD.

Several changes have been made in the criteria for funding applications for urgent community development needs described in § 570.401. The significant change in this section reflects the intent of the Department to ensure that applicants for urgent needs funding have made maximum use of available resources to meet their urgent community development needs before making their application to HUD. Application requirements have been clarified by minor language changes.

The criteria for funding applications for general purpose funds for metropolitan and nonmetropolitan areas have been substantially revised in § 570.402(b). The revised criteria accurately reflect the Congressional intent that community development block grants be used to assist in the development of viable urban communities and expand economic opportunities principally for persons of low and moderate income. In addition, the Department has added another criterion to encourage the submission of joint applications between States and units of general local governments or two or more units of general local government for activities designed to implement areawide housing and community development plans. Additional instructions have also been provided in § 570.402(e) with respect to applications submitted by States.

In response to a number of comments, language has been added at § 570.402(f) to explain the process HUD will follow in the reallocation of funds and the timing of such reallocation.

The language describing eligible applicants for the discretionary funds available to new communities has been expanded to define more clearly which entities can apply for such funds in § 570.403(b)(3). Also, applicants as defined in § 570.403(b) (1), (2) and (3) are eligible to apply for funds available under §§ 570.401, 570.402, 570.406 and 570.407.

A number of significant changes have been made in § 570.406—Innovative Projects. The list of selection criteria described in § 570.406(b) has been expanded to include several new criteria. In addition, the basis for the Department's review of proposals is explained in § 570.406(b)(4). Application and reporting requirements have also been expanded upon to clarify applicants' responsibility in these respects.

Many comments were received suggesting that the discretionary funding available for federally recognized disasters be made available to localities where such disasters had occurred prior to the effective date of the Act. The Department did not respond affirmatively to these comments as the intent of the statute was clearly to assist communities affected by such disasters subsequent to the effective date of the Act. However, in response to many comments on this subject the Department has expanded the definition of federally recognized disasters in § 570.407 (a) to include those disasters requiring Federal emergency assistance and for those disasters recognized by other Federal agencies pursuant to their statutory authority. Priorities will be given in the use of these discretionary funds to those needs caused by Presidentially declared major disasters.

Additional criteria for funding were added to § 570.408—Inequities Funding to indicate the Department's intent to give consideration to other circumstances which might give rise to a need for discretionary funding. For localities subject to the phase-in provision, the new criterion in § 570.408(b)(3) is added. If the hold harmless amount is significantly lower than the average amount approved by HUD for the fiscal years immediately preceding or subsequent to the base period, such applicants may be considered for funding. In addition, the Department recognizes that substantial decreases in anticipated levels of available discretionary funding for metropolitan areas caused by the implementation of the provision governing urban counties for applicants may result in some inequities in funding that can be corrected by the provision of this Subpart.

Accordingly, Title 24 is amended as follows: A new Subpart E—Applications and Criteria for Discretionary Grants is added to Part 570 to read as set forth hereinafter:

Subpart E—Applications and Criteria for Discretionary Grants

Sec.
570.400 General.
570.401 Urgent needs fund.
570.402 General purpose funds for metropolitan and nonmetropolitan areas.
570.403 New communities.
570.404 Areawide projects [Reserved]
570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.
570.406 Innovative projects.
570.407 Federally recognized disasters.
570.408 Inequities funds.

AUTHORITY: Title I of the Housing and Community Development Act of 1974 (Pub. Law 93-383; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart E—Applications and Criteria for Discretionary Grants

§ 570.400 General.

(a) *Applicability of rules and regulations.* The policies and procedures set forth in Subpart A, B, C, F, G, H, I, and J of this Part shall apply to this subpart and to the funds described in § 570.104, except to the extent that they are specifically modified or augmented by the contents of this subpart, including specified exemptions described herein. The HUD Environmental Review Procedures contained in 24 CFR Part 58 also apply to this subpart, unless otherwise specifically provided herein.

(b) *Preapplications.* Preapplications will be accepted for metropolitan and nonmetropolitan discretionary balances described in § 570.402. Applicants are encouraged to submit preapplications but, because of the time constraints in Fiscal Year 1975, a full application that was not preceded by a preapplication will nevertheless be considered without prejudice by HUD. The purpose of the preapplication is basically: (1) To determine how well the application compares with similar applications from other jurisdictions, and (2) to discourage applications which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application.

(i) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate HUD Area Office. The preapplication shall consist of a brief description of the applicant's community development needs, the activities proposed to meet those needs, and the general location and estimated cost of the proposed activities. The applicant's statement shall address the specific criteria under which it requests priority consideration for funding under § 570.402(b).

(ii) *HUD review of preapplications.* HUD will review preapplications based upon the appropriate criteria set forth in this subpart, to determine how well an application is likely to compete with other applications for the same discretionary funds submitted by other jurisdictions. Applicants will be advised of HUD's determinations and judgments on the preapplication, and of the availability of funds for that particular fiscal year. Notwithstanding the nature of such advice, any eligible applicant may submit an application under the provisions of this subpart.

(3) *Preapplication submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of preapplications for each fiscal year. For Fiscal Year 1975, the earliest date for submission of a preapplication shall be January 1, 1975; the latest date shall be March 1, 1975.

(c) *Applications*—(1) *Submission requirements.* Applications shall be submitted on HUD forms to the appropriate HUD Area Office. Specific submission requirements are contained in the following sections of this subpart which describe each discretionary fund. To the maximum extent possible, and with the prior concurrence of the Secretary, documentation submitted in support of an application previously submitted for funding under this part will be accepted and need not be resubmitted with an application for a discretionary grant.

(2) *Scope of application.* An application may include any number of eligible activities up to the maximum dollar amount established by the Secretary for applications submitted under this subpart. An application may be for any reasonable period of time necessary to complete the proposed activities. For new activities to be carried out with a discretionary grant the applicant shall apply for discretionary funds in an amount which, along with any other resources that may be available, will be adequate to complete the activities. While a recipient remains eligible for discretionary grant funding in subsequent years, an applicant shall not assume that additional funding will be available in subsequent years to continue or expand activities. An application may not, however, be only for planning purposes, as defined in § 570.200(a)(12).

(3) *Application submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of applications for discretionary grants for each fiscal year. For Fiscal Year 1975 the earliest and latest dates shall be as follows:

(i) General purpose funds for metropolitan and nonmetropolitan areas—March 15, 1975 through May 15, 1975;

(ii) Urgent needs fund—January 1, 1975 through May 15, 1975;

(iii) Secretary's fund:

(A) New communities—February 1, 1975 through May 15, 1975;

(B) Areawide projects—reserved;

(C) Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands—February 1, 1975 through May 15, 1975;

(D) Innovative projects—February 1, 1975 through April 20, 1975;

(E) Federally recognized disasters—January 1, 1975 through June 30, 1975; and

(F) Inequities—February 1, 1975 through May 15, 1975.

(d) *Meeting the Requirements of OMB Circular No. A-95*— (1) *Preapplications.* Applicants must comply with the procedures set forth in OMB Circular No. A-95 which include the requirements of paragraph 7, Part I, for submission of a preapplication to the appropriate State and areawide clearinghouses at the same time that it is submitted to HUD. Although HUD has up to 45 days to respond to a preapplication, the Department expects to respond to all preapplications within 20 days of the closing date for the receipt of preapplications. Clearinghouse comments should be received by HUD within 15 days of receipt of a preapplication in order that HUD may respond promptly to preapplications. This period may be informally extended by mutual agreement between HUD and a clearinghouse, provided it will not delay the HUD response. However, any comment by a clearinghouse during the preapplication stage will not be considered a substitute for review under the regular procedures of Part I to A-95 unless the clearinghouse so indicates.

(2) *Final applications.* For final applications the Office of Management and Budget has granted for first year submissions only, an exception to the length of review time. Under the exception, a preapplication submission in accordance with the preceding subparagraph will meet the normal A-95 requirement that applicants notify clearinghouses of the intent to apply for assistance and the subsequent clearinghouse review of such notification. Therefore, for first year submissions only, final applications will be subject only to the A-95 requirement that clearinghouses be provided 30 days for review of the completed final application. Final applications submitted under this subpart which have not been preceded by a preapplication are subject to the requirements of 570.300(c).

(3) *Indian tribes.* Applications from federally recognized Indian tribes are not subject to the regular A-95 requirements. However, Indian tribes may voluntarily participate in the A-95 Project Notification and Review System and are encouraged to do so. HUD will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt.

(e) *Advances of funds.* Applicants are not authorized to receive an advance of funds from discretionary grants, as described in § 570.302, except for Guam and the Virgin Islands which may receive an advance of funds in an amount not to exceed ten percent of their hold harmless amounts. In response to a request by a unit of general local government, the Secretary may, however, in cases of demonstrated need, issue a letter to proceed authorizing an applicant to incur costs for the planning and preparation of an application for funds available under this subpart. Reimbursement for such costs will be dependent upon HUD approval of such application.

(f) *Review of applications for discretionary grants*—(1) *Acceptance of application.* HUD will accept an application for review, *Provided*, That:

(i) It has been received before the close of business on the final date established by HUD for submission of applications for each fiscal year;

(ii) The application is complete, as required in this subpart;

(iii) The required certifications have been properly executed; and

(iv) The applicant has attached or enclosed any comments or recommendations made by or through state and areawide clearinghouses or has stated that no comments or recommendations have been received.

(2) *Timing of review.* While the Secretary is not required by the Act to review and approve a discretionary grant application within any specified time period, the Secretary will make every effort to complete his review of all such applications within 75 days.

(3) *Notification to applicants.* The Secretary will notify the applicant in writing that the application has been approved, partially approved, or disapproved. If an application is partially approved or disapproved, the applicant will be informed of the specific reasons for partial approval or disapproval. The Secretary may make conditional approvals, as provided in § 570.306(e).

(g) *Program amendments.* Recipients shall request prior HUD approval for program amendments wherever the amendment results from changes in the scope or the objective of the approved program.

(h) *Performance Report.* Except for new communities and innovative projects, each recipient shall, upon completion of the activities carried out with the discretionary grant, or upon submission of a subsequent discretionary grant ap-

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plication, whichever is earlier, submit a performance report as described in § 570.906(b), and shall meet the requirements of § 570.906(c) concerning notice of the availability of the report for examination by the public.

§ 570.401 Urgent needs fund.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3(v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b) (1), (2) and (3).

(b) *Criteria for Selection.* The Secretary shall make grants for the purpose of facilitating an orderly transition to the community development block grant program and to provide for urgent community development needs which cannot be met through the allocation provisions of § 570.102, § 570.103, and § 570.104(c), giving priority to the following:

(1) The analysis performed by the unit of general local government (and concurred in by HUD) of its ongoing projects or program undertaken pursuant to Title I of the Housing Act of 1949 indicates that the entitlement amount is: (i) Insufficient, over a three-year period beginning January 1, 1975, to complete the program or project plan as approved by HUD; or (ii) in any one of those three years the entitlement amount will be insufficient to maintain the progress schedules adopted locally for achievement of the program and the inability to maintain such progress will seriously and adversely affect the Federal interest in the project or program.

(2) A unit of general local government participated in the planned variations demonstration assisted under the provisions of the Demonstration Cities and Metropolitan Development Act of 1966 and will suffer a significant decrease in the level of ongoing activities funded under the planned variations demonstration.

(3) A state or unit of general local government, as a result of cost increases due to circumstances beyond its control, has been unable to complete an ongoing project assisted under one or more of the following terminated categorical programs: (i) Water and sewer facilities under section 702 of the Housing and Urban Development Act of 1965; (ii) neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965; (iii) open-space land under Title VII of the Housing Act of 1961; and the Secretary's analysis of the financial capacity of the unit of general local government indicates a lack of available resources locally or otherwise to finance completion of the project and the Federal investment in the project as of January 1, 1975 warrants the incremental Federal assistance required to complete the project.

(c) *Application requirements.* Applications for funds to meet urgent community development needs shall be submitted by States and units of general local government to the HUD Area Office serving the locality. The required documentation establishing the basis for grants under this section shall be supplied by applicants at the request of the HUD Area Office. Planned Variation cities requesting funds under criterion (2) shall comply with the application requirements outlined in § 570.303. Applicants under criteria (1) and (3) shall submit documentation, in a manner prescribed by HUD, justifying and documenting the urgent need for funds under this section, and shall provide the certifications required by § 570.303(e)(1), (3), (4), (5), (6), and (8).

§ 570.402 General purpose funds for metropolitan and nonmetropolitan areas.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3(v), excluding metropolitan cities, urban counties and units of general local government which are included in urban counties as described in § 570.105(b)(3)(ii) and (iii). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b)(1), (2) and (3).

(b) *Criteria for selection.* In selecting among applications, priority will be extended to those applications showing the following conditions, and proposing activities which directly or indirectly relate to these conditions:

(1) Extent of substandard housing conditions determined as follows:

(i) for metropolitan areas, the proportion and extent of overcrowded housing as defined in § 570.3(l) and expressed as a percentage of the total housing units in the unit of general local government; and

(ii) for nonmetropolitan areas, the proportion and extent of housing units lacking plumbing as published by the United States Bureau of the Census for 1970 for rural areas and expressed as a percentage of the total housing units in the unit of general local government.

(2) The proportion and extent of poverty as defined in § 570.3(j) and expressed as a percentage of the total population for the unit of general local government.

(3) An extraordinarily high rate of growth or a severe and rapid decline in population and economic activity, either one of these conditions resulting primarily from the impact of national policy decisions or direct Federal program decisions, and where the program is designed to offset or mitigate the effects of sudden spurts or declines in growth.

(4) Conditions which represent an imminent threat to public health or safety.

Additional priority may be extended where there are joint and voluntary cooperation agreements between States and units of general local government or two or more units of general local government and the activities are designed to implement housing and community development plans that are Statewide or areawide in scope, provided that one or more of the participants in the agreement also meets at least one of the other criteria listed in this subsection. Area Offices of HUD are authorized at their discretion (but not required) to set maximum grant limits for each fiscal year, related to the total amount of discretionary balance available in that year to a given metropolitan area or to the nonmetropolitan portion of a State. A judgmental factor which may be applied by each Area Office is an estimate of the capacity of the applicant to complete the proposed activities within the estimated cost.

(c) Application requirements. Applicants for general purpose funds for metropolitan and nonmetropolitan areas shall meet the application requirements in § 570.303.

(d) Waiver of Application requirements. The provisions of § 570.304 shall also apply to applications under this section.

(e) Applications submitted by States. States (including the Commonwealth of Puerto Rico) may apply for general purpose funds for metropolitan and nonmetropolitan areas to carry out eligible activities in metropolitan and nonmetropolitan areas, respectively.

(1) Separate applications are required for nonmetropolitan areas and for each separate metropolitan area for which a State seeks funds.

(2) The geographical area to be covered by the application shall be the jurisdiction of the unit or units of general local government in which the proposed activity or activities are to be located or carried out. This policy pertains particularly to the community development plan summary, as described in § 570.303(a), and the housing assistance plan, as described in § 570.303(c). The State application shall indicate that the housing assistance plan has been adopted by the unit or units of general local government.

(3) A State may not apply for activities to be located in or carried out in metropolitan cities, urban counties or units of general local government which are included in urban counties, unless such funds have been reallocated in accordance with the provisions of § 570.107.

(4) A State may apply for activities to be carried out pursuant to State authority or pursuant to an agreement with one or more units of general local government.

(f) *Reallocation of funds.* When funds are reallocated in accordance with the provisions of § 570.107, the policies and criteria of this section shall apply except that metropolitan cities, urban counties and units of general local government which are included in urban counties shall be eligible applicants for reallocated funds. In Fiscal Year 1975, funds will be reallocated as soon as practicable after May 15, 1975.

§ 570.403 New communities.

(a) *General.* This Section covers grants made in behalf of activities and projects to be undertaken in direct support of a new community (which term means a new community approved by the Secretary under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968), and reflected in a current new community development plan (the development plan which forms an attachment to each new community project agreement by and between each developer and the United States, as the same may be revised and amended from time to time).

(b) *Eligible Applicants.* States, and units of general local government which meet the definition contained in § 570.3(v) may apply under this subsection for grants made on the basis of the provisions of this section. For the purpose of this section, the second sentence in § 570.3(v) includes:

(1) A State land development agency or local public body or agency with authority to act as a developer of a new community.

(2) Any community association (including any homes association), or other similar nonprofit organization established in a new community under covenants approved by the Secretary in connection with approved new community development projects, or any community authority established under State law for similar purposes, or any of the foregoing organizations otherwise approved by the Secretary which is legally and administratively qualified to carry to successful completion those projects for which grant assistance is sought by the applicant.

(3) A private new community developer or any subsidiary thereof organized in a form satisfactory to the Secretary: *Provided,* That a request has been made to an appropriate unit of general local government or a non-profit organization to apply for and serve as grantee for the direct benefit of the new community, and such request has been denied, or in the judgment of the New Communities Administration (NCA) of HUD, no acceptable response has been received within a reasonable period of time.

(c) *Application Requirements*—(1) *General.* The requirements of this paragraph shall be applicable only for the geographic area within the new community. The requirements set forth in this paragraph are designed to supplement application procedures and approval requirements of the new communities program under which applicants will have already provided substantial information to the Secretary.

(2) *Activities Program.* The application shall include a brief description of the activities and costs to be funded from the grants for the program year. The application shall identify separately any activities not previously submitted to and approved by NCA.
approved by the New Communities Administration (NCA) of the Department of Housing and Urban Development as part of Title IV or Title VII documentation. The estimated costs and general location of these latter activities are to be shown.

(3) *Certifications.* The Applicant shall submit certifications in such form as HUD will prescribe, providing the assurances required under § 570.303(e) (1), (3), (4) if applicable, (5) and (6) with respect to activities undertaken with funds under this Part.

(4) *Environmental review requirements.* (i) For activities proposed by an applicant eligible under § 570.403(b)(2) or (3), no new environmental review or clearances will be required by virtue of any such activity's proposed funding under this part if the activity is a part of a previously approved project for which environmental review clearances have been completed, which clearances adequately covered such activity, and for which circumstances, including the availability of additional data or advances in technology, have not changed significantly.

If NCA determines that an additional review is required, environmental review shall be conducted by HUD pursuant to HUD Handbook 1390.1.

(ii) For activities proposed by an applicant eligible under § 570.403(b), other than under § 570.403(b)(2) or (3), environmental reviews shall be conducted by the applicant pursuant to 24 CFR Part 58, or, if applicable, by HUD in accordance with § 570.603.

(5) *Clearinghouse review.* Applicants must comply with the procedures set forth in OMB Circular A–95 (requiring review by a clearinghouse) only where the proposed Title I funded activities have not previously been the subject of clearinghouse review.

(6) *Performance report.* Progress in execution activities funded under the Act shall be reported to NCA as a part of the quarterly and annual reporting and review procedures.

(d) *Review and approval of applications.* All applications for grants to assist new community development projects pursuant to this section shall be submitted to NCA through the appropriate HUD Area Office.

(1) *Scope of review.* NCA will review the application, based upon data and information supplied by the developer of the new community project and other independent reviews conducted by NCA staff or others at NCA request, to determine pertinent facts and goals and their consistency with information contained in the Project Agreement, Development Plan, and other documents submitted by the developer or obtained by NCA in the project review process. The review will include application of the selection criterion in paragraph (d)(2) of this section.

(2) *Criterion for selection.* The criterion to be used in selecting among applications and activities is whether the grants are necessary to achieve new community objectives.

(e) *Grant administration.* The provisions of Subpart F, Grant Administration, shall be applicable to applicants, except that private developers shall not be required to comply with the competitive bidding requirements of subsections 3c (5), (6) and (8) of Attachment O, FMC Circular 74–7, which is incorporated in § 570.507.

(f) *Program management.* Program management shall be accomplished within the framework of NCA project management, including the financial and physical progress reports required by NCA administrative procedures.

(g) *Remedies for non-compliance.* The provisions of §§ 570.911, 570.912, and 570.913 shall apply, except that the provisions of § 570.912, dealing with securing compliance through State governors, shall not apply to private developers, or prospective grantees controlled by private developers.

§ 570.404 Areawide projects [Reserved]

§ 570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(a) *Eligible applicants.* Eligible applicants are Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(b) *Criteria for funding.* Applicants may submit applications for discretionary grants for the full range of eligible activities described in § 570.200. The Secretary will establish for each fiscal year an amount for which each eligible applicant may apply. For Fiscal Year 1975, the following shall apply:

(1) Guam and the Virgin Islands shall each receive their hold-harmless amount as calculated pursuant to § 570.103(c). Guam and the Virgin Islands may also apply for funds to cover urgent needs not met by the hold-harmless amounts.

(2) The Secretary shall establish a funding level for American Samoa and the Trust Territory of the Pacific Islands, taking into account their needs and their local administrative capacity.

(c) *Application requirements.* Applicants shall meet the application requirements in § 570.303.

§ 570.406 Innovative projects.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3(v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b)(1), (2) and (3).

(b) *Criteria for selection.* (1) *Definition.* An innovative community development project is one which encompasses a concept, system, or procedure that is unique, advances the state of the community development art and has the potential for transferability. Where a proposed project is one which has been demonstrated or is in use elsewhere, the applicant will be expected to show the key variables of the project within the applicant's jurisdiction which will be significantly different from previous projects or that the circumstances and environment for its adaptation are different. In general, a project will not be considered as meeting innovative criteria if it does not potentially advance the state of technology.

(2) *Selection priorities.* Each year HUD may establish areas of national significance which will be given priority in the review of application for funds under this section. In Fiscal Year 1975 priority will be given to projects which address one or more of the following areas:

(i) *Public service productivity.* Efforts to make local government service more

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effective, more efficient and less costly, and which are designed to mitigate the effects of inflation.

(ii) *Community development energy conservation.* Projects designed to enhance the rational use of energy for community development.

(iii) *Neighborhood preservation.* Projects which maximize the use of existing housing stock and community development and other resources for neighborhood preservation.

(3) *Other criteria.* In addition to the above criteria, HUD will consider the degree to which applications:

(i) Benefit persons of low and moderate income.

(ii) Integrate and relate the provision of housing to the provision of public facilities and/or supportive social services.

(iii) Demonstrate improved policy-planning-management capacity.

(iv) Demonstrate the involvement of both the public and private sectors.

(v) Encourage and reinforce the creation of community and neighborhood development organizations with the staff and ability to attract and involve public and private resources.

(vi) Serve as a prototype for improving community development activities, the demonstration of which would not otherwise be undertaken without Federal assistance.

(vii) Promote an increase in the diversity and vitality of neighborhoods.

(viii) Address problem areas common to a substantial number of communities.

(ix) Demonstrate activities which can be replicated by and transferred to a substantial number of communities.

(4) *Other review factors.* In addition, each application will be evaluated by such criteria as:

(i) The overall technical merit of the proposed project including the specific impact of the innovation.

(ii) The unique capabilities, related experiences, facilities or techniques which the applicant possesses and offers for achieving the objectives of the project.

(iii) The unique qualification capabilities and experience of proposed key personnel.

(iv) The availability of discretionary grant funding for innovative projects in light of competing needs.

(c) *Application requirements.* Applications shall be submitted to HUD's Office of Policy Development and Research through the appropriate HUD Area Office. Applications shall be in a format prescribed by HUD and shall include the following:

(1) A one page abstract summarizing the proposal and indicating where else in HUD or any other Federal agency the application has been sent within the last two years.

(2) A narrative describing the proposed project and how it conforms to the criteria for selection.

(3) The certifications required by § 570.303(e)(1), (3), (4), (5), (6), and (8) with respect to activities to be undertaken with funds under this Part. In addition, the applicant must certify that citizens likely to be affected by the project, particularly low and moderate income persons, have been provided an opportunity to comment on the application.

(d) *Reports.* In lieu of the annual performance report cited in § 570.906, recipients shall submit the following:

(i) *Outline for Final Project Report.* Midway through completion of the project (or at an alternate point in time as specified by HUD) each recipient shall prepare a detailed outline of the final project report under guidelines provided by HUD.

(ii) *Draft Report.* The recipient shall submit to HUD, six copies of a draft of the final project report with all readily reproducible charts, tables, graphs, and appendices that are to be included in the final report. In addition, each recipient shall meet the requirements of § 570.906 (c) concerning notice of the availability of the report for examination by the public with the exception that reports need only be available to be copied by the public.

(iii) *Final Report.* The report shall describe in appropriate detail the objectives of the project and how they were met, the methods and techniques that were used, the types of problems encountered during project execution and the methods used to resolve them and the conclusions and recommendations that are to be drawn from the demonstration project. The final report shall be in a form and manner prescribed by HUD.

(e) *Records.* Recipients must comply with the requirements of § 570.907, excluding § 570.907(b). In lieu of this exception, recipients shall maintain records describing the process used to provide an opportunity for citizens to comment on the application.

§ 570.407 Federally recognized disasters.

(a) *General.* Grants under this section shall be for the purpose of meeting emergency community development needs caused by federally recognized disasters. For purposes of this section, "federally recognized disasters" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which (1) in the determination of the President, pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5121n.), (i) causes damage of sufficient severity and magnitude to warrant major disaster assistance under such Act, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, or (ii) requires Federal emergency assistance to supplement State and local efforts to save lives and protect public health and safety or to avert or lessen the threat of a major disaster, or (2) in the determination of a Federal agency requires disaster or emergency assistance pursuant to the statutory authority of such Federal agency.

(b) *Eligible Applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3 (v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b) (1), (2) and (3).

(c) *Criteria for Funding.* Within the limits of available funds, applications will be funded on the basis of the following criteria:

(1) Severity and magnitude of the federally recognized disaster, with priority given to needs caused by Presidentially declared major disasters.

(2) Community development needs identified which are essential for the immediate restoration or maintenance of community health, safety, or economic stability and resources are not available from other sources to meet these community development needs in a timely fashion.

(d) *Application Requirements.* An application should be submitted within 120 days after either the Presidential declaration or other Federal recognition that disaster or emergency assistance is required. The application shall describe the emergency needs, the proposed program of activities, sources of funds and the level of funding requested. If the emergency nature of the needs requires, satisfaction of selected application requirements may be postponed or waived by the Secretary. Applications shall be submitted to the appropriate HUD Area Office in a form and manner prescribed by HUD to ensure coordination with respect to other disaster relief and emergency measures undertaken or being considered.

§ 570.408 Inequities funds.

(a) *General.* Funds are available under this subpart to correct in whole or in part inequities resulting from the allocation provisions of Section 106 of the Act.

(b) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in the first sentence of § 570.3(v) or in § 570.403(a).

(c) *Criteria for selection.* The Secretary shall make grants to eligible applicants, giving priority to the following: Applications for funds available under this subpart shall be reviewed by the Secretary in accordance with the following criteria:

(1) Funding under this subpart is necessary to correct a technical error in the computation of a locality's entitlement amount.

(2) Funding under this subpart is needed by an applicant, meeting the criteria as specified in § 570.401(b) for urgent needs funds.

(3) Funding under this subpart is necessary to compensate for the fact that the applicant's hold harmless amount as calculated pursuant to § 570.103(c) is significantly lower than the average

amount of funds approved by HUD for applicable programs in such governmental unit during the fiscal years immediately preceding and immediately following the base period of Fiscal Years 1968 through 1972, and the applicant is subject to the phase-in provisions of § 570.102(c).

Grants may also be made under this section whenever implementation of the provisions of § 570.105 regarding the qualification of urban counties results in a significant decrease in the anticipated levels of funding available for discretionary grants in metropolitan areas in accordance with § 570.104(c)(1).

(d) *Application requirements.* Applicants shall meet all application requirements in § 570.303.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-3486 Filed 2-6-75;8:45 am]

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Volume 40 ■ Number 27

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions To General Wage Determination Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Illinois	IL75–2035
Mississippi	MS75–1020
Ohio	OH75–2034
Texas	TX75–4047 TX75–4048

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AR–4067	Dec. 20, 1974
Arkansas:	
AR–33	Aug. 30, 1974
Florida:	
AR–4001	July 5, 1974
Idaho:	
AR–1046	Nov. 15, 1974
Kansas:	
AQ–44	Nov. 16, 1973
Mississippi:	
AR–4066	Dec. 20, 1974
New Jersey:	
AR–2043; AR–2044	Sept. 6, 1974
AR–2040; AR–2041	Sept. 13, 1974
AR–2073; AR–2074; AR–2075; AR–2076; AR–2077; AR–2078	Nov. 15, 1974
AR–2080; AR–2081; AR–2082; AR–2083	Nov. 22, 1974
AR–2087; AR–2088; AR–2089; AR–2090	Nov. 29, 1974
New York:	
AR–2065; AR–2067	Oct. 11, 1974
AR–2101	Dec. 27, 1974
North Carolina:	
AR–4063	Dec. 6, 1974
North Dakota:	
AR–1055	Dec. 20, 1974
Ohio:	
AR–3176	Dec. 13, 1974
Oklahoma:	
AR–35	Sept. 27, 1974
AR–93	Dec. 27, 1974
Pennsylvania:	
AQ–2080	Apr. 5, 1974
AR–2009	July 19, 1974
AR–2027; AR–2030	Aug. 30, 1974
AR–2082	Nov. 29, 1974
AR–2099	Dec. 27, 1974
Texas:	
TX75–4009	Jan. 17, 1975
TX75–4020; TX75–4021; TX75–4025; TX75–4027	Jan. 24, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

California:	
AR–1037(CA75–5015); AR–1038(CA75–5016)	Sept. 27, 1974
Florida:	
AQ–4114(FL75–1018)	May 17, 1974
Georgia:	
AR–4029(GA75–1019)	Sept. 6, 1974
Illinois:	
AQ–3094(IL75–2036)	Feb. 8, 1974
Indiana:	
AQ–3094(IL75–2036)	Do.
AR–3080(IN75–2017); AR–3082(IN75–2019); AR–3084(IN75–2021); AR–3085(IN75–2022); AR–3086(IN75–2023); AR–3087(IN75–2024); AR–3090(IN75–2027); AR–3091(IN75–2028); AR–3093(IN75–2030)	Aug. 23, 1974
Kansas:	
AP–519(KS75–4051); AP–520(KS75–4052); AP–521(KS75–4053)	Mar. 23, 1973
Kentucky:	
AQ–3094(IL75–2036)	Feb. 8, 1974
Missouri:	
AQ–3094(IL75–2036)	Do.
Montana:	
AR–1012(MT75–5018); AR–1013(MT75–5019)	Aug. 9, 1974
AR–1017(MT75–5017)	Aug. 16, 1974
AR–1039(MT75–5012)	Sept. 27, 1974
North Carolina:	
AR–4058(NC75–1014)	Nov. 22, 1974
Ohio:	
AQ–3094(IL75–2036)	Feb. 8, 1974
Oklahoma:	
AR–50(OK75–4050)	Sept. 27, 1974
AR–81(OK75–4049)	Nov. 11, 1974
Oregon:	
AR–1054(OR75–5014)	Dec. 12, 1974
Rhode Island:	
AR–3070(RI75–2033); AR–3077(RI75–2031); AR–3078(RI75–2032)	Aug. 2, 1974
West Virginia:	
AQ–2051(WV75–3007)	Mar. 15, 1974
AQ–2087 and AQ–2088(WV 75–3007)	Mar. 29, 1974
AQ–3094(IL75–2036)	Feb. 8, 1974
AR–2055(WV75–3007)	Sept. 27, 1974

Signed at Washington, D.C., this 31st day of January 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. IL75-2035					
ELECTRICIANS: (Cont'd)					
Vicinity of LaSalle - S. W. part of County; Remainder of Putnam County; Arispe, Concord, Fairfield, Gold, Greenville, Hall, Hamilton, Leepertown, Macon, Madison, Milo, Mineral, Neponset, Pike, Princeton, Selby, Wheatland and Wyanet Twps., in Bureau County	$8.50	.25	17+.20		.25%
Area West of Bell Plain and Roberts Twps. in Marshall County; Area West of but not including - Linn, Kansas, Palestine, Roanoke, Cazenovia and Metamora Twps. in Woodford County	9.17	.30	17+.30		12
Livingston County; Vicinity of Streator - S. E. part of County South of Eden in LaSalle County; Magnolia Twp. in Putnam County; Area East of Cazenovia and Metamora Twps., including - Linn, Clayton, Minak, Roanoke, Green and Panola Twps. in Woodford County; Remainder of Marshall County	9.40	.30	17+.20		.4%
Elpaso, Kansas and Palestine Twps. S. E. corner of Woodford County	9.00	.30	17+.20		2/10 of 1%
IRONWORKERS:					
LaSalle, Bureau, Putnam and the Remainder of Marshall County Woodford County; and the S. W. corner of Marshall County	10.62	.50	.375		.02
Livingston County	9.025	.40	.475		.02
LATHERS:	8.70	.40	.60		.08
LaSalle, Bureau, Putnam and N. E. ¼ of Putnam County	8.00		.20		.01
S. W. ¼ of County	8.22	.25	.20		.01
PAINTERS:					
Vicinity of Ottawa, Streator and Marseilles in LaSalle County	6.40	.35	.15		
Brush	6.50	.35	.15		
Paperhangers					

NEW DECISION

STATE: Illinois

COUNTIES: Bureau, LaSalle, Livingston, Marshall, Putnam & Woodford

DECISION NUMBER: IL75-2035

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.36	.58	.67		.05
BOILERMAKERS	8.55	.40	.65		.01
BRICKLAYERS and Stonemasons:					
LaSalle County	8.65	.25	.25		
Peru and Vicinity	8.50	.20	.50		
Ottawa and Vicinity	9.83	.30	.50		
Woodford and Marshall Counties	8.92	.45	.40		.05
Bureau and Putnam Counties	9.30	.35	.25		
Livingston County	8.30	.35	.25		
CARPENTERS:					
LaSalle, Marshall, Bureau Counties; The Northern ½ of Putnam County and Northwestern Corner of Livingston County	9.13	.45	.35		.03
Carpenters; Pildrivermen and Soft Floor Layers	9.38	.45	.35		.03
Millwrights					
Remainder of Livingston County	8.40	.35			
Carpenters; Soft Floor Layers; Millwrights and Piledrivermen					
Woodford County	8.51	.35	.40		.02
Carpenters and Soft Floor Layers	8.81	.35	.40		.02
Millwrights and Piledrivermen					
CEMENT MASONS:					
LaSalle, Bureau, Putnam Counties; and the Northern part of Livingston County	9.00		.50		
Southern part of Livingston County and that portion East of Roanoke in Woodford County	8.48	.40	.40		.05
Marshall County and the Remainder of Woodford County	8.65	.40	.40		.05
ELECTRICIANS:					
Northern ½ and Central Southern Part of LaSalle County; Walnut; Ohio; LaSalle, Clarion, Bureau, Dover, Berlin, and Westville Twps. in Bureau County	11.10	.30	17+.20	.57	.2%

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DECISION NO. IL75-2035

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Putnam County; and the Vicinity of LaSalle, Mendota, Oglesby, Utica and Peru in LaSalle County					
Brush	$6.65	.40	.30		
Spray	7.65	.40	.30		
Woodford and Marshall Counties:					
Brush	8.05	.40	.30		
Spray	8.45	.40	.30		
Bureau County					
Brush and Roller	7.22	.40	.40		.09
Spray	7.47	.40	.40		.09
PLASTERERS:					
Vicinity of LaSalle and Peru in LaSalle County	8.65	.25	.25		
Vicinity of Ottawa, Earlville, Seneca, and Marseilles - LaSalle County	8.20				
Vicinity of Streator; LaSalle County, and Northern part of Livingston County	9.00		.50		
Portion East of Roanoke in Woodford County and the Southern part of Livingston County	9.60				.01
Marshall County and the Remainder of Woodford County	9.05	.40	.40		
Putnam and Bureau Counties	9.30	.35	.25		
PLUMBERS AND STEAMFITTERS:					
LaSalle, Putnam and Bureau Cos.; and North of Pontiac in Livingston County	9.53	.50	.40		.09
Marshall and Woodford Counties	8.925	.24	.60		.09
City of Pontiac and South thereof in Livingston County	8.40	.35	.80		.15
Illinois State Prison (Pontiac); in Livingston County	10.00	.35	.50		.05
ROOFERS:					
LaSalle, Bureau, Putnam, Livingston and N.E. ¼ of Marshall County	8.85		.30		
Woodford County and W. W. ½ of Marshall County	9.00	.30	.45		

DECISION NO. IL75-2035

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Woodford County	$7.97	.38	.35		.05
LaSalle, Bureau, Marshall, Putnam and Southern part of Livingston County	7.95	.38	.35		
Northern portion of Livingston County	10.55	.35	.60		.02
	9.40	.50	.70		.08
SPRINKLER FITTERS					
TRUCK DRIVERS:					
Livingston County and the Remainder of Woodford County					
2-3 Axle Trucks	6.60	a15.00	a19.00		
4 Axle Trucks	6.75	a15.00	a19.00		
5 Axle Trucks	6.95	a15.00	a19.00		
6 Axle Trucks	7.15	a15.00	a19.00		
"					
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a. Per week per employee

Decisions are based upon information obtained concerning changes in prevail-

AR-2043; AR-2044.....Sept. 6, 1974
AR-2040; AR-2041.....Sept. 13, 1974

Wage and Hour Division.

LABORERS:

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LASALLE; BUREAU; PUTNAM; WOODFORD & MARSHALL COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
UNSKILLED	$7.42	.30	.20		.035
SEMI-SKILLED	7.62	.30	.20		.035
SKILLED	7.82	.30	.20		.035

LIVINGSTON COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
UNSKILLED	$7.29	.30	.20		.035
SEMI-SKILLED	7.49	.30	.20		.035
SKILLED	7.69	.30	.20		.035

CLASSIFICATIONS

UNSKILLED: Common Laborer; carpenter tenders; tool cribmen; firemen or salamander tenders; flagmen; gravel box men; dumpmen & spotters; form handlers; material handlers; fencing laborers; cleaning lumber; pit men; material checkers; dispatchers; landscapers; unloading explosives; laying of sod; planting of trees; asphalt plant laborers; wrecking laborers; writer of scale tickets; fire shop laborers; fireproofing laborers; janitors; wrecking-dismantling buildings; wallmen & housemovers; driving of stakes; stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or any foreign material, crack laborers; cement handlers; chloride handlers; the unloading and laborers w/steel workers & rebars; concrete workers (wet); tunnel helpers in free air; batch dumpers; mason & plasterer tenders & material wheelers kettlemen & tarmen; tank cleaners; plastic installers; scaffold workers; motorize buggies or motorized unit used for wet concrete or handling of building materials laborers w/dewatering systems; all sewer workers plus depth; rod & chainmen with land surveyors; vibrator operators; mortar mixer operator; cement silica, clay, fly ash, lime & plasters; handlers (bulk or bag); cofferdam workers plus depth; (on concrete paving) placing, cutting & trying or reinforcing; deck hand; dredge hand & shore laborers; bankmen on floating plant; asphalt workers w/ machine; asphalt raker; grade checker

SKILLED: Dynamite men or blasters; caisson workers plus depth; gunnite nozzle men leadman on sewer work; welders; cutters; burners; torchmen; chain saw operator; jackhammer & drill operators; layout man; steel form setters(street & highway); air tamping hammerman; signal man on crane, concrete saw operator; screenman on asphalt pavers; laborers tending masons w/hot materials are used; multiple concrete duct-leadmen; futemen; curb asphalt machine operator; ready-mix scalesman; portable or temporary plant; laborers handling masterplate or similar materials; laser beam operator; coring machine operator

IL75-2035 P. 6

Bureau (East of Rt. #26); LaSalle; Livingston; Putnam (East of Illinois River) Counties

ILL-18-FEO-1

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.30	.50	.70	.20	.05
CLASS II	9.00	.50	.70	.20	.05
CLASS III	7.95	.50	.70	.20	.05
CLASS IV	6.75	.50	.70	.20	.05

CLASSIFICATIONS

CLASS I Asphalt Plant, Asphalt Spreader, Autogrede, Batch Plant, Benato (Requires 2 Engineers) Boiler & Throttle Valve, Caisson Rigs, Central Redi-Mix Plant; Combination Backhoe Front End Loader Machine, Compressor & Throttle Valve, Concrete Breaker (Truck-Mounted) Concrete Conveyor, Concrete Paver over 27E in ft. & under, Concrete Placer, Concrete Tower, Cranes (all), Cranes, Hammerhead, Derricks (all) Derricks, Traveling, Crader, Elevating, Grouting Machines, Highlift Shovels or Front End Loader 2½ yd & over, Hoists 1-2-2 Drum, Hoists tow tugger one floor; Hydraulic Boom Trucks, Locomotives (all) Motor Patrol, Pile Drivers & Shed Rig, Post Hole Digger; Pre-Stress Machine, Pump Cretes Dual Ram, Pump Cretes, squeeze cretes-screw type pumps, Gypsum Bulker & Pumps, Rock Drill (Self-Propelled), Rock Drill (Truck-Mounted), Scoope-Tractor Drawn, Slip-Form Paver, Straddle Buggies, Tournapull; Tractor with Boom & Side Boom, Trenching Machines

CLASS II Boiler, Bulldozers, Erron (All Power Propelled), Concrete Mixer (Tow Bag & over) Conveyor (Portable) Forklift Truck; Greaser Engineer, Highlift Shovels or Front End Loaders under 2½ yds; Hoists (Automatic Hoists (all Elevators) Hoists, Tugger Single Drum, Rollers, (all) Steam Generators, Stone Crushers; Tractors (All) winch Trucks with "A" Frame

CLASS III Air Compressor - Small 150 & under (1 to 5 not to exceed a total of 300 ft.), Air compressor - large over 150 - Combination - Small Equipment Operator - Generators - Samll 50 KW & Under - Generators - Large over 50 KW - Heaters (Mechanical) Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.) Pumps, Well Points; Welding Machines (2 through5) Winches 4 small Electric Drill winches

CLASS IV Oilers

Bureau (West of Rt. #26); Marshall; Putnam (West of Illinois River); Woodford Counties

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.92	.45	.55		.05
GROUP 2	8.72	.45	.55		.05
GROUP 3	8.445	.45	.55		.05
GROUP 4	8.17	.45	.55		.05
GROUP 5	8.06	.45	.55		.05

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP 1: Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet of boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-tupe that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers)-dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2: Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (and similar types wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tune-luger rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types),(require oiler), flasherty spreader or similar types (require oiler), heavy equipment greaser (top greaseron spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

GROUP 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

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POWER EQUIPMENT OPERATORS (Cont'd)

GROUP 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

GROUP 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similer types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spread, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2)-300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

MARSHALL CO; & THE N.W. CORNER OF WOODFORD COUNTY

ILL-2-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00		
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00		
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00		

FOOTNOTE: a.-Erployer contributes $12.00 per week per employee.

LASALLE, BUREAU & PUTNAM COS.

ILL-4/5-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$6.90	.40	a12.00		
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.30	.40	a12.00		
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.50	.40	a12.00		

FOOTNOTE: a.-Erployer contributes $12.00 per week per employee.

NEW DECISION

STATE: Mississippi COUNTY: Forrest
DECISION NO.: MS75-1020
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION 18-MS-1-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	8.97				
Bricklayers	7.00				
Carpenters	5.82				
Cement Masons	5.45				
Electricians	8.05	.25	.20	.25	1/8%
Ironworkers, Structural & Ornamental	4.00				
Laborers	3.57				
Air tool op.	362				
Mortar mixers	3.91				
Plasterers' tenders	4.20				
Lathers	6.50				
Painters, brush	4.50				
Piledrivermen	7.27	.30	.30		
Plasterers	5.35		.15		
Plumbers and pipefitters	7.75				.05
Roofers	6.03				
Sheet metal workers	6.10				
Soft floor layers	6.00				
Tile setters	6.80				
Tile setters' helper	4.42				
Truck Drivers	3.57				
POWER EQUIPMENT OPERATORS:					
Cranes, derrick, and dragline	7.00				
Backhoe	5.00				
Bulldozer	5.00				

NEW DECISION

STATE: Ohio COUNTIES: Allen, Auglaize, Mercer & Van Wert
DECISION NUMBER: OH-75-2034 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.95	.35	.55		.01
Boilermakers	10.45	.30	.50		.01
Bricklayers, Marble Masons, Stonemasons, Terrazzo workers & Tile setters	8.90		.20		
Carpenters & Soft floor layers	8.65	.30	.20		.02
Cement masons	8.80	.40			.03
Electricians & Linemen	9.54	.32	1%+.37		.04
Elevator Constructors	8.77	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	6.14	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (prob.)	4.385				
Glaziers	6.70		.30		
Ironworkers	9.66	.55	.65		.02
Laborers:					
Unskilled	6.05	.45	.20		
Vibrators, Spikes by hand (Railroad)	6.15	.45	.20		
Jack hammers, Cement finishers, helpers, asphalt rakers, Tamper & smoother, Driveways & packers, pump man under 4" discharge, caisson, Cofferdam, Tunnel	6.25	.45	.20		
Mason tenders, Plaster tenders, mortar mixers	6.35	.45	.20		
Cylinder, shaft, sewer, water, conduit, Gas, oil pipelines, sewer bottom man	6.30	.45	.20		
Gunite operators, muckers & miners (Tunnel & Caisson) free air	6.55	.45	.20		
Lathers	8.79		.20		.01
Leadburners	8.75		.30	o	.01
Millwrights & Piledrivermen	8.95	.30	.20		.02
Painters:					
Brush, roller & dry wall taping	7.20	.50	.15		.01
Wall covering swing stage, cherry pickers, brush & roller	7.45	.50	.15		.01
Spray, sandblasting, steam cleaning, mitts, work on petroleum storage tanks (over 30' high) brush, rollers or spray	7.60	.50	.15		.01
Structural steel (open skeleton) Brush or roller	7.50	.50	.15		.01

OH-75-2034 F. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plasterers	8.30	.45	.10		.01
Plumbers & steamfitters	9.95	.35	.50		.05
Roofers	9.275	.60	.35		.02
Sheet metal workers	9.80	.40	.60		.12
Sprinkler fitters	9.80	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to holiday and the regular scheduled work days immediately preceding and following the holiday.

Allen and Van Wert Counties

OHIO 4-PEO R

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.89	.46	.80		.11
GROUP B	9.73	.46	.80		.11
GROUP C	9.38	.46	.80		.11
GROUP D	8.57	.46	.80		.11
GROUP E	8.24	.46	.80		.11
GROUP F	7.48	.46	.80		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyers (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

Auglaize and Mercer Counties

OHIO 6-PEO S

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.61	.46	.80		.11
GROUP B	9.45	.46	.80		.11
GROUP C	9.09	.46	.80		.11
GROUP D	8.31	.46	.80		.11
GROUP E	7.98	.46	.80		.11
GROUP F	7.23	.46	.80		

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

NEW DECISION

STATE: Texas COUNTY: Brazos
DECISION NO.: TX75-4047 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.10	.70	.70		.06
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS	8.69	.325	.30		.05
CARPENTERS	7.80				
CEMENT MASONS	7.40	.49	.42		.05
ELECTRICIANS	8.65	.30	3%		.04
ELEVATOR CONSTRUCTORS	7.89	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates; b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	8.22	.475	.20		.01
IRONWORKERS	7.87	.55	.60		.075
LABORERS:					
GROUP 1	3.61	.28	.20		.02
GROUP 2	3.71	.28	.20		.02
GROUP 3	3.81	.28	.20		.02
GROUP 4	3.76	.28	.20		.02
GROUP 5	3.86	.28	.20		.02
GROUP 6	4.01	.28	.20		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler and wheeler (stock pile), asphalt ironbr and raker, water proofing tender, pipe layer (non-metallic), pump crete pipe (handling and laying) and all building construction labor excepting that hereinafter classified; window washer, carpenters tender, cement mason tender, vibrator operator; other mechanic tender (except as otherwise classified); Dumper & spotter

GROUP 2 - Air tool operator

GROUP 3 - Well driller

GROUP 4 - Cutting torch man; mason tender; mason handlers & wheelers handling material from first stock pile; concrete pipe (handling and laying); sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender

GROUP 5 - Tool room tender; mortar mixer (hoe and otherwise); Blaster, powder man; gunite worker

GROUP 6 - Gunite nozzleman

Page 2

DECISION NO TX75-4047

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$8.84	.28	1%		1/2%
Groundman	6.06	.28	1%		1/2%
Groundman (1st 6 mos.)	4.42	.28	1%		1/2%
MARBLE MASONS	7.09	.47		.25	
PAINTERS:					
Brush	4.75				
Spray	5.00				
Roller	4.50				
PLASTERERS	8.00	.37	.30		.02
PLUMBERS & PIPEFITTERS	8.21		.25		.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.35	.40		.04
GROUP 2	6.92	.35	.40		.04
GROUP 3	6.48	.35	.40		.04
GROUP 4	6.34	.35	.40		.04

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on construction; Building Elevator, used on construction; Tug Boat Operator, assigned to construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cubic feet or more; Paving Mixer (all types); Pile Driver; Scraper, heavy type, over 3 cubic yards; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Punpcrete Machinr Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cubic feet; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cubic yards or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light equipment operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

Page 3

DECISION NO TX75-4047

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS	$8.585	.225	.475	.20	.025
SOFT FLOOR LAYERS	7.12	.25	.10		.07
TERRAZZO WORKERS	7.09	.47		.25	
TILE SETTERS	7.09	.47		.25	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NEW DECISION

STATE: Texas
DECISION NO.: TX75-4048
COUNTY: Tom Green
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.45				.02
CEMENT MASONS	4.75				
ELECTRICIANS:					
Zone 1 - Shall consist of the following cities and towns: Christoval & San Angelo	6.45		1%		1/4%
Zone 2 - Shall consist of all areas outside the five (5) road miles of the city limits of the above named cities and towns	6.80		1%		1/4%
IRONWORKERS:					
Ironworkers	7.03	.55	.60		.10
On jobs 30 miles or more from the city of San Angelo	7.155	.55	.60		.10
LABORERS	2.50				
LATHERS	7.65				.01
PAINTERS, BRUSH	4.00				
PLASTERERS	7.25				.01
PLUMBERS & PIPEFITTERS	5.50				
ROOFERS	4.00				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	5.00				
TRUCK DRIVERS	2.75				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4067 - Mod. #3 (39 FR 44151 - December 20, 1974) Madison County, Alabama					
Omit:					
Painters, brush	$4.50				
Add:					
Painters:					
Commercial	6.50		.20		.05
Industrial	7.25		.20		.05
DECISION NO. AR-33 - Mod. #4 (39 FR 31734 - August 30, 1974) Pulaski County, Arkansas					
Change:					
Elevator Constructors:					
Journeyman	$ 7.05	.445	.29	3%+a+b	.02
Helpers	70%JR	.445	.29	3%+a+b	.02
Helpers Prob.	50%JR				
Boilermakers	8.00	.50	.76		.02
Glaziers	6.65				.01
Sheet metal workers	7.80	.35	.30		.02
Decision No. AR-4001 - Mod. #4 (39 FR-21776 - July 5 1974) Volusia County-(except Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site), Florida					
Change:					
Plumbers and Steamfitters	8.55	.40	.45		.05
Roofers	6.75	.30	.20		
Kettlemen	5.30	.30	.20		
Helpers	4.65	.30	.20		

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1046 - Mod. #2 (39 FR 40410 - Nov. 15, 1974) Statewide, Idaho					
Change:					
Bricklayers: Benewah, Bonner, Boundary, Kootenai and Shoshone Counties	$ 9.00				
Elevator Constructors: Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties					
Elevator Constructors	8.975	.445	.29	2% + a	
Elevator Constructors' Helpers	70%JR	.445	.29	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Glaziers: Benewah, Clearwater, Idaho (North of 46th Parallel), Latah, Lewis and Nez Perce Cos. Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (Western part of County from a line running north and south through the eastern limits of Blias), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley, Washington Counties	6.27	.25	.25	.28 + b	
Ironworkers (Ornamental-Structural-Reinforcing): Adams (North of the Weiser-Gibbonsville Line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville Line), Lewis, Nez Perce, Shoshone, Valley (North of the Weiser-Gibbonsville Line), Washington (North of the Weiser-Gibbonsville Line) Counties	9.14	.25	.30	.23	
	9.15	.48	.80		.05

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR -1046 (Cont'd)					
Remaining Counties and Adams, Lemhi, Valley, Washington Cos. South of the Weiser-Gibbonsville Line	$8.54	.50	.75		.02
Painters:					
Ada, Adams, Boise, Elmore, (except Mt. Home AFB), Gem, Gooding (Western 1/3 of County, including Blias), Owyhee, Idaho (South of the 46th Parallel), Valley and Washington Counties					
Brush, Paperhangers; Drywall Tapers	7.26	.25	.25		.02
Steel; Sign Painters	7.36	.25	.25		.02
Bazooka Operator	7.46	.25	.25		.02
Spray; Sandblasting; Toxic and Chemical Material	7.73	.25	.25		.02
Elmore (Mt. Home AFB)					
Brush; Paperhangers; Drywall Tapers	8.26	.25	.25		.02
Structural Steal; Sign Painters	8.36	.25	.25		.02
Spray Gun; Sandblasting; Pot Tenders; Application of Toxic Material	8.73	.25	.25		.02
Bazooka Operator	8.46	.25	.25		.02
Roofers:					
Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties					
Roofers	7.59	.40	.25		.01
Roofers working with pitch products	8.59	.40	.25		.01
Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis and Nez Perce Counties					
Roofers; Kettlemen; Waterproofers	8.25				
TERRAZZO WORKERS & TILE SETTERS: Bannock, Bear Lake, Bingham, (Southern half), Caribou, Franklin, Oneida and Power Counties	6.35	.25	.30		
Benewah, Bonner, Boundary, Kootenai and Shoshone Counties	8.75				

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-44 - Mod. #2 (38 FR 31780 - November 16, 1973) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas					
Change:					
Cass, Clay, Jackson, Platte and Ray Counties, Missouri					
Building Construction					
Carpenters (Cass County)	$8.37	.33	.30	.25	.05
Carpenters:					
Carpenters; millwrights; piledrivermen	8.62	.33	.30	.25	.05
Ironworkers:					
Structural; ornamental; riggers; reinforcing	8.90	.60	.80	1.00	.05
Painters:					
Brush	8.74	.30	.35		.06
Spray	9.74	.30	.35		.06
Tapers	8.74	.30	.35		.06
Electricians:					
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill:					
Electricians	$9.22	.23	1%+.27	.80	.03
Remainder of Clay, Jackson, Platte and Cass Counties:					
Electricians (contracts over $5,000)	9.22	.23	1%+.27	.80	.03
Electricians (contracts under $5,000)	8.67	.23	1%+.27	.80	.03
Ray County:					
Electricians (contracts over $5,000)	9.22	.23	1%+.27	.80	.03
Electricians (contracts under $5,000)	8.06	.23	1%+.27	.80	.03
Johnson & Wyandotte Counties, Kansas					
Building Construction					
Carpenters:					
Carpenters; millwrights; piledrivermen	8.62	.33	.30	.25	.05
Ironworkers:					
Ornamental; reinforcing; riggers; structural	8.90	.60	.80	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-44 - Mod. 2 Cont'd.					
Electricians	9.22	.23	1%+.27	.80	.03
Painters:					
Brush	8.74	.30	.35		.06
Spray	9.74	.30	.35		.06
Tapers	8.74	.30	.35		.06
Heavy and Highway Construction					
Johnson & Wyandotte Counties, Kansas					
Carpenters; millwrights; piledrivermen	8.62	.33	.30	.25	.03
Cement masons	9.135	.40	.30	.75	
Ironworkers	8.90	.60	.80	1.00	.03
Painters:					
Brush	8.74	.30	.35		.06
Spray	9.74	.30	.35		.06
Tapers	8.74	.30	.35		.06
Electricians	9.22	.23	1%+.27	.80	.03
Change:					
Site Preparation & Grading, Heavy & Highway Construction					
Johnson & Wyandotte Counties, Kansas					
Laborers Schedule					
Power Equipment Operators Schedule					
Truck Drivers Schedule					

"Site, Preparation & Grading, Heavy & Highway Construction" (1-2)

Johnson & Wyandotte Cos., Kansas

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
General Laborer Carpenter Tenders; Salamander Tenders; Dump Man & Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track men and all other General Laborers	$7.30	.50	.50	.05	.10	
First Semi-Skill Air Tool Operator; Cement Handler (Bulk or Sack); Chain or Concrete Saw; Deck Hands; Dump man on Earth Fill; Grade Checkers on Cuts and Fills; Georgie Buggies Man; Material Batch Hopper Man; Scale Man; Material Mixer Man (except on Manholes, Coffer Dams, Abutments and PierHole men working below ground); Riprap Pavers Rock, Block or Brick; Signal Man; Scaffolds over 10 ft. not self-supported from ground up; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; all work in connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct lines and all other pipe lines; Power Tool Operator; all work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Pudlers (paving only)	7.49	.50	.50	.65	.10	
Second Semi-Skill Crusher Feeder; Men handling creosote ties or creosote materials; Men working with and handling epoxy materials (where special protection is required); Head Pipe Layer on Sewer work; Topper of Standing trees; Batter Board man on Pipe & Ditch work; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River work; all Laborers working on underground tunnels where compressed air is not used	7.60	.50	.50	.65	.10	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Third Semi-Skill Spreader or Screed man on Asphalt Machine; Asphalt Raker; Laser Beam Man; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller, Churn Drills, Air Track Drill and all other similar drills; Cutting Torch Man; Form Setter; Liners and Stringline Men on Concrete Paving, Curb, Gutters and etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builders Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels	7.80	.50	.50	.65	.10	
Fourth Semi-Skill Manhole Builder (Brick or Block); Dynamite and Powder Men;	8.10	.50	.50	.65	.10	

DECISION #AQ-44 - Mod. #2 Cont'd.

Site, Preparation & Grading, Heavy & Highway Construction

Johnson & Wyandotte Cos., Kansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I Asphalt paver and spreader, asphalt plant console operator, auto grader, back hoe, blade operator, all types, boilers-2, booster pump on dredge, boring machine (truck or crane mounted), bulldozer operator, clamshell operator, compressor maintenance operator-2, concrete plant operator, central mix, concrete mixer paver, crane operator, derrick or derrick trucks, ditching machine, dragline operator, dredge engineman, dredge operator, drillcat with compressor mounted on cat, drilling or boring machine roatry, self-propelled, high loader-fork lift, hoisting engine-2 active drums, locomotive operator, standard gauge, mechanics and welders, field or shop, maintenance operator, mucking machine, pile driver operator, pltman crane operator, pump-2, quad-trac, scoop operator-all types, scoops in tandem, self-propelled rotary drill(Leroy or Equal-not Air Trac) shovel operator, side discharge spreader, side-boom cats, skimmer scoop operator, slip-form paver (GH, REX, or Equal), Throttle man, truck crane, welding machine maintenance operator-2	$9.35	.50	.75	.75	.10
Group II "A" Frame truck asphalt hot mix silo, asphalt plant fireman, drum or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller operator, backfiller operator, chip spreader, concrete batch plant, dry, power operated, concrete mixer operator, skip loader, concrete pump operator, crusher operator, elevating grader					

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DECISION #AQ-44 - Mod. #2 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group II Contd: operator, greaser, hoisting engine-1 drum; LaTourneau Rooter, multiple compactor, pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator-over 50 HP	$9.10	.50	.75	.75	.10
Group III Boilers - 1; chip spreader (front man), churn drill operator, compressor maintenance operator - 1, concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, rig, float operator, form grader, operator, pump, pump maintenance operator, other than dredge, roller operator, other than high type asphalt, screening and washing plant operator, self-propelled street broom or sweeper, siphons and jats, sub-grading machine operator, tank car heater operator - combination boiler and booster, tractor, 50 HP or less, without attachments, vibrating machine operator, not hand, welding machine maintenance operator - 1	8.85	.50	.75	.75	.10
Group IV Mechanic's helper, oiler	8.10	.50	.75	.75	.10
Clamshells, 3 yd. capacity or over, crane or rigs, 80 Ft. of boom or over (including jib), draglines, 3 yd. capacity or over, Pile drivers, 80 ft. of boom or over (including jib), shovels, 3 yd. capacity of over	9.60	.50	.75	.75	.10

DECISION #AQ-44 - Mod. #2 Cont'd.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Crane or rigs, over 200 ft. of boom (including jib)	9.85	.50	.75	.75	.10
Oiler drivers, all types	8.60	.50	.75	.75	.10
Hoists (each additional drum over 1 drum)	9.35	.50	.75	.75	.10
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification					

Site, Preparation & Grading, Heavy & Highway Construction
Johnson & Wyandotte Cos., Kansas

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
One Team; Station Wagons; Pickups, Material, Single Axle; Tank Wagon, Single Axle	$8.09	.50	.50	.75		
Two Teams; Material, Tandem; Semi-Trailers; Winch; Fork, Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon, Tandem or Semi-Trailer; Insley Wagons; Dump; Excavating, 5 cu. yds. & over; Dumpsters; Half-Tracks; Speedace; Euclids and other similar excavating equipment	8.29	.50	.50	.75		
A-Frame; Low Boy; Boom	8.60	.50	.50	.75		
Mechanics & Welders	8.75	.50	.50	.75		
Mechanic's Helpers, Oilers & Greasers	7.865	.50	.50	.75		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION # AR-1066 - Mod. #2 (39 FR 41167 - December 20, 1974) Statewide except Hancock, Harrison, Jackson & Pearl River, Counties, Mississippi.					
Omit: Description of Work originally issued.					
Add: Description of Work: Highway, Sewer Line and Water Line Construction.					

DECISION #AR-2040 - Mod. #2 (39 FR 33164-September 13, 1974) Middlesex County, New Jersey	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Electricians: That portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, South on Stelton Road to State Hwy. 27 along state Hwy. 27 to Vineyard Road, along Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River, along Raritan River to the South River to the southern boundary of the Borough of South River, along this boundary to the south River Turnpike, along this road and continuing on to the Washington Road and Mapiewood Aveune in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street, and the Cranbury Turnpike to the Millstone River: Wiremen and Cable Splicers	11.34	4%	1%+.50		.02
That portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Road to Park Avenue, North on Park Avenue to the Lehigh Valley Railroad, and Northeast along that railroad to Union County Line: Wiremen	11.53	4%	1%+.30		.02
Remainder of County: Wiremen and Cable Splicers	11.34	4%	5.75%		.02

DECISION NO. AR-2040 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Lathers	$9.10	.35	.25		.02
Linemen Construction: That portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Road to State Hwy. 27, along State Hwy 27 to Vineyard Road, along Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River, along Raritan River to the South River, along South River to the southern boundary of the Borough of South River along this boundary to the South River Turnpike, along this road and continuing on to the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Cranbury Turnpike to the Millstone River:					
Linemen, Cable Splicers; Hole Digging Equipment, Truck with Winch or Pole and Steel Hand, Truck without Winch	11.34	4%	1%+.50		
Groundman and Winch Operator	10.49	4%	1%+.50		
That portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Road to Park Avenue, north on Park Avenue to the Lehigh Valley Railroad to Union County Line:					
Linemen	11.34	4%	1%+.30		
Groundman - Winch Operator	10.49	4%	1%+.30		

DECISION NO. AR-2040 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Remainder of County:					
Linemen	$11.34	4%	5.75%		
Groundman - Winch Operator	10.49	4%	5.75%		
Piledrivermen and Dock Builders	9.86	.95	1.63	.61	.02
Soft Floor Layers	9.50	6%	5%+.30		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Tile Setters Helpers	8.01	7%	6%		

DECISION #AR-2041 - Mod. #3
(39 FR 33172-September 13, 1974)
Morris County, New Jersey

Change:					
Piledrivermen and Dock Builders	9.86	.95	1.63	.61	.02
Plumbers and Steamfitters: from Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hacketstown, Columbia, Flatbrookville, Montague, Port Jervis (N.Y.), Glenwood, Stockholm, Charlottesburg, and returning to Dover	10.32	.40	.90		.10
Soft Floor Layers	9.50	6%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02

DECISION #AR-2042 - Mod. #3
(39 FR 33179-September 13, 1974)
Passaic County, New Jersey

Change:					
Piledrivermen and Dock Builders	9.86	.95	1.63	.61	.02
Plumbers and Steamfitters: Ramapo Lake, Terrence Pond, Upper Greenwood Lake	10.32	.40	.90		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Remainder of County	$8.95	.475	1.16	1.00	.04
Roofers:					
Composition	9.75	.65	1.00		
Slate and Tile	8.96	.60	1.00		
Slate and Tile Helpers	7.21	.60	1.00		
Soft Floor Layers	9.50	6%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02

DECISION #AR-2043 - Mod. #3
(39 FR 32456-September 6, 1974)
Somerset County, New Jersey

Change:					
Piledrivermen	9.86	.95	1.63	.61	.02
Soft Floor Layers	9.50	6%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02

DECISION #AR-2044 - Mod. #4
(39 FR 32464-September 6, 1974)
Union County, New Jersey

Change:					
Piledrivermen and Dock Builders	9.86	.95	1.63	.61	.02
Soft Floor Layers	9.50	6%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02

DECISION #AR-2073 - Mod. #1
(39 FR 40371-November 15, 1974)
Salem County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	$9.89	.50	1.00		.03
Electricians: Lower Penns Neck, Upper Penns Neck, Oldmans twp. in Salem County North of a line following State Hwy. #45 Northeast from Fenwick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Hwy. #40 and east on #40 to Upper Pittsgrove Twp. line:					
Wiremen and Cable Splicers	10.70	4%	1%+.15		.05
Remainder of County:					
Wireman and Calbe Splicers	10.07	4%	1%+.25		.04
Lathers	9.10	.35	.25		.02
Roofers:					
Composition and Waterproofers	9.97	1.20	.75		
Journeyman Assistant	5.20	1.20	.75		
Slate, Tile and Asbestos	9.40	1.00	.50		
Slate, Tile and Asbestos Helpers	5.83	1.00	.50		
Asphalt Shingle	7.95	1.00	.50		
Asphalt Shingle Helpers	5.83	1.00	.50		
Add:					
Line Construction: Lower Penns Neck, Upper Penns Neck, Oldmans Twp in Salem County North of a line following State Hwy. #45 Northeast from Fenwick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Hwy #40 and east on #40 to Upper Pittsgrove Twp line:					
Linemen	10.70	4%	1%+.15		3/8 of 1%
Groundman and Winch Operator	8.55	4%	1%+.15		3/8 of 1%
Remainder of County:					
Linemen	10.07	4%	1%+.25		3/8 of 1%
Line digger truck driver	6.00	4%	1%+.25		3/8 of 1%
Groundman	7.02	4%	1%+.25		3/8 of 1%

DECISION #AR-2074 - Mod. #2
(39 FR 40378-November 15, 1974)
Warren County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Tr.
Change:					
Electricians and Cable Splicers	$10.00	4%	1%+.20		1/2 of 1%
Plumbers and Steamfitters:					
Remainder of County	10.32	.40	.90		.10
Soft Floor Layers	9.50	6%	5%+.30		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
Line Construction:					
Linemen, Line Truck and Equipment Operators, Cable Splicers	10.00	4%	1%+.20		
Groundman	5.67	4%	1%+.20		

DECISION #AR-2075 - Mod. #2
(39 FR 40386-November 15, 1974)
Sussex County, New Jersey

Change:					
Plumbers and Steamfitters	10.32	.40	.90		.10
Roofers:					
Slate and Tile	8.96	.60	1.00		
Slate and Tile Helpers	7.21	.60	1.00		
Soft Floor Layers	9.50	6%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02

DECISION #AR-2076 - Mod. #2
(39 FR 40393-November 15, 1974)
Hunterdon County, New Jersey

Change:					
Soft Floor Layers	9.50	5%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
Line Construction:					
Linemen & Equipment Operators	10.83	4%	1%+.30		
Groundman	8.97	4%	1%+.30		

DECISION #AR-2077 - Mod. #3
(39 FR 40467-November 15, 1974)
Atlantic and Cape May Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Tr.
Change:					
Electricians and Cable Splicers:					
Atlantic (that portion south and west of a line following U. S. Hwy 30 in a southeasterly direction form Camden County to Mays Landing, south on State Hwy. 50 to Corbin City, west and south along the north and west limits of Corbin City to the Tuckahoe River) County:					
Wiremen and Cable Splicers	$10.07	4%	1%+.25		.04
Atlantic (remainder of Co.) and Cape May Counties:					
Wiremen and Cable Splicers	9.89	4%	1%+.35		.02
Line Construction:					
Atlantic (that portion south and west of a line following U. S. Hwy 30 in a southeasterly direction from Camden County to Mays Landing, south on State Hwy. 50 to Corbin City, west and south along the north and west limits of Corbin City to the Tuckahoe River) County:					
Linemen	10.07	4%	1%+.25		3/8of1%
Line digger truck driver	6.10	4%	1%+.25		3/8of1%
Groundman	7.12	4%	1%+.25		3/8of1%
Atlantic (remainder of Co.) and Cape May Counties					
Linemen, Technicians, Equipment operators, cable splicers	10.00	.25	1%+.60		3/8of1%
Truck Drivers	7.30	.25	1%+.60		3/8of1%
Groundman	6.75	.25	1%+.60		3/8of1%
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07

DECISION #AR-2078 - Mod. #3
(39 FR 40473 - November 15, 1974)
Bergen County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Tr.
Change:					
Dock Builders	$9.86	.95	1.63	.61	.02
Piledrivermen	9.86	.95	1.63	.61	.02
Roofers:					
Slate and Tile	8.96	.60	1.00		
Salte and Tile Helpers	7.21	.60	1.00		
Sheet Metal Workers	9.70	5%+.06+e	5%	4%+.06	.02
Soft Floor Layers	9.50	6%	5%+.30		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
Footnote:					
a. 3% employer contribution based on the basic hourly rate plus health and welfare plus pension and vacation fringes.					

DECISION #AR-2080 - Mod. #3
(39 FR 41130-November 22, 1974)
Burlington County, New Jersey

Change:					
Asbestos Workers:					
Bass River and Washington Twps	10.12	.50	.50		
Roofers:					
Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion, and areas inclusive to the Camden County Line:					
Composition and Waterproofers	9.97	1.20	.75	e	
Soft Floor Layers	9.50	6%	5%+.30		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02

DECISION #AR-2081 - Mod. #1
(39 FR 41139-November 22, 1974)
Camden and Gloucester Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Tr.
Change:					
Electricians and Cable Splicers:					
Gloucester (that portion north and west of a line following the Leesburg-Belle Plain Road west from Cape May County to and including Leesburg, south on Maurice River Cove:					
Wiremen and Cable Splicers	$10.07	4%	1%+.25		.04
Camden and Gloucester (remainder of County) Cos:					
Wiremen and Cable Splicers	10.70	4%	1%+.15		.05
Line Construction:					
Gloucester (that portion north and west of a line following the Leesburg-Belle Plain Road west from Cape May County to and including Leesburg, south on Maurice River Cove:					
Linemen	10.07	4%	1%+.25		3/8 of 1%
Line digger truck driver	6.10	4%	1%+.25		3/8 of 1%
Groundman	7.12	4%	1%+.25		3/8 of 1%
Camden and Gloucester (remainder of County) Cos.:					
Linemen and Cable Splicers	10.70	4%	1%+.15		3/8 of 1%
Groundmen and winch operators	8.55	4%	1%+.15		3/8 of 1%
Piledrivermen and Dock Builders	9.92	1.28	.90	d	.07
Roofers:					
Composition and Waterproofers	9.97	1.20	.75	e	
Add:					
Lathers	9.10	.35	.25		.02

DECISION #AR-2082- Mod. #3
(39 FR 41146-November 22, 1974)
Cumberland County, New Jersey

Change:					
Asbestos Workers	10.12	.50	.50		
Electricians and Cable Splicers	10.07	4%	1%+.25		.04

DECISION NO. #AR-2082 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Line Construction:					
Linemen	$10.07	.4%	1%+.25		3/8 of 1%
Line digger truck driver	6.10	4%	1%+.25		3/8 of 1%
Groundman	7.12	4%	1%+.25		3/8 of 1%
Piledrivermen & Dock Builders	9.92	1.28	.90	d	.07
Add:					
Drywall Tapers & Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
DECISION #AR-2083 - Mod. #1					
(39 FR 41153-November 22, 1974)					
Essex County, New Jersey					
Change:					
Laborers, Building:					
City of East Orange; Twps. of South Orange and Maplewood:					
Regular Laborers	7.45	.45	.30		
Mortar Mixers, Scaffold Men and Pneumatic Hammer ops.	7.70	.45	.30		
Piledrivermen and Dock Builders	9.86	.95	1.63	.61	.02
Soft Floor Layers	9.50	6%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
DECISION #AR-2087 - Mod. #1					
(39 FR 41671-November 29, 1974)					
Hudson County, New Jersey					
Change:					
Piledrivermen and Dock Builders	9.86	.95	1.63	.61	.02
Plumbers:					
Cities of Bayonne, Hoboken and Jersey City	10.85	.70	1.00		.10
Sheet Metal Workers	9.70	5%+.06+f	5%	4%+.06	
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02

DECISION NO. AR-2087 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Footnote:					
f. 3% employer contribution based on the basic hourly rate plus health and welfare plus pension and vacation fringes.					
DECISION #AR-2088 - Mod. #2					
(39 FR 41677-November 29, 1974)					
Mercer County, New Jersey					
Change:					
Laborers, Building:					
Princeton, Lawrence and Windsor Twps., and Princeton Boro.:					
Common Laborers	$7.15	.40	.40		
Hod Carriers, Operators of Jack Hammers, Tapers, Electric Hammers and Mason Tenders	7.40	.40	.40		
Soft Floor Layers	9.50	6%	5%+.30		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
Piledrivermen and Dock Builders:					
Princeton Area	9.86	.95	1.63	.61	.02
Trenton Area	9.92	1.28	.90	e	.07
Footnote:					
e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veteran's Day or Thanksgiving Day.					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2089 - Mod. #1					
(39 FR 41685-November 29, 1974)					
Monmouth County, New Jersey					
Change:					
Electricians & Cable Splicers	$11.15	4%	1%+.30		.01
Painters:					
Base Rates:					
Paperhanging, painting and Allied work	8.55		.50		
Spraying and sandblasting	9.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor and from swinging scaffolds 3 stories or less in height	8.85		.50		
Spraying and sandblasting under these conditions.	9.75		.50		
Premium Rates:					
Work on tanks, stacks, bridges, raido and T. V. Towers, water towers, open structural steel and all work above 3 stories on the exterior of all structures	9.20		.50		
Spraying and sandblasting under these conditions	10.10		.50		
Piledrivermen and Dock Builders	9.86	.95	1.63	.81	.02
Soft Floor Layers	9.50	6%	5%+.30		
Tile Setters Helpers	8.01	7%	6%		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
DECISION #AR-2090 - Mod. #1					
(39 FR 41693-November 29, 1974)					
Ocean County, New Jersey					
Change:					
Asbestos Workers:					
Twps. of Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton, and Union	10.12	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Electricians & Cable Splicers	$11.15	4%	1%+.30		.01
Painters:					
Remainder of County:					
Base Rates:					
Paperhanging, painting and Allied work	8.55		.50		
Spraying and sandblasting	9.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds 3 stories or less in height	8.85		.50		
Spraying and sandblasting under these conditions.	9.75		.50		
Premium Rates:					
Work on tanks, stacks, bridges, radio and T.V. Towers, water towers, open structural steel and all work above 3 stories on the exterior of all structures.	9.20	.50			
Piledrivermen and Dock Builders	9.92	1.28	.90	d	.07
Soft Floor Layers	9.50	6%	5%+.30		
Add:					
Drywall Tapers and Finishers	9.75	.50	.50		.07
Lathers	9.10	.35	.25		.02
Footnote:					
d. Plad Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Presidential Election Day; Veteran's Day or Thanksgiving Day.					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-2065 - Mod. #2 (39 FR 36803 - October 11, 1974) Monroe County, New York					
Change:					
Carpenters, Building	$9.38	.55	.89		.005
Piledrivermen & millwrights-Building	9.68	.55	.89		
Soft floor layers	8.64	.55	.89		.005
Electricians	10.45	.40	1%+.75		½%
DECISION NO. AR-2101 - Mod. #1 (39 FR 44925 - December 27, 1974) Bronx, Kings, Queens, New York and Richmond Counties, New York					
Change:					
Carpenters, Building:					
Carpenters, soft floor layers	$9.86	.95	1.63	.55	.02
Millwrights	9.86	.95	1.63	.55	.02
Dock builders & piledrivermen	9.86	.95	1.63	.55	.02
Carpenters, Heavy & Highway:					
Carpenters	9.86	.95	1.63	.55	.02
Dock builders & piledrivermen	9.86	.95	1.63	.61	.02
Timbermen	8.97	.95	1.63	.55	.02
DECISION NO. AR-2067 - Mod. #2 (39 FR 36814 - October 11, 1974) Onondaga County, New York					
Change:					
Painters:					
Brush	$8.58	.60	.45		
Structural steel	9.18	.60	.45		
Spray	9.08	.60	.45		
Plumbers	9.10	.51	.57		.03
Sheet metal workers	9.955	.52	.70		.07
Steamfitters	9.945	.50	.30		.05
Soft floor layers	9.07	.55	.60		.05
Decision # AR-4063 - Mod. #2 (39 FR 42803 - December 6, 1974) Wilkes County, North Carolina					
Change:					
Electricians	3.54				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1055 - Mod. #1 (39 FR 44184 - Dec. 20, 1974) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh, and Ward Counties, North Dakota					
Change: Line Construction					
GROUP 1 Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$ 8.30	.35	1%		1/2%
GROUP 2 Groundman - operating special equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger, Tranamission line pole hauling; all Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixturea erection	6.69	.35	1%		1/2%
GROUP 3 Groundman - Truck or tractor driver (with winch); Operators of trucks up to and including 2 1/2 tons, Tractor including D-2 and smaller; including wheel tractors and crawler tractors	5.58	.35	1%		1/2%
GROUP 4 Groundman-Truck or tractor driver (without winch); Operators of trucks up to and including 2 1/2 tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	5.13	.35	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3176 - Mod. #2 (39 FR 43451 - December 13, 1974) Pike, Ross and Scioto Counties, Ohio					
Change:					
Laborers:					
Pike and Scioto Counties					
Common Laborers	$ 6.04	.50	.30		.02
Sheeting and Shoring men	6.14	.50	.30		.02
Bottom men, Carpenters tender; Masons tender; mortar mixer; Plaster tender; Sewer pipe layer	6.19	.50	.30		.02
Air & machine driven tool operator, burning & cutting torches; Chain saws; powered concrete buggies	6.29	.50	.30		.02
Gunnite nozzleman and machine operators, Powdermen & blasters	6.61	.50	.30		.02

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-35 - Mod. #4 (39 FR 35043 - September 27, 1974) Adair, Muskogee and Cherokee Counties, Oklahoma					
Change:					
Asbestos workers	$8.90	.35	.50		.015
Boilermakers	8.00	.50	.76		.02
Bricklayers	7.93	.30	.40		.04
Laborers:					
Group 1	5.00	.25	.20		
Group 2	5.30	.25	.20		
Group 3	5.50	.25	.20		
Ironworkers	8.49	.30	.35		.08
Elevator Constructors	7.93	.445	.29	3%+a+b	.02
Elevator Constructors helpers	70%JR	.445	.29	3%+a+b	.02
Elevator Constructors helpers (prob. - 6 mos.)	50%JR				
Roofers	7.25	.25	.25		.04
TRUCK DRIVERS:					
Group 1	6.15				
Group 2	6.25				
Group 3	6.35				
Group 4	6.30				
Group 5	6.45				
DECISION NO. AR-93 - Mod. #1 (39 FR 44903 - December 27, 1974) Wagoner County, Oklahoma					
CHANGE:					
Asbestos workers	$8.90	.35	.50		.015
Boilermakers	8.00	.50	.76		.02
Bricklayers	7.93	.30	.40		.04
CEMENT MASONS:					
Zone I	7.67		.40		.06
Ironworkers	8.49	.30	.35		.08
LABORERS:					
Group I	5.00	.25	.20		
Group II	5.30	.25	.20		
Group III	5.50	.25	.20		
Roofers	7.25	.25	.25		.04
TRUCK DRIVERS:					
Group I	6.15				
Group II	6.25				
Group III	6.35				
Group IV	6.30				
Group V	6.45				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Decision #AR-2009 - Mod. # 4 (39 FR 26619 - July 19, 1974) Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania					
Change:					
Asbestos Workers	$8.61	.42	.30		.01
Decision #AR-2027 - Mod. # 2 (39 FR 31850 - August 30, 1974) Berks County, Pennsylvania					
Change:					
Asbestos Workers	8.61	.42	.30		.01
Bricklayers & Stonemasons	8.60	.45	.50		
Millwrights	8.65	.52	.40		
Plumbers & Steamfitters	10.02	.57	.92		.08
Truck Drivers	6.23	g	h		
Truck Drivers Helpers	6.18	g	h		
Footnote: g. Employer contributes $43.34 per employee per month to a Health and Welfare Fund.					
Decision #AR-2030 - Mod. # 4 (39 FR 31851 - August 30, 1974) Lancaster County, Pennsylvania					
Change:					
Asbestos Workers	8.61	.42	.30		.01

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Decision #AR-2099 - Mod. #2 (39 FR 44931 - December 27, 1974) Adams & York Counties, Pennsylvania					
Change:					
Asbestos Workers	$8.61	.42	.30		.01
Decision #AR-2092 - Mod. # 1 (39 FR 41701 - November 29, 1974) Lackawanna, Susquehanna, Wayne & Wyoming Counties, Pennsylvania					
Changes:					
Bricklayers & Stonemasons:					
Carbondale	$8.70	.40			
Cement Masons:					
Carbondale	8.70	.40			
Electricians:					
Lackawanna, Susquehanna Wayne Counties	8.40	.35	1%+.50	.50	.10
Wyoming County East of Susquehanna River	8.40	.35	1%+.50	.50	.10
Line Construction:					
Lineman, dynamite man	9.50	.20	1%		
Groundman-truck driver	6.74	.20	1%		
Groundman	6.46	.20	1%		
Decision #AQ-2080 - Mod. #6 (39 FR 12571 - April 5, 1974) Lebanon County, Pennsylvania					
Change:					
Asbestos Workers	8.61	.42	.30		.01

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4009 - Mod. #2 (40 FR 3168 - January 17, 1975) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Carpenters:					
Zone 1:					
Carpenters	$7.895	.30			.005
Millwrights	8.295	.30			.005
Piledrivermen	8.395	.30			.005
Omit:					
Carpenters:					
Zone 1:					
Power saw operators	7.735	.30			.005
DECISION #TX75-4020 - Mod. #1 (40 FR 3922 - January 24, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Painters:					
Brush & roller; paperhangers; perfa-tapers	6.60		.20		
Structural steel painters; swinging stage or chair below 50 ft.	6.725		.20		
Spray painters & sandblasters	7.35		.20		

DECISION #TX75-4020 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Omit:					
Laborers:					
Zone 1:					
Group 1	$3.00				
Group 2	3.15				
Zone 2:					
Group 1	3.50				
Group 2	3.65				
Painters:					
Perfa-tape machine operator	6.00		.15		
Add:					
Laborers:					
Group 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures, & all unskilled laborers	3.85	.30	.10		
Group 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blasterer, power buggy man, pipelayer (concrete & clay & all non-metallic pipe), & all pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, well drillers, bell hole men, dumpers & spotters	4.00	.30	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4021 - Mod. #1 (40 FR 3925 - January 24, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Painters	$6.60		.20		
Omit:					
Laborers:					
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Wheeler & Gray Cos.:					
Laborers	3.50				
Mason tenders	3.65				
Potter, Carson, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher, & Childress Cos.:					
Laborers	3.00				
Mason tenders	3.15				
Add:					
Laborers:					
Laborers	3.85	.30	.10		
Mason tenders	4.00	.30	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4025 - Mod. #1 (40 FR 3933 - January 24, 1975) Galveston & Harris Counties, Texas					
Change:					
Electricians:					
Galveston County	$8.99	.28	1%+.40		.03
Glaziers	8.22	.475	.20		.01
Lathers (Harris Co. only)	8.22	.30	.15		.02
Marble masons:					
Harris County	7.56			.25	
Galveston County	7.80				
Plumbers:					
Harris County	8.99	.36	.52		.10
Terrazzo workers:					
Harris County	7.56			.25	
Galveston County	7.80				
Tile setters:					
Harris County	7.56			.25	
Galveston County	7.80				
DECISION #TX75-4027 - Mod. #1 (40 FR 3936 - January 24, 1975) Howard County, Texas					
Change:					
Ironworkers, structural & ornamental	7.03	.55	.60		.10

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA75-5015

Supersedes Decision No. AR-1037 dated September 27, 1974, in 39 FR 34930

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.05	.90	.65	1.07	.06
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	9.57	.85	.58	1.00	
Alameda and Contra Costa Counties	10.15	.95	.95		.15
Fresno, Kings, Madera, Mariposa and Merced Counties	9.07	.48	.85		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.72		.22
Monterey and Santa Cruz Counties	9.65	.73	.65	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	8.80	.55	.60	1.00	
Tulare County	9.55	.65	.70		.07
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.155	.395	1.35	.50	
Alameda and Contra Costa Counties	7.50	.50	.70		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	7.54	.65	.65		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.75	.65	1.35	.80	
San Francisco and San Mateo Cos.	8.05	.50	.65		

CA75-5015 P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$ 10.00	.60	.85	.75	.04
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.60	.85	.75	.04
Millwrights	10.50	.60	.85	.75	.04
Piledrivermen; Bridge, Wharf and Dock builders	10.13	.60	.85	.75	.04
CEMENT MASONS:					
Cement masons	8.46	.90	1.25	1.25	
Mastic; Magnesite; All comp. masons	8.71	.90	1.25	1.25	
Men working from swinging or slip form scaffolds	8.71	.90	1.25	1.25	
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04
ELECTRICIANS:					
Alameda County					
Electriciane	9.845	.70	4%		
Cable splicers	11.07	.70	4%		
Tunnel:					
Electricians	8.85	.50	4%		
Cable splicers	9.99	.50	4%		
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	9.78	.41	1% + .65		.045
Cable splicers	10.76	.41	1% + .65		.045
Tunnel:					
Electricians	8.96	.31	1% + .55		.045
Cable splicers	9.86	.31	1% + .55		.045
Lake Tahoe Area					
Electricians	9.84	.53	1% + .25		.03
Cable splicers	10.82	.53	1% + .25		.03
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties					
Electricians	9.84	.60	1% + .40		.005
Cable splicers	10.82	.60	1% + .40		.005
Tunnel:					
Electricians; Cable splicers' helpers	10.33	.60	1% + .40		.005
Cable splicers	11.37	.60	1% + .40		.005

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston) Counties	$ 7.77	.25	.55	8%	
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern Half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield) Sonoma Counties	9.135	.60	.83		.01
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	7.68	.41	.55	.66	.05
Del Norte and Humboldt Counties	6.48	.35	.50	6.4 %	
IRONWORKERS:					
Fence Erectors	8.89	.88	.1375	1.03	.03
Reinforcing	9.78	.88	.1375	1.03	.03
Ornamental; Structural	9.78	.88	.1375	1.03	.03
LATHERS:					
Alameda and Contra Costa Counties	9.81	.74	.715		.025
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County Line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos.	9.10	.48	.50		.01
Calaveras and San Joaquin Cos, Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	8.90	.58	.55		
Monterey and Santa Cruz Counties	7.99	.40	.45	1.00	1/8%
Napa and Solano Counties	9.45	.58	.50	.20	.01
San Francisco and N 1/2 of San Mateo County	8.88	.65	.40		.01
San Benito and Santa Clara Cos.	9.43	.46	.65	1.00	.01
Fresno County	10.14	.73	.75		
Mariposa, Merced, Stanislaus and Tuolumne Counties	9.58	.35	.45		
Amador, El Dorado, Sacramento and Yolo Counties	8.50				.01
Southern Half of San Mateo	8.15	.395	.70	1.00	
	10.03	.32	1.00		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Calaveras and San Joaquin Cos.					
Electricians; Technicians	$ 9.00	.49	12		.01
Cable splicers	10.13	.49	12		.01
Contra Costa County					
Electricians	9.80	.60	12 + .50		.02
Cable splicers	11.05	.60	12 + .50		.02
Del Norte and Humboldt Counties					
Electricians	9.50	.47	12 + .35		.01
Cable splicers	10.26	.47	12 + .35		.01
Tunnel:					
Electricians	9.46	.47	12 + .35		.01
Cable splicers	10.32	.47	12 + .35		.01
Fresno, Kings, Madera and Tulare Counties					
Electricians	9.86	.50	12 + .70		.05
Cable splicers	10.26	.50	12 + .70		.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	9.50	.61	12 + .20		.02
Cable splicers	10.45	.61	12 + .20		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	12		12
Cable splicers	10.81	.62	12		12
Monterey County					
Electricians	11.15	.55	12		.01
Cable splicers	12.32	.55	12		.01
Napa and Solano Counties					
Electricians	9.42	.58	12 + .30		.03
Cable splicers	9.92	.58	12 + .30		.03
San Benito, Santa Clara & Santa Cruz Counties					
Electricians	10.40	.52	12 + .60		.02
Cable splicers	11.70	.52	12 + .60		.02
San Francisco County					
Electricians	10.42	.705	12 + .50		.04
Cable splicers	11.72	.705	12 + .50		.04
San Mateo County					
Electricians	9.85	.69	12 + .25		.03
ELEVATOR CONSTRUCTORS	10.70	.445	.29	2% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)...					
Napa and Solano Counties					
Groundmen	$ 7.54	.58	12 + .30		.03
Line Equipment operators	8.40	.58	12 + .30		.03
Linemen	9.42	.58	12 + .30		.03
Cable splicers	9.92	.58	12 + .30	1.03	.03
MARBLE SETTERS	9.26	.81	.51		
PAINTERS					
Butte, Colusa, Glenn, Lassen (except extreme S.E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblasters; Structural steel; Swingstages; Tapers	5.65	.35	.25	1.05	
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	7.12	.50	.95	.80	
Spray; Sheetrock tapers; Swingstage; Scaffold; Sandblaster; Structural steel	7.42	.50	.95	.80	
Fresno, Kings, Madera, Tulare Cos.					
Brush; Tapers	8.82	.40	.20		
Spray; Structural steel	9.07	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos., (excluding portions of Counties in the Lake Tahoe Area)					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural steel; Tapers	8.55	.50	.20		
Lake, Marin, Mendocino, San Francisco and Sonoma Counties:					
Brush	9.07	.64	.65		
Spray	9.32	.64	.65		
Tapers	9.57	.64	.65		
Del Norte, Humboldt Counties	6.90	.35	.20		
Brush					
Paperhangers; Spray; Steel; Tapers	7.15	.35	.20		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Cos., Excluding Lake Tahoe Area					
Cable splicers	$ 6.19	.31	12 + .55		.045
Linemen	6.88	.31	12 + .55		.045
Line Equipment Operators	7.57	.31	12 + .55		.045
Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties (Lake Tahoe Area)					
Groundmen	6.59	.33	12 + .25		.01
Line Equipment Operator	7.91	.33	12 + .25		.01
Linemen	8.79	.33	12 + .25		.01
Cable splicers	9.67	.33	12 + .25		.01
Contra Costa County					
Groundmen	7.35	.60	12 + .60		.02
Line Equipment Operator	8.82	.60	12 + .50		.02
Linemen	9.80	.60	12 + .50		.02
Cable splicers	11.05	.60	12 + .50		.02
Del Norte, Modoc & Siskiyou Cos.					
Hole Digger	5.91	.35	12	.10	1/2%
Tree trimmer helper; Groundman	6.18	.35	12	.10	1/2%
Head groundman; Head &groundman (Chipper); Powderman; Jackhammerman	6.56	.35	12	.10	1/2%
Line equipment men	7.32	.35	12	.10	1/2%
Linemen Polesprayer; Heavy line equipment men; Certified line-man; Welder	8.74	.35	12	.10	1/2%
Tree trimmer	7.88	.35	12	.10	1/2%
Cable splicer; Leadman; Pole sprayer	9.68	.35	12	.10	1/2%
Fresno, Kings, Madera and Tulare Counties					
Line Equipment operators	9.86	.50	12 + .70		.05
Linemen	9.86	.50	12 + .70		.05
Cable splicers	10.26	.50	12 + .70		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	12		12
Cable splicers	10.81	.62	12		12
Monterey County					
Linemen; Technicians	8.37	.55	12		.01
Cable splicers	11.16	.55	12		.01
	12.33	.55	12		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$ 9.52	.64	.65	.80	
Spray	9.77	.64	.65	.80	
Tapers	10.22	.64	.65	.80	
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Brush	6.30	.35		.75	.02
Paperhangers; Spray; Tapers	6.55	.35		.75	.02
PAINTERS:					
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Cos.					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper)	5.43	.40	.20	b	
Remaining Counties					
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	6.82	.35	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, protective coating applicator)	6.32	.35	.20	b	
Striper	7.92	.35	.20	b	
Striper, helper	6.82	.35	.20	b	
PLASTERERS:					
Alameda and Contra Costa Counties	8.94	.645	.58		.03
Butte, Colusa, Glenn, Lassen (South eastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties	7.85	.395	.50	1.00	.02
Monterey County	9.60	.71	.35		.01
Fresno, Kings, Madera and Tulare Counties	7.59	.56	.50		
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS: (Cont'd)					
San Benito and Santa Clara Cos.	$ 7.63	.59	.50	.80	.01
San Francisco County	9.87	.63	1.00		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Homboldt, Lassen, (North western half of Lassen County), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	7.55	.53	.35	1.00	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	7.50	.65	1.05	1.00	
PLASTERERS' TENDER:					
Alameda and Contra Costa Counties	7.90	.55	1.00		.10
Fresno, Kings and Madera Counties	7.45	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	6.90	.65		.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.515	.395	1.35	.70	
San Francisco and San Mateo Cos.	7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	8.30	.60	.55		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.65	.65	1.35	.80	
Monterey County	6.42	.65	1.35		
PLUMBERS:					
Alameda County	10.80	.78	1.40		.12
Contra Costa County	11.57	.88	1.50		.16
Del Norte and Humboldt Counties	10.08	.65	1.12		.05
PLUMBERS; Steamfitters					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Cos., (excluding Lake Tahoe Area)	11.28	.77	1.30		.11
Lake Tahoe Area	9.89	.58	.60	1.95	.10
Marin, Mendocino, San Francisco and Sonoma Counties	10.14	1.58	1.00	.985	.10
San Benito and Santa Clara Cos.	11.40	.61	1.39		.14
San Mateo County	10.49	.79	1.39	1.20	.25

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	$ 10.78	1.15	1.23		.06
Lake, Napa and Solano Counties	11.25	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	9.23	.77	.75	.35	.01
Mastic workers; Kettlemen (2 kettles w/o pumps)	9.48	.77	.75	.35	.01
Bitumastic; Enamelers; Pipe wrappers; Coal tar built up	10.23	.77	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties					
Roofers (slate, tile composition and built up)	9.14	.65	.55		
Felt machine operator	9.29	.65	.55		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	8.54	.65	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	8.45	.50	.50		
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties					
Roofers	8.64	.45	.75	1.25	.04
Mastic Workers;					
Kettlemen (2 kettles w/o pumps)	8.89	.45	.75	1.25	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	9.64	.45	.75	1.25	.04
Del Norte and Humboldt Counties					
Roofers	8.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	8.20	.45	.60	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
San Francisco and San Mateo Cos.					
Roofers	$ 8.92	.50	.75	.90	.04
Mastic workers and kettlemen (2 kettles) without pumps	9.17	.50	.75	.90	.04
Bitumastic; Enamelers; Pipe wrappers; Coal tar	9.92	.50	.75	.90	.04
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	8.31	.64	.60		.02
Enameler and pitch	9.31	.64	.60		.02
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda and Contra Costa Counties	8.475	.38	.87	12%	.035
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	8.46	.48	1.20	12%	.08
Del Norte, Humboldt and Trinity Counties	8.18	.38	.83		
Fresno, Kings, Madera and Tulare Counties	8.05	.38	.69	.80	.07
Lake, Marin, Mendocino, Napa, Sonoma and Solano Counties	8.55	.38	.44		.15
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara and Santa Crus Counties	8.45	.38	1.025	.845	
San Francisco County	8.48	.38	.55		10%
San Mateo County	9.25	.38	.97		.02
Modoc and Siskiyou Counties	8.67	.42	.34		.005
SOFT FLOOR LAYERS:					
Alameda, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.92c	.05
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excl. Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Cos. (excl. Lake Tahoe Area)	8.16	.59	.60	1.00	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS: (Cont'd)					
Honey Lake Area and Lake Tahoe Area	$ 9.25	.50	.20		
Fresno, Kings, Madera, Tulare Counties	8.80	.20			
Lake, Marin, Mendocino, San Francisco, San Mateo and Sonoma Counties	7.80	.60	.55	d	.05
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	12.585	.50	.70		.09
Remaining Counties	11.85	.50	.70		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	10.065	.75	1.25		.12
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Counties	8.78	.85	.58	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.92		.22
Fresno, Kings, Madera and Tulare Counties	7.72	.30			
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helper	7.205	.505	.30		
Base Machine Operator	7.605	.505	.30		
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma and Trinity Cos.	8.05	.70	.80	.90	.025
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	7.77	.55	.30	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS: (Cont'd)					
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	$ 7.25	.56	.35	.80	.015
Fresno, Kings, Madera and Tulare Counties	7.77	.40	.35		
Monterey and Santa Cruz Counties	9.35	.795	.73		

RIGGERS-WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

PAID HOLIDAYS:

A-New Year's Day, B-Memorial Day; C-Independence Day, D-Labor Day; E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund in 1st year of employment; $.30 per hour after 1 year, but less than 5 years' service; $.40 per hour after 5 years, but less than 10 years' service and $.50 per hour after 10 years' service.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.40 per hour.

d. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply), Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile, Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER & SIMILAR STRADDLE CARRIER	$ 8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level); Dumpcrete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE 1 CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1					
Bargeman; Deckhand; Fireman; Oiler					
Area 1	$ 7.76	.85*	1.37	.60	.14
Area 2	8.42	.85*	1.37	.60	.14
Area 3	8.67	.85*	1.37	.60	.14
Area 4	8.92	.85*	1.37	.60	.14
GROUP 2					
Deck Engineers; Deck Mate					
Area 1	9.23	.85*	1.37	.60	.14
Area 2	9.89	.85*	1.37	.60	.14
Area 3	10.14	.85*	1.37	.60	.14
Area 4	10.39	.85*	1.37	.60	.14
GROUP 3					
Welder; Mechanic Welder; Watch Engineer					
Area 1	9.59	.85*	1.37	.60	.14
Area 2	10.25	.85*	1.37	.60	.14
Area 3	10.50	.85*	1.37	.60	.14
Area 4	10.75	.85*	1.37	.60	.14
GROUP 4					
Clamshell Operator (up to and incl. 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	10.23	.85*	1.37	.60	.14
Area 2	10.89	.85*	1.37	.60	.14
Area 3	11.14	.85*	1.37	.60	.14
Area 4	11.39	.85*	1.37	.60	.14
GROUP 4-A					
Clamshell Operator (over 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	11.20	.85*	1.37	.60	.14
Area 2	11.86	.85*	1.37	.60	.14
Area 3	12.11	.85*	1.37	.60	.14
Area 4	12.36	.85*	1.37	.60	.14

POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SCHEDULE 11 HYDRAULIC SUCTION-DREDGING AND ALL OTHER CLAMSHELL & DIPPER DREDGING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A-1					
Bargeman; Deckhand, Leveehand; Fireman; Oiler					
Area 1	$ 7.74	.85*	1.37	.60	.14
Area 2	8.40	.85*	1.37	.60	.14
Area 3	8.65	.85*	1.37	.60	.14
Area 4	8.90	.85*	1.37	.60	.14
GROUP A-2					
Winchman (stern winch on dredge); Deckmate, Deck Engineer					
Area 1	8.59	.85*	1.37	.60	.14
Area 2	9.25	.85*	1.37	.60	.14
Area 3	9.50	.85*	1.37	.60	.14
Area 4	9.75	.85*	1.37	.60	.14
GROUP A-3					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.18	.85*	1.37	.60	.14
Area 2	9.84	.85*	1.37	.60	.14
Area 3	10.09	.85*	1.37	.60	.14
Area 4	10.34	.85*	1.37	.60	.14
GROUP A-4					
Leverman; Clamshell Operator					
Area 1	9.94	.85*	1.37	.60	.14
Area 2	10.60	.85*	1.37	.60	.14
Area 3	10.85	.85*	1.37	.60	.14
Area 4	11.10	.85*	1.37	.60	.14

FOOTNOTES:
Four centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.
Area 1 - Up to 20 road miles from said centers
Area 2 - More than 20 road miles to and including 30 road miles from said centers
Area 3 - Outside of 30 road miles from said centers
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe

*Includes 13c to Pensioned Health and Welfare Fund.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$6.785	.80	1.40	.90	.10
GROUP 1(a):	7.01	.80	1.40	.90	.10
GROUP 1(b):	6.835	.80	1.40	.90	.10
GROUP 1(c):	7.335	.80	1.40	.90	.10
GROUP 1(d):	6.985	.80	1.40	.90	.10
GROUP 2:	6.635	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10
LABORERS (Gunite)					
GROUP 1: Nozzleman (incl. Gunman; Potman); Rodman; Groundman	7.245	.80	1.40	.90	.10
GROUP 2: Reboundman	6.655	.80	1.40	.90	.10
GROUP 3: General Laborer	6.535	.80	1.40	.90	.10
LABORERS (Tunnel & Shaft Work)					
GROUP 1:	8.195	.80	1.40	.90	.10
GROUP 2:	7.915	.80	1.40	.90	.10
GROUP 3:	7.745	.80	1.40	.90	.10
GROUP 4:	7.635	.80	1.40	.90	.10
LABORERS (Wrecking Work)					
GROUP 1:	6.785	.80	1.40	.90	.10
GROUP 2:	6.635	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10
POWER EQUIPMENT OPERATORS (Piledriving)					
GROUP 1:	7.83	.85*	1.05	.60	.24
GROUP 1(a):	8.13	.85*	1.05	.60	.24
GROUP 1(b):	8.27	.85*	1.05	.60	.24
GROUP 2:	8.84	.85*	1.05	.60	.24
GROUP 2(a):	9.03	.85*	1.05	.60	.24
GROUP 3:	9.30	.85*	1.05	.60	.24
GROUP 3(a):	9.65	.85*	1.05	.60	.24
GROUP 4:	10.15	.85*	1.05	.60	.24
GROUP 5:	10.28	.85*	1.05	.60	.24

LABORERS

GROUP 1: Asphalt ironers and rakers; Backo, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TUM-2A; Gardencr-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable); Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS
(Piledriving)

GROUP 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (hoisting material only)

GROUP 2-A Compressor operator (2-7); Generator (100 K. W. or over); Pump (2-7); Welding Machine (2-7) powered other than by electricity)

GROUP 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane (up to and incl. 25 tons hoisting material only)

GROUP 5: Operator of Diesel or Gasoline powered Crane Piledriver without boiler, over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane (over 25 tons hoisting material or performing piledriving work)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Apr. T
	AREA 1	AREA 2				
GROUP 1:	$ 7.76	$9.03	.85*	1.05	.60	.2
GROUP 2:	8.08	9.35	.85*	1.05	.60	.2
GROUP 3:	8.27	9.54	.85*	1.05	.60	.2
GROUP 4:	8.77	10.04	.85*	1.05	.60	.2
GROUP 5:	8.96	10.23	.85*	1.05	.60	.2
GROUP 6:	9.09	10.36	.85*	1.05	.60	.2
GROUP 7:	9.23	10.50	.85*	1.05	.60	.2
GROUP 8:	9.59	10.86	.85*	1.05	.60	.2
GROUP 9:	9.79	11.06	.85*	1.05	.60	.2
GROUP 10:	9.97	11.24	.85*	1.05	.60	.2
GROUP 10-A:	10.07	11.34	.85*	1.05	.60	.2
GROUP 11:	10.23	11.50	.85*	1.05	.60	.2
GROUP 11-A:	11.20	12.47	.85*	1.05	.60	.2
GROUP 11-B:	11.45	12.72	.85*	1.05	.60	.2
GROUP 11-C:	11.71	12.98	.85*	1.05	.60	.2

* Includes 13¢ to Pensioned Health and Welfare Fund

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Gofomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multipurpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (H-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CMC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS 1 & 11) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Hole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS 1 & 11) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon townahip and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings
County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, ranga 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner uf township 10N, range 12E,
Thence Easterly to the S.E. cornor of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of Californta,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehema, Tuolumne, Yolo, and Yuba

DECISION NUMBER: CA75-5016
DATE: Date of Publication
Supersedes Decision No. AR-1038 dated September 27, 1974, in 39 FR 34945
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.05	.90	.65	1.07	.06
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Mario, Napa, San Francisco, San Mateo, Solano, and Sonoma Counties	9.57	.85	.58	1.00	
Alameda and Contra Costa Counties	10.15	.85	.95		.15
Fresno, Mariposa and Merced Cos.	9.07	.48	.85		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tchama, Yolo and Yuba Counties	9.75	.73	.72		.22
Monterey and Santa Cruz Counties	9.65	.73	.65	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	8.80	.55	.60	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Cos.	7.50	.50	.70		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	7.54	.65	.65		
San Francisco and San Mateo Cos.	8.05	.50	.65		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Cos.	6.155	.395	1.35	.50	
Fresno County	6.05	.65	1.35		
CARPENTERS:					
Carpenters	10.00	.60	.85	.75	.04
Hardwood floor layers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.60	.85	.75	.04
Piledrivermen; Bridge, wharf and dock builders	10.13	.60	.85	.75	.04
Millwrights	10.50	.60	.85	.75	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Cement Masons	$8.46	.90	1.25	1.25	
Mastic; Magnesite; All Comp. Masons	8.71	.90	1.25	1.25	
Men working from swinging or slip form scaffolds	8.71	.90	1.25	1.25	
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04
ELECTRICIANS:					
Alameda County					
Electricians	9.845	.70	4%		
Cable Splicers	11.07	.70	4%		
Amador, Sacramento, Sutter, Yolo, Yuba, and those portions of Alpine, Eldorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	9.78	.41	1%+.65		.045
Cable Splicers	10.76	.41	1%+.65		.045
Lake Tahoe Area					
Electricians	9.84	.53	1%+.25		.03
Cable Splicers	10.82	.53	1%+.25		.03
Shasta and Tehama Counties					
Electricians (Family residences, limited to 3 stories)	7.08	.60	1%+.40		.005
Electricians (4 stories):					
Electricians	9.84	.60	1%+.40		.005
Cable Splicers	10.82	.60	1%+.40		.005
Calaveras and San Joaquin Cos.					
Electricians	9.00	.49	1%		.01
Cable Splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1%+.50		.02
Cable Splicers	11.05	.60	1%+.50		.02
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1%+.35		.01
Cable Splicers	10.26	.47	1%+.35		.01
Fresno County					
Electricians (Family residences, not to exceed 2 stories)	7.53	.50	1%+.60		.05
Electricians (3-4 stories):					
Electricians	9.86	.50	1%+.70		.05
Cable Splicers	10.26	.50	1%+.70		.05
Marin and Sonoma Counties					
Electricians	9.50	.61	1%+.20		.02
Cable Splicers	10.45	.61	1%+.20		.02

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Mariposa, Merced, and Tuolumne Counties					
Electricians	$9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	11.15	.55	1%		.01
Cable Splicers	12.32	.55	1%		.01
Napa and Solano Counties					
Electricians	9.42	.58	1%+.30		.03
Cable Splicers	9.92	.58	1%+.30		.03
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	10.40	.52	1%+.35		.02
Cable Splicers	11.70	.52	1%+.35		.02
San Francisco County					
Electricians	10.42	.705	1%+.50		.04
Cable Splicers	11.72	.705	1%+.50		.04
San Mateo County					
Electricians	9.85	.69	1%+.25		.03
ELEVATOR CONSTRUCTORS	10.70	.445	.29	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	.01
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Counties	9.135	.60	.83		.01
Merced (remainder of County) and Fresno County	7.68	.41	.55	.66	.05
Del Norte and Humboldt Counties	6.48	.35	.50	6.4%	
IRONWORKERS:					
Fence Erectors	8.89	.88	.1375	1.03	.03
Reinforcing	9.78	.88	.1375	1.03	.03
Ornamental; Structural	9.78	.88	.1375	1.03	.03

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Alameda and Contra Costa Counties	$9.81	.74	.715		.025
Humboldt, Nevada, Placer, Shasta, and Tehama Counties	9.10	.48	.50		.01
Amador, Eldorado, Sacramento, and Yolo Counties	8.15	.395	.70	1.00	
Calaveras and San Joaquin Counties	8.90	.58	.55		
Marin and Sonoma Counties	7.99	.40	.45	1.00	1/8%
Monterey and Santa Cruz Counties	9.45	.58	.50	.20	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N½ of San Mateo County	9.43	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	9.58	.35	.45		
Mariposa, Merced and Tuolumne Counties	8.50				.01
Southern Half of San Mateo County	10.03	.32	1.00		
PAINTERS:					
Shasta, Sutter, Tehama and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	5.65	.35	.25	1.05	
Alpine, Amador, Calaveras, and San Joaquin Counties					
Brush	7.12	.50	.95	.80	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	7.42	.50	.95	.80	
Fresno County					
Brush; Tapers	8.82	.40	.20		
Spray; Structural Steel	9.07	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos. (excluding portions of in the Lake Tahoe Area)					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural Steel; Tapers	8.55	.50	.20		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Marin, San Francisco and Sonoma Counties					
Brush	$9.07	.64	.65		
Spray	9.32	.64	.65		
Tapers	9.57	.64	.65		
Del Norte and Humboldt Counties					
Brush	6.90	.35	.20		
Paperhangers; Spray; Tapers	7.15	.35	.20		
Mariposa; Merced and Tuolumne Counties					
Brush	6.30	.35		.75	
Paperhangers; Spray; Tapers	6.55	.35		.75	
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	9.52	.64	.65	.80	
Spray	9.77	.64	.65	.80	
Tapers	10.22	.64	.65	.80	
PLASTERERS:					
Alameda and Contra Costa Counties	8.94	.645	.58		.03
Sutter and Yuba Counties	7.85	.395	.50	1.00	.02
Fresno County	7.59	.56	.50		
Monterey County	9.60	.71	.35		.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65	
San Benito and Santa Clara Cos.	7.63	.59	.50	.80	.01
San Francisco County	9.87	.63	1.00		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma, and Tehama Counties	7.55	.53	.35	1.00	.01
Mariposa, Merced and Tuolumne Cos.	7.50	.65	1.05	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	7.90	.55	1.00		.10
Fresno County	7.45	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	6.90	.65		.80	
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Cos.	6.515	.395	1.35	.70	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS' TENDER: (Cont'd)					
San Francisco, and San Mateo Cos.	$7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	8.30	.60	.55		
Monterey County	6.42	.65	1.35		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Tuolumne County	5.65	.65	1.35	.80	
PLUMBERS:					
Alameda County	10.80	.78	1.40		.12
Contra Costa County	11.57	.88	1.50		.16
PLUMBERS; Steamfitters:					
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	11.28	.77	1.30		.11
Lake Tahoe Area	9.89	.58	.60	1.95	.10
Marin, San Francisco and Sonoma Counties	10.14	1.58	1.00	.985	.10
San Benito and Santa Clara Cos.	11.40	.61	1.39		.14
Del Norte and Humboldt Counties	10.08	.61	1.12		.05
San Mateo County	10.49	.79	1.39	1.20	.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	10.78	1.15	1.23		.06
Napa and Solano Counties	11.25	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	9.23	.77	.75	.35	.01
Mastic workers; Kettlemen (2 kettles w/o pumps)	9.48	.77	.75	.35	.01
Bitumastic; Enamelers; Pipe-wrapper; Coal tar built up	10.23	.77	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile composition and built up)	9.14	.65	.55		
Felt machine operator	9.29	.65	.55		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	$8.54	.65	.40		
Fresno County					
Roofers	8.45	.50	.50		
Marin, Napa, Solano, and Sonoma Counties					
Roofers	8.64	.45	.75	1.25	.04
Mastic workers; Kettlemen (2 kettles w/o pump)	8.89	.45	.75	1.25	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	9.64	.45	.75	1.25	.04
Del Norte and Humboldt Counties					
Roofers	8.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	8.20	.45	.60	1.00	
San Francisco and San Mateo Cos.					
Roofers	8.92	.50	.75	.90	.04
Mastic workers and kettlemen (2 kettles) without pumps	9.17	.50	.75	.90	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	9.92	.50	.75	.90	.04
Amador, Sacramento and Yolo Cos.					
Roofers	8.31	.64	.60		.02
Enameler and pitch	9.31	.64	.60		.02
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda and Contra Costa Counties	8.475	.38	.87	12%	.035
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	8.46	.48	1.20	12%	.08
Fresno County	6.03	.38	.69	.60	.07
Del Norte and Humboldt Counties	8.18	.38	.83		
Marin, Napa, Sonoma and Solano Counties	8.55	.36	.44		.15
Mariposa, Merced and Tuolumne Cos.	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.45	.38	1.025	.845	
San Francisco County	8.48	.38	.55		10%
San Mateo County	9.25	.38	.97		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Alameda, Calaveras, Contra Costa, Napa, and Solano Counties	$7.50	.36	.30	29b	.05
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo, and Yuba Counties and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	8.16	.59	.60	1.00	.07
Lake Tahoe Area	9.25	.50	.20		
Fresno County	8.80	.20			
Marin, San Francisco, San Mateo, and Sonoma Counties	7.80	.60	.55	c	.05
Monterey, San Benito, Santa Clara, and Santa Cruz Counties	7.39	.35	.30	.89	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	12.585	.50	.70		.09
Remaining Counties	11.85	.50	.70		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	10.065	.75	1.25		.12
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, Sonoma Counties	8.78	.85	.58	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.92		.22
Fresno County	7.72	.30			
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helper	7.205	.505	.30		
Base machine operator	7.605	.505	.30		
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Cos.	8.05	.70	.80	.90	.025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS: (Cont'd)					
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	$7.77	.55	.30	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015
Fresno County	7.77	.40	.35		
Monterey and Santa Cruz County	9.35	.795	.73		
RIGGERS: WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A throuth F.

b. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

c. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation Fund.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. watar level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 6 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level) Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER & SIMILAR STRADDLE CARRIER	$ 8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level) Dump (8 yds. & incl. 12 yds. water level); Dumpcrete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level), Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd)					
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
GROUP 1:	$6.785	.80	1.40	.90	.10
GROUP 1(a):	7.01	.80	1.40	.90	.10
GROUP 1(b):	6.835	.80	1.40	.90	.10
GROUP 1(c):	7.335	.80	1.40	.90	.10
GROUP 1(d):	6.985	.80	1.40	.90	.10
GROUP 2:	6.635	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10
LABORERS (Gunite)					
GROUP 1:	7.245	.80	1.40	.90	.10
GROUP 2:	6.655	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10

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LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trenchjacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TAM-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

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LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Gleaning and washing windows; Construction laborers incl. bridge and general laborers; Dumpman, load spotter: Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction: Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman

GROUP 2: Reboundman

GROUP 3: General laborers

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Apr. Tr.
	AREA 1	AREA 2				
GROUP 1:	$ 7.76	$9.03	.85*	1.05	.60	.24
GROUP 2:	8.08	9.35	.85*	1.05	.60	.24
GROUP 3:	8.27	9.54	.85*	1.05	.60	.24
GROUP 4:	8.77	10.04	.85*	1.05	.60	.24
GROUP 5:	8.96	10.23	.85*	1.05	.60	.24
GROUP 6:	9.09	10.36	.85*	1.05	.60	.24
GROUP 7:	9.23	10.50	.85*	1.05	.60	.24
GROUP 8:	9.59	10.86	.85*	1.05	.60	.24
GROUP 9:	9.79	11.06	.85*	1.05	.60	.24
GROUP 10:	9.97	11.24	.85*	1.05	.60	.24
GROUP 10-A:	10.07	11.34	.85*	1.05	.60	.24
GROUP 11:	10.23	11.50	.85*	1.05	.60	.24
GROUP 11-A:	11.20	12.47	.85*	1.05	.60	.24
GROUP 11-B:	11.45	12.72	.85*	1.05	.60	.24
GROUP 11-C:	11.71	12.98	.85*	1.05	.60	.24

* Includes 13¢ to Pensioned Health and Welfare Fund

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CPC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Grushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (25 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading (Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Curries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds., up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 19E,
Thence Westerly to the N.W. corner of township 3S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 26N, range 6W,
Thence Easterly to the S.E. corner of township 26N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: 75FL-1018
COUNTY: Dade
DATE: Date of Publication
Supersedes Decision No. AQ-4115 dated May 17, 1974 in 39 FR 17659
DESCRIPTION OF WROK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

13-Florida-1-L (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	9 96	.35	35		02
Boilermakers	8.13	.40	.70		01
Bricklayers:					
Bricklayers and Stonemasons	9.70	.50	.39		.04
Cement Masons	9.70	.50	.39		.04
Marble masons	9.70	.50	.39		.04
Plasterers	9.70	.50	.39		.04
Terrazzo workers and Tile setters	9.70	.50	.39		.04
Carpenters:					
Carpenters and Soft floor layers	8.70	.55	.45		.01
Millwrights	8.95	.55	.45		.01
Piledrivermen	8.70	.55	.45		.01
Electricians:					
Electricians, welders & equip. ops.					
Zone 1 21½ mi. raduis from the Dade County Courthouse	9.20	4⅜	1⅝+.20	8⅜	1⅜
Zone 2 - 6 mi. raduis from Zone 1	9.86	4⅜	1⅝+.20	8⅜	1⅜
Zone 3 - 6 mi. raduis from Zone 2	10.51	4⅜	1⅝+.20	8⅜	1⅜
Zone 4 - 6 mi. raduis from Zone 3	11.71	4⅜	1⅝+.20	8⅜	1⅜
Cable splicers (25¢ an hour above JR					
Elevator constructors	9.34	.395	.26	2⅜+a&b	.015
Elevator constructors' helpers	70%JR	.395	.26	2⅜+a&b	.015
Elevator constructors' heplers (prob)	50%JR				
Glaziers	9.00	.45	35		.01
Ironworkers:					
Structural & ornamental	8.80	.75	.83		.03
Reinforcing	8.80	.75	.83		.03
Laborers:					
Air tool operator, pipelayers	6.60	.60	.30		
Laborers (Common)	6.50	.60	.30		
Mason tenders, Mortar mixers	6.60	.60	.30		
Plasterers' tenders	6.78	.60	.30		
Lathers	9.20	.35	.10		.06
Line Construction: Linemen	8.00	.36	1⅝ +.20	.40	3⅜
Cable splicer	8.25	.36	1⅝+.20	.40	3⅜
Groundmen	4.64	.36	1⅝+.20	.40	3⅜
Heavy equipment operator	8.00	.36	1⅝+.20	.40	3⅜

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Winch truck operator	6.40	.36	1⅝+.20	.40	3⅜
Painters:					
Brush	8.50	.45	.40		.02
Scaffold work	8.90	.45	.40		.02
Spray	9.00	.45	.40		.02
Taper & paperhangers	8.75	.45	.40		.02
Extension ladder & erected scaffold over 28'	8.75	.45	.40		.02
Structural steel	8.75	.45	.40		.02
Drywall taper mechanical & Sandblaster	9.00	.45	.40		.02
Plumbers	10.09	.67	1.05		.07
Refrigeration and air condition-ing mechanic	9.75	.69	1.00		.08
Roofers:					
Roofers, damp and waterproofers	10.02	.43	.25		02
Sheet metal workers	10.50	.45	.35		.08
Sprinkler fitters	8.71	.40	.60		.10
Steamfitters	9.75	.69	1.00		.08
Welders & riggers - receive rate prescribed for craft performing operation to which welding and rigging are incidential.					

FOOTNOTES:

a. Six paid holidays: A through F

b. Employer contributes 1⅝ of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in businss less than 5 years.

PAID HOLIDAYS:

A-New Year's Day: B-Memorial Day: C-Independence Day: D-Labor Day: E-Thanksgiving Day: F-Christmas Day.

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.65	.35	.35		
GROUP II	7.99	.35	.35		
GROUP III	7.11	.35	.35		
GROUP IV	6.56	.35	.35		
GROUP V	5.56	.35	.35		

Group I: Field mechanic cranes, derricks, hoist (2 or more drums), oiler-fireman combination

Group II: Draglines, backhoes, gradalls, finish greder, welding machine, 1 drum hoist, fork lift, hopto machine, air compressor (above 125 CFM, more than one pump or combination of other equip., up to 5), winch trucks

Group III: Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3" or more), mixers

Group IV: Rollers, finishing machines, tractors, oilers & drivers, mechanic helpers

Group V: Oiler on crawler cranes

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Fulton, Clayton, Cobb, and DeKalb
DECISION NUMBER: GA75-1019
Supersedes Decision No. AR-4029 in 39 FR 32445 dated September 6, 1974.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	7.90	.35	.35		.02
Boilermakers	7.13	.40	.70		.01
Bricklayers:					
Bricklayers and Stonemasons	7.80	.40	.40	.65	.05
Marble Masons, Terrazzo workers and Ceramic Tile Setters	8.30	.40	.40		
Carpenters:					
Carpenters and Resilient Layers	8.10	.40	.45		.02
Carpet Layers	6.15	.40	.45		.02
Millwrights	8.85				
Piledriversmen	8.25	.40	.45		.02
Cement Masons	7.65	.35	.55		
Electricians	9.55	6%	7%+1%		½ of 1%
Elevator Constructors	8.46	.445	.29	3%+a.b	.02
Elevator Constructors' Helpers	5.92	.445	.29	3%+a,b	.02
Elevator Constructors' Helpers (prob.)	4.23				
Glaziers	7.25	.45	.24	.25	.055
Ironworkers:					
Structural, Ornamental, & Reinforcing	8.10	.40	.47		.07
Lathers	7.60	.20	.10	.50	.04
Leadburners	7.80	.30		c	.01
Painters:					
Brush	8.10	.45	.55		.04
Spray and Sandblasting	9.10	.45	.55		.04
Paperhanging	8.65	.45	.55		.04
Plasterers	7.97	.35	.55		
Plumbers and Steamfitters	8.95	.35	.50		.08
Roofers:					
Roofers and Weatherproofers	6.50	.20	.20		
Slate, Tile, and Asbestos Shingle	6.75	.20	.20		
Sheet Metal Workers	8.90	.35	.35		
Sprinklers Fitters	8.75	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:
A-New Year's; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F

b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F; Washington's Brithday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work-days immediately preceding and following the holidays.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators					
Group A					
Backhoe operators, clamshell operator, conc. mix operator, cent. mix plant, conc. pump operator-Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, dragline operator, drill operator-caisson foundation type, elevating grader operator, fork-lift operator that comes within the jurisdiction of the Operating Engineers hoisting engine operator, locomotive operator, mechanics-heavy duty, oilers on cranes with earth boring drill attached with a separate power source, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor) generator operator-75 K. VA and over, tugger hoist operator, winch truck operator, hoisting material, air compressor operator, 365 C.F.M. and over furnishing air simultaneously for more than one contractor.	8.10	.35	.20		.07
Group B					
Bulldozer operator, dozer shovel operator, drill operator-Quarry master type, firemen-stationary or portable, motor grader operator, motor scraper operator (pans), pusher dozer operator, self-propelled compactor operator with blade, tractor operator with special equipment, trenching machine operator up to and including 6 ft. depth capacity.	7.75	.35	.20		.07
Group C					
Air compressor operator 600 cu. ft. and over, air compressor operator batt. of two, 300 cu. ft. and over, hydrohammer operator, concrete batch plant operator.	6.18	.35	.20		.07
Group D					
Oiler-truck or locomotive cranes	6.53	.35	.20		.07
Group E					
Oiler-unspecified, pump operator over 4" up to batteries of 4, welding machine operator, batteries of two 300 amps and over.	5.63	.35	.20		.07
Group F					
Concrete mixer operator skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator, well drill operator	5.98	.35	.20		.07
Group G					
Air compressor operator up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft. conveyor operator, belt type, sand blasting machine operator, water pump operator 4" or less water pump operator over 4" (one only), welding machine operator 300 amps and over	4.96	.35	.20		.01

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payment H & W	Pensions	Vacation	App.
LABORERS:					
Group A					
Batch plant men; buggy rollers (Ga.); cleaners (brick or lumber), clearing of right of way and building site (hand tools), concrete curer-sealer and liquid hardner, conveyer operator (used by tenders of plasterers and bricklayers), electrician laborer, excavator, backfiller grader (hand), forklift operator, walk type tending bricklayers and plasterers, form oiler, form stripper, metal pan handler, plumber-laborer, pipe doper, precast slab layer (floors, roofs, walks, curbs), concrete puddlers, rail porter, railroad track laborer, reinforcing steel handler, scaffolds and staging for masons and plasterers, erecting and removing scarifyer, concrete (mechanical and hand), sheeting and shoring laborers, steam jennies (used in cleaning equipment), tenders (all crafts), truck spotter dumper, winch handler (manual), wrecking buildings and miscellaneous structures.	5.30	.20	.25		.05
Group B					
Bucket-dumpman (concrete), mixer-mortar, grout clay, etc. (hand or machine), power post hole digger, power cleaning machine operator, power wheelbarrow, mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.	5.42	.20	.25		.05
Group C					
Burner-demolition, chain saw operator, power concrete saw operator, steel form setter, sewer pipe layer, varner, wiper, potman, slip form raiser (steel or wood) jack or screw type.	5.52	.20	.25		.05
Group D					
Wagon drill operator (track or wheel type) and like used in drilling for blasting.	5.60	.20	.25		.05
Group E					
Powderman-helper	5.80	.20	.25		.05
Group F					
Powderman, nozzleman (concrete pneumatic)	6.20	.20	.25		.05
Group G					
Caisson holeman 25c above rate for classification working: chimney or stacks isolated.					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Trucks up to and including 2½ tons, tractor farm types	5.75	.15			
Trucks from 2½ tons up to and including 5 tons all low-boys and other trailer pulled by tractors except farm type tractor with ratings up to and including 5 tons.	5.85	.15			
Trucks over 5 tons including all euclids up to and including 10 tons.	6.10	.15			
Euclids over 10 tons	6.15	.15			

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio & West Virginia
DECISION NUMBER: IL75-2036 DATE: Date of Publication
Supersedes Decision No. AQ-3094 dated February 8, 1974 in FR 5070
DESCRIPTION OF WORK: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; and the Upper Mississippi River between Miles 0.0 and 195.0

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
AREA I					
Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.					
Leverman; Engineer	$8.88	.46	.90		
Mechanic; Boatman	8.88	.46	.90		
Oiler; Helper	7.75	.46	.90		
AREA II					
Within the geographical jurisdiction of the Louisville District, Corps of Engineers.					
Leverman; Engineer	8.50	.46	.90		
Mechanic; Boatman	8.50	.46	.90		
Oiler; Helper	6.55	.46	.90		
AREA III					
Within the geographical jurisdiction of the Huntington District, Corps of Engineers.					
Leverman; Engineer	8.03	.46	.90		
Mechanic; Boatman	8.03	.46	.90		
Oiler; Helper	5.86	.46	.90		

SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NUMBER: IN75-2017
Supersedes Decision No. AR-3080 dated August 23, 1974 in 39 FR 30698
DESCRIPTION OF WORK: Building Construction (excluding Single Family Homes and garden type apartments up to and including 4 stories).

COUNTY: Allen
DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.15	.35	.55		.01
Boilermakers	9.05	.50	.80		.01
Bricklayers & Stonemasons	8.39	.30	.25		.04
Carpenters:					
Carpenters & Soft Floor Layers	8.31	f6%			.04
Millwrights & Piledrivermen	8.64	f6%			.01
Cement Masons	7.90	.40		.15	.01
Electricians	9.10	.25	1%+.30		.01
Elevator Constructors:					
Elevator Constructors	8.77	.445	.29	3%+a&b	.02
Helpers	6.14	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.385				
Glaziers	7.54			.15	.01
Ironworkers	9.70	.55	.55		.01
Lathers	7.91		.25		.01
Leadburners	9.25	.35		d	.01
Marble Setters	8.89	.30	.25		.01
Marble Setters' Helpers	6.05				
Painters:					
Brush, Roller & Paperhanging	7.49	.32	.25		.07
Spray & Sandblasting	8.49	.32	.25		.07
Plasterers	7.59	.40			
Plumbers & Steamfitters	9.30	.25	.35		.07
Roofers	8.05		.10		
Sheet Metal Workers	8.34	.30	.25		.02
Sprinkler Fitters	9.40	.50	.70		.08
Terrazzo Workers	8.50				
Terrazzo Workers' Helpers	6.05				
Tile Setters	8.50				
Tile Setters' Helpers	6.05				
Truck Drivers:					
Up to & including 1 Ton	7.13	c	e		
Sweeper attached & Dist. Water Wag.	7.43	c	e		
1½ to & including 3 Tons & Forklift	7.23	c	e		
Tandems, Double Bottoms, Lowboys	7.33	c	e		
Semi	7.28	c	e		
Euclid & Earthmover	7.58	c	e		

Welders-receive rate prescribed for craft performing operation to which welding is incidental.

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. $14.00 per week for each employee

d. Holidays: A through F plus Washingtons Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $14.00 per week for each employee.

f. 6% for Health & Welfare includes pension.

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INDIANA-15-LAB AREA I

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 5.95	.35	.30		.07
GROUP B	6.15	.35	.30		.07
GROUP C	6.25	.35	.30		.07
GROUP D	6.95	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackman and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

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INDIANA-11-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.15	.40	.40		.05
GROUP 2	8.30	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.75	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto. Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Bostman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundmen:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:

a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NUMBER: IN75-2019
Supersedes Decision No. AR-3082, dated August 23, 1974 in 39 FR 30703.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Benton & Tippecanoe
DATE: DATE OF PUBLICATION

1 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.00	.30	.20		.02
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	8.15	.38	.25		.01
Marble Masons	8.15	.38	.25		.01
Tile Setters & Terrazzo Workers	7.70	.38	.25		.01
Carpenters:					
Carpenters & Soft Floor Layers	7.91	.30	.20		.02
Millwrights & Piledrivermen	8.26	.30	.20		.02
Cement Masons	7.60	.40	.30		
Electricians	9.05	.30	1%		.25%
Glaziers:					
Benton County	7.80	.25	.25	.25	
Tippecanoe County	9.89				
Ironworkers	8.64	.55	.65		.02
Lathers	7.30	.30	.25		.01
Leadburners	9.25	.35		a	.01
Painters:					
Brush	7.25				
Erected Steel	7.50				
Spray	10.52				
Plasterers	8.13	.40			
Plumbers & Steamfitters	9.14	.36	.40	.50	.10
Roofers:					
Composition	8.40	.50	.28		
Slate & Tile	8.10	.27	.28		
Sheet Metal Workers	8.33		.30		
Sprinkler Fitters	9.40	.50	.70		.08
Truck Drivers:					
Single Axle Straight Trucks	5.40	b14.00	b12.00	c	
Warehousemen	5.40	b14.00	b12.00	c	
Helpers, Greasers & Tiremen	5.35	b14.00	b12.00	c	
Tandem Axles, Straight Trucks & Doglegs	5.50	b14.00	b12.00	c	
Bituminous Distributors	5.55	b14.00	b12.00	c	
Semi-Trucks & Mechanics	5.70	b14.00	b12.00	c	
Welders - receive rate prescribed for craft to which work performed is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

b. Per Week Per Employee

c. 1 Week Paid Vacation after 1 years Employment; 2 weeks after 3 years; 3 weeks after 10 years.

IND-LC-AREA 1

TIPPECANOE COUNTY AND BOLIVAR TOWNSHIP IN BENTON COUNTY

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

REMAINDER OF BENTON COUNTY LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 5.95	.35	.30		.07
GROUP B	6.15	.35	.30		.07
GROUP C	6.25	.35	.30		.07
GROUP D	6.95	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.15	.40	.40		.05
GROUP 2	8.30	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.75	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (13" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Grädall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

INDIANA-15-LAB AREA I

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 5.95	.35	.30		.07
GROUP B	6.15	.35	.30		.07
GROUP C	6.25	.35	.30		.07
GROUP D	6.95	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

INDIANA-11-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.15	.40	.40		.05
GROUP 2	8.30	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.75	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

IND-7-TD-1

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.20	a10.50	a10.00	b	
GROUP 2	6.25	a10.50	a10.00	b	
GROUP 3	6.30	a10.50	a10.00	b	
GROUP 4	6.35	a10.50	a10.00		
GROUP 5	6.40	a10.50	a10.00	b	
GROUP 6	6.45	a10.50	a10.00	b	
GROUP 7	6.55	a10.50	a10.00	b	
GROUP 8	6.60	a10.50	a10.00	b	
GROUP 9	6.65	a10.50	a10.00		
GROUP 10	6.70	a10.50	a10.00	b	
GROUP 11	6.85	a10.50	a10.00	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTONTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NUMBER: IN75-2022
Supersedes Decision No. AR-3085, dated August 23, 1974 in 39 FR 30711.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Grant
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.15	.35	.55		
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	8.05	.40	.30		
Marble Masons	8.05	.40	.30		
Tile Setters & Terrazzo Workers	8.05	.40	.30		
Carpenters:					
Carpenters & Soft Floor Layers	7.73	.35	.45		.05
Piledrivermen	7.93	.35	.45		.05
Millwrights	7.98	.35	.45		.05
Cement Masons	7.85	.40			
Electricians	8.75	.30	7%		.2%
Elevator Constructors:					
Elevator Constructors	8.77	.445	.29	3%+a&b	.02
Elevator Constructors' Helpers	6.14	.445	.29	3%+a&b	.02
Helpers (Prob)	4.385				
Glaziers	9.89				
Ironworkers	9.70	.55	.55		.01
Lathers	7.75		.25		
Leadburners	9.25	.35		6%	.01
Painters:					
Brush & Roller	6.76	.32	.25		.05
Spray & Sandblasting	7.76	.32	.25		.05
Plasterers	7.75	.40			.01
Plumbers & Steamfitters	8.01	.30	.30		.04
Roofers	6.40		.10		
Sheet Metal Workers	8.34	.30	.25		
Sprinkler Fitters	9.40	.50	.70		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

INDIANA-15-LAB AREA I

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 5.95	.35	.30		.07
GROUP B	6.15	.35	.30		.07
GROUP C	6.25	.35	.30		.07
GROUP D	6.95	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and shooting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
nemen and Technician	$8.18	.35	1%		.5%	
avy Equipment Operator "A"	7.77	.35	1%		.5%	
avy Equipment Operator "B"	6.40	.35	1%		.5%	
wderman and Equipment Mechanic	6.25	.35	1%		.5%	
nior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
oundman Truck Driver W/Winch	5.14	.35	1%		.5%	
oundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
nior Groundman After 5 Years	5.13	.35	1%		.5%	
nior Groundman after 12 Months	4.99	.35	1%		.5%	
oundman 0-12 Months	4.23	.35	1%		.5%	

INDIANA-11-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.15	.40	.40		.05
GROUP 2	8.30	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.75	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

IND-7-TD-1

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.20	a10.50	a10.00	b	
GROUP 2	6.25	a10.50	a10.00	b	
GROUP 3	6.30	a10.50	a10.00	b	
GROUP 4	6.35	a10.50	a10.00		
GROUP 5	6.40	a10.50	a10.00	b	
GROUP 6	6.45	a10.50	a10.00	b	
GROUP 7	6.55	a10.50	a10.00	b	
GROUP 8	6.60	a10.50	a10.00	b	
GROUP 9	6.65	a10.50	a10.00	b	
GROUP 10	6.70	a10.50	a10.00	b	
GROUP 11	6.85	a10.50	a10.00	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTONTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: Lake
DECISION NUMBER: IN75-2023 DATE: Date of Publication
Supersedes Decision No. AR-3086, dated August 23, 1974 in 39 FR 30714.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$10.36	.58	.67		.05
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	9.65	.35	.55	.50	.01
Marble Setters & Terrazzo workers	9.65	.35	.55	.50	.01
Tile Setters	9.10	.35	.55	.50	.01
Carpenters (Bldg., Heavy & Highway)					
Carpenters & Soft Floor Layers	9.76	.50	.57		.05
Millwrights & Piledrivermen	9.76	.50	.57		.05
Cement Masons:					
Building:					
Hammond Area	9.02	.60	.55		.01
Remainder of County	8.92	.60	.65		.01
Highway, Bridge & Airport					
Hammond Area	8.85	.60	.65		.01
Remainder of County	8.95	.60	.55		.01
Electricians	9.55	5%	7%+5.3%	4%	.7%
Elevator Constructors:					
Elevator Constructors	9.97	.445	.29	3%+a&b	.02
Helpers	6.98	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.985				
Glaziers (Except Hammond)	7.80	.25	.25	.25	
Ironworkers	9.90	.50	.60		.05
Lathers	8.25		.35	.50	
Lead burners	9.25	.35		c	.01
Painters:					
Hammond Area					
Commercial:					
Brush	7.90	.42	.35		.02
Paperhangers	8.15	.42	.35		.02
Spray & Sandblasting	8.65	.42	.35		.02
Industrial:					
Brush	8.65	.42	.35		.02
Spray & Sandblasting	9.40	.42	.35		.02
Remainder of County					
Commercial:					
Brush	8.10	.37	.30		.02
Spray & Sandblasting	8.85	.37	.30		.02
Industrial:					
Brush	9.00	.37	.30		.02
Spray	9.75	.37	.30		.02

DECISION NO. IN75-2023

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Pipefitters	10.35	.55	.70		.02
Plasterers:					
Hammond Area	7.90	.60	.55		
Remainder of County	7.90	.40			
Plumbers:					
Hammond Area	10.12	.55	.70		.02
Remainder of County	10.02	.50	1.00		.02
Roofers	10.30	.50	.35		
Sheet Metal Workers	9.07	.48	.52		.08
Sprinkler Fitters:					
Within 30 Mile Radius of Chicago City Hall	10.00	.65	.50		.02
Remainder of County	9.40	.50	.70		.08
Truck Drivers: (Bldg., Hvy., & Highway) 2-3 Axles Trucks	7.10	d16.00	d18.00	.25	
4-Axle Trucks	7.30	d16.00	d18.00	.25	
5-Axle Trucks	7.50	d16.00	d18.00	.25	
6-Axle Trucks	7.70	d16.00	d18.00	.25	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Per Week Per Employee

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INDIANA-8-LAB AREA 1

LABORERS: BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.85	.35	.35		.07
GROUP B	7.05	.35	.35		.07
GROUP C	7.15	.35	.35		.07
GROUP D	7.85	.35	.35		

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and conpipe buggies, hyster opera-pump crete assemblers conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), outting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

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IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

NOTICES

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INDIANA-3-PEO-BS&T

POWER EQUIPMENT OPERATORS: Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.80	.50	.70		.05
GROUP II	9.30	.50	.70		.05
GROUP III	7.90	.50	.70		.05
GROUP IV	6.95	.50	.70		.05

CLASSIFICATIONS

GROUP I
Mechanic (with truck $1.00 per hour more asphalt plant, autogrede, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs, central redi-mix plant combination tugger hoist & air compressors, compressor, & throttle, concrete breaker (truck mounted), concrete conveyor concrete paver over 27E cu. ft, concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower derricks, all derricks, traveling, forklift - lull type, forklift - 10 ton and over, hoists, one,two and three drum hoists, two tugger one floor, hydraulic boom truck locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump crates and similar types, rock drill (welf-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor

GROUP II
Ashpalt spreader, boilers, bulldozers combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists. all elevators, hoists, tugger single drum motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks

GROUP III
Concrete mixer (two bags and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

GROUP IV
Heaters, mechanical, oilers switchmen

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INDIANA-4-PEO-2-3

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.40	.40	.50		.04
CLASS II	9.05	.40	.50		.04
CLASS III	8.60	.40	.50		.04
CLASSIV	7.60	.40	.50		.04
CLASS V	6.70	.40	.50		.04

CLASSIFICATIONS

CLASS I
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R. R.), concrete mixer, 27 cu. ft., or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift, shovel - 3 yds. and over, hoist two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver hetherington, pile driver, road paving mixer ross carrier, throttle valve & compressor on Clever Brooks type combination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine, tug boat operator, winch truck with "A"-frame

CLASS II
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum, paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cul ft.) elevating, grader, elevating loader, portable greaser, highlife shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractorpush, tractor with scoop, widner apsco or similar type

CLASS III
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger-power driven finishing machine and bull float, form tamper - motor driven, hoist-one drum, multiple tamping machine, paving breaker, roller-earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & inc. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor

CLASS IV
Air compressors, all conveyor, fireman on boiler, generator, assistant mechanic power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint-motor driven, throttle, valve welding machine, well point system

CLASS V
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (powerdriven), water pump, grasscutter, helper on C.M.I. & similar type machine, hetherington assistant greaser

LABORERS: HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.50	.35	.35		.07
GROUP II	6.75	.35	.35		.07
GROUP III	7.50	.35	.35		.07

CLASSIFICATIONS

GROUP I: Unskilled Laborers
GROUP II: Asphalt lutemen, Asphalt raker men, batch truck dumpers, cement handlers (bulk or bag), concrete puddlers, hand blade operator, power tools & power equipment, side rail setters (for sidewalks, side ditches, pavements, Spreader box tenders, Tile layers, transverse & longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)
GROUP III: Dynamite and Powdermen

SUPERSEDES DECISION

STATE: INDIANA
DECISION NUMBER: IN75-2024
Supersedes Decision No. AR-3087, dated August 23, 1974 in 39 FR 30717
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

COUNTY: LaPorte
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 9.625	.30	.15		
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	9.67	.35	.35		.02
Marble Setters	9.67	.35	.35		.02
Tile Setters & Terrazzo Workers	9.67	.35	.35		.02
Carpenters: (Bldg., Heavy & Highway)					
Carpenters & Soft Floor Layers	9.76	.50	.57		.05
Millwrights & Piledrivermen	9.76	.50	.57		.05
Cement Masons:					
Building	8.21	.45	.70		.03
Highway, Bridge & Airport	8.62	.45	.70		.03
Electricians	9.55	3%	5%	4%	.2%
Elevator Constructors:					
Elevator Constructors	8.68	.445	.29	4%+a&b	.02
Helpers	6.08	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.34				
Glaziers	7.25	.35		1%	1%
Ironworkers:					
Michigan City	9.90	.50	.60		.05
Remainder of County	8.70	.55	.65		.01
Lathers	8.52	.33	.25		.01
Leadburners	9.25	.35		o	.01
Painters: (Michigan City) Commercial & Industrial	6.85			.17	
Painters: (Remainder of County)					
Brush, Roller & Structural Steel	4.80				
Spray	6.05				
Plasterers	8.21	.45	.70		.03
Plumbers & Steamfitters:					
Michigan City	10.42	.40	.55		.02
Remainder of County	6.20	.20	.40		
LaPorte City	9.35	.38	.40		.10
Roofers:					
Composition, Damp & Waterproof	8.50		.30		.03
Slate, Tile & Asbestos	8.65		.30		.03
Helpers	5.00		.30		.03
Sheet Metal Workers	9.07	.48	.52		.08
Sprinkler Fitters	9.40	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers: Building Construction					
4-Wheel	$5.15	d10.50	d11.00		
6-Wheel	5.25	d10.50	d11.00		
Semi-Trucks	5.25	d10.50	d11.00		
Transit-Mix	5.55	d10.50	d11.00		
Euclids	5.65	d10.50	d11.00		
Winch	5.40	d10.50	d11.00		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays: A through F plus Washington's Birthday, Good Friday & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Per week Per employee

INDIANA-6-LAB-1-S&T AREA 1A

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.65	.35	.35		.07
GROUP B	6.85	.35	.35		.07
GROUP C	6.95	.35	.35		.07
GROUP D	7.65	.35	.35		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

IND-1-LAB-Z-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

INDIANA-3-PEO-BS&T

REMAINDER OF LA PORTE COUNTY POWER EQUIPMENT OPERATORS: Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.80	.50	.70		.05
GROUP II	9.30	.50	.70		.05
GROUP III	7.90	.50	.70		.05
GROUP IV	6.95	.50	.70		.05

CLASSIFICATIONS

GROUP I
Mechanic (with trunk $1.00 per hour more) asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs central redi-mix plant combination tugger hoist & air compressors, compressor, & throttle, concrete breaker (truck mounted), concrete conveyor concrete paver over 27E cu. ft. concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower derricks, all derricks, traveling, forklift - hull type, forklift - 10 ton and over, hoists, one, two and three drum hoists, two tugger one floor, hydraulic boom truck locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor

GROUP II
Asphalt spreader, boilers, bulldozers combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists, all elevators, hoists, tugger single drum motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks

GROUP III
Concrete mixer (two bags and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

GROUP IV
Heaters, mechanical, oilers switchmen

IN75-2024 P. 7 INDIANA-1-FEO-2-3

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.40	.40	.50		.04
CLASS II	9.05	.40	.50		.04
CLASS III	8.60	.40	.50		.04
CLASS IV	7.60	.40	.50		.04
CLASS V	6.70	.40	.50		.04

CLASSIFICATIONS

CLASS I
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R. R.), concrete mixer, 27 cu. ft., or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift, shovel - 3 yds. and over, hoist two & three drums, locomotive operator, lead mechanic, mucking machine, panelboard concrete plant (central mix type), paver hetherington, pile driver, road paving mixer ross carrier, throttle valve & compressor or Clever Brooks type cochination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine, tug boat operator, winch truck with "A"-frame

CLASS II
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum, paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating, grader, elevating loader, portable greaser, highlit shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractorpush, tractor with scoop, widener apsco or similar type

CLASS III
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger-power driven finishing machine and bull float, form grader, form tamper-motor driven hoist-one drum, multiple tamping machine, paving breaker, roller-earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & inc. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor

CLASS IV
Air compressors, all conveyors fireman on boiler, generator, assistant mechanic power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint-motor driven, throttle, valve welding machine, well point system

CLASS V
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (powerdriven), water pump, grasscutter, helper on C.M.I. & similar type machine, hetherington driver, assistant greaser

IN75-2024 P. 8

South of Rt. #12 & East of Franklin St., Michigan City INDIANA-10-FEO-BS&T

POWER EQUIPMENT OPERATORS Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$9.80	.50	.70		.05
Class II	9.30	.50	.70		.05
Class III	7.90	.50	.70		.05
Class IV	6.95	.50	.70		.05

CLASSIFIATIONS

CLASS I
Mechanic (with truck $1.00 per hour more) asphalt plant, autograde, batch plant, bento (requires two engineers), boiler & throttle valve, caisson rigs, central redimix plant, combination tugger hoist & air compressor, compressor and throttle concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete paver 27E cu. ft. and under, concrete tower, cranes, all, cranes, tower, derricks, all, derricks, traveling, forklift-full type forklift - 10 ton and over hoists, one, two, and three drum, hoists, two tugger one floor hydraulic boom truck, locomotive, all, pile drivers and skid rig, pit machines. pre-stress machine, pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom & side boom, trenching machine, winch tractors

CLASS II
Asphalt spreader, boiler, bulldozers, combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines, highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists all elevators, hoists, tugger single drum, motor patrol, post hole digger, rollers, all, scoops - tractor drawn, stone crushers, tournapull, winch trucks

CLASS III
Concrete mixer (2 bag & over) conveyor, portable steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.) pumps, well points, welding machines (2 through 5), winches 4 small electric drill winches

CLASS IV
Heaters, mechanical, oilers & switchmen

IN75-2024 P. 9 INDIANA-12-TD-2-3

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$6.115	a13.50	a14.00		
CLASS 2	6.265	a13.50	a14.00		
CLASS 3	6.315	a13.50	a14.00		
CLASS 4	6.365	a13.50	a14.00		
CLASS 5	6.415	a13.50	a14.00		
CLASS 6	6.465	a13.50	a14.00		
CLASS 7	6.515	a13.50	a14.00		
CLASS 8	6.565	a13.50	a14.00		
CLASS 9	6.565	a13.50	a14.00		

CLASSIFICATIONS

CLASS 1
Drivers of pick-up trucks, helpers, greasers, tire men, tending batch boards & warehousemen

CLASS 2
Drivers on single axle straight trucks, batch truck wet or dry 3(3/4E) batches or less

CLASS 3
Drivers on single axle water trucks bituminous distributors (2-man) single axle fuel trucks

CLASS 4
Drivers on single axle "Dog Legs", tandem trucks, winch trucks or "A-frame when used for transportation batch trucks (wet or dry) over 3(3/4E) batches

CLASS 5
Drivers on liquid asphalt tankers, tandem axle fuel trucks, bituminous distributors, (1 man) tandem axle water trucks

CLASS 6
Drivers on tandem trucks over 15 tons payload, single axle semi-trucks, farm tractors, hauling material, drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers or similar equip. (12 cu. yds. & under), mixer trucks (all types), pulling tilt-top trailer (single axle), low-boys (single axle), truck mounted pavement breakers

CLASS 7
Drivers on tandem "Dog Legs" trucks, truck mechanics, builders, semi-water trucks, sprinkler trucks, heavy equip., type water wagon

CLASS 8
Drivers on tri-axle trucks, tandem axle semi-trucks, drivers on equip., when not self loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, euclid bottom dump & hug bottom dump, tournatrailers, tournarockers, or similar equipment (over 12 cu. yds., drivers on truck pulling tilt-top trailer (tandem-axle) low-boys, tandem axle

CLASS 9
Drivers on tandem, tandem semi-trucks, drivers on heavy equip., type water wagon over 5,000 gallons, drivers on trucks pulling tilt-top trailer (tri-axle) low-boys, tandem-tandem axle

FOOTNOTE:
a. Per week Per Employee.

SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NUMBER: IN75-2027
COUNTY: Porter
DATE: Date of Publication
Supersedes Decision No. AR-3090 dated August 23, 1974 in 39 FR 30726.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.35	.58	.67		.05
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	9.65	.35	.55	.50	.01
Marble, Tile & Terrazzo Workers	9.65	.35	.55	.50	.01
Carpenters:					
Building, Heavy & Highway					
Carpenters & Soft Floor Layers	9.76	.50	.57		.05
Millwrights & Piledrivermen	9.76	.50	.57		.05
Cement Masons:					
Building					
Eastern ½ of County	8.21	.45	.70		.03
Western ½ of County	8.92	.60	.65		.01
Heavy & Highway					
Eastern ½ of County	8.21	.45	.70		.03
Western ½ of County	8.95	.60	.55		.01
Electricians	9.15	3%	5%		2%
Elevator Constructors:					
Elevator Constructors	9.97	.445	.29	3%+a&b	.02
Helpers	6.98	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.985				
Glaziers	7.80	.25	.25	.25	
Ironworkers	9.90	.50	.60		.05
Lathers	8.25		.35	.50	
Leadburners	9.25	.35		o	.01
Painters:					
North of Highway #6					
Commercial:					
Brush	8.10	.37	.30		.02
Spray	8.85	.37	.30		.02
Industrial					
Brush	9.00	.37	.30		.02
Spray	9.75	.37	.30		.02
Remainder of County					
Brush	8.00				
Spray	9.00				
Pipefitters	10.35	.55	.70		.02
Plasterers (Eastern ½ of County)	8.21	.45	.70		.03
Plumbers	10.02	.50	1.00		.02
Roofers	10.30	.50	.35		
Sheet Metal Workers	9.07	.48	.52		.08
Sprinkler Fitters	9.40	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers: (Bldg., Hwy., & Highway)					
2-3 Axle Trucks	7.10	d16.00	d18.00	.25	
4-Axle Trucks	7.30	d16.00	d18.00	.25	
5-Axle Trucks	7.50	d16.00	d18.00	.25	
6-Axle Trucks	7.70	d16.00	d18.00	.25	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. Holidays: A through F, plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regularly scheduled work days immediately preceding and following the holiday.

d. Per week Per Employee.

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

South of U. S. Hwy. #30

INDIANA-6-LAB-1-S&T AREA 1A

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.65	.35	.35		.07
GROUP B	6.85	.35	.35		.07
GROUP C	6.95	.35	.35		.07
GROUP D	7.65	.35	.35		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

INDIANA-8-LAB AREA 1

North of U. S. Hwy. #30	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: BUILDING, SEWER & TUNNEL CONSTRUCTION					
GROUP A	$ 6.85	.35	.35		.07
GROUP B	7.05	.35	.35		.07
GROUP C	7.15	.35	.35		.07
GROUP D	7.85	.35	.35		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and conorete buggies, hyster opera-pump crete assemolers conveyor assemblers,core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Man

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

INDIANA-3-PEO-BS&T

North on Route #6	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: Building, Sewer & Tunnel Construction					
GROUP I.	$9.80	.50	.70		.05
GROUP II	9.30	.50	.70		.05
GROUP III	7.90	.50	.70		.05
GROUP IV	6.95	.50	.70		.05

CLASSIFICATIONS

GROUP I
Mechanic (with truck $1.00 per hour more asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs, central redi-mix plant combination tugger hoist & air compressors, compressor, & throttle, concrete breaker (truck mounted), concrete conveyor concrete paver over 27S cu. ft. concrete paver 27S cu. ft. and under, concrete tower, cranes all, cranes, tower derricks, all derricks, traveling, forklift - lull type, forklift - 10 ton and over, hoists, one,two and three drum hoists, two tugger one floor, hydraulic boom truck locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor

GROUP II
Ashpalt spreader, boilers, bulldozers combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists, all elevators, hoists, tugger single drum motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks

GROUP III
Concrete mixer (two bags and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

GROUP IV
Heaters, mechanical, oilers switchmen

INDIANA-4-PEO-2-3

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.40	.40	.50		.04
CLASS II	9.05	.40	.50		.04
CLASS III	8.60	.40	.50		.04
CLASSIV	7.60	.40	.50		.04
CLASS V	6.70	.40	.50		.04

CLASSIFICATIONS

CLASS I
Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (R. R.), concrete mixer, 27 cu. ft., or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift, shovel - 3 yds. and over, hoist two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver hetherington, pile driver, road paving mixer ross carrier, throttle valve & compressor on Clover Brooks type combination, throttle valve & firemen comb. on horizontal or upright boiler, tournapull or similar type equipment, tractorboom trench machine, tug boat operator, winch truck with "A"-frame

CLASS II
Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum, paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cul ft.) elevating, grader, elevating loader, portable greaser, highlife shovel - under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt roller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating asphalt water bound macadam, bitum. macadam, brick surface, tractorpush, tractor with scoop, widner apsco or similar type

CLASS III
Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader - power driven, post hole digger-power driven finishing machine and bull float, form tamper - motor driven, hoist-one drum, multiple tamping machine, paving breaker, roller-earth & subbase material, sheepfoot roller (self-propelled), sub-grader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & inc. highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor

CLASS IV
Air compressors, all conveyor, fireman on boiler, generator, assistant mechanic power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, striping machine, paint-motor driven, throttle, valve welding machine, well point system

CLASS V
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (powerdriven), water pump, grasscutter, helper on C.M.I. & similar type machine, hetherington assistant greaser

South on Route #6 IN75-2027 P. 9 INDIANA-10-FEO-BS&T

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
Class I	$9.80	.50	.70		.05
Class II	9.30	.50	.70		.05
Class III	7.90	.50	.70		.05
Class IV	6.95	.50	.70		.05

CLASSIFICATIONS

CLASS I
Mechanic (with truck $1.00 per hour more) asphalt plant, autograde, tach plant, bento (requires two engineers), boiler & throttle valve, caisson , central redimix plant, combination tugger hoist & air compressor, compressor and throttle concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete paver 27E cu. ft. and under, concrete tower, cranes, all, cranes, tower, , all, derricks, traveling, forklift-lull forklift - 10 ton and over hoists, one, two, and three drum, hoists, two tugger one floor hydraulic boom truck, locomotive, all, pile drivers and skid rig, pit machines, pre-stress machine, pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom & side boom, trenching machine, winch tractors

CLASS II
Asphalt spreader, boiler, bulldozers, combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines, highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists all elevators, hoists, tugger single drum, motor patrol, post hole digger, rollers, all, scoops - tractor drawn, stone crushers, tournapull, winch trucks

CLASS III
Concrete mixer (2 bag & over) conveyor, portable steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1 to 3 not to exceed a total of 300 ft.) pumps, well points, welding machines (2 through 5), winches 4 small electric drill winches

CLASS IV
Heaters, mechanical, oilers & switchmen

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: St. Joseph
DECISION NUMBER: IN75-2028 DATE: Date of Publication
Supersedeas Decision No. AR-3091, dated August 23, 1974 in 39 FR 30730.
DESCRIPTION OF WORK: Building Construction(excluding single family homes garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 9.625	.30	.15		.02
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	9.44	.40	.35		.05
Marble, Tile & Terrazzo Workers	7.75	.35	.25		.01
Carpenters:					
Building					
Carpenters & Soft Floor Layers	8.58	.35	.50		.05
Millwrights & Piledrivermen	8.58	.35	.50		.05
Heavy & Highway					
Carpenters	8.58	.40	.40		.05
Cement Masons:					
Building	8.26	.40	.50		.01
Heavy & Highway	8.86	.40	.50		.01
Electricians	9.10	3.8%	5%		.2%
Elevator Constructors:					
Elevator Constructors	8.68	.445	.29	3%+a+b	.02
Helpers	6.08	.445	.29	3%+a+b	.02
Helpers (Prob.)	4.34				
Ironworkers	8.70	.55	.65		.01
Lathers	8.52	.33	.25		.01
Leadburners	9.25	.35		d	.01
Painters:					
Brush, Roller & Spray	7.63		.20		
Plasterers	8.12	.40	.50		.01
Plumbers & Steamfitters	9.35	.98	.40		.10
Roofers:					
Composition, Damp & Waterproof	8.50		.30		.03
Slate, Tile & Asbestos	8.65		.30		.03
Helpers	5.00		.30		.03
Sheet Metal Workers	8.45	.48	.50		
Sprinkler Fitters	9.40	.50	.70		.08
Truck Drivers: Building Construction					
Pick-Up Trucks	6.54		o	e	
Single Axle Trucks	6.75		o	e	
Tandem Trucks	6.86		o	e	
Tri-Axle Trucks	6.91		o	e	
Semi-Trailer	6.96		o	e	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

IN75-2028 P. 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. $14.00 per week per employee.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. 1 week paid vacation for 3 years service, two weeks for 10 years service & 3 weeks for 15 years of service.

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
"					
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

INDIANA-12-LAB AREA 1A

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.65	.35	.30		.07
GROUP B	6.85	.35	.30		.07
GROUP C	6.95	.35	.30		.07
GROUP D	7.65	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

IND.-21-PEO-2-3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$9.30	.40	.50		.04
CLASS II	8.95	.40	.50		.04
CLASS III	8.50	.40	.50		.04
CLASS IV	7.50	.40	.50		.04
CLASS V	6.60	.40	.50		.04

CLASSIFICATIONS

CLASS I: Auto patrol, automatic dry batch plant, backhoe, ½ yd. & over, ballast regulator (H.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, euclid loader, gradall, highlift shovel-4 yds. and over, hoist-two & three drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver-hetherington, piledriver, road paving mixer, ross carrier, throttle valve & compressor or Clever Brooks type combination, throttle valve & firemen comb., on horizontal or upright boiler, tournapull or similar type equipment, tractor-boom, trench machine, tug boat operator, winch truck with "A"-frame

CLASS II: Backhoe-tractor mounted (less than ½ yd.) bitum. mixer, bitum. paver bitum. plant eng., bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yds., jersey spreader or base paver, mechanic pull grader, power control, asphalt toller, waterbound macadam, bitum. macadam, brick surface heater & planer, tamper-multiple vibrating, asphalt waterbound macadam, bitum. macadam, brick surface, tractor-push, tractor with scoop, widener apaco or similar type

CLASS III: Assistant plant engineer, back filler, broom & belt machine, concrete finishing machine, concrete spreader-power driven, post digger - power driven, finishing machine and bull float, form grader, form tamper - motor driven, hoist - one drum, multiple tamping machine, paving breaker, roller - earth & subbase material, sheepfoot roller (self-propelled), subgrader, tamper-multiple vibrating - earth & subbase material, tractaire, tractaire with drill, tractor, with all attachments except backhoe & incl. highlift endloaders of 1 cu. yd. capacity and less bituminous distributor

CLASS IV: Air compressors, all conveyors fireman on boiler, generator, assistant mechanic, power curing spraying machine, pull broom (power propelled), seaman tiller, spike machine, stripping machine, paint-motor driven, throttle valve, welding machine, well point system.

CLASS V: Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helpers on CMI & similar type machine, hetherington, assistant greaser

IND-7-PEO-EST

POWER EQUIPMENT OPERATORS: Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, HighLifts, Tractors w/Side Boom or "A" Frame, ForkLifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Saagen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

TRUCK DRIVERS: IN75-2028 P. 1 49-HH-IND-TD-2-3

HEAVY & HIGHWAY CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.16	a16.00	a17.00		
GROUP B	7.11	a16.00	a17.00		
GROUP C	7.06	a16.00	a17.00		
GROUP D	7.01	a16.00	a17.00		
GROUP E	6.96	a16.00	a17.00		
GROUP F	6.91	a16.00	a17.00		
GROUP G	6.86	a16.00	a17.00		
GROUP H	6.81	a16.00	a17.00		
GROUP I	6.76	a16.00	a17.00		
GROUP J	6.71	a16.00	a17.00		
GROUP K	6.66	a16.00	a17.00		
GROUP L	6.56	a16.00	a17.00*		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tanden Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: INDIANA COUNTY: Vigo

DECISION NUMBER: IN75-2030 DATE: Date of Publication

Supersedes Decision No. AR-3093 dated August 23, 1974 in 39 FR 30736

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.00	.30	.20		.02
Boilermakers	9.05	.50	.80		.01
Brioklayers:					
Bricklayers & Stonemasons	9.10	.30	.50		.01
Pointers, Caulkers & Blocklayers	9.10	.30	.50		.01
Marble, Tile & Terrazzo Workers	8.70	.30	.50		.01
Marble, Tile & Terrazzo Helpers	6.40	.30	.30		
Carpenters & Soft Floor Layers	7.93	.35	.40		.02
Millwrights	8.58	.35	.40		.02
Piledrivermen	8.18	.35	.40		.02
Cement Masons	7.20	.45	.25		
Electricians	9.40	.20	7%+.30		.02
Elevator Constructors:					
Elevator Constructors	9.095	.445	.29	3%+a&b	.02
Helpers	6.37	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.55				
Glaziers	9.89				
Ironworkers	9.35	.55	1.30		
Leadburners	9.25	.35		c	.01
Painters:					
Brush, Roller & Paperhangers	7.30				.02
Spray	8.30				.02
Structural Steel:					
Up to 30'	7.55				.02
30' to 100'	8.35				.02
Over 100'	9.35				.02
Plasterers	7.20	.45	.25		
Plumbers & Steamfitters	9.35	.40	.70		.10
Roofers & Kettlemen	7.90	.40	.20		
Sheet Metal Workers	8.45	.26	.35		.02
Sprinkler Fitters	9.40	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

IN75-2030 P. 2 2 of 2

PAID HOLIDAYS:

A-New Year's Day: B-Memorial Day: C-Independence Day: D-Labor Day: E-Thanksgiving Day: F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.

c. Holidays, A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

INDIANA-16-LAB AREA 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.10	.35	.30		.07
GROUP B	6.30	.35	.30		.07
GROUP C	6.40	.35	.30		.07
GROUP D	7.10	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons', mason tenders

GROUP D: Dynamite Men

IND-9-PEO-1 S&T

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP A	$8.59	.30	.50		.05	
GROUP B	8.48	.30	.50		.05	
GROUP C	8.30	.30	.50		.05	
GROUP D	6.55	.30	.50		.05	

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP A: Master Mechanic

GROUP B: Utility Operator

GROUP C: Power Cranes, Draglines, Derricks, Electric Overhead cranes, Shovels, Gradall, Mechanics, Repair & Maintenance of all Equipment, Tractor Highlift, ForkLifts, Tournadozer, Mixer over 14S Capacity, Tournamixer, 2-Drum Machine or 2-Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam & Brick Surface, Ross Carrier or similar Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Air Compressors 300 cu. ft. or over, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Backfiller, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machine Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractors (without Winch) Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System, Hydra-Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver Skid or Crawler, Stump Remover, Boot Rake, Tug Boat Operator, Refrigerator Machine Freezing Operator, Chair Carr - Self Propelled, Hydra-Seeder, Straw Blower, Concrete Mixers with Skip, All 1-Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spread Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, HydraCrane, Caissons, Shaft or any similar type Drilling Machine Concreete Curb Machine (Self Propelled) Winch or Hydraulic Boom Truck.

GROUP D: Mixers, 14S capacity or less, Trench Machine cutting 24" & under, Farm Tractor w/less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine, Pavement Breaker, Rock Crushers, 1-Drum Machine, Air Compressor less than 300 cu. ft. capacity, Concrete Pump, Gunnite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, 2 or 4 Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operators to do Winter Repair work in Shop between November 1st & March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, 1 Welding Machine or 1 Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands.

INDIANA-4-TD

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 6.66	.45	a13.00		
GROUP II	7.16	.45	a13.00		
GROUP III	7.36	.45	a13.00		
GROUP IV	7.51	.45	a13.00		

FOOTNOTE:

a. Per Week Per Employee

CLASSIFICATIONS

GROUP I

Single axle trucks seven (7) cu. yds. or less than ten and one-half (10½) tons, dumpsters, scoopmobiles five (5) cu. yds. and under or less than seven and one-half (7½) tons, mixer trucks three (3) cu. yds. and under, air compressors and welding machines, including those pulled by separate units, batch trucks -- wet or dry -- 2-3/4E" batches or less, truck drivers helpers, warehousemen, mechanic's helpers, greasers and firemen, and all pick up trucks, Drivers on dumpsters or similar dumpsters, mounted on a four (4) wheel truck rated two (2) cu. yds. or less, and small pallet type fork lift operator and drivers on pilot vehicles

GROUP II

Drivers on tandem axle trucks eighteen (18) cu. yds. or twenty-four (24) tons gross, six (6) wheel trucks, Koehring or similar dumpsters, track trucks, euclids, bug bottom dumps, tournapulls, tournatrailers, tournarockers, or similar equipment when used for transportation purposes under nine (9) cu. yds. or less than thirteen and one-half (13½) tons, tandems and semi trailer service trucks, mixer trucks over three (3) cu. yds. and including six and one-half (6½) cu. yds., fork lift, four (4) wheel A-Frame trucks when used for transportation purposes, four (4) wheel winch trucks, pavement breakers batch trucks -- wet or dry -- over 2 up to and including 4-3/4E" batches, two (2) man oil distributors

GROUP III

Koehring or similar dumpsters, track trucks, semi trailer water trucks, Euclids, bug bottom dumps, tournapulls, tournatrailers, tournarockers, tractor trailers, tandem, A-frame winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixer trucks over six and one-half (6½) cu. yds. batch trucks -- wet or dry -- over 4-3/4E" batches, single axle low boy trailers, and contractor's mechanics when working on equipment operated by employees within this bargaining unit, six (6) wheel pole trailers and one (1) man oil distributors

GROUP IV

Drivers on heavy equipment over sixteen (16) cu. yds., or twenty-four (24) tons, such as Koehring or similar dumpsters, track trucks, Euclids, bug bottom dumps, tournapulls, tournarockers, or similar equipment when used for transportation purposes, pole trailers over six (6) wheels, water pulls, low boy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics when working on equipment operated by employees within this bargaining unit

SUPERSEDEAS DECISION

STATE: Kansas

COUNTY: Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Reno, Republic, Riley, Saline, Sumner, Wabaunsee, Wilson and Woodson

DECISION NO.: KS75-4051 DATE: Date of Publication

Supersedes Decision No. AP-519 dated March 23, 1973 in 38 FR 7732

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-frame truck	$3.14				
Air tool man	2.71				
Asphalt paving machine	3.78				
Asphalt spreader screed operator	3.50				
Asphalt plant heater attendant	3.10				
Asphalt plant operator	3.935				
Asphalt raker	3.00				
Auger operator	3.08				
Back filler operator	3.06				
Back hoe	3.61				
Blowing mechanism on straw blower	2.71				
Brick mason	3.65				
Bulldozer operator	3.66				
Carpenters	3.68				
Carpenters tender	3.06				
Cement handler, bulk	3.00				
Cement mason	4.15				
Compressor operator	2.84				
Concrete central plant operator	3.94				
Concrete gang saw, self-propelled	3.35				
Concrete finisher (paving)	3.39				
Concrete paver	4.12				
Concrete paving longitudinal float	3.32				
Concrete paving spreader	4.00				
Concrete saw	3.35				
Conveyor operator	3.25				
Crane, or any machine power swing	3.86				
Crusher, feeder	3.50				
Crusher & Screening plant operator	3.50				
Distributor driver	3.85				
Distributor operator	3.00				
Electricians	4.31				
Euclid loader operator	3.20				
Finishing macine operator	3.50				
Form liner and setter	3.25				
Front end loader, over 1 C.Y.	3.64				
Front end loader, 1 C.Y. & less	3.12				
Harrow, Diac, Seeder	2.75				
Hot Mastic kettleman	3.00				
Ironworkers (ornamental & structural)	2.75				
Laborer (Construction & general)	2.71				
Landscape worker	2.53				
Lineman	4.30				

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DECISION NO. KS75-4051

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mechanic	$4.48				
Mechanic helper	3.75				
Mixer (skip)	3.00				
Motor grader operator (Finish)	3.95				
Motor grader operator (rough)	3.69				
Oilers - greasers	3.80				
Painter (Structural steel & Bridge)	4.47				
Painter (Roadside Imp)	2.825				
Piledrivermen	4.33				
Pilot car driver	2.53				
Pipelayer	3.39				
Plumber (Roadside Imp)	3.39				
Post driver operator	3.75				
Powderman	3.75				
Pump operator	3.00				
Push cat operator	4.00				
Reinforcing steel setter	2.71				
Roller, (Self-propelled-vibrator)	3.00				
Roller, pneumatic (self-propelled)	3.13				
Roller, steel (self-propelled)	3.00				
Roller (self-propelled-not asphalt)	3.00				
Roller, steel wheel (plant mix)	3.10				
Rotary broom operator	3.07				
Rotary drill operator	3.875				
Sand blaster	2.65				
Scaleman	2.75				
Scoop operator (single engine)	3.665				
Scoop operator (twin engine)	4.00				
Serviceman	3.25				
Slurry machine operator	3.85				
Spreader box operator (self-propelled)	3.435				
Steel worker (Structural)	4.75				
Subgrading machine operator	4.50				
Tamper operator	2.71				
Tractor operator, 50 HP or less	2.81				
Tractor operator, over 50 HP	3.225				
Tractor, operator, fencing, 50 HP or less	3.29				
Trenching machine operator	3.38				
Trucks:					
Light	2.71				
Single axle	2.81				
Tandem axle	3.23				
Low boy, semi, transit mix	3.685				
Euclid 17 C.Y. & less	3.70				
Euclid Over 17 C.Y.	3.70				
Vibrating macine operator	2.71				
Wagon drill operator	$3.00				
Welder	3.75				

SUPERSEDEAS DECISION

STATE: Kansas

COUNTY: Sedgwick

DECISION NO.: KS75-4052

DATE: Date of Publication

Supersedes Decision No.: AP-520 dated March 23, 1973, in 38 FR 7733

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame truck	$2.96				
Asphalt paving machine	3.73				
Asphalt spreader screed operator	3.55				
Asphalt raker	3.25				
Batching plant scaleman	2.96				
Bulldozer operator	4.10				
Carpenters	4.08				
Carpenters tender	3.50				
Cement Mason	3.95				
Compressor Operator	2.96				
Concreter finishers (curb & gutter)	2.96				
Concreter finisher (paving)	3.55				
Concrete paver	3.70				
Concrete paving curing machine	2.96				
Concrete saw	2.96				
Crane, or any machine power swing	4.20				
Distributor operator	3.25				
Finishing machine operator	3.57				
Form liner and setter	3.59				
Front end loader, over 1 C.Y.	3.50				
Front end loader, 1 C.Y. & less	3.30				
Laborer (Construction & General)	2.96				
Landscape worker	2.43				
Mechanic	4.20				
Mechanic helper	2.96				
Motor grader operator (finish)	4.20				
Motor grader operator (rough)	3.625				
Reinforcing steel setter	3.875				
Roller, pneumatic (self-propelled)	3.65				
Roller, steel (self-propelled)	3.16				
Roller, steel wheel (plant mix)	3.50				
Rotary broom operator	2.96				
Slurry Machine operator	3.00				
Tractor operator, 50 HP or less	3.14				
Tractor operator, over 50 HP	3.25				
Trucks:					
Light	2.96				
Single axle	3.04				
Tandem axle	2.90				
Welder	4.20				

SUPERSEDEAS DECISION

STATE: Kansas

COUNTIES: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Grove, Graham, Grant, Gray, Greely, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlings, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, and Wichita

DECISION NO.: KS75-4053 DATE: Date of Publication
Supersedes Decision No. AP-521 dated March 23, 1973 in 38 FR 7734

DECISION NO KS75-4053

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
A-Frame truck	$3.10				
Air tool man	2.55				
Asphalt paving machine	3.25				
Asphalt spreader screed operator	3.25				
Asphalt plant heater attendant	3.00				
Asphalt plant operator	3.25				
Asphalt raker	2.635				
Back hoe	3.75				
Batching plant scaleman	3.00				
Blowing mechanism on straw blower	2.75				
Brick mason	3.15				
Bulldozer operator	3.50				
Carpenters	3.53				
Carpenter tender	2.75				
Cement mason	3.25				
Compressor operator	2.55				
Concrete finisher (curb & gutter)	3.625				
Concrete finisher (paving)	3.65				
Concrete paver	3.65				
Concrete saw	3.16				
Conveyor operator	2.75				
Crane, or any machine power swing	3.66				
Crusher & screening plant operator	3.00				
Distributor driver	3.11				
Distributor operator	3.00				
Electrician	5.14				
Finishing machine operator	3.02				
Form liner and setter	2.78				
Form machine (curb & gutter)	2.90				
Front end loader, over 1 C.Y.	3.37				
Front end loader, 1 C.Y. & less	3.15				
Harrow, Disc, Seeder	2.75				
Hot Mastic Kettleman	2.75				
Ironworkers (ornamental & structural)	2.55				
Laborer (Construction & General)	2.55				
Mechanic	3.15				
Mechanic Helpers	3.10				
Mixer (Skip)	3.10				
Motor grader operator (finish)	3.75				
Motor grader operator (rough)	3.47				
Oilers - greasers	3.20				
Piledriverman	$3.625				
Pipelayer	3.367				
Post Driver Operator	3.10				
Push Cat operator	3.48				
Reinforcing steel setter	2.59				
Roller, pneumatic (self-propelled)	3.01				
Roller, not asphalt (self-propelled)	2.80				
Roller, sheepsfoot	2.50				
Roller, steel (self-propelled)	3.01				
Roller, steel wheel (plant mix)	3.00				
Rotary broom operator	2.59				
Sand blaster	2.60				
Scaleman	2.875				
Scoop operator (single engine)	3.25				
Scoop operator (twin engine)	3.25				
Scraper	3.00				
Seamen mixer	2.55				
Serviceman	2.60				
Spreader box operator (self-propelled)	2.95				
Tamper operator	3.43				
Tractor operator, 50 hp or less	2.75				
Tractor operator over 50 hp	3.00				
Tractor operator, fencing, 50 hp or less	2.65				
Traveling plant stabilizer	3.53				
Trenching machine operator	3.38				
Trucks:					
Light	2.87				
Single axle	2.87				
Tandem axle	3.00				
Low boy, semi, transit mix	3.25				
Euclid, 17 C.Y. & less	2.95				
Vibrating machine operator	2.75				
Welder	3.00				

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: MT75-5012
Supersedes Decision No. AR-1039 dated September 27, 1974, in 39 FR 34999
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.70	.44	.75		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS:					
Beaverhead, Deer Lodge, Granite, Jefferson (except Northern Tip of County), Madison, Powell and Silver Bow Counties	8.05				
Gallatin and Park Counties	7.75				
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	8.80		.25		.02
Broadwater, Lewis and Clark and Meagher, and Jefferson (Northern Tip)	8.15	.30			
Cascade, Chouteau, Glacier, Pondera and Teton Counties	8.25	.25	.30	.30	
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	8.45				
Flathead, Lake, Lincoln, Mineral, Missoual, Ravalli, and Sanders Counties	7.10	.30	.25		
CARPENTERS:					
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton and Toole Counties					
Carpenters	7.17	.40	.55		.02
Piledrivermen; Saw Filers, Sawmen	7.42	.40	.55		.02
Millwrights	7.67	.40	.55		.02
Blaine and Hill Counties:					
Carpenters	6.36	.30	.45		.02
Broadwater, Lewis and Clark and Jefferson Counties:					
Carpenters	6.25	.30	.45		.02
Piledrivermen	6.40	.30	.45		.02
Millwrights	6.50	.30	.45		.02
CARPENTERS: (Cont'd)					
Deer Lodge, Granite (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) and Powell (area lying south of the N.E. corner of Granite County) Cos.					
Carpenters	$6.11	.30	.45	.25	.02
Piledrivers	6.36	.30	.45	.25	.02
Millwrights	6.61	.30	.45	.25	.02
Granite (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite Co.) Lake (Southern area, south of and including the Town of Ravalli), Mineral (Area southeast of southeast city limits of the Town of Superior), Missoula, Powell (Area lying north of the N.E. corner of Granite County), Ravalli and Sander (Southeastern portion) Counties					
Carpenters	6.32	.30	.45		.02
Millwright; Piledriver	6.57	.30	.45		.02
Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties					
Carpenters	6.00	.30	.45		.02
Piledrivermen	6.25	.30	.45		.02
Millwrights	6.50	.30	.45		.02
Flathead, Lincoln, Lake (Northern Area including Town of Ravalli from a point where Hwy #10A and Hwy. #93 intersect), Mineral (Northern area including the Town of Superior), Sanders (except S. E. portion) Counties					
Carpenters	6.61	.40	.55		.02
Sawmen; Filers; Piledrivers; Carpenters working burned, charred, creosoted or similarly treated material	6.81	.40	.55		.02
Millwrights and machine erectors	6.96	.40	.55		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland and Yellowstone Counties					
Carpenters	$ 6.27	.30	.45		.02
Floor sander; Sawmen	6.395	.30	.45		.02
Piledrivermen	6.42	.30	.45		.02
Millwrights	6.57	.30	.45		.02
Beaverhead and Silver Bow Counties					
Carpenters	6.61	.40	.55	.75	.02
Millwrights and Piledrivermen	6.86	.40	.55	.75	.02
Gallatin, Madison, Park and Sweetgrass Counties					
Carpenters	6.51	.40	.55		.02
Millwrights and Piledrivermen	6.76	.40	.55		.02
CEMENT MASONS:					
Flathead, Glacier, Lake (North of the City of Ronan), Lincoln and Sanders (North of the City of Plains) Counties	6.95	.37			
Granite (Northern half), Lake (southern area, including the City of Pablo), Mineral, Missoula, Powell (northern area including the City of Helmville), Ravalli and Sanders (south portion, including the City of Paradise) Counties	7.60	.40	.25		
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	6.00	.35			
Gallatin, Park and Sweetgrass Cos.	5.95	.25			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	5.75				
Beaverhead, Deer Lodge, Granite (Southern half), Jefferson (Southern area including Town of Wickes) Madison, Powell (South portion including the Town of Deer Lodge) and Silver Bow Counties	7.45	.35	.25		
Broadwater, Jefferson (Area north of a line running E-W established south of the Town of Wickes and north of the Town of Basin), Lewis & Clark and Meagher Counties	6.22				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS: (Cont'd)					
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	$7.35	.40			
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow, and Powell Counties	7.80	.35	1%+.25		1/2%
Gallatin County	7.30	.20	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	7.55		1%		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	7.50		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	8.38	.32	1%		1/2%
Cable Splicers	8.63	.32	1%		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos.					
Electricians	7.55	.20	1%		1/2%
Cable Splicers	7.95	.20	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	8.32	.20	1%		1/2%
Cable Splicers	8.77	.20	1%		1/2%
Fergus and Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	7.40	.20	1%		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.65	.20	1%		1/2%
Custer and Garfield Counties	6.84		1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS	$7.76	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli, and Silverbow Counties	8.51	.50	.75		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sander Cos.	9.15	.58	.90		.05
Remaining Counties (including Northern half of Lewis and Clark County)	8.51	.50	.75		.05
MARBLE MASONS:					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos.	7.10	.30	.25		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wibaux and Yellowstone Counties	8.80		.25		.02
Gallatin and Park Counties	7.10				
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area) Counties	6.85	.30			
Cascade, Chouteau, Glacier, Pondera and Teton Counties	7.95	.25			
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties	7.45				
PAINTERS:					
Beaverhead, Broadwater (southwest portion), Jefferson (southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	5.82	.25	.10		
Spray	8.60	.25	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	$6.74	.25	.20		
Steel	6.99	.25	.20		
Spray	7.72	.25	.20		
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier (excl. Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties					
Painters, Brush, preparatory Work; Pot Tender; Rollers not over 9" for wire mesh, Louvers, Peg Boards behind radiators and perforated tile only; Parking lot stripping and related work	6.60	.34	.30		
Paperhangers; Rollers up to 9" long and brush cutting in ahead of roller	6.85	.34	.30		
Perfataper	6.95	.34	.30		
Brush on steel	7.10	.34	.30		
Water and Sandblasting; Application of cold tar products (including epoxies, polyurethanes and acid resistant paints;					
Spraying and airless spray	8.85	.34	.30		
Roller over 9" long	10.20	.34	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern city limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West city limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern city limits of Helmsville)					
Brush	$6.61	.25	.20		
Spray; Steel brush	7.61	.25	.20		
Structural steel brush	8.11	.25	.20		
" Steel spray	8.61	.25	.20		
Structural steel spray	9.11	.25	.20		
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the city of Big Sandy) Counties	5.90				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli, and Sanders Counties	7.10	.34	.30		.04
PLASTERERS:					
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties	6.05	.35			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	5.75				
Gallatin, Park and Sweetgrass Counties	5.80	.25			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS: (Cont'd)					
Granite, Lake (southern area, including the City of Pablo), Mineral, Missoula, Powell (northern area including the City of Helmsville), Ravalli and Sanders (south portion, including the City of Paradise) Counties	$7.85	.40	.25		
Beaverhead, Deer Lodge, Jefferson (southern area, including the Town of Wickes), Madison, Powell (south of a line running E-W north of the Town of Deer Lodge) and Silver Bow Counties	7.45	.35	.25		
Flathead, Glacier, Lake (northern area, including the City of Ronan), Lincoln and Sanders (north of the City of Plains) Counties	6.45	.20			
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	8.73	.35	.50		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties	7.75	.35	.60		1%
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silverbow and Sweetgrass Counties	8.45	.40	.50		.05
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	8.75	.40	.55		.10
ROOFERS:					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties	6.585				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, Lewis and Clark, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties	$7.05				
Beaverhead, Deer Lodge, Jefferson, Madison, Powell and Silver Bow Counties	6.135	.425	.35	.75	
Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties	6.10				
Broadwater, Gallatin, Meagher, Park, Sweetgrass, and Wheatland Counties	6.295	.425			
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north ½ of the City of Boulder), Lewis and Clark and Meagher Cos.	8.34	.37	.20		.04
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties	8.01	.32	.20		.04
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.95	.37	.20		.04
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	7.76	.32	.25		.04
Beaverhead, Deer Lodge, Granite, Jefferson (SS), Madison, Powell, and Silver Bow Counties	7.00	.32	.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$8.00	.50	.70		.08
TERRAZZO WORKERS AND TILE SETTERS:					
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area, north of Boulder Hill) Cos.	8.15	.30			
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	8.80		.25		.02
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties	7.10	.30	.25		
Gallatin, and Park Counties	7.75				
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	6.50	.30	.30		

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties					
Group 1	$ 5.47	.425	.315	.75	.03
Group 2	5.54	.425	.315	.75	.03
Group 3	5.55	.425	.315	.75	.03
Group 4	5.56	.425	.315	.75	.03
Group 5	5.57	.425	.315	.75	.02
Group 6	5.59	.425	.315	.75	.02
Group 7	5.63	.425	.315	.75	.02
Group 8	5.64	.425	.315	.75	.03
Group 9	5.65	.425	.315	.75	.03
Group 10	5.69	.425	.315	.75	.03
Group 11	5.72	.425	.315	.75	.03
Group 12	5.74	.425	.315	.75	.03
Group 13	5.75	.425	.315	.75	.03
Group 14	5.82	.425	.315	.75	.02
Group 15	5.85	.425	.315	.75	.03
Group 16	5.87	.425	.315	.75	.03
Group 17	5.97	.425	.315	.75	.03
Group 18	6.07	.425	.315	.75	.03
Group 19	5.72	.425	.315	.75	.03
Group 20	5.71	.425	.315	.75	.03
Group 21	5.59	.425	.315	.75	.03
Broadwater (Northern area), Lewis & Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties					
Group 1	$ 5.20	.37	.27	.10	.03
Group 2	5.355	.37	.27	.10	.03
Group 3	5.455	.37	.27	.10	.03
Group 4	5.55	.37	.27	.10	.03
Broadwater (Southern portion incl. the City of Tosten), Gallatin, Park, Sweetgrass and Wheatland Counties					
Group 1	$ 5.66	.37	.27		.03
Group 2	5.91	.37	.27		.03

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	$ 6.08	.425	.315		.03
Group 2	6.25	.425	.315		.03
Group 3	6.42	.425	.315		.03
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties					
Group 1	$ 5.24	.37	.27		.03
Group 2	5.46	.37	.27		.03
Group 3	5.64	.37	.27		.03
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Group 1	$ 5.39	.37	.27		.03
Group 2	5.16	.37	.27		.03
Group 3	5.64	.37	.27		.03
Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties					
Group 1	$ 6.255	.425	.315		.03
Group 2	6.505	.425	.315		.03
Group 3	6.655	.425	.315		.03
Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties					
Group 1	6.22	.425	.315		.03
Group 2	6.47	.425	.315		.03
Group 3	6.57	.425	.315		.03
Group 4	6.62	.425	.315		.03
Group 5	6.72	.425	.315		.03
Group 6	6.97	.425	.315		.03
Group 7	6.82	.425	.315		.03

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties					
Group 1	$ 5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03

LABORERS

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

GROUP 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Fence Erector and Installer incl. the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Form Stripper; Form Setter; Landscapr Laborer; Nozzleman-air and water, gunnite and place machine; Pilot Car; Riprap Helper; Scaleman; Sod Cutter (hand operated) (General Laborer); Stake Jumper for equipment; Tool Checker, Toolhouseman

GROUP 2: Riprapper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

GROUP 3: Hand Faller

GROUP 4: Post Hole Digger (power Auger)

GROUP 5: Concrete or asphalt saws; Tar Pot Operator

GROUP 6: Powderman Helper

GROUP 7: Caisson Workers (free air); Chocker Setter; Pipe Wrapper; Power Saw (bucking); Spike Driver, single or dual or hand

GROUP 8: Drills, Air-tract, self-propelled car or truck mount air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools

GROUP 9: Asphalt Raker; Dumpman (grademan)

GROUP 10: High Pressure Machine Nozzleman

GROUP 11: Pipe Layer (all types); Cutting Torch Operator

GROUP 12: Powderman

GROUP 13: Grade Setter

GROUP 14: High Scaler

GROUP 15: Dumpman (spotter)

GROUP 16: Power Saw (falling)

GROUP 17: Rigger

GROUP 18: Core Drill Operator

GROUP 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

GROUP 20: Vibrator Operator; Tending Stonesetters, Marble Setters, Tile Setters, Skagiola and Terrazzo Workers; Tending brick masons or brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete Conveyor Swinger Operator

GROUP 21: Power Driven Concrete Buggies

LABORERS

Broadwater (Northern area), Lewis & Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties

Group 1: General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer

Group 2: Concrete buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper

Group 3: All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders

Group 4: Mortar mixer; Powderman

Broadwater (Southern portiun incl. the City of Tosten), Gallatin, Park, Sweetgrass and Wheatland Counties

Group 1: Common laborers

Group 2: Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter

Flathead, Glacier National Park, Lincoln, and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete, Nozzlemen (air or water); Sand blast tail hose man; Powderman helper, Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); gunite nozzleman; barco tamper

LABORERS (Cont'd)

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: General laborers

Group 2: Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operator; Pipewrappers

Group 3: Mason and plasterer's tenders

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: General laborers; Concrete laborers; Chuck tenders and nippers

Group 2: Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipewrapper; Primerhouseman

Group 3: Mason and plasterer's tenders

Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

LABORERS

Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, median rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workera (Free Air), Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws, Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamnnd Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler; Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

LABORERS

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan, and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts, and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2½ inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod, pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

Flathead, Lake, Lincoln, Mineral, Missoula, North ½ of Powell, Ravalli and Sanders Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrader, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03
Conveyor Loader, up to and incl. 42" belt	7.47	.45	.45	.10	.03
Conveyor Loader, over 42 inch belt	7.59	.45	.45	.10	.03
Crane, to and incl. 80' boom with jib	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, Single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.29	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Industrial Locomotive all classes	$7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03
Mucking Machine	7.89	.45	.45	.10	.03
Oiler-Driver, Rubber Tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than shovels and cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco & similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumperete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar types	8.41	.45	.45	.10	.03
Radiator Repairman	7.70	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, Over 15 yds.	8.31	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$7.89	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem or 3 engined	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yds. to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders, up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu.yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03
Yo-Yo Cat, both ends	8.09	.45	.45	.10	.03

Blaine, Cascade, Chouteau, Glacier(excluding Glacier National Park), Hill, Liberty, Phillips, Pondera, Teton and Toole Counties

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg derrick and guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.64	.45	.45		.13	
SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.	7.51	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib	7.35	.45	.45		.13	
QUAD CAT	7.32	.45	.45		.13	
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.13	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on euclid loader	7.21	.45	.45		.13	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.13	
AUTOMATIC FINEGRADER, Gurries and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single	7.15	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
MIXERMOBILE	$7.11	.45	.45		.13	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted and punch	7.05	.45	.45		.13	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on construction job site; Gradall; Heavy duty drills, all types, Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain logger or similar type machine; Mucking machine; Pavement breaker, Emsco and similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to and incl. 3 yds.; Shovels, incl. all attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments incl. track-type front-end loaders up to and incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant, 1 and 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pull operator	7.02	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$6.92	.45	.45		.13	
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.13	
HOIST, SINGLE DRUM	6.81	.45	.45		.13	
A-FRAME TRUCK CRANE, Winch truck and similar	6.80	.45	.45		.13	
CEMENT SILO; Form grader	6.79	.45	.45		.13	
HYDRO TAMPER	6.77	.45	.45		.13	
CHAIN BUCKET; Chip or gravel spreader, self-propelled; Conveyor loader, over 42" belt	6.72	.45	.45		.13	
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.13	
BROOM, self-propelled	6.67	.45	.45		.13	
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45	.45		.13	
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	6.60	.45	.45		.13	
RETORT OPERATOR	6.57	.45	.45		.13	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50HP engine; Hot plant oiler, 100 tons per hr. and over; Oiler driver, rubber-tired crane	6.56	.45	.45		.13	
PUMPMAN	6.55	.45	.45		.13	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	6.52	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVEL, OILER, 3 yds. and under	$6.51	.45	.45		.13	
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler	6.48	.45	.45		.13	
CONCRETE BATCH PLANT, 3 and 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.13	
CONCRETE PUMP	7.80	.45	.45		.13	
CRANE 81' to 130' BOOM	7.50	.45	.45		.13	
CRANE 131' to 150' BOOM	7.55	.45	.45		.13	
CRANE 151' BOOM AND OVER	7.60	.45	.45		.13	
MECHANIC AND/OR WELDER	7.12	.45	.45		.13	
WHIRLEY CRANE OILER	6.85	.45	.45		.13	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
AUTOMATIC FINEGRADER, gurries and similar; Motor patrol; Paving and mixing machine; Scraper, DW 15, 20, 21 and similar if power unit is used; Scraper, single engine; Slip form paver	$7.15	.45	.45		.13	
BORING MACHINE; Concrete mixer, 3 bags and under; Fireman; Heavy duty rotary drill helper; Retort operator	6.61	.45	.45		.13	
BROOM OPERATOR, self-propelled	6.69	.45	.45		.13	
CABLEWAY OPERATOR	7.53	.45	.45		.13	
CEMENT SILO	6.81	.45	.45		.13	
CENTRAL MIXING PLANTS, concrete dams and stationary	7.27	.45	.45		.13	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.74	.45	.45		.13	
CONCRETE BATCH PLANT OPERATOR, 3 & 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, up to and incl. 2 mixers	6.54	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.85	.45	.45		.13	
CONCRETE MIXER OPERATOR, 4 bags and over	6.78	.45	.45		.13	
CONVEYOR LOADER, to and incl. 42" belt	6.60	.45	.45		.13	
CRANE, to and incl. 80' boom with jib	7.18	.45	.45		.13	
CRANE, 81' to 130' boom	7.33	.45	.45		.13	
CRANE, 131' to 150' boom	7.38	.45	.45		.13	
CRANE, 151 boom and over	7.43	.45	.45		.13	
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.13	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CRANES, electric overhead; Shovels, incl. all attachments 1 yd. to and incl. 3 yds.; Track type tractor, on Euclid loader	$7.20	.45	.45		.13	
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.13	
CRANE, WHIRLEY	7.55	.45	.45		.13	
CRANE, WHIRLEY OILER; hydralift and similar; Oiler, hoist house, dams, shovels oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.13	
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equipment service/helper; Hot plant oiler, 100 tons per hour or over; Mechanic and/or welder helper on job; Oilers, other than shovels and cranes; Shovel oiler, 3 yds. and under; Washing and screening plant oiler	6.51	.45	.45		.13	
CRUSHER CONVEYOR, when required; Farm type tractor, up to and incl. 50 H.P.; Grade setter	6.48	.45	.45		.13	
DRILLING MACHINE (does not include Jackhammer, Wagon drillers or waterlines)	6.93	.45	.45		.13	
EUCLID LOADER and similar; Loader and hoe combination, rubber-tired, loader 1 yd. to and incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.13	
FARM TYPE TRACTOR; over 50 H.P.; Heaters Herman Nelson and similar	6.56	.45	.45		.13	
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.13	
FORK LIFT (on construction site)	6.83	.45	.45		.13	
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.13	
FULLER KENYON PUMP; Loaders (Barber Green and similar)	6.67	.45	.45		.13	
HELICOPTER HOIST	7.52	.45	.45		.13	
LOADERS, RUBBER-TIRED, 1 yd. and under	6.73	.45	.45		.13	
LOADERS, RUBBER-TIRED, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.13	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LOADERS, RUBBER-TIRED, 5 yds. to and incl. 10 yds.	$7.24	.45	.45		.13	
LOADERS, RUBBER-TIRED, over 10 yds., to and incl. 15 yds.	7.34	.45	.45		.13	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. sideboards)	7.44	.45	.45		.13	
LOADERS, TRACK-TYPE, over 5 yds. to and incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.13	
LOADERS, TRACK-TYPE, over 10 yds. to and incl. 15 yds.	7.35	.45	.45		.13	
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.13	
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.13	
MIXERMOBILE	7.10	.45	.45		.13	
PILEDRIVER (when shovel equipment is not used)	6.67	.45	.45		.13	
QUAD CAT	7.32	.45	.45		.13	
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.13	
SHOVELS, incl. all attachments, over 3 yds. to and incl. 5 yds., Stiff-leg derrick and guy derrick	7.47	.45	.45		.13	
SHOVELS, incl. all attachments, over 5 yds.	7.60	.45	.45		.13	

Broadwater, Daniels, Dawson, Fergus, Gallatin, Glacier National Park, Judith Basin, Lewis & Clark, Meagher, McCone, Park, Richland, Roosevelt, Sheridan, Valley, Wheatland, and Wibaux Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.59	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$7.47	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.22	.45	.45	.10	.03
Concrete Pump	8.22	.45	.45	.10	.03
Crane, to and incl. 80' boom	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03
Industrial Locomotive all classes	7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$7.89	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.36	.45	.45	.10	.03
Oiler, hoist House, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpmen	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar type	8.47	.45	.45	.10	.03
Rayco Giant	8.47	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil Paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix Paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yds.	8.31	.45	.45	.10	.03
Scraper, DW 15, 20, 21, and similar type if power unit is not used	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem engine	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yd to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	7.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03

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Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Yellowstone

MON-2-PEO-1-R (1-3)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASPHALT PAVING MACHINE; Air doctor; Bit grinder; Bituminous mixer; Bulldozers; Boring machine, large; Concrete finish machine, paving; Concrete float and spreader; Crusher and/or screening plant, portable; Distributor; Elevating grader; Front end loader, rubber-tired, 1 yd. and incl. 3 yds.; Heavy duty rotary drills; Quarry master; Hoist, two or more drums; Hot plant fireman; Industrial locomotive; Mucking machine; Pavement breaker, Emsco and similar type; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Roller, finish high type pavement; Ross and similar type carriers, on construction site; Roller, 25 tons or over; Screed; Shovel, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type loader, front-end up to and incl. 5 cu. yds.; Trenchcavator, and Athey type loader; Wagner roller and similar type	$7.02	.45	.45		.13	
A-FRAME TRUCK CRANE; Hoist; Single drum	6.77	.45	.45		.13	
AIR COMPRESSOR, SINGLE; Crusher and/or screening plant helper, if over 2 units	6.51	.45	.45		.13	
AIR COMPRESSOR, TWO OR MORE; Front-end loader, rubber-tired, under 1 yds.; Roller, grade or finish	6.71	.45	.45		.13	
BELT FINISHING	6.69	.45	.45		.13	
BORING MACHINE, Small; Firemen; Mixer, concrete, 3 bags or under; Retort	6.58	.45	.45		.13	
CABLEWAY	7.54	.45	.45		.13	
CEMENT SILO	6.79	.45	.45		.13	
CONCRETE BATCH PLANT; Crusher and/or screening plant stationary	6.91	.45	.45		.13	

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MON-2-PEO-1-R (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER HOIST	$7.52	.45	.45		.13	
CONVEYOR; Chip and gravel spreader	6.72	.45	.45		.13	
CRANE OPERATORS:						
To and incl. 80' w/jibs	7.18	.45	.45		.13	
81' to 130' boom	7.33	.45	.45		.13	
131' to 150' boom	7.38	.45	.45		.13	
151' boom and over	7.43	.45	.45		.13	
ELECTRIC OVERHEAD CRANE; Euclid loader and similar type; Shovels, incl. all attachments, 1 yd. to and incl. 4 yds.; Tournapull, DW 20, 21 and similar type scrapers	7.21	.45	.45		.13	
CRANE OILER-DRIVER, rubber tired	6.57	.45	.45		.13	
DRILLING MACHINE, does not incl. jackhammer, wagon driller, or water liner; Feild equipment serviceman; Winch truck with hydraulic boom	6.92	.45	.45		.13	
FORK LIFT, on construction site	6.81	.45	.45		.13	
FRONT-END LOADER, rubber-tired, over 3 yds. and incl. 5 yds.: LeTourneau, single and similar type; Motor patrol; Automatic finegrader, gurries and similar type	7.15	.45	.45		.13	
FRONT-END LOADERS, rubber-tired, over 5 yds. to and incl. 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.	7.25	.45	.45		.13	
FRONT-END LOADERS, rubber-tired, 10 yds. to and incl. 15 yds.; Track-type front-end loaders to and incl. 15 cu. yds.	7.35	.45	.45		.13	
FRONT-END LOADERS, rubber-tired, over 15 yds. (factory struck rating, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13	
GRADE SETTER; Herman Nelson heaters and similar type	6.48	.45	.45		.13	
LETOURNEAU, Tandem and similar type; Quad Cat	7.32	.45	.45		.13	

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MON-2-PEO-1-R (3-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LOADER, BARBER GREEN and similar type	$6.66	.45	.45		.13	
MECHANIC AND/OR WELDER, on job site	7.12	.45	.45		.13	
MECHANIC AND/OR WELDER, HELPER; Heavy duty rotary drill helper; Oiler	6.47	.45	.45		.13	
MIXER, CONCRETE, 3 bags and under	6.58	.45	.45		.13	
MIXER, CONCRETE, 4 bags and over	6.83	.45	.45		.13	
MIXERMOBILE	7.11	.45	.45		.13	
PUMPMAN	6.52	.45	.45		.13	
SHOVELS, over 4 yds.; Stiff-leg, Guy derrick; Scraper, tandem 3 engines	7.51	.45	.45		.13	
TRACTOR, rubber-tired, (Industrial)	6.46	.45	.45		.13	
TOWER CRANE	7.51	.45	.45		.13	
TRENCHING MACHINE	6.96	.45	.45		.13	

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Statewide (except Gallatin, Park, Sweet Grass, Broadwater (south of U. S. Highway #12) Counties

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	$7.05	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.13	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.21	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.29	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	6.98	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	6.80	.50	.40		
Over 3 Batch to and incl. 5 Batch	6.93	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.09	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.25	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	6.90	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	6.80	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.00	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS:					
7 cu. yds. or less	6.80	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	6.93	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.00	.50	.40		

FEDERAL REGISTER, VOL. 40, NO. 27—FRIDAY, FEBRUARY 7, 1975

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.23	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	7.41	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	7.47	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	7.53	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	6.93	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	7.54	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	6.98	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	6.05	.50	.40		
Over 3 tons Factory rating	6.40	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	7.34	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.15	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.05	.50	.40		
POWER BROOM	6.89	.50	.40		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$6.80	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.09	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.29	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	7.35	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	7.43	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.05	.50	.40		
TRUCK MECHANIC	7.54	.50	.40		

Gallatin, Park, Sweetgrass, Broadwater (South of U. S. Highway #12), Counties TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service & A-Frame trailers	$ 5.53	.50	.30		
House movers	5.57	.50	.30		
Flat, 2 - 5 tons	5.53	.50	.30		
Dump, over 7 yds. to & incl. 10 yds.; Flat, 5 - 8 tons; Semi & four wheel trailers	5.78	.50	.30		
Dump, over 10 yds. to & incl. 15 yds.	5.94	.50	.30		
Dump, over 15 yds. to & incl. 20 yds.	6.08	.50	.30		

(Flathead, Lake and Lincoln Cos.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".					
SCHEDULE "A"					
GROUNDMAN "B"	$ 5.08	.25	1%		1%
GROUNDMAN "A" (experienced)	5.87	.25	1%		1%
POWDERMAN; JACKHAMMER-COMPRESSORMAN	6.25	.25	1%		1%
LINE EQUIPMENT OPERATOR	7.20	.25	1%		1%
LINEMAN	8.43	.25	1%		1%
CABLE SPLICER	9.37	.25	1%		1%
SCHEDULE "B"					
All work for Power Utilities & R.E.A.'s except work covered under Schedule "A", all Highway Lighting, Street Lighting & Motor Traffic Controlling.					
GROUNDMAN	5.38				
JACKHAMMER-COMPRESSORMAN; Powderman	5.71	.25	1%		1%
LINE EQUIPMENT OPERATOR	6.55	.25	1%		1%
LINEMEN; Pole Sprayer	7.45	.25	1%		1%
TREE TRIMMER	7.74	.25	1%		1%
CABLE SPLICER	8.38	.25	1%		1%

REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
(Jobs 69,000 volts or less)					
Cable splicer	7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line equipment operators; Powdermen	6.85	.35	1%		3/4%
Experienced groundmen (1,000 hrs); Truck drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.35	1%		3/4%
(Jobs over 69,000 volts) and/or (projects of $400,000 or over)					
Cable splicers	7.92	.35	1%		3/4%
Linemen; Pole sprayer	7.52	.35	1%		3/4%
Line equipment operators; Powdermen	6.90	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT75-5017 DATE: Date of Publication
Supersedes Decision No. AR-1017 dated August 16, 1974, in 39 FR 29853
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$ 7.06	.40	.55		.02
Piledrivermen; Sawfilers, Carpenters on charred and creosote wood	7.21	.40	.55		.02
CEMENT MASONS (Eastern Counties):					
Cement masons	6.84	.40	.25		
Grinder, bush hammer and clipping fan preparing finished surface; Epoxy	6.99	.40	.25		
CEMENT MASONS (Western Counties):					
Cement masons	7.09	.40	.25		
Grinder, bush hammer and clipping fan preparing finished surface; Epoxy	7.24	.40	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow, and Powell Counties	7.80	.35	1% + .25		1/2%
Gallatin County	7.30	.20	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	7.55		1%		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	7.50		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	8.38	.32	1%		1/2%
Cable splicers	8.63	.32	1%		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	7.55	.20	1%		1/2%
Cable splicers	7.95	.20	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	8.32	.20	1%		1/2%
Cable splicers	8.77	.20	1%		1/2%
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	7.40	.20	1%		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.65	.20	1%		1/2%
Custer and Garfield Counties	6.84		1%		1/2%
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silverbow Counties	8.51	.50	.75		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Cos.	9.15	.58	.90		.05
Remaining Counties (Including Northern half of Lewis and Clark County)	8.51	.50	.75		.05
PAINTERS:					
Beaverhead, Broadwater (southwest portion), Jefferson (southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	5.82	.25	.10		
Spray	8.60	.25	.10		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown)					
Wibaux and Yellowstone Counties					
Brush	6.74	.25	.20		
Steel	6.99	.25	.20		
Spray	7.72	.25	.20		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier (excl. Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties					
Painters, Brush, preparatory Work; Pot Tender; Rollers not over 9" for wire mesh, Louvers, Peg Boards behind radiators and perforated tile only; Parking lot stripping and related work	$ 6.60	.34	.20		
Paperhangers; Rollers up to 9" long and brush cutting in ahead of roller	6.85	.34	.30		
Perfataper	6.95	.34	.30		
Brush on steel	7.10	.34	.30		
Water and Sandblasting; Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	8.85	.34	.30		
Roller over 9" long	10.20	.34	.30		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern city limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West city limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern city limits of Helmsville)					
Brush	$ 6.61	.25	.20		
Spray; Steel brush	7.61	.25	.20		
Structural steel brush	8.11	.25	.20		
Steel spray	8.61	.25	.20		
Structural steel spray	9.11	.25	.20		
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	5.90				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Cos.	7.10	.34	.30		.04
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	8.73	.35	.50		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	7.75	.35	.60		1%
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	8.45	.40	.50		.05
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	8.75	.40	.55		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north 1/2 of the City of Boulder), Lewis and Clark and Meagher Cos.	8.34	.37	.20		.04
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos.	8.01	.32	.20		.04
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.95	.37	.20		.04
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	7.76	.32	.25		.04
Beaverhead, Deer Lodge, Granite, Jefferson (S 1/2), Madison, Powell and Silver Bow Counties	7.00	.32	.20		

LABORERS	Basic Hourly Rates EASTERN COUNTIES	Basic Hourly Rates WESTERN COUNTIES	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asphalt Raker	$6.40	$6.47	.425	.312		.03
Axeman	6.15	6.22	.425	.312		.03
Burning Bar	6.31	6.38	.425	.312		.03
Car and Truck Loaders, Scissorman	6.15	6.22	.425	.312		.03
Caisson Workers (Free Air)	6.31	6.38	.425	.312		.03
Carpenter Tender	6.15	6.22	.425	.312		.03
Cement Handlers	6.31	6.38	.425	.312		.03
Cement Mason Tender	6.31	6.38	.425	.312		.03
Choker Setter	6.31	6.38	.425	.312		.03
Chuck Tender and Nipper (above ground)	6.15	6.22	.425	.312		.03
Concrete Laborers (wet or dry); Bucketman and Signalman	6.31	6.38	.425	.312		.03
Concrete or Asphalt Saw	6.25	6.32	.425	.312		.03
Concrete Vibrator (5" and over)	6.45	6.52	.425	.312		.03
Cosmolene applying and removing	6.15	6.22	.425	.312		.03
Core Drill	6.75	6.82	.425	.312		.03
Curb Machine	6.25	6.32	.425	.312		.03
Drills, Air-tract, self-propelled, Cat or Truck mounted air operated	6.41	6.48	.425	.312		.03
Drills, Air-tract, with Dual Masts	6.51	6.58	.425	.312		.03
Drills, Air-tract, self-propelled, Mustang type or similar	6.46	6.53	.425	.312		.03
Dumpman (Spotter)	6.15	6.22	.425	.312		.03
Dumpman (Grademan)	6.31	6.38	.425	.312		.03

LABORERS: (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	EASTERN COUNTIES	WESTERN COUNTIES				
Fence Erector and Installer (including Installation and Erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Flagman; Guard and Watchman	$6.15	$6.22	.425	.312		.03
Form Stripper	6.15	6.22	.425	.312		.03
Form Setter	6.25	6.32	.425	.312		.03
Grade Setter	6.50	6.57	.425	.312		.03
General Laborer	6.15	6.22	.425	.312		.03
Hand Faller	6.23	6.30	.425	.312		.03
High Scaler	6.51	6.58	.425	.312		.03
High Pressure Machine Nozzleman	6.35	6.42	.425	.312		.03
Heater Tender	6.15	6.22	.425	.312		.03
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other Air Tools	6.31	6.38	.425	.312		.03
Landscape Laborers	6.15	6.22	.425	.312		.03
Nozzleman-Air and Water, Gunite and Placo Machine	6.25	6.32	.425	.312		.03
Pipe Layer (all types)	6.31	6.38	.425	.312		.03
Pipe Wrapper	6.31	6.38	.425	.312		.03
Post Hole Digger (Power Auger)	6.25	6.32	.425	.312		.03
Power Saw, Bucking	6.31	6.38	.425	.312		.03
Power Saw, Falling	6.41	6.48	.425	.312		.03
Powderman Helper	6.25	6.32	.425	.312		.03
Powderman	6.71	6.78	.425	.312		.03
Power Driven Wheelbarrow	6.25	6.32	.425	.312		.03
Riprapper	6.31	6.38	.425	.312		.03
Riprap Helper	6.15	6.22	.425	.312		.03
Scaleman	6.31	6.38	.425	.312		.03
Sandblaster	6.35	6.42	.425	.312		.03
Sandblaster Tail Hoseman, Pot Tender	6.15	6.22	.425	.312		.03

LABORERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	EASTERN COUNTIES	WESTERN COUNTIES				
Sodcutter-Hand operated	$6.15	$6.22	.425	.312		.03
Spike Driver, single or dual or hand	6.31	6.38	.425	.312		.03
Stake Jumper for Equipmant	6.15	6.22	.425	.312		.03
Switchman	6.31	6.38	.425	.312		.03
Tar Pot	6.25	6.32	.425	.312		.03
Tool Checker, Tool-houseman	6.15	6.22	.425	.312		.03
Welder	7.15	7.22	.425	.312		.03

*Eastern Counties: Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux

*Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Chouteau-Deer Lodge-Fergus-Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland and Yellowstone

Flathead, Lake, Lincoln, Mineral, Missoula, North ½ of Powell, Ravalli, and Sanders Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrader, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03
Conveyor Loader, up to and incl. 42" belt	7.47	.45	.45	.10	.03
Conveyor Loader, over 42 inch belt	7.59	.45	.45	.10	.03
Crane, to and incl. 80' boom with jib	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, Single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Industrial Locomotive all classes	$7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03
Mucking Machine	7.89	.45	.45	.10	.03
Oiler-Driver, Rubber Tired Cranes	7.40	.45	.45	.10	.03
Oilers, other than shovels and cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Ensco & similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar types	8.41	.45	.45	.10	.03
Radiator Repairman	7.70	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. and under	7.60	.45	.45	.10	.03
Rubber-tired Front End loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, Over 15 yds.	8.31	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$7.89	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem or 3 engined	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yds. to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders, up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End loaders, over 5 cu. yds. to and incl. 10 cu.yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03
Yo-Yo Cat, both ends	8.09	.45	.45	.10	.03

REMAINING COUNTIES

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$7.47	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.22	.45	.45	.10	.03
Concrete Pump	8.22	.45	.45	.10	.03
Crane, to and incl. 80' boom	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03
Industrial Locomotive all classes	7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$7.89	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
" Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar type	8.47	.45	.45	.10	.03
Raygo Giant	8.47	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil Paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix Paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yds.	8.31	.45	.45	.10	.03
Scraper, DW 15, 20, 21, and similar type if power unit is not used	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem engine	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yd to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	7.47	.45	.45	.10	.03
" Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer, and Transit Mixer:					
To and incl. 4 cu. yds.	$7.05	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.13	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.21	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.29	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	6.98	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	6.80	.50	.40		
" Over 3 Batch to and incl. 5 Batch	6.93	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.09	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.25	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	6.90	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	6.80	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.00	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDE-BOARDS:					
7 cu. yds. or less	6.80	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	6.93	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.00	.50	.40		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.23	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	7.41	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	7.47	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	7.53	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional .5 cu. yds. increment					
" DUMPSTERS	6.93	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	7.54	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	6.98	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	6.05	.50	.40		
Over 3 tons Factory rating	6.40	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	7.34	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.15	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.05	.50	.40		
POWER BROOM	6.89	.50	.40		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$6.80	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.09	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.29	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	7.35	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	7.43	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.05	.50	.40		
TRUCK MECHANIC	7.54	.50	.40		

(Flathead, Lake and Lincoln Cos.)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".					
SCHEDULE "A"					
GROUNDMAN "B"	$ 5.08	.25	1%		1%
GROUNDMAN "A" (experienced)	5.87	.25	1%		1%
POWDERMAN; JACKHAMMER-COMPRESSORMAN	6.25	.25	1%		1%
LINE EQUIPMENT OPERATOR	7.20	.25	1%		1%
LINEMAN	8.43	.25	1%		1%
CABLE SPLICER	9.37	.25	1%		1%
SCHEDULE "B"					
All work for Power Utilities & R.E.A.'s except work covered under Schedule "A", all Highway Lighting, Street Lighting & Motor Traffic Controlling.					
GROUNDMAN	5.38				
JACKHAMMER-COMPRESSORMAN; Powderman	5.71	.25	1%		1%
LINE EQUIPMENT OPERATOR	6.55	.25	1%		1%
LINEMEN; Pole Sprayer	7.45	.25	1%		1%
TREE TRIMMER	7.74	.25	1%		1%
CABLE SPLICER	8.38	.25	1%		1%

REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Jobs 69,000 volts or less)					
Cable splicer	7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line equipment operators; Powdermen	6.85	.35	1%		3/4%
Experienced groundmen (1,000 hrs); Truck drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.35	1%		3/4%
(Jobs over 69,000 volts) and/or (projects of $400,000 or over) Cable splicers	7.92	.35	1%		3/4%
Linemen; Pole sprayer	7.52	.35	1%		3/4%
Line equipment operators; Powdermen	6.90	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

MONTANA - DREDGING

DREDGING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Assistant Mate (Deckhand)	$ 8.34	.45	.70		.04
Fireman	8.44	.45	.70		.04
Oiler	8.44	.45	.70		.04
Assistant Engineer (Electric, Diesel, Steam or Booster Pump)	8.78	.45	.70		.04
Mates and Boatmen	8.78	.45	.70		.04
Engineer Welder	8.83	.45	.70		.04
Craneman	8.83	.45	.70		.04
Assistant Engineer (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	8.88	.45	.70		.04
Leverman, Hydraulic	9.20	.45	.70		.04
Leverman, Dipper: (a) 5 yards and under	9.59	.45	.70		.04
(b) Over 5 yards	10.14	.45	.70		.04

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Cascade, Flathead, Hill, Sanders and Valley

DECISION NUMBER: MT75-5018

DATE: Date of Publication

Supersedes Decision No. AR-1012 dated August 9, 1974, in 39 FR 28838

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.78	.44	.75		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS:					
Flathead and Sanders Counties	7.10	.30	.25		
Cascade County	8.25	.25	.30	.30	
Hill and Valley Counties	8.45				
CARPENTERS:					
Hill County					
Carpenters	6.36	.30	.45		.02
Valley County					
Carpenters	6.00	.30	.45		.02
Piledrivermen	6.25	.30	.45		.02
Millwrights	6.50	.30	.45		.02
Cascade County					
Carpenters	7.17	.40	.55		.02
Piledrivermen; Saw Filers; Saw-men	7.42	.40	.55		.02
Millwrights	7.67	.40	.55		.02
Flathead and Sanders (Northern area including the City of Thompson Falls) Counties					
Carpenters	6.61	.40	.55		.02
Sawmen; Filers; Piledriver; Carpenters working burned, charred, creosoted or similar treated material	6.81	.40	.55		.02
Millwrights and machine erectors	6.96	.40	.55		.02
Sanders (Remaining area) County					
Carpenters	6.32	.30	.45		.02
Millwrights; Piledriver; Power saw; Saw Filer	6.57	.30	.45		.02
CEMENT MASONS:					
Cascade, Hill and Valley Counties	7.35	.40			
Flathead and Sanders (Northern area, excluding the City of Plains) Counties	6.95	.37			
Sanders (Remaining area) County	7.60	.40	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Cascade County					
Electricians	$8.38	.32	1%		1/2%
Cable Splicers	8.63	.32	1%		1/2%
Flathead and Sanders Counties					
Electricians	7.55	.20	1%		1/2%
Cable Splicers	7.95	.20	1%		1/2%
Hill County					
Electricians	7.50		1%		1/2%
Valley County					
Electricians	7.65	.20	1%		1/2%
ELEVATOR CONSTRUCTORS	7.76	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Reinforcing; Ornamental; Structural					
Flathead and Sanders Counties	9.15	.58	.90		.05
Cascade, Hill and Valley Cos.	8.51	.50	.75		.05
MARBLE MASONS:					
Flathead and Sanders Counties	7.10	.30	.25		
Hill and Valley Counties	7.45				
Cascade County	7.95	.25			
PAINTERS:					
Sanders County					
Brush and Spray	7.10	.34	.30		.04
Cascade and Valley Counties					
Brush	6.60	.34	.30		
Paperhanger	6.85	.34	.30		
Brush on steel	7.10	.34	.30		
Spraying; Sandblasting	8.85	.34	.30		
PLASTERERS:					
Flathead and Sanders (north of the City of Plains) Counties	6.45	.20			
Sanders (Remaining area) County	7.85	.40	.25		
Cascade and Hill Counties	7.95	.25			
PLUMBERS:					
Cascade, Hill and Valley Counties	7.75	.35	.60		1%
Flathead, and Sanders Counties	8.73	.35	.50		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:	$6.10				
Flathead and Sanders Counties	7.05				
Cascade, Hill and Valley Cos.					
SHEET METAL WORKERS:					
Flathead and Sanders Counties	8.01	.32	.20		.04
Cascade and Hill Counties	7.76	.32	.25		.04
Valley County	7.95	.37	.20		.04
SPRINKLER FITTERS	8.00	.50	.70		.08
TERRAZZO and TILE SETTERS:					
Flathead and Sanders Counties	7.10	.30	.25		
Cascade County	6.50	.30	.30		

FOOTNOTE

a. Employer contributes 4% basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Flathead and that area of Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	$ 6.08	.425	.315		.03
Group 2	6.25	.425	.315		.03
Group 3	6.42	.425	.315		.03
Hill and Valley Counties					
Group 1	5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03
Sanders (Southern area) County					
Group 1	6.255	.425	.315		.03
Group 2	6.505	.425	.315		.03
Group 3	6.655	.425	.315		.03
Cascade County					
Group 1	6.22	.425	.315		.03
Group 2	6.47	.425	.315		.03
Group 3	6.57	.425	.315		.03
Group 4	6.62	.425	.315		.03
Group 5	6.72	.425	.315		.03
Group 6	6.97	.425	.315		.03
Group 7	6.82	.425	.315		.03

LABORERS

Flathead and that area of Sanders County lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete; Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); gunite nozzleman; barco tamper

Hill and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2-1/2 inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

LABORERS (Cont'd)

Sanders (Southern area) County

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

Cascade County

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler, Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

Cascade and Hill Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg derrick and guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.64	.45	.45		.13	
SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.	7.51	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib	7.35	.45	.45		.13	
QUAD CAT	7.32	.45	.45		.13	
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.13	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on euclid loader	7.21	.45	.45		.13	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.13	
AUTOMATIC FINEGRADER, Gurries and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single	7.15	.45	.45		.13	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
MIXERMOBILE	$7.11	.45	.45		.13	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted and punch	7.05	.45	.45		.13	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on construction job site; Gradall; Heavy duty drills, all types, Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain logger or similar type machine; Mucking machine; Pavement breaker, Ensco and similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to and incl. 3 yds.; Shovels, incl. all attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments incl. track-type front-end loaders up to and incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant, 1 and 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pull operator	7.02	.45	.45		.13	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$6.92	.45	.45		.13	
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.13	
HOIST, SINGLE DRUM	6.81	.45	.45		.13	
A-FRAME TRUCK CRANE, winch truck and similar	6.80	.45	.45		.13	
CEMENT SILO; Form grader	6.79	.45	.45		.13	
HYDRO TAMPER	6.77	.45	.45		.13	
CHAIN BUCKET; Chip or gravel spreader, self-propelled; Conveyor loader, over 42" belt	6.72	.45	.45		.13	
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.13	
BROOM, self-propelled	6.67	.45	.45		.13	
CONCRETE MIXER, 3 bags and under; Fire-fighting	6.61	.45	.45		.13	
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	6.60	.45	.45		.13	
RETORT OPERATOR	6.57	.45	.45		.13	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50HP engine; Hot plant oiler, 100 tons per hr. and over; Oiler driver, rubber-tired crane	6.56	.45	.45		.13	
PUMPMAN	6.55	.45	.45		.13	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	6.52	.45	.45		.13	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SHOVEL, OILER, 3 yds. and under	$6.51	.45	.45		.13	
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler	6.48	.45	.45		.13	
CONCRETE BATCH PLANT, 3 and 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.13	
CONCRETE PUMP	7.80	.45	.45		.13	
CRANE 81' to 130' BOOM	7.50	.45	.45		.13	
CRANE 131' to 150' BOOM	7.55	.45	.45		.13	
CRANE 151' BOOM AND OVER	7.60	.45	.45		.13	
MECHANIC AND/OR WELDER	7.12	.45	.45		.13	
WHIRLEY CRANE OILER	6.85	.45	.45		.13	

Valley County

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrade, Curries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.59	.45	.45	.10	.03
Conveyor loader Operator up to and incl 42" belt	7.47	.45	.45	.10	.03
Conveyor loader Operator over 42" belt	7.59	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$7.47	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.22	.45	.45	.10	.03
Concrete Pump	8.22	.45	.45	.10	.03
Crane, to and incl. 80' boom	8.03	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03
Industrial Locomotive all classes	7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Scraper, single or twin engine pulling belly dump trailer	$8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem engine	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yd. and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turntable Conveyor, or Head Tower		.45	.45	.10	.03
Wagon Drill	7.89	.45	.45	.10	.03
Wagner Roller and similar type	8.42	.45	.45	.10	.03
Whirley Crane	7.79	.45	.45	.10	.03
Whirley Crane Oiler					
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Mucking Machine	$7.89	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Car	8.19	.45	.45	.10	.03
Quad Loader and similar type	8.47	.45	.45	.10	.03
Rajo Plant	8.47	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Reporter	7.46	.45	.45	.10	.03
Roller, on blade or hot mix oil Paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix Paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yds	8.31	.45	.45	.10	.03
Screens, DW 15, 20, 21, and similar type if power unit is not used	7.89	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Concrete Power Saw, self-propelled	$7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03
Conveyor Loader, up to and incl. 42" belt	7.47	.45	.45	.10	.03
Conveyor Loader, over 42 inch belt	7.59	.45	.45	.10	.03
Crane, to and incl. 80' boom with jib	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher Oiler and Helper	7.89	.45	.45	.10	.03
Crusher Conveyor, when required	7.38	.45	.45	.10	.03
Distributor Conveyor	7.35	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.89	.45	.45	.10	.03
Electric Overhead Cranes	7.61	.45	.45	.10	.03
Elevating Grader	8.07	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.89	.45	.45	.10	.03
Farm Type Tractor, over 50HP	7.35	.45	.45	.10	.03
Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, Single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03

Flathead and Sanders County

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed					
Automatic Finegrader, Curries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), Jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.56	.45	.45	.10	.03
Broom, self-propelled	8.40	.45	.45	.10	.03
Cableway Highline	7.68	.45	.45	.10	.03
Cement Mixing Plants, Concrete and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Industrial Locomotive all classes	$7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03
Mucking Machine	7.89	.45	.45	.10	.03
Oiler-Driver, Rubber Tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than shovels and cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco & similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar types	8.41	.45	.45	.10	.03
Radiator Repairman	7.70	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, Over 15 yds.	8.31	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$7.89	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem or 3 engined	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yds. to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders, up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu.yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03
Yo-Yo Cat, both ends	8.09	.45	.45	.10	.03

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	$7.05	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.13	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.21	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.29	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	6.98	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	6.80	.50	.40		
Over 3 Batch to and incl. 5 Batch	6.93	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.09	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.25	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	6.90	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	6.80	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.00	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS:					
7 cu. yds. or less	6.80	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	6.93	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.00	.50	.40		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.23	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	7.41	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	7.47	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	7.53	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	6.93	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	7.54	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	6.98	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	6.05	.50	.40		
Over 3 tons Factory rating	6.40	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	7.34	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.15	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.05	.50	.40		
POWER BROOM	6.89	.50	.40		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd)					
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$6.80	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.09	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.29	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	7.35	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	7.43	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.05	.50	.40		
TRUCK MECHANIC	7.54	.50	.40		

MT75-5019 P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS					
Gallatin County					
Group 1	$ 5.66	.37	.27		.03
Group 2	5.91	.37	.27		.03
Deer Lodge and Silver Bow Counties					
Group 1	5.47	.425	.315	.75	.03
Group 2	5.54	.425	.315	.75	.03
Group 3	5.55	.425	.315	.75	.03
Group 4	5.56	.425	.315	.75	.03
Group 5	5.57	.425	.315	.75	.02
Group 6	5.59	.425	.315	.75	.02
Group 7	5.63	.425	.315	.75	.02
Group 8	5.64	.425	.315	.75	.03
Group 9	5.65	.425	.315	.75	.03
Group 10	5.69	.425	.315	.75	.03
Group 11	5.72	.425	.315	.75	.03
Group 12	5.74	.425	.315	.75	.03
Group 13	5.75	.425	.315	.75	.03
Group 14	5.82	.425	.315	.75	.03
Group 15	5.85	.425	.315	.75	.03
Group 16	5.87	.425	.315	.75	.03
Group 17	5.97	.425	.315	.75	.03
Group 18	6.07	.425	.315	.75	.03
Group 19	5.72	.425	.315	.75	.03
Group 20	5.71	.425	.315	.75	.03
Group 21	5.59	.425	.315	.75	.03
Gallatin County					
Group 1: Common laborers					
Group 2: Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter					

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Deer Lodge, Gallatin, and Silver Bow

DECISION NUMBER: MT75-5019

DATE: Date of Publication

Supersedes Decision No. AR-1013 dated August 9, 1974, in 39 FR 28868

DESCRIPTION OF WORK: Residential Construction, consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.70	.44	.75		.02
BOILERMAKERS	8.35	.60	1.00		
BRICKLAYERS:					
Deer Lodge and Silver Bow Cos.	8.05				
Gallatin County	7.75				
CARPENTERS:					
Deer Lodge County	6.11	.30	.45	.25	.02
Gallatin County	6.51	.40	.55		.02
Silver Bow County	6.61	.40	.55	.75	.02
CEMENT MASONS:					
Deer Lodge and Silver Bow Cos.	7.45	.35	.25		
Gallatin County	5.95	.25			
ELECTRICIANS:					
Deer Lodge and Silver Bow Cos.	7.80	.35	1%+.25		1/2%
Gallatin County	7.30	.20	1%		1/2%
IRONWORKERS:					
Ornamental; Structural and Reinforcing	8.51	.50	.75		.05
PAINTERS, Brush:					
Silver Bow County	5.82	.25	.10		
Gallatin County	6.16	.25	.20		
PLASTERERS	7.45	.35	.25		
Deer Lodge and Silver Bow Cos.	5.80	.25			
Gallatin County	8.45	.40	.50		.05
PLUMBERS					
ROOFERS:					
Deer Lodge and Silver Bow Cos.	6.135	.425	.35	.75	
Gallatin County	6.295	.425			
SHEET METAL WORKERS:					
Deer Lodge and Silver Bow Cos.	7.00	.32	.20		.04
Gallatin County	7.95	.37	.20		.08
SPRINKLER FITTERS	8.00	.50	.70		

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LABORERS

Deer Lodge and Silver Bow counties

GROUP 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Fence Erector and Installer incl. the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Form Stripper; Form Setter; Landscapr Laborer; Nozzleman-air and water, gunnite and place machine; Pilot Car; Riprap Helper; Scaleman; Sod Cutter (hand operated) (General Laborer); Stake Jumper for equipment; Tool Checker, Toolhouseman

GROUP 2: Riprapper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

GROUP 3: Hand Faller

GROUP 4: Post Hole Digger (power Auger)

GROUP 5: Concrete or asphalt saws; Tar Pot Operator

GROUP 6: Powderman Helper

GROUP 7: Caisson Workers (free air); Chocker Setter; Pipe Wrapper; Power Saw (bucking); Spike Driver, single or dual or hand

GROUP 8: Drills, Air-tract, self-propelled car or truck mount air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools

GROUP 9: Asphalt Raker; Dumpman (grademan)

GROUP 10: High Pressure Machine Nozzleman

GROUP 11: Pipe Layer (all types); Cutting Torch Operator

GROUP 12: Powderman

GROUP 13: Grade Setter

GROUP 14: High Scaler

GROUP 15: Dumpman (spotter)

GROUP 16: Power Saw (falling)

GROUP 17: Rigger

GROUP 18: Core Drill Operator

GROUP 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

GROUP 20: Vibrator Operator; Tending Stonesetters, Marble Setters, Tile Setters, Skagiola and Terrazzo Workers; Tending brick masons or brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete Conveyor Swinger Operator

GROUP 21: Power Driven Concrete Buggies

Gallatin County

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03
Conveyor loader Operator up to and incl. 42" belt	7.47	.45	.45	.10	.03
Conveyor loader Operator over 42" belt	7.59	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$7.47	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.22	.45	.45	.10	.03
Concrete Pump	8.22	.45	.45	.10	.03
Crane, to and incl. 80' boom	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03
Industrial Locomotive all classes	7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.08
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$7.89	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar type	8.47	.45	.45	.10	.03
Revgo Glant	8.47	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil Paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix Paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yds.	8.31	.45	.45	.10	.03
Scraper, DW 15, 20, 21, and similar type if power unit is not used	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem engine	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yd to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
A-FRAME TRUCK CRANE	$6.86	.45	.45		.13	
AIR COMPRESSOR, single	6.55	.45	.45		.13	
AIR COMPRESSOR, 2 or more; Belt finishing Conveyor loader, over 42" belt; Roller, steel and self-propelled rubber on other then blade or hot-mix oil paving	6.72	.45	.45		.13	
AIR DOCTOR; Asphalt paving machine, or soreed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete curing machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills and similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant firemen (when in operation); Industrial locomotive, all types; Loaders, rubber-tired, over 1 yds. to & incl. 3 yds.; Loaders, track-type up to & incl. 5 yds.; Loaders, traxacavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking machine; Pavement breaker, Emsco and similar; Power Auger, large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigeration plant; Roller, steel and self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working wt. or over, any type or make; Roller, Wagner and similar; Ross & similar type Carriers (on construction site); Scraper DW 10; Scraper, DW 15, 20, 21 and similar if power unit is not used; Self-propelled sheepsfoot and similar; Shovels, incl. all attachments, under 1 yd.; Trenching machine; Turnhead conveyor or head tower operator on batch plant; Water pull, when used for compaction; Washing and screening plant	7.02	.45	.45		.13	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
AUTOMATIC FINEGRADER, gurries and similar; Motor patrol; Paving and mixing machine; Scraper, DW 15, 20, 21 and similar if power unit is used; Scraper, single engine; Slip form paver	$7.15	.45	.45		.13	
BORING MACHINE; Concrete mixer, 3 bags and under; Fireman; Heavy duty rotary drill helper; Retort operator	6.61	.45	.45		.13	
BROOM OPERATOR, self-propelled	6.69	.45	.45		.13	
CABLEWAY OPERATOR	7.53	.45	.45		.13	
CEMENT SILO	6.81	.45	.45		.13	
CENTRAL MIXING PLANTS, concrete dams and stationary	7.27	.45	.45		.13	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.74	.45	.45		.13	
CONCRETE BATCH PLANT OPERATOR, 3 & 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, up to and incl. 2 mixers	6.54	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.85	.45	.45		.13	
CONCRETE MIXER OPERATOR, 4 bags and over	6.78	.45	.45		.13	
CONVEYOR LOADER, to and incl. 42" belt	6.60	.45	.45		.13	
CRANE, to and incl. 80' boom with jib	7.18	.45	.45		.13	
CRANE, 81' to 130' boom	7.33	.45	.45		.13	
CRANE, 131' to 150' boom	7.38	.45	.45		.13	
CRANE, 151 boom and over	7.43	.45	.45		.13	
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.13	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CRANES, electric overhead; Shovels, incl. all attachments 1 yd. to and incl. 3 yds.; Track type tractor, on Euclid loader	$7.20	.45	.45		.13	
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.13	
CRANE, WHIRLEY	7.55	.45	.45		.13	
CRANE, WHIRLEY OILER; hydralift and similar; Oiler, hoist house, dams, shovels oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.13	
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equipment service helper; Hot plant oiler, 100 tons per hour or over; Mechanic and/or welder helper on job; Oilers, other than shovels and cranes; Shovel oiler, 3 yds. and under; Washing and screening plant oiler	6.51	.45	.45		.13	
CRUSHER CONVEYOR, when required; Farm type tractor, up to and incl. 50 H.P.; Grade setter	6.48	.45	.45		.13	
DRILLING MACHINE (does not include Jackhammer, Wagon drillers or waterlines)	6.93	.45	.45		.13	
EUCLID LOADER and similar; Loader and hoe combination, rubber-tired, loader 1 yd. to and incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.13	
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson and similar	6.56	.45	.45		.13	
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.13	
FORK LIFT (on construction site)	6.83	.45	.45		.13	
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.13	
FULLER KENYON PUMP; Loaders (Barber Green and similar)	6.67	.45	.45		.13	
HELICOPTER HOIST	7.52	.45	.45		.13	
LOADERS, RUBBER-TIRED, 1 yd. and under	6.73	.45	.45		.13	
LOADERS, RUBBER-TIRED, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.13	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LOADERS, RUBBER-TIRED, 5 yds. to and incl. 10 yds.	$7.24	.45	.45		.13	
LOADERS, RUBBER-TIRED, over 10 yds., to and incl. 15 yds.	7.34	.45	.45		.13	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. sideboards)	7.44	.45	.45		.13	
LOADERS, TRACK-TYPE, over 5 yds. to and incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.13	
LOADERS, TRACK-TYPE, over 10 yds. to and incl. 15 yds.	7.35	.45	.45		.13	
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.13	
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.13	
MIXERMOBILE	7.10	.45	.45		.13	
PILEDRIVER (when shovel equipment is not used)	6.67	.45	.45		.13	
QUAD CAT	7.32	.45	.45		.13	
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.13	
SHOVELS, incl. all attachments, over 3 yds. to and incl. 5 yds., Stiff-leg derrick and guy derrick	7.47	.45	.45		.13	
SHOVELS, incl. all attachments, over 5 yds.	7.60	.45	.45		.13	

Deer Lodge and Silver Bow Counties

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	$7.05	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.13	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.21	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.29	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	6.98	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	6.80	.50	.40		
Over 3 Batch to and incl. 5 Batch	6.93	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.09	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.25	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	6.90	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	6.80	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.00	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS:					
7 cu. yds. or less	6.80	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	6.93	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.00	.50	.40		

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.23	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	7.41	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	7.47	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	7.53	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	6.93	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	7.54	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	6.98	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	6.05	.50	.40		
Over 3 tons Factory rating	6.40	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	7.34	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.15	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.05	.50	.40		
POWER BROOM	6.89	.50	.40		

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$6.80	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.09	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.29	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	7.35	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	7.43	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.65	.50	.40		
TRUCK MECHANIC	7.54	.50	.40		

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Gallatin County TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service & A-Frame trailers	$ 5.53	.50	.30		
House movers	5.57	.50	.30		
Flat, 2 - 5 tons	5.53	.50	.30		
Dump, over 7 yds. to & incl. 10 yds.; Flat, 5 - 8 tons; Semi & four wheel trailers	5.78	.50	.30		
Dump, over 10 yds. to & incl. 15 yds.	5.94	.50	.30		
Dump, over 15 yds. to & incl. 20 yds.	6.08	.50	.30		

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: See below*
DECISION NUMBER: NC75-1014 DATE: Date of Publication
Supersedeas Decision No. AR-4058 dated November 22, 1974 in 39 FR 41101.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
*Counties: Buncombe, Henderson, McDowell, Madison, & Transylvania					
Air conditioning mechanic	$4.36				
Bricklayers	5.62				
Carpenters	4.50				
Cement masons	4.58				
Drywall finishers	5.00				
Drywall hangers	5.25				
Electricians	4.35				
Ironworkers, structural and ornamental	4.00				
Laborers:					
Asphalt raker	2.89				
Laborers	2.50				
Mason tenders	3.00				
Morter mixers	2.50				
Painters, brush	3.25				
Plasterers	5.50				
Plumbers & pipefitters	4.29				
Roofers	3.97				
Sheet metal workers	4.63				
Soft floor layers	5.30				
Tile setters	3.00				
Truck drivers					
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt screed	3.06				
Backhoe	3.25				
Bulldozer	3.48				
Distributor	3.23				
Front end loader	3.25				
Paver operator	3.40				
Roller	3.23				
Mechanic	3.08				

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Canadian, Lincoln, McClain, Pottawatomie & Seminole

DECISION NO.: OK75-4049 DATE: Date of Publication

SUPERSEDES DECISION NO. AR-81 dated November 11, 1974 in 39 FR 41160

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.95	.30	.60		.02
BOILERMAKERS	8.00	.35	.76		.02
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	8.37	.40	.35		.05
Lincoln, Pottawatomie and Seminole Counties	8.50				
CARPENTERS - ZONE I					
Carpenters	7.20				
Power saw operator	7.45				
Millwrights-Piledrivermen	8.25	.30			.04
CARPENTERS - ZONE II					
Carpenters	8.00	.30			.04
Millwrights-Piledrivermen	8.25	.30			.04
Power saw operator	8.25	.30			.04
CARPENTERS - ZONE III					
Carpenters	7.40	.30	.25		.04
Power saw operator	7.65	.30	.25		.04
Millwrights-Piledrivermen	7.65	.30	.25		.04
CARPENTERS - ZONE IV					
Carpenters	6.50	.25	.25		.02
Millwrights-Piledrivermen	7.325	.25	.25		.02

CARPENTERS AREA DEFINITION

ZONE I - Northern ½ of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma and Canadian Counties

ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)

ZONE IV - Seminole County

CEMENT MASONS:						
Lincoln, Oklahoma, McClain, Cleveland and Canadian Counties	7.73	.25				

DECISION NO. OK75-4049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Zone I	$8.20	.30	17%+.20		3%
Zone II	8.45	.30	17%+.20		3%
Zone III	8.70	.30	17%+.20		3%
CABLE SPLICERS:					
Zone I	8.45	.30	17%+.20		3%
Zone II	8.70	.30	17%+.20		3%
Zone III	8.95	.30	17%+.20		3%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

ZONE I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City

ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zones 1 & 2 and within the local union area

ELEVATOR CONSTRUCTORS	7.51	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER (PROB.)	50%JR				
GLAZIERS	7.20				
IRONWORKERS	8.49	.30	.35		.08
LABORERS:					
ZONE I - Oklahoma, Canadian, Pottawatomie, Lincoln and Cleveland Counties:					
Group I - Unskilled laborers	5.50	.10	.15		
Group II - Air tool operator (jackhammer, vibrator), mason tenders, mortar mixers, pipelayers, (concrete and clay); Plasterers' tenders	5.70	.10	.15		
ZONE II - McClain County					
Group I - Unskilled laborers	4.55	.25	.20		
Group II - Air tool op. (jackhammer, vibrator), mason tenders mortar mixers, pipelayers (concrete & clay), plasterers tenders	4.80	.25	.20		
ZONE III - Seminole County					
Group I - Unskilled laborers	4.75	.25	.20		
Group II - Air tool op. (jackhammer, vibrator), mason tender mortar mixers, pipelayers (concrete & clay) plasterer tender	5.05	.25	.20		

DECISION NO. OK75-4049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$8.00				.01
LINE CONSTRUCTION:					
Linemen	8.00		1%		3%
Cable splicers	8.48		1%		3%
Hole digger operator	7.26		1%		3%
Heavy equipment operators (or pole cat equivalent)	7.26		1%		3%
Line truck driver (winch operator)	6.57		1%		3%
Jack hammerman	5.99		1%		3%
Powdermen	7.26		1%		3%
Truck driver (flat bed, ton and half and under)	5.70		1%		3%
MARBLE MASONS	8.05		.20		
PAINTERS:					
Brush	6.95	.40	.35	.25	.03
Spray under 30 feet	7.45	.40	.35	.25	.03
Spray over 30 feet	7.95	.40	.30	.25	.03
Sandblasting under 30 feet	7.45	.40	.30	.25	.03
Sandblasting over 30 feet	7.95	.40	.30	.25	.03
Hazardous work	7.45	.40	.30	.25	.03
Paperhanging	7.95	.40	.30	.25	.03
Tapers using machine tools	7.45	.40	.30	.25	.03
PLASTERERS (Pottawatomie County)	7.475				.01
PLASTERERS (Canadian, Cleveland, McClain, Oklahoma and Lincoln Cos.	8.80				.01
PLUMBERS	8.70	.55	.40		.10
PIPEFITTERS	8.57	.60	.55		.10
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.25		.12
Group II	8.00	.35	.25		.12
Group III	7.75	.35	.25		.12
Group IV	7.50	.35	.25		.12
Group V	7.00	.35	.25		.12
Group VI	7.10	.35	.25		.12
Group VII	6.80	.35	.25		.12
Group VIII	6.50	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I - All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more

Group II - Heavy duty mechanic, welder, crane hook and over head monorail, whirley, panel board batch plant operator, derrick, piledriver, engineer, dragline, shovel, clamshell, backhoe, sideboom, gradall, hydro crane, cherry picker, hoists while operating 2 or more drums.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group III - Motor patrol (blade), dozer (engine h.p. 65 of over), Fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, Tournapull, DW 10, 15, 19, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator of hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control; power driven hole digger, trenching machine, concrete pump-boom type

Group IV - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist when operating one drum, welding machine, 3 to 6, air compressor, 3 to 6,500 cu. ft. and under, air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift; bobcat and similar equipment, generator plant engineer, Diesel electric, winch trucks with A-Frame; rollers all types, outside elevator or building of personnel hoist, concrete buster, or tamper, heater under jurisdiction of op.; engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor with or without attachments, batch plant operator, (portable), conveyor operator-duel, continous or belt, bulk handling, screened operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large wherleys when and if required, operator for rotary drilling machine machine when operated from console or machines

Group V - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft. air compressor 300 cu. ft. and under (1 or 2), welding machine (1 or 2); fuelman; conveyor operator-single continous belt bulk handling

Group VI - Greaser, tilt top trailer operator

Group VII - Asphalt lay machine back end man helpers

Group VIII - Truck crane oiler driver or truck crane oiler

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers of all classifications when working in caverns or tunnels shall receive 25c per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$7.25	.25	.25		.04
SHEET METAL WORKERS	8.00	.40	.40		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	7.20	.40			
SPRINKLER FITTERS	9.05	.40	.70		.08
TERRAZZO WORKERS	8.05		.20		
TERRAZZO WORKERS' HELPERS	6.28				
TERRAZZO FLOOR MACHINE MAN	6.38				
TERRAZZO BASE MACHINE MAN	6.58				
TILE SETTERS	8.05		.20		
TILE AND MARBLE HELPERS:					
Experienced helpers	5.95				

DECISION NO. OK75-4049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Group I	$5.32				
Group II	5.52				
Group III	5.22				

CLASSIFICATION DEFINITION
TRUCK DRIVERS

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats
Group II - Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards and tall dumps
Group III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4 and 1/2 ton pick-up trucks

" WELDERS - received rate prescribed for craft performing operation to which welding is incidential.

FOOTNOTES:
A. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
B. Paid Holidays A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Tulsa & Creek
DECISION NO.: OK75-4050 DATE: Date of Publication
Supersedes Decision AR-50 dated September 27, 1974 in 39 FR 35045
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	8.90	.35	.50		.015
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS; STONEMASONS	8.18	.30	.40	.33	.04
CARPENTERS	7.80	.25	.25		.05
CEMENT MASONS:					
cement masons	7.67		.40		.06
Power tool operator	7.92		.40		.06
ELECTRICIANS:	7.65	.36	1%+.25	.30	.07
CABLE SPLICERS	7.90	.36	1%+.25	.30	.07
ELEVATOR CONSTRUCTORS	7.93	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB. 6 MOS.)	50%JR				
GLAZIERS	7.00	.40	.30		.01
IRONWORKERS	8.49	.30	.35		.08
" LABORERS:					
GROUP 1	5.80	.25	.20		
GROUP 2	6.10	.25	.20		
GROUP 3	6.20	.25	.20		
GROUP 4	6.65	.25	.20		

CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; and cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons, or plasterers; water boys, when used, carpenter tenders; and common laborers.

LABORERS CLASSIFICATION DEFINITIONS CONT'D

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping, treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrow or buggies previously used by laborers; all scale men to batch plants; all loborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader
GROUP III - Wagon drill operator
GROUP IV - Powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	6.60		.30		.01
LINE CONSTRUCTION					
Linemen	8.00		1%		4%
Cable splicers	8.48		1%		4%
Hole digger operator	7.26		1%		4%
Heavy Equipment Operator (or Pole Cat Equivalent)	7.26		1%		4%
Line Truck driver (winch operator)	6.57		1%		4%
Jack Hammerman	5.99		1%		4%
Powderman	7.26		1%		4%
Groundman	5.34		1%		4%
Truck driver (flat bed. ton and half and under)	5.70		1%		4%
MILLWRIGHTS	8.10	.25	.25		.05
PAINTERS:					
Brush	7.50		.25	.35	.02
High work and stage	7.90		.25	.35	.02
Spray and sandblasting	8.15		.25	.35	.02
Hot or Bituminous	8.80		.25	.35	.02
Sheetrock handtools	8.00		.25	.35	.02
Sheetrock Power tools	7.85		.25	.35	.02
Hazadous work	9.70		.25	.35	.02
PILEDRIVERMEN	8.10	.25	.25		.03
PIPEFITTERS	8.82	.35	.55		.08
PLASTERERS	7.65				.01
PLUMBERS	8.97	.35	.40		.08

DECISION NO OR75-4050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
POWER EQUIPMENT OPERATORS:					
Group 1	8.25	.35	.25		.12
Group 2	8.00	.35	.25		.12
Group 3	7.75	.35	.25		.12
Group 4	7.50	.35	.25		.12
Group 5	7.00	.35	.25		.12
Group 6	7.10	.35	.25		.12
Group 7	6.50	.35	.25		.12
Group 8	6.80	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 100' of boom or over (including jib); all tower cranes and all crane type of 3 cu. yd. or more.

GROUP II - Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operators; derrick; piledriver; engineer; dragline; shovel; clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums.

GROUP III - Motor patrol (Blade); dozer (engine H.P. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; tournapull, DW 10, 15, 16, 20, 22, and similar rubber-tired equipment, Euclid, TS-24 and similar; loader operator or hi-lift (engine H.P. 65 or over); Asphalt lay machine; tall boom; conveyor-multiple; panel board control, power driver hole digger; trenching machine; concrete pump - boom type

GROUP IV - Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over, sand barge; dredging machine; tugger; hoist when operating one drum, welding machine, 3 to 6, Air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1), pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineer, diesel elec; winch trucks with A-Frame; rollers all types; outside elevator or building or personnel hoist, concrete buster or tamper; heater under jurisdiction of operator; engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable) conveyor operator-duel, continuous or belt-bulk handling, screened operator; concrete pump; form grader; screening plant, well point pump operator; signal man or large whirleys when and if required; operator for rotary drilling machine when operated from console or machines

GROUP V - Permanant elevator-building type(automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor, 501 cu, ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single contihuous belt bulk handling

POWER EQUIPMENT OPERATORS (CONT'D) CLASSIFICATION DEFINITIONS

GROUP VI - Greaser, tilt top trailer operator

GROUP VII - Truck crane oiler driver or truck crane oiler

GROUP VIII - Asphalt lay machine back end man helpers

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers of all Classifications when working in caverns or tunnels shall receive $0.25 per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
ROOFERS	7.25	.25	.25		.04
SHEET METAL WORKERS	8.09	.45	.45		.06
SOFT FLOOR LAYERS	6.82		.15	.45	.03
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	7.78		.10		
TERRAZZO WORKERS' & TILE LAYERS; HELPER	6.28				
TERRAZZO WORKERS' HELPER FLOOR MACHINE OPERATOR	6.38				
TERRAZZO WORKERS' HELPERS BASE MACHINE OPERATOR	6.58				
TILE LAYERS	7.78		.10		
TRUCK DRIVERS:					
Group 1	5.58				
Group 2	5.63				
Group 3	5.73				
Group 4	5.53				
Group 5	5.73				

CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers, including pick-up, 1½ tons or 2½ yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.

GROUP II - 3 tons or 4 yards up to but not including 4 tons or 6 yards

GROUP III - 5 tons or 6 yards and over including heavy equipment

GROUP IV - Truck drivers' helpers

GROUP V - Tractor-trailer and similar equipment

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 years. - 4% of basic hourly rate

b. Paid Holidays - A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Statewide

DECISION NUMBER: OR75-5014 DATE: Date of Publication

Supersedes Decision No. AR-1054 dated December 12, 1974, in 39 FR 43484

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
ASBESTOS WORKERS	$ 7.85	.35	.60		.06
BOILERMAKERS	7.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons: Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N 1/2 of Yamhill Counties	9.42	.50	.55		.08
Marion, Polk, S 1/2 of Yamhill Counties	8.25	.40	.40		
Baker, Union, Umatilla, Wallowa, N 1/2 of Malheur Counties	8.20	.40	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (incl. the City of Maupin and South thereof), and S 1/2 of Malheur Counties	9.02	.50	.55		.08
CARPENTERS; Acoustical Applicator; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	7.79	.55	.65	.35	.03
Piledrivermen; Bridge, Dock and Wharf Builders	7.89	.55	.65	.35	.03
Floor Layers and Finishers; Stationary Power Saw Operators	7.94	.55	.65	.35	.03
Boom Men	7.99	.55	.65	.35	.03
Millwrights and Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicators	7.24	.55	.40	.35	.03
CEMENT MASONS: Cement Masons	7.14	.35	.35	.20	.03
Mastic Worker; Composition Worker; Gunnite Man; Power Machinery Operator	7.29	.35	.35	.20	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Malheur County					
Electricians	$8.48	.40	17%+.25		1%
Cable Splicers	9.328	.40	17%+.25		1%
Baker, Gilliam, Grant, Morrow, Umatilla, Union, Wallowa, Wheeler Counties					
Electricians	8.55	.35	17%+.40		.02
Cable Splicers	9.41	.35	17%+.40		.02
Coos, Curry, Lincoln, Those portions of Douglas and Lane Counties lying west of a line North and south from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	8.55	.45	17%		.04
Cable Splicers	9.41	.45	17%		.04
Benton, Crook, Deschutes, Jefferson, Lane (except coast portion), Linn, Marion, Polk, S-½ of Yamhill Counties					
Electricians	9.85	.45	17%		.04
Lead Cable Splicers	10.64	.45	17%		.04
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N-½ of Yamhill Counties					
Electricians	9.60	.45	17%+.40		.02
Lead Cable Splicers	10.35	.45	17%+.40		.02
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	9.50	.45	17%		.04
Cable Splicers	10.15	.45	17%		.04
ELEVATOR CONSTRUCTORS	7.97	.445	.29	3%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.20	.26	.30	6.5%	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS: Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	$ 8.90	.48	.80		.05
LATHERS: Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Counties	8.75	.30			
MARBLE SETTERS: Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (North of the City of Maupin), Washington, N-½ of Yamhill Counties	9.00	.45	.45		.08
Baker, Union, Umatilla, Wallowa, N-½ of Malheur, Counties	8.20	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, S½ of Malheur, Wasco (incl. the City of Maupin and South thereof), Wheeler Cos.	7.00	.45	.45		.02
MASON TENDERS: (Including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo work; topping for cement finishers and mortar mixer)	7.30	.50	.65		.07
PAINTERS: Malheur County Brush; Paperhangers; Drywall Tapers	7.26	.25	.10		.02
Steel, Sign	7.36	.25	.10		.02
Application of toxic materials; Sandblasting; Spray	7.73	.25	.10		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd) Umatilla (Township of Pendleton only) Brush; Glazier; Sign Painter	$ 5.50				
Spray; Sandblasting; Swing Stage; Taping and Paperhanging	5.75				
Remaining Counties Brush	7.77	.35	.45	.30	.03
Spray, High Towers, ground to 100'	8.02	.35	.45	.30	.03
High Work over 100'; High Towers	8.27	.35	.45	.30	.03
High Towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Finisher	7.81	.40	.40	.50	.06
PLASTERERS Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur (south half), Wasco (including the City of Maupin and south thereof) and Wheeler Cos.	8.50	.50	.60		.01
Remaining Counties	8.50	.50	.60		.01
PLUMBERS; Steamfitters Baker; Harney (except NW portion); Malheur Counties	7.39	.37	.40		.05
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Counties N 1/2 of Benton, Lincoln and Linn Counties; S 1/2 of Tillamook and Yamhill Counties; Marion and Polk Counties	7.96	.33	.85	.49	.08
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N 1/2 of Yamhill County, N 1/2 of Tillamook County	8.20	.51	.63	1.00	.08
Coos, Curry, West coast portion of Douglas, Lane (City of Florence)	9.37	.70	1.00		.07
	9.14	.66	.77		.0175

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters (Cont'd) Lane (except for City of Florence); Douglas (except coast portion), Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Cos., S 1/2 of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	$ 7.73	.41	.62		.05
Remainder of Klamath and Lake Cos.	8.96	.50	.75	1.00	.075
Jackson and Josephine Counties	7.05	.44	.84	.85	.02
ROOFERS: Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Counties Roofers	7.80	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		
Handling of irritating material (coal, tar or epoxy) in a confined area	8.55	.45	.75		
Wallowa County Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, and Lane Counties Roofers	7.45				
Spray and/or application of irritating materials in a confined area	7.85	.30	.10		
Marion, Yamhill, Polk, Lincoln, Benton and Linn Counties	8.60	.30	.10		
Malheur County	7.40	.22	.15	.25	
SHEET METAL WORKERS: Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties	6.55	.23	.15		
	7.73	.48	.34	.31	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd) Malheur County	$ 7.41	.32	.30		.04
Baker, Umatilla, Union, Wallowa Counties	8.05	.32	.78	.50	
Coos, Curry, Douglas, Klamath, Lake and Lane Counties	8.67	.37	.34		.005
Jackson and Josephine Counties	8.38	.42	.40		.005
SOFT FLOOR LAYERS: All Counties except Malheur	7.735	.45	.45		.05
SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS: Baker, Umatilla, Union, Wallowa and N 1/2 of Malheur Counties	7.53	.40	.50		
TILE SETTERS: Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook and N 1/2 of Yamhill Co.	8.04	.35	.35	.25	
Baker, Umatilla, Union, Wallowa Counties and N 1/2 of Malheur Cos.	7.53	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (incl. the City of Maupin and south thereof) and S 1/2 of Malheur Counties	7.15	.45	.45		
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan, Six Paid Holidays: A through F.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
LINE CONSTRUCTION:					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	5%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	5%
Tree Trimmer	7.88	.35	1%	.10	5%
Line Equipment Man	7.52	.35	1%	.10	5%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	5%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	5%
Hole Digger	5.91	.35	1%	.10	5%
DREDGING:					
Dipper Leverman:					
(a) 5 yards and under	7.89	.45	.60	.25	
(b) Over 5 yards	8.44	.45	.60	.25	
Leverman, Hydraulic	7.50	.45	.60	.25	
Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25	
Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.08	.45	.60	.25	
Engineer Welder; Craneman	7.13	.45	.60	.25	
Fireman; Oiler	6.74	.45	.60	.25	
Assistant Mate (Deckhand)	6.64	.45	.60	.25	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
LABORERS:					
Group 1	$6.55	.50	.65	.35	.07
Group 2	6.70	.50	.65	.35	.07
Group 3	6.85	.50	.65	.35	.07
Group 4	7.00	.50	.65	.35	.07
POWER EQUIPMENT OPERATORS:					
Group 1	7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
TRUCK DRIVERS:					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

LABORERS

Group 1: Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burner and cutters; Car and truck loaders; Carpenter tender; Change-House man or dry shack man; Choke setter; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, and moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser; Stake setter; Grade checker; Stockpiler; Timber faller and bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh-man - Crusher (Aggregate when used)

Group 2: Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader and similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition and wrecking-charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement and lime); Manhole builder; Powertool operator, incls. but not limited to: Chipping Guns; Jackhammer, Paving breakers, Post hole digger, Air, Gas, or Electric; Tampers; Vibrating screed; Vibrators (less than 4" in diameter); Post hole digger, air, gas, or electric; Ribbon setter, head; Rip rap man (head), Hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers and fallers, Brush cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (underground)

Group 3: Asphalt rakers; Bit grinder; Concrete saw operator; Drill doctor; Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, and other similar types; Gunite nozzleman; High scalers, strippers and drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Powdermen; Power saw operators (Bucking and falling mechantable logs); Pumpcrete nozzlemen; Sand blasting (Dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger operator; Tunnel-Chuck tenders, Nipper and Timberman; Vibrators (4" and larger); Water blaster; Laser beam (pipe laying)

Group 4: Tunnel miners; Tunnel powderman; Laser beam (tunnel)

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including plant, crane, crusher, guardrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher feederman; Deckhand; Self-propelled scaffolding operator; Guardrail punch oiler; Pump operator, under 4"; Brakeman; Switchman; Parts man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-Driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame truck operator, single drum; Tugger or coffin type hoist operator; Drill helper; Auger oiler; Boatman; Fork Lift or Lumber Stacker operator (on job site); Oiler, combination guardrail machines; Temporary heating plant operator; Grade Oiler, required to check grade; Grade checker; Tar pot fireman; Tar pot fireman (power agitated); H.D. Repairman Helper; Welder's helper; Helicopter radioman (ground); Roller operator, grading of base rock (not asphalt);

Group 3: Asphalt plant fireman; Pugmill operator (any type); Truck mounted asphalt spreader, with screed; Compressor operator (any power), under 1,250 cu. ft. total capacity; Conveyor operator; Mixer box operator (C.T.B., dry batch, etc.); Cement hog; Concrete saw; Concrete curing machine (riding type); Wire mat or brooming machine; Ross carrier operator (on job site); Bucket elevator loader, Barber-Greene and similar types; Hydraulic pipe press; Pump operator (any power), 4" and over; Hydrostatic pump; Motorman; Ballast jack tamper; Bell Boy phones, etc.; Tamping machine, mechanical self-propelled; Hydrographic seeder machine, straw, pulp or seed; Broom operator, self propelled (on job site); Air Filtration equipment; Welding machine operator

Group 4: Screed operator; Compactor, including vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination mixer and compressor, gunnite work; Concrete mixer operator, single drum, under five bag capacity; Helicopter hoist operator; Floating Equipment fireman; Lull HI-Lift operator or similar type; Fork Lift, over 5 ton; Service oiler (greaser); Hydra hammer or similar types; Pavement breaker; Pump operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion machine; Wagner Factor or similar type (without blade); Concrete batch plant quality control operator; Power Jumbo, setting slip forms, etc., in tunnels; Slip form pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator operator; Pulva-mixer or similar types; Chip spreading machine operator; Lime spreading (on job site); Sweeper (Wayne type) self propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching machine, maximum digging capacity 3 ft. depth;

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt paver (screed man required); Asphalt burner and reconditioner; Pavement grinder and/or grooving machine (riding type); Cast-in-place pipe laying machine; Maginnis Internal Full Slab Vibrator; Concrete finishing machine, Clary, Johnson, Bidwell, Burgess bridge deck or similar type; Curb machine, mechanical berm, curb and/or curb and gutter; Concrete joint machine; Concrete planer; Concrete paving machine; Concrete spreader; Loaders, rubber-tired type, 2 1/2 cu. yds. and under; Rock spreaders, self-propelled

Group 7: Roller (any asphalt mix); Asphalt plant operator; Beltcrete; Pumpcrete operator (any type); Cement pump, Fuller-Kenyon and similar; Concrete pump; Grouting machine; Concrete mixer, single drum, five bag capacity and over; Tower mobile operator; A-Frame truck, double drum; Boom truck; Churn drill and earth boring machine; Hydraulic backhoe, wheeltype 3/8 cu. yd. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot rammer; Ballast regulator; Ballast Tamper Multi-purpose; Track liner; Tie spacer; Shuttle car; Locomotive, 40 tons and over;

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch plant and/or wet mix, one and two drum; Generator operator; Belt Loaders, Kolman and Ko Cal types

Group 9: Bulldozer; Drill Cat Operator; Side-Boom Cat; Compactor, with blade; Concrete cooling machine; Chicago boom and similar types; Lift Slab machine; Boom type lifting device, 5 ton capacity or less; Cherry picker or similar type crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher plant; Drill doctor; Boring machine; Guardrail punch and auger (all types); Surface heater and planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2 1/2 cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-Threading machine; Drill Doctor (bit grinder); H.D. Mechanic and welder; Machine tool operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench machine, maximum digging capacity over 3 ft. depth

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack operator, elevating barges; Barge operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Mixer Mobile; Concrete breaker; Crane operator, 25 tons and under; Combination guardrail machines, i.e., punch, auger, etc.; Shovel, dragline, clamshell, hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking machine (tunnel)

Group 12: Blade operator; Batch plant and/or wet mix, 3 units or more; Reinforced tank banding machine (K-17 or similar); Hoist, two or more drums; Elevating loader, Athey and similar; Piledriver (not crane type); Rubber-tired scraper, single and twin engine, single scraper, with push-pull attachments, Self-loading, paddle wheel, Auger type; Blade mounted spreaders, Ulrich and similar types; Shield operator

Group 13: Blade operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete paving road mixer; Derrick, under 100 tons; Hoist, stiff leg, Guy Derrick or similar, 50 tons and over; Cableway operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver (where deckhand required); Floating clamshell, etc., 1 cu. yd. and under, but less than 3 cu. yds.; Floating crane (derrick barge), less than 30 ton; Elevating grader, operated by tractor operatur, Sierra, Euclid, or aimilar; Back filling machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over

Group 14: Tower crane operator; Rubber-tired scraper, with tandem scrapers, Self-loading, paddle wheel, Auger type, finish and/or 2 or more units

Group 15: Rock hound operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "trimmer"; Tandem bulldozer, Quad-nine and similar; Automatic concrete slip form paver; Concrete canal lone; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating clamshell etc., 3 cu. yds. and over; Floating crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired scraper, with tandem scrapers, multi-engine; Shovel etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over, Floating crane 150 ton but less than 250 ton; Wheel excavator, over 750 cu. yds. per hour; Band wagons, in conjunction with wheel excavator

Group 19: Helicopter, when used in erecting work; Floating crane 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

TRUCK DRIVERS

Group 1: Battery rebuilders; Bus or manhaul driver; Concrete buggies (power operated); Dump trucks, side, end and bottom dumps, incl. semi trucks and trains or combinations thereof: 6 cu. yds. and under; Lift jitneys, fork lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity), up to 1600 gallons

Group 2: "A" Frame or hydra-lift truck w/load bearing surfaces; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combinations; Team drivers

Group 3: Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry truck driver or leverman; Transit mix and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity), 1600 to 3000 gallons

Group 4: Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity), 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof, over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) 5000 to 7000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks, over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity), over 10,000 gallons to 15,000 gallons

TRUCK DRIVERS (Cont'd)

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NUMBER: R175-2033
Supersedes Decision No. AS-3070, dated August __, 1974, in 39 FR _____, and
DESCRIPTION OF WORK: Building (including residential), Heavy, Highway, and Marine Construction.

COUNTY: Washington
DATE: Date of Publication

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.80	.505	.15		
Boilermakers	9.08	.60	10%		.01
Bricklayers and stone masons:					
Westerly, Hopkington, S. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.85	.55	.45		
Exeter, Johnson, No. Kingstown, Narragansett (Including the Pier of Point Judith)	9.15	.65	.55		.01
Carpenters, soft floor layers & piledrivermen	8.81	.50	.35		.05
Carpenters, Residential	7.05	.50	.35		.05
Millwrights	9.06	.50	.35		.05
Cement masons:					
Westerly, Hopkington, So. Kingstown, Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.85	.55	.45		
Exeter, Narragansett, No. Kingstown Gould	8.85	.50	.35		
Electricians:					
Westerly Township	9.95	.75	10%+.10		3%
Westerly Township Residential	5.50	.75	10%+.45		3%
Remainder of County (above 3 stories)	8.80	.38	10%+.50		.02
Remainder of County (up to & including 3 stories)	5.75	.38	1%		.02
Elevator constructors	9.30	.1115	.39	2%+a	.02
Elevator constructors' helpers	6.51	.1115	.29	2%+a	.02
Elevator constructors' helpers (prob.)	4.65				
Glaziers	8.48	.47	.40	d	.01
Ironworkers; Structural, ornamental, & reinforcing	7.95	.50	.90+.50		.03
Laborers, Building:					
Laborers, carpenters' tenders, cement finisher tenders mason tenders	7.00	.45	.40		.075
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools barco type jumping tampers	7.25	.45	.40		.075
Plasterers' tenders	$7.25	.45	.40		.075
Powdermen blasters	7.75	.45	.40		.075
Laborers, Wrecking:					
Laborers, signalman	7.00	.45	.40		.075
Adzman, burner, jackhammer	7.25	.45	.40		.075
Lathers	9.25	.45	.55		.01
Leadburners	8.75	.30		c	.01
Line Construction:					
Linemen	9.36	.30	1%	d	
Driver Groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Marble, Tile and Terrazzo workers: Exeter, N. Kingstown, Narragansett, (Including the Pier of Point Judith)	8.85	.55	.45		
Marble, Tile and Terrazzo helpers	7.23		.50		
Painters:					
Brush & roller	8.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Spray & sand or water blasting & Potman	9.15	.50	.50		
Air power brush	8.15	.50	.50		
Plasterers: Exeter, Narragansett, N. Kingston	8.55	.50	.35		
Plasterers (Westerly, Hopkington, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	8.85	.55	.45		
Plumbers	9.64	.75	.60		.07
Roofers:					
Composition, waterproofers	8.90	.45	.25		
Slate, tile precast concrete	9.10	.45	.25		
Helpers, Class "A"	8.05	.45	.25		
Helpers, Class "B"	7.50	.45	.25		
Sheet metal workers	9.53	.66	.75		.04
Sprinkler fitters	9.70	.50	.70		.01
Steamfitters	9.70	.45	.91		.07
Truck Drivers: Building					
Two-axle; dumps	6.75	.40	.50		
Three-axle; trailers	6.83	.40	.50		
Low-bed trailers (2½ tons & over), Trailers (I-beam), specialized earth moving equipment (Euclid type)	7.08	.40	.50		
Euclid type equipment over 35 ton capacity	7.33	.40	.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:
A. New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.

b. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

c. Holidays: A though F; Columbus Day, providing employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holiday.

d. Paid Holiday: "D".

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5-RI-2-3-4-G 1 of 2

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers, Stone masons, catch basin, manhole builders	$ 8.67	.55	.40		.01
Carpenters, piledrivermen, N. Kingstown	9.11	.60	.40		.05
Cement masons - finishers	7.25	.50	.35		
Electricians:					
Westerly	9.95	.75	10%+.40		3%
Remainder of County	8.80	.38	10%+.50		.02
Ironworkers, struc., orn, reinf.	7.95	.50	.90+.50		.03
Laborers:					
Laborers	7.00	.45	.40		.075
Adzemen, asphalt raker, barcotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, setters of metal forms for roadways, stumper operators, tree-toppers, tree trimmers wagon drill operators, wood chipper operators	7.25	.45	.40		.075
Air track operator	7.50	.45	.40		.075
Blasterers and powdermen	7.75	.45	.40		.075
Pavers, rammers and curb setters	7.50	.45	.40		.075
Line Construction:					
Linemen	9.36	.30	1%	a	
Equipment operator	8.34	.30	1%	a	
Groundman	6.37	.30	1%	a	
Driver froundman	7.77	.30	1%	a	
Painters:					
Brush & roller	8.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Spray & Pot man	9.15	.50	.50		
Air Power Brush	8.65	.50	.50		
Plumbers	9.64	.75	.60		.07
Waterproofers	8.10	.40	.25		
Welders - receive prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

RI-1-PEO-1-P 1 of

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.60	.50	.85		.075
Economobile type equipment	9.375	.50	.85		.075
Fork lift	9.175	.50	.85		.075
Firemen and Oilers	7.625	.50	.85		.075
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075
Pippin type backhoes	8.525	.50	.85		.075
Maintenance Engineers	8.125	.50	.85		.075
Well-point Installation	8.25	.50	.85		.075
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075

RI-1-PEC-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds, and over	10.325	.50	.85		.075
Firemen and Oilers	8.20	.50	.85		.075
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075
Maintenance Engineers	9.025	.50	.85		.075
Well-point Installation Crews	9.05	.50	.85		.075
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075
Boat and Tug Operators	9.95	.50	.85		.075
Apprentices (Deckhands)	8.35	.50	.85		.075

NOTICES

R. I. 1-PEO-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$9.42	.50	.85		.075
Class II	8.57	.50	.85		.075
Class III	7.95	.50	.85		.075
Class IV	6.95	.50	.85		.075
Class V	7.90	.50	.85		.075
Class VI	8.02	.50	.85		.075
Class VII	8.00	.50	.85		.075
Class VIII	7.65	.50	.85		.075
Class IX	7.77	.50	.85		.075
Class X	6.80	.50	.85		.075
Class XI	6.25	.50	.85		.075
Class XII	7.85	.50	.85		.075
Class XIII	9.92	.50	.85		.075
Class XIV	10.17	.50	.85		.075

CLASSIFICATIONS
Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 Yds., economobile, rock carriers
Class II Fork lifts
Class III Firemen
Class IV Oilers
Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
Class VI Scrapers, graders, dozer pusher operator
Class VII Pippin type backhoe operator
Class VIII Maintenance engineer
Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
Class X Test boring machine operator
Class XI Test boring machine assistant
Class XII Well point installation crews
Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

RHODE ISLAND-1-TD-2-3-L

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$6.68	.45	.50	a+b	
Class II	6.83	.45	.50	a+b	
Class III	6.88	.45	.50	a+b	
Class IV	6.98	.45	.50	a+b	
Class V	7.08	.45	.50	a+b	
Class VI	7.33	.45	.50	a+b	
Class VII	7.58	.45	.50	a+b	

Class I
Pick-up trucks, Station Wagons and Panel Trucks
Class II
Two Axle, Helpers on Low Beds
Class III
Three Axle Equipment and ready mix equipment
Class IV
Four & Five Axle Equipment
Class V
Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
Class VI
Special Earth Moving Equipment over 35 tons
Class VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive : 1 week's vacation; 5 years or more - 2 weeks vacation.

NOTICES

SUPERSEDEAS DECISION

STATE: Rhode Island

COUNTIES: Bristol, Kent & Providence

DECISION NUMBER: R175-2031

DATE: Date of Publication

Supersedes Decision Number: AR-3077, dated August 2, 1974 in 39 FR 28083

DESCRIPTION OF WORK: Building Construction (including residential in Providence County), Heavy and Highway and Marine Construction.

1-2-3-RI-BRI-KENT-PROV-1-J

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.32	.71	.83		
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons and stone masons:					
Ashton, Berkeley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket and Valley Falls	9.65	.35	.35		.01
Bricklayers, cement masons, plasterers, stonemasons, marble, tile and terrazzo workers:					
Woonsocket, N. Smithfield, Burriville and Cumberland Hill	9.05	.40	.40		.01
Bristol and Kent Counties and Remainder of Providence County:					
Bricklayers and stone masons	9.15	.65	.55		.01
Cement masons	8.85	.50	.35		
Marble, tile and terrazzo workers	8.85	.55	.45		
Plasterers	8.55	.50	.35		
Carpenters, soft floor layers, piledrivermen:					
Burriville, No. Smithfield, Woonsocket Townships	8.44	.60	.40		
Residential	6.75	.60	.40		
Bristol & Kent Cos., & Remainder of Providence County					
Carpenters, soft floor layers & Piledrivermen	8.81	.60	.40		.01
Millwrights	9.06	.60	.40		.01
Carpenters, Residential	7.05	.60	.40		.01
Electricians (above 3 stories)	8.80	.38	7%+.50		.01
Electricians (up to and incl. 3 stories)	5.75	.38	7%		.01
Elevator constructors	9.30	.445	.29	2%+a+b	.01
Elevator constructors' helpers	6.51	.445	.29	2%+a+b	.01
Elevator constructors' helpers (Prob.)	4.65				
Glaziers	8.48	.47	.40	e	.01
Ironworkers: Str., orn., reinf.	7.95	.50	.90+.50		.01
Laborers:					
Laborers, Building:					
Laborers, carpenters tender, cement finisher tenders, mason tenders	7.00	.45	.40		.01

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1-2-4-RI-BRI-KENT-PROV-1-I 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers (Cont'd)					
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	$ 7.25	.45	.40		.075
Plasterers tenders	7.25	.45	.40		.075
Powdermen blasters	7.75	.45	.40		.075
Laborers: Wrecking:					
Laborers, signalmen	7.00	.45	.40		.075
Adzeman, burner, jackhammer	7.25	.45	.40		.075
Lathers	9.25	.45	.55		.01
Lead burners	8.75	.30		c	.01
Line Construction:					
Linemen	9.36	.30	1%	d	
Driver Groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Marble, tile and terrazzo workers' helpers	7.23		.50		
Painters:					
Brush and roller	8.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Spray and sand or water blasting and Pot man	9.15	.50	.50		
Air power bursh	8.65	.50	.50		
Plumbers	9.64	.75	.60		.07
Roofers:					
Composition, waterproofers	8.90	.45	.25		
Slate, tile ans precast concrete	9.10	.45	.25		
Helpers Class "A"	8.05	.45	.25		
Helpers CLASS "B"	7.50	.45	.25		
Sheet Metal Worker	9.53	.66	.75		.04
Sprinkler fitters	9.64	.50	.70		.01
Steamfitters, pipefitters	9.70	.45	.91		.07
Truck Drivers: Building					
2-axle; dumps	6.75	.40	.50		
3-axle; trailers	6.83	.40	.50		
Low beds, trailers (2½ tons & over) trailers (I-Beam), specialized earth moving equipment (Euclid-type)	7.08	.40	.50		
Euclid type equipment over 35 ton capacity	7.33	.40	.50		
Welders - receive rat prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:
A - New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 6% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F., Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 15 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Paid Holidays: A through F, Columbus Day providing employee has been employed 5 working days prior to the Holiday and provided the employee worked the scheduled work days immediately preceding and following the holiday.

e. Paid Holiday: "D".

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1-2-3-RI-BRI-KENT-PROV-2-3-4-B

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers, stone masons, catch basin, manhole builders	$ 8.67	.55	.40		.01
Carpenters, pile-drivers	9.11	.60	.40		.05
Cement masons - Finishers	7.25	.50	.35		
Electricians:					
Bristol, Kent and Providence Cos.	8.80	.38	7%+.50		.02
Ironworkers: Str., Orn., Reinf.	7.95	.50	.90+.50		.03
Laborers:					
Laborers	7.00	.45	.40		.075
Adzemen, asphalt rakers, barco type jumping tampers, chain saw operators concrete saw operators, demolition burners, fence and guard rail erectors grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, rapmp and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill ops. wood chipper operators concrete and power buggy operators	7.25	.45	.40		.075
Air track op.	7.50	.45	.40		.075
Blasterers and powdermen	7.75	.45	.40		.075
Pavers, rammers, curb setters	7.50	.45	.40		.075
Line Construction:					
Linemen	9.36	.30	1%	a	
Equipment Operator	7.77	.30	1%	a	
Groundman	6.33	.30	1%	a	
Driver groundman	7.37	.30	1%	a	
Painters:					
Bristol, Kent and Providence County:					
Brush & roller	8.15	.50	.50		
Strucutral steel, steam cleaning	7.90	.50	.50		
Spray & Pot man	9.15	.50	.50		
Air power brush	8.15	.50	.50		
Plumbers	9.64	.75	.60		.07
Waterproofers	8.10	.40	.25		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day provided employee has been employed 5 work days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

R, I, 1-PEO-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$9.42	.50	.85		.075
Class II	8.57	.50	.85		.075
Class III	7.95	.50	.85		.075
Class IV	6.95	.50	.85		.075
Class V	7.90	.50	.85		.075
Class VI	8.02	.50	.85		.075
Class VII	8.00	.50	.85		.075
Class VIII	7.65	.50	.85		.075
Class IX	7.77	.50	.85		.075
Class X	6.80	.50	.85		.075
Class XI	6.25	.50	.85		.075
Class XII	7.85	.50	.85		.075
Class XIII	9.92	.50	.85		.075
Class XIV	10.17	.50	.85		.075

CLASSIFICATIONS

Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists pavers, front end loaders 3 to 4 Yds., economobile, rons carriers
Class II Fork lifts
Class III Firemen
Class IV Oilers
Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
Class VI Scrapers, graders, dozer pusher operator
Class VII Pippin type backhoe operator
Class VIII Maintenance engineer
Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
Class X Test boring machine operator
Class XI Test boring machine assistant
Class XII Well point installation crews
Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

RHODE ISLAND-1-TD-2-3-L

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$6.68	.45	.50	a+b	
Class II	6.83	.45	.50	a+b	
Class III	6.88	.45	.50	a+b	
Class IV	6.98	.45	.50	a+b	
Class V	7.08	.45	.50	a+b	
Class VI	7.33	.45	.50	a+b	
Class VII	7.58	.45	.50	a+b	

Class I
Pick-up trucks, Station Wagons and Panel Trucks
Class II
Two Axle, Helpers on Low Beds
Class III
Three Axle Equipment and ready mix equipment
Class IV
Four & Five Axle Equipment
Class V
Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
Class VI
Special Earth Moving Equipment over 35 tons
Class VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive : 1 week's vacation; 5 years or more - 2 weeks vacation.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.60	.50	.85		.075	
Economobile type equipment	9.375	.50	.85		.075	
Fork lift	9.175	.50	.85		.075	
Firemen and Oilers	7.625	.50	.85		.075	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075	
Pippin type backhoes	8.525	.50	.85		.075	
Maintenance Engineers	8.125	.50	.85		.075	
Well-point Installation	8.25	.50	.85		.075	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075	

RI-1-PEO-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds, and over	10.325	.50	.85		.075	
Firemen and Oilers	8.20	.50	.85		.075	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075	
Maintenance Engineers	9.025	.50	.85		.075	
Well-point Installation Crews	9.05	.50	.85		.075	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075	
Boat and Tug Operators	9.95	.50	.85		.075	
Apprentices (Deckhands)	8.35	.50	.85		.075	

SUPERSEDEAS DECISION

STATE: Rhode Island
DECISION NUMBER: RI75-2032
Supersedes Decision No. AR-3078, dated August 2, 1974 in 39 FR 29726
DESCRIPTION OF WORK: Building (including residential), Heavy, Highway and Marine Construction.

COUNTY: Newport
DATE: Date of Publication

3-RI-1-N 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 8.80	.505	.45		
Boilermakers	9.08	.60	10%		.01
Bricklayers, stonemasons	9.15	.65	.55		.01
Carpenters:					
Little Compton, Tiverton:					
Carpenters & soft floor layers	8.75	.50	.50		.02
Millwrights	8.50	.50	.50		.03
Remainder of County:					
Carpenters and soft floor layers	8.23	.60	.40		.02
Millwrights and piledrivermen	8.83	.60	.40		.02
Cement masons	8.85	.50	.35		
Electricians:					
Little Compton, Tiverton	9.00	1%	1%+.25	1%	2%
Remainder of County (over 3 stories)	8.80	.38	1%+.50		.02
Remainder of County (up to and including 3 stories)	5.75	.38	1%		.02
Elevator constructors	9.30	.445	.29	2%+a+b	.02
Elevator constructors' helpers	6.51	.445	.29	2%+a+b	.02
Elevator constructors' helpers (Prob.)	4.65				
Glaziers	8.48	.47	.40	e	.01
Ironworkers:					
Str., Orn., & reinforcing	7.95	.50	.90+.50		.03
Laborers:					
Laborers, Building:					
Laborers, Carpenters tender, cement finisher tender, mason tender	7.00	.45	.40		.075
Jackhammers, paving breaker, chain saw Pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	7.25	.45	.40		.075
Plasterers tenders	7.25	.45	.40		.075
Powderman blasters	7.75	.45	.40		.075
Laborers, wrecking:					
Laborers, signalmen	7.00	.45	.40		.075
Adzman, burner, jackhammer	7.25	.45	.40		.075
Lathers	5.75	.25	.20		
Line Construction:					
Linemen	9.36	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Driver groundman	7.77	.30	1%	d	

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3-RI-1-N 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble setters, terrazzo worker and tile setters	$ 8.85	.55	.45		
Marble, tile and terrazzo helpers	7.23		.50		
Lead burners	8.75	.30		c	.01
Painters:					
Little Compton & Tiverton Twps.:					
Brush	7.78	.62	.45		.01
Structural steel & str. steel spray	10.88	.62	.85		.01
Spray (other than steel)	8.78	.62	.45		.01
Remainder of County:					
Brush and roller	8.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Spray & sand or water blasting and Pot man	9.15	.50	.50		
Air power brush	8.65	.50	.50		
Plasterers	8.55	.50	.35		
Plumbers	9.64	.75	.60		.07
Roofers:					
Composition, waterproofers	8.90	.45	.25		
Slate, tile, precast concrete	9.10	.45	.25		
Helpers, Class "A"	8.05	.45	.25		
Helpers, Class "A"	7.50	.45	.25		
Sheet metal workers	9.53	.66	.75		.01
Sprinkler fitters	9.64	.50	.70		.01
Steamfitters	9.70	.45	.91		.07
Truck Drivers, Building:					
Dumps & 2-axle equipment	6.75	.40	.50		
Trailers & 3-axle equipment	6.83	.40	.50		
Low bed trailers (24 tons & over, I-Beam trailers, Special earth moving equipment (Euclid type)	7.08	.40	.50		
Euclid type equipment over 35 ton capacity	7.33	.40	.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS: 3-RI-1-N 3 of 3

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 1% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar Days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

e. Paid Holiday: "D".

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3-RI-J-3-A-C 1 of 2

HEAVY, HIGHWAY, DIRT CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayer, stone mason, patch baker, manhole builder	$ 8.67	.55	.40		.01
Carpenters, dock builders, pile-drivers:					
Little Compton, Tiverton	8.55	.30	.30		
Remainder of County	8.75	.25	.35		.01
Cement masons	7.25	.50	.35		
Electricians:					
Little Compton, Tiverton	9.00	1%	1%+.25	1%	2%
Remainder of County	8.80	.38	1%+.50		.02
Ironworkers:					
Structural, ornamental, reinforcing	7.95	.50	.90+.50		.03
Laborers:					
Laborers	7.00	.45	.40		.075
Asbestos, asphalt rakers, barcotype jumping tampers, chain saw (pneumatic concrete and power buggy operators, concrete saw operators, demolition burners fence and guard rail erectors, highway utility sprenders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench breakers, pneumatic tool operators, tapers and dry stonewall builders, setters of steel curbs, line and roadways, stumper operators, tree toppers, tree trimmers, water drill ops., wood chipper operators	7.25	.45	.40		.075
Air break drill op.	7.50	.45	.40		.075
Blasters & powderman	7.75	.45	.40		.075
Pavers, rammers, curb setters	7.50	.45	.40		.075
Line Construction:					
Linemen	9.36	.30	1%	a	
Groundman	6.39	.30	1%	a	
Equipment operator	8.34	.30	1%	a	
Driver groundman	7.77	.30	1%	a	
Painters:					
Little Compton & Tiverton Twps:					
Brush	7.78	.62	.4		.01
Structural Steel	10.80	.62	.85		.01
Spray (other than steel)	8.78	.62	.45		.01
Remainder of County:					
Brush & Roller	8.15	.50	.50		
Spray & Pot man	9.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Air power brush	8.65	.50	.50		

HEAVY, HIGHWAY & MARINE:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plumbers	$ 9.64	.75	.60		.07
Waterproofers	8.10	.40	.25		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
A. Holidays A through F, Columbus Day provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

RHODE ISLAND-1-TD-2-J

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$6.68	.45	.50	a+b	
Class II	6.83	.45	.50	a+b	
Class III	6.88	.45	.50	a+b	
Class IV	6.98	.45	.50	a+b	
Class V	7.08	.45	.50	a+b	
Class VI	7.33	.45	.50	a+b	
Class VII	7.58	.45	.50	a+b	

Class I
Pick-up trucks, Station Wagons and Panel Trucks
Class II
Two Axle, Helpers on Low Beds
Class III
Three Axle Equipment and ready mix equipment
Class IV
Four & Five Axle Equipment
Class V
Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
Class VI
Special Earth Moving Equipment over 35 tons
Class VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive : 1 week's vacation; 5 years or more - 2 weeks vacation.

RI-1-PEO-1-P 1 of 1

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.60	.50	.85		.075	
Economobile type equipment	9.375	.50	.85		.075	
Fork lift	9.175	.50	.85		.075	
Firemen and Oilers	7.625	.50	.85		.075	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075	
Pippin type backhoes	8.525	.50	.85		.075	
Maintenance Engineers	8.125	.50	.85		.075	
Well-point Installation	8.25	.50	.85		.075	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075	

RI-1-PEC-2-A-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds, and over	10.325	.50	.85		.075	
Firemen and Oilers	8.20	.50	.85		.075	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075	
Maintenance Engineers	9.025	.50	.85		.075	
Well-point Installation Crews	9.05	.50	.85		.075	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075	
Boat and Tug Operators	9.95	.50	.85		.075	
Apprentices (Deckhands)	8.35	.50	.85		.075	

R. I. 1-PEO-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$9.42	.50	.85		.075
Class II	8.57	.50	.85		.075
Class III	7.95	.50	.85		.075
Class IV	6.95	.50	.85		.075
Class V	7.90	.50	.85		.075
Class VI	8.02	.50	.85		.075
Class VII	8.00	.50	.85		.075
Class VIII	7.65	.50	.85		.075
Class IX	7.77	.50	.85		.075
Class X	6.80	.50	.85		.075
Class XI	6.25	.50	.85		.075
Class XII	7.85	.50	.85		.075
Class XIII	9.92	.50	.85		.075
Class XIV	10.17	.50	.85		.075

CLASSIFICATIONS
Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 Yds., economobile, ross carriers
Class II Fork lifts
Class III Firemen
Class IV Oilers
Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
Class VI Scrapers, graders, dozer pusher operator
Class VII Pippin type backhoe operator
Class VIII Maintenance engineer
Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
Class X Test boring machine operator
Class XI Test boring machine assistant
Class XII Well point installation crews
Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

SUPERSEDEAS DECISION

STATE: West Virginia

COUNTIES: Barbour, Boone, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Tyler, Upshur, Wayne, Wetzel, Wirt & Wood

DECISION NO.: WV75-3007 DATE: Date of Publication

Supersedes Decision Nos. AR-2055, dated September 27, 1974, in 39 FR 34907, No. AQ-2051, dated March 15, 1974 in 39 FR 10072, No. AQ-2088, dated March 29, 1974 in 39 FR 11845, and No. AQ-2087, dated March 29, 1974, in 39 FR 11843.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See Heavy and Highway Construction General Wage Determination for all work in connection with the clearing and grading of the site, also all paving incidental to the project, and all incidental water lines and sewers utilities to within 5 feet of the building line, when such work is let as a separate contract by the owner or as a subcontract by the prime contractor.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
ZONE 1	$ 9.85	.40	.35		.03
ZONE 2	9.92	.35	.70		

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Boone, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Jackson, Kanawha, Lewis, Mason, Pleasants, Putnam, Ritchie, Upshur, Wayne, Wirt & Wood Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Tyler & Wetzel Counties.

BOILERMAKERS:					
ZONE 1	8.30	.30	.70	.75	.02
ZONE 2	9.07	7%	7%		.01

AREA COVERED BY BOILERMAKERS ZONES

ZONE 1 - Boone, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Jackson, Kanawha, Lewis, Mason, Pleasants, Putnam, Ritchie, Upshure, Wayne, Wirt & Wood Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Tyler & Wetzel Counties.

BRICKLAYERS & STONEMASONS:					
ZONE 1	8.50	.50	.75		
ZONE 2	8.55	.30	.30	.30	
ZONE 3	8.25	.50	4%	6%	.02
ZONE 4	9.03	.35			
ZONE 5	8.65	.30	.25		
ZONE 6	9.15	.40			
ZONE 7	9.83		.20		
ZONE 8	8.30	.45			

DECISION NO. WV75-3007

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis & Upshur Counties.
ZONE 3 - Marshall, Ohio, Tyler & Wetzel Counties.
ZONE 4 - Brooke & Hancock Counties.
ZONE 5 - Monongalia County.
ZONE 6 - Marion County.
ZONE 7 - Cabell, Mason & Wayne Counties.
ZONE 8 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
ZONE 1					
Contracts under $100,000	$ 8.45	.25	.20		.04
Contracts $100,000 or more	8.70	.25	.20		.04
ZONE 2	8.18	.40	.50		.03
ZONE 3	9.25	.25	.25		.02
ZONE 4	8.41	.25	.25		.02
ZONE 5	8.65	.40	.50		.01

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Pleasants, Tyler, Upshur & Wetzel Counties.

ZONE 2 - Cabell & Wayne Counties.
ZONE 3 - Boone, Clay, Fayette, Jackson (southern portion including the towns of Leon, Ripley & Hereford), Kanawha, Mason & Putnam Counties.
ZONE 4 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.
ZONE 5 - Brooke, Hancock, Marshall & Ohio Counties.

DECISION NO. WV75-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
ZONE 1	$ 8.00				
ZONE 2	8.30		.65		
ZONE 3	7.76	.40			.01
ZONE 4	7.91	.50			
ZONE 5	7.36	.38	.05	.30	.03
ZONE 6	8.90				

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Calhoun, Jackson, Pleasants, Ritchie, Tyler Wirt & Wood Counties.
ZONE 2 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 3 - Brooke (the northern portion to Buffalo Creek) and Hancock Counties.
ZONE 4 - Brooke (remainder of county), Marshall, Ohio & Wetzel Counties.
ZONE 5 - Monongalia County.
ZONE 6 - Barbour, Doddridge, Harrison, Lewis & Upshur Counties.

ELECTRICIANS:					
ZONE 1					
Wiremen	9.55	.30	1%+.07	.27	.04
Cable Splicers	10.51	.30	1%+.07	.27	.04
ZONE 2					
Contracts $15,000 or less					
Wiremen	5.95	.30	1%+.12	.52	.04
Cable Splicers	6.25	.30	1%+.12	.52	.04
Contracts over $15,000					
Wiremen	8.85	.30	1%+.12	.52	.04
Cable Splicers	9.45	.30	1%+.12	.52	.04
ZONE 3					
Wiremen	8.25	.30	1%	1.02	.03
Cable Splicers	9.075	.30	1%	1.02	.03
ZONE 4					
Wiremen	8.80	.30	1%+.17	.69+a	.04
Cable Splicers	9.05	.30	1%+.17	.69+a	.04
ZONE 5					
Wiremen	10.00	5%	6%	8%	1/5of1%
Cable Splicers	10.40	5%	6%	8%	1/5of1%

DECISION NO WV75-3007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 6					
Contracts under $9,000					
Wiremen	$ 4.90	.30	1%+.37	1.02	.02
Contracts $9,000 or more					
Wiremen	8.25	.30	1%+.37	1.02	.02
Cable Splicers	8.40	.30	1%+.37	1.02	.02
ZONE 7					
Wiremen	8.40	.30	1%+.77	1.02	.04
Cable Splicers	8.65	.30	1%+.77	1.02	.04
ZONE 8					
Wiremen	8.90	.30	1%+.32	1.02	.04
Cable Splicers	9.79	.30	1%+.32	1.02	.04
ZONE 9					
Wiremen	9.35	.30	1%+.32	1.02	.04
Cable Splicers	10.28	.30	1%+.32	1.02	.04

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Boone, Calhoun, Clay, Fayette (Falls & Kanawha Townships Only), Gilmer, Kanawha & Putnam Counties.
ZONE 2 - Fayette (remainder of county) County.
ZONE 3 - Barbour, Doddridge, Harrison, Lewis, & Upshur Counties.
ZONE 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.
ZONE 5 - Brooke (except Buffalo Twp) & Hancock Counties.
ZONE 6 - Marion & Monongalia Counties.
ZONE 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 8 - Cabell & Wayne Counties.
ZONE 9 - Mason County.

ELEVATOR CONSTRUCTORS:					
ZONE 1					
Mechanics	8.58	.395	.26	2½%+a+b	
Helpers	6.01	.395	.26	2½%+a+b	
Probationary Helpers	4.29				
ZONE 2					
Mechanics	9.38	.445	.29	3%+a+b	
Helpers	6.57	.445	.29	3%+a+b	
Probationary Helpers	4.69				

DECISION NO. WV75-3007

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 3					
Mechanics	$ 8.34	.395	.26	2%+a+b	
Helpers	5.84	.395	.26	2%+a+b	
Probationary Helpers	4.17				

AREA COVERED BY ELEVATOR CONSTRUCTORS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Cabell, Mason & Wayne Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.

GLAZIERS:					
Barbour, Doddridge, Gilmer, Harrison, Lewis & Upshur Counties	5.30	.24	.20	.52	
IRONWORKERS:					
ZONE 1	9.35	.55	.55		.05
ZONE 2	8.95	.60	.50	5%	.03
ZONE 3	8.89	.55	.85		.01
ZONE 4					
AREA 1 - 10 mi from Union Hall	9.66	.55	.55		.01
AREA 2 - 10-15 mi from Union Hall	9.81	.55	.55		.01
AREA 3 - 15-20 mi from Union Hall	9.91	.55	.55		.01
AREA 4 - 20-25 mi from Union Hall	10.01	.55	.55		.01

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Tyler & Wetzel Counties.
ZONE 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Upshur, Wirt & Wood Counties.
ZONE 4 - Cabell & Wayne Counties.

DECISION NO. WV75-3007

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
ZONE 1					
GROUP 1	$ 6.21	.25	.25		.03
GROUP 2	6.51	.25	.25		.03
GROUP 3	6.86	.25	.25		.03
ZONE 2					
GROUP 1	6.50	.25	.25		.03
GROUP 2	6.80	.25	.25		.03
GROUP 3	7.15	.25	.25		.03
ZONE 3					
GROUP 1	6.00	.25	.25		.03
GROUP 2	6.30	.25	.25		.03
GROUP 3	6.65	.25	.25		.03
ZONE 4					
GROUP 1	6.63	.50	.30		.02
GROUP 2	6.775	.50	.30		.02
GROUP 3	6.83	.50	.30		.02
GROUP 4	6.875	.50	.30		.02
GROUP 5	6.96	.50	.30		.02
GROUP 6	7.13	.50	.30		.02
GROUP 7	7.16	.50	.30		.02
GROUP 8	7.31	.50	.30		.02
GROUP 9	7.46	.50	.30		.02
GROUP 10	7.53	.50	.30		.02

CLASSIFICATION DEFINITIONS
LABORERS - ZONES 1,2&3

GROUP 1 - Laborers: carpenter tender: flagmen: water boy: demolition worker; fire watch; landscape laborer.
GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; chainmen & rod men; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tender; stone masons tenders; lathers tenders; tile setters tenders; mortar mixers; jackhammer operators; vibrator operators; temper operators; pavement buster operators; chipping & peening hammer operators; air sysphon & air pump operators; riprap finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpers; drill operators helpers; sheeters & shorers; post hole digger operators; asphalt rakers; lance and/or water blaster operators; blacksmith helpers; batch house scale operators; workmen working with acid porter, acid brick, acid or mastic asphalt; workmen working creosote; nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tampers.
GROUP 3 - Blacksmith; powderman; air track operator; pipe layer (including laser beam set-up); burner.

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LABORERS - ZONE 4

GROUP 1 - General laborers; carpenters tenders.
GROUP 2 - Brick handlers; tenders for brick masons, plasterers, stone masons; tile setters; mortarmen for masons & plasterers; men mixing cement for cement finishers.
GROUP 3 - Operators of concrete busters, jackhammers, air spades, chipping hammers, air tampers, vibrators, power buggy, cement saw, power saw, sandblaster, acetylene burners; welders; scuba divers; panel cleaning machines; all power driven tools operators; air pump operators; air blow pipe operators; pipe layers & helpers working in ditches or tunnels; hand spikers on railroads.
GROUP 4 - Ditches, trenches, caissons & coffers over 6' deep (open top).
GROUP 5 - Laborers performing work pertaining to or in connection with repair stoves, blast furnaces & basic oxygen process furnaces, steeples & stacks, annealing process furnaces, kilns, soaking pits, coke battries on industrial work; demolition of stacks 50' to 100'; tunnel leborers, muckers, including caisson & coffers, horizontal & underground.
GROUP 6 - Demolition of stacks 100' to 150'.
GROUP 7 - Miners, including caissons & coffers, horizontal or underground; mucking machine operators.
GROUP 8 - Blaster men & helpers; billmen & lancer; bottom-men in blast furnaces; stacks, stoves & dust covers.
GROUP 9 - Gunnite nozzlemen.
GROUP 10 - Demolition of stacks over 150'.

AREA COVERED BY LABORERS ZONES

ZONE 1 - Cabell, Mason & Wayne Counties.
ZONE 2 - Marshall, Ohio & Wetzel Counties.
ZONE 3 - Barbour, Boone, Calhoun, Clay, Doddridge, Fayette, Gilmer, Harrison, Jackson, Kanawha, Lewis, Marion, Monongalia, Pleasants, Putnam, Ritchie, Tyler, Upshur, Wirt & Wood Counties.
ZONE 4 - Brooke & Hancock Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS:					
ZONE 1	$ 8.30		.10		
ZONE 2	8.75		.10		.01
ZONE 3	8.03	.30	.10		.03
ZONE 4	8.53	.45	1.10		.01
ZONE 5	7.865		.10		
ZONE 6	7.68		.15		.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Tyler, Upshur & Wetzel Counties.
ZONE 3 - Brooke, Marshall & Ohio Counties.
ZONE 4 - Hancock County.
ZONE 5 - Cabell, Mason & Wayne Counties.
ZONE 6 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.

LINE CONSTRUCTION:					
ZONE 1					
Linemen & Operators (all mechanized equipment)	9.06	.30	1%+.17	1.02	
Cable Splicers	9.97	.30	1%+.17	1.02	
Groundmen	7.25	.30	1%+.17	1.02	
ZONE 2					
Linemen & Operators (all mechanized equipment)	8.85	.30	1%+.12	.52	
Cable Splicers	9.45	.30	1%+.12	.52	
Groundmen	7.08	.30	1%+.12	.52	
ZONE 3					
Linemen& Operators (all mechanized equipment)	8.40	.30	1%+.77	1.02	
Cable Splicers	9.24	.30	1%+.77	1.02	
Groundmen	6.72	.30	1%+.77	1.02	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 4					
Linemen & Operators (all mechanized equipment)	$ 8.25	.30	1%	1.02	
Cable Splicers	9.075	.30	1%	1.02	
Groundmen	6.60	.30	1%	1.02	
ZONE 5					
Linemen & Operators (all mechanized equipment)	8.80	.30	1%+.17	.69+a	
Cable Splicers	9.05	.30	1%+.17	.69+a	
Groundman	7.04	.30	1%+.17	.69+a	
ZONE 6					
Linemen & Operators (all mechanized equipment)	10.00	5%	6%	8%	1/5of1%
Cable Splicers	10.40	5%	6%	8%	1/5of1%
Groundmen	6.50	5%	6%	8%	1/5of1%
ZONE 7					
Linemen & Operators (all mechanized equipment	8.25	.30	1%+.37	1.02	
Cable Splicers	9.075	.30	1%+.37	1.02	
Groundmen	6.60	.30	1%+.37	1.02	

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Boone, Cabell, Calhoun, Clay, Gilmer, Kanawha, Mason, Putnam & Wayne Counties.
ZONE 2 - Fayette County.
ZONE 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 4 - Barbour, Doddridge, Harrison, Lewis & Upshur Counties.
ZONE 5 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.
ZONE 6 - Brooke (except Buffalo Twp) & Hancock Counties.
ZONE 7 - Marion & Monongalia Counties.

MARBLE MASONS:					
ZONE 1	8.50	.50	.75		
ZONE 2	8.42		.20		
ZONE 3	7.80		.45		
ZONE 4	8.55	.30	.30	.30	

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AREA COVERED BY MARBLE MASONS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Cabell, Mason & Wayne Counties.
ZONE 3 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.
ZONE 4 - Doddridge, Gilmer, Harrison, Lewis & Upshur Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS HELPERS, TERRAZZO WORKERS HELPERS & TILE SETTERS HELPERS:					
Cabell, Mason & Wayne Counties	$ 6.975		.20		
MILLWRIGHTS:					
ZONE 1	9.53	.25	.25		.03
ZONE 2	7.50	.30	.65	.70	.10
ZONE 3	9.08	.40	.50		.01
ZONE 4	9.00	.25	.20		.04
ZONE 5	9.18	.40	.37		.03

AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Boone, Clay, Fayette, Jackson (southern portion including the Towns of Leon, Ripley & Hereford), Kanawha, Mason & Putnam Counties.
ZONE 2 - Calhoun, Jackson (remainder of county), Pleasants, Ritchie, Tyler, Wetzel, Wirt & Wood Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 4 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia & Upshur Counties.
ZONE 5 - Cabell & Wayne Counties.

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	REPAINT Basic Hourly Rates	NEW Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
PAINTERS:						
ZONE 1						
Air Compressor Operator	$ 6.16	6.785				
Brush Painting	6.175	6.78				
Roller Dry-Wall Painters, Spray, Dipping & Mitten Work, Vinyle Hangers & Paperhangers	6.46	7.075				
Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & Boatswain Chair, Window Belt & Window Jack Work	7.10	7.56				
Brush Painters on Bridges, Needle Beam, Cable Work, Power Tool Work, Brush & Flame Cleaning	7.46	7.92				
Operating Mechanical Taping Machines	7.65	8.255				
Sand Blasters	7.74	8.225				
All Stacks, Vent Pipes, Flag Poles, in excess of 30' high, all Towers, Water Towers, Elevated Towers, Electrical Switch Yards, Transformer Banks & Television Towers	8.63	9.10				

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	OLD Basic Hourly Rates	NEW Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
ZONE 2						
Flagman or Boatman Brush-Roller, Paperhanging-Wall Covering (under 48"), Dry Wall Finishing Hanging & Preparing Scaffolding	$ 4.25	5.00				
Dry Wall Machine Tool	5.25	6.00				
Power Cleaning Tool Wall Covering 48" or over, Spray, Sandblasting & Mitten, structural Steel, Material Exitting Toxic Vapors	5.50	6.25				
	5.75	6.50				
	6.00	7.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
Commercial	$ 7.40				
Drywall Finishers	7.65				
Swing Work	7.75				
Spray Painters & Sand Blasters	8.40				
Towers, Tanks & Stacks	8.65				
ZONE 4					
NEW CONSTRUCTION:					
Brush	7.27		.20		.01
Roller	7.53		.20		.01
Spray & Blast	8.29		.20		.01
Pot-Men	8.29		.20		.01
COMMERCIAL REPAINT:					
Brush	5.85		.20		.01
Roller	6.13		.20		.01
Paper Hanger	7.27		.20		.01
Dry Wall	7.72		.20		.01
Spray-Pot-MEN	8.29		.20		.01
Paper & Vinyle Hangers	7.27		.20		.01
Open Structural Steel	7.62		.20		.01

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Dry Wall Painters & Tapers	$ 7.72		.20		.01
Liquid Tile Brush	8.04		.20		.01
Stacks, Vent Pipes, Flag Poles, Electrical Radio & T.V. Towers & Tanks over 30' high	8.22		.20		.01
Hydrojet, Steam Cleaning & Glove Work	8.29		.20		.01
Operating Mechanical Taping Machine	8.72		.20		.01
ZONE 5					
Commercial	6.27	.20	.25		.02
Hazardous Work	7.95	.20	.25		.02
ZONE 6					
Brush	5.92	.30			.01
Spray	6.92	.30			.01
Structural Steel	7.00	.30			.01
Towers & Tanks over 35'	8.24	.30			.01
ZONE 7					
Brush	5.20	.30	.20		
Roller	5.45	.30	.20		
Spray	5.90	.30	.20		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Monongalia County.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion & Upshur Counties.
ZONE 4 - Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 5 - Cabell, Mason & Wayne Counties.
ZONE 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 7 - Brooke (remainder of county) & Hancock Counties.

PILEDRIVERMEN:					
ZONE 1	9.27	5%	7%		½ of 1%
ZONE 2					
Contracts less than $100,000	8.95	.25	.20		.04
Contracts $100,000 or more	9.20	.25	.20		.04
ZONE 3	8.45	.40	.50		.03
ZONE 4	9.50	.25	.25		.02
ZONE 5	8.66	.25	.25		.02

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AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 2 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Pleasants, Tyler, Upshur & Wetzel Counties.
ZONE 3 - Cabell & Wayne Counties.
ZONE 4 - Boone, Clay, Fayette, Jackson (southern portion including the towns of Leon, Ripley & Hereford), Kanawha & Putnam Counties.
ZONE 5 - Calhoun, Jackson (remainder of county), Ritchie, Wirt &/Wood Counties.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
ZONE 1	$ 8.65				.01
ZONE 2	8.00				
ZONE 3	8.80				
ZONE 4	8.51	.30			
ZONE 5	8.25	.25			

AREAS COVERED BY PLASTERERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 3 - Barbour, Doddridge, Harrison, Lewis & Upshur Counties.
ZONE 4 - Brooke (southern portion from but not including the City of Wellsburg), Marshall, Ohio & Wetzel Counties.
ZONE 5 - Brooke (remainder of county) & Hancock Counties.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1	$ 8.55	.35	5%	10%	.04
ZONE 2	9.51	.40	6%	8%	.05
ZONE 3	8.13	.25	.30	10%	.04
ZONE 4	8.38	.35	.50	10%	.04
ZONE 5	8.90	.35	3%		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 6					
AREA 1 - within 8 mi radius of Cabell Co. Courthouse, Huntington, W.V.	$ 9.42	.40	.60		.02
AREA 2 - 8 to 15 mi. from the Courthouse	9.62	.40	.60		.02
AREA 3 - 15 to 25 mi. from the Courthouse	9.82	.40	.60		.02
AREA 4 - Over 25 mi. from the Courthouse	10.07	.40	.60		.02

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 2 - Brooke (remainder of county) & Hancock Counties.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion & Upshur Counties.
ZONE 4 - Monongalia County.
ZONE 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Ritchie, Tyler Wirt & Wood Counties.
ZONE 6 - Boone (southwest portion to but not including the Towns of Madison & Whitesville), Cabell, Mason & Wayne Counties.

PLUMBERS & STEAMFITTERS:					
Plumbers	9.02	.45	.30		.05
Steamfitters	9.32	.30	.15		.05

AREA COVERED BY PLUMBERS & STEAMFITTERS

Boone (northeast portion including the Towns of Madison & Whitesville), Clay, Fayette, Jackson (southern portion including the Town of Ripley), Kanawha & Putnam Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 9.40	.25	.35		.04
GROUP 2	8.90	.25	.35		.04
GROUP 3	8.50	.25	.35		.04
GROUP 4	8.10	.25	.35		.04
GROUP 5	7.40	.25	.35		.04

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Operating cranes, derricks, tower cranes, and similar equipment, having a reach from the top of its boom to the ground of 175' or a lifting capacity of 70 tons; all shovels, draglines, clamshells, backhoes, end-loaders, and concrete mixing plants of 4 cubic yard capacity or over; hoist with 18,000 pound line pull or over.
GROUP 2 - All mechanics and those operating cranes, derricks and similar equipment hydraulic cranes in excess of 15 tons capacity; all shovels, draglines, clamshells, gradealls, tug or tow boats; concrete clamshells, gradealls, tug or tow boats - concrete mixing plants of 3 cubic yards capacity; endloaders in excess of 2½ cubic yards capacity; backhoes in excess of ¾ cubic yard capacity; hoist in excess of 5,000 pounds line pull; side boom cat, standard guage locomotive.
GROUP 3 - Hydraulic cranes up to and including 15 tons capacity; endloaders up to and including 2½ cubic yards capacity; backhoes up to and including ¾ cubic yard capacity; two drum hoist; well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (60 CFM or over), high compression equipment, concrete pumps double.
GROUP 4 - Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single) "A" frame truck, rubber tired scraper, power grader, dozer, tractor and pan, push cat, all tractors, oiler's standard guage locomotive crane, truck cranes; over 15 tons, grease truck operator end greaser, fireman, deckhand, asphalt and concrete paving equipment operators.
GROUP 5 - Roller and compactor, concrete mixer, (1 bag) Barbour Greene loader, mechanic helper, crawler crane oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater and pump operator.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
ZONE 1	$ 7.45		.10		
ZONE 2	9.09	.34	.10		c
ZONE 3	8.68	.10	.15		
ZONE 4					
Commercial:					
Roofers	8.45		.10		.01
Waterproofers	8.70		.10		.01
Unprotected roofing or reroofing:					
Roofers	6.50		.10		.01
Waterproofers	6.75		.10		.01

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Cabell & Wayne Counties.
ZONE 2 - Boone, Clay, Fayette, Kanawha, Mason & Putnam Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 4 - Barbour, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Ritchie, Tyler, Upshur, Wetzel, Wirt & Wood Counties.

SHEET METAL WORKERS:					
ZONE 1	8.93	.34	.40		.04
ZONE 2	9.21	.45	.40		.05
ZONE 3	8.58	.45	.45		.02
ZONE 4	8.80	.30	.20		.03

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha, Mason & Putnam Counties.
ZONE 2 - Cabell & Wayne Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 4 - Barbour, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pleasants, Ritchie, Tyler, Upshur, Wetzel, Wirt & Wood Counties.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
ZONE 1	$ 9.25	.25	.25		.02
ZONE 2	8.01	.25	.25		.02
ZONE 3	8.65	.40	.50		.01
ZONE 4	8.18	.40	.50		.03

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Boone, Clay, Fayette, Jackson (southern portion including the towns of Leon, Ripley & Hereford), Kanawha, Mason & Putnam Counties.
ZONE 2 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.
ZONE 3 - Brooke, Hancock, Marshall & Ohio Counties.
ZONE 4 - Cabell & Wayne Counties.

SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS:					
ZONE 1	8.50	.50	.75		
ZONE 2	8.55	.30	.30	.30	
ZONE 3	8.30	.45			
ZONE 4	8.42		.20		

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis & Upshur Counties.
ZONE 3 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.
ZONE 4 - Cabell, Mason & Wayne Counties.

TILE LAYERS:				
ZONE 1	8.50	.50	.75	
ZONE 2	8.55	.30	.30	.30
ZONE 3	7.80	.45		
ZONE 4	8.84		.20	

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AREA COVERED BY TILE LAYERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis & Upshur Counties.
ZONE 3 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.
ZONE 4 - Cabell, Mason & Wayne Counties.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	$ 7.71	d	e		
GROUP 2	7.81	d	e		
GROUP 3	7.96	d	e		
GROUP 4	8.01	d	e		
GROUP 5	8.06	d	e		
GROUP 6	8.11	d	e		
GROUP 7	8.36	d	e		
ZONE 2					
GROUP 1	6.30	f	g		
GROUP 2	6.40	f	g		
GROUP 3	6.55	f	g		
GROUP 4	6.70	f	g		
GROUP 5	6.95	f	g		
GROUP 6	7.05	f	g		
ZONE 3					
GROUP 1	7.50	f	h	.50	
GROUP 2	7.60	f	h	.50	
GROUP 3	7.75	f	h	.50	
GROUP 4	7.80	f	h	.50	
GROUP 5	7.85	f	h	.50	
GROUP 6	7.90	f	h	.50	
GROUP 7	8.15	f	h	.50	
ZONE 4					
GROUP 1	6.10	i	g		
GROUP 2	6.20	i	g		
GROUP 3	6.40	i	g		
GROUP 4	6.45	i	g		
GROUP 5	6.50	i	g		
GROUP 6	6.88	i	g		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 5					
GROUP 1	$ 5.89	j	k	l	
GROUP 2	5.88	j	k	l	
GROUP 3	5.90	j	k	l	
GROUP 4	6.00	j	k	l	
GROUP 5	6.08	j	k	l	
GROUP 6	6.13	j	k	l	
GROUP 7	6.16	j	k	l	
GROUP 8	6.43	j	k	l	
GROUP 9	6.50	j	k	l	
GROUP 10	6.53	j	k	l	
ZONE 6					
GROUP 1	5.37	m			
GROUP 2	5.38	m			
GROUP 3	5.42	m			
GROUP 4	5.45	m			
GROUP 5	5.47	m			
GROUP 6	5.70	m			
GROUP 7	6.00	m			
GROUP 8	6.10	m			

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 1

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, flatbody material truck (straight job), greasers, washers, tiremen, gas pumps attendants, dump trucks (up to 5 cubic yards).
GROUP 2 - Tank truck (straight).
GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers, (whether flat rack, or pole and hauled or pushed by truck or tractor), Agitator or mixer trucks (up to 5 cubic yards), farm type tractor, tank truck (semi).
GROUP 4 - Low-Boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, moni-rail truck.
GROUP 5 - Material checker and receiver, mechanics helpers.
GROUP 6 - Agitator or mixer truck (5 cubic yards and over).
GROUP 7 - Mechanics, euclid, dumpster, turnarocker, mass carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

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TRUCK DRIVERS ZONE 2

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks.
GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), greasers, washers, tiremen, gas pump attendants, mechanic helpers, material checkers & receivers, tank truck (straight).
GROUP 3 - Dump trucks (5 cubic yards & over), semi-dump trucks, semi-trailers (whether flat, rack or pole and hauled or pushed by truck or tractors), agitators or mixed trucks (up to 5 cubic yards), tank trucks (semi), monorails.
GROUP 4 - Low-boy trailers, winch trucks, fork truck, distributor trucks (front and back end), truck crane, agitators or mixer trucks (5 cubic yards & over), hydraulic tail gate, farm type tractors.
GROUP 5 - Euclids, dumpsters, turnarockers, ross carriers, athey wagons or similar equipment, A-frame, hydrolift, dual purpose trucks.
GROUP 6 - Mechanics.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, flatbody material truck (straight job), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cubic yards).
GROUP 2 - Tank truck (straight).
GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers (whether flat rack or pole and hauled or pushed by truck or tractors), agitator or mixer trucks (up to 5 cubic yards), tank truck (semi).
GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributer trucks (front and back end), truck crane, moni-rail truck.
GROUP 5 - Material checker and receiver, mechanics helpers.
GROUP 6 - Agitator or mixer truck (5 cubic yards and over).
GROUP 7 - Mechanics, tri-axle dump trucks, hydraulic lift tailgate truck and farm type tractors, end dumpsters, turnarockers, ross carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

DECISION NO. WV75-3007

TRUCK DRIVERS - ZONE 4

GROUP 1 - Warehouse, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, team 2 - up.
GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), material checkers, material receivers, team 4 - up, greasers, tiremen and mechanic helpers (truck).
GROUP 3 - Semi-dump truck, semi-trailers (flat rack or pole), low-boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 to 12 yards).
GROUP 4 - Dump truck, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker, rubber-tired tractors (towing or pushing).
GROUP 5 - Dump truck, agitator or mixer trucks and other hauling equipment (20 yards and over).
GROUP 6 - "A" Frame operator, mechanics (truck).

TRUCK DRIVERS ZONE 5

GROUP 1 - Flat bed material trucks, dump trucks, semi-dump trucks.
GROUP 2 - Tank trucks (straight & semi).
GROUP 3 - Semi-trailers, tractor trailers.
GROUP 4 - Pole trailer.
GROUP 5 - Agitator & mixer trucks (up to 5 cubic yards).
GROUP 6 - Euclids, dumpsters, turnarocker, ross carriers, athey wagons.
GROUP 7 - Agitator & mixer trucks (over 5 cubic yards).
GROUP 8 - Low-boy trailers, winch trucks, ford trucks (front and back end), truck crane.
GROUP 9 - A-Frame.
GROUP 10 - Mechanics.

DECISION NO. WV75-3007

TRUCK DRIVERS - ZONE 6

GROUP 1 - Warehousemen, yardmen, truck helpers.
GROUP 2 - Greasers, washers, tiremen, gas pump attendants, mechanics helpers.
GROUP 3 - Flatboy material trucks, dump trucks, semi-trucks.
GROUP 4 - Tank trucks (straight & semi).
GROUP 5 - Semi-trailers & tractor trailers.
GROUP 6 - Euclids, dumpsters, turnarockers, ross carriers, athey wagons.
GROUP 7 - Low-boy trailers, winch trucks, A-frame, fork trucks, distributos (front & back end), truck crane.
GROUP 8 - Mechanics.

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Boone, Clay, Fayette, Kanawha & Putnam Counties.
ZONE 2 - Calhoun, Gilmer, Jackson, Pleasents, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 3 - Cabell, Mason & Wayne Counties.
ZONE 4 - Barbour, Doddridge, Harrison, Lewis, Marion, Monongalia & Upshur Counties.
ZONE 5 - Marshall, Ohio & Wetzel Counties.
ZONE 6 - Brooke & Hancock Counties.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Employer contributes 2¢ per hour per employer from June 1 to December 31.

d. Employer contributes $41.16 per month per employee employed 30 days or more.

DECISION NO. WV75-3007

FOOTNOTES (CONT'D):

e. Employer contributes $34.67 per month per employee.

f. Employer contributes $58.50 per month per employee employed 30 days or more.

g. Employer contributes $26.00 per month per employee employed 30 days or more.

h. Employer contributes $34.67 per month per employee employed 30 days or more.

i. Employer contributes $28.50 per month per employee employed 30 days or more.

j. Employer contributes $6.30 per week per employee.

k. Employer contributes $6.00 per week per employee.

l. One week's paid vacation.

m. Employer contributes $9.50 per week per employee.

[FR Doc.75-3266 Filed 2-6-75;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF JANUARY 10, 1975

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Light Engineering
(U)—Utility
(S)—Utility
(W&S)—Water and Sewer Lines

Signed at Washington, D.C., this 31st day of January 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AR-4013 (U)
39 FR 27397 - 7/26/74
Decision #AQ-4086 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
Mod. #1 - 40 FR 2373 - 1/10/75
AUTAUGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
BALDWIN COUNTY
Decision #AQ-4060 (R)
39 FR 3374 - 1/25/74
(Hw) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Statewide
BIBB COUNTY
(D) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8/20/71
(D) - See Statewide
(Hw) - See Statewide
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Statewide
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
CHAMBERS COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHEROKEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHILTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHOCTAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

CLAY COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COLBERT COUNTY
Decision #AR-4015 (B)
39 FR 28772 - 8/9/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 41655 - 11/29/74
Mod. #3 - 39 FR 42804 - 12/6/74
Mod. #4 - 40 FR 2373 - 1/10/75
(Hw) - See Statewide
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Statewide
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Statewide
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Statewide
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Statewide
ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Statewide
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JEFFERSON COUNTY
Decision #AR-4043 (B)
39 FR 35918 - 10/4/74
Mod. #1 - 39 FR 41655 - 11/29/74
Mod. #2 - 39 FR 42804 - 12/6/74
Mod. #3 - 40 FR 2373 - 1/10/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(B) - See Colbert County
(D) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
Decision #AR-4033 (B)
39 FR 33145 - 9/13/74
Mod. #1 - 39 FR 35903 - 10/4/74
Mod. #2 - 40 FR 2373 - 1/10/75
(D) - See Statewide
(Hw) - See Statewide
LEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(D) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AR-4067 (B)
39 FR 44151 - 12/20/74
Mod. #1 - 40 FR 2373 - 1/10/75
(D) - See Statewide
(Hw) - See Statewide
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Statewide
MOBILE COUNTY
Decision #AR-4060 (B)
39 FR 42314 - 12/6/74
Mod. #1 - 40 FR 2373 - 1/10/75
(Hw) - See Statewide
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. #1 - 38 FR 13103 - 5/18/73
Mod. #2 - 39 FR 24781 - 7/5/74
Mod. #3 - 39 FR 36709 - 10/11/74
Decision #AQ-4082 (R)
39 FR 8100 - 3/1/74
(D) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
(Hw) - See Statewide
RANDOLPH COUNTY
(D) - See Statewide
(Hw) - See Statewide
RUSSELL COUNTY
(D) - See Statewide
(Hw) - See Statewide
SAINT CLAIR COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D) - See Statewide
(Hw) - See Statewide
TALLADEGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
TUSCALOOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
Decision #AQ-4125 (B)
39 FR 20911 - 6/14/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 41655 - 11/2/74
Mod. #3 - 40 FR 2373 - 1/10/75
WALKER COUNTY
(D) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALASKA

STATEWIDE
Decision #AK75-5001 (B,D,H,Hw,R)
40 FR 2382 - 1/10/75

ARIZONA

STATEWIDE
Decision #AR-1008 (B,H,Hw)
39 FR 28773 - 8/9/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 35903 - 10/4/74
Mod. #3 - 40 FR 2374 - 1/10/75
APACHE COUNTY
Decision #AR-1060 (R)
(Navajo and Hopi Indian Reservations Only)
39 FR 44914 - 12/27/74
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AR-1009 (R)
39 FR 28781 - 8/9/74
Mod. #1 - 39 FR 31772 - 8/30/74
Mod. #2 - 39 FR 33148 - 9/13/74
Mod. #3 - 40 FR 2374 - 1/10/75
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
Decision #AR-1010 (R)
39 FR 28787 - 8/9/74
Mod. #1 - 39 FR 33148 - 9/13/74
Mod. #2 - 40 FR 2375 - 1/10/75
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)
39 FR 40409 - 11/15/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARKANSAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AR-4057 (F)
39 FR 41113 - 11/22/74
ASHLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D

CLARK COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(H,Hw) - See Statewide
(D) - See Statewid
(F) - See Arkansas County
CONWAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRITTENDEN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(H,Hw) - See statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide

ARKANSAS (Cont'd)

MILLER COUNTY
(H,Hw) - See Statewide
(D) - see Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D) - See Statewide
(H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIEIE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AR-33 (B)
39 FR 31784 - 8/30/74
Mod. #1 - 39 FR 38079 - 10/25/74
Mod. #2 - 39 FR 43458 - 12/13/74
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AQ-110 (B)
39 FR 18410 - 5/24/74
Mod. #1 - 39 FR 20913 - 6/14/74
Mod. #2 - 39 FR 31772 - 8/30/74
Mod. #3 - 39 FR 34910 - 9/27/74
Mod. #4 - 39 FR 39672 - 11/8/74
VAN BUREN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AR-1037 (B,H,Hw,D)
39 FR 34930 - 9/27/74
Mod. #1 - 39 FR 35916 - 10/4/74
Mod. #2 - 39 FR 36709 - 10/11/74
Mod. #3 - 39 FR 38079 - 10/25/74
Mod. #4 - 39 FR 42804 - 12/6/74
Decision #AR-1038 (R)
39 FR 34945 - 9/27/74
Mod. #1 - 39 FR 35917 - 10/4/74
Mod. #2 - 39 FR 38080 - 10/25/74
Mod. #3 - 39 FR 42805 - 12/6/74
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
AMADOR COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AR-1044 (B,D,H,Hw)
39 FR 39677 - 11/8/74
Mod. #1 - 41655 - 11/29/74
Mod. #2 - 39 FR 44152 - 12/20/74
Decision #AR-1045 (R)
39 FR 39687 - 11/8/74
Mod. #1 - 39 FR 41656 - 11/29/74
Mod. #2 - 39 FR 44152 - 12/20/74
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw,D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

SAN DIEGO COUNTY
Decision #AR-1047 (B,D,H,Hw)
39 FR 41114 - 11/22/74

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #AR-1048 (R)
39 FR 41120 - 11/22/74
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO

STATEWIDE
Decision #AR-1022 (Hw)
39 FR 30673 - 8/23/74
Mod. #1 - 39 FR 34910 - 9/27/74
Mod. #2 - 39 FR 38800 - 11/1/74
ADAMS COUNTY
Decision #AR-1032 (B,H)
39 FR 34957 - 11/1/74
Mod. #1 - 39 FR 38800 - 11/1/74
Mod. #2 - 39 FR 43458 - 12/13/74
Mod. #3 - 39 FR 44152 - 12/20/74
(Hw) - See Statewide
Decision #AQ-1099 (R)
39 FR 14123 - 4/19/74
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AR-1035 (B,H)
39 FR 34976 - 9/27/74
Mod. #1 - 39 FR 38801 - 11/1/74
Mod. #2 - 39 FR 44153 - 12/20/74
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AR-1033 (B,H)
39 FR 34964 - 9/27/74
Mod. #1 - 39 FR 38801 - 11/1/74
Mod. #2 - 39 FR 44152 - 12/20/74
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #AR-1034 (B,H)
39 FR 34970 - 9/27/74
Mod. #1 - 39 FR 38801 - 11/1/74
Mod. #2 - 39 FR 44153 - 12/20/74
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (CONT'D).

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AR-3094 (B,H,Hw,R)
39 FR 29730 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Mod. #3 - 39 FR 43458 - 12/13/74
Mod. #4 - 39 FR 44153 - 12/20/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
HARTFORD COUNTY
Decision #AR-3095 (B,H,Hw)
39 FR 29735 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74
Decision #AQ-3096 (R)
39 FR 5961 - 2/15/74
(D) - See Fairfield County
LITCHFIELD COUNTY
Decision #AR-3096 (B,H,Hw,R)
39 FR 29739 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
MIDDLESEX COUNTY
Decision #AR-3097 (B,H,Hw)
39 FR 29743 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AR-3098 (B,H,Hw)
39 FR 29747 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AR-3099 (B,H,Hw,R)
39 FR 29752 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AR-3100 (B,H,Hw)
39 FR 29756 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74
WINDHAM COUNTY
Decision #AR-3101 (B,H,Hw,R)
39 FR 29760 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35906 - 10/4/74
Mod. #3 - 39 FR 41109 - 11/22/74

DELAWARE

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
Decision #DE75-3001 (B,H,HW)
40 FR 930 - 1/3/75
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AR-4026 (B)
39 FR 31791 - 8/30/74
Mod. #1 - 39 FR 38080 - 10/25/74
Mod. #2 - 39 FR 40404 - 11/15/74
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #AQ-4107 (B)
39 FR 15638 - 5/3/74
Mod. #1 - 39 FR 26558 - 7/19/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #AQ-4121 (B,H,Hw)
39 FR 20300 - 6/7/74
Mod. #1 - 39 FR 38080 - 10/25/74
Decision #AR-4068 (D)
39 FR 44915 - 12/27/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #1 - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #AQ-4091 (B)
39 FR 10991 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26557 - 7/19/74
Mod. #3 - 39 FR 36711 - 10/11/74
Mod. #4 - 39 FR 41109 - 11/22/74
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
Mod. #1 - 39 FR 36711 - 10/11/74
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County

FLORIDA (cont'd)

COLUMBIA COUNTY
(Hw) - See Alachua County
DADE COUNTY
Decision #AQ-4115 (B)
39 FR 17659 - 5/17/74
Mod. #1 - 39 FR 26558 - 7/19/74
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
(D) - See Brevard County
(Hw) - See Broward County
DESOTO COUNTY
Decision #AQ-4017 (Hw)
38 FR 27716 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #AR-4027 (B)
39 FR 31793 - 8/30/74
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #AQ-4055 (B)
39 FR 3388 - 1/25/74
Mod. #1 - 39 FR 12583 - 4/5/74
Mod. #2 - 39 FR 22366 - 6/21/74
Mod. #3 - 39 FR 26557 - 7/19/74
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(D) - See Bay County
Decision #AQ-4005 (Hw)
38 FR 22842 - 8/24/73
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
Decision #AR-4056 (R)
39 FR 43468 - 12/13/74
(Hw) - See De Soto County
HENDRY COUNTY
(Hw) - See Charlotte County

FLORIDA (cont'd)

HERNANDO COUNTY
(D) - See Brevard County
HIGHLANDS COUNTY
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #AR-4040 (B)
39 FR 34982 - 9/27/74
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Bay County
LAFAYETTE COUNTY
(Hw) - See Alachua County
LAKE COUNTY
Decision #AR-4033 (R)
39 FR 33157 - 9/13/74
Mod. #1 - 39 FR 34910 - 9/27/74
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #AR-4028 (B)
39 FR 31795 - 8/30/74
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #AQ-4092 (B)
39 FR 10993 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26558 - 7/19/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) -See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/74
Mod. #1 - 39 FR 15604 - 5/3/74
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #AQ-4127 (B)
39 FR 24190 - 6/28/74
Mod. #1 - 39 FR 26558 - 7/19/74
Mod. #2 - 39 FR 31774 - 8/30/74
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #AQ-4100 (B)
39 FR 13425 - 4/12/74
Mod. #1 - 39 FR 26558 - 7/19/74
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See Hardee County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw) - See Citrus County
(R) - See Citrus County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #AR-4001 (B)
39 FR 24776 - 7/5/74
Mod. #1 - 39 FR 26553 - 7/19/74
Mod. #2 - 39 FR 27391 - 7/26/74
Mod. #3 - 39 FR 31774 - 8/30/74
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AR-2100 (D)
39 FR 44916 - 12/27/74
BULLOCH COUNTY
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHARLTON COUNTY
(Hw) - See Statewide
CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #AR-4051 (H)
39 FR 38797 - 11/1/74
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B) - See Fulton County
(R) - See Fulton County
(H) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DADE COUNTY
(Hw) - See Statewide
DAWSON COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

DEKALB COUNTY
(B)(R) - See Fulton County
(H) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
Decision #AR-4029 (B)
39 FR 32445 - 9/6/74
Mod. #1 - 39 FR 34910 - 9/27/74
Mod. #2 - 39 FR 38080 - 10/25/74
Mod. #3 - 39 FR 42805 - 12/6/74
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
(H) - See Clayton County
(Hw) - See Statewide
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(Hw) - See Statewide
(R) - See Barrow County

GEORGIA (Cont'd.)

GWINNETT COUNTY
(H) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County

GEORGIA (Cont'd.)

LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
MCINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Ware County
PIKE COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #AQ-4106 (B)
39 FR 15601 - 5/3/74
Mod.#1 - 39 FR 17653 - 5/17/74
Mod.#2 - 39 FR 22366 - 6/21/74
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5068 - 2/23/73
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #AR-1052 (B,H,Hw,D,R)
39 FR 42819 - 12/6/74
Mod. #1 - 39 FR 44153 - 12/20/74

IDAHO

STATEWIDE
Decision #AR-1046 (B,H,Hw)
39 FR 40410 - 11/15/74
Mod. #1 - 39 FR 43458 - 12/13/74
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #AR-3059 (H,Hw)
39 FR 28030 - 8/2/74
ALEXANDER COUNTY
Decision #AR-3062 (H,Hw)
39 FR 28041 - 8/2/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOND COUNTY
Decision #AR-3061 (H,Hw)
39 FR 28037 - 8/2/74
Mod. #1 - 39 FR 36711 - 10/11/74
BOONE COUNTY
Decision #AR-3055 (H,Hw)
39 FR 28014 - 8/2/74
Mod. #1 - 39 FR 33148 - 9/13/74
Mod. #2 - 39 FR 44904 - 12/27/74
BROWN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AR-3056 (H,Hw)
39 FR 28018 - 8/2/74
Mod. #1 - 39 FR 925 - 1/3/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AR-3170 (B)
39 FR 40421 - 11/15/74
Decision #AR-3058 (H,Hw)
39 FR 28027 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
CHRISTIAN COUNTY
(H,Hw) - See Adams County
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AR-3060 (H,Hw)
39 FR 28033 - 8/2/74
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AR-3064 (B,H,Hw,R)
39 FR 28800 - 8/9/74
Mod. #1 - 39 FR 42806 - 12/6/74
Decision #AQ-3095 (D)
39 FR 5932 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #AR-3168 (B,R)
39 FR 40424 - 11/15/74
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #1L75-2001 (H,Hw)
39 FR 924 - 1/3/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AQ-3057 (H,Hw)
39 FR 28022 - 8/2/74
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUIS COUNTY
(H,Hw) - See Ford County
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County

ILLINOIS (Cont'd)

JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See DuPage County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See DuPage County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MCCLEAN COUNTY
(H,Hw) - See Ford County

MACON COUNTY
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AR-3174 (B,R)
39 FR 41663 - 11/29/74
Mod. #1 - 39 FR 2375 - 1/10/75
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AR-3069 (B,R,D)
39 FR 28813 - 8/9/74
Mod. #1 - 39 FR 42866 - 12/6/74
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AR-3175 (B)
39 FR 43469 - 12/13/74
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AR-3072 (B,R)
39 FR 28822 - 8/9/74
Mod. #1 - 39 FR 43459 - 12/13/74
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(B) - See Champaign County
(H,Hw) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See DuPage County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AR-3074 (B)
39 FR 28826 - 8/9/74
Mod. #1 - 39 FR 44153 - 12/20/74
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AR-3076 (B)
39 FR 28831 - 8/9/74
Mod. #1 - 39 FR 44153 - 12/20/74
(H,Hw) - See Bureau County
WOODFORD COUNTY
(H,Hw) - See Ford County

INDIANA

ADAMS COUNTY
Decision #AR-3123 (H,Hw)
39 FR 30739 - 8/23/74
Mod. #1 - 39 FR 34913 - 9/27/74
Mod. #2 - 40 FR 2379 - 1/10/75
ALLEN COUNTY
Decision #AR-3080(B)
39 FR 30698 - 8/23/74
Mod. #1 - 39 FR 34911 - 9/27/74
Mod. #2 - 39 FR 44905 - 12/27/74
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AR-3081 (B)
39 FR 30701 - 8/23/74
Mod. #1 - 39 FR 33149 - 9/13/74
Mod. #2 - 39 FR 44905 - 12/27/74
Decision #AR-3127 (H,Hw)
39 FR 30755 - 8/23/74
Mod. #1 - 39 FR 33152 - 9/13/74
BENTON COUNTY
Decision #AR-3082(B)
39 FR 30703 - 8/23/74
Mod. #1 - 39 FR 33149 - 9/13/74
Mod. #2 - 40 FR 2376 - 1/10/75
Decision #AR-3124 (H,Hw)
39 FR 30744 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
Mod. #2 - 39 FR 34913 - 9/27/74
Mod. #3 - 40 FR 2379 - 1/10/75
BLACKFORD COUNTY
Decision #AR-3125 (H,Hw)
39 FR 30748 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
Mod. #2 - 40 FR 2380 - 1/10/75
BOONE COUNTY
Decision #AP-668 (R)
38 FR 13247 - 5/18/73
Decision #AR-3126 (H,Hw)
39 FR 30752 - 8/23/74
Mod. #1 - 39 FR 33152 - 9/13/74
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Benton County
CLARK COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Boone County
CLINTON COUNTY
(H,Hw) - See Benton County
CRAWFORD COUNTY
Decision #AR-3128 (H,Hw)
39 FR 30759 - 8/23/74
(D) - See Clark County

INDIANA (Cont'd.)

DAVIESS COUNTY
(H,Hw) - See Boone County
DEARBORN COUNTY
Decision #AR-3083 - 9/13/74
39 FR 30706 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
Mod. #2 - 40 FR 2376 - 1/10/75
DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AR-3084 (B)
39 FR 30708 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
Mod. #2 - 39 FR 44905 - 12/27/74
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County
GRANT COUNTY
Decision #AR-3085 (B)
39 FR 30711 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
Mod. #2 - 40 FR 2376 - 1/10/75
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County

INDIANA (Cont'd.)

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AR-3086 (B,H,Hw)
39 FR 30714 - 8/23/74
Mod. #1 - 39 FR 34911 - 9/27/74
Mod. #2 - 40 FR 2377 - 1/10/75
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
Decision #AR-3087 (B,H,Hw)
39 FR 30717 - 8/23/74
Mod. #1 - 39 FR 34912 - 9/27/74
Mod. #2 - 39 FR 44906 - 12/27/74
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AR-3088 (B)
39 FR 30721 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
Mod. #2 - 39 FR 44906 - 12/27/74
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AR-3089 (B)
39 FR 30723 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
Mod. #2 - 39 FR 44906 - 12/27/74
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AR-3090 (B,H,Hw)
39 FR 30726 - 8/23/74
Mod. #1 - 39 FR 34912 - 9/27/74
Mod. #2 - 40 FR 2377 - 1/10/75
(D) - See Lake County
PUSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AR-3091 (B,H,Hw)
39 FR 30730 - 8/23/74
Mod. #1 - 39 FR 34913 - 9/27/74
Mod. #2 - 40 FR 2378 - 1/10/75
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(U) - See Clark County
(H,Hw) - See Crawford County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(U) - See Bartholomew County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AR-3092 (B)
39 FR 30734 - 8/23/74
Mod. #1 - 40 FR 2378 - 1/10/75
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AR-3093 (B)
39 FR 30736 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
Mod. #2 - 39 FR 44907 - 12/27/74
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

AUDAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #AR-73 (Hw)
39 FR 38797 - 11/1/74
AUDUBON COUNTY
None
BENTON COUNTY
Decision AR-74 (Hw)
39 FR 38798 - 11/1/74
BLACK HAWK COUNTY
Decision #AR-65 (B,H,Hw) (City of Waterloo & abutting Municipalities
39 FR 36745 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
Mod. #3 - 39 FR 43463 - 12/13/74
Mod. #4 - 40 FR 927 - 1/3/75
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6712 (H,Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GURDO COUNTY (MASON CITY)
Decision #AR-66 (B,H,Hw)
39 FR 36748 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
Mod. #3 - 39 FR 43463 - 12/13/74
Mod. #4 - 40 FR 927 - 1/3/75
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abutting municipalities)
Decision #AR-64 (B,H,Hw)
39 FR 36742 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AR-58 (B,H,Hw)
39 FR 36727 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
Mod. #3 - 39 FR 43460 - 12/13/74
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #AR-62 (B,H,Hw)
39 FR 36736 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40404 - 11/15/74
Mod. #3 - 39 FR 43462 - 12/13/74
Mod. #4 - 40 FR 927 - 1/3/75
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #AR-75 (Channel Stabilization)
39 FR 38798 - 11/1/74
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #AR-27 (B,H,HW)
39 FR 33950 -9/20/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40404 - 11/15/74
Mod. #3 - 39 FR 43460 - 12/13/74
Mod. #4 - 40 FR 926 - 1/3/75
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #AR-57 (B,H,Hw)
39 FR 36724 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
Mod. #3 - 39 FR 43460 - 12/13/74

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #AR-61 (B,H,Hw)
39 FR 36733 - 10/11/74
Mod. #1 - 39 FR 38802 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
Mod. #3 - 39 FR 43461 - 12/13/74
Mod. #4 - 40 FR 926 - 1/3/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #AR-67 (B,H,Hw)
39 FR 36751 - 10/11/74
Mod. #1 - 39 FR 38803 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
Mod. #3 - 39 FR 43463 - 12/13/74
Mod. #4 - 40 FR 927 - 1/3/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AR-19 (B,H,Hw)
39 FR 33926 - 9/20/74
Mod. #1 - 39 FR 38803 - 11/1/74
Mod. #2 - 39 FR 40405 - 11/15/74
Mod. #3 - 40 FR 926 - 1/3/75
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #AR-63 (B,H,Hw)
39 FR 36739 - 10/11/74
Mod. #1 - 39 FR 40405 - 11/15/74
Mod. #2 - 39 FR 43462 - 12/13/74
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(Hw) - See Appanoose County
WAPELLO COUNTY
(Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AR-60 (B,H,Hw)
39 FR 36730 - 10/11/74
Mod. #1 - 39 FR 40405 - 11/15/74
Mod. #2 - 39 FR 43461 - 12/13/74
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #AR-26 (B)
39 FR 33948 - 9/20/74
Mod. #1 - 39 FR 38803 - 11/1/74
Mod. #2 - 39 FR 40404 - 11/15/74
Mod. #3 - 40 FR 926 - 1/3/75
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw, W&S)
38 FR 7732 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw, W&S)
38 FR 7734 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #AR-83 (Hw)
39 FR 41666 - 11/29/74
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
Decision #AQ-88 (R)
39 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
COVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/24/73
Mod. #1 - 38 FR 31754 - 11/16/73
Mod. #2 - 39 FR 33911 - 9/20/74
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #AP-520 (Hw, W&S)
38 FR 7733 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
Mod. #1 - 39 FR 2659 - 7/19/74
Decision #AQ-33 (R)
38 FR 27172 - 9/28/74
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFORD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson COunty
(R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AR-4054 (H,Hw)
39 FR 39697 - 11/8/74
Mod. #1 - 39 FR 44907 - 12/27/74
ALLEN COUNTY
Decision #AR-4053 (H,Hw)
39 FR 39694 - 11/8/74
ANDERSON COUNTY
Decision #AR-4055 (H,Hw)
39 FR 39700 - 11/8/74
BALLARD COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Decision #AR-4056 (H,Hw)
39 FR 39703 - 11/8/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AR-4047 (B)
39 FR 38824 - 11/1/74
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4076 (H,Hw)
39 FR 5987 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74

KENTUCKY (CONT'D.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/74
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLAWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #AR-4018 (B)
39 FR 28836 - 8/9/74
Mod. #1 - 39 FR 32442 - 9/6/74
Mod. #2 - 39 FR 40406 - 11/15/74
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AR-4016 (B)
39 FR 28833 - 8/9/74
Mod. #1 - 39 FR 38803 - 11/1/74
(O) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
Decision #AQ-4080 (H,Hw)
39 FR 7033 - 2/22/74
Mod. #1 - 39 FR 14848 - 4/26/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 29705 - 8/16/74
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AR-4014 (B)
39 FR 28044 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 40406 - 11/15/74
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
(H,Hw) - See STatewide
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AR-78 (B,Hw,R)
39 FR 40429 - 11/15/74
Mod. #1 - 39 FR 42806 - 12/6/74
Mod. #2 - 39 FR 43463 - 12/13/74
Mod. #3 - 39 FR 44154 - 12/20/74
Mod. #4 - 40 FR 928 - 1/3/75
ACADIA PARISH
(D) - See Statewide
(Hw) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
(B) - See Statewide
ALLEN COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASCENSION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASSUMPTION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BEAUREGARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BOSSIER PARISH
(B,R) - See Statewide
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
CADDO PARISH
(D) - See Statewide
(B,R) - See Statewide
(Hw) - See Statewide
CALCASIEU PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
(B,R) - See Statewide

LOUISIANA (Cont'd.)

CALDWELL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CAMERON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST BATON ROUGE PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EVANGELINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
IBERIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JACKSON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON DAVIS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFAYETTE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFOURCHE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LA SALLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LINCOLN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LIVINGSTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MADISON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MOREHOUSE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
NATCHITOCHES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ORLEANS PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
(D) - See Statewide
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RAPIDES PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
RED RIVER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RICHLAND PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
SABINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. BERNARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. HELENA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JAMES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. LANDRY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARTIN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TANGIPAHOA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TENSAS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TERREBONE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
UNION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERMILLION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERNON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WASHINGTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEBSTER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST BATON ROUGE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WINN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41651 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2084 (H,Hw)
39 FR 41125 - 11/22/74
FR 928 - 1/3/75ANNE ARUNDEL COUNTY
Decision #AR-2100 (D)
39 FR 44916 - 12/27/74
Decision #AR-2085 (Hw)
39 FR 41100 - 11/22/74
Decision #AR-2086 (B,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 926 - 1/3/75
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Decision #AR-2053 (Hw)
39 FR 34905 - 9/27/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2093 (B,H)
39 FR 44162 - 12/20/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
CALVERT COUNTY
(D) - See Anne Arundel County
(Hw) - See Anne Arundel County
CAROLINE COUNTY
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(R) - See Baltimore County
CHARLES COUNTY
(D) - See Anne Arundel County
(Hw) - See Anne Arundel County
DORCHESTER COUNTY
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10060 - 3/15/74
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Alleghany County
HARFORD COUNTY
(R) - See Baltimore County
(D) - See Anne Arundel County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(R) - See Baltimore County
(Hw) - See Anne Arundel County
KENT COUNTY
(D) - See Anne Arundel County
(Hw) - See Anne Arundel County

MARYLAND (Cont'd.)

MONTGOMERY COUNTY
Decision #MD75-3003 (B)
40 FR 937 - 1/3/75
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(R) - See Montgomery County
(D) - See Anne Arundel County
(Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
(Hw) - See Anne Arundel County
SOMERSET COUNTY
(D) - See Anne Arundel County
TALBOT COUNTY
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
WORCESTER COUNTY
(D) - See Baltimore County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AR-3129 (B,H,Hw, & MArine)
39 FR 31798 - 8/30/74
Mod. #1 - 39 FR 34913 - 9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
Mod. #3 - 39 FR 41656 - 11/29/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
BERKSHIRE COUNTY
Decision #AR-3130 (B,H,Hw)
39 FR 31802 - 8/30/74
Mod. #1 - 39 FR 34914 -9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
Mod. #3 - 39 FR 41656 - 11/29/74
BRISTOL COUNTY
Decision #AR-3131 (B,H,Hw,R, & Marine)
39 FR 31806 - 8/30/74
Mod. #1 - 39 FR 34914 - 9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
Mod. #3 - 39 FR 39672 - 11/8/74
Mod. #4 - 39 FR 41656 - 11/29/74
Mod. #5 - 39 FR 43464 - 12/13/74
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #AR-3132 (B,H,Hw, & Marine)
39 FR 31810 - 8/30/74
Mod. #1 - 39 FR 34915 - 9/27/74
Mod. #2 - 39 FR 36714 - 10/11/74
Mod. #3 - 39 FR 38804 - 11/1/74
Mod. #4 - 39 FR 41657 - 11/29/74
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #AR-3133 (B,H,Hw)
39 FR 31815 - 8/30/74
Mod. #1 - 39 FR 34915 - 9/27/74
HAMPDEN COUNTY
Decision #AR-3134 (B,H,Hw)
39 FR 31819 - 8/30/74
Mod. #1 - 39 FR 34916 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
Mod. #3 - 39 FR 41657 - 11/29/74
Decision #AQ-3032 (R)
39 FR 30361 - 11/2/73
Mod. #1 - 39 FR 33205 - 11/30/73
Mod. #2 - 39 FR 4274 - 2/1/74
HAMPSHIRE COUNTY
Decision #AR-3135 (B,H,Hw)
39 FR 31823 - 8/30/74
Mod. #1 - 39 FR 34916 - 9/27/74
Mod. #2 - 39 FR 41657 - 11/29/74
MIDDLESEX COUNTY
Decision #AR-3136 (B,H,Hw,R, & Marine
39 FR 31827 - 8/30/74
Mod. #1 - 39 FR 34917 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
Mod. #3 - 39 FR 38804 - 11/1/74
Mod. #4 - 39 FR 41657 - 11/29/74
(D) - See Barnstable County

MASSACHUSETTS (Cont'd.)

NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #AR-3137 (B,H,Hw,R)
39 FR 31833 - 8/30/74
Mod. #1 - 39 FR 34918 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
Mod. #3 - 39 FR 39672 - 11/8/74
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #AR-3138 (B,H,Hw,R)
39 FR 31836 - 9/27/74
Mod. #1 - 39 FR 34918 - 9/27/74
Mod. #2 - 39 FR 36715 - 10/11/74
Mod. #3 - 39 FR 39673 - 11/8/74
Mod. #4 - 39 FR 41657 - 11/29/74
SUFFOLK COUNTY
Decision #AR-3139 (B,H,Hw,D,R,& Marine)
39 FR 31840 - 8/30/74
Mod. #1 - 39 FR 34918 - 9/27/74
Mod. #2 - 39 FR 36716 - 10/11/74
Mod. #3 - 39 FR 38805 - 11/1/74
WORCESTER COUNTY
Decision #AR-3140 (B,H,Hw,R)
39 FR 31844 - 8/30/74
Mod. #1 - 39 FR 34919 - 9/27/74
Mod. #2 - 39 FR 36716 - 10/11/74
Mod. #3 - 39 FR 38805 - 11/1/74

MICHIGAN

STATEWIDE
Decision #AR-3141 (Hw, W&S)
39 FR 30765 - 8/23/74
Mod. #1 - 39 FR 41109 - 11/22/74
Mod. #2 - 39 FR 41658 - 12/20/74
ALCONA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(Hw, W&S) - See Statewide
(B,H) - See Alpena County
ALGER COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #AR-3102 (B,H)
39 FR 29784 - 8/16/74
Mod. #1 - 39 FR 33152 - 9/13/74
Mod. #2 - 39 FR 33911 - 9/20/74
Mod. #3 - 39 FR 34920 - 9/27/74
Decision #AM-398(R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
Decision #AR-3150 (B,H)
39 FR 36759 - 10/11/74
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
Decision #AR-3177 (B,H)
39 FR 44164 - 12/20/74
Mod. #1 - 40 FR 929 - 1/3/75
(J) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
Decision #AR-3164 (B,H)
39 FR 37338 - 10/18/74
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
Decision #AR-3106 (B,H)
39 FR 29797 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AR-3122 (B,H)
39 FR 29850 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33916 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw, W&S) - See Statewide
EMMET COUNTY
Decision #AR-3108 (B,H)
39 FR 29803 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 35908 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
Decision #AR-3109 (B,H)
39 FR 29807 - 8/16/74
Mod. #1 - 39 FR 33912 - 9/20/74
Mod. #2 - 39 FR 35908 - 10/4/74
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
Decision #AR-3111 (D,H)
39 FR 29814 - 8/16/74
Mod. #1 - 39 FR 33913 - 9/20/74
Mod. #2 - 39 FR 35909 - 10/4/74
Mod. #3 - 39 FR 41657 - 11/29/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
Decision #AR-3112 (B,H)
39 FR 29817 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33913 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
INGHAM COUNTY
Decision #AR-3113 (B,H)
39 FR 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74

MICHIGAN (Cont'd.)

INGHAM COUNTY (Cont'd.)
Mod. #2 - 39 FR 33914 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
(Hw, W&S) - See Statewide
(R) - See Eaton County
IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
Decision #AR-3114 (B,H)
39 FR 29823 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35910 - 10/4/74
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw, W&S) - See Statewide
LAKE COUNTY
(Hw, W&S) - See Statewide
LAPEER COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #AR-3121 (B,H,R)
39 FR 29846 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (CONT'D.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
Decision #AR-3116 (B,H)
39 FR 29830 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35911 - 10/4/74
(D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #AR-3117 (B,H)
39 FR 29833 - 8/16/74
Mod. #1 - 39 FR 33915 - 9/20/74
Mod. #2 - 39 FR 35912 - 10/4/74
Mod. #3 - 39 FR 36716 - 10/11/74
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alpena County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alpena County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
Decision #AR-3148 (B,H,R)
39 FR 36754 - 10/11/74
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
Decision #AR-3165 (B,H,R)
39 FR 37341 - 10/18/74
Mod. #1 - 39 FR 43464 - 12/13/74
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Saint Clair County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
Decision #AR-3120 (B,H)
39 FR 29843 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
(H,Hw) - See Anoka County
ANOKA COUNTY
Decision #AR-3166 (B,R)
39 FR 39705 - 11/8/74
Decision #AR-3053 (H,Hw)
39 FR 25873 - 7/12/74
Mod. #1 - 39 FR 31775 - 8/23/74
Mod. U2 - 39 FR 38805 - 11/1/74
Mod. #3 - 39 FR 44908 - 12/27/74
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Anoka County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Anoka County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Anoka County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Anoka County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Anoka County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
(B,R) - See Anoka County
(H,Hw) - See Anoka County
COTTONWOOD COUNTY
Decision #AQ-3134 (H,Hw)
39 FR 935 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Anoka County
DAKOTA COUNTY
(H,Hw) - See Anoka County
(B,R) - See Anoka County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Anoka County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Anoka County
FILLMORE COUNTY
(H,Hw) - See Anoka County
FREEBORN COUNTY
(H,Hw) - See Anoka County
GOODHUE COUNTY
(H,Hw) - See Anoka County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Anoka County
HOUSTON COUNTY
(H,Hw) - See Anoka County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Anoka County
ITASKA COUNTY
(H,Hw) - See Anoka County
JACKSON COUNTY
(H,Hw) - See Anoka County
KANABEC COUNTY
(H,Hw) - See Anoka County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Anoka County
LAC QUI PARLE COUNTY
(H,Hw) - See Big STone County
LAKE COUNTY
(H,Hw) - See Anoka County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltrami County
LE SHUEUR COUNTY
(H,Hw) - See Anoka County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd.)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Anoka County
MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Anoka County
MEEKER COUNTY
(H,Hw) - See Anoka County
MILLE LACS COUNTY
(H,Hw) - See Anoka County
MORRISON COUNTY
(H,Hw) - See Anoka County
MOWER COUNTY
(H,Hw) - See Anoka County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Anoka County
NOBLES COUNTY
(H,Hw) - See Anoka County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
(H,Hw) - See Anoka County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Anoka County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Anoka County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Anoka County
ROCK COUNTY
(H,Hw) - See Anoka County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Anoka County
CITY OF DULUTH
(B,R) - See Anoka County
SCOTT COUNTY
(H,Hw) - See Anoka County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Anoka County
SIBLEY COUNTY
(H,Hw) - See Anoka County
STEARNS COUNTY
(H,Hw) - See Anoka County
STEELE COUNTY
(H,Hw) - See Anoka County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Anoka County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Anoka County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Anoka County
WRIGHT COUNTY
(H,Hw) - See Anoka County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AR-4057 (F)
39 FR 41113 - 11/22/74
Decision #AR-4066 (H,Hw)
39 FR 44167 - 12/20/74
ADAMS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ALCORN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ATTALA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
BOLIVAR COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CLAIBORNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (cont'd)

CLAY COUNTY
(H,Hw) - See Statewide
COAHOMA COUNTY
Decision #AR-4024 (R)
39 FR 31771 - 8/30/74
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
GEORGE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw)- See Statewide
GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
HARRISON COUNTY
Decision #AR-4041 (B,H,Hw,W&S)
39 FR 34996 - 9/27/74
Mod. #1 - 39 FR 42806 - 12/6/74
Mod. #2 - 39 FR 44908 - 12/27/74
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
Mod. #1 - 39 FR 8102 - 3/1/74
(D,F) - See Statewide

MISSISSIPPI (cont'd)

HINDS COUNTY
Decision #AR-4030 (B)
39 FR 32454 - 9/6/74
Mod. #1 - 39 FR 38806 - 11/1/74
Mod. #2 - 39 FR 41658 - 11/29/74
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F) - See Statewide
(H,Hw) - See Statewide
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PEARL RIVER COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TATE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TIPPAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TISHOMINGO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TUNICA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
UNION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (Cont'd)

WALTHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WARREN COUNTY
Decision #AQ-4112 (B)
39 FR 16978 - 5/10/74
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D) - See Statewide
(F) - See Statewide
(R) - See Coahoma County
(H,Hw) - See Statewide
WAYNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
WILKINSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
YALOBUSHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
YAZOO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Statewide

MISSOURI

STATEWIDE
Decision #AR-79 (H,Hw)
39 FR 40449 - 11/15/74
Mod. #1 - 39 FR 42807 - 12/6/74
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/74
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(H,Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(H,Hw) - See Statewide

MISSOURI (CONT'D

CASS COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/74
Mod. #1 - 39 FR 2659 - 7/19/74
Decision #AQ-62 (R)
38 FR 32388 - 11/23/74
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(R) - See Cass County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See STatewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (CONT'D

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(R) - See Cass County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(Hw) - See Statewide
LAFAYETTE COUNTY
(D) - See Andrew County
(Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (CONT'D)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Stateride
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (CONT'D)

PULASKI COUNTY
(Hw, H) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Cass County
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
Decision #AQ-91 (B)
39 FR 14157 - 4/19/74
(D) - See Andrew County
Decision #AQ-94 (R)
39 FR 15649 - 5/3/74
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See St. Charles County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
ST. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (CONT'D)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw)- See Statewide

MONTANA

STATEWIDE
Decision AR-1039 (B)
39 FR 34999 9/27/74
Mod. #1 - 39 FR 42809 - 12/5/74
Mod. #2 - 39 FR 44155 - 12/20/74
Decision #AR-1017 (H,Hw)
39 FR 29853 - 8/16/74
Mod. #1 - 39 FR 31776 - 8/30/74
Mod. #2 - 39 FR 34923 - 9/27/74
Mod. #3 - 39 FR 42808 - 12/6/74
Mod. #4 - 39 FR 44154 - 12/20/74
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #AR-1012 (R)
39 FR 28838 - 8/9/74
Mod. #1 - 39 FR 31776 - 8/30/74
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
Decision #AR-1013 (R)
39 FR 28848 - 8/9/74
Mod. #1 - 39 FR 34923 - 9/27/74
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deerlodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B,H,Hw) - See Statewide

MONTANA (CONT'D)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (CONT'D)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEETGRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOW STONE COUNTY
(B,H,Hw)- See Statewide

NEBRASKA

STATEWIDE (Except Douglas & Sarpy)
Decision #AR-92 (Constr., alteration & repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities, SCS Floodwater retarding structures
39 FR 44917 - 12/27/74
ADAMS COUNTY
(H,Hw) - See Statewide
ANTELOPE COUNTY
(H,Hw) - See Statewide
ARTHUR COUNTY
(H,Hw) - See Statewide
BANNER COUNTY
Decision #AQ-79 (B)
39 FR 5933 - 2/15/74
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
BOYD COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BURT COUNTY
Decision #AR-75 (Channel Stabilization)
39 FR 38798 - 11/1/74
Mod. #1 - 39 FR 41110 - 11/22/74
(H,Hw) - See Statewide
BUTLER COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Douglas County
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Statewide
(Chann. Stab.) - Statewide
CHASE COUNTY
(H,Hw) - See Statewide
CHERRY COUNTY
(H,Hw) - See Statewide
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COLFAX COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See STatewide
DAKOTA COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Statewide
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DUEL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DIXON COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Statewide
DODGE COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
Decision #AR-77 (B,H,Hw)
39 FR 40465 - 11/15/74
Mod. #1 - 39 FR 42809 - 12/6/74
Mod. #2 - 39 FR 44909 - 12/27/74
Decision #AR-94 (R)
39 FR 44916 - 12/27/74
Decision #AR-59 (H,Hw)
39 FR 36705 - 10/11/74
Mod. #1 - 39 FR 38081 - 10/25/74
Mod. #2 - 39 FR 41658 - 11/29/74
Mod. #3 - 39 FR 43464 - 12/13/74
(Chann. Stab.) - See Burt County
DUNDY COUNTY
(H,Hw) - See Statewide
FILLMORE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FRONTIER COUNTY
(H,Hw) - See Statewide
FURNAS COUNTY
(H,Hw) - See Statewide
GAGE COUNTY
(H,Hw) - See Statewide
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GOSPER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREELEY COUNTY
(H,Hw) - See Statewide

NEBRASKA (CONT'D)

HALL COUNTY
Decision #AQ-24 (B)
38 FR 24486 - 9/7/74
Mod. #1 - 38 FR 30330 - 11/2/73
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HARLAN COUNTY
(H,Hw) - See Statewide
HAYES COUNTY
(H,Hw) - See Statewide
HITCHOCK COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(H,Hw) - See Statewide
HOOKER COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KEARNEY COUNTY
(H,Hw) - See Statewide
KIETH COUNTY
(H,Hw) - See Statewide
KEYAPAHA COUNTY
(H,Hw) - See Statewide
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
KNOX COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Statewide
LANCASTER COUNTY
Decision #AR-76 (B)
39 FR 40462 - 11/15/74
Decision #AM-6140 (R)
36 FR 21736 - 11/12/71
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
LOUP COUNTY
(H,Hw) - See Statewide
MC PHERSON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MERRICK COUNTY
(H,Hw) - See Statewide
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
NANCE COUNTY
(H,Hw) - See Statewide

NEBRAKSA (CONT'D)

NEMAHA COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/74
(H,Hw) - See Statewide
(Chann. Stab.) - See Burt County
NUCKOLLS COUNTY
(H,Hw) - See Statewide
OTOE COUNTY
(Chann. Stab.) - See Burt County
PAWNEE COUNTY
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Statewide
POLK COUNTY
(H,Hw) - See Statewide
RED WILLOW COUNTY
(H,Hw) - See Statewide
RICHARDSON COUNTY
(Chann. Stab.) - See Burt County
(D) - See Neemaha County
(H,Hw) - See Statewide
ROCK COUNTY
(H,Hw) - See Statewide
SALINE COUNTY
(H,Hw) - See Statewide
SARPY COUNTY
(Chann. Stab) - See Burt County
(B,H,Hw) - See Douglas County
SAUNDERS COUNTY
(H,Hw) - See Douglas County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SEWARD COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
STANTON COUNTY
(B) - See Cedar County
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Burt County
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Chann. Stab.) - See Burt County
(H,Hw) - See Douglas County
(Hw) - See Adams County
WAYNE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY
(Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AR-1057 (B,H,Hw)
39 FR 43473 - 12/13/74
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-1058 (R) (Excluding the Nevada Test Site)
39 FR 44168 - 12/20/74
(B,H,Hw) - See Statewide
Decision #AR-1043 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
39 FR 39712 - 11/8/74
Mod. #1 - 39 FR 43464 - 12/13/74
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark County (Nevada Te Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #AR-1059 (R)
39 FR 44172 - 12/20/74
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AR-3142 (B,H,Hw,R & Marine)
39 FR 35021 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
MERRIMACK COUNTY
Decision #AR-3143 (B,H,Hw, & Marine)
39 FR 39 24 - 9/27/74
Mod. #1 - 39 FR 36717 - 10/11/74
ROCKINGHAM COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
Decision #AR-3144 (B,H,Hw, & Marine)
39 FR 35027 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
STRAFFORD COUNTY
Decision #AR-3145 (B,H,Hw,R & Marine)
39 FR 35031 - 9/27/74
Mod. #1 - 39 FR 36718 - 10/11/74
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AR-2077 (B,H,Hw)
39 FR 40467 - 11/15/74
Mod. #1 - 39 FR 42812 - 12/6/74
Mod. #2 - 39 FR 43465 - 12/13/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
BERGEN COUNTY
Decision #AR-2078 (B,H,Hw)
39 FR 40473 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74
Mod. #2 - 39 FR 44156 - 12/20/74
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AR-2080 (B,H,Hw)
39 FR 41130 - 11/22/74
Mod. #1 - 39 FR 43645 - 12/13/74
Mod. #2 - 39 FR 44156 - 12/20/74
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AR-2081 (B,H,Hw)
39 FR 41139 - 11/22/74
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AR-2082 (B,H,Hw)
39 FR 41146 - 11/22/74
Mod. #1 - 39 FR 43645 - 12/13/74
Mod. #2 - 39 FR 44156 - 12/20/74
(D) - See Atlantic County
ESSEX COUNTY
Decision #AR-2083 (B,H,Hw)
39 FR 41153 - 11/22/74
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AR-2087 (B,H,Hw,R)
39 FR 41671 - 11/29/74
(D) - See Atlantic County
HUNTERDON COUNTY
Decision #AR-2076 (B,H,Hw)
39 FR 40393 - 11/15/74
Mod. #1 - 39 FR 42812 - 12/6/74

NEW JERSEY (Cont'd.)

MERCER COUNTY
Decision #AR-2088 (B,H,Hw)
39 FR 41677 - 11/29/74
Mod. #1 - 39 FR 44157 - 12/20/74
(D) - See Atlantic County
MIDDLESEX COUNTY
Decision #AR-2040 (B,H,Hw)
39 FR 33164 - 9/13/74
Mod. #1 - 39 FR 34923 - 9/27/74
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AR-2089 (B,H,Hw)
39 FR 41685 - 11/29/74
(D) - See Atlantic County
MORRIS COUNTY
Decision #AR-2041 (B,H,Hw)
39 FR 33172 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
Mod. #2 - 39 FR 42810 - 12/6/74
(D) - See Atlantic County
OCEAN COUNTY
Decision #AR-2090 (B,H,Hw)
39 FR 41693 - 11/29/74
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AR-2042 (B,H,Hw,R)
39 FR 33175 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
Mod. #2 - 39 FR 41659 - 11/29/74
Mod. #3 - 39 FR 42811 - 12/6/74
(D) - See Atlantic County
SALEM COUNTY
Decision #AR-2073 (B,H,Hw)
39 FR 40371 - 11/15/74
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AR-2043 (B,H,Hw)
39 FR 32456 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
Mod. #2 - 39 FR 42810 - 12/6/74
(D) - See Atlantic County
SUSSEX COUNTY
Decision #AR-2075 (B,H,Hw)
39 FR 40386 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74
UNION COUNTY
Decision #AR-2044 (B,H,Hw)
39 FR 32464 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
Mod. #2 - 39 FR 41659 - 11/29/74
Mod. #3 - 39 FR 42811 - 12/6/74
(D) - See Atlantic County
WARREN COUNTY
Decision #AR-2074 (B,H,Hw)
39 FR 40378 - 11/15/74
Mod. #1 - 39 FR 42811 - 12/6/74

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Mod. #2 - 39 FR 32443 - 9/6/74
Decision #NM75-4002 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.
40 FR 2391 - 1/10/75
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #AP-340 (R)
37 FR 1986 - 9/22/72
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

OTERO COUNTY
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #AR-1061 (R)
39 FR 44901 - 12/27/74
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AR-2064 (B,H,Hw)
39 FR 36799 - 10/11/74
Mod. #1 - 39 FR 38807 - 11/1/74
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AR-2101 (B,H,Hw)
39 FR 44924 - 12/27/74
Decision #AQ-2120 (R)
39 FR 17670 - 5/17/74
Mod. #1 - 39 FR 20918 - 6/14/74
Decision #AQ-2125 (D)
Mod. #1 - 39 FR 36710 - 10/11/74
BROOME COUNTY
Decision #AR-2017 (B,H,Hw)
39 FR 29888 - 8/16/74
Mod. #1 - 39 FR 36718 - 10/11/74
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AQ-3095 (D)
39 FR 5932 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
CHAUTAUGUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/9/74
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #AR-2072 (B,H,Hw)
39 FR 40480 - 11/15/74
(D) - See Bronx County
ERIE COUNTY
Decision #AR-2096 (B,H,Hw)
39 FR 44178 - 12/20/74
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AR-2059 (B,H,Hw)
39 FR 36773 - 10/11/74
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #AR-2065 (B,H,Hw)
39 FR 36803 - 10/11/74
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AR-2062 (B,H,Hw)
39 FR 36787 - 10/11/74
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AR-2071 (B,H,Hw)
39 FR 38833 - 11/1/74
(D) - See Cayuga County
ONIEDA COUNTY
Decision #AR-2066 (B,H,Hw)
39 FR 36808 - 10/11/74
ONONDAGA COUNTY
Decision #AR-2067 (B,H,Hw)
39 FR 36814 - 10/11/74
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AR-2063 (B,H,Hw)
39 FR 36792 - 10/11/74
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #AR-2068 (B,H,Hw)
39 FR 36818 - 10/11/74
Mod. #1 - 39 FR 38808 - 11/1/74
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AR-2097 (B,H,Hw)
39 FR 44919 - 12/27/74
SCHENECTADY COUNTY
Decision #AR-2011 (B,H,Hw)
38 FR 27402 - 7/26/74
Mod. #1 - 38 FR 21028 - 8/3/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AR-2069 (B,H,Hw)
39 FR 38827 - 11/1/74
SUFFOLK COUNTY
Decision #AQ-2112 (B,H,Hw)
39 FR 15673 - 5/3/74
Mod. #1 - 39 FR 22369 - 6/21/74
Mod. #2 - 39 FR 44909 - 12/27/74
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #AQ-2128 (B,H,Hw)
39 FR 24163 - 6/28/74
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AR-2021 (B,H,Hw)
39 FR 33979 - 9/20/74
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1001 (H,Hw)
40 FR 939 - 1/3/75
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AR-2100 (D)
39 FR 44916 - 12/27/74
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #AR-4058 (R)
39 FR 41101 - 11/22/74
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #AR-4044 (R)
39 FR 36822 - 10/11/74
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (CONT'D)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County

NORTH CAROLINA (Cont'd.)

HARNETT COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Avery County

NORTH CAROLINA (CONT'D)

MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #AR-4048 (R)
39 FR 38076 - 10/25/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(B) - See Brunswick County
(D) - See Beaufort County
(R) - See Brunswick County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #AR-4042 (B)
39 FR 34906 - 9/27/74
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AR-1053 (Hw)
39 FR 42823 - 12/6/74
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #AR-1055 (B)
39 FR 44184 - 12/20/74
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MCHENRY COUNTY
(Hw) - See Statewide
MCINTOSH COUNTY
(Hw) - See Statewide
MCKENZIE COUNTY
(Hw) - See Statewide
MCLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #AR-3048 (H,Hw)
39 FR 27992 - 8/2/74
Mod. #1 - 39 FR 29722 - 8/16/74
Mod. #2 - 39 FR 34927 - 9/27/74
Mod. #3 - 39 FR 37330 - 10/18/74
Mod. #4 - 39 FR 40406 - 11/15/74
ADAMS COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
ALLEN COUNTY
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide

OHIO (Cont'd)

CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
(D) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1 - 37 FR 8619 - 4/28/72
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173(B)
39 FR 41105 - 11/22/74
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(B,H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #AR-3041 (B)
39 FR 30788 - 8/23/74
Mod. #1 - 39 FR 38810 - 11/1/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide

OHIO (Cont'd)

MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
(D) - See Oklahoma County
(R) - See Oklahoma County
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #AP-741 (R)
38 FR 18164 - 7/6/73
Decision #AR-80 (B)
39 FR 41107 - 11/22/74
Mod. #1 - 39 FR 44157 - 12/20/74
COTTON COUNTY
(H,Hw) - SEe Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(H,Hw) - See Statewide
(B) - See Tulsa County

OKLAHOMA (cont'd)

CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #AR-85 (B)
39 FR 42801 - 12/6/74
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
McCURTAIN COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

MCINTOSH COUNTY
Decision #AR-89 (B)
39 FR 43456 - 12/13/74
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #AR-35 (B,H,Hw)
39 FR 35043 - 9/27/74
Mod. #1 - 39 FR 39674 - 11/8/74
Mod. #2 - 39 FR 42812 - 12/6/74
Mod. #3 - 40 FR 929 - 1/3/75
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
Decision #AR-81 (B)
39 FR 41160 - 11/22/74
Mod. #1 - 39 FR 42812 - 12/6/74
Mod. #2 - 39 FR 44910 - 12/27/74
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #AR-88 (B)
39 FR 43454 - 12/13/74
Mod. #1 - 40 FR 2381 - 1/10/75
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGER MILLS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #AR-50 (B)
39 FR 35046 - 9/27/74
Mod. #1 - 39 FR 39674 - 11/8/74
Mod. #2 - 39 FR 41110 - 11/22/74
Mod. #3 - 39 FR 44910 - 12/27/74
(H,Hw) - See Statewide
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
Decision #AR-93 (B)
39 FR 44903 - 12/27/74
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #AR-1054 (B,H,Hw,D)
39 FR 43484 - 12/13/74
Mod. #1 - 39 FR 44910 - 12/27/74
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #AR-1016 (R)
39 FR 29910 - 8/16/74
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #AR-1015 (R)
39 FR 29702 - 8/16/74
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AR-2029 (H,Hw)
39 FR 31853 - 8/30/74
Mod. #1 - 39 FR 41660 - 11/29/74
Mod. #2 - 39 FR 43466 - 12/13/74
Decision #AR-2099 (B)
39 FR 44931 - 12/27/74
ALLEGHENY COUNTY
Decision #AR-2033 (B)
39 FR 35048 - 9/27/74
Mod. #1 -39 FR 44157 - 12/20/74
Decision #AQ-2049 (R)
39 FR 5043 - 2/8/74
(H,Hw) - See Beaver County
ARMSTRONG COUNTY
Decision #AQ-2058 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 2237 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AR-2034 (B)
39 FR 35051 - 9/27/74
Mod. #1 - 39 FR 44157 - 12/20/74
BEAVER COUNTY
Decision #AQ-2059 (H,Hw)
39 FR 6004 - 2/15/74
Mod. #1 - 39 FR 22370 - 6/21/74
Mod. #2 - 39 FR 26562 - 7/19/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 33918 - 9/20/74
Decision #AR-2035 (B)
39 FR 40487 - 11/15/74
Mod. #1 - 39 FR 44912 - 12/27/74
BEDFORD COUNTY
Decision #AQ-2060 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 22372 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AQ-2084 (B)
39 FR 11808 - 3/29/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37332 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74
BERKS COUNTY
Decision #AR-2027 (B)
39 FR 31850 - 8/30/74
Mod. #1 - 39 FR 44911 - 12/27/74
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #AQ-2083 (B)
39 FR 12578 - 4/5/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 29725 - 8/16/74
Mod. #4 - 39 FR 37331 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74

PENNSYLVANIA (Cont'd)

BLAIR COUNTY (Cont'd.)
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AR-2006 (R)
39 FR 25905 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Decision #AR-2028 (H,Hw)
39 FR 33984 - 9/20/74
BUTLER COUNTY
Decision #AR-2036 (B)
39 FR 3398B - 9/20/74
Mod. #1 - 39 FR 41111 - 11/22/74
Mod. #2 - 39 FR 44912 - 12/27-74
Decision #AQ-2062 (H,Hw)
39 FR 6011 - 2/15/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 22373 - 6/21/74
Mod. #3 - 39 FR 33918 - 9/20/74
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37331 - 10/18/74
Mod. #4 - 39 FR 44158 - 12/20/74
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
Mod. #4 - 39 FR 33918 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #AR-2003 (B)
39 FR 25895 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd)

CUMBERLAND COUNTY
Decision #AR-2009 (B)
39 FR 26619 - 7/19/74
Mod. #1 - 39 FR 29725 - 8/16/74
Mod. #2 - 39 FR 40406 - 11/15/74
(H,Hw) - See Adams County
DAUPHIN COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
DELAWARE COUNTY
Decision #AR-2002 (B)
39 FR 25892 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38813 - 11/1/74
(R,H,Hw) - See Bucks County
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 37333 - 10/18/74
Mod. #5 - 39 FR 44158 - 12/20/74
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AR-2094 (B)
39 FR 43491 - 12/13/74
(H,Hw) - SEe Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #AQ-2121 (B)
39 FR 18398 - 5/24/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28003 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38812 - 11/1/74
Mod. #5 - 39 FR 44911 - 12/27/74
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AR-2001(B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 28010 - 8/2/74
Mod. #3 - 39 FR 40406 - 11/15/74
Mod. #4 - 39 FR 44157 - 12/20/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AR-2037 (B)
39 FR 31859 - 8/30/74
Mod. #1 - 39 FR 44912 - 12/27/74
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County

PENNSYLVANIA (Cont'd)

JUNITA COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
LACKAWANNA COUNTY
Decision #AR-2092 (B)
39 FR 41701 - 11/29/74
LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
Mod. #1 - 39 FR 40406 - 11/15/74
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #AQ-2080 (B)
39 FR 12571 - 4/5/74
Mod. #1 - 39 FR 24785 - 7/5/74
Mod. #2 - 39 FR 26564 - 7/19/74
Mod. #3 - 39 FR 37331 - 10/18/74
Mod. #4 - 39 FR 40407 - 11/15/74
LEHIGH COUNTY
Decision #AQ-2099 (B)
39 FR 14175 - 4/19/74
Mod. #1 - 39 FR 30667 - 8/23/74
Mod. #2 - 39 FR 41111 - 11/22/74
Mod. #3 - 39 FR 44158 - 12/20/74
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AR-2008 (B)
39 FR 27406 - 7/26/74
Mod. #1 - 39 FR 44911 - 12/27/74
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
Mod. #1 - 39 FR 30667 - 8/23/74
Mod. #2 - 39 FR 40407 - 11/15/74
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
39 FR 25898 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 37333 - 10/18/74
Mod. #3 - 39 FR 38813 - 11/1/74
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #AQ-2016 (B)
39 FR 22360 - 6/17/74

PENNSYLVANIA (Cont'd.)

NORTHAMPTON COUNTY (Cont'd)
Mod. #1 - 39 FR 4398 - 2/1/74
Mod. #2 - 39 FR 30666 - 8/23/74
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AR-2005 (B)
39 FR 25902 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Mod. #2 - 39 FR 38814 - 11/1/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #AQ-2050 (B)
39 FR 5934 - 2/15/74
Mod. #1 - 39 FR 10079 - 3/15/74
Mod. #2 - 39 FR 16990 - 5/10/74
Mod. #3 - 39 FR 30667 - 8/23/74
Mod. #4 - 39 FR 41111 - 11/22/74
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 44911 - 12/27/74
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 41110 - 11/22/74
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #AQ-2085 (B)
39 FR 14115 - 4/19/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 37332 - 10/18/74
Mod. #4 - 39 FR 38811 - 11/1/74
Mod. #5 - 39 FR 44911 - 12/27/74
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #AR-2039 (B)
39 FR 35054 - 9/27/74
Mod. #1 - 39 FR 44912 - 12/27/74
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

WESTMORELAND COUNTY
Decision #AR-2038 (B)
39 FR 31862 - 8/30/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Butler County
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #AR-2016 (R)
39 FR 28859 - 8/9/74
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73
Mod. #1 - 39 FR 27395 - 7/26/74

RHODE ISLAND

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Mod. #1 - 39 FR 36710 - 10/11/74
BRISTOL COUNTY
(D) - See Statewide
(B,H,Hw, & Marine) - See Providence Co.
KENT COUNTY
(B,H,Hw, & Marine) - See Providence Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AR-3078 (B,H,Hw,R, & Marine)
39 FR 28087 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
Mod. #2 - 39 FR 36720 - 10/11/74
Mod. #3 - 39 FR 41661 - 11/29/74
Mod. #4 - 39 FR 43466 - 12/13/74
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AR-3077 (B,H,Hw,R, & Marine)
39 FR 28083 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
Mod. #2 - 39 FR 34929 - 9/27/74
Mod. #3 - 39 FR 41661 - 11/29/74
(D) - See Statewide
WASHINGTON COUNTY
Decision #AR-3079 (B,H,Hw,R, & Marine)
39 FR 28090 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
Mod. #2 - 39 FR 36720 - 10/11/74
Mod. #3 - 39 FR 41661 - 11/29/74
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AQ-4065 (H,Hw)
39 FR 4381 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15610 - 5/3/74
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #AR-4008 (R)
39 FR 26555 - 7/19/74
Mod.#1 - 39 FR 37334 - 10/18/74
Mod. #2 - 39 FR 43467 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #AR-4006 (R)
39 FR 24780 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #AR-4059 (R)
39 FR 41653 - 11/29/74
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AR-2100 (D)
39 FR 44916 - 12/27/74
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AQ-4029 (R)
38 FR 31153 - 11/9/73
Decision #AR-4045 (B)
39 FR 37327 - 10/18/74
Mod. #1 - 39 FR 41662 - 11/29/74
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H, Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74

SOUTH CAROLINA (Cont'd)

COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AR-4052 (R)
39 FR 39671 - 11/8/74
DARLINGTON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4049 (R)
39 FR 38078 - 10/25/74
Decision #AR-4004 (B)
39 FR 24779 - 7/5/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide
McCormick County
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Lexington County
(R) - See Lexington County
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4037 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AR-1050 (Hw)
39 FR 41164 - 11/22/74
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
Decision #AR-1049 (H)
39 FR 41163 - 11/22/74
(Hw) - See Statewide
BENNETT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BON HOMME COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROOKINGS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROWN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BRULE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUFFALO COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUTTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLAY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLARK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CODDINGTON COUNTY
(Hw) - See Statewide
(H) - See Beadle County
CORSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CUSTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAVISON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
(H) - See Beadle County
DEWEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FALL RIVER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FAULK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
GRANT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
GREGORY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAAKON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAMLIN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUGHES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUTCHINSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
KINGSBURY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAKE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAWRENCE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LINCOLN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LYMAN COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

Mc COOK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AR-1027 (B)
39 FR 31866 - 8/30/74
(H) - See Beadle County
(Hw) - See Statewide
MELLETTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AR-1056 (B)
39 FR 44190 - 12/20/74
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(H) - See Beadle County
(Hw) - See Statewide
MOODY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H) - See Beadle County
(Hw) - See Statewide
PERKINS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
POTTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ROBERTS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SPINK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
STANLEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SULLY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TRIPP COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TURNER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
UNION COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WALWORTH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WASHABAUGH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
YANKTON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ZIEBACH COUNTY
(H) - See Beadle County
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR-4057 (F)
39 FR 41113 - 11/22/74
Decision #AR-4046 (Hw)
40 FR 940 - 1/3/75
ANDERSON COUNTY
Decision #AR-4061 (B) (Oak Ridge and Atomic Energy Commission)
39 FR 42826 - 12/6/74
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Statewide
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Statewide
(Hw) - See Statewide
CANNON COUNTY
(F) - See Statewide
(Hw) - See Statewide
CARROLL COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(F) - See Statewide
(Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
Decision #AQ-4128 (R)
39 FR 24198 - 6/28/74
(F) - See Statewide
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAY COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D.)

COCKE COUNTY
(F) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AR-4021 (B)
39 FR 31868 - 8/30/74
Mod. #1 - 39 FR 38815 - 11/1/74
Mod. #2 - 39 FR 42813 - 12/6/74
(R) - See Cheatham County
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
(B) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-4062 (B,H)
39 FR 42828 - 12/6/74
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Statewide
(Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
HARDIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KNOX COUNTY
Decision #AR-4022 (B)
39 FR 31869 - 8/30/74
Mod. #1 - 39 FR 38815 - 11/1/74
Mod. #2 - 39 FR 42813 - 12/6/74
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F) - See Statewide
(Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (R)
39 FR 5947 - 2/15/74
(F) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Statewide
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Statewide
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AQ-4094 (B)
39 FR 10997 - 3/22/74
Mod. #1 - 39 FR 34929 - 9/27/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONROE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MOORE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
OBION COUNTY
(R) - See Lake County
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Statewide
(Hw) - See Statewide
POLK COUNTY
(F) - See Statewide
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Statewide
(Hw) - See Statewide
RHEA COUNTY
(F) - See Statewide
(Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge and Atomic Energy Commission)
(F) - See Statewide
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31732 - 8/30/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AR-4036 (B,H, & Utility)
39 FR 33193 - 9/13/74
Mod. #1 - 39 FR 34929 - 9/27/74
Mod. #2 - 39 FR 37334 - 10/18/74
Mod. #3 - 39 FR 38815 - 11/1/74
Mod. #4 - 39 FR 42813 - 12/6/74
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623(B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Mod. #2 - 39 FR 11815 - 3/29/74
Mod. #3 - 39 FR 17655 - 5/17/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(Hw) - See Statewide
(F) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F) - See Statewide
(Hw) - See Statewide
UNION COUNTY
(F) - See Statewide
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WARREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
(R) - See Carter County
(F) - See Statewide
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
WHITE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX75-4001 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
40 FR 2402 - 1/10/75
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #AR-52 (B)
39 FR 35066 - 9/27/74
Mod. #1 - 39 FR 36721 - 10/11/74
Mod. #2 - 39 FR 37336 - 10/18/74
Mod. #3 - 39 FR 44159 - 12/20/74
(H,Hw) - See Statewide
Decision #AR-53 (R)
39 FR 35069 - 9/27/74
Mod. #1 - 39 FR 36721 - 10/11/74
Mod. #2 - 39 FR 37336 - 10/18/74
Mod. #3 - 39 FR 44160 - 12/20/74
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #AR-16 (R)
39 FR 29703 - 8/16/74
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #AR-54 (B)
39 FR 35071 - 9/27/74
Mod. #1 - 39 FR 37336 - 10/18/74
Mod. #2 - 39 FR 42813 - 12/6/74

TEXAS (Cont'd)

BEXAR COUNTY
Decision #AR-45 (B)
39 FR 34015 - 9/20/74
Mod. #1 - 39 FR 35215 - 10/4/74
Mod. #2 - 39 FR 39674 - 11/8/74
Mod. #3 - 39 FR 44158 - 12/20/74
(H,Hw) - See Statewide
Decision #AR-44 (R)
39 FR 34013 - 9/20/74
Mod. #1 - 39 FR 43467 - 12/13/74
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #AR-55 (B)
39 FR 35901 - 10/4/74
Mod. #1 - 39 FR 39675 - 11/8/74
Mod. #2 - 39 FR 40408 - 11/15/74
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #AR-40 (B)
39 FR 34004 - 9/20/74
Mod. #1 - 39 FR 38816 - 11/1/74
Mod. #2 - 39 FR 39674 - 11/8/74
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #AR-39 (R)
39 FR 34002 - 9/20/74
Mod. #1 - 39 FR 38816 - 11/1/74
Mod. #2 - 39 FR 39674 - 11/8/74
CAMP COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CARSON COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AR-43 (B-excluding Dallas-Fort Worth Regional Airport)
39 FR 34009 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 37335 - 10/18/74
Mod. #3 - 39 FR 41662 - 11/29/74
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #AR-70 (B,R)
39 FR 38836 - 11/1/74
(H,Hw) - See Statewide
DONLEY COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision AR-69 (B)
39 FR 37352 - 10/18/74
Mod. #1 - 39 FR 38816 - 11/1/74
Mod. #2 - 39 FR 40408 - 11/15/74
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
Decision #AR-81 (B)
39 FR 42330 - 12/6/74
Mod. #1 - 39 FR 44160 - 12/20/74
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #AQ-112 (B)
39 FR 22360 - 6/21/74
Mod. #1 - 39 FR 26769 - 8/9/74
Mod. #2 - 39 FR 34929 - 9/27/74
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #AR-82 (B)
39 FR 41652 - 11/29/74
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #AP-301 (R)
37 FR 15232 - 7/20/72
Mod. #1 - 37 FR 20395 - 9/29/72
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #AR-68 (B,R)
39 FR 37328 - 10/18/74
Mod. #1 - 40 FR 929 - 1/3/75
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AR-48 (R,B)
39 FR 35060 - 9/27/74
Mod. #1 - 39 FR 38032 - 10/25/74
Mod. #2 - 39 FR 40408 - 11/15/74
Mod. #3 - 40 FR 2381 - 1/10/75
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(R&B) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #AR-91 (B)
39 FR 44933 - 12/27/74
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #AR-90 (B)
39 FR 44191 - 12/20/74
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #AR-72 (B)
39 FR 38799 - 11/1/74
Mod. #1 - 39 FR 42813 - 12/6/74
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #AR-42 (B)
39 FR 34007 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
Mod. #2 - 39 FR 37335 - 10/18/74
Mod. #3 - 39 FR 38082 - 10/25/74
Mod. #4 - 39 FR 39675 - 11/8/74
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County

TEXAS (Cont'd.)

WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #AR-51 (R)
39 FR 35064 - 9/27/74
Mod. #1 - 39 FR 36720 - 10/11/74
Decision #AR-46 (B)
39 FR 36057 - 9/27/74
Mod. #1 - 39 FR 36720 - 10/11/74
Mod. #2 - 39 FR 39675 - 11/8/74
Mod. #3 - 39 FR 44158 - 12/20/74
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #AR-1040 (B,H,Hw)
39 FR 35940 - 10/4/74
Mod. #1 - 39 FR 38082 - 10/25/74
Mod. #2 - 40 FR 929 - 1/3/75
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AR-2100 (D)
39 FR 44916 - 12/27/74
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #VA75-3003 (B)
40 FR 937 - 1/3/75
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5107 - 3/10/72
AMELIA COUNTY
Decision #AR-2032 (Hw) -
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
BOTECOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA COUNTY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3005 (B)
40 FR 944 - 1/3/75
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARK COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) -
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA75-3006 (B)
40 FR 946 - 1/3/75
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3004 (B,H,S&W)
40 FR 941 - 1/3/75
(R) - See James County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AR-1051 (B,H,Hw,D)
39 FR 42832 - 12/6/74
Mod. #1 - 39 FR 44160 - 12/20/74
Mod. #2 - 39 FR 44913 - 12/27/74
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #AR-1030 (R)
39 FR 34017 - 9/20/74
Mod. #1 - 40 FR 929 - 1/3/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,B) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KINGS COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam COunty
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam COunty
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam COunty
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D.C.
Decision #DC75-3002 (B,H,Hw,W&S)
40 FR 948 - 1/3/75
Decision #AR-2100 (D)
39 FR 44916 - 12/27/74

WEST VIRGINIA

STATEWIDE
Decision #AQ-2086 (H,Hw)
39 FR 11838 - 3/29/74
BARBOUR COUNTY
Decision #AR-2055 (B)
39 FR 34907 - 9/27/74
(H,Hw)- See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AQ-2087 (B)
39 FR 11843 - 3/29/74
Mod. #1 - 39 FR 24187 - 6/28/74
Mod. #2 - 39 FR 28770 - 8/9/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
CALHOUN COUNTY
Decision #AR-2007 (B)
39 FR 25779 - 7/12/74
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Calhoun County

WEST VIRGINIA (Cont'd)

JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
Decision #AQ-2088 (B)
39 FR 11845 - 3/29/74
Mod. #1 - 39 FR 20922 - 6/14/74
Mod. #2 - 39 FR 24188 - 6/28/74
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONOGALIA COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Calhoun County

WEST VIRGINIA (CONT'D.)

PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Calhoun County
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
Decision #AQ-2051 (B)
39 FR 10072 - 3/15/74
Mod. #1 - 39 FR 24186 - 6/28/74
Mod. #2 - 39 FR 28770 - 8/9/74
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Calhoun County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Calhoun County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #AR-3146 (H,Hw,W&S)
39 FR 35092 - 9/27/74
Mod. #1 - 39 FR 37337 - 10/18/74
Mod. #2 - 39 FR 38817 - 11/1/74
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
(H,Hw,W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
(B,R) - See Ashland County
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
DODGE COUNTY
(H,Hw,W&S)-See Statewide
DOOR COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
DOUGLAS COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
EAU CLAIRE COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(H,Hw,W&S) - See Statewide
(B) - See Winnebago County
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
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WASHINGTON, D.C.

Volume 40 ■ Number 28

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NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 337, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Jan. 31-Feb. 6, 1975. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

§ 907.637 Navel Orange Regulation 337.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Naval Orange Regulation 337 (40 FR 4415). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Naval oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 907.637 (Navel Orange Regulation 337 (40 FR 4415)) are hereby amended to read as follows:

"(i) District 1: 1,435,000 cartons;

"(ii) District 2; 215,000 cartons."

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: February 5, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-3690 Filed 2-7-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-10 (440)]

PART 1890j—INCOME GUIDELINES—INDIVIDUAL AND COOPERATIVE ECONOMIC OPPORTUNITY (EO) LOANS

Deletion of Part

Part 1890j, "Income Guidelines—Individual and Cooperative Economic Opportunity (EO) Loans," (35 FR 14916), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. This Part has served its purpose, and no longer has any applicability.

((42 U.S.C. 2942); delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; Order of Director, OEO, 29 FR 14764, 33 FR 9350.)

Effective date: This deletion shall become effective on February 10, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3629 Filed 2-7-75;8:45 am]

[AL-928 (440); AL-904 (440)]

PART 1890k—OPERATING LOANS FOR TOBACCO AND PEANUT ACREAGE ALLOTMENTS

Deletion of Part

Part 1890k, "Operating Loans for Tobacco and Peanuts Acreage Allotments," (36 FR 1131), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. This Part has served its purpose and no longer has any applicability.

((U.S.C. 1989); delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This deletion shall become effective on February 10, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3630 Filed 2-7-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment to Special Rule No. 3

On November 29, 1974, FEA issued the final rule for the allocation of old oil (39 FR 42246; December 4, 1974). Subsequent to the issuance of the rule, FEA concluded that, in light of the special needs of many small refiners, an amendment was necessary to assist those small refiners that would be required to purchase entitlements under the program to adjust on a graduated basis to their entitlement purchase obligations. Accordingly on December 16, 1974, FEA adopted Special Rule No. 3 for Subpart C of Part 211.

FEA has determined that extension of the first phase of Special Rule No. 3 is required, for the reasons set forth below. Accordingly, FEA is hereby adopting the amendment set forth herein effective immediately.

Special Rule No. 3 (the Special Rule) provided specified relief for all small refiners that would otherwise be required to purchase entitlements under the program for the first 30,000 barrels per day of their daily average volume of crude oil runs to stills. The Special Rule applied to the months of November and December 1974, and January 1975. For small refiners having run levels under

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30,000 barrels per day, no purchases of entitlements were required for November 1974. For December 1974 and January 1975, such small refiners were required to purchase one-third (⅓) and two-thirds (⅔), respectively, of the entitlements they would otherwise be required to purchase under § 211.67(b). For small refiners with run levels in excess of 30,000 barrels per day, the Special Rule was applicable only to that number of entitlements which bears the same proportion to the total number of entitlements required to be purchased that 30,000 barrels per day bears to the average daily volume of crude oil runs to stills of that small refiner.

In adopting the Special Rule, FEA recognized that immediate imposition of the full entitlement purchase requirements of the program might have a severe short-term economic impact on certain small refiners which have been running a higher percentage of old oil in their refineries than the national average. In particular, many small refiners have recently had lower run levels than the industry average; phasing in the entitlement purchase requirements of the program as to small refiners would afford these refiners an interim period during which to bring their run levels back to more normal levels. FEA also realized that serious cash flow problems would be posed for some small refiners that are required to purchase entitlements. The Special Rule was intended to assist small refiners in arranging any necessary financing and instructuring their marketing operations with regard to compliance with the program. In addition, FEA expected that, at the outset of the program, changes would take place in the product prices of various refiners, depending on the impact of the program on each of them; delaying the impact of the program as to small refiners would permit these refiners to adjust their product prices so as to most effectively pass through their increased crude oil costs under the program. In adopting the Special Rule, FEA was aware that many small refiners will also have more difficulty in passing through these increased costs, due to their limited product slate.

One further significant consideration was present in the adoption of the Special Rule. To assure that small refiners were not placed in possible jeopardy during the processing of their exception requests, small refiners were given a reduction in their entitlement purchase requirements for a period that FEA felt was adequate to permit filing and evaluation of applications for exception prior to the point in time at which any significant purchase obligations would attach. In this connection, the FEA also announced that it was implementing an expedited exceptions procedure.

However, as of the current date, FEA has received relatively few exception requests from small refiners, due perhaps to the complexities inherent in the startup phase of the program and the difficulties in drafting the necessary applications, which have heretofore required a broad range of financial and other information concerning the applicant. In light of the present situation facing many small refiners, FEA has concluded that the underlying considerations which led to the adoption of the Special Rule are still applicable and that more time is necessary to allow small refiners to make the appropriate adjustments required by the entitlement program. Accordingly, FEA has decided that the first phase of the Special Rule should be extended for one more month. Further, since FEA believes that numerous small refiners may still need exceptions relief from the full operation of the program, the first phase exemption will also be extended autqmatically upon filing of an exception application on or prior to February 21, 1975 to prevent any possible financial or competitive injury to those small refiners during the processing of their applications.

FEA wishes to emphasize that it considers the exceptions process the appropriate vehicle for final relief for small refiners that are required to purchase entitlements and that may be severely adversely affected by the program. In this connection, FEA would like to reiterate its earlier announcement that it has instituted an expedited exceptions process for the program and expects to evaluate each application with considerable care to ensure that relief is granted where a refiner would suffer a severe hardship or a gross inequity under the program.

The Special Rule as amended extends through December 1974 the purchase requirement exemption for the first 30,000 barrels per day of each small refiner's crude runs provided initially for the month of November. In addition, entitlement purchase obligations for January and February 1975 are exempted to the same extent as were purchase obligations for December and January under the Special Rule as originally issued.

To confirm FEA's policy to effect a reduction in entitlement purchase obligations pending decision on a small refiner's exception request, the amended Special Rule provides for extension of the first phase (November and December) of the Special Rule's exemption for entitlement purchase obligations upon the following conditions: first, the small refiner shall have filed an exception application (including the information called for by Schedule A to the Special Rule) on or prior to February 21, 1975; second, the extension terminates upon issuance of the decision on the application; third, the extension may be terminated by FEA if it determines that a small refiner has significantly delayed the decision on its exception application by not submitting additional financial or other information requested by FEA within a reasonable time which FEA deems necessary for decision of the case. Under this procedure, small refiners that file exception applications on or prior to February 21, 1975 will be exempted from entitlement purchase requirements as to the first 30,000 barrels per day of their crude runs until a decision on their application is issued. The effect will be to preclude any significant impact of the program upon small refiners that might otherwise be required to purchase entitlements pending the decision on their exception applications.

Section 7(1)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) (FEAA) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such harm or injury to the public health, harm or injury to the public helath, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(1)(1)(B) of the FEAA would thus cause serious harm and injury to the public safety and welfare. Accordingly, these requirements must be waived and this amendment is made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c)(2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of this emergency amendment concurrently with its issuance to the Administrator of the Environmental Protection Agnecy for his review.

Because this amendment is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m. on Tuesday, March 4, 1975, in Room 3000, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., Monday, February 24, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Friday, February 28, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., Wednesday, February 26, 1975, and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3315, Federal Building, Washington, D.C. 20461, before 9 a.m., e.s.t., Monday, March 3, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., Friday, February 28, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the emergency amendment to Executive Communications, Federal Energy Administration, Box CD, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment—Special Rule No. 3". Fifteen copies should be submitted. All comments received by February 28, 1975, and all relevant information will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 5, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

The Appendix to Subpart C of Part 211 is amended by revising Special Rule No. 3 to read as follows:

SPECIAL RULE NO. 3

1. *Scope.* This Special Rule provides for a reduction in the entitlement purchase requirements of § 211.67(b) for specified volumes of old oil included in the adjusted crude oil receipts of small refiners for the months of November and December 1974, and January and February 1975.

2. *Reduction in entitlement purchase requirements for small refiners.* (a) Each small refiner with a volume of crude oil runs to stills of less than 30,000 barrels per day in the month concerned, that would otherwise be required to purchase entitlements under § 211.67(b): (i) shall not be required to purchase any entitlements for the months of November and December 1974; (ii) shall not be required to purchase in excess of one-third (⅓) of the number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) for the month of January 1975; and (iii) shall not be required to purchase in excess of two-thirds (⅔) of the number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) for the month of February 1975.

(b) Each small refiner with a volume of crude oil runs to stills in excess of 30,000 barrels per day in the month concerned, that is required to purchase entitlements under § 211.67(b): (i) shall not be required to purchase a number of entitlements for the months of November and December 1974, which is in the same portion to the total number of entitlements otherwise required to be purchased by that small refiner under § 211.67(b) in the particular month that 30,000 barrels per day is to the daily average volume of that small refiner's crude oil runs to stills for that month; (ii) shall not be required to purchase in excess of one-third (⅓) of that proportion (as calculated in (i) above) of the total number of entitlements otherwise required to be purchased under § 211.67(b) for the month of January 1975; and (iii) shall not be required to purchase in excess of two-thirds (⅔) of that proportion (as calculated in (i) above) of the total number of entitlements otherwise required to be purchased under § 211.67(b) for the month of February 1975.

3. *Filing of applications for exception.* The provisions of subparagraphs (a)(1) and (b)(1) of paragraph 2 of this special rule shall remain in effect as to the entitlement purchase obligations of a small refiner for months subsequent to December 1974 upon the following conditions:

(a) The small refiner shall have filed an application for exception purusant to and in compliance with Subpart D of Part 205 on or prior to February 21, 1975. Any such application shall include the information set forth in Schedule A to this special rule.

(b) The provisions of this paragraph 3 shall cease to be applicable to that small refiner as to entitlements issued subsequent to the date of the issuance of the initial decision upon that small refiner's application for exception.

(c) FEA may in its discretion order that the provisions of this paragraph 3 shall cease to be applicable to any small refiner that has filed an application for exception in compliance with subparagraph (a) of this paragraph 3, if FEA determines that the small refiner has delayed to any significant extent the issuance of a decision on its application by failure to furnish to FEA within a reasonable time financial or other information requested and deemed necessary by the FEA in connection with the analysis of its application.

4. *Adjustment to number of entitlements issuable to refiners and eligible firms.* The total number of entitlements exempted from the purchase requirements of § 211.67(b) pursuant to paragraphs 2 and 3 of this special rule shall be deducted, on a pro-rata basis, from the number of entitlements otherwise issuable to and available for sale by each refiner and each eligible firm which has entitlements available for sale in the month concerned.

5. *Provisions of Subpart C.* The provisions of Subpart C of Part 211 (including, without limitation, the reporting requirements of § 211.66) shall remain in full force and effect except as expressly modified by the provisions of this special rule.

SCHEDULE A

INFORMATION REQUIRED TO BE SUBMITTED IN CONNECTION WITH EXCEPTION APPLICATIONS

PRODUCTION AND REFINING OF CRUDE OIL

(1) Schedules of the following information on a quarterly basis for the period January 1, 1973 through December 31, 1974:

(a) Total refinery capacity;

(b) Crude oil runs (as that term is defined in 10 CFR 211.62);

(c) Volumes of crude oil receipts (as that term is dened in 10 CFR 211.62), specifying the volumes of crude oil received under the FEA Refiners' Buy/Sell List and the volume received from sources in which the applicant has a beneficial or operating interest. In addition, for each month since September 1, 1974 provide an indication of the percentage of crude oil receipts represented by old oil.

(d) The weighted average cost of the crude oil received from all sources.

(e) The nature and duration of any crude oil processing agreements.

(f) The nature of any crude oil exchange agreements including any agreements under which crude oil is exchanged for refined petroleum products; and

(g) A description of any sales of crude oil specifying the volume sold, the name of each purchaser and the weighted average price per barrel.

(2) A schedule for each quarter of 1975 showing the applicant's projected crude oil receipts, its anticipated sources of crude oil, the percentage of old oil which it anticipates receiving and the nature of any crude oil processing agreements the applicant expects to utilize.

PURCHASE AND SALE OF REFINED PRODUCTS

(3) A schedule showing the following data on a quarterly basis for the period January 1973 through December 1974:

(a) The types of refined petroleum products sold; and

(b) For each product which constitutes 10% of the total sales volume (1) the weighted average selling price per gallon and (2) the volume sold.

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COMPETITIVE POSITION

(4) A discussion of the reasons underlying the applicant's inability to increase the prices of the products which it sells so as to reflect the crude oil cost increases which it expects to incur as a result of the Crude Oil Entitlements Program. Such a discussion should include the following types of information:

(a) A list of the applicant's major competitors;

(b) A description of the historical relationships between the prices of the applicant's refined products and those of the firms listed in (a); and

(c) A detailed description of the present competitive price posture of the applicant and the firms listed in (a) to the extent that such information is available to the applicant.

FINANCIAL DATA

(5) Complete financial statements and Forms 10–K (if available) for the fiscal years 1968 through the most recently completed fiscal year, and any available quarterly financial statements for the current fiscal year.

(6) A schedule specifying the firm's operating cost per barrel of crude oil processed in both 1973 and 1974, an explanation of the composition of these costs and the manner in which these figures are derived.

(7) A pro-forma profit and loss statement for each fiscal quarter of 1975 prepared under the assumptions that: (i) the FEA Crude Oil Entitlements Program (10 CFR 211.67) is in effect during that entire period; (ii) the national old oil supply ratio is 40 percent; and (iii) the price of each entitlement is $5. These pro-forma statements should take into account the entitlement adjustment for small refiners set forth in 10 CFR 211.67(e) if applicable, and any other appropriate adjustments as required under § 211.67 should be made. An explanation of any other assumptions employed in the preparation of these statements should be provided.

(8) Copies of the following documents:

(a) Contracts between the firm and the purchasers of its refined petroleum products which in any way restrict the firm's ability to pass through the added costs of entitlements to such purchasers in the form of higher prices;

(b) Existing agreements between the firm and financial lending institutions; and

(c) Copies of all Forms FEO–96 which the firm has filed to date.

[FR Doc.75-3644 Filed 2-7-75;8:45 am]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Redesignation of Section Numbers of Subpart K

On December 19, 1974, the Federal Energy Administration issued a new Subpart K, containing regulations covering the pricing of natural gas liquids and products produced from natural gas liquids, including propane, pursuant to authority granted by the Emergency Petroleum Allocation Act of 1973, to become effective on January 1, 1973. (39 FR 44407; December 24, 1974). Subsequent to the issuance of these regulations, FEA became aware that the individual sections in the new Subpart K had been numbered using a sequence which is out of phase with the numbering sequence used for previously existing subparts. FEA has therefore determined that a corrective amendment to the regulations to redesignate the section numbers of Subpart K is warranted, and FEA is hereby redesignating each section number in Subpart K to comport with the numbering sequence previously used in Part 212. References to the section numbers of Subpart K which appear in various sections of FEA's mandatory petroleum price regulations are also being revised to reflect the redesignation of the sections of Subpart K. No other revisions of the regulations are contained in this amendment.

Since this amendment is issued solely to correct an error in section designations and is purely technical in nature, FEA finds that good cause exists to issue this corrective amendment immediately, without notice, opportunity for comment, or delay in the effective date of the amendment.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., February 4, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended in paragraph (c) (1) (iii) (C) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * * * *

(c) *Allocation of increased product costs*—(1) *General rule.* * * *

(iii) * * *

(C) May apportion to propane the increased product costs attributable to propane produced from natural gas as determined pursuant to the provisions of § 212.166 of Subpart K of this part; and

* * * * * * *

§ 212.141 [Amended]

2. Section 212.141 is amended by redesignating the section as § 212.161 and by revising paragraphs (b) (2) (ii), and (iii) to read as follows:

§ 212.161 Applicability and Relationship to other Subparts.

* * * * * * *

(b) * * *

(2) * * *

(ii) *Calculation of increased product costs.* Such refiners shall calculate the increased product costs of all natural gas liquids (except natural gas liquids which are separated from natural gas at the well head of an oil well, and purchased as crude oil) and the increased product costs attributable to natural gas liquid products pursuant to §§ 212.166 and 212.167 of this subpart, and shall add the amount of increased product costs so determined to the amount of increased product costs incurred in each month of measurement and determined to be allocable to other than special products under the refiner's cost allocation formulae of § 212.83(c) (1), provided that the amount of such increased product costs allocable to propane prices is limited pursuant to the provisions of § 212.167(c) and § 212.83(c) (1) (iii).

(iii) *Calculation of increased non-product costs.* Such refiners shall calculate increased non-product costs attributable to natural gas processing pursuant to § 212.165, and shall add the amount of increased non-product costs so determined to the amount of increased non-product costs incurred in each month of measurement and determined to be allocable to prices charged for covered products pursuant to § 212.87(b), provided that the inclusion of such increased non-product costs determined pursuant to § 212.165 in prices charged by such refiners shall constitute the charging of an allowable price in excess of base price which will make such refiners subject to the profit margin limitation of § 212.82(d).

* * * * * * *

§§ 212.142—212.146 [Amended]

3. Section 212.142 is amended by redesignating the section as § 212.162.

4. Section 212.143 is amended by redesignating the section as § 212.163.

5. Section 212.144 is amended by redesignating the section as § 212.164.

6. Section 212.145 is amended by redesignating the section as § 212.165.

7. Section 212.146 is amended by redesignating the section as § 212.166 and by revising paragraph (a) to read as follows:

§ 212.166 Increased product costs.

(a) The first sale price of natural gas liquids or natural gas liquid products may be increased in each month as provided in § 212.167 to reflect, on a dollar-for-dollar basis, increased product costs since May, 1973 attributable to the production of such natural gas liquids or natural gas liquid products.

* * * * * * *

§ 212.147—212.150. [Amended]

8. Section 212.147 is amended by redesignating the section as § 212.167.

9. Section 212.148 is amended by redesignating the section as § 212.168.

10. Section 212.149 is amended by redesignating the section as § 212.169.

11. Section 212.150 is amended by redesignating the section as § 212.170.

[FR Doc.75-3619 Filed 2-7-75;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 23—STATEMENTS OF BUSINESS INTERESTS OF DIRECTORS AND PRINCIPAL OFFICERS OF NATIONAL BANKS

Clarification of Reporting Requirements

The Comptroller of the Currency is amending the regulation governing statements of business interests of directors and principal officers of national banks (12 CFR Part 23, 39 FR 41735, December 2, 1974). The amendment (a) eliminates collection of information relating to deposits; and (b) makes clear that extensions of credit to reporting individuals, as well as to their business enterprises, must be reported.

Under this amendment a director or principal officer no longer will be required to report deposits held by a national bank for a business enterprise in which he has an interest. Similarly, a reporting person will not file a Form CC–9030–29 for any personal or family trust nor for any charitable, social, fraternal, civic, governmental or recreational organization if the only connection of such trust or organization with the bank is a depository relationship.

This amendment also deletes certain references to a business enterprise in §§ 23.2 and 23.3, thereby focusing those sections on the definitions of transactions. These changes clarify the requirement that a director or principal officer report on a separate Form CC–9030–29 extensions of credit by the bank made to him or for his benefit, as well as extensions of credit to, or for the benefit of, his business enterprises. Transactions between a reporting individual and the bank other than those which involve extensions of credit need not be reported.

Since this amendment merely clarifies ambiguous provisions and relaxes certain reporting requirements, it is hereby determined that further proposed rulemaking and public participation procedures are not in the public interest. Accordingly, this amendment will become effective March 1, 1975, as part of the original regulation.

Part 23 of 12 CFR is amended as follows:

1. In § 23.2, paragraphs (b), (e) (2), and (h) (2) are revised to read as follows:

§ 23.2 Definitions.

For purposes of this part:

* * * * * * *

(b) The term "business enterprise" means a corporation, association, business trust, partnership, joint venture, pool, syndicate, sole proprietorship or any other form of business not specifically listed herein, whether or not such enterprise has engaged in transactions with the designated bank. The term "business enterprise" also includes any personal or family trust and any charitable, social, fraternal, civic, governmental or recreational association, trust, club, agency or other organization if, and only if, such enterprise has engaged in any transaction with the designated bank, other than making a deposit or soliciting or receiving contributions, during the last year. The term "business enterprise" excludes: (1) The designated bank; (2) a corporation, partnership, or joint venture which is 50 percent or more owned by the designated bank; joint venture which is 50 percent or more owned by the designated bank; and (3) a holding company whose control of the designated bank is registered with or approved by the Board of Governors of the Federal Reserve System, pursuant to sections 3 or 5 of the Bank Holding Company Act, (12 U.S.C. 1842, or 1844), or any of such holding company's subsidiaries the control of which has been registered with or approved by the Board of Governors of the Federal Reserve System pursuant to section 3, 4, or 5 of the Bank Holding Company Act, (12 U.S.C. 1842, 1843 or 1844).

* * * * * * *

(e) The term "excluded transaction" means:

* * * * * * *

(2) An extension of credit or agreement which is of such insignificance both to the designated bank and to the business enterprise involved that the senior management of both should not be expected in the normal course of business to be aware of the transaction.

* * * * * * *

(h) The term "material change" means:

* * * * * * *

(2) The creation, or termination, or significant change in the terms or conditions of any extension of credit or agreement.

* * * * * * *

2. § 23.3 is revised to read as follows:

§ 23.3 Filing of statement.

Every director or principal officer of a national bank is required to maintain on file with the bank as prescribed in this regulation one or more Forms CC–9030–29. The director or principal officer shall complete and file Forms CC–9030–29 with the designated bank within 30 days after becoming a director or principal officer, or by March 1, 1975, whichever is later. Thereafter, the reporting person shall complete and file with the designated bank a new Form CC–9030–29 within 30 days after the occurrence of any material change. The reporting person shall include on the Forms, in accordance with applicable instructions, the required information concerning any business enterprise in which he, his spouse, or his minor children have an interest and any extension of credit or agreement which is not an excluded transaction. If the reporting person has no interest in any business enterprise, he shall complete and file a Form CC–9030–29 so stating.

Effective date: This amendment becomes effective on March 1, 1975.

Dated: February 4, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-3633 Filed 2-7-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER IV—EMERGENCY LOAN GUARANTEE BOARD

PART 402—RULES REGARDING AVAILABILITY OF INFORMATION

The Emergency Loan Guarantee Board has amended its Rules Regarding Availability of Information, effective immediately, in order to comply with recent amendments to section 552 of Title 5, United States Code, known as the Freedom of Information Act, by prescribing time limits for responses to requests, extensions thereof, and defining the unusual circumstances which permit such extensions.

1. Effective immediately the Emergency Loan Guarantee Board's Rules Regarding Availability of Information are amended in the following respects:

§ 402.2 is amended by adding the following definition:

§ 402.2 [Amended]

"Unusual Circumstances." For purposes of this Part "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Board's office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Board having substantial subject-matter interest therein.

§ 402.4(c) is deleted in its entirety and the following is substituted:

§ 402.4 [Amended]

* * * * * * *

(c) *Actions on requests.* The Secretary of the Board shall within 10 days (excepting Saturdays, Sundays and legal public holidays) determine whether to comply with such request for records and shall immediately notify in writing the person making such request of such determination and the reasons therefor and the right of such person to appeal that determination, as provided in § 402.6. In unusual circumstances the time limit for the Secretary's determination may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which the determination is expected to be dispatched. No such notice shall specify a date that will result in an extension of more than 10 days; provided however, that the total days of extension under this section and § 402.6(b) shall not exceed, in the aggregate, 10 days.

§ 402.6(b) is deleted in its entirety and the following is substituted:

§ 402.6(b) [Amended]

* * * * * * *

(b) The Executive Director of the Board shall make a determination with respect to any appeal within 20 days after the receipt of such appeal. In unusual circumstances, action on such appeal may be deferred by written notice to the person making such appeal setting

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forth the reasons for the extension and the date on which the determination is expected to be dispatched. No such notice shall specify a date that will result in an extension for more than ten days; provided however, that the total days of extension under this section and § 402.4(c) shall not exceed, in the aggregate, 10 days. The granting or the denial of a request upon appeal shall constitute final Board action. If the appeal is denied in whole or in part, the Executive Director shall notify in writing the person making such request of the provisions for judicial review of that determination under section 552(a)(4) of Title 5, United States Code.

2. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated: January 31, 1975.

ALAN N. VINICK,
Secretary,
Emergency Loan Guarantee Board.

[FR Doc.75-3682 Filed 2-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75 NE-6; Amdt. 39-2068]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney JT8D Aircraft Engines

Amendment 39-1835 (39 FR 16388), AD 74-10-12, requires operators of certain JT8D engines, exposed to a possible intermix of different type material second, third, and fourth stage turbine nozzle guide vanes, to determine if there is sufficient axial clearance between the turbine stators and their respective turbine rotors. If the clearance is below the minimum limit, the engine must be removed within the next 25 hours time in service and unapproved vanes removed. If the clearance is above the minimum, the engine shall be inspected prior to the accumulation of 6000 hours time in service after the effective date of the AD and any unapproved vanes removed.

It has come to our attention that certain serial number engines that have been listed were not exposed to the vane intermix, while others not listed were exposed. Therefore, the AD is being amended to delete and add engine serial numbers.

Since a situation exists that requires immediate adoption of this airworthiness directive, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to be by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1835 (39 FR 16388), AD 74-10-12, is amended by changing the applicability paragraph by:

A. Deleting the following serial numbers from Group I, JT8D-9 and -9A engines affected: 665152, 665170, 665219, 665245, 665289, 665324, 665334, 665347, 665371, 665372, 665390, 665404, 665413, 665424, 665430, 665435, 665447, 665472, 665480, 665491, 665494, 665530, 665537, 665550, 665558, 665559, 665561, 665629, 665634, 665658, 665660, 665669, 665703, 665704, 674299, 674318, 674329, 674341, 674373, 674375, 674381, 674390, 674409, 674431, 674488.

B. Adding the following serial numbers to Group I, JT8D-9 and -9A engines affected: 665323, 665377, 674344.

C. Deleting the following serial numbers from Group II, JT8D-7 and -7A engines affected: 649494, 649528, 653660, 653748, 654153, 654605, 654608, 654666, 654724, 654757, 654793, 654842, 654865, 654895, 654915, 654976, 654987, 654997, 655048, 655060, 655073.

D. Adding the following serial numbers to Group II, JT8D-7 and -7A engines affected: 653683, 654898, 654925.

This amendment becomes effective February 20, 1975.

This amendment is made under the authority of Section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on January 31, 1975.

WILLIAM E. CROSBY,
Acting Director, New England Region.

[FR Doc.75-3684 Filed 2-7-75;8:45 am]

[Docket No. 75-NE-3; Amdt. 39-2062]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-55 and S-62A Helicopters Certificated in All Categories, Including Military Types

A crack has been found in a lug of a main rotor spindle of an aircraft that is the military counterpart of the Sikorsky S-62 helicopter. Since this condition is likely to exist or develop in other helicopters of the same design, an Airworthiness Directive is being issued to require inspections of the main rotor spindle lug areas and replacement, if necessary, of the spindles.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

SIKORSKY AIRCRAFT. Applies to S-55, S-55B, S-55C and S-62A Helicopters certificated in all categories, including military type HRS-1, HRS-3, CH-19, H-19B, H-19C, H-19A, R-19D, H04S§3G, UH-19D, H19D5, UH-19B, UH-19D helicopters, equipped with P/N S10-10-3325-1 and S10-10-3325-2 main rotor spindles.

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 50 hours' time in service, conduct a dye penetrant inspection of the exposed areas of the lugs of the main rotor spindles.

(b) If a crack is found during the above inspection, replace the cracked spindle with a spindle that has been inspected in accordance with paragraph (a) above and found to be free of cracks, prior to flight.

(c) Report in writing any cracks found during the inspection of paragraph (a) to: Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Each report must include the length and location of the cracks and the total time in service of the spindle.

Sikorsky message SST62A6C74.3 covers this inspection.

This amendment becomes effective February 19, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on January 28, 1975.

WILLIAM B. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-3685 Filed 2-7-75;8:45 am]

[Airspace Docket No. 74-SW-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at La Pryor, Tex.

On December 20, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 44036) stating the Federal Aviation Administration proposed to designate the La Pryor, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

LA PRYOR, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of La Paloma Ranch Airport (latitude 28°53'30" N., longitude 99°51'09" W.) and within 3.5 miles each side of the 353° bearing from the La Pryor, Tex., NDB (latitude 28°55'47" N., longitude 99°51'16" W.) extending from the 5-mile radius area to 11.5 miles northwest of the La Pryor, Tex., NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Forth Worth, Tex., on January 31, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-3686 Filed 2-7-75;8:45 am]

[Airspace Docket No. 74-SO-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 12, 1974, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (39 FR 25668), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Knoxville, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901, April 24, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Knoxville, Tenn., transition area is amended as follows:

"• • • excluding the portion within Morristown, Tenn., transition area • • •" is deleted and "• • • within a 6.5-mile radius of Monroe County Airport, Madisonville, Tenn. (latitude 35°42'45" N., longitude 84°22'47" W.); excluding the portion within the Athens and Morristown, Tenn., transition areas • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on January 30, 1975.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.75-3687 Filed 2-7-75;8:45 am]

[Airspace Docket No. 74-SO-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Temporary Alteration of Federal Airway and Designation of Temporary Restricted Areas

On November 20, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 40784) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the vicinity of Onslow Beach, Camp LeJeune, N.C., to contain a military joint training exercise, AGATE PUNCH, scheduled from 0800 G.m.t., April 14, 1975, to 2300 G.m.t., April 26, 1975. Two of the restricted areas would contain airspace at or above 14,500 feet MSL, and they would therefore be included in the continental control area for the duration of their time of designation. During the period of the exercise, a portion of VOR Federal Airway, V-139, would also be reduced in width to three nautical miles on its east side.

On January 8, 1975, a Supplemental Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 1518) that would alter the original Notice by changing the time of designation proposed for Restricted Areas R-5315 A, B, C and D and by proposing that an additional Restricted Area, R-5315E, be designated for use during AGATE PUNCH.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Only one comment was received and it was favorable.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

§ 71.123 [Amended]

1. § 71.123 (40 FR 367) is amended as follows:

In V-139 "• • • From Wilmington, N.C., New Bern, N.C.; • • •" is deleted and "• • • From Wilmington, N.C., 7 miles wide from 13 miles NE of Wilmington to 44 miles NE of Wilmington (4 miles W and 3 miles E) New Bern, N.C.; • • •" is substituted therefor for the duration of Exercise AGATE PUNCH from 0800 G.m.t., April 15, to 2300 G.m.t., April 27, 1975.

§ 71.151 [Amended]

2. In § 71.151 (40 FR 343) the following temporary restricted areas are included for the duration of their time of designation from 0800 G.m.t., April 15, to 2300 G.m.t., April 27, 1975.

a. R-5315A Exercise Agate Punch.
b. R-5315C Exercise Agate Punch.

§ 73.53 [Amended]

3. In § 73.53 (40 FR 687) the following temporary restricted areas are added:

a. R-5315A Exercise Agate Punch.
Boundaries. Beginning at Lat. 34°17'45"N., Long. 77°37'50"W.; thence via the 13 nautical mile arc of Wilmington, N.C. VORTAC (Lat. 34°21'05"N., Long. 77°52'29" W.); to Lat. 34°28'00"N., Long. 77°39'00"W.; to Lat. 34°50'30"N., Long. 77°13'00"W.; to Lat. 34°49'30"N., Long. 77°10'00"W.; thence south along the westerly and southerly boundaries of R-5306C, E and D and W-122 to point of beginning.
Designated altitudes. 1,000 feet AGL to FL 180.
Time of designation. Continuous, 0800 G.m.t., April 15 to 2300 GMT, April 27, 1975.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. COMSECONDFLT, Norfolk, Va.

b. R-5315B Exercise Agate Punch.
Boundaries. Beginning at Lat. 34°56'00" N., Long. 77°01'00"W.; to Lat. 34°43'15"N., Long. 76°47'30"W.; to Lat. 34°42'00"N., Long. 76°54'45"W.; to Lat. 34°51'00"N., Long. 77°05'30"W.; to Lat. 34°49'30"N., Long. 77°-10'00"W.; to Lat. 34°52'30"N., Long. 77°04'-30"W.; to point of beginning.
Designated altitudes. 1,000 feet AGL to 3,000 feet MSL.
Time of designation. Continuous, 0800 G.m.t., April 15 to 2300 GMT, April 27, 1975.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. COMSECONDFT, Norfolk, Va.

c. R-5315C Exercise Agate Punch.
Boundaries. Beginning at Lat. 34°43'15" N., Long. 76°47'30" W.; to Lat. 34°38'15" N., Long. 76°41'30" W.; to Lat. 34°37'30" N., Long. 76°56'20" W.; thence north and east along the easterly and southerly boundaries of R-5306C and B to point of beginning.
Designated altitudes. 1,000 feet AGL to FL 180.
Time of designation. Continuous, 0800 GMT, April 15 to 2300 GMT, April 27, 1975.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. COMSECONDFLT, Norfolk, Va.

d. R-5315D Exercise Agate Punch.
Boundaries. A circular area with a 3-nautical mile radius centered on OLF Camp Davis (Lat. 34°31'00" N., Long. 77°32'30" W.)
Designated altitudes. Surface to 1,000 feet AGL.
Time of designation. Continuous, 0800 GMT, April 15 to 2300 GMT, April 27, 1975.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. COMSECONDFLT, Norfolk, Va.

e. R-5315E Exercise Agate Punch.
Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 34°33'-25" N., Long. 77°20'30" W., excluding that airspace within existing R-5306D.
Designated altitudes. Surface to 1,000 feet AGL.
Time of designation. Continuous, 0800 GMT, April 15 to 2300 GMT, April 27, 1975.
Controlling agency. Federal Aviation Administration Washington ARTC Center.
Using agency. COMSECONDFLT, Norfolk, Va.

Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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Issued in Washington, D.C., on February 4, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-3668 Filed 2-7-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-389-B]

PART 2—GENERAL POLICY AND INTERPRETATION

PART 154—RATE SCHEDULES AND TARIFFS

Opinion and Order on Rehearing Affirming and Modifying in Part Opinion No. 699 and Granting and Denying in Part Petition for Rehearing; Correction

DECEMBER 18, 1974.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

In the Opinion And Order On Rehearing Affirming In Part And Modifying In Part Opinion No. 699 And Granting In Part And Denying In Part Petitions For Rehearing issued December 4, 1974, and Published in the FEDERAL REGISTER on December 11, 1974 39 FR 43199.

Page 43212, Column 2, Paragraph 3, change period to comma at end of paragraph and add "where such sales are made pursuant to a temporary small producer certificate which imposes a refund obligation upon the small producer. See Opinion No. 699 at 108, ------ FPC ------ at ------."

KENNETH F. PLUMB,
Secretary.

[FR Doc.3641 Filed 2-7-75;8:45 am]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 102—RULES AND REGULATIONS, SERIES 8

Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following further amendments to its Rules and Regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act.

1. Section 102.16 is revised to read as follows:

§ 102.16 Hearing; change of date or place.

Upon his own motion or upon proper cause shown by any other party, the regional director issuing the complaint may extend the date of such hearing or may change the place at which it is to be held.

2. Section 102.68 is revised to read as follows.

§ 102.68 Record; what constitutes; transmission to Board.

The record in the proceeding shall consist of: the petition, notice of hearing with affidavit of service thereof, motions, rulings, orders, the stenographic report of the hearing and of any oral argument before the regional director, stipulations, exhibits, documentary evidence, affidavits of service, depositions, and any briefs or other legal memoranda submitted by the parties to the regional director or to the Board, and the decision of the regional director, if any. Immediately upon issuance by the regional director of an order transferring the case to the Board, or upon issuance of an order granting a request for review by the Board, the regional director shall transmit the record to the Board.

3. Section 102.69(g) is revised to read as follows:

§ 102.69 Election procedure; tally of ballots; objections; certification by regional director; report on challenged ballots; report on objections; exceptions; action of the Board; hearing.

• • • • •

(g) The notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, together with the objections to the conduct of the election or conduct affecting the results of the election, any report on such objections, any report on challenged ballots, exceptions to any such report, any briefs or other legal memoranda submitted by the parties, the decision of the regional director, if any, and the record previously made as described in § 102.68, shall constitute the record in the case. Materials other than those set out above shall not be a part of the record; except that in a proceeding in which no hearing is held, a party filing exceptions to a regional director's report on objections or challenges, a request for review of a regional director's decision on objections or challenges, or any opposition thereto, may append to its submission to the Board copies of documents it has timely submitted to the regional director and which were not included in the report or decision. Immediately upon issuance of a report on objections or challenges, or both, upon issuance by the regional director of an order transferring the case to the Board, or upon issuance of an order granting a request for review by the Board, the regional director shall transmit the record to the Board.

4. Section 102.71(a) is revised to read as follows:

§ 102.71 Dismissal of petition; refusal to proceed with petition; requests for review by Board of action of the regional director.

(a) If, after a petition has been filed and at any time prior to the close of hearing, it shall appear to the regional director that no further proceedings are warranted, the regional director may dismiss the petition by administrative action and shall so advise the petitioner in writing, setting forth a simple statement of the procedural or other grounds for the dismissal, with copies to the other parties to the proceeding. Any party may obtain a review of such action by filing a request therefor with the Board in Washington, D.C., in accordance with the provisions of subsection (c) of this section. A request for review from an action of a regional director pursuant to this subsection may be granted only upon one or more of the following grounds:

(1) That a substantial question of law or policy is raised because of (i) the absence of, or (ii) a departure from, officially reported Board precedent.

(2) There are compelling reasons for reconsideration of an important Board rule or policy.

(3) The request for review is accompanied by documentary evidence previously submitted to the regional director raising serious doubts as to the regional director's factual findings, thus indicating that there are factual issues which can best be resolved upon the basis of a record developed at a hearing.

(4) The regional director's action is, on its face, arbitrary or capricious.

(5) The petition raises issues which can best be resolved upon the basis of a record developed at a hearing.

• • • • •

These amendments shall become effective on February 10, 1975.

Dated: Washington, D.C. February 5, 1975.

By direction of the Board.

ROBERT VOLGER,
Acting Executive Secretary.

[FR Doc.75-3637 Filed 2-7-75;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1811—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEFENSE CIVIL PREPAREDNESS AGENCY

Definitions

In § 1811.2 of 32 CFR Part 1811, as published in the FEDERAL REGISTER of January 20, 1975 (40 FR 3212) paragraph (a) designated the title of DCPA manual number CPG 1-9. This manual provides detailed information to States and their political subdivisions regarding nondiscrimination in Federally assisted programs of the Defense Civil Preparedness Agency. The title is being changed so as to be more descriptive of the scope of the manual. Therefore, in 32 CFR Part 1811, paragraph (a) is revised. § 1811.2 is revised to read as follows:

§ 1811.2 Definitions.

• • • • •

(a) "CPG 1-9" means DCPA publication number CPG 1-9 entitled "nondiscrimination in federally assisted programs of the defense civil preparedness agency."

• • • • •

(32 CFR 300.14, 29 FR 19294, Dec. 31, 1964.)

Dated this 31st day of January 1975.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.75-3670 Filed 2-7-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-75-2-R]

PART 127—SECURITY ZONE

Establishment of Security Zone, Marcus Hook, Pa.

Captain Dudley C. Goodwin, United States Coast Guard, Captain of the Port, Philadelphia, Pennsylvania, issued the following order establishing a Security Zone around the M. T. Corinthos at the BP Dock at Marcus Hook, Pa., effective February 3, 1975.

This amendment to the Coast Guard's security zone regulation establishes the remains of the M/T Corinthos at the BP Dock as a Security Zone. This Security Zone is established to protect evidence required by a Coast Guard Board of Inquiry into the circumstances surrounding an explosion on the Corinthos.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because good cause exists and public procedures on this amendment are impracticable because immediate action is necessary to protect the evidence.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.317 to read as follows:

§ 127.317 Marcus Hook, Pa.—Delaware River.

The area within the following boundary is a security zone:

The M/T Corinthos and the area within the floating boom surrounding the vessel.

(46 Stat. 220, as amended, 6(B), 80 Stat. 937; (40 U.S.C. 191), (49 U.S.C. 1655(B)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964, 1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(B)).

Effective date: This amendment becomes effective on February 3, 1975.

Dated: February 4, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.75-3636 Filed 2-7-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 602—EMPLOYEE RESPONSIBILITIES AND CONDUCT

The following are adopted as the American Revolution Bicentennial Administration (ARBA) regulations regarding employee responsibilities and conduct. The regulations were approved by the Civil Service Commission on January 29, 1975, and are effective February 10, 1975.

Sec.
602.101 Adoption of regulations.
602.102 Review of statements of employment and financial interests.
602.103 Disciplinary and other remedial action.
602.104 Gifts, entertainment, and favors.
602.105 Outside employment and other activity.
602.106 Financial interest.
602.107 Miscellaneous statutory provisions.
602.108 Special provisions of Administration regulations governing special Government employees.
602.109 Statements of employment and financial interests.
602.110 Supplementary statements.
602.111 Use of Government property.
602.112 Misuse of information.
602.113 General conduct prejudicial to the Government.
602.114 Interpretation and advisory services.

AUTHORITY: E.O. 11222; 3 CFR 1964-1965 Comp., p. 306; 5 CFR 735.104.

§ 602.101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the American Revolution Bicentennial Administration (referred to hereinafter as the Administration) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101-102; 735.201a; 735.202 (a), (d), (e), (f) 735.305(a); 735.306; 735.403(a); 735.404-411; and 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 602.102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the General Counsel. When this review indicates a conflict between the interests of an employee or special Government employee of the Administration and the performance of his services for the Government, the General Counsel shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the General Counsel shall forward a written report on the indicated conflict to the Administrator, American Revolution Bicentennial Administration.

§ 602.103 Disciplinary and other remedial action.

(a) An employee or special Government employee of the Administration who violates any of the regulations in this part or adopted under § 602.101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest; or

(3) Disqualification for a particular assignment.

§ 602.104 Gifts, entertainment, and favors.

The Administration authorizes the exception to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b)(1)-(4).

§ 602.105 Outside employment and other activity.

(a) An employee of the Administration may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing in advance to the Administrator.

(b) Employees of the Administration may engage in teaching, writing, and lecturing provided, however, employees shall not receive compensation or anything of monetary value for any consultation, discussion, writing, lecturing or appearance, the subject matter of which is devoted substantially to the specific responsibilities, programs, or operations of the Administration or which draws substantially on official data or ideas which have not been published or otherwise publically released by the Administration. The foregoing limitaion on the receipt of compensation or anything of monetary value shall not be construed as applying to amounts received for reimbursement for travel and other expenses incurred in performing the outside employment.

§ 602.106 Financial interest.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts, or appears to conflict with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive Order, this section, or the Administration regulations.

§ 602.107 Miscellaneous statutory provisions.

The Administration authorizes the adoption of the regulations regarding miscellaneous statutory provisions as set forth in 5 CFR 735.210.

[1] 49 Stat. 449; (29 U.S.C. 151-166), as amended by act of June 23, 1947 (61 Stat. 136; (29 U.S.C. 151-167)), act of October 22, 1951 (65 Stat. 601; (29 U.S.C. 158, 159, 168)), and act of September 14, 1959 (73 Stat. 519; (29 U.S.C. 141-168).

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§ 602.108 Specific provisions of Administration regulations governing special Government employees.

(a) Special Government employees of the Administration shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 602.101 (except 5 CFR 735.203(b)).

(b) Special Government employees of the Administration may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Administration authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 602.104.

§ 602.109 Statements of employment and financial interests.

(a) Employees in the following named positions shall submit statements of employment and financial interests:

(1) Deputy Administrator and Assistant Administrators

(2) Division Directors (GS–13 and above)

(b) Each statement of employment and financial interests required by this section shall be submitted to the Administrator, American Revolution Bicentennial Administration, Washington, D.C. 20276.

(c) An employee who believes that his position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the Administraion's grievance procedure.

§ 602.110 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement of employment and financial interests on June 30 as required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or the regulations in this part or adopted under § 602.101.

§ 602.111 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 602.112 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 602.113 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 602.114 Interpretation and advisory services.

In accordance with 5 CFR 735.105, the General Counsel, American Revolution Bicentennial Administration, is designated as counselor to provide counseling and interpretations on questions of conflicts of interest and other matters covered by the regulations, and to serve as the Administration's designee to the Civil Service Commission for such purposes. Each Assistant Administrator is designated as deputy counselor for Administration employees within his jurisdiction. An employee who wishes advice or guidance on questions of conflicts of interest and on other matters covered by the regulations should consult his appropriate deputy counselor for assistance, or may refer his request for guidance directly to the Administration's counselor.

NOTE: This Part was approved by the Civil Service Commission on January 29, 1975 and is effective February 10, 1975.

JOHN W. WARNER,
Administrator.

FEBRUARY 3, 1975.

[FR Doc.75-3488 Filed 2-7-75; 8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Nonmailable Matter

The purpose of this document is to amend the headings of Parts 123 and 124 contained in § 111.5, which lists the entire contents of Chapter I of the Postal Service Manual, in conformity with the complete revision of Parts 123 and 124 of the Postal Service Manual, described elsewhere in today's issue of the FEDERAL REGISTER.

Accordingly, effective immediately, in 39 CFR 111.5 paragraphs (b)(3) and (b)(4) are revised to read as follows:

§ 111.5 Contents of Chapter I of Postal Service Manual.

• • • • •

(b) Subchapter 120—Preparation for mailing.

• • • • •

(3) Part 123—Nonmailable matter—written, printed and graphic matter.

(4) Part 124—Nonmailable matter—articles and substances; special mailing rules.

• • • • •

((5 U.S.C. 552(a)), (39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–18, 3403–05, 3621), and (50 U.S.C. 1463–64)).

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 75-3650 Filed 2-7-75; 8:45 am]

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Postal Service Manual; Miscellaneous Amendments

Chapter I of the Postal Service Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 34, Issue 97, dated February 7, 1975.

In accordance with 39 CFR 111.3 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Manual will receive these amendments automatically from the Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see 39 CFR 111.2).

Description of these amendments to Chapter I of the Postal Service Manual follows:

PART 112—DOMESTIC MAIL SERVICE

1. Part 112 is amended to delete Swan Islands from the list of territories and possessions of the United States. These islands are under the jurisdiction of Honduras.

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

PART 124—NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

2. On June 5, 1974, there was published in the FEDERAL REGISTER (39 FR 19958) a notice of proposed rulemaking to revise completely parts 123 and 124 of title 39, Code of Federal Regulations. The period for receiving comments, originally ending on June 20, 1974, was extended to August 15, 1974, at the request of parties preparing comments (39 FR 24244), and the proposed September 1, 1974, effective date was cancelled when it became clear that the regulations would not be ready for publication by that time (39 FR 32036). Parts 123 and 124 are closely interrelated regulations that are concerned with matter the mailability of which is conditioned or prohibited by law. The regulations have been revised in an effort to treat differently "written, printed and graphic" materials (Part 123), which potentially involve First Amendment considerations, from "articles and substances" (Part 124). All comments submitted with respect to the proposed revised regulations were given due consideration.

As a result of comments received, the following changes are made:

a. In § 124.151 (proposed § 124.1(e)(1)) a new sentence is added at the end providing that hazardous materials subject to 49 CFR must be marked with the shipping name as set forth in 49 CFR 172.5.

b. In § 124.153 (proposed § 124.1(e)(3)) a new sentence is added at the end providing that any package transported by aircraft must bear the appropriate Department of Transportation hazardous materials label.

c. In § 124.242a (proposed § 124.2(d)(2)) the second sentence is amended to provide that overseas and air mail are restricted to items with a flash point at or above 100° F, instead of only above 100° F.

d. In § 124.25 (proposed § 124.2(e)) the next to the last sentence is amended to more accurately refer to packaging requirements of title 49 CFR.

e. In § 124.282 (proposed § 124.2(h)(1)) a reference to 42 CFR 72.25 is added.

f. In § 124.544a (proposed § 124.5(d)(4)(i)) the proposed requirement that would have limited the use of regular mail to prescription medicines containing controlled substances listed in Schedule II in amounts not exceeding a 34-day supply or 100 dosage units, whichever is less, has been changed to permit the use of regular mail for amounts not exceeding 100 dosage units.

g. In § 124.544b (proposed § 124.5(d)(4)(ii)) the proposed requirement that would have limited the use of regular mail to prescription medicines containing controlled substances listed in Schedules III, IV and V in amounts not exceeding a 100 day supply or 200 dosage units, whichever is less, has been changed to permit the use of regular mail for up to 300 dosage units.

Certain minor printing errors were also corrected and other minor editorial corrections and revisions were made where necessary.

In addition, new § 123.424 is added, consistent with Pub. L. 93–583, enacted January 2, 1975, exempting from the anti-lottery provisions an advertisement, list of prizes or information concerning a lottery conducted by a State contained in a newspaper published in that State, or the mailing to addresses within a State of tickets or other materials concerning a lottery conducted by that State.

As so modified and revised, parts 123 and 124 are hereby adopted.

PART 134—THIRD CLASS

3. Section 134.44c is amended to allow the permit indicia to be carried on the detached address card when merchandise samples are mailed using the detached address card procedure.

PART 144—POSTAGE METERS AND METER STAMPS

4. Section 144.13d is amended to update a meter manufacturer's mailing address.

5. Section 144.223 is amended to establish a corresponding requirement to § 144.962 which requires meter manufacturers to perform semi-annual inspections. Some meter users have refused meter manufacturers access to their meters, thereby weakening the effectiveness of such checks in detecting improper use of meters and faulty meters.

6. Section 144.351b is amended to simplify procedures for issuance of a receipt for postage printed in excess of the amount set in a postage meter.

PART 154—CONDITIONS OF DELIVERY

7. Section 154.143 is amended to provide for the immediate return to the sender of Treasury checks undeliverable because the addressee has moved and failed to file a change of address.

PART 156—RURAL SERVICE

8. Section 156.21 and 156.22 are amended to provide rural route extensions from an average of at least one family being served per 0.67 mile of additional travel, including retrace, to an average of one family being served per one mile of additional travel, including retrace.

PART 159—UNDELIVERABLE MAIL

9. Section 159.311 is amended to provide for the immediate return to the sender of Treasury checks undeliverable because the addressee has moved and failed to file a change of address.

10. Section 159.852 is amended to raise the minimum size of sale lots because of increased costs of auction sales.

PART 161—REGISTERED MAIL

11. Section 161.749 is amended to include the prohibition against cutting pouch straps, the removal of the damaged pouches from service, and the requirement for reporting the damage to the Inspection Service.

PART 153—COD MAIL

PART 171—MONEY ORDERS

12. Various sections relating to COD money orders in Part 163 and substantially all of Part 171 are amended in conformity with an improved money order system previously adopted by the Postal Service. The domestic part of this improved system went into effect on October 13, 1973 (see notice at 38 FR 29651). All military post offices were converted to the new system on November 13, 1973, and the international part of the system went into effect on March 30, 1974 (see notice at 39 FR 12071). The money order system has been operating under interim regulations during an initial period of testing. That period having now been completed, the Postal Service hereby adopts permanent regulations governing the clerk issuance, accounting, and reporting procedures for its money order system.

PART 165—CERTIFICATES OF MAIL, RETURN RECEIPTS, AND RESTRICTED DELIVERY

13. Section 165.3 is amended to delete the present endorsements *Deliver to Addressee Only* and *Deliver to Addressee or Order* and substitute the single endorsement *Restricted Delivery* for all such mail. Mail so endorsed will be delivered to the addressee only, unless the addressee specifically authorizes in writing another person to receive his restricted delivery mail. The existing exceptions to the delivery of restricted delivery mail described in § 165.341 are revised in minor respects and retained.

The remainder of the changes are minor, technical, or editorial in nature.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

14. In consideration of the foregoing, 39 CFR 111.3 is amended by adding the following:

§ 111.3 Amendments to Chapter I of the Postal Service Manual.

• • • • •

AMENDMENTS TO POSTAL SERVICE MANUAL

Transmittal Letter, Letter 34, Issue 97; Date, February 7, 1975; FR publication, 40 FR-----.

These amendments are effective immediately.

(5 U.S.C. 552(a), (39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–18, 3403–05, 3621) and (50 U.S.C. 1463–64)).

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-3649 Filed 2-7-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5477]

ARIZONA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, (43 U.S.C. 416 (1970)), it is ordered as follows:

The departmental orders of July 2, 1902, January 31, 1903, September 30, 1904, June 18, 1914, and March 14, 1929, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 10, lots 1 thru 6, SE¼NE¼, E½SE¼;
Sec. 11, Tract A, lots 1 thru 7, S½N½, SW¼SE¼, N½NE¼;
Secs. 12, 13, 14, 15.

The areas described aggregate, 3,402.27 acres in Yuma County.

Of the lands described above, the E½W½W½SW¼SW¼NW¼ sec. 12, T. 9 S., R. 23 W., is appropriated for a canal right-of-way established by the Bureau of Reclamation pursuant to subsection P, section 4, of the Act of December 5, 1924, (43 U.S.C. 417 (1970)), and shall not be open to disposition under the public land laws. The remaining lands have been conveyed out of Federal ownership, or transferred to the jurisdiction of the military, and are not subject to use or disposition under the public land laws.

JACK O. HORTON,
Assisant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.E5-3672 Filed 2-7-75;8:45 am]

[Public Land Order 5473]

ARIZONA

Modification of Reclamation Withdrawals To Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the Act of June 17, 1902,

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32 Stat. 388, as amended and supplemented, (43 U.S.C. 416 (1970)), it is ordered as follows:

The departmental orders of January 31, 1903, September 8, 1903, and March 14, 1929, withdrawing lands in Arizona for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, (43 U.S.C. 932), by Yuma County, Arizona, over the following described lands, as delineated on a map filed by the Yuma County Department of Public Works with the Bureau of Land Management in Arizona 7378, for the construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 19 W., Sec. 14, N½NE¼NE¼ (50' x 1044.33').

The area described contains 1.20 acres in Yuma County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3673 Filed 2-7-75;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5472, Arizona 6882]

ARIZONA

Withdrawal of National Forest Lands

By virtue of the authority vested in the President by the Act of June 4, 1897, (16 U.S.C. 473) (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

KAIBAB NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Three Lakes Game Preserve

T. 37 N., R. 2 E.,
Sec. 6, SW¼NE¼NE¼, SE¼NW¼NE¼; E½SW¼NE¼, W½SE¼NE¼; NW¼NE¼SE¼, NE¼NW¼SE¼.

Lamb's Lake Game Preserve

T. 38 N., R. 1 E.,
Secs. 13 and 14, those lands included in M.S. No. 1655.

The areas described aggregate 178.03 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the national forest lands under lease, license or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3616 Filed 2-7-75;8:45 am]

[Public Land Order 5465; Riverside 1451]

CALIFORNIA

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, (43 U.S.C. 416) (1970), it is ordered as follows:

1. The Departmental Order of October 19, 1920, withdrawing lands for the Yuma Project, now the All American Canal Project, is hereby revoked so far as it affects the following described land:

SAN BERNARDINO MERIDIAN

T. 7 S., R. 8 E.,
Sec. 18, S½ of lots 1 and 2 of SW¼.

The area described contains 76.83 acres in Riverside County.

2. At 10 a.m. on March 8, 1975, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received on or prior to 10 a.m. on March 8, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on March 8, 1975. They have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,
Assistant Secretary of the Interior.

JANUARY 31, 1975.

[FR Doc.75-3617 Filed 2-7-75;8:45 am]

[Public Land Order 5476]

IDAHO

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

T. 43 N., R. 9 E.,
Sec. 19, E½SE¼SE¼SE¼;
Sec. 29, W½SE¼NW¼, W¼NE¼SW¼, NW¼SW¼, S½SW¼;
Sec. 29, SW¼SW¼NE¼, NW¼;
Sec. 30, E½E½NE¼NE¼, E½NE¼SE¼NE¼, SE¼SE¼NE¼.

The area described aggregates 360 acres in Shoshone County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3674 Filed 2-7-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-100R]

CO₂ FIXED FIRE EXTINGUISHING SYSTEMS

Controls; Requirements for Additional Instructions

A notice of proposed rulemaking (CGD 74-100) was published in the FEDERAL REGISTER of Wednesday, May 8, 1974 (39 FR 16364). It proposed a revision of the existing regulations concerning specifications for controls of CO_2 fixed fire extinguishing systems.

The purpose of this amendment is to modify the requirements pertaining to the posting of operating instructions for fixed carbon dioxide fire extinguishing systems. This modification will require the posted instructions to be of a more detailed nature.

During the thirty day comment period, three comments were received. One commenter requested clarification of the definition of "releasing control device." The term "releasing control device" refers to all pull boxes, stop valve controls, and cylinder valves. This clarification was made in the regulation. A second commenter expressed concern that the posting of alternate means of releasing the extinguishing system may encourage persons to enter hazardous areas on small vessels. It is felt that this comment has merit. Accordingly, the wording of the regulation has been altered to exclude all systems in which the CO_2 cylinders are within the protected space. This exempts the systems normally found on small vessels. The final commenter suggested changing the terminology "primary or secondary means of release." To clarify the intent of the regulation this provision was altered to read "manual release or stop value controls."

In consideration of the foregoing, Parts 34, 76, 95, 181, and 193 of Title 46 of the Code of Federal Regulations are amended as follows:

PART 34—FIREFIGHTING EQUIPMENT

1. By revising § 34.15–10(h) to read:

§ 34.15–10 Controls—T/ALL.

* * * * *

(h) Complete but simple instructions for the operation of the systems must be located in a conspicuous place at or near all pull boxes, stop valve controls and in the CO_2 cylinder storage room. On systems in which the CO_2 cylinders are not within the protected space, these instructions must also include a schematic diagram of the system and instructions detailing alternate methods of discharging the system should the manual release or stop valve controls fail to operate. Each control valve to branch lines must be marked to indicate the related space served.

* * * * *

PARTS 76, 95, 181, AND 193 [AMENDED]

2. By revising §§ 76.15–10(h), 95.15–10(h), 181.20–15(d), and 193.15–10(h) to read the same as § 34.15–10(h)

(46 U.S.C. 375, 390b, and 391a (49 U.S.C. 1655(b)); 49 CFR 1.46(b) and 1.46(o)(4))

Effective date: This amendment is effective on May 15, 1975.

Dated: February 3, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.75-3634 Filed 2-7-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19946]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Search and Rescue Communications, Order Extending Time for Filing Reply Comments

By the Chief, Safety and Special Radio Services Bureau.

In the Matter of Amendment of Parts 2 and 83—to make available the frequency 157.1 MHz for use by non-Government ship stations; to require that 157.1 MHz be fitted in VFH equipment installed in ship stations; and to designate 156.3 for search and rescue communications.

1. Northern Pacific Marine Radio Council (NPMRC) has requested a 45-day extension of time within which to file comments in the above-captioned rule making proceeding [December 6, 1974; 39 FR 42689], in order to permit solicitation of the views of its members considering the effects of the holiday season on the originally allowed time. The Coast Guard has informally joined in this request.

2. Accordingly, *it is ordered*, That the time for filing comments in the proceeding in Docket No. 19946 is extended to February 19, 1975, and the time for filing reply comments is extended to March 3, 1975. This action is taken pursuant to authority delegated by section 0.331(b)(4) of the rules.

Adopted: January 30, 1975.

Released: February 4, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75-3645 Filed 2-7-75;8:45 am]

[FCC 75-129]

PART 73—RADIO BROADCAST SERVICES

PART 76—CABLE TELEVISION SERVICE

State Lotteries

In the Matter of Amendment of Part 73 (Radio Broadcast Services) and Part 76 (Cable Television Service) of the rules.

By the Commission: 1. The Commission has under consideration § 73.122 for AM stations, § 73.292 for FM stations, § 73.656 for TV stations, and § 76.213 for cable television systems. These provisions contain the Commission's rules concerning lotteries.

2. On January 2, 1975, Congress modified the scope of the Federal statute prohibiting broadcasts of advertisements of or information concerning lotteries set forth in section 1304 of Title 18 of the criminal code by enacting a new provision (Pub. L. 93-583) for broadcasts about lawful State conducted lotteries. The new law set forth in 18 U.S.C. section 1307 exempts in specific circumstances described therein the broadcast of advertisements of or information concerning a State conducted lottery acting under authority of State law from the prohibitions contained in section 1304 when such information is broadcast: (1) by a radio or television broadcast station licensed to a location in that State or (2) by a radio or television broadcast station licensed to a location in an adjacent State also conducting such a lottery.[1]

3. For the purposes of the new exemption a lottery is defined as "the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. 'Lottery' does not include the placing or accepting of bets or wagers on sporting events or contests." See 18 U.S.C. section 1307(d). In addition, it should be noted that the legislative history indicates the word "adjacent" used in the exemption is intended to mean adjoining or contiguous, i.e., having a common boundary, at least in part. Further it should be noted that it is the licensed location of a station, rather than the actual location of a transmitter or studio, to which the statute refers in providing a limited exemption from the prohibitions of section 1304.

[1] The new law also contains exemptions permitting the publication of information about a lawful State conducted lottery in newspapers published in the State and for the use of the mails to send tickets and other material concerning a lawful State conducted lottery to addresses within the State conducting the legal State lottery.

4. In more concrete terms, the new law permits a broadcast station licensed to a location in New York, which now conducts a lawful State lottery, to broadcast advertisements of or information concerning the New York State lottery as well as the lawful State lotteries of Massachusetts, Connecticut, New Jersey and Pennsylvania, since these States are adjacent to New York and since they also conduct a lawful State lottery. The exemption, however, would not permit a broadcast station licensed to a location in New York to broadcast information concerning the Maine or Michigan state lotteries since those states are not adjacent States to New York. Nor would the exemption permit a station licensed to a location in Virginia to broadcast information concerning the Maryland state lottery, since although Virginia is adjacent to Maryland, Virginia does not conduct a State lottery. Although the language of the new statute appears clear, the preceding example is included in the appended revised lottery rules to assist in understanding its basic application.

5. Finally, it should be emphasized that the exemption to the provisions of section 1304 provided by Pub. L. 93-583 is limited to the specific circumstances described therein, and that the general prohibition of broadcasts regarding lotteries set forth in section 1304 is applicable to broadcasts about all other lotteries.

6. In order to conform the Commission's lottery rules to the new lottery exemption set forth in section 1307, §§ 73.122, 73.292 and 73.656 are, in effect, eliminated and their substance, as revised is set forth in a new § 73.1209, found in Subpart H of the rules applying to all broadcast services.

7. In 1970, the Commission adopted rules which in effect imposed the restrictions of section 1304 on cablecasts originated by cable systems. These rules are also being modified to reflect the exemptions contained in the statute. See § 76.213.

8. The amendments hereby adopted are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. The amendments adopted simply conform existing lottery rules to the recent amendment of Chapter 61 of Title 18 of the United States Code by the addition of new section 1307. Therefore the notice and effective date requirements set forth in 5 U.S.C. 553 are inapplicable.

10. Accordingly, *it is ordered*, That §§ 73.122, 73.292, 73.656, and 76.213 are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: January 30, 1975.

Released: February 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

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Effective January 30, 1975, Parts 73 and 76 of 47 CFR is amended as follows:

§§ 73.122, 73.292, and 73.656 [Amended].

1. Sections 73.122, 73.292 and 73.656 are revised to read:

See § 73.1209 of this chapter which applies to all broadcast stations.

2. A new § 73.1211 is added to read:

§ 73.1211 Broadcast of lottery information.

(a) No licensee of an AM, FM or television broadcast station, except as in paragraph (c) of this section, shall broadcast any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes. (18 U.S.C. 1304, 62 Stat. 763).

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or other thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or other thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question. (See 21 FCC 2d 846).

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to an advertisement, list of prizes or other information concerning a lottery conducted by a State acting under authority of State law when such information is broadcast: (1) by a radio or television broadcast station licensed to a location in that State, or (2) by a radio or television broadcast station licensed to a location in an adjacent State which also conducts such a lottery. (18 U.S.C. 1307, 88 Stat. 1916).

(d) For the purposes of paragraph (c) of this section, "lottery" means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. It does not include the placing or accepting of bets or wagers on sporting events or contests.

NOTE.—Pursuant to the exemption set out in paragraph (c) of this section, a broadcast station licensed to a location in a State that conducts a State Lottery may broadcast advertisements of or information concerning such lottery in its State of license and advertisements of or information concerning such lotteries conducted in any adjacent State. (See 18 U.S.C. 1307, FCC 75). The exemption would, for example, permit a broadcast station licensed to a location in New York, which now conducts a lawful state lottery, to broadcast advertisements of or information concerning the New York State Lottery as well as the lawful State Lotteries of Massachusetts, Connecticut, New Jersey and Pennsylvania, since these States are adjacent to New York, and also conduct a State Lottery. The exemption, however, would not permit a broadcast station licensed to a location in New York to broadcast information concerning the Maine or Michigan State lotteries since those states are not adjacent States to New York. Nor would the exemption permit a station licensed to a location in Virginia to broadcast information concerning the Maryland State Lottery, since although Virginia is adjacent to Maryland, Virginia does not conduct a State lottery.

3. Section 76.213 (a), (c), (d) is amended to read:

§ 76.213 Lotteries.

(a) No cable television system, except as in paragraph (c), when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

* * * * *

(c) The provisions of paragraphs (a) and (b) of this section shall not apply to advertisements or lists of prizes or information concerning a lottery conducted by a State acting under the authority of State law when such information is transmitted:

(1) by a cable system located in that State,

(2) by a cable system located in an adjacent State which also conducts such a lottery, or

(3) by a cable system located in another State which is integrated with a cable system described in (1) or (2) herein, if termination of the receipt of such transmission by the cable system in such other State would be technically infeasible.

(d) For the purposes of paragraph (c) *lottery* means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. It does not include the placing of accepting of bets or wagers on sporting events or contests.

[FR Doc.75-3647 Filed 2-7-75;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Test Methods for Simulating Use and Abuse of Toys, Games and Other Articles Intended for Use by Children

Correction

In FR Doc. 75-225 appearing at page 1480 in the issue for Tuesday, January 7, 1975, make the following Changes:

1. On page 1485 in § 1500.51(g)(1), in the fourth line the word now reading "contract" should be changed to read "contact".

2. On page 1485 in § 1500.52(a) the fifth line at the top of the second column, now reading "centimeters) shall be applied evenly" should be moved to § 1500.52(e)(3) after the fifth line ending "(3.46 kilogram-"

3. On page 1486 in § 1500.52(f)(3) the line now reading "to the test object of component. A 15-" should read "to the test object or component. A 15-".

4. On page 1487 in the third column, the first line of the authority cite, should read "(Secs. 2(f)(1)(D), (q)(1)(A), (s), (3)(e)(1),".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

NONIMMIGRANT (H-1) VISA PETITIONS FOR PHYSICIANS AND NURSES

Evidence Submitted in Support of Visa Petition

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 214.2(h)(2)(iii) pertaining to the evidence to be submitted in support of a visa petition to accord a physician or nurse nonimmigrant classification as an alien of distinguished merit and ability under section 101(a)(15)(H)(i) of the Immigration and Nationality Act, as amended.

Current § 214.2(h)(2)(iii) requires that a visa petition to accord a physician or nurse H-1 nonimmigrant classification shall be accompanied by a statement from the petitioner certifying whether to the best of his information and belief the beneficiary is fully qualified under the laws governing the place of intended employment to perform the desired services; whether under those laws the petitioner is permitted to employ the beneficiary to perform such services, and whether under those laws the beneficiary is permitted to substantially perform the desired services. It is believed to be in the public interest to require the petitioner to submit certain relevant evidence from the state licensing authorities. It is, therefore, proposed to amend § 214.2(h)(2)(iii) to require that visa petitions to accord a physician or nurse H-1 nonimmigrant classification should be accompanied by evidence that a permanent license to practice medicine or professional nursing, as appropriate, has been issued to the beneficiary by the licensing authority having jurisdiction over the place of intended employment, or a written statement from such licensing authority that, based on the facts known to it, a temporary license or permit will be issued to the beneficiary once the beneficiary establishes residence in the area of intended employment. It is proposed to further amend that section to provide that if the state or other place where the desired services of the beneficiary are to be performed does not issue temporary licenses or permits, the petitioner shall submit a written statement from the Attorney General of such state or other place to the effect that the desired services may be performed without a license or permit; the submission of such statement by the petitioner shall be waived if the Service has previously obtained such a statement.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received before March 14, 1975, will be considered.

In light of the foregoing, it is proposed to amend Part 214 of Chapter I of Title 8, Code of Federal Regulations, as follows:

PART 214—NONIMMIGRANT CLASSES

It is proposed to amend § 214.2(h)(2)(iii) to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) *Temporary employees.*

* * * * *

(2) *Petition for alien of distinguished merit and ability.* * * *

(iii) *Physicians and nurses.* A petitioner seeking to accord a physician or nurse a classification under section 101(a)(15)(H)(i) of the Act shall attach to the petition evidence that the beneficiary has obtained a full and unrestricted license to practice medicine or professional nursing in the country where he obtained his medical or nursing education, or that such education was obtained in the United States or Canada, or that he is a physician who successfully passed the examination given by the Educational Commission for Foreign Medical Graduates; also, evidence that a permanent license to practice medicine or professional nursing has been issued to the beneficiary by the licensing authority having jurisdiction over the place of intended employment, or a written statement from such authority that based upon the facts known to the licensing authority such authority will issue the beneficiary a temporary license or permit once the beneficiary establishes residence in the area of intended employment. If the state or other place where the desired services are to be performed does not issue temporary licenses or permits, the petitioner shall submit a written statement from the Attorney General of such state or other place to the effect that the desired services may be performed without a license or permit; however, the submittal by the petitioner of such Attorney General's statement shall be waived if the Service has previously obtained such a statement. If the laws governing the place where the services will be performed impose any limitations on the services to be rendered by the beneficiary, the petitioner shall submit a written statement describing the limitations and asserting whether he will observe them. The district director shall consider any such limitations in determining whether the services which the beneficiary would perform are of an exceptional nature requiring a person of distinguished merit and ability.

* * * * *

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Dated: February 5, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-3642 Filed 2-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Notice of Proposed Determination for 1975-76 Marketing Year

Pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1358(c)), the Secretary of Agriculture is preparing to determine whether the supply of any type or types of peanuts for the 1975-76 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358(c)(2) of the Act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the

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allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county or farm acreage allotments.

Prior to determining whether the supply of any type or types of peanuts for the 1975–76 marketing year will be insufficient, under section 358(c) of the Act to meet the estimated demand for cleaning and shelling, consideration will be given to data, views and recommendations relating thereto which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To be sure of consideration, any such submission must be postmarked not later than March 12, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director, during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C. on: February 4, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-3691 Filed 2-7-75;8:45 am]

EMERGENCY LOAN GUARANTEE BOARD

[13 CFR Part 402]

ESTABLISHMENT OF FEES IN CONNECTION WITH REQUEST FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Notice of Proposed Rulemaking

Notice is hereby given in accordance with administrative rulemaking procedures of 5 U.S.C. 553 that the Emergency Loan Guarantee Board, pursuant to the requirements of 5 U.S.C. 552(a)(4)(A) proposes to adopt the following amendment to its rules regarding availability of information in order to adopt a fee schedule for searching and duplication of records requested under the Freedom of Information Act.

Subject to the receipt of comments, it is proposed that 13 CFR 402.4 be amended by ending the second sentence of paragraph (b) after the word "difficulty," deleting all that follows, redesignating paragraph (c) as paragraph (d) and adding the following new paragraph (c):

§ 402.4 [Amended]

. . . . . .

(c) *Fees.* A fee based upon $5 per hour for the time required to locate such records and prepare them for inspection, plus 10 cents per standard page for any copying thereof shall be paid by any person requesting records other than published records described in § 402.3. In addition, the cost of postage and any packaging or special handling shall be paid by the requester. Documents shall be provided without charge or at a reduced charge where the Board determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Any person who wishes to submit written data, views, or arguments concerning the proposed fee schedule may do so by filing them with the Secretary, Emergency Loan Guarantee Board, c/o Department of the Treasury, Office of the General Counsel, Washington Building, Room 1001, Washington, D.C. 20220.

All written submissions made pursuant to this notice will be made available for public inspection at the Washington Building, 15th & G Street NW., Room 1001, Washington, D.C., during regular hours of business (9 a.m. to 5:30 p.m., Monday through Friday, except holidays).

Subject to the receipt of comments pursuant to this notice, on or before February 18, 1975, the proposed amendment will become effective on February 19, 1975, but will later be revised (under the procedures of 5 U.S.C. 553), if necessary, to reflect comments received after the effective date but prior to the end of thirty days from the date of this notice.

ALAN N. VINICK,
Secretary,
Emergency Loan Guarantee Board.

[FR Doc.75-3692 Filed 2-7-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL

Rescheduled Advisory Committee Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on March 4 and 5, 1975, at the Naval Intelligence Support Center, Suitland, Maryland. The session will commence at 9 a.m. and terminate at 5:30 p.m.

The agenda will consist of matters which are classified in the interest of national security, including intelligence systems and applications, weapons and ship design, and long-range Navy plans and policy. For that reason, the Secretary of the Navy has determined in writing that meetings of the Chief of Naval Operations Executive Panel Advisory Committee should be closed to the public because they are concerned with matters listed in section 552(b) of Title 5, United States Code.

The above meeting has been scheduled in lieu of the one previously announced to take place on February 6 and 7, 1975.

Dated: February 3, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy
Acting Judge Advocate General.

[FR Doc.75-3669 Filed 2-7-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON SPECIFICATIONS AND STANDARDS IMPROVEMENT

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that the Defense Science Board Task Force on "Specifications and Standards Improvement" will meet in open session on Friday and Saturday 21–22 February 1975 at Hughes Aircraft, Building 373, Room 9567, El Segundo, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to provide an evaluation of current DoD Specifications and Standards and the related DoD organization, system and procedures to serve as a basis for DoD policy decisions to reduce costs in systems/equipment design and acquisition.

At this meeting, the Task Force will evaluate the impact on acquisition costs of Military Specification MIL-D-1000, Drawings, Engineering and Associated Lists; review environmental and reliability specifications with a view toward consolidation and removing specification tiering; discuss, critique and offer alternatives to the DoD feedback process as it pertains to specifications and standards; discuss and recommend actions aimed at the tailoring of specifications; discuss specification relationships between prime and subcontractors, and discuss and review other pertinent and related subjects as may come before the group.

Due to the limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address listed below by February 14, 1975. Notice should include information with respect to interest and degree of participation.

Mr. Lester Fox, Director, Defense Materiel Specifications and Standards Office,
Cameron Station,
Alexandria, Virginia 22314.

Telephone inquiries may also be made to Mr. Fox at (292) 274-7061.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 5, 1975.

[FR Doc.75-3624 Filed 2-7-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP, LASER HARDENED MATERIALS AND STRUCTURES SUBPANEL

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, dated October 6, 1972, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group, Laser Hardened Materials and Structures Subpanel will be held starting at 0830 on Tuesday and Wednesday, March 4 and 5, 1975, at Wright-Patterson Air Force Base, Ohio.

The subject matter of the meetings is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 5, 1975.

[FR Doc.75-3643 Filed 2-7-75;8:45 am]

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, March 4, 1975
Tuesday, March 11, 1975
Tuesday, March 18, 1975
Tuesday, March 25, 1975

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 U.S.C. 552 (b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 U.S.C. 552 (b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

FEBRUARY 4, 1975.

[FR Doc.75-3623 Filed 2-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 11020]

FLORIDA

Amendment to Notice of Filing of Plat of Survey

JANUARY 31, 1975.

In FR Document 74-28542 appearing on page 42698 in the issue for Friday,

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December 6, 1974, there appeared an amendment of the notice of filing of the plat of survey for islands and omitted lands in T. 16 S., R. 28 E., Tallahassee Meridian, Volusia County, Florida. The last paragraph of that notice of amendment should read:

The total land area encompassed by the survey is over 50 percent swamp in character within the interpretation of the Swamp Land Act of September 28, 1850. Title to these lands inured to the State of Florida as of that date, and these lands are, therefore, open only to selection by the State under that Act.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.75-3675 Filed 2-7-75;8:45 am]

Bureau of Reclamation

WESTERN GASIFICATION CO.

Supplement on Dates of Public Hearings on Draft Environmental Statement

The public hearings, as announced in the FEDERAL REGISTER on Friday, February 7, 1975 (40 FR 5799), on the draft environmental statement for the proposed WESCO Coal Gasification Project and expansion of the Navajo Mine by Utah International, Inc. (INT DES 74-107), scheduled for March 11, 1975, in Window Rock, Arizona, and March 12, 1975, in Farmington, New Mexico, are revised as follows in order to allow additional time for the hearings in Window Rock. The public hearings will be held in Window Rock, Arizona, at the Window Rock Civic Center on March 11 and 12, 1975, and in Farmington, New Mexico, at the City Council Meeting Room, 800 Municipal Drive, on March 13, 1975, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. All hearings will be held from 10 a.m. to 12 Noon, from 1:30 p.m. to 5 p.m. and from 7 p.m. to 10 p.m. All other information in the referenced notice remains as published on February 7, 1975.

The Bureau of Reclamation regrets the uncontrollable circumstances which delayed the submission of this document for publication.

Dated: February 7, 1975.

E. F. SULLIVAN,
Acting Commissioner of Reclamation.

[FR Doc.75-3832 Filed 2-7-75;9:28 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amendment 7]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1975, published in 39 FR 24684 is amended as follows:

1. The last sentence of section 1(b) entitled "General" published in 39 FR 24684 as amended in 39 FR 43413 is revised to read as follows: "Interest at 10½ percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received."

2. The provisions of section 29 entitled "Butter-Unrestricted Use Sales" published in 39 FR 32042 as amended in 40 FR 3020 are deleted.

Effective date: 2:30 p.m. January 31, 1975.

Signed at Washington, D.C., on February 4, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-3692 Filed 2-7-75;8:45 am]

Animal and Plant Health Inspection Service

IMPORTED FIRE ANT COOPERATIVE FEDERAL-STATE CONTROL AND REGULATORY PROGRAM

Availability of Addendum to Environmental Impact Statement

Pursuant to the National Environmental Policy Act (Pub. L. 91-190, (42 U.S.C. 4321, et seq.)) and Executive Order 11514 (35 FR 4247) of March 7, 1970, in providing timely public information on Federal plans and programs with environmental impact, notice is hereby given of the public availability of an addendum to the Environmental Impact Statement on the Imported Fire Ant Cooperative Federal-State Control and Regulatory Program (USDA-APHIS-ADM-73-2).

Copies of the addendum have been furnished to the Council on Environmental Quality and to those agencies, organizations, and individuals who submitted comments on the draft of said statement.

Copies of the addendum may be obtained or examined at any of the following locations:

Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 14th and Independence Avenue, Room 302-E, Washington, D.C. 20250.

Director, Southeastern Region, PPQ, APHIS, U.S. Department of Agriculture, 3505 25th Avenue, P.O. Box 989, Gulfport, MS 39501.

Director, South Central Region, PPQ, APHIS, U.S. Department of Agriculture, 2100 Boca Chica Boulevard, Suite 400, Brownsville, TX 78520.

Done at Washington, D.C., this 4th day of February 1975.

JAMES O. LEE, JR.,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-3628 Filed 2-7-75;8:45 am]

Rural Electrification Administration

SIERRA TELEPHONE CO., INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974, (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $5,950,000 to Sierra Telephone Company, Inc., Oakhurst, California. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Harry H. Baker, Jr., President, Sierra Telephone Co., Inc., P.O. Box 219, Oakhurst, California 93644.

To assure consideration, proposals must be submitted on or before March 12, 1975 to Mr. Harry H. Baker, Jr. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Sierra Telephone Co., Inc., and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 3rd day of February, 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-3631 Filed 2-7-75;8:45 am]

DEPARTMENT OF COMMERCE

SOUTHERN OHIO BANK

Approval of Applicant as Trustee

Notice is hereby given that The Southern Ohio Bank, with offices at 515 Main Street, Cincinnati, Ohio, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: January 20, 1975.

BURT KYLE,
Director, Office of Domestic Shipping.

[FR Doc.75-3694 Filed 2-7-75;8:45 am]

TANKER CONSTRUCTION PROGRAM

Revisions of Section 70 of the Standard Specifications for Merchant Ship Construction

Pursuant to the Final Opinion and Order of the Maritime Subsidy Board in Docket A-75 (served August 30, 1973), notice is hereby given that the following revisions to section 70 of the Standard Specifications for Merchant Ship Construction have been adopted by the Maritime Subsidy Board:

(1) Revise Article 4(c)(3, (d), and (e) to require a new standard for oil content meters and oily water separators (15 ppm).

(2) Add a clarifying sentence to Article 2 for emergency cargo transfer to permit a reduction in the calculated oil outflow in the case of bottom damage.

(3) Revise Article 4(c) to permit recirculation as an alternative to requiring automatic oil/water separator shutdown in the event of high oil content.

(4) Revise Article 4(f) to standardize shore connections to meet IMCO and USCG requirements.

(5) Add a clarifying sentence to Article 4(e) indicating alternative designs that may be used in the bilge and ballasting system of tank vessels.

(6) Add a clarifying sentence to Article 6(a) indicating design alternatives for sewage treatment plant.

(7) Substitute in Article 7 known stack emission purity standards for the presently required Environmental Protection Agency standards since there are no Environmental Protection standards for stack emissions at present.

(8) Add a new Article 8 detailing inert gas system requirements to comply with Docket A-75.

(9) Add a new Article 9 to reference the collision avoidance radar system required by Docket A-75.

Further, the following revisions to section 70 were adopted by the Board as a result of comments received pursuant to notice by the Board's proposed revisions to section 70, published in the FEDERAL REGISTER of July 29, 1974 (39 FR 27483):

(10) Retitle Article 4 to read "Bilge, Ballast and Cargo/Ballast Systems" instead of "Bilge and Ballast Systems."

(11) Revise the wording of paragraph 4(a)(1) to clarify the intent of that subsection.

(12) Include in the first paragraph of Article 6(c) requirements for holding tanks for grey water.

Section 70 of the Maritime Administration Standard Specifications consolidates all pollution abatement features of cargo and tanker construction and operation to control oil, sewage and air pollution. A complete text of the revised section 70 is published herein as an attachment to this notice.

Dated: February 5, 1975.

By Order of the Maritime Subsidy Board,

JAMES S. DAWSON, JR.,
Secretary, Maritime Subsidy Board.

STANDARD SPECIFICATION FOR MERCHANT SHIP CONSTRUCTION

SECTION 70: POLLUTION ABATEMENT SYSTEMS AND EQUIPMENT

1. General (a) It is the general intent of this section to specify appropriate pollution control measures to be taken in the design and operation of all merchant ships in order to protect and enhance the quality of the marine environment from ship-generated pollutants, such as oil, sewage, garbage and smoke.

(b) All vessels shall be so equipped and operated as to prevent the discharge of oil into or upon the navigable waters of the United States, adjoining shorelines and waters of the Contiguous Zone in such quantities as to cause a film or sheen upon or discoloration of the surface of the water or upon adjoining shorelines. (Implementation of section 11 of the "Water Quality Improvement Act of 1970" as published in the FEDERAL REGISTER of September 11, 1970.)

(c) All vessels equipped with toilets and urinals shall be provided with marine sanitation devices designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States. (Implementation of section 13 of the "Water Quality Improvement Act of 1970" as published in the FEDERAL REGISTER of June 23, 1972.)

2. Cargo Oil Tanks on Tank Vessels: The size and arrangement of cargo tanks shall be such as to limit the oil outflow from tanks assumed to be breached by collision or grounding to a value of 30,000 cubic meters or 400 times the cube root of the deadweight 400 DWT, which ever is larger, but in no case exceeding 40,000 cubic meters. The oil outflow shall be calculated in accordance with the Intergovernmental Maritime Consultative Organization (IMCO) Resolution A. 246(VII) adopted 15 October 1971 by IMCO Assembly. Credit may be taken for reduction in oil outflow in case of bottom damage when a cargo transfer system is installed as prescribed in Article 3(c).

3. Cargo Piping Systems on Tank Vessels: (a) Remote shut-down of all main cargo pumps shall be provided at the loading and discharge manifold on the deck, port and starboard, and at the centralized cargo control station.

(b) Quick closing valves with means of local control shall be fitted at the loading and discharge manifold.

(c) To reduce the calculated oil outflow due to grounding, an emergecny cargo transfer system may be installed having a high suction in each cargo tank, and capable of transferring cargo oil from a breached tank to any other segregated ballast tanks or other available cargo tanks. The pipes for the emergency suction should be installed at a point 3m (10 feet) below the load waterline, but not less than 6m (20 feet) from the bottom of the tank. Manual control of these valves shall be provided on the deck as well as remote control from the centralized control station. The requirements of this paragraph are not mandatory, except when this cargo transfer system is used to reduce the calculation for oil outflow. (By the use of this system larger tanks may be used.)

(d) Means shall be provided to contain any oil spillage around each oil loading and discharge manifold and oil transfer connection area.

4. Bilge Ballast Systems and Cargo/Ballast Systems: (a) General.

(1) All bilge and ballast systems shall be so arranged as to assure that all oily bilge or ballast water will be discharged either overboard, through an approved oily water separator, or directly into a designated slop tank which decants the effluent to 15 ppm or to a shore ballast reception and treatment facility.

(2) Cargo/ballast systems on tank vessels shall be so arranged to insure that oily ballast water or tank washings are: (1) decanted or discharged overboard via an appropriate oil content meter; (2) retained on board for "Load-on-Top"; or, (3) discharged ashore to a reception and treatment facility.

(3) Vessels shall be fitted with slop tanks having a capacity to retain on board all oily wastes and oily bilge slops that may accumulate while operating in the navigable waters of the United States.

(b) General Cargo Vessel.

A 100 percent segregated ballast system shall be provided for ballasting and deballasting of the designated segregated ballast tanks in order to maintain the vessel's stability characteristic in accordance with the damaged stability requirements presented in section 1 for one compartment flooding without the use of oily ballast in the fuel or liquid cargo tanks. Means shall be provided for both direct sea flooding and pump discharge to the segregated ballast tanks. The system shall be served by a clean ballast pump with standby service from a bilge and ballast pump or a general service or bilge pump.

At no time shall ballast water be placed in fuel tanks or cargo oil tanks.

Remote liquid level indicators shall be provided at the ballast control station for all segregated ballast tanks.

(c) Tank Vessels.

Tank vessels shall be designed to meet one of the three design alternatives described below:

(1) All tank vessels shall be designed to allow for deballasting and tank cleaning operations by means of the "Load-on-Top" method. The method shall allow the oily ballast and tank washings to be pumped to a designated slop tank or tanks. All decanted ballast water discharged overboard shall not contain oil in excess of the maximum limits prescribed for the receiving waters.

(2) All tank vessels not equipped to handle deballasting and tank cleaning operations by the Loand-on-Top method shall be designed for segregated ballast operation. In such cases sufficient tankage for all weather operations in ballast condition shall be assigned exclusively for segregated ballast.

(3) Alternatively, an effective oil/water separator system of full flow capacity equivalent to at least one main cargo oil pump shall be installed with automatic shut-down or recirculation of effluent when the oil content of the effluent exceeds 15 ppm. (See Article 1(b)).

(d) Oily Water Separators.

Approved separators installed in the bilge and ballast system shall be capable of producing an effluent containing not more than 15 ppm. (See Article 1(b)).

(e) Oil Content Meters.

An oil content meter shall be installed in each bilge, oily ballast and tank washing overboard discharge line. The oil content meter shall be fitted with an alarm device set at a preset valve to shut-down the pump or operate an appropriate valve in the discharge line to recirculate the flow automatically when the oil content in the overboard discharge exceeds 15 ppm. The meter will be considered as meeting this standard of 15 ppm if the standard can be met in certified laboratory tests. (See Article 1(b)).

(f) Shore Connection.

Discharge stations shall be fitted for the bilge and ballast system on the main deck, port and starboard, to enable oily bilge and ballast water to be piped to shore facilities. Remote control of the bilge and ballast pumps shall be provided at the discharge stations on the main deck.

To enable flexible piping at shore reception facilities to be connected with the ships discharge pipe lines for residues from machinery bilges, both lines shall be fitted with a standard discharge connection in accordance with the following table:

XUM
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XUM

Standard dimensions of flanges for discharge connections

Description:	Dimension
Outside diameter	245 mm (6½ in.).
Inner diameter	According to pipe outside diameter.
Bolt circle diameter	183 mm (7³⁄₁₆ in.).
Slots in flange	6 holes 22 mm (⅞ in.) in diameter equi-distantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 22 mm (⅞ in.).
Flange thickness	20 mm (¾ in.)
Bolts and nuts:	
Quantity, diameter	6, each of 20 mm (¾ in.) in diameter and of suitable length.

The flange is designed to accept pipes up to a maximum internal diameter of 125 mm (5 in.) and shall be of steel or other equivalent material having a flat face. This flange, together with a gasket of oilproof material, shall be suitable for a service pressure of 6 kg/cm² (85 PSI)

The steel materials used shall meet the material specifications of standard B 16.5 Steel Pipe Flanges and Flanged Fittings of the American National Standards Institute (ANSI).

(g) Overboard Discharge Piping.

Overboard discharge piping from oily/water separators and "Load-on-Top" operation shall be fitted with at least two shut-off valves as close to the shell as possible.

5. Fuel Oil System: All overflow piping in the fuel oil system discharging overboard shall be fitted with an alarm with indicators at the filling station and control console.

6. Sewage Treatment and Liquid Waste Disposal Systems: (a) General.

Any vessel equipped with toilets, showers, lavatories, laundries or a galley shall be provided with suitably sized holding tanks to retain the sewage and liquid waste while in port or in restricted waters. In lieu of holding tanks an approved sewage treatment plant which will meet the requirements of the U.S. Coast Guard may be provided to handle human wastes.

(b) Sewage Treatment Plant.

The design and operation of the sewage treatment plants shall meet the standards of the Environmental Protection Agency and U.S. Coast Guard.

Where sewage treatment plants are used to handle human body wastes only, holding tanks shall also be provided to handle other wastes (grey water).

The marine sanitation device shall be capable of discharging to dockside facilities. Provisions shall be made to facilitate internal cleaning.

(c) Holding Tanks.

When provided, holding tanks shall be of sufficient capacity to retain all accumulated drains from urinals, toilets, showers, lavatories, laundries and galleys and shall be capable of holding 56 cubic meters (15,000 gallons) of accumulated sewage and liquid wastes, or have a five day capacity based on the total ship complement at 26 cubic meters (70 gallons)/day/person. When using recirculation or vacuum flush systems, holding capacity for these low flow systems will be based on individual system requirements. Holding tanks for "grey" water, where no sewage solids are discharged into the tank, shall only be fitted with manholes, air vents to the weather deck, an overflow to the sea above the deep water line, and all necessary piping connections. When organic solids are discharged into the tank, air shall be supplied to the tank to keep solids in suspension.

Each tank shall be fitted with means to discharge to dockside facilities.

Provision shall be made to prevent the accumulation of noxious and explosive gases in the holding tanks and vents.

The tanks shall be equipped with manholes, air vents to the weather deck, an overflow to the sea above the deep load water line, and all necessary piping connections. All air vents that terminate above the weather deck shall be located where odors will not be objectionable.

Sufficient air shall be supplied to the sewage holding tank in order to prevent the contents from becoming anaerobic and to keep the solids in suspension. A pressure regulator and shut-off valve shall be provided to control the air flow into the tank. The capacity of air required shall not be less than .7 cubic meters (25 CFM) at 34 kPa (5 psig) per 28 m³ (1000 ft.³) tank capacity.

Each holding tank shall be fitted with a floatless type level indicator and a separate high level alarm. The remote level indicators and alarm annunciators shall be placed on the engine room control console. The level control electrodes should not be in direct contact with sewage and the unit should be arranged for easy access and maintenance.

On vessels where the engine room is aft, or where it is impractical to have the sewage system distributed throughout the ship, a holding tank or a small independent sewage treatment system shall be provided for the engine room toilets and lavatory drains.

Provisions shall be made for the use of water and steam for tank cleaning purposes.

(d) Piping.

All liquid wastes from urinals, toilets, showers, lavatories and laundries shall be led to the sewage treatment tank. Sewage drains shall be led to the treatment plant or holding tank independent of other drains. Shore connections fitted with 102 mm (4" pipe) shall be located on the main deck, port and starboard, to enable sewage and liquid waste to be pumped to shore facilities.

(e) Pumps.

Each sewage system shall be equipped with two (2) sewage pumps connected in parallel. The pumps shall take suction from the holding tanks or sewage treatment plant and shall be capable of discharging overboard independently of other drain lines and to the shore connection. The sewage pumps shall be of the non-clog marine type, suitable for handling raw sewage and either sea or fresh water as required.

7. Stack Emission. (a) General.

All stack emissions shall meet the air purity standards established by the ports of call of the vessel, the standards of the San Francisco Bay Area or the standards of New York City, whichever are most restrictive for the operation intended.

(b) Smoke Indicator.

Each boiler shall be equipped with a combination visual-photo-electric smoke indicator which shall clearly indicate the absence or presence of smoke. The indicator shall be provided with an alarm which actuates when the smoke intensity exceeds the value established by Article 7(a) above. The indicator shall be provided with an auto-semi-auto pressurized lens cleaning system to insure cleanliness of the lens. The indicator shall be visible in the vicinity of the Central Control Console. A recorder shall be coordinated with the smoke intensity alarm to record the duration of pollution above the standards established by Article 7(a) above.

8. Inert Gas Systems: All tankers over 100,000 DWT and having tank sizes greater than 10,000 cubic meters shall be equipped with an approved inert gas system to prevent tanker casualties from fire and explosion.

9. Collision Avoidance Radar: All tankers must be equipped with a collision avoidance radar system which complies with the requirements of § 94.4 of this specification.

[FR Doc.75-3693 Filed 2-7-75;8:45 am]

National Oceanic and Atmospheric Administration

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Hearing

In accordance with section 1500.7 of the Council on Environmental Quality Guidelines issued pursuant to the National Environmental Policy Act of 1969, and in compliance with Department Administrative Order 216-6, the Commerce Department's National Oceanic and Atmospheric Administration (NOAA) will hold a public hearing on the Draft Environmental Impact Statement for the proposed NOAA Western Regional Headquarters Facility. The hearing will begin at 10 a.m. on Saturday, February 22, 1975, at the View Ridge Elementary School, 7047 50th Avenue Northeast, Seattle, Washington. The purpose of the hearing is to receive comments on the Draft Environmental Impact Statement for the proposed NOAA Facility at Sand Point and to answer questions related to the development.

Hearing presentations should, if possible, include written comments summarizing the substance of the presentation. Those wishing to submit such comments prior to the hearing may address them to the Northwest Administrative Service Office, NOAA, 1700 Westlake North, Seattle, Washington 98109. Inquiries concerning the hearing should be directed to the Sand Point Coordinator, NOAA, at the same address, phone: (206) 442-1703. Copies of the Draft Environmental Impact Statement may be picked up at the Northwest Administrative Service Office after January 30th.

The length of individual presentations may be limited to ten minutes by the hearing officer, depending upon the number of presentations to be heard, in order to allow sufficient time for all presentations. Comments from government representatives will be heard in the morning, the remaining groups and individuals in the afternoon, A question and discussion period will follow the conclusion of the formal presentations. Dale C. Gough, Administrative Service Office Director, will convene and conduct the hearing.

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-3668 Filed 2-7-75;8:45 am]

NEW YORK BIGHT MESA ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I and section 8(b) of Office of Management and Budget Circular No. A-63 (March 27, 1974), the National Oceanic and Atmospheric Administration announces the New York Bight MESA Advisory Committee meeting scheduled for March 11, 1975, in Stony Brook, New York.

AGENDA

9:30 a.m.—Greeting: Dr. R. L. Swanson, Project Manager and Panel Chairman.
9:45 a.m.—The Implications of Ocean Dumping from a Biological Standpoint: Dr. Kneeland McNulty.
10:15 a.m.—The Implications of Ocean Dumping from a Chemical Standpoint: Dr. Douglas Segar.
10:45 a.m.—Break.
11 a.m.—Questions and Discussion.
11:30 a.m.—Environmental Protection Agency Presentation.
12 noon—Lunch.
1 p.m.—Recommendations to the Committee from the Scientific and Technical Advisory Panel.
1:45 p.m.—Recommendations to the Committee from the User Information Advisory Panel.
2:30 p.m.—Break.
2:45 p.m.—Recommendations to the Committee from the Citizens and Industrial Advisory Panel.
3:30 p.m.—Framing of Advisory Committee Recommendations.
4:30 p.m.—Adjournment.

Agenda items are subject to change as priorities dictate.

Interested persons are invited to attend and to submit written statements before or after the meeting or by mailing such statements within five days after the date of the meeting to: Executive Secretary, New York Bight MESA Advisory Committee, MESA Project Office, Building J—Room 121, State University of New York, Stony Brook, New York, 11794. Interested persons will be permitted to make oral statements to each Panel during the period reserved for questions and discussion, subject to the procedures which follow. Persons must register with the Panel meeting rapporteur, prior to the start of the meeting, in the Panel meeting room and provide their name, legal address, a list of any affiliations relevant to the topic(s) to be addressed, and a brief, written description of their proposed topic(s). Because of limited time available, it may be necessary to limit the number of persons permitted to speak to five, to limit the length of oral statements to no more than five minutes each, and to give preference to individuals based upon the relevance of their proposed topic(s), as judged by the Panel Chairman. The submission of written versions or oral statements within five days after the date of the meeting to the address above is encouraged. All statements received in typewritten form will be forwarded with the minutes of the meeting to Committee and Panel members for their consideration.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.75-3618 Filed 2-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

SPECIAL COMMUNITY SERVICE AND CONTINUING EDUCATION PROJECTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in title V, parts B and C of the Economic Opportunity Act, as amended, applications are being accepted for Follow Through grants or contracts in the following three categories: (1) non-competing continuation grants or contracts for carrying out Follow Through programs, (2) non-competing grants or contracts for research and demonstration, and (3) grants or contracts for technical assistance to Follow Through programs.

In order to be assured of consideration for funding from appropriations for Fiscal Year 1975, applications for projects under the first two categories listed above should be received by the U.S. Office of Education Application Control Center on or before March 10, 1975.

All other applications must be received by the U.S. Office of Education Application Control Center on or before March 10, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.433. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 5, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Follow Through, Bureau of School Systems, Office of Education, Room 3636, 7th and D Streets SW., Washington, D.C. 20202.

D. *Enactment of Pub. L. 93-644.* Applicants have constructive notice of the amendments to the Economic Opportunity Act affecting Follow Through which were enacted by section 8(a) of Pub. L. 93-644 (the "Community Services Act") on January 4, 1975. Among the changes made by those amendments are: extension of the legislative authority for Follow Through through fiscal year 1977, transfer of legislative authority for the administration of Follow Through from the Director of the Office of Economic Opportunity to the Secretary of Health, Education, and Welfare, and elimination of statutory geographic allotment criteria applicable to Follow Through.

E. *Applicable regulations.* Regulations for the Follow Through program were published as Notice of Proposed Rule Making, March 5, 1974 (39 FR 8341). A permanent final regulation, to be published and to be effective before the end of the current fiscal year, will govern the Follow Through program. Other regulations applicable to this program are contained in the Office of Education General Provisions Regulations (45 CFR Part 100a).

F. *Funding criteria.* Projects for Follow Through grants will be funded according to criteria set forth in §§ 158.15, 158.42, and 158.52 of the Notice of Proposed Rule Making published in the FEDERAL REGISTER for the Follow Through program on March 5, 1974 (39 FR 8341). It is anticipated that a permanent final regulation for the Follow Through program, to be published and to become effective before the end of the current fiscal year, will contain funding criteria essentially the same as those published in the Notice of Proposed Rule Making.

G. *Separate Identification of Cost of Entering Grades.* Applicants for Follow Through grants under section 551(a) of the Economic Opportunity Act as amended (grants to local agencies and other organizations for the purpose of carrying out Follow Through programs) are requested to submit with their applications a budget which separately identifies, to the extent possible, the cost of the entry grade so as to facilitate adjustments due to limitations on available funds.

(Catalog of Federal Domestic Assistance No. 13.433; Follow Through)

(Title V, Parts B and C of the Economic Opportunity Act as amended (Pub. L. 93-644, section 8(a)).

Dated: February 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-3731 Filed 2-7-75;8:45 am]

V40128 FEB 10 75 XUM

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 74-39; Notice 04]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Reconsideration of Seat Belt Warning System Requirements

This notice responds to petitions for reconsideration of an amendment of 49 CFR 571.208, *Standard No. 208; Occupant crash protection*, that established optional seat belt warning system requirements until February 24, 1975, when the new optional requirements become mandatory. The petitions received from Peugeot, Inc., and Renault, Inc., to extend the optional period until June 3, 1975 (180 days following publication of the final rule), are denied.

The "Motor Vehicle and School Bus Safety Amendments of 1974" (15 U.S.C. § 1410(b)) require that, within 120 days of their enactment, Standard No. 208 must have been amended so that it does not have the effect of requiring, or providing that a manufacturer is permitted to comply with the standard by means of, a "continuous buzzer" warning system. This means that Standard No. 208 must not specify any "continuous buzzer" as a requirement or as an option after February 24, 1975.

The NHTSA concludes that these provisions clearly prohibit as a matter of law the Peugeot and Renault proposals to extend until June 3, 1975, the period for use of the present continuous buzzer. Accordingly the petitions of Peugeot and Renault for such an extension of the present options are denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat 718 (15 U.S.C. 1392, 1407); Sec. 109, Pub. L. 93-492, 88 Stat 1470 (15 U.S.C. 1410(b)); delegation of authority at 49 CFR 1.51).)

Issued on February 3, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-3600 Filed 2-7-75;8:45 am]

Hazardous Materials Regulations Board

UNION CARBIDE CORP., INC. ET AL.

Special Permits Issued

Pursuant to Docket No. HM-1, Rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during January 1975.

Special permit No.	Issued to—Subject	Mode or modes of transportation
SP 6926	Union Carbide Corp., Bound Brook, N.J., to ship a Class B poisonous solid in a six-ply DOT Specification 44D extensible kraft paper bag having a minimum total basis weight of 320 pounds.	Motor vehicle, Rail freight.
SP 6927	Dow Chemical Co., Midland, Michigan, to ship Methyl bromide, liquid; and Methyl bromide and chlorpicrin mixture liquid in a non-DOT specification portable tank having a design pressure of 175 psig and a capacity of 3,567 gallons.	Cargo vessel, Motor vehicle.
SP 6949	Monsanto Co., St. Louis, Missouri, to ship Elemental phosphorus in marine portable tanks, with external steam coils, each having a design capacity of 3,200 gallons.	Cargo vessel, Motor vehicle, Rail freight.
SP 6950	Ozark-Mahoning Co., Tulsa, Oklahoma, to ship Hexafluorophosphoric acid in 55-gallon capacity DOT-Specification 6D cylindrical steel overpack with an inside specification 23L polyethylene container. Maximum net weight 550 pounds.	Cargo vessel, Motor vehicle
SP 6960	Shippers registered with the Board, to ship certain corrosive liquids in non-DOT Specification stainless steel drums, tight-head, with rated capacity not exceeding 55-gallons.	Motor vehicle, Rail freight.
SP 6961	Monsanto Co., St. Louis, Missouri, to ship certain flammable solids in DOT Specification 37A steel drums, authorized for reuse one time.	Cargo vessel Motor vehicle, Rail freight.
SP 6962	Sandia Laboratories, Albuquerque, N.M., to ship Argon or helium in DOT Specification 3AA1500 or 3AA2000 cylinders forming an integral part of a leak tracer standard.	Motor vehicle, Rail freight, Rail express.
SP 6965	National Aeronautics and Space Administration or the K2 Expeditionary Force, to make a onetime shipment of Oxygen in a limited number of non-DOT Specification seamless, aluminum high-pressure cylinders reinforced with continuous fiberglass filament winding embedded in epoxy resin.	Cargo vessel, Motor vehicle.

ALAN I. ROBERTS,
Secretary.

[FR Doc.75-3632 Filed 2-7-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-2-18, Docket 27471]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of February, 1975.

By tariff revisions[1] filed January 10, 1975, for effectiveness February 10, 1975, Capitol International Airways, Inc. (Capitol) proposes new charges for cancellation of passenger charter contracts prior to departure. The cancellation charges, proposed as fixed percentages of the total charter price, would be set at 10 percent for cancellation 61 to 89 days before departure; 25 percent for cancellations less than 61 days prior to departure; and 10 percent for cancellations at any time if the canceling charterer engages another carrier to perform the transportation contemplated in its contract with Capitol.[2]

In support of its proposal, Capitol alleges that the proposed charges are more favorable to the customer than those of other carriers. It alleges that liquidated damage cancellation conditions have been an important consideration for agents and chartering organizations proposing to contract for charter availability; and that its principal area of operation is dominated by large wholesalers who are capable of blocking a very significant proportion of a carrier's lift capability. Capitol further contends that, unless a firm commitment is secured by a substantial cancellation penalty, duplicating reservations and space blocking can occur on an indiscriminate basis. Because of the long lead time required in booking charters, this can allegedly create disastrous and last-minute gaps in a carrier's charter flight program. It asserts that in some markets a single cancellation may create an open ferry leg which could add in excess of $25,000 per flight to the overall cost of operation.

The carrier claims that its business experience in the charter market makes it painfully clear that, absent a substantial cancellation charge, a higher "no show" and cancellation fallout rate will develop, as it has in the scheduled airline industry, and that this will be severely detrimental to the economic viability of the low cost charter industry. Finally, Capitol alleges that its proposed charges are the minimum necessary to assure that charterers make firm and not frivolous contracts for the company's charter availability.

No complaints have been filed.

Upon consideration of the tariff filing and all other relevant matters, the Board finds that the proposed charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposed charges as they would apply in interstate and overseas air transportation pending investigation.

As Capitol contends, the Board has permitted carriers to apply flat percentage charges for charter cancellations. However, we are not persuaded that the levels here proposed are either necessary to accomplish the stated purpose or reasonable. The maximum charge generally applied by charter operators is 10 percent for cancellation within two months of departure, which would appear sufficient to safeguard against frivolous charter contracts. Capitol has provided no data which would indicate that the costs actually incurred as a result of cancellation by the charterer warrant charges in the magnitude of 25 percent, or even 10 percent when the cancellation occurs more than two months prior to departure. Neither has Capitol advanced any basis for imposing a charge, whatever the level, simply because the charterer engages a different carrier upon its cancellation with Capitol. In the absence of more explicit information, the Board concludes that the charges here proposed may constitute an unwarranted penalty for the charterer.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions of rule No. 44 on 1st Revised Page 13-A of Capitol International Airways, Inc's C.A.B. No. 160 (Capitol Airways, Inc., Series) and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions in interstate transportation, the lawful minimum and/or maximum provisions in overseas transportation, and to take appropriate action to prevent the use of such provisions in foreign transportation;

2. Pending hearing and decision by the Board, the provisions of Rule 44 on 1st Revised Page 13-A of Capitol International Airways, Inc.'s C.A.B. No. 160 (Capitol Airways, Inc., series) are suspended insofar as they apply to interstate and overseas air transportation and their use deferred to and including May 10, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order be served upon Capitol International Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3666 Filed 2-7-75;8:45 am]

[Order 75-2-22; Docket 25705]

NORTH CENTRAL AIRLINES, INC.

Application for Realignment of Route 86; Order Amending Certificate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of February, 1975.

By Order 74-7-63, July 16, 1974, all interested persons were directed to show cause why the Board should not amend the certificate of public convenience and necessity for route 86 held by North Central Airlines so as to realign the carrier's system by consolidating its existing nine segments into one segment and by eliminating certain operating restrictions.

Objections have been filed by United Air Lines, Northwest Airlines, Frontier Airlines and North Central itself. Replies, accompanied by motions for leave to file, were submitted by Allegheny Airlines and the Flint, Michigan, Airport Commission. Subsequently, North Central moved for leave to reply to the objecting carriers which prompted United to move for leave to file a reply to North Central contingent upon the Board's acceptance of the latter's pleading. We have decided to grant the motions of Allegheny and the Flint Airport Commission and to accept their respective replies but to deny the motion of North Central. Consequently, United's contingent motion will be dismissed as moot. Allegheny and the Flint Airport Commission assert—correctly, in our estimation—that North Central, in its statement of objections to Order 74-7-63, raised matters regarding certain markets not previously in controversy in this realignment. Accordingly, good cause is demonstrated for acceptance of the otherwise unauthorized replies.[1] On the other hand, North Central's justification for receipt of its responsive pleading is not persuasive in that it relies upon the fact that the Board provided for replies in the *Allegheny Route Realignment* order to show cause.[2] Nowhere in its motion does North Central allege that the objective carriers have made errors of fact or raised new matters not previously before the Board. In these circumstances, there is no purpose to be served by burdening the record with further responsive documents.

Upon consideration of the matters contained in the foregoing pleadings and all the relevant facts, we conclude that the tentative findings and conclusions set forth in Order 74-7-63 should be made final, except to the extent modified herein, and that an amended certificate in the form attached hereto should be issued to North Central.

Objections of Northwest

Northwest has renewed its objections to grant of nonstop authority in the Bismarck/Mandan (hereinafter Bismarck)-Grand Forks market and unrestricted one-stop authority in the Bismarck-Minneapolis/St. Paul (Twin Cities) market. In support thereof, it is alleged that North Central would be able to mount a Bismarck-Twin Cities operation via Grand Forks directly competitive with Northwest's nonstop, one-stop and two-stop service via Fargo and/or Jamestown (OAG, November 1, 1974). While North Central is presently authorized to offer one-stop Bismarck-Twin Cities service over the segment junction points Aberdeen and Minot, it is argued that the greater traffic pool available to support service over Grand Forks would induce North Central to institute directly competitive service in the Bismarck-Twin Cities market.[3] Moreover, it is asserted that grant of nonstop Bismarck-Grand Forks authority to North Central would preclude Northwest, which must stop at the bifurcation point, Fargo, from obtaining similar authority because of the small size of the market (280 true O&D).

In view of Northwest's continuing objection and the fact that the level of traffic between Grand Forks and Twin Cities may induce North Central to provide service directly competitive with Northwest's, we will restrict North Central's one-stop Bismarck-Twin Cities authority by excluding Grand Forks as an intermediate stop.[4] We will not, however, place any restriction upon North Central's Bismarck-Grand Forks authority. The tenor or Northwest's pleading suggests that its objection to nonstop authority for North Central in this market is lodged primarily to bolster its case in favor of a Bismarck-Twin Cities restriction rather than to preserve any future rights in this tiny Bismarck-Grand Forks market itself. We note, in this connection, that Northwest has not directed our attention to any pending application or motion to consolidate which constitutes a necessary predicate for any claim to comparative consideration. See Order 73-5-68, May 11, 1973. Moreover, we cannot conclude that the liberalization of North Central's authority in this realignment will, as a matter of economics, prevent any liberalization of Northwest's authority at some time in the future.[5]

[1] To the extent that the motions of Allegheny and the Flint Airport Commission rely upon the fact that replies were explicitly authorized by Order 73-10-24, October 4, 1973, in the Allegheny Route Realignment, we reject that justification. The Allegheny Realignment was substantially more complex and involved decisions by the Board in its order to show cause that had not been suggested by the pleadings. Procedural variations authorized in that case were the exception rather than the rule.

[2] See n. 1, *supra*. In the Frontier Route Realignment order to show cause, Order 73-12-45, December 11, 1973, which was issued two months after the Allegheny order, no replies were authorized.

[3] A total of 44,780 true O&D passengers traveled on the routing over Grand Forks as opposed to 34,350 over Minot and 29,750 over Aberdeen. (Consistent with Order 74-7-63, all O&D figures mentioned herein are for the year ended September 30, 1973. O&D Survey, Table 8.)

[4] North Central has neither suggested nor demonstrated that there is a need for additional service in the market. In this regard, it may be noted that Northwest provides two nonstops and one two-stop eastbound and one nonstop and three one-stops westbound; in both directions the flights are well spaced throughout the day. OAG, November 1, 1974.

[5] The Bismarck-Grand Forks market generates less than one daily passenger and the size and service in the local market would clearly not be determinative in deciding whether or not to modify Northwest's existing authority in the reasonably near future. Consequently, the case cited by Northwest to support its economic preclusion argument (Remanded Atlanta-Detroit/Cleveland/Cincinnati Investigation, Docket 20724), which involved competitive service between large hubs, is inapposite.

[1] Revisions to Capitol's Tariff C.A.B. No. 160 (Capitol Airways, Inc. series).

[2] In effect, this latter charge is applicable only with respect to cancellations earlier than 89 days prior to departure.

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Objections of Frontier

Frontier has interposed objections to grant of nonstop authority in the Bismarck-Kansas City market and unrestricted one-stop authority in the Denver-Minot market. In support thereof, Frontier alleges, in the first case, that North Central should not receive authority superior to Frontier's one-stop Bismarck-Kansas City authority[6] and, in the second case, that unrestricted one-stop Denver-Minot authority will expose Frontier's one- and multi-stop service to diversion.[7] The Board is requested to maintain the mandatory stop at Twin Cities on flights between Denver and Minot. For the following reasons, we find that Frontier's objections cannot be sustained.[8]

First, the Bismarck-Kansas City market is extremely small, having generated fewer than 10 daily passengers for the year ended September 30, 1973. Consistent with Board precedent, this is the type of market in which we believe it is ordinarily desirable to give the primary local service carrier unrestricted operating flexibility. See Order 73-12-45, December 11, 1973, p. 5. Moreover, Frontier has historically possessed extremely circuitous authority (one-stop via Denver) and has not participated in traffic to any measurable degree.[9] Upon finalization of Frontier's route realignment, the carrier's best authority will be one-stop via Scottsbluff, or almost 50 percent more circuitous than North Central's present best authority, which is one-stop via Sioux City (North Central's one-stop authority is only 3 miles longer than the Bismarck-Kansas City nonstop distance). Therefore, Frontier's authority is essentially unusable vis-a-vis North Central's so that, in accord with Board precedent, improvement in North Central's authority is warranted on this basis in all but a technical sense. See Order 73-12-45 at p. 6. In view of North Central's historic participation, the improbability of diversion from Frontier, the past and prospective authority of each carrier and the size of the market, the proposed improvement is clearly warranted.

Second, it does not appear that Frontier's objection to "unrestricted" one-stop authority between Denver and Minot is well-founded. North Central will be precluded from offering one-stop service over Rapid City, the most logical and least circuitous intermediate, because all Denver-Rapid City flights are two-stop restricted. Service between Denver and Minot over Pierre or Bismarck, the next least circuitous intermediates, is also restricted.[10] Therefore, North Central's best authority in terms of both circuity and available traffic would be one-stop over Aberdeen, a distance of 749 miles with an available true O&D traffic pool of 8,340.[11] In contrast, Frontier's existing one-stop service over Rapid City entails a trip length of 613 miles and affords access to 32,990 true O&D passengers.[12] As a matter of economic reality, North Central will not be in a position to mount an operation in the Denver-Minot market that could divert a measurable amount of traffic from Frontier's nonstop and nonetheless circuitous one-stop service. Accordingly, Frontier's objection must be overruled.

Objections of United.

United has objected to the improved authority proposed by the Board in eleven markets: Omaha-Grand Rapids/Lansing/Muskegon/Saginaw-Bay City-Midland (heringafter Saginaw/South Bend; Denver-Grand Rapids/Lansing/Muskegon; and New York-Flint/Muskegon/Saginaw.

1. *Omaha Markets.* United takes issue with our statement in Order 74-7-63, at 5, that "no single-carrier service, either single-plane or on-line connecting" is offered in the Omaha markets and, in support of its argument, refers to Attachment A to its response dated November 14, 1973, and includes as exhibits copies of its city timetables distributed to the general public in the cities in question. Attachment A (Exhibit 2 in its statement of objections) indicated nothing more than the fact that a United flight serving Omaha and a United flight serving a Michigan/Indiana point would connect somewhere. As United is undoubtedly aware, the only published connecting schedules commonly noticed by the Board are those appearing in the Official Airline Guide and it was upon these that the Board relied in its order to show cause. United has now offered copies of its city timetables in Exhibit 3 which do, indeed, indicate that on-line connections of varying quality are available over Chicago; these timetables may be discussed herein to the extent that they are relevant.[13]

More to the point, United alleges that it provides a level of service commensurate with the size of the Omaha markets, that it carriers virtually all of the local and connecting on-line O&D traffic and that award of better than two-stop authority to North Central cannot be justified. We disagree. Because of the operation of other restrictions upon North Central's flexibility, one-stop restrictions in the five Omaha markets are more than adequate to protect United from unwarranted diversion. Accordingly, our proposed nonstop authority in the Muskegon, Saginaw and South Bend markets will be modified to one-stop.

Realistically, North Central cannot be expected to mount one-stop operations in these markets for other than aircraft routing purposes because the traffic flow is so thin [14] and there are no strong intermediates available. For example, neither Chicago, Milwaukee, Twin Cities nor Madison can serve as the sole intermediate because of proposed restrictions between each of those points and Omaha or between each and the Michigan/Indiana points. See Order 74-7-63, Appendix E. Service over any other point—Rochester, for example—would not be supported by appreciable traffic and would be more circuitous than United's one-stop connections over Chicago. In sum, if and when the Omaha-Michigan/Indiana markets merit single-plane service, United, by virtue of superior authority (one-stop over Chicago), historic participation and access to more traffic, will be able to tap the markets without fear of directly competitive service by North Central.

2. *Denver Markets.* In the Denver-Grand Rapids/Lansing/Muskegon markets United has renewed its objection to the Board's proposal to grant one-stop authority (provided that the one-stop may not be Twin Cities). We have determined that United's position has merit although not necessarily for the reasons offered by United.

[6] Frontier characterizes his grant of nonstop authority as an inadvertant exclusion from those city-pairs subject to a one-stop restriction on the ground that North Central itself did not seek nonstop rights. In its detailed response to Order 73-8-68, September 17, 1973, North Central did request nonstop authority between Bismarck and Kansas City (Exhibit NCA-B-200, p. 7) but Frontier did not answer in opposition. Nevertheless, Frontier's objection will be considered herein on the merits.

[7] Frontier incorrectly characterizes its best Denver-Minot authority as one-stop. By Order 74-5-73, May 14, 1973, the Board granted exemption authority for Frontier to overfly Bismarck on flights between points on segment 7 and points on segment 8 thereby permitting nonstop Denver-Minot service which Frontier does, in fact, provide. OAG, November 1, 1974. Moreover, the Board has proposed to make such authority permanent in the Frontier Route Realignment, Order 73-12-45.

[8] Frontier requests a hearing in the event its two proposed restrictions are not adopted. However, Frontier has presented no testimony, statistical data, or evidentiary support for its objections as required by the terms of the Show Cause. In our judgment, the policy upon which we proposed to modify North Central's authority is well established in Board practice, the facts are readily apparent so that no dispositive factual issues need be resolved, and an evidentiary hearing would serve no useful purpose.

[9] For year ended September 30, 1973, Frontier carried only 100 of the 2510 local and connecting on-line O&D passengers while North Central carried the balance. O&D Survey, Table 10.

[10] Denver-Pierre: one-stop; Denver-Bismarck: two-stop. Order 74-7-63, Appendix E.

[11] Denver-Minot, 6,070; Denver-Aberdeen, 1,680; Aberdeen-Minot, 610.

[12] Denver-Minot, 6,070; Denver-Rapid City, 25,100; Rapid City-Minot, 1,820. As noted at n. 7, *supra*, Frontier also operates a daily Denver-Minot nonstop round trip which serves Winnipeg, Canada, beyond Minot.

[13] For the record, it should be noted that United chose not to pay for publication of these connections in the OAG, undoubtedly because of the small size of the markets. If the markets were generating at least 850 local O&D passengers per quarter, in view of the absence of single-plane service, publication in the OAG would have been automatic with no charge to United.

[14] Omaha-Grand Rapids; 2240; Lansing, 1510; Muskegon, 470; Saginaw, 1320; South Bend, 1860. See Order 74-7-63, Appendix B.

First, in United's other three Denver-Michigan/Indiana markets (i.e., Flint, Saginaw and South Bend), North Central itself proposed two-stop unrestricted authority to which United did not object.[15] There is no apparent explanation for North Central's request for one-stop authority in three city-pair markets when it had voluntarily limited itself to two-stop authority in three others under essentially identical circumstances. Since the Board's realignment program is directed primarily toward removal of specific named intermediate points in order to afford some operating flexibility, restricting North Central to two-stop authority in all Denver-Indiana markets certificated to United will not detract from our principal objective.

Second, the Denver markets are much larger than the Omaha markets and, with one-stop authority, North Central might be encouraged to enter into competition with United. For example, a Denver-Green Bay-Grand Rapids service would afford access to more than 17,000 true O&D passengers.[16] While United now carries virtually all Denver-Grand Rapids traffic, North Central carries virtually all Denver-Green Bay and Green Bay-Grand Rapids traffic, offering daily single-plane service in both markets.[17] It would seem to be a relatively easy matter to alter this service pattern to accommodate at least one daily Denver-Grand Rapids one-stop through round trip which, coincidentally, would entail a trip length only 48 miles longer than United's one-stop connecting service over Chicago but with a considerable saving in time for the passenger who would not have to change planes. This is the type of potential competitive impact which the Board has sought to avoid in realigning routes under nonhearing procedures. Accordingly, North Central's Denver-Grand Rapids/Lansing/Muskegon authority will be restricted to two-stop as requested by United.

3. *New York/Newark Markets.* In the third group of markets—New York-Flint/Muskegon/Saginaw—United seeks to have the Board retain the present Milwaukee stop requirement imposed upon all flights serving New York by virtue of North Central's separate Milwaukee-New York segment.[18] United alleges, inter alia, that the proposed improvement (two-stop authority in New York-Flint, one-stop in New York-Muskegon/Saginaw) is not supported by the Board's realignment rationale and that more than $3 million of United's revenues would be subject to diversion. In its answer to United's pleading, the Flint Airport Commission expresses its support for the Board's tentative decision.

We have determined to accdee to United's objections. As in the case of the Denver markets, supra, some of the services North Central could operate pursuant to the authority proposed in the show cause order would afford access to sufficiently large pools of traffic, and would be sufficiently noncircuitous, to raise a distinct possibility that they might become significantly competitive with United's existing services. For instance, a Muskegon-Kalamazoo-New York service by North Central would have access to a total of 19,300 O&D passengers and would be only 2 percent more circuitous than United's best connecting service over Cleveland. Similarly, a Saginaw-Jackson-New York service would have access to 29,080 O&D passengers and would be only 15 percent more circuitous than United's nonstop flight. Finally, a Flint-Saginaw-Jackson-New York service, although 24 percent more circuitous than United's existing one-stop flight via Cleveland, would have access to 44,790 O&D passengers.[19] We do not undertake to determine whether such services would in fact, or would probably, inflict significant diversion on United; it is enough here that the possibility of such diversion is sufficiently plausible that the Board does not consider it appropriate to employ nonhearing procedures to grant improved authority in potential competitive markets. Accordingly, North Central's existing Milwaukee stop restriction will be retained in these markets as it has been in all of North Central's other Michigan/Indiana/Ohio-New York competitive markets.[20]

Objections of North Central

North Central's objections and Allegheny's reply thereto are directed toward nine markets [21] which were also in controversy in the *Allegheny Route Realignment*. In our order on reconsideration, Order 74-10-60, October 10, 1974, we refused to accede to North Central's objection to improvement of Allegheny's authority in these nine markets which was couched in terms of (1) the Ashbacker doctrine and (2) the Board's allegedly erroneous reliance upon North Central's initial acquiescence. We stated that, first, the Ashbacker doctrine was not applicable and, second, that our decision to improve Allegheny's authority by removing named stop restrictions (Indianapolis, in each case) was based upon consideration of the "merits in light of the carrier's route structure and the dissimilarity of North Central's route structure." Order 74-10-60 at 12. We did, however, assert that North Central's case for improved authority would be fully examined on the merits in its own realignment proceeding. Upon consideration of the facts enumerated below, we have determined to retain the Milwaukee stop restriction in the Grand Rapids-New York, South Bend-New York and Chicago - Cincinnati/Columbus/Dayton markets but to grant North Central the authority it seeks in the Grand Rapids/South Bend-Columbus/Dayton markets.[22]

The Grand Rapids/South Bend-Columbus/Dayton markets are minor markets and, as such, do not present competitive considerations of a significant magnitude. Nevertheless, we have retained named intermediate points in several such markets when it has appeared that a competitor's objections were well-grounded. Here, however, they are not. In the two Grand Rapids markets, North Central presently offers some single-plane service while Allegheny does not serve these two markets at all (OAG, November 1, 1974) and is, in fact, suspended completely at Grand Rapids.[23] In addition, North Central participates to a much greater degree in local and connecting on-line O&D in the two markets than does Allegheny,[24] which fact also supports its requests for improved authority. Thus, while Allegheny has possessed less circuitous authority, it has made no effort to serve the Grand Rapids markets while North Central has. Accordingly, we discern no reason to "protect" Allegheny by restricting North Central.[25]

Similarly, the South Bend-Columbus/Dayton markets are extremely small, having generated only 1390 and 670 true O&D passengers in the year ended September 30, 1973. No single-plane service is offered by any carrier but United carried virtually all of the on-line local and connecting passengers by necessarily circuitous connections. As in the case of Grand Rapids, Allegheny is now suspended at South Bend.[26] Grant of unre-

[15] North Central's current best single-plane authority in these Denver markets is:
Flint: three-stop (Twin Cities+1+Detroit).
Grand Rapids: two-stop (Twin Cities+1).
Lansing: two-stop (Twin Cities+1).
Muskegon: two-stop (Twin Cities+1).
Saginaw: three-stop (Twin Cities+1+Detroit).
South Bend: two-stop (Twin Cities+).

[16] Denver-Green Bay, 3190; Denver-Grand Rapids, 7560; Green Bay-Grand Rapids, 6400.

[17] Denver-Green Bay, one-three-stop round trip and one additional two-stop flight eastbound; Green Bay-Grand Rapids, three nonstop round trips.

[18] Twin Cities-Milwaukee Long-Haul Investigation, Order 70-6-36, decided June 4, 1970.

[19] Although the hypothetical two-stop Flint-New York service described above may appear somewhat improbable, the fact that United's existing Flint-New York flight is operated pursuant to a Board adequacy-of-service order is entitled to substantial weight on the other side.

[20] Since the Milwaukee restriction will patently suffice to preclude any competitive impact on United, we will not require an additional stop in the Flint-New York or South Bend-New York markets.

[21] Chicago - Cincinnati/Columbus/Dayton; Grand Rapids-Columbus/Dayton/New York; and South Bend-Columbus/Dayton/New York.

[22] Grand Rapids-Columbus, one-stop; Grand Rapids-Dayton, nonstop; South Bend-Columbus/Dayton, nonstop.

[23] Order 74-1-5, January 2, 1974.

[24] O&D Survey, Table 10 (Y.E. September 30, 1973). In the Columbus market, North Central and United each carried about 40 percent of such traffic, Allegheny about 10 percent. In the Dayton market, United, North Central and Allegheny carried about 70, 21, and 6 percent, respectively.

[25] We note that United, which possesses one-stop authority over Chicago, the segment junction point, did not object to improvement of Allegheny's authority in these markets and, presumably, will not object to improvement of North Central's.

[26] See n. 23, *supra*.

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stricted authority in these two markets to North Central could hardly have competitive implications but might, on the positive side, encourage the carrier to offer some improved single-plane service beyond the two markets to points north and northwest. In contrast, Allegheny's system lies largely to the east of Ohio; therefore, in the unlikely event that Allegheny were to route aircraft over these markets, its effort would undoubtedly be to flow passengers in an entirely different direction. For the foregoing reasons and in view of other general principles of the Board's realignment policy, North Central will receive the authority it seeks in the Grand Rapids/South Bend-Columbus/Dayton markets.

North Central's request for unrestricted one-step authority in the Grand Rapids/South Bend-New York markets will be denied.[27] Irrespective of our action in the *Allegheny Route Realignment*, the authority of, and service provided by, United in these markets warrants retention of the Milwaukee stop requirement. First, it must be noted that North Central agreed to such a restriction not solely on the basis of Allegheny's objection but also (perhaps primarily) on the basis of United's objection.[28] Second, we have already considered and accepted United's objections to removal of the Milwaukee stop restriction in other relatively large Michigan-New York markets; the reasoning, discussed above, is equally applicable to the instant markets.[29] Finally, United has objected to improvement in North Central's authority in these markets even though it did not object to improvement in Allegheny's and this factor must be considered as militating against grant of North Central's request.

Last, we have decided to retain the Milwaukee stop restriction in the Chicago-Cincinnati/Columbus/Dayton markets, principally for reasons similar to those articulated in connection with our discussion of the New York-Michigan markets. Again, these are large markets[30] and North Central's best authority under its own proposal, one-stop unrestricted, would be only slightly circuitous.[31] Although North Central's penetration of these markets would necessarily be quite limited in view of the volume of nonstop service they now receive from other carriers, we cannot say for certain that the competitive impact would be completely negligible in the particular context of a grant of improved authority by nonhearing procedures. In a case where hearing procedures were to be or had already been followed, of course, different standards would apply.

Technical Amendments

North Central suggests four additional minor changes which it characterizes as technical amendments. The first involves effectuation of the final decision in the *Wisconsin Points Dehyphenation Case*, Docket 21115, Order 74–7–45, July 11, 1974, while the other three involve minor modifications of the restrictions in the Fargo-Detroit/Twin Cities/Milwaukee markets. These four changes will be adopted.

Requirement of a Hearing

Finally, United has again questioned the appropriateness and legality of show cause procedures to realign route systems, implying that the Board may not deny its requests for the retention of restrictions absent a hearing. This issue has been considered in some detail and United's arguments have been rejected. See Order 74–10–60, October 10, 1974, at 3–4. We believe that all statutory mandates have been fulfilled, both to the letter and in spirit, and that the procedures utilized are otherwise fully consistent with general principles of due process.

For purposes of determining a license fee in accordance with the schedules set forth in section 389.25 of the Board's Organization Regulations (14 CFR 389.25), it is found that the additional gross transport revenues for the first full year of operations by North Central, as a result of the new authority granted herein, will be within the $100,000 to $1,000,000 range.[32]

Accordingly, *It is ordered*, That:

1. The tentative findings and conclusions set forth in Order 74–7–63, July 16, 1974, as modified herein, be and they hereby are made final;

2. An amended certificate of public convenience and necessity for route 86 in the form attached hereto be issued to North Central Airlines, Inc.;[33]

3. Such certificate shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board and shall be effective 60 days after service of this order: *Provided, however*, That the effective date of said amended certificate shall be postponed automatically until further Board order if the appropriate license fee is not paid pursuant to section 389.21(b) of the Regulations;

4. The motion of Allegheny Airlines, Inc. for leave to file an unauthorized reply and the motion of the Flint, Michigan, Airport Commission for leave to file an unauthorized answer be and they hereby are granted;

5. The motion of North Central Airlines, Inc. for leave to file an unauthorized reply be and it hereby is denied;

6. The contingent motion of United Air Lines, Inc. for leave to file an otherwise unauthorized document be and it hereby is dismissed; and

7. A copy of this order shall be served upon the parties listed in Appendix B.[34]

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-3667 Filed 2-7-75;8:45 am]

[Order 75-1-133; Docket 27114 et al.]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Application for Approval of Route Agreement; Order; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of January 1975.

In FR Doc. 75–3166, appearing at 40 FR 5184, on page 40 FR 5188, ordering paragraph 1, should read as follows (italic word added):

1. Pan American World Airways be and it hereby is exempted from section 401 of the Act, the Board's rules and regulations, and the terms, conditions, and limitations of its certificate for route 130 insofar as they would otherwise prevent Pan American from serving Bombay, India and points in Taiwan and Okinawa subject to the condition that Pan American shall not perform single-plane service (including single-flight number) in any Taiwan/Okinawa city-pair market currently authorized in the certificates of Northwest which did *not* receive single-plane service by TWA as reflected in TWA's general schedule No. 51 on file with the Board effective November 1, 1974;

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-3665 Filed 2-7-75;8:45 am]

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[27] We will, however, eliminate the requirement that South Bend-New York flights serve a second intermediate point in addition to Milwaukee. Since North Central will have would be anomalous and, obviously, is unrestricted authority between South Bend and Milwaukee and between Milwaukee and New York, the imposition of an additional stop requirement on flights serving both South Bend and New York over Milwaukee necessary. See n. 20, *supra*.

[28] See Reply of North Central, dated August 27, 1973 at p. 8 (leave to file granted by Order 73–9–66, September 17, 1973).

[29] The Grand Rapids/South Bend-New York markets are significantly larger than the Flint/Muskegon/Saginaw-New York markets; therefore, North Central's incentive to initiate one-stop service, albeit over a weak, slightly circuitous intermediate such as Jackson, will be fairly great.

[30] Chicago-Cincinnati: 202,370 true O&D; Chicago-Columbus, 182,910; Chicago-Dayton, 120,400.

[31] Under its proposal, North Central's least circuitous one-stop authority in the Chicago-Columbus/Dayton markets would be via South Bend. In the Chicago-Cincinnati market, because of a one-stop restriction on South Bend-Cincinnati flights, the carrier's least circuitous one-stop service would be via eBnton Harbor or alamazoo, entailing a relatively small increase in mileage.

[32] North Central requested the Board to find that revenues realized would be under $100,000; however, we cannot accept such a conservative estimate in light of the extent of liberalization of the carrier's authority.

[33] Filed as part of original document.

[34] Appendices A, B, C filed as part of original document.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Administrative Actions Requiring Statements

The following lists, filed with the Council by the Department of Defense, Corps of Engineers, Tennessee Valley Authority, the Department of Transportation, and the United States Coast Guard pursuant to Council Guideline 40 CFR 1500.6(e), indicate those administrative actions that DOD, COE, TVA, DOT, and USCG have determined will require the preparation of environmental impact statements under NEPA.

DEPARTMENT OF DEFENSE

ASSISTANT SECRETARY OF DEFENSE

Quarterly CEQ Report
Unified and Specified Commands
July 1, to September 30, 1974

1. Final statements: None filed during reporting period.
2. Draft statements: None.
3. Statements under Preparation:

Subject	Projected date	CINC
Tinian, Mariana Islands, Crested Isle.	USAF comments on CEIS being used to prepare DEIS. Due December 1974.	CINCPAC

4. List of Actions for which a statement is not required:
a. Actions which normally require a statement. None.
b. Actions similar to those for which a significant number of statements have been filed. None.
c. Actions previously announced as requiring a statement. None.
d. Actions for which the CEQ requested a statement. None.
5. List of actions for which statements are not yet timely:

CINCPAC

a. Camp Butler, Japan—AV8A training facility.
b. Hickam AFB, Hawaii—Fire training facility.
c. Clark AFB, Philippines—Central Supervisory Utility Control System.
d. Kadena AB, Japan—Central Supervisory Utility Control System.
e. Schofield Barracks, Hawaii—Kolekole Quarry.
f. Guam—200-man USAR center.

DEFENSE SUPPLY AGENCY

RCS DD–H&E (Q)1326

1 SEPTEMBER 1973 TO 30 SEPTEMBER 1974

1. Final Statements: None
2. Draft Statements: None
3. Statements Under Preparation: None
4. List of actions for which a statement is not required: a. Actions which normally require a statement: (1) Expanded boiler plant capacity at one location and reduced total number of plants, Defense Depot Ogden, Ogden, Utah (DDOU). Date of Determination: FY 74. Reason for Determination: Number of plants reduced. Expanded plant meets EPA standards.

(2) Installed refuse compaction and transfer station—DDOU. Date of Determination: FY 74. Reason for Determination: Eliminated open pit burning. Compacted refuse delivered to Weber County incinerator which meets EPA emission standards.

(3) Expanded storm sewer—DDOU. Date of Determination: FY 74. Reason for Determination: Improved control of runoff. Reduced overflow.

(4) Constructed 18 units of family housing (in progress)—DDOU. Date of Determination: FY 74. Reason for Determination: Replaces a like number of substandard units. New units heated by natural gas. Existing boiler plant to be closed reducing air emissions.

b. Actions similar to those for which a significant number of statements have been filed: None.

c. Actions previously announced as requiring a statement: None.

d. Actions for which the CEQ requested a statement: None.

5 List of actions for which statements are not yet timely: None.

Department of the Army—July 1, 1974 to September 30, 1974

	Date Filed
(a) Final statements: *Subject*	
Project Eagle—expanded, Supplement A—Disposal of GB Agent in Underground Tanks.	Notice published in FEDERAL REGISTER (F.R.) Aug. 2, 1974.
(b) Draft statements:	
1. Land acquisition, Fort Carson, Colo.	Notice published in F.R. Sept. 13, 1974.
2. Construction and operation, parachute drop zone and short-field landing strip, Fort Richardson, Ark.	Approved by DA on Oct. 16, 1974. Filed with CEQ that date.
(c) Statements under Preparation:	*Date Scheduled*
1. South approach, Golden Gate Bridge, Presidio of San Francisco, Calif. Draft statement reported in F.R. of May 6, 1974.	Unscheduled (final).
2. Family housing project (400 units) Fort Bragg, N.C.	Unscheduled (draft).
3. Real estate acquisition, 3 phases, Fort Hood, Tex.	2d quarter 1975 (draft).
4. Military operations and activities, 4th Infantry Division (Mech.) and Fort Carson, Colo.	4th quarter 1975 (draft).
5. Family housing project, Fort Campbell, Ky.	Rescheduled to 3d quarter 1975 (draft).
6. Co-use of monument land by White Sands Missile Range and National Park Service, U.S. Army Air Defense Center and Fort Bliss, Tex.	3rd quarter 1975 (draft).
7. Military operations, Fort Polk, La.	3d quarter 1975 (draft).
8. Land acquisition, Fort Riley, Kans.	Unscheduled (draft).
9. Family housing project, Fort Belvoir, Va.	1st quarter 1975 (draft).
10. Family housing project, Allamanu Military Reservation, Hawaii, 2950 units.	4th quarter 1975 (draft).
11. Project Eagle—expanded:	
Supplement B—disposal of GB agent 1 in 1-ton containers.	4th quarter 1974 (final).
Supplement C—WETEYE bombs	2d quarter 1975 (final).
Supplement D—Honest John warhead	1st quarter 1975 (final).
12. Dredging project, Badger Army Ammunition Plant, Baraboo, Wash.	1st quarter 1975 (draft).
13. Project Eagle phase III, disposal of obsolete phosgene (carbonyl chloride).	Unscheduled.
14. Demilitarization of toxic munitions at USAMC installations:	
Without explosives	1st quarter 1975 (final).
With explosives	3d quarter 1975 (final).
15. Division stationing plan, Fort Ord, Calif.	Unscheduled.
(d) List of Actions for which a statement is not required:	
1. Actions which normally require a statement.	None.
2. Actions similar to those for which a significant number of statements have been filed:	*Date of Determination*
a. Family housing, Lightning Field, Schofield Barracks, Oahu, Hawaii.	Sept. 1974.
b. Brief reason for determination: This project's size (640 family housing units) was large enough to justify careful investigation of its environmental effects. However, the commander, based on his study, determined that no significant environmental impacts would be caused by the project.	
a. Family housing construction program, Fort Stewart, Ga.	Do.

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Department of the Army—July 1, 1974 to September 30, 1974—Continued

(d) List of Actions for which a statement is not required—Continued

2. Actions similar to those for which a significant number of statements have been filed—Continued — *Date of Determination*

b. Brief Reason for Determination: This long-range program for the construction of approximately 3,000 military family housing units on a 750 acre site at Fort Stewart was carefully assessed and the commander determined that it will cause no significant adverse effects which cannot be avoided. Design of the project will include measures to minimize all avoidable adverse environmental effects.

a. Family housing construction program, Fort Polk, La. — Do.

b. Brief reason for determination: This long-range program for the construction of 3,000 to possibly 4,000 family housing units is to provide housing for officers, enlisted men and their families. The construction will be accomplished on the military reservation. Design of the project will include features to minimize all avoidable adverse environmental effects. A careful assessment of the project was made and the commander determined that it would cause no significant adverse environmental impact.

a. Proposed legislative change to Clean Air Act. — Oct. 1974.

b. Brief reason for determination: The proposed change to the Clean Air Act would exclude military designed tactical vehicles from post 1974 emission standards. The small number of vehicles involved and their locations will not have a significant impact on ambient air quality.

a. Control of blackbirds, Fort Campbell, Ky. and Milan Army Ammunition Plant, Tenn. — Oct. 21, 1974.

b. Brief reason for determination: The project proposed spraying the starlings and other blackbirds with a biodegradable detergent wetting agent which, when associated with certain weather conditions, subjects the birds to a quick death. The material used will have insignificant impact on nontarget animals and will not degrade air or water quality or damage plant life. The animals are destructive to the local farmers, produce filth and are generally hazardous to high speed aircraft and to the health of the local inhabitants and their live stock. A negative declaration was published in the FEDERAL REGISTER on Oct. 21, 1974.

a. Renewal of lease, Fort Bliss, Tex------ — 3d quarter 1974.

b. Brief reason for determination: This 66,000 acre maneuver area (No. 2) has been leased by the Army from private landowners for a significant period of time. The environmental assessment of the proposed action to renew the leases concluded that the action including the land use would not cause a significant impact on the environment.

a. Joint training exercise Gallant crew 1975, Fort Bliss, Tex. — 3d quarter 1974.

Department of the Army—July 1, 1974 to September 30, 1974—Continued

(d) List of Actions for which a statement is not required—Continued

2. Actions similar to those for which a significant number of statements have been filed—Continued — *Date of Determination*

b. Brief reason for determination: This training exercise including men, equipment and weapons systems is scheduled to be conducted at Fort Bliss during April 1975. An environmental assessment of the proposed action concluded that by restricting the use of approximately 250,000 acres of range, the activity would not cause a significant environmental impact.

3. Actions previously announced as requiring a statement. — None.

4. Actions for which the CEQ requested a statement. — None.

5. List of actions for which statements are not yet timely. — None.

Department of the Navy

July to September 1974

(a) Final statements: Subject: "U.S. Navy Atlantic Fleet Air Combat Maneuvering Range, Atlantic Ocean Training Area". Date filed: 9 July 1974. Subject: "TRIDENT Support Site, Bangor, Washington". Date filed: 19 July 1974. Subject: "Camping Facility, Naval Air Station, Miramar, California". Date filed: 27 August 1974.

(b) Draft statements: Subject: "Berthing Pier No. 7, U.S. Naval Station, San Diego, California". Date filed: 30 July 1974. Subject: "Navy Family Housing, U.S. Naval Weapons Station, Charleston, S.C.". Date filed: 13 September 1974.

(c) Statements under preparation: Subject: Final EIS for "Berthing Pier No. 7, U.S. Naval Station, San Diego, California". Projected date: November 1974. Subject: Final EIS for "Land Acquisition and Construction of Two Helicopter Outlying Fields, Naval Air Station, Whiting Field, Milton, Florida". Projected date: January 1975. Subject: Final EIS for "Naval Submarine Base, New London, Groton, Connecticut". Projected date: January 1975.

Subject: Final EIS for "Improvement/Addition of Ship Berthing Spaces, Naval Station, Norfolk, Virginia.". Projected date: January 1975. Subject: Final EIS for "Off-Road Vehicle Use, Naval Weapons Center, China Lake, California.". Projected date: February 1975. Subject: Final EIS for "Abrasive Blasting of Ships Hulls" Projected date: June 1975. Subject: Final EIS for "Continued Use of Farallon de Medinilla Bombardment Range, Marianas Islands". Projected date: December 1974. Subject: Draft EIS for "Proposed New Ammunition Facility at the Naval Air Station, North Island, San Diego, California". Projected date: November 1974. Subject: Draft EIS for "Uniformed Services University of the Health Sciences, Bethesda, Md.". Projected date: November 1974. Subject: Draft EIS for "Naval Personnel Administrative Complex, Belle Chasse, Louisiana.". Projected date: January 1975. Subject: Draft EIS for "Navy Family Housing at Forth Story, (Virginia Beach), Virginia.". Projected date: January 1975.

(d) List of actions for which a statement is not required: Subject: "CH-53E Helicopter System". Date of determination: 11 July 1974. Brief Reason for determination: Action did not constitute a "major Federal action significantly affecting the quality of the human environment" as operational usage does not indicate any direct or secondary impact and engines utilized will be designed for minimal pollutant (exhaust) emissions.

Subject: "Community Support Facilities and Land Acquisition, Naval Submarine Base, New London (Groton), Connecticut". Date of determination: 9 August 1974. Brief reason for determination: Action was discussed in the Draft EIS for "Naval Submarine Base, New London" filed on June 19, 1974 and accordingly did not require decision for Draft EIS.

Subject: "DD 963 Class Ships". Date of determination: 9 August 1974. Brief reason for determination: Not considered a major Federal action significantly affecting the quality of the human environment as this class ships will incorporate the latest in pollution abatement devices as:

(1) Utilization of gas turbine engines (burning distillate fuels) which are significantly cleaner (with respect to exhaust pollutants) than their predecessor;

(2) Sewage collection/incineration systems facility no overhead discharge in port or while operating in the contiguous zone;

(3) Trash compacted for ultimate disposal ashore whenever feasible;

(4) Oily ballast minimized through revised refueling procedures;

(5) Oily bilge discharge minimized through provision of 9,000 gallon capacity holding tanks; and

(6) Plans for backfitting with oil/water separators and oil content monitors when such devices are approved for military use.

Subject: "AIM-9L (Air-to-Air) Missile". Date of determination: 9 August 1974. Brief reason for determination: Not considered a major action significantly affecting the quality of the human environment as peacetime use is primarily associated with training at an established and dedicated target range. Any minor "contamination" occurring unfortunately is a "fact of life" as dictated by the defense mission.

1. Actions which normally require a statement: Subject: "Dredge Piers SIERRA and TANGO, Naval Station, Charleston, S.C." Date of determination: 11 July 1974. Brief reason for determination: Proposed action did not constitute a "major Federal action significantly affecting the quality of the human environment" as:

(1) Disposal of spoils was to be accomplished in an approved EPA site;

(2) A Corps of Engineers permit had been issued;

(3) There were no identifiable "significant" impacts;

(4) The alternatives considered were not preferrable to the proposed action; and

(5) There was no evidence of "environmental controversy".

Subject: "Dredging at Naval Amphibious Base, Little Creek, Va." Date of determination: 9 August 1974. Brief reason for determination: Action was not considered a major Federal action significantly affecting the quality of the human environment as:

(1) Dredging was to involve removal of Navy lands;

(2) Spoil disposal was consistent with current EPA standards for land disposal;

(3) Dredging (and subsequent beach replenishment) is the preferred alternative; and

(4) There was no identifiable degradation or impact vs. long-term productivity and timing of the project would minimize any minor direct environmental impact.

Subject: "Land Acquisition for the Naval Research Laboratory at Leesburg, Fla.". Date of determination: 9 August 1974.

Brief reason for determination: Action would only change ownership of land and improvements (where Navy has been conducting underwater acoustic experiments) from private hands to government rolls. No change to existing site characteristics were involved or scheduled.

2. Actions similar to those for which a significant number of statements have been filed:

a. Subject: "Navy Family Housing Construction for Murphy Canyon Heights, Naval Complex, San Diego, California." Date of determination: 11 July 1974. Brief reason for determination: Proposed construction did not constitute a major Federal action significantly affecting the quality of the human environment as:

(1) The action was consistent with applicable land use plans and policies;

(2) There were no identifiable primary impacts;

(3) Secondary impacts were not considered significant;

(4) Alternatives considered might have a more adverse environmental impact; and

(5) There was no evidence of "controversy with regard to environmental impact."

Subject: "Family Housing Project, Marine Corps Air Station, Cherry Point, North Carolina." Date of determination: 2 August 1974. Brief reason for determination: Proposed action will provide for replacement housing and will not add to the total housing at the station. There was no evidence of environmental controversy.

Subject: "Mobile Home Park, Marine Corps Recruit Depot Parris Island, South Carolina." Date of determination: 2 August 1974. Brief reason for determination: Proposed action will provide for replacement mobile home spaces and will not add to the total spaces available at the activity. There was no evidence of environmental controversy.

Subject: "Land Acquisition for the Naval Research Laboratory at Leesburg, Fla." Date of determination: 9 August 1974. Brief reason for determination: Action would only change ownership of land and improvements (where Navy has been conducting underwater acoustic experiments(from private hands to government rolls). No change to existing site characteristics were involved or scheduled.

Subject: "Mobile Home Park, Naval Weapons Station, Charleston, South Carolina." Date of determination: 9 August 1974. Brief reason for determination: This proposal, for 60 mobile home parking "spaces" was to utilize 13 of an estimated 9,000 acres in a forest management area at the Weapons Station, and accordingly note a very minor direct impact. Secondary impacts were also minimal, the predominant factor providing less than .01% of expected 1976 county enrollment into local schools.

Subject: "Mobile Home Park, Naval District, Washington, D.C.". Date of determination: 24 September 1974. Brief reason for determination: Action proposed to use existing Navy, substandard trailer park for renovation of 24 mobile home parking "spaces."

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Accordingly, little if any impact on the quality of the human environment is involved, and in fact, action is an improvement due to the incorporation of updated and more modern utilities/services.

Subject: "Mobile Home Park, Naval Weapons Station, Yorktown, Virginia.". Date of determination: 24 September 1974. Brief reason for determination: Action proposed to use existing, Navy substandard housing project for removal and renovation to provide for 40 mobile home parking spaces. Accordingly, little if any impact on the quality of the human environment is involved, and in fact, action is an improvement due to incorporation of updated and more modern utilities/services.

Subject: "Mobile Home Park, Naval Air Station, Alameda, California". Date of determination: 24 September 1974. Brief reason for determination: Identical case with Yorktown, Virginia, project as identified above.

Subject: "Navy Family Housing, Naval Facility, Nantucket Island, Massachusetts". Date of determination: 24 September 1974.

Brief reason for determination: Not considered a major action significantly affecting the quality of the human environment as 18 new units proposed will be constructed at (and as an addition to) existing housing on naval property with no secondary impacts identified. The basic differences in impacts being that families will remain through the summer season instead of vacating the island.

Subject: "Mobile Home Housing Project, Marine Corps Base, Camp Lejeune, North Carolina." Date of determination: 30 September 1974. Brief reason for determination: Proposed action provides for construction of mobile home sites on an existing but abandoned trailer park site. There were no identifiable significant impacts. For example, school loadings would not be changed as the children who will be located on the site are already located in the area and are enrolled in the local schools. In addition there was no evidence of environmental controversy.

3. Actions previously announced as requiring a statement: Final statement. Subject: "Navy Family Housing Project, Naval Air Station, Glenview (at Fort Sheridan) Illinois." Date of determination: 15 July 1974. Brief reason for determination: Requirement for Navy Family Housing was cancelled by the Department of Defense.

4. Actions for which the CEQ requested a statement. None identified

(e) List of Actions for which Statements are Not Yet Timely

Subject: "Continued Use of Atlantic Fleet (Inner) Weapons Range." Date of evaluation: Undetermined.

U.S. Air Force

July 1, 1974 to September 30, 1974

RCS: DD-H&E(Q) 1326

A. Final statements:	*Date filed*
Subject: 1. F-15 Beddown Luke AFB	Aug. 1, 1974.
B. Draft statements:	
Subject:	
1. USAF Continental Operations Range (COR)	July 10, 1974.
2. Over-the-Horizon Radar CONUS (OTH-B)	Aug. 9, 1974.
C. Statements under preparation:	*Projected date*
Subject: 1. Joint City/Air Force Use of Norton	2d quarter fiscal year 1975.

D. Lists of actions for which a statement is not required: None.

E. List of actions for which statements are not yet timely: Subject: 1. None.

CORPS OF ENGINEERS

NEPA monthly report, marginal impact statements issued during previous month

[Month of January]

Authorized No.	Federal Assistance Catalog No.	Description of proposed action	Environment(s) affected (city and State)	Date of issuance
C27024	13.220	St. Francis Hospital—construction of outpatient center. Also, expansion of heating facilities.	Breckinridge, Minn	Jan. 8, 1975

NEPA monthly report, non-IIEW draft environmental impact statements currently being reviewed

[Month of January]

Authorized No.	Federal Assistance No.	Description of proposed action	Environment(s) affected (city and State)	Date for completion
Not available	Not available.	Flood control project, Lower Eagle Creek	Indianapolis, Ind	Jan. 8, 1975.
Do	do	Maintenance dredging of unpolluted harbors.	Michigan	Do.
Do	do	Framework study, Great Lakes Basin	Ann Arbor, Mich	Jan. 20, 1975
Do	do	Toledo Harbor, maintenance dredging of polluted sediments.	Toledo, Mich	Do.
Do	do	Flood control feasibility study, Basset Creek.	Hennepin County, Minn	Jan. 8, 1975
Do	do	Flood control, Minnesota River	Chaska, Minn	Jan. 20, 1975
Do	do	Red Lake and Clearwater River, maintenance and operation.	Red Lake River Basin, Minn.	Do.
Do	do	Harbors of Refuge at Lutsen and Beaver Bay, Lake Superior, construction, operation and maintenance of Harbors of Refuge.	Cook and Lake Counties, Minn.	Do.
Do	do	Diked disposal facility, site No. 7, Lorain Harbor, construction and operation of a 58-acre rubblemound diked disposal facility to receive polluted sediments dredged from Lorain Harbor.	Lorain, Ohio	Jan. 8, 1975

TENNESSEE VALLEY AUTHORITY

LIST OF ENVIRONMENTAL IMPACT STATEMENTS UNDER PREPARATION, DECEMBER 1974

Final statements being prepared: Raccoon Mountain Pumped Storage Project (draft issued September 6, 1974). Timberlake New Community (draft issued November 29, 1974). Hartsville Nuclear Plants (draft issued November 25, 1974).

Draft statements being prepared: Policies Relating to Power Rates and Ratemaking Procedures, Policies Relating to Power System Transmission Facilities. Cherokee Reservoir—Poor Valley Creek Dam and State Park.

NOTE.—Elkmont Rural Village, A Planned Rural Village Near the Town of Elkmont, Alabama, in the Lower Elk River Area (listed on September 1974 list)—final issued December 16, 1974. Gas Turbine Peaking Plant Addition, Units 11-16—Johnsonville Steam Plant (listed on September 1974 list)—final issued November 25, 1974. Gas Turbine Peaking Plant Addition, Units 1-4—Gallatin Steam Plant (listed on September 1974 list)—final issued December 20, 1974. Widows Creek-West Jefferson 500-kV Transmission Line (listed on September 1974 list)—final issued November 7, 1974.

DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

LIST OF PROJECTS FOR PREPARATION OF EIS

In accordance with the CEQ Guidelines of August 1, 1973, this Office is sending you a list of projects requiring administrative actions for which environmental impact statements are being prepared for the third quarter.

1. Draft EIS on Transit-Mall Project by Tri-County Metropolitan Transportation District, Portland, Oregon.

2. Draft EIS on Embarcadero Spur Storage for Light Rail Vehicles, San Francisco, California.

3. Draft EIS on Extension to Shady Grove, Washington Metropolitan Area Transit Authority, Washington, D.C.

4. Supplemental EIS on Changes to MARTA East-West Line, Atlanta, Georgia.

Projects which were previously reported for second quarter but now held in abeyance until further notice are:

1. Draft EIS on Proposed Central Area Transit Project, Chicago, Illinois.

2. Draft EIS of Plainfield Corridor Extension PATH System Port Authority of New York & New Jersey.

3. Draft EIS on Second Avenue South Project, New York City Transit Authority.

4. Final EIS on Center City Commuter Rail Connection, Philadelphia, Pennsylvania.

DEPARTMENT OF TRANSPORTATION

COAST GUARD

DRAFT (D) AND FINAL (F) ENVIRONMENTAL IMPACT STATEMENTS (EIS) BEING PREPARED

DEIS—Proposed Coast Guard Station at Provincetown, Mass. (Revised DEIS).

DEIS—For the location, construction and operation of the U.S. Coast Guard New London Station, Research and Development Center, and support facilities in New London, Conn.

FEIS—New York Vessel Traffic System for the Port of New York, Hudson River and Long Island Sound.

DEIS—Proposed Loran C Station at Grangeville, LA.

DEIS—Proposed Loran C Station at Raymondville, TX.

DEIS—Proposed Loran C Station at Mariana, FL.

DEIS—Proposed Multi-purpose facility at Berwick, LA.

DEIS—Proposed General Rules for Vessel Traffic System, Berwick Bay, LA.

FEIS—Proposed Sewage Disposal System, USCG Base, Kodiak, AK.

FEIS—Proposed Vessel Traffic System, Prince William Sound, AK.

FEIS—Proposed Regulated Navigation Area, entrance to Chesapeake Bay.

FEIS—Proposed Regulations to implement Title II, Ports and Waterways Safety Act of 1972.

FEIS—Proposed Vessel Traffic System, New Orleans, LA.

FEIS—Proposed Vessel Traffic System, Houston/Galveston, TX.

FEIS—Proposed Station Creek Bridge, Beaufort County, SC.

FEIS—Proposed USCG Air Station, Arcata, McKinleyville, CA.

DEIS—Proposed Loran C Chain, U.S. West Coast, Gulf of Alaska.

DEIS—Point Reyes Housing Sewage Disposal Plant, CA.

DEIS—Proposed Search and Rescue Facility at Martines, CA.

DEIS—Proposed Replacement of the Dumbarton Bridge across San Francisco Bay, San Mateo and Alameda Counties, CA.

FEIS—Deepwater Port Regulations.

DEIS—Northbrook Housing, IL.

FEIS—Proposed Coast Guard Station (Destin Station), Santa Rosa Island, FL.

NEGATIVE DECLARATIONS PREPARED AND FILED IN COAST GUARD HEADQUARTERS DURING THE LAST QUARTER OF CALENDAR YEAR 1974

Acquisition of USCG Housing, 5 houses, Hilo, Hawaii.

Construction of four units of CG family housing in the Sunset subdivision of Grassey Key, FL.

Construction of six units of CG family housing in the Treasure Harbor subdivision of Plantation Key, Monroe County, FL.

Construct quarters for the Commander, Seventeenth CG District, Juneau, AK.

Acquire 7.3 acres of Army property at Sandy Hook, Monmouth County, NJ.

Construct two buildings (8300 SF total) at the Naval Electronic Systems Test and Evaluation Detachment (NESTED) property, St. Inogoes, Saint Mary's County, Maryland.

Microwave/UHF-FM Antenna Installations, Mt. Haleakala and Mauna Kapu, Hawaii.

Proposed Rules for Mooring Barges on Mississippi River between Miles 88 and 127 above Head of Passes.

Juneau Moorings Repair, Juneau, AK.

NEGATIVE DECLARATIONS FOR BRIDGE PERMIT ACTIONS

Project, waterway, location:	*Permit No.*
Upper Mississippi River, Burlington, Iowa	109-74
Intracoastal Waterway (Atlantic), Yaupon Beach, N.C	135-71
Kuapa Pond, Hawaii-Kai Drive, Honolulu, Hawaii	38-74
Williston Creek, Williston, N.C. (mile 0.7)	50-74
Tolmie State Park, Thurston County, Olympia, Wash	107-73
Imperial River, Bonita Springs, Fla	114-74
Anclote River, Tarpon Springs, Fla	108-74
Millport Slouth, Kernville, Oreg	111-74
Illinois Waterway, Ottawa, Ill	107-74
Illinois River, South Perkin, Ill	85-74
Bayou Bonfouca, Slidell, La	96-71b
Kingman Lake and Anacostia River, Washington, D.C	39-74
Mill Creek, Southold, N.Y	35-74
Big Sandy River (Levisa Fork), Banner, Ky	140-74
Hogan Creek, Aurora, Ind	119-74
Blackwater Creek, Virginia Beach, VA	122-74
Merrimack River, Nooksett, N.H	98-74
Elizabeth River (West Branch), Portsmouth, Va	83-74

GARY L. WIDMAN,
General Counsel,
Council on Environmental Quality.

[FR Doc.75-3337 Filed 2-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 331-7]

BASF WYANDOTTE CORP.

Establishment of Temporary Tolerance

BASF Wyandotte Corp., 100 Cherry Hill Road, Post Office Box 181, Parsippany, NJ 07054, submitted a petition (PP 5G1543) requesting establishment of a temporary tolerance for negligible residues of the herbicide fluchloralin (*N*-(2-chloroethyl)-α,α,α-trifluoro-2,6-dinitro-*N*-propyl-p-toluidine) in or on the raw agricultural commodity soybeans at 0.05 part per million.

It has been determined that a temporary tolerance for negligible residues of the herbicide in or on soybeans at 0.05 part per million will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the BASF Wyandotte Corp. name.

This temporary tolerance expires February 4, 1976.

Residues remaining in or on the above raw agricultural commodity after expiration of this temporary tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/temporary tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: February 4, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-3622 Filed 2-7-75;8:45 am]

[FRL 331-5; OPP—32000/185]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 11, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received on or before April 11, 1975, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 11, 1975.

Dated: February 3, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED

[OPP—32000/185]

EPA File Symbol 1029-REG. Aidex Corp., 1024 N. 17 St., Omaha NB 68102. AIDEX DURSB EX-G GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3-5,6trichloro-2-pydidyl] phosphorothioate] 0.5%. Method of Support: Application proceeds under 2(c) of interim Policy. PM12.

EPA File Symbol 11501-RO. Aqua Chem Co., Inc., 349 Greco Ave., Coral Gables FL 33146. AQUATRENE ALGAECIDE FOR USE IN SWIMMING POOLS. Active Ingredients: Copper as elemental 8.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

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EPA File Symbol 192-RRL. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL ROSE AND FLOWER DUST. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 5.00%; 1, 1-Bis (p-chlorophenyl) - 2,2, - trichloroethanol 3.00%; 2-(1-Methylheptyl) -4, 6-dinitrophenyl crotonate 0.90%; Other nitrophenols and derivatives chiefly 1-methylheptyl -4, 6-dinitrophenol 0.10%; Zineb (Zinc ethylene bisdithiocarbamate) 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 18632-R. Holloway House Industrial Products, Div. Chemical Corp. of America, PO Box 26082, 7127 E. 46th St., Indianapolis IN 46226. HIGHLY CONCENTRATED INDUSTRIAL ROOT-OUT. Active Ingredients: NaOH (Sodium Hydroxide Special Flakes) 95%; CoSO4 (Copper Sulphate) 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 802-LGN. The Chas. H. Lilly Co., 109 S.E. Alder, Portland OR 97214. MILLER'S LAWN AND SHRUB INSECT SPRAY. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 6.79%; Aromatic petroleum derivative solvent 42.48%; Petroleum distillates 41.48%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 1021-RGGA. McLaughlin Gormley King Co., 8810 10th Ave., N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2050. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 3.75%; Piperonyl butoxide, technical 18.75%; 2-Hydroxyethyl-n-octyl sulfide 35.63%; Other related compounds 1.87%; Petroleum distillate 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1021-RGGL. McLaughlin Gormley King Co., 8810 10th Ave., N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2047. Active Ingredients: d-trans Allethrin (aAllyl homolog of Cinerin I) 7.2%; Piperonyl butoxide, technical 32.4%; N-octyl bicycloheptene dicarboximide 18.0%; Petroleum distillate 2.4%. Method of Support: Application proceeds under 2 (c) of interim policy. PM17.

EPA Reg. No. 1021-1016. McLaughlin Gormley King Co., 1715 S. 5th St., Minneapolis MN 55414. PYROCIDE INTERMEDIATE Number 6907 SIX MONTH MOTHPROOFER. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide, technical 0.80%; N-octyl bicyclopheptene dicarboximide 0.40%; Petroleum distillate 6.55%. Method of Support: Application proceeds under 2 (c) of interim policy. PM17.

EPA Reg. No. 1021-1020. McLaughlin Gormley King Co., 1715 S. 5th St., Minneapolis MN 55414. "PYROCIDE INTERDEMIATE 6916 SIX-MONTH MOTHPROOFER. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide, technical 1.00%; Petroleum distillate 6.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 5967-RUT. Moyer Chemical Co., 1310 Bayshore Hghy., PO Box 945, San Jose CA 95108. DIBROM-SEVIN DUST No. 4-10. Active Ingredients: Naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) 4.0%; Carbaryl (1-naphthyl N-methylcarbamate) 10.0%. Method of Support: Application proceeds under 2 (c) of interim policy. PM16.

EPA File Symbol 1453-UN. J. L. Prescott Co., 27 8 St., Passaic NJ 07055. DAZZLE SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24.

EPA File Symbol 11547-GA. Share Corp., 2655 N. 128th St., Brookfield WI 53005. SHARE CORP. ALGAECIDE. Active Ingredients: n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 5.0%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 11214-EG. Target Chem. Co., 17710 Studebaker Rd., Cerritos CA 90701. TARGET READY TO USE SPRAY ½% DIAZINON. Active Ingredients: 0, 0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.5%; Aromatic petroleum derivative solvent 99.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA Reg. No. 148-984. Thompson-Hayward Chem. Co., 5200 Speaker Rd., Kansas City MO 66106. DROP-LEAF DEFOLIANT. Active Ingredients: Sodium chlorate 28.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

[FR Doc.75-3621 Filed 2-7-75;8:45 am]

[FRL 333-5; OPP-210004]

LOUISIANA

Application for Emergency Exemption To Use DDT for Control of Tobacco Budworm on Cotton; Public Hearing

Pursuant to section 21 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) will hold public hearings February 27-28, 1975, in Baton Rouge, Louisiana, and March 3, 1975, in Washington DC, regarding the State of Louisiana's application for an emergency exemption pursuant to section 18 of the FIFRA to allow the use of DDT for control of tobacco budworm on cotton this year. An announcement of the receipt of this application is published elsewhere in today's FEDERAL REGISTER.

Section 18 provides that the Administrator "may, at his discretion, exempt any Federal or State agency from any provision of this Act if he determines that emergency conditions exist which require such exemption."

EPA's regulations for implementation of section 18, which were issued December 3, 1973 (38 FR 33303), provide that an emergency will be deemed to exist when:

1. A pest outbreak has occurred or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest;

2. Significant economic or health problems will occur without the use of the pesticide; and

3. The time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use.

In determining whether emergency conditions exist for the purpose of section 18, extensive balancing of risks and benefits and a determination of "no unreasonable adverse effects on the environment" are not required, as they are in other sections of FIFRA, as amended. Nevertheless, consideration of the risks and benefits is desirable when, as in this case, a significant quantity of a cancelled pesticide is proposed for use.

EPA is holding these public hearings in order to provide all interested parties an opportunity to present information relevant to the foregoing questions as they relate to Louisiana's application.

The State of Louisiana has requested a decision on the application by April 1, 1975, to allow sufficient time for planning of cotton planting and pest control activities. EPA plans to meet this requested decision date. It therefore is necessary to hold the public hearings on less than 30 days' notice. It should be noted, however, that interested parties wishing to submit written comments will have until March 12, 1975, to do so, in accordance with the notice of receipt of Louisiana's request also published in today's FEDERAL REGISTER.

All individuals and organizations wishing to testify at the hearing in Baton Rouge should notify Dr. Norman Dyer, Pesticides Branch, EPA, 1600 Patterson Street, Dallas TX 75201. Dr. Dyer's telephone number is 214/749-1121. Notification concerning participation in the Washington, D.C. hearing should be given to the Federal Register Section (Attn.: Mrs. Radinsky), Technical Services Division, Office of Pesticide Programs, Rm. E-421, 401 M Street, SW, Washington, D.C. 20460. Mrs. Radinsky's telephone number is 202/755-8060.

EPA reserves the right to schedule testimony in such a manner as to ensure that sufficient time is allowed for orderly presentation of all substantive information and for appropriate questioning of persons presenting such information.

The hearing in Baton Rouge will be held in the Conservation Hearing Room, Natural Resource Building, 625 North 4th Street, beginning each day at 9 a.m.

The hearing in Washington, D.C., will be held in Room 305, Waterside Mall (EPA Headquarters), 4th and M Streets, SW, beginning at 9 a.m.

Dated: February 7, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-3895 Filed 2-7-75;11:40 am]

[FRL 333-4]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Tuesday, February 25, 1975, at the O'Hare Hilton Hotel, O'Hare International Airport, Chicago, Illinois.

The purpose of this meeting will be to discuss the final revision of the Panel's program report. There will also be some discussion of priorities and studies regarding lake wide effects.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Chairman, Mr. Karl E. Bremer, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The telephone number is 312-353-1458.

Minutes of the meeting will be available for public inspection two weeks after the meeting at the EPA Region V Office.

Dated: February 5, 1975.

FRANCIS T. MAYO,
Regional Administrator Region V.

[FR Doc.75-3894 Filed 2-7-75;11:40 am]

[FRL 331-6; OPP-180034]

LOUISIANA

Application for Specific Exemption and Solicitation of Public Views

On January 24, 1975, the State of Louisiana applied to the Environmental Protection Agency (EPA) for a specific exemption to use a pesticide formulation containing DDT to control the tobacco budworm (*Heliothis virescens F.*) infesting approximately 450,000 acres of cotton. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

In its application, the State of Louisiana maintains that an emergency exemption permitting the use of DDT is necessary because:

1. Average cotton yields have declined significantly in 1973-74 compared with the average cotton yield for the previous ten (10) years when DDT was available.

2. In 1974, Louisiana was subjected to the worst tobacco budworm outbreak in history.

3. Tobacco budworm populations exhibit resistance to most of the alternative registered pesticides and the remaining registered alternatives are ineffective, phytotoxic, or unavailable in sufficient quantities.

A total of 2.25 million pounds of DDT would be needed for treatment of approximately 450,000 acres. This would assume that outbreak populations of tobacco budworm will occur in 1975 as they did in 1974, and the entire acreage will require five (5) applications of the proposed Toxaphene-DDT-Methyl Parathion formulation.

This notice does not indicate a decision by the EPA on the application. It has been determined that this application raises questions of such importance that public notice and opportunity for public comment should be given. Accordingly, interested parties may submit written views on this subject to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room E-421, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of EPA and others interested in inspecting the documents. The comments must be received within 30 days from the date of publication of this notice in the FEDERAL REGISTER, and should bear the identifying notation OPP-180034. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

In addition, the application itself is on file in the Registration Division, Office of Pesticide Programs, EPA, in Room E-315 at the same address given above for the Federal Register Section. Another copy of the application is available in the Office of the Chief, Pesticides Branch, EPA Region VI; the address is 1600 Patterson St., Suite 1100, Dallas Texas 75201. Interested parties may review this application during regular business hours.

Dated: February 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-3896 Filed 2-7-75;11:40 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-116; Docket No. 20349]

WEST TEXAS M'CROWAVE CO.

Memorandum Opinion and Order; Re Tariff Revision

1. On October 2, 1974, West Texas Microwave Co. (West Texas) filed revisions to its Tariff FCC No. 2 to become effective December 1, 1974. These revisions provide for an increase of 19.8 percent in its published tariff rates for point-to-point microwave service to its customers on the West Texas system. Petitions to suspend and/or reject the tariff were filed by United Cable Television Corp. (United Cable), Cablecom-General, Inc. (Cablecom), Lubbock Cable TV (Lubbock), and Texas Community Antennas, Inc. (Texas Community). The contentions of these petitioners were substantially similar in that it was alleged that West Texas had failed to comply with the requirements of § 61.38 of our rules thereby impairing the ability of the aforementioned petitioners to ascertain the reasonableness of the proposed revised tariff schedules.

2. West Texas thereupon furnished additional information and economic data required by § 61.38 of the rules and requested permission to defer the effective date of the revised tariff to January 14, 1975.[1] On January 9, 1975 in response to an informal request of the staff of the Common Carrier Bureau (Bureau) for additional time to review Transmittal No. 53, West Texas filed a further application to defer the effective date from January 14, 1975 to January 31, 1975.[2]

3. On December 10, 1974, United Cable, Lubbock and Texas Community after having an opportunity to examine the additional § 61.38 information and data filed by West Texas, advised the Commission that they now acquiesced in the West Texas filing and requested that their complaints be dismissed without prejudice. Accordingly, we will dismiss these pleadings without prejudice as moot.

4. However, on December 10, 1974 Cablecom timely filed a petition for suspension of the proposed revisions to West Texas' Tariff and requested a full evidentiary hearing. Among other things, it contended that the proposed rates then scheduled to become effective on January 14, 1975 would be increased an average of 19.8 percent. It seeks the rejection of the tariff amendments proposed because of alleged deficiencies and ambiguities in the supporting information filed by West Texas in purported compliance with the requirements of § 61.38 of our rules. Cablecom contends that the proposal appears to be unjust, unreasonable and discriminatory, in violation of sections 201(b) and 202(a) of the Communications Act (47 U.S.C. 201(b) and 202(a)).

5. On December 18, 1974, West Texas timely filed a reply to Cablecom's petition for suspension of tariff and hearing. It contended, among other things, that rejection of its tariff would be inappropriate; that Cablecom's request for suspension and hearing is erroneously based on the grounds that West Texas' ratemaking methodology is founded on subscriber population rather than actual system costs whereas its figures generally have been based on actual costs for the extension of service to each customer. West Texas reiterated its explanation for the revised tariff. It alleges that at current rate levels, it projects net losses of $18,113, $2,343, and $32,643 during 1975 through 1977, respectively. With the proposed revisions, net income for those years is projected at $52,526, $54,441 and $48,015, respectively. As of July 1974 with a capital structure of $422,000 in equity and $2,096,000 in debt, West Texas further states that an average return to the equity holders of 12.2 percent over the next three years would result.

6. Cablecom's contentions may be summarized, in substantial part as follows:

West Texas has (a) failed to adequately explain the need for the rate increase; (b) inadequately described the effect of the projected increase in its traffic; (c) imposed developmental risks

[1] Application for Special Permission Number 7462 to defer the effective date filed November 14, 1974 and granted the same day. West Texas filed Transmittal No. 54 providing for an effective date of January 14, 1975.

[2] Application for Special Permission Number 7520 was granted on January 10, 1975.

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on its customers; and (d) submitted questionable accounting and rate of return analysis because of the paucity of underlying data.

Cablecom contends that the tariff revisions are unreasonable and discriminatory on their face and, therefore should be rejected or designated for hearing.

7. We disagree with Cablecom's contention that West Texas filing is so deficient that it should be rejected. However, we believe that the matters of rate base and rate of return raise questions that should be resolved on the basis of a further record. Accordingly, we are unable to conclude at this time that all features of the tariff revision are just and reasonable and free from undue discrimination within the meaning of Sections 201 and 202 of the Communications Act. We shall therefore designate the revised tariff for investigation and suspend the effectiveness thereof, and enter an accounting order providing for possible refund. However, because three customers have acquiesced in the filing, the carrier's earnings position and the protection afforded by the accounting order we are providing herein, we will suspend the effectiveness of the subject tariff revisions for forty-five (45) days only. On January 27, 1975 a meeting was held between the representatives of West Texas, Cablecom and the staff to explore whether the furnishing of additional information by West Texas might result in the elimination of the necessity for a hearing or shorten any hearing which might be required. It became apparent that West Texas would not postpone further the effective date of its proposed increases and that Cablecom wanted a full 90-day suspension of the effective date of such increase. We believe the possibility of achieving a settlement will be enhanced by the 45-day suspension of the effective date of the proposed increased charges. This will allow time for the submission of additional information requested of West Texas. Accordingly, we will specify that the initial filing under the procedure prescribed in paragraph 15a will be on or before 65 days of the release of this order.

8. In the present case, due to the nature of the increases and the potential for harm to the petitioner, Cablecom is required to pay the rate increases to West Texas during the pendency of a prolonged trial-type hearing before the Commission, we shall order that "paper" proceedings be utilized to expedite the resolution of this controversy. Such proceedings provide for the submission of interrogatories and requests for information, which process merges cross-examination and the informal gathering of information traditionally undertaken during the prehearing and hearing states of rulemaking proceedings. We shall provide that upon close of the record the Administrative Law Judge assigned to this proceeding shall issue an initial decision. We believe the employment of the procedures noted above will best conduce to the proper dispatch of business and the ends of justice and promote the objectives of the Act for expeditious resolutions of the issues herein. 47 U.S.C. 154(j) and 204. Should it develop that the procedures which we are establishing prove inadequate or result in unfairness to any person, orders in modification thereof shall be issued.

9. Accordingly, *it is ordered*, That pursuant to the provisions of sections 201, 202, 203, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation, hereby, is instituted into the lawfulness of the tariff schedule filed by West Texas Microwave Co. submitted with Transmittal No. 53 and into any subsequent revisions thereto or reissue thereof.

10. *It is further ordered*, That, pursuant to the provisions of section 204, the tariff schedule filed by The West Texas Microwave Co. submitted with Transmittal No. 53 is hereby suspended until March 17, 1975, and that West Texas, as to the operation of such tariff schedule, shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision herein, the Commission may, by further order require the refund thereof, with interest, pursuant to section 204 of the Act, and West Texas shall file such reports on the amounts accounted for as aforesaid as the Chief, Common Carrier Bureau, shall require;

11. *It is further ordered*, That without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the subject tariff are or will be just and reasonable within the meaning of section 201(b) of the Act;

(2) Whether any such charges, practices, classifications, regulations, facilities, or services for or in connection with like communication sservice directly or indirectly will be free of any unjust or unreasonable discrimination and will not result in any undue or unreasonable preference or advantage to any person or class of persons or locality and will not subject any particular person, class of persons or locality to any undue or unreasonable prejudice or disadvantage.

(3) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariff, and if so, what should be prescribed;

12. *It is further ordered*, That the burden of proof on issues 1 and 2 above shall be upon West Texas.

13. *It is further ordered*, That pursuant to § 1.1209(d) of the Commission's rules, a sepaarted trial staff will participate in this proceeding. As provided therein, the Chief, Hearing and Legal Division and his staff will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief, Deputy Chief and all Division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

14. *It is further ordered*, That the following procedures will apply in this proceeding:

a. The record for decision will consist of all matters submitted for the record by respondent, interested persons and the Common Carrier Bureau trial staff. Interrogatories and information requests and responses thereto shall be part of the record. Such submittals together with supporting documentation and workpapers will be available for public inspection as they are received.

b. All matters submitted for the record, including answers to interrogatories and responses to information requests, must be identified as to sponsoring party, numbered consecutively and identified with the name of a person by whom or under whose supervision the submittal was prepared.

c. The source of all data must be clearly and specifically noted. Supporting documents which are not readily available and working papers must be presented with the submittals to which they apply. Statistical studies will be submitted and supported in the form prescribed in § 1.363 of the Commission's rules.

d. Original and five copies of all matters submitted for the record as well as of supporting documentations and workpapers must be filed with the Commission. Part I of our rules governs as to the number of copies and other submissions, such as briefs, pleadings and proposed findings. Matters submitted for the record shall be served on all parties and the Administrative Law Judge (ALJ).

e. Interrogatories and requests for information must be filed with the Commission and served on the ALJ and the parties to this proceeding. Objections to interrogatories and information requests should be resolved, if possible, by immediate informal conferences between the persons involved and the Trial Staff. If such persons are unable to resolve their differences, the ALJ shall be notified, and on notification shall provide for an immediate oral conference of the persons involved. After oral presentations by such persons and the Trial Staff, the ALJ shall forthwith issue a ruling. Appeals from such rulings shall be governed by 47 CFR § 1.301 except that the ALJ shall set an expedited procedure.

f. Requests for oral proceedings may be filed with, and acted upon, by the ALJ and must be specific as to the issues requiring further evidence, the persons to be cross-examined and the reason why such oral proceedings are required to avoid prejudice. Oral proceedings, if any, will be held before the ALJ who shall issue an initail decision.

15. *It is further ordered*, That the following schedule will be adhered to:

a. Within 65 days of the release of this order West Texas may supplement the materials submitted pursuant to § 61.38 of our rules. Any such supplementation, together with the material originally filed will form the evidence upon which it intends to rely. At the same time West Texas should place materials already filed into proper form as described in paragraph 14 at "b" above.

b. Cablecom and any other party may file with the Commission written interrogatories for West Texas witnesses and requests for information within 15 days following the filing of any supplement to West Texas' direct case. Answers to such interrogatories and requests for information shall be filed within 20 days of the filing thereof.

c. If necessary, further interrogatories and requests for information may be filed within 10 days of filing of answers to the first interrogatories and requests for information. Answers to such second interrogatories and requests for information should be filed within 10 days of the filing thereof.

d. Cablecom and any other party may file material in response to West Texas within ten days following the filing of answers to interrogatories and requests for information which they have submitted in accordance with subparagraph (c) above, except that this period will not be tolled pending resolution of conflicts with regard to answers which are not forthcoming but contested.

e. Any party may serve interrogatories and requests for information on other parties filing material in response to West Texas within 15 days of the filing of such responses. Answers to such interrogatories and requests for information shall be filed within 20 days of the filing thereof.

f. Proposed Findings of Fact and Conclusions of Law may be filed by any participant within 30 days of the filing of the last filed responses to interrogatories and requests for information.

g. Replies to the Proposed Findings of Fact and Conclusions of Law may be filed by any participant within 15 days of the filing of such findings and conclusions.

16. *It is further ordered*, That the petitions to reject or suspend filed by United Cable, Lubbock, and Texas Community are hereby dismissed.

17. *It is further ordered*, That, Cablecom General's Petition to reject is hereby the ALJ in arriving at his decision. set for hearing is hereby granted to the extent indicated herein and otherwise denied.

18. *It is further ordered*, That West Texas is hereby made party respondent herein, and that pursuant to § L.221(d) of the Commission rules Cablecom is made a party to the proceeding.

19. *It is further ordered*, That, upon closing of the record, the ALJ shall issue an initial decision.

20. Objections to the admissability of evidence may be made in Proposed Findings of Fact and Conclusions of Law and Replies thereto and shall be considered by the ALJ in ariving at his decision. Procedural requests should be addressed to the ALJ who shall rule thereon unless a significant modification of the procedures here established is required in which case the request should be certified to the Commission.

Adopted: January 29, 1974.

Released: February 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-3648 Filed 2-7-75;8:45 am]

[3] Commissioner Reid dissenting.

FEDERAL ENERGY ADMINISTRATION

ELECTRIC UTILITIES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Electric Utilities Advisory Committee will meet Thursday, February 27, 1975, at 10 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Street NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to general electric utilities' aspects of interests and problems related to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

10 a.m.—Introductory remarks.
10:15 a.m.—Impact of President Ford's Energy Program on Electric Utilities.
11:45 a.m.—FEA "Power Plant Reliability Task Force Report".
12:30 p.m.—Lunch.
1:30 p.m.—FEA Program to Save One MMB/D of Oil by 1980.
2:30 p.m.—FEA Electricity Conservation Programs.
3:15 p.m.—Description of the Joint EEI/EPRI/NARUC Rate and Load Management Study.
3:45 p.m.—Summary of Comments Received on "The Industrial Response to Investigation of Electric Rates".
4 p.m.—Closing remarks.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, 202-961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 6, 1975.

ROBERT E. MONTGOMERY, JR., *General Counsel.*

[FR Doc.75-3822 Filed 2-7-75;9:14 am]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will hold an emergency meeting on Monday, February 24, 1975, second floor, FEA Regional Headquarters—Dallas, 2626 Mockingbird Land, Dallas, Texas.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The purpose of the meeting is to review the President's energy and economic programs proposed in the State of the Union message of January 15, 1975.

The meeting is open to the public; however space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, 202-961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 6, 1975.

ROBERT E. MONTGOMERY, JR., *General Counsel.*

[FR Doc.75-3823 Filed 2-7-75;9:14 am]

XUM V40-28 FEB 10 75 XUM

FEDERAL POWER COMMISSION

[Docket No. RP75-44-2]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Granting Relief; Consolidating for Hearing Request for Additional Relief, and Modifying Order

FEBRUARY 3, 1975.

By order issued January 17, 1975, we granted *pendente lite* a request by Tennessee Valley Authority (TVA) for extraordinary relief from curtailment imposed by its supplier, Alabama-Tennessee Natural Gas Co. (A-T), and set for hearing TVA's request for permanent relief. On January 23, 1975, TVA filed for additional relief in the amount of 1,300 Mcf per day above the 5,000 Mcf per day previously granted to permit it to fully operate its fertilizer plant at Muscle Shoals, Alabama.

In support of its request, TVA states that the prior relief requested and granted only permits it to operate its plant at 76 percent capacity and that the additional volumes requested will permit it to operate at almost 100 percent capacity, which will result in increased production of an additional 54 tons of ammonia per day. The additional volume requested by TVA represents a portion of the interruptible gas usage under its contract with A-T. TVA states that it did not request the additional interruptible volumes because it erroneously understood that we would only consider relief for firm gas volumes.

On January 24, 1975, A-T filed its answer to TVA's additional request for relief reiterating its contention that any relief granted to TVA should contain a concommitant grant of relief to it from its supplier's curtailment. However, A-T has not filed for such relief and, as stated in our January 17th order in this proceeding, it would be inappropriate to condition any relief granted to TVA as suggested by A-T.

The grant of TVA's request *pendente lite* is justified for the same reasons that we granted interim relief initially in this proceeding as set forth more specifically in our order of January 17, 1975. The additional relief requested by TVA as granted herein *pendente lite* will not jeopardize service to the residential and commercial consumers on A-T's system.

The Commission finds: (1) Good cause exists to grant additional relief to TVA as requested by it in its filing of January 23, 1975, as hereinafter ordered and conditioned.

(2) The requests for relief filed by TVA on December 23, 1974, and on January 23, 1975, contain common questions of law and fact and therefore, good cause exists to consolidate for purposes of hearing and decision the requests for extraordinary relief filed in this proceeding by TVA on December 23, 1974, and on January 23, 1975, and to modify our order of January 17, 1975, as hereinafter ordered.

The Commission orders: (A) The additional relief requested by TVA in its petition filed January 23, 1975, is granted pendente lite upon the conditions set forth in our order issued January 17, 1975, in this proceeding.

(B) TVA's request for additional relief filed January 23, 1975, in this proceeding, is hereby consolidated for purposes of hearing and decision with its request for relief filed December 23, 1974.

(C) The procedural dates heretofore established in our order of January 17, 1975, is hereby modified to permit TVA and all other parties to file their testimony on TVA's request for additional relief on or before February 6, 1975, and to convene the hearing commencing February 11, 1975. In all other respects, our order of January 17, 1975, remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3602 Filed 2-7-75;8:45 am]

[Dockets Nos. RP73-98; RP73-74]

ALGONQUIN GAS TRANSMISSION CO.

Request for Approval

JANUARY 31, 1975.

Take notice that on December 9, 1974, Algonquin Gas Transmission Co. (Algonquin) tendered for filing a Request for Approval to Make an Entry in Account 439—Adjustment to Retained Earnings.

Algonquin's December 9, 1974, filing states that on March 14, 1974, the Commission issued an order in Docket No. RP73-98 approving a settlement agreement and providing for refunds of $750,273.79 applicable to the period year 1973. Algonquin further states that on September 24, 1974, the Commission issued an order in Docket No. RP73-74 approving Algonquin's rate increase in part and providing for refunds of $214,946.59 applicable to the year 1973. Finally, Algonquin states that as required by Account 439, its December 9, 1974, filing requests Commission approval of an entry by which Account 439 will be charged with the above enumerated refunds less the related income taxes applicable to 1973 revenues and operations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3603 Filed 2-7-75;8:45 am]

[Docket No. E-8884]

CAROLINA POWER AND LIGHT CO.

Extension of Procedural Dates

JANUARY 31, 1975.

On January 28, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 26, 1974, as most recently modified by notice issued December 23, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the Phase I procedural dates in the above matter are modified as follows:

Service of Staff's testimony	Feb. 21, 1975.
Service of intervenor's testimony	Mar. 7, 1975.
Service of company rebuttal	Mar. 21, 1975.
Hearing	Apr. 1, 1975 (10 a.m. e.d.t.).

The Phase II procedural dates are modified as follows:

Service of intervenor's testimony (unchanged)	Mar. 13, 1975.
Service of staff's testimony (unchanged)	Apr. 1, 1975.
Service of company's evidence	Apr. 17, 1975.
Service of intervenor's rebuttal	May 1, 1975.
Hearing (unchanged)	May 15, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3604 Filed 2-7-75;8:45 am]

[Rate Schedule Nos. 28, et al.]

CHAMPLIN PETROLEUM CO., et al.

Rate Change Filings

JANUARY 30, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before February 12, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 10, 1975	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	28	Cities Service Gas Co.	Hugoton-Anadarko.
Jan. 13, 1975	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	186	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do.	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	463	Columbia Gas Transmission Corp.	South Louisiana.
Jan. 17, 1975	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	63	Texas Gas Transmission Corp.	Do.
Do.	Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001.	13	National Fuel Gas Supply Corp.	Texas Gulf Coast.
Jan. 20, 1975	Amoco Production Co.	51	Natural Gas Pipeline Co. of America.	Do.
Do.	do.	80	do.	Do.
Do.	J. D. Burke, P.O. Box 1336, Corpus Christi, Tex. 78403.	3	Texas Eastern Transmission Corp.	Do.
Do.	do.	4	do.	Do.
Do.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	489	Columbia Gas Transmission Corp.	South Louisiana.
Do.	Terra Resources, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	1	El Paso Natural Gas Co.	Permian Basin.
Do.	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	92	United Gas Pipe Line Co.	Other Southwest.
Do.	Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	35	Lone Star Gas Co.	Do.

[FR Doc.75-3490 Filed 2-7-75;8:45 am]

[Docket No. RP75-39]

EL PASO NATURAL GAS CO.

Order Granting Late Interventions

FEBRUARY 3, 1975.

By petition received January 15, 1975, The People of the State of California (People) and the Public Utilities Commission of California (PUCC) requested intervention in the El Paso Natural Gas Co. (El Paso) rate filing in this docket. Notice of the filing in this docket was issued on December 31, 1974, with protests and petitions due on or before January 6, 1975.

The People and PUCC state that the reason for this out-of-time filing stems from the slow course of the mail to the West Coast. They further state that their untimely intervention in no way prejudices or delays the RP75-39 rate proceeding.

The Commission finds: Participation by People and PUCC in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3605 Filed 2-7-75;8:45 am]

[Docket No. E-9233]

INDIANA AND MICHIGAN ELECTRIC CO.

Tariff Change

FEBRUARY 5, 1975.

Take notice that Indiana and Michigan Electric Co. (I&M), on January 29, 1975, tendered for filing proposed changes in its FPC Rate Schedule No. 27 applicable to service rendered by I&M to the City of Anderson, Indiana (Anderson). According to I&M, the proposed changes would increase revenues from Anderson by $633,621 if the proposed increases had been in effect for the twelve-month period ending December 1974.

I&M states that the proposed changes implement the contractual obligations as set forth in the Service Agreement between I&M and Anderson and have been authorized by the decision of the United States Court of Appeals for the District of Columbia Circuit in *Richmond Power & Light* v. *FPC*, 481 F. 2d 490 (1973). I&M states further that copies of the filing were served upon Anderson and upon its counsel, as well as upon the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3639 Filed 2-7-75;8:45 am]

[Docket No. E-9234]

KENTUCKY UTILITIES CO.

Proposed Change in Rate

JANUARY 31, 1975.

Take notice that Kentucky Utilities Co. (KU Co.) on January 29, 1975 tendered for filing Amendment No. 2 dated October 10, 1974, to the Kentucky-Indiana Pool Planning and Operating Agreement between Kentucky Utilities Co., East Kentucky Power Cooperative, Inc., Indianapolis Power & Light Co. and Public Service Company of Indiana, Inc., dated July 9, 1971. An effective date of March 1, 1975 is requested.

The primary purposes of the proposed Amendment No. 2 is to amend certain definitions in section 2 of Service Schedule B—Unit Power and provide for a new Service Schedule C—Back-Up Power and amend Service Schedule F—Short Term Power. The demand charge in Service Schedule C and F would be changed from $0.35 to 0.45 per KW per week. Other minor changes in wording and provisions are contained in the proposed Service Schedule C and F.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3606 Filed 2-7-75;8:45 am]

[Docket No. E-8547]

MISSOURI EDISON CO.

Order Approving Settlement Agreement

FEBRUARY 3, 1975.

At issue in this proceeding is a proposed settlement agreement between the Missouri Edison Co. (ME) and the Staff of the Federal Power Commission. This

XUM V40128 FEB 10 75 XUM

agreement was filed on November 19, 1974, by ME and notice was issued on November 26, 1974, with provision for comments to be filed on or before December 11, 1974. The only comments filed in this docket were by the Staff supporting the settlement agreement.

The proposed settlement agreement relates to ME's filing of December 12, 1973, as completed on January 18, 1974, revising their FPC Electric Tariff sheets pertaining to the City of Clarksville, Missouri. The revised sheets were filed by ME for the purpose of effecting a general revenue increase of approximately $3,337 annually. On February 15, 1974, the Commission entered an order accepting the filing and suspending said proposed increase until February 19, 1974, at which time the proposed increased rates became effective, subject to refund. Following discussions among the parties, the settlement was filed on November 19, 1974.

The proposed settlement agreement includes a summary cost of service study flowing through the settlement rates approved by the Commission in Docket Nos. E–7571, E–7572, and E–8215. This cost of service study indicates that ME's proposed increase of $3,337 based on the test period ending September 30, 1973, is justified. The proposed agreement also includes a revised fuel adjustment clause which complies with the Commission's regulations.

The following results summarize the significant results of the settlement cost of service.[1]

Test period:	*Clarksville*
Year ending Sept. 30, 1973:	
Revenue at proposed rates	$68,856
Revenue under prior rates	$65,519
Proposed increase	$3,337
Increase (percent)	5.09
Rate of return at proposed rates (percent)	5.72

Our review of the proposed settlement agreement, as well as the entire record in this proceeding indicates that the proposed settlement represents a reasonable resolution of the issues raised by the filing, is in the public interest, and should therefore be approved and made effective as hereinafter ordered and conditioned.

The Commission finds: Approval of the settlement agreement filed by ME on November 19, 1974, in this proceeding is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The settlement agreement filed on November 19, 1974, by ME is incorporated herein by reference, approved and made effective as provided by the provision of the settlement agreement.

(B) Within 30 days of the date of issuance of this order, ME shall file revised tariff sheets consistent with the provisions of this order and the approved settlement agreement.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against ME or any person or party.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3607 Filed 2-7-75;8:45 am]

[1] Data are taken from Attachment A of ME's settlement agreement attachments. See also Appendix A to this order, filed as part of the original document, for the settlement capitalization.

[Docket No. RP74-100; PGA75-7]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Tariff Sheets

JANUARY 31, 1975.

Take notice that on January 27, 1975, National Fuel Gas Supply Corp. (National Fuel) tendered for filing Alternate First Interim Revised Sheet No. 4; Schedule A—Statement to Adjust Base Cost of Gas Pursuant to Commission Order Issued January 10, 1975 at Docket No. RP74–100, PGA75–3; and Revised Sheets 1 and 2 of section 17 Test for Change in Sales Rates. National Fuel states that such were submitted in response to a Commission order issued January 10, 1975, in Docket No. RP74–100, PGA75–3. In addition, National Fuel tendered for filing Alternate Second Interim Revised Sheet No. 4; Revised Sheets 1 and 2 of section 17 Test for Change in Sales Rates; Alternate First Revised Sheet No. 4; and Alternate Original Sheet No. 35. National Fuel states that these latter submissions were filed as a result of reducing the effective purchased gas adjustment (PGA) from 5.90¢ to 5.79¢ pursuant to Commission order.

National Fuel states that all of the above changes reflect the elimination of all costs associated with manufactured gas from the average base cost of gas and PGA adjustment. All sheets are proposed to become effective as of February 1, 1975, and National Fuel requests waiver of any of the Commission's rules and regulations as may be required to permit such an effective date.

National Fuel states that copies of its filing have been mailed to all purchasers and interested state commissioners.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3608 Filed 2-7-75;8:45 am]

[Docket No. E-8954]

NEW ENGLAND POWER CO.

Order Accepting Unit Sales Agreements for Filing

FEBRUARY 3, 1975.

On August 2, 1974, New England Power Company (NEPCO) tendered [1] for filing initial unit sales agreements which provide for the purchase by Vermont Electric Power Co. of 40,000 KW of power and by New Bedford Gas & Edison of 50,000 KW of power from NEPCO's Bear Swamp Project.[2] This filing was completed in accordance with the Commission's Regulations on September 6, 1974,[3] pursuant to a letter from the Secretary enumerating various deficiencies.

The contracts provide that they shall become effective on the date of commercial operation of the first of the two units at NEPCO's Bear Swamp Project and that they shall terminate on October 31, 1977. By letter dated October 18, 1974, this Commission was advised that the first unit was declared to be in commercial operation at 11:59 P.M. on September 30, 1974.

Notice of NEPCO's filing was issued on August 15, 1974, with protests or petitions to intervene due on or before August 23, 1974. No protests or petitions were received.

Our review of NEPCO's filing and the issues raised therein indicates that the proposed charges have not been shown to be just and reasonable and may be unjust, unreasonable, excessive, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall establish hearing procedures under section 206 of the Federal Power Act to determine the justness and reasonableness of NEPCO's filing.

With respect to the transmission calculations contained in the agreement, NEPCO states that the NEPOOL Executive Committee has recently approved the NEPOOL Rules for determination of PTF (pool transmission facilities) costs. NEPCO advises that it is in the process of calculating its PTF costs based on these rules and will refile its transmission costs to be used in the Bear Swamp Project contracts as soon as this study is finalized. The PTF costs are currently under investigtaion in Docket No. E–7690 (PTF Cost Rules). Since the transmission charge in the instant submittal is in part based on NEPOOL Rules for determination of PTF costs, any changes in the method of determining the PTF costs resulting from the proceedings in Docket No. E–7690 should be made applicable to the subject rate schedules.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the charges contained in NEPCO's initial unit sales agreements in this docket.

The Commission orders. (A) NEPCO's initial unit sales agreements, filed on August 2, 1974, in this docket are hereby accepted for filing to be effective September 30, 1974, subject to the terms and conditions of this order.

(B) Pursuant to authority of the Federal Power Act, particularly section 206 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the charges in NEPCO's initial unit sales agreements filed on August 2, 1974, shall be held commencing on June 24, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) On or before April 29, 1975, NEPCO shall serve its prepared testimony and exhibits. The Commission Staff shall serve its prepared testimony and exhibits on or before May 13, 1975. Any intervenor evidence will be filed on or before May 27, 1975. Any rebuttal evidence by NEPCO shall be served on or before June 10, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Any changes in the method of determining the PTF costs resulting from the proceedings in Docket No. E–7690 shall be made applicable to the subject rate schedules.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conference or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3609 Filed 2-7-75; 8:45 am]

[1] Letter dated July 31, 1974.

[2] The Project is a pumped storage hydroelectric development located on the Deerfield River in Massachusetts.

[3] Letter dated September 3, 1974.

[Docket No. E-9229]

NORTHERN STATES POWER CO.

Filing of Short Term Power Agreement

JANUARY 31, 1975.

Take notice that Northern States Power Co. (Northern States), on January 24, 1975, tendered for filing, a Short Term Power Agreement dated January 17, 1975, with the City of Lake Crystal.

The Agreement provides for either party to purchase Short Term Power from the other for periods of seven days or longer as agreed in advance. The rates for these transactions are contained in § 1.06. Northern States requests an effective date of March 3, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.18, 1.10). All such petitions and protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 75-3610 Filed 2-7-75;8:45 am]

[Docket No. E-9213]

NORTHERN STATES POWER CO.

Filing of Short Term Power Agreements

FEBRUARY 5, 1975.

Take notice that on January 13, 1975, Northern States Power Company (Northern States) tendered for filing Short Term Power Agreements with the following wholesale customers:

City of Delano: dated December 26, 1974.
City of Glencoe: dated December 16, 1974.
City of Janesville: dated January 2, 1975.
City of LeSueur: dated November 25, 1974.
City of Madelia: dated January 2, 1975.

Each agreement provides either party to purchase short term power from the other for periods of seven days or longer as agreed in advance at rates contained in § 1.06.

Northern States requests an effective date of February 15, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 13, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3640 Filed 2-7-75;8:45 am]

[Docket Nos. RP71-119; RP74-31-25]

PANHANDLE EASTERN PIPE LINE CO. AND OKIE PIPE LINE CO.

Order Granting Conditional Temporary Extraordinary Relief, Setting Matters for Hearing, Granting Interventions and Prescribing Procedures

FEBRUARY 3, 1975.

On January 8, 1975, Okie Pipe Line Co. (Okie), filed a petition pursuant to § 1.7 of the Commission's rules for emergency relief from the natural gas curtailments imposed by Panhandle Eastern Pipe Line Co. (Panhandle), upon Okie under the presently effective 467–B interim curtailment plan filed by Panhandle with the Commission on November 6, 1973.

Okie asserted in its petition that it had been advised by Panhandle that it would be completely curtailed during the month of December 1974, and that it was subsequently afforded emergency relief by Panhandle for a period of 60 days commencing December 1, 1974, on the condition that it repay all the emergency volumes provided. Okie contends that the prospects of its acquiring any natural gas during February and the remaining months of the winter are not bright and evidently feels that it will encounter operational problems due to its inability to obtain gas. It thus feels that it will not have the gas supply needed to repay the emergency relief volumes taken from Panhandle. It urges that the permanent emergency relief that it requests is warranted.

Okie operates a gas liquids pipeline that has a pumping station located at Liberal, Kansas. The station has a standby natural gas powered engine used to pump liquids in the event of failure of primary electric pumps. Okie also owns homes at Liberal Station used by company employees, each of which relies upon natural gas from Panhandle for heating and cooking.

Okie indicated that its annual requirements and monthly natural gas usages were as follows:

	Heating residences and offices	Operating industrial engines
December 1974	700	2,300
January 1975	[1] 1,000	2,500
February 1975	800	1,800
March 1975	800	2,500
April 1975	600	1,100
May 1975	500	1,000
June 1975	300	1,100
July 1975	300	1,000
August 1975	300	900
September 1975	450	1,650
October	450	2,050
November 1975	450	1,850
December 1975	700	2,200

[1] Okie indicates its January requirements are 100 Mcf for this usage. From the other figures presented it seems that it had intended to reflect a usage of 1,000 Mcf for that month.

XUM V40 N28 FEB 10 1975 XUM

The space heating needs depicted by Okie on an average daily basis are well under 50 Mcf per day and therefore qualify for incorporation into Category No. 1 on the basis of the information contained in Okie's petition. Okie should be afforded the relief it seeks to meet these requirements on a temporary basis, pendente lite, to the extent that these requirements are being fully or partially curtailed by Panhandle.

Okie should not be afforded the relief it seeks, pendente lite, for an exemption from curtailment to meet the full requirements of its standby natural gas powered engine that is used in the event of failure of primary electric pumps. The volumes requested for this purpose should be made available to Okie by Panhandle prior to a final determination of this proceeding only in the event that Okie loses the operation of its electric pumps due to a power interruption and this relief should be afforded only during the period of such power interruption. Okie should immediately advise Panhandle of such an occurrence by the most expeditious means available to it. After the termination of such an occurrence Okie shall file a report with Panhandle indicating the exact duration of such a power interruption.

The petition filed by Okie for permanent relief from Panhandle's curtailment plan raised legal and factual issues that require development in an evidentiary proceeding, including the extent to which Okie may be required to pay back any relief volumes taken by it. We will, therefore, set its petition for extraordinary relief for formal hearing.

The petitioners seeking intervention have already been permitted to intervene in the proceeding relating to a permanent curtailment plan for Panhandle in Docket No. RP71-119. Since many of the parties in the latter docket may also wish to participate herein, they shall also be deemed parties in Docket No. RP74-31-25 with all of the attendant rights attached thereto. However, in order to maintain orderly procedures any intervener desiring to record objections and protests to the requested relief must file a formal protest to the notice of the petition stating with particularity the nature of its objections.

The Commission orders. (A) The petition for extraordinary relief filed by Okie Pipe Line Co., is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of temporary relief in ordering paragraph (A) is conditioned as follows:

(1) That Okie Pipe Line Co. shall be required to repay any volumes of gas taken under this grant as may be determined appropriate in any final determination rendered by the Commission in this proceeding.

(2) Okie Pipe Line Company's usage of the gas granted hereunder for space heating shall be considered as Category 1 and shall be subject to curtailment along with other Category 1 requirements. All other usage shall be considered as being in Category 2.

(3) This grant shall be effective until a final curtailment plan is established for Panhandle Eastern Pipeline Co. in Docket No. RP71-119.

(4) This grant shall be effective as long as the volumes provided for herein are delivered to Okie Pipe Line Co.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on March 24, 1975, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the application for interim and permanent extraordinary relief filed in this proceeding by Okie Pipe Line Co.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR § 3.4 (d)] shall preside at the hearings in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(E) All parties including interveners and staff will file and serve on all other parties their direct evidence and testimony on or before February 25, 1975.

(F) Cross-examination shall commence on March 24, 1975.

(G) Petitioners seeking permission to intervene in the proceeding entitled Panhandle Eastern Pipeline Co. (Okie Pipe Line Co.) in Docket No. RP74-31-25 along with all other parties previously granted intervention in the proceeding entitled Panhandle Eastern Pipeline Co. in Docket No. RP71-119 are permitted to intervene in and participate in the above-styled proceeding relating to the petition for extraordinary relief filed by Okie Pipe Line Co. in Docket No. RP74-31-25 subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions, to intervene: *Provided, further,* That the admission of such interveners shall not be construed as recogniton by the Commission that subject intervener might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3611 Filed 2-7-75;8:45 am]

[Docket No. E-9230]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Application and Request for Waiver

JANUARY 31, 1975.

Take notice that on January 27, 1975, Southern California Edison Co. (Edison) tendered for filing a September 30, 1969, Interim Arrangement for Interconnected Operations (Navajo Interconnection Principles), and a September 13, 1974, Amendment No. 1 to the Navajo Interconnection Principles between the United States of America, Arizona Public Service Co., Department of Water and Power of the City of Los Angeles, Nevada Power Co., Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Co., and Edison.

Edison states that the terms of the Navajo Interconnection Principles provide for the sale and purchase of emergency energy between the parties on a cash settlement basis. Edison further states that Amendment No. 1 establishes energy return at the option of the supplier as an alternate method of payment to settlement in cash for emergency service.

A waiver of the notice provisions of the Commission's regulations and an effective filing date of June 1, 1973, are requested.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commision will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 75-3612 Filed 2-7-75;8:45 am]

[Docket Nos. RP72-74, RP74-6, RP73-6]

SOUTHERN NATURAL GAS CO. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Order Reopening Proceedings and Requiring Environmental Impact Statements

FEBRUARY 3, 1975.

In two separate proceedings captioned above, the Presiding Administrative Law Judges have certified the following question to the Commission for disposition: [1]

Should the proceedings in Docket * * * involving a determination of the justness and reasonableness of a permanent curtailment plan filed by * * * be reopened for the limited purpose of permitting the Staff of the Commission to prepare, circulate and file an environmental impact statement in accordance with section 102(2)(c) of NEPA?

In both proceedings the applicants, Mississippi River Transmission Corp. (MRT) and Southern Natural Gas Co. (Southern), have filed permanent curtailment plans; and exhaustive hearings on the lawfulness of these plans have been conducted. The cases have been fully submitted to the Presiding Administrative Law Judges for decision. However, both Administrative Law Judges have determined that the respective records now before them are inadequate and do not contain all of the information which is necessary for the preparation of environmental impact statements.

We have concluded that the Commission Staff must prepare and circulate environmental impact statements evaluating these two proposed curtailment plans, and that the above captioned proceedings must be reopened for this limited purpose. This conclusion is compelled by the recent decision of the Court of Appeals for the Fifth Circuit in *State of Louisiana* v. *F.P.C.*, No. 73-3478, decided November 8, 1974; in hicl. environmental impact statements were held to be a necessary ingredient in our consideration of permanent curtailment plans. We recognize that our action here will further delay the issuance of Initial Decisions and the permanent resolution of various curtailment procedure questions related to MRT's and Southern's operation of their transmission systems; yet we must attempt in good faith to comply with the requirements of NEPA. It is our expectation that this unavoidable delay will be mirimized by the complete cooperation which MRT, Southern, and the other parties will give to the Commission Staff and, particularly, to Staff's requests for data. Similarly, we remind the parties of the Fifth Circuit's admonitions that the impact statement is not intended "to be a weapon for disappointed parties", and that this Commission "should not pour an inordinate amount of its resources into environmental forecasting."

The Commission finds. The permanent curtailment plans proposed by MRT and Southern should be the subjects of environmental impact statements and, if any party desires cross-examination thereon, of reopened hearings before the Presiding Administrative Law Judges, so that the requirements of the National Environmental Policy Act, as construed in *State of Louisiana* v. *F.P.C.* can be met.

The Commission orders. These two proceedings are reopened so that all steps necessary may be taken to insure compliance with the National Environmental Policy Act, as construed in *State of Louisiana* v. *F.P.C.* In each proceeding the Final Environmental Impact Statement prepared by the Staff shall be made a part of the record, and if any party desires to conduct cross-examination thereon, an opportunity will be afforded. In that event, a further public hearing with respect to the Final Environmental Impact Statement shall be held before the Presiding Administrative Law Judge in Washington, D.C., commencing on such date as he may, in his discretion prescribe.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3613 Filed 2-7-75;8:45 am]

[Docket Nos. RI75-105 and RI75-106]

SOUTHERN UNION PRODUCTION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 31, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Administrative Law Judge Max Kane submitted this question, filed on January 15, 1975, in Docket No. RP73-6, a proceeding concerning Mississippi River Transmission Corporation's (MRT) currently effective curtailment plan. An essentially similar submission was also filed on January 15, 1975, by Administrative Law Judge Nahum Litt, presiding over the Southern Natural Gas Co. proceeding, Docket Nos. RP72-74 and RP74-6. We note that in Docket No. RP73-6 3AF Corp., on June 20, 1975, filed a motion requesting an immediate decision on the lawfulness of MRT's permanent curtailment plan prior to consideration of the environmental impact issue. We will consider this request after the period for the filing of objections has expired.

[1] Does not consolidate for hearing or dispose of the several matters herein.

V40-28 FEB 10 75 XUM

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
R175-105	Southern Union Production Co.	21	6	Southern Union Gathering Co. (San Juan Basin, N. Mex.) (Rocky Mountain Area).	$56,610	1-2-75		7-2-75	[1] 24.98	[1] 25.48	R174-151.
	do	16	8	El Paso Natural Gas Co. (San Juan Basin, Colo.), (Rocky Mountain Area).	286	1-6-75		7-6-75	[1] 24.48	[1] 25.48	
	do	24	[2] 8	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (Rocky Mountain Area).	326	1-6-75		7-6-75	[1] 24.98	[1] 25.48	R174-134.
	do	15	17	El Paso Natural Gas Co. (San Juan Basin, N. Mex.) (Rocky Mountain Area).	3,202	1-6-75		7-6-75	[1] 24.98	[1] 25.48	R174-134.
	do	[3] 33	16	Northwest Pipeline Corp. (San Juan Basin, N. Mex.) (Rocky Mountain Area).	302	1-6-75		7-6-75	[1] 28.5	[1] 29.0	R174-134.
	do			do		1-6-75		7-6-75	[1] 24.98	[1] 25.48	R174-134.
R175-106	Shelly Oil Co	102	[4] 5	Mountain Fuel Supply Co. (Moffat County, Colo.) (Rocky Mountain Area).		1-6-75	2-7-75	[5] Accepted			R174-134.
	do		6	do	3,291	1-2-75	2-7-75	[5] Accepted	15.3	[1] 24.48	
	do			do	365	1-2-75		7-2-75	[1] 24.48	[1] 25.50	
	do	105	[6] 6	do		1-2-75	2-7-75	[5] Accepted			
	do		7	do	18,701	1-2-75	2-7-75	[5] Accepted	15.3	[1] 24.48	
					2,678	1-2-75		7-2-75	[1] 24.48	[1] 25.50	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to applicable taxes and Btu adjustement.
[2] Excludes production covered by Supplement No. 2.
[3] Amendatory agreement dated Sept. 3, 1974, providing the basis for the proposed increase.
[4] Rate schedule established by Commission order issued Dec. 31, 1974, in Docket No. G-4574 et al., Atlantic Richfield Co. et al.
[5] Accepted, as of the date set forth in the "Effective Date Unless Suspended" column.

The proposed rate increases of Skelley Oil under FPC Gas Rate Schedule Nos. 102 and 105 which do not exceed the Opinion No. 658 ceiling rate are accepted. The remaining proposed rate increases exceed the applicable Opinion No. 658 area ceiling rate and they are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75—3505 Filed 2-7-75;8:45 am]

[Docket No. E-9235]

VIRGINIA ELECTRIC AND POWER CO.

Delivery Point Change

JANUARY 31, 1975.

Take notice that on January 28, 1975, Virginia Electric and Power Co. (Virginia) tendered for filing a cancellation of a supplemental agreement servicing Northern Neck Electric Cooperative from Virginia's Warsaw Delivery Point. Virginia states that the delivery point load was transferred permanently to Virginia as a general service customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3614 Filed 2-7-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

SPECIAL COMMITTEE MEETING

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a special meeting of the Federal Prevailing Rate Advisory Committee will be held on Wednesday, February 12, 1975.

The meeting will convene at 9:30 a.m., and will be held in Room 1E801, Conference Room Number 4, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At a regular meeting held on February 6, 1975, the Committee determined that this special meeting was required to give priority consideration to the use of special wage schedules in localities where remote worksite allowances are determined to be appropriate. This emergency notice is published in lieu of the regular 15 day notice as required by section 8(b)(3) of OMB Circular A-63, revised.

The meeting will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issued related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW, Washington, D.C. 20415.

Dated: February 7, 1975.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc.75-3886 Filed 2-7-75;11:33 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PINE COAL CORP.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4326-000, Pine Coal Corp., Mine No. 1, Mine ID No. 15 01367 0, Daisy, Ky.:

ICP Permit No. 4326-003-R-1 (Kersey 744N Mine Tractor, I.D. No. T-1),
ICP Permit No. 4326-004-R-1 (Kersey 744N Mine Tractor, I.D. No. T-2),
ICP Permit No. 4326-005-R-1 (Kersey 744N Mine Tractor, I.D. No. T-3),
ICP Permit No. 4326-006-R-1 (Kersey BJD Mine Tractor, I.D. No. T-4),

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before February 25, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman, Interim Compliance Panel.

FEBRUARY 5, 1975.

[FR Doc.75-3615 Filed 2-7-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-73]

FORMULATION OF AN INTERNATIONAL COMMODITY CODE

Study

In accordance with section 608(c) of the Trade Act of 1974 (Pub. L. 93-618, approved January 3, 1975), the United States International Trade Commission has instituted an investigation, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), to provide the basis for (1) a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade, and (2) the Commission's participation in the U.S. contribution to technical work of the Harmonized System Committee under the Customs Cooperation Council. The full text of section 608(c) follows:

(c) In further connection with its responsibilities pursuant to subsections (a) and (b), the United States International Trade Commission shall undertake an investigation under section 332(g) of the Tariff Act of 1930 which would provide the basis for—

(1) a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade, taking into account how such a code could meet the needs of sound customs and trade reporting practices reflecting the interests of United States and other countries, such report to be submitted to both Houses of Congress and to the President as soon as feasible, but in any event, no later than June 1, 1975; and

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized System Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices, and, in carrying out such responsibilities, the Commission shall report to both Houses of Congress and to the President, as it deems appropriate.

As soon as practicable, the Commission will issue a preliminary draft for the purposes of receiving the views and comments of interested parties with respect to the report required by subsection (c)(1) of section 608. The draft will include a statement on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for the purposes indicated in section 608(c)(1).

To permit participation by the Commission in the U.S. contribution to technical work of the Harmonized System Committee of the Customs Cooperation Council as required by subsection (c)(2) of section 608, the Commission may obtain information by any of the methods specified in rule 201.9 of the Commission's rules of practice and procedure, i.e., from its own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Specific opportunities for the U.S. business community and other interested parties to comment on draft provisions of a harmonized commodity code will be provided as appropriate.

Due notice will be given of any hearing which may be scheduled in the investigation.

Any correspondence relating to this investigation should be addressed to the Secretary, United States International Trade Commission, Washington, D.C. 20436.

By order of the Commission.

Issued: February 4, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-3626 Filed 2-7-75;8:45 am]

[TEA-W-262]

SANDLER-ETTE FOOTWEAR MANUFACTURING CORP.

Workers' Petition; Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Sandler-Ette Footwear Manufacturing Corp., Webster, Mass., a wholly owned subsidiary of the Kayser-Roth Corp., New York, New York, the United States International Trade Commission, on February 3, 1975, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women, misses and children (of the types provided for in Items 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after notice is published in the FEDERAL REGISTER.

The petition filed in the case is available for inspection at the Office of the Secretary, United States International Trade Commission, 8th and E Streets, NW., Washington, D.C., and at the New York office of the International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: February 4, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-3625 Filed 2-7-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-6)]

NASA LUNAR ADVISORY COMMITTEE

Meeting

The NASA Lunar Advisory Committee will meet at the Jet Propulsion Laboratory on February 24, 25, and 26, 1975. The meeting will be held in Room 101 of Building 180 of the Laboratory located at 4800 Oak Grove Drive, Pasadena, California.

The meeting will begin at 9 a.m. on Monday, February 24 and 8:30 a.m. on February 25 and 26 and will end at 6 p.m. on the 24th and 25th and 4 p.m. on the 26th. The meeting is open to members of the public to within the 80-seat capacity of the room.

The 15-member Lunar Advisory Committee serves in a consultative capacity to the National Aeronautics and Space Administration to review the NASA lunar programs and objectives. From 9 a.m. to 10 a.m. on Monday, the Committee will review the status of previous recommendations and action items. The period from 10 a.m. until noon will be devoted to a discussion on the effects on the lunar program of recent budgetary decisions. From 1 p.m. until 6 p.m., the Committee will discuss NASA's science planning and develop procedures and formats for updating (1) NASA's advanced lunar planning and (2) revising the 1972 Lunar Science Institute's booklet "Post-Apollo Lunar Science."

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On Tuesday and Wednesday the 25th and 26th, the Committee will be divided into two subcommittees which will meet in working sessions. One subcommittee will review the existing lunar advanced planning documents and recommend modifications to these plans. The other subcommittee will recommend changes to the Lunar Science Institute's document mentioned above.

The entire Committee will meet together from 2 p.m. to 4 p.m. on the 26th to review progress and assign to individual members tasks needed to complete the up-dating projects.

This notice of meeting may not be published in the FEDERAL REGISTER with the required 15-day notice. The reason for the late notice was due to the need to publish a detailed agenda which was not officially approved until February 6, 1975.

For further information regarding the meeting, please contact Dr. Richard J. Allenby, Area Code 202–755–1948.

Dated: February 7, 1975.

BOYD C. MEYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space, Administration.

[FR Doc.75-3836 Filed 2-7-75;9:52 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Music Advisory Panel to the National Council on the Arts will be held on February 26, 27, 28, and March 1, 1975, in the 14th floor conference room, 2401 E Street, Washington, D.C. The meetings will be held from 9:30–5 p.m. on February 27 and 28; from 1:30–5 p.m. on February 26; and from 9:30 a.m.–12 noon on March 1.

A portion of this meeting will be open to the public on February 26 from 1:30–5 p.m. and on March 1 from 9:30 a.m.–12 noon. There will be a report on the Music Policy Conference during these open sessions.

The remaining sessions of this meeting February 27 and 28, 1975, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-3676 Filed 2-7-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

DIVISION OF PRE-COLLEGE EDUCATION IN SCIENCE

Project Directors' Meeting

The Division of Pre-College Education in Science of the National Science Foundation customarily sponsors project directors' meetings to provide opportunities for the exchange of information and ideas among project directors, school system representatives and NSF program staff members. The schedule for project directors' meetings for 1975 is listed below.

FEBRUARY 13–15, 1975

SHERATON-BILTMORE, ATLANTA, GEORGIA; AND PALMER HOUSE, CHICAGO, ILLINOIS

February 13—2–5 p.m.; 7:30–9 p.m.
February 14—9 a.m.–5 p.m.
February 15—9 a.m.–12 Noon.

FEBRUARY 20–22, 1975

HOLLYWOOD ROOSEVELT, LOS ANGELES, CALIFORNIA

February 20—3–5 p.m.; 7:30–9 p.m.
February 21—9 a.m.–5 p.m.
February 22—9 a.m.–12 Noon

The project directors' meetings are not considered to be meetings of "advisory committees" as that term is defined in section 3 of the Federal Advisory Committee Act, Pub. L. 92–463. However, it is believed that these meetings are of sufficient importance and interest to the general public to have them opened for public attendance and observation. Public attendance is encouraged especially on the first day and evening when the meeting will be devoted to a discussion of the current outlook with respect to the new thrusts introduced in the National Science Foundation's program in the Education Directorate in FY 1974. An optional informative conference on emerging NSF curricula is scheduled for the first evening (7:30–9 p.m.) of each session. The second and third days of each meeting will encompass detailed discussions of plans for the operation of the 1975 projects.

Persons wishing to attend any of these meetings or requiring further information should contact Ms. Jane Stutsman, Program Manager, Instructional Improvement Implementation Section, Division of Pre-College Education in Science, Rm. 418–W, National Science Foundation, Washington, D.C. 20550, telephone 202/282–7950.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 5, 1975.

[FR Doc.75-3677 Filed 2-7-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO. (QUAD CITIES, UNITS 1 AND 2)

Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR–29 and DPR–30 (respectively) issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of Quad Cities Units 1 and 2, boiling water reactors located in Rock Island County, Illinois, and each currently authorized for operation at power levels up to 2511 MWt.

The amendments would change the provisions of the Technical Specifications for the facilities to incorporate operating limits based on the General Electric Thermal Analysis Basis in accordance with the licensee's application for license amendment dated December 13, 1974, as supplemented by December 20, 1974 and January 27, 1975.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Act and the Commission's regulations.

On or before March 12, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by March 12, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John W. Rowe, Esq., the attorney for the applicant, One First National Plaza, Chicago, Illinois 60670.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1974, and supplements thereto dated December 20, 1974 and January 27, 1975, (2) the nonproprietary General Electric Report NEDO–10958, and (3) the Commission's evaluation of the General Electric Report dated September 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Moline Public Library, 504—17th Street, Moline, Illinois 61265. As they become available, the Commission's related Safety Evaluation and license amendments and any attachments may be inspected at the above locations. A copy of the license amendments and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of February, 1975.

For the nuclear regulatory commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-3704 Filed 2-7-75;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO. (PALISADES PLANT)

Order for Modification of License

FEBRUARY 6, 1975.

I. Consumer Power Company (the Licensee) is the holder of Provisional Operating License No. DPR–20, which authorizes operation of the Palisades Plant (the facility) at power levels up to 2,200 megawatts thermal. The facility is located in Covert Township, Van Buren County, Michigan.

II. The facility is a pressurized water reactor which consists of a two loop system using two steam generators designated as "A" and "B". The facility commenced commercial operation on December 22, 1971, and, during the course of operation since that time, the tubes within both steam generators have experienced localized corrosion of the wastage type and intergranular cracking. The cause of this steam generator tubing corrosion is attributed to phosphate treatment of the water chemistry in the secondary coolant system.

It should be noted by way of background that on January 15, 1973, after approximately one year of intermittent operation of the facility, the first leak in the facility's steam generator tubes developed. Eddy current inspection detected wall thinning in the tubes of both steam generators in the U-bend area. All tubes in the first eleven rows from the divider plates were plugged, and the facility returned to service early in March 1973, after which it operated at essentially 100 percent rated power. On August 11, 1973, the facility was shutdown because of steam generator tube leakage in excess of the limits established by the license technical specifications. Eddy current measurements performed during September 1973 showed measurable wall thinning on nearly half the tubes in each of the two steam generators. The inservice inspection and evaluation continued through April 1974, and all tubes with eddy current indications of 60 percent or more wall thinning were plugged. During a preoperational hydrostatic test early in May 1974, leaks developed in two tubes at a pressure differential of 200 psi. Reinspections of the steam generators showed that a number of tubes had developed a new type of degradation called "intergranular attack" during the nine-month period of shutdown. Thereafter, the Licensee plugged all tubes suspected of intergranular attack.

By September 1974, the Licensee had plugged all steam generator tubes which either were the subject of intergranular attack or exhibited eddy current indications of wall thinning of 50 percent[1] or more. In addition, the Licensee proposed to avoid further corrosion effects by changing from a phosphate water chemistry regime to an all volatile water chemistry treatment of the secondary coolant system. Based on the then AEC Regulatory Staff's (hereinafter referred to as the "NRC Staff") Safety Evaluation Reports dated August 30, 1974, and November 27, 1974, resumed operation of the facility was authorized. Specifically, (i) the facility could be operated at first only at limited power levels consistent with the requirements of a program designed to flush residual phosphates from the secondary coolant system, and then at power levels up to 100 percent of rated power subject to the limiting of the maximum operating transient differential pressure across the steam generator tubes to 1530 psi; and (ii) because of the possibility of the recurrence of further corrosion, the facility would be subject to a further steam generator tube inspection at the end of ninety effective full-power days or six calendar months from the date of resumption of criticality—September 5, 1974—whichever occurs first. Based on the foregoing, the NRC Staff determined that, taking into account the number of tubes plugged, the steam generators met the requirements for reactor system performance, and that steam generator tube integrity could be maintained with adequate margins of safety during normal operation or under postulated accident conditions. Accordingly, on August 30, 1974, and November 27, 1974, Provisional Operating License No. DPR–20 was amended by Amendments Nos. 10 and 11 to reflect the foregoing requirements.

In December 1974, the Licensee, on its own initiative, conducted an eddy current inspection of steam generator tubes in the "A" steam generator. On January 3, 1975, the Licensee reported the results of this inspection. The Licensee tested a sample of 569 tubes selected with emphasis upon tubes which had eddy current indications of at least 40 percent wall thinning in previous tests. Within the inspection sample, 27 tubes had eddy current indications of corrosion exceeding 50 percent. Of the 27 tubes, one tube had indications exceeding 70 percent (which the Licensee has since plugged); three tubes, from 60 to 70 percent; and 23 tubes, from 50 to 60 percent. These test results suggest (i) the possibility of continuing corrosion, and (ii) that there may exist, within the facility's steam generators, a number of tubes with wall thinning significantly in excess of the limit established by the tube plugging criterion upon which the basis for operation of the facility has been authorized under Amendments Nos. 10 and 11, and that, therefore, such thinning could represent a significant reduction in the margins of safety needed to protect the health and safety of the public.

Although the facility is otherwise ready to resume operation, the Licensee has maintained the facility in a shutdown condition since the December 1974 inspection was performed. Under the present operating license, absent further action by the NRC Staff, the Licensee could return the facility to full power operation in its present condition until March 5, 1975, without any further inspections.[2]

III. In view of the foregoing, the Acting Director, Office of Nuclear Reactor Regulation, finds that the additional license provisions set forth in part IV below are required, and that the public

[1] By September 1974, the plugging criterion had been revised from 60 to 50 percent.

[2] As indicated supra, Amendments Nos. 10 and 11 require a further steam generator tube inspection after ninety effective full-power days first. The six-month period expires first, and it occurs on March 5, 1975.

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health, safety or interest require that these conditions be made immediately effective upon issuance.

IV. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, *it is ordered*, That:

1. The Provisional Operating License No. DPR-20 is amended by the addition of paragraphs 4.14.4 and 4.14.5 to the Technical Specifications as follows:

4.14.4 The Licensee shall conduct prior to further reactor operation the following steam generator in-service inspection program:

A. Inspect all steam generator tubes in both steam generators which previously had defect indications, not including plugged tubes) of greater than 20 percent wall penetration in the manner prescribed by Regulatory Guide 1.83 (issued June 1974), as that guide applies to inspections after the baseline inspection. All tubes with indications of 50 percent or more wall thinning shall be plugged; or in the alternative,

B. Conduct additional statistical inspections as follows:

1. With respect to each steam generator "A" tube with December 1974 test indications of 50 percent or more wall thinning, either plug such tube or re-evaluate by the following procdure:

(a) Eddy current test such tube to obtain at least 2 additional readings.

(b) Average the 2 or more additional readings with the December 1974 reading.

(c) If the average indicated wall thinning is 50 percent or more, plug the tube.

2. If the results of B.1 above require plugging one or more tubes (in addition to the one tube already plugged since the December 1974 inspection), an additional 3 percent of the total tubes in steam generator "A" shall be inspected, concentrating on those areas of the tube sheet array where tubes with defects were previously found. All tubes with indications of 50 percent or more wall thinning shall be plugged.

3. Continue the sampling procedure of B.2 above until a sampling results in no tubes found that require plugging, or all tubes have been inspected.

4. Irrespective of the results of the inspection in B.1 through B.3 above, sample 3 percent of the total tubes in steam generator "B", concentrating on those areas of the tube sheet array where tubes with defects were previously found. Acceptance, plugging, and further sampling criteria shall be the same as described above for steam generator "A".

C. The results of the above-described inspection and tube plugging program, and a proposal for the conduct of future operations, including a recommended schedule for the next steam generator tube inspection shall be submitted to the NRC Staff for review and approval by letter prior to further operation.

4.14.5 Any steam generator tubes with eddy current indications of 50 percent or more wall thinning shall be removed from service by plugging. Such indications may be confirmed by averaging during a given inspection, but such average shall be based on not less than three readings, in which case an average indication of 50 percent or more wall thinning shall result in tube plugging.

2. This order is effective immediately upon issuance.

3. Within thirty (30) days of the date of issuance of this Order, the Licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period, any other person whose interest may be affected may file a request for a hearing with respect to this Order. If a request for a hearing is filed within the prescribed time herein, the Commission will issue a notice of hearing or such other order as may be appropriate. A request for a hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section. A copy of the request for a hearing should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to R. Rex Renfrow, III, Esquire, Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, attorney for the Licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of this Order as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All requests for a hearing and petitions for leave to intervene will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel.

In the event that a hearing is held and a petitioner is permitted to intervene, that petitioner becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, the petitioner may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) Provisional Operating License No. DPR-20, as amended, (2) the Licensee's inspection report dated January 3, 1975, (3) the Commission's Safety Evaluation Report dated August 30, 1974, issued in connection with Amendment No. 10 to the operating license dated August 30, 1974, which was issued in response to the Licensee's application for amendment dated August 20, 1974, and its letter to the Directorate of Licensing dated August 28, 1974, requesting interim technical specifications, and (4) the Commission's Safety Evaluation Report dated November 27, 1974, issued in connection with Amendment No. 11 to the operating license dated November 27, 1974, which was issued in response to the Licensee's August 20, 1974, application for amendment as supplemented November 7, 1974. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Order dated and issued at Bethesda, Maryland, this 6th day of February, 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-3831 Filed 2-7-75;9:44 am]

[DOCKET NO. P-531-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

FEBRUARY 7, 1975.

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102. Docket No. P-531-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For The Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1355 Filed 1-16-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 4, 1975, (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the Reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

National Cemetery Quarters Appraisal Record, 40-4985, on occasion, real estate appraisers, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Report of Basic Farm Data, ASCS-95, Annually, Farmers Eligible for ASCS Programs, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

National Oceanic & Atmospheric Administration: 1975 Northwest Sport Fishing Survey, Single-time, Sport Fishermen, Planchon, P., 395-3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service: Report of Expenditures for Project Grants, PHS5196, Annually, Grantees-nationwide, Lowry, R. L., 395-3772.

Office of the Secretary: Evaluation of Nutrition Programs for the Elderly, Outreach Activities, OS-7-75, Single-time, Elderly Nutrition Program Participants, Rees, B. F., 395-5630.

Center for Disease Control: Police Job Stress and Health, CDCNIO0123, Single-time, Policemen, Ellett, C. A., 395-6172.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMET

New Communities: Application for Federal Assistance—New Communities, Community Development Program—New Communities Assurances—New Communities, On Occasion, Federally assisted new communities, Sunderhauf, M. B., 395-4911.

REVISIONS

SMITHSONIAN INSTITUTION

Catalog of American Portraits—Survey Form, SI-1833, On occasion, Museums, historical agencies, schools, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Multiframe Hog and Cattle Survey, Quarterly, hog and cattle farmers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of the Census: Quarterly Survey-Selected Local Taxes, P-73, Quarterly, Selected major city and county governments, Ellett, C.A., 395-6172.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary: Survey of Mortgage Lending Activity, HUD 136, Monthly, Mortgage lending groups, Hulett, D. T., 395-4730.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Grade Report: Graduate, Graduate Teaching Assistants & Secondary School Teachers (applicants for fellowship awards), NSF-310, Annually, Evinger, S. K., 395-3648.

Fellowship Starting Certificate: Faculty, Secondary School Teachers (acceptees of Awards), NSF-349, Annually, Evinger, S. K., 395-3648.

DEPARTMENT OF STATE (EXCL. AID AND ACTION)

Application to take the Written Examination for Appointment as a Foreign Service Officer, DSP-24, Annually, Individuals Seeking Employment, Evinger, S. K., 395-3648.

Application for Confidential Verification of Birth, DSP-16, on occasion, Evinger, S. K., 395-3648.

NATIONAL SCIENCE FOUNDATION

Proposed Plan for Research (Graduate Levels) Graduate Teaching Assistants (Individuals Applying for Fellowship Awards), NSF-306, Annually, Evinger, S. K., 395-3648.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade: Statement by Foreign Importer of Aircraft or Vessel Repair Parts (Regulation), ECR 373.8, annually, Commercial Importers of U.S. Gods, Evinger, S. K., 395-3648.

National Oceanic & Atmospheric Administration: Fish hatchery visits, on occasion, visitors to fish hatcheries, Lowry, R. L., 395-3772.

DEPARTMENT OF DEFENSE

Departmental and other: Application for review of discharge or separation from the Armed Forces of the United States, DD-293, on occasion, Evinger, S. K., 395-3648.

Department of the Army (Excl. Office of Civil Defense): Record of arrivals and departures of vessels, RHB-2/ENG3, monthly, Evinger, S.K., 395-3648.

Department of the Army (Excl. Office of Civil Defense): Description of operations (vessels operating in U.S. waterways, ENG 3932, annually, commercial vessel operators, Strasser, A., 395-3880.

Department of the Army (Excl. Office of Civil Defense): Description of vessels (operating in U.S. waterways), ENG 3931, annually, commercial vessel operators, Strasser, A., 395-3880.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3768 Filed 2-7-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

JANUARY 31, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 2, 1975, through February 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-3851 Filed 2-7-75; 8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

JANUARY 31, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 3, 1975, through February 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3852 Filed 2-7-75;8:45 am]

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CHICAGO BOARD OPTIONS EXCHANGE, INC.

Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposes to amend Rule 14.5 and add a new Rule 6.25.

The proposed amendment to Rule 14.5 provides for the elimination of fixed minimum commissions on orders executed on the floor of the Exchange by Floor Brokers. The amendments also provide for the continued regulation by the Exchange of commission rates charged by Board Brokers in the form of a schedule of standard commission rates from which departures could be permitted under certain circumstances. Any such departure would have to be nondiscriminatory among customers, filed with the Floor Procedure Committee at least thirty days prior to its effectiveness and not disapproved by that committee as being unreasonable or discriminatory and continuously displayed at the post.

Proposed Rule 6.25 would prohibit two or more member organizations, each of which does a public or correspondent business and has its own floor broker or brokers on the floor of the Exchange, from entering into any kind of a pooling arrangement whereby orders managed on the floor by one of such firms would be executed by the floor broker or brokers of another of such firms.

CBOE has also withdrawn its previously filed amendments to Rules 14.5 and 14.6, noticed at 39 FR 40203 and 39 FR 43338, respectively.

The proposed amendments will become effective on March 12, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after they have become effective. Written statements of views or comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1975.

[FR Doc.75–3661 Filed 2–7–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendments to Option Plan

Notice is hereby given that on January 28, 1975, the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The CBOE proposed to amend rule 2.6 and add rule 6.6 which were originally noticed at 39 FR 44100.

The proposed amendment to rule 2.6 would change the definition of a quorum for the Floor Procedure Committee and would permit the Floor Procedure Committee to appoint additional Floor Officials. Proposed rule 6.6 authorizes Floor Officials to make a temporary response to unusual market conditions in a class of option contracts without imposing a trading halt in that class.

All interested persons are invited to submit their views and comments on the proposed amendment and new rule to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1975.

[FR Doc.75–3660 Filed 2–7–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Notice of Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan pursuant to rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The proposed amendment would modify paragraph (e) of rule 14.3 in order to make the 40 percent discount from non-member commissions available to Canadian brokers which are members of a Canadian securities exchange or association acceptable to CBOE.

The proposed amendment will become effective on March 12, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it becomes effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendment and all such comments will be available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: January 30, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3663 Filed 2–7–75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Notice of Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan filed pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The proposed addition to Rule 6.45 provides that, where necessary in order to achieve a single-price opening the Board Broker may give priority to market orders entitled to participate in the opening over limit orders at the opening price on the Board Broker's book, thus reversing the existing order of priority. This change will enable CBOE to eliminate the range of opening prices which occurs at some openings.

The proposed amendment will become effective on March 12, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views or comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: January 30, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3662; Filed 2–7–75;8:45 am]

[File No. 500–1]

FIDELITY MORTGAGE INVESTORS

Suspension of Trading

JANUARY 31, 1975.

The shares of beneficial interest of Fidelity Mortgage Investors being traded on the New York and Pacific Stock Exchanges; the 7¾ percent convertible subordinated debentures due December 1, 1985, being traded on the American Stock Exchange; the warrants to purchase 1 share of beneficial interest and the units consisting of 1 debenture and 1 warrant being traded over-the-counter

pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Fidelity Mortgage Investors being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.s.t.) on January 31, 1975, through 10 a.m. (e.s.t.) on February 9, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3653 Filed 2–7–75;8:45 am]

[File No. 24D–3363]

MINCOMP CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

JANUARY 28, 1975.

Mincomp Corp. (Issuer), 1780 South Bellaire, Denver, Colorado 80222, incorporated in Colorado on January 15, 1970, filed with the Commission on July 13, 1973, a Notification on Form 1–A and an Offering Circular relating to a proposed public offering of 300,000 shares of its no par common stock of $1.00 per share for an aggregate offering price of $300,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A adopted thereunder. Mr. Edward R. Mellicker, Jr., vice president and director of the Issuer, 1130 Grape, Denver, Colorado, was designated as underwriter for the Issuer. The Issuer's Form 2–A Report filed on January 11, 1974, showed that the offering commenced on August 10, 1973, and terminated on January 10, 1974.

The Commission, on the basis of information reported to it by its staff has reasonable cause to believe that:

A. The notification and offering circular filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in the following respects:

1. The failure to disclose bank overdrafts and other corporate debts resulting from the Issuer's operations;

2. The failure to disclose the existence of repurchase agreements, between insiders and various persons purchasing pursuant to the offering;

3. The failure to accurately disclose the use to be made of the proceeds of the offering;

4. The failure to disclose the issuance of restricted stock held by insiders as consideration for purchasing stock of the offering pursuant to the repurchase agreements;

5. The failure to disclose the sale by insiders of repurchased stock during the offering to persons believing the stock to be part of the offering;

6. The failure to disclose that securities would be placed in a nominee account; and

7. The failure to disclose an artificial attainment of the proceeds from escrow by reaching the minimum through the sale of stock pursuant to repurchase agreements.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The offering circular failed to disclose the method by which the securities were to be offered and the terms thereof;

2. The offering circular failed to accurately state the financial condition of the Issuer.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Mincomp Corporation under Regulation A be temporarily suspended.

It is ordered, pursuant to rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3657 Filed 2–7–75;8:45 am]

[812–3750]

MOBIL ALASKA PIPELINE CO.

Filing of Application

JANUARY 30, 1975.

Notice is hereby given that Mobil Alaska Pipeline Co., 108 South Akard Street, Dallas, Texas 75202, a Delaware corporation ("Applicant"), filed an application on January 15, 1975, and and amendment thereto on January 30, 1975, for an order pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was organized as a wholly owned subsidiary of Mobil Oil Corp. ("Mobil"), a New York Corporation. Applicant contends that its sole purpose is to own, construct and operate a 5 percent undivided interest in the Trans Alaska Pipeline System (TAPS), a 48-inch crude oil pipeline running approximately 800 miles from the Prudhoe Bay oil field on the North Slope of Alaska to a tank farm and marine terminal at the ice-free port of Valdez on Alaska's southern coast. Construction of TAPS commenced in 1974 and is scheduled for completion in the second half of 1977.

The other owners of TAPS are seven companies which also have interests in the Prudhoe Bay field. Each owner is separately responsible for raising its share of the cost of construction of TAPS. As the estimated total cost of TAPS is $5.98 billion, Applicant's 5 percent share is approximately $300 million (not including interest during construction).

Applicant proposes to finance its share of costs of TAPS by a single public offering of debt securities (the "Debt Securities"), which Debt Securities will be guaranteed as to principal, premium, if any, and interest by Mobil. In addition, Mobil will enter into an agreement with Applicant which will provide undertakings by Mobil to provide Applicant with any funds necessary to permit it to meet its obligations incurred under the Debt Securities.

The Debt Securities will be registered under the Securities Act of 1933 (the "1933 Act") and an indenture with respect thereto will be qualified under the Trust Indenture Act of 1939 (the "Trust Indenture Act"). Applicant filed on January 23, 1975, the applicable registration statement under the 1933 Act to register $300,000,000 amount of Debt Securities. The Debt Securities will be offered to the public through a firm commitment underwriting to be managed by Morgan Stanley & Co. Inc.

Applicant submits that approximately $79 million of the public offering net proceeds of $297 million will be used to repay existing TAPS indebtedness. The remainder will be used to finance most of Applicant's share of the estimated cost

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of TAPS. Applicant estimates that monthly aggregate amounts averaging $10 million in 1975 and $8 million in 1976 will be disbursed to meet cash calls. The balance of the cost will be payable in 1977. Applicant proposes to lend funds in excess of current and continuing needs to Mobil for general corporate purposes or from time to time invest such funds pending their investment in TAPS in short-term securities, consisting only of United States government securities. Applicant estimates that the amount of excess funds available will be $218,000 million after the public offering, $121 million at year end 1975, and $17 million at year end 1976.

Section 3(a)(1) of the Act defines the term "investment company" to include any issuer which "is * * * engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities." Section 3(a)(3) of the Act defines "investment company" to include any issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Applicant submits that, since its proposed loans to Mobil and U.S. government securities investments will constitute at least initially the greater part of its assets and since all of its income until TAPS commences operations will be derived from either the loans to Mobil or the U.S. government securities, it may be considered to be an investment company under the Act.

The Debt Securities to be publicly offered by Applicant will be guaranteed as to principal, premium, if any, and interest by Mobil. Applicant states that the guarantees will rank equal to all other indebtedness of Mobil and, upon liquidation of Mobil, would have a claim on the assets of Mobil equal to that of all other indebtedness of Mobil. Applicant submits that the payment of its Debt Securities will not depend on its investment policy.

Applicant asserts that Mobil is not an "investment company", as defined in section 3(a) of the Act and that had Mobil itself engaged in the proposed operations the Act would be inapplicable. Applicant further states that for business reasons, principally the applicability of Interstate Commerce Act regulation to the company owning an interest in TAPS, Mobil deemed it advisable to form Applicant to operate TAPS.

All equity securities of Applicant will be owned solely by Mobil. Any securities of the Applicant publicly offered will be registered under the 1933 Act, and an indenture with respect thereto will be qualified under the Trust Indenture Act. Applicant will be subject to the reporting requirements of the 1934 Act. Applicant also states that the proposed acts will help to make available to the economy of the United States extensive resources of low sulfur oil.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed, in the event that the Commission grants the application, to the insertion in the Commission's order of the following conditions:

(1) Applicant will file with the Commission, within 120 days after the close of each fiscal year of Applicant, commencing with the first fiscal year in which it issues and sells any debt securities: (a) the data required by Items 1.08 (except with respect to information relating to persons under common control with Applicant), 1.09, 1.10, and 1.11 of Form N-1R adopted by the Commission pursuant to section 30(a) of the Act and (b) an annual balance sheet, income and surplus statment, and a schedule of investments.

(2) With respect to Applicant's excess funds other than amounts loaned to Mobil, Applicant will invest in short term securities which will consist only of U.S. government securities, that is securities issued or guaranteed as to principal or interest by the United States, or by a person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificates of deposit for any of the foregoing.

Notice is further given that any interested person may, not later than February 18, 1975, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 18, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3658 Filed 2-7-75;8:45 am]

[Rel. No. 812-3712]

THE MUNICIPAL INCOME FUND, AND MERRILL LYNCH, PIERCE, FENNER & SMITH INC.

Filing of Application

JANUARY 31, 1975.

Notice is hereby given that the Municipal Income Fund, First Insured Discount Series (the "Fund") and Subsequent Series (hereinafter called the "Funds"), registered under the Investment Company Act of 1940 (the "Act") as unit investment trusts, and the sponsor, Merrill Lynch, Pierce, Fenner & Smith Inc., One Liberty Plaza, 165 Broadway, New York, N.Y. 10006 ("Sponsor"), (collectively the "Applicants"), filed an application on October 24, 1974, and amendments thereto on December 10, 1974, December 16, 1974, and January 28, 1975, pursuant to section 6(c) of the Act for an order of the Commission exempting the Funds from the provisions of section 14(a) of the Act and the provisions of rule 19b-1 under the Act and exempting the Sponsor from the provisions of rule 22c-1, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund, an unmanaged investment company, will be governed under New York law by a Trust Agreement (the "Trust Agreement") under which the Sponsor will act as such, The Bank of New York will act as Trustee, and Standard & Poor's Corp. will act as Evaluator. Pursuant to the Trust Agreement, the Sponsor will deposit with the Trustee $50,000,000 principal amount of bonds (the "Bonds"), which the Sponsor will have accumulated for such purposes. The Bonds deposited with the Trustee are identified and the acquisition or substitution of any other securities for any of the identified Bonds is prohibited, except for bonds acquired pursuant to refunding or refinancing. The identified Bonds may be sold from time to time by the Trustee upon the Sponsor's direction only under certain circumstances set forth in the Trust Agreement including, principally, default in the payment of principal or interest, actions or proceedings instituted at law or in equity seeking to restrain or enjoin the payment of principal or interest on any such Bonds, breach of covenant or warranty in any document under which such Bonds are outstanding which might adversely affect the payment of principal or interest on such Bonds, or a decline in the price of any of such Bonds to such an extent, or other market or credit factors which in the opinion of the sponsor makes the

retention of such Bonds detrimental to the interest of Unitholders. However, the proceeds from such dispositions must be distributed to the Unitholders. Interest on the Bonds also must be paid out to Unitholders.

The Bonds will consist of bonds issued by states, counties, territories, or municipalities of the United States and authorities, municipal corporations, and political subdivisions thereof. They are to be selected on the basis of yield, quality, and diversification and will be purchased at deep market discounts. Payments of principal and interest on the Bonds in the portfolio for the First Insured Discount Series will be insured under an insurance policy issued by MGIC Indemnity Corp. The assets of the Fund will consist of the Bonds, such bonds as may continue to be held from time to time in exchange for or in substitution of any of the Bonds upon refundings or refinancings, accrued and undistributed interest, and undistributed cash.

Simultaneously with the deposit of the Bonds, the Trustee will deliver to the Sponsor for sale to the public registered certificates for 50,000 Units of fractional undivided interest in the Fund (the "Units"), which will represent the entire ownership of the Fund. Units of the Fund will be offered to the public either separately or in "Combined Units" together with shares of Putnam Investors Fund, Inc. (an open-end management investment company). The offering will be made separately through a final prospectus at a Public Offering Price computed by adding to the offering side evaluation of the Bonds, divided by the number of Units, a sales charges. The sales charge on the Units will be 4 percent of the Public Offering Price of the Units whether the Units are purchased separately or in combination with Putname shares. Units are redeemable on the basis of the bid side evaluation of the Bonds.

The Sponsor, while under no obligation to do so, intends to maintain a market for Units of the Fund and to offer to purchase such Units at prices which are based upon the aggregate offering price of the Bonds. Should business reasons dictate, such as if the supply of Units exceeds demand, the Sponsor may purchase Units at prices below the offering prices of Bonds, with a minimum offer equal to the Unit redemption value, and in such cases the Sponsor will tender these Units to the Trustee for redemption and will not resell them in the secondary market.

The organization, operation and marketing of Units of Subsequent Series may vary in that one or more additional investment banking firms may act as sponsor in addition to Sponsor, the public sale of the Units may be done through the Sponsor as sole underwriter or through an underwriting account, and the trustee and evaluator may vary. With respect to the portfolio bonds in Subsequent Series, they may or may not be purchased at deep market discounts and may be selected on the basis of different quality standards. The principal amount of bonds deposited, the number of Units issued, and the sales charge on such Units may vary in Subsequent Series, and the payment of principal and interest on bonds in the portfolios of Subsequent Series may not be insured.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at the time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Each Series of The Municipal Bond Fund at the date of deposit of the underlying Bonds and before any Unit is offered to the public is intended to have a net worth substantially in excess of $100,000 represented by the market value of the Bonds on that date. However, the Sponsor's deposit in the Funds of Bonds with a net worth in excess of $100,000, in exchange for Units of the Funds which the Sponsor intends to offer to the public, may not satisfy these provisions of the Act.

Applicants, therefore, request exemption from the provisions of section 14(a) of the Act in order that they may make a public offering of Units of the Fund and Subsequent Series as described above. Applicants state that investors will be offered interests in the Funds which will be unmanaged investment companies with portfolios composed of pre-deposited and identified Bonds.

As a condition to the requested exemption, the Sponsor has agreed that it will refund, on demand and without deduction, all sales charges to purchasers of Units of any Series from the Sponsor or from any underwriter or dealer participating in the distribution, and liquidate the Bonds held by any Series and distribute the proceeds thereof if, within ninety days from the time that the registration statement relating to the Units of such Series shall have become effective, the net worth of the Series shall be reduced to less than $100,000 or if such Series of the Fund shall have been terminated. The Sponsor has further agreed to instruct the Trustee to terminate such Fund in the event redemption by the Sponsor of unsold Units results in such Fund having a net worth of less than 40 percent of the principal amount of Bonds in the initial portfolio, and in the event of any such termination the Sponsor will refund, on demand and without reduction, all sales charges to purchasers of Units of such Fund from the Sponsor or from any underwriter or dealer participating in the distribution.

Applicants contend that in these circumstances it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act to exempt the Fund and all Subsequent Series from the provisions of section 14(a) of the Act.

Rule 19b-1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company" shall distribute more than one capital gain distribution in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company," provided, however, that a unit investment trust may distribute capital gains distributions received from a "regulated investment company" within a reasonable time after receipt.

Applicants state that the Funds are unmanaged investment companies with portfolios of pre-deposited and identified Bonds. Once the initial deposit is made, prior to the public offering of Units, other securities may not be acquired in addition to or in substitution for any of the Bonds except in the case of refundines or refinancings. Although Bonds may be sold by the Trustee upon the Sponsor's direction under certain circumstances stated in the Trust Agreement, such circumstances are limited.

Distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) an issuer might call or redeem an issue held in the portfolio and (2) Bonds might be liquidated in order to provide the funds necessary to meet redemptions.

Applicants contemplate making monthly distributions of principal and interest to Unitholders of a Series. Applicants state that the dangers against which rule 19b-1 is intended to guard do not exist in Applicants' situation since the events which may give rise to capital gains are substantially independent of any action by the Sponsor and the Trustee.

Any capital gains or return of capital distributions will be clearly distinguished from interest distributions in the accompanying report by the Trustee to Unitholders. Applicants contend that it would clearly be to the detriment of Unitholders if a Series is required to hold any money, which might be capital gains, until the end of its taxable year before distributing such gains to Unitholders.

Applicants further state that the purpose behind paragraph b of rule 19b-1 is to avoid forcing a Unit investment trust to accumulate valid distributions received throughout the year until year end and that the Fund's situation is within the intended objectives of such provisions even though each Series will not invest in regulated investment companies.

Rule 22c-1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange (the "NYSE") is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an offer to repurchase or sell such security.

Applicants seek an order pursuant to section 6(c) of the Act exempting the

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secondary market operations of the Sponsor from the provisions of rule 22c–1 under the Act. The Sponsor proposes to adopt the practice of valuing units of a Series, for purchase and resale by the Sponsor in the secondary market, at prices computed once a week as of the close of business of the NYSE on the last business day of the week, effective for all transactions made during the following week. The evaluation is to be made by the Evaluator.

Applicants state that rule 22c–1 has two purposes: (1) to eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price lower than their net asset value and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect the assets of a Series since the price at which units of a Series are sold or repurchased in the secondary market does not affect the value of either the underlying Bonds or the fractional undivided interest in those Bonds represented by each unit outstanding. Furthermore, Applicants state that secondary market trading in the Funds is not attractive to speculators since the Funds are designed for investors who desire fixed income with diversification. The evaluation process involves highly complicated and specialized techniques. Only through a substantial transaction could a would-be speculator produce a profit. Applicants state that they anticipate that the number of Units available in the secondary market will be very limited.

Applicants state that while the purposes for which rule 22c–1 was adopted would not be served by its application to the Funds, the interests of investors would be significantly impaired by imposing upon them the cost of additional determinations of net asset value which would be required by the Rule, particularly in light of the anticipated low volume of secondary market activity.

Applicants represent that backward pricing is necessary in order that the Sponsor may be able to quote a price at which it will buy or sell Units. A price to be determined several days in the future would be unsatisfactory to the Unitholders as well as to the Sponsor and prospective buyers.

A procedure will be instituted, without additional cost to investors, whereby the Evaluator will provide informal evaluations to protect Unitholders and investors. In the case of a repurchase, if the Evaluator cannot state that the current bid price is not higher than or equal to the previous Friday's offering side evaluation, the Sponsor will order a new evaluation. In the case of a resale of Units in the secondary market, if the Evaluator determines that the offering side evaluation has decreased by an amount greater than or equal to one-half point ($5.00 on a unit representing $1,000 principal amount of underlying bonds) it will perform a new evaluation.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 25, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 25, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3659 Filed 2–7–75;8:45 am]

[File No. 500–1]

NICOA CORP.

Suspension of Trading

JANUARY 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 3, 1975, through February 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3654 Filed 2–7–75;8:45 am]

[Release No. IC–8645; File No. S7–539]

REGISTRATION OF FOREIGN INVESTMENT COMPANIES

Extension of Deadline for Public Comments

The Securities and Exchange Commission has extended from January 31, 1975, until March 3, 1975, the period within which written comments may be submitted on the questions posed in Investment Company Act Release No. 8596 (December 2, 1974), 39 FR 44516, December 24, 1974, relating to the registration of foreign investment companies under the Investment Company Act of 1940.

Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7–539 and will be available for public inspection.

By the Commission.

Dated: January 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3664 File 2–7–75; 8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

JANUARY 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 2, 1975, through February 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3655 Filed 2–7–75;8:45 am]

[File No. 500–1]

WINNER INDUSTRIES, INC.

Suspension of Trading

JANUARY 31, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 2, 1975, through February 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–3656 Filed 2–7–75;8:45 am]

SMALL BUSINESS ADMINISTRATION
GUARANTEED LOANS

Establishment of Maximum Interest Rates

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after February 15, 1975, under section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective February 15, 1975, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be eleven percent (11 percent) a year, and the maximum rate on an immediate-participation loan shall be ten percent (10 percent) a year. These maximum interest rates shall remain in effect until notification of a change is issued by SBA.

This notice is issued under 13 CFR 120.3(b)(2)(vi).

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

No. 59.012 Small Business Loans.
No. 59.013 State and Local Development Company Loans.
No. 59.014 Coal Mine Health and Safety Loans.
No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans).
No. 59.018 Occupational Safety and Health Loans.
No. 59.001 Displaced Business Loans.
No. 59.003 Economic Opportunity Loans for Small Business.

Dated: February 6, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75–3633 Filed 2–7–75;9:46 am]

SELECTIVE SERVICE SYSTEM
REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portion of that Manual is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

[TEMPORARY INSTRUCTION NO. 613–8/642–6]

ISSUED: January 31, 1975.
SUBJECT: Late Registration.
President Ford has extended the Clemency Program through February 28, 1975. Therefore, Temporary Instruction No. 613–7/642–5, issued September 21, 1974, SUBJECT: Late Registration, which was to terminate February 1, 1975, will remain in force through February 28, 1975.

This Temporary Instruction shall terminate on March 1, 1975.

Dated: February 4, 1975.

BYRON V. PEPITONE,
Director.

[FR Doc.75–3601 Filed 2–7–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 692]

ASSIGNMENT OF HEARINGS

FEBRUARY 5, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 10, 1975.

MC 115667 Sub 8, Arrow Transfer Co., LTD., now being assigned April 8, 1975, at Olympia, Washington, in a hearing room to be later designated.

MC 217 Subs 16 and 17, Point Transfer, Inc., MC 13569 Subs 27 and 30, The Lake Shore Motor Freight Company, MC 14552 Subs 50 and 53, J. V. McNicholas Transfer Company and MC 138286 Sub 2, John F. Scott Company; now assigned continued hearing March 17, 1975 (2 weeks), at Pittsburgh, Pa., in Room 2212, Federal Building, 1000 Liberty Avenue. FF 455, National Warehouse & Distribution Co., DBA, National Distribution Systems, now being assigned April 8, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later.

MC 111812 Sub 509, Midwest Coast Transport, Inc., now being assigned April 10, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later.

MC 134370 Sub 12, Osborne Trucing Co., Inc., now being assigned April 14, 1974 (1 wk.), at Denver, Colo., in a hearing room to be designated later.

MC–F 11787, N. N. C. Freight System—Purchase—William Louis Damon, DBA Damon Freight Lines, now being assigned April 21, 1975 (1 wk.), at Albuquerque, N. Mexico, in a hearing room to be designated later.

MC 95876 Sub 154, Anderson Trucking Service, Inc., now being assigned April 28, 1985, at St. Paul, Minn., in a hearing room to be later designated.

MC 139821 Sub 1, Haugen Transit, Inc., now being assigned May 1, 1975, at St. Paul, Minn., in a hearing room to be later designated.

MC 123407 Sub 190, Sawyer Transport, Inc., application dismissed.

MC–F–12269, R–W Service System, Inc.—Purchase (Portion)—Scherer Freight Lines, Inc., now assigned March 4, 1975, at Detroit, Mich., is postponed to April 1, 1975, at Detroit, Mich., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–3679 Filed 2–7–75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 25, 1975.

FSA No. 42933—*Wrought Iron or Steel Oil Country Tubular Goods and Line Pipe to Ivanhoe, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B–511), for interested rail carriers. Rates on wrought iron or steel country tubular goods and line pipe, in carloads, as described in the application, from Minnequa and Pueblo, Colarado, to Ivanhoe, Louisiana.

Grounds for relief—Rate relationship.

Tariff—Supplement 64 to Southwestern Freight Bureau, Agent, tariff 259–F, I.C.C. No. 5080. Rates are published to become effective on March 6, 1975.

FSA No. 42934—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha.* Filed by Nipon Yusen Kaisha, (No. 7), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42935—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 11), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, The Philippines, Taiwan, Malaysia, Indonesia, and The Republic of Singapore, and rail station at Providence, R.I.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–3678 Filed 2–7–75;8:45 am]

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IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 4, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 20, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 78842 (Sub-No. E1), filed May 16, 1974. Applicant: DALEY & WANGER, 821 Nantasket Ave., Hull, Mass. 02045. Applicant's representative: Mr. Herbert F. Fleck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alabama, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 15 miles thereof) *; (2) between points in Florida, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (3) between points in Georgia, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (4) between points in North Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (5) between points in South Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (6) between points in Tennessee, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (7) between points in Maryland, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (8) between points in Virginia, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (9) between points in the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, and Rhode Island (Quincy, Mass., and points within 5 miles thereof) *; (10) between points in Pennsylvania, on the one hand, and, on the other, points in Maine and New Hampshire (Brookline, Mass.) *; (11) between points in Rhode Island, on the one hand, and, on the other, points in Maine (Hull, Mass.) *; (12) between points in New Jersey, on the one hand, and, on the other, points in Maine (Brookline, Mass.) *; and (13) between points in Connecticut, on the one hand, and, on the other, points in Maine (Brookline, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106401 (Sub-No. E2), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), from points in that part of South Carolina south of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, to points in Allegany, Baltimore, Frederick, and Washington, Counties, Md. (except points on a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 111 to junction Maryland Highway 45, thence along Maryland Highway 45 to Towson, Md., thence along U.S. Highway 111 to Baltimore, Md., thence along U.S. Highway 1 to the Maryland-District of Columbia State line; points on a line beginning at the Frederick County, Md., line, thence along Maryland Highway 194 to junction Maryland Highway 26, thence along Maryland Highway 26 to junction U.S. Highway 15, thence along U.S. Highway 15 to Frederick, Md., thence along Alternate U.S. Highway 40 to Hagerstown, Md.; points on a line beginning at the Pennsylvania-Maryland State line, thence along Maryland Highway 60 to Hagerstown, Md.; points on a line beginning at Baltimore, Md., thence along U.S. Highway 40 to the Harford County, Md. line), and to points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa. (except points on a line beginning at the Delaware-Pennsylvania State line, thence along U.S. Highway 13 to Philadelphia, Pa.; points on a line beginning at the Susquehanna River, thence along U.S. Highway 30 to Lancaster, Pa., thence along U.S. Highway 222 to Reading, Pa.; points on a line beginning at Harrisburg, Pa., thence along U.S. Highway 422 to Lebanon, Pa.; points on a line beginning at Lancaster, Pa., thence along Pennsylvania Highway 501 to Lititz, Pa.; and points on a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 1 to Philadelphia). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 106401 (Sub-No. E4), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock and commodities injurious or contaminating to other lading, uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment), from Corning and New York, N.Y., Hagerstown, Md., Danville, Lynchburg, Roanoke, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 522 to Selinsgrove, Pa., thence along U.S. Highway 11 to the Pennsylvania-New York State line, and to points in South Carolina west or north of a line consisting of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties, S.C. (except points on a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 123 to Greenville, S.C., points on a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 29 to Lyman, S.C., thence along Alternate U.S. Highway 29 to the South Carolina-North Carolina State line; points on U.S. Highway 1 between the Georgia-South Carolina State line and the South Carolina-North Carolina State line; points on U.S. Highway 76 between Columbia and Florence, S.C.; and points on a line beginning at Sumter, S.C., thence along U.S. Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to Cheraw, S.C.). The purpose of this filing is to eliminate the gateways of Nicholson, Pa., Newark, N.J., and Charlotte, N.C.

No. MC 106401 (Sub-No. E6), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock,

and commodities injurious or contaminating to other lading, uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment, (1) from New York, N.Y., Hagerstown, Md., Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 522 to junction U.S. Highway 11 to the Pennsylvania-New York State line, and, to points in Alexander, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Henderson, Iredell, Lincoln, McDowell, Mecklenburg, Polk, Rowan, Rutherford, Stanly, and Union Counties, N.C. (except points on a line beginning at the South Carolina-North Carolina State line, thence along Alternate U.S. Highway 29 to Grove, N.C., thence along U.S. Highway 29 to Charlotte, N.C., thence along North Carolina Highway 49 to junction unnumbered highway, thence along unnumbered highway to Concord, N.C., thence along Alternate U.S. Highway 29 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Rowan-Davidson County line; and points on a line beginning at Salisbury, N. C., thence along U.S. Highway 70 to Hickory, N.C., thence along U.S. Highway 321 to junction Alternate U.S. Highway 321, thence along Alternate U.S. Highway 321 to Valmead, N.C.); and (2) from Corning, N.Y., and Danville and Lynchburg, Va., to points in Buncombe, Burke, Caldwell, Catawba, Cleveland, Gaston, Henderson, Lincoln, McDowell, Mecklenburg, Polk, and Rutherford Counties, N.C., (except points on a line beginning at the South Carolina-North Carolina State line, thence along Alternate U.S. Highway 29 to Grover, N.C., thence along U.S. Highway 29 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to the Mecklenburg-Cabarrus County line; and points on a line beginning at the Iredell-Catawba County line, thence along U.S. Highway 70 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction Alternate U.S. Highway 321, thence along Alternate U.S. Highway 321 to Valmead, N.C.). The purpose of this filing is to eliminate the gateways of Nicholson, Pa., Newark, N.J., and Charlotte, N.C.

No. MC 106401 (Sub-No. E22), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading, uncrated store fixtures, uncrated hotel equipment, and uncrated kitchen equipment), between Corning and New York, N.Y., Hagerstown, Md., Danville, Lynchburg, Roanoke, and Winchester, Va., points in Bergen, Burlington, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, and Passaic Counties, N.J., and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 522 to junction U.S. Highway 11 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in that part of Georgia and South Carolina on a line beginning at Atlanta, Ga., thence along U.S. Highway 29 to Lyman, S.C., thence along Alternate U.S. Highway 29 to the South Carolina-North Carolina State line; points in that part of Georgia and South Carolina on a line beginning at Lawrenceville, Ga., thence along Georgia Highway 20 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 123, thence along U.S. Highway 123 to Greenville, S.C.; points in that part of Georgia and South Carolina on a line beginning at Athens, Ga., thence along U.S. Highway 78 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line; points in that part of South Carolina on a line beginning at Columbia, S.C., thence along U.S. Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to Cheraw, S.C.; points in that part of South Carolina on a line beginning at Sumter, S.C., thence along U.S. Highway 76 to junction U.S. Highway 52, thence along U.S. Highway 52 to Society Hill, S.C. The purpose of this filing is to eliminate the gateways of Nicholson, Pa., Newark, N.J., and Pineville, N.C.

No. MC 106920 (Sub-No. E57), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the Texas-Mexico International Boundary line and extending along U.S. Highway 80 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 27, thence along Interstate Highway 67 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Texas-Oklahoma State line, to points in Kentucky east of a line beginning at the Kentucky-Indiana State line and extending along Interstate Highway 64 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line and on the west by a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 27 to junction Kentucky Highway 617, thence along Kentucky Highway 617 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 165, thence along Kentucky Highway 165 to junction Kentucky Highway 32, thence along Kentucky Highway 32 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of Arke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E60), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Michigan on and north of a line beginning at Lake Superior extending along U.S. Highway 41 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction Michigan Highway 77, thence along Michigan Highway 77 to junction U.S. Highway 2, thence along U.S. Highway 2 to its intersection with unnumbered highway at Gulliver, Michigan, to points in Tennessee. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E61), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in Modification of Permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from the upper peninsula of Michigan to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee Alabama State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E62), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common*

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carrier, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 46 M.C.C. 626, from the Upper Peninsula of Michigan to points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extend along Mississippi Highway 50 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Mississippi Highway 43, thence along Mississippi Highway 43 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 111496 (Sub-No. E1), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular rotes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Fargo, North Dakota, to those points in North Dakota on and North of North Dakota Highway 5. The purpose of this filing is to eliminate the gateway of points in Walsh County, North Dakota.

No. MC 113855 (Sub-No. E2), (Correction), filed June 13, 1974, published in the FEDERAL REGISTER January 7, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Herbert J. Hilken (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in Idaho, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of (1) points in Utah, (2) points in Montana and other points in South Dakota east of the Missouri River, and (3) points in Wyoming and those in South Dakota east of the Missouri River. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E21) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 46 M.C.C. 626, from the Upper Peninsula of Michigan to points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extend along Mississippi Highway 50 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Mississippi Highway 43, thence along Mississippi Highway 43 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 111496 (Sub-No. E1), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular rotes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Fargo, North Dakota, to those points in North Dakota on and North of North Dakota Highway 5. The purpose of this filing is to eliminate the gateway of points in Walsh County, North Dakota.

No. MC 113855 (Sub-No. E2), (Correction), filed June 13, 1974, published in the FEDERAL REGISTER January 7, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Herbert J. Hilken (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in Idaho, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of (1) points in Utah, (2) points in Montana and other points in South Dakota east of the Missouri River, and (3) points in Wyoming and those in South Dakota east of the Missouri River. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E21) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and aluminum pipe* (except oilfield pipe as described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), the transportation of which because of its size or weight requires the use of special equipment; (a) from points in Delaware to points in Arizona, New Mexico, and those in Oklahoma on and west of U.S. Highway 83 (points in Hall County, Nebr.)*; (b) from points in Maryland on and east of U.S. Highway 15 to points in Arizona (same as (a))*; (c) from points in Maryland on, east, and south of Interstate Highway 83 from the Pennsylvania-Maryland State line to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Virginia State line to points in that part of New Mexico, except points south and east of a line beginning along U.S. Highway 60 at the New Mexico-Texas State line, thence westerly along U.S. Highway 60 to junction U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State line*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E37) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers), (d) between points in Nebraska west of U.S. Highway 81, on the one hand, and, on the other, points in North Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence northerly along North Dakota Highway 18 to junction Interstate Highway 94, thence westerly along Interstate Highway 94 to junction North Dakota Highway 1, thence northerly along North Dakota Highway 1 to the United States-Canada Boundary line (except points on North Dakota Highway 1 lying on or north of U.S. Highway 2). The purpose of this filing is to eliminate the gateways of points in South Dakota in (a) and (b) and points in Minnesota within 50 miles of Sioux Falls, S. Dak., in (c) and (d). The purpose of this partial correction is to clarify the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E418), filed May 14, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products* and *byproducts*, and *packinghouse supplies*, from Sioux City and Des Moines, Iowa, Omaha, Nebraska, Kansas City, and Wichita, Kansas, and St. Joseph and Kansas City, Missouri, to points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, those points in Virginia on and east of U.S. Highway 501, those points in Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pennsylvania, and Chicago, Illinois.

No. MC 114211 (Sub-No. E492), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from points in that part of Minnesota on and west of a line beginning at the Minnesota-Wisconsin State line extending along Interstate Highway 94 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 63, thence along U.S. Highway 63, to junction Interstate Highway 90, thence along Iowa Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, and from points in that part of Minnesota on and east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 12 to the junction Interstate 694, thence along I 694 to junction Interstate Highway 494, thence along Interstate 494 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction U.S. Highway 16.

Thence along U.S. Highway 16 to junction U.S. Highway 69, thence along U.S. Highway 69 to Minnesota-Iowa State line, to points in that part of Michigan on and north of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanaba, Mich., to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line; to points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line extending along Interstate Highway 71 to junction State Highway 13, thence along Ohio Highway 13, to junction U.S. Highway 250, thence along U.S. Highway 250 to Sandusky, Ohio; to points in that part of Tennessee on and east of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 79, to the Kentucky-Tennessee State line; to points in that part of Kentucky on and south of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction U.S. Highway 68, thence along U.S. Highway 68, to junction U.S. Highway 31 E, thence along U.S. Highway 31 E, to junction Interstate Highway 264, thence along Interstate Highway 264, to junction Interstate Highway 71, thence along Interstate Highway 71 to the Kentucky-Indiana State line, to points in that part of Arkansas on, south, and east of a line beginning at the Arkansas-Texas State line extending along U.S. Highway 822 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Tennessee State line; to points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 83 to junction U.S. Highway 62.

Thence along U.S. Highway 62 to the Texas-Oklahoma State line; to points in that part of Texas on and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 283 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-Arkansas State line: to points in that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line: to points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 83, thence along U.S. Highway 83 to the Oklahoma-Texas State line, and those points in Oklahoma on and south of line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. 283, thence along U.S. 283 south to the Oklahoma-Texas State line; to points in that part of Kansas on and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 50 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Kansas State line: to points in that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line extending along U.S. Highway 85 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line; to points in that part of Wyoming on, north and west of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 85 to junction U.S. Highway 18 and 85, thence along U.S. 18 and 85 to junction U.S. Highway 18 and 20, thence along U.S. Highway 18 and 20, to junction Interstate Highway 25.

Thence along Interstate Highway 25 to the Wyoming-Colorado State line; to points in that part of South Dakota on, north and west of a line beginning at the North Dakota-South Dakota State line extending along South Dakota Highway 10, thence along South Dakota Highway 10 to junction U.S. Highway 83, thence along U.S. Highway 83, to junction U.S. Highway 12, thence along U.S. Highway 12 to junction South Dakota Highway 20, thence along North Dakota Highway 20, to junction South Dakota Highway 65, thence along North Dakota Highway 65, to junction U.S. Highway 212, thence along U.S. Highway 212, to junction South Dakota Highway 73, thence along South Dakota Highway 73, to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 85, thence along U.S. Highway 85 to the South Dakota-Wyoming State line, to points in that part of North Dakota on and north and west of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line: and to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Montana, New Mexico, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E554), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, the transportation of which because of size or weight, requires special equipment, from points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line extending along Missouri Highway 180 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, to points in that part of New Mexico on and west of a line beginning at the Texas-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 57, thence along U.S. Highway 57 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 126, thence along New Mexico Highway 126 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Colorado State line; to points in that part of Colorado on and west and south of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 6, thence along U.S. Highway 6 west to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E558), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof* from that part of Minnesota on, north, and west of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in that part of California on and south of a line beginning at the Nevada-California State line extending along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction

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California Highway 140, thence along California Highway 140 to junction California Highway 99, thence along California Highway 99 to junction California Highway 32, thence along California Highway 32 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 20, thence along California Highway 20 to Ft. Bragg, Calif.; to points in that part of Nevada on and south of a line beginning at the Nevada-Utah State line extending along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; to points in that part of Utah on and west of a line beginning at the Utah-Nevada State line extending along Utah Highway 56 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line; to points in that part of Colorado on and south of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 160 to junction U.S. Highway 160 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Colorado-New Mexico State line; to points in that part of New Mexico on, south, and west of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line; to points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 84 to junction U.S. Highway 82.

Thence along U.S. Highway 82 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line; to points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 69 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; to points in that part of Kansas on and east of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 66 to junction Kansas Highway 26, thence along Kansas Highway 26 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Kansas-Missouri State line; to points in that part of Missouri on and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line; to points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line; to points in that part of Michigan on and south of a line beginning at Lake Michigan extending along U.S. Highway 10 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to the United States-Canada International Boundary line; to points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay; points in Arkansas, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, Louisiana, North Carolina, Kentucky, West Virginia, Ohio, Indiana, Illinois, and Arizona, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E570), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled* sweepers, from that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line; to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line; to points in that part of New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line extending along U.S. Highway 206 to junction New Jersey Highway 15, thence along New Jersey Highway 15 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction New Jersey Highway 53, thence along New Jersey Highway 53 to junction New Jersey Highway 10, thence along New Jersey Highway 10 to Newark, N.J.; to points in that part of New York on and east of a line beginning at Silver Creek, N.Y., extending along New York Highway 428 to junction New York Highway 83, thence along New York Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; and points in Massachusetts and Connecticut, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E577), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, the transportation of which because of size or weight, requires special equipment, from points in that part of Missouri on and west of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 71 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Kansas State line, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 54 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Lake Michigan, to points in that part of Michigan on and north of a line beginning at Lake Michigan extending along U.S. Highway 10 to junction Interstate Highway 75, thence along Interstate Highway 75 to Detroit, Mich. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E578), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors' equipment and supplies*, from points in that part of Iowa on, north and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in that part of New York on and east of a line, beginning at Lake Ontario extending along New York Highway 57 to junction I Highway 81 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corporation at or near Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E580), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa. 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Portal, North Dakota, to points in that part of Texas on and east

of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 79, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, Texas; to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 77 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Oklahoma-Texas State line; to points in that part of Kansas on and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line; to points in that part of Nebraska on and east of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 2 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Nebraska-Kansas State line; to points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line extending along Iowa Highway 4 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59, to junction Iowa Highway 2 to the Iowa-Nebraska State line; to points in that part of Minnesota on, south and east of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction U.S. Highway 61 to junction Minnesota Highway 5, thence along Minnesota Highway 5, to junction Iowa Highway 494, thence along Interstate Highway 494, to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Mirnesota Highway 4, thence along Minnesota Highway 4 to the Minnesota-Iowa State line; to points in that part of Wisconsin on and east of a line beginning at Ashland, extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line; and to points in Michigan, Illinois, Missouri, Arkansas, Louisiana, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia, Ohio.

No. MC 114211 (Sub-No. E581), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, and *implements*, other than hand, and parts when transported with such agricultural machinery and implements as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except those requiring the use of special equipment, from Corpus Christi, Texas, to points in that part of Nebraska on, south and east of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 6 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line. RESTRICTED against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extention—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of points in Nebraska West of U.S. Highway 72.

No. MC 114211 (Sub-No. E582), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractor attachments*, and *parts* between the Port of Entry of Miami, Florida, and Mobile, Alabama, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, and South Dakota. The purpose of this filing is to eliminate the gateway of Topeka, Kansas.

No. MC 114211 (Sub-No. E583), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery, and contractors' equipment and supplies*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Kansas on, north, and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction Interstate Highway 70, thence along Interstate Highway 40 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in that part of Missouri on, north, and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 114211 (Sub-No. E584), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories and attachments*, between that part of South Dakota on and east of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction South Dakota Highway 11, thence along South Dakota Highway 11 to the Iowa-South Dakota State line, on the one hand, and, on the other, points in Oklahoma and New Mexico. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E585), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling), from points in that part of Nebraska on and south of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, to points in Wisconsin and Michigan, with no transportation for compensation on return except as otherwise authorized restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E586), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, (except commodities the transportation of which, because of size or weight, require the use of special equipment or special handling), between points in Illinois, on the one hand, and, on the other, points in that part of Colorado on and northwest of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 36 to junction Colorado Highway 57, thence along Colorado Highway 57 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado

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Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 67, thence along Colorado Highway 67 to junction Colorado Highway 96, thence along Colorado Highway 96 to junction Colorado Highway 165, thence along Colorado Highway 165 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E587), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 169 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line, to points in New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E588), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, to parts of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf Coast with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Nebraska City, Nebr., Beatrice, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E589), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Illinois on and north of line beginning at a point of the Illinois-Indiana State line extending along U.S. Highway 24 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line, to points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 75 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E590), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line extending along Interstate 35 to Junction Iowa Highway 92, thence along Iowa Highway 92 to Junction U.S. Highway 169, thence along U.S. Highway 169 to Junction U.S. Highway 18, thence along U.S. Highway 18 to Junction Iowa Highway 4, thence along Iowa Highway 4 to the Minnesota-Iowa State line, to points in Texas, with no transportation for compensation on return as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E591), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 34 to junction Iowa Highway 5, thence along Iowa Highway 5 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 191, thence along Iowa Highway 191 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Minnesota State line, to points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line extending along Texas Highway 79 to junction U.S. Highway 82/277, thence along U.S. Highway 82/277 to junction with U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 57, thence along U.S. Highway 57 to Eagle Pass, Tex., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E592), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line extending along Interstate 35 to Junction Iowa Highway 92, thence along Iowa Highway 92 to Junction U.S. Highway 169, thence along U.S. Highway 169 to Junction U.S. Highway 18, thence along U.S. Highway 18 to Junction Iowa Highway 4, thence along Iowa Highway 4 to the Minnesota-Iowa State line, to points in Texas, with no transportation for compensation on return as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E593), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products), and *fittings and accessories* therefor when moving with such pipe, from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 40 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to the Iowa-Illinois State line, thence along the Illinois-Iowa State line to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Idaho, Utah, and Arizona, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffith Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E595), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Illinois on and north of a line beginning at the Iowa-Indiana State line extending along Interstate Highway 80 to junction Illinois Highway 92, thence along Illinois Highway 92 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Missouri on, north, and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E596), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. 40 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, to points in New Mexico, with no transportation for compensation on return except as otherwise authorized. The purpose of this filin gis to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E597), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in that part of Texas on and southwest of a line beginning at the United States-Mexico Boundary line extending along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Beatrice, Nebraska.

No. MC 114211 (Sub-No. E604), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in Illinois, to points in that part of New Mexico on and west of a line beginning at the New Mexico-Texas State line extending along New Mexico Highway 170 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 44, thence along New Mexico Highway 44, to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 14, thence along New Mexico Highway 14 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E605), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural shredders, agricultural sprayers, scalpers, row crop shields, corn cribs* (knocked down), and *attachments* and *parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line extending along Interstate Highway 29 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Missouri-Kansas State line, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 94 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line; to points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18, to junction Interstate Highway 77, thence along Interstate Highway 77, to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line; to points in that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 30 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Pennsylvania-Maryland State line; and to points in Michigan and New York (except points in Kings, Queens, Nassau, and Suffolk Counties), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Oelwein and Des Moines, Iowa.

No. MC 114211 (Sub-No. E606), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof between points in that part of Iowa on, north and east of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 6 to junction U.S. Highway 59, thence along U.S. Highway 59, to junction U.S. Highway 30, thence along U.S. Highway 30, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 20, thence along U.S. Highway 20, to junction U.S. Highway 69, thence along U.S. Highway 69, to junction U.S. Highway 18, thence along U.S. Highway 18, to junction U.S. Highway 52, thence along U.S. Highway 52 to the Iowa-Illinois-Wisconsin State lines, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Indiana Turnpike, thence along Indiana Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, restricted against the transportation of commodities the transportation of which because of size or weight; requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension Oil Field Commodities*, 74 MCC 459. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebraska, and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E607), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line extending along Iowa Highway 86 to junction U.S. Highway 71, thence along U.S. Highway 71, to junction Iowa Highway 10, thence along Iowa Highway 10, to junction U.S. Highway 59, thence along U.S. Highway 59, to junction Iowa Highway 175, thence along Iowa Highway 37, to junction Interstate Highway 29, thence along Interstate Highway 29, to junction U.S. Highway 6, thence along U.S. Highway 6 west to Iowa-Nebraska State line, on the one hand, and, on the other, points in Oklahoma, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension Oil Field Commodities*, 74 MCC 459. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebraska, and Council Bluffs, Iowa.

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No. MC 114211 (Sub-No. E608), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors' equipment* and *supplies*, from points in that part of Illinois on and north of a line beginning at Indiana-Illinois State line and extending along U.S. Highway 30 to the Illinois-Iowa State line, to points in California, Nevada and Utah, and to points in that part of Arizona on and west of a line beginning at the Colorado-Arizona State line extending along U.S. Highway 16 to junction Arizona Highway 63, thence along Arizona Highway 63, to junction U.S. Highway 66, thence along U.S. Highway 66, to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60, to junction U.S. Highway 70, thence along U.S. Highway 666, thence along U.S. Highway 666 to the U.S.-Mexico Boundary line, and to points in that part of Wyoming on and north and west of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming 450 to junction Wyoming Highway 59, thence along Wyoming Highway 59, to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87, to junction Wyoming Highway 220, thence along Wyoming Highway 220, to junction U.S. Highway 287, thence along 287, to junction Interstate Highway 80, thence along Interstate Highway 80, to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E609), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of Minnesota on, west, and north of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 15 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Interstate Highway 35, thence along Interstate Highway 35 to Duluth, Minn., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, Beatrice, Nebr., and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E610), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, and dump trucks and parts attachments and accessories* for the above described commodities from Aurora, Joliet, Mossville, Decatur, Morton, and Peoria, Illinois and points within 15 miles of Peoria, Illinois to points in North Dakota, Montana, Idaho, Washington, Oregon, and to points in that part of Wyoming on and north of the line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 26 to the Wyoming-Idaho State line; to points in that part of Utah on and west of the line beginning at the Idaho-Utah State line extending, along U.S. Highway 89 to junction U.S. Highway 6, thence along U.S. Highway 6 to Nevada-Utah State line, to points in Nevada north of U.S. Highway 6; and to points in that part of California on and west of a line beginning at the Nevada-California State line extending along U.S. Highway 395 to San Diego, California with no transportation for compensation on return except as otherwise authorized restricted to the transportation of shipments originating at the above-named origins. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E6111, filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Iowa on and east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E613), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), equipment designed for use in conjunction with tractors, attachments for the above-described commodities, and parts, from Noyes, Minnesota, to points in Washington, Oregon, California, Nevada, Idaho, Utah, New Mexico, Texas, Oklahoma, Kansas, Colorado, Wyoming, South Dakota, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Illinois, Wisconsin, Indiana, Michigan, Ohio, Kentucky, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, District of Columbia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, New York, Massachusetts, New Hampshire, Vermont, Maine, and to points in that part of Montana on and southwest of a line beginning at the North Dakota-Montana State line thence along Interstate Highway 94 to junction Montana Highway 200 S, thence along Montana Highway 200 S to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Fergus County Highway 236,

Thence along Fergus County Highway 236 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Hill County Highway 432, thence along Hill County Highway 432 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada Boundary line, and to points in that part of Minnesota on and south of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction Minnesota, Highway 87, thence along Minnesota Highway 87, thence along nesota Highway 64, thence along Minnesota Highway 64 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line, and to points in that part of North Dakota on and south of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction North Dakota Highway 31, thence along North Dakota Highway 31, to junction North Dakota Highway 200, thence along U.S. Highway 200 to junction U.S. Highway 85, to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Montana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, North Dakota, commercial zone located in Moorhead, Minnesota.

No. MC 114211 (Sub-No. E614), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products) and fittings and accessories therefor when moving with such pipe, from points in that part of Texas on and west of a line

beginning at the Oklahoma-Texas State line extending along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E, to junction U.S. Highway 183, thence along U.S. Highway 183, to junction U.S. Highway 90, thence along U.S. Highway 90, to junction Texas Highway 123, thence along Texas Highway 123, to junction U.S. Highway 181, thence along U.S. Highway 181, to junction Texas Highway 72, thence along Texas Highway 72, to junction U.S. Highway 281, thence along U.S. Highway 281 to the Mexico-Texas State line, and from points in that part of Oklahoma on and west of a line extending along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike, to junction U.S. Highway 69, Oklahoma-Texas State line, to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and to points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 80 to junction Interstate Highway 280, to the New Jersey-New York State line, and to points in that part of Pennsylvania on and north of a line beginning at Erie, Pennsylvania extending along U.S. Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 11, thence along U.S. Highway 11, to junction Interstate Highway 380, thence along Interstate Highway 380, to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant-site of the Griffen Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E615), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on, south, and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 149, thence along Iowa Highway 149 to junction Iowa Highway 151, thence along Iowa Highway 151 to junction Iowa Highway 64, thence along Iowa Highway 64 to the Iowa-Illinois State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E616), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterlo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories, and attachments*, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, and from points in that part of New York on and east of a line beginning at the U.S., Canada, Boundaries line extending along New York Highway 16 to junction New York Highway 17, thence along New York Highway 17, to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and from points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 219 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction Pennsylvania Highway 453, thence along Pennsylvania 453, to junction Pennsylvania Highway 350, to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641, to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 977 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 11, thence along Highway 11 south to the Pennsylvania-Maryland State line, to points in Washington, Oregon, Montana, and to points in that part of North Dakota on and west of a line beginning at the U.S.-Canada Boundary line extending along U.S. Highway 85.

Thence along U.S. Highway 85 to the North Dakota-South Dakota State line, and to points in that part of Idaho on and north of a line beginning at the Idaho-Wyoming State line extending along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15, to junction U.S. Highway 30, thence along U.S. Highway 30, to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, and to points in that part of Wyoming on and north of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 26 to junction U.S. Highway 187, thence along U.S. Highway 187, to junction U.S. Highway 89, thence along U.S. Highway 89, to junction U.S. Highway 20, thence along U.S. Highway 20, to junction U.S. Highway 14, thence along U.S. Highway 14, to junction U.S. Highway 87, thence along U.S. Highway 87 to the Wyoming-Montana State line, and to points in that part of California on and north of a line beginning at the California-Nevada State line extending along U.S. Highway 395 to junction California Highway 70, thence along California Highway 70, to junction California Highway 149, thence along California Highway 149, to junction California Highway 99, thence along California Highway 99, to junction California Highway 36, thence along California Highway 36, to junction U.S. Highway 101, thence along U.S. Highway 101 to Eureka, California, and to points in that part of Nevada on and north of a line beginning at the Nevada-Idaho State line extending along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Canton, South Dakota, and Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E617), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 56, thence along Illinois Highway 56, to junction Illinois Highway 5, thence along Illinois Highway 5, to junction Interstate Highway 90, thence along Interstate Highway 90 to the Illinois-Indiana State line, to points in Utah, California, and Nevada and to points in that part of Wyoming on north & west of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming Highway 450 to junction Wyoming Highway 59, thence along Wyoming Highway 59, to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 73, thence along Wyoming Highway 73, to junction Interstate Highway 80, thence along Interstate Highway 80, to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, and to points in that part of Arizona on and west of a line beginning at the Colorado-Arizona State line extending along U.S. Highway 160 to junction Arizona Highway 63, thence along Arizona Highway 63, to junction U.S. Highway 66, thence along U.S. Highway 66, to junction U.S. Highway 180, thence along U.S. Highway 180, to junction U.S. Highway 60, thence along U.S. Highway 60, to junction U.S. Highway 70, thence along U.S. Highway 70, to junction U.S. Highway 666, thence along U.S. Highway 666 to the United States-Mexico Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E618), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as

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a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, from points in Illinois to points in Washington, Oregon, Idaho, Montana, and North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E619), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in Illinois to points in Washington, Oregon, Idaho, Montana, and North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 115331 (Sub-No. E26), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from points in New York, to points in Iowa, Missouri, Minnesota, Nebraska, those points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to its junction with Illinois Highway 17, thence along Illinois Highway 17 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line, and those points in Wisconsin on and west of U.S. 51. The purpose of this filing is to eliminate the gateway of El Paso, Illinois.

No. MC 115331 (Sub-No. E27), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Avenue, East St. Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from points in Nevada, to points in Pennsylvania, West Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, those points in Wisconsin on and south of Wisconsin Highway 64, those points in Iowa on and west of a line beginning at the Iowa-Missouri State line, and extending along U.S. 218 to its junction with Iowa Highway 1, thence along Iowa Highway 1 to its junction with U.S. 151, thence along U.S. 151 to the Iowa-Wisconsin State line, those points in Missouri on and east of a line beginning at the Missouri-Iowa State line, and extending along unmarked state highway to its junction with U.S. 63, thence along U.S. Highway 63 to its junction with U.S. Highway 61 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of El Paso, Illinois.

No. MC 119968 (Sub-No. E1), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemicals manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Illinois, Indiana, the Southern Peninsula of Michigan, and those points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending south along Interstate Highway 75 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and those points in New York on and east of a line beginning at the U.S.-Canada International Boundary line and extending south along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E4), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in the counties of Green and Washington, Pa., and the counties of Brook, Hancock, Marshall, and Ohio, W. Va., on the one hand, and, on the other, points in Illinois, Indiana, the Southern Peninsula of Michigan, those in Ohio on and west of a line beginning at Sandusky, Ohio, and extending south along Ohio Highway 39 to junction U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line; those points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line and extending east along U.S. Highway 23 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E5), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in the counties of Armstrong, Beaver, Butler, and Lawrence Counties, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, the Southern Peninsula of Michigan, those in Ohio west of a line beginning at Toledo, Ohio, and extending south and east along Ohio Highway 2 to junction U.S. Highway 150, thence along U.S. Highway 250 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, those in West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E6), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in that part of Kentucky on and east of a line beginning at Middlesboro, Ky., and extending north along U.S. Highway 119 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in Illinois, Indiana, the Southern Peninsula of Michigan, those in Ohio on and west of a line beginning at Sandusky, Ohio, and extending south along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line; those points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line and extending east along U.S. Highway 23 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E7), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line and extending north along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Illinois, Indiana, the southern peninsula of Michigan, those points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line and extending south along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line; and those points in Ohio on and west of a line beginning at Lorain, Ohio, and extending south along Ohio Highway 57 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E8), filed May 20, 1974. Applicant: A. J. WEIGAN, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in that part of Kentucky on and east of a line beginning at Middlesboro, Ky., and extending north along U.S. Highway 119 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, Rhode Island, that part of the southern peninsula of Michigan on and north of U.S. Highway 10, that part of Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line and extending east along Interstate Highway 70 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line; that part of West Virginia on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E10), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3681 Filed 2-7-75;8:45 am]

[Notice No. 18]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field officials named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17812 (Sub-No. 2TA), filed January 27, 1975. Applicant: M. BURNS TRUCKING CO., 1860 Fall River Avenue, Seekonk, Mass. 02771. Applicant's representative: John M. Burnes or Robert

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J. Burns (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, Duplicating and Reproducing machines, parts, accessories and supplies* used in a Reproducing Systems between Reading, Lexington, and Seekonk, Mass., on the one hand, and, on the other, points and places in Washington and Newport Counties, R.I. Applicant intends to tack the authority applied for to authority held by its in MC 17812, for 180 days. Supporting shipper(s): Xerox Corporation, 445 Hamilton Avenue, White Plains, N.Y. 10601. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster Street, Providence, R.I. 02903.

No. MC 20546 (Sub-No. 18TA), filed January 24, 1975. Applicant: C. MALONE TRUCKING, INC., Rear 154 Newton Street, Waltham, Mass. 02154. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard and paperboard boxes*, (A) from the plant site facilities of Container Corporation of America at Medford, Mass., to Danielson, Dayville, and North Grosvenordale, Conn. and Portsmouth, N.H.; and (B) from the plant site facilities of Container Corporation of America at Wakefield, Mass., to Putnam and Wauregan, Conn.; and Somersworth, N.H., for 180 days. Supporting shipper: Container Corporation of America, 500 Flat Rock Road, Philadelphia, Pa. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 29910 (Sub-No. 155TA), filed January 24, 1975. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Gary D. Bronson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Great Lakes Chemical Corporation located in Union County, Ark., approximately 15 miles west of El Dorado, Ark., on or near U.S. Highway 62, as an off-route point in connection with carrier's authorized regular route operation from and to El Dorado, Ark., for 180 days.

NOTE.—Applicant intends to tack the authority here applied for to another authority held by it in Docket MC 29910 and Subs thereto. Supporting shipper: Great Lakes Chemical Corporation, P.O. Box 1878, El Dorado, Ark. 71730. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 51146 (Sub-No. 416TA), filed January 24, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Shakopee, Minn., to Peoria, Ill., for 180 days. Supporting shipper; Midland Glass Company, P.O. Box 69, Shakopee, Minn. 55379 (Russell F. Barto). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 75651 (Sub-No. 72TA), filed January 24, 1975. Applicant: R. C. MOTOR LINES, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: P. M. Witham, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Activated Charcoal or Coke in Ocean Containers*, (2) *Empty Ocean Containers*. From (1) Savannah, Ga., to Power Generating Plant of Gulf Power Co. located at or near Boykin, Fla. From (2) Power Generating Plant of Gulf Power Co. located at or near Boykin, Fla., to Atlanta, for 180 days. Supporting shipper(s): Frederick Richards of Ga., Inc., 620 Realty Building, P.O. Box 1246, Savannah, Ga. 31402. Send protests to: District Supervisor, James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn St., Indianapolis, Ind. 46204.

No. MC 79065 (Sub-No. 2TA), filed January 28, 1975. Applicant: R. PAUL McKEEN, R.D. No. 4, Wheeling, W. Va. 26003. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Moundsville and/or Triadelphia, W. Va. To: Sciota Village, Delaware County, Ohio, for 180 days. Supporting shipper(s): The Valley Camp Coal Co., 700 Westgate Tower, Cleveland, Ohio 44116. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 82063 (Sub-No. 55TA), filed January 23, 1975. Applicant: KLIPSCH HAULING CO., 119 E. Loughborough Ave., St. Louis, Mo. 63102. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent Hydrofluoric Acid*, in bulk, in tank vehicles, From: Gore, Okla. To: points in Louisiana, Mississippi and Texas, for 180 days. Supporting shipper(s): Allied Chemical Corporation, Industrial Chemical Division, P.O. Box 1139 R, Morristown, N.J. 07960. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. 95510 (Sub-No. 3TA), filed January 22, 1975. Applicant: D. C. COTNER, Highway 19 North, Salem, Mo. 65560. Applicant's representative: William E. Seay, 104A West 4th Street, Salem, Mo. 65560. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wood chips*, From: Ozark Oak Flooring Co., north of Salem, Mo. to West Daco Company in Wickliffe, Ky., over Missouri Highway 32 and Missouri Highway 72 to Missouri Highway 21, thence on Missouri Highway No. 21 to U.S. Highway, then on U.S. Highway 60 to Wickliffe, Ky., for 180 days. Supporting shipper(s): Ozark Oak Flooring Company, Highway 19 North, Salem, Mo. 65560. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 100439 (Sub-No. 5TA) (Amendment), filed January 6, 1975, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as amended this issue. Applicant: DAVID W. HASSLER, INC., R.D. #8, York, Pa. 17403. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petro-chemicals, asphalt and asphaltic products), in bulk, from Baltimore, Md., to points in Adams, Berks, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Northumberland, Perry, Snyder, Union and York (except York and Red Lion) Counties, Pa., for 180 days.

NOTE.—The purpose of this republication is to add more to the commodity description. The rest of the application will remain the same.

No. MC 102817 (Sub-No. 23TA), filed January 22, 1975. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Rd., Indianapolis, Ind. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs & benches* moving therewith, from Jasper & French Lick, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper(s): Kimball Piano & Organ Co., Inc., 1111 E. 15th St., Box 460, Jasper, Ind. 47546. Send protests to: District Supervisor, James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 106674 (Sub-No. 153TA), filed January 21, 1975. Applicant: SCHILLI

MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, non-frozen*, Restricted: Against commodities in bulk, From the plantsite at Austin, Ind., to points in Oklahoma and Texas, for 180 days. Supporting shipper(s): Morgan Packing Co., Austin, Ind. 47102. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 107882 (Sub-No. 37TA), filed January 21, 1975. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert A. Dubin, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bullion*, From San Francisco, Calif., to New York, N.Y., for 180 days. Supporting Shipper(s): General Services Administration, Crystal Mall, Building No. 4, Arlington, Va. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 109397 (Sub-No. 310TA), filed January 21, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113 (Business–44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Suite 223 Ciudad, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radio active and "Sensitive" non-radioactive Waste Materials* Requiring Special Disposition; over irregular routes, From the City of San Francisco and the Counties of San Francisco, Alameda, Solano, Contra Costa, Santa Clara, San Mateo, Sacramento, San Diego, Los Angeles, and Orange Calif.; Denver, Arapahoe, Jefferson and Weld Counties, Colo.; the Cimarron Facility near Crescent, Okla., and Albuquerque, N. Mex., to the burial site of Nuclear Engineering near Beatty, Nev., (2) *Containers* used in the transportation of the above materials; over irregular routes, From the burial site of Nuclear Engineering near Beatty, Nev., to points named above, for 180 days. Supporting shipper(s); Nuclear Engineering Company, Inc., Box 7246, Louisville, Ky. 40207. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110420 (Sub-No. 731TA), filed January 23, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representatives: David A. Petersen (same address as applicant) and John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal and hulls*, in bulk, from the plantsite of Krause Milling Company in Logansport, Ind., to points in Illinois, Michigan and Ohio, for 180 days. Supporting shipper: Krause Milling Company, P.O. Box 1156, Milwaukee, Wis. 53201, (Albert J. Carr). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 732TA), filed January 23, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representatives: David A. Petersen (same address as applicant) and John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude Soybean Oil*, in bulk, in tank vehicles, from the plantsite of Krause Milling Company at Logansport, Ind., to Bradley, Champaign, Chicago, Decatur, Jacksonville, Joliet and Kankakee, Ill.; Louisville, Ky.; Bellevue, Cincinnati, Cleveland and Columbus, Ohio, for 180 days. Supporting shipper: Krause Milling Company, P.O. Box 1156, Milwaukee, Wis. 53201 (Albert J. Carr). Send protests to: John R. Ryden, District Supervisor, Interstate Commerce Commission, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 506TA), filed January 22, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business machine parts, and assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Manchester, N.H., on the one hand, and, on the other, points in Maine; between Boston and Lexington, Mass., on the one hand, and, on the other, points in Rhode Island; between Buffalo and Syracuse, N.Y., on the one hand, and, on the other, points in Pennsylvania; between Secaucus, N.J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, for 90 days. Supporting shipper: Xerox Corporation, 455 Hamilton Ave., White Plains, N.Y. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111956 (Sub-No. 33 TA), filed January 27, 1975. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from the plant site of Cleve-Pak Corporation at Eaton, Ind., to Aliquippa, Allentown, Altoona, Ambridge, Beaver Falls, Berwick, Bethlehem, Bradford, Brockway, Brownsville, Butler, Canonsburg, Carlisle, Chambersburg, Clarion, Clearfield, Connellsville, DuBois, Erie, Franklin, Gettysburg, Greensburg, Harrisburg, Hazelton, Indiana, Jeannette, Kecksburg, Knox, Lancaster, Latrobe, Lewistown, Marienville, Meadville, New Castle, Oil City, Parker, Philadelphia, Pittsburgh, Port Allegany, Uniontown, Washington, Youngwood, and York, Pa.; Akron, Alliance, Aurora, Bedford, Berea, Bucyrus, Canton, Cincinnati, Cleveland, Columbus, Findlay, Lancaster, Plain City, Toledo, and Zanesville, Ohio; Annapolis, Baltimore, Bethesda, Cambridge, College Park, Cumberland, Easton, Frederick, Hagerstown, Hancock and Ocean City, Md.; Albany, Binghamton, Buffalo, Corning, Elmira, Oswego, Rochester and Syracuse, N.Y.; and Bluefield, Charleston, Clarksburg, Fairmont, Huntington, Keyser, Morgantown, Parkersburg, Philippi and Wheeling, W. Va., for 180 days. Supporting shipper: Clevepark Corporation, 1640 West Silver Spring Drive, Milwaukee, Wis. 53209. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 112520 (Sub-No. 296TA), filed January 24, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acids*, in bulk, in tank vehicles, from Panama City, Fla., to Detroit, Mich., for 180 days. Supporting shipper(s): Arizona Chemical Company, Berden Avenue, Wayne, N.J. 07470. Send protests to: G. H. Fauss, Jr., District Supervisor, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 112963 (Sub-No. 58TA), filed January 24, 1975. Applicant: ROY BORS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity: Solvents*, in bulk, in tank vehicles. From: Lowell, Mass. To: Southington, Conn., for 180 days. Supporting shipper: Pandel-Bradford, Inc., 200 Market Street, Lowell, Mass. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway Street—Room 501, Boston, Mass. 02114.

No. MC 114533 (Sub-No. 316TA), filed January 23, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W.

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35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Indianapolis, Ind., on the one hand, and, on the other, Louisville, Owensboro, and Hopkinsville, Ky., for 180 days. Supporting shippers: Jacqueline L. Huber, Assistant Manager, Anacomp, Inc., 6161 Hillside, Indianapolis, Ind. 46220, and Barry Darlage, Executive Vice President, Computer Accounting, Inc., 8004 Castleway Drive, Indianapolis, Ind. 46250. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115092 (Sub-No. 37TA), filed January 24, 1975. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam insulation* with or without backing or facing, from Salt Lake City, Utah, to points in New Mexico, Texas, and Oklahoma, for 180 days. Supporting shipper: Panel Era, Division of Roberts Investment Co., 3447 S. Main Street, Salt Lake City, Utah 84115 (Robert H. Blanpied, General Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State St., Salt Lake City, Utah 84138.

No. MC 117574 (Sub-No. 258TA), filed January 22, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride, conduit and siding and attachments, fittings, and materials*, used in the installation of conduit and siding, between the plant, warehouse, or storage facility of Certain-Teed Products Corporation, Williamsport, Md., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Certain-Teed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 589, Harrisburgh, Pa. 17108.

No. MC 124078 (Sub-No. 632TA), filed January 21, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral spirits*, in bulk, between Douglasville, Ga., on the one hand, and, on the other, points in Alabama (except Athens, Dolomite, and Prichard), Fla., (except Jacksonville, Largo, Orlando, Pompano Beach, and Tampa), La., Mississippi, North Carolina and South Carolina. In compliance with the General Policy Statement published in the November 28, 1973 issue of the FEDERAL REGISTER, effective December 1, 1973, requesting information concerning the operational feasibility of proposals, the following information is provided: Every load will have a backhaul, for 180 days. Supporting shipper(s): Safety-Kleen Corporation, Traffic Manager, 16325 West Ryerson Road, New Berlin, Wis. 53151 (Peter Harren). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124221 (Sub-No. 50TA), filed January 22, 1975. Applicant: HOWARD BAER, P.O. Box 27 Rt. 98 W., Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, in temperature controlled vehicles, From New Orleans, La.; Gulfport, Miss.; and Mobile, Ala., to Urbana, Ill. (2) *Bananas*, From Mobile, Ala., to Urbana, Ill. Restriction: The operations proposed in Parts (1) and (2) above are to a transportation service to be performed under a continuing contract or contracts, with J. M. Jones, Inc., of Urbana, Ill., for 180 days. Supporting shipper(s): J. M. Jones, Inc. 2611 North Lincoln Avenue, Urbana, Ill. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124383 (Sub-No. 16TA), filed January 27, 1975. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, Wis. 53151. Applicant's representative: S. P. Schreiter, 161 West Wisconsin Avenue, Suite 3008, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed auto bodies*, from Blue Island, Ill., to Milwaukee, Wis., for 180 days. Supporting shipper(s): Blue Island Scrap Auto Recycling Center, 2247 West 139th Street, Blue Island, Ill., (Robert J. Federico). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124679 (Sub-No. 63TA), filed January 22, 1975. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 500 Kennecott Building, Salt Lake City, Utah 84133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from San Francisco and Azusa, Calif., to the warehouse of Yellowstone Wholesale Company near Rock Springs, Wyo., for 180 days. Supporting shipper: Yellowstone Wholesale Company, 700 Broadway, Rock Springs, Wyo. 82901. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 124796 (Sub-No. 142TA), filed January 24, 1975. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Linerboard*, from Counce, Tenn., to Harrisonburg, Va., for 180 days. Supporting shipper: Packaging Corporation of America, a subsidiary of Tenneco, Inc., 1603 Orrington Avenue, Evanston, Ill. 60204. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126276 (Sub-No. 113TA), filed January 22, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 S. LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, From: The plantsite of American Can Company at Detroit, Mich. To: Twinsburg, Ohio, for 180 days. Supporting shipper(s): Mr. W. A. Frazier, Transportation Coordinator, American Can Company, 915 Harger Road, Oak Brook, Ill. 60521. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126367 (Sub-No. 11TA), filed January 23, 1975. Applicant: EVERGREEN TRUCKING COMPANY, Jewell Route, Box 1277, Seaside, Oreg. 97138. Applicant's representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from the plant site of the Brightwood Corp. at or near Madras, Oreg., to the plantsite and facilities of the International Paper Company at or near Longview, Wash., for 180 days. Supporting Shipper: International Paper Company, P. O. Box 579, Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 128007 (Sub-No. 73TA), filed January 24, 1975. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fertilizer ingredients*, From Portsmouth, Va., to Kansas, Oklahoma, Nebraska, Illinois, Minnesota, Iowa and Missouri. Rates will be filed on statutory notice if this application is granted, for 180 days. Supporting shipper(s): Westmin Corporation, P.O. Box 822, Quincy, Ill. 66623. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128273 (Sub-No. 169TA), filed January 20, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Home laundry washers and dryers, refrigerators, freezers, ranges, ovens, range hoods, dish washers, garbage disposers, waste compactors, room air conditioners, cooking surface units and other household appliances* and *parts and accessories* for household appliances, from Appliance Park and Louisville, Ky., to points in Minnesota, North Dakota, South Dakota, Iowa, Nebraska and Kansas, for 180 days. Supporting shipper: General Electric Company, Bldg. 10, Appliance Park, Louisville, Ky. 41225. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128616 (Sub-No. 15TA), filed January 25, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency, and negotiable securities) as are used in the business of banks and banking institutions, between points in Daviess County, Ind., on the one hand, and, on the other, Indianapolis, Ind., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: Joe M. Dearmin, Pres., The First National Bank of Odon, 100 E. Main Street, Odon, Ind. 47562. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133977 (Sub-No. 21TA), filed January 23, 1975. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Beery, 9th Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by a retail distributor of pizza ingredients, fish, potatoes, and fish and potato ingredients and equipment, materials and supplies used in the manufacture of pizza ingredients, fish, potatoes, and fish and potato ingredients*, (1) From Kettering, Ohio to the Cassano Pizza King and London Bobby Stores at Quincy, Ill.; Hannibal, Mo.; Madison and Keokuk, Idaho; Lexington, Louisville and Maysville, Ky.; Erie, Pa.; and Detroit, Mich., and (2) From Detroit, Mich.; Chicago and Springfield, Ill.; St. Louis, Mo.; and Pittsburgh, Pa., to Kettering, Ohio. *Restricted to service* in dual refrigerated compartmented trailers, for 180 days. Supporting shipper(s): Cassano Enterprises, Inc., 1700 East Stroop Road, Dayton, Ohio 45429. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B FOB, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134145 (Sub-No. 54TA), filed January 21, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, computing machine*, (except commodities in bulk), from Owatonna, Minn., to Campton, Ky., Mount Clemens and Rochester, Mich., for 180 days. Supporting shipper(s): Computer Peripherals, Inc., 8100 34th Avenue South, Bloomington, Minn. 55420. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 135072 (Sub-No. 7), filed January 23, 1975. Applicant: HEATER TRUCKING, INC., 6887 Versailles Road, North Evans, N.Y. 14112. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and emulsions*, in bulk, and equipment utilized in application and transportation of asphalt or emulsions, for the accounts of Allied Bitumens, Inc. and Allied Emulsions, Inc., over irregular routes, from Cheektowaga, N.Y., to points in Pennsylvania, except those in the counties of Bradford, Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean, Potter, Tioga, Venango and Warren. Base Stock Asphalt, in bulk, and equipment utilized in the transportation of base stock asphalt, for the account of Allied Bitumens, Inc. and Allied Emulsions, Inc. From Marcus Hook, Pa., to Cheektowaga, N.Y., for 90 days. Supporting shipper(s): Allied Bitumens, Inc. and Allied Emulsions, Inc., 505 Como Park Blvd., Cheektowaga, N.Y. 14227. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 135437 (Sub-No. 2TA), filed January 22, 1975. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., South Main Street, Lyndonville, N.Y. 14098. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs* (except in bulk), and *materials, supplies and equipment*, used in the manufacture, sale or distribution of unfrozen foodstuffs (except in bulk), Between Owensboro, Ky. on the one hand, and, on the other, points in the states of Ohio, Indiana, Illinois, on and south of Interstate 70, on and west of Interstate 77 and on and east of Interstate 55 and points in the states of Tennessee and Kentucky. All restricted to traffic originating at or destined to the plantsite of Ragu Foods, Inc., for 180 days. Supporting shipper(s): Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: George M. Paker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 136008 (Sub-No. 48TA), filed January 27, 1975. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73107. Applicant's representative: Rufs H. Lawson, 106 Bixier Building, 2400 NW 23d St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in open top dump trucks, (a) from Lamm Coal Company near Thayer, Kans., to (1) St. Joseph Power & Light Co., St. Joseph, Mo. (2) Associated Electric Cooperative at or near Thomas Hill, Mo. (b) From plant site and facilities at or near Alluwe, Okla., to Independence, Mo., for 180 days. Supporting shipper(s): Lamb Coal Company, R. C. Lamb, President, 5523 Grape, Houston, Tex. 77035. Associated Producers, Douglas Klusmeyer, Secretary-Treasurer, 1700 N. Western, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations Rm. 240, Old, P.O. Bldg. 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136285 (Sub-No. 13TA), filed January 27, 1975. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, Savannah, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *such other commodities* as are dealt in by wholesale

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and retail chain and grocery houses, and in connection therewith *equipment, materials and supplies* used in the conduct of such business, between the facilities of Savannah Foods & Industries, Inc. and its subsidiary, TranSales Corporation in Chatham County, Ga., on the one hand, and, on the other, points in Florida and Alabama, for 180 days. Restriction: (1) Restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration and (2) Further restricted against the transportation of commodities in bulk. Supporting shippers: TranSales Corporation, P.O. Box 9177, Savannah , Ga. 31402 and Savannah Foods and Industries, Inc., P.O. Box 339, Savannah, Ga. 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Box 33008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139495 (Sub-No. 29TA), filed January 22, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except in bulk, in tank vehicles), from the facilities of CITGO, located at or near Cicero, Ill., and from the facilities of Southern Petroleum Industry, located at or near West Memphis, Ark., to Liberal, Ulysses, Garden City, Hays, Sterling and Kansas City, Kans.; Guymon, Oklahoma City, Bartlesville and Tulsa, Okla. Pampa, Texas, and Kimball, Nebr., for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139784 (Sub-No. 4TA), filed January 24, 1975. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., 310 Court, Box 726 Professional Building, Scott City, Kans. 67871. Applicant's representative: Keen K. Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, including *pipe*, from Kansas City, Mo.; Peoria, Ill.; and Sterling, Ill., to points in Kansas, for 180 days. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

NOTE.—Applicant states it will tack and/or interline with authority held in MC 139784.

No. MC 139822 (Sub-No. 1TA), filed January 27, 1975. Applicant: FOOD CARRIER, INC., P.O. Box 4131, Savannah, Ga. 31407. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, and *such other commodities* as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith *equipment, materials, and supplies* used in the conduct of such business, between the facilities of Savannah Foods and Industries, Inc., and its subsidiary TranSales Corporation, in Chatham County, Ga., on the one hand, and, on the other, points in Alabama, Florida, and Tennessee, for 180 days. Restriction: Restricted against the transportation of commodities in bulk, and further restricted against the transportation of shipments in vehicles equipped with mechanical refrigeration. Supporting shippers: TranSales Corporation, P.O. Box 9177, Savannah, Ga. 31402 and Savannah Foods and Industries, Inc., P.O. Box 339, Savannah, Ga. 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139945 (Sub-No. 1TA), filed January 21, 1975. Applicant: ARNOLD M. TWEEDIE, doing business as PRODUCE TRANSPORT, Route 202, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Lewiston, Maine, under contract with Twin City Fruit & Produce, Lewiston, Maine, for 180 days. Supporting shipper: Twin City Fruit & Produce, 31 Oxford Street, Lewiston, Maine 04240. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 140559 (Sub-No. 1TA), filed January 23, 1975. Applicant: PAT ROMERO, doing business as PAT ROMERO FEEDS AND SUPPLY, Route 1, Box 307 Commerce, Las Vegas, N. Mex. 87701. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings* (complete, disassembled or in sections); *pre-cut logs and log building materials*; and *accessories, parts, supplies and other materials* used in the erection, construction or completion of such pre-cut log buildings, from the plantsite and facilities of Air-Lock Logs Co., Inc., at or near Las Vegas, N. Mex., to points in Texas, Colorado, Arizona, Utah, Nevada, and California, for 180 days. Supporting shipper(s): Air-Lock Log Co., Inc., Post Office Box 2506, Las Vegas, N. Mex. 87701. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 140572 TA, filed January 21, 1975. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, Maine 04572. Applicant's representative: Frederick T. McGonagle, 36 Maine Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products and plastic articles*, from Wilton, Maine, to Atlanta, Ga.; Charlotte, N.C.; Dallas, Tex.; and Jacksonville and Miami, Fla., under contract with Forester Mfg. Co., Inc., Wilton, Maine, for 180 days. Supporting shipper: Forester Mfg. Co., Inc., Depot Street, Wilton, Maine 04294. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 140584 (Sub-No. 1TA), filed January 27, 1975. Applicant: D.M.C. TRUCKING, INC., 7262 Walton-Nicholson, Road, Independence, Ky. 41051. Applicant's representative: Timothy J. Brandt, Hughes, Clark and Ziegler, 400 Covington Trust Building, 6th & Madison Avenue, Covington, Ky. 41011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Perry, Breathitt and Wolfe Counties in Kentucky, to Cincinnati, Cleves and Dayton, Ohio, for 180 days. Supporting shipper(s): R. C. Durr Company, Inc., 7262 Walton-Nicholson Road, Independence, Ky. 41051. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

APPLICATION(S) OF PASSENGERS

No. MC 140558 (Sub-No. 1TA), filed January 22, 1975. Applicant: ALVIN SCOGGINS, doing business as SCOGGINS TAXI COMPANY, Route No. 3, Abbeville, S.C. 29620. Applicant's representative: Charles N. Plowden, Jr., 1340 Pickens Street, Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle along roads having access to the rails of the Seaboard Coastline Railroad, between Monroe, N.C. and Atlanta, Ga., restricted to the transportation of train crews of the Seaboard Coastline Railroad, for 180 days. Supporting shipper: Seaboard Coast Line Railroad, 87 Haynes St. N.W., Atlanta, Ga. 30313. Send protests to: District Supervisor E. E. Strotheid, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3680 Filed 2-7-75;8:45 am]

federal register

MONDAY, FEBRUARY 10, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 28

PART II

COUNCIL ON ENVIRONMENTAL QUALITY

■

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1510—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Pursuant to section 311(c)(2) of Pub. L. 92-500 and section 4 of Executive Order 11735, the Council on Environmental Quality on August 13, 1973, invited comments and suggestions regarding a revised of the National Oil and Hazardous Substances Pollution Contingency Plan (38 FR 21888). The Plan was made effective as of August 13, 1973, and was codified as Part 1510 in Chapter V of Title 40 the Code of Federal Regulations.

Comments and suggestions were received from several Federal agencies, Texaco, Inc., General Electric Company, the Salt River Project, the Tennessee Valley Authority, and the American Petroleum Institute. These comments and suggestions were considered by the National Response Team (NRT) in preparing recommended changes to the Plan, and by the Council in approving the NRT's recommendations. Copies of a memorandum setting forth the reasons for decisions on the more important suggestions will be mailed to the parties named above. Additional copies will be available from the Public Information Officer, CEQ, 722 Jackson Place, NW, Washington, D.C. 20006.

Among the changes which have been incorporated in the Plan appearing below are the following:

(1) Annex X has been revised and expanded to provide more precise and definitive information concerning substances which may be employed to remove discharges. It should be noted that, pursuant to section 1(2) of Executive Order 11735, Annex X is the responsibility of the Administrator of the Environmental Protection Agency.

(2) The criteria for determining the size classification of discharges have been revised. It is clearly indicated that these classifications are for administrative purposes and do not imply a measure of environmental threat or damage.

(3) The definition of "discharge" has been revised to include any spilling, etc. that poses a threat to the public health or welfare as defined in section 311. In this connection, it should be noted that, pending designation of hazardous substances pursuant to section 311(b)(2) of Pub. L. 92-500, the NRT agencies will continue to act pursuant to other operating authority to remove polluting substance discharges as necessary to protect the public health or welfare. In addition, it should be emphasized that the addition of the phrase "that poses a threat to the public health or welfare" does not create discretion concerning any discharge prohibited pursuant to section 311(b)(4) of Pub. L. 92-500, since such discharges are per se harmful to the public health or welfare.

(4) The geographic scope of the Plan as indicated in § 1510.3(a) now conforms more closely to the scope indicated in section 311(c) of Pub. L. 92-500. However, the Plan remains somewhat broader in that it covers discharges into the high seas where a threat to U.S. waters, shoreface, or shelf-bottom exists. Necessary response actions in such cases will be carried out pursuant to other agency operating authority, see § 1510.21(c).

The following Plan supersedes the August 13, 1973, version; and is hereby codified as indicated. Copies will be available shortly and may be requested from: Oil and Special Materials Control Division (WH 448), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

GARY L. WIDMAN,
General Counsel.

Subpart A—Introduction

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1510.1 Authority.
1510.2 Purpose and objectives.
1510.3 Scope.
1510.4 Abbreviations.
1510.5 Definitions (within the meaning of this Plan).

Subpart B—Policy and Responsibility

1510.21 Federal policy.
1510.22 Federal responsibility.
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AUTHORITY: Sec. 311(c)(2), Public Law 92-500, 86 Stat. 865, 33 U.S.C. 1251, et seq.

Subpart A—Introduction

§ 1510.1 Authority.

This National Oil and Hazardous Substances Pollution Contingency Plan[1] has been developed in compliance with the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, et seq.). The President delegated authority and responsibility to the Council on Environmental Quality to carry out subsection (c)(2) of section 311 of the Act, providing for the preparation, publication, revision and amendment of a National Contingency Plan for the removal of oil and hazardous substances.

§ 1510.2 Purpose of objectives.

(a) This Plan, including the Annexes, provides for a pattern of coordinated and integrated response by Departments and Agencies of the Federal Government to protect the environment from the damaging effects of pollution discharges. It promotes the coordination and direction of Federal and State response systems and encourages the development of local government and private capabilities to handle such discharges.

(b) The objectives of this Plan are to provide for efficient, coordinated and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal and removal. The Plan, including the Annexes and regional plans, provides for: (1) Assignment of duties and responsibility among Federal departments and agencies in coordination with State and local agencies; (2) identification, procurement, maintenance, and storage of equipment and supplies; (3) establishment or designation of a strike force to provide necessary services to carry out the Plan and establishment, at major ports, of trained and equipped emergency task forces; (4) a system of surveillance and reporting designed to insure the earliest possible notice of discharges of oil and hazardous substances to appropriate Federal agency; (5) establishment of a national center to provide coordination and direction for operations in carrying out the Plan; (6) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances; (7) a schedule, prepared in cooperation with the States, identifying dispersants and other chemicals, if any, that may be used in carrying out the Plan; and (8) a system whereby the State or States effected by a discharge may be reimbursed for reasonable costs incurred in the removal of such discharge.

§ 1510.3 Scope.

(a) This Plan is effective for the navigable waters of the United States (section 502(7) of the Act) and adjoining shorelines and for the contiguous zone and the high seas where a threat to the United States waters, shoreface, or shelf-bottom exists.

(b) The provisions of this Plan are applicable to all Federal Agencies. Implementation of this Plan is compatible with and complementary to the joint U.S./Canadian Contingency Plan including the annexes pertaining to the Great Lakes, Eastern and Western

[1] This Plan supersedes the August 1973 edition.

coastal areas; International assistance plans and agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders.

§ 1510.4 Abbreviations.

(a) *Department and Agency title abbreviations.*

AEC—Atomic Energy Commission
CEQ—Council on Environmental Quality
Commerce—Department of Commerce
Corps—U.S. Army Corps of Engineers
DHEW—Department of Health, Education and Welfare
DOD—Department of Defense
DOI—Department of Interior
DOT—Department of Transportation
EPA—Environmental Protection Agency
FDAA—Federal Disaster Assistance Administration
HUD—Department of Housing and Urban Development
Justice—Department of Justice
MarAd—Maritime Administration
NOAA—National Oceanic and Atmospheric Administration
State—Department of State
USCG—U.S. Coast Guard
USGS—U.S. Geological Survey
USN—U.S. Navy

(b) *Operational title abbreviations.*

NRC—National Response Center
NRT—National Response Team
OSC—On-Scene Coordinator
RRC—Regional Response Center
RRT—Regional Response Team

§ 1510.5 Definitions (within the meaning of this Plan).

(a) Act—means the Federal Water Pollution Control Act, PL 92-500 (86 Stat. 816).

(b) Discharge—includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping. (For the purposes of this Plan, discharges permitted pursuant to sections 301, 302, 306, 318, 402 or 404 of the Act or section 102 of PL 92-532 are not included.)

(c) On-Scene Coordinator (O.S.C.)—means the Federal official pre-designated by the EPA or the USCG to coordinate and direct Federal discharge removal efforts under Regional Contingency Plans at the scene of an oil or hazardous substance discharge.

(d) United States—means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) Coastal waters—generally are those U.S. waters navigable by deep draft vessels, the contiguous zone, the high seas and other waters subject to tidal influence.

(f) Inland waters—generally are those waters upstream from coastal waters (paragraph (e) of this section).

(g) Contiguous Zone—means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This is the zone contiguous to the territorial sea which extends 12 miles seaward from the baseline from which the territorial sea is measured.

(h) Public health or welfare—includes consideration of all factors affecting the health and welfare of man, including but not limited to human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines and beaches.

(i) Major Disaster—means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby.

(j) Oil—means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(k) Hazardous substance—means any substance designated pursuant to subsection (b)(2) of section 311 of the Act.

(l) Size Classes of Discharges—The following classifications are provided for the guidance of the OSC and serve as the criteria for actions as delineated in § 1510.53. They are not meant to imply or connote associated degrees of hazard to the public health or welfare, or a measure of environmental damage. A discharge that poses a substantial threat to the public health or welfare, or results in critical public concern shall be classed as a major discharge notwithstanding the following quantitative measures.

(1) Minor discharge is a discharge to the inland waters of less than 1000 gallons of oil; or, to the coastal waters, a discharge of less than 10,000 gallons of oil.

(2) Medium discharge is a discharge of 1,000 to 10,000 of oil to the inland waters, or 10,000 to 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance in a harmful quantity as defined by regulations.

(3) Major discharge is a discharge of more than 10,000 gallons of oil to the inland waters or more than 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare.

(m) Potential discharge—is any accident or other circumstance which threatens to result in the discharge of oil or hazardous substance. A potential discharge shall be classified by its severity based on the guidelines above.

(n) Primary Agencies—are those Departments or Agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of this Plan. These agencies are: Commerce, DOD, DOI, DOT, and EPA.

(o) Advisory Agencies—are those Departments or Agencies which can make major contributions during response activities for certain types of discharges. These Agencies are: AEC, DHEW, Justice, OEP and State.

(p) Remove or Removal—is the removal of oil or hazardous substance from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare. For purposes of this Plan, removal refers to Phase III and IV response operations.

Subpart B—Policy and Responsibility

§ 1510.21 Federal policy.

(a) The Congress has declared that it is the policy of the United States that there should be no discharge of oil or hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone (section 311(b)(1) of the Act).

(b) The primary thrust of this Plan is to provide a coordinated Federal response capability at the scene of an unplanned or sudden, and usually accidental, discharge of oil or hazardous substance that poses a threat to the public health or welfare. Initial actions taken by the Federal OSC, designated pursuant to § 1510.36 of this Plan and the appropriate regional contingency plan, shall be to determine in accordance with section 311(c)(1) of the Act, if the actions taken by the person responsible for the discharge of oil or hazardous substance are proper to remove the discharge. The OSC should, if practicable, insure that the person responsible for the discharge is aware of his responsibility and is encouraged to undertake necessary countermeasures. In the event that the person responsible for the discharge does not act promptly, does not take or propose to take proper and appropriate actions to remove the discharged pollutants, or if the person responsible for the discharge is unknown, further Federal response actions shall be instituted as required in accordance with this Plan. When the person responsible for the discharge is taking proper action, the OSC shall observe and monitor progress, and provide advice, counsel, and logistical support as may be necessary.

(c) Removal actions taken pursuant to section 311(c)(1) of the act are limited to the navigable waters of the United States, adjoining shorelines and the waters of the contiguous zone. Removal actions within the Contiguous zone are limited and do not include those covered by the Outer Continental Shelf Lands Act. When a discharge or potential discharge that poses a threat to the waters of the U.S. occurs outside the jurisdiction under section 311(c) of the Act, the procedures of this plan apply to the extent practicable and removal action will be accomplished pursuant to other Agency authorities. Removal actions for non-vessel discharges on the outer continental shelf, shall be in accordance with the August 1971 DOI/DOT Memorandum of Understanding.

(d) In accordance with section 311(d), whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of pollution hazard to the public health or

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welfare, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel, the United States may: (1) Coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (2) summarily remove and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. This authority has been delegated to the Administrator of EPA and the Secretary of the Department in which the Coast Guard is operating, respectively, in and for the waters for which each has responsibility to furnish or provide the OSC under this Plan.

(e) In addition to any other actions taken by a State or local government, when the Administrator of EPA or the Secretary of the Department in which the Coast Guard is operating determines there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil or hazardous substance into or upon the waters of the United States from any onshore or offshore facility, he may require, through the Attorney General, that the U.S. Attorney of the district in which the threat occurs secure such relief as may be necessary to abate such threat. This authority could be exercised on request of the NRT.

(f) The Federal agencies possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this Plan, as supplemented by the regional plans, and as consistent with operational requirements, within the limits of existing statutory authority, and within the spirit of the President's intention to minimize discharges and their effects when they do occur.

(g) Environmental pollution control techniques shall be employed in accordance with applicable regulations and guidelines, and regional contingency plans. In any circumstances not covered by regulations or regional contingency plans, the use of chemicals shall be in accordance with Annex X and must have the concurrence of the EPA representative or alternate representative on the RRT; or in his absence the concurrence of the appropriate EPA Regional Administrator.

(h) Response operations carried out to remove discharges originating from Outer Continent Shelf Lands Act operations shall be in accordance with the August 1971 Memorandum of Understanding between DOI and DOT concerning respective responsibilities under this Plan.

§ 1510.22 Federal responsibility.

(a) Each of the Primary and Advisory Federal Agencies has responsibilities established by statute, Executive Order or Presidential Directive which may bear on the Federal response to a pollution discharge. This Plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those Agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution discharges are detailed in Annex VII to this part. In the development of the regional plans, provision shall be made to assure recognition of the statutory responsibilities of all involved Agencies.

(b) The Council on Environmental Quality is responsible for the preparation, publication, revision and amendment of this National Contingency Plan. The Council will receive the advice of the NRT on necessary changes to the Plan and shall insure that any disagreements arising among members of the NRT are expeditiously settled.

(c) The Department of Commerce, through NOAA, provides support to the NRT, RRT and OSC with respect to: Marine environmental data; living marine resources; current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters; and maps and charts, including tides and currents for coastal and territorial waters and the Great Lakes. When requested by NRT, MARAD will provide advice on the design, construction and operation of merchant ships.

(d) The Department of Defense, consistent with its operational requirements, may provide assistance in critical pollution discharges and in the maintenance of navigation channels, salvage, and removal of navigation obstructions.

(e) The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance relative to those discharges or potential discharges that constitute or may constitute a threat to public health and safety.

(f) The Department of Housing and Urban Development, through FDAA, maintains an awareness of pollution emergencies and evaluates any request for a major disaster declaration received from a Governor of a State pursuant to Pub. L. 93-288. If the President declares that a pollution emergency constitutes a major disaster or that a major disaster is imminent as defined by Pub. L. 93-288, the Administrator, FDAA, will coordinate and direct the Federal response.

(g) The Department of Interior, through the USGS, supplies expertise in the fields of oil drilling, producing, handling, and pipeline transportation. Also, the USGS has access to and supervision over continuously manned facilities which can be used for command, control and surveillance of discharges occurring from operations conducted under the Outer Continental Shelf Lands Act. Additionally, the Department of Interior will provide, through its Regional Coordinators, techincal expertise to the OSC ritory.
and RRT with respect to land, fish and wildlife, and other resources for which it is responsible. DOI is also responsible for American Samoa and the Trust Ter-

(h) The Department of Justice can supply expert legal advice to deal with complicated judicial questions arising from discharges and Federal agency responses.

(i) The Department of Transportation provides expertise regarding all modes of transporting oil and hazardous substances. Through the USCG, DOT supplies support and expertise in the domestic/international fields of port safety and security, marine law enforcement, navigation, and construction; manning, operation, and safety of vessels and marine facilities. Additionally, the Coast Guard maintains continuously manned facilities that are capable of command, control, and surveillance for oil discharges occurring on the waters of the United States or the high seas. The USCG is responsible for chairing the RRT and for implementing, developing and revising, as necessary, the regional plans for those areas where it is assigned the responsibility to furnish or provide for OSC's (§ 1510.36(b)).

(j) The Department of State will provide leadership in developing joint international contingency plans. It will also provide assistance in coordination when a pollution discharge transects international boundaries or involves foreign flag vessels.

(k) The Atomic Energy Commission is the designated Agency for administration, implementation and coordination of the Interagency Radiological Assistance Plan (IRAP). AEC will provide advice and assistance to the NRT with respect to the identification of the source and extent of radioactive contamination, and removal and disposal of radioactive discharges.

(l) The Environmental Protection Agency, through the Office of Water and Hazardous Materials, provides expertise regarding environmental effects of pollution discharges and environmental pollution control techniques, including assessment of damages. EPA shall also advise the RRT and OSC of the degree of hazard a particular discharge poses to the public health and safety. EPA is responsible for chairing the RRT and for development, revision and implementation, as necessary, of regional plans for those areas in which it has responsibility to furnish or provide for the OSC (§ 1310.36(b)). EPA will provide guidance to and coordinate with DOT regarding pollution control and protection of the environment in the preparation of regional plans.

(m) All Federal agencies are responsible for minimizing the occurrence of discharges and for developing the capability to respond promptly in cases of discharges from facilities they operate or supervise, and for making resources available for Federal pollution response operations.

(n) In addition to paragraph (m) of this section, Primary Agencies are responsible for:

(1) Leading all Federal agencies in programs to minimize the number of and environmental damage associated with discharges from facilities they operate or supervise;

(2) Providing representation to the NRT and the RRT's;

(3) Developing, within their operating elements, the capability for a rapid, coordinated response to any pollution discharge;

(4) Making information available to the NRT, RRT or OSC as necessary; and

(5) Keeping NRT and the RRT's informed, consistent with national security considerations, of changes in the availability of resources that would affect the operation of this Plan.

§ 1510.23 Non-Federal responsibility.

(a) The States are invited to provide liaison to RRT's and shall designate the appropriate element of the State government that would undertake direction of State supervised discharge removal operations. The designated agency shall be the single State governmental element that will seek reimbursement for removal operation expenditures in accordance with section 311(c)(2)(H) of the act. Details on reimbursement to States for removal actions taken pursuant to this Plan are contained in 33 CFR, Part 153 and Annex IX—Funding.

(b) Industry groups, the academic community, and others are encouraged to commit resources for removal operations. Their specific commitments are outlined by the regional plans. Of particular relevance is the organization of a standby scientific response capability.

Subpart C—Planning and Response Organization

§ 1510.31 Emergency response activities and coordination.

(a) For pollution emergency response activities, Federal on-scene coordination is accomplished through the OSC. He reports to and receives advice from an RRT composed of appropriate representatives from the Regional and District offices of the Primary and Advisory Agencies.

(b) National level coordination is accomplished through the NRT which receives reports from and renders advice to the RRT. Activities are coordinated through the National and various regional response centers.

(c) The organizational concepts of this Plan are shown on Figure 1.

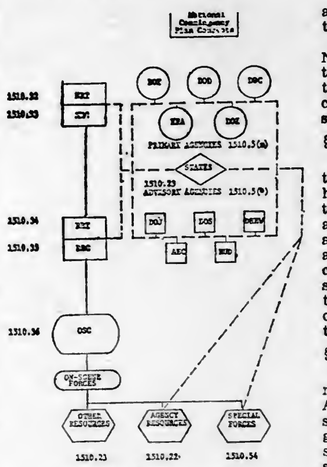


FIG. 1

§ 1510.32 National response team.

(a) The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution emergency. It shall be organized and shall function as outlined in Annex II to this part.

(b) The NRT shall establish and maintain a Committee on Revision of the National Plan. This Committee shall provide suggested revisions to the NRT for consideration, approval and publication by CEQ. The Primary Agencies shall provide membership on this standing committee. Advisory Agencies shall participate whenever revision or proposed amendments would affect those Agencies. Ad hoc committees may also be established from time to time to consider various matters. Membership on these committees shall consist of the representatives from the Primary Agencies and such Advisory Agencies that may have direct involvement.

(c) Based on a continuing evaluation of response actions, the NRT shall consider and make recommendations to appropriate agencies relating to training and equipping response team personnel; necessary research, development, demonstration and evaluation activities to improve response capabilities; and equipment, material stockpiling and other operational matters as the need arises. CEQ shall be advised of any agency's failure to adequately respond to these recommendations.

(d) During pollution emergencies, NRT shall act as an emergency response team comprised of representatives from the Primary and selected Advisory Agencies to be activated in accordance with section 1201.2, Annex II to this part.

§ 1510.33 National Response Center.

(a) The NRC, located at Headquarters, USCG, is the Washington, D.C. headquarters site for activities relative to pollution emergencies. NRC quarters are described in Annex III to this part, and provide communications, including a continuously manned communication center, information storage; and necessary personnel and facilities to promote the smooth and adequate functioning of this activity as described in Annex III to this part.

§ 1510.34 Regional Response Team.

(a) The RRT consists of regional representatives of the Primary and selected Advisory Agencies, as appropriate. RRT shall act within its region as an emergency response team performing response functions similar to those described for NRT. RRT will also perform review and advisory functions relative to the regional plan similar to those prescribed for NRT at the National level. Additionally, the RRT shall determine the duration and extent of the Federal response, and when a shift of on-scene coordination from the predesignated OSC to another OSC is indicated by the circumstances or progress of a pollution discharge.

(b) Each Primary Agency shall designate one member and a minimum of one alternate member to the RRT. Each Advisory Agency may designate a member. Agencies may also provide additional representatives as observers to meetings of the RRT. Individuals representing the participating agencies may vary depending on the subregional area in which the discharge occurred or removal actions are underway. Details of such representation are specified in each regional contingency plan.

(c) Each of the States lying within a region is invited to furnish liaison to the RRT for planning and preparedness activities. When the Team is activated for a pollution emergency, the affected State or States are invited to participate in RRT deliberations.

(d) The RRT shall be activated automatically in the event of a major or potential major discharge. The RRT shall be activated during any other pollution emergency by an oral request from any Primary Agency representative to the Chairman of the team. Such requests for team activation shall be confirmed in writing. The time of team activation, place of assembly, and means of contact shall be included in POLREPS submitted in accordance with Annex V to this part.

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(e) The Chairman may require assembly of all or selected members of the team at the emergency center during a pollution response operation to provide technical support and assistance to the OSC.

(f) Deactivation of RRT shall be by agreement between the EPA and USCG team members. The time of deactivation shall be included in POLREPS submitted in accordance with Annex V to this part.

(g) Boundaries of the Standard Federal Regions as shown in Annex IV to this part shall be followed for the development of Regional Contingency Plans.

§ 1510.35 Regional Response Center.

(a) The RRC is the regional site for pollution emergency response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage and other necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

§ 1510.36 On-Scene Coordination.

(a) Coordination and direction of Federal pollution control efforts at the scene of a discharge or potential discharge shall be accomplished through the OSC, predesignated by regional plan to coordinate and direct such pollution control activities in each area of the region.

(1) In the event of a discharge of oil or hazardous substance, the first official on the site from an agency having responsibility under this Plan shall assume coordination of activities under the Plan until the arrival of the predesignated OSC.

(2) The OSC shall determine pertinent facts about a particular discharge, such as its potential impact on human health and welfare; the nature, amount, and location of material discharged; the probable direction and time of travel of the material; the resources and installations which may be affected and the priorities for protecting them.

(3) The OSC shall initiate and direct as required Phase II, Phase III and Phase IV operations. Advice provided by the EPA representative on the RRT on use of chemicals in Phase III and Phase IV operations in response to discharges of oil or hazardous substances shall be binding on the OSC, except as provided for by Annex X to this part.

(4) The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to evaluate the magnitude of the discharge and to initiate and continue removal operations.

(5) The OSC shall provide necessary support activities and documentation for Phase V activities.

(6) In carrying out this Plan, the OSC will fully inform and coordinate closely with RRT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and the environment from pollution damage.

(b) EPA and the USCG shall insure that OSC's are predesignated for all areas within the region in accordance with the following criteria:

(1) The EPA shall furnish or provide for OSC's on inland waters.

(2) The USCG shall furnish or provide for OSC's for the coastal waters, and for Great Lakes waters, ports and harbors.

(3) The major consideration in selection of the OSC shall be based upon that Agency's capability and resources for pollution control response activities and the individual OSC's knowledge of the National Contingency Plan and the appropriate Regional Contingency Plan.

(c) All Federal agencies are required by executive order to develop emergency plans and procedures for dealing with accidental pollution. All Federal agencies, therefore, are responsible for designating the offices to coordinate response actions for facilities or vessels under their jurisdiction and for the provision of means to remove or mitigate the effects of discharges from their facilities. If the responsible Agency does not act promptly or take appropriate action, the EPA or USCG shall, depending on the area in which the discharge occurs, assume the OSC functions. Pollution control actions taken must be in accordance with Federal regulations and guidelines, EPA policies and this Plan.

Subpart D—Operational—Response Phases

§ 1510.40 Phase groupings.

The actions taken to respond to a pollution discharge can be separated into five relatively distinct classes or phases. For descriptive purposes, these are: Phase I—Discovery and Notification; Phase II—Evaluation and Initiation of Action; Phase III—Containment and Countermeasures; Phase IV—Removal, Mitigation and Disposal; and Phase V—Documentation and Cost Recovery. It must be recognized that elements of any one phase may take place concurrently with one or more other phases.

§ 1510.41 Phase I—Discovery and notification.

(a) A discharge may be discovered through: (1) A report submitted by a discharger in accordance with statutory requirements; (2) through deliberate search by vessel patrols and aircraft; and (3) through random or incidental observations by government agencies or the general public.

(b) In the event of a deliberate discovery, the discharge will be reported directly to the RRC. Reports of random discovery may be provided by fishing or pleasure boats, police department, telephone operators, port authorities, news media, or others. Reports generated by random discovery should be submitted to the nearest USCG or EPA office. Regional plans shall provide for such reports to be channeled to the RRC as promptly as possible to facilitate effective response action. Reports of major and medium discharges received by either EPA or USCG shall be expeditiously relayed by telephone to the other agency. Reports of minor discharges shall be exchanged between EPA and USCG as agreed to by the two agencies.

(c) The Agency furnishing the OSC for a particular area is assigned responsibility for implementing Phase I activities in that area.

§ 1510.42 Phase II—Evaluation and initiation of action.

(a) The OSC shall insure that a report of a discharge is immediately investigated. Based on all available information, the OSC shall: (1) Evaluate the magnitude and severity of the discharge; (2) determine the feasibility of removal; and (3) assess the effectivenes of removal actions.

(b) The OSC shall, when appropriate and as soon as possible after receipt of a report, advise the RRC of the need to initiate further governmental response actions. This may be limited to activation of the RRT or a request for additional resources to conduct further surveillance or initiation of Phase III or Phase IV removal operations.

(c) The OSC shall insure that adequate surveillance is maintained to determine that removal actions are being properly carried out. If removal is not being done properly, the OSC shall so advise the responsible party. If, after the responsible party has been advised and does not initiate proper removal action, the OSC shall, pursuant to section 311(c)(1) of the act, take necessary action to remove the pollutant.

(d) If the discharger is unknown or otherwise unavailable, the OSC shall proceed with removal actions pursuant to section 311(c)(1) of the act.

§ 1510.43 Phase III—Containment and countermeasures.

(a) These are defensive actions to be initiated as soon as possible after discovery and notification of a discharge. These actions may include public health and welfare protection activities, source control procedures, salvage operations, placement of physical barriers to halt or slow the spread of a pollutant, emplacement or activation of booms or barriers to protect specific installations or areas, control of the water discharge from upstream impoundments and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources.

§ 1510.44 Phase IV—Cleanup, mitigation and disposal.

(a) This includes actions taken to recover the pollutant from the water and affected public and private shoreline areas, and monitoring activities to determine the scope and effectiveness of removal actions. Actions that could be taken include the use of sorbers, skimmers and other collection devices for floating pollutants, the use of vacuum dredges or other devices for sunken pollutants; the use of reaeration or other methods to minimize or mitigate damage resulting from dissolved, suspended or emulsified pollutants; or special treatment techniques to protect public water supplies or wildlife resources from continuing damage.

(b) Pollutants and contaminated materials that are recovered in cleanup operations shall be disposed of in accordance with procedures agreed to at the State or local level.

§ 1510.45 Phase V—Documentation and cost recovery.

(a) This includes a variety of activities, depending on the location of and circumstances surrounding a particular discharge. Recovery of Federal removal costs and recovery for damage done to Federal, State or local government property is included; however, third party damages are not dealt with in this Plan. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of understanding of the environment may also be considered in this phase. It must be recognized that the collection of samples and necessary data must be performed at the proper times during the case to fix liability and for other purposes.

§ 1510.46 Special considerations.

(a) *Safety of personnel.* Actual or potential polluting discharges that could have an imminent and substantial effect on both air and water media can pose serious hazards to personnel health and safety. The OSC should be aware of this potential and should exercise caution in allowing civilian or government personnel into the affected area without first verifying the nature of the substance discharged. Regional plans shall identify the sources of information on the hazards, precautions, and personnel protective requirements that will be expected in carrying out response operations. The means for OSC to secure such information also shall be included.

(b) *Waterfowl conservation.* Oil discharges, particularly in estuarine and near shore areas, often cause severe stress to resident and migratory bird species. The DOI representatives and the State liaison to the RRT shall arrange for and coordinate actions of professional and volunteer groups that wish to establish bird collection, cleaning and recovery centers. Regional contingency plans shall, to the extent practicable, identify organizations or institutions that can and are willing to establish and operate such facilities. These activities will normally be considered Phase IV response actions (§ 1510.44 of this subpart).

Subpart E—Coordinating Instructions

§ 1510.51 Delegation of Authority.

(a) When required, delegation of authority or concurrence in proposed or continuing pollution control activities initially may be oral; however, written confirmation by the EPA representative on RRT should be completed as soon as possible.

§ 1510.52 Multi-regional actions.

(a) In the event that a discharge or a potential pollution emergency moves from the area covered by one contingency plan into another area, the authority to initiate pollution control actions shall shift as appropriate. In the event that a polluting discharge or potential pollution emergency affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated; however, pollution control actions shall be fully coordinated as detailed in the regional plans.

(b) There shall be only one On-Scene Coordinator at any time during the course of a response operation. Should a discharge affect two or more areas, the RRT will designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. NRT shall designate the OSC if members of one RRT or of two adjacent RRT's, if appropriate, are unable to agree on the designation.

§ 1510.53 General pattern of response actions.

(a) When the predesignated Federal On-Scene Coordinator receives a report of a discharge, or potential discharge, the report should be evaluated. In most situations, the sequence of actions shown below should be followed:

(1) Investigate the report to determine pertinent information such as the threat posed to public health or welfare, the type and quantity of material discharged, and the source of the discharge.

(2) Effect notification in accordance with Annex V to this part and the applicable regional plan.

(3) Determine, in accordance with section 311(c)(1) of the act, whether removal actions are being carried out properly. Removal is considered as being done properly when the following criteria are met:

(i) Private cleanup efforts are effective in terms of the statutory definition of removal, that is, they are fully sufficient to minimize or mitigate damage to the public health or welfare. Private removal efforts shall be deemed "improper" to the extent that Federal efforts are necessary to prevent continued or further damage.

(ii) Private removal efforts must be in accordance with applicable regulations and guidelines, and Annex X to this part and other provisions or restrictions of this Plan.

(4) Designate the severity of the situation and determine the future course of action to be followed.

(5) Determine whether State action to effect removal is necessary.

(b) The result of the report probably can be categorized by one of five classes. Appropriate action to be taken in each specific type case is outlined below:

(1) If the investigation shows that the initial information overstated the magnitude or danger of the discharge and there is no environmental pollution involved, it shall be considered a false alarm and the case should be closed.

(2) If the investigation shows a minor discharge with the discharger taking appropriate removal action, contact should be established with the discharger. The removal action should be monitored to insure continued proper action by the owner or operator of the vessel, onshore facility or offshore facility from which the discharge occurred.

(3) If the investigation shows a minor discharge with improper removal action being taken, the following measures shall be taken:

(i) An immediate effort should be made to prevent further discharges from the source.

(ii) The discharger shall be advised of the proper action to be taken.

(iii) If the discharger does not follow this advice, warning of the discharger's liability for the cost of removal, pursuant to section 311(f), shall be given. (See paragraph (a)(3) of this section).

(iv) The OSC should notify appropriate State and local officials. He shall keep the RRC advised and initiate Phase III and IV operations as conditions warrant.

(v) Information shall be collected for possible recovery of removal costs when removal is effected in accordance with section 311(c)(1) of the Act.

(4) When a report of investigation indicates that a medium discharge has occurred, or the potential for a medium discharge exists, the OSC shall follow the same general procedures as for a minor discharge. Additionally, the OSC shall make a recommendation concerning team activation to the Chairman of the RRT.

(5) When a report indicates that a major discharge has occurred, a potential major pollution emergency exists, or that a discharge or potential discharge which could arouse wide public concern has occurred, the OSC shall follow the same procedures as for minor and medium discharges. RRC and NRT shall, however, be notified immediately of the situation even if the initial report has not been confirmed.

§ 1510.54 Special forces.

(a) The National Strike Force (NSF) shall be established consisting of personnel trained, prepared, and available to provide necessary services to carry out this Plan. This NSF shall be formed around the Strike Teams established by the U.S. Coast Guard on the East, West, and Gulf coasts, and including the Environmental Response Team (ERT) established by the EPA, when required. The NSF shall provide assistance to the OSC during Phase III, IV, and V operations as the circumstances of the situation dictate. When possible, the NSF will provide training to the Emergency Task Forces and participate with the Regional Response Team in Regional Contingency Plan development.

(1) The Strike Teams established by the U.S. Coast Guard are able to provide communications support, advice and assistance for oil and hazardous substances removal. These teams include expertise in ship salvage, diving, and removal techniques and methodology.

(2) The Environmental Response Team established by EPA to carry out the Agency's disaster and emergency responsibilities can provide the OSC and NSF with advice on the environmental

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effects of oil and hazardous substances discharges, and removal and mitigation of the effects of such discharges. This team includes expertise in biology, chemistry, engineering and, when necessary, meteorology and oceanography.

(3) The Emergency Task Forces established pursuant to section 311(c)(2)(C) shall consist of trained personnel with adequate supplies of oil and hazardous pollution control equipment and materials and detailed discharge removal plans for their areas of responsibility. The Emergency Task Forces shall be established by the Agency responsible for providing the OSC not later than one year from the effective date of this Plan.

(4) The NSF and ERT will generally respond to requests for assistance from the OSC. Requests for the NSF may be made directly to the Commanding Officer of the appropriate Strike Team, the Coast Guard member on the RRT, the appropriate Area Commander, USCG, or to the Commandant, USCG, through the NRC. Requests for the EPA–ERT may be made to the EPA Emergency Coordinator or the appropriate Regional Emergency Coordinator (REC), or the EPA representative on the RRT.

ANNEX I—1100 DISTRIBUTION

1101 Plan distribution.

1101.1 This Plan will be distributed to designated offices of Primary and Advisory Agencies, State and interstate water pollution control agencies and such other Federal, State, local and private agencies and organizations which are cooperating with and participating in activities in support of the Plan.

1101.2 Included in this formal distribution are the following:

Department of Commerce
Department of Defense
Department of Health, Education and Welfare
Department of the Interior
Department of Housing and Urban Development
Department of Justice
Department of State
Department of Transportation
Atomic Energy Commission
All State water pollution control agencies
All interstate water pollution control agencies
Other Federal, State, local and private agencies and organizations, as appropriate.

1101.3 Formal distribution of the Plan and amendments will be made by the Environmental Protection Agency.

1102 Amendment, distribution and format.

1102.1 Amendments to the Plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the Plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purposes of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2 Where a change can be effected merely by pen and ink, the transmittal sheet may be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3 Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence changed in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number or letter will be retained in the original sequence followed by the word "Rescinded" in parentheses.

1102.4 If the Plan is completely rewritten, asterisks will not be used but supercession will be indicated at the bottom of the first page.

ANNEX II—1200 NATIONAL RESPONSE TEAM

1201 National Response Team.

1201.1 The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution discharge.

1201.2 Membership on the NRT is established by § 1510.32(a). Each Primary and Advisory Agency shall designate a member to the team and sufficient alternates to insure representation in the event that the member is unavailable.

1202 NRT organization.

1202.1 Except for periods of activation because of a pollution incident, the representative of EPA shall be the Chairman and the representative of DOT shall be vice-chairman of NRT. The vice-chairman shall maintain records of the NRT activities along with National and regional plans for pollution response. When NRT is activated for a pollution incident, the Chairman shall be the representative of EPA or DOT, depending upon the area in which the response is taking place.

1203 NRT purpose.

1203.1 The NRT, when not activated for a pollution discharge, serves as a standing committee to recommend needed policy changes in the response organization, to revise this Plan as needed and to evaluate the preparedness of the Agencies and effectiveness of plans for coping with pollution discharges.

1203.2 The NRT shall act as an emergency response team to be activated in the event of a discharge involving oil or hazardous substances which (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; (c) involves significant numbers of persons or nationally significant amounts of property; or (d) when requested by any Primary Agency representative. Each representative, or an appropriate alternate, shall be notified immediately by telephone of activation of NRT.

1204 Responsibilities and functions.

1204.1 Planning and preparedness responsibilities of the NRT are to:

1204.1–1 Maintain a continuing review of regional pollution emergency response operations and equipment readiness to insure adequacy of regional and national planning, and coordination for combating discharges of oil and hazardous substances. RRT shall recommend revision of the National Contingency Plan to CEQ on the basis of observations of response operations;

1204.1–2 Review the functioning of the RRT's to insure that regional plans developed are fully coordinated among involved agencies. It shall serve as a body to which the RRT's may refer for settlement of matters which they cannot resolve;

1204.1–3 Develop procedures to promote the coordination of Federal, State and local governments and private agencies to respond to pollution incidents;

1204.1–4 Consider necessary changes in policy on the basis of continuing evaluation of regional response actions taken in combating discharges of oil and hazardous polluting substances;

1204.1–5 Provide information to the Research and Development Committee, on research requirements, the need for which is not known until discharges of unusual materials or unique circumstances occur;

1204.1–6 Maintain a continuing awareness of review and act upon reports by the Research and Development Committee;

1204.1–7 Maintain a readiness posture to respond to a nationally significant discharges of oil or other hazardous substance;

1204.1–8 Maintain a continuing surveillance of incoming reports from all RRT's and activate NRT when appropriate; and

1204.1–9 Meet quarterly on the first Thursday of March, June, September and December to review pollution emergency response actions of the preceding period, receive reports of the Committee on Revision and consider amendments to the Plan.

1204.2 When activated during a pollution discharge response, Agency representatives shall meet at the call of the Chairman and shall:

1204.2–1 Monitor and evaluate reports generated by the OSC insuring their completeness. Based on this evaluation, NRT may recommend courses of action in combating the discharge through RRT for consideration by the OSC.

1204.2–2 Request other Federal, State, local government or private agencies to consider taking action under their existing authorities to provide resources necessary for combating a discharge or deployment of personnel to monitor response operations.

1204.2–3 Coordinate the actions of regions or districts other than those affected by the pollution emergency to supply needed equipment, personnel, or technical advice to the RRT and OSC. This includes requests, when appropriate, for activating the Special Forces provided by § 1510.54 of the Plan.

1204.2–4 Act as the focal point for national public information releases and for information transfer between the OSC and the Washington, D.C. headquarters of the Agencies concerned, so as to minimize or prevent dissemination of spurious and incomplete information. Public information actions are discussed in Annex VI of this part.

ANNEX III—1300 NATIONAL RESPONSE CENTER

1301 National Response Center location.

1301.1 The National Response Center (NRC) for control of pollution by oil and hazardous substances is established at the Headquarters, United States Coast Guard, Washington, D.C.

1302 NRC purpose.

1302.1 The purpose of the NRC is to provide physical facilities for coordination and control of a pollution emergency should national level involvement be required.

1303 Responsibility for NRC.

1303.1 The Commandant, U.S. Coast Guard, shall provide the necessary communications and plotting facilities and equipment. These will include:

1303.1–1 A continuously manned communication center for receiving reports of discharges;

1303.1–2 Telephone branch lines;

1303.1–3 Teletypewriter circuits;

1303.1–4 The latest updated charts of the Department of Commerce, Interior and Defense for the U.S. waters, the Continental Shelf and the ocean areas adjacent to U.S. territorial waters;

1303.1–5 Technical library on oil and hazardous substances pollution; and,

1303.1–6 Plotting and display provisions to visually depict the geographic position, movement and extent of the pollutant.

1303.2 Primary Agencies shall furnish competent technical personnel to man the NRC as requested, furnish appropriate technical manuals and materials, and such additional administrative support as required to operate the NRC effectively and efficiently.

1304 Communications services available.

1304.1 Telephone (voice) services available include:

1304.1–1 Commercial telephone available 24 hours per day, toll free (800) 424–8802;

1304.1–2 AUTOVON (Automated Voice Network)—General purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific and Panama;

1304.1–3 Washington Tactical Switchboard—Pentagon terminal of the tactical telephone system, operated by USAF;

1304.1–4 FTS–GSA operated government administrative telephone system; and,

1304.1–5 SARTEL—Search and Rescue Command Coordination telephone network including leased Hotline telephone net extending from Halifax to New Orleans.

1304.2 Teletype writer services available include:

1304.2–1 AUTODIN—A defense communications worldwide high speed user data communications system operated for and managed by the DCA to provide both direct user-to-user and store and forward message switching service for DOD and other government agencies;

1304.2–2 SARLANT—Coast Guard-leased teletypewriter system extending from Massachusetts to Texas (used to control and coordinate SAR incidents and to handle other operational traffic and priority administrative communications);

1304.2–3 SARPAC—Same as (2) for the West Coast U.S.; and

1304.2–4 TELEX—Teletypewriter exchange service provided by Western Union that serves Continental U.S., industry and Government offices. TELEX also permits direct connections with international communication carriers and oversea TELEX communications.

1305.1 Information on current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters is available from NOAA. If specific capabilities of other agency environmental description and prediction programs are required because of the area or unusual conditions, NOAA will arrange for the provision of such information.

ANNEX IV—1400 PRIMARY AGENCY OFFICE LOCATIONS AND BOUNDARIES

1400 *Geographical boundaries.*

Regional contingency plans shall be based upon the Standard Federal Regions. These plans are available for inspection at EPA regional offices or U.S. Coast Guard district offices as shown in 1401 and 1402. Other agencies' addresses and telephone numbers may be found in the United States Government Manual (issued annually) or in the local telephone directories of cities shown on the maps included in this Annex. EPA, HEW, and HUD regional geographical boundaries follow this delineation.

1401 Environmental Protection Agency—Office addresses, telephone numbers, and map.

1402 Department of Transportation—United States Coast Guard district offices addresses, telephone numbers and maps.

1403 Department of Commerce—map.

1404 Department of Defense—maps.

1404.1 U.S. Army Corps of Engineers.

1404.2 U.S. Army Continental Army Commands.

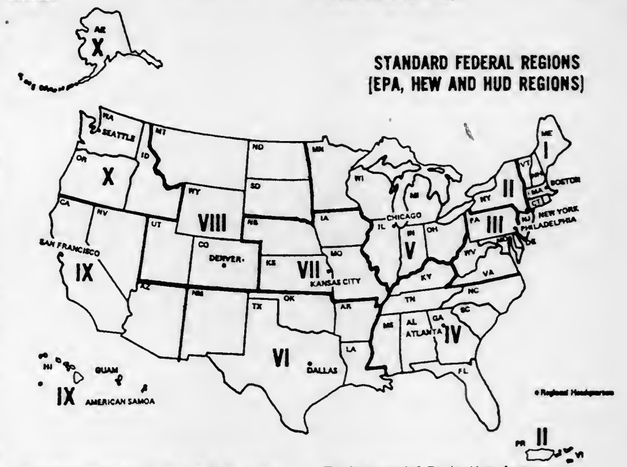
1404.3 U.S. Naval Districts.

1404.4 U.S. Air Force Reserve Regions.

1405 U.S. Department of the Interior.

1405.1 Field Committee Regions.

1405.2 U.S. Geological Survey—Area and District Offices—map.



1401 ENVIRONMENTAL PROTECTION AGENCY REGIONAL OFFICES

Environmental Protection Agency
Region I, Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203
Tel: (617) 223-7265

Environmental Protection Agency
Regional II, Room 908
26 Federal Plaza
New York, New York 10007
Tel: (201) 548-8730

Environmental Protection Agency
Region III
Curtis Bldg.
6th and Walnut Streets
Philadelphia, Pennsylvania 19106
Tel: (215) 597-9898

Environmental Protection Agency
Region IV
1421 Peachtree St., NE.
Atlanta, Georgia 30309
Tel: (404) 526-5062

Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604
Tel: (312) 896-7591

Environmental Protection Agency
Region VI, Suite 1600
1600 Patterson St.
Dallas, Texas 75201
Tel: (214) 749-3840

Environmental Protection Agency
Region VII
1735 Baltimore Ave.
Kansas City, Missouri 64108
Tel: (816) 374-3778

Environmental Protection Agency
Region VIII, Suite 900
1860 Lincoln Street
Denver, Colorado 80203
Tel: (303) 837-3880

Environmental Protection Agency
Region IX
100 California Street
San Francisco, California 94111
Tel: (415) 556-6254

Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101
Tel: (206) 442-4343

1402 DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD DISTRICTS

1st Coast Guard District
150 Causeway Street
Boston, Mass. 02114
Duty Officer: (617) 223-6550

2nd Coast Guard District
Federal Building
1520 Market Street
St. Louis, Mo. 63101
Duty Officer: (314) 622-4614

3rd Coast Guard District
Governors Island
New York, N.Y. 10004
Duty Officer: (212) 264-4800

5th Coast Guard District
Federal Building
431 Crawford Street
Portsmouth, Va. 23705
Duty Officer: (703) 393-9611

7th Coast Guard District
Room 1018, Federal Bldg.
51 S.W. 1st Avenue
Miami, Fla. 33130
Duty Officer: (305) 350-5611

8th Coast Guard District
Customhouse
New Orleans, La. 70130
Duty Officer: (504) 527-6225

9th Coast Guard District
1240 East 9th Street
Clevelsnd, Ohio 44199
Duty Officer: (216) 522-3984

11th Coast Guard District
Heartwell Bldg.
19 Pine Avenue
Long Beach, Calif. 90802
Duty Officer: (213) 590-2311

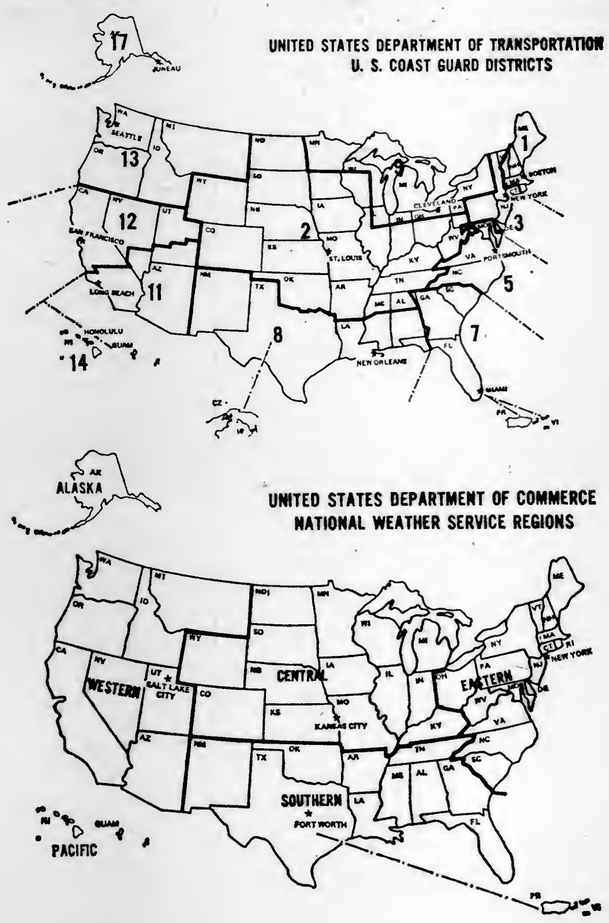
12th Coast Guard District
630 Sansome Street

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San Francisco, Calif. 94126
Duty Officer: (415) 556-5500
13th Coast Guard District
618 2nd Avenue
Seattle, Wash. 98104
Duty Officer: (206) 524-2902
14th Coast Guard District
677 Ala Moana Blvd.
Honolulu, Hawaii 96813

Duty Officer: (808) 546-7109
(COMMERCIAL ONLY)
AUTOVON—421-4845
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99801
Duty Officer: (907) 586-7340
(COMMERCIAL ONLY)
AUTOVON—388-1121

UNITED STATES DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD DISTRICTS

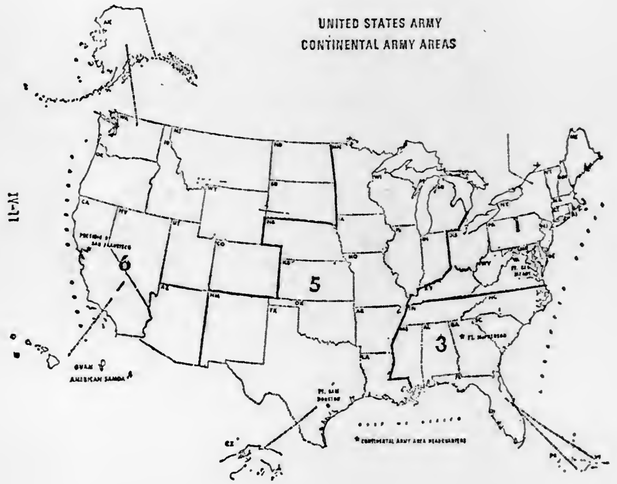


UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL WEATHER SERVICE REGIONS

CORPS OF ENGINEERS



UNITED STATES ARMY
CONTINENTAL ARMY AREAS



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U.S. NAVAL DISTRICTS



U.S. AIR FORCE RESERVE REGIONS



DEPARTMENT OF THE INTERIOR
Field Committee Regions



U.S. GEOLOGICAL SURVEY
Conservation Division



ANNEX V—1500 COMMUNICATIONS AND REPORTS

1501 Purpose.

1501.1 The communications concerning an oil or hazardous substance discharge are an integral and significant part of the operations. The same precepts govern in these instances as do other operations in which the USCG, EPA and other operating agencies are involved.

1502 Objectives.

1502.1 The objectives of the communications and reports are:

1502.1–1 To speed the flow of information pertaining to pollution discharge;

1502.1–2 To relay advice, instructions and reports pertaining to pollution discharge; and

1502.1–3 To provide for alerting, notification, surveillance and warning of a pollution discharge.

1503 Communications procedures.

1503.1 Normal communication circuits of each Primary Agency shall be used to effectuate this Plan. The national and district or regional offices and telephone numbers of primary alerting and notification offices of interested agencies will be maintained in NRC and as appropriate in RRC.

1503.2 The initial reporting of a pollution discharge by agencies participating in this plan shall be in accordance with the information and format as described in the regional plans. Reports of medium or major discharge received from dischargers or the general public by the NRC shall be relayed by telephone to predesignated OSC, NRC shall evaluate incoming information and immediately advise OEP Disaster Programs Office of potential disaster situations.

1503.3 POLREPS (Pollution Reports) shall be submitted by RRT to NRT in a timely manner as developments occur and at 0600 and 2000 local time on each day of the operation.

1504 Pollution reports.

1504.1 Within 60 days after the conclusion of Federal removal action resulting from a major pollution discharge, the OSC shall submit a complete report of the response operation and the actions taken. Copies will be furnished to the NRT or RRT, as appropriate, together with any other pertinent information available to the forwarding group. The NRT shall then evaluate each situation and will make appropriate recommendations.

1504.2 The report required by 1504.1 above shall include:

1504.2–1 Description of the cause and initial situation;

1504.2–2 Organization of response action and resources committed;

1504.2–3 Effectiveness of response and removal actions by:

a. The discharger;
b. State and local forces;
c. Federal Agencies and Special Forces;

1504.2–4 Unique problems encountered;

1504.2–5 Recommendations on:

a. Means to prevent reoccurrence;
b. Improvement of response actions;
c. Changes in National or Regional Contingency plans to improve.

ANNEX VI—1600 PUBLIC INFORMATION

1601 Introduction.

1601.1 When a major pollution discharge occurs, it is imperative that the public be provided promptly with accurate information on the nature of the discharge and what steps are being taken to correct the problem. This policy must be followed to obtain understanding from the public, ensure cooperation for all interested parties and to check the spread of misinformation. National Administration Policy and the Freedom of Information Act both call for maximum disclosure of information.

1602 National News Office.

1602.1 When the NRT is activated, the team chairman will contact the most appropriate Primary Agency and ask it to detail a professional information officer to establish and direct a National News Office. Requests by the Director of the National News Office for an appropriate number of professional and clerical assistants will be met by one or more of the Primary Agencies.

1602.2 The Director of the National News Office will be responsible for overall supervision of public information activities. While the Director of the Regional News Office will have considerable freedom in responding to news inquiries, he will work under the direction of the Director of the National News Office. The closest possible coordination will be maintained between the National News Office in Washington and the Regional News Office.

1602.3 Promptly after his designation, the Director of the National News Office will contact the White House Press Office and the Office of the Director of Communications for the Federal Government to arrange whatever information assistance may be required by these offices.

1602.4 All written news releases involving major policy considerations will be cleared by the Chairman of the NRT or in his absence the vice-chairman. Situation reports and other factual releases will not require formal clearance.

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1602.5 The Director of the National News Office will have free access to meetings of the NRT and will be consulted on the possible public reaction to the courses of action under consideration by the NRT.

1602.6 At appropriate intervals the Director of the National News Office may arrange news conferences at which the Chairman of the NRT, the OSC or other informed officials will make progress reports and respond to questions from the media representatives.

1602.7 The Director of the National News Office will keep appropriate press offices posted on developments. These include the press offices of the Secretaries or Director of the Primary Agencies to the National Contingency Plan; Governors, Senators and Representatives whose States or Districts are affected by the incident; and, the mayor and other responsible local officials in affected communities.

1602.8 As long as public interest warrants, at least one written news release or status report per day will be issued by the National News Office and the Regional News Office reporting progress.

1602.9 The National News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the U.S. Coast Guard at U.S. Coast Guard headquarters, Washington, D.C., where the NRC is housed. The Director of the National News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1603 Regional News Office.

1603.1 When an RRT is activated, the Chairman will contact the most appropriate agency and ask it to detail a professional public information officer to establish and direct a Regional News Office. Any primary Agency may by request to the RRT, place its designated representative on the staff of the Regional News office to advise and assist the Director. The Regional News Office should be set up at or near the location where the OSC is stationed. Requests by the Director of the Regional News Office for appropriate professional and clerical assistance will be met by one or more of the primary agencies.

1603.2 The Director of the Regional News Office will follow the procedures outlined above for the Director of National News Office in contacting the press offices of State and local officials, in arranging appropriate public information liaison with industries and other concerned interests, and in issuing at least one daily written news release.

1603.3 All news releases involving major policy considerations will be cleared by the Chairman of the RRT.

1603.4 The Director of the Regional News Office will have free access to meetings of the RRT and should be consulted on the possible public reaction to the courses of action under consideration by the RRT.

1603.5 The Regional News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the Primary Agency which is providing the RRO. The Director of the Regional News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1604 Washington, D.C., public information contact.

1604.1 If the NRT has not been activated, the Director of the Regional News Office will ask the most appropriate Primary Agency to assign a public information officer in Washington, D.C., to serve as a contact point for queries made in Washington, D.C. The information officer assigned to this task will follow the procedures outlined above for the Director of the National News Office in contacting the press offices of the White House and Congressional and Federal officials.

1605 Interim Public Information Director.

1605.1 In the period following a discharge and before the need for a Federal response is determined, information activities will be directed by the public information personnel of the same Primary Agency which will provide the predesignated OSC. These activities will be conducted in accordance with the information policies of that agency.

1606 Special public information procedures for Senators, Representatives, Congressional Aides and Staff Members, White House Representatives and other VIP's.

1606.1 The Director of the National News Office or the Director of the Regional News Office will arrange, on request, to perform special public information services for VIP's including: notifying the media of the time, place and purpose of the VIP visits; making press conference arrangements; and, arranging for interviews with the VIP by interested members of the media.

1607 Special public information procedures for salesmen.

1607.1 Public information officers assigned to pollution emergencies will refer salesmen to technical personnel designated to evaluate their wares.

1608 Special public information procedures for the general public.

1608.1 In responding to queries from the general public, public information officers will advise the callers or arrange to have the callers advised on what the latest press release has reported.

1609 Special public information procedures—correspondence.

1609.1 After the crisis has subsided, a model letter reporting on the situation will be drafted by the public information personnel assigned to the problem. After the model letter has been approved by the Chairman of the NRT or the RRT, copies will be sent to the Primary Agencies for their guidance in responding to mail inquiries.

ANNEX VII

1700 LEGAL AUTHORITIES

1700.1 Federal Statutes, Regulations and Administration orders relative to oil pollution control are administered by several Departments and Agencies. The following is a tabular summation of the more important of these legal authorities.

1710 Federal Oil Pollution Control Statutes

	STATUTES	OPERATING AGENCIES INVOLVED	PROHIBITED ACT OR AUTHORIZATION	TERRITORIAL APPLICATION	SANCTIONS	EXCEPTED DISCHARGES
1711	Refuse Act 1899 (33 U.S.C.407 et seq.)	1.COPPS 2.U.S.C.G. 3.Customs 4.JUSTICE	To discharge from ship, . . (foreign & domestic) or from shore or water front facility, any refuse matter of any kind or description (open commercially valuable petroleum).	1.U.S.navigable waters (USNW) 2.Tributaries, if refuse floats or washes into USNW. 3.On banks, if likely to be washed into USNW.	1.$500.00 - $2500.00; 30 days to 1 yr. or both 2.Vessel liable "in rem" for penalties.	"sewage" flowing from streets and sewers.
1712	Federal Water Pollution Control Act, as amended. (33 U.S.C. 1151 et seq.)	1.EPA 2.DOT 3.COPPS 4.Customs 5.JUSTICE	Discharge, in harmful quantities, of oil or hazardous substances to the waters of the U.S. Effluent Standards, National Standards of Performance, Water Quality Standards.	U.S. waters or adjoining shorelines or the waters of the contiguous zone.	1.Failure to report prohibited discharge;(a)fine up to $10K or (b) imprisonment for up to one year. 2.Prohibited discharge of oil or hazardous substance-civil penalty, 5K. 3.Violation of regulations-5K. 4.Removal liability costs: (a)vessel $14M or $100/grt; (b)onshore or offshore facility, $8M.	1.As allowed by regulations, standards or permits. 2.In the contiguous zone as permitted by the 54 Convention, as amended in 1969.
1713	Oil Pollution Act 1961, as amended, (33 U.S.C. 1001-1005) implements International Convention on Prevention of Pollution of Sea by Oil.	1.U.S.C.G. 2.Customs 3.COPPS 4.JUSTICE 5.State	1.Any discharge or escape of persistent oil from vessels subject to Act, i.e., all U.S. ocean-going vessels including tankers (whose tanks carry only oil). Exempts:(a)tankers under 150 gross tons; (b)other vessels under 500 gross tons; (c)vessels on whaling operations;	1.Prohibited zone: (a)measured from baseline from which territorial sea is established; (b)Generally extends 50 miles to sea; (c)Extends 100 miles to sea off Northeast Coast of U.S.& (d)Extends out 150 miles to sea off West Coast of Canada and (e)Modifications published in Notices to Mariners.	1.Penalty: (a)$5500.00 to $2500.00 or 1 yr. or both-any person or company; (b)Ship other than one owned & operated by U.S. liable "in rem" for above penalty, and (c)Suspension or revocation of license.	1.Discharges: (a)To secure safety of ship, cargo or life at sea; (b)Due to damage to vessel or unavoidable leakage, if all reasonable precautions taken after damage occurred

		(d)Vessels while using Great Lakes & tributaries; and, (e)Naval vessels and auxiliaries. 2.Any discharge of oil from vessel subject to Act, of 20,000 or plus gross tons, whose bldg. contract executed on or after May 18, 1967; 3.Vessels, subject to Act, which are tankers or use oil fuel must keep Oil Record Book with entries of certain discharges or escapes of oils. 4.Forward to State Dept. evidence of discharge or escape from foreign vessel.	2.Unlimited-Except if in Master's opinion special circumstances make it neither reasonable nor practicable to retain oil on board, discharge, outside prohibited zone is permitted. 3.Penalties re. Oil Record Book: (a)Person failing to comply - fine of from $500.00 to $1,000.00; (b)Person making false entry (i)fine - $500.00 to $1,000.00, (ii)imprisonment for 6 mos. or both. 4.Prohibited zone (No. 1 above).	or leakage discovered: (c)Of residue from fuel or lube oil purification or clarification as far from land as possible; (d)Oily mixtures from bilges containing only lube oil drained or leaked from machinery spaces; and (e)Vessels, other than tanker, proceeding to a port with inadequate reception facilities.

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1720 Related Federal Statutes

	STATUTES	ADMINISTRATIVE AUTHORITY	AUTHORIZED ACTION	TERRITORIAL CONSIDERATIONS
1721	U.S.Navy Ship Salvage Authority (10 U.S.C. 7361)	Secretary of Navy (U.S. Navy Ship System Command, Supervisor of Salvage)	1.To salvage, by contract or otherwise: (a)U.S. Naval vessels; (b)Private vessel (foreign or domestic) subject to availability of salvage forces; and, (i)if not abandoned nor under governmental control nor other salvage facilities reasonably available & competent private authority requests help, i.e., ship's master, owner, or underwriter. (ii)if abandoned or under control of U.S.C.G.,FWPCA, Corps of Engineers, Office of Emergency Preparedness, or Federal Court - competent requesting agency becomes customer.	1.(a) for U.S. Naval vessels-Navy has direct responsibility anywhere; (b)for private vessels (i)U.S. navigable waters and high seas; (ii)U.S. navigable waters U.S. territorial waters and those within the authority of requesting government agency by law or treaty.
1722	Outer Continental Shelf Land Act of 1953 (43 U.S.C. 1331-1343)	Secretary of the Interior (a) Dep. of Land Mgmt. (b) U.S.G.S. Secretary of Transportation (a) U.S.C.G.	1.To regulate leases for exploitation of Shelf lands, terms and conditions calculated to prevent pollution in offshore oil or mining operations. Regulations provide that lessee shall not pollute; shall take certain preventive actions and if pollution occurs, lessee shall make appropriate notifications and shall be liable for cleanup.	1.U.S. Continental Shelf Lands.
1723	Disaster Relief Act of 1974 88 Stat. 143	The President Administrator, Federal Disaster Assistance Administration E.O. 11878, Dec. 31, 1970	1. To declare an emergency or a major disaster at the request of a governor of a State. 2. If declared, to direct Federal agencies to assist by: (a) Utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act; (b) Performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; demolition of unsafe structures that endanger the public; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph.	(1) Major disaster areas (States) as declared by the President and areas designated by the FDAA Administrator. (2) Emergency areas as determined by FDAA Administrator. (3) U.S., its territories and possessions.
1724	14 U.S.C. 81 et seq.	U.S.C.G.	1.To aid distressed persons & protect property. Sec. 88(b) in USNW and on the high seas. 2.To establish, maintain & operate aids to maritime navigation in USNW, waters above the U.S. continental shelf and other specified areas. 3.To mark for protection of navigation any wreck in USNW (Sec. 86) not properly marked by owner (33 U.S.C. 409)	
1725	14 U.S.C. 141(a)	U.S.C.G.	1.On request may use personnel & facilities to assist any government agency to perform any activity for which such personnel are especially qualified.	1. Limited only by international law re. Territorial waters.
1726	Magnuson Act (50 U.S.C. 191)	Designated U.S.C.G. officers (33 CFR 6) when directed by Executive Order (presently implemented by E.O. 10173 as amended)	1.Prevent anything from being placed on board any vessel or waterfront facility as defined in 33 CFR 6.01-4, when necessary to prevent damage to U.S. waters, 2.Establish security zones into which no person or vessel may enter or take anything, 3.Control vessel movement & take full or partial possession or control of any vessel when necessary to prevent danger to U.S. waters, 4.Prevent mooring to or connel shifting of any vessel from waterfront facility if it endangers such vessel, other vessels, harbor, any facility therein because conditions exist in or about waterfront - not limited to fire hazards	1. U.S. Territorial waters

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1727	Dangerous Cargo Act (46 USC 170)	U.S.C.G.	1. Authority to establish regulations for handling, stowage, storage and use of dangerous articles or substances on board vessels. 2. Authority to establish regulations for disposing of dangerous articles or substances found to be in an unsafe condition.	U.S. Territorial Waters.
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1728	Tank Vessel Act (46 USC 391a)	U.S.C.G.	1. Authority to establish additional rules for provision against hazards of life and property created by vessels having on board inflammable or combustible liquid cargo in bulk.	U.S. Territorial Waters.
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1729	Ports & Waterways Safety Act of 1972 (PL 92-340)	U.S.C.G. SLSDC	1. Authority to operate vessel traffic services, direct vessel movement, prescribe safety equipment requirements, establish safety zones, investigate accidents that affect environmental quality of the navigable waters and regulate vessels carrying hazardous substances in bulk.	U.S. Territorial Waters (excludes waters of Panama Canal for Title II)
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1750 Treaties and International Conventions

	TITLE	PARTIES	SUBSTANCE OF AGREEMENT	TERRITORIAL APPLICATION
1751	Treaty re. Reciprocal Rights in Conveyance of Prisoners and Wrecking & Salvage (35 Stat. 2035, TS 502)	U.S. - Great Britain signed for Canada (1908)	1. Vessels & wrecking equipment of U.S. or Canada permitted to salvage wrecks, render aid to vessels in distress or disabled across the international boundary line.	1. In portion of St. Lawrence River through which boundary line passes. 2. Lakes Ontario, Erie, St. Clair, Huron, Superior. 3. Niagara, Detroit, St. Clair & Ste. Marie River. 4. Canals at Sault Ste. Marie. 5. Shores & territorial waters on Pacific & Atlantic within 30 miles of boundary line.
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1752	Boundary Waters Treaty (35 Stat. 2448, TS 548)	U.S. - Great Britain signed for Canada (1909)	1. Established International Joint Commission with jurisdiction over all cases re. use, obstruction or diversion of waters including water pollution. No mechanism for enforcement directly by Commission findings & recommendations reported to respective governments for enforcement action within its territorial limits.	1 U.S - Canadian boundary waters,
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1753	Treaty to Facilitate Assistance to & Salvage of Vessels in Territorial Waters (49 Stat. 3359, TS 905)	U.S. - Mexico (1936)	1. Vessels & rescue apparatus, public & private, may aid vessels and crew of its own nationality, when disabled or in distress. 2. Captain, master or owner of rescue vessel of either country must notify that country when entering or intending to enter territorial waters of the other country as early as possible and may freely proceed with rescue unless advised by the other country that adequate assistance is available or for any other reason rescue is not necessary.	1. On shores or within territorial waters of the other nation - (a)Within 720 mile radius of intersection of international boundary line & Pacific Coast or (b)within 200 miles radius of intersection of international boundary line & coast of Gulf of Mexico.
1754	Convention of High Seas (1958) TIAS 5200) (13 U.S.T. 2312)	U.S.(1962)-Denmark, Finland, Italy, Jaoan, Mexico, Netherlands, U.K., USSR, inter alia.	1. Article XXIV - Member nations responsible for drafting regulations to prevent pollution of seas by oil. 2. Article XIV - same for radioactive wastes & other harmful agents by vessels under its control.	High Sea
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1755	Geneva Convention on Territorial Sea & Contiguous Zone (1958) (15 U.S.T 1606) (TIAS 5639)	U.S. (1964)-Denmark, Finland, Italy, Japan, Netherlands, U.K., USSR, inter alia.	1. To exercise necessary controls to prevent infringement of nations sanitary regulations within its territory or territorial sea.	1. Not to exceed 12 miles outward from the baseline from which the territorial sea is measured.*
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1756	Convention on Continental Shelf (1958) (TIAS 5578) (15 U.S.T. 471)	U.S. (1964)-Denmark, Finland, France, Mexico, Netherlands, U.K., USSR, inter alia.	Coastal government has: exclusive & sovereign right to explore and exploit natural resources of the Shelf as long as it does not unjustifiably interfere with navigation, fishing or conservation of living sea resources nor with fundamental oceanographic or other scientific research destined for open publication.	U.S. Continental Shelf - 200 meter isobath curve contiguous to land or to a depth that admits of the exploitation of said area.
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1757	Convention for Prevention of Pollution by Sea by Oil, (1954) (12 U.S.T. 2989; (1962) amended 17 U.S.T. 1523)	U.S. (1961)-Belgium, Denmark, Finland, France, West Germany, Greece, Italy, Japan, Liberia, Mexico, Netherlands, Nigeria, Norway, Panama, Spain, Sweden, U.K., inter alia.	1. To prevent discharge or escape of oily substances by sea-going vessels - See Oil Pollution Act of 1961 as amended in 1966 for U.S. implementation. (33 U.S.C. 1001-1015) (Note: Oily substance is defined as persistent oil) 2. Maintenance of Oil Record Book.	1. Prohibited zone: All seas within 50 miles from nearest land (baseline from which territorial sea is established) and other areas as defined in the convention.

ANNEX VIII—1800 DOCUMENTATION AND COST RECOVERY

1801 Introduction.

1801.1 The OSC in charge at the scene of a discharge may be from any one of several agencies; it is necessary, therefore, to establish uniform procedures for collection of samples and information consistent with the several phases in Federal response operations. Necessary information and sample collection must be performed at the proper times during the Federal involvement in removal operations for the purpose of later use in identifying the party responsible for removal cost recovery. Time is of great importance since wind, tide and current may disperse or remove the evidence. Additionally, witnesses may no longer be available. Thus, during the response phase, the OSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Additional guidance can be found in EPA's "Field Detection and Damage Assessment Handbook".

1802 Notification of Counsel.

1802.1 Immediately upon notification that a discharge has occurred, the RRT or NRT members, as appropriate, shall notify their respective regional and departmental attorneys, as provided herein and as detailed in regional plans.

1802.2 Coordination of appropriate counsel will be effected by counsel of the Department responsible for furnishing the OSC. Coordination will be for joint and several actions concerning legal matters regarding the operation and the Plan and for advising the owner or operator that a determination has been made under subsection 311(c)(1) of the Act that removal is not being properly accomplished.

1802.3 The information and reports obtained by the OSC are to be transmitted to the RRC. Copies will then be forwarded to the NRC, members of the RRT, and others, as appropriate. The representative of the Agency on the RRT having cost recovery authority will then refer copies of the pollution reports to his respective agency counsel.

1803 Legal notice to suspected discharger.

1803.1 The owner, operator, or other appropriate responsible person shall be notified of Federal interest and potential action in a pollution discharge by the agency furnishing the OSC. This notice shall include advice of the owner or operator's liability for proper removal of the discharge in accordance with section 311(f) of the Act; the need to perform removal in accordance with existing Federal and State statutes and regulations, and this Plan; and identification of the OSC.

1804 Sample collection procedures to be followed by OSC.

1804.1 Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern the following: (a) The composition of the container; (b) cleanliness of the container; and, (c) manner in which the sample is taken.

1804.2 In taking such samples, the following procedures are to be followed in all cases:

1804.2-1 Glass or other appropriate containers of suitable size shall be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. When oil or petroleum hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Polythene other than oil may require special precautions such as jacketing of glass containers or different closure material. The analysis laboratory should be consulted whenever a question arises as to the appropriateness of any packaging material.

1804.2-2 Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

1804.2-3 Some explanatory notes covering the above procedures are as follows: (a) Glass or other appropriate containers always must be used because plastic containers, with the exception of teflon, have been found in some cases to absorb organic materials from water and, in other cases, compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and, (c) because pollution conditions change rapidly, samples should be taken promptly, and the time sequences and locations noted.

1804.2-4 Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1804.2-5 Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested) and observing the procedures outlined below. Appropriate analytical laboratories are designated in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel.

1805 Photographic records.

1805.1 Photographs should be taken to show the source and the extent of pollution, if possible, using both color and black and white film. The following information should be recorded on the back of each photographic print: (a) Name and location of vessel or facility; (b) date and time the photo was taken; (c) names of the photographer and witnesses; (d) shutter speed and lens opening; and (e) type of film used and details of film processing. (The immediate developing type of photographic process may be of major assistance to the less-than-professional photographer by allowing on-the-spot inspection of results and "retakes" as needed to obtain an acceptable photograph.)

ANNEX IX—1900 FUNDING

1901 General.

1901.1 The primary thrust of this Plan is to encourage the person responsible for a discharge to take appropriate remedial actions promptly. Usually this will mean that the cost of removal of the discharge shall be borne by the person responsible for the discharge. The OSC and other officials associated with the handling of a pollution emergency shall make a substantial effort to have the discharger voluntarily accept this responsibility.

1901.2 If the discharger does not voluntarily act promptly to remove the discharge of oil or hazardous substances, Federal discharge removal actions may be initiated pursuant to section 311(c)(1) of the Act. The discharger, if known, is liable for the reasonable costs of such Federal removal actions in accordance with section 311(f) of the Act.

1901.3 Actions undertaken by the Primary Agencies in response to pollution emergencies shall be carried out under existing programs and authorities insofar as practicable.

1901.4 It is not envisioned that any Federal agency will make resources available, expend funds or participate in operations in connection with pollution emergency operations unless such agency can so respond in conformance with its existing authority. Authority to expend resources will be in accordance with agencies' basic statutes and, if required, through cross-servicing agreements.

1901.5 This Plan encourages interagency agreements whenever specific reimbursement agreements between Federal agencies are deemed necessary to ensure that the Federal resources will be available for a timely response to a pollution emergency.

1902 Funding responsibility.

1902.1 The funding of removal actions necessitated by a discharge from a Federally operated or supervised facility is the responsibility of the operating or supervising agency.

1902.2 Funding of response actions not associated with the removal activity, such as scientific investigations, law enforcement or public relations, is the responsibility of the agency having statutory or executive responsibility for those specific actions.

1903 Agency funding.

1903.1 The Environmental Protection Agency can provide funds to insure timely initiation of discharge removal actions in those instances where the OSC is an EPA representative. Funding of continuing Phase III and IV actions, however, shall be determined on a case-by-case basis by the Oil and Special Materials Control Division at EPA. Inasmuch as EPA does not have funds provided for this purpose by statute or regulation, initiation of Phase III and IV activities is funded out of operating program funds.

1903.2 The U.S. Coast Guard pollution control efforts are funded under "Operating Expenses." These funds are utilized in accordance with agency directives and applicable regional plans.

1903.3 The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific conditions.)

1903.3-1 Funds required for removal of a sunken vessel or similar obstruction to navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

1903.3-2 The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

1904 Disaster relief funds.

1904.1 Certain pollution control emergency response activities may qualify for reimbursement as disaster relief functions. In making a declaration of a "major disaster or emergency" for a stricken area, the President may allocate funds from his Disaster Relief Fund, administered by the Administrator, Federal Disaster Assistance Administration. After the President has declared a "major disaster or emergency" and authorized allocation of funds, the Administrator may authorize certain reimbursements to Federal agencies for assistance provided under direction of his office. Applicable policies and procedures are stated in Title 24, Chapter XIII, Part 2201, "Reimbursement of Other Federal Agencies" under Pub. L. 91-606 (For use under Pub. L. 93-288 until revised).

1904.2 The Administrator, FDAA, may also make financial assistance available to State governments and through the States to local governments in accordance with policies and procedures stated in Title 24, Chapter XIII, Part 2205, "Federal Disaster Assistance".

1905 Pollution revolving fund.

1905.1 A pollution revolving fund, administered by the Commandant, USCG, has been established pursuant to subsection (k) of section 311 of the Act. Regulations governing the administration and use of the fund are contained in 33 CFR 153.

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1905.2 Pursuant to section 311(c)(2)(H) of Public Law 92-500, the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and may, pursuant to regulations which the Commandant, USCG, may prescribe, be reimbursed from the fund for the reasonable costs incurred in such removal.

1905.2-1 Removal by a State is necessary when the OSC determines that the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs does not effect removal properly and that:

1905.2-1.1 State action is required to minimize or mitigate significant damage to the public health or welfare which Federal action cannot minimize or mitigate, or

1905.2-1.2 Removal or partial removal can be effected by the State at a cost which is not significantly greater than the cost which would be incurred by the Federal departments or agencies.

1905.2-2 Notwithstanding the above, State removal actions are not necessary if not in compliance with Annex X of this Plan.

1905.2-3 State removal operations are considered to be Response Phase III or Response Phase IV actions to the extent that the same operations undertaken by a Federal agency would be so considered.

1905.2-4 When supervised by the State agency designated pursuant to § 1510.23(a) of this Plan, removal operations of a local government are considered to be actions of the State for purposes of this section.

1906 Obligations of funds.

1906.1 Care must be exercised to ensure that misunderstandings do not develop about reimbursement of funds expended for removal activities. The OSC should not knowingly request services for which reimbursement is mandatory unless reimbursement funds are known to be available. Similarly, the agency supplying a reimbursable service should determine the source of reimbursement before committing resources necessitating reimbursement.

1906.2 OSC shall exert adequate control of removal operations so that he can certify that reimbursement from the fund is appropriate.

1906.3 Detailed instructions on utilization of the fund are contained in USCG Comptroller Manual.

1907 Planning.

1907.1 The availability of funds and requirements for the reimbursement of expenditures by certain agencies must be included in resource utilization planning. Regional and subregional contingency plans should show what resources are available under what conditions and cost arrangements.

1907.2 Local interagency agreements may be necessary to specify when reimbursement is required.

ANNEX X—SCHEDULE OF CHEMICALS AND OTHER ADDITIVES TO REMOVE OIL AND HAZARDOUS SUBSTANCES DISCHARGES

2001 General.

2001.1 This Schedule has been prepared by the U.S. Environmental Protection Agency pursuant to section 1(2), Executive Order 11735 and applies to the waters of the United States and adjoining shorelines, and the waters of the contiguous zone.

2001.2 This Schedule applies to the use of any chemicals or other additives as hereinafter defined that may be used to remove oil and remove or neutralize hazardous substances discharges. Any chemical agent or other substance not specifically defined in this schedule will be considered by EPA on a case by case basis for use in the removal of oil and hazardous substances discharges.

2001.3 This Schedule advocates development and utilization of sorbents, skimmers, booms and other mechanical control methods to remove or mitigate oil and remove, mitigate, or neutralize hazardous substances discharges from the environment with subsequent proper disposal.

2001.4 It is the intent of this Schedule that no harmful quantities of any substances be applied to the waters to remove or mitigate the effects of oil or hazardous substances discharges.

2001.5 In implementing this schedule and in maintaining its relationship with other Federal and State agencies, EPA shall recognize that some States may have more stringent laws, regulations or written policies regulating the use of chemicals in the removal of oil and hazardous substance discharges, in which case such laws, regulations or policies shall govern.

2001.6 It has been determined that because of the overriding need for prompt initiation of discharge removal actions no formal permit, as provided for by section 402 of the Act, shall be required before application of chemicals to mitigate the effe t of a discharge. The provisions of § 1510.21(g) of this Plan shall apply.

2002 Definitions. Materials applied to oil or floating hazardous substances discharges are defined as follows:

2002.1 Chemical Agents are those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralise, precipkate, reduce, solubilise, oxidise, concentrate, congeal, entrap, fix, gell, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

2002.2 Dispersing Agents are those chemical agents which emulsify, disperse, or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

2002.3 Surface Collecting Agents are those chemical agents which are a surface film forming chemical for controlling oil layer thickness.

2002.4 Biological Agents are microbiological cultures, ensynses, or nutrient additives that are deliberately introduced into an oil or hazardous substance spill for the specific purpose of encouraging biodegradation to mitigate the effects of a spill.

2002.5 Burning Agents are those materials which, through physical or chemical means, improve the combustibility of the materials to which they are applied.

2002.6 Sinking Agents are those materials which are applied to oil and hazardous substance spills to sink floating pollutants below the water surface.

2002.7 Mechanical removal methods includs the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices.

2002.8 Sorbents are essentially inert and insoluble materials which are used to remove oil and hazardous substances from water through a variety of sorption mechanisms. Examples include: straw, expanded perlite, polyurethane foams, reclaimed paper fibers, peat moss.

2003 Dispersing agent program for spills of oil and applicable hazardous substances.

2003.1 Authorization for use of dispersing agents.

2003.1-10 Major and medium discharges. Dispersing agents may be used in any place, at any time, and in quantities designated by the OSC when their use will:

2003.1-1. In the judgment of the OSC, prevent or substantially reduce hazard to human life or limb or substantially reduce explosion or fire hazard to property;

2003.1-1.2 In the judgment of the EPA RRT member on a case by case basis, in consultation with appropriate State or Federal agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl; or,

2003.1-1.3 In the judgment of the EPA RRT member on a case by case basis, in consultation, whenever possible, with appropriate State and Federal agencies, result in the least overall environmental damage, or interference with designated water uses.

2003.1-2 Minor discharge. The provisions of section 203.1-1.1 shall apply.

2003.2 Special restrictions on dispersing agent use:

2003.2-1 Chemical agents shall not be considered for use as dispersing agents unless technical product data has been provided and accepted in accordance with 2003.3 except when in the judgment of the On-Scene Coordinator the hazards discussed in 2003.1-1.1 are so imminent that the time delay for obtaining a dispersant agent that is in compliance with 2003.3 would be excessive.

2003.2-2 Federal officials responsible for oil and hazardous substance spill response activities at all levels shall develop effective programs to insure that dispersants that are available for use in appropriate spill response actions are dispersants with adequate technical data on file with EPA. This effort will help preclude the avoidance of the EPA technical data program by manufacturers or suppliers who might wish to take advantage of the emergency conditions provisions of 2003.2-1.

2003.2-3 For all situations where dispersants are used, accurate records shall be kept on dispersant types, brands, application rates and methods, effectiveness, environmental impacts, plus any other pertinent observations.

2003.3 Technical product data for dispersing agents.

2003.3-1 Technical product data as outlined in 2003.3-4 on the physical, chemical and toxicity characteristics of a dispersing agent shall be submitted to the Division of Oil and Special Materials Control (WH-488), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the agent. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided. If additional information is requested or EPA desires to perform tests, the dispersing agent may not be considered for use until the additional needs have been satisfied and the submitter so notified.

2003.3-2 Information furnished in accordance with 2003.3-4 shall be maintained on file by the Environmental Protection Agency, Oil and Special Materials Control Division, Washington, D.C. 20460 to provide technical guidance to OSC's on the acceptable circumstances of use and dosage rates for dispersing agents. Any changes in the composition or formulation of the dispersing agent that will affect any of the data being requested in 2003.3-4 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised dispersing agent.

2003.3-3 The acceptance and maintenance of product data by EPA does not constitute approval of the dispersing agent nor does it imply compliance with any EPA criteria or minimum standards for such agents. The OSC will determine which dispersing agent may be used for a spill event on a case by case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of the EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2003.3-4 in any advertisements or technical literature on the dispersing agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the dispersing agent for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the dispersing agent except as noted in 2003.2-3 for imminent hazards.

2003.3-4 Required technical product data.

2003.3-4.1 Name, brand, or trademark, if any, under which the chemical agent is sold.

2003.3-4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2003.3-4.3 Name, address and telephone number of primary distributors or sales outlets.

2003.3-4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes or otherwise damage effectiveness of the chemical agent.

2003.3-4.5 Shelf life.

2003.3-4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2003.3-4.7 Dispersant toxicity. Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2-73-201, May 1973) pages 22-34. This report may be obtained from the Division of Oil and Special Materials Control (AW-448), EPA, Washington, D.C. 20460.

2003.3-4.8 Dispersant Effectiveness. Use standard effectiveness test methods in EPA R2-73-201, May 1973, pages 11-21.

2003.3-4.9 Flash Point—select appropriate method from the following:

ASTM D 56-70
ASTM D 92-72
ASTM D 93-72
ASTM D 1310-67

2003.3-4.10 Pour point. Use ASTM D 97-66.

2003.3-4.11 Viscosity. Use ASTM D 445-72.

2003.3-4.12 Specific gravity. Use ASTM D 1298-67.

2003.3-4.13 pH. Use ASTM D 1293-65.

2003.3-4.14 Ionic activity. Use Weatherburn Test as described below:

IONIC ACTIVITY TESTS (WEATHERBURN TEST)

Reagents:

1. Dye solution: 0.03 grams methylene blue, 12 grams concentrated sulfuric acid, 50 grams anhydrous sodium sulphate dissolved fh water to make a total of one liter solution.

2. Anionic surfactant solution—0.05 percent Aerosol OT (Sodium dioctyl sulfo succinate).

3. Chloroform.

Procedure:

1. Into a 25 ml. test tube, place 8 ml. of dye solution and 5 ml. chloroform. Add anionic surfactants solution drop by drop, shaking vigorously between drops and allowing phases to separate. Continue adding dropwise until the two layers are equal in color and intensity viewed in reflected light. Usually 10 to 12 drops of anionic solution are required.

2. Now add 2 ml. of 0.1 percent solution of the unknown and shake vigorously.

Results:

1. Chloroform phase (lower) is deeper in color and aqueous phase is mostly colorless—anionic is positive.

2. Water phase (upper) is deeper in color than the chloroform phase—cationic is positive.

3. Both phases are more or less the same color—probably a nonionic.

4. If the aqueous phase has become milky and hence slightly lighter in color, it may still be nonionic. Soaps do not react in this procedure. If both anionics and nonionics are present, the reaction of this test will be anionic positive.

2003.3-4.15 Miscibility. Use the test described below which is a modification of military specification MIL-C-22230 (ships):

One part of the dispersing agent is mixed with 100 parts of synthetic sea water. The solution is agitated for one hour and any visible separation of the dispersing agent should be noted after this period of agitation. The test is to be performed with water temperatures at both 20 C and 0 C. The synthetic sea water shall be formulated as follows:

Sodium chloride	150.0 grams.
Magnesium chloride, hexahydrate	66.0 grams.
Calcium chloride dihydrate	9.6 grams.
Sodium sulfate anhydrous	24.0 grams.
Distilled water to make a total of	6.0 liters.

2003.3-4.16 Dispersing agent components. Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. At least the following major components shall be identified in complying with 2003.3-4.16.

(a) Surface active agents.
(b) Solvents.
(c) Additives.

If requested by the submitter, information from 2003.3-4.16 will be handled as trade secrets under provisions of Pub. L. 90-23, the Administrative Procedure Act.

2003.3-4.17 Heavy metals and chlorinated hydrocarbons. Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be reasonably expected to be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall be fully described.

2003.3-5 Analytical Laboratory Requirements for Technical Product Data:

2003.3-5.1 The required tests shall be performed by a qualified laboratory.

2003.3-5.2 The technical product data submission shall include the identity of the laboratory, the qualifications of the laboratory staff including professional biographical information for individuals responsible for any tests, and laboratory experience with similar tests. Laboratories performing bioassay tests for dispersant or surface collecting agent toxicity must demonstrate previous bioassay experience in order for their results to be accepted. EPA will not approve the selection of laboratories by intended submitters of technical product data prior to submission of the data. It is the responsibility of the submitter to select component analytical laboratories based on the guidelines contained herein.

2003.3-5.3 EPA reserves the right to refuse to accept a submission of technical product data because of lack of qualifications of analytical laboratory, significant variance between submitted data and any laboratory confirmation performed by EPA, or other circumstances that will result in inadequate or inaccurate environmental information on the dispersing agent.

2004 Surface collecting agent program for spills of oil and applicable hazardous substances.

2004.1-1 Authorization for use of surface collecting agents: Major, medium and minor discharges.

The OSC may authorize use of surface collecting agents on a case-by-case basis when their use will:

2004.1-1.1 Result in the least overall environmental damage or interference with designated water uses, and

2004.1-1.2 Provide a key element in the most effective system for removing oil or hazardous substances discharges from the water environment.

2004.1-2 Mechanism for authorizing use—The OSC may authorize the use of a surface collecting agent verbally when on scene or by telephone prior to arriving on scene. In all cases, the OSC is obligated to comply with the provisions of 2004.2 prior to making such authorization. A review of the capabilities and expertise of the owner or operator or cleanup contractor prior to the occurrence of the spill incident would be most beneficial in situations where telephone authorization is desired or contemplated.

2004.2 Restrictions on surface collecting agent use.

2004.2-1 The OSC may authorize the use of surface collecting agents only after being informed of the environmental conditions at the point of intended use. These environmental conditions include air and water temperatures, wind conditions, wave and current conditions, presence and relative density of debris and other floating matter on the water, type and condition of the oil or hazardous substance spilled, special biological factors such as waterfowl sanctuaries, wildlife refuges, spawning or nursery grounds, shellfish beds, swamp areas, etc., and the availability of removal equipment that could be employed to remove the collected material from the water. Information on environmental conditions should be evaluated by the OSC from the standpoint that conditions such as strong winds, choppy waters, low temperatures, debris, and aquatic vegetation can adversely affect the performance of collecting agents or complicate further removal operations. The performance can also vary with types of oils or hazardous substances. The agents can be effective with thin films of light oils but have little value with thick layers of heavy, viscous oils. The agents should not be used unless adequate removal equipment is available to remove the collected oil.

2004.2-2 A chemical agent shall not be used as a surface collecting agent unless the provisions of 2004.3 are complied with and EPA has informed the manufacturer's representative that the product is acceptable for use as a surface collecting agent.

2004.3 Technical product data for surface collecting agents.

2004.3-1 Technical product data as specified in 2004.3-4 shall be provided to the Oil and Special Materials Control Division (WH-448), EPA, Washington, D.C. 20460, at least 60 days prior to the use of the agent. The use of existing surface collecting agents may be authorized by the OSC without complying with 2004.3 for 120 days from the effective date of this Annex. Within 60 days of receipt of the data, EPA will inform, in writing, the submitter of the adequacy of the data submitted. If additional data are requested or EPA desires to perform additional tests, the surface collecting agent may not be used until these additional needs

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have been satisfied and the submitter so notified.

2004.3–2 Information furnished in accordance with 2004.3–4 shall be maintained on file by the EPA, Oil and Special Materials Control Division, Washington, D.C. 20460, to provide technical guidance to OSC's on the acceptable circumstances of use, dosage rates and special problems in the use of surface collecting agent. Any changes in the composition or formulation of the surface collecting agent that will affect any of the data requested in 2004.3 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised formulation of the surface collecting agent.

2004.3–3 EPA will review technical product data for surface collecting agents and will issue approvals for agents meeting certain criteria. At present, the only minimum criterion established is for solubility which is described in 2004.3–4.13. This criterion classifies the substance as a surface collecting agent but is not an indication of the effectiveness or toxicity of the material. Other product data such as toxicity, chemical components, and physical characteristics will be reviewed and, if the combined effects of this data and other factors will result in excessive hazard to the aquatic life, work safety, or other elements of the environment in the judgment of EPA, EPA may refuse to approve the use of the agent.

EPA may, from time to time, establish minimum criteria for the data being requested and may also require additional data to assist in arriving at a judgment on the environmental acceptability of collecting agent usage.

To avoid possible misinterpretation and misrepresentation of the EPA's role in the surface collecting agent technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2004.3–4 in any advertisements or technical literature on the collecting agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the surface collecting agent beyond that stated in the letter for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the surface collecting agent.

2004.3–4 Required technical product data.

2004.3–4.1 Name, brand, or trademark, if any, under which the surface collecting agent is sold.

2004.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2004.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2004.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes, or otherwise damage effectiveness of the surface collecting agent.

2004.3–4.5 Shelf life.

2004.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2004.3–4.7 Surface collecting agent toxicity. Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–261, May 1973) pages 22–34. This report may be obtained from the Division of Oil and Special Materials Control (WH–448), EPA, Washington, D.C. 20460.

2004.3–4.8 Flash point. Select appropriate method from the following:

ASTM D 56–70
ASTM D 92–72
ASTM D 93–72
ASTM D 1310–67

2004.3–4.9 Pour Point. Use ASTM D 97–66.

2004.3–4.10 Viscosity. Use ASTM D 445–72.

2004.3–4.11 Specific gravity. Use ASTM D 1298–67.

2004.3–4.12 pH. Use ASTM D 1293–65.

2004.3–4.13 Interim test to distinguish between surface collecting agents and other spill cleanup chemicals.

In order to distinguish between surface collecting agents and other chemical materials, this interim test procedure was developed. This test procedure is not an efficiency test. This test is to be used only to distinguish between surface collecting agents and dispersants.

Scope.—1. Procedure to be used to determine the solubility in water under standard conditions of oil spill control chemicals.

Method summary.—2. Five (5) milliliters of the chemical under test are intimately mixed with ninety-five (95) milliliters of distilled water, allowed to stand undisturbed for one hour, and then the volume of the upper phase is determined to the nearest 1 milliliter.

Apparatus.—3. (a) Mixing cylinder, 100 milliliter subdivisions and fitted with glass stoppers.

(b) Pipettes: Volumetric pipette, 5.0 milliliter.

(c) Timers.

Procedure.—4. Add 95 milliliters of distilled water at 72 F±5 F to a 100 milliliter mixing cylinder. To the surface of the water in the mixing cylinder, add 5.0 milliliters of the chemical under test. Insert the stopper and invert the cylinder 5 times in 10 seconds. Set upright for one (1) hour at 72 F±5 F and then measure the chemical layer at the surface of the water. The major portions of the chemical added (75% +) should be at the water surface as a separate and easily distinguished layer.

2004.3–4.14 Surface collecting agent components. Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. As least the following major components shall be identified:

(a) Surface active agents.
(b) Solvents.
(c) Additives.

If requested by the submitter, information for 2004.3–4.14 will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedures Act.

2004.3–4.15 Heavy metals and chlorinated hydrocarbons.

Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall be fully described.

2004.3–5 Analytical laboratory requirements for technical product data: Follow stipulations in 2003.3–5.

2005 Biological additive program for spills of oil and applicable hazardous substances.

2005.1 Authorization for use of biological agents.

2005.1–1 All Discharges. The OSC may authorize the use of biological additives on water or shorelines only after obtaining the approval of the EPA representative to the RRT. The EPA RRT representative is required to consult with the EPA representative to the NRT on the environmental priorities of the subject incident. The manufacturer or supplier of microbiological cultures or enzymes must obtain approval from State and local public health and pollution control officials and furnish evidence of such approval to the EPA RRT representative.

2005.2 Special restrictions on biological additive use.

2005.2–1 Microbiological cultures and enzyme mixtures shall not be considered for use as biological additives unless technical product data has been provided and accepted in accordance with 2005.3.

2005.2–2 The OSC must be supplied with the chemical composition and ratios of primary nutrients for nutrient additives prior to seeking approval for their use.

2005.3 Technical product data for biological additives.

2005.3–1 Technical product data as outlined in 2005.3–4 on the constituents of a biological additive shall be submitted to the Division of Oil and Special Materials Control (WH–448), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the additive. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided.

If additional information is requested or EPA desires to perform tests, the biological additive may not be used until the additional needs have been satisfied and the submitter so notified.

2005.3–2 Information furnished in accordance with 2003.3–4 shall be maintained on file by EPA to provide technical guidance to OSC's on the acceptable circumstances of use and application rates for biological additives. Any changes in the composition of the biological additive that will affect any of the data being requested in 2005.3–4 shall be immediately brought to the attention of EPA and testing of the additive will be repeated prior to the use of the revised biological additive.

2005.3–3 The acceptance and maintenance of product data by EPA does not constitute approval of the biological additive nor does it imply compliance with any EPA criteria or minimum standards for such additives. The OSC will determine which biological additive may be used for a spill event on a case-by-case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2005.3–4 in any advertisements or technical literature on the biological additive. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the biological additive for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the biological additive.

2005.3–4 Required technical product data.

2005.3–4.1 Name, brand, or trademark, if any, under which the biological additive is sold.

2005.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2005.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2005.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures.

2005.3–4.5 Shelf life.

2005.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2005.3–4.7 Statements on the expected effectiveness of the agent including degradation rates and the test conditions and data on effectiveness.

2005.3–4.8 For microbiological cultures furnish the following information:

Listing of all microorganisms to species.[1]

Percentage of each species in the composition of the additive.[1]

Optimum pH and temperature range for use of the additive.

Special nutrient requirements, if any.

Separate listing of the following and test methods for such determinations:

Salmonella, fecal coliform, shigella, staphylococcus coagulase positive, and beta hemolytic streptococci.

2005.3–4.9 For enzyme additives furnish the following information:

Enzyme name(s).

International Union of Biochemistry (I.U.B.) number(s).

Source of the enzyme.

Units.

Specific activity.

Optimum pH and temperature range for the use of the agent.

2005.3–5 Laboratory requirements for technical product data: Follow stipulations in 2003.3–5.

2006 Burning agent program for spills of oil and applicable hazardous substances.

2006.1 Authorization for use of burning agents.

2006.1–1 All discharges. The OSC may authorize the use of burning agents only when their use: 2006.1–1.1 will prevent or substantially reduce imminent threats to human life or limb or property;

2006.1–1.2 will result in the least environmental harm when compared to other removal or disposal methods.

2006.1–2 Prior to authorizing use under 2006.1–2, the OSC must obtain the approval of the EPA RRT representative and all applicable State and local public health and pollution control officials.

2006.2 Special restrictions on burning agent use.

2006.2–1 The OSC will evaluate the suitability of burning agents on a case-by-case basis. Burning agents should be inert materials that will not, in themselves, be a water pollutant. The addition of oils (such as gasoline or solvents) as an igniter shall be avoided unless it is necessary under 2006.1–1.

2006.2–2 A technical data program for burning agents will not be established at this time.

2007 Sinking agent program for spills of oil and applicable hazardous substances.

2007.1 Authorization for use of sinking agents.

2007.1–1 All discharges. Sinking agents shall not be applied to discharges of oil or hazardous substances on the navigable waters of the United States and the contiguous zone.

2008 Mechanical methods and sorbents program for spills of oil and hazardous substances.

2008.1 Authorization for use of mechanical methods and sorbents.

[1] If requested by the submitter, these items will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedure Act.

2008.1–1 All discharges.

2008.1–1.1 As stated in 2001.3, it is the policy of this schedule to advocate the use of mechanical methods and sorbents for removal of oil and hazardous substances spills. The OSC has the authority to use or prohibit specific mechanical methods and sorbents on a case-by-case basis. The OSC will select methods and materials that in his judgment, will be most effective in expeditiously removing the spilled material and mitigating the related damages, and will minimize secondary pollution from the removal or mitigation operation. Prior to authorizing the use of sorbents, the OSC shall take into consideration hydrographic and meteorological conditions as well as the characteristics of the sorbent and the availability of adequate containment and removal equipment.

2008.1–1.2 A technical data program for mechanical methods and sorbents will not be established at this time.

ANNEX XI—2100 NON-FEDERAL INTERESTS

2101 General policy.

2101.1 The policy of the Federal government is to initiate discharge removal operations when required and action is not being taken by the discharger or other private or public organization.

2110 Planning and preparedness.

2110.1 The planning and preparedness functions incorporated in regional contingency plans also apply to non-Federal resources. The State and local governments and private interests are to be encouraged to participate in Regional planning and preparedness functions.

2110.2 State and local government agencies are encouraged to include contingency planning for discharge removal in existing and future emergency and disaster planning activities. States are invited to provide observers to the planning activities of the appropriate RRT. (§1510.34(o) of the Plan)

2120 Pollution emergency response operations.

2120.1 State agencies may be reimbursed from the fund established by section 311(k) of the Act for reasonable costs incurred in the removal of oil and hazardous substances discharges from the waters and shorelines of the United States. The procedures to be followed are detailed in section 1905, Annex IX of this part.

2120.2 Regional Contingency Plans should provide for coordination with local government organizations such as as county and city or town governments. This is especially important for purposes of traffic control, land access and disposal of pollutants removed in response operations.

2130 Volunteers.

2130.1 In many pollution emergency situations in the coastal areas, volunteers desiring to assist in mitigating the effects of the pollution discharge response effort present themselves at the scene. Regional contingency plans should provide for this possibility and through the direct participation of State observers in plan development, should establish procedures that will result in organized and worthwhile employment of these persons.

2130.2 Regional plans should provide for the organization and directing of volunteers by USCG, other Federal, local or State officials knowledgeable in contingency operations and capable of providing mature, responsive and practical leadership.

2130.3 Regional plans should also provide specific areas in which volunteers should be used such as: Beach surveillance, logistical support, bird and other wildlife treatment and scientific investigations. Normally they should not be used for physical removal of pollutants. Specifically, if a substance is toxic to humans, volunteers should not be permitted at on-scene operations.

2130.4 Information for and education of volunteer personnel on general contingency operations and procedures as well as specific details of the discharge is mandatory if response efforts are to be effective and conclusive. Regional plans should provide for this volunteer education and training program for rapid, on-site use.

2130.5 During contingency plan operations, information on the discharge and removal efforts should be provided to volunteers frequently to insure coordinated effort and a sense of meaningful participation.

ANNEX XV—2500 TECHNICAL INFORMATION

2501 Technical library.

2501.1 A technical library of pertinent pollution control technical documents will be maintained in the NRC and in each RRC. Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

2502 Specific references.

2502.1 As a minimum, the following reference documents will be maintained in the NRC and in each RRC technical library.

2502.1–1 Current National Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–2 Current Regional and State Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–3 Current Directory of the American Council of Independent Laboratories.

2502.1–4 Encyclopedia of Chemical Technology, 22 Vols., Kirkothmer, 2nd edition c1963–1971, John Wiley & Sons, New York, New York.

2502.1–5 Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG–388).

2502.1–6 U.S. Corps of Engineers' Regulations ER 500–1–1 and ER 500–1–8 Emergency Employment of Army Resources (Natural Disaster Activities).

2502.1–7 Federal Disaster Assistance Program—Handbook for Applicants FDAA 3300.1, July 1973.

2502.1–8 Federal Disaster Assistance Program—Eligibility Handbook 3300.2, July 1973.

2502.1–9 Federal Disaster Assistance Program—Handbook for State and Federal Officials 3000.4, December 1973.

2502.1–10 Handbook of Toxicology (National Academy of Sciences/National Research Council).

2502.1–11 46 CFR–146. Transportation or Storage of Explosives or other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

2502.1–12 33 CFR, 3, 6, 121, 122, 124–6. Security of Vessels and Waterfront Facilities (USCG CG 239).

2502.1–13 33 and 40 CFR parts implementing section 311 of the Federal Water Pollution Control Act, as amended.

2502.2 In addition to the library specified above, the RRC should have provision, either in publications or by computer terminal, for access to the EPA Technical Assistance Data System (TADS) and the USCG Chemical Hazard Response Information System (CHRIS).

2503 Definitions of terms.

2503.1 *API Gravity.* An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

2503.2 *Ash.* Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

2503.3 *Asphalts.* Black, solid or semisolid bitumens which occur in nature or are ob-

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tained as residues during petroleum refining.

2503.4 *Bilge Oil.* Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the shell plating. Usually mixed with larger quantities of water.

2503.5 *Blowout.* A sudden violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

2503.6 *Boiling Point.* The temperature at which the vapor pressure of a liquid is equal to the pressure of the atmosphere.

Knowing	Gallon U.S.	Multiply by factor below to obtain			
		Barrel U.S.	Gallon Imperial	Cubic feet	Litre
Gallon (U.S.)	1.000	0.023810	0.83268	0.13368	3.7853
Barrel	*42.0	1.0000	34.9726	5.6146	158.984
Gallon (Imp.)	1.2009	0.02859	1.000	0.1606	4.546
Cubic Feet	7.4805	0.1781	6.2288	1.000	28.316
Litres	0.2641	0.00629	0.2199	0.03532	1.000
	Pound	Ton (short)	Ton (long)	Ton (metric)	
Pounds	1.00	0.00050	0.000446	0.00045359	
Ton (Short)	*2000.0	1.0000	0.89286	0.90718	
Ton (Long)	*2240.0	1.120	1.0000	1.0160	
Ton (Metric)	2204.6	1.1023	0.98421	1.000	

One Hectolitre equals 100 Litre.
One Ton (Metric) equals 1000 Kilograms.
Conversions marked (*) are exact by definition.

2503.12 *Approximate conversions.*

Material	*Barrels Per Ton (Long)*
crude oils	6.7–6.1
aviation gasolines	8.3–9.2
motor gasolines	8.2–9.1
kerosenes	7.7–8.3
gas oils	7.2–7.9
diesel oils	7.0–7.9
lubricating oils	6.8–7.6
fuel oils	6.6–7.0
asphaltic bitumens	6.9–6.5

(As a general rule-of-thumb use 6.5 barrels or 250 gallons per ton of oil.)

2503.13 *Crude oil.* Petroleum as it is extracted from the earth. There may be several thousands of different substances in crude oil, some of which evaporate quickly while others persist indefinitely. The physical characteristics of crude oils may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

2503.14 *Demulsibility.* The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

2503.15 *Density.* Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

2503.16 *Emulsion.* A mechanical mixture of two liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external. Oil-in-water emulsions have water as the external phase and the internal phase is oil.

2503.17 *Fire Point.* The lowest temperature at which an oil vaporizes rapidly enough to burn for at least 5 seconds after ignition, under standard conditions.

2503.18 *Flash Point.* The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

2503.19 *Fraction.* Refinery term for a product of fractional distillation having a restricted boiling range.

2503.20 *Fuel oil grade.* Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. No. 1 and No. 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. No. 5 and 6 oils are solids which must be liquified by heating. Kerosene, coal oil, and range oil are all No. 1 oil. No. 3 fuel oil is no longer used as a standard term.

2503.21 *Innage.* Space occupied in a product container.

2503.22 *In personem.* An action *in personem* is instituted against an individual, usually through the personal service of process, and may result in the imposition of a liability directly upon the person of a defendant.

2503.23 *In rem.* An action *in rem* is one in which the vessel or thing itself is treated as offender and made defendant without any proceeding against the owners or even mentioning their names. The decree in an action *in rem* is enforced directly against the *res* by a condemnation and sale thereof.

2503.24 *Load on top.* A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

2503.25 *Oil films.* A slick thinner than .0001 inch and may be classified as follows:

Standard Term	Gallons of Oil Per Square Mile	Appearance
"barely visible"	25	barely visible under most favorable light conditions
"silvery"	50	visible as a silvery sheen on surface water
"slightly colored"	100	first trace of color may be observed
"brightly colored"	200	bright bands of color are visible
"dull"	666	colors begin to turn dull brown
"dark"	1332	Much darker brown

2503.26 *Outage.* Space left in a product container to allow for expansion during temperature changes it may undergo during shipment and use. Measurement of space not occupied.

2503.27 *pH.* Term used to express the apparent acidity or alkalinity of aqueous solutions; values below 7 indicate acid solutions and values above 7 indicate alkaline solutions.

2503.28 *Pour Point.* The lowest temperature at which an oil will flow or can be poured under specified conditions of test.

2503.29 *Residual oil.* A general term used to indicate a heavy viscous fuel oil.

2503.30 *Scuppers.* Openings around the deck of a vessel which allow water falling onto the deck to flow overboard. Should be plugged during fuel transfer.

2503.31 *Sludge oil.* Muddy impurities and acid which have settled from a mineral oil.

2503.32 *Specific gravity.* The ratio of the weight of a given volume of the material at a stated temperature to the weight of an equal volume of distilled water at a stated temperature.

2503.33 *Spontaneous ignition temperature (S.I.T.).* The temperature at which an oil ignites of its own accord in the presence of air oxygen under standard conditions.

2503.34 *Stoke.* The unit of kinematic viscosity.

2503.35 *Tonnage.* There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

2503.35–1 *Gross tonnage.* 100 cubic feet of permanently enclosed space is equal to one gross ton—nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

2503.35–2 *Net tonnage.* The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodation, stores, equipment, etc. Port and harbor dues are based on this tonnage.

2503.35–3 *Displacement tonnage.* The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

2503.35–4 *Deadweight tonnage.* The actual weight in tons of cargo, stores, etc., required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast, etc.

2503.36 *Ullage.* The amount by which a tank or vessel lacks being filled. (See also Outage)

2503.37 *Viscosity.* The property of liquids which causes them to resist instantaneous change of shape, or instantaneous rearrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

2503.38 *Viscous.* Thick, resistant to flow, having a high viscosity.

2503.39 *Volatile.* Evaporates easily.

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PART III

GENERAL SERVICES ADMINISTRATION

PUBLIC AND PRIVATE HIGHER EDUCATION INSTITUTIONS, HOSPITALS, AND NONPROFIT ORGANIZATIONS

Proposed Uniform Administrative Standards

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GENERAL SERVICES ADMINISTRATION

[34 CFR Part 258]

UNIFORM ADMINISTRATIVE STANDARDS FOR AGREEMENTS WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION, PUBLIC AND PRIVATE HOSPITALS, AND OTHER PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS

Notice of Proposed Rulemaking

This notice offers interested parties an opportunity to comment on a proposed regulation concerning standard administrative requirements for Federal grants, contracts, and other agreements with public and private institutions of higher education, public and private hospitals, and public and private nonprofit organizations (hereinafter referred to as recipients). It is issued in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 and Executive Order 11717.

The proposed regulation is the product of an interagency task force, and its purpose is to provide one set of requirements in place of the multitude of varying and often conflicting requirements which have been burdensome to recipients.

Generally, the proposed regulation does not permit Federal agencies to impose additional requirements without the approval of the General Services Administration. However, there may be some grant recipients which may not have adequate management systems. For these recipients, it may be necessary to establish more rigid requirements until the management deficiencies are corrected. We invite interested parties to provide comments as to how these grant recipients which need help should be identified and to describe what additional requirements would be needed for these recipients.

Interested persons should submit their comments in duplicate to the General Services Administration (AMF), Washington, DC 20405. All relevant material should be received on or before March 12, 1975.

NOTE.—The forms mentioned in Appendix G are on file with the original document.

Dated: February 3, 1975.

R. E. ZECHMAN,
Associate Administrator.

This is a Federal Management Circular requiring all Federal agencies to adopt standard administrative requirements for certain grants, contracts, and other agreements with public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations. Authority for issuance of such standards is provided under provisions of Executive Order 11717.

As proposed, 34 CFR Part 258 would read as follows:

PART 258—UNIFORM ADMINISTRATIVE STANDARDS FOR AGREEMENTS WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION, PUBLIC AND PRIVATE HOSPITALS, AND OTHER PUBLIC AND PRIVATE NONPROFIT ORGANIZATIONS

Sec.
258.1 Purpose.
258.2 Effective date.
258.3 Cancellation/recession/supersession.
258.4 Policy intent.
258.5 Applicability and scope.
258.6 Definitions.
258.7 Requests for exceptions.
258.8 Responsibilities.
258.9 Inquiries.

AUTHORITY: Executive Order 11717.

§ 258.1 Purpose.

This part promulgates standards for obtaining consistency and uniformity among Federal agencies in the administration of agreements including grants, contracts, and other agreements as defined in § 258.6c with public and private institutions of higher education, public and private hospitals, and other public and private nonprofit organizations (hereinafter referred to as recipients).

§ 258.2 Effective date.

The standards in the appendixes to this part will be applied for grants and certain other agreements as soon as practicable but not later than October 1, 1975. For contracts, the standards will be published in the Federal Procurement Regulations and Armed Services Procurement Regulations.

§ 258.3 Cancellation / rescission / supersession.

This part rescinds and replaces Parts III and IV of the Appendix to Part 253.

§ 258.4 Policy intent.

The uniform standards and requirements included in the appendixes to this part replace the varying and often conflicting and burdensome requirements which have been imposed by Federal agencies upon recipients as conditions of agreements with recipients.

§ 258.5 Applicability and scope.

Except as provided below, the standards promulgated by this part are applicable to agreements with recipients, as defined in § 258.6(b). If the enabling legislation for a specific project or program prescribes policies or requirements that differ from the standards provided herein, the provisions of the enabling legislation shall govern. Except as otherwise provided, the provisions of this part shall also supply to all subrecipients performing substantive work under the agreement.

§ 258.6 Definitions.

For the purposes of this part:

(a) The term "grant" means money or property provided in lieu of money paid or furnished by the Federal Government to recipients under programs that provide financial assistance and support for basic research. The term does not include technical assistance programs which provide services instead of money or other assistance in the form of general revenue sharing, loans, loan guarantees, or insurance. Also the term does not apply to direct payments or direct loans to individuals.

(b) The term "recipient" includes the following types of organizations which are receiving Federal funds:

(i) Public and private institutions of higher education,

(ii) Public and private hospitals, and

(iii) Other public and private nonprofit organizations, such as (but not limited to) community action agencies, Head Start agencies, research institutes, educational associations, and health centers.

The term does not include foreign or international organizations (such as agencies of the United Nations and Government-owned facilities (GOCO) or research centers providing continuing support for mission-oriented, large scale programs which are (usually) Government-owned or controlled, or are designed as federally-funded research and development centers.

(c) The term "agreement" means a cooperative agreement, grant, contract or other types of instruments used to reflect a relationship between the Federal Government and the recipient but does not include procurements for goods and services which are normally conducted through solicited competitive bidding or provide for a payment of a fee or profit to the recipient.

§ 258.7 Requests for exceptions.

The General Services Administration shall grant deviations from the requirements of this part when deviations are permissible under existing laws. However, in the interest of keeping maximum uniformity, deviations from the requirements of the part will be permitted only in exceptional cases.

§ 258.8 Responsibilities.

Agencies responsible for administering programs shall issue the appropriate regulations necessary to implement the provisions of the part and shall, upon request, furnish such regulations or implementing instructions to the Office of Federal Management Policy (AMF), GSA. They shall also designate an official to serve as the agency representative on matters relating to the implementation of this part. The name and title of such representative shall be furnished to the Office of Federal Management Policy (AMF), GSA, not later than 30 days after the date of final publication in the FEDERAL REGISTER.

§ 258.9 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration
Office of Federal Management Policy (AMF)
Washington, D.C. 20405

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APPENDIX

Cash Depositories. 1. This appendix sets forth standards governing the use of banks and other institutions as depositories of funds advanced under agreements.

2. Except for situations described in 2., 3., and 4., no Federal sponsoring agency shall:

(a) Require physical segregation of cash depositories for funds which are provided to a recipient.

(b) Establish any eligibility requirements for cash depositories in which funds are deposited by a recipient.

3. A separate bank account shall be required when letter-of-credit agreements entered into by the recipient, the Federal Government, and the bank involved provide that drawdowns will be made when the recipient's checks are presented to the bank for payment.

4. When no other method is feasible for providing the security required by Federal procurement statutes on advance payments under a contract, a special bank account with a lien in favor of the Government shall be required.

5. Any moneys advanced to a recipient which are subject to the control or regulation of the United States or any of its officers, agents or employees (public moneys as defined in Treasury Circular No. 176) must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

6. Consistent with the national goal of expanding the opportunities for minority business enterprises, recipients shall be encouraged to use minority banks (a bank at least 50 per cent of which is owned by minority group members).

APPENDIX B

Bonding and insurance. 1. This appendix sets forth bonding and insurance requirements for agreements with recipients. No other bonding and insurance requirements shall be imposed other than those normally required by the recipient.

2. The Federal sponsoring agencies may impose special requirements for liability insurance for cost reimbursement contracts for supplies and services (including construction) and for awards in which the Government obligates itself to indemnify the recipient for liabilities to third persons for loss of or damage to property, or for death or bodily injury, not compensated by insurance or otherwise, arising out of performance under the contract.

3. Except as otherwise required by law, an agreement which requires the contracting (or subcontracting) for construction or facility improvement shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000. For these contracts or subcontracts exceeding $100,000, the minimum requirements shall be as follows:

a. *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractural documents as may be required within the time specified.

b. *A performance bond on the part of the contract or for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

c. *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

4. Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, the Federal agency, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.

5. The Federal sponsoring agency may require adequate fidelity bond coverage where the recipient has no coverage and the bond is needed to protect the Government's interest.

6. Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223).

APPENDIX C

Retention and custodial requirements for records. 1. This appendix sets forth record retention requirements for agreements with recipients. Federal sponsoring agencies shall not impose any other record retention requirements upon recipients other than those described below.

2. Financial records, supporting documents, statistical records, and all other records pertinent to an agreement shall be retained for a period of three years, with the following qualifications:

a. The records shall be retained beyond the 3-year period if any audit findings, litigations or claims involving the records have not been resolved.

b. Records for nonexpendable property which was acuired with Federal funds shall be retained for 3 years after its final disposition.

c. When records are transferred to or maintained by the Federal sponsoring agency, the 3-year retention requirement is not applicable to the recipient.

3. The retention period for agreements, other than contracts, starts from the date of the submission of the final expenditure report or, for agreements which are renewed annually, from the date of the submission of the annual expenditure report.

4. The retention period for contracts starts from the date of final payment.

5. Recipient organizations should be authorized by the Federal sponsoring agency, if they so desire, to substitute microfilm copies in lieu of original records.

6. The Federal sponsoring agency shall request transfer of certain records to its custody from recipient organizations when it determines that the records possess long-term retention value. However, in order to avoid duplicate record-keeping, a Federal sponsoring agency may make arrangements with recipient organizations to retain any records which are continuously needed for joint use.

7. The head of the Federal sponsoring agency and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient organization and their subrecipients to make audits, examinations, excerpts and transcripts.

8. Unless otherwise required by law, no Federal sponsoring agency shall place restrictions on recipient organizations which will limit public access to the records of recipient organizations except when the agency can demonstrate that such records must be kept confidential and would have been excepted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to the Federal sponsoring agency.

APPENDIX D

Program income. 1. Federal sponsoring agencies shall apply the standards set forth in this appendix in requiring recipient organizations to account for program income related to projects financed in whole or in part with Federal funds. Program income is defined in Appendix G, paragraph 2g.

2. Except as provided by the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), for recipient organizations which are agencies or instrumentalities of a State, interest earned by a recipient organization on advances of Federal funds shall be remitted to the Federal agency.

3. Proceeds from the sale of real and personal property either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with Appendix N to this part pertaining to property management.

4. Royalties received as a result of copyrights or patents will normally be retained by the recipient unless the terms of the agreement provide otherwise.

5. All other program income earned during the project period shall be retained by the recipient and, in accordance with the agreement, shall be:

a. Added to funds committed to the project by the Federal sponsoring agency and recipient organization and be used to further eligible program objectives, or

b. Deducted from the total project costs in determining the net costs on which the Federal share of costs will be based.

APPENDIX E

Cost sharing and matching. 1. This appendix sets forth criteria and procedures for the allowability of cash and in-kind contributions made by recipients or third parties in satisfying cost sharing and matching requirements of Federal sponsoring agencies. This appendix also establishes criteria for the evaluation of in-kind contributions made by third parties, and supplements the guidance found in FMC 73-3 (34 CFR Part 211) with respect to cost sharing on federally-sponsored research.

2. The following definitions apply for the purpose of this appendix:

a. *Project costs.* Project costs are all allowable costs incurred by a recipient (as set forth in the applicable Federal cost principles) and the value of in-kind contributions made by third parties in accomplishing the objectives of the agreement during the project or program period.

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b. *Cost sharing and matching.* In general, cost sharing and matching represent that portion of project or program costs not borne by the Federal Government.

c. *Cash contributions.* Cash contributions represent the recipient's cash outlay, including the outlay of money contributed to the recipient by non-Federal third parties.

d. *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided by the recipient and non-Federal third parties. Only when authorized by Federal legislation, may property purchased with Federal funds be considered as the recipient's in-kind contributions. In-kind contributions may be in the form of real property and non-expendable personal property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

3. General guidelines for computing cost sharing or matching are as follows:

a. Cost sharing or matching may consist of:

(1) Charges incurred by the recipient as project costs. (Not all charges require cash outlays by the recipient during the project period; examples are depreciation and use charges for buildings and equipment.)

(2) Project costs financed with cash contributed or donated to the recipient by other public agencies and institutions, and private organizations and individuals, and

(3) Project costs represented by services and real and personal property, or use thereof, donated by other public agencies and institutions, and private organizations and individuals.

b. All contributions, both cash and in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all the following criteria:

(1) Are verifiable from the recipient's records;

(2) Are not included as contributions for any other federally assisted program;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives;

(4) Are types of charges which would be allowable under the applicable cost principles;

(5) Are not paid by the Federal Government directly or indirectly under another agreement (unless the agreement is authorized by Federal law to be used for cost sharing or matching); and

(6) Conform to other provisions of this appendix.

4. Values for recipient in-kind contributions will be established in accordance with the applicable cost principles.

5. Specific procedures for the recipients in establishing the value of in-kind contributions from non-Federal third parties are set forth below:

a. *Valuation of volunteer services.* Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteer service may be counted as cost sharing or matching if the service is an integral and necessary part of an approved program.

(1) *Rates for volunteer services.* Rates for volunteers should be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient organization, rates should be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved.

(2) *Volunteers employed by other organizations.* When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

b. *Valuation of donated expendable personal property.* Donated expendable personal property includes such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to expendable personal property included in the cost or matching share should be reasonable and should not exceed the market value of the property at the time of the donation.

c. *Valuation of donated, nonexpendable personal property, buildings and land or use thereof.* (1) The method used for charging cost sharing or matching for donated nonexpendable personal property, buildings, and land may differ according to the purpose of the grant or contract as follows:

(a) If the purpose of the agreement is to assist the recipient in the acquisition of equipment, buildings, or land, the total value of the donated property may be claimed as cost sharing or matching.

(b) If the purpose of the agreement is to support activities that require the use of equipment, buildings or land on a temporary or part-time basis, depreciation or use charges for equipment and buildings may be made. The full value of equipment or other capital assets and fair rental charges for land may be allowed provided that the Federal agency has approved the charges.

(2) The value of donated property will be determined in accordance with the usual accounting policies of the recipient with the following qualifications:

(a) *Land and buildings.* The value of donated land and buildings may not exceed its fair market value, at the time of donation, as established by an independent appraiser (e.g., certified real property appraiser or GSA representatives) and certified by a responsible official of the recipient.

(b) *Nonexpendable personal property.* The value of donated nonexpendable personal property shall not exceed the fair market value of equipment and property of the same age and condition at the time of donation.

(c) *Use of space.* The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraiser of comparable space and facilities in a privately-owned building in the same locality.

(d) *Loaned equipment.* The value of loaned equipment shall not exceed its fair rental value.

6. The following requirements pertain to the recipient's supporting records for in-kind contributions from non-Federal third parties.

a. Volunteer services must be documented and, to the extent feasible, supported by the same methods used by the recipient for its employees.

b. The basis for determining the valuation for personal services, material, equipment, buildings, and land must be documented.

APPENDIX F

Standards for financial management systems. 1. This appendix prescribes standards for financial management systems of recipients. Federal sponsoring agencies shall not impose additional standards on recipients unless specifically provided for in the applicable statutes or other attachments to this part. However, Federal sponsoring agencies are encouraged to make suggestions and assist recipients in establishing or improving financial management systems when such assistance is needed or requested.

2. Recipients' financial management systems shall provide for:

a. Accurate, current and complete disclosure of the financial results of each federally sponsored project or program in accordance with the reporting requirements set forth in appendix G to this part. When a Federal sponsoring agency requires reporting on an accural basis, the recipient shall not be required to establish an accrual accounting system (except to the extent prescribed by the Cost Accounting Standards Board for awards subject to the Board's requirements), but should develop its reports on the basis of best estimates through an analysis of the documentation on hand.

b. Records which identify adequately the source and application of funds for federally sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, and income.

c. Effective control over and accountability for all funds, property, and other assets. Recipients shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

d. Comparison of actual outlays with budget amounts for each agreement. Whenever appropriate or required by the Federal sponsoring agency, financial information should be related to performance and unit cost data.

e. Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the recipient, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the recipient shall make drawdowns from the U.S. Treasury through his commerical bank as close as possible to the time of making disbursements.

f. Procedures for determining the allowability and allocability of costs in accordance with the provisions of the applicable Federal cost principles and the terms of the agreement.

g. Accounting records which are supported by source documentation.

h. Examinations in the form of audits or internal audits, of the recipient's financial transactions made by individuals who are sufficiently independent of those who authorize the expenditure of Federal funds, to produce unbiased opinions, conclusions or judgments. These examinations are intended to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the agreement. It is not intended that each agreement awarded to the institution be examined. Generally, examinations should be conducted on an organizationwide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of the Federal agreements. Such tests would include an appropriate sampling of Federal agreements. Examinations will be conducted with reasonable frequency, on a continuing basis or at scheduled intervals, usually annually, but not less frequently than every two years. The frequency of these examinations shall depend upon the nature, size, and the complexity of the activity.

i. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

3. Primary recipients shall require secondary recipients (recipients of grants and cost type contracts which are passed through or awarded by the primary recipient) to adopt the standards in paragraph 2, above, except for the requirement in paragraph 2.e. regarding the use of letter-of-credit method.

APPENDIX G

Financial reporting requirements. 1. This appendix prescribes uniform reporting procedures for recipients to summarize expenditures made and Federal funds unexpended for each award; report the status of Federal cash advanced; request advances and reimbursement when the letter-of-credit method is not used; and promulgates standard forms incident thereto.

2. The following definitions apply for purposes of this appendix.

a. *Accrued expenditures.* Accrued expenditures are the charges incurred by the recipient during a given period requiring the provision of funds for: (1) goods and other tangible property received; (2) services performed by employees, contractors, subrecipients, and other payees, and (3) other amounts becoming owed under programs for which no current services or performance are required.

b. *Accrued income.* Accrued income is the earnings during a given period which are a source of funds resulting from (1) services performed by the recipient; (2) goods and other tangible property delivered to purchasers; and (3) amounts becoming owed to the recipient for which no current services or performance are required by the recipient.

c. *Federal funds authorized.* Federal funds authorized represent the total amount of Federal funds authorized for obligation by the recipient. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

d. *In-kind contributions.* In-kind contributions represent the value of noncash contributions provided by the recipient and non-Federal third parties. Only when authorized by Federal legislation may property purchased with Federal funds be considered as the recipient's in-kind contributions. In-kind contributions may be in the form of charges for real property and nonexpendable personal property, and value of goods and services directly benefiting and specifically identifiable to the project or program.

e. *Obligations.* Obligations are the amounts of orders placed, contracts and grants awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

f. *Outlays.* Outlays or expenditures represent charges made to the project or program. They may be reported on a cash or accrual basis. For reports which are prepared on a cash basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subrecipients and other payees and other amounts becoming owed under programs for which no current services or performances are required.

g. *Program income.* Program income represents earnings by the recipient realised from the federally supported activities. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, and royalties on patents and copyrights. Program income can be reported on a cash or accrued income basis.

h. *Unobligated balance.* The unobligated balance is the portion of the funds authorized by the Federal sponsoring agency which has not been obligated by the recipient and is determined by deducting the cumulative obligations from the cumulative funds authorized.

i. *Unliquidated obligations.* For reports prepared on a cash basis, unliquidated obligations represent the amount of obligations incurred by the recipient which have not been paid. For reports prepared on an accured expenditure basis, they represent the amount of obligations incurred by the recipient for which an outlay has not been recorded.

3. Only the following forms will be authorized for obtaining financial information from recipients. The forms mentioned below are filed as part of the original document.

a. *Financial Status Report (Exhibit 1).* (1) Each Federal sponsoring agency shall require recipients to use the standardized Financial Status Report to report the status of funds for all nonconstruction, projects or programs. The Federal sponsoring agencies may, however, have the option of not requiring the Financial Status Report when the Request for Advance or Reimbursement (paragraph 4a.) or Report of Federal Cash Transactions (paragraph 3b.) is determined to provide adequate information to meet their needs, except that a final Financial Status Report shall be required at the completion of the project when the Request for Advance or Reimbursement form is used only for advances.

(2) The Federal sponsoring agency shall prescribe whether the report shall be on a cash or accrual basis. If the Federal sponsoring agency requires accrual information and the recipient's accounting records are not normally kept on the accrual basis, the recipient shall not be required to convert his accounting system, but should develop such information through best estimates based on an analysis of the documentation on hand.

(3) The Federal sponsoring agency shall determine the frequency of the Financial Status Report for each project or program considering the size and complexity of the particular project or program. However, the report shall not be required more frequently than quarterly or less frequently than annually. When necessary to meet program needs, monthly reports may be authorized if approved by the General Services Administration. A final report shall be required at the completion of the agreement.

(4) Federal sponsoring agencies shall require recipients to submit the Financial Status Report (original and no more than two copies) no later than 30 days after the end of each specified reporting period for quarterly and semi-annual reports, and 90 days for annual and final reports. Extensions to reporting due dates may be granted upon request of the recipient.

b. *Report of Federal Cash Transactions (Exhibit 2).*

(1) When funds are advanced to recipients through letters of credit or with Treasury checks, the Federal sponsoring agencies shall require each recipient to submit a Report of Federal Cash Transactions. The Federal sponsoring agency shall use this report to monitor cash advanced to recipients and to obtain disbursement information for each agreement from the recipients.

(2) Federal sponsoring agencies may require forecasts of Federal cash requirements in the "Remarks" section of the report.

(3) When practical and deemed necessary, the Federal sponsoring agencies may require recipients to report in the "Remarks" section the amount of cash advances in excess of three days' requirements in the hands of subgrantees or subcontractors and to provide short narrative explanations of actions taken by the recipients to reduce the excess balances.

(4) Recipients shall be required to submit not more than the original and two copies of the Report of Federal Cash Transactions 15 working days following the end of each quarter. The Federal sponsoring agencies may require a monthly report from those recipients receiving advances totaling $1 million or more per year.

(5) Federal sponsoring agencies may waive the requirement for submission of the Report of Federal Cash Transactions when monthly advances do not exceed $10,000 per recipient, provided that such advances are monitored through other forms contained in this appendix, or the recipient's accounting controls are adequate to minimize excessive Federal advances.

4. Except as noted below, only the following forms will be authorized for the recipients in requesting advances and reimbursements.

a. *Request for Advance or Reimbursement (Exhibit 3).* (1) Each Federal sponsoring agency shall adopt the Request for Advance or Reimbursement as a standardized form for all nonconstruction programs when letters of credit or predetermined advance methods are not used. Federal sponsoring agencies, however, have the option of using this form for construction programs in lieu of the Outlay Report and Request for Reimbursement for Construction Programs (paragraph 5b.).

(2) Recipients shall be authorized to submit requests for advances and reimbursement at least monthly when letters of credit are not used. Federal sponsoring agencies shall not require the submission of more than the original and two copies of the Request for Advance or Reimbursement.

b. *Outlay Report and Request for Reimbursement for Construction Programs (Exhibit 4).* (1) Each Federal sponsoring agency shall adopt the Outlay Report and Request for Reimbursement for Construction Programs as the standardized format to be used for requesting reimbursement for construction programs. The Federal sponsoring agencies may, however, have the option of substituting the Request for Advance or Reimbursement Form (paragraph 4a.) when the Federal agencies determine that it provides adequate information to meet their needs.

(2) Recipients shall be authorized to submit requests for reimbursement at least monthly when letters of credit are not used. Federal sponsoring agencies shall not require more than the original and two copies of the Outlay Report and Request for Reimbursement for Construction Programs.

5. When the Federal sponsoring agencies need additional information in using these forms, the following shall be observed:

a. When necessary to comply with legislative requirements, Federal sponsoring agencies shall issue instructions to require recipients to submit such information under the "Remarks" section of the reports.

b. When necessary to meet specific program needs, Federal sponsoring agencies shall submit the proposed reporting requirements to the General Services Administration for approval under the exception provision of this part.

c. When a Federal sponsoring agency has determined that a nonprofit organization's accounting system does not meet the Standards for Financial Management contained in appendix F to this part, additional information to further monitor agreements may be obtained until such time as the system is brought up to standard.

d. The Federal sponsoring agency, in obtaining information as in paragraphs a. and

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b. above, must also comply with report clearance requirements of the Office of Management and Budget Circular No. A-40, as revised.

6. Federal sponsoring agencies have the option of shading out any line item on any report that is unnecessary for decisionmaking purposes.

7. Federal sponsoring agencies should accept the identical information from the recipients in machine usable format or computer printouts in lieu of prescribed formats.

8. Federal sponsoring agencies may provide computer outputs to recipients when it will expedite or contribute to the accuracy of reporting.

9. Federal sponsoring agencies are authorized to reproduce these forms. The forms for reproduction purposes can be obtained from the General Services Administration.

APPENDIX H

MONITORING AND REPORTING PROGRAM PERFORMANCE

1. This appendix sets forth the procedures for monitoring and reporting program performance of recipients.

2. Recipients shall monitor the performance under agreements and, where appropriate, ensure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity of each agreement as set forth in the approved application or award document.

3. Recipients shall submit a performance report (technical report) for each agreement that briefly presents the following information for each program, function, or activity involved as prescribed by the Federal sponsoring agency:

a. A comparison of actual accomplishments with the goals established for the period, the findings of the investigator, or both. If the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

b. Reasons why established goals were not met.

c. Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

4. Except as provided in a. and b. below, recipients shall submit the performance or technical reports to Federal sponsoring agencies with the Financial Status Reports in the frequency established by Appendix G of this part and, where appropriate, a final technical or performance report after completion of the project on a date specified by the Federal sponsoring agency. The Federal sponsoring agency shall prescribe the frequency with which the performance reports will be submitted with the request for advance or reimbursement when that form is used in lieu of the Financial Status Report. Except as provided for in paragraph 5. below, performance reports shall not be required more frequently than quarterly or less frequently than annually. Federal sponsoring agencies may waive the requirement for recipients to submit performance reports with the financial reports under the following circumstances:

a. When the recipient is required to submit a performance report with a continuation or renewal application.

b. When the Federal sponsoring agency determines that on-site technical inspections and certified completion data will be sufficient to evaluate construction projects.

c. When the Federal sponsoring agency requests annual financial reports on a fiscal year basis but it is necessary to get annual progress reports on a calendar year basis.

5. Between the required performance reporting dates, events may occur which have significant impact upon the project or program. In such instances, the recipient shall inform the Federal sponsoring agency as soon as the following types of conditions become known:

a. Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

b. Favorable developments or events that enable time schedules to be met sooner than anticipated or more work units to be produced than originally projected.

6. If any performance review conducted by the recipient disclosures the need for change in the budget estimates in accordance with the criteria established in Appendix J to this circular, the recipient shall submit a request for budget revision.

7. The Federal sponsoring agency shall make site visits as frequently as practicable to:

a. Review program accomplishments and management control systems, and

b. Provide such technical assistance as may be required.

APPENDIX I

Payment requirements. 1. This appendix establishes the required methods of making payments to recipients. These methods will minimize the time elapsing between the disbursement by these recipients and the transfer of funds from the United States Treasury to these recipients whether such disbursement occurs prior to or subsequent to the transfer of funds.

2. Payments can be made to recipients through a letter of credit, an advance by Treasury check, or a reimbursement by Treasury check. The following definitions apply for the purpose of this appendix:

a. *Letter of credit.* A letter of credit is an instrument certified by an authorized official of a Federal sponsoring agency which authorizes a recipient to draw funds when needed from the Treasury, through a Federal Reserve bank and the recipient's commercial bank, in accordance with the provisions of Treasury Circular No. 1076, as revised.

b. *Advance by Treasury check.* An advance by Treasury check is a payment made by a Treasury check to a recipient upon its request before outlays are made by the recipient, or through the use of predetermined payment schedules.

c. *Reimbursement by Treasury check.* A reimbursement by Treasury check is a Treasury check paid to a recipient upon request for reimbursement from the recipient.

3. Except for construction grants and other construction agreements for which optional payment methods are authorized, as described in paragraph 5, the letter-of-credit method shall be used by Federal sponsoring agencies if all of the following conditions exist:

a. If there is or will be a continuing relationship between a recipient and a Federal sponsoring agency for at least a 12-month period and the total amount of advance payments expected to be received within that period from the Federal sponsoring agency is $250,000 or more, as prescribed by Treasury Circular No. 1075.

b. If the recipient has established or demonstrated to the Federal sponsoring agency the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the recipient.

c. If the recipient's financial management system meets the standards for fund control and accountability prescribed in Appendix F to this part, "Standards for Financial Management Systems."

4. The method of advancing funds by Treasury check shall be used, in accordance with the provisions of Treasury Circular No. 1075, when the recipient meets all of the requirements specified in paragraph 3, above, except those in subparagraph 3a.

5. The reimbursement by Treasury check method shall be the preferred method if the recipient does not meet the requirements specified in either or both of subparagraphs 3b. and 3c. At the option of the Federal sponsoring agency, this method may also be used on any construction agreement, or if the major portion of the program is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the program. When the reimbursement method is used, the Federal sponsoring agency shall make payment within thirty days after receipt of the billing, unless the billing is improper.

6. When the letter-of-credit procedure is used, the recipient shall be issued one consolidated letter of credit whenever possible to cover anticipated cash needs for all grants and other agrements awarded by the sponsoring agency. Likewise, to the extent possible, when the advance by Treasury check method is used, advances should be consolidated (pooled) for all grants and other agreements made by the sponsoring agency to that recipient.

7. The preferred form of security for advance payments under contracts shall be a paramount lien in favor of the Government upon personal property acquired for or allocated to contract performance.

8. Unless otherwise required by law, Federal sponsoring agencies shall not withhold payments for proper charges made by recipients at any time during the project or program period unless (a) a recipient has failed to comply with the program objectives, award conditions, or Federal reporting requirements; or (b) the recipient is indebted to the United States, and collection of the indebtedness will not impair accomplishment of the objectives of a project or program sponsored by the United States.

Under such conditions, the sponsoring agency may, upon reasonable notice, inform the recipient that payments will not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

APPENDIX J

Revision of financial plans. 1. This appendix sets forth criteria and procedures to be followed by Federal sponsoring agencies in requiring recipients to report deviations from financial plans and to request approvals for financial plan revisions.

2. The financial plan is the financial expression of the project or program as approved during the application and/or award process. It may include both the Federal and non-Federal share or only the Federal share, depending upon sponsoring agency requirements. It should be related to performance for program evaluation purposes whenever appropriate and required by the Federal sponsoring agency.

3. For nonconstruction awards, recipients shall request prior approvals promptly from Federal sponsoring agencies whenever deviations from approved financial plans are necessary for the following reasons:

a. The revision results from changes in the scope or the objective of the project or program.

b. The revision indicates the need for additional Federal funding.

c. The revision involves the transfer of amounts budgeted for indirect costs to absorb increases in direct costs or vice versa, if approval is required by the Federal sponsoring agency.

d. The revisions pertain to expenditures which require approval in accordance with FMC 73-6 (34 CFR Part 254) (Cost Principles for Educational Institutions). No other requirements for specific items may be imposed unless a deviation has been approved by the General Services Administration.

e. When recipients plan to transfer funds allotted for training allowances (direct payments to trainees) to other categories of expense.

4. The Federal sponsoring agency may also, at its option, restrict transfers of funds among direct cost categories for awards in which the Federal share exceeds $100,000 when the cumulative amount of such transfers exceeds or is expected to exceed 5 percent of the total budget. The same criteria shall apply to the cumulative amount of transfers among programs, functions, and activities when budgeted separately for an award, except that the Federal sponsoring agency shall permit no transfer which would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended.

5. All other changes to nonconstruction budgets, except for the changes described in paragraph 7., do not require approval. This includes the use of recipient funds in furtherance of program objectives over and above the recipient minimum share included in the approved budget.

6. For construction awards, recipients shall request prior approvals promptly from Federal sponsoring agencies for budget revisions wherever:

a. The revision results from changes in the scope or the objective of the project or program, and

b. The revision increases the budget amounts of Federal funds needed to complete the project.

7. When a Federal sponsoring agency makes an award which provides support for both construction and nonconstruction work, the Federal sponsoring agency may require the recipient to request prior approval from the Federal sponsoring agency before making any fund or budget transfers between the two types of work supported.

8. For both construction and nonconstruction awards, Federal sponsoring agencies shall require recipients to notify the Federal sponsoring agency promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by more than $5,000 or 5 percent of the Federal award, whichever is greater. This notification will not be required when applications for additional funding are submitted for continuing grants or contracts.

9. When requesting approval for budget revisions which require forms, recipients shall use the budget forms which were used in the application.

10. Within 30 calendar days from the date of receipt of the request for budget revisions, Federal sponsoring agencies shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, the Federal sponsoring agency shall inform the recipient in writing of the date when the recipient may expect the decision.

APPENDIX K

Closeout procedures. 1. This appendix prescribes uniform closeout procedures for Federal agreements with recipients.

2. The following definitions shall apply for the purpose of this attachment:

a. *Closeout.* The closeout of an agreement is the process by which a Federal sponsoring agency determines that all applicable administrative actions and all required work of the agreement have been completed by the recipient and the Federal sponsoring agency.

b. *Date of completion.* The date of completion means when all work under an agreement is completed or the date in the award document, or any supplement or amendment thereto, on which Federal sponsorship ends.

c. *Disallowed costs.* Disallowed costs are those charges to an agreement which the Federal sponsoring agency or its representative determines to be unallowable, in accordance with the applicable Federal cost principles or other conditions contained in the agreements.

3. All Federal sponsoring agencies shall establish closeout procedures which include the following requirements:

a. Upon request, the Federal sponsoring agency shall make prompt payments to a recipient for allowable reimbursable costs under the agreement being closed out.

b. The recipient shall immediately refund any balance of unencumbered cash which the Federal sponsoring agency has advanced or paid and which is not authorized to be retained by the recipient for use in other agreements.

c. The Federal sponsoring agency shall obtain from the recipient within 90 calendar days after the date of completion of the agreement all financial, performance, and other reports required as the condition of the agreement. The agency may grant extensions when requested by the recipient.

d. When authorized by the agreement, the Federal sponsoring agency shall make a settlement for any upward or downward adjustments to the Federal share of costs after these reports are received.

e. The recipient shall account for any property acquired with Federal funds, or received from the Government in accordance with the provisions of Appendix N to this part, Property Management Standards.

f. In the event a final audit is required and has not been performed prior to the closeout of the agreement, the Federal sponsoring agency shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

4. Suspension and termination procedures are contained in Appendix L to this part.

APPENDIX L

Suspension and termination procedures. 1. This appendix prescribes uniform suspension and termination procedures for Federal agreements with recipients.

2. The following definitions shall apply for the purpose of this appendix:

a. *Termination.* The termination of an agreement means the cancellation of Federal sponsorship, in whole or in part, under an agreement at any time prior to the date of completion.

b. *Suspension.* The suspension of an agreement is an action by a Federal sponsoring agency which temporarily suspends Federal sponsorship under the agreement pending corrective action by the recipient or pending a decision to terminate the agreement by the Federal sponsoring agency.

3. All Federal sponsoring agencies shall provide procedures to be followed when a recipient has failed to comply with the terms of the agreement and conditions or standards. When that occurs, the Federal sponsoring agency may, on reasonable notice to the recipient, suspend the agreement, and withhold further payments, or prohibit the recipient from incurring additional obligations of funds, pending corrective action by the recipient or a decision to terminate in accordance with paragraph 4. The Federal sponsoring agency shall allow all necessary and proper costs which the recipient could not reasonably avoid during the period of suspension provided that they meet the provisions of the applicable Federal cost principles.

4. Federal sponsoring agencies shall provide for the systematic settlement of terminated agreements including the following:

a. *Termination for cause.* The Federal sponsoring agency may reserve the right to terminate any agreement in whole or in part at any time before the date of completion, whenever it is determined that the recipient has failed to comply with the conditions of the agreement. The Federal sponsoring agency shall promptly notify the recipient in writing of the determination and the reasons for the termination, together with the effective date. Payments made to recipients or recoveries by the Federal sponsoring agencies under agreements terminated for cause shall be in accordance with the legal rights and liabilities of the parties.

b. *Termination for convenience.* (1) *Grants and other cooperative agreements.* The sponsoring agency or recipient may terminate grants and other cooperative agreements in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Federal sponsoring agency shall allow full credit to the recipient for the Federal share of the noncancellable obligations, properly incurred by the recipient prior to termination.

(2) *Contracts.* The Federal contracting agency may terminate contracts, in whole, or in part, whenever for any reason the contracting officer shall determine that such termination is in the best interest of the Government.

APPENDIX M

[RESERVED FOR—APPLICATION FORMS]

APPENDIX N

Property management standards. 1. This appendix prescribes uniform standards governing management of property furnished by the Federal Government or acquired in whole or in part with Federal funds by recipients. Federal sponsoring agencies shall require recipients to observe these standards under agreements and shall not impose additional requirements unless specifically required by Federal law. The recipient may use his own property management standards and procedures provided he observes the provisions of this appendix.

2. The following definitions apply for the purpose of this appendix:

a. *Real property.* Real property means land, including land improvements, structures, and and appurtenances thereto, but excluding movable machinery and equipment.

b. *Personal property.* Personal property means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical

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existence, such as patents, inventions, and copyrights.

c. *Nonexpendable personal property.* Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit except that recipients subject to Cost Accounting Standards Board regulations may use the CASB standard of $500 per unit and useful life of two years. A recipient may use its own definition of nonexpendable personal property provided that the definition would at least include all tangible personal property as defined above.

d. *Expendable personal property.* Expendable personal property referes to all tangible personal property other than nonexpendable property.

e. *Excess property.* Excess property means property under the control of any Federal agency which, as determined by the head thereof, is no longer required for its needs.

f. *Acquisition cost of purchased nonexpendable personal property.* Acquisition cost of an item of purchased nonexpendable personal property means the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

g. *Exempt property.* Exempt property means tangible personal property which is acquired in whole or in part with Federal funds, and title to which is vested in the recipient without further obligation to the Federal Government except as provided in 4d. below. Such unconditional vesting of title will be pursuant to any Federal legislation which provides the Federal sponsoring agency with adequate authority.

3. *Real property.* Agencies shall follow existing regulations for acquisition and use of real property acquired under contracts. Each Federal sponsoring agency shall prescribe requirements for recipients concerning the use and disposition for real property acquired partly or wholly under agreements except contracts. Unless otherwise provided by statute, such requirements, as a minimum, shall contain the following:

a. Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the assistance, as long as it is needed.

b. The recipient shall obtain approval by the Federal sponsoring agency for the use of real property in other projects when the recipient determines that the property is no longer needed for the purpose of the original assistance project. Use in other projects shall be limited to those under other federally assisted projects (i.e., grants or other agreements) or programs that have purposes consistent with those authorized for support by the Federal sponsoring agency.

c. When the real property is no longer needed as provided in a. and b. above, the recipient shall request disposition instructions from the Federal sponsoring agency or its successor Federal sponsoring agency in interest. The Federal sponsoring agency shall observe the following rules in the disposition instructions.

(1) The recipient may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(2) The recipient may be directed to sell the property under guidelines provided by the Federal sponsoring agency and pay the Federal Government an amount computed by applying the Federal percentage of participation in the cost of the original project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(3) The recipient may be directed to transfer title to the property to the Federal Government provided that in such cases the recipient shall be entitled to compensation computed by applying the recipient's percentage of participation in the cost of the program or project to the current fair market value of the property.

4. *Nonexpendable personal property.* Standards and procedures governing management of nonexpendable personal property acquired with Federal assistance funds or furnished by the Federal Government, are set forth below.

a. *Exempt property.* When statutory authority exists, (e.g., Pub. L. 85-934, (42 U.S.C. 1892)), nonexpendable personal property acquired with Federal funds, title shall be vested in the recipient upon acquisition unless it is determined that to do so is not in furtherance of the objectives of the Federal sponsoring agency. When title is vested in the recipient, the recipient shall have no other obligation or accountability to the Federal Government for its use or disposition except as provided in 4d. below.

b. *Nonexempt, nonexpendable personal property acquired with contract funds.* Title to nonexempt, nonexpendable personal property acquired with contract funds shall vest in the Federal Government upon acquisition. The contractor shall (subject to the shared use rule in 4f. below) use the property for the contract under which it was acquired as long as needed. Upon completion or termination of the contract, the contractor and the Federal sponsoring agency will act in accordance with 4e. below.

c. *Nonexempt, nonexpendable personal property acquired with other than contract funds.* When nonexempt, nonexpendable personal property is acquired by a recipient wholly or in part with other than contract funds, title shall not be taken by the Federal Government except as provided in 4d., below, but shall vest in the recipient subject to the following conditions governing use and disposition of the property:

(1) The recipient shall (subject to 4f. below) use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the recipient shall use the property in connection with its other federally assisted activities, in the following order of priority:

(a) Activities sponsored by the same Federal agency.

(b) Activities sponsored by other Federal agencies.

(2) When the recipient no longer needs the property as provided in (1) above, the property may be used for other activities in accordance with the following standards:

(a) *Nonexpendable property with a unit acquisition cost of less than $1,000.* The recipient may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) *Nonexpendable personal property with a unit acquisition cost of $1,000 or more.* The recipient may retain the property for other uses provided that compensation is made to the original Federal sponsoring agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the recipient has no need for the property and the property has further use value, the recipient shall request disposition instructions from the original sponsoring agency. The Federal sponsoring agency shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported to the General Services Administration (GSA) by the Federal agency to determine whether a requirement for the property exists in other Federal agencies. The Federal sponsoring agency shall issue instructions to the recipient not later than 120 days after the recipient's request, and the following procedures shall govern:

(1) If the recipient is instructed to ship the property elsewhere, the recipient shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the recipient's participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(11) If the recipient is instructed to otherwise dispose of the property, the recipient shall be reimbursed by the Federal sponsoring agency for such costs incurred in its disposition. If the recipient is instructed to sell the property, he shall reimburse the Federal sponsoring agency in accordance with subparagraph 4b(iii) below.

(iii) If disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the property and reimburse the Federal sponsoring agency an amount which is computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the recipient shall be permitted to deduct and retain from the Federal share $100 or 10 percent of the proceeds, whichever is greater, for the recipient's selling and handling expenses.

d. *Transfer of title of recipient-owned, nonexpendable property with a unit acquisition cost of $1,000 or more.* With respect to items of nonexpendable personal property owned by recipients and acquired with Federal funds having a unit acquisition cost of $1,000 or more, the Federal sponsoring agency may reserve the right to require the recipient to transfer the title to the Federal Government or directly to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(1) The property shall be appropriately identified in the agreement or otherwise made known to the recipient.

(2) The Federal sponsoring agency shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal sponsoring agency fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of subparagraphs 4c. and 4a. as appropriate.

(3) When the Federal sponsoring agency exercises its right to take title, it shall notify the recipient; the personal property shall be subject to the provisions of subparagraph 4e. below.

(4) When title is transferred either to the Federal Government or to a third party, the provisions of 4c(b)(i) should be followed.

e. *Federally owned nonexpendable personal property.* Title to federally owned property remains vested in the Federal Government. The Federal sponsoring agency may require property acquired under a contract to be reported to it upon acquisition. Recipients shall submit annually an inventory listing of federally owned property in their custody to the Federal sponsoring agency. Upon completion of the agreement or when the property is no longer needed, the recipient shall report the property to the Federal sponsoring agency for further agency utilization.

If the Federal sponsoring agency has no further need for the property, it shall be declared excess and reported to the General Services Administration. Appropriate disposition instructions will be issued to the recipient after completion of the Federal agency review.

f. *Shared use.* During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by the Federal agency which financed the property; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by the Federal agency. User charges should be considered if appropriate.

5. The recipient's property management standards for nonexpendable personal property shall include the following procedural requirements:

a. Property records shall be maintained accurately and shall include:

(1) A description of the property.

(2) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(3) Source of the property, including contract or grant number.

(4) Whether title vests in the recipient or the Federal Government.

(5) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(6) Percentage of Federal participation in the cost of the project or program for which the property was acquired (not applicable to property furnished by the Federal Government).

(7) Location, use and condition of the property and the date the information was reported.

(8) Unit acquisition cost.

(9) Ultimate disposition data, including sales price or the method used to determine current fair market value where a recipient compensates the Federal sponsoring agency for its share in accordance with 4c. above, and the date of disposal.

b. Property owned by the Federal Government must be marked to indicate Federal ownership. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference.

c. A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

d. A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the recipient shall promptly notify the sponsoring Federal agency.

e. Adequate maintenance procedures shall be implemented to keep the property in good condition.

f. Where the recipient is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

6. Standards for nonexempt, expendable personal property are as follows:

a. *Nonexempt, expendable personal property acquired with contract funds.* Title to nonexempt, expendable personal property acquired with contract funds shall vest in the Federal Government upon acquisition. Any residual inventory of such property, upon completion or termination of the contract, shall be reported to the Federal sponsoring agency, and shall be disposed of in accordance with instructions issued by the Federal sponsoring agency.

b. *Nonexempt, expendable personal property acquired with other than contract funds.* Title to nonexempt, expendable personal property acquired with other than contract funds shall vest in the recipient upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant, and the property is not needed for any other federally sponsored project or program, the recipient shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in accordance with 4c(2)(b) or, if sold, in accordance with 4c(2)(b)(iii), above.

7. Standards for control of intangible property are set forth below:

a. *Inventions and patents.* If any program produces patentable items, patent rights, processes, or inventions, in the course of work sponsored by the Federal Government, such fact shall be promptly and fully reported to the Federal sponsoring agency. Unless there is a prior agreement between the recipient and the Federal sponsoring agency on disposition of such items, the Federal sponsoring agency shall determine whether protection on the invention or discovery shall be sought. The Federal sponsoring agency will also determine how the rights in the invention or discovery—including rights under any patent issued thereon—shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of Government Patent Policy as printed in 36 FR 16889).

b. *Copyrights.* Except as otherwise provided in the terms and conditions of the agreement, the author or the recipient organization is free to copyright any books, publications or other copyrightable materials developed in the course of or under a Federal agreement, but the Federal sponsoring agency shall reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

APPENDIX O

Procurement standards. 1. This appendix provides standards for use by recipients in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and executive orders. The recipient shall rely on the private sector to provide goods and services to the maximum feasible extent. No additional procurement standards or requirements shall be imposed by the Federal sponsoring agencies upon recipients unless specifically required by Federal statute or executive orders.

2. The standards contained in this appendix do not relieve the recipient of the contractual responsibilities arising under its contracts. The recipient is the responsible authority, without recourse to the Federal sponsoring agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of an agreement. This includes disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

3. Recipients may use their own procurement policies and procedures. However, all recipients shall adhere to the standards set forth in paragraphs 3 and 4.

a. The recipient shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in the awarding and administration of contracts using Federal funds. The recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. Such standards shall provide for disciplinary actions to be applied for violation of such standards by the recipients' officers, employees, or agents.

b. All procurement transactions shall be conducted in a manner to provide to the maximum extent practical, open and free competition. The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Awards shall be made to the bidder/offeror with the lowest bid provided the bid/offer is responsive to the solicitation and is most advantageous to the recipient, price and other factors considered. Solicitations shall clearly set forth all requirements which the bidder/offeror must fulfill in order for his bid/offer to be evaluated by the recipient. Any and all bids/offers may be rejected when it is in the recipients' interest to do so.

c. All recipients shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(1) Proposed procurement actions shall have a procedure to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(2) Solicitations for supplies and services shall be based upon a clear, and accurate description of the technical requirements for the material, product, or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to refine the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

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(3) Positive efforts shall be made by the recipients to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts utilizing Federal funds.

(4) The type of procuring instruments used, e.g., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the recipient to be appropriate for the particular procurement and for promoting the best interest of the program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(6) All proposed sole source contracts in which the aggregate expenditure is expected to exceed $5,000 shall be subject to prior approval at the discretion of the Federal sponsoring agency.

(7) Procurement records and files for purchases in excess of $10,000 shall include the following:

(a) Basis for contractor selection.

(b) Justification for lack of competition when competitive bids or offers are not obtained.

(c) Basis for award cost or price.

(8) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions, and specifications of the contract, and to ensure adequate and timely followup of all purchases.

4. The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts.

a. Contracts in excess of $10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual, or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as may be appropriate.

b. All contracts in excess of $10,000 shall contain suitable provisions for termination by the recipient including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. In all contracts for *construction* or facility improvement awarded for more than $100,000, recipients shall observe the bonding requirements provided in Appendix B to this part.

d. All construction contracts awarded by recipients and their contractors or subgrantees having a value of more than $10,000, shall contain a provision requiring compliance with Executive Order 11246, entitled, "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

e. All contracts and subgrants in excess of $2,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

f. When required by the Federal program legislation, all construction contracts awarded by recipients and subrecipients of more than $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) and as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than onec a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

g. Where applicable, all contracts awarded by recipients in excess of $2,000 for *construction* contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety, and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h. Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Federal sponsoring agency and the recipient. The contractor shall be advised as to the source of additional information regarding these matters.

i. All negotiated contracts (except those of $2,500 or less) awarded by recipients shall include a provision to the effect that the recipient, the Federal sponsoring agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audit, examination, excerpts, and transcriptions.

j. Contracts and subgrants of amounts in excess of $100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Federal sponsoring agency and the Regional Office of the Environmental Protection Agency.

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February 11, 1975—Pages 6313–6447

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NOTE: There are no items eligible for inclusion in the list of RULES GOING INTO EFFECT.

Daily List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Delegation of Authority to the Deputy Assistant Secretary for Administration

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to provide a delegation of authority to the Deputy Assistant Secretary for Administration, as follows:

A new § 2.74 is added to read as follows:

§ 2.74 Deputy Assistant Secretary for Administration.

(a) *Delegations.* Pursuant to § 2.25, subject to reservations in § 2.26, the following delegation of authority is made by the Assistant Secretary for Administration to the Deputy Assistant Secretary for Administration, to be exercised only during the absence or unavailability of the Assistant Secretary: (1) Perform as Acting Assistant Secretary for Administration, all the duties and exercise all the powers which are now or which may hereafter be delegated to the Assistant Secretary for Administration.

Effective date: February 11, 1975.

Dated: February 6, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.75-3780 Filed 2-10-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Docket No. AO-160-A50-R01, et al.]

MILK IN THE MIDDLE ATLANTIC AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR Part	Marketing area	Docket No.
1004	Middle Atlantic	AO-160-A50-R01.
1001	Boston Regional	AO-14-A55-R01.
1002	New York-New Jersey	AO-71-A67-R01.
1006	Upper Florida	AO-356-A13.
1007	Georgia	AO-366-A13.
1011	Appalachian	AO-251-A18.
1012	Tampa Bay	AO-347-A17.
1013	Southeastern Florida	AO-286-A25.
1015	Connecticut	AO-305-A33-R01.
1030	Chicago Regional	AO-361-A13.
1032	Southern Illinois	AO-313-A27.
1033	Ohio Valley	AO-166-A47.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A41.
1040	Southern Michigan	AO-225-A30.
1044	Michigan Upper Peninsula	AO-299-A22.
1046	Louisville-Lexington-Evansville.	AO-128-A43.
1049	Indiana	AO-319-A25.
1050	Central Illinois	AO-355-A18.
1060	Minnesota-North Dakota	AO-360-A10-R01.
1061	Southeastern Minnesota-Northern Iowa (Dairyland).	AO-367-A9-R01.
1062	St. Louis-Ozarks	AO-10-A49.
1063	Quad Cities-Dubuque	AO-105-A41.
1064	Greater Kansas City	AO-23-A48.
1065	Nebraska-Western Iowa	AO-65-A34.
1068	Minneapolis-St. Paul, Minn.	AO-178-A33-R01.
1069	Duluth-Superior	AO-153-A22-R01.
1070	Cedar Rapids-Iowa City	AO-229-A30.
1071	Neosho Valley	AO-227-A31.
1073	Wichita	AO-173-A32.
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1076	Eastern South Dakota	AO-350-A21-R01.
1078	North Central Iowa	AO-272-A25.
1079	Des Moines, Iowa	AO-255-A30.
1090	Chattanooga, Tenn	AO-206-A20.
1094	New Orleans, La	AO-103-A37.
1096	Northern Louisiana	AO-257-A25.
1097	Memphis, Tenn	AO-219-A31.
1098	Nashville, Tenn	AO-184-A38.
1099	Paducah, Ky	AO-188-A31.
1101	Knoxville, Tenn	AO-195-A24.
1102	Fort Smith, Ark	AO-287-A25.
1104	Red River Valley	AO-298-A25.
1106	Oklahoma Metropolitan	AO-210-A36.
1108	Central Arkansas	AO-243-A29.
1120	Lubbock-Plainview, Tex	AO-328-A18.
1121	South Texas	AO-364-A8-R01.
1124	Oregon-Washington	AO-368-A8.
1125	Puget Sound, Wash	AO-236-A28.
1126	North Texas	AO-231-A41-R01.
1127	San Antonio, Tex	AO-232-A27-R01.
1128	Central West Texas	AO-238-A30-R01.
1129	Austin-Waco, Tex	AO-256-A23-R01.
1130	Corpus Christi, Tex	AO-259-A27-R01.
1131	Central Arizona	AO-271-A19.
1132	Texas Panhandle	AO-262-A27.
1133	Inland Empire	AO-275-A26.
1134	Western Colorado	AO-301-A16.
1136	Great Basin	AO-309-A22.
1137	Eastern Colorado	AO-326-A20.
1138	Rio Grande Valley	AO-335-A23.
1139	Lake Mead, Nev	AO-374-A4.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held January 20, 1975, in Washington, D.C., upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective upon publication in the Federal Register. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The emergency decision of the Assistant Secretary containing all amendment provisions of this order was issued January 28, 1975. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective upon publication in the Federal Register, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the

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declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending each of the specified orders, except Austin-Waco, Fort Smith, Memphis, Michigan Upper Peninsula, and North Central Iowa, is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the respective marketing areas; and

(4) The issuance of the order amending the Austin-Waco, Fort Smith, Memphis, Michigan Upper Peninsula and North Central Iowa orders is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the respective marketing areas.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1001—BOSTON REGIONAL MARKETING AREA

1. In § 1001.32, paragraph (j) (1) (i) is revised as follows:

§ 1001.32 Additional duties of the market administrator.

(j) • • •
(1) • • •

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

2. In § 1001.61, paragraph (a) is revised as follows:

§ 1001.61 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.58: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.58.

PART 1002—NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22 paragraph (m) (1) (i) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

(m) • • •
(1) • • •

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 at such zones and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month at such zones.

2. In § 1002.50a paragraph (a) is revised as follows:

§ 1002.50a Class prices.

(a) For Class I–A milk the price shall be the basic formula price for the second preceding month plus $2.40: *Provided*, That from the effective date hereof through March 1975 the Class I–A price shall be the basic formula price for the preceding month plus $2.40.

PART 1004—MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.50, paragraph (a) is revised as follows:

§ 1004.50 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.78.

2. In § 1004.53, paragraph (a) is revised as follows:

§ 1004.53 Announcement of class prices and producer butterfat differential.

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for that month;

PART 1006—UPPER FLORIDA MARKETING AREA

1. In § 1006.50, paragraph (a) is revised as follows:

§ 1006.50 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.85.

2. In § 1006.53, paragraph (a) is revised as follows:

§ 1006.53 Announcement of class prices and handler butterfat differentials.

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

PART 1007—GEORGIA MARKETING AREA

1. In § 1007.50, paragraph (a) is revised as follows:

§ 1007.50 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.30.

2. Section 1007.53 is revised as follows:

§ 1007.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for that month.

PART 1011—APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) (1) (i) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

(k) • • •
(1) • • •

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before fifth day of March 1975 the market administrator shall publicly announce the Class I price for the current month;

2. In § 1011.51, paragraph (a) is revised as follows:

§ 1011.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.13: *Provided*, That from the effective date hereof through March 1975 the Class I price

shall be the basic formula price for the preceding month plus $2.13.

PART 1012—TAMPA BAY MARKETING AREA

1. In § 1012.50, paragraph (a) is revised as follows:

§ 1012.50 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.95.

2. In § 1012.53, paragraph (a) is revised as follows:

§ 1012.53 Announcement of class prices and handler butterfat differentials.

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

PART 1013—SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.50, paragraph (a) is revised as follows:

§ 1013.50 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $3.15.

2. In § 1013.53, paragraph (a) is revised as follows:

§ 1013.53 Announcement of class prices and handler butterfat differentials.

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

PART 1015—CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) (1) (i) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

(g) • • •
(1) • • •

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

2. In § 1015.61, paragraph (a) is revised as follows:

§ 1015.61 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.98: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.98.

PART 1030—CHICAGO REGIONAL MARKETING AREA

1. In § 1030.50, paragraph (a) is revised as follows:

§ 1030.50 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.26.

2. Section 1030.53 is revised as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1032—SOUTHERN ILLINOIS MARKETING AREA

1. Section 1032.53 is revised as follows:

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1033—OHIO VALLEY MARKETING AREA

1. In § 1033.27, paragraph (k) (1) (i) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

(k) • • •
(1) • • •

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

2. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

PART 1036—EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.50, paragraph (a) is revised as follows:

§ 1036.50 Class prices.

(a) *Class I price.* The class I price shall be the basic formula price for the second preceding month plus $1.85: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.85.

2. Section 1036.53 is revised as follows:

§ 1036.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

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PART 1040—SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.50, paragraph (a) is revised as follows:

§ 1040.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

* * * * *

2. Section 1040.53 is revised as follows:

§ 1040.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1044—MICHIGAN UPPER PENINSULA MARKETING AREA

1. In § 1044.22, paragraph (l) (1) (i) is revised as follows:

§ 1044.22 Additional duties of the market administrator.

* * * * *

(l) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1044.51, paragraph (a) is revised as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price for plants located in Zone 1 shall be the basic formula price for the second preceding months plus $1.15. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2: *Provided,* That from the effective date hereof through March 1975 the Class I price for plants in Zone 1 shall be the basic formula price for the preceding month plus $1.15.

* * * * *

PART 1046—LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.50, paragraph (a) is revised as follows:

§ 1046.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.49: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.49.

* * * * *

2. Section 1046.53 is revised as follows:

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1049—INDIANA MARKETING AREA

1. In § 1049.50, paragraph (a) is revised as follows:

§ 1049.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.47.

* * * * *

2. Section 1049.53 is revised as follows:

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1050—CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.50, paragraph (a) is revised as follows:

§ 1050.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.39: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.39.

* * * * *

2. Section 1050.53 is revised as follows:

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1060—MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.50, paragraph (a) is revised as follows:

§ 1060.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.30: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.30.

* * * * *

2. Section 1060.53 is revised as follows:

§ 1060.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1061—SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.50, paragraph (a) is revised as follows:

§ 1061.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.06.

* * * * *

2. Section 1061.53 is revised as follows:

§ 1061.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1062—ST. LOUIS-OZARKS MARKETING AREA

1. In §1062.50, paragraph (a) is revised as follows:

§ 1062.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

* * * * *

2. Section 1062.53 is revised as follows:

§ 1062.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1063—QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.50, paragraph (a) is revised as follows:

§ 1063.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.33.

* * * * *

2. Section 1063.53 is revised as follows:

§ 1063.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1064—GREATER KANSAS CITY MARKETING AREA

1. In § 1064.50, paragraph (a) is revised as follows:

§ 1064.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.74: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.74.

* * * * *

2. Section 1064.53 is revised as follows:

§ 1064.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1065—NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.50, paragraph (a) is revised as follows:

§ 1065.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2, and plus $1.75 in Zone 3: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2, and plus $1.75 in Zone 3.

* * * * *

2. Section 1065.53 is revised as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1068—MINNEAPOLIS-ST. PAUL, MINNESOTA MARAKETING AREA

1. In § 1068.50, paragraph (a) is revised as follows:

§ 1068.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.06.

* * * * *

2. Section 1068.53 is revised as follows:

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class IX and Class XII prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1069—DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.50, paragraph (a) is revised as follows:

§ 1069.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.10: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.10.

* * * * *

2. Section 1069.53 is revised as follows:

§ 1069.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1070—CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.50, paragraph (a) is revised as follows:

§ 1070.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33: *Provided,* That from the effective date hereof through March 1975 the Class I price

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shall be the basic formula price for the preceding month plus $1.33.

. . . . . .

2. Section 1070.53 is revised as follows:

§ 1070.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1071—NEOSHO VALLEY MARKETING AREA

1. In § 1071.50, paragraph (a) the introductory text is revised as follows:

§ 1071.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.54, except that from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.54: *Provided*, That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than, the lower of the following:

. . . . . .

2. Section 1071.53 is revised as follows:

§ 1071.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1073—WICHITA, KANSAS MARKETING AREA

1. In § 1073.50, paragraph (a) is revised as follows:

§ 1073.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.80, except that from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.80. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

. . . . . .

2. Section 1073.53 is revised as follows:

§ 1073.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1075—BLACK HILLS, SOUTH DAKOTA MARKETING AREA

1. In § 1075.27, paragraph (j) (1) (i) is revised as follows:

§ 1075.27 Additional duties of the market administrator.

. . . . . .

(j) . . .
(1) . . .

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

. . . . . .

2. In § 1075.51, paragraph (a) is revised as follows:

§ 1075.51 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

. . . . . .

PART 1076—EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.50, paragraph (a) is revised as follows:

§ 1076.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.50: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.50.

. . . . . .

2. Section 1076.53 is revised as follows:

§ 1076.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1078—NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.50, paragraph (a) is revised as follows:

§ 1078.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.25: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.25.

. . . . . .

2. Section 1078.53 is revised as follows:

§ 1078.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1079—DES MOINES, IOWA MARKETING AREA

1. In § 1079.50, paragraph (a) is revised as follows:

§ 1079.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.40: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.40.

. . . . . .

2. Section 1079.53 is revised as follows:

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1090—CHATTANOOGA, TENNESSEE MARKETING AREA

1. In § 1090.50, paragraph (a) is revised as follows:

§ 1090.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $2.15: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.15.

. . . . . .

2. Section 1090.53 is revised as follows:

§ 1090.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1094—NEW ORLEANS, LOUISIANA MARKETING AREA

1. In § 1094.50, paragraph (a) is revised as follows:

§ 1094.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $2.85: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.85.

. . . . . .

2. Section 1094.53 is revised as follows:

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1096—NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.50, paragraph (a) is revised as follows:

§ 1096.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $2.47: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.47.

. . . . . .

2. Section 1096.53 is revised as follows:

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1097—MEMPHIS, TENNESSEE MARKETING AREA

1. In § 1097.50, paragraph (a) is revised as follows:

§ 1097.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.94: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.94.

. . . . . .

2. Section 1097.53 is revised as follows:

§ 1097.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1098—NASHVILLE, TENNESSEE MARKETING AREA

1. In § 1098.50, paragraph (a) is revised as follows:

§ 1098.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.58: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.58.

. . . . . .

2. Section 1098.53 is revised as follows:

§ 1098.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1099—PADUCAH, KENTUCKY MARKETING AREA

1. In § 1099.50, paragraph (a) is revised as follows:

§ 1099.50 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

. . . . . .

2. Section 1099.53 is revised as follows:

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1101—KNOXVILLE, TENNESSEE MARKETING AREA

1. In § 1101.22, paragraph (j) (1) (i) is revised as follows:

§ 1101.22 Additional duties of the market administrator.

. . . . . .

(j) . . .
(1) . . .

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

. . . . . .

2. In § 1101.51, paragraph (a) is revised as follows:

§ 1101.51 Class prices.

. . . . . .

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided*, That from the effective date hereof through March 1975 the Class I

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price shall be the basic formula price for the preceding month plus $1.70.

* * * * *

PART 1102—FORT SMITH, ARKANSAS MARKETING AREA

1. In § 1102.50, paragraph (a) is revised as follows:

§ 1102.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

* * * * *

2. Section 1102.53 is revised as follows:

§ 1102.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1104—RED RIVER VALLEY MARKETING AREA

1. Section 1104.53 is revised as follows:

§ 1104.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1106—OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.50, paragraph (a) is revised as follows:

§ 1106.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.98: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.98.

* * * * *

2. Section 1106.53 is revised as follows:

§ 1106.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1108—CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.50, paragraph (a) is revised as follows:

§ 1108.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.94.

* * * * *

2. Section 1108.53 is revised as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1120—LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

1. In § 1120.50, paragraph (a) is revised as follows:

§ 1120.50 Class prices.

* * * * *

(a) *Class I. Price.* The Class I price shall be the basic formula price for the second preceding month plus $2.42: *Provided,* That from the effective date herexof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.42.

* * * * *

2. Section 1120.53 is revised as follows:

§ 1120.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided.* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1121—SOUTH TEXAS MARKETING AREA

1. In § 1121.50, paragraph (a) is revised as follows:

§ 1121.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.68: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.68.

* * * * *

2. Section 1121.53 is revised as follows:

§ 1121.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1124—OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (1) (1) (i) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

* * * * *

(1) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

* * * * *

PART 1125—PUGET SOUND, WASHINGTON MARKETING AREA

1. In § 1125.50, paragraph (a) is revised as follows:

§ 1125.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the

second preceding month plus $1.85: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.85.

* * * * *

2. Section 1125.53 is revised as follows:

§ 1125.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1126—NORTH TEXAS MARKETING AREA

1. In § 1126.50, paragraph (a) is revised as follows:

§ 1126.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.32.

* * * * *

2. Section 1126.53 is revised as follows:

§ 1126.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1127—SAN ANTONIO, TEXAS MARKETING AREA

1. In § 1127.50, paragraph (a) is revised as follows:

§ 1127.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.74: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.74.

* * * * *

2. Section 1127.53 is revised as follows:

§ 1127.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1128—CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.50, paragraph (a) is revised as follows:

§ 1128.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.57: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.57.

* * * * *

2. Section 1128.53 is revised as follows:

§ 1128.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1129—AUSTIN-WACO, TEXAS MARKETING AREA

1. In § 1129.50, paragraph (a) is revised as follows:

§ 1129.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.70.

* * * * *

2. Section 1129.53 is revised as follows:

§ 1129.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1130—CORPUS CHRISTI, TEXAS MARKETING AREA

1. In § 1130.50, paragraph (a) is revised as follows:

§ 1130.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.07: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $3.07.

* * * * *

2. Section 1130.53 is revised as follows:

§ 1130.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1131—CENTRAL ARIZONA MARKETING AREA

1. In § 1131.50, paragraph (a) is revised as follows:

§ 1131.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.52: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.52.

* * * * *

2. Section 1131.53 is revised as follows:

§ 1131.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

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PART 1132—TEXAS PANHANDLE MARKETING AREA

1. In § 1132.50, paragraph (a) is revised as follows:

§ 1132.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.25: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.25.

• • • • • •

2. Section 1132.53 is revised as follows:

§ 1132.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1133—INLAND EMPIRE MARKETING AREA

1. In § 1133.50, paragraph (a) is revised as follows:

§ 1133.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

• • • • • •

2. In § 1133.53, paragraph (a) is revised as follows:

§ 1133.53 Announcement of class prices and handler butterfat differentials.

• • • • • •

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month:

• • • • • •

PART 1134—WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) (1) (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

• • • • • •

(i) • • •
(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • • •

2. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.00: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.00.

• • • • • •

PART 1136—GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) (1) (i) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

• • • • • •

(k) • • •
(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • • •

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.90: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.90.

• • • • • •

PART 1137—EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i) (1) (i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

• • • • • •

(i) • • •
(1) • • •

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

• • • • • •

2. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.30.

• • • • • •

PART 1138—RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.50, paragraph (a) is revised as follows:

§ 1138.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.35: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.35.

• • • • • •

2. Section 1138.53 is revised as follows:

§ 1138.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1139—LAKE MEAD MARKETING AREA

1. In § 1139.50, paragraph (a) is revised as follows:

§ 1139.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

• • • • • •

2. In § 1139.53, paragraph (a) is revised as follows:

§ 1139.53 Announcement of class prices and handler butterfat differentials.

• • • • • •

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price

for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month;

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 11, 1975.

Signed at Washington, D.C., on February 6, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-3776 Filed 2-10-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 309—ANTE-MORTEM INSPECTION

Diethylstilbestrol Certification

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the federal meat inspection regulations (9 CFR Part 309) are amended to extend the length of time cattle and sheep must be withdrawn from feed containing diethylstilbestrol (DES) prior to slaughter at federally inspected establishments as a condition of slaughter without a requirement of retention of the carcasses and parts thereof for laboratory testing for DES residue.

Statement of Considerations. Under § 309.16 of the regulations under the Act, no cattle or sheep can be slaughtered at an official establishment unless the operator of the official establishment obtains a certificate from the owner, feedlot manager, or other person who had custody of the cattle and sheep during the production or feeding period, or during an interim holding period immediately prior to delivery to the official establishment. It must appear from the certificates that the animals have not received feed containing DES within the 7 days immediately prior to presentation for slaughter. When the certification does not meet these requirements, or no certificate is furnished, the cattle and sheep must be held alive for the required 7-day period at the establishment, or slaughtered and tissue samples sent to an acceptable private or commercial laboratory for testing, and appropriate disposal made of the carcasses and parts thereof.

Recent studies conducted by USDA have confirmed that biological variation is an important factor in the rate of elimination of DES by individual animals. These studies indicate it may take as long as 12 days to eliminate detectable levels of DES in certain individual animals fed feeds containing this substance. Additionally, Food and Drug Administration field investigations have indicated that apparently some animals which had been fed feeds containing DES, but had not been given such feeds for 7 days prior to slaughter still showed detectable liver residue. These findings parallel those of USDA. Therefore, adding a small factor for safety, a 14 day withdrawal period is necessary to prevent DES contamination of the meat supply.

Accordingly, § 309.16 of the meat inspection regulations (9 CFR 309.16) is amended as follows:

1. In § 309.16(a), the term "7 days" is changed to "14 days."

2. In § 309.16 (b) (1), and in (b) (2), the term "7 days" is changed to "14 days" wherever it appears.

3. In § 309.16 (b) (5), the term "7 days" is changed to "14 days" wherever it appears.

4. In § 309.16(c) (1) the words "Manual of Meat Inspection Procedures" are changed to "Meat and Poultry Inspection Manual" to reflect the current name of this publication.

The foregoing amendments should be made effective as soon as possible in order to afford maximum protection to the public, and it does not appear that public participation in rule-making in connection with the amendments would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments will become effective February 11, 1975.

Done at Washington, D.C. on: February 4, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-3808 Filed 2-10-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Amendments to Octane and Price Posting Rules

On January 15, 1974, the Federal Energy Office (FEO) adopted § 212.129 of the Mandatory Petroleum Price Regulations requiring retail sellers of gasoline and No. 2-D diesel fuel to post in a prominent place of each pump used to dispense such fuels the maximum lawful price of the product and the octane number or numbers of the gasoline dispensed from that pump. These requirements appeared substantially in the form that had been promulgated originally by the Cost of Living Council in November, 1973, and called for posting in a manner to be prescribed by FEO. The manner prescribed by FEO was a form (CLC–9004A) prepared by the Cost of Living Council. Authorization for that form, however, lapsed, and its subsequent unavailability made compliance with the posting rule difficult for many sellers. Moreover, statutory authority (The Economic Stabilization Act of 1970) under which the Cost of Living Council initially adopted the regulation, expired on April 30, 1974.

Accordingly, on August 5, 1974, the Federal Energy Administration (FEA) issued notice (39 FR 28646, August 9, 1974) of a proposal to amend § 212.129 by revising paragraph (b), and solicited comments "on the factual relationship between the proposed octane and price posting regulations and the FEA's statutory authority" to amend the regulation "in light of the changes in statutory authority which have occurred since the initial issuance of the regulations." Based on the premise that "octane numbers are a primary indication of the quality of gasoline and that a reduction in octane numbers without a change in price is the same as a price increase," FEA made the preliminary determination that the Emergency Petroleum Allocation Act of 1973 (EPAA) provides sufficiently broad statutory authority to support the proposed regulation. Comments of the Administrator of the Environmental Protection Agency (EPA), which were included with the initial Notice and published at a later date, foresaw "no unfavorable impacts on the quality of the environment" as a result of the proposed amendment. The time for filing written comments in the proceeding was extended to September 3, 1974 (39 FR 30505, August 23, 1974).

Inasmuch as the rulemaking proposed only minor changes in an existing regulation, public hearings originally were not scheduled because of the slight public impact the proposed minor changes would have. Nevertheless, a request for oral presentation of comments having been received, FEA determined that a public hearing should be held.

Written comments, more than half of which were from oil companies, were received from approximately 30 interested persons. That number included comments from the Federal Trade Commission, EPA, a newspaper, several trade associations, the Public Interest Campaign, the State of New York, a petroleum refiner and the American Automolic hearing was held at which three interested parties presented oral statements with emphasis in two major areas: (1) FEA authority to promulgate an octane posting regulation, and (2) alternative octane computation methods.

FEA has considered all the comments and oral presentations in these and other areas, and has determined that the amendment should be adopted as proposed.

I. *FEA's Authority to Require Posting.* Comments suggesting that FEA lacks statutory authority for the proposed regulation focused on the following argument: Octane rating is not a primary indication of the quality of gasoline because antiknock (of which octane is an

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indicator) is only one of many characteristics that measure the quality of gasoline. If the octane number is not therefore a primary indication of quality, a decrease in octane number does not reflect a relative increase in price. Accordingly, since FEA lacks the express statutory authority to require posting, it can not assert implied authority to require posting of octane number pursuant to its authority to regulate price.

The most frequently mentioned characteristics that measure the quality of gasoline were (a) volatility, (b) vapor-liquid ratio, (c) distillation, (d) corrosion, (e) existent gum, (f) sulfur content, and (g) Reid vapor pressure. FEA has determined, however, that while these characteristics do contribute to a definition of the general quality of a particular gasoline, antiknock is a characteristic of singular importance, and as such represents a "primary indication of quality."

The sole function of octane number is to measure the antiknock characteristic of a particular fuel—in this case, gasoline. In general, two characteristics—antiknock and volatility (the tendency of a fuel to evaporate or change from a liquid to a gaseous state)—define the character of gasoline since the other component characteristics are limited by definition to such minor concentrations as not to have an adverse effect on engine performance. (American Society for Testing and Materials, Annual Book of ASTM Standards, Part 17 at 174 (1973)). Moreover, the Federal Trade Commission recently considered the importance of octane in its decision to adopt a trade regulation rule making the failure to post minimum octane numbers on gasoline pumps an unfair trade practice and an unfair method of competition. (See FTC, The Failure to Post Minimum Octane Numbers on Gasoline Dispensing Pumps Constitutes an Unfair Trade Practice and an Unfair Method of Competition, 36 FR 23871, December 16, 1971.) The FTC decision contains ample evidence to support the conclusion that octane is a "primary indication of quality" of gasoline. Included in that evidence are comments from major oil companies, statements by major automobile manufacturers, findings of automobile periodicals, and consumer comments. All support the conclusion that while octane rating measures only one of the many characteristics of gasoline, it nevertheless measures a primary one.

Since octane number is a primary indication of the quality of gasoline, FEA has determined that a reduction in octane number, without a corresponding reduction in price, represents a relative price increase. Pursuant to FEA's clear authority under the EPAA to regulate the price of crude oil, residual fuel oil and refined petroleum products, FEA concludes that the amendment adopted today is amply supported by statutory authority.

II. *Computation of Octane Number.* At present, § 212.31 defines "Octane number" as

the octane number derived from the sum of Research (R) and Motor (M) octane numbers divided by two (R+M)/2. The research octane (R) and motor octant number (M) shall be as described in the American Society for Testing and Materials (ASTM) "Standard Specifications for Gasoline" D439-70, and subsequent revisions, and ASTM Test Methods D2699 and D2700.

Although several other formulae have been proposed (including the variation [(R+M)/2]+4), FEA has determined that there is presently insufficient justification to depart from the use of (R+M)/2.

Rather, FEA will defer to the conclusion of the Federal Trade Commission—based upon the Commission's in-depth consideration of the issue—that (R+M)/2 "is the simplest, [most] technically precise, and meaningful indication of road octane performance for premium grade requirement cars on the road and also for the majority of regular grade requirement cars • • •." (36 FR 23871, December 16, 1971.) This conclusion is supported in part by EPA, which recognized that when compared to either the research or motor octane numbers, (R+M)/2 "is more technically correct over the current mix of cars and is, therefore, a more useful basis for an octane rating system." (Letter from Alan G. Kirk II, EPA Asistant Administrator for Enforcement and General Counsel, to Robert E. Montgomery, Jr., FEA General Counsel, October 30, 1974.)

As stated in the FTC comment submitted in this proceeding, "[a]ny change in the posted number by the FEA at this time would only serve to confuse the motoring public, particularly as the octane numbers required to be posted since November of 1973 have been based on the (R+M)/2 formulation."

III. *Conclusion.* The amendment adopted today differs from the previous posting requirement in two significant aspects. Use of the old Cost of Living Council forms will no longer be required. Instead, sellers may adopt their own choice of form so long as certain minimum requirements are met: legible numerals not less than one-half (½) inch high must be posted in a prominent place on each face of each pump. Additionally, the amended regulation looks ahead to the eventual effective date for the FTC octane posting regulation, by providing that sellers may comply with the FEA regulation by complying with the proposed FTC regulation, whether required by the FTC to do so or not.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

FEBRUARY 5, 1975.

Section 212.129 is amended in the caption and in paragraph (b) to read as follows:

§ 212.129 Price and octane number information and posting.

• • • • •

(b) Each retail seller of gasoline and No. 2-D diesel fuel shall post and maintain in legible form, in numbers of a conspicuous size (not less than one-half (½) inch high), and in a prominent place on each face of each pump used to dispense gasoline or No. 2-D diesel fuel in retail sales, the maximum permissible price allowed to be charged pursuant to Subparts E or F of this part for such product and the octane number or numbers of the gasoline dispensed from that pump. Whenever a monthly adjustment is made to the maximum permissible price, each seller must post the new adjusted maximum permissible price, and remove the prior posted price. An alternative form for posting gasoline octane numbers, which may be used in lieu of the octane posting otherwise required by this paragraph, shall be the form prescribed or required by the Federal Trade Commission pursuant to its rule at 16 CFR 422.1.

[FR Doc.75-3698 Filed 2-6-75;9:24 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF THE CENSUS

Fee Structure for Special Population Censuses

The following § 50.10 replaces § 50.10 which was published in the FEDERAL REGISTER on August 23, 1968 (33 FR 11984) and in the Code of Federal Regulations, revised as of January 1, 1969, (15 CFR 50.10).

In accordance with the rule making provisions of Administrative Procedure 5 U.S.C. 553, it has been found that notice and hearing on this schedule of fees and postponement of the effective date thereof is impracticable and unnecessary for the reason that such procedure, because of the nature of the rules, serves no useful purpose.

The fees for special censuses are established under the provisions of Title 13, United States Code, Section 8, authorizing the Department of Commerce to make special statistical surveys and studies, and to perform other specified services upon payment of the cost thereof. No transcript of any record will be furnished under authority of this act which would violate existing or future acts requiring that information furnished be held confidential.

The following amended fee schedule is effective February 15, 1975, provided, however, that work will be performed at the previous fee for cost estimates issued at the former rate, if accepted within 90 days after the date of the cost estimate letter.

§ 50.10 Fee Structure for Special Population Censuses.

(a) The Bureau of the Census is authorized to conduct special population censuses at the request of and at the expense of the community concerned. To obtain a special population census, an authorized official of the community should write a letter to the Deputy Director, Bureau of the Census, Washington, D.C. 20233, requesting detailed information and stating the approximate present population. The Deputy Director will reply giving an estimate of the cost and other pertinent information.

(b) The fee for a special population census consists of two parts:

(1) Certain local expenses to be paid directly by the community for salary and travel (if necessary) of enumerators and crewleaders, who are hired locally and, unless otherwise furnished, for incidental expenses such as office space, telephone, and the like, and where applicable for social security, state and Federal taxes.

(2) Expenses of the Bureau of the Census for preparation of enumerator assignment maps, salary, and travel expense of the supervisor or supervisors assigned by the Bureau, the cost of tabulation of results, and general office and administrative expenses. The fee structure for this portion of the cost is:

Population size	Bureau fee	Estimated total cost
100	$705	$750
500	890	975- $985
1,000	1,080	1,235- 1,255
5,000	1,800	2,545- 2,670
10,000	3,315	4,815- 5,105
15,000	4,015	6,940- 7,410
20,000	4,820	8,795- 9,385
25,000	5,515	10,745-11,595
30,000	6,435	12,525-13,515
35,000	6,955	13,995-15,135
40,000	7,700	15,825-17,150
45,000	8,050	17,240-18,730

For communities of 50,000 population and over, and counties, special geographic areas and states, regardless of size, an individual estimate will be prepared.

Dated: February 5, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-3787 Filed 2-10-75;8:45 am]

Title 16—Commerce Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2588]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

H. Allen McKinney et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goals—Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146,147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, H. Allen McKinney t/a S & H Mobile Homes, etc., Missoula, Mont., Docket C-2588, Oct. 23, 1974]

In the matter of H. Allen McKinney, an individual trading and doing business as S & H Mobile Homes and as S & H Mobile Homes of Missoula.

Consent order requiring a Missoula, Mont., retailer of new and used mobile homes and travel trailers, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondent H. Allen McKinney, an individual trading and doing business as S & H Mobile Homes, S & H Mobile Homes of Missoula, or under any other name or names, and respondent's successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate, and

e. The deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondent, and that respondent secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondent herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

The Decision and Order was issued by the Commission October 23, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3743 Filed 2-10-75;8:45 am]

[1] Copies of the complaint & decision and order filed with the original document.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 332-2]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

2-ETHOXY-2,3-DIHYDRO-3,3-DIMETHYL-5-BENZOFURANYL METHANESULFONATE

A petition (FAP 4H5053) was filed by Fisons Corp., Two Preston Court, Bedford, Ma 01730, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5 - benzofurfanyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro - 3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl - 2 - oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses at 0.5 part per million to provide for residues that may occur from use of the herbicide in a proposed experi-

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mental program involving application to growing sugar beets.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that:

1. Residues of the herbicide will result in sugar beet molasses from carryover and concentration under agricultural uses provided for by an experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act. (For a related document, see this issue of the FEDERAL REGISTER, page _____.)

2. The proposed tolerance should be established to coincide with the experimental permit.

Therefore, pursuant to provisions of the Act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 121 is amended by adding the following new section to Subpart C:

§ 121.351 2 - Ethoxy - 2,3 - dihydro - 3, 3 - dimethyl - 5 - benzofuranyl methanesulfonate.

A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro - 3,3 - dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses, resulting from application of the herbicide to the growing sugar beets. Such residues may be present therein only as a result of the application of the herbicide to the growing sugar beets treated under an experimental program, which expires February 4, 1976, and on which said sugar beet roots and tops temporary pesticide tolerances for residues of the herbicide expiring the same date have been established. Residues remaining in or on the above commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/food additive tolerance.

Any person who will be adversely affected by the foregoing order may at any time on or before March 13, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 11, 1975.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: February 4, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-3697 Filed 2-10-75;8:45 am]

[FRL 332-4]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PICLORAM

In response to a food additive petition (FAP 4H5052) submitted jointly by the Montana Department of Agriculture, Helena, MT 59601, and the North Dakota Department of Agriculture, Bismarck, ND 58501, and a later request from the State of Nebraska, Department of Agriculture, P.O. Box 94756, Lincoln, NE 68509, interim food additive tolerances were established (§ 121.1256) for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in flour at 1 part per million and in milled fractions (except flour at 2 parts per million resulting from application of the herbicide to growing barley and wheat. These interim tolerances expired at the end of the 1974 growing season.

Because of an anticipated continued shortage of 2,4-D and other herbicides effective in controlling broadleaf weeds, the petitioners have requested that the interim food additive tolerances be extended to the 1975 growing season. In addition, the State of South Dakota, Department of Agriculture, and the State of Minnesota, Department of Agriculture, request that the proposed extension of interim food additive tolerances also be expanded to include South Dakota and Minnesota.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data submitted in the petition and other relevant material, it is concluded that the extension of time and the inclusion of the additional States should be established. (For a related document, see this issue of the FEDERAL REGISTER, page 6340.)

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 121.1256 is amended by revising the introductory paragraph and by adding the sentence "These interim tolerances expire April 1, 1976" to the end of the section, as follows:

§ 121.1256 Picloram.

The following interim tolerances are established for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) resulting from application of 2,4-D-picloram mixtures to growing barley and wheat in the States of Minnesota, Montana, Nebraska, North Dakota, and South Dakota:

* * * * * *

These interim tolerances expire April 1, 1976.

Any person who will be adversely affected by the foregoing order may at any time on or before March 13, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 11, 1975.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: February 4, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-3700 Filed 2-10-75;8:45 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lincomycin, Monensin

In the FEDERAL REGISTER of December 18, 1974 (39 FR 43718), the regulations regarding monensin (21 CFR 135e.50) were amended to change the drug name from monensin sodium to monensin. This document amends the regulations regarding lincomycin (21 CFR 135e.49) to change the monensin drug name.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.49 *Lincomycin* is amended in paragraph (e) (2) (vii) by changing the term "monensin sodium" to read "monensin."

Effective date. This order shall be effective February 11, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 4, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-3747 Filed 2-10-75;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 40—FARM LABOR CONTRACTOR REGISTRATION

Requirements and Applications for Certificates of Registration

The Farm Labor Contractor Registration Act of 1963 (Pub. L. 88-582) was amended by Pub. L. 93-518 effective December 7, 1974.

By the 1974 amendments, persons employing the services of farm labor contractors must first determine that they possess Certificates of Registration that are in full force and effect. Also, section 5(a)(2) was amended to increase the amount of insurance required from an applicant for a Certificate of Registration with authorization to transport migrant workers. Further, sections 5(a)(4) and 5(d) were amended to require documentation with regard to the use of housing facilities owned or controlled by the applicant and used for housing migrant workers. Section 5(a)(5) was amended to require the applicant to authorize the Secretary to accept service of process when a suit is instituted against the farm labor contractor and said person has left the jurisdiction of the court in which the action was commenced.

As services of farm labor contractors without valid Certificates of Registration may not lawfully be utilized, and as the Department of Labor may not authorize Certificates of Registration in disregard of the amended law, and as regulations to supplement the law are necessary to state the details of the revised requirements so that Certificates of Registration may be issued, I find it is contrary to the public interest to suspend the program while proposed regulations are issued for comment. Accordingly, these regulations are not issued as a proposal. Further, I find the above reasons state good cause for making the regulations effective upon publication. Accordingly, these regulations are effective on February 11, 1975.

Interested persons shall, notwithstanding, be afforded opportunity until March 27, 1975, to present any written data, views or arguments concerning these changes to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, D.C. 20210, for consideration in the same manner as if such changes were being proposed for adoption.

If upon review of the comments so received, it is concluded that any of them would warrant revisions in these changes, as adopted, the provisions of these changes will be revised accordingly.

Accordingly, Part 40 of Title 29, Code of Federal Regulations, is amended as follows:

1. Section 40.2 is amended by revising paragraphs (g) and (l) and adding new paragraphs (p) and (q) to read as follows:

§ 40.2 Definitions.

* * * * * *

(g) The Regional Administrator refers to the Assistant Regional Director for Employment Standards who is the Administrative Officer in charge of a regional office of the Employment Standards Administration.

* * * * * *

(l) The Administrator means the Wage-Hour Administrator of the United States Department of Labor or authorized representative.

* * * * * *

(p) A farm labor contractor is deemed an "owner" of a vehicle or housing facilities if said person has a legal or equitable interest therein.

(q) A farm labor contractor is in "control" of a vehicle or housing facilities if said person is in charge of or has the power or authority to oversee, manage, superintend or administer the vehicle or housing, either personally or through an authorized agent or employee acting on behalf of said farm labor contractor, irrespective of whether compensation is paid for acting in any of the aforesaid capacities.

2. Section 40.4 is amended by revising paragraph (c) and by adding new paragraphs (i), (j), and (k).

§ 40.4 Application for certificate of registration.

* * * * * *

(c) * * *

(1) A completed Farm Labor Contractor Automobile Liability Certificate of Insurance showing that the passenger hazard is included (as evidence of liability insurance which covers the workers while being transported). Such certificate represents that an automobile liability insurance policy including a Farm Labor Contractor Liability Endorsement provides insurance in an amount not less than that required under the law or regulation of any State in which such applicant operates a vehicle in connection with the business, activities, or operation as a farm labor contractor; but in no event shall the coverage be less than the following:

Kind of equipment	Limit for bodily injuries to or death of one person	Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person)	Limit for loss or damage in any one accident to property of others (excluding cargo)
Passenger equipment: (seating capacity) 12 passengers or less	$100,000	$300,000	$50,000
More than 12 passengers	100,000	500,000	50,000

and that it was obtained from an insurance carrier licensed or otherwise authorized to do business in the State in which the insurance is obtained; or

(2) Proof of financial responsibility evidenced by (i) a completed Farm Labor Contractor Standard Accident Policy Certificate of Insurance, as evidence of the issuance of a Farm Labor Contractor Standard Accident Policy, in addition to a completed Farm Labor Contractor Automobile Liability Certificate of Insurance, if the Farm Labor Contractor Automobile Liability Certificate of Insurance shows that the passenger hazard has been excluded; or (ii) a liability bond executed by the applicant, identified in the instrument as the "principal," together with a third party, identified in the instrument as the "surety," to assure payment of any liability up to $500,000 for damages to persons or property arising out of the applicant's ownership of, operation of, or causing to be operated any vehicle for the transportation of migrant workers in connection with the business, activities, or operations as a farm labor contractor. The "surety" shall be one which appears on the list contained in Treasury Department Circular 570, with an underwriting limit of not less than $500,000 or which has been approved by the Secretary under the Welfare and Pension Plan Disclosure Act, as amended. Treasury Department Circular 570 may be obtained from the U.S. Treasury Department, Bureau of Accounts, Division of Deposit and Investments, Surety Bonds Branch, Washington, D.C. 20226.

* * * * * *

(i) Persons whose applications have been approved and have been issued Certificates of Registration shall provide to the Assistant Regional Director for Employment Standards who originally issued the Certificate of Registration a statement identifying each vehicle which the applicant obtains for use in the transportation of migrant workers and written proof that every such vehicle has conformed to all applicable

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Federal and State safety and health standards within 10 days after said registrant obtains or learns of the intended use of such vehicle provided that such vehicle is under the registrant's ownership or control.

(j) (1) If an applicant for a Certificate of Registration is the owner of or in control of facilities to be used for housing migrant workers during any period for which such a certificate is sought said applicant shall submit:

(i) A statement identifying such facilities; and

(ii) written proof that the housing facilities comply with Federal safety and health standards as prescribed in either 20 CFR Part 620 or 29 CFR 1910.142 and applicable State standards of safety and health. Such written proof may be either a statement signed by the person to whom migrant workers are furnished by a farm labor contractor attesting that the housing facilities comply with Federal safety and health standards and also with applicable State safety and health standards, or a written statement containing an attestation with equal effect and signed by the applicant or written statements issued by an authorized State and Federal agency.

(2) Should the required written proof be unavailable at the time of filing application form (WH–410), the applicant must attest in writing that migrant workers in the applicant's crew will not be housed in any facilities that have not met the safety and health standards of the Federal and State governments. In such event, if otherwise eligible, the applicant will be issued a Certificate of Registration without a housing authorization. This certificate will be amended to include an authorization to house migrant workers at such time as the required written proof is forthcoming, provided that such proof will have been submitted in prescribed form not less than 30 days before actual use or occupancy of the housing facilities to the Office of the Assistant Regional Director for Employment Standards who had issued the initial certificate.

(3) When a farm labor contractor to whom a Certificate of Registration has been issued obtains for use housing facilities or learns that certain facilities will be used for housing migrant workers and such facilities are under the ownership or control of said farm labor contractor, the farm labor contractor shall provide the documentation as prescribed in paragraph (j)(1) of this section to the Office of the Assistant Regional Director for Employment Standards which issued the initial certificate within 10 days after the farm labor contractor obtains or learns of the intended use of such real property.

(k) Each applicant for a Certificate of Registration shall execute a writing which shall be subscribed and sworn to and which shall contain the following declaration:

"I do hereby designate and appoint the Secretary of Labor, United States Department of Labor, as my lawful agent to accept service of summons in any action against me, at any and all times during which I have departed from the jurisdiction in which such action is commenced or otherwise have become unavailable to accept service, and under such terms and conditions as are set by the court in which such action has been commenced."

(Sec. 14, 78 Stat. 920 and Sec. 17, 88 Stat. 1652)

Signed at Washington, D.C., this 5th day of February 1975.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division.

[FR Doc.75-3797 Filed 2-10-75;8:45 am]

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SUBMINIMUM WAGES

Fair Labor Standards

On May 1, 1974, notice of proposed rule making regarding a revision of 29 CFR Part 519 to adapt the part to the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259) was published in the FEDERAL REGISTER (39 FR 15117–15122).

In order to provide a basis for issuing certificates to be in effect on May 1, 1974, the effective date of the statutory amendments, it was necessary to make the revision effective on that date with the provision that interested parties be given opportunity to submit comments until May 31, 1974.

Numerous comments were received and have been given careful consideration. Such consideration has indicated a need to make some changes in the revision of 29 CFR Part 519. These changes do not affect full-time students employed in the Federal College Work Study Programs as authorized under Title IV, Part C, of the Higher Education Act of 1965, as amended. Such students may continue to be employed at subminimum wages in accordance with the provisions of these regulations.

Accordingly, pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 Comp, p. 1004), Secretary's Order No. 13–71 (36 FR 8755) and Employment Standards Order 1–74 (39 FR 33841), I hereby adopt the revision so proposed, effective immediately, subject only to the changes outlined below.

1. In the proposed regulations all references to gender were masculine. The regulations have been revised to make reference to both the masculine and feminine gender.

2. Changes are made in the following paragraphs to indicate that application and certification activity formerly handled by the Denver, Colorado Regional Office is now divided between the Denver, Colorado and Salt Lake City, Utah Area Offices: Paragraph (a) of § 519.3; paragraph (d) of § 519.4; paragraph (a) of § 519.13; and paragraph (d) of § 519.14.

3. Paragraph (d) of § 519.4 is revised to provide for the FEDERAL REGISTER publication of notices of certificates issued for employment in agriculture and in retail and service establishments until April 30, 1976. Thereafter, certificates will be available for examination in Washington, D.C., and in the appropriate offices of the Wage and Hour Division.

(A review of the results of FEDERAL REGISTER publication, as well as other factors, will be considered in determining whether this section will be modified at a later date to provide for publication after April 30, 1976.)

4. Changes are made in the following paragraphs to provide 45 days after FEDERAL REGISTER publication for filing a request for reconsideration or review: Paragraph (d) of § 519.4; paragraph (a) of § 519.9; paragraph (d) of § 519.14; and paragraph (a) of § 519.19.

5. Paragraph (h) of § 519.5 is amended to include current student employees.

6. Section 519.6 is revised to clarify the availability of authority to employ full-time students at subminimum wages for at least ten percent of the total monthly hours of all employees, regardless of the past practice of student employment. This revision is accomplished by changing the basis for varying allowances in paragraph (c); adding a new paragraph (e); relettering all subsequent paragraphs in § 519.6; changing the headings and notes in paragraphs (f), (g) and (h); changing the reference in paragraph (i) from "or (g)" to "(g) or (h)"; revising the reference in paragraph (a) of § 519.4 from "(i) through (n)" to "(j) through (o)"; and amending the reference in paragraph (e) of § 519.5 from "(g)" to "(h)".

7. Paragraph (j) of § 519.6 is revised to clarify the hours limitations on full-time students enrolled in summer school.

8. Paragraph (a) of § 519.9 is revised to provide 45 days after FEDERAL REGISTER notice for interested persons to request reconsideration or review, and subsequent to discontinuance of FEDERAL REGISTER publication 60 days after a certificate is granted.

9. In paragraph (a) of § 519.12, the definition of a full-time student is revised to allow a full-time student enrolled in one or more courses during his/her summer or other vacation to be considered a full-time student at the institution of higher education.

10. In the last sentence of paragraph (b) of § 519.13, the phrase "types of work performed by full-time student," is deleted.

11. In paragraph (c) of § 519.13 "in" is changed to "for."

12. Paragraph (d) of § 519.14 is revised to provide for the FEDERAL REGISTER publication of notices of certificates issued until April 30, 1976. Thereafter certificates will be available for examination in Washington, D.C., and the appropriate offices of the Wage and Hour Division.

(A review of the results of FEDERAL REGISTER publication, as well as other factors, will be considered in determining whether this section will be modified at a later date to proved for publication after April 30, 1976.)

13. A new paragraph (h) is added to § 519.15 to prohibit the reduction of the wage rate paid to a current employee, including current student employees.

14. Paragraph (c) of § 519.16 is amended to exemplify the meaning of "unrelated trades or businesses" as used in these regulations and for conformance with paragraph (g) of § 519.15.

15. Paragraph (e) of § 519.16 is revised to delimit the hours of work at subminimum wages of a full-time student taking one or more courses during his/her summer or other vacation.

16. Subparagraph (3) of paragraph (b) of § 519.17 is revised to conform the record keeping requirements to the provisions of the regulations.

17. Subparagraph (4) of paragraph (b) of § 519.17 on maintaining occupational information by institutions of higher education is deleted.

18. Paragraph (a) of § 519.19 is revised to provide 45 days after FEDERAL REGISTER notice for interested persons to request reconsideration or review, and subsequent to discontinuance of FEDERAL REGISTER publication 60 days after a certificate is granted.

19. In addition, certain typographical errors have been corrected.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER in that the changes are editorial or interpretive in nature.

Signed at Washington, D.C. this 31st day of January 1975.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division.

Subpart A—Retail or Service Establishments, and Agriculture

Sec.
519.1 Applicability of the regulations in this subpart.
519.2 Definitions.
519.3 Application for a full-time student certificate.
519.4 Procedure for action upon an application.
519.5 Conditions governing issuance of full-time student certificates.
519.6 Terms and conditions of employment under full-time student certificates and under temporary authorization.
519.7 Records to be kept.
519.8 Amendment or replacement of a full-time student certificate.
519.9 Reconsideration and review.
519.10 Amendment or revocation of the regulations in this subpart.

Subpart B—Institutions of Higher Education

519.11 Applicability of the regulations in this subpart.
519.12 Definitions.
519.13 Application for a full-time student certificate.
519.14 Procedure for action upon an application.
519.15 Conditions governing issuance of full-time student certificates.
519.16 Terms and conditions of employment under full-time student certificates and under temporary authorization.
519.17 Records to be kept.
519.18 Amendment or replacement of a full-time student certificate.
519.19 Reconsideration and review.
519.20 Amendment or revocation of the regulations in this subpart.

AUTHORITY: Secs. 11 and 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501 and 602, 80 Stat. 843, 844 (29 U.S.C. 211, 214).

Subpart A—Retail or Service Establishments, and Agriculture

§ 519.1 Applicability of the regulations in this subpart.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him/her by the Secretary of Labor (36 F.R. 8755 and 39 F.R. 33841) the Administrator of the Wage and Hour Division is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment, under certificates, of full-time students in retail or service establishments, or in agriculture. That section contains provisions requiring a wage rate in such certificates of not less than 85 percent of the minimum wage applicable under section 6 of the Act, limiting weekly hours of employment, stipulating compliance with the applicable child-labor standards, and safeguarding against the reduction of the full-time employment opportunities of employees other than full-time students employed under certificates.

(b) *Source of limitations.* Some of the limitations in this subpart are specifically required in section 14(b) of the Act. The other limitations implement the provisions in that section relating to employment opportunities, i.e., the "extent necessary to prevent curtailment of opportunities for employment" and the avoidance of a "substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized" under section 14(b) is applicable.

§ 519.2 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this subpart is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student. A full-time student retains that status during the student's Christmas, summer and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his/her attendance at the end of the vacation. In the absence of such requirement, his/her status during vacation will be governed by his/her intention as last communicated to his/her employer. The phrase in section 14(b) of the statute "regardless of age but in compliance with applicable child-labor laws," among other things, restricts the employment in a retail or service establishment to full-time students who are at least 14 years of age because of the application of section 3(l) of the Act. There is a minimum age requirement of 16 years in agriculture for employment during school hours and in any occupation declared hazardous by the Secretary of Labor (Subpart E–1 of Part 570 of this Title.) In addition, there is a minimum age restriction of 14 years generally for employment in agriculture of a full-time student outside school hours for the school district where such employee is living while so employed, except (a) minors 12 or 13 years of age may be employed with written parental or guardian consent or they may work on farms where their parents or guardians are employed, and (b) minors under 12 may work on farms owned or operated by their parents or with parental or guardian consent on farms whose employees are exempt from section 6 by section 13(a)(6)(A) of the Act.

(b) *Bona fide educational institution.* A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) *Retail or service establishment.* "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 779 of this chapter.

(d) *Agriculture.* "Agriculture" means agriculture as defined in section 3(f) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 780 of this chapter.

(e) *Student hours of employment.* "Student hours of employment" means hours during which students are employed under full-time student certificates issued under this part and is distinguished from "hours of employment of students".

(f) *Employer.* Section 519.4(a) of this subpart permits an agricultural or retail or service establishment employer to employ not more than four full-time students at subminimum wages on forwarding an application but before certification. For this purpose, the term "employer" looks to the highest structure of ownership or control, and hence may be more than a single retail or service establishment or farm, e.g., the controlling conglomerate or enterprise would be the "employer". With respect to public employers who operate retail or service establishments (see 29 CFR Part 779), the "employer" means the highest structure of control such as the State,

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municipality, county or other political subdivision.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of schools hours in agriculture or in a retail or service establishment at wages lower than the minimum applicable under section 6 of the Fair Labor Standards Act is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time employment opportunities of the other workers, an application for a certificate may be filed by their employer with the appropriate Regional Office of the Wage and Hour Division (or the Denver, Colorado Area Office for Colorado, North Dakota, and South Dakota; the Salt Lake City, Utah Area Office for Montana, Utah, and Wyoming; and the Caribbean Office for the area it covers). Such application shall be signed by an authorized representative of the employer.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information as to the type of products sold or services rendered by the establishment, hours of employment during the preceding twelve-month period or data from previous certificates (or applications) as pertinent to the application, and other information for which request is made on the form.

(c) Separate application must be made for each farm or establishment in which authority to employ full-time students at subminimum wage rates is sought.

(d) Application for renewal of a certificate shall be made either on the same type of form as is used for a new application or on an alternate official form. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Under certain conditions, an agricultural or retail or service establishment employer may obtain temporary authorization to employ full-time students at subminimum wages. These conditions are: (1) Attestation by the employer that he/she will employ no more than four full-time students at subminimum wages on any workday and that the employment of such students will not reduce the full-time employment opportunities of other persons, *and* (2) forwarding a properly completed application to the Wage and Hour Division not later than the start of such employment, *and* (3) posting a notice of such filing at the place(s) specified in paragraph (a) of § 519.6 of this subpart, *and* (4) compliance during the temporary authorization period with the requirements set forth in paragraphs (b) and (j) through (o) of § 519.6 of this subpart.

(b) Temporary authorization under the conditions set forth in paragraph (a) of this section is effective from the date the application is forwarded to the Wage and Hour Division in conformance with § 519.3 of this subpart. This authorization shall continue in effect for one year from the date of forwarding of the application unless, within 30 days the Administrator or his/her authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the 30-day period of review.

(c) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this subpart are satisfied. To the extent he/she deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(d) Until April 30, 1976, if a certificate is issued, there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for 45 days following such publication any interested person may file a written request for reconsideration or review. Thereafter, applications and certificates will be available for examination in accordance with applicable regulations in Washington, D.C., and in the appropriate Regional Office of the Wage and Hour Division (or the Denver, Colorado Area Office for Colorado, North Dakota, and South Dakota; the Salt Lake City, Utah Area Office for Montana, Utah, and Wyoming; and the Caribbean Office for the area it covers) for establishments in its area. A period of 60 days will be provided after certificate issuance during which any interested person may file a written request for reconsideration or review.

(e) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at subminimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at subminimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of more than four full-time students by an employer will not create a substantial probability of reducing the employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or lockout do not exist at the farm or establishment for which a full-time student certificate is requested.

(d) The data given on the application are accurate and based on available records.

(e) The farms or establishments on whose experience the applicant relies meet the requirements of paragraph (h) of § 519.6.

(f) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 570 of this Chapter) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

(g) The subminimum wage rate(s) proposed to be paid full-time students under temporary authorization or under certificate is not less than 85 percent of the minimum wage applicable under section 6 of the Act.

(h) Certificates will not be issued where such issuance will result in a reduction of the wage rate paid to a current employee, including current student employees.

§ 519.6 Terms and conditions of employment under full-time student certificates and under temporary authorization.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment or at the farm readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees. If temporary authorization is in effect under paragraph (a) of § 519.4 of this subpart, a notice thereof shall be similarly posted during the effective period of such authorization.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act.

(c) For retail or service establishment employers or agricultural employers, the allowable extent of full-time student employment under certificates varies under the 1974 Amendments, depending on whether: (1) The employer proposes to employ no more than 4 full-time students at subminimum wages on any workday, (2) the applicant requests authority for more than 10 percent of the total hours during any month. (For agricultural employers, the month of full-time student certificated employment may vary somewhat from the month in a previous year on which the certificate is based, depending on seasonal factors.)

(d) *Retail or service establishment employers or agricultural employers requesting authorization to employ not more than 4 full-time students at subminimum wages on any workday.* An application from such an applicant provides temporary authorizaton for the employment of full-time students at subminimum wages, provided the conditions set forth in paragraph (a) of § 519.4 of this subpart are met. Upon review of the application by the Administrator or his/her authorized representative the extent of the temporary authority may be modified.

(e) *Applicants requesting authorization for not more than 10 percent of the total hours of all employees during any month.* For such an applicant, certificates may authorize the employment of full-time student at subminimum wages for up to 10 percent of the total hours of all employees during any month, regardless of past practice of employing students. (Note: An establishment which has not previously held a certificate may be authorized 10 percent of the total hours of all employees during any month. Applicants requesting authority under this paragraph need not refer to paragraphs (f), (g), or (h) of this section.)

(f) *Applicants requesting authorization for more than 10 percent of the total monthly hours of all employees during any month with records of hours of employment of students and coverage by the Act prior to May 1974:* For such an applicant, certificates may not authorize full-time student employment at subminimum wages in excess of the highest ratio under any of these three formulas: (1) The proportion of student hours of employment (i.e., of full-time students under certificates) to total hours of all employees for the corresponding month of the preceding twelve-month period; (2) the maximum proportion of student hours of employment to total hours of all employees (in any corresponding month), applicable to the issuance of full-time student certificates before May 1974; or (3) 10 percent of the total hours of all employees, during any month.

(NOTE.—An establishment which is entitled to monthly allowances ranging from 5 to 20 percent may be authorized 10 percent for those months which were less than 10 percent and retain the higher allowances for those months above 10 percent.)

(g) *Applicants requesting authorization for more than 10 percent of the total hours of all employees during any month with records of hours of employment of students and new coverage under the 1974 Amendments:* For such an applicant, the highest permissible allowance under a certificate during any month is the highest ratio under any of these three formulas: (1) The proportion of hours of employment of full-time students to total hours of all employees during the corresponding month from May 1973 through April 1974; (2) the proportion of student hours of employment (i.e., of hours of full-time students under certificates) to total hours of all employees during the corresponding month of the preceding twelve-month period (an alternative which is not applicable to all months of the year until 12 months after May 1, 1974); or (3) 10 percent of the total hours of all employees, during any month. (See notes under paragraphs (e) and (f) of this section.)

(h) *Applicants requesting authorization for more than 10 percent of the total hours of all employees during any month without records of student hours worked:* For such an applicant, the permissible proportion under certificate of full-time student hours at subminimum wages to total hours of all employees is based on the "practice" during the preceding twelve-month period of: (1) Similar establishments of the same employer in the same general metropolitan areas in which such establishment is located; (2) similar establishments in the same or nearby communities if such establishment is not in a metropolitan area; or (3) other establishments of the same general character operating in the community or the nearest comparable community. ("Practice" means either the certificate allowances or the proportion between the actual student hours of employment to the total hours of all employees.)

(i) An overestimate of total hours of employment of all employees for a current month resulting in the employment of the full-time students in excess of the hours authorized in paragraph (e), (f), (g), or (h) of this section may be corrected by compensating them for the difference between the subminimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. Similarly, if an agricultural employer or a retail or service establishment employer has authorization to employ no more than 4 full-time students at subminimum wages on any workday but exceeds that number, the excess may be corrected by compensating the additional full-time students for the difference between the subminimum wages actually paid and the applicable minimum under section 6 of the Act. This additional compensation shall be paid on the regular payday next after the end of the period.

(j) Full-time students shall not be permitted to work at subminimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session (apart from a full-time student's summer vacation), except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded.

(NOTE.—School is considered to be in session for a student attending summer school.) Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his/her payroll records that school was not in session during all or part of that workweek or the student was in his/her summer vacation.

(k) Neither oppressive child labor as defined in section 3(l) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State or local child labor law or ordinance shall come within the terms of any certificate issued under this subpart.

(l) Full-time students shall be employed at subminimum wages under this subpart only outside of their school hours, i.e., only outside of the scheduled hours of instruction of the individual student, or, in the case of agriculture, only outside of school hours for the school district where the employee is living while so employed, if the employee is under 16 years of age.

(m) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lockout, exist at the establishment or farm.

(n) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act or any other Federal law, State law, local ordinance, or union or other agreement. Thus, certificates issued under this law have no application to employment under the Service Contract Act.

(o) No full-time student certificate shall apply to any employee to whom a certificate issued under section 14(a) or (c) of the Act has application.

§ 519.7 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at subminimum wages, as provided under Part 516 of this chapter.

(b) (1) In addition to the records required under Part 516 of this chapter and this subpart, the employer shall keep the records specified in paragraph (b) (2) and (3) of this section specifically relating to full-time students employed at subminimum wages.

(2) The employer shall obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, a certificate from the school next to be attended that

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the student has been accepted as a full-time student will satisfy the requirements of this subparagraph.

(3) The employer operating any farm or retail or service establishment shall maintain records of the monthly hours of employment of full-time students at subminimum wages and of the total hours of employment during the month of all employees in the establishment, who in cases of employment in agriculture, do not come within one of the other exemptions from the minimum wage provisions of the Act. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than the minimum wage otherwise applicable under the Act, and the total hours of employment of all employees in the establishment, to whom, in cases of employment in agriculture, the minimum wage provision of the Act applies.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter), the authorized officer upon his/her own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 45 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, (subsequent to April 30, 1976, within 60 days after a certificate is granted), any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he/she deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.10 Amendment or revocation of the regulations in this subpart.

The Administrator may at any time upon his/her own motion or upon written request of any interested person or persons setting forth reasonable grounds therefore, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this subpart.

Subpart B—Institutions of Higher Education

§ 519.11 Applicability of the regulations in this subpart.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him/her by the Secretary of Labor (36 FR 8755–6), the Administrator of the Wage and Hour Division is authorized and directed, toh the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment, under certificates, of full-time students in institutions of higher education. That section contains provisions requiring a wage rate in such certificates of not less than 85 percent of the minimum wage applicable under section 6 of the Act, limiting weekly hours of employment, stipulating compliance with the applicable child-labor standards, and safeguarding against the reduction of the full-time employment opportunities of employees other than full-time students employed under certificates.

(b) *Source of limitations.* Some of the limitations expressed in this subpart are specifically required in section 14(b) of the Act. The other limitations implement the provisions relating to employment opportunities, i.e., the "extent necessary in order to prevent curtailment of opportunities for employment" and the requirement that the regulations shall "prescribe standards and requirements to insure that this paragraph will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by" section 14(b) of the Act is applicable.

§ 519.12 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this subpart is defined as one who meets the accepted definition of a full-time student of the institution of higher education which employs him/her. A fulltime student retains that status during the student's Christmas, summer and other vacations, even when a student is taking one or more courses during his/her summer or other vacation. The phrase in section 14(b) of the statute "regardless of age but in compliance with applicable child labor laws", among other things, restricts the employment in an institution of higher education to fulltime students who are at least 14 years of age because of the application of section 3(1) of the Act.

(b) *Institution of higher education.* An "institution of higher education" is an institution above the secondary level, such as a college or university, a junior college, or a professional school of engineering, law, library science, social work, etc. It is one that is recognized by a national accrediting agency or association as determined by the U.S. Commissioner of Education. Generally, an institution of higher education: (1) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate; and (2) is legally authorized within a State to provide a program of education beyond high school; and (3) provides an educational program for which it normally awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semi-professional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

§ 519.13 Application for a full-time student certificate.

(a) Whenever the employment of its full-time students working in an institution at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time employment opportunities of other workers, an application for a certificate may be filed by their employer with the appropriate Regional Office of the Wage and Hour Division (or the Denver, Colorado Area Office for Colorado, North Dakota and South Dakota; the Salt Lake City, Utah Area office for Montana, Utah and Wyoming; and the Caribbean Office for the area it covers). Such an application shall be signed by an authorized representative of the employer.

(b) The application provided for under § 519.14 must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information on numbers of full-time students and full-time employees (other than full-time students), minimum full-time student wages, and other information for which request is made on the form.

(c) Separate application must be made for each campus of an institution

of higher education for which authority to employ full-time students at subminimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same type of form as is used for a new application. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.14 Procedure for action upon an application.

(a) Under certain conditions, an institution of higher education has temporary authorization to employ full-time students at subminimum wages. These conditions are: (1) Absence of an effective finding by the Secretary that the institution has been employing full-time students under certificates in violation of the requirements of section 14(b)(3) of the Act or of these regulations; and (2) forwarding of a properly completed application to the Wage and Hour Division not later than the start of employment of full-time students at subminimum wages; and (3) posting a notice of such filing at the place(s) specified in paragraph (a) of § 519.16 of this subpart; and (4) compliance during the temporary authorization period with the requirements set forth in paragraphs (b) and (e) through (j) of § 519.16 of this subpart.

(b) Temporary authorization under the conditions set forth in paragraph (a) of this section is effective from the date the application is forwarded to the Wage and Hour Division in conformance with § 519.13 of this subpart. This authorization shall continue in effect for one year from the date of forwarding of the application unless, within 30 days, the Administrator or his/her authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the 30-day period of review.

(c) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this subpart are satisfied. To the extent he/she deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(d) Until April 30, 1976, if a certificate is issued there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.19, for 45 days following such publication any interested person may file a written request for reconsideration or review. Thereafter, applications and certificates will be available for examination in accordance with applicable regulations in Washington, D.C., and in the appropriate Regional Office of the Wage and Hour Division (or the Denver, Colorado Area Office for Colorado, North Dakota, and South Dakota; the Salt Lake City, Utah Area Office for Montana, Utah, and Wyoming; and the Caribbean Office for the area it covers) for institutions of higher education in its area. A period of 60 days will be provided after certificate issuance during which any interested person may file a written request for reconsideration or review.

(e) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

§ 519.15 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at subminimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at subminimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or lockout do not exist in the units of the campus for which a full-time student certificate is requested.

(d) The data given on the application are accurate and based on available records.

(e) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 570 of this chapter) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

(f) The subminimum wage rate(s) proposed to be paid full-time students under temporary authorization or under certificate is not less than 85 percent of the minimum wage applicable under section 6 of the Act.

(g) Full-time students are not to be employed by an institution of higher education at subminimum wages under this subpart in unrelated trades or businesses as defined and applied under sections 511 through 515 of the Internal Revenue Code, such as apartment houses, stores, or other businesses not primarily catering to the students of the institution.

(h) Certificates will not be issued where such issuance will result in a reduction of the wage rate paid to a current employee, including current student employees.

§ 519.16 Terms and conditions of employment under full-time student certificates and under temporary authorization.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the institution of higher education readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees. If temporary authorization is in effect under paragraph (a) of § 519.14, a notice thereof shall be similarly posted during the effective period of such authorization.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act.

(c) An institution of higher education shall not employ full-time students at subminimum wages under this subpart in unrelated trades or businesses as defined and applied under sections 511 through 515 of the Internal Revenue Code, such as apartment houses, stores, or other businesses not primarily catering to the students of the institution.

(d) An institution of higher education subject to a finding by the Secretary that it is in violation of the requirements of section 14(b)(3) of the Act or of this subpart must be issued a full-time student certificate before it can employ full-time students at wages below those required by section 6 of the Act. The Administrator or his/her authorized representative will not issue a full-time student certificate to such an institution without adequate assurances and safeguards to insure that the violations found by the Secretary will not continue.

(e) Full-time students shall not be permitted to work at subminimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session (apart from a full-time student's summer vacation) except that when a full-day school holiday occurs the weekly limitation on the maximum hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded.

(NOTE.—School is considered to be in session for a student taking one or more courses during a summer or other vacation.)

Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his/her payroll that school was not in session during all or part of that workweek or the student was in his/her summer vacation.

(f) Neither oppressive child labor as defined in section 3(1) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State or local child labor law or ordinance shall come within the terms

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of any certificate issued under this subpart.

(g) Full-time students shall be employed at subminimum wages under this subpart only outside of their school hours, i.e., only outside of the scheduled hours of instruction of the individual full-time student.

(h) No full-time student shall be hired under a full-time student certificate for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout, exist.

(i) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act or any other Federal law, State law, local ordinance, or union or other agreement. Thus, certificates issued under this subpart have no application to employment under the Service Contract Act.

(j) No full-time student certificate shall apply to any employee to whom a certificate issued under section 14(a) or (c) of the Act has application.

§ 519.17 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at subminimum wages, as provided under Part 516 of this chapter.

(b) (1) In addition to the records required under Part 516 of this chapter and this subpart, the employer shall keep the records specified in paragraph (b) (2), (3) and (4) of this section specifically relating to full-time students employed at subminimum wages.

(2) The institution shall obtain at the time of hiring and keep in its records information that the employee is its full-time student at the physical location of the institution in accordance with its accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, the acceptance by the institution of the full-time student for its next term will satisfy the requirements of this subparagraph.

(3) An institution of higher education shall maintain records showing the total number of all full-time students of the type defined in § 519.12(a) employed at the campus of the institution at less than the minimum wage otherwise applicable under the Act, and the total number of all employees at the campus to whom the minimum wage provision of the Act applies.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.18 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter) the authorized officer upon his/her own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificates.

§ 519.19 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 45 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, (subsequent to April 30, 1976, within 60 days after a certificate is granted), any person aggrieved by the action of an authorized officer in denying or granting a certificate may; (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he/she deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.20 Amendment or revocation of the regulations in this subpart.

The Administrator may at any time upon his/her own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this subpart.

[FR Doc.75-3798 Filed 2-10-75;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1903—INSPECTIONS, CITATIONS, AND PROPOSED PENALTIES

Petitions for Modification of Abatement Dates

Pursuant to sections 8(g)(2) and 19(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 659), Secretary of Labor's Order No. 12-71 (36 FR 8754), 29 CFR Part 1903 is hereby amended as set forth below in order to provide for the processing by the Secretary of Labor of uncontested petitions for modification of abatement date.

On January 23, 1975, the Occupational Safety and Health Review Commission published a notice in the FEDERAL REGISTER (40 FR 3594) amending its rules at 29 CFR 2200.34. This amendment transferred the responsibility of processing uncontested petitions for modification of the abatement requirements of a citation (29 U.S.C. 659(c)) from the Commission to the Secretary of Labor. Under the regulation, uncontested cases would continue to be filed, docketed, and processed by the Commission. The purpose of this transfer of responsibility is to facilitate the handling and expedite the processing of petitions for modification of abatement dates to which neither the Secretary nor any other interested party objects. Therefore, instead of requiring the Secretary to transmit all uncontested petitions for modification of abatement dates to the Commission for docketing and determination, OSHA Area Directors will now have the authority to grant such uncontested petitions without further action by the Commission. However, all contested petitions will continue to be transmitted to the Commission for hearing and decision pursuant to Commission regulations governing contested cases.

The provision of 5 U.S.C. 553 concerning notice of proposed rulemaking, public participation therein, and delay in effective date are inapplicable because this amendment is governed by the exception to the rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553). Said exception permits an agency to dispense with notice and public procedure in the case of "rules of agency organization, procedure or practice."

Having determined that this change in procedure will facilitate the handling of petitions for modification of abatement date, Part 1903 is amended by adding a new § 1903.14a thereto, entitled "Petitions for modification of abatement date" to read as follows:

§ 1903.14a Petitions for modification of abatement date.

(a) An employer may file a petition for modification of abatement date when he has made a good faith effort to comply with the abatement requirements of a citation, but such abatement has not been completed because of factors beyond his reasonable control.

(b) A petition—for modification of abatement date shall be in writing and shall include the following information:

(1) All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted and, if appropriate, served on the authorized representative of affected employees, in accordance with subsection (c)(1) of this section and a certification of the date upon which such posting and service was made.

(c) A petition for modification of abatement date shall be filed with the Area Director of the United States Department of Labor who issued the citation no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

(1) A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted for a period of ten (10) days. Where affected employees are represented by an authorized representative, said representative shall be served with a copy of such petition.

(2) Affected employees or their representatives may file an objection in writing to such petition with the aforesaid Area Director. Failure to file such objection within ten (10) working days of the date of posting of such petition or of service upon an authorized representative shall constitute a waiver of any further right to object to said petition.

(3) The Secretary or his duly authorized agent shall have the authority to approve any petition for modification of abatement date filed pursuant to paragraphs (b) and (c) of this section. Such uncontested petitions shall become final orders pursuant to sections 10 (a) and (c) of the Act.

(4) The Secretary or his authorized representative shall not exercise his approval power until the expiration of fifteen (15) working days from the date the petition was posted or served pursuant to paragraphs (c) (1) and (2) of this section by the employer.

(d) Where any petition is objected to by the Secretary or affected employees, the petition, citation, and any objections shall be forwarded to the Commission within three (3) working days after the expiration of the fifteen (15) day period set out in paragraph (c)(1) of this section.

This amendment shall be effective on February 11, 1975.

(Secs. 8(g)(2), 10(c), 84 Stat. 1600, 1601 (29 U.S.C. 657(g)(2), 659(c)))

Signed at Washington, D.C. this 5th day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-3796 Filed 2-10-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Connecticut State Plan; Completion of Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 667) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 1012) of the approval of the Connecticut plan and of the adoption of Subpart X of Part 1952 containing the decision and describing the plan. On December 19, 1974, and September 23, 1974, the State of Connecticut submitted supplements to the plan involving developmental changes and State initiated changes.

The supplements include:

(a) Legislation, captioned Public Act 73-379 as amended by Public Act 74-137 (Connecticut General Statutes, Chapter 571, Section 31-367 to 31-385), submitted to the State Legislature in accordance with the requirements of 29 CFR 1952.303 (c) of the State's developmental schedule, enacted, and effective on May 8, 1974. The legislation includes the technical changes required by the Assistant Secretary as set out in the preamble to the approval decision (39 FR 1012).

(b) Administrative regulations, adopted under Connecticut General Statutes, Title 4, Ch. 48 Sec. 4-42, effective September 11, 1974, and essentially identical to Federal regulations 29 CFR Parts 1903, 1904, and 1905 except for minor changes adapting them to the State level of operation, in accordance with the requirement of 29 CFR 1952.303(b) of the State developmental schedule.

(c) Pursuant to its assurances, the State has submitted an agreement regarding assignment of personnel by the Connecticut Department of Environmental Protection to the Department of Labor whereby the assigned State personnel were identified and included under the State's approved merit system.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations; Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Assistant Regional Director, Occupational Safety and Health Administration, 18 Oliver Street, Fifth Floor, Boston, Massachusetts 02110; Department of Labor, 200 Folly Brook Blvd., Wethersfield, Connecticut 06109.

3. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary of Labor for Occupational Safety and Health may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that good cause exists for not publishing Connecticut's enacted legislation, regulations and inter-agency agreement because the legislation, regulations and agreement substantively meet the assurances given by the State when the plan was approved. In addition the legislation and regulations incorporate language essentially identical to the Federal Act. Therefore further public notice and comment would be unnecessary.

4. *Decision.* Since the legislation and regulations, as passed, are in substantive compliance with the assurances given by the State when the plan was approved, and incorporate language identical to the Federal Act in all essential areas, it is determined that the legislation and regulations, incorporated as part of the approved plan, should be approved as completion of developmental steps in the Connecticut plan. The interagency agreement meeting the assurance provided by the State in its plan for assignment of personnel, should also be approved as completion of a developmental step.

Accordingly, for the reasons stated in section 3 above, Subpart X of 29 CFR Part 1952 is hereby amended, effective February 11, 1975, as set forth below.

A new § 1952.304 is added to Subpart X of Part 1952 to read as follows:

§ 1952.304 Completed developmental steps.

(a) In accordance with § 1952.303(c), legislative amendments to the Connecticut Occupational Safety and Health Act were passed by the legislature, effective May 8, 1974.

(b) In accordance with § 1952.303(b), regulations essentially identical to Federal regulations 29 CFR Parts 1903, 1904 and 1905, have been adopted (Connecticut General Statutes, Title 4, Ch. 48, Sec. 4-42), effective September 11, 1974.

(c) The State designee has completed an agreement with the Connecticut Department of Environmental Protection for the assignment of enforcement personnel under the State plan.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608, (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 4th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-3794 Filed 2-10-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Hawaii Plan; Approval of State Poster and State Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and

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progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1010) of the approval of of Subpart Y of Part 1952 containing the decision of approval. On November the Hawaii plan and of the adoption 26, 1974, the State submitted a supplement to the plan involving a State-initiated change (see Subpart E of 29 CFR Part 1953). In addition, a notice was published in the FEDERAL REGISTER on December 27, 1974, concerning the approval of the Hawaii standards by the Assistant Regional Director of the Occupational Safety and Health Administration (39 FR 44823). The promulgation of these standards represents a completion of a developmental step as outlined in 29 CFR 1952.313(b).

The supplement concerns the Hawaii State poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their obligations and protections under the Hawaii Act, their right to request inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State law for the exercise of their rights under the Federal and State laws and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration.

2. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; and the Department of Labor and Industrial Relations, Room 308, 825 Milani Street, Honolulu, Hawaii 96813.

3. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Hawaii poster incorporates all of the provisions required under 29 CFR 1952.10 (a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036, November 5, 1974). Accordingly, it is found that further public comment is unnecessary.

4. *Decision.* After careful consideration, the Hawaii Plan Supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart Y of 29 CFR Part 1952 is amended to reflect the completion of a developmental step by the promulgation and approval of the Hawaii occupational safety and health standards. Accordingly § 1952.314 (c) and (d) in Subpart Y of Part 1952 is amended as follows:

§ 1952.314 Completed developmental steps.

* * * * *

(c) In accordance with § 1952.313(b), as amended, the Hawaii occupational safety and health standards were promulgated on April 18, 22, 23, 24, and 25, 1975.

(d) In accordance with the requirements of 29 CFR 1952.10, the Hawaii State poster was approved by the Assistant Secretary on February 4, 1975.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 4th day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-3795 Filed 2-10-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 295—AVAILABILITY TO THE PUBLIC OF DEFENSE Mapping Agency Information

The Director of the Defense Mapping Agency has approved the following revision of Part 295 as shown below in order to reflect the new requirements established by P.L. 93-502, which amended the Freedom of Information Act, 5 U.S.C. 552.

Sec.
295.1 Purpose.
295.2 Applicability.
295.3 Policy.
295.4 Availability of Records.
295.5 DMA Officials Authorized to Release Records Requested by Members of the Public.
295.6 Procedure for Submission of Requests for DMA Records by Members of the Public.
295.7 Fees.
295.8 Material that may be Withheld from Disclosure.
295.9 Expedited Handling Required.
295.10 Appeals.
296.11 Judicial Action.

AUTHORITY: §§ 295.1 to 295.11 issued under 5 U.S.C. 301, 552, as amended by Act of Nov. 21, 1974 (P.L. 93-502, 88 Stat. 1-3).

§ 295.1 Purpose.

This part implements 5 U.S.C. 552, as amended, and DOD Directive 5400.7 (Part 286 of this Chapter) and describes established facilities at which, the officials from whom, and the procedures whereby members of the public may inspect and copy or obtain copies of unclassified DMA records.

§ 295.2 Applicability.

This part is applicable to Headquarters DMA and all DMA Components.

§ 295.3 Policy.

It is the policy of the DMA to make available to the public the maximum amount of information concerning its operations and activities. This basic policy is subject to the exemptions recognized in 5 U.S.C. 552(b) and Part 286 of this Subchapter. However, notwithstanding such permissible exemptions, it is DMA policy that an exempt record will be made available to the public when its disclosure would not be inconsistent with statutory requirements and when the DMA official designate din § 295.5 determines that no significant and legitimate governmental purpose would be served by withholding the information. The latter determination is within the sole discretion of the DMA.

§ 295.4 Availability of Records.

(a) Any identifiable documentary material in the possession of the Defense Mapping Agency which qualifies as a "record", as discussed in paragraph (b) of this section and which is not exempt under 5 U.S.C. 552(b) and Part 286 of this Subchapter shall be made available on the request of any person.

(b) In determining whether documentary material qualifies as a "record", consideration will be given to 44 U.S.C. 366, which defines the word "record" as follows:

[It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(1) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(2) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipments, etc., whatever their historical value or value as "evidence."

(3) Formulae, designs, drawings, research data, computer programs, technical data packages, etc., are not considered "records" within the intent of 5 U.S.C. 552, even though maintained in documentation form. Because of development costs, utilization, or value, these items are considered *property*, not preserved for informational value nor as evidence of agency functions, but as exploitable resources to be utilized in the best interest of *all* the public. Requests for copies of such material shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of such property. Requests to inspect such material to determine its content for informational purposes shall

normally be granted; however, unless inspection is inconsistent with the obligation to protect the property value of the material, as, for example, may be true for certain formulae.

(c) For a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to create a record to satisfy a request for information.

(d) Requesters must reasonably describe the record sought. This requires sufficient particularity in the description to enable the DMA to locate the record requested with reasonable effort.

(e) Pursuant to 5 U.S.C. 552(4)(A), requesters will be charged the reasonable costs to the Defense Mapping Agency of searching for, copying and certifying records. Such charges will be determined in accordance with part 286 of this subsection.

(f) Requests for identifiable records may be denied only when an official designated in § 295.5 determines that such denial is authorized by 5 U.S.C. 552(b) and Part 286 of this subchapter.

§ 295.5 DMA Officials Authorized to Release Records Requested by Members of the Public.

Authority to make initial determinations of whether to release DMA records to members of the public is, in the case of Headquarters DMA, vested in the Deputy Directors, the Chief of Staff, the Comptroller, and the Staff Director of Personnel; in the case of DMA Components, such authority is vested in the Component Directors, Deputy Directors and Technical Directors.

§ 295.6 Procedure for Submission of Requests for DMA Records by Members of the Public.

(a) *Identification of records requested.* Requests to inspect or obtain copies of records will normally be submitted by letter and should contain at least the following information.

(1) As complete an identification as possible of the desired record, including (if known) its title or a description thereof, date and the issuing office.

(2) With respect to matters of official record concerning civilian or military personnel, the first name, middle name or initial, surname, date of birth, and social security number of the individual concerned, if known.

(3) A statement as to whether the requester wishes to inspect the record at a DMA facility or obtain copies thereof by return mail.

(b) *Addressing requests.* Requesters should address their inquiries to the appropriate official as follows:

(1) Director, Defense Mapping Agency, Bldg. 56, U.S. Naval Observatory, Washington, D.C. 20305.

(2) Director, DMA Aerospace Center, St. Louis Air Force Station, Missouri 63118.

(3) Director, DMA Hydrographic Center, Washington, D.C. 20390.

(4) Director, DMA Topographic Center, 6500 Brooks Lane, NW., Washington, D.C. 20315.

(5) Director, Defense Mapping School, Fort Belvoir, Virginia 22060.

(6) Director, Inter American Geodetic Survey, Fort Clayton, Canal Zone.

If the requester is not certain to which DMA Component his inquiry should be addressed, it may be submitted to the Director, Headquarters Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, D.C. 20305 where prompt action will be taken to direct it into proper channels.

(c) *Facilities for inspection and copying of records.*

(1) Subject to the exemptions set forth in 5 U.S.C. 552(b) and part 286 of this subchapter, each Component of the Defense Mapping Agency shall make available for public inspection and copying in an appropriate facility or facilities the materials described in part 286 of this subchapter, unless such materials are published and copies offered for sale.

(2) The cost to the Component of copying any such opinion, order, or statement of policy or interpretation shall be imposed on the person requesting the copy in accordance with Part 286 of the Subchapter.

(3) Each Component of the Defense Mapping Agency shall maintain on a current basis and make available for public inspection and copying in the facilities established for that purpose current indexes providing identifying information for the public as to any matter, issued, adopted or promulgated after July 4, 1967 and required by 5 U.S.C. 552 and part 286 of this subchapter to be made available or published.

(4) With respect to such indexes, it is hereby determined pursuant to 5 U.S.C. 552(a)(2) that publication thereof in the FEDERAL REGISTER is, in the case of the Defense Mapping Agency, unnecessary and impracticable. However, all DMA Components will nonetheless provide copies of such indexes on request of members of the public at a cost not to exceed the direct cost of duplication.

(5) Use of DMA inspection and copying facilities by members of the public will be on an appointment basis only. Appointments, will, normally, be requested by letter in accordance with the procedure described in § 295.6 of this chapter.

§ 295.7 Fees.

(a) The schedule of fees published in part 286 of this subchapter shall be applicable to all services rendered to members of the public hereunder.

(b) When no specific fee has been established for a particular service, or the service requested does not fall within a category covered by Part 286 of this Subchapter, an appropriate fee will be established therefor in accordance with Part 286 of this Subchapter.

(c) Normally, mail requests for identifiable records should be accompanied by remittance of the total fee chargeable, as well as a self-addressed, stamped envelope, if special mail services are desired.

(d) Fees must be paid in full prior to search for and issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified, precludes remittance of the exact fee with the request, the Defense Mapping Agency will inform the requester of the exact amount required. The time limits for responding to requests established in 5 U.S.C. 552 and part 286 of this subchapter begin to run only upon receipt of any required payment, unless the requester indicates in writing a clear willingness to pay the anticipated costs.

(e) Remittances may be in the form of either a personal check or bank draft drawn on a U.S. bank, or by U.S. postal money order. All such instruments shall be drawn to the order of the Treasurer of the United States.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid will be made only when the requested service cannot be rendered.

§ 295.8 Material that may be Withheld from Disclosure.

Only those records falling within the specific exemptions listed in 5 U.S.C. 552 (b), and Part 286 of this Subchapter may be withheld from members of the public. Therefore, a request for a record made pursuant to 5 U.S.C. 552 and this part may be denied only by a DMA official designated in § 295.5 of this Chapter, with the advice of Counsel at a DMA Component, where available, or Counsel, HQ DMA, in all other cases, and only upon a determination that:

(1) The record is subject to one or more of the exemptions set forth in 5 U.S.C. 552(b) and Part 286 of this Subchapter, and a significant and legitimate governmental purpose is served by withholding it.

(2) The record cannot be found because it has not been described with sufficient particularity to enable the DMA to locate it with a reasonable amount of effort.

(3) The requester has unreasonably failed to comply with the procedural requirements imposed by this Part.

§ 295.9 Expedited Handling Required.

The handling of all requests from members of the public to inspect or copy records will be expedited by the officials designated in § 95.5 of this Chapter, as well as by all other DMA people. The initial determination of whether to make a record available upon request will normally be made within ten (10) working days of the date a request is received by the official designated to respond for the type of record sought. Any delay beyond this initial ten day period may not exceed ten additional working days and will be authorized only for the reasons described in Part 286 of this Subchapter.

§ 295.10 Appeals.

Any person who is denied a request for a record, in whole or in part, will be given a written explanation of the basis for such determination by an appropriate official designated in § 295.5 of this Chapter, and advised of his right to appeal the denial to the Director, HQ DMA, Building 56, U.S. Naval Observatory, Washington, D.C. 20305. The name and

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title or position of the official responsible for the denial will be included in the written response to the requester. Final determinations on appeals will normally be made within twenty (20) working days of the receipt thereof by the Director, HQ DMA. If, due to unusual circumstances, additional time is needed to decide the appeal, the final determination may be delayed for the number of working days, not to exceed ten (10), which were not utilized as additional time for responding to the initial request. Final refusal to provide a requested record will be made in writing by the Director, HQ DMA, in accordance with the appeal procedures prescribed in Part 286 of this Subchapter.

§ 295.11 **Judicial Action.**

5 U.S.C. 552 provides that a requester will be deemed to have exhausted his administrative remedy after he has been refused the requested record by the head of an agency, or his designee, or when the agency fails to respond to his request within the time limits prescribed by law. The requester may then seek an order from a U.S. District Court: (1) in the district in which he resides or has his principal place of business; (2) in the district in which the record is situated; or (3) in the U.S. District Court for the District of Columbia, enjoining the agency from withholding the record and ordering its production.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 6, 1975.

[FR Doc.75-3730 Filed 2-10-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD-74-249]

PART 62—LORAN

Loran-C System Rate Structure Change

The purpose of this amendment is to change the Loran-C rate structure in order to accommodate planned expansion of Loran-C to provide a highly accurate and reliable radionavigation aid for the U.S. Coastal Confluence Zone (CCZ); defined as U.S. coastal waters extending to the 100 fathom curve or 50 miles offshore, whichever is further; and to allow possible future system expansion for overland service should the need arise.

The change is merely an expansion of the existing Loran-C rate structure to eliminate limitations contained therein.

On May 16, 1974, the Secretary of Transportation announced the selection of Loran-C as the government provided radionavigation system for the Coastal Confluence Zone (CCZ). As a result of that decision, the Coast Guard has been tasked to plan, establish and operate four new Loran-C chains which, when added to the existing U.S. East Coast chain, will provide radionavigation service for the entire CCZ; i.e., Gulf of Alaska, West Coast, East Coast, and Gulf of Mexico.

Due to the planned expansion of Loran-C and present limitations, the Commandant, U.S. Coast Guard will expand the Loran-C rate structure and amend the terminology which describes the various basic and specific repetition intervals (group repetition intervals—GRI's) thereof.

The present Loran-C rate structure provides for 48 possible rates. (See Table I). These rates are described in terms of basic and specific repetition intervals, and are annotated by one or two letters (basic rate/interval), followed by a single number (specific rate/interval). The letters and numbers together represent a fixed period, in microseconds, between successive transmissions for all stations assigned to that rate.

Of the 48 posssible rates shown in Table I, the H and L rates, although available, cannot be used because the intervals provided are not of sufficient duration to accommodate the baseline distances and the number of secondary stations involved in Loran-C. This is because the farther the stations are apart and the more stations operating on a rate, the more time that is required since each station transmits sequentially in its own segment of the interval. Additionally, all of the even specific rates (0, 2, 4, 6) and odd specific rate 5 of basic rates S, SH, SL, and SS are considered less than optimum due to the high probability of interchain (crossrate) interference occurring with their use. This leaves only 12 optimum rates usable out of 48 with nine of these already in use—eight Coast Guard operated Loran-C chains and one Air Force Loran-D chain.

Expansion of Loran-C to cover the entire CCZ as discussed above will require 4 additional rates. This, plus the increasing number of commercial radiolocation operations using the Loran-C format will, if positive action is not taken now, eventually result in the necessity for extensive double assignment of present rates with the attendant possibility of mutual interference and user confusion. The Coast Guard therefore deems it not only desirable but absolutely necessary to expand the Loran-C rate structure to allow for future increases in services.

TABLE I.—*Group repetition intervals*

Specific GRI	Basic GRI SS	SL	SH	S	L	H
0	100,000	80,000	60,000	50,000	40,000	30,000
1	99,900	79,900	59,900	49,900	39,900	29,900
2	99,800	79,800	59,800	49,800	39,800	29,800
3	99,700	79,700	59,700	49,700	39,700	29,700
4	99,600	79,600	59,600	49,600	39,600	29,600
5	99,500	79,500	59,500	49,500	39,500	29,500
6	99,400	79,400	59,400	49,400	39,400	29,400
7	99,300	79,300	59,300	49,300	39,300	29,300

Note: The designation of a chain GRI is a combination of the identification of the basic and specific GRI. For example, SL-7 designates a chain having a GRI of 79,300 μSEC.

As can be seen in Table I, which shows the present rate structure, adjacent basic rates are either 10,000 or 20,000 microrates are no closer than 100 microseconds to each other. The omission of specific rates 8 and 9 further limits the number of available rates. Therefore, it is proposed to expand the Loran-C rate structure to provide a rate at each ten microsecond increment beginning with 40,000 and extending to 99,990 microseconds. While it is quite apparent that the extensive number of possible rates that would be available is far in excess of foreseeable needs, many of these rates will be unusable because of interference considerations, as with the present structure.

With the larger number of possible rate assignments under the new rate structure, the alpha-numeric method of rate designation would be quite complex and confusing. Therefore, each rate, existing and future, will be designated in purely numeric notation.

Rates will be designated by the four most significant digits of the Loran-C interval, i.e., the rate with an interval of 49,300 microseconds, presently termed Rate S7, will be known as rate 4930. (See Table II.)

TABLE II.—Group repetition intervals

(GRI in tens of microseconds)

9999	8999	7999	6999	5999	4999
9998	8998	7998	6998	5998	4998
9997	8997	7997	6997	5997	4997
9991	8991	7991	6991	5991	4991
9990(SS1)	8990	7990(SL1)	6990	5990(SH1)	4990(S1)
9989	8989	7989	6989	5989	4989
9971	8971	7971	6971	5971	4971
9970(SS3)	8970	7970(SL3)	6970	5970(SH3)	4970(S3)
9969	8969	7969	6969	5969	4969
9931	8931	7931	6931	5931	4931
9930(SS7)	8930	7930(SL7)	6930	5930(SH7)	4930(S7)
9929	8929	7929	6929	5929	4929
9000	8000	7000	6000	5000	4000

While expansion of the Loran-C rate structure would be effective upon publication of the amendment to 33 CFR Part 62, utilization of the new rates thereby provided, would not be effected until all presently existing rates had been considered and implemented or rejected. Also, all existing Loran-C chains will retain their presently assigned intervals (only the terminology would change) or be reassigned intervals provided under the old rate structure. Additionally, all new Loran-C chains providing service for the CCZ will also be assigned intervals from the old rate structure. Therefore, all existing Loran-C receivers will be usable with all existing and any new CCZ chains.

Since this amendment to Part 62 is a revision to expand the existing Loran-C rate structure and is not regulatory, the rule making requirements of 5 U.S.C. 553 are not applicable and this revision does not require a notice and may be effective immediately.

In consideration of the foregoing, Part 62 of Title 33 of the Code of Federal Regulations is amended as follows:

In § 62.40–5(a), lines 13 to end of paragraph are deleted, and a new paragraph, (b), is added to read:

§ 62.40–5 **Rate designation.**

. . . . . .

(b) Loran-C rates are designated by the four most significant digits of the five digit number which describes the time interval, in microseconds, between successive pulse group transmissions for each station assigned to a given rate. A rate is provided at each ten microsecond increment between 40,000 and 99,990 microseconds. Since all rates are on the same carrier frequency (100 kHz), no preliminary number or letter is required.

(44 U.S.C. 1505, 49 U.S.C. 1655(b)(1); 49 CFR 1.4(b) and 1.46(b))

Effective date. This amendment is effective immediately.

Dated: January 31, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.75-3635 Filed 2-10-75;8:45 am]

[CGD 74-189]

PART 110—ANCHORAGE REGULATIONS

Beverly and Salem Harbors, Mass.; Special Anchorage Areas

This amendment to the anchorage regulations establishes two special anchorage areas, one located in Beverly and Mackerel Coves, north side of Beverly Harbor and the second located in Collins Cove north of Salem Neck, Mass. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

This amendment is based on a notice of proposed rulemaking published in the Wednesday, December 18, 1974, issue of the FEDERAL REGISTER (39 FR 43732).

All comments received, with one exception, were in favor of the proposal.

The one objection was received from Boston Gas Company, Boston, Mass. Boston Gas Company stated that it would have no objection to the proposed establishment of a special anchorage area in Collins Cove if Rams Horn Channel is kept open for the ingress and egress of LNG barges to enable the off-loading of LNG at the Boston Gas Company dock.

The Commander, First Coast Guard District, replied to this comment, advising Boston Gas Company that the present aids to navigation, marking Rams Horn Channel would remain and that the designation of a special anchorage area in Collins Cove would not preclude the future use of Rams Horn Channel.

In consideration of the foregoing, the proposed amendments are adopted without change and are set forth below.

Effective date. These amendments are effective March 14, 1975.

Dated: February 6, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

In consideration of the foregoing, Title 33 of the Code of Federal Regulations is amended by adding new paragraphs (d) and (e) to § 110.25 to read as follows:

§ 110.25 **Beverly and Salem Harbors, Mass.**

. . . . . .

(d) *Beverly and Mackerel Coves, north side of Beverly Harbor.* The water area enclosed by a line commencing at the southernmost point of Curtis Point in Beverly; thence bearing 238°, 1,400 yards to latitude 42°32'29.4'' N., longitude 70°51'34'' W.; thence 284°, 1,475 yards to the western shoreline of Mackerel Cove; thence north northeasterly to the point of beginning.

(e) *Collins Cove, Salem, Mass.* The water area enclosed by a line beginning at Monument Bar Beacon; thence 242°, 580 yards to latitude 42°32'14.5'' N., longitude 70°52'46.3'' W.; thence 284°, 220 yards to latitude 42°32'16'' N., longitude 70°52'55'' W.; thence 231°, 525 yards to a point on the shoreline; thence following the shoreline and the western boundary of the special anchorage area as described in 33 CFR 110.25(a) to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 USC 180, 49 USC 1655(g)(1)(B), 49 CFR 1.46(c)(2), 33 CFR 1.05-1(c)(1))

[FR Doc.75-3791 Filed 2-10-75;8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

Listing of Certain Prior Applications

On June 26, 1974, notice of proposed rule making regarding an amendment of § § 1.65 and 1.67 of Title 37, Code of Federal Regulations, dealing with the listing of certain prior applications in the application oath or declaration was published in the FEDERAL REGISTER (39 FR 24375). Interested persons were given until September 30, 1974, by Notice published in the FEDERAL REGISTER on August 7, 1974 (39 FR 28439), to submit written comments and suggestions. Full and careful consideration was given to all written comments received. The proposed rule language has been slightly revised.

In consideration of the comments received, and pursuant to the authority contained in section 6 of the Act of July 19, 1952, as amended (85 Stat. 364; 35 U.S.C. 6), Part 1 of Title 37, Code of Federal Regulations, is hereby amended as follows:

1. In § 1.65, paragraph (a) is revised to read as follows:

§ 1.65 **Statement of applicant.**

(a) (1) The applicant, if the inventor, must state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to his application or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. He shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself, or by his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was field, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country. (2) This statement (i) must be subscribed to by the applicant, and (ii) must either (*a*) be sworn to (or affirmed) as provided in § 1.66, or (*b*) include the personal declaration of the applicant as prescribed in § 1.68. See § 1.153 for design cases and § 1.162 for plant cases.

. . . . . .

2. In § 1.67, paragraph (a) is revised to read as follows:

§ 1.67 **Supplemental oath or declaration for matter not originally claimed.**

(a) When an applicant presents a claim for matter originally shown or described but not substantially embraced in the statemnet of inventtion or claim originally presented, he shall file a supplemental oath or declaration to the effect that the subject matter of the proposed amendment was part of his invention: that he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, or patented or described in any printed publication in any country before his invention or discovery thereof, or more

XUM V40-29 FEB 11 75 XUM

than one year before his application, or in public use or on sale in the United States for more than one year before the date of his application, that said invention has not been patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application in this country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned. Such supplemental oath or declaration should accompany and properly identify the proposed amendment, otherwise the propose admentment may be refused consideration.

* * * * *

Effective date. These amendments shall become effective on May 1, 1975, and shall apply to applications filed after that date.

C. MARSHALL DANN,
Commissioner of Patents.

Approved:

DAVID B. CHANG,
Acting Assistant Secretary for Science and Technology.

[FR Doc.75-3736 Filed 2-10-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 332-3]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Picloram

In response to a petition (PP 4E1489) submitted jointly by the Montana Department of Agriculture, Helena, MT 59601, and the North Dakota Department of Agriculture, Bismarck, ND 58501, and a later request from the State of Nebraska, Department of Agriculture, P.O. Box 94756, Lincoln, NE 68509, interim tolerances were established (§ 180.292(b)) for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in or on raw agricultural commodities green forage and straw of barley and wheat at 1 part per million; grain of barley and wheat at 0.5 part per million; kidney of hogs and horses at 5 parts per million; liver of hogs and horses at 0.5 part per million; meat, fat, and meat byproducts (except kidney and liver) of hogs and horses at 0.2 part per million; and eggs and the meat, fat, and meat byproducts of poultry at 0.05 part per million. These interim tolerances expired at the end of the 1974 growing season.

Because of an anticipated continued shortage of 2,4-D, and other herbicides effective in controlling broadleaf weeds the petitioners have requested the interim tolerances be extended to the 1975 growing season. In addition the State of South Dakota, Department of Agriculture, and the State of Minnesota, Department of Agriculture, request that the proposed extension of interim tolerances also be expanded to include South Dakota and Minnesota.

Based on consideration given the data submitted in the petition and other relevant material it is concluded that the extension of time and the inclusion of the additional States will protect the public health. (For a related document, see this issue of the FEDERAL REGISTER, page 6326.)

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.292(b) is amended by revising the introductory paragraph and by adding the sentence "These interim tolerances expire April 1, 1976" to the end of the section, as follows:

§ 180.292 4 - amino - 3,5,6 - trichloropicolinic acid; tolerances for residues.

* * * * *

(b) Interim tolerances are established for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) in or on the following raw agricultural commodities when present as a result of application of 2,4-D-picloram mixtures to growing barley and wheat in the States of Minnesota, Montana, Nebraska, North Dakota, and South Dakota:

* * * * *

These interim tolerances expire April 1, 1976.

Any person who will be adversely affected by the foregoing order may at any time on or before March 13, 1975, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 11, 1975.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: February 4, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-3699 Filed 2-10-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5474]

[New Mexico 14384]

NEW MEXICO

Reservoir Site Restoration No. 51; Revocation of Reservoir Site No. 7

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Secretarial Order of August 18, 1894, which created Reservoir Site No. 7, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 N., R. 8 E.,
Sec. 1, lots 5 thru 8;
Sec. 2, lot 1.
T. 25 N., R. 8 E.,
Sec. 35, SE¼SE¼;
Sec. 36, SW¼NE¼, W½, W½SE¼, SE¼SE¼.

CARSON NATIONAL FOREST

T. 25 N., R. 8 E.,
Sec. 25, W½E½, E½W½, SW¼SW¼.

The area described aggregates 1,034.49 acres more or less, in Rio Arriba County of which 360 acres are national forest lands and approximately 342.80 acres are privately owned.

2. Subject to valid existing rights and the provisions of existing withdrawals, at 10 a.m. on March 12, 1975, the lands lying within Carson National Forest, shall be opened to such forms of disposition as may under applicable laws be made of national forest lands.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable laws, at 10 a.m. on March 12, 1975, the public lands shall be open to the location of nonmetalliferous minerals and to the operation of the public land laws generally. All valid applications received at or prior to 10 a.m. on March 12, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The public land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands shall be addressed to Chief, Division of Technical Service, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3753 Filed 2-10-75;8:45 am]

[Public Land Order 5475]

[Utah 26772]

UTAH

Powersite Restoration No. 704, Partial Revocation of Powersite Reserves Nos. 42 and 732

By virtue of the authority contained in the Act of March 3, 1879, 43 U.S.C. 31 (1970), and Reorganization Plan No. 3 of 1950, 5 U.S.C. App. 530 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the determination of the Federal Power Commission in DA-196, issued October 3, 1973, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 42, as construed by Powersite Interpretations of April 14, 1921, July 9, 1924, and March 23, 1959; and Executive Order of December 27, 1919, creating Powersite Reserve No. 732, as construed by Powersite Interpretations of August 9, 1932, and March 23, 1959, respectively, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

POWERSITE RESERVE NO. 42

T. 5 S., R. 23 E.,
Sec. 1, lots 1, 5, 6, 7;
Sec. 12, lots 1, 6, 7, 15.
T. 4 S., R. 24 E.,
Sec. 1, lots 1, 2, 3, 5 through 11, SW¼NW¼, S½SE¼;
Sec. 2, lot 5, NE¼SE¼, SW¼SE¼;
Sec. 11, lots 1 through 5, E½NW¼, and every smallest legal subdivision in unsurveyed portions of the NE¼ and S½, any portion of which, when surveyed, shall lie within ¼ mile of Green River;
Every smallest legal subdivision in unsurveyed secs. 10, 12, 14, 15, 16, 21, 22, 27, and 28, any portion of which, when surveyed, shall lie within ¼ mile of Green River.
T. 5 S., R. 24 E.,
Sec. 5, lots 4 and 5;
Sec. 6, lots 1 through 9, lots 13, 14, SE¼NW¼, E½SW¼.
T. 3 S., R. 25 E.,
Sec. 26, lot 1;
Sec. 27, lots 1 through 4, SW¼SE¼;
Sec. 33, lots 1 through 7;
Sec. 34, lots 1 and 2, N½NW¼;
Every smallest legal subdivision on the east side of Green River in secs. 26, 33, 34, 35, any portion of which lies within ¼ mile of that river.
T. 4 S., R. 25 E.,
Every smallest legal subdivision in secs. 4 and 5, any portion of which lies within ¼ mile of Green River;
Sec. 6, lots 1 thru 11, SE¼NE¼, NE¼SW¼, NW¼SE¼.

POWERSITE RESERVE NO. 732

T. 4 S., R. 23 E.,
Sec. 24, SW¼;
Sec. 25;
Sec. 26, NW¼SW¼, S½SW¼;
Sec. 35, lot 7, SE¼NE¼.
T. 5 S., R. 23 E.,
Sec. 1, lots 2, 3, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 12, lots 2, 4, 5, 8, 9, 14, W½NE¼, NE¼NW¼.
T. 4 S., R. 24 E.,
Every smallest legal subdivision in unsurveyed secs. 17, 18, 20, any portion of which, when surveyed, shall lie within ¼ mile of Green River;
Sec. 19;
Sec. 29, W½SW¼, and every smallest legal subdivision in the NW¼, any portion of which, when surveyed, shall lie within ¼ mile of Green River;
Secs. 30 and 31.
T. 5 S., R. 24 E.,
Sec. 4, W½SW¼;
Sec. 5, lots 6, 9, 10, 11, 12, NW¼SW¼, SE¼SW¼;
Sec. 6, lots 10, 11, 12 15, 16;
Sec. 7, lots 1 thru 5, NW¼NE¼, SE¼NE¼;
Sec. 8, lots 1 thru 7, S½N½;
Sec. 9, W½NW¼.

The lands described aggregate approximately 10,328 acres in Uintah County.

2. All of the above described lands are within the exterior boundaries of the Dinosaur National Monument established by Presidential Proclamation No. 2290 of July 14, 1938, as revised by the Act of September 8, 1960, 74 Stat. 857, and are withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, and from leasing under the mineral leasing laws.

3. At 10 a.m. on March 12, 1975, the lands described in paragraph 1 shall be relieved of the segregative effect of the Powersite Reserves Nos. 42 and 732 for the purpose of allowing said lands to be recommended for inclusion in the National Wilderness Preservation System, 16 U.S.C. 1131 (1970).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Box 11505, Salt Lake City, Utah 84111.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3755 Filed 2-10-75;8:45 a.m.]

[Public Land Order 5478]

[Idaho 4383]

IDAHO

Powersite Restoration No. 711; Partial Revocation of Powersite Reserve No. 440

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and by virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA-609-Idaho, it is ordered as follows:

1. The Executive Order of June 6, 1914, creating Powersite Reserve No. 440, is hereby revoked so far as it affects the following described land:

BOISE MERIDIAN

T. 41 N., R. 4 E.,
Sec. 16, W½NE¼, SE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 20, E½NE¼, NE¼SE¼.
T. 42 N., R. 4 E.,
Sec. 26, SE¼NW¼, N½SW¼, SE¼SW¼;
Sec. 35, N½NW¼, SW¼NW¼.

The areas described aggregate 640 acres in Clearwater and Shoshone Counties.

In DA-609-Idaho, the Federal Power Commission determined that it had no objection to the revocation of Powersite Reserve No. 440 so far as it affected the above described lands.

2. Except those lands in section 16, T. 41 N., R. 4 E., and in section 26, T. 42 N., R. 4 E., all of the above described lands are State owned and are not subject to opening under the public land laws. The lands in section 26 are in the St. Joe National Forest. Upon the promulgation of this order, title to the lands described in section 16 will vest in the State; the lands in section 26 which were open to mineral leasing under the mineral leasing laws and to location and entry under the Act of August 11, 1955, 30 U.S.C. 621 (1970), will continue to be open to leasing under the mineral leasing laws, 30 U.S.C. 181-287 (1970), and are now open to location and entry under the general mining laws, 30 U.S.C. Ch. 2.

3. At 10 a.m. on March 12, 1975, the following described lands shall be open to such forms of disposition as may by law be made of national forest lands:

ST. JOE NATIONAL FOREST

BOISE MERIDIAN

T. 42 N., R. 4 E.,
Sec. 26, SE¼NW¼, N½SW¼, SE¼SW¼.

The above described area contains 160 acres in Shoshone County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3751; Filed 2-10-75;8:45 am]

[Public Land Order 5479]

[Montana 21216]

MONTANA

Revocation of Forest Service Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Order No. 1623 of October 11, 1912, withdrawing vacant public lands as an administrative site is hereby revoked insofar as it affects the following described lands:

MONTANA PRINCIPAL MERIDIAN

T. 7 S., R. 7 E.,
Sec. 20, that portion of the SE¼SW¼ which lies east of the east right-of-way boundary of U.S. Highway No. 89.

The area described contains approximately 6.7 acres in Park County.

2. The above described lands are included in Powersite Classification No. 334 of February 18, 1943, which classification remains in full force and effect. Therefore, the lands will not be open to appropriation under the public land laws generally. The lands have been and will continue to be open to location and entry under the U.S. mining laws, and to the filing of applications and offers under the mineral leasing laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc. 75-3752 Filed 2-10-75; 8:45 am]

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[Public Land Order 5480]

[Sacramento 4793]

CALIFORNIA

Revocation of Executive Order No. 6844

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Executive Order No. 6844 of September 11, 1934, which withdrew 30 acres of the national resource land described below for a fire lookout site and the remaining 290 acres thereof for classification and in aid of legislation is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 24 N., A. 4 E.,
Sec. 12, W½.

The area described contains 320 acres in Butte County.

2. At 10 a.m. on March 12, 1975, the land shall be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 12, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to application and offers under the mineral leasing laws.

Inquiries concerning the land shall be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1975.

[FR Doc.75-3750 Filed 2-10-75;8:45 am]

[Public Land Order 5481]

[Oregon 10729]

OREGON

Withdrawal and Reservation of Land for Sprague Orchard Clone Storage Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the purpose of establishing a clone bank in connection with the operation of this Bureau's Charles A. Sprague Seed Orchard:

WILLAMETTE MERIDIAN

T. 36 S., R. 6 W., Sec. 3, SW¼

The area described contains 160 acres in Josephine County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 5, 1975.

[FR Doc.75-3803 Filed 2-10-75;8:45 am]

[Public Land Order 5482]

[Nevada 055233]

NEVADA

Withdrawal of Land for Addition to the Alkali Lake Wildlife Management Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws or from disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601, 602 (1970), as an addition to the Alkali Lake Wildlife Management Area:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 23 E.,
Sec. 3, SW¼SW¼.

The area described contains 40 acres in Lyon County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, provided that such use or disposal will not be inconsistent with the purposes for which the land is withdrawn.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 5, 1975.

[FR Doc.75-3802 Filed 2-10-75;8:46 am]

[Public Land Order 5483]

[Arizona 034065]

ARIZONA

Partial Revocation of Withdrawal for Fort Whipple Military Reservation

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Order of August 31, 1869, withdrawing lands for the Camp (Fort) Whipple, Arizona, Military Reservation, and Executive Order of October 19, 1875, modifying the boundaries of the Reservation, are hereby revoked so far as they affect the following described lands as depicted on the plat of survey accepted December 30, 1970:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 2 W.,
Sec. 34, Tracts B, C, and D.

The areas described aggregate 64.50 acres in Yavapai County.

2. Of the described lands, Tracts B and D are included in lease A-540 issued pursuant to the Recreation and Public Purposes Act, 43 U.S.C. 869 (1970), and are not subject to other appropriation or disposition under the public land laws, including the mining laws.

3. At 10 a.m. on March 13, 1975, Tract C shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 13, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Tract C has been and will continue to be open to the filing of applications and offers under the mineral leasing laws, and to location and entry under the United States mining laws.

4. Any rights and privileges in the form of easements and rights-of-way previously granted or established by the relinquishing agency on the subject lands shall continue in full force and effect.

Inquiries concerning Tract C should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 5, 1975.

[FR Doc.75-3801 Filed 2-10-75;8:45 am]

[Public Land Order 5484]

[Riverside 2573]

CALIFORNIA

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, for an administrative site of the Department of Agriculture:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Pinyon Flat Administrative Site

T. 3 N., R. 7 W.,
Sec. 15, SE¼SW¼SW¼NW¼, S½SE¼SW¼NW¼, SW¼SW¼SE¼NW¼, W½NW¼NE¼SW¼, W½SW¼NE¼SW¼, NW¼SW¼.

The area described aggregates 60 acres in San Bernardino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 5, 1975.

[FR Doc.75-3749 Filed 2-10-75;8:49 am]

[Public Land Order 5485]

[New Mexico 12479]

NEW MEXICO

Withdrawal for National Forest Recreation Area and Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Trampas Recreation Area

T. 21 N., R. 12 E.
Sec. 16, lot 5 and unsurveyed portion of S½SW¼SW¼;
Sec. 21, lot 1, NE¼ of lot 2, W½NW¼NE¼, unsurveyed portions of N½NE¼NW¼, NE¼NW¼NW¼.

Canon Administrative Site

T. 25 N., R. 13 E.,
Sec. 15, W½W½ of lot 5, and W½W½SW¼SW¼;
Sec. 16, lots 4, 5, 7, and 8.

The areas described aggregate 224.70 acres in Taos and Rio Arriba Counties.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 5, 1975.

[FR Doc.75-3754; Filed 2-10-75;8:45 am]

[Public Land Order 5486]

[Wyoming 38635]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. 300 (1970), it is ordered as follows:

1. The departmental order of February 5, 1924, modifying Stock Driveway Withdrawal No. 3 (Wyoming No. 1), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 46 N., R. 87 W.,
Sec. 4, lot 1.

T. 47 N., R. 87 W.,
Sec. 29, SE¼NE¼NW¼NE¼, NW¼NE¼NW¼NE¼;
Sec. 33, SW¼NE¼SE¼, NW¼SE¼SE¼, NE¼SW¼SE¼SE¼, W½SE¼SE¼SE¼.

Containing 73.33 acres in Washakie County.

The lands lie approximately 7 miles southeast of Ten Sleep, Wyoming. The terrain is gently rolling and vegetation is a sagebrush-grassland association of low carrying capacity.

2. At 10 a.m. on March 13, 1975, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 13, 1975, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyoming.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 5, 1975.

[FR Doc.75-3756 Filed 2-10-75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 142—LOANS TO PRIVATE NONPROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS

Notice of proposed rulemaking was published in the FEDERAL REGISTER on July 23, 1974 at 39 FR 26749 setting forth regulations governing the administration of Title III-A, section 305 of the National Defense Education Act of 1958, as amended. This program provides loans to private nonprofit elementary and secondary schools through the acquisition of laboratory and other special equipment, and minor remodeling. Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held September 17, 1974 in Washington, D.C., on the proposed regulations. In addition, written comments were invited.

No comments were received either orally or in writing.

After making one minor clerical change, Part 142 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, which is March 28, 1975, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.479, School Equipment Loans to Nonprofit Private Schools)

Dated: January 17, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 4, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart A—Scope of Section 305

Sec.
142.1 Purpose of loan program.

Subpart B—Definitions

142.2 General provisions regulations.
142.3 Definitions.

Subpart C—Application

142.4 Filing application.
142.5 Content of application.
142.6 Authorization for application.

Subpart D—Loan Procedures

142.24 Review of application.
142.25 Action on approved application.

Subpart E—Loan Conditions

142.35 Limitation on amount.
142.36 Assurance of repayment.
142.37 Use of loan funds.
142.38 Unused and unreported funds.
142.39 Misused funds.
142.40 Disposal or unauthorized use of equipment.
142.41 Time of acquisition.
142.42 Interest.
142.43 Repayment.
142.44 Reports and records.

AUTHORITY: Secs. 305 and 1001, Pub. L. 85-864, as amended, 72 Stat. 1590 (20 U.S.C. 445), unless otherwise noted.

Subpart A—Scope of Section 305

§ 142.1 Purpose of loan program.

The Federal Government makes loans available under the provisions of section 305 of the Act to eligible private nonprofit elementary and secondary schools for the acquisition of laboratory and other special equipment suitable for use in providing education in academic subjects as defined in § 142.2, and for minor remodeling of laboratory or other space used for that equipment.

(20 U.S.C. 445)

Subpart B—Definitions

§ 142.2 General provisions regulations.

Definitions listed in § 100.1 of this chapter apply to this part except as otherwise provided in this subpart.

(20 U.S.C. 445)

§ 142.3 Definitions.

As used in this part:

"Academic subjects" means the following elementary and secondary school subjects: the arts, civics, economics, english, geography, history, the humanities,

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industrial arts, mathematics, modern foreign languages, reading, and science.

"Act" means section 305 of the National Defense Education Act of 1958, 20 U.S.C. 445.

"Arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, film, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution and exhibition of such major art forms.

"Audiovisual library" means a facility for the collection, custody, cataloging, maintenance, and distribution of audiovisual materials for education in academic subjects in elementary or secondary schools, and controlled and operated by a school or a group of schools under a school system.

"Equipment" means laboratory and other special equipment as defined in this section, including materials as defined in § 100.1 of this chapter.

"Humanities" includes, but is not limited to the study of the following: language, both modern and classic; linguistics; literature; history; jurisprudence; philosphy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

"Laboratory and other special equipment" (a) The term includes: (1) Fixed or movable articles which are particularly appropriate for use in providing education in academic subjects in an elementary or secondary school and which are to be used either by teachers in connection with teaching or by students in learning in such subjects; (2) audiovisual equipment (including projectors, recorders, television cameras, television receivers, closed-circuit television distribution systems, and ancillary television projection and reception equipment to be used primarily for nonbroadcast purposes, except where broadcast takes the place of closed-circuit cable systems), to be used, either by teachers in connection with teaching or by students in connection with learning primarily in providing education in academic subjects in a private elementary or secondary school; (3) materials (as defined in S100.1 of this chapter) and devices (other than those used for printing, such as printing presses and offset printing machines) to be used for preparation of audiovisual and instructional materials for academic subjects; (4) storage equipment to be used solely for the care and protection of the items specified in paragraph (a)(1)–(3) of this definition, when used in laboratories or classrooms; (5) testgrading equipment to be used primarily in providing education in academic subjects in a private elementary or secondary school; and (6) (i) specialized equipment for audiovisual libraries serving private elementary or secondary schools when such equipment is to be used primarily in providing education in academic subjects. (ii) The term excludes such items as general-purpose furniture, school public address systems, or items for the maintenance and repair of equipment. However, the term does include equipment for maintenance, repair, and storage of materials in audiovisual libraries.

"Minor remodeling" (notwithstanding the definition set forth in § 100.1 of this chapter) means (a) those minor alterations, in a previously completed building in space used or to be used as a laboratory or classroom for education in academic subjects, which are needed to make effective use of equipment in providing education in such subjects. The term also includes those minor alterations in a previously completed building which are needed to make effective use of the items referred to in paragraph (a)(5)–(6) of the definition of "Laboratory and other special equipment" in this section. (b) The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent needed to make effective use of equipment. The term does not include building construction, structural alterations to buildings, building maintenance, repair, or renovation. (c) Minor remodeling may be done in a building owned by or under lease to the applying school. If the building is leased, the leasehold interest shall be sufficient in the light of the cost of the remodeling to be accomplished with loan funds.

"Private," as applied to a school, means a school which is established by an agency other than a State or a political subdivision or any combination of either or both, and which is supported in whole or in part by other than public funds and is administered and controlled by other than publicly elected or appointed officials.

"School" means a division of instructional organization consisting of a group of pupils comprised of one or more grade groups, organized on a class basis as one unit with one or more teachers to give instruction of a defined type, and housed in a school plant of one or more buildings. More than one school may be housed in one school plant as when elementary and secondary schools are so housed.

"State" means a State of the Union, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

"Textbook" means a book or workbook, or manual, which is used as the principle source of study material for a given class, or group of students, a copy of which is expected to be available for the individual use of each pupil in that class or group of students.

(20 U.S.C. 403, 445)

Subpart C—Applications

§ 142.4 Filing application.

A private nonprofit elementary or secondary school, or its governing authority, desiring to borrow funds under this part shall file an application for that purpose with the Commissioner.

(20 U.S.C. 445(1))

§ 142.5 Content of application.

Each application under this part shall include:

(a) An appropriate identification of the applicant school;

(b) Satisfactory evidence of the applicant's eligibility as a private nonprofit elementary or secondary school;

(c) Statements of financial condition and information concerning credit of the applicant and of any proposed guarantor;

(d) A request for a loan in a definite amount;

(e) Proposed plan of repayment of principal with interest not to extend beyond 10 years from the date of the loan;

(f) An itemized list of the equipment, including materials, which is proposed to be acquired with the loan funds and the estimated cost thereof, the list to be organized by subject area and school level (i.e., elementary or secondary) at which the equipment is to be used;

(g) If funds are requested for minor remodeling, a full description of the work to be done (including drawings or blueprints), the estimated cost thereof, and the necessity for such minor remodeling in order to make effective use of equipment;

(h) A certification that the equipment, including materials, for providing education in academic subjects is to be used primarily for providing education in academic subjects, except that storage equipment will be used solely for the care and protection of equipment, and a certification that the minor remodeling, if any, is to be performed to make more effective use of equipment in providing education in academic subjects;

(i) A description showing the direct relationship of the proposed expenditures to the overall design for enriching the planned educational program and the achievement of desired curriculum goals in academic subjects; and

(j) Such additional information as the Commissioner may require.

(20 U.S.C. 445)

§ 142.6 Authorization for application.

The application shall be signed by an authorized representative of the school, and shall contain satisfactory evidence of:

(a) The authority of the applying entity to make the loan application;

(b) The authority of the person signing the application to act as the representative of the school and to negotiate for the loan;

(c) The legal identity of the corporation, association or other entity that will be the maker of the note; and

(d) The designation, by title, of the officer, or officers, empowered to execute the note on behalf of that entity.

(20 U.S.C. 445)

Subpart D—Loan Procedures

§ 142.24 Review of application.

The Commissioner will act upon a loan application only after a review of information contained in the application and any other pertinent information which he may possess.

(20 U.S.C. 445)

§ 142.25 Action on approved application.

(a) *Execution of note.* After the Commissioner approves an application for a loan, he will so notify the applicant and will require the execution of a promissory note, which will include a schedule of payments of the principal, with interest accruing on the unpaid principal of the loan to the dates of such payments. If the note is not executed by the last day of the fiscal year following the fiscal year in which the application was approved and promptly submitted to the Commissioner, the Commissioner may cancel the loan approval.

(b) *Payment to school.* Upon receipt of a duly executed note, the Commissioner will cause the loan funds to be paid by the U.S. Treasury to the applicant at the time loan funds will be needed.

(c) *Cancellation of loan approval.* If the applicant does not request the loan funds within a reasonable time after notification to the applicant of approval, the Commissioner may cancel approval of the loan.

(20 U.S.C. 445)

Subpart E—Loan Conditions

§ 142.35 Limitation on amount.

Each loan will be limited to the amount which may reasonably be expected to be expended without undue delay for the acquisition of equipment or for minor remodeling.

(20 U.S.C. 445)

§ 142.36 Assurance of repayment.

All loans will be made on the basis of such security or evidence of financial responsibility as will reasonably assure repayment.

(20 U.S.C. 445)

§ 142.37 Use of loan funds.

All loans will be subject to the condition that the funds borrowed will be used only for the acquisition of equipment, and for the performance of minor remodeling, substantially similar to the project described in the approved application.

(20 U.S.C. 445)

§ 142.38 Unused and unreported funds.

Loan funds that are not used by the last day of the fiscal year following the fiscal year in which the application was approved for the purposes set out in § 145.37, and loan funds used but not reported as required in § 142.44, shall immediately become due and payable, with interest accrued thereon unless the Commissioner extends the period upon the written request of the applicant. This paragraph shall not apply if the total amount not used for the acquisition of equipment, and for the performance of minor remodeling, and not reported does not exceed two percent of the amount lent or $200, whichever is smaller.

(20 U.S.C. 445)

§ 142.39 Misused funds.

Loan funds that are used for purposes other than those provided for in § 142.1 shall immediately become due and payable, with interest accrued thereon.

(20 U.S.C. 445)

§ 142.40 Disposal or unauthorized use of equipment.

If during the period of the loan the applicant disposes of equipment or fails to use it primarily for the purposes authorized under the loan conditions, the regulations, or the Act, the balance of the loan shall, at the option of the Commissioner, become immediately due and payable, with interest accrued thereon. Any such unauthorized use and any such disposal shall be reported to the Commissioner.

(20 U.S.C. 445(2))

§ 142.41 Time of acquisition.

Loan funds shall not be used for the acquisition of equipment, or minor remodeling, for which firm commitments have been made prior to the time when the application is approved by the Commissioner.

(20 U.S.C. 445)

§ 142.42 Interest.

(a) *Determination of interest rate.* Loans will bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average market yield on outstanding marketable obligations of the United States with redemption periods to maturity comparable to the average maturities of those loans as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result obtained to the nearest one-eighth of 1 per centum.

(b) *Effective interest rate.* The interest rate in effect at the time a loan is approved will remain in effect for the life of the loan.

(c) *Date of loan.* The date of the U.S. Treasury check paying the funds to the applicant will be the date of the loan and the date from which interest accrues.

(20 U.S.C. 445(3))

§ 142.43 Repayment.

(a) *Schedule of repayments.* Repayments of principal with accrued interest shall be made on those dates as may be agreed upon by the Commissioner and the applicant.

(b) *Date of maturity.* A loan may be made for any period of time except that the date of maturity shall be not more than ten years after the date on which the loan is made.

(c) *Prepayments.* Loans may be prepaid in full or in part at any time, with accrued interest to the date of payment, without penalty for prepayment.

(20 U.S.C. 445(4))

§ 142.44 Reports and records.

(a) *Reports.* Each applicant receiving a loan shall furnish a completion report upon completing the approved project, and shall furnish such progress or other reports as the Commissioner may from time to time require regarding the use of loan funds. The completion report shall be submitted by the last day of the fiscal year following the fiscal year in which the application was approved unless the Commissioner extends the period upon the written request of the applicant.

(b) *Records.* Each applicant receiving a loan shall keep the loan in a separate bank account or maintain a separate accounting of all such funds sufficient readily to identify all transactions with the loan funds. Each applicant shall also maintain intact all records supporting the use of loan funds for three years after the loan has been repaid in full. Such records shall be made available to fiscal representatives of the Government for audit purposes.

(20 U.S.C. 1232c(b) (2), (3))

[FR Doc.75-3772 Filed 2-10-75;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Docket No. OPS-26; Amdt. 192-17]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Qualification of Pipe Transported by Railroad

This amendment to § 192.65(a) and Appendix A to Part 192 (1) incorporates by reference the 1972 edition of the American Petroleum Institute document API RP5L1, entitled "API Recommended Practice for Railroad Transportation of Line Pipe," and (2) requires that in the case of certain pipe transported by railroad, the transportation be in accordance with the 1972 edition of API RP5L1, except that before February 25, 1975, the transportation may be in accordance with the 1967 edition. The 1967 edition of API RP5L1 is currently incorporated by reference in Part 192. Incorporation by reference of the 1967 edition is continued so as not to preclude the use of pipe transported in accordance with that edition before the effective date of this amendment.

Section 192.65 regulates the use of pipe in a pipeline to be operated at a hoop stress of 20 percent or more of specified minimum yield strength where the pipe has an outer diameter to wall thickness ratio of 70 to 1, or more, and the pipe is transported by railroad. This section, in conjunction with § 192.7 and Appendix A to Part 192, requires as a qualification for use of pipe transported after November 11, 1970, that it be transported in accordance with the 1967 edition of API RP5L1. The 1967 edition of API RP5L1 prohibits pipe overhang of more than 5 feet, or one-half the distance between intermediate bearing strips, whichever is larger. As a result, double-jointed pipe (80-foot lengths) transported after November 11, 1970, on 52-foot railroad flatcars may not be used

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under the existing § 192.65 since the overhang on each end is about 14 feet. In contrast, the 1972 edition of API RP5L1 was developed especially to provide for the loading and transportation of double-jointed pipe on 52-foot railroad flatcars.

Incorporation by reference of the 1972 edition of API RP5L1 and adoption of related changes in § 192.65(a) were proposed in a notice of proposed rulemaking published on February 19, 1974 (39 FR 6126). Interested persons were afforded an opportunity to participate in the rulemaking by submitting written information, views, or arguments. The comments received have been fully considered in developing the final rule.

All comments received were favorable to the proposed rule change. However, one commenter did suggest an additional rule change which was not proposed in the notice. The suggested change would qualify for use under § 192.65 all pipe which is tested in accordance with § 192.-65(b), regardless of when the transportation is performed. Section 192.65(b) permits the use of pipe transported before November 12, 1970, if, as an alternative to meeting the transportation requirements of § 192.65(a), the pipe meets certain test requirements. The commenter argued that, in view of the soundness of the testing procedure, there is no reason to limit the applicability of § 192.65(b) to pipe transported before November 12, 1970. Although the Office of Pipeline Safety (OPS) considers the suggestion to go beyond the scope of the notice, OPS believes it merits discussion.

Section 192.65(b) was added to Part 192 by Amendment 192–12 (38 FR 4760, February 22, 1973) to preclude a substantial waste of stockpiled pipe. Before that amendment, many operators were unable to use pipe shipped prior to the effective date of Part 192 (November 12, 1970) because they could not verify that the pipe was transported in accordance with the 1967 edition of API RP5L1. To remedy the situation, § 192.65(b) was adopted as a "grandfather" clause to qualify for use about $13 million worth of stockpiled pipe that had been transported by railroad before November 12, 1970.

The difficulty expressed by operators who were unable to verify shipment in accordance with API RP5L1 as to pipe already on hand or ordered before Part 192 became effective should not exist with regard to pipe transported after November 11, 1970. Operators were given sufficient notice and lead time to prepare for compliance with § 192.65 after that date. Therefore, OPS does not consider it appropriate to extend the applicability of § 192.65(b) to all pipe as the commenter suggested.

Report of the Technical Pipeline Safety Standards Committee. Section 4(b) of the Natural Gas Pipeline Safety Act of 1968 requires that all proposed standards and amendments to such standards be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to Part 192 was submitted to the Committee as Item 2 in a list of five proposed amendments. The Committee has made a favorable report which is set forth below. The Committee member who disagreed with the majority of the Committee on Item 2 did not submit a statement of his views.

JANUARY 17, 1975.

Memorandum to: The Secretary of Transportation. Attention: Joseph C. Caldwell, director, Office of Pipeline Safety.

From: Secretary, Technical Pipeline Safety Standards Committee.

Subject: Proposed changes to 49 CFR Part 192, minimum Federal safety standards for transportation of natural and other gases by pipeline.

The following letter and attachments represent an official report by the Technical Pipeline Safety Standards Committee concerning the Committee's action related to five proposed amendments to 49 CFR Part 192, Minimum Federal Safety Standards for Transportation of Natural and Other Gases by Pipeline.

The Committee reviewed the proposals of the Office of Pipeline Safety at a meeting, held in Washington, D.C., on October 30, and 31, 1974, and through an informal ballot-ing procedure recommended certain modifications, some of which were acceptable to the Office of Pipeline Safety. A formal ballot, reflecting the suggested changes, was prepared and distributed to the Committee members, by the undersigned on December 5, 1974.

Formal ballots have been submitted by all fourteen members of the Committee. The majority of the Committee approved all five items on the ballot as being technically feasible, reasonable, and practicable. Negative votes were cast by one member against Items 1, 2, and 3, by two members against Item 4 and by four members against Item 5. Another member, who had been unable to attend the meeting and participate in the discussions, abstained from voting.

Attachment A sets forth the minority opinions submitted in support of the negative votes on Items 4 and 5.

LOUIS W. MENDONSA.

In view of the improved safety criteria provided by this amendment and the period reasonably necessary for compliance, I have determined that good cause exists for making this amendment effective in less than 30 days after issuance.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows, effective February 25, 1975:

1. Section 192.65(a) is amended to read as follows:

§ 192.65 Transportation of pipe.

In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by railroad unless—

(a) The transportaion is performed in accordance with the 1972 edition of API RP5L1, except that before February 25, 1975, the transportation may be performed in accordance with the 1967 edition of API RP5L1.

2. In Section II.A of Appendix A to Part 192, item 4 is amended to read as follows:

APPENDIX A—INCORPORATED BY REFERENCE

* * * * *

II. Documents incorporated by reference.

A. American Petroleum Institute:

* * * * *

4. API Recommended Practice 5L1 entered "API Recommended Practice for Railroad Transportation of Line Pipe" (1967 and 1972 editions).

This amendment is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on February 6, 1975.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.75-3792 Filed 2-10-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13243; Reference Amdt. 36-4]

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Appendix F—Noise Requirements for Propeller Driven Small Airplanes Notice Test Data Conditions; Correction

The purpose of this document is to correct the language describing the conditions under which noise emission test data may be corrected under § F36.201(a) by deleting the reference to testing at releative humidities higher than 90 percent as stated in the preamble to Amendment 36–4, which was issued on December 31, 1974, and published in the FEDERAL REGISTER on January 6, 1975 (40 FR 1029). An editorial correction is also made to a speed symbol used in the acoustical change provisions of § 36.7(a)(2)(ii).

Notice 73–26, published in the FEDERAL REGISTER on October 10, 1973 (38 FR 23016), proposed the text of current § F36.201(a) providing for correction of test data under certain conditions, including when the relative humidity is above 90 percent. In the preamble to Amendment 36–4, the FAA responded to a comment that pointed out an apparent conflict between proposed § F36.101(b) (which prohibits all testing at relative humidities in excess of 90 percent) and § F36.201(a) (which, as proposed, implied that tests may be conducted with relative humidities above 90 percent, if data corrections are made). The preamble noted that the FAA did not intend to modify the strict testing prohibition when the relative humidity exceeded 90 percent by means of the data correction procedures and stated the intent to delete the words "above 90 percent or" from § F36.201(a) in the final rule. However, contrary to that stated intention in adopting § F36.201, the text of the published final rule inadvertently retained those words. This action corrects that error by making the deletion referred to in the preamble.

In addition, Amendment 36–3, issued on December 12, 1974, and published in the FEDERAL REGISTER on December 19, 1974 (39 FR 43830), added new acoustical change provisions to § 36.1. These included use of the speed symbol "V_2" in § 36.1(c)(2)(ii). Amendment 36–4 moved the new provisions to § 36.7. In so doing, the subscript was inadvertently omitted. To correct this, the term "V+10 knots" in § 36.7(a)(2)(ii) must be changed to read "V_2+10 knots."

Since this action is corrective in nature, and notice and public procedure were given on this subject in Notice 73–26, good cause is found that further notice and public procedure are unnecessary. Since the rule being corrected by this action would become effective February 7, 1975, as part of Amendment 36–4, and since this correction merely executes the stated intent of provisions adopted by Amendment 36–4, and makes an editorial change, the public interest is served by making this correction effective immediately. Therefore, good cause is found for making this correction effective in less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 603, 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423, and 1431); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); E. O. 11514)

In consideration of the foregoing, the text of § F36.201(a) of Appendix F of Part 36 is corrected, effective immediately by deleting the words "above 90 percent or" between the words "humidity is" and the words "below 40 percent," and the term "V+10 knots" in § 36.7(a)(2)(ii) is corrected to read "V_2+10 knots."

Issued in Washington, D.C., on February 3, 1975.

JAMES E. DOW,
Deputy Administrator.

[FR Doc.75-3721 Filed 2-10-75;8:45 am]

(Docket No. 74-NW-18-AD; Amdt. 39-2089)

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of the "B" hydraulic system electrical pump wiring on Boeing Model 737 Series Airplanes was published in FR Doc. 74–21854.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The Air Transport Association of America suggested "the AD be clarified to assure that the replacement of the circuit breakers as specified in Service Bulletin 29–1004 is not made mandatory." The FAA does not intend this AD to require replacement of the installed 35-ampere circuit breaker.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), Part 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing model 737 airplanes, listed under Group I in Boeing Service Bulletin 29–1004, Revision 1, dated April 2, 1969, or later FAA approved revisions. Compliance required within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the "B" hydraulic system electrical wiring and other systems wiring which use a common wire bundle, replace the "B" hydraulic system electrical pump spliced wires in accordance with Boeing Service Bulletin 29–1004, Revision 1, dated April 2, 1969, or later FAA approved revisions, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment become effective March 10, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1955(c)))

Issued in Seattle, Washington on February 3, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the Document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-3722 Filed 2-10-75; 8:45 am]

[Airspace Docket No. 74-SW-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Batesville, Ark., transition area.

On December 20, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 44036) stating the Federal Aviation Administration proposed to designate a transition area at Batesville, Ark.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

In § 71.181 (40 F.R. 441), the following transition area is added:

BATESVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 15-statute-mile radius of Batesville Regional Airport, Batesville, Ark. (latitude 35°43'00" N., longitude 91°38'00" W.); and within 3.5 miles each side of 256° bearing from the Batesville NDB (latitude 35°42'13" N., longitude 91°45'03" W.), extending from the 15-mile radius area to 11.5 statute miles west of the NDB; excluding that portion which overlies the Heber Springs, Ark., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on January 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-3723 Filed 2-10-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–897; Amdt. 8]

PART 250—PRIORITY RULES, DENIED-BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Denied-Boarding Compensation; Interpretative Amendment and Partial Stay

Correction

In FR Doc. 75–2833 appearing at page 4409 in the issue of Thursday, January 30, 1975, on page 4409 the date in the last line of the third paragraph in column two should read "March 1, 1975".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER I—PUBLIC TRANSPORTATION

PART 820—RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

Revocation

On November 6, 1974, Chapter I of title 23, Code of Federal Regulations, was amended by adding a new Part 820. Part 820 provided administrative guidelines to implement the Rural Highway Public Transportation Demonstration Program required by section 147 of the Federal-Aid Highway Act of 1973, Pub. L. 93–87. On January 4, 1975, in section 103 of the Federal-Aid Highway Amendments of 1974, Pub. L. 93–643, the Congress amended section 147 to change the area to be served from rural areas to rural areas and small urban areas when service within small urban areas will enhance the mobility of rural populations, to increase authorizations, to limit payments for operating expenses to payments from the general fund of the United States, to provide preference for certain existing private bus operations, and to require

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public notice and public hearing prior to the obligation of any funds.

As a result of the Federal-Aid Highway Amendments of 1974, new administrative guidelines will be required to implement section 147.

These new guidelines are now being prepared and will be published as soon as practicable. The deadline date for submitting proposals under the new guidelines will be 60 days after their publication. Applicants should assure themselves that proposals submitted under the old guidelines comply with new section 147 and the new guidelines. Applicants who have not yet sent in proposals should wait for the issuance of new guidelines.

Pending issuance of new guidelines, Part 820 of Subchapter I of Chapter I of title 23, Code of Federal Regulations, is revoked.

Since the regulations in Part 820 relate to a grant program, notice and public procedure on the revocation is unnecessary and it may be made effective in ferew than 30 days after publication in the FEDERAL REGISTER.

(Pub. L. 93-87, 147; Pub. L. 93-643, 103; 49 CFR 1.48(c)(1) and 1.50(g))

Effective Date: February 11, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

[FR Doc.75-3972 Filed 2-10-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 271]

WINE

Labeling and Advertising; Hearing

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to begin at 10 a.m. eastern standard time on Tuesday, April 29, 1975, in the George S. Boutwell Auditorium, seventh floor, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, concerning the proposed regulatory changes in 27 CFR Part 4, described below.

Since the enactment of the Federal Alcohol Administration Act in 1935, the Bureau of Alcohol, Tobacco and Firearms and its predecessor agencies in administering the Act have done so with the belief that it provided ample protection to the wine consumer with reference to the identity and quality of the product, and the integrity of the label. This protection has been provided by frequent on-site inspections of all domestic wine producers; by requiring both domestic producers and importers to obtain Bureau approval before using labels on bottles or packages of wine; by requiring approval of formulas for wine specialties, sparkling wine, and other special wines; by providing standards of identity for wine wherein permissible processes and ingredients for each class and type of wine are spelled out in detail; and by investigating suspected violations of the Act and taking punitive action where warranted, including suspension or revocation of the permits issued under the Act.

Recently it has become apparent that today's consumers want to know, and, we feel, have a right to know, what ingredients have been used in the production of the alcoholic beverages they buy. Therefore, in consideration of its function as a consumer protection agency, the Bureau proposes to amend its regulations to require label disclosure of the ingredients of all wine products, whether domestically produced or imported.

The intent of the Bureau is to provide, with the very few exceptions noted in the following paragraphs, that each ingredient used in producing a wine for domestic consumption, regardless of whether the wine is covered by a standard of identity under this part, be shown on the label unless it is removed in its original form before packaging in the final consumer package. The listing would be in descending order of predominance by weight in the original formulation of the product, with the exception noted in the following paragraph.

The exception is for minor ingredients, which are defined in the proposed regulations as individual ingredients, each of which make up less than 0.25 percent of the weight of the original formulation of the product. These minor ingredients could be listed as "with less than 0.25 percent each carboxy methyl cellulose, sorbic acid, * * * added". This would avoid forcing the producer to obtain new labels whenever one ingredient which is used in very small amounts becomes more or less predominant than another. The Bureau is aware that any expense borne by the producer, including the considerable cost involved in obtaining numerous sets of different labels, would inevitably be passed on to the consumer. We do not think the consumer would benefit sufficiently to offset the cost disadvantage from a requirement for listing of minor ingredients in order of predominance. Listing of minor ingredients in order of predominance would, of course, be permitted at the option of the producer.

Substances which come into being during a process such as fermentation or storage in wood (such as quercus lactone in the case of storage in oak containers) are not considered ingredients. These substances are often extremely complex, and sometimes not identifiable. For that reason, the Bureau has found that it is impossible to identify all those substances which are formed within the product, and does not propose to require them to be listed on the label.

The proposed amendments would require that all ingredients used in the production of any wine product be listed on the label, with the exception of carbon dioxide in still wines and "incidental additives". Carbon dioxide is used in still (nonsparkling) wines as a means of obtaining back pressure during bottling, so that air does not contact the wine. The small amount which may remain is incidental, and we can see no good reason to require it to be listed. The proposed exclusion of incidental additives (which are defined, in general terms, in the next paragraph) is based on Food and Drug Administration practice with other food products. Any attempt to list every substance which comes into contact with the product, whether or not it reacts within it or remains in it, would result in a long and essentially meaningless list which would not help the consumer and would be chaotic for the wine producer. That being the case, the exclusion from the ingredient list of substances whose effect on the product is nominal or nonexistent seems to us to be absolutely essential.

An incidental additive would be defined, in general terms, as (1) a processing aid used in an intermediate product, if it has no technical or functional effect on the finished wine (an example of such an incidental additive is citric acid used to preserve a flavor, which, when the flavor is added to the wine, is not present in sufficient quantity to preserve it); or (2) a processing aid that is added to wine for its mechanical effect only, such as an inert filter aid or a clarifying agent, and is then removed or reduced to a level too small to be measurable by standard laboratory tests; or (3) a processing aid which reacts within the product only to remove other substances (as by forming an insoluble complex) and which is then removed or reduced to a level too small to be measurable by standard laboratory tests; or (4) a yeast food or other fermentation adjunct which does not remain in the finished product. Any ingredient which causes, catalyzes, or otherwise participates in a chemical or biological reaction within the product, except as noted in (3) and (4), would be excluded from the proposed definition of an incidental additive and would be listed in the ingredient list. Standard laboratory tests are defined as those tests prescribed by the latest edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists", or other methods which have been approved by the Director.

The proposed amendments would provide for natural ingredients to be listed by common name, such as "grapes", "apples", "oranges" or "orange juice", "dextrose", "yeast", "enzymes"; chemical mixtures which have no common names would be broken down into their component compounds. An example of the latter would be a defoaming agent composed of sorbic acid and carboxy methyl cellulose; we would require listing of both component compounds. Nomenclature for these chemical compounds would be that used by the Food and Drug Administration in 21 CFR Part 121. Our intention is that any substance which is listed in that part will be identified in the ingredient list by the name used therein.

Functional statements, except for a mandatory statement in the case of preservatives (as required by the Federal Food, Drug, and Cosmetics Act of 1938) would not be permitted in the ingredient list, because they are felt to provide little or no benefit in comparison with the label

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space they occupy, and because such statements tend to become meaningless euphemisms unless closely controlled. Preservatives would be identified by the term "to preserve" or "as a preservative". In addition, the use of any word or phrase denoting quality (e.g., "finest" grapes or "best" yeast) would be prohibited in connection with any ingredient shown on the list. Further, the use of negative statements such as "contains no additives" or "contains no preservatives" would be prohibited. The two latter provisions are intended to keep the ingredient list as clear and concise as possible by avoiding puffery and other unnecessary verbiage. These prohibitions would apply only to the ingredient list and would not preclude statements otherwise authorized by this part.

In the case of sodium an exception would be made to our general approach (listing only those substances added to the product). It is quite possible for a wine to which the producer has added no sodium to contain far more than one to which sodium salts have been added. Under those conditions, the consumer on a low sodium diet might well choose a product which shows no sodium salts added in the ingredient list and thereby consume more sodium than if he had chosen a product which listed several. Because the sodium content of a wine can be an important consideration for a consumer who must restrict his sodium intake, we propose to require the listing, immediately following the ingredient list, of the sodium content of the wine in substantially the following form: "This product contains less than ____ mg. of sodium per 177 ml. (6 ounce) serving" (in the case of containers holding less than 177 ml., the size of the serving would be the size of the container), except that the listing of sodium will not be required for wines which contain less than 1 mg. of sodium per ounce. We feel that a sodium content of less than 1 mg. per ounce is so insignificant that its disclosure will not benefit the consumer. Our intent is to provide the consumer with valuable information as to the sodium content of the product without requiring the producer to obtain new labels each time there is a minor change in the sodium content. We realize that it is quite possible under the proposed regulation for a wine to actually contain considerably less sodium than the maximum listed, but we feel that this provision is an equitable compromise between the needs of the consumer and the compliance problems of industry.

Other rules would provide, through practical necessity and in accordance with Food and Drug Administration practice, for listing colors and flavors by class names, such as "artificial color". Specifically, artificial or synthetic colors, or colors which are not natural to the product (caramel in wine, for example) would be identified by the name of the color, the term "artificially colored" or, where applicable, by the term "certified color added". In the case of synthetic colors, the wine producer would be required to keep certificates supplied by the manufacturer, certifying that the synthetic colors came from lots certified by the Food and Drug Administration, available for inspection. The Bureau has available information as to the specific synthetic color(s) used in all wine products, and plans to provide this information to any interested party upon written request. Natural colors would be identified as "natural colors", or by a true statement of the source of the color (anthocyanin pigments derived from grapes, for example).

Flavoring materials may be identified by the use of the term "artificially flavored" or "naturally flavored", or, in the case of the latter, a truthful and adequate statement of the source of the natural flavor. A new definition would be added to define "natural flavors" as, in general, essential oils, essences, distillates and like substances, or products of roasting, maceration, heating, or enzymolysis of natural animal and vegetable products, whose significant function is flavoring. Substances generally considered as foods (such as salt and sugars) or spices are not considered flavors. Artificial flavors, for purposes of the list of ingredients, would be defined as those which are not natural.

Another proposed amendment would allow the listing of distilled spirits used in wine or wine specialities by class and type, as defined in the Distilled Spirits Labeling and Advertising Regulations (27 CFR Part 5), as, for example, "brandy". If the distilled spirits do not meet the standards for any type defined in Part 5, the term, "spirits", preceded by the name of the commodity from which distilled, may be used. An example would be "grape spirits". Distilled spirits are used in wine products in relatively small quantities, and the Bureau is of the opinion that this general terminology is more meaningful to consumers than a complete breakdown of all the ingredients used in producing the distilled spirits. Further, the consumer is protected by the standards of identity for distilled spirits contained in 27 CFR Part 5.

Present regulations provide that imported wines may not be released from customs custody without a certificate of label approval issued by the Bureau. The application for a certificate includes a copy of the label used, and each such application is closely examined for compliance with the labeling provisions of the Federal Alcohol Administration Act before approval. The proposed regulations provide that, in addition to listing ingredients on labels of imported wine, each application for a certificate of label approval covering bulk or bottled imported wine must be accompanied by a list of such ingredients certified by an official of each foreign country in which the wine has been blended or treated. In connection with these requirements, an accelerated sampling program is planned to insure the label integrity of imported as well as domestic wine.

In the case of both domestic and imported products, labels on wine bottled or packed before the mandatory compliance date prescribed by the regulations would not have to bear the ingredient list when removed from customs custody or domestic storage for consumption. Many wines are bottle aged; and to require that such wines in storage before the mandatory compliance date be relabeled to list ingredients would impose an unreasonable economic burden on producers. Imported wines bottled or packed prior to the mandatory compliance date could only take advantage of this exemption if accompanied by a statement signed by a duly authorized official of the appropriate foreign country attesting that the wine was in fact bottled or packed prior to that date. No such documentation would be required of domestic producers, since information as to bottling dates is available in such proprietors' records and will be verified by ATF inspectors during the course of onsite inspections. The records of foreign producers are, of course, not subject to audit by ATF inspectors.

During the period between the proposed effective date and the proposed mandatory compliance date, wine producers would be expected to obtain Bureau approval for ingredient lists. A new form would be provided for that purpose, for use as a supplement to Form 1649, in lieu of refiling of that form if no other mandatory label information is deleted, modified, or relocated. This supplemental form (to be designated Form 1649 Supplemental) would provide for a typed list of ingredients which could be used to cover any number of labels to which that specific list is applicable, identified in accordance with the instructions on the form.

Proposed amendments to 26 CFR Part 231, Taxpaid Wine Bottling Houses and Part 240, Wine, which are affected by these regulations, will be amended by a Notice of Proposed Rulemaking to be issued in the near future. Basically, these amendments would provide (1) recordkeeping requirements conforming to this part; (2) for a historical list of ingredients where complete ingredient information cannot be obtained from commercial records in existence prior to the effective date of this part; and (3) for ingredient lists containing all necessary information to be supplied by the transferor to the transferee when wine is transferred, whether in bond or taxpaid.

The proposed regulations also include minor editorial, conforming, and clarifying changes.

In consideration of the foregoing, it is proposed that the regulations in 27 CFR Part 4, Labeling and Advertising of Wine, be amended as follows:

PARAGRAPH 1. Section 4.10 is completely revised, to read as follows:

§ 4.10 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this part.

Act. Means the Federal Alcohol Administration Act.

Added brandy or alcohol. As used in the phrase "added brandy or alcohol" the term "brandy" means brandy or wine spirits for use in the fortification of wine as permitted by internal revenue law. The term "alcohol" means ethyl alcohol distilled at or above 190° proof.

Brand label. Means the label carrying, in the usual distinctive design, the brand name of the wine.

Container. Means any bottle, barrel, cask or other closed receptacle irrespective of size or of the material from which made, for use for the sale of wine at retail. The term "bottler" means any person who places wine in containers of a capacity of 1 gallon or less; and the term "packer" means any person who places wine in containers of a capacity in excess of 1 gallon.

Director. Means the Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Gallon. Means a United States gallon of 231 cubic inches of alcoholic beverage at 60° F.

Incidental additive. An "incidental additive" is, (1) a processing aid used in an intermediate product if it has no technical or functional effect on the finished wine (an example of such an incidental additive is critic acid used to preserve a flavor, which, when the flavor is added to the finished wine, is not present in sufficient quantity to preserve it); or (2) a processing aid that is added to a wine for its mechanical effect only, such as an inert filter aid or a clarifying agent, and is then removed or reduced to a level too small to be measurable by standard laboratory tests as defined in this section; or (3) a processing aid which reacts chemically or biologically within the product only to remove other substances (as by forming an insoluble complex) and both the original substance and all of its reaction products must then be removed, or reduced to a level to small to be measurable by standard laboratory tests, and have no further technical or functional effect on the finished product; or (4) a yeast food or other fermentation adjunct which does not remain in the finished product, or is reduced to a level too small to be measurable by standard laboratory tests. Any substance which causes, catalyzes, or otherwise participates in a chemical or biological reaction within the product, except as noted in paragraphs (n)(3) and (n)(4), is specifically excluded from this definition of an incidental additive.

Interstate commerce. Means commerce between any State and any place outside thereof, or commerce within the Commonwealth of Puerto Rico or the District of Columbia, or between points within the same State but through any place outside thereof.

Liter or litre. Means a metric unit of capacity equal to 1000 cubic centimeters at 4° C., and equivalent to 33.814 U.S. fluid ounces. For purposes of this part, a liter is subdivided into 1000 equal milliliters (ml).

Natural flavor or natural flavoring. The term "natural flavor" or "natural flavoring" means the essential oils, oleoresin, essence or extractive, hydrolysate, distillate, or any product of roasting, maceration, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function is flavoring. Substances generally considered foods (such as salt and sugars) or spices are not considered flavors.

Permittee. Means any person holding a basic permit under the Federal Alcohol Administration Act.

Person. Means any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent, and including an officer or employee of any agency of a State or political subdivision thereof; and the term "trade buyer" means any person who is a wholesaler or retailer.

Pure condensed must. Means the dehydrated juice or must of sound, ripe grapes, or other fruit or agricultural products, concentrated to not more than 80° (Balling), the composition thereof remaining unaltered except for removal of water; the term "restored pure condensed must" means pure condensed must to which has been added an amount of water not exceeding the amount removed in the dehydration process; and the term "sugar" means pure cane, beet, or dextrose sugar in dry form containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis.

Regional director. Means a "regional director" who is responsible to and functions under the direction and supervision of the Director, Bureau of Alcohol, Tobacco and Firearms.

Standard laboratory tests. Means, for purposes of this part, those prescribed by the latest edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists," or other methods which have been approved by the Director.

United States. Means the several States, the Commonwealth of Puerto Rico and the District of Columbia; and the term "State" includes Puerto Rico and the District of Columbia.

Use of other terms. Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by such act.

Vintage wine. Means a wine made in accordance with the standards prescribed in Classes 1. 2, and 3 of § 4.21, deriving not less than 95 percent of its volume from grapes gathered in the same calendar year, grown in the same viticultural area, and fermented in the State in which this viticultural area is located.

Wine. Means: (1) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U.S.C. 3036, 3044, 3045) and (2) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from agricultural products other than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 percent, and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

PAR. 2. Section 4.21 is amended by deleting paragraph (h)(1)(i) and renumbering (h)(1)(ii), (iii) and (iv) as (i), (ii) and (iii)). As amended, § 4.21(h)(1)(i), (ii) and (iii) read as follows:

§ 4.21 The standards of identity.

. . . . . .

(h) *Class 8; imitation and substandard wine.* (1) • • •

(i) Any wine made from a mixture of water with residue remaining after thorough pressing of grapes, fruit, or other agricultural products.

(ii) Any class or type of wine the taste, aroma, color, or other characteristics of which have been acquired in whole or in part, by treatment with methods or materials of any kind (except as permitted in § 4.22(c)(6)), if the taste, aroma, color, or other characteristics of normal wines of such class or type are acquired without such treatment.

(iii) Any wine made from must concentrated at any time to more than 80° (Balling).

PAR. 3. Section 4.30 is amended editorially, to read as follows:

§ 4.30 General.

(a) *Application.* No person engaged in business as a producer, rectifier, blender, importer, or wholesaler, directly or indirectly or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any wine in containers unless such wine is packaged, and such packages are marked, branded, and labeled in conformity with this subpart. Wine domestically bottled or packed prior to Dec. 15, 1936, and imported wine entered in customs bond in containers prior to that date shall be regarded as being packaged, marked, branded and labeled in accordance with this subpart, if the labels on such wine (1) bear all the mandatory label information required by § 4.32 (a), (b), and (d), even though such information is not set forth in the manner and form required by § 4.32 and other sections of this title referred to therein, and (2) bear no statements, designs, or devices which are false or misleading.

(b) *Alteration of labels.* (1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate or remove any mark, brand, or label upon wine held for sale in interstate or foreign commerce

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or after shipment therein, except as authorized by Federal law, or except as provided in subparagraph (2) of this paragraph: *Provided*, That the regional director may, upon written application, permit additional labeling or relabeling of wine for purposes of compliance with the requirements of this part or of State law.

(2) No application for permission to relabel wine need be made in any case where there is added to the container, after removal from customs custody or from the premises where bottled or packed, a label identifying the wholesale or retail distributor thereof, and containing no reference whatever to the characteristics of the product.

PAR. 4. Section 4.32 is amended by adding a new paragraph (c); by renumbering paragraph (c) as (d); and by changing the reference in paragraph (a) from (c) to (d). As amended, § 4.32 (a), (c) and (d) read as follows:

§ 4.32 Mandatory label information.

(a) Except as otherwise provided in paragraph (d) of this section, there shall be stated on the brand label:

(1) Brand name, in accordance with § 4.33.

(2) Class, type, or other designation, in accordance with § 4.34.

(3) Name and address, in accordance with § 4.35.

(4) On blends consisting of foreign and domestic wines, if any reference to the presence of foreign wine is made, the exact percentage by volume of foreign wine.

* * * * *

(c) There shall be stated on the brand label, back label, or on a separate strip label, a list of ingredients complying with § 4.37a.

(d) In the case of imported wine, the name and address of the importer need not be stated upon the brand label if it is stated upon any other label affixed to the container. In the case of domestic wine, bottled or packed for a retailer or other person under his private brand, the name and address of the bottler or packer need not be stated upon the brand label if the name and address of the person for whom bottled or packed appears upon the brand label, and the name and address of the bottler or packer is stated upon any other label affixed to the container.

PAR. 5. Section 4.35(d) is amended by replacing the words "Assistant Regional Commissioner" with the words "regional director". As amended, § 4.35(d) reads as follows:

§ 4.35 Name and address.

* * * * *

(d) *Trade names.* The trade name of any permittee appearing on any label shall be identical with the name in which his basic permit is issued by the regional director.

PAR. 6. A new § 4.37a has been added, in numerical sequence, to read as follows:

§ 4.37a List of ingredients.

(a) *General.* There shall be shown on the brand label or back label, or an a separate strip label, a list of all ingredients used in the production, rectification, or treatment of wine, except carbon dioxide in still wines and incidental additives as defined in § 4.10.

(b) *Mandatory statements.* Substances used in wine to retard spoilage by oxidation or by microbes (such as sulfur dioxide and sorbic acid) will be identified in the ingredient list both by name and by the statement "to preserve" or "as a preservative".

(c) *Prohibited statements.* Statements of the following types may not be made in the ingredient list: (1) negative statements, such as "contains no additives"; (2) statements of substances formed within the product, such as substances formed by storage in wood; (3) functional statements, such as "to clarify" (except as noted in paragraph (b)); (4) statements of grape (or other fruit) varieties used to make a wine; and (5) statements denoting quality, as provided in § 4.39(a)(10).

(d) *Form of list.* The list shall be separate and distinct from all other matter shown on the label, and shall take substantially the following form: "Made from:" followed by a listing of all ingredients required to be listed. Ingredients which are duplicated in the components of a finished product need be listed only once.

(e) *Order of predominance*—(1) *General.* Ingredients shall be listed in descending order of their predominance by weight in the original formulation of the product, except for the option described in paragraph (e)(2) of this section.

(2) *Minor ingredients.* Minor ingredients, which are, for purposes of this paragraph, individual ingredients, each of which make up less than 0.25 percent by weight in the original formulation of the product, may, in lieu of listing as in paragraph (e)(1), be listed in alphabetical order. If this option is chosen, the listing shall be in the following form: "with less than 0.25 percent each of carboxy methyl cellulose, sorbic acid, * * *, added".

(f) *Nomenclature.* Wherever possible, ingredients shall be listed by common name (i.e., a name likely to be recognized by the average consumer as referring to a distinct substance). Natural ingredients shall be broken down into basic "oranges" or "orange juice", "dextrose", or "yeast". Ingredients which do not have common names shall be identified by their chemical names. Chemical mixtures, unless they can be identified by common names, will be broken down into their component compounds. As an example, a defoaming agent which contains sorbic acid and carboxy methyl cellulose will be listed by the names of the two components. Chemical nomenclature will be based on that used by the Food and Drug Administration in 21 CFR Part 121. All substances listed in 21 CFR Part 121 shall be identified in the ingredient list by the name used therein.

(g) *Coloring materials*—(1) *Caramel.* Caramel is the only coloring material authorized for use in beverage wine production on bonded wine cellar premises under the provisions of 26 CFR Part 240. Caramel shall be identified in the ingredient list by the words "colored with caramel", "caramel colored", "artificially colored", or artificial color added".

(2) *Other coloring materials.* Coloring materials other than caramel may be used only in wine specialties produced on the bottling premises of a distilled spirits plant under the provisions of 26 CFR Part 201. Such coloring materials shall be identified in the ingredient list

(i) by the words "artificially colored"; or

(ii) by the words "certified color" if the colors are from lots certified by the manufacturer to be from lots certified by the Food and Drug Administration; or

(iii) by the common or usual name of the color in conjunction with the words "colored with _____" or "_____ colored" (an example is "colored with FD&C yellow #5").

(h) *Flavoring materials*—(1) *Use of flavoring materials.* The use of flavoring materials is subject to the provisions of 26 CFR 240.356. No flavoring material for use in wine may contain any ingredient not authorized for such use, or for general food use, by the Food and Drug Administration. Further, any single material added to wine which comprises more than five percent by volume of the finished product is automatically considered a basic ingredient and not a flavoring material. However, any single material added to wine which comprises five percent or less of the finished product is not to be considered a flavoring material for that reason only.

(2) *Identification of artificial flavoring materials.* Artificial flavoring materials are defined as any flavoring materials not included in the definition of "natural flavors in § 4.10. Such flavors shall be identified in the ingredient list by the words "artificially flavored".

(3) *Natural flavoring materials.* When no flavoring materials other than "natural flavors", as defined in § 4.10, have been used, a truthful and adequate statement of the source of the flavor shall be made, or, alternatively, the words "naturally flavored" may be used.

(4) *Flavoring materials which also contribute color.* Flavoring materials which also contribute color shall be identified in the ingredient list as both colors and flavors.

(i) *Sodium.* The presence of sodium in wine, whether added (in the form of sodium salts or otherwise) or naturally present, shall be stated immediately following the ingredient list in the following form: "contains less than _____ mg. of sodium per 177 ml. (6 oz.) serving", except than the listing for containers of less than 177 ml. (6 oz.) shall be stated in terms of the sodium content of the entire container: *Provided*, That no such listing of sodium shall be required if the sodium content is less than 1 mg. per ounce.

(j) *Distilled spirits.* Distilled spirits used in wine production shall be identified by class and type in accordance with the standards of identity contained in 27 CFR Part 5. In the case of distilled spirits not covered by a standard of identity, the term "spirits", preceded by the name of the commodity from which distilled (as, for example, "grape spirits") shall be used.

(k) *Domestic wine bottled or packed prior to January 1, 1977.* Domestic wine bottled or packed prior to January 1, 1977, shall not be required to bear the list of ingredients required by this section.

(l) *Imported wine removed from customs custody after December 31, 1976.* Imported beverage wine removed from customs custody after December 31, 1976, but bottled or packed on or before that date, shall not be required to bear the list of ingredients required by this section if it is accompanied by a statement signed by a duly authorized official of the appropriate foreign country stating that the wine was bottled or packed prior to January 1, 1977.

PAR. 7. Section 4.38 has been amended to provide a requirement for a list of ingredients, and has been changed editorially. As amended § 4.38 reads as follows:

§ 4.38 General requirements.

(a) *Contrasting background.* All labels shall be so designed that all the statements thereof required by this subpart are readily legible under ordinary conditions, and all such statements shall be on a contrasting background.

(b) *Size of type.* All statements (other than alcoholic content statements and ingredient lists upon labels of containers having a capacity of 1 gallon or less) required on labels by this article, shall be in readily legible script, type, or printing not smaller than 8-point Gothic caps except that, if contained among other descriptive or explanatory reading matter, the script, type, or printing of all required material shall be of a size substantially more conspicuous than such other descriptive or explanatory reading matter: *Provided*, That in the case of labels of containers having a capacity of less than one-half pint, such script, type, or printing thereon need not be in 8-point Gothic caps, but shall be readily legible under ordinary conditions. Alcoholic content statements, whether required or optional, and the list of ingredients required by § 4.37a, on labels on containers having a capacity of 1 gallon or less shall be in readily legible script, type, or printing not smaller than 6-point Gothic caps, except in the case of containers having a capacity of less than one-half pint, in which case such script, type, or printing need not be as large as 6-point Gothic caps, but shall be readily legible under ordinary conditions. Alcoholic content statements shall not appear in script, type, or printing larger or more conspicuous than 8-point Gothic caps on labels on containers having a capacity of 1 gallon or less and shall not be set off with a border or otherwise accentuated.

(c) *English language.* All mandatory label information shall be stated on labels in the English language: *Provided*, That the brand name, the place of production, and the name of the manufacturer, producer, blender, rectifier, maker, bottler, packer, or shipper appearing on the label need not be in the English language if the words "Product of" immediately precede the name of the country of origin stated in accordance with customs' requirements. Additional statements in foreign languages may be made on labels, if such statements in no way conflict with, or are contradictory to the requirements of this subpart.

(d) *Location of label.* No label, other than stamps authorized or required by the United States Government or any State or foreign government, shall be affixed over the mouths of containers of wine, and no label shall obscure any such stamps or be obscured thereby.

(e) *Labels firmly affixed.* All labels shall be affixed to containers of wine in such manner that they cannot be removed without thorough application of water or other solvents.

(f) *Additional information on labels.* Labels may contain information other than the mandatory label information required by this subpart, provided such information complies with the requirements of such sections and does not conflict with, nor in any manner qualify statements required by, any regulations promulgated under the act.

(g) *Representations as to materials.* If any representative (other than representations or information required by this subpart) is made as to the presence, excellence, or other characteristic of any ingredient in any wine, or used in the production thereof, the label containing such representation shall state, in print, type, or script, substantially as conspicuous as such representation, the name and amount in percent by volume of each such ingredient.

(h) *Statement of contents of containers.* Upon request of the Director, there shall be submitted to him a full and accurate statement of the contents of the containers to which labels are to be or have been affixed.

PAR. 8. Section 4.39 is amended to (1) add a new paragraph (a)(10); (2) delete the footnote; (3) add a sentence to the end of paragraph (a)(5); and (4) make editorial changes in paragraphs (a)(2), (a)(9), and (b)(3). As amended, § 4.39 (a)(2), (a)(5), (a)(9), (a)(10) and (b)(3) read as follows:

§ 4.39 Prohibited practices.

(a) *Statements on labels.* * * *

(2) Any statement that is disparaging of a competitor's products.

* * * * *

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Director finds to be likely to mislead the consumer. Statements in substantially the following form are not considered misleading: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package. (Name of Permittee)"

* * * * *

(9) Any word in the brand name or class and type designation which is the name of a distilled spirits product or which simulates, imitates, or creates the impression that the wine so labeled is, or is similar to, any product customarily made with a distilled spirits base. Examples of such words are: "Manhattan", "Martini", "Old Fashioned", "Screwdriver", and "Daiquiri" in a class and type designation or brand name of a wine cocktail; "Cuba Libre", "Zombie", and "Collins" in a class and type designation or brand name of a wine specialty or wine highball; "creme", "cream", "de", or "of" when used in conjunction with "menthe", "mint", or "cacao" in a class and type designation or brand name of a mint or chocolate flavored wine specialty.

(10) Any word or statement in the ingredient list denoting quality, such as "finest" grapes or "best" yeast.

(b) *Statement of age.* * * *

(3) In the case of imported wine, the year of vintage may be stated if such wine was bottled prior to importation in containers of 1 gallon or less (except that the year of vintage may be stated in the case of champagne whether or not bottled in containers of 1 gallon or less), or, if such wine is bottled in the United States in containers of 1 gallon or less from the original container of the product and such container bears the vintage date upon the brand label thereof and the bottler possess a certificate, issued by a duly authorized official of the country of origin of such wine, identifying that container as containing vintage wine as defined in § 4.10(g) and certifying (i) that the laws of such country upon the labels of wine produced for consumption therein, (ii) that the wine regulate the appearance of vintage dates in question has been produced in conformity with such laws, and (iii) that such wine would be entitled, under such laws, to bear the vintage date if sold in such country: *Provided*, That, in the case of imported wine bottled prior to importation in containers of 1 gallon or less, the year of vintage may be stated only when the invoice is accompanied by a certificate identical with that required above in the case of wine bottled in the United States of containers of 1 gallon or less, if the issuance of such a certificate with respect to such wine has been authorized by the foreign government concerned.

* * * * *

PAR. 9. Section 4.40 is completely revised to read as follows:

§ 4.40 Label approval and release.

(a) *Certificate of Label Approval.* No imported beverage wine in containers shall be released from customs custody

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unless there shall have been deposited with the appropriate customs officer at the port of entry the original or a photostatic copy of an "Application for and Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649). Such certificate shall be issued by the Director upon application made on Form 1649, properly filled out and certified to by the importer or transferee in bond.

(b) *List of ingredients.* Each application for a certificate of label approval covering imported wine in containers bottled or packed after December 31, 1976, shall be accompanied by a list of ingredients, certified by a duly authorized official of the appropriate foreign country, and such list shall contain the information required by § 4.37a. Where the wine has been blended or treated in more than one foreign country, an appropriate certified list of ingredients must be prepared by a duly authorized official of each such country.

(c) *Release.* If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand or lot of imported wine bearing labels identical with those shown thereon (except for the list of ingredients, which may be on Form 1649 Supplemental) may be released from customs custody. Beverage wine bottled or packed before January 1, 1977, may be released from customs custody without the list of ingredients required by § 4.37a only if accompanied by a statement signed by a duly authorized official of the appropriate foreign country, that the wine was bottled or packed prior to January 1, 1977. Wine bottled or packed on or after January 1, 1977, shall not be released from customs custody unless the Form 1649 on file is accompanied by the certified list of ingredients and the label bears a list of ingredients.

(d) *Relabeling.* Imported wine in customs custody which is not labeled in conformity with certificates of label approval (including Form 1649 Supplemental) issued by the Director and which certificates contain all information required by this section, must be relabeled prior to release, under the supervision and direction of the customs officers of the port at which such wine is located.

(e) *Approval of ingredient lists.* Where there is no change in the location, size or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of the list of ingredients required by § 4.37a, a new Form 1649 need not be filed; in lieu thereof, an application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

PAR. 10. Section 4.50 is amended by adding two sentences to the end of paragraph (a), by relettering paragraph (b) as (c), by adding a new paragraph (b), by making editorial changes in paragraphs (a) and (c), and by deleting the footnote. As amended, § 4.50(a) reads as follows:

§ 4.50 Certificates of label approval.

(a) No person shall bottle or pack wine, other than wine bottled or packed in customs custody, or remove such wine from the plant where bottled or packed, unless upon application to the Director he has obtained and has in his possession an "Application for and Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649), covering such wine. Such certificate of label approval shall be issued by the Director upon application made on Form 1649, properly filled out and certified to by the applicant. Each application for a certificate of label approval covering labels for imported wine shall be accompanied by a list of ingredients, certified by a duly authorized official of the appropriate foreign country, and such list shall contain the information required by § 4.37a. Where the wine has been blended or treated in more than one foreign country, an appropriate certified list of ingredients must be prepared by a duly authorized official of each such country.

(b) Where there is no change in the location, size or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of the list of ingredients required by § 4.37a, a new Form 1649 need not be filed; in lieu thereof, an application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

(c) Any bottler or packer of wine shall be exempt from the requirements of this section if upon application he shows to the satisfaction of the Director that the wine to be bottled or packed by him is not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce. A "Certificate of exemption from label approval under the Federal Alcohol Administration Act" (Form 1650) shall be issued by the Director upon application upon the form designated "Application for certificate of exemption from label approval under the Federal Alcohol Administration Act" (Form 1648), properly filled out and certified to by the applicant.

PAR. 11. Section 4.64 is amended by adding a provision to paragraph (a)(8). As amended, § 4.64(a)(8) reads as follows:

§ 4.64 Prohibited statements.

(a) *Restrictions.* • • •

(8) Any statement, design, device, or representation which relates to alcoholic content or which tends to create the impression that a wine is "unfortified" or has been "fortified," or contains distilled spirits, or has intoxicating qualities, except that a statement of composition, if required to appear as a designation of a product not defined in these regulations, may include a reference to the type of distilled spirits employed therein: *Provided,* That this paragraph shall not apply to the list of ingredients required by § 4.37a when the list is included in an advertisement.

Requests to present oral testimony. All persons who desire to present oral testimony should so advise the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20026, not later than April 22, 1975. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, and (3) the approximate length of time desired for the presentation of testimony.

Submission of written material. Any interested party may submit to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, in an original and nine copies, relevant written data, views, or arguments for incorporation into the record of hearing. Written material must be submitted not later than April 22, 1975. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions exempt from disclosure. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) is not exempt from disclosure.

At the conclusion of the hearing, a reasonable time will be afforded interested parties for the examination of the record and submission of written arguments and briefs.

Dated: January 22, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

Approved: February 4, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-3720 Filed 2-10-75;8:45 am]

[27 CFR Part 5]

[Notice No. 272]

DISTILLED SPIRITS

Labeling and Advertising; Hearing

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to begin at 10 a.m. eastern standard time on Wednesday, April 16, 1975, in the George S. Boutwell Auditorium, seventh floor, Internal Revenue Service Building, 1111 Constitution Avenue, N.W., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative,

concerning the proposed regulatory changes in 27 CFR Part 5, described below:

Since the enactment of the Federal Alcohol Administration Act in 1935, the Bureau of Alcohol, Tobacco and Firearms and its predecessor agencies in administering the Act have done so with the belief that it provided ample protection to the distilled spirits consumer with reference to the identity and quality of the product and the integrity of the label. This protection has been provided by frequent on-site inspections of all domestic producers; by requiring both domestic producers and importers to obtain Government approval before using labels on bottles or packages of distilled spirits; by requiring Government approval of formulas for rectified products such as specialties, liqueurs and cocktails; by providing standards of identity for all distilled spirits products wherein permissible processes and ingredients for each class and type of distilled spirits are spelled out in detail; and by investigating suspected violations of the Act and taking punitive action where warranted, including suspension or revocation of the permits issued under the Act.

Recently it has become apparent that today's consumers want to know, and, we feel, have a right to know, what ingredients have been used in the production of the alcoholic beverages they buy. Therefore, in consideration of its function as a consumer protection agency, the Bureau proposes to amend its regulations to require label disclosure of the ingredients of all distilled spirits products, whether domestically produced or imported.

The intent of the Bureau is to provide, with the very few exceptions noted in the following paragraphs, that each ingredient used in producing a distilled spirits product for domestic consumption, regardless of whether the product is covered by a standard of identity under this part, be shown on the label unless it is removed in its original form before packaging in the final consumer package. The listing would be in descending order of predominance by weight in the original formulation of the product, with two exceptions.

The first exception is for cereal grains, which could be listed, optionally, as "cereal grains" in lieu of listing the individual grains. If this option is chosen, however, no individual grain may be listed anywhere on the label unless each grain is listed, in descending order of predominance, in the ingredient list. This exception is considered necessary to allow the producer to take advantage of temporary price changes in, or availability of grain (but only to the extent that the standards of identity permit changes in the predominance of the various grains) without necessitating expensive and time-consuming label changes. Vodka, for example, is a neutral spirit which may be made from any grain or combination of grains without changing the quality or character of the product. The producer could substitute wheat, if it were to become cheaper, for corn without necessitating an expensive and time-consuming label change. We are aware that this area is controversial, both from the standpoint of the consumer and of the distilled spirits industry. We consider the issue completely open, however; and our final regulation could conceivably call for anything from complete identification of specific grains in strict order of predominance to a simple statement that "cereal grains" are present. Since this is such a key issue, and so controversial, we especially invite comments and suggestions in this area. For example, any information as to the possibility of allergies to distilled spirits products made from specific grains (as corn whisky or vodka made from corn) would be very beneficial.

The second exception is for minor ingredients, which are defined in the proposed regulations as individual ingredients, each of which make up less than 0.25 percent of the weight of the original formulation of the product. These minor ingredients could be listed as "with less than 0.25 percent each d-limonene, neobee, etc., added". This would avoid forcing the producer to obtain new labels whenever one ingredient which is used in extremely small amounts becomes more or less predominant than another.

In both of these cases, the Bureau is aware that any expense borne by the producer, including the considerable cost involved in obtaining numerous sets of different labels, would inevitably be passed on to the consumer. We do not think the consumer would benefit sufficiently to offset the cost disadvantage from a requirement for listing of cereal grains and minor ingredients in order of predominance. Such listing would, of course, be allowed at the option of the producer.

Substances which come into being during a process such as fermentation or storage in wood, such as quercus lactone in the case of storage in oak containers, are not considered ingredients. These substances are extremely complex, and often not even identifiable. For that reason, the Bureau has found that it is impossible to identify all those substances which are formed within the product, and does not propose to require them to be listed on the label.

The proposed amendments would require that all ingredients used in the production of any distilled spirits product be listed on the label, with the exception of "incidental additives". The proposed exclusion of incidental additives (which are defined, in general terms, in the next paragraph) is based on Food and Drug Administration practice with other food products. Any attempt to list every substance which comes into contact with the product, whether or not it reacts within it or remains in it, would result in a long and essentially meaningless list which would not help the consumer and would be chaotic for the distilled spirits bottler. That being the case, the exclusion from the ingredient list of substances whose effect on the product is nominal or nonexistent seems to us to be absolutely essential.

An incidental additive would be defined, in general terms, as (1) a processing aid used in an intermediate product if it has no technical or functional effect on the finished distilled spirits (an example of such an incidental additive is sulfur dioxide used to preserve apple juice, which, when the apple juice is added to the distilled spirits product, is not present in sufficient quantity to preserve it); or (2) a processing aid that is added to distilled spirits for its mechanical effect only (such as an inert filter aid and some clarifying agents) and is then removed or reduced to a level too small to be measurable by standard laboratory tests; or (3) a processing aid which reacts within the product only to remove other substances (as by forming an insoluble complex) and which is then removed or reduced to a level too small to be measurable by standard laboratory tests; or (4) a yeast food or other fermentation adjunct which does not remain in the finished product, or is reduced to a level too small to be measurable by standard laboratory tests. Any ingredient which causes, catalyzes, or otherwise participates in a chemical or biological reaction within the product, except as noted above, is excluded from the proposed definition of an incidental additive and would have to be listed in the ingredient list. Standard laboratory tests are defined as those tests prescribed by the latest edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists," or other methods which have been approved by the Director.

In the case of sodium, an exception would be made to our general approach (i.e., listing only those substances added to the product). It is quite possible for a distilled spirits product to which the producer has added no sodium to contain far more sodium than one to which sodium salts have been added (as, for example, salt in a cocktail). Under those conditions, the consumer on a low sodium diet might well choose a product which shows no sodium salts added in the ingredient list and thereby consume more sodium than if he had chosen a product which listed several sodium salts. Because the sodium content of an alcoholic beverage can be an important consideration for a consumer who must restrict his sodium intake, we propose to require the listing, immediately following the ingredient list, of the sodium content of distilled spirits in substantially the following form: "This product contains less than ____ mg. of sodium per 30 ml. (1 oz.) serving". Products containing less than 1 mg. of sodium per 30 ml. (1 oz.) serving, however, would not be required to contain this information, on the basis that such a small amount is too trivial to be of importance to the consumer. Our intent is to provide the consumer with valuable information as to the sodium content of the product without requiring the producer to obtain new labels each time there is a minor change in the sodium content. We realize that it is quite possible under the proposed regulation

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for a beverage to actually contain considerably les sodium than the maximum listed, but we feel that this provision is an equitable compromise between the needs of the consumer and the compliance problems of industry.

The proposed amendments would provide for natural ingredients to be listed by common name, such as "malt", "oranges", "orange juice", "whole milk", "yeast", "enzymes"; chemical mixtures which have no common names would be broken down into their component compounds. An example of the latter would be a cloud emulsion which includes d-limonene, neobee and citric acid, which would require listing of all three component compounds. Nomenclature for these chemical compounds would be that used by the Food and Drug Administration in 21 CFR Part 121. Our intention is that any substance listed in that part will be identified in the ingredient list by the name used therein.

Functional statements, except for a mandatory statement in the case of preservatives (as required by the Federal Food, Drug, and Cosmetic Act of 1938) would not be permitted in the ingredient list, because they are felt to provide little or no benefit in comparison with the label space they occupy, and because such statements tend to become meaningless euphemisms unless very closely controlled. Preservatives would be identified by the term "to preserve" or "as a preservative". In addition, the use of any word or phrase denoting quality (e.g., "finest" grain or "best" yeast) would be prohibited in connection with any ingredient shown on the list. Further, the use of negative statements such as "contains no additives" or "contains no preservatives" would be prohibited. The two latter provisions are intended to keep the ingredient list as clear and concise as possible by avoiding puffery and other unnecessary verbiage. These prohibitions would apply only to the ingredient list and would not preclude statements otherwise authorized by the regulations from appearing elsewhere on the label.

Other rules would provide, through practical necessity and in accordance with Food and Drug Administration practice, for listing colors and flavors by class names, such as "artificial color". Specifically, artificial or synthetic colors, or colors which are not natural to the product (caramel in brandy, for example) would be identified by the name of the color, the term "artificially colored" or, where applicable, by the term "certified color added". In the case of synthetic colors, the bottler would be required to keep certificates supplied by the manufacturer certifying that the synthetic colors came from lots certified by the Food and Drug Administration available for inspection. The Bureau has available information as to the specific synthetic color(s) used in all distilled spirits products, and plans to provide this information to any interested party upon written request. Natural colors would be identified as "natural colors", or by a true statement of the source of color.

Flavoring materials could be identified by the use of the terms "artifically flavored" or "naturally flavored", or, in the case of the latter, a truthful and adequate statement of the source of the natural flavor. A new definition would be added to define "natural flavors" as, in general, essential oils, essences, distillates and like substances, or products of roasting, maceration, heating, or enzymolysis of natural animal and vegetable products, whose significant function is flavoring. Substances generally considered as foods (such as salt and sugar) or spices are not considered flavors. Artificial flavors, for purposes of the list of ingredients, would be defined as those which are not natural.

Another proposed amendment would allow the listing of wine in distilled spirits products by class and type as defined in the Wine Labeling and Advertising Regulations (27 CFR Part 4); or, if the wine comprises less than 2½ percent by volume of the finished product, it could be listed as a flavoring material. With few exceptions, wine is used in distilled spirits products in relatively small quantities; and the Bureau is of the opinion that this general terminology is more meaningful to consumers in this case than a complete breakdown of all of the ingredients used in producing the wine. Further, the consumer is protected by the standards of identity for wine contained in 27 CFR Part 4.

Provision would be made for distilled spirits types which comprise less than ten percent of the total distilled spirits content of a product, on a proof gallon basis, to be identified by class and type in accordance with 27 CFR Part 5.22, the standards of identity for distilled spirits. As in the case of wine used in distilled spirits products, it is felt that this general terminology is more informative to the consumer than a breakdown of the component ingredients of each type.

Present regulations provide that imported distilled spirits may not be released from customs custody without a certificate of label approval issued by the Bureau. The application for a certificate includes a copy of the label used, and each such application is closely examined for compliance with the labeling provisions of the Federal Alcohol Administration Act before approval. The proposed regulations would provide that, in addition to listing ingredients on labels of imported distilled spirits, each application for a certificate of label approval covering bulk or bottled imported spirits must be accompanied by a list of such ingredients certified by an official of each foreign country in which the spirits have been blended or treated. In connection with these proposed requirements, an accelerated sampling program is planned to insure the label integrity of imported as well as domestic distilled spirits.

In the case of both domestic and imported products, labels on distilled spirits bottled or packed before the mandatory compliance date prescribed by the regulations would not have to bear the ingredient list when removed from customs custody or domestic storage for consumption. Many distilled spirits products are bottled considerably in advance of sale, and to require that such products in storage before the mandatory compliance date be relabeled to list ingredients would impose an unreasonable economic burden on bottlers. Imported distilled spirits or packed prior to the mandatory compliance date could only take advantage of this exemption if accompanied by a statement by a duly authorized official of the appropriate foreign country attesting that the spirits were in fact bottled or packed prior to that date. No such certified list of ingredients or other documentation would be required or domestic bottlers, since such information as to bottling dates is available in domestic proprietors' records and will be verified by ATF Inspectors during the course of on-site inspections. The records of foreign producers are, of course, not subject to audit by ATF inspectors.

During the period between the proposed effective date and the proposed mandatory compliance date, bottlers would be expected to obtain Bureau approval for ingredient lists. A new form would be provided for that purpose, for use as a supplement to Form 1649, in lieu of the refiling of that form if no other mandatory label information is deleted, modified or relocated. This supplemental form (to be designated Form 1649 Supplemental) would provide for a typed list of ingredients which could be used to cover any number of labels to which that specific list is applicable, identified in accordance with the instructions on the form.

Proposed amendments to 26 CFR Part 201, Distilled Spirits Plants, to make these regulations compatible, will be issued as a Notice of Proposed Rulemaking in the near future. Basically, those amendments would provide (1) recordkeeping requirements conforming to this part; (2) for an historical list of ingredients where complete ingredient information cannot be obtained from commercial records existing prior to the effective date of this part; and (3) for ingredient lists containing all necessary information to be supplied by the transferor to the transferee when spirits are transferred, whether in bond or taxpaid.

The following proposed regulations include minor editorial, conforming and clarifying changes.

In consideration of the foregoing, it is proposed that the regulations in 27 CFR Part 5, Labeling and Advertising of Distilled Spirits, be amended as follows:

PARAGRAPH 1. Section 5.11 is amended by (1) redefining "Director", "Interstate or foreign commerce", and "United States"; (2) deleting the definition of "Assistant regional commissioner"; and (3) adding, in alphabetical order, new definitions of "Incidential additive", "Natural flavor", "Regional director", and "Standard laboratory tests". The

amended and added definitions read as follows:

§ 5.11 Meaning of terms.

. . . . . .

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

. . . . . .

Incidental additive. An incidental additive is, (a) a processing aid used in an intermediate product but which has no technical or functional effect on the finished distilled spirits product (an example of such an incidental additive is sulfur dioxide used to preserve apple juice, which, when the apple juice is added to the beverage, is not present in the final product in sufficient quantity to preserve it); or (b) a processing aid that is added to a distilled spirits product for its mechanical effect only (such as an inert filter aid or certain clarifying agents) and is then removed or reduced to a level too small to be measurable by standard laboratory tests; or (c) a processing aid which reacts chemically or biologically within the product only to remove other substances (as by forming an insoluble complex) and both the original substance and all of its reaction products are then removed or reduced to a level too small to be measurable by standard laboratory tests, and have no further technical or functional effect on the finished product; or (d) a yeast food or other fermentation adjunct which does not remain in the finished product, or is reduced to a level too small to be measurable by standard laboratory tests. Any substance which causes, catalyzes, or otherwise participates in a chemical or biological reaction within the product, except as noted in paragraphs (c) and (d) is specifically excluded from the definition of an incidental additive.

Interstate or foreign commerce. Commerce between any State and any place outside thereof, or commerce within the Commonwealth of Puerto Rico or the District of Columbia, or between points within the same State but through any place outside thereof.

Natural flavor. The term "natural flavor" or "natural flavoring", except as otherwise provided in this part, means the essential oils, oleoresin, essence or extractive, hydrolysate, distillate or any product of roasting, maceration, heating or enzymolysis, which contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose significant function is flavoring. Substances generally considered foods (such as salt and sugar) or spices are not considered flavors.

. . . . . .

Regional director. A regional director who is responsible to, and functions under the direction and supervision of the Director, Bureau of Alcohol, Tobacco and Firearms.

Standard laboratory tests. For purposes of this part, standard laboratory tests are those prescribed by the latest edition of the "Official Methods of Analysis of the Association of Official Analytical Chemists", or other methods which have been approved by the Director.

United States. The fifty States, the Commonwealth of Puerto Rico, and the District of Columbia.

PAR. 2. Section 5.22 is amended by (1) adding a parenthetical explanation to the last sentence of paragraph (i); (2) clarifying the intent of the last sentence of paragraph (j)(2); and (3) deleting the references to Tequila from paragraph (j)(5). As amended § 5.22 (i), (j)(2), and (j)(5) read as follows:

§ 5.22 The standards of identity.

. . . . . .

(i) *Class 9; flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky.* "Flavored brandy," "flavored gin," "flavored rum," "flavored vodka," and "flavored whisky" are brandy, gin, rum, vodka, and whisky, respectively, to which have been added natural flavoring materials, with or without the addition of sugar, and bottled at not less than 70° proof. The name of the predominant flavor shall appear as a part of the designation. If the finished product contains more than 2½ percent by volume of wine, the kinds and percentages by volume of wine must be stated as a part of the designation, except that a flavored brandy may contain an additional 12½ percent by volume of wine, without label disclosure (except in the list of ingredients required by § 5.39a), if the additional wine is derived from the particular fruit corresponding to the labeled flavor of the product.

(j) • • •

(2) Any class or type of distilled spirits (other than distilled spirits required under § 5.35 to bear a distinctive or fanciful name and a truthful and adequate statement of composition) to which have been added flavors considered to be artificial or imitation. In determining whether a flavor is artificial or imitation for purposes of this paragraph, recognition will be given to what is considered to be "good commercial practice" in the flavor manufacturing industry;

. . . . . .

(5) Any rum to which neutral spirits or distilled spirits other than rum have been added;

. . . . . .

PAR. 3. Section 5.31 is amended by making editorial changes in paragraphs (a) and (b)(2). As amended § 5.31 reads as follows:

§ 5.31 General.

(a) *Application.* No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any distilled spirits in bottles, unless such bottles are marked, branded, labeled, or packaged, in conformity with this subpart.

(b) *Alteration of labels.* It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label on distilled spirits held for sale in interstate or foreign commerce or after shipment therein, except—

(1) As authorized by Federal law,

(2) That the regional director or the ATF officer, if any, assigned to the distilled spirits plant premises may, on oral or written application, permit additional labeling or relabeling of bottled distilled spirits with labels covered by certificates of label approval which comply with the requirements of this part and with State law,

(3) That there may be added to the bottle, after removal from customs custody, or prior to or after removal from the bottling premises, without application for permission to relabel, a label identifying the wholesale or retail distributor thereof or identifying the purchaser or consumer, and containing no references whatever to the characteristics of the product.

PAR. 4. Section 5.32 is amended by (1) correcting the section reference in paragraph (b)(3); (2) deleting paragraph (b)(4); (3) renumbering paragraphs (b)(5), (6), and (7) as (4), (5) and (6); (4) relettering paragraph (c) as (d); and (5) adding a new paragraph (c). As amended § 5.32(b)(3), (4), (5) and (6), and § 5.32(c) and (d) read as follows:

§ 5.32 Mandatory label information.

. . . . . .

(b) • • •

(3) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in § 5.47, net contents in accordance with § 5.38(a).

(4) Percentage of neutral spirits and name of commodity from which distilled, or in the case of continuously distilled neutral spirits or gin the name of the commodity only, in accordance with § 5.39.

(5) A statement of age or age and percentage, when required, in accordance with § 5.40.

(6) State of distillation of domestic types of whisky and straight whisky, except light whisky and blends, in accordance with § 5.36.

(c) On the brand label, back label, or on a separate strip label a list of all ingredients required to be listed by § 5.39a.

(d) In the case of a container which has been excepted by the Director under the provisions of § 5.48(a), the information required to appear on the "brand label", as defined, may appear elsewhere on such container if it can be demonstrated that the container cannot reasonably be so designed that the required brand label can be properly affixed.

. . . . . .

PAR. 5. Section 5.33 is amended by (1) making clarifying changes in paragraphs

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(a), (b), (c) and (f); (2) providing type size requirements for ingredients listed on the label, in paragraph (b); and (3) referring to "regional director" in paragraph (g). As amended, § 5.33 reads as follows:

§ 5.33 Additional requirements.

(a) *Contrasting background.* Labels shall be so designed that the statements required by this subpart are readily legible under ordinary conditions, and such statements shall be on a contrasting background.

(b) *Size of type.* Statements required by this subpart (except brand names) shall appear generally parallel to the base on which the container rests as it is designed to be displayed, or shall be otherwise equally conspicuous, and shall be in script, type, or printing not smaller than 8-point Gothic caps (except that the list of ingredients required by § 5.39a may be in script, type, or printing not smaller than 6-point Gothic caps) and shall be separate and apart from any other descriptive or explanatory matter, except that, in the case of labels on bottles of less than one-half pint capacity, such script, type, or printing may be smaller than 8-point or 6-point Gothic caps if readily legible under ordinary conditions. A statement of the type of distilled spirits shall be as conspicuous as the statement of the class to which it refers, and in direct conjunction therewith.

(c) *English language.* The requirements of this subpart shall be stated in the English language, except that the brand name need not be in English, and for products bottled for consumption within Puerto Rico the required information may be stated in the Spanish language, if the net contents and, if the product is an imitation, the word "imitation" are also stated in the English language.

(d) *Location of label.* Labels shall not obscure government stamps or be obscured thereby. Labels shall not obscure any markings or information required to be permanently marked in the bottle by other U.S. Treasury Department regulations.

(e) *Labels firmly affixed.* Labels which are not an integral part of the bottle shall be affixed to bottles in such manner that they cannot be removed without thorough application of water or other solvents.

(f) *Additional information on labels.* Labels may contain information other than the mandatory label information required by this subpart provided such information does not conflict with, nor in any manner qualify, statements required by regulations promulgated under the Act.

(g) *Contents of bottles.* A complete and accurate statement of the contents of the bottles to which labels are to be or have been affixed shall be submitted, on request, to the Director or the regional director.

PAR. 6. Section 5.35 is amended by (1) making an editorial change in the heading of paragraph (b), (2) adding a new paragraph (c), and (3) redesignating paragraphs (c) through (e) as paragraphs (d) through (f), respectively. As amended the titles of paragraphs (b), (d), (e) and (f), and new paragraph (c) read as follows:

§ 5.35 Class and type.

* * * * * *

(b) *Products designated in accordance with trade and consumer understanding.* * * *

(c) *Whisky or brandy treated with wood.* The words "colored and flavored with wood. * * * (insert chips, slabs, as appropriate)" shall be stated as a part of the class and type designation for whisky and brandy treated, in whole or in part, with wood through percolation, or otherwise, during distillation, rectification, or storage (other than through contact with the oak container).

(d) *Origin of whiskies in mixtures.* * * *

(e) *Whisky manufactured in Scotland, Ireland, or Canada.* * * *

(f) *Cordials and liqueurs.* * * *

PAR. 7. Section 5.36 is amended by deleting the words "assistant regional commissioner" from the end of paragraph (f) and inserting instead the words "regional director". As amended § 5.36(f) reads as follows:

§ 5.36 Name and address.

* * * * * *

(f) *Trade names.* The trade name of any permittee appearing on any label shall be identical with the name in which his basic permit is issued by the regional director.

PAR. 8. Section 5.39 is amended by (1) changing the title, (2) changing the heading of paragraph (a) and redesignating paragraph (a)(2) as paragraph (b), and (3) by deleting present paragraphs (b) and (c). As amended, § 5.39 reads as follows:

§ 5.39 Presence of neutral spirits and name of commodity from which distilled.

(a) *Percentage of neutral spirits and name of commodity.* In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: "____% neutral spirits distilled from _____ (insert grain, cane products, or fruit, as appropriate)"; or "____% neutral spirits (vodka) distilled from _____ (insert grain, cane products, or fruit, as appropriate)"; or "____% grain (cane products), (fruit) neutral spirits"; or "____% grain spirits."

(b) *Neutral spirits or gin products by a process of continuous distillation.* In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin have been distilled. The statement of the name of the commodity shall be made in substantially the following form: "Distilled from grain", or "Distilled from cane products", or "Distilled from fruit".

PAR. 9. A new section, § 5.39a, is added immediately following § 5.39, to read as follows:

§ 5.39a List of ingredients.

(a) *General.* There shall be shown on the brand label or back label, or on a separate strip label, a list of all ingredients used in the production, blending, rectification or treatment of distilled spirits, except incidental additives as defined in § 5.11.

(b) *Mandatory statements.* Substances used in distilled spirits to retard spoilage by oxidation or by microbes (such as sodium benzoate) will be identified in the ingredient list both by name and by the statement "to preserve" or "as a preservative".

(c) *Prohibited statements.* Statements of the following types may not be made in the ingredient list: (1) negative statements, such as "contains no additives"; (2) statements of ingredients formed within the product, as lactones formed by storage in wood; (3) functional statements, such as "to clarify" (except as noted in paragraph (b)); and (4) statements denoting quality, as provided in § 5.42(b)(6).

(d) *Form of list.* The list shall be separate and distinct from all other matter shown on the label, and shall take substantially the following form: "Made from:" followed by a listing of all ingredients required to be listed. Ingredients which are duplicated in the components of a finished product need be listed only once.

(e) *Order of predominance.*—(1) *General.* Ingredients shall be listed in descending order of their predominance by weight in the original formulation of the product except for the options described in paragraphs (e)(2) and (e)(3) of this section.

(2) *Cereal grains.* Cereal grains, which are, for purposes of this part, unconverted and unsprouted grains regardless of form (i.e., whole, cracked, degerminated, etc.) may, in lieu of being listed as in paragraph (e)(1) of this section, be listed as "cereal grains", in descending order of predominance of the grains as a class; if this option is chosen, however, no individual grain may be listed anywhere on the label unless each grain used is listed, in descending order of predominance, in the ingredient list.

(3) *Minor ingredients.* Minor ingredients, which are, for purposes of this part, individual ingredients, each of which make up less than 0.25 percent by weight in the original formulation of the product, may, in lieu of listing as in paragraph (e)(1), be listed in alphabetical order. If this option is chosen, the listing shall be in the following form: "with less than 0.25 percent each d-limonene, neobee, etc., added".

(f) *Nomenclature.* Wherever possible, ingredients shall be listed by common

name (i.e., a name likely to be recognized by the average consumer as referring to a distinct substance). Natural ingredients shall be broken down into basic foodstuffs, such as "corn", "corn syrup", "sugar", "salt", "malt", "yeast", "enzymes", "orange juice". Ingredients which do not have common names shall be identified by their chemical names. Chemical mixtures, unless they can be identified by common names, will be broken down into their component compounds. As an example, a cloud emulsion which contains d-limonene, citric acid, and neobee will be listed by the names of the three individual components. Chemical nomenclature will be based on that used by the Food and Drug Administration in 21 CFR Part 121. All substances listed in 21 CFR Part 121 shall be identified in the ingredient list by the name used therein.

(g) *Coloring materials.* Synthetic or natural materials which primarily contribute color shall be identified in the ingredient list

(1) by the words "artificially colored"; or

(2) by the words "certified color" if the colors are from lots certified by the manufacturer to be from lots certified by the Food and Drug Administration; or

(3) by the common or usual name of the color in conjunction with the words "colored with _____" or "_____ colored" (examples are "colored with FD&C yellow No. 5" or "caramel colored").

(h) *Flavoring materials.*—(1) *Use of artificial flavoring materials.* No flavoring material for use in distilled spirits may contain any ingredient not authorized for such use, or for general food use, by the Food and Drug Administration. Further, any single material added to distilled spirits which comprises more than five percent by volume of the finished product is automatically considered a basic ingredient, and not a flavoring material. However, any single material added to distilled spirits which comprises five percent or less of the finished product is not to be considered a flavoring material for that reason only.

(2) *Identification of artificial flavoring materials.* Artificial flavoring materials are defined as any flavoring materials not included in the definition of "natural flavors" in § 5.11. Such flavoring materials shall be identified in the ingredient list by the words "artificially flavored".

(3) *Natural flavoring materials.* When no flavoring materials other than "natural flavors", as defined in § 5.11, have been used, a truthful and adequate statement of the source of the flavor shall be made, or, alternatively, the words "naturally flavored" may be used.

(4) *Flavoring materials which also contribute color.* Flavoring materials which also contribute color shall be identified in the ingredient list as both colors and flavors.

(i) *Sodium.* The presence of sodium in distilled spirits, whether added (in the form of sodium salts or otherwise) or naturally present, shall be stated immediately following the ingredient list in the following form: "Contains less than ____ mg. of sodium per 30 ml. (1 oz.) serving": *Provided*, That no such listing of sodium shall be required if the sodium content is less than 1 mg. per 30 ml. (1 oz.) serving.

(j) *Wine.* Wine used in a distilled spirits product which comprises not more than 2½ percent by weight in the original formulation of the product, and which primarily contributes flavor, may be listed as a flavoring material under the provisions of paragraph (h). Optionally, wine which comprises not more than 2½ percent by weight in the original formulation of the product may be listed by class and type as defined in 27 CFR Part 4. Wine which comprises more than 2½ percent by weight in the original formulation of the product will be listed by class and type.

(k) *Products containing more than one type of distilled spirits.* Products such as cordials and cocktails, which contain two or more distinct types of distilled spirits, other than alcoholic flavoring materials, shall be listed by the ingredients contained in each such distinct type which comprises ten percent or more of the total distilled spirits content of the product, on a proof gallon basis. Types which comprise less than ten percent of the total distilled spirits content of the product on a proof gallon basis shall be listed by class and type, as defined in this part.

(l) *Domestic distilled spirits bottled or packed prior to January 1, 1977.* Domestic distilled spirits bottled or packed prior to January 1, 1977, shall not be required to bear the list of ingredients required by this section.

(m) *Imported distilled spirits bottled or packed prior to January 1, 1977.* Labels on imported distilled spirits removed from customs custody for consumption which were bottled or packed prior to January 1, 1977, shall not be required to bear the list of ingredients required by this section, if the shipment is accompanied by the statement required by § 5.51(c). Labels on imported distilled spirits bottled or packed on or after January 1, 1977, shall comply with the requirements of this section as a condition for removal from customs custody.

PAR. 10. Section 5.42 is amended by (1) making an editorial change in paragraph (a)(1); (2) adding a new paragraph (b)(6), and (3) redesignating paragraphs (b)(6) through (b)(8) as paragraphs (b)(7) through (b)(9). As amended, paragraphs 5.42(a)(1), (b)(6), (b)(7), (b)(8), and (b)(9) read as follows:

§ 5.42 Prohibited practices.

(a) * * *

(1) Any statement that is false or untrue in any particular or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant scientific technical matter, tends to create a misleading impression.

* * * * * *

(b) * * *

(6) The ingredient list required by § 5.39a of this part shall not contain any words or statements denoting the quality of any ingredient listed. Examples of prohibited words are "finest" corn, "best" yeast.

(7) Distilled spirits shall not be labeled as "double distilled" or "triple distilled", or any similar term.

(8) Labels shall not contain any statement, design, device, or pictorial representation which the Director finds relates to, or is capable of being construed as relating to, the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed forces; nor shall any label contain any statement, design, device, or pictorial representation of or concerning any flag, seal, coat of arms, crest or other insignia, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such flag, seal, coat of arms, crest, or insignia is associated.

(9) Labels shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

PAR. 11. Section 5.51 is completely revised to read as follows:

§ 5.51 Label approval and release.

(a) *Certificate of Label Approval.* No imported distilled spirits in containers shall be released from customs custody for consumption unless there shall have been deposited with the appropriate customs officer at the port of entry the original or a photostatic copy of an "Application for and Certification of Label Approval under the Federal Alcohol Administration Act" (Form 1649). Such certificate shall be issued by the Director upon application made on Form 1649, properly filled out and certified to by the importer or transferee in bond.

(b) *List of ingredients.* Each application for a certificate of label approval covering imported distilled spirits in containers bottled or packed after December 31, 1976, shall be accompanied by a list of ingredients, certified by a duly authorized official of the appropriate foreign country, and such list shall contain the information required by § 5.39a. Where the distilled spirits have been blended or treated in more than one foreign country, an appropriate certified list of ingredients must be prepared by a duly authorized official of each such country.

(c) *Release.* If the original or photostatic copy of Form 1649 bears the signature of the Director, then the brand or lot of imported distilled spirits bearing labels identical with those shown thereon (except for the list of ingredients, which may be on Form 1649 Supplemental) may be released from customs custody. Distilled spirits bottled or packed before January 1, 1977, may be released from customs custody for consumption without the list of ingredients required by § 5.39a only if accompanied

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by a statement signed by a duly authorized official of the appropriate foreign country, that the distilled spirits were bottled or packed prior to January 1, 1977. Distilled spirits bottled or packed on or after January 1, 1977, shall not be released from customs custody unless the Form 1649 on file is accompanied by the certified list of ingredients and the label bears a list of ingredients.

(d) *Relabeling.* Imported distilled spirits in customs custody which are not labeled in conformity with certificates of label approval issued by the Director (including Form 1649 Supplemental) and containing all information required by this section must be relabeled, prior to release, under the supervision of the customs officers of the port at which the spirits are located.

(e) *Statements of process.* Forms 1649 covering labels for gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process.

(f) *Approval of ingredient lists.* Where there is no change in the location, size or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of, or a change in, the list of ingredients required by § 5.39a, a new Form 1649 need not be filed; in lieu thereof an application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

PAR. 12. Section 5.55 is amended by (1) adding two sentences at the end of paragraph (a); (2) adding a new paragraph (b); and (3) redesignating paragraphs (b) and (c) as (c) and (d). As amended § 5.55 reads as follows:

§ 5.55 Certificates of label approval.

(a) *Requirement.* Distilled spirits shall not be bottled or removed from a plant, except as provided in paragraph (c) of this section, unless the proprietor possesses a certificate of label approval, Form 1649, covering the labels on the bottle, issued by the Director pursuant to application on such form. Applications for certificates of approval covering labels for imported gin bearing the word "distilled" as a part of the designation shall be accompanied by a statement, prepared by the manufacturer, setting forth a step-by-step description of the manufacturing process. Each application for a certificate of label approval covering labels for imported spirits shall be accompanied by a list of ingredients, certified by a duly authorized official of the appropriate foreign country, and such list shall contain the information required by § 5.39a. Where the spirits have been blended, rectified, or treated in more than one foreign country, an appropriate certified list of ingredients must be prepared by a duly authorized official of each such country.

(b) *Approval of ingredient lists.* Where there is no change in the location, size or prominence of the mandatory information on a label covered by a valid Form 1649, except for the addition of, or a change in, the list of ingredients required by § 5.39a, a new Form 1649 need not be filed; in lieu thereof an application for approval of the ingredient list may be filed on Form 1649 Supplemental, in accordance with the instructions on the form. If the identical ingredient list is to be used with more than one approved label, a single Form 1649 Supplemental may be filed covering all such labels.

(c) *Exemption.* Any bottler of distilled spirits shall be exempt from the requirements of paragraphs (a) and (b) of this section and § 5.56 if he possesses a certificate of exemption from label approval, Form 1650, issued by the Director pursuant to application on Form 1648 showing that the distilled spirits to be bottled are not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce.

(d) *Miscellaneous.* Photoprints or other reproductions of certificates of label approval, or certificates of exemption are not acceptable as substitutes for an original or duplicate original (issued, on request, by the Director) of a certificate. The original or duplicate original of such certificates shall, on demand, be exhibited to a duly authorized officer of the U.S. Government.

Requests to present oral testimony. All persons who desire to present oral testimony should so advise the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, not later than April 9, 1975. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, and (3) the approximate length of time desired for the presentation of testimony.

Submission of written material. Any interested party may submit to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, in an original and nine copies, relevant written data, views, or arguments for incorporation into the record of hearing. Written material must be submitted not later than April 9, 1975. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions exempt from disclosure. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) is not exempt from disclosure.

At the conclusion of the hearing, a reasonable time will be afforded interested parties for the examination of the record and submission of written arguments and briefs.

Dated: January 21, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

Approved: February 4, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-3719 Filed 2-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT

Operation and Maintenance Rates

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938), and by virtue of the authority delegated to the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 FR 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.0, §§ 2.70-2.75.

Notice is hereby given that it is proposed to revise §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are *not* subject to the jurisdiction of the several irrigation districts. The purpose of the amendment is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1975 and thereafter until further notice.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Project Engineer, Bureau of Indian Affairs, Flathead Indian Irrigation Project, St. Ignatius, Montana, 59865, on or before March 13, 1975.

Section 221.16 is revised to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $4.67 per acre, for the season of 1975 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and twelve cents ($3.12) per acre foot or fraction thereof.

Section 221.17 is revised to read as follows:

§ 221.17 Charges, Mission Valley and Camas Division.

(a)(1) An annual minimum charge of $4.57 per acre, for the season of 1975 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of pro rata per acre share of the available water up to one and one-tenth acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and six cents ($3.06) per acre foot or fraction thereof.

(b)(1) An annual minimum charge of $6.00 per acre, for the season of 1975 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of four dollars ($4.00) per acre foot or fraction thereof.

GEORGE L. MOON,
Project Engineer.

[FR Doc.75-3758 Filed 2-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Parts 1, 2, 4]

PATENT AND TRADEMARK CASES

Rules and Procedures

Notice is hereby given that, pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440, 15 U.S.C. 1123) and section 6 of the Act of July 19, 1952 (66 Stat. 793, 35 U.S.C. 6), as amended October 5, 1971 (85 Stat. 364), the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by revising or amending §§ 1.12, 1.136, 1.197, 1.244, 1.256, 1.304, 2.18, 2.37, 2.75, 2.80, 2.85, 2.101, 2.102, 2.103, 2.105, 2.111, 2.112, 2.120, 2.123, 2.127, 2.129, 2.141, 2.144, 2.145, 2.162, 2.172, 2.183, 2.185, 2.187 and 4.2.

All persons are invited to present their written views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on or before May 1, 1975. No oral hearing will be held. Written comments or suggestions will be available for examination by interested persons at Crystal Plaza Building 3, Room 11C17a, 2021 Jefferson Davis Highway, Arlington, Virginia.

Assignment records open to public inspection. The proposed revision of § 1.12 is intended to make clear the existing practice that assignment records relating to trademark applications and registrations are open to the public. The present wording, which is based on the amendment of § 1.12 on August 23, 1965 (819 O.G. 443), does not clearly distinguish between the procedure to be applied to patent records and to trademark records. In view of a number of inquiries as to the manner in which the amendment was to be applied, a notice was published in the Official Gazette of January 18, 1966 (822 O.G. 769) stating that assignments relating to applications for registration of trademarks will be open to public inspection as heretofore. Since assignment records relating to trademark applications and registrations have always been open to the public, which practice continues at the present time, it is believed desirable to make the practice clear.

In the third sentence of the section, language is added to indicate that the requirement for written authority applies only to patent applications.

Time less than six months. It is proposed to revise paragraph (b) of section 1.136 to read "sufficient cause" rather than "good and sufficient cause." This revision is merely for consistency of language with other sections in this part and does not represent any change in practice.

Reconsideration of decision. It is proposed to revise paragraph (b) of § 1.197, paragraph (b) of section 1.256, paragraph (c) of §§ 2.129, and 2.144, to provide that the Board of Appeals, the Board of Patent Interferences, and the Trademark Trial and Appeal Board may, for sufficient cause, extend the time for filing a request for rehearing or reconsideration, or modification of a decision rendered by these Boards. Proposed revised paragraph (b) of § 1.256 and paragraph (c) of § 2.129 provide similar opportunity for extension of time for filing a reply to such a request in inter parties cases. The purpose of these revisions is to eliminate the necessity for waiver of a rule by the Commissioner in order for a party to obtain an extension of time.

In these sections, as well as in the related §§ 1.244(c), 2.127(b), 1.304 and 2.145(d), it is proposed to use the term "request" rather than "petition" in connection with rehearing or reconsideration, in order to avoid redundancy and in order to clearly distinguish such action from a petition to the Commissioner.

Time for appeal or civil action. Proposed revised § 1.304 and proposed revised paragraph (d) of § 2.145 clarify the portion of each which relates to the time for filing appeal or commencing civil action in cases where a request for rehearing or reconsideration, or modification of a decision, is filed. Present §§ 1.304 and 2.145(d) provide for an extension of time for appeal or civil action if a request for rehearing is filed within thirty days after a decision, but their language is subject to the interpretation that they deny any extension if the request for rehearing is filed more than thirty days after the date of a decision. It has been the practice of the Patent and Trademark Office, however, in those cases where the thirty days to file a request for rehearing has been enlarged by waiver of rule by the Commissioner under § 1.183 or § 2.148, to consider the waiver as also applying to the thirty day period specified in §§ 1.304 and 2.145(d). *Dresser Industries, Inc.* v. *Safety-Kleen Corporation*, 183 USPQ 180 (Comr. Pats. 1974).

In order to clarify the meaning of § 1.304 and paragraph (d) of § 2.145, it is proposed to revise these sections to eliminate all reference to a definite time for filing a request for rehearing, and to include instead reference to the provisions for filing request for rehearing which are made in §§ 1.197(b), 1.256(b), 2.129(c) and 2.144. Such sections are proposed to be revised to provide for extension of the basic time specified therein.

Proposed revised § 1.304 and paragraph (d) of § 2.145 also provide that the time for appeal or commencing civil action (whether it be the original sixty days, or the thirty days extension after decision on a request for rehearing) may be extended by the Commissioner upon a showing of sufficient cause.

Proposed revised § 1.304 is arranged in three subsections identified as (a), (b) and (c), and paragraph (d) of § 2.145 is arranged in three subsections identified as (1), (2) and (3). The purpose of separate subsections is to provide a means for easier reading and understanding of these sections in view of the fact that three different points are included in the sections. The proposed rearrangement does not affect practice.

Elimination of reasons of appeal in trademark cases. It is proposed to revise paragraphs, (a), (b) and (d) of § 2.145 to eliminate reference to the need to file the reasons of appeal in the Patent and Trademark Office when appealing a decision of the Trademark Trial and Appeal Board to the U.S. Court of Customs and Patent Appeals, consistent with the modification of section 21 of the trademark act made by Pub. L. 93-600, enacted January 2, 1975.

Recognition for representation, powers of attorney, and correspondence with attorney. It is proposed to revise §§ 2.18 and 4.2 to clarify the existing practice of the Patent and Trademark Office in relation to firms of attorneys and powers of attorney, and the handling of correspondence with attorneys and other recognized persons, in trademark cases.

Under present practice firms of attorneys are not recognized for practice before the Office in trademark cases. The persons indentified in § 2.12 who may represent others before the Office are persons to whom individual responsibility may attach for actions taken and who must conform under § 2.13 to the

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Code of Professional Responsibility of the American Bar Association. Section 2.12(a) pertains to attorneys at law and does not provide for representation by a firm of attorneys as distinguished from individual attorneys. Further, reference to representation by a firm of attorneys was eliminated from § 2.15 by amendment effective July 2, 1971 (see 890 O.G. TM 60, September 14, 1971). If a firm name is given in the signature location on a paper filed by an attorney, nevertheless under § 2.15 an individual attorney must actually sign the paper.

It is not necessary under existing practice for an attorney at law filing a paper in connection with a trademark case to have a power of attorney from the party whom he represents. Normally, a letter of transmittal on an attorney's letterhead for a paper not required to be signed by the attorney, such as an application, or an attorney's signature on a paper during prosecution, or a personal appearance, is sufficient for an attorney to be recognized as a party's representative. If deemed necessary, further proof may be required under § 2.17(a) of an attorney's authority to act for a party or an attorney's qualifications under § 2.12(a).

Although not needed, a written power of attorney is accepted if it is filed. Such power may be revoked, and if revoked, the Office will not thereafter recognize such attorney in that case unless he is again specifically appointed. Any written power of attorney which is filed should designate individuals and not firms of attorneys; a power of attorney which designates a firm rather than individuals is not considered to be a power but merely a direction that correspondence be addressed to that firm. (See 890 O.G. TM 60, September 14, 1971.)

It is proposed to eliminate from § 4.2 (power of attorney form) the requirement to identify bar membership, since further proof may be required under section 2.17(a) if there appears to be any reason to question either an attorney's authority to represent a party or an attorney's qualifications under § 2.12(a). It is further proposed to eliminate from § 4.2 present Note (8) which calls for the names of law firm members and their bar membership if a firm name is used, and to add a new Note (8) which indicates that individuals should be appointed and that naming a firm will serve only as a designation of address for correspondence.

Proposed revised § 2.18 is intended to clarify the practice relative to the address to which correspondence is sent by the Office when an attorney at law or other recognized person is acting on behalf of a party. When an attorney or other recognized person is representing a party, correspondence is sent to such attorney or other recognized person at the address specified when such person's representation is established. The Office will not undertake to correspond with more than one person at more than one address. Therefore if another attorney or recognized person files a paper, the paper will be accepted but correspondence will continue to be sent to the address of the attorney or representative as already established in the file until the Office receives written instruction by the attorney or other representative, or by the party being represented, to send correspondence to another address. A subsequently filed power of attorney or authorization of agent is regarded by the Office as a change of address for correspondence even though there is no revocation of the previous power or authorization, but in other situations a specific request is necessary, and language such as "Send correspondence to (giving address, or name and address)", is the most desirable means for changing the correspondence address. Other types of statements will be accepted by the Office if their intention is sufficiently clear to be reasonably interpreted as a request to change the address to which correspondence is to be sent. Neither the appointment of an associate attorney nor the filing of a paper by a different recognized representative has any effect on correspondence unless an instruction to change the correspondence address is included.

The Office does not send notice or acknowledgement of changes of address. Only a written revocation of a written power of attorney is acknowledged by the Office.

Designation of domestic representative by person not domiciled in the United States. In § 2.37 and paragraph (a) (4) of § 2.185, it is proposed to change the terms "appointment" and "resident agent" to "designation" and "domestic representative," respectively, to conform to the language of section 1(d) of the Trademark Act of 1946. This will not change present practice.

Effective filing date for the Supplemental Register. In § 2.75 it is proposed to add the word "effective" before "filing date" in order to make clear the existing practice that, when the filing date of an amendment to convert an application for registration on the Principal Register to an application for registration on the Supplemental Register becomes the filing date of the latter application, such date is considered to be the effective filing date of that application. This change in wording is in agreement with the language "effective filing date" used in § 2.83.

Publication of marks placed in interference. The proposed revision of § 2.80 restores a reference to publication of the mark in case of interference which was omitted inadvertently when § 2.80 was amended as of March 1, 1972 (896 O.G. TM 2). Although interference is not now declared except upon petition to the Commissioner (amendment of § 2.91 as of March 1, 1974 (896 O.G. TM 2)), the practice of publishing the mark when interference is declared was continued.

Fee for petition to revive a multiple class application. It is proposed to revise paragraph (e) of § 2.85 to delete reference to a petition to revive and thereby to make clear that only one fee is required for a petition to revive an abandoned application in which there is more than one class. Section 31 of the trademark act specifies a fee which shall be paid "on filing each petition for the revival of an abandoned application" without qualification as to the number of classes in the application, and therefore only one fee for each petition is considered to be necessary. For the same reason, in connection with multiple class registrations, under existing practice a single fee is sufficient for issuance of a new certificate of registration following change of ownership of a mark (§ 2.171) or correction of a registrant's mistake (§ 2.175), for certificate of correction of registrant's mistake (§ 2.175), or for amendment or disclaimer after registration (§2.173).

Fee required for each class being opposed, and insufficient fees for classes in application being opposed. Proposed revised §§ 2.101, 2.102 and 2.103 make clear the existing requirement that when there is more than one class in an application (such as in a combined application), the required fee must be paid for each class when filing an opposition against such application.

These proposed revised sections also provide that when the fees which accompany an opposition are insufficient to cover all classes in the application being opposed, which may occur with a combined application, opposer should specify the classes in which opposition to registration of the mark is sought, so that the Office will not be required to select classes or make further inquiry in that respect and will be able to process the opposition promptly in the particular classes which opposer desires. This is in accord with present practice. See notice in the Official Gazette of August 11, 1964 (805 O.G. TM 39).

Joining persons in an opposition. Proposed revised § 2.101 provides that two or more persons may be joined in an opposition, but that the required fee for each class in which each person seeks opposition must be paid for each person so joined. By this revision, existing practice is incorporated into this section. See notice in the Official Gazette of August 11, 1964 (805 O.G. TM 39).

Unverified opposition during extension of time. It is proposed to further revise §§ 2.102 and 2.103 to permit an unverified opposition to be filed by an attorney or agent during an extension of time for opposition as well as within the original thirty days for opposition after publication of the mark. Present practice limits the filing of an unverified opposition to thirty days after publication. Nevertheless it has been found that some oppositions filed during extensions of time are unverified, and that when the defect is discovered, either there is insufficient time in the extended period to file a verified opposition or the period has expired. It seems desirable to eliminate a situation that has in some cases proven to be a difficulty for opposers. Since the main effort and cost of preparing and filing an opposition is expended even though the opposition is unverified, it is believed that in most instances opposers will file verified oppositions in extended

opposition periods. Further, any unverified opposition must be confirmed by opposer by verification or declaration within thirty days after its filing. For both reasons it is believed that the proposed change in practice will not result in any undue delay in registration.

Proposed revised § 2.102 provides that an opposition filed within an extension of time to oppose must be accompanied by the required fee for each class, and states that the opposition should be verified or include a declaration in accordance with § 2.20. However, in case verification or declaration cannot be secured within the extension of time, proposed revised § 2.103 provides that an unverified opposition may be filed within an extension of time to oppose. Such unverified opposition must be confirmed by opposer by verification or declaration within thirty days after its filing.

Extension of time to oppose. It is proposed to further revise § 2.102 to make clear existing practice as to who may request an extension of time to oppose and who may file opposition during an extension of time. Request to extend the time for filing opposition must be made by a person who is eligible to oppose, that is, a person who believes that he would be damaged by the registration of the mark on the Principal Register. An attorney at law or other person recognized to represent a party may file a request for extension of time on behalf of a potential opposer. *La Maur, Inc.* v. *Andis Clipper Co.*, 181 USPQ 783 (Comr. Pats. 1974). The potential opposer must be identified in the request for extension because an extension of time is a personal privilege which is normally granted only to the person who has requested it. A problem has been, however, that complete information is sometimes not available at the time request for extension of time must be filed, so that there is a misidentification of the potential opposer, or, where there are parties in privity, for example related companies, one of the interested parties is named whereas later the other will be found to be the proper party to oppose. For this reason, it is considered desirable to permit opposition to be filed during an extension of time by a person whose name varies or is different from the name of the person to whom the extension was granted, provided the difference in names constitutes mere misidentification as a result of mistake and is not a difference in entity, or provided the persons designated are in privity, such as in the case of related companies under section 5 of the trademark act. This practice is in accord with the decision in *F. Jacobson & Sons, Inc.* v. *Excelled Sheepskin Co.*, 140 USPQ 281 (Comr. Pats. 1963). An analogous situation is found in *Universal Oil Products Co.* v. *Rexall Drug and Chemical Co.*, 174 USPQ 458 (CCPA 1972), where a parent company was permitted to oppose although the mark on which opposition was based was owned by the parent's subsidiary company.

When there is uncertainty between persons in privity as to which will ultimately be the proper opposer, it is desirable that the persons and their relationships be identified as clearly as possible in the request for extension of time.

First thirty-day extension of time to oppose. It is proposed to revise § 2.102 consistently with Pub. L. 93–600, effective January 2, 1975, which provides for a first thirty-day extension of the time for filing an opposition upon request without showing good cause.

Transmittal of opposition. It is proposed to revise § 2.105 to eliminate reference to transmittal of an opposition by the Examiner of Trademarks to the Trademark Trial and Appeal Board, in view of the fact that all activity connected with the processing of oppositions has been transferred from the Trademark Examining Operation to the Trademark Trial and Appeal Board.

It is further proposed to revise § 2.105 by changing the word "notice" throughout the section to the word "notification" and also by changing the word "Institution" in the heading of the section to the word "Notification". The purpose of these changes is to make clear the present practice of regarding the paper which is prepared in accordance with this section to be merely a notification to the parties of the existence of a proceeding which commenced at the time the opposition was filed.

Fee required for each class for cancellation, and insufficient fees for classes in registration. Proposed revised §§ 2.111 and 2.112 make clear the existing requirement that when there is more than one class in a registration, the required fee must be paid for each class when filing a petition to cancel the registration. A petition to cancel which is accompanied by fees insufficient to cover each class in the registration should specify the classes for which cancellation is sought, so that the Office will not be required to select classes or make further inquiry in that respect, and cancellation may be accomplished promptly in the classes desired. This is in accord with present practice.

Order compelling discovery in inter partes cases. Because of the increasing burden upon the Trademark Trial and Appeal Board as a result of the frequency and complexity of the motions being filed to compel discovery under rules adopted July 1, 1972 (898 O.G. TM 170, May 16, 1972), it is considered desirable that before seeking an order from the Board compelling discovery, the parties themselves be required to attempt to resolve the issues by mutual agreement. It is proposed to accomplish this by revising paragraph (c) of § 2.120 to require that a motion for an order compelling discovery be supported by an affidavit or a declaration in accordance with § 2.20 stating that the moving party or its attorney has conferred with the opposing party or its attorney in good faith in an effort to resolve by agreement the issues raised by the motion and that the parties have been unable to reach agreement with respect thereto, or specifying the parts of the issues, if any, which have been resolved. See *Angelica Corporation* v. *Collins & Aikman Corporation*, 183 USPQ 378 (TT&A Bd. 1974), and *Cool-Ray, Inc.* v. Eye Care, Inc., 183 USPQ 618 (TT&A Bd. 1974).

Requirements for depositions. It is proposed to revise paragraph (g) § 2.123 by adding a subsection numbered (3) thereto in order to restore to this section a designation of the existing requirements as to the form of depositions which was omitted inadvertently when paragraph (g) of this section was amended as of July 1, 1972 (898 O.G. TM 170, May 16, 1972).

Comments on inter partes procedures in general. In addition to the changes in inter partes procedures which are proposed herein, the Patent and Trademark Office is currently making an overall review of the efficiency and effectiveness of all of the amended inter partes rules of procedure in trademark cases which became effective as of July 1, 1972 (898 O.G. TM 170, May 16, 1972). The Patent and Trademark Office would welcome comments on any present inter partes procedures separate from comments on the specific revisions proposed herein.

Requests for reconsideration of decisions on motions. Motion procedures before the Trademark Trial and Appeal Board under §§ 2.127 and 2.129 follow the Federal Rules of Civil Procedure, which results in a multiplicity of types of motions being available. Some of these could be finally dispositive of a case and appeal could be taken from them. It therefore seems desirable to distinguish in trademark cases between the procedures as to decisions on motions which are finally dispositive of a case and decisions on motions which are not finally dispositive. To accomplish this it is proposed to revise paragraph (b) of § 2.127 to limit the section to motions which are not finally dispositive of a case. Any request for rehearing of such motions must be filed within thirty days, as is the existing practice. It is proposed to revise paragraph (c) of § 2.129 to include a reference to decisions on motions which are finally dispositive of a case and thus to make it clear that a request for rehearing of any final decision (including those on motions) may be filed within thirty days and that such time may be extended for sufficient cause.

Fee required for each class on appeal, and insufficient fees for classes in application on appeal. Proposed revised § 2.141 makes clear the existing requirement that when there is more than one class in an application (such as in a combined application), the prescribed fee must be paid for each class when appealing to the Trademark Trial and Appeal Board.

The proposed revised section also provides that when the fees which accompany an appeal are insufficient to cover all classes in the application being appealed, which may occur with a combined application, applicant should specify the classes in which appeal is taken, so that the Office will not be required to select classes or make further

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inquiry in that respect and will be able to set up the appeal promptly in the particular classes which applicant desires. This is in accord with present practice.

Requirements for affidavit or declaration under section 8 of the Act of 1946. Proposed revised § 2.162 provides that an affidavit or declaration in accordance with § 2.20 containing either a statement of use or recitation of facts as to excusable nonuse must be filed before the expiration of the specified sixth year. However, if the evidence supporting the statement of use is not submitted or is found to be deficient, such supporting evidence may be filed thereafter, and may be considered even though filed after the expiration of the sixth year, and if the recitation of facts as to nonuse are found not to be sufficient, further evidence or explanation may be submitted and may be considered even though filed after the expiration of the sixth year. The statement of use or the recitation of facts as to excusable nonuse in the affidavit or declaration meets the statutory requirement of making a showing within the sixth year, although such statement or recitation is not necessarily conclusive and may be required to be supported by other evidence. *In re The Magnavox Company*, 177 USPQ 274 (Comr. Pats. 1973).

The phrase "specifying the nature of such use" is omitted from paragraph (c) of proposed revised § 2.162 because its meaning is unclear and it does not identify any requirement which is necessary for an affidavit or declaration under section 8 of the act.

The proposed revised section also makes it clear that where there is more than one class in a registration, a statement of use or a statement as to nonuse, and appropriate evidence in support thereof, is necessary with respect to each class in the registration, and that the required fee is necessary for each class in the registration. An affidavit or declaration under section 8 which is accompanied by fees insufficient to cover each class in the registration should specify the classes to which the affidavit or declaration pertains, so that the Office will not be required to select classes or make further inquiry in that respect and will be able to determine promptly the question of acceptance or refusal in relation to relevant classes.

Surrender for cancellation. Proposed revised § 2.172 makes clear the existing practice of regarding a request to delete one entire class, or more than one entire class but less than the total number of classes, from a registration in which there is more than one class, as a surrender of a registration as to the specified class or classes, and not as an amendment of a registration. Each class is treated in effect as a separate registration. On the other hand, deletion of less than all of the goods or services in a class constitutes amendment of a registration as to that class. No fee is required for surrender, whereas a fee is required for each class which is amended.

Requirements of application for renewal. It is proposed to revise paragraph (c) of § 2.183 to provide that when facts are recited in an application for renewal to show excusable nonuse and such facts are found to be deficient, additional evidence or explanation may be considered by the Examiner even though filed after the expiration of the initial six month period for applying has expired, or after the three month delay period in the case of a delayed application for renewal. The recitation in the application of facts to show excusable nonuse meets the statutory requirement of making a showing within the required time, although such statement or recitation is not necessarily conclusive and may be required to be supported by other evidence. *In re The Magnavox Company*, 177 USPQ 274 (Comr. Pats. 1973).

Section 2.183 as proposed to be revised also makes clear the existing practice that when there is more than one class in a registration, a declaration or verified statement of use and a specimen or facsimile, or a recitation of facts as to nonuse, are necessary with respect to each class in the registration, and that the required fee is necessary for each class in the registration when renewing the registration. An application for renewal which is accompanied by fees insufficient to cover each class should specify the classes with regard to which renewal is desired.

Signature of translator for English translation. The proposed revision of paragraph (a)(2) of § 2.185 is intended to make it clear that the signature necessary for an English translation of a foreign document is the signature of the translator of the document, and that the signature only is needed, not a verification or a declaration in accordance with section 2.20.

Certificate of registration may issue to assignee. Proposed revised § 2.187 sets forth more specifically the procedure for giving notice to the Patent and Trademark Office in time to permit issuance of a certificate of registration in a name other than the name of the original applicant. If an assignment document or a certificate of change of name is of record in the Assignment Division of the Patent and Trademark Office before the notice of publication of a mark is mailed, there is sufficient time for the necessary information to reach the application file before the application is prepared for issuance of the certificate of registration. Also, if at any time prior to the preparation of the application for issue, a paper is filed in an application stating that a document has been filed for recordation, the application can be flagged and held until the necessary information reaches the file from the Assignment Division.

If a certificate of registration is to be issued to an assignee, there must be in the application file an address for such assignee; if there is not, the inquiry necessary to obtain the address may delay the issuance of the certificate of registration.

Change in name of Patent Office. All of the sections proposed to be modified herein have been revised to reflect the change in the name of the Patent Office to the Patent and Trademark Office, and the change in title of the Commissioner of Patents to Commissioner of Patents and Trademarks, in accordance with Pub. L. 93-596, effective January 2, 1975.

The text of the proposed revised sections or paragraphs of sections is as follows:

§ 1.12 Assignment records open to public inspection.

The assignment records, relating to original or reissue patents, including digests and indexes, and assignment records relating to pending or abandoned trademark applications and to trademark registrations, are open to public inspection and copies of any instrument recorded may be obtained upon payment of the fee therefor. Assignment records, digests and indexes, relating to any pending or abandoned patent application are not available to the public. Copies of any such patent assignment records and information with respect thereto shall be obtainable only upon written authority of the applicant or his assignee or attorney or agent or upon a showing that the person seeking such information is a bona fide prospective or actual purchaser, mortgagee or licensee of such patent application, unless it shall be necessary to the proper conduct of business before the Office or as provided by these rules. An order for a copy of an assignment should give the identification of the record. If identified only by the name of the patentee and number of the patent, or in the case of a trademark registration by the name of the registrant and number of the registration, or by name of the applicant and serial number of the application, an extra charge will be made for the time consumed in making a search for such assignment.

§ 1.136 Time less than six months.

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(b) The time for reply, when a time less than six months has been set, will be extended only for sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which action by the applicant is due, but in no case will the mere filing of the request effect any extension. Only one extension may be granted by the primary examiner in his discretion; any further extension must be approved by the Commissioner. In no case can any extension carry the date on which response to an action is due beyond six months from the date of the action.

§ 1.197 Action following decision.

* * * * *

(b) Any request for rehearing or reconsideration, or modification of the decision, must be filed within thirty days from the date of the original decision, unless that decision is so modified as to become, in effect, a new decision, and the Board of Appeals so states. Such time may be extended upon a showing of sufficient cause.

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§ 1.244 Motions; miscellaneous provisions.

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(c) Any request for rehearing or reconsideration, or modification of the decision, must be filed within twenty days after the date of the decision, and any reply thereto shall be filed within twenty days from the date of service of the request.

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§ 1.256 Final hearing.

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(b) Any request for rehearing or reconsideration, or modification of the decision, must be filed within thirty days from the date of the original decision, unless that decision is so modified as to become, in effect, a new decision, and the Board of Patent Interferences so states. Any reply thereto shall be filed within fifteen days from the filing of the request. The times specified herein may be extended upon a showing of sufficient cause. (See § 1.304.)

§ 1.304 Time for appeal or civil action.

(a) The time for filing the notice and reasons of appeal to the U.S. Court of Customs and Patent Appeals (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Appeals or the Board of Patent Interferences. If a request for rehearing or reconsideration, or modification of the decision, is filed within the time, or within any extension of the time granted under §§ 1.256(b) or 1.197 (b), the time for filing appeal or commencing civil action is extended to thirty days after action on the request. The sixty and thirty day periods referred to above may be extended by the Commissioner upon a showing of sufficient cause.

(b) The times specified herein are calendar days. If the last day of the time specified for appeal or commencing a civil action falls on a Saturday, Sunday or legal holiday, the time is extended to the next day which is neither a Saturday, Sunday nor a holiday.

(c) If a defeated party to an interference has taken an appeal to the U.S. Court of Customs and Patent Appeals and an adverse party has filed notice under 35 U.S.C. 141 that he elects to have all further proceedings conducted under 35 U.S.C. 146 (§ 1.303(c)), the time for filing a civil action thereafter is specified in 35 U.S.C. 141.

§ 2.18 Correspondence held with attorney or agent.

Correspondence will be sent to the applicant or a party to a proceeding at his address unless papers are transmitted by an attorney at law, or a written power of attorney or authorization of agent is filed, or the applicant or party designates in writing another address to which correspondence is to be sent, in which event correspondence will be sent to the attorney at law transmitting the papers, or to the attorney designated in the power of attorney or the agent designated in the authorization of agent, or to the address designated by the applicant or party for correspondence. Correspondence will continue to be sent to such address until the applicant or party, or the attorney or other recognized person representing the applicant or party, indicates in writing that correspondence is to be sent to another address. Double correspondence will not be undertaken by the Patent and Trademark Office, and if more than one attorney at law or other recognized person appears or signs a paper, the Office reply thereto will be sent to the address already established in the file until another correspondence address is specified by the applicant or party or by the attorney or other recognized person representing the applicant or party.

§ 2.37 Authorization for representation; U.S. representative.

The authorization of a qualified person to represent applicant (§ 2.17(b)) and the designation of a domestic representative (§ 2.24) may be included as a paragraph or paragraphs in the application.

§ 2.75 Amendment to change application to different register.

An application for registration on the Principal Register may be changed to an application for registration on the Supplemental Register and vice versa by amending the application to comply with the rules relating to the requirements for registration on the appropriate register, as the case may be. The original filing date may be considered for the purpose of proceedings in the Patent and Trademark Office provided the application as originally filed was sufficient for registration on the register to which amended. Otherwise, the filing date of the amendment will be considered the effective filing date of the application so amended.

§ 2.80 Publication for opposition.

If, on examination or reexamination of an application for registration on the Principal Register, it appears that the applicant is entitled to have his mark registered, the mark will be published in the Official Gazette for opposition. The mark will also be published in the case of an application to be placed in interference or concurrent use proceedings, if otherwise registrable.

§ 2.85 Classification schedules.

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(e) Where the amount of the fee received on filing an appeal in connection with an application or on filing an affidavit under section 8(a) or 8(b) or on an application for renewal or in connection with an opposition or petition for cancellation is sufficient for at least one class of goods or services but is less than the required amount because a multiple class application or registration is involved, the appeal or the affidavit or renewal application or opposition or petition for cancellation will not be refused on the ground that the amount of the fee was insufficient if the required additional amount of the fee is received in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Examiner.

* * * * *

§ 2.101 Time for filing opposition.

Any person who believes that he would be damaged by the registration of a mark upon the Principal Register may, upon payment of the required fee for each class in the application, oppose the same by filing an opposition, which is verified or which includes a declaration in accordance with § 2.20, in the Patent and Trademark Office within thirty days after publication (§ 2.80) of the mark sought to be registered. An opposition accompanied by fees insufficient to cover each class in the application should specify the particular classes in which opposition is sought. Two or more persons may be joined in an opposition to the registration of a mark, but separate fees for each class in the application for each person so joined must be paid.

§ 2.102 Extension of time.

(a) A request to extend the time for filing opposition must be made by a person who believes that he would be damaged by the registration of the mark on the Principal Register, but an attorney at law or other person recognized to represent a party may file the request on behalf of a potential opposer. The potential opposer must be identified with reasonable certainty in the request. Any opposition filed during an extension of time should be in the name of the person to whom the extension was granted, but an opposition may be accepted if the person to whom the extension was granted was misidentified through mistake, or an opposition filed in a different name may be accepted if the person filing the opposition is in privity with the person to whom the extension was granted.

(b) A request to extend the time for filing an opposition must be received in the Patent and Trademark Office before the expiration of thirty days from the date of publication, and should specify the period of extension desired. A first extension of time will be granted upon request if the extension is for not more than thirty days. Any other request for extension of time for filing an opposition should be accompanied by a showing of good cause, and in the event circumstances do not permit submission of such showing with the request, it should be furnished as promptly as possible and, in any event within ten days after submission of such request.

(c) An opposition filed within an extended time must be accompanied by the required fee for each class, and should be verified or include a declaration in accordance with § 2.20, and if it is accompanied by fees insufficient to cover each class in the application should specify the particular classes in which opposition is sought.

§ 2.103 Opposition filed by attorney or agent.

An opposition which is unverified or not accompanied by a declaration in ac-

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cordance with § 2.20 may, upon payment of the required fee for each class, be filed by a duly authorized attorney or agent. Such opposition and the required fee for each class must be filed in the Patent and Trademark Office within thirty days after publication (§ 2.80) of the mark sought to be registered or within an extension of the time for filing an opposition (§ 2.102) but the opposition will be null and void unless confirmed by the opposer either by verification or declaration in proper form filed within thirty days after such filing, or within such further time as may be fixed by the Commissioner upon request made before the expiration of the thirty days. An opposition accompanied by fees insufficient to cover each class should specify the particular classes in which opposition is sought.

§ 2.105 Notification of opposition proceedings.

A notification of an opposition which has been regularly filed shall be prepared, identifying the title and number of the proceeding and the application involved, and designating a time, not less than thirty days from the mailing date of such notification, within which answer must be filed. Copies of this notification shall be forwarded by the Trademark Trial and Appeal Board to the parties in care of their attorneys or agents, if they have attorneys or agents of record. The duplicate copy of the opposition and exhibits shall be forwarded with the notification to the applicant.

§ 2.111 Time for filing petition for cancellation.

(a) Any person who believes that he is or will be damaged by a registration may, upon payment of the required fee for each class in the registration, apply to the Commissioner to cancel said registration. Such petition may be made at any time in the case of registrations on the Supplemental Register or under the Act of 1920, or registrations under the act of 1881 or the act of 1905 which have not been published under section 12(c) of the act (§ 2.153), and in cases involving the grounds specified in section 14 (c), (d), and (e) of the act. In all other cases such petition must be made within five years from the date of registration of the mark under the act of 1946 or from the date of publication under section 12 (c) of the act.

(b) A petition to cancel accompanied by insufficient fees to cover each class in the registration should specify the particular classes for which cancellation is sought.

§ 2.112 Petition for cancellation.

The petition to cancel, which must be verified, or include a declaration in accordance with § 2.20, must set forth a short and plain statement showing how the petitioner is or will be damaged by the registration, state the grounds for cancellation, and indicate the respondent party to whom notice shall be sent. A duplicate copy of the petition, including exhibits, shall be filed with the petition. Applications to cancel different registrations owned by the same party may be joined in one petition when appropriate, but the required fee for each class in each registration against which each application to cancel is filed must accompany the petition. A petition to cancel accompanied by insufficient fees to cover all classes should specify the particular classes for which cancellation is sought.

§ 2.120 Discovery procedure.

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(c) *Failure to make discovery: Sanctions.* (1) If any party fails or refuses to answer any proper question in taking discovery depositions or fails or refuses to answer any proper question propounded by interrogatories or fails or refuses to comply with a request to produce and permit the inspection and copying of designated things, the party seeking discovery may file a motion with the Trademark Trial and Appeal Board for an order compelling discovery. Such a motion must be supported by an affidavit or a declaration in accordance with § 2.20, stating that the moving party or its attorney has conferred with the opposing party or its attorney in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach agreement. If part of the issues raised by the motion have been resolved by agreement, the affidavit or declaration shall specify the issues so resolved and also specify the issues remaining unresolved.

(2) If a party or an officer, director, or managing agent of a party, or a person designated under Rule 30(b) (6) or 31(a) of the Federal Rules of Civil Procedure to testify on behalf of a party, fails to obey an order to provide or permit discovery, the Trademark Trial and Appeal Board may strike out all or any part of any pleading of that party, dismiss the action or proceeding, or deny any part thereof, enter judgment as by default against that party or take any such other action as may be deemed appropriate.

§ 2.123 Trial testimony in inter partes cases.

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(g) Form of deposition:

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(3) Each deposition must contain an index of the names of the witnesses, giving the pages where their examination and cross-examination begin, and an index of the exhibits, briefly describing their nature and giving the pages at which they are introduced and offered in evidence.

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§ 2.127 Motions.

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(b) Any request for rehearing or reconsideration, or modification of a decision on a motion which is not finally dispositive of the case, must be filed within thirty days from the date thereof. Any brief in opposition shall be filed within fifteen days after service of the request.

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§ 2.129 Oral argument, and reconsideration.

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(c) Any request for rehearing or reconsideration, or modification of a decision, including a decision on a motion which is finally dispositive of a case, must be filed within thirty days from the date thereof. Any brief in opposition shall be filed within fifteen days after service of the request. The times specified herein may be extended upon a showing of sufficient cause.

§ 2.141 Ex parte appeals from the Examiner of Trademarks.

Every applicant for the registration of a mark may, upon final refusal by the Examiner of Trademarks, appeal to the Trademark Trial and Appeal Board upon payment of the prescribed fee for each class in the application. An appeal accompanied by insufficient fees to cover each class in the application should specify the particular classes in which appeal is taken. A second refusal on the same grounds may be considered as final by the applicant for purpose of appeal.

§ 2.144 Reconsideration of decision on ex parte appeal.

Any request for rehearing or reconsideration, or modification of the decision, must be filed within thirty days from the date of the decision. Such time may be extended upon a showing of sufficient cause.

§ 2.145 Appeal to court and civil action.

(a) *Appeal to U.S. Court of Customs and Patent Appeals.* An applicant for registration, or any party to an interference, opposition, or cancellation proceeding or any party to an application to register as a concurrent user, hereinafter referred to as inter partes proceedings, who is dissatisfied with the decision of the Trademark Trial and Appeal Board and any registrant who has filed an affidavit or declaration under section 8 of the act or who has filed an application for renewal and is dissatisfied with the decision of the Commissioner (sections 2.165, 2.184), may appeal to the U.S. Court of Customs and Patent Appeals. The appellant must take the following steps in such an appeal: (1) In the Patent and Trademark Office give written notice of appeal to the Commissioner (see paragraphs (b) and (d) of this section); (2) In the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the notice of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the Court by the Patent and Trademark Office on order of and at the expense of the appellant. Such order should be filed with the notice of appeal, but in no case should it be filed later than 15 days thereafter.

(b) *Notice of appeal.* (1) When an appeal is taken to the U.S. Court of Customs and Patent Appeals, the appellant shall give notice thereof in writing to the Commissioner, which notice shall be filed in the Patent and Trademark Office within the time specified in paragraph (d) of this section. The notice shall specify the party or parties taking the appeal and shall designate the decision or part thereof appealed from.

(2) In inter partes proceedings, the notice must be served as provided in § 2.119.

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(d) *Time for appeal or civil action.* (1) The time for filing the notice of appeal to the U.S. Court of Customs and Patent Appeals (paragraph (b) of this section), or for commencing a civil action (paragraph (c) of this section), is sixty days from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, as the case may be. If a request for rehearing or reconsideration, or modification of the decision, is filed within the time, or within any extension of the time granted under § 2.129 (c) or § 2.144, the time for filing appeal or commencing civil action is extended to thirty days after action on the request. The sixty- and thirty-day periods referred to above may be extended by the Commissioner upon a showing of sufficient cause.

(2) The times specified herein are calendar days. If the last day of time specified for appeal, or commencing a civil action falls on a Saturday, Sunday, or legal holiday, the time is extended to the next day which is neither a Saturday, Sunday nor a holiday.

(3) If a party to an inter partes proceeding has taken an appeal to the U.S. Court of Customs and Patent Appeals and an adverse party has filed notice under section 21(a)(1) of the act that he elects to have all further proceedings conducted under section 21(b) of the act, the time for filing a civil action thereafter is specified in section 21(a)(1) of the act.

§ 2.162 Requirements for affidavit or declaration during sixth year.

The affidavit or declaration required by § 2.161 must:

(a) Be executed by the registrant after expiration of the five-year period following the date of registration or of publication under section 12(c) of the act;

(b) Be filed in the Patent and Trademark Office before the expiration of the sixth year following the date of registration or of publication under section 12 (c) of the act;

(c) Identify the certificate of registration by the registration number and date of registration;

(d) Be accompanied by the required fee for each class in the registration. If accompanied by insufficient fees to cover each class, the particular classes to which the affidavit or declaration pertains should be specified;

(e) State that the registered mark is in use. The statement must be supported by evidence which shows that the mark is still in use, and normally such evidence consists of a specimen, a facsimile specimen, or a statement of facts concerning use. The supporting evidence should be submitted with the affidavit or declaration, but if it is not or if the evidence submitted is found to be deficient, the evidence, or further evidence, may be submitted and may be considered even though filed after the sixth year has expired;

(f) If the registered mark is not still in use, recite facts to show that nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. If the facts recited are found not to be sufficient, further evidence or explanation may be submitted and may be considered even though filed after the sixth year has expired; and

(g) Contain the statement of use or statement as to nonuse and appropriate evidence in support thereof, as required in paragraphs (e) and (f) of this section, for each class in the registration.

§ 2.172 Surrender for cancellation.

Upon application by the registrant, the Commissioner may permit any registration to be surrendered for cancellation. Application for such action must be signed by the registrant and must be accompanied by the original certificate of registration, if not lost or destroyed. When there is more than one class in a registration, a request to delete one entire class or more than one entire class but less than the total number of classes constitutes surrender of a registration or registrations as to the specified class or classes, and not amendment of a registration. Deletion of less than all of the goods or services in a single class constitutes amendment of registration as to that class.

§ 2.183 Requirements of application for renewal.

(a) The application for renewal must include a statement which is verified or which includes a declaration in accordance with § 2.20 by the registrant setting forth the goods or services recited in each class in the registration on or in connection with which the mark is still in use in commerce, specifying the nature of such commerce. This statement must be executed not more than six months before the expiration of the registration and be accompanied by:

(1) A specimen or facsimile for each class showing current use of the mark;

(2) The required fee for each class including an additional fee for each class in the case of a delayed application for renewal. If the application for renewal is accompanied by insufficient fees to cover each class, particular classes for which renewal is sought should be specified.

(b) The declaration or verified statement, specimen or facsimile and the fee for each class in the registration must be filed within the period prescribed for applying for renewal. If defective or insufficient, they cannot be completed after the period for applying for renewal has passed; if completed after the initial six month period has expired but before the expiration of the three month delay period, the application can be considered only as a delayed application for renewal.

(c) If the mark is not in use in commerce at the time of filing of the declaration or verified statement, facts must be recited to show that nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. There must be a recitation of facts as to nonuse for each class or it must be clear that the facts recited apply to each class. If the facts recited require amplification or explanation, further evidence may be submitted and may be considered even though filed after the period for applying for renewal has passed.

§ 2.185 Requirements for assignments.

(a) Assignments under section 10 of the act of registered marks, or marks for which an application for registration has been filed, will be recorded in the Patent and Trademark Office. Other instruments which may relate to such marks may be recorded in the discretion of the Commissioner. No assignment will be recorded, except as may be ordered by the Commissioner, unless it has been executed and unless:

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(2) It is in the English language or, if not in the English language, accompanied by a translation signed by the translator.

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(4) A designation of a domestic representative is made in case the assignee is not domiciled in the United States. The designation must be separate from the assignment and there must be a separate designation for each registration or application assigned in one instrument.

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§ 2.187 Certificate of registration may issue to assignee.

The certificate of registration may be issued to the assignee of the applicant, or in a new name of applicant, provided an appropriate document is of record in the Assignment Division of the Patent and Trademark Office no later than the time notice of publication is mailed, or a statement that such document has been filed for recordation is in the application file by the time the application is being prepared for issuance of the certificate of registration. The address of the assignee must be made of record in the application file.

§ 4.2 Power of attorney accompanying application.

Applicant hereby appoints _____ (#) _____ to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.
(Address)

NOTE: (#) Individual attorneys at law should be appointed. If the name of a law

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firm is given, it will be regarded merely as a designation of address for correspondence.

Dated: January 28, 1975.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved:

DAVID B. CHANG,
Assistant Secretary for Science and Technology.

[FR Doc.75-3737 Filed 2-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Skilled Nursing and Intermediate Care Facilities

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations provide, under certain conditions, for the Secretary to alter the standards applicable to intermediate care facilities participating under title XIX of the Social Security Act. These standards are the Life Safety Code of the National Fire Protection Association, the American National Standards Institute (ANSI) Standards relating to usability of facilities by the physically handicapped, and HEW standards with respect to room size and number of residents per room.

The proposed regulations also provide, under certain circumstances, for the Secretary to waive the ANSI and room size/occupancy standards applicable to skilled nursing facilities participating under title XIX.

Existing regulations authorize State survey agencies to waive these standards. The present proposal would in effect transfer these authorities to the Secretary by specifying the circumstances under which the Secretary could alter or waive the standards. This would assure national uniformity in the consideration of the conditions under which the applicable Federal SNF or ICF standards may be waived or altered in particular instances.

There is no intention to abridge or otherwise change the authority of the States, under section 1902(a)(33) of the Act, to determine whether institutions meet the requirements established by the Secretary for participation in the Medicaid program. While the establishment of the standards and waiver or alteration of them is the Secretary's responsibility, the State has sole responsibility for determing whether a particular institution meets whatever standard is applicable.

Prior to the adoption of the proposed regulation, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before March 13, 1975. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 am to 5 pm (area code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))
(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: January 7, 1975.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

Part 249, Chapter II, Title 45, Code of Federal Regulations, is amended as set forth below:

1. Section 249.12(a)(5)(ii) and (iii) and (6)(i) and (ix) is revised to read as follows:

§ 249.12 Standards for intermediate care facilities.

(a) • • •
(5) • • •

• • • • • •

(ii) Upon request of the State survey agency, with respect to a particular facility, the Secretary may, for such periods as he deems appropriate, prescribe as the applicable standard the Life Safety Code with specified exceptions or modifications, if application of the code in its entirety would result in unreasonable hardship upon a facility, but only if such exceptions or modifications will not adversely affect the health and safety of the residents; and

(iii) The Life Safety Code shall not apply in any State if the Secretary makes a finding that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects residents in intermediate care facilities. Where an exception or modification to the Life Safety Code prescribed by the Secretary with respect to a particular facility permits the participation of an existing facility of two or more stories which is not of at least 2-hour fire resistive construction, blind, nonambulatory or physically handicapped residents are not housed above the street level floor unless the facility is of 1-hour protected non-combustible construction (as defined in National Fire Protection Association Standard #220), fully sprinklered 1-hour protected ordinary construction or fully sprinklered 1-hour protected wood frame construction.

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(6) Maintains conditions relating to environment and sanitation as set forth below:

(i) Resident living areas are designed and equipped for the comfort and privacy of the resident. Each room is equipped with or conveniently located near adequate toilet and bathing facilities appropriate in number, size, and design to meet the needs of residents. Each room is at or above grade level and each resident room contains a suitable bed, closet space which provides security and privacy for clothing and personal belongings, and other appropriate furniture;

(A) Resident bedrooms have no more than 4 beds; single resident rooms measure at least 100 square feet; and multiresident rooms provide a minimum of 80 square feet per bed. Upon request of the State survey agency, with respect to a particular facility, the Secretary may, for such periods as he deems appropriate, prescribe some other standard if application of the requirements of the preceding sentence would result in unreasonable hardship upon the facility but only if such other standard is in accordance with the particular needs of the residents and will not adversely affect their health and safety. Each room is equipped with a resident call system; or

(B) In the case of institutions for the mentally retarded or persons with related conditions, the number of residents in multi-resident bedrooms does not exceed 12 persons; single resident rooms measure 100 square feet; and multi-resident rooms provide a minimum of 80 square feet per bed. Upon request of the State survey agency, with respect to a particular facility, the Secretary may, for such periods as he deems appropriate, prescribe some other standard if application of the requirements of the preceding sentence would result in unreasonable hardship upon the institution but only if such other standard is in accordance with the particular needs of the residents and will not adversely affect their health and safety; and

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(ix) The facility is accessible to and functional for residents, personnel, and the public. All necessary accommodations are made to meet the needs of persons with semi-ambulatory disabilities, sight and hearing disabilities, disabilities of coordination, as well as other disabilities in accordance with the American National Standards Institute (ANSI) Standard No. A117.1 (1961) American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. Upon request of the State survey agency, with respect to a particular existing building, the Secretary may, for such periods as he deems appropriate, prescribe as the applicable standard ANSI Standard No. A117.1 (1961) with specified exceptions or modifications if application of the ANSI Standard in its entirety would result in unreasonable hardship upon the facility, but only if such exceptions or modifications will not adversely affect the health and safety of residents. For purposes of ANSI Standard No. A117.1 (1961), "existing buildings" are defined as those facilities or parts thereof whose construction plans are approved and stamped by the appropriate State agency responsible therefor before the date these regulations become effective.

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2. Section 249.13(f)(1)(iv) is revised to read as follows:

§ 249.13 Standards for intermediate care facility services in institutions for the mentally retarded or persons with related conditions.

• • • • • •

(f) • • •
(1) • • •

(iv) The facility is accessible to and functional for residents, personnel, and the public. All necessary accommodations are made to meet the needs of persons with semi-ambulatory disabilities, sight and hearing disabilities, disabilities of coordination, as well as other disabilities in accordance with the American National Standards Institute (ANSI) Standard No. A117.1 (1961) American Standard Specification for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. Upon request of the State survey agency, with respect to a particular existing building, the Secretary may, for such periods as he deems appropriate, prescribe as the applicable standard ANSI Standard No. A117.1 (1961) with specified exceptions or modifications if application of the ANSI Standard in its entirety would result in unreasonable hardship upon the facility, but only if such exceptions or modifications will not adversely affect the health and safety of residents.

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3. Section 249.33(a)(1)(i) is revised to read as follows:

§ 249.33 Standards for payment for skilled nursing facility and intermediate care facility services.

(a)(1) • • •

(i) The agency designated pursuant to § 250.100(c) of this chapter that the facility meets the statutory definition contained in section 1861(j) of the Social Security Act and is in full compliance with the standards prescribed by the Secretary in the regulations promulgated thereunder; except that where a waiver has been granted pursuant to section 1903(i)(4) of the Social Security Act, the conditions of 20 CFR 405.1137 need not be met; or

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[FR Doc.75-3774 Filed 2-10-75;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Skilled Nursing Facilities

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form below, is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. This amendment makes a technical change in the Medicare regulations to correspond to a proposed revision of Part 249 of the Social and Rehabilitation Service regulations (45 CFR Part 249) which appears in this issue of the FEDERAL REGISTER. The amendment to the Medicare regulations reflects that, with respect to skilled nursing facilities participating only in the Medicaid program, the Secretary of Health, Education, and Welfare (rather than the State survey agencies as at present) would grant waivers of specific provisions of the American National Standards Institute standards regarding the usability of facilities by handicapped persons and would permit variations of the standards regarding room size and the number of patients per room.

Under the proposed amendments to the Medicare and Medicaid regulations, the Secretary will have the authority to grant waivers where the facility is participating in the Medicare program, the Medicaid program, or both.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 13, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 1102, 1871, 49 Stat. 647, as amended, 79 Stat. 331; 42 U.S.C. 1302 and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance.)

Dated: December 18, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below.

Section 405.1134 is amended by revising paragraphs (c) and (e) to read as follows:

§ 405.1134 Condition of participation—Physical environment.

The skilled nursing facility is constructed, equipped, and maintained to protect the health and safety of patients, personnel, and the public.

• • • • • •

(c) *Standard: Facilities for physically handicapped.* The facility is accessible to, and functional for, patients, personnel, and the public. All necessary accommodations are made to meet the needs of persons with semiambulatory disabilities, sight and hearing disabilities, disabilities of coordination, as well as other disabilities, in accordance with the American National Standards Institute (ANSI) Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. The Secretary may waive in existing buildings, for such periods as deemed appropriate, specific provisions of ANSI Standard No. A117.1 which, if rigidly enforced, would result in unreasonable hardship upon the facility, but only if such waiver will not adversely affect the health and safety of patients.

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(e) *Standard: Patient rooms and toilet facilities.* Patient rooms are designed and equipped for adequate nursing care and the comfort and privacy of patients, and have no more than four beds, except in facilities primarily for the care of the mentally ill and/or retarded where there shall be no more than 12 beds per room. (An institution primarily engaged in the care of the mentally retarded or in the treatment of mental diseases cannot qualify as a participating skilled nursing facility under Medicare.) Single patient rooms measure at least 100 square feet, and multipatient rooms provide a minimum of 80 square feet per bed. The Secretary may permit variations in individual cases where the facility demonstrates in writing that such variations are in accordance with the particular needs of the patients and will not adversely affect their health and safety. Each room is equipped with, or is conveniently located near, adequate toilet and bathing facilities. Each room has direct access to a corridor and outside exposure, with the floor at or above grade level.

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[FR Doc.75-3778 Filed 2-10-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-NE-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would designate a transition area at Hopedale, Massachusetts.

The transition area would be designated to provide controlled airspace protection for aircraft executing a new VOR approach procedure utilizing the Putnam, Connecticut, VORTAC, which is being developed to serve the Hopedale Draper Airport, Hopedale, Massachusetts.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications

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received on or before March 13, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for a transition area at Hopedale Draper Airport, Hopedale, Massachusetts, proposes the air space action hereinafter set forth:

1. Amend § 71.181 (38 FR 569) of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

HOPEDALE, MASSACHUSETTS

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Center, 42°06'25" N, 71°30'40" W, of the Hopedale Draper Airport, Hopedale, Massachusetts, within 5 miles southeast and 6.5 miles northwest of the 060° radial from the Putnam VORTAC, 41°57'19" N, 71°50'41" W, extending from the 6-mile radius area to the Putnam VORTAC, excluding that portion that coincides with the Danielson, Connecticut, and the Southbridge, Massachusetts, Transition Area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on January 29, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-3724 Filed 2-10-75;8:45 am]

[14 CFR Part 135]

[Docket No. 12768; Notice No. 75-4]

AIR TAXI OPERATIONS

Equipment Requirements for Certain Airplanes

The Federal Aviation Administration is considering amending § 135.2(e) of the Federal Aviation Regulations to rescind certain Part 121 equipment requirements for Part 135 certificate holders operating turbojet-powered airplanes having maximum certificated takeoff weights over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before April 14, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 135.2(e) provides that operators of turbojet-powered airplanes with maximum certificated takeoff weights of over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons, used only in planeload charter flights, need not comply until May 15, 1975, with § 121.313(f)—a lockable door between the pilot and passenger compartments; § 121.343(a)—flight recorder; § 121.359—cockpit voice recorder; § 121.587—closing and locking of door between the pilot and passenger compartments; and § 121.581(a)—forward observer's seat, provided that if the forward observer's seat is not installed, a forward passenger seat with appropriate communications equipment nearby is provided for use by the Administrator while conducting en route inspections.

The compliance date specified in § 135.2(e) was extended from November 15, 1974, to May 15, 1975, by Amendment No. 135-39 issued November 14, 1974, and published in the FEDERAL REGISTER November 21, 1974 (39 FR 40849). In adopting Amendment No. 135-39, the FAA explained that it had under study petitions filed by the National Air Transportation Conferences, Inc., and Executive Air Fleet Corporation which request that § 135.2 be amended by deleting all of the provisions of § 135.2(e) that require compliance with the requirements of Part 121 specified. The extension of the compliance date of May 15, 1975, was considered necessary to provide the FAA sufficient time to complete its study of the petitions and take final agency action on them. In addition, it was recognized that many operators would require additional time to achieve compliance in the event that final agency action resulted in a denial of the petitions for rulemaking.

Upon completion of that study and careful consideration of the petitions involved, the Administrator determined that they did not present adequate reasons to justify instituting the rulemaking procedures requested with respect to the requirement for a flight recorder and a cockpit voice recorder. Accordingly, that part of their petitions was denied (Docket No. 12768). Consequently, by May 15, 1975, operators of airplanes to which § 135.2(e) applies will have to equip those airplanes with a flight recorder and a cockpit voice recorder in accordance with the provisions of § 121.343(a) and § 121.359.

However, the Administrator determined that there are adequate reasons to justify instituting rule-making procedures, in response to the petitions, with respect to those provisions of § 135.2(e) which will require compliance with § 121.313(f)—a lockable door between the pilot and passenger compartments; § 121.587—closing and locking of door between the pilot and passenger compartments; and § 121.581(a)—forward observer's seat.

The FAA recognizes that many turbojet-powered airplanes having maximum certificated takeoff weights over 12,500 pounds but under 27,000 pounds and passenger-carrying capacities of not more than 12 persons, have physical size and design arrangements which may preclude the installation of a lockable door and, in many cases, a forward observer's seat on the flight deck, without excessive redesign of the interior configuration and structure of the airplane. These airplanes have the same passenger capacity as some reciprocating engine airplanes type certificated under the airworthiness standards for small airplanes prescribed in Part 23. However, due primarily to a necessary increase in fuel load, their maximum certificated takeoff weight exceeds 12,500 pounds and they are certificated under the transport category rules of Part 25. Only a limited number of these airplanes are involved in air taxi operations and their service operating experience indicates that there have been no instances of interference with flight crewmembers by passengers. This may be due to the relatively small passenger capacity of these airplanes.

Accordingly, upon further study of this matter, it appears to the FAA that any safety benefits that may be derived from compliance with § 121.313(f) and § 121.587 would not be commensurate with the burden that compliance would impose on the operators of those airplanes. Therefore, this proposal would delete the requirement for compliance with § 121.313(f) and § 121.587 by operators of turbojet-powered airplanes having a maximum certificated takeoff weight over 12,500 pounds but under 27,000 pounds and a passenger-carrying capacity of not more than 12 persons.

Although a forward observer's seat is considered desirable in order that the Administrator may properly conduct en route inspections, since its installation to comply with § 121.581(a) may not be possible in many of the subject aircraft without a major structural change, in those airplanes in which a forward observer's seat is not installed the FAA proposes to continue to permit a properly equipped forward passenger seat to be used in lieu of a forward observer's seat.

For editorial reasons this proposal adds to § 135.2(a) the words "except as provided in paragraph (e) of this section."

These amendments are proposed under sections 313(a), 601, and 604 of the

Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 135.2 of the Federal Aviation Regulations by amending the introductory clause in paragraph (a) and by amending paragraph (e) to read as follows:

§ 135.2 Air taxi operations with large aircraft.

(a) Except as provided in paragraph (e) of this section, no person may conduct air taxi operations in large aircraft under an individual exemption and authorization issued by the Civil Aeronautics Board or under the exemption authority of Part 298 of this title, unless that person—

* * * * *

(e) After May 15, 1975, air taxi operations may be conducted with a turbojet-powered airplane having a maximum certificated takeoff weight of over 12,500 pounds but under 27,000 pounds and a passenger-carrying capacity of not more than 12 persons that does not comply with—

(1) *§ 121.313(f).* A lockable door between the pilot and passenger compartments; § 121.587—closing and locking the door between the pilot and passenger compartments; and

(2) *§ 121.581(a).* Forward observer's seat on the flight deck, provided that if the forward observer's seat is not installed, a forward passenger seat with appropriate communications equipment nearby is provided for use by the Administrator while conducting en route inspections. The location and equipment of the seat, with respect to its suitability for use in conducting en route inspections, is determined by the Administrator.

Issued in Washington, D.C., on February 3, 1975.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.75-3725 Filed 2-10-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 205, 211]

CHANGED CIRCUMSTANCE ADJUSTMENTS AS GRANTED TO CERTAIN FEA REGION VIII WHOLESALE PURCHASERS

Proposal to Issue Decision and Order

Exception. Name of Petitioner: Continental Oil Company; Date of Filing: January 27, 1975; Case Number: FEE-08-060.

The Federal Energy Administration hereby gives notice of a proposal to issue the decision and order of its Office of Exceptions and Appeals set forth below. The proposed decision and order would grant exception relief to certain wholesale purchasers which are located in the states of Montana, Wyoming, North Dakota, South Dakota, Colorado and Utah, which applied for adjustments to base period use based upon changed circumstances prior to October 15, 1974, and which received an adjustment of base period use for periods of less than a calendar year. The exception relief set forth in the decision and order is proposed in response to an application for exception filed by the Continental Oil Company on behalf of 265 of its wholesale purchasers, as well as any other wholesale purchasers similarly situated. The basis for the exception relief is set forth in the proposed decision and order.

FEA will receive written comments with respect to this proposal from persons who would be aggrieved by the issuance of the decision and order, and from any other interested persons. Any such comments should be addressed to Regional Administrator, Federal Energy Administration, P.O. Box 26247, Denver, Colorado 80226, and should be received by Friday, February 21, 1975. Comments submitted by persons who would be aggrieved by the issuance of the proposed decision and order should set forth in detail a full and complete statement of all relevant facts pertaining to the circumstances that are the subject of such comment, including:

(a) The names and addresses of all affected persons (if reasonably ascertainable);

(b) A description of the acts or transactions that would be affected by the proposed action;

(c) A complete statement of the business or other reasons that would justify withholding the adjustment provided by the decision and order set forth below;

(d) A full discussion of the pertinent provisions and relevant facts contained in any documents submitted with the application;

(e) Copies of all relevant contracts, agreements, leases, instruments, and other documents.

Each person submitting such comments shall also serve a copy of such comments upon any reasonably ascertainable person who would be adversely affected if the position advanced in such comments were adopted by the FEA. A certificate of service shall be filed with the FEA at the time the comments are submitted in accordance with the provisions of 10 CFR 205.53(a).

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

FEBRUARY 5, 1975.

DECISION AND ORDER
OF THE FEDERAL ENERGY ADMINISTRATION

Exception

Name of Petitioner: Continental Oil Company.

Date of Filing: January 27, 1975.

Case Number: FEE-08-060.

The Office of Exceptions and Appeals has received an application for exception filed by the Continental Oil Company (Continental) on behalf of its 265 wholesale purchasers, and all other similarly situated wholesale purchasers located in the States of Montana, Wyoming, North Dakota, South Dakota, Colorado and Utah, which submitted to FEA Region VIII applications for adjustments to base period use pursuant to former § 211.13(c) of the Mandatory Petroleum Allocation Regulations and which received adjustments which were made applicable to only part of the wholesale purchaser's calendar year. Continental contends that the practice followed by Region VIII of granting adjustments for less than a calendar year is an erroneous application of § 211.13(c), and differed substantially from the practice adhered to by other FEA Regional Offices, and that based on this difference in practice, a gross inequity exists with respect to the entire class of wholesale purchasers in FEA Region VIII and that appropriate exception relief should be granted from the operation of § 211.13(c) as applied by Region VIII.

Generally, the Mandatory Petroleum Allocation Regulations provide that a wholesale purchaser of an allocated product may purchase volumes of the product from its supplier(s) based upon the volumes of the product purchased from the supplier(s) during a prior base period. The base periods specified for most refined petroleum products are certain time periods of 1972. For example, the base period for motor gasoline, diesel fuel and home heating oil is the month of 1972 which corresponds to the current month. FEA's regulations recognized, however, that in some cases changes affecting a firm's use of an allocated product had occurred since a particular base period making it inappropriate to use the volume of fuel purchased during the base period to determine the firm's current allocation. A regulatory procedure was therefore established under which a wholesale purchaser could apply for an "adjustment" to its base period volume. In this connection § 211.13(c), which was applicable during most of 1974, stated in part that:

(1) *Wholesale purchasers.* Wholesale purchasers may apply to the FEA pursuant to Subpart B of Part 205 of this chapter for changed circumstances since January 1, 1973, which have not been reflected in an adjustment under paragranh (b) of this section.

On October 15, 1974, § 211.13(c) was deleted and § 211.13(e) was added to provide that future applications based upon "changed circumstances" would be received only as applications for exceptions and would be approved in accordance with the exceptions standards of serious hardship or gross inequity.

During the period of time in which adjustments to base period volumes were made under the authority of § 211.13(c), the typical practice of FEA Regional Offices, other than the Region VIII Office, was to adjust the base period volume of each wholesale purchaser for all base periods within an entire calendar year. Thus, if an application submitted by a wholesale purchaser-reseller of motor gasoline for adjustment of its base period volume were approved, each of the twelve monthly base period volumes would be adjusted based upon the finding made by the FEA Regional Office.

The practice of officials in FEA Region VIII was considerably different. The same type of application described above would, if approved in FEA Region VIII, result in adjustments for only the base periods remaining in the calendar year. Thus, if an application for an adjustment to base period volumes were approved in the Region VIII Office in June, the adjustments would be made only for the calendar months of June through December. The purchaser's base period volume for the months of January through May would not have been adjusted.

As a result of this situation, wholesale purchasers in FEA Region VIII have been placed in a position which is substantially

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different from that of wholesale purchasers in all other regions of the country. In the event that their supplies of allocated products are inadequate for periods corresponding to base periods of the calendar year which were not adjusted by the Regional Office, purchasers in Region VIII would be required to seek supplies of surplus product, which may be difficult to locate, in order to replace the volumes which would otherwise have been the adjusted amounts. Wholesale purchasers in other regions would not encounter this situation since each of their base period volumes within a calendar year was adjusted. Thus, their increased base period volumes would have the effect of drawing a larger portion of allocable supplies into their region than would be the case if Region VIII had made § 211.13(c) adjustments for an entire year. The burden which wholesale purchasers in Region VIII are likely to encounter in locating sufficient supplies of surplus product could be very substantial. On the other hand, base period suppliers of the Region VIII purchasers involved are significantly benefited, because they are not required to use the purchaser's higher adjusted base period volumes in calculating their supply obligations for those periods corresponding to a base period which Region VIII failed to adjust.

In a number of previous decisions the FEA has recognized that when the burden involved in meeting the nation's energy problems fall in a substantial and disproportionate manner on a particular firm, the resultant inequitable distribution of burdens can in appropriate circumstances constitute a gross inequity which warrants exception relief. See Butler Aviation International, Inc., Federal Energy Guidelines, Par. 20,685 (October 25, 1974) and Gulf Energy and Development Corp., Federal Energy Guidelines, Par. 20,689 (October 25, 1974).

The same principle would also apply to a well-defined class. Based on the facts set forth above, the Federal Energy Administration has concluded that wholesale purchasers which are located in Region VIII and which received an adjustment to base period use based upon changed circumstances for only a portion of a calendar year are subject to substantial and disproportionate burdens which constitute a gross inequity and justify exception relief.

The exception relief granted should be designed to correct the gross inequity by placing suppliers and wholesale purchasers in Region VIII in the same basic posture as suppliers and wholesale purchasers in all other regions in the United States. The further determination has been made that this result can be best achieved by adjusting the base period use for each unadjusted base period by application to the unadjusted base period volume of a fraction calculated by dividing the wholesale purchaser's base period use, as adjusted, for all base periods for which adjustments were granted pursuant to § 211.13(c) by the wholesale purchaser's base period volume, prior to any adjustment, for all base periods for which such adjustments were granted. IT IS *Therefore ordered* That:

(1) Subject to the provisions of paragraphs (2) and (3) below, the class to which the exception relief set forth below applies are those wholesale purchasers which:

(a) are located in the States of Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming;

(b) filed an application with FEA Regional Office VIII on or before October 15, 1974, requesting an adjustment to its base period volume pursuant to the provisions of 10 CFR 211.13(c); and

(c) received an order issued by FEA Regional Office VIII dated on or before October 15, 1974, which approved an adjustment to the wholesale purchaser's base period volume pursuant to the provisions of 10 CFR 211.13(c) for a perod of less than 12 consecutive months.

(2) The exception relief set forth below shall not apply in any situation in which a request for adjustment submitted by a wholesale purchaser was expressly denied and no adjustment was made.

(3) The exception relief set forth below shall not apply in any situation in which a request for adjustment submitted by a wholesale purchaser was specifically granted only on an interim basis.

(4) The adjusted base period volume of each member of the class set forth above is hereby adjusted by the application of the fraction set forth below to the base period volume of each allocated product supplied to each member of the class. The following fraction shall be applied to each base period within the calendar year which has not otherwise been adjusted by the FEA Region Office VIII:

The wholesale purchaser's base period use, as adjusted, for all base periods for which adjustments were granted pursuant to § 211.13(c), divided by the wholesale purchaser's base period volume, prior to any adjustment, for all base periods for which adjustments were granted pursuant to § 211.13(c).

In accordance with the provisions of 10 CFR, Part 205, an aggrieved party may file an appeal from this Decision and Order with the Federal Energy Administration. The provisions of 10 CFR, Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal.

MELVIN GOLDSTEIN,
Director,
Office of Exceptions and Appeals.

[FR Doc.75-3727 Filed 2-6-75;10:28 am]

[10 CFR Part 211]

ALLOCATION FRACTIONS GREATER THAN ONE, RESIDENTIAL USE OF PROPANE, SURPLUS PROPANE AND BUTANE PURCHASE REPORTS, AND SHIFTING OF ENTITLEMENTS AMONG MOTOR GASOLINE RETAIL SALES OUTLETS

Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, with respect to regulations concerning allocations fractions greater than one, residential use of propane, surplus propane and butane purchase reports, and shifting of entitlements among motor gasoline retail sales outlets. The FEA will receive written comments and hold a public hearing with respect to this proposal.

Allocation fractions greater than one. The FEA proposes to amend § 211.10(g), which governs the disposition of surplus product when allocation fractions are greater than one, to correct a number of deficiencies in the operation of that paragraph which have been brought to the attention of FEA.

Proposed § 211.10(g) (2) would require suppliers not subject to the reporting requirements of § 211.10(g) (3) to distribute surplus product in accordance with § 211.10(g) (5) in order to assure that suppliers subject to the reporting requirements cannot circumvent the operation of this paragraph by sales to non-reporting suppliers. This change will also insure that non-reporting suppliers do not prefer their owned and operated wholesale purchaser-resellers in distributing their surplus product. Proposed § 211.10(g) (3) specifies that in addition to the suppliers now required under § 211.10(g) (3) to submit surplus product reports to FEA, a supplier which is a gas processing plant operator must also report its surplus butane. The purpose of this proposal is to require that butane, for which there is no state set-aside, must be allocated on the basis of an allocation fraction no greater than one, and that surplus butane will be subject to the reporting and distribution provisions of § 211.10(g).

Section 211.10(g) (5) is proposed to be amended to require a supplier first to offer a proportionate share of its surplus product to branded independent marketers and non-branded independent marketers within the supplier's distribution system. The supplier would not be permitted to supply surplus product to retail sales outlets which it owns and operates in a greater proportion that the total base period volumes of its owned and operated outlets bear to the total base period volumes of all purchasers entitled to receive an allocation from the supplier, unless the supplier first offers and meets all requests for surplus product from any and all independent marketers which are base period or assigned base period purchasers of the suppliers up to the proportionate amount of product required to be distributed to independent marketers.

The supplier, however, would not be required to offer surplus product to any purchaser which had refused to lift all its allocation entitlement for that period corresponding to a base period. Section 211.10(g) (5) (i) (A) and (B) would also not permit a supplier to favor its branded independent marketers over its non-branded independent marketers in distributing surplus product. The supplier, therefore, could not increase the share distributed among its owned and operated outlets without first offering the required amounts to branded and non-branded independent marketers entitled to receive an allocation from the supplier.

In this connection, it should be noted that sales of surplus product to wholesale purchaser-consumers and endusers are not considered sales to independent marketers. Thus, the amounts of surplus product available for direct sale to consumers cannot exceed the amount of surplus which remains after the proportions to be offered independent marketers and the supplier's owned and operated retail outlets are determined under § 211.10(g) (5) unless the supplier chooses to sell to consumers the portion of its surplus available for sale through its own retail outlets or the supplier has offered its surplus product to independent marketers as required by § 211.10(g) (5) (i) and has met their requests to purchase surplus product.

Allocation level for residential use of propane. FEA has recently promulgated regulations concerning the allocation level for space heating requirements of middle distillate fuels and residual fuel oil (§ 211.123(c) (2) and § 211.163(c) (2), respectively). These allocation levels are one hundred ten percent of base period use, as reduced by application of an allocation fraction, except that if a supplier's allocation fraction is less than 0.8, the allocation fraction becomes eighty-eight percent of base period use, not subject to an allocation fraction (the equivalent of 0.8 times one hundred ten percent of base period use).

FEA proposes to amend § 211.83(c) to retain the present allocation level (ninety-five percent of base period use) for residential use of propane, most of which is used for space heating, and to provide a minimum allocation fraction which a supplier may use to supply its residential use customers. Proposed § 211.83(c) would provide that if a supplier's allocation fraction is less than 0.9, the allocation level becomes eighty-five percent of base period use, not subject to an allocation fraction (the equivalent of 0.9 times ninety-five percent of base period use). The purpose of this proposal is to provide adequate propane supplies, principally for space heating, for residential users, and to assure that a minimum supply level is maintained for such users.

Surplus propane and butane purchase reports. FEA has become aware that although large quantities of propane and butane are apparently being sold as surplus product, there are a number of wholesale purchasers receiving propane at relatively low allocation fractions which have reported that they are unable to locate surplus propane and butane supplies. FEA believes it may be possible that suppliers which are required to report surplus propane pursuant to § 211.10(g) (3) are either inadvertently or consciously disregarding this reporting requirement thereby making it impossible for FEA to redirect available supplies of surplus propane and butane under § 211.10(g) (4).

To assist in monitoring and redirecting supplies of surplus propane and butane, FEA is proposing amendments to § 211.97 and § 211.97 to require wholesale purchaser-resellers and wholesale purchaser-consumers (but not end-users as defined in § 211.51) which plan to purchase surplus propane or butane to report such anticipated purchasers and to certify that the supplier has provided the purchaser with a written certification that the supplier has complied with the provisions of § 211.10(g). A supplier of surplus product presently must certify to a purchaser under § 211.10(g) (7) that the supplier has surplus product to distribute and that it has complied with the provisions of 211.10(g). The report from wholesale purchasers would be required whether the potential supplier is classified as a reporting or a non-reporting supplier pursuant to § 211.10(g) (2) and (3).

The report of the proposed sale of surplus propane or butane would have to be submitted by any firm which would take title to the product. Wholesale purchasers would also be required to report proposed purchases of propane or butane from a supplier having an allocation fraction less than one as provided in § 211.10(f) (2), which has available product because the supplier's wholesale purchasers and endusers have not purchased, or have advised the supplier that they do not intend to purchase, their entitlements by the end of the period corresponding to a base period.

The report which would be required from wholesale purchasers under the proposed amendments would aid FEA in determining if surplus propane and butane is being correctly reported by suppliers offering the surplus product. With additional information concerning availability and location of surpluses and concerning whether surpluses were being correctly reported to FEA, FEA would be able to effect a more equitable distribution of these surpluses to high priority purchasers.

Shifting of entitlements among motor gasoline retail sales outlets. On October 8, 1974, the Federal Energy Administration issued a rulemaking on "Adjustments to Base Period Use, Shifting of Entitlements Among Gasoline Outlets, and Distribution of Surplus Product" (39 FR 36854, October 15, 1974). The amendment to 10 CFR § 211.106(b) (3) (ii) which concerned shifting of entitlements among gasoline outlets inadvertently retained the opening phrase of the proposed rulemaking which states in effect that a supplier may reassign among outlets up to thirty (30) percent of the allocation entitlements of each retail outlet it operates. Although in many instances the entity which owns and operates several outlets is also the supplier as defined in § 211.106, FEA intended, and herewith proposes, that any entity which owns and operates several outlets could reassign entitlements among those outlets supplied by a common supplier. The proposed amendment would make it clear that an entity which is not a supplier could also shift entitlements among the outlets which it owns and operates.

Procedures for written comments and public hearing. Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Federal Energy Administration, Box CB, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Allocation fractions, propane and butane and shifting of entitlements." Fifteen copies should be submitted. All comments received by Friday February 21, 1975 and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing in this proceeding will be held at 9:30 a.m., on Friday February 21, 1975 at Room 2105, 2000 M Street NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments or who is a representative of a group or class of persons that has an interest in the proposed amendments, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., Monday, February 17, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through February 18, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., February 18, 1975 and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.s.t., on February 20, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t. February 20, 1975. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is

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submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 5, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Section 211.10 is amended in paragraph (g) by revising subparagraphs (2), (3), (5), and (8) to read as follows:

§ 211.10 Supplier's method of allocation.

• • • • • •

(g) *Allocation fractions greater than one.* • • •

(2) *Non-reporting suppliers.* Any wholesale purchaser-reseller which is a retail sales outlet or any other supplier not subject to subparagraph (3) of this paragraph and which has an allocable supply of sufficient magnitude that its allocation fraction will exceed one (1.0) for a period corresponding to a base period, shall make allocations based on an allocation fraction of one (1.0) and shall distribute its surplus product as provided by subparagraph (5) of this paragraph. There is no requirement that such a wholesale purchaser-reseller report its surplus product to FEA.

(3) *Surplus product reports.* A supplier which is either a refiner, a gas processing plant operator, a prime supplier in any state, or a supplier of a prime supplier (such as a broker) and which is not a retail sales outlet and which has an allocable supply of sufficient magnitude that its allocation fraction computed pursuant to paragraph (b) of this section will exceed one (1.0) for an allocated product for a period corresponding to a base period, shall make allocations based on an allocation fraction of one (1.0) and shall report the volume, location, price, availability of transportation and significant specifications of surplus product available. The surplus product report shall be submitted in writing to the FEA National Office, with a copy to the appropriate FEA Regional Offices, within five (5) days of the supplier's determination that its allocation fraction will exceed one (1.0). The report must be clearly labeled "Surplus Product Report" both on the document and on the outside of the envelope in which the document is transmitted and shall be addressed to: Federal Energy Administration, Surplus Product Report, Post Office Box 19407, Washington, D.C. 20036. The FEA shall provide written notification to each supplier submitting a surplus product report of the exact time of receipt of the surplus product report.

• • • • • •

(5) *Distribution of surplus product.* Any supplier subject to subparagraph (2) and any supplier which reports pursuant to subparagraph (3) of this paragraph and which is not notified to the contrary within ten (10) days of receipt by FEA of the supplier's notification under subparagraph (3) of this paragraph, may distribute its surplus product at its discretion except that (i) the supplier shall supply, in the aggregate, to any and all purchasers in the category of (A) wholesale purchaser-resellers which are entitled to receive an allocation from that supplier and which are branded independent marketers, to the extent that such category of purchaser is willing to accept it, at least the same proportion of the supplier's surplus product as the total base period volumes (prior to any adjustments) of branded independent marketers which are entitled to receive an allocation from that supplier bear to the total base period volumes (prior to any adjustments) of all purchasers, including those assigned by FEA, which are entitled to receive an allocation from that supplier; and (B) wholesale purchaser-resellers which are entitled to receive an allocation from that supplier and which are non-branded independent marketers, to the extent that such category of purchasers is willing to accept it, at least the same proportion of the supplier's surplus product as the total base period volumes (prior to any adjustments) of non-branded independent marketers which are entitled to receive an allocation from that supplier bear to the total base period volumes (prior to any adjustments) of all purchasers including those assigned by FEA, which are entitled to receive an allocation from that supplier; and (ii) the supplier may not supply to retail sales outlets owned and operated by the supplier, in the aggregate, a greater proportion of the supplier's surplus product than the total base period volumes (prior to any adjustments) of all such retail sales outlets bear to the total base period volumes (prior to any adjustments) of all purchasers, including those assigned by FEA, which are entitled to receive an allocation from that supplier unless the supplier first offers and meets all requests for surplus product from any and all independent marketers which are entitled to receive an allocation from that supplier to the extent required in clause (i) of this subparagraph. *Provided, That* a supplier shall not be required to offer surplus product to any purchaser which has refused to lift all of its allocation entitlement for that period corresponding to a base period.

• • • • • •

(8) *Limitation on purchaser's rights including special restrictions on propane and butane.* (i) Unless directed by FEA no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of an allocated product which exceed one hundred (100) percent of the end-user's or wholesale purchaser-consumer's current requirements, *Provided,* That (A) no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept or use quantities of propane or butane (including the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use for any industrial use except for the purpose of increasing inventories for such uses to the levels allowed under § 211.86(g) or § 211.96(e), *And provided, further, That* (B) no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept or use quantities of propane or butane (including the propane and butane content of natural gas liquids and refinery gas) in excess of one hundred (100) percent of base period use of refinery fuel use.

(ii) Suppliers and wholesale purchasers shall comply with § 211.87 and § 211.97 in the purchase and sale of surplus propane and butane.

2. Section 211.83 is amended in paragraph (c) by revising subparagraph (3) to read as follows:

§ 211.83 Allocation levels.

• • • • • •

(c) *Allocation levels subject to an allocation fraction.* • • •

(3) Ninety-five (95) percent of base period use for all residential use, except that whenever the allocation fraction of a supplier which supplies end-users and wholesale purchaser-consumers pursuant to this allocation level is less than 0.9, that supplier shall supply the residential use requirements of those end-users and wholesale purchaser-consumers at an allocation level of eighty-five (85) percent of base period use, not subject to an allocation fraction.

• • • • • •

3. Section 211.87 is amended by adding a paragraph (f) to read as follows:

§ 211.87 Procedures and reporting requirements.

• • • • • •

(f) *Surplus propane purchase report.* (1) Notwithstanding the provisions of § 211.12 of this part, any wholesale purchaser may purchase propane subject to subparagraphs (2) and (3) of this paragraph from any supplier which certifies to the wholesale purchaser in writing that the supplier has surplus propane to distribute and that the supplier has complied with the provisions of § 211.10(g) of this part.

(2) A wholesale purchaser which plans to purchase surplus propane shall report the proposed purchase to the FEA National Office in accordance with forms and instructions issued by FEA including the name and address of the purchaser, the supplier and the broker, if any, the quantity of surplus propane to be purchased and the price of the surplus propane, and a statement certifying that the supplier has provided the wholesale purchaser with a written certification that the supplier has complied with the provisions of § 211.10(g). The report must be clearly labelled "Surplus Propane Purchase Report" both on the document and on the envelope in which the document is transmitted and shall be addressed to: Federal Energy Administration, Surplus Propane Purchase Report, Post Office Box ____, Washington, D.C. 20036.

(3) End-users planning to purchase surplus propane are not required to report pursuant to this paragraph but shall be subject to § 211.10(g) of this part.

4. Section 211.97 is amended by adding a paragraph (e) to read as follows:

§ 211.97 Procedures and reporting requirements.

• • • • • •

(e) *Surplus butane purchase report.* (1) Notwithstanding the provisions of § 211.12 of this part, any wholesale purchaser may purchase butane pursuant to subparagraphs (2) and (3) of this paragraph from any supplier which certifies to the wholesale purchaser in writing that the supplier has surplus butane to distribute and that the supplier has complied with the provisions of § 211.10(g) of this part.

(2) A wholesale purchaser which plans to purchase surplus butane shall report the proposed purchase to the FEA National Office in accordance with forms and instructions issued by FEA including the name and address of the purchaser, the supplier and the broker, if any, the quantity of surplus butane to be purchased and the price of the surplus butane, and a statement certifying that the supplier has provided the wholesale purchaser with a written certification that the supplier has complied with the provisions of § 211.10(g). The report must be clearly labelled "Surplus Butane Purchase Report" both on the document and on the envelope in which the document is transmitted and shall be addressed to: Federal Energy Administration, Surplus Butane Purchase Report, Post Office Box CB, Washington, D.C. 20036.

(3) End-users planning to purchase surplus butane are not required to report pursuant to this paragraph, but shall be subject to § 211.10(g) of this part.

5. Section 211.106 is amended in paragraph (b) by revising clause (ii) of subparagraph (3) to read as follows:

§ 211.106 Retail sales outlets.

• • • • • •

(b) *Retail sales outlets as a firm.* • • •

(3) • • •

(ii) Each entity which operates two or more retail sales outlets which are supplied by a common supplier may reassign up to thirty (30) percent of the allocation entitlement (excluding any amounts which those retail sales outlets have certified pursuant to § 211.12(d) to be for ultimate use under an allocation level not subject to an allocation fraction) of a retail sales outlet which it operates to another retail sales outlet which it operates provided that no retail sales outlet may have its allocation entitlement (excluding any amounts which those retail sales outlets have certified pursuant to § 211.12(d) to be for ultimate use under an allocation level not subject to an allocation fraction) increased by more than thirty (30) percent pursuant to any reassignment permitted by this paragraph (b)(3)(ii).

• • • • • •

[FR Doc.75-3784 Filed 2-6-75;1:03 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Amendment of Analysis and Statement of Issues by Section

On November 11, 1974, a document was published in the FEDERAL REGISTER (39 FR 39842) initiating a proceeding for the promulgation of a Trade Regulation Rule concerning food advertising. The proposal would amend Subchapter D, Trade Regulation Rules of 16 CFR Chapter 1 by adding a new Part 437. The proposed Rule consisted of a preamble and two parts—Subpart A setting forth the definitions of terms embodied in the proposed Rule and establishing the specific form, content and method for making disclosures required by the proposed Rule; and Subpart B establishing specific requirements which must be met before certain affirmative nutrition claims can be made in food advertising. Also published at that time was an *Explanation and Basis of Proceeding,* and an *Analysis and Statement of Issues by Section.*

The proceeding was designed for two purposes, i.e., (1) to elicit comment on the proposed Rule and on certain issues relating to voluntary claims in food advertising as to which the Commission has not as yet proposed particular rule provisions; and (2) to elicit comment on the issues raised by the staff statement of fact, law and policy, including, in particular, the form which the disclosures called for therein should take. The *Analysis and Statement of Issues by Section* was designed to facilitate comment on the proposed Rule and on the staff statement respecting affirmative disclosure and to designate the issues which the Commission is particularly interested in having addressed during the time period provided for written comments.

Notice is hereby given that the Federal Trade Commission has amended § 437.1(a) of the *Analysis and Statement of Issues by Section* (39 FR 39846) to conform to the corresponding section of the proposed Rule, to read as follows:

ANALYSIS AND STATEMENT OF ISSUES BY SECTION

• • • • • •

Subpart A—General

§ 437.1 Definitions.

(a) *"Advertisement" or "Advertising".* Under this definition, the proposed rule covers all food advertising except advertisements promulgated by retail supermarkets, food stores and wholesale food establishments, *and* point-of-purchase advertising for all foods, *if:*

1. The contents of the advertisements relate only to price; and

2. The advertisements contain no nutrition claims.

• • • • • •

Issued: February 11, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3786 Filed 2-10-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–6/13]

STUDY GROUP 2 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 2 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 6, 1975, at 1 p.m. in Room 521J, Federal Office Building 10B, 600 Independence Avenue SW., Washington, D.C.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic), and to interference problems concerning the radioastronomy and radar astronomy services. The agenda for the meeting will include:

a. Review of work programs looking to the international meeting of Study Group 2 in 1976;

b. Assignment of responsibilities;

c. Establishment of deadlines for submission of documents to the National Committee; and

d. Ceremonial transfer of the Chairmanship of U.S. Study Group 2 from Dr. John P. Hagen to Mr. Elbert L. Eaton.

Members of the general public who desire to attend the meeting on March 6 will be admitted up to the limits of the capacity of the meeting room.

Dated: February 4, 1975.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.75–3769 Filed 2–10–75;8:45 am]

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meetings

Pursuant to Executive Order 11686 and the provisions of section 10(a), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the meetings of the Advisory Committee on Voluntary Foreign Aid which will be held on March 6, 1975, from 2 p.m. to 5:30 p.m., and March 7, from 9 a.m. to 12:30 p.m. and 2 p.m. to 5 p.m., in Room 5951, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose of the meetings will be to consider A.I.D.'s response to the Advisory Committee's Report, "A Look to the Future," the ocean freight subvention policy, the food crisis, the experience to date with the Operational and Development Program Grants, plans for the bicentennial, and to formulate the 1975 agenda of the Advisory Committee on Voluntary Foreign Aid, and such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The sessions will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meetings permits. Written statements may be filed before or after the meetings.

Dr. Jarold A. Kieffer will be the A.I.D. representative at the meetings. Information concerning the meetings may be obtained from Mr. Robert S. McClusky, Telephone: AC 202–632–1892. Persons desiring to attend the meetings should enter the New State Building through the 21st Street entrance.

Dated: February 3, 1975.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.75–3770 Filed 2–10–75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75–38]

FISH

Tariff Rate Quota

FEBRUARY 5, 1975.

The tariff-rate quota for the calendar year 1975, on certain fish dutiable under item 110.50, Tariff Schedules of the United States.

In accordance with item 110.50 of part 3, schedule 1, Tariff Schedules of the United States, it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, or cod, cusk, haddock, hake, pollock, and rosefish, in the three years preceding 1975, calculated in the manner provided for in headnote 1, part 3A, schedule 1, was 237,968,606 pounds. The quantity of fish that may be imported for consumption during the calendar year 1975 at the reduced rate of duty under item 110.50 is, therefore, 35,695,291 pounds.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75–3807 Filed 2–10–75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY MISSILE COMMAND SCIENTIFIC ADVISORY GROUP

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of committee. U.S. Army Missile Command Scientific Advisory Group.

Date of meeting. 4–5 March 1975.

Place. U.S. Missile Command, Redstone Arsenal, Alabama.

Time: 0830 hours.

Proposed agenda. a. High Acceleration Guided Projectile Technology.

b. Advanced Seeker Concepts.

c. Sensor and Control Systems Technology.

d. Component Hardening Program.

This meeting is closed to the public since the matters to be discussed fall under section 552(b)(1) of Title 5, United States Code, which states that matters required by Executive Order to be kept SECRET in the interest of national defense shall be withheld from disclosure.

For the commander.

LLOYD L. LIVELY,
Executive Secretary, U.S. Army Missile Command Scientific Advisory Group.

[FR Doc.75–3738 Filed 2–10–75;8:45 am]

Department of the Navy

NAVY GRADUATE EDUCATION PROGRAM SELECT STUDY COMMITTEE

Establishment

In accordance with the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Navy Graduate Education Program Select Study Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The nature and purpose of the Navy Graduate Education Program Select Study Committee is indicated below:

"The Committee shall advise the Chief of Naval Education and Training concerning those curricula of the Navy graduate education program. This Committee shall study the curricula of the Navy graduate education program and recommend which unique Navy specialty and subspecialty requirements can most effectively be provided at the Naval Postgraduate School and which can best be provided at civilian institutions. This Committee is an Ad Hoc Committee and shall terminate as soon as its objectives are met. Under no circumstances shall this Committee continue longer than six months."

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

FEBRUARY 6, 1975.

[FR Doc.75–3729 Filed 2–10–75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "EXPORT OF U.S. TECHNOLOGY; IMPLICATIONS TO U.S. DEFENSE"

Advisory Committee Meeting

The Semiconductor Subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on February 27, 1975 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 6, 1975.

[FR Doc.75–3728 Filed 2–10–75;8:45 am]

DEPARTMENT OF JUSTICE

PRICE BROTHERS CO.

Proposed Consent Judgment in Action to Enjoin Discharge of Pollutants

In accordance with departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on January 21, 1975, a proposed consent decree was lodged with the United States District Court for the Southern District of New York in the case of *United States* v. *Price Brothers Company*. The proposed decree prohibits any discharge whatsoever from the defendant's spinning operations into the Hudson River and prohibits any discharge from sources other than the spinning operations except as allowed by the terms of any permit that may be issued under the provisions of the Federal Water Pollution Control Act.

The Department of Justice will receive for 30 days from the date of publication of this notice written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to *pany*, D.J. Ref. 90–5–1–1–336.

The proposed consent decree may be examined at the office of the United States Attorney, Foley Square, New York, New York 10007, at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007 and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained by applying in person or by mail to the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $0.40 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.75–3760 Filed 2–10–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

TRIBAL CONTRACTING GUIDELINES

Notice of Development

JANUARY 30, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that the Bureau of Indian Affairs has developed the following guidelines which will be used in contracting with Indian tribes:

TRIBAL CONTRACTING GUIDELINES

SECTION I—INTRODUCTION

Recently the Commissioner of Indian Affairs announced a course of action designed to offer all Indian Tribes the opportunity to operate Bureau programs to the extent possible under contracts. (Indian Tribe, as used in these guidelines, means a Federally recognized Indian Tribe, Community, Corporation, body, or organization, including like Native entities in Alaska)

Since that announcement, questions have arisen concerning the extent to which the Bureau can contract its programs to Indian Tribes and what activities must be performed by the Government.

The following guidelines are intended to define the degree to which each program may be contracted to an Indian Tribe and to identify parameters that will insure accomplishment of basic responsibilities.

They will provide a basis for initial discussions and for answering basic questions for both Tribal and Bureau personnel relative to the self determination concept. Although there may be a few instances that will require specific review and interpretation, this presentation should provide a common understanding of the policy and principles of Tribal contracting of Bureau programs.

SECTION II—GENERAL

1. All Tribes will have been offered the opportunity to contract with the Bureau to operate Bureau programs by the time these guidelines are issued. In some instances, decisions may have been deferred pending further study. It is incumbent on the Bureau staff to be fully conversant with the contracting policy and procedures of the Bureau and the criteria and limitations contained in these guidelines to provide proper advice and guidance to Tribes in these matters.

2. When a Tribe has decided to undertake the operation of one or more Bureau programs by contract, it shall develop a Plan of Operation. This Plan will contain, as a minimum, the work requirements necessary to assure adequate accomplishment of program objectives, staffing and staff qualifications, and itemized estimate of costs.

The Plan of Operation may be developed independently by the Tribe; or, assistance and guidance may, if requested, be furnished by appropriate Bureau personnel.

3. The Plan of Operation and a Tribal resolution expressing the Tribe's desire to contract will then be forwarded through appropriate channels to the Contracting Office for consideration. The Contracting Office will obtain a technical review and evaluation from appropriate program staff prior to taking action on the Tribe's Plan of Operation, and legal review as considered by the Contracting Office to be appropriate. Prior to approval of any contract with a Tribe that may affect terms and conditions of Bureau employment, the Contracting Office through appropriate channels shall meet with such labor organizations as may be the exclusive representative(s) of employees who would be adversely affected by such approval and, in accordance with the requirements of Executive Order 11491, as amended, shall consult with such labor organizations(s) as to the reasons for contracting the program contemplated.

4. Maximum Tribal input will be effected during the contract planning and development stages. After the contract is signed, however, the contractor, as in any other contract, will be required to comply with the provisions of the contract. Any proposed changes to contracted activities will be fully discussed by the contractor and Bureau personnel. All modifications to the contract require formal approval of the Contracting Officer.

5. The Bureau is responsible for insuring that funds allocated to its programs are used properly and effectively and therefore will closely review the financial management of all contracts.

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Tribal contractors will be expected to utilize sound business practices and will be required to maintain an accounting system in accordance with generally accepted accounting principles and standards. Tribes may request and expect assistance and guidance from Bureau personnel in developing appropriate accounting systems.

Tribes will be subject to the same fiscal limitations as are imposed on the Bureau.

6. All activities contracted for pursuant to these guidelines shall be subject to any Bureau approvals required by law or regulation whether or not specifically mentioned herein.

7. Facilities, equipment and records now being used to carry out any program by the Bureau may be made available, as Government furnished property (GFP), to a Tribe which undertakes the program under contract, when authorized by law and approved by the Bureau. The standard GFP Clause shall be incorporated in applicable contracts.

8. Use of GSA support is allowable with cost-reimbursement contracts. Ordering of supplies from General Services Administration (GSA) stores shall be in accordance with GSA Regional Office policy.

Ordering of equipment, materials, and supplies from a Federal Supply Service contractor is at the supplier's option.

GSA vehicle use must be approved on an individual contract basis by GSA Regional Office.

9. The Bureau can contract with a Tribe, an association of Tribal bodies, a Tribal corporation, or any other legal entity organized by Tribes.

When an association of Tribal bodies, tribal corporation, or other recognized Tribal organization does wish to contract, the Bureau may contract with such body, corporation or organization only with the consent of the Tribe or Tribes affected.

SECTION III—PROGRAMS SUITABLE FOR CONTRACTING

A. *Education and training*—1. *School Operations.* All functions related to school operations can be contracted, either as a total school or by unit components, such as food services, pupil transportation, maintenance, or residential living.

Detailed guidelines—including planning, eligibility, limitations, fiscal and program auditing requirements, technical assistance available, a sample proposal and procedural steps—are contained in 20 BIAM 6, dated April 24, 1972.

Requirements and limitations:

(a) Education programs shall meet or exceed established State standards;

(b) Transportation equipment and personnel shall meet applicable licensing and safety standards;

(c) Food service facilities shall be inspected periodically by an appropriate Health Service Authority and maintained in an acceptable condition;

(d) Food service shall conform with the minimum nutritional requirements prescribed by U.S. Department of Agriculture and/or the State Department of Education; and

(e) Pupil attendance shall conform to established State or tribal standards.

Waivers for these and other requirements are authorized by 20 BIAM 6 and can be made by the Bureau when formally requested by the contractor and professionally justified as to the educational soundness for the exceptions.

2. *Supplementary Education Programs.* Any Elementary and Secondary Education Act (P.L. 93-380) project component which may be performed by a Tribe should be identified by the Bureau in consultation with the Tribal officials during the project planning stage and designed for performance under contract.

Requirements and limitations: When supplementary education projects are approved and funds allocated therefor, it becomes the responsibility of the Bureau to insure that the project is carried out as approved. Tribes contracting to perform such projects will be expected to fulfill this obligation.

3. *Career Development.* Tribes may contract for the total administration of a Scholarship Program or may limit its service to recommendations to the Bureau for selection of eligible grantees and determination of amount of grant, and student counseling.

Grants may be made directly to the student by the Bureau on advice from the Tribe, or from funds provided to the Tribe for distribution to the students.

Requirements and limitations: Scholarship grants will be made on the basis of criteria contained in 62 BIAM 5. There will be strict accounting for all grant funds, including refunds from schools in case of dropout, transfer, etc.

4. *Adult Vocational Training (AVT) and Direct Employment Programs.* All direct elements of AVT and Direct Employment Programs can be performed under contract with Tribes including placement services, job counseling, relocation assistance, and other duties connected with finding employment and establishing the client in a job and in the new environment.

5. *Aid to Public Schools.* (JOM) Such contracts may be made for determination of need; developing, in cooperation with school officials and the Indian Education Committee(s), a program to satisfy such needs; and monitoring the program, as provided in 25 CFR 33.

B. *Community Services—Social Services.* All operational components of the Social Services element can be contracted with Tribes. Administration of this program will include counseling for recipients of services and monitoring of foster home and institutional care. The same budgetary standards used by the State welfare agency for State public assistance programs are used to determine the individual's or family's assistance needs.

Grants may be made directly to eligible recipients by the Bureau on advice from the Tribe, or from funds provided to the Tribe for distribution to eligible recipients on approval by the Contracting Officer of a request supported by names and amounts.

Requirement: When no official Tribal Standards have been adopted, the standards established by the State for foster homes and foster care should be observed in so far as possible, taking into consideration the preservation of Indian life styles peculiar to the geographical location.

C. *Law Enforcement*—1. *Detention Center Operations.* Contracts for the operation of detention centers shall require full consideration for the safety, health and protection of individual rights of all inmates.

Standards of health, safety, and sanitation will be determined by joint agreement between the Bureau of Indian Affairs and Public Health Service in consultation with Tribal officials.

Personnel must meet qualification and physical standards prescribed by applicable codes and regulations.

Facilities must be kept in a good state of repair.

2. *Enforcement Services.* This program involves the furnishing of uniformed police officers and all equipment necessary to provide investigation, enforcement and protection services, subject to local conditions of jurisdiction and State and Federal law where applicable.

Policemen must be adequately trained, physically fit and meet rigid moral standards not less than those required for Bureau employed policemen.

Contracts may not be entered into for enforcement services where Courts of Indian Offenses (25 CFR) are provided.

D. *Housing*—1. *Housing Improvement Program.* A Tribe may contract for the Bureau Housing Improvement Program for the total program which may encompass the selection of houses for repair, determination of extent of repair and performance of the work.

Requirement and limitations: Houses selected for repair and the determination of the extent of repair shall conform with Bureau standards.

2. *Housing Development.* This program may be contracted.

E. *Road Maintenance Programs*—Road maintenance programs can be contracted with Tribes.

Requirements and limitations: Maintenance is limited to roads listed on the Indian Roads Systems Map.

F. *Commercial Development*—1. *Credit and Financing.* The only element in the Credit Program which may be contracted with Tribes is the furnishing of management and technical assistance to loan and grant recipients and the maintenance of a Credit Office where applicants could receive advice on credit programs, make application, and be counseled on procedures and the responsibilities of a loan recipient.

Requirements and limitations: Approval and administration of loans must be performed by the Bureau.

2. *Commercial Enterprise Development.* Most operational components of this activity may be contracted with the exception of the financial assistance portion of the Enterprise Development Activity made under provisions of Title IV of the Indian Financing Act of 1974.

SECTION IV—PROGRAMS NOT SUITABLE, OR PARTIALLY SUITABLE FOR CONTRACTING

A. *Trust Services*—1. Real Estate Services cannot be contracted except for appraisals functions.

2. Indian Trust Fund Programs cannot be contracted.

3. Forestry Management cannot be contracted as a program; however, certain work elements such as tree planting and thinning can be contracted on a project basis.

4. Range Management cannot be contracted as a program; however, certain work elements such as development of range use plans, operation and maintenance projects, fencing and miscellaneous technical services can be contracted on a project basis.

Approval of carrying or grazing capacity, establishing grazing fee rates and executing grazing permits are key protective functions required by the trust responsibilities of the Secretary.

B. *Trust Facilitation*—1. Soil and Moisture Conservation Programs cannot be contracted as a program but operational elements such as land use investigation and planning, soil stabilization and improvement, water and resource management, operation and maintenance, and miscellaneous technical services can be contracted on a project basis.

2. Irrigation Operation and Maintenance Programs can be contracted (except for collection of and accounting for funds).

3. Environmental Quality Programs may not be contracted as a program; however, certain work elements such as initial surveys and assembly of statements may be contracted on a project basis.

SECTION V—PROJECTS SUITABLE FOR CONTRACTING

(Contract Opportunities of a Project Nature as Distinguished From Program Operations.)

In Sections III and IV, mention was made of some of the project type contract opportunities which Indian Tribes may wish to undertake. This is a summary, not all inclusive, demonstrative of such projects:

1. Construction projects including roads, buildings, building repair and improvement, dams, irrigation structures.
2. Tree planting, thinning.
3. Studies and investigations of various types.
4. Safety promotion and instructions.
5. Training projects.
6. Comprehensive plans.
7. Tribal membership rolls.
8. Mapping and resources overlays.
9. Special education programs.
10. Soil and Moisture Conservation projects such as seeding, brush clearing, erosion control practice.
11. Industrial development projects.
12. Building and facilities maintenance.

SECTION VI—FUNCTIONS NOT SUITABLE FOR CONTRACTING

The following cannot be considered as contractable items:

1. A position, such as the Agency Superintendent or Reservation Programs Officer.
2. Finance or budget functions which involve decisions connected with the integrity of an accounting for funds.
3. Functions with primary responsibility for accounting for, control of, and general management of Government property.
4. Courts of Indian Offenses.
5. Functions of Area or Agency Special Officer.

Interested members of the public may submit written comments and suggestions on these tribal contracting guidelines to the Director of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, on or before March 13, 1975. The comments and suggestions submitted will be considered and the guidelines revised as needed.

These guidelines will be issued as a new Supplement 1 to Part 20 of the Bureau of Indian Affairs Manual and will become effective on the date the supplement is signed. Copies of the supplement will be distributed to Federally recognized Indian tribes. In addition, the Bureau manual and its supplements are available for inspection by Indian tribes and other members of the public at the Bureau's Agency, Area and Central Office locations.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-3759 Filed 2-10-75;8:45 am]

Bureau of Land Management

ALASKA

Meeting

Notice is hereby given that pursuant to 43 U.S.C. 2653.7, a public hearing will be held on February 21, 1975, beginning at 10 a.m., in the Wildwood Theatre in Kenai, Alaska.

The meeting will be open to the public, and any interested person make an oral statement or file a written statement. Requests to give oral statements should be made to the Bureau of Land Management representative at the public hearing, and written statements may be submitted by March 7, 1975, to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

Additional public hearings required under the aforementioned authorities shall be scheduled in Juneau, Kodiak, and Sitka, with locations and dates to be announced.

CURTIS V. MCVEE,
State Director.

[FR Doc.75-3757 Filed 2-10-75;8:45 am]

[Tentative Sale 40]

MID-ATLANTIC OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1973), nominations are hereby requested for areas in the Mid-Atlantic Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of that part of the following mapped area landward of a line beginning at the SW corner of block 971, found on OCS Official Protraction Diagram NJ 18-6; thence north to the NW eorher of block 883; thence east to the SW corner of block 843; thence north to the NW corner of block 667; thence east to the SW corner of block 628; thence north to the NW corner of block 540; thence east to the SW corner of block 498; thence north to the NW corner of block 366; thence east to the SW corner of block 326; thence north to the NW corner of block 194; thence east to the SW corner of block 152; thence north to the NW corner of block 64; thence east to the SW corner of block 22; thence north to the NW corner of block 990, found on OCS Official Protraction Diagram NJ 18-3; thence east to the SW corner of block 947; thence north to the NW corner of block 859; thence east to the SW corner of block 819; thence north to the NW corner of block 775; thence east to the SW corner of block 734; thence north to the NW corner of block 646; thence east to the SW corner of block 603; thence north to the NW corner of block 471; thence east to the SW corner of block 431; thence north to the NW corner of block 343; thence east to the SW corner of block 276, found on OCS Official Protraction Diagram NJ 19-1; thence north to the NW corner of block 232; thence east to the SW corner of block 190; thence north to the NW corner of block 102; thence east to the SW corner of block 65; thence north to, and ending at the NW corner of block 21; and seaward of a line beginning at the SW corner of block 996, found on OCS Official Protraction Diagram NJ 18-5; thence north to the NW corner of block 820; thence east to the SW corner of block 779; thence north to the NW corner of block 559; thence east to the SW corner of block 518; thence north to the NW corner of block 298; thence east to the SW corner of block 258; thence north to the NW corner of block 962, found on OCS Official Protraction Diagram NJ 18-2; thence east to the SW corner of block 881, found on OCS Official Protraction Diagram NJ 18-3; thence north to the NW corner of block 661; thence east to the SW corner of block 620; thence north to the NW corner of block 400; thence east to the SW

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corner of block 358; thence north to, and ending at the NW corner of block 6:

OCS Official Protraction Diagrams:
1. NJ 18-2 Wilmington
2. NJ 18-3
3. NJ 19-1
4. NJ 18-5 Salisbury
5. NJ 18-6

This area is located offshore the States of New Jersey, Delaware, Maryland and Virginia (extreme northern part only), and it is at no point closer than 20 miles from the shoreline.

These protraction diagrams may be purchased for $2.00 each from the Environmental Assessment Team Leader, Atlantic Outer Continental Shelf Office, Bureau of Land Management, 6 World Trade Center, Suite 600D New York, New York 10048. All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or portions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321-4347 (1970)], and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than April 14, 1975, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—Mid-Atlantic" or "Comments on Leasing on the Outer Continental Shelf—Mid-Atlantic," as appropriate. They must be submitted to the Director, Bureau of Land Management, Attention: 720, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Conservation Manager, Geological Survey, Eastern Region, suite 316, 1825 K Street, NW, Washington, D.C. 20006 and to the Environmental Assessment Team Leader, Atlantic Outer Continental Shelf Office, Bureau of Land Management at his address cited above.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place; date and hour at which bids will be received and opened.

This call for nominations and comments does not in any way commit the Department to leasing in the Mid-Atlantic. It is an information gathering component of the Department's leasing procedure. Issuance of this Call for Nominations of and Comments on Areas for Oil and Gas Leasing is not intended, and shall not be construed, either as an exercise of jurisdiction by the United States over all or any part of the area subject to the call or as affecting the positions of the parties to litigation involving the Atlantic Outer Continental Shelf, *U.S. v. Maine, et al.*, Supreme Court, No. 35 Original, and *U.S. v. Florida*, Supreme Court, No. 52 Original.

Approved: February 6, 1975.

CURT BERKLUND,
Director, Bureau of Land Management.

WILLIAM W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.75-3834 Filed 2-10-75;8:45 am]

National Park Service

[Order No. 6, Amdt. 3]

SUPERINTENDENTS, ET AL., SOUTHEAST REGION

Delegation of Authority

Order No. 5, published in 37 FR 7721 on April 19, 1972, and Amendment No. 1, published in 37 FR 17771 on August 31, 1972, and Amendment No. 2, published in 38 FR 17749 on July 3, 1973, are hereby amended to change the designation references from Director of Southeast Region to Regional Director, Southeast Region.

Section 1, paragraphs (f), (g) and (l) are amended as follows:

(f) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(g) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), specific fees to be charged at the designated areas in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(l) Authority to issue revocable special use permits having a term of more than 20 years.

Section 2. *Delegations.* Is revised to read as follows:

(a) *Associate Regional Director, Administration.* The Associate Regional Director, Administration, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Southeast Region, except authority relating to land acquisition as hereinafter delegated to Chief, Division of Land Acquisition.

(b) *Chief, Contracting and Property Management Division.* The Chief, Contracting and Property Management Division, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Regional Director, Southeast Region, except authority relating to land acquisition as hereinafter delegated to Chief, Division of Land Acquisition.

(c) *Assistant Chief, Contracting and Property Management Division.* The Assistant Chief, Contracting and Property Management Division, may execute and approve contracts not in excess of $200,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Assistant Chief in behalf of any area administered by the Chief, Contracting and Property Management Division.

(d) *Contracting Specialist, Contracting and Property Management Division.* The Contracting Specialist, Contracting and Property Management Division, may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Contracting Specialist in behalf of any area administered by the Chief, Contracting and Property Management Division.

(e) *Procurement Agent, Contracting and Property Management Division.* The Procurement Agent, Contracting and Property Management Division, may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Procurement Agent in behalf of any area administered by the Chief, Contracting and Property Management Division.

(f) *Chief, Division of Land Acquisition.* The Chief, Division of Land Acquisition is authorized to:

(1) Approve and accept offers to sell to or exchange with the United States lands or interests in lands and to execute all necessary agreements and conveyances incident thereto.

(2) Accept deeds conveying to the United States lands or interests in lands.

(3) Approve on behalf of the National Park Service offers of settlement in condemnation cases.

(4) Approve claims for reimbursement under Pub. L. 91-646.

(g) *Field Land Acquisition Officers and Supervisory Realty Specialist.* All Field Land Acquisition Officers and the Supervisory Realty Specialist (Chief, Realty Section, Southeast Regional Office) are authorized to exercise authority with respect to the following:

(1) Approve and accept offers to sell to or exchange with the United States lands or interests in lands when the amount involved does not exceed $100,000.

(2) Accept deeds conveying to the United States lands or interests in lands.

(3) Approve claims for reimbursement under Pub. L. 91-646 when the amount involved does not exceed $5,000.

(National Park Service Order No. 77, 38 FR 7478, published March 22, 1973, as amended)

Dated: October 4, 1974.

DAVID D. THOMPSON, Jr.
Regional Director, Southeast Region.

[FR Doc.75-3790 Filed 2-10-75;8:45 am]

[Order 5, Amdt. 3]

SUPERINTENDENTS, NATIONAL CAPITAL PARKS, ET AL.

Delegation of Authority

National Capital Parks Order No. 5, published in the FEDERAL REGISTER of July 26, 1972, 37 FR 14892, National Capital Parks Order No. 5, Amendment 1, published in the FEDERAL REGISTER of July 20, 1973, 38 FR 19419, and National Capital Parks Order No. 5, Amendment 2, published in the FEDERAL REGISTER of March 28, 1974, 39 FR 11445, are amended as follows:

Section 4 is hereby amended as follows:

SEC. 4. *Chief, Division of Contracting.* The Chief, Division of Contracting, National Capital Parks, may execute, administer, and approve all contracts for construction, supplies, equipment, and services, except contracts for acquisition of lands and related property and options related thereto. This procurement and contracting authority may be exercised on behalf of any office or area for which National Capital Parks serves as the field finance office.

(National Park Service Order No. 78 (38 FR 10477), published April 27, 1973)

Dated: November 26, 1974.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc.75-3789 Filed 2-10-75;8:45 am]

Office of the Secretary

[INT DES 75-5]

ANNUAL REGULATIONS PERMITTING THE HUNTING OF MIGRATORY BIRDS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the issuance of annual regulations permitting the sport hunting of migratory birds, and invites written comments by April 14, 1975.

Copies of the draft statement are available for inspection at all U.S. Fish and Wildlife Service field stations (including National Wildlife Refuges and Fish Hatcheries), Regional and Area Offices and the Washington, D.C. headquarters. Address list of field stations can be obtained from the following Fish and Wildlife Service Offices:

Alaska Area Office (Alaska), Area Director, 813 "D" Street, Anchorage, Alaska 99501.

Region I (California, Hawaii, Idaho, Nevada, Oregon, Washington), Regional Director, 1500 Plaza Building, Irving Street, P.O. Box 3737, Portland, Oregon 97208.

Region II (Arizona, New Mexico, Oklahoma, Texas), Regional Director, Box 1306, Albuquerque, New Mexico 87103.

Region III (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), Regional Director, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Region IV (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee), Regional Director, 17 Executive Park Drive, NE., Atlanta, Georgia 30329.

Region V (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia), Regional Director, John W. McCormack P.O. and Courthouse, Boston, Massachusetts 02109.

Region VI (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming), Regional Director, 10597 West Sixth Avenue, P.O. Box 25486, Denver, Colorado 80215.

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments concerning the environmental statement should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: February 5, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc. 75-3804 Filed 2-10-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

CIGAR-BINDER (TYPES 51 & 52) AND CIGAR-FILLER AND BINDER (TYPES 42-44 & 53-55) TOBACCOS

Notice of Referendums

Notice is hereby given that on February 24 to February 28, 1975, each inclusive, separate referendums will be held of farmers engaged in the production of the 1974 crop of cigar-binder (types 51 & 52) tobacco and cigar-filler and binder (types 42-44 & 53-55) tobacco. Notice was given (39 FR 45296) that consideration would be given to data, views and recommendations on establishing the date or period for holding the referendums and whether the referendums should be conducted at polling places rather than by mail ballot. The data, views and recommendations regarding these referendums have been considered.

It is hereby determined that these referendums will be held by mail ballot during the period February 24-28, 1975, inclusive. The purpose of these referendums is to determine whether cigar-binder (types 51 & 52) tobacco and cigar-filler and binder (types 42-44 & 53-55) tobacco farmers are in favor of or opposed to marketing quotas for the 1975-76, 1976-77, and 1977-78 marketing years. The referendums will be conducted in accordance with the provisions of the Act (7 U.S.C. 1312(c)) and the regulations contained in 7 CFR Part 717.

Signed at Washington, D.C. on February 6, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-3777 Filed 2-10-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A100]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Missouri:

Cape Girardeau Perry

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding November 2 and 3, 1974. These counties were previously designated by the Secretary November 15, 1974, because of excessive rainfall in the spring, drought in the summer and freezes in the spring and fall of 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 31, 1975, for physical losses and October 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of February 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3778 Filed 2-10-75;8:45 am]

[Notice of Designation Number A134]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in ten counties in Wisconsin as a result of damages and losses caused by various natural disasters. The attached sheet lists the counties, the natural disasters, and the dates on which the natural disasters occurred.

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Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 31, 1975, for physical losses and October 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 4th day of February 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Wisconsin, 10 Counties, 1974

County	Freeze	Excessive rainfall	Drought
Brown	Sept. 21 to 23.	Apr. 15 to May 31.	June 1 to Aug. 15.
Dane	Sept. 22 to 23.		
Fond du Lac	Sept. 21 to 22.		
Jefferson	Sept. 21 to 22.		
Kenosha	Sept. 22 to 24.		
Marquette	Sept. 21 to 22.		
Outagamie	Sept. 20.		
Racine	Sept. 22 to 24.		
Rock	Sept. 21 to 22.	May 1 to June 20.	June 20 to Sept. 1.
Waukesha	Sept. 22 to 24.		

[FR Doc.75-3779 Filed 2-10-75;8:45 am]

Forest Service

MULTIPLE USE PLAN, UPPER FISHER PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Upper Fisher Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) R1-74-15.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Upper Fisher Planning Unit, Libby and Fisher River Ranger Districts, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 65,000 acres of National Forest lands which have been stratified into ten management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on January 31, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 2231,
12th St. and Independence Ave. SW.
Washington, D.C. 20250.

USDA, Forest Service,
Northern Region,
Federal Building,
Missoula, MT 59801.

Supervisor's Office,
Kootenai National Forest,
416 Mineral Avenue,
Libby, MT 59923.

USDA, Forest Service,
Libby Ranger District,
Libby Ranger Station,
Libby, MT 59923.

USDA, Forest Service,
Fisher River Ranger District,
Canoe Gulch Ranger Station,
Libby, MT 59923.

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: January 31, 1975.

LEROY JONES,
Regional Forester,
Northern Region, Forest Service.

[FR Doc.75-3799 Filed 2-10-75;8:45 am]

Soil Conservation Service

DEER CREEK WATERSHED PROJECT, IOWA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the Deer Creek Watershed Project, Worth County, Iowa, USDA-SCS-EIS-WS-(ADM)-75-2-(D)-IA.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, approximately 15 miles of channel work, and 40 miles of subsurface public tile drains. The channel work will involve enlarging and realigning 10.6 miles of existing open ditches and 1.4 miles of unmodified natural streams; and constructing 3 miles of new channels where none existed before. These channels will provide for timely removal of floodwater and will also provide outlets for subsurface drainage. Of the 12 miles of work proposed on existing channels, 10.5 miles will involve those with intermittent flow and 1.5 miles with ephemeral flow.

A limited supply of the draft EIS is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 823 Federal Building, Des Moines, Iowa 50309.

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Wilson T. Moon, State Conservationist, Soil Conservation Service, 823 Federal Building, Des Moines, Iowa 50309.

Comments must be received on or before April 10, 1975, in order to be considered in the preparation of the final environmental impact statement.

Dated: January 31, 1975.

(Catalog of Federal Domestic Assistance Program No. 10,904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-3733 Filed 2-10-75;8:45 am]

KNIFE LAKE IMPROVEMENT RC&D MEASURE, ONANEGOZIE RC&D PROJECT, MINN.

Availability of Supplement to Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a supplement to the final environmental statement (ES) for the Knife Lake Improvement RC&D Measure, Onanegozie RC&D Project, Kanabec County, Minnesota USDA-SCS-ES-RD-(ADM)-73-1-(F).

The ES concerns a plan for multipurpose development for public recreation, flood damage reduction and the application of associated land treatment measures to protect the proposed development.

The supplement of the final ES has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minn. 55101.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Dated: February 4, 1975.

NEIL P. BOGNER,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.75-3732 Filed 2-10-75;8:45 am]

LITTLE BLACK WATERSHED PROJECTS, MISSOURI, ARKANSAS

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a combined draft environmental impact statement (EIS) for the Upper and Lower Little Black Watershed Projects in Butler, Carter, and Ripley Counties, Missouri and Clay County, Arkansas, USDA-SCS-EIS-WS-(ADM)-75-8-D-MO.

The EIS concerns plans for watershed protection, flood prevention, agricultural water management (drainage), and nonagricultural water management (recreation). The planned works of improvement provide for conservation land treatment, 24 floodwater retarding structures, one multiple-purpose reservoir with capacity for floodwater retarding and non-agricultural water management (recreation), and approximately 85.5 miles of channel work. The channel work will involve clearing and debris removal on 1.3 miles of Little Black River, 1.4 miles of enlargement on Little Black River, 79.8 miles of enlargement of existing manmade channels and 3.0 miles of new channel. The 85.5 miles of channel work will decrease flooding and provide improved water management on a delta area that is 89 percent agricultural cropland and pastureland. Of the 82.5 miles of work proposed on existing streams or channels, 4.7 miles will involve perennial flow, 37 miles of intermittent flow and 40.8 miles of ephemeral flow. The 3.0 miles of new channel will consist of 1.3 miles of floodway and 1.7 miles for connecting existing ditches. The recreation developments will provide 94,480 visitor days of recreation annually.

A limited supply of the copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 459, Parkade Plaza Shopping Center, Terrace Level, Columbia, Missouri 65201.

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to J. Vernon Martin, State Conservationist, Soil Conservation Service, P.O. Box 459, Columbia, Missouri 65201.

Comments must be received on or before March 31, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 3, 1975.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-3734 Filed 2-10-75;8:45 am]

UPPER BIG NEMAHA WATERSHED PROJECT, NEBR.

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council of Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Big Nemaha Watershed Project, Gage, Johnson, Lancaster, and Otoe Counties, Nebraska.

The environmental assessment of this federal action indicated that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Wilson J. Parker, State Conservationist, Soil Conservation Service, USDA, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement include conservation land treatment supplemented by 22 single purpose floodwater retarding structures and 35 grade stabilization structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, 134 South 12th Street, Room 604, Lincoln, Nebraska 68508.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until February 26, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 5, 1975.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-3800 Filed 2-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 28(74)-1]

INFORMATION MAGNETICS, INC., ET AL.

Order Extending Denial of Export Privileges

In the matter of Information Magnetics, Inc. (Infomag), Goleta, California and Gresham-Infomag Ltd., Weybridge, Surrey, England; Respondents.

By order dated December 2, 1974 (39 FR 42935), the export privileges of the above-titled firms were temporarily denied for a period of 60 days. Pending final disposition of the proceedings, the period of such denial, as set forth in Paragraph IV of that Order, is continued for 45 days to March 17, 1974. All other terms and conditions of that Order, the interpretations thereof, and the exceptions thereto, remain in full force and effect.

Dated: January 30, 1975.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.75-3735 Filed 2-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COMBINATION DRUG CONTAINING NORETHINDRONE ACETATE AND ETHINYL ESTRADIOL

Notice of Withdrawal of Approval of New Drug Application

In a notice of opportunity for hearing (DESI 12872) which was published in the FEDERAL REGISTER of February 7, 1973 (38 FR 3534) pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, the Commissioner of Food and Drugs proposed to issue an order withdrawing approval of the drug product described below. He concluded that, although the drug is effective as a presumptive test for pregnancy, there is a lack of proof of safety for that use in view of the potential danger in the presence of pregnancy and the availability of a number of very accurate chemical tests to detect pregnancy. The holder of the new drug application has waived its opportunity for a hearing, and no other interested person has requested a hearing. Therefore, approval of the new drug application is now being withdrawn:

Gestest Tablets containing norethindrone acetate and ethinyl estradiol; E.R. Squibb and Sons, Inc., Georges Road, New Brunswick, NJ 08903 (NDA 12-872).

All identical, related, and similar drug products, as defined in 21 CFR 310.6, not the subject of an approved new drug application, are covered by the application

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reviewed and are subject to this notice. Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 2.121), finds that new evidence, not contained in the application or not available until after the application was approved, evaluated together with the evidence available when the application was approved, reveals that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 12–872 and all amendments and supplements applying thereto is withdrawn effective on February 21, 1975.

Shipment in interstate commerce of the above-listed product or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: February 1, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75–3745 Filed 2–10–75;8:45 am]

[DESI 8656; Docket No. FDC–D–712; ANDA 80400 etc.]

TOPICAL PREPARATIONS THAT CONTAIN LESS THAN 0.5% HYDROCORTISONE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of Abbreviated New Drug Applications

In a notice (DESI 8656) published in the FEDERAL REGISTER of April 28, 1971 (36 FR 7982), and amended on June 1, 1973 (38 FR 14424) the Commissioner of Food and Drugs announced his conclusion pursuant to the evaluation of reports received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group on topical corticosteroids. The notice, as amended, stated that these drugs are regarded as effective for relief of the inflammatory manifestations of corticosteroid-responsive dermatoses (skin disorders), and invited abbreviated new drug applications. Several of the products which were subsequently approved pursuant to that notice contained very low strengths of the active drug. Such low strengths have not been proven to be effective and should not have been approved. This present notice proposes to withdraw their approval. Requests for hearing on the proposal are due March 13, 1975.

Included in the notice were topical hydrocortisone products containing 0.5% or more of the corticosteroid; none contained less than 0.5%. The panel of the NAS/NRC Drug Efficacy Study Group which had reviewed topical hydrocortisone-containing products regarded 0.5% hydrocortisone as the lower limit of therapeutic activity. Copies of such Academy reports are on display in the office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852. Although the notice of April 28, 1971 was silent in that regard, it was not intended that the effective classification given the specifically listed products which contained 0.5% or more of the corticosteroid be extended to lower strength topical hydrocortisone preparations. However, pursuant to the notice the below-named abbreviated new drug applications which provide, at least in part, for topical preparations containing less than 0.5% hydrocortisone were received and approved without full consideration of the effectiveness of concentrations of hydrocortisone less than 0.5%. None contained any data to support the effectiveness of such low strengths.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of topical hydrocortisone-containing drug products containing less than 0.5% hydrocortisone.

1. NDA 80–400; Hydrocortisone Topical Cream 0.25%, 0.5%, 1% and 2.5%; Biocraft Laboratories Inc., 92 Route 46, Elmwood Park, NJ 07407.

2. NDA 80–423; Texacort Lotion containing 0.25% and 0.5% hydrocortisone;

3. NDA 80–426; Cetacort Lotion containing 0.125%, 0.25%, 0.5%, and 1% hydrocortisone;

4. NDA 80–427; Cetacort Cream containing 0.25%, 0.5%, and 1% hydrocortisone;

5. NDA 80–430; Lubricort Lotion containing 0.25%, 0.5%, and 1% hydrocortisone; all marketed by Texas Pharmacal Co., 307 E. Josephine Street, San Antonio, TX 78215.

6. NDA 80–428; Texacort Cream containing 0.25% and 0.5% hydrocortisone; formerly marketed by Texas Pharmacal.

7. NDA 80–441; Maintasone Lotion containing 0.26% and 0.5% hydrocortisone;

8. NDA 80–442; Nutracort Cream containing 0.25%, 0.5% and 1% hydrocortisone; both marketed by Owen Laboratories, Inc., P.O. Box 34630, Dallas, TX 75284.

9. NDA 80–443; Nutracort Lotion containing 0.25%, 0.5% and 1% hydrocortisone; all marketed by Owen Laboratories, Inc., P.O. Box 34630, Dallas, TX 75234.

10. NDA 80–472; Hytone Cream containing 0.25%, 0.5%, 1%, and 2.5% hydrocortisone;

11. NDA 80–473; Hytone Lotion containing 0.25%, 0.5%, and 1% hydrocortisone;

12. NDA 80–474; Hytone Ointment containing 0.25%, 0.5%, 1%, and 2.5% hydrocortisone; all marketed by Dermik Laboratories Inc., subsidiary of Rorer-Amchem Inc., 150 Eileen Avenue, Syosset, NY 11791.

13. NDA 80–478; Hydrocortisone Ointment 0.25% and Hydrocortisone Cream 0.25%;

14. NDA 80–479; Hydrocortisone Lotion 0.25%, all marketed by Robinson Laboratory, Inc., 355 Brannan Street, San Francisco, CA 94107.

15. NDA 80–482; Hydrocortisone Cream 0.125%, 0.25%, 0.5%, and 1%; C and M Pharmacal Inc., 1519 E. 8 Mile Road, Hazel Park, MI 48030.

16. NDA 80–489; Hydrocortisone Ointment 0.25%, 0.5%, and 1%; Day Baldwin Inc., subsidiary Cheesbrough-Ponds, Inc., 1460 Chestnut Avenue, Hillside, NJ 07205.

17. NDA 80–494; Dermalotion Lotion containing 0.25%, 1%, and 2% hydrocortisone; Merit Pharmaceutical Co., Inc., 8243 Telephone Road, Houston, TX 77017.

18. NDA 80–497; Hydrocortisone Lotion 0.25% and 0.5%; Towne, Paulsen and Co., Inc., 140 E. Duarte Road, Monrovia, CA 91016.

19. NDA 80–693; Hydrocortisone Cream 0.25%, 0.5%, and 1%; Kasco-Efco Laboratories Inc., Hicksville, NY 11802.

20. NDA 80–703; Hazel-Balm-H-C Aerosol Foam containing 0.2% hydrocortisone; Arnar Stone Laboratories Inc., 1740 Ridge Avenue, Evanston, IL 60204.

21. NDA 80–848; Hydrocortisone Cream 0.25%, 0.5%, and 1%; Day Baldwin Inc.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications insofar as they pertain to products containing less than 0.5% hydrocortisone and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, shows there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201 (p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before March 13, 1975, a written notice of appearance and request for hearing, and (2) on or before April 14, 1975, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The proceedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–1053, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: February 1, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75–3746 Filed 2–10–75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the National Advisory Council on Indian Education will be held February 28, 1975 at 7:30 p.m. to 10 p.m. at 10 I Street SW., Washington, D.C. and on March 1–9, 1975 from 8 a.m. to 6:30 p.m. every day at Tempo B, Wing 8, 2nd Floor, 2nd and Q Streets SW., Washington, D.C.

The National Advisory Council on Indian Education is established under section 442 of the Indian Education Act (Pub. L. 92–318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The first evening of the meeting will be open to the public beginning at 7:30 p.m. to 10 p.m. This meeting will be held in the Skyline Inn conference room at 10 Eye Street SW., Washington, D.C.

February 28, 1975, 7:30 p.m. to 10 p.m. the proposed agenda includes:

(1) Review of Title IV roles, regulations and guidelines.

(2) Orientation of Proposal reading procedure.

The March 1–9, 1975 meeting of the National Advisory Council on Indian Education shall be closed to the public, since the Council members will be reviewing proposals that must be held in confidence, under the authority of the Federal Advisory Committee Act. (Pub. L. 92–463) and under the exemptions contained in the Freedom of Information Act, 5 U.S.C. section 552(b)(4) and (6), (Pub. L. 90–23), 45 CFR 5.71(a) and 5.71(b).

March 1–9, 1975. The proposed agenda includes:

(1) Review of Title IV proposals submitted under Parts B–C and Part A non-LEAs.

(2) Make recommendations to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St. NW., Room 326, Washington, D.C. 20004).

Signed at Washington, D.C. on February 4, 1975.

DORRANCE D. STEELE,
Acting Executive Director.

[FR Doc.75–3706 Filed 2–10–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Notice is hereby given, pursuant to section 10(a)(2), Public Law 92–463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, March 5, 1975, 9 a.m. to 5 p.m., Thursday, March 6, 1975, 9 a.m. to 5 p.m., and Friday, March 7, 1975, 9 a.m. to 12 noon, local time, at the Sheraton-Palace Hotel, San Francisco, California.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Public Law 90–35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda

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includes discussion of recommendations for Federal legislation concerning education professions development, the licensing of postsecondary schools, and a tour of teacher training institutions in the San Francisco Bay Area.

Since the meeting on Thursday, March 6, 1975, involves site visits to teacher training institutions in San Francisco, members of the public planning to attend must provide their own transportation and must give advance notice by calling the Council (202–382–8712) or by mail no later than March 3, 1975.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council offices, located at 1111 20th Street NW., Suite 306, Washington, D.C. 20036.

Signed at Washington, D.C. on February 3, 1975.

GEORGE E. ARNSTEIN,
Executive Director.

[FR Doc.75–3744 Filed 2–10–75;8:45 am]

Office of the Secretary

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to Section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters will meet on Friday, March 14, 1975, at 9 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue SW., Washington, D.C. The Council will consider matters pertaining to the Medicare and Medicaid programs.

The Mental Health Subcommittee of HIBAC, which is considering expansion of coverage of mental benefits under Medicare will meet on Thursday, March 13, 1975, at 9 a.m. in Room 5169 of Health, Education, and Welfare's North Building.

The Subcommittee on Maximum Allowable Cost for Drug Reimbursement Under Medicare and Medicaid (MAC), will meet on Thursday, March 13, 1975, at 2 p.m. in Room 5169 of the Health, Education, and Welfare's North building. The Committee is charged with studying how the Administrations' (MAC) proposals may affect the programs.

These meetings are open to the public.

Further information on the Council and the Committees may be obtained from Mr. Sherman Lazrus, Executive Secretary, Health Insurance Benefits Advisory Council, Room 17A–31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone (301) 443–1185.

Dated: February 2, 1975.

SHERMAN LAZRUS,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.75–3771 Filed 2–10–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26494; Order 75–2–29]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North Atlantic Air Fares [1]

Issued under delegated authority, February 6, 1975.

An agreement, CAB 24944, R–1 through R–34, has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement proposes fares to be effective April 1, 1975 through March 31, 1976 over the North Atlantic.

Essentially, the agreement readopts the pattern of fares contained in Agreement C.A.B. 24623 (the Montreux agreement) and approved by Board Order 74–10–106 (October 21, 1974) for effect from November 1, 1974, through March 31, 1976. The Montreux agreement, however, was not implemented despite approval by most governments due to withdrawal of several carrier parties.

The agreement here before the Board would hold first class, economy class, 14/21 day excursion, year round group inclusive tour fares, and winter group inclusive tour fares to the Montreux levels. The 22/45 day excursion fares between New York and London would be reduced by three percent, the 22/45 day Advance Purchase Excursion Fares (APEX) by 6 to 9 percent, and the affinity group fares by two percent. These percentage reductions become less as the structure extends outward to points beyond London. For example, between New York and Rome the affinity group fares remain at the Montreux level, the 22/45 day excursion fares are reduced by one to two percent, and the peak season APEX fare is reduced by 2 percent. In addition, the winter group inclusive tour fare for U.S.-originating travel would be extended through May 22, 1975 and be reintroduced for travel commencing September 16 at a somewhat higher level.[2] Finally, the affinity group fares to Spain and Portugal are proposed to be reduced by up to 8 percent for Madrid and from 2 to 10 percent for Lisbon, and one free stopover in each direction would be provided for travel to Spain and Portugal on the proposed affinity group fares.

The APEX fares are subject to substantially the same conditions contained in the Montreux agreement. Sales would be limited to 20 percent of each carrier's total weekly economy class capacity, and the number of seats to be made available on any one flight may not exceed 50 percent of the economy class seating capacity of that flight or 80 seats, whichever is greater. Reservations, full payment, and issuance of tickets must be completed not later than two calendar months prior to commencement of outbound travel. A change in reservation, cancellation, or failure to use confirmed APEX space as ticketed (other than the death of a prospective passenger prior to departure time) is subject to a non-refundable charge equal to 10 percent of the fare or $50, whichever is higher.

Finally, the agreement proposes the reintroduction of youth fares between the United States and Europe at levels generally reflecting the combination of normal U.S.-Canada fares and Canada-Europe youth fares.

The purpose of this order is to establish dates for the submission of carrier justifications in support of the agreement and comments from other interested persons. By Order 75–1–133 (January 30, 1975) the Board approved an agreement which will significantly alter the transatlantic route pattern of Pan American and TWA, and we will expect the justifications submitted to reflect this change. The justifications should include, but not be limited to, traffic and financial estimates for the period April 1, 1975, through March 31, 1976, at the August 1, 1974, fares, at the Montreux fares and at the proposed fares. We will expect traffic forecasts to detail passenger distribution by fare category for each of the three forecasts, and with and without the youth fares proposed in the agreement before us.

Accordingly, *It is ordered* That: 1. All United States air carrier members of the International Air Transport Association providing service over the North Atlantic shall file within twenty days after the date of service of this order, full documentation and economic justification (as described above) in support of the subject agreement;

2. Comments and/or objections from interested persons shall be submitted within thirty days after the date of service of this order; and

3. Tariffs implementing the subject agreement shall not be filed in advance of Board action on the agreement.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–3811 Filed 2–10–75;8:45 am]

[Docket No. 27437; Order 75–2–26]

TRANSPORTES AEREOS PORTUGUESES, S.A.R.L.

Transatlantic Passenger Fares; Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of January, 1975.

By tariff revisions filed January 8, 1975, for effect February 7, 1975, Transportes Aereos Portugueses, S.A.R.L. (TAP) proposes extension of the current 7/8-day winter group inclusive tour (GIT) fares between the United States and Portugal into the shoulder and peak seasons.[1] The present winter GIT, at $329 round trip New York-Lisbon, is marked to expire March 31, 1975, with the rest of the IATA

[1] NOTE: List of air fares filed as part of original document.

[2] The fares would also be available during the month of August for travel from the U.S. to points in the Azores, Canary Islands, and Madeira.

North Atlantic fare structure, but presumably will be extended through April 15 by IATA agreement as in past years. TAP now proposes to apply this GIT fare, with the same conditions of travel, during the periods April 16–June 15, 1975, and August 1–October 31, 1975, at a New York-Lisbon level of $409. The TAP filing was made pursuant to a directive of the Government of Portugal.

Complaints requesting suspension and investigation of the TAP filing have been filed by Trans World Airlines, Inc. (TWA), and Pan American World Airways, Inc. (Pan American). The complainants assert that TAP's proposal should not be approved at this time since the IATA 1975 fare structure for the shoulder and peak seasons is still under negotiation, and that the impact of the TAP filing cannot be evaluated in isolation; that approval of TAP's filing would seriously complicate the problem of reaching an agreement in IATA, and could lead to competitive filings to/from other countries. It is further contended that, although the present 7/8-day GIT has been successful in alleviating the seasonality problem on the North Atlantic by promoting traffic during the winter, extension of this fare into the peak season would only intensify that problem; that the peaking problem would be particularly severe with regard to westbound-originating travel since the fare would be available in August which is the most intense peak period in that direction; that the peak season 7/8-day GIT would represent a greater discount vis-a-vis the regular 14/21-day GIT than is the case during the winter; and that the extended 7/8-day GIT would aggravate day-of-week peaking problems during the summer season since it incorporates no weekend surcharge. Finally, it is argued that, although a modified extension of the 7/8-day GIT may prove to be economically sound, the fare should be developed through the IATA negotiating process, with appropriate safeguards, and should not be introduced at this time as a measure geared to the interests of only one country.

TAP, in an answer to the complaints, states that even if the fares were shown to be unreasonable or otherwise unlawful, the fares were filed pursuant to a Portuguese government order, and established practice dictates that the matter be resolved through intergovernmental negotiation rather than by suspension action; but that in any event the complainants have not provided facts sufficient to support suspension. TAP contends further that no economic evidence has been submitted which demonstrates unreasonableness; that if the current, Board-approved 7/8-day GIT fares are lawful, then their extension is lawful; that the fares would maintain the same general relationship exhibited between the present, approved 7/8-day GIT fares and other IATA fares; and finally, that preservation of the IATA ratemaking machinery should not take precedence over the action of a sovereign and friendly nation which directs its national carrier to apply fares not part of a currently effective IATA agreement.

Upon full consideration of the tariff filing, the complaint, and all other relevant factors, the Board has determined that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. The proposed $409 fare represents a significant reduction from the present GIT peak season fare.[2] Moreover, it is $26 below the $435 peak APEX fare approved by the Board in Order 74–10–106, despite much more liberal conditions than the APEX. In these circumstances, there seems little doubt that it would result in a significant dilution of carrier yield, a result which runs counter to the Board's recently stated policy on transatlantic fares (Order 75–1–24, January 7, 1975). We recognize Portugal's legitimate interest in promoting tourism; however, no purpose is served by pursuing this objective on an uneconomic basis. The winter GIT was introduced for a specific purpose—to strengthen off-season traffic when load factors are historically low. We have no evidence which suggests that carrier costs differ significantly for the 7/8-day GIT as compared with the 14/21-day GIT. Moreover, it is not unlikely that an extension of this fare to Portugal would precipitate competitive filings in other North Atlantic markets and further deteriorate the financial position of IATA carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions in Tariff C.A.B. No. 44, Air Tariffs Corporation, Agent, on 2nd Revised Pages 24–C and 24–D, and 6th Revised Page 274–A, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions on the tariff pages specified in paragraph 1 above are suspended and their use deferred to and including February 6, 1976 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[3] and shall become effective February 7, 1975;

4. Except to the extent granted herein, the complaints in Dockets 27387 and 27410 be and hereby are dismissed;

5. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order be served upon Transportes Aereos Portugueses, S.A.R.L., Trans World Airlines, Inc., and Pan American World Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–3810 Filed 2–10–75;8:45 am]

[1] Air Tariffs Corporation, Agent, Tariff C.A.B. No. 44, 2nd Revised Pages 24–C and 24–D, and 6th Revised Page 274–A.

[2] The all-year 14/21-day GIT: $366 basic, $462 peak. The peak season fare is not presently on file in the carriers' effective tariffs, but is included in the Montreux package now under consideration by the IATA North Atlantic Traffic Conference in Geneva, and may reasonably be expected to be adopted as part of the new IATA structure for effect April 1, 1975.

[Docket 23080–2; Order 75–1–105]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Reclassifying Stations

Correction

In FR Doc. 75–2834 appearing at page 4479 in the issue of Thursday, January 30, 1975 the document heading should be corrected to read as above.

COMMISSION ON CIVIL RIGHTS

IOWA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Iowa State Advisory Committee (SAC) to this Commission will convene at 11 a.m. on February 28, 1975, at the U.S. Federal Building, Room 563 210 Walnut Street, Des Moines, Iowa.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is for organization and planning.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 5, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–3786 Filed 2–10–75;8:45 am]

[3] This order was transmitted to the President on January 24, 1975.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/166; FRL 332-5]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before April 14, 1975 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 14, 1975.

Dated: February 4, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-32000/166)

EPA File Symbol 2749-UNT. Acsto Chem. Co., Inc., Agricultural Chem. Div., 126-02 N. Blvd., Flushing NY 11368. ACETOVEX 80 WP HERBICIDE. Active Ingredients: 2-(4-chloro-6-ethylamino-s-triazin-2-ylamino)-2-methylpropionitrile 80.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749-UNI. Aceto Chem. Co., Inc. ALDICARB 10G INSECTICIDE AND MITICIDE. Active Ingredients: Aldicarb [2-methyl-2-(methylthio)propionaldehyde O-methylcarbamoyl) oxime] 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 2749-URR. Aceto Chem. Co., Inc. METHAMIDOPHOS LIQUID INSECTICIDE. Active Ingredients: O,S-Dimethyl phosphoramidothioate 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 2749-UNO. Aceto Chem. Co., Inc. CHLOROBENZILATE TECHNICAL MITICIDE. Active Ingredients: Ethyl 4,4'-dichlorobenzilate 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 8590-ULT. Agway, Inc., Fertilizer-Chemical Div., PO Box 1333, Syracuse, NY 13201. AGWAY THIORAN 3E. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,8-benzodioxathiepin oxide) 33.7%; Xylene base aromatic petroleum solvent 60.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 36311-E. Anlo, Inc., 5881 Macinness St., Memphis TN 38117. SCAB. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 36311-R. Anlo, Inc., 5881 Macinness St., Memphis TN 38117. SCAB-C. Active Ingredients: Disodium cyanodithioimidocarbonate 14.7%; Potassium N-methyldithiocarbamate 20.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 11501-RI. The Aquachem Co., Inc., 349 Greco Ave., Coral Gables FL 33146. EASY-CARE ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene - (dimethyliminio)ethylene dichloride] 6%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 8057-E. Argucide Co., PO Box 125, Cincinnati OH 45239. ARGUCIDE SOLUTION. Active Ingredients: Potassium Permanganate 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 4313-LE. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. PINE DET PINE ODOR DISINFECTANT. Active Ingredients: Isopropyl alcohol 22.50%; Pine oil 14.50%; Potassium dodecyl benzene sulfonate 5.55%; Ortho-benzyl-para-chlorophenol 2.19%; Potassium ortho-benzyl-para-chlorophenate 0.69%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA Reg. No. 2169-33. Patterson Chem. Co., Div. Curry Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S GREEN UP PENTACHLOROPHENOL CONCENTRATE 1 TO 10 WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 37%; Other Chlorophenols and Related Compounds 3%; Aromatic Petroleum Solvents 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 15800-O. Chemical Treatment Co., Hanover Industrial Air Park, 500 Lickinghole Rd., Ashland VA 23005. ALGAECIDE LIQUID CL-209. Active Ingredients: Sodium 2,4,5-Trichlorophenate 10.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 16408-E. Da Lite Bleach, 168 S. Milwaukee Ave., Wheeling IL 60090. DA LITE ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 60%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 16408-R. Da Lite Bleach, 168 S. Milwaukee Ave., Wheeling IL 60090. DA LITE ALGAECIDE. Active Ingredients: Poly[oxythylene (dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 34761-O. Ecolo-G Enterprises Ltd., Industrial Park, Bldg. #5, W. Haverstraw NY 10993. ECOLO-G ANT AND ROACH PRESSURIZED SPRAY. Active Ingredients: Pyrethrins 0.10%; Piperonyl butoxide, technical 0.20%; N-octyl bicycloheptene dicarboximide 0.30%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorotrioate] 0.50%; Aromatic petroleum distillate 0.29%; Petroleum distillate 5.58%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 869-RLL. Green Light Co., PO Box 16192, San Antonio TX 78246. GREEN LIGHT WORM SPRAY. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of potency per milligram (At least 6.75 billion viable spores per gram) 0.86%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 33004-E. Gulgnon & Green Co., PO Box 866, Valley Stream NY 11582. STEAM DISTILLED PINE OIL. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 12479-G. H-O-H Chem., Inc., 641 S. Vermont St., Palatine IL 60067. A-400M LIQUID ALGAECIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 8048-G. Holt Products Co., Inc., PO Box 3186, Madison WI 53704. "CHEXIT MOUSE BAIT" KILLS MICE. Active Ingredients: Warfarin, 3(a-acetonyl-benzyl)-4-hydroxycoumarin 0.025%; N1-2-quinoralysulfanilamide (sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 1961-O. Hortus Products Co., PO Box 276, Newfoundland NJ 07436. HORMO-ROOT 1 SPECIAL STRENGTH. Active Ingredients: Indole-3-butyric acid 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1661-RR. Hortus Products Co. HORMO-ROOT 8 SUPER STRENGTH. Active Ingredients: Indole-3-butyric acid 8.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1661-RW. Hortus Products Co. HORMO-ROOT 2 EXTRA SPECIAL STRENGTH. Active Ingredients: Indole-3-butyric acid 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 11617-E. Industrial-Water Management, 910 Oxford Court, Palatine IL 60067. A-36 ALGAECIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 5075-E. Jewel Co., Inc., 1955 W. No. Avenue, Melrose Park IL 60160. STEWARD PINE-OLA CLEANER & SANITIZER. Active Ingredients: Pine Oil 36.0%; Isopropanol 11.0%; Soaps 9.7%; 4-Chloro-2 Cyclopentylphenol and related compound 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 1471-RNR. Elance Products Co., Division of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206. ELANCO TERBUTHIURONTECHNICAL. Active Ingredients: Tebuthiuron (N-(5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl)-N,N'-dimethylurea) 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1021-RGGT. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2048. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 13.64%; Piperonyl butoxide, technical 36.37%; Petroleum distillate 4.52%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1021-RGGI. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. D-TRANS INTERMEDIATE 2049. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 18.36%; Piperonyl butoxide, technical 20.00%; Petroleum distillate 11.64%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 299-RIO. C. J. Martin Co., 606 W. Main St., Nacogdoches TX 75961. DIAZINON 25E LAWN AND GARDEN INSECT CONTROL. Active Ingredient: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25%; Aromatic Petroleum Derivative Solvent 65%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 491-ERI. National Chemical, 340 Selig Dr., S.W., Atlanta GA 30336. ZEOLITE NP-171-L ALGAECIDE. Active Ingredients: Sodium Pentachlorophenate 6.95%; Sodium Salts of other chlorophenols 0.97%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 13680-ER. Ozark Chemical Co., Inc., PO Box 1348, North Little Rock AR 72118. FIVE-O FOGGING INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 96.83%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 36310-R. Poolcare Ltd., 300 E. Industrial Lane, Wheeling IL 60090. PARACHLOR ALGAECIDE CONCENTRATE. Active Ingredients: Poly(oxyethylene (dimethyliminio) ethylene (dimethyliminio-ethylene dichloride) 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 8573-UE. Procter & Gamble Co., Bar Soap & Household Cleaning Prods. Div., 11520 Reed Hartman Hwy., Cincinnati OH 45241. CLEAN QUICK II, THE HEAVY DUTY DISINFECTANT BATHROOM CLEANER. Active Ingredients: Tripotassium phosphate 1.5%; Sodium hypochlorite 0.5%; Essential oils 0.2%. Method of Support: Application proceeds under 2(a) of interim policy. PM34.

EPA File Symbol 8934-IT. Ring Around Prods., Inc., PO Box 589 Montgomery AL 36101. RING AROUND BRAND EPN-G 210. Active Ingredients: 0-Ethyl 0-p-Nitrophene Phenylphosphonothiolate 22.54%; 0, 0-Dimethyl S(4-oxo-1,2,3,-benzotriazin-3 (4-H)-ylmethyl) phosphorodithioate 11.27%; Xylene 20.23%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 8934-IA. Ring Around Prods., Inc. RING AROUND BRAND EPN EMULSIFIABLE INSECTICIDE. Active Ingredients: 0-Ethyl 0-p-Nitrophene Phenylphosphonothioate 24.94%; Xylene 70.06%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 8934-II. Ring Around Prods., Inc. RING AROUND BRAND 4-2-0. Active Ingredients: 0-Ethyl 0-p-Nitrophene Phenylphosphonothioate 21.02%; 0, 0-Dimethyl 0-p-Nitrophenyl Thiophosphate 42.00%; Xylene 27.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 1759-T. Standard Chlorine Chemical Co., Inc., 1035 Belleville Turnpike, Kearny NJ 07032. PARADICHLOROBENZENE. Active Ingredients: Paradichlorobenzene 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 33404-R. Stat Enterprises Inc., 1865 New Highway, Farmingdale NY 11735. DRI-SHOT. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%; Silica Gel 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 33404-E. Stat Enterprises, Inc., 1865 New Hwy., Farmingdale NY 11735. DRI-KIL. Active Ingredients: Pyrethrins 1.00%; Piperonyl Butoxide, Technical 10.00%; Amorphous Silica Gel 40.00%; Petroleum Hydrocarbons 49.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 9640-RO. Vulcan Laboratories, 406 Auburn Ave., Pontiac MI 48058. MICROBIOCIDE NM. Active Ingredients: Disodium cyanodithioimidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM22.

EPA File Symbol 10367-T. N. I. Weinberg Co., 17th & Walnut Sts., Louisville KY 40203. N. I. WEINBERG ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos (0, 0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.500%; Petroleum distillate 98.788%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

REPUBLISHED ITEM

The following represents a change in the list of Applications Received published in the FEDERAL REGISTER December 27, 1974 (39 FR 44801).

EPA File Symbol 334-UNT. Hysan Corp., 919 W. 38th St., Chicago IL 60609. TOWER ALGAECIDE 20. Method of Support: Application proceeds under 2(b) of interim policy rather than 2(c) as published.

[FR Doc.75-3702 Filed 2-10-75;8:45 am]

[FRL 332-1]

FISONS CORP.

Establishment of Temporary Tolerances

Fisons Corp., Two Preston Court, Bedford, MA 01730, submitted a petition (PP 4G1495) requesting establishment of temporary tolerances for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the raw agricultural commodities sugar beet tops at 1 part per million; sugar beet roots at 0.1 part per million; and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 part per million.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Fisons Corp. name. (For a related document, see this issue of the FEDERAL REGISTER, page 6326.)

These temporary tolerances expire February 4, 1976. Residues remaining in or on the above commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: February 4, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-3696 Filed 2-10-75;8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 per cent of the voting shares, plus directors' qualifying shares, of State Bank of Willow Springs, Willow Springs, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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Applicant, the largest banking organization in Missouri, presently controls twenty-three banks[1] with aggregate deposits of $1.5 billion, representing 10.65 per cent of total commercial bank deposits in Missouri.[2] Acquisition of Bank, with $8.0 million in deposits, would increase Applicant's share of commercial bank deposits by .05 of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank is the smallest of seven banks in its market area (which is approximated by Howell County plus the southwestern portion of Texas County and the area around the city of Mountain Grove in Wright County) and holds 7.5 per cent of the total commercial bank deposits in the market. Applicant's nearest subsidiary bank is located 81 miles west of Bank. No significant competition exists between Bank and any of Applicant's subsidiary banks and it is unlikely that any will develop in the future due to distances involved and Missouri branching restrictions. Population per banking office in Bank's market is substantially less than the State average; therefore, prospects for de novo entry do not seem favorable. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are all regarded as satisfactory and consistent with approval of the application. As a result of the affiliation, Bank's management continuity will be strengthened. Applicant will assist Bank in offering corporate services, industrial education assistance, and trust counseling. Applicant will also cause Bank to increase rates paid on all time and savings deposits to legal maximums. Considerations relating to the convenience and needs of the community are consistent with approval of the application. It has been determined that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective February 3, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3739 Filed 2-10-75;8:45 am]

[1] Includes a de novo bank, approved but not consummated.

[2] Deposit data as of June 30, 1974 adjusted to reflect holding company acquisitions approved through December 31, 1974.

MERCHANTS NATIONAL CORP.

Proposed Acquisition of KMS Mortgage & Investment Co.

Merchants National Corporation, Indianapolis, Indiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of KMS Mortgage & Investment Company, Columbus, Ohio. Notice of the application was published on December 3, 1974 in The Columbus Dispatch, a newspaper circulated in Franklin County, Ohio; on December 4, 1974 in The Indianapolis News, a newspaper circulated in the County of Marion, Indiana; and on December 4, 1974 in Fort Lauderdale News, a newspaper circulated in Broward County, Florida.

Applicant states that the proposed subsidiary would engage in the originating, selling, and servicing of mortgage loans for its own account or the account of others. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 6, 1975.

Board of Governors of the Federal Reserve System, February 3, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-3740 Filed 2-10-75;8:45 am]

VICTORIA BANKSHARES, INC.

Order Approving Acquisition of Bank

Victoria Bankshares, Inc., Victoria, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to The Jackson County State Bank, Edna, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventeenth largest multi-bank holding company in Texas, presently controls six subsidiary banks with aggregate deposits of approximately $147 million, representing about 0.8% per cent of the total commercial bank deposits in Texas.[1] Acquisition of Bank would increase Applicant's share of State deposits by less than 0.1 per cent, and would have no appreciable effect upon the concentration of banking resources in Texas.

Bank (deposits of $12.8 million) is the second largest of three banks in the Jackson banking market (approximated by Jackson County, which is located about 100 miles southwest of Houston) and controls approximately 32 per cent of the total deposits in commercial banks in the market. Applicant presently has no subsidiary bank in the Jackson banking market, and its nearest subsidiary bank is in Victoria, Texas, approximately 26 miles southwest of Edna. Thus, it appears that consummation of this proposal would not result in the elimination of any significant existing competition. Moreover, it does not appear likely that any significant competition between Bank and any of Applicant's present subsidiary banks would develop in the future in view of the distances involved and Texas' restrictive branching laws. Accordingly, on the basis of the facts of record, it has been concluded that consummation of the proposed acquisition would not result in significant adverse effects on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as favorable and consistent with approval of the application. Applicant's acquisition of Bank would give Bank access to Applicant's financial resources and managerial expertise, and is likely to result in a greater lending capacity for Bank, as well as additional customer services in

[1] All banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved by the Board through January 15, 1975.

the areas of trust activities, oil and gas financing, and investment counseling. Considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective February 3, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-3741 Filed 2-10-75;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on November 19, 1974.[1]

The information reviewed at this meeting suggests that real output of goods and services is falling significantly further in the current quarter while price and wage increases are continuing large. In October industrial production declined—after having changed little since May—and the unemployment rate increased further, from 5.8 to 6.0 percent. In recent weeks sizable cutbacks in automobile production have been announced, and claims for unemployment insurance have continued to increase. There are major uncertainties concerning the duration of the coal strike; a lengthy shutdown would have substantial effects on other industries. The October rise in wholesale prices of industrial commodities, although substantial, remained well below the extraordinarily rapid rate in the first 8 months of the year; prices of farm products and foods increased sharply.

In recent weeks the dollar has declined further against leading foreign currencies. In the third quarter the U.S. foreign trade deficit was substantially larger than in the second quarter, but U.S. banks sharply reduced their foreign lending.

Growth of the narrowly defined money stock picked up from the slow pace of the third quarter to an annual rate of about 5 percent in October. Net inflows of consumer-type time and savings deposits at banks and at nonbank thrift institutions also improved in October, and the money supply measures more broadly defined expanded appreciably. Bank credit outstanding changed little, and banks reduced their borrowing through Eurodollars and large-denomination CD's. Since mid-October markets for short- and long-term securities have improved, despite heavy Treasury financing and a large volume of corporate security issues. Interest rates on market securities in general have declined further, and mortgage yelds also have fallen somewhat. On November 13 the Board of Governors announced a restructing of member bank reserve requirements, which will have the effect of releasing reserves to the banking system in the week beginning December 12.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, supporting a resumption of real economic growth, and achieving equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, February 5, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-3742 Filed 2-10-75;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of November 19, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

INTERNATIONAL TRADE COMMISSION

[337-40]

ELECTRONIC FLASH DEVICES

Postponement of Hearing

On February 6, 1975, the U.S. International Trade Commission postponed until February 28, 1975, the public hearing scheduled for February 11, 1975, in connection with investigation No. 337-40, Electronic Flash Devices. Notice of the institution of the investigation and the ordering of the hearing was published in the FEDERAL REGISTER on November 20, 1974 (39 FR 40828).

By order of the Commission.

Issued: February 7, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-3940 Filed 2-10-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-275, etc.]

ATOMIC SAFETY AND LICENSING APPEAL BOARDS

Reconstitution

Docket Nos. 50-275 and 50-323, Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2)

Docket No. 50-278, Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Unit 3)

Docket Nos. 50-282 and 50-306, Northern States Power Company (Prairie Island Nuclear Generating Plant, Units 1 and 2)

Docket No. 50-286, Consolidated Edison Company (Indian Point, Unit 3)

Docket Nos. 50-329A and 50-330A, Consumers Power Company (Midland Plant)

Docket No. 50-335, Florida Power & Light Company (St. Lucie Nuclear Power Plant, Unit 1)

Docket Nos. 50-338, 50-339, 50-404 and 50-406, Virginia Electric & Power Company (North Anna Power Station, Units 1-4)

Docket No. 50-346A, Toledo Edison Company, et al. (Davis-Besse Nuclear Power Station)

Docket Nos. 50-354 and 50-355, Public Service Electric & Gas Co. (Hope Creek Generating Station, Units 1 and 2)

Docket No. 50-410, Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit 2)

Docket Nos. 50-413 and 50-414, Duke Power Company (Catawba Nuclear Station)

Docket Nos. 50-440 and 50-441, Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Units 1 and 2)

Docket Nos. 50-440A and 50-441A, Cleveland Electric Illuminating Company (Perry Nuclear Power Plant, Units 1 and 2)

In view of his transfer from the Nuclear Regulatory Commission to the staff of the Joint Committee on Atomic Energy, effective February 2, 1975 William C. Parler has been relieved from further service on the Atomic Safety and Licensing Appeal Boards assigned to the above-styled proceedings.

In accordance with the authority conferred upon him by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has made the following changes in the composition of particular Appeal Boards:

1. Docket Nos. 50-413 and 50-414, Duke Power Company (Catawba Nuclear Station, Units 1 and 2): Richard S. Salzman appointed to the Appeal Board and designated its Chairman.

2. Docket No. 50-410; Niagara Mohawk Power Corporation (Nine Mile Point Nuclear Station, Unit 2): Richard S. Salzman designated Chairman of the Appeal Board.

3. Docket No. 50-278, Philadelphia Electric Company, et al. (Peach Bottom Atomic Power Station, Unit 3): Michael C. Farrar designated Chairman of the Appeal Board.

Notice will be given of any subsequent additional changes made by the Chairman of the Appeal Panel in the composition of Appeal Boards to which Mr. Parler had been assigned.

Dated: February 4, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-3714 Filed 2-10-75;8:45 am]

[Docket No. 50-324]

BRUNSWICK STEAM ELECTRIC PLANT, UNIT 2

Availability of Initial Decision of the Atomic Safety and Licensing Board and Issuance of a Facility Operating License; Correction

The captioned FR Doc. 75-363, published on page 1291 on Tuesday, January 7, 1975, was imprecise by stating that the Initial Decision of the Atomic Safety and Licensing Board, dated December 26, 1974, authorized issuance of an operating license to the Carolina Power and Light Company to operate Unit 2 of the Brunswick Steam Plant. The Initial Decision resolved the issues set forth in Section

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V40-29 FEB 11 75 XUM

B of Appendix D to 10 CFR Part 50, which sets forth procedures for environmental review of certain licenses to construct or operate production or utilization facilities issued in the period January 1, 1970 to September 9, 1971. Accordingly, the Initial Decision of the Atomic Safety and Licensing Board authorized continuation of construction permits CPPR–67 and CPPR–68 for the Brunswick Steam Electric Plant, Units 1 & 2. The operating license for the Brunswick Steam Electric Plant, Unit 2 was issued by the Commission pursuant to 10 CFR 50.56.

Dated at Bethesda, Maryland this 5th day of February, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Division of Reactor Licensing.

[FR Doc.75–3713 Filed 2–10–75;8:45 am]

[Dockets Nos. STN 50–456, STN 50–457]

COMMONWEALTH EDISON CO. (BRAIDWOOD STATION, UNITS 1 AND 2)

Availability of Partial Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the Commission's regulations in Appendix D of 10 CFR Part 50, notice is hereby given that a Partial Initial Decision dated January 8, 1975, by the Atomic Safety and Licensing Board in the above-captioned proceeding relating to environmental and site suitability matters is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. and in the Wilmington Township Public Library, 201 South Kankakee Street, Wilmington, Illinois.

The Partial Initial Decision is also being made available at the Illinois State Clearinghouse, Room 103 State House, Springfield, Illinois, and at the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, Illinois.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Directorate of Licensing relating to construction of the Braidwood Station, Units 1 and 2.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, the Final Environmental Statement is deemed modified to the extent that the Findings and Conclusions contained in the Partial Initial Decision differ from those contained in the Final Environmental Statement. As required by 10 CFR Part 51, a copy of the Partial Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality, the Environmental Protection Agency, and other interested agencies and persons.

Single copies of the Partial Initial Decision and the Final Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 30th day of January 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75–3711 Filed 2–10–75;8:45 am]

[Docket No. 50–213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR–61 issued to Connecticut Yankee Atomic Power Company which revised Technical Specifications for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

This amendment changes the power distribution monitoring requirements of the Technical Specifications to utilize manual axial offset monitoring.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated August 21, 1974, (2) Amendment No. 1 to License No. DPR–61, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 29th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75–3715 Filed 2–10–75;8:45 am]

[Docket No. 40–8027]

KERR-McGEE NUCLEAR CORP.

Availability of Final Environmental Statement for the Sequoyah Hexafluoride Plant

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Division of Materials and Fuel Cycle Facility Licensing, related to Kerr-McGee Nuclear Corporation's Sequoyah Uranium Hexafluoride Plant, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. and in the Sallisaw City Library, 111 North Elm, Sallisaw, Oklahoma. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of Community Affairs & Planning, State Grant-in-Aid Clearinghouse, 4901 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 and the Metropolitan Clearinghouse, Arkoma Regional Planning Commission, 104 N. 16th Street, Fort Smith, Arkansas 72901. The notice of availability of the Draft Environmental Statement for the Sequoyah Hexafluoride Plant and requests for comments from interested persons was published in the FEDERAL REGISTER on April 18, 1974 (39 FR 13910). The comments received from Federal agencies, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of this statement are available as NUREG–75/007 from the National Technical Information Service, Springfield, Virginia 22161, at a price of $9.25 for paper copy and $2.25 for microfiche.

Dated at Bethesda, Maryland, this 4th day of February 1975.

For the Nuclear Regulatory Commission.

RICHARD E. CHEETWOOD,
Chief, Technical Support Branch, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75–3707 Filed 2–10–75;8:45 am]

[Docket No. 50–263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Provisional Operating License No. DPR–22 issued to the Northern States Power Company (the licensee) which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment authorizes a revision in the reactor vessel material surveillance program to delete a requirement that a specimen basket be removed during the third refueling outage and replace it with a requirement to remove at a later date when more meaningful results can be obtained.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1974, (2) Amendment No. 7 to License No. DPR–22, with Change No. 16, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3rd day of February, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75–3716 Filed 2–10–75;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.75, Revision 1, "Physical Independence of Electric Systems," endorses, with certain exceptions, IEEE Std 384–1974, "IEEE Trial-Use Standard Criteria for Separation of Class IE Equipment and Circuits," dated March 15, 1974. This standard describes a method acceptable to the staff for complying with the Commission's regulations with respect to the physical independence of the circuits and electric equipment comprising or associated with the Class IE power system, the protection system, systems actuated or controlled by the protection system, and auxiliary or supporting systems that must be operable for the protection system and the systems it activates to perform their safety-related functions. This guide applies to all types of nuclear power plants.

Regulatory Guide 1.81, Revision 1, "Shared Emergency and Shutdown Electric Systems for Multi-Unit Nuclear Power Plants," describes a method acceptable to the staff for complying with the Commission's requirements for sharing of onsite emergency and shutdown electric systems for multi-unit nuclear power plants. With respect to the sharing of d.c. systems, this guide applies to all multi-unit plants. With respect to the sharing of a.c. systems, this guide applies to the multi-unit plants whose a.c. power is supplied by diesel generators. This revision reflects comments received from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.75, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by April 4, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Investigation of Material Underneath Nuclear Power Plant Foundations.
Protective Coatings for Light-Water Nuclear Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Design of Main Steam Line Isolation Valve Leakage Control Systems for Direct Cycle Boiling Water Reactor Nuclear Power Plants.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Initial Startup Testing Program for Facilities Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plant.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 30th day of January 1975.

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For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-3712 Filed 2-10-75;8:45 am]

[Dockets Nos. STN 50-502, 50-503]

WISCONSIN ELECTRIC POWER COMPANY, ET AL. (KOSHKONONG NUCLEAR POWER PLANT UNITS 1 AND 2)

Cancellation of Prehearing Conference

In the matter of Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, Madison Gas and Electric Company (Koshkonong Nuclear Power Plant Units 1 and 2).

The prehearing conference in the above captioned proceeding now scheduled for February 14, 1975 in Madison, Wisconsin, is hereby cancelled. It will be rescheduled for a later date and notice thereof issued as soon as possible.

It is so ordered.

Dated at Bethesda, Maryland, this 4th day of February 1975.

ATOMIC SAFETY AND LICENSING BOARD.
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75-3710 Filed 2-10-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 6, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

State Volunteer Services Coordinator Program, quarterly report form, quarterly, State Volunteer Services Coordinators, Lowry, R. L., 395-3772.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, descriptive survey of nutrition education, single-time, State education agencies and local school districts, Planchon, P., 395-3896.

Agricultural Research Service, group evaluation of selected USDA recipes, ARS 195-198, single-time, elementary school students and school personnel, Human Resources Division, 395-3532.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, university curricula questionnaire, single-time, colleges and universities, Planchon, P., 395-3896.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
- Questionnaire for special education departments of institutions of higher education, OE 306-2, single-time, directors of special education departments, Human Resources Division, 395-3532.
- REHALRC survey of services, OE 399-3, single-time, directors of materials centers, Human Resources Division, 395-3532.
- Instructions and schedules for submitting monitoring and evaluation information AIDP, OE-1049-2, quarterly, AIDP grantee institutions, Human Resources Division, 395-3532.
- LRC service data, OE 399-1, annually, learning resource centers, Human Resources Division, 395-3532.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, plan description report, EBS-1, other (see SF-83), pension plans and selected welfare plans, Caywood, D. P., 395-3443.

Bureau of Labor Statistics, general wage index establishment information, general wage index wage data and quarterly report, 3038A, 3038B, and 3038C, quarterly, private nonfarm establishments, excluding households, Strasser, A., 395-3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
- Northwest learning resource center workshop evaluation form, OE 399-2, on occasion, teachers, administrators, and paraprofessionals, Human Resources Division, 395-3532.
- Client perceptions of LRC services, OE 399-3, annually, LRC staff, Human Resources Divison, 395-3532.
- Survey of special education materials/information services within SMSA, OE 400, single-time, LEAS in SMSA's, Human Resources Division, 395-3532.

Social and Rehabilitation Service, manpower supply and demand in rehabilitation study, single-time, directors of rehabilitation training programs, Human Resources Division, 395-3532.

National Institutes of Health, Trace elements in water and human tissues, NIH-HL-20, other (see SF-83), employees and their families, Weiner, N., 395-4890.

Office of Education:
- Plan of operation and budget explanations, OE 1185, annually, Institutions of postsecondary education, Lowry, R. L., 395-3772.
- Questionnaire for directors of special education, OE 398-1, single-time, LEA level person responsible for special education services, Planchon, P., 395-3896.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, nonproduction bonus study for PATC, BLS 3059, single-time, business establishments within the scope of PATC study, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority, supplemental statement to application for registration, commodity future trading, CFTC 3-R, on occasion, individuals and firms in commodity brokerage business, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Social Security Administration:
- Cost classification report—hospital/supplementary medical insurance benefits program, SSA-2960, semiannually, health insurance contractors, Caywood, D. P., 395-3443.
- Estimate of administrative costs and credits, hospital insurance benefits program, SSA-1528, annually, Caywood, D. P., 395-3443.
- Estimate of administrative costs—supplemental medical insurance benefits program, SSA-1524, annually, commercial health insurance companies, Caywood, D. P. 395-3443.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Office cards (applicants for all NSF fellowships), 681, annually, exchange scientists, Evinger, S. K., 395-3648.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, application for appeal inspection or board approval inspection (U.S. Grain Standards Act), GR-202, on occasion, Evinger, S. K., 395-3648.

DEPARTMENT OF DEFENSE

Department of the Army (excluding Office of civil defense), vessel operation reports, RHB-1/ENG 3, on occasion, Evinger, S. K., 395-3648.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education, instructions for A-102 financial status report and performance, report for OEEOP programs, OE-116-2, annually, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3933 Filed 2-10-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

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The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES TARIFF COMMISSION

Questionnaire on imports, exports and production of wood products, single-time, business firms, Weiner, N., 395-4890.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce, oilfield drilling rigs, DIB 984, single-time, producers of rigs, Weiner, N., 395-4890.

DEPARTMENT OF HEALTH EDUCATION, AND WELFARE

Office of the Secretary, change agent screener telephone survey school superintendents, OS-8-75, single-time, school superintendents, Planchon, P., 395-3896.

Health Resources Administration, effectiveness of emergency medical care, HRABHSR1125, single-time, sample of trauma and myocardial infarctions, Reese, B. F. 395-5630.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, assignment affecting record title to geothermal resources lease, 3200-17, single-time, individuals, Lowry, R. L. 395-3772.

DEPARTMENT OF TRANSPORTATION

Departmental and other:
- Miami carpool survey, annually, carpool riders, Strasser, A., 395-3880.
- Miami home interview survey, annually, households in system market area, Strasser, A., 395-3880.

REVISIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics, form letters requesting collective bargaining agreements and related information, BLS-2451, on occasion, labor organizations, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-3905 Filed 2-10-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Amdt. 1]

DIRECTOR, OFFICE OF FINANCING AND CHIEF, PROGRAM OPERATIONS DIVISION

Delegation of Authority

Delegation of authority No. 12-A (Revision 1) (38 FR 18595), is hereby amended to provide certain limitations on actions pertaining to economic injury loans. This amendment also deletes paragraph IA since the position of Deputy Associate Administrator for Finance no longer exists. As amended, Delegation of Authority No. 12-A (Revision 1) reads as follows:

• • • • • •

A. [Deleted]

B. *Director, Office of Financing.* 1. To approve or decline applications for business, economic opportunity, disaster and all other types of loans authorized to be made by the Agency, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans, except that actions on economic injury loans are limited to those not in excess of $2,000,000.

• • • • • •

C. *Chief, Program Operations Division.* 1. To approve or decline applications for business, economic opportunity, disaster and all other types of loans authorized to be made by the Agency, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans, except that actions on economic injury loans are limited to those not in excess of $1,000,000.

• • • • • •

Effective Date: December 20, 1974.

EINAR JOHNSON,
Acting Associate Administrator for Finance and Investment.

[FR Doc.75-3764 Filed 2-10-75;8:45 am]

[License No. 09/09-5179]

F & F VENTURE CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Company

On November 7, 1974, a notice was published in the FEDERAL REGISTER (39 FR 39511) stating that F & F Venture Capital Corporation, located at Route #1, Chino Airport, Chino, California 91710, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given to the close of business on November 22, 1974, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 09/09-5179 to F & F Venture Capital Corporation pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: February 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-3761 Filed 2-10-75;8:45 am]

HOUSTON DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Houston District Advisory Council will meet at 10 a.m. c.s.t., Tuesday, March 4, 1975, at the University of Houston, Continuing Education Center, 4800 Calhoun, Entrance 1, Houston, Texas, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, please call or write John L. Carey, Small Business Administration, 808 Travis Street, Niels Esperson Building, Room 1210, Houston, Texas 77002, (713) 226-4341.

Dated: January 30, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-3766 Filed 2-10-75;8:45 am]

[License No. 02/02-5307]

ODA CAPITAL CORP.

Issuance of License to Operate as a Small Business Investment Company

On August 22, 1974, a notice was published in the FEDERAL REGISTER (39 FR 30388) stating that ODA Capital Corporation, located at 82 Lee Avenue, Brooklyn, New York 11211, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment ended September 7, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 02/02-5307 to ODA Capital Corporation.

Dated: January 31, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-3762 Filed 2-10-75;8:45 am]

NASHVILLE DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Nashville District Advisory Council will meet at 9 a.m. c.d.t., Wednesday, March 19, 1975, at the Biltmore Motel in Union City, Tennessee, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, please call or write W. J. Shaver, Small Business Administration, 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219, (615) 749-5850.

Dated: January 30, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-3767 Filed 2-10-75;8:45 am]

XUM V40 I29 FEB 11 1975 XUM

[Disaster Loan Area 1114]

RHODE ISLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January, because of the effects of a certain disaster, damage resulted to property located in the State of Rhode Island;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Newport, Rhode Island, suffered damage or destruction resulting from a fire which occurred January 12, 1975.

Office:
Small Business Administration
District Office,
57 Eddy Street,
Providence, Rhode Island 02903.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 7, 1975. EIDL applications will not be accepted subsequent to November 4, 1975.

Dated: February 4, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-3765 Filed 2-10-75;8:45 am]

[License No. 06/06-5168]

TEJAS INVESTMENT CORP.

Issuance of License To Operate as a Small Business Investment Company

On November 21, 1974, a notice was published in the FEDERAL REGISTER (39 FR 40902) stating that Tejas Investment Corporation, located at 3001 South Congress Avenue, Austin, Texas 78704, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment ended December 6, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 06/06-5168 to Tejas Investment Corporation.

Dated: January 30, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-3763 Filed 2-10-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Meeting

A meeting of the Federal Advisory Council on Unemployment Insurance will be held on March 5, 1975, starting at 1 p.m. and adjourning at approximately 4:30 p.m. The meeting will continue on March 6, 1975, beginning at 9 a.m. and continuing until approximately 4:30 p.m. Meeting location will be in the first floor conference room (off the lobby) of the Patrick Henry Building, which is located at 601 D Street NW., Washington, D.C.

The agenda will concern program financing and will include the following topics:

1. Adoption of meeting rules and procedures;
2. Unemployment situation and payments under existing U.I. programs;
3. Status of UI reserves;
4. Legislative financing proposals; and
5. Further discussion of permanent legislative changes considered at the December 6, 1974 meeting.

Members of the public are invited to attend the proceedings. Written data, views, or arguments pertaining to the agenda must be received by the Council's Executive Secretary prior to the meeting date. Twenty duplicate copies are needed for distribution to the members and for inclusion in the meeting minutes.

Persons wishing to address the Council members on a scheduled agenda topic should inform the Executive Secretary prior to the meeting date, stating the nature of their intended presentation and the amount of time needed. The chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

A more detailed agenda will be available prior to the meeting date. Telephone inquiries and communications concerning this meeting should be directed to:

Mrs. Sally Ehrle, Executive Secretary,
Federal Advisory Council on Unemployment Insurance,
Room 7000, Patrick Henry Building,
601 D Street NW.,
Washington, D.C. 20213.

Mrs. Ehrle's telephone number is 202-376-7034.

Signed at Washington, D.C. this 4th day of February 1975.

BEN BURDETSKY,
Acting Assistant Secretary for Manpower.

[FR Doc.75-3793 Filed 2-10-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 693]

ASSIGNMENT OF HEARINGS

FEBRUARY 6, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-12257, International Carriers, Inc.—Purchase—Motor Dispatch, Inc., now being reassigned February 24, 1975, on 3rd Floor, 230 S. Dearborn St., Chicago, Ill. The Prehearing Conference scheduled February 13, at Washington, D.C., remains assigned.

MC 108340 Sub 27, Haney Truck Line, now assigned March 17, 1975 at Portland, Oregon; in Room 103, Pioneer Courthouse, 555 S. W. Yamhill Street.

I&S No. 8998, Coal Southwestern, Western Trunk Line, & Central Territories, FSA No. 42890, Coal From Illinois, Indiana, Kentucky and Missouri, now assigned March 4, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building.

MC 95876 Sub 151, Anderson Trucking Service, Inc., now assigned March 12, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building.

MC 111545 Sub 201, Home Transportation Company, Inc., MC 123048 Sub 311, Diamond Transportation System, Inc., now assigned March 10 and 11, 1975, at Chicago, Illinois will be held in Room 1086A, Everett McKinley Dirksen Building.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3812 Filed 2-10-75;8:45 am]

[Finance Docket No. 26745]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment of Service

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sangamon and Cass Counties, Ill., on or before February 26, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 31st day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

THE BALTIMORE AND OHIO RAILROAD COMPANY, ABANDONMENT BETWEEN COAL SHAFT AND BEARDSTOWN IN SANGAMON AND CASS COUNTIES, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated January 31, 1975, it has been determined that the proposed abandonment by the Baltimore and Ohio Railroad Company of its 43.7 miles of line between Coal Shaft and Beardstown, all in Sangamon and Cass Counties, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because a shift of rail traffic to motor carriers would have only minimal noise, air pollution, and fuel consumption impacts. There are no historic or major ecological impacts associated with the proposed action. In addition the Capital City Railroad Relocation Authority of Springfield has indicated that the proposed action is consistent with its plans to consolidate its city's railroads into a centralized corridor.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-3815 Filed 2-10-75;8:45 am]

[AB 95 (Sub-No. 1)]

BELLEFONTE CENTRAL RAILROAD CO.

Abandonment of Service

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Centre County, Pa., on or before February 28, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 31st day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

BELLEFONTE CENTRAL RAILROAD COMPANY ABANDONMENT BETWEEN CHEMICAL AND STATE COLLEGE, IN CENTRE COUNTY, PENNSYLVANIA

The Interstate Commerce Commission hereby gives notice that by order dated January 31, 1975, it has been determined that the proposed abandonment of the Bellefonte Central Railroad Company line between Chemical and State College, a distance of 13.55 miles, all in Centre County, Pa., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because there are no proposed developmental plans or projects which would be dependent on continued direct rail service, and the safety, historic, pollution, and other environmental effects associated with the proposed action are negligible or absent. Part of the land underlying the right-of-way may become incorporated into the Pennsylvania State University campus. The Centre Regional Council of Governments and the Centre County Planning Commissions are currently actively analyzing the area in order to determine the best future land use for the line, should abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-3817 Filed 2-10-75;8:45 am]

[AB 43 (Sub-No. 6)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Service

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Warren and Yazoo Counties, Miss., on or before February 29, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN VALLEY AND REDWOOD, IN YAZOO AND WARREN COUNTIES, MISSISSIPPI

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company of its line between Valley and Redwood, in Yazoo and Warren Counties, Miss., a distance of 20 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because there has been no traffic over the subject line since August 1970, there are no development plans in the area which could be affected by the loss of rail service, and there are no major ecological, historic, or safety impacts associated with the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-3816 Filed 2-10-75;8:45 am]

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XUM

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 6, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 26, 1975.

FSA No. 42936—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-514), for interested rail carriers. Rates on various commodities, in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 64 to Southwestern Freight Bureau, Agent, tariff I.C.C. No. 1159. Rates are published to become effective on March 14, 1975.

FSA No. 42938—*Nitric Acid from El Dorado, Arkansas.* Filed by Southwestern Freight Bureau, Agent, (No. B-5127), for interested rail carriers. Rates on nitric acid, in tank-car loads, as described in the application, from El Dorado, Arkansas, to East St. Louis, Illinois and St. Louis, Missouri. Grounds for relief—Market competition.

Tariff—Supplement 198 to Southwestern Freight Bureau, Agent, tariff 3-I, I.C.C. No. 4923. Rates are published to become effective on March 14, 1975.

FSA No. 42939—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 16), for itself and interested rail carriers. Rates on general commodities, from ports in Sri Lanka, to rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42937—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-510), for interested rail carriers. Rates on various commodities, in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 64 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1169. Rates are published to become effective on March 14, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3813 Filed 2-10-75;8:45 am]

[Notice No. 229]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 3, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75447. By order of January 24, 1975 the Motor Carrier Board approved the transfer to Robert G. Bossard, doing business as F. A. Bossard & Son, Meadville, Pa., of the operating rights in Certificate No. MC-60929 issued January 12, 1950 to Winifred F. Bossard, doing business as F. A. Bossard & Son, Meadville, Pa., authorizing the transportation of household goods between points in Crawford County, Pa., on the one hand, and, on the other, points in Ohio, New York, and West Virginia. Louis D. Musica, 355 Center St., Meadville, Pa., 16335 Attorney for applicants.

No. MC-FC-75634. By order entered January 29, 1975 the Motor Carrier Board approved the transfer to Robert T. Woodhull, doing business as Peer's Moving Company (CO.), Dover, N.J., of the operating rights set forth in Certificate No. MC-81965, issued August 24, 1959, to William R. Humphrey, doing business as Humphrey Moving Co., Morris Plains, N.J., authorizing the transportation of household goods, between Bernardsville, N.J., and points within 20 miles of Bernardsville, on the one hand, and, on the other, points in Connecticut, Delaware, New York, Pennsylvania, Maryland, and the District of Columbia. Michael T. Henchy, 2 West Blackwell St., Dover, N.J. 07801, attorney for applicants.

No. MC-FC-75626. By order of January 29, 1975 the Motor Carrier Board approved the transfer to Whiteford Transport, Inc., South Bend, Ind., of the operating rights in Certificates No. MC-109682, MC-109682 (Sub-No. 9), MC-109682 (Sub-No. 19), MC-109682 (Sub-No. 20), MC-109682 (Sub-No. 21) and MC-109682 (Sub-No. 31) issued September 3, 1952, November 14, 1950, April 6, 1955, July 15, 1955, July 11, 1958 and May 25, 1973 respectively to Bolin Driveaway Co., a corporation, Cleveland, Ohio, authorizing the transportation of various commodities from, to and between specified points and areas in Indiana, Ohio, Pennsylvania, New York, West Virginia, Virginia, Michigan, Delaware, Maryland, New Jersey, Alabama, North Carolina, South Carolina, and the District of Columbia and from specified points in Alabama, Indiana and Ohio to points in the United States. Walter N. Bieneman, 100 West Long Lane St., Bloomfield Hills, Mich., 48013, Attorney for applicants.

No. MC-FC-75650. By order entered 2.4.75 the Motor Carrier Board approved the transfer to Stanley H. Ross, doing business as SHR Tours, Taconic, Conn., of Broker's License No. MC-12650 (Sub-No. 1), issued July 5, 1968, to Alfa Ski Tours, Inc., doing business as Alfa Ski Tours, Brooklyn, N.Y., authorizing operations as a broker at Brooklyn, Rockville Center, and Manhasset, N.Y., in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in round-trip, all-expense ski tours, beginning and ending at New York, N.Y., and at points in Nassau County, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut. Michael E. Lurf, 9 Rutledge Road, Scarsdale, N.Y. 10583, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3814 Filed 2-10-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 5, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 21, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 31462 (Sub-No. E66), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan to points in Connecticut. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E111), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other points in North Dakota. The purpose of this filing is to eliminate the gateway of (1) Gulfport, Mississippi and points within 35 miles thereof, (2) Cairo, Illinois and points within 25 miles thereof, (3) Burlington, Iowa and points within 50 miles thereof, and (4) Alden, Minnesota and points within 35 miles thereof.

No. MC 31462 (Sub-No. E112), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Gulfport, Mississippi and points within 35 miles thereof, and Cairo, Illinois and points within 25 miles thereof.

No. MC 31462 (Sub-No. E113), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Florida on east and south of a line beginning at the Georgia-Florida State line extending along U.S. 231 to the Gulf of Mexico, on the one hand, and, on the other, points in that part of Missouri beginning at the Illinois-Missouri State line extending along U.S. Highway 60 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 63, thence along U.S. Highway 63, to junction U.S. Highway 60, thence on U.S. Highway 60 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Illinois, and any point in Georgia.

No. MC 31462 (Sub-No. E116), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Mississippi and points within 35 miles thereof, and (2) Cairo, Illinois and points within 25 miles thereof.

No. MC 31462 (Sub-No. E117), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of any point in Georgia.

No. MC 31462 (Sub-No. E118), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Mississippi and points within 35 miles thereof, and (2) Cairo, Illinois and points within 25 miles thereof.

No. MC 31462 (Sub-No. E141), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction Interstate Highway 57, thence along Interstate 57 to junction U.S. Highway 150, thence along U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 26, thence along Illinois-Wisconsin State line, on the one hand, and, on the other points in South Carolina. The purpose of this filing is to eliminate the gateways of Cairo, Illinois and points within 25 miles thereof, any point in Tennessee and any point in Georgia.

No. MC 31462 (Sub-No. E142), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Illinois on the one hand, and, on the other, points in that part of Louisiana on, east, and south of a line beginning at the Mississippi-Louisiana State line extending along Interstate Highway 55 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to the Louisiana-Texas State line. The purpose of this filing is to eliminate the gateway of Cairo, Illinois and points within 25 miles thereof, and Gulfport, Mississippi and points within 35 miles thereof.

No. MC 31462 (Sub-No. E143), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on, south, and west of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 45, thence along Illinois Highway 45 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan west of a line beginning at Excanaba, Michigan, extending along U.S. Highway 41 to Marquette, Michigan. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E144), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line to points in North Carolina. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E145), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster,

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Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in that part of Michigan on and east of a line beginning at the Michigan-Indiana State line extending along Michigan Highway 66 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the United States-Canada boundary line. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E146), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in Vermont. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof, and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E147), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof, and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E158), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in Maine. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof, and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E149), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E150), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to the District of Columbia. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E151), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in New Jersey. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E152), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in New York. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E153), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E154), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Illinois to points in Maryland. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E156), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, from points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 40 to the Illinois-Indiana State line to points in that part of Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 52 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E157), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas on the one hand, and, on the other, and points in Illinois. The purpose of this filing is to eliminate the gateway of Kansas City, Missouri and points within 30 miles thereof; St. Louis, Missouri, and East St. Louis, Illinois, and points within 50 miles thereof; and Cairo, Illinois, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E163), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line extending along Illinois Highway 145 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Wisconsin on and north of a line beginning at Manitowoc, Wisconsin, extending along U.S. Highway 151 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E247), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, from points in Mississippi to points in Maine. The purpose of this filing is to eliminate the

gateway of Cairo, Illinois, and points within 25 miles thereof, Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof, and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E248), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, from points in Missouri to points in Maine. The purpose of this filing is to eliminate the gateway of St. Louis, Missouri and East St. Louis, Illinois and points within 50 miles thereof; Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E251), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan to points in Maine. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E252), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Minnesota to points in Maine. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and points within 50 miles thereof; Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E341), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof, and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E342), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E343), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary lien extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; and any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E344), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; and any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E345), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of

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a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2, to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 10 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along US. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof, and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 51146 (Sub-No. E15) (Correction), filed November 2, 1974, published in the Federal Register December 10, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wisc. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (except commodities in bulk) from Chattanooga, Tenn., to points in North Dakota, South Dakota, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, those points in New Jersey on and north of a line beginning at the intersection of the Pennsylvania-New Jersey State line and New Jersey Highway 57, thence along New Jersey Highway 57 to its junction with New Jersey Highway 24, thence along New Jersey Highway 24 to Newark, N.J., thence along U.S. Highway 1 to the Hudson River; and points in Nebraska on, north, and west of a line beginning at the intersection of the Wyoming-Nebraska State line and U.S. Highway 30, thence along U.S. Highway 30 to its junction with Nebraska Highway 70, thence along Nebraska Highway 70 to its junction with Nebraska Highway 92, thence along Nebraska Highway 92 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to its intersection with U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Iowa State line. (14) *paper and paper products* (except commodities in bulk), from points in Alabama south and east of a line beginning at the intersection of the Alabama-Florida State line and U.S. Highway 331, thence north along U.S. Highway 331 to Montgomery, Ala., thence along U.S. Highway 80 to the Alabama-Georgia State line, to points in North Dakota and South Dakota (except points south and east of a line beginning at the intersection of the South Dakota-Nebraska State line and U.S. Highway 83, thence north along U.S. Highway 83 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Minnesota State line), New York (except points south and east of a line beginning at Hancock Eddy, thence along New York Highway 17 to its junction with New York Highway 30, thence northeast along New York Highway 30 to its junction with New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line), Vermont (except points south of Vermont Highway 9), New Hampshire (except points south of New Hampshire Highway 9), and Maine (except points south of Maine Highway 25).

(17) *Paper and paper products* (except commodities in bulk), from points in Wyoming, Montana (except points west of U.S. Highway 91), and Idaho (except points north and west of a line beginning at the intersection of the Nevada-Idaho State line and U.S. Highway 93, thence along U.S. Highway 93 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its junction with U.S. Highway 30N, thence along U.S. Highway 30N to its intersection with U.S. Highway 91, thence along U.S. Highway 91 to the Idaho-Montana State line), to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, New York (except points west of a line beginning at Clayton, N.Y., thence along New York Highway 12 to Watertown, thence along U.S. Highway 11 to Cortland, thence along New York Highway 13 to its junction with New York Highway 14, thence along New York Highway 14 to the Pennsylvania-New York State line), Virginia (except points west of U.S. Highway 21), North Carolina (except points west of U.S. Highway 21), and the District of Columbia. (23) *paper and paper products* (except commodities in bulk), from Los Angeles, Calif., to points in Maryland, Virginia (except points south and west of a line beginning at the intersection of the Kentucky-Virginia State line and U.S. Highway 23, thence along U.S. Highway 23 to its junction with Virginia Highway 83, thence along Virginia Highway 83 to its intersection with U.S. Highway 460, thence along U.S. Highway 460 to its intersection with Virginia Highway 16, thence along Virginia Highway 16 to the North Carolina-Virginia State line), North Carolina (except points west and south of a line beginning at the intersection of the Virginia-North Carolina State line and North Carolina Highway 18, thence along North Carolina Highway 18 to Oakboro, thence along North Carolina Highway 115 to Statesville, thence along U.S. Highway 70 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with North Carolina Highway 24, thence along North Carolina Highway 24 to U.S. Highway 220, thence along U.S. Highway 220 to its junction with North Carolina Highway 211, thence along North Carolina Highway 211 to its termination at Southport), and the District of Columbia.

(30) *paper and paper products* (except commodities in bulk), from points in Ohio on and within an area bordered on the west by the Indiana-Ohio State line, on the north by U.S. Highway 224, on the east by a line beginning at Findlay, Ohio, thence along U.S. Highway 68 to its junction with Ohio Highway 31, thence along Ohio Highway 31 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to Columbus, Ohio, and on the south by U.S. Highway 40, to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Missouri (except points north and east of a line beginning at the intersection of the Iowa-Missouri State line and Missouri Highway 149, thence along Missouri Highway 149 to Missouri Highway 6, thence along Missouri Highway 6 to the Mississippi River), points in Maine, New Hampshire, Rhode Island, Vermont (except points south of U.S. Highway 2), Massachusetts (except points west of U.S. Highway 5), Connecticut (except points north and west of U.S. Highway 202), South Carolina (except points north of a line beginning at the intersection of the North Carolina-South Carolina State line and U.S. Highway 25, thence along U.S. Highway 25 to its intersection with U.S. Highway 76, thence along U.S. Highway 76 to its intersection with Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-North Carolina State line), points in North Carolina on and west of U.S. Highway 25, and points in North Carolina on, and south and east of a line beginning at the intersection of the North Carolina-South Carolina State line and U.S. Highway 301, thence along U.S. Highway 301 to Rocky Mount, thence along U.S. Highway 64 to its termination on the Atlantic Ocean.

(36) *paper and paper products* (except commodities in bulk), from points in Ohio on and within an area bordered on the north by U.S. Highway 35, on the west by U.S. Highway 27, on the south by Ohio Highway 129, and on the east by U.S. Highway 25 (except points in Hamilton and Middletown, Ohio and their Commercial Zones), to Memphis, Tenn., and points in North Dakota, South Dakota, Nebraska, Oklahoma, Texas, Louisiana, Arkansas, Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia (except points west of U.S. Highway 21) (North Carolina, except points west of a line beginning at the intersection of the North Carolina-Virginia State line and U.S. Highway 21, then along U.S. Highway 21 to Sparta, thence along North Carolina Highway 18 to Roxboro, thence along North Carolina Highway 16 to its junction with U.S. Highway 321, thence along U.S. Highway 321 to the

North Carolina-South Carolina State line), South Carolina (except points west of a line beginning at the intersection of the North Carolina-South Carolina State line and U.S. Highway 321, thence along U.S. Highway 321 to its intersection with South Carolina Highway 72, thence along South Carolina Highway 72 to Greenwood, thence along U.S. Highway 25 to the Georgia-South Carolina State line). (53) *paper and paper products* (except commodities in bulk), from Newark and Rochester, N.Y., to points in Kansas, Oklahoma, Texas, Louisiana, North Dakota (except points east and south of a line beginning at the intersection of the International Boundary line between Canada and North Dakota and U.S. Highway 281, thence along U.S. Highway 281 to its junction with North Dakota Highway 3, thence along North Dakota Highway 3 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to its intersection with North Dakota Highway 14, thence along North Dakota Highway 14 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the North Dakota-South Dakota State line), South Dakota (except points west and south of a line beginning at the intersection of the North Dakota-South Dakota State line and U.S. Highway 83.

Thence along U.S. Highway 83 to its intersection with U.S. Highway 14, thence along U.S. Highway 14 to its intersection with South Dakota Highway 73, thence along South Dakota Highway 73 to the South Dakota-Nebraska State line), Nebraska (except points north and east of a line beginning at the intersection of the South Dakota-Nebraska State line and Nebraska Highway 61, thence along Nebraska Highway 61 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with U.S. Highway 183, thence along U.S. Highway 183 to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to its intersection with U.S. Highway 281, thence along U.S. Highway 281 to its intersection with Nebraska Highway 4, thence along Nebraska Highway 4 to Beatrice, thence along U.S. Highway 77 to the Nebraska-Kansas State line), Missouri (except points east and north of a line beginning at St. Joseph, thence along U.S. Highway 169 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to Sedalia, thence along U.S. Highway 65 to its intersection with Missouri Highway 14, thence along Missouri Highway 14 to West Plains, thence along U.S. Highway 63 to the Missouri-Arkansas State line), Arkansas (except points north and east of a line beginning at the intersection of the Missouri-Arkansas State line and U.S. Highway 63, thence along U.S. Highway 63 to its intersection with Arkansas Highway 1, thence along Arkansas Highway 1 to its intersection with U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line), Mississippi (except points north and east of a line beginning at the intersection of the Arkansas-Mississippi State line and U.S. Highway 49, thence along U.S. Highway 49 to its junction with U.S. Highway 49E, thence along U.S. Highway 49E to Greenwood, thence along U.S. Highway 82 to the Alabama-Mississippi State line), and Alabama (except points north and east of U.S. Highway 82). The purpose of this filing is to eliminate the gateways marked with asterisks above. The purpose of this partial correction is to clarify the commodity descriptions. The remainder of this letter-notice will remain as previously published.

No. MC 76177 (Sub-No. E104), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd St., Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives and blasting supplies*, between points in Alabama, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Oklahoma State line, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of any point which is both within 15 miles of Energy, Ill., and within 15 miles of Wolf Lake, Ill.

No. MC 76177 (Sub-No. E110), filed May 6, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd St., Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, to points in New Mexico. The purpose of this filing is to eliminate the gateway of (1) Grafton, Ill., or any point within 2 miles thereof; and (2) Wolf Lake, Ill., or any point within 15 miles thereof.

No. MC 106920 (Sub-No. E47), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Paragraph B in the appendix to the report in Modification of Permits, 48 M.C.C. 628 and Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except sweet cream and milk, processed and unprocessed, from points in Arkansas to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. The purpose of this filing is to eliminate to gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E109), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, classified as *dairy products* under B in the Appendix to the report in *Modification of permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Missouri north of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 16 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and extending along Missouri Highway 51 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 36, thence along Missouri Highway 36 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E110), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, classified as *dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628 from points in Missouri north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 54 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 154, thence along Missouri Highway 154 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line to points in South Carolina. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E111), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, classified as *dairy products* under B in the appendix to the report in

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Modification of Permits of Motor Contract Carriers of Packing-House Products, 48 M.C.C. 628, from points in Missouri north of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 154, thence along Missouri Highway 154 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line, and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 52, thence along Missouri Highway 52 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 114211 (Sub-No. E598), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 92 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Indiana State line, to points in that part of Texas on, south and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 635, thence along Interstate Highway 635 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 14, thence along Texas Highway 14, to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Beatrice, Nebraska.

No. MC 114211 (Sub-No. E599), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, and *parts* thereof, from points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line extending along Illinois Highway 64 to Chicago, Illinois, to points in that part of Kansas on and west of a line beginning at the Missouri-Kansas State line extending along Highway Kansas 59 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E600), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Illinois on the line beginning at the Iowa-Illinois State line extending along U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Indiana State line, to points in that part of Texas on the west of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 35, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico, with no transportation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Nebraska City and Beatrice, Nebraska and points in Iowa.

No. MC 114211 (Sub-No. E650), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, from Green Isle, Minn., to points in Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, to points in that part of Montana on and west of a line beginning at the Wyoming-Montana State line extending along Interstate Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada Boundary line; to points in that part of Wyoming on and west of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wyoming-Montana State line; to points in that part of Arkansas on and south of a line beginning at the Tennessee-Arkansas State line extending along U.S. Highway 64 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 71.

Thence along U.S. Highway 71 to the Arkansas-Missouri State line; to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 221 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 64, thence along U.S. Highway 64 to the North Carolina-Tennessee State line; to points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line extending along U.S. Highway 1 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Virginia-North Carolina State line; to points in that part of Maryland on and southeast of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 1 to the Maryland-Virginia State line; to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 11 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Pennsylvania-Maryland State line; to points in that part of New York on and east of a line beginning at Alton, N.Y., extending along New York Highway 414 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E651), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities described above in mixed loads with such commodities, from Green Isle, Minn., to points in Washington, Oregon, California, Nevada, Idaho and points in that part of Montana on, north

and west of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line; points in that part of Wyoming on and west of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 798, thence along Wyoming Highway 798 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line; points in that part of Utah on and west of a line beginning at the Colorado-Utah State line extending along U.S. Highway 50 to junction Utah Highway 128, thence along Utah Highway 128 to junction U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line; points in that part of North Dakota on and north of a line beginning at the North Dakota-Minnesota State line extending along Interstate Highway 94 to junction North Dakota Highway 49, thence along North Dakota Highway 49 to the North Dakota-South Dakota State line; points in that part of Arizona on, south and west of a line beginning at the Utah-Arizona State line extending along U.S. Highway 163 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Arizona Highway 264, thence along Arizona Highway 264 to the Arizona-New Mexico State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., Commercial Zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E652), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from Baxter Springs, Kans., to points in that part of Minnesota on and northwest of a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 4 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-Wisconsin State line; to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 2 to the Wisconsin-Michigan State line; and to points in that part of Michigan on and east of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 2 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanaba, Mich., with no transportation for compensation on return except as otherwise authorized, restricted against movement to oilfield locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E653), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with farm tractors, and *parts* thereof, from Leavenworth, Kans., to points in Washington, to points in that part of Minnesota on, north and west of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada Boundary line; to points in that part of North Dakota on and north of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 81 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 30, thence along North Dakota Highway 30 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Montana-North Dakota State line; to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line; to points in that part of Idaho on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 12 to the Idaho-Washington State line; and to points in that part of Oregon on, west and north of a line beginning at the Oregon-Washington State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 20, thence along U.S. Highway 20 to Newport, Oreg. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and that part of the Fargo, N. Dak., Commercial Zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E654), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities, the transportation of which because of size or weight requires the use of special equipment), from Leavenworth, Kans., to points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 66, thence along U.S. Highway 66 to the Texas-Oklahoma State line (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E655), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between Springfield, Mo., on the one hand, and, on the other, points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 80 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Interstate Highway 235, thence along Interstate Highway 235 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in North Dakota and Minnesota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E656), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof (except commodities which because of size or weight requires the use of special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Clay Center, Kans., to points in Arkansas, Louisiana, Mississippi, Tennessee, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama; to points in that part of New Mexico on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 62/180, thence along U.S. Highway 62/180 to the Texas-New Mexico State line; to points in that part of Oklahoma on and south of a line beginning at the Missouri-Oklahoma State line extending

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along Interstate Highway 44 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction H. E. Baily Turnpike, thence along H. E. Baily Turnpike to the Texas-Oklahoma State line; and to points in that part of Kentucky on and south of a line beginning at Paducah, Ky., extending along U.S. Highway 68 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E657), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Leavenworth, Kans., to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction Washington Highway 261, thence along Washington Highway 261 to junction Washington Highway 260, thence along Washington Highway 260 to junction Washington Highway 17, thence along Washington Highway 17 to junction Washington Highway 24, thence along Washington Highway 24 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Interstate Highway 5, thence along Interstate Highway 5 to Kelso, Wash.; to points in that part of Idaho on and west of a line beginning at the Montana-Idaho State line extending along U.S. Highway 2 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho State line; to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along Montana Highway 5 to junction Montana Highway 248, thence along Montana Highway 248 to junction Montana Highway 247, thence along Montana Highway 247 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Montana-Idaho State line; to points in that part of Minnesota on and north of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 59 to junction U.S. Highway 2, thence along U.S. Highway 2 to Duluth, Minn.; to points in that part of Michigan on and north and west of a line beginning at the Michigan-Wisconsin State line extending along Wisconsin Highway 73 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to junction Wisconsin Highway 95, thence along Wisconsin Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Mich.; and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 2 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E658), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from Great Bend, Kans., to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along Interstate Highway 94 to junction U.S. Highway 16, thence along U.S. Highway 16 to Lake Michigan, and to points in that part of Minnesota on and northeast of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 75 to junction Minnesota Highway 175, thence along Minnesota Highway 175 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E659), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between Grand View, Missouri, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Martin City, Missouri, and points in Kansas.

No. MC 114211 (Sub-No. E660), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof from Lincoln, Nebraska to points in that part of Minnesota on and northwest of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada Boundary line; to points in that part of Washington on and northwest of a line beginning at Aberdeen, Washington and extending along U.S. Highway 12 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Washington-Canada International Boundary line; and to points in that part of Wisconsin on and north of a line at the Minnesota-Wisconsin State line extending along Wisconsin Highway 54 to junction Wisconsin Highway 71, thence along Wisconsin Highway 71 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to Manitowoc, Wisconsin, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota, points in Iowa, and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E661), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements;* from Leavenworth, Kansas, to points in that part of Texas on and southwest of a line beginning at Corpus Christi, Texas, and extending along Texas Highway 44 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 116, thence along Texas Highway 116 to the Texas-New Mexico State line; to points in that part of Minnesota on and northwest on a line beginning at the Indiana-Minnesota State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 48, thence along Minnesota Highway 48 to the Minnesota-Wisconsin State line; and to points in that

part of Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 77 to junction Wisconsin Highway 70; thence along Wisconsin Highway 70 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebraska.

No. MC 114211 (Sub-No. E662), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements, between Tonkawa, Oklahoma, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of Beatrice and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E663), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, and *implements*, other than hand, as described in Section 1(b) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and therefore when their transportation is incidental to the transportation of the machinery and implements from Springfield, Missouri to points in South Dakota and to points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E664), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between Independence, Missouri, on the one hand, and, on the other, points in North Dakota, Minnesota, points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 114 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 92, thence along Illinois Highway 92 to the Illinois-Iowa State line, and points in that part of Iowa on and north of a line beginning at the Illinois-Iowa State line extending along Iowa Highway 92 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 10, thence along Iowa 10 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 119641 (Sub-No. E4), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulated brick siding*, from Lockland, Ohio to points in Iowa within 1 mile of the Mississippi River from Fort Madison, Iowa to the Iowa-Minnesota State line, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

No. MC 119968 (Sub-No. E2), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Erie County, Pennsylvania, on the one hand, and, on the other, points in Illinois; Kentucky, those points in Indiana south of a line beginning at Gary, Indiana, and extending south along Interstate Highway 65 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction Indiana Highway 5, thence along Indiana Highway 5 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line; those points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending east along U.S. Highway 33 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line; and those points in West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E3), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in the Counties of Cameron, Clarion, Clearfield, Crawford, Elk, Forest, Jefferson, McKean, Mercer, Venango, and Warren, Pennsylvania, on the one hand, and, on the other, points in Illinois; Kentucky; those points in Indiana on and south of U.S. Highway 30; those points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending east along U.S. Highway 30 to the intersection of U.S. Highway 250, thence east on U.S. Highway 250 to the junction of Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line; and those points in West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E13), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in West Virginia bounded by and on a line beginning at the Kentucky-West Virginia State line, extending along U.S. Highway 119 to junction U.S. Highway 60, thence west along U.S. Highway 60 to the West Virginia-Kentucky State

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line, on the one hand, and, on the other, points in Connecticut; Massachusetts; that part of the southern peninsula of Michigan on and north of Interstate Highway 96; that part of New Jersey on and north of U.S. Highway 322; New York; that part of Ohio north of a line beginning at Sandusky, Ohio, and extending south along U.S. Highway 250 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending east along Pennsylvania Highway 68 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E16), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Ohio on, west, and south of a line beginning at Sandusky, Ohio, and extending south along U.S. Highway 250 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction U.S. Highway 250, thence along U.S. Highway 50 to the Ohio-West Virginia State line, those points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line, and extending east along U.S. Highway 250 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Kentucky State line, those points in Kentucky on and north of a line beginning at the Kentucky-West Virginia State line and extending west along U.S. Highway 60 to intersection U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 10, thence along Kentucky Highway 10 to junction Kentucky Highway 8, thence along Kentucky Highway 8 to its termination near North Bend, Ohio, on the one hand, and, on the other, points in that part of Connecticut on and north of a line beginning at the Massachusetts-Connecticut State line and extending south along U.S. Highway 7 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to New London, Conn., Rhode Island, Massachusetts, those points in New York bounded by a line beginning at junction New York Highway 12 and New York Highway 58 near Morristown, N.Y., thence south along New York Highway 12 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, thence north along the New York State line to the U.S.-Canada International Boundary line, thence along the New York State line to points of origin. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E20), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3066 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemicals manufacturing plants, in bulk, between points in Ohio on and east of a line beginning at the Ohio-Pennsylvania State line and extending west along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Illinois on and north of Interstate Highway 70, Indiana on and north of Interstate Highway 70, and the southern peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E23), filed May 20, 1974. Applicant: A. J. WEIGAND, 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Ohio on and west of a line beginning at Cleveland, Ohio, and extending south along Interstate Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line; and points in Kentucky on and north of a line beginning at the Kentucky-West Virginia State line and extending west along U.S. Highway 60 to intersection U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 10, thence along Kentucky Highway 10 to junction Kentucky Highway 8, thence along Kentucky Highway 8 to its termination near North Bend, Ohio, on the one hand, and, on the other, points in Maryland on and east of Interstate Highway 81, Delaware, and New Jersey on and south of New Jersey Highway 33. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119988 (Sub-No. E121), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3818 Filed 2-10-75;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

EFFLUENT GUIDELINES AND STANDARDS

Pretreatment Standards for Certain Categories

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 331-8]

PRETREATMENT STANDARDS

On May 28, 1974; March 20, 1974; March 21, 1974; June 26, 1974; January 31, 1974; March 20, 1974; February 20, 1974, February 14, 1974; April 25, 1974; April 12, 1974; February 14, 1974; February 26, 1974; May 29, 1974; May 9, 1974 and February 28, 1974, notices were published in the proposed rules section of the FEDERAL REGISTER (39 FR 18610, 39 FR 15019, 39 FR 10869, 39 FR 23154, 39 FR 4039, 39 FR 10527, 39 FR 6595, 39 FR 5709, 39 FR 14684, 39 FR 13394, 39 FR 5720, 39 FR 7534, 39 FR 8666, 39 FR 16582, and 39 FR 7907 respectively), that the Environmental Protection Agency (EPA or Agency) was proposing regulations concerning the application of effluent limitations guidelines for existing sources to pretreatment standards.

The purpose of this notice is to establish final pretreatment standards for selected subcategories of existing sources within the dairy products processing industry point source category (40 CFR Part 405); grain mills point source category (40 CFR Part 406); canned and preserved fruits and vegetables processing point source category (40 CFR Part 407); canned and preserved seafood processing point source category (40 CFR Part 408); beet sugar processing point source subcategory (40 CFR Part 409); liquid and crystalline cane sugar refining subcategory (40 CFR Part 409); cement manufacturing point source category (40 CFR Part 411); feedlots point source category (40 CFR Part 412); organic chemicals manufacturing point source category (40 CFR Part 414); soap and detergent manufacturing point source category (40 CFR Part 417); glass manufacturing point source categories (40 CFR Part 426); asbestos manufacturing point source category (40 CFR Part 427); pulp, paper and paperboard point source category (40 CFR Part 430); builders paper and roofing felt segment of the builders paper and board mills point source category (40 CFR Part 431); and the meat products point source category (40 CFR Part 432) which discharge to publicly owned treatment works.

Pending further study, final pretreatment standards for existing sources for the following industrial subcategories will be promulgated by the Agency in the near future: In the organic chemicals manufacturing point source category (40 CFR Part 414), product-process subcategory groups C2 (phenol and acetone—cumene process), C3 (bisphenol A), and C4 (p-cresol); in the soap and detergent manufacturing point source category (40 CFR Part 417), manufacture of spray dried detergents, manufacture of liquid detergents, manufacturing of detergents by dry blending, and manufacture of drum dried detergents subcategories; and in the glass manufacturing point source categories (40 CFR Part 426), automotive glass laminating and float glass manufacturing subcategories.

This final rulemaking is promulgated pursuant to section 307(b) of The Federal Water Pollution Control Act, as amended (The Act); 33 U.S.C. 1317(b); 86 Stat. 816 et seq.; Public Law 92-500. This regulation is intended to be complementary to the general regulation for pretreatment standards set forth in 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The general pretreatment standard considers pollutants discharged by users of publicly owned treatment works in the two broad categories compatible and incompatible. Compatible pollutants generally are not subject to Federal pretreatment standards; however 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (see 40 CFR 128.110). Incompatible pollutants generally are subject to pretreatment pursuant to 40 CFR Part 128.

Operators of publicly owned treatment works and other interested persons should refer to the Federal Guidelines: Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works, published Oct. 1973 pursuant to section 304(f) of the Act, for guidance as to local pretreatment requirements and to provide supplementary information on pretreatment.

Interested persons were invited to participate in the proposed rulemaking by submitting written comments within 30 days from the date of publication of the notices. Prior public participation in the form of solicited comments and responses from the states, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. EPA has considered carefully all of the comments received and a discussion of these comments with the agencies response thereto follows:

(A) SUMMARY OF COMMENTS

The following responded to one or more of the requests for written comments contained in the preambles to the proposed regulations: Great Western Sugar Company; National Independent Meat Packers Association; American Meat Institute; The Soap and Detergent Association; Rohm and Haas Company; and the Metropolitan Sanitary District of Greater Chicago. Each of the comments received was carefully reviewed and analyzed. A summary of the significant comments and the Agency's response to those comments for each of the industries follows.

DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY (40 CFR PART 405)

(1) A commenter indicated that high concentrations of BOD5 in the two whey subcategories may upset treatment works.

Difficulty may be experienced in maintaining normal treatment efficiencies without special operational procedures when the BOD5 concentration attributable to whey becomes extremely high. This is especially true when there is not sufficient equalization present to prevent shock loading. Thus, it may be that there are situations where whey may not be amenable to treatment depending on the relative quality and quantity of influent to the municipal system and the design and operating characteristics of the publicly owned treatment works. Any discharger whose waste causes an upset or interferes with the operation or performance of the works shall be in violation of the prohibited wastes section (§ 128.131) of the general pretreatment regulation (40 CFR Part 128).

GRAIN MILLS POINT SOURCE CATEGORY (40 CFR PART 406)

(2) No comments were received concerning this industry.

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY (40 CFR PART 407)

(3) One commenter advised the Agency that this is a seasonal industry which results in peak loading of treatment works.

The operator of publicly owned treatment works is advised that peak loading or slugging of the treatment facility is possible. All precautions must be taken to prevent this type of discharge from upsetting the treatment works. Any discharger whose waste causes an upset or interferes with the operation or performance of the works shall be in violation of the prohibited wastes section (§ 128.131) of the general pretreatment regulation (40 CFR Part 128).

CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY (40 CFR PART 408)

(4) One commenter indicated that excessive discharges of oil and grease may pass through or interfere with the operation of a publicly owned treatment works.

Oil and grease, particularly from animal and vegetable sources, can be treated by biological techniques in a properly operated municipal treatment plant. Excessive discharges of oil and grease which would upset or interfere with the operation or performance of such publicly owned treatment works would be in violation of the prohibited wastes section (128.131) of the general pretreatment regulation (40 CFR 128).

BEET SUGAR PROCESSING POINT SOURCE SUBCATEGORY (40 CFR PART 409)

(5) A comment was received concerning the temperature parameter for this industry.

The discharges from the beet sugar industry generally range between 55–65°C. If a facility discharges to a municipal treatment works, dilution and heat losses in the interceptor system will normally prevent these discharges from adversely affecting the treatment works. During

cold weather these warm discharges can actually prove beneficial to the biological systems in the treatment plant.

(6) Several commenters had no objections to the pretreatment standards for existing sources proposed.

LIQUID AND CRYSTALLINE CANE SUGAR REFINING SUBCATEGORY (40 CFR PART 409)

(7) One commenter expressed concern regarding the extremely high concentrations of BOD5 and TSS in the filter cake slurry waste water.

Although the filter cake slurry waste water stream is considered to be highly amenable to treatment, the extremely high concentrations of BOD5 and TSS therein could, in some cases, interfere with the operation of publicly owned treatment works. These special situations should be controlled by the operators of the treatment works involved. Such control should not pose undue difficulty since the highly concentrated waste can be dry handled and disposed of as solid waste by the publicly owned treatment works. Any discharger whose waste causes an upset or interferes with the operation or performance of the publicly owned treatment works shall be in violation of the prohibited wastes section (128.131) of the general pretreatment regulation (40 CFR 128).

CEMENT MANUFACTURING POINT SOURCE CATEGORY (40 CFR PART 411)

(8) A comment was received concerning the temperature parameter for this industry.

Heat losses and dilution in the interceptor systems will generally effectively reduce any thermal discharges from these plants. Those discharges which may reach a treatment facility at a slightly higher than ambient temperature will enhance the biological activity in the treatment works. This is a highly desirable effect during cold weather.

FEEDLOTS POINT SOURCE CATEGORY (40 CFR PART 412)

(9) No comments were received.

ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY (40 CFR PART 414)

(10) Some commenters indicated that there may be other pollutants in the waste water from this industry besides BOD5, TSS and pH.

The Agency is aware that the waste water from this industry is composed of many varied and complex compounds. The operators of municipal treatment works are warned that though these wastes are usually organic in nature, caution should be exercised in treating these waste waters to assure that they do not interfere with the operation or performance of the publicly owned treatment works.

SOAP AND DETERGENT MANUFACTURING POINT SOURCE CATEGORY (40 CFR PART 417)

(11) Several commenters expressed their belief that the oil and grease discharged by this industry is amenable to treatment in publicly owned treatment works.

The Agency concurs that the oils and greases of animal or vegetable origin can be treated in a properly operated publicly owned treatment works. Excessive discharges of oil and grease may upset or interfere with the operation or performance of the publicly owned treatment works. Such excessive discharges would be in violation of the prohibited wastes section (§ 128.131) of the general pretreatment regulation (40 CFR Part 128).

GLASS MANUFACTURING POINT SOURCE CATEGORIES (40 CFR PART 426)

(12) No comments were received concerning the subcategories being considered for promulgation.

ASBESTOS MANUFACTURING POINT SOURCE CATEGORY (40 CFR PART 427)

(13) One commenter was concerned with the disposal of sludges containing asbestos fibers.

Waste from this industry category can contain large amounts of asbestos fibers. These wastes should not be introduced into (1) publicly-owned treatment works whose effluents could affect a potable water supply or (2) publicly-owned treatment works that dispose of sludges without adequate safeguards to prevent land migration of contaminants to ground or surface waters. Sites should be selected that have natural soil and geographical conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to insure long-term protection. Where such control is not provided for sludges containing significant quantities of asbestos fibers, they should be excluded from the municipal sludge and disposed of separately under controlled conditions.

PULP, PAPER AND PAPERBOARD POINT SOURCE CATEGORY (40 CFR PART 430)

(14) No comments were received.

BUILDERS PAPER AND ROOFING FELT SEGMENT OF THE BUILDERS PAPER AND BOARD MILLS POINT SOURCE CATEGORY (40 CFR PART 341)

(15) Several comments were received questioning the necessity of a settleable solids limitation in addition to a suspended solids limitation.

Settleable solids are those suspended solids which settle out in one hour or less. Since this type of solids is present in all municipal and domestic wastes, they are readily treated in the primary units of a municipal treatment facility and therefore no limitation is established for this parameter in this regulation. The necessity of both a suspended solids and a settleable solids limitation is aimed primarily at direct dischargers to prevent the build-up of delta like formations in navigable waters at the point of discharge. Any discharger whose waste causes an upset or interferes with the operation or performance of the publicly owned treatment works shall be in violation of the prohibited wastes section (§ 128.131) of the general pretreatment regulation (40 CFR Part 128).

MEAT PRODUCTS POINT SOURCE CATEGORY (40 CFR PART 432)

(16) Several commenters indicated that excessive discharges of oil and grease may pass through or interfere with the operation of a publicly owned treatment works.

Oil and grease, particularly of animal and vegetable origin, can be treated by biological techniques in a publicly owned treatment works. Operators are warned that excessive discharges of oil and grease which would upset or interfere with the operation or performance of a publicly owned treatment works would be in violation of the prohibited waste section (§ 28.131) of the general pretreatment regulation (40 CFR Part 128).

(B) REVISION OF THE PROPOSED REGULATION PRIOR TO PROMULGATION

No substantive changes have been made from the proposed regulations except the format has been changed for clarification of the pretreatment standards.

(C) FINAL RULEMAKING

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding to Part 405, dairy products processing industry point source category, §§ 405.14, 405.24, 405.34, 405.44, 405.54, 405.64, 405.74, 405.84, 405.94, 405.104, 405.144, 405.124; Part 406; grain mills point source category, §§ 406.14, 406.24, 406.34, 406.44, 406.54, 406.64; Part 407, canned and preserved fruits and vegetables processing point source category, §§ 407.14, 407.24, 407.34, 407.44, 407.54; Part 408, canned and preserved seafood processing point source category, §§ 408.14, 408.24, 408.34, 408.44, 408.54, 408.64, 408.74, 408.84, 408.94, 408.104, 408.114, 408.124, 408.134, 408.144; Part 409, beet sugar processing point source subcategory, § 409.14; Part 409, Liquid and crystalline cane sugar refining subcategory, §§ 409.24, 409.34; Part 411, cement manufacturing point source category, §§ 411.14, 411.24, 411.34; 412, feedlots point source category, §§ 412.14, 412.24; Part 414, organic chemicals manufacturing point source category, §§ 414.14, 414.24, 414.34; Part 417, soap and detergent manufacturing point source category, §§ 417.14, 417.24, 417.34, 417.44, 417.54, 417.64, 417.74, 417.84, 417.94, 417.104, 417.114, 417.124, 417.134, 417.144, 417.194; Part 426, glass manufacturing point source categories, §§ 426.24, 426.34, 426.44, 426.64; Part 427, asbestos manufacturing point source category, §§ 427.14, 427.24, 427.34, 427.44, 427.54, 427.64, 427.74; Part 430, pulp, paper and paperboard point source category, §§ 430.14, 430.24, 430.34, 430.44, 430.54; Part 431, builders paper and roofing felt segment of the builders paper and board mills point source category, § 431.14; Part 432, meat products point source category, §§ 432.14, 432.24, 432.34, and 432.44 to read as set forth below. This final regulation is promulgated as set forth below and shall be effective March 13, 1975.

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(Secs. 301, 304 (b), (c), 306 (b), (c), 307(b), Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314 (b), (c), 1316 (b) and (c), 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500)

Dated: January 29, 1975.

JOHN QUARLES,
Acting Administrator.

The following parts of 40 CFR Chapter I are amended as set forth below:

PART 405—DAIRY PRODUCTS PROCESSING POINT SOURCE CATEGORY

The table of contents to Part 405 is amended by adding the following new entries to the indicated subparts:

Subpart A—Receiving Stations Subcategory

Sec.
405.14 Pretreatment standards for existing sources.

Subpart B—Fluid Products Subcategory

405.24 Pretreatment standards for existing sources.

Subpart C—Cultured Products Subcategory

405.34 Pretreatment standards for existing sources.

Subpart D—Butter Subcategory

405.44 Pretreatment standards for existing sources.

Subpart E—Cottage Cheese and Cultured Cream Cheese Subcategory

405.54 Pretreatment standards for existing sources.

Subpart F—Natural and Processed Cheese Subcategory

405.64 Pretreatment standards for existing sources.

Subpart G—Fluid Mix for Ice Cream and Other Frozen Desserts Subcategory

405.74 Pretreatment standards for existing sources.

Subpart H—Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts Subcategory

405.84 Pretreatment standards for existing sources.

Subpart I—Condensed Milk Subcategory

405.94 Pretreatment standards for existing sources.

Subpart J—Dry Milk Subcategory

405.104 Pretreatment standards for existing sources.

Subpart K—Condensed Whey Subcategory

405.114 Pretreatment standards for existing sources.

Subpart L—Dry Whey Subcategory

405.124 Pretreatment standards for existing sources.

Part 405 is amended as follows:

1. Subpart A is amended by adding § 405.14 as follows:

§ 405.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the receiving stations subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

2. Subpart B is amended by adding § 405.24 as follows:

§ 405.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the fluid products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

3. Subpart C is amended by adding § 405.34 as follows:

§ 405.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the cultured products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

4. Subpart D is amended by adding § 405.44 as follows:

§ 405.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the butter subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

5. Subpart E is amended by adding § 405.54 as follows:

§ 405.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the cottage cheese and cultured cream cheese subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

6. Subpart F is amended by adding § 405.64 as follows:

§ 405.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the natural and processed cheese subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this

section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

7. Subpart G is amended by adding 8405.74 as follows:

§ 405.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the fluid mix for ice cream and other frozen desserts subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

8. Subpart H is amended by adding § 405.84 as follows:

§ 405.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the ice cream, frozen desserts, novelties, and other dairy desserts subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

9. Subpart I is amended by adding § 405.94 as follows:

§ 405.94 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the condensed milk subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment Standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

10. Subpart J is amended by adding § 405.104 as follows:

§ 405.104 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the dry milk subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

11. Subpart K is amended by adding § 405.114 as follows:

§ 405.114 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the condensed whey subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

12. Subpart L is amended by adding § 405.124 as follows:

§ 405.124 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the dry whey subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

The table of contents is amended by adding the following new sections to the indicated subparts:

Subpart A—Corn Wet Milling Subcategory

Sec.
406.14 Pretreatment standards for existing sources.

Subpart B—Corn Dry Milling Subcategory

406.24 Pretreatment standards for existing sources.

Subpart C—Normal Wheat Flour Milling Subcategory

406.34 Pretreatment standards for existing sources.

Subpart D—Bulgar Wheat Flour Milling Subcategory

406.44 Pretreatment standards for existing sources.

Subpart E—Normal Rice Milling Subcategory

406.54 Pretreatment standards for existing sources.

Subpart F—Parboiled Rice Processing Subcategory

406.64 Pretreatment standards for existing sources.

Part 406 is amended as follows:

1. Subpart A is amended by adding § 406.14 as follows:

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§ 406.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the corn wet milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

2. Subpart B is amended by adding § 406.24 as follows:

§ 406.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the corn dry milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

3. Subpart C is amended by adding § 406.34 as follows:

§ 406.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the normal wheat flour milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.

4. Subpart D is amended by adding § 406.44 as follows:

§ 406.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the bulgur wheat flour milling subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

6. Subpart F is amended by adding § 406.64 as follows:

§ 406.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the parboiled rice processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

The table of contents is amended by adding the following sections to the indicated subparts:

Subpart A—Apple Juice Subcategory

Sec.
407.14 Pretreatment standards for existing sources.

Subpart B—Apple Products Subcategory

407.24 Pretreatment standards for existing sources.

Subpart C—Citrus Products Subcategory

407.34 Pretreatment standards for existing sources.

Subpart D—Frozen Potato Products Subcategory

407.44 Pretreatment standards for existing sources.

Subpart E—Dehydrated Potato Products Subcategory

407.54 Pretreatment standards for existing sources.

Part 407 is amended as follows:

1. Subpart A is amended by adding § 407.14 as follows:

§ 407.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the apple juice subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

2. Subpart B is amended by adding § 407.24 as follows:

§ 407.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the apple products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

3. Subpart C is amended by adding § 407.34 as follows:

§ 407.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the citrus products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

4. Subpart D is amended by adding § 407.44 as follows:

§ 407.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the frozen potato products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

5. Subpart E is amended by adding § 407.54 as follows:

§ 407.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the dehydrated potato products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

The Table of contents is amended by adding the following new sections to the indicated subparts:

Subpart A—Farm-Raised Catfish Processing Subcategory

Sec.
408.14 Pretreatment standards for existing sources.

Subpart B—Conventional Blue Crab Processing Subcategory

408.24 Pretreatment standards for existing sources.

Subpart C—Mechanized Blue Crab Processing Subcategory

408.34 Pretreatment standards for existing sources.

Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory

408.44 Pretreatment standards for existing sources.

Subpart E—Remote Alaskan Crab Meat Processing Subcategory

Sec.
408.54 Pretreatment standards for existing sources.

Subpart F—Non-Remote Alaskan Whole Crab and Crab Section Processing Subcategory

408.64 Pretreatment standards for existing sources.

Subpart G—Remote Alaskan Whole Crab and Crab Section Processing Subcategory

408.74 Pretreatment standards for existing sources.

Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory

408.84 Pretreatment standards for existing sources.

Subpart I—Non-Remote Alaskan Shrimp Processing Subcategory

408.94 Pretreatment standards for existing sources.

Subpart J—Remote Alaskan Shrimp Processing Subcategory

408.104 Pretreatment standards for existing sources.

Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory

408.114 Pretreatment standards for existing sources.

Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory

408.124 Pretreatment standards for existing sources.

Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory

408.134 Pretreatment standards for existing sources.

Subpart N—Tuna Processing Subcategory

408.144 Pretreatment standards for existing sources.

Part 408 is amended as follows:

1. Subpart A is amended by adding § 408.14 as follows:

§ 408.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the farm raised catfish processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
ph	No limitation.
Oil and grease	Do.
TSS	Do.

2. Subpart B is amended by adding § 408.24 as follows:

XUM
V40-29 FEB 11 75 XUM

§ 408.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the conventional blue crab processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

3. Subpart C is amended by adding § 408.34 as follows:

§ 408.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the mechanized blue crab processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

4. Subpart D is amended by adding § 408.44 as follows:

§ 408.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the non-remote Alaskan crab meat processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

5. Subpart E is amended by adding § 408.54 as follows:

§ 408.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the remote Alaskan crab meat processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

6. Subpart F is amended by adding § 408.64 as follows:

§ 408.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the non-remote Alaskan whole crab and crab section processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

7. Subpart G is amended by adding § 408.74 as follows:

§ 408.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the remote Alaskan whole crab and crab section processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

8. Subpart H is amended by adding § 408.84 as follows:

§ 408.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the dungeness and tanner crab processing in the contiguous states subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

9. Subpart I is amended by adding § 408.94 as follows:

§ 408.94 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the non-remote Alaskan shrimp processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

10. Subpart J is amended by adding § 408.104 as follows:

§ 408.104 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the remote Alaskan shrimp processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

11. Subpart K is amended by adding § 408.114 as follows:

§ 408.114 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Northern shrimp processing in the contiguous states subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

12. Subpart L is amended by adding § 408.124 as follows:

§ 408.124 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Southern non-breaded shrimp processing in the contiguous states subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

13. Subpart M is amended by adding § 408.134 as follows:

§ 408.134 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the breaded shrimp processing in the contiguous states subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following treatment standard establishes the quantity or quality or pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
Oil and grease	Do.
TSS	Do.

14. Subpart N is amended by adding § 408.144 as follows:

§ 408.144 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the tuna processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.

PART 409—BEET AND LIQUID AND CRYSTALLINE CANE SUGAR PROCESSING POINT SOURCE SUBCATEGORY

The table of contents is amended by adding the following sections to the indicated subparts:

Subpart A—Beet Sugar Processing Subcategory

Sec.
409.14 Pretreatment standards for existing sources.

Subpart B—Crystalline Cane Sugar Refining Subcategory

409.24 Pretreatment standards for existing sources.

Subpart C—Liquid Cane Sugar Refining Subcategory

409.34 Pretreatment standards for existing sources.

Part 409 is amended as follows:

1. Subpart A is amended by adding § 409.14 as follows:

§ 409.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the beet sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Fecal coliform	Do.
Temperature (heat)	Do.

XUM
V 40 29 FEB 11 75 XUM

Part 409 is amended as follows:

1. Subpart B is amended by adding § 409.24 as follows:

§ 409.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the crystalline cane sugar refining subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

2. Subpart C is amended by adding § 409.34 as follows:

§ 409.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the liquid cane sugar refining subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

PART 411—CEMENT MANUFACTURING POINT SOURCE CATEGORY

The table of contents is amended by adding the following new sections to the indicated subparts:

Subpart A—Nonleaching Subcategory

Sec.
411.14 Pretreatment standards for existing sources.

Subpart B—Leaching Subcategory

411.24 Pretreatment standards for existing sources.

Subpart C—Materials Storage Piles Runoff Subcategory

Sec.
411.34 Pretreatment standards for existing sources.

Part 411 is amended as follows:

1. Subpart A is amended by adding § 411.14 as follows:

§ 411.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the nonleaching subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
Temperature (heat)	Do.
TSS	Do.

2. Subpart B is amended by adding § 411.24 as follows:

§ 411.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the leaching subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

3. Subpart C is amended by adding § 411.34 as follows:

§ 411.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the materials storage piles runoff subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

PART 412—FEEDLOTS POINT SOURCE CATEGORY

The table of contents is amended by adding the following sections to the indicated subparts:

Subpart A—All Subcategories Except Ducks

Sec.
412.14 Pretreatment standards for existing sources.

Subpart B—Ducks Subcategory

412.24 Pretreatment standards for existing sources.

Part 412 is amended as follows:

1. Subpart A is amended by adding § 412.14 as follows:

§ 412.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within all subcategories except ducks which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
Fecal coliform	No limitation.
BOD5	Do.

2. Subpart B is amended by adding § 412.24 as follows:

§ 412.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the ducks subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
Fecal coliform	No limitation.
BOD5	Do.

in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
Fecal coliform	No limitation.
BOD5	Do.

PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

The table of contents is amended by adding the following new sections to the indicated subparts:

Subpart A—Nonaqueous Processes Subcategory

Sec.
414.14 Pretreatment Standards for Existing Sources.

Subpart B—Processes With Process Water Contact as Steam Diluent or Absorbent

414.24 Pretreatment Standards for Existing Sources.

Subpart C—Aqueous Liquid Phase Reaction Systems (Except Product-Processes C2, C3, C4)

414.34 Pretreatment Standards for Existing Sources.

Part 414 is amended as follows:

1. Subpart A is amended by adding § 414.14 as follows:

§ 414.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the nonaqueous processes subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

2. Subpart B is amended by adding § 414.24 as follows:

§ 414.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the processes with process water contact as steam diluent or absorbent subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

3. Subpart C is amended by adding § 414.34 as follows:

§ 414.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the aqueous liquid phase reaction systems (for C1 product-process only) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

PART 417—SOAP AND DETERGENT MANUFACTURING POINT SOURCE CATEGORY

The table of contents is amended by adding the following new sections to the indicated subparts:

Subpart A—Soap Manufacturing by Batch Kettle Subcategory

417.14 Pretreatment standards for existing sources.

Subpart B—Fatty Acid Manufacturing by Fat Splitting Subcategory

417.24 Pretreatment standards for existing sources.

Subpart C—Soap Manufacturing by Fatty Acid Neutralization Subcategory

417.34 Pretreatment standards for existing sources.

Subpart D—Glycerine Concentration Subcategory

Sec.
417.44 Pretreatment standards for existing sources.

Subpart E—Glycerine Distillation Subcategory

417.54 Pretreatment standards for existing sources.

Subpart F—Manufacture of Soap Flakes and Powders Subcategory

417.64 Pretreatment standards for existing sources.

Subpart G—Manufacture of Bar Soaps Subcategory

417.74 Pretreatment standards for existing sources.

Subpart H—Manufacture of Liquid Soaps Subcategory

417.84 Pretreatment standards for existing sources.

Subpart I—Oleum Sulfonation and Sulfation Subcategory

417.94 Pretreatment standards for existing sources.

Subpart J—Air—SO3 Sulfation and Sulfonation Subcategory

417.104 Pretreatment standards for existing sources.

Subpart K—SO3 Solvent and Vacuum Sulfonation Subcategory

417.114 Pretreatment standards for existing sources.

Subpart L—Sulfamic Acid Sulfation Subcategory

417.124 Pretreatment standards for existing sources.

Subpart M—Chlorosulfonic Acid Sulfation Subcategory

417.134 Pretreatment standards for existing sources.

Subpart N—Neutralization of Sulfuric Acid Esters and Sulfonic Acids Subcategory

417.144 Pretreatment standards for existing sources.

Subpart S—Manufacture of Detergent Bars and Cakes Subcategory

417.194 Pretreatment standards for existing sources.

Part 417 is amended as follows:

(1) Subpart A is amended by adding § 417.14 as follows:

§ 417.14 Pretreatment standards for existing sources.

The pretreatment standards under sections the quantity or quality of pollution 307(b) of the Act for a source within the soap manufacturing by batch kettle subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

XUM
V40-29 FEB 11 75 XUM

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(2) Subpart B is amended by adding § 417.24 as follows:

§ 417.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the fatty acid manufacturing by fat splitting subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(3) Subpart C is amended by adding § 417.34 as follows:

§ 417.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the soap manufacturing by fatty acid neutralization subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(4) Subpart D is amended by adding § 417.44 as follows:

§ 417.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the glycerine concentration subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(5) Subpart E is amended by adding § 417.54 as follows:

§ 417.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the glycerine distillation subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(6) Subpart F is amended by adding § 417.64 as follows:

§ 417.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the manufacture of soap flakes and powders subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(7) Subpart G is amended by adding § 417.74 as follows:

§ 417.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the manufacture of bar soaps subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(8) Subpart H is amended by adding § 417.84 as follows:

§ 417.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the manufacture of liquid soaps subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.

(9) Subpart I is amended by adding § 417.94 as follows:

§ 417.94 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the oleum sulfonation and sulfation subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.
Surfactants	Do.

(10) Subpart J is amended by adding § 417.104 as follows:

§ 417.104 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the air-SO3 sulfation and sulfonation subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.
Surfactants	Do.

(11) Subpart K is amended by adding § 417.114 as follows:

§ 417.114 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the SO3 solvent and vacuum sulfonation subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.
Surfactants	Do.

(12) Subpart L is amended by adding § 417.124 as follows:

§ 417.124 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the sulfamic acid sulfation subcategory which is a user of a publicly owner treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and Grease	Do.
COD	Do.
Surfactants	Do.

(13) Subpart M is amended by adding § 417.134 as follows:

§ 417.134 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the chlorosulfonic acid sulfation subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.
COD	Do.
Surfactants	Do.

(14) Subpart N is amended by adding § 417.144 as follows:

§ 417.144 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the neutralization of sulfuric acid esters and sulfonic acids subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.
COD	Do.
Surfactants	Do.

(15) Subpart S is amended by adding § 417.194 as follows:

§ 417.194 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the manufacture of detergent bars and cakes subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties con-

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trolled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.
COD	Do.
Surfactants	Do.

PART 426—GLASS MANUFACTURING POINT SOURCE CATEGORIES

The table of contents is amended by inserting the following new sections in the indicated subparts:

Subpart B—Sheet Glass Manufacturing Subcategory

Sec.
426.24 Pretreatment standards for existing sources.

Subpart C—Rolled Glass Manufacturing Subcategory

426.34 Pretreatment standards for existing sources.

Subpart D—Plate Glass Manufacturing Subcategory

426.44 Pretreatment standards for existing sources.

Subpart F—Automotive Glass Tempering Subcategory

426.64 Pretreatment standards for existing sources.

Part 426 is amended as follows:

1. Subpart B is amended by adding § 426.24 as follows:

§ 426.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the sheet glass manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

2. Subpart C is amended by adding § 426.34 as follows:

§ 426.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the rolled glass manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

3. Subpart D is amended by adding § 426.44 as follows:

§ 426.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the plate glass manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

4. Subpart F is amended by adding § 426.64 as follows:

§ 426.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the A cfor a source section 307(b) of the Act for a source within the automotive glass tempering subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

The table of contents is amended by adding the following new sections to the indicated subparts:

Subpart A—Asbestos-Cement Pipe Subcategory

Sec.
427.14 Pretreatment standards for existing sources.

Subpart B—Asbestos-Cement Sheet Subcategory

427.24 Pretreatment standards for existing sources.

Subpart C—Asbestos Paper (Starch Binder) Subcategory

427.34 Pretreatment standards for existing sources.

Subpart D—Asbestos Paper (Elastomeric Binder) Subcategory

427.44 Pretreatment standards for existing sources.

Subpart E—Asbestos Millboard Subcategory

427.54 Pretreatment standards for existing sources.

Subpart F—Asbestos Roofing Subcategory

427.64 Pretreatment standards for existing sources.

Subpart G—Asbestos Floor Tile Subcategory

427.74 Pretreatment standards for existing sources.

Part 427 is amended as follows:

1. Subpart A is amended by adding § 427.14 as follows:

§ 427.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the asbestos-cement pipe subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
Oil	Do.
TSS	Do.

2. Subpart B is amended by adding § 427.24 as follows:

§ 427.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the asbestos-cement sheet subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

3. Subpart C is amended by adding § 427.34 as follows:

§ 427.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the asbestos paper (starch binder) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

4. Subpart D is amended by adding § 427.44 as follows:

§ 427.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the asbestos paper (elastomeric binder) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

5. Subpart E is amended by adding § 427.54 as follows:

§ 427.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the asbestos millboard subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
COD	Do.
TSS	Do.

6. Subpart F is amended by adding § 427.64 as follows:

§ 427.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the asbestos roofing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
TSS	Do.

7. Subpart G is amended by adding § 427.74 as follows:

§ 427.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the asbestos floor tile subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
COD	Do.
TSS	Do.

PART 430—PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

The table of contents is amended by adding the following new section to the indicated subparts:

Subpart A—Unbleached Kraft Subcategory

Sec.
430.14 Pretreatment standards for existing sources.

Subpart B—Sodium Based Neutral Sulfite Semi-Chemical Subcategory

430.24 Pretreatment standards for existing sources.

Subpart C—Ammonia Base Neutral Sulfite Semi-Chemical Subcategory

430.34 Pretreatment standards for existing sources.

Subpart D—Unbleached Kraft—Neutral Sulfite Semi-Chemical (Cross Recovery) Subcategory

430.44 Pretreatment standards for existing sources.

Subpart E—Paperboard From Waste Paper Subcategory

430.54 Pretreatment standards for existing sources.

Part 430 is amended as follows:

1. Subpart A is amended as adding § 430.14 as follows:

§ 430.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the unbleached kraft subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR Parts 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

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2. Subpart B is amended by adding § 430.24 as follows:

§ 430.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the sodium based neutral sulfite semi-chemical subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

3. Subpart C is amended by adding § 430.34 as follows:

§ 430.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the ammonia base neutral sulfite semi-chemical subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

4. Subpart D is amended by adding § 430.44 as follows:

§ 430.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the unbleached kraft-neutral sulfite semi-chemical (cross recovery) subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 430.54 Pretreatment standards for existing sources.

5. Subpart E is amended by adding § 430.54 as follows:

The pretreatment standards under section 307(b) of the Act for a source within the paperboard from waste paper subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
Settleable solids	Do.

PART 432—MEAT PRODUCTS POINT SOURCE CATEGORY

The table of contents is amended by adding the following new section to the indicated subparts:

Subpart A—Simple Slaughterhouse Sucategory

Sec.
432.14 **Pretreatment standards for existing sources.**

Subpart B—Complex Slaughterhouse Subcategory

432.24 **Pretreatment standards for existing sources.**

Subpart C—Low Processing Packinghouse Subcategory

432.34 **Pretreatment standards for existing sources.**

Subpart D—High Processing Packinghouse Subcategory

432.44 **Pretreatment standards for existing sources.**

Part 432 is amended as follows:

1. Subpart A is amended by adding § 432.14 as follows:

§ 432.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the simple slaughterhouse subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

PART 431—BUILDERS PAPER AND ROOFING FELT SEGMENT OF THE BUILDERS PAPER AND BOARD MILLS POINT SOURCE CATEGORY

Part 431 is amended as follows:

1. Subpart A is amended by adding § 431.14 as follows:

§ 431.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the builders paper and roofing felt subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.

CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.
Fecal coliform	Do.

3. Subpart C is amended by adding § 432.34 as follows:

§ 432.34 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the low-processing packinghouse subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.
Fecal coliform	Do.

4. Subpart D is amended by adding § 432.44 as follows:

§ 432.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the high-processing packinghouse subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutane or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.
Fecal coliform	Do.

[FR Doc.75-3620 Filed 2-10-75;8:45 am]

§ 432.14 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the simple slaughterhouse subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD5	Do.
TSS	Do.
Oil and grease	Do.
Fecal coliform	Do.

2. Subpart B is amended by adding § 432.24 as follows:

§ 432.24 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the complex slaughterhouse subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18110; FCC 75-104]

PART 73—RADIO BROADCAST SERVICES

MULTIPLE OWNERSHIP Or STANDARD, FM AND TELEVISION BROADCAST STATIONS; SECOND REPORT AND ORDER [1]

In the matter of amendment of §§ 73.34, 73.240 and 73.636 of the Commission's rules.

1. The Commission has before it the further notice of proposed Rulemaking in this proceeding (22 F.C.C. 2d 339 (1970)) and responsive filings by numerous parties. Also under consideration are updated written filings and additional information presented during two and a half days of oral argument, pursuant to an invitation of the Commission given March 7, 1974 (45 F.C.C. 2d 768). A list of filing parties appears in Appendix A.

2. The proceeding began March 27, 1968, with the adoption of a *Notice of Proposed Rule Making* (33 Fed. Reg. 5315). Broadly speaking, the notice proposed rules proscribing common ownership of broadcast stations in different broadcast services in the same market (i.e., no common ownership of TV–AM, or TV–FM, or AM–FM).[1a] The proposed rules were prospective in nature, i.e., they did not contemplate divestiture of existing facilities but were to apply only to applications to construct new facilities or to acquire existing facilities.

3. A *First Report and Order* was adopted on March 25, 1970 (22 F.C.C. 2d 306). The rules promulgated therein were modified somewhat in a *Memorandum Opinion and Order* adopted February 26, 1971 (28 F.C.C. 2d 662), which disposed of petitions for reconsideration of the *First Report and Order*. These new rules prohibited common ownership of VHF television stations and aural stations in the same market. They permitted AM–FM combinations and they provided that all applications involving common ownership of UHF and aural stations would be treated on a case-by-case basis. They did not require divestiture, but did require that if the owner of a VHF station and one or two aural stations in the same market sold, he could not sell the TV and the aural stations to the same party. They did not cover common ownership of newspaper and broadcast stations.[2]

4. On the same date that the *First Report and Order* was adopted, the Commission also adopted a *Further Notice of Proposed Rule Making* (22 F.C.C. 2d 339) which contained a proposal as to common ownership of broadcast stations and of daily newspapers and broadcast stations in the same market. The proposal would require divestiture, within five years, to reduce one party's holdings in any market to one or more daily newspapers, or one television broadcast station, or one AM–FM combination. Under the proposal, if a broadcast station licensee were to purchase one or more daily newspapers in the same market, it would be required to dispose of any broadcast stations that it owned in that market within one year or by the time of its next renewal date, whichever is longer. No grants for broadcast station licenses would be made to owners of one or more daily newspapers in the same market. Comments were also invited on whether divestiture should be required with regard to AM–FM combinations so that no party could own such a combination unless he had made a showing that the two stations were for economic or technical reasons so interdependent that one could not be sold without the other.[3]

5. Although not unprecedented, the idea of divestiture of ownership was a departure from the typical Commission approach of limiting any new rules to prospective effect. As a consequence of the incorporation of this facet of the proposal, the question of the impact on industry structure was introduced. Moreover, because of the differences between prospective and retrospective proposals, each needs to be examined separately and tested against appropriate criteria.

6. *Response to the Proposal.* As could be expected, our proposal generated a great deal of interest and provoked a sizable number of filings. Most were directed to the question of newspaper-broadcast ownership, with most parties opposing rule changes but a number supporting them. Some approached the issues from the point of view of antitrust economic analysis; others stressed the diversity of viewpoint aspect. In addition, some parties discussed AM–FM combinations or television-radio combination divestiture.

7. Factual differences between situations also affected the nature of the views expressed in a filing. Thus, for example, as to newspapers, at one end of the continuum was the daily newspaper-television combination which faced multiple competitors of both media, and at the other end was the joint holding of the only TV station and daily newspaper in a market. Whether in terms of economics

[1] A synopsis of the actions taken can be found in Appendix G.

[1a] Before the proceeding was initiated, the rules governing common ownership of broadcast stations in the same market prohibited such ownership in the *same* broadcast service if certain coverage contours overlapped. They permitted common ownership of stations in *different* broadcast services in the same market. Hence a single licensee was permitted to own an AM–FM–TV combination licensed to serve the same community. moreover, the rules contained no prohibition of common ownership of newspapers and broadcast stations in the same market. However, as a matter of policy expressed in the Commission's multiple ownership rules and elsewhere, the Commission did examine concentrations of ownership in the same geographic area on an *ad hoc* basis in both comparative and non-comparative situations. These examinations gave consideration to broadcast and non-broadcast interests, such as newspapers.

[2] Under these rules, a TV station and an AM station were considered to be in the same market if the Grade A contour of the TV station encompassed the entire community of license of the AM station or if the 2 mV/m contour of the AM station encompassed the entire community of license of the TV station. With regard to TV and FM stations, the Grade A contour was used for TV and the 1 mV/m contour was used for FM. As to AM–FM combinations, they were considered to be in the same market if the 1 mV/m contour of the FM station encompassed the entire community of license of the AM station or if the 2 mV/m contour of the AM station encompassed the entire community of license of the FM station. With certain exceptions, the *First Report and Order* proscribed the formation of new AM–FM combinations in the same market and prohibited the sale of such an existing AM–FM combination to a single party unless a special showing were made that for technical or economic reasons the stations had to be operated in combination. The aforementioned *Memorandum Opinion and Order* (at 670–672) reversed the prohibitions against forming AM–FM combinations or selling existing combinations to a single party. In so doing it indicated that the subject of common ownership of AM and FM stations in the same market would be explored in the phase of the proceeding commenced by the *Further Notice of Proposed Rule Making*. It also indicated that, as an effective alternative to diversification of ownership, the Commission intended to explore the possibility of amending the AM–FM program duplication rule (§ 73.242) in such a way as to provide more non-duplicated programming over commonly owned AM and FM stations in the same area. A proceeding has since been begun to explore this possibility (*Notice of Proposed Rule Making*, Docket No. 20016, 39 Fed. Reg. 14228 (1974)).

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or viewpoint diversity, parties differed on the weight to be given other media (for example news magazines) received in the market but originating elsewhere. So too with the weight to assign other local media such as weekly newspapers and outdoor advertising or direct mail. Although important factual differences were noted, a parallel method of evaluating the situations regarding daily newspaper-radio combinations could be found in the pleadings.

8. *Legal authority.* The *Further Notice* (at para. 48) invited comments or legal briefs on the Commission's authority to adopt the proposed rules. Several parties responded to this invitation concisely or at length. We have concluded that we have authority to adopt the rules both as proposed and as promulgated by the present document. A discussion of this subject follows.

9. The Commission has authority to adopt rules governing the issuance of broadcast licenses which would prohibit cross-ownership of newspapers and broadcast stations in the same area in furtherance of our long standing policy of promoting diversification of ownership of the electronic mass communications media. Statutory authority is found in Sections 2(a), 4(i), 4(j), 301, 303, and 309(a) of the Communications Act of 1934, as amended. Section 309(a) specifically requires the Commission to find that the granting of a license serves the public interest, convenience, and necessity. The term public interest encompasses many factors including "the widest possible dissemination of information from diverse and antagonistic sources." *Associated Press* v. *United States*, 326 U.S. 1, 20 (1945).

10. Our diversification policy is derived from both First Amendment and anti-trust policy sources. See, e.g., *Associated Press* v. *United States*, 326 U.S. 1 (1945), *supra*, affirming 52 F. Supp. 362 (S.D.N.Y. 1943) (L. Hand, J.); *Citizens Committee to Save WEFM* v. *FCC*, ---- F. 2d ------ (D.C. Cir., Oct. 4, 1974), (concurring opinion of Bazelon, C.J. at 6). The Federal Courts have consistently upheld our use of these grounds in efforts to promote diversity of control over the electronic media of mass communications. In its earliest opinions construing the Communications Act, the Supreme Court recognized that regulation of broadcasting was designed to preserve competition and prevent monopoly. *F.C.C.* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 137 (1940); *F.C.C.* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 474–76 (1940). The Supreme Court said in *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 390: "It is the purpose of the First Amendment to preserve an uninhibited market place of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee". The Court then concluded: "It is the right of the public to receive suitable access to social, political, aesthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC." 395 U.S. at p. 390. In *Mt. Mansfield TV Inc.* v. *FCC*, 442 F. 2d 470 (2nd Cir. 1971) the Court upheld our prime time access rule as being consistent with our obligations under the First Amendment to promote diversity of program sources.

11. Although the Commission is not empowered to enforce the anti-trust laws, it may properly take cognizance of anti-trust violations and anti-trust policy in performing its public interest licensing function. *United States* v. *RCA*, 358 U.S. 334 (1954). In expanding on this point in RCA, the Supreme Court said in dicta:

> Moreover, in a given case the Commission might find that anti-trust considerations alone would keep the statutory standard from being met, as when the publisher of the sole newspaper in an area applies for a license for the only available radio and television facilities, which, if granted, would give him a monopoly of that area's major media of mass communication. See 98 Cong. Rec. 7399; *Mansfield Journal Co.* v. *FCC*, 86 U.S. App. D.C. 102, 107, 108; 180 F. 2d 28, 33, 34.

Anti-trust policy has been recognized as a correlative source of authority for our diversification policy because requiring competition in the market place of ideas is, in theory, the best way to assure a multiplicity of voices. However, these two sources of our diversification policy are not always present to the same extent nor do they apply with equal force in every case. Our prospectively-applicable rule with respect to future newspaper-broadcast combinations in the same city draws its support principally from our First Amendment concern. Our divestiture order applied to "egregious" cases in which the only newspaper and the only broadcast station in a city are co-owned is founded upon both concerns. While we have proceeded by a different course than one based strictly on a market analysis, the fact is we have in effect used a geographic market in writing our new rules and have considered daily newspapers and stations as part of the same product market.

12. In November 1953 we adopted rules limiting the number of broadcast stations a person could own to five VHF television stations and seven AM and FM stations. We asserted authority to make regulations limiting concentration of stations under the same control. The United States Supreme Court upheld these regulations in *United States* v. *Storer Broadcasting Co.*, 351 U.S. 192 (1956).

13. In recent rule making proceedings the Commission has adopted rules prohibiting networks from having any cable interests and telephone companies from owning cable systems in their service areas. The Courts accepted our action in both instances. *Iacopi* v. *F.P.C.*, 451 F. 2d 1142 (9th Cir., 1971); *General Telephone Co. of the Southwest* v. *U.S.*, 449 F. 2d 846 (5th Cir., 1971).[3]

14. The sound public policy of placing into many, rather than a few hands, the control of the broadcast medium guides us in the licensing of the use of the radio spectrum. This basic principle, enforceable in *ad hoc* proceedings or through rule making, applies to the judgment of whether an individual application should be granted as well as to the comparison of competing applicants. *United States* v. *Storer Broadcasting Co.*, *supra*; *Clarksburg Publishing Co.* v. *F.C.C.*, 96 U.S. App. D.C. 211, 225 F. 2d 511 (1955); *Scripps-Howard Radio, Inc.* v. *F.C.C.*, 89 U.S. App. D.C. 13, 189 F. 2d 677 (1951), *Cert. den.* 342 U.S. 830; *Plains Radio Broadcasting Co.* v. *FCC*, 85 U.S. App. D.C. 48, 175 F. 2d 359 (1949). It is the policy behind our one-to-a-market rules adopted in the *First Report and Order, Multiple Ownership of Standard, FM and TV Broadcast Stations*, 22 F.C.C. 2d 306 (1970). The significance of ownership from the standpoint of "the widest possible dissemination of information" lies in the fact that ownership carries with it the power to select, to edit, and to choose the methods, manner and emphasis of presentation, all of which are a critical aspect of the Commission's concern with the public interest.

15. Despite the overwhelming authority supporting our proposed action, numerous parties have challenged our jurisdiction to take any action interfering with the rights of newspapers to own broadcast stations. The American Newspaper Publisher's Association (ANPA) advanced the major legal arguments against such a rule in their exhaustive and comprehensive filings with the Commission.

16. They first challenge our authority on constitutional grounds citing the First and Fifth Amendments to the United States Constitution. ANPA claims we are attempting to inhibit a newspaper owners' freedom to publish by preventing him from having an interest in broadcast stations. This argument fails for two reasons. First, the Commission is following the long established policy of promoting the widest possible dissemination of information from diverse and antagonistic sources . . ." *Associated Press* v. *United States*, 326 U.S. 1, 20 (1945). Second, the First Amendment does not protect business relations that are either unlawful or not in the public interest. Finally, we believe the opponents overstate their case in this and in the other arguments. The Commission has never proposed and is not now proposing to prohibit someone from owning a newspaper and a television station. It is plain that what we are doing is grandfathering present newspaper-television owner combinations; we are only requiring divestiture in egregious cases (see Appendix D and paras. 112–122, *infra*.) These divestitures are to take place over a five-year period and in order to avoid any possible future harm, we shall entertain waiver petitions.

[3] The issue in *Iacopi* was whether a divestiture plan complied with our rules rather than a direct attack on the validity of the rule itself. However, the Court did say: "The Commission has determined that network divestiture of CATV and syndication interests will increase competition and foster independent sources of TV programming. We defer to that interpretation." 451 F. 2d at 1147. See also the concurring statement of Judge Tamm of the United States Court of Appeals for the District of Columbia. "The pending rule making proceedings (Docket No. 18110) offer some hope that the Commission will finally come to grips with the grave problem inherent in the rising concentration of ownership in the mass media." *Hale* v. *F.C.C.*, 425 F. 2d 556, 566 (D.C. Cir. 1970).

17. ANPA contends such rules violate the Fifth Amendment because we are discriminating against a class. Rules that treat in an equal manner all parties whose activities raise similar public interest problems are not discriminatory. Since broadcast licenses confer no property rights, the Commission may cancel them provided it affords due process to the licensee. *Radio Commission* v. *Nelson Bros. Radio*, 289 U.S. 266 (1933). Discrimination is by definition, the arbitrary and capricious classification of entities by irrelevant standards. *Bolling* v. *Sharpe*, 347 U.S. 497 (1954). We need not confer licenses on a carefully defined class provided that we determine our action is consistent with the public interest.

18. The ANPA brief also cites an opinion by former General Counsel Hampson Gary, written in 1937, purporting to hold the Commission cannot deny a broadcast license to someone solely on the ground they published a newspaper. That opinion is not relevant to the consideration of Docket No. 18110 for four reasons. First, it was written in the context of a comparative proceeding. Second, it dealt with the broader question of *any* newspaper as opposed to the more limited consideration of one city. Third, prior statements by a regulatory agency as to its jurisdiction are not determinative of the legality of subsequent efforts to assert the same jurisdiction.[4] Finally, the problems of cross ownership and concentration of media ownership are much different in 1974 than in 1937.

19. The opponents of the adoption of the rules have called to our attention several attempts by Congress in the early fifties to prohibit the Commission from "discriminating" against newspaper owners in license proceedings. They contend Congress failed to enact legislation because of assurances by the Commission that it had no intention of "discriminating."

20. The opponents are apparently referring to then Chairman Hyde's testimony during hearings on the 1952 Amendments to the Communications Act. In view of the fact that the Commission prior to this testimony had taken newspaper ownership into account in denying applications, *Scripps-Howard Radio, Inc.* v. *FCC*, *supra* and *Plains Radio Broadcasting Co.* v. *FCC*, *supra*, the then Chairman's testimony could not have reasonably been taken as an indication that newspaper ownership by a potential licensee was of no concern to the Commission. It is also clear that an agency's view of the extent to which its public interest mandate requires it to take newspaper ownership into account can change over the years. Thus, the Chairman's testimony in 1952 concerning the Commission's views on what policy best serves the public interest does not mean that the agency is excused from its continuing responsibility to seek to further the public interest which may cause it to reach a different conclusion twenty-two years later. Finally, it should be noted that our proposed action does not bar newspapers as a class from becoming licensees. We merely propose to prevent common ownership in the same area. Thus, we believe it is impossible to discern any mandate from either Congress' action or inaction.

21. Several Court cases are cited in support of our lack of authority to promulgate these rules. In *Tri-State Broadcasting Co.* v. *FCC*, 95 F. 2d 564 (D.C. Cir. 1938) the court stated it knew of no rule or statute prohibiting a newspaper from owning a radio station. We fail to see how this justifies a ban on our promulgating such a rule. ANPA relies most heavily on *Stahlman* v. *FCC*, 126 F. 2d 124 (D.C. Cir., 1942). That case upheld our authority to issue a subpoena as part of our investigatory powers. It also contained considerable dicta such as "there is nothing in the Act which either prevents or prejudices the right of a newspaper, as such to apply for and receive a license to operate a radio broadcast station." 126 F. 2d at 127. This statement deals with newspaper owners in general and is not related to the issues in this proceeding. Judge Edgerton noted in a concurring opinion that the court was not deciding the issue of cross-ownership.

22. ANPA also cites the case of *McClatchy Broadcasting Co.* v. *FCC*, 239 F. 2d 15 (D.C. Cir. 1956), *cert. denied*, 353 U.S. 918 (1957) where a newspaper owner seeking a television station in the same city lost in a comparative proceeding. The Court said newspaper ownership was not a *disqualifying* factor standing alone but the case did not deal with that issue in a rulemaking proceeding.

23. Finally, the opponents have said we do not have authority to order immediate divestiture and that even if we did, such a remedy is so harsh it should be sparingly used. This argument begs the question. The Commission has a very unusual licensing scheme in that, unlike other agencies, we must re-evaluate each license every three years. We cannot renew a license unless we determine that to do so is in the public interest. In this connection we have determined that in certain egregiously concentrated markets the public interest requires divestiture. However, we have applied the divestiture over a five-year period in order to minimize disruption.

COMMON OWNERSHIP NOT INVOLVING NEWSPAPERS[5]

24. *The Arguments.* Most of what little discussion there was on the subject of common ownership of broadcast stations in the same market was opposed to prohibitions on AM–FM combinations or divesting any existing radio-television combinations.

25. Because of the Commission's decision to focus on the subject of newspaper-television combinations at the oral argument, most of the parties gave little attention in their recent filings to the other matters which had been included for consideration in the proceeding. A number did mention their agreement with the Commission's decision to give principal attention to the subject of newspaper - television combinations. Many thought that, in addition to not posing problems from a diversification point of view, existing radio-television combinations or AM–FM combinations served an important function. Particularly emphasized was the need of an FM station to rely on an existing AM station in order to underwrite the losses which were sustained while the companion FM station was being established. A similar point was made regarding the cash flow radio stations generate which could be relied upon by a fledgling UHF television station. From a philosophical point of view, too, there was support for permitting such combinations. The main thrust in that regard was that there was no basis for believing that coownership of radio and television stations in a locality was detrimental to the public interest. In effect, these parties took the position that absent a persuasive showing of harm, there was no reason for the Commission to act to terminate such common ownership. Overall the networks pointed to the importance of the owned and operated stations to the network operations. ABC and CBS stressed the importance of permitting existing radio ownership to continue, particularly in terms of the negative impact on network radio operations that a splitting of common ownership would have. NBC asserted that existing radio-television combinations should be transferable jointly.

26. A notably different point of view was expressed in the joint filing on behalf of the Civil Liberties Union of Alabama and The Selma Project. Quoting the Commission to the effect that a public interest basis need be shown in order to overcome the importance of diversification which would otherwise call for separate ownership, this pleading urges the separation of AM and FM station ownership. They see no basis for giving different treatment to ownership of an AM and an FM station in a locality from that

[4] See e.g., *U.S.* v. *Southwestern Cable Co.*, 392 U.S. 157, 169–170 (1968). The Commission once had doubts about its own jurisdiction in the field of CATV but changed its position in the mid-sixties.

[5] A few parties mentioned radio-television as well as AM–FM combinations and their comments are included in this section.

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given ownership of two AM or two FM stations there. While acknowledging the advantage that increased non-duplication (as proposed by the Commission) would have in terms of ending waste of spectrum space, they nevertheless insist that two, separately programmed, stations under common ownership do not advance the cause of diversity. In their view, diversity is most important in the smallest of communities where the non-duplication rule may not even be applied, for it is there that choices are usually most limited. Nor do they find persuasive the argument that there would be a resultant diminution in the quality of radio programs if ownership of AM and FM stations were separated. Not only do they believe that independent FM stations could do just as well, they discount the notion that much current programming has any real merit. Finally, they contend that continuation of AM–FM combinations would effectively preclude minority group ownership.

27. Westinghouse believes that newspaper-television ownerships are a more significant problem than aural-visual ownerships, and that aural-visual separation would disrupt and downgrade service. Cosmos Broadcasting Corp. agrees with the view that there is no need for divestiture of commonly owned radio and television stations and that TV-newspaper ownerships are the more significant aspect of the diversity problem, because other broadcast services are "substantially less significant" sources of news and public affairs information.

28. Affected parties argue that broadcast stations in Alaska are in a unique economic situation which is caused by the isolation and distance of Alaska from the mainland of the U.S., the limited and sparse population of the State and the need for quality service. In addition, they assert that the operating costs of Alaskan stations are higher because all supplies must be shipped a long distance from the lower 48 states and that living costs in Alaska are also much higher than the average in the U.S., resulting in higher wages and salaries, the single highest expense item in operating a broadcast station. TV Broadcast Financial Data for the year 1973 for the city of Anchorage (the only Alaskan city covered by the reports) show that the figures for the three television stations showed an operating loss of $718,673. Similarly, the FCC data on AM and FM stations indicate that in 1972 Alaska was the only state where the radio stations as a whole reported a loss for the year.

29. Not only Alaska but stations in Montana should also be exempt from the proposed divestiture rules we are told. The argument is that Montana is a large, sparsely populated State with a depressed economy which, nevertheless, has to absorb costs of construction and operation which are as high in Montana communities as those in larger markets. Thus, it is asserted, being able to split the costs between television and radio stations contributes to profitability and stability. Divestiture, it is said, would not necessarily increase diversity, for in one particular market one of three assigned VHF channels is inactive, one of three FM channels is inactive and both assigned UHF channels are inactive.

30. *Conclusions.* The issues presented by joint ownership of radio and television facilities in a given market have already been partially resolved. The present rules adopted in an earlier phase of this proceeding bar the creation of such combinations but they do not require separation of existing ownership except through sale to separate owners when they are in fact sold. We were offered no basis for taking any action to divest any existing combination, nor do we see any such basis for requiring divestiture in the larger markets. Moreover, we do not believe that we need to follow the policy of separating ownership in smaller markets as we have been urged to do. In reaching our decision in this regard we examined all cases where one party owned the only television and the only radio stations in a community. In all instances[6] save one, there was at least one city-grade signal from outside that encompassed the city. Separately owned daily newspapers also served some of the communities. As with the newspaper aspect of this proceeding, we considered this sufficient to demonstrate the presence of a full-fledged competitor and hence that no divestiture was required. As to the remaining case, Zanesville, Ohio, where there is no encompassment, the licensee has sold its daily newspaper and it too faces a full-fledged competitor. Accordingly, we shall not make any change in the standards applicable to this aspect of multiple ownership.

31. While it was not the principal focus of the current section of this proceeding, the subject of AM–FM combination ownership is properly before us and in need of resolution. Three major avenues are open. We could act to bar only future combinations, could seek to end existing combinations as well or could act instead through a non-ownership method. There can be no question that wholesale disruption would attend any effort at divestiture. Even if it could be demonstrated (and this record in no way does so) that this would not be an insuperable obstacle, other impediments remain. The state of FM has indeed improved over the years, but much has been due to the pioneering efforts of AM licensees who were encouraged by us to enter the FM market. More than this, it is by no means clear that FM stations can yet be expected to stand on their own.[7] Some of course do but many cannot. Unlike the program duplication question addressed later, separation of ownership ends all economies of scale.[8] Whether prospective or retrospective, we do not believe that a separation of ownership is consonant with the current state of the medium. Divestiture could silence a number of stations or leave them too financially weak to offer full service. Even prospective rules could slow growth in FM broadcasting. This is not to say that the idea of diversification is of no importance, but it does not depend on such a barrier to all combinations. Rather, if a license for an unused FM channel is worth seeking, others besides AM licensees will step forward, and under our 1965 Policy Statement on comparative hearings, diversification is the most important single issue governing the choice of who is to succeed in a hearing. Thus, the new, non-multiple owner, entrant has a real advantage. On the other hand, where none steps forward, there is a real reason to doubt that the situation would be different if a prospective barrier existed. Thus, the major effect of any such rule would be to stunt growth where it is most needed and only an AM licensee is ready to proceed or to do the really unnecessary where others already have an interest and a distinct advantage in a hearing. With this in mind, we put the issue to rest and shall not adopt rules in this area.[9]

32. What then of the "single aural service" concept? Does the above discussion portend a change in the Commission's view? The answer is no. The fact that we are not proceeding now to divorce AM and FM ownership does not indicate that other appropriate steps to further our policy goals are not warranted. Just as we have taken the presence or absence of FM station coverage into account in the new AM allocation rules,[10] so can we proceed in furtherance of the policy in the area of program non-duplication. We have expressed the view that simultaneous presentation of identical programs on two stations in a community is wasteful of scarce spectrum space. Even if separation is not feasible, extension of non-duplication restrictions may well be. Clearly, if this is done, more program choices will be available to the listener. While no decisions have yet been made on how to resolve the issues raised in the non-duplication proceeding, it is clear that such action as is appropriate in the area of AM–FM combinations should come through such means. Therefore, we shall not adopt rules to bar future AM–FM combinations when the result would be to affect, in many instances, the

[6] In our view the situation in Alaska is unique and we agree with the arguments expressed earlier on the need to exempt stations there. Also, the list of monopolies excludes satellite stations as they are not full-fledged stations themselves and are vulnerable to challenge by a party wishing to operate independently. The very fact they are not now independent suggests that the locality cannot support competing services.

[7] In the non-duplication notice of proposed rule making (mentioned at the end of footnote 2) we reported on our observations regarding recent developments in the economic position of FM stations. In essence, the data support the idea of separation of programming but fall short of demonstrating that all FM stations can stand on their own.

[8] E.g., use of common studio, same staff, side mounting of FM antenna on AM tower.

[9] Since such a conclusion must as always rest on the facts then obtaining, it does not necessarily follow that there never would be a time when separation is necessary. If such a time occurs, we can act; it is clearly not now.

[10] 39 F.C.C. 2d 645 (1973).

places where separate FM operation is least likely. Unless there were wholesale divestiture of existing AM–FM combinations, a future prohibition would only require separate ownership of the channels least likely to be viable under separate operation. Only extensive divestiture would provide for separate ownership of just those channels most likely to be worthwhile separately. Even if this makes sense theoretically, the cost would be too high, the cure worse than the disease.

NEWSPAPER OWNERSHIP—ECONOMIC CONSEQUENCES

33. Much of the discussion relating to daily newspaper-television station common ownership in the pleadings was approached from the joint of view of anti-trust considerations. To aid in understanding the nature of the questions thus presented the succeeding paragraphs in part follow an anti-trust oriented arrangement. In addition, a number of pleadings were directed to the question of diversity of viewpoints as it related to newspaper-broadcasting common ownership. These arguments will be discussed separately.

34. *Relevant Product Market.* When the possibility of garnering too large a share of the market suggests that an anti-trust issue may be raised, there are two initial aspects to consider. The first is the product line or the line of commerce in an economic sense. Sometimes there are difficulties in establishing what is the market because of the dispute which exists regarding the substitutability of products. To give an example: if a steel company seeks to acquire an aluminum company, does this constitute a form of horizontal integration leading perhaps to impermissible oligopolistic concentration? To answer the question requires among other things a determination of the relevant product market, and, in this example, a knowledge about the conditions under which aluminum or steel could be used as substitutes for one another, either generally or in some particular uses. Establishing the relevant product market or line of commerce is one of the most intricate areas of anti-trust law to apply.

35. The dispute here centers on whether newspapers and television stations are part of the same product market, or in other words are competitors.[11] In anti-trust terms this is a basic question, for if they are not, then the cross ownership which exists does not suggest that owning both would lead to owning a larger share of the same market. According to the Department of Justice, newspapers and television stations are in many ways engaged in the same business, namely attracting audiences and selling them to advertisers. While it does acknowledge that the two are not interchangeable for all advertisers, it asserts that the two are far more alike than they are different. It also contends that there is a public interest in preserving competition between products which are physically distinct but are commercially substitutable for certain classes of customers. Since Justice sees newspaper and television advertising as interchangeable, it would define the product market so as to include newspapers and television stations.

36. A number of other parties have expressed a contrary view on the subject. It is their reading of pertinent cases that newspapers and television stations constitute separate lines of commerce. The principal distinction mentioned by these parties seems to be based on differences in the kind of advertising carried by each—the newspaper being mostly a vehicle for local advertising with television stations carrying mostly national (or at least regional) advertising. They also mention a distinction in usage, with television being capable of conveying motion, activity and emotional ambience and newspapers being needed for the presentation of extensive factual information that television can present only in fragmentary pieces or for uses that do not extend beyond a simple brief exposure.

37. *Relevant Geographic Market.* To evaluate the economic implications of the situation requires knowledge not only of the product line but of the geographic confines involved as well. Depending on where the geographical line is drawn, the situation could be much altered. Generally speaking, as the area enlarges, the part of the market belonging to the company in question drops as other economic entities are included in the market share calculations. The subject is not the simple one it may seem, as there are a number of ways to go about the determination. Thus, as parties have pointed out, even the Commission has approached the subject differently at different times. In the *Frontier* case,[12] The Commission dealt with the question through the use of the city and environs as the relevant geographic market rather than the much larger Grade B coverage area of the television station in question. Later, when considering the *Chronicle* case,[13] the Commission used the station's Grade B contour.

38. As might be expected, the parties favoring divestiture urge a narrower geographic confine for use in a Commission determination, and those opposing divestiture urge a broader one employing Grade B coverage or ADI for the television station and for newspapers the similarly extensive primary market area or the city and retail trade zone. In the Department of Justice filings against the renewal applications for several stations, the thrust of its pleading here has been followed, with use of a market in no case larger than the equivalent of a city and its suburbs.[14]

Conversely, the opposing parties urge the Commission to apply its own standards and to reject as artificially contrived the market concepts of the Department of Justice.

39. *Market Share of Newspaper-Television Station Combinations.* Certain facts mentioned by the parties are not in dispute. Daily newspapers tend to be much larger enterprises than television stations. Radio stations are significantly smaller than either. Moreover, few cities have competing daily newspapers, so that from the point of view of advertising revenues, a daily newspaper-television station combination would inevitably garner a sizeable portion of the total local advertising revenues. The dispute, then, centers on the importance of these economic facts in terms of Commission policy goals. Also, to what extent should the Commission take into account the multiplicity of media exposures from magazines and other sources, in determining the degree of concentration? The Department of Justice points to a Roper study that indicated that the public principally relied on newspapers and television stations for their news. On this basis they would give little weight to other media sources. Justice then goes on to compare the local market shares of the newspaper and television station combinations with Clayton Act Section 7 merger guidelines. Simply put, in an oligopolistic situation the acquisition of even small shares of the market can conflict with these guidelines. However, as a number of parties point out, the prohibition in Section 7 applies to acquisitions, not to internal growth, as was the case with the creation of most newspaper-television combinations. Instead, these parties point out that the Sherman Act prohibitions on monopolization apply. In such instances, Section 2 of the Act requires a showing of action of the entity in question to set prices or otherwise restrict competition. They contend that no showing has been made that establishes anything resembling such economic power. According to these parties, even the Rosse, Owen, Grey study[15] purporting to show higher rates being charged by newspaper-owned television stations, to which the Department of Justice refers, is subject to many doubts, so that even the Department does not vouch for its methodology or conclusions. The conclusion that a 15% price increase differential is available to newspaper-owned TV stations is directly refuted in two industry studies which point out that the other study did not take audience figures into account in relation to prices charged. Our own examination does not substantiate the findings of the Rosse study.

40. It is clear that by any standard, market differences do exist, and that the extent of economic power, whether exercised or not, varies. When this proceeding began, there were 19 instances (now

[11] A similar comparison is made between newspapers and radio stations.

[12] 21 F.C.C. 2d 570 (1970); 23 F.C.C. 2d 316 (1970); 27 F.C.C. 2d 486 (1971); 29 F.C.C. 2d 480 (1970); 35 F.C.C. 2d 875 (1972).

[13] 16 F.C.C. 2d 882 (1969); 20 F.C.C. 2d 903 (1969); 40 F.C.C. 2d 775 (1973).

[14] Separately from the anti-trust based market concepts is the alternative suggestion from Justice to divest wherever the Grade B television signal encompasses the SMSA of the newspaper community.

[15] *Empirical Results on the Price Effects of Joint Ownership in the Mass Media* (1970). See para. 96, *infra*, and Appendix B, p. 1.

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fewer) in which the owner of the only local daily newspaper also was connected to the only television station licensed to the community. From a concentration point of view, these would seem to present the most severe cases, but even in these instances, the industry did not agree that action by this agency was appropriate. They say also that from a diversity point of view even in these communities there is a plethora of media voices originating in or entering the market. While the overall industry view is that there is no need for any divestiture, at least one broadcast filing (that of the Post Company, of Idaho Falls, Idaho) seems to indicate that presumptively in these cases of one-owner markets, there is a condition of inadequate diversity. The Post Company prefers a rule to an *ad hoc* approach or if that fails to be adopted, a policy statement. Either, it argues, would be preferable in terms of industry stability because it would give advance notice, simplify administration and reduce uncertainty.

41. *Audience Share of the Market.* The National Citizens Committee for Broadcasting ("NCCB") would follow the approach of the de Jonckheere study [28] on market share and give appropriate market-share weights on a scale of 100, divided 40 to daily newspapers, 40 to television stations, and 20 to radio stations. Each entity would be given its circulation share (or be evenly divided for radio stations) and the market share thus be derived. Although NCCB would not include weekly newspapers, it says if they are to be included, they should be given 1/7 the weight of a daily newspaper. To the figures on market share thus obtained NCCB would apply both *per se* and *prima facie* limits. If a single owner had a 30% share it would be considered *per se* objectionable; 20% to 30% would constitute a *prima facie* showing of concentration that a party could offer to rebut. NCCB would have the Commission ignore a less than 20% market share absent an allegation of abuse. According to NCCB, its plan avoids the pitfalls of a mandatory across-the-board ban which by its nature could not take into account differences in individual markets. Likewise, it sees this approach as being preferable to the haphazard methods involved in a totally *ad hoc* procedure.

42. *The Place of Anti-Trust Considerations in Commission Determinations.* No one has argued that anti-trust considerations are totally inapplicable to the media, rather the dispute centers on the importance of anti-trust considerations to the resolution of the public interest issues now before the Commission. The Department of Justice points to its own responsibility for the enforcement of the anti-trust laws and for the preservation and enhancement of commercial competition as the basis for its filing here. Its view is that the Commission should act itself based on the anti-trust arguments which have been made. In particular, Justice says that there is too much concentration of ownership which in turn has caused a curtailment of the options open to advertisers. Throughout, the Justice filings proceed from economic premises having principally to do with economic competition for advertising. It is not that diversity of viewpoint is not dealt with; it is. Rather, it is a question of the orientation, of views expressed in competitive terms, views it feels the Commission is obliged to consider.

[28] *Monopoly in the Media*, by Terrall M. de Jonckheere. See Appendix B, p. 2.

NEWSPAPER OWNERSHIP — DIVERSITY OF PROGRAM AND SERVICE VIEWPOINTS

43. The preceding discussion has focused on the economic significance of combinations. The other side is the impact on the dissemination of ideas in a democratic society if there is a combination of media holdings held by a single entity. At what point, if any, is there a lack of diversity of viewpoints and programming or if such diversity at some level exists does that end the need to consider the size or market share of the entity in question? These are the kinds of questions to consider.

44. Opponents of the proposal have argued that the proposal rests on the false premises that current diversity is inadequate and that 51 voices are necessarily better than 50. However, they assert, if the forced transfer of a station to the 51st voice results in the station's news operation's being reduced to "rip and read", the addition of the 51st voice would not have been beneficial.

45. *Do They Speak With One Voice.* Opponents contend that cross ownership of newspapers and broadcast stations does not mean that both entities speak with the same voice. Most of the parties state that their broadcast stations and newspapers have separate management, facilities, and staff, including news and advertising staffs (which compete with each other for advertising), and do not have joint advertising rates. Some even claim that because they have separate editorial boards they present editorials in one outlet which are opposed in the other. We are told that there are other built-in protections against commonly owned newspapers and station's offering the same viewpoint and information. These parties point to the professionalism in journalism and the development of industry practices and codes of ethics which transcends employee-employer loyalties and result in highly independent staffs operating even common owned media. Also, the technology which requires specialized and separate management teams for various media holdings is said to limit the influence of the common owner. Finally, we are assured, there is protection because of existing diversity, so that in major markets it would not be possible to control the informational output of the communications media or to prevent a significant point of view from reaching the public. These parties assert that if abuses of this nature were occurring, there would be outcries from the public and other local competitive media. They believe that the absence of such complaints is the most telling argument against the need for the proposed rules and that in smaller markets economic considerations may inhibit the financial separation of different media.

46. Supporters, on the other hand, argue that a so-called separation cannot be considered as equivalent to separate ownership. They fear conscious or unconscious decision making protective of the other entity and even more the possible inhibition in the operation of each without regard to the consequences on the other. They urge separate ownership as the only way to have truly diverse and antagonistic voices.

47. *Adequacy of Current Diversity.* Opponents point out that there has been a long term trend of increasing diversity of media ownership with many more broadcast stations operating now than formerly was the case. According to NAB, in the top 100 markets (based on size of SMSA's) the total number of media outlets has increased markedly. From 1922 to 1967 the number of broadcast outlets increased 968%. While the number of daily newspapers has remained about constant, they say that there has been considerable growth in circulation, particularly in smaller cities. This leads these parties to conclude that in most major markets the addition of one more media owner would have a minimal effect on the amount of diversity in that market as there will continue to be a large number of media owners even if the proposed rules are not adopted.

48. More specifically, many parties referred to the Seiden study submitted by NAB to show that there is ample diversity in their own markets. The Seiden study listed all media available in each market in various categories, including those originating within and outside the market. Unlike the premises under which this study was done, the Justice Department would only include local television and newspapers in evaluating diversity since in its view these are the only effective competitors for local advertising. Weekly newspapers and other periodicals as well as broadcast signals originating outside the market on this basis should therefore not be counted. Opponents of the proposed rule and of the Justice viewpoint recommended that national media be considered in addition to local media because they reach substantial numbers of people to provide diverse information sources. Further, they urge that the fact that the public favored one medium or one newspaper or broadcast outlet rather than another should not be taken as indicating a lessening of the diversity of available media. They thought it should be irrelevant for the purpose of the Commission's proposal that the circulation bases differed so markedly.

49. At the time the proceeding began there were ninety-four (94) TV stations which were affiliated with local newspapers. The Seiden study purported to show that there is abundant diversity in these communities as well as elsewhere—that there is abundant diversity in every TV market. In New York City, we were

told, there were 610 media with 434 owners. Even in Zanesville, Ohio, the then most concentrated market, there were 49 media with 39 owners. Of these, four media were considered local, and were held by two owners. In Glendive, Montana, the smallest market, there were 36 media with 30 owners. Of these, five media with four owners were local. The average for the top 50 markets was 317 media, owned by 170 different groups. Of these, 139 originated in the market and were held by 111 different owners.

50. The American Newspaper Publishers Association ("ANPA") says that the number of newspaper-owned TV stations has decreased since 1948, when 48% were owned by newspapers, to 14% in 1969, and there has been an absolute as well as proportional decrease in newspaper-owned stations since 1955. The NAB says that newspaper ownership of all broadcast outlets is less than 7%. The Udell study submitted by the ANPA showed that in 78 markets with newspaper owned TV stations, 143 TV stations commenced operation after the newspaper owned station, and 131 of these new operations were started by non-newspaper interests. This to them shows that newspaper owned TV stations have not discouraged others from entering the field. Udell found that although often the newspaper-owned TV station dominated its market, there were many cases in which it was not the dominant station.

51. Opponents assure us that the Fairness Doctrine, Section 315 of the Communications Act, and the developing body of law falling under the category of "access to media" ensure that stations will not present only one viewpoint. Moreover, we should take into account, they insist, the fact that the public's increased awareness of its stake in the free flow of information has caused an increase in the filing of petitions to protect that interest and this too helps to ensure diversity of viewpoints. They conclude that not only do we have enough diversity, in fact modern technology has brought society to the point of information overkill, where the individual is paralyzed by the sheer volume of information and available choices.

52. Supporters of Commission action do not accept any such view. Instead they see a growing diminution in major media choices particularly newspapers and they assert that the Seiden approach uses numbers to obscure the situation by the faulty means of equating media regardless of subject or circulation.

NEWSPAPER OWNERSHIP—SPECIFIC ARGUMENTS

53. *The Commission Should Proceed on an Ad Hoc Basis Rather Than By Rule Making.* The parties who oppose adoption of the rules contend that as to newspaper ownership the Commission should continue to use the *ad hoc* approach as it has in the past rather than proceed on a rule making basis. The Commission, it is said, has greater flexibility in attacking situations where specific abuse may occur by the *ad hoc* approach rather than by seeking an across-the-board solution by means of a rule. They insist that both the Commission and the Department of Justice have the tools and the authority to reach any situations with the potential for abuse so that wholesale divestiture without regard to the facts of each particular situation is simply not warranted. Each market, they say, has its own characteristics and each differs from every other market; a rule would not take these differences into account nor would it make provision for those individual situations where there is no question that the cross-ownership has resulted in superior service. Opponents further argue that the proposed rules reflect only one component of the public interest, i.e., diversity, and ignore other important elements such as the costs and detrimental effects of forced separation.

54. The rule making approach, opponents charge, represents a blunderbuss policy in place of precise and carefully fashioned judgments based on facts in each individual situation. They assert that if the Commission were to continue to attack the problem on a case-by-case basis, it could root out those situations which threaten injury to the public interest without itself inflicting injury on the public interest by requiring the divestiture of a cross-owned station where there has not been so much as a suggestion of impropriety. The Commission should, it is asserted, consider, in each individual situation, such factors as the extent of interdependence of the cross-owned media in a particular market; whether the market is metropolitan, regional or local; the prospects for financial independence; and the extent of the possible disruption of service to the community. Factors such as these, they say, do not lend themselves to consolidation in a rule. Finally, the opponents argue that, in order to warrant an industry-wide approach such as that represented by a rule making proceeding, the Commission must, at the very least, indicate that the problem which it seeks to attack is so widespread as to require such an approach. This they charge the Commission has not done.

55. Supporters urge us to act through rule making rather than *ad hoc* procedures as in keeping with our stated intentions in this regard and with other approaches taken in the area of concentration. Moreover, we are told, such an *ad hoc* procedure could introduce uncertainty to the detriment of the industry and public alike.

56. *Divestiture Would Not Necessarily Accomplish the Desired Ends, and Might Produce Harmful Results.* Opponents have asserted that if any divestiture were to be accomplished through the trading of broadcast properties between newspaper publishers, there would be no overall decrease in concentration of control nor any increase in the total number of available voices. Thus, they insist, no real benefit would be brought about by divestiture, but real detriment would. An economic study offers the view that it is easier to operate a broadcast station within your home market, so that a station outside the home market would bring a lesser price. Further, a publisher accustomed to operating a station at home might be unwilling to undertake a similar operation in some other city, with the attendant increases in costs and additional control and managerial problems.

57. The economic studies further contend that by the very fact that many stations would be put on the market, the value of those stations would be reduced. However, in spite of this reduction of the price of stations, it is asserted that in many instances the price will remain too high to service the debt capital necessary to purchase a station. Under these circumstances, they expect that many of the available stations would be purchased by multiple owners or nationwide conglomerates, with the result that the divestiture requirement would not increase the overall diversity of voices, and it may in fact decrease the number of available voices. Supporters point out that as to the community in question, they nonetheless would represent a new choice.

58. Some parties assert that there is a correlation between newspaper ownership and high quality news and public affairs programming. Others contend that economies of scale can be achieved with cooperative news gathering facilities. In both instances, we are told, divestiture would result in a loss of these benefits, perhaps causing a reduction in the quality of program offerings, because owners could no longer rely on these resources. However, on the other side it has been alleged that there is no correspondence between the quality of news carried on a television station and that contained in a commonly owned newspaper. In addition, proponents of the rule contend that there has been no showing that economies of scale exist or if they do exist, they charge that they are products of an oligopolistic situation which has resulted in higher advertising prices on jointly owned facilities. Post-Newsweek asserts in its study that it is not common ownership but other factors [29] which account for higher advertising rates, and various parties point out the study showing higher television rates failed to take size of audience into account.

59. *The Proposed Rule Assumes a Similarity in Cross-Ownership Situations.* According to various opponents the approach we contemplate fails to recognize the differences between UHF and VHF, between radio and television, and between markets of different sizes, subordinates the public interest to administrative convenience and will have lasting deleterious effects on the industry. Thus they say we should observe these distinctions and recognize that a rule requiring divestiture for radio-newspaper combinations is not necessary because in most large markets an individual radio station does not have significant market power. However, it is

[29] The four are: being the first station on air in market, being a CBS affiliate, operating on a low-band VHF channel or lowest channel in market, and having the highest audience share.

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said, in smaller markets (below the top 100) individual radio stations may be significant competitive factors. Therefore, we are urged to review radio-newspaper combinations in markets below the top 100 on a case-by-case basis and require divestiture where necessary. Others urge the adoption of specific rules for smaller markets.

60. Licensees in smaller markets generally believe the Commission's concern should be with larger markets and exemptions should be provided for smaller markets. They point to the smaller size of these combinations, arguing that as a result there is less cause for concern about detrimental impact and more about disruption. However, licensees in large markets believe the serious problem exists only in those markets where there is only one daily newspaper and only one television station. These parties place their stress on the number of direct competitors in the market.

61. *Unique Situations*—Several parties argue that "unique" situations in particular markets require that the proposed rules not be applied in those cases. For example, the licensee of a Class A FM station in Santa Monica, California, and publisher of an evening newspaper in Santa Monica argues that his holdings constitute a minute fraction of the total mass media in the market. Santa Monica, a suburb of Los Angeles, is said to be saturated with broadcast service, receiving primary signals from 10 AM, numerous FM and 11 commercial and one educational television stations. Similar arguments have been made that other communities are overshadowed by nearby cities of much greater size, and we have been told that in such communities, UHF and FM stations might not have survived without newspaper ownership.

62. *Jointly Owned Broadcast Stations and Newspapers in the Same Market Can Give Better Service.* One frequent argument is that joint ownership of newspapers and broadcast stations made possible the early development of FM and TV service even though these pioneering stations often had to be operated at a loss. This leads these opponents to conclude that had the resources of newspapers not been available, the public would have been without such service for a long period of time.

63. In addition to the historical argument, these parties offer arguments supporting the view that benefits would continue to accrue. According to the exponents of this view the public would lose more than it would gain if those of the journalistic tradition are excluded from broadcasting. They argue that newspaper owners, coming from a tradition of journalism rather than entertainment, have set high standards of emphasis upon informative broadcasting with extensive news staffs and upon dedication to meeting community needs and advancing community projects. In fact, former Chairman Newton N. Minow has suggested that the public interest might better be served if, contrary to the thrust of our proposal, more newspapers were given the opportunity to operate TV outlets in their communities. He also suggested that the tradition of professional journalism offered by the newspapers greatly enhanced their ability to offer programs in the public interest.

64. The argument has been made that integrating broadcast and newspaper operations enables the licensee to provide service in the public interest which could not be provided if the operations were conducted independently and under separate ownership. Combined ownership is said to permit experimentation, innovation, minority programming, more effective dissemination of news and public information, independence from advertisers, lower advertising costs, financial stability, and otherwise contributes to diversity. They argue that because of the combination, many efficiencies and economies of operation can be effectuated, such as economies in buying and maintaining equipment, the joint use of buildings and office space, the common staff of program, technical and administrative personnel, etc.

65. Many have asserted that newspaper-owned broadcast licensees have a record of public service which is among the highest in broadcasting. Their contributions to the public interest constitutes in the view of these parties a tangible benefit which cannot be sacrificed for the theoretical benefits which the Commission has assumed will result from the proposed divestiture. They assert that newspapers owning broadcast stations in the same community are doubly conscious of their responsibilities to the public and have a greater knowledge of and immersion in the community's needs and problems than do non-newspaper owners. Local newspapers are said to often be locally owned by people who have long been directly involved in the community and in community service, particularly as an outlet for public expression. They insist that newspaper ownership of broadcast stations is more stable than that of other entities and that newspaper owners do not traffic. Continuity of ownership of broadcast stations we are assured would avoid the weaknesses inherent in stations which change hands frequently. We are told that the long term owner is continuously aware of community problems and by so doing can maintain a long range effort to deal with those problems.

66. Conversely, the argument is made that the existing owner takes the community for granted, and assumes too much in connection with ascertaining community problems. A newcomer, the view goes, would gain fresh insights since it would have to ascertain without presumption based on past history. Thus, the argument goes, service could actually improve.

67. In connection with radio stations in particular, opponents of the proposal see real benefits in newspaper ownership. They say that there are many situations where a radio station could only survive economically because of the support provided by a co-owned newspaper in the same market. If this were precluded, they feel the community would have fewer voices. They also assert that such a combination could provide higher quality programming than could normally be expected from singly owned stations. Moreover, the programming of newspaper owned stations is said to function as a counter-balance to national network dominance.

68. *Broadcast Media and Newspapers Are Not Comparable.* Although opponents of the current proposal acknowledge that newspapers and TV are the public's primary source of news, they contend that there is a radical difference between them, both in method and scope. They are seen as complementary, not competing, sources of news. In their view the Commission's statement that newspaper ownership of a co-located TV station directly parallels joint ownership of two TV stations in the same community, ignores many salient differences. For example: (a) the broadcast media bring the public only the headlines whereas newspapers provide the details and background; (b) the broadcast media devote no more than 10% to 12% of their time to news whereas newspapers devote 100% of their non-advertising space of journalistic function; (c) broadcasting is basically an entertainment medium whereas a newspaper is primarily a news medium; (d) a newspaper is a recorder of events whereas the broadcast media are not; (e) newspapers provide a permanent record for future reference whereas the broadcast media do not; (f) the types of advertising and the products advertised through the two media differ; (g) the two media do not necessarily encompass the same market; (h) the persons who use TV as their primary source of communication do not necessarily subscribe to newspapers; and (i) the broadcast media are inherently incapable of providing on a day-to-day basis in-depth local reporting whereas a newspaper has such capability. Pointing to the Commission's *Further Notice* in this proceeding (at para. 29), where it was indicated that studies showed that persons relying most heavily upon newspapers as a source of information are those identified as leaders or opinion molders, the opponents state that the joint ownership of a newspaper or TV station is likely to make no difference to these people since the nature of the newspaper analysis of a news event varies so greatly from the most abbreviated form of news which appears on TV. Further, we are assured, these persons are unlikely to rely on a single source of information for their news.

69. The point is also made that the two media function quite differently in the manner in which they cover the news, thus reflecting not only the innate differences between the media but differences in coverage as well. These factors are said to ensure that the public receives the benefits of separate news sources, which do, in fact, even if they are commonly owned offer divergent

viewpoints and approaches to issues of public concern. Editorial practice we are told, is a far more significant facet of diversity than is ownership. Accordingly, they would reject what they see as the Commission's assumption that cross-ownership causes newspapers to speak and write with one voice. Not all parties, of course, find these distinctions particularly important as they continue to see the two as parallel entities.

70. *The Rules Would be Contrary to Past Policies and Pronouncements That Led to the Development of the Present Broadcast Services and are Inequitable to Those Who Acted in Reliance on Those Policies.* The various parties presenting this argument submit that the present structure of the broadcast industry has been created by the Commission which has licensed each station in question, at times after a comparative hearing, and repeatedly renewed those licenses after finding that the renewal would be in the public interest, convenience and necessity. These parties contend that it would be a breach of faith for the Commission to now reverse these prior decisions and ban the cross ownership which was previously approved.[18]

71. They assert that diversity is one of several fundamental criteria considered by the Commission in granting broadcast licenses, and the Commission has considered these other criteria, including local ownership, integration of ownership and management and experience, in finding that a grant of a broadcast license to a newspaper or existing broadcast licensee would serve the public interest. Instances of such actions they point to include the licensing of the AM and FM stations in Elyria, Ohio, to Elyria-Lorain Broadcasting Co., the publisher of the local newspaper; the assignment of KOA-AM-FM and TV, Denver, Colorado, to a single party; and the grant of the application of Paducah Newspapers, Inc. for WPSD-TV in Paducah, Kentucky. They also mention *Orlando Daily Newspaper, Inc.*, 11 F.C.C. 760 (1946) and the *Policy Statement on Newspaper Ownership*, 9 R.R. 702 (1944). Based on their reading of these precedents the current proposal would without valid basis, they aver, summarily reverse the ongoing practice of years standing.

72. On the other hand, supporters of Commission action assert that while the economic and technical considerations of the 1940's and 1950's justified a more lenient Commission policy toward cross ownership, those prior considerations are no longer operative. Under present conditions, they think it is unlikely that the number of newspapers and broadcast stations will significantly increase in the foreseeable future, and the Commission is therefore justified in taking a more restrictive approach (see footnote 18).

[18] In part, this is in response to the Commission's statement in the *First Report and Order* (in particular in para. 22) that changed circumstances necessitated that a different view now be taken regarding such combinations.

73. *Great and Irreversible Damage Would Result To Media and To Individual Stations and Newspapers.* Opponents insist that no matter how economically strong, no industry can absorb unlimited burdens. At some point they say, there is a limit, which once exceeded, leads to a collapse of that industry. They assert that quite a number of burdens have been imposed on broadcasters so that the point is nearing when the ability of the industry to respond may be impaired. As examples of such burdens they mention a series of recent Commission actions such as increased fees, new renewal procedures and prime-time access as well as the more frequent occurrence of petitions to deny and increased costs. The point is that whatever the source, whatever the legitimacy of the justification, the unavoidable impact on the broadcaster is a burden that can lead to a driving out of needed capital as well as a pushing away of fresh talent and creativity. Opponents argue that too much of a good thing can be fatal and that the price paid would be in lessened diversity, which is the opposite of the hoped-for result. Supporters assert that we should question these dire predictions. These, for the most part, are seen as greatly exaggerated. Such validity as is accepted is said to exist in only some individual circumstances.

74. The proposed rules would also have adverse economic consequences for newspapers we are advised by opponents. Divestiture could impair the revenues of newspapers and result in the decline in their value. Moreover, they contend that to the extent owners decide to keep their broadcast stations and divest their newspapers, there would be a decline in the value of newspapers with potential for forcing marginal operations out of business. They also suggest that the proposed rules would threaten the balance reached by the Congress in the Newspaper Preservation Act between the public interest in competition and the public interest in continued financial viability of newspapers and their editorial independence. Finally, they express a concern that adopting rules might limit the ability of publishers to enter into electronic newspaper distribution in the future. They feel that for newspapers to remain viable it may be necessary for them to be able to use something other than the present modes of newspaper production and distribution which may become too slow or expensive.

75. Divestiture, opponents assert, also raises questions concerning the continued viability of special format daily newspapers. For example, the licensee of an AM and FM station in New York City also publishes a daily Yiddish-language newspaper. The paper operates with an annual deficit which in part is offset by an annual profit from the radio stations. The licensee contends that funds from the radio stations are necessary to provide for continued publication of the paper.

76. Finally, a particular danger is said to be involved in divestiture because the results would be permanent and irreversible. They assert that the genius of the administrative process is its ability to be flexible and to consider matters in the light of changed circumstances, attributes which could not be brought to bear for there is no way to return to the *status quo ante* if the results are not what were intended. They argue that since there is no way to return the outlets to their original holders if the action proves improvident, the risk is so great that any cause for concern is sufficient to establish that the step should not be taken unless there is clear proof of harm from the existing circumstances.

THE RULES WOULD DISCOURAGE RISK CAPITAL IN BROADCASTING AND IMPOSE HIGH COSTS OF OPERATION CONTRARY TO THE PUBLIC INTEREST

77. This argument, made by several broadcast interests, is that divestiture would result in a drastic alteration of the industry structure and breed economic instability. This they say would come about because the new owners of divested stations would face significant economic burdens, principally as a result of paying high prices for broadcast properties that have appreciated greatly over the years. Because of high interest rates, the cost of debt service will reduce the working capital and profit accumulation which would otherwise be available for programming including news and public affairs. Beyond these economic factors, various other burdens are mentioned as being placed on broadcasters, and the fear is expressed that this could be a last straw. The continuing infusion of capital, energy, and creativity needed to properly nourish the industry in their view may be stymied because of the economic burdens, the governmental interventions and restrictions imposed. The NAB sees this proceeding as one in which adoption of the rules would give just such a negative signal to those now involved or who would become involved in broadcasting: results clearly detrimental to the public interest. Supporters say they cannot agree that an industry they see as characterized by extraordinarily high profits would somehow become anathema to investors.

THE PROPOSED RULE AMOUNTS TO THE VIRTUAL ABANDONMENT OF THE COMMISSION'S POLICY FAVORING LOCAL OWNERSHIP

78. Opponents charge that the divestiture provision of the rule would frustrate the Commission's policy favoring local ownership which has long been considered conducive to programming responsive to local needs and interests. This they say can be seen in the Commission prediction that many licensees will simply trade stations with other licensees, thereby achieving divestiture without significant upheaval in the identity of the media ownership. They argue that this trading of broadcast properties would result in absentee ownership. However they do not think such ownership is desirable, particularly where a broadcast station is traded

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away from a newspaper with local ownership and strong community ties. Rather, they believe that the strong affiliation between a newspaper and its community often results in programming on a commonly owned television station which is particularly responsive to the needs and interests of the community. They think an absentee owner, with less contact with the community might be less concerned with the public interest and more concerned with the balance sheet, and the divestiture may result in the fragmentation of professional staffs which have been built up over the years to provide the best possible service to the public. This leads them to conclude that the absentee ownership resulting from divestiture would therefore result in a loss of service to the public.

79. Opponents have rejected suggestions that the first opportunity to purchase a station be given to a local group or that more than one potential purchaser be submitted to the Commission as unworkable and contrary to Section 310(b) of the Communications Act. They assert that such courses of action would interfere with existing interests and equities and jeopardize existing service. Proponents, on the other hand, asserted that any resulting reduction in local ownership should not be used to justify and maintain a monopoly situation, and they urge the Commission to proceed with divestiture. In their view, local ownership as a goal necessarily pales in comparison with providing needed diversity.

NEWSPAPER OWNERSHIP—MISCELLANEOUS ARGUMENTS

80. Parties opposing the Commission's proposal have offered several procedural or jurisdictional objections. Several have taken the view that the proposal represents such a fundamental policy shift that the Commission should not act without Congressional mandate. It was their view that this subject should be considered at Congressional hearings from which policy guidelines would emerge. The Commission is urged not to proceed without such guidance from the Congress.

81. Two other procedural objections to implementation of the proposed rules have been interposed, both relying on the view that a hearing would be required beforehand. One asserted that the Commission should not proceed without holding oral argument on the proposal [»] and the other insisted that any affected party would be entitled to a full evidentiary hearing before it could be required to divest.

82. Progressive Broadcasting Corporation is licensee of Stations WHOM–AM and FM and is commonly owned with a daily newspaper. It wonders if the rule would apply to it and asserts that if it would special recognition is required of its unusual situation. It argues that a rule should not apply to it since the radio stations are essential Spanish language and the daily newspaper, even if it is circulated generally, reaches only an audience that reads Italian. Moreover, it asserts that the Spanish speaking audience for the stations does not much overlap with the readers of *Il Progresso Italo-Americano*. Aside from the divergence in audience, Progressive contends that neither has the broad general appeal and impact that seemed to be the cause of the Commission's concern. For itself and others similarly situated Progressive asks that any rule which might be adopted not be considered applicable to such situations.

83. The Illini Publishing Company, a not-for-profit corporation at the University of Illinois, owns the daily student newspaper, an FM station, and the yearbook. It stated that it would not comment on the desirability of cross-ownership for commercial properties but that cross-ownership in its situation is a guarantee of finanial and therefore editorial independence from the University administration, the student government, or any other potential pressure group. It has never accepted student fees but has depended on the sale of advertising and circulation, and in various years one or the other of the three media was supported by its fellows.

84. The Forward Association publisher of *The Jewish Daily Forward* and licensee of New York City Stations WEVD–AM and FM says it is not clear whether the rule would apply to foreign language newspapers. The Association says it should not, but if it did, the Commission should hold an evidentiary hearing in each case to determine whether divestiture should be required.

85. The Oklahoma Press Association in opposing the proposal notes that some universities have both newspapers and television stations. While educational broadcast stations are exempted from the duopoly rules, it points out that it is not clear where the proposal leaves Notre Dame University and the University of Missouri, both of which operate *commercial* television stations (WNDU–TV and KOMU–TV, respectively).

86. Finally, several parties wonder how many papers per week a newspaper must publish to be defined as a daily? Is a paper that publishes three days a week a weekly and one that publishes four days a week a daily? They also suggest that if the proposed rule is adopted, it could be circumvented by publishing six different weekly publications, each on a separate day.

DIVESTITURE WOULD CONSTITUTE AN UNPRECEDENTED GOVERNMENTAL INTRUSION

87. The NAB and others insist that there is no precedent for the action proposed here. Never before in the history of the FCC or any other governmental agency, they assert, has a proposal of this magnitude ever been implemented. In strictly legal terms, the charge is that no agency has ever so proceeded without basing its action on a proven law violation and in furtherance of an express statutory authorization. Here neither is said to be present and this makes it all too clear how drastic and extreme the proposal really is. The closest example, that of the 1943 FCC action affecting radio duopoly cannot, it is said, be considered analogous. In that situation, we are told, relatively few stations were affected and the economic impact was notably smaller than that which would be anticipated here.

DIVESTITURE WOULD HAVE A "CHILLING" EFFECT AND INHIBIT FREE SPEECH AND PRESS

88. The charge is made by the NAB that already extensive regulation exists and unwarranted extension of such regulation could only have harmful results. Inevitably, they feel, a fear would be created that governmental action could be invoked as a means of expressing displeasure at a course of conduct, not because it is unlawful but because it is contrary to governmental preference. Even if the current proposal in itself did not bring the weight of government to bear in such a manner, they believe that the fear would be created that it could happen in the future. The net effect they foresee would be a restriction on free speech, a curtailment of creative journalism, affecting newspapers as well as stations. Thus, the NAB states, in a democracy, it is the power of the government, not that of the press that is to be feared. Especially in the current political climate, the action here proposed is bound to be interpreted as a governmental assault on the free press, it is argued.

89. The lesson of history in this regard is said to be clear: there is no such thing as compulsory freedom. Just so, there can be no compulsory diversity. The greatness of this country's press, print and broadcast, we are told is the product of the lack of governmental intrusion. It is its freedom of operation that has and will continue to offer a continuation of the situation in which American diversity exceeds that of any country. The Commission is urged not to yield to temptation by following the restrictive paths traveled by other countries. Rather, the Commission should follow the path of freedom and non-intervention. Supporters assert that the structured approach involved here is a lesser danger in free speech terms than Commission intervention in programming as could happen in fairness cases.

IF ANY RULE IS ADOPTED, EXISTING INTERESTS SHOULD BE GRANDFATHERED

90. This view which is in direct conflict with the divestiture proposal was expressed by Duhamel Broadcasting Enterprises, Inc., and Paducah Newspapers, Inc. Divestiture, Paducah says, would be disruptive, counter-productive, unfair, oppressive, etc., and should not be ordered in the absence of a showing of specific harm. Although cast somewhat differently, the point is essentially the same as that presented by many other parties and which has been discussed previously.

PROPOSAL TOO RIGID

91. Several points are subsumed under this heading. One concerns the view expressed by several parties that an exemption for UHF stations is an economic necessity. At most, they argue, these situations should be considered on a case-by-case basis. Another party takes the view that in certain markets, a weekly newspaper can be the more powerful medium, not the daily, and the rule would give no recognition to such a situation.

[»] This, of course, has taken place.

THE COMMISSION SHOULD ADOPT SPECIFIC RULES TO DEAL WITH POTENTIAL ABUSES

92. Several parties suggest that if the Commission can identify evils which could occur in cross-ownership situations, such as preferential advertising rates for purchase of both newspaper space and broadcast commercial time, it should regulate such practices by specific rules. The Commission's response to the payola scandals—sponsorship identification requirements of Section 73.119 and 73.654—is said to be a good example of selective rule making.

93. According to various parties, the objective of achieving maximum diversification of media ownership is not in and of itself determinative of where the public interest lies. This is said to be evidenced by the numerous cases in which the Commission has granted, in comparative proceedings, applications resulting in a greater concentration of media control. They take the view that the Commission's proposal would establish an irrebuttable presumption that any legally qualified applicant unconnected with a newspaper will serve the public better than a station owned by a company which also publishes a local newspaper. A complete prohibition of common ownership is said to risk the exclusion of the best available interested party to the community which in some cases might lead to the exclusion of the only applicant. In sum, the view is that the single most critical factor in governing the extent to which the public interest will be served is the licensee's motivation and interest in serving the community. According to many affected parties the common owner of co-located newspaper and broadcast facilities is often the only one in the community so motivated. On this basis, they assert that the proposed rules would work to the detriment of the public, and thus they urge rejection of such a rule. Supporters see things quite differently, questioning whether such a grant could really add anything worth the cost of possibly forever excluding another party which might step forward in the future.

MAJOR STUDIES SUBMITTED

94. A number of studies have been submitted, including some by parties not associated with the newspaper or broadcast industries. The studies cover four major topics. Some studies treat more than one topic, but are listed only once in the summary which follows. A list of these studies is contained in Appendix B.

95. *Economic Consequences of Divestiture.* Both the Frazier, Gross study and the First National City Bank study indicate that combination owners will most likely transfer their TV stations rather than their newspapers. First National is extremely pessimistic about the financial outcome for sellers of TV stations, under divestiture market conditions. Frazier's judgment is that TV stations will sell at 10% to 20% below true value if all affected stations were to be divested. Our own evaluation is that the concern may be exaggerated.

96. *Effect of Common Ownership on Competition.* No claims were made that newspaper-television station owners have committed any specific non-competitive acts as such, but Rosse et al. attempt to show that, all other things held constant, newspaper-owned TV stations charge their advertisers higher prices than other TV stations, and that this is probably due to the monopoly effect. Their calculations show that newspaper-owned TV stations charge about 15% higher rates. The NAB and ANPA statisticians see a conceptual error in Rosse's model—audience was omitted as one explanatory variable, and when the error was corrected, the difference in prices between newspaper-owned TV stations and others was not statistically significant. The Post-Newsweek study also covered this point. The Commission's own examination of the point fails to show an effect on rates attributable to newspaper ownership. Levin uses past TV station sales prices as a measure of whether newspapers have been subsidizing their owned TV stations. He finds they have not.

97. *Effect of Common Ownership on Station Performance.* Both the Student Group and Levin did empirical analyses to determine if newspaper-owned TV stations differ from other TV stations in the quantities of news, public affairs, local programming, etc., they present, and Levin also studied possible differences in diversity. Levin's findings appear to be inconclusive. The Student Group finds that there is no significant difference in the performance, between TV stations owned by local newspapers and other TV stations. Although the NAB findings use different methodology with the Student Group data, the results are essentially the same—no significant differences. A Commission staff study on this topic is attached as Appendix C. When the earlier submissions were prepared, the Annual Programming Reports for television stations had not yet become available. The Commission's study is the first to use this data. The American Institute conducted a study of public attitudes, behavior and knowledge of current events in two similar cities, to determine if media monopoly (Zanesville, Ohio) results in a less informed public than competitive media (York, Pennsylvania). The York population sample was found to be significantly more knowledgeable on current events, and this was attributed to the fact that the only newspaper, TV station and AM/FM radio station in Zanesville were then controlled by a single owner. J. Anderson attempts to discover whether the informational content of the news broadcasts and daily papers of co-owned media show a greater correspondence than do media separately owned. He finds that TV–newspaper combinations and radio-newspaper combinations do not result in a monolithic presentation of information, in the many sample cities studied. Cox Broadcasting's two studies result in similar findings for two specific markets where they own newspapers and broadcast stations—Atlanta and Dayton.

98. *Multiplicity and Diversity of the Media.* Sterling shows that the number and proportion of newspaper-owned broadcast stations has been on the decline since 1950. Udell says that newspaper-owned TV stations have declined from 29% (of all TV stations) in 1955 to 14% in 1969. He also points out that there has been growth in the TV industry in spite of newspaper ownership in many markets. The ANPA staff study presents tabulations that confirm the downward trend and they also show that the total media voices (including magazines and other publications) is extremely high in most markets (e.g. 660 in Washington, D.C.). Seiden's study, counting all the media voices in the ADI counties of each market, also presents high figures (e.g. 98 in San Diego; 610 in New York City). Wilcox in his submission seems to suggest that newspapers and broadcasters are not instrumental in shaping public opinion, and that with the enormous volume and contradictory viewpoints presented, people are overwhelmed and reject everything. The Commission does not believe that "counts" as such add much to our knowledge as they fail to consider the particular characteristics that assume considerable significance in many situations.

CONCLUSIONS

99. *Introduction.* It has become clear in reviewing the record of this proceeding that additional public interest considerations need to be applied in judging the public interest consequences of present as distinguished from future common ownership interests in co-located newspapers and stations. Put otherwise, the idea of divestiture, implicit in retrospective rules, requires a demonstration of more than just theory or a resting on narrowly drawn balances. Rather, we must consider the impact that divestiture would have, taking into account factors not present in connection with prospective rules, matters which must be examined if fairness is to be achieved. Before we proceed with our discussion of these two aspects separately, there are a number of general observations to be made about the public policy on which Commission action is based. The multiple ownership rules rest on two foundations; the twin goals of diversity of viewpoints and economic competition. The Commission has a responsibility to consider various aspects of the qualifications of licensees or applicants, among them the question of multiple ownership. In so doing, the Commission acts in individual cases or through rule making. Early in its history, the Commission acted to adopt rules to end common ownership of stations in the same service serving substantially the

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same area. Needless to say, such commonly owned stations could neither be true competitors nor could they offer true diversity. Since then the multiple ownership rules have been extended in a number of respects to better serve one of both of the above goals. As to competition in particular, the national public policy (expressed in anti-trust laws and elsewhere) in favor of competition and against actions which would curtail it, finds a reflection in the actions of the Commission. Sometimes, this policy will yield, however, to the even higher goals of diversity and the delivery of quality broadcasting service to the American people. This is a vitally important matter, for it is essential to a democracy that its electorate be informed and have access to divergent viewpoints on controversial issues. Needless to say, thought had to be given to how much diversity to seek in terms of providing the best practicable service to the American public."

100. *Prospective Rules.* While there can be no doubt that newspapers brought a pioneering spirit to broadcasting, first in radio and then in television, it does not necessarily follow that new co-located coownership always would serve the public interest in the same way. In no way does this suggest a lack of recognition of the efforts made by the pioneers. Rather, it speaks to the issues raised when possible new entrants step forward. Now, unlike then, the broadcast medium has matured. While not all have made profits, for the most part, it is the particular market situation, or the newness of the operation that is the cause. Thus, the special reason for encouraging newspaper ownership, even at the cost of a lessened diversity, is no longer generally operative in the way it once was. Nor are newspapers the sole reservoir of experience on which reliance has to be placed. To the extent that TV (or radio) facilities are worth applying for, qualified and experienced applicants can be expected to step forward. Newspapers are not the only interested parties. The Commission is obliged to give recognition to the changes which have taken place and see to it that its rules adequately reflect the situation as it is, not was.

101. The thrust of recent rule changes in the area of multiple ownership as well as the underlying principles go in the direction of increased diversity. It appears that the licensing of a newspaper applicant for a new station in the same *city* as that in which the paper is published is not going to add to already existing choices, is not going to enhance diversity. In fact, since the number of channels open for filing has vastly diminished, the channel in question may be the last or one of the last available for the community. All this leads us to conclude that steps need to be taken in this regard. We think that any new licensing should be expected to add to local diversity. Accordingly, the rules will bar combinations that would not do so. Not all print media are equal or are generally circulated. Thus, we do not believe that weekly newspapers or specialized publications (including foreign language dailies) need to be included in the prohibitions we are adopting. Their situation would be different, for much of the audience of a station owned by such an entity would receive that entity's views for the first time. Each such publication is a relatively unimportant fraction of the media mix in a particular area. For this reason and because of the sheer size of daily newspapers, we shall limit the rule to daily [31] newspapers of general circulation. For the purpose of this rule, collegiate papers, even if dailies, are not considered to be circulated generally.

102. Since there is no basis in fact or law for finding newspaper owners unqualified as a group for future broadcast ownership, some limit needs to be placed on the geographic effect of the rule. We have decided to follow the parallel of the multiple ownership rule already adopted in this proceeding which bars new TV-radio combinations within certain specified contours, namely Grade A for television, 2 mV/m for AM and 1 mV/m for FM.[32] The rule would bar newspaper ownership if the predicted contours encompassed the city in which the daily newspaper is published.[33]

103. The rule will apply to new ownership patterns however created, whether by initial application and construction or by acquisition. In fact, the latter category is perhaps an even greater cause for concern since there would be a loss of an already existing separate voice if a separately owned station were acquired by a paper. In addition, once a sale is to take place the rule would require a split in an existing combination. No divestiture would be effected nor hardship created since this is a voluntary action by the seller. Thus the rule will apply to all applications for assignment or transfer other than those to heirs or legatees or those for *pro-forma* changes in ownership.[34] In addition to barring daily newspapers from acquiring a station if any of the above-mentioned contours encompass the newspaper community, we shall prohibit grant of a renewal to any station which acquires such a newspaper.[35]

104. The new rule will apply to radio, as well as television applications. While on the one hand it could be argued that the larger number of radio facilities means there already is more diversity than in television, the fact is that we wish to encourage still greater diversity. This to us is a worthwhile goal which does not depend on its being urgent to be justified. Since diversity can be fostered through prospective rules without the fundamental disruption that would occur with altering all current ownership patterns, even a smaller gain is worth pursuing. Also this is the same approach we took in regard to radio-TV combinations, where it, too, could be argued that the numbers suggested no need for concern if a television station acquired a radio station. The effect of the new rule could also be expected to enhance at least to some degree competition in the media.

105. The portion of the multiple ownership rules being amended today has come to be known as the "duopoly" portion of those rules (as contrasted with the seven-station portion). Originally, the duopoly rules proscribed common ownership, operation, or control of two broadcast stations in the same broadcast service serving substantially the same area. Later the proscription was changed to proscribe common ownership, operation or control of two stations in the same broadcast service if specified contours of the stations overlapped (Grade B for television, 1 mV/m for AM and for FM). Then, at an earlier stage of this proceeding, the duopoly rules were amended to cut across broadcast service lines, namely, VHF television and radio. Today they are further amended to include daily newspapers.

106. In discussing duopoly in the preceding parts of this document we have, for the sake of convenience, spoken solely of common ownership of media. However, it is necessary to take cognizance of the other terms in the duopoly rule as well, since not only common ownership is proscribed, but also common

[30] Sometimes there can be a clash between the goals of diversity and competition. Such is the situation in *Carroll* cases where we consider whether the addition of a station in a locality would damage an existing station's ability to program in the public interest, and whether the proposed station would function as a substitute for it. Leaving aside the quantum of proof required, at their core these cases say that the loss to the public is of such importance that even the goal of competition must take second place. It should be noted that the Commission's function is not to protect stations from competition and the public interest is not disserved even at a station's demise, so long as another takes it place in providing public service programming.

[31] For this purpose we are using the print media definition of a daily, i.e., published 4 times a week or more, in contrast to weekly, semi-weekly, or tri-weekly publications.

[32] For an explanation of this rule, see para. 3 and footnote 2, *supra*.

[33] Any concern that this restriction could be avoided by simply proposing facilities sufficiently limited to prevent encompassment can be resolved when it is recognized that the Commission has already designated applications for hearing on "307(b) efficiency" issues when this happened in connection with the current multiple ownership rules. If the multiple ownership situation arguably would lead to artificial restrictions on station facilities, such matters could be explored in hearing.

[34] Parties believing that survival of both entities depends on their joint sale may make such an argument in seeking waiver of this requirement.

[35] As proposed in the *Further Notice*, if a broadcast station licensee were to purchase one or more daily newspapers in the same market, it would be required to dispose of its stations there within 1 year or by the time of its next renewal date, whichever is longer. If the newspaper is purchased less than a year from the expiration of the license, the renewal application may be filed, but it will be deferred pending sale of the station, if necessary, until the year has expired.

operation or control. It is clear that under the original rule, a party owning 100% of an AM station was prevented from owning 100% of another AM station serving substantially the same area. However, what if he owned 100% of one station and although having no ownership interest in the other he was a director or an officer thereof? Did such a position constitute "control" of the other station so that the proscription of the rule applied? What if a party had no ownership interest in either station but was a director of each, or was an officer of one and general manager of the other? What if he had a minority stock interest in one and was an officer of the other? Was this proscribed? The Commission, by ruling on such questions on a case-by-case basis over the years, has developed policy concerning them. In the earlier stages of this proceeding we indicated that the policy as originally developed for stations in the same broadcast service would be carried over and applied to such cross-interests in VHF and radio stations (22 F.C.C. 2d 306 at 324–5; 28 F.C.C. 2d 662 at 669–670). In the *Further Notice* (22 F.C.C. 2d 339 at 349) we proposed to apply the policy to any new rules that might be adopted herein with regard to newspapers and invited comments on the subject. Nothing filed in response to this invitation suggests a need for different treatment, and we shall therefore adhere to the policy in administering the new rules adopted today.

107. The Commission's present rules proscribing acquisition of common ownership of stations in different services in the same market apply with full force to VHF television stations. However, as to UHF stations, the prohibitions do not apply. Instead, a case-by-case approach is followed. After careful consideration we have decided not to follow this distinction in connection with newspaper-television common ownership. Arguably, some of the same reasons which applied previously and upon which the distinction was created might be said to be present here. Admittedly, there is some commonality in the two areas of the rules in terms of how we should treat UHF stations, but we see even more that is distinctive. Thus, the level of concern over common ownership of an FM station and a UHF television station (a matter handled on a case-by-case basis) is not the same as with a daily newspaper and UHF stations. The latter combination results in a much more imposing entity in most cases. Sometimes, of course, the broadcast-broadcast common ownership situation would raise a problem; hence we provide for treatment of these cases on an *ad hoc* basis. Here the reverse of the broadcast-broadcast combination situation is to be expected. Presumptively, the creation of new television station-daily newspaper combinations or a sale of an existing combination raises a problem. This may not always be the case, but since parties can seek waiver, there is a protection in the event that in a particular case our approach could be unduly harsh. We wish to act to encourage even greater diversity than we now have and think therefore that UHF should not be exempted as a matter of course. As to the view to be taken regarding the significance of operation on a UHF channel as it relates to the question of possible divestiture, discussed below, we believe that the cases need to be judged on their own terms and not based on any assumption that stations on UHF channels have an inferior position in the market. In only one of the cases where the question of possible divestiture exists does this apply, and from the information now before us, exemption on this basis would not appear to be warranted.

108. *Divestiture.* We now turn to the most difficult of the questions before us: should divestiture be required? and if so, to what extent? We have been told by some parties that common ownership of a daily newspaper and a broadcast station raises such a problem as to require divestiture wherever the two entities are co-located. To some extent, in making this argument, reliance is placed on the economic strength of the combination, in terms of their revenues or the percentage of the market advertising revenues the two control. Others place reliance on circulation figures to show the power of the combination. In either instance, we are asked to require the current owner to divest in the hope or expectation that a change in ownership would bring public benefits. The principal benefit mentioned by others is the gain in diversity which the new owner would bring. Still others recognizing that disruption would attend the implementation of any such requirement urge it only in egregious cases. In part this is seen as a matter of fairness, in part it rests on the view that the need is not so great in other cases. We remain no less convinced than before of the importance of diversity, but this is not the only point to consider. Our examination of the situation leads us to conclude that we may have given too little weight to the consequences which could be expected to attend a focus on the abstract goal alone. There are a number of public interest consequences which form the basis of our concern. Requiring divestiture could reduce local ownership as well as the involvement of owners in management as many sales would have to be outside interests. The continuity of operation would be broken as the new owner would lack the long knowledge of the community and would have to begin raw. Local economic dislocations are also possible as a result of the vast demand for equity capital and wide-scale divestiture could increase interest rates and affect selling price too. None of these points was given consideration when we spoke in more sweeping terms at an earlier stage of this proceeding.

109. In our view, stability and continuity of ownership do serve important public purposes. Traditions of service were established and have been continued. Entrance and exit from broadcast ownership by these parties are determined by factors other than just profit maximization. Many began operation long before there was hope of profit and were it not for their efforts service would have been much delayed in many areas. Particularly in connection with a number of entities, there is a long record of service to the public." Under what circumstances then, should such ownership be disturbed? We have concluded that a mere hoped for gain in diversity is not enough. Unlike for prospective rules, divestiture introduces the possibility of disruption for the industry and hardship for individual owners.

110. We agree with the Justice Department that the Commission, like any other regulatory agency, must consider the anti-trust implications of its actions. Indeed, the relationship between anti-trust law and administrative law is necessarily a complementary one in which "the basic goal of direct governmental regulation through administrative bodies and the goal of indirect governmental regulation in the form of the anti-trust law is the same." *Northern Natural Gas Co.* v. *F.P.C.*, 399 F. 2d 953 at 959 (D.C. Cir. 1968). On the other hand, as Judge Wright succinctly stated in *Northern Natural Gas Co., supra*, 399 F. 2d at 960–961:

> This is not to suggest, however, that regulatory agencies have jurisdiction to determine violations of the antitrust laws. See *People of the State of California* v. *F.P.C., supra*, 369 U.S. at 490, 82 S. Ct. 901; *United States* v. *Radio Corporation of America, supra*, 358 U.S. at 350, n. 18, 79 S. Ct. 457; *National Broadcasting Co.* v. *United States*, 319 U.S. 190, 223–224, 73 S. Ct. 990 (1943); *Mansfield Journal Co.* v. *FCC*, 86 U.S. App. D.C. 102, 107, 180 F. 2d 23, 33 (1950). Nor are the agencies strictly bound by the dictates of these laws, for they can and do approve actions which violate antitrust policies where other economic, social and political considerations are found to be of overriding importance. In short, the antitrust laws are merely another tool which a regulatory agency employs to a greater or lesser degree to give "understandable content to the broad statutory concept of the 'public interest'." *F.M.C.* v. *Aktiebolaget Sevenska Amerika Linien, supra*, 390 U.S. at 244, 88 S. Ct. at 1009.

Accordingly, we have analyzed the basic media ownership questions in terms of this agency's primary concern—diversity in ownership as a means of enhancing diversity in programming service to the public—rather than in terms of a strictly antitrust approach. Indeed, we have taken into consideration such matters such as potential disruption of the

[36] A careful comparison has been made by the Commission's staff between like television stations differing only in whether or not they were owned by newspapers. The findings, attached hereto as Appendix C, show an undramatic but nonetheless statistically significant superiority in newspaper owned television stations in a number of program particulars. This material is derived from material contained in the first annual program report.

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broadcast industry which may not have been relevant from an antitrust analysis, but are intimately involved with important public interest considerations which this agency cannot ignore.

111. The distinction between our approach and the Justice Department's is best put this way. Justice and others applying traditional antitrust criteria are primarily interested in preserving competition in advertisting.[27] They place a greater emphasis on public policies underlying the need to preserve competition than on diversity aspects and for their arguments they use analytic tools taken from economic studies of market share and the like. Conversely, the diversity approach would examine the number of voices available to the people of a given area.[28] The premise is that a democratic society cannot function without the clash of divergent views. It is clear to us that the idea of diversity of viewpoints from antagonistic sources is at the heart of the Commission's licensing responsibility. If our democratic society is to function, nothing can be more important that insuring that there is a free flow of information from as many divergent sources as possible. This is not a reflection on the efforts of combination owners in diligently serving the public interest. Rather, it is a recognition that it is unrealistic to expect true diversity from a commonly owned station-newspaper combination. The divergency of their viewpoints cannot be expected to be the same as if they were antagonistically run.

112. Having said that our primary concern is diversity in programming service, we have analyzed the question of requiring full-scale divestiture under standards and with regard for considerations which are relevant under our broad public interest mandate. This does not mean that the Justice Department's concern for economic competition is irrelevant; only that it is of secondary concern under the Commission's regulatory responsibilities.[29] After reviewing the record in this context, we believe that because of the disruption and losses which could be expected to attend divestiture—resulting in losses or diminution of service to the public—divestiture should be limited to use in only the most egregious cases.[30] We have examined instances where there is co-located common ownership of a daily newspaper and a television and/or radio station to see which situations, if any, required action. In doing so we had to select some standards. As in all such efforts, the standards are not necessarily the only ones that could have been selected. We think the ones we have chosen are suitable and in fact preferable to other possible formulations. Nevertheless, we recognize that others would have preferred more or less stringent standards. A choice had to be made, and it had to rest on a valid and comprehensive foundation. We think it does, even if it is not the only possible formulation or does not represent the only point at which a balance could be struck. Before describing the standards it might be helpful to explain the criteria we used. We were greatly concerned about a lack of diversity that reaches a point sufficient to constitute an effective monopoly in the marketplace of ideas as well as economically. This did not mean, for example, that no magazines or other periodicals entered the market, or that no other radio or television station could be received there. Aside from the fact that such media outlets often had only a tiny fraction in the market, they were not given real weight since they often dealt exclusively with regional or national issues and ignored local issues. If they did deal with locally oriented issues, it was their own locality that was the focus. Such a situation does not bespeak a real diversity on vital issues of local concern. In fact, it is local issues on which so much decision making by the electorate is required, and on which the level of diversity provided by incoming media is lowest. Accordingly, we made an effort to determine whether diversity, real community-wide diversity, was present on such topics of local concern. As to prospective interests, we concluded that we were free to act to foster diversity without being concerned about negative impact from our action. As to interests already in existence, however, we concluded that a recognition needed to be given to such concerns and we used as a guideline whether a single full-fledged choice was available. We thought it would suffice, provided it was one which could be expected to deal with matters of local concern. In such cases there would not be such an unacceptable level of undue concentration. We looked then to incoming signals as a basis for exemption from divestiture.[31]

113. We examined all the instances known to us[32] of common ownership of the only daily newspaper with the only local radio or television station. Not all, it turned out, represented true monopoly situations, and stations were removed from the list if a direct competitor was found. In some of these instances, although only one station might be licensed to a city (such as Norfolk, Virginia) the truth is that the industry and local residents alike perceive the other stations licensed to other cities in the area (in that case Tidewater, Virginia which includes the cities of Hampton, Portsmouth and Newport News) as local, and they so function in terms of responding to local problems. In such cases, there is true (even if not unlimited) diversity. Sometimes, the situations were not so clear-cut.

114. Ascertaining and endeavoring to serve local needs was the key point, and some standard had to be developed to indicate where this was a reasonable expectation and where it was not. We did not believe that determining that a signal (regardless of whether it was city-grade, Grade A or Grade B) could be received, would suffice. We drew the line so as to require encompassment of the newspaper locality[33] by the city-grade signal[34] of another commercial television (or radio) station.[35] There are two reasons for selecting this standard. First of all, dependable coverage of the community in question would be provided, but even more importantly, because of the proximity of the station to the city in question, such stations could be expected to serve the needs of the newspaper locality as well as their own. While it is true that another signal level could have been used if we were only concerned with reception of the station, we do not believe that this would have been satisfactory. We think the focus properly belongs on the responsiveness of the outside station to local problems and needs. While the entertainment offerings of more distant stations garner many viewers, such is not the expectation for public affairs programs. Even if many did watch, little of this material could be expected to deal with problems of the newspaper community. It is unrealistic to imagine that these outside stations, not providing a city-grade signal, would be able to give meaningful responses to the needs of the distant newspaper locality, a nd it would be unfair to impose any such burden on them to attempt it. It is for these reasons that we cannot base our decision on overall viewing patterns as such. Rather, it must be on whether an outside station can be expected to provide meaningful attention to local problems and issues. Some would argue, no doubt, that all of these monopoly situations require divestiture even if a city-grade signal of an outside station encompasses the city in question. We see several problems with such an approach. First, some of these cases are labeled monopolies arbitrarily because only one channel is licensed to a particular city even though others are licensed to cities which together are part of a hyphenated market. Sometimes the residents of the individual communities themselves think of the area as joined together in the sense that local problems and their solutions transcend the borders of the separate cities involved. In such situations, the other stations in the market do direct themselves to the problems faced in common. In fact a question might well be raised in such situations if they did not do so. Even in situations where the communities involved are not so tightly bound, we believe that the attention to local problems outside stations could be expected to provide is sufficient to demonstrate the existence of adequate diversity. This is premised on the efforts of these stations to ascertain and endeavor to serve the needs of a

[27] This is not to suggest that we agree that any showing of higher prices has been made. The point was simply that Justice has applied a traditional competitive view whereas the Commission needs to look to other, even more vital, concerns as well. So it is too with the de Jonckheere approach to examining market concentration that does not give adequate attention to the core concern: diversity of programming service to the public.

[28] The Seiden approach is totally unrealistic in its inclusion of any publication or station that reaches even a small fragment of the market and moreover deals not at all with local issues.

See footnotes at end of document.

monopoly community which they encompass with a city-grade signal[36], efforts which need be undertaken. Although we continue to believe that divestiture is a harsh remedy, one to be reserved only where the need is overwhelming and the evidence unambiguous, it is equally clear that in some circumstances, no other answer can be given. We believe such to be the case where two city-grade signals are not present that offer an effective juxtaposing of views on local issues. In our view, this country can ill afford a monopoly on the expression of views of issues of local concern. This basis for divestiture, however, is a far cry from one based only on some theoretical increase in already existing diversity which might follow from such action and would ignore the ramifications of such a step. Accordingly, we do not believe that further divestiture can be defended.

115. Up to this point we have not attempted to distinguish radio stations from television stations in terms of the need for divestiture or to indicate the reasoning underlying our views on each. As will be clear from the discussion which follows, we are applying the same standards to a radio monopoly co-owned with a monopoly newspaper as we have to a television monopoly with a newspaper connection. Radio and television are given parallel treatment, based on encompassment by a city-grade signal. We are not unaware of the fact that in the cases where the television station and newspaper are the only ones of each in the locality, a city-grade radio signal may very well encompass the city.[37] This fact, in our view, is not sufficient to change matters. Realistically, a radio station cannot be considered the equal of either the paper or the television station in any sense, least of all in terms of being a source for news or for being the medium turned to for discussion of matters of local concern. When the weight of a daily newspaper and the commonly owned television station (perhaps with a radio station or even an AM–FM combination under common control) are combined, the radio station standing by itself cannot be considered as providing significant diversity or as constituting a meaningful competitior at all. Accordingly, the rule shall not provide an exemption based on encompassment of the monopoly television-newspaper community by a radio station as would be the case for encompassment by a television station. Weekly newspapers, likewise, have too small an impact in comparison to the daily newspaper-television station combination to provide a basis for an exception.

116. As to the situations where there is no local TV station and the only radio stations are owned in common with the only daily newspaper, we are of the view that the combined importance of the daily newspaper and the radio station(s)[38] is akin to that of a television-newspaper combination in the television cities. It must be remembered in this connection that there is no local television station to which the local residents can turn and in most cases no incoming city-grade television signal from another community. (In one case, that of Miles City, Montana, there is a television station licensed to serve that community, and we believe this fact sufficient to demonstrate adequate diversity.) Also, because of the much greater number of licensed radio stations, the expectation would be that a choice of signals would be the norm. Thus, the places lacking any other city-grade radio signal[39] could be viewed as isolated. In the smaller non-television communities, radio stations play a truly vital part in local affairs and their efforts and importance can exceed the level reachable by television stations in large markets. These media outlets are a much more central focus in these smaller communities. Even if a television city-grade signal encompasses the newspaper-radio monopoly community it does not follow that the station would provide effective diversity in that community. The outside television station would not be expected to be attuned to meeting the local problems, needs, and interests of these smaller newspaper-radio communities.

117. The rules we have fashioned will prohibit the monopoly situations described above and will require divestiture no later than January 1, 1980.[40] In the case of newspaper-television station monopolies either property could be sold.[41] In the case of radio-newspaper monopolies either the newspaper or a radio station would have to be sold, so if there were an AM–FM combination involved, the affected party need only dispose of one of the stations.[42] Since AM–FM combinations are not precluded by the rules, the AM–FM combination could be sold together.[43] Our goal, the creation of a competing source of news and public affairs programming attentive to the needs of the locality, could be thwarted if appropriate protections were not included to insure compliance with the requirements of the new rules. Thus, for example, there is a need to protect against a station's being offered for sale at a price out of keeping with its true value so that the owners could seek waiver on the basis of the inability to dispose of the station. We expect the parties involved to proceed in good faith. In connection with any attempt to show the inability to dispose of an interest to conform to the rules, we shall not give any weight to a showing that does not include a full description of the effort made to sell that interest, the price at which it was listed and a certification of a station (or if it applies, newspaper) broker that in his view this price is consistent with the fair market value of the station (or newspaper) in question.

118. We anticipate a number of waiver requests. The following discussion sets forth some of the circumstances in which waivers, either permanent or temporary, might be granted.[44]

119. It is not our intention that the rules should work a forfeiture.[45] The rules are not in the least premised on the existence of improprieties in the operation of the media holdings. Thus, only a sale, not a loss is contemplated. For this reason, inability to sell the station would be a basis for waiver. Otherwise a refusal to grant a further renewal of license to the present licensee would work a forfeiture, a result contrary to our intent. We would take a similar view if the only sale possible would have to be at an artificially depressed price.[46] Likewise, if it could be shown that separate ownership and operation of the newspaper and station cannot be supported in the locality, waiver might well be appropriate. In any of these instances we contemplate waivers of reasonable duration, so that we shall not always be bound by a result based on outdated information. Finally, if it could be shown for whatever reason[47] that the purposes of the rule would be disserved by divestiture, if the rule, in other words, would be better served by continuation of the current ownership pattern, then waiver would be warranted. However, we would not be favorably inclined to grant any request premised on views rejected when the rule was adopted, as we do not intend to relitigate resolved issues.

120. On our own motion, in two cases we are exempting stations from divestiture because it is clear that for each case a waiver would be warranted. At Hickory, North Carolina, the television station operates on a UHF channel with highly limited facilities and without a network affiliation. Whether by net weekly circulation or any other measure, the station, its audience and hence its impact, is minor. Consequently, there appears to be little basis for expecting any interest to be shown in acquiring this station. With Brookfield, Missouri, in the radio station list, it is equally clear that it is not on equal footing with the others in the group. By various indicia, both the station and the community are significantly different from the others. To neither of the above licensees would it be fair to insist that they go to the expense of filing a waiver request when the outcome is clear. Therefore we shall act now.

121. As to others desiring waiver we wish to make it clear that we do not contemplate holding evidentiary hearings on the individual waiver requests unless there are substantial issues of fact to be resolved. Legal, as distinguished from factual issues, can just as well if not better be resolved without the need for an evidentiary hearing. An evidentiary hearing on the other hand could only cause delay and unnecessary expense to all concerned. There is no requirement for the holding of an evidentiary hearing imposed by law absent the raising of substantial factual issues and we shall not take on a pointless task.

122. The current state of the economy may suggest to some that any station sales could only be at a depressed price, but as pointed out previously, there is no need to sell now if it is more advantageous to wait. With a 5-year grace period for compliance, particular market conditions or even an overall market down turn would not provide a basis for obviating the divestiture requirement, unless such a condition were to last the

See footnotes at end of document.

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full five-year period. Such a turn of events does not seem plausible, but even if we thought it were, any action on this basis would have to await future happenings. In the meantime, we expect that parties wishing to seek waiver of the divestiture requirement will file their requests within 6 months of the publication of this document in the FEDERAL REGISTER. This should be sufficient time to properly assay the applicable circumstances and to prepare even a lengthy request. We are not prepared to consider late-filed requests unless based on changed circumstances which would not have been anticipated.

123. *Miscellaneous Matters Relating to New Rules.* We have been urged to exempt Puerto Rico from any rules we might adopt. Whatever action might have been required if any divestiture were to take place there, the fact is that no divestiture is required. The arguments we have been offered dealt mostly with existing and not future ownership combinations. In our view, the need for diversity is no less great in Puerto Rico than elsewhere, and we see no less need to apply the prospective rules there. To the extent a prospective applicant believes that special circumstances warrant deviation from the new requirements, it is at liberty to seek waiver to permit acceptance of a non-conforming application.

124. The suggestion has been made that we should act to help insure that ownership of any divested station should pass to minority group ownership. Secondarily we were urged to act similarly to encourage assignment to local (preferably minority) owners. The trouble with this request is that it appears to run afoul of Section 310(b) of the Communications Act of 1934, as amended. That provision specifically bars the Commission from considering whether the public interest would be served by transferring ownership to a party other than the one proposed in the application filed with the Commission. We inquired of the party urging this approach how it could be done consistent with Section 310(b) and were not offered any persuasive basis for believing it could be done. Accordingly, we shall not adopt such a requirement even obliquely as we were urged through requiring the assignor/trarsferor to attempt to find a buyer in keeping with the priorities urged by NCCB. However, it is clear that few stations are licensed to minority group owners. Divestiture might be an occasion for affected parties to consider this fact reaching their decisions, but no requirement to this effect will be adopted.

125. *Impact on comparative hearings involving regular renewal applicants.* Under the rules adopted herein, only a small number of co-owned broadcast-newspaper combinations are required to divest and no co-owned TV-radio combinations must do so. This raises a question as to the effect our action taken today will have on comparative renewal proceedings when licensees not required to divest apply for renewal of license and are challenged by a competing applicant. The answer to that question lies in the following discussion of our 1970 "Policy Statement Concerning Comparative Hearings Involving Regular Renewal Applicants" (22 F.C.C. 2d 424).

126. In that statement we attempted to balance the benefits received by the public from the statutory spur inherent in the fact that there can be a challenge at renewal time against the value of not undermining predictability and stability of broadcast operation. The balance was struck by adopting a policy which provided that if a renewal applicant could show in a hearing with a competing applicant that its program service during the preceding license term had substantially met the needs and interests of its area (and that the operation of the station had not been characterized by serious deficiencies) the renewal applicant was given a controlling preference over the new applicant. In adopting this policy, we stated that as to the Commission's rules and policies governing diversification of the media of mass communications, where a renewal applicant with other media interests had in the past been awarded a grant as consistent with those rules and policies and thereafter rendered service that substantially met the needs and interests of its area it would be unfair and unsound to permit him to be ousted on the basis of a comparative demerit because of his media holdings. Our position was that as a general matter the renewal process is not an appropriate way to restructure the broadcast industry. Rather, we stated, this should be done in rule making proceedings.

127. The 1970 Policy Statement was struck down by the Court in Citizens Communications Center v. F.C.C., 447 F. 2d 1201 (1971). The basis of the Court's action was that in a comparative hearing involving a regular renewal applicant, the Communications Act and Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945), require a single full hearing in which the parties may produce evidence and be judged on the basis of all relevant criteria. It was the view of the court that the 1970 Policy Statement provided for a full comparison of the renewal applicant and the challenger only in cases where in the initial stage of the hearing the incumbent could not show a past record of substantial service without serious deficiencies. In other cases, the Court said, the challenger was given no hearing at all.

128. In ruling the 1970 Policy Statement illegal, the Court said (at fn. 33):

> Thus, without impinging at all upon the Commission's substantive discretion in weighing factors and granting licenses, our holding today merely requires the Commission to adhere to the comparative hearing procedure which it has followed without fail since Ashbacker and which has rightly come to be accepted by observers as a part of the due process owned to all mutually exclusive applications.

However, in such a single full comparative renewal hearing the Court observed that superior performance by an incumbent licensee should be a plus of major significance. This is because "(t)he court recognizes that the public itself will suffer if incumbent licensees cannot reasonably expect renewal when they have rendered superior service." (At fn. 35.) Nonetheless, it was the Court's view that "(d)iversification is a factor properly to be weighed and balanced with other important factors, including the renewal applicant's prior record, at a renewal hearing." (At fn. 36.)

129. After the decision in Citizens Communications Center, the Commission (noting the doubts expressed by the Court as to procedures made by the Commission in adopting the 1970 Policy Statement) issued a Further Notice of Inquiry in Docket No. 19154 (31 F.C.C. 2d 443 (1971))[*] inviting views of interested parties on the formulation of policy in this area that would be consistent with the Court's holding that a full hearing is required. That proceeding is still pending. The Commission has recently announced its intention to consider in the near future what its policy should be in this regard, but has not yet resolved the point. In the light of Citizens Communications Center, whatever policy is developed will take into account diversification as a factor that must be considered in a comparative renewal hearing. Also in the light of that case, the weighing of factors lies within the substantive discretion of the Commission, and the weight to be given the factor of diversity in comparative renewal hearings remains to be determined. Until such time as a new policy is formulated in Docket No. 19154, of necessity, under Citizens Communications Center, the factor of diversification must be considered in comparative renewal hearings, but the weight to be given that factor will be a matter within the discretion of the Commission. In connection with both any policy that may be developed and with comparative renewal proceedings that may occur before the development of such policy, we reiterate what we have said on another occasion (31 F.C.C. 2d 443 at 445), that we do not believe the Court in Citizens Communications Center is seeking to have the ownership patterns of the broadcast industry restructured through the renewal process; that, rather, any overall restructuring should be done in a rule making proceeding. And what we consider to be the necessary overall restructuring has been done today.

130. During the pendency of this proceeding, in situations involving petitions to deny renewal applications, the Court has approved our policy of refusing to consider questions of concentration of control unless specific abuses are shown. (Hale v. F.C.C. 425 F. 2d 556 (D.C. Cir. 1970); *Stone* v. *F.C.C.* 466 F. 2d 316 (D.C. Cir. 1972); Columbus Broadcasting Coalition v. F.C.C., —— F. 2d —— (D.C. Cir. 1974.)) Parties as of now may raise concentration issues in connection with such petitions. However, absent a showing of economic monopolization that

See footnotes at end of document.

might warrant actions under the Sherman Act, it would not be our view that such arguments would raise valid issues necessitating the designation of renewal applications for hearing. (See fn. 29, supra.) We should make clear at this time that since the stations which are subject to the divestiture provision are in effect under an order to terminate their present cross-ownership there would be no point in conducting protracted comparative hearings concerning those facilities during the interim period. Our finding that divestiture is required would obviously weaken their position in a comparative proceeding, but since we have determined that their present operations should be divested without regard to the quality of their service, as a means of improving the pattern of ownership, we think it would be inequitable to subject them in their present posture to competitive challenge. Furthermore, any comparative hearings at renewal time would probably run through the date when divestiture must be accomplished; this would create a chaotic situation. In view of these considerations, interested parties should be advised that we do not contemplate conducting comparative hearings in the usual course when these licenses come up for renewal.

131. *Policy Regarding Non-Divestiture Combinations.* As we had occasion to observe in the earlier discussion of the comments, a number of parties argued for (or suggested as a substitute for a separation in ownership) requirements to insure separate operation of jointly owned media entities. Although we were not persuaded that their arguments offered a valid basis for obviating the need for divestiture, or for requiring separation in ownership on a prospective basis, we are persuaded that valid points exist in this argument. Various combination owners have stressed that their two media interests—print and broadcast—are operated separately. Even if separate operation cannot be equated with separate ownership, it is nonetheless an important point. Were it otherwise and the two operated jointly, it might have been necessary for the Commission to act to require divestiture in many more situations. If the power of the print-broadcast combination were exercised monolithically or if the print and media outlets were mirror images of one another, speaking with one voice, we would have to be concerned.

In the divestiture cases, we held that even in the absence of specific abuses, the need to provide at least minimal diversity required action. As to the remaining instances of combination ownership, we believe some clarification in our expectations is required.

132. Many of the parties owning newspapers and broadcast stations in the same locality described how the two entities—print and broadcast—were separately operated. We were told that separate editorial and reportorial staffs were utilized. Many pointed to a separation in sales staff and an emphasis on competition between media. We endorse such efforts to insure a maximum of diversity and competition possible under the circumstances of common ownership and we commend those conscientious owners for their efforts.[*]

133. Based on the foregoing discussion, *it is ordered*, Pursuant to the authority contained in sections 4(i) and (j) and 303 of the Communications Act of 1934, as amended, That §§ 73.35, 73.240 and 73.636 of the Commission's rules and regulations are amended as set forth in Appendix F, effective February 12, 1975, the date of publication of this document in the Federal Register. All applications not granted by that date shall be subject to the new rules. Since these rules embody important new policy having widespread effect, we believe that it is in the public interest to make the effective date February 12, 1975, rather than to delay the effective date to a time at least 30 days after publication in the FEDERAL REGISTER. 5 U.S.C. 553(d)(3).

134. *It is further ordered*, That the provisions of newly adopted Section 73.35 (c) barring common ownership of the only AM station and a daily newspaper, and Section 73.636(c) barring common ownership of the only television station and daily newspaper ARE WAIVED insofar as they apply to such existing newspaper-broadcast combinations in Brookfield, Missouri, and Hickory, North Carolina.

135. *It is further ordered*, That this proceeding IS TERMINATED.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Adopted: January 28, 1975.

Released: January 31, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[**]
VINCENT J. MULLINS,
Secretary.

APPENDIX A

PARTIES FILING COMMENTS AND REPLY COMMENTS IN RESPONSE TO FURTHER NOTICE OF PROPOSED RULE MAKING IN DOCKET NO. 18110

Advance Publications.
The Alexandria Gazette.
All Channel Television Society.
Allied Daily Newspapers of Washington.
American Broadcasting Companies, Inc.
American Institute for Political Communication.
American Newspaper Publishers Association.
Argus-Press Company.
Arkansas Democrat Company.
Arkansas Television Company.
Auburn Publishing Company.
Baton Rouge Broadcasting Co., Inc.
A. H. Belo Corporation.
Robert W. Bennett.
Joseph F. Biddle Publishing Company.
Broadcast-Plaza, Inc.
Broadcasting and Film Commission, National Council of the Churches of Christ in the U.S.A.
Brockway Company.
Buffalo Evening News, Inc., et al.
Bulletin Company.
Canton Daily Ledger.
Capitol Broadcasting Company.
Capitol Broadcasting Company, Inc.
Carter Publications, Inc.
Cedar Rapids Television Company.
Channel 6, Inc.
Chronicle Publishing Company, et al.
Coffeyville Publishing Company, Inc.
Columbia Broadcasting System, Inc.
Columbus Broadcasting Company, Inc.
Cosmos Broadcasting Corporation.
Cox Broadcasting Corporation.
Daily News.
Daily News-Tribune.
Daily Pantagraph.
Daily Press, Inc.
Daily Record.
The Day.
Denton Record Chronicle.
Dodge City Broadcasting Co., Inc.
Duhamel Broadcasting Enterprises.
Easton Publishing Company.
Elyria-Lorain Broadcasting Co.
Enterprise Publishing Company.
Evening News Association.
Evening Star Newspaper Company.
Express Communications, Inc.
Finley Broadcasting Company, et al.
Fisher's Blend Station, Inc.
Florida Publishing Company.
Helene R. Foellinger.
Fort Myers Broadcasting Company.
Forum Publishing Company, et al.
Forward Association.
Forward Communications Corporation.
C. D. Funk.
Galesburg Broadcasting Company.
Gazette Printing Company, et al.
Gazette Publishing Company.
General Electric Broadcasting Company, Inc.
Richard Gilkey.
Gray Communications Systems, Inc.
Green Bay Newspaper Company.
Grit Publishing Co.
Guaranty Broadcasting Corporation.
Guy Gannett Publishing Co., et al.
Ethel C. Hale, et al.
Hearst Corporation.
Herald Association, Inc.
Herald Corporation.
Houston Post Company, et al.
William F. Huffman Radio, Inc.
HUSE Publishing Company, et al.
Ilini Publishing Company.
Illinois Broadcasting Company, et al.
International Broadcasting Corp., et al.
Jacksonville Journal Courier Co.
Jefferson Standard Broadcasting Co.
Jet Broadcasting Co., Inc.
Terrall M. de Jonckheere.
Journal Company.
Journal Review.
Kansas State Network, Inc.
Kenosha News.
Kid Broadcasting Corporation.
KMSO–TV, Inc., et al.
KGVO Broadcasters, Inc. and KMSO–TV, Inc.
KSLA–TV, Inc.
KUTV Inc., et al.
Lawrence Daily Journal-World.
Harvey J. Levin.
Lexington Heraldleader Co.
Ed Livermore.
Macomb Daily Journal.
Marshfield News-Herald.
McClatchy Newspapers.
McClure Newspapers, Inc.
Medford Daily Mercury.
Medford Mail Tribune.
Meyer Broadcasting Company.
Michigan Press Association.
Mickelson Media, Inc., et al.
Midcontinent Broadcasting Company.
Midnight Sun Broadcasters, Inc.
Midwest Radio-Television, Inc.
Midwestern Broadcasting Company.
Minneapolis Star and Tribune Company.
Mississippi Publishers Corporation.
The Monitor.
Multimedia, Inc.
National Association of Broadcasters; Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E.
National Broadcasting Company, Inc.
National Newspaper Association.
Nebraska Broadcasters Association.
New England Daily Newspaper Association.
Newhouse Broadcasting Corporation.

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The New Mexican.
New York News, et al.
North Carolina Association of Broadcasters.
North Carolina Television, Inc.
Ogden Newspapers.
Ohio Newspaper Association.
Oklahoma Broadcasters Association.
Oklahoma Press Association.
Owensboro Publishing Company.
Paducah Newspapers, Inc.
R. W. Page Corporation.
Palestine Herald-Press Company.
Palmer Broadcasting Company, et al.
Palmetto Radio Corporation.
Peninsula Newspapers Incorporated.
Pioneer Valley Broadcasting Co., et al.
The Post Company.
Pottsville Republican.
Progress Broadcasting Corporation.
Progressive Publishing Company, Inc.
Pulitzer Publishing Company.
Quality Broadcasting Corporation.
Quincy Newspapers, Inc., et al.
Radio Medford, Inc.
Reporter Printing Company.
Ridder Publications, Inc.
Rock Island Broadcasting Company, et al.
James N. Rosse.
Salina Radio, Inc.
Santa Barbara News-Press.
Sarkes Tarzian, Inc.
John C. Schmarkey.
Scottsbluff Daily Star-Herald.
Scranton Times.
Scripps-Howard Broadcasting Company, et al.
South Bend Tribune.
Southern Minnesota Broadcasting Company.
Stanford University, Research Center in Economic Growth.
Stauffer Publications.
Students' F.C.C. Study Group.
Summit Radio Corporation.
Telegraph-Bulletin.
Telemundo, Inc., et al.
The Times Company.
Times Herald Printing Company.
Triangle Broadcasting Corporation.
Tribune Company, et al.
Tribune Publishing Company.
Truth Publishing Company, Inc., et al.
United States Department of Justice.
Vindicator Printing Company, et al.
George R. Walker.
Washington Post Company, et al.
WBNS-TV, Inc., et al.
WEEU Broadcasting Company.
Westinghouse Broadcasting Company, Inc.
West Virginia Radio Corporation.
WFLA, Inc.
WGAL Television, Inc., et al.
WHAS, Inc.
Wichita Falls Times, et al.
Williamson County Sun.
Wisconsin Daily Newspaper League.
WJAC, Incorporated, et al.
WKBN Broadcasting Corporation.
WKRG-TV, Inc.
The Woonsocket Call.
World Publishing Company.
WSM, Incorporated.

PARTIES FILING REPLY COMMENTS

American Newspaper Publishers Association.
Stephen R. Barnett.
City Club of New York.
Donrey, Inc.
Alfred H. Hemingway, Jr.
Dr. Harvey J. Levin.
McClatchy Newspapers.
National Association of Broadcasters.
National Newspaper Association.
Tribune Company, et al.
WGAL Television, Inc., et al.

PARTIES FILING COMMENTS IN RESPONSE TO MEMORANDUM OPINION AND ORDER ANNOUNCING ORAL ARGUMENT

American Broadcasting Companies, Inc.
American Newspaper Publishers Association.
Lee Anderson.
Charles A. Baer.
Buffalo Evening News, Inc. and WBEN, Inc.
Center for Policy Research, Inc.
Channel Two Television, Inc.
Chronicle Publishing Company and Chronicle Broadcasting Co.
Civil Liberties Union of Alabama and The Selma Project.
Columbia Broadcasting System, Inc.
Cox Broadcasting Corporation.
Dorrey, Inc.
Duhamel Broadcasting Enterprises, Inc.
Bingham Broadcasting Company.
Evening News Association, Lee Enterprises, Incorporated, and WKY Television System, Inc.
Gardner Advertising Company, Inc.
Houston Post Company (see Channel Two Television, Inc.).
Huntingdon Broadcasters, Inc.
Illinois Broadcasting Co., Inc. and Lindsay-Schaub Newspapers, Inc.
Justice, U.S. Department of.
KCEN-TV (Channel 6, Inc.).
KSL, Incorporated.
Labor Union News, Inc.
McClatchy Newspapers.
McKenna, Wilkinson & Kittner.
Metromedia, Inc.
Midwest Radio-Television (WCCO).
Minneapolis Star and Tribune Company.
National Association of Broadcasters.
National Broadcasting Company.
National Citizens Committee for Broadcasting.
National Newspaper Association.
Omaha World Herald.
The Post Company.
Post-Newsweek Stations, Capital Area, Inc.
Progressive Publishing Company and Clearfield Broadcasters, Inc.
Pulitzer Publishing Company and KSD/KSD-TV, Inc.
Rocky Mountain Broadcasters Association.
Summitt Radio Corporation.
Telemundo, Inc. et al.
UHF Television Stations.
George R. Walker.
WJAG, Inc.
WKRG-TV, Inc.
WTMJ.

PARTIES FILING REPLY COMMENTS IN RESPONSE TO MEMORANDUM OPINION AND ORDER ANNOUNCING ORAL ARGUMENT

American Newspaper Publishers Association.
Buffalo Evening News, Inc. and WBEN, Inc.
Center for Governmental Responsibility.
KSL, Incorporated.
KUTV, Inc. et al.
The Post Company.
Post Newsweek Stations, Capital Area, Inc.

APPENDIX B

MAJOR STUDIES SUBMITTED IN DOCKET NO. 18110 IN RESPONSE TO FURTHER NOTICE OF PROPOSED RULE MAKING

Economic consequences of divestiture

ANPA Comments, Volume II:
(a) Study A—Frazier, Gross Associates *Valuation of Newspaper Owned TV and Radio Stations.*
(b) Study B—First National City Bank, *Financial and Investment Issues of Forced Divestiture*

Effects of common ownership on competition

J. Rosse, B. Owen, D. Grey, *Economic Issues in Joint Ownership of Newspaper and TV Media* (Stanford University Research Center in Economic Growth Memorandum No. 97).
(a) See especially Appendix 1: B. Owen, *Empirical Results on the Price Effects of Joint Ownership in the Mass Media. . . .*
J. Rosse, *Credible and Incredible Economic Evidence* (Reply Comments).

NAB Comments, Exhibit B (Revised): A. Lago and D. Osborne, *A Quantitative Analysis of the Price Effects of Joint Mass Communication Media Ownership.*
NAB Reply Comments:
(a) Appendix C: Addendum to Lago and Osborne (Exhibit B of NAB comments).[1a]
(b) Appendix D: Note by NAB Research Staff re: regression analysis of audience effects on price.
Appendix Note to Dr. Harvey Levin's reply comments.

Effects of common ownership on station performance

Students' FCC Study Group, Comments filed by Albert Kramer, May 1971.
H. Levin, *The Policy on Joint Ownership of Newspapers and Television Stations: Some Assumptions, Objectives, Effects.*
H. Levin, Reply Comments.
ANPA Reply Comments, Appendix C: J. Udell, *Critique of Harvey Levin's Comments.*
NAB Reply Comments, Appendix B—on Levin's statement.
The American Institute for Political Communication, Washington, D.C., 1971, *The Effects of Local Media Monopoly on the Mass Mind.*
NAB Comments, Exhibit E: J. Anderson, *The Problem of Information Control: A Content Analysis of Local News Publication.*
Cox Broadcasting Corporation Comments:
(a) Appendix A: W. McDougald and E. Sasser, et al., *Atlanta Market News and Editorial Research Study.*
(b) Appendix B: J. Anderson and D. O. McDaniel, et al., *Two Studies: A Historical Analysis and Content Comparison of Cox Broadcasting Corporation's Affiliated News Media in Dayton, Ohio.*

Multiplicity and diversity of media

NAB Comments, Exhibit C: C. Sterling, *Ownership Characteristics of Broadcasting Stations and Newspapers in the Top 100 Markets: 1922–1967.*
Study E—Staff Study by ANPA.
Study E—J. Udell, *Economic Consequences of FCC Proposal and Critique of Relevant Literature.*
NAB Comments, Exhibit A: M. Seiden, *Mass Communications in the United States, 1970 and Reply Comments of Stephen R. Barnett.*
ANPA Comments, Volume II, Study C: W. Wilcox, *Newspaper Journalism, Broadcast Journalism and the Community.*
Monopoly in the Media, by Terrall M. deJonckheere.

FURTHER STUDIES SUBMITTED IN DOCKET NO. 18110 IN RESPONSE TO MEMORANDUM OPINION AND ORDER ANNOUNCING ORAL ARGUMENT

Economic consequences of divestiture

No further empirical studies.

Effects of common ownership on competition

Comments of Buffalo Evening News and WBEN—Exhibit VIII.
Comments of Post-Newsweek Stations.
Supplementary Comments of Professor Harvey Levin.

Effects of common ownership on station performance

Supplementary Comments of Professor Harvey Levin.

Multiplicity and diversity of media

Comments of Metromedia (Attachments A–D).
Supplemental Comments of the Chronicle Publishing Co. and Chronicle Broadcasting Co. Volume I.

Supplement to National Association of Broadcasters Exhibit C Regarding Cross-Ownership of Broadcasting Stations and Newspaper; Supplemental Statement of NAB; Exhibit F Aegarding Recent Transfer of Broadcast Stations (Revised).
Comments of Buffalo Evening News and WBEN Exhibit VII.

APPENDIX C

STAFF STUDY OF 1973 TELEVISION STATION ANNUAL PROGRAMMING REPORTS [1]

Summary

It was found that on the average, co-located newspaper-owned TV stations programmed 6% more local news, 9% more local non-entertainment, and 12% more total local including entertainment than do other TV stations. A regression analysis technique was used which holds constant the effects of the following factors: network affiliation, UHF or VHF, group ownership, revenue size, total minutes broadcast during the week and number of commercial stations in market. In each case these differences were statistically significant.
Prepared by: Research & Education Division of the Broadcast Bureau.

Staff Study of 1973 TV Station Annual Programming Reports

One of the questions raised in the current cross-ownership inquiry, is whether newspaper owned co-located TV stations program differently than other TV stations, with respect to news, public affairs or other non-entertainment programs, other factors being equal. In order to investigate this question the staff has studied the 1973 Annual Programming Reports, specifically the 18 program categories and day parts shown in Table 1. We find that for the sample composite week reported by the TV stations on their annual report, those stations owned by co-located newspapers broadcast significantly more minutes in several categories of local programming.

Methodology

A reduced form station model of local and public service programming was specified and then regression analysis was used to evaluate the model with each of the eighteen program categories as dependent variables. This method permits one to "hold constant" the other factors in the relationship.
The programming model was specified as:

$$P = b_0 + b_1X_1 + b_2X_2 + b_3X_3 + b_4X_4 + b_5X_5 + b_6X_6 + b_7X_7 + b_8X_8 + e$$

where
P=minutes of program category broadcast during the 1972–1973 composite week.
X_1=Channel type (VHF or UHF; VHF=1).
X_2=CBS affiliation (Dummy variable, CBS=1).
X_3=NBC affiliation (Dummy variable, NBC=1).[1a]
X_4=Newspaper joint ownership in same market (Dummy variable =1 if joint owned).
X_5=Group ownership (Dummy variable =1 if group owned).
X_6=Station revenue in thousands of dollars.
X_7=Number of commercial stations in station's market.
X_8=Total minutes broadcast (6 A.M.–Midnight during the composite week).
e=Disturbance factor (assumed normally distributed with mean of zero and variance is σ^2).

In evaluating the model, the object was to test the relationship between X_1 (newspaper joint ownership) and P (minutes of program category) for each of the eighteen programs categories.[2] The null hypothesis for each of the eighteen program categories was that the newspaper joint ownership coefficient (b_1) is not significantly different from zero.[3]

Data

Data on the observations included in the study were drawn from a number of sources. Table 2 shows the source of data for each variable in the study.
In general, the analysis included observations from all network affiliates. Independent stations were not included because the number of co-located independent station-newspaper combinations was very small, and their programming patterns were different from affiliated stations. In addition, three other classes of stations were excluded: (1) stations outside the continental U.S., (2) satellite stations, and (3) stations in the top seven markets.[4] The stations in the top seven markets were omitted because previous work by the staff indicated that the stations in these markets behave somewhat differently than stations in other markets and would weigh the results because of their large size. In any case, there were only two newspaper-TV co-located combinations in the top seven markets.

Findings

Table 3 shows the regression results for each of the eighteen programming categories. This table reports the coefficient (b), standard error of the coefficient (S_b) and t statistic for each of the eight independent variables across all eighteen program categories.
Hypothesis tests on the coefficient b_1 indicate that the quantitative effect of newspaper ownership on public service and local programming is not significantly different than zero in all but these three categories:
1. 6 A.M.–Midnight, local sources only, news, public affairs and "other" (ALNPO).
2. 6 A.M.–Midnight, local sources only, news (ALN).
3. 6 A.M.–Midnight, local sources only, all programming, including entertainment (ALNPOE).
Table 3 shows that all three of these coefficients are positive. Thus newspaper joint ownership tends to be associated with increased amounts of program time devoted to ALNPO, ALN, and ALNPOE. The amount of increase for each category is:
1. 6 A.M.–Midnight, local sources only, news, public affairs and "other"—55.74 minutes per week (9.0% over the mean of 614.76 minutes).
2. 6 A.M.–Midnight, local sources only, news—21.94 minutes per week (6.3% over the mean of 344.76 minutes).
3. 6 A.M.–Midnight, local sources only, all programming, including entertainment—94.78 minutes per week (12.5% over the mean of 757.10 minutes).
The conclusion is that television stations under joint ownership with a co-located newspaper quantitatively perform at least as well as other stations in the areas covered by this study; however these jointly owned stations broadcast significantly more minutes than other stations in several categories of local programming, other important factors being equal.

TABLE 1—PROGRAM CATEGORIES AND DAY PARTS

6 a.m.–midnight, all sources:
1. News, public affairs, and "other".
2. News and public affairs.
3. News.
4. Public affairs.
6 a.m.–midnight, local sources only:
1. News, public affairs, "other", and entertainment.
2. News, public affairs, and "other".
3. News and public affairs.
4. News.
5. Public affairs.
Prime time (6 p.m.–11 p.m.), all sources:
1. News, public affairs, and "other".
2. News and public affairs.
3. News.
4. Public affairs.
Prime time (6 p.m.–11 p.m.), local sources only:
1. News, public affairs, "other", and entertainment.
2. News, public affairs, and "other".
3. News and public affairs.
4. News.
5. Public affairs.

TABLE 2—PROGRAM CATEGORIES AND DAY PARTS

6 a.m.–midnight, all sources:	
1. News, public affairs, and "other".	ANPO
2. News and public affairs	ANP
3. News	AN
4. Public affairs	AP
6 a.m.–midnight, local sources only:	
1. News, public affairs, "other", and entertainment.	ALNPOE
2. News, public affairs, and "other".	ALNPO
3. News and public affairs	ALNP
4. News	ALN
5. Public affairs	ALP
Prime time (6 p.m.–11 p.m.), all sources:	
1. News, public affairs, and "other".	PNPO
2. News and public affairs	PNP
3. News	PN
4. Public affairs	PP
Prime time (6 p.m.–11 p.m.) local sources only:	
1. News, public affairs, "other", and entertainment.	PLNPOE
2. News, public affairs, and "other".	PLNPO
3. News and public affairs	PLP
4. News	PLNP
5. Public affairs	PLN

NOTE.—Codes in right column are abbreviations used in table 3.

[1] None of the previous studies submitted by the parties had these reports yet available to them when they were prepared. Thus, Levin used data taken from *TV Guide* for his studies.
[1a] The effect of ABC affiliation is captured in the intercept term.

[2] It should be noted that the coefficients associated with the independent variables were not expected to remain constant across all programming categories. For example, the network terms were expected to be larger and more significant for categories that include all program sources than for categories that include local program sources only.
[3] Although the results show other significant relationships, this study was confined to the newspaper ownership factors.
[4] The top seven markets were defined according to 1972 ARB ADI TV households rank; New York, Chicago, Los Angeles, Philadelphia, San Francisco, Boston, and Detroit.

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TABLE 3

DEP. VARS. / IND. VARS.	ALNPO	ALP	ALN	ALP	PLNPO	PLNP
	$\hat{y}$=-644.76 R^2=.369	$\hat{y}$=-462.44 R^2=.424	$\hat{y}$=344.75 R^2=.477	$\hat{y}$=-117.65 R^2=.130	$\hat{y}$=164.62 R^2=.264	$\hat{y}$=148.98 R^2=.202
Channel type: (VHF=1, dummy variable):						
B	50.78	53.07	54.30	−1.23	9.12	12.61
S	25.32	16.97	10.97	11.37	8.07	7.53
t	*2.36	**3.15	**4.95	−.11	1.12	1.68
CBS:						
B	−25.87	11.32	8.24	3.09	29.24	38.48
S	24.47	16.30	10.60	10.59	7.80	7.27
t	−1.06	.78	.78	.28	**5.05	**6.29
NBC:						
B	8.63	21.79	37.69	−2.89	51.47	46.00
S	23.51	19.28	10.31	10.29	7.59	7.68
t	.24	1.37	**3.65	−.28	**4.79	**6.59
Newspaper joint ownership:						
B	35.74	14.60	21.94	−7.34	2.73	4.40
S	25.86	17.29	14.29	11.59	8.24	7.68
t	*2.16	.85	**3.96	−.64	.38	.57
Group ownership:						
B	−23.16	−16.26	−7.54	−8.72	−5.71	−8.23
S	18.87	13.24	8.61	8.84	6.38	5.91
t	−1.17	−1.23	−.88	−.99	−.90	−.55
REY (X000): $\bar{X}$=2,359.49:						
B	.09072	.03633	.02342	.01291	.01162	.01187
S	.09499	.00336	.00212	.00218	.00156	.00146
t	**8.31	**11.13	**11.03	**5.92	**7.44	**8.15
Number of commercial stations: $\bar{X}$=3.13:						
B	15.29	3.50	1.54	2.65	−1.48	−1.24
S	4.12	2.74	1.78	1.88	1.31	1.22
t	**3.71	1.31	.86	1.11	−1.13	−1.01
Total broadcast minutes:						
B	.15373	.09277	.06587	.02646	.01657	.01468
S	.02514	.01741	.01123	.01183	.00883	.00777
t	**5.88	**4.36	**5.86	*2.28	*1.99	1.89

Footnotes at end of table.

	PLN	PLP	ALNPOE	PLNPOE	ANPO	ANP
	$\hat{y}$=127.26 R^2=.267	$\hat{y}$=71.62 R^2=.857	$\hat{y}$=757.10 R^2=.307	$\hat{y}$=196.09 R^2=.139	$\hat{y}$=1604.04 R^2=.464	$\hat{y}$=555.65 R^2=.582
Channel type: (VHF=1, dummy variable):						
B	13.59	−0.97	−30.51	−14.36	99.46	56.20
S	6.73	3.38	43.33	13.63	35.23	21.77
t	*2.09	−.29	−.70	−1.05	**2.82	**2.58
CBS:						
B	33.25	8.23	−65.60	28.62	344.97	227.50
S	6.51	3.26	41.89	13.18	34.05	21.04
t	**5.11	1.60	−1.57	*2.17	**10.13	**10.81
NBC:						
B	20.61	6.38	−21.06	58.67	195.74	241.22
S	6.33	3.17	48.74	12.82	33.13	20.47
t	**6.20	*2.01	−.52	**4.19	**5.61	**11.78
Newspaper joint ownership:						
B	6.33	−1.95	94.78	24.26	35.40	7.10
S	6.87	3.43	44.23	13.92	35.97	22.23
t	.92	−.57	*2.14	1.74	.98	.32
Group ownership:						
B	−3.36	N/S	−28.29	−18.46	−25.74	−16.12
S	5.29		34.01	10.70	27.65	17.09
t	−.64		−1.74	−1.73	−1.29	−.97
REY (X000): $\bar{X}$=2,359.49:						
B	.00909	.00279	.04894	.01226	.03841	.03219
S	.00310	.00299	.00329	.00264	.00382	.00421
t	**6.98	**4.34	**5.87	**4.64	**4.90	**7.64
Number of commercial stations: $\bar{X}$=3.13:						
B	−.80	−.43	14.29	.66	12.23	2.15
S	1.10	.55	7.65	2.72	5.73	3.54
t	−.73	−.79	*2.08	.28	*2.13	.61
Total broadcast minutes:						
B	.01383	.00987	.23302	.03527	.26940	.17428
S	.00695	.00346	.04473	.01407	.03637	.02247
t	*1.99	1.25	**5.21	*2.51	**7.36	**7.75

	AN	AP	PNPO	PNP	PN	PP
	$\hat{y}$=670.46 R^2=.645	$\hat{y}$=325.19 R^2=.150	$\hat{y}$=413.34 R^2=.279	$\hat{y}$=351.04 R^2=.309	$\hat{y}$=264.34 R^2=	$\hat{y}$=116.70 R^2=
Channel type: (VHF=1, dummy variable):						
B	61.61	−5.41	6.74	5.07	6.72	−1.65
S	14.55	14.32	11.82	10.27	8.24	6.04
t	**4.24	−.37	.57	.49	.81	−.27
CBS:						
B	225.29	2.21	82.63	82.04	70.80	11.24
S	14.06	14.04	11.48	9.92	8.06	5.83
t	**16.02	.16	**7.23	**8.27	**8.78	1.93
NBC:						
B	259.73	−12.51	−28.78	−46.76	67.01	−113.80
S	13.68	14.68	14.13	9.06	7.85	5.66
t	**18.99	−1.26	**−2.46	**−4.85	**8.54	**−20.25
Newspaper joint ownership:						
B	28.26	−16.13	6.16	12.78	5.68	7.15
S	14.85	14.82	12.67	10.46	8.32	6.16
t	1.57	−1.08	.51	1.22	.66	1.16
Group ownership:						
B	−13.27	−8.35	−8.19	−2.78	−1.14	−1.64
S	11.41	11.40	9.28	8.06	6.55	4.74
t	−1.62	−.29	−.88	−.36	−.18	−.35
REY (X000): $\bar{X}$=2,359.49:						
B	.01461	.01708	.01408	.01229	.00848	.00380
S	.00282	.00281	.00229	.00190	.00161	.00117
t	**5.15	**6.29	**6.16	**6.16	**5.28	**3.25
Number of commercial stations: $\bar{X}$=3.13:						
B	2.54	−.28	−2.45	−2.27	−.16	−2.11
S	2.37	2.35	1.92	1.67	1.36	.98
t	1.07	−.17	−1.28	−1.36	−.12	**−2.15
Total broadcast minutes:						
B	.12758	.04670	−.02119	.00541	.01362	−.00721
S	.01502	.01499	.01221	.01060	.00861	.00623
t	**8.50	**3.12	−1.74	.51	1.58	−1.16

*Significant at the 5 percent level.
**Significant at the 1 percent level.
N/S not significant (the explanatory power of this variable was so low that the computer did not include it in the analysis).
See table 2 for key to abbreviations.

APPENDIX D

TV MARKETS MONOPOLIZED—DIVESTITURE REQUIRED

City and state:	TV call letters
Alabama: Anniston	WHMA
Georgia: Albany	WALB
Iowa: Mason City	KGLO
Mississippi: Meridian[1]	WTOK
New York: Watertown	WWNY
Texas: Texarkana	KTAL
West Virginia: Bluefield	WHIS

[1] WHTV, a satellite of Tupelo station WTWV, provides city-grade coverage but has no studio in Meridian.

APPENDIX E.—*AM and FM station monopolies—divestiture required*

City, State	AM call letters	FM call letters
Arkansas: Hope	KXAR	
Illinois:		
Effingham	WCRA	WCRA-FM
Macomb	WKAI	WKAI-FM
Kansas: Arkansas City	KSOK	
Michigan: Owosso	WOAP	WOAP-FM
Nebraska: Norfolk	WJAG	WJAG-FM
Ohio: Findlay	WFIN	WFIN-FM
Pennsylvania: DuBois	WCED	WCED-FM
Wisconsin: Janesville	WCLO	WJVL

APPENDIX F

1. Section 73.35 of the Commission's rules and regulations is amended to read as follows:

§ 73.35 Multiple ownership.

(a) No license for a standard broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates, or controls: one or more standard broadcast stations and the grant of such license will result in any overlap of the predicted or measured 1 mV/m groundwave contours of the existing and proposed stations, computed in accordance with § 73.183 or § 73.186; or one or more television broadcast stations and the grant of such license will result in the predicted or measured 2 mV/m groundwave contour of the proposed station, computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with § 73.684, encompassing the entire community of license of the proposed station; or a daily newspaper and the grant of such license will result in the predicted or measured 2 mV/m contour, computed in accordance with § 73.183 or § 73.186, encompassing the entire community in which such newspaper is published.

(b) No license for a standard broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest,

See footnotes at end of document.

convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served; the number of people served, classes of stations involved and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven standard broadcast stations.

(c) No renewal of license shall be granted for a term extending beyond January 1, 1980, to any party that as of January 1, 1975, directly or indirectly owns, operates or controls the only daily newspaper published in a community and also as of January 1, 1975, directly or indirectly owns, operates or controls the only commercial aural station or stations which place(s) a city-grade signal over the community during daytime hours. The provisions of this paragraph shall not require divestiture of any interest not in conformity with its provisions earlier than January 1, 1980. Divestiture is not required if there is a separately owned, operated or controlled television broadcast station licensed to serve the community.

NOTE 1.—The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2.—In applying the provisions of paragraphs (a) and (c) of this section, partial (as well as total), ownership interests in corporate broadcast licensees and corporate daily newspapers represented by ownership of voting stock of such corporations will be considered.

NOTE 3.—Except as provided in Note 4 of this section, in applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

NOTE 4.—In applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, an investment company as defined in 15 U.S.C. section 80a-3 (commonly called a mutual fund), need be considered only if it directly or indirectly owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated.

NOTE 5.—In calculating the percentage of ownership of voting stock under the provisions of Note 4, if an investment company directly or indirectly owns voting stock in a company which in turn directly or indirectly owns 50 percent or more of the voting stock of a corporate broadcast licensee or corporate daily newspaper, the investment company shall be considered to own the same percentage of outstanding shares of the corporate broadcast station licensee or corporate daily newspaper as it owns of the outstanding voting shares of the company standing between it and the licensee corporation or corporate daily newspaper. If the intermediate company owns less than 50 percent of the voting stock of a corporate broadcast station licensee or corporate daily newspaper, the holding of the investment company need not be considered under the 3-percent rule, but, officers or directors of the licensee corporation or of the corporate daily newspaper who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

NOTE 6.—In applying the provisions of paragraphs (a), (b) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts need be considered only if such bank directly or indirectly owns 5 percent or more of the outstanding voting stock: *Provided*, The bank files a disclaimer of intent to control the management or policies of the broadcast or newspaper corporation. Holdings by banks shall be aggregated if the bank has any right to determine how the stock will be voted.

NOTE 7.—In cases where record and beneficial ownership of voting stock of a corporate broadcast station licensee or corporate daily newspaper which has more than 50 voting stockholders are not identical, e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street names for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties, the party having the right to determine how the stock will be voted will be considered to own it for the purposes of these rules.

NOTE 8.—Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for increased power for Class IV stations; to applications for assignment of license or transfer of control filed in accordance with § 1.540 (b) or § 1.541 (b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated or controlled standard broadcast stations and if no new encompassment of communities proscribed in paragraph (a) of this section as to commonly owned, operated, or controlled standard broadcast stations and television broadcast stations or daily newspapers would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of standard broadcast stations with each other no greater than already existing. (The resulting areas of overlap of contours of standard broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, or necessity.) Paragraph (a) of this section will not apply to any application by a party who directly or indirectly owns, operates, or controls a UHF television broadcast station where grant of such application would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled standard broadcast station or would result in the entire community of license of such UHF station being encompassed by the 2 mV/m contour of such standard broadcast station. Such community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled broadcast stations, with overlapping contours or with community-encompassing contours prohibited by paragraph (a) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note. If a commonly owned, operated or controlled standard broadcast station and daily newspaper fall within the encompassing proscription of paragraph (a) of this section, the station may not be assigned to a single person, group or entity if the newspaper is being simultaneously sold to such single person, group or entity.

NOTE 9.—Paragraph (a) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programming is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated, or controlled standard broadcast station, or the community of license of which is completely encompassed by the 2 mV/m contour of such standard broadcast station may subsequently become a "non-satellite" station with local studios and locally originated programming. However, such commonly owned, operated, or controlled standard and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity except as provided in Note 8.

NOTE 10.—For the purposes of this section a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

2. Section 73.240 of the Commission's rules and regulations is amended to read as follows:

§ 73.240 Multiple ownership.

(a) (1) No license for an FM broadcast station shall be granted to any party (including all parties under common control) if such party directly or indirectly owns, operates, or controls: one or more FM broadcast stations and the grant of such license will result in any overlap of the predicted 1 mV/m contours of the existing and proposed stations, computed in accordance with § 73.313; or one or more television broadcast stations and the grant of such license will result in the predicted 1 mV/m contour of the proposed station, computed in accordance with § 73.313, encompassing the entire community of license of one of the television broadcast stations or will result in the Grade A contour(s) of the television broadcast station(s), computed in accordance with § 73.684, encompassing the entire community of license of the proposed station; or a daily newspaper

See footnotes at end of document.

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and the grant of such license will result in the predicted 1 mV/m contour, computed in accordance with § 73.313, encompassing the entire community in which such newspaper is published.

(2) No license for an FM broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other FM broadcast station in the grant of such license would result in a concentration of control of FM broadcasting in a manner inconsistent with the public interest convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven FM broadcast stations.

(b) Paragraphs (a) and (c) of this section are not applicable to noncommercial educational FM stations.

(c) No renewal of license shall be granted for a term extending beyond January 1, 1980, to any party that as of January 1, 1975, directly or indirectly owns, operates or controls the only daily newspaper published in a community and also as of January 1, 1975, directly or indirectly owns, operates or controls the only commercial aural station or stations which place(s) a city-grade signal over the community during daytime hours. The provisions of this paragraph shall not require divestiture of any interest not in conformity with its provisions earlier than January 1, 1980. Divestiture is not required if there is a separately owned, operated or controlled television broadcast station licensed to serve the community.

NOTE 1.—The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2.—In applying the provisions of paragraphs (a) (1) and (c) of this section, partial (as well as total) ownership interests in corporate broadcast licensees and corporate daily newspapers represented by ownership of voting stock of such corporations will be considered.

NOTE 3.—Except as provided in Note 4 of this section, in applying the provisions of paragraph (a) (1), (a) (2), and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

NOTE 4.—In applying the provisions of paragraphs (a) (1) and (a) (2) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, an investment company as defined in 15 U.S.C. section 80a-3 (commonly called a mutual fund), need be considered only if it directly or indirectly owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated.

NOTE 5.—In calculating the percentage of ownership of voting stock under the provisions of Note 4, if an investment company directly or indirectly owns voting stock in a company which in turn directly or indirectly owns 50 percent or more of the voting stock of a corporate broadcast licensee or corporate daily newspaper, the investment company shall be considered to own the same percentage of outstanding shares of the corporate broadcast station licensee or corporate daily newspaper, as it owns of the outstanding voting shares of the company standing between it and the licensee corporation or corporate daily newspaper. If the intermediate company owns less than 50 percent of the voting stock of a corporate broadcast station licensee or corporate daily newspaper, the holding of the investment company need not be considered under the 3-percent rule, but, officers or directors of the licensee corporation or of the corporate daily newspaper who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

NOTE 6.—In applying the provisions of paragraphs (a) (1), (a) (2), and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts need be considered only if such bank directly or indirectly owns 5 percent or more of the outstanding voting stock: *Provided*, The bank files a disclaimer of intent to control the management or policies of the broadcast or newspaper corporation. Holdings by banks shall be aggregated if the bank has any right to determine how the stock will be voted.

NOTE 7.—In cases where record and beneficial ownership of voting stock of a corporate broadcast station licensee or corporate daily newspaper which has more than 50 voting stockholders are not identical, e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street names for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties, the party having the right to determine how the stock will be voted will be considered to own it for the purposes of these rules.

NOTE 8.—Paragraph (a) (1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated or controlled FM broadcast stations and if no new encompassment of communities proscribed in paragraph (a) (1) of this section as to commonly owned, operated, or controlled FM broadcast stations and television broadcast stations or daily newspapers would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of FM broadcast stations with each other no greater than already existing. (The resulting areas of overlap of contours of FM broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, or necessity.) Paragraph (a) (1) of this section will not apply to any application by a party who directly or indirectly owns, operates or controls a UHF television broadcast station where grant of such application would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled FM broadcast station or would result in the entire community of license of such UHF station being encompassed by the 1 mV/m contour of such FM broadcast station. Such community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Commonly owned, operated, or controlled broadcast stations, with overlapping contours or with community-encompassing contours prohibited by paragraph (a) (1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note. If a commonly owned, operated or controlled FM broadcast station and daily newspaper fall within the encompassing proscription of sub-paragraph (a) (1) of this section, the station may not be assigned to a single person, group or entity if the newspaper is being simultaneously sold to such single person, group or entity.

NOTE 9.—Paragraph (a) (1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programming is primarily a "satellite" operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade A contour of which completely encompasses the community of license of a commonly owned, operated or controlled FM broadcast station, or the community of license which is completely encompassed by the 1 mV/m contour of such a FM broadcast station may subsequently become a "non-satellite" station with local studios and locally originated programming. However, such commonly owned, operated, or controlled FM and "non-satellite" television stations may not be transferred or assigned to a single person, group, or entity except as provided in Note 8.

NOTE 10.—For the purposes of this section a daily newspaper is one which is published four or more days per week, which is in the English language, and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

3. Section 73.636 of the Commission's rules and regulations is amended to read as follows:

§ 73.636 Multiple ownership.

(a) (1) No license for a television broadcast station shall be granted to any party (including all parties under common control) if such party directly or

See footnotes at end of document.

indirectly owns, operates, or controls: one or more television broadcast stations and the grant of such license will result in any overlap of the Grade B contours of the existing and proposed stations, computed in accordance with § 73.-684; or one or more standard broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with § 73.684, encompassing the entire community of license of one of the standard broadcast stations, or will result in the predicted or measured 2 mV/m groundwave contour(s) of the standard broadcast station(s), computed in accordance with § 73.183 or § 73.186, encompassing the entire community of license of the proposed station, or one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed station, computed in accordance with § 73.-684, encompassing the entire community of license of one of the FM broadcast stations, or will result in the predicted 1 mV/m contour(s) of the FM broadcast station(s), computed in accordance with § 73.313, encompassing the entire community of license of the proposed station; or a daily newspaper and the grant of such license will result in the Grade A contour, computed in accordance with § 73.684, encompassing the entire community in which such newspaper is published.

(2) No license for a television broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven television broadcast stations, no more than five of which may be in the VHF band.

(b) Paragraphs (a) and (c) of this section are not applicable to noncommercial educational television stations.

(c) No renewal of license shall be granted for a term extending beyond January 1, 1980, to any party that as of January 1, 1975, directly or indirectly owns, operates or controls the only daily newspaper published in a community and also as of January 1, 1975, directly or indirectly owns, operates or controls the only commercial television station which places a city-grade signal over the community. The provisions of this paragraph shall not require divestiture of any interest not in conformity with its provisions earlier than January 1, 1980.

NOTE 1.—The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2.—In applying the provisions of paragraphs (a) (1) and (c) of this section, partial (as well as total) ownership interests in corporate broadcast licensees and corporate daily newspapers represented by ownership of voting stock of such corporations will be considered.

NOTE 3.—Except as provided in Note 4 of this section, in applying the provisions of paragraphs (a) (1), (a) (2) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

NOTE 4.—In applying the provisions of paragraphs (a) (1), (a) (2) and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, an investment company as defined in 15 U.S.C. section 80a-3 (commonly called a mutual fund), need be considered only if it directly or indirectly owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated.

NOTE 5.—In calculating the percentage of ownership of voting stock under the provisions of Note 4, if an investment company directly or indirectly owns voting stock in a company which in turn directly or indirectly owns 50 percent or more of the voting stock of a corporate broadcast licensee or corporate daily newspaper, the investment company shall be considered to own the same percentage of outstanding shares of the corporate broadcast station licensee or corporate daily newspaper as it owns of the outstanding voting shares of the company standing between it and the licensee corporation or corporate daily newspaper. If the intermediate company owns less than 50 percent of the voting stock of a corporate broadcast station licensee or corporate daily newspaper, the holding of the investment company need not be considered under the 3-percent rule, but, officers or directors of the licensee corporation or of the corporate daily newspaper who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

NOTE 6.—In applying the provisions of paragraphs (a) (1), (a) (2), and (c) of this section to the stockholders of a corporation which has more than 50 voting stockholders, a bank holding stock through its trust department in trust accounts need be considered only if such bank directly or indirectly owns 5 percent or more of the outstanding voting stock: *Provided*, The bank files a disclaimer of intent to control the management or policies of the broadcast or newspaper corporation. Holdings by banks shall be aggregated if the bank has any right to determine how the stock will be voted.

NOTE 7.—In cases where record and beneficial ownership of voting stock of a corporate broadcast station licensee or corporate daily newspaper which has more than 50 voting stock holders are not indentical, e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street name for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties, the party having the right to determine how the stock will be voted will be considered to own it for the purposes of these rules.

NOTE 8.—Paragraph (a) (1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if no new or increased overlap would be created between commonly owned, operated or controlled television broadcast stations and if no new encompassment of communities proscribed in paragraph (a) (1) of this section as to commonly owned, operated, or controlled television broadcast stations and standard or FM broadcast stations or daily newspapers would result. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all applications for major changes in existing stations except major changes that will result in overlap of contours of television broadcast stations with each other no greater than already existing. (The resulting areas of overlap of contours of television broadcast stations with each other in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, or necessity.) Paragraph (a) (1) of this section will not apply to major changes in UHF television broadcast stations authorized as of September 30, 1964, which will result in Grade B overlap with another television broadcast station that was commonly owned, operated, or controlled as of September 30, 1964; or to any application concerning a UHF television broadcast station which would result in the Grade A contour of the UHF station encompassing the entire community of license of a commonly owned, operated, or controlled standard or FM broadcast station or which would result in the entire community of license of such UHF station being encompassed by the 2 mV/m or 1 mV/m contours of such standard or FM broadcast stations, respectively. Such UHF overlap or community encompassment cases will be handled on a case-by-case basis in order to determine whether common ownership, operation, or control of the stations in question would be in the public interest.

Commonly owned, operated, or controlled broadcast stations, with overlapping contours or with community-encompassing contours prohibited by paragraph (a) (1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided above in this note. If a community owned, operated or controlled television broadcast station and daily newspaper fall within the encompassing proscription of subparagraph (a) (1) of this section, the station may not be assigned to a single person, group, or entity if the newspaper is being simultaneously sold to such single person, group or entity.

See footnotes at end of document.

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NOTE 9.—Paragraph (a)(1) of this section will not be applied to cases involving television stations which are primarily "satellite" operations. Such cases will be considered on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest. Whether or not a particular television broadcast station which does not present a substantial amount of locally originated programming is primarily a "satellite" operation will be determined on the facts of the particular case An authorized and operating "satellite" television station the Grade B contour of which overlaps that of a commonly owned, operated, or controlled "non-satellite" parent television broadcast station, or the Grade A contour of which completely encompasses the community of publication of a commonly owned, operated or controlled daily newspaper or the community of license of a commonly owned, operated or controlled standard or FM broadcast station, or the community of license of which is completely encompassed by the 2 mV/m contour of such a standard broadcast station or the 1 mV/m contour of such an FM station may subsequently become a "non-satellite" station with local studios and locally originated programming. However, such commonly owned, operated, or controlled "non-satellite" television stations with Grade B overlap or such commonly owned, operated, or controlled non-satellite television stations and standard or FM stations with the aforementioned community encompassment, may not be transferred or assigned to a single person, group, or entity except as provided in Note 8. Nor shall any application for assignment or transfer concerning such non-satellite stations be granted if the assignment or transfer would be to the same person, group or entity to which the commonly owned, operated or controlled newspaper is proposed to be transferred, except as provided in Note 8.

NOTE 10.—For the purposes of this section a daily newspaper is one which is published four or more days per week, which is in the English language and which is circulated generally in the community of publication. A college newspaper is not considered as being circulated generally.

APPENDIX G

SUMMARY OF ACTIONS TAKEN

I. *Previous Rules Continued in Effect.*

(a) *TV-radio combinations.* No divestiture of existing combinations is required. The present rules governing such combinations which were adopted in an earlier phase of this proceeding remain in effect. This means that a licensee of a VHF television station may not build or acquire a radio station(s) (AM, FM, or AM–FM) in the same market; and that the licensee of an AM station, an FM station, or an AM–FM combination may not build or acquire a VHF station in the same market. Although existing combinations are not required to divest, if the owner of a VHF-radio combination sells, he must sell the TV and the radio station(s) to different parties. Applications involving UHF TV stations and radio stations are handled on a case-by-case basis. VHF television stations and AM stations are considered to be in the same market if the Grade A contour of the TV station completely encompasses the community of license of the AM station, or if the 2 mV/m contour of the AM station completely encompasses the community of license of the TV station. A similar market concept holds for FM stations and TV stations except that the critical contour for the FM station is 1 mV/m.

(b) *AM–FM combinations.* Existing rules governing such combinations continue in effect. No divestiture is required This means that the licensee of an AM station may build or acquire an FM station in the same market and vice versa. Moreover, such a combination may be sold to a single party. The matter of whether the present rules governing duplication of programming by AM–FM combinations should be amended will be pursued in pending Docket No. 20016 (39 Fed. Reg. 14228 (1974)).

II. *New Rules Adopted.*

(a) *Radio-newspaper combinations.* Divestiture is required by January 1, 1980, if the only daily newspaper of general circulation published in a community and the only radio station(s) placing a city-grade signal over the entire community in daytime hours are under common ownership. The owner of such a newspaper-AM-FM combination may satisfy the divestiture requirement by selling the newspaper, the AM–FM, the AM, or the FM. Waivers will be granted on a proper showing. The formation of new radio-newspaper combinations in the same market is barred. They are considered to be in the same market if the 2 mV/m contour of an AM station or the 1 mV/m contour of an FM station completely encompasses the community in which the newspaper is published. If an existing radio station licensee acquires a daily newspaper in the same market, he is given until the date of expiration of license of the radio station, or one year, whichever is longer, in which to divest of one of the two properties. Newspaper-radio combinations which are in the same market but which do not fall within the divestiture requirement previously mentioned need not divest. However, if such combinations are sold the newspaper and the radio station(s) must be sold to different parties.

(b) *TV-newspaper combinations.* Divestiture is required by January 1, 1980, if the only daily newspaper of general circulation published in a community and the only TV station placing a city-grade signal over the entire community are under common ownership. The divestiture requirement may be satisfied by selling either the newspaper or the TV station. The divestiture requirement applies whether the TV station is UHF or VHF. Waivers will be granted on a proper showing. The formation of new TV-newspaper combinations in the same market is barred. (The proscription against formation of new TV-newspaper combinations applies whether the TV station is UHF or VHF.) They are considered to be in the same market if the Grade A contour of the TV station completely encompasses the community in which the newspaper is published. If an existing TV licensee acquires a daily newspaper in the same market, he is given until the date of expiration of the TV license, or one year, whichever is longer, in which to divest. Newspaper-TV combinations which are in the same market but which do not fall within the divestiture requirement previously mentioned need not divest. However, if such combinations are sold the newspaper and the TV station must be sold to different parties.

III. *Policy as to cross-interests in newspaper-broadcast combinations.*

The policy heretofore applied to cross-interests in broadcast stations serving substantially the same area will be applied to newspaper-broadcast combinations falling within the ambit of the newly adopted rules.

FOOTNOTES

[29] We shall examine allegations of economic monopolization which might warrant actions under the Sherman Act on an ad hoc basis in the future in those remaining circumstances where monopolization arguments might still be raised. (See para. 130, infra.) Moreover, we note that the Department of Justice, rather than submit data upon which industry-wide divestiture could be based, has offered general observations regarding the need for media competition and its concern about daily newspaper-VHF television combinations. Other parties have not had a proper opportunity to address the Department's separate filings with respect to the renewal applications for several stations and we doubt, in any event, that they would provide an appropriate basis for formulation of a general standard. Action on these pleadings will be taken in connection with the renewal applications in question. The Department has not offered us specific data in this proceeding on which to rely in applying anti-trust standards. Instead, it says that we are under an obligation to consider the competitive principles underlying the anti-trust laws. While we agree fully, we do not find that the data before us provide a footing for more severe action than we are taking. Divestiture has a substantial impact, and should be required only when we can determine that it is required by the public interest. We agree that it is not necessary to have proof of abuses before we can act, and we recognize that trading of stations would tend to lessen concern based on financial losses or investment uncertainty. However, we do not think that these considerations are a substitute for the requirement of a stronger showing than we have of the need for such a severe remedy on a broader basis. Even if some disruption occurs, we have acted to divest where competition and diversity are absent. Extending this to apply to all newspaper-television combinations, regardless of competition, is not warranted on the record before us and would cause serious public injury. We cannot rest upon an assertion that pricing may not be as competitive simply on the basis that it is "reasonable to assume" so. Merely stating that all daily newspaper-VHF television combinations are inconsistent with the public interest and the anti-trust laws is not enough. The Department urges that the degree of concentration is striking, but at present, 79 television stations are owned partly or wholly in common with daily newspapers published in the same locality. This number represents about 10.4% of the 757 commercial television stations on the air. If newspaper stations elsewhere are included the figure nears 14%, which is far below the 48% figure that obtained in 1948. A similar pattern of a continuing separation of daily newspapers and television stations in the same locality can be observed during the period of this proceeding. Thus, the 1970 figure of 96 co-located newspaper-television combinations dropped to 94 the next year and to 83 by April of 1974. By July of 1974 the figure had dropped still further to 79. Further reduction will take place as a result of our action here and through continuation of already begun changes in patterns of station ownership. We have drawn a line that is based on competition as well as diversity of voices and our experience suggests that there is neither need nor wisdom in going beyond it.

[30] There is another point, too, that with prospective rules as is the case with new applicants, even a small gain in diversity can be the basis for the requirement. Far more must be shown to warrant forcing an entity to dispose of its interest, and many cases lack any such urgency.

[31] Of course a daily newspaper competitor would equally well suffice to remove the combination from the ambit of the rules, but in these cases none were found.

[32] While we are reasonably sure about the information in question, absolute certainty is not possible. Neither at the Commission nor in any trade publication (print or broadcast) is there a definitive list of these common ownership situations. This information is called for only indirectly in station ownership reports and they are at best only a partial source of information. As a result we contemplate a change in the ownership reports to have specific disclosure of all media ownership.

[33] Although the rule does not rest on this premise, in each instance the location is identical to that of the co-owned station's community of license.

[34] For AM and FM, the city-grade signal levels are 5 mV/m and 3.16 mV/m, respectively. For all stations, encompassment by a city-grade signal means the same as encompassment by a principal community contour.

[35] The question immediately arises of what to do about translators and satellites. As to the former, little could be expected in terms of coverage of diversity. The station whose signal is translated is often quite far away and the existence of a translator has no bearing on the stations' obligation regarding ascertainment of community problems. In effect then, even if the translator provides a dependable signal throughout the monopoly community, it cannot be relied upon to bring in a service attuned to the needs of the monopoly community. Satellites present a more difficult problem as they do operate with more substantial facilities and the primary station is obliged to carry some programming attuned to the needs of the satellite community. We do not believe that this is sufficient to demonstrate diversity unless the satellite has a local studio from which public affairs and news programs can and do originate. Such a station (in effect a semi-satellite) would suffice to demonstrate diversity. Educational stations are not under an obligation to provide the full range of responsive programming as are commercial stations, and we cannot ignore their specialization. It is more than lack of commercials that sets them apart. Since they cannot be equated with commercial stations, we shall not exempt based on encompassment by an educational station. So too with foreign stations which have no obligation to serve the needs of their American audiences or to deal with issues of concern to them.

[36] Stations have a secondary obligation to provide service to areas outside their city of license. In a number of instances stations which place city-grade signals over monopoly communities are addressing themselves to the problems, needs and interests of those communities. Stations in a similar posture should recognize and undertake to serve, on a secondary basis, these monopoly communities.

[37] In fact, such ordinarily would be our expectation, as a community large enough to support a television station could be expected to have a number of radio stations, at least one of which would be separately owned from the newspaper.

[38] In some instances AM stations alone, in others AM–FM combinations.

[39] The reference is to daytime coverage, and the reason for this is quite simple: the data on file at the Commission do not suffice to give an accurate current picture of night-time AM coverage without the most painstaking examination of each case and a total restructuring of the maps and other data submitted by the stations to take into account all subsequent developments.

[40] This period of five years represents to us a proper balance between the private equities involved and the need for such dispatch as circumstances allow.

[41] If the present owner preferred, both the newspaper and the station could be sold but it would have to be to separate buyers.

[42] Some of the affected AM stations are full-time stations; others are daytime only. Compliance may be achieved by divesting either of the stations regardless of its hours of operation, or by divesting both if that is preferred.

[43] We would not consider it compliance if a station were acquired solely to be divested and our expectation is that divestiture of a station not yet on the air would not constitute compliance with the rules.

[44] The stations required to divest are listed in Appendix D and Appendix E to this document. As explained earlier (see fn. 33), the list is not to be taken as definitive. There may be additional stations within the ambit of the rules that do not have city-grade encompassment but nonetheless were not found in our search. Conversely, we may have included stations in the list that do not fit within the ambit—that for one reason or another should not have been included. Licensees of such stations can call such situations to our attention.

[45] Nevertheless, in recognition of the fact that we are requiring divestiture, we shall issue tax certificates to these parties pursuant to 26 U.S.C. 1071. We shall also do so in non-divestiture cases where current combinations are sold to separate owners in order to come into compliance with the new policy underlying the rule. We took this view earlier in this proceeding as to broadcast combinations—see the 1971 Memorandum Opinion and Order (28 F.C.C. 2d 662 at 671) and the Public Notice of July 16, 1970, FCC 70–744.

[46] An appropriate showing would have to be made of the fair value and the inability to obtain such a price. Also, as with inability to sell at all, we do not contemplate permanent waiver, for problems in disposing of these interests would not be expected to endure indefinitely.

[47] Among others that parties may wish to bring to our attention are local access of origination on the community's cable television system or other special circumstances they think have a bearing on the appropriateness of granting waiver.

[48] The Commission had previously issued a Notice of Inquiry in that docket (27 F.C.C. 2d 580 (1971)) to explore whether standards of "substantial service" could be developed for television broadcasting.

[49] We do not intend any change in the traditional view taken regarding activities by the media which run afoul of the anti-trust laws. Common ownership in itself does not constitute an abuse. The subject of combination rates and joint sales practices is under consideration in a rule making proceeding in Docket No. 19789.

[50] Commissioners Lee, Reid, and Washburn concurring and issuing statements; Commissioners Hooks and Robinson concurring in part and dissenting in part and issuing statements; Commissioner Quello issuing a separate statement. Statements of Commissioners Lee, Reid, Hooks, Quello, Washburn, and Robinson; filed as part of the original document.

[FR Doc.75-3416 Filed 2-11-75;8:45 am]

[FCC 75-115]

PART 0—COMMISSION ORGANIZATION

Authority Delegation to Chairman

1. The amendment set forth in the attached below delegates authority to the Chairman to settle claims under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 240–243. Claims may be filed under this act by Commission employees who have suffered damage to personal property incident to their agency service; provided, the amount involved does not exceed $6,500, and the employee did not cause the damage through his own negligence.

2. Presently, under § 0.211(d), the Commission has delegated authority to the Chairman to act on tort claims when the amount involved does not exceed $5,000. This amendment would permit the Chairman to settle employee property damage claims filed under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended.

3. Authority for the amendment set out below is found in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r). As the amendment relates to matters of internal Commission organization and procedure, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

4. In view of the foregoing, *It is ordered,* That effective February 12, 1975, Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 156, 393)

Adopted: January 29, 1975.

Released: February 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.211 (d) is amended to read as follows:

§ 0.211(d) Chairman.

• • • • • •

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $5,000; and to act within the purview of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 240–243, to settle claims directed against the United States where the amount of the claim does not exceed $6,500.

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[FR Doc.75-3906 Filed 2-11-75;8:45 am]

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[Doc. No. 20004; #29907]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

Telemetering of Scientific Data; Correction

In the matter of amendment of Part 2 and Part 5 of the Commission's rules and regulations to provide for the use of frequencies in the bands 40.66–40.70 and 216–220 MHz for the tracking of, and telemetering of scientific data from, ocean buoys and animal wildlife.

In the Report and Order in the above-entitled matter, FCC 75-4, released January 9, 1975, and published in the FEDERAL REGISTER at 40 FR 2815, the text is corrected by inserting February 18, 1975, in § 5.108(a) for "for effective date of the rules"; and February 18, 1976, is inserted in § 5.109 for "one year after effective date of the rules".

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3907 Filed 2-11-75;8:45 am]

[Doc. No. 20118; #29906]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 95—CITIZENS RADIO SERVICE

External Radio Frequency Power Amplifiers; Report and Order; Correction

In the matter of Amendment of Parts 2 and 95 of the Commission's rules to prohibit external radio frequency power amplifiers at Class D Citizens Radio Service stations and to prohibit marketing of external radio frequency power amplifiers capable of operation in the band 26.96–27.26 MHz.

In the Report and Order in the above-entitled matter, FCC 74-1426, released January 3, 1975, and published in the FEDERAL REGISTER at 40 FR 1246, § 2.815 is corrected by inserting the effective date January 23, 1975, in the first sentence of paragraph (b); and August 12, 1975, in the last sentence in lieu of the words "six months after the effective date."

Released: January 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3908 Filed 2-11-75;8:45 am]

[Docket No. 20081, RM-2201; FCC 75-111]

PART 73—RADIO BROADCAST SERVICES

FM Stations; Table of Assignments; New York

1. The Commission here considers the notice of proposed rulemaking, adopted June 12, 1974 (39 FR 22438), proposing that the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) be amended by substituting Channel 289 for 288A at Endicott, New York, as petitioned for by January Enterprises, Inc. (January), licensee of Station WMRV(FM) on the channel there. The only comments filed were by the petitioner January, which in essence merely incorporated by reference the petition.[1]

2. Endicott, population 16,556,[2] is located in Broome County, population 221,815. As stated in the Notice, Endicott is one of four communities clustered along a 10-mile section of N.Y. Route 17, approximately seven miles north of the Pennsylvania border. Included are Binghamton (pop. 64,123), Johnson City (pop. 18,025), Endwell (pop. 15,999), and Endicott. Binghamton is the principal city of the Binghamton Standard Metropolitan Statistical Area (SMSA), which consists of Broome and Tioga (pop. 46,573) Counties in New York State and Susquehanna County (pop. 34,344) in Pennsylvania. Aural broadcast service for the Binghamton "market" consists of four unlimited-time AM stations (WENE, WKOP, WNBF, and WINR), three FM stations (WMRV, WAAL, and WQYT), and noncommercial educational FM Station WHRW. Stations WMRV and WENE are licensed to the petitioner at Endicott; the other stations are licensed to Binghamton.

3. In support of its petition, January urges that the proposed change of assignments would produce certain desirable results. Station WMRV would be able to upgrade its facilities to serve about an additional 140,000 persons within its predicted 1 mV/m contour, eliminate intermixture of FM assignments in the market (thus enabling January to compete equally with the Binghamton FM stations operating on Class B channels), and there would be a more efficient use of spectrum. In the latter respect, the engineering data submitted by January clearly establish that the proposed substitution would have no preclusionary effect and that Channel 289 could be sited in a restricted area in and around Endicott, Binghamton, Johnson City, and Endwell. While January cites a number of precedents as to upgrading and the desirability of channel change(s) to avoid intermixture, we wish to make it clear that in reaching our decision here, our primary concern is that of effective spectrum management. In this respect, unless Channel 289 is assigned to Endicott it may not be used elsewhere in the vicinity because of the present assignment of Channel 288A to that community. As in other similar instances, irrespective of other reasons urged by petitioner, we find that the public interest, convenience, and necessity would be served by the substitution of Class B Channel 289 for 288A at Endicott in such circumstances.[3] Pursuant to the Working Arrangement under the Canada-United States FM Agreement of 1947, the Canadian Department of Communications has agreed to this change.

4. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That, effective March 14, 1975, the FM Table of Assignments, § 73.202(b) of the rules and regulations, is amended to read as follows for the city listed below:

§ 73.202 Table of Assignments.

(b) • • •

City:	Channel No.
Endicott, New York	289

5. *It is further ordered*, That an application for renewal of the license of Station WMRV(FM), Endicott, New York, shall specify operation on Channel 289 instead of Channel 288A. If the license of January Enterprises, Inc. for Station WMRV(FM) is renewed, the station may continue to operate on Channel 288A until it is ready to operate on Channel 289 or the Commission sooner directs; operation on Channel 289 is subject to the following conditions:

(a) At least 30 days before it wishes to commence operation on Channel 289, or within 30 days after it receives notification from the Commission if the Commission sooner directs change, the licensee of Station WMRV(FM) shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 289 at Endicott, New York; and

(b) At least 10 days prior to commencing operation on Channel 289, the licensee shall submit the measurement data normally required of an applicant for an FM broadcast station license.

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 28, 1975.

Released: February 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3909 Filed 2-11-75;8:45 am]

[1] Comments were also filed by WUNI, Inc., and January filed reply comments thereto. However, no discussion of these pleadings is necessary since WUNI withdrew its comments.

[2] Population figures are from the 1970 U.S. Census.

[3] See and compare Gilroy, California, 50 F.C.C. 2d (1974); Pensacola, Florida, 44 F.C.C. 2d 1056, 1061 (1974); Marion, Illinois, 42 F.C.C. 2d 546, 547 (1973); and Hattiesburg, Mississippi, 37 F.C.C. 2d 54, 55 (1972).

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Staff Assistant to the Special Assistant, Congressional Affairs, is excepted under Schedule C.

Effective February 12, 1975, § 213.3388 (d)(3) is added as set out below.

§ 213.3388 Federal Energy Administration.

• • • • • •

(d) *Office of Congressional Affairs.*
• • •

(3) One Staff Assistant to the Special Assistant, Congressional Affairs.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3941 Filed 2-11-75;8:45 am]

PART 213—EXCEPTED SERVICE

Interior Department

Section 213.3312 is amended to show that one position of Deputy Director of Communications is excepted under Schedule C.

Effective February 12, 1975, § 213.3312 (a)(43) is added as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(43) One Deputy Director of Communications.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3942 Filed 2-11-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 106—DRY BEAN WAREHOUSES

Licensing of Inspectors Otherwise Licensed and Exemption From License Fees

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is amending warehouse regulations appearing in Part 106 (dry beans) of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to issue licenses under the U.S. Warehouse Act to inspectors who hold licenses under another Federal act and to exempt such inspectors from the required license fee.

Under grain warehouse regulations, any person who holds a valid license as a grain inspector under the U.S. Grain Standards Act is granted an inspectors license under the U.S. Warehouse Act and is exempt from payment of the licence fee required under such Act. Inspectors (agricultural commodity graders) of dry beans are licensed under the authority of the Agricultural Marketing Act of 1946 rather than under the U.S. Grain Standards Act. Such inspectors have not been granted licenses without show of evidence that they can correctly grade beans and have not been exempt from fee payment under the U.S. Warehouse Act.

The Agricultural Marketing Service is hereby amending the Regulations for Dry Bean Warehouses to grant inspectors' licenses under the U.S. Warehouse Act to applicants who show satisfactory evidence that they hold an effective license under the Agricultural Marketing Act of 1946 and to exempt such inspectors from payment of the specified fee of $6. These changes follow the precedent set for U.S. Grain Standards Act inspectors under existing regulations. No prior notices or public procedures are being given because they would be impractical, unnecessary and contrary to the public interest and because the amended regulation grants an exemption and relieves a former restriction.

Said regulations therefore are amended to read:

§ 106.55 Warehouse licenses fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license applied for by a warehouseman, and a fee of $6 for each license issued to an inspector or weigher except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any beans and to certificate the grade thereof.

• • • • •

Paragraph (e) is added and will read:

§ 106.59 Inspectors and weighers applications.

• • • • •

(e) In lieu of compliance with the requirements of paragraph (b) of this section, the license applied for may be granted whenever such applicant furnishes satisfactory evidence that he holds an effective license under the Agricultural Marketing Act of 1946 and regulations thereunder, to inspect and grade such beans and to certificate the grade thereof.

• • • • •

These amendments shall become effective on February 12, 1975.

Done at Washington, D.C., February 6, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-3898 Filed 2-11-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 726—BURLEY TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

BASIS AND PURPOSE

Correction

In FR Doc. 75-2941 in the issue for Friday, January 31, 1975, appearing at page 4633, make the following changes:

1. On page 4633, in the third column, the fifth paragraph should read as follows:

Section 726.11 is revised to read as follows:

DETERMINATIONS AND ANNOUNCEMENTS—1973–74 MARKETING YEAR

§ 726.11 Burley tobacco.

2. On page 4633, the last line of the third column should read "year beginning October 1, 1975, is hereby"

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 981—ALMONDS GROWN IN CALIFORNIA

Administrative Rules and Regulations; Suspension of Certain Provisions

Notice of a proposal to suspend the operation of subparagraphs (5) and (7) of § 981.441(d) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations: 7 CFR 981.441–981.482; 39 FR 23239; 39258; 40 FR 3005; 4416) for the 1974–75 crop year was published in the January 14, 1975, issue of the FEDERAL REGISTER (40 FR 2589). That crop year ends June 30, 1975.

The marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulate the handling of almonds grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was based on a unanimous recommendation of the Almond Control Board.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; none were received.

Section 981.441(d)(5) allows a handler credit for his paid media advertising that promotes almonds and almond products through his own retail store. The credit, however, is limited to the percentage which his sales of almonds and

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almond products were to the total sales through the retail store in the previous crop year. Paragraph (d)(5) has been operative since July 1, 1974 (39 FR 23239). It now appears that the subparagraph will sharply reduce the credits some handlers formerly received for promoting almonds and almond products sold through their retail stores for more than anticipated at the time the regulation was made effective, and therefore may serve to reduce local promotions of almonds and almond products. Any reduction in the number of these promotions would be inconsistent with the intent of paragraph (d)(5). The Control Board has indicated that a thorough review of this matter is necessary before any changes in the provisions of paragraph (d)(5) can be proposed.

Section 981.441(d)(7) also has been operative since July 1, 1974. It allows a handler credit for his paid media advertising that promotes almonds and almond products through the handler's mail order offer which also mentions the handler's retail store selling almonds and almond products and the handler's catalog. Credit for that promotion expense is based, in part, on the percentage calculated for the handler pursuant to paragraph (d)(5). Since paid media advertising under paragraph (d)(7) must mention the handler's retail store selling almonds and almond products, and since suspension of paragraph (d)(5) affects the method of computing the credit allowable pursuant to paragraph (d)(7), it was also proposed that paragraph (d)(7) be suspended for the 1974–75 crop year.

Therefore, after consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is found that to suspend the operation of paragraphs (d)(5) and (7) of § 981.441(d) of the administrative rules and regulations for the 1974–75 crop year will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making it effective at the time hereinafter provided in that: (1) This action relieves restrictions on handlers; (2) this action should be made effective as soon as possible so as to enable handlers to obtain maximum benefit from it; (3) handlers are aware of this action and require no advance preparation to comply therewith; and (4) no useful purpose would be served by postponing its effective time beyond that hereinafter provided.

It is therefore, ordered, That the operation of paragraphs (d)(5) and (7) of § 981.441 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 981.441–981.482; 39 FR 23239; 39258; 40 FR 3005; 4416) be suspended for the 1974–75 crop year.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: February 6, 1975, to become effective February 14, 1975.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.75-3899 Filed 2-11-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

Correction

In FR Doc. 74-30055, appearing at page 44712 in the issue for Friday, December 27, 1974, make the following changes:

On page 44721 in paragraph (d) of § 113.145, the reference to "(c)(1)" in line seven should read: "(d)(1)". Also on page 44721 in paragraph (d) of § 113.145 the reference to "(c)(1)" in line eight should read "(d)(1)".

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Grant and Loan Program

Part 309 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provision of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable.

The purpose of this amendment is to make a technical change concerning the employment of expediters.

1. Section 309.7 is revised by amending paragraph (a) to read as follows:

§ 309.7 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.

(a) No application or plan for financial assistance shall be approved by EDA under sections 101, 201, 202, 301, 302, 403, or 903 of the Act unless the applicant:

* * * * * * *

(Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5970))

Effective date: This amendment becomes effective on March 7, 1975.

Dated: February 5, 1975.

D. JEFF CAHILL,
Acting Assistant Secretary for Economic Development.

[FR Doc.75-3919 Filed 2-11-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2577]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE ACTIONS

American Roofing and Remodeling Co.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, American Roofing and Remodeling Co., Newark, Calif., Docket C-2577, Oct. 16, 1974]

In the matter of Richard A. Edson, an individual trading and doing business as American Roofing and Remodeling Company.

Consent order requiring a Newark, Calif., home improvement contracting firm, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Richard A. Edson, an individual trading and doing business as American Roofing and Remodeling Co., or under any other name or names, and respondent's agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement of consumer credit or advertisement to aid, promote, or assist directly or indirectly any arrangement or extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321 (15 U.S.C. 1601 et seq)), do forthwith cease and desist from:

1. Failing to disclose the date on which the finance charge begins to accrue when different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

2. Failing to disclose the term "annual percentage rate", using that term, in credit transactions where finance charges are imposed, as required by § 226.6(b)(2) of Regulation Z.

3. Failing to disclose the sum of all payments required, and describe that sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

4. Failing to provide a description of the type of any security interest held or to be retained or acquired by the creditor in connection with the transaction, as required by § 226.8(b)(5) of Regulation Z.

5. Failing to identify the method of computing any unearned portion of the finance charge in the event of pre-payment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

6. Failing to use the term "cash price", as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the transaction, as required by § 226.8(c)(1) of Regulation Z.

7. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the transaction, as required by § 226.8(c)(2) of Regulation Z.

8. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

9. Failing to disclose all other charges, individually itemized, which are included in the amount financed but which are not part of the finance charge, as required by § 226.8(c)(4) of Regulation Z.

10. Failing to disclose the sum of the unpaid balance of cash price and all other charges and describe that sum as the "unpaid balance", as required by § 226.8(c)(5) of Regulation Z.

11. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(c)(7) of Regulation Z.

12. Failing to disclose the "finance charge", using that term, as required by § 226.8(c)(8)(i) of Regulation Z.

13. Failing to disclose the sum of the cash price, all charges which are not included in the amount financed but which are not a part of the finance charge, and describe that sum as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

14. Failing, in any transaction in which respondent retains or acquired a security interest in real property which is used or is expected to be used as the principal residence of the customer, to provide each customer with notice of the right to rescind in the manner and form specified in §§ 226.9(b) and 226.9(f) of Regulation Z, prior to consummation of the transaction.

15. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in his business organization such as dissolution, assignment, incorporation, partnership, sale or any other change which may affect compliance obligations arising out of this order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to each of his operating divisions and to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business address or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent herein within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

The Decision and Order was issued by the Commission, October 16, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3940 Filed 2-11-75;8:45 am]

[Docket C-2557]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Union Carbide Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170-46 Insecticidal or repellant; § 13.195 *Safety;* 13.195-60 Product; § 13.205 *Scientific or other relevant facts.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533-20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1890 *Safety;* § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Union Carbide Corporation, New York, N.Y., Docket C-2557, Oct. 4, 1974]

In the matter of Union Carbide Corporation, a corporation. Consent order requiring a New York City formulator and distributor of carbaryl insecticide, among other things to cease claiming that its agricultural insecticides are absolutely safe to use or absolutely safe to man or the environment. Further, respondent must place in all promotional material expressing or implying safety claims about agricultural insecticides, a statement reminding users that all pesticides are harmful if misused, and that they should only be used as directed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered,* That respondent, Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of any insecticide product with precautionary labeling which contains any active insecticidal ingredient(s) presently marketed by respondent or currently being field tested by respondent and which is intended for use by custom applicators and commercial growers to protect animals or food, forage, field or fiber crops by virtue of the capacity of its active ingredient(s) to kill insects (sometimes referred to hereinafter as "such products"), do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising, by other promotional material, or by sales representatives' oral statements, that such products are absolutely or unqualifiedly safe, non-toxic or free of hazard for any use registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (hereinafter FIFRA) or any other approved use based upon evidence filed in connection with registration under FIFRA.

B. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are qualifiedly safe, non-toxic or free of hazard for any use registered under FIFRA or any other approved use based upon evidence filed in connection with registration under FIFRA; *Provided however,* That factual statements about such products regarding any use registered under FIFRA, any other approved use based upon evidence filed under FIFRA, the level of hazard or toxicity to products or species treated in accordance with such use(s) or residues resulting from such use(s) shall not be prohibited if:

(1) Respondent prominently and in close conjunction thereto, includes a statement (except in broadcast advertisements not more than 30 seconds in length) denoting the existence of any

[1] Copies of the complaint and decision and order filed with the original document.

[1] Copies of the complaint and decision and order filed with the original document.

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specific caution or category thereof, other than directions for use (e.g., "Do not apply within 7 days of harvest"), which appears on such product's labels, including but not limited to limitations on application due to regional or climatic variations; restrictions on subsequent use of treated crops, animals, or lands; and limitations due to consequent injury of specific species, e.g., crop(s), animal(s), fish, bird(s), or beneficial insect(s); where such specific caution is relevant and material and without notice of which said factual statements would be untrue or misleading; and

(2) At the time of such representations, (1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(3) Such factual statements do not use the word "safe," or any form thereof.

C. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are relatively or comparatively safe, less toxic or freer of hazard, for any use registered under FIFRA, or any other approved use based upon evidence filed in connection with registration under FIFRA: *Provided however*, That comparative factual statements about such products regarding any use registered under FIFRA, any other approved use based upon evidence filed under FIFRA, the level of hazard or toxicity to products or species treated in accordance with such use(s) or residues resulting from such use(s) shall not be prohibited if:

(1) Such factual statements compare the promoted insecticide with a specifically identifiable insecticide product, product form, or product group; and

(2) Respondent prominently and in close conjunction thereto, includes a statement (except in broadcast advertisements not more than 30 seconds in length) denoting the existence of any specific caution or category thereof, other than directions for use (e.g., "Do not apply within 7 days of harvest"), which appears on such product's labels, including but not limited to limitations on application due to regional or climatic variations; restrictions on subsequent use of treated crops, animals, or lands; and limitations due to consequent injury of specific species, e.g., crop(s), animal(s), fish, bird(s), or beneficial insect(s); where such specific caution is relevant and material and without notice of which said factual statements would be untrue or misleading; and

(3) At the time of such representations, (1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Such factual statements do not use the word "safe," or any form thereof.

II. With respect to representations not covered by the provisions of section I of this Order, *It is ordered*, That Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products, do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising, by other promotional material, or by sales representatives' oral statements, that such products are absolutely safe, nontoxic or free of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment:

B. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are qualifiedly safe, nontoxic or free of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment; *Provided however*, That factual statements which (i) describe physical, chemical, biological or toxicological characteristics of the promoted insecticide, or (ii) discuss the aforesaid characteristics and their effects on the environment, human beings, warm-blooded animals, fish, birds, or beneficial insects shall not be prohibited if:

(1) The label(s) for such product(s) contains no relevant and required general or specific warning or caution regarding such characteristics or any effect caused by such characteristics; *Provided*, That nothing in this subsection shall prohibit:

(a) The dissemination of instructions for the proper use of such product(s); or

(b) Factual statements which reproduce or discuss the substance of or reason(s) for any statement, warning or caution or direction for use found on the label of the promoted product(s) and are consistent with such statements, warnings, cautions, or directions for use; or

(c) Factual statements regarding such characteristics or characteristics and their effects of insecticides in other than toxicity category I or toxicity category II; *Provided further*, that factual statements regarding the effects of any such characteristics, without an accompanying description of such characteristics, shall not be prohibited if: (i) the label(s) for such product(s) contains no relevant and required general or specific warning or caution regarding such characteristic(s) or effect(s) and (ii) the causal relationship between such characteristic(s) and the described effect(s) has not been substantiated by competent scientific tests or other objective materials known, or which through the exercise of reasonable diligence should be known, to respondent; and

(2) Such factual statements are true and not misleading under normal circumstances and conditions under which the product could be expected to be used, *Provided further*, That, if, circumstances and conditions of normal use exist in which said factual statements are untrue or misleading, respondent must describe, prominently and in close conjunction with said factual statements, specific circumstances and conditions for use in which said factual statements are true and not misleading; and

(3) At the time of such representations, (1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Respondent discloses, prominently and in close conjunction with any such factual statements concerning human safety (except in broadcast advertisements not more than 30 seconds in length), any toxicological characteristics relating to human safety which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(5) Respondent discloses, prominently and in close conjunction with any other such factual statements (except in broadcast advertisements not more than 30 seconds in length), any hazardous collateral effects which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(6) Such factual statements do not use the word "safe," or any form thereof.

C. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are relatively or comparatively more safe, less toxic or freer of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment than any other insecticide product(s); *Provided however*, That comparative factual statements which (i) describe physical, chemical, biological or toxicological characteristics of the promoted insecticide or (ii) in the case of insecticides in toxicity category I or toxicity category II, discuss the aforesaid characteristics and their effect on the environment, human beings, warm-blooded animals, fish, birds, or beneficial insects or (iii) in the case of insecticides in other than toxicity category I or toxicity category II, discuss the effect of such products on the environment, human beings, warm-blooded animals, fish, birds, or beneficial insects shall not be prohibited if:

(1) Such factual statements compare the promoted insecticide with a specifically identifiable insecticide product, product form, or product group; and

(2) Such factual statements are true and not misleading under normal circumstances and conditions under which the product could be expected to be used, *Provided further*, That if circumstances and conditions of normal use exist in which said factual statements are untrue or misleading, respondent must describe, prominently and in close conjunction with said factual statements, specific circumstances and conditions of use in which said factual statements are true and not misleading; and

(3) At the time of such representations, (1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Respondent discloses, prominently and in close conjunction with any such factual statements concerning human safety (except in broadcast advertisements not more than 30 seconds in length), any toxicological characteristics relating to human safety in regard to which the promoted product is the more toxic and which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(5) Respondent discloses, prominently and in close conjunction with any other such factual statement (except in broadcast advertisements not more than 30 seconds in length), any hazardous collateral effects in regard to which the promoted product is the more hazardous and which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(6) Such factual statements do not use the word "safe," or any form thereof.

III. *It is further ordered*, That respondent Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from making any representations, directly or by implication, or omitting any representations, by print or broadcast advertising or by other promotional material, which contradict, are inconsistent with, or detract from the effectiveness of any warning, caution or direction for use required to be set forth on the label of such product. *Provided*, That if any representations directly or by implication, made by respondent, or the omission of representations by respondent, are in accord with the provisions of Sections I, II, and IV of this Order, they shall be considered as being in compliance with this Section of the Order.

IV. *It is further ordered*, That respondent, Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from disseminating or causing the dissemination of:

A. Any print advertising or print promotional material which contains claims covered by Section I or II for any such product unless it clearly and conspicuously includes in such print advertisement or print promotional material the following statement:

Stop! All pesticides can be harmful to health and the environment if misused. Read the label carefully and use only as directed.

B. Any broadcast advertisement more than 30 seconds in length for any such product which contains claims covered by Sections I or II unless it clearly and conspicuously includes the following statement:

All pesticides can be harmful to health and the environment if misused. Read the label carefully and use only as directed.

C. Any broadcast advertisement not more than 30 seconds in length for any such product which contains claims covered by Sections I or II unless it clearly and conspicuously includes the following statement:

All pesticides can be harmful. Read the label. Use as directed.

Provided, That in television advertisements not more than 10 seconds in length which contain no direct representations concerning product safety, the requirements of the term "clearly and conspicuously" shall in all cases be met by including the above statement in the video portion of the advertisement.

V. Nothing in this Order shall be construed to apply to scientific articles published in recognized scientific or agricultural journals or government publications, or reprints thereof, or representations (other than print advertising or other promotional material) before public or governmental forums such as public hearings, scientific meetings, or to governmental agencies, agents, or employees responsible for the regulation or dissemination of information concerning insecticide products covered by this Order.

VI. *It is further ordered*, That nothing in this Order shall prohibit the dissemination of product labels (as defined by section 2(p)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended), or reproductions thereof.

VII. For purposes of determining compliance with sections I.B.(1), I.C.(2), II.B.(1), and III of this Order, the term "label" shall include all written, printed, or graphic matter on, or attached to, an insecticide product subject to this Order. In the event general or specific warnings or cautions or directions for use required pursuant to registration under FIFRA do not appear on the label as defined in the preceding sentence, the term "label" shall also include the other "labeling" as defined by section 2(p)(2) of FIFRA where said required general or specific warnings or cautions or directions for use do in fact appear. It is recognized that other matter, typically promotional material, will on occasion constitute "labeling" as defined by section 2(p)(2) of FIFRA. Although such material may be subject to various Sections of this Order, it shall not be deemed to be "label" as used in sections I.B.(1), I.C.(2), II.B.(1), and III of this Order.

VIII. *It is further ordered*, That for purposes of Section II.B. and section II.C. of this Order the terms "toxicity category I" and "toxicity category II" shall mean respectively the most toxic and next most toxic categories defined by Environmental Protection Agency Interpretation 18 of the regulations for the enforcement of FIFRA, 40 CFR 162.116 (b), in effect on April 1, 1973.

IX. *It is further ordered*, That this Order shall become effective upon service, except that sections I.B., I.C., II.B., II.C., and III of this Order shall become effective at such time as and to the extent that a Trade Regulation Rule covering the advertising and promotion of products subject to this Order, and containing terms at least as onerous as this Order, becomes final and effective. *Provided*, That at all times subsequent to the date this Order is served, claims which would be governed by Sections I.B., I.C., II.B., or II.C., if said sections were in effect, shall be deemed to be "claims covered by sections I or II" for purposes of section IV of this Order.

X. *It is further ordered*, That should the Federal Trade Commission promulgate a Trade Regulation Rule or Industry Guide governing the advertising or promotion of products subject to this Order, then any pertinent less comprehensive or less restrictive provisions of such Rule or Guide shall automatically replace any comparable provisions set forth herein which are effective on the date that such Rule or Guide becomes effective.

XI. *It is further ordered*, That the respondent forthwith distribute a copy of this Order to each of its operating divisions engaged in the manufacture, sale, advertising, promotion or distribution of products subject to this Order, and to all present and future employees of respondent responsible for the advertising, promotion, distribution or sale of such products.

XII. *It is further ordered*, That the respondent notify the Commission at

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least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of this Order.

XIII. *It is further ordered,* That respondent corporation shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order, except that such report shall in the case of sections I.B., I.C., II.B., II.C., and III be filed within sixty (60) days after their becoming effective against respondent corporation.

The Decision and Order was issued by the Commission, October 4, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3844 Filed 2-11-75;8:45 am]

[Docket C-2570]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Turkey Mountain Estates, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* 13.10–1 Availability of merchandise, services and/or facilities; § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–10 Bait; 13.155–25 Coupon, certificate, check, credit voucher, etc., values; 13.155–35 Discount savings; 13.155–80 Retail as cost, wholesale, discounted, etc. 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.160 *Promotional sales plans;* § 13.205 *Scientific or other relevant facts.* Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 *Availability of advertised merchandise, services and/or facilities;* § 13.1740 *Scientific or other relevant facts;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract.

—Prices: § 13.1779 *Bait;* § 13.1790 *Coupons, credit vouchers, etc., of specified value;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1925 *Coupon, certificate, check, credit voucher, etc., deductions in price;* § 13.2063 *Scientific or other relevant facts;* § 13.2070 *Special or trial offers, savings and discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601–1605))

[Cease and desist order, Turkey Mountain Estates, Inc., et al, Shell Knob, Mo., Docket C-2570, Oct. 8, 1974.]

In the matter of Turkey Mountain Estates, Inc., a corporation; Central Crossing Developers, Inc., a corporation; Lakeside Investment Company, Inc., a corporation; Tomahawk Developers, Inc., a corporation; and E. C. Shafer, individually and as an officer of said corporations; and J. B. Gum, individually and as an officer of said corporations, with the exception of Central Crossing Developers, Inc.

Consent order requiring four affiliated Shell Knob, Mo., developers of recreational or retirement home sites, among other things to cease using bait advertising and other deceptive selling practices, and violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered,* That respondents Turkey Mountain Estates, Inc., a corporation; Central Crossing Developers, Inc., a corporation; Lakeside Investment Company, Inc., a corporation; and Tomahawk Developers, Inc., a corporation; and their successors and assigns and their officers and E. C. Shafer, individually and as an officer of said corporations; and J. B. Gum, individually and as an officer of said corporations, with the exception of Central Crossing Developers, Inc., respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the extension of consumer credit or advertisements to aid, promote or assist, directly or indirectly, in the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to accurately disclose the date on which the finance charge begins to accrue, as required by § 226.8(b)(1) of Regulation Z.

2. Failing to disclose the "total of payments", as required by § 226.8(b)(3) of Regulation Z.

3. Failing to accurately disclose the number, amount and due dates or periods of payment scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

4. Failing to state the "cash price", and failing to state the "cash downpayment", and failing to state the "unpaid balance of cash price", as required by §§ 226.8(c)(1), 226.8(c)(2), and 226.8(c)(3) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between cash price and the total downpayment, and failing to use the terms "cash price" and "cash downpayment", as required by §§ 226.8(c)(1), 226.8(c)(2), and 226.8(c)(3).

6. Failing to disclose the "finance charge", as required by § 226.8(c)(8)(i) of Regulation Z.

7. Failing to disclose the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

8. Failing to use the term "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing, in any transaction arising in the future in which a customer has the right to rescind, as provided in § 226.9 of Regulation Z, to provide the customer with the notice of right to rescind, in the form and manner provided in that Section prior to consummation of the transaction, and in connection therewith to provide a question seeking a statement in writing, on a separate form, designating whether or not said customer expects to use the lot as his principal place of residence, at that time or in the future.

10. Failing to describe the amount on any "balloon payment" and failing to use the term "balloon payment", as required by § 226.8(b)(3) of Regulation Z.

11. Failing to disclose the identity of the creditor on the instrument or statement on which required disclosures are made, as required by Section 226.8(a) of Regulation Z.

12. Failing to disclose the annual percentage rate and the period in which payment must be made to avoid late charges on any periodic statement and failing to transmit such a statement in a form which the customer may retain, as required by § 226.8(n) of Regulation Z.

13. Failing to disclose discount for prompt payment and related disclosures, as required by § 226.8(o) of Regulation Z.

14. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

15. Stating in any advertisement the amount of monthly installment payments which can be arranged in connection with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) thereof.

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount and due dates or periods of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

II. *It is ordered,* That respondents Turkey Mountain Estates, Inc., a corporation; Central Crossing Developers, Inc., a corporation; Lakeside Investment Company, Inc., a corporation; and Tomahawk Developers, Inc., a corporation, and their successors and assigns and their officers and E. C. Shafer individually and as an officer of said corporations; and J. B. Gum, individually and as an officer of said corporations, with the exception of Central Crossing Developers, Inc., respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of recreational or retirement home sites or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations designed to obtain leads or prospects for the sale of other real property.

2. Discouraging the purchase of, disparaging in any manner or refusing to sell, any real property advertised by respondents.

3. Advertising or offering any property or products for sale for the purpose of obtaining leads or prospects for the sale of different property or products unless the respondents maintain an adequate and readily available stock of said property or products.

4. Representing, directly or indirectly, that any real property or services are offered for sale when such is not a bona fide offer to sell said real property or services.

5. Representing, directly or indirectly, that an advertising allowance voucher or discount is offered on the purchase of any real property unless such an allowance is actually a reduction in the advertising cost of the respondents.

6. Representing, directly or indirectly, or by implication, in any form of advertisement that a prospective purchaser may purchase an "advertising lot", or other section of land at a discounted or reduced price, unless in immediate connection with such representations respondents clearly and conspicuously disclose the improvements or benefits included in the price of such lots, or the lack thereof, if such improvements or benefits differ in any respect with the improvements or benefits which are advertised in connection with the remainder of the lots in the land developments.

7. Misrepresenting, directly or indirectly, or by implication, the purpose or effect of any provision in the contract for sale, or other forms, completed at the time of sale or thereafter, whereby the purchasers are required to declare their intention as to establishing a permanent or principal place of residence on the land.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or sale of any real property, or any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order was issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3843 Filed 2-11-75; 8:45 am]

[Docket C-2584]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Authorized TV Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601–1605))

[Cease and desist order, Authorized TV Inc., et al., Seattle, Wash., Docket C-2584, Oct. 22, 1974]

In the matter of Authorized TV, Inc., a corporation doing business as Schoenfeld's Muntz TV and as Stereo Mart, and Alvin E. Schoenfeld, individually and as an officer of said corporation, and Frank A. Besancon, an individual doing business as TV Mart North.

Consent order requiring Seattle, Wash., retailers of television sets, record players and stereophonic components, and supplies among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Authorized TV, Inc., a corporation doing business as Schoenfeld's Muntz TV and as Stereo Mart, or under any other name or names, and its officers, and Alvin E. Schoenfeld, individually and as an officer of said corporation, and Frank A. Besancon, an individual doing business as TV Mart North, or under any other name or names, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, (15 U.S.C. 1601 et seq.)), do forthwith cease and desist from:

1. Stating, in any such advertisement, the rate of any finance charge unless the rate of the finance charge is expressed as an "annual percentage rate," using that term, as required by § 226.10(d)(1) of Regulation Z.

2. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. The deferred payment price.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer

[1] Copies of the complaint and decision and order filed with the original document.

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credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and Order issued by the Commission Oct. 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3841 Filed 2-11-75;8:45 am]

[Docket C-2586]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

C. Itoh & Co. (America) Inc.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* 13.30–75 Textile Fiber Products Identification Act; 13.30–100 Wool Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements;* 13.73–70 Wool Products Labeling Act. Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–20 Disclosures. Subpart—Importing, manufacturing, selling or transporting flammable wear or other merchandise: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear or other merchandise.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108–80 Textile Fiber Products Identification Act; 13.1108–90 Wool Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212–90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* 13–1590–70 Textile Fiber Products Identification Act; 13.1590–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, 72 Stat. 1717 (15 U.S.C. 45, 70, 68)) [Cease and desist order, C. Itoh & Co. (America) Inc. New York City, Docket C–2586, Oct. 22, 1974]

In the matter of C. Itoh & Co. (America) Inc., a corporation. Consent order requiring a New York City importer and distributor of fabrics, among other things to cease misbranding and falsely labeling its products and misrepresenting the fiber content of its goods. Further, respondent is required to bond its imported wool products for twice their value, with the bond subject to forfeiture should applicable legal requirements not be complied with.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondent, C. Itoh & Co. (America) Inc., a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, as the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

It is further ordered, That respondent, C. Itoh & Co. (America) Inc., a corporation, its successors and assigns, and its officers, and respondent's representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent, C. Itoh & Co. (America) Inc., a corporation, its successors and assigns, and its officers, and respondent's representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wood Products Labeling Act of 1939.

It is further ordered, That respondent, C. Itoh & Co. (America) Inc., a corporation, and its officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the amount of constituent fibers contained in such products through stamping, tagging, labeling, advertising, or otherwise identifying such products as to the character and amount of constituent fibers contained therein.

It is further ordered, That respondent notify, by delivery of a copy of this order by registered mail, each of its customers that purchased the products which gave rise to this complaint of the fact that such products were misbranded.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

[1] Copies of the complaint and decision and order filed with the original document.

Decision and order issued by the Commission October 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3842 Filed 2-11-75;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–5558, 34–11198, AS–169]

LIFO INVENTORY METHOD OF ACCOUNTING

Disclosure Problems Relating to Its Adoption

In the matter of Part 211 Interpretative Releases Relating to Accounting Matters (Accounting Series Releases), Part 231 Interpretative Releases Relating to the Securities Act of 1933 and General Rules and Regulations Thereunder and Part 241 Interpretative Releases Relating to the Securities Exchange Act of 1934 and General Rules and Regulations thereunder.

The Commission today authorized the issuance of the following exchange of correspondence between its Chief Accountant and the Internal Revenue Service relating to discussions held in regard to financial disclosure problems arising from the adoption of LIFO accounting by many registrants and the book-tax conformity requirements of the Internal Revenue Code.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 23, 1975.

JANUARY 20, 1975.

MR. LAWRENCE B. GIBBS, *Assistant Commissioner (Technical), Internal Revenue Service, Room 3042, 1111 Constitution Avenue NW., Washington, D.C. 20224.*

DEAR MR. GIBBS: As we discussed, this letter sets forth my understanding of the solutions agreed upon to prevent possible conflicts between financial disclosure principles and Revenue Ruling 74–586.

The Commission's Accounting Series Release No. 159 requires a public company to include "Management's Discussion and Analysis of the Summary of Earnings" in filings with the Commission. The same analysis must be included in the annual report to stockholders, although its format may vary somewhat from that used in filings on Form 10–K or in registration statements. The purpose of requiring this analysis, which under the rules would include a statement explaining "changes in accounting principles or in the method of their application that have a material effect on net income as reported," is to provide investors with a summary in one place of the most significant elements of reported results.

In the case of companies which have changed to LIFO accounting for inventories, an explanation of the change and its effect is called for by Accounting Series Release No. 159. My understanding of our agreement on Accounting Series Release No. 159 reporting is that the Service would not terminate a LIFO election if the same language used in the financial statements footnote to disclose the effect of the change to LIFO is repeated in management's analysis of operations. This is true whether such analysis is included as a separate narrative or as a part of the president's letter. You are agreeable to this position because the change to LIFO would only be made where that method is preferable to the one previously used. Thus the description of the change would state the effect on income but would be written in a manner which conveys the message that a summary of operations using the LIFO method for the current year is more meaningful in understanding the company's results of operations.

A typical example relating to the impact on earnings might read as follows:

FOOTNOTE A.—The company has changed its method of accounting for inventories to Last-in, First-out (LIFO) method. This was done because the rapid increase in prices during the year would result in an overstatement of profits if use of the First-in, First-out (FIFO) method were continued since inventories sold were replaced at substantially higher prices. The effect on reported earnings for the year was a decrease of $XXX,-XXX, or $X.XX per share.

Excerpt from Management's Analysis of Summary of Earnings:

In order not to overstate reported profits as a result of inflation during the year, the company changed its method of accounting for inventory from First-in, First-out to Last-in, First-out. This was necessary because of the rapid increase in prices in 197X which caused inventories sold to be replaced at substantially higher prices. The effect of the change was to decrease reported earnings by $XXX,XXX, or $X.XX per share.

Your Rev. Proc. 73–37 has previously stated that a company which changed to LIFO may make any disclosure which is required by Accounting Principles Board Opinion No. 20 in its financial statements for the year of the change without causing the Service to terminate the LIFO election. I understand that consistent with this position and in recognition of new financial disclosure principles, the Service will amplify Rev. Proc. 73–37 to allow the disclosures required by Accounting Principles Board Opinion No. 28 and financial Accounting Standards Board Statement No. 3 in addition to the disclosure required in Accounting Series Release No. 159. The amplified Revenue Procedure also would provide that the above disclosures could be made in news releases, etc., in the year of election.

We believe that Rev. Proc. 73–37 amplified as discussed above will satisfactorily solve the problem of permitting necessary disclosures in the year in which a change to LIFO is made. The disclosures required to be made under our present rules and the other authoritative sources cited above are limited to the income effects of the specific changes made during the year and therefore would only cover any segment of an inventory for which a change was made. If part of the inventory was changed to LIFO in one year and another segment was changed in the next, the disclosures in the second year would only relate to the effect on overall earnings of the segment changed in that year and not to the effect of a different inventory method on the inventory previously changed to LIFO.

Rule 3–07 of Regulation S–X requires that the disclosure made in the year of change be repeated at any time the financial statements for that year are subsequently reported. Instructions to registration statements and annual reports filed with the Commission require a summary of operations which includes information or explanation of material significance, including accounting changes. Securities Exchange Act of 1934 Release No. 11079 requires that a five year summary of operations be included in the annual reports to shareholders. We understand that such a repetition of previously made disclosure will not cause conformity problems. Our rules and the relevant authoritative literature do not presently require that any disclosure be made of the effect of using an alternative calculation of cost of sales covering periods subsequent to the year in which the change to LIFO is made. We do encourage but do not require registrants to make disclosure of the proforma effect on income if the LIFO system had been used in the year prior to its adoption, but we understand that this disclosure would cause no conformity problems since the registrant was not using the LIFO method for tax purposes in such previous year.

We also considered Rev. Rul. 73–66 which was issued in part as a result of the 1972 amendments on Regulation S–X which require (in Rule 5–02–6(b)) that registrants using the LIFO method disclose "the excess of replacement or current cost over stated LIFO value" if material, either parenthetically in the balance sheet or in a note to the financial statements. The ruling presently provides that a footnote or parenthetical statement to the balance sheet could state the excess of FIFO over LIFO cost. We understand that the Service will amplify Rev. Rul. 73–66 so that the use of replacement or current cost (which normally would not differ significantly from FIFO) also would be permitted in this note or parenthetically in the financial statements.

Sincerely,

JOHN C. BURTON,
Chief Accountant.

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

JANUARY 23, 1975.

MR. JOHN C. BURTON,
Chief Accountant,
Securities and Exchange Commission,
Washington, D.C. 20549.

DEAR MR. BURTON: I have received your letter dated January 20, 1975.

Your letter is consistent with my understanding and the position of the Internal Revenue Service, as set forth in Revenue Procedure 75–10, 1975–7 I.R.B. dated February 18, 1975, and Rev. Rul. 75–50, 1975–7 I.R.B., to be announced today in Technical Information Releases, copies of which are enclosed for your information.

It is also my understanding that the above mentioned letter and this letter are being published concurrently by the Securities and Exchange Commission and the Internal Revenue Service today.

Sincerely yours,

LAWRENCE B. GIBBS,
Assistant Commissioner (Technical).

Enclosures.

[FR Doc.75-3931 Filed 2-11-75;8:45 am]

[Release Nos. 33–5564, 34–11219, 35–18793]

INTERPRETATIVE RELEASES

Natural Gas Reserve Estimates

In the Matter of Part 231 Interpretative Release Relating to the Securities Act of 1933 and General Rules and Regulations thereunder, Part 241 Interpretative Release Relating to the Securities Exchange Act of 1934 and General Rules and Regulations thereunder and Part 251 Interpretative Release Relating to the Public Utility Holding Company Act

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of 1935 and General Rules and Regulations thereunder.

In the interest of informing registrants and the investing public, the Securities and Exchange Commission has issued this release describing certain practices in processing filings under the Securities Act of 1933 (Securities Act) and Securities Exchange Act of 1934 (Exchange Act).

On June 14, 1974 the Commission issued Securities Act of 1933 Release No. 5504 (39 FR 27556) which described certain practices of the Division of Corporation Finance in connection with processing filings which include natural gas reserves. That release indicated that the Division would continue to follow its practice of submitting copies of prospectuses filed by registrants subject to the jurisdiction of the Federal Power Commission (FPC) to that agency for any comments it desired to make. The release also indicated that appropriate technical personnel, designated by the FPC, would be invited to attend conferences where supplemental natural gas reserve information was submitted to the Division in connection with its review of natural gas reserve estimates.

In furtherance of these practices, which it intends to continue, the Division has been authorized by the Commission to provide copies of letters of comments on filings which include natural gas reserve estimates and any written responses and communications in connection therewith to the FPC. The Commission's present rules[1] provide that such letters of comment and the responses thereto are non-public, although the Commission may determine to make them public. Accordingly, the letters of comment furnished to the FPC and any written responses and communications with respect thereto will be furnished to the FPC with the understanding that they will remain non-public unless and until the Commission determines otherwise.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 31, 1975.[2]

[FR Doc.75-3929 Filed 2-11-75;8:45 am]

[Securities Act Release No. 5560]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Exemption for Closely Held Issuers

The Securities and Exchange Commission today announced the adoption of Rule 240 (17 CFR 230.240) and related Form 240 (17 CFR 239.240) under the Securities Act of 1933 ("Act"), "Exemption of Certain Limited Offers and Sales by Closely Held Issuers," which provides an exemption from registration for limited offers and sales of small dollar amounts of securities by an issuer that before and after the transaction pursuant to the rule has a limited number (100) of beneficial owners of its securities. The purpose of the rule is to provide an exemption from the registration but not the anti-fraud or other provisions of the Act for offers and sales that take place in the raising of capital by small businesses where, because of the small size and the limited character of the offering, the public benefits of registration are too remote. The rule is available for issuers only; it is not available for resales of securities by affiliates of the issuer or other persons. Generally speaking, Form 240 is a notice to be filed not more than once in each calendar year with the Commission's Regional Office for the region in which the issuer's principal business operations are conducted reporting that a sale has been made in reliance on the rule. In connection with adoption of Rule 240 and Form 240, the Commission also adopted an amendment to Rule 144 (17 CFR 230.144) under the Act which specifies that securities sold pursuant to Rule 240 would be deemed to be "restricted securities" for the purpose of Rule 144 and could, therefore, be resold pursuant to its provisions.

The Commission proposed Rule 240, Form 240 and the amendment to Rule 144 for comment in June 1974 (Securities Act Release No. 5499, June 3, 1974) (39 FR 20609) and received approximately thirty letters of comment thereon. Most commentators supported the concept of the proposed rule but suggested certain modifications. The rule as adopted differs in several ways from that proposed. Among the revisions are the deletion of the prohibition on use of the rule by limited partnerships; the addition of a prohibition on use of the rule by investment companies registered or required to be registered under the Investment Company Act of 1940; the elimination of the limitation on the number of purchasers (but not the number of beneficial owners); the increase in the limitation on the number of beneficial owners from fifty to one hundred; the change in the period for calculating the aggregate amount that can be sold in reliance on the rule from a consecutive twelve month period to the twelve months preceding each sale; and the broadening of the exclusions in calculating such aggregate amount. These and other revisions from the proposed rule are discussed under the appropriate paragraph in the synopsis of the rule that follows. The Commission finds that these changes have already generally been the subject of comment or are technical in nature and that republication for comment is not required under the Administrative Procedure Act.

RULE 240 AND FORM 240

This release contains a general discussion of the background, purpose and general effect of the rule to assist in a better understanding of its provisions. A brief synopsis of each paragraph of the rule is also included. However, attention is directed to the rule itself for a more complete understanding.

BACKGROUND AND PURPOSE

Congress, in enacting the federal securities laws, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission, in administering and implementing these laws, has sought to coordinate this disclosure system with the exemptive provisions provided by such laws. Rule 240 is a further effort in this direction.

The legislative history of the Securities Act of 1933 indicates that the main concern of Congress was to provide full and fair disclosure in connection with the offer and sale of securities. Congress recognized, however, that there were certain situations in which the protections afforded by the registration provisions of the Act were not necessary. Concerning those specified exemptions from the Act, the House Report stated that "The Act carefully exempts from its application certain types of • • • securities transactions where there is no practical need for its application or where the public benefits are too remote."[1]

Section 3(b) of the Act provides that the Commission may by rules, and subject to such terms and conditions as it may prescribe, "add any class of securities to the securities exempted as provided in this section (section 3 of the Act), if it finds that the enforcement of this title with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering." The Commission believes that offers and sales of securities by an issuer pursuant to the rule are of such limited character and of such small amount that enforcement of the registration provisions of the Act with respect to such transactions is not necessary in the public interest or for the protection of investors. Notwithstanding the exemption from registration, however, the anti-fraud provisions of the federal securities laws, and the state securities laws, continue to apply to such transactions.

GENERAL DESCRIPTION

In summary, the rule provides that offers and sales of securities of the issuer by the issuer are exempt from registration if all the conditions of the rule are met. These conditions impose limitations on the manner of offering, the number of beneficial owners and the aggregate sales price of securities of the issuer, and resales of the securities. Other conditions prohibit payments for solicitation of buyers or in connection with sales and require the filing of a notice of sales. The conditions are intended to assure that

[1] 17 CFR 200.80(c)(4). On January 27, 1975 the Commission announced proposals to repeal this subparagraph (c)(4) of rule 200.80 and to adopt a proposed Rule 17 CFR 200.83 to the fullest extent possible permitted by law to permit persons to request and obtain confidential treatment of information supplied to the Commission other than in formal filings. Securities Act Release No. 5561.

[1] H.R. Rep. No. 85, 73d Cong., 1st Sess. 5(1933).

the offering is one in which the dollar amount involved is small and the offering is limited in character.

The rule is only available to issuers of securities other than investment companies registered or required to register under the Investment Company Act of 1940 and is not available to affiliates of the issuer or other persons for sale of the issuer's securities. The rule provides an exemption for the issuer transaction only, not for the securities themselves. Persons who acquire securities from issuers in a transaction complying with the rule acquire securities that are unregistered and that are deemed to have the same status as if such securities were acquired in a transaction exempt from registration under section 4(2) of the Act; such securities can only be reoffered or resold if registered or, if available, pursuant to an exemption from the registration provisions of the Act such as section 4(1) of the Act or Rule 237 (17 CFR 230.237) thereunder. In this connection, the amendment to Rule 144 makes Rule 144 available for resales of securities acquired pursuant to Rule 240, provided that all the conditions of Rule 144 are met.

SYNOPSIS OF THE PROVISIONS OF RULE 240

Preliminary notes. The first preliminary note reminds issuers that Rule 240 provides an exemption from registration only, and not from the anti-fraud or other provisions of the federal securities laws. The second note reminds issuers that state law also applies to transactions under the rule and that the rule does not relieve the issuer from compliance with such law. A new third note has been added to make it clear that purported reliance on the rule is not an election and that the issuer can rely on any exemption that is otherwise available for the transaction. The fourth note makes it clear that the rule is available to issuers only and is a transactional exemption, and is not available for resales of securities. The fifth note restates the Commission's position as with respect to Rules 144, 146 (17 CFR 230.146) and 147 (17 CFR 230.147), that the rule is not available to any issuer with respect to any transactions which, although in technical compliance with the rule, are part of a plan or scheme to evade the registration provisions of the Act. For example, if an issuer liquidates and forms a new corporation for purposes of repeated use of the rule, the exemption provided by the rule would be unavailable. In such cases, registration pursuant to the Act is required.

A new sixth note outlines the relationship of offers and sales pursuant to the rule to offers and sales in reliance upon other exemptions. In determining the availability of such other exemptions, offers and sales pursuant to the rule must be given due consideration when applying the traditional integration guidelines set forth in Securities Act Release No. 4552 (27 FR 11316). For example, while a transaction may be exempt pursuant to Rule 240, the same transaction may be part of a larger issue of securities and affect, for example, the availability of an exemption under Regulation A, section 3(a)(11) or section 4(2) for other transactions which are part of such larger issue.

Definitions: securities of the issuer: Rule 240(a)(1). The term "securities of the issuer" is defined for purposes of the rule to mean all securities of the issuer and its affiliates. Thus, securities of all classes of the issuer, as well as securities of affiliated corporations or other entities, would be considered in applying the conditions of the rule. The definition has been expanded from that proposed to make explicit that securities issued by partnerships with the same or affiliated general partners and fractional undivided interests in oil or gas rights created by the same or affiliated persons would be included within the meaning of the term "securities of the issuer."

Definitions: affiliate: Rule 240(a)(2). The term "affiliate" or affiliated" with a person is defined to be a person that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such person.

Definitions: executive officer: Rule 240(a)(3). A definition of "executive officer" identical to that in the proxy rules and in Form 10–K has been added since that term is used in paragraph (e) in identifying persons whose transactions are excludable from the calculation of the aggregate sales price of securities sold if such transactions are made in reliance on an exemption other than the rule.

Definitions: deletion of proposed rule 240(a)(3): Definition of predecessor. The definition of the term "predecessor" has been deleted since the term no longer appears in the rule. The Commission believes that the inclusion of predecessors in calculating the aggregate sales price and number of beneficial owners would be unduly restrictive in view of the purpose of the rule and the other conditions on the availability of the rule. However, if, for example, an issuer liquidates and forms a new corporation for the purposes of repeated use of the rule, the exemption provided by the rule would be unavailable. (See preliminary note 5.)

Definitions: promoter: Rule 240(a)(4). A definition of "promoter" based on that in Rule 251 of Regulation A under the Act has been added to the rule since the term "promoter" is now used in paragraph (e) in identifying persons whose transactions are excludable from the calculation of the aggregate sales price of securities sold if such transactions are made in reliance on an exemption other than the rule.

Deletion of proposed rule 240(b): use of the rule. Paragraph (b) of the rule as proposed provided that the rule would not be available for the offer or sale of interests in limited partnerships, whether such offers or sales were made prior or subsequent to the formation of the partnership. The Commission has decided that it should not single out this one form of business organization, and therefore has revised the rule to make it available to all issuers of securities other than investment companies registered or required to be registered under the Investment Company Act of 1940. However, the rule makes it clear, in its definition of "securities of the issuer," that interest in partnerships with the same or affiliated general partners and that fractional undivided interests in oil or gas rights created by the same or affiliated persons would be considered to be securities of the same issuer. All sales by such partnerships or entities would therefore be aggregated in determining the amount sold and all purchasers of interests in these partnerships or entities must be considered in calculating the number of beneficial owners. This is intended to avoid repeated use of the rule by the same or related persons for a series of offerings.

Conditions to be met: Rule 240(b). This paragraph provides that transactions by an issuer involving the offer or sale of its securities in accordance with all the terms and conditions of the rule will be exempt from the registration provisions of the Act provided, however, that the issuer is not an investment company registered or required to be registered under the Investment Company Act of 1940. The rule has been made unavailable to such investment companies in light of the similar restrictions in Regulation A under the Act and on the availability to investment companies of section 3(a)(11) of the Act. A note has been added to this paragraph to indicate that each individual transaction effected in reliance on the rule must meet all the terms and conditions of the rule; the availability of the rule will not be affected by other transactions effected in reliance on the rule but which do not meet all its terms and conditions. However, all such transactions must be considered in determining the availability of other exemptions for other offers or sales of unregistered securities. (See preliminary note 6.) A second note has been added to emphasize that the rule is available only to issuers for offers and sales of their securities.

Limitation on manner of offering: Rule 240(c). The rule provides that the securities shall not be offered or sold by any means of general advertising or general solicitation. Offers and sales in reliance on the rule cannot be made through newspapers, advertisements or other means of general advertising. Where such means are used, an exemption cannot be justified on the basis of the "limited character" of the offering pursuant to the rule.

Prohibition of remuneration paid for solicitation or for sales: Rule 240(d). The rule also provides that no commission or similar remuneration may be paid for solicitation of prospective buyers or in connection with sales of securities. This provision is based on similar ones in certain state securities statutes and is intended to assure that securities are not offered or sold using high pressure tactics or otherwise through organized securities distribution media.

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Limitation on aggregate sales price: Rule 240(e). In order to assure that only a limited dollar amount of securities is sold, the rule provides that the aggregate sales price of all sales of securities of the issuer as defined in subparagraph (a)(1) of the rule in reliance on the rule or otherwise without registration under the Act within the preceding twelve months shall not exceed $100,000. Three notes have been added to this paragraph to explain and illustrate the calculation of the aggregate sales price.

The rule specifically excludes from the computation of the dollar amount the following: (1) all securities of the issuer registered or exempt from registration under the Act if such securities were sold prior to the effective date of the rule; and (2) the following securities if sold in reliance on an exemption other than the rule: (i) nonconvertible notes or similar evidences of indebtedness (1) representing a purchase money mortgage or (2) issued to banks, savings institutions, trust companies, insurance companies, investment companies registered under the Investment Company Act of 1940, Small Business Investment Companies or Minortiy Enterprise Small Business Investment Companies licensed by the U.S. Small Business Administration, or pension or profit sharing trusts, and (ii) securities sold to promoters, directors, executive officers, or full-time employees of the issuer. It should be noted that the persons described in subparagraph (e)(2)(ii), but not the institutional lenders described in subparagraph (e)(2)(i), count as beneficial owners even in the event that the securities sold to such persons are not includable in calculating the aggregate sales price of securities of the issuer. In addition, nonconvertible notes must be included in the computation of the aggregate sales price when such notes have been issued with warrants or other rights enabling the purchaser to acquire an equity interest in the issuer.

The rule, as proposed, included a limitation on the aggregate dollar amount of securities that could be sold within any consecutive twelve month period. Upon reconsideration of this limitation, the Commission has determined that reliance on a consecutive twelve month period is unnecessarily confusing and it has therefore changed the calculation period to the twelve months preceding each sale.

Deletion of proposed rule 240(f): number of purchasers. The proposed rule contained a limitation on the number of persons who could purchase securities (other than registered securities) from the issuer, its predecessors or any affiliated issuers in a twelve month period in order to assure the limited character of any offering. As proposed, the rule limited the number of such purchasers to twenty-five in any consecutive twelve month period, with special provisions for computing the number of purchasers. The Commission has determined that the limitation on the number of purchasers in a twelve month period is not necessary in the context of the rule because of the overall limitation on the number (100) of beneficial owners of securities of the issuer as that term is defined in subparagraph (a)(1) of the rule. Accordingly, the Commission has deleted the limitation on the number of purchasers.

Limitation on the number of beneficial owners: Rule 240(f). The rule provides that both immediately before and after any transaction in reliance on the rule, the issuer shall, after reasonable inquiry, have reasonable grounds to believe, and shall believe that the securities of the issuer as defined in subparagraph (a)(1) of the rule are beneficially owned by 100 or fewer persons. As proposed, the rule was limited to issuers with 50 or fewer beneficial owners and contained no provisions for a reasonable inquiry or for reasonable grounds for the issuer's belief concerning the number of beneficial owners of its securities. Upon reconsideration of this limitation, the Commission has determined that a limit of 100 beneficial owners would be consistent with the purposes of the rule and of section 3(b) of the Act.

The rule contains special provisions for computing the number of beneficial owners where family relationships are involved or where the purchaser is a corporation or trust. In addition, banks and other institutional-type lenders described in subparagraph (e)(2)(i) that purchase or hold only nonconvertible notes or similar evidences of indebtedness of the issuer would be excluded. The purpose of this condition is to make the rule available only where the public interest in registration appears remote due to the limited number of beneficial owners involved. Notes to this paragraph of the rule have been added to remind issuers that purchasers of nonconvertible notes with warrants attached and persons described in subparagraph (e)(2)(ii) count in computing the number of beneficial owners.

Limitation on resale: Rule 240(g). The condition relating to resale has been revised to make clear that the securities acquired pursuant to the rule are unregistered securities and that they are deemed to have the same statues as if they were securities acquired in a transaction pursuant to section 4(2) under the Act.

The rule requires the issuer to exercise reasonable care to assure that purchasers are not acting as underwriters, which reasonable care includes at least making reasonable inquiry to determine if the purchaser is buying for himself or others, informing the purchaser of the restrictions on resale,[3] and legending of the certificates.

In connection with such restrictions, the Commission is amending Rule 144 to include within the definition of "restricted securities" those securities acquired from the issuer in a transaction in reliance on Rule 240 under the Act or which were issued by an issuer in a transaction in reliance on Rule 240 and were acquired in a transaction or chain of transactions not involving any public offering. Thus, Rule 144 would be available for resales of securities acquired pursuant to Rule 240.

Notice of sales: Rule 240(h). The rule requires that during each calendar year an issuer which sells securities in reliance on the rule must file a notice on Form 240 with the Commission's Regional Office for the region in which the issuer's principal business operations are conducted within ten days after the close of the first month in which a sale in reliance on the rule is made. As proposed, the form would have had to be filed prior to the first sale. The Commission has concluded that issuers may have found it difficult to comply with an advance filing requirement and that a filing after the first sale would be satisfactory. Although many commentators objected to the filing requirement, the Commission believes that the filing requirement is presently justified in light of the experimental nature of the rule and the creation of a new exemption.

It should be noted, however, that the exemption provided by the rule will be available for the first $100,000 of the securities of the issuer sold by the issuer if the sale of such securities complied with all the conditions of the rule other than the notice requirement. However, the exemption provided by the rule will not be available for any subsequent sale of securities by such issuer unless such issuer files: (a) prior to such subsequent sale in reliance on this rule a notice on Form 240 covering the prior sale of all securities for which reliance on this rules is claimed; and (b) a notice on Form 240 covering such subsequent sale.

FORM 240

Form 240 is a notice to be filed with the Commission's Regional Office for the region in which the issuer's principal business operations are conducted reporting that a sale(s) has been made pursuant to the rule. The Form is brief and requires information about the issuer, its officers, directors, principal stockholders and promoters, the aggregate sales price of unregistered securities, and the number of beneficial owners. It need only be filed once in each calendar year, within ten days after the close of the month in which the first sale(s) is made in reliance on the rule. The Form will be publicly available immediately in the regional office at which it is filed.

OPERATION OF RULE 240

The rule will operate prospectively only since there is now no similar exemption under section 3(b). The staff will issue interpretative letters to assist persons in complying with the rule but will not issue no-action letters dealing with Rule 240. As to resales of securities,

[3] In this regard see Securities Act Release No. 5226 (January 10, 1972) (37 FR 600) relating to the applicability of the anti-fraud provisions of the securities laws to disclosure of the restrictions on resale of securities offered pursuant to section 4(2) of the Act.

the staff will continue its present policy of not issuing no-action letters in section 4(1) situations with respect to securities acquired on or after April 15, 1972, as set forth in the release accompanying the adoption of Rule 144 (Securities Act Release No. 5223, January 11, 1972) (37 FR 590, 4329).

In view of the objectives and policies underlying the Act, the rule is not available to any issuer with respect to any transaction which, although in technical compliance with the provisions of the rule, is part of a plan or scheme to evade the registration provisions of the Act. In such cases, registration is required.

Rule 240 relates only to transactions exempted by the rule from the registration provisions of the Act. It does not provide an exemption from the antifraud or other provisions of the federal securities laws or from provisions of state securities laws.

The rule is available only to the issuer of the securities and not to affiliates or other persons proposing to resell securities of the issuer. Such resale must be made in compliance with the registration provisions of the Act unless an exemption from such provisions is available. Also, the rule does not relieve issuers of their obligations under relevant state laws.

The Commission hereby adopts Rule 240 and Form 240 pursuant to sections 3(b) and 19(a) of the Act, as amended, and amends Rule 144 under the Act pursuant to sections 4(1) and 19(a) of the Act. The Commission finds that republication for comment of Rule 240, Form 240 and the amendment to Rule 144 is not necessary under the Administrative Procedure Act because the revisions made from the rule, form and amendment, as proposed, have already been the subject of public comment or are technical in nature. The text of Rule 240, Form 240 and of the amendment to Rule 144 is set forth below. These actions are effective on and after March 15, 1975.

(Secs. 3(b), 4(1), 19(a), 48 Stat. 75, 77, 85; Sec. 209, 48 Stat. 908; 59 Stat. 167; Sec. 12, 78 Stat. 580; 84 Stat. 1480; 15 U.S.C. 77c(b), 77d(1), 77s(a))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 24, 1975.

Parts 230 and 239 of the Code of Federal Regulations are amended by (1) adding thereunder new § 230.240, (2) amending § 230.144(a)(3), and (3) adding new § 239.240, as follows

§ 230.240 Exemption of certain limited offers and sales by closely held issuers.

PRELIMINARY NOTES

1. Rule 240 relates to transactions exempted only from section 5 of the Act by section 3(b) of the Act. It does not provide an exemption from the anti-fraud provisions of the federal securities laws or from the civil liability provisions of Section 12(2) of the Act or other provisions of the federal securities laws.

2. Nothing in this rule obviates the need for compliance with any applicable state law relating to the offer and sale of securities.

3. Purported reliance on this rule does not act as an election; the issuer can also claim the availability of any other applicable exemption.

4. The rule is available only to the issuer of the securities and is not available to affiliates or other persons for resales of the issuer's securities. The rule provides an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves. The securities acquired in a transaction effected in reliance on the rule are unregistered securities and are deemed to have the same status as if they were acquired in a transaction pursuant to section 4(2) of the Act.

5. In view of the objectives of the rule and the purpose and policies underlying the Act, the rule is not available to any issuer with respect to any transactions which, although in technical compliance with the rule, are part of a plan or scheme to evade the registration provisions of the Act. In such cases registration pursuant to the Act is required.

6. While a transaction may be exempt pursuant to Rule 240, the same transaction may be part of a larger issue of securities and may affect the availability of a different exemption for other transactions which are a part of such larger issue. See Securities Act Release No. 4552 (November 6, 1962) (27 FR 11316) concerning the integration of transactions.

(a) *Definitions.* For purposes of the rule only, the following definitions shall apply.

(1) *Securities of the issuer.* The term "securities of the issuer" shall include all securities issued by the issuer and by any affiliate of the issuer. Securities issued by partnerships with the same or affiliated general partners and fractional undivided interests in oil or gas rights created by the same or affiliated persons shall be deemed to be included as "securities of the issuer."

(2) *Affiliate.* The term "affiliate" of or "affiliated" with a person means a person that directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such person.

(3) *Executive officer.* The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy-making functions for the issuer.

(4) *Promoter.* The term "promoter" includes: (i) any person who, acting alone or in conjunction with one or more persons, directly or indirectly takes the initiative in founding and organizing the business or enterprise of an issuer; or (ii) any person who, in connection with the founding or organizing of the business or enterprise of the issuer, directly or indirectly receives in consideration of services or property 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

NOTE: Commissions may not be paid or given for soliciting buyers or in connection with sales of securities pursuant to the rule. See paragraph (d).

(b) *Conditions to be met.* Transactions by an issuer involving the offer and sale of its securities in accordance with all terms and conditions of this rule shall be exempt only from the provisions of section 5 of the Act pursuant to section 3(b) of the Act; provided, however, that the issuer is not an investment company registered or required to be registered under the Investment Company Act of 1940.

NOTES: 1. Each individual transaction effected in reliance on the rule must meet all the terms and conditions of the rule; the availability of the rule will not be affected by other transactions effected in reliance upon the rule but which do not meet all its terms and conditions.

2. This rule is available only for offers and sales by issuers of their securities. See Preliminary Note 4.

(c) *Limitation on manner of offering.* The securities shall not be offered, offered for sale or sold in reliance on this rule by any means of general advertising or general solicitation.

(d) *Prohibition of remuneration paid for solicitation or for sales.* No commission or similar remuneration shall be paid or given directly or indirectly for soliciting any prospective buyer or in connection with sales of the securities in reliance on this rule.

(e) *Limitation on aggregate sales price.* The aggregate sales price of all sales of securities of the issuer as defined in subparagraph (a)(1) in reliance on this rule or otherwise without registration under the Act within the twelve months preceding the point in time immediately after the last such sale shall not exceed $100,000.

NOTES: 1. The calculation of the aggregate sales price may be illustrated as follows: If an issuer sold $50,000 of its securities on June 1, 1975 in reliance on the rule, and an additional $25,000 on September 1, 1975, the issuer would be permitted to sell only $25,000 more until June 1, 1976 since until that date the issuer must count both prior sales toward the $100,000 limit. However, if the issuer made its third sale on June 1, 1976, the issuer could sell $75,000 of its securities since the June 1, 1975 sale would not be within the preceding twelve months.

2. If a transaction relying on the rule fails to meet the limitation on the aggregate sales price, it does not affect the availability of the rule for the other transactions considered in applying such limitation. For example, if the issuer in the prior note made its third sale on May 31, 1976 in the amount of $30,000, the rule would not be available for that sale; but the exemption for the prior two sales would be unaffected.

3. The calculation of the aggregate sales price would include all consideration received for the issuance of securities of the issuer, including cash, services, property, notes, or other consideration.

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For purposes of computing the dollar amount of securities sold, the following shall be excluded:

(a) All securities of the issuer registered or exempt from registration under the Act, if such securities were sold prior to the effective date of this rule.

(b) The following securities if sold in reliance on an exemption from registration other than this rule:

(i) Nonconvertible notes or similar evidences of indebtedness (1) representing a purchase money mortgage or (2) issued to a bank, savings institution, trust company, insurance company, investment company registered under the Investment Company Act of 1940, Small Business Investment Company or Minority Enterprise Small Business Investment Company licensed by the U.S. Small Business Administration, or pension or profit sharing trust; or

NOTE: The exclusion set forth in this subparagraph does not apply to arrangements where nonconvertible notes are issued with warrants or other rights enabling the purchaser to acquire an equity interest in the issuer.

(ii) Securities sold to any promoter, director, executive officer, or full-time employee.

NOTE: It should be noted that this subparagraph (ii) only provides an exclusion for the computation of the aggregate dollar amount of securities sold; persons named in this subparagraph are not excluded from the computation of the number of beneficial owners in paragraph (f).

(f) *Limitation on Number of Beneficial Owners.* Both immediately before and immediately after any transaction in reliance on this rule, the issuer shall, after reasonable inquiry, have reasonable grounds to believe, and shall believe, that the securities of the issuer as defined in subparagraph (a)(1) are beneficially owned by 100 or fewer persons. For purposes of this provision:

(1) the following shall be deemed the same and not a separate beneficial owner:

(i) Any relative or spouse of a beneficial owner and any relative of such spouse, who has the same home as such beneficial owner;

(ii) Any trust or estate in which a beneficial owner or any of the persons related to him as specified in subparagraphs (f)(1)(i) or (iii) collectively have 100 percent of the beneficial interest (excluding contingent interests); and

(iii) Any corporation or other organization of which a beneficial owner or any of the persons related to him as specified in subparagraphs (f)(1)(i) or (ii) collectively are the beneficial owners of all of the equity securities (excluding directors' qualifying shares) or equity interests;

(2) there shall be counted as one beneficial owner any corporation or other organization, except that if such entity was organized for the specific purpose of acquiring the securities offered, each beneficial owner of equity interest or equity securities in such entity shall count as a separate beneficial owner; and

(3) there shall be excluded from the computation any owner of only a purchase money mortgage and any bank, savings institution, trust company, insurance company, investment company registered under the Investment Company Act of 1940, Small Business Investment Company or Minority Enterprise Small Business Investment Company licensed by the U.S. Small Business Administration, or pension or profit sharing trust which purchases or holds only nonconvertible notes or similar evidences of indebtedness of the issuer.

NOTES: 1. The exclusion set forth in this subparagraph does not apply to arrangements where nonconvertible notes are issued with warrants or other rights enabling the purchaser to acquire an equity interest in the issuer.

2. It should be noted that subparagraph (e)(2)(ii) only provides an exclusion for the computation of the aggregate dollar amount of securities sold; persons named in that subparagraph are not excluded from the computation of the number of beneficial owners.

(g) *Limitation on resale.* In determining the availability of an exemption from registration for resale of securities acquired in a transaction effected in reliance on this rule, such securities shall be deemed to have the same status as if they had been acquired in a transaction pursuant to section 4(2) of the Act and they cannot be resold without registration under the Act or exemption therefrom. The issuer shall exercise reasonable care to assure that the purchasers of the securities are not underwriters within the meaning of section 2(11) of the Act, which reasonable care shall include, but not necessarily be limited to:

(1) making reasonable inquiry to determine if the purchaser is acquiring the securities for his own account or on behalf of other persons;

(2) informing the purchaser of the restrictions on resale; and

(3) placing a legend on the certificate or other document evidencing the securities stating that the securities have not been registered under the Act and setting forth or referring to the restrictions on transferability and sale of the securities.

(h) *Filing of notice of sales.* (1) During each calendar year, within ten days after the close of the first month in which a sale in reliance on this rule is made, the issuer shall file with the Regional Office of the Commission for the region in which the issuer's principal business operations are conducted three copies of a notice on Form 240 which shall be signed by a duly authorized officer of the issuer or by a person acting in a similar capacity for a noncorporate issuer.

(2) Notwithstanding the foregoing, the exemption provided by this rule will be available for the first $100,000 of the securities of the issuer as defined in subparagraph (a)(1) sold by the issuer if the sale of such securities complied with all the conditions of this rule other than the notice requirement. However, the exemption provided by this rule will not be available for any subsequent sale of securities by such issuer unless such issuer files:

(i) prior to such subsequent sale in reliance on this rule, a notice on Form 240 covering the prior sale of all securities for which reliance on this rule is claimed; and

(ii) a notice on Form 240 covering such subsequent sale.

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

• • • • • •

(a) • • •

(3) The term "restricted securities" means securities acquired directly or indirectly from the issuer thereof, or from an affiliate of such issuer, in a transaction or chain of transactions not involving any public offering or from the issuer in a transaction in reliance on Rule 240 under the Act or which were issued by an issuer in a transaction in reliance on Rule 240 and were acquired in a transaction or chain of transactions not involving any public offering.

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§ 239.240 Form 240, report by issuer of sales of securities pursuant to § 230.240 of this chapter.

This form shall be filed with the appropriate Regional Office of the Commission not more than 10 days after the close of the first month during the calendar year in which a sale is made in reliance on the rule.

NOTE: Copies of Form 240 have been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

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[FR Doc.75-3930 Filed 2-11-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

DELEGATIONS OF AUTHORITY TO THE COMMISSIONER

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to include new and revised delegations of authority from the Assistant Secretary for Health. The authorities were delegated by memorandum effective December 6, 1974, and included expanded authorities relating to quarantine and inspection and new authorities relating to holding health conferences and acceptance of gifts under the Public Health Service Act. Other delegations were reissued to correct section references which were recodified by an amendment to the act. All authorities may be redelegated.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.120 by revising paragraph (a)(2), (4), (5) and (15), and by

adding paragraph (a) (19), (20), and (21) as follows:

§ 2.120 Delegations from the Secretary and Assistant Secretary.

(a) • • •

(2) Functions vested in the Secretary under section 301 (Research and Investigation); section 307 (International Cooperation); section 310 (Health Education and Information); section 311 (Federal-State Cooperation); and section 314(f) (Interchange of Personnel with States) of the Public Health Service Act (42 U.S.C. 241, 242l, 242o, 243, 246(f)) which relate to the functions of the Food and Drug Administration.

• • • • • •

(4) Functions vested in the Secretary under section 361 of the Public Health Service Act (42 U.S.C. 264) which relate to the law enforcement functions of the Food and Drug Administration concerning the following products and activities: biologicals (including blood and blood products); interstate travel sanitation (except interstate transportation of etiological agents under 42 CFR 72.25); food (including milk and food service sanitation and shellfish sanitation); and drugs, devices, cosmetics, and electronic products, and other items or products regulated by the Food and Drug Administration.

(5) Functions vested in the Secretary under sections 351 and 352 of the Public Health Service Act (42 U.S.C. 262 and 263) which relate to biological products.

• • • • • •

(15) Function of issuing all regulations of the Food and Drug Administration. The reservation of authority contained in Chapter 2-000 of the Department Organization Manual shall not apply.

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(19) Functions vested in the Secretary under the second sentence of section 309 (Health Conferences) of the Public Health Service Act (42 U.S.C. 242n) to call for a conference and invite as many health authorities and officials of State or local public or private agencies or organizations as deemed necessary or proper on subjects related to the functions of the Food and Drug Administration.

(20) Functions vested in the Secretary under section 501 (Gifts) of the Public Health Service Act (42 U.S.C. 219) to accept offers of unconditional gifts, of other than real property, provided such gifts are of $1,000 value or less and the total costs associated with acceptance of property will not exceed the cost of purchasing a similar item and the cost of normal care and maintenance.

(21) Functions vested in the Secretary under section 362 of the Public Health Service Act (42 U.S.C. 265) which relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health when such functions relate to the law enforcement functions of the Food and Drug Administration.

• • • • • •

Effective date. This order shall be effective February 12, 1975.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))

Dated: February 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3888 Filed 2-11-75;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLONITRILE/STYRENE COPOLYMER

The Food and Drug Administration is issuing this regulation to provide for the use of a polymeric substance in the production of bottles, taking into consideration a proposed interim food additive regulation and an FDA environmental impact statement now under consideration.

As published in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), a proposal discussed a previously unknown migration problem of acrylonitrile monomer which may be common to many food-contact articles containing acrylonitrile copolymers, and also discussed the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation § 121.4010 (21 CFR 121.4010) for such copolymers to allow their continued use for a limited period of time while the questions raised are being resolved by further study. The proposed regulation includes a tolerance of 0.3 part per million (ppm) as the maximum amount of acrylonitrile monomer which can migrate from the food-contact article, and it requires the submission of certain chemical and toxicological data. The proposed interim regulation is intended to apply to all food additive uses of acrylonitrile copolymers.

The Commissioner of Food and Drugs, having evaluated the data in a petition (5B3056) filed by Monsanto Co., 800 North Lindbergh Blvd., St. Louis, MO 63166, publish in the FEDERAL REGISTER of December 12, 1974 (39 FR 43323), and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth in § 121.2629 below, to provide for the safe use of an acrylonitrile/styrene copolymer in the manufacture of bottles intended to hold soft drinks. Furthermore, the Commissioner concludes that the copolymers described in § 121.2629 will meet the 0.3 ppm extractives limitation of the proposed interim food additive regulation when used within the prescribed restrictions. Upon adoption of the proposed § 121.4010 interim regulation, § 121.2629 will be amended to cross-reference the requirements of § 121.4010.

An environmental impact analysis report for the acrylonitrile/styrene copolymer has been submitted by the Monsanto Co., and is being evaluated as part of an overall consideration by the FDA of the environmental impact of all plastic bottles for carbonated beverages and beer use pursuant to the notice published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391). The FDA is preparing a draft environmental impact statement for FDA actions on all substances used or intended for use in the fabrication of plastic bottles for carbonated beverages and beer use, which will apply to acrylonitrile/styrene copolymer.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2629 Acrylonitrile/styrene copolymer.

Acrylonitrile/styrene copolymer identified in this section may be safely used as a component of packing materials intended for use with foods identified in table 1 of § 121.2526(c) as type VI-B under conditions of use described in C, D, E, F or G of table 2 of § 121.2526(c).

(a) *Identity.* For purposes of this section acrylonitrile/styrene copolymer consists of the copolymer produced by polymerization of 66-72 parts by weight of acrylonitrile and 28-34 parts by weight of styrene.

(b) *Adjuvants.* The copolymer identified in paragraph (a) of this section may contain adjuvant substances required in its production with the exception that it shall not contain mercaptans or other substances which form reversible complexes with acrylonitrile monomer. Permissible adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted under applicable regulations in this part, and the following:

Substances:	*Limitations*
Condensation polymer of toluene, sulfonamide and formaldehyde.	0.15 percent maximum.

(c) *Specifications.* (1) Nitrogen content of the copolymer is in the range of 17.4-19.0 percent.

(2) Minimum number average molecular weight of the copolymer is 30,000 as determined by a method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF-330), 200 C St. SW., Washington, D.C. 20204.

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(3) Residual acrylonitrile monomer content of the finished food contact article is not more than 80 parts per million as determined by a gas chromatographic method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives.

(d) *Extractive limitations.* (1) Total nonvolatile extractives not to exceed 0.01 milligram per square inch surface area of the food contact article when exposed to distilled water and 3 percent acetic acid for 10 days at 150° F.

(2) The extracted copolymer shall not exceed 0.001 milligram per square inch surface area of the food contact article when exposed to distilled water and 3 percent acetic acid for 10 days at 150° F as determined by a method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives.

Any person who will be adversely affected by the foregoing order may at any time on or before March 14, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective February 12, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348, 371 (a)))

Dated: February 5, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3891 Filed 2-11-75;8:45 am]

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS FOR VETERINARY USE

PART 151c—CHLORAMPHENICOL FOR VETERINARY USE

CFR Corrections

The following are corrections to errors made in Title 21, Parts 141 to 599, revised as of June 1, 1974.

1. In § 146.104 appearing on page 73, an amendment to paragraph (c) (4) was inadvertently omitted. As corrected, § 146b.104(c) (4) reads as follows:

§ 146b.104 Streptomycin tablets, veterinary; dihydrostreptomycin tablets, veterinary.

* * * * *

(c) * * *

(4) If it is intended for use in animals raised for food production, it shall be used in accordance with § 135c.15, § 135c.44, or § 135c.114 of this chapter.

2. In § 151c.16(a), appearing on page 115, the last two words in the last line were inadvertently omitted. The last line of § 151c.16(a) should read "(1) of this chapter, except safety."

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin, Zinc Bacitracin

An order was published in the FEDERAL REGISTER of December 17, 1974 (39 FR 43628) amending the table in § 135e.50(f) by revising items 6 and 7. A subsequent order inadvertently published out of sequence on December 18, 1974 (39 FR 43718) revised the table in § 135e.50(f) and thereby vacated the amendment established by the December 17 order.

This order reinstates the amendment of items 6 and 7 in the table in § 135e.50(f). Therefore, the table in § 135e.50(f), as amended in the order of December 17, 1974, is republished in its entirety as follows:

§ 135e.50 Monensin.

* * * * *

(f) * * *

Principal ingredient	Grams per ton	Combined with	Grams per ton	Limitations	Indications for use
1. Monensin	90-110			For broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 72 hours before slaughter; as monensin or monensin sodium	As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*
2. Monensin	90-110	3-nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	For broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; as monensin or monensin sodium.	Growth promotion and feed efficiency, improving pigmentation; as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*
3. Monensin	90-110	Lincomycin	2	For floor-raised broiler chickens; do not feed to laying chickens; to be fed as a sole ration; withdraw 72 hours before slaughter; as monensin sodium.	For increase in rate of weight gain and improved feed efficiency; as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*
4. Monensin	90-110	Lincomycin and 3-nitro-4-hydroxyphenylarsonic acid.	2 and 45-45	For floor-raised broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter as sole source of organic arsenic; as 3-nitro-4-hydroxyphenyl arsonic acid provided by code No. 031, § 135.501(c) of this chapter; as monensin sodium provided by code No. 014, § 135.501(e) of this chapter; as lincomycin provided by code No. 037, § 135.501(e) of this chapter; as a combination provided by code No. 037, § 135.501(c) of this chapter.	For increase in rate of weight gain; as an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*
5. Monensin	90-110	Bacitracin	5-10	For broiler chickens; do not feed to laying chickens; feed continuously as sole ration; withdraw 72 hours before slaughter; as bacitracin methylene disalicylate provided by code No. 028 § 135.501(e) chapter; as monensin sodium.	For increased rate of weight gain and improved feed efficiency; as an aid in the prevention of coccidiosis caused by *E. necatrix E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*
6. Monensin	90-110	do	10	For broiler chickens; do not feed to laying chickens; feed continuously as sole ration; withdraw 72 hours before slaughter; as zinc bacitracin as provided by code No. 022, § 135.501(c) of this chapter; as monensin sodium.	As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati, E. maxima;* for increased rate of weight gain and improved feed efficiency.
7. Monensin	90-110	do	10-30	do	As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima;* for improved feed efficiency.

Effective date. This order shall become effective February 12, 1975.

Dated: February 4, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-3748 Filed 2-11-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Subpart C of Part 630 of Title 23 of the Code of Federal Regulations is, effective on the date of issuance shown below, amended by revising § 630.302(h) to read as follows:

§ 630.302 Definitions.

* * * * *

(h) The term "liquidated damages" means the daily amount set forth in the contract to be deducted from the contract price to cover additional costs incurred by a State highway agency because of the contractor's failure to complete the contract work within the number of calendar days or workdays specified. The term may also mean the total of all daily amounts deducted under the terms of a particular contract.

* * * * *

The subpart is further revised, effective on the date of issuance shown below, by changing the citation in paragraph 9 of Appendix A thereto from "23 U.S.C. 301(c)" to "23 U.S.C. 307(c)."

Issued on February 6, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-3973 Filed 2-11-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-285]

PART 20—CONTRACT APPEALS

Board of Contract Appeals and Rules of the Board

On August 26, 1974, at 39 FR 30920, the Department issued an interim rule with respect to Part 20, which established a Board of Contract Appeals and prescribed rules of procedure to be followed in proceedings before the Board. The interim rule provided opportunity for the filing of public comments and as a result the Department received two comments which have been carefully reviewed.

One comment advocated clarifying language with respect to the role and powers of the Board under § 20.4(b) and urged provision for the Board to adopt its own procedures. The comment also criticized what it termed the "unreasonable limited use of depositions" and suggested that § 20.4(c) authorize parties to arrange for depositions or for the Board to order depositions where the parties cannot agree. In addition, the comment urged that the Secretary's subpoena power be delegated to the Board and it recommended that the Department establish procedures for handling small claims. HUD is adopting the comment regarding liberalized deposition powers (Sec. 20.40(c)), delegation of subpoena powers (§ 20.4(e)), and the institution of small claims procedures (§ 20.50(m)). The Department believes, on the other hand, that the power to direct that the Board withhold exercise of its authority prior to hearing in appropriate cases and permit the Secretary to render decisions directly is necessary to allow administrative flexibility with respect not only to contract appeal cases but other matters before the Department that involve hearing. Accordingly, the powers of the Board have not been modified with respect to intermediate opinion and direct decision by the Secretary. Moreover, HUD believes that existing procedures for intradepartmental policy clearances provide adequate safeguards for changes in the Board's various procedures; and formalizing these administrative safeguards in Part 20 might only raise an unintended question regarding the applicability of such safeguards to other policy decisions.

The second comment which was framed as an inquiry rather than an affirmative recommendation asked whether the Board might include members who were not "attorneys selected by the General Counsel." Section 20.3 "Membership of the Board" now clarifies that Board members shall be attorneys admitted to practice before the highest court of any state or the District of Columbia.

In addition, certain other changes have been adopted at the Department's own discretion. Specifically, § 20.4(f) "Disclosure of Information" now provides that relevant facts within a party's knowledge or control shall be fully disclosed prior to hearing, or in the alternative, before the rendering of a final decision. This change has been adopted so as to clarify the Board's discovery policy and is consistent with rules and current practice with other Contract Appeal agencies. Certain language changes have been made to clarify possible areas of ambiguity. Section 20.4(a) has been revised to clarify that the Board's jurisdiction pertains only to procurement actions unless the Secretary refers other matters to it. Sections 20.10(a) and 20.20 have been revised to better explain the concept of "filing." Section 20.10(d) "Duties of the Contracting Officer" includes certain technical revisions. In addition, we have modified § 20.40(a)(2) to clarify discovery procedures.

Accordingly, Title 24 is amended by adding a new Part 20, which reads as follows:

Subpart A—Department of Housing and Urban Development Board of Contract Appeals

Sec.
20.1 Scope of part.
20.2 Organization of the Board.
20.3 Membership of the Board.
20.4 Authority and jurisdiction of the Board.
20.5 Rules.

Subpart B—Rules of the Department of Housing and Urban Development Board of Contract Appeals

Sec.
20.10 Notice of appeal.
20.20 Pleadings.
20.30 Motions.
20.40 Discovery.
20.50 Hearing.

Subpart A—Department of Housing and Urban Development Board of Contract Appeals

§ 20.1 Scope of part.

This part sets forth policies and procedures regarding matters to be considered by a Board of Contract Appeals, and prescribes the rules of the Board.

§ 20.2 Organization of the Board.

There is hereby established in the Office of the Secretary a Board of Contract Appeals (the Board).

§ 20.3 Membership of the Board.

The Board shall consist of a Chairman who shall be a Department of Housing and Urban Development (HUD) employee and such other members as may be designated to assist the Chairman as needed to hear, consider, and determine appeals as stated in Section 20.4. A member, other than the Chairman, assigned to an appeal may be either an employee of HUD (or another Government agency serving on a detail) or a special Government employee. The Chairman and each member shall be attorneys who have been admitted to practice before the highest court of any state or the District of Columbia.

§ 20.4 Authority and jurisdiction of the Board.

The Board shall have the following power and authority and shall exercise the following jurisdiction:

(a) *General.* Except as stated in paragraph (b) of this section, the Board shall hear, consider, and determine appeals from decisions of contracting officers arising under or growing out of or in connection with the administration or performance of contracts entered into by HUD and subject to the Federal Procurement Regulations, and as otherwise authorized by the Secretary. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Secretary himself.

(b) *Secretary's decision.* The Secretary reserves the right to direct, prior to any submission or hearing, that the authority of the Board shall not be exercised where he may desire or be required to render a decision on a matter in dispute. In such instances, the Secretary may request the Board to submit findings and recommendations.

(c) *Board powers.* The Board shall have all powers necessary and incident to the proper performance of its duties assigned herein. Subject to the approval of the Secretary, the Board shall adopt its own methods of procedure and rules and regulations for its conduct and for

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the preparation and prosecution of appeals.

(d) *Final decision.* In each case, the Board shall make a final decision which is impartial, fair, and just to the parties and is supported by the record of the case and the law. The member or members assigned to consider an appeal have authority to act for the Board in all matters with respect to such appeal. No member may act for the Board or participate in a decision if he has participated directly in any aspect of the award or administration of the contract involved. There shall be no communication between any party to an appeal and a Board member or Board employee concerning the merits of the appeal, unless such communication (if written) is also furnished to the other party to the appeal or (if oral) is made in the presence of the other party. The Board also shall exercise care to avoid receiving, except as part of the formally established appeal record, any information having a substantial bearing upon an appeal from persons who do not represent a party in the appeal, but nonetheless have an interest in the decision to be rendered.

(e) *Subpoena power.* Pursuant to 5 USC 304, any Board member presiding over an appeal under § 20.4(a) may request the appropriate United States District Court for the issuance of subpoenas for witnesses or documents relating to that appeal.

(f) *Disclosure of information.* Full disclosure of relevant and material facts within a party's knowledge or control shall be required prior to a hearing, if any, or the rendering of a final decision.

§ 20.5 Rules.

Appeals referred to the Board will be handled in accordance with the rules of the Board. The provisions of 60 Stat. 237, formerly the Administrative Procedure Act, 5 U.S.C. 551–559, are inapplicable to proceedings before the Board. The Board rules will be interpreted so as to secure a just, speedy, and inexpensive determination of appeals without unnecessary delay.

(a) *Time extensions.* Each time limit specified shall be a maximum and a party shall make every reasonable effort to accomplish the action described in a shorter period. The Board may extend any time limitation only upon a showing of good cause therefor.

(b) *Computation of time.* Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(c) *Service of documents.* Except where the Board rules specifically provide for service of documents by the Board, all motions, answers, briefs, notices, and all other papers filed with the Board shall be served by the filing party on the opposing party. Service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy of the document to the opposing party or its counsel. There shall be attached to the original of each document filed with the Board a certificate of service signed by the filing party stating that service has been made.

Subpart B—Rules of the Department of Housing and Urban Development Board of Contract Appeals

§ 20.10 Notice of appeal.

(a) *Filing.* The original Notice of Appeal together with two copies, addressed to the Secretary, shall be filed with the officer from whose decision the appeal is taken. The notice of appeal may be filed by mail or other means. The notice of appeal must be filed within the time specified therefor in the contract or as allowed by applicable provision of directive or law.

(b) *Contents.* A Notice of Appeal shall indicate that an appeal is thereby intended, identify the decision, and the date thereof, from which the appeal is taken and the HUD service or staff office cognizant of the dispute, and furnish the number of the contract in dispute. The notice of appeal shall be signed personally by the appellant or by an officer of the appellant corporation, or member of the appellant firm, or by the appellant's duly authorized representative or attorney. The complaint referred to in § 20.20 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

(c) *Forwarding and acknowledgment of appeals.* When a notice of appeal in any form has been received by the officer from whose decision the appeal is taken, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 5 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the appellant will be promptly advised of its receipt and will be furnished a copy of these rules. The Board will simultaneously transmit copies of appropriate documents to the contracting officer, the HUD service or staff office concerned, and the HUD Office of the General Counsel (OGC).

(d) *Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that an appeal has been filed, the Contracting Officer shall promptly compile and forward no later than 30 days from the notice of appeal to OGC copies of the documents listed below. OGC shall promptly review the file and transmit to the Board all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters of other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties pertaining to the claim and other data pertinent to the appeal;

(4) Transcripts of any testimony and any exhibits taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(5) Such additional information as may be considered material.

Upon completion of the foregoing compilation, the Contracting Officer shall notify the appellant, provide him with a listing of its contents, and afford him an opportunity to examine the complete compilation at the office of the Contracting Officer, or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. Following receipt of the foregoing compilation as it may be augmented at the time of receipt, the parties will be so advised by the Board.

§ 20.20 Pleadings.

(a) *Complaint.* Unless he elects to have an appeal considered on the record, the appellant shall within 30 days after receipt of notice of docketing of the appeal, file with the Board by mail or other means, an original and two copies of a complaint setting forth simple, concise, and direct statements of each of his claims alleging the basis with appropriate reference to contract provisions for each claim, the dollar amount claimed for each claim and the error or errors in the final decision. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the OGC. Should the complaint not be actually received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the OGC shall be so notified.

(b) *Answer.* Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, OGC shall file with the Board an original and two copies of an Answer thereto, setting forth simple, concise, and direct statements of HUD's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. If the answer is not filed within 30 days, the Board may, in its discretion, enter a general denial on behalf of HUD, and the appellant shall be so notified.

(c) *Amendments of pleadings or record.* (1) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(2 The Board, may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 20.10(d) are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entertained, but are not required. If evidence is objected to at a hearing solely on the ground that it is not within the issues raised by the § 20.10(d) documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted, provided, however, that the objecting party may be granted a continuance if necessary to enable him to respond to such evidence.

§ 20.30 Motions.

(a) *General.* The Board may entertain any timely motion:

(1) For extension of time or to cure defaults;

(2) To require that a pleading be made more definite and certain, or for leave to amend a pleading;

(3) To dismiss a claim for lack of jurisdiction; to dismiss a claim for failure to prosecute; or to grant summary relief;

(4) For resolution of disputed discovery matters;

(5) To grant the appeal for failure of the Government to prosecute its defense;

(6) To reopen a hearing; or to reconsider a decision; or

(7) For any other appropriate order.

The Board may, on its own motion, initiate any such action by notice to the parties. Unless otherwise specified by the Board, a party who receives a motion shall file any answering material within 20 days after the date of receipt. The Board may require the presentation of briefs or arguments. The Board shall make an order on each motion that is appropriate and just to the parties, and upon conditions that will promote efficiency in disposing of the appeal. Motions to reconsider a decision must be made within 30 days after the date of receipt of the decision.

(b) *For summary decision.* (1) Any party may, after commencement of the proceeding and at least 30 days before the date fixed for the hearing, move with or without supporting affidavits for a summary decision in his favor of all or any part of the proceeding. Any other party may, within 15 days after service of the motion, serve opposing affidavits or countermove for summary decision.

(2) The Board may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.

(3) Affidavits shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein. When a motion for summary decision is made and supported as provided in this rule, a party opposing the motion may not rest upon the mere allegations or denials of his pleading; his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue of fact for the hearing.

(4) Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justfy his opposition, the Board may deny the motion for summary decision or may order a continuance to permit affidavits to be obtained or discovery to be had or may make such other order as is just.

§ 20.40 Discovery.

(a) *General.* (1) Schedules and time periods for the parties to pursue the means of discovery each may select will be established by the Board with due consideration to the regular order of appeals, to the desires of the parties, to the requirement for just, speedy, and inexpensive determination of appeals without unnecessary delay, and to other pertinent factors.

(2) Subject to the provisions of paragraphs (c), (d), (e), and (f) of this section, after an appeal has been docketed, pleadings filed, and an initial prehearing conference held, any party upon giving reasonable notice to the other party may pursue such discovery as it selects for purposes of obtaining relevant, unprivileged information or evidence. If no initial prehearing conference occurs within sixty days after pleadings are filed, the parties may then proceed with discovery as necessary.

(3) Upon motion by a party or person from whom discovery is sought, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(4) In the absence of agreement between the parties as to the time, place, and manner of obtaining discovery, discovery shall be governed by those terms and conditions which the Board may order.

(b) *Prehearing or presubmission conference.* The Board may upon its own initiative or upon application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(1) The simplification or clarification of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, or avoidance of other cumulative evidence, if the case is to be heard;

(4) The possibility of agreement disposing of all or any of the issues in dispute;

(5) The exchange of exhibits and lists of witnesses;

(6) Such other matters as may aid in the disposition of the appeal. The results of the conference shall be reduced to writing by the Board and this writing shall thereafter constitute part of the record. Additional conferences may be held at the discretion of the Board.

(c) *Depositions.* (1) The parties may mutually agree to, or the Board may, upon application of either party, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. In order to avoid undue expense and delay, requests for the taking of depositions will not be routinely granted and will require a substantial showing of good cause. The deposition of a HUD employee shall be permitted ordinarily only when the information or evidence sought to be elicited is not discoverable by alternative means.

(2) No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(3) All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the deposition only upon paying therefor.

(d) *Interrogatories to parties.* After an appeal has been docketed either party may serve written interrogatories upon the opposing party to be answered fully and separately in writing under oath and to be returned within 15 days of receipt thereof.

(e) *Inspection of documents.* After an appeal has been docketed either party may request a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal.

(f) *Admission of facts.* After an appeal has been docketed either party may serve on the opposing party a request for admission of facts to be answered fully and separately in writing, under oath and to be returned within 15 days of receipt thereof.

§ 20.50 Hearing.

(a) *Election.* Upon receipt of respondent's answer or the notice referred to in the last sentence of § 20.20(b) above, appellant shall advise the Board whether

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he desires a hearing, as prescribed herein or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in § 20.50(c).

(b) *Pre-hearing briefs.* Based on an examination of the documentation described in § 20.10(d), the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit pre-hearing briefs in any case in which a hearing has been elected pursuant to § 20.50(a). In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a pre-hearing brief to the Board. In any case where a pre-hearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party.

(c) *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to § 20.50(d). In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), or briefs, or both, in accordance with § 20.50(1). Where neither party desires a hearing, and the Board does not require one, the Board's decision will be based upon the available record as furnished by the parties.

(d) *Settling of the record.* (1) A case submitted on the record pursuant to § 20.50(d) shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board.

(2) The Board record shall consist of documentation described in § 20.10 and any additional material, pleadings, pre-hearing briefs, record of pre-hearing or pre-submission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and post-hearing briefs, as may thereafter be developed pursuant to these rules.

(3) This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience prior arrangements for inspection of the file should be made with the Board. Copies of material in the record may, if practicable, be furnished to a party at the cost of reproduction.

(e) *Notice of hearings; where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals, to the desires of the parties, to the requirement for just, speedy, and inexpensive determination of appeals without unnecessary delay, and to other pertinent factors. The parties shall be given at least 15 days notice of the time and place set for hearings. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in § 20.50(c).

(f) *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 20.50(c).

(g) *Nature of hearings.* Hearings will be as informal as reasonably permissible, and will seek to provide the Board with the pertinent facts and the positions of the parties as a basis for the Board's decision or recommendation. The parties may offer such relevant evidence or argument as they deem appropriate, subject, however, to the exercise of reasonable discretion by the presiding member of the Board in supervising the extent and manner of presenting such evidence. In general, admissibility will hinge on relevancy and materiality. The weight to be attached to any stipulations or evidence presented will be determined by the Board. The Board may in any case require evidence in addition to that offered by the parties.

(h) *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(i) *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

(j) *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

(k) *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any party thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

(l) *Post-hearing submissions.* Unless otherwise directed by the Board, the parties will submit simultaneous briefs within 30 days of the receipt of the transcript, and reply briefs within 15 days of the initial briefs.

(m) *Decisions.* (1) Decisions of the Board will be made in writing and shall be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions will be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made upon the record.

(2) *Accelerated procedure.* In the event an appeal involves twenty-five thousand dollars ($25,000) or less, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

(n) *Remands from courts.* Whenever any matter is remanded to the Board from any court for further proceedings, each of the parties shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and enter special orders governing the handling of matters remanded to it for further proceedings by any court. To the extent the court's directive and time limitations will permit, such orders will conform to these rules.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Effective date. This Part 20 is effective as of March 14, 1975.

JAMES T. LYNN,
Secretary of the Department of Housing and Urban Development.

[FR Doc.75-3961 Filed 2-11-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 596-75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Freedom of Information Act Requests Procedure and Policy

These amendments revise Department of Justice regulations in the light of past

experience under the Freedom of Information Act and conform the regulations to the requirements of the Act as amended by Pub. L. 93-502, 88 Stat. 1561. On 13 January 1975, the Department published in the FEDERAL REGISTER (40 FR 2443) proposed fee regulations and that subject is therefore not covered by these amendments.

Present system. The present system of processing Freedom of Information requests furnishes the framework on which the amendments build. Under existing regulations requests for records are sent to the Deputy Attorney General (except that requests for records of the Immigration and Naturalization Service, the Bureau of Prisons, and the Board of Immigration Appeals are sent directly to those divisions). The Deputy Attorney General then sends the requests to the division which has primary concern with the records requested. (The term "division" includes all divisions, bureaus, offices, services, administrations, and boards of the Department, the Pardon Attorney, and Federal Prisons Industries except as otherwise provided.) That division then responds by either granting the request, denying it, or granting and denying it in part. There is a ten-day period for this initial response, with provision for extension of time. The Deputy Attorney General is specifically charged with insuring timely response and may be petitioned when a request is not answered within the applicable time limit.

Denials of initial requests may be appealed to the Attorney General within thirty days of receipt by the requester. The Attorney General then has twenty days to act on the appeal unless the time is extended. The Deputy Attorney General maintains files on all requests for information (except for requests directed to the Immigration and Naturalization Service, the Bureau of Prisons, and the Board of Immigration Appeals), and on all appeals. There is a provision for classification review of national security information more than ten years old.

Amended regulations. Discussed below are the major changes made by these amendments. There are additional minor changes, not discussed, which are either necessary under the amended Act, or are desirable in light of the experience of the Department with the present regulations.

The amended regulations establish in the Office of the Deputy Attorney General a new unit, designated the Freedom of Information Appeals Unit, which will assist the Attorney General in processing administrative appeals of initial denials of requests under the Freedom of Information Act. This assistance was formerly provided by the Office of Legal Counsel. The organizational location of this new unit is consistent with the overall responsibility of the Deputy Attorney General to supervise the processing of Freedom of Information requests. The Office of Legal Counsel will continue to process appeals in cases where the Deputy Attorney General has participated in the initial denial, and will continue its function of providing requested guidance to all divisions of the Department on difficult issues of law associated with Freedom of Information requests.

The amended regulations, while maintaining the same general system as presently exists, establish more specific requirements for the making and processing of requests. Most of these requirements are intended to insure compliance with the new time limits imposed by the amendments to the Act. Thus, the amended regulations require that requests under the Act be clearly marked, so as to enable prompt processing by the Department. The burden of forwarding misdirected requests to the appropriate office ordinarily the Office of the Deputy Attorney General) is placed on Department personnel; but time limits do not commence to run on such requests until they have been so delivered or, with the exercise of due diligence, should have been.

The amended regulations make clear that authority to deny a request lies only in the division head unless otherwise specified by regulation. Allowing delegation of this authority by regulation permits divisions with widely scattered components to decentralize the initial decision authority in order to meet the time limits of the Act.

Authority to extend (in increments of five working days) is limited to division heads. It was felt that limiting this authority still further—to the Attorney General and the Deputy Attorney General—would entail more delay than the time limits of the Act permit, while placing the authority in officials lower than division heads would not be consistent with the strict control that is necessary. This procedure may result in the use of the entire ten-day extension time at the division level, but in view of the shorter standard period available at that level this appears to be the most appropriate policy. Where the extension authority is abused, the Deputy Attorney General may remove it.

The Office of the Deputy Attorney General is required to keep records of all time extensions taken. This serves the dual purpose of insuring that time requirements are met and of monitoring extensions so that the ten-day extension limit in the Act is not exceeded.

The amended regulations provide that when the time for initial reply, including any extensions, has expired and no determination has been made, the requester must be informed that he may deem this a denial and appeal to the Attorney General. This provision assures the preservation of the twenty-day period alloted to the Attorney General for appeals. In cases of unavoidable delay such as that occasioned by requests for voluminous records, a requester may be asked to defer appeal so long as the division is making diligent efforts to process the request. When a requester who accepts such a disposition believes that a division is not making diligent efforts, immediate appeal to the Attorney General provides the opportunity for relief. For this reason, provisions in the present regulations allowing petition to the Deputy Attorney General to complain of delay are eliminated as unnecessary.

The section on responses by the divisions is amended to require the letter denying a request to include the name and title or position of the person responsible for the denial. This person would be the division head or other person authorized by regulation to issue final denials. It is possible, however, that a person from another agency or division may share that status—under the regulations and the Act—if the denial is made at the instance of that person, out of regard for the primary interest or expertise of his agency or division, and with notice to him that his judgment will be relied on.

Two new paragraphs are added to the section dealing with appeals to the Attorney General, covering extensions of time and the handling of appeals where the time limits have been exhausted. In the latter case the requester will be informed of his right to treat the failure to complete administrative review as an exhaustion of administrative remedies, enabling immediate suit for judicial review. He will also be advised, however, of the reason for the delay and of the date by which a response may be expected. When the delay is unavoidable, it is anticipated the requester will avoid unnecessary litigation expenses by foregoing judicial review until the Department completes processing of the request, since a court may and presumably would grant an extension in such circumstances. No appeal to the Attorney General is provided with respect to denials by the Special Prosecutor, who is authorized, if he wishes, to establish an appeals procedure within his Office.

Extensive changes are made in Department procedures regarding the processing of requests for classified records. The present regulations provide for classification review of records only when they are over ten years old. The amended regulations require that in all cases of requests for records classified pursuant to Executive Order 11652 or its predecessors, the Department must review the information to determine if it continues to warrant classification. This requirement applies whenever classified matter is requested, even if other exemptions are also to be asserted. Because under Executive Order 11652 national security material can ordinarily be declassified only by the originating agency, documents classified by another agency are to be treated as records of that agency for purposes of FOIA decisionmaking authority; requests pertaining to such documents are to be referred to such agency for disposition (not only as to the classified information exemption but as to all other exemptions which might be asserted); the requester is to be informed that this referral has occurred and that he may expect a reply from that other agency.

The Appeals Unit will refer classified material included in an appeal to the Attorney General to the Departmental Review Committee, established

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under part 17 of chapter I. The Committee will complete its review in ten working days unless that time is extended by the Deputy Attorney General.

Because the amendments pertain to matters of procedure and policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. In addition, since many of these changes are necessary to achieve compliance with the amendments to the Freedom of Information Act (5 U.S.C. 552) which become effective on February 19, 1975, there is not sufficient time to receive and evaluate public comment. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments on these amendments to the Office of Legal Counsel, Department of Justice, Washington, D.C. 20530, no later than March 19, 1975. Comments should identify this order (596–75). Arrangements to inspect copies of written comments may be made by calling the Office of Robert Saloschin, Chairman, Freedom of Information Committee, Department of Justice at 202–739–2069. All comments received in this manner will be evaluated and acted upon in the same manner as if this document were a proposal.

In consideration of the above, Title 28, chapter I, parts 0 and 16 are amended as set forth below.

Effective date. These amendments become effective on February 19, 1975.

EDWARD H. LEVI,
Attorney General.

1. Section 0.18 is added to read as follows:

§ 0.18 Freedom of Information Appeals Unit.

The Freedom of Information Appeals Unit is established in the Office of the Deputy Attorney General, under the supervision of the Deputy Attorney General, to assist the Attorney General in acting on Freedom of Information appeals under § 16.7 of this chapter, except that in the case of appeals from initial decisions in which the Deputy Attorney participated this assistance shall be provided by the Office of Legal Counsel.

2. The last sentence of § 16.2 is revised to read as follows:

§ 16.2 Public reference facilities.

* * * * *

Each of these public reference facilities will maintain, make available for public inspection and copying, and publish quarterly (unless the applicable division determines by order published in the Federal Register that the publication would be unnecessary or impracticable), a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a)(2).

3. Section 16.3 is amended by revoking paragraph (e) and by revising paragraphs (a), (b) and (d) as follows:

§ 16.3 Requests for identifiable records and copies.

(a) *How made and addressed.* A request for a record of the Department which is not customarily made available and which is not available in a public reference facility as described in § 16.2, shall be made in writing, with the envelope and the letter clearly marked "FREEDOM OF INFORMATION REQUEST" or "INFORMATION REQUEST." All such requests shall be addressed to the Deputy Attorney General, Department of Justice, Washington, D.C. 20530, except that requests for records of the following divisions shall be addressed as follows:

Bureau of Prisons (including Federal Prison Industries)—Director, Bureau of Prisons, 320 First Street NW., Washington, D.C. 20534.

Board of Immigration Appeals—Chairman, Board of Immigration Appeals, Department of Justice, Washington, D.C. 20530.

Law Enforcement Assistance Administration—Administrator, Law Enforcement Assistance Administration, 633 Indiana Ave. NW., Washington, D.C. 20531.

Immigration and Naturalization Service—As set forth in 8 CFR Part 103.

Any request for information not marked and addressed as specified in this paragraph will be so marked by Department personnel as soon as it is properly identified, and forwarded immediately to the appropriate office as specified above. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in 5 U.S.C. 552(a)(6)(A)(i) until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Department personnel. On receipt of an improperly addressed request forwarded as set forth above to the appropriate office, such office shall notify the requester of the date on which the time period commenced to run.

(b) *Request should reasonably describe the records sought.* A request for access to records should sufficiently identify the records requested to enable Department personnel to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, the court and its location should be identified.

* * * * *

(d) *Categorical Requests*—(1) *Records must be reasonably described.* A request for all records falling within a reasonably specific category shall be regarded as conforming to the requirement that records be reasonably described if it enables the records requested to be identified by any process that is not unreasonably burdensome or disruptive of Department operations.

(2) *Assistance in reformulating nonconforming requests.* If it is determined that a request does not reasonably describe the records sought, as specified in paragraph (d)(1) of this section, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of paragraph (d)(1) of this section and shall extend to the requester an opportunity to confer with Department personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requester and the requirements of paragraph (d)(1) of this section.

(e) [Revoked]

4. Section 16.4 is revised to read as follows:

§ 16.4 Requests referred to division primarily concerned.

(a) *Referral to responsible division.* The Deputy Attorney General shall, promptly upon receipt of a request for Department records, forward the request to the division of the Department which has primary concern with the records requested. As used in this subpart, the term "division" includes all divisions, bureaus, offices, services, administrations, and boards of the Department, the Pardon Attorney and Federal Prison Industries, except as otherwise expressly provided. As used in this subpart, the term "responsible division" means, with respect to a particular request, the division to which the Deputy Attorney General forwards the request pursuant to this paragraph or, if the request is not one which is to be addressed to the Deputy Attorney General under § 16.3(a), the division to which the request is properly addressed thereunder.

(b) *Deputy Attorney General shall assure timely response.* The Deputy Attorney General shall periodically review the practices of the divisions in meeting the time requirements set out in § 16.5, including the granting of extensions of time, and shall take such action to promote timely responses as he deems appropriate. Such action may include, but is not limited to, removal from a division of a request or class of requests or removal of the authority of a division to grant extensions, as specified in § 16.5(f).

(c) *Records to be kept by Deputy Attorney General.* The Deputy Attorney General shall retain or be furnished with a file copy of each request which is required to be addressed to him pursuant to § 16.3(a). With respect to such requests he shall maintain records to show the date of receipt by the Department (and, in the case of improperly addressed requests, the date of receipt by the appropriate office after forwarding pursuant to § 16.3(a)), the responsible division to which it was forwarded under this section, and the date of such forwarding. The Board of Immigration Appeals, the Bureau of Prisons, the Immigration and Naturalization Service and the Law Enforcement Assistance Administration, respectively, shall retain or be furnished with file copies of requests required to be addressed to them pursuant to § 16.3(a), and shall maintain records to show the date of receipt by the Department (and, in the case of improperly addressed requests, the date of receipt by the appropriate office after forwarding pursuant to § 16.3(a)).

5. Section 16.5 is revised to read as follows:

§ 16.5 Prompt response by responsible division.

(a) *Response within ten days.* Within ten days (excluding Saturdays, Sundays and legal public holidays) of the receipt of a request by the Department (or, in the case of an improperly addressed request, of its receipt by the appropriate office after forwarding pursuant to § 16.3(a)) the responsible division shall determine whether to comply with or to deny such request and dispatch such determination to the requester unless an extension is made under paragraph (c) of this section.

(b) *Authority to deny request.* Unless otherwise specified by division regulation, only the head of a division may deny a request, and is the "person responsible for the denial" within the meaning of 5 U.S.C. 552(a). When a denial is made at the request of another agency or division, and out of regard for its primary interest or expertise, the person in that agency or division responsible for the request to deny may also be a "person responsible for the denial" if, before his final recommendation is accepted, he is advised that he will be so designated under § 16.6(b)(2).

(c) *Extension of time.* In unusual circumstances as specified in this paragraph, the head of a division may extend the time for initial determination on requests up to a total of ten days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be granted in increments of five days or less and shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request, or the need for consultation among two or more components of the responsible division having substantial subject matter interest therein.

(d) *Treatment of delay as a denial.* If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal in accordance with § 16.7. When no determination can be dispatched within the applicable time limit, the responsible division shall nevertheless continue to process the request; on expiration of the time limit it shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the Attorney General in accordance with § 16.7; and it may ask the requester to forego appeal until a determination is made.

(e) *Copies of extension notices and delay advisories maintained by Deputy Attorney General.* Copies of all extension notices issued under paragraph (c) of this section and delay advisories issued under paragraph (d) of this section shall be supplied to and maintained by the Deputy Attorney General.

(f) *Removal by Deputy Attorney General.* The Deputy Attorney General may remove any request or class of requests from the division to which it is referable under this part. The Deputy Attorney General may remove from a division the authority to grant extensions of time under this section. In event of such action the Deputy Attorney General shall perform the functions of the head of that division with respect to the removed requests or authority.

6. Section 16.6 is amended by revising paragraphs (b) and (d) as follows:

§ 16.6 Responses by divisions: Form and content.

* * * * *

(b) *Form of denial.* A reply denying a written request for a record shall be in writing, signed by the head of the responsible division (or other person authorized by regulation to deny requests) and shall include:

(1) *Exemption category.* A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the exemption applies to the record withheld, and, where relevant, a brief statement of why a discretionary release is not appropriate; and

(2) *Person responsible.* The name and title or position of the person or persons responsible for the denial under § 16.5(b), provided, that no person not an employee of the responsible division shall be so designated unless he has been advised that he will be so designated before his final recommendation is accepted; and

(3) *Administrative appeal and judicial review.* A statement that the denial may be appealed under § 16.7(a) within thirty days by writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Department of Justice, Washington, D.C. 20530, that the envelope and letter should be clearly marked: "FREEDOM OF INFORMATION APPEAL" or "INFORMATION APPEAL," and that judicial review will thereafter be available in the district in which the requester resides or has his principal place of business or the district in which the agency records are situated or the District of Columbia. Provided, however, that a denial by the Office of the Watergate Special Prosecution Force shall instead of the foregoing describe any internal appeals procedure which it may establish or, in absence of such procedure, advise the requester that judicial review is available in the districts set forth above.

* * * * *

(d) *Copy of response to Deputy Attorney General.* The Deputy Attorney General shall be provided and shall maintain a copy of each denial letter; each notification under paragraph (c) of this section; and each letter advising the requester of the determination to grant the request, except such grant letters issued by the Board of Immigration Appeals, the Bureau of Prisons, the Immigration and Naturalization Service, and the Law Enforcement Assistance Administration.

7. Section 16.7 is revised as follows:

§ 16.7 Appeals to the Attorney General from initial denials.

(a) *Appeals to the Attorney General.* When a request for records has been denied in whole or in part by a head of a division or other person authorized to deny requests, the requester may, within thirty days of its receipt, appeal the denial to the Attorney General; except that no appeal to the Attorney General shall lie from a denial of a request for records of the Office of the Watergate Special Prosecution Force, which is hereby authorized to establish an internal appeals procedure. Appeal to the Attorney General shall be in writing, addressed to the Attorney General (Attention: Freedom of Information Appeals Unit), Department of Justice, Washington, D.C. 20530, and both the envelope and the letter shall be clearly marked: "FREEDOM OF INFORMATION APPEAL" or "INFORMATION APPEAL." An appeal not so addressed and marked will be so marked by Department personnel as soon as it is properly identified, and forwarded immediately to the Freedom of Information Appeals Unit. An appeal improperly addressed will not be deemed to have been received for purposes of the time period set forth in 5 U.S.C. 552(a)(6)(A)(ii) and for purposes of paragraph (b) of this section until the Appeals Unit receives the request or would have done so with the exercise of due diligence by Department personnel.

(b) *Action within twenty working days.* The Attorney General will act upon the appeal within twenty days (excluding Saturdays, Sundays and legal public holidays) of its receipt, unless an extension is made under paragraph (c) of this section.

(c) *Extension of time.* In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays, and legal

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public holidays) minus any extension granted at the initial request level pursuant to § 16.5(c). Such extension shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the appeal—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination o fthe request or the need for consultatio namong two or more components of the responsible division having substantial subject matter interest therein.

(d) *Treatment of delay as a denial.* If no determination on the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed; on expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the Department records are situated or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(e) *Form of action on appeal.* The Attorney General's determination on appeal shall be in writing. An affirmance in whole or in part of a denial on appeal shall include (1) a reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the exemption applies to the record withheld, and, where relevant, a brief statement of why a discretionary release is not appropriate; and (2) a statement that judicial review of the denial is available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated or the District of Columbia.

(f) *Copies to Deputy Attorney General.* Copies of all appeals, all actions on appeal, all extension notices issued under paragraph (c) of this section, and all delay advisories issued under paragraph (d) of this section shall be supplied to and maintained by the Deputy Attorney General.

8. Section 16.8(c) is revised to read as follows:

§ 16.8 Maintenance of files.

* * * * *

(c) *Protection of privacy.* Where the release of the identity of a requester, or other identifying details related to a request, would constitute a clearly unwarranted invasion of personal privacy, the Deputy Attorney General shall delete identifying details from the copies of documents maintainod in the public file established under paragraph (b) of this section.

9. Section 16.10(b) is revised to read as follows:

§ 16.10 Exemptions.

* * * * *

(b)(1) In processing requests for information classified pursuant to Executive Order 11652, the responsible division shall review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and shall not be withheld on the basis of 5 U.S.C. 552(b)(1). No record remaining classified after such review shall be withheld by a division on the basis of any exemption other than 5 U.S.C. 552(b)(1) unless in addition to such other exemption it is also asserted that the record is exempt under 5 U.S.C. 552(b)(1).

(2) The Freedom of Information Appeals Unit shall, upon receipt of any appeal from an initial denial based in whole or in part upon 5 U.S.C. 552(b)(1), refer to the Departmental Review Committee, established in Part 17 of this chapter, any portion of the request as to which that exemption was asserted at the initial level. Within ten days (excluding Saturdays, Sundays and legal public holidays) of receipt of such referral (unless such period is extended by the Deputy Attorney General), the Committee shall advise the Appeals Unit whether all or any portion of the material referred warrants continued classification under the criteria of Executive Order 11652.

(3) When a request for Department records encompasses information classified by another agency, or by a division of the Department other than the responsible division, the responsible division shall refer that portion of the request to the originating agency or division for determination as to all issues in accordance with the Freedom of Information Act. In the case of a referral to another agency under this paragraph, the requester shall be notified that such portion of his request has been so referred and that he may expect a determination from that agency. In the case of a referral to another division under this paragraph, the requester need not be notified, the original date of receipt of the request as established under this section shall continue to govern for purposes of all time limits, and the originating division shall advise the division receiving the request of its determination.

(5 U.S.C. 301; 5 U.S.C. 552 as amended by Public Law 93-502, 88 Stat. 1561)

[FR Doc.75-4043 Filed 2-10-75;12:38 pm]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Rule Making

In the FEDERAL REGISTER of January 3, 1975, at page 786, as corrected in the FEDERAL REGISTER of January 15, 1975, at page 2694, there was published a notice of proposed rule making to amend 31 CFR Part 223 (also appearing as Department Circular 297), governing surety companies doing business with the United States. Interested parties were given 30 days, ending on or before February 3, 1975, in which to submit written views or comments with regard to those amendments. As no written views or comments, requiring changes, were received during the 30 day period, the Department finds that there is no good cause to postpone the proposed amendments' stated effective date. Accordingly, the proposed amendments, as corrected, are hereby adopted, effective February 10, 1975.

In addition the Department finds it necessary to amend 31 CFR 223.12(b) by amending "(Chief Auditor)" to read "for Auditing". This change was inadvertently omitted from the Department's miscellaneous amendments to title 31 of the CFR, published at 39 FR 20964 on June 17, 1974, in accordance with the Fiscal Service reorganization as mandated by Treasury Department Orders No. 229 and 229-1, appearing at 39 FR 2280 and 39 FR 10454 respectively. The Department further finds that notice and public procedure respecting the amendment to 31 CFR 223.12(b) is not appropriate or necessary as it is essentially procedural and has minimal public effect.

Dated: February 6, 1975.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553, that the Secretary of the Treasury is adopting, under authority of 5 U.S.C. 301 and 31 U.S.C. 453a, the following revisions to Part 223 of Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations.

§ 223.22 [Amended]

1. In § 223.22: Amend "Fees shall be imposed and collected for the following services performed by the Treasury Department, whether the action requested is granted or denied, effective with requests submitted as of January 20, 1972" to read "The fees specified below shall be imposed and collected for services performed by the Treasury Department, whether the action requested is granted or denied, effective February 10, 1975."

2. Section 223.22 is amended by revising paragraphs (a) and (c) to read as follows:

(a) For examining a company's application for a certificate of authority as an acceptable surety on Federal bonds, or for examining a company's application for a certificate of authority as an acceptable reinsuring company on such bonds: $720 (see § 223.2).

* * * * *

(c) For determining the continuing qualifications for annual renewal of a company's certificate of authority: $495 (see § 223.3).

* * * * *

§ 223.1 [Amended]

3. In § 223.1: Amend "sureties on recognizances," to read "sureties on, or reinsurers, of recognizances".

§ 223.2 [Amended]

4. In § 223.2: Amend "A fee of $550 shall be transmitted" to read "A fee shall be transmitted".

§ 223.3 [Amended]

5. In § 223.3: Amend "the fee of $365 as prescribed" to read "the fee as prescribed", and add the paragraph designation "(a)" at the beginning of the text.

6. Section 223.3 is further amended by adding a new paragraph "(b)" at the end thereof which reads:

(b) If a company meets the requirements for a certificate of authority as an acceptable surety on Federal bonds in all respects except that it is a United States branch of a company not incorporated under the laws of the United States or of any State, or it is limited by its articles of incorporation or corporate charter to reinsurance business only, it may be issued a certificate of authority as a reinsuring company on Federal bonds. The fees for initial application and renewal of a certificate as a reinsuring company shall be the same as the fees for a certificate of authority as an acceptable surety on Federal bonds.

7. Section 223.5 is revised to read:

§ 223.5 Business.

(a) The company must engage in the business of suretyship whether or not also making contracts in other classes of insurance, but shall not be engaged in any type or class of business not authorized by its charter or the laws of the State in which the company is incorporated. It must be the intention of the company to engage actively in the execution of surety bonds in favor of the United States.

(b) No bond is acceptable if it has been executed (signed and/or otherwise validated) by a company or its agent in a State where it has not obtained that State's license to do surety business. Although a company must be licensed in the State or other area in which it executes a bond, it need not be licensed in the State or other area in which the principal resides or where the contract is to be performed. The term "other area" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

§ 223.11 [Amended]

8. Section 223.11(b)(2)(iii) is amended by deleting the period at the end thereof and by inserting ", or" in its stead.

9. Section 223.11(b)(2) is further amended by adding a new subdivision (iv) at the end thereof which reads:

(iv) An instrumentality or agency of the United States which is permitted by Federal law or regulation to execute reinsurance contracts.

§ 223.12 [Amended]

10. In § 223.12(a): Amend "the fee of $50 prescribed by" to read "the fee prescribed by".

11. In § 223.12(b): Amend "the fee of $50 prescribed by" to read "the fee prescribed by".

12. In § 223.12(c): Amend "A fee of $25 shall be transmitted" to read "A fee shall be transmitted".

§ 223.16 [Amended]

13. In § 223.16: Amend "(Chief Auditor)" to read "for Auditing".

Prior to adoption of the proposed amendments, consideration will be given to written views or arguments submitted to the Commissioner, Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20226, and received on or before February 3, 1975. Pursuant to 31 CFR 1.4 (h), comments submitted in response to this notice of proposed rule making are available to the public upon request, unless confidential status for the submission has been requested and approved.

(5 U.S.C. 301, 31 U.S.C. 483a (6 U.S.C. 6-13))

[FR Doc.75-3964 Filed 2-11-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 880—MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES

Miscellaneous Amendments

These amendments provide that health professionals applying for a commission in the USAF Medical Service may obtain physical examinations from a civilian source where no adequate military examining facility is available; eliminate the requirement for a "Certification of Duty Status" if the medical or dental care was obtained by the member after July 1, 1973; add procedure to be followed in obtaining spectacles when an eye refraction is obtained from a civilian source; and make other minor changes to update the Part.

Part 880, Subchapter I of Chapter VII of title 32 of the Code of Federal Regulations is amended as follows:

§ 880.0 [Amended]

1. Section 880.0(b) is amended by removing the phrase "active duty and retired uniformed service members and NATO Air Force members who are" and by substituting the phrase "eligible patients".

2. Section 880.0(c) is amended by removing the phrase "when Government veterinary services is unavailable".

3. In § 880.2 paragraph (f) is amended by adding the phrase "and loss of body tissue" at the end of the sentence, paragraph (g) is amended by removing the phrase "hemorrhoid-ectomies," and substituting the phrase "sterilization procedures, nontherapeutic abortions,", paragraph (i) is revised and paragraphs (m), (n), (o), and (p) are added as set forth below:

* * * * *

§ 880.2 Definitions.

* * * * *

(i) *Uniformed services.* The Air Force, Army, Navy, Marine Corps, Coast Guard (including uniformed service Academy Cadets and Midshipmen), the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

6. Section 880.2(k) is amended by removing the phrase "North Atlantic Treaty" and substituting the phrase "NATO Status of Forces Agreement" and by removing "Iceland" from the list of nations.

* * * * *

(m) *Immediate nonemergency care.* Medical, surgical, or dental care for other than an emergency condition, which is necessary at the time and place for the health and well being of the member.

(n) *Deferred nonemergency care.* Medical or dental care such as eye refractions, immunizations, dental prophylaxis, and so forth.

(o) *United States.* The 50 states and the District of Columbia.

(p) OCHAMPUSEUR. The Executive Director, OCHAMPUSEUR, U.S. Army Command, Europe, APO New York 09403.

4. In § 880.4 paragraph (b) is amended by substituting paragraph (k) for paragraph (j), paragraph (c) is amended by removing "(Uniformed Services Health Benefits Program in Areas Other than the United States, Puerto Rico, Canada, Mexico, and Countries Within the U.S. European Command)" and substituting "(Health Benefits for Eligible Air Force Beneficiaries in Overseas Areas)", paragraph (e) is amended by adding the phrase "and are not itemized on the statement" after the phrase "When charges appear excessive", paragraph (f) is amended by removing subparagraphs (1) and (2) and substituting "(1) USAF

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Members—AFMPC/DPMDERM, Randolph Air Force Base, Texas 78148" and by renumbering subparagraph (3) to make it subparagraph (2), and paragraph (d) is revised to read as set forth below:

§ 880.4 Policy.

* * * * *

(d) *Payment to civilian agencies.* Statements of charges for medical or dental care from civilian agencies are normally received by the Air Force medical facility nearest the civilian agency providing the medical or dental care, and processed for payment through the local accounting and finance office. However, if the statement of charges is initially received by another Air Force medical facility and sufficient information to process the account is available or readily obtainable, the account will be processed for payment there. Statements are not to be forwarded to another medical facility except under unusual circumstances and the civilian agency must be notified of the referral. In these cases, a letter of transmittal will be sent that will list the reason(s) why the statement could not be processed for payment. Statements will not be forwarded because the service member is not assigned to the base initially receiving the statement. In no instance will a statement for civilian medical or dental care provided in the United States be sent to an overseas installation for payment.

NOTE.—OCHAMPUSKUR pays for civilian medical care provided to active duty Air Force personnel in countries within the U.S. European Command, Africa, the Middle East, and the Malagasy Republic.

5. In § 880.6, paragraph (c) is amended by removing the sentences beginning with "An Air Force member * * *" and "Return to military control * * *" and paragraph (d) is added to read as follows:

§ 880.6 Care authorized from civilian sources.

* * * * *

(d) The services of chiropractors are not authorized.

6. Section 880.8 is amended by revising paragraph (a) and adding new paragraph (f) as set forth below:

§ 880.8 For whom authorized.

* * * * *

(a) Active duty Air Force personnel, including Air Force cadets, and NATO Air Force personnel listed in § 880.2(k).

* * * * *

(f) Health professionals applying for a commission in the USAF Medical Service may be provided physical examinations by qualified civilian physicians where no adequate military examining facility is available. Payment is made from funds available to the local USAF Recruiting Service.

7. Section 880.10 is revised to read as follows:

§ 880.10 Who authorizes.

Approval of civilian medical and dental attendance at Air Force expense is the responsibility of:

(a) *Emergency inpatient care.* The commander of the Air Force base, or his authorized representative, nearest the civilian medical facility providing the care. Emergency care will not be delayed pending approval (§ 880.14).

(b) *Emergency outpatient and immediate nonemergency care.* Advance approval is not required (§ 880.14).

(c) *Deferred nonemergency care.* The Air Force base commander, or his authorized representative, under whose jurisdiction the member is assigned; or the commander of the unit to which a member is assigned in cases where the member's organization is not at an Air Force base.

(d) *Supplemental care.* The director of base medical services.

8. Section 880.12 is revised to read as follows:

§ 880.12 When not authorized.

Civilian medical or dental care at Air Force expense is not authorized for:

(a) Elective treatment unless explicitly approved in advance by HQ, USAF/SG and the member's commander.

(b) Treatment when adequate medical or dental service is available from an Air Force or other Government medical or dental facility in the vicinity.

(c) Discharged members of the Air Force. When a discharged member received medical care for an illness or injury incurred while on active duty, he may apply for a correction of records to change his discharge date as provided by Part 865 of this chapter.

(d) Persons other than those stated in § 880.8. (For dependents and retired members see AFRs 168–9 and 168–4.)

(e) Air Force military personnel absent without leave (AWOL) prior to July 1, 1973, or in desertion status.

NOTE.—Effective July 1, 1973, charges for medical care received from civilian sources by a member in AWOL status may be paid from Air Force funds. Charges incurred while in AWOL status prior to July 1, 1973, remain the responsibility of the member. However, charges for medical care provided after return of the individual to military control may be made from Air Force funds. For the purpose of this part, return to military control may be actual (see Part 889 of this chapter) or constructive. Constructive return is effected when military authorities are notified of the presence of the individual in a civilian medical facility and action is taken regarding the disposition of the member, such as investigation of his condition or making a medical decision regarding disposition and treatment.

9. Section 880.14 is revised to read as follows:

§ 880.14 Emergencies.

Emergency and immediate nonemergency medical or dental care at Air Force expense may be obtained from a civilian source without advance authorization by or in behalf of Air Force members authorized in § 880.8. Emergency dental care is limited to treatment for the relief of pain and to prevent loss of oral tissue, treatment of acute septic conditions, essential correction of dental injuries, or damage to dental prostheses requiring immediate attention.

§ 880.16 [Amended]

10. Section 880.16(a) is amended by adding "Air Force" after "NATO" and by changing "AFR 168–19" to read "AFR 168–31".

§ 880.18 [Amended]

11. Section 880.18(c)(2) is amended by removing the word "Any" and substituting the word "Deferred".

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-3835 Filed 2-11-75;8:45 am]

Title 32A—National Defense Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DMS Reg. 1, Amdt. 2]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Change in Schedule II, Authorized Program Identifications and Claimant and Sub-Claimant Agencies

SUMMARY STATEMENT

Amend Schedule II to DMS Reg. 1 to provide program identification symbol F–2 which has been authorized for certain items by the Federal Energy Administration for and related to development of Alaskan North Slope oil resources.

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2154). In the formulation of this amendment, consultation with industry has been rendered impracticable because this amendment applies to numerous trades and industries.

This amendment affects DMS Regulation 1 as revised July 1, 1974 (39 FR 23008) as amended (39 FR 36480) by inserting in Schedule II to DMS Regulation 1 the program identification F–2 which has been authorized for certain items sponsored by the Federal Energy Administration for and related to the development of Alaskan North Slope oil resources pursuant to the joint order dated September 23, 1974 (39 FR 34608) and joint notice dated December 30, 1974 (40 FR 267) as amended January 31, 1975 (40 FR 5409), issued by the Director, Office of Preparedness, General Services Administration and the Administrator, Federal Energy Administration.

Accordingly, Schedule II to DMS Regulation 1 is hereby amended to read as follows:

SCHEDULE II TO DMS REG. 1—AUTHORIZED PROGRAM IDENTIFICATIONS AND CLAIMANT AND SUB-CLAIMANT AGENCIES

(See sections 2(c), 3(5), 4(a), 5(a), and 14(b)).

The program identifications listed in this schedule have equal preferential status and are the only ones authorized under the Defense Materials System and the Defense Priorities System and must be used in accordance with this regulation, DPS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Claimant Agencies and Sub-Claimant Agencies. Within each group, the Claimant and Sub-Claimant Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 in support of the programs listed in Column 2.

The full names of the Claimant Agencies and Sub-Claimant Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BDC—Bureau of Domestic Commerce.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

Col. 1—Program identification	Col. 2—Program	Col. 3	
		Claimant agency	Subclaimant agency
For Department of Defense and associated programs:			
A-1	Aircraft	Department of Defense.	Army, Navy (including Coast Guard), Air Force, Defense Supply Agency, Central Intelligence Agency, Federal Aviation Administration, and National Aeronautics and Space Administration.
A-2	Missiles		
A-3	Ships		
A-4	Tank-automotive		
A-5	Weapons		
A-6	Ammunition		
A-7	Electronic and communications equipment		
B-1	Military building supplies		
B-8	Production equipment (for defense contractor's account).		
B-9	Production equipment (Government-owned)		
C-2	Department of Defense construction		
C-3	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities.		
C-8	Controlled materials for Defense Industrial Supply Center (DISC).		
C-9	Miscellaneous		
For Atomic Energy Commission programs:			
E-1	Construction	Atomic Energy Commission.	
E-2	Operations—Including maintenance, repair, and operating supplies (MRO).		
E-3	Privately owned facilities		
For other Defense, Atomic Energy, and related programs:			
B-5	Certain self-authorizing consumers (see sec. 8(d) of DMS Reg. 1).		
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.		
C-5	Canadian military programs		
C-6	Certain direct defense needs of friendly foreign governments other than Canada.		
D-1	Controlled materials producers	Bureau of Domestic Commerce.	
D-2	Approved State and local civil defense programs		
D-3	Further converters (steel)		
D-4	Private domestic production		
D-5	Private domestic construction		
D-6	Canadian production and construction		
D-7	Friendly foreign nations (other than Canada) production and construction.		
D-8	Distributors of controlled materials		
D-9	Maintenance, repair and operating supplies (MRO) (see Dir. 1 to DMS Reg. 1).		
E-4	Canadian atomic energy program		
K-1	General Services Administration's supply distribution facility program.		
AM	Aluminum controlled materials producers		
AM-9000	Aluminum controlled materials distributors		
FC	Further converters (steel and nickel alloys)		
F-1	Certain items sponsored by the Federal Energy Administration for and related to construction of the Trans-Alaska pipeline.	Department of Interior.[2]	
F-2	Certain items sponsored by the Federal Energy Administration for and related to the development of Alaskan North Slope oil resources.		

[1] State and local governments will be authorized to use the program identification D–2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics) and specific approval by Bureau of Domestic Commerce.

[2] Bureau of Domestic Commerce will administer these programs. (See paragraph 2 of joint order, dated Sept. 23, 1974, 39 F.R. 34608 and paragraph 5 of joint notice, dated Dec. 30, 1974, 40 F.R. 26, issued by the Director, Office of Preparedness, General Services Administration and the Administrator, Federal Energy Administration.)

(Joint order, dated September 23, 1974, (39 FR 34608) and joint notice dated December 30, 1974 (40 FR 26) as amended January 31, 1975 (40 FR 5409) issued by the Director, Office of Preparedness, General Services Administration, and the Administrator, Federal Energy Administration, Defense Production Act of 1950, as amended, (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18489, and 45–2, 39 FR 18489.)

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
JOHN P. HEARNEY,
Acting Deputy Assistant Secretary for Domestic Commerce.

FEBRUARY 5, 1975.

[FR Doc.75-3718 Filed 2-11-75;8:45 am]

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[DPS REG. 1, Amdt. 3]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Change in Schedule I—Authorized Program Identifications and Defense Agencies

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2154). In the formulation of this amendment consultation with industry has been rendered impracticable because this amendment applies to numerous trades and industries.

This amendment affects DPS Regulation 1, as revised July 1, 1974, (39 FR 23022) as amended, (39 FR 36480; 39 FR 41529) by inserting in Schedule I to DPS Regulation 1, the program identification F–2 which has been authorized for certain items sponsored by the Federal Energy Administration for and related to the development of Alaskan North Slope oil resources pursuant to the joint order, dated September 23, 1974 (39 FR 34608) and joint notice dated December 30, 1974 (40 FR 26) as amended January 31, 1975 (40 FR 5409) issued by the Director, Office of Preparedness, General Services Administration and the Administrator, Federal Energy Administration.

Accordingly, Schedule I to DPS Regulation 1 is hereby amended to read as follows:

SCHEDULE I TO DPS REG. 1—AUTHORIZED PROGRAM IDENTIFICATIONS AND DEFENSE AGENCIES

(See sections 2(1), 4(a), 12(a), and 12(b)).

The program identifications listed in this schedule have equal preferential status and are the only ones authorized under the Defense Priorities System and the Defense Materials System and must be used in accordance with this regulation, DMS Reg. 1 and other applicable regulations and orders of BDC.

The identifications are not listed in alphabetical or numerical sequence but are grouped by Defense Agencies. Within each group, the Defense Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 in support of the programs listed in Column 2.

The full names of the Defense Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BDC—Bureau of Domestic Commerce.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

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Col. 1—Program identification	Col. 2—Program	Col. 3—Defense agency
For Department of Defense and associated programs:		
A-1	Aircraft	Department of Defense: Army, Navy (Including Coast Guard), Air Force, Defense Supply Agency, associated agencies of Department of Defense; Central Intelligence Agency, Federal Aviation Administration, and National Aeronautics and Space Administration.
A-2	Missiles	
A-3	Ships	
A-4	Tank—automotive	
A-5	Weapons	
A-6	Ammunition	
A-7	Electronic and communications equipment	
B-1	Military building supplies	
B-8	Production equipment (for defense contractor's account)	
B-9	Production equipment (Government-owned)	
C-2	Department of Defense construction	
C-3	Maintenance, repair, and operating supplies (MRO) for Department of Defense facilities	
C-8	Controlled materials for Defense Industrial Supply Center (DISC)	
C-9	Miscellaneous	
For Atomic Energy Commission programs:		
E-1	Construction	Atomic Energy Commission.
E-2	Operations—including maintenance, repair and operating supplies (MRO)	
E-3	Privately owned facilities	
For other Defense, Atomic Energy and related programs:		
B-3	Certain self-authorizing consumers (see sec. 7(d) of DPS Reg. 1)	Bureau of Domestic Commerce.
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export	
C-5	Canadian military programs	
C-6	Certain direct defense needs of friendly foreign governments other than Canada.	
D-1	Controlled materials producers	Bureau of Domestic Commerce.
D-2[1]	Approved State and local civil defense programs	
D-3	Further converters (steel)	
D-4	Private domestic production	
D-5	Private domestic construction	
D-6	Canadian production and construction	
D-7	Friendly foreign nations (other than Canada) production and construction	
D-8	Distributors of controlled materials	
D-9	Maintenance, repair and operating supplies (MRO) (see Dir. 1 to DMS Reg. 1)	
E-4	Canadian atomic energy program	
K-1	General Services Administration's supply distribution facility program	
AM	Aluminum controlled materials producers	
AM-9999	Aluminum controlled materials distributors	
FC	Further converters (steel and nickel alloys)	
F-1	Certain items sponsored by the Federal Energy Administration for and related to construction of the Trans-Alaska Pipeline	Department of the Interior.[2]
F-2	Certain items sponsored by the Federal Energy Administration for and related to the development of Alaskan North Slope oil resources	

[1] State and local governments will be authorized to use the program identification D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics) and specific approval by Bureau of Domestic Commerce.

[2] Bureau of Domestic Commerce will administer these programs. (See paragraph 2 of joint order, dated Sept. 23, 1974, 39 F.R. 34608 and paragraph 5 of joint notice, dated Dec. 30, 1974, 40 F.R. 24, issued by the Director, Office of Preparedness, General Services Administration and the Administrator, Federal Energy Administration.)

(Joint order, dated September 23, 1974 (39 FR 34608) and joint notice dated December 30, 1974 (40 FR 26) as amended January 31, 1975 (40 FR 5409) issued by the Director, Office of Preparedness, General Services Administration, and the Administrator, Federal Energy Administration, Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, 38 FR 33624, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18489, and 45–2, 39 FR 18489.)

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
JOHN P. KEARNEY,
Acting Deputy Assistant Secretary for Domestic Commerce.

FEBRUARY 5, 1975.

[FR Doc.75-3717 Filed 2-11-75;8:45 am]

By Authority of the Secretary of the Army:

Dated: February 6, 1975.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75-3838 Filed 2-11-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 332-8]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-D; Correction

In FR Doc. 74-28899 appearing at page 43292 in the issue of Thursday, December 12, 1974, the phrase "to citrus fruits and from the postharvest application of the 2,4-D isopropyl ester" was inadvertently omitted for § 180.142(a) in the paragraph "5 parts per million • • •" in the seventh line after the word "ester". Therefore, the paragraph "5 parts per million • • •" is corrected to read as follows:

§ 180.142 2,4-D; tolerances for residues.

(a) • • •

5 parts per million in or on apples, citrus fruits, pears, and quinces. The tolerance on citrus fruits also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D isopropyl ester and 2,4-D butoxyethyl ester to citrus fruits and from the postharvest application of 2,4-D isopropyl ester to lemons.

• • • • • •

Dated: February 5, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-3827 Filed 2-11-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Strait of Juan de Fuca, Washington; Correction

In FR Doc. 74-30195 appearing on page 44753 in the issue for Friday, December 27, 1974 the latitude locating the center of the restricted area is incorrect and should read:

§ 204.220 Strait of Juan de Fuca, Washington; air-to-surface weapon range, restricted area.

(a) *The restricted area.* A circular area immediately west of Smith Island with a radius of 1.25 nautical miles having its center at latitude 48°19'11" North and longitude 122°54'12" West. • • •

• • • • • •

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-32]

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Revised Policy on Providing Agencies With Information Concerning Claim Action on Accidents

This regulation provides revised policy whereby (a) the GSA Regional Counsel no longer will provide copies of legal papers to an agency responsible for investigating an accident in which a party other than the operator of the motor pool system vehicle is at fault, and (b) a specific request from that agency is necessary before the GSA Regional Counsel will provide information concerning claim action.

Section 101-39.805 is revised as follows:

§ 101-39.805 Claims in favor of the Government.

Whenever there is any indication that a party other than the operator of the motor pool system vehicle is a fault, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigation to the GSA Regional Counsel of the region that issued the vehicle. The Regional Counsel will initiate the necessary action to effect recovery of the Government claim. Upon specific request of the using agency, the GSA Regional Counsel will notify that agency of the introduction of the Government claim and provide pertinent information about the claim's progress and final settlement.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective February 12, 1975.

Dated: February 3, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75-3846 Filed 2-11-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5487]

[Sacramento 5264]

CALIFORNIA

Withdrawal of National Forest Recreation and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture for recreation and administrative sites:

KLAMATH NATIONAL FOREST

HUMBOLDT MERIDIAN

Forks of Salmon Fire Station

T. 10 N., R. 7 E. (unsurveyed),
Sec. 13, portion thereof described as:
Beginning at a point located on the down river wing wall of the north abutment to the bridge crossing the North Fork of the Salmon River;
thence north 132 feet;
thence north 60° E., 132 feet;
thence north 50° E., 277.2 feet to an existing telephone pole;
thence east 158.4 feet to the waters edge of the North Fork of the Salmon River;
thence in a southwesterly direction along the river edge to the point of beginning.

MOUNT DIABLO MERIDIAN

Idlewild Campground

T. 40 N., R. 10 W. (unsurveyed),
Sec. 18, portion thereof described as:
Beginning at corner No. 2 of the Herbert Pinley Homestead Patent, H.E.S. 44;
thence north 0°47' E., 1320 feet;
thence east 660 feet;
thence south 0°47' W., 660 feet;
thence east 660 feet;
thence south 0°47' W., 1304 feet;
thence south 89°26' W., 329 feet to corner No. 4 H.E.S. 44;
thence north 45° W., 923 feet to corner No. 3 of H.E.S. 44;
thence west 330 feet to point of beginning.

Eddy Gulch Lookout

T. 39 N., R. 11 W. (unsurveyed),
Sec. 15, portion thereof described as:
Beginning at the northwest corner foundation supporting the northwest leg of the existing lookout tower;
thence north 50 feet;
thence west 50 feet;
thence south 300 feet;
thence east 200 feet;
thence north 300 feet;
thence west 150 feet to the point north 50 feet from the northwest foundation.

Sawyers Bar Administrative Site

T. 40 N., R. 11 W.,
Sec. 29;
Beginning at the C.E. ⅛ section corner of sec. 29;
thence south 89°19' W., 949 feet;
thence north 330 feet;
thence north 89°19' E. 949 feet;
thence south 330 feet to the point of beginning.

Bacon Rind Campground

T. 39 N., R. 11 W. (unsurveyed),
Sec. 21, portion thereof described as:
Beginning at a point of the Bacon Rind County Road 2E001, located at the inlet end of the 18" CMP culvert through which drains the Bacon Rind Stream;
thence north 54.0° E., 97 feet;
thence north 29.5° W., 139 feet;
thence north 47.0° W., 100 feet;
thence north 57.5° W., 200 feet;
thence south 89.0° W., 200 feet;
thence south 9.5° W., 138 feet;
thence south 45.0° E., 248 feet;
thence south 72.0° E., 210 feet;
thence north 69.0° E., 728 feet to the point of beginning.

Blue Ridge Lookout

T. 39 N., R. 12 W. (unsurveyed),
Sec. 11, portion thereof described as:
Beginning at the northeast corner foundation supporting the northeast leg of the existing lookout tower;
thence east 50 feet;
thence north 200 feet;
thence west 300 feet;
thence south 300 feet;
thence east 300 feet;
thence north 100 feet to the point E. 50 feet from the northeast corner foundation.

The areas described aggregate 56.3 acres of land in Siskiyou County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

FEBRUARY 6, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-3849 Filed 2-11-75;8:45 am]

[Public Land Order 5488]

[Sacramento 5337]

CALIFORNIA

Withdrawal for Public Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws for protection of public values in connection with the South Yuba National Recreation Trail area:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 9 E.,
Sec. 19, lots 1 and 2, NE¼, E½NW¼.

The area described aggregates 321.40 acres in Nevada County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. The withdrawal made by this order is subject to the withdrawal made by Powersite Reserve No. 88 of June 25, 1910, and to the provision that any definite plan of recreation development will be submitted to the Federal Power Commission before any structures or improvements are placed on the land.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 6, 1975.

[FR Doc.75-3848 Filed 2-11-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 35613[1]]

PASSENGER AND FREIGHT TARIFFS AND SCHEDULES

Miscellaneous Amendments

Regulations for the Transmission and Furnishing of Tariffs and Schedules to Subscribers and Other Interested Persons

At a General Session of the Interstate Commerce Commission, held at its office

[1] This proceeding embraces certain issues raised in Docket No. 35959, *Investigation of Charges for Furnishing Tariffs by Eastern Railroads*, discontinued February 27, 1974.

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in Washington, D.C., on the 30th day of January 1975.

Notice of the institution of this rulemaking proceeding was published in the March 8, 1974, issue of the FEDERAL REGISTER (39 FR 9205). The purpose of this notice was to announce our intention to consider the amendment of Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 for the purpose of establishing therein regulations to govern the transmission and furnishing of tariffs and schedules to subscribers and other interested persons. The regulations proposed then would require the transmission by first-class mail of one copy of each new publication to each subscriber thereto not later than the time the copies for official filing are transmitted to the Commission and would require the furnishing without delay of a copy of any tariff or schedule to any person upon reasonable request therefor. A 4-day mailing delay would be permitted to transmit publications filed on less than 10 days' notice. It was proposed that the charge for furnishing the copy could not exceed the cost of mailing the copy by first-class mail.

The participation was very substantial. As the result of the comments received, we conclude that the proposed rules should be modified and the modified ones adopted.

The modified rules will provide that one copy of each new publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The 4-day mailing delay has been changed to five for publications filed on less than 10 days' notice. The charge for furnishing the copy would be shared by the subscriber and the carrier or agent, except that this would not apply to participating carriers as to a particular tariff. The modified rules are set forth in appendixes C through K. An interim period of 90 days has been allowed for carrier development of implementation procedures.

It appearing, That the notice of proposed rulemaking in this docket having been published in the March 8, 1974, issue of the FEDERAL REGISTER (39 FR 9205), a full investigation of the matters and things involved in this docket having been made, and the Commission on this date having entered its report setting forth its findings and conclusions, which report is hereby referred to and made a part thereof; therefore:

It is ordered, That Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 of Chapter X of Title 49 of the Code of Federal Regulations be and they are hereby, amended as set forth below:

PART 1300—FREIGHT SCHEDULES: RAILROADS

§ 1300.30 [Amended]

1. Section 1300.30 is amended to read as set forth in appendix C. (12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; (49 U.S.C. 12, 304); secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; (49 U.S.C. 5, 6, 317)).

PART 1303—PASSENGER SERVICE SCHEDULES: RAIL AND WATER CARRIERS

§ 1303.36 [Amended]

2. Section 1303.36 is amended to read as set forth in appendix D. (secs. 5, 6, 12, 24 Stat. 380, 49 Stat. 546, 560; secs. 304, 306, 54 Stat. 933; (49 U.S.C. 5, 6, 12, 304, 317, 906)).

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

§ 1304.42 [Amended]

3. Section 1304.42 is amended to read as set forth in appendix E. (secs. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; (49 U.S.C. 12, 304); secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; (49 U.S.C. 5, 6, 317)).

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

§ 1306.17 [Amended]

4. Section 1306.17 is amended to read as set forth in appendix F. (secs. 204, 217, 218, 49 Stat. 546, as amended, 560, as amended, 561, as amended; (49 U.S.C. 304, 317, 318)), unless otherwise noted.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Subpart A—Schedules of Motor Contract Carriers of Property

§ 1307.14 [Amended]

5. Section 1307.14 is amended to read as set forth in appendix G. (secs. 204, 217, 218, 49 Stat. 546, as amended, 561, as amended, sec. 210a, 52 Stat. 1238, as amended; (49 U.S.C. 304, 317, 318, 310a)), unless otherwise noted. Subpart B—Common Carrier Freight Tariffs and Classifications.

§ 1307.48 [Amended]

6. Section 1307.48 is amended to read as set forth in appendix H. (secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; (49 U.S.C. 304, 317, 310a)).

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

§ 1308.12 [Amended]

7. Section 1308.12 is amended to read as set forth in appendix I.

§ 1308.109 [Amended]

8. Section 1308.109 is amended to read as set forth in appendix J. (secs. 304, 306, 54 Stat. 933, 935; (49 U.S.C. 904, 906)).

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

§ 1309.5 [Amended]

9. Section 1309.5 is amended to read as set forth in appendix K. (secs. 20, 24 Stat. 386, as amended, secs. 204, as amended, 217, as amended, 19a. as amended, 49 Stat. 546, as amended, 560, as amended, 563, as amended, secs. 403, 405, 413, 56 Stat. 285, 287, 295; (49 U.S.C. 20, 304, 317, 319, 1003, 1005, 1013)).

It is further ordered, That this order shall become effective 90 days from the date of service of this order to afford the carriers an opportunity to develop implementation procedures as explained in the report.

And it is further ordered, That notice of this order be given to the general public by mailing a copy to each party of record in docket No. 35613, to the Governor of every State and to the public utilities commissions or other regulatory commissions or boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3992 Filed 2-11-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

IRISH POTATOES GROWN IN THE STATE OF WASHINGTON

Proposed Redistricting and Reapportionment of Committee Membership

Consideration is being given to a proposal to redistrict and reapportion membership among districts on the State of Washington Potato Committee. This proposal was recommended by the committee which is the local administrative agency established pursuant to Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946). This program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Statement of consideration. The order provides in § 946.31 that upon recommendation of the committee the Secretary may reestablish districts within the production area and may reapportion committee membership among various districts.

In recent years potato production in the State of Washington has increased in the Grant County area, due in part to the Columbia Basin Project. The Columbia Basin Project is a large-scale irrigation project being carried out by the U.S. Department of Interior's Bureau of Reclamation. Centered in Grant County, it was begun in the 1940's and currently has facilities completed and water available for over 500,000 acres. Additional land is under investigation for potential development.

The proposed new districts would be defined by county and township lines and the Columbia Basin Project's three irrigation districts with their distinct separation by topography, traffic flow and area awareness. Boundaries of the three irrigation districts are on file with the U.S. Department of the Interior and the local irrigation district offices and are well known to producers in the area. Also, each irrigation district maintains published statistical data showing Irish potato acreage, et cetera, which are not available in Crop Reporting Board releases.

In unanimously recommending redistricting and reapportionment at its September 18, 1974, public meeting, the committee had considered (1) the relative importance of new areas of production, (2) changes in the relative position, with respect to production of existing districts, (3) the geographic location of production areas as it would affect the efficiency of administering the marketing order program and (4) other relevant factors. The committee determined the proposed changes would result in more efficient administration of the program and provide greater equity of representation on the committee.

The proposed reapportionment would adjust producer committeemen from four to three in District No. 1, and from one to two in District No. 2. The remaining three districts' representation would be unchanged, as would the total number of committeemen. Also, handler representation would be unaffected by the reapportionment.

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same in duplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 27, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

1. A new § 946.103 is added to read as follows:

§ 946.103 Reestablishment of districts.

(a) Pursuant to § 946.31, on and after July 1, 1975, (1) the following new districts are established:

(1) District No. 1—the counties of Ferry, Stevens, Pend Oreille, Spokane, Whitman and Lincoln, plus the East Irrigation District of the Columbia Basin Project, plus the area of Grant County not included in either the Quincy or South Irrigation Districts which lies east of township vertical line R27E, plus the area of Adams County not included in either the South or Quincy Irrigation Districts.

(2) District No. 2—the counties of Kittitas, Douglas, Chelan and Okanogan, plus the Quincy Irrigation District of the Columbia Basin Project, plus the area of Grant County not included in the East or South Irrigation Districts which lies west of township line R28E.

(3) District No. 3—the counties of Benton, Klickitat and Yakima.

(4) District No. 4—the counties of Walla Walla, Columbia, Garfield and Asotin, plus the South Irrigation District of the Columbia Basin Project, plus the area of Franklin County not included in the South District.

(b) § 946.104 is revised to read as follows:

§ 946.104 Reapportionment of committee membership.

(a) Pursuant to § 946.25(c), membership representation of the State of Washington Potato Committee shall be reapportioned among the districts of the production area so as to provide the following members and their respective alternates:

(1) District No. 1—Three producer members and two handler members;

(2) District No. 2—Two producer members;

(3) District No. 3—Two producer members and one handler member;

(4) District No. 4—Two producer members and one handler member;

(5) District No. 5—One producer member and one handler member. The producer member and his alternate from District No. 5 shall each be a certified seed producer.

(b) The new districts are established in the current fiscal period only for the purpose of making nominations of committee members for the coming fiscal period. The new districts are to be established as operating entities beginning on July 1, 1975.

(c) The terms used in this section have the same meaning as when used in said marketing agreement and this part.

Dated: February 7, 1975.

CHARLES R. BRADER, *Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.75-3900 Filed 2-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 220]

CHILD ABUSE AND NEGLECT

Proposed Service Programs and Requirements

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement provisions of Pub. L. 93-247, the Child Abuse Prevention and Treatment Act of January 31, 1974, and add four requirements for State plans for service programs under Title IV, Parts A and B, of the Social Security Act.

The Child Abuse Prevention and Treatment Act authorizes funds for special grants to the States for improving their programs relating to child abuse

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and neglect. To obtain the grants, a State must meet ten requirements, pursuant to clauses (A) through (J) of section 4(b)(2). Four of these requirements are applicable to programs under Title IV–A and B of the Social Security Act, pursuant to section 4(b)(3), which reads:

Programs or projects related to child abuse and neglect assisted under Part A or B of Title IV of the Social Security Act shall comply with the requirements set forth in clauses (B), (C), (E), and (F) of paragraph (2).

The cited clauses concern reporting of known and suspected instances of child abuse and neglect; prompt investigation and action to protect the child when such reports are received; methods to preserve the confidentiality of records; and cooperation among law enforcement officials, courts, and appropriate State agencies providing human services.

Regulations proposed by the Office of Child Development to implement other provisions of Pub. L. 93–247 were published in the FEDERAL REGISTER on August 28, 1974 (39 FR 31707). Final regulations were published on December 19, 1974 (39 FR 43935).

Consideration will be given to any comments, suggestions, or objections which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013 on or before March 14, 1975. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–245–0950).

(Sec. 240(c), 81 Stat. 914 (42 U.S.C. 625); sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.707, Child Welfare Services; and 13.754, Public Assistance—Social Services)

Dated: December 30, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: January 31, 1975.

CASPAR W. WEINBERGER,
Secretary.

A new § 220.12 is added to Part 220, Chapter II, Title 45 of the Code of Federal Regulations to read as follows:

§ 220.12 Provisions relating to child abuse and child neglect.

(a) A State plan under Title IV–A or IV–B of the Social Security Act must provide that:

(1) The State or local agency administering the program will provide for the reporting of known and suspected instances of child abuse and neglect and will comply with all State laws and legally binding administrative procedures regarding such reporting;

(2) Upon receipt of a report, from any source, of known or suspected instances of child abuse or neglect, the agency will initiate an investigation promptly to substantiate the accuracy of the report; and, upon a finding of abuse or neglect, take immediate steps to protect the health and welfare of the abused or neglected child, and that of any other child under the same care who may be in danger of abuse or neglect.

(3) The State or local agency administering the program will preserve the confidentiality of all records pertaining to known or suspected instances of child abuse or neglect in accordance with § 205.50 of this chapter, in order to protect the rights of the child and of his parents or guardians. For purposes, of this section, the requirements of § 205.50 of this chapter relating to Title IV–A shall also apply to Title IV–B; and

(4) The State or local agency administering the program will have written interagency agreements for cooperation with law enforcement officials, courts of competent jurisdiction, and other appropriate State and local agencies providing human services.

(b) For purposes of this section:

(1) "Child" means a person under the age of eighteen.

(2) "Child abuse and neglect" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare.

(3) "Harm or threatened harm to a child's health or welfare" can occur through: non-accidental physical or mental injury; sexual abuse, as defined by State law; or negligent treatment or maltreatment, including the failure to provide adequate food, clothing, or shelter. *Provided, however,* That a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specific medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. However, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health requires it.

(4) "Person responsible for a child's health or welfare" means the child's parent, guardian, or other person responsible for the child's health or welfare, whether in the same home as the child, a relative's home, a foster care home, or a residential institution.

[FR Doc.75–3775 Filed 2–11–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 121]

[Docket No. 9611; Notice No. 75–3]

TRANSPORT CATEGORY AIRPLANES

Smoke Emission From Compartment Interior Materials

The Federal Aviation Administration is considering amending Parts 25 and 121 of the Federal Aviation Regulations (FARs) to establish standards for the smoke emission characteristics of compartment interior materials used in transport category airplanes. An advance notice of proposed rule making was published on July 30, 1969 (Notice 69–30; 34 FR 12450), soliciting the views of all interested persons on four questions which the FAA believed would elicit information, in addition to that developed by the FAA, upon which to base a notice of proposed rule making. All comments received have been considered in the formulation of the rules proposed herein.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before May 12, 1975, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

E. I. du Pont de Nemours & Co. (du Pont), in a petition for rule making dated June 26, 1968, recommended the adoption of a smoke emission standard that would be based on the National Bureau of Standards (NBS) nonflaming and flaming smoke generation tests. In its petition, du Pont stated that its evaluations supported the conclusion "that conditions could exist in which interior materials would be the primary source of smoke in an aircraft cabin. Such a condition could result when burnthrough of the cabin occurs as a result of its exposure to the side of a vertical flame front. In that case little fuel smoke would enter the cabin and the smoke producing energy within the cabin initially would be predominantly radiant energy. The FAA agrees that smoke emission standards for cabin interior materials could enhance safety in those and other circumstances and, by this Notice, is proposing to amend Parts 25 and 121 to adopt smoke emission standards that would be applicable to cabin interior materials used in transport category airplanes. However, the FAA has found that the standard recommended by du Pont, that an optical density of D_s=16, as calculated by the NBS, not be exceeded within two minutes, would unnecessarily preclude the use of so many materials that it would place an unreasonable burden on aircraft manufacturers and air carrier operators. Accordingly, different standards are being proposed by this Notice. In order to facilitate consideration and comment on the proposed standards, the comments received in response to the questions asked in Notice 69–30 are discussed below:

Question No. 1 as stated in Notice 69–30:

Are there aircraft interior materials now available that, in like circumstances, emit appreciably less smoke than currently used materials, but that still meet the flame resistance standards prescribed in § 25.853 of the Federal Aviation Regulations?

Subsequent to the publication of Notice 69–30, Amendment 25–32 (37 FR 3964) amended § 25.853 by revising the flame resistance standards of that section. The commentators' responses to the question do not contain sufficient detail from which the FAA can evaluate the effects, if any, of that amendment on the currency of those answers. However, the FAA has conducted a survey of the smoke emission characteristics of numerous available cabin materials in nine major categories of use, and has determined that aircraft interior materials are available that emit appreciably less smoke than currently used materials. The FAA believes that the establishment of the proposed smoke emission standards will eliminate those materials that emit appreciably more smoke than the other materials without imposing an undue burden on the industry. It also appears that materials that meet the proposed standards will be available in sufficient quantity and variety to meet reasonable design goals.

Question No. 2 as stated in Notice 69–30:

Are there test methods that can correctly and consistently measure the smoke emission characteristics of aircraft interior materials?

The responsive comments to this question are divided fairly equally between affirmatives and negatives. Those commentators responding in the affirmative generally favored the use of the NBS Smoke Test Apparatus, although a few made reference to the XP–2 Smoke Density Chamber.

Those commentators answering this question in the negative contend, in general, that no known test method correctly measures smoke emission characteristics of materials as they might be related to an aircraft fire. Factors relied upon for these conclusions included the limited dimensions and configuration of samples that could be tested, failure of any of the test methods to account for possible interactions among materials, and the absence of many influences that might be present in an actual aircraft fire. Some of these commentators recommended a full scale model approach to testing. The FAA recognizes the merit of many of the positions taken by the commentators in this regard. However, such a test would not, in all probability, duplicate all or even necessarily any conditions that may occur in the case of an actual crash fire. A smoke emission standard based on one of the known test methods, while it may not eliminate all safety hazards resulting from smoke emission, can enhance safety.

The specimen test conditions used in the NBS Smoke Test Apparatus more closely approximate conditions which might be expected in an aircraft cabin fire than do those of the XP–2 chamber or other available smoke tests. Specimens are exposed to a combination of open flame and radiant heat in a manner in which cabin furnishings might be exposed during an aircraft fire, and the test results yield a cumulative measure of smoke within the test chamber that may be considered representative of the manner in which smoke might accumulate in an aircraft cabin. In this connection, a comment recommended that the allowable smoke contribution of a material should be allocated on the basis of its relation to the cabin interior environment as a whole. The FAA does not agree. The possible complexity of post-crash fires and the many different modes of fire actions that may be involved make it impracticable to determine the relationships between specific materials and the cabin interior environment as a whole during a fire.

Question No. 3 as stated in Notice 69–30:

Would it be feasible to standardize on one of these test methods to determine compliance with a specified smoke emission standard?

The positions taken by commentators on this question generally reflected their positions on question No. 2. Those answering the question affirmatively recommended the test method they felt gave the most correct and consistent results as the test upon which to standardize; those who contended there was no test method that gave correct and consistent results generally advocated further investigation before adoption of a standard. Some comments reflected the commentators belief that the presently known test methods require the use of equipment that is both very costly and in short supply. In this connection it was suggested that any rule incorporating a specific test method as a standard also provide for correlation of test results performed using other equipment. The FAA does not agree. There are more than 50 of the NBS smoke chambers in use; no data have been presented that indicate that the expense involved in its use is unreasonable in view of the safety benefits to be derived; and no data have been presented that indicate that test results achieved by one test method can be correlated with those achieved by another.

Question No. 4 as stated in Notice 69–30:

Using this standard test method, what level of smoke emission performance should be specified?

Those comments that made reference to a specific level focused on achieving critical visibility level of D_s=16 in not less than two minutes. It was suggested that such a standard was incompatible with the requirements of § 25.803 that all passengers and crewmembers can be evacuated within 90 seconds. The FAA does not agree. The level of smoke emission allowed during testing is not a prediction of the smoke levels that may exist throughout the aircraft cabin during a fire. In addition, as pointed out in the discussion relating to other questions, there are other factors such as availability of materials that must be considered. The levels proposed herein are based on the present state of the art and on assuring availability of a sufficient variety of materials to allow a reasonable design flexibility while screening out those that contribute great amounts of smoke under test conditions.

Several commentators recommended that any rule adopted by the FAA regarding smoke emission of cabin interior materials also include standards relating to the toxicity of emissions. Some commentators objected to a smoke emission rule not including toxicity standards because they believed toxicity to be a more serious problem than smoke. The National Transportation Safety Board, however, pointing out that asphyxiation by smoke has been a leading cause, and sometimes the only cause, of fatalities in a number of aircraft accidents, recommended the adoption of smoke emission standards. The FAA recognizes that toxic gas emission from burning cabin interior materials can pose grave hazards to the safety of occupants, and, by an advance notice of proposed rule making (Notice 74–38, 39 FR 45044), is instituting rulemaking procedures in that connection.

A number of commentators noted that human ability to see through smoke depends not only on the smoke density but also on the loss of visual acuity resulting from the effects of eye irritants carried in the smoke. It was suggested that the rule account for this eye irritant effect so that the smoke emission standards would realistically relate to cabin visibility. The FAA recognizes that there are a number of variables affecting the ability of an individual to see through smoke and that, of these variables, the effects of irritants on visual acuity are significant although largely unpredictable. However, at the present time, it is beyond the state of the art to formulate a rule relating all the variables in such a way as to predict the actual ability of an individual to see in a smoke filled cabin. The proposed rules, therefore, do not account for the many complex physiological factors involved in determining human visual acuity. Rather the intent is to set forth a repeatable standardized test for measurement of the resistance of smoke to the passage of light so that materials producing an unacceptable amount of smoke may be screened out.

The rules proposed herein would require that certain materials used in each compartment occupied by the crew or passengers meet certain test criteria pertaining to smoke emission. The materials to be tested would be specified either in terms of their use in a compartment or in terms of processes involved in their manufacture. Each subject material would be tested in accordance with National Bureau of Standards Technical Note 708, "Interlaboratory Evaluation of Smoke Density Chamber," issued December, 1971, Appendix II, "Test Method for Measuring the Smoke Generation Characteristics of Solid Material," dated September, 1971. The document may be examined at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

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20591, and at FAA Regional Office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division; or in the case of the Europe, Africa, and Middle East Region, the Chief, Aircraft Certification Staff). Copies may be obtained from A165 Instrument Laboratory, National Bureau of Standards, Washington, D.C. 20234, in limited quantities, free of charge, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, for a price of $0.75 (SD Catalog No. C 13.46:708). The FAA has found that this test method more closely approximates conditions that might be expected to exist in an aircraft cabin fire than do other known test methods. Furthermore, the FAA has not found that correlation may be established between the selected method and other known test methods. Additions to, or variations in, the NBS test procedure for specific materials would be provided in the rules.

Two commentators, noting that smoke from wire insulation can fill a passenger compartment in cases involving minor fires or even overheated wires without fire, recommended that electrical wiring be included among the materials required to be tested for smoke emission. It was contended that wire and cable insulations are now available that emit appreciably less smoke than many currently used materials and yet meet flame resistance standards. These commentators stated that the NBS chamber could be used for smoke emission testing of wire in a manner similar to that used for compartment interior materials. The FAA agrees that smoke emission standards are appropriate for electrical wire and cable insulation installed in the fuselage area, and, accordingly, the test method and smoke emission limits for such insulation are proposed herein.

The proposed rules would require that all subject materials be tested and, except for textiles, air ducting, thermal insulation and insulation covering, and electrical wire and cable insulation, be shown to produce an optical density (D_s) of not more than 200 within four minutes, except that if the maximum specific optical density is reached within 90 seconds the maximum may not exceed 100, in order to be used in a transport category airplane compartment interior. The limiting optical density for textiles (including draperies and upholsteries), air ducting, and thermal insulation and insulation covering would be 100 within four minutes after start of the test, and for electrical wire and cable insulation would be 15 within 20 minutes after start of the test. The FAA believes that adoption of these limits will screen out the heavy smokers thereby substantially improving safety, in circumstances where smoke from burning compartment interior materials is a hazard, without unduly hampering the achievement of other reasonable design goals.

In addition to the type certification requirements being proposed, the FAA believes that retrofit provisions are necessary to ensure that cabin interiors are upgraded with respect to the smoke emission characteristics of the compartment interior materials. Under present § 121.312, an airplane for which application for type certificate was filed after the effective date of a smoke emission amendment, upon overhaul or refurbishing, would be required to be in compliance with the smoke emission rule under which it was type certificated, while an older airplane would not be required to retrofit to any smoke emission standard. So that airplanes, for which application for certificate was filed prior to the effective date of the smoke emission amendment, may be brought up to a corresponding level it is proposed to require installation of materials meeting smoke emission standards in conjunction with overhaul or refurbishing, but to allow a reasonable time for the development and implementation of a materials replacement schedule. Accordingly, the proposal would require that the retrofit of cabin interior materials to meet smoke emission requirements be completed by no later than the first major overhaul or refurbishing occurring 5 years or more after the effective date of the amendment. However, since electrical wire and cable insulation is not subject to wear and tear and refurbishment in service to the extent that cabin materials are, provision for retrofit of electrical insulation is not being proposed at this time.

The contents of this Notice do not affect items being considered in the 1974–75 FAA Biennial Airworthiness Review Program.

This notice of proposed rule making is issued under the authority of sec. 313 (a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 25 and 121 of the Federal Aviation Regulations as follows:

1. By amending § 25.853 by adding a new paragraph (g) to read as follows:

§ 25.853 Compartment interiors.

• • • • •

(g) Materials listed in this section must be tested for smoke emission in accordance with the applicable portions of Appendix F of this part. The specific optical density, D_s, determined in accordance with the test, may not exceed the following values:

(1) 100 within 4 minutes after start of the test for textiles (including draperies and upholstery), air ducting, and thermal insulation and insulation covering.

(2) 200 within 4 minutes after start of the test, except that if the maximum specific optical density in reached within 90 seconds after start of the test that maximum may not exceed 100, for interior ceiling panels, interior wall panels (including window reveals), partitions, large cabinet walls, materials used in the construction of stowage compartments (other than underseat stowage compartments and compartments for stowing small items such as magazines and maps), seat cushions, padding, structural flooring, floor covering, transparencies, parts constructed of elastomeric materials, and thermoformed parts.

2. By amending § 25.1359 by adding a new paragraph (e) to read as follows:

§ 25.1359 Electrical system fire and smoke protection.

• • • • •

(e) Insulation on electrical wire and cable installed in any area of the fuselage must be tested for smoke emission in accordance with the applicable portions of Appendix F of this part. The specific optical density, D_s, determined in accordance with the test, may not exceed 15 within 20 minutes after start of the test.

3. By amending Appendix F of Part 25 by adding a new paragraph (i) to read as follows:

Appendix F

• • • • •

(i) *Smoke emission test in compliance with §§ 25.853(g) and 25.1359(e).*

(1) All materials required to be tested for smoke emission must be tested in accordance with the following:

(i) Except as otherwise provided in this Appendix, National Bureau of Standards (NBS) Technical Note 708, "Interlaboratory Evaluation of Smoke Density Chamber," December 1971, Appendix II, "Test Method for Measuring the Smoke Generation Characteristics of Solid Material," dated September 1971, which is incorporated by reference herein in accordance with 5 U.S.C. 552(a)(1). The document may be examined at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591, and at FAA Regional Offices of the Chief, Aircraft Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division; or in the case of the Europe, Africa, and Middle East Region, the Chief, Aircraft Certification Staff). Copies may be obtained from A165 Instrument Laboratory, National Bureau of Standards, Washington, D.C. 20234, in limited quantities, free of charge, or from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, for a price of $0.75 (SD Catalog No. 13.46:708).

(ii) Specimen conditioning for test must be in accordance with paragraph (a) of this Appendix instead of the conditioning specified in NBS Technical Note 708.

(iii) Each test must be conducted with the material in the flaming or non-flaming condition, whichever produces the greater amount of smoke.

(iv) At least 3 specimens of a material must be tested and the results averaged to determine compliance with the applicable smoke emission limit.

(2) For compartment interior materials specified in § 25.853(g), the following additional smoke emission test requirements must be met:

(i) In each test, the specimen surface producing the greatest amount of smoke must be exposed to the heat source.

(ii) Thick foam parts, such as seat cushions, must be tested in ½ inch thickness.

(3) For electrical wire and cable insulation specified in § 25.1359(e), the following additional smoke emission test requirements must be met:

(i) Each specimen tested must consist of a 10-foot length of 20 gage wire or cable, with insulation, of the specification to be qualified for the airplane.

(ii) For testing, each specimen must be wrapped tightly around an open frame metal fixture, Figure 1 of this appendix, designed to form 20 turns of wire on ¼-inch center spacings with the loose ends of the wire extending into the center opening of the fixture. The open frame containing the wire must be backed by aluminum foil, leaving one side exposed, and placed in the specimen holder with the exposed side facing the heat source.

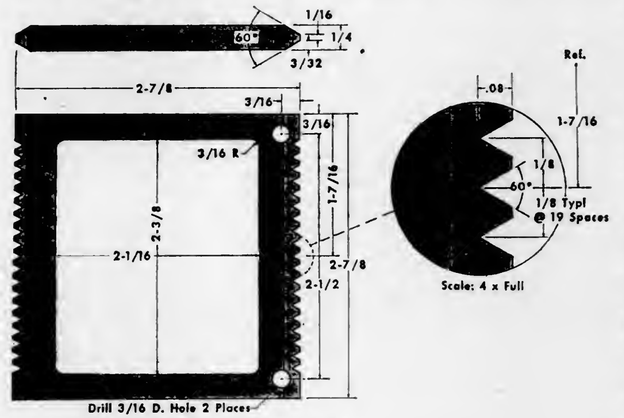


Figure 1

Details of Wire Holding Fixture for Airframe

4. By amending § 121.312 by designating the present text as paragraph (a), redesignating present paragraphs (a) and (b) as subparagraphs (1) and (2) respectively, and adding a new paragraph (b) to read as follows:

§ 121.312 Materials for compartment interiors.

• • • • •

(b) In addition to the requirements of paragraph (a) of this section, for an airplane for which the application for type certificate was filed prior to (the effective date of this amendment), upon the first major overhaul of the airplane cabin or refurbishing of the cabin interior occurring after (the date 5 years after the effective date of this amendment), all materials that do not meet the requirements of § 25.853(g) of this Chapter in effect on (the effective date of this amendment) must be replaced with materials that meet these requirements.

Issued in Washington, D.C., on February 4, 1975.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.75-3726 Filed 2-11-75;8:45 am]

[14 CFR Part 39]

[Docket No. 14306]

ROLLS ROYCE ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Rolls-Royce RB211 engines. There have been reports of high power primary engine surge, caused by high friction loads in the variable inlet guide vanes (VIGV) actuating mechanism, that could result in damage to that mechanism and to compressor rotor blades and stator vanes with corresponding loss of engine thrust. Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would require modification of the VIGV actuating mechanism, the intermediate pressure compressor inlet guide vanes, and the intermediate compressor stator vanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before March 14, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); and of sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ROLLS ROYCE (1971) LIMITED. Applies to Rolls Royce RB211 series engines, serial numbers 10389 and prior.

Compliance required by December 31, 1975, unless already accomplished.

To prevent high power surge and possible damage to the variable inlet guide vanes (VIGV) actuating mechanism and to rotor blade tips and stator vanes, caused by friction in the VIGV mechanism, accomplish the following:

1. Modify the inlet guide vane spherical trunnions, bearing pads, actuating rings, and bearing support segments in accordance with Rolls-Royce (1971) Limited Service Bulletin RB211-72-3326, dated November 14, 1973, or later CAA-approved revision, or an FAA-approved equivalent.

2. Modify the intermediate pressure (IP) compressor inlet guide vanes in accordance with Rolls-Royce (1971) Limited Service Bulletin RB211-72-3335, Revision 2, dated March 12, 1974, or later CAA-approved revision, or an FAA-approved equivalent.

3. Modify the IP compressor stator vanes in the 4th and 5th stage stator assemblies in accordance with Rolls-Royce (1971) Limited Service Bulletin RB211-72-3482, dated April 9, 1974, or later CAA-approved revision, or an FAA-approved equivalent.

Issued in Washington, D.C. on February 3, 1975.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc. 75-3883 Filed 2-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Mayfield, Ky., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 14, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at

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the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Mayfield transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Mayfield-Graves County Airport (latitude 36°46'03" N., longitude 88°35'05" W.)

The proposed designation is required to provide controlled airspace protection for IFR operations at Mayfield-Graves County Airport. A prescribed instrument approach procedure to this airport, utilizing the Cunningham, Ky. VORTAC, is proposed in conjunction with the designation of this transition area. If the proposed designation is determined acceptable, the airport authorization will be changed from VFR to IFR.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 4, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-3884 Filed 2-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NW-27]

VOR FEDERAL AIRWAYS

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend several airways in the area of central Idaho via a VOR/DME to be established near Salmon, Idaho, at lat. 45°01'17" N., long. 114°05'00" W.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before March 14, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Extend V-113 from Boise, Idaho, to Butte, Mont., via Salmon, Idaho.
2. Extend V-121 from McCall, Idaho, to Dillon, Mont., via Salmon, Idaho.
3. Extend V-231 from Missoula, Mont., to Burley, Idaho, via Salmon, Idaho.
4. Extend V-520 from Lewiston, Idaho, to Jackson, Wyo., via Salmon, Idaho, and Dubois, Idaho.
5. Rescind V-328 from Dubois, Idaho, to Jackson, Wyo. V-520 would overlie this route.

The proposed amendment would provide shorter airways between:

1. Salt Lake City, Utah, and Missoula, Mont.
2. Dubois, Idaho, and Lewiston, Idaho.
3. Butte, Mont., and Boise, Idaho.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 6, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-3885 Filed 2-11-75;8:45 am]

[49 CFR Part 391]

[Docket No. MC-55; Notice No. 75-3]

DRIVERS IN LEASE OR INTERCHANGE SERVICE

Notice of Proposed Rulemaking

In this, the second, notice of proposed rulemaking in this docket, the Director of the Bureau of Motor Carrier Safety is proposing to amend the provisions of the Federal Motor Carrier Safety Regulations relating to use of drivers, other than regularly employed drivers, by commercial motor carriers who operate in interstate or foreign commerce.

On April 11, 1974, the Director issued a notice, inviting interested persons to submit comments on proposed amendments to § 391.65 of the Federal Motor Carrier Safety Regulations (39 FR 13900). Section 391.65 specifies the conditions under which one motor carrier may use a driver furnished, and regularly employed, by another motor carrier without first taking all the steps necessary to ensure that the driver is fully qualified under Part 391 of the Regulations. The purpose of § 391.65 was to make special provision for the common practice of augmenting motor carrier equipment and service by leases and interchanges of equipment. Under lease and interchange arrangements, a motor carrier may contract with another motor carrier for the use of the latter's equipment for a specified period of time. It is common practice for the carrier who furnishes the equipment to supply a driver to operate it. Because the driver's qualifications have been established by the carrier who furnishes the equipment, § 391.65 permits the carrier using the equipment also to use the driver in his service without first going through the procedures to ensure that the driver is fully qualified under Part 391, if the using carrier secures a certificate of qualification from the carrier who regularly employs the driver.

As stated in the Notice, the principal problem addressed by the April 11, 1974, proposal was the practice of issuing permanent qualification certificates to drivers so that they can drive for other motor carriers. Many comments in response to the Notice indicate that the practice of issuing certificates for that purpose is far more widespread than the Bureau had originally assumed. The comments disclosed not only widespread issuance of permanent or semipermanent qualification certificates but also a significant number of instances in which drivers were being employed under § 391.63 in violation of the intent with which that section was authored. Section 391.63 created several exemptions to the usual driver-qualification rules for the purpose of allowing carriers to use drivers on an intermittent, casual, or occasional basis without full compliance with requirements pertaining to investigations and inquiries into the character and background of newly employed drivers. It appears, however, that a number of motor carriers have applied this special exception to virtually all part-time drivers, without regard to whether the use of those drivers is really intermittent, casual, or occasional.

These practices threaten to undermine the primary foundation on which the present driver-qualification system rests: motor carriers are responsible for checking into the qualifications of every person who seeks employment as the driver of a commercial motor vehicle and for ensuring that the person is qualified to drive safely under prescribed criteria before he is permitted to drive a commercial motor vehicle in interstate or foreign commerce. In addition, since a driver may become unqualified or disqualified at any time, the motor carrier who employs a driver is under a continuous duty to monitor the driver's qualifications to ensure that he is not permitted or required to drive while he lacks the requisite qualifications to do so under the driver-qualification rules in Part 391 of the Regulations.

The Regulations do not preclude a driver from driving commercial motor vehicles on behalf of more than one motor carrier. In general, drivers are free to "moonlight" or to find additional employment during vacation times, while they are laid off, or when they are on strike. But when a driver drives for a second carrier, the latter has the same duty to examine and investigate the driver's qualifications as does his principal employer. The only exceptions to this general rule are found in the above-mentioned provisions for intermittent, casual, or occasional drivers and for drivers in lease or interchange service.

The Bureau recognizes that the driver-qualification requirements place substantial impediments in the path of free

mobility of the driver force from one job to another. The Bureau also realizes that compliance with the rules entails paperwork and overhead expense for motor carriers. But the burdens of continuous surveillance of the qualifications of drivers, both at the time they are first employed and thereafter throughout their tenures, are clearly related to fulfilling the statutory mandate to regulate qualifications of drivers as part of the motor carrier safety program. The alternative to the present system, after all, would be a Federal licensing program. Institution of such a program might well entail costs, paperwork and other burdens that far exceed those now in existence. Hence, it is in the best interest of motor carriers and drivers to participate in good faith in the present driver-qualification system.

As noted above, comments to this docket, as well as the Bureau's own investigation, have disclosed the existence of large, and unintended, loopholes in the driver-qualification system. The problems have arisen through misuse of the exemptions found in §§ 391.63 and 391.65. Many carriers have advised the Bureau that they routinely issue qualification certificates to all drivers, effective for the period of time the driver is employed by that carrier. Some carriers issue a certificate to any driver, upon request, so that he can use it to secure another driving job while he is on vacation or laid off. These practices are, as noted above, contrary to the purpose of the Bureau of instituting the special exemption provisions in § 391.65. The purpose of that section was to facilitate lease and interchange operations, not to create a pool of drivers whose qualifications are not the responsibility of any employer.

The April 1974 Notice proposed to attack this practice by restricting the maximum duration of a qualification certificate to a period of 30 days. Comments on that proposal said that such a restriction would be unduly burdensome in the case of a motor carrier engaged in extensive lease and interchange operations. The Director agrees that such may be the case; at the same time he believes that some time limit on the validity of certificates is necessary to prevent their misuse. The Bureau now proposes to require each certificate to bear an expiration date not later than the date on which the driver's current medical examiner's certificate expires.

The proposal would also require the expiration date of the medical certificate to appear on the face of the certificate. This requirement is imposed because, under the revision of § 391.65 under consideration, the using carrier would no longer have to secure, and keep on file, a copy of the medical certificate. Since the carrier that furnishes the driver would be responsible for making the using carrier aware of any facts which may render the driver unqualified during the period he is in the employ of the using carrier, it seems appropriate to require the carrier issuing the qualification certificate to state, on its face, the period during which the driver's current medical certificate will remain in force. Compliance with this requirement will eliminate the need for a copy of the medical certificate to be given to the using carrier, thereby saving paperwork and filing. An additional reason for requiring a statement of the expiration date of the driver's medical certificate is the fact that physicians have in some cases conditioned certification of a driver's medical status on the requirement that he undergo a medical examination more frequently than the biennial period specified as minimal in § 391.45 of the Regulations.

Many of the comments suggested that the driver's social security number should appear on the qualification certificate. The Bureau has no objection to placing that number on the certificate, and the sample certificate included in the proposal contains space for inserting it. However, the Bureau at this time does not intend to make it mandatory for issuing carriers to put the social security number on the certificate.

As noted above, § 391.65 would, under this proposal, be explicitly limited to cover only drivers in lease and interchange service. In all other circumstances, the only basis on which a driver who is regularly employed by one motor carrier could drive for another carrier without first going through full qualification procedures would be under § 391.63, which covers drivers employed on an intermittent, casual, or occasional basis. The Director is proposing to modify § 391.63 also, to ensure that its coverage is restricted to drivers who are truly employed intermittently, casually, or occasionally. Specifically, he proposes to preclude a driver who is regularly employed by the motor carrier, or a driver who has been employed by the carrier to drive on more than 60 days during the preceding year, from classification as an intermittent, casual, or occasional driver. Those drivers would have to be fully qualified before the carrier could use their services.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety proposes to amend §§ 391.51, 391.63, and 391.65 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III in title 49, CFR) as set forth below.

Interested persons are invited to submit written data, views, or arguments relating to the proposed amendments. All comments should refer to the docket number and notice number appearing at the top of this document. Comments should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. All comments submitted before the close of business on April 14, 1975, will be considered before further action is taken on the proposed amendments. Comments will be available for examination by any interested person in the public docket of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on January 31, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

I. Paragraph (e) of § 391.51 would be revised to read as follows:

§ 391.51 Driver qualification files.

• • • • • •

(e) The qualification file for a driver furnished by another motor carrier incident to a lease or interchange of equipment and employed under the rules in § 391.65 must include a copy of the certificate specified in that section, certifying that the driver is fully qualified to drive a motor vehicle under the rules in this part.

• • • • • •

II. Section 391.63 would be revised to read as follows:

§ 391.63 Intermittent, casual, or occasional drivers.

(a) If a motor carrier employs a person to drive a motor vehicle for a single trip or on an intermittent, casual, or occasional basis, the motor carrier must comply with all the rules in this part with respect to the qualifications of that person, except that the motor carrier need not:

(1) Require the person to furnish an application for employment in accordance with § 391.21;

(2) Make the investigations and inquiries specified in § 391.23 with respect to that person;

(3) Perform the annual review of the person's driving record required by § 391.25; or

(4) Require the person to furnish a record of violations or a certificate in accordance with § 391.27.

(b) Before a motor carrier permits or requires a person described in paragraph (a) of this section to drive a motor vehicle, the motor carrier must obtain his name, his social security number, and the identification number, type, and issuing State of his motor vehicle operator's license. The motor carrier must retain that information in its files for 3 years after the person's employment by the motor carrier.

(c) A person is employed by a motor carrier to drive a motor vehicle on an intermittent, casual, or occasional basis, as specified in paragraph (a) of this section, if:

(1) The person is not a regularly employed driver (as defined in § 395.2(f) of this subchapter) of that motor carrier; and

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(2) The person was employed by the motor carrier to drive a motor vehicle on less than 61 of the preceding 365 days.

III. § 391.65 would be revised to read as follows:

§ 391.65 Drivers furnished by other motor carriers in lease or interchange service.

(a) The rules in this section apply to the use of a driver who is regularly employed by a motor carrier (the "furnishing carrier") and who is employed by another motor carrier (the "using carrier") to drive a motor vehicle incident to a lease or interchange of the motor vehicle between the furnishing carrier and the using carrier.

(b) The using carrier may employ a driver to whom the rules in this section apply without first complying with the rules in subparts A–F of this part with respect to that driver if:

(1) The driver is fully qualified to drive a motor vehicle under the rules in this part; and

(2) Before the driver is employed by the using carrier, the furnishing carrier supplies the using carrier with a certificate of qualification with respect to the driver that conforms to the rules in paragraphs (c) and (d) of this section.

(c) The certificate of qualification must:

(1) Be in substantially the form specified in paragraph (d) of this section;

(2) Be issued by the furnishing carrier and be signed by an authorized officer or employee of that carrier;

(3) State the name of the driver;

(4) Certify that the driver is regularly employed by the furnishing carrier;

(5) Certify that the driver is fully qualified to drive a motor vehicle under the rules in Part 391 of the Federal Motor Carrier Safety Regulations;

(6) State the date upon which the driver's current medical examiner's certificate expires; and

(7) Specify an expiration date for the certificate which shall not be later than the expiration date of the driver's current medical examiner's certificate.

The certificate may also contain the driver's social security number. The certificate may be either a separate document (which the driver may carry), or it may be part of the agreement between the furnishing carrier and the using carrier for lease or interchange of equipment.

(d) Form of certificate of qualification:

CERTIFICATE OF QUALIFICATION

FOR DRIVER IN LEASE OR INTERCHANGE SERVICE

(name of driver)

(social security number)

I certify that the above-named driver is regularly employed by me and is fully qualified to drive a motor vehicle under Part 391, Federal Motor Carrier Safety Regulations. His current medical examiner's certificate expires on ----------

(date)

This certicate expires:

(date not later than expiration date of medical certificate)

Issued on ------ Issued by----------

(date) *(name of carrier)*

(address)

(signature) *(title)*

(e) A using carrier who obtains a certificate of qualification under the rules in this section must retain a copy of the certificate in its files for 3 years from and after the date the certificate was obtained.

(f) A furnishing company who issues a certificate of qualification under the rules in this section must:

(1) Make no false statement or false representation in the certificate; and

(2) Notify a using carrier who holds an unexpired certificate pertaining to a driver of any facts which render the driver unqualified or disqualified under the rules in this part.

[FR Doc.75-3938 Filed 2-11-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 372, 373, 378]

[SPDR-41; Docket No. 27480; Dated: February 7, 1975]

OVERSEAS MILITARY PERSONNEL CHARTERS, STUDY GROUP CHARTERS AND CHARTERERS, AND INCLUSIVE TOUR CHARTERS

Notice of Proposed Rule Making

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposal to amend the various parts of its regulations, insofar as they presently permit escrowed charter deposits to be invested in securities publicly traded on an exchange, so as to (1) permit such funds to be invested also in bank certificates of deposit, and (2) revise the method of determining the maximum extent to which escrowed funds may be so invested.

The principal features of the proposed rule are set forth in the attached Explanatory Statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under authority of sections 101(3), 204(a), 401 and 402 of the Federal Aviation Act of 1958, as amended, (72 Stat. 737, 743, 754 and 757, as amended, 49 U.S.C. 1301, 1324, 1371 and 1372).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before March 31, 1975, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination of interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding, may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

EXPLANATORY STATEMENT

Certain of our special regulations governing the operation of various types of charters require their organizers, authorized to act as indirect air carriers, to provide security for safeguarding charter customers' advance payments by either posting a bond, or by an arrangement which involves posting a bond in combination with a bank depository agreement. When the latter type of security arrangement is used, the regulations governing Overseas Military Personnel Charters (Part 372), Study Group Charters (Part 373), and Inclusive Tour Charters (Part 378) permit such escrowed funds to be invested in "Federal, State, or Municipal bonds, or other negotiable securities which are publicly traded on a securities exchange," provided that such "other" securities may be substituted for cash in an amount not greater than 80 percent of their market value at the time of their deposit.[1]

The Board has tentatively concluded that a bank certificate of deposit (CD) should be as suitable for the investment of escrowed funds as are the "other" securities which these regulations currently permit to be substituted for cash in the escrow account. Particularly in light of recent developments in the security markets, there appears to be no adequate basis for regarding CD's, as a class, to be any less stable, secure or liquid than are such "other" securities, as a class. Accordingly, the Board proposes to amend §§ 372.24(a)(2)(ii)(*f*), 373.15(b)(2)(viii) and 378.16(b)(2)(viii) so as to permit investment of escrowed funds in CD's, in the same manner and to the same extent as such funds may be invested in "other" negotiable securities.

The Board also proposes to amend the method of determining the maximum extent to which escrowed funds may be so invested: In lieu of the present method, which limits investments in "other" securities to 80 percent of the value of the securities, we propose instead to permit escrowed funds to be invested in such "other" securities or CD's in an aggregate amount not exceeding 80 percent of the funds in the escrow account, thereby requiring that 20 percent of the funds of the escrow account be retained in cash.

[1] The rules governing Travel Group Charters (Part 372a) have never permitted escrowed funds to be invested, because of our belief that cash should be fully available at any time to meet the needs of participants in charters operated under that rule.

Similarly, we propose to amend the proviso so as to require that, should the value of these securities decrease, from time to time, then additional cash or securities must be deposited in the escrow account.

It should be specifically noted that if the Board determines to adopt the amendments proposed herein, with respect to its rules governing certain existing types of charters, then the same amendments will duly be made upon our adoption of any rulemaking proposals which may be pending at the time the within proceeding is concluded, and which include comparable security provisions.

It is proposed to amend the Board's Special Regulations (14 CFR Parts 372, 373 and 378) as follows:

PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

1. Amend § 372.24(a)(2)(ii)(*f*) as follows:

§ 372.24 Surety bond, depository agreement, escrow agreement.

(a) • • •
(2) • • •
(ii) • • •

• • • • • •

(*f*) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by subdivision (i) of this subparagraph; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities, consisting of bank certificates of deposit or securities which are publicly traded on a securities exchange, such securities to be made payable to the escrow account: *Provided,* That such other negotiable securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further,* That should the market value of such other negotiable securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value.

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

2. Amend § 373.15(b)(2)(viii) as follows:

§ 373.15 Surety bond.

• • • • • •
(b) • • •
(2) • • •

• • • • • •

(viii) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by subdivision (i) of this subparagraph; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities, consisting of bank certificates of deposit or securities which are publicly traded on a securities exchange, such securities to be made payable to the escrow account: *Provided,* That such other negotiable securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further,* That should the market value of such other negotiable securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value.

PART 378—INCLUSIVE TOUR CHARTERS

3. Amend § 378.16(b)(2)(viii) as follows:

§ 378.16 Surety bond.

• • • • • •
(b) • • •
(2) • • •

• • • • • •

(viii) Notwithstanding any provisions above, the amount of total cash deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of surety bond in the form prescribed herein in excess of the minimum bond required by subdivision (i) of this subparagraph; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities, consisting of bank certificates of deposit or securities which are publicly traded on a securities exchange, such securities to be made payable to the escrow account: *Provided,* That such other negotiable securities shall be substituted in an amount no greater than 80 percent of the total market value of the escrow account at the time of such substitution: *And provided, further,* That should the market value of such other negotiable securities subsequently decrease, from time to time, then additional cash or securities qualified for investment hereunder shall promptly be added to the escrow account, in an amount equal to the amount of such decreased value.

[FR Doc.75-3968 Filed 2-11-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20350; FCC 75-125; RM-2345]

TELEVISION SERVICE FOR STATE OF NEW JERSEY

Notice of Inquiry and Proposed Rule Making

In the Matter of petition for inquiry into the need for adequate Television Service for the State of New Jersey.

1. On March 4, 1974, the New Jersey Coalition for Fair Broadcasting (Coalition) filed a petition for inquiry into the need for adequate television service for the State of New Jersey. The petition was assigned rule making number RM–2345 and public notice of its acceptance was made on April 9, 1974. Upon request of the Office of Newark Studies, the time for filing responses was extended to May 31, 1974.

2. In its petition the Coalition asks the Commission to conduct public hearings in New Jersey, either en banc or by designating a single Commissioner to hear witnesses and certify transcripts of the hearing to the full Commission. In the alternative, the Coalition requests that such hearings be held before the Commission en banc or a designated Commissioner, in Washington, or that the Commission take such other actions as may be consistent with and fulfill the objectives of the petition.

3. Section V of the petition proposes three alternative methods that the Commission should investigate for bringing VHF service to New Jersey, as follows:

A. Investigate short spacing new channels as means of providing New Jersey with commercial VHF service.

B. Investigate the reallocation of existing commercial VHF stations to New Jersey.

C. Investigate hyphenated dual-community commercial VHF service between New Jersey and existing out-of-state stations.

4. In short, the Coalition urges the Commission to hold public hearings either in New Jersey or Washington, D.C., or to take whatever other action it sees fit, and it suggests three means of obtaining VHF channel assignments for New Jersey. Two of the three alternatives proposed have serious and complex technical implications which are addressed in the petition only by references to previous Commission actions which may or may not be germane to the actions proposed by petitioner. We therefore must make a determination as to whether all issues can be investigated simultaneously or whether they should be separated and, if separated, their order of priority. In so doing, the matter of timely schedules must be taken into account if indeed public hearings are to be considered. There is the possibility that a public hearing record directed only to the need or lack of need for television service might well be of no practical benefit because of the absence of engineering data which, contrary to some pleadings, must be obtained and evaluated.

5. In view of the foregoing, we have decided to adopt this Notice of Inquiry covering the matters set forth in paragraph 3 above. In this inquiry, parties are expected to specifically address the technical aspects of the alternatives and deal with such problems as what the effects of short-spaced assignments would be, what the effect of reallocation of channels would be, etc. The subject matter of the notice of proposed rule-making will cover only the second and

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third alternatives, namely, the possibility of reallocating existing commercial VHF assignments to the State of New Jersey and of hyphenating channel assignments between communities in New Jersey and communities outside of the State.

6. The Coalition's petition sets forth the propositions that New Jersey constitutes an important and self-contained commercial, political and cultural community with its own particular problems, needs and interests that require specific television broadcast service designed to meet them; that New Jersey residents currently have inadequate television service; that this inadequacy of service is caused by a unique lack of any commercial VHF television allocation, the current disuse of its commercial UHF allocations, the inability of the State's noncommercial allocations to provide all of the services that are provided by commercial outlets; that the commercial VHF channels allocated to neighboring states fail to provide adequate New Jersey-oriented service; and that the Commission has a clear duty to redress such an inequitable distribution of broadcast services. On these matters we invite comments in both the Notice of Inquiry and the Notice of Proposed Rule Making. In addition to comments as to the benefits which might accrue to the people of New Jersey by adoption of the proposals, we invite comments from parties in New York, Pennsylvania and Delaware as to the effect of the proposals, if adopted, on service in those states. The broader issues which have been raised by several of the interested parties are more appropriately addressed in a more general proceeding[1] now under consideration by the Commission.

7. For the information of interested parties, we list below the following documents that were received in response to the public notice of the acceptance of the instant petition (RM-2345) and characterize each filing briefly:

(a) Statement of Group W Westinghouse Broadcasting Company concerning the broadcast service provided by Station KYW-TV (Philadelphia) to the New Jersey portion of its service area.

(b) Opposition to petition for inquiry by Metromedia, Inc. Metromedia urges the Commission to refrain from instituting the inquiry sought by petitioner on the following grounds: The existing scheme of television allocations does not unfairly discriminate against New Jersey viewers; the New Jersey situation is not unique in any meaningful respect; petitioners have understated the level of television service which is available to New Jersey viewers; petitioners suggested remedies ignore economic and engineering realities and petitioners have wholly failed to establish the need for an inquiry into New Jersey television service.

(c) The Association of Maximum Service Telecasters, Inc. (MST), in its comments, states that it does not oppose consideration of the adequacy of New Jersey's television service, but it believes that no consideration should be given to any remedy that entails derogation from the Commission's mileage separation requirements. MST vigorously opposes an alternative which involves short-spacing stating that the Commission has never sanctioned derogations remotely approaching the magnitude of those that would be required to meet petitioners objectives. MST avers that the alternative of reallocating a New York or Philadelphia station to a New Jersey community suggested in the petition could be implemented without moving the transmitter site, or with such a small change in transmitter location that it would not result in any short-spacing. MST does not object to consideration of such a reallocation as long as it does not result in short-spacing. MST feels that hyphenating a New York or Philadelphia station assignment would not involve any derogation from required separations.

(d) The American Broadcasting Companies, Inc. (ABC), states that its New York station WABC-TV has made a sincere and continuing effort to accommodate the needs and interests of its New Jersey viewers in accord with an agreement entered into between WABC-TV and the New Jersey Coalition (May 12, 1972). ABC cites the Sixth Report and Order (paragraph 460) where the Commission, consistent with its distinction between UHF and VHF facilities (St. Louis Telecast, Inc., 12 RR 1289, 1369 (1957)) declined to move a VHF channel from Chicago, Illinois, to Gary, Indiana. Similarly ABC cites St. Louis Telecast, Inc. (12 RR 1369-70) as an articulation of the Commission's policy on the allocation of television facilities to metropolitan areas. It is ABC's belief that it would not be appropriate in an investigative proceeding or hearing, to reconsider such fundamental policy decisions.

(e) Part of the pleadings in this matter is a letter from Joseph Sivo, 1404 Manhattan Avenue, Union City, New Jersey. Mr. Sivo places a complaint against the three major networks CBS, NBC, and ABC, wherein he states the networks failed to cover a musical concert in Union City, New Jersey.

(f) The National Black Media Coalition (NBMC) urges the Commission to immediately assign commercial VHF channels to the state of New Jersey. NBMC seeks a thorough revision of the TV assignment table with a view not to technical priorities but instead to human rights—particularly the right of every American to a community with which he can identify in a meaningful way. It suggests the use of low powered television stations. New York and Philadelphia, according to NBMC, could easily support 2 or 3 times the number of TV stations now on the air. In support of this, NBMC suggests the assignment of 20-30 UHF channels to New York and Los Angeles. NBMC requests the Commission to extend the inquiry requested by petitioner to include an examination of the harm done to residents of large, distinct cities overshadowed by larger ones which contain all the area's TV stations, and that in its initial investigation of the New Jersey case, it include the problems of Delaware. NBMC further requests the appointment of a working task force consisting of and representing members of the general public, for the purpose of studying the nation's television assignments and recommending a new schedule of assignments, and assign this task force appropriate staff and funds with which to accomplish its goal.

(g) The Director of the UCLA Communications Law Program (CLP) notifies the Commission that its extensive Los Angeles television market study has produced data which tend to support the petition of inquiry filed by the New Jersey Coalition. CLP points out that its study of Los Angeles television reveals that the Los Angeles stations fail to provide programming from or about Orange County in a manner similar to that found between New York and Philadelphia stations with regard to programming from or about New Jersey. CLP suggests that while focusing specifically on New Jersey the Commission could well develop data and solutions pertinent to the problem of under-reported areas like Orange County.

(h) Brendan T. Byrne, Governor of the State of New Jersey, filed comments urging the Commission to act favorably on the petition submitted by the New Jersey Coalition for Notice of Inquiry. Governor Byrne contends that New Jersey, sandwiched as it is between two dominant metropolitan centers, is looked upon in the newsrooms more often as a suburban satellite and commuter haven than as a separate, important political and social entity with its own problems and needs. Reference is made to a 1973 study by the Eagleton Institute of Politics showing that New Jersey citizens could recognize the candidates in the New York mayoralty race much more readily than they could recognize the major party New Jersey gubernatorial candidates.

(i) Kenneth Gibson, mayor of the City of Newark, contends that New Jersey, the eighth most populous state, is serviced by six commercial New York stations and three Philadelphia stations yet only about 5 percent (a slightly higher figure in Philadelphia) of the news and public affairs programming relates to New Jersey. Mr. Gibson points to letters of agreement between the New York and Philadelphia stations and the New Jersey Coalition (in particular with the licensee of Channel 13) much of which he claims has been unfulfilled.

(j) Letter comments were received from Roger L. Miller and Constance A. Miller urging that the Commission give the matter the utmost consideration.

(k) Senator Clifford P. Case (N.J.) advised by letter that in his view the petition clearly demonstrates the necessity for a VHF television service geared toward the needs and problems of New Jersey.

8. This notice of inquiry and notice of proposed rulemaking will provide a comment period of sixty days and a period for reply comments of thirty days. After the initial comment period the Commission will determine whether to hold public hearings and, if so, the manner in which they will be held.

9. Authority for the adoption of this Notice of Inquiry and notice of proposed rule making is contained in sections 4(i) and (j), 303, 307(b) and 403 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 14, 1975 and reply comments on or before May 14, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

11. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: January 30, 1975.

Released: February 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-3910 Filed 2-11-75;8:45 am]

[1] RM-2346.

[2] Statements of Commissioners Lee and Hooks filed as part of original document.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-37]

STANDARD FOR EXPOSURE TO INORGANIC ARSENIC

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-1727 appearing at page 3392 in the issue for Tuesday, January 21, 1975, make the following changes:

(1) On page 3399, the first word in the last line of column two should read "lead".

2. On page 3402, § 1910.03(o) (1) (v) the fifth paragraph in the second column should read as follows:

(v) Emergency procedures as required by paragraph (l) of this section; and

3. On page 3403, § 1910.93(t) (the first full paragraph in the second column) should read as follows:

(t) *Effective date.* This standard shall become effective 30 days following publication of the final standard in the FEDERAL REGISTER.

4. On page 3404, in the third column, the last three lines of the fifth paragraph should read "tion of X-rays which shall be given only annually; and annually for all other employees exposed above the action level."

5. On page 3404, in the third column, the eighth paragraph (paragraph 2.) should be transferred down so that it follows paragraph 1. (the last paragraph in the third column.)

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL OF THE COMMISSIONER OF INTERNAL REVENUE

Determination of Necessity for Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. I Supp. II), the Commissioner of Internal Revenue announces the renewal of the following advisory committee:

Title: The Art Advisory Panel of the Commissioner of Internal Revenue.

Purpose: The Panel assists the Internal Revenue Service by reviewing and evaluating the acceptability of property appraisals submitted by taxpayers in support of the fair market value claimed on works of art involved in Federal Income, Estate or Gift taxes in accordance with sections 170, 2031, and 2512 of the Internal Revenue Code of 1954.

It has been determined, that pursuant to section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, all discussions and records of the Panel having to do with the value of a work of art involved in a federal tax return are concerned with matters listed in section 552(b) of Title 5 of the U.S. Code. Consequently, the meetings at which such matters are discussed and the records of such meetings should not be open. This is necessary to protect the confidentiality of tax returns under 26 U.S.C. 6103 and 7213 and the regulations thereunder.

Statement of Public Interest: It is in the public interest to continue the existence of the Art Advisory Panel. The membership of the Panel is balanced between museum directors and art dealers to afford differing points of view in determining fair market value.

Authority for this Panel will expire two years from the date the charter is approved by the Assistant Secretary of the Treasury for Administration and filed with the appropriate congressional committee unless the Commissioner of Internal Revenue formally determines that continuance is in the public interest.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-3974 Filed 2-11-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that closed meetings of a Panel of the DIA Scientific Advisory Committee will be held at the Pentagon on:

Friday, 7 March 1975.
Tuesday, 18 March 1975.

The entire meetings commencing at 0830 hrs. are devoted to the discussion of classified information as defined in section 552(b), title 5 of the U.S. Code, therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 7, 1975.

[FR Doc.75-3934 Filed 2-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 49444]

WYOMING

Notice of Application

FEBRUARY 5, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 58 N., R. 100 W.,
Sec. 30, lot 4 and SE¼SW¼;
Sec. 32, N½NE¼.
T. 58 N., R. 102 W.,
Sec. 24, S½N½.

The pipeline will convey natural gas from a well in sec. 23, T. 58 N., R. 102 W. to an existing pipeline in sec. 33, T. 58 N., R. 100 W., all in Park County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, WY 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-3935 Filed 2-11-75;8:45 am]

COLORADO INTERSTATE GAS CO.

Notice of Pipeline Application

FEBRUARY 4, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944, has applied for a right of way for a four-inch natural gas gathering pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO.

T. 12 N., R. 100 W.,
Sec. 13: E½.

The pipeline will connect Burch Federal #13-9 well with an existing natural gas pipeline of Mountain Fuel Supply Company.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objection must filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-3936 Filed 2-11-75;8:45 am]

Fish and Wildlife Service

SPORT HUNTING OF MIGRATORY BIRDS

Draft Environmental Statement; Notice of Public Hearings

Notice of availability of the draft EIS regarding the issuance of annual regulations permitting the sport hunting of migratory birds was published in the FEDERAL REGISTER on February 11, 1975. It is the policy of the Department of the Interior to permit the public an opportunity to comment on its environmental statements. Accordingly, a public hearing will be held in each U.S. Fish and Wildlife Service region in accordance with Part 455, Chapter I of the Departmental Manual.

The dates, times, and places of the hearings are as follows:

Region I—Date: March 19, 1975. Place: Bonneville Power Administration Auditorium 100 N. E. Holladay Street, Portland, Oregon. Time: 7:30 p.m.

Region II—Date: March 19, 1975. Place: Acoma Room, City Convention Center, Albuquerque, New Mexico. Time: 7:30 p.m.
Region III—Date: March 15, 1975. Place: Room 564, Federal Building, Fort Snelling, Minneapolis, Minnesota. Time: 9 a.m.
Region IV—Date: March 17, 1975. Place: Lenox Square Auditorium, Lenox Square, Shopping Center, 3393 Peachtree Road, Atlanta, Georgia. Time: 1-5:30 p.m. and beginning again at 7:30 p.m.
Region V—Date: March 22, 1975. Place: Defense Industrial Supply Center, Building 4, Robbins Avenue, Philadelphia, Pennsylvania. Time: 9:30 a.m.
Region VI—Date: March 18, 1975. Place: Room 269, Denver Post Office Building, 1823 Stout Street, Denver, Colorado. Time: 7 p.m.
Alaska—Date: March 19, 1975. Place: Council Chambers, Lousac Library, Anchorage, Alaska. Time: 7 p.m.

The EIS is available for inspection at all U.S. Fish and Wildlife Service field stations, regional and area offices, and the U.S. Fish and Wildlife Service, Office of Environmental Coordination, Department of the Interior, 18th and "C" Streets NW., Washington, D.C. In addition a brochure which summarizes the EIS is available from the following U.S. Fish and Wildlife Service Regional offices.

Region I—Regional Director, P.O. Box 3737, Portland, Oregon 97208.
Region II—Regional Director, U.S. Post Office and Courthouse, 500 Gold Avenue, SW., Albuquerque, New Mexico 87103.
Region III—Regional Director, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
Region IV—Regional Director, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.
Region V—Regional Director, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.
Region VI—Regional Director, 10597 West Sixth Avenue, P.O. Box 25486, Denver, Colorado 80215.
Alaska—Area Director, 813 "D" Street, Anchorage, Alaska 99501.

Persons wishing to make an oral presentation or to submit their views in writing at any of these hearings should deliver a notice to that effect to the appropriate Regional Director at the above address, no less than five working days before the date of the hearing at which the testimony is to be presented. A time limit of 10 minutes per witness is imposed in the case of oral testimony, although additional time may be granted at the discretion of the Hearing Officer. This notice is published under authority of the Migratory Bird Treaty Act, 16 U.S.C. 704.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-3933 Filed 2-11-75;8:45 am]

Geological Survey

ALVORD, OREGON

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Section 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Alvord known geothermal resources area, effective August 1, 1974:

(37) OREGON

Alvord Known Geothermal Resources Area
Willamette Meridian, Oregon

T. 35 S., R. 33 E.
Secs. 1, 2, 10 through 15, 22 through 27, 34 through 36.
T. 36 S., R. 33 E.
Secs. 1 through 4, 9 through 16, 21 through 28, 33 through 36.
T. 37 S., R. 33 E.
Secs. 1 through 5, 8 through 17, 20 through 29, 32 through 36.
T. 32 S., R. 34 E.
Secs. 34 through 36.
T. 33 S., R. 34 E.
Secs. 1 through 3, 10 through 15, 22 through 27, 34 through 36.
T. 34 S., R. 34 E.
Secs. 1 through 3, 10 through 16, 21 through 29, 32 through 36.
T. 35 S., R. 34 E.
Secs. 7 through 36.
T. 36 S., R. 34 E.
Secs. 1 through 23, 27 through 34.
T. 37 S., R. 34 E.
Secs. 3, 6, 7, 18, 19, 30, 31.
T. 32 S., R. 35 E.
Sec. 31.
T. 33 S., R. 35 E.
Secs. 1, 2, 6 through 8, 11 through 15, 17 through 24, 26 through 35.
T. 34 S., R. 35 S.
Secs. 3 through 10, 15 through 22, 27 through 34.
T. 35 S., R. 35 E.
Secs. 3 through 10, 16 through 21, 28 through 32.
T. 36 S., R. 35 E.
Secs. 5 through 7.
T. 32 S., R. 36 E.
Secs. 16, 17, 19 through 21, 28 through 33.
T. 33 S., R. 36 E.
Secs. 5 through 8, 17, 18.

The area described aggregates 176,835 acres, more or less.

HILLARY A. ODEN,
Acting Conservation Manager Western Region.

JANUARY 30, 1975.

[FR Doc.75-3937 Filed 2-11-75;8:45 am]

FISH CREEK BASIN, ALABAMA

Power Site Cancellation 330

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 22 of January 20, 1922, is hereby cancelled to the extent that it affects the following described land:

UNSURVEYED LANDS IN ALASKA

All lands within 100 feet on either side of Fish Creek, a tributary of Salmon River about 5 miles above its junction with Portland Canal, from the mouth of Skookum Creek to a point on Fish Creek 3 miles above the said mouth.

The area described aggregates approximately 73 acres.

The effective date of this cancellation is June 5, 1975.

V. E. MCKELVEY,
Director.

FEBRUARY 5, 1975.

[FR Doc.75-3850 Filed 2-11-75;8:45 am]

APPLEGATE RIVER, OREGON

Power Site Cancellation 325

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 410 of November 9, 1950, is hereby canceled to the extent that it affects the following described land:

WILLAMETTE MERIDIAN

T. 39 S., R. 3 W.,
Sec. 3, SW¼NE¼ and SW¼SW¼;
Sec. 11, E½SW¼NW¼ and SW¼SE¼NW¼;
Sec. 15, SW¼SW¼NE¼, NW¼NW¼SW¼ and W½NW¼SE¼;
Sec. 22, W½NW¼NE¼ and NW¼SW¼NE¼;
Sec. 33, W¼W½NE¼.

The area described aggregates 220 acres.

The effective date of this cancellation is June 5, 1975.

V. E. MCKELVEY,
Director.

FEBRUARY 5, 1975.

[FR Doc.75-3851 Filed 2-11-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-104]

CANTERBURY COAL CO.

Amendment to Petition[1] for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Canterbury Coal Company has filed an amended petition to modify the application of 30 CFR 75.1405 to its David Mine, Avonmore, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner amends its original petition and proposes the following alternative method for coupling and uncoupling mine cars at Petitioner's David Mine:

A. No more than four loaded or empty cars will comprise a trip.

B. (1) When coupling car to car or car to the outby end of a motor, the hand-link aligner will be used to guide the link at all times.

[1] The original petition was published in 39 FR 15891 on May 6, 1974.

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(2) When coupling a car to the kitchen end of a motor, the link-hook will be used at all times.

(Drawings of the hand-link aligner and link-hook are shown in Exhibit "A."[2])

C. Dropping and lifting of pins will be done by engaging the end of the hand-link aligner in the ring provided on the pin, except when the pin can be handled from within the car of the kitchen of the motor.

(A drawing of a typical pin provided with a ring is shown in Exhibit "A".)

D. Coupling (dropping and lifting of a pin) will be done only with the trip totally stopped and with the brakes of the motor or motors fully applied.

E. Coupling between cars will be done on level areas of track at all times.

F. Petitioner will train and instruct all employees annually in the above procedures. New employees will be instructed and trained as part of their orientation program. Petitioner will maintain a record of the instruction and training of its employees in the above procedures.

G. The above procedures shall be a mandatory safety rule at the David Mine and shall be so posted on the bulletin boards of Petitioner and the United Mine Workers of America located at the mine.

Petitioner avers that the alternative method for coupling and uncoupling mine cars at Petitioner's David Mine proposed herein will at all time guarantee to the miners at Petitioner's David Mine no less than the same measure of protection than would be afforded the miners of such mine by a requirement for automatic couplers.

Petitioner further avers that the application of mandatory safety standard 30 CFR 75.1405 to David Mine will result in a diminution of safety to the miners in such mine. At least two men have been killed by being crushed between cars equipped with automatic couplers in Western Pennsylvania within the past fourteen months.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 14, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

FEBRUARY 5, 1975.

[FR Doc.75-3852 Filed 2-11-75;8:45 am]

[Docket No. M74-69]

ZEIGLER COAL CO.

Amendment to Petition for Modification of Application of Mandatory Safety Standard [1]

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Zeigler Coal Company has filed an amended petition to modify the application of 30 CFR 75.1105 to its Zeigler No. 9 Mine, Madisonville, Kentucky.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner filed this amended petition for the purpose of clarifying the original petition and summarizing and incorporating subsequent changes and additions, including: letters, reports, and recommendations.

Recommendations of MESA Special Investigative Team & United Mine Workers' Safety Committee. As mentioned above, there is attached [2] hereto a Special Investigative Report dated August 21, 1974, prepared by Michell E. Mills, an authorized representative of the Secretary of Interior, which recommends that the petition for modification originally filed in this case be granted, subject to certain additional safeguards hereinafter delineated. There is also attached hereto for informational purposes, a statement dated August 28, 1974, signed by the president of the union local and two members of the mine safety committee, United Mine Workers of America, recommending to the District Manager, Mining Enforcement & Safety Administration, approval of the alternative plan submitted in this 301(c) petition.

Alternate Method. 1. The following safety features are to be maintained on the belt conveyor and belt drive units installed in the main south entries:

a. Fire-resistant belt—Data 42" Super Mylock Conveyor Belt, $\frac{3}{32}$ top x $\frac{3}{32}$ bottom S.B.K.—U.S. Bureau of Mines approved.

b. Fire sensoring system throughout the belt line. Control panel located at Portal No. 2—Manufacturer, Pyott-Boone, Inc.

c. All belt power transformer enclosed in fireproof housing.

d. All hydraulic fluids used are to be fire-resistant fluids.

e. All belt drives are to be protected with the water deluge spray system.

f. Communication between underground mine and both portals are to be of one phone system—Data M.S.A. permissible communication unit, Approval No. 98-20.

2. The belt transformer located at the 2nd South drive section, West drive section and 2nd West drive section, shall have the following safeguards:

a. A U.S.B.M. approved multipurpose dry chemical type fire suppression system installed which shall contain no less than 30 pounds.

b. Transformer stations will be incorporated into the fire sensoring system which is located along the present belt conveyors, with their own separate monitoring stations.

3. The permanent pump stations at the three locations shall be maintained in the following manner:

a. The permanent pump stations shall be enclosed in a fireproof housing.

b. A U.S.B.M. approved multipurpose dry chemical type fire suppression system shall be installed which shall contain no less than 30 pounds.

c. Pump stations will be incorporated into the fire sensoring system which is located along the present belt conveyors and they will have their own separate monitoring stations.

4. At the areas indicated on the map [2] which accompanied the original letter of petition dated February 26, 1974, the petitioner will construct a wall of stoppings of fireproof materials. Of the seven entries involved, two will be equipped with fireproof doors.

5. The petitioner will inaugurate the following fire fighting procedures in the event of a belt fire in area "A" as marked on said map:

a. Upon hearing the alarm, the man at Portal No. 2 will read the location from the control panel of the sensoring system.

b. He will then notify persons underground of the location of the fire.

c. He will then instruct the man located at Portal No. 1 to shut down the blowing fan located there.

d. The two fire doors located in the row of seven entries at the location specified above, shall be closed.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 14, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

FEBRUARY 4, 1975.

[FR Doc.75-3854 Filed 2-11-75;8:45 am]

[Docket No. M75-86]

BETTY B. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 816(c) (1970), Betty B. Coal Company has filed a petition to modify the application of 30 CFR 75.1403 to its No. 4 Mine, Dickenson County, Virginia.

30 CFR 75.1403 provides:

Other safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

In support of its petition, Petitioner states:

(1) The subject mine was developed in 1923. Subsequently, the track haulage entry was driven in an area with poor roof conditions. The roof of this entry has been arched and supported to protect the personnel working in the area.

(2) Petitioner uses the track entry solely to transport men and supplies; coal haulage is accomplished by a belt line. Petitioner conducts a maximum of four personnel/supply trips per day.

(3) Shelter holes for workmen are provided every fifty or sixty feet on the left and right sides of the track entry.

(4) To provide the additional clearance for the track entry, so as to be in compliance with Section 75.1403, would result in a diminution of safety to the miners in the subject mine because such expansion of the entry would expose additional unsupported roof.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 14, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

FEBRUARY 5, 1975.

[FR Doc.75-3853 Filed 2-11-75;8:45 am]

[2] Exhibits will be available for inspection at the address mentioned in the last paragraph of the notice.

[1] The original petition was published in 39 Fed. Reg. 13697 on Tuesday, April 16, 1974.

[2] Material which is referred to as attached to the petition will be available for inspection at the address mentioned in the last paragraph of the notice.

[2] See footnote 2.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to sction 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the list (39 FR 41998) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to swine with respect to Walt's Custom Slaughtering, establishment 9300, is deleted. The reference to sheep with respect to LeDuc Packing Company, establishment 9387, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled by humane methods.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Iowa Beef Processors, Inc	245 E	(*)					
San Jose Meat Co	391 A	(*)					
Kaufman Meats	310	(*)		(*)			
Mr. Meat	2967	(*)		(*)	(*)	(*)	
F & J Meat Processors	5766	(*)		(*)	(*)	(*)	
Kreisel Slaughter House	5834	(*)				(*)	
Wholesale Meats	6421	(*)		(*)	(*)	(*)	
Bullock's Meats, Inc	8461	(*)		(*)			
Valley View Meat Processing Co., Inc	9129	(*)		(*)		(*)	
C & B Meats	E 9294						(*)
New establishments reported: 10.							
Metro Meat Packing, Inc	253	(*)					
Shapiro Packing Co., Inc	332			(*)			
General Meat Co., Inc	1994	(*)					
Mark's Meat Co	9765				(*)		
Species Added: 4.							

Done at Washington, D.C., on: February 4, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-3809 Filed 2-11-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A076—Amdt. 1]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in the following counties in Wisconsin:

Green Lafayette
Iowa

The Secretary has found that this additional need exists as a result of a natural disaster consisting of killing frost September 22 in Green and Iowa Counties and on September 22 and 23, 1974, in Lafayette County.

Therefore, the Secretary has amended his designation of October 10, 1974, of these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation and amendment be made.

Applications for Emergency loans must be received by this Department no later than March 31, 1975, for physical losses and October 31, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 5th day of February 1975.

(S) FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-3901 Filed 2-11-75;8:45 am]

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Public Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that the Commodity Credit Corporation Advisory Board will meet at 8:30 a.m. on Tuesday, March 4, 1975 and Wednesday, March 5, 1975, in Room 2-W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to advise the Secretary of Agriculture relative to surveys of the general policies of the Commodity Credit Corporation, including Corporation policies in connection with the purchase, storage and sale of commodities, and the operation of lending and price support programs.

The meeting will be open to the public. Any member of the public may file a written statement with the Board before or within one week following the meeting.

The names of the members of the Advisory Board, Agenda, Summary of the Meeting and other information pertaining to the meeting may be obtained from Mr. Frank G. McKnight, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C. on February 6, 1975.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-3965 Filed 2-11-75;8:45 am]

Rural Electrification Administration

ALABAMA ELECTRIC COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama. This project includes financing for the construction of two 210 NW coal fired generating units at the site of the existing 66 MW Tombigbee power plant near Jackson, Alabama, and the construction of approximately 157 miles of 230 kV transmission lines and related terminal facilities in Washington, Clarke, Monroe, Conecuh and Covington Counties, all in the State of Alabama.

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Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received within sixty (60) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 5th day of February, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-3902 Filed 2-11-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Meeting

Amendment to Notice of Open Meeting Published January 28, 1975 (FR Doc. 75-2426, Filed 1-27-75: 8:45 A.M.) 40 FR 4171.

The March 14, 1975, meeting of the Advisory Committee on East-West Trade will be extended to include an afternoon session from 2 p.m. to 4 p.m. in Room 4830 of the Main Commerce Building, after a lunch break.

The agenda for the afternoon meeting is:

1. Overview of the U.S. Economy from the Department of Treasury.

2. Commentary and Discussion by a distinguished scholar.

ARTHUR T. DOWNEY,
Deputy Assistant Secretary for East-West Trade.

FEBRUARY 6, 1975.

[FR Doc.75-3917 Filed 2-11-75;8:45 am]

PRESIDENT'S EXPORT COUNCIL

Postponement of Open Meeting

The meeting of the President's Export Council, scheduled for Thursday, February 27, and announced in the FEDERAL REGISTER on January 27 (40 FR 4029), has been postponed. When the meeting has been rescheduled, an announcement will appear in the FEDERAL REGISTER.

Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-2373).

Dated: February 7, 1975.

CHARLES W. HOSTLER,
Deputy Assistant Secretary for International Commerce.

[FR Doc.75-3954 Filed 2-11-75;8:45 am]

National Oceanic and Atmospheric Administration

J. LAWRENCE DUNN

Notice of Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

J. Lawrence Dunn, D.V.M., General Manager and Staff Veterinarian, Mystic Marinelife Aquarium, P.O. Box 190, Mystic, Connecticut 06335, to take and import up to seven (7) Atlantic harbor seals, up to one hundred (100) blood samples from Atlantic harbor seals, up to one hundred (100) ectoparasite samples from these same animals, up to twenty (20) tissue parasite samples from harbor seals found dead, up to ten (10) skin biopsies from harbor seals showing lesions of seal pox, and up to ten (10) milk or colostrum samples from lactating harbor seals for the purpose of scientific research.

The harbor seals and specimen materials will be collected from animals taken by Dr. Dunn on Sable Island, Nova Scotia, in conjunction with researchers from Dalhousie University, Halifax, Nova Scotia, who, during the course of their studies, capture and tag large numbers of harbor seals. The specimen materials will be taken from these captured animals.

The animals and specimen materials taken and imported will be used in research designed to elicit knowledge of the life cycle of the seal heartworm (*Dipetalonema spirocauda*), in support of determining a cure for that disease in seals and in histopathology studies of seal pox and its causative virus.

Dr. Dunn has been engaged in research and care of marine mammals for a period of more than 12 years.

Documents submitted with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before March 14, 1975, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 6, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-3958 Filed 2-11-75;8:45 am]

DR. G. EDGAR FOLK

Notice of Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Dr. G. Edgar Folk, Department of Physiology and Biophysics, University of Iowa, Iowa City, Iowa 52242 to take four (4) ringed seals (*Pusa hispida*) for the purpose of scientific research.

The seals are to be captured in either the area of Wainwright, Alaska, or at the mouth of the Coleville River, Alaska. The animals are to be captured by an experienced native collector using nets and will be transported by air to a laboratory at Point Barrow, Alaska. The purpose of this research is to investigate the cardiac physiology of the seals in relation to the daily activity patterns and

slowing-of-the-heart-studies when the seals dive. The data will be obtained by placing 20-40 gram radio transmitters in the abdominal cavity of the seals and recording the signals for up to one and a half years. On termination of the experiments, the transmitters will be removed, the animals tagged and released near the point of capture.

Another area of investigation will be obtaining fat samples from an unspecified number of seals taken by Eskimos for subsistence. These samples will be analysed for yearly cyclic fluctuations of the chemical structure of the fat tissue. The results of this investigation will be compared with the cardiac physiology studies mentioned above, in order to contribute knowledge to the understanding of seal physiology.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before March 14, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 7, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-3956 Filed 2-11-75;8:45 am]

NICHOLAS R. HALL AND DR. WILLIAM W. DAWSON

Notice of Receipt of Application

Notice is hereby given that the following applicants have applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Mr. Nicholas R. Hall and Dr. William W. Dawson, Department of Neuroscience and Opthalmology, College of Medicine, University of Florida, Gainesville, Florida 32610 to take up to twenty Atlantic bottlenose dolphins by capture for the purpose of scientific research.

The animals are to be used in endocrine, sleep, and visual research studies. The endocrine studies will be conducted by using routine diagnostic blood collecting procedures and examining the blood for its concentrations of reproductive hormones. The purpose of this research is to establish the reproductive cycle of female dolphins in hopes of contributing to the breeding husbandry of the species and providing basic physiologic information of this species.

An objective of the second area of research is to describe the sleep-wakefulness behavior of dolphins. One method of determining whether or not the animal is asleep will be to remove it from the water and apply a local anesthetic on certain areas of the head. Three small gauge electrodes will then be inserted to penetrate just below the blubber overlying the skull. The animals will then be placed in an enclosure and for several days the electrodes will transmit brain wave signals to a recorder while the breathing rate and vocalizations of the animal are monitored. The length of these investigations will be dependent on both the quality of the results and the health and well being of the animals.

The visual research studies will be conducted by two experiments. The first will be to make optical measurements on several of the animals much as they are made during routine eye examinations of humans. The second technique to be performed on some of the animals will involve anesthetizing them and taking electrical measures of the sensitivity of retina's color vision apparatus.

The applicants anticipate that up to ten of the requested animals will either succumb or need to be sacrificed in the course of the work. The other animals will be judged for their suitability to be tagged and released.

The requested animals will be maintained in one or more of the following enclosures. A pool measuring 60 feet long by 20 feet wide by 10 feet deep; two kidney-shaped pools 40 feet by 15 feet by 5 feet deep. A holding tank measuring 15 feet in diameter by 10 feet deep is also available. All of the facilities are supplied with fresh filtered sea water. Veterinary care will be provided to the animals when needed. The work proposed will be carried out over a three year period and the number of animals to be held at any one time will not exceed the capacity of the holding facilities.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above applications are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before March 14, 1975, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are summaries based on information supplied by the Applicants and therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 3, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-3957 Filed 2-11-75;8:45 am]

LONG ISLAND GAME FARM, INC.

Issuance of Permit to Take Marine Mammals

On December 9, 1974, notice was published in the FEDERAL REGISTER (39 FR 42937), that an application had been filed with the National Marine Fisheries Service by Long Island Game Farm, Incorporated, Chapman Boulevard, Manorville, New York 11949, for a permit to take three (3) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that, on February 5, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to Long Island Game Farm, Inc. subject to certain conditions set forth therein.

The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 5, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-3960 Filed 2-11-75;8:45 am]

MARINE ANIMAL PRODUCTIONS INC./ MARINE LIFE INC.

Notice of Receipt of Application

Notice is hereby given that the following applicants have applied in due form

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for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Marine Animal Productions Inc./Marine Life Inc., 150 Debuys Road, Biloxi, Mississippi 39531 to take eight (8) Atlantic bottlenosed dolphins (*Tursiops truncatus*) and ten (10) California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the California Channel Islands. The animals will be collected during the period of November to April.

The bottlenose porpoises will be collected in the waters between Mobile Bay and the mouth of the Mississippi River by means of a seine net by the staff of the Applicant.

Four dolphins and six sea lions will be maintained at facilities in Gulfport, Mississippi and Pigeon Forge, Tennessee. The animals will be held in three filtered salt water pools at Gulfport which have the following dimensions:

1. Main pool, 80 feet in diameter by 16 feet deep;
2. Stadium pool, 100 feet long by 30 feet wide by 10 feet deep with a sea lion haul out area of 20 feet by 45 feet;
3. Bay pool, 120 feet long by 55 feet wide by 10 feet deep.

The Pigeon Forge facility has two pools measuring 60 feet by 30 feet by 10 feet and 20 feet in diameter by 4 feet deep, respectively.

Four dolphins will be maintained at the Gulfport facilities and at Pontchartrain Beach, New Orleans, Louisiana. The Pontchartrain pool measures 50 feet long by 40 feet wide by 11 feet deep.

The animals are held at Gulfport during the winter months and transported by air to Tennessee and Louisiana for the summer months. Four of the requested sea lions will be maintained year-round at the Gulfport facility.

The animals will perform in a show of thirty minutes duration eight times a day. The display is for profit and expects some 130,000 visitors a year. Mr. Donald Jacobs, president of the corporations, has 15 years experience in marine mammal husbandry, the staff has experience in husbandry and training ranging from two years to 17 years. Regular veterinary care is available to the animals by a staff veterinarian.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described applications have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before March 14, 1975, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicants and therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 5, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-3959 Filed 2-11-75;8:45 am]

DONALD B. SINIFF

Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Donald B. Siniff, Associate Professor, Department of Ecology and Behavioral Biology, 223 Snyder Hall, University of Minnesota, St. Paul, Minnesota 55101, to collect biological data and materials from an unspecified number of dead seals killed by polar bears, and to collect biological data and materials from three-hundred fifty (350) ringed seals (*Pusa hispida*), two-hundred fifty (250) bearded seals (*Erignathus barbatus*) taken by native and Canadian Wildlife Service personnel along the northern coast of Canada each year.

The research activities will be conducted annually during April, May and June, from 1975 through 1977. The biological data will be collected by students in the Department of Ecology and Behavioral Biology of the University of Minnesota.

The purpose of the research is to collect data on polar bear/seal interactions in the Canadian Arctic and to attempt to establish the general status and dynamics of the seal populations involved. The data collected will be used to determine the age, sex, size, reproductive status, and other biological parameters. All of the biological material collected will be deposited with the Canadian Wildlife Service.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 7, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management National Marine Fisheries Service.

[FR Doc.75-3955 Filed 2-11-75;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notice of Partially Closed Meeting

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, March 17 and 18, 1975. The Tuesday morning session will be closed to the public under authorization of the Assistant Secretary of Commerce for Administration in a determination dated February 6, 1975, and cosigned by the Assistant General Counsel for Administration, and attached to this notice. Closure is necessitated by classified briefings on the development portion of the U.S. Navy's ocean science program. All other sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 15th and Constitution Avenue NW, Washington, D.C. The closed session will be held in the Hoffman Building No. 2, conference room 8S11, 200 Stovall Street, Alexandria, Virginia.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary

of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. All members of the Committee have appropriate security clearances.

A general agenda contains the following topics:

MONDAY—OPEN, COMMERCE DEPARTMENT

9 a.m. to 5 p.m.—Discussion of topics for the Committee's fourth annual report including issues of coastal zone management and ocean resource development. General business including progress reports on the International Decade of Ocean Exploration study, civil/military weather operations, and the FCST study of capital structure supporting marine and atmospheric science.

TUESDAY—CLOSED, HOFFMAN BUILDING NO. 2

9 a.m. to noon—Security classified briefings on and discussion of the development portion of the U.S. Navy's ocean science program.

TUESDAY—OPEN, COMMERCE DEPARTMENT

1:30 p.m. to 5 p.m.—Additional discussion related to the fourth annual report.

The public is welcome at the Monday and Tuesday open session and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

DETERMINATION MADE PURSUANT TO SECTION 10(D) OF THE FEDERAL ADVISORY COMMITTEE ACT

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a regular meeting in Washington, D.C. on Monday and Tuesday, March 17 and 18, 1975. By memorandum of February 4, 1975, the Chairman of the Committee has requested that the morning session on Tuesday, the 18th be closed.

This session will be devoted to a continuation of classified briefings by the U.S. Navy on its ocean science program begun in December. At that time, the Committee was briefed on the basic research program; they will now hear about the development program. This briefing will require the presentation and discussion of security classified objectives supporting the Navy ocean science program and the use of security classified documents and briefing materials. Any non-classified information will be so intermixed with the classified information that it is not feasible in any respect to separate them.

Pursuant to the authority delegated to me by the Secretary of Commerce, I find and determine that the morning session of the Tuesday meeting will be concerned with matters listed in Section 522(b)1 of Title 5, United States Code (specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order), and that the session may be closed to protect security classified information and documents, and to insure the free discussion thereof.

Dated: February 6, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

Dated: February 5, 1975.

ALFRED MEISNER,
Assistant General Counsel for Administration.

[FR Doc.75-3892 Filed 2-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2811; Docket No. FDC-D-230;]
NDA 2-811]

CHORIONIC GONADOTROPIN

Follow-Up Notice and Opportunity for Hearing; Correction

In FR Doc. 74-28409, appearing in the issue of Thursday, December 5, 1974, the following corrections are made:

1. On page 42399, in the 10th line of paragraph "7" in the third column, "patient" is changed to read "patients".

2. On page 42400, the 36th line from the top of the second column reading "blood androgens in thus an extremely" is changed to read "blood androgens is thus an extremely" and the 39th line reading "recognized that cancer of the prostate" is changed to read "recognize that cancer of the prostate".

3. (a) On page 42402 for the sixth line of the second paragraph in the first column, the type size for the sentence which begins, "HCG has no known effect • • •" and continues through the rest of that paragraph and the next, is changed to all capital letters so that the affected text reads as follows:

"• • • HCG has no known effect on fat mobilization, appetite or sense of hunger, or body fat distribution.

INDICATIONS

HCG has not been demonstrated to be effective adjunctive therapy in the treatment of obesity. There is no substantial evidence that it increases weight loss beyond that resulting from caloric restriction, that it causes a more attractive or "normal" distribution of fat, or that it decreases the hunger and discomfort associated with calorie-restricted diets."

(b) The type size for the last complete paragraph of the third column is changed to all capital letters so that the affected text reads as follows:

"HCG has not been demonstrated to be effective adjunctive therapy in the treatment of obesity. There is no substantial evidence that it increases weight loss beyond that resulting from caloric restriction, that it causes more attractive or 'normal' distribution of fat, or that it decreases the hunger and discomfort associated with calorie-restricted diets."

Dated: February 4, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-3890 Filed 2-11-75;8:45 am]

SILVER-PLATED HOLLOWWARE

Request for Information and Data

At a public meeting held January 9, 1975, the Bureau of Foods requested submission to the Food and Drug Administration of certain information which is needed as a basis for regulatory action with regard to silver-plated hollowware. The purpose of this notice is to outline the problem and to delineate the information desired. It is requested that the information be received by the Food and Drug Administration on or before March 1, 1975.

On June 13, 1974, the Dallas District Office of the Food and Drug Administration received a request from the Army and Air Force Exchange Service to analyze silver-plated cups and goblets sold worldwide in post exchanges. Analyses confirmed excessive levels of leachable lead in the articles examined. (FDA currently takes regulatory action against ceramic dinnerware when the lead content of a leaching solution exceeds 7 parts per million (ppm) after testing of the dinnerware in accordance with the method described in the Journal of the Association of Official Analytical Chemists 56, 483 (1973). This same method was employed by the Food and Drug Administration in testing the silver-plated hollowware.) Follow-up examinations by the FDA Boston District home district for the importer, revealed a lead content of leaching solution averaging from 29.5 ppm to 171.0 ppm. The items analyzed included imported goblets, brandy snifters, and baby cups. Because of a greater potential hazard (i.e., involving repeated use by infants and young children), a recall was implemented for the baby cups which leached more than 7 ppm lead as determined by the testing method.

Subsequent to the baby cup recalls, an import alert was issued to all field installations to check all imported silver-plated hollowware for excessive leachable lead. Additionally, efforts were made to determine whether domestic silver plate leached lead. Between July 1974 and December 1974, FDA examined some 90 different silver-plate articles including baby cups, tankards, coffee sets, tea sets, goblets, salad bowls, gravy bowls, and serving trays. These analyses included articles imported from five countries as well as articles manufactured in the United States. Leachable lead values ranged from none detected to 316 ppm lead in the leaching solution. Those articles leaching lead in excess of the 7 ppm guideline used for ceramic dinnerware

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appeared to come primarily from the United States and from one exporting country. Some of the apparent sources of lead were the base metals, spouts, and fluxes used to manufacture the hollowware.

This limited survey indicates that the excessive leaching of lead from silver-plated hollowware is not limited to a few manufacturers but is potentially widespread throughout the silver-plate industry, both domestic and foreign. Thus, an announced public meeting was held on January 9, 1975 with the principals of the silver-plate industry, including importers, exporters, and manufacturers, the purpose of which was to determine the necessary corrective procedures to be implemented to assure consumer protection from excessive exposure to lead. At the meeting FDA provided an overview of the problem of leachable lead in silver-plated hollowware and requested industry to provide information on the technology of silver-plate manufacture and other necessary information to enable the Food and Drug Administration to resolve the problem. Detailed presentations were made by members of FDA which dealt with the subjects of human lead intakes and toxicity, history of FDA's activities concerning heavy metals in ceramic dinnerware and its relevance to silver-plated hollowware, the acidity of various foods, and the scope and results of FDA's survey of silver-plated hollowware. Representatives of the industry outlined some recent technology changes aimed at solving the problem and their economic impact. The appropriateness of FDA's test procedure as applied to all silver-plated hollowware was also discussed.

At the meeting it was agreed that the industry attendees would compile information of the type solicited in this announcement, and report such information to the Food and Drug Administration by March 1, 1975.

The minutes of the meeting along with other relevant background material are on file in the office of the Hearing Clerk and may be examined by any interested person.

An ad hoc committee of experts in pediatric lead toxicity appointed by the Department of Health, Education, and Welfare has suggested that 300 micrograms of lead per day to be the maximum daily permissible intake from all sources for children between 1 and 3 years of age. The maximum permissible daily intake of lead for infants is not precisely known; however, on the basis of a smaller body size alone it must be assumed to be less than the figure of 300 micrograms per day established for children. The levels found in the survey do represent a significant health hazard for adults on the basis of the expected infrequent use rate of most of the articles offered for adult use. However, utilizing the ad hoc committee's guidelines, repeated use by infants or children of cups, bowls, etc., which leach such high levels of lead would pose a chronic health hazard, not only because repeated use of the articles would result in a greater level of exposure but also because infants and children are much more susceptible than adults to brain damage from lead, and because infants and children absorb about five times as much of the lead ingested as do adults. However, highly frequent use of silver-plated hollowware items leaching high levels of lead may pose a serious health hazard to adults.

To ensure that all pertinent safety and technological information is considered, this notice solicits from all possible sources information in response to the following questions concerning silver-plated hollowware:

1. What materials are currently used to fabricate domestic and imported silver-plated hollowware and what is the lead content of each?

a. *Primary materials* (components of finished article).

Base metals (brass, nickel-silver, etc.).
Attachments (spouts, handles, etc.).
Solders.
Silver plate.
Others.

b. *Secondary materials* (not part of the finished article, but used in fabrication).

Fluxes.
Electrolytes.
Mold materials (sand, etc.).
Processing aids.
Others.

2. In each of the materials above:

a. Is lead intentionally included or is it an unwanted impurity?

b. Is recycled material used?

c. What quality control is undertaken with particular regard to lead content?

3. Which of the materials above are likely to result in lead contamination of foods?

4. What is the present range of silver plate thickness, and how has this changed over the years? Is the silver layer:

a. Uniform (e.g., inside versus outside surfaces, edges, etc.)?

b. Impermeable (i.e., continuous and nonporous)?

c. Attacked by any food and beverage components? If so, to what extent?

d. Ever coated with polymeric (e.g., lacquer) materials? If so, identify materials, methods of application, and thickness.

5. Which of the lead sources would be most difficult to eliminate technologically and why?

6. What would be the social and economic consequence of eliminating leachable lead from any of the sources above?

7. List the silver-plated hollowware items currently on the U.S. market and categorize them as follows:

a. Commonly used to contain liquids.

b. Could conceivably be used to contain liquids or liquid-coated foods (salad with dressing, pickles, etc.)

c. Used to contain or measure liquids but always for a brief period of time.

d. Never used to contain liquids or liquid-coated foods.

8. Submit available data on leaching of lead to foods or other leaching media as compared to the regulatory test medium of 4 percent acetic acid (presently used for ceramic dinnerware). Submit details of analytical methods used and name of laboratory which performed the analyses.

9. Any other pertinent data, or recommendations for solving the problem at hand, will be welcome.

This information will be used to determine the scope of the problem and to establish appropriate regulatory control mechanisms for leachable lead in silver-plated hollow ware to ensure that the consuming public is not exposed to excessive levels of lead.

All information and data should be sent to the Associate Director for Technology, HFF-400, Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204. To assure full consideration, such information should be mailed or otherwise transmitted in time to be received by the Food and Drug Administration by March 1, 1975.

The Commissioner urges the cooperation of all segments of the public in this important work.

Dated: February 6, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3889 Filed 2-11-75;8:45 am]

Health Services Administration

HEALTH MAINTENANCE ORGANIZATIONS

Applications for Federal Financial Assistance

On November 27, 1974, there was published in the FEDERAL REGISTER (39 FR 41390-91) a notice announcing deadlines for the submission of applications for assistance under the Health Maintenance Organization Act of 1973 (42 U.S.C. 300e et seq.). This notice establishes modified procedures and revised deadlines for the submission of such applications. The Health Services Administration will now distinguish between projects which have been funded under the Health Maintenance Organization Act and projects which have not been so funded, as follows:

New Projects. Applications for the support of HMO projects not previously funded under the Health Maintenance Organization Act must be submitted to the appropriate DHEW Regional Office in accordance with the following schedule in order to be considered for funding during fiscal year 1975:

Deadline for Submission of Applications	*Anticipated Date of Award*
Feb. 3, 1975	Apr. 30, 1975.
Apr. 1, 1975	June 30, 1975.

It is anticipated that the schedule of funding cycles for fiscal year 1976 will be published three months prior to the first deadline for submission of applications thereunder.

Projects Previously Funded Under the Health Maintenance Organization Act. In order to respond to the different rates of progress of HMO feasibility, planning, and initial development projects, and to different beginning dates of initial operations, the Health Services Administration will accept and consider applications for continuation funding, or for funding of subsequent levels of progress, on an individual basis, as completion of the appropriate activities under the previously funded projects is demonstrated. It is

estimated that a 13-week review period will be required between the receipt of such applications and final action on their approval.

Dated: February 5, 1975.

ROBERT VAN HOEK,
Acting Administrator, Health Services Administration.

[FR Doc.75-3847 Filed 2-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-6; Notice 1]

MOTOR COACH INDUSTRIES, INC.

Temporary Exemption from Federal Motor Vehicle Safety Standards

Motor Coach Industries, Inc. of Pembina, North Dakota, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Petitioner, a subsidiary of Greyhound Corporation, manufactured 620 buses in 1974. It builds the Challenger Model MC-5B (50 produced in 1974), a 35-foot two-axle intercity coach, and the Crusader Model MC-8 (570 produced in 1974), a 40-foot three-axle intercity coach. This vehicle will also be produced by another Greyhound subsidiary, Transportation Manufacturing Corporation, a new entity, to whom the exemption would also be given. Motor Coach requests an exemption of two months, until May 1, 1975, for MC-5B vehicles as its supplier of axles and anti-skid components is unable to furnish parts necessary for conformity by March 1, 1975, the effective date of the standard. An exemption of 12 months, until March 1, 1976, is requested for the MC-8 vehicles for the reason that the company is experiencing repetitive failure of the third axle anti-skid computer. Petitioner requires the additional time "to analyze the problem created by a lightly loaded third axle with each trailing wheel carrying only 3,000 pounds maximum." Failure to obtain the exemption for the MC-5B would result in a loss of production of 20 vehicles, estimated at $1,400,000 plus interest. The petitioner's net income for the first 11 months of 1974 was $1,438,000. Losses would also include start-up costs of $200,000, and the lay-off of workers for 60 days. If an exemption for the MC-8 is not granted, the petitioner will encounter sizable warranty costs on its production of four vehicles a day, until the third axle computer is perfected. Thus, the granting of the exemption, by insuring uninterrupted employment and the implementation of mass transit programs, is, in the petitioner's view, in the public interest.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Motor Coach Industries, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date. February 21, 1975.

Proposed effective date. March 1, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159-(15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 6, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-3914 Filed 2-7-75;1:42 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-75-4]

FORE RIVER RAILROAD CORPORATION

Petition for Exemption From Hours of Service Act

The Fore River Railroad Corporation has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a (e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-75-4, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before March 12, 1975, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on February 7, 1975.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.75-3963 Filed 2-11-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 27423, 27425, 26310, Order No. 75-2-31]

OZARK AIR LINES INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of February, 1975.

In the matter of rules relating to the acceptance and carriage of live animals proposed by Ozark Air Lines, Inc.

Rules and practices relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation.

By tariff revisions[1] marked to become effective February 7, 1975, Ozark Air Lines, Inc. (Ozark) proposes to establish various rules which set forth the terms, conditions, and other provisions governing the acceptance of live animals for transportation.

Specifically, Ozark proposes, among other things, to refuse to accept on passenger aircraft any single piece of a shipment where the gross weight of the animal and container is in excess of 200 pounds (Rule 19(A)(4)); to refuse to accept on any aircraft shipments of poisonous snakes, poisonous lizards, or other poisonous reptiles (Rule 19(A)(1)); and to establish packaging standards for nonpoisonous reptiles (Rule 19(C)(6)(e)).

Complaints have been filed requesting rejection, or in the alternative, suspension pending investigation, by the Pet Industry Parties (PIP), and jointly by the American Association of Zoological Parks and Aquariums (AAZPA) and the Zoological Action Committee, Inc. (Zoo-Act). The complainants variously allege, inter alia, that the proposed rule prohibiting shipments containing a single piece in excess of 200 pounds conflicts with and duplicates another rule which provides that Ozark would accept, subject to advance arrangements, shipments with pieces weighing in excess of 200 pounds; that the carrier's justification is inadequate; that the 200-pound limit places an impossible burden on shippers and effectively precludes the domestic movement of exotic animals by air; and that the live-animal restrictions involve a limitation on the carrier's common-carrier obligation, and it is improper for the carrier to attempt to alter its live-animal acceptance provisions while such rules are currently under investigation by the Board in Docket 26310.

In support of its proposal and in answer to the complaints, Ozark asserts, inter alia, that this filing is designed to comply with objections and suggestions of shippers and others; to comply with Federal Aviation Administration Regulations; and to set forth provisions for the transportation of live animals which are just and reasonable, and, for the most part, are already in effect for other carriers. Furthermore, Ozark asserts that, with respect to Rule 19(A)(1), it has merely sought to join with Delta Air

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96.

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Lines, Inc. (Delta) in a rule which is already effective; that the shipment by air of poisonous reptiles is not in the public interest and poses a real and present hazard to other live-animal shipments and employees of the carriers and shippers; that rules similar to 19(A)(4) are already contained in Rule 19 and the carrier is only trying to follow a recognized practice and has chosen a limitation which is consistent with the capabilities of its aircraft and ground-handling facilities and equipment; that in arriving at the proposed 200-pound limit, it has taken into account the capacity of its aircraft in relation to available cargo space; and that proposed Rule 19(C)(6)(e) does not differ substantially from existing sections of the rule; however, in the interest of conformity and in an attempt to lessen the proliferation of rules, it is willing to join with Delta and Trans World Airlines, Inc. (TWA) in existing Rule 19(C)(6)(b).

All of the proposed rules come within the scope of the investigation in Docket 26310, *Rules and Practices Relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation*, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The establishment of a 200-pound limit per piece and the refusal to accept poisonous reptiles represent, in our opinion, a significant decrease in Ozark's common-carrier obligation, and would represent a significant difference from typical industry tariff provisions. We see no valid basis for Ozark's 200-pound limitation, which would single out live animals while permitting other commodities to be handled based on the capacity of the carrier's facilities. No other carrier has the same limitation in effect.

It should be noted that Ozark, as well as all other carriers, participates in the advance-arrangement rule which provides that all shipments with pieces weighing in excess of 200 pounds are subject to advance arrangements. This rule, in our opinion, gives the carrier sufficient flexibility to plan use of its aircraft or other facilities in advance.

It also appears that the proposed refusal to accept poisonous reptiles is unreasonable. Ozark states that Delta Air Lines, Inc. (Delta) has the same restriction in effect in its tariff, as a result of the Board's "approval." The fact is, however, that Delta's provision (as well as a complete refusal to accept all live snakes by Trans World Airlines, Inc.) became effective after suspension by the Board, Order 74-1-79, January 14, 1974, when the 180-day suspension period expired.

The establishment of packing requirements for reptiles, on the other hand, does not appear significantly different from those currently in effect for other carriers, and we will not suspend them, pending investigation.

Consistent with the above, and upon consideration of the complaints and all other relevant factors, the Board finds that Ozark's proposals excluding poisonous snakes and other poisonous reptiles from carriage in Rule 19(A)(1) and establishing a 200-pound per piece limit on animal shipments in Rule 19(A)(4) should be suspended pending investigation.[2] The remaining proposal of Ozark will be permited to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, that:

1. Pending hearing and decision by the Board, the provisions in Rule Nos. 19(A)(1) and 19(A)(4) applicable to the carrier OZ on 8th Revised Page 10–C of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 96, are suspended and their use deferred to and including May 7, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaints of the Pet Industry Parties in Docket 27425 and American Association of Zoological Parks and Aquariums and the Zoological Action Committee, Inc. in Docket 27423 are dismissed; and

3. Copies of this order shall be filed with the tariff and served upon the American Association of Zoological Parks and Aquariums, and the Zoological Action Committee, Inc., which are hereby made parties to Docket 26310.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3969 Filed 2-11-75;8:45 am]

[Docket 27156]

LOYAL-AIR LTD.

Small Aircraft Permit Application; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 27, 1975, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 17, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., February 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-3966 Filed 2-11-75;8:45 am]

CAPACITY REDUCTION AGREEMENTS CASE

[Docket 22908]

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on March 5, 1975, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., February 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-3967 Filed 2-11-75;8:45 am]

[Dockets 24626, 27075; Order 75-2-33]

EASTERN AIR LINES, INC.

Order Granting Exemption and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of February 1975.

Application of Eastern Air Lines, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended—Docket 24626.

Application of Eastern Air Lines, Inc., for amendment of its certificate of public convenience and necessity for route 5—Docket 27075.

By application filed August 12, 1974, Eastern Air Lines, Inc. (Eastern), requests renewal of its present exemption authority to provide a single round-trip flight on a Pittsburgh-Atlanta-Jamaica routing for an additional period of 2 years.[1]

In support of its application, Eastern alleges, *inter alia*, that order 74-1-12 (later extended by order 74-5-127)[2] permitted Eastern to operate one daily round trip on a Pittsburgh-Atlanta-Jamaica routing, and Eastern began such service in January soon after it was authorized (flights 988 and 989); that prior thereto, beginning in December 1972 Eastern provided service over a Buffalo - Pittsburgh - Atlanta - Jamaica routing, as authorized in order 72-9-118 (see footnote 1, *supra*); that the Buffalo-Pittsburgh segment of these flights was poorly patronized during 1973; that there is sufficient alternative service available in the affected markets; and that the circumstances which led the Board to grant Eastern relief from the Toronto long-haul restriction remain valid today. The carrier also stated that compliance with condition 5 of its certificate would (1) result in an additional expense of $500,000 for the Toronto-Buffalo segment; (2) necessitate changing the number of the flight at Atlanta;[3] (3) require operation of the Buffalo-Pittsburgh segment, resulting in an estimated loss of $468,000 in 1975; and (4) burden Eastern's ability to continue to provide uninterrupted service from Pittsburgh to Jamaica via Atlanta.

United Air Lines, Inc. (United), filed a motion for leave to file an unauthorized document,[4] together with an answer in opposition to Eastern's request, stating that Eastern's application represents an attempt to eliminate condition 5 from Eastern's route 5 for an extended period of time all without economic justification or the showing of a public need; that Eastern has not met the statutory standards for exemption under the Act; that enforcement of condition 5 would not cause the public to lose the convenience of a daily Jamaica flight originating and terminating at Pittsburgh; that it appears that Eastern is more concerned with Pittsburgh-Atlanta and beyond traffic than with the Pittsburgh-Jamaica traffic as it alleges; that the proposed elimination of Eastern's long-haul certificate restriction will have a serious economic impact on United; and that Eastern has failed to submit adequate economic justification for the exemption sought.

Eastern filed a reply to United's answer stating that: authority to operate a single daily flight over a Pittsburgh-Atlanta-Jamaica routing is narrower than the relief initially granted by the Board over United's objection in order 72-9-118; contrary to United's assertion, enforcement of condition 5 would mean that Eastern's Jamaica flights would miss the Atlanta connecting complex, resulting in the loss of connecting traffic support for its Atlanta-Jamaica operations and inconvenience Jamaica connecting passengers; the purpose of its application is to eliminate the uneconomic and unnecessary portions of flights which would otherwise hinder its Pittsburgh-Atlanta-Jamaica service; renewal will have no competitive impact on the Pittsburgh-Atlanta market, since the level of Eastern's service will remain unchanged; and United's claim that Eastern has failed to submit adequate economic justification for the requested exemption is groundless.

Subsequently, on October 7, 1974, Eastern filed a certificate application in docket 27075 to permanently authorize unrestricted service between Pittsburgh and Jamaica via Atlanta. Contemporaneously therewith the carrier filed a motion for leave to amend its exemption application,[5] together with a supplement to the latter application, stating that: since Eastern now is the designated U.S.-flag carrier for the Toronto-Pittsburgh nonstop route under the new United States-Canada bilateral agreement, a stop at Buffalo is no longer required on flights between Toronto and Pittsburgh; however, Eastern cannot combine nonstop Toronto-Pittsburgh operations with its existing Pittsburgh-Atlanta-Jamaica flights and still maintain its present Pittsburgh/Atlanta-Jamaica service; compliance with condition 5 would therefore force Eastern to institute an additional Toronto-Pittsburgh nonstop round trip and to incur more than $782,000 in needless operating expenses without the benefit of any added revenue support; the addition of the Toronto-Pittsburgh nonstop route does not change those provisions which prohibit the advertising of Toronto-Jamaica flights and require a change of flight number at Atlanta; and there would be no need for another nonstop flight in the local Toronto-Pittsburgh market, since Eastern's December 3rd schedules include four daily round-trip nonstop flights. The carrier requests that grant be for a period of 2 years commencing December 12, 1974 or until 90 days after final decision on its certificate application for similar relief in docket 27075, whichever occurs first.

United filed an answer to Eastern's amendment, and Eastern filed a reply to United's answer.

Upon consideration of the pleadings and all the relevant facts, we have decided to (1) set Eastern's certificate application in docket 27075 for hearing and (2) renew Eastern's present Pittsburgh-Atlanta-Jamaica authority for an additional 2-year period, or until 90 days after final decision on its certificate application in docket 27075, whichever should first occur.

We believe that the public interest would best be served by renewing Eastern's present Pittsburgh-Atlanta-Jamaica exemption authority, pending an investigation of the need for permanent certificate authority in a formal proceeding. None of the arguments advanced by United persuade us to the contrary. The service which Eastern plans to provide—a single daily round trip—will be extremely limited in scope and does not have the effect of eliminating condition 5 from Eastern's route 5. In addition, the level of Eastern's Pittsburgh-Atlanta service will remain unchanged, so that any adverse competitive impact on United will not result from the exemption granted herein.

The effect of enforcing condition 5(b) of route 5 of Eastern's certificate would be to require the proposed Pittsburgh-Atlanta-Jamaica flight to operate beyond Pittsburgh to Toronto.[6] The long-haul restriction on Eastern's Pittsburgh-Atlanta authority was imposed in order to keep Eastern from competing on a turnaround basis with United, the unrestricted incumbent in the market. Although this question will be resolved at the hearing on the requested certificate amendment, it appears that a Pittsburgh-Atlanta flight serving a point as distant as Jamaica serves precisely the same purpose as a restriction requiring such flights to serve Toronto (which actually is considerably closer to Pittsburgh than Jamaica is to Atlanta). Moreover, there has been no showing of any need for service to Toronto on the proposed flight. The Toronto-south markets involved are all amply served, and it appears that they will be only minimally affected by Eastern's proposed Pittsburgh-Atlanta-Jamaica flight. In addition, the marketability of the flight in relation to Toronto-Jamaica service cannot be improved because the United States-Canada bilateral prohibits the advertising of Toronto-Jamaica flights and requires a change of flight number at Atlanta. Enforcement of condition 5 would cause Eastern's proposed flight to Jamaica to be uneconomic, and since condition 5 was not designed to limit Eastern's operations in United States-Jamaica markets, this result is unduly burdensome. Furthermore, certification proceedings could not be completed in time to permit Eastern to conduct its proposed services. Under all these circumstances, the Board concludes that enforcement of section 401 of the Act and the terms, conditions, and limitations of Eastern's certificate, to the extent that it would prevent the limited authority granted herein, would be an undue burden on the carrier by reason of the limited extent of, and unusual circumstances affecting, the carrier's operations, and would not be in the public interest.

During the past few years the Board has acted with caution in setting for hearing certificate amendment applications where it appeared that grant of the application would increase or intensify

[1] By order 72-4-150, Mar. 10, 1972, the Board authorized Eastern to provide Atlanta-Jamaica service (*Chicago/Atlanta-Jamaica Service Investigation*). Condition 6 of route 5 (now condition 5(b)) requires that all Pittsburgh-Atlanta schedules originate or terminate in Toronto. By order 72-9-118, Sept. 29, 1972, Eastern was exempted from the provisions of its certificate for route 5 so as to permit it to provide one daily Buffalo-Pittsburgh-Atlanta-Jamaica round trip. Subsequently, by order 74-1-12, Jan. 2, 1974, the Board amended order 72-9-118 to authorize Eastern to discontinue a single daily round-trip flight between Pittsburgh and Buffalo on its Buffalo-Pittsburgh-Atlanta-Jamaica service. By order 74-5-127, May 24, 1974, the authority granted in order 74-1-12 was extended until Dec. 12, 1974, Eastern has invoked the automatic extension provisions of 5 U.S.C. 558(c).

[2] Both orders were predicated upon the need to conserve fuel; however, Eastern does not base its present applicaton upon consideration of fuel conservation.

[3] The Canadian bilateral prohibits the advertising by Eastern of Toronto-Jamaica service and requires that Eastern change the flight number of the proposed service at Atlanta.

[4] We will grant the motion.

[5] We will grant the motion.

[6] At the time order 72-9-118 was issued, Eastern could not provide Pittsburgh-Toronto nonstop service, but only nonstop authority between Buffalo and Toronto. Thus, the practical effect of condition 5(b) was to require that both Buffalo and Toronto be served on all Pittsburgh-Atlanta flights and, consequently, there were references in order 72-9-118 to Buffalo service. As a result of the recent amendments to the United States-Canada bilateral, Eastern can operate between Toronto and Pittsburgh (see also condition 3 of Eastern's route 148). Since the carrier could now operate Toronto-Pittsburgh-Atlanta-Jamaica service, we will not consider the need for service to Buffalo on the proposed flight.

[7] The Board can find no basis upon which to reject Ozark's filing.

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competition among domestic air carriers. This course has been occasioned by depressed economic conditions in air transportation following a period of rapid expansion and, more recently, by the need to conserve scarce fuel. It has also to some extent been influenced by unusual demands upon the time of the Board's staff in fare and rate matters, *e.g.*, in the recently completed *Domestic Passenger-Fare Investigation*. Undoubtedly this course can be expected to change as the relevant circumstances change, and it goes without saying that the Board has a continuing duty to address those situations where it becomes apparent that there are legitimate needs for additional or improved air service which are not being met.[1] Moreover, it does not appear from the present pleadings that grant of Eastern's application would significantly increase or intensify competition, for the reasons stated in the preceding paragraphs, or would increase overall capacity; and indeed it appears likely that a net savings in fuel would result. Of course such questions, like others, will be ultimately determined on the record at the hearing.

We have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our findings that there are unlikely to be environmentally significant changes in such schedules and service levels should unrestricted Pittsburgh-Atlanta-Jamaica service be authorized. In its application for exemption authority in docket 24626, Eastern proposes the operation of a single daily Pittsburgh-Atlanta-Jamaica round trip. In view of the size of the Pittsburgh/Atlanta-Jamaica markets (less than 20,000 O&D passengers for calendar year 1973) and the level of existing service,[2] it is unlikely that Eastern would offer significantly more service. Such a service change must be placed against the large overall level of traffic at Pittsburgh and Atlanta. In 1973 there were 210,885 and 96,348 certificated carrier aircraft departures at Atlanta and Pittsburgh, respectively.[3] Therefore, it is unreasonable to suppose on the face of the matter that authorization of unrestricted Pittsburgh-Atlanta-Jamaica service will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in CAB proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., in docket 27075 for amendment of its certificate of public convenience and necessity for route 5 be and it hereby is set for hearing at a time and place to be hereafter designated;

2. The hearing shall consider the issue of whether the public convenience and necessity require that Eastern's certificate be altered, amended, or modified so as to authorize the carrier to engage in turn-around air transportation between Pittsburgh, Pa., and Jamaica, via Atlanta, Ga.;

3. Eastern Air Lines, Inc., be and it hereby is temporarily exempted from section 401 of the Act, and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 5, to the extent necessary to permit it to operate one daily round trip on a Pittsburgh-Atlanta-Jamaica routing:

4. The authority granted in paragraph 3 above shall be effective on the date of this order and shall continue in effect for a period of 2 years or until 90 days after final decision on its certificate application in docket 27075, whichever shall first occur;

5. The motions of United Air Lines, Inc., and Eastern Air Lines, Inc., for leave to file an unauthorized document and for leave to amend the application be and they hereby are granted;

6. This authority may be amended or revoked at any time in the discretion of the Board without hearing; and

7. This order shall be served on Eastern Air Lines, Inc.; United Air Lines, Inc.; Allegheny Airlines, Inc.; Braniff Airways, Inc.; Trans World Airlines, Inc.; Delta Air Lines, Inc.; Northwest Airlines, Inc.; Piedmont Airlines, Inc.; Southern Airways, Inc.; Pan American World Airways, Inc.; American Airlines, Inc.; National Airlines, Inc.; Governor, State of Pennsylvania; Governor, State of Georgia; Mayor, City of Pittsburgh; Mayor, City of Atlanta; Airport Manager, Hartsfield International Airport; Airport Manager, Greater Pittsburgh Airport; the Postmaster General; the Departments of the Interior, Transportation, Commerce, Health, Education, and Welfare, and State; the National Aeronautics and Space Administration; the Environmental Protection Agency; the Council on Environmental Quality; and the Federal Aviation Administration.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3971 Filed 2-11-75;8:45 am]

[1] In this connection, it may be noted that the public is currently being asked to comment on a Domestic Route Study, prepared by the Board's Bureau of Operating Rights, which explores potential service needs during the next decade and suggests possible future standards for setting route cases for hearing. This study, however, has not to date been adopted or endorsed by the Board, nor has the Board determined to defer all consideration of present service needs until a long-term study is completed and a decision is reached as to what new general standards, if any, are needed in this area, which is presently governed by section 399.60 of the Board's Policy Statements.

[2] Except for Eastern's proposed flight, only connecting flights are offered in the Atlanta/Pittsburgh-Jamaica markets.

[3] *Airport Activity Statistics of Certificated Route Air Carriers*, 12 months ended Dec. 31, 1973.

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, March 19, 1975. This meeting will be held in room 3314 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

FRED W. HOHLWEG,
Acting Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-3943 Filed 2-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director of Education Programs, Office of Education Programs, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3944 Filed 2-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Water Resources Research, Office of the Assistant Secretary for Land & Water Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3945 Filed 2-11-75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Appeals & Civil Litigation Section, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3946 Filed 2-11-75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Criminal Section, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3947 Filed 2-11-75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Criminal Section, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3948 Filed 2-11-75;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Director, Office of Justice Policy and Planning, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3949 Filed 2-11-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment in the excepted service the position of Director, Office of Program Development and Coordination, National Endowment of the Arts.

UNITED STATES CIVIL SERVICE COMMISSION
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3950 Filed 2-11-75;8:45 am]

VETERANS ADMINISTRATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Veterans Administration to fill by noncareer executive assignment in the excepted service the position of Assistant Deputy Administrator, Office of the Assistant Deputy Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3951 Filed 2-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Title Change in Noncareer Executive Assignment

By notice of August 16, 1969, FR Doc. 69-9708 the Civil Service Commission authorized the Department of Transportation to make a change in title for the position of Director of Public Affairs, Federal Aviation Administration, Office of Public Affairs, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Assistant Administrator for Information Services, Federal Aviation Administration, Office of Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3952 Filed 2-11-75;8:45 am]

DEPARTMENT OF THE TREASURY

Title Change in Noncareer Executive Assignment

By notice of November 8, 1973, FR Doc. 73-23796 the Civil Service Commission authorized the Department of the Treasury to fill by noncareer executive assignment the position of Deputy Assistant Secretary (Tariff and Trade Affairs), Office of the Deputy Assistant Secretary (Tariff and Trade Affairs); Office of the Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary (Tariff Affairs); Office of the Deputy Assistant Secretary (Tariff Affairs); Office of the Assistant Secretary for Enforcement, Operations, and Tariff; Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-3953 Filed 2-11-75;8:45 am]

DEFENSE NUCLEAR AGENCY

ADVANCED MISSILE MATERIALS RESEARCH GROUP

Meeting

The next meeting of the Advanced Missile Materials Research (AMMRES) Group, sponsored by the Defense Nuclear Agency (DNA), will be held during the period 10–11 March 1975 at R&D Associates, 525 Wilshire Boulevard, Santa Monica, California. AMMRES members will evaluate MIGHTY EPIC (which is a future underground test at the Nevada Test Site) advanced materials proposals. Since all of the MIGHTY EPIC proposals contain classified information, the meeting will be closed to the public under the provisions of sections 552(b)(1) and (3) of Title 5, United States Code.

J. F. MOULTON, Jr.,
Chief,
Aerospace Systems Division.

[FR Doc.75-3939 Filed 2-11-75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 332-6; OPP-32000/187]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 14, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 14, 1975.

Dated: February 4, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 9854-G. Air-Tite Products Co., Inc., 1483 Washington, Ave., Vineland NJ 08360. AIR-TITE ALGAE CONTROL SOLUTION CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (61% C12, 23% C14, 11% C16, 5% C8-C18) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 36118-R. Amchlor Corp., Pool Chem. Div. of Amato Solvents, Inc., 9120 Talbot Ave., Silver Spring MD 20910. AMCIDE. Active Ingredients: N-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 8.40%; N-dialkyl (60% C14, 30% C16, 5% C12, 5% C18) methyl benzyl ammonium chloride 1.60%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 35378-U. Aqua/Process Chem., 2408 Yorktown #178, Houston TX 77027. S-73 MICROBIOCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6248-RE. Black Magic Co., PO Box 16453, Jacksonville FL 32216. BLACK MAGIC FLEA & TICK POWDER. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 8506-RN. Blaine Chem., 1005 N. Coleman St., Hobbs NM 88240. BLAINE'S PINE ODOR DISINFECTANT COEF. 13. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C15 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy, PM31

EPA File Symbol 2914-UA. Calgon Commercial Div., 7501 Page Ave., St. Louis MO 63166. SMS-422 ACID CLEANER SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 4318-LU. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. CARROLL QUAT SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35495-R. Chemax Inc., 2106 N.W. 24th Ave., Portland OR 97210. 474 DISINFECTANT - SANITIZER - FUNGICIDE-DEODORIZER. Active Ingredients: Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) Dimethyl Benzyl Ammonium Chlorides 5.0%; Alkyl (C12 68%, C14 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35893-R. Chemical Packaging, Inc., 1196 E. 152nd St., Cleveland OH 44140. SANICIDE DISINFECTANT-SANITIZER-FUNGICIDE - DEODORIZER. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35893-E. Chemical Packaging, Inc. LIQUASAN. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35893-G. Chemical Packaging, Inc. SURGITEX. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 15300-I. Chemical Treatment Co., Hanover Industrial Park, 500 Lickinghole Rd., Ashland VA, 23005. CL-200. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 239-EUGG. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHO TOMATO & VEGETABLE INSECT SPRAY. Active Ingredients: Pyrethrins 0.030%; Technical Piperonyl Butoxide 0.160%; Rotenone 0.128%; Other Cube Resins 0.238%; Petroleum Distillate 0.120%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 100-LIN. Home and Garden Products, Agricultural Div., Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. SPECTRACIDE 6000 LAWN INSECT CONTROL LIQUID. Active Ingredients: 0,0-diethly 0-(2-isopropyl-6-methyl-4-pyrimidinly) phosphorothioate 48.0%; Aromatic Petroleum Derivative Solvent 37.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 36147-R. Dadom Chemical Corp., 250 Delawanna Ave., Clifton NJ 07014. "TOUGH L G-D". Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36116-R. Dap Inc., General Offices, Dayton OH 45401. DAP FOAMING BATHROOM CLEANER. Active Ingredients: n-Alkyl dimethyl benzyl ammonium chlorides 0.10%; n-Alkyl dimethyl ethylbenzyl ammonium chlorides 0.10%; Tetrasodium ethylenediamine tetraacetate 1.54% Sodium Metasilicate 0.24%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 6754-AL. Dettelbach Pesticide Corp., 4111 Peachtree Rd., N.E., Atlanta GA 30319. PROFESSIONAL ORKIN PARADICHLOROBENZENE. Active Ingredients: Paradichlorobenzene 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 4812-GU. Eastern Lab., Inc., PO Box 281, Vineland NJ 08360. EASTERN LIQUID SANITIZER CLEANER FOR WASHING SOLED EGGS. Active Ingredients: Alkyldimethylbenzyl ammonium chloride (C-12, C-14, C-16, and related C-8 and C-18 alkyl groups) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 34761-RE. Ecolo-G Ltd., Bldg. #5, Industrial Park, Haverstraw NY 10936. ECOLO-G RESIDUAL INSECT SPRAY. Active Ingredients: Pyrethrins 0.050%; Technical Piperonyl Butoxide 0.100%; N-octyl bicycloheptene dicarboximide 0.167%; 0, 0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500%; Petroleum Distillate 99.183%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 34761-RR. Ecolo-G Enterprises Ltd., Industrial Bldg. #5, West Haverstraw NY 10993. ECOLO-G HORNET & WASP PRESSURIZED SPRAY. Active Ingredients: Pyrethrins 0.10%; Piperonyl butoxide, technical 0.20%; N-octyl bicycloheptene dicarboximide 0.33%; 0-isopropoxphenyl methylcarbamate 0.50%; Petroleum distillate 51.87%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 168-LNU. Entrada Industries, Inc., Wasatch Chem. Div., 1979 S. 7th W., P.O. Box 6219, Salt Lake City UT 85106. WASCO SANITAL II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA Reg. No. 869-123. Green Light Co., PO Box 16192, San Antonio TX 78246. GREEN LIGHT WIPE-OUT BROADLEAF WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 3.23%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 10.59%; Dimethylamine salt of Dicamba (3,6-dichloro-o-anisic acid) 1.28%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 9463-A. Johar Enterprises, Inc., Uhler & Kesslerville Rds., Easton PA 18042. JO-CHLOR NO. 3 DISINFECTANT-GERMICIDE. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 299-ROR. C. J. Martin Co., 606 W. Main St., Nacogdoches TX 75961. DIAZINON 12.5E LAWN AND GARDEN INSECT CONTROL. Active Ingredients: O,O-diethyl O-(2-isophopyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.5%; Aromatic Petroleum Derivative Solvent 79.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 10742-A. Prinova Co. Inc., 982 Terminal Way, San Carlos CA 94070. MILDEW PREVENTATIVE. Active Ingredients: Didecyl Dimethyl Ammonium Chloride 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10742-L. Prinova Co. Inc., 982 Terminal Way, San Carlos CA 94070. LADRIN BAC SOF BATERIOSTATIC LAUNDRY SOFTENER CONCENTRATE. Active Ingredients: Octyl decyl dimethyl ammonium chloride 3.0%; Dioctyl dimethyl ammonium chloride 1.5%; Didecyl dimethyl ammonium chloride 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10710-L. Purdy Products Inc., 1526 N. 31st St., Milwaukee WI 53208. TROPHY NO-BAC PLUS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1456-EE. Reilly Tar & Chem. Corp., Merchants Bank Bldg., 11 S. Meridian St., Indianapolis IN 46204. 70/30 CREOSOTE COAL TAR SOLUTION. Active Ingredients: Creosote oil 70%; Coal Tar 27%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 491-EEN. Selig Chem. Indus., Inc., PO Box 43106, Atlanta, GA 30336. ULVP FOR EFFECTIVE ADULT MOSQUITO CONTROL. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) (cyclopropanecarboxylate 4.22%; Related compounds 0.57%; Aromatic petroleum hydrocarbons 5.59%; Refined petroleum distillate 89.45%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 491-ERO. Selig Chem. Industries, Inc., PO Box 43106, Atlanta GA 30336. SUPER DU KIL. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 99.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 22058-A. Sharp Chem. Co., 5921 Plainview, Houston TX 77017. SHARP CLEAN L 55, Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1574-GR. Stanley Home Products, Inc., Westfield MA 01085. STANHOME "FIRST MATE" DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.1%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.1%; Tetrasodium ethylenediamine tetraacetate 1.6%; Sodium metasilicate pentahydrate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 2459-ELO. Stevens Industries, Inc., Dawson GA 31742. MASTER EMULSIFIABLE SPRAY FOR COTTON. Active Ingredients: Toxaphene 79.06%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 6921-E. Tesch Chem. Co., Inc., E. Midway Rd., Appleton WI 54911. SPEEDEE SAN. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 9768-GU. Thatcher Chem. Co., PO Box 6114, Salt Lake City UT 84106. TEAT DIP. Active Ingredients: alpha -(p-nonylphenyl) -omega -hydroxypoly (oxyethylene) -iodine complex 8.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 623-GO. United Chem. Co., Inc., 5050 E. 52nd St., Kansas City MO 64130. UNITED PINE ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%; Isopropyl Alcohol 2%; Synthetic Pine Odor 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 9640-EN. Vulcan Lab., 208 Auburn Ave., Pontiac MI 48058. MICROBIOCIDE 1392M. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 9640-ER. Vulcan Lab., 408 Auburn Ave., Pontiac MI 48058. MICROBIOCIDE 1393M. Active Ingredients: Disodium cyanodithioimidocarbonate 14.7%; Potassium N-methyldithiocarbamate 20.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 11659-O. Walling Chem. Co., PO Box 408, Sioux Falls SD 57101. WALLING A-160. Active Ingredients: Dioctyl Dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 15265-A. Wausau Chem. Corp., PO Box 953, Wausau WI 54401. ALGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 15265-R. Wausau Chem. Corp., PO Box 953, Wausau WI 54401. SANIDET. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18 dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 34810-L. Wexford Labs, Inc. PO Box 9334, St. Louis MO 63117. SANIWEX. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl Ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.75-3701 Filed 2-11-75;8:45 am]

MOBIL CHEMICAL CO.

[FRL 332-7]

Establishment of Temporary Tolerances

Mobil Chemical Co., Post Office Box 26683, Richmond, VA 23261, submitted a petition (PP 5G1505) requesting establishment of temporary tolerances for negligible residues of the herbicide bifenox (methyl 5-(2,4-dichlorophenoxy)-2-nitrobenzoate) in or on the raw agricultural commodities the grain and straw of barley, oats, rice, and wheat and sorghum grain and forage at 0.05 part per million.

It has been determined that the temporary tolerances of 0.05 part per million for negligible residues of the herbicide in or on the above raw agricultural commodities will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permits being issued concurrently and which provide for distribution under the Mobil Chemical Co. name.

These temporary tolerances expire February 5, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permits/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: February 5, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.75-3826 Filed 2-11-75;8:45 am]

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[FEL 333-2]

ZOECON CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5075) has been filed by Zoecon Corp., 975 California Avenue, Palo Alto, CA 94304, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use, in an experimental program, of the insect growth regulator methoprene (isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in the complete feed of poultry in an amount not to exceed 0.0015% by weight of the complete feed.

Dated: February 5, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division (WH-567).

[FR Doc.75-3825 Filed 2-11-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19787; File No. BL-13137; FCC 75-126]

CHESAPEAKE-PORTSMOUTH BROADCASTING CORP.

Memorandum Opinion and Order Modifying Hearing

In re application of Chesapeake-Portsmouth Broadcasting Corporation, Portsmouth, Virginia, for broadcast license for WPMH(AM).

1. The Commission has before it the briefs of Chesapeake-Portsmouth Broadcasting Corporation (Chesapeake-Portsmouth) and the Broadcast Bureau filed in accordance with the Commission's memorandum opinion and order released June 18, 1974, 47 FCC 2d 306.[1] The Briefs were limited by the Commission's memorandum opinion and order to an analysis of section 319(c) of the Communications Act, 47 USC § 319(c), and its relation to section 309 of the Act, 47 USC § 309, and particularly section 309(e), including any relevant legislative history and Commission and judicial precedent concerning the application of these provisions to a proceeding on an application for license to cover construction permit.

2. Chesapeake-Portsmouth had petitioned the Commission for waiver of its rules and reconsideration of the order designating for hearing its application for license to cover construction permit of WPMH in Portsmouth, Virginia. In our Memorandum Opinion and Order, supra, we denied the petition for reconsideration.[2] On our own motion, however, we noted that the application had been designated for hearing under section 309(e) but that a provision of section 319(c), uncited by either party, makes Section 309(a)-(g) inapplicable to "any license the issuance of which is provided for and governed by the provisions of [section 319(c)]." The Commission was concerned with whether the order of designation complied with the Communications Act.

3. We have examined the arguments of the parties and have independently researched the problem. It is our opinion that an application for license to cover construction permit may not be designated for hearing under the provisions of section 309(e).

4. Section 319(c) reads as follows:

• • • • •

Upon the completion of any station for the construction or continued construction of which a permit has been granted, and upon it being made to appear to the Commission that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the grant of the permit would in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit for the operation of the station. Said license shall conform generally to the terms of said permit. The provisions of Section 309(a), (b), (c), (d), (e), (f), and (g) shall not apply with respect to any station license the issuance of which is provided for and governed by the provisions of this subsection.

5. The provisions of section 319(c) plainly put the applicant for a license to cover construction permit in a protected position—different from and superior to those applicants for licenses (or construction permits) subject to section 309(a)-(g). Under section 309 we first had to find that grant of the construction permit to Chesapeake-Portsmouth was in the public interest before we made the grant; as we read section 319(c), we are enjoined to issue the license to cover the construction permit unless factors coming to our attention subsequent to the grant of the permit would, in our judgment, make a grant of the license to cover the construction permit against the public interest. This requires a finding different from the one under section 309. There is, as it were, a continuation of the Commission's previous finding of public interest in granting the construction permit until we reach an opposite conclusion with respect to the application for the license.

6. This reading of section 319(c) is buttressed by the legislative history of that section. Early House bills proposing a national scheme for regulation of radio took the position that grant of a license to cover a construction permit be at the discretion of the licensing authority. These bills provided that grant of the permit to construct should not be construed to impose any duty on the licensing authority to issue a license for the operation of the station. H.R. 11964, 67th Cong., 2d Sess. (1922); H.R. 13773, 67th Cong., 4th Sess. (1923). Vigorous objections were raised to this proposed provision on the ground that no one would be willing to construct or would be able to borrow funds for construction if there were no assurance that the license to cover the construction permit would issue. *See* 64 Cong. Rec. 2792-3 (1923).

7. In 1924, one of the supporters of absolute discretion introduced a new House bill which was substantially like its predecessors of 1922 and 1923 except that the express language denying the construction permit weight of itself was deleted and language almost identical[3] to that now appearing in Section 319(c) was substituted. H.R. 7357, 68th Cong., 1st Sess. (1924). In contrast to the previously proposed absolute discretion of the licensing authority, the language proposed in 1924 conferred limited power to refuse licenses to cover construction permits, *i.e.*, only upon new information. Subsequent bills included substantially the same provision which was finally adopted as Section 21 of the Radio Act of 1927.

8. With minor changes in language, not here pertinent, the Communications Act of 1934 reenacted Section 21 of the 1927 Act as section 319(b). The Communications Act Amendments, 1952, ch. 879, 66 Stat. 711 (July 16, 1952), removed the license to cover construction permit provision from subsection (b) of section 319 and placed it in a new subsection (c) and also excluded section 319(c) license applications from the ambit of Section 309 for the first time. The House Report on the 1952 amendments, H. Rept. No. 1750, 1952 U.S. Code Cong. and Adm. News 2234, makes clear that then section 319(b) "directs" the Commission to issue the license if no subsequent adverse information arises and that ". . . in most cases the issuance of such license would almost automatically follow from the fact that the construction permit was granted" and thus the prehearing and protest procedures of revised section 309 (b) and (c) should not apply. See also Benton Broadcasting Service, 9 RR 586 (1953) and KACY, Inc., 30 FCC 2d 648 (1971).

9. In 1960, to accommodate changes in Section 309, section 319(c) was amended to make subsections (d) through (g) of section 309 also inapplicable to licenses to cover construction permits. 14 Stat. 889. Specific language in section 319(c)

[1] Briefs filed by the Chief, Broadcast Bureau and by Chesapeake-Portsmouth Broadcasting Corporation on August 23, 1974, and reply briefs filed by the Chief, Broadcast Bureau and by Chesapeake-Portsmouth Broadcasting Corporation on August 30, 1974.

[2] On October 18, 1974, Chesapeake-Portsmouth filed a document entitled "Supplement to Petition for Waiver of the Commission's Rules and Request for Expedited Consideration," and the Chief, Broadcast Bureau filed an opposition to that document on October 23, 1974. We explicitly denied Chesapeake-Portsmouth's petition for waiver and dismissed its petition for reconsideration of designation and expedited consideration. At that time we authorized Chesapeake-Portsmouth to file its pleading with the officer presiding at the hearing as a petition for summary decision. Since Chesapeake-Portsmouth's petitions are no longer before us, its supplement is clearly unauthorized and will be dismissed.

[3] The only difference is the identity of the licensing authority.

excludes the application of the procedural requirements of section 309 to applications for licenses to cover construction permits:

> • • • Section 309 (a), (b), (c), (d), (e), (f), and (g) shall not apply with respect to any station license the issuance of which is provided for and governed by the provisions of this subsection [319(c)].

10. The Bureau would have us adopt the thesis that the provisions of section 309(a)-(g) are inapplicable only when a license is issued automatically but that if a hearing is required, section 309(e) becomes applicable because, once designated for hearing, the license is no longer one "the issuance of which is provided for and governed by [section 319(c)]." The Bureau's argument is ingenuous. It deprives the provision of any substantive meaning. Clearly, section 309(e) cannot be applicable to licenses to cover construction permits granted without hearing, for the very reason that no hearing is held. Thus the only instances in which section 309(e) otherwise might be applicable are instances when a hearing is necessary.

11. To adopt the Bureau's interpretation is to reduce the section 319(c) prohibition on the applicability of section 309(a)-(g) to a restatement of the obvious: the hearing provisions of Section 309 do not apply when no hearing is held. This is antithetical to the principles of statutory construction that meaning be given to every provision of a statute and that a provision may not be interpreted to render it superfluous or nugatory. *Ginsberg & Sons* v. *Popkin*, 285 U.S. 204 (1932); *Ex parte Public Nat. Bank*, 278 U.S. 101 (1928); and *Washington Market Co.* v. *Hoffman*, 101 U.S. 112 (1879). As Chesapeake-Portsmouth points out, it is not impossible to ascribe meaning to the language in question. There are a number of kinds of licenses the issuance of which is not provided for under section 319(c) and which are not governed by section 319(c); namely, all those for which a construction permit is not required. See section 319(d). Furthermore, the Bureau's position seems tied to the concept relied on in its opposition to the petition for reconsideration that designation for hearing of the application for license to cover construction permit constitutes a finding by the Commission that grant would be against the public interest.[4] If the Commission's designation order were such an affirmative finding that a grant of the application for license to cover construction permit was against the public interest, then a hearing would serve no purpose for the Commission would already have decided the ultimate question. Rather, the designation order is a finding only that public interest questions have been raised which require examination in a record hearing. The Commission cannot make a determination of the public interest until it has considered the record evidence and arguments adduced by a hearing. For these reasons, we believe the position taken by the Bureau is fatally flawed; section 309(e) does not apply to this proceeding[5] and should not have been the basis of the order designating for hearing Chesapeake-Portsmouth's application for license to cover construction permit.

12. Nevertheless, we do not believe, as Chesapeake-Portsmouth argues, that we were precluded from designating its application for hearing or that we must now grant the license. We agree with Chesapeake-Portsmouth that section 319(c) was intended to create an expedited procedure whereby, if the terms of the construction permit were met, a license would issue "almost automatically" without the waiting period prescribed by section 309(c)(2).[6] However, as in this case, where new information raises the question of whether causes or circumstances exist which would make a grant against the public interest, such expedited treatment is no longer warranted. The Commission must have adequate time to investigate charges brought against a permittee; otherwise, we would be forced either to designate a license application for hearing without certainty of the necessity for such action or to issue a license in circumstances which might prove to be contrary to the public interest.

13. Nor do we agree with Chesapeake-Portsmouth that the kinds of issues we designated are precluded by section 319(c). We agree that generally the Commission should designate for hearing applications for licenses to cover construction permits only for alleged technical violations of an extremely serious nature, for questions concerning the underlying validity of the permit itself, for serious character qualifications issues, or for alleged noncompliance with the construction permit. But we believe it would be contrary to the public interest to take the position argued by Chesapeake-Portsmouth that we may not set for hearing matters involving the general operation of a station under program test authority.[7] The determinative question is whether the matters here designated, if proved, would justify a conclusion that a grant of the pending application would be *against* the public interest. The four issues designated by us were whether there was adequate supervision and control of the station; whether there was compliance with the equal employment opportunity requirements of the Rules; whether there was compliance with the Emergency Broadcast System rules; and whether there was a public file available in compliance with the Rules.[8] In our view, the charges against Chesapeake-Portsmouth are sufficiently serious *in toto* to require resolution before we can issue a license under the standard established by section 319(c).

14. The final matter for consideration is the question of which party is to bear the burden of proceeding and the burden of proof of the ultimate issue. Unlike section 309(e), which places the burden of proceeding and of proof on the applicant in a hearing on a construction permit or license application governed by that section, and section 312(d), which places the burden on the Commission on the question of issuance of a revocation or cease and desist order, section 319(c) does not expressly prescribe these burdens. If read literally, the language would seem to require someone, presumably the applicant, to make it appear to the Commission that no new cause or circumstance arising or first coming to the knowledge of the Commission since the grant of the permit would make the operation of the station against the public interest. This is an impossible burden, greater even than that borne at the time of the grant of the construction permit because the applicant would be required to prove that nothing had happened since grant of the permit which would make grant of the license against the public interest. After careful consideration, we believe the scheme of section 319(c) requires the Bureau to bear both the burden of proceeding with the evidence and the burden of proving that there is a new cause or circumstance which makes issuance of a license against the public interest.[9] The exclusion of section 319(c) license applications from the provisions of section 309(e) would be rendered largely meaningless if the burdens were the same under both sections. Furthermore, this interpretation is most compatible with the idea that section 319(c) provides a greater degree of protection to applicants for licenses to cover construction permits than that afforded

[4] The Bureau argued at page 4 of its opposition, filed January 30, 1974: "Such an affirmative finding has been made in this case at the time of designation for hearing of [Chesapeake-Portsmouth's] license application."

[5] In *Independent Broadcasting Co., Inc.* v. *FCC*, 39 U.S. App. D.C. 396, 193 F. 2d 900 (1951), the Court affirmed a Commission decision in which we applied the procedural provisions and decisional criterion of sec. 309 to a hearing involving an application for license to cover construction permit. At that time, however, the Act did not exclude licenses to cover construction permits from the provisions of section 309. Not until 1952 did Congress amend Section 319 by expressly making the standards of section 309 inapplicable to section 319(c) licenses. Thus, we believe, Congress effectively, if silently, overruled the *Independent* decision. *Communications Act Amendments, 1952, supra.*

[6] Chesapeake-Portsmouth does not argue that we may not designate an application for hearing under section 319(c).

[7] Chesapeake-Portsmouth has been operating under program test authority since January 4, 1972. A field investigation of its operation was made in August of 1972.

[8] The Review Board has since added a meritorious programming issue requested by Chesapeake-Portsmouth and issues requested by the Broadcast Bureau with respect to Chesapeake-Portsmouth's compliance with certain operator and logging rules and with respect to whether, in light of violation notices issued by the Commission, Chesapeake-Portsmouth will exercise the degree of responsibility required of a licensee of the Commission. 45 FCC 2d 1046 (1974) and FCC 74R-394, released October 23, 1974.

[9] The designation order and subsequent issues added by the Review Board do not raise any question as to whether "all the terms, conditions, and obligations set forth in the application and permit have been met", as required before issuance of a license under section 319(c). The burden of proceeding and of proof on such an issue would necessarily be on the applicant.

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other applicants. Therefore we will modify the designation order in this proceeding by removing the burdens of proceeding and of proof from Chesapeake-Portsmouth and placing them on the Bureau. Furthermore, on our own motion, we will modify the assignment of burdens on those issues subsequently added by the Review Board. *See* Note 8, *supra*.

15. *Accordingly, it is ordered,* That the order and notice of apparent liability designating this proceeding for hearing, FCC 73–748, released July 25, 1973, is modified as follows:

a. In paragraph 3, delete the language "pursuant to Section 309(e) of the Communications Act of 1934, as amended;"

b. Paragraph 3(e) is modified to read as follows: To determine, in light of the evidence adduced under the preceding issues, whether a grant of the application would be against the public interest.

c. Paragraph 7 is modified to read as follows: 7. IT IS FURTHER ORDERED, That the Broadcast Bureau shall have the burden of going forward with the evidence and the burden of proof with respect to issues (a) through (e);

d. Paragraph 9 is deleted.

16. *It is further ordered,* That the Memorandum Opinions and Orders of the Review Board, 45 FCC 2d 1046 (1974) and FCC 74R–394, released October 23, 1974, ARE MODIFIED so that the Broadcast Bureau will assume both the burdens of going forward with the evidence and of proof on these issues added in response to the Bureau's requests for enlargement of issues.

17. *It is further ordered,* That the Supplement to the Petition for Reconsideration of Designation Order, Petition for Waiver of the Commission's Rules, and Request for Expedited Consideration IS DISMISSED.

Adopted: January 29, 1975.

Released: February 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-3911 Filed 2-11-75;8:45 am]

[Report No. 739]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 3, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20820–CD–ML–75, Airsignal of California, Inc. (KLF648) Mod. License to change frequency from 2121.6 MHz to 2171.6 MHz, control facilities at Loc. #2: 238 North Fresno Street, Fresno, California.

21062–CD–P–75, Charles Rotkin dba Northeast Communications (New) C.P. for a new 2-way station to operate on 152.12 MHz to be located at Junction of Route 2 and 2A, Williston, Vermont.

21063–CD–P–75, Charles Rotkin dba Northeast Communications (New) C.P. for a new 1-way station to operate on 158.70 MHz to be located at Junction of Route 2 and 2A, Williston, Vermont.

21064–CD–P–75, Sleepy Eye Telephone Company (New) C.P. for a new 2-way station to operate on 152.57 MHz to be located at Southwestern corner of town, Sleepy Eye, Minnesota.

21065–CD–P–75, Stuart J. Lipoff (New) (Developmental) C.P. for a new developmental station to operate on 454.275 MHz located at Boston, Massachusetts.

21066–CD–TC–75, Racine Private Police. Consent to Transfer of Control from Joseph P. Costabile, Transferor to Howard R. McMahon, Executor of the Will of Joseph P. Costabile, deceased, Transferee. Station: KLF464, Racine, Wisconsin.

21067–CD–TC–75, Racine Private Police, Inc. Consent to Transfer of Control from Howard R. McMahon, Executor of the Will of Joseph P. Costabile, deceased, Transferor to Elizabeth Costabile, Transferee. Station KLF464, Racine, Wisconsin.

21068–CD–AL–75, Racine Private Police, Inc. Consent to Assignment of License from Racine Private Police, Inc., Assignor to Industrial and Commercial Communications Services, Inc., Assignee. Station KLF464, Racine, Wisconsin.

21069–CD–P–75, Airsignal International of Pittsburgh, Pennsylvania, Inc. (KGA805) C.P. for additional facilities to operate on 35.22 MHz to be located at a new site described as Loc. #4: 0.3 mile N. of Leechburg & Logans Ferry Roads, Logans Ferry, Pennsylvania.

21070–CD–AL–75, Paul C. and Teressa M. Stark. Consent to Assignment of License from Paul C. and Teressa M. Stark, Assignors to Paul C. Stark dba Stark Communication Specialities, Assignee. Station KFL957, Gainesville, Florida.

21071–CD–P–75, Public Communications, Inc. (New) C.P. for a new 1-way station to operate on 152.24 MHz to be located off-Highway 59, 2 miles South of Lufkin, Texas.

21072–CD–MP–75, FWS Radio, Inc. (KWH339) Mod. of C.P. to change antenna system operating on 454.125, 454.225 & 454.275 MHz located at Preston Tower Building, 6211 W Northwest Highway, Dallas, Texas.

21073–CD–MP–75, Southern Radio-Phone Inc. (KUC939) Mod. of C.P. to change antenna system operating on 152.09 MHz located 0.6 mile NE of mile marker 86 westside of U.S. #1, Plantation Key, Florida.

21074–CD–P–75, L & L Services, Inc. dba Metro Communications (KIY519) C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.09 MHz to be located at 301 North Montgomery Avenue, Sheffield, Alabama.

21075–CD–P–75, Answer Inc. of Houston (New) C.P. for a new 2-way station to operate on 152.18 MHz to be located at One Shell Plaza, Houston, Texas.

Correction

20618–CD–P–75, Island Telepage Systems, Oak Harbor, Washington (New) Delete major amendment entry on PN #738 dated January 27, 1975. All other particulars to remain as reported on PN #726 dated November 4, 1974.

RURAL RADIO SERVICE

60268–CR–P–75, The Mountain States Telephone and Telegraph Company (KSV88) C.P. to add test facilities to operate on 459.40 MHz located at 103 North Durbin, Casper, Wyoming.

60269–CR–P–75, The Mountain States Telephone and Telegraph Company (KOB79) C.P. to replace transmitter operating on 459.65 MHz located 26.4 miles ENE. of Vernal, Utah.

60270–CR–P–75, The Mountain States Telephone and Telegraph Company (KOB80) C.P. to replace transmitter operating on 454.65 MHz located at 67 N. Vernal Avenue, Vernal, Utah.

60271–CR–P/L–75, The Mountain States Telephone and Telegraph Company (New) C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 19.9 miles NE of Douglas, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

2168–CF–MP–75, Eastern Microwave, Inc. (WQR74) Salem, Ohio (Lat. 40°51'22" N., Long. 80°52'06" W.): Mod. of C.P. (9381–C1–P–73)—(a) to relocate station to foregoing coordinates and (b) to change point of communication to Hookstown (WQR72), Pennsylvania, on azimuth 131°/39', on existing frequencies (11425H MHz and 11585H MHz).

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

2169–CF–MP–75. Same (WQR72) 1.4 miles SE. of Hookstown, Pennsylvania. (Lat. 40°34'41" N., Long. 80°27'34" W.): Mod. of C.P. (9382–C1–P–73)— (a) to relocate station to foregoing coordinates; (b) to delete Ellwood City, Pennsylvania, as point of communication; (c) to add existing frequencies 10795H MHz and 11135H MHz, via path intercept, toward McKees Rocks, Pennsylvania, on azimuth 109°/15'; (d) to change azimuth toward Pittsburgh (WQR73), Pennsylvania, to 109°/05'; and (e) to change azimuth toward Aliquippa, Pennsylvania, to 74°/58'.

2431–CF–P–75, United Video, Inc. (KXQ38) 1.75 miles SE. of Dallas City, Illinois (Lat. 40°37'24" N., Long. 91°07'53" W.): C.P. to add (reinstate) 10735H MHz and 10895H MHz toward Fort Madison, Iowa, on azimuth 277°/18'.

2432–CF–P–75, Andrews Tower Rental, Inc. (WQQ43) 1.2 miles North of Bowie, Texas (Lat. 33°35'00" N., Long. 97°51'42" W.): C.P. to add 6004.5V MHz and 6063.8V MHz toward Wichita Falls, Texas, on azimuth 300°/00'.

2433–CF–P–75, Same (New) Wichita Falls, Texas (Lat. 33°53'50" N., Long. 98°32'33" W.): C.P. for a new station—6197.2H MHz, 6256.5H MHz, and 6315.9H MHz toward Electra, Texas, on azimuth 294°/00'.

2434–CF–P–75, Same (New) Electra, Texas (Lat. 34°02'16" N., Long. 98°54'43" W.): C.P. for a new station—5945.2V MHz, 6004.5V MHz, and 6063.8V MHz toward Vernon and Seymour, Texas, on azimuth 288 degrees/30 minutes and 212°/00', respectively. (A waiver of 21.701(i) is requested by Andrews.)

2437–CF–P–75, Microwave Transmission Corporation (KNL31) Fremont Peak, California (Lat. 36°45'20" N., Long. 121°30'00" W.): C.P. to add 6152.8V MHz and 5967.5V MHz towards Williams Hill, California, on azimuth 153°/11'.

2438–CF–P–75, Same (New) Williams Hill, 7.0 miles SW. of San Ardo, California (Lat. 35°57'04" N., Long. 121°00'08" W.): C.P. for a new station—6170.0H MHz and 6404.8H MHz toward Cuesta Ridge, California. (Note: A waiver of 21.701(i) is requested by MTC.)

2444–CF–MP–75, American Television & Communications Corporation (WAT976) Mastins Corners, Virginia (Lat. 38°11'14" N., Long. 77°45'56" W.): Mod. of C.P. to change antenna system and replace transmitters on 5945.2H & 6063.8H MHz toward Charlottesville, Virginia, on azimuth 250°/25'.

2445–CF–MP–75, American Television & Communications Corporation (WAT977) Charlottesville, Virginia (Lat. 37°58'59.5" N., Long. 78°28'54" W.): Mod. of C.P. to change antenna system, increase transmitters output power, and replace transmitters on 6226.9H and 6286.2H MHz toward Spear Mtn., Virginia, on azimuth 208°/44'.

2446–CF–MP–75 Same (WAT978) Tower Hill, Virginia (Lat. 37°34'33.5" N., Long. 78°45'43" W.): Mod. of C.P. to change antenna system and replace transmitters on 6197.2V and 6256.5V MHz toward Jack Mtn., Virginia, on azimuth 231°/24'.

2447–CF–MP–75, Same (WAT979), Lynchburg, Virginia (Lat. 37°20'12.5" N., Long. 79°08'12" W.): Mod. of C.P. to change antenna system and replace transmitters on 5945.2H and 6004.5H MHz toward Dry Fork, Virginia, on azimuth 198° 32'.

2448–CF–MP–75, Same (WAT980), Dry Fork, Virginia (Lat. 36°44'28" N., Long., 79°23'-05"W.): Mod. of C.P. to change antenna system and replace transmitters on 6226.9H and 6286.2H MHz toward Reidsville, North Carolina, on azimuth 211°35'; 6226.9V and 6286.2V MHz toward Danville, Virginia, on azimuth 191°55'.

2449–CF–MP–75, Same (WAT981), Reidsville, North Carolina (Lat. 36°23'17" N., Long. 79°39'11" W.): Mod. of C.P. to change antenna system and replace transmitters on 5974.8H and 6034.2H MHz toward Greensboro, North Carolina, on azimuth 202°57'; 6034.2H MHz toward Burlington, North Carolina, on azimuth 256°45'.

2450–CF–MP–75, Same (WAT982), Greensboro, North Carolina (Lat. 36°03'47" N., Long. 79°49'21" W.): Mod. of C.P. to change antenna system and replace transmitters on 11385V and 11625V MHz toward High Point, North Carolina, on azimuth 247°44'.

2490–CF–P–75, Southern Bell Telephone and Telegraph Company (KJL23), 4.2 Miles SE of Nickelsville, Georgia. Lat. 32°39'15" N., Long. 83°01'48" W. C.P. to add frequency 6286.2H MHz toward Gordon, Georgia, on azimuth 306°36'.

2491–CF–P–75, Same (KJL24), 2.5 Miles South of Gordon, Georgia. Lat. 32°50'52" N., Long. 83°20'22" W. C.P. to change alarm system and add frequencies 6034.2H MHz toward Round Oak, Georgia, on azimuth 318°14'; add 6004.5H MHz toward Nickelsville, Georgia, on azimuth 126°26'.

2261–CF–P–75, General Telephone Company of the Northwest, Inc. (KPJ99), 109 Midway Blvd., Oak Harbor, Washington. Lat. 48°-17'32" N., Long. 122°38'35" W. C.P. to change antenna system and location, correct co-ordinates, azimuth, and path distance, and add frequencies 2178.0V and 2178.0H MHz toward Camano Island, Washington, on azimuth 135°54'.

2480–CF–P–75, Southern Bell Telephone and Telegraph Company (KJK92), 0.8 Mile SSW of Clarks Hill, South Carolina. Lat. 33°39'39" N., Long. 82°10'47" W. C.P. to add frequency 6197.2V MHz toward Thomson, Georgia, on azimuth 238°49'; add 6197.2V MHz toward Augusta, Georgia, on azimuth 136°30'.

2481–CF–P–75, Same (KJK93), 2.7 miles NE of Thomson, Georgia. Lat. 33°29'53" N., Long. 82°28'34" W. C.P. to remove tower lighting requirements and add frequency 5974.8V MHz toward Mitchell, Georgia, on azimuth 215°47'; add 5974.8V MHz toward Clarks Hill, South Carolina, on azimuth 56°39'.

2482–CF–P–75, Same (KJK94), 1.6 miles NNE of Mitchell, Georgia. Lat. 33°14'29" N., Long. 82°41'46" W. CP to add frequency 6197.2V MHz toward Tennille, Georgia, on azimuth 192°53'; add 6197.2V MHz toward Thomson, Georgia, on azimuth 35°40'.

2483–CF–P–75, Same (KJK95), 1.9 miles East of Tennille, Georgia. Lat. 32°56'10" N., Long. 82°46'44" W. CP to add frequency 5974.8V MHz toward Nickelsville, Georgia, on azimuth 217°01'; add 5974.8V MHz toward Mitchell, Georgia, on azimuth 12°50'.

2484–CF–P–75, Same (KJL23), 4.2 miles SE of Nickelsville, Georgia. Lat. 32°39'15" N., Long. 83°01'48" W. CP to add frequency 6197.2V MHz toward Tennille, Georgia, on azimuth 36°53'.

2485–CF–P–75, Same (KTF45), 937 Greene Street, Augusta, Georgia. Lat. 33°28'30" N., Long. 81°58'10" W. CP to add frequency 5974.8V MHz toward Clarks Hill, South Carolina, on azimuth 316°37'.

2486–CF–P–75, Same (KJG91), 787 Cherry Street, Macon, Georgia. Lat. 32°50'19" N., Long. 83°37'54" W. CP to add frequency 4010H MHz toward Round Oak, Georgia, on azimuth 03°22'.

2487–CF–P–75, Same (KJG92), 0.25 Mile South of Round Oak, Georgia. Lat. 33°06' 19" N., Long. 83°36'47" W. CP to change alarm system and add frequencies 6226.9V MHz toward Jackson, Georgia on azimuth 306°11'; 6256.5H MHz toward Gordon, Georgia, on azimuth 136°05'; add 3970H MHz toward Macon, Georgia, on azimuth 183°22'.

2488–CF–P–75, Same (KJG93), 1.4 miles ENE of Jackson, Georgia. Lat. 33°17'58" N., Long. 83°55'39" W. CP to add frequencies 6063.8H MHz toward Rockdale, Georgia, on azimuth 352°28'; add 6004.5V MHz toward Round Oak, Georgia, on azimuth 126°01'.

2489–CF–P–75, Same (KJG94), Rockdale, approximately 3 miles SE of Convers, Georgia. Lat. 33°37'42" N., Long. 83°58'47" W. CP to add frequency 6315.9V MHz toward Jackson, Georgia, on azimuth 172°26'.

2511–CF–P–75, American Telephone and Telegraph Company (KIK32) 3.5 miles SE of Adairsville, Georgia. Lat. 34°19'01" N. Long. 84°53'52" W. CP to add frequency 4198V MHz toward Yorkville, Georgia, on azimuth 191°25'.

2512–CF–P–75, Same (KIT27), 0.5 mile North of Yorkville, Georgia. Lat. 33°55'25" N., Long. 84°59'35" W. CP to add frequencies 4190H, 6197H, and 6316H MHz toward Villa Rica, Georgia, on azimuth 155°19'; add 4190V MHz toward Adairsville, Georgia, on azimuth 11°27'.

2513–CF–P–75, Same (KIT28), 1.8 miles East of Villa Rica, Georgia, Lat. 33°43'43" N., Long. 84°53'09" W. CP to add frequencies 4198H, 5945H, and 6064H MHz toward Yorkville, Georgia, on azimuth 335°23'.

2514–CF–P–75, Same (KIV70), 4.8 miles East of Chatsworth, Georgia. Lat. 34°46'12" N., Long. 84°41'16" W. CP to correct address of alarm center and add frequencies 4198H, 6227H and 6346H MHz toward Cleveland, Tennessee, on azimuth 345°46'.

2515–CF–P–75, Same (KIV71), 4.0 miles NE of Cleveland, Tennessee. Lat. 35°12'41" N., Long. 84°49'27" W. CP to correct address of alarm center and add frequencies 4190H, 5975H, and 6094H MHz toward Chatsworth, Georgia, on azimuth 165°42'; add 4190H, 5975H, and 6054H MHz toward Pikeville, Tennessee, on azimuth 326°24'.

2516–CF–P–75, Same (KIV72), 4.5 miles East of Pikeville, Tennessee. Lat. 35°34'54" N., Long. 85°07'32" W. CP to correct address of alarm center and add frequencies 4198H, 6227H, and 6346H MHz toward Cleveland, Tennessee, on azimuth 146°14'; add 4198H, 6227H, and 6346H MHz toward Crossville, Tennessee, on azimuth 15°46'.

2517 CF–P–75, Same (KIV73), 6.0 miles NE of Crossville, Tennessee. Lat. 36°01'19" N., Long. 84°58'21" W. CP to correct address of alarm center and add frequencies 4190H, 5975H, and 6094H MHz toward Jamestown, Tennessee, on azimuth 13°04'.

2518–CF–P–75, Same (KIV74), 8.0 miles NE. of Jamestown, Tennessee. Lat. 36°30'12" N., Long. 84°50'03" W. C.P. to correct address of alarm center and add frequencies 4198H, 6227H, and 6346H MHz toward Crossville, Tennessee on azimuth 193°09'; add 4198H, 6227H, and 6346H MHz toward Wiborg, Kentucky, on azimuth 42°46'.

2519–CF–P–75, Same (KIV75), Wiborg, 5.5 miles North of Whitley City, Kentucky. Lat. 36°48'29" N., Long. 84°28'59" W. C.P. to correct address of alarm center and add frequencies 4190H, 5975H, and 6094H MHz toward Jamestown, Tennessee, on azimuth 222°59'; add 4190V, 5975H, and 6094H MHz toward Argyle, Kentucky, on azimuth 325°47'.

2262–CF–P–75, General Telephone Company of the Northwest, Inc. (KPJ97), 2.0 miles ENE, of Camano Island, Washington. Lat. 48°11'21" N., Long. 122°29'38" W. C.P. to correct co-ordinates, azimuth and path distance and to add frequencies 3128.0V and 2128.0H MHz toward Oak Harbor, Washington, on azimuth 316°01'.

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2499—CF–P–75, The Western Union Telegraph Company (new), Prospect & Talmadge Sts., Hollywood, California. Lat. 34°06'12" N., Long. 118°16'54" W. C.P. for a new station on 11365V MHz toward KHOI (TOC), California, on azimuth 279°42'.

2500–CF–P–75, Same (New) KNBC–TV, 3000 West Alameda Avenue, Burbank, California. Lat. 34°09'15" N., Long. 118°20'00" W. C.P. for a new station on 11245H MHz toward KJOI (TOV), California, on azimuth 233°52'.

2504–CF–P–75, Same (New) KNXT–TV, 6121 West Sunset Blvd., Los Angeles, California. Lat. 34°05'55" N., Long. 118°19'15" W. C.P. for a new station on 11565H MHz toward KJOI (TOC), California, on azimuth 289°05'.

2493–CF–P–75, Same (New) Los Angeles #2, 2555 Briarcrest Rd., Beverly Hills, California. Lat. 34°07'08" N., Long. 118°23'29" W. C.P. for a new station to add 10915V MHz toward a new point of communication at KABC–TV, California, on azimuth 99°39'; 11115H MHz toward a new point of communication at KNBC–TV, California, on azimuth 53°50'; 10875H MHz toward a new point of communication at KNXT, California, on azimuth 109°02'.

2590–CF–P–75, American Telephone and Telegraph Company (KIV76), Argyle, 13.5 Miles NW. of Somerset, Kentucky, Lat. 37°12'51" N., Long. 84°49'13" W. C.P. to correct address of alarm center and add frequencies 4198V, 6227H, and 6346H MHz toward Wiborg, Kentucky, on azimuth 145°34'; add 4197H, 6227H, and 6346H MHz toward Junction City, Kentucky, on azimuth 357°09'.

2543–CF–P–75, Same (KIV77), 2.5 Miles West of Junction City, Kentucky, Lat. 37°35'27" N., Long. 84°50'40" W. C.P. to correct address of alarm center and add frequencies 4190H, 5975H, and 6094H MHz toward Argyle, Kentucky, on azimuth 177°08'.

2525–CF–R–75, General Telephone Company of California (KZI31), Location within the territory of the Grantee. Renewal of Radio Station License (Developmental) expiring March 1, 1975. Term: March 1, 1975, to March 1, 1976.

CORRECTIONS

2265–CP–P–/ML–75, Correct: Applicant's name to read: General Telephone Company of the Northwest, Inc. (all other particulars remain the same as reported on Public Notice #737 dated January 20, 1975).

2453–CF–P–75, Southern Pacific Communications Company. Correct Call Sign to read WOH38.

2302–CF–P–75, MCI Telecommunications Corporation. Correct File Number to 2303–CF–P–75.

2114–CF–P/ML–75 through 2119–CF–P/ML–75, Southern Pacific Communications Company. Correct File Numbers to read 2414–CF–P/ML–75 through 2419–CF–P/ML–75.

Delete File Numbers 2386–CF–P–75 and 2397–CF–P–75 Southern Pacific Communications Company, entered in error.

The entry of CPI Satellite Telecommunications, Inc.'s applications File Number 2045 and 2046–CF–P–75, under Applications Accepted for Filing on page seven of the Commission's Public Notice dated January 20, 1975, were inadvertently placed thereon. These applications appeared on the Public Notice of January 13, 1975, and this is the date which governs the time within which to file formal objections thereto.

[FR Doc.75–3912 Filed 2–11–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PUBLIC SYMPOSIUM REGARDING THE IMPACT OF PROPOSED ACCELERATION IN OCS LEASING

Rescheduling

In the FEDERAL REGISTER of December 24, 1974 (39 FR 44508), the Federal Energy Administration published a notice of a public symposium to be held on January 22 and 23, 1975, in Los Angeles, California, to examine issues and problems surrounding possible accelerated exploration and development of the Outer Continental Shelf leasing off the coast of Southern California. However, on January 3, 1975, the Federal Energy Administration published in the FEDERAL REGISTER (40 FR 837), a notice that the public symposium was postponed until further notice.

Notice is hereby given that this public symposium is rescheduled for March 4 and 5, 1975. The symposium will be held in Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012, beginning at 9 a.m. on March 4, 1975.

In view of the fact that environmental issues will be considered in a hearing by the Department of the Interior, the symposium to be conducted by the Federal Energy Administration will focus on the following issues:

(a) relation of the Outer Continental Shelf to the U.S. energy supply/demand balance.
(b) Operating conditions and technical constraints regarding operations on the Outer Continental Shelf.
(c) Applicable laws and regulations.
(d) Social impacts of Outer Continental Shelf exploration and development.

The Federal Energy Administration encourages representatives of recognized regional groups, environmental and consumer organizations, officials of State and local governments, representatives of the oil, gas and chemical industries, and the general public to attend the symposium and to submit written comments on the above issues. Written comments should be submitted no later than April 4, 1975, and should be addressed to the Federal Energy Administration, Executive Communications, Room 3309, Box BS, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Procedures for the Symposium. Persons selected to address the symposium have been asked to limit their oral presentation to about twenty minutes. A few minutes for questions will be reserved at the end of each presentation. Such questions must be in writing and will be collected prior to each question period. Oral questions from the floor will not be accepted. The symposium will be open to the public and to the press and other media. A complete record of the proceedings will be compiled and made available to the public in Room 3400, Administrator's Reception Area, Washington, D.C., and the FEA Branch Office, Suite 800, 3660 Wilshire Boulevard, Los Angeles, California, between the hours of 8 a.m. and 4:30 p.m. daily.

Any questions concerning the symposium should be directed to the Office of Oil and Gas, 202–961–6277.

ROBERT E. MONTGOMERY, Jr.
General Counsel.

FEBRUARY 6, 1975.

[FR Doc.75–3887 Filed 2–11–75;8:45 am]

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Charles F. Warren, Esquire
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreements Nos. 150–61, filed by the Trans-Pacific Freight Conference of Japan/Korea, and 3103–57, filed by the Japan/Korea-Atlantic and Gulf Freight Conference, are similar in language, and amend Article 20 of each agreement to regulate the matter of Conference voting in the case of prolonged indebtedness by member lines.

By Order of the Federal Maritime Commission.

Dated: February 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–3976 Filed 2–11–75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1445]

ALL AIR & SEA FORWARDING CORP.

Order of Revocation

All Air & Sea Forwarding Corp., P.O. Box 511, Wilmington, California 90744 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1445 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated September 15, 1973);

It is ordered, That Independent Ocean Freight Forwarder License No. 1445 be and is hereby revoked effective January 27, 1975, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon All Air & Sea Forwarding Corp.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75–3975 Filed 2–11–75;8:45 am]

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Jacob P. Billig, Esq.
Billig, Sher & Jones, P. C.
1126 Sixteenth Street NW.
Washington, D.C. 20036

Agreement 6200–18 would modify the U.S. Atlantic & Gulf/Australia-New Zealand Conference's basic agreement by the addition of a new paragraph, No. 14, reading as follows:

14. It is an essential term of this agreement and a basic condition of each and every promise or undertaking herein contained that member lines (subject to there being obtained any requisite approval thereof of the Federal Maritime Commission of the United States of America or any other regulatory agency affecting the flag of the carrying vessel) agree that during the time of this agreement they will use their best endeavors to observe and maintain the conference system of shipping in relation to any outwards cargo shipping from Australia in which they may engage. To that end if at any time during the term of this agreement two or more member lines are engaged in a particular trade outwards from Australia and there is no current conference agreement relative to such trade then those member lines will negotiate in good faith for the formation of such an agreement.

By Order of the Federal Maritime Commission.

Dated: February 7, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–3977 Filed 2–11–75;8:45 am]

ARLO E. OSBORNE, ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Arlo E. Osborne, Great Southwest Building, Suite 719, 1314 Texas Avenue, Houston, Texas 77002.

American Import Services, Anthony Emposimato, d/b/a, 400 Delancy Street, Newark, New Jersey 07105.

Fernando Rivera, 4 Van Cott Avenue, Farmingdale, New York 11735.

Penson Florida Company, 18770 N.E. 6th Avenue, Miami, Florida 33164. Officers: Jose A. Perez, Vice President/General Manager; Jack A. Penson, President.

Sumco's, Inc., 39 Brimfield Road, Norristown, Pennsylvania 19401. Officers: Dannie Summers, President; Hortense J. Summers, Secretary; Nathaniel Summers, Vice President.

Inter-Continental Custom Brokers, Inc., 519 South Hindry Avenue, Inglewood, California 90301. Officers: Paul J. Moskowitz, President; Samuel Pion, Vice President; Milton Weinberg, Secretary; Frank E. Helfman, Treasurer.

Action Moving and Storage, Inc., 1201 65th Street, Baltimore, Maryland 21237. Officers: John Lampe, Sr., President/Treasurer; Marjorie Lampe, Vice President/Secretary; Stephen J. Cavaselis, Vice President; Antonio I. Pelina, Vice President.

By the Federal Maritime Commission.

Dated: February 6, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–3978 Filed 2–11–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–9232]

ALABAMA POWER CO.

Change in Delivery Point

FEBRUARY 4, 1975.

Take notice that on January 27, 1975, Alabama Power Co. filed in the above-referenced docket 8th Revised Sheet No. 37 to its FPC Electric Tariff, Original Volume No. 1. Alabama states the purpose of such filing is to give notice that effective December 6, 1974, electric service to the McIntosh delivery point of Clarke-Washington EMC was terminated at the request of Alabama Electric Cooperative, Inc., acting as agent for Clarke-Washington EMC. Alabama further states the McIntosh delivery point has been transferred to the electric system of Alabama Electric Cooperative, Inc.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Alabama's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–3855 Filed 2–11–75;8:45 am]

[Docket No. RP74–77]

COLORADO INTERSTATE GAS CO.

Settlement Conference

FEBRUARY 7, 1975.

Take notice that on February 19, 1975, a Settlement Conference in the above captioned docket will be held at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m., e.s.t. Such conference will be

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held pursuant to § 1.18 of the Commission's rules of practice and procedure. Failure of any party to attend this conference shall constitute waiver of all objections to any agreement reached at this conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3837 Filed 2-7-75;9:56 am]

[Project No. 271]

ARKANSAS POWER AND LIGHT CO.

Issuance of Annual License

FEBRUARY 5, 1975.

On February 4, 1970, Arkansas Power and Light Company, Licensee for Carpenter and Remmel Developments Project No. 271, located on the Ouichita River in Hot Spring and Garland Counties, Arkansas, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6).

The license for Project No. 271 was issued effective February 7, 1923, for a period ending February 6, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Arkansas Power and Light Company for continued operation and maintenance of Project No. 271.

Take notice that an annual license is issued to Arkansas Power and Light Company (Licensee) under Section 15 of the Federal Power Act for the period February 7, 1975 to February 6, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Carpenter and Remmel Developments Project No. 271, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3858 Filed 2-11-75;8:45 am]

[Docket No. RP66-12]

ALGONQUIN GAS TRANSMISSION CO.

Refund Report

FEBRUARY 4, 1975.

Take notice that on December 2, 1974, Algonquin Gas Transmission Co. (Algonquin) tendered for filing a report on refunds made to its customers on November 8, 1974, pursuant to ordering paragraph (E) of the Commission's order issued August 10, 1971, in the above-captioned docket. Algonquin further states that Algonquin received from Texas Eastern Transmission Corporation (TET CO) on July 9, 1974, a refund resulting from purchases during the period January 1, 1962 through December 31, 1964 and that this refund was flowed through to Algonquin's customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3857 Filed 2-11-75;8:45 am]

[Docket No. RP73-74]

ALGONQUIN GAS TRANSMISSION CO.

Refund Report

FEBRUARY 4, 1975.

Take notice that on October 24, 1974, Algonquin Gas Transmission Corp. (Algonquin) tendered for filing schedules listing the actual sales volume data for the 12 month period ending December 12, 1973, and a calculation of refunds based thereon. The October 24, 1974, filing was made pursuant to a Commission order issued September 24, 1974, in the above-captioned docket. Algonquin states that it will make said refunds on November 8, 1974, to the customers listed in its October 24, 1974, filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3856 Filed 2-11-75;8:45 am]

[Docket No. R-389-B]

JUST AND REASONABLE NATIONAL RATES FOR SALE OF GAS

Order Denying Rehearing

FEBRUARY 4, 1975.

In the matter of Just And Reasonable National Rates For Sales Of Natural Gas On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973.

On January 27, 1975, Texas Eastern Transmission Corporation (Texas Eastern) and Transwestern Pipeline Company (Transwestern) jointly petitioned for rehearing of the January 3, 1975, Order Modifying In Part Opinion No. 699-F, which had been issued as the result of a petition filed by these same companies for clarification of Opinion No. 699-F, issued November 7, 1974.

The January 3 order made it clear that an emergency sale pursuant to § 157.29 could be made by a producer for only one 60 day period. The Commission reached this determination for the reason that the public interest is not served by permitting a producer to sell natural gas in interstate commerce without a certificate for more than sixty (60) days, except under the express provisions of § 157.29 (c) as promulgated by Opinion No. 699-B, issued September 9, 1974.

Petitioners' application for rehearing presents no new facts or principles of law which were not fully considered in Opinion No. 699-F and its subsequent modifications and clarifications, or, which having now been considered, warrant any modification of the January 3, 1975, order.

The Commission orders. The application for rehearing filed by Texas Eastern and Transwestern on January 27, 1975, is denied.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3882 Filed 2-11-75;8:45 am]

[Docket No. E-9155]

NORTHERN STATES POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Denying Request for Maximum Suspension, Granting Petition To Intervene, and Establishing Procedures

FEBRUARY 5, 1975.

On December 6, 1974, Northern States Power Company (Wisconsin) (NSP) tendered for filing proposed changes to existing rates for service to eleven wholesale customers.[1] NSP requests that these changes be permitted to become effective on February 6, 1975.

Notice of the proposed rate increase was issued December 13, 1974, with comments, protests, or petitions to intervene due on or before January 3, 1975. On January 2, 1975, the cities of Bloomer, Cadott, Cornell, New Richmond, Black River Falls, Rice Lake, Westby, and Whitehall (Cities), all in Wisconsin, filed a petition to intervene and request for maximum suspension period. On January 13, 1975, the City of Spooner, Wisconsin, filed a petition to intervene in which it states that it adopts as its own the petition to intervene filed by Cities. Similarly, the City of Bangor, Wisconsin filed a petition to intervene also adopting the petition of the Cities. A Notice of Intervention by the Public Service Commission of the State of Wisconsin was filed on January 8, 1975. Cities filed an amendment and supplement to its petition to intervene on January 6, 1975. NSP answered Cities' petition to intervene on January 15, 1975. Cities, in return, replied to NSP's answer to the petition. NSP also responded to Cities' reply to NSP's answer. Both of these documents were filed on January 20, 1975.

Our review of the proposed rate increase together with all the pleadings filed by NSP and Cities indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. We shall, therefore, accept the proposed rate increase for filing and suspend it for one day when it will be permitted to become effective, subject to refund, pending a hearing and decision as to the justness and reasonableness of the proposed rate increase. We shall also institute a separate phase of this proceeding (Phase II), which will be the subject of a hearing and decision separate and apart from the investigation into the justness and reasonableness of the proposed rate increase, for the purpose of developing a complete evidentiary record concerning alleged restrictions contained in NSP's currently effective rate schedules proposed to be continued in the rate schedules filed herein.[2] Certain of the allegations raised in the pleading require further discussion, however.

Cities state that the contracts under which service is provided are fixed-rate fixed-term contracts and that they cannot be changed unilaterally because of the Mobile-Sierra doctrine.[3] Cities, however, point to no provisions to substantiate this allegation. The contracts provide as follows:

RATE: Municipality agrees to pay Northern States monthly for Firm Power Service furnished in the previous month under the provisions and at the rates in effect from time to time as accepted for filing by the Federal Power Commission and as transmitted to the Public Service Commission of Wisconsin. The rate schedule now in effect for such service is attached hereto as Schedule A.

This language clearly indicates that the parties contemplated that NSP could alter its rates by a unilateral filing pursuant to section 205 of the Federal Power Act and Cities allegations to the contrary are without merit.

Cities also allege a price squeeze situation with regard to NSP' retail rates and the wholesale rates proposed herein. As we have so often noted in the past[4], the Commission must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have the authority under the Federal Power Act to set wholesale rates predicated upon retail rates over which we have no jurisdiction. In this regard, Cities did make allegations as to the propriety of the costs allocated to wholesale customers. We believe that this is a proper area of inquiry. We shall, however, limit Phase I of the proceedings hereinafter ordered to exclude consideration of the price squeeze issue.

Cities also request that the proposed rate increase be suspended for the full statutory period. The basis for this request is a stated inability of the Cities to get approval from the Wisconsin Public Service Commission for any increase in their rates occasioned by the increase they must pay their supplier, NSP. Just as we cannot defer our determination of the just and reasonable level of wholesale rates to the determination of the level for retail rates under the jurisdiction of a state agency, we cannot defer our determination of the appropriate length of the suspension period to alleged difficulties customers may have before its state regulatory authority in passing on rate increases to its customers.[5] The increased rates will be permitted to go into effect, subject to refund at the rate of 9% per annum. We believe that this procedure protects the interests of NSP and its customers in this proceeding. We shall therefore deny Cities' request for a maximum suspension.

Cities question the appropriateness of certain charges from NSP's parent, Northern States Power Company (Minnesota) and ask that we direct NSP to provide certain documents and evidence as to the reasonableness of these charges. We note that the agreement is on file with this Commission and is the currently effective rate schedule for the service. We do not, however, believe that we should foreclose the inquiry into the appropriateness of the costs NSP relies on in requesting this rate increase. Nor do we believe that we should at this time dictate the manner in which it seeks to demonstrate the justness and reasonableness of the proposed rates. This matter, like all other cost issues, should be fully explored in the evidentiary hearing in Phase I hereinafter ordered.

Cities state that certain provisions of the contracts providing for the service to the wholesale customers, specifically the provisions which prohibit interconnection with other systems and prohibit purchases from or sales to any other electric utility, are anticompetitive and contrary to the antitrust laws of the United States. In reply, NSP states that it has entered new contracts which revises the Terms and Conditions of Service to indicate that NSP is concerned with system reliability. NSP states that it is willing to extend the same Terms and Conditions to all other Cities. We believe that this change in the contracts is appropriate, but it does not dispose of all the issues raised by Cities allegations. We shall therefore institute Phase II of this proceeding to develop a complete evidentiary record on the specific contract provisions alleged to be improper and the relief requested. We shall not hesitate to order, to the extent we have jurisdiction over the conduct or contracts involved, appropriate reformation of the contracts or any other relief shown to be necessary to remedy the offenses proved.

The Commission finds: (1) NSP's proposed rate increase should be accepted for filing and suspended for one day when it shall be permitted to become effective, subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter into hearings under Section 205 and 206 of the Act concerning the lawfulness of the rates, terms, and conditions proposed by NSP and into the alleged anticompetitive provisions of the contracts as hereinafter described.

(3) Good cause exists to permit the intervention of the above named intervenors as hereinafter ordered and conditioned.

(4) Good cause exists to deny Cities' request for a suspension for the full statutory period.

The Commission orders: (A) Pending a hearing and decision thereon, NSP's proposed rate increase is accepted for filing and suspended for one day until February 7, 1975, when it will be permitted to become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on June 17, 1975, at 10 a.m., e.d.t., in a hearing room at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning all issues, other than those issues to be considered in Phase II of these proceedings hereinafter ordered, which bear on the lawfulness and reasonableness of the rates and charges proposed in NSP's filing (Phase I).

(C) With respect to Phase I of these proceedings, the Commission Staff shall file its evidence and exhibits on or before April 29, 1975. Any intervenor evidence and exhibits shall be filed on or before May 1, 1975. Rebuttal evidence of NSP shall be filed on or before May 27, 1975.

(D) A second phase (Phase II) of this proceeding is hereby instituted for the development of a complete evidentiary record concerning the anticompetitive provisions of NSP's contracts as contained in Cities' pleadings and over which this Commission has jurisdiction to grant relief. Intervenor evidence in support of their allegations as to these anticompetitive provisions in NSP's contracts shall be filed on or before May 20,

[1] Commissioners Brooke and Moody dissenting opinion filed as part of the original document.

[1] See Appendix A.

[2] See: Virginia Electric and Power Company, Docket No. E-9147, issued January 22, 1975; Carolina Power and Light Company, Docket No. E-8884, issued August 26, 1974; Wisconsin Public Service Corporation, Docket No. E-8867, issued August 23, 1974; and Pacific Gas and Electric Company, Docket No. E-7777 isued March 14, 1974.

[3] United Gas Pipe Line v. Mobile Gas Service Corporation, 350 U.S. 344 (1956); F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

[4] *See,* e.g. orders cited in n. 2, supra.

[5] For a discussion of similar problems under the Natural Gas Act, see Northwest Pipeline Corporation Docket Nos. RP72-154 and CP73-332, issued October 30, 1974; and Southern Natural Gas Company, Docket Nos. RP73-64, et al., Order Denying Rehearing issued July 5, 1974.

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1975. Staff evidence, if any, shall be filed on or before June 3, 1975. NSP shall file its prepared evidence on or before June 17, 1975. Any intervenor rebuttal evidence shall be filed on or before July 1, 1975. A public hearing for the purpose of cross-examination of the filed testimony and exhibits shall commence on July 15, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m., e.d.t.

(E) A Presiding Administrative Law Judge shall preside at the hearings initiated by this order, and shall conduct such hearings in accordance with the Federal Power Act, the Commission's rules and regulations, and terms of this order.

(F) The above named petitioner are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters over which this Commission has jurisdiction and which affect the rights and interests specifically set forth in their petitions to intervene. As to Phase I, these matters are limited to the appropriate level of the wholesale rates proposed herein. As to Phase II, these matters are limited to the alleged anticompetitive contract provisions of NSP over which this Commission has jurisdiction.

(G) The request by Cities intervenors for the maximum suspension of NSP's filing is hereby denied.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

The customers and Rate Schedule designations are:

	FPC Rate Schedule No.
Bangor	58, Supplement No. 1.
Cadott	42, Supplement No. 3.
Bloomer	45, Supplement No. 3.
Cornell	59, Supplement No. 1.
New Richmond	48, Supplement No. 3.
Spooner	49, Supplement No. 3.
Whitehall	51, Supplement No. 3.
Trempealeau	52, Supplement No. 3.
Black River Falls	54, Supplement No. 3.
Westby	55, Supplement No. 5.
Rice Lake	56, Supplement No. 2.

[FR Doc.75-3873 Filed 2-11-75;8:45 am]

[Docket Nos. E-8999, E-9000]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Extension of Procedural Dates

FEBRUARY 3, 1975.

On January 31, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 27, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony	Mar. 25, 1975.
Service of Intervenor's Testimony.	Apr. 8, 1975.
Service of Company Rebuttal.	Apr. 22, 1975.
Hearing	May 6, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3874 Filed 2-11-75;8:45 am]

[Docket No. E-7718 and E-8598]

PENNSYLVANIA ELECTRIC CO.

Notice of Extension of Procedural Dates

FEBRUARY 3, 1975.

On January 27, 1975, Pennsylvania Electric Company filed a motion to extend the procedural dates fixed by order issued November 11, 1974, as most recently modified by notice issued December 31, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal	Feb. 28, 1975.
Hearing	Mar. 11, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3875 Filed 2-11-75;8:45 am]

ROCKLAND ELECTRIC CO.

[Docket No. E-9001]

Notice of Further Extension of Procedural Dates

FEBRUARY 3, 1975.

On January 31, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 27, 1974, as most recently modified by notice issued January 9, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony	Mar. 18, 1975.
Service of Intervenor's Testimony.	Apr. 1, 1975.
Service of Company Rebuttal	Apr. 15, 1975.
Hearing	Apr. 29, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3876 Filed 2-11-75;8:45 am]

[Docket No. CI75-433]

SKELLY OIL CO.

Notice of Application

FEBRUARY 4, 1975.

Take notice that on January 24, 1975, Skelly Oil Company (Applicant), P.O. Box 1650, Tulsa, Oklahoma 74102, filed in Docket No. CI75-433 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from the Forty Niner Ridge Unit Well No. 1, in Eddy County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas to Natural from the subject acreage at a rate of 65.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant estimates sales volume at 120,000 Mcf of gas per month. Applicant states it will make a 60 day sale within the contemplation of Section 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the emergency period within the contemplation of § 2.70 of the Commission's General policy and interpretations (18 CFR 2.70).

Applicant further states that it is requesting the subject sale on a limited-term basis pending its determination of whether it will use the subject gas for its own purposes and that the proposed price is believed by Applicant to be the lowest price at which this particular sale of gas may be obtained for the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3877 Filed 2-11-75;8:45 am]

JAMES W. STAPLES, ET AL.

[Docket No. CI75-437]

Notice of Application

FEBRUARY 4, 1975.

Take notice that on January 27, 1975, James W. Staples, Lee Evins and Robert Greenburg (Applicants), P.O. Box 76, Tuleta, Texas 78162, filed in Docket No. CI75-437 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Fortitude Field, Bee County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicants propose to sell an estimated 500 Mcf per day of gas from the subject acreage to United for one year at a rate of 85 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General policy and interpretations (18 CFR 2.70).

Applicants state that the subject gas could be sold intrastate at a much greater consideration, but that the location of United's 18-inch pipeline makes the sale to United "more advantageous, and more economical."

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3878 Filed 2-11-75;8:45 am]

[Docket No. CI75-239]

TEXAS GAS CORPORATION CORPORATION

Notice of Withdrawal

FEBRUARY 4, 1975.

On January 23, 1975, Texas Gas Corporation Corporation (operator) et al. filed a withdrawal of its application of October 17, 1974, in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure the withdrawal of the above application shall become effective February 24, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3879 Filed 2-11-75;8:45 am]

[Docket No. RP75-16-10]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Withdrawal

FEBRUARY 4, 1975.

In the matter of Transcontinental Gas Pipe Line Corporation (Eastern Shore Natural Gas Company).

On January 24, 1975, General Food Corporation filed a withdrawal of its petition for interim extraordinary relief filed January 17, 1975 in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective February 24, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3881 Filed 2-11-75;8:45 am]

[Docket No. RP75-16-9]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Withdrawal

FEBRUARY 4, 1975.

In the matter of Transcontinental Gas Pipe Line Corporation (Southwestern Virginia Gas Company).

On January 23, 1975, Southwestern Virginia Gas Company filed a withdrawal of its petition for extraordinary relief in the above-designated matter.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's rules of practice and procedure, the withdrawal of the above application shall become effective February 24, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3880 Filed 2-11-75;8:45 am]

[Docket No. CP75-214]

FLORIDA GAS TRANSMISSION CO.

Application

FEBRUARY 5, 1975.

Take notice that on January 27, 1975, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP75-214 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service and measuring equipment and appurtenant facilities used to render the service on a direct sale basis to Suni-Citrus Products Company (Suni-Citrus) in Haines City, Florida, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that Suni-Citrus has sold the plant to which the gas is delivered to Bordo Citrus Products Cooperative, which has decided to obtain its gas service from Central Florida Gas Corporation. Applicant, accordingly, proposes to remove and salvage the subject facilities, the estimated salvage vaule of which is $3,517.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 25, 1975, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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Under the procedure herein provided, for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3867 Filed 2-11-75;8:45 am]

[Docket Nos. RP71-14, et al, G-13202, and RP67-9]

EL PASO NATURAL GAS CO.

Refund Report

FEBRUARY 4, 1975.

Take notice that on November 15, 1974, El Paso Natural Gas Company (El Paso), tendered for filing a report of refunds which indicated that on October 11, 1974, El Paso refunded a total of $10,726,269.74 to the jurisdictional customers of its former Northwest division. The refund report indicates that the refunds were made pursuant to refund plans approved by Commission letter orders issued September 11, 1974 in the above-referenced dockets. The subject letter orders approved two refund plans: (1) to return $9,416,968.36 in excess revenues collected under the proposed rates at Docket Nos. RP71-14, et al, plus interest accumulations; and (2) to flow through $86,150.04 in producer supplier refunds under Docket Nos. G-13202 and RP67-9, plus interest accumulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3866 Filed 2-11-75;8:45 am]

[Docket No. RP72-134 (PGA 75-7A)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

FEBRUARY 5, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on January 29, 1975, tendered for filing Third Substitute Eleventh Revised Sheet No. 3A and Third Substitute Eleventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective February 1, 1975. The proposed changes reflect the rates accepted by Commission letter order dated December 24, 1974, as adjusted to include the rate changes proposed by its supplier.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to decrease the commodity or delivery charges of its rate schedules CD-1, CD-E, G-1, E-1, I and PS-1, as proposed in its January 17, 1975, filing, by 0.4¢ per Mcf to reflect the equivalent changes in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, contained in the latter's filing in Docket No. RP75-3 on January 15, 1975. Eastern Shore requests waiver of the notice requirements of § 154.22 of the Regulations under the Natural Gas Act and § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of February 1, 1975, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. 1.8, 1.10). All such petitions or Protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3865 Filed 2-11-75;8:45 am]

[Docket No. E-9188]

DUKE POWER CO.

Filing of Supplement to Electric Rate Schedule

FEBRUARY 5, 1975.

Take notice that on December 20, 1974, the Duke Power Company tendered for filing a supplement to its Electric Power Contract with the City of Gastonia, North Carolina. The supplement is to become effective January 20, 1975 and provides a new Delivery Point No. 10 for service to Gastonia. A 100/12.5 kv substation and 1.74 miles of tap line will be constructed to provide that service.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3864 Filed 2-11-75;8:45 am]

[Docket No. E-9185]

DUKE POWER CO.

Filing of Supplement to Contract

FEBRUARY 5, 1975.

Take notice that on December 20, 1974, Duke Power Company, tendered for filing a supplement to its electric power contract with Laurens Electric Cooperative, Inc. The supplement is to become effective January 20, 1975, and provides a new point of delivery for service to Laurens.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3863 Filed 2-11-75;8:45 am]

[Docket No. E-9187]

DUKE POWER CO.

Filing Supplement to Rate Schedule

FEBRUARY 5, 1975.

Take notice that on December 20, 1974, Duke Power Company, tendered for filing a supplement to its Electric Power Contract with the City of High Point, North Carolina. The supplement is to become effective January 20, 1975, and it provides for an increase in contract demand from 20,000 kw to 40,000 kw at Delivery Point No. 3 of the City of High Point.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such

petitions or protests should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3862 Filed 2-11-75;8:45 am]

[Docket No. E-9186]

DUKE POWER CO.

Filing Supplement to Rate Schedule

FEBRUARY 5, 1975.

Take notice that on December 20, 1974, Duke Power Company, tendered for filing a supplement to its Electric Power Contract with the Town of Pineville, North Carolina. The supplement is to become effective January 20, 1975, and provides for an increase in contract demand from 2,000 kw to 3,000 kw at Delivery Point No. 1.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3860 Filed 2-11-75;8:45 am]

[Docket No. CS72-175]

CONCEPT RESEARCH CORP.

Redesignation

FEBRUARY 4, 1975.

On June 7, 1974, and January 15, 1975, Concept Resources Ltd. and its subsidiary Concept Resources Inc. (Concept) notified the Commission of their corporate name change from the former Canarctic Resources Ltd. and Canarctic Resources Inc. respectively, effective February 25, 1972.

Notice is hereby given that the small producer certificate issued in the above-designated matter are redesignated as those of Concept.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3859 Filed 2-11-75;8:45 am]

[Docket No. E-9239]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Change

FEBRUARY 4, 1975.

Take notice that Indiana & Michigan Electric Company (I&M), on January 29, 1975, tendered for filing proposed changes in its FPC Rate Schedule No. 58 applicable to service rendered by I&M to the City of Richmond, Indiana (Richmond). According to I&M, the proposed changes would increase revenues from Richmond by $363,579 if the proposed increases had been in effect for the twelve-month period ending December 1974.

I&M states that the proposed changes implement the contractual obligations as set forth in the Service Agreement between I&M and Richmond and have been authorized by the decision of the United States Court of Appeals for the District of Columbia Circuit in Richmond Power & Light v. F.P.C., 481 F.2d 490 (1973). I&M states further that copies of the filing were served upon Richmond and upon its counsel, as well as upon the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3868 Filed 2-11-75;8:45 am]

[Docket No. E-9228]

KENTUCKY UTILITIES CO.

Contract Cancellation

FEBRUARY 4, 1975.

Take notice that on January 20, 1975, Kentucky Utilities Company (KU) tendered for filing a letter dated January 9, 1975, wherein KU notified Jackson Purchase Rural Electric Cooperative Corporation (Jackson) that KU was cancelling its Contract for Electric Service dated December 1, 1967. The effective date of the cancellation is January 15, 1978.

KU's letter states that its action is made necessary by the inadequacy of the rates and charges specified in said contract. KU's January 9, 1975, letter further states that KU wishes to enter into a new contract with Jackson which provides for rate and other charges adequate to cover KU's costs of providing the service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protest-

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ants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3869 Filed 2-11-75;8:45 am]

[Docket Nos. CP70-22, RP73-102, PGA 75-2, AP75-2, and R&D 75-1]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Changes in Rates and Charges

FEBRUARY 5, 1975.

Take notice that on January 7, 1975, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Substitute Eighth Revised Sheet No. 27F to its F.P.C. Gas Tariff, Second Revised Volume No. 1.

Michigan Wisconsin states that the above tariff sheet reflects a reduction in rate of .06¢ necessitated by the Commission's disposition of Northern Natural Gas Company's rate increase at Docket No. RP71-107, et al.; order dated December 26, 1974.

Michigan Wisconsin further states that also enclosed are the supporting calculations and revised schedules to Michigan Wisconsin's November 15, 1974 tariff filing.

According to Michigan Wisconsin, copies of the filing have been mailed to its jurisdictional customers, to all parties in Docket No. RP73-102 and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3870 Filed 2-11-75;8:45 am]

[Docket No. RP73-63]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition to Amend Authorization

FEBRUARY 5, 1975.

Take notice that on January 24, 1975, Natural Gas Pipeline Company of America (Natural) filed a petition to amend the order establishing a revolving exploration and development fund issued in Docket No. RP73-63 on August 3, 1973, as amended by Order Amending Order issued August 3, 1975. Natural states that the amendment of the order will enlarge the revenues available for the revolving exploration and development fund program and thus increase the amount of exploration and development of new gas supplies.

The Petition to Amend requests permission for Natural to transfer to the revolving exploration and development fund program all of the revenues attributable to the sale by Natural to Phillips Petroleum Company of liquid hydrocarbons under that certain contract as amended dated September 1, 1966. Natural further states that it would discontinue reducing its cost of service by the amount of these revenues generated from such sale and requests authority to revise its FPC Tariff so as to reflect the resulting rate increase in its jurisdictional rates.

Any person desiring to be heard or to make any protest with reference to said Petition to Amend should on or before February 21, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3871 Filed 2-11-75;8:45 am]

[Docket No. E-9219]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Notice of Filing Supplement to NEPOOL Agreement

FEBRUARY 5, 1975.

Take notice that on January 20, 1975, the Secretary of the New England Power Pool (NEPOOL) Management Committee tendered for filing the signature pages executed by the following twelve new participant systems in NEPOOL, all of whom are municipal electric systems in the State of Massachusetts, dated December 14, 1974:

City of Chicopee Municipal Lighting Plant.
City of Westfield Gas and Electric Light Department.
Town of Ashburnham Municipal Light Plant.
Town of Boylston Municipal Light Department.
Town of Marblehead Municipal Light Department.
Town of North Attleborough Electric Department.
Town of Paxton Municipal Light Department.
Town of Shrewsbury Electric Light Plant.
Town of South Hadley Electric Light Department.
Town of Templeton Municipal Lighting Plant.
Town of Wakefield Municipal Light Department.
Town of West Boylston Municipal Lighting Plant.

The proposed filing will not change the NEPOOL Agreement in any manner, other than to make the twelve municipal electric systems additional participants in the Pool. Waiver of the Commission's notice requirements is requested in order that the participation of the twelve new participants may be effective as of December 14, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protest should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3872 Filed 2-11-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

[Temporary Reg. F-329]

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the South Carolina Public Service Commission involving the application of the Southern Bell Telephone and Telegraph Company for an increase in telecommunications rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 31, 1975.

[FR Doc.75-3845 Filed 2-11-75;8:45 am]

ADVISORY COMMITTEE FOR PROTECTION OF ARCHIVES AND RECORDS CENTERS

Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that meetings of the Advisory Committee for Protection of Archives and Records Centers will be held at 9 a.m. on February 27 and 28, 1975, in the Departmental Auditorium, Conference Room C, 14th and Constitution Avenue NW., Washington, D.C.

The meetings on February 27 and 28 will be devoted to a review of pertinent aspects of previously received testimony; discussion of the testimony as it relates to the protection of Archives and Records Centers; discussion of the outline of the proposed report, and to receive additional testimony from interested parties concerning the protection of archives and records from fire.

Individuals wishing to offer testimony are requested to submit, in advance, to the Advisory Committee Secretary, a one-page outline of their testimony, and to limit their oral remarks to fifteen minutes. Written statements of any length will be accepted.

Further information with reference to these meetings can be obtained from Mr. D. Peter Lund, Advisory Committee Secretary, c/o Society of Fire Protection Engineers, 60 Batterymarch Street, Boston, MA 02110, or call 617-482-0686.

Dated: January 28, 1975.

W. A. MEISEN,
Acting Commissioner,
Public Buildings Service.

[FR Doc.75-3839 Filed 2-11-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TEA-W-263]

NORTHLAND SHOE CORP.

Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Northland Shoe Corp., Fryeburg, Maine, a wholly owned subsidiary of Standard Prudential Corp., New York, New York, the United States International Trade Commission, on February 6, 1975, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States International Trade Commission, 8th and E Streets, NW, Washington, D.C., and at the New York City office of the International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: February 7, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-3962 Filed 2-11-75;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

FREEDOM OF INFORMATION ACT

Fees for Search and Duplication, as Amended—Uniform Agency

At its meeting on February 6, 1975, the National Capital Planning Commission adopted the following schedule of fees which the Commission may charge for services performed pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended:

1. Publications offered for sale—as marked
2. Commission reports—$0.15/page
3. Committee reports—$0.15/page
4. Commission Memorandums of Actions—$0.15/page
5. Transcripts of Commission meetings and Committee meetings—$0.15/page
6. Other records—$0.15/page
7. Maps—microfilm printout—$0.50/each
ozalid maps—$0.20/linear foot

The Commission keeps on file a limited quantity of back copies of Commission reports, Committee reports, and Commission Memorandums of Actions. The Commission will first attempt to fill specific requests for these documents from its supply of back copies and until the supply is exhausted, the Commission will provide the documents at no charge. Once the supply is exhausted, the requested document will be provided in accord with the fee schedule.

Fees will be waived when less than $5.00 or when it is in the public interest to do so. Such a waiver will be in the public interest, for example, when in the determination of the Commission the request will not impose an undue burden or expense upon it and the request is (1) from another Government organization, Federal, State or local; (2) for the purpose of obtaining information primarily for the benefit of the general public rather than for the primary benefit of the requester, as will be the case with certain requests from news media and from organizations engaged in a non-profit activity designed for public safety, health, welfare, or education; (3) from employees and former employees seeking information from their own personnel records; (4) from or on behalf of the defending party in connection with a proceeding against such party by the Federal Government; and (5) from a low-income person and the fee would impose a financial hardship.

This schedule shall be effective February 14, 1975.

DANIEL H. SHEAR,
Secretary.

FEBRUARY 7, 1975.

[FR Doc.75-3918 Filed 2-11-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-516; STN 50-517]

LONG ISLAND LIGHTING CO.

Jamesport Nuclear Power Station, Units 1 and 2, Availability of NRC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed Jamesport Nuclear Power Station, Units 1 and 2, to be constructed by Long Island Lighting Company in Suffolk County, New York is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901. The Draft Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Long Island Lighting Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on September 13, 1974 (39 F.R. 33022).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report

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and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by March 31, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901. Upon consideration of comments submitted with respect to the draft environmental statement, the Staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 6th day of February 1975.

For the Nuclear Regulatory Commission.

WM. H. REAGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-3708 Filed 2-11-75;8:45 am]

[Construction Permit Nos. CPPR-77; CPPR-78]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Notice and Order

MAY 28, 1974.

Before the Atomic Safety and Licensing Board.

Please take notice, that an evidentiary session will be held on February 13, 1975 commencing at 9:30 a.m. at the Landow Building, 7920 Woodmont Avenue, ASLBP Hearing Room, Bethesda, Maryland 20014.

As discussed in a telephone conference call on February 6, 1975, with all parties, the purpose of this session is to clarify the record relating to submission of in camera material.

It is so ordered.

Dated at Bethesda, Maryland, this 6th day of February 1975.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75-3830 Filed 2-11-75;8:45 am]

[Docket No. 50-285]

FORT CALHOUN STATION, UNIT NO. 1

Negative Declaration Regarding Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications Appendix B of Facility Operating License No. DPR-40. These changes would authorize the Omaha Public Power District (the licensee) to operate their Fort Calhoun Station Unit 1 at a 2° F increase in the condenser cooling water differential temperature (ΔT).

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed change to the Technical Specifications Appendix B, of License No. DPR-40, Fort Calhoun Station, Unit 1, described above. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Fort Calhoun Station Unit 1 published in May 1972. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska 68008.

Dated at Rockville, Maryland, this 4th day of February 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-3828 Filed 2-11-75;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effect as of its date of issuance.

The amendment permits a 2° F. increase in cooling water discharge and a 2° F. increase in cooling water differential temperature.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 26, 1974, (2) Amendment No. 4 to License No. DPR-40, with any attachments, and (3) the Commission's related Negative Declaration. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska 68008.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 4th day of February 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch 3, Division of Reactor Licensing.

[FR Doc.75-3829 Filed 2-11-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS

NATO Postdoctoral Fellowship Subpanel Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the NATO Postdoctoral Fellowship Subpanel to be held at 9 a.m. on February 27-28, 1975, in room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific applications submitted for consideration by the NATO Postdoctoral Fellowship Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual applications for NATO fellowships. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning the applicants. These matters are within the exemptions of 5 U.S.C. 522(b) (4), (5) and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Hall Taylor, Program Manager, Fellowships and Traineeships Section, Rm. W-476, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7595.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 7, 1975.

[FR Doc.75-3893 Filed 2-11-75;8:45 am]

NATIONAL TECHNICAL INFORMATION SERVICE

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,783,189: Television System for Precisely Measuring Distances; filed 1 June 1972; patented 1 January 1974; not available NTIS.

Patent 3,800,258: Energy Storage and Switching with Superconductors; filed 24 April 1973; patented 26 March 1974; not available NTIS.

Patent 3,801,445: Thermionic Reactor Electrical Control System; filed 28 September 1972; patented 2 April 1974; not available NTIS.

Patent 3,803,416: Slotted Coaxial Germanium Gamma-Ray Camera; filed 28 November 1972; patented 9 April 1974; not available NTIS.

Patent 3,805,119: Superconductor; filed 12 July 1972; patented 16 April 1974; not available NTIS.

Patent 3,816,771: Plasma Energy to Electrical Energy Converter; filed 9 February 1973; patented 11 June 1974; not available NTIS.

Patent 3,817,746: Ductile Superconducting Alloys; filed 14 November 1972; patented 18 June 1974; not available NTIS.

DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street, SW., Washington, D.C. 20590.

Patent application 516,448: Signal Conditioner Front-End; filed 21 October 1974; PC $3.25/MF $2.25.

ENVIRONMENTAL PROTECTION AGENCY, Room W513, 401 M Street, SW., Washington, D.C. 20460.

Patent 3,635,034: Method of Plugging Mine Passages, Having Water Emanating Therefrom; filed 9 July 1969; patented 18 January 1972; not available NTIS.

Patent 3,672,173: Forming Self-Supporting Barriers in Mine Passages and the Like; filed 13 May 1969; patented 27 June 1972; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 508,784: Process for Fabricating Sic Semiconductor Devices; filed 24 September 1974; PC $3.25/MF $2.25.

Patent application 483,850: An Externally Supported Internally Stabilized Flexible Duct Joint; filed 27 June 1974; PC $3.25/MF $2.25.

Patent application 483,857: Rapid Activation and Checkout Device for Batteries; filed 27 June 1974; PC $3.25/MF $2.25.

Patent application 505,880: Improved Structure and Method of Producing Composite of Gapped and Ungapped Cores; filed 13 September 1974; PC $3.25/MF $2.25.

Patent application 510,677: Solar Cell Assembly; filed 30 September 1974; PC $3.25/MF $2.25.

Patent application 510,678: Method of Manufacturing Composite Superconductors; filed 30 September 1974; PC $3.25/MF $2.25.

Patent application 511,346: An Attitude Control System; filed 2 October 1974; PC $3.25/MF $2.25.

Patent application 511,894: Aircraft Mounted Crash Activated Transmitter Device; filed 3 October 1974; PC $3.25/MF $2.25.

Patent application 513,612: Hingeless Helicopter Rotor with Improved Stability; filed 10 October 1974; PC $3.25/MF $2.25.

Patent application 513,689: Miniature Hydraulic Actuator; filed 10 October 1974; PC $3.25/MF $2.25.

Patent 3,837,285: Open Tube Guideway for High Speed Air Cushioned Vehicles; patented 24 September 1974; not available NTIS.

Patent 3,840,829: Integrated n-Channel MOS Gyrator; patented 8 October 1974; not available NTIS.

[FR Doc.75-3903 Filed 2-11-75;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington. D.C. 20545.

Patent application 476,500: Method of Preparing Gas Tags for Identification of Single and Multiple Failures of Nuclear Reactor Fuel Assemblies; filed 5 June 1974; PC $3.75/MF $2.25.

Patent application 481,262: Fast-Neutron Solid-State Dosimeter; filed 20 June 1974; PC $3.25/MF $2.25.

Patent application 484,740: Phase Control in High Resolution Electron Microscopy; filed 1 July 1974; PC $3.25/MF $2.25.

Patent application 486,924: Pipe Gripper; filed 9 July 1974; PC $3.25/MF $2.25.

Patent application 87,323: Thermochemical Production of Hydrogen; filed 10 July 1974; PC $3.25/MF $2.25.

Patent application 487,326: Failure Limiting Pipe Expansion Joint; filed 10 July 1974; PC $3.25/MF $2.25.

Patent application 489,215: Method of Apparatus for Fabricating a Composite Structure Consisting of a Filamentary Material in a Metal Matrix; filed 17 June 1974; PC $3.25/MF $2.25.

Patent application 489,305: Whole Blood Analysis Rotor for a Multistation Dynamic Photometer; filed 17 July 1974; PC $3.25/MF $2.25.

Patent application 490,446: Displaced Electrode Process for Welding; filed 22 July 1974; PC $3.25/MF $2.25.

Patent application 491,082: A Combined Coal Fired Process for Production of Power and Liquid Fuel; filed 23 July 1974; PC $3.25/MF $2.25.

Patent application 491,095: Variable Thickness Double-Refracting Plate; filed 23 July 1974; PC $3.25/MF $2.25.

Patent 3,797,804: Atmospheric Closure Mechanism; filed 6 February 1973; patented 19 March 1974; not available NTIS.

Patent 3,801,446: Radioisotope Fueled Heat Transfer System; filed 5 June 1968; patented 2 April 1974; not available NTIS.

Patent 3,806,625: High-Voltage Feedthrough Assembly; filed 16 March 1973; patented 23 April 1974; not available NTIS.

Patent application 474,547: Controlled Porosity Filter and Uniform Structure Composites; filed 30 May 1974; PC $4.00/MF $2.25.

Patent 3,801,446: Radioisotope Fueled Heat Transfer System; filed 5 June 1968; patented 2 April 1974; not available NTIS.

Patent 3,805,552: Radial Spline Guide Bearing Assembly; filed 17 October 1972; patented 23 April 1974; not available NTIS.

Patent 3,805,890: Helical Coil Heat Exchanger; filed 12 December 1972; patented 23 April 1974; not available NTIS.

Patent 3,807,257: Apparatus and Method for Delivering Vibratory Energy; filed 17 November 1972; patented 30 April 1974; not available NTIS.

Patent 3,821,747: Recording System Having Piezoelectric Stylus Drive Means; filed 23 April 1973; patented 28 June 1974; not available NTIS.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Maryland, 20014.

Patent application 368,578: Enzyme Electrode; filed 11 June 1973; PC $3.25.

Patent 3,843,974: Intimal Lining and Pump with Vertically Drafted Webs; filed 5 January 1972; patented 29 October 1974; not available NTIS.

Patent 3,846,353: Nonthrombogenic Plastic Material and Method for Making the Same; filed 8 June 1970; patented 5 November 1974; not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Virginia.

Patent 3,757,256: Surface Wave Transducers with Cancellation of Secondary Response; filed 2 August 1971; patented 4 September 1973; not available NTIS.

Patent 3,757,287: Sea Bottom Classifier; filed 6 April 1972; patented 4 September 1973; not available NTIS.

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Patent 3,757,312: General Purpose Associative Processor; filed 9 October 1970; patented 4 September 1973; not available NTIS.

Patent 3,757,720: Control Surfaces for Submersible Vehicles; filed 19 October 1971; patented 11 September 1973; not available NTIS.

Patent 3,757,722: Submersible Underway Docking Unit; filed 21 April 1972; patented 11 September 1973; not available NTIS.

Patent 3,757,725: Right Spherical Segment—Glass Shell—to Metal—Joint; filed 24 September 1971; patented 11 September 1973; not available NTIS.

Patent 3,758,071: Magnetically-Actuated Fluid Control Valve; filed 26 November 1971; patented 11 September 1973; not available NTIS.

Patent 3,758,382: Process of Freezing Blood Using a Hydroxyalkyl Starch as Cryoprotective Agent; filed 26 July 1968; patented 11 September 1973; not available NTIS.

Patent 3,758,868: Noise-Riding Slicer; filed 21 December 1971; patented 11 September 1973; not available NTIS.

Patent 3,758,886: Versatile in Line Waveguide to Coax Transition; filed 1 November 1972; patented 11 September 1973; not available NTIS.

Patent 3,759,092: Differential Pressure Transducer and Readout for Sensing Claw Grip Force; filed 9 June 1971; patented 18 September 1973; Not available NTIS.

Patent 3,757,042: Pan and Tilt Underwater Optical Viewing System with Adjustable Source-Receiver Separation and Zoom Lenses; filed 18 February 1972; patented 4 September 1973; not available NTIS.

Patent 3,757,247: Frequency Selective Optical Isolator; filed 22 June 1972; patented 4 September 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patents Matter, NASA Code GP-2, Washington, D.C. 20590.

Patent application 513,690: Zero Torque Gear Head Wrench; filed 10 October 1974; PC $3.25/MF $2.25.

Patent application 518,545: Translatory Shock Absorbers for Attitude Sensors; filed 29 October 1974; PC $3.25/MF $2.25.

Patent application 518,546: Apparatus for Measuring the Ferrite Content of Austenitic Stainless Steel Weld Material; filed 29 October 1974; PC $3.25/MF $2.25.

Patent application 518,686: An Improved Static Pressure Probe; filed 29 October 1974; PC $3.25/MF $2.25.

Patent application 521,006: An Improved Heat Exchanger; filed 5 November 1974; PC $3.25/MF $2.25.

Patent application 521,602: An Improved Portable Peening Gun; filed 6 November 1974; PC $3.25/ $2.25.

Patent application 521,603: Carbon Monoxide Monitor; filed 6 November 1974; PC $3.25/MF $2.25.

Patent application 424,590: Hall Effect Magnetometer; filed 13 December 1973; PC $3.25/MF $2.25.

Patent application 500,982: Self-Energized Plasma Compressor; filed 27 August 1974; PC $3.25/MF $2.25.

Patent application 506,803: Bonding of Sapphire to Sapphire by Eutectic Mixture of Aluminum Oxide and Zirconium Oxide; filed 17 September 1974; PC $3.25/MF $2.25.

Patent application 506,804: A Holographic Motion Picture Camera; filed 17 September 1974; PC $3.25/MF $2.25.

Patent application 508,803: Method and Apparatus for Detecting Flaws in Elongated Bodies; filed 24 September 1974; PC $3.25/MF $2.25.

Patent application 512,825: Two Feed Dish Antenna Having Switchable Beamwidth; filed 4 October 1974; PC $3.25/MF $2.25.

Patent application 513,613: Catalytic Trimerization of Aromatic Nitriles and Triaryl-S-Triazine Ring Cross-Linked High Temperature Resistant Polymers and Copolymers Made Thereby; filed 10 October 1974; PC $3.75/MF $2.25.

Patent application 514,546: A Method and Apparatus for Compensating Reflection Losses in a Path Length Modulated Absorption-Absorption Trace Gas Detector; filed 15 October 1974; PC $3.25/MF $2.25.

Patent 3,835,318: Fast Scan Control for Deflection Type Mass Spectrometers; patented 10 September 1974; not available NTIS.

[FR Doc.75-3904 Filed 2-11-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 7, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

VA cooperative study of aspirin therapy in unstable angina, 10-7993 A-K, on occasion, patients in VA hospitals, Hall, George, 395-4697.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Laboratory personnel qualification appraisal for technologists, cytotechnologists, technicians and trainees, SSA-3082, on occasion, individuals, Caywood, D. P., 395-3443.

Laboratory personnel qualifications appraisal for directors and supervisors, SSA-3083, on occasion, individuals, Caywood, D. P., 395-3443.

Health Resources Administration, emergency medical technician performance evaluation, New Haven, HRABH1120, on occasion, ambulance companies and hospitals, Human Resources Division, 395-3532.

Food and Drug Administration, survey on use of antibiotics in clinical practice, FDABD 0114, single-time, physicians, Hall, George, 395-4697.

DEPARTMENT OF LABOR

Manpower Administration, process evaluation of decentralized CETA programs, MT-1062, single-time, CETA prime sponsor staff, Human Resources Division, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Application for automobile or other conveyance and adaptive equipment, 21-4502, on occasion, veterans and service persons, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, survey to develop school feeding participant's profile, single-time, school principals, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, joint program for the study of abortion—CDC, CDC 4.316A, CDC 4.316B, and CDC 4.316C, on occasion, medical care facilities, Human Resources Division, 395-3532.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Unemployment insurance claimants referral report, ES-20A, on occasion, Evinger, S. K., 395-3648.

Employment relation questionnaire (employment service for retirement credit), ERR-8, on occasion, Evinger, S. K., 395-3648.

Referral card—report on placement or refusal of referral of job offer to RRB, ES-21, on occassion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4093 Filed 2-11-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 3-4608; File No. (81-175)]

BI LIQUIDATING CORP.

Notice of Application and Opportunity for Hearing

FEBRUARY 4, 1975.

Notice is hereby given that BI Liquidating Corporation ("BI") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934 (the "Act"), that BI be granted an exemption from the provisions of section 13 of the Act.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) of the Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions under sections 12, 13 and 14 of the 1934 Act and to grant exemptions from the insider reporting and trading provisions of section 16 of the Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Application states, in part: BI, a Delaware corporation, had been prior to September 30, 1974 primarily engaged in the importation, designing, manufacture and sale of men's and boys' sport shirts. BI was formed in 1961 as Walter J. Schneider Corporation and changed its name to Barrington Industries, Inc. in 1963 and to its present name on October 8, 1974.

BI has outstanding common stock, $.10 par value, which is registered pursuant to section 12(g) of the Act. On September 30, 1974 BI sold all of its assets to a subsidiary of Wilson Brothers, an Illinois corporation. Wilson's subsidiary assumed BI's liabilities and issued 123,463 shares of Wilson's common stock to BI pursuant to a Form S-14 registration statement. The Wilson common stock is registered under section 12(b) of the Act and is traded on the American Stock Exchange. BI's two classes of subordinated convertible debentures outstanding are convertible into Wilson stock. In addition to the sale of assets, BI's shareholders approved a plan of liquidation and disolution. BI is currently distributing in liquidation its only asset (Wilson stock) to its shareholders upon surrender by such holders of their shares of BI stock. As of January 21, 1975 there were approximately 929 shareholders who had not surrendered their BI stock. Therefore, in the absence of an exemption, BI is subject to the reporting requirements of section 13.

BI contends in part that since September 30, 1974 there has been virtually no market activity in its stock and that the company has been performing the sole function of liquidating its asset pursuant to the plan adopted by its shareholders and its contract with Wilson. BI also contends that the Wilson stock to be received by its shareholders is registered under section 12 of the Act and that Wilson files reports with the Commission pursuant to section 13.

Therefore, BI claims that exemption from the requirements of section 13(a) would not be inconsistent with the public interest or protection of investors.

For a more detailed statement of information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than March 3, 1975 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3925 Filed 2-11-75;8:45 am]

[File No. 500-1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

FEBRUARY 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:01 a.m. (e.s.t.), February 6, 1975, through midnight (e.s.t.) on February 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3920 Filed 2-11-75;8:45 am]

[Rel. No. 18799; 70-5614]

CONNECTICUT YANKEE ATOMIC POWER CO.

Proposed Issue and Sale of Notes to Banks and to a Dealer in Commercial Paper and Exception from Competitive Bidding

FEBRUARY 3, 1975.

Notice is hereby given that Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), P.O. Box 270, Hartford, Connecticut 06101, an electric utility subsidiary company of Northeast Utilities "Northeast") and of New England Electric System ("New England") both of which are registered holding companies, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee proposes to issue and sell, from time to time on or before March 1, 1976, short-term securities in an aggregate principal amount not to exceed $30,000,000 outstanding at any one time. Such securities will be in the form of short-term notes issued to banks or commercial paper issued to a dealer in such securities.

The proposed bank notes will each be dated as of the date of issue, will have maximum maturity dates of nine months, will bear interest at a rate per annum not in excess of one percent (1%) above the prime rate in effect at the lending bank on the date of issue, and will be subject to prepayment at any time at Connecticut Yankee's option without premium. The banks which will participate in Connecticut Yankee's short-term borrowing program and the maximum commitment of each bank is as follows:

The Chase Manhattan Bank, New York, N.Y.	$18,000,000
The Connecticut Bank & Trust Co., Hartford, Conn.	6,000,000
Total	24,000,000

The lines of credit are to be secured by a deposit of 10 percent of the amount of the line at the time it is committed. In addition, at the time of the first borrowing pursuant to the line of credit, Connecticut Yankee will make an additional deposit (compensating balance) of 10 percent of the entire committed line. Assuming a full 20 percent compensating balance and borrowings at one percent (1%) above the prime rate, the effective cost of borrowing would be approximately 13.1 percent, based on an assumed prime interest rate of 9½ percent.

The proposed commercial paper notes will be issued in denominations of not less than $50,000 and not more than $1,000,000, will have a maturity of not more than 270 days, will not be repayable prior to maturity, and will be sold by Connecticut Yankee directly to Lehman Commercial Paper, Incorporated, a dealer in commercial paper, at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. No commercial paper notes having a maturity of more than 90 days will be issued at an effective interest cost which exceeds the effective interest cost at which Connecticut Yankee could borrow from banks in

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an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. The commercial paper dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of no more than ⅛ of 1 percent per annum less than the prevailing discount rate to Connecticut Yankee in such manner as not to constitute a public offering. The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

The funds to be derived from the issuance and sale of bank notes and commercial paper will be applied by the company (i) to repay $30,000,000 of existing bank notes and commercial paper presently outstanding pursuant to an order of the Commission dated September 14, 1973 (HCAR No. 18096), (ii) to provide funds for capital expenditures consisting principally of replacement turbine rotors, high energy pipe brake modification, the construction of a warehouse, and for the purchase of additional nuclear fuel. It is contemplated that the bank notes and commercial paper will be repaid in large part from the proceeds of a leverage lease nuclear fuel transaction in May or June of 1975 and with a mortgage bond issue later in 1975. It is represented that a small quantity of commercial paper will remain outstanding as a continuing component of the fuel financing program.

It is stated that no fees or commissions (including counsel fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions and that incidental services, valued at an estimated $500, will be performed at cost by Northeast Utilities Service Company, an affiliated service company. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Connecticut Yankee requests that the issue and sale of its commercial paper notes be excepted from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) thereof in view of the fact that current rates for commercial paper for prime borrowers such as Connecticut Yankee are readily ascertainable by reference to daily financial publications and that it is not practicable to invite competitive bids for commercial paper. Connecticut Yankee further requests that the certificates under Rule 24 be filed on a quarterly basis with respect to the commercial paper.

Notice is further given that any interested person may, not later than February 27, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3928 Filed 2-11-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

FEBRUARY 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended for the period from February 6, 1975 through February 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3923 Filed 2-11-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

FEBRUARY 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 6, 1975 through February 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3921 Filed 2-11-75;8:45 am]

[Rel. No. 18802; 70-5613]

THE SOUTHERN CO.

Proposed Charter Amendment Regarding Increase in Authorized Number of Shares of Common Stock and Solicitation of Proxies in Connection Therewith

FEBRUARY 4, 1975.

Notice is hereby given that The Southern Company ("Southern") 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7 and 12(e) of the Act and rule 62 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern's Certificate of Incorporation ("Certificate") presently authorizes 110,000,000 shares of common stock, par value $5 per share, of which 98,749,500 shares are issued and outstanding. Southern proposes to amend its Certificate so as to increase the authorized number of shares of common stock from 110,000,000 to 150,000,000, par value $5.00 per share.

Southern has traditionally provided its subsidiary companies with the common equity portion of the capital needed to finance their construction programs. To that end, Southern issued and sold 36,300,000 shares of common stock during the 3 year period 1972 through 1974. It is contemplated that the common stock capital requirements of the subsidiary companies will continue and that in 1975 Southern will be required for such purposes to sell additional shares of its common stock approaching, if not exceeding, the number of its presently authorized but unissued shares. The proposed amendment to the Certificate is designed to provide Southern with a reasonable amount of authorized but unissued shares of common stock for financing such additional common equity capital requirements and for general corporate purposes, including possible use in a dividend reinvestment and stock purchase plan for Southern's stockholders. Any actual issuance and sale of common stock would be subject to approval pursuant to the applicable provisions of the Act and rules thereunder.

The proposed amendment to the Certificate will require the affirmative vote of the holders of a majority of the shares of outstanding common stock. By means of a proxy and proxy-statement, the proposed amendment will be submitted to the stockholders at Southern's 1975 annual meeting to be held on or about May 28, 1975. It is stated that the proposed amendment has been proposed and declared advisable by Southern's Board of Directors.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 28, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3927 Filed 2-11-75;8:45 am]

[Rel. No. 8661; 811-2036]

SUMMIT CAPITAL INVESTMENT PLANS

Notice of Proposal To Terminate Registration

FEBRUARY 5, 1975.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Summit Capital Investment Plans ("Summit"), c/o Lawrence A. Fox, Wilkie, Farr & Gallagher, 1 Chase Manhattan Plaza, New York, New York 10005, registered under the Act as a unit investment trust, has ceased to be an investment company as defined by the Act.

On March 2, 1970, Summit registered under the Act by filing a Form N-8A Notification of Registration. On the same date, Summit filed a Form N-8B-2 Registration Statement under the Act and also filed a Form S-6 Registration Statement (2-36462) under the Securities Act of 1933 which was declared abandoned by order on July 20, 1972. Information in the Commission's files indicates that Summit has never had any assets or liabilities, has never sold any shares, and has never conducted and does not propose to conduct any business operations whatsoever.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 5, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to the controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following March 5, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2926 Filed 2-11-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

FEBRUARY 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 6, 1975 through February 15, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-3924 Filed 2-11-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

FEBRUARY 5, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 6, 1975 through February 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-3922 Filed 2-11-75;8:45 am]

WATER RESOURCES COUNCIL

PROCEDURE NO. 1 FOR PLANNING WATER AND RELATED LAND RESOURCES

Notice of Amendment

On July 24, 1974, there was published in the FEDERAL REGISTER (39 FR 26952) a notice that Procedure No. 1 for Planning Water and Related Land Resources—Schedule and Application of Principles and Standards to Implementation Studies in Progress—had been established pursuant to Section 103 of the Water Resources Planning Act (Pub. L. 89-80) and the authority delegated in Section 2 of Executive Order 11747, November 7, 1973.

Notice is now given that Procedure No. 1 is hereby amended.

The amending material to Procedure No. 1 is in the form of additional material only. The full text of Procedure No. 1 for Planning Water and Related Land Resources, as hereby amended, is published as a part of this notice with the amending additional material in paragraphs C and D italicized.

The amendment to Procedure No. 1 is effective on February 12, 1975.

ROGERS C. B. MORTON, *Chairman.*

FEBRUARY 3, 1975.

PROCEDURE NO. 1 FOR PLANNING WATER AND RELATED LAND RESOURCES

SCHEDULE AND APPLICATION OF PRINCIPLES AND STANDARDS TO IMPLEMENTATION STUDIES IN PROCESS

A. Level C (implementation) plans, as defined by the Water Resources Council, July 22, 1970, which have been formulated in accordance with Senate Document No. 97, Supplement No. 1 thereto regarding recreation benefits, and the amendment of December 24, 1968, regarding discount rate, and transmitted to OMB prior to October 25, 1973, including those in this category which were transmitted to Congress for approval or authorization will remain as formulated.

B. Level C plans on which field studies, analyses, and evaluation were completed as of October 25, 1973, and which were formulated in accordance with Senate Document No. 97 as supplemented and amended, and which were transmitted to OMB, or transmitted to OMB and to Congress, for approval or authorization between October 25, 1973, and June 30, 1974, will include an addendum providing the following information.

1. Changes in Benefits and Costs: An evaluation of the plan without reformulation, using current normalized prices, current construction costs, and current recreation values.

2. Environmental Problems: A summary description of any significant environmental problems expected to be encountered or created by the plan.

3. Need for Reformulation: If the plan has unresolved environmental problems, a careful examination of the plan is to be undertaken by the responsible Federal agency, and reasons that reformulation of the plan is not needed prior to authorization will be set forth.

C. Level C (implementation) plans on which field studies analyses, and evaluation were completed as of October 25, 1973, and which were formulated in accordance with Senate Document No. 97 as supplemented and amended, and which are *either* transmitted to OMB between July 1, 1974, and June 30, 1975, *or which are in the review process on June 30, 1975, specifically designated and listed by the agencies, and transmitted to OMB between July 1, 1975, and June 30, 1976, will require supplemental analyses. A list of the plans in this review process will be filed on July 1, 1975, by the agencies with the Water Resources Council. Plans in Section C* will include an addendum providing the following information.

1. Changes in Benefits and Costs: An evaluation of the plan without reformulation, using current normalized prices, current construction costs, and current recreation values.

2. Environmental Quality Plan: An abbreviated environmental quality plan consistent with the intent of the "Principles and Standards," but which is abridged in detail.

3. Regional Development and Social Well-being: An abbreviated display of the regional development and social well-being impacts consistent with the intent of the "Principles and Standards," but which is abridged in detail.

4. Need for Reformulation: If the plan has unresolved environmental problems, a careful examination of the plan will be undertaken by the responsible Federal agency, and reasons that reformulation of a plan is not needed prior to authorization will be set forth.

D. Level C plans transmitted to OMB after June 30, 1975, *except those specifically designated and listed under the provisions of Section C above*, will be formulated in conformance with the "Principles and Standards" and applicable implementing Procedures.

E. For Level C plans which can be finally approved and carried out by an agency head pursuant to specific statutory provisions without further action by Congress, the application of the "Principles and Standards" is determined by substituting the words "approved administratively" for the words "transmitted to OMB" in Procedures A through D.

F. Agency heads responsible for applying the "Principles and Standards" may, if they desire, accelerate the schedule set out in this Procedure.

[FR Doc.75-3785 Filed 2-11-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

MIGRAN™ AND OTHER SEASONALLY EMPLOYED FARMWORKERS PROGRAMS

Termination of Grant Application Process and Request for Submissions

Pursuant to 29 CFR and sections 602 (a) and 303(a) of the Comprehensive Employment and Training Act of 1973 (Pub. L. 92.203, 87 Stat. 839), notice is hereby given that the regular grant planning and application process for allocable funds, described in 29 CFR 97.210-97.220 has terminated in the following States, as of this date (together with the amount of funds available for farmworker grants in those States):

Colorado—$946,800; Kentucky—$802,000; Wyoming—$42,000; Maine—$118,000; New Hampshire—$30,000; and Rhode Island—$23,000.

Because we were unable to provide grants in those States through the regular grant planning and application process for allocable funds, the funds made available for programs in those States revert to the National Contingency Account described in § 97.204(b). However, it is the intent and desire of the Manpower Administration to spend those available funds in those States for farmworker programs. For that reason, we are giving this notice of the availability of these funds for farmworker programs in those States and limiting eligibility for application for those funds to those applicants eligible under § 97.205.

The Manpower Administration will consider any proposals submitted by February 28, 1975, for a program(s) in those States. Interested persons are invited to submit proposals (four copies) to:

U.S. Department of Labor
Manpower Administration
Room 7122, Patrick Henry Building
601 D Street, NW
Washington, D.C. 20213
Attention: Chief, Migrant Division

Proposals submitted for a program(s) in those States should include the information, documentation and forms described in § 97.212 and 97.215.

Signed at Washington, D.C., this 29th day of January, 1975.

WILLIAM H. KOLBERG, *Assistant Secretary for Manpower.*

[FR Doc.75-3913 Filed 2-11-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 6, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway-Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 24, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2633 (Sub-No. E12), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks, from Erie, and points in Crawford Counties, Pennsylvania, to points on the U.S.-Canada International Boundary line between and including Buffalo, and Youngstown, New York. The purpose of this filing is to eliminate the gateways of Buffalo, Tonawanda, North Tonawanda; those points between Buffalo and Tonawanda which are within two miles of the Niagara River, New York.

No. MC 2633 (Sub-No. E13), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Clinton, Potter, and Tioga Counties, Pennsylvania to points on the International Boundary line between the U.S. and Canada which are between Buffalo and Youngstown, New York. The purpose of this filing is to eliminate the gateways of Buffalo, Tonawanda, North Tonawanda, New York, and points in New York which are between Buffalo and Tonawanda and are within two miles of the Niagara River.

No. MC 2633 (Sub-No. E15), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrolcum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, except those named in Appendix XV thereof, from points in Beaver County, Pennsylvania; points in Chautauqua, Erie, and Niagara Counties, New York. The purpose of this filing is to eliminate the gateway of Freedom, Pennsylvania.

No. MC 2633 (Sub-No. E16), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from points in Beaver County, Pennsylvania, to Syracuse and East Syracuse, New York. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pennsylvania.

No. MC 18088 (Sub-No. E1), filed May 13, 1974. Applicant: FLOYD & BEASLEY TRANSFER CO., INC., P.O. Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, (a) from points in South Carolina (except points in Oconee County), to points in that part of Tennessee in and west of Lincoln, Moore, Coffee, Rutherford, Davidson, Cheatham, and Montgomery Counties, (b) from points in Oconee County, S.C., to points in and west of Franklin, Moore, Bedford, Marshall, Maury, Hickman, Humphreys, Houston, and Stewart Counties, Tenn., (c) from points in Cherokee, York, Union, Chester, Lancaster, Chesterfield, Marlboro, Dillon, Horry, Marion, Florence, Darlington, Lee, Sumter, Kershaw, Fairfield, and Newberry Counties, S.C., to points in Troup, Harris, Muscogee, and Chattahoochee Counties, Ga., (d) from points in Oconee, Pickens, Greenville, Spartanburg, Anderson, Laurens, Abbeville, Greenwood, Saluda, McCormick, and Edgefield Counties, S.C., to points in Harris, Muscogee, and Chattahoochee Counties, Ga., (e) from points in that part of South Carolina in and south of Aiken, Lexington, Richland, Clarendon, Williamsburg, and Georgetown Counties, to points in Troup and Harris Counties, Ga. The purpose of this filing is to eliminate the gateways of Sycamore, Pell City, and Lafayette, Ala.

No. MC 18088 (Sub-No. E2), filed May 13, 1974. Applicant: FLOYD & BEASLEY TRANSFER CO., INC., P.O. Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products, and machinery, machinery parts, equipment, materials, and supplies* used in or in connection with the operation of textile mills and warehouses (except commodities the transportation of which, because of size or weight require the use of special equipment for the transportation thereof), restricted to the transportation of shipments originating at or destined to sites of mills or plants for the production of textiles or textile products, or of warehouses operated in connection with such mills or plants, (a) between points in South Carolina (except Oconee County) on the one hand, and, on the other, points in that part of Tennessee in and west of Giles, Lewis, Hickman, Dickson, and Montgomery Counties, (c) between points in Charleston County, S.C. on the one hand, and, on the other, points in that part of Tennessee in and west of Lincoln, Marshall, Williamson, Davidson, and Robertson Counties, (d) between points in that part of Georgia, on and east of Muscogee, Chattahoochee, Marion, Schley, Sumter, Lee, Worth, Colquitt, and Brooks Counties on the one hand, and, on the other, points in that part of Tennessee in and west of Hamilton, Meigs, Rhea, Cumberland, Fentress, and Pichett Counties, (e) between points in Union, Towns, Rabun, Lumpkin, White, Habersham, Stephens, Hall, Banks, Franklin, Hart, Jackson, Madison, Elbert, Gwinnett, Barrow, Clarke, Oglethorpe, Wilkes, Lincoln, Walton, Oconee, Morgan, Greene, Tallaferro, Putnam, Jasper, Butts, Newton, Henry, Fayette Spalding, Douglas, Carroll, and De Kalb Counties, Ga. on the one hand, and, on the other, points in that part of Tennessee in and west of Lawrence, Lewis, Hickman, Humphreys, Houston, and Stewart Counties.

(f) between points in Heard, Coweta, Troup, Meriwether, Pike, Lamar, Monroe, Harris, Talbot, Upson, Crawford, and Taylor Counties, Ga. on the one hand, and, on the other, points in that part of Tennessee in and west of Giles, Marshall, Williamson, Davidson, Cheatham, and Montgomery Counties, (g) between points in Taylor, Crawford, Peach, Houston, Macon, Pulaski, Dooly, Crisp, Wilcox, Turner, Ben Hill, Tift, Irwin, Cook, Berrien, Coffee, Atkinson, Lowndes, Lanier, Clinch, and Echols Counties, Ga. on the one hand, and, on the other, points in that part of Tennessee in and west of Bradley, McMinn, Loudon, Knox, Union, and Campbell Counties, (h) between points in Columbia, McDuffie, Warren, Hancock, Baldwin, Jones, Bibb, Twiggs, Bleckley, Dodge, Telfair, Jeff Davis, Bacon, Ware, Charlton, Camden, Glynn, Brantley, Pierce, McIntosh, Wayne, Appling, Long, Liberty, Chatham, Bryan, Effingham, Screven, Bulloch, Candler, Evans, Tattnall, Toombs, Montgomery, Wheeler, Treutlen, Laurens, Wilkinson, Washington, Glascock, Richmond, Burke, Jenkins, Johnson, Emanuel, and Jefferson Counties, Ga. on the one hand, and,

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on the other, points in that part of Tennessee in and west of Lincoln, Moore, Bedford, Rutherford, Davidson, and Robertson Counties. The purpose of this filing is to eliminate the gateway of the plantsite of Vulcan Binder and Cover, Division of Ebsco Industries, Inc., at Vincent, Ala.

No. MC 18088 (Sub-No. E3), filed May 13, 1974. Applicant: FLOYD & BEASLEY TRANSFER CO., INC., P.O. Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (a) from points in that part of Tennessee in and west of Hamilton, Meigs, Rhea, Cumberland, Fentress, and Pichett Counties to points in that part of Georgia in and west of Muscogee, Chattahoochee, Marion, Schley, Sumter, Lee, Worth, Colquitt, and Brooks Counties, (b) from points in that part of Tennessee in and west of Lawrence, Lewis, Hickman, Humphreys, Houston, and Stewart Counties to points in Union, Towns, Rabun, Lumpkin, White, Habersham, Stephens, Hall, Banks, Franklin, Hart, Jackson, Madison, Elbert, Gwinnett Barrow, Clarke, Oglethorpe, Wilkes, Lincoln, Walton, Oconee, Morgan, Greene, Taliaferro, Putnam, Jasper, Butts, Newton, Henry, Fayette, Spalding, Douglas, Carroll, and Dekalb Counties, Ga., (c) from points in that part of Tennessee in and west of Giles, Marshall, Williamson, Davidson, Cheatham, and Montgomery Counties to points in Heard, Coweta, Troup, Meriwether, Pike, Lamar, Monroe, Harris, Talbot, Upson, Crawford, and Taylor Counties, Ga., (d) from points in that part of Tennessee in and west of Bradley, McLinn, Loudon, Knox, Union, and Campbell Counties to points in Taylor, Crawford, Peach, Houston, Macon, Pulaski, Dooly, Crisp, Wilcox, Turner, Ben Hill, Tift, Irwin, Cook, Berrien, Coffee, Atkinson, Lowndes, Lanier, Clinch, and Echols Counties, Ga., (e) from points in that part of Tennessee in and west of Lincoln, Moore, Bedford, Rutherford, Davidson, and Robertson Counties to points in Columbia, McDuffie, Warren, Hancock, Baldwin, Jones, Bibb, Twiggs, Bleckley, Dodge, Telfair, Jeff Davis, Bacon, Ware, Charlton, Camden, Glynn, Brantley, Pierce, McIntosh, Wayne, Appling, Long, Liberty, Chatham, Bryan, Effingham, Screven, Bulloch, Candler, Evans, Tattnall, Toombs, Montgomery, Wheeler, Treutlen, Laurens, Wilkinson, Washington, Glascock, Richmond, Burke, Jenkins, Johnson, Emanuel, and Jefferson Counties, Ga., (f) from points in that part of Tennessee in and west of Giles, Maury, Hickman, Dickson, Houston, and Stewart Counties to points in South Carolina (except points in Oconee County), (g) from points in that part of Tennessee in and west of Giles, Lewis, Hickman, Dickson, and Montgomery Counties to points in Oconee County, S.C., and (h) from points in that part of Tennessee in and west of Lincoln, Marshall, Williamson, Davidson, and Robertson Counties to points in Charleston County, S.C. The purpose of this filing is to eliminate the gateway of the plant site of Vulcan Binder and Cover, Division of Ebsco Industries, Inc., at Vincent, Ala.

No. MC 31462 (Sub-No. E17), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on, south and east of a line beginning at the Alabama-Mississippi State line extending along Alabama Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Alabama-Tennessee State line, on the one hand, and, on the other, points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 34 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction Interstate Highway 90, thence along Interstate Highway 90 to Rapid City, South Dakota, thence along U.S. Highway 385 to Deadwood, South Dakota, thence along U.S. Highway 85 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Georgia; points in Tennessee; Cairo, Illinois, and points within 25 miles thereof; Burlington, Iowa, and points within 50 miles thereof; and Alden, Minnesota, and points in Minnesota within 35 miles thereof.

No. MC 31462 (Sub-No. E18), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tennessee, on the one hand, and, on the other, points in that part of Alabama bounded by a line beginning at the Georgia-Alabama State line extending along U.S. Highway 278 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama County Highway 31, thence along Alabama County Highway 31 to junction Alabama Highway 9, thence along Alabama Highway 9 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction County Highway 49, thence along County Highway 49 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 93, thence along Alabama Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 31462 (Sub-No. E20), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama on and east of a line beginning at the Georgia-Alabama State line at Phenix City, Alabama, extending along U.S. Highway 431 to Dothan, Alabama, thence along Alabama Highway 51 to junction Alabama Highway 53, thence along Alabama Highway 53 to junction Alabama Highway 109, thence along Alabama Highway 109 to the Alabama-Florida State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of any point in Georgia; any point in Tennessee; Cairo, Illinois, or any point within 25 miles thereof; and Burlington, Iowa, or any point within 50 miles thereof.

No. MC 31462 (Sub-No. E155), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and south of a line beginning at the Illinois-Iowa State line extending along Interstate Highway 80 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E159), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 40 to the Illinois-Indiana State line, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Fort Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E161), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined, by the Commission, between points in Illinois, on the one hand, and, on the other, points in that part of Texas on, north, and west of a line beginning at Texarkana, Texas, extending along U.S. Highway 67 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 69 to junction

U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 123, thence along Texas Highway 123 to junction Texas Highway 72, thence along Texas Highway 72 to junction Texas Highway 97, thence along Texas Highway 97 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico Boundary line. The purpose of this filing is to eliminate the gateway of St. Louis, Missouri, and East St. Louis, Illinois, and points within 50 miles thereof; Cairo, Illinois, and points within 25 miles thereof; and points in Okmulgee County, Oklahoma.

No. MC 31462 (Sub-No. E164), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on the one hand, and, on the other, and points in South Dakota. The purpose of this filing is to eliminate the gateway of Alden, Minnesota, and points in Minnesota within 35 miles thereof.

No. MC 31462 (Sub-No. E165), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on the one hand, and, on the other, and points in North Dakota. The purpose of this filing is to eliminate the gateway of Alden, Minnesota, and points in Minnesota within 35 miles thereof.

No. MC 31462 (Sub-No. E166), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on the one hand, and, on the other, and points in Mississippi. The purpose of this filing is to eliminate the gateway of Cairo, Illinois, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E167), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is toe eliminate the gateway of Fort Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E244), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof; Ft. Wayne, Indiana, and points in Indiana within 50 miles thereof; Hoosick Falls, New York; and any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E245), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Dakota on the hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof; Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; Hoosick Falls, New York; and any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E246), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof, Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E247), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of Kansas City, Missouri, and points within 30 miles thereof; Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E335), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; (4) Hoosick Falls, New York and (5) any points which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E336), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along

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U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E337), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E338), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof, and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E339), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P. O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E340), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof, and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E340), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof, and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E346), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles, and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E347), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster,

Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; and (4) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E419), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas, 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma on the one hand, and, on the other, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof.

No. MC 32562 (Sub-No. E1), filed May 13, 1974. Applicant: POINT EXPRESS, INC., 4035 Roberts Road, Columbus, Ohio 42316. Applicant's representative: LOWELL T. BAYS (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Beckley, W. Va., on the one hand, and, on the other, points in Virginia within 75 miles of Bluefield, W. Va. The purpose of this filing is to eliminate the gateway of Bluefield, W. Va.

No. MC 61403 (Sub-No. E34) (Correction), filed May 31, 1974, republished in the FEDERAL REGISTER January 27, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in that part of Tennessee on and east of U.S. Highway 27 to points in that part of North Dakota on and east of U.S. Highway 85, and points in that part of South Dakota on and east of U.S. Highway 85 (Kingsport, Tenn., and Marshall, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 95540 (Sub-No. E829) (Correction), filed December 9, 1974, published in the FEDERAL REGISTER January 2, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Charles, Ill., to those points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 60 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line, to those points in Arizona on and south of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to its junction with U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-New Mexico State line, to those points in California on and south of a line beginning at the California-Nevada State line and extending along Interstate Highway 15 to its junction with California Highway 58, thence along California Highway 58 to its junction with California Highway 140, thence along California Highway 140 to its junction with Interstate Highway 15, thence along Interstate Highway 15 to its junction with California Highway 152, thence along California Highway 152 to its junction with California Highway 1, thence along California Highway 1 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn. The purpose of this correction is to include the gateway.

No. MC 95540 (Sub-No. E842) (correction), filed December 12, 1974, published in the FEDERAL REGISTER January 2, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from Dubuque, Iowa, to points in Gordon County, Tenn., and points in Loudon County, Tenn., restricted to the transportation of shipments destined to points in the named destination counties. The purpose of this filing is to eliminate the gateway of Blytheville, Ark. The purpose of this correction is to correct a typographical error.

No. MC 106398 (Sub-No. E83) (correction), filed May 31, 1974, published in the FEDERAL REGISTER December 23, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, complete, knocked down, or in sections and component parts, materials, supplies, and fixtures*, from points in Pennsylvania, Ohio, Indiana, Missouri, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Arkansas, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa. The purpose of this correction is to clarify the origin points.

No. MC 106398 (Sub-No. E122) (correction), filed May 31, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, other than from origins which are points of manufacture, from Saratoga Springs, N.Y., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways of any point in Pennsylvania, New Jersey, or Massachusetts. The purpose of this correction is to clarify the gateway.

No. MC 106920 (Sub-No. E94), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: commodities classified as *dairy products* under B in the appendix to the report in Modification of Permits of Motor Carriers of

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packinghouse products, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk, in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, to points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along Kentucky Highway 163 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 555, thence along Kentucky Highway 555 to junction Kentucky Highway 62, thence along Kentucky Highway 62 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E96), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk, in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, and north of a line beginning at the Wisconsin-Iowa State line and extending along Wisconsin Highway 60 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, to points in Alabama bounded by a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 231 to junction Alternate U.S. Highway 72, thence along Alternate U.S. Highway 72 to junction Alabama Highway 24, thence along Alabama Highway 24 to junction Alabama Highway 33, thence along Alabama Highway 33 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 195, thence along Alabama Highway 195 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to the Alabama-Tennessee State line; thence along the Alabama-Tennessee State line to the point of origin. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E101), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Commodities* classified as *dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in Missouri on and north of a line beginning at the Kansas-Missouri State line and extending along Missouri Highway 92 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Missouri Highway 10, thence along Missouri Highway 10 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 154, thence along Missouri Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, to points in Florida on and south of a line beginning at the Atlantic Ocean and extending along Interstate Highway 4 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Florida Highway 688, thence along Florida Highway 688 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E102), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits* of Motor Contract Carriers of Packinghouse Products, 48 M.C.C. 628, from points in Missouri bounded by a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 136 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 135, thence along Missouri Highway 135 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 240, thence along Missouri Highway 240 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 154, thence along Missouri Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line and extending along the Illinois-Missouri State line to the point of origin, to points in Kentucky bounded by a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line and extending along the Ohio-Kentucky State line to the point of origin. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E104), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in Missouri south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 136 to junction Missouri Highway 145, thence along Missouri Highway 145 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Missouri Highway 46, thence along Missouri Highway 46 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Nebraska-Missouri State line, and north of a line beginning at the Nebraska-Missouri State line and extending along U.S. Highway 136 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Missouri Highway 48, thence along Missouri Highway 48 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, to points in Tennessee north of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25E to junction U.S. Highway 11E, thence along U.S. Highway 11E to the Tennessee-Virginia State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E106), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in Missouri, north of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 39 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to the West Virginia-Ohio State line (except points in West Virginia on and north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E108), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in Missouri on and north of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 16 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Kansas-Missouri State line, to points in North Carolina. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107227 (Sub-No. E1) (Correction), filed May 15, 1974, republished in the FEDERAL REGISTER January 16, 1975. Applicant: INSURED TRANSPORTERS, INC., P.O. Box 1807, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (6) *Trucks*, in truckaway service, from points in that part of California on and west of a line beginning at the Arizona-California State line and extending along U.S. Highway 80 to junction California Highway 86, thence along California Highway 86 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Temporary Interstate Highway 5, thence along Temporary Interstate Highway 5 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction California Highway 29, thence along California Highway 29 to junction California Highway 128, thence along California Highway 128 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 12, thence along California Highway 12 to junction California Highway 116, thence along California Highway 116 to the Pacific Ocean to points in Washington (San Francisco and Oakland)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct a typographical error. The remainder of this letter-notice remains as previosuly published.

No. MC 107403 (Sub-No. E466) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER January 8, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Ohio (except points within 150 miles of Monongahela, Pa.), to points in Maryland, Pennsylvania, and West Virginia (points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this correction is to omit the word "except" from the destination description.

No. MC 107839 (Sub-No. E10) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Coral Gables, Fla., to points in that part of Arizona on and north of a line beginning at the Arizona-New Mexico State line, thence along U.S. Highway 66 to Flagstaff, thence along Interstate Highway 17 to Phoenix, thence along Interstate Highway 10 to the California-Arizona State line, points in that part of Utah on and south and west of a line beginning at the Arizona-Utah State line, thence along U.S. Highway 6 to U.S. Highway 89, thence along U.S. Highway 89 via Salt Lake City to the Utah-Idaho State line; points in that part of Idaho on and south of U.S. Highway 12; and points in California, Nevada, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of Denver, Colo., and Gallup, N. Mex. The purpose of this correction is to clarify the territorial description.

No. MC 107839 (Sub-No. E13) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (1) from the plant sites and warehouses of Sterling Colorado Beef Packers, at or near Sterling, Colo., to points in Robeson, Columbus, Brunswick, Pender, Bladen, Cumberland, Sampson, Duplin, Onslow, Carteret and Craven Counties, N.C., and points in South Carolina; and (2) from the plant sites and warehouses of American Beef Packers, Inc., at or near Fort Morgon, Colo., to points in North Carolina, South Carolina, and points in that part of Tennessee on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Plainview, Tex. The purpose of this correction is to include origin points.

No. MC 109478 (Sub-No. E9), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice, tomato juice, jams, jellies, and preserves*, other than frozen or in bulk, in tank vehicles, except no service may be performed under this authority from Philadelphia, Pa., to described Pennsylvania and West Virginia points, from Boston and Waban, Mass., and Philadelphia, Pa., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania on and west of U.S. Highway 219, and New York on, south, and west of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of North East, Pa., and Erie County, Pa., and points in New York on, south and west of a line beginning at Lake Ontario extending along New York Highway 13 to junction U.S. Highway 11 to the New York-Pennsylvania State line.

No. MC 111496 (Sub-No. E4), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) from points in Clay County, Minn., to those points in North Dakota on and north of North Dakota Highway 5, (2) from points in Wilkin County, Minn., to those points in North Dakota on and north of North Dakota Highway 5. The purpose of this filing is to eliminate the gateways of Fargo and points in Walsh County, N. Dak.

No. MC 111496. (Sub-No. E5), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

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General Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Becker and Otter Tail Counties, Minn., to those points in North Dakota on and north of North Dakota Highway 5. The purpose of this filing is to eliminate the gateways of points in Fargo and Walsh Counties, N. Dak.

No. MC 111496 (Sub-No. E8), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Clay and Wilken Counties, Minn., to those points in North Dakota on and west of a line beginning at the North Dakota-Montana State line, extending along North Dakota Highway 5 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateways of Fargo, and points in Cass County, N. Dak.

No. MC 111496 (Sub-No. E9), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: R. E. Caturia (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Becker County, Minn., to those points in North Dakota on and west of a line beginning at the North Dakota-Montana State line, and extending along North Dakota Highway 5 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateways of Fargo, and points in Cass County, N. Dak.

No. MC 113843 (Sub-No. E426) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER July 26, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Martins Ferry, Ohio, to points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 80 to its junction with Interstate Highway 294, thence along Interstate Highway 294 to its junction with Illinois Highway 64, thence along Illinois Highway 64 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Detroit, Mich. The purpose of this correction is to clarify the territorial description.

No. MC 113843 (Sub-No. E495) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER July 29, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products* as defined by the Commission, from Piqua, Ohio, to points in that part of Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Bradford, thence along Pennsylvania Highway 46 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Wilkes-Barre, thence along Pennsylvania Highway 115 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y. The purpose of this correction is to clarify the territorial description.

No. MC 114019 (Sub-No. E408), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd. Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from points in Warren County, Pa., to those points in Ohio bounded by a line beginning at Lake Erie and extending along U.S. Highway 21 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, thence along the Ohio-Pennsylvania State line to junction Ohio Highway 165, thence along Ohio Highway 165 to junction Ohio Highway 14, thence along Ohio Highway 14 to Lake Erie. The purpose of this filing is to eliminate the gateways of points in that portion of Chautauqua County, N.Y., which are within 15 miles of Erie, Pa.

No. MC 114019 (Sub-No. E410), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa, chocolate* and *compounds thereof, and confectionery*, between Detroit and Grand Rapids, Michigan, on the one hand, and, on the other, points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 80, thence along Interstate Highway 80 to the New Jersey-Pennsylvania State line, and those points in New Jersey which are within 40 mileso f City Hall, New York, New York, and within the Philadelphia, Pennsylvania, Commercial Zone. The purpose of this filing is to eliminate the gateway of Syracuse, New York.

No. MC 114211 (Sub-No. E479), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, storage bins, grain driers, and corn cribs*, knocked down or in sections, and when shipped with said commodities, *component parts, materials, supplies, fixtures, and accessories* used in their construction and erection, *ventilators and irrigation well casings* which because of size or weight requires the use of special equipment, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction Nebraska Highway 39, thence along Nebraska Highway 39 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line, to points in that part of Wisconsin on and northeast of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 53 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to the Wisconsin-Minnesota State line; to points in that part of Missouri on and northeast of a line beginning at the Missouri-Iowa State line

extending along Interstate Highway 35 to junction Missouri Highway 13, thence along Missouri Highway 13 to the Missouri-Arkansas State line; to points in that part of Minnesota on and northeast of a line beginning at the U.S.-Canada Boundary line extending along U.S. Highway 53, thence along U.S. Highway 53 to Lake Superior; and to points in that part of Iowa on and east of a line beginning at the Iowa-Wisconsin State line extending along Iowa Highway 9 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 29, thence along Interstate Highway 29 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line and to points in Illinois, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Columbus, Nebr.

No. MC 114211 (Sub-No. E601), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from points in Illinois to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E602), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, (except commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling), between points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Colorado, restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Beatrice and Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E603), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in that part of Texas on and north of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Nebraska City and Beatrice, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E680), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories, and attachments*, between Huron, South Dakota on the one hand, and, on the other, points in that part of Idaho on and west of a line beginning at the Oregon-Idaho State line extending along Interstate Highway 80, thence along Interstate Highway 80 to the Idaho-Utah State line, points in that part of Idaho on and west of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 95 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Washington State line; points in that part of Washington on and north of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line; points in that part of Colorado on and south and west of a line beginning at the Utah-Colorado State line extending along U.S. Highway 50 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Oklahoma State line; points in that part of Kansas on and east of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70.

Thence along Interstate Highway 70 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line; points in that part of Wisconsin on and south and east of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 16 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 10, thence along Wisconsin Highway 10 to junction Wisconsin Highway 34, thence along Wisconsin Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 17, thence along Wisconsin Highway 17 to U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line; points in that part of Oregon on and south and west of a line beginning at the Washington-Oregon on and south and west of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Oregon-Idaho State line; points in that part of Utah on, south, and west of a line beginning at the Idaho-Utah State line extending along Interstate Highway 80 to junction U.S. Highway 30.

Thence along U.S. Highway 30 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line; points in that part of Oklahoma on and south and east of a line beginning at the Colorado-Oklahoma State line extending along U.S. Highway 287 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Oklahoma-Kansas State line; points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line; points in that part of Michigan on, east, and south of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 45 to Ontonagon, Michigan; and points in Cali-

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fornia, Nevada, Arizona, New Mexico, Texas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Tennessee, Kentucky, Mississippi, Georgia, Alabama, Florida, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Maryland, Delaware, New Jersey, Rhode Island, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Canton, South Dakota.

No. MC 114211 (Sub-No. E681), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery*, and *contractors' equipment* and supplies, from Huron, South Dakota, to points in Wisconsin, Michigan, Illinois, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Vermont, New Hampshire, Maine, and points in that part of Texas on and east of a line beginning at the Texas-Louisiana State line extending along Texas Highway 63 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, Texas; to points in that part of Arkansas on and east of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Texas State line; and points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 136 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, with no transportation to points in Maine, New Hampshire, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E682), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories* and *attachments*, between McAllen, Texas on the one hand, and, on the other, points in Minnesota, North Dakota, and points in that part of Wisconsin on and north of a line beginning at Milwaukee, Wisconsin, extending along Wisconsin Highway 15 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to the Wisconsin-Iowa State line; points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 51 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line; points in that part of South Dakota on and north of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 83 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 18 to junction Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line; points in that part of Wyoming on and northwest of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 87.

Thence along U.S. Highway 87 to the Wyoming-Montana State line; points in that part of Montana on and north of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 87 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction Montana Highway 43, thence along Montana Highway 43 to the Montana-Idaho State line; points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along U.S. Highway 12 to the Idaho-Washington State line; and points in that part of Washington on and north of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction Washington Highway 124, thence along Washington Highway 124 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 432, thence along Washington Highway 432 to junction U.S. Highway 30, thence along U.S. Highway 30 to Astoria, Washington. The purpose of this filing is to eliminate the gateway of Canton, South Dakota, and points in Kansas.

No. MC 114211 (Sub-No. E683), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors equipment* and *supplies*, from Huron, South Dakota, to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E684), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractors' equipment* and *supplies*, from Springfield, Illinois, to points in Oregon, Washington, Idaho, Montana, North Dakota, and points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14, to junction South Dakota Highway 37, thence along South Dakota Highway 37, to junction U.S. Highway 16, thence along U.S. Highway 16, to junction Highway 79, thence along South Dakota Highway 79, to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Wyoming State line; points in that part of Wyoming on and north of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 18 to junction U.S. Highway 26, thence along U.S. Highway 26, to junction U.S. Highway 89, thence along U.S. Highway 89 to the Idaho-Wyoming State line; to points in that part of Nevada on and west of a line beginning at the Idaho-Nevada State line extending along U.S. Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line; and points in that part of California on and north of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395, to junction California Highway 14, thence along California Highway 14, to junction Interstate Highway 5, thence along Interstate Highway 5, to junction Interstate Highway 10, thence along Interstate Highway 10 to Los Angeles, California, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota, and points in Iowa.

No. MC 114301 (Sub-No. E6) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER, August 27, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry poultry and dairy feed*, from points in Berks and Chester Counties, Pa., to points in Anne Arundel, Prince Georges, Charles, Calvert, and St. Marys Counties, Md. The purpose of this filing is to eliminate the gateways of Newark, Dela., and the plant sites of the Ralston Purina Co., at or near Wilmington, Dela. The purpose of this correction is to clarify the commodity descriptions.

No. MC 116915 (Sub-No. E7), filed May 24, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well and mine machinery, pipe and supplies* which require the use of special equipment by reason of size or weight, from points in West Virginia to points in Missouri. The purpose of this filing is to eliminate the gateway within 35 miles of Owensboro, Ky.

No. MC 116915 (Sub-No. E12), filed May 24, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, P.O. Box 1279, 1125 Sweeney St., Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, Federal Bar Bldg. West, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products and equipment, materials, and supplies* (except in bulk), used in the manufacture and processing of aluminum and aluminum products which require the use of special equipment by reason of size or weight, (1) from points in Florida to points in Ohio, Indiana, and the Lower Peninsula of Michigan, (2) from points in North Carolina to points in Illinois and Missouri, (3) from points in Connecticut, New Jersey, New York and Pennsylvania to points in Missouri and to those points in Tennessee on and west of U.S. Highway 231, and (4) from points in Arkansas and Texas to points in Ohio, Indiana, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of shipper facility gateways at Hawesville, Ky.

No. MC 119968 (Sub-No. E17), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Ohio, and on and south of a line beginning at Toledo, Ohio, and extending south along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line; those points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line, and extending east along U.S. Highway 250 to junction West Virginia Highway 2, thence south along West Virginia Highway 2 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Kentucky State line; those points in Kentucky on and north of a line beginning at the Kentucky-West Virginia State line and extending west along U.S. Highway 60 to intersection U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 10, thence along Kentucky Highway 8 to its termination near North Bend, Ohio, on the one hand, and, on the other, points in New York on and west of New York Highway 12 and on and east of New York Highway 15. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E18), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending east along U.S. Highway 30 to intersection U.S. Highway 30 near Ontario, Ohio, thence along U.S. Highway 30 to U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line; those points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 77 to West Virginia Highway 2, thence south along West Virginia Highway 2 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Kentucky State line; those points in Kentucky on and north of a line beginning at the Kentucky-West Virginia State line and extending west along U.S. Highway 60 to intersection U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 10, thence along Kentucky Highway 8 to its termination near North Bend, Ohio, on the one hand, and, on the other, points in New York on and west of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E19), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured and sold by chemical manufacturing plants (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Ohio on and west of a line beginning at Lorain, Ohio, and extending south along Ohio Highway 57 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line; those points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line and extending east along Interstate Highway 77 to junction West Virginia Highway 2, thence south along West Virginia Highway 2 to junction U.S. Highway 60, thence along U.S. Highway 60 to intersection U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 10, thence along Kentucky Highway 8 to its termination near North Bend, Ohio, on the one hand, and, on the other, points in that part of Connecticut on and south of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 7 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to New London, Conn.; that part of New Jersey on and north of New Jersey Highway 33; that part of New York, including Long Island, on and south of a line beginning at the New York-Pennsylvania State line and extending north along New York Highway 7 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E21), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Ohio on and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Indiana on and north of U.S.

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Highway 30, and the southern peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E22), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Rd., Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between points in Ohio on and east of a line beginning at Lorain, Ohio, and extending south along Ohio Highway 57 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Illinois on and south of Interstate Highway 70; points in Indiana on and south of Interstate Highway 70, and points in Kentucky on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 123407 (Sub-No. E177), filed December 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Laftus (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating composition board* (except lumber and commodities in bulk), from Minneapolis, Minn., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3991 Filed 2-11-75;8:45 am]

[Notice No. 11]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 7, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

MC 29079 (Sub-No. 70) (Republication), filed April 8, 1974, and published in the FEDERAL REGISTER issue of May 16, 1974, and republished this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union St., Kokomo, Ind. 46901. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. An Order of the Commission, Operating Rights Board, dated December 23, 1974, and served January 24, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *aluminum and steel articles* between the facilities of Roll Coata Company, at or near Kingsbury, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Ohio, Missouri, points in New York on and west of U.S. Highway 62, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and north of U.S. Highway 40; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the change of the commodity description from iron or steel, plate or sheet, flat or in coils, to aluminum and steel articles; and to indicate the correct spelling of the plantsite and warehouses, from Roll Coates Company, to Roll Coata Company. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 98713 (Sub-No. 6) (Republication), filed May 9, 1974, and published in the FEDERAL REGISTER issue of June 20, 1974, and republished this issue. Applicant: ORANGE BELT STAGES, a Corporation, 525 E. Acequia Street, Visalia, Calif. 93277. Applicant's representative: F. S. Bayley, Suite 1200, 111 Sutter Street, San Francisco, Calif. 94104. An order of the Commission, Operating Rights Board, dated December 23, 1974, and served January 28, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle: (A) of *Passengers and their baggage* in the same vehicle with passengers and *express* in the same vehicle with passengers (limited to a weight of no more than 100 pounds per shipment), over regular routes: (1) Between Visalia and Bakersfield; from Visalia, over California Highway 198 to junction of unnumbered highway (Farmersville Road), thence over unnumbered highway via Farmersville to Exeter, thence over California Highway 65 to Bakersfield. (2) Between Visalia and Hanford: from Visalia, over California Highway 198 to Hanford. (3) Between Bakersfield and Paso Robles; from Bakersfield, over California Highway 99 to Formosa, thence over California Highway 46 to Paso Robles. (4) Between Bakersfield and Wasco; from Bakersfield, over Rosedale Highway to Shafter Highway to Santa Fe Way to Wasco Avenue to Poso Drive to F Street to Wasco. (5) Between Lerdo and Shafter; from Lerdo, over unnumbered highway to Shafter, to be operated as an alternate route serving no intermediate points. (6) Between Bakersfield and Barstow; from Bakersfield, over California Highway 58 to Barstow.

(7) Between the junction of California Highways 99 and 198, and the junction of 14th Avenue West and California Highway 198; from the junction of California Highways 99 and 198, over California Highway 99 to Goshen Junction, thence over 14th Avenue West to California Highway 198, and return over the same routes serving all intermediate points restricted (1) against the transportation of passenger, baggage, or express between Visalia and points west thereof, on the one hand, and Bakersfield, on the other hand, over the route via Exeter, Porterville, and Ducor, (2) against the transportation of traffic between Muroco junction and Beecher's Corner and intermediate points, (3) against the transportation of traffic between points located on California Highway 99, and (4) against the transportation of passengers between Bakersfield and Brundage Lane, and intermediate points; and (B) of *Passengers and their baggage* in the same vehicle with passengers in round-trip charter operations, beginning and ending at points in Tulare, Kings, San Luis Obispo and Kern, Counties, Calif., and at Burrel, Coalinga, Huron, Kingsburg, Lanare, Orange Cove, Parlier, Reedley, Riverdale, San Joaquin, and Selma, Calif., and extending to points in Washington, Oregon, Nevada, Utah, Arizona, and New Mexico. The purpose of this republication is to indicate the correct spelling of the county of Tulare, which was erroneously spelled Tulane; and to modify the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this

publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 109326 (Sub-No. 110) (Republication), filed July 17, 1974, and published in the FEDERAL REGISTER issue of August 15, 1974, and republished this issue. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. An Order of the Commission, Operating Rights Board, dated December 18, 1974, and served January 24, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over *irregular routes*, of bananas, and agricultural commodities otherwise exempt from regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Texas, Oklahoma, Kansas, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Ohio, Kentucky, North Carolina, South Carolina, Alabama, restricted against service from or to any facility of the Great Atlantic and Pacific Tea Company or Hunt Foods and Industries, Inc. and further restricted to the transportation of traffic of having an immediately prior movement by water; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; the purpose of this republication is to include South Carolina as a destination State. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124774 (Sub-No. 89) (Republication), filed April 17, 1974, and published in the FEDERAL REGISTER issue of May 8, 1974, and republished this issue. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, P.O. Box 7344, Omaha, Nebr. 68101. Applicant's representative: Thomas D. Sutherland, P.O. Box 80028, 605 South 14th Street, Lincoln, Nebr. 68501. An Initial Decision of the Commission, Glennon, Administrative Law Judge, dated January 8, 1975, and served January 22, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *edible bakery supplies*, from the plantsite of Globe Products Company, Inc., located in Clifton, N.J., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Minnesota, Nebraska, Wisconsin, Ohio, Kentucky, and West Virginia restricted to traffic originating at the named plantsite; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to include Missouri as a destination State. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 263 (Sub-No. 87) (Notice of filing of petition to remove restriction), filed January 27, 1975. Petitioner: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, P.O. Box 4048, Pocatello, Idaho 83201. Petitioner's representative: Wayne S. Green (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 263 (Sub-No. 87) issued August 21, 1959, authorizing transportation, over regular routes, of *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Farmington, N. Mex., and Albuquerque, N. Mex., serving all intermediate points, except Bernalillo, N. Mex., and points on U.S. Highway 85 between Bernalillo and Albuquerque, N. Mex.; from Farmington over New Mexico Highway 17 to junction New Mexico Highway 44, thence over New Mexico Highway 44 to junction U.S. Highway 85, at Bernalillo, N. Mex., and thence over U.S. Highway 85 to Albuquerque, and return over the same route. Restriction: The authority granted herein shall not be combined or joined with any other authority held by carrier for the purpose of serving Albuquerque, N. Mex., in connection with traffic originating at or destined to Ogden or Salt Lake City, Utah. By the instant petition, petitioner seeks to remove the restriction imposed on the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 76677 (Notice of filing of petition to modify commodity description), filed January 27, 1975. Petitioner: HALLAMORE MOTOR TRANSPORTATION, INC., P.O. Box 556, Brockton, Mass. 02403. Petitioner's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Petitioner holds a motor *common carrier* certificate in No. MC 76677 issued February 14, 1956, authorizing transportation, as pertinent, over irregular routes, of *Plant, office and store equipment and supplies* requiring specialized handling or rigging: (1) Between Brockton, Mass., and points in Massachusetts within 35 miles of Brockton, on the one hand, and, on the other, points in Pennsylvania, New York, Rhode Island, Connecticut, and New Hampshire; (2) between points in Massachusetts; (3) between points in Rhode Island; (4) between points in Connecticut; and (5) between points in New Hampshire. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read: *Commodities*, the transportation of which, because of size or weight requires the use of special equipment, and *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation of commodities, which by reason of size or weight require special equipment. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 111545 (Sub-No. 94) (Notice of filing of petition to modify a commodity description) filed January 23, 1975. Petitioner: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., S.E., P.O. Box 6426, Station A, Marietta, Ga. 30060. Petitioner's representative: Robert E. Born (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 111545 (Sub-No. 94), issued April 25, 1967, authorizing transportation, as pertinent, over irregular routes, of *Machinery and contractors' equipment*, which because of size or weight, require the use of special equipment or special handling, Between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin within 300 miles of Ames, Iowa, including Ames, except road-building equipment from Peoria, Ill., to points in Iowa. By the instant petition, petitioner seeks to modify the commodity description in the above authority to read: *Commodities* which because of size or weight, require the use of special equipment or special handling. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114789 (Sub-No. 28) (Notice of filing of petition to add a destination point), filed January 24, 1975. Petitioner: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Peti-

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tioner's representative, Donald L. Stern: Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner holds a motor *contract carrier* permit in No. MC 114789 (Sub-No. 28), issued December 9, 1971, authorizing transportation, as pertinent, over irregular routes, of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), from the plant sites and other facilities of Minnesota Mining and Manufacturing Company at Bristol, Pa., Freehold and Newark, N.J., and Middleway, W. Va., to the plant sites and other facilities of Minnesota Mining and Manufacturing Company at St. Paul, Minn., and Ames Iowa, under a continuing contract, or contracts with Minnesota Mining and Manufacturing Company of St. Paul, Minn. By the instant petition, petitioner seeks to add Eagan, Minn., as a destination point in the above authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115212 (Notice of filing of petition to modify territorial description), filed January 27, 1975. Petitioner: H. M. H. MOTOR SERVICE, a Corporation, Route 130, Cranbury, N.J. 08512. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in No. MC 115212 issued May 2, 1956, authorizing transportation, over irregular routes, of *such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith, *supplies and equipment* used in the conduct of such business, between New York, N.Y., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama, under special and individual contracts or agreements, with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of women's and children's ready-to-wear apparel. By the instant petition, petitioner seeks to modify the above territorial description so as to read: Between New York, N.Y. and those points in New Jersey within 5 miles of New York, N.Y., and all of any New Jersey municipality any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 126111 (Sub-No. 2) (Notice of filing of petition to modify a territorial description), filed January 23, 1975. Petitioner: LYLE W. SCHAETZEL, doing business as SCHAETZEL TRUCKING COMPANY, 520 Sullivan Drive, P.O. Box 1579, Fond du Lac, Wis. 54935. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Petitioner holds a motor *contract carrier* permit in No. MC 126111 (Sub-No. 2), issued July 3, 1972, authorizing transportation, over irregular routes, of *Sweetened condensed milk*, in bulk, in tank vehicles, from Fond du Lac, Wis., to Philadelphia, Pa., under a continuing contract, or contracts, with Galloway-West Company, a division of the Borden Company, Inc. of Fond du Lac, Wis. By the instant petition, petitioner seeks to modify the territorial description in the above authority by the addition of Baltimore, Md. as a destination point. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 12720 (Sub-No. 2) (Notice of filing of petition to modify a license), filed January 24, 1975. Petitioner: TRAVEL & TOUR SERVICE, INC., 722 North Third Street, Milwaukee, Wis. 53203. Petitioner's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Petitioner holds a license as a *broker* at Milwaukee, Wis. in No. MC 12720 (Sub-No. 2), issued March 7, 1972, to sell or offer to sell the transportation of *Passengers and their baggage*, in charter and special operations, Beginning and ending at Minneapolis and St. Paul, Minn., and extending to points in the United States (including Alaska and Hawaii). By the instant petition, petitioner seeks to substitute Minneapolis and St. Paul, Minn. for Milwaukee, Wis. as the points at which the brokerage service would be performed. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-12104. (Amendment) (ILLINOIS-CALIFORNIA EXPRESS, INC. — Purchase (Portion) — BESTWAY FREIGHT LINES, INC.), published in the January 23, 1974, issue of the FEDERAL REGISTER on page 2653. By amendment filed January 30, 1975, THE MARMON GROUP INC. (Michigan) AND GL CORPORATION, both of 39 S. LaSalle St., Chicago, IL 60603, join in as party applicants to the proceeding.

No. MC-F-12422. Authority sought for purchase by BURTON TRUCK & TRANSFER CO., 11910 South Greenstone Ave., Santa Fe Springs, CA 90670, of the operating rights of WEST COAST WAREHOUSE CORPORATION, P.O. Box 258, Long Beach, CA 90801; and authority sought for purchase by WEST COAST WAREHOUSE CORPORATION, of the operating rights of BURTON TRUCK & TRANSFER CO., and for acquisition by MARY B. BLEMING, also of Long Beach, CA 90801, and R. F. McCURDY, JR., 7823 E. Fourth Place, Downey, CA 90241, of control of such rights through the purchase. Applicants' attorney: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017.* Operating rights sought to be transferred: Under certificates of registration in Docket Nos. MC 105537 (Sub-No. 5), and MC 3853 (Sub-No. 3), covering the transportation of general commodities, as common carriers, in interstate commerce, within the State of California. Vendees are authorized to operate as common carriers in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12423. Authority sought for merger by UNION BUS LINES, INC., St. Charles & 12th St., Brownsville, TX 78520, of the operating rights of WINTER GARDEN BUS LINE, INC., also of Brownsville, TX 78520, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Ave., Dallas, TX 75207, and TCO INDUSTRIES, INC., 1500 Jackson St., Dallas, TX 75202, of control of such rights through the transaction. Applicants' attorney: D. Paul Stafford, 315 Continental Ave., Dallas, TX 75207. Operating rights sought to be merged: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Eagle Pass, and Laredo, Tex., between Eagle Pass, and Dilley, Tex., between Eagle Pass, and El Indio, Tex., between Eagle Pass, and Brackettville, Tex., between junction U.S. Highway 277 and Texas Farm Road 191, and Carrizo Springs, Tex., between Eagle Pass, and Del Rio, Tex., serving all intermediate points. UNION BUS LINES, INC., doing business as CONTINENTAL TRAILWAYS, is authorized to operate as a common carrier in Texas. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to MC-F-8724, Transferee acquired control of Transferor.

No. MC-F-12424. Authority sought for purchase by MOORE TRANSPORTATION, INC., 10360 N. Vancouver Way, Portland, OR 97211, of the operating rights of GOLD COAST TRUCKING, INC., 319 W.W. Pine, Room 340, Portland, OR 97204, and for acquisition by HERB MOORE, also of Portland, OR 97211, of control of such rights through the purchase. Applicants' attorney: Philip G. Skofstad, 3076 E. Burnside St., Portland, OR 97214. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Los Angeles and San Francisco, Calif., to points in Oregon; *wine*, from points in California north of San Luis Obispo, Kern and San Bernardino Counties, to points in Oregon. Vendee holds no authority from this Commission. However, it is affiliated with HERB MOORE AND HAZEL MOORE, doing business as H & H TRUCKING CO., 10366 N. Vancouver Way, Portland, OR 97217, which is authorized to operate as a *common carrier* in California, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

*Applicants intend to exchange Certificates of Registration.

No. MC-F-12425. Authority sought for purchase by AL JOHNSON TRUCKING, INC., 1516 Marshall Ave., N.E., Minneapolis, MN 55413, of the operating rights and property of MALDWYN JAMES, doing business as JAMES TRANSFER, 1134 E. Hawthorne Ave., St. Paul, MN 55106, and for acquisition by ALVIN JOHNSON, also of Minneapolis, MN 55413, of control of such rights and property through the purchase. Applicants' attorney: Earl Hackling, 1700 Brighton Blvd., Minneapolis, MN 55413. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Milwaukee, and Sheboygan, Wis., to Albert Lea, Austin, Owatonna, and Rochester, Minn.; from LaCrosse, Wis., to Albert Lea, Austin, North Mankato, Owatonna, and Rochester, Minn., from St. Paul and Minneapolis, Minn., to points in Nebraska and that part of Iowa on and west of U.S. Highway 65. Vendee is authorized to operate as a *common carrier* in Minnesota, Wisconsin, Nebraska, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12426. Authority sought for purchase by SALTER'S EXPRESS COMPANY, INCORPORATED, West St., Simsbury, CT 06070, of the operating rights of R. C. GAY EXPRESS, INC., 115 York St., West Springfield, MA 01089, and for acquisition by ARTHUR M. SALTER, DOROTHY M. AMES, AND JAMES SALTER, all of Simsbury, CT 06070, of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 342 N. Main St., West Hartford, CT 06117, and David M. Marshall, 135 State St., W. Springfield, MA 01103. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 121398 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a common carrier in Massachusetts, Connecticut, New York, Rhode Island, New Hampshire, Vermont, and New Jersey. Application has been filed for temporary authority under section 210a(b).

NOTE—MC-38650 (Sub-No. 5), is a matter directly related.

No. MC-F-12427. Authority sought for merger by CLAIRMONT TRANSFER CO., 1803 7th Ave. North, Escanaba, MI 49829, of the operating rights and property of MILBURN, INC., 500 43rd St., Rock Island, IL 61201, and for acquisition by RUTH K. NORTON, also of Escanaba, MI 49829, of control of such rights and property through the transaction. Applicants' attorney: Adolph J. Bieberstein, 121 W. Doty St., Madison, WI 53703. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Davenport, Iowa, and Chicago, Ill., between Clinton, Iowa, and Fulton, Ill., serving all intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between Bettendorf and Davenport, Iowa, Rock Island, Moline, Milan, East Moline, Carbon Cliff, and Silvis, Ill., over one alternate route for operating convenience only. CLAIRMONT TRANSFER CO. is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kentucky, Ohio, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated March 8, 1972, in MC-F-10634, transferee acquired control of transferor.

No. MC-F-12428. Authority sought for purchase by MONAHAN TRANSPORTATION CO., INC., 99 Colorado Ave., Warwick, RI 02888, of the operating rights of THE CONNECTICUT PAPER CORPORATION, P.O. Box 1182, Waterbury, CT 06720, and for acquisition by JOHN J. RIGNEY, and DAVID COLLINS, also of Warwick, RI 02888, of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 342 N. Main St., W. Hartford, CT 06117 and Fred B. Rosnick, 49 Leavenworth St., Waterbury, CT 06720. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-96791 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-60203 (Sub-No. 8), is a matter directly related.

No. MC-F-12429. Authority sought for purchase by CARRANO'S EXPRESS, INCORPORATED, Route 17, Middletown Avenue, Northford (North Branford), CT 06471, of a portion of the operating rights of F. L. CASTINE, INCORPORATED, 127 Sunderland Road, North Amherst, MA 01059, and for acquisition by ANELLO F. CARRANO, FRANK CARRANO, and ANNA CARRANO, also of Northford (North Branford), CT 06471, of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117 and David Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Sunderland, Mass., and Springfield, Mass., serving the intermediate point of Hadley, Mass., and the off-route points of Easthampton, Holyoke, West Springfield, Chicopee, Leverett, and Pelham, Mass. Vendee is authorized to operate a a *common carrier* in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12430. Authority sought for merger by CONTINENTAL TRAILWAYS, INC., 315 Continental Ave., Dallas, TX 75207, of the operating rights and property of CONTINENTAL PACIFIC TRAILWAYS, 1501 S. Central Ave., Los Angeles, CA 90021, and for acquisition by TCO INDUSTRIES, INC., 1500 Jackson St., Dallas, TX 75201, of control of such rights through the transaction. Applicants' attorney: D. Paul Stafford, 315 Continental Ave., Dallas, TX 75207. Operating rights sought to be merged: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes, between San Francisco, Calif. and Seattle, Wash., serving all intermediate points, including Roseburg, Oreg., except those points located between Portland, Oreg. and junction U.S. Highways 99 and 99E, north of Salem, Oreg., between Sacramento and Stockton, Calif., between Woodland and Davis, Calif., between Lodi and Stockton, Calif., between Thornton and Stockton, Calif., between Sacramento and Lodi, Calif., serving all intermediate points. CONTINENTAL TRAILWAYS, INC., is authorized to operate as a *common carrier* in Illinois, Missouri, Kansas, California, Texas, Oklahoma, Utah, Arizona, New Mexico, Colorado, Nebraska, Arkansas, Iowa, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Transferor is a wholly owned subsidiary of transferee pursuant to authority granted in Nos. MC-F-10160 and MC-F-10161.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3984 Filed 2-11-75;8:45 am]

[Notice No. 14]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 4, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that

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there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 45736 (Sub-No. 48TA), filed January 29, 1975. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and such other commodities as are dealt in by wholesale and retail chain and grocery houses, and equipment, materials, and supplies used in the conduct of such business* (except commodities in bulk), between the facilities of Savannah Foods and Industries, Inc., and its subsidiaries, including TransSales Corporation, in Chatham County, Ga. on the one hand, and, on the other, points in Alabama, Florida and Tennessee, for 180 days. Supporting shippers: Savannah Foods and Industries, Inc., P.O. Box 339, Savannah, Ga. 31402; TranSales Corporation, P.O. Box 9177, Savannah, Ga. Send protests to: Price, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 82841 (Sub-No. 152TA), filed January 27, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Nucor Steel Division of Nucor Corporation, located at or near Norfolk, Nebr., to points in Kansas, Colorado, Minnesota, and South Dakota, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, R. D. Bisping, Traffic Manager, P.O. Box 59, Norfolk, Nebr. 68701. Send protests to: Carroll Russel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 No. 14 St., Omaha, Nebr. 68102.

No. MC 99780 (Sub No. 50TA), filed January 27, 1975. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery food business (except commodities in bulk), from the plantsites, storage and/or warehouse facilities of the Kroger Co., located in St. Louis and Hazelwood, Mo., to the stores and warehouse of the Kroger Co., located in Illinois, restricted to traffic originating and destined to the above named plants, for 180 days. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 107496 (Sub-No. 987TA), filed January 24, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from Clearbrook, Minn. to Superior and Saxon, Wis., for 180 days. Supporting shipper(s): Lakehead Pipeline, Bemidji, Minn. 56601. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 111170 (Sub-No. 218TA), filed January 28, 1975. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid pipe coating* (a coal tar derivative), in bulk, in tank vehicles, from the plant of Reilly Tar & Chemical Corporation at Lone Star, Tex., to the plant of Irish Pipe Coating Co., Inc. at Custer City, Okla., for 180 days. Supporting shipper: Irish Pipe Coating Co., Inc., 2504 Flournoy-Lucas Road, Shreveport, La. 71108. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 508TA), filed January 28, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material, moving therewith* (except motion picture film used primarily for commercial theater and television exhibition), between Chicago, Ill., on the one hand, and, on the other, Algoma and Sturgeon Bay, Wis., for 180 days. Supporting shipper: Harmann Studios, 222 Steele Street, Algoma, Wis. 54201. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112520 TA, filed January 27, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles from Opelika, Ala., to points in North Carolina, for 180 days. Supporting shipper(s): Reliance Gas Corporation, P.O. Box 42, Columbus, Ga. 31902. Send protests to: G. H. Fauss, Jr., District Supervisor, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113908 (Sub-No. 333TA), filed January 28, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rum, distilled spirits, wine and wine products*, from Roberta, Ga., to Owensboro, Ky., for 180 days. Supporting shipper(s): Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, - BOp, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124813 (Sub-No. 124TA), filed January 27, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, in bulk, and in bags in mixed shipments with bulk feed, from the plantsite of Cargill, Incorporated, at Minneapolis, Minn., to points in Wisconsin in and north of Manitowoc, Calumet, Outagamie, Waupaca, Portage, Wood, Jackson, Trempealeau, and Buffalo Counties, for 180 days. Supporting shipper(s): Cargill, Inc., Nutrena Feed Division, 830-15th Avenue SE., Minneapolis, Minn. 55414. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128944 (Sub-No. 15TA) (Amendment), filed January 14, 1975, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as amended this issue. Applicant: RELIABLE TRUCK LINES, INC., 716 South 37th Street, Birmingham, Ala. 35222. Applicant's representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, dangerous explosives, and commodities requiring special equipment), between Birmingham, Ala., and Chattanooga, Tenn., over Interstate Highway 59 (and also over U.S. Highway 11), serving the intermediate points of Gadsden and Attalla, Ala., including the commercial zones of each of these four named points, for 180 days. Supporting shippers: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below.

NOTE.—Applicant presently holds permanent authority in its Docket No. MC 128944, Sub 8, between Birmingham, Alabama, and Memphis, Tennessee, over specified routes; it also holds authority (temporary) in Docket No. MC-F-11133 to operate between Florence and Sheffield, Alabama, on the one hand, and, on the other, Birmingham and points within 15 miles of Birmingham; it holds authority in Docket No. MC 128944, Sub 1, between Sheffield, Alabama, and Nashville, Tennessee; it has pending an application in its Docket No. MC 128944, Sub 12, now pending on Exceptions after a favorable Initial Decision, which includes authority between Birmingham, Alabama, on the one hand, and, on the other, points in Clay, Choctaw, Chickasaw, Itawamba, Lowndes, Monroe, Oktibbeha, Pontotoc, Union, and Webster Counties, Mississippi, and also Tupelo, Mississippi, and certain other points in Lee County, Mississippi; applicant intends to tack any authority here granted at Birmingham with any and all of these existing authorities, and the additional authority involving Mississippi, if and when granted.

Applicant also has pending in its Docket No. MC 128944, Sub 10, an application which would include authority between Chattanooga, Tennessee, on the one hand, and, on the other, Fayetteville, Tennessee, and also Memphis, Tennessee, and various points across North Alabama such as Huntsville, Sheffield, and Florence, between which and Birmingham it is already authorized to serve; this application is also pending on Exceptions after a favorable Initial Decision. Applicant would tack any temporary authority here granted at Chattanooga with that authority, if and when finally granted.

Applicant intends to interchange with other carriers at Chattanooga, Birmingham, and possibly at Gadsden, although it is not aware of any specific traffic which would be interchanged with any specific carrier at Gadsden, as of the present time. The purpose of this republication is to add the tacking statement which was previously omitted. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 133646 (Sub-No. 16TA), filed January 22, 1975. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., P.O. Box 404, Billings, Mont. 59103. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar beet pellets*, in bulk, for 180 days. Supporting shipper(s): Minn-Dak Farmers Cooperative, Wahpeton, N. Dak. 58075. The Red River Valley Cooperative, Inc., Box 43, Hillsboro, N. Dak. 58045. Send protests to: District Supervisor, Paul J. Labane, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134336 (Sub-No. 6TA), filed January 24, 1975. Applicant: TOM BOWEN, INC., 1717 Lalelle St., Box 689, Sturgis, S. Dak. 57785. Applicant's representative: J. Maurice Andren 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Spearfish, South Dakota, to points in Nebraska, for 180 days. Supporting shipper(s): Homestake Forest Products Co., Box 472, Spearfish, S. Dak. 57783, Steward W. Reed, Sales Manager. Send protests to: District Supervisor, J. L. Hammond, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building. Pierre, S. Dak. 57501.

No. MC 134922 (Sub-No. 111TA), filed January 28, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products*, from Guntersville, Ala., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *Compounds, materials, and supplies* used in the manufacture of the commodities in (1) above, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, to Guntersville, Ala., for 180 days. Supporting shipper: O.K. Tire & Rubber Company, Inc., East Lake Road, Guntersville, Ala. 35976. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138438 (Sub-No. 12TA), filed January 27, 1975. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, 15 East Oak Ridge Drive, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl siding and accessories* for the installation thereof from the plantsite and storage facilities of Certain-Teed Products Corp. from Williamsport, Md., to Connecticut, Delaware, Indiana, Kentucky, Maine, Massachusetts, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper(s): Certain-Teed Products Corp., P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Interstate Commerce Commission, W. C. Hersman, District Supervisor, Room 317, 12th and Constitution Ave. NW., Washington, D.C. 20423.

No. MC 140549 (Sub-No. 1TA), filed January 24, 1975. Applicant: FRITZ TRUCKING, INC., Box 566, Clara City, Minn. 56222. Applicant's representative: Samuel Rubenstein, 301 N. Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and feed ingredients*, except in tank vehicles, From Gluek, Montevideo and Minneapolis, Minn., and its Commercial Zone to points in Iowa, North Dakota, South Dakota, and those points on and east of U.S. Highway 81 in Nebraska. From Sioux City, Iowa to Montevideo, Minn., (2) *Fertilizer and fertilizer materials*, From Minneapolis, Minn., and its Commercial Zone, Savage, Roseport, Gluek and Winona, Minn., to points in Iowa, North Dakota and South Dakota, Between Clara City, Minn., and points in Iowa, for 180 days. Supporting shipper(s): Cargill, Ind., Gluek, Minn., Murphy Products, Co., Montevideo, Minn., Clara City Co-op Fertilizer Assn., Clara City, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140578 (Sub-No. 1TA), filed January 27, 1975. Applicant: ROBERT E. L. SMITH AND SHIRLEY A. SMITH, doing business as SMITH TRUCKING COMPANY, 918 Ednor Road, Silver Spring, Md. 20904. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decomposed hardwood fine* (in bulk, in dump vehicles), from points in Fauquier, Surry, Hanover, and Hopewell Counties, Va., to Chester County, Penn., for 180 days. Supporting shipper: Marco Products Corporation, 1346 Bladon Road, Phoenix, Md. 21131. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 140587 TA, filed January 24, 1975. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: Mr. William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers*, From Baltimore, Md., to points in Georgia and Alabama, for 180 days. Note: Dual operations may be involved. Sup-

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porting shipper(s): All-State Beer, Inc., 2060 Defoor Hills Rd., N.W., Atlanta, Ga. 30318. Talladega Beverage Co., P.O. Box 519, Talladega, Ala. 35160. Johnson Distributing Company, P.O. Box 580, Valdosta, Ga. 31601. Quality Beverages Company, Inc., P.O. Box 601, Anniston, Ala. 36201. Albany Beverage Company, P.O. 586, Albany, Ga. 31702. Sterling Distributors, Inc., P.O. Box 2703, Birmingham, Ala. 35202. Send protests to: W. L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 West Peachtree St., N.W., Room 546, Atlanta, Ga. 30309. Northeast Sales Distributing, Inc., P.O. Box 1643, Athens, Ga. 30601.

No. MC 140588 TA, filed January 22, 1975. Applicant: TRONA TRANSPORTATION, INC., 1900 East Ocean Boulevard, Long Beach, Calif. 90802. Applicant's representative: Murchison & Davis, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, in bags, in steamship containers* for export from Trona and West End, Calif., to Los Angeles, Harbor and Long Beach Harbor, Calif., transporting empty containers on return, for 180 days. Supporting shipper(s): Kerr McGee Corporation, 680 South Wilshire Pl., Los Angeles, Calif. 90005. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 140590 TA, filed January 24, 1975. Applicant: WESTERN TURF EXPRESS, LTD., 3515—76 Avenue, Rural Route No. 2, South Edmonton, Alberta, Canada T6C 4E6. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and in the same vehicle with such horses, *feed, stable equipment and supplies* used in their care and exhibition, *livestock tack and show equipment;* and *personal effects of their attendants, trainers and exhibitors*, between ports of entry on the United States-Canada Boundary line at or near East Port, Idaho; Noyes, Minn.; Sweetgrass, Mont.; Portal, N. Dak.; Blaine and Sumas, Wash., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, North Dakota, South Dakota, Oregon, Utah, and Washington, for 180 days. Supporting shippers: Edward D. Huckabay, Public Trainer, 12018—69 St., Edmonton, Alberta, Canada and Fred Melneckhuk, Public Trainer, 6203—122 Avenue, Edmonton, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 140591 TA), filed January 28, 1975. Applicant: LOWELL M. BUNDERSON, Route 1, Shafer, Minn. 55074. Applicant's representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Hastings, Long Lake, Minneapolis, St. Paul and St. Cloud, Minn., from Monroe, Wis., to Long Lake, Minn., and from Minneapolis and St. Paul, Minn., to Sparta, Wis., for 180 days. Supporting shippers: Sabel Beverage Co., Route 7, St. Cloud, Minn. 56301. John McLean Dist., Inc., 2328 Territorial Road, St. Paul, Minn. 55114. Bottled Beverage, Inc., Sparta, Wis. 54656. W. & W. Beverage Co., Inc., 515 E. 3rd Street, Hastings, Minn. 55033. Rex Distributing Co., Inc., 740—24th Avenue SE., Minneapolis, Minn. 55414. Day Dist., Company, Highway 12, Long Lake, Minn. 55356. Send protests to: Raymond T. Hones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

By the Commission

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3989 Filed 2-11-75;8:45 am]

[Notice No. 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 6, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51312 (Sub-No. 13 TA), filed January 31, 1975. Applicant: BOWLING GREEN TRANSFER, INC., 530 South Maple Street, Bowling Green, Ohio 43402. Applicant's representative: Michael Spurlock, Paul F. Beery Co., L.P.A., 9th Floor, 8 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value and except dangerous explosives, household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between the plantsite and facilities of Young-Ottawa, Division of Gulf Western Manufacturing Company at Bowling Green, Ohio, on the one hand, and, on the other, Ottawa and Topeka, Kans., restricted to shipments to and from the plantsite of Young-Ottawa, Division of Gulf Western Manufacturing Company, Bowling Green, Ohio, for 180 days. Supporting shipper: Young-Ottawa, Division of Gulf Western Manufacturing Co., 1175 N. Main Street, Bowling Green, Ohio 43402. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 59640 (Sub-No. 43 TA), filed January 27, 1975. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain camping and sporting goods stores, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, over irregular routes, between the facilities of Lionel Morsan, Inc., at Mahwah, N.J., on the one hand, and, on the other, points in Hudson, Union, and Essex Counties, N.J., restricted to traffic which has a prior or subsequent movement by water or rail; New York, N.Y.; and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and points in New Haven County, Conn., under a continuing contract or contracts with Lionel Morsan, Inc., for 180 days. Supporting shipper: Lionel Morsan, Inc., 810 Route 17, Paramus, N.J. Send protests to: Robert E. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J.

No. MC 97009 (Sub-No. 24TA), filed January 31, 1975. Applicant: HERZOG TRUCKING COMPANY, INC., 290 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, sold, or distributed by the House of Westmore, its subsidiaries and/or its divisions*, located at or near Newburgh and Rochester, N.Y. (except commodities in bulk), in mechanical refrigerated equipment, between the facilities of the House of Westmore, located at or near Newburgh and Rochester, N.Y., on the one hand, and, on the

other, Bladensburg, Clinton, Cottage City, and Towson, Md.; Alexandria, Norfolk, and Richmond, Va.; Charleston, Huntington, and Wheeling, W.Va.; Erie, and Sharon, Pa.; the Chicago Commercial Zone, Ill.; Angola, Elkhart, Evansville, Fort Wayne, Ind.; Detroit, Flint, Grand Rapids, Pontiac, and Saginaw, Mich.; Baton Rouge, Lafayette, New Orleans, and Shreveport, La.; and Knoxville, Tenn., for 180 days. Supporting shipper: House of Westmore, Inc., Pierces Road, Newburgh, N.Y. 12550. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 103051 (Sub-No. 337TA), filed January 29, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934—44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients* (in bulk, in tank vehicles), from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Mississippi, and Texas, for 180 days. Supporting shipper: The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 U.S. Court House, Nashville, Tenn. 37203.

No. MC 106674 (Sub-No. 154TA), filed January 24, 1975. Applicant: SCHILLI MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (in bulk, in dump vehicles), from the Bi-State Warehouse in Danville, Ill., to the branches of the Fountain Warren Co., Farm Bureau Co-op, located in Gessie, Kingman, Mellott, Riverside, Veedersburg, and West Levanon, Ind., for 180 days. Supporting shipper: Fountain Warren County Farm Bureau Co-op, Box 158, Veedersburg, Ind. 47987. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne, Room 204, Fort Wayne, Ind. 46802.

No. MC 106674 (Sub-No. 155TA), filed January 29, 1975. Applicant: SCHILLI MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal and hulls* (in bulk), from the plantsite of Krause Milling Co., in Logansport, Ind., to points in Illinois, Michigan and Ohio, for 180 days. Supporting shipper: Krause Milling Co., Box 1156, Milwaukee, Wis. 53201. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107498 (Sub-No. 998TA), filed January 29, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends of corn syrup and liquid sugar* (in bulk), from Memphis, Tenn., to Shreveport, La., for 180 days. Supporting shipper: Sugar Service Corp., P.O. Box 18375, Memphis, Tenn. 38118. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 112520 (Sub-No. 298TA), filed January 29, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glue*, (in bulk), in tank vehicles, from Orlando, Fla., to points in North Carolina, for 180 days. Supporting shipper: Stuck of Florida, Inc., 11235 Satellite Blvd., Orlando, Fla. 32809. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 114533 (Sub-No. 317TA), filed January 30, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Kenosha, Wis., on the one hand, and, on the other, Chicago, Ill., for 180 days. Supporting shipper: Victorine, Office Manager, Micro, Inc., 3327—14th Ave., Kenosha, Wis. 53140. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., Room 1086, 219 South Dearborn St., Chicago, Ill. 60604.

No. MC 116273 (Sub-No. 188TA), filed January 29, 1975. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Avenue, Cicero, Ill. 60605. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lubricating Oil, and (b) spent or waste petroleum oil*, from Indianapolis, Ind., to Winchester, Kentucky, from Winchester, Kentucky, to Indianapolis, Ind., for 180 days. Supporting shipper: D. A. Stuart Oil Company, Ltd., 27272S. Troy Street, Chicago, Ill. 60632. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 116514 (Sub-No. 33TA), filed January 29, 1975. Applicant: EDWARDS TRUCKING, INC., P.O. Drawer 428, Hemingway, S.C. 29554. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Avenue & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and such commodities as are dealt on by wholesale and retail chain and grocery houses, and equipment, materials, and supplies used in conduct of such business*, except commodities in bulk, between the facilities of Savannah Foods and Industries, Inc., and its subsidiaries, including TranSales Corporation, in Chatham County, Ga., on the one hand, and, on the other, points in Alabama and Tennessee, for 180 days. Supporting shippers: Savannah Foods and Industries, Inc., P.O. Box 339, Savannah, Ga. 31402. TranSales Corporation, P.O. Box 9177, Savannah, Ga. 31402. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Bldg., 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 117068 (Sub-No. 38TA), filed January 30, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., 15th and New York Ave. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of excavators (except those the transportation of which, by reason of size or weight, require the use of special equipment, and except commodities in bulk), from points in Michigan, Illinois, Indiana and Wisconsin to Winona, Minn., for 180 days. Supporting shipper: Warner & Swasey Company, Winona, Minn. 55987. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117416 (Sub-No. 49TA), filed January 31, 1975. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, N.W., Knoxville, Tenn. 37921. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such other commodities as are dealt in by wholesale and retail chain and grocery houses*, and in connection therewith equipment, materials, and supplies used in the conduct of such business, between the facilities of Savannah Foods & Industries, Inc., and its subsidiary, TranSales Corporation in Chatham County, Ga., on the one hand, and, on the other, points in Tennessee and Kentucky. Restriction: Restricted against the transportation of commodities in bulk, and further re-

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stricted against the transportation of shipments in vehicles equipped with mechanical refrigeration, for 180 days. Supporting shipper: Savannah Foods & Industries, Inc., P.O. Box 339, Savannah, Ga. 31402. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 U.S. Court House, Nashville, Tenn. 37203.

No. MC 119789 (Sub-No. 235TA), filed January 31, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* (except commodities which because of size or weight require the use of special equipment), from Louisville, Georgia to California, Nevada, New Mexico and Utah, for 180 days. Supporting shipper: Thermo King Sales & Service Company, 2161 Adams Avenue, San Leandro, Calif. 94577. Send protests to: Gerald T. Holland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 124417 (Sub-No. 11TA), filed January 30, 1975. Applicant: ALPHONSE AND VINCENT HINDERMAN, doing business as HINDERMAN BROTHERS, Box 327, Dickeyville, Wis. 53808. Applicant's representative: John Duncan Varda, 121 South Pinckeny St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Fertilizer*, from the facilities of the Burlington and Northern Railroad, at or near Potosi, Wis., to Dickeyville, Wis., for 180 days. Supporting shipper: Swift Chemical Company, P.O. Box 330, Dubuque, Iowa 52001. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 129742 (Sub-No. 8TA), filed January 30, 1975. Applicant: PUROLATOR COURIER LTD., 259 Lake Shore Blvd., East Toronto, Ontario, Canada. Applicant's representative: John M. Delany, Esq., 2 Nevada Drive, Lake Success, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, Radioactive Drugs, and Medical Isotopes*, from Buffalo, N.Y., to the Port of Entry at or near Buffalo, N.Y., on the U.S.-Canada Boundary line, for 90 days. Supporting shipper: Mallinckrodt Canada Ltd., 600 Delmar Avenue, Pointe Claire, Quebec. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 134535 (Sub-No. 3TA), filed January 27, 1975. Applicant: CASALE CONTRACT CARRIERS, INC., 1110 Hamilton Blvd., South Plainfield, N.J. 07080. Applicant's representative: Edward F. Bowes, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs*, From Woodbridge and Edison, N.J., to Danbury, Fairfield, Farmington, Guilford, Meriden, Milford, New Haven, Norwalk, Norwich, Trumbull and West Haven, Conn., Avon, Everett, Hyannis and Springfield, Mass., Bloomfield, N.J., Albany, Bayshore, Baldwin, Buffalo, Corum, Endicott, Garden City, Hicksville, Huntington, Huntington Station, Inwood, Kingston, Lake Grove, Middletown, Mount Vernon, New Rochelle, New York, Pleasantville, Portchester, Schenectady, Smithtown, Westbury and White Plains, N.Y., Lancaster, Philadelphia, Pittsburgh, Plymouth Meeting and York, Pa. Restriction: The operation authorized herein is limited to a transportation service to be performed, under a continuing contract, or contracts, with World Carpets, Woodbridge, N.J., for 90 days. Supporting shipper(s): World Carpets, Homestead Ave. & Essex East, Avenel, N.J. 07001. Send protests to: District Supervisor, Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 138018 (Sub-No. 17TA) (Correction), filed November 29, 1974, published in the FEDERAL REGISTER issue of December 13, 1974, and republished as corrected this issue. Applicant: REFRIGERATED FOODS, INC., 1420 33d Street, Denver, Colo. 80205. Applicant's representative: Donna F. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 1961 Stout Street, 2022 Federal Bldg., Denver, Colo. 80202. The purpose of this republication is to change the name of the supporting shipper.

No. MC 138104 (Sub-No. 20TA), filed January 30, 1975. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro manganese, and silicon manganese*, in bulk, in dump vehicles, from Houston, Tex., to the plantsite and storage facilities of Chaparral Steel Company, near Midlothian, Tex., for 180 days. Supporting shipper: Chaparral Steel Company, P.O. Box 400, Arlington, Tex. 76010. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 138512 (Sub-No. 10TA), filed January 31, 1975. Applicant: ROLAND'S TRANSPORTATION SERVICE, INCORPORATED, doing business as WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Roland J. Kissinger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Logan, Utah to Baltimore, Md., and Oklahoma City, Okla., for the account of L. D. Schreiber Cheese Company, Inc. for 180 days. Supporting shipper: L. D. Schreiber Cheese Company, Inc., 1607 P.O. Box 610, Green Bay, Wis. 54305. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139495 (Sub-No. 30TA) (Correction), filed January 22, 1975, published in the FEDERAL REGISTER issue of January 28, 1975, and republished as corrected this issue. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and aquariums supplies*, from Canton, Ga., to points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Michigan, and Wisconsin, for 180 days. Supporting shipper: Triton Industries, Inc., 1930 South 23rd St., P.O. Box 1426, Saginaw, Mich. 48601. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202. The purpose of this republication is to change the territorial description.

No. MC 139645 (Sub-No. 2TA), filed January 29, 1975. Applicant: SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Avenue, Lawnside, N.J. 08045. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, Ohio 43055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Parkway Industrial Center, Anne Arundel County, Md., to points in West Virginia, for 180 days. Supporting shipper: International Paper Co., 220 E. 42d Street, New York, N.Y. 10017. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission,

428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 140198 (Sub-No. 1TA), filed January 30, 1975. Applicant: MARVIN BENDER, doing business as MARVIN BENDER TRUCKING, Britton, S. Dak. 57430. Applicant's representative: Frank L. Farrar, Box 190, Britton, S. Dak. 57430. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Casting, steel friction materials, machine parts and industrial products*, from Minneapolis, Minn., to Britton, S. Dak., and St. Paul, Minn., to Britton, S. Dak., for 180 days. Supporting shipper: Horton Industries, Inc., 1170 15th Ave., SE., Minneapolis, Minn., Hugh K. Schilling, President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 140266 (Sub-No. 2TA), filed January 30, 1975. Applicant: BAKER TRUCK LINES, INC., P.O. Box 875, Lewiston, Idaho 83501. Applicant's representative: James W. Givens (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and woodchips*, between points in Idaho north of the Salmon River, for 180 days. Supporting shipper: Potlatch Corporation, P.O. Box 1016, Lewiston, Idaho 83501. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140383 (Sub-No. 1TA), filed January 30, 1975. Applicant: FRED LEA, doing business as VICTORY MOVERS & STORAGE CO., 1046 S. Route 83, Villa Park, Ill. 60181. Applicant's representative: Michael F. Sheehan, Jr., One East Wacker Drive, Room 2530, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New appliances, crated and uncrated*, between points in Illinois and Indiana, for 180 days. Supporting shippers: Robert A. Sutter, Manager, The Tappan Company, 700 Rte., 53, Itasca, Ill. 60143. A. Wrobel, Shop Foreman, Amana Refrigeration of Chicago, Inc., 11441 Melrose Street, Franklin Park, Ill. Send protests to: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 140544 (Sub-No. 1TA) (Correction), filed January 13, 1975, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: ARLO R. MILLER AND WILLARD D. NEBEKER, doing business as M & N TRUCKING, P.O. Box 267, Afton, Wyo. 83110. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and non-metallic ores*, including but not restricted to phosphate and vanadium ore, in bulk, in dump vehicles, between points in Lincoln and Sublette Counties, Wyo.; and between points in Lincoln and Sublette Counties, Wyo., on the one hand, and on the other, points in Caribou and Bear Lake Counties, Idaho, for 180 days. Supporting shipper: Chemical Distributors, P.O. Box 68, Montpelier, Idaho 83254. Send protests to: P. A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601. The purpose of this republication is to add the territorial description which was omitted in the previous publication.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3988 Filed 2-11-75;8:45 am]

[Finance Docket No. 26745]

BALTIMORE AND OHIO RAILROAD CO.

Order on Abandonment Between Coal Shaft and Beardstown in Sangamon and Cass Counties, Ill.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et. seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sangamon and Cass Counties, Ill., on or before February 26, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 31st day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3990 Filed 2-11-75;8:45 am]

[Disaster Order No. 13]

SOUTHERN PACIFIC TRANSPORTATION CO.

Disaster Relief

FEBRUARY 7, 1975.

In the Matter of Relief under section 22 of the Interstate Commerce Act.

Upon consideration of an application filed by the Southern Pacific Transportation Company requesting the entry of an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction participating in the transportation of property to and from stations on the Coos Bay Branch Line of the Southern Pacific Transportation Company south of Reedsport, Oregon (in which area disruption of rail transportation facilities has resulted due to a temporary break in the rail line caused by fire in Tunnel #19, located at Mile Post 745 between Reedsport and Lakeside, Oregon) to establish and maintain reduced rates to and from such stations with the object of providing relief to shippers and receivers of carload freight:

It is ordered, That carriers by railroad participating in the transportation of property, in carloads, to and from the disaster area in Oregon which is all of the rail line of the Southern Pacific Transportation Company south of Reedsport, to Myrtle Point, Oregon, be, and they are hereby, authorized under Section 22 of the Interstate Commerce Act to establish and maintain until March 10, 1975, reduced rates in the manner proposed in said application, the reduced rates to be published and filed in the manner prescribed in Section 6 of the

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Interstate Commerce Act except they may be made effective upon one day's notice after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons receiving or shipping carload freight at stations south of Reedsport, Oregon on the line of the railroad named in the preceding ordering paragraph, who, because of the disruption of rail sevice caused by the fire, are required to and do assume the cost of transporting the freight by highway to or from stations on the rail line of the Southern Pacific Transportation Company south of Reedsport, to Myrtle Point, Oregon, and who ship or receive such traffic by rail at the latter points.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of Section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroad and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Illinois, and the Vice-President, Economics and Finance Department of the Association of American Railroads, Washington, D.C.

Dated at Washington, D.C., this 7th day of February, A.D., 1975.

By the Commission, Acting Chairman.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3980 Filed 2-11-75;8:45 am]

[Notice No. 694]

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 12, 1975.

MC 140008 Sub 1, Wellington Transportation Corporation, now being assigned March 17, 1975 (2 days) in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC-F 12218, Grouch Bros., Inc., Control-Caddo Express, Inc., now being assigned March 24, 1975 (1 wk) in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 134308 Sub 8, Caddo Express, Inc., now being assigned March 24, 1974 (1 wk) in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 44735 Sub 13, Kissick Truck Lines, Inc., now being assigned March 19, 1975 (2 days) in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 139979, American Colloid Carrier Corp., now being assigned March 31, 1975 (1 day) in Room 609, Federal Office Building, 911 Walnut St., Kansas City, Mo.

MC 108121 Sub 14, Transport Storage & Distributing Co., application dismissed.

MC 124796 Sub 117, Continental Contract Carrier Corp., now assigned March 12, 1975, at Kansas City, Mo., is postponed indefinitely.

MC 29886 Sub 314, Dallas and Mavis Forwarding Co., Inc.,

MC 105045 Sub 51, R. L. Jeffries Trucking Co., Inc.,

MC 111545 Sub 201, Home Transportation Company, Inc.,

MC 112304 Sub 84, Ace Doran Hauling & Rigging Co., and

MC 124974 Sub 27, Machinery Transports, Inc., now assigned March 10, 1975 at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

AB 71, Baltimore and Annapolis Railroad Company Abandonment of Operations between Clifford Junction, Baltimore City and Annapolis, in Baltimore and Anne Arundel Counties, Maryland, now being assigned March 12, 1975 (3 days), at Baltimore, Maryland, in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3982 Filed 2-11-75;8:45 am]

[Notice No. 695]

ASSIGNMENT OF HEARINGS

Correction

FEBRUARY 7, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 12, 1975.

MC 123048 Sub 311, Diamond Transportation System, Inc., now assigned March 11, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St. instead of now assigned March 10 and 11, 1975.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3983 Filed 2-11-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 7, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Oklahoma Docket No. MC 23466 Sub-No. 5, filed January 16, 1975. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 2945 North Toledo, Tulsa, Okla. 74115. Applicant's representative: Rufus H. Lawson, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General commodities, between Tulsa, Okla. and Covington, Okla.: From Tulsa, Okla. to Perry, Okla. over U.S. Highway 64, thence over Oklahoma Highway 164 to Covington, Okla., and return over the same route, serving no intermediate points. Applicant intends to tack with existing authority. Intrastate, interstate and foreign commerce authority sought.

HEARING: Assigned for hearing on the 3rd day of March 1975, at 9 o'clock a.m. before the Referee, in the Commission's Court Room, 3rd floor, Jim Thorpe Office Building, Oklahoma City, Okla. Requests for procedural information should be addressed to the Oklahoma Public Utilities Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3986 Filed 2-11-75;8:45 am]

[Notice No. 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 7, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

No. MC 76032 (Deviation No. 27), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed January 31, 1975. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Pueblo, Colo., over U.S. Highway 50 to junction U.S. Alternate Highway 95 near Fallon, Nev., thence over U.S. Alternate Highway 95 to junction Interstate Highway 80 near Fernley, Nev., thence over Interstate Highway 80 to Sacramento, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pueblo, Colo., over U.S. Highway 85 to Albuquerque, N. Mex., thence over U.S. Highway 66 to Barstow, Calif., thence over California Highway 58 to Bakersfield, Calif., thence over California Highway 99 to Sacramento, Calif., and return over the same route.

No. MC 59680 (Deviation No. 92), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. 75222, filed January 23, 1975. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Cleveland, Ohio over Interstate Highway 77 to junction Interstate Highway 76 at Akron, Ohio, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 26, thence over Pennsylvania Highway 26 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction U.S. Highway 11 near Amity Hall, Pa., thence over U.S. Highway 11 to New Kingstown, Pa., and (2) From Cleveland, Ohio over Interstate Highway 77 to junction Interstate Highway 76 at Akron, Ohio, thence over Interstate Highway 76 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 26, thence over Pennsylvania Highway 26 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction U.S. Highway 11 near Amity Hall, Pa., thence over U.S. Highway 11 to New Kingstown, Pa., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Harrisburg, Pa., and return over the same route.

No. MC 95540 (Deviation No. 3), WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301, filed January 22, 1975. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 280 and Georgia Highway 55, at Richland, Ga., over Georgia Highway 55 to junction U.S. Highway 82, (2) From Wildwood, Fla., over U.S. Highway 301 to junction Florida Highway 471 at Sumterville, Fla., thence over Florida Highway 471 to junction U.S. Highway 98, thence over U.S. Highway 98 to junction Interstate Highway 4, (3) From junction U.S. Highways 19 and 98 near Chassahowitzka, Fla., over U.S. Highway 98 to junction U.S. Highway 41 at Brooksville, Fla., (4) From Brooksville, Fla., over U.S. Highway 98 to junction Interstate Highway 75, (5) From Brooksville, Fla., over U.S. Highway 98 to junction Interstate Highway 4, (6) From El Centro, Calif., over California Highway 86 to junction California Highway 111, thence over California Highway 111 to junction Interstate Highway 10 at Indio, Calif., and (7) From junction U.S. Highway 395 and California Highway 14 over California Highway 14 to junction Interstate Highway 5, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Richland, Ga., over U.S. Highway 280 to Americus, Ga., thence over U.S. Highway 19 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Georgia Highway 55, (2) From Wildwood, Fla., over Sunshine State Parkway to junction Interstate Highway 75.

Thence over Interstate Highway 75 to junction Interstate Highway 4, thence over Interstate Highway 4 to junction U.S. Highway 98, (3) From junction U.S. Highways 19 and 98 near Chassahowitzka, Fla., over U.S. Highway 19 to junction U.S. Highway 27 near Chiefland, Fla., thence over U.S. Highway 27 to junction U.S. Highway 41 near Williston, Fla., thence over U.S. Highway 41 to junction U.S. Highway 98 at Brooksville, Fla., (4) From Brooksville, Fla., over U.S. Highway 41 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 98, (5) From Brooksville, Fla., over U.S. Highway 41 to junction Interstate Highway 4, thence over Interstate Highway 4 to junction U.S. Highway 98, (6) From El Centro, Calif., over U.S. Highway 80 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction California Highway 111, and (7) From junction U.S. Highway 395 and California Highway 14 over U.S. Highway 395 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction California Highway 14, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-3985 Filed 2-11-75;8:45 am]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

[Notice No. 3]

FEBRUARY 7, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 689), GREYHOUND LINES, INC. (Eastern Division), P.O. Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed January 30, 1975. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: From Vienna, Ill., over Illinois Highway 146 to junction Interstate Highway 24, thence over Interstate Highway 24 to junction Kentucky Highway 305, thence over Kentucky Highway 305 to Paducah, Ky., with the following access route: (a) from junction Interstate Highway 24 and U.S. Highway 45 over U.S. Highway 45 to Metropolis, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Vienna, Ill., over U.S. Highway 45 to Paducah, Ky., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3987 Filed 2-11-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 7, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 100.40) and filed on or before February 27, 1975.

FSA No. 42940—*Lumber and Related Articles Between Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-513), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, between points in southern territory; also between Helena, Arkansas, on the one hand, and points in southern territory, on the other; also from West Memphis, Arkansas, to points in southern territory.

Grounds for relief—Rate relationship and short-line distance formula and grouping.

Tariffs—Supplement 81 to Southwestern Freight Bureau, Agent, tariff SW/S-2007-H, I.C.C. No. 5042, and Supplement 65 to Southern Freight Association, Agent, tariff S-2011-N, I.C.C. No. S-1112. Rates are published to become effective on March 10, 1975.

FSA No. 42941—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha.* Filed by Nippon Yusen Kaisha, (No. 8), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water Competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3981 Filed 2-11-75;8:45 am]

federal register

WEDNESDAY, FEBRUARY 12, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 30

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

HEALTH MAINTENANCE ORGANIZATIONS

Proposed Employees' Health Benefit Plans

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 110]

HEALTH MAINTENANCE ORGANIZATIONS—EMPLOYEES' HEALTH BENEFIT PLANS

Notice of Proposed Rulemaking

Section 1310 of the Public Health Service Act, enacted by section 2 of the Health Maintenance Organization Act of 1973 (Public Law 93–222), requires that employers subject to section 1310 shall "in accordance with regulations which the Secretary shall prescribe," include in any health benefits plan offered to their employees the option of membership in qualified health maintenance organizations (HMOs). Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary, proposes to amend Part 110 of Title 42, Code of Federal Regulations, by adding thereto a new Subpart H, Employees' Health Benefits Plans. Following is a discussion of certain provisions of the proposed regulation.

The definition of the term "designee" in proposed § 110.801(d) authorizes recognition of the offer of the HMO option by trust funds, employers' associations, or similar organizations as meeting the employer's obligation under section 1310.

Neither the statute nor this regulation requires an employer to seek out or develop an HMO option for its employees. Proposed § 110.802(a) provides that an employer subject to section 1310 is not required to offer an HMO to its employees until a qualified health maintenance organization approaches him with a proposal for such an offering.

Attention is called to 42 CFR 110.602 (b) (2) (contained in the Notice of Proposed Rulemaking published at 39 FR 43044 establishing a new Subpart F) which would provide for a "phase-in" period for certain entities whose existing contracts for prepaid health services do not provide for services to members as prescribed by the law and regulations. It is important to note that such entities will be qualified only with respect to new group and individual contracts under which services will be provided in the manner prescribed and with respect to which the entity is organized and operated in the manner prescribed. With respect to existing contracts covered by a time-phased plan, the entity will not be a qualified health maintenance organization until the time-phased plan is completed and the services provided and the organization and operation of the entity comply fully with the requirements of section 1301 of the Act and Subpart A of this part. Accordingly, employers whose contracts are included in a time-phased plan under the proposed § 110.602(b) (2) (iii) will be subject to the requirements of proposed § 110.802(a) when approached by a qualified health maintenance organization pursuant to proposed § 110.802(a) (4).

Proposed § 110.802(b) describes the material an HMO must present to such an employer to make the provision effective for that employer. Proposed § 110.802(b) also requires that the HMO approach the employer at least 90 days prior to the expiration of an "existing contract" (see proposed § 110.801(i) for a definition of this term). While the Department views this 90 day period as an adequate interval for response by an employer to a proposal by a qualified health maintenance organization that it be included in that employer's health benefits plan, it is recognized that current industrial practice may dictate a different result. Accordingly, comments are invited on this question in particular; if a different interval is proposed, supporting grounds should be provided.

Proposed § 110.802(f) (1) provides that an employer subject to section 1310 need not include in its health benefits plan the option of membership in the qualified HMO which seeks such inclusion, provided that the qualified HMO (or HMOs) which the employer does include in his health benefits plan serves, at a minimum, the same areas served by the HMO that first initiated contact with that employer. If the employees are represented by an exclusive bargaining agent, such selection among competing HMOs may be made through the collective bargaining process.

Proposed § 110.803(b) describes the method for selection among copayment levels and supplemental benefits offered by a health maintenance organization. If employees of an employer are represented by a collective bargaining agent or other representative recognized under the laws of the United States or any State, such bargaining agent may make such selections on behalf of such employees.

For employees who are not represented in the manner described above, proposed § 110.803(b) (2) provides that the decision-making process employed in selecting the services and payment schedules for the existing health benefits plan applies to the selection among supplemental health services and copayment levels to be part of the HMO plan. This decision is necessary if the group is to be treated on a group rate; otherwise, employees would be required to obtain individual contracts, and there would be increased administrative costs associated with individual selections and individual premium collections.

Proposed § 110.802(c) requires that each employer subject to section 1310 include the option of membership in qualified health maintenance organizations in any health benefits plan offered to its eligible employees (defined in § 110.801(c)). This provision, as well as the provisions for selection by eligible employees of alternatives from among the options available in the health benefits plan offered to them, is intended to make clear that it is the obligation of the employer to include the HMO option in the health benefits plan actually made available to eligible employees so that they can exercise their options on an individual basis.

Special consideration, however, must be given to the situation where a collective bargaining representative has been designated for the employees of a unit in accordance with section 9(a) of the National Labor Relations Act (NLRA). Section 1310, it should be noted, does not specifically provide a role for such representative in connection with the offer of the HMO option.

A literal reading of section 1310 would indicate that the offer of the HMO option may be included in a health benefit plan by unilateral action of the employer outside the collective bargaining process. It is, of course, recognized that under the NLRA, health benefits, such as those offered by an HMO, are a condition of employment and a subject of mandatory collective bargaining between the employer and the exclusive collective bargaining representative of the employees. The literal construction of section 1310 described above would, therefore, clearly be inconsistent with the role of a labor organization under section 9 of the NLRA as the exclusive bargaining representative for the employees of a unit.

It is the view of the Department, however, that the purposes of the NLRA and the after-enacted section 1310 are best served by attempting to assure the maximum accommodation between these statutes, taking into consideration the policies that inspired the provisions here at issue. Boys Markets, Inc. v. Retail Clerks Union, Local 770, 90 S. Ct. 1583 (1970). Accordingly, the proposed regulations contemplate that as part of the collective bargaining process, the employer would offer to the collective bargaining representative of the employees a health benefits plan which included an HMO option meeting the requirements of section 1310. The representative, on behalf of the unit employees within the service area of the HMO, could select among the supplemental health services to be included and the copayment levels to be offered (§110.803(b) (1)). Similarly, the selection among competing HMOs falling within the same organizational category under section 1310(b), may be made by the collective bargaining representative (§ 110.802(f) (2)). The union could then leave to the unit employees the option of selecting or rejecting the HMO option or the union could select the HMO option on behalf of all the unit employees within the HMO service area so that all such employees would be covered by the HMO.

The union is, of course, also free to decline the plan with the HMO option offered by the employer. Section 1310, in this situation, supports the view that the employer is legally required to insist on it, so that if the parties reach a good faith impasse on the issue, the employer can then, under NLRA principles, institute his offered plan with the HMO option on the same terms and conditions as offered to the union. See Taft Broadcasting Co., WDAW AM–FMTV, 163 NLRB 475; Bi-Rite Foods, Inc., 147 NLRB 59, 63–65; N.L.R.B. v. Crompton-Highland Mills, Inc., 337 U.S. 217 (1949).

In the view of the Department, this approach is consistent with the requirement of the NLRA and achieves the purpose of section 1310 by requiring that the option of membership in a qualified HMO included in a health benefits plan be exercised by the individual employees of an employer. The Department does not believe that a different accommodation of the two statutes—namely, that an employer does not have an obligation to offer the HMO plan if the union rejects it—meets the basic purposes of section 1310. The Department requests comments on these legal and policy issues.

Proposed § 110.804 describes the provisions relating to the group open enrollment period. Attention is called to the provision that requires an affirmative written selection among the different options in the health benefits plan when the option of membership in a qualified HMO is first introduced to a group of employees. In subsequent open enrollment periods, an affirmative written selection is not required should additional HMOs be included in the health benefits plan, nor is affirmative written action required should employees elect to continue their participation in a given option. This latter provision is patterned after the Civil Service Commission's approach to handling Federal employees' health benefits.

Proposed § 110.804 requires that during such group open enrollment periods, eligible employees may enroll in any of the alternatives included in a health benefits plan without the imposition of waiting periods or exclusions or limitations based on health status as conditions of enrollment or transfer. This protection of the right to transfer from one alternative to another during the open enrollment period is necessary to assure the free exercise of the options available under the health benefits plan. The opportunity to select among different alternatives included in a health benefits plan also must be made available to new employees, employees who transfer from one geographic area to another, and employees who are enrollees of an HMO which ceases operation.

Proposed § 110.805 requires that the health maintenance organization alternative be included in the health benefits plan on terms no less favorable, insofar as the employer's monetary contribution is concerned, than those on which the other alternatives are included, and specifies the criteria and methods for determining the employer's monetary contribution to such other alternatives where the amount of the employer's contribution to the HMO is not fixed by a collective bargaining agreement.

If the offer of the health maintenance organization membership option requires that employees selecting such option contribute to the membership payment, proposed § 110.805 would require that the employer offer such employees the opportunity to participate in a payroll deduction program for payment of such charges to the HMO. Employees who choose not to participate in such a program may be charged individual (non-group) subscriber rates.

Interested persons are invited to submit written comments, suggestions, or objections, with respect to the proposed new subpart H, to the Administrator, Health Services Administration, Parklawn Building, Room 14–05, 5600 Fishers Lane, Rockville, Maryland 20852. Comments received on or before March 31, 1975, will be considered in the preparation of the final regulation, and will be available for public inspection at the above address between the hours of 8:30 a.m. and 5 p.m. Monday through Friday.

It is anticipated that this proposed subpart will be made effective upon republication in the FEDERAL REGISTER.

Dated: December 17, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: February 4, 1975.

CASPAR W. WEINBERGER,
Secretary.

Subpart H—Employees' Health Benefit Plans

Sec.
110.801 Definitions.
110.802 Applicability.
110.803 Employees to whom the health maintenance organization alternative must be offered.
110.804 Offer of group enrollment period.
110.805 Employer contributions for health maintenance organization alternative.
110.806 Employee contributions for health maintenance organization alternative.
110.807 Relationship of section 1310(a) of the Health Maintenance Organization Act of 1973 to the National Labor Relations Act, as amended.

AUTHORITY: Sec. 215, 58 Stat. 690, (42 U.S.C. 216); secs. 1301–1315, 87 Stat. 914–933 (42 U.S.C. 300e–300e–14).

Subpart H—Employees' Health Benefits Plans

§ 110.801 Definitions.

In addition to the terms defined in § 110.101, as used in this subpart:

(a) "Employer" shall have the same meaning as that given such term in section 3(d) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 203).

(b) "Employee" means any individual employed by an employer, whether on a full- or part-time basis.

(c) "Eligible employee" means an employee who meets the terms and conditions established by an employer, or its designee, to participate in an existing health benefits plan.

(d) "Designee" means any person or entity acting on behalf of the employer to offer the option of membership in a qualified health maintenance organization to the employer's eligible employees, such as a trust fund, employers' association, or other person or entity authorized to act for the employer.

(e) "Health benefits plan" means any plan for the provision of, or payment for, any of the basic or supplemental health services described in § 110.101 (b) and (c) of this part offered to eligible employees or to such employees and their eligible dependents by or on behalf of an employer.

(f) "Qualified health maintenance organization" means an entity which has been found by the Secretary to meet the requirements of Title XIII of the Act and the applicable regulations of this part.

(g) "To offer a health benefits plan" means to make participation in a health benefits plan available to eligible employees, or to such employees and their eligible dependents, whether a financial contribution by the employer on behalf of such employees is made directly or indirectly (e.g., through payments on any basis into a health and welfare trust fund).

(h) "Group enrollment period" means the period(s) during which each eligible employee will be given the opportunity to select among the alternatives included in a health benefits plan.

(i) "Existing contract" means (1) a collective bargaining agreement, (2) a legally enforceable contract for the provision of health benefits between an employer and its employees, or (3) any legally enforceable agreement between an employer, or its designee, and a carrier, for the provision of, or payment for, health benefits or services to eligible employees. In the case where an agreement under paragraph (i) (3) of this section is subject to the terms of a collective bargaining agreement which specifically mandates maintenance of benefits and/or identifies the carriers or other entities to be contracted with for the provision of, or payment for, health benefits or services to eligible employees, such collective bargaining agreement shall be considered the existing contract.

(j) "Carrier" means a voluntary association, corporation, partnership, or other nongovernmental organization which is engaged in providing, paying for, or reimbursing all or part of the cost of health services under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier.

§ 110.802 Applicability.

(a) The regulations of this subpart apply in each calendar year to each employer which:

(1) Was required during any calendar quarter of the previous calendar year to pay its employees the minimum wage specified by section 6 of the Fair Labor Standards Act of 1938 (or would have been required to pay its employees such wage but for section 13(a) of such Act);

(2) During such calendar quarter employed an average number of not less than 25 employees;

(3) Offers, or on whose behalf there is offered, in the calendar year beginning after such calendar quarter a health benefits plan to its eligible employees; and

(4) Has received a request for inclusion in the employer's health benefits plan from one or more qualified health maintenance organizations which operate(s) in an area in which any eligible employee resides.

(b) To be effective under paragraph (a) (4) of this section, the request shall

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be received by the employer or its designee not less than 90 days in advance of the expiration date of an existing contract, unless the employer or its designee waives this time requirement, and shall:

(1) Be in writing and directed to the specific employer, or its designee;

(2) Provide evidence that the health maintenance organization has been determined to be qualified by the Secretary under Subpart F of this part;

(3) Describe the area served by the health maintenance organization, or the proposed service area, and give the dates basic and supplemental health services will be provided in such areas;

(4) Describe the location of facilities where health services are provided or will be provided, and give the dates services will be provided at such facilities;

(5) Include proposed contracts to be entered into between the health maintenance organization and the employer, or its designee;

(6) Include sample copies of marketing brochures and membership literature; and

(7) State the payment for basic and supplemental health services to be required for various categories of membership.

(c) Each such employer shall include in any health benefits plan offered to its eligible employees (or to such employees and their eligible dependents) the option of membership in qualified health maintenance organizations, subject to the provisions of paragraphs (d), (e), (f), and (g) of this section.

(d) If more than one qualified health maintenance organization which provides services in an area in which eligible employees of such an employer reside, have requested inclusion in the health benefits plan, and

(1) One or more of such organizations provides basic health services through professionals who are members of the staff of the organization or a medical group (or groups), and

(2) One or more of such organizations provides such services through an individual practice association (or associations), then, of the qualified health maintenance organizations included in a health benefits plan of such employer pursuant to this section, at least one shall be an organization which provides basic health services as described in paragraph (d)(1) of this section and at least one shall be an organization which provides basic health services as described in paragraph (d)(2) of this section.

(e) An employer subject to this subpart is required to offer the option of membership in additional qualified health maintenance organizations to its eligible employees only if such additional qualified health maintenance organizations demonstrate that their service areas include the place of residence of eligible employees (1) who do not reside in the service area of qualified health maintenance organizations already included in the employer's health benefits plans, or (2) to whom membership in qualified health maintenance organizations already included in the health benefits plan is not available because such organizations have closed their enrollment of eligible employees of such employer. In either such case, the employer is required to offer the option of membership in such additional health maintenance organizations to those eligible employees described in paragraph (e) (1) and (2) of this section.

(f)(1) An employer subject to this subpart is not required to include in the health benefits plan offered to eligible employees the option of membership in a qualified health maintenance organization which has requested inclusion in the health benefits plan but may select one or more other qualified health maintenance organizations that may not have made a request within the time limit of paragraph (b) of this section but wish to be included, provided that the latter health maintenance organization(s) serve, or will serve at a minimum, the same area individually or collectively, as the health maintenance organization which submitted a timely request.

(2) The employer may include in the health benefits plan offered to his employees the option of membership in such additional health maintenance organizations as he may decide so to include: *Provided*, That if the employer is subject to section 8 of the National Labor Relations Act (29 U.S.C. 158), the selection among competing health maintenance organizations may be made in accordance with the collective bargaining process pursuant to said Act.

(g) If an offer to eligible employees of the option of membership in a qualified health maintenance organization is inconsistent with the terms of an existing contract, such option shall be included in any health benefits plan offered to eligible employees under the terms of the existing contract, if renewed, or under the terms of a new contract or agreement. Except in the case of a contract described in the second sentence of § 110.801(i), a contract with a carrier that has no fixed term or has a term in excess of one year, shall be treated as renewable on the anniversary date of the contract. If the employer is self-insured, the fiscal year (or budget year, should that be different) shall be considered the term of the existing contract.

§ 110.803 Employees to whom the health maintenance organization alternative must be offered.

(a) Each employer subject to this subpart shall offer the option of membership in a qualified health maintenance organization to each eligible employee (or to such employee and eligible dependents of such employee) who resides within the service area of the qualified health maintenance organization or organizations being offered.

(b) Each eligible employee's election of a copayment level and of supplemental health services to be contracted for is to be made as follows:

(1) In the event that employees offered the option of membership in the qualified health maintenance organizations pursuant to this subpart are represented by a collective bargaining agent or other representative recognized under the laws of the United States or any State, such bargaining agent or representative or its designee may exercise on behalf of such employees the options of selecting among supplemental health services and copayment levels prior to such employees' exercise of the option to accept or decline membership in the qualified health maintenance organization.

(2) In the event that paragraph (b)(1) of this section is not applicable, the decision-making process that exists with respect to the existing health benefits plan relating to the selection of copayment levels or covered health benefits and services, or both, shall apply with respect to the selection of copayment levels and supplemental health services to be offered to eligible employees.

§ 110.804 Offer of group enrollment period.

(a) An employer offering the option of membership in a qualified health maintenance organization pursuant to § 110.802, as part of the health benefits plan offered to its eligible employees, shall provide for a group enrollment period, at least annually, during which eligible employees may enroll in the alternative of their choice or may transfer from one alternative to another without application of waiting periods or exclusions or limitations based on health status as conditions of enrollment or transfer. During the group enrollment period in which the alternative of membership in a qualified health maintenance organization is offered to a group of employees for the first time, the health benefits plan alternatives shall be presented to each eligible employee with the requirement that an affirmative written selection be made among the different alternatives included in the health benefits plan. In subsequent group enrollment periods a selection among such alternatives shall be available; however, such written selection is required only when the eligible employee elects to change from one alternative to another.

(b) The opportunity to select among different alternatives within a health benefits plan shall be made available to new employees, to employees who have been transferred to a new geographic location at the time such employees are eligible to participate in the health benefits plan, and to enrollees of a health maintenance organization which ceases operation. Such opportunity shall be made available to such eligible employees without waiting periods or any exclusions or limitations based on health status as conditions of enrollment or transfer, and shall be presented to such employees with the requirement that they make an affirmative written selection among the different alternatives included in the health benefits plan.

(c) The employer shall provide each qualified health maintenance organization which is included in its health benefits plan with fair and reasonable access, not less than 30 days prior to and

during group enrollment periods, to employees referred to in § 110.803(a), for purposes of presenting and explaining its program in accordance with § 110.108(c) of this Part. This access shall include, at a minimum, the opportunity for the qualified health maintenance organization to distribute to such employees educational literature, brochures, announcements of meetings, and other relevant printed materials meeting the requirements of § 110.108(c). The employer shall be given the opportunity to review such materials before distribution. In no event shall the access to eligible employees provided to such qualified health maintenance organizations be more restricted or less favorable than that provided other offerers of alternatives included in the health benefits plan.

§ 110.805 Employer contributions for health maintenance organization alternative.

(a) The health maintenance organization alternative shall be included in the health benefits plan on terms no less favorable, in regard to an employer's monetary contribution for health benefits, than those on which the other alternatives in the health benefits plan are included, as determined under paragraphs (c) or (d) of this section. Determination of the employer's contribution shall not include administrative expenses of the employer or its designee associated with offering the health maintenance organization alternative.[1]

(b) Where the amount of the employer's contribution for health benefits is fixed by a collective bargaining agreement or by a legally enforceable contract with its employees, the amount so determined shall constitute the employer's obligation for contribution toward the health maintenance organization dues or premium on behalf of an eligible employee (including dependents of such employee).

(c) In the absence of a collective bargaining agreement or legally enforceable contract between the employer and its employees fixing the employer's contribution to the health maintenance organization, and when the existing employees' health benefits plan consists of a single contract or is divided into two or more contracts, the employer's contribution to the health maintenance organization on behalf of an eligible employee (including dependents of such employee) shall consist of the true, actuarially determined portion of such contributions for alternatives other than the qualified health maintenance organization that is applied to the comparable coverage provided by the health maintenance organization.

(d) For purposes of paragraph (c) of the section, an employer's contribution for the alternative(s) within the health benefits plan other than the qualified health maintenance organization option shall be determined in the following manner:

(1) If the present health benefit plan is contracted with a carrier on a prospective premium basis, then the prospective payment made per eligible employee by or on behalf of the employer to a carrier or other entity for the provision of health benefits or services to eligible employees (including dependents) under such alternative(s) during the prospective period of coverage shall be considered the employer's obligation for contribution for health maintenance organization dues or premiums.

(2) If the present health benefits plan is contracted with a carrier on any form of retrospective rating basis, or billing contract arrangement, the actuarially developed per-eligible-employee deposit or advance to the carrier which includes appropriate allowance for incurred claims, claims administration plus profit or retention, and premium tax, shall be considered the employer's obligation for contribution toward health maintenance organization dues.

(3) If the present health benefits plan is self-insured by either the employer or its designee, or provides services directly, then the budgeted level for expected total incurred claims or health care operating expenses, plus total claims administration expense, shall be averaged per eligible employee and such average shall be considered the employer's obligation for contribution per employee toward health maintenance organization dues or premium.

(e) For purposes of paragraph (c) of this section, an employer's contribution to the health maintenance organization option in the years following the initial offering shall be determined on the assumption that all eligible employees remained in the non-health maintenance organization alternative. However, such determination shall take into consideration such factors as (1) allowances for inflation, (2) changes in the composition and experience of the covered population actually being serviced by the non-health maintenance organization alternative attributable to the shift of enrollment to the health maintenance organization. Based on such computation, the employer or its designee shall make an equitable contribution to the health maintenance organization which is reasonably comparable to the contributions to be made on a per-eligible-employee basis, or on a per-eligible-employee-and-eligible-dependents basis, to the non-health maintenance oragnization alternative for such year.

(f) An employer or its designee shall retain for one year the data used to compute its level of contribution to the alternatives included in the health benefits plan. Such data may be reviewed by the Secretary either on his own initiative or at the request of a qualified health maintenance organization which sets forth reasonable grounds supporting such a request, to determine whether the level of contributions determined by the employer complies with this subpart.

§ 110.806 Employee contributions for health maintenance organization alternative.

(a) When the offer of the health maintenance organization option required by § 110.802 requires a payment to the health maintenance organization that exceeds the contribution made by or on behalf of the employer as required by § 110.805, the employer or its designee shall offer the eligible employees electing the health maintenance organization alternative the opportunity to combine the eligible employee's contribution through a payroll deduction or allotment program with the employer's contribution for payment to the health maintenance organization, should the eligible employee so elect.

(b) In the event that an employee elects not to participate in such a payroll deduction or allotment plan, the qualified health maintenance organization may establish its rates for those eligible employees electing not to participate in the group consolidated payment arrangement, on the basis of its rates for individual (non-group) subscribers described in § 110.101(2)(1)(i) of this Part.

§ 110.807 Relationship of section 1310(a) of the Health Maintenance Organization Act of 1973 to the National Labor Relations Act, as amended.

The obligation of an employer subject to this subpart to include the option of membership in a qualified health maintenance organization in any health benefits plan offered to its eligible employees shall be carried out consistently with the obligations imposed on such employer under the National Labor Relations Act, provided that compliance with such Act shall not relieve the employer of the obligation to include the alternative of membership in a qualified health maintenance organization in a health benefits plan as required by this subpart.

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[1] These costs should, however, be identified and segregated, since under Section 1314(b) of the Act they are the subject of a separate inquiry by the General Accounting Office.

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PART III

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

GRADING AND INSPECTION

Proposed General Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 58]

GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance as hereinafter provided, a revision of the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621). Official inspection and grading service is provided under this Act upon request of the applicant and fees are charged to cover the cost of the service.

Statement of consideration. The General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service, hereinafter referred to as General Specifications originally became effective May 16, 1967, to provide the dairy industry with a basis for a voluntary plant survey program applicable to processed or manufactured dairy products.

This revision of the General Specifications reflects an updating and upgrading of the various requirements due to technological changes that have occurred in equipment, facilities, and manufacturing operations since 1967. The revision will establish requirements that will more adequately assist in determining the approval of dairy plants for inspection and grading service.

Preparation of this revision of the General Specifications is based on USDA experience in the plant survey program and upon recommendations and comments received from the following organizations which were provided drafts for study:

American Butter Institute.
American Dry Milk Institute.
American Producers of Italian Type Cheese Association.
Dairy, Food and Drug Committee, National Association of State Departments of Agriculture.
Evaporated Milk Association.
International Association of Ice Cream Manufacturers.
Milk Industry Foundation.
National Cheese Institute.
National Ice Cream Mix Association, Inc.
National Milk Producers Federation.
State Departments of Agriculture.
Whey Products Institute.

In general the changes in the requirements contained in this revision may be summarized as follows:

1. Requirements were updated to reflect new developments in all segments of the dairy manufacturing industry.

2. Specifications for abnormal milk have been added and the bacterial estimate classification system has been updated to agree with the USDA Standards for Milk for Manufacturing Purposes Recommended for State Adoption.

3. The Supplemental Specifications for Plants Manufacturing, Processing and Packaging Milk or Milk Products have been deleted since the responsibility for these products at the Federal level rests with the Food and Drug Administration.

4. Due to the importance of the developing industry for whey and whey products, new Supplemental Specifications for Plants Manufacturing, Processing and Packaging Whey, Whey Products and Lactose have been included.

All persons who desire to submit written data, views or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112-A, Administration Building, Washington, D.C. 20250, not later than July 1, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.276).

The proposed revision of the General Specifications is as follows:

SUBPART B—GENERAL SPECIFICATIONS FOR DAIRY PLANTS APPROVED FOR USDA INSPECTION AND GRADING SERVICE [1]

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, INSTANT NONFAT DRY MILK, DRY WHOLE MILK, AND DRY BUTTERMILK

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[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, Environmental Protection Act, or applicable laws and regulations of any State or Municipality.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

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58.305 Meaning of words.

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEESES

DEFINITIONS

58.405 Meaning of words.

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58.414 General construction, repair and installation.
58.415 Starter vats.
58.416 Cheese vats, tanks, and drain tables.
58.417 Mechanical agitators.
58.418 Automatic cheese making equipment.
58.419 Curd mill and miscellaneous equipment.
58.420 Hoops, forms and followers.
58.421 Press.
58.422 Brine tank.
58.423 Cheese vacuumizing chamber.
58.424 Monorail.
58.425 Conveyor for moving and draining block or barrel cheese.
58.426 Rindless cheese wrapping equipment.
58.427 Paraffin tanks.
58.428 Specialty equipment.
58.429 Washing machine.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.430 Milk.
58.431 Hydrogen peroxide.
58.432 Catalase.
58.433 Cheese cultures.
58.434 Calcium chloride.
58.435 Color.
58.436 Rennet, pepsin, or other milk clotting enzymes and flavor enzymes.
58.437 Salt.

OPERATION AND OPERATING PROCEDURES

58.438 Cheese from pasteurized milk.
58.439 cheese from unpasteurized milk.
58.440 Time schedule.
58.441 Records.
58.439 Cheese from unpasteurized milk.
58.442 Laboratory and quality control tests.
58.443 Whey handling.
58.444 Packaging and repackaging.
58.445 General identification.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.446 Quality requirements.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

58.505 Meaning of words.

ROOMS AND COMPARTMENTS

58.510 Rooms and compartments.

EQUIPMENT AND UTENSILS

58.511 General construction, repair and installation.
58.512 Cheese vats or tanks.
58.513 Agitators.
58.514 Container fillers.
58.515 Mixers.
58.516 Starter vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.517 General.
58.518 Milk.
58.519 Dairy products.
58.520 Non dairy ingredients.

OPERATIONS AND OPERATING PROCEDURES

58.521 Pasteurization and product flow.
58.522 Reconstituting nonfat dry milk.
58.523 Laboratory and quality control tests.
58.524 Packaging and general identification.
58.525 Storage of finished product.

REQUIREMENTS FOR COTTAGE CHEESE BEARING USDA OFFICIAL IDENTIFICATION

58.526 Physical requirements.
58.527 Microbiological requirements.
58.528 Chemical requirements.
58.529 Keeping quality requirements.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING FROZEN DESSERTS

DEFINITIONS

58.605 Meaning of words.

ROOMS AND COMPARTMENTS

58.619 Mix processing room.
58.620 Freezing and packaging rooms.
58.621 Freezing tunnels.
58.622 Hardening and storage rooms.

EQUIPMENT AND UTENSILS

58.623 Homogenizer.
58.624 Freezers.
58.625 Fruit or syrup feeders.
58.626 Packaging equipment.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.627 Milk and dairy products.
58.628 Sweetening agents.
58.629 Flavoring agents.
58.630 Stabilizers.
58.631 Emulsifiers.
58.632 Acid.
58.633 Color.

OPERATIONS AND OPERATING PROCEDURES

58.634 Assembling and combining mix ingredients.
58.635 Pasteurization of the mix.
58.636 Homogenization.
58.637 Cooling the mix.
58.638 Freezing the mix.
58.639 Addition of flavor.
58.640 Packaging.
58.641 Hardening and storage.
58.642 Quality control tests.
58.643 Frequency of sampling.
58.644 Test methods.
58.645 General identification.
58.646 Official identification.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.647 Composition requirements for ice cream.
58.648 Microbiological requirements for ice cream.
58.649 Physical requirements for ice cream.
58.650 Requirements for frozen custard.
58.651 Requirements for ice milk.
58.652 Composition requirements for sherbet.
58.653 Microbiological requirements for sherbet.
58.654 Physical requirements for sherbet.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

58.705 Pasteurized process cheese and related products.

EQUIPMENT AND UTENSILS

58.706 General construction, repair and installation.
58.707 Conveyors.
58.708 Grinders or shredders.
58.709 Cookers.
58.710 Fillers.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.
58.712 Swiss.
58.713 Gruyere.
58.714 Cream cheese, Neufchatel cheese.
58.715 Cream, plastic cream, and anhydrous milkfat.
58.716 Nonfat dry milk.
58.717 Whey.
58.718 Flavor ingredients.
58.719 Coloring.
58.720 Acidifying agents.
58.721 Salt.
58.722 Emulsifying agents.

OPERATION AND OPERATING PROCEDURES

58.723 Basis for selecting cheese for processing.
58.724 Blending.
58.725 Trimming and cleaning.

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58.726 Cutting and grinding.
58.727 Adding optional ingredients.
58.728 Cooking the batch.
58.729 Forming containers.
58.730 Filling containers.
58.731 Closing and sealing containers.
58.732 Cooling the packaged cheese.
58.733 Quality control tests.

REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.734 Pasteurized process cheese.
58.735 Pasteurized process cheese food.
58.736 Pasteurized process cheeze spread and related products.
58.737 Explanation of terms.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING WHEY, WHEY PRODUCTS AND LACTOSE

DEFINITIONS

58.805 Meaning of words.

ROOMS AND COMPARTMENTS

58.806 General.

EQUIPMENT AND UTENSILS

58.807 General construction, repair and installation.
58.808 Mineral, protein, and lactose removal and/or concentration equipment.
58.809 Clothing and shoe covers.
58.810 Crystallizing tanks and/or vats.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

58.811 Whey.

OPERATING AND OPERATING PROCEDURES

58.812 Pasteurization.
58.813 General.
58.814 Methods of official sample analysis.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.815 Dry whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING EVAPORATED, CONDENSED OF ULTRA-PASTEURIZED DAIRY PRODUCTS

DEFINITIONS

58.905 Meaning of words.

EQUIPENT AND UTENSILS

58.912 General construction, repair and installation.
58.913 Evaporators and vacuum pans.
58.914 Fillers.
58.915 Batch or continuous in-container thermal processing equipment.
58.916 Homogenizer.

OPERATIONS AND OPERATING PROCEDURES

58.917 General.
58.918 Standardization.
58.919 Pre-heat, pasteurization.
58.920 Homogenization.
58.921 Concentration.
58.922 Thermal processing.
58.923 Filling containers.
58.924 A septic filling.
58.925 Sweetened condensed.
58.926 Heat stability.
58.927 Storage.
58.928 Quality control tests.
58.929 Frequency of sampling for quality control.
58.930 Official test methods.
58.931 General identification.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

58.932 Milk.
58.933 Stabilizers.
58.934 Sugars.
58.935 Chocolate and cocoa.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

58.936 Physical requirements for evaporated milk.
58.937 Physical requirements and microbiological limits for sweetened condensed milk.

DEFINITIONS

§ 58.101 Meaning of words.

For the purpose of the regulations of this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Act.* The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; (7 U.S.C. 1621–1627)), or any other Act of Congress conferring like authority.

(b) *Administrator.* The Administrator of the Agricultural Marketing Service or any other officer or employee of the Agricultural Marketing Service of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(c) *Approved laboratory.* A laboratory in which the facilities and equipment used for official testing have been approved by the Administrator as being adequate to perform the necessary official tests in accordance with this part, and operates under a USDA surveillance program as set forth by the Administrator.

(d) *Approved plant.* One or more adjacent buildings, or parts thereof, comprising a single plant at one location in which the facilities and methods of operation therein have been surveyed and approved by the Administrator as suitable and adequate for inspection or grading service in accordance with the following:

(1) Shall satisfactorily meet the specifications of this subpart as determined by the Administrator.

(2) Only receive dairy products from plants, transfer stations, receiving stations and cream buying stations which satisfactorily comply with the applicable requirements of this subpart as determined by the Administrator. (Occasional shipments may be received from non-approved plants provided the product is tested and meets the quality requirements for No. 2 milk.)

(e) *Sanitizing treatment.* Subjection of a clean product contact surface to steam, hot water, hot air, or an acceptable sanitizing solution of sufficient strength, and for a duration of time to effectively destroy microorganisms. Sanitizing solutions shall comply with 21 CFR 121.2547.

(f) *Resident service.* Inspection or grading service performed at a dairy manufacturing plant or grading station by an inspector or grader assigned to the plant or station on a continuous basis.

(g) *Dairy products.* Butter, cheese (whether natural or processed), skim milk, cream, whey, or buttermilk (whether dry, evaporated, stabilized or condensed), frozen desserts and any other food product which is prepared or manufactured in whole or in part from any of the aforesaid products, as the Administrator may hereafter designate.

(h) *Grader.* Any employee of the Department authorized by the Administrator or any other person to whom a license has been issued by the Administrator to investigate and certify, in accordance with the Act and this part, to shippers of products and other interested parties, the class, qualify, quantity, and condition of such products.

(i) *Inspector.* Any employee of the Department authorized by the Administrator or any other person to whom a license has been issued by the Administrator to inspect and certify quality, quantity and condition of products, observe the manufacturing, processing, packaging and handling of diary products, and to perform dairy plant surveys in accordance with the regulations of this part.

(j) *Inspection or grading service.* Means in accordance with this part, the act of (1) drawing samples of any product; (2) determining the class, grade, quality, composition, size, quantity, condition, or wholesomeness of any product by examining each unit or representative samples; (3) determining condition of product containers; (4) identifying any product or packaging material by means of official identification; (5) regrading or appeal grading of a previously graded product; (6) inspecting dairy plant facilities, equipment, and operations; such as, processing, manufacturing, packaging, repackaging, and quality control; (7) supervision of packaging inspected or graded product; (8) reinspection or appeal inspection; and (9) issuing an inspection or grading certificate or sampling, inspection, or other report related to any of the foregoing.

(k) *Milk.* The whole lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows located in modified accredited areas and modified certified areas or from cows in herds fully accredited as tuberculosis-free and certified brucellosis-free by the United States Department of Agriculture or in the process of being accredited.

(l) *Official identification.* Official identification is provided for use on product packed under USDA inspection. Any package label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe, and such official identification shall be of such form and contain such information as the Administrator may require.

(m) *Official methods.* Official Methods of Analysis of the Association of Official Analytical Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(n) *Pasteurization (Pasteurized).* Pasteurization shall mean that every particle of product shall have been heated in properly operated equipment to one of the temperatures specified in the table and held continuously at or above that temperature for the specified time (or other time/temperature relationship equivalent thereto in microbial destruction):

FLUID PRODUCTS

Temperature:	Time
145° F (vat pasteurization).	30 minutes.
161° F (high temperature short time pasteurization).	15 seconds.
191° F (high heat short time pasteurization).	1.0 seconds.
204° F (high heat short time pasteurization).	.05 seconds.
212° F (high heat short time pasteurization).	.01 seconds.

PRODUCTS HAVING HIGHER MILKFAT THAN MILK (10 PERCENT OR MORE) AND/OR CONTAIN ADDED SWEETENERS

150° F	30 minutes.
166° F	15 seconds.

FROZEN DESSERT MIX

155° F	30 minutes.
175° F	25 seconds.

CONDENSED MILK TO BE REPASTEURIZED

166° F	15 seconds.

(o) *Plant survey.* An appraisal of a plant to determine the extent to which facilities, equipment, method of operation, and raw material being received are in accordance with the provisions of this part. The survey shall be used to determine suitability of the plant for USDA inspection or grading service.

(p) *Plant status.* The extent to which a plant complies with this subpart shall be determined under procedures as set forth by the Administrator.

(q) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and who receive payment for this product.

(r) *Quality control.* The inspection of the quality of the raw material and the conditions relative to the preparation of the product from its raw state through each step in the entire process. It includes the inspection of conditions under which the product is prepared, processed, manufactured, packed and stored. In addition, assistance and guidance is offered to improve the raw milk quality, processing methods, quality, stability, and packaging and handling of the finished product.

(s) *Regulations.* The term "regulations" means the provisions contained in this part.

(t) *Administrator.* The Administrator of the Agricultural Marketing Service or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(u) *Shall.* Expresses a provision that is mandatory.

(v) *Should.* Expresses recommended nonmandatory provisions which when followed would significantly aid in a quality improvement program.

(w) *Standard methods.* Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, New York.

(x) *3–A Sanitary Standards and Accepted Practice.* The latest standards for dairy equipment and accepted practices formulated by the 3–A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the Food and Drug Administration and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians, Box 701, Ames, Iowa.

(y) *"USDA" or "Department".* Means the United States Department of Agriculture.

(z) *Receiving Station.* Any place, premise, or establishment where milk or dairy products are received, collected or handled for transfer to a processing or manufacturing plant.

(aa) *Transfer station.* Any place, premise, or establishment where milk or dairy products are transferred directly from one transport tank to another.

(bb) *Corrosion-resistant.* Those materials that maintain their original surface characteristics under prolonged influence of the product to be contacted, cleaning compounds and sanitizing solutions, and other conditions of the environment in which used.

PURPOSE

§ 58.122 Approved Plants under USDA inspection and grading service.

(a) Adoption of certain sound practices at dairy plants will significantly aid the operators to manufacture more consistently, uniform high-quality stable dairy products. Only dairy products manufactured, processed and packaged in an approved plant may be graded or inspected and identified with official identification. The specifications established herein provide the basis for a quality maintenance program which may be effectively carried forward through official inspection, grading, and quality control service.

(b) USDA inspection and grading service is provided to dairy product manufacturing plants on a voluntary basis. The operator of any dairy plant desiring to have such a plant qualified as an approved plant under USDA inspection and grading service may request surveys of such plant, premises, equipment, facilities, methods of operation, and raw material to determine whether they are adequate to permit inspection and grading service. The cost of this survey shall be borne by the applicant.

APPROVED PLANTS

§ 58.123 Survey and approval.

Prior to the approval of a plant, a designated representative of the Administrator shall make a survey of the plant, premises, storage facilities, equipment and raw material, volume of raw material processed daily, and facilities for handling the products at the plant. The survey shall be made at least twice a year to determine whether the facilities, equipment, method of operation, and raw material being received are adequate and suitable for USDA inspection and grading service in accordance with the provisions of this part. To be eligible for approval a plant shall satisfactorily meet the specification of this subpart as determined by the Administrator.

§ 58.124 Denial or suspension of plant approval.

Plant approval may be denied or suspended if a determination is made by a designated representative of the Administrator that the plant is not performing satisfactorily in regard to; (a) the classification of milk, (b) proper segregation and disposal of unwholesome raw materials or finished product, (c) adequate facilities and condition of processing equipment, (d) sanitary conditions of plant and equipment, (e) control of insects, rodents and other vermin, (f) use of non-toxic product contact surfaces and prevention of adulteration of raw materials and products with chemicals or other foreign material, (g) proper operating procedures, (h) the maintenance of legal composition of finished products, (i) the manufacture of stable dairy products, of desirable keeping quality characteristics, (j) proper storage conditions for ingredients and dairy products, or (k) suitable and effective packaging methods and material.

PREMISES, BUILDINGS, FACILITIES, EQUIPMENT AND UTENSILS

§ 58.125 Premises.

(a) The premises shall be kept in a clean and orderly condition, and shall be free from strong or foul odors, smoke, or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas should be of cement, asphalt, or similar material to keep dust and mud to a minimum.

(b) *Surroundings.* The immediate surroundings shall be free from refuse, rubbish, overgrown vegetation, and waste materials to prevent harborage of rodents, insects and other vermin.

(c) *Drainage.* A suitable drainage system shall be provided which will allow rapid drainage of all water from plant buildings and driveways, including surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent an environmental or health hazard.

§ 58.126 Buildings.

The building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air including doors, windows, skylights and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust and dirt. All outside doors opening into processing rooms shall be in good condition and fit properly. All hinged, outside screen doors shall open outward. All doors and windows should be kept clean

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and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction window sills should be slanted downward at approximately a 45° angle.

(b) *Walls, ceilings, partitions and posts.* The walls, ceilings, partitions, and posts of rooms in which milk, or dairy products are processed, manufactured, handled, packaged or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall be refinished as often as necessary to maintain a neat, clean surface. For easier cleaning new construction should have rounded cove at the juncture of the wall and floor in all receiving, pasteurizing, manufacturing, packaging and storage rooms.

(c) *Floors.* The floors of all rooms in which milk, or dairy products are processed, manufactured, packaged or stored or in which utensils are washed shall be constructed of tile properly laid with impervious joint material, concrete, or other equally impervious material. The floors shall be smooth, kept in good repair, graded so that there will be no pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction, bell and standpipe type traps shall not be used. The plumbing shall be so installed as to prevent the back-up of sewage into the drain lines and to the floor of the plant. Cold storage rooms used for storage of product need not be provided with floor drains if the floor is sloped to drain to an exit.

Sound, smooth, wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(d) *Lighting and ventilation.* (1) Light shall be ample, natural or artificial, or both, of good quality and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least 30 foot-candles of light intensity on all working surfaces. Rooms where dairy products are graded or examined for condition and quality shall have at least 50 foot-candles of light intensity on the working surface. Restrooms and locker rooms should have at least 30 foot-candles of light intensity. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of product by broken glass is possible, light bulbs and fluorescent tubes shall be protected against breakage.

(2) There shall be adequate heating, ventilation or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods or temperature and humidity control equipment shall be provided where and when needed, to minimize or control room temperatures, eliminate objectionable odors, and aid in prevention of moisture condensation and mold. Inlet fans should be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self closing louvers to prevent the entrance of insects when not in use.

(e) *Rooms and compartments.* Rooms and compartments in which any raw material, packaging, ingredient supplies or dairy products are handled, manufactured, packaged or stored shall be so designed, constructed and maintained as to assure desirable room temperatures and clean and orderly operating conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms, when present, shall be separated from the processing rooms by a wall. Rooms for receiving can milk shall be separated from the processing rooms by a partition or by suitable arrangement of equipment. Processing rooms shall be kept free from equipment and materials not regularly used.

(1) *Coolers and freezers.* Coolers and freezers where dairy products are stored shall be clean, reasonably dry and maintained at the proper uniform temperature and humidity to adequately protect the product, and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms or areas used for the storing of packaging materials; containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold, and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous material and so arranged on racks, shelves or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds and other nonfood products shall be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients or packaging supplies.

(3) *Boiler rooms, shop rooms and shop areas.* The boiler, and shop rooms shall be separated from other rooms where milk, and dairy products are processed, manufactured, packaged, handled or stored. Shop rooms or areas should be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located.—(a) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged or stored; doors shall be self closing; ventilation shall be provided by mechanical means or screened openings to the outer air; fixtures shall be kept clean and in good repair. (b) All employees shall be furnished with a locker or other suitable facility and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities shall be provided. Legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* (i) Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be maintained and properly staffed with qualified and trained personnel for quality control and analytical testing. The laboratory should be located reasonably close to the processing activity and be of sufficient size to perform tests necessary in evaluating the quality of raw and finished products.

(ii) Approved laboratories shall be supervised by the USDA resident inspector in all aspects of official testing and reporting results. Plant laboratory personnel in such plants may be licensed by the USDA to perform official duties. An approved central control laboratory serving more than one plant may be acceptable, if conveniently located to the dairy plants, and if samples and results can be transmitted without undue delay.

(6) *Starter facilities.* Adequate facilities shall be provided for the handling of starter cultures. The facilities shall not be located near areas where contamination is likely to occur.

(7) *Grading and inspection room.* When grading or inspection of product is performed the plants shall furnish a room or designated area specifically for this purpose. The room or area shall be suitably located, sufficient in size, well lighted (see 58.126d), ventilated and the temperature shall be not less than 60° F. It shall be kept clean and dry, free from foreign odors and reasonably free from disturbing elements which would interfere with proper concentration by the grader or inspector. The grading or inspection room or area shall be equipped with a table or desk and convenient facilities for washing hands.

(8) *Resident inspector's facilities.* In resident plants, an office or space shall be provided for official purposes. The room or space should be conveniently located in or near the approved laboratory, adequate in size, and equipped with desk and a lockable storage supply cabinet, and clothes locker. It shall be well lighted, ventilated or air conditioned, and heated. Custodial service shall be furnished on a regular basis.

§ 58.127 Facilities.

(a) *Water supply.* There shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protected against contamination and pollution. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided

that such water lines are completely separated from the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There shall be no cross connection between potable water lines and non-potable water lines or between public and private water supplies. Bacteriological examinations shall be made of the plant's sanitary water supply taken at the plant at least twice a year, or as often as necessary to determine purity and suitability for use in manufacturing dairy products as related to keeping quality. Such tests shall be made by a USDA or State agency laboratory except for supplies that are regularly tested for purity and bacteriological quality, and approved by the local health officer. The results of all water tests shall be kept on file at the plant for which the test was performed.

The location, construction, and operation of any well shall comply with regulations of the appropriate agency.

(b) *Drinking-water facilities.* Drinking-water facilities of a sanitary type shall be provided in the plant and should be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single service towels or air driers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Containers shall be provided for used towels and other wastes. The containers may be metal or plastic, disposable or reuseable and should have self-closing covers.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only those boiler water additives which meet the requirements of 21 CFR 121.1088 shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for "Producing Culinary Steam for Processing Milk and Milk Products" as published by the National Association of Food and Dairy Equipment Manufacturers, Washington, D.C., April 1963 or latest revision thereof.

(e) *Air under pressure.* The method for supplying air under pressure, which comes in contact with milk or dairy products or any product contact surface shall comply with the 3–A Accepted Practices for Supplying Air Under Pressure.

(f) *Disposal of wastes.* Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight fitting lids. Waste shall be stored in an area or room in a manner to protect it from flies and vermin. Solid wastes shall be disposed of regularly and the containers cleaned before re-use. Accumulation of dry waste paper and cardboard shall be kept to a minimum and disposed of in a manner that is environmentally acceptable.

§ 58.128 Equipment and utensils.

(a) General construction, repair and installation.—The equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping and fittings or any specialized equipment shall be constructed of stainless steel, or other materials which under conditions of intended use are as equally corrosion resistant. Non-metallic parts other than glass having product contact surfaces shall comply with 3–A Sanitary Standards for Plastic or Rubber and Rubber-Like Materials. Equipment and utensils used for cleaning shall be in an acceptable condition, such as not rusty, pitted or corroded. All equipment and piping shall be designed and installed so as to be easily accessible for cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment, shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes (except certain piping cleaned-in-place) or fittings, including valves and connections shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place.

All C.I.P. systems shall comply with the 3–A Accepted Practices for Permanently Installed Sanitary Product, Pipelines and Cleaning Systems.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks shall comply with the 3–A Sanitary Standards for Weigh Cans and Receiving Tanks for Raw Milk and shall be easily accessible for cleaning both inside and outside and shall be elevated above the floor and protected sufficiently with the necessary covers or baffles to prevent contamination from splash, condensate and drip-page. Where necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank shall be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers shall have sufficient capacity and ability to discharge a clean dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. They should be equipped with proper temperature controls on the wash and rinse tanks and the following additional devices: prerinse jet, wash tank solution feeder, can sanitizing attachment, forced air vapor exhaust, and removable air filter on drying chamber. The water and steam lines supplying the washer shall maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves. The steam pressure to the can washer should be not less than 80 pounds, and the temperature of the wash and final rinse solution should be automatically controlled and not exceed 140° F.

(d) *Product storage tanks or vats.* Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be easily cleaned and shall be so designed that moisture, or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3–A Accepted Practices for Supplying Air Under Pressure. Storage tanks or vats intended to hold product for longer than approximately 8 hours shall be equipped with adequate refrigeration and/or have adequate insulation. New or replacement storage tanks or vats shall comply with the appropriate 3–A Sanitary Standards for Storage Tanks of Milk and Milk Products or Sanitary Standards for Silo-Type Storage Tanks for Milk and Milk Products and shall be equipped with thermometers in good operating order.

(e) *Separators.* All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(f) *Coil or dome type batch pasteurizers.* Coil or dome type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft ends of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable pack-

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ing glands. Dome type pasteurizer agitators shall be stainless steel except that any non-metallic parts shall comply with 3–A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heating product at a temperature of 5° F. or more above the minimum pasteurization temperature need not have . .e air-space heater. It shall be equipped with an air-space thermometer to insure a temperature at least 5° F. above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(g) *Short time pasteurizing systems.* When pasteurization is intended or required, an approved timing pump or device, recorder-controller, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all such equipment used for pasteurizat.on, to assure complete pasteurization. The entire facility shall comply with the 3–A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High Temperature Short Time Pasteurizers. After the unit has been tested according to the 3–A Accepted Practices, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. The system should be rechecked semi-annually to assure continued compliance with the 3–A Accepted Practices. Sealing and rechecking of the unit shall be performed by the control authority having jurisdiction. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Thermometers and recorders.* (1) *Indicating thermometers.* (i) Long stem indicating thermometers which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(ii) Short stem indicating thermometers, which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all pasteurizers. Storage tanks where temperature readings are required shall have thermometers which are accurate within 2.0° F., plus or minus.

(iii) Air space indicating thermometers, where applicable, which are accurate within 1.0° F., plus or minus, for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* (i) Recording thermometers that are accurate within 1° F., plus or minus, for the applicable temperature range, shall be used on each heat treating, pasteurizing or thermal processing unit to record the heating process.

(ii) Additional use of recording thermometers accurate within 2° F., plus or minus may be required where a record of temperature or time of cooling and holding is of significant importance.

(iii) Recorder charts shall be marked to show date and plant identification, reading of the indicating thermometer at a particular referenced reading point on the recording chart, amount and name of product, product temperature at which the "cut-in" and "cut-out" function, record of the period in which flow diversion valve is in forward-flow position, signature or initials of operator.

(i) *Surface coolers.* Surface coolers shall be equipped with hinged or removable covers for the protection of the product. The edges of the fins shall be so designed as to divert condensate on non-product contact surfaces away from product contact surfaces. All gaskets or swivel connections shall be leak proof.

(j) *Plate type heat exchangers.* Plate type heat exchanger shall comply with the 3–A Sanitary Standards Plate Type Heat Exchangers for Milk and Milk Products. All gaskets shall be tight and kept in good operating order. Plates shall be opened for inspection by the operator at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition. A cleaning regimen should be posted to insure proper cleaning procedures between inspection periods.

(k) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers shall comply with the 3–A Sanitary Standards for Internal Return Tubular Heat Exchangers for Use with Milk and Milk Products.

(l) *Pumps.* Pumps used for milk, and dairy products shall be of the sanitary type and constructed to comply with 3–A Sanitary Standards for Pumps for Milk and Milk Products. Unless pumps are specifically designed for effective cleaning-in-place they shall be disassembled and thoroughly cleaned after use.

(m) *Scales.* All scales shall comply with National Bureau of Standards Handbook 44. (Latest revision).

(1) Small capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than one ounce graduations. (This table taken from the presently effective 1973 revision.)

	Minimum tolerance	
	Ounces	Pounds
Load in pounds:		
0 to 4 inclusive	1/32	0.002
5 to 10 inclusive	1/16	.004
11 to 20 inclusive	1/8	.008
21 to 30 inclusive	3/16	.012
31 to 50 inclusive	1/4	.031
51 to 500 inclusive	3/4	.047

(2) Large capacity scales shall be capable of the following accuracy, and shall be graduated in no higher than ¼ pound graduations for scales of capacity of up to 250 pounds; ½ pound graduations for scales above 250 pounds capacity.

(This table taken from the presently effective 1973 revision.)

	Minimum tolerance	
	Ounces	Pounds
Load in pounds:		
101 to 150 inclusive	1¼	0.078
151 to 250 inclusive	2	.125
251 to 500 inclusive	4	.250
501 to 1000 inclusive	8	.500
1001 to 2500 inclusive		1.0

Compliance shall be determined by the appropriate regulatory authority.

(n) *Homogenizers.* Homogenizers and high pressure pumps of the plunger type shall comply with the 3–A Sanitary Standards for Homogenizers and Pumps of the Plunger Type and shall be disassembled and thoroughly cleaned after use.

(o) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, shall comply with the then current 3–A Sanitary Standards. If 3–A Sanitary Standards are not available, such equipment and replacements shall meet the general requirements of this section. Only material that is sanitary, readily cleanable and non-toxic shall be used for product contact surfaces, parts and gaskets.

(p) *Vacuumizing equipment.* The vacuum chamber, as used for flavor control, shall be made of stainless steel or other equally corrosion resistant metal. The unit shall be constructed to facilitate cleaning and all product contact surfaces shall be accessible for inspection. Vacuum chambers located on the pasteurized side of the unit shall be isolated by means of a vacuum breaker and a positive activated check valve on the product inlet side and a vacuum breaker and a positive activated check valve on the discharge side. If direct steam is used, it should also be equipped with a ratio controller to regulate the composition when applicable to the finished product. Only steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the pasteurizer is not in the forward flow position. Condensers when used shall be equipped with a water level control and an automatic safety shutoff valve.

§ 58.129 Cleanliness.

All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking or otherwise soiling their hands. They shall keep their hands clean

and follow good hygienic practices while on duty. Expectorating or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy products, or supplies are prepared, stored or otherwise handled. Clean white or light-colored washable or disposable outer garments and caps (paper caps, hard hats, or hair nets acceptable) shall be worn to completely enclose the hair and beards when grown by all persons engaged in receiving, testing, processing milk, manufacturing, packaging or handling dairy products.

§ 58.130 Health.

No person afflicted with a communicable disease shall be permitted in any room or compartment where milk and dairy products are prepared, manufactured or otherwise handled. No person who has a discharging or infected wound, sore or lesion on hands, arms or other exposed portion of the body shall work in any dairy processing rooms or in any capacity resulting in contact with milk, or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers or equipment should have a medical and physical examination by a registered physician or by the local department of health at the time of employment. An employee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery.

PROTECTION AND TRANSPORT OF RAW MILK AND CREAM

§ 58.131 Equipment and facilities.

(a) (1) *Milk cans.* Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless with umbrella lids) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust, milkstone, or any unsanitary condition. Adequate provisions should be made so that milk in cans will be cooled immediately after milking to 50° F. or lower unless delivered to the plant within two hours after milking.

(2) *Farm bulk tanks.* Farm bulk tanks shall comply with 3–A Sanitary Farm Cooling and Holding Tanks or 3–A Sanitary Standards for Farm Cooling and Holding Tanks or 3–A Sanitary Standards for Farm Milk Storage Tanks as applicable. They shall be installed in a milk house in accordance with the requirements of the regulatory agency in jurisdiction. The bulk cooling tanks shall be designed and equipped with refrigeration to permit the cooling of the milk to 40° F. or lower within two hours after milking, and maintain it at 45° F. or below until picked up.

(b) (1) *Receiving stations.* Receiving stations shall comply with the applicable sections of this subpart covering premises, buildings, facilities, equipment, utensils, personnel, cleanliness and health.

(2) *Transfer stations.* Transfer stations shall comply with the applicable sections of this subpart covering premises, floors, lighting, water supply, hand-washing facilities, disposal of wastes, general construction, repair and installation of equipment, piping and utensils and personnel—cleanliness and health. As climatic and operating conditions require the transfer station shall comply with the applicable sections for walls ceilings, doors and windows.

(3) *Cream stations.* Cream stations shall provide adequate protection and facilities for the handling, transferring and cooling of farm separated cream. The area shall be large enough to avoid undue crowding with a normal volume of business and shall be separated from other areas and the outside by self closing, tight fitting doors. All openings shall be screened during fly season. The floor, walls and ceiling shall be of satisfactory construction, in good repair and kept clean. Lighting and ventilation shall meet the requirements of section 58.126 (d). Cooling facilities shall be provided to cool the cream to 50° F. or lower unless shipped within 8 hours after receipt. Facilities shall be provided to wash, sanitize and store cans and equipment used in the operation. The cream should not be more than four days old when picked up for delivery to the processing plant.

(c) (1) *Transporting milk or cream.* Vehicles used for the transportation of can milk or cream shall be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and they shall be kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans or vehicles used for the transportation of milk from the farm to the plant shall not be used for transporting skim milk, buttermilk, or whey to producers.

(2) *Transport tanks.* The exterior shell shall be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell shall be stainless steel and so constructed that it will not buckle, sag or prevent complete drainage. All product contact surfaces shall be smooth, easily cleaned and maintained in good repair. The pump and hose cabinet shall be fully enclosed with tight fitting doors and the inlet and outlet shall be provided with dust covers to give adequate protection from road dust. Tank manholes should be equipped with an adequate filtering system during loading and unloading. New and replacement transport tanks shall comply with 3–A Sanitary Standards for Stainless Steel Automotive Milk and Milk Products Transportation Tanks for Bulk Delivery and/or Farm Pick-up Service.

(3) *Facilities for cleaning and sanitizing.* Enclosed or covered facilities (as climatic conditions require) shall be available for washing and sanitizing of transport tanks, piping, and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(d) *Transfer of milk to transport tank.* Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing shall be capped when not in use.

QUALITY SPECIFICATIONS FOR RAW MILK

§ 58.132 Basis for classification.

Raw milk for manufacturing purposes, from all individual producers, shall be based on the following: organoleptic examination (appearance and odor), quality control tests for sediment content, and bacterial estimate. In addition, milk from cows treated with antibiotics shall be excluded for such period of time as is necessary to have the milk free from antibiotics. All milk received from producers shall not exceed Federal Food and Drug Administration's established limits for pesticide residues. Producers shall be promptly notified of any shipment or portion thereof of their milk that fails to meet any of these quality specifications.

§ 58.133 Methods for quality and wholesomeness determination.

(a) *Appearance and odor.* The appearance and odor of acceptable raw milk shall be normal, fresh and sweet. The milk shall be free from objectionable feed and other off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to curdled, ropy, bloody, or mastitic condition), as indicated by sight, odor, or other test procedures.

(b) *Abnormal milk.* (1) A laboratory examination for the presence of unwholesome mammary secretions—whether of an inflammatory, infectious, physiological, or environmental origin—shall be made on all patrons milk at least 4 times in each 6 month period at irregular intervals.

(2) When a herd milk sample exceeds any of the following screening test results:

(i) California Mastitis Test—Weak Positive (CMT 1+).

(ii) Modified Whiteside Test—Positive (1+).

(iii) Wisconsin Mastitis Test—WMT value of 21 mm.

A somatic cell count using the Direct Microscopic Count Method or equivalent, or the Electronic Method shall be made on that sample and the results of the somatic cell direct count shall be the official result.

(3) Whenever the somatic cell count indicates the presence of more than 1,500,000 somatic cells per ml., the following procedures shall be applied:

(i) A notice shall be sent to the producer warning him of the excessive somatic cell count.

(ii) Whenever two of the last four consecutive somatic cell counts exceed 1,500,000 cells per ml. the appropriate regulatory authority shall be notified and a written notice given to the producer. This notice shall be in effect so long as two of the last four consecutive samples exceed 1,500,000 cells per ml. In addition to the written notice an inspection shall be made of the farm facility.

(4) A third milk sample shall be taken after a lapse of 3 days and within 14

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days of the inspection required under (2) above. If this sample also indicates a high somatic cell count, the patron's milk shall be rejected until satisfactory compliance is obtained.

(c) *Antibiotics.* At least 4 times in 6 months, at irregular intervals, a separate or commingled sample of each producer's milk shall be tested for antibiotic residues. When a producer's milk shows a positive test the milk shall be immediately rejected from all markets and shall not be accepted until a subsequent test is negative.

§ 58.134 Sediment content.

(a) *Method of testing.* Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed one-pint sample shall be tested. Sediment content shall be based on comparison with applicable charts of Sediment Standards described in Subpart T 58.2728 through 58.2731 of this part.

(b) *Sediment content classification of discs.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows:

(1) Sediment (off - the - bottom method): (1⅛ inch diameter disc).

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg. (Acceptable).
No. 2—USDA Sediment Standard (not to exceed) 1.50 mg. (Acceptable).
No. 3—USDA Sediment Standard (not to exceed) 2.50 mg. (Probational) not over 10 days.
No. 4—USDA Sediment Standard (over 2.50 mg.) (Reject).

(2) Sediment (mixed sample): (0.40 inch diameter disc).

No. 1—USDA Sediment Standard (not to exceed) 0.0625 mg. (0.50 mg. equiv.) (Acceptable).
No. 2—USDA Sediment Standard (not to exceed) 0.1875 mg. (1.50 mg. equiv.) (Acceptable).
No. 3—USDA Sediment Standard (not to exceed) 0.3125 mg. (2.50 mg. equiv.) (Probational) not over 10 days.
No. 4—USDA Sediment Standard (over) 0.3125 mg. (2.5 mg. equiv.) (Reject).

(c) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* One or more cans of milk selected at random from each producer.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(d) *Acceptance or rejection of milk.* If the sediment disc is classified as No. 1, No. 2, or No. 3 the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: *Provided that* if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(e) *Retests.* On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3 may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested.

This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not more than 10 calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2), it shall be rejected.

§ 58.135 Bacterial estimate.

(a) *Method of testing.* Methods for determining the bacterial estimate of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Bacterial estimate classification.* Milk shall be classified for bacterial estimate by one of the following methods:

Bacterial estimate classification	Direct microscopic count, standard plate count or plate loop count	Resazurin reduction time to Munsell color standard 5 P 7/4
No. 1:		
Can	Not over 500,000 per milliliter.	Not less than 2¼ hours.
Bulk	do	Not less than 3¼ hours.
No. 2:		
Can	Not over 3,000,000.	Not less than 1½ hours.
Bulk	do	Not less than 2½ hours.
Undergrade:		
Can	Over 3,000,000	Less than 1½ hours.
Bulk	do	Less than 2½ hours.

(c) *Frequency of tests.* At least once each month, at irregular intervals, a mixed sample of each producer's milk shall be tested.

(d) *Acceptance of milk.* If the sample of milk is classified as No. 1 or No. 2 the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of four weeks. The producer of "Undergrade" milk shall be notified immediately.

(e) *Retests.* Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding four weeks. If at the end of this time the producer's milk does not meet the acceptable bacterial estimate requirements (No. 1 or No. 2), it shall be rejected.

§ 58.136 Rejected milk.

A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (section 58.133) or if it is classified No. 4 for sediment content (section 58.135). Such milk shall be identified with a reject tag.

§ 58.137 Excluded milk.

A plant shall not accept milk from a producer for use in products:

(a) If a new producer's milk does not meet the requirements for acceptable milk (sections 58.134 and 58.135); or

(b) If the milk has been in a probational (No. 3) sediment content classification for more than ten calendar days (section 58.134); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than four successive weeks (section 58.135).

§ 58.138 Quality testing of milk from new producers.

An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk shall meet the requirements for "acceptable milk" (sections 58.134 and 58.135). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

§ 58.139 Record of tests.

Accurate records, listing the results of quality tests of each producer, shall be kept on file at the receiving plant where performed and shall be available for examination by the inspector.

§ 58.140 Field service.

A representative of the plant should arrange to promptly visit each producer shipping milk which does not meet the requirements for acceptable milk, for the purpose of inspecting the equipment, utensils and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as practicable to assist in and encourage the production of high quality milk.

§ 58.141 Alternate quality control program.

When a plant has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for milk or cream, then such a program may be accepted in lieu of the program herein prescribed.

OPERATIONS AND OPERATING PROCEDURES

§ 58.142 Product quality and stability.

The receiving, holding and processing of milk and cream and the manufacturing, handling, packaging, storing and delivery of dairy products shall be in accordance with clean and sanitary methods, consistent with good commercial practices to promote the production of the highest quality of finished product and improve product stability. Milk should not be more than two days old when delivered to the plant.

§ 58.143 Raw product storage.

All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers and any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, where applicable to particular manufacturing or processing practices.

The bacteriological quality of commingled milk in storage tanks shall not exceed 3,000,000/ml.

§ 58.144 Pasteurization or ultra-pasteurization.

When pasteurization or ultra-pasteurization is intended or required, or when a product is designated "pasteurized" or "ultra-pasteurized" every particle of the product shall be subjected to such temperatures and holding periods in approved systems as will assure proper pasteurization or ultra-pasteurization of the product. The heat treatment by either process shall be sufficient to insure public health safety and to assure adequate keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product.

§ 58.145 Composition and wholesomeness.

All necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities. The finished products shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act as to their composition and wholesomeness.

§ 58.146 Cleaning and sanitizing treatment.

(a) *Equipment and utensils.* The equipment, sanitary piping and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Sanitary seal assemblies shall be removable on all agitators, pumps, and vats and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplement sections, all equipment not designed for C. I. P. cleaning or mechanical cleaning shall be disassembled after each day's use for thorough cleaning. Dairy cleaners, detergents, wetting agents or sanitizing agents, or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils.

Product contact surfaces shall be subjected to an effective sanitizing treatment prior to use, except where dry cleaning is permitted. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self draining position on racks constructed of impervious corrosion-resistant material.

C.I.P. cleaning or mechanical cleaning systems shall be used only on equipment and pipeline systems which have been designed, engineered and installed for that purpose. When such cleaning is used, careful attention shall be given to the proper procedures to assure satisfactory cleaning. All C.I.P. installations and cleaning procedures shall be in accordance with 3–A Suggested Method for the Installation and Cleaning of Cleaned-In-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. Because of the possibilities of corrosion, the recommendations of the cleaning compound manufacturer should be followed with respect to time, temperature and concentration of specific acid or alkaline solutions and bactericides. Such cleaning operation should be preceded by a thorough rinse at approximately 110–115° F. continuously discarding the water. Following the circulation of the cleaning solution the equipment and lines shall be thoroughly rinsed with lukewarm water and checks should be made for effectiveness of cleaning. All caps, plugs, special fittings, valve seats, cross ends, pumps, and tee ends shall be opened or removed and brushed clean. All non-pasteurized product contact surfaces should be sanitized. Immediately prior to starting the product flow, the pasteurized product contact surfaces shall be given sanitizing treatment.

(b) *Milk cans and can washers.* Milk cans and lids shall be cleaned, sanitized and dried before returning to producers. Inspection, repair or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone or any unsanitary condition.

Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer. Only washing compounds which are compatible with the water for effective cleaning, should be used. The can washer should be checked regularly during the run for proper operation. At the end of the day, the wash and rinse tanks should be drained and cleaned, jets and strainers cleaned, air filters checked and changed or cleaned if needed, and checks should be made for proper adjustment and condition of mechanical parts.

(c) *Milk transport tanks.* A covered or enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day after use; provided that, if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank should be identified by a tag attached to the outlet valve, bearing the following information: plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall not be removed until the tank is again washed and sanitized.

(d) *Building.* All windows, glass, partitions, and skylights should be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings and doors should be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges should be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of in sealed containers which will prevent contamination or insect infestation from the waste material.

§ 58.147 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized, a specially designated employee should be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances, insecticides and rodenticides shall be properly labeled, and shall be handled, stored and used in such a manner as considered satisfactory by the Environmental Protection Agency.

§ 58.148 Plant records.

Adequate plant records shall be maintained of all required tests and analyses performed in the laboratory or throughout the plant during processing and manufacturing, on all raw milk receipts and dairy products. Such records shall be available for examination at all reasonable times by the inspector. The following are the records which shall be maintained for examination at the plant or receiving station where performed.

(a) Sediment and bacterial test results on raw milk from each producer. Retain for 12 months.

(1) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(2) Retests, if initial test places milk in probationary status.

(3) Rejections of raw milk over No. 3 in quality.

(b) Pasteurization recorder charts. Retain for 3 months.

(c) Water supply test certificate. Retain current copy for 6 months.

§ 58.149 Alternate quality control programs for dairy products.

(a) When a plant has in operation an acceptable quality control program which is approved by the Administrator as be-

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ing effective in obtaining results comparable to or higher than the quality control program as outlined in this subpart, then such a program may be accepted in lieu of the program herein prescribed.

(b) Where a minimum number of samples per batch of product, or per unit of time on continuous production runs are not specified, the phrase "as many samples shall be taken as is necessary to assure compliance to specific quality requirements" is used. Acceptable performance of this would be any method approved by the Administrator as meeting sound statistical methods of selecting samples and determining the number of samples to be taken.

PACKAGING AND GENERAL IDENTIFICATION

§ 58.150 Containers.

The size, style, and type of packaging used for dairy products shall be commercially acceptable containers and packaging materials which will satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling.

Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. In addition, the wrapper should be resistant to puncturing, tearing, cracking or breaking under normal conditions of handling, shipping and storage. When special type packaging is used, the instructions of the manufacturer shall be followed closely as to its application and methods of closure.

§ 58.151 Packaging and repackaging.

Packaging dairy products or cutting and repackaging all styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging materials shall be practically free from mold and bacterial contamination. Methods for checking the level of contamination shall be as prescribed by the latest edition of Standard Methods or by other satisfactory methods approved by the Administrator.

When officially graded bulk dairy products are to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required, see Subpart A of this part. (Title 7, Ch. I, Pt. 58, sec. 58.2 and 58.53 of the Code of Federal Regulations). If the packaging or repackaging is done in a plant other than the one in which the dairy product is manufactured, the plant, equipment, facilities and personnel shall meet the same requirements as outlined in this subpart.

§ 58.152 General identification.

All commercial bulk packages or consumer packaged product containing dairy products manufactured under the provisions of this subpart shall comply with the Food and Drug Administration's Fair Packaging and Labeling Act.

STORAGE OF FINISHED PRODUCT

§ 58.153 Dry storage.

The product should be stored at least 18 inches from the wall in aisles, rows, or sections and lots, in such a manner as to be orderly and easily accessible for inspection. Rooms should be cleaned regularly. It is recommended that dunnage or pallets be used when practical. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the dairy product from mold, absorbed odors, or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times, consistent with good commercial practices, to prevent conditions detrimental to the product and container.

§ 58.154 Refrigerated storage.

Finished product in containers subject to such conditions that will affect its useability shall be placed on shelves, dunnage or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated by drippage or condensation.

INSPECTION, GRADING AND OFFICIAL IDENTIFICATION

§ 58.155 Grading.

Dairy products which have been processed or manufactured in accordance with the provisions of this subpart may be graded by the grader in accordance with the U.S. Standards for Grades. Laboratory analyses, when required in determining the final grade shall be conducted in an approved laboratory.

§ 58.156 Inspection.

Dairy products, which have been processed or manufactured in an approved plant, and for which there are no official U.S. Standards for Grades, shall be inspected for quality by the inspector in accordance with contract requirements or product specifications established by the U.S. Department of Agriculture or other Federal agency or buyer and seller. Laboratory analysis when required shall be conducted in an approved laboratory.

§ 58.157 Inspection or grading certificates.

All dairy products which have been processed or manufactured, packaged and inspected or graded in accordance with the provision of this part may be covered by an inspection or grading certificate issued by the inspector or grader.

§ 58.158 Official identification.

(a) Application for authority to apply official identification to packaging material or containers shall be made in accordance with the provisions of Subpart A of this part. (Title 7, Ch. I, Pt. 58, secs. 58.49–58.57 of the Code of Federal Regulations.)

(b) Only dairy products received, processed, or manufactured in accordance with the specifications contained in this subpart and inspected and/or graded in accordance with the provisions of this part may be identified with official identification.

EXPLANATION OF TERMS

§ 58.159 Terms.

(a) *Fresh and sweet.* Free from "old milk" flavor of developed acidity or other off-flavors.

(b) *Normal feed.* Regional feed flavors, such as alfalfa, clover, silage, or similar feeds or grasses (weed flavors, such as peppergrass, French weed, onion, garlic, or other obnoxious weeds, excluded).

(c) *Off-flavors.* Tastes or odors, such as utensil, bitter, barny, or other associated defects when present to a degree readily detectable.

(d) *Developed acidity.* An apparent increase from the normal acidity of the milk to a degree of taste and odor which is detectable.

(e) *Extraneous matter.* Foreign substances, such as filth, hair, insects and fragments thereof, and rodents, and materials, such as metal, fiber, wood and glass.

(f) *Sediment.* Fine particles of material other than the foreign substances and materials defined in paragraph (e) of this section.

(g) *C.I.P.* The abbreviation of an approved system of cleaning equipment or pipelines called "Cleaned-in-Place."

(h) *Mechanical cleaning.* Denotes cleaning solely by circulation and/or flowing chemical detergent solution and water rinses onto and over the surfaces to be cleaned, by mechanical means.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING NONFAT DRY MILK, INSTANT NONFAT DRY MILK, DRY WHOLE MILK, AND DRY BUTTERMILK

DEFINITIONS

§ 58.205 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Nonfat dry milk.* The pasteurized product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It shall not contain buttermilk, or any added preservative, neutralizing agent or other chemical.

(b) *Instant nonfat dry milk.* Nonfat dry milk which has been produced in such a manner as to substantially improve its dispersing and reliquification characteristics over that produced by the conventional process.

(c) *Dry whole milk.* The pasteurized product resulting from the removal of water from milk and contains the lactose, milk proteins, milk fat, and milk minerals in the same relative proportions as in the fresh milk from which made. The milk

may be standardized but shall not contain buttermilk, or any added preservative, neutralizing agent or other chemicals.

(d) *Dry buttermilk.* The product resulting from drying liquid buttermilk, derived from the manufacture of sweet cream butter, which has been pasteurized either before or during the process of manufacture, with or without the addition of lactic culture and to which no alkali or other chemical preservatives has been added.

ROOMS AND COMPARTMENTS

§ 58.210 Dry storage of product.

Storage rooms for the dry storage of product shall be adequate in size, kept clean, orderly, free from rodents, insects, and mold, and maintained in good repair. They shall be adequately lighted and ventilated. The ceilings, walls, beams and floors should be free from structural defects and inaccessible false areas which may harbor insects.

§ 58.211 Packaging room for bulk products.

A separate room or area shall be provided for filling bulk containers, and shall be constructed in accordance with section 58.126. The number of control panels and switch boxes in this area should be kept to a minimum. Control panels shall be mounted a sufficient distance from the walls to facilitate cleaning or satisfactorily sealed to the wall, or shall be mounted in the wall and provided with tight fitting removable doors to facilitate cleaning. An adequate exhaust system shall be provided to minimize the accumulation of product dust within the packaging room and where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least six inches off the floor. Unnecessary fixtures, equipment, or false areas which may collect dust and harbor insects, should not be allowed in the packaging room.

§ 58.212 Hopper or dump room.

A separate room shall be provided for the transfer of bulk dry dairy products to the hoppers and conveyors which lead to the fillers. This room shall meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities provided for the transfer of dry dairy products from portable bulk bins will be accepted if gasketed surfaces or direct connections are used that appreciably eliminate the escape of product into the area.

§ 58.213 Repackaging room.

A separate room shall be provided for the filling of small packages and shall meet the same requirements for construction and facilities as the bulk packaging operation.

EQUIPMENT AND UTENSILS

§ 58.214 General construction, repair and installation.

All equipment and utensils necessary to the manufacture of dry milk products, including pasteurizer, timing-pump or device, flow diversion valve and recorder controller, shall meet the same general requirements as outlined in section 58.128 of this Subpart. In addition, for certain other equipment the following requirements shall be met.

§ 58.215 Pre-heaters.

The pre-heaters shall be of stainless steel or other equally corrosion resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

§ 58.216 Hotwells.

The hotwells shall be enclosed or covered and should be equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell. If used for holding high heat products, they should also have recorders.

§ 58.217 Evaporators and/or vacuum pans.

Open type evaporators and/or vacuum pans shall be equipped with an automatic condenser water level control, barometric leg, or so constructed so as to prevent water from entering the product. New or replacement units shall comply with the 3–A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans. When enclosed type condensers are used, no special controls are needed to prevent water from entering the product. Water collected from the condensing of product (cow water) in this equipment may be utilized for prerinsing and cleaning solution make-up; provided it is equipped with proper controls that will automatically divert any water with entrained solids to the waste water system. "Cow water" shall not be used for acidified or final equipment rinse.

§ 58.218 Surge tanks.

If surge tanks are used for hot milk, and temperatures of product including foam being held in the surge tank during processing, is not maintained at a minimum of 150° F, then two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

§ 58.219 High pressure pumps and lines.

High pressure lines may be cleaned-in-place and shall be of such construction that dead ends, valves and the high pressure pumps can be disassembled for hand cleaning. The high pressure pump shall comply with the 3–A Sanitary Standard for Homogenizers and Pumps of the Plunger Type.

(a) *Spray dryers.* Spray dryers shall be of a continuous discharge type and all product contact surfaces shall be of stainless steel or other equally corrosion resistant material. All joints and seams in the product contact surfaces shall be welded and ground smooth. All dryers shall be constructed so as to facilitate ease in cleaning and inspection. Sight glasses or ports of sufficient size shall be located at strategic positions. Dryers shall be equipped with suitable air intake filters. The filter system shall comply with the applicable requirements of the 3–A Accepted Practices for Milk and Milk Products Spray Drying Systems. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. In gas fired dryers, precautions should be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust or dirt. New systems, replacement systems, or portions of systems replaced shall comply with the requirements of the 3–A Accepted Practices for Milk and Milk Products Spray Drying Systems.

(b) *Roller dryers.* (1) The drums of a roller dryer shall be smooth, readily cleanable and free of pits and rust. The knives shall be maintained in such condition so as not to cause scoring of the drums.

(2) The end boards shall have an impervious surface and be readily cleanable. They shall be provided with a means of adjustment to prevent leakage and accumulation of milk solids. The stack, hood, the drip pan inside of the hood and related shields shall be constructed of stainless steel and be readily cleanable. The lower edge of the hood shall be constructed so as to prevent condensate from entering the product zone. The hood shall be properly located and the stack of adequate capacity to remove the vapors. The stack shall be closed when the dryer is not in operation. The augers shall be stainless steel or properly plated, and readily cleanable. The auger troughs and related shields shall be of stainless steel and be readily cleanable. All air entering the dryer room shall be filtered to eliminate dust and dirt. The filter system shall consist of filtering media or device that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying room. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. All dryer adjustments shall be made and the dryer operating normally before food grade product is collected from the dryer.

(c) *Other drying systems.* These systems shall be constructed following the applicable principles of the 3–A Accepted Practices for Milk and Milk Products Spray Drying Systems.

§ 58.221 Collectors and conveyors.

Collectors shall be made of stainless steel or equally noncorrosive material and should be constructed to facilitate cleaning and inspection. Filter sack collectors, if used, shall be in good condition

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and the system shall be of such construction that all parts are accessible for cleaning and inspection. Conveyors shall be of stainless steel or equally corrosion resistant material and should be constructed to facilitate thorough cleaning and inspection.

§ 58.222 Dry dairy product cooling equipment.

Cooling equipment shall be provided with sufficient capacity to cool the product as specified in 58.240. A suitable dry air supply with an effective filtering system meeting the requirements of 58.220(a) shall be provided where air cooling and conveying is used.

§ 58.223 Special treatment equipment.

Any special equipment (instantizers, hammer mills, etc.) used to treat dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection. New or replacement instantizing systems shall comply with the 3-A Accepted Practices for Instantizing Systems for Dry Milk and Dry Milk Products.

§ 58.224 Sifters.

All newly installed sifters used for dry milk and dry milk products shall comply with the 3-A Sanitary Standards for Sifters for Dry Milk and Dry Milk Products. All other sifters shall be constructed of stainless steel or other equally noncorrosive material and shall be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products shall be those recommended in the appendix of the 3-A Standard for sifters.

§ 58.225 Clothing and shoe covers.

Clean clothing and shoe covers shall be provided exclusively for the purpose of cleaning the interior of the dryer when it is necessary to enter the dryer to perform the cleaning operation.

§ 58.226 Portable and stationary bulk bins.

Bulk bins shall be constructed of stainless steel, aluminum or other equally corrosion resistant materials, free from cracks, seams and must have an interior surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning. The capacity of each bulk bin shall be limited as directed by the Administrator.

§ 58.227 Sampling device.

If automatic sampling devices are used, they shall be constructed in such a manner as to prevent contamination of the product, and all parts must be readily accessible for cleaning. The type of sampler and the sampling procedure shall be as approved by the Administrator.

§ 58.228 Dump hoppers, screens, mixers and conveyors.

The product contact surfaces of dump hoppers, screens, mixers and conveyors which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, shall be of stainless or equally corrosion resistant material and designed to prevent contamination. All parts should be accessible for cleaning. The dump hoppers shall be of such height above floor level as to prevent foreign material or spilled product from entering the hopper.

§ 58.229 Filler and packaging equipment.

All filling and packaging equipment shall be of sanitary construction and all parts, including valves and filler heads accessible for cleaning.

§ 58.230 Heavy duty vacuum cleaners.

Each plant handling dry milk products shall be equipped with a heavy duty industrial vacuum cleaner. Regular scheduling shall be established for its use in vacuuming applicable areas.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.231 General.

All raw materials received at the drying plant shall meet the following quality specifications.

§ 58.232 Milk.

Raw milk shall meet the requirements as outlined in section 58.132 thru 58.138 and, unless processed within two hours after being received, it shall be cooled to and held at a temperature of 45° F. or lower until processed.

§ 58.233 Skim milk.

The skim milk shall be separated from whole milk meeting the requirements as outlined in section 58.132 thru 58.138, and unless processed immediately, it shall be cooled to and maintained at a temperature of 45° F. or lower from the time of separating until the time of processing.

§ 58.234 Buttermilk.

Buttermilk for drying shall be fresh, sweet, and from the churning of sweet cream butter, with or without the addition of harmless lactic culture. No neutralizing agent or chemical preservative may be added. Fluid buttermilk, unless cultured, shall be held at 45° F. or lower unless processed within 2 hours.

§ 58.235 Modified dry milk products.

Dry milk products to which approved neutralizing agents or chemicals have been added or constituents removed to alter their original characteristics for processing or usage shall come from products meeting the requirements of 58.232, 58.233, or 58.234. These products shall meet the applicable labeling requirements.

OPERATIONS AND OPERATING PROCEDURES

§ 58.236 Pasteurization and heat treatment.

All milk and buttermilk used in the manufacture of dry milk products and modified dry milk products shall be pasteurized at the plant where dried, except that acidified buttermilk containing 40 percent or more solids may be transported to another plant for drying without repasteurization. Provided the condensed product is handled according to sanitary conditions approved by the Administrator.

(a) Pasteurization. (1) All milk or skim milk to be used in the manufacture of nonfat dry milk shall be pasteurized prior to condensing at a minimum temperature of 161° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed milk products made from pasteurized milk may be transported to a drying plant, provided that it shall be effectively repasteurized at the drying plant, prior to drying, at least 166° F. for 15 seconds or its equivalent in bacterial destruction.

(2) All buttermilk shall be pasteurized prior to condensing at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction.

(b) *Heat treatment.*

(1) *High-heat.* The finished product shall not exceed 1.5 mg. undenatured whey protein nitrogen per gram of nonfat dry milk. All skim milk to be used in the manufacture of nonfat dry milk where high heat treatment is desirable shall be heated to such a temperature as will produce a finished product meeting the U.S. High Heat classification in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

(2) *Medium-heat.* The finished product shall show undenatured whey protein nitrogen between the levels of "high-heat" and "low-heat" (1.51 to 5.99 mg.).

(3) *Low-heat.* The finished product shall show not less than 6.0 undenatured whey protein nitrogen per gram of nonfat dry milk. All skim milk to be used in the manufacture of nonfat dry milk where low heat treatment is desirable shall be heated to such a treatment as will produce a finished product meeting the U.S. Low Heat classification in the U.S. Standards for Grades of Nonfat Dry Milk (Spray Process).

§ 58.237 Condensed surge supply.

Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold only the minimum amount of condensed product necessary for a uniform flow to the dryers. Such tanks holding product at temperatures below 150° F. shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

§ 58.238 Condensed storage tanks.

Excess production of condensed product over that which the dryer will take continuously from the pans should be bypassed through a cooler into a storage tank at 50° F. or lower and held at this temperature until used.

Product cut-off points shall be made at least every 24 hours and the tank completely emptied, washed, and sanitized before reuse.

§ 58.239 Drying.

Each dryer should be operated at not more than the manufacturer's rated capacity for the highest quality dry product consistent with the most efficient operation. This does not preclude the remodeling or redesigning of dryers after installation when properly engineered and designed. The dry products shall be removed from the drying chamber continuously during the drying process.

§ 58.240 Cooling dry products.

Prior to packaging and immediately following removal from the drying chamber the dry product shall be cooled to a temperature not exceeding 110° F, however, if the product is to be held in a bulk bin the temperature should be reduced to approximately 90° F but shall be not more than 110° F.

§ 58.241 Packaging, repackaging and storage.

(a) *Containers.* Packages or containers used for the packaging of nonfat dry milk or other dry milk products shall be any clean, sound commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. In no instance will containers which have previously been used for nonfood items, or food items which would be deleterious to the dairy product be allowed to be used for the bulk handling of dairy products.

(b) *Filling.* Empty containers shall be protected at all times from possible contamination and containers which are to be lined shall not be prepared more than one hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary a mechanical shaker shall be provided; the tapping or pounding of containers should be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed when necessary to render them practically free of residual product before being transferred from the filling room to the palletting or dry storage areas.

(c) *Repackaging.* The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. All exterior surfaces of individual containers shall be practically free of product before overwrapping or packing in shipping containers. The room shall be kept free of dust accumulation, waste, cartons, liners, or other refuse. Conveyors, packaging and carton making equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. No bottles or glass materials of any kind shall be permitted in the repackaging or hopper room. The inlet openings of all hoppers and bins shall be of minimum size, screened and placed well above the floor level. The room and all packaging equipment shall be cleaned as often as necessary to maintain a sanitary operation. Close attention shall be given to cleaning equipment where residues of the dry product may accumulate. A thorough clean-up including windows, doors, walls, light fixtures and ledges, should be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. All waste dry dairy products including dribble product at the fillers, shall be properly identified and disposed of as animal feed.

(d) *Storage.* (1) *Product.* The packaged dry milk product shall be stored or so arranged in aisles, rows, or sections and lots at least 18 inches from any wall and in such a manner as to be orderly, easily accessible for inspection or for cleaning of the room. All bags and small containers of products shall be placed on pallets elevated from the floor. Product in small containers may be stored by methods preventing direct contact with the floor when the condition of the container is satisfactorily maintained. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

(2) *Supplies.* All supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. It is preferable that supplies be stored in an area separate from that used for storing the dry products. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers, they shall be kept in an enclosed metal cabinet, bins or on shelving and if not enclosed shall be protected from powder, and dust or other contamination. The room should be vacuumed as often as necessary and kept clean and orderly.

§ 58.242 Product adulteration.

All necessary precautions shall be taken through the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of that product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, provided applicable labeling requirements are met.

§ 58.243 Checking quality.

All milk, milk products and dry milk products shall be subject to inspection and analysis by the dairy plant for quality and condition throughout each processing operation. Periodically samples of product and environmental material shall be tested for salmonella. Test results shall be negative when representatives samples are tested for salmonella. Line samples should be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

§ 58.244 Number of samples.

As many samples shall be taken from each dryer production lot as is necessary to assure proper composition and quality control. A sufficient number of representative samples from the lot shall be taken to assure compliance with the stated net weight on the container.

§ 58.245 Method of official sample analysis.

Samples shall be tested according to the applicable methods of laboratory analysis contained in DA Instruction 918-103, 918-109-1 and 918-109-3 as issued by the USDA, Agricultural Marketing Service, Dairy Division.

§ 58.246 Cleaning of dryers, collectors, conveyors, ducts, sifters and storage bins.

This equipment shall be cleaned as often as is necessary to maintain such equipment in a clean and sanitary condition. The kind of cleaning procedure either wet or dry and the frequency of cleaning shall be based upon observation of actual operating results and conditions.

§ 58.247 Insect and rodent control program.

In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program as outlined in University of Wisconsin Extension Bulletin A2518 or subsequent revisions thereof.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.248 Nonfat dry milk.

Nonfat dry milk in commercial bulk containers bearing an official identification shall meet the requirements of U.S. Extra Grade or U.S. Standard Grade.

Regular nonfat dry milk in consumer size packages which bears an official identification shall meet the requirements of U.S. Extra Grade. In addition, the nonfat dry milk shall meet the following specifications when sampled and tested in accordance with sections 58.244 and 58.245.

§ 58.249 Instant nonfat dry milk.

Instant nonfat dry milk shall meet the applicable standard for U.S. Extra Grade.

§ 58.250 Dry whole milk.

Dry whole milk in commercial bulk containers which bears an official identification shall meet the requirements for the U.S. Standards for Grades of Dry Whole Milk. Quality requirements for dry whole milk in consumer packages shall be for U.S. Extra Grade and shall be gas packed with an oxygen content of not more than 2.0 percent.

§ 58.251 Dry buttermilk.

The quality requirements for all dry buttermilk bearing official identification shall be in accordance with U.S. Standards for Grades of Dry Buttermilk. Dry cultured buttermilk shall meet the same requirements as listed above except that allowances shall be made for increased acidity due to the culture process.

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SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING BUTTER AND RELATED PRODUCTS

DEFINITIONS

§ 58.305 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning.

(a) *Butter.* The food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, with or without additional coloring matter, and containing not less than 80 percent by weight of milkfat, all tolerances having been allowed for.

(b) *Butteroil.* The food product resulting from the removal of practically all of the moisture and solids-not-fat from butter. It contains not less than 99.6 percent fat, and not more than 0.3 percent moisture; and not more than 0.1 percent other butter constituents, of which the salt shall be not more than 0.05 percent.

(c) *Anhydrous milkfat.* The food product resulting from the removal of practically all of the moisture and the solids-not-fat from pasteurized cream. It contains not less than 99.8 percent fat, and not more than 0.15 percent moisture.

(d) *Frozen cream.* Sweet cream which has been pasteurized and frozen. It contains approximately 40 percent milkfat.

(e) *Plastic cream.* Sweet cream which has been pasteurized and contains approximately 80 percent milkfat.

(f) *Whipped butter.* Butter which has been stirred or whipped to incorporate air or inert gas, until its volume has been increased up to a range of from 50 to 100 percent. It contains not less than 80.0 percent fat by weight.

ROOMS AND COMPARTMENTS

§ 58.311 Coolers and freezers.

The coolers and freezers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

§ 58.312 Churn rooms.

Churn rooms in addition to proper construction and sanitation shall be so equipped that the air is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

§ 58.313 Print and bulk packaging rooms.

Rooms used for packaging print or bulk butter and related products should, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (not more than 15 colonies per plate during a 15 min. exposure), dust, or other air-borne contamination and maintain a reasonable room temperature in accordance with good commercial practices.

EQUIPMENT AND UTENSILS

§ 58.314 General construction, repair and installation.

All equipment and utensils necessary to the manufacture of butter and related products shall meet the same general requirements as outlined in section 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.315 Continuous churns.

All product contact surfaces of the churn and related equipment shall be of noncorrosive material. All non-metallic product contact surfaces shall comply with 3-A Standards for Plastic, Rubber, and Rubber-Like Materials. All product contact surfaces of the churn and related equipment shall be readily accessible for cleaning and inspection. Construction shall follow the applicable principles of the 3-A Sanitary Standards.

§ 58.316 Conventional churns.

Churns shall be constructed of aluminum, stainless steel or equally corrosion resistant metal, free from cracks, and in good repair. All gasket material shall be fat resistant, nontoxic and reasonably durable. Seals around the doors shall be tight.

§ 58.317 Bulk butter trucks, boats, texturizers, and packers.

Bulk butter trucks, boats, texturizers, and packers shall be constructed of aluminum, stainless steel, or equally corrosion resistant metal free from cracks, seams and must have a surface that is relatively smooth and easily cleanable. All non-metallic product surfaces shall comply with 3-A Standards for Plastic, Rubber, and Rubber-Like Material.

§ 58.318 Butter, frozen or plastic cream melting machines.

Shavers, shredders or melting machines used for rapid melting of butter, frozen or plastic cream shall be of stainless steel or equally corrosion resistant metal, free from cracks and of sanitary construction, and readily cleanable.

§ 58.319 Printing equipment.

All printing equipment shall be designed so as to adequately protect the product and be readily demountable for cleaning of product contact surfaces. All product contact surfaces shall be aluminum, stainless steel or equally corrosion resistant metal, or plastic, rubber and rubber like material which comply with 3-A standards, except that conveyors may be constructed of material which can be properly cleaned and maintained in a satisfactory manner.

§ 58.320 Brine tanks.

Brine tanks used for the treating of parchment liners shall be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank should also be provided with a satisfactory drainage outlet.

§ 58.321 Cream storage tanks.

Cream storage tanks shall meet the requirements of section 58.128(d). Cream storage tanks for continuous churns should be equipped with effective temperature controls and recording devices.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.322 Cream.

Cream separated at an approved plant and used for the manufacture of butter shall have been derived from raw material meeting the requirements as listed under section 58.132 thru 58.138 of this subpart.

The inspection of farm-separated cream to be used for manufacturing or processing into dairy products under this part shall be based on organoleptic examination and quality control tests to determine suitability of cream at the time of delivery thereof at the receiving plant or substation.

(a) *Organoleptic examination.* Cream received at an approved receiving plant, or substation shall be identified as to the producer, seller, or shipper from whom received. Each can of cream in each shipment shall be examined for physical characteristics, off-taste and odors including those associated with developed acidity. The condition of the cream shall be wholesome and characteristic of normal cream. The organoleptic examination and segregation of the cream which is used in the manufacturing or processing into butter, shall be consistent with the applicable flavor classification of butter set forth in the U.S. Standards for Grades of Butter. Any cream having pronounced or offensive off-taste or odors, or which is in an abnormal condition (including, but not being limited to surface mold, foamy, yeasty, fruity, or containing extraneous matter), or which is otherwise unwholesome, shall be rejected to the producer, seller, or shipper and shall not be used in the processing or manufacturing of dairy products.

(b) *Sediment content classification.* (1) For the purpose of quality control and establishing a rejection level of cream to the producer, seller, or shipper, the following classifications of cream for sediment shall be applicable using USDA Sediment Chart (7 CFR 58.2726) as the basis for classification.

(i) Sediment (off-the-bottom method):

No. 1—USDA Sediment Standard (not to exceed) 0.50 mg.
No. 2—USDA Sediment Standard (not to exceed) 1.00 mg.
No. 3—USDA Sediment Standard (not to exceed) 2.50 mg.

(ii) Sediment (mixed-can method):

No. 1—USDA Sediment Standard (not to exceed) 0.20 mg.
No. 2—USDA Sediment Standard (not to exceed) 0.30 mg.
No. 3—USDA Sediment Standard (not to exceed) 1.00 mg.

(2) At least twice each month one can of cream from each producer, seller, or shipper of farm separated cream shall be selected at random and tested by using the "off-the-bottom" method or the "mixed-can" method in accordance with acceptable and approved procedures.

(3) As a supplement to the regular sediment testing procedure it is recommended that whole-can filtering facilities be utilized for each can of each shipment of cream from the producer for coarse sediment or extraneous matter and rejections be made in accordance with State or Federal Food and Drug Administration practices.

(c) *Acceptable cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination and complying with No. 1 or No. 2 for sediment content may be used in the processing or manufacturing of dairy products.

(d) *Probational cream.* Cream acceptable pursuant to the requirements of paragraph (a) of this section for organoleptic examination but classified No. 3 for sediment content may be accepted for processing in an approved plant for three successive deliveries. Thereafter each successive delivery shall be tested for sediment content prior to acceptance. If the sediment content is in excess of No. 2 such cream shall be rejected to the producer, seller, or shipper, and successive deliveries shall continue to be rejected until the sediment content is No. 2, or better. As soon as any shipment of cream is classified as probationary a representative of the plant, receiving plant, or substation should contact the producer, seller, or shipper involved in the production of probational cream and if necessary arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant or substation and to offer constructive assistance for improvement in the quality of the cream.

(e) *Rejected cream.* (1) The cream from a producer, seller or shipper who has failed to improve the quality of his cream during the probationary period so as to meet the requirements of No. 2, or better, for sediment shall be rejected cream. Any further acceptance of cream from such a producer, seller, or shipper shall be on the basis of testing each shipment for sediment content, prior to acceptance to determine if the cream is No. 2, or better. If all cans of cream of the subsequent shipment meet No. 2, or better, such cream shall be classified as probational cream. When three successive shipments indicate cream of No. 2, or better, the cream may again be accepted, subject to regular periodic testing and quality control measures.

(2) If the initial new shipment fails to meet the requirements of No. 2 cream, or better, the plant shall not accept such cream until a representative of the plant again contacts the producer, seller, or shipper for the purpose of offering constructive assistance in correcting the unsatisfactory condition.

(f) *Field service.* A representative of the plant should arrange to promptly contact each producer, seller, or shipper involved in the production of probational or reject cream for the purpose of offering constructive assistance for the improvement in the quality of the cream. If necessary, he should arrange to inspect the equipment, utensils, and facilities at the farm, receiving plant, or substation. A representative of the plant should visit each producer, seller, or shipper as often as is practicable to assist in and encourage the production of high quality cream.

(g) *Records.* Accurate plant records listing the results of quality tests made on raw cream shall be maintained on cream from each producer, seller, or shipper. Each producer, seller, or shipper, shipping probational or rejected cream, shall be informed immediately of the results of such quality tests. Producers, sellers, or shippers, shipping No. 1 and No. 2 cream should receive such information at the time of regular remittances. Such records shall be available for examination by the inspector and kept on file for at least one year.

(h) *Alternate quality program.* When a processor has in operation an acceptable quality program, at the producer level, which is approved by the Administrator as being effective in obtaining results comparable to or higher than the quality program as outlined above for cream, then such a program may be accepted in lieu of the program herein prescribed.

§ 58.323 Whipped butter.

Whipped butter to be eligible for official certification with a U.S. Grade shield shall be graded prior to whipping and shall have originated from an approved plant. If made from cream in a continuous churning and whipping process, the quality of the cream used shall meet the requirements of cream for butter of comparable U.S. Grade.

§ 58.324 Butteroil made from butter.

To produce butteroil eligible for official certification, the butter used shall conform to the flavor requirements of U.S. Grade AA, U.S. Grade A, or U.S. Grade B, and shall have been manufactured in an approved plant.

§ 58.325 Anhydrous milkfat.

Made by a continuous separation process directly from milk or cream. To produce anhydrous milkfat eligible for official certification, the cream used shall be comparable to the flavor quality specified above for U.S. Grade AA or U.S. Grade A butter. Appearance should be fairly smooth and uniform in consistency. The cream shall be pasteurized in accordance with the procedure for cream for butter making (58.334a).

§ 58.326 Plastic cream.

To produce plastic cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.327 Frozen cream.

To produce frozen cream eligible for official certification, the quality of the cream used shall meet the requirements of cream acceptable for the manufacture of U.S. Grade AA or U.S. Grade A butter.

§ 58.328 Salt.

The salt shall be free-flowing, white refined sodium chloride and shall meet the requirements of The Food Chemical Codex.

§ 58.329 Color.

Coloring, when used shall be Annatto or any color which is approved by the U.S. Food and Drug Administration.

§ 58.330 Butter starter cultures.

Harmless bacterial cultures when used in the development of flavor components in butter and related products shall have a pleasing and desirable flavor and shall have the ability to transmit these qualities to the finished product.

§ 58.331 Starter distillate.

The refined flavor components when used to flavor butter and related products. It shall be of food grade quality, free of extraneous material and prepared in accordance with good commercial practice.

OPERATIONS AND OPERATING PROCEDURES

§ 58.332 Segregation of raw material.

The milk and cream received at the dairy plant shall meet the quality specifications as indicated under section 58.322. The milk and cream should be segregated by quality and processed separately in such a manner that the finished product will fully meet the requirements of a particular U.S. Grade or other specification, whichever is applicable.

§ 58.334 Pasteurization.

The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product or by procedures as set forth by the Administrator.

(a) *Cream for butter making.* The cream for butter making shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes; or pasteurized by HTST method at a minimum temperature of not less than 185° F. for not less than 15 seconds; or it shall be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping-quality characteristics.

Adequate pasteurization control shall be used and the diversion valve shall be set to divert at no less than 185° F. with a 15 second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to holding period to assure temperature of air space reach-

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ing 5° F. higher than the minimum temperature during the holding time. Covers shall also be kept closed during the holding and cooling period.

(b) *Cream for plastic or frozen cream.* The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in (a) above, except that the temperature for the vat method shall be not less than 170° F. for not less than 30 minutes, or not less than 190° F. for not less than 15 seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics.

§ 58.335 Quality control tests.

All milk, cream and related products are subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies in processing and manufacturing. Routine analysis shall be made on raw materials and finished products to assure adequate microbiological, composition and chemical control.

§ 58.336 Frequency of sampling for quality control of cream, butter and related products.

(a) *Microbiological.* Samples shall be taken from churnings or batches and should be taken as often as is necessary to insure microbiological control.

(b) *Composition.* Sampling and testing for product composition shall be made on churns or batches as often as is necessary to insure adequate composition control. For in-plant control, the Kohman or modified Kohman test may be used.

(c) *Chemical.* (1) *Acid degree value.* This test should be made on churnings or batches from samples taken from the cream as often as is necessary to aid in the control of lipase activity.

(2) *Free fatty acid.* This test should be made on churnings or batches from samples taken from the butter as often as is necessary to aid in the control of lipase activity.

(d) *Other analysis.* Other chemical analysis or physical measurements shall be performed as often as is necessary to insure meeting grade standards and contract specifications.

(e) *Weight or volume control.* Representative samples of the packaged product shall be checked using procedures prescribed by the Administrator during the packaging operation to assure compliance with the stated net weight or volume on the container.

(f) *Keeping quality and stability.* Samples from churnings shall be subjected to a seven day keeping quality test at a temperature of 72° F. to establish and maintain a satisfactory keeping quality history. Optionally 98° F. for 48 hours may be used, however, in case of a dispute, the results of the seven days at 72° F. will prevail.

§ 58.337 Official test methods.

(a) *Chemical.* Chemical analyses except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, published by the Association of Official Analytical Chemists, The Official and Tentative Methods of the American Oil Chemists Society or any other methods giving equivalent results.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described or suggested in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

§ 58.338 Composition and wholesomeness.

All ingredients used in the manufacture of butter and related products shall be subject to inspection and shall be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and all other necessary precautions shall be taken to prevent contamination of products. All finished products shall comply with the requirements of the Federal Food, Drug and Cosmetic Act, as to composition and wholesomeness.

§ 58.339 Containers.

(a) Containers used for the packaging of butter and related products shall be commercially acceptable containers or packaging material that will satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing two pounds or less, to protect the product from contamination during subsequent handling.

(b) *Liners and wrappers.* Supplies of parchment liners, wrappers and other packaging material shall be protected against dust, mold and other possible contamination.

Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally non-corrosive material. The liners shall be maintained in the solution for not less than 30 minutes. The liners shall be effectively treated with a solution consisting of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

Other liners such as polyethylene shall be treated or handled in such a manner as to prevent contamination of the liner prior to filling.

(c) *Filling bulk butter containers.* The lined butter containers shall be protected from possible contamination prior to filling. Use of parchment liners may be accomplished by alternately inverting one container over the other or stacking the lined boxes on their sides in a rack, until ready for use. When using polyethylene liners the boxes should be lined immediately prior to use. When packing butter into the bulk containers, care shall be taken to fill the corners leaving as few holes or openings as possible. The surface of the butter as well as the covering liner shall be smoothed evenly over the top surface before closing and sealing the container. Containers should be stacked only as high as the firmness of the product will support weight, so as not to crush or distort the container.

§ 58.340 Printing and packaging.

Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions. Separate rooms equipped with automatic filling and packaging equipment should be provided. The outside cartons should be removed from bulk butter in a room outside of the printing operation but the parchment removal and cutting of the butter may be done in the print room.

§ 58.341 Repackaging.

When officially graded or inspected bulk product is to be repackaged into consumer type packages for official grade labeling or other official identification, a supervisor of packaging shall be required and the plant, equipment, facilities and personnel shall meet the same specifications as outlined in this part, including such markings or identification as may be required.

§ 58.342 General identification.

Commercial bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification (manufacturer's lot number, churn number, etc.) and any other identification that may be required. Packages of plastic or frozen cream shall be marked with the percent of milkfat.

§ 58.343 Storage of finished product in coolers.

All products shall be kept under refrigeration at temperatures of 40° F. or lower after packaging and until ready for distribution or shipment. The products shall not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

§ 58.344 Storage of finished product in freezer.

(a) *Sharp freezers.* Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced in such a manner that air can freely circulate between and around the packages. The rooms shall be maintained at −10° F. or lower and shall be equipped to provide sufficient high velocity, air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(b) *Freezer storage.* The room shall be maintained at a temperature of 0° F. or lower. Adequate air circulation is desirable.

Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced in such a manner as to permit rapid freezing and repiled, if necessary, at a later time.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.345 Butter.

The quality requirements for butter shall be in accordance with the U.S. Standards for Grades of Butter for U.S. Grade AA, U.S. Grade A, or U.S. Grade B, respectively.

In addition, the butter is subject to the following specifications when sampled and tested in accordance with sections 58.336 and 58.337.

Proteolytic count, not more than 100 per gram; yeast and mold count, not more than 20 per gram; coliform count, not more than 10 per gram.

Optional except when required or requested: Copper content, not more than 0.3 ppm; iron content, not more than 1.0 ppm; enterococci, not more than 10 per gram.

§ 58.346 Whipped butter.

The flavor requirements as applicable for Whipped Butter shall be in accordance with the U.S. Standards for Grades of Butter, U.S. Grade AA, U.S. Grade A, or U.S. Grade B respectively.

In addition, the whipped butter is subject to the following specifications when sampled and tested in accordance with section 58.336 and 58.337.

Proteolytic count, not more than 100 per gram; yeast and mold count, not more than 20 per gram; coliform count, not more than 10 per gram.

Optional except when required or requested: Copper content, not more than 0.3 ppm; iron content, not more than 1.0 ppm; enterococci, not more than 10 per gram.

§ 58.347 Butteroil or anhydrous milkfat.

The flavor shall be bland, free from rancid, oxidized or other objectionable flavors.

In addition, the finished products shall meet the following specifications when sampled and tested in accordance with sections 58.336 and 58.337.

Butteroil		Anhydrous milk fat
Not less than 99.6 percent.	Milkfat	Not less than 99.8 percent.
Not more than 0.3 percent.	Moisture	Not more than 0.15 percent.
Not more than 0.1 percent.	Other butter constituents including salt.	
Not more than 0.05 percent.	Salt	
Not more than 0.5 percent (calculated as oleic acid).	Free fatty acids	Not more than 0.3 percent (calculated as oleic acid).
Not more than 0.1 milli equivalents per kilogram of fat.	Peroxide value	Not more than 0.1 milli equivalents per kilogram of fat.
Not more than 0.10 ppm.	Copper content	Not more than 0.10 ppm.

§ 58.348 Plastic cream.

The flavor shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree; aged, bitter, flat, smothered and storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors.

In addition, the finished product shall meet the following specifications when sampled and tested in accordance with sections 58.336 and 58.337.

Standard plate count, not more than 30,000 per gram; coliform count, not more than 10 per gram; yeast and mold, not more than 20 per gram; copper content, not more than 0.3 ppm.; iron content, not more than 1.0 ppm.

§ 58.349 Frozen cream.

The flavor shall be sweet, pleasing and desirable, but may possess the following flavors to a slight degree: aged, bitter, flat, smothered, storage; and cooked and feed flavors to a definite degree. It shall be free from rancid, oxidized or other objectionable flavors.

In addition, the product shall meet the following specifications when sampled and tested in accordance with sections 58.336 and 58.337. Samples for analysis should be taken prior to freezing of the product.

Standard plate count, not more than 30,000 per ml.; coliform count, not more than 10 per ml.; yeast and mold, not more than 20 per ml.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING CHEESE

DEFINITIONS

§ 58.405 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Cheese.* The fresh or matured product obtained by draining after coagulation of milk, cream, skimmed or partly skimmed milk or a combination of some or all of these products and including any cheese that conforms to the provisions of 21 CFR 19.500 up to 19.750, "Definitions and Standards of Identity for Cheese and Cheese Products," Food and Drug Administration.

(b) *Milkfat from whey.* The fat obtained from the separation of cheese whey.

ROOMS AND COMPARTMENTS

§ 58.406 Starter facility.

A separate starter room or properly designed starter tanks and satisfactory air movement techniques shall be provided for the propagation and handling of starter cultures. All necessary precaution shall be taken to prevent contamination of the facility, equipment and the air therein. A filtered air supply with a minimum average efficiency of 90% when tested in accordance with the ASHRAE Synthetic Dust Arrestance Test should be provided so as to obtain outward movement of air from the room to minimize contamination.

§ 58.407 Make room.

The rooms in which the cheese is manufactured shall be of adequate size, and the equipment adequately spaced to permit movement around the equipment for proper cleaning and satisfactory working conditions. Adequate filtered air ventilation shall be provided. When applicable, the mold count should be not more than 15 colonies per plate during a 15 minute exposure.

§ 58.408 Brine room.

A brine room, when applicable, should be a separate room constructed so it can be readily cleanable. The brine room equipment shall be maintained in good repair and corrosion kept at a minimum.

§ 58.409 Drying room.

When applicable, a drying room of adequate size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Temperature and humidity control facilities should be provided which will promote the development of a sound, dry surface of the cheese.

§ 58.410 Paraffining room.

When applicable for rind cheese, a separate room or compartment should be provided for parliffining and boxing the cheese. The room shall be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

§ 58.411 Rindless cheese wrapping area.

For rindless cheese a suitable space shall be provided for proper wrapping and boxing of the cheese. The area shall be free from dust, condensation, mold or other conditions which may contaminate the surface of the cheese or contribute to unsatisfactory packaging of the cheese.

§ 58.412 Coolers or curing rooms.

Coolers or curing rooms where cheese is held for curing or storage shall be clean and maintained at the proper uni-

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form temperature and humidity to adequately protect the cheese, and minimize the undesirable growth of mold. Proper circulation of air shall be maintained at all times. The shelves shall be kept clean and dry. This does not preclude the maintenance of suitable conditions for the curing of mold and surface ripened varieties.

§ 58.413 Cutting and packaging rooms.

When small packages of cheese are cut and wrapped, separate rooms shall be provided for the cleaning and preparation of the bulk cheese and for the cutting and wrapping operation. The rooms shall be well lighted, ventilated and provided with filtered air. Air movement shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room. The waste materials and waste cheese shall be disposed of in an environmentally and/or sanitary approved manner.

EQUIPMENT AND UTENSILS

§ 58.414 General construction, repair and installation.

All equipment and utensils necessary to the manufacture of cheese and related products shall meet the same general requirements as outlined in section 58.128. In addition, for certain other equipment the following requirements shall be met.

§ 58.415 Starter vats.

Bulk starter vats shall be of stainless steel or equally corrosion resistant metal and should be constructed according to the applicable 3–A Sanitary Standards. New or replacement vats shall be constructed according to the applicable 3–A Sanitary Standards. The vats shall be in good repair, equipped with tight fitting lids and have adequate temperature controls such as valves, indicating and/or recording thermometers.

§ 58.416 Cheese vats, tanks and drain tables.

The vats, tanks and drain tables used for making cheese should be of metal construction with adequate jacket capacity for uniform heating. The inner liner shall be minimum 16 gauge stainless steel or other equally corrosion resistant metal, properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jacket shall be constructed so as to prevent milk or cheese from entering the inner jacket.

The vat, tank and/or drain table shall be equipped with a suitable sanitary outlet valve. Effective valves shall be provided and properly maintained to control the application of heat to this equipment. If this equipment is provided with removable cloth covers, they shall be clean.

§ 58.417 Mechanical agitators.

The mechanical agitators shall be of sanitary construction. The carriages shall be of the enclosed type and all product contact surfaces, shields, shafts, and hubs shall be constructed of stainless steel or other equally corrosion resistant metal. Metal blades, forks, or stirrers shall be constructed of stainless steel and of material approved in the 3–A Sanitary Standards for Plastic, and Rubber and Rubber-like Materials and shall be free from rough or sharp edges which might scratch the equipment or remove metal particles.

§ 58.418 Automatic cheese making equipment.

(a) *Automatic Curd Maker.* The automatic curd making system shall be constructed of stainless steel or of material approved in the 3–A Sanitary Standards for Plastic, and Rubber and Rubber-Like Material. All areas shall be free from cracks and rough surfaces and constructed so that they can be easily cleaned.

(b) *Curd conveying systems.* The curd conveying system, conveying lines and cyclone separator shall be constructed of stainless steel or other equally corrosion resistant metal and so that it can be satisfactorily cleaned. The system shall be of sufficient size to handle the volume of curd and be provided with filtered air of the quality satisfactory for the intended use. Air compressors or vacuum pumps shall not be located in the processing or packaging areas.

(c) *Automatic salter.* The automatic salter shall be constructed of stainless steel or other equally corrosion resistant metal. This equipment shall be constructed to equally distribute the salt throughout the curd. It shall be designed to accurately weigh the amount of salt added. The automatic salter shall be constructed so that it can be satisfactorily cleaned. The salting system shall provide for adequate absorption of the salt in the curd. Water and steam used to moisten the curd prior to salting shall be potable water or culinary steam.

(d) *Automatic curd filler.* The automatic curd filler shall be constructed of stainless steel or other equally corrosion resistant metal. This equipment shall be of sufficient size to handle the volume of curd and constructed and controlled so as to accurately weigh the amount of curd as it fills. The curd filler shall be constructed so that it can be satisfactorily cleaned.

(e) *Hoop and barrel washer.* The washer shall be constructed so that it can be satisfactorily cleaned. It shall also be equipped with temperature and pressure controls to insure satisfactorily cleaning of the hoops or barrels. It should be adequately vented to the outside.

§ 58.419 Curd mill and miscellaneous equipment.

Knives, hand rakes, shovels, scoops, paddles, strainers, and miscellaneous equipment shall be stainless steel or of material approved in the 3–A Sanitary Standards for Plastic and Rubber-like Material. The product contact surfaces of the curd mill should be of stainless steel. All pieces of equipment shall be so constructed that they can be kept clean and free from rough or sharp edges which might scratch the equipment or remove metal particles. The wires in the curd knives shall be stainless steel, kept tight and replaced when necessary.

§ 58.420 Hoops, forms and followers.

The hoops, forms, and followers shall be constructed of stainless steel, heavy tinned steel or other approved materials. If tinned, they shall be kept tinned and free from rust. All hoops, forms, and followers shall be kept in good repair. Drums or other speical forms used to press and store cheese shall be clean and sanitary.

§ 58.421 Press.

The cheese press should be constructed of stainless steel and all joints welded and all surfaces, seams and openings readily cleanable. The pressure device shall be the continuous type. Press clothes shall be maintained in good repair and in a sanitary condition. Single service press clothes shall be used only once.

§ 58.422 Brine tank.

The brine tank shall be constructed of suitable non-toxic material and should be resistant to corrosion, pitting or flaking. The brine tank shall be operated so as to assure the brine is clean, well circulated, and of the proper strength and temperature for the variety of cheese being made.

§ 58.423 Cheese vacuumizing chamber.

The vacuum chamber shall be satisfactorily constructed and maintained so that the product is not contaminated with rust or flaking paint. An inner liner of stainless steel or other corrosion resistant material should be provided.

§ 58.424 Monorail.

The monorail shall be constructed so as to prevent foreign material from falling on the cheese or cheese containers.

§ 58.425 Conveyor for moving and draining block or barrel cheese.

The conveyor shall be constructed so that it will not contaminate the cheese and be easily cleaned. It shall be installed so that the press drippings will not cause an environmental problem.

§ 58.426 Rindless cheese wrapping equipment.

The equipment used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces. The equipment used to apply shrinkable wrapping material to rindless cheese shall operate to maintain relatively square corners, reasonably smooth surfaces on the cheese and adhere tightly to the surface of the cheese.

§ 58.427 Paraffin tanks.

The metal tank should be adequate in size, have wood rather than metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be kept clean.

§ 58.428 Speciality equipment.

All product contact areas of speciality equipment shall be constructed of stainless steel or of material approved in the 3–A Sanitary Standards for Plastic and Rubber and Rubber-Like Material, and constructed following 3–A Sanitary Standards principles.

§ 58.429 Washing machine.

When used, the washing machine for cheese clothes and bandages shall be of commercial quality and size; or of sufficient size to handle the applicable load. It should be equipped with temperature and water level controls.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.430 Milk.

The milk shall be fresh, sweet, pleasing and desirable in flavor and shall meet the requirements as outlined under section 58.132 thru 58.138. The milk may be adjusted by separating part of the fat from the milk or by adding one or more of the following dairy products: Cream, skim milk, concentrated skim milk, nonfat dry milk, and water in a quantity sufficient to reconstitute any concentrated or dry milk used. Such dairy products shall have originated from raw milk meeting the same requirements as outlined under section 58.132 thru 58.138.

§ 58.431 Hydrogen peroxide.

The solution shall comply with the specification of the U.S. Pharmacopeia, except that it may exceed the concentration specified therein and it does not contain added preservative. Application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products", Food and Drug Administration.

§ 58.432 Catalase.

The catalase preparation shall be a stable, buffered solution, neutral in pH, having a potency of not less than 100 Kell units per milliliter. The source of the catalase, its application and usage shall be as specified in the "Definitions and Standards of Identity for Cheese and Cheese Products," Food and Drug Administration.

§ 58.433 Cheese cultures.

Harmless microbial cultures used in the development of acid and flavor components in cheese shall have a pleasing and desirable taste and odor and shall have the ability to actively produce the desired results in the cheese during the manufacturing process.

§ 58.434 Calcium chloride.

Calcium chloride, when used, shall meet the requirements of the Food Chemical Codex.

§ 58.435 Color.

Coloring when used, shall be Annatto or any cheese or butter color which meet the requirements of the Food and Drug Administration.

§ 58.436 Rennet, pepsin, other milk clotting enzymes and flavor enzymes.

Enzyme preparations used in the manufacture of cheese shall be safe and suitable.

§ 58.437 Salt.

The salt shall be free-flowing, white refined sodium chloride and shall meet the requirements of the Food Chemical Codex.

OPERATIONS AND OPERATING PROCEDURES

§ 58.438 Cheese from pasteurized milk.

If the cheese is labeled as pasteurized, the milk shall be pasteurized by subjecting every particle of milk to a minimum temperature of 161° F. for not less than 15 seconds or by any other acceptable combination of temperature and time treatment approved by the Administrator. HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between the time of pasteurization and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.439 Cheese from unpasteurized milk.

If the cheese is labeled as "heat treated", "unpasteurized," "raw milk", or "for manufacturing" the milk may be raw or heated at temperatures below pasteurization. Cheese made from unpasteurized milk shall be cured for a period of 60 days at a temperature not less than 35° F. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

§ 58.440 Time schedule.

A uniform schedule should be established and followed as closely as possible for the various steps of setting, cutting, cooking, draining the whey and milling the curd, to promote a uniform quality of cheese.

§ 58.441 Records.

Starter and make records should be kept at least six months.

§ 58.442 Laboratory and quality control tests.

(a) *Chemical analyses.* (1) *Milkfat and moisture.* One sample shall be tested from each vat of the finished cheese to assure compliance with composition requirements.

(2) *Test method.* Chemical analysis shall be made in accordance with the methods described in Official Methods of Analysis of the Association of Official Analytical Chemists as specified in the appropriate standards of identity, the latest edition of Standard Methods or by other methods giving equivalent results.

(b) *Weight or volume control.* Representative samples of the finished product shall be checked during the packaging operation to assure compliance with the stated net weight on the container of consumer size packages.

§ 58.443 Whey handling.

(a) Adequate sanitary facilities shall be provided for the handling of whey. If outside, necessary precautions shall be taken to minimize flies, insects and development of objectionable odors.

(b) Whey or whey products intended for human food shall at all times be handled in a sanitary manner in accordance with the procedures of this subpart as specified for handling milk and dairy products.

(c) Milkfat from whey should not be more than four days old when shipped.

§ 58.444 Packaging and repackaging.

Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and the packaging material shall be practically free from mold and bacterial contamination.

When officially graded bulk cheese is to be repackaged into consumer type packages with official grade labels or other official identification, a supervisor of packaging shall be required. If the repackaging is performed in a plant other than the one in which the cheese is manufactured and the product is officially identified, the plant, equipment, facilities and personnel shall meet the same requirements as outlined in this part.

§ 58.445 General identification.

Bulk cheese for cutting and the container for cheese for manufacturing shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designated code number or name and address of manufacturer. Each consumer sized container shall meet the requirements of the Food and Drug Administration's "Fair Packaging and Labeling Act".

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.446 Quality requirements.

(a) *Cheddar cheese.* The quality requirements for Cheddar cheese shall be in accordance with the U.S. Standards for Grades of Cheddar Cheese.

(b) *Colby cheese.* The quality requirements for Colby cheese shall be in accordance with the U.S. Standards for Grades of Colby Cheese.

(c) *Monterey (Monterey Jack) cheese.* The quality requirements for Monterey (Monterey Jack) cheese shall be in accordance with the U.S. Standards for Grades of Monterey (Monterey Jack) Cheese.

(d) *Swiss cheese, Emmentaler cheese.* The quality requirements for Swiss cheese, Emmentaler cheese shall be in accordance with the U.S. Standards for Grades for Swiss Cheese, Emmentaler Cheese.

(e) *Bulk American cheese for manufacturing.* The quality requirements for

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bulk American cheese for manufacturing shall be in accordance with the U.S. Standards for Grades of Bulk American Cheese for Manufacturing.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING AND PACKAGING COTTAGE CHEESE

DEFINITIONS

§ 58.505 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Condensed skim.* Skim milk which has been condensed to approximately one-third the original volume in accordance with standard commercial practice.

(b) *Cottage cheese.* (1) *Cottage cheese dry curd.* The soft uncured cheese meeting the requirements of 21 CFR 19.525 Food and Drug Administration.

(2) *Cottage cheese.* The soft uncured cheese meeting the requirements of 21 CFR 19.530, Food and Drug Administration.

(3) *Lowfat Cottage cheese.* The soft uncured cheese meeting the requirements of 21 CFR 19.531, Food and Drug Administration.

(c) *Direct acidification.* The production of cottage cheese, without the use of bacterial starter cultures, through the use of approved food grade acids. This product shall be labeled according to the requirements of 21 CFR 19.530(d), Food and Drug Administration.

(d) *Cottage cheese with fruits, nuts, chives, or other vegetables.* Shall consist of cottage cheese to which has been added fruits, nuts, chives or other vegetables. The finished cheese shall contain not more than 80.0 percent of moisture nor less than 4.0 percent milkfat by weight prior to the addition of such ingredients.

(e) *Cream.* The milkfat portion of milk which rises to the surface of milk on standing or is separated from it by centrifugal force and contains not less than 18.0 percent of milkfat.

(f) *Creaming mixture.* The creaming mixture consists of cream or a mixture of cream with milk or skim milk or both. To adjust the solids content, nonfat dry milk or concentrated skim milk may be added but not to exceed 3.0 percent by weight of the creaming mixture. It may or may not contain a culture of harmless lactic acid and flavor producing bacteria, food grade acid, salt, and stabilizers with or without carriers. The creaming mixture in its final form may or may not be homogenized and shall conform to the provisions of 21 CFR 19.530(b), Food and Drug Administration.

ROOMS AND COMPARTMENTS

§ 58.510 Rooms and compartments.

(a) Processing operations with open cheese vats should be separated from other rooms or areas. Excessive personnel traffic or other possible contaminating conditions should be avoided. Rooms, compartments, coolers, and dry storage space in which any raw material, packaging or ingredients supplies or finished products are handled, processed, packaged or stored shall be designed and constructed to assure clean and orderly operations.

(b) *Ventilation.* Processing and packaging rooms or compartments shall be ventilated to maintain sanitary conditions, preclude the growth of mold and air borne bacterial contaminants, prevent undue condensation of water vapor and minimize or eliminate objectionable odors. To minimize air borne contamination in processing and packaging rooms a filtered air supply meeting the requirements of section 58.510(a) shall oe provided. The incoming air shall exert an outward pressure so that the movement of air will be outward and prevent the movement of unfiltered air inward.

(c) *Starter facility.* A separate starter room or properly designed starter tanks and satisfactory air movement techniques shall be provided for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the room, equipment and the air therein. A filtered air supply with a minimum average efficiency of 90% when tested in accordance with the ASHRAE Synthetic Dust Arrestance Test should be provided so as to obtain an outward movement of air from the room to minimize contamination.

(d) *Coolers.* Coolers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products. Coolers shall be kept clean, orderly and free from mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

EQUIPMENT AND UTENSILS

§ 58.511 General construction, repair and installation.

The equipment and utensils used for the manufacture and handling of cottage cheese shall be as specified in section 58.128. In addition for certain other equipment the following requirements shall be met.

§ 58.512 Cheese vats or tanks.

Cheese vats or tanks shall meet the requirements of section 58.416. When direct steam injection is used for heating the milk, the vat or tank may be of single shell construction. The steam shall be culinary steam.

Vats shall be equipped with valves to control the heating and cooling medium and a suitable sanitary outlet valve. Also the vats should be equipped with removable stainless steel or other suitable metal covers, cloth covers which can be regularly and suitably laundered, or with single service paper covers. Vats used for creaming curd should be equipped with a refrigerated cooling medium. A circulating pump for the heating and cooling medium is recommended.

§ 58.513 Agitators.

Mechanical agitators shall meet the requirements of section 58.417.

§ 58.514 Container fillers.

Shall conform to the 3-A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

§ 58.515 Mixers.

Only mixers shall be used which will mix the cheese carefully and keep shattering of the curd particles to a minimum. They shall be constructed in such a manner as to be readily cleanable. If shafts extend through the wall of the tank below the level of product, they shall be equipped with proper seals which are readily removable for cleaning and sanitizing. The mixer shall be enclosed or equipped with tight fitting covers.

§ 58.516 Starter vats.

Bulk starter vats shall meet the requirements of section 58.415.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.517 General.

Raw materials used for manufacturing cottage cheese shall meet the following quality specifications.

§ 58.518 Milk.

The selection of raw milk for cottage cheese shall be in accordance with sections 58.132 thru 58.138.

§ 58.519 Dairy products.

(a) *Raw skim milk.* All raw skim milk obtained from a secondary source shall be separated from milk meeting the same quality requirements for milk as outlined in section 58.518 above. Skim milk after being pasteurized and separated shall be cooled to 45°F or lower unless the skim milk is to be set for cheese within two hours after pasteurizing. The skim milk should not be more than 24 hours old from the time the milk was received at the plant and the skim milk is set for cheese.

(b) *Nonfat dry milk.* Nonfat dry milk, when used in cottage cheese bearing official identification, shall meet the requirements for U.S. Extra Grade (Spray Process), at time of use, and should be of U.S. Low Heat Classification (not less than 6.0 mg. undenatured whey protein nitrogen per gram of nonfat dry milk). In addition, the nonfat dry milk shall have a direct microscopic count not exceeding 75 million per gram. The age of the nonfat dry milk shall be covered by a USDA grading certificate, evidencing compliance with quality requirements, dated not more than 6 months prior to use of the dry milk. In the interim between manufacture and use, the nonfat dry milk shall be stored in a clean, dry, vermin-free space. In any case, if the nonfat dry milk is more than 120 days old, at time of use, it shall be examined

for flavor to make certain that it meets that requirement for U.S. Extra Grade.

(c) *Condensed skim milk.* Condensed skim milk, if used, shall be prepared from raw milk or skim milk that meets the same quality requirements outlined above for raw milk or skim milk. The concentrated skim milk should meet the requirement for U.S. Low Heat Classification for Nonfat Dry Milk (Spray Process) as indicated in the U.S. Grade Standards for Nonfat Dry Milk. It shall be cooled promptly after drawing from the vacuum pan or evaporator and shall have been pasteurized before concentrating or during the manufacture. The standard plate count of the concentrated milk shall not exceed 30,000 per ml. at time of use.

(d) *Cream.* Any cream used for preparing the dressing for creamed cottage cheese shall be separated from milk meeting at least the same quality requirements as the skim milk used for making the curd. The flavor of the cream shall be fresh and sweet. Cream obtained from a secondary source shall meet the same requirements. The creaming mixture prepared from this cream, after pasteurization, shall have a standard plate count of no more than 30,000 per ml.

§ 58.520 Nondairy ingredients.

(a) *Calcium chloride.* Calcium chloride, when used, shall be of food grade quality and free from extraneous material.

(b) *Salt.* Salt shall be free flowing, white refined sodium chloride and shall meet the requirements of The Food Chemical Codex.

(c) *Other ingredients.* Other ingredients such as fruits, nuts, chives or other vegetables used or blended with cottage cheese shall be reasonably free of bacteria so as not to appreciably increase the bacterial count of the finished product. The various ingredients in kind shall be consistent in size and color so as to produce the desired appearance and appeal of the finished product. The flavor of the ingredients used shall be natural and represent the intended flavor and intensity desired in the finished product. Such ingredients shall be clean, wholesome, of uniformly good quality, free from mold, rancid or decomposed particles. Vegetables used in cottage cheese may first be soaked for 15 to 20 minutes in a cold 25 to 50 ppm chlorine solution to appreciably reduce the bacterial population. After soaking, the vegetables shall be drained and used soon thereafter.

OPERATIONS AND OPERATING PROCEDURES

§ 58.521 Pasteurization and product flow.

(a) The skim milk used for the manufacture of cottage cheese shall be pasteurized not more than 24 hours prior to the time of setting by heating every particle of skim milk to a temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time giving equivalent results. All skim milk must be cooled promptly to setting temperature. If held more than two hours between pasteurization and time of setting, the skim milk shall be cooled and held at 45° F. or lower until set.

(b) Cream or cheese dressing shall be pasteurized at not less than 150° F. for not less than 30 minutes or at not less than 166° F. for not less than 15 seconds or by any other combination of temperature and time treatment giving equivalent results. Cream and cheese dressing shall be cooled promptly to 40° F. or lower after pasteurization to aid in further cooling of cottage cheese curd for improved keeping quality.

(c) Reconstituted nonfat dry milk for cottage cheese manufacture need not be re-pasteurized provided it is reconstituted within two hours prior to the time of setting. Skim milk separated from pasteurized whole milk need not be re-pasteurized provided it is separated in equipment from which all traces of raw milk from previous operations have been removed by proper cleaning and sanitizing.

§ 58.522 Reconstituting nonfat dry milk.

Nonfat dry milk shall be reconstituted in a sanitary manner, preferably by the use of a centrifugal pump and funnel arrangement. It shall be reconstituted within two hours of the time of setting, using water which is free from viable pathogenic or otherwise harmful microorganisms as well as microorganisms which may cause spoilage of cottage cheese.

§ 58.523 Laboratory and quality control tests.

(a) Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing and manufacturing as an aid in correcting deficiencies. Routine analyses shall be made on raw materials and finished products to assure adequate composition control. Keeping quality tests shall be made on each vat of finished cottage cheese to determine shelf-life and stability of the finished product.

(c) *Frequency of sampling.* (1) *Microbiological.* Samples of raw milk for testing shall be taken as prescribed in section 58.135. One sample shall be taken for each vat of finished cottage cheese and from each lot, tank or batch of product used as ingredient. For keeping quality tests one or more samples shall be taken from each vat of finished cottage cheese.

(2) *Chemical.* (i) *Milkfat and moisture.* One sample shall be taken from each vat of creamed cheese; dry cottage cheese shall be tested for moisture only.

(ii) *pH.* One sample shall be taken from each vat of finished cottage cheese.

(c) *Test methods.* (1) *Microbiological.* Microbiological determinations shall be made for coliform, psychrophiles and yeasts and molds. These tests shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products, published by the American Public Health Association.

(2) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, published by the Association of Official Analytical Chemists, the latest edition of Standard Methods for the Examination of Dairy Products, or by other methods giving equivalent results.

§ 58.524 Packaging and general identification.

(a) *Containers.* Containers used for packaging cottage cheese shall be any commercially acceptable multiple use or single service container or packaging material which will satisfactorily protect the contents through the regular channels of trade without significant impairment of quality with respect to flavor, or contamination under normal conditions of handling. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing two pounds or less, to protect the product from contamination during subsequent handling.

(b) *Packaging.* The cheese shall be packaged in a sanitary manner and automatic filling and capping equipment shall be used on all small sizes. The containers shall be checked weighed during the filling operation to assure they are filled uniformly to not less than the stated net weight on the container. Also care shall be taken that the cottage cheese be of uniform consistency at the time of packaging to assure legal composition in all packages.

(c) *General identification.* Bulk packages containing cottage cheese shall be adequately and legibly marked with the name of the product, net weight, name and address of the manufacturer, lot number, code or date of packaging and any other identification as may be required. Consumer size packaged products shall meet the requirements of the Food and Drug Administration's "Fair Packaging and Labeling Act."

§ 58.525 Storage of finished product.

Cottage cheese after packaging shall be promptly stored at a temperature of 45° F. or lower to maintain quality and condition until loaded for distribution. During distribution and storage prior to sale the product should be maintained at a temperature of 45° F. or lower. The product shall not be exposed to foreign odors or conditions such as drippage or condensation that might cause package or product damage. Packaged cottage cheese shall not be placed directly on floors.

REQUIREMENTS FOR COTTAGE CHEESE BEARING USDA OFFICIAL IDENTIFICATION

§ 58.526 Physical requirements.

(a) *Flavor.* The cottage cheese shall possess a mild pleasing flavor, similar to fresh whole milk or light cream and may possess the delicate flavor and aroma of a good lactic starter. The product may possess to a slight degree a feed, acid, or salty flavor but shall be free from chalky, bitter, utensil, fruity, yeasty, or other objectionable flavors.

(b) *Body and texture.* The curd particles shall have a meaty texture, but

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sufficiently tender to permit proper absorption of cream or cheese dressing. The texture shall be smooth and velvety and shall not be mealy, crumbly, pasty, sticky, mushy, watery, rubbery or slimy or possess any other objectionable characteristics of body and texture. Small curd style (cut with ¾ inch knives) shall have curd particles approximately ¼ inch or less in size. Large curd style (cut with knives over ¼ inch) shall have curd particles approximately ⅜ inch or more in size.

(c) *Color and appearance.* The finished cottage cheese, creamed or plain curd, shall have an attractive natural color and appearance with curd particles of reasonably uniform size. The creamed cottage cheese shall be uniformly mixed with the cream or dressing properly absorbed or adhering to the curd so as to prevent excessive drainage.

§ 58.527 Microbiological requirements at time of packaging in 3 out of 5 consecutive samples.

(a) *Coliform.* Not more than 10 per gram.

(b) *Psychrophiles.* Not more than 100 per gram.

(c) *Yeasts and molds.* Not more than 10 per gram.

§ 58.528 Chemical requirements.

(a) *Moisture.* Not more than 80.0 percent.

(b) *Milkfat.* Not less than 4.0 percent (no requirement for dry curd cottage cheese).

(c) *pH.* Not higher than 5.2.

(d) *Phosphatase.* Not more than 4 micrograms of phenol equivalent per gram of cheese.

§ 58.529 Keeping quality requirements.

Keeping quality samples taken from the packaging line shall be held at 50° F. for 10 days. At the end of the 10 day period the samples shall possess a satisfactory flavor and appearance, and shall be free from bitter, sour, fruity, or other objectionable tastes and odors. The surface shall not be discolored, translucent, slimy or show any other objectionable condition.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING FROZEN DESSERTS

DEFINITIONS

§ 58.605 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to imparl the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning as applied to frozen desserts meeting FDA requirements and briefly defined as follows:

(a) *Ice cream.* The product conforming to the requirements of section 20.2 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.2).

(b) *Frozen custard.* The product conforming to the requirements of section 20.2 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.2).

(c) *Ice milk.* The product conforming to the requirements of section 20.3 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.3).

(d) *Sherbet.* The product conforming to the requirements of section 20.4 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.4).

(e) *Mellorine.* The product conforming to the requirements of section 20.8 "Definitions and Standards of Identity for Frozen Desserts," U.S. Food and Drug Administration (21 CFR 20.8).

(f) *Overrun.* The trade expression used to reference the increase in volume of the frozen product over the volume of the mix. This increase in volume is due to air being whipped into the product during the freezing process. It is expressed as percent of the volume of the mix.

(g) *Mix.* The trade name for the combined and processed ingredients which after freezing become a frozen dessert.

ROOMS AND COMPARTMENTS

§ 58.619 Mix processing room.

The rooms used for combining mix ingredients and processing the mix shall meet the applicable requirements for rooms specified in section 58.126. The room shall be ventilated to remove moisture and prevent condensation from forming on walls and ceiling. The room shall be well lighted.

§ 58.620 Freezing and packaging rooms.

The rooms used for freezing and packaging frozen desserts shall be adequate in size to permit satisfactory air circulation and maintained in a clean and sanitary condition. The rooms shall be constructed in the same manner as prescribed above for mix rooms.

§ 58.621 Freezing tunnels.

Freezing tunnels for quick freezing at extremely low temperatures shall be designed and constructed as to insure ease in cleaning and satisfactory conditions of operation.

§ 58.622 Hardening and storage rooms.

Hardening and storage rooms for frozen desserts shall be constructed of satisfactory material for this purpose. The rooms shall be maintained in a clean and orderly manner. Adequate shelves, bins, or pallets shall be provided to keep the packages of finished products off the floor and to prevent damage to the containers. Sufficient refrigeration should be provided to insure adequate storage temperature (-10° or lower). Air shall be circulated to maintain uniform temperature throughout the rooms. A vestibule or double entry way should be provided to minimize heat shock of the frozen products.

EQUIPMENT AND UTENSILS

§ 58.623 Homogenizer.

Homogenizer shall comply with 3–A Sanitary Standards.

§ 58.624 Freezers.

Product contact surfaces of freezers used to lower the temperature of the liquid mix to a semi-frozen mass by a stirring action shall be constructed of a stainless steel or equally corrosion resistant metal and all parts easily accessible for cleaning and sanitizing. Batch and continuous freezers should comply with the applicable 3–A Standards.

§ 58.625 Fruit or syrup feeders.

Fruit or syrup feeders inject flavoring material into the semi-frozen product. Product contact surfaces shall be constructed of stainless steel or equally corrosion resistant metal and all pumps shall be in accordance to 3–A Sanitary Standards for dairy equipment. The feeder shall be constructed to enable complete disassembly for cleaning and sanitizing.

§ 58.626 Packaging equipment.

Packaging equipment designed to mechanically fill and close single service containers with frozen desserts shall be constructed so that all product contact surfaces shall be of stainless steel or equally corrosion-resistant metal. Wherever applicable, the principles of 3–A Standards covering material, design and fabrication shall be adhered to. All product contact surfaces shall be easily accessible for cleaning. The design and operation of the machine shall in no way contaminate the container of the finished product placed therein.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.627 Milk and dairy products.

(a) To produce ice cream and related products the raw milk and cream shall meet the quality requirements as prescribed in section 58.132, except that only commingled milk and cream meeting the bacteriological requirements of No. 1 shall be used.

(b) *USDA graded products.* Dairy products used in the manufacture of frozen desserts for which there is a U.S. grade established, (nonfat dry milk, whole milk, buttermilk and whey) shall be U.S. Extra Grade or better, and in the case of unsalted butter, shall be no lower than U.S. Grade A. Dairy products for which there is no USDA grade shall meet the applicable requirements of this part which permit such product to bear the USDA Quality Approved Inspection Shield.

§ 58.628 Sweetening agents.

Sweetening agents shall be clean and wholesome and consist of one or more of the approved sweeteners listed in section 58.605.

§ 58.629 Flavoring agents.

Flavoring agents either natural or artificial shall be wholesome and free from undesirable flavors. They must impart the desired characteristic to the finished product. Flavoring agents shall be one or more of those approved in section 58.605.

§ 58.630 Stabilizers.

Stabilizers shall be clean and wholesome and consist of one or more of those approved in section 58.605.

§ 58.631 Emulsifiers.

Emulsifiers shall be clean and wholesome and consist of one or more of those approved in section 58.605.

§ 58.632 Acid.

Acids used in sherbet shall be wholesome and of food grade quality and consist of one or more of those approved in section 58.605.

§ 58.633 Color.

Coloring used for ice cream and related products shall be those certified by the U.S. Food and Drug Administration as safe for human consumption.

OPERATIONS AND OPERATING PROCEDURES

§ 58.634 Assembling and combining mix ingredients.

The assembling and combining of mix ingredients for processing shall be in accordance with clean and sanitary methods and shall be consistent with good commercial practices. All raw materials shall be subjected to inspection for quality and condition prior to being combined and processed into the finished mix. All necessary precautions shall be taken to prevent the contamination of any raw material or the finished mix with any foreign substance.

§ 58.635 Pasteurization of the mix.

Every particle of the mix, except added flavoring ingredients, shall be pasteurized at not less than 155° F. and held at that temperature for 30 minutes or for 175° F. for 25 seconds; or it may be pasteurized by any other equivalent temperature and holding time which will assure adequate pasteurization.

§ 58.636 Homogenization.

Homogenization of the pasteurized mix shall be accomplished to effectively reduce the size of the milkfat globules and evenly disperse them throughout the mix.

§ 58.637 Cooling the mix.

The mix shall be immediately cooled to a temperature of 45° F or lower, and stored at this temperature until further processing begins.

§ 58.638 Freezing the mix.

After the mix enters the freezer, it shall be frozen as rapidly as possible to assure the formation of minute crystals. Proper adjustment of rate of flow, refrigerant and air pressure controls shall be achieved to assure correct overrun and consistency of the product for packaging and further freezing.

§ 58.639 Addition of flavor.

The addition of flavoring ingredients to semi-frozen mix just prior to packaging shall be performed in a clean and sanitary manner. Care shall be taken to insure the flavor injection equipment has been properly cleaned and sanitized prior to use and that the flavor ingredients are of good quality and wholesome.

§ 58.640 Packaging.

The packaging of the semifrozen product shall be done by means which will in no way contaminate the container or the product. When single service containers and lids are used, they shall be of good construction and protect the finished product. Containers used for frozen products shall be stored and handled in a sanitary manner so as to protect them from dust and bacterial contamination.

§ 58.641 Hardening and storage.

Immediately after the semifrozen product is placed in its intended container it shall be placed in a hardening tunnel or hardening room to continue the freezing process. Rapid freezing to 0° to —15° F is desirable to produce a good textured product.

§ 58.642 Quality control tests.

All mix ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow line samples as often as necessary to check the effectiveness of processing and sanitation and as an aid in correcting deficiencies. Routine analysis shall be made on raw materials and finished products to assure adequate composition, weight or volume control.

§ 58.643 Frequency of sampling.

(a) *Microbiological.* Representative samples shall be taken from each batch of mix, and for the finished frozen product one sample from each flavor made.

(b) *Composition.* Representative samples shall be tested for fat and solids-not-fat on each batch of mix manufactured. Spot checks shall be made on the finished products as often as is necessary to assure compliance with composition standards.

(c) *Weight or volume control.* Representative samples of the packaged products shall be checked during the packaging operation to assure compliance with the stated volume on the container as well as weight and overrun requirements.

§ 58.644 Test methods.

(a) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Chemical.* Chemical analysis shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, the latest edition of Standard Methods, or by other methods giving equivalent results.

§ 58.645 General identification.

The various types of frozen desserts shall be packaged and labeled in accordance with the requirements of the Food and Drug Administration's Fair Packaging and Labeling Act.

§ 58.646 Official identification.

Only ice cream and related products manufactured in accordance with the requirements of this part and with the applicable requirements in Subpart A of this part which have been officially inspected in process and found to be in compliance with these requirements may be identified with the official USDA Quality Approved Inspection Shield.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.647 Composition requirements for ice cream.

(a) *Milk fat.* Not less than 10 percent by weight, or when fruits, nuts and other such ingredients are used for flavoring, not less than 8 percent by weight.

(b) *Total milk solids, not fat.* Not less than 20 percent by weight, or when fruit, nuts, and other such ingredients are used for flavoring, not less than 16 percent by weight.

(c) *Stabilizers.* Kinds and amounts may be used as specified by the Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the Food and Drug Administration.

(e) *Food solids per gallon.* The minimum total food solids weight per gallon must by 1.6 pounds per galon.

(f) *Weight per gallon.* For the finished product the weight per gallon must be 4.5 pounds or more.

§ 58.648 Microbiological requirements for ice cream.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count, and shall contain not more than 10 coliform organisms per gram for plain and not more than 20 coliform per gram in chocolate, fruit, nut or other flavors in in three out of five samples.

§ 58.649 Physical requirements for ice cream.

(a) *Flavor.* The flavor of the finished ice cream shall be pleasing and desirable, and characteristic of the fresh milk and cream and the particular flavoring used.

(b) *Body and texture.* The body shall be firm, have substance and readily melt to a creamy consistency when exposed to room temperatures; the texture shall be fine, smooth, and have the appearance of creaminess throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

§ 58.650 Requirements for frozen custard.

The same requirements apply as for ice cream except plain frozen custard shall have a minimum egg yolk solids content of 1.4 percent, and 1.12 percent when fruits, nuts and other such ingredients are used for flavoring.

§ 58.651 Requirements for ice milk.

The requirements are the same as for ice cream except: (a) the minimum milk fat content shall be 2 percent by weight and the maximum milk fat content 7

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percent by weight, (b) the total milk solids content shall be no less than 11 percent by weight, (c) the minimum total food solids weight per gallon shall be 1.3 pounds, (d) no reduction in the standards are permitted when fruits, nuts and other such ingredients are used for flavoring.

§ 58.652 Composition requirements for sherbet.

(a) *Milk fat.* Shall contain a minimum of 1 percent by weight of the finished product, and shall contain no more than 2 percent by weight.

(b) *Milk solids.* The total milk solids minimum shall be 2 percent by weight and shall be no more than 5 percent by weight of the finished product.

(c) *Stabilizer.* Kinds and amounts may be used as specified by the Food and Drug Administration.

(d) *Emulsifiers.* Kinds and amounts may be used as specified by the Food and Drug Administration.

(e) *Amounts of flavor ingredients.* (1) *Citrus sherbets.* Citrus sherbets shall contain a minimum of 2 percent fruit.

(2) *Berry sherbets.* Berry sherbets shall contain a minimum of 6 percent fruit.

(3) *Other sherbets.* Other fruit sherbets shall contain a minimum of 10 percent fruit by weight of the finished product.

(f) *Acidity.* The minimum acidity shall be no lower than 0.35 percent by weight of the finished product, figured as lactic acid.

(g) *Total food solids.* No minimum amount required.

(h) *Weight per gallon.* For sherbet, the minimum weight per gallon shall be 6.0 pounds.

§ 58.653 Microbiological requirements for sherbet.

The finished product shall contain not more than 50,000 bacteria per gram as determined by the standard plate count and shall contain not more than 10 coliform organisms per gram in three out of five samples.

§ 58.654 Physical requirements for sherbet.

(a) *Flavor.* The flavor of the finished product shall contain not more than sherbet shall be pleasing and desirable and characteristic of the particular flavoring used and shall impart a sweet yet tart sensation.

(b) *Body and texture.* The body shall be firm, compact, somewhat chewy and readily melt to an even syrupy consistency at room temperatures; the texture shall be smooth but not as fine as in ice cream and shall be even throughout.

(c) *Color.* The color shall be attractive, pleasing, uniform and characteristic of the flavor represented.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING PASTEURIZED PROCESS CHEESE AND RELATED PRODUCTS

DEFINITIONS

§ 58.705 Pasteurized process cheese and related products.

Pasteurized process cheese and related products are the foods which conform to the applicable provisions of Part 19, Title 21, sections 19.750 to 19.790, "Definitions and Standards of Identity for Cheese and Cheese Products," Food and Drug Administration.

EQUIPMENT AND UTENSILS

§ 58.706 General construction repair and installation.

The equipment and utensils used for the handling and processing of cheese products shall be as specified in section 58.128 of this subpart. In addition, for certain other equipment the following requirements shall be met.

§ 58.707 Conveyors.

Conveyors shall be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

§ 58.708 Grinders or shredders.

The grinders or shredders used in the preparation of the trimmed and cleaned cheese shall be of corrosion-resistant material, and of such construction as to prevent contamination of the cheese and to allow thorough cleaning of all parts and product contact surfaces.

§ 58.709 Cookers.

The cookers shall be the steam jacketed or direct steam type. They shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning. Each cooker shall be equipped with an indicating thermometer, and shall be equipped with a temperature recording device. The recording thermometer stem may be placed in the cooker if satisfactory time charts are used, if not, the stem shall be placed in the hotwell or filler hopper. Steam check valves on direct steam type cookers shall be mounted flush with cooker wall, be constructed of stainless steel and designed to prevent the backup of product into the steam line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product only culinary steam shall be used (see section 58.127(d)).

§ 58.710 Fillers.

The hoppers of all fillers shall be covered but the cover may have sight ports. If necessary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair and capable of accurate measurements. Product contact surfaces shall be of stainless steel or other corrosion resistant material.

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.711 Cheddar, colby, washed or soaked curd, granular or stirred curd cheese.

Cheese, used in the manufacture of pasteurized process cheese products which are identified with the USDA official identification shall possess a pleasing and desirable taste and odor consistent with the age of the cheese; shall have body and texture characteristics which will impart the desired body and texture characteristics in the finished product; and shall possess finish and appearance characteristics which will permit removal of all packaging material and surface defects. The cheese shall at least meet the requirements of U.S. Standard Grade for Bulk American Cheese for Manufacturing provided the quantity of the cheese with any one defect as listed for U.S. Standard Grade is limited, to assure compliance with the specifications of the finished product.

§ 58.712 Swiss.

Swiss cheese used in the manufacture of pasteurized process cheese and related products bearing official identification shall be U.S. Grade B or better, except that the cheese may be blind or possess finish characteristics which do not impair the interior quality.

§ 58.713 Gruyere.

Gruyere cheese used in the manufacture of process cheese and related products shall be of good wholesome quality and except for smaller eyes and sharper flavor shall meet the same requirements as for Swiss cheese.

§ 58.714 Cream cheese, Neufchatel cheese.

Mixed with other foods, or used for spreads and dips shall possess a fresh, pleasing and desirable flavor.

§ 58.715 Cream, plastic cream and anhydrous milkfat.

These food products shall be pasteurized, sweet, have a pleasing and desirable flavor and be free from objectionable flavors, and shall be obtained from milk which complies with the quality requirements as specified in section 58.132 of this Subpart.

§ 58.716 Nonfat dry milk.

Nonfat dry milk used in officially identified cheese products shall meet the requirements of U.S. Extra Grade except that the moisture content may be in excess of that specified for the particular grade.

§ 58.717 Whey.

Condensed or dry whey used in officially identified cheese products shall meet the requirements for USDA Extra Grade except that the moisture requirement for dry whey may be waived.

§ 58.718 Flavor ingredients.

Flavor ingredients used in process cheese and related products shall be those permitted by the Food and Drug Standards of Identity, and in no way deleterious to the quality or flavor of the finished product. In the case of bulky flavoring ingredients such as pimento, the particles shall be, to at least a reasonable degree, uniform in size, shape and consistency. The individual types of flavoring materials shall be uniform in color and shall impart the characteristic flavor desired in the finished product.

§ 58.719 Coloring.

Coloring shall be Annatto or any other cheese or butter color which is approved by the Food and Drug Administration.

§ 58.720 Acidifying agents.

Acidifying agents if used shall be those permitted by the Food and Drug Administration for the specific pasteurized process cheese product.

§ 58.721 Salt.

Salt shall be free flowing, white refined sodium chloride and shall meet the requirements of The Food Chemical Codex.

§ 58.722 Emulsifying agents.

Emulsifying agents shall be those permitted by the Food and Drug Administration for the specific pasteurized process cheese product, and shall be free from extraneous material.

OPERATIONS AND OPERATION PROCEDURES

§ 58.723 Basis for selecting cheese for processing.

A representative sample shall have been examined to determine fat and moisture content. One sample unit from each vat of cheese shall have been examined to determine the suitability of the vat for use in process cheese products in accordance with the flavor, body and texture characteristics permitted in sections 58.711 through 58.714 as applicable, and to determine the characteristics it will contribute to the finished product when blended with other cheese. The cheese included in each blend shall be selected on the basis of the desirable qualities which will result in the desired finished product. Recook from equivalent blends may be used in an amount that will not adversely affect the finished product. Hot cheese from the filler may be added to the cooker in amounts which will not adversely affect the finished product.

§ 58.724 Blending.

To as great an extent as is practical, each vat of cheese should be divided and distributed throughout numerous cooker batches. The purpose being to minimize the preponderance and consequent influence of any one vat on the characteristics of the finished product, and to promote as much uniformity as is practical. In blending also consider the final composition requirements for fat and moisture. Quantities of salt, color, emulsifier and other allowable ingredients to be added shall be calculated and predetermined for each cooker batch.

§ 58.725 Trimming and cleaning.

The natural cheese shall be cleaned free of all non-edible portions. Paraffin and bandages as well as rind surface, mold or unclean areas or any other part which is unwholesome or unappetizing shall be removed.

§ 58.726 Cutting and grinding.

The trimmed and cleaned cheese should be cut into sections of convenient size to be handled by the grinder or shredder. The grinding and mixing of the blended lots of cheese should be done in such a manner as to insure a homogeneous mixture throughout the batch.

§ 58.727 Adding optional ingredients.

As each batch is added to the cooker, the predetermined amounts of salt, emulsifiers, color, or other allowable optional ingredients shall be added. However, a special blending vat may be used to mix the ground cheese and other ingredients before they enter the cooker, to provide composition control.

§ 58.728 Cooking the batch.

Each batch of cheese within the cooker, including the optional ingredients, shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F. and held at that temperature for not less than 30 seconds or any other equally effective combination of time and temperature approved by the Administrator. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

§ 58.729 Forming containers.

Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews should be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

§ 58.730 Filling containers.

Hot fluid cheese from the cookers may be held in hotwells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves shall effectively measure the desired amount of product into the pouch or container in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

§ 58.731 Closing and sealing containers.

Pouches, liners, or containers having product contact surfaces, after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, so as to assure against contamination. Each container in addition to other required labeling shall be coded in such a manner as to be easily identified as to date of manufacture by lot or sublot number.

§ 58.732 Cooling the packaged cheese.

After the containers are filled they shall be stacked, or cased and stacked in such a manner as to prevent breaking of seals due to excessive bulging and to allow immediate progressive cooling of the individual containers of cheese. As a minimum the cheese should be cooled to a temperature of 100° F. or lower within 24 hours after filling. The temperature of the cheese should be reduced further, before being shipped or if storage is intended.

§ 58.733 Quality control tests.

(a) *Chemical analyses.* The following chemical analyses shall be performed in accordance with the appropriate edition of the Official Methods of Analysis of the AOAC as specified in the appropriate Standards of Identity or in accordance with methods that give equivalent results.

(1) *Cheese.* A representative sample of cheese used in the manufacture of pasteurized process cheese products shall have been tested prior to usage to determine its moisture and fat content.

(2) *Pasteurized process cheese products.* As many samples shall be taken of the finished product direct from the cooker, hopper or filler as is necessary to assure compliance with composition requirements. Spot checks should be made on samples from the cooker as frequently as is necessary to indicate pasteurization by means of the phosphatase test, as well as any other tests necessary to assure good quality control.

(b) *Examination of physical characteristics.* As many samples shall be taken as is necessary to assure meeting the required physical characteristics of the products. Representative samples shall be taken from production for examination of physical characteristics. The samples shall be examined at approximately 70° F. the first day of operation after the date of processing for the following characteristics. (1) Finish and appearance, (2) flavor, (3) color, (4) body and texture, and (5) slicing or spreading properties.

(c) *Keeping quality.* During processing or preferably from the cooled stock select sufficient samples at random from the production run. The samples should be stored at approximately 50° F. for 3 months for evaluation of physical characteristics as in (b) above. Additional samples may be selected and held at different temperatures or time.

(d) *Weight control.* During the filling operation as many samples shall be randomly selected and weighed from each production run as is necessary to assure

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accuracy of the net weight established for the finished products.

REQUIREMENTS FOR PROCESSED CHEESE PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.734 Pasteurized process cheese.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese and Related Products, Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese taste and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavor; is free from any undesirable tastes and odors.

(b) *Body and texture.* Shall have a medium-firm, smooth and velvety body free from uncooked cheese particles. Is resilient and not tough, brittle, short, weak, or sticky. It shall be free from pin holes or openings except those caused by trapped steam. The cheese shall slice freely, and shall not stick to the knife or break when cut into approximately ⅛ inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and not be dull or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.735 Pasteurized process cheese food.

Shall conform to the provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Food and Related Products, Food and Drug Administration. The average age of the cheese in the blend shall be such that the desired flavor, body and texture will be achieved in the finished product. The quality of pasteurized process cheese food shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable mild cheese taste and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked or very slight acid or emulsifier flavors; is free from any undesirable tastes and odors.

(b) *Body and texture.* Shall have a reasonably medium-firm smooth and velvety body and free from uncooked cheese particles. Is resilient and not tough, brittle, short or sticky. It shall be free from pin holes or openings except those caused by trapped steam. The product shall slice freely with only a slight amount of sticking and shall not break when cut into approximately ⅛ inch slices. If in sliced form, the slices shall separate readily.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and not be dull or faded. To promote uniformity and a common reference to describe color use the color designations as depicted by the National Cheese Institute standard color guide for cheese.

(d) *Finish and appearance.* The wrapper may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled.

§ 58.736 Pasteurized process cheese spread and related products.

Shall conform to the applicable provisions of the Definitions and Standards of Identity for Pasteurized Process Cheese Spreads, Food and Drug Administration. The pH of pasteurized process cheese spreads shall not be below 4.0.

The quality of pasteurized process cheese spreads shall be determined on the basis of flavor, body and texture, color, and finish and appearance.

(a) *Flavor.* Has a pleasing and desirable cheese taste and odor characteristic of the variety or varieties of cheese ingredients used. If additional optional ingredients are used they shall be incorporated in accordance with good commercial practices and the flavor imparted shall be pleasing and desirable. May have a slight cooked, acid, or emulsifier flavor; is free from any undesirable tastes and odors.

(b) *Body and texture.* Shall have a smooth body free from uncooked cheese particles and when packaged shall form into a homogeneous plastic mass, and be free from pin holes or openings except those caused by trapped steam. Product made for slicing shall slice freely when cut into approximately ⅛ inch slices with only a slight amount of sticking. Product made for spreading shall be spreadable at approximately 70° F.

(c) *Color.* May be colored or uncolored but shall be uniform throughout. If colored it shall be bright and not be dull or faded. To promote uniformity and a common reference to describe color the color designations as depicted by the National Cheese Institute standard color guide for cheese may be used.

(d) *Finish and appearance.* Wrappers, if used, may be slightly wrinkled but shall envelop the cheese, adhere closely to the surface, and be completely sealed and not broken or soiled. Other containers made of suitable materials shall be completely filled, sealed and not broken or soiled.

§ 58.737 Explanation of terms. Blend set up.

(a) The trade term for a particular group of vat lots of cheese selected to form a blend based upon their combined ability to impart the desired characteristics to a pasteurized process cheese product.

(b) *Cooker batch.* The amount of cheese and added optional ingredients placed into a cooker at one time, heated to pasteurization temperature, and held for the required length of time.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING WHEY, WHEY PRODUCTS AND LACTOSE

DEFINITIONS

§ 58.805 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Whey.* The product conforming to the applicable Standards of Identity, Food and Drug Administration.

(b) *Sweet whey.* Whey not having more than 0.16 percent titratable acidity.

(c) *Medium acid whey.* Whey having more than 0.16 percent, but less than 0.40 percent titratable acidity.

(d) *Acid whey.* Whey having more than 0.40 percent titratable acidity.

(e) *Dry whey.* The product resulting from spray drying fresh whey which has been pasteurized either before or during the process of manufacture and to which no alkali or other chemicals have been added for the purpose of a preservative or altering the natural acidity. It contains all constituents, except moisture, in the same relative proportions as in the whey.

(f) *Partially demineralized whey.* The product conforming to the applicable Standards of Identity, Food and Drug Administration.

(g) *Partially delactosed whey.* The product conforming to the applicable Standards of Identity, Food and Drug Administration.

(h) *Demineralized whey.* The product conforming to the applicable Standards of Identity, Food and Drug Administration.

(i) *Whey protein concentrate.* The product conforming to the applicable Standards of Identity, Food and Drug Administration.

(j) *Lactose.* The product conforming to the applicable Standards of Identity, Food and Drug Administration.

ROOMS AND COMPARTMENTS

§ 58.806 General.

Dry storage of product, packaging room for bulk product, and hopper or dump room shall meet the requirements of sections 58.210 through 58.212 as applicable.

EQUIPMENT AND UTENSILS

§ 58.807 General construction, repair and installation.

All equipment and utensils necessary to the manufacture of dry whey, dry whey products and lactose; including pasteurizer, timing-pump or device, flow diversion valve and recorder controller, shall meet the same general requirements as outlined in section 58.128. In addition, pre-heaters, hotwells, evaporators and/or vacuum pans, surge tanks, high pressure pumps and lines, spray dryers, other drying systems (except roller dryers), collectors and conveyors, dry product cooling equipment, special treatment equipment, sifters, and portable and stationary bins shall meet the requirements of sections 58.215 through section 58.224 and 58.226 as applicable.

§ 58.808 Mineral, protein and lactose removal and/or concentration equipment.

Shall include, but not be limited to ultrafiltration, reverse osmosis, gel filtration, electrodialysis, basket centrifuges, and decanting equipment. The equipment shall be of sanitary construction and readily cleanable. All parts shall be accessible for inspection, and shall be constructed following the applicable principles of the 3-A Sanitary Standards except where necessary for engineering reasons.

§ 58.809 Clothing and shoe covers.

Shall meet the requirements of section 58.225.

§ 58.810 Crystallizing tanks and/or vats.

Shall meet the requirements of section 58.128 (d).

QUALITY SPECIFICATIONS FOR RAW MATERIAL

§ 58.811 Whey.

Whey for drying shall be fresh and originate from the processing of products made from milk meeting the requirements as outlined in section 58.132 through 58.138. The whey for further processing shall contain no neutralizing agent or other chemicals except when such use is approved by the Food and Drug Administration. Sweet or medium acid whey unless processed within 2 hours shall be held at 45° F. or lower, or at temperatures of 145° F. or above until processed, except that higher temperatures may be used when necessary for the technology of the process.

§ 58.812 Pasteurization.

All whey used in the manufacturing of whey, whey products and lactose shall be pasteurized as soon as possible after drawing from the vat to destroy any microorganisms which may adversely affect the wholesomeness and quality of the product. The fluid or condensed product shall be handled under sanitary conditions. If transferred to another plant for further processing, or if during the processing procedure ingredients are added or processing procedures permit contamination, the product shall again be pasteurized as close to the final drying operation as is practical, However, condensed whey containing 40 percent or more solids may be transported to another plant and dried without repasteurization. At a plant where both the condensing and drying operations take place, with a minimum of time delay, the pasteurization operation may be located at a point which shall protect the finished product and not adversely affect the processing procedure. Pasteurization shall be at a temperature of 161° F. for 15 seconds or other time/temperature relationships which have been demonstrated to be equivalent thereto, in microbial destruction.

§ 58.813 General.

The operating procedures as contained in sections 58.237 through 58.244, 58.246, 58.247, and 58.443(a)(b) shall be followed as applicable.

§ 58.814 Methods of official sample analysis.

Samples shall be tested according to the applicable methods of laboratory analysis contained in DA Instruction 918-109-2 and 918-109-3 as issued by the USDA, Agricultural Marketing Service, Dairy Division.

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.815 Dry whey.

The quality requirements for all dry whey shall be in accordance with the U.S. Standards for Dry Whey.

SUPPLEMENTAL SPECIFICATIONS FOR PLANTS MANUFACTURING, PROCESSING, AND PACKAGING EVAPORATED, AND CONDENSED MILK OR ULTRA PASTEURIZED PRODUCTS

DEFINITIONS

§ 58.905 Meaning of words.

For the purpose of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa as the case may demand. Unless the context otherwise requires, the following terms shall have the following meaning:

(a) *Evaporated milk.* The liquid food made by evaporating sweet milk to such point that it contains not less than 7.5 percent of milkfat and not less than 25.5 percent of the total milk solids. The finished product shall conform to the requirements of section 18.520 "Definitions and Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.520).

(b) *Concentrated milk, plain condensed milk.* The product which conforms to the standard of identity for evaporated milk except that it is not processed by heat to prevent spoilage. The container may be unsealed, and stabilizing ingredients are not used. The finished product shall conform to the requirements of section 18.525 "Definitions and Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.525).

(c) *Sweetened condensed milk.* The liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose) and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milkfat. The quantity of sugar used is sufficient to prevent spoilage. The finished product shall conform to the requirements of section 18.530 or 18.535, respectively, "Definitions and Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.530 and 18.535).

(d) *Ultra-pasteurized.* The product shall have been thermally processed at or above 280° F. for at least 2 seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

EQUIPMENT AND UTENSILS

§ 58.912 General construction, repair and installation.

The equipment and utensils used for processing and packaging evaporated, condensed or ultra pasteurized dairy products shall be as specified in section 58.128. In addition for certain other equipment, the following requirements shall be met.

§ 58.913 Evaporators and vacuum pans.

All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids should comply with the requirements of the 3-A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans.

§ 58.914 Fillers.

Both gravity and vacuum type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion-resistant material; except that, certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Nonmetallic product contact surfaces shall comply with the requirements for 3-A Sanitary Standards for Plastic, and Rubber and Rubber-Like Materials. Fillers shall be designed so that they in no way will contaminate or detract from the quality of the product being packaged.

§ 58.915 Batch or continuous in-container thermal processing equipment.

Shall comply with Title 21, Chapter 1, Subpart 128b—"Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers." The equipment shall be maintained in such a manner as to assure control of the length of time of processing, and to minimize the number of damaged containers.

§ 58.916 Homogenizer.

Homogenizers where applicable shall be used to reduce the size of the fat particles and to evenly disperse them in the

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product. Homogenizers shall comply with the applicable 3–A Sanitary Standards.

OPERATIONS AND OPERATING PROCEDURES

§ 58.917 General.

There are many operations and procedures used in the preparation of evaporated, condensed and ultra pasteurized dairy products that are similar, therefore, the following general requirements will apply when such operations or procedures are used.

§ 58.918 Standardization.

The standardization of the product to obtain a finished product of a given composition shall be accomplished by the addition or removal of milkfat, milk solids-not-fat and/or water. The ingredients added to accomplish the desired composition shall be of the same hygenic quality as the product being standardized.

§ 58.919 Pre-heat, pasteurization.

When pasteurization is intended or required by either the vat method, HTST method, or by the HHST method it shall be accomplished by systems and equipment meeting the requirements outlined in section 58.128. Pre-heat temperatures prior to ultra pasteurization will be those that have the most favorable effect on the finished product.

§ 58.920 Homogenization.

Where applicable concentrated products shall be homogenized for the purpose of dispersing the fat throughout the product. The temperature of the product at time of homogenization and the pressure at which homogenization is accomplished will be that which accomplishes the most desired results in the finished products.

§ 58.921 Concentration.

Concentrating by evaporation shall be accomplished with a minimum of chemical change in the product. The equipment and systems used shall in no way contaminate or adversely affect the desirability of the finished product.

§ 58.922 Thermal processing.

The destruction of living organisms shall be performed in one of the following methods. (a) The complete in-container method, by heating the container and contents to a range of 212° F. to 280° F. for a sufficient time; (b) by a continuous flow process at or above 280° F. for at least 2 seconds, then packaged aseptically; (c) the product is first processed according to methods as in (b), then packaged and given further heat treatment to complete the process.

§ 58.923 Filling containers.

(a) The filling of small containers with product shall be done in a sanitary manner. The containers shall not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(b) Bulk containers for the product shall be suitable and adequate to protect the product in storage or transit. The bulk container (including bulk tankers) shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

§ 58.924 Aseptic filling.

A previously ultra pasteurized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained, in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

§ 58.925 Sweetened condensed.

After condensing, the sweetened condensed product should be cooled rapidly to about 85° F. to induce crystallization of the oversaturated lactose. When the desired crystallization is reached further cooling is resumed to 68°–70° F.

§ 58.926 Heat stability.

Prior to thermal processing of concentrated products and where stabilizers are allowed, tests should be made on the heat stability of the product to determine necessity for, and the amount of stabilizer needed. Based on the stability tests, safe and suitable stabilizers and emulsifiers may be added.

§ 58.927 Storage.

Finished products which are to be held more than 30 days should be stored at temperatures below 72° F. Precautions shall be taken to prevent freezing of the product.

§ 58.928 Quality control tests.

All dairy products and other ingredients shall be subject to inspection for quality and condition throughout each processing operation. Quality control tests shall be made on flow samples as often as is necessary to check the effectiveness of processing and manufacturing and as an aid in correcting deficiencies. Routine analyses shall be made on raw materials and finished products to assure adequate composition control. For each batch or production run a keeping quality test shall be made to determine product stability.

§ 58.929 Frequency of sampling for quality control. Evaporated and condensed milk and ultra pasteurized dairy products.

(a) *Composition.* Sampling and testing for composition shall be made on batches of product as often as is necessary to control composition. On continuous production runs, enough samples shall be taken throughout the run to adequately assure composition requirements.

(b) *Other chemical analysis or physical analysis.* Such tests shall be performed as often as is necessary to assure compliance with standards, specifications or contract requirements.

(c) *Weight or volume control.* Representative samples of the packaged products shall be checked during the filling operation to assure compliance with the stated net weight or volume on the container.

(d) *Keeping quality and stability.* A minimum of one sample from each batch of product or one representative sample per hour from a continuous production run shall be taken. For continuous runs, samples shall be taken at the start, each hour, and at the end of the run. Samples should also be taken after resumption of processing following an interruption in continuous operation. Each sample shall be incubated at 90° F. to 100° F. for seven days.

§ 58.930 Official test methods.

(a) *Chemical.* Chemical analysis, except where otherwise prescribed herein, shall be made in accordance with the methods described in the latest edition of Official Methods of Analysis of the AOAC; by the latest edition of Standard Methods for the Examination of Dairy Products.

(b) *Microbiological.* Microbiological determinations shall be made in accordance with the methods described in the latest edition of Standard Methods for the Examination of Dairy Products.

§ 58.931 General identification.

Bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor, a lot number and coded date of manufacture. Consumer sized containers shall meet the requirements of Food and Drug's Fair Packaging and Labeling Act.

QUALITY SPECIFICATIONS FOR RAW MATERIALS

§ 58.932 Milk.

To process and package evaporated and condensed milk or ultra pasteurized dairy products eligible for official identification with the USDA Quality Approved Inspection Shield the raw incoming milk shall meet the requirements as outlined in sections 58.132 through 58.136. Unless processed within two hours after being received, it shall be cooled to, and held at a temperature of 45° F. or lower until processed.

§ 58.933 Stabilizers.

Shall be those permitted by the Food and Drug Administration's "Standards of Identity" as optional ingredients for specific products. Stabilizers shall be free from extraneous material, be of food grade quality and not be in violation of the Federal Food, Drug and Cosmetic Act.

§ 58.934 Sugars.

Sucrose or dextrose used in the manufacture of sweetened condensed or sterilized milk products shall be refined, and of food grade quality.

§ 58.935 Chocolate and cocoa.

Such products used as flavor ingredients shall meet the requirements of the Food and Drug Administration, "Definitions and Standards of Identity for Cocoa Products."

REQUIREMENTS FOR FINISHED PRODUCTS BEARING USDA OFFICIAL IDENTIFICATION

§ 58.936 Physical requirements for evaporated milk.

(a) *Flavor.* The product shall possess a sweet, pleasing and desirable flavor with not more than a definite cooked flavor. It shall be free from scorched, oxidized or other objectionable tastes and odors.

(b) *Body and texture.* The product shall be of uniform consistency and appearance. It shall be smooth and free from fat separation, lumps, clots, gel formation, coarse milk solids precipitate or sedimentation and extraneous material.

(c) *Color.* The color shall be of a natural white or light cream.

(d) *Degree of burn-on.* The interior walls of the container shall not show excessive burn-on of product (product fused to more than 75 percent of the inner surface of the can).

(e) *Keeping quality.* Samples incubated at 90–100° F shall show no sensory, chemical or microbiological deterioration after seven days.

§ 58.937 Physical requirements and microbiological limits for sweetened condensed milk.

(a) *Flavor.*—Shall be sweet, clean, and free from rancid, oxidized, scorched, fermented, stale or other objectionable tastes and odors.

(b) *Color.* Shall be white to light cream.

(c) *Texture.* Shall be smooth and uniform, free from lumps or coarse graininess. There shall not be sufficient settling of the lactose to cause a deposit on the bottom of the container.

(d) *Body.* Shall be sufficiently viscous so that the product upon being poured at room temperature piles up above the surface of that previously poured, but does not retain a definite form.

(e) *Microbiological limits.*

(1) Coliforms, less than 10 per gram; (2) yeasts, less than 5 per gram; (3) molds, less than 5 per gram; (4) total plate count, less than 1,000 per gram.

(f) *Keeping quality.* Samples incubated at 90–100° F shall show no physical evidence of deterioration after seven days.

(g) *Composition.* Shall meet the minimum requirements as set forth in the "Standards of Identity for Milk and Cream," Food and Drug Administration (21 CFR 18.530 and 18.535). In addition, the quantity of refined sugar used shall be sufficient to give a sugar-in-water ratio of not less than 61.5 percent.

(h) *Sediment.* The amount of sediment retained on a lintine disc after a sample composed of 225 grams of product dissolved in 500 ml. of 140° F. water has passed through it, shall not exceed 0.10 mg. as indicated by the USDA Sediment Standard for Milk and Milk Products, (7 CFR 58.2726).

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in acordance with the Federal Reports Act of 1942.

Done at Washington, D.C. this 6th day of February, 1975.

E. L. PETERSON,
Administrator.

[FR Doc.75-3897 Filed 2-11-75;8:45 am]

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences;
☐ preamble did not contain a clear and concise explanation of the document's purpose;
☐ other (explain) _____

_____

_____

II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS

impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

_____

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III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

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THURSDAY, FEBRUARY 13, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 31

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reminders

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DOT/FAA—Standard Instrument approach procedures 3576; 1–23–75

Daily List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. Subsequent lists appear each day in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 3418 ..... Pub. Law 91–696
To amend the Public Health Service Act to provide for grants to medical schools and hospitals in the field of family medicine; to provide for a study relating to causes and treatment of malnutrition
(Upon the expiration of the 10-day period prescribed by the U.S. Constitution, S. 3418 became law on Dec. 25, 1970, without the President's approval, in accordance with the decision of the U.S. Court of Appeals for the District of Columbia Circuit, Kennedy v. Sampson, et al., Nos. 73–2121 and 2122 (D.C. Cir., Aug. 14, 1974) 84 Stat. 2080–1)

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 339]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 14-20, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.639 Navel Orange Regulation 339.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues very good. Prices f.o.b. averaged $3.65 per carton on a reported sales volume of 1,374 carlots last week, compared with an average f.o.b. price of $3.69 per carton and sales of 1,278 carlots a week earlier. Track and rolling supplies at 674 cars were up 138 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 14, 1975, through February 20, 1975, are hereby fixed as follows:

(i) District 1: 1,435,000 cartons;

(ii) District 2: 215,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 12, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-4288 Filed 2-12-75;11:30 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[AL 965 (465)]

PART 1890e—REAL ESTATE SECURITY-EO LOANS

Deletion of Part

Correction

In FR Doc. 75-3525 appearing on page 5763 in the issue of Friday, February 7, 1975 in the first line of the document the reference to "part 1890s" should read "1890e".

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(d): Jefferson Davis and Rankin Counties in Mississippi; Cherokee County in Oklahoma; and Anderson, Hill, Tarrant and Wise Counties in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified dates: Dewey County in Oklahoma on July 29, 1974; Latimer and Seminole Counties in Oklahoma on October 29, 1974; and Atascosa, Bastrop, Ellis, Falls, Hood, Houston, Jefferson, Live Oak, McLennan, Nacogdoches, Titus and Travis Counties in Texas on January 10, 1975. Since said dates, it has been determined that these counties again come within

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the definition of § 78.1(l); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Mississippi, Oklahoma, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Mississippi except Jefferson Davis and Rankin Counties.

(2) Oklahoma except Adair, Canadian, Cherokee, Haskell, Le Flore, Okfuskee, and Pottawatomie Counties.

(3) Texas except Anderson, Dallas, Freestone, Hill, Jim Wells, Kaufman, Limestone, Navarro, Orange, Smith, Tarrant, and Wise Counties.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 F.R. 28464, 28477, 38 F.R. 19141, 9 CFR 78.16).

Effective date. The foregoing amendment shall become effective on February 13, 1975.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4050 Filed 2-12-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 1]

PART 114—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Regional Board of Survey Membership

This amendment requires that a "delegatee" of the Assistant Regional Director for Administration shall be a member of the Regional Board of Survey rather than the Assistant Regional Director for Administration himself.

Therefore, § 114.100(b) is revised to read:

Sec. 114.100 Definitions.

* * * * *

(b) "Regional Board of Survey" means a three-member board composed of the Regional Counsel and the Assistant Regional Director for Finance and Investment; and *the delegatee* of the Assistant Regional Director for Administration. The Regional Counsel shall be chairman.

* * * * *

Effective date: February 13, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-4034 Filed 2-12-75;8:45 am]

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 303—ECONOMIC DEVELOPMENT DISTRICTS

Grant and Loan Program

Part 303 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

The purpose of this amendment is to make a technical change in the standards for designation of economic development centers.

§ 303.10 [Amended]

1. Section 303.10 is amended by deleting paragraph (h).

(Sec. 701, Pub. L. 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10–4, April 1, 1970 (35 FR 5970))

Effective date. This regulation becomes effective on February 13, 1975.

Dated: February 5, 1975.

D. JEFF CAHILL,
Acting Assistant Secretary for Economic Development.

[FR Doc.75-4045 Filed 2-12-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-1-AD; Amdt. 39-1777]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 33, 35, 36, 55, 58 and 95 Series Airplanes; Correction

In FR Doc. 74-2499 appearing on pages 3928 and 3929 in the FEDERAL REGISTER issue of Thursday, January 31, 1974, lines 11 and 12 of the applicability statement should read as follows: "E55A (Serial Numbers TE-914 through TE-940, except TE-919, TE-920 and TE-".

Issued in Kansas City, Missouri, on February 4, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-4036 Filed 2-12-75;8:45 am]

[Airworthiness Docket No. 75-WE-10-AD; Amdt. 39-2090]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model L-1011-385-1 Series Airplanes

The agency has received a report of a fire which originated in the lower fuselage space of a L-1011-385-1 airplane, below the C-3 cargo compartment drain sump. The fire was ignited by the sump-drain heater. The fire damage was confined to the area below the cargo floor which surrounds the drain heater. The insulating blanket casing, insulating blanket tape, drain ball, drain tube, wire insulation (four inches per wire) and heat shrinkable tubing over the drain heater were burned. Structural damage to the floor support beam at FS 1665 was sustained.

Two additional drain heaters have failed with overheat conditions confined to the drain heater under the C-1 and C-2 cargo drain sumps. These reported failures did not result in structural damage.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require deactivation of the C-1, C-2, and C-3 cargo compartment sump drain heaters, until FAA-approved modifications can be incorporated.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to L-1011-385-1 airplanes certificated in all categories.

Compliance required within 10 calendar days after the effective date of this AD, unless already accomplished.

To prevent heater blanket overheat conditions and possible fires caused by a malfunctioning cargo sump drain heater, Electrofilm P/N 111202-101 (LAC Control No. 672726-101), accomplish (a) or (b) below:

(a) Disconnect the C-1, C-2, and C-3 cargo compartment drain heaters per Lockheed Alert Service Bulletin 093-30-A032, dated January 23, 1975, or later FAA-approved revisions, or;

(b) Equivalent deactivation modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) An airplane may be flown to a base for the performance of the work required by this AD per FAR's 21.197 and 21.199.

(d) The C-1, C-2, and C-3 cargo compartment drain heaters may be reactivated in accordance with modifications or instructions approved by the Chief, Aircraft Engineering Division, FAA Western Region. The approved data must reference this AD, and the FAA-approval date.

This amendment becomes effective February 19, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on February 4, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-4037 Filed 2-12-75;8:45 am]

[Airworthiness Docket No. 75-SW-6; Amdt. 39-2091]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Models M20C, M20E and M20F Airplanes

There has been one case of a failure of the ITT P/N LA11C2110 Landing gear actuator wherein the threaded stud end of the actuator separated from the tube assembly which is attached to the ball drive and resulted in collapse of the landing gear during takeoff.

Since this condition is likely to develop in other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the ITT P/N LA11C2110 actuator on Models M20C, M20E, and M20F airplanes having this part installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Models M20C, M20E, and M20F airplanes equipped with the ITT landing gear actuator P/N LA11C2110, with Serial Numbers as follows:

Model M20C: 20–0037, 0038, 0039, 0040, 0041, 0042, 0043, 0044, 0045, and 0046;

Model M20E: 21–0050, 0051, 0052, 0053, 0054, 0055, 0056, 0057, 0058, 0059, and 0060;

Model M20F: 22–0065, 0066, 0067, 0068, 0069, 0070, 0071, 0072, 0073, 0074, 0075, 0076, 0077, and 0078.

Compliance is required prior to further flight except that airplanes may be flown to a facility for actuator replacement after fixing the lapding gear in the extended position in accordance with instructions included in Mooney Aircraft Corporation Service Bulletin M20–191, dated January 28, 1975, or later FAA approved revision, or an FAA approved equivalent procedure.

To prevent further failures of the ITT P/N LA11C2110 actuator it should be replaced with a Mooney P/N 950227–501 actuator in accordance with Mooney Aircraft Corporation Service Bulletin M20–191, dated January 28, 1975, or later FAA approved revision, or by an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

This amendment becomes effective on February 20, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas on February 5, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-4038 Filed 2-12-75;8:45 am]

[Airspace Docket No. 74-RM-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 16, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER, 39 FR 43556, stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Steamboat Springs, Colorado.

Interested persons were given an opportunity to submit written comments, suggestions or objections regarding the proposed amendment.

An objection was received based on the contention that the establishment of the transition area would be for the benefit of Rocky Mountain Airways only and this action would restrict the operations of other aircraft to/from the Steamboat Springs and Echo Valley Airports when weather conditions are below the established VFR minimums for operation in controlled airspace. The objector advised there would be no objection to the establishment of the proposed controlled airspace if instrument procedures were established in order that all users could use the airspace in weather conditions below VFR minimums.

The agency plans to install a VOR and a remote communications outlet in the Steamboat Springs/Hayden, Colorado area in the spring of 1976 for the purpose of providing public instrument procedures to serve the Steamboat Springs and Hayden Airports.

It is agency policy to designate controlled airspace to accommodate special instrument procedures when within the public interest. Inasmuch as Rocky Mountain Airways is an air taxi commercial operator carrying passengers for hire on a scheduled basis, it is deemed within the public interest to establish controlled airspace to protect their procedures; therefore, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., April 17, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado on February 12, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (39 FR 440) designate a transition area for Steamboat Springs, Colorado to read:

STEAMBOAT SPRINGS, COLO.

That airspace extending upward from 700 feet above the surface within 5 miles east and 7.5 miles west of the 153° and 333° bearings from the Rocky Mountain Airways NDB (latitude 40°28'13" N., longitude 106°49'46" W.) extending from 6.5 miles northwest of the NDB to 12.5 miles southeast of the NDB; that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 40°04'30" N., longitude 106°30'00" W.; to latitude 40°05'40" N., longitude 107°00'00" W.; to latitude 40°35'00" N., longitude 107°00'00" W.; to latitude 40°35'00" N., longitude 106°30'00" W.; to point of beginning.

That airspace extending upward from 13,300' MSL within an area bounded by a line beginning at latitude 40°04'15" N., longitude 106°30'00" W.; to latitude 40°25'00" N., longitude 106°30'00" W.; to latitude 40°08'-00" N.; longitude 105°52'00" W.; thence along the north edge of V220 to the point of beginning.

[FR Doc.75-4040 Filed 2-12-75;8:45 a.m.]

[Docket No. 14303; Amdt. No. 955]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents,

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U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective March 27, 1975:*

Carthage, Tex.—Panola County Arpt., VOR/DME–A, Orig.
Charlotte, N.C.—Douglas Municipal Arpt., VOR Rwy 5, Amdt. 6.
Charlotte, N.C.—Douglas Municipal Arpt., VOR Rwy 18, Amdt. 5.
Charlotte, N.C.—Douglas Municipal Arpt., VOR Rwy 23, Amdt. 5.
Charlotte, N.C.—Douglas Municipal Arpt., VOR Rwy 36, Amdt. 6.
Clarksville, Tenn.—Outlaw Field, VOR Rwy 34, Amdt. 7.
Ponce, P.R.—Mercedita Arpt., VOR Rwy 29, Amdt. 5.
Rock Hill, S.C.—Rock Hill Municipal Arpt., VOR–A, Amdt. 3.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., VOR Rwy 12L, Amdt. 5.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., VOR Rwy 12R, Amdt. 14.
Santa Ynez, Calif.—Santa Ynez Arpt., VOR–A, Amdt. 2.
Santa Ynez, Calif.—Santa Ynez Arpt., VOR–B, Orig.

• • • *effective January 31, 1975:*

Columbus, Neb.—Columbus Municipal Arpt., VOR Rwy 14, Amdt. 7.
Columbus, Neb.—Columbus Municipal Arpt., VOR Rwy 32, Amdt. 7.
Savannah, Ga.—Savannah Municipal Arpt., VOR Rwy 27, Amdt. 10.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective March 27, 1975:*

Greensboro, N.C.—Greensboro-High Point-Winston Salem Regional Arpt., LOC (BC) Rwy 5, Amdt. 1.
Los Angeles, Calif.—Los Angeles Int'l. Arpt., LOC Rwy 6L, Orig.
Los Angeles, Calif.—Los Angeles Int'l. Arpt., LOC (BC) Rwy 6L, Amdt. 6, cancelled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADP SIAPs, *effective March 27, 1975:*

Charlotte, N.C.—Douglas Municipal Arpt., NDB Rwy 5, Amdt. 23.
Clarksville, Tenn.—Outlaw Field, NDB Rwy 16, Orig.
Louisville, Ky.—Standiford Field, NDB Rwy 29, Amdt. 9.
San Diego, Calif.—San Diego Int'l Arpt./Lindbergh Field, NDB–B, Amdt. 1.
San Diego, Calif.—San Diego Int'l Arpt./Lindbergh Field, NDB Rwy 9, Amdt. 14.
Sikeston, Mo.—Sikeston Memorial Municipal Arpt., NDB Rwy 20, Amdt. 3.
Wilmington, Vt.—Mt. Snow Arpt. NDB–A, Amdt. 1.
Winston-Salem, N.C.—Smith Reynolds Arpt., NDB Rwy 33, Amdt. 15.

• • • *effective February 27, 1975:*

Augusta, Ga.—Bush Field, NDB Rwy 17, Amdt. 9.

• • • *effective January 31, 1975:*

Easton, Md.—Easton Municipal Arpt., NDB Rwy 22, Amdt. 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 27, 1975:*

Charlotte, N.C.—Douglas Municipal Arpt., ILS Rwy 5, Amdt. 26.
Louisville, Ky.—Standiford Field, ILS Rwy 29, Amdt. 10.
San Diego, Calif.—San Diego Int'l Arpt./Lindbergh Field, ILS Rwy 9, Amdt. 6.
Winston-Salem, N.C.—Smith Reynolds Arpt., ILS Rwy 33, Amdt. 15.

• • • *effective February 3, 1975:*

Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arpt., ILS Rwy 23, Amdt. 1.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective March 27, 1975:*

Chapel Hill, N.C.—Horace Williams Arpt., RADAR–1, Amdt. 1.
Charlotte, N.C.—Douglas Municipal Arpt., RADAR–1, Amdt. 11.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective March 27, 1975:*

Danville, Va.—Danville Municipal Arpt., RNAV Rwy 20, Orig.

Correction. In Docket No. 14300, Amendment No. 954 to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated February 7, 1975, under § 97.25 effective March 20, 1975—Change effective date of Moline, Ill.—Quad-City Arpt., LOC (BC) Rwy 27, Amdt. 16 to March 27, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on February 6, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-4041 Filed 2-12-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–899; Special Economic Reg.]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Average Commercial and Military Fuel Prices

Correction

In FR Doc. 75-3467, appearing on page 5758 in the issue for Friday, February 7, 1975 make the following changes:

In the chart on the top of page 5759, column (10) the eighth, ninth, and tenth "Adjusted average price (cents)" reading 44.75, 49.40, and 31.96, should read 44.76, 49.45, and 31.90.

SUBCHAPTER F—POLICY STATEMENTS

[Regulation PS–63, Amdt. 42]

PART 399—STATEMENTS OF GENERAL POLICY

Codification of Standards and Policies Adopted in the Domestic Passenger-Fare Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. February 7, 1975.

The Domestic Passenger-Fare Investigation (DPFI), Docket 21866, in which the Board investigated the fares charged for transportation within the 48 states and the District of Columbia, has recently been completed.[1] Section 399.2 of the Board's policy statements (14 CFR 399.2), inter alia, presently excludes from Part 399 those policies which are fully expressed in Board opinions in order to obviate the need for a lengthy compendium of policies which have already been published. However, the Board finds it's appropriate to amend Part 399 to include therein the basic standards and policies which we adopted in the various hearing phases of the DPFI.[2] One of the primary aims of that investigation was to develop standards and policies to guide the Board in the future, and the policies we are codifying herein are of fundamental importance in evaluating domestic fares, one of the Board's chief regulatory functions. In addition, codification of these interrelated policies, which now appear in numerous separate opinions issued in the various phases of the DPFI, should result in a more convenient reference for interested members of the public. For these reasons, we believe that an exception to § 399.2 is warranted, and we are hereby amending § 399.2 so as to permit this exception.

Among the standards and policies developed in the *DPFI* is the concept that the fare level should be based on current cost levels adjusted to reflect long-run ratemaking standards (particularly the load-factor and seating-configuration standards). This approach to determining the fare level renders the Board's prior policy of basing rate levels on cyclical needs outmoded, and, accordingly, we will take this opportunity to delete the present § 399.31 which embodies that policy. In addition, various provisions of

[1] See Orders 74–12–108 and 74–12–109, Sec. also, Order 74–3–82, Opinion, pp. 1–2 for citations to the Board's opinions in the other phases of that investigation.

[2] It may be noted that three phases of the investigation, those dealing with flight equipment depreciation, treatment of leased aircraft, and treatment of deferred income taxes, were conducted as rulemaking proceedings and the policies adopted therein are shown in §§ 399.42, 399.43 and 399.44, respectively, of our Statements of General Policy.

§ 399.33, entitled "Domestic Coach Policy," have long since been obsolete as coach service has grown to become the basic class of service offered by the domestic trunkline carriers, and, accordingly, we will also delete the section from the Policy Statements.[3]

The amendments adopted herein, by their terms, reflect the Board's policies as to domestic passenger fares for markets within the 48 states and the District of Columbia, which, as noted previously, constituted the geographical scope of the investigation in Docket 21866. Nonetheless, this restriction in our policy statements is not intended to imply that the standards and policies developed in the *DPFI* have no relevance to the Board's other ratemaking activities. The precise extent to which the various policies and standards are applicable to other rates and other ratemaking entities, however, must necessarily be decided on a case-by-case basis.

Each of the standards and policies codified herein was adopted only after notice and full public hearing. Moreover, since these amendments constitute statements of general policy, separate notice and public procedure on the codification of these policies in our Statements of General Policy are unnecessary, and the amendments may be made effective immediately. Accordingly, in light of the foregoing, the Board hereby amends Part 399 of the Statements of General Policy (14 CFR Part 399), effective February 7, 1975, as follows:

1. Amend the Table of Contents by changing the titles of §§ 399.31 and 399.33, the amended table to read in pertinent part as follows:

Sec.

• • • • •

399.31 Domestic passenger-fare level policies.

• • • • •

399.33 Domestic passenger-fare structure policies.

2. Amend § 399.2 to read as follows:

§ 399.2 Exclusions.

The following types of policies are generally not included in this part:

(a) • • •

• • • • •

3. Amend § 399.31 by replacing the existing section with a new section to read as follows:

[3] For example, § 399.33 contemplated that coach fares could be charged for services conducted with first-class equipment at off-peak hours. However, as coach service replaced first-class service as the basic class of service, the carriers have long since offered night coach service at a discount from *day coach* fares. Nonetheless, it may be noted that the basic concept therein of what constitutes an "off-peak" service has continued to be of use to the Board in passing upon night coach fare proposals, and revocation of this policy statement does not imply any change in the Board's present policy with respect to night coach service. In this connection, we further note that night coach services are the subject of a pending investigation in Docket 26510.

§ 399.31 Domestic passenger-fare level policies.

It is the policy of the Board that the basic test of the reasonableness of the overall level of passenger fares for scheduled services by trunk and local service carriers in markets within the 48 contiguous states and the District of Columbia is that it produce revenues sufficient to meet the costs, including a fair return on investment, of the operations of the domestic trunkline industry as a whole (as long as the bulk of the carriers fall within a reasonable range of the standard rate of return and industry data are not distorted by the results of unrepresentative carriers). The revenues, costs, and investment used to determine the reasonableness of the fare level shall reflect the following policies and standards:

(a) A long-term passenger load-factor standard of 55.0 percent should be used for the trunklines;

(b) The seating-configuration standards to be employed are as follows:

(1) Coach Service

(i) for narrow-bodied aircraft, six seats abreast in aircraft capable of accommodating such a configuration and five seats abreast in jet aircraft not capable of accommodating six seats abreast with a maximum average and nominal seat pitch of 36 inches. Up to a 20 percent deviation from the nominal pitch will be recognized for safety or structural reasons; and

(ii) for wide-bodied aircraft, ten (B–747) and nine (DC–10 and L–1011) seats abreast with a pitch as described in clause (b) (1) (i), above;

(2) First-Class Service—(i) for narrow-bodied aircraft, no less than four seats abreast with a maximum average and nominal pitch of 40 inches. Up to a 10 percent deviation from the nominal pitch will be recognized for safety or structural reasons; and

(ii) for wide-bodied aircraft, no less than six seats abreast (where body shape permits) with pitch as prescribed in clause (b) (2) (i), above;

(c) Pending completion of the investigations in Dockets 22859, 22387, and 23080, the costs of cargo carried on combination aircraft are assumed to equal the revenues derived therefrom;

(d) The fair and reasonable rates of return on investment for the trunkline and local service carriers are 12.00 percent and 12.35 percent, respectively; and

(e) The fare level will be computed on a hypothetical full normal-fare basis, *i.e.*, as if discount fares not based on cost savings are not a part of the fare structure.

4. Amend § 399.32 by adding a new sentence, the amended section to read as follows:

§ 399.32 Rate policy applicable to subsidized carriers.

It is the policy of the Board to permit subsidized carriers maximum freedom to experiment, in interstate and overseas air transportation, with commercial rate changes for the purpose of maximizing revenues and thereby minimizing subsidy requirements, provided the resulting rates are not otherwise unreasonable. In furtherance of this policy, the local service carriers, in markets within the 48 contiguous states and the District of Columbia, may file tariffs proposing coach, standard, or jet custom fares which range from 100 to 130 percent of the applicable trunk coach formula fare.

5. Amend § 399.33 by replacing the existing section with a new section to read as follows:

§ 399.33 Domestic passenger-fare structure policies.

With regard to the structure of passenger fares for scheduled services by trunk and local service carriers in markets within the 48 states and the District of Columbia, it is the policy of the Board that:

(a) The trunk coach fares[1] for trips of any given distance should be reasonably related to the trunkline average costs of operations at that distance, with the ultimate goal of basing coach fares on such costs so that the coach-fare structure will fully reflect the decline in unit costs which occurs as distance increases;

(b) Any carrier operating at six-abreast in markets competitive with narrow-bodied five-abreast aircraft capable of accommodating six seats abreast, or wide-bodied 9/8-abreast aircraft, upon a showing of an adverse competitive impact, may lower its fares to a level necessary to meet such competition, and the operator of the less dense configuration will be permitted to match the lower fares only on a showing of special or unusual circumstances;

(c) Any carrier who installs 10/9 seating in wide-bodied aircraft may do so at a lower fare which is reasonably related to cost savings, and which may be matched by an operator of five-abreast aircraft capable of accommodating six seats abreast or a 9/8-abreast carrier only upon a showing of special or unusual circumstances;

(d) any carrier who operates a coach lounge may continue to do so at the normal coach fare: *Provided, however,* That: (1) Upon a showing of adverse competitive impact, a carrier which operates coach service in a nonlounge configuration may establish a lower fare at the level necessary to meet the competition of such a carrier, and which may not be matched by a lounge operator except upon a showing of special or unusual circumstances; and (2) any such carrier who converts from a lounge to a nonlounge service may do so at a lower fare which is reasonably related to the cost savings where it appears that the risk of adverse competitive impact would otherwise inhibit such conversion, and such lower fare may be matched by a lounge operator only upon a showing of special or unusual circumstances;

[1] The Board's policy with regard to the coach, regional or jet custom fares of the local service carriers appears in § 399.32 of this Part.

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(e) The ratio of first-class fares to coach fares should bear a reasonable relationship to the ratio of fully allocated first-class costs to coach costs and, effective April 1, 1977, the differential between first-class and coach fares should reflect the fully allocated cost differentials;

(f) With respect to discount fares not based on cost savings:[2]

(1) carriers should be free to utilize discount fares within their managerial discretion, subject to the conditions that such fares are not unjustly discriminatory and meet the profit-impact test (i.e., that they generate sufficient traffic to more than offset the diversion of full fare traffic and the added noncapacity costs associated with the generated traffic, less any savings in cost attributable to the nature of the service provided to the discount traffic); and

(2) Promotional-fare tariffs should contain expiration dates not to exceed 18 months from the effective date; and

(g) There should be joint fares in all markets over all routings at a level not to exceed the sum of the local fares minus one tax-rounded coach terminal charge for each interline connection, and all joint fares should be divided according to the relative costs of the mileage flown by each carrier participating in the interline movement.

(Secs. 204, 403, 404 and 1002 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760 and 788, as amended; 49 U.S.C. 1324, 1373, 1374 and 1482; and 5 U.S.C. 553.)

Effective: February 7, 1975.

Adopted: February 7, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-4103 Filed 2-12-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11220, File No. S-526]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Exempting Specified Residential Real Property Investment Contracts from Credit Regulation and Certain Disclosure and Suitability Requirements for Broker-Dealers

The Securities and Exchange Commission announced on January 31, 1975, the adoption of Rule 3a12-5 (17 CFR 240.3a12-5) under the Securities Exchange Act of 1934 (the "Act") which will exempt certain investment contract securities involving the direct ownership of specified residential real property offered by broker-dealers from sections 7(c) (15 U.S.C. 78(g)(c)) and 11(d)(1) (15 U.S.C. 78k(d)(1)) of the Act, subject to certain conditions. The Commission also announced the adoption of amendments to Rule 15c2-5 (17 CFR 240.15c2-5) under the Act which have the effect of liberalizing certain disclosure and suitability requirements for broker-dealers in connection with the offer or sale of a security involving an extension or arrangement of credit not subject to Regulation T (12 CFR 220). Rule 3a12-5 and the amendments to Rule 15c2-5 are being adopted pursuant to sections 3(a)(12) (15 U.S.C. 78c(a)(12)), 7(c), 11(d)(1), 15(c), (15 U.S.C. 78o(c)), and 23(a) (15 U.S.C. 78w(a)) of the Act. The effective date for Rule 3a12-5 and the amendments to Rule 15c2-5 is March 3, 1975.

On June 7, 1974, in Securities Exchange Act Release No. 10845, and in the FEDERAL REGISTER for June 20, 1974, at 39 FR 22162, the Commission published its proposal to adopt Rule 3a12-5. It has considered the comments and views of all interested persons concerning this proposal and now adopts Rule 3a12-5, and amends Rule 15c2-5, in the form set forth below.

Background. The rationale behind the adoption of section 7 of the Act was to limit the amount of credit which might be devoted to speculation in the securities markets,[1] to maintain the availability of credit for financing local commerce and industry,[2] to prevent undue market volatility by exerting a positive, stabilizing effect on the market,[3] and to protect investors from purchasing on too thin a margin.[4]

Section 11(d)(1) was enacted by Congress to prevent "one of the greatest potential evils attributable to the combination of the broker and dealer functions in the same person"—the extension of credit on new issues by underwriter-brokers.[5] This potential conflict of interest so troubled Congress that it was "deemed advisable to include a statutory prohibition"[6] even prior to the completion of a Commission study on the advisability and feasibility of segregating the functions of the broker and dealer.[7]

In response to requests from interested parties, the Commission reviewed the impact of sections 7(c) and 11(d)(1) on the sale of certain investment contracts involving residential real property, such as investment contracts involving the sale of a condominium,[8] in light of the statutory purposes of those sections. Upon completion of its review, the Commission published for comment proposed Rule 3a12-5 under the Act. After reviewing the comments received from interested parties, it is the view of the Commission that the unique characteristics of investment contract securities involving the direct ownership of specified residential real property (particularly in light of the traditional modes of financing such real property and the lack of the secondary trading market therefor) make the existence of the concerns addressed by sections 7(c) and 11(d)(1) of the Act unlikely. The Commission has determined, therefore, to adopt an exemption from the provisions of sections 7(c) and 11(d)(1) of the Act for the arranging of credit by broker-dealers offering such securities, subject to certain conditions.

Based upon its experience and the letters of comment received in response to Securities Exchange Act Release No. 10845, the Commission has made certain changes in Rule 3a12-5 as adopted. Additionally, amendments to Rule 15c2-5 (which is applicable to brokers and dealers offering, inter alia, investment contract securities on which they, directly or indirectly, arrange for the extension of credit not subject to Regulation T) are being adopted today.

Policy Questions. The Commission specifically requested comment on two policy questions in the context of the offering of residential real property investment contract securities:

(1) Does the lack of a secondary trading market for such investment contracts outweigh the prohibition which Congress established for the extension or arranging of credit by broker-dealers for "purpose loans" against other than "approved collateral"?

(2) Would permitting the extension or arranging of credit by broker-dealers for such investment contracts tend to encourage investment in such securities rather than other types of securities and therefore be less likely to ensure a rational allocation of capital?

After carefully reviewing the comments received with respect to these two questions, the Commission has concluded that the lack of a secondary trading market is a significant factor in support of the proposed exemption and that permitting extensions of credit pursuant to the terms of the exemption is in the public interest and for the protection of investors.

Direct Interest. Some commentators questioned whether the conveyance of less than a fee simple interest in real property to the purchaser constituted a direct interest in real property within the coverage of the rule. Specific reference was made to long term leasehold interests and interests in trusts which are offered to purchasers in lieu of a fee simple interest, whether because of restrictions under foreign or domestic law regarding the conveyance of real property or otherwise.

The Commission has carefully reviewed the question of the application of Rule 3a12-5 to investment contracts involving an interest in the real property which is less than a fee. The ability of an owner to transfer such an interest, the right to receive the proceeds of sale, the incidents of ownership, and, most significantly, the willingness of lenders to extend mortgage or similar financing, all support a conclusion that certain leasehold interests and beneficial interests in a trust should be treated comparably to a fee. Therefore, for purposes of Rule 3a12-5, the term "direct interest" has been defined in subparagraph (b)(2) to include a fee, leasehold interest, and/or a beneficial interest in a trust which, under applicable local law, is financed by a loan secured by a mortgage, deed of trust, or other similar security interest in real property.

The Commission has also concluded that indirect interests in real property, such as limited partnership interests and interests in real estate investment trusts, should not be included within the coverage of Rule 3a12-5. These securities possess characteristics essentially similar to equity securities and can be marketed in small denominations.

Other Investment Contracts. In Securities Exchange Act Release No. 10845, the Commission also solicited comment on the question of whether the coverage of proposed Rule 3a12-5 should be extended to investment contract securities that include a direct interest in real property other than residential real property.

After reviewing the comments the Commission has concluded that Rule 3a12-5 should be limited to investment contracts consisting of a direct ownership interest in specified residential real property as defined. Adoption of Rule 3a12-5 will permit the continuation of traditional real estate financing practices for purchasers of residential real property. For purposes of the rule, the term "residential real property" is defined in subparagraph (b)(1) as real property containing living accommodations, whether used on a permanent or transient basis. This definition is not intended to impose a requirement upon the purchaser of the investment contract that he occupy the premises.

While the Commission believes that the need for relief from the credit restrictions of sections 7(c) and 11(d)(1) of the Act has been demonstrated for residential real property investment contracts, no similar need has been presented at this time for extending the coverage of the rule to other types of investment contracts involving interests in non-residential real property and personal property.

Issuers of non-residential real property and personal property investment contracts and broker-dealers offering such contracts for sale to the public are reminded of the adoption by the Board of Governors of the Federal Reserve System of an amendment to § 220.6(l) of Regulation T, in the FEDERAL REGISTER for December 27, 1974, at 39 FR 44739, which becomes effective on March 3, 1975. This amendment will have the effect of treating the extension of credit on any part of an investment contract security as credit on the entire security and would prohibit broker-dealers from arranging for such credit unless collateralized in compliance with the requirements of Regulation T.

Credit Terms. Subparagraph (a)(3) of proposed Rule 3a12-5 requires that the credit be extended by a lender unaffiliated with the issuer or the broker-dealer offering these securities. The Commission believes that the lack of affiliation of the lender is a necessary requirement to assure that the financing is based upon an independent appraisal of the property and the credit worthiness of the borrower. Therefore, the requirement that the lender not be in a control relationship with the issuer or the selling broker-dealer, or affiliates thereof, has been retained in the final version of the rule. This is not designed to prohibit an ownership interest in a developer/issuer by a lender, or vice versa, so long as such interest does not constitute control. Because the existence of a control relationship can only be made in light of the specific facts of a particular case, such a determination must be made by the issuer, the lender, and their counsel. The Commission also believes that the unaffiliated lender provision makes unnecessary the requirement in subparagraph (a)(2) of the proposed rule that the credit must be reasonably related to the current market value of the real property. Accordingly, that subparagraph has been deleted.

The Commission takes the view that traditional real estate lending practice—in which the lender assesses and relies on the credit worthiness of the purchaser and the security value of the underlying real property—should result in prudent loans. However, in recognition of the business practice of the resort and second-home industry, Rule 3a12-5 will permit the lender's security interest to extend to common areas and recreational facilities incidental to the residential real property investment contract and to uniform furniture packages and fixtures if required by the issuer or subject to his approval. In addition, a lender will not be precluded from protecting his security interest by requiring an assignment of rents contingent on default or requiring a guarantor or co-signer on the debt obligation provided that the issuer, its affiliates, or the broker or dealer offering the securities does not guarantee or co-sign the purchaser's debt obligation.

Subparagraph (a)(2) of the rule has been revised to avoid a possible ambiguity resulting from the requirement that the credit be repaid by "regular" payments of principal and interest. It was not intended that each payment consist of equal amounts of principal and interest; this provision has been revised, therefore, to refer to "periodic" payments of principal and interest pursuant to a schedule of amortization established by the governing instruments. So-called "balloon financing," if extended by an unaffiliated lender and in compliance with the terms and conditions of Rule 3a12-5, will nevertheless be specifically permissible.

Disclosure and Suitability. Subparagraphs (b)(1) and (2) of proposed Rule 3a12-5 would have imposed disclosure and suitability obligations upon the person offering these investment contract securities. The Commission views disclosure and suitability as a necessary and fundamental condition of the exemption for the protection of investors. The disclosure and suitability standards originally contained in subparagraphs (b)(1) and (2) of proposed Rule 3a12-5 have been deleted, however, in reliance on the existing obligations of broker-dealers under Rule 15c2-5 of the Act, specifically subparagraphs (a)(1) and (2) thereunder, to make complete disclosure to, and a determination of suitability for, prospective customers to whom the broker-dealers offer securities on which they, directly or indirectly, arrange for the extension of credit not subject to Regulation T. Subparagraph (a)(1) of Rule 15c2-5 has been amended by the addition of a proviso to permit the delivery of the information required by that subparagraph in another document, *e.g.*, a prospectus, to satisfy the disclosure requirements of that subparagraph. Subparagraph (a)(2) of Rule 15c2-5 has been amended to permit the broker-dealer to retain in his files the written basis for his suitability determination, rather than delivering this statement to a customer. However, subparagraph (a)(2) of Rule 15c2-5 has been amended to make clear that a copy of the written basis for the suitability determination made by the broker-dealer must be made available to the customer on request.

In order to make clear that, for purposes of Rule 15c2-5, credit extended in reliance upon the exemption from section 7(c) provided by Rule 3a12-5 is not credit "in compliance with the requirements of" Regulation T, the proviso to subparagraph (b) of Rule 15c2-5 has been amended.

The Commission wishes to emphasize that Rule 3a12-5 is in the nature of an experiment and that the activities of persons seeking to avail themselves of the exemption afforded by the rule will be carefully scrutinized to assure that such activities are not inconsistent with the public interest and provide for the protection of investors. Inasmuch as Rule 3a12-5 is premised, in part, upon the lack of a secondary trading market for investment contract securities involving the direct ownership of specified residential real property, the Commission would reconsider the appropriateness of the rule adopted today if secondary trading markets develop for these investment contract securities.

Commission action. The Securities and Exchange Commission, acting pursuant to sections 3(a)(12), 7(c), 11(d)(1), 15(c), and 23(a) of the Securities Exchange Act of 1934, as amended,

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[2] The Board's policy as to the treatment of such discount fares for fare level purposes appears in § 399.31 of this Part.

[1] H.R. Rep. No. 1383, 73d Cong., 2d Sess. 8 (1934).

[2] *Id.*

[3] S. Rep. No. 792, 73d Cong., 2d Sess. 8 (1934).

[4] *Id.* at 3; S. Rep. No. 1455, 73d Cong., 2d Sess. 11 (1934).

[5] H.R. Rep. No. 1383, 73d Cong., 2d Sess. 22 (1934).

[6] S. Rep. No. 792, 73d Cong., 2d Sess. 12 (1934)

[7] Pursuant to Section 11(e) of the Securities Exchange Act (15 U.S.C. 78k(e)), the Commission conducted a study of the abuses connected with, among other things, the combination of underwriter-broker and participating broker-dealer functions but did not recommend the segregation of such functions. Securities and Exchange Commission, *Study of the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Brokers*, 43-45, 109 (1936).

[8] See Securities Act Release No. 5347 (Jan. 4, 1973); 38 FR 1735.

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hereby adopts § 240.3a12–5 and amends § 240.15c2–5 under Part 240 of Chapter II of Title 17 of the Code of Federal Regulations. The Commission has determined that because: (1) the proposal to adopt § 240.3a12–5 has been exposed for public comment since June 7, 1974; and (2) the amendments to § 240.15c2–5 relieve a restriction within the meaning of the Administrative Procedure Act, 5 U.S.C. 553(d), additional public comment is not necessary and there is good cause to, and the Commission hereby does, declare § 240.3a12–5 and the amendments to § 240.15c2–5 effective on March 3, 1975. The full text of § 240.3a12–5 and § 240.15c2–5 is attached hereto:

§ 240.3a12–5 Exemption of certain investment contract securities from Sections 7(c) and 11(d)(1).

(a) An investment contract security involving the direct ownership of specified residential real property shall be exempted from the provisions of sections 7(c) and 11(d)(1) of the Act with respect to any transaction by a broker or dealer who, directly or indirectly, arranges for the extension or maintenance of credit on the security to or from a customer, if the credit:

(1) Is secured by a lien, mortgage, deed of trust, or any other similar security interest related only to real property; *Provided, however,* That this provision shall not prevent a lender from requiring (i) a security interest in the common areas and recreational facilities or furniture and fixtures incidental to the investment contract if the purchase of such furniture and fixtures is required by, or subject to the approval of, the issuer, as a condition of purchase; or (ii) an assignment of future rentals in the event of default by the purchaser or a co-signer or guarantor on the debt obligation other than the issuer, its affiliates, or any broker or dealer offering such securities;

(2) Is to be repaid by periodic payments of principal and interest pursuant to an amortization schedule established by the governing instruments; *Provided, however,* That this provision shall not prevent the extension of credit on terms which require the payment of interest only, if extended in compliance with the other provisions of this rule; and

(3) Is extended by a lender which is not, directly or indirectly controlling, controlled by, or under common control with the broker or dealer or the issuer of the securities or affiliates thereof.

(b) For purposes of this rule: (1) "Residential real property" shall mean real property containing living accommodations, whether used on a permanent or transient basis, and may include furniture or fixtures if required as a condition of purchase of the investment contract or if subject to the approval of the issuer.

(2) "Direct ownership" shall mean ownership of a fee or leasehold estate or a beneficial interest in a trust the purchase of which, under applicable local law, is financed and secured by a security interest therein similar to a mortgage or deed of trust, but it shall not include an interest in a real estate investment trust, an interest in a general or limited partnership, or similar indirect interest in the ownership of real property.

§ 240.15c2–5 Disclosure and other requirements when extending or arranging credit in certain transactions.

(a) It shall constitute a "fraudulent, deceptive, or manipulative act or practice" as used in section 15(c)(2) of the Act for any broker or dealer to offer or sell any security to, or to attempt to induce the purchase of any security by, any person, in connection with which such broker or dealer directly or indirectly offers to extend any credit to or to arrange any loan for such person, or extends to or participates in arranging any loan for such person, unless such broker or dealer, before any purchase, loan or other related element of the transaction is entered into:

(1) Delivers to such person a written statement setting forth the exact nature and extent of (i) such person's obligations under the particular loan arrangement, including among other things, the specific charges which such person will incur under such loan in each period during which the loan may continue or be extended, (ii) the risks and disadvantages which such person will incur in the entire transaction, including the loan arrangement, (iii) all commissions, discounts, and other remuneration received and to be received in connection with the entire transaction including the loan arrangement, by the broker or dealer, by any person controlling, controlled by, or under common control with the broker or dealer, and by any other person participating in the transaction; *Provided, however,* That the broker or dealer shall be deemed to be in compliance with this paragraph if the customer, before any purchase, loan, or other related element of the transaction is entered into in a manner legally binding upon the customer, receives a statement from the lender, or receives a prospectus or offering circular from the broker or dealer, which statement, prospectus or offering circular contains the information required by this paragraph; and

(2) Obtains from such person information concerning his financial situation and needs, reasonably determines that the entire transaction, including the loan arrangement, is suitable for such person, and retains in his files a written statement setting forth the basis upon which the broker or dealer made such determination; *Provided, however,* That the written statement referred to in this paragraph must be made available to the customer on request.

(b) This section shall not apply to any credit extended or any loan arranged by any broker or dealer subject to the provisions of Regulation T (12 CFR 220) if such credit is extended or such loan is arranged, in compliance with the requirements of such regulation, only for the purpose of purchasing or carrying the security offered or sold: *Provided, however,* That notwithstanding this paragraph, the provisions of paragraph (a) shall apply in full force with respect to any transaction involving the extension of or arrangement for credit by a broker or dealer (i) in a special insurance premium funding account within the meaning of section 4(k) of Regulation T (12 CFR 220.4(k)) or (ii) in compliance with the terms of § 240.3a12–5 of this Chapter.

(Sec. 3(a)(12), 48 Stat. 882, as amended 84 Stat. 718, 1435, 1499 (15 U.S.C. 78c(12)); Sec. 7(c), 48 Stat. 886, as amended 82 Stat. 452 (15 U.S.C. 78g(c)); Sec. 11(d)(1), 48 Stat. 891 as amended 68 Stat. 686 (15 U.S.C. 78k(d)(1)); Sec. 15(c), 48 Stat. 895, as amended 52 Stat. 1075, 84 Stat. 1653 (15 U.S.C. 78o(c)); Sec. 23(a), 48 Stat. 901, as amended 49 Stat. 704, 1379 (15 U.S.C. 78w(a)))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 31, 1975.

[FR Doc.75–4078 Filed 2–12–75; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOM SERVICE

[T.D. 75–41]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Return of Certain Articles Previously Taken Under Cover of a Carnet

Section 10.68 of the Customs Regulations (19 CFR 10.68) provides for the return to the United States of theatrical scenery, properties, and effects, motion-picture films, and commercial travelers' samples without formal entry and without payment of duty if, before their exportation, an export voucher from an A.T.A. (Admission Temporaire-Temporary Admission) carnet or an application on Customs Form 4455 is filed with Customs officers. A determination has been made to amend § 10.68 of the Customs Regulations, and the centerhead immediately preceding it, to include professional books, implements, instruments, and tools of trade, occupation or employment, among the types of articles which are permitted to be returned after having been temporarily taken abroad under cover of an A.T.A. carnet, without entry or payment of duty. This amendment facilitates the return to the United States of these articles.

Accordingly, the first sentence of paragraph (a) of § 10.68 of the Customs Regulations (19 CFR 10.68a)), and the centerhead which immediately precedes this section, are amended to read as follows:

THEATRICAL EFFECTS, MOTION-PICTURE FILMS, COMMERCIAL TRAVELERS' SAMPLES, AND TOOLS OF TRADE

§ 10.68 **Procedure.**

(a) Theatrical scenery, properties, and effects, motion-picture films (including motion-picture films taken aboard a vessel for exhibition only during an outward voyage and returned for the same purpose during an inward voyage on the same or another vessel), commercial travelers' samples, and professional books, implements, instruments, and tools of trade, occupation, or employment (see § 148.53 of this chapter), of domestic or foreign origin, taken abroad may be returned without entry and without payment of duty: Provided, That prior to exportation of such articles an exportation voucher from a carnet, when applicable, or an application on Customs Form 4455 was filed and the merchandise was identified as set forth in § 10.8, governing the exportation of articles sent abroad for repairs. • • •

• • • • • •

(R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14 (19 U.S.C. 66, 1202 (General Headnote 11, Tariff Schedules of the United States) 1624))

Inasmuch as this amendment relaxes requirements heretofore imposed upon the public, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment will become effective February 13, 1975.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: February 5, 1975.

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.75–4105 Filed 2–12–75; 8:45 am]

[T.D. 75–42]

PART 141—ENTRY OF MERCHANDISE

Information for Certain Classes of Merchandise

On August 8, 1974, there was published in the FEDERAL REGISTER (39 FR 28534), a notice of a proposed amendment to § 141.89 of the Customs Regulations (19 CFR 141.89), which would require that invoices of imported colored woven fabric of man-made fibers contain certain additional information to permit the classification of such merchandise under the proper statistical reporting numbers in the Tariff Schedules of the United States Annotated. No comments were received in response to this notice.

Accordingly, § 141.89 of the Customs Regulations (19 CFR 141.89) is amended by adding a new paragraph, in alphabetical sequence, to read as follows:

§ 141.89 Additional information for certain classes of merchandise.

• • • • • •

Woven fabrics of man-made fibers, colored, classifiable under item 338.30, Tariff Schedules of the United States (19 U.S.C. 1202): (1) Whether the merchandise is yarn dyed, and (2) The thread count per inch (treating ply yarns as single threads) in the warp and in the filling.

(R.S. 251, as amended, secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1624))

Effective date. This amendment shall become effective March 17, 1975.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: February 5, 1975.

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.75–4106 Filed 2–12–75; 8:45 am]

[T.D. 75–40]

PART 153—ANTIDUMPING

Television Receiving Sets, Monochrome and Color, from Japan

On August 15, 1974, there was published in the FEDERAL REGISTER (39 FR 29391) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to television receiving sets, monochrome and color, from Japan produced by Sony Corporation of Japan. A finding of dumping applicable to this merchandise was published as T.D. 71–76, in the FEDERAL REGISTER of March 10, 1971 (36 FR 4597).

Reasons for the tentative determination were published in the above-mentioned notice, and interested persons were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding", television receiving sets, monochrome and color, from Japan are no longer being, nor are likely to be sold in the United States at less than fair value by Sony Corporation of Japan, and the finding of dumping with respect to such merchandise is hereby modified to exclude television receiving sets produced and sold by that company.

Accordingly, § 153.43 of the Customs Regulations is amended to show the exclusion of television sets produced and sold by Sony Corporation of Japan from the finding of dumping.

Merchandise	Country	T.D.	Modified by—
Television receiving sets, monochrome and color, except sets produced and sold by Sony Corp. of Japan.	Japan	71–76	75

(Secs. 201, 407, Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

FEBRUARY 6, 1975.

[FR Doc.75–3824 Filed 2–12–75; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R–75–316]

Interest Rates Applicable to Mortgage Increases Between Initial and Final Endorsement

Parts 205, 207, 213, 220, 221, 232, 235, 236, 242, and 244 of Title 24 of the Code of Federal Regulations are being amended to provide that the interest rate on an increase in a mortgage, over and above the amount which the Secretary committed to insure at initial endorsement, may be at the maximum interest rate allowable at the time of the Secretary's approval of the increase. Parts 227, 231 and 234 are similarly amended through incorporation by reference of Part 207.

These amendments in the regulations are necessary because of the reluctance of mortgagees to fund mortgage increases, other than those to which they are contractually committed, at interest rates lower than those prevailing in the mortgage market at the time of providing the additional funding.

In light of the immediate need for implementation of these regulations to permit increases in mortgage amounts for several projects which require mortgage increases to complete construction or permanent financing arrangements, these amendments are being published as an interim rule, effective upon publication. A 60 day comment period is provided for public comment before the final regulations will be published. All relevant material received on or before April 14, 1975, will be considered by the Department before a final rule is adopted. Filings should refer to the above Docket number and should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street SW., Washington, D.C. 20410. Copies of comments submitted will be available during business hours at the above address for examination by interested persons.

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

A new paragraph is added to the end of section 205.50 to read as follows:

§ 205.50 **Maximum interest rate.**

• • • • • •

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate

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shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

A new paragraph (c) is added to § 207.7 to read as follows:

§ 207.7 Maximum interest rate.

(a) • • •
(b) • • •
(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement, shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

A new paragraph (c) is added to § 213.10 to read as follows:

§ 213.10 Maximum interest rate.

(a) • • •
(b) • • •
(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

A new paragraph (c) is added to § 220.576 to read as follows:

§ 220.576 Maximum interest rate.

(a) • • •
(b) • • •
(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

A new paragraph (c) is added to § 221.518 to read as follows:

§ 221.518 Maximum interest rate.

(a) • • •
(b) • • •
(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

A new paragraph (c) is added to § 232.29 to read as follows:

§ 232.29 Maximum interest rate.

(a) • • •
(b) • • •
(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

A new paragraph is added to the end of § 235.540 to read as follows:

§ 235.540 Maximum interest rate.

• • • • • •

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

A new paragraph is added at the end of § 263.15 to read as follows:

§ 236.15 Maximum interest rate.

• • • • • •

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

A new paragraph is added to the end of § 242.33 to read as follows:

§ 242.33 Maximum interest rate.

• • • • • •

The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

A new paragraph (c) is added to § 244.45 to read as follows:

§ 244.45 Maximum interest rate.

(a) • • •
(b) • • •
(c) The amount of any increase approved by the Commissioner in the mortgage amount between initial and final endorsement in excess of that which the Commissioner had committed to insure at initial endorsement shall bear interest at the rate agreed upon by the mortgagor and the mortgagee, which rate shall not exceed the maximum interest rate established by the Secretary and in effect at the time the increase is approved by the Commissioner.

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Effective date. These amendments are effective February 13, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.75-4104 Filed 2-12-75;8:45 am]

Title 29—Labor

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2100—ETHICS AND CONDUCT OF OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EMPLOYEES

Standards of Conduct

The Occupational Safety and Health Review Commission is hereby giving notice of the implementation of the provisions of Executive Order 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officials and Employees," and 5 CFR 735.101 et seq.

Since notice and public procedure are not required under 5 U.S.C. 553 with respect to rules of agency organization, procedure or practice public comments are not being solicited regarding the implementation of the hereinafter rules.

These provisions are intended to prescribe the conduct of certain Occupational Safety and Health Review Commission employees in situations related to conflict of interest matters in the areas of outside employment, private business, professional activities, and financial interests. It further covers the basic principles of the relationship between OSAHRC employees and the OSAHRC as their employer.

The herinafter rules shall become effective on April 1, 1975.

Sections 2100.1 through 2100.27 would read as follows:

Subpart A—General

Sec.
2100.1 Purpose and scope.
2100.2 Counseling service.
2100.3 General.

Subpart B—Conduct

2100.4 General.
2100.5 Nondiscrimination.
2100.6 Indebtedness.
2100.7 Gambling, betting, and lotteries.
2100.8 Misuse of official information.
2100.9 Misuse of Federal property.
2100.10 Partisan political activities.

Subpart C—Outside Interests, Employment, Business and Professional Activities

2100.11 General.
2100.12 Conflict-of-interest.
2100.13 Clearance.

Subpart D—Gifts, Fees, Entertainment, Favors

2100.14 Acceptance of gratuities generally.
2100.15 Payments, expenses, reimbursements, entertainments, etc., from non-Government sources.
2100.16 Contributions and gifts to superiors.
2100.17 Permissible gifts.

Subpart E—Statements of Employment and Financial Interests

2100.18 Regular employees required to submit statements.
2100.19 Supplemetary statements, regular employees.
2100.20 Special Government employees required to submit statements.
2100.21 Review procedures.
2100.22 Confidentiality.
2100.23 Review of files.
2100.24 Interests of employees' relatives.
2100.25 Information not known by employees.
2100.26 Information not required.
2100.27 Effect of employees' statements on other requirements.

Appendix A.

AUTHORITY: Sec. 12(g), Pub. L. 91-596, 84 Stat. 1604 (29 U.S.C. 661(f)); E.O. 11222; 2 CFR 1964-65 Comp. p. 306; 5 CFR 735.104; 18 U.S.C. 201 through 209.

Subpart A—General

§ 2100.1 Purpose and scope.

(a) This part is designed to implement provisions of Executive Order 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officials and Employees," and 5 CFR 735.101 et seq. It prescribes standards of conduct for employees of the Occupational Safety and Health Review Commission (hereinafter OSAHRC) relating to conflicts of interest arising out of outside employment, private business and professional activities, and financial interests. It sets forth requirements for the disclosure of such interests by OSAHRC employees. In addition, it states basic principles regarding employees' conduct on the job and the ethics of their relationship to OSAHRC as their employer. The head of any OSAHRC office may with the approval of the Chairman, adopt additional standards and procedures, not inconsistent with this part. Any such additional standards and procedures shall be furnished in writing to the employees affected. This part applies to all regular and special Government employees except to the extent otherwise indicated herein. For the purpose of this part:

(1) "Regular employee" means an official or employee of OSAHRC, but does not include a special Government employee.

(2) "Special Government employee" means an official or employee of OSAHRC who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(3) "Employee" means a regular and a special Government employee.

(4) The term "office", except where otherwise indicated, means an office which is not a part of a larger administrative subdivision of the Commission.

(5) Whenever this part requires the Executive Director to make any report about his own interests which would otherwise be made to the Executive Director, the Executive Director shall report directly to the OSAHRC Chairman.

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes in no way constitute an interpretation or construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or otherwise upon Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement.

§ 2100.2 Counseling service.

(a) The Executive Director has been designated OSAHRC counselor in matters within the scope of the regulations in this part. Employees are expected to familiarize themselves with the regulations in this part, the laws and regulations on which they are based, and the supplementary instructions issued by the administrations, bureaus, and offices in which they work. Attention of all employees is hereby directed to the statutes set forth in 5 CFR 735.210 (see Appendix A to this part). Employees who need clarification of the standards of conduct, and related laws, rules, and regulations should consult the Executive Director.

(b) Each head of an office is responsible for application of the standards of conduct to employees under his jurisdiction. He is responsible for assuring that his employees are furnished copies of the regulations in this part not later than 90 days after their approval by the Civil Service Commission. Each new employee shall be furnished such a copy no later than the time of his entrance on duty. The heads of offices shall assure that employees are advised of the times and places where counseling services are available. They shall assure that the regulations in this part are brought to the attention of each employee at least annually and at such other times as circumstances warrant.

§ 2100.3 General.

(a) Failure of an employee to comply with any of the standards of conduct set forth in this part shall be a basis for such disciplinary or other remedial action as may be appropriate to the particular case. Such remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, executive orders and regulations.

Subpart B—Conduct

§ 2100.4 General.

(a) The effectiveness of OSAHRC in fulfilling its statutory responsibilities depends upon the extent to which its officials and employees hold the public confidence. Employees are therefore required not only to observe the requirements of Federal laws, policies, orders and regulations governing official conduct, they must also avoid any apparent conflict with these requirements. Each employee shall avoid situations in which his private interests conflict or raise a reasonable question of conflict with his public duties and responsibility. An employee shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using

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public office for private gain, giving preferential treatment to any person, impeding Government efficiency or economy, losing complete independence or impartiality, making a Government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the Government.

(b) Employees must conduct themselves in such manner that OSAHRC's work is effectively accomplished. They must observe the requirements of courtesy, consideration and promptness in dealing with or serving the public and all those interested in OSAHRC. Although it is the policy of this agency not to restrict or interfere with the private lives of its employees, each employee is expected to conduct himself at all times so that his actions will not bring discredit upon himself or upon OSAHRC or the Federal service.

§ 2100.5 Nondiscrimination.

No employee in this Commission while in the performance of his duty may discriminate against any other employee or applicant for employment because of race, color, religion, national origin, sex, or age.

§ 2100.6 Indebtedness.

Indebtedness of employees is essentially a matter of their own concern. OSAHRC will not be placed in the position of acting as a collection agency or of determining the validity or amount of contested debts. Nevertheless, failure on the part of an employee without good reason and in a proper and timely manner to honor his just financial obligations; that is, debts acknowledged by him to be valid or reduced to judgment by a court or to make or to adhere to satisfactory arrangements for the settlement thereof may be the cause for disciplinary action. In this connection each employee has a special obligation to meet his responsibilities for payment of Federal, State, and local taxes.

§ 2100.7 Gambling, betting, and lotteries.

An employee shall not participate, while on Government owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 2100.8 Misuse of official information.

Employees may not, except with specific permission or as provided in 2100.11 in regard to teaching, lecturing, or writing, directly or indirectly use or allow the use of official information for private purposes or to further a private interest when such information is not available to the general public; nor may employees disclose official information in violation of any applicable law, policy, Executive order, or regulation.

§ 2100.9 Misuse of Federal property.

An employee shall not directly or indirectly use or allow the use of Government property, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve such property and shall obey all rules and regulations.

§ 2100.10 Partisan political activities.

Employees are expected to observe the prohibitions on political activities set forth in subchapter III of chapter 73 of title 5, United States Code; 18 U.S.C. 602, 603, 607, and 608; and Civil Service Rule IV, Title 5 Code of Federal Regulations section 4.1. Explanations of the restrictions are set forth in the Employee Handbook, U.S. Civil Service Commission Pamphlet No. 20, and in the Federal Personnel Manual.

Subpart C—Outside Interests, Employment, Business and Professional Activities

§ 2100.11 General.

(a) In the absence of restrictions made necessary by an employee's public responsibilities, he is entitled to the same rights and privileges as all other citizens. There is therefore no general prohibition against Commission employees holding jobs, financial interests, or engaging in outside business or professional activities. Indeed, such outside activities as teaching, lecturing, and writing are generally to be encouraged since they frequently serve to enhance an employee's value to the Government as well as to increase the spread of knowledge in our society. The employing office may, however, impose reasonable restrictions upon such activities where appropriate and in accordance with § 2100.1. In addition, an employee may not, whether for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request or when the head of his employing office gives written authorization for the use of nonpublic information on the basis that its use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401 of Executive Order 11222 of May 8, 1965, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become a part of the body of public information.

(b) No OSAHRC employee may accept any outside employment, engage in any outside business, professional, or other activity, or have financial interests if such employment, activity, or interests would be or appear to be in substantial conflict with OSAHRC responsibilities or the interests of the Government, would interfere with the performance of official duties, would prevent a regular employee from rendering full-time service to OSAHRC or require so much time that his efficiency is impaired, or if such employment, activity, or interest would bring discredit on OSAHRC or the Government. In addition, no employee may engage, directly or indirectly, in a financial transaction as a result of, or relying primarily on, information obtained through his Government employment.

(c) No employee may use or appear to use his Government employment to coerce any person, enterprise, company, association, partnership, society, or other organization or instrumentality to provide financial benefit to himself or another person.

§ 2100.12 Conflict-of-interest laws.

Sections 201 through 209 of title 18, United States Code, prohibit and provide criminal penalties for certain acts by Government employees involving conflict of-interest situations, including limited exceptions for special Governments employees. These provisions include the following prohibitions:

(a) Section 203, in general, prohibits a Federal employee from soliciting, receiving, or agreeing to receive compensation for services rendered on behalf of another before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest.

(b) Section 205, in general, prohibits a Federal employee from acting as agent or attorney for prosecuting any claim against the United States or acting as agent or attorney for anyone before any Federal courts or agencies in connection with any particular matters in which the United States is a party or has a direct and substantial interest. It also prohibits him from receiving any gratuity, or any share of or interest in any claim against the United States in consideration of assistance in the prosecution of such claim.

(c) Section 208, in general, prohibits a Government employee in his official capacity from participating personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, or otherwise in any particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment has a financial interest. In accordance with the provisions of section 208(b)(2), the financial interests described below are hereby exempted from the prohibition of 18 U.S.C. 208 as being too remote or too inconsequential to affect the integrity of an employee's services in a matter: the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank which owns an interest in an entity involved in the matter: Provided, that in the case of a mutual fund, investment company, or bank the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, the prohibitions of section 208(a) shall not apply if the employee obtains advance clearance in accordance with the requirements of section 208.

(d) Section 209, in general, prohibits regular Government employees from receiving salary or supplementation of salary as compensation for their Government service from any source other than the United States. The statutory provisions described in this section are intended to call each employee's attention to problem areas and are not intended as a comprehensive description or interpretation of statutory prohibitions or the exceptions thereto. Employees who need guidance concerning the scope and application of the conflict-of-interest laws and their execution should consult the Executive Director.

§ 2100.13 Clearance.

(a) Any employee who is engaged or is planning to engage in outside employment, business, professional, or other such activities has a positive obligation to inform himself fully concerning the requirements of this subpart and any laws, orders, regulations, or standards applicable to such activities. An employee shall request clearance from the Executive Director as to whether such planned or current activities are prohibited:

(1) When such activities raise a substantial question of conflict with this subpart or any applicable laws, orders, regulations, or standards;

(2) When applicable laws, orders, regulations, or standards require clearance of such activities; or

(3) When the employee is specifically so required by the individual responsible for clearance in order to avoid possible conflict with applicable laws, orders, regulations, or standards.

The clearance request shall be in writing and shall include, at a minimum, the identity of the employee, a statement of the nature of the employment or activity, and the amount of time to be devoted to the employment or activity. The Executive Director may require the employee to furnish such other information as may be appropriate in considering the clearance request. He may grant clearance only when he believes such activities would be consistent with applicable laws, orders, regulations, and standards. If clearance is not granted, the employee shall not commence or continue the outside employment or activity.

(b) The requirements set forth in this subpart are separate from and in addition to any provision under Subpart E of this part requiring an employee to submit a statement of employment and financial interests or any other requirements of that subpart.

Subpart D—Gifts, Fees, Entertainment, and Favors

§ 2100.14 Acceptance of gratuities generally.

No employee shall solicit, accept, or agree to accept any direct or indirect favor, gift, loan, free service, gratuity, entertainment, or other item of economic value if the donor has or is seeking to obtain contractual or other business or financial relations with OSAHRC, has interests that may be substantially affected by the performance or nonperformance of official duties, is attempting to reward or influence the employee's official actions, or if acceptance of such item could affect the employee's impartiality, or give that appearance. An employee shall not accept a gift, present, decoration, or other thing from a foreign Government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. No regular Government employee may receive any salary or supplementation of salary from a private source as compensation for services to the Government.

§ 2100.15 Payments, expenses, reimbursements, entertainment, etc., from non-Government sources.

(a) In general, Decision B–128527 of the Comptroller General dated March 7, 1967, restricts receipt of reimbursement for travel, subsistence, or other expenses from private sources by an employee on official business or agency orders. This decision or other regulations in this part do not restrict acceptance of contributions, awards, travel, subsistence, and other expenses from nonprofit organizations authorized by 5 U.S.C. 4111 and regulations issued thereunder; Provided, that an employee may not, without the written permission of the Executive Director (except as allowed by § 2100.17 (a)(6)), accept from nongovernmental sources any payments, expenses, reimbursements, entertainment, or other item of economic value incident to training, attendance at meetings of any kind, or other activities, if such training, meetings, or activities are attended or performed wholly or partially within periods when he is on duty or at such time as OSAHRC pays any expenses incident thereto in whole or in part. Such authorization may not be granted where prohibited by law or Decision B–128527 of the Comptroller General and may only be granted if acceptance of the contribution, award, or payment: (1) Would not reflect unfavorably on the ability of the employee to carry out his official duties in a fair and objective manner; (2) would not compromise the honesty and integrity of the Government programs or of Government employees and their official actions or decisions; (3) would be compatible with the Code of Ethics of Government Service expressed in House Concurrent Resolution 175, 85th Congress, second session; (4) would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case; and (5) if the contribution, award, or payment is not a reward for services to the organization prior to the training or meeting. Authorization shall be limited to receipt of bona fide reimbursement for actual expenses of travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed and payment may not be made on his behalf for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 2100.16 Contributions and gifts to superiors.

No employee may solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. This section does not prohibit voluntary gifts of nominal value or donations in a nominal amount made on a special occasion such as marriage, illness, etc.

§ 2100.17 Permissible gifts.

(a) The prohibitions in this subpart do not preclude: (1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for meritorious public contribution given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civil organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make clear that it is those relationships rather than the business of the persons concerned which are the motivating factor;

(4) Acceptance of loans from banks, or other financial institutions on customary terms to finance proper and usual activities;

(5) Acceptance of scholarships, fellowships, and similar forms of assistance which are incident to education or training pursued by an employee on his own time and his own initiative;

(6) Acceptance, without permission, of food, entertainment, and refreshments of nominal value on infrequent occasions in the ordinary course of a meeting, inspection tour, or training situation in which the employee is properly in attendance.

(b) Notwithstanding any reference to generally permissible gifts in this subpart, employees are expected to avoid any conflict or apparent conflict between their private interests and those of OSAHRC and to observe the other standards of conduct set forth in Subpart B of this part.

Subpart E—Statements of Employment and Financial Interests

§ 2100.18 Regular employees required to submit statements.

(a) The following regular employees are required to submit to the Executive

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Director statements of employment and financial interests on forms approved by the Executive Director and furnished to the employees. Such forms must be completed in accordance with instructions applicable thereto. Forms shall be submitted not later than 90 days after the effective date of the regulations in this part, if employed on or before that effective date or 30 days after his entrance on duty, but not earlier than 90 days after the effective date if appointed after the effective date.

(1) Chief Legal Counsels to the Commission Members;
(2) Executive Director;
(3) Chief Judge;
(4) Executive Secretary;
(5) Chief Review Counsel;
(6) Director of Administration;
(7) Director of Systems;
(8) Director of Information and Publications;
(9) Administrative Law Judges, as defined by § 930.202(c) of the Civil Service Commission regulations (5 CFR 930.202 (c));
(10) General Counsel; and
(11) Any person designated to act in the stead of any of the above or who automatically serves in the absence of any of the above.

(b) Additions to, deletions from, and other amendments of the list of positions in this section may be made from time to time as necessary to carry out the purpose of the law, Executive Order 11222, and Part 735 of the Civil Service Commission regulations (5 CFR Part 735). Such amendments are effective upon clearance by the Executive Director and actual notification to the incumbents. The amended list shall be submitted annually for publication in the FEDERAL REGISTER.

(c) Any employee who believes that his position has been improperly included under this subpart as one requiring the submission of a statement of employment and financial interests shall have the opportunity for review of such inclusion by requesting the same by filing a written statement with the OSAHRC Chairman.

§ 2100.19 Supplementary statements, regular employees.

Changes in, or additions to the information contained in the regular employee's statement of employment and financial interests shall be reported in a supplementary statement as of September 30 each year. If there are no changes or additions, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest laws or Subpart C of this part.

§ 2100.20 Special Government employees required to submit statements.

(a) Before an individual enters on duty as a special Government employee expert or consultant he is required to submit a statement of employment and financial interests to the Executive Director on forms approved by the Executive Director and furnished to the individual. Such forms must be completed in accordance with the instructions applicable thereto. This requirement applies to all other special Government employee positions unless the Executive Director determines prior to appointment that the duties of the position are of such a nature and at such a level of responsibility that the submission of the statement is not necessary to protect the integrity of the Government. For the purpose of this section, "consultant" and "expert" shall be given the meanings given these terms by Chapter 304 of the Federal Personnel Manual.

(b) Each special Government employee shall keep his statement of employment and financial interests current throughout his OSAHRC employment by the submission of supplementary statements.

§ 2100.21 Review procedures.

(a) The Executive Director shall promptly review each initial and supplementary statement of employment and financial interests required by this part. No individual may enter on duty as a special Government employee if the Executive Director determines that employment would be in conflict with the standards set forth in this part, or other applicable regulations, laws, or orders.

(b) Before the Executive Director disapproves a statement of employment and financial interests submitted by a regular or special Government employee, such employee must be given an opportunity to explain the possible or apparent conflict of interest. The Executive Director may require the employee to furnish such additional information as may be appropriate in considering the statement of employment and financial interests. If, after adequate investigation, he disapproves an employee's statement of employment and financial interests, he shall promptly notify the employee of the disapproval and recommend appropriate remedial action pursuant to § 2100.3. If the employee is unwilling or unable to take such action, the Executive Director shall forthwith transmit the employee's statement of employment and financial interests and other pertinent information to the OSAHRC Chairman. The Chairman shall review all such forms and shall take appropriate action on such statements of employment and financial interests and shall initiate appropriate remedial action under 2100.3 and other applicable laws, orders, and regulations. Pending any final determination with regard to an employee's statement of employment and financial interests, the Executive Director shall relieve the employee of any duties which appear to conflict with a private interest or activity.

§ 2100.22 Confidentiality.

Each such statement of employment and financial interests and supplementary statements will be held in confidence. Statements shall be kept in a special file maintained by the Executive Director. No statement or copy thereof may be placed in an employee's personnel file. The Executive Director is also responsible for maintaining the statement in confidence and shall not allow an individual to examine any statement or copy thereof without the approval of the OSAHRC Chairman for good cause shown, except in fulfillment of his responsibilities under the regulations in this part. No information from a statement of employment and financial interests may be disclosed outside of the agency except as the OSAHRC Chairman or the Civil Service Commission may determine for good cause shown.

§ 2100.23 Review of files.

The OSAHRC Chairman or his designee may from time to time examine the files containing statements of employment and financial interests and supplementary statements, including those approved by the Executive Director. He shall take any appropriate corrective action.

§ 2100.24 Interests of employees' relatives.

For the purpose of the statements of employment and financial interests required by this subpart, the interest of a spouse, minor child, or other member of the employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relatives who are residents of the employee's household.

§ 2100.25 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 2100.26 Information not required.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank; Provided, that in the case of a mutual fund, investment company, or bank, the fair value of such stock or bond holding does not exceed one percent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, this subpart does not require submission of information relating to the employee's connection with, or interest in, a professional society or charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise or subject to the provisions of the Occupational Safety and Health Act of 1970. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 2100.27 Effect of employees' statements on other requirements.

The statement of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirements imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

APPENDIX A

Attention of OSAHRC employees is hereby directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, second session, 72A stat, B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) the Prohibition against an employer acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Signed this 7th day of February 1975.

ROBERT D. MORAN,
Chairman.

[FR Doc.75-4099 Filed 2-12-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-202]

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

Emergency or Temporary Situations

On October 24, 1974, there was published in the FEDERAL REGISTER (39 FR 37778) a notice of proposed rulemaking with a proposed amendment adding new Part 160 to Subchapter P of Title 33, Code of Federal Regulations. The amendment would implement certain portions of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340) by delegating to Coast Guard District Commanders and Captains of the Port or their authorized representative the necessary authority to issue orders and directions to handle emergency or temporary situations.

Interested parties were notified of the opportunity to participate in this rulemaking procedure by the advance notice of proposed rulemarking published in the FEDERAL REGISTER of March 1, 1974 (39 FR 7948) and by the notice of proposed rulemaking published in the FEDERAL REGISTER of October 24, 1974 (39 FR 37778). A public hearing concerning the proposed amendment was held in Washington, D.C. on December 5, 1974. Statements made at the public hearing and all written comments received with respect to the proposal have been considered. Except as discussed in the following paragraphs, the rules as proposed have been adopted without substantive change.

1. Eleven comments note an apprehension toward the nature, extent and duration of the authority being delegated. One responder is concerned that a Captain of the Port might be too inexperienced to hold such authority and wants safeguards against its abuse, suggesting that only the District Commander should be able to control vessel traffic. Three seek to eliminate the delegation to "their authorized representative." Some suggested limiting the COTP's authority to "emergencies" of less than 24 hours duration, defining as "temporary" those cases which last more than 24 hours or restricting authority to deal with them to the District Commander. Still others seek to differentiate between conditions from "emergency" through "temporary" to "permanent". One commenter recommends that conditions for termination of an emergency action be specified in the order implementing that action. Four of the eight suggest that the COTP utilize "outside consultation" of varying degrees in his decisionmaking process, while two recommend formation of advisory committees for local maritime—COTP consultation in situations that last longer than a day or two.

The delegations contained in the proposed regulation were developed to implement the Ports and Waterways Safety Act of 1972 by assigning to the field level the authority to control vessel traffic in especially hazardous areas or during hazardous circumstances and to direct the movement of a vessel whenever necessary to prevent damage to or by that vessel. Many of the apprehensions expressed by commenters were anticipated and will be addressed in intra-Coast Guard administrative instructions.

Inexperience is not considered by the Coast Guard to be a factor in officers selected to serve as Captain of the Port. Those selected for this assignment are seasoned officers, trained to adapt to new operational tasks quickly and effectively. Also, key personnel are rotated on a staggered basis to preserve continuity.

In addition, it is not intended that orders or directions should emanate from a level below that which is absolutely necessary. The "authorized representative" may be the commanding officer of a Coast Guard cutter on the scene of a marine disaster and specifically authorized by the District Commander or the COTP to issue emergency orders, or he might be an operations duty officer, trained, qualified, and specifically authorized to supervise the Captain of the Port's emergency responsibilities during hours when the COTP is not personally available. These concepts will also be subject to intra-Coast Guard instructions.

Consultation with the marine community is not feasible in an emergency situation that requires immediate response to an order or direction issued to reduce an unacceptable level of risk to safety or to the environment to an acceptable level. Consultation with all interested parties, in the case of a long range problem that requires a permanent solution through lawmaking or rulemaking, is required by the Administrative Procedure Act. Between the emergency and the long range situation exists a broad range of circumstances that cannot be solved in short term by order or direction or permanently by legislation, promulgation of regulations, etc. Consultation with the affected maritime community is but one of the valuable tools any Captain of the Port will normally use, under those circumstances, in determining a proper course of action. The Coast Guard desires to assure not only persons affected but also itself that the interests of those affected by COTP orders and directions are properly considered. As a result of the comments received and in consideration of the foregoing, the Coast Guard has added provision for appeals to the orders issued under these rules as a new section 160.45.

2. One commentator suggests increasing control of all ocean-going vessels crossing ferry slips by requiring a tug alongside when crossing ferry lanes and by restricting them from going "in or

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near" ferry lanes. It was also recommended that ferry schedules be published in Weekly Notice to Mariners to reduce radio use. These are not within the scope of this rulemaking action, but are applicable to regulations presently under development by a joint Coast Guard—industry advisory group for a planned vessel traffic system in the commentator's port.

3. Another comment recommended clarification of what appeared to the commenter to be coextensive authority of the District Commander and the Captain of the Port for exercise of authority under the proposed rules. The Captain of the Port serves under the general supervision and control of a District Commander. The Coast Guard does not consider it appropriate to delegate an authority for action to the Captain of the Port without also delegating the same authority to the District Commander. Additionally, extensive waters under the jurisdiction of the United States have in the past been outside the jurisdiction of a Captain of the Port; in these areas the District Commander had been assigned the responsibility and authority to act as COTP. The proposed approach of coextensive jurisdiction has been chosen by the Coast Guard as most effective. The mariner should never experience confusion because the District Commander will exercise his authority in only the most extraordinary cases, such as promulgation of an order which may affect several COTP areas of responsibility. Orders and directions will normally emanate from the Captain of the Port who is more familiar with the specific port environment as it relates to local maritime interests and needs. The commenter also proposed clarification of whether constructive knowledge or actual knowledge of an order or direction issued under the proposed regulation is intended by the regulation. The Coast Guard does not intend to deal casually with emergency situations involving risk to or by vessels or to the environment. All necessary means will always be employed to see that persons to whom orders are directed have sufficient knowledge of the order to allow compliance.

4. One comment postulated that these proposed regulations would require preparation of an inflationary impact statement under the provisions of the recently issued Executive Order 11821. Pending receipt of criteria and procedures pursuant to the order, the likely inflationary impact of this delegation has been carefully considered on its own merit. While the control of vessel traffic under hazardous circumstances or the direction to anchor, moor, or move a vessel to prevent damage to or by that vessel might impact upon the vessel being ordered to anchor, moor, or move or otherwise being controlled, the Coast Guard views this as the imposition of an absolutely minimum practicable inconvenience to avert a larger risk to safety and the environment. The general thrust of these regulations is to allow for controls that, if not applied when indicated would result in an undue hazard to substantial maritime investment or to the environment.

This amendment is made effective February 13, 1975. The 30 day requirement of the Administrative Procedure Act (5 USC 553(d)) is found unnecessary because the amendment places no additional burden upon any person.

In consideration of the foregoing, Subchapter P of Chapter I of Title 33 of the Code of Federal Regulations is amended by adding a new Part 160, to read as follows:

Subpart A—General

Sec.
160.1. Purpose.
160.11 Definitions.
160.15 Penalties.

Subpart B—Orders and Directions of the Captain of the Port and District Commander

160.31 Applicability.
160.35 Delegations.
160.39 Compliance with directions and orders.
160.45 Appeals.

AUTHORITY: Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(o)(4).

Subpart A—General

§ 160.1 Purpose.

This Subchapter P contains regulations implementing Title I of the Ports and Waterways Safety Act of 1972.

§ 160.11 Definitions.

For the purpose of this part:

(a) "United States" includes the fifty States, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(b) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(c) "Commandant" means the Commandant of the U.S. Coast Guard.

(d) "District Commander" means the Coast Guard officer designated by the Commandant to command a Coast Guard District described in Part 3 of this chapter.

(e) "Captain of the Port" means the Coast Guard officer, under the command of a District Commander, designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within his assigned area as described in Part 3 of this chapter.

(f) "Person" includes an individual, firm, corporation, association, governmental entity, and a partnership.

§ 160.15 Penalties.

33 U.S.C. 1226 prescribes that whoever violates a regulation issued under Title I of the Ports and Waterways Safety Act of 1972 is liable to a civil penalty of not more than $10,000. A vessel used or employed in a violation of these regulations is liable in rem. 33 U.S.C. 1227 prescribes that whoever willfully violates a regulation issued under Title I of the Ports and Waterways Safety Act of 1972 shall be fined not less than $5,000 or more than $50,000 or imprisoned for not more that five years, or both.

Subpart B—Orders and Directions of the Captain of the Port and District Commander

§ 160.31 Applicability.

This subpart applies to all vessels on the navigable waters of the United States, except the Saint Lawrence Seaway and the Panama Canal.

§ 160.35 Delegations.

To prevent damage to, or the destruction or loss of any vessel, bridge, or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to those waters and to protect the navigable waters and the resources therein from environmental harm resulting from vessel or structure damage, destruction, or loss—

(a) Each District Commander, Captain of the Port, or their authorized representative may direct the anchoring, mooring, or movement of a vessel when necessary to prevent damage to or by that vessel or her cargo, stores, supplies, or fuel; and

(b) Each District Commander, Captain of the Port, or their authorized representative may temporarily control vessel traffic in an area which he determines to be especially hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances by issuing orders.

(1) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2) Establishing vessel traffic routing schemes;

(3) Establishing vessel size and speed limitations and vessel operating conditions; and

(4) Restricting vessel operation, in a hazardous area or under hazardous conditions, to vessels which have particular operating characteristics and capabilities which he considers necessary for safe operation under the circumstances.

§ 160.39 Compliance with directions and orders.

Each person who has notice of the terms of an order or direction issued under § 160.35 shall comply with that order or direction.

§ 160.45 Appeals.

(a) Any person directly affected by an order or direction issued under this part may request reconsideration by the official who issued the order or direction and may appeal the order or direction through the Captain of the Port to the District Commander and then to the Commandant, whose decision shall be final.

(b) Requests for reconsideration and appeals may be written or oral, but if oral must be followed by no less than a written outline of the key points made. The Coast Guard official to whom the request or appeal is made will provide a written decision if requested.

(c) While any request or appeal is pending the order or direction remains in effect.

(Sec. 104, 86 Stat. 427 (33 U.S.C. 1224); 49 CFR 1.46(o)(4))

Effective date. This amendment shall be effective on February 13, 1975.

Dated: February 6, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.75-4068 Filed 2-12-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

[BRAI: FSS P2800.8A CHGE 153]

PART 5A-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Procurement of Products of the Blind and Other Severely Handicapped

This change to the General Services Administration Procurement Regulations (GSPR) is to delete § 5A-5.5004, and to add new Subpart 5A-5.8, to implement the material contained in FPR 1-5.8 concerning the Procurement of products of the blind and other severely handicapped.

The table of contents of Part 5A-5 is amended to delete § 5A-5.5004 and to add Subpart 5A-5.8 as follows:

Subpart 5A-5.8—Procurement of Products of the Blind and Other Severely Handicapped

5A-5.805 Procurement procedures.
5A-5.805-2 Allocation and orders.
5A-5.805-3 Purchase exceptions.

Subpart 5A-5.8—Procurement of Products of the Blind and Other Severely Handicapped

§ 5A-5.805 Procurement procedures.

(a) Requirements forecast shall be furnished by the National Item Management Division, FXN, to the Central Office or regional procurement division having procurement responsibility based on the procurement production plan.

(b) When requesting shop assignments, the applicable procurement division shall transmit the requirements forecast estimates to the central nonprofit agency (hereinafter referred to as CNA) designated in the Procurement List. The production plan shall allow sufficient administrative leadtime for the CNA to reply prior to the beginning of the period covered.

§ 5A-5.805-2 Allocation and orders.

(a) In addition to the requirements set forth in § 1-5.805-2, requests for allocations and orders (shop assignments) shall indicate the following:

(1) Latest applicable specification.

(2) Packaging, packing, or marking, if other than the standard as required by the specification cited in the Procurement List or as otherwise provided in the Procurement List.

(b) The CNA shall furnish the contracting officer:

(1) Direct order plan. (Issue purchase orders pursuant to § 1-5.805-2(e)).

(2) Allocated items. (Issue purchase orders pursuant to § 1-5.805-2(f)).

(c) Upon receipt of the shop assignment (direct order plan), the contracting officer shall prepare GSA Form 1584, Contract Summary, to permit use of the ADO system. The form shall be prepared in accordance with § 5A-76.201(c) with a copy to the CNA.

(1) The Contract Summary shall contain all pertinent information that is illustrated in § 5A-16.950-1584-1. The minimum entries required are blocks 1 thru 8, 11, 12, 14, 15, and 16. The latest applicable specification shall be shown in block 12(b). For items not covered by specification, give the complete purchase description or reference the latest applicable item purchase description. The shipping container weight (if fob origin) should be shown in block 12(h). Those blocks on the Contract Summary which are not applicable shall be marked N/A. The contracting officer shall obtain the necessary information from the appropriate CNA by telephone or in writing. Some of this information is contained in the Procurement List.

(2) A separate Contract Summary shall be prepared for each addressee (Block 7).

(3) Each Contract Summary shall be assigned a separate contract number in accordance with § 5A-1.352.

(4) The Contract Summary shall be amended whenever changes occur. The contracting officer shall furnish Region 10 an advance copy of all Contract Summary amendments.

(5) Each Contract Summary issued for procurement of stock items from a CNA shall be reissued on an annual basis and assigned a new contract number. The annual period covered must be reflected in the effective date block of the Contract Summary.

(d) On those items which the CNA designates as allocated items, the contracting officer shall prepare GSA Form 1584, Contract Summary, so that when requirements exist the ADO system will furnish a request for allocation to the contracting officer. The minimum entries required are blocks 2, 3, 7, 12 (a) and (b), 14, and 15. Block No. 12(b) shall include the caption ALLOCATED ITEM(S). Distribution of the Contract Summary shall be the same as set forth in § 5A-76.201(b) with a copy to the CNA. Each purchase order issued for allocated items shall include one of the following:

(1) Applicable specification.

(2) Applicable item purchase description and date.

(3) Reference to (1) or (2) when appropriate.

§ 5A-5.805-3 Purchase exceptions.

(a) Purchase from commercial sources pursuant to § 1-5.805-3 shall cite the purchase exception number issued by the CNA in the solicitation for offers and all subsequent award documents.

(b) The contract/purchase order must specify the calendar date on which shipment is required.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c)).

Effective date. These regulations are effective on the date shown below.

Dated: January 21, 1975.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.75-4028 Filed 2-11-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TRAINING

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standard for State Maritime Academies and Colleges

Notice is given that Subpart A of Part 310 of Title 46 of the Code of Federal Regulations is hereby amended. Currently, Subpart A provides that a candidate for admission (other than a foreign national) to a State Maritime Academy or College, other than the Great Lakes Maritime Academy, may be neither married at the time of admission nor while enrolled. Subpart A further provides that if a cadet is married at the time of admission or marries while in attendance at a State Maritime Academy or College, other than the Great Lakes Maritime Academy, such cadet shall be dismissed if he does not resign. This amendment deletes the marriage restriction and penalty from Subpart A.

Subpart A of Part 310, Title 46, Code of Federal Regulations, is amended as follows:

§ 310.6 [Amended]

1. By deleting subparagraph (a)(4) of § 310.6 and redesignating subparagraphs (a)(5) and (a)(6) of such section as (a)(4) and (a)(5), respectively.

§ 310.10 [Amended]

2. By deleting paragraph (a) of § 310.10 and redesignating paragraphs (b) and (c) of such section as (a) and (b), respectively.

Effective date: February 13, 1975.

AUTHORITY: Sec. 8 Maritime Academy Act of 1958 (46 U.S.C. 1387), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Catalog of Federal Domestic Assistance Program No. 11-506 State Marine Schools.

Dated: February 7, 1975.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 75-4113 Filed 2-12-75;8:45 am]

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Amendment to Part

By the Commission: 1. The Commission has under consideration § 0.42 concerning the units of the Office of General Counsel and §§ 0.44, 0.46 and 0.47 concerning the functions of the Litigation Division, the Administrative Law and Treaties Division, and the Enforcement and Defense Division.

2. In order to promote a more efficient operation in performing the responsibilities in the Office of General Counsel, the Commission is consolidating in one division all responsibility for the judicial defense and enforcement of Commission actions, and is making several other organizational changes.

3. Accordingly, we are amending §§ 0.44, 0.46 and 0.47 of the rules concerning the functions of the Litigation Division, the Administrative Law and Treaties Division and the Enforcement and Defense Division as set forth herein. The Litigation Division is renamed the Litigation and Enforcement Division; the Enforcement and Defense Division is renamed the Administrative Rules and Procedure Division; and the Administrative Law and Treaties Division is renamed the Legal Research and Treaties Division.

4. Section 0.42 is also revised to include the five units of the Office of General Counsel.

5. The amendments herein adopted are issued pursuant to authority contained in sections 4(i), 5(b) and 303(r) of the Communications Act of 1934, as amended.

6. The amendments adopted herein pertain to Commission organization and hence the notice and effective date requirements set forth in 5 U.S.C. § 553 are inapplicable.

7. Accordingly, *it is ordered*, that §§ 0.42, 0.44, 0.46, and 0.47 are amended as set forth below effective February 4, 1975.

Adopted: January 22, 1975.

Released: February 7, 1975.

FEDERAL COMMUNICATIONS COMMISSIONS,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Register is amended as follows:

1. Section 0.42 is revised to read as follows:

§ 0.42 Units in the Office.

The Office of General Counsel is divided into the following units:

(a) Immediate Office of the General Counsel.

(b) Litigation and Enforcement Division.

(c) Legislation Division.

(d) Legal Research and Treaty Division.

(e) Administrative Rules & Procedure Division.

(f) Equal Employment Opportunity Unit.

2. Section 0.44 is revised to read as follows:

§ 0.44 Litigation and Enforcement Division.

The Litigation and Enforcement Division has the following duties and responsibilities:

(a) To advise and represent the Commission in all matters of litigation to which the Commission is a party.

(b) To advise and represent the Commission and to take action usually upon recommendations submitted by the operating bureaus, as to civil and criminal proceedings to enforce the Communications Act, the rules and regulations of the Commission, and Commission orders in the courts of the United States.

(c) To advise and represent the Commission in all matters pertaining to freedom of information matters.

(d) To advise the Commission as to legal questions involved in proposed actions and policies in the light of past and pending litigation, and to conduct research in legal matters as directed by the General Counsel.

3. The headnote and text of 0.46 are revised to read as follows:

§ 0.46 Legal Research and Treaties Division.

The Legal Research and Treaties Division has the following duties and responsibilities:

(a) To conduct research in legal matters and prepare legal opinions as directed by the General Counsel.

(b) To participate in international conferences and in the implementation of international agreements, and to interpret international agreements and international regulations affecting the Commission.

(c) To coordinate rule making matters and proceedings affecting more than one Bureau.

(d) To cooperate with the Common Carrier Bureau and the Office of Chief Engineer on matters pertaining to satellite communications.

(e) To study and develop recommendations with regard to the licensing practices of patentees and assignees in communications services regulated by the Commission.

(f) To perform any additional functions assigned to it by the General Counsel.

4. In 0.47, the headnote, the intro text and paragraph (a) are revised, and paragraph (h) is added, to read as follows:

§ 0.47 Administrative Rules and Procedure Division.

The Administrative Rules and Procedure Division has the following duties and responsibilities:

(a) To prepare and coordinate recommendations concerning procedural rules of general applicability, and to maintain liaison with Government agencies and private organizations concerned with improving the Commission's procedures.

• • • • •

(h) In cooperation with the Office of Chief Engineer, to participate in general frequency allocation proceedings affecting more than one Bureau.

[FR Doc.75-4058 Filed 2-12-75;8:45 am]

PART 0—COMMISSION ORGANIZATION

Editorial Amendment of Section 0.465

By the Executive Director: This Order is issued to update the Commission's rules to specify the current contractor responsible for providing verbatim transcripts of Commission proceedings.

Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules. Since this is an editorial amendment, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

Accordingly, *it is ordered*, Effective February 19, 1975, That § 0.465(b) is amended to specify the National Reporting Co., Inc., 2009 North 14th Street, Arlington, Virginia 22001, in lieu of the C.S.A. Reporting Corporation, 300 Seventh Street, SW., Washington, D.C. 20004, which is presently listed.

Adopted: February 5, 1975.

Released: February 6, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

[FR Doc.75-4059 Filed 2-12-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1, Amdt. 1-106]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Federal Highway and Urban Mass Transportation Administrators

The purpose of this amendment is to delegate to the Federal Highway and Urban Mass Transportation Administrators certain functions vested in the Secretary by the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, November 26, 1974; 88 Stat. 1565). This Act is divided into three titles, as follows:

Title I—Increased Mass Transportation Assistance.
Title II—Fare-Free Mass Transportation.
Title III—Railroad Grade Crossings.

Title I amends the Urban Mass Transportation Act of 1964 primarily by (1) increasing to $10.295 billion the amount of obligational authority available to assist States and localities in financing the construction, reconstruction, acquisition and improvement of mass transportation facilities and equipment, and (2) authorizing a new program of obligational authority to assist States and localities in financing the acquisition, construction, improvement and operation of mass transportation facilities and equipment. The Urban Mass Transportation Act of 1964, as amended, is delegated to the Urban Mass Transportation Administrator except certain sections relating to urban planning and approval of urban boundaries. These sections, and related sections of title 23, Highways, are jointly delegated to the Federal Highway and Urban Mass Transportation Administrators.

Title II authorizes a new program of demonstration projects to determine the feasibility of fare-free urban mass transportation systems. This title is delegated to the Urban Mass Transportation Administrator, except sections 204 and 205. Conduct of the study and preparation of the report to Congress required by sections 204 and 205 will be assigned to the Urban Mass Transportation Administration by internal DOT Order 1323.2C, Coordination and Transmittal of Reports to the Congress.

Title III directs the Secretary to undertake a demonstration project in Hammond, Indiana, for the relocation of railroad lines for the purpose of eliminating highway railroad grade crossings. This title is delegated to the Federal Highway Administrator.

The exercise of certain powers and duties vested in the Secretary by this Act and delegated by this document, as well as those vested by other related statutes and previously delegated, are controlled by the Department of Transportation Organization Manual, DOT Order 1100.23A. The relevant controls effected by that Order are as follows:

Powers and duties	*Controls*
1. The Federal Highway Administrator with respect to the railroad grade crossings demonstration project under Title III of the National Mass Transportation Assistance Act of 1974.	With support of the Federal Railroad Administrator.
2. The Federal Railroad Administrator with respect to the following powers and duties under the Federal Railroad Safety Act of 1970:	
(a) Issuance, modification, or revocation of proposed or final safety rules, regulations, orders, or standards.	Prior coordination with the Office of the Secretary through the General Counsel.
(b) Issuance, modification, or revocation of proposed or final safety rules, standards, or safety investigation reports affecting rapid rail transit or commuter operations.	Joint development and prior coordination with the Urban Mass Transportation Administrator with respect to rapid rail operations; prior consultation with the Urban Mass Transportation Administrator with respect to commuter rail operations.
(c) Conduct of investigations, and issuance of reports of accident investigations affecting rapid rail transit or commuter rail operations.	Prior consultation with the Urban Mass Transportation Administrator.
(d) Issuance of orders to rapid rail transit systems prohibiting further use of facilities or equipment under 45 U.S.C. 432 or imposing civil penalties under 45 U.S.C. 438.	Prior coordination with the Urban Mass Transportation Administrator.
3. The Urban Mass Transportation Administrator, with respect to the following powers and duties under the Urban Mass Transportation Act of 1964, as amended:	
(a) Requirements for alternate use of capital grants under section 3(h).	Prior coordination of regulations and guidelines with the Office of the Secretary through the Deputy Under Secretary and the General Counsel.
(b) Assistance to areas other than urbanized areas under section 4(c).	Prior coordination on regulations and guidelines specifically affecting, and prior consultation on project applications in, areas of less than 50,000 population with the Federal Highway Administrator.

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Powers and duties	Controls
(c) All regulations and guidelines promulgated under section 5.	Prior coordination with the Office of the Secretary through the Deputy Under Secretary, including the General Counsel, and with: 1. Office of the Assistant Secretary for Policy, Plans and International Affairs (TPI) with regard to subsection (d)(2); and 2. Office of the Assistant Secretary for Environment, Safety and Consumer Affairs (TES) with regard to subsections (h)(2) and (m). Prior coordination with the Federal Highway Administrator with regard to procedures for: 1. Submission of programs or projects under subsections (g)(2) and (3); 2. Issuance or revocation of certification under subsection (j); and 3. Project agreements under subsection (k) as they may be applicable to transit projects under title 23. Prior consultation with the Federal Highway Administrator under subsections (h) and (i).
(d) Requirements for urban planning under section 9.	Prior consultation with the Federal Highway Administrator on any formula allocation of planning funds. Concurrence of the Federal Highway Administrator in approval of unified work programs for the use of these planning funds.
(e) Requirements for a reporting system and uniform system of accounts under section 15.	Prior coordination of the reporting system and uniform system of accounts with the Office of the Secretary through the Assistant Secretary for Administration.
4. The Urban Mass Transportation Administrator with respect to investigation of safety hazards in urban mass transportation systems under section 107 of the National Mass Transportation Assistance Act of 1974.	Prior coordination of proposed or final safety standards and regulations for bus systems with the Federal Highway Administration (Bureau of Motor Carrier Safety). Joint development and concurrence by the Federal Railroad Administrator in proposed or final regulations and guidelines to be made applicable under section 107 and the Federal Railroad Safety Act of 1970. Prior coordination of approvals of plans for correction of unsafe conditions on fixed rail and commuter rail systems with the Federal Railroad Administrator. Prior coordination of all regulations and guidelines with the Office of the Secretary through the Deputy Under Secretary, including the General Counsel and the Assistant Secretary for Environment, Safety and Consumer Affairs. Prior coordination with the Federal Railroad Administrator of any determination to withhold further assistance from rapid rail transit or commuter rail systems.
5. The Urban Mass Transportation Administrator with respect to fare-free mass transportation demonstration projects under Title II of the National Mass Transportation Assistance Act of 1974.	Prior coordination of regulations and guidelines with the Office of the Secretary through the Deputy Under Secretary including the General Counsel and the Assistant Secretary for Environment, Safety and Consumer Affairs.
6. The Federal Highway Administrator and the Urban Mass Transportation Administrator with respect to the following powers and duties prescribed by title 23, U.S.C.:	
(a) Issuance, modification or revocation by the Federal Highway Administrator or the Urban Mass Transportation Administrator of proposed or final regulations concerning acceptance or rejection of certification of performance by the States under 23 U.S.C. 117.	Prior coordination of each Administrator with the other and with the Office of the Secretary through the Office of the General Counsel.

Powers and duties	Controls
(b) Issuance, modification, or revocation by the Federal Highway Administrator or the Urban Mass Transportation Administrator of proposed or final regulations concerning: (1) Consideration of the social, environmental, and economic effects under 23 U.S.C. 109(h); and (2) Public hearings under 23 U.S.C. 128.	Prior consultation of each Administrator with the other.
7. The Federal Highway and Urban Mass Transportation Administrators with respect to urban planning under sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (l) of the Urban Mass Transportation Act of 1964.	Joint development and prior coordination of regulations and guidelines with the Office of the Secretary through the Deputy Under Secretary and the General Counsel.

Since this amendment relates solely to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49 of the Code of Federal Regulations is amended, as follows:

(1) In § 1.48, Delegations to the Federal Highway Administrator, subparagraph (14) of paragraph (b) is amended, and new paragraphs (r) and (s) are added, to read as follows:

§ 1.48 Delegations to the Federal Highway Administrator.

• • • • • •

(b) Administer the following sections of title 23, United States Code:

• • • • • •

(14) 117, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2) or 142(c).

• • • • • •

(r) Carry out the functions vested in the Secretary by Title III of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93–503).

(s) Carry out the functions vested in the Secretary by the following sections of the Urban Mass Transportation Act of 1964, as amended, with the concurrence of the Urban Mass Transportation Administrator:

(1) Sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (l) as they relate to urban planning (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (l)); and

(2) Section 5(a)(3) relating to approval of boundaries of urbanized areas (49 U.S.C. 1604(a)(3)).

(2) In section 1.50, Delegations to the Urban Mass Transportation Administrator, paragraph (a) and subparagraphs (2) and (3) of paragraph (f) are amended and new paragraphs (i) and (j) are added, to read as follows:

§ 1.50 Delegations to the Urban Mass Transportation Administrator.

• • • • • •

(a) The Urban Mass Transportation Act of 1964, as amended (78 Stat. 302, 49 U.S.C. 1601 et seq.), except that the following sections are to be administered with the concurrence of the Federal Highway Administrator:

(1) Sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (l) as they relate to urban planning (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (l)); and

(2) Section 5(a)(3) relating to approval of boundaries of urbanized areas (49 U.S.C. 1604(a)(3)).

• • • • • •

(f) The following sections of Title 23, United States Code:

• • • • • •

(2) 101(a) (as it involves approval of boundaries of urban and urbanized areas), 104(f)(4), 105(d), 106(b) (as it involves the Federal-aid urban system), 134(a) and 150 with the concurrence of the Federal Highway Administrator.

(3) 101 (b), (c), (d), and (e); 105 (a) and (g); 106 (a), (c), and (d); 108; 109 (a), (g), and (h); 110; 112; 113; 114; 116 (a) and (c); 117; 121; 122; 124; 128; 140 (a); and 145 as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2) or 142(c).

• • • • • •

(i) Section 107 of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93–503, November 26, 1974).

(j) Title II of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93–503, November 26, 1974), except sections 204 and 205.

Effective date. This amendment is effective February 13, 1975.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. § 1657(e))

Issued in Washington, D.C., on February 7, 1975.

JOHN W. BARNUM,
Acting Secretary of Transportation.

[FR Doc.75-4063 Filed 2-12-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 36077]

ANNUAL CARRIER REPORTS
Revision and Redesignation

At a General Session of the Interstate Commerce Commission, held at its Office in Washington, D.C. on the 3rd Day of February 1975.

This Commission, in Docket No. 34178 (Sub-No. 2) Accounting for Taxes—Interperiod Tax Allocation (Deferred Taxes), and Docket No. 35949, The Equity Method of Accounting for Certain Long-Term Investments in Common Stock, changed the regulations in various aspects of its Uniform System of Accounts. In addition, the issuance of a new system of accounts for Maritime Carriers as directed in Docket No. 30451 (Sub-No. 1), Uniform System of Accounts for Maritime Carriers, necessitates a revision of the applicable annual report. To implement these several changes, we are herein adopting and directing revisions in certain requirements as to annual reporting by carriers.

Other changes to the annual reports include redesignation of the form number and modernization of the size and format to facilitate better reporting, computer processing and analysis. The revisions, herein, also include corrections required in the Code of Federal Regulations previously issued.

None of the changes made in this order, as set forth in the appendix, are considered to be burdensome or controversial and, therefore, public proceedings under section 553 of the Administrative Procedure Act, 5 U.S.C. 553, are deemed unnecessary.

Wherefore, and for good cause appearing:

It is ordered, That the annual reports and the reporting rules and requirements therein, as shown below, be, and they are hereby, adopted.

It is further ordered, That the reporting requirements prescribed hereby shall apply to all carriers and organizations, as defined in 49 CFR 1240, 1241, 1249, 1250 and 1251 subject to section 20, Part I; section 220, Part II, section 313, Part III, and section 412, Part IV of the Interstate Commerce Act.

It is further ordered, That the reporting requirements prescribed hereby shall become effective with reports for the year ending December 31, 1974, and shall remain in effect until further order of the Commission.

It is further ordered, That Parts 1241, 1249, 1250 and 1251 to Title 49, Chapter X, Subchapter C, Code of Federal Regulations, be, and they are hereby, modified and amended to read as shown below.

And it is further ordered, That service of this order shall be made on all carriers and organizations subject to section 20, Part I; section 220, Part II, section 313, Part III; and section 412, Part IV of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such carrier or organization, and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by filing it with the Director, Office of the Federal Register, for publication therein.

A supply of printed forms will be furnished later.

This decision is not a major Federal action significantly affecting the quality of the human environment within the

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meaning of the National Environmental Policy Act of 1969.

(Secs. 12, 20, 24 Stat. 383, 386; secs. 204, 220, 49 Stat. 546, as amended, 563, as amended; secs. 201, 304, 313, as amended, 54 Stat. 933, 944, as amended; secs. 408, 412, 56 Stat. 285, 294; 49 U.S.C. 12, 20, 304, 320, 904, 913, 1003, 1013, unless otherwise noted.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

911. The table of contents entries for §§ 1241.12 and 1241.13 are revised as follows:

* * * * *

1241.12 Annual reports of Class II railroad companies.
1241.13 Annual reports of lessors to railroad companies.

* * * * *

912. The title and text of § 1241.12 and § 1241.13 are revised to read:

§ 1241.12 Annual reports of Class II railroad companies.

Commencing with reports for the year ended December 31, 1974, and thereafter, until further order, all line-haul and switching and terminal companies of Class II, as defined in § 1240.1 of this chapter, subject to section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form R–2. Such annual report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

§ 1241.13 Annual reports of lessors to railroad companies.

Commencing with the year ended December 31, 1974, and thereafter, until further order, all lessors to railroad companies subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Lessor Annual Report Form R–4. Such annual report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

3. The text of § 1241.21 is revised to read as follows:

§ 1241.21 Annual reports of electric railways.

Commencing with the year ended December 31, 1974, and thereafter, until further order, all electric railway companies as defined in § 1240.3 of this chapter, subject to section 20, Part I, of the Interstate Commerce Act, are required to file annual reports in accordance with Electric Railway Annual Report Form R–5. Such annual report shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

Section 1241.71 is revised to read as follows:

§ 1241.71 Annual reports of persons furnishing cars, other than refrigerator car lines owned or controlled by railroad companies.

Commencing with reports for the year ended December 31, 1974, and thereafter, until further order, all persons furnishing cars to railroad or express companis, other than refrigerator can lines owned or controlled by railroad companies, and owning or operating 10 or more cars, are required to file annual reports in accordance with Form C–1 (Annual Reports of Persons Furnishing Cars, Other than Refrigerator Car Lines Owned or Controlled by Railroad Companies). Such report shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year which is being reported.

PART 1249—REPORTS OF MOTOR CARRIERS

5. In the table of contents the entry for 1249.3 is revised to read as follows

* * * * *

1249.3 Annual reports of motor carrier holding companies.

* * * * *

6. The title and text to § 1249.3 are revised to read:

§ 1249.3 Annual report of motor carrier holding companies.

(a) Each person which is not a motor carrier, but which shall be considered a motor carrier subject to provisions of section 220 of the Interstate Commerce Act by reason of effective control over one or more motor carriers through ownership of securities issued or assumed by such controlled motor carrier or carriers, shall file a report of its financial transactions in accordance with Motor Carrier Annual Report Form M–1 as prescribed in § 1249.1. Such reports hereby required to be filed shall be complete as to all schedules, declarations, replies, attachments, and other requirements of Motor Carrier Annual Report Form M–1, other than those which relate solely to the direct ownership and operation of highway equipment, and shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year to which it relates. Such persons shall also file similar reports annually, prepared in accordance with requirements for compiling Motor Carrier Annual Report Form M–1, as those requirements are now in effect or may in the future be modified, for each succeeding calendar year, or accounting year of thirteen 4-week periods, such annual reports to be filed in duplicate with the Commission on or before March 31 of the year following the year to which the report relates.

(b) Commencing with reports for the accounting year 1974 as described in part 1207 instruction 3 of this chapter, and thereafter, until further order, each company subject to this section is hereby required to file with this Commission, in addition to said Annual Report Form M–1, a supplemental consolidated report, Form M–4, setting forth the complete financial condition of such company and its subsidiaries in the scope and form indicated in the instructions to the supplemental consolidated report Form M–4 for the accounting year 1974 and each succeeding year thereafter. Such supplemental financial reports shall be attached to and considered an integral part of Motor Carrier Annual Report Form M–1 filed by each company.

7. The text of subparts § 1249.5 and § 1249.6 are revised to read:

§ 1249.5 Annual reports of class I carriers of passengers.

Commencing with reports for the accounting year 1974, as described in part 1206 instruction 3 of this chapter, and thereafter, until further order, all class I motor carriers of passengers, as defined in § 1240.4 of this chapter, are required to file annual reports in accordance with Motor Carrier Annual Report Form MP–1 (Passenger). Such annual report shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year to which it relates.

§ 1249.6 Annual reports of carriers of passengers other than class I carrics.

Commencing with the reports for the accounting year 1974, as described in part 1206 instruction 3 of this chapter, and thereafter, until further order, all motor carriers of passengers other than class I carriers, as defined in § 1204.4 of this chapter, are required to file annual reports in accordance with Motor Carriers Annual Report Form MP–2 (Passenger). Such report shall be filed in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before April 30 of the year following the year to which it relates.

PART 1250—REPORTS OF WATER CARRIERS

8. The table of contents entry for § 1250.20 is revised to read as follows:

§ 1250.20 Annual reports of maritime carriers

* * * * *

9. The text of § 1250.10 is revised to read:

§ 1250.10 Annual reports of class A and B water carriers on inland and coastal waterways.

Commencing with the year ended December 31, 1974, and thereafter, until further order, all water carriers on inland and coastal waterways subject to the provisions of section 313, Part III of the Interstate Commerce Act, and of classes A and B, as described in § 1240.2 of this chapter, are required to file annual reports in accordance with Inland and Coastal Waterways Annual Report Form W–1 (Class A and Class B water carriers). Such annual report shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year to which it relates.

10. The title and text of § 1250.20 are revised to read:

§ 1250.20 Annual reports of maritime carriers.

Commencing with the year ended December 31, 1974, and thereafter, until further order, all maritime carriers subject to section 313, Part III of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form W–4 (Maritime Carriers). Such annual report shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year to which it relates.

11. The text of § 1250.30 is revised to read:

§ 1250.30 Annual reports of class C water carriers.

Commencing with reports for the year ended December 31, 1974, and thereafter, until further order, all class C water carriers, as described in § 1240.2 of this chapter, subject to the provisions of section 313, Part III of the Interstate Commerce Act, are required to file reports in accordance with Annual Report Form W–3 (Class C Water Carriers). Such annual reports shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year to which it relates.

PART 1251—REPORTS OF FREIGHT FORWARDERS

12. In the table of contents § 1251.2 is revised as follows:

* * * * *

1251.2 Annual reports of Class B freight forwarders.

* * * * *

13. The text of § 1251.1 is revised to read:

§ 1251.1 Annual reports of class A freight forwarders.

Commencing with reports for the year ended December 31, 1974, and thereafter, until further order, all Class A freight forwarders, as described in § 1240.6 of this chapter, are required to file annual reports in accordance with Annual Report Form F–1 (Class A Freight Forwarders). Such annual report shall be filed in duplicate in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423 on or before March 31 of the year following the year to which it relates.

14. The title and text of § 1251.2 are revised to read:

§ 1251.2 Annual reports of class B freight forwarders.

Commencing with reports for the year ended December 31, 1974, and thereafter, until further order, all class B freight forwarders, as described in § 1240.6 of this chapter, within the scope of section 412, Part IV of the Interstate Commerce Act are hereby required to file annual reports in accordance with Annual Report Form F–2 (Class B Freight Forwarders). The annual report shall be filed in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the year to which it relates.

[FR Doc.75-4120 Filed 2-12-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 18—MARINE MAMMALS

Waiver of Moratorium on Taking Marine Mammals

The Marine Mammal Protection Act (86 Stat. 1027, 16 U.S.C. 1361 et seq.) authorizes the Secretary to prescribe regulations and to waive the moratorium on the taking and/or importation of marine mammals and marine mammal products and, for such prescription or waiver, refers the Secretary to section 103 of the Act (16 U.S.C. section 1373). Section 103(d) requires that the waiver and implementing regulations be made on the record after opportunity for an agency hearing.

The basic format for the proposed hearing procedures to govern the section 103 hearing consists of:

(1) Publication of notice in the FEDERAL REGISTER of (i) an intent to waive moratorium and/or to prescribe regulations and (ii) a description of the subjects and issues which may be involved in the hearing;

(2) Submission in writing of requests for hearing and issues of fact and law to be determined. Such submission must be accomplished by a date specified in the notice;

(3) As soon as possible after the date specified in (2) above, the presiding officer shall convene a prehearing conference to consider simplification and clarification of the issues to be determined.

(4) The hearing shall be conducted in accordance with sections 7 and 8 of the Administrative Procedure Act, 5 U.S.C. §§ 556 and 557.

(5) After the hearing, the parties will be afforded an opportunity to submit proposed findings, conclusions, and supporting briefs.

(6) Thereafter, the presiding officer shall as soon as practicable prepare a recommended decision, and transmit said decision and record to the Director, U.S. Fish and Wildlife Service for a final determination.

Since these regulations are procedural in nature and pertain to the procedures to be followed for adoption of substantive section 103 regulations concerning the waiver of the moratorium with respect to walrus only, and do not pertain to a general waiver of the moratorium, it is determined that with respect to these procedural regulations the notice and public procedure thereon, called for by 5 U.S.C. 553(b), are impracticable and unnecessary, and these regulations shall become effective upon publication in the FEDERAL REGISTER.

Accordingly, Part 18 of Title 50, Code of Federal Regulations, Chapter I, is amended as set forth below.

Dated: February 10, 1975.

LYNN GREENWALT,
Director, Fish and Wildlife Service.

1. In the Table of sections, a new subpart G consisting of §§ 18.60 through 18.75 are added to read:

Subpart G—Notice and Hearing on Section 103 Regulations

Sec.
18.60 Basis and purpose.
18.61 Definitions.
18.62 Scope of regulations.
18.63 Notice of public rulemaking.
18.64 Notification by interested persons.
18.65 Presiding officer.
18.66 Mailing address.
18.67 Inspection and copying of documents.
18.68 Ex parte communications.
18.69 Prehearing conference.
18.70 Final agenda of the hearing.
18.71 Waiver of right to participate.
18.72 Conduct of the hearing.
18.73 Oral and written arguments.
18.74 Recommended decision and submission of exceptions to recommended decision.
18.75 Director's decision.

AUTHORITY: 86 Stat. 1027; 16 U.S.C. 1361, 1373 et seq.

2. New subpart G reads as follows:

Subpart G—Notice and Hearing on Section 103 Regulations

§ 18.60 Basis and purpose.

(a) Sections 101(a)(2), 101(a)(3)(A), and 101(b) (16 U.S.C. Sections 1371(a)(2), 1371(a)(3)(A), 1371(b) (1972)) of the Act and these regulations authorize the Director to (1) impose regulations governing the taking of marine mammals incidental to commercial fishing operations; (2) waive the moratorium and to adopt regulations with respect to the taking and importing of animals from each species of marine mammals under his jurisdiction; (3) prescribe regulations governing the taking of depleted marine mammals by any Indian, Aleut or Eskimo, respectively. In prescribing regulations to carry out the provisions of said sections, the Act refers the Director to section 103 (16 U.S.C. 1373 (1972)). In accordance with section 103(d), regulations must be made on the record after opportunity for an agency hearing on such regulations by interested persons.

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and, in the case of a waiver, on the determination by the Director to waive the moratorium pursuant to section 101 (a)(3)(A) (16 U.S.C. 1371(a)(3)(A) (1972)).

(b) The purpose of this subpart is to establish rules of practice and procedure for all hearings conducted pursuant to section 103(d).

§ 18.61 Definitions.

Definitions shall be the same as in subpart A of this Part except as follows:

"Party" means, for the purposes of this subpart:

(1) The Director of the U.S. Fish and Wildlife Service or his representative;

(2) A person who has notified the presiding officer by specified dates of his intent to participate in the hearing.

§ 18.62 Scope of regulations.

The procedural regulations in this subpart govern the practice and procedure in hearings held under section 103(d) of the Act. These hearings will be governed by the provisions of sections 7 and 8 of the Administrative Procedure Act, 5 U.S.C. sections 556 and 557. The regulations shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to any waiver or regulation proposed pursuant to section 103(d) of the Act with full protection for the rights of all persons affected thereby.

§ 18.63 Notice of public rulemaking.

(a) A notice of public rulemaking on any proposed regulations shall be published in the FEDERAL REGISTER, together with the Director's proposed determination to waive the moratorium pursuant to section 101(a)(3)(A) (16 U.S.C. 1371(a)(3)(A)), where applicable.

(b) The notice shall state:

(1) The nature of the hearing;

(2) The place and date of the hearing. The date shall not be less than 30 days after publication of notice of the hearing;

(3) The legal authority under which the hearing is to be held;

(4) The proposed regulations and waiver, where applicable, and a summary of the statements required by section 103(d) of the Act (16 U.S.C. 1373 (d));

(5) Any written advice received as the result of consultations with the Marine Mammal Commission;

(6) The place(s) where the official record will be kept for public inspection;

(7) The final date for filing with the presiding officer a notice of intent to participate in the hearing;

(8) The docket number assigned to the case which shall be used in all subsequent proceedings; and

(9) The place and date of the prehearing conference.

§ 18.64 Notification by interested persons.

Any person desiring to participate as a party shall notify the presiding officer, by certified mail, on or before the date specified in the notice.

§ 18.65 Presiding officer.

(a) Upon publication of the notice of public rulemaking pursuant to § 18.63, the Director shall appoint a presiding officer pursuant to 5 U.S.C. § 3105. No individual who has any conflict of interest, financial or otherwise, shall serve as presiding officer in such proceeding.

(b) The presiding officer, in any proceeding under this subpart, shall have power to:

(1) Change the time and place of the prehearing and hearing and adjourn the hearing;

(2) Conduct a prehearing conference to determine the issues for the hearing agenda, and publish a pretrial order.

(3) Rule upon motions, requests and admissibility of evidence;

(4) Administer oaths and affirmations, question witnesses and direct witnesses to testify;

(5) Modify or waive any rule (after notice) when determining no party will be prejudiced;

(6) Receive written testimony and hear oral arguments;

(7) Render a recommended decision; and

(8) Do all acts and take all measures, including regulation of media coverage, for the maintenance of order at and the efficient conduct of the proceeding.

(c) In case of the absence of the original presiding officer or his inability to act, the powers and duties to be performed by the original presiding officer under this part in connection with a proceeding may, without abatement of the proceeding, be assigned to any other presiding officer unless otherwise ordered by the Director.

(d) The presiding officer may upon his own motion withdraw as presiding officer in a proceeding of he deems himself to be disqualified.

§ 18.66 Mailing address.

Unless otherwise specified in the notice of hearing, all communications shall be addressed to the Presiding Officer, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203, and shall be clearly marked with the docket number of the proceeding.

§ 18.67 Inspection and copying of documents.

Any document in a file pertaining to any hearing authorized by this subpart or any document forming part of the record of such a hearing may be inspected and/or copied in the dockets section of the Office of Hearings and Appeals.

§ 18.68 Ex parte communications.

(a) After notice of a hearing is published in the FEDERAL REGISTER, all communications, whether oral or written, involving any substantive issue and directed either to the presiding officer or to the Director shall be deemed ex parte communications and are not to be considered part of the record for decision.

(b) A record of oral conversations concerning substantive matters shall be made by the above persons who are contacted. All communications shall be available for public viewing at the place(s) specified in the notice of hearing.

(c) The presiding officer shall not consult any person or party on any fact in issue or on the merits of the matter unless notice and opportunity is given for all parties to participate.

§ 18.69 Prehearing conference.

The purpose of the prehearing conference shall be to enable the presiding officer to determine the issues of fact and law to be heard, and:

(1) What facts are not in dispute;

(2) Which witnesses may appear at the hearing; and

(3) The nature of the interest of each party and which parties' interests are adverse.

(4) Only parties may participate in the prehearing conference and a party may appear in person or be represented by counsel.

(5) Parties who do not appear at the prehearing conference shall be bound by the conference's determinations.

§ 18.70 Final agenda of the hearing.

After the prehearing conference, the presiding officer shall prepare a pretrial order setting forth the issues of fact and law to be heard. A copy of the order shall be served on each party and shall govern the course and conduct of the hearing.

§ 18.71 Waiver of right to participate.

Persons who fail to notify the presiding officer pursuant to § 18.64 shall be deemed to have waived their right to participate as parties in any part of the hearing.

§ 18.72 Conduct of the hearing.

(a) The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer changes the time or place. If a change occurs, notice of this change shall be served on all participating parties; *Provided*, That if the change in time or place of hearing is made less than five days before the date previously fixed for the hearing, the presiding officer shall also announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) The hearing shall be publicly conducted and reported verbatim by an official reporter.

(c) If a party objects to the admission or rejection of any direct testimony or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript and shall be subject to review at the same time and in the same manner as

the Director's final decision. Only objections made before the presiding officer may subsequently be relied upon in the proceedings.

(d) All motions and requests shall be addressed to, and ruled on by, the presiding officer, if made prior to his certification of the transcript or by the Director if made thereafter.

§ 18.73 Oral and written arguments.

(a) The presiding officer may, in his discretion, provide for oral argument at the end of the hearing. Such argument, when permitted, may be limited by the presiding officer to the extent necessary for the expeditious disposition of the proceeding.

(b) The presiding officer shall announce at the hearing a reasonable period of time within which any participating party may file with the presiding officer any proposed findings and conclusions and supporting briefs, which are based upon the record and citing the relevant page or pages of the transcript and exhibits. If a party filing a brief desires the presiding officer to reconsider any objection made by such party to a ruling of the presiding officer, he shall specifically identify such rulings by reference to the pertinent pages of the transcript and shall state his arguments thereon as a part of the brief.

(c) Oral or written arguments shall be limited to issues arising from direct testimony on the record.

§ 18.74 Recommended decision, and submission of exceptions to recommended decision.

(a) Promptly after expiration of the period for receiving written briefs, the presiding officer shall make a recommended decision based on the record and transmit the decision to the Director. The recommended decision shall include:

(1) A statement containing a description of the history of the proceedings;

(2) Findings on the issues of fact with the reasons therefor; and

(3) Rulings on issues of law.

(b) The presiding officer shall also transmit to the Director the entire hearing record. The presiding officer shall attach to the original transcript of the hearing a certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as are specified.

(c) Immediately after receipt of the recommended decision, the Director shall give notice thereof in the FEDERAL REGISTER, send copies of the recommended decision to all parties, and provide opportunity for the submission of exceptions. The recommended decision may be reviewed and/or copied in the office of the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

(d) Within 20 days after the issuance of the recommended decision any participating party may file with the Director exceptions to the recommended decision.

§ 18.75 Director's decision.

(a) Upon receipt of the recommended decision and record, and after the 20 day period for receiving written exceptions to the recommended decision has passed, the Director shall make a final decision on the proposed regulations and waiver, where applicable. The Director's decision may affirm, modify, or set aside, in whole or in part, the recommended findings, decision of the presiding officer. The Director may also remand the hearing record to the officer for a fuller development of the record.

(b) The Director's decision shall include:

(1) A statement containing a description of the history of the proceeding;

(2) Findings on the issues of fact with the reasons therefor; and

(3) Rulings on issues of law.

(c) The Director's decisions shall be published in the FEDERAL REGISTER. If the waiver is approved, the final adopted regulations shall be promulgated with the decision, to become effective upon publication.

[FR Doc.75-4047 Filed 2-10-75;10:59 am]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective February 13, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

(1) Refuge areas shall be closed to the taking of fish from March 24, 1975 thru May 2, 1975. Refuge areas shall be open to the taking of fish from May 3, 1975 thru March 21, 1976. Boat fishing shall be permitted only from May 3, 1975 thru September 30, 1975.

(2) The use of once frozen smelt, perch eyes and commercially pickled minnows is permitted.

(3) One outboard motor of not more than 10 horsepower may be attached to any boat or floating craft and is to be used for fishing purposes only. Speed limit on the Souris River above the Mouse River Park not to exceed five miles per hour.

(4) Fish houses and vehicles will not be permitted on river areas below the Lake Darling dam.

(5) Operation of snowmobiles within the refuge boundaries is prohibited.

(6) Refuge is open to public use between the hours of 5 a.m. to 10 p.m. daily.

(7) Fish houses must be removed from the refuge no later than March 7, 1976.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1976.

DON R. PERKUCHIN,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, North Dakota.

FEBRUARY 5, 1975.

[FR Doc.75-4031 Filed 2-12-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 18]

MARINE MAMMALS

Regulations To Waive Moratorium

This proposal contains regulations to implement sections 101 and 103 of the Marine Mammal Protection Act of 1972 (hereinafter referred to as "the Act"), by waiving the moratorium on the taking and importing of Pacific walrus (*Odobenis rosmarus*). A separate rulemaking at 40 FR 6661 establishes hearing procedures for an agency hearing on the substantive issues raised in this proposal.

Section 101 of the Act establishes a moratorium on the taking and importing of marine mammals. Under certain conditions, which are set out in section 101(a)(3)(A), the moratorium can be waived for any given species of marine mammal. The waiver is to be accompanied by regulations for the conservation of the species in question, issued pursuant to section 103 of the Act.

Section 109 of the Act preempts State laws and regulations relating to the taking of marine mammals within the State's jurisdiction. That section also provides for the reinstatement of State laws and regulations which provide for the conservation of marine mammals consistent with the Act and any applicable regulations.

Since the inception of the Act, neither of these provisions has been utilized. Thus, all marine mammals have been subject to strict Federal rules prohibiting all taking and importation, with the few exceptions, such as subsistence and handicrafts used by certain Indians, Aleuts and Eskimos, provided by the Act.

Based on scientific and other evidence available to it, the Fish and Wildlife Service has determined that certain marine mammals, specifically the Pacific walrus, can and should be conserved on the basis of a management regime other than a strict moratorium on taking and importation. Based on a longstanding request from the State of Alaska, and on communications with other States, the Fish and Wildlife Service has also determined that in many instances, the States have the primary interest and expertise in conserving marine mammals consistent with the Act, and the capability of implementing such conservation programs.

The regulations in this proposal are written pursuant to section 103 of the Act to provide for those situations where it is appropriate to waive the moratorium under section 101, and a State can provide a conservation program under section 109 to manage the populations in question, consistent with the Act. These regulations do not cover the circumstance where a waiver of the moratorium is appropriate, but the Federal Government alone would establish and implement the particular conservation regime. That situation would be handled with separate regulations under section 103 of the Act.

DESCRIPTION OF THE PROPOSAL

I. Regulations for a cooperative State-Federal conservation program.

The first item in the proposal would establish a new subpart F in Part 18, Title 50, Code of Federal Regulations, providing standards and procedures for Federal waivers of the moratorium to be implemented by State regulations. This is essentially a refinement of the existing regulations in § 18.4 for the approval of State laws and regulations. However, this new subpart is specifically designed for a cooperative State-Federal management system for marine mammal resources.

In §§ 18.51 through 18.53, the proposal requires two simultaneous events in order to trigger a waiver of the moratorium:

(1) A decision by the Director that a waiver of the moratorium is appropriate; and

(2) The submission of State laws and regulations constituting a proper management regime for the marine mammals in question.

When both of these conditions have been met, the approval of the State laws and regulations pursuant to section 109 of the Act activates the waiver of the moratorium.

Section 18.54 describes the procedures for both the initial and the continuing approval of State laws and regulations. It provides for FEDERAL REGISTER notice to the public of the Director's approval of State laws and regulations, a description of the management regime established by the State, and the extent of the waiver of the moratorium. It also provides for Federal adoption of approved State laws and regulations. This will provide effective management of the population in question even if the taking occurs beyond the State's jurisdictional area.

Section 18.55 provides the criteria for the approval of State laws and regulations. These criteria have been designed to assure that all appropriate biological and ecological factors have been taken into account, consistent with the basic policies and goals of the Act.

Section 18.56 establishes machinery for an annual review of the State program (or more often if necessary). Working together, this section and the preceding sections provide for State management of certain marine mammal resources, under Federal guidelines and review. This system will have the following advantages:

(1) The States will actually manage the resource; generally, the States have the interest, expertise and capability to carry out proper oonservation programs;

(2) The State conservation program must meet Federal standards;

(3) The State program will be under continual Federal review;

(4) Implementation of a State program will be preceded by a Federal waiver of the moratorium.

The Fish and Wildlife Service believes that this system provides the best combination of State and Federal capabilities, while meeting the objectives of the Act for conservation of marine mammals. It is consistent with the program for cooperative agreements with States under the Endangered Species Act of 1973, which likewise encourages State action under Federal guidelines. As stated above, this does not eliminate the possibility of a Federal management regime for certain marine mammal populations under appropriate circumstances. It simply provides for those occasions when a State desires to establish a marine mammal conservation program.

Section 18.57 establishes certain norms for enforcement, and certain Federal rules. These will assure the effectiveness of the particular approved conservation program.

For public convenience and clarity, § 18.58 will contain a list of all waivers of the moratorium, and of all States which have approved programs.

II. Consequential changes in the basic marine mammal regulations.

The second item in this proposal would make consequential changes in § 18.23, which relates to the taking of marine mammals by certain Indians, Aleuts and Eskimos. If the State laws and regulations regarding walrus become effective, certain Federal restrictions on the transfer of parts or products of walrus will no longer be necessary. This is based on the State's ability to control any illicit trade in such items as raw walrus ivory, thereby avoiding an incentive to take more walrus than appropriate.

NOTICE OF AVAILABILITY OF ALASKA'S REGULATIONS ON PACIFIC WALRUS AND SECTION 103(d) STATEMENT

The State of Alaska has proposed a conservation program for the Pacific walrus. The Director has determined that consideration of a waiver of the moratorium is appropriate under section 101(a)(3)(A) of the Act, and has made a preliminary determination that Alaska's laws and regulations meet the standards for approval under such a waiver, as set forth in this proposal.

The Alaska laws and regulations are available for inspection at the dockets section of the Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203. Copies may be obtained by writing to the Director (MNB), U.S. Fish and Wildlife Service, Washington, D.C. 20240.

The statements required by section 103(d)(1)–(4) are discussed in detail in an environmental assessment which is available for inspection and copying at the above location. A summary of those four statements follows:

1. *Population status of the Pacific Walrus (Odobenus rosmarus).*

The population of the Pacific walrus, prior to the advent of American whaling, was estimated to have been 200,000 animals. Soviet and American estimates indicate a population of about 50,000 in the 1930's, and it seems unlikely that it ever went much below that level, although several investigators indicate that it may have. In 1963 the population was estimated at about 90,000 animals and at present it is about 140,000 to 160,000 animals.

Productivity (the rate of production) can be expected to decrease as the population nears its optimum sustainable level. There is evidence this is occurring at the present.

2. *Erpected impact of the proposed regulations on the optimum sustainable population of Pacific Walrus (Odobenus rosmarus).*

The effect of the proposed regulations will be to allow sport taking of walrus. This harvest will be less than fifty animals and no substantial effect upon the optimum sustainable population of Pacific walrus is expected.

3. *Evidence before the Secretary upon which he has based his regulations.*

The Secretary's evidence for such regulations is 1 and 2 summarized above, and a management plan based upon sound principles of resource management which will again allow the utilization of this resource more fully for its esthetic, recreational and economic benefits.

4. *Studies or Recommendations Made by or for the Secretary or the Marine Mammal Commission*

No known recommendations have been made by or for the Secretary or the Marine Mammal Commission. The Secretary conducted a walrus survey in late summer, 1974 to determine seasonal distribution of walrus in the Bering and Chukchi Seas. However, the vagaries of arctic weather and equipment problems did not allow the collection of sufficient data upon which to base valid population estimates. The last valid statistics from which population estimates could be projected were collected in 1972. Those data indicated a walrus population of about 140,000 animals at that time.

PROCEDURES FOR THE WAIVER AND THIS PROPOSAL

Section 103(d) of the Act requires opportunity for a hearing on the Director's determination to waive the moratorium, and on the regulations contained in this proposal. As mentioned above, regulations governing such a hearing have been published at 40 FR (6661). These regulations constitute a new Subpart G in Part 18, 50 CFR. All persons wishing to participate in the hearing procedure should read those regulations carefully, and follow the procedures set forth.

After the hearing, and following review of the recommended decision, the Director will, if appropriate, publish these regulations as final rules, make a final determination to waive the moratorium, and approve Alaska's laws and regulations pursuant to section 109 of the Act and § 18.54 of the proposal.

The notice of availability of Alaska's laws and regulations, and of the statement required by section 103(d), incorporated herein, meets the requirements of the Act and of § 18.54(c) of the proposal. Therefore, when the proposal, the waiver, and the State program are acted upon, as described in the previous paragraph, all procedural requirements will have been complied with.

NOTICE OF PROCEDURAL MATTERS

1. Notice is hereby given of intent to hold a hearing, if requested, regarding the proposed waiver and regulations. Such hearing is scheduled for March 19–22, 1975, to be held in Anchorage, Alaska at a time and place to be announced at the prehearing conference. A second phase of this hearing will be held in Washington, D.C., if deemed appropriate and necessary by the presiding officer.

2. Notice is hereby given of a prehearing conference to be held on March 3, 1975, beginning at 9:30 a.m. at the following location:

Hearing Room C, 12th Floor, 4015 Wilson Blvd., Arlington, Va. 22203.

3. The Presiding Officer is hereby designated to be:

Administrative Law Judge Joseph B. Kennedy. Address: Same as above. Telephone: 703–557–9200.

4. All communications and correspondence relating to this matter must be entitled as follows:

In re waiver of moratorium on walrus.	MMPA Docket No. Wash. 75–1.

5. All persons interested in participating in this proceeding must notify the presiding officer by February 26, 1975, of their intention to participate, their request for hearing, and must submit what issues of fact and law they deem necessary to be determined. Such notification must be by certified mail.

Dated: February 10, 1975.

LYNN GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 18, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as follows:

1. In the table of sections, a new subpart F is added, reading:

Subpart F—Waiver of the Moratorium; State Laws and Regulations

Sec.
18.51 Purpose of regulations.
18.52 Scope of regulations.
18.53 Effective waiver of the moratorium.
18.54 Approval of State laws and regulations.
18.55 Approval of State laws and regulations—criteria.
18.56 Review of approved State laws and regulations.
18.57 Enforcement.
18.58 List of species waivers and States approved species.

2. Section 18.32 is added to read as follows:

§ 18.32 Waiver of the moratorium.

"See subpart F (waiver of the moratorium; State laws and regulations) for procedures regarding waivers of the moratorium in those circumstances where a State provides an acceptable management regime for the species in question."

3. A new subpart F is added, reading as follows:

Subpart F—Waiver of the Moratorium; State Laws and Regulations

§ 18.51 Purpose of regulations.

The regulations contained in this subpart fulfill the requirements of sections 101, 103, and 109 of the Act for regulations to implement a waiver of the moratorium in those circumstances where a State provides an acceptable management regime for the species in question.

§ 18.52 Scope of regulations.

(a) The provisions in this subpart apply only when the Director has made a decision to waive the moratorium, and when a State has requested a determination from the Director, pursuant to section 109(a)(2) of the Act, that the State's laws and regulations relating to the protection and taking, within its jurisdiction, of any species or population stock of marine mammals, are consistent with the waiver of the moratorium, the Act, and the regulations in this subchapter which apply to such species or population stocks. The provisions set forth standards and criteria for such determination by the Director and for subsequently waiving appropriate sections of the Act.

(b) These regulations apply to all taking of marine mammals and to importation subsequent to such taking except taking for scientific research, for public display, and incidental to commercial fishing operations.

§ 18.53 Effective waiver of the moratorium.

(a) The Director may make such waivers of the moratorium, pursuant to the procedures established in the Act, as he deems appropriate. Such waivers shall be

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published as notices in the FEDERAL REGISTER.

(b) When a waiver so indicates by its terms, it shall not be effective until the Director has approved the relevant State laws and regulations pursuant § 18.54.

(c) State laws and regulations in any State where a waiver of the moratorium is in effect pursuant to paragraph (b) of this section must be reviewed annually. If they are subsequently disapproved, pursuant to § 18.56, the moratorium is deemed to be in effect until such time as the State makes the necessary changes to gain approval.

(d) In order to be lawful, all activities conducted pursuant to a waiver of the moratorium which would otherwise be prohibited by subpart B of this part must be conducted in strict accordance with such approved State laws and regulations.

§ 18.54 Approval of State laws and regulations—procedures.

(a) Any State may request a determination that its laws and regulations are consistent with the Act and the regulations in this part; and may request a waiver of the appropriate portions of the Act in order to allow such laws and regulations to take effect.

(b) The request must be submitted in accordance with § 18.4(c) of this part.

(c) The Director issues a notice of consideration of these regulations, together with a notice of availability of the substantive ecological and biological statement required by section 103(d) of the Act.

(d) The Director may approve such State laws and regulations if:

(1) They implement a waiver of the moratorium; and

(2) They meet the criteria prescribed in § 18.55 of these regulations.

(e) Upon approval, the Director shall issue a notice in the FEDERAL REGISTER stating such approval, briefly summarizing the management regime established by the State laws and regulations, stating which sections of the Act are waived in order to allow such State laws and regulations to take effect, and the date of submission of the State's annual report.

(f) Any modifications, amendments, deletions or additions to laws or regulations previously approved shall be deemed to be new laws and regulations for the purposes of these regulations and shall require review and approval by the Director pursuant to paragraphs (a) through (d) of this section before their adoption.

(g) All determinations by the Director shall be final.

(h) If the Director has approved State laws and regulations pursuant to this subpart, such State regulations shall be adopted as Federal regulations, and may be enforced concurrently by the Federal Government.

§ 18.55 Approval of State laws and regulations—criteria.

Any State which applies to the Director for approval of its laws and regulations pursuant to § 18.54 must demonstrate, to the Director's satisfaction, that such laws and regulations:

(a) Provide a comprehensive management regime for the marine mammals in question;

(b) Establish a regime which is based on the best available data on the relevant marine ecosystem and the role of the marine mammals in question in that ecosystem;

(c) Establish a regime which is consistent with the primary goal of the Act, that is to maintain the health and stability of the marine ecosystem;

(d) Establish a regime which will allow the stock of marine mammals in question to expand, to remain at, or to be reduced to the level at which it can be supported by the habitat on a sustained basis, unless the State can show that some other population level more properly maintains the health and stability of the marine ecosystem;

(e) Provide appropriate maximum quotas and seasons, whenever a taking or importation is proposed, unless the State can show that it is consistent with these criteria to have no quota or season;

(f) Establish quotas, seasons, and other allowances and restrictions in accordance with the following factors:

(1) The seasonal distribution of populations

(2) Segregation within populations by sex and age

(3) Discreteness of populations

(4) Population density

(5) Critical periods in the species life cycle

(6) Critical habitat areas

(7) Productivity of the population

(8) Species interactions

(9) Percentage of retrieval by hunters

(10) Maximization of the utilization of the species

(11) Other uses of the species, such as recreational use or incidental catch

(12) Enforceability of the limitations

(g) Contain suitable limitations on the means and methods of taking which assure that taking will be by humane means and will maximize the utilization of each animal taken;

(h) Contain provisions for significant public participation within the State in the process of making the rules in question.

(i) Meet the criteria specified in § 18.4 (d) of this part, to the extent such criteria may differ from those prescribed in this section.

§ 18.56 Review of approved State laws and regulations.

(a) All State laws and regulations which have been approved shall be reviewed annually, unless a major modification indicates that an earlier review is appropriate.

(b) In order to facilitate such a review, each State having approved laws and regulations must submit an annual report containing the following information current for each reporting period:

(1) Any changes in the State laws or regulations;

(2) Any new data on the marine mammal stocks or the marine ecosystem in question;

(3) All available harvest data;

(4) A summary of all research activity on the stocks or ecosystem in question;

(5) Any changes in the information provided with the original request for approval;

(6) A summary of all enforcement activity, including permits issued, skins sealed, reports under permits, investigations undertaken and their dispositions;

(7) Present budget and staffing level for the marine mammal activities;

(8) Any other information which the Director may request, or which the State deems necessary or advisable.

(c) Each State having approved laws and regulations shall file a special report within 30 days whenever any of the following information is available:

(1) A proposed change in a relevant State law or regulation (amendments, repealers, or new legislation or regulations); or

(2) A significant natural or man-made occurrence affecting the marine ecosystem or the stock in question; or

(3) An apparent over-harvest or other significant violation of the State management regime.

(d) On the basis of reports by the States, and any other information available to him, the Director shall, in consultation with the Marine Mammal Commission, determine whether or not the State laws and regulations continue to meet the criteria specified in § 18.55 of this subpart.

(e) If the Director tentatively disapproves any such State laws and regulation, he shall notify the State of his disapproval, along with his reasons therefor.

(f) The State shall have 90 days in which to discuss the tentative disapproval with the Director and make such changes as are agreed upon. The Director shall make the final decision at the expiration of the 90-day period. If the State laws and regulations are disapproved, the moratorium resumes in effect, and the waiver of portions of the Act is voided.

§ 18.57 Enforcement.

(a) The appropriate official in each State shall utilize such methods as he deems appropriate to assure to the maximum extent practicable that the quotas, seasons and other limitations in approved State laws and regulations are not exceeded.

These methods may include, but are not limited to, patrols, surveillance, investigation, permit records-keeping and reporting requirements, and tagging and marking requirements.

(b) The hides or skins of marine mammals taken pursuant to approved State laws and regulations, and tanned commercially, must be tanned at a tannery registered pursuant to this part. Lists of such tanneries may be obtained from agents of the Service.

(c) Any seals attached by State officials under approved State laws and regulations must remain affixed until removed for tanning.

(d) Permits granted for scientific research and public display pursuant to section 101 of the Act, shall be conditioned upon the issuance of a permit for the activity in question or concurrence by the State if such State has approved laws and regulations.

§ 18.58 List of species waivers and States approved. [Reserved]

4. Amend § 18.23 by redesignating the existing subsections (c) and (d) as subsections (d) and (e), respectively, and a new subsection (c) is added, reading as follows:

§ 18.23 Native exceptions.

• • • • •

(c) The restrictions in subsection (b) shall not apply to parts or products of the Pacific walrus (*Odobenis rosmarus*) if a waiver of the moratorium and approval of State laws and regulations regarding that species are in effect, as indicated by listing in § 18.58.

• • • • •

[FR Doc.75-4048 Filed 2-12-75;8:45 am]

Office of the Secretary

[41 CFR Part 114]

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Notice of Proposed Rulemaking

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, 1900, 42 U.S.C. 4601, 4633, it is proposed to amend Chapter 114, Title 41, of the Code of Federal Regulations as set forth below.

The Department of the Interior published final regulations implementing Pub. L. 91-646 in the FEDERAL REGISTER on February 9, 1973 (38 FR 3965).

The significant amendments proposed herein will incorporate into the Department's regulations certain of the differences identified in the various Federal agency regulations and which have been agreed to by the interagency Relocation Assistance Implementation Committee Working Group organized to resolve such differences.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to the Office of Management Services, Office of the Secretary, 18th and C Streets NW, Washington, D.C. 20240 on or before March 17, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

FEBRUARY 5, 1975.

Subpart 114-50.1—General

It is proposed to amend Part 114-50 as follows:

1. Section 114-50.111 is redesignated as § 114-50.112, sections 114-50.100, 114-50.101, and 114-50.107-2, are revised and a new § 114-50.111, is added as set forth below:

§ 114-50.100 Purpose.

These regulations prescribe policies and procedures to insure the fair, equitable, and uniform treatment of persons displaced by Federal and federally assisted programs. They implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter referred to as the Act, and General Services Administration Guidelines. All references in these regulations to sections or subsections are references to sections or subsections of the Act.

§ 114-50.101 Adjudication of claims.

Any claims made under these regulations and the Act shall be adjudicated on the basis of the regulations in effect when the claim was filed.

§ 114-50.107-2 Forms used for filing applications for benefits.

Department of the Interior Forms DI-380 and DI-381, "Application for Reimbursement, Moving and Related Expenses Under Act of January 2, 1971," and instructions for their preparation, Forms DI-380a, and DI-381a, are prescribed for use by all Bureaus and Offices.

§ 114-50.111 Withholding from relocation payments.

To insure equitable treatment, no displaced person is to have a relocation payment withheld or amounts deducted therefrom (including closings in escrow) to satisfy claims or obligations to others, including the acquiring agency. Moving costs and relocation payments are intended to lessen the impact of the forced relocation and to permit satisfactory relocation into decent, safe, and sanitary housing. Other legal remedies are available to the displacing Bureau or Office to satisfy the displacee's credit obligations rather than withholding amounts from relocation payments.

Subpart 114-50.2—Definitions

2. In § 114-50.201, paragraphs (b), (d) (4), and (g) are revised to read as follows:

§ 114-50.201 Definition of terms.

• • • • •

(b) *Bureaus and Offices.* Means the following agencies of the Department of the Interior:

(1) Fish and Wildlife Service.
(2) Bureau of Mines.
(3) Bureau of Indian Affairs.
(4) Bureau of Land Management.
(5) Bureau of Reclamation.
(6) Bureau of Outdoor Recreation.
(7) National Park Service.
(8) Geological Survey.
(9) Bonneville Power Administration.
(10) Southeastern Power Administration.
(11) Southwestern Power Administration.
(12) Alaska Power Administration.
(13) Office of Water Research and Technology.
(14) Office of Coal Research.
(15) Mining Enforcement and Safety Administration.

• • • • •

(d) • • •

(4) Located in an area not generally less desirable than the one in which the acquired dwelling is located with respect to:

• • • • • •

(g) *Displacing agency.* A Bureau or Office in the case of a direct Federal project or a State agency, as defined in the Act, in the case of a project receiving Federal financial assistance.

• • • • •

Subpart 114-50.4—Relocation Assistance Advisory Services

3. In § 114-50,403, paragraphs (a) and (b) are revised to read as follows:

§ 114-50.403 Coordination of planned relocation activities.

• • • • •

(a) Bureaus and Offices causing displacement shall:

(1) Consult with the appropriate field office of the Department of Housing and Urban Development within the jurisdictional area concerning the availability of housing;

(2) Provide the Housing and Urban Development field office with information regarding the projects which will cause displacement; and

(3) Designate at least one representative who will meet periodically with representatives of other Interior Bureaus and other Federal agencies causing displacement in the community to review the impact of their respective programs on the community or area.

(b) A directory of the Department of Housing and Urban Development field offices is contained in Appendix I to this subpart. The Department of Housing and Urban Development will maintain this directory on a current basis and furnish updated copies upon request.

4. Existing § 114-50.407-3 is redesignated as § 114-50.407-4 and new § 114-50.407-3 is added as set forth below:

§ 114-50.407-3 Additional sources of advisory services.

The following additional sources of advisory services may be available in the project area and should be considered and utilized whenever practicable:

(a) *Veterans Administration (VA).* The Veterans Administration maintains a housing counseling service and a displaced persons priority program for providing VA owned housing to displaced persons. These services may be made available to persons displaced by Federal and federally assisted programs and the

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local VA Loan Guarantee Office should be contacted.

(b) *Small Business Administration.* The Small Business Administration provides technical and loan counseling services for small businesses. A displaced businessman should be advised of these services.

(c) *Department of Agriculture.* The Department of Agriculture provides many services through its direct action farmer assistance programs, activities in rural nonfarm communities, and also urban communities of under 10,000 population. Coordination with the Farmer's Home Administration, Department of Agriculture is recommended when a farm operation is displaced.

(d) *Local governmental organizations.* Local governmental organizations and agencies may have rent supplement, public housing, or related relocation assistance programs which may be utilized to provide housing for the occupants displaced from a project. Local programs should be utilized where they exist. The use of local non-governmental associations may also be used in helping a displaced person. Local real estate boards, apartment owners associations, home builders associations, and other organizations may provide information and services that will help obtain comparable replacement housing for displaced persons and suitable replacement sites for displaced businesses. Also, many States have veterans' organizations which offer services to veterans. The availability of such State organizations should be ascertained and utilized.

Subpart 114–50.4—Relocation Assistance Advisory Services

* * * * *

5. A revised Appendix I to Subpart 114–50.4 is provided to reflect a current listing of the Department of Housing and Urban Development filed office jurisdictions.

APPENDIX I

FIELD OFFICE JURISDICTIONS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGION I

Regional Administrator, James J. Barry,
Rm. 800, John F. Kennedy Federal Building,
Boston, Massachusetts 02203,
Tel. (617) 223–4066.

AREA OFFICES

Connecticut, Hartford 06105,
999 Asylum Avenue,
Tel. (203) 244–3658,
Area Director: Lawrence L. Thompson.

Massachusetts, Boston 02114,
Bulfinch Building,
15 New Chardon Street,
Tel. (617) 223–4111,
Area Director: M. Daniel Richardson, Jr.

New Hampshire, Manchester 03101,
Davison Building,
1230 Elm Street,
Tel. (603) 669–7581,
Area Director: Crosley S. Buchanan.

Insuring Offices

Maine, Bangor 04401,
Federal Building and Post Office,
202 Harlow Street,
Post Office Box 1357,
FTS Tel. (207) 942–8271,
Commercial Number: 942–8271,
Director: Wayne M. Johnson.
Rhode Island, Providence 02903,
330 Post Office Annex,
Tel. (401) 528–4351,
Director: Charles J. McCabe.

Vermont, Burlington 05401,
Federal Building,
Elmwood Avenue,
Post Office Box 909,
FTS Tel. (802) 863–6274,
Commercial Number: 863–6501,
Director: Leslie E. Snow.

REGION II

Regional Administrator, S. William Green,
26 Federal Plaza, Room 3541,
New York, New York 10007,
Tel. (212) 264–8068.

AREA OFFICES

New Jersey, Camden 08103,
The Parkade Building,
519 Federal Street,
FTS Tel. (609) 963–2301,
Commercial Number: 963–2541,
Area Director: Philip G. Sadler.
New Jersey, Newark 07102,
Gateway 1 Building,
Raymond Plaza,
Tel. (201) 645–3010,
Area Director: James P. Sweeney.
New York, Buffalo 14202,
Grant Building,
560 Main Street,
Tel. (716) 842–3510,
Area Director: Frank D. Cerabone.
New York, New York 10007,
120 Church Street,
Tel. (212) 264–2870,
Area Director: Joseph D. Monticciolo (Acting).

Commonwealth Area Office

Puerto Rico, San Juan 00936,
255 Ponce de Leon Avenue,
Hato Rey, Puerto Rico,
Mailing Address:
G Post Office Box 3869,
San Juan, Puerto Rico.
FTS Tel. (Dial 202–967–1221—ask operator for 6220201; from Washington, D.C.—dial Code 106—ask operator for 622–0201).
Commercial Number: 809–765–0404,
Area Administrator: Jose E. Febres Silva (Acting).

Insuring Offices

New York, Albany 12206,
Westgate North,
30 Russell Road,
Tel. (518) 472–3567,
Director: Robert J. Wolf (Acting).
New York, Hempstead 11550,
175 Fulton Avenue,
Tel. (516) 485–5000,
Director: Michael Leen (Acting).

REGION III

Regional Administrator, Theodore R. Robb,
Curtis Building,
6th and Walnut Streets,
Philadelphia, Pennsylvania 19106,
Tel. (215) 597–2560.

AREA OFFICES

District of Columbia, Washington 20009,
Universal North Building,
1875 Connecticut Ave. NW.,
Tel. (202) 382–4858,
Area Director: Harry W. Steller (Acting).
Maryland, Baltimore 21201,
Two Hopkins Plaza,
Mercantile Bank and Trust Building,
Tel. (301) 962–2121,
Area Director: Allen T. Clapp.
Pennsylvania, Philadelphia 19106,
Curtis Building,
625 Walnut Street,
Tel. (215) 597–2665,
Area Director: Joseph A. LaSala (Acting).
Pennsylvania, Pittsburgh 15212,
Two Allegheny Center,
Tel. (412) 644–2902,
Area Director: Charles J. Lieberth.
Virginia, Richmond 23219,
701 East Franklin Street,
Tel. (804) 782–2721,
Area Director: Carroll A. Mason.

Insuring Offices

Delaware, Wilmington 19801,
Farmers Bank Building, 14th Floor,
919 Market Street,
FTS Tel. (302) 571–6339,
Director: Henry McC. Winchester, Jr.
West Virginia, Charleston 25330,
New Federal Building,
500 Quarrier Street,
Post Office Box 2948,
FTS Tel. (304) 343–1321,
Commercial Number: 343–6181,
Director: H. William Rogers.

Special Recovery Office

Scranton, Pennsylvania 18503,
Lackawanna County Building,
Spruce and Adams Avenue,
Tel. 717–344–7393,
Director: James D. Corbin.

REGION IV

Regional Administrator, E. Lamar Seals,
Peachtree-Seventh Building,
50 Seventh Street NE.,
Atlanta, Georgia 30323,
Tel. (404) 526–5585.

AREA OFFICES

Alabama, Birmingham 35233,
Daniel Building,
15 South 20th Street,
Tel. (205) 325–3264,
Area Director: Jon Will Pitts.
Florida, Jacksonville 32204,
Peninsular Plaza,
661 Riverside Avenue,
Tel. (904) 791–2626,
Area Director: Forrest W. Howell.
Georgia, Atlanta 30303,
Peachtree Center Building,
230 Peachtree Street NW.,
Tel. (404) 526–4576,
Area Director: William A. Hartman, Jr. (Acting).
Kentucky, Louisville 40201,
Children's Hospital Foundation Bldg.,
601 South Floyd Street,
Post Office Box 1044,
Tel. (502) 582–5251,
Area Director: Virgil G. Kinnaird.
Mississippi, Jackson 39213,
101–C Third Floor Jackson Mall,
300 Woodrow Wilson Avenue W.,
FTS Tel. (601) 948–2267,
Commercial Number: 366–2894,
Area Director: James S. Roland.

North Carolina, Greensboro 27408,
2309 West Cone Boulevard,
Northwest Plaza,
FTS Tel. (919) 275–9361,
Commercial Number: 275–9111,
Area Director: Richard B. Barnwell.
South Carolina, Columbia 29202,
1801 Main Street,
Jefferson Square,
Tel. (803) 765–5591,
Area Director: Clifton G. Brown.
Tennessee, Knoxville 37919,
One Northshore Building,
1111 Northshore Drive,
FTS Tel. (615) 524–4561,
Commercial Number: 584–8527,
Area Director: Carroll G. Oakes.

Insuring Offices

Florida, Coral Gables 33134,
3001 Ponce de Leon Boulevard,
FTS Tel. (305) 350–5221,
Commercial Number: 445–2561,
Director: Louis T. Baine (Acting).
Florida, Tampa 33609,
4224–28 Henderson Boulevard,
Post Office Box 18165,
Tel. (813) 228–2501,
Director: K. Wayne Swiger.
Tennessee, Memphis 38103,
28th Floor, 100 North Main Street,
Tel. (901) 534–3141,
Director: Glynn G. Raby, Jr. (Acting).
Tennessee, Nashville 37203,
1717 West End Building,
Tel. (615) 749–5521,
Director: George N. Gragson.

REGION V

Regional Administrator, George J. Vavoulis,
300 South Wacker Drive,
Chicago, Illinois 60606,
Tel. (312) 353–5680.

AREA OFFICES

Illinois, Chicago 60602,
17 North Dearborn Street,
Tel. (312) 353–7660,
Area Director: John L. Waner.
Indiana, Indianapolis 46205,
Willowbrook 5 Building,
4720 Kingsway Drive,
Tel. (317) 633–7186,
Area Director: Choice Edwards (Acting).
Michigan, Detroit 48226,
5th Floor, First National Building,
660 Woodward Avenue,
Tel. (313) 266–7900,
Area Director: John E. Kane (Acting).
Minnesota, Minneapolis-St. Paul,
Griggs-Midway Building,
1821 University Avenue,
St. Paul, Minnesota 55104,
Tel. (612) 725–4701,
Area Director: Thomas T. Feeney.
Ohio, Columbus 43215,
60 East Main Street,
Tel. (614) 469–7345,
Area Director: Elmer C. Binford (Acting).
Wisconsin, Milwaukee 53203,
744 North 4th Street,
Tel. (414) 224–3233,
Area Director: Richard A. Kaiser (Acting).

Insuring Offices

Illinois, Springfield 62704,
Lincoln Tower Plaza,
524 South Second Street, Room 600,
Tel. (217) 525–4414,
Director: Boyd O. Barton.
Michigan, Grand Rapids 49505,
Northbrook Building Number 11,
2922 Fuller Avenue, N.E.
Tel. (616) 456–2225,
Director: Alfred Raven.
Ohio, Cincinnati 45202,
Federal Office Building,
550 Main Street, Room 9009,
Tel. (513) 684–2884,
Director: Charles Collins II (Acting).
Ohio, Cleveland 44199,
Federal Building,
1240 East 9th Street,
Tel. (216) 522–4065,
Director: Charles P. Lucas.

REGION VI

Regional Administrator, Richard L. Morgan,
Room 14B35, New Dallas Federal Building,
1100 Commerce Street,
Dallas, Texas 75202,
Tel. (214) 749–7401.

AREA OFFICES

Arkansas, Little Rock 72201,
Room 1490, Union National Plaza,
Tel. (501) 378–5401,
Area Director: Thomas E. Barber.

Louisiana, New Orleans 70113,
Plaza Tower,
1001 Howard Avenue,
Tel. (504) 527–2063,
Area Director: Thomas J. Armstrong.

Oklahoma, Oklahoma City 73102,
301 North Hudson Street,
FTS Tel. (405) 231–4891,
Commercial Number: 231–4181,
Area Director: Robert H. Breeden.

Texas, Dallas 75202,
2001 Bryan Tower, 4th Floor,
Tel. (214) 749–1601,
Area Director: Manuel Sanchez III.

Texas, San Antonio 78285,
Kallison Building,
410 South Main Avenue,
Post Office Box 9163,
FTS Tel. (512) 225–4685,
Commercial Number: 225–5511,
Area Director: Finnis E. Jolly.

Insuring offices

Louisiana, Shreveport 71101,
514 Ricou-Brewster Building,
425 Milam Street,
FTS Tel. (318) 425–4601,
Commercial Number: 425–1241,
Director: Rudy Langford.

New Mexico, Albuquerque 87110,
625 Truman Street NE.,
Tel. (505) 766–3251,
Director: Luther G. Branham.

Oklahoma, Tulsa 74152,
1708 Utica Square,
Post Office Box 4054,
Tel. (918) 581–7435,
Director: Robert H. Gardner.

Texas, Fort Worth 76102,
819 Taylor Street,
Room 13A01 Federal Building,
Tel. (817) 334–3233,
Director: Richard M. Hazlewood.

Texas, Houston 77046,
Two Greenway Plaza East, Suite 200,
Tel. (713) 226–4335,
Director: William A. Painter.
Texas, Lubbock 79408,
Courthouse and Federal Office Building,
1205 Texas Avenue,
Post Office Box 1647,
FTS Tel. (806) 747–3265,
Commercial Number: 747–3711,
Director: Don D. Earney.

REGION VII

Regional Administrator, Elmer E. Smith
Federal Office Building, Room 300,
911 Walnut Street,
Kansas City, Missouri 64106,
Tel. (816) 374–2661.

AREA OFFICES

Kansas, Kansas City 66101,
Two Gateway Center,
4th and State Streets,
Tel. (816) 374–4355,
Area Director: William R. Southerland.

Missouri, St. Louis 63101,
210 North 12th Street,
Tel. (314) 622–4760,
Area Director: Elmo O. Turner.

Nebraska, Omaha 68106,
Univac Building,
7100 West Center Road,
Tel. (402) 221–9301,
Area Director: Guy J. Birch.

Insuring Offices

Iowa, Des Moines 50309,
210 Walnut Street,
Room 259 Federal Building,
Tel. (515) 284–4512,
Director: Nate Ruben.

Kansas, Topeka 66603,
700 Kansas Avenue,
Tel. (913) 234–8241,
Director: Jim Haff (Acting).

REGION VIII

Regional Administrator, Robert C. Rosenheim
Federal Building,
1961 Stout Street,
Denver, Colorado 80202,
Tel. (303) 837–4881.

Insuring Offices

Colorado, Denver 80202,
4th Floor, Title Building,
909 – 17th Street,
Tel. (303) 837–2441,
Director: Joseph G. Wagner.

Montana, Helena 59601,
616 Helena Avenue,
Tel. (406) 442–3237,
Director: Orvin B. Fjare.

North Dakota, Fargo 58102,
Federal Building,
653 – 2nd Avenue N.
Post Office Box 2483,
Tel. (701) 237–5136,
Director: Duane R. Liffrig.

South Dakota, Sioux Falls 57102,
119 Federal Building U.S. Courthouse,
400 S. Phillips Avenue,
FTS Tel. (605) 336–2223,
Commercial Number: 336–2980,
Director: Rodger L. Rosenwald.

Utah, Salt Lake City 84111,
125 South State Street,
Post Office Box 11009,
Tel. (801) 524–5237,
Director: L. C. Romney.

Wyoming, Casper 82601,
Federal Office Building,
100 East B Street,
Post Office Box 580,
FTS Tel. (307) 265–3252,
Commercial Number: 265–5550,
Director: Marshall F. Elliott (Acting).

REGION IX

Regional Administrator, Robert H. Baida,
450 Golden Gate Avenue,
Post Office Box 36003,
San Francisco, California 94102,
Tel. (415) 556–4752.

AREA OFFICES

California, Los Angeles 90057,
2500 Wilshire Boulevard,
Tel. (213) 688–5973,
Area Director: Roland E. Camfield (Acting).

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California, San Francisco 94111,
1 Embarcadero Center,
Suite 1600,
Tel. (415) 556-2238,
Area Director: James H. Price.

Insuring Offices

Arizona, Phoenix 85003,
244 West Osborn Road,
Post Office Box 13468,
FTS Tel. (602) 261-4434,
Commercial Number: 261-4441,
Director: Merritt R. Smith.

California, Sacramento 95809,
801 I Street,
Post Office Box 1978,
Tel. (916) 449-3471,
Director: Richard D. Chamberlain.

California, San Diego 92112,
110 West C Street,
Post Office Box 2648,
Tel. (714) 293-5310,
Director: Albert E. Johnson.

California, Santa Ana 92701,
1440 East First Street,
FTS Tel. (213) 836-2451,
Commercial Number: (714) 836-2451,
Director: Robert L. Simpson.

Hawaii, Honolulu 96813,
1000 Bishop Street, 10th Floor,
Post Office Box 3377,
FTS Tel. (Dial 415-556-0220 and ask operator for 546-2136),
Commercial Number: 546-2136,
Director: Alvin K. H. Fang.

Nevada, Reno 89506,
1050 Bible Way,
Post Office Box 4700,
Tel. (702) 784-5356,
Director: Morley W. Griswold.

REGION X

Regional Administrator, Oscar P. Pederson,
Arcade Plaza Building,
1321 Second Avenue,
Seattle, Washington 98101,
Tel. (206) 442-5415.

AREA OFFICES

Oregon, Portland 97204,
520 Southwest 6th Avenue,
Tel. (503) 221-2555,
Area Director: Russell H. Dawson.

Washington, Seattle 98101,
Arcade Plaza Building,
1321 Second Avenue,
Tel. (206) 442-7456,
Area Director: Marshall D. Majors.

Insuring Offices

Alaska, Anchorage 99501,
334 West 5th Avenue,
FTS Tel. (Dial (206) 442-0150 and ask operator for 265-4790),
Commercial Number: (907) 272-5561 Ext. 791,
Director: James Tveit (Acting).

Idaho, Boise 83707,
331 Idaho Street,
Post Office Box 32,
FTS Tel. (208) 342-2232,
Commercial Number: 342-2711,
Director: Charles L. Holley, Jr.

Washington, Spokane 99201,
West 920 Riverside Avenue,
Tel. (509) 456-4571,
Director: E. Daryl Mabee.

Subpart 114–50.5—Assurance of Adequate Replacement Housing Prior to Displacement

6. The introductory paragraph of § 114–50.500 is revised to read as follows:

§ 114–50.500 Determination of availability of replacement housing.

Bureaus and Offices shall not proceed with any phase of any project or authorize a State agency to proceed with any phase of a project which will cause the displacement of any person until it has determined, or received satisfactory assurances from the displacing State agency that, within a reasonable period of time prior to displacement, decent, safe, and sanitary housing as defined in 114–50.201(e) will be available on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284) and the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals being displaced. Such dwellings are to be equal in number to the number of, and available to, persons being displaced who require dwellings and reasonably accessible to their places of employment.

• • • • •

Subpart 114–50.7—Payments in Lieu of Moving and Related Expenses

7. Sections 114–50.702, 114–50.702–1, and 114–50.703 are revised to read as follows:

§ 114–50.702 Displaced farm operation.

A person displaced from his farm operation, as defined in Section 114–50.201(k), may elect to receive a fixed payment of not less than $2,500 nor more than $10,000 in lieu of actual moving expenses in accordance with the same criteria established for a person displaced from a business in Section 114–50.703. Such a payment may be made to the displaced operator of a farm operation only if the acquiring Bureau or Office determines that the farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation.

§ 114–50.702–1 Farms—Partial taking.

In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(a) The part taken met the definition of a farm operation prior to the taking and the part remaining does not; or

(b) The taking caused the operator to be displaced from the farm operation on the remaining land; or

(c) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

NOTE: If application of the above criteria obviously creates an inequity in any given case, the head of the Bureau or Office may approve the use of other criteria as determined appropriate.

§ 114–50.703 Displaced business.

(a) A person displaced from his business, as defined in Section 114–50.201(c)(1), (2), and (3), may elect to receive a fixed payment of not less than $2,500 nor more than $10,000 in lieu of actual moving and related expenses, *provided* that, the displacing Bureau or Office determines that, during the two taxable years prior to displacement, or during such other period as the head of the Bureau or Office determines to be more equitable, the business:

(1) Had average annual gross receipts of at least $2,000 in value; or

(2) Had average annual net earnings of at least $1,000 in value; or

(3) Contributed at least 33⅓ percent of the average gross annual income of the owner(s) from all sources, including welfare.

NOTE: If application of the above criteria obviously creates an inequity in any given case, the head of the Bureau or Office may approve the use of other criteria as determined appropriate.

Subpart 114–50.8—Replacement Housing Payment for Homeowners

8. In § 114–50.802–1, paragraph (d) is redesignated as paragraph (e), paragraph (c) is revised and a new paragraph (d) is added as set forth below:

§ 114–50.802–1 Differential payment for replacement housing.

• • • • • •

(c) *Alternate method.* In the event that neither the schedule or comparative methods is feasible, the displacing agency should develop criteria for computing replacement housing payments. In the case of a Federally-assisted program, any alternate method proposed by a State agency should be subject to the prior concurrence of the Bureau or Office administering such program.

(d) The method of determining the replacement housing differential payment shall be selected by the acquiring agency.

Section 114–50.802–2 is revised to read as follows:

§ 114–50.802–2 Interest payment.

Displaced persons shall be compensated for increased interest costs, if any, only if the acquired dwelling was encumbered by a bona fide mortgage. The payment for any increased interest costs including points, incurred by the displaced person, shall be determined in consideration of the following:

(a) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remaining term of the mortgage on the acquired dwelling, reduced to discounted present value.

(b) The discount rate shall be the mean annual interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations. All bona fide mortgages on the dwelling acquired by the displacing agency will be used to compute the increased interest cost portion of the replacement housing payment.

(d) The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the unpaid amount of the old mortgage, whichever is the lesser.

(1) Seller's points are not to be included in the interest computation.

(2) The actual interest rate of the new mortgage will be used in the computation.

(3) Purchaser's points and/or loan origination fees will be added to the computed interest payment.

(e) However, the interest payment shall be based on the present value of the reasonable cost of the interest differential, including points paid by the purchaser, on the amount financed not to exceed the amount of the unpaid debt on the acquired dwelling for its remaining term.

(f) The format prescribed in Appendix I to this Subpart 114–50.8 shall be used in the computation of the interest payment.

Paragraph (a) of § 114–50.802–3 is revised to read as follows:

§ 114–50.802–3 Incidental expenses.

(a) The payment for incidental expenses, i.e., the amount necessary to reimburse a displaced person for reasonable costs incurred by him incident to purchase of a replacement dwelling, shall be determined in consideration of such costs as:

• • • • • •

Section 114–50.804 is revised to read as follows:

§ 114–50.804 Advance payment in condemnation cases.

In a condemnation proceeding involving a declaration of taking an advance replacement housing payment may be made to a homeowner if determination of the acquisition price of the acquired dwelling will be delayed pending the outcome of condemnation proceedings. Inasmuch as the exact amount of the replacement housing payment cannot be ascertained until final adjudication of the condemnation suit, a provisional replacement housing payment may be determined based on the displacing agency's offer for the property acquired. No such payment may be made, however, unless the homeowner agrees, in writing, that:

(a) Upon final determination of the condemnation proceeding, the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court:

(b) If the acquisition price as determined by the court is greater than the displacing agency's offer upon which the provisional replacement housing payment was based, the difference up to the extent of the replacement housing payment advanced, shall be refunded (including interest computed at the same rate as that paid by the agency on that portion of the acquisition price above the agency's offer) to the displacing agency; and

(c) If the acquisition price as determined by the court is less than the displacing agency's offer upon which the provisional replacement housing payment was based, the difference shall be paid to the homeowner.

9. A new Appendix 1 is added to subpart 114–50.8;

APPENDIX I

FORMAT

COMPUTATION OF INTEREST PAYMENT

REQUIRED INFORMATION

1. Outstanding balance of mortgage on acquired dwelling	$
2. Outstanding balance of mortgage on replacement dwelling	$
3. Lesser of Line 1 or Line 2	$
4. Number of months remaining until last payment is due for mortgage on acquired dwelling	
5. Number of months remaining until last payment is due for mortgage on replacement dwelling	
6. Lesser of Line 4 or Line 5	
7. Annual interest rate of mortgage on acquired dwelling	%
8. Annual interest rate of mortgage on replacement dwelling (or, if it is lower, the prevailing annual interest rate currently charged by mortgage lending institutions in the general area in which the replacement dwelling is located)	%
9. Prevailing annual interest rate paid on standard passbook savings accounts by commercial banks	%
10. If applicable, any debt service costs on the loan on the replacement dwelling, such as points paid by the purchaser which are not reimbursable as an incidental expense	$

DEVELOPMENT OF MONTHLY PAYMENT FIGURES

A. Monthly payment required to amortize a loan of $_____ (Line 3) in _____ (Line 6) months at an annual interest rate of _____% (Line 7) $_____

B. Monthly payment required to amortize a loan of $_____ (Line 3) in _____ (Line 6) months at an annual interest rate of _____% (Line 8) $_____

C. Monthy payment required to amortize a loan of $_____ (Line 3) in _____ (Line 6) months at an annual interest rate of _____% (Line 9) $_____

CALCULATION OF INTEREST PAYMENT

STEP 1

Subtract A from B	
Monthly payment based on rate for replacement dwelling (B)	$
Monthly payment based on rate for acquired dwelling (A)	$
Result (difference)	$

STEP 2

Divide result (difference) of Step 1 by C (Carry to 6 decimal places)	
Result (difference) from Step 1	$
Monthly payment based on savings rate (C)	$
Result (quotient)	

STEP 3

Multiply outstanding balance of mortgage on acquired dwelling by result (quotient) of Step 2	
Outstanding balance (from Line 3)	$
Result (quotient) of Step 2	×

STEP 4

Add to result (product) of Step 3 any debt service costs on the loan on the replacement dwelling	$
Result (product) of Step 3, 1st mortgage	$
[1] Result (product) of Step 3, 2nd mortgage	$
[1] Sum or difference, as applicable	$
Debt service costs on loan on replacement dwelling (Line 10)	$
Amount of interest payment	$

[1] If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made for each mortgage through Step 3. A consolidated Step 4 is then completed.

Subpart 114–50.9—Replacement Housing Payment for Tenants and Certain Others

10. Section 114–50.900 is revised to read as follows:

§ 114–50.900 Eligibility requirements.

(a) *Displaced tenant or owner-occupant of less than 180 days.* A displaced tenant (including a sleeping room occupant) or owner-occupant of a dwelling

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for less than 180 days, is eligible for a replacement housing payment if he actually occupied the dwelling as a permanent abode for not less than 90 days immediately prior to the initiation of negotiations (see § 114–50.201(p)) for acquisition of the property.

11. Section 114–50.902 is revised to read as follows:

§ 114–50.902 Replacement housing payment.

A displaced tenant or owner-occupant of less than 180 days who meets the eligibility requirements of § 114–50.900(a) is eligible for either:

(a) The differential payment necessary to enable him to lease or rent, for a period not to exceed 4 years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

(b) If he purchases and occupies replacement housing within 1 year from displacement, the amount necessary to enable him to make a downpayment, including incidental expenses, on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and commercial and public facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

12. Section 114–50.903 is amended by the following:

a. Revise the heading to read as follows:

§ 114–50.903 Computation of replacement housing rental differential payment for tenants and certain others.

b. In the seventh line of paragraph (a)(2), the word "shall" is changed to "may".

c. Paragraph (e) is revised to read as follows:

(e) *Limitation.* The amount of the rental replacement housing payment (within the $4,000 limitation) for tenants and owner-occupants who rent instead of purchase replacement housing, shall be computed by subtracting the economic rent of the acquired dwelling from the lesser of:

(1) The amount of rent actually paid for the replacement dwelling; or

(2) The amount determined by the displacing agency as necessary to rent a comparable replacement dwelling.

d. A new paragraph (f) is added reading as follows:

• • • • •

(f) The amount initially established and approved as the rental replacement housing payment shall not be adjusted to compensate for subsequent increases or decreases, if any, in the amount of rent actually paid by the displacee.

13. Section 114–50.904 is deleted in its entirety and the heading is revised to read as follows:

§ 114–50.904 [Reserved]

14. Section 114–50.905 is revised to read as follows:

§ 114–50.905 Computation of replacement housing payment—Purchasers.

(a) The amount of the downpayment shall be the lesser of:

(1) The amount that would be required as a downpayment for financing a conventional loan on a comparable dwelling; or

(2) The amount required as a downpayment for financing of a conventional loan on the replacement dwelling actually purchased.

To the amount determined pursuant to (a)(1) or (a)(2) of this section will be added the amount required to be paid by the purchaser as points and/or origination or loan services fee if such fees are normal to real estate transactions in the area, on the comparable dwelling or the replacement dwelling, whichever is the lesser.

15. Section 114–50.906 is revised to read as follows:

§ 114–50.906 Disbursement of rental replacement housing differential payment.

The amount of the rental replacement housing payment, determined in accordance with § 114–50.903, shall be paid in a lump sum, except that it shall be paid in installments when this method of payment is requested by the displaced person.

Subpart 114–50.10—Federally Assisted Programs

16. Section 114–50.1000 is revised to read as follows:

§ 114–50.1000 Acceptance of real property furnished by a State incident to Federal program.

Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Bureau or Office administering the program or project may not accept such property unless the State agency has made all payments and provided all assistance and assurances as are required of a State agency by sections 210 and 305 of the Act. The State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project.

17. Section 114–50.1003 is revised to read as follows:

§ 114–50.1003 Compliance with section 210.

In all cases, State agencies must comply fully with the assurances required by section 210 of the act.

18. Section 114–50.1004 is revised to read as follows:

§ 114–50.1004 Compliance with sections 301 and 302.

A State agency's assurances under section 305 shall be accompanied by a statement indicating the extent to which it can comply with the provisions of sections 301 and 302. In the event a State agency maintains that it is unable to comply fully with any of the prescribed policies, its statement shall be supported by an opinion of the chief legal officer of the State agency. State agencies shall comply with sections 301 and 302 if compliance is legally possible under State law.

19. Section 114–50.1005 is revised to read as follows:

§ 114–50.1005 Inability to provide assurances under section 305.

If a State agency's assurances are accompanied by a statement that it is unable to comply fully with the provisions of section 305, the head of the Bureau or Office administering the Federally-assisted project involved may prescribe procedures setting forth the conditions under which the project will be approved.

20. Section 114–50.1006 is revised to read as follows:

§ 114–50.1006 Assurances not required.

If the federally assisted program or project will not result in either the acquisition of real property or the displacement of persons, a grant, contract, or agreement may be executed with the State agency without regard to such State agencies' ability or inability to provide the assurances required by sections 210 and 305.

21. Section 114–50.1008 is deleted in its entirety.

§ 114–50.1008 [Deleted]

22. Section 114–50.1009 is redesignated as § 114–50.1008 and revised to read as follows:

§ 114–50.1008 Federal share of costs.

The cost to a State agency of providing the payments and assistance required by the regulations in this Part 114–50 shall be included as part of the cost of a program or project for which Federal financial assistance is available to the State agency.

(a) The State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other project or program costs.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this § 114–50.1008 if the displaced person receives a payment required by State law of eminent domain which is determined by the Bureau or Office to have substantially the same purpose and effect as would a payment under this paragraph, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Bureaus and Offices may advance to a State agency the Federal share of the cost of any payments or assistance by the State agency pursuant to sections 206, 210, 215, and 305 of the Act, when

they determine that such action is necessary for the expeditious completion of a program or project.

23. Existing § 114–50.1010 is redesignated as § 114–50.1009 and a new § 114–50.1010 is added reading as follows:

§ 114–50.1010 Waiving of benefits.

The following policy shall be observed in connection with those Federally-assisted projects which are funded in part from the Land and Water Conservation Fund:

(a) Whenever a State agency provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the act and for the purposes of these sections, such owner shall not be considered a displaced person as defined in section 101(b) of the Act. (See sec. 2, Pub. L. 93–303, approved June 7, 1974.)

(b) The above policy applies only to those acquisitions which occurred subsequent to June 7, 1974.

(c) Retention of a residence under a use and occupancy agreement must be compatible with the intended use of the project site. Moreover, the appraisal should properly reflect the effect such a retention of use has upon the property's fair market value.

(d) In no case shall a State refuse to pay relocation payments for homeowners who were allowed temporary occupancy while waiting for replacement property.

(e) An owner of a single-family residence who elects to retain a right of use and occupancy for not less than six months from date of acquisition of such residence shall be informed that any benefits to which he may be entitled under sections 203, 204, 205, and 206 of the Act will be deemed to have been waived as a result of such use and occupancy.

24. Existing § 114–50.1012 is redesignated as § 114–50.1011.

Subpart 114–50.12—Annual Report

25. Section 114–50.1200 is revised to read as follows:

§ 114–50.1200 General.

Each Bureau and Office having responsibilities for Federal or federally assisted programs that come within the purview of Public Law 91–646 shall prepare and submit an annual report to the Assistant Secretary-Management, on its activities related to programs and policies established or authorized by the Act. This report, which is required by Section 214 of the Act, shall consist of both a narrative and statistical report.

26. In § 114–50.1200–1, paragraph (g) is redesignated as (f), paragraphs (b), (c)(4), (d), and (e) are revised, and paragraph (f) is deleted in its entirety as set forth below.

§ 114–50.1200–1 Narrative report.

• • • • •

(b) *Bureau or Office actions to achieve objectives of the Act.*

(1) Describe the actions taken by the Bureau or Office to achieve the objectives of the policies of the Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for Federal or federally assisted programs.

(2) Describe the provisions adopted by the Bureau or Office for coordination with other Federal State and local displacing agencies.

(c) • • •

(4) For federally assisted programs administered by your Bureau or Office, enumerate the States not in compliance with the Act on the reporting date. If compliance by any State does not extend to any or all federally assisted programs conducted or administered by the Bureau or Office, the programs excepted should be indicated and an explanation furnished for the basis of the State's inability to comply. In all such instances, indicate the expected date for full compliance by the State.

• • • • •

(d) *Effect of Act on the public.* Describe any indicated effects of the relocation program and policies on the public, reporting conclusions obtained from surveys, special studies, and other sources relating to the effects of implementation of the Act on a neighborhood or community.

(e) *Recommendations.* Furnish your recommendations for further improvement in relocation assistance and land acquisition programs, policies, and implementing laws and regulations. Include any proposals for amendments or revisions to:

(1) General Services Administration Guidelines.

(2) Federal legislation.

(3) State legislation.

• • • • •

27. Section 114–50.1200–3 is revised to read as follows:

§ 114–50.1200–3 Submission.

The annual report shall be prepared on a fiscal year basis and submitted, in duplicate, to reach the Assistant Secretary-Management by not later than September 1 of each year.

28. Appendices 1 and 2 to Subpart 114–50.12 have been revised as follows:

APPENDIX 1
Subpart 114–50.12

AGENCY:_____
PROGRAM:_____

UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT OF 1970, PL 19__
PAYMENTS & EXPENSES UNDER TITLE II

▱ FEDERAL PROGRAM
▱ FEDERALLY ASSISTED PROGRAM

PART I

	SUMMARY - FISCAL YEAR 19__					PROJECTED FUND REQUIREMENTS			
	NUMBER OF CLAIMS PAID (1)	AMOUNT PAID (2)	AVERAGE PMT. PER CLAIM COL 2 ÷ COL 1 (3)	TOTAL AMT. PAID FROM FEDERAL FUNDS (4)	TOTAL AMT. FD. CONTRIBUTED NON-FEDERAL FUNDS (5)	FOR FISCAL YR 19__		FOR FISCAL YR 19__	
						FEDERAL FUNDS (6)	CONTRIBUTED NON-FED FD (7)	FEDERAL FUNDS (8)	CONTRIBUTED NON-FED FD (9)
MOVING AND RELATED EXPENSE (SEC. 202) OR PAYMENT FOR ACTUAL MOVING EXPENSE (SEC 202a) Persons Displaced From:									
1 Dwellings									
2 Businesses									
3 Farms									
4 Non-Profit Organizations									
OR PAYMENT FOR MOVING EXPENSE BASED ON FIXED SCHEDULE INCLUDING DISLOCATION ALLOWANCE (202b) Persons Displaced From:									
5 Dwellings									
OR IN-LIEU PAYMENT FOR MOVING EXPENSE (SEC 202c) Persons Displaced From:									
6 Businesses									
7 Farms									
8 Non-Profit Organizations									
TOTAL (Sum of lines 1-8)									
EXPENSE FOR SEARCH FOR REPLACEMENT (202a(3)									
9 *Business									
10 *Farm									
11 *Non-Profit Organization									
TOTAL (Sum of lines 9-11)									

*Amounts shown for lines 9, 10 and 11 are included in amounts shown on lines 2, 3 and 4 above.

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APPENDIX 1 (Cont'd.)
Subpart 114-50.12

AGENCY:_____
PROGRAM:_____

UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT OF 1970, FY 19__
PAYMENTS & EXPENSES UNDER TITLE II

▱ FEDERAL PROGRAM
▱ FEDERALLY ASSISTED PROGRAM

PART I (continued)

	SUMMARY - FISCAL YEAR 19__					PROJECTED FUND REQUIREMENTS			
	NUMBER OF CLAIMS PAID (1)	AMOUNT PAID (2)	AVERAGE PMT. PER CLAIM: COL 2 ÷ COL 1 (3)	TOTAL AMT. PAID FROM FEDERAL FUNDS (4)	TOTAL AMT. FD. CONTRIBUTED NON-FEDERAL FUNDS (5)	FOR FISCAL YR 19__		FOR FISCAL YR 19__	
						FEDERAL FUNDS	CONTRIBUTED NON-FED FD	FEDERAL FUNDS	CONTRIBUTED NON-FED FD
REPLACEMENT HOUSING FOR HOMEOWNER (203)									
12 Payment For Comparable Replacement Housing (203a(1)(A))									
13 Payment For Increased Interest (203a(1)(B))									
14 Payment For Closing Costs (203a(1)(C))									
TOTAL (Sum of Lines 12-14)									
REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS (204)									
15 Rental Payments (204 (1))									
16 Down Payments (204 (2)) (Incl. closing costs)									
TOTAL (Sum of Lines 15 & 16)									
TOTAL (Sum of Lines 1-8 and 12-16)									
RELOCATION ADVISORY SERVICES (205)									
17 Cost Of Services (205)									
18 Other Administrative Costs (As applicable) (Total Cost Of Amd. Prog)									
TOTAL (Sum of Lines 17 & 18)									
19 GRAND TOTAL-TITLE II (Lines 1-8 and 12-18)									

APPENDIX 1 (Cont'd.)
Subpart 114-50.12

AGENCY:_____
PROGRAM:_____

UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT OF 1970, FY 19__
PAYMENTS & EXPENSES UNDER TITLE II

▱ FEDERAL PROGRAM
▱ FEDERALLY ASSISTED PROGRAM

PART II — RANGE OF PAYMENTS TO HOMEOWNERS, TENANTS AND CERTAIN OTHERS FY 19__

REPLACEMENT HOUSING FOR HOMEOWNERS		REPLACEMENT HOUSING FOR TENANTS & CERTAIN OTHERS			
ACTUAL PAYMENTS FOR COMPARABLE REPLACEMENT HOUSING		TOTAL RENTAL CLAIMS APPROVED		ACTUAL DOWN PAYMENTS	
RANGE:	NO. OF CLAIMS PAID	RANGE:	NO. OF CLAIMS	RANGE:	NO. OF CLAIMS PAID
$ 0 - 2,500		$ 0 - 500		$ 0 - 1,000	
2,501 - 5,000		501 - 1,000		1,001 - 2,000	
5,001 - 7,500		1,001 - 2,000		2,001 - 3,000	
7,501 - 10,000		2,001 - 3,000		3,001 - 4,000	
10,001 - 12,500		3,001 - 4,000			
12,501 - 15,000					
TOTAL		TOTAL		TOTAL	

PART III — RESIDENTIAL RELOCATION DISPLACEMENT STATISTICS

*CLAIMANTS DISPLACED DURING FY__

	Negro/ Black		Spanish Surnamed		American Indian		Asian American/ Oriental		All Others		Total All Groups	
	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant
UNDER AGE 62												
62 AND OVER												
TOTAL												

**PEOPLE DISPLACED DURING FY__

	Negro/ Black	Spanish Surnamed	American Indian	Asian American/ Oriental	All Others	Total All Groups
TOTAL						

*Total shown should equal the total number of claims paid raported on lines 1 and 5, Exhibit 1, Part I
**Report total number of people displaced.
Note: Under "Spanish Surnamed" include persons of Puerto Rican, Mexican American, Cuban, Central or South American, or other Spanish descent. Under "Asian American/Oriental" include Chinese, Japanese and Korean. Under "All Others" include white persons not of Spanish descent.

APPENDIX 2
Subpart 114-50.12

☐ FEDERAL PROGRAM
☐ FEDERALLY ASSISTED PROGRAM

AGENCY:_____
PROGRAM:_____

UNIFORM REAL PROPERTY ACQUISITION POLICY - TITLE III

PART I LAND ACQUISITION (301)

	NO. OF TRACTS	% OF TOTAL
1/ 1. ACQUIRED BY NEGOTIATION		3/
2/ 2. ACQUIRED BY CONDEMNATION		4/
3. TOTAL (SUM OF LINES 1 & 2)		100%

PART II — TRACTS FOR WHICH FINAL SETTLEMENTS WERE COMPLETED

	NUMBER OF TRACTS	APPRAISED VALUE	OPTION/ AWARD PAID	% OVER APPRAISAL	TOTAL AMOUNT PAID FROM FEDERAL FUNDS	TOTAL AMOUNT CONTRIBUTED NON-FEDERAL FUNDS
NEGOTIATED:						
1. a. At Appraised Value				XXXXXX		
2. b. Over Appraised Value				5/		
3. c. Under Appraised Value				XXXXXX		
TOTAL (Sum of Lines 1, 2&3)				XXXXXX		
CONDEMNED:						
4. a. Awards at Appraised Value				XXXXXX		
5. b. Award over Appraised Val.				5/		
TOTAL (Sum of Lines 4 & 5)				XXXXXX		
TOTAL SETTLEMENTS (Sum of Lines 1 thru 5)				XXXXXX		

PART III — INCIDENTAL EXPENSES (303 & 304)

	NUMBER OF TRACTS	AMOUNT PAID	Fed. Funds	Non-Fed. Funds
1. RECORDING FEES, TRANSFER TAXES PENALTY COSTS & R.E. TAXES (303)				
2. LITIGATION EXPENSES (304)				
TOTAL (Sum of Lines 1 & 2)				

NOTES:

1/ Negotiated tracts include all tracts acquired by any method other than condemnation for reason of price disagreement.

2/ Include only tracts condemned because of price disagreement.

3/ Divide tracts shown on Line 1 by tracts shown on Line 3.

4/ Divide tracts shown on Line 2 by tracts shown on Line 3.

5/ Divide amount by which the option or award exceeds the appraised value by the appraised value.

[FR Doc.75-3695 Filed 2-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 75-SW-7]

AIRWORTHINESS DIRECTIVES

Rockwell Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 720, and 500S Airplanes

Pursuant to a recommendation made by the National Transportation Safety Board, the Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Rockwell Model 500, 600, and 700 series airplanes. The NTSB recommendation resulted from an examination of flight test data regarding the maneuvering stick force characteristics of the Rockwell 500 series airplanes. The NTSB examination concluded that unsatisfactory stick force gradients exist in all Rockwell twin-engine, short fuselage models, including certain 600 and 700 series aircraft.

There have been several fatal accidents which resulted from wing overload failure of an undetermined cause. Low stick forces are characteristic of these airplanes and could contribute to dangerously high "g" loads or high load factors in the aft center of gravity configuration. Because of the fundamental relationship between stick force gradient and load factor, the present force characteristics require improvement to minimize the potential for catastrophic failure under a variety of operating circumstances.

In the interest of safety to improve these flight characteristics and to alleviate the potential danger of inadvertent pilot induced structural failure, the proposed airworthiness directive would require the mandatory compliance with Rockwell International Service Bulletins, Numbers 128, 129, and 136.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, P.O. Box 1689, Fort Worth, Texas 76101. All communications

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on or before March 17, 1975 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments at the office of the Regional Counsel, Federal Aviation Administration, Southwest Region, Fort Worth, Texas, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

ROCKWELL. Applies to Models 500, 500A, 500B, 500S, 560U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), and 720 (prior to Serial Number 3156) airplanes certificated in all categories.

Compliance is required within the next 200 hours' time in service after the effective date of this AD unless already accomplished.

To prevent the potential danger of inadvertent pilot induced structural failure, install "bob weights" in accordance with Commander Aircraft Division, Rockwell International Service Bulletin No. 128, dated November 1, 1973, and Service Bulletins 129 and 136 dated March 22, 1974 (or later FAA approved revision) or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, unless previously accomplished in accordance with the above service bulletins.

Copies of these bulletins may be obtained by contacting the Service Manager, Commander Aircraft Division, Rockwell International, Bethany, Oklahoma 73008.

Issued in Fort Worth, Texas, on February 5, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-4039 Filed 2-12-75;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

Pursuant to § 1601.12 (i), Title 29, Chapter 14 to the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 40 FR 3210M, January 20, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as "706 Agencies" (§ 1601.12(c)). There are three (3) purposes for such designation: first, that the agencies receive charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of those agencies pursuant to § 1601.19B (e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1). At the expiration of the 15-day period, the Commission may effect designation of each of the agencies by publishing the list of them as an amendment to § 1601.12(m). Additions to the list may be made by the Commission by similar notice and publication. The proposed "706 Agencies" are as follows:

Maine Human Rights Commission
Maryland Commission on Human Relations
Minneapolis Department of Civil Rights
Missouri Commission on Human Rights
Rhode Island Commission for Human Rights
Rockville (Maryland) Human Rights Commission.

(Sec. 713(a), 78 Stat. 265 (42 U.S.C. 2000e-12 (a)))

Written comments pursuant to this notice must be filed with the Commission on or before February 28, 1975.

Signed at Washington, D.C. this 4th day of February 1975.

JOHN H. POWELL, JR.,
Chairman.

[FR Doc.75-4110 Filed 2-12-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 42]

[Docket No. 20334; FCC 75-73]

TELEGRAPH OR TELEPHONE CARRIERS

Retention of Certain Records

In the matter of amendment of § 42.9 of the Commission's rules and regulations to increase the period required for retention of certain records by telegraph or telephone carriers.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. Section 415 of the Communications Act of 1934, as recently amended in Pub. L. 93-507, establishes the statute of limitations for actions by carriers for recovery of lawful charges and for action against carriers (1) for recovery of damages not based upon overcharges and (2) for recovery of overcharges at two years from the time the cause action accrues.[1] However, pursuant to § 42.9 of our rules, 47 CFR § 42.9, carriers need not retain records of messages or certain other transactions beyond six months. Therefore, there have been occasions when records have been unavailable to prove or disprove claims made more than six months after the transaction but prior to expiration of the limitation period. Accordingly, we propose that the period for retention of certain telegraph and telephone records be extended from the present six months to the statute of limitations period.

3. We are aware that this rule may impose major storage problems on the carriers, particularly in the storage of copies of telegraph messages. It is our belief, however, that most carriers will find this burden minimized by the use of microfilm and computer media for record storage. § 42.5(a) of the rules, 47 CFR § 42.5(a) permits records to be "reproduced at any time in any generally acceptable media for storage and the reproductions retained in lieu of the original records," provided certain specified safeguards are adhered to. Thus, the hard copy originals need not be retained if a company transfers the records to a reduced size or computer format. Any carrier contending that the proposed requirements will be unduly burdensome from an economic standpoint should include information as the estimated cost of complying with such requirements together with an explanation as to the basis used to develop the estimated cost.

4. Accordingly, we propose to amend certain items in § 42.9 to require the retention by telephone and telegraph carriers of certain records of operations for a period of two years rather than the present six months or one year periods, as provided in the Appendix hereto.

5. We note that certain carrier tariffs limit the liability of that carrier to claims presented within a specified period that is less than the statute of limitations.[2] If the amendments listed in the Appendix hereto are adopted, we expect such tariff notice requirements to be extended to two years, to match the limitation period in section 415 of the Act.

6. Authority for the proposed amendments is contained in sections 4(i) and 220 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, 47 CFR §1.415, interested persons may file comments on or before March 14, 1975 and reply comments on or before April 1, 1975. Relevant and timely comments will be considered by the Commission before final action in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, 47 CFR § 1.419, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: January 21, 1975.

Released: February 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In § 42.9, the following items are amended to read as follows:

§ 42.9 List of records.

[1] The previous language of section 415 placed the limitation period at one year.

[2] For example, Western Union Telegraph Company Tariff F.C.C. No. 255, offering Pubing to the Telegraph Company within ninety 2.1.3(A)(6): The Telegraph Company will not be liable for damages or statutory penalties when the claim is not presented in writing to the Telegraph Company within ninety days after the message is filed with the Telegraph Company for transmission.

Item No.	Description of records	Period to be retained
• • •	• • •	• • •
	Operations	
63	Telegrams and other message records of telegraph carriers. (See particularly (§ 42.8.)):	
	a. Telegrams (other than ship messages) and cablegrams:	
	(1) All classes of original filed telegraph and cable messages transmitted at published tariff rates, including transcripts of messages received over telephone for transmission.	2 years.
	(2) Tissue or carbon copies made at destination offices of messages covered by item 63-a-(1).	Do.
	(3) Original filed messages transmitted for transportation carriers in compliance with terms of contracts; also tissue or carbon copies of such messages made at destination offices.	2 years.
	(4) Service messages relating to public messages, including tissue or carbon copies of such messages made at destination offices, and copy or record of advice to customer, as necessary, to complete an individual telegraphic transaction.	Optional.
	(5) Original filed messages transmitted free or at reduced rates for employees and others; also tissue or carbon copies of such messages made at destination offices.	3 years.
	(6) Relay messages, not including those made at connecting line points for transfer to other telegraph communication carriers.	Optional.
	(7) Message tape and similar media for transmitting messages:	
	(a) When used as an original message (e.g., tape from a tape-printer-connected customer).	Same period as for other original messages of similar classes.
	(b) When used as relay copy (i.e., when the original message is otherwise retained).	Optional.
	(8) Stubs of, or carbon copies of, messages received over telephone.	Do.
	b. Ship messages:	
	(1) All classes of original filed ship messages (meaning messages transmitted by maritime mobile stations), transmitted at public tariff rates; also tissue or carbon copies of such messages made at coast and ship destination stations.	2 years.
	(2) Service messages relating to public messages; also tissue or carbon copies of such messages made at coast and ship destination stations.	Do.
	(3) Original filed messages transmitted for ship owners in compliance with terms of contracts (masters' service messages); also tissue or carbon copies of such messages made at coast and ship destination stations.	Do.
	(4) Original filed messages transmitted free or at reduced rates other than those covered by item 63-b-(3); also tissue or carbon copies of such messages made at coast and ship destination stations.	3 years.
	NOTE.—The furnishing of original filed messages to the U.S. Government in support of bills and to transportation carriers in support of settlements under contract shall not be considered a violation of this part.	
	c. Telephone local and toll tickets:	
	(1) Telephone toll tickets, and statements forming basis of charges to subscribers and others.	2 years.
	(2) Uncompleted tickets, lost-call tickets, messenger-service tickets, appointment tickets, and tickets for emergency calls, official calls, and test calls.	Optional.
	(3) Records of receipt of toll tickets, toll statement stubs, toll ticket memoranda, guide cards, and reports and memoranda relative to investigations and correction of tickets.	Do.
	(4) Statements and summaries of measured service tickets and register readings.	2 years.
	(5) Measured service tickets, local message tickets, and register reading tickets or statements if summarized in records covered by item 63-c-(4).	Optional.
	a. (6) Tickets and statements for check error purposes	Do.
64	[Reserved]	
65	Telegraph franks, message passes, and reduced rate coupons (for telephone carriers, see item 78):	
	a. Copies of orders on printer; records of receipts and distribution of franks, etc., and disposition of unused stocks.	6 years.
	b. Records of franks, etc., issued and requests and copies of request therefor.	Do.
	c. Records of franks received from other companies	Do.
	d. Used franks, message passes, and coupons if complete record of issue is maintained as provided in item 65-b.	2 years.
	e. Unexpired, surrendered, or partially used franks, etc.; void, unused, and unissued franks, etc.	1 year after current year.
	f. Reports and records of franks, etc., collected or honored and of free messages handled.	3 years.
	g. Reports of reduced rate messages	Do.
66	Telegraph, cable, and wireless identification cards:	
	a. Records of identification cards issued	Do.
	b. Returned and withdrawn identification cards	1 year after current year.
	c. Unused and unissued identification cards	Do.
67	Transportation carrier passes issued to telegraph carriers:	
	a. Record of or copy of requests for transportation issued free or to reciprocal arrangements.	3 years.
	b. Record of passes received	Do.
	c. Record of pass identification forms issued	Do.
	d. Record of use made of passes	Do.
68	Telegraph carrier receipt and delivery of telegraphic communications:	
	a. Register of messages filed, picked up and delivered, and charge slip memoranda.	2 years.
	b. Messenger delivery sheets and delivery route lists	Do.

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Item No.	Description of records	Period to be retained
	c. Call box directories and record of individualized after-hour and special delivery instructions, including unpack of coded addresses.	Optional.
69	Telegraph and cable office reports:	
	a. Records and reports of receipts, expenses, and balances summarized by the offices into monthly or other periodic reports similar in character and detail:	
	(1) Utilized individually as a direct source of entry to subsidiary or general ledgers and required controls.	Permanently.
	(2) Utilized for preparation of journals and for administrative or other statistical purposes.	6 years.
	(3) When further summarized by office groups	3 years.
	b. Summaries of telegraph and cable office reports:	
	(1) Utilized as a direct source of entry to subsidiary or general ledger and required controls.	Permanently.
	(2) Utilized for preparation of journals and for administrative or other statistical purposes:	
	(a) Summaries of revenues and receipts and revenue abatements.	6 years.
	(b) Summaries of disbursements, i.e., voucher distributions.	Permanently.
	c. Schedules supporting reports showing details essential to accounting analysis and for administrative purposes.	3 years.
	d. Record of adjustments of errors with managers, agents, cashiers and other employees for revenue, expense and other items.	Do.
70	Contracts, applications, correspondence, and memoranda relative to establishing, changing, or discontinuing service to customers:	
	a. Telephone carriers:	
	(1) Contracts or agreements (with any related maps or diagrams) with customers covering specially engineered or assembled facilities and equipment or other special service arrangements for which the special charges involved are not specifically stated in tariffs, rate schedules, or other rate authorities.	2 years after completion, expiration, or cancellation of contract or agreement.
	a. (2) Contracts or agreements covering arrangements with service line companies, public telephone and toll station agents, hotel private branch exchanges, and similar contracts related to service to customers.	Do.
	(3) Contracts or agreements with customers covering standard or regular service arrangements for which charges or rates are specifically stated in tariffs or other rate authorities.	2 years after completion of resulting service order or other service authorization.
	(4) Correspondence with customers and memoranda covering customers' service requests, used as basis for service orders or other service authorizations.	Optional after significant data have been transcribed to service orders or other records.
	(5) Contracts, applications, correspondence and memoranda covering customers' service requests that have been canceled, withdrawn, or abandoned.	Optional.
	(6) Contracts or agreements covering customers' deposits	2 years after deposit is refunded, applied to customer's account or otherwise disposed of.
	(7) Contracts or agreements with customers or others for extension of lines or other construction of plant involving refundable deposits, guarantees of revenue, contributions, cost reimbursements, or special termination charges:	
	(a) Refundable deposits, guarantees of revenue, or special termination charges (not specifically stated in tariffs).	2 years after completion or termination of contract or agreement.
	(b) Contributions or cost reimbursements	6 years after retirement of the property to which they relate.
	b. Telegraph carriers: Contracts for private wires, communication systems, time service, use of equipment, stock and other market reports, and other services; also applications utilized as such.	2 years following termination.
71	Records of customers and memoranda of contacts:	
	a. Telephone carriers:	
	(1) Records of uncompleted or held service applications or service orders. (See item 44-d.)	Until service is furnished or application or order is cancelled.
	(2) Service records of customers, including application cards, or other records showing name, address, telephone number, and details of service, maintained for general reference in handling contacts with customers. (See item 76-a for customers' service and equipment records used for billing.)	Optional after record is superseded or service is discontinued.
	(3) Records used for central office information purposes and other records of customers or former customers.	Optional.
	(4) Correspondence and memoranda relative to changes in telephone numbers.	Do.
	(5) Memoranda of contacts relative to collections	As provided for item 25-b.
	(6) Correspondence and memoranda of contacts relative to customers' service requests or inquiries and miscellaneous matters.	Optional after significant data have been transcribed to service or other records.
	b. Telegraph carriers: Service records of customers showing name, address, telephone number, office call, and details of services maintained for general reference.	Optional.
72	Service orders and other billing authorizations:	
	a. Completed service orders and similar records or 3 years copies thereof (see item 44-c-(2)), notices of completion of service orders, restoral of telephone service notices, and other authorizations used as basis for billing to customers and miscellaneous debtors or for entries to records used in such billing. (See items 76-a, 76-b, 76-f and 76-o.)	
	b. Other copies of service orders and similar records	As provided for items 44-a, 44-b, and 44-c.
73	Tickets and other detailed message records of telephone carriers:	
	a. Tickets, lists, or other detailed records of individual toll calls or messages, telegrams and similar messages, and messenger service charges, used as basis for billing to customers.	2 years.
	b. Tickets or other detailed records of local message or measured service usage, including photographs or lists of message register readings:	
	(1) When summarized on other records used for billing covered by item 76-b.	Optional.
	(2) If used for billing without preparation of summary records	2 years.
	c. Tickets, lists, or other detailed records used as basis of accounting for receipts from public or semipublic telephones, covering:	Do.
	(1) Toll calls or messages, telegrams, and similar messages	Optional.
	(2) Local calls or messages	3 months.
	d. Unbillable (including unidentifiable) tickets used in accounting for operating revenues.	

Item No.	Description of records	Period to be retained
	e. Tickets for uncompleted calls and memorandum or other tickets or detailed message records used only for operating or administrative purposes; not as a basis for billing or accounting, including such records used in handling calls, service observation, testing, checking, and the transmission of the carrier's own messages (official business).	Optional.
	f. Tickets covering free or concession service	As provided for item 78-d.
	g. Automatic message accounting tapes, tabulating cards, and similar records:	
	(1) Central office tapes or other automatically produced basic detailed records of message handled.	Optional after data have been transferred to the accounting office media used in processing data.
	(2) Accounting office tapes, tabulating cards, or similar media used in sorting and assembling data from central office tapes or other basic message records and in computing, printing, or otherwise producing printed tickets, statements or other written detailed message records (see items 73-a, 73-b, and 73-c) used for billing and accounting.	Optional after data have been transferred to the media used as a basis for billing and accounting.
	(3) Tapes, tabulating cards, or similar media used only for operating or administrative purposes, not as a basis for billing or accounting.	Optional.
	b. Records of tickets or other message records transmitted to or received from other offices.	Do.
74	Tariffs, rate schedules, and other rate authorities:	
	a. Official (or general) file copy of all tariffs, rate sheets or schedules, or other rate authorities covering services or facilities furnished, together with maps, tables, charts, etc., referred to therein or made a part thereof.	6 years after expiration or cancellation. (See also item 10-a.)
	b. Copies of tariffs, rate sheets or schedules, or other rate authorities maintained at business offices, agencies, etc., for public information or reference.	Until superseded or canceled.
	c. Other copies of tariffs, rate sheets, maps, etc., used in computing or checking charges shown on service orders or other billing authorizations and tables or other records used in computing or quoting message charges, taxes, fractional monthly service charges, etc.	Optional.
	d. Requests and receipts for copies of tariffs, rate sheets, etc., inquiries and copies of replies relative to rates.	Do.
	e. Copy of each concurrence in tariffs or other rate authorities filed with regulatory bodies.	6 years after cancellation or supersedure.
	f. Working papers, rate studies, and memoranda in connection with the compilation of tariffs, rate sheets, etc., or rate proposals published or filed with regulatory authorities.	3 years after rate becomes effective or rate proposal is denied.
	g. Rate studies, cost memoranda, rate proposals and quotations relating to specially engineered or assembled facilities or services for which the special charges involved are not specifically stated in tariffs or other rate authorities.	3 years after charge becomes effective; is superseded or withdrawn, optional.
	h. Rate studies, correspondence and memoranda related thereto not covered by items 74-f and 74-g.	As provided for item 25-b.
75	Customers' deposits with telephone carriers:	
	a. Copy of contracts or agreements covering customers' deposits	As provided for item 70-a(6).
	b. Memorandum stubs, receipts or other records used to report customers' deposits.	As provided for item 77-a.
	c. Card, book, or other continuing record of customers' deposits and related interest.	6 years after deposit is refunded or service is discontinued.
	d. Receipts (including paid voucher checks and voucher drafts) for deposits refunded and for interest paid.	6 years.
76	Customers' billing and other accounts receivable records:	
	a. Record of service and equipment or other continuing record of services or facilities furnished:	
	(1) Used as a basis for billing only	For active accounts, 3 years after record is superseded; for discontinued accounts, 2 years.
	a. (2) Used as a record of location and physical characteristics of plant. (See item 39.)	For active accounts, 3 years after record is superseded; for discontinued services, 6 years after service is disconnected.
	b. Continuing records of telephone local message or measured service usage by individual customers' accounts. (See item 73-b for detailed records.)	2 years after record is superseded or retired from active file.
	c. Continuing settlement records of individual public and semipublic telephone accounts.	Do.
	d. Individual account billing instructions, including local and toll message guide cards and toll billing instruction cards and other office memoranda used in preparing and mailing telephone bills.	Optional.
	e. Records of individual accounts with customers and collectors, including ledgers or records used in lieu thereof such as accounting stubs or copies of bills or statements issued.	2 years after payment or other disposition of account or accounts covered by each stub or other individual record.
	f. Telephone carrier records of accounts with miscellaneous debtors other than customers and collectors, including bill ledgers or copies of bills. (See item 45-a-(9).)	3 years after payment or other disposition of account.
	g. Detailed records of adjustments of customers' accounts, including authorizations for refunds, adjustment vouchers, or other authorizations to correct charges due to errors, service failures, etc.:	
	(1) Telephone carriers	2 years.
	(2) Telegraph carriers	3 years.

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Item No.	Description of records	Period to be retained
	h. Uncollectible vouchers or other authorizations for writing off customers' accounts and other records and reports pertaining thereto.	6 years.
	i. Work papers used by telephone carriers in developing estimates of unbilled revenues and accounts receivable.	6 years after estimate is superseded.
	j. Record or register of bills by telegraph carriers and summaries of distribution of credits through bills:	
	(1) If posted direct to general ledger	Permanently.
	(2) If used in preparing journals	3 years.
	k. Telegraph carrier record of installment repayments and balances with individual employees related to company financed loans.	Do.
	l. Work papers used by telegraph carriers in development of estimates of uncollectible charges.	3 years after estimate is superseded.
	m. Copy of complaint incident to suing on uncollected account of telegraph carrier.	10 years after completion of proceeding.
	n. Telephone tickets, original telegrams, or other detailed records of telegraph carriers bearing charge information.	2 years.
	o. Telegraph carrier record of accounts with miscellaneous debtors other than customers, including bill ledgers or copies of bills.	2 years after payment or other disposition of account or accounts covered by each stub or other individual record.
77	Collection reports and records:	
	a. Bill or memorandum stubs representing payments by customers or others, itemized lists, collection notices, coin telephone collection stubs, and other detailed reports or records of collections of revenues, accounts receivable, and miscellaneous cash receipts (including receipts from dining rooms and vending machines):	
	(1) Used as a basis for entries to accounting records and summarized or detailed in daily or other periodic cash reports. (See item 17–a.)	2 years.
	(2) Used as a basis for administrative records or collection treatment of individual accounts.	Optional.
	b. Remittance or transmittal lists or forms (including adding machine tapes) covering records included under item 77–a–(1), used as a basis for entries to accounting records or summaries. (See items 24–c and 25–d.)	3 years.
	c. Coin telephone collection route sheets, records of coin telephone keys, locks and seals, and other records and reports relative to coin telephone collections used for administrative purposes only.	Optional.
	d. Records of individual accounts used only in administration of collections, including records of credit ratings, classifications or investigations. (See item 76–e.)	Do.
	e. Records of credit cards issued	2 years after expiration or cancellation.
	f. Statements or reports of age or status of uncollected accounts	2 years.
	g. Authorizations for payments of telephone customer's account by customer's bank.	Optional after expiration or cancellation.
	h. Correspondence and memoranda relative to collection of revenues or accounts receivable, including requests for explanation of items on bills or status of account and memoranda of investigations thereof, correspondence covering routine or special collection treatment, forwarding addresses for bills, and similar matters:	
	(1) When necessary for a proper or complete understanding of another record.	For period prescribed for the record to which it relates.
	(2) When not so necessary	Optional.
	i. Agreements covering payments of uncollected final accounts	Optional after account is paid or, if uncollectible, 3 years after account is written off.
	j. Interdepartmental notices of bank deposits. (See item 16–a for notices from depositaries).	Optional.
	k. Subsidiary cash records or cash books covering collections of revenues and accounts receivable from customers and others:	
	(1) Used to summarize reports of cash receipts (see items 17–a, 60–a–(2), 77–b, and 81–a) for preparation of journal entries.	6 years.
	(2) Used as detailed records of collections from customers or others.	As provided for item 77–a.
	l. Receipts and other records covering handling and transportation of funds collected; collection office memoranda of collections, deposits, and remittances; and miscellaneous administrative records pertaining to collection of revenues, accounts receivable and miscellaneous cash receipts; not used as a basis for entries to accounting records. (See items 16–a, 17–a, 76–e, and 77–a–(1).)	Optional.
	m. Telegraph carrier interoffice memoranda of individual items collected, together with required accounting controls.	2 years.
78	Free or partially free service by telephone carriers (for telegraph carriers, see item 65):	
	a. Records of individual authorizations, such as franks, issued for free or partially free service.	Until the end of the second calendar year following that in which issued.
	b. Franks or other individual authorizations used, collected, or honored for furnishing of free or partially free service:	
	(1) Authorizations of a continuing nature, e.g., related to monthly service rates.	3 years after expiration or cancellation.
	(2) Authorizations covering only specified messages or other specific charges.	Until the end of the 2d calendar year following that in which used, collected, or honored.

Item No.	Description of records	Period to be retained
	c. Requests for franks and void, unused, or unissued franks, and records thereof.	Optional.
	d. Tickets covering messages handled free or at reduced rates:	
	(1) When significant data (see part 41 of this chapter) thereon are shown on other records.	As provided for items 73–a, 73–b, and 73–c.
	(2) Otherwise	Until the end of the 2d calendar year following that in which prepared.
	e. Adjustment vouchers or other authorizations used to adjust accounts with individuals in accordance with authorizations covered by items 78–a and 78–b.	2 years.
	f. Summaries or reports of free or partially free service:	
	(1) Used for entries to accounts	6 years.
	(2) Used for administrative purposes only	Optional.
79	Taxes collected from customers and others:	
	a. Copies of tax returns and supporting statements filed with taxing authorities.	Such period as may be prescribed by related governmental requirements; otherwise, 6 years after settlement of tax liability.
	b. Special summaries of taxes and related data, used in compiling data for tax returns.	Do.
	c. Lists of other separate detailed records of taxes billed to or collected from individual customers or others.	Such period as may be prescribed by related governmental requirements; otherwise, optional.
	NOTE.—This item does not include message tickets, individual account records, or other records separately provided for in this list of records.	
	d. Certificates or other special records of tax exemptions	Such period as may be prescribed by related governmental requirements; otherwise, optional.
80	Division of revenues or other telephone traffic settlements with communications common carriers (for telegraph carriers, see items 86 and 87):	
	a. Contracts or agreements with other carriers for the interchange or joint handling of business and other traffic arrangements and settlements related thereto, together with associated memoranda, case files, or other records identifying business or property subject to such contracts or agreements.	6 years after expiration, cancellation, or supersedure.
	b. Copy of each concurrence in tariffs or other rate authorities filed with regulatory bodies. (See item 74–e.)	6 years after cancellation or supersedure.
	c. Separation studies of property, revenues, or expenses, including underlying summaries, reports, or work papers prepared therefor, used for divisions of revenues or other settlements.	Until completion of 2d year following study.
	d. General instructions or outlines of procedures used in division of revenues or other settlements.	6 years after cancellation or supersedure.
	e. Division or other settlement statements, including copies of summaries, studies or reports used therefor, covering settlements with other communications common carriers.	6 years.
	f. Summaries or memoranda used in computation of settlements, when results are summarized in records covered by item 80–e.	2 years.
81	Revenue accounting controlling records and summaries of telephone carriers:	
	a. Controlling records and summaries used in preparing journal entries to revenue, accounts receivable, and other accounts, including revenue, cash, transfer and other controls, proof of billing, and other summaries of data for journal entries.	6 years.
	b. Statistical summaries or reports of revenues by accounts or classes of service, geographical subdivisions, etc., used for:	
	(1) Reports to Federal and state regulatory commissions and other governmental authorities.	As provided for item 103.
	(2) Used for administrative or informational purposes and not as a basis for entries to accounts or other records required to be retained for a period specified in this section.	Optional.
82	Sales and servicing administration of telephone carriers:	
	a. Market cards and other basic records of customers or prospects involved in sales and commercial servicing activity.	Do.
	b. Memoranda used in interviews, sales, investigations of customers' service needs and other negotiations with customers, including diagrams, review forms, busy reports, recommendations, etc.	Do.
	c. Prospect lists or slips and other material used in determining prospects for sales or servicing effort.	Do.
	d. Reports, surveys, maps and other records pertaining to studies of markets, sales possibilities, new services, sales and servicing techniques, and similar matters.	Do.
83	Telephone directories:	
	a. 1 file copy of each directory issued by the company for use by customers.	3 years after supersedure or discontinuance.
	b. Special directories or lists used by traffic operating forces or other employees, not issued to customers.	Optional.
	c. Copies of service orders (see item 44–c(5)), memoranda, and other papers used as the basis for compilation of directories.	Do.
	d. Authorizations for directory listings or special treatment thereof	Until superseded or canceled.
	e. Agreements with customers or others for leasing of directories	3 months after termination.
	f. Contracts or agreements covering printing of directories, procurement of paper and other materials, sale by others of advertising in directories, delivery of directories, and sale or disposal of obsolete directories.	3 years after expiration or cancellation.
	g. Contracts or agreements with customers or other advertisers for sale of advertising in directories.	2 years after expiration or cancellation.
	h. Directory price lists, delivery records, administrative records and reports relating to lease, sale or purchase of directories and supplies therefor, and miscellaneous records incident to preparation and issuance of directories, not used as the basis for entries to accounts.	Optional.
	i. Prospect lists, memoranda, schedules of advertising rates, and other administrative records and reports pertaining to canvassing for and sale of directory advertising, not used as the basis for entries to accounts.	Do.
	j. Billing authorizations for directory advertising or directories sold	3 years.
	k. Billing and account records of charges for directory advertising	2 years after payment or other disposition of accounts.
	l. Records of prepaid directory expenses and accounting distributions of directory expenses.	6 years.
	m. Memoranda of individual directory errors	As provided for item 13–a.

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Item No.	Description of records	Period to be retained
84	Advertising and information:	
	a. Copies of advertisements or other records of advertising in newspapers, magazines, and other publications, showing name of publication, nature of advertisement, etc.	3 years.
	b. Other public information material, including press releases, booklets, radio programs, films, etc.	2 years.
	c. Correspondence and memoranda related to requests from public for information material, historical and scientific data, and explanation of company's policies or practices. (See item 74–d.)	Optional.
	d. File copies and circulation records of publications issued by the company and other distribution lists for release of information material.	Do.
	e. Administrative studies or other records of material and services or advertising media used in operation of advertising and information services.	Do.
	f. Studies, surveys, analyses, correspondence, and memoranda used in developing material for advertising and information purposes.	Do.
	g. File copies of publications, films, and other information material issued to employees.	Do.
	h. Contracts and agreements in connection with advertising and information services.	6 years after expiration or cancellation.
	i. Copyright applications and certificates	As provided for items 11–c and and 11–d.
85	Administrative summaries, reports (exclusive of those covered by item 100), studies, analyses, plans, work programs, estimates, charts and similar records of results, performance, personnel and working practices or conditions, etc., used for administrative purposes only and not as a basis for entries to accounts or other records required to be retained for a period specified in this List of Records, together with related supporting and working papers not separately provided for in this section. This includes such records related to volume of business, operating leads and other work volumes, production, and quality; force requirements and adjustment, work schedules and assignments, service observation and results, employment, training, organization, working conditions, salary and wage schedules, accident prevention, and other administration of personnel and work performance; studies of new or improved methods; and departmental administrative expense reports, analyses, budgetary studies and estimates. (See items 22, 23, 47, 48, 94–k, 100 to 104, and 105–b.)	Optional.
86	Telegraph carrier settlements with other communication carriers (for telephone carriers, see item 88):	
	a. Records pertaining to settlement of revenues and other charges with other communication carriers.	6 years.
	b. Statements, summaries and memoranda pertaining to the record of messages interchanged if summarized in records covered by item 86–a.	2 years.
87	Telegraph carrier settlements with transportation carriers:	
	a. Monthly, annual or other periodical settlement with transportation companies made in accordance with contracts or agreements.	6 years.
	b. Summary reports of receipts and expenditures at offices on lines of transportation companies.	Do.
88	Errand service records	For the same periods prescribed under item 68 for comparable records pertaining to messages.
89	Telegraph carrier stock and commercial news, including ticker service:	
	a. Applications, service orders and other similar records, billing authorizations and reporting schedules as provided in items 45–a–(6), 69–e, 70, 71, 72, and 76–a.	As separately provided for in this section.
	b. Start and stop orders	2 years.
	c. Bulletins relative to special services	Optional.
	d. Tariff rate schedules and other rate authorities as provided in items 10–e and 74.	As separately provided for in this section.
	e. Contracts with commodity and other exchanges and other news sources (as provided in item 6–j).	6 years after termination.
	f. Summary statement covering settlements with news sources	6 years.
90	Time services of telegraph carriers:	
	a. Service order copies, billing authorizations and reporting schedules.	As provided for item 69–e, 71 and 72.
	b. Catalogs and other rental lists and advices	3 years.
	c. Contracts with clock manufacturer (as provided in item 6–j)	6 years after termination.
	d. Summary settlements with clock manufacturer pertaining to division of collections and expense.	6 years.
	e. Reporting schedules and other detail if summarized as provided in item 90–d.	3 years.
91	Telegraphic money orders:	
	a. Applications for transfer	Do.
	b. Draft, check, payee's receipt, or other similar evidence of completion of transaction.	Do.
	c. Money order messages, including service messages, billing memoranda, advices to sender, and copies of notices to payees.	2 years.
	d. Cipher sheets, official copies	2 years after expiration.
	e. Record of excess orders	Optional.
	f. Record of settlements with forwarding banks, other agents and foreign administrations.	3 years.
	g. Summaries and detailed records incident to and resulting from authentication of payment of individual transactions.	Do.
	h. Record of unpaid orders	Permanently.
92	Remittance orders of telegraph carriers:	
	a. Record of orders sold and of drafts or checks issued in exchange for funds deposited, and summaries or other detailed records incident to accounting analysis and controls.	Optional.
	b. Drafts or checks sold or exchanged	3 years.

Item No.	Description of records	Period to be retained
93	Express orders and travelers' cheques issued by telegraph carriers:	
	a. Contract with American Express. (See item 6–j)	6 years after termination.
	b. Accounting summaries and detailed records necessary to establish basis for settlement with Express Co.	6 years.
	c. Statements, summaries, and memoranda pertaining to settlements with Express Co. if summarized in records covered by item 93–b.	2 years.
94	Miscellaneous operating records:	
	a. Telephone traffic peg counts:	
	(1) Summaries showing totals by offices, areas, etc	Do.
	(2) Detailed records of peg counts for which totals of significant data are shown on summaries covered by item 94–a–(1).	Optional.
	b. Records used for traffic information, intercepting, routing, or other handling of telephone calls.	Do.
	c. Maps, drawings, reports, and other records of subscribers plant facilities, trunks, circuits, or other plant available for assignment or assigned. (See item 44–f.)	Until record is superseded or is retired from active use.
	d. Telephone traffic and commercial engineering records	As provided for items 42, 43, 85, 106–b, 106–h or other item applicable to particular record.
	e. Tickets, correspondence, memoranda of telephone directory errors, or other records of complaints or criticisms from customers or telephone directory advertisers, together with records of investigation and disposition thereof, related to:	
	(1) Claims of damages due to service fault	As provided for item 13–a.
	(2) Claims of overcharges, whether or not resulting in refunds or adjustments of accounts receivable.)(See item 76–g.)	2 years.
	(3) Not involving claims of damages or overcharges	Optional.
	f. Copies of purchase orders, requisitions, transfer reports, returned material notices, sale or junk orders, or other records of furniture and other office or work equipment, material and supplies, stationery, or office supplies used only in administration of such property or activities, not as a basis for entries to accounts or property records. (See items 55, 56, and 58.)	Do.
	g. Work programs, schedules, and assignments	Optional except as covered by item 21–e.
	h. Basic detailed reports or records of time or work paid for	As provided for item 21–e.
	i. Memoranda of work done and time spent thereon, made by employees preliminary to and for use in preparing detailed reports or other records used as the basis for entries to accounts. (See item 45–a–(2).)	Optional.
	j. Photographs, drawings, maps, or similar records of buildings or other plant or equipment, floor plans or office layouts, used for informational or administrative purposes only and not as property records covered by item 30.	Do.
	k. Underlying statistical records of message, telephones, and other data relative to volume of business or work performed, used as the basis for preparation of administrative summaries, reports, studies, etc., covered by item 85 or 101.	Do.
	l. Reports and records of watch and surveillance service including investigations of stolen property, robberies and frauds.	As provided for item 48–k.
	m. Accidents and damages	As provided for item 13.
	n. Records of operations other than communications common carrier operations.	For the same periods as provided in section for similar records.
	o. Telegraph carrier logs and records maintained on circuit failures, substandard equipment and circuit functioning, line insulation and other tests, customers' trouble calls, measurements and other data regarding carrier pair, wariopler, subscriber, and other circuit and equipment interruptions and failures, service, tests, observations, and other monitorial records and reports; and authorized wire and circuit assignments.	Optional, except as provided in item 44–l.
	p. Cable-ship and depot logs of ship operations, cable interruptions, breaks, repairs and electrical measurements.	Optional.
	q. Confidential telegraph codes, official copies	Permanently.
	r. Number sequence records of telegraph messages transmitted or otherwise handled.	Optional.
95–99	[Reserved.]	
	Reports, statistics, and miscellaneous	
100	Monthly, annual, and other periodic administrative, financial, and statistical reports or statements regularly prepared to show the results of operations for the period and the financial condition of the company, for the information of officials. This includes the regular balance sheet and income statements, reports of operating revenues, expenses, and charges in plant, depreciation reserve, and surplus accounts, and general statistical reports of (a) quantities of plant owned or operated, (b) business handled, and (c) employees and wages:	
	a. Annual reports	25 years.
	b. Monthly and other periodic reports	6 years.
101	Miscellaneous statistical, narrative, and descriptive reports, statements, analyses, studies, charges, summaries, or estimates, not provided for elsewhere in this List of Records, prepared for use by the company's officials or other employees for administrative or informational purposes and not used as a basis for entries to accounts. (See items 85, 94–k, and 104).	Optional.
102	Reports to stockholders:	
	a. Annual reports or statements	Permanently.
	b. Quarterly and other statements of earnings, etc. (See item 4–o.)	6 years.
	c. Stockholders' acknowledgements of receipt of reports and request for copies of reports.	Optional.
	d. Other correspondence with stockholders relative to reports and statements furnished stockholders.	As provided for items 4–o and 25–b.

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 202]

FREEDOM OF INFORMATION ACT

Amendments To Conform Regulations on Production or Disclosure of Records

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend Chapter II of Title 10 of the Code of Federal Regulations to revise Subpart A of Part 202 of that chapter, regarding production or disclosure of material or information in accordance with the Freedom of Information Act (5 U.S.C. 552). These revisions reflect the amendments to the Freedom of Information Act enacted as Pub. L. 93-502 (88 Stat. 1561).

On February 19, 1975, the amendments to the Freedom of Information Act (FOI Act) contained in Pub. L. 93-502 will become effective. The amendments to the FOI Act, among their other provisions, set time limits which must be met by a Federal agency in responding to a request for information under that Act; narrow the scope of the first and seventh exemptions from mandatory disclosure contained in 5 U.S.C. 552(b); require publication of an index of certain materials; and specify that fees may be charged to requesters only for the costs of document search and duplication.

The purpose of the rulemaking proposed herein is to amend the regulations promulgated by FEA implementing the Freedom of Information Act to correspond with the new requirements of the amended FOI Act.

The time limits for agency response to requests contained in the FOI Act amendments make it imperative that initial requests and appeals of denials of requests reach the proper personnel within FEA with a minimum of delay. Therefore §§ 202.3(a) and 202.6(a) have been amended specifically to define what constitutes "receipt" by FEA of a request or appeal. Properly addressed requests and appeals will be deemed to be received upon arrival at FEA, if mailed, or upon delivery to the appropriate office, if hand-delivered. Requests or appeals that are not addressed in accordance with the regulations will not be deemed to be received for purposes of the applicable time limits until actual receipt by the Information Access Officer, or the Director, Office of Exceptions and Appeals, as appropriate.

The FOI Act amendments revise the requirement that a request must be for "identifiable records", by providing that an agency must make available documents upon a request which "reasonably describes such records". Accordingly, the term "identifiable" records has been replaced where it appears in Subpart A of Part 202 with a reference to the requirement that records must be "reasonably described". Existing procedures will continue in force that provide that if information supplied by the requester is not sufficient to enable FEA personnel to locate the records, the FEA will solicit additional information to aid in locating the requested documents (§ 202.3(c)).

The FOI Act amendments provide that a determination on a request must be made by an agency within 10 days of receipt of the request. Twenty days after receipt of an appeal are allowed for making a determination on an appeal. Under the amendments, however, a maximum of 10 days extension of time may be taken where unusual circumstances require additional time to search for, collect, and examine records. This extension may be divided between the initial determination and the appeal, so long as no more than ten days extension is taken in total, and provided the extension is needed because of "unusual circumstances" as defined in the amendments. The proposed rulemaking contains procedures implementing the new time limits for agency response, including the extension provision, and contains procedures concerning notification of the requester when an extension is necessary (§§ 202.4 (c) and (d), 202.6(b)).

The amended FOI Act provides that a notification of denial of any request for records shall set forth the names and titles or positions of each person responsible for the denial of such request. The regulations incorporate this requirement in §§ 202.5(b)(2) and 202.6(c), by requiring a statement setting forth such information to be included in every letter of denial and every appeal affirming a denial.

The FOI Act amendments provide that fees may be charged only for search for, and duplication of records. Section 202.8 has therefore been amended to eliminate fees charged for monitoring inspection of documents and for time spent screening records for material that is exempted from disclosure by 5 U.S.C. 552(b). FEA will now charge fees to cover only the actual cost of search and duplication of records and for related services, such as certification of true copies. In many cases anticipated fees for search and duplication of records can be substantial. Where such fees are anticipated to be greater than $25 and the requester has not either stated his willingness to bear whatever fees are assessed, or has not set a cost limit which covers the anticipated fees to be charged, a request will not be deemed to have been received for purposes of applicable time limits until the requester has been notified of the anticipated fees and has agreed to pay such fees and made any required deposit (§ 202.8(c)).

The amendments require each agency to promulgate regulations, pursuant to notice and receipt of public comments, specifying a uniform schedule of fees for search and duplication applicable to all constituent elements of the agency. Such a proposed schedule of fees is contained in § 202.8(b). Comments are specifically requested on this schedule.

The FOI Act amendments include amendments to the first and seventh exemptions from the mandatory disclosure provisions of the Act; these exemptions concern material authorized to be kept secret in the interest of national defense or foreign policy, and material contained in investigatory files. The portion of the regulations which restates the exemptions from the disclosure provisions of the Act (§ 202.9(a)) has been revised to conform to these amendments.

Finally, § 202.10 has been amended to conform to the amended Act, by providing that computation of time pursuant to Subpart A excludes in all cases Saturdays, Sundays, and legal public holidays.

To comply with the requirements of the FOI Act, as amended effective February 19, 1975, these regulations will be implemented for all requests or appeals received on or after February 19, 1975. Such procedures may, however, thereafter be revised in light of comments received on the proposed rulemaking.

Interested persons are invited to participate in this rulemaking by submitting data, views, and arguments with respect to the proposed amended regulations set forth in this notice. Submittals may be hand-delivered to Executive Communications, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., or mailed to Executive Communications, Room 3309, Federal Energy Administration, Box CF, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to Executive Communications, FEA, with the designation "Freedom of Information Regulations." Twenty-five copies should be submitted. All comments received by February 24, 1975, and all relevant information, will be considered by the Federal Energy Administration.

Comments received in response to this notice will be available for public inspection after the comment period in the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

As the proposed regulation is not a regulation affecting the quality of the environment, the provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) have been determined to be inapplicable to the proposal.

It has also been determined that the requirements of section 7(i)(1)(C) of that Act, relating to opportunities for oral presentations, do not apply because the proposed regulations are procedural in nature and are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses.

[Freedom of Information Act, 5 U.S.C. 552, as amended; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185.]

In consideration of the foregoing, it is proposed to amend Subpart A of Part 202, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 10, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

Chapter II of Title 10, Code of Federal Regulations is amended, by revising Subpart A of Part 202 to read as follows:

Subpart A—Production or Disclosure Under 5 U.S.C. 552

Sec.

202.1 Purpose and scope.
202.2 Public reference facilities.
202.3 Requests for reasonably described records and copies.
202.4 Time for response to request for records.
202.5 Responses by Information Access Officer: Form and Content.
202.6 Appeals to the Deputy Administrator from initial denials.
202.7 Maintenance of files.
202.8 Fees for provision of records.
202.9 Exemptions.
202.10 Computation of time.

AUTHORITY: Freedom of Information Act, 5 U.S.C. 552, as amended; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185.

Subpart A—Production or Disclosure Under 5 U.S.C. 552

§ 202.1 Purpose and scope.

This subpart contains the regulations of the Federal Energy Administration (FEA) implementing 5 U.S.C. 552 (1970) as amended by Pub. L. 93-502, 88 Stat. 1561. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all divisions within the FEA. Official records of the FEA made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public as prescribed by this subpart. Officers and employees of the FEA may furnish to the public, informally and without compliance with procedures prescribed herein, information and records of types which prior to enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties to the public by other agencies. Persons seeking information or records of the FEA may find it useful to consult with FEA's Office of Public Affairs before invoking the formal procedures set out below. To the extent permitted by other laws, the FEA will make available records which it is authorized to withhold under 5 U.S.C. 552 unless it determines that such disclosure is not in the public interest.

§ 202.2 Public reference facilities.

(a) The National Office, FEA and Regional Offices, FEA will maintain in a public reading room or public reading area, the materials relating to that office which are required by 5 U.S.C. 552(a)(2) and 552(a)(4) to be made available for public inspection and copying.

(b) Each of these public reference facilities will maintain and make available for public inspection and copying current indexes of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a)(2), and the National Office, FEA, will maintain and make available for public inspection and copying copies of all such indexes. Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system, indexes and publishes a number of the materials required to be made public under 5 U.S.C. 552(a)(2), and is available through private commercial subscription. The Guidelines are available for inspection and copying in the public reading rooms. In addition, the FEA National Energy Information Center will publish, on a quarterly basis, a listing of all energy data bases and publications as a guide to other types of information, not referred to by 5 U.S.C. 552(a)(2), collected or generated by the FEA.

§ 202.3 Requests for reasonably described records and copies.

(a) *Addressed to the Director of Public Affairs.* A request for a record of the FEA which is not customarily made available and which is not available in a public reference facility as described in § 202.2 shall be addressed to the Director of Public Affairs, Federal Energy Administration, Washington, D.C. 20461, and shall be clearly marked on the envelope "Attention: Information Access Officer". Except as provided in § 202.8(c), a request which is so addressed and marked will be considered to be received by the FEA for purposes of 5 U.S.C. 552(a)(6) when it has been delivered to the FEA National Office by the United States Postal Service if mailed, and upon delivery to the Information Access Office, Room 206, Old Post Office Building at 12th and Pennsylvania Avenue NW., Washington, D.C., if hand-delivered. A request under 5 U.S.C. 552 which is not so addressed and marked shall be considered to be received upon actual receipt by the Information Access Officer. Documents delivered after regular business hours are deemed received on the next regular business day. Regular business hours for the FEA National Office are 8 a.m. to 4:30 p.m.

(b) *Request should be in writing and for reasonably described records.* A request for access to records should be submitted in writing and should reasonably describe the records requested to enable FEA personnel to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester, including the names and titles of any FEA officers or employees who have been contacted regarding the request prior to filing of a written request. If the request relates to a matter in pending litigation, the court and its location should be identified. If the records are known to be in a Regional Office of the FEA, the request should so state and should identify the Regional Office concerned.

(c) *Form may be requested.* Where the information supplied by the requester is not sufficient to permit location of the records by FEA personnel with a reasonable amount of effort, the requester may be sent and asked to fill out and return a form which is designed to elicit the necessary information.

(d) *Categorical requests—(1) Must meet reasonably described records requirement.* A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if it can reasonably be determined which particular records are sought in the requests, and the records can be searched for, collected, and produced without unreasonably burdening or interfering with FEA operations because of the staff time consumed or the resulting disruption of files.

(2) *Assistance in reformulating nonconforming requests.* If it is determined that a categorical request would unreasonably burden or interfere with the operations of the FEA under subparagraph (1) of this paragraph, the response denying the request on those grounds shall specify the reasons why and the extent to which compliance would burden or interfere with FEA operations, and shall extend to the requester an opportunity to confer with knowledgeable FEA personnel in an attempt to restate the request or reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

(e) *Requests for records of other agencies.* Some of the records in the files of the FEA have been obtained from other federal agencies. Where it is determined that the question of the availability of requested records is primarily the responsibility of another federal agency, the Information Access Officer will inquire of the originating agency as to whether it concurs in release of the records. If that agency does not concur within the time for FEA response to the request, the Information Access Officer will refer the request to the originating agency, and inform the requester of the appropriate official with whom to pursue his request. The FEA will accompany such referral with a recommendation, based on the interest of FEA in such records, concerning the disclosure of the requested records.

§ 202.4 Time for response to request for records.

(a) An Information Access Officer, appointed by the Director of Public Affairs, shall be responsible for processing written requests for records submitted pursuant to this part. Upon receiving such a request, the Information Access Officer shall ascertain which division or divisions of the FEA have primary responsibility for, custody of, or concern with the records requested and forward the request to such division or divisions, who

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shall promptly identify and review the records encompassed by the request. After reviewing the material, the division or divisions concerned shall forward to the Information Access Officer either the requested material, or a recommendation that the request be wholly or partially denied. Any recommendation that a request be denied shall set forth the policy considerations supporting such denial and shall be forwarded, with the information sought or a representative sample thereof, to the Information Access Officer, who shall provide such recommendation and materials to the General Counsel for his review and recommendation.

(b) On the basis of the recommendations of the division or divisions, the Information Access Officer shall either (1) grant the request, (2) deny the request, (3) grant it in part and/or deny it in part, or (4) reply with a response either stating that the request has been referred to another agency under § 202.3 (e) of this part, or that additional information is needed from the requester to render the records reasonably described; such a response shall specify any further information needed by the FEA from the requester, the agency to whom the request has been referred, if any, and the name of the appropriate official of that agency with whom to pursue the matter. The Deputy Administrator or his delegate shall, in cases of denials of requests, determine the official or officials responsible for such denial.

(c) Action pursuant to paragraph (b) of this section shall be taken within 10 days of receipt of a request for FEA records ("receipt" is defined in § 202.3(a)) except that if unusual circumstances require an extension of time before a decision on a request can be reached, and the person requesting records is promptly informed in writing setting forth the reasons for such extension and the date which a determination is expected to be dispatched, then the Information Aeess Officer may respond to the request within 15 days of the receipt of the request, or within 20 days of receipt of the request if the Director, Office of Exeeptions and Appeals shall concur with such later response. If a response is given by FEA stating that additional information is needed from the requester to render records reasonably described, any reformulated request submitted by the requester shall be treated as an initial request for purposes of time for FEA response.

(d) For purposes of this section and § 202.6(b) the term "unusual circumstances" means:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(e) If the Information Access Officer does not respond to a request for records within the time limits provided in paragraph (c) of this section, the requester may petition the Deputy Administrator to take appropriate measures to assure prompt action on the request.

(f) For purposes of this section, the term "division" includes all administrative or operating units of the FEA.

§ 202.5 Responses by Information Access Officer: Form and content.

(a) *Form of grant.* When a requested record has been identified and is to be made available, the Information Access Officer or other appropriate official of FEA shall notify the requester as to when the record is available, and shall promptly make the records available to the person making the request. The notification shall also advise the requester of any applicable fees under § 202.8.

(b) *Form of denial.* A reply denying a written request for a record shall be in writing signed by the Information Access Officer and shall include:

(1) *Reason for denial:* A statement of the reason for denial, containing, as applicable:

(i) *Exemption category.* A reference to the specific exemption under the Freedom of Information Act authorizing the withholding of the record, and to the extent consistent with the purposes of the exemption, a brief explanation of how the exemption applies to the record withheld, and, if the Information Access Officer considers it appropriate, a statement of why the exempt record is being withheld;

(ii) *Denial because record cannot be located or does not exist.* If a requested record is known to have been destroyed or otherwise disposed of, or if no such record was ever known to exist, the requester shall be so notified.

(2) *Persons responsible for denial.* A statement setting forth the names and the titles or positions of each person responsible for the denial of such request; and

(3) *Administrative appeal and judicial review.* A statement that the denial may be appealed within 30 days to the Deputy Administrator, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated or in the District of Columbia.

§ 202.6 Appeals to the Deputy Administrator from initial denials.

(a) *Appeal to Deputy Administrator.* When the Information Access Officer has denied a request for records in whole or in part, the requester may, within 30 days of its receipt, appeal the denial to the Deputy Administrator, FEA. The appeal shall be in writing and shall be addressed to the Deputy Administrator, Federal Energy Administration, Washington, D.C. 20461, and shall be clearly marked on the envelope "Appeal—Freedom of Information Act; Attention: Director, Office of Exceptions and Appeals." A request which is so addressed and marked will be considered to be received by the FEA for purposes of 5 U.S.C. 552(a)(6) when it has been delivered to the FEA National Office by the United States Postal Service if mailed, and upon delivery to the Office of Exceptions and Appeals, Room 8002, 2000 M Street NW., Washington, D.C., if hand-delivered. An appeal of the denial of a request which is not so addressed and marked shall be considered to be received upon actual receipt by the Director, Office of Exceptions and Appeals. Documents delivered after regular business hours are deemed received on the next regular business day. Regular business hours for the FEA National Office are 8 a.m. to 4:30 p.m.

(b) *Action within 20 days.* The Deputy. Administrator shall act upon the appeal within 20 days of its receipt, and more rapidly if practicable, except that if unusual circumstances require an extension of time before a decision on a request can be reached, the Director, Office of Exceptions and Appeals, acting on behalf of the Deputy Administrator, may extend the time for final action for an additional 10 days less the number of days of any extension which may have been taken by the Information Access Officer during the period of initial determination, upon notifying the requester in writing of the reasons for the extended deadline and the date on which a final determination is expected to be dispatched.

(c) *Form of action on appeal.* The Deputy Administrator's action on an appeal shall be in writing, and shall set forth his name and title. A denial in whole or in part of a request on appeal shall set forth the exemption relied on, a brief explanation consistent with the purpose of the exemption of how the exemption applies to the records withheld, and the reasons for asserting it. It shall also contain a statement that judicial review will be available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated or in the District of Columbia. Documents determined by the Deputy Administrator to be documents subject to release shall be made promptly available to the applicant.

§ 202.7 Maintenance of files.

(a) *Maintenance of file open to public.* The Information Access Officer shall maintain a file, open to the public, which shall contain copies of all grants or denials of all requests for information or appeals made under this subpart. The material shall be indexed by the exemption asserted by the FEA, if any, and, to the extent feasible, according to the type of records requested.

(b) *Protection of privacy.* Where the identity of a requester, or other identifying details related to a request, would constitute an invasion of a personal privacy if made generally available, the

Information Access Officer shall delete identifying details from the copies of documents maintained in the public file established under paragraph (a) of this section.

§ 202.8 Fees for provision of records.

(a) *When charged.* User fees pursuant to 5 U.S.C. 552, as amended and 31 U.S.C. 483a, shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for FEA records under this subpart unless the Information Acess Officer determines, in conformity with the provisions of 5 U.S.C. 552, as amended, and 31 U.S.C. 483a, that waiver of payment of such charges or a portion thereof is in the public interest. Such a determination shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual. Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3. Ordinarily, fees for search shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (c) of this section and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees for search may be charged.

(b) *Services charged for, and amount charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges shall be assessed:

(1) *Copies.* For copies of documents (maximum of 5 copies will be supplied) $.10 per copy of each page.

(2) *Clerical searches.* For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record, $1.25.

(3) *Certification.* For certification of true copies, each, $1.

(4) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.75.

(5) *Examination and related tasks in screening records.* No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall be made for the time involved in examining records to determine whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy.

(6) *Computerized Records.* Fees for services in processing requests maintained in whole or part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search will be charged for at rates prescribed in paragraph (b)(4) of this section unless the level of personnel involved permits rates in accordance with paragraph (b)(2) of this section. A charge may be made for the computer time involved, based upon the prevailing level of costs to governmental organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge may also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to governmental organizations and upon the type and amount of such supplies or materials that is used. Nothing in this paragraph shall be construed to entitle any person, as of right, to any services in connection with computerized records, other than services to which such person may be entitled under 5 U.S.C. 552 and under the provisions, not including this paragraph (b), of this subpart.

(c) *Notice of anticipated fees in excess of $25.* Unless the requester specifically states that he is willing to pay whatever fees are assessed by FEA for meeting the request or, alternatively, specifies an amount in excess of $25 which he is willing to pay and which in fact covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of $25 will not be deemed to have been received until the requester is advised of the anticipated cost, agrees to bear it, and makes any advance deposit required. Such notification shall be made by the Information Access Officer promptly upon receipt of the request.

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States.

§ 202.9 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in subsection (b) of that section. These categories include such matters as national defense and foreign policy information; investigatory files, internal procedures and communications; materials exempted from disclosure by other statutes; information given in confidence; and matters involving personal privacy. Specifically, the exemption in 5 U.S.C. 552(b) applies to matters that are—

(1)(i) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) Any reasonably segregable portion of a record will be provided to any person requesting such record after deletion of the portions which are exempt under the exceptions listed above if it is determined that such deletions are required by law or are in the public interest.

(c) The scope of the exemption is discussed generally in the Attorney General's Memorandum on the Public Information section of the Administrative Procedure Act, which was published in June 1967 and subsequent memoranda treating the 1974 amendments. These documents are, or will be, available from the Superintendent of Documents and may be consulted in considering questions arising under 5 U.S.C. 552.

§ 202.10 Computation of time.

In computing any period of time prescribed or allowed by this subpart, the day of the event from which the designated period of time begins to run is not to be included; the last day of the period so computed is to be included; and Saturdays, Sundays and legal public holidays are excepted.

[FR Doc.75-4175 Filed 2-12-75;8:45 am]

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FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Change In Closing Date To Comment on Proposed Trade Regulation Rule

Notice of the opportunity to file written data, views or arguments regarding the proposed Trade Regulation Rule Concerning Food Advertising was published in the FEDERAL REGISTER on November 11, 1974 (39 FR 39842). The Notice also set forth both a proposed rule and a staff statement on which comment was requested.

Petitions from industry members and interested parties requesting that the closing date for filing written data, views or arguments be extended have been denied.

However, the Commission has determined that the comment period should remain open pending promulgation of rules of procedure governing its trade regulation rule proceedings, made necessary by the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, Pub. L. 93–637 (January 4, 1975); and that further proceedings in this matter, including the filing of written comments, will be conducted consistent with those rules of procedure. It is expected that the record in this matter will remain open for at least 60 days beyond the original February 5, 1975, closing date under the circumstances outlined above.

Written data, views or arguments concerning the proposed rule may be filed with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Issued: February 7, 1975.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.75-4054 Filed 2-12-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Liberalization of Pension Provisions

The Administrator of Veterans' Affairs proposes regulatory changes to implement provisions of Pub. L. 93–527 (88 Stat. 1702) which was enacted December 21, 1974, and is effective January 1, 1975.

Pub. L. 93–527 increased rates of pension payable to veterans, widows and widowers, and children and rates of dependency and indemnity compensation payable to parents. The maximum income limitations for payment of pension and dependency and indemnity compensation were increased $400. The Act also added subsection (f) to section 541 of Title 38, United States Code, which provides that, for the purpose of that section and section 542 of Title 38, the term "veteran" includes a person who had completed at least 2 years of honorable military, naval or air service but whose death in service was not in line of duty. Under this latter provision nonservice-connected death pension may be payable in cases where the serviceman or servicewoman dies in service under such circumstances that the death is determined not in line of duty and service-connected death benefits are not payable. Prior to enactment of Pub. L. 93–527 no death benefits were payable based on the period of service in which such death occurred. Pub. L. 93–527 amended section 103(e) of Title 38, United States Code to provide for further payment of benefits to or on account of a child who married but whose marriage has been terminated by death or divorce. Section 3010(1) was amended to provide that the effective date of an award to or on account of such a child would be the date of the event (death or divorce) if claim is filed within 1 year after that date. Pub. L. 91–376 (84 Stat. 787), effective January 1, 1971, had made similar provisions for remarried widows or widowers whose subsequent marriages were terminated under such circumstances. Prior to enactment of Pub. L. 91–376 a veteran's widow or widower who remarried had no further entitlement to benefits based on the veteran's service unless the subsequent marriage was void or annulled. Similarly, prior to enactment of Pub. L. 93–527, a veteran's child who married had no further entitlement to benefits unless the marriage was void or annulled.

To implement the provisions of Pub. L. 93–527 it is proposed to amend Part 3 of Title 38, Code of Federal Regulations, as indicated below. Minor editorial changes are made in §§ 3.20, 3.54, 3.250, 3.257 and 3.260 to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents or beneficiaries.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before March 17, 1975, will be considered. All written comments received will be available for public inspection at the above address only, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed amendments would be effective January 1, 1975.

1. In § 3.1, paragraphs (d), (m) (1) and (q) are revised to read as follows:

§ 3.1 Definitions.

* * * * * *

(d) "Veteran" means a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

(1) For compensation and dependency and indemnity compensation the term "veteran" includes a person who died in active service and whose death was not due to willful misconduct.

(2) For death pension the term "veteran" includes a person who died in active service under conditions which preclude payment of service-connected death benefits, provided such person had completed at least 2 years honorable military, naval or air service, as certified by the Secretary concerned. (See § 3.3 (c)(1)) (38 U.S.C. 541; Pub. L. 93–527, 88 Stat. 1702.)

* * * * * *

(m) "In line of duty" means an injury or disease incurred or aggravated during a period of active military, naval, or air service unless such injury or disease was the result of the veteran's own willful misconduct. A service department finding that injury, disease or death occurred in line of duty will be binding on the Veterans Administration unless it is patently inconsistent with the requirements of laws administered by the Veterans Administration. Requirements as to line of duty are not met if at the time the injury was suffered or disease contracted the veteran was:

(1) Avoiding duty by desertion, or was absent without leave which materially interfered with the performance of military duty.

* * * * * *

(q) "Notice" means written notice sent to a claimant or payee at his or her latest address of record.

* * * * * *

2. In § 3.3, paragraphs (a) and (d) (3) are revised to read as follows:

§ 3.3 Pension.

(a) *Pension.* This term means a monthly payment made by the Veterans Administration to a veteran because of service, age, or non-service-connected disability, or to a widow or widower or child of a veteran because of the non-service-connected death of the veteran. Except as provided in paragraph (d) (3) of this section, pension is not payable unless the veteran was discharged under conditions other than dishonorable from the period of service on which the claim is based. (38 U.S.C. 101(2), (15)) (See § 3.252 as to annual income limitations for disability and death pension.)

* * * * * *

(d) *Death pension.* * * *

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow, widower or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section or the veteran

was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement also exists under the provisions of this subparagraph, effective January 1, 1975, for the widow, widower or child of a deceased veteran, as defined in § 3.1(d)(2) whose service meets the requirements of paragraph (c)(1) of this section. (38 U.S.C. 541, 542; Pub. L. 93–527, 88 Stat. 1702)

3. In § 3.13, paragraph (b) is revised to read as follows:

§ 3.13 Discharge to change status.

* * * * * *

(b) The entire period of service under the circumstances stated in paragraph (a) of this section constitutes one period of service and entitlement will be determined by the character of the final termination of active service except that, for death pension purposes, § 3.3(d)(3) is controlling as to basic entitlement when the conditions prescribed therein are met.

4. Section 3.15 is revised to read as follows:

§ 3.15 Computation of service.

For non-service-connected or service-connected benefits, active service is countable exclusive of time spent on an industrial, agricultural, or indefinite furlough, time lost on absence without leave (without pay), under arrest (without acquittal), in desertion, while undergoing sentence of court-martial or a period following release from active duty under the circumstances outlined in § 3.9. In claims based on Spanish-American War service, leave authorized under General Order No. 130, War Department, is included.

5. Section 3.20 is revised to read as follows:

§ 3.20 Widow's or widower's benefit for month of veteran's death.

Where the veteran died on or after December 1, 1962, the rate of death pension, death compensation or dependency and indemnity compensation otherwise payable for the widow or widower for the month in which the death occurred shall be not less than the amount of pension or compensation which would have been payable to or for the veteran for that month but for his or her death. (38 U.S.C. 3110)

6. In § 3.54, paragraph (b), the introductory portion of paragraph (c) preceding subparagraph (1), and paragraphs (d) and (e) are revised to read as follows:

§ 3.54 Marriage dates.

* * * * * *

(b) *Compensation.* Death compensation may be paid to a widow or widower who, with respect to date of marriage, could have qualified as a widow or widower for death compensation under any law administered by the Veterans Administration in effect on December 31, 1957, or who was married to the veteran:

(1) Before the expiration of 15 years after termination of the period of service in which the injury or disease which caused the veteran's death was incurred or aggravated, or

(2) One year or more, or

(3) For any period of time if a child was born of the marriage, or was born to them before the marriage. (38 U.S.C. 302)

(c) *Dependency and indemnity compensation.* Dependency and indemnity compensation may be paid to the widow or widower of a veteran who died on or after January 1, 1957, who was married to the veteran:

* * * * * *

(d) *"Child born".* The term "child born of the marriage" means a birth on or after the date of the marriage on which the widow's or widower's entitlement is predicated. The term "born to them before the marriage" means a birth prior to the date of such marriage. Either term includes a fetus advanced to the point of gestation required to constitute a birth under the law of the jurisdiction in which the fetus was delivered.

(e) *More than one marriage to veteran.* For periods commencing on or after January 1, 1958, where a widow or widower has been married legally to a veteran more than once, the date of the original marriage will be used in determining whether the statutory requirement as to date of marriage has been met. (38 U.S.C. 103(b))

7. Section 3.55 is revised to read as follows:

§ 3.55 Terminated marital relationships.

(a) Remarriage of a widow or widower or marriage of a child shall not bar the furnishing of benefits to such widow or widower, or to or on account of such child, if the marriage

(1) was void, or

(2) has been annulled by a court having basic authority to render annulment decrees, unless it is determined by the Veterans' Administration that the annulment was obtained through fraud by either party or by collusion.

(b) On and after January 1, 1971, remarriage of a widow or widower shall not bar the furnishing of benefits to such widow or widower if the marriage

(1) has been terminated by death, or

(2) has been dissolved by a court with basic authority to render divorce decrees unless the Veterans Administration determines that the divorce was secured through fraud by the widow or widower or by collusion.

(c) On and after January 1, 1971, the fact that a widow or widower has lived with another person and has held herself (himself) out openly to the public as the wife or husband of such other person shall not bar the furnishing of benefits to her (him) after she (he) terminates the relationship.

(d) On and after January 1, 1971, the fact that benefits to a widow or widower may previously have been barred because her (his) conduct or a relationship into which she (he) had entered had raised an inference or presumption that she (he) had remarried or had been determined to be open and notorious adulterous cohabitation, or similar conduct, shall not bar the furnishing of benefits to such widow or widower after she (he) terminates the conduct or relationship.

(e) On and after January 1, 1975, marriage of a child shall not bar the furnishing of benefits to or for such child if the marriage

(1) has been terminated by death, or

(2) has been dissolved by a court with basic authority to render divorce decrees unless the Veterans Administration determines that the divorce was secured through fraud by either party or by collusion. (38 U.S.C. 103(d), (e); Pub. L. 93–527, 88 Stat. 1702)

8. In § 3.250, paragraphs (a) (2) and (c) are revised to read as follows:

§ 3.250 Dependency of parents; compensation.

(a) *Income.* * * *

(2) *Excess income.* Where the income exceeds the monthly amounts stated in paragraph (a)(1) of this section dependency will be determined on the facts in the individual case under the principles outlined in paragraph (b) of this section. In such cases, dependency will not be held to exist if it is reasonable that some part of the corpus of the claimant's estate be consumed for his or her maintenance.

* * * * * *

(c) *Inception of dependency.* The fact that the veteran has made habitual contributions to the father or mother, or both, is not conclusive evidence that dependency existed but will be considered in connection with all other evidence. In death claims, it is not material whether dependency arose prior or subsequent to the veteran's death (38 U.S.C. 102(a)). (see § 3.1000(d)(3) as to accrued.)

* * * * * *

9. In § 3.251, paragraph (a) (1) is revised to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose annual income exceeds the following limitations:

(i) $2,600 ($3,000 effective January 1, 1975), one parent alone;

(ii) $2,600 ($3,000 effective January 1, 1975), separately, two parents not living together;

(iii) $3,800 ($4,200 effective January 1, 1975), combined income, two parents living together or remarried parent living with spouse.

(iv) Where there is only one parent, and the parent has remarried and is living with his or her spouse, dependency and indemnity compensation will be paid under either the formula in 38 U.S.C. 415(b)(1) or the formula in 38 U.S.C. 415(d), whichever will provide the greater monthly rate of dependency and indemnity compensation. The total combined annual income of the parent and

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spouse will be counted. (38 U.S.C. 415; Pub. L. 93–527, 88 Stat. 1702)

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10. In § 3.252, paragraphs (a), (b), (d) and (e) are revised to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect on June 30, 1960, is protected under § 3.956, pension is not payable to an unmarried veteran or to a widow or widower without a child or to or on account of a child, whose annual income exceeds $2,600; or to a married veteran or a veteran with a child or to a widow or widower with a child whose annual income exceeds $3,900.

(b) *Annual income and net worth limitation; Pub. L. 86–211.* Pension is not payable to an unmarried veteran, or to a widow or widower without a child, whose annual income exceeds $3,000, or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds $2,400; or to a married veteran or a veteran with a child, or to a widow or widower with a child, whose annual income exceeds $4,200; or to a veteran, widow or widower or child if it is reasonable that some part of the claimant's estate be consumed for his or her maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income as provided in § 3.262(b).

(38 U.S.C. 521, 541, 542 and 543)

• • • • • •

(d) *Veteran with a spouse.* For the purpose of determining eligibility under paragraph (b) of this section the pension rates provided by 38 U.S.C. 521(c) may be authorized for a married veteran if he or she is living with or, if estranged, is reasonably contributing to the support of his or her spouse. The determination of "reasonable" contribution will be based on all the circumstances in the case, considering the income and estate of the veteran and the separate income and estate of the spouse. Apportionment of the veteran's pension under § 3.451 meets the requirement of reasonable contribution.

(e) *Widow or widower with a child*—(1) *Child.* The term "child" means a child as defined in § 3.57. Where a posthumous child is involved, the widow will not be considered a widow with a child prior to the date of birth of the child.

(2) *Veteran's child not in widow's or widower's custody.* Where the veteran was survived by a widow or widower and by a child, the income increments for a widow or widower and child are applicable even though the child is not the child of the widow or widower and not in his or her custody.

(3) *Income of child.* The separate income received by a child or children, regardless of custody, will not be considered in computing the widow's or widower's income. Where the separate income of the child is turned over to the widow or widower, only so much of the money as is left after deducting any expenses for maintenance of the child will be considered the widow's or widower's income.

(4) *Alternative rate.* Whenever the monthly pension rate payable to the widow or widower under the formula in 38 U.S.C. 541(c) is less than the rate payable for one child under section 542 if the widow or widower were not entitled, the widow or widower will be paid the child's rate.

(38 U.S.C. 541(c), 542)

11. Section 3.257 is revised to read as follows:

§ 3.257 Children; no widow or widower entitled.

Where pension is not payable to a widow or widower because his or her annual income exceeds the statutory limitation or because of his or her net worth, payments will be made to or for the child or children as if there were no widow or widower.

12. In § 3.260, paragraph (e) is revised to read as follows:

§ 3.260 Computation of income.

• • • • • •

(e) *Proportionate income limitations; spouse.* In determining whether proportionate computation is applicable to a claim under Public Law 86–211 (73 Stat. 432), the total income for the calendar year of entitlement of both veteran and that of the spouse available for use of the veteran will be considered. If a proportionate income limitation is then applicable, it will be applied to both the veteran's and the spouse's income. The spouse's income will not be included, however, where his or her total income for the calendar year does not exceed $1,200.

• • • • • •

13. In § 3.400, paragraph (u) is revised to read as follows:

§ 3.400 General.

• • • • • •

(u) *Void, annulled or terminated marriage of a child (38 U.S.C. 3010 (a), (k), (l); Pub. L. 93–527, 88 Stat. 1702; § 3.55)* (1) *Void.* Date the parties ceased to cohabit or date of receipt of claim, whichever is later.

(2) *Annulled.* Date the decree of annulment became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim.

(4) *Divorce.* Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim.

• • • • • •

Approved: February 7, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-4092 Filed 2-12-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

AID RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on March 20–21, 1975, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW., Conference Room "B", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of food and nutrition, health and population and selected development problems. The meetings will begin at 9 a.m. and adjourn at 5:30 p.m. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 21st Street and Virginia Avenue, NW., Washington, D.C. 20523, or call area code 202–632–3800.

Dated: February 6, 1975.

CURTIS FARRAR,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.75-4035 Filed 2-12-75;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 8]

SUMMIT INSURANCE COMPANY OF NEW YORK

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to Summit Insurance Company of New York, Houston, Texas, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective February 4, 1975. The company was last listed as an acceptable surety on Federal bonds at 39 FR 26369, July 18, 1974.

The company agreed to be placed in voluntary rehabilitation under the New York State Insurance Department on February 4, 1975. Information obtained from the Insurance Department and the company indicated that a regular examination by State examiners had disclosed that the company was in serious financial difficulty. The company's latest financial statement reflected a substantial amount of surplus as of September 30, 1974, and gave no indication of any significant adverse trend in underwriting results. The cause of the difficulty is still under examination.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Summit Insurance Company of New York. Claims against the company should continue to be prepared in the usual manner, and, in the future, forwarded to:

Mr. James W. Dowling,
Special Deputy Superintendent of Insurance,
New York Insurance Department,
116 John Street,
New York, New York 10038.

Dated: February 7, 1975.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-4056 Filed 2-12-75;8:45 am]

Office of Revenue Sharing

ENTITLEMENT DATA

Procedure for Improvement

The data used by the Office of Revenue Sharing in calculating the initial revenue sharing allocations for units of local government pursuant to the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512, 31 U.S.C.A. Chapter 24) for the sixth entitlement period (July 1, 1975 through June 30, 1976) will be mailed to each recipient government on February 14, 1975. The collective data for all of the units of local government used in the initial allocations for the sixth entitlement period will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 after April 22, 1975.

These data have been compiled by the Bureau of the Census and the Bureau of Indian Affairs. Definitions of each data element are provided in this notice. This is the first time that the data elements of population and per capita income have been updated beyond the 1970 Census. The population and per capita income relate to 1973 and 1972, respectively.

Each recipient government will receive either a Form 3233 or a Form 3240. Only those governments in areas declared major disaster areas since April 1, 1974 under the Disaster Relief Act of 1974 (Pub. L. 93–288, 42 U.S.C. Chapter 58) and whose Fiscal Year 1974 adjusted taxes and/or intergovernmental transfers were possibly adversely affected by the major disaster will receive Form 3240. These local governments, in order to be eligible for the data stabilization benefit of that Act, which allows them to use their predisaster data figures for adjusted taxes and/or intergovernmental transfers rather than their post-disaster figures, are required to certify that both or either of their 1974 adjusted taxes and intergovernmental transfers were adversely affected by the disaster. Such certification must be received in the Office of Revenue Sharing by March 14, 1975.

All other recipient governments will receive Form 3233. If a recipient government believes that there are errors in this data, relative to these definitions and effective dates, they should so inform the Office of Revenue Sharing in writing and by returning Form 3233 with evidence and documentation to fully justify the proposed corrections of data. Governments which receive Form 3240 will also have the opportunity to question all their data elements by returning Form 3240 with evidence and documentation to fully justify the proposed corrections to this data. Form 3233 or Form 3240 and supporting justifications must be received by the Office of Revenue Sharing on or before March 14, 1975 in order that corrections to data elements may be used in determining initial sixth entitlement period allocations.

Governments which receive Form 3233 and which do not wish to question their data are requested not to return the form. Governments which receive Form 3240 and which do not wish to question their data or provide a disaster certification are requested not to return the form.

The data of record in the Office of Revenue Sharing for those local governments, which do not respond by March 14, 1975 will be used to calculate their initial allocation for the sixth entitlement period. In the case of those local governments sent Form 3240, the post-disaster data of record in the Office of Revenue Sharing will be considered valid for those governments for which the Office of Revenue Sharing has not received a disaster certification by March 14, 1975.

Upon receipt of any written response from a recipient government the Office of Revenue Sharing will, as timely as practicable, work with the Bureau of the Census, or the Bureau of Indian Affairs, as the case may be, to substantiate or correct all data questioned and advise the recipient government of its findings. Those findings will constitute final administrative action for purposes of giving recipient governments standing to obtain judicial review of the questioned data.

In order to assure equitable treatment of each recipient, the books will be kept

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open until all evidence and documentation received in the Office of Revenue Sharing on or before March 14, 1975, have been reviewed and data determined to be erroneous have been corrected.

Dated: February 11, 1975.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

I. POPULATION

POPULATION OF COUNTIES, CITIES, TOWNS, AND TOWNSHIPS

The *population* of a unit of government for revenue sharing purposes is the resident population as of July 1, 1973 as determined by the Bureau of the Census. The July 1, 1973 estimates of population were derived by the Bureau of the Census using a component procedure whereby components of population *change* are estimated separately and then added to the enumerated 1970 census populations of the units of local government. The population base reflects all population corrections made to the data after the initial Bureau of the Census publication as well as changes due to new incorporations, disincorporations and annexations.

The components of population change are:

1. *Natural increase, i.e. the excess of births over deaths:* Annual births and deaths were compiled from State vital statistics offices supplemented by data from the National Center for Health Statistics. County statistics were available for all States. When vital statistics were not available for all areas within a county, the births and deaths for these areas were distributed proportionately on the basis of the 1970 census population.

2. Net Migration: This component of population change was estimated for each unit of government by developing a net migration rate for the period between 1970 and 1973. The net migration rate was developed by matching IRS files of 1972 tax returns and 1969 tax returns. Thus it was possible to determine for each unit of local government the number of taxpayers who did not move, or who moved in or out of the jurisdiction between 1970 and 1973. The number of those who moved in minus the number of those who moved out yields the net migration. The net migration rate of taxpayers was applied to the total population in an area.

In addition to the estimates of natural increase and net migration, adjustments were incorporated into the estimates to account for immigration from abroad, institutional inmates, members of the armed forces and college students. For all areas where special censuses were taken by the Bureau of the Census close to the July 1, 1973 estimate date, the special census counts were used in lieu of the estimates. The special census counts were adjusted to the July 1, 1973 estimate date. In several States, the subcounty estimates were also merged with estimates developed by State agencies participating in the Federal-State Cooperative Program for Local Population Estimates.

The July 1, 1973 population estimates being used for revenue sharing for counties represent the *average* of July 1, 1973 administrative record-based estimates derived by the procedure described above and July 1, 1973 estimates derived from the Federal-State Cooperative Program. The county populations were further adjusted to be consistent with State estimates published by the Bureau of the Census in *Current Population Reports* Series P-25. The population estimates for the governments in each county area were adjusted to be consistent with the county population.

The July 1, 1973 population estimates are related to boundaries as of December 31, 1973. New incorporations, disincorporations and qualifying annexations, i.e., annexations made by places with a 1973 population of at least 5,000 and for which the annexed areas include population equal to 5% or more of the annexing government's population have been recognized up through 1974.

POPULATION OF INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

The *population* of an Indian tribe or Alaskan Native village for revenue sharing purposes is the resident population as of July 1, 1973 as determined by the Bureau of Indian Affairs. For Indian tribes, the resident population is the number of Indians living within the boundaries of the tribal reservation plus the number of Indians living on trust land (including public domain allotments) adjacent to the reservation and pertaining to the tribe. The adjacent trust land may be tribally owned or individually owned. Resident non-Indian members of families with an Indian head or spouse are also included in the population estimates.

For Alaskan Native villages, the resident population is the number of Indians, Aleuts and Eskimos living within the boundaries of the village. Resident non-Alaskan Native members of families with an Alaskan Native head or spouse are also included in the population estimate.

The methodology used by the Bureau of Indian Affairs to update the 1970 population of an Indian tribe or Alaskan Native village depended on the type of accurate data that was available for that tribe or village. The types of data available varied from place to place. Two examples of the types of data used to make the July 1, 1973 population estimates are lists of residents and school enrollment data. In many cases the Bureau of Indian Affairs worked directly with the Indian tribe or Alaskan Native village to obtain the best available data.

II. PER CAPITA INCOME

The 1972 per capita income (PCI) is the estimated mean or average amount of total money income received during calendar year 1972 by all persons residing in a given political jurisdiction in April 1973. The 1972 PCI estimates are based on data from the 1970 Census, or later special censuses, and reflect corrections to the Census data which have been made since 1970.

The 1970 census PCI data were updated to 1972, based on income data from the 1969 and 1972 Federal Income tax returns and State and county income estimates prepared by the Bureau of Economic Analysis (BEA) to measure the change from 1969 to 1972.

Total money income is the sum of:
Wage or salary income.
Net nonfarm self-employment income.
Net farm self-employment income.
Social Security or railroad retirement income.
Public assistance income.
All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; Withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

COUNTY ESTIMATES

At the county level, 1972 PCI estimates were developed by carrying forward the per capita amount for each income type listed above. Census wage and salary per capita income amounts were updated using the percent change in the IRS wage and salary per exemption. For the remaining income types, the percent change in the BEA per capita amounts were used. The 1972 per capita amounts for each income type were then multiplied by the July 1, 1973 population estimates, and the resulting county income aggregates were adjusted to State income aggregates. For each county the aggregate amounts for each income type were added to get an estimated 1972 total money income which was then divided by the estimated population to derive the 1972 PCI estimate.

SUBCOUNTY GOVERNMENTAL UNIT ESTIMATES

For all townships over 1,000 population and for all municipalities over 1,000 not in townships, the updates were also developed using per capita amounts. Updated census earnings plus "other income" per capita were developed using the percent changes in IRS Adjusted Gross Income per exemption. The Adjusted Gross Income perexemption. The estimates for Social Security and public assistance were made by assuming that the 1970 census per capita amounts for these income types grew at the same rate as that for the county. The PCI for places over 1,000 population in township was assumed to grow at the same rate as that for the entire township.

The PCI estimates for governmental units of 500-999 population were computed by applying the average percent change in PCI for the county, excluding large places (population of 10,000 or more), to their 1970 census PCI. PCI estimates for governmental units of under 500 population were assumed to be equal to the average PCI of the county excluding any large places. The subcounty estimates were adjusted to the county estimates to insure conformity.

III. ADJUSTED TAXES

The adjusted taxes for a unit of local government, as derived from the General Revenue Sharing Survey conducted by the Bureau of the Census in 1974, are the total taxes of the unit of government in Fiscal Year 1974 (that government's 12-month accounting period that ended between July 1, 1973 and June 30, 1974) excluding taxes for schools and other educational purposes. A government's total Fiscal Year 1974 taxes are those which were exacted by that government and which were collected by or for that government during Fiscal Year 1974. Total general purpose taxes include:

1. Property taxes—county, municipal or township taxes levied on the value of real or personal property.

2. Sales taxes—county, municipal or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold.

Sales taxes are of two types:
a. General sales or gross receipts tax.
b. Selective sales or gross receipts tax. Examples of selective sales taxes are:
Gasoline tax.
Liquor tax.
Cigarette and tobacco tax.
Public utilities excise tax.
Amusement tax.
Hotel and motel room occupancy and meals tax.

3. Licenses, permits and other taxes—county, municipal or township taxes not included in items 1 and 2 above.

Examples of license taxes are:
Alcoholic beverage licenses.
Business privilege licenses.
Motor vehicle and operators licenses.
Hunting and fishing licenses.
Marriage licenses.
Inspection fees charged in connection with the granting or renewal of a license.
Examples of permits are:
Building permits.
Permits for a business or nonbusiness privilege.
Examples of other taxes are:
Income, payroll or earnings tax.
Mortgage transfer and recordation tax.
Severence tax.
Fee retained by a government for collecting taxes for other governments.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by the local government. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared State tax would be a five percent sales tax wholly imposed by the State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in detremining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue.

Certain sales taxes imposed by counties which meet the requirements of Section 109 (e) (2) (B) of the Revenue Sharing Act may be considered to be taxes of the units of local government within the county rather than the county government. The "Memphis Rule," as this section is called, provides for situations whereby a county government imposes a sales tax within the geographic area of local governments within the county, and then shares part or all of the applicable tax revenue with those local governments. These taxes must be transferred by the county government without specifying the purposes for which the local governments may spend the revenues. In such cases, the Governor of the State must certify to the Secretary of the Treasury that the requirements of the "Memphis Rule" are met. This certification must be made by the Governor before the beginning of the entitlement period when the "Memphis Rule" is to take effect. The taxes which are transferred by the county to the units of local government will then be considered for revenue sharing purposes to be taxes of the local governments and not the taxes of the county government.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as intergovernmental transfers.

School taxes are tax revenues of a unit of government which are allocated for school purposes. They consist of taxes levied for current operation, capital outlay and debt service including amounts collected for a governmental unit's schools by the State or a local government acting as collecting agent.

In some jurisdictions tax revenues for purposes of education are not separately identifiable because education is financed by expenditure or transfer of monies from a general fund to a school fund. If so, then the ratio of tax revenues to total revenues in such general fund multiplied by the expenditure or transfer of monies from the general fund (or similarly named fund) for education purposes is taken to be the amount of tax revenues allocable to expenses for education.

IV. INTERGOVERNMENTAL TRANSFERS OF REVENUE

Intergovernmental transfers of revenue are amounts received by a unit of government from other governments in Fiscal Year 1974 (the government's 12-month accounting period that ended between July 1, 1973 and June 30, 1974) for use either for specific functions or for general financial support. This amount is derived from the General Revenue Sharing Survey conducted by the Bureau of Census in 1974. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from sale of property or commodities, utility services to other governments, or Federal general revenue sharing entitlement funds.

[FR Doc.75-4159 Filed 2-12-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Denver Zoological Gardens, Denver, Colorado 80205, Clayton F. Freiheit, Director.

DIRECTOR (FWS/LE)
U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240

DEAR SIR: This is an application for a permit to *export* endangered species under PL 93-205.

The *Denver Zoological Gardens* seeks authority to export four (4) female Bengal tigers (*Panthera tigris*) as a *bona fide gift* to the Caracas, Venezuela Zoological Garden. These 4 animals were born in the Denver Zoo on 15 February, 1974. Attached herewith is a letter from C. Pedro Trebbau, Director of the Caracus Zoo expressing a desire to receive these animals to formulate a breeding group in the company of their single male. It is our understanding that a new zoological park is under construction in Caracas and that a large tiger exhibit is included as part of this development.

Although technically regarded as an endangered species in the wild, the Bengal tiger population in captivity appears to be secure. Volume 14 of the International Zoo Yearbook lists 451 specimens in 144 of the world's zoological collections. Of this total, 323 are listed as bred in captivity. There appears to be an overpopulation of the species developing in U.S. collections. The October issue of the American Association of Zoological Parks and Aquariums Newsletter listed 14 Bengal tigers in 6 zoos as surplus. We believe the actual number of surplus Bengal tigers at this date may approach 50 specimens. This surplus has undoubtedly developed due to restrictions on movement of the species imposed by the Endangered Species Act of 1973. The breeding population in the Denver Zoo is considered secure and consists of 2 males and 3 females, all young adults. In addition we currently have the 4 females which we seek to export, as well as 2 young cubs as yet unsexed. Our animal food budget and cage space available is not adequate to support a population of 11 tigers, thus another reason why we are seeking to export the aforementioned 4 females. We have offered these animals to other zoological collections in the U.S. and have had no interest expressed from public, non-commercial zoos.

If authority to export is granted, shipment would be accomplished by commercial air carrier in suitable crates as per IATA standards.

Further information concerning this application will be supplied upon request.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of the Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 USC 1001.

Very truly yours,

CLAYTON F. FREIHEIT,
Director.

PARQUE CARICUAO
DIRECCION DE ZOOLOGICOS, APDO. 28058
CARACAS, VENEZUELA, *October 11, 1974.*

MR. CLAYTON F. FREIHEIT
Director, Denver Zoological Gardens,
City Park, Denver, Colo. 80205

DEAR COLLEAGUE: During the last A.A.Z.P.A. Meeting I learned that you have a surplus of 0.4 Bengal tigers.

It is the fact, that in our zoo in Venezuela we have a new and excellent exhibit for Bengal tigers, and, unfortunately, only one male. As it is one of our aims to install breeding groups of felines, it would be an excellent opportunity to receive your four females for this purpose. Please be so kind as to contact the proper authorities, to obtain the export permit.

Hoping to hear from you soon, I remain,
Yours very truly,

PEDRO TREBBAU.

January 8, 1975.

DIRECTOR (FWS/LE)
U.S. Fish & Wildlife Service
U.S. Department of the Interior
Washington, D.C. 20240

Reference: FWS/LE PRT-116-X

DEAR SIR: As per your request we are herewith submitting the additional documentation from Caracas Zoo in support of our endangered species permit application to export 4 female Bengal tigers to Venezuela.

Enclosed is a letter from Dr. Pedro Trebbau, Director of Zoos. Also submitted is an architectural plan of current tiger facilities. Apparently the design of their new tiger enclosure is not far enough advanced to submit further information than that in Dr. Trebbau's letter.

Very truly yours,

Denver Zoological Gardens
CLAYTON F. FREIHEIT,
Director.

$50 check sent December 16, 1974.

MR. CLAYTON FREIHEIT,
Director,
Denver Zoological Park,
Denver, Colorado 80205

DEAR COLLEAGUE: Enclosed you will find a ground plan of our facilities for large fe-

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lines, which is working very fine. The exhibition is on natural soil, with natural plantings and contains, too, a pool. In the exhibition we have actually only one very good male bengal tiger, which, I think, would be excellent for your four females. The whole area is fenced in with a high fence with an overhang, sky open. The facilities for the leopards are closed. The area has about 322 m² (around 3466 ft.²). At the same time we are planning large exhibitions at the new site where we have already an exhibition for jaguars with complete natural surrounding, in an extension around 20,000 ft.², and something similar is planned for the bengal tigers.

I hope this information will be helpful for you.

Best regards,

PEDRO TREBBAU,
Director of Zoos.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before March 17, 1975 will be considered.

Dated: February 10, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, Fish and Wildlife Service.

[FR Doc.75-4057 Filed 2-12-75;8:45 am]

National Park Service

[Order No. 1, Amdt. 1]

SUPERINTENDENTS, ET AL., MID-ATLANTIC REGION

Delegation of Authority

Order No. 1, approved January 6, 1974, and published in the FEDERAL REGISTER of January 29, 1974 (39 FR 3694), set forth in section 2 certain authority to officers and employees. This amendment changes paragraphs (c) and (d) of section 2 to read as follows:

SEC. 2. *Delegation* • • •

(c) Regional Procurement Agent. The Regional Procurement Agent may execute, approve and administer contracts not in excess of $50,000 for supplies, equipment or services, including construction. This authority may be exercised by the Regional Procurement Agent in behalf of any office or area for which the Mid-Atlantic Regional Office serves as the field finance office.

(d) Regional Purchasing Agent. The Regional Purchasing Agent may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment or services, including constructions. This authority may be exercised by the Regional Purchasing Agent in behalf of any office or area for which the Mid-Atlantic Regional Office serves as the field finance office.

(National Park Service Order No. 77, 38 FR 8, as amended)

Dated: November 4, 1974.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region.

[FR Doc.75-4032 Filed 2-12-75;8:45 am]

Office of the Secretary

[INT FES 75-27]

FEATHERSTONE NATIONAL WILDLIFE REFUGE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for the proposed acquisition of 172 acres known as the Featherstone Marsh, Prince William County, Virginia. Acquisition of the land would allow the establishment of the Featherstone Wetlands National Wildlife Refuge.

The area consists of 112 acres of wetlands and 60 acres of upland. An original proposal of 313 acres was reduced to the present proposal due to appreciation of land values over a period of fiscal delays, since 1970. The reduced portion was entirely uplands adjacent to the marsh.

Copies of the final statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service,
John W. McCormack Post Office and Courthouse,
Boston, Massachusetts 02109.

U.S. Fish and Wildlife Service,
Office of Environmental Coordination,
Department of the Interior,
Room 2252,
18th and "C" Streets, NW.,
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: February 7, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4096 Filed 2-12-75;8:45 am]

RESIDENTIAL/COMMERCIAL TASK GROUP COMMITTEE ON ENERGY CONSERVATION NATIONAL PETROLEUM COUNCIL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Residential/Commercial Task Group of the Committee on Energy Conservation of the National Petroleum Council will meet on March 4, 1975, in the National Petroleum Council's Conference Room, 1625 K Street, NW., Washington, D.C. at 9:30 a.m. The agenda includes the following items:

1. Review of progress on preparation of a report on Phase II of the current study on the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the Nation. This study was requested by the Secretary of the Interior on July 23, 1973. Phase I of the study was completed on September 10, 1974.

2. Discussion of instructions and guidance by the Coordinating Subcommittee of the Committee on Energy Conservation regarding Phase II of the study.

3. Discussion of any other matters pertinent to the overall assignment of the Task Group.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Fran Hanavan, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343-2904.

Dated: February 10, 1975.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4042 Filed 2-12-75;8:45 am]

[INT Des 75-4]

SIGURD TO CEDAR CITY POWER TRANSMISSION LINE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement for a proposed power transmission line in southern Utah and invites your written comments March 31, 1975.

The proposal involves construction of 230 kV power transmission line between Sigurd and Cedar City, Utah. The line would supply electrical power to communities in southern Utah and tie into California Pacific Utilities power grid.

Copies are available for inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240. Telephone: (202) 343-5717

Utah State Office, Bureau of Land Management, Federal Building, 125 South State, Salt Lake City, Utah 84111. Telephone: (801) 524-5311

Cedar City District Office, Bureau of Land Management, 154 North Main, Cedar City, Utah 84720. Telephone: (801) 586-9443

A limited number of single copies may be obtained by writing the Utah State Director, Bureau of Land Management, at the above address.

FEBRUARY 4, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4030 Filed 2-12-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A135]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Stokes County, North Carolina. The Secretary has found that this need exists as a result of a natural disaster consisting of frost October 1, 2, and 3, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 4, 1975, for physical losses and November 4, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 6th day of February, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-4052 Filed 2-12-75;8:45 am]

Forest Service

MOUNTAIN HOME PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Mountain Home Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-1.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Mountain Home Planning Unit on the Boise National Forest in southwest Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Minor adverse effects from some development activities will be temporary stream sedimentation and short periods of air pollution. Recreation opportunities will receive minor modification with opportunities for solitude slightly reduced and opportunities for developed type recreation improved. The mix of uses provided for includes moderate levels of consumptive resource uses. Significant areas will remain undeveloped with options for future management remaining open.

This final environmental statement was transmitted to CEQ on February 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 3230,
12th St. & Independence Ave. SW.,
Washington, D.C. 20250.

Regional Planning Office,
USDA, Forest Service,
Federal Building, Room 4403,
324-25th Street,
Ogden, Utah 84401.

Forest Supervisor,
Boise National Forest,
1075 Park Boulevard,
Boise, Idaho 83706.

District Forest Ranger,
Mountain Home Ranger District,
282 S. 3rd West,
Mountain Home, Idaho 83647.

A limited number of single copies are available upon request to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: February 7, 1975.

VERN HAMRE,
Regional Forester.

[FR Doc.75-4095 Filed 2-12-75;8:45 am]

PALOMAR MOUNTAIN UNIT—CLEVELAND NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for the Land Use Plan, Palomar Mountain Unit, Cleveland National Forest, California, USDA-FS-R5-DES(Adm)-75-8.

The environmental statement concerns a proposed land use management plan for the 71,900 acres of National Forest land within the Palomar Mountain Unit of the Cleveland National Forest, in San Diego and Riverside Counties, California. Fourteen thousand five hundred acres within this Unit have been inventoried as "roadless"; and 16,971 acres are now included within the National Wilderness Preservation System as the Agua Tibia Wilderness. An additional 36,629 acres are proposed for designation as Special Interest Area—(Scenic). This Special Interest Area encompasses the entire 14,500 acres of inventoried "roadless" areas.

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on February 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 3230,
12th St. & Independence Ave., SW.
Washington, D.C.

Regional Forester,
U.S. Forest Service, Rm. 529,
630 Sansome St.,
San Francisco, California.

Forest Supervisor's Office,
Cleveland National Forest,
3211 Fifth Avenue,
San Diego, California.

Forest Service,
District Ranger,
732 North Broadway,
Escondido, California.

A limited number of single copies are available, upon request, from Forest Supervisor Donald Smith, Cleveland National Forest, 3211 Fifth Ave., San Diego, California.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Donald Smith, Cleveland National Forest, 3211 Fifth Avenue, San Diego, California. Comments must be received within 90 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

J. W. KOSHELLA,
Deputy Regional Forester.

FEBRUARY 7, 1975.

[FR Doc.75-3995 Filed 2-12-75;8:45 am]

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Office of the Secretary

CAPPER-VOLSTEAD ACT

Assignment of Responsibility

Pursuant to the authority contained in (5 U.S.C. 301) and Reorganization Plan No. 2 of 1953 (67 Stat. 633, 7 U.S.C. 2201, note) there is hereby established a Committee composed of the General Counsel, Chairman, the Assistant Secretary for Marketing and Consumer Services, and the Director of Agricultural Economics, whose function shall be to carry out the responsibilities assigned to the Secretary of Agriculture by section 2 of the Capper-Volstead Act (7 U.S.C. 292): *Provided*, that there is reserved to the Secretary the issuance of final orders directing associations to cease and desist from monopolization or restraint of trade. The Committee may call upon any agency of the Department to investigate facts, provide information and otherwise generally assist the Committee in performing its assigned function.

Done at Washington, D.C., this 7th day of February 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-4053 Filed 2-12-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9947; Docket No. FDC-D-526; NDA 13-217]

METAXALONE TABLETS

DRUG EFFICACY STUDY IMPLEMENTATION; CORRECTION

In FR Doc. 74-18736 appearing at page 29396 in the FEDERAL REGISTER of Thursday, August 15, 1974, the following changes are made:

1. In column 1 of page 29397, the caution statement in paragraph B.2.a. reading "'Caution: Federal law prohibits without prescription.'" is changed to read "'Caution: Federal law prohibits dispensing without prescription.'"

2. In column 1 of page 29398, the third line of the third paragraph reading "with the reference number DESI 6363," is changed to read "with the reference number RDSI 9947,".

Dated: February 3, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-4044 Filed 2-12-75;8:45 am]

Health Resources Administration

PUBLIC HEALTH AND ALLIED HEALTH PROFESSIONS GRANT PROGRAMS

Application Announcement

Notice is hereby given that the Division of Associated Health Professions, Bureau of Health Resources Development, Health Resources Administration, is now accepting applications for grants in fiscal year 1975 under authority of the Continuing Resolution (Pub. L. 93-570) for the programs listed below. Application materials are being mailed to current grantees and previous applicants who submitted proposals in fiscal year 1974, which were approved but unfunded. Other eligible institutions may request application materials by contacting immediately the Educational Development Branch, Division of Associated Health Professions, Bureau of Health Resources Development, HRA, Federal Bldg., Rm. 4C-14, 9000 Rockville Pike, Bethesda, Maryland 20014, 301-496-5697.

Program	Public Health Service Act	Application receipt deadline
Traineeships for professional public health personnel:	Sec. 312** (formerly sec. 306).	
Special Purpose [1]		Mar. 19
Short-Term [1]		(*)
Apprenticeship [2]		Mar. 19
Residency [3]		Do.
General Purpose [4]		Mar. 1
Project grants for graduate training in public health [5]	Sec. 313(a)** (formerly sec. 309(a)).	Feb. 21
Grants to schools of public health for public health training (formula grants) [6]	Sec. 313(c)** (formerly sec. 309(c)).	Mar. 1
Grants to improve the quality of training for allied health professions special improvement grants [6]	Sec. 792(b)	Mar. 14
Special projects for experimentation, demonstration, and institutional improvement [6]	Sec. 792(c)	Mar. 17
Traineeships for advanced training of allied health professions personnel:	Sec. 793	
(Advanced traineeship-long term) [8]		Mar. 21
(Grants for training institutes-short-term) [8]		Mar. 25

ELIGIBLE APPLICANTS

[1] Schools of public health and other public and nonprofit private institutions offering graduate or specialized training in public health for professional health personnel.
[2] Schools of medicine, dentistry, and public health, and other public and nonprofit private agencies with capability to provide apprenticeship training in public health for medical and dental students.
[3] Public and nonprofit private institutions offering an *approved* residency program in general preventive medicine, preventive medicine public health, or dental public health.
[4] Public and nonprofit private schools of public health accredited to award the master of public health degree.
[5] Public and nonprofit private training centers for allied health professions, as defined in sec. 795(1) of the act, and implementing regulations.
[6] Public and nonprofit private agencies, organizations, and institutions.
*To obtain application materials and deadlines for grants for public health traineeships (short-term), applicants should contact the regional health administrator, DHEW regional offices.
**Redesignated by Pub. L. 93-353.

Dated: February 7, 1975.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.75-4055 Filed 2-12-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75 028]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 4, 1974, to December 19, 1974 (List No. 27-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/93/1, lifeboat winch, Type 35G-MKII; approval is limited to mechanical components only and for a maximum working load of 7,500 lbs. pull at the drums (3,750 lbs. per fall); identified by general arrangement drawing No. W1-F-003, revision D dated March 18, 1974, and drawing list, revision E dated March 27, 1974, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective December 5, 1974. (It supersedes Approval No. 160.015/93/1 dated June 8, 1971, to provide for drawing consolidation.)

Approval No. 160.015/94/1, lifeboat winch, Type 55G-MKII; approval is limited to mechanical components only and for a maximum working load of 11,000 lbs. pull at the drums (5,500 lbs. per fall); identified by general arrangement drawing No. W1-F-002, revision E dated March 12, 1974, and drawing list, revision D dated March 21, 1974, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective December 5, 1974. (It supersedes Approval No. 160.015/94/1 dated June 8, 1971, to provide for drawing consolidation.)

Approval No. 160.015/101/0, lifeboat winch, Type 75 G, approval is limited to mechanical components only and for a maximum working load of 15,000 lbs. pull at the drums (7,500 lbs. per fall); identified by general arrangement drawing W1-F-008, revision B dated March 18, 1974 and drawing list dated March 21, 1974, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective December 6, 1974. (It supersedes Approval No. 160.015/101/0 dated September 18, 1972 to provide for drawing consolidation.)

Approval No. 160.015/103/0, Type 55 GH-MKIII lifeboat winch; approval is limited to mechanical components only and for a maximum working load of 11,000 lbs. pull at the drums (5,500 lbs. per fall); identified by general arrangement drawing No. W1-F-002-H, revision C dated March 13, 1974, and drawing list, revision B dated March 21, 1974, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective December 6, 1974. (It supersedes Approval No. 160.015/103/0 dated January 2, 1973 to provide for drawing consolidation.)

Approval No. 160.015/110/0, lifeboat winch, Type 35G-MKIII; approval is limited to mechanical components only and for a maximum working load of 7,500 lbs. pull at the drums (3,750 lbs. per fall); identified by general arrangement drawing W1-F-009, dated December 14, 1971 and drawing list dated March 27, 1974, winch attached to davit trackways, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective December 4, 1974.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/102/0, adult-non-standard cloth covered unicellular plastic foam life preserver construction in accordance with U.S. Coast Guard Specification Subpart 160.055 and Coast Guard letter, file No. 5946/160.055/102 dated February 12, 1974, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Holcombe Industries, Inc., 1602 Tacoma Way, Redwood City, California 94063, effective December 17, 1974. (It supersedes Approval No. 160.055/102/0 dated February 14, 1974.)

MARINE BUOYANT DEVICES

Approval No. 160.064/715/0, child medium, Model No. 8308, cloth covered unicellular plastic foam "Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 5, 1974.

Approval No. 160.064/716/0, adult, Model No. 8309, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 5, 1974.

Approval No. 160.064/717/0, adult, Model No. 8310, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 5, 1974.

Approval No. 160.064/718/0, adult, Model No. 8311, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 5, 1974.

Approval No. 160.064/719/0, adult, Model No. 8312, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 5, 1974.

Approval No. 160.064/720/0, child small, Model No. 8321, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 6, 1974.

Approval No. 160.064/721/0, child small, Model No. 8322, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 5, 1974.

Approval No. 160.064/727/0, adult medium, Model No. 8328, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 6, 1974.

Approval No. 160.064/728/0, adult large, Model No. 8329, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 6, 1974.

Approval No. 160.064/729/0, child medium, Model No. 8330, cloth covered unicellular plastic foam "Marine Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 6, 1974.

Approval No. 160.064/730/0, adult medium, Model No. 8331, cloth covered unicellular plastic foam "Marine Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 6, 1974.

Approval No. 160.064/731/0, adult large, Model No. 8332, cloth covered unicellular plastic foam "Marine Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 6, 1974.

Approval No. 160.064/759/0, adult X-large, Model No. SN400 or SO400, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 216, Type III PFD, manufactured by Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770, effective December 5, 1974.

Approval No. 160.064/760/0, adult large, Model No. SN400 or SO400, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 216, Type III PFD, manufactured by Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770, effective December 5, 1974.

Approval No. 160.064/761/0, adult medium, Model No. SN400 or SO400, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 216, Type III PFD, manufactured by Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770, effective December 5, 1974.

Approval No. 160.064/762/0, adult small, Model No. SN400 or SO400, cloth

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covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 216, Type III PFD, manufactured by Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770, effective December 5, 1974.

Approval No. 160.064/763/0, adult large, Model No. SN405 or SO405, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 216, Type III PFD, manufactured by Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770, effective December 5, 1974.

Approval No. 160.064/7640, adult medium, Model No. SN405 or SO405, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 216, Type III PFD, manufactured by Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770, effective December 5, 1974.

Approval No. 160.064/765/0, adult small, Model No. SN405 or SO405, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 216, Type III PFD, manufactured by Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770, effective December 5, 1974.

Approval No. 160.064/767/0, adult, Model Nos. 501, 511, 541, 551, or 521, cloth covered unicellular plastic foam "Ski Vest or Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 211, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, Arkansas 71601, effective December 5, 1974.

Approval No. 160.064/768/0, adult, Model Nos. 502, 512, 542, 552, or 522, cloth covered unicellular plastic foam "Ski Vest or Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 211, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, Arkansas 71601, effective December 5, 1974.

Approval No. 160.064/769/0, adult, Model Nos. 503, 513, 543, 553, or 523, cloth covered unicellular plastic foam "Ski Vest or Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 211, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, Arkansas 71601, effective December 5, 1974.

Approval No. 160.064/770/, adult, Model Nos. 504, 514, 544, 554, or 524, cloth covered unicellular plastic foam "Ski Vest or Fishing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 211, Type III PFD, manufactured by Himalayan Industries, Inc., 301 Mulberry Street, Pine Bluff, Arkansas 71601, effective December 5, 1974.

Approval No. 160.064/775/0, adult, Model No. SSV–160, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, 30th & Division Streets, P.O. Box 1498, St. Cloud, Minnesota 56301, effective December 5, 1974.

Approval No. 160.064/776/0, adult, Model No. SSV–165, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, 30th & Division Streets, P.O. Box 1498, St. Cloud, Minnesota 56301, effective December 5, 1974.

Approval No. 160.064/777/0, adult, Model No. 202, cloth covered kapok and unicellular plastic foam "Kapok and Plastic Foam Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. Williams Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 5, 1974.

Approval No. 160.064/780/0, child medium, Model No. 942 CM, cloth covered unicellular plastic foam "Canoe Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 209, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, for Grumman Boats, Marathon, New York 13803, effective December 6, 1974.

Approval No. 160.064/781/0, child medium, Model No. 943 JR, cloth covered unicellular plastic foam "Canoe Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 209, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, for Grumman Boats, Marathon, New York 13803, effective December 6, 1974.

Approval No. 160.064/782/0, adult medium, Model No. 944 M, cloth covered unicellular plastic foam "Canoe Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 209, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, for Grumman Boats, Marathon, New York 13803, effective December 6, 1974.

Approval No. 160.064/783/0, adult large, Model No. 945 L, cloth covered unicellular plastic foam "Canoe Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 209, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, for Grumman Boats, Marathon, New York 13803, effective December 6, 1974.

Approval No. 160.064/784/0, adult X-large, Model No. 946 XL, cloth covered unicellular plastic foam "Canoe Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 209, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, for Grumman Boats, Marathon, New York 13803, effective December 6, 1974.

Approval No. 160.064/795/0, adult small, Model No. SCS, cloth covered unicellular plastic foam "Buoyant Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, factory location: Dakota Industries, Inc., P.O. Box 932, Hwy. I–29 S. at Tea Interchange, Sioux Falls, South Dakota 57101, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective December 5, 1974.

Approval No. 160.064/796/0, adult medium, Model No. SCM, cloth covered unicellular plastic foam "Buoyant Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, factory location: Dakota Industries, Inc., P.O. Box 932, Hwy. I–29 S. at Tea Interchange, Sioux Falls South Dakota 57101, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective December 5, 1974.

Approval No. 160.064/797/0, adult large, Model No. SCL, cloth covered unicellular plastic foam "Buoyant Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, factory location: Dakota Industries, Inc., P.O. Box 932, Hwy. I–29 S. at Tea Interchange, Sioux Falls, South Dakota 57101, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylanvia 18407, effective December 5, 1974.

Approval No. 160.064/798/0, adult X-large, Model No. SCXL, cloth covered unicellular plastic foam "Buoyant Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, factory location: Dakota Industries, Inc., P.O. Box 932, Hwy. I–29, S. at Tea Interchange, Sioux Falls, South Dakota 57101, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective December 5, 1974.

Approval No. 162.001/239/0, Style HCA–MS–67W alloy steel body, pop safety valve, nozzle type, exposed spring fitted with spring cover, 1500 p.s.i. primary service pressure rating, 900° F. maximum temperature with welded inlet or standard inlet flange; 1050 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", flanged valve styles have letter "W" deleted from style designation, manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts 02093, effective December 12, 1974. (It supersedes Approval No. 162.001/239/0 dated January 5, 1973.)

Approval No. 162.001/240/0, Style HCA–MS–68W alloy steel body, pop safety valve, nozzle type, exposed spring fitted with spring cover, 995 p.s.i. primary service pressure rating, 1050° F. maximum temperature with welded inlet or standard inlet flange; 595 p.s.i. primary service pressure rating, 1050° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", flanged valve styles have letter "W" deleted from style designation, manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts 02093, effective December 12, 1974. (It supersedes Approval No. 162.001/240/0 dated January 5, 1973.)

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/17/1, Kompolite Plastic Composition Flooring magnesite deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–88; FR 1978 dated July 1, 1942, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾-inch thickness, manufactured by The Marbleloid Corporation, 2515 Newbold Avenue, Bronx, New York 10462, formerly Kompolite Products Company, Inc., effective December 4, 1974. (It reinstates and supersedes Approval No. 164.006/17/0 terminated August 4, 1972, with change of name and address of manufacturer.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/31/1, "Johns-Manville Marine Acoustical Unit", incombustible material in accordance with Johns-Manville Sales Corp. letter dated April 5, 1971, in 1⅜- through 2⅜-inch thickness, manufactured at Nashua, New Hampshire and Waukegan, Illinois, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective December 19, 1974. (It supersedes Approval No. 164.009/31/1 dated August 2, 1972 to show change of place of manufacturer.)

Approval No. 164.009/82/2, "Ultrafine CG #1 through CG #7, fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2120: FR3651 dated June 7, 1965, and TG10210–2122: FR3653 dated September 17, 1965, approved in a range from ½ through 3 pounds per cubic foot density, CG #7 can be molded in hollow cylindrical places for insulation purposes, product manufactured at Plant #7, 3031 Fiberglas Road, Kansas City, Kansas 66115, Mountaintop, Pennsylvania Plant, Crestwood Industrial Park, Mountaintop, Pennsylvania 18707, and Berlin, New Jersey Plant, New Brooklyn & New Freedom Roads, Williamstown Junction, New Jersey 08009, manufactured by Certain-Teed Products Corporation, CSG Group, Old Route 202, Eagle School Road, Valley Forge, Pennsylvania 19481, effective December 16, 1974. (It supersedes Approval No. 164.009/82/1 dated November 5, 1974 to show modification for use of material.)

Approval No. 164.009/164/0, Marine Veneer, Colored Marine Veneer, Dekeran, and Textured Dekeran, plain or perforated, inorganic heavy density sheets as described in Johns-Manville letter of April 25, 1973, manufactured at Nashua, New Hampshire and Waukegan, Illinois, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective December 19, 1974. (It supersedes Approval No. 164.009/164/0 dated June 10, 1974 to show change of place of manufacturer.)

Dated: February 8, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.75–4067 Filed 2–12–75;8:45 am]

[CGD 75 018]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from April 25, 1973 to December 17, 1974 (List No. 26–74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 and 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

MARINE BUOYANT DEVICES

The Charles Ulmer, Inc., 175 City Island Avenue, City Island, New York 10464, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/5/0 and 160.064/6/0 were therefore terminated effective November 13, 1974.

LIGHTS (WATER); ELECTRIC FLOATING, (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS

The Neo-Flasher Electronics, Inc., 11975 Sherman Road, North Hollywood, California 91605, no longer manufactures in conformance with the approved drawings certain floating electric water lights and approval No. 161.010/2/1 was therefore terminated effective December 4, 1974.

SAFETY VALVES (POWER BOILERS)

The Ashton Valve Company, Wrentham, Massachusetts 02993, Approval No. 162.001/219/0 expired and was terminated effective April 24, 1974.

RELIEF VALVES

(HOT WATER HEATING BOILERS)

The Bell & Gossett Company, 8200 North Austin Avenue, Morton Grove, Illinois 60053, Approval No. 162.013/34/0

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expired and was terminated effective April 25, 1973.

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

The Bastian-Blessing Company, 4201 W. Peterson Avenue, Chicago, Illinois 60646, Approval Nos. 162.019/17/0 and 162.019/18/0 expired and were terminated December 17, 1974, Approval Nos. 162.019/22/0 and 162.019/23/0 expired and terminated December 15, 1974 and Approval Nos. 162.019/32/0 and 162.019/33/0 expired and were terminated effective December 16, 1974.

Dated: February 6, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-4065 Filed 2-12-75;8:45 am]

[CGD 75 027]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period of January 2, 1975 (List No. 28-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (46 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

The H & M Packing Corporation, 2840 North Naomi Street, Burbank, California 91504, no longer manufactures certain containers for emergency provisions and Approval Nos. 160.026/18/1, 160.026/21/2, 160.026/32/1, and 160.026/42/0 were therefore terminated effective January 2, 1975.

Dated: February 6, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-4066 Filed 2-12-75;8:45 am]

Federal Highway Administration

WALT WHITMAN AND BENJAMIN FRANKLIN BRIDGE TOLLS

Schedule of Rates

By an order of the Federal Highway Administrator on December 21, 1973, and in consideration of the impending fuel crisis and other issues of public interest which produced a "serious and substantial change of circumstances since the 1972 toll hearing in this matter," the Administrator's opinion of November 5, 1973, which prescribed a new schedule of rates of tolls to be charged for transit over the bridges operated by the Delaware River Port Authority was stayed. The December 21, 1973, opinion, established, effective January 1, 1974, the toll schedule annexed as Appendix A to the December 21, 1973, order as the schedule of tolls to be demanded and received for transit over all bridges which the Delaware River Port Authority operates.

The December 21, 1973, order placed the new schedule into effect on an interim basis and reopened the administrative proceedings so that evidence bearing on the justness and reasonableness of the new toll schedule in light of the energy crisis could be adduced. Hearings on the new toll schedule were held before the Honorable Edward V. Alfieri, Administrative Law Judge, in Philadelphia, Pennsylvania, On April 23, 24, and 25, 1974. Judge Alfieri, after considering the record produced at that hearing and the briefs filed by all parties, issued a decision on October 16, 1974, finding the toll schedule set forth in Appendix A to the Federal Highway Administrator's opinion issued December 21, 1973, to be unjust and unreasonable, and further recommending that the toll schedule prescribed in the opinion of November 5, 1973, and more specifically set forth in Schedule H of said opinion as the tolls to be charged effective January 1, 1974, on the interstate bridges operated by the Delaware River Port Authority. Schedule H, in effect, reinstated the April 1, 1972, toll schedule.

The Administrator has carefully reviewed the record produced at the April 1974 hearings, and finds that the record produced is insufficient and does not present, because of subsequent events, full information upon which the justness and reasonableness of the present toll schedule can be adjusted. The Administrator has found, from the monthly reports of the Delaware River Port Authority, voluntarily submitted to the Federal Highway Administration, that on June 15, 1974, subsequent to the hearings the Authority issued $47 million in refunding bonds. This fact would certainly have the effect of altering the debt service requirements of the Authority, the precise nature of which is essential to the process of determining the reasonableness or justness of tolls in this case. The Administrator does not know the precise details of the new issuances. The Administrator has not been officially made aware of this issuance nor has the details of this bond issue been offered as an amendment to this record. The Administrator takes note of the fact that three refunding plans were discussed at the April 1974 hearings and that so-called plan number II calling for the issuance of $50,000,000 to be raised through three separate bond issues was approved by the Finance Committee of the Port Authority and the inference is given by the testimony of Mr. Jones, Investment Counselor, that the entire Authority had in fact approved the new plan II. (Page 107, Volume 2.) Further, Mr. Auchter, Director of Finance and Treasurer of the Authority, stated that in the April Port Authority meeting, the Commissioners approved a refunding program of the existing $40 million serial bond issue (page 94, Volume I). The Administrator takes note of the fact that these plans were introduced into evidence on cross-examination by public counsel, and was not submitted into the record by the Authority. Whether these plans reflect what was actually issued in June, the Administrator does not know.

Needless to say, and as pointed out previously, it has now come to the attention of the Administrator that refunding bonds were issued in June of 1974 which changes the financial structure of the Authority. Facts have occurred subsequent to the hearings which might affect the outcome, and the Administrator is aware that the law permits an administrative agency, in its discretion, to adhere strictly to the record produced at the hearing and not reopen the record for the introduction of evidence of the subsequent events. *Bowman Transportation Inc.* v. *Arkansas—Best Freight Systems, Inc.*, 95 Sup. Ct. Rep. 438 (1974). Nevertheless, the Administrator feels, at the present time, that due to the importance of the matter and in a diligent effort to carry out his statutory duty, he is restricted in proceeding on the basis of the existing record to determine the reasonableness or justness of the tolls unless the new financial status of the Authority is placed in the record. Further, the Administrator reserves the right, in his discretion, to either proceed on the basis of the existing record or proceed on the basis of additional information herein requested. The Administrator, in his discretion, specifically reserves the right to reconvene the hearing, if deemed necessary. In addition, inasmuch as the April 1974 hearings were able to cover only the first 3 months of 1974 as to the traffic experience under the new toll schedule, the Administrator would be considerably aided in reaching a final decision in this

matter by the possible addition to the record of certain other information reflecting on the calendar year 1974 revenues and expenditures, and on the Authority's projected budget for 1975.

In consideration thereof, the Administrator is considering reopening the record and directs the Delaware River Port Authority to submit to the Administrator within 10 days of the service of this order the following documents:

(1) The 1974 official statement of the Delaware River Port Authority authorizing the issuance of refunding bonds in 1974.

(2) The financial statement of the Authority for the calendar year 1974, including toll revenues by classes of vehicular traffic.

(3) Traffic counts for calendar year 1974 by toll classes of vehicles.

(4) The Authority's 1975 proposed budget.

Upon receipt of these documents, the Administrator will label the documents for identification purposes and transmit said documents to all parties of record to this proceeding, including the Delaware River Port Authority, and said parties may within 20 days of receipt of such documents, submit to the Administrator, with service on the other parties of record: (1) Objections; (2) Comments and briefs concerning the documents; and/or (3) Petitions for a hearing.

After receipt of the objections, comments or petitions, the Administrator will further consider reopening the record for inclusion of the additional information into the official record of the proceeding and notify the parties of his findings. Thereafter, the Administrator will proceed with his determination as to the reasonableness and justness of tolls to be charged for the transit of vehicles over the bridges operated by the Delaware River Port Authority.

The Administrator, at this time, feels compelled to comment on an aspect of this proceeding that is particularly disturbing. It is noted that following the hearings before the Administrative Law Judge in April of 1974, the parties submitted briefs to the Administrative Law Judge in the latter part of June. It is sued by the Authority on June 15, 1974. The Administrator is unable to find from a review of the brief submitted by Counsel for the Authority to the Administrative Law Judge in the latter part of June, any reference to the issuance of these new bonds. Neither in the brief submitted by Counsel for the Authority in November 1974 taking exception to the Administrative Law Judge's decision of October 16, 1974, is mention made of the issuance of new refunding bonds. It is manifest that such an omission cannot be classed as inadvertent or an oversight in view of the impact new refunding bonds might have upon the financial structure of the Authority. Such omission certainly does not reflect the openness, candor and the cooperative attitude that was presented by the Authority both before and during the hearings. It is further manifest that without this information the Administrator is inhibited in carrying out his statutory duty to determine the reasonableness and justness of the tolls.

Therefore, the Administrator finds that the toll schedule as set forth in Appendix A of the December 21, 1973, opinion shall continue in effect on an interim basis so that a determination can be made as to whether the record of this proceeding is complete by the addition of the documents herein referred to and until a final decision can be issued. Further the conditions contained in the Administrator's December 21, 1973, order shall continue in effect.

Issued in Washington, D.C., on February 10, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-4091 Filed 2-12-75;8:45 am]

Federal Railroad Administration

[Doc. No. 74-3, Notice 1]

CONGRESS OF RAILWAY UNIONS

Sleeping Quarters for Railroad Employees

Notice is hereby given that the Federal Railroad Administration (FRA) is considering a petition of the Congress of Railway Unions (CRU) that the FRA institute rulemaking procedures to prohibit railroads from having or providing employee sleeping quarters less than one mile from its property or yards where switching or humping is performed. The CRU states that its petition "is intended to cover all sleeping quarters of employees provided by the carriers, including but not limited to crew quarters, camp or bunk cars, and trailers."

In its petition, CRU asserts that "it is impossible, where employees are forced to sleep in the yards, to receive the uninterrupted rest as required by the Hours of Service Act. The noise levels in yards preclude receiving this rest." FRA agrees that railroad employees cannot obtain the rest intended under the Hours of Service Act, as amended (45 U.S.C. 61-64b) and necessary for them to be able to safely carry out their duties, if they are exposed to excessive noise levels in sleeping quarters provided by their employer. However, FRA does not believe that issuance of a regulation requiring these sleeping quarters to be located at least one mile away from locations where switching or humping operations are conducted, would achieve the desired result. The noise levels from other sources at more remote locations may often be equally high or even greater than those at locations near switching operations. FRA believes that a better approach to this problem would be to prescribe maximum interior noise levels resulting from exterior noise sources and interior building sources such as heating, plumbing and air conditioning. According to Department of Housing and Urban Development Circular 1390.2 (Noise Abatement and Control: Departmental Policy, Implementation Responsibility and Standards, August 4, 1971) the interior noise levels in sleeping quarters should not exceed—

(1) 55dB(A) for more than accumulation of 60 minutes in any 24-hour period, and

(2) 45dB(A) for more than 30 minutes during night time sleeping hours from 11 p.m. to 7 a.m.; and

(3) 45dB(A) for more than an accumulation of eight (8) hours in any 24-hour day.

As used above, the term "dB(A)" means decibel values for those sound levels measured using the A-weighting network of a standardized sound level meter. The A-weighting network most closely approximates the response of the human ear to noise.

Since railroads generally operate on a 24-hour "around the clock" basis, it should be assumed that sleeping quarters for railroad employees will likewise be occupied at all times. Consequently, to assure that railroad employees receive adequate rest, it would appear that the noise level in their sleeping quarters should not exceed 45dB(A) for more than 30 minutes during any eight (8) hour period.

CRU further asserts in its petition that because of the large volume of hazardous material shipments, "the presence of sleeping quarters on the properties present an unusually grave risk of injury or death to employees." To illustrate this risk, CRU cites the accident which occurred on July 19, 1974, in the yard of the Norfolk and Western Railroad Company (N&W) at Decatur, Illinois. That accident involved an N&W restaurant-dormitory structure located between the eastbound and westbound segments of the yard system, and a switching operation which resulted in a coupler puncturing one end of a DOT-114A tank car loaded with liquefied petroleum gas. The puncture resulted in an explosion, which caused widespread damage, including destruction of the nearby N&W restaurant-dormitory structure. Seven employees in or about that structure were killed; several other employees in or about it were injured.

FRA has already taken several measures to prevent recurrence of similar accidents. On September 6, 1974, it amended the Hazardous Material Regulations to require a tank head protection device (head shield) to be affixed to each end of all DOT-112A and 114A tank cars built after August 30, 1974, used for the transportation of compressed gases and to require previously built DOT-112A and 114A tank cars used for the transportation of compressed gases to be equipped with protective head shields by January 1, 1978.

On October 25, 1974 FRA exercised its emergency powers under section 203 of the Federal Railroad Safety Act of 1970 (49 U.S.C. 432) by issuing Emergency Order No. 5 (38 F.R. 38230) which imposed certain restrictions on handling uninsulated DOT-112A and 114A tank cars not equipped with head shields while these cars are transporting flammable compressed gas. Emergency Order No. 5 prohibits the uncoupling or cutting off of these cars while they are in motion, the

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striking of these cars by other cars moving under their own motion, and the coupling of these cars with more force than is necessary to complete the coupling. In addition, the order requires that the shipping papers for these cars carry the notation: "DOT-112A" or "DOT-114A" and "must be handled in accordance with FRA E.O. No. 5" and that railroad employees be informed of the presence of these cars and instructed to handle them in accordance with the requirements of this order.

Interested parties are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the proceeding (FRA Rulemaking Petition Docket No. 74-3) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590. Communications received prior to April 1, 1975, will be considered before action is taken on this petition.

This petition and all comments received will be available for examination by interested persons at any time during normal business hours in Room 5101, Nassif Building, 400 7th Street SW., Washington, D.C.

FRA requests specific advice on the following points:

1. Should the FRA prescribe noise level standards for sleeping quarters that railroads provide or make available to their employees?

2. Should these noise level standards apply only to sleeping quarters in railroad owned or operated lodging or should they also apply to hotels, motels, and rooming houses?

3. What should be the maximum allowable noise level in these sleeping quarters?

4. Should these noise level standards apply to sleeping quarters used by employees subject to the Hours of Service Act? Should it also apply to sleeping quarters used by other railroad employees?

5. What means are available to reduce noise levels in sleeping quarters? What are their relative costs and effectiveness?

6. Should sleeping quarters for railroad employees be prohibited within one mile of locations where switching or humping operations are performed? What impact would this prohibition have on existing sleeping quarters? Would the safety benefit of this prohibition justify the monetary cost of compliance to railroads which would ultimately be borne by the public?

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431 and § 1.49(n) of Regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(n).

Issued in Washington, D.C. on February 10, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-4107 Filed 2-12-75;8:45 am]

[Doc. No. RSFC-74-3]

FREIGHT CAR SAFETY STANDARDS

Waiver Petition

The Great Western Railroad Company (GW) has petitioned the Federal Railroad Administration (FRA) for permanent exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 175 freight cars. The cars are equipped with cast iron wheels whose use was prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

The cars covered in the petition include 164 gondolas, 8 tank cars and 3 cabooses. The cars all bear GW reporting marks and bear various numbers in the series between 27 and 446 for the gondolas, 501 and 519 for the tank cars and 1006 and 1009 for the cabooses.

The cars are not interchanged and operate solely within the State of Colorado. The gondolas are used exclusively to haul sugar beets between the months of October and January each year. The tank cars are used throughout the year to transport molasses.

Petitoner notes the cars operate only over its trackage which consists of only 58 miles of main line and at a maximum speed of 35 miles per hour. The records of the GW also reflect no reportable accidents due to the failure of these cars over the past ten years.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to February 28, 1975. All communications concerning this petition should identify the appropriate docket number (FRA Waiver Petition Docket Number RSFC-74-3) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before March 15, 1975 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C. on February 10, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-4108 Filed 2-12-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-8; Notice 1]

KOEHRING CO.

Petition for Temporary Exemption

Koehring Company of Milwaukee, Wisconsin, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, Air Brake Systems, on the basis that compliance would cause it substantial economic hardship.

In 1974 Koehring manufactured 362 vehicles that are considered "motor vehicles" under the National Traffic and Motor Vehicle Safety Act of 1966. These are trucks, primarily hydraulic excavators and crane carriers manufactured by its Bantam Division. The company requests an exemption until December 1, 1976. It "has been aggressively seeking suppliers for the axles required to meet FMVSS-121 without success since the fall of 1973." The cause of the delay is the concentrated effort of suppliers on high volume items rather than on specialized low-production equipment. The company believes that axles for its hydraulic excavators will be delivered by September 1, 1975, and for its 18-ton cranes a year later. The exemption period will allow Koehring also to conduct customary testing after initial delivery of the axles to insure that production models fully conform and that no defects exist. Denial of the exemption would cause the company substantial economic hardship in that it would have to cease production of the vehicles concerned until conforming parts were available. In the interim the demand for such specialized vehicles might be met by the company's competition. The denial would also result in a lay-off of Koehring workers causing "great hardship on the Bantam Division employees and on the small community of Waverly, Iowa where Bantam Division is located".

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on the subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Koehring Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comments closing date: February 24, 1975.

Proposed effective date: March 1, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on February 11, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-4216 Filed 2-11-75;3:56 pm]

[Docket No. Ex 75-7; Notice 1]

RITE-WAY INC. OF INDIANA

Petition for Temporary Exemption

Rite-Way Inc. of Indiana, of Fort Wayne, Indiana, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, Air Brake Systems, on the basis that compliance would cause it substantial economic hardship.

Rite-Way manufactured 70 motor vehicles (ready-mix trucks) in 1974. It requests an exemption from Standard No. 121 for three years. The company is a wholly owned subsidiary of Moran Tank Company, which acquired it in 1972 when Rite-Way was operating under the Federal Bankruptcy Act. Shortages of parts and the state of the economy forced Rite-Way to file for reorganization under Chapter XI of the Act in November 1974. Efforts to interest suppliers in providing prototype components to a small-volume producer have resulted in delays to programs intended to implement Standard No. 121. The company's financial state caused it to close its truck manufacturing facility in Natchez, Mississippi, leaving it with an inventory of parts worth almost $85,000 that have been obsoleted by the advent of Standard No. 121. The 3-year exemption period would allow it to exhaust the inventory and phase in the new standard on an orderly basis. The company had a net income of only $125,000 in the fiscal year ending July 31, 1974. Between then and November 25, 1974, the company had a net loss of $250,000. The company intends to conform by the end of the exemption period.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Rite-Way described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comments closing date: February 24, 1975.

Proposed effective date: March 1, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on February 11, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-4217 Filed 2-11-75;3:56 pm]

YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On March 1-2, 1975, the Youth Highway Safety Advisory Committee will hold an open meeting at The Atlanta Town House Motor Inn, 100 Tenth St., NW, Atlanta, Georgia. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9:30 a.m. to 4:30 p.m. on March 1, 1975 and from 9:30 a.m. to 3:30 p.m. on March 2, 1975. The agenda is as follows:

Presentation by Regional Administrator, Region IV.
Presentation by Governor's Representative for Highway Safety, State of Georgia.
Discussion of Committee's Public Education Effort (Speakers Bureau).
Discussion on Driver Education Manual.
Discussion on data collected in Alcohol Research Project.
Report on Resolutions.
Regional Reports and Future Plans.
Meeting with American Driver and Traffic Safety Education Association.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

Issued on February 10, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-4064 Filed 2-12-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON COMPLIANCE AND ENFORCEMENT PROCEEDINGS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States, to be held at 10 a.m., on March 12, 1975 in the offices of the Administrative Conference of the United States, 2120 L. Street NW., Washington, D.C. 20037.

The Committee will meet to consider a report and recommendation by Professor Jan Vetter on Affirmative Action Procedures in University Faculty Employment and any other new business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may if he deems it appropriate permit members of the public to present oral statements at the meetings; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw, (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

FEBRUARY 7, 1975.

[FR Doc.75-3994 Filed 2-12-75;8:45 am]

COMMITTEE ON LICENSES AND AUTHORIZATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Licenses and Authorizations of the Administrative Conference of the United States, to be held at 11 a.m., March 13, 1975 in the offices of the University Club, 1135 16th Street NW., Washington, D.C.

The Committee will meet to consider Licensing Decisions of Federal Banking Agencies.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William Francis Murphy, Staff Liaison, (phone 202-254-7038). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

FEBRUARY 6, 1975.

[FR Doc.75-4094 Filed 2-12-75;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket 27454, Docket 23080–2, Order 75–2–38]

AIR NEW ENGLAND, INC.

Temporary Priority and Nonpriority Domestic Service Mail Rates—Phase 2

By Order 75–1–118, dated January 29, 1975, the Board directed all interested persons, and particularly Air New England, Inc. and the Postmaster General to show cause why the Board should not make Air New England a party to Docket 23080–2, and establish as temporary service mail rates for Air New England, effective with the commencement of its certificated services, the temporary rates established in Docket 23080–2.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision by the Board.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302 and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(g):

It is ordered, That, 1. The petition filed by Air New England, Inc., on January 13, 1975, in Docket 23080–2 is hereby dismissed.

2. An investigation is hereby instituted to determine the fair and reasonable rates to be paid by the Postmaster General to Air New England, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over Air New England's entire system on and after the date of commencement of services by Air New England, Inc., pursuant to the certificate of public convenience and necessity issued by the Board.

3. The investigation instituted herein is consolidated into Docket 23080–2, and Air New England is made a party to Docket 23080–2.

4. On and after the date of commencement of certificated air transportation by Air New England, Inc., the fair and reasonable temporary rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, to Air New England, Inc., for operations between points which it presently or hereafter is authorized to carry mail by its certificates of public convenience and necessity are the temporary rates established in Docket 23080–2.

5. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment, commencing with the date of inauguration of services by Air New England, Inc., pursuant to its certificate of convenience and necessity, as may be required by the order establishing final service mail rates in Docket 23080–2.

6. This order shall be served upon the Postmaster General and Air New England, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

FRANK R. CHABOT,
Chief, Government Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–4102 Filed 2–12–75;8:45 am]

[Docket 26332]

JOHNSON FLYING SERVICE, INC.

Enforcement Proceedings

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on March 19, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., February 7, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–4100 Filed 2–12–75;8:45 am]

[Docket 25280, Order 75–2–39, Agreement C.A.B. 24942]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 29, 1975.

Specific commodity item No.	*Description and rate*
1407--------	Floral and Nursery Stock and Seeds, N.E.S., excluding cut flowers 109 cents per kg., minimum weight 1,000 kgs. From Copenhagen to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *it is ordered*, That:

Agreement C.A.B. 24942 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–4101 Filed 2–12–75;8:45 am]

[Docket 26487; Order 75–2–3]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Order Fixing Temporary Rate and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office is Washington, D.C. on the 3rd day of February 1975.

By Order 74–11–47, dated November 11, 1974, the Board directed the parties to show cause why the Board should not establish for the period on and after March 8, 1974, the temporary international mail rates proposed therein.[1]

[1] The Board proposed to increase the transatlantic, transpacific, and Latin American temporary mail rates by 26.96 percent, 14.96 percent, and 49.56 percent, respectively. In addition, the Board proposed to increase the temporary military ordinary mail (MOM) rate by 42.56 percent and the space-available mail (SAM) rate by 26.86 percent. These proposed increases were based upon the temporary rates in effect prior to March 8, 1974; i.e., exclusive of the 18.86 percent fuel surcharge effective March 8, 1974, which was finalized by the Board in Order 74–10–125, dated October 24, 1974.

Notices of objection and answers to the show cause order were filed by the Postal Service and the Department of Defense (DOD).[2] Generally, the Postal Service objects to the proposed increases in temporary rates for the transatlantic, transpacific, Latin American rate areas, and the increase in the temporary rate for MOM, while the objection of DOD is limited to the proposed level of the MOM temporary rate. In view of these objections new temporary rates for each of these categories of mail are proposed herein. However, there have been no objections raised to the proposed temporary rate for SAM and, accordingly, that rate will be established herein.

The Postal Service maintains that the Board has failed to justify the proposed rates adequately, which it is required to do by statute. The Postal Service further submits that, although the Board has agreed with the Postal Service that temporary mail rate levels should not exceed common economic costs (CEC) per revenue ton-mile (RTM),[3] the Board has offered no independent justification for setting temporary rates at the CEC per RTM level as proposed in Order 74–11–47. Indeed, the Postal Service contends that the Board simply cannot justify temporary rates set at these levels, since final rates will undobtedly fall below CEC per RTM.[4] In addition, the Postal Service alleges that the Board's proposed MOM rate is excessive and points out that the rate is almost equal to the proposed transpacific rate even though MOM is not priority traffic.[5] However, the Postal Service has developed ceilings for the transatlantic, transpacific, and Latin American rates based upon the CEC per RTM for the final quarter of fiscal year 1974. The Postal Service asserts that, if the Board can justify the setting of temporary rates at maximum levels, these ceilings represent the highest level at which temporary rates should be established.

On December 6, 1974, Pan American filed a reply to the answers of the Postal Service and DOD.[6] Essentially, Pan American believes that the Postal Service seeks only to substitute its own calculations of CEC per RTM as the maximum level for fair and reasonable temporary rates. In addition, Pan American disputes the contention of the Postal Service that the level of CEC per RTM represents maximum rate levels and maintains that such costs do not consider items such as priority and directionality. However, Pan American states that, since it has an urgent need for the increased revenues to be provided by an increase in temporary mail rates, it will, in order to expedite this proceeding, accept on a temporary basis transpacific, transatlantic, and Latin American rates established at the levels set forth in the answer of the Postal Service and MOM rates set at the levels proposed by the Postal Service adjusted for the 13.36 percent fuel surcharge. Pan American states that it has been authorized by the Postal Service to represent that the latter would not object to the disposition of the issues raised in its answer by establishing these temporary rates.

Upon review of these pleadings and all other relevant matters, particularly the apparent agreement at least among some of the parties,[7] and the temporary nature of the rates, the Board has tentatively determined that the fair and reasonable temporary rates to be paid the carriers on and after March 8, 1974, for the transportation of military ordinary mail and all other mail by aircraft, the facilities used and useful therefor, and the services connected therewith, are as follows: 29.38 cents per ton-mile for MOM; 37.97 cents per ton-mile for transatlantic mail; 33.9 cents per ton-mile for transpacific mail; and 52.95 cents per ton-mile for Latin American mail. As previously noted, the Board's proposed temporary rate for space-available mail of 16.5 cents per ton-mile will be established herein, since no party objected to that rate.

The Postal Service is incorrect in stating that the Board did not conduct its own analysis; we analyzed the Pan American and Postal Service cost presentations and tentatively found them reasonable for temporary rate purposes as adjusted by the Board. These matters are discussed in detail in Order 74–11–47. Now the Postal Service offers further adjustments and refinements with which Pam American agrees, and the Board again tentatively finds the results to be reasonable for the purpose of establishing temporary mail rates pending completion of the formal proceeding which is now under way.[8] Even after formal hearing, the final mail rates which are to be established cannot be determined with absolute exactness, but only within a range of reasonableness. Thus, there is even a greater latitude in establishing temporary rates which may later be adjusted on the basis of an evidentiary hearing. This being so, no useful purpose would be served by subjecting the parties to a separate formal proceeding to establish temporary rates on the basis of the objections filed in response to Order 74–11–47. We therefore propose by this order to establish new temporary rates at the levels Pan American has stated are agreeable to the Postal Service. In doing so, we again emphasize that these are only temporary rates and are necessarily based on the data currently at hand and on a methodology that is reasonable for this purpose. There is no way of determining at this time whether the final rates to be established after hearing will be higher or lower than these proposed temporary rates. Certainly, the facts and the issues to be considered are not necessarily governed by policies adopted by the Board in cases involving domestic service mail rates. For example, the effect of directionality is not a factor in establishing domestic rates, and the evidence developed on the record may lead to entirely different conclusions as to the proper methodologies to be utilized for the various cost allocations. Also there could be variances in the application of density and/or priority factors.[9] Further, the Board will have to take into consideration the elements required by Section 4 of the International Air Transportation Fair Competitive Practices Act of 1974, recently passed by the Congress.[10] The effect of all these issues on the final rates is not determinable at this time, but based on the information that is available we tentatively find that the temporary rates proposed herein are reasonable.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, and 406 thereof, and the regulations promulgated in 14 CFR Part 302;

It is ordered, That: 1. The motions of Pan American World Airways, Inc., and Braniff Airways, Inc., to file otherwise unauthorized documents are hereby granted, and the replies of these carriers are accepted;

2. The fair and reasonable temporary rates of compensation to be paid to the carriers by the Postmaster General for

[2] The Flying Tiger Line Inc. (FTL), Pan American World Airways, Inc. (Pan American), and the Department of Transportation (DOT) filed responsea to the show-cause order indicating that, although they believed the proposed increases were inadequate, they would not object to the proposed rates.

[3] Common economic costs are those costs common to all traffic which exclude passenger service, promotion and sales, and associated general and administrative costs. These costs also include return and taxes and are computed on the basis of average costs per revenue ton-mile.

[4] The Postal Service believes that in setting final rates, a substantial portion of capacity costs will be allocated to passenger service and portions of the investment base will not be recognized for mail rate purposes.

[5] DOD makes these same contentions but indicates that it would not object to a rate which would compensate the international U.S.-flag carriers for their true increased costs.

[6] Braniff also filed a reply, dated December 6, 1974, to the answer of the Postal Service. Each reply was accompanied by a motion for leave to file an otherwise unauthorized document, and the motions will be granted herein.

[7] It should be noted that the Board has in the past given great weight to agreements between the Postal Service and the carriers in establishing mail rates. See, *e.g.*, Order 68–9–9, dated September 4, 1968, and 69–10–149, dated October 30, 1969.

[8] Procedural dates have been established. See Prehearing Conference Report served December 10, 1974.

[9] We would also note that, while the Postal Service contends that the investment for mail is overstated, it has utilized Pan American's fiscal year 1973 investment which is an understatement of current system investment. However, a more definitive costing and final resolution of the many complex issues in this investigation can only be accomplished through the formal hearing process. Our analysis and the methodologies adopted herein under the preset circumstances are reasonable for the purposes of establishing temporary mail rates.

[10] The President signed the Act into law on January 3, 1975.

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the transportation by aircraft, the facilities used and useful therefor, and the services connected therewith for the carriage of space available mail (SAM), as provided for by section 3401(b) and 3401(c) of the United States Code on and after March 8, 1974, are those set forth in Appendix B of Order 74-11-47, dated November 11, 1974, subject to the terms and conditions set forth in Order E-25654 (47 C.A.B. 957 (1967)), as amended;

3. Airlift International Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Hughes Air Corp., d/b/a Hughes Airwest, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, the Department of Defense, and the Department of Transportation are directed to show cause why the Board should not establish for the period on and after March 8, 1974, the fair and reasonable temporary rates, as set forth in Appendix A attached hereto,[11] to be paid for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for the services and in the areas specified in Appendix A;

4. The terms and conditions applicable to the transportation of each class of mail at the rates proposed herein shall be those set forth in Order 68-9-8, September 4, 1968, as amended, for MOM; Order 68-9-9, September 4, 1968, as amended, for transatlantic and transpacific mail; and Order 69-10-149, October 30, 1969, as amended, for Latin American mail; and the mail ton-miles shall be based upon nonstop great-circle ton-miles in accordance with Order 73-4-16, April 3, 1973;

5. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the related findings and conclusions proposed herein, notice thereof shall be filed within 8 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed within 15 days after date of service of this order;

6. If notice of objection is not filed within 8 days or if notice is filed and answer is not filed within 15 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix the rates specified herein;

7. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR § 302.307; and

8. This order shall be served upon the parties listed in paragraph 3 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: Minetti and West, members, Concurrence, filed as part of the original document.

[11] This order is not intended to disturb other service or subsidy mail rates established, or to be established, by separate order of the Board.

APPENDIX A

PROPOSED TEMPORARY INTERNATIONAL SERVICE MAIL RATES PER NONSTOP GREAT-CIRCLE TON-MILE EFFECTIVE ON AND AFTER MAR. 8, 1974 CENTS PER MAIL TON-MILE
[In cents]

Geographic rate areas [1]	Temporary rate base [2] [3]		Proposed temporary rate increase [4]		Temporary rates on and after Mar. 8, 1974	
	All other mail [4]	MOM	All other mail [4]	MOM	All other mail [4]	MOM
Atlantic rate area:						
(1) United States-Europe/Mediterranean	32.42	21.95	6.05	7.57	38.47	29.52
(2) United States-Africa	33.78	22.75	6.30	7.85	40.08	30.60
(3) United States-Middle East	33.41	22.76	6.38	7.85	39.64	30.61
Latin American rate area:						
(1) United States-South America	34.06	22.22	21.43	7.66	55.59	29.88
(2) United States-Central America	33.50	23.50	21.08	8.11	54.58	31.61
(3) United States-Caribbean	34.43	22.11	21.66	7.63	56.09	29.74
Pacific rate area:						
(1) United States-Orient	29.65	22.28	5.25	7.69	34.9	29.97
(2) United States-South Pacific	30.59	26.35	5.41	9.09	36.0	35.44
(3) United Stats-Southeast Asia	30.04	22.71	5.32	7.83	35.36	30.54

[1] As defined in app. A, B, C, and D p. 2 in order 73-4-16.
[2] Exclusive of fuel surcharge established by order 74-10-125, Oct. 24, 1974.
[3] Temporary rates pursuant to app. D of order 73-4-16 and based on a rate per standard ton-mile for MOM of 21.84 cents; and for all other mail (mail for which rates are not elsewhere established) of 32 cents for Atlantic services, 32.5 cents for Latin American services, and 28.8 cents for Pacific services.
[4] Other than SAM and mail for which rates are elsewhere established.
[5] Computed at the following percentage increase (a) Transatlantic 18.66 percent; (b) Latin American 62.92 percent; (c) Transpacific 17.7 percent; and (d) MOM 34.5 percent worldwide.

[FR Doc.75-3970 Filed 2-12-75;8:45 am]

DELAWARE RIVER BASIN COMMISSION

WATER RESOURCES PROJECTS

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 26, 1975, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Building in Philadelphia. The subjects of the hearing will be as follows:

A. A proposal to amend Resolution No. 72-7 requiring payment of fees for Commission review of certain water resources projects. It is proposed to increase the level of fees required and to add an environmental review fee for those projects subject to environmental assessment or environmental impact statements. These changes would be accomplished by deleting section 3 of Resolution No. 72-7 and substituting therefor the following language:

3. The project review filing fee is the greater of (a) or (b) as follows:
(a) Minimum fee: $100 for any project; or
(b) Alternative fee:
(1) 1/10 of 1 percent of estimated project cost to $1,000,000;
(2) 1/50 of 1 percent of remaining project cost above $1,000,000, but not to exceed a maximum fee of $50,000 as to any project, exclusive of added environmental review fees;
(3) Commission prepared environmental assessment, if required: $1,500; and
(4) Commission prepared environmental impact statement, if required: $30,000.

It is also proposed to delete section 7 of Resolution No. 72-7 since that language has been superseded by amendments to Article 6 of the Commission's rules of practice and procedure adopted December 4, 1974.

B. Applications for approval of proposed projects listed below. The Commission will consider these applications as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to § 3.8 of the Compact.

1. *Citizens Utilities Home Water Co. (D-73-14 CP).* A well water supply project to augment public water supplies in the company's service area in East Vincent Township, Chester County, Pa. Designated as Well No. 4, the new facility is expected to yield about 1.4 million gallons per day.

2. *Lionville Water Co. (D-74-194 CP).* A well water supply project to augment public water supplies in the company's service area in Uwchlan and West Whiteland Townships, Chester County, Pa. The new facility is expected to yield about 1 million gallons per day.

3. *Abington Township (D-74-191 CP).* Improvements to the existing sewage treatment plant in Upper Dublin Township, Montgomery County, Pa. About 95 percent of BOD5 and 97 percent of suspended solids will be removed from a sewage flow of approximately 3.9 million gallons per day. Treated effluent will discharge to Sandy Run, a tributary of Wissahickon Creek.

4. *Rush-Ryan-Delano Joint Sewer Authority (D-75-5 CP).* A sewage collection and treatment system serving portions of Rush, Ryan, and Delano Townships, Schuylkill County, Pa. About 85 percent of BOD5 and 90 percent of suspended solids will be removed from a sewage flow of 700,000 gallons per day. Approximately 69,000 feet of interceptor sewers will be constructed. Treated effluent will discharge to Pine Creek, a tributary of the Little Schuylkill River.

5. *E. I. du Pont de Nemours & Co., Inc. (D-73-150).* An industrial waste water treatment project at the company's Repauno Works in Greenwich Township, Gloucester County, N.J. About 90 percent of BOD5 will be removed from a wastewater flow of 158,000 gallons per day. Discharge will be to Zone 4 of the Delaware River.

6. *New Castle County Dept. of Public Works (D-71-97 CP—3.8-7).* A sewage pumping station and 5,220 feet of force main serving the area south of the Greater Wilmington Airport in New Castle County, Del. Designated as Part D of Christiana River Force Main, the facilities are designed to handle an ultimate volume of 21 million gallons per day by the year 2010.

7. *Mobil Oil Corp. (D-69-195).* An industrial waste treatment project at the company's Paulsboro Refinery in Greenwich Township, Gloucester County, N.J. The project is designed to provide a reduction in BOD of 89 percent to a wastewater flow of about 15.9 million gallons per day. Discharge will be to Zone 4 of the Delaware River.

C. Application for water quality certification for the project listed below pursuant to section 401 of the Federal Water Pollution Control Act:

1. Amico Sand & Gravel Co., maintenance dredging in an access channel and turning basin at Dredge Harbor, Delran Township, Burlington County, N.J. Approximately 200,000 cubic yards of dredged material will be removed and processed at an existing sand and gravel plant.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

FEBRUARY 7, 1975.

[FR Doc.75-3996 Filed 2-12-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20196, 20197, File Nos. BPH-8711, BPH-8725]

A. C. ELLIOTT, JR. AND MELVIN PULLEY

Enlarging Issues

By the Review Board: 1. By Order, 39 FR 36137, published October 8, 1974, the Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the above-captioned applications for hearing under various issues, including, inter alia, a Suburban issue against Melvin Pulley (Pulley). Now before the Review Board are two petitions to enlarge issues,[1] filed October 23, 1974, by A. C. Elliott, Jr. (Elliott), requesting the addition of § 1.514, misrepresentation, site suitability and "repeated violations" issues against Pulley.

SECTION 1.514 ISSUE

2. Elliott submits that Pulley's application violated § 1.514 of the Commission's rules by failing to fully inform the Commission of his broadcast and financial interests. Specifically, petitioner alleges that Pulley failed to report the following: the 1968 date of acquisition of Pulley's ownership interest in WRDN, Durand, Wisconsin;[2] that Pulley had obtained a construction permit for a new companion FM station in Durand and the dates the permit was held; that Pulley was an officer and director of South St. Paul Broadcasting Company (S. St. Paul), licensee of KDAN, South St. Paul, Minnesota; that he was an officer and owner of a 48.2% interest in Universal Media, Inc., the parent corporation of S. St. Paul; and Pulley's filing of an application, which was voluntarily dismissed, for a new FM station at Waseca, Minnesota. Elliott also asserts that Pulley did not, as required by Form 301, provide the date of termination of his "general managership" in KDAN and the subsequent assignment of that station's license, thus allegedly "leaving the impression that he is currently employed as general manager of KDAN." Accordingly, Elliott, noting that Pulley is no longer general manager of that station, contends that, other than listing Pulley's pending Philadelphia, Mississippi application, the instant application reveals no current occupation or business interests of Pulley. The Broadcast Bureau supports addition of the requested issue on a comparative basis only.

3. Pulley, in opposition, states that he is in substantial compliance with the Commission's rules and while conceding his omissions, urges that they were inadvertent, insignificant, and harmless. Pulley acknowledges that he is presently unemployed and asserts that by giving the 1972 date of transfer of WRDN he has complied with Table II of Form 301's requirement of listing businesses engaged in within five years of filing the application. As to KDAN, Pulley argues that his failure to note his official capacity in the holding company was reasonable as the positions held were not "per se an occupation, business, or financial interest."[3] He concludes by stating that the Waseca application was voluntarily dismissed and inadvertently omitted from the application, and that Station WRDN-FM was never constructed and, therefore, did not constitute a business to be reported in his application.

4. Elliott's request for a § 1.514 issue will be denied. As an initial matter, we note that paragraph 19 of Section II of FCC Form 301, by its terms, does not specifically require an applicant to disclose if it or any party to its application had an interest in or connection with either a construction permit or an application which had been pending before the Commission. However, even assuming that such information (*i.e.*, the Waseca FM application and the WRDN-FM construction permit) were required to be reported, the issue would not be warranted since there is no apparent motive for concealment and the omission are not of any decisional significance. In circumstances such as these, the Board has consistently denied requests to add § 1.514 issues. See, *e.g., Brookhaven Broadcasting Co., Inc.*, FCC 75R-26, —— FCC 2d ——, released January 24, 1975; *Post-Newsweek Stations, Florida, Inc.* (WPLG-TV), FCC 74R-365, 49 FCC 2d 92, 31 RR 2d 692 (1974). Also see *Jerry L. Collins*, FCC 75-51, ——. FCC 2d ——, released January 20, 1975. Second, in light of Pulley's disclosure of a minority interest in the holding company of Station KDAN and his position as general manager of that station, we find that Pulley's failure to disclose the full extent of his managerial and official relationships with the holding company and licensee assumes less significance than customarily required to raise a § 1.514 issue. Finally, we are of the view that by listing the

[1] Also before the Review Board are the following related pleadings: (a) supplement to petition to enlarge issues, filed October 25, 1974, by Elliott; (b) supplement to petition to enlarge issues, filed November 5, 1974, by Elliott; (c) opposition, filed November 27, 1974, by Pulley; (d) Broadcast Bureau's comments, filed November 27, 1974; (e) supplement to (c), filed December 20, 1974, by Pulley; (f) reply, filed December 23, 1974, by Elliott. The Review Board has expressed its concern with the dilatory practice of filing supplemental pleadings. See *In re Filing of Supplemental Pleadings Before the Review Board*, 40 FCC 2d 1026 (1972). However, in light of the extension of time granted by the Board to respond to the initial pleadings, FCC 74R-409, released November 1, 1974, and their potentially dispositive nature, the supplements will be accepted.

[2] Elliott acknowledges that Pulley has included the date of transfer of WRDN in his instant application.

[3] In contrast, Pulley notes that he informed the Commission that he was manager of KDAN and a minority stockholder in its holding company.

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1972 date of transfer of WRDN-AM, Pulley sufficiently complied with the stated requirements of Form 301, since this information clearly gave adequate notice of the existence of this broadcast interest.

MISREPRESENTATION ISSUE

5. In support of his request for a misrepresentation issue against Pulley, Elliott alleges that Pulley misrepresented the description of his community leader survey in his application. In this regard, Elliott notes that Pulley, in his application, states that he "personally interviewed" all of the 72 community leaders listed in exhibit II of his application. However, attaching nine supportive affidavits and an unsworn letter, Elliott alleges that his investigation revealed that six of these community leaders have denied being interviewed "as stated" by Pulley in his application, and that three interviewees, Ernest Moore, Randy Plowden, and Edwin Stanley, swear that they were not interviewed by Pulley or anyone representing Pulley.[4] The Bureau, in its comments, supports addition of the requested issue.

6. Pulley, in opposition, concedes that he did not personally interview all of the community leaders, but asserts that he had no intent to mislead or misrepresent facts to the Commission. He submits that those leaders not personally interviewed by him were interviewed by Walter F. Wilkins, his proposed assistant general manager. In support of this explanation, Pulley attaches the affidavit of Wilkins who states that he personally interviewed all six of those interviewees who denied being interviewed "as stated." Wilkins also swears that he interviewed Randy Plowden, who unequivocally denied being contacted, and Pulley attaches his own affidavit, deposing that he interviewed Ernest Moore and Edwin Stanley, the other leaders who had denied being interviewed by Pulley or anyone representing him. Finally, Pulley attaches a second affidavit of Moore, who now states that he recalls Pulley's ascertainment interview. In reply, Elliott submits a second affidavit of Edwin Stanley, who previously unequivocally denied being contacted. Stanley now swears that he was interviewed by Pulley, but only subsequent to the listing of his name in the latter's application. Elliott, therefore, alleges for the first time that a more expansive misrepresentation issue is warranted because the Stanley interview occurred only after Pulley had listed him as a contactee.[5]

[4] The affidavit of T. E. Cotten, swearing that he was interviewed only by W. F. Wilkins, Pulley's proposed assistant general manager, cannot be considered as supportive of the issue requested by Elliott. Moreover, the Board will not consider the unsworn letter of Harold Akins. See Section 1.229(c) of the Commission's Rules.

[5] The Review Board finds that Elliott has raised new factual allegations in his reply in violation of Commission Rule 1.294(c), and will accordingly disregard that portion of Elliott's reply which raises new matter. See *Prairieland Broadcasters*, —— FCC 2d ——, 31 RR 2d 1359 (1974). Moreover, petitioner's allegations are subsumed under the previously designated *Suburban* issue.

7. The Review Board believes that the petitioner has not raised a substantial question of misrepresentation. First, although Pulley inaccurately described his personal involvement in the ascertainment process, we are unable to discern any motive for misrepresentation. In this regard, we fail to find any basis for questioning Pulley's expressed intent to hire, and his subsequent employment of, Wilkins in a management-level capacity, nor the legitimacy of Wilkins' ascertainment efforts. Accordingly, in our opinion, Wilkins' affidavit adequately answers the six affiants who swear that they were not interviewed "as stated." These six affidavits appear to have been prompted by Pulley's misleading statement as to his interviewing procedure. Moreover, of the three contactees who unequivocally denied being interviewed, Moore and Stanley have repudiated their original affidavits. In such circumstances, where a relatively small percentage of an applicant's interviews have been challenged, the Commission has consistently held that a misrepresentation issue is unwarranted. See, *e.g., CBS, Inc. (WCAU–TV)*, FCC 74R–444, —— FCC 2d ——, released December 18, 1974, and cases cited therein. Moreover, we believe that this single contradiction might well be accounted for by the possible passage of time or because of the cursory nature of the interview. Accordingly, in the absence of motive for fabrication for this single inaccuracy, the requested misrepresentation issue will be denied.

SITE SUITABILITY

8. Petitioner's request for a site suitability issue is based on his assertion that Pulley's proposed site, which is irregular in shape with dimensions of approximately 282, 141, 231, and 300 feet, is too small to contain Pulley's proposed 330 foot guyed-type tower because the guy wires will reach beyond the borders of Pulley's site.[6] Elliott attaches his own affidavit, stating, as a "First-Class Engineer," that the site is unsuitable and incorporating by reference a manufacturer's specifications for a tower of similar dimensions. The latter information, according to Elliott, demonstrates that to properly guy Pulley's proposed tower, the site's dimensions would have to be at least 400 feet by 450 feet. Elliott further argues that should the proposed tower fall, it would land on adjacent power lines, an appliance store, or a public highway, potentially causing extensive damage or personal injury.

9. Pulley, in opposition, states on information and belief that his proposed site is suitable but "nonetheless [he] has secured the written permission" of the owner of the property to the west of the proposed site for installation of guy wires.[7] The Broadcast Bureau opposes addition of the issue on the grounds that the petition lacks specificity.

10. In reply, Elliott asserts that even if Pulley places guy wires over the easement to the west of the site, he has not shown that he will be able to locate guy wires on the remaining sides. As evidence of Pulley's alleged inability, Elliott attaches the affidavit of the owner of the property located to the east of the proposed site who states that he will not permit "any wires, cables or anchors to be permanently placed" on his property. Moreover, Elliott contends that guy wires cannot be placed to the south of the site because of an obstructing highway and lake.

11. The Review Board will add the requested issue. Pulley has not effectively answered Elliott's objections concerning the capacity of his site to accommodate the necessary guy wires. Thus, Pulley has made no showing that, even with the use of the easement to the west of his proposed site, a sufficient guy wire system could be installed and his tower proposal effectuated. Assuming, arguendo, that Pulley could obtain further easements on adjacent properties, a substantial question would continue to exist as to whether the guy wires could be installed so as to avoid the indicated power lines, telephone cables, and highway. In view of the foregoing and the substantial questions raised in the pleadings, the Board finds that the matter may be best resolved in an evidentiary hearing.[8] See *Rocket Radio, Inc.*, —— FCC 2d ——, 31 RR 2d 1696 (1974); *Athens Broadcasting Co., Inc.*, 11 FCC 2d 559, 12 RR 2d 285 (1968).

REPEATED VIOLATIONS ISSUE

12. Elliott points out that by Memorandum Opinion and Order, 29 FCC 2d 860, 21 RR 2d 1234 (1971), the Commission found that Pulley, t/a Pepin County Broadcasting Company, by failing to timely file his application for renewal of license for Station WRDN, had violated § 1.539(a) of the Commission's rules. Additionally, Elliott contends that Pulley served as general manager of Station KDAN and as an officer of its licensee during a period of time when that station, violating Commission regulations, delayed filing its rate card and paying its annual license fees. These past repeated violations, contends the petitioner, cast serious doubt on Pulley's qualifications to be a Commission licensee.

13. In the Board's view, Elliott's allegations concerning Pulley's operational violations do not warrant the addition of the requested issue. Two of the three bases upon which Elliott predicates his request must be rejected. Thus, we note that petitioner has not shown, and we cannot presume, that Pulley was officially

[6] The sketch that Elliott attaches depicts adjacent power lines and a highway and shows a telephone cable crossing the site. Pulley does not dispute Elliott's description.

[7] A copy of the agreement is attached to the opposition pleading. Included is a simple sketch showing the adjacent property, which does not, however, include the size or exact relationship of the easement to the proposed site.

[8] Elliott's arguments as to the potential for falling of Pulley's proposed tower are without foundation and no further investigation into that matter is warranted. No indication that the proposed tower would not be structurally sound has been provided, nor has any evidence been proffered that there is any potential violation of local zoning or construction ordinances.

responsible for or involved in Station KDAN's delay in filing its rate card or paying its license fees. Moreover, on the basis of the pleadings before us, the Board cannot conclude that Pulley's failure to timely file his renewal application was a sufficiently serious violation to draw the applicant's reliability into question.

14. Accordingly, *it is ordered*, That the petitions to enlarge issues, filed October 23, 1974, by A. C. Elliott, Jr., are granted to the extent indicated herein, and are denied in all other respects; and

15. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the transmitter site proposed by Melvin Pulley is suitable for erection of his proposed tower.

16. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be upon Melvin Pulley.

Adopted: February 4, 1975.

Released: February 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4061 Filed 2-12-75;8:45 am]

[Docket Nos. 20341, 20342. File Nos. BPH-8052, BPH-8398]

KILGORE BROADCASTING CO. AND RADIO KILGORE, INC.

Designating Applications for Consolidated Hearing on Stated Issues

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has before it: i) the above-captioned applications for a new FM station in Kilgore, Texas; ii) motions, filed by KXOL, Inc. [KXOL], licensee of KXOL–FM, Fort Worth, Texas, to defer consideration of the two applications; iii) an opposition to the motion to defer consideration, filed by Radio Kilgore, Inc. [RKI], and a reply thereto.

2. KXOL has filed a petition for rule making, seeking to exchange channel 240, presently assigned to Kilgore, and channel 257, presently assigned to Tyler, Texas. In light of this pending proceeding, Docket No. 20139, KXOL seeks either to defer any action on the instant applications, or to impose on the successful party a condition regarding the outcome of the rule making. Further delay of the instant proceeding would not be warranted, and KXOL's request for such delay will be denied. However, KXOL's request for imposition of a condition is reasonable, and a condition will be specified requiring the successful permittee to operate on channel 257 in the event that that channel is subsequently assigned to Kilgore.

3. In the financial portion of its amended application, Kilgore Broadcasting Company [KBC] indicates that it will require a total of $41,714 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Down payment on equipment (15% of $20,696)	$3,105
Twelve months' payments on equipment principal	3,518
Twelve months' interest on equipment principal balance	968
Interest on $35,000 loan at 10%	3,500
Miscellaneous	4,270
Working capital	24,105
Items not covered in manufacturer's letter of credit	2,248
Total	$41,714

To meet this requirement KBC relies on $5,000 of new capital and a $35,000 loan from Floyd Addington, a partner.[1] Of course, if all these funds were available, the applicant would have only $40,000, or $1,714 less than required. In addition, the new capital will be derived from $2,500 contributions to the partnership by each of the two partners. However, the balance sheet of Thomas H. Spurlock does not indicate that he has sufficient liquid assets in excess of current liabilities to meet a $2,500 commitment. In addition, although Addington has sufficient liquid assets over current liabilities to meet his $2,500 commitment to the partnership, he does not have enough over and above that amount to support the additional $35,000 loan commitment. Thus, that loan cannot be considered as an available source of funds. As a result, the applicant has established the availability of only $2,500 to meet a $41,714 requirement. Further, we note that the letter of credit from the equipment manufacturer on which KBC relies was submitted in August 1972, with the original application. Since no further information has been submitted, our cost analysis is based in part on the figures contained in that letter. However, it is possible that more current information will alter these totals somewhat. In light of all of the above, the applicant has failed to establish its financial qualifications, and an appropriate issue will be specified.

4. KBC's application is also deficient with respect to the applicant's ascertainment of the needs and problems of Kilgore. The applicant has in effect submitted two surveys of the Kilgore general public. The first survey was conducted by "the applicant." Such identification is inadequate when the applicant is a business organization. However, this term is defined in an amendment as Spurlock and his wife, Mrs. Spurlock, "at the time of the filing preparation, was a prospective employee" of the applicant. In relevant part, question and answer 11(b) of the Commission's Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), require that such surveys be conducted by principals, management-level employees, or prospective management-level employees of the applicant. Employees or prospective employees below management level may also conduct these interviews, if they are acting under the supervision of principals or management-level employees, current or prospective. Since the nature of Mrs. Spurlock's position is not defined precisely, and since there is no indication that she was acting under the supervision of Mr. Spurlock, it is not clear that KBC's first general public survey was in compliance with the Commission's requirements. KBC's second general public survey was conducted totally by Mr. Spurlock. However, the applicant does not describe the methodology used to assure randomness in this survey, nor does it indicate the number of interviews actually conducted. Thus, the Commission cannot determine whether the requirements of questions and answers 13(b) and 14 have been satisfied. Question and answer 11(a) of the Primer requires that interviews with community leaders be conducted by principals, management-level employees, or prospective management-level employees of the applicant. KBC merely states that the leader interviews were conducted by "the applicant." As noted, KBC specifies elsewhere in its application that the term "the applicant" includes Mr. and Mrs. Spurlock. Since Mrs. Spurlock has not been designated as a prospective management-level employee, it is apparent that she may not qualify as an appropriate leader interviewer. Thus, none of the leader interviews may be deemed valid. In addition, none of the leaders interviewed appears to be a leader or representative spokesperson of the women of Kilgore, and no leaders from outside Kilgore are included. KBC's ascertainment efforts are thus deficient in that respect. See questions and answers 13(a) and 6. KBC has also failed to indicate the dates of its leader interviews or its first general public survey, and its compliance with question and answer 15 is thus unclear. Finally, KBC has failed to indicate the time segments of its proposed programs, as required by question and answer 29. As a result of all of the above, it is not clear that KBC's efforts to ascertain the needs and problems of Kilgore are satisfactory. Accordingly, an appropriate issue will be specified.

5. RKI's application is likewise deficient with respect to its ascertainment. By incorporating by reference a transfer application and an AM renewal application, and by amending its present application, RKI has in effect submitted five ascertainment efforts. In all of these, only one black leader and one industrial representative are included. While no fixed number or formula has been adopted regarding the representation of significant groups, RKI's survey should more nearly reflect the composition of the Kilgore community. In addition, no student leaders were interviewed. Also, although RKI indicates that it conducted some general public surveys, there is no indication of the methodology used to assure a random sample in any of its surveys. Further, the individuals who

[1] KBC included a $30,000 bank loan in its original financial showing. However, by its own terms, that loan offer expired on August 9, 1973. The applicant does not indicate that the offer has been renewed, and thus it will not be considered further.

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conducted the general public survey described in an amendment submitted in November 1974, are not appropriately identified, as required by question and answer 13(b). Accordingly, an issue will be specified.

6. The tower proposed by RKI would be located approximately 1,150 feet from the tower of standard broadcast station KOCA, Kilgore. A grant of this application should contain a condition requiring measurements to show that the signal pattern of KOCA has not been distorted by the tower to be erected.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of Kilgore Broadcasting Company:

a) Whether the applicant's estimate of its equipment costs is accurate;

b) The availability of funds over and above $2,500 with which to meet the costs of construction and operation; and

c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

2. To determine the efforts made by both Kilgore Broadcasting Company and Radio Kilgore, Inc., to ascertain the community problems of the area to be served and the means by which the applicants propose to meet these problems.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

9. *It is further ordered*, That whichever application is granted will be subject to the applicant's acceptance of any modification requiring use of a channel other than channel 240 as a result of whatever action may be required with respect to the outcome of the rule making proceeding in docket No. 20139.

10. *It is further ordered*, That in the event of a grant of the application of Radio Kilgore, Inc., the construction permit shall contain the following condition: Before and after construction of the antenna structure and prior to issuance of program test authority measurements must be taken to establish that the signal pattern of KOCA has not been distorted by the tower proposed by Radio Kilgore, Inc.

11. *It is further ordered*, That the motion to defer consideration filed by KXOL, Inc., is granted to the extent indicated above and is denied in all other respects.

12. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 5, 1975.

Released: February 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-4060 Filed 2-12-75;8:45 am]

[Docket Nos. 20347, 20348. File Nos. BPTTV-4955, BPTTV-4985.]

WYNECO COMMUNICATIONS, INC. AND HARRISCOPE BROADCASTING CORP.

Designating Applications for Consolidated Hearing on Stated Issues

1. The Commission, has before it for consideration the above-captioned applications of Wyneco Communications, Inc., licensee of station KYCU-TV, channel 5, Cheyenne, Wyoming (ABC/CBS), and Harriscope Broadcasting Corporation, licensee of station KTWO-TV, channel 2, Casper, Wyoming (3 networks), each seeking a construction permit for a new 100-watt VHF television broadcast translator station to serve Laramie, Wyoming, on assigned and unused channel 8.[1] Wyneco Communications is now the licensee of translator station K70CF, Laramie, Wyoming, the authorization for which would be surrendered in the event of a grant of Wyneco's application for a 100-watt VHF translator in Laramie. Laramie is within the predicted Grade B contour of station KYCU-TV, but is outside the predicted Grade B contour of any other television station. Channel 8 is the only channel assigned to Laramie in the Television Table of Assignments (§ 73.606 of the Commission's rules).

2. The applications are mutually exclusive because operation of the stations as proposed would result in mutually destructive interference and a comparative hearing is therefore required. Over the years, the Commission has endeavored, in comparative hearings involving translator applications, to frame meaningful issues, with indifferent success. In the past, one of the issues has been to determine which of the applications represents the better prospect for evolution into a regular television station. Such an issue in this case would be inappropriate because neither applicant would qualify for operation of a regular television station on a channel reserved for noncommercial educational use. An issue on comparative coverage is not feasible because the rules provide no means for computing translator predicted contours. Because of this lack of meaningful issues upon which a choice between competing translator applicants can be based, we expect the Administrative Law Judge to exercise wide latitude in according weight to the preferences of the residents of the area and in admitting evidence which may be helpful in reaching a decision. To enable the hearing to be conducted in this manner, we will, as usual, provide for a hearing in Laramie.

3. We find that the applicants are qualified to construct, own, and operate the translator station proposed by each. The Commission, however, is unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below.

4. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Wyneco Communications, Inc., and Harriscope Broadcasting Corporation, are designated for hearing in a consolidated proceeding, upon the following issues:

1. To determine the availability of television service to Laramie, Wyoming, and the contiguous area, including cable television service.

2. To determine, on a comparative basis and in the light of the evidence adduced pursuant to the foregoing issue, which, if either, of the proposals would provide the better quality technical service, a wider diversity of unduplicated programming, and non-network programming of particular interest to the community.

3. To determine which of the proposals would better serve the public interest, convenience and necessity.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. *It is further ordered*, That the hearing shall be held in Laramie, Wyoming, at a time and before an Administrative Law Judge to be specified in a subsequent Order.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 29, 1975.

Released: February 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4062 Filed 2-12-75;8:45 am]

[1] Channel 8 is reserved for noncommercial educational use, but operation of a commercial translator on the channel is consistent with, and subject to, the policy promulgated by the Commission in paragraph 10 of the *Report and Order* in Docket No. 18861 (36 FR 19588, 23 RR 2d 1504, released October 5, 1971).

FEDERAL ENERGY ADMINISTRATION

REFINERS BUY-SELL LIST

Crude Oil Allocation Notice

Pursuant to the authority of the Emergency Petroleum Allocation Act of 1973 and E.O. 11790, 39 FR 23185, and in accordance with the provisions of 10 CFR 211.65, the notice specified in § 211.65(e) is hereby published. The notice lists the sales obligations and purchase opportunities for refiners for the allocation quarter commencing March 1, 1975.

The buy-sell list is set forth as an appendix to this notice. Included as part of the list, as required by § 211.65(e), are: the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers. The sales obligation of each refiner-seller reflects the adjustments provided for by § 211.65(d)(3).

The buy-sell list is applicable for the period March 1, 1975 to May 31, 1975. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD district I barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Under § 211.65(a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

The procedures of 10 CFR 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon by February 28, 1975, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of this notice. Upon such request, FEA may direct one or more refiner-sellers which have not sold their allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of Subpart C. Refiner-buyers making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

4. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries and price.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

When a refiner-seller is directed by FEA to sell crude oil to a refiner-buyer, it is expected that every reasonable effort will be made to consummate a transaction. Upon either termination of negotiations or consummation of a transaction, FEA shall be advised of the outcome by both parties.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (1-74).

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing June 1, 1975, with respect to future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity and provide all necessary information required to enable FEA to evaluate the factors set forth in 10 CFR 211.65(b)(1) no later than March 31, 1975.

All reports and applications made under this notice should be addressed to:

Fuel Manager, Crude Oil, Federal Energy Administration, Code 10, Washington, D.C. 20461.

Issued in Washington, D.C., February 10, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period March 1, 1975, through May 31, 1975, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

FEDERAL ENERGY ADMINISTRATION—CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD, MARCH 1975 THROUGH MAY 1975

	Sales	
	Share	Barrels
Amoco Oil Co	0.099	8,448,050
Atlantic Richfield	.072	6,340,219
Cities Service Oil	.023	1,822,458
Continental Oil Co	.034	1,108,878
Exxon Corp	.112	10,793,763
Getty/Skelly	.020	2,434,448
Gulf Oil Corp	.086	7,348,699
Marathon Oil Co	.022	1,840,185
Mobil Oil Corp	.089	8,138,844
Phillips Petroleum	.039	4,081,383
Shell Oil Co	.107	15,208,995
Socal/Chevron	.096	10,001,879
Sun Oil Co	.052	5,322,157
Texaco Inc	.107	14,083,720
Union Oil Co. of California	.043	3,803,246
Total sales		100,965,874

PURCHASES	*Barrels*
Allied Materials Co	123,502
Amerada Hess Corp	10,085,883
American Petrofina	1,012,167
Apco Oil Corp	357,973
Arizona Fuels Corp	0
Ashland Oil Inc	6,751,769
Axel Johnson	237,600
Bay/Dow	136,950
Bayou State Oil Corp	0
Beacon Oil Co	151,725
C & H Refining	26,827
Calumet Industries	0
Canal Refining Co	0
Caribou Four Corners	0
Champlin Petroleum	696,088
Charter Oil Co	539,953
Claiborne Gas Co	0
Clark Oil & Refining	2,363,134
Coastal States Gas	8,095,591
Commonwealth Oil Ref	2,525,750
CRA-Farmland Ind Inc	1,958,941
Cross Oil & Ref-Ark	95,091
Crown Central Petro	2,622,652
Crystal Oil Refining	283,772
Crystal Refining Co	135,500
Delta Refining Co	1,651,630
Diamond Shamrock Corp	164,262
Dingman Oil & Ref Co	110,318
Dorchester Gas	0
Eddy Refining Co	38,963
Edgington Oil Co	152,323
Edgington Oxnard Ref	0
Evangeline Refining	0
Famariss Oil Corp	2,053,634
Farmers Union Exchge	1,239,969
Fletcher Oil and Ref	60,657
Flint Chemical Corp	0
Gary Operating Co	581,789
Giant Industries	736,150
Gladieux Refinery	214,273
Golden Eagle Ref Co	467,250
Good Hope Refineries	306,237
Guam Oil & Refining	807,250
Gulf States	35,198
HIRI	706,250
Howell Corp	931,701
Hunt Oil Co	61,631
Husky Oil Co	1,630,370
Indiana Farm Bureau	0
J & W Refining Inc	609,500
Kentucky Oil Ref Co	0
Kerr McGee Corp	3,743,550
Koch Refining Co	612,250
La Gloria Oil-Gas Co	520,853
Lakeside Refining Co	0
Laketon Asphalt Ref	9,114
Little America Ref	736,700
MacMillan RF Oil Co	330,270
Marion Corp	0
Mid America Refining	10,000

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Purchases	Barrels
Mid-Tex Refinery	238,647
Midland Coop Inc	765,392
Mohawk Petroleum Co	286,414
Monsanto Co	337,250
Morrison Petroleum	0
Mountaineer Refinery	15,096
Murphy Oil Corp	2,649,286
National Coop Ref	1,408,398
National Oil Recovery	238,847
Navajo Refining Co	261,113
Newhall Refining Co	377,486
North American Petro	350,910
Northland Oil & Ref	398,078
Oil Shale Corp	2,165,441
OKC Corp	0
Oriental Refining Co	0
Pasco Inc	12,866
Pennzoil Co	343,380
Pioneer Refining	102,154
Plateau Inc	24,173
Powerine Oil Co	1,699,718
Pride Refining Inc	1,132,843
Quaker State Oil Refining Co	0
Road Oil Sales Inc	5,750
Rock Island Refining	98,250
Saber Refining Co	540,913
Sage Creek Refining Co	64,250
San Joaquin Refining	0
Seminole Asphalt Ref	187,500
Sigmor Corp	18,156
Somerset Refinery	0
Sound Refining Inc	171,577
South Hampton	1,257,415
Southland Oil Co	124,618
Southwestern Refining Co	0
Standard Oil of Ohio	14,284,092
Sunland Refining Co	263,724
Tenneco Oil Co	2,825,415
Tesoro Petroleum Co	739,260
Texas Asphalt & Refining	367,694
Texas City Refining	3,521,750
Texas Fuel & Asphalt	104,655
Thagard Oil	9,680
The Refinery Corp	373,643
Thriftway Oil Co	124,124
Thunderbird Resources	115,380
Tonkawa Refining Co	49,822
Toro Petroleum	2,641,163
Total Leonard Inc	71,800
Union Texas Petroleum	0
United Independent Oil Co	31,658
United Refining Co	746,680
U.S. Oil & Refining Co	364,264
V-1 Oil Company	2,811
Vickers Petroleum Co	608,895
Vulcan Asphalt Ref	97,989
Warrior Asphalt Corp	73,035
West Coast Oil Co	0
Western Refining Co	720,156
Wickett Refining	268,925
Winston Refining Co	82,991
Wireback Oil Co	8,095
Witco Chemical Corp	410,725
Yetter Oil Co	1,000
Young Refining Corp	257,147
Total purchases	100,965,874

[FR Doc.75-4122 Filed 2-11-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI75-442]

BASS ENTERPRISES PRODUCTION CO.

Application

FEBRUARY 5, 1975.

Take notice that on January 28, 1975, Perry R. Bass and Bass Enterprises Production Company (Applicants), 3100 Ft. Worth National Bank Bldg., Fort Worth, Texas 76102, filed in Docket No. CI75-442 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from the Los Medanos Field, Eddy County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicants state that they commenced an emergency sale of gas to Natural from the subject acreage on January 16, 1975,[1] for sixty days within the contemplation of Section 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for a period of two years after the expiration of the emergency period pursuant to a certificate conditioned to the applicable nationwide rate promulgated in § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a), within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants estimate deliveries at 5,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3998 Filed 2-12-75;8:45 am]

[1] The contract for said emergency sale was dated September 23, 1974.

[Docket No. E-9174]

CEI—PJM GROUP

Interconnection Agreement

FEBRUARY 6, 1975.

Take notice that on December 13, 1974, The Cleveland Electric Illuminating Company (CEI) and the Pennsylvania-New Jersey-Maryland Group (PJM Group) tendered for filing proposed Schedule 8.02 dated December 11, 1974, to the Interconnection Agreement between them dated September 30, 1965, which is filed with the Commission under the following Rate Schedule designations:

Company	FPC Rate Schedule—FPC No.
The Cleveland Electric Illuminating Co	4
Public Service Electric and Gas Co	38
Philadelphia Electric Co	29
Pennsylvania Power & Light Co	44
Baltimore Gas and Electric Co	19
Potomac Electric Power Co	24
Pennsylvania Electric Co	49
Metropolitan Edison Co	29
Jersey Central Power & Light Co	24

The proposed Schedule expands the provisions for Fuel Conservation Energy transactions by making provision and specifying charges for the generation of Fuel Conservation Energy by the PJM Group for CEI and the delivery by the PJM Group to CEI of such energy from other systems. CEI and PJM state that the proposed fixed charges for such services were arrived at through negotiation and are the same as specified in other Fuel Conservation Energy filings by the PJM Group. Because of the current uncertainty of fuel supplies and the possibility that transactions will be required imminently under the proposed Schedule, the Parties have requested that the Commission waive its notice requirements and that the proposed Schedule become effective December 1, 1974. It shall remain in effect until December 31, 1975 unless extended by the Parties. No new facilities will be installed nor will existing facilities be modified in connection with the proposed Schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4025 Filed 2-12-75;8:45 am]

[Docket No. E-9243]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Filing of Purchase Agreement and Request for Waiver

FEBRUARY 6, 1975.

Take notice that on January 31, 1975, Central Vermont Public Service Corporation (Central Vermont) tendered for filing a Purchase Agreement with respect to Vermont Gas Turbines between the City of Burlington (Burlington), the Green Mountain Power Corporation (Green Mountain), and the Niagara Mohawk Power Corporation (Niagara), and the Vermont Electric Power Company, Inc. (Velco), dated as of November 21, 1974. Certificates of Concurrence on behalf of Green Mountain and Burlington were also tendered as part of the filing.

Central Vermont states that service under the rate schedule described above commenced at 12:01 a.m. on December 2, 1974 and shall continue through December 22, 1974, and on a week-to-week basis thereafter, unless terminated on one week's notice, but shall continue no later than February 16, 1975. However, the Purchase Agreement may be extended after the end of the term by written, mutual agreement between Central Vermont, Burlington, and Green Mountain (sellers) and Niagara (buyer).

Central Vermont further states that it has mailed copies to all interested parties.

A waiver of the notice requirements of the Commission's regulations is requested to allow an effective date of December 2, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4000 Filed 2-12-75;8:45 am]

[Docket No. E-9245]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Filing of Purchase Agreement and Request for Waiver

FEBRUARY 6, 1975.

Take notice that on January 31, 1975, Central Vermont Public Service Corporation (Central Vermont) tendered for filing a Purchase Agreement with respect to Ascutney, Berlin and Essex, Vermont gas turbines between the Green Mountain Power Corporation (Green Mountain) and Central Vermont, sellers, and the Public Service Company of New Hampshire (PSCNH), buyer, dated as of October 1, 1974. A Certificate of Concurrence on behalf of Green Mountain was also tendered as part of this filing.

Central Vermont states that service under the rate schedule described above commenced at 11:59 p.m. on October 31, 1974, and will end at 11:59 p.m. on April 30, 1975.

Central Vermont further states that copies of this filing have been mailed to all interested parties.

A waiver of the notice requirements of the Commission's regulations is requested to allow an effective date of November 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3999 Filed 2-12-75;8:45 am]

[Docket No. E-8885 and E-8546]

CINCINNATI GAS AND ELECTRIC CO.

Further Extension of Procedural Dates

FEBRUARY 6, 1975.

On January 30, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued November 14, 1974, in the above-designated matter. The motion states that the company has been notified and has no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony	April 7, 1975.
Service of intervenor's testimony	April 21, 1975.
Service of company rebuttal	May 5, 1975.
Hearing	May 19, 1975 (10 a.m. e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4001 Filed 2-12-75;8:45 am]

[Docket No. CP74-186]

CITIES SERVICE GAS CO.

Petition to Amend

FEBRUARY 6, 1975.

Take notice that on January 30, 1975, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-186 a petition to amend the order of the Commission issued July 15, 1974, in the subject docket pursuant to section 7(b) of the Natural Gas Act permitting and approving abandonment of facilities and service so as to delete the authorization to abandon service to one direct sale customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the direct sale customer, a farm-ranch management facility of the Southeast Kansas Area Vocational-Technical Training School located near Coffeyville in Montgomery County, Kansas, was unable to obtain an alternate source of fuel after Petitioner had notified it of its intention to abandon the segment of pipeline from which it was being served and Petitioner was able to disconnect this service from the facilities being abandoned and reconnect it to its Grabham 16-inch pipeline in Montgomery County, Kansas. The petition states that this connection was made under "budget-type" certificate authority granted in Docket No. CP74-154.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4002 Filed 2-12-75;8:45 am]

[Docket No. RP73-65; PGA 75-3A]

COLUMBIA GAS TRANSMISSION CORP.

Request for Delayed Effective Date for PGA Rate Adjustment

FEBRUARY 6, 1975.

On January 30, 1975, Columbia Gas Transmission Corporation (Columbia) filed a request to delay the effectiveness of one of its proposed PGA rate increases which was approved by letter order dated

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January 23, 1975. The request is set out in Columbia's filing as follows:

On November 25, 1974, Columbia Gas Transmission Corporation (Columbia) submitted for filing, pursuant to section 20 of Columbia's FPC Gas Tariff, a proposed rate change effective January 1, 1975, reflecting increased cost of gas purchased from Texas Eastern Transmission Corporation and Tennessee Gas Pipeline Company, likewise effective January 1, 1975. Subsequent thereto, Columbia was advised that Texas Eastern was modifying its proposed rate levels and, as a result thereof, Columbia, on December 23, 1974, revised its filing of November 25, to incorporate the changes being reflected by Texas Eastern in its proposed January 1, 1975 rate levels.

The Commission, by letter dated January 23, 1975, approved the aforesaid rate change effective January 2, 1975. Columbia is advised that certain of its customers will not be able to reflect the impact of Columbia's increased rates, effective January 2, 1975, but only on a prospective basis from and after the date of the Commission's approval, i.e., January 23, 1975. Obviously, the inability of Columbia's customers to "flow-through" these gas purchase increases on a matching and timely basis to their retail customers will have a significant impact on their earnings.

In view of the foregoing, Columbia believes that a reasonable administrative expedient is necessary in this matter to preserve the effectiveness of the various rate changes involved and to preclude an adverse earnings impact upon Columbia's customers. Therefore, Columbia proposes to charge the difference between the prior and proposed rates, as it affects its sales from January 2, 1975 through January 31, 1975, to its unrecovered purchased gas cost account (Account 191) and to bill at the proposed rates effective February 1, 1975.

Columbia recognizes that the aforementioned proposal is not contained in the specific tariff provisions of Columbia's FPC Gas Tariff. However, Columbia respectfully suggests that its proposal is a prudent and workable resolution of a present administrative difficulty.

All parties wishing to comment upon the proposed request should file such comments on or before February 19, 1975, with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. A copy of Columbia's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4003 Filed 2-12-75;8:45 am]

[Dockets Nos. RP71-59 and RP72-53]

EAST TENNESSEE NATURAL GAS CO.

Report of Refunds

FEBRUARY 6, 1975.

Take notice that on November 11, 1974, East Tennessee Natural Gas Company (East Tennessee) filed a report of refunds totalling $756,520, including principal and interest, made to its jurisdictional customers in Dockets Nos. RP71-59 and RP72-53.

East Tennessee states that since January 10, 1971, in Docket No. RP71-59 and since November 14, 1971 in Docket No. RP72-53, it has been collecting rates based on rates of its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in Dockets Nos. RP71-57 and RP72-51 respectively. East Tennessee states that Tennessee's rates had been based on rates of its producer-suppliers resulting from the Commission's lifting of the moratorium in the Southern Louisiana area and the Commission's subsequent determination of just and reasonable rates for the Southern Louisiana area in Opinion Nos. 598 and 598-A.

East Tennessee states that on October 15, 1974, Tennessee made refunds in Dockets Nos. RP71-57 and RP72-51 which Tennessee stated resulted from the Supreme Court's affirmance of Opinion Nos. 598 and 598-A in "Mobil Oil Corp. v. F.P.C.," 94 S.Ct. 2328 (1974), finally determining the applicable lawful rate for the Southern Louisiana area. Accordingly, East Tennessee states that it has made refunds in Dockets Nos. RP71-59 and RP72-53 on November 11, 1974, by means of a credit to the invoices of its customers to flow-through the jurisdictional portion of the refunds received from Tennessee.

East Tennessee states that these refunds from Tennessee covered amounts collected during the period from January 10, 1971, through July 15, 1973. East Tennessee states that Tennessee would refund amounts collected during the period beginning July 16, 1973, by means of a credit to the deferred account under its PGA clause which became effective that date in Docket No. RP73-114. Therefore, East Tennessee states those refunds will be reflected in East Tennessee's next PGA filing tracking a PGA increase of Tennessee.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4004 Filed 2-12-75;8:45 am]

[Docket No. RP71-14]

EL PASO NATURAL GAS CO.

Flow Through of Refunds

FEBRUARY 6, 1975.

Take notice that on December 2, 1974 Southwest Gas Corporation (Southwest) tendered for filing with the Commission a report of refunds flowed through to its jurisdictional customers of refunds received from El Paso Natural Gas Compant (El Paso). Southwest states that it refunded $746,649.17 principal and $89,292.30 interest in the above mentioned docket.

Any person desiring to make a comment upon said filing should do so by writing to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All such comments should be filed by February 24, 1975. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4005 Filed 2-12-75;8:45 am]

[Dockets Nos. RP72-155, RP73-104, and RP74-57]

EL PASO NATURAL GAS CO.

Purchased Gas Cost Account

FEBRUARY 6, 1975.

On January 6, 1975, El Paso Natural Gas Company (El Paso) tendered for filing certain substitute revised tariff sheets [1] to its FPC Gas Tariff in substitution for said sheets' respective counterparts currently on file with the Commission in Dockets Nos. RP72-155, RP73-104, and RP74-57. El Paso states that the tariff sheets that would be superseded by the instant filing became effective at various times during the period November 2, 1973, through December 2, 1974. The Company further states that the sole purpose of the instant filing is to change the average purchased gas cost stated on the existing sheets to correct an accounting error previously made. El Paso does not propose to change any currently effective rates or any rates that were effective during the period of time for which the adjustment is made.

According to El Paso, the error necessitating the instant filing was made in the Company's computation of its weighted average purchased gas costs. As a result of such error, El Paso states, Account 191, Unrecovered Purchased Gas Cost, is under-accrued in the amount of approximately $6.7 million for the period November 2, 1973, through June 30, 1974. Acceptance of this filing would permit

[1] First Substitute Eleventh Revised Sheet No. 3-B, Substitute First Substitute Eleventh Revised Sheet No. 3-B, Substitute First Substitute Twelfth Revised Sheet No. 3-B, Substitute Thirteenth Revised Sheet No. 3-B, and Substitute Fourteenth Revised Sheet No. 3-B, to FPC Gas Tariff, Original Volume No. 1; Substitute Original Sheet No. 1-D, Substitute First Revised Sheet No. 1-D, First Substitute Second Revised Sheet No. 1-D, Substitute Third Revised Sheet No. 1-D and Substitute Fourth Revised Sheet No. 1-D to FPC Gas Tariff, Third Revised Volume No. 2; and Substitute Second Revised Sheet No. 1-C, Substitute Third Revised Sheet No. 1-C, First Substitute Fourth Revised Sheet No. 1-C, Substitute Fifth Revised Sheet No. 1-C and Substitute Sixth Revised Sheet No. 1-C to FPC Gas Tariff, Original Volume No. 2A.

El Paso to book additional unrecovered purchased gas costs of $6,736,452 as of December 31, 1974.

Notice of El Paso's filing was issued on January 20, 1975, with comments, protests or petitions to intervene due on or before January 31, 1975. To date, no comments, protests or petitions have been received.

Our review indicates that, contrary to El Paso's statement, the Company did not err in computing its weighted average purchased gas cost. We have found, however, that El Paso erred in computing the "current adjustment" portion of the overall adjustment required to reflect changes in the cost of purchased gas. Specifically, El Paso has understated the "current adjustment" because of its failure to reflect in such adjustment increased purchased gas costs associated with changes in El Paso's purchase patterns. It is this error, our study indicates, that has resulted in Account 191 being under-accrued for the period November 2, 1973, through June 30, 1974, in the amount of $6,736,452. Thus, although we disagree with the Company on the issue of what computational error was actually made, we do agree as to the amount by which Account 191 was under-accrued as of June 30, 1974. Therefore, in light of our stated objective of permitting companies to recover in full their purchased gas costs,[2] we believe that El Paso should be permitted to file tariff sheets accurately reflecting its unrecovered purchased gas costs for the period in question, and to book an additional $6,736,452 to Account 191 as of December 31, 1974. Accordingly, the tendered tariff sheets shall be accepted for filing and permitted to become effective on the dates indicated thereon for the sole purpose of correcting the error indicated above.

The Commission finds. (1) Good cause exists to accept for filing the tariff sheets listed in footnote "1" of this order, and to permit said sheets to become effective on the respective dates indicated thereon.

(2) Good cause exists to permit El Paso to book an additional $6,736,452 to Account 191 as of December 31, 1974, for the reasons set forth in this order.

The Commission orders. (A) The subject tariff sheets tendered by El Paso on January 6, 1975, are hereby accepted for filing and permitted to become effective on the respective dates indicated thereon.

(B) As of December 31, 1974, El Paso shall book an additional $6,736,452 to Account 191 for the reasons set forth hereinabove.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4006 Filed 2-12-75;8:45 am]

[2] See Order No. 452, issued April 14, 1972, Order No. 452-A, issued June 13, 1972, and Order No. 452-B, issued January 8, 1973, in Docket No. R-406.

[Docket No. RP72-155]

EL PASO NATURAL GAS CO.

Order Granting Motion for Waiver of Notice Requirements

FEBRUARY 6, 1975.

On January 13, 1975, El Paso Natural Gas Company (El Paso) filed with this Commission a motion which requested that we grant a one-time waiver of the filing date requirements of § 154.38(d)(4)(v) of our regulations under the Natural Gas Act, and § 19.9 of El Paso's FPC Gas Tariff, Original Volume No. 1 to allow El Paso to include the effect of Opinion 699H increases in its next PGAC filing. El Paso cites Opinion No. 699H which accorded producers the right to file notices of rate changes pursuant to certain provisions of that Opinion on or before January 31, 1975 and accorded gas transmission companies the right to file a special one-time PGAC filing, on or before March 3, 1975, to reflect the effect of the producer increases. El Paso also points out that pursuant to its currently effective PGAC clause and our regulations it is to file for its next regularly scheduled PGAC adjustment no later than February 14, 1975, to become effective April 1, 1975. El Paso requests that it be granted a waiver of such 45 day filing requirements to allow it to file for its PGAC adjustment no later than February 28, 1975, to be effective April 1, 1975, so that it will be able to include within that filing those producer increases filed pursuant to Opinion No. 699H.

In support of its motion El Paso argues that its proposal would (1) eliminate the necessity of tendering two rate change filings within 45 days; (2) eliminate the possibility that, because the effective date of the special one-time Opinion No. 699H rate adjustment is the date of filing, the rates of certain of El Paso's customers would be deficient from that date until appropriate state Commission authorizations are received; and (3) lessen the administrative burden of rate changes on El Paso and its customers.

The Commission finds. (1) Good cause exists to grant El Paso's motion of January 13, 1975 and to allow El Paso to tender its PGAC adjustment on or before February 28, 1975 to be effective on April 1, 1975.

The Commission orders. (A) El Paso's motion to allow a one-time deviation in the 45 day filing requirement prescribed at § 154, 38(d)(4)(v) of the Commission's regulations and § 19.9 of El Paso's FPC Gas Tariff, Original Volume No. 1, so as to allow no less than 30 days notice to enable inclusion of Opinion No. 699H producer increases in its April 1 PGAC adjustment is hereby granted.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4007 Filed 2-12-75;8:45 am]

[Docket No. E-9183]

FLORIDA PUBLIC UTILITIES CO.

Filing Change in Rate Schedule

FEBRUARY 5, 1975.

Take notice that on December 18, 1974, the Florida Public Utilities Company, tendered for filing a supplement to the contract for electric service to City of Blountstown, Florida. It is suggested that the supplement, dated July 23, 1974, with a proposed effective date of January 17, 1975, will only increase Florida Public Utilities' maximum obligation to serve the City of Blountstown from 4000 kva to 6000 kva, and does not affect any other portion of the service provided. Accordingly, it is submitted that the cost of service statement otherwise required by § 35.13(b) are not applicable and Florida Public Utilities request waiver of such provision.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4008 Filed 2-12-75;8:45 am]

[Docket No. E-9244]

GULF STATES UTILITIES CO.

New Rate Schedule Filing

FEBRUARY 6, 1975.

Take notice that on January 31, 1975, Gulf States Utilities Company (Gulf States) tendered for filing a new rate schedule. The schedule is the new contract between Gulf States and the City of Caldwell, Texas. Gulf States states that the new rate will be the same as the one to be determined in FPC Docket No. E-8121.

A copy of this filing has been sent to the City of Caldwell.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

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not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4009 Filed 2-12-75;8:45 am]

[Docket No. E-8987]

INDIANA AND MICHIGAN ELECTRIC CO.

Tariff Change

FEBRUARY 6, 1975.

Take notice that Indiana and Michigan Electric Company (I&M), on January 29, 1975, tendered for filing proposed changes in its FPC Rate Schedule No. 29 applicable to service rendered by I&M to the City of Auburn, Indiana. The proposed changes would increase revenues from Auburn by $157,564 if the proposed increases had been in effect for the twelve-month period ending December 1974.

I&M states that the proposed changes implement the contractual obligations as set forth in the Service Agreement between I&M and Auburn and have been authorized by the decision of the United States Court of Appeals for the District of Columbia Circuit in "Richmond Power and Light v. FPC", 481 F.2d 490 (1973). Copies of the filing were served upon Auburn and upon its counsel, as well as upon the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4010 Filed 2-12-75;8:45 am]

[Docket No. E-9023]

INTERSTATE POWER CO.

Extension of Procedural Dates

FEBRUARY 6, 1975.

On February 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 18, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony.	March 11, 1975.
Service of intervenor's testimony.	March 25, 1975.
Service of company rebuttal.	April 8, 1975.
Hearing ----------	April 22, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4011 Filed 2-12-75;8:45 am]

[Docket No. E-9242]

KANSAS POWER AND LIGHT CO.

Filing of Proposed Changes in Rates and Charges and Request for Waiver

FEBRUARY 6, 1975.

Take notice that on January 30, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed contract dated July 15, 1974, with the City of Horton, Kansas for wholesale electric service to that community. The proposed effective date is not to be later than July 1, 1976, and Kansas requests that the Commission waive the notice requirements allowed in § 35.11 of its regulations. Kansas states that copies of the contract have been mailed to the City of Horton and the State Corporation Commission of Kansas. The contract has been executed by both parties.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4012 Filed 2-12-75;8:45 am]

[Docket No. E-9237]

KANSAS POWER AND LIGHT CO.

Proposed Changes in Rates and Charges

FEBRUARY 6, 1975.

Take notice that on January 29, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed renewal contract dated January 3, 1975, with the City of Netawaka, Kansas for wholesale electric service to that community. Kansas states that this is a renewal of a similar contract dated December 7, 1964, and designated KPL Rate Schedule FPC No. 75. The proposed effective date is January 15, 1975, and Kansas requests that the Commission waive the notice requirements as allowed in § 35.11 of its regulations. According to Kansas, the net billings for the twelve months succeeding and proposed change in agreements was $11,550.04. In addition, Kansas states that copies of the contract have been mailed to the City of Netawaka and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4013 Filed 2-12-75;8:45 am]

[Docket No. E-9246]

KANSAS POWER AND LIGHT CO.

Changes in Rates and Charges and Request for Waiver

FEBRUARY 6, 1975.

Take notice that on January 31, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed contract dated January 22, 1975, with the City of Wamego, Kansas for wholesale electric service to that community. The proposed effective date is not to be later than July 1, 1976, and Kansas requests that the Commission waive the notice requirements allowed in § 35.11 of its regulations. Kansas states that copies of the contract have been mailed to the City of Wamego and the State Corporation Commission of Kansas. The contract has been executed by both parties.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4014 Filed 2-12-75;8:45 am]

[Docket No. E-9247]

KANSAS POWER AND LIGHT CO.

Changes in Rates and Charges and Request for Waiver

FEBRUARY 6, 1975.

Take notice that on January 31, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed contract dated August 7, 1974, with the City of Minneapolis, Kansas for wholesale electric service to that community. The proposed effective date is not to be later than July 1, 1976, and Kansas requests that the Commission waive the notice requirements as allowed in Section 35.11 of its regulations. Kansas states that copies of the contract have been mailed to the City of Minneapolis and the State Corporation Commission of Kansas. The contract has been executed by both parties.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4015 Filed 2-12-75;8:45 am]

[Docket No. E-9238]

KANSAS POWER AND LIGHT CO.

Rates and Charges

FEBRUARY 6, 1975.

Take notice that on January 29, 1975, The Kansas Power and Light Company (Kansas) tendered for filing a newly executed renewal contract dated January 20, 1975, with the City of Muscotah, Kansas for wholesale electric service to that community. Kansas states that this is a renewal of a similar contract dated December 7, 1964, and designated KPL Rate Schedule FPC No. 74. The proposed effective date is January 3, 1975, and Kansas requests that the Commission waive the notice requirements as allowed in § 35.11 of its regulations. According to Kansas, the net billing for the twelve months succeeding the proposed change in agreements was $10,323.60. In addition, Kansas states that copies of the contract have been mailed to the City of Muscotah and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4016 Filed 2-12-75;8:45 am]

[Docket No. RP74-26]

LOUISIANA-NEVADA TRANSIT CO.

Certification of Settlement Agreement

FEBRUARY 6, 1975.

Take notice that on February 3, 1975, the Presiding Administrative Law Judge in the above-referenced proceeding certified: (1) a settlement agreement between Louisiana-Nevada Transit Company (LNT) and its sole jurisdictional customer, the City of DeQueen, Arkansas (DeQueen); (2) the official stenographer's report of the formal proceedings in this docket; and (3) Exhibits 1 through 31 and Items by Reference A and B, all received in evidence. The settlement agreement was filed by LNT on January 30, 1975, and provides, inter alia, for a 34.50¢/Mcf rate to be charged during the period November 2, 1973 through February 28, 1975, and for a rate of 39.50¢/Mcf thereafter. The Presiding Administrative Law Judge states that although the Commission Staff does not object to the terms of the agreement, the Staff has reserved the right to comment on such.

Copies of this certification are on file with the Commission and are available for public inspection. Any person desiring to comment upon matters contained in this certification should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before February 24, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4017 Filed 2-12-75;8:45 am]

[Docket No. CI70-725]

MOBIL OIL CORP.

Notice of Application

FEBRUARY 6, 1975.

Take notice that on January 27, 1975, Mobil Oil Corporation (Applicant), Three Greenway Plaza East—Suite 800, Houston, Texas 77046, filed in Docket No. CI70-725 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the delivery of natural gas under a rental arrangement previously authorized in the instant docket between Applicant and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that by order issued April 17, 1970, in Docket No. G-3566, et al., the Commission issued Applicant a certificate of public convenience and necessity in Docket No. CI70-725 authorizing Applicant to rent gas from Natural to be used by Applicant as operator of the Putnam-Osego Unit for pressure maintenance operations, pursuant to a gas rental contract between the parties dated May 1, 1969. Applicant indicates that the "pay-back" of rental gas volumes was completed during July 1974 as evidenced by a letter agreement between Applicant and Natural to this effect dated October 3, 1974. Applicant requests that since its May 1, 1969, gas rental contract was terminated July 31, 1974, the Commission issue an order terminating the certificate in Docket No. CI70-725 effective July 31, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4018 Filed 2-12-75;8:45 am]

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[Docket No. CI75-432]

MOBIL OIL CORP.

Notice of Application

FEBRUARY 6, 1975.

Take notice that on January 8, 1975, Mobil Oil Corporation (Applicant), Three Greenway Plaza East, Suite 800, Houston, Texas 77046, filed in Docket No. CI75-432 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from the Tijerina-Canales-Blucher (TCB) Field, Jim Wells County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of natural gas to Natural in the TCB Field, which sale was authorized in Docket No. G-3973 and is presently made pursuant to the terms of February 15, 1950, gas sales contract comprising Applicant's FPC Gas Rate Schedule No. 415. Applicant states that under the terms of the 1950 agreement the contract was to expire twenty years from the date of initial delivery of gas which occurred December 2, 1971, and therefore, said term expired December 2, 1971. Applicant states further that said agreement was a limited volume contract which has expired under its own terms. Specifically, Applicant indicates that the 1950 contract provides that the seller was required to maintain reserves of one and one-half times those sold to Natural and that there was included in the subject contract a "Surplus Gas" provision which provides that all gas in excess of one and one-half times the then-remaining undelivered quantities is surplus gas and that Applicant is authorized to sell and deliver such surplus gas to other parties.

The application states that by letter dated March 29, 1968, Applicant and Natural agreed that, based upon a reserve determination, surplus gas then existed under the 1950 contract in the amount of at least 41,900,000 Mcf. Applicant asserts that relying on these facts it entered into a gas purchase and sales agreement with Channel Industries Gas Company (Channel), as buyer, dated April 15, 1968, under which Applicant commits all the gas from the leases covered under the 1950 agreement with Natural subject to the 1950 contract and any extensions thereof occasioned by the Federal Power Commission.

Applicant alleges that in view of the fact that it has performed under the long-term agreement with Natural all service required of it, that it has complied with all its terms, and that since 1968 Applicant's TCB Field surplus gas reserves have been contractually committed to Channel, it is appropriate to terminate service to Natural. Therefore, Applicant requests permission and approval for the abandonment of such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4019 Filed 2-12-75;8:45 am]

[Docket No. CP75-215]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

FEBRUARY 6, 1975.

Take notice that on January 27, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP75-215 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation and operation of gas storage facilities in the Coalville Field, Summit County, Utah, and the rendering of storage service from said field in volumes not to exceed 200,000 Mcf per day, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it expects to experience increased firm peak-day requirements on its system during the next few years, and that the proposed Coalville storage project will make a major contribution to Applicant's ability to continue to meet the premium load requirements of its market area. Although, Applicant states, it is not experiencing a gas supply shortage at the present time, Applicant expects to avoid possible future shortages resulting from inadequacy of supplies from independent producers by, in addition to other projects, developing the Coalville Field for the purpose of being able to upgrade service to customers at the expense of so-called inferior uses of gas and to conserve available supplies by injecting additional gas into storage in a programmed, orderly manner. Applicant further states that the Coalville storage project will assist in alleviating the impact of expected curtailment by Northwest Pipeline Corporation (Northwest), one of Applicant's suppliers, which faces problems in supply resulting from developments affecting the supply of gas from Canada. Applicant further states that the cost of development of the storage project, $20 per Mcf of expected storage deliverability, is small in relation to the benefits to Applicant's customers. If the successful development of the Coalville field precedes Applicant's need for the entire capacity thereof, Applicant intends to make storage deliverability available to other distributors in the Northwest area on days during the build-up period of the Coalville field when deliverability from the field exceeds the requirements of Applicant's customers.

Applicant relates that it began the investigation and development of the Coalville Storage Field in 1972 pursuant to budget-type authorization for the testing and development of gas storage facilities issued in Docket No. CP71-52 on February 22, 1971. As of December 31, 1973, according to the application, 1,340,141 Mcf of gas had been injected into the storage reservoir and as of October 31, 1974, the volume of gas in the reservoir was 1,653,206 Mcf. The application indicates that five wells currently exist in the field. Well Nos. 1 and 3 are used for injection and Well No. 4 for observation to monitor a zone above the storage interval for the purpose of detecting possible leakage through the cap rock. No such leakage has been found to date, Applicant states. In addition the application shows that one 600 b.h.p., skid-mounted compressor is located at the No. 1 well to inject gas into storage, that one 20,000-Mcf-per-day, skid-mounted wellhead dehydration unit is also located at the No. 1 well to remove water vapor from the gas withdrawn from storage during testing, and that approximately 1,780 feet of 3½-inch lateral pipeline exists between the No. 1 and No. 3 well to allow injections and withdrawal from the present gas bubble. The application indicates that Applicant has undertaken testing which, it is stated, demonstrates the feasibility of the Coalville project.

On August 5, 1974, Applicant filed an application for a certificate of public convenience and necessity in Docket No. CP 71-52 requesting additional budget-type authorization to spend up to $3,000,000 over a three-year period to complete testing and development in the Coalville field. Applicant states that said filing will be withdrawn upon issuance of the authorization requested in the instant application.

Accordingly, Applicant proposes the following program of development in two phases:

Phase I (estimated cost—$963,770):

(1) Drill two additional wells (Nos. 6 and 7);

(2) Equip Well Nos. 3, 5, 6, and 7 with 30,000-Mcf-per day wellhead dehydration units and use said wells for injection-withdrawal purposes;

(3) Construct approximately 1.1 mile of 6⅝-inch lateral pipeline to connect the four injection-withdrawal wells to a central header and meter facility;

(4) Construct a central meter and header facility to furnish equipment to control gas flow of the individual injection-withdrawal wells;

(5) Construct 0.8 mile of 20-inch pipeline between the central header and meter facility and Applicant's main line Nos. 1, 13 and 15 in the Coalville Station area;

(6) Relocate the 600 b.h.p., skid-mounted compressor from the No. 1 well to Coalville Station.

Phase II (estimated cost—$2,013,700):

(1) Construct Well Nos. 8, 9, 10, and 11, Well Nos. 10 and 11 to be used initially as observation wells and, perhaps, eventually for injection-withdrawal wells;

(2) Equip Well Nos. 1, 2, 8 and 9 with 30,000-Mcf-per-day wellhead dehydration units and use said wells for injection-withdrawal purposes;

(3) Construct approximately 0.9 mile of 6⅝-inch lateral pipeline to connect the four additional injection-withdrawal wells to the central header and meter station;

(4) Replace the 600 b.h.p. compressor used in Phase I with a 1500 b.h.p., reciprocating gas compressor;

(5) Automate the entire facility to allow control of both injection and withdrawal from the Gas Supply Dispatching Center.

Applicant expects the ultimate deliverability of the facility to be in excess of 200,000 Mcf of gas per day, with an ultimate capacity in the range of 35 million Mcf. Applicant states that production from the Coalville facilities will be used to serve peak day requirements of firm residential and commercial customers and that Applicant has authority under tariffs authorized by the public service commissions of Utah and Wyoming to curtail interruptible customers at any time to inject gas into storage reservoirs for ultimate use by firm customers.

Applicant further states that the proposed facilities will be financed from internal sources, treasury funds presently on hand and short-term bank borrowings as may be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4020 Filed 2-12-75;8:45 am]

[Docket No. E-9180]

NYPP-PJM

Interconnection Agreement

FEBRUARY 5, 1975.

Take notice that on December 16, 1974 the New York Power Pool (NYPP Group) and the Pennsylvania-New Jersey-Maryland Group (PJM Group) tendered for filing proposed Schedule 8.01 dated December 13, 1974, to the Interconnection Agreement between them dated April 9, 1974, which was tendered for filing with the Commission on June 27, 1974 and assigned Docket No. E-8876. The members of the NYPP Group are:

Central Hudson Gas & Electric Corporation
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities, Inc.
Rochester Gas and Electric Corporation

The members of the PJM Group are:

Public Service Electric and Gas Company
Philadelphia Electric Company
Pennsylvania Power & Light Company
Baltimore Gas and Electric Company
Potomac Electric Power Company
Pennsylvania Electric Company
Metropolitan Edison Company
Jersey Central Power & Light Company

The proposed Schedule expands existing provisions for Fuel Conservation Energy transactions by making provision and specifying rates for the generating of Fuel Conservation Energy by either Group for the other, while continuing the provisions contained in the present NYPP-PJM Agreement dated March 26, 1974 which became effective January 1, 1974 by order of the Commission under Docket No. RM 74-22. That Agreement will be cancelled when the proposed Schedule becomes effective.

Because of the current uncertainty of fuel supplies and the possibility that transactions will be required imminently under the proposed Schedule, the parties have requested that the Commission waive its notice requirements and that the proposed Schedule become effective December 1, 1974. The proposed Scheduled shall remain in effect until December 31, 1975 unless extended by the parties. No new facilities will be installed nor will existing facilities be modified in connection with the proposed Schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice should, on or before February 20, 1975 file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4026 Filed 2-12-75;8:45 am]

[Docket Nos. RP71-107 (Phase II) and PGA75-2]

NORTHERN NATURAL GAS CO.

PGA Proposal

FEBRUARY 6, 1975.

On January 9, 1975, Northern Natural Gas Company (Northern) tendered for filing alternate proposals of a one-time special PGA filing pursuant to Opinion No. 699-H to track increased rates pursuant to filings made by natural gas producers on or before January 31, 1975, also pursuant to Opinion 699-H. The first proposal, proposed to become effective January 9, 1975,[1] would increase the commodity portion of all of Northern's jurisdictional rates by 1.96¢ per Mcf which would result in an increase in annual jurisdictional revenues of approximately $12,165,000.

Northern's alternate proposal is to effectuate as of December 27, 1974, only 1.62¢ per Mcf of the increase and to defer the 0.34¢ per Mcf balance, together with interest at 9 percent annually, until Northern's next annual PGA filing. To effectuate this proposal, Northern proposes to effectuate alternate tariff sheets

[1] Seventh Revised Sheet No. 4a to Third Revised Volume No. 1 and Third Revised Sheet No. 502 and Sixth Revised Sheet 1c to Original Volume No. 2.

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as of December 27, 1974,[3] and December 28, 1974,[4] to give effect to the suspension of Northern's annual PGA and R&D filing in the Commission's December 26, 1974, order issued in Docket Nos. RP71–107 (Phase II), PGA75–1, RP72–127, RP74–9 and R&D75–1.

The Commission's December 26, 1974, order accepted and suspended only 4.72¢ per Mcf of Northern's requested 6.34¢ per Mcf increase. The tariff sheets reflecting the remaining 1.62¢ per Mcf [5] were not accepted nor made effective [6]. However, according to Northern, Northern's customers filed to track this additional 1.62¢ per Mcf with their respective local regulatory authorities. Northern argues that its alternate proposal should be adopted because 1) a large percentage of its customers are located in states where state utility commissions are not presently regulating rates for the distribution of natural gas and thus must go before hundreds of individual town councils and boards in an attempt to establish new rates each time Northern is required to adjust its rates to reflect change in costs and 2) Northern's proposal minimizes the number of rate changes its customers must make.

Northern's filing was noticed on January 16, 1974, with all comments due on or before January 31, 1974. Comments in support of Northern's alternate proposal were filed by the Northern Distributor Group [7], Nebraska Natural Gas Company, St. Croix Valley Natural Gas Company, Muny Natural Gas Utility and Iowa Public Service Company which generally repeated the reasons given by Northern in support of its alternate proposal. The Department of Water and Gas of Duluth, Minnesota, also filed comments in support of Northern's alternate proposal, but recommended that the interest expense on the .34¢ per Mcf deferred amount "be limited to the general rate of return allowed Northern on rate base investment." Wisconsin Gas Company filed a petition to intervene, but did not request a hearing nor express any opinion as to either of Northern's proposals in the instant filing.

Comments in opposition to Northern's alternate proposal were filed by Superior Water, Light and Power Company (Superior) and the Public Service Commission of Wisconsin (Wisconsin) [8] stating that the effective date of the increase be delayed until the issue date of the FPC order approving the increase. This approach apparently is recommended so as to ensure that any action taken by the FPC on Northern's increase is consistent with Wisconsin regulatory procedure.

Our review of Northern's alternate proposal indicates that it is in the public interest and should be granted since Northern is voluntarily foregoing its right to collect all costs associated with Opinion No. 699–H rates as of January 9, 1975, as would be permitted by Opinion No. 699–H,[9] in order to accommodate a majority of its customers. We note that Northern is agreeing to forego commencing collection of .34¢ per Mcf of its increase for a full twelve month period before it begins recovering these costs on January 27, 1976,[9] and since by the time full recovery of the deferred amounts, these costs will have been in Account 191 for an average of 19 months. Moreover, our review of Northern's 1.96¢ per Mcf request indicates that it is consistent with Opinion No. 699–H.

We are not persuaded by the arguments of Superior and Wisconsin. Approval of either of Northern's proposals would be inconsistent with Wisconsin regulatory procedure. In view of this fact and in view of the fact as noted above, that the alternate proposal of Northern's helps most of Northern's customers, we find it appropriate not to adopt the suggestion of Wisconsin and Superior.

Accordingly, we shall approve Northern's alternate proposal and 1) accept 1.62¢ per Mcf of Northern's requested 1.96¢ per Mcf request effective December 27, 1974, as set forth in the alternate tariff sheets listed in Footnotes 2 and 3 of this order subject to the provisions of, inter alia, the December 26, 1974, order in Docket Nos. RP71–107 (Phase II), et al.; 2) permit Northern to accrue and defer collection of interest at 9 percent per annum on the deferred increase in the cost of purchased gas represented by the .34¢ per Mcf deferred rate increase; and 3) include in Northern's next PGA filing the deferred interest expense in 2) above.

In light of the action we are taking with respect to Northern's alternate proposal, we shall not accept for filing nor make effective the tariff sheets listed in Footnote 1 of this order which would effectuate the entire 1.96¢ per Mcf increase as of January 9, 1975.

We note, however, that our granting of Northern's request for carrying charges on the specified amounts of deferred purchased gas costs in this instance is predicated on the unusual circumstances involved in Northern's request. Therefore, we shall continue our policy of treating requests for carrying charges on amounts accumulated in a pipeline's deferred purchased gas account on a case-by-case basis.[10]

We note further that although in this instance, we chose to consider the problems of a pipeline's distributor-customers in dealing with their local regulatory authorities, our action in this case should not in any way be construed to mean that we are making such considerations determinative in making our decisions as to the appropriate effective date of PGA rate increases.[11]

The Commission finds. (1) Good cause exists to accept Northern's alternate proposal to accept in part and defer in part its proposed PGA rate increase, as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of Wisconsin Gas Company.

The Commission orders. (A) Northern's alternate proposal in the instant case is accepted and approved such that: (1) 1.62¢ per Mcf of Northern's total request of 1.96¢ per Mcf is accepted effective December 27, 1974, as set forth in the alternate tariff sheets listed in Footnotes 2 and 3 of this order and subject to the provisions of, inter alia the December 26, 1974, order in Docket Nos. RP71–107 (Phase II) et al.; (2) Northern is permitted to accrue and defer collection of interest of 9 percent per annum only on the deferred increase in the cost of purchased gas represented by the .34¢ per Mcf deferred rate increase; (3) and Northern is permitted to include in its next PGA filing the deferred interest expense in (2) above.

(B) In light of the action taken in Ordering Paragraph (A) above, we shall not accept nor make effective the tariff sheets listed in Footnote 1 of this order which would effectuate the entire 1.96¢ per Mcf increase as of January 9, 1975.

(C) Wisconsin Gas Company is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission and the hearing procedures set forth in the Commission order of October 12, 1973: *Provided, however,* That participation of said intervenor shall be limited to matters affecting asserted rights and interest specifically set forth in its petition to intervene, and *Provided, further,* The admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

NORTHERN DISTRIBUTOR GROUP
Central Telephone & Utilities Corporation
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Metropolitan Utilities District of Omaha
Minnesota Gas Company
North Central Public Service Co.
Northern States Power Company (Minnesota)
Northern States Power Company (Wisconsin)
Northwestern Public Service Company

[3] Third Substitute Fifth Revised Sheet No. 4a to Third Revised Volume No. 1; and Second Substitute First Revised Sheet No. 502 and Second Substitute Fourth Revised Sheet No. 1c to Original Volume No. 2.

[4] First Substitute Sixth Revised Sheet No. 4a to Third Revised Volume No. 1; and First Substitute Second Revised Sheet No. 502 and First Substitute Fifth Revised Sheet No. 1c to Original Volume No. 2.

[5] The 1.62¢ consists of 1.56¢ per Mcf for estimated costs associated with the proposed new flowing gas rates in Docket No. R–478 and .06¢ per Mcf for costs associated with the Dallas Center Project as proposed in Docket No. RP74–9.

[6] See: Ordering Paragraph (B) of the December 26, 1974, order in Docket Nos. RP71–107 (Phase II).

[7] See Appendix A.

[8] The comments of Wisconsin were also accompanied by a Notice of Intervention.

[9] See: Ordering Paragraph (D) of Opinion No. 699–H (mimeo, p. 90).

[9] This assumes one month after the effective date of December 27, 1975, for billing and payment.

[10] See: Order No. 466, 49 FPC 98 (1973); Compare: "Northern Natural Gas Company, ——— FPC ———," issued October 21, 1974, in Docket No. RP74–36.

[11] "Southern Natural Gas Company, ——— FPC ———" (1974), issued July 5, 1974, in Docket Nos. RP73–64 and RP–72–91 (Phase II), et al.

[FR Doc.75–4021 Filed 2–12–75;8:45 am]

[Projects No. 2243/2273]

PACIFIC NORTHWEST POWER CO. AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Availability of Staff Draft Environmental Impact Statement

Notice is hereby given in the captioned Project, that on February 14, 1975, as required by § 2.81(b) of Commission Order No. 415–C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of the proposed Middle Snake River Project. It is proposed that one of three alternate hydroelectric developments be built. The High Mountain Sheep-China Gardens alternate would affect lands in Washington, Oregon, and Idaho, and would impound the Snake River from a point just above its confluence with the Grande Ronde River to Hells Canyon Dam. The Pleasant Valley-Mountain Sheep and Appaloosa-Mountain Sheep developments would affect lands in Oregon and Idaho and would impound the river from a point just above its confluence with the Imnaha River to Hells Canyon Dam.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before May 16, 1975.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81(c) of Order No. 415–C.

All petitions to intervene must be filed on or before May 16, 1975.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75–3997 Filed 2–12–75;8:45 am]

[Docket No. E–9230]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Certificate of Concurrence

FEBRUARY 6, 1975.

Take notice that on January 30, 1975, The Nevada Power Company filed a certificate of Concurrence to Southern California Edison Company's (Edison) filing of January 27, 1975 of a September 30, 1969 Interim Arrangement for Interconnected Operations (Navajo Interconnection Principles), and a September 13, 1974 Amendment No. 1 to the Navajo Interconnection Principles between the United States of America, Arizona Public Service Company, Department of Water and Power of the City of Los Angeles, Nevada Power Company, Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Company and the Applicant. Edison's filing was noticed on January 31, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4022 Filed 2–12–75;8:45 am]

[Docket No. RP74–89]

TRUNKLINE GAS CO.

Further Extension of Procedural Dates

FEBRUARY 6, 1975.

On February 4, 1975, Trunkline Gas Company filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as most recently modified by notice issued October 11, 1974, in the above-designated matter. The motion states that Staff Counsel has no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of rebuttal	February 28, 1975.
Hearing	March 18, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4023 Filed 2–12–75;8:45 am]

[Dockets Nos. RP73–94, PGA75–1, and PGA 74–2]

VALLEY GAS TRANSMISSION, INC.

PGA Rate Increase

FEBRUARY 6, 1975.

On December 23, 1974, Valley Gas Transmission, Inc. (Valley Gas) tendered for filing a proposed PGA rate increase for sales to Tennessee Gas Transmission Company (Tennessee) and United Gas Pipe Line Company (United) under Valley Gas' Rate Schedules 1 and 2, and a proposed PGA rate reduction to Iroquois Gas Corporation (Iroquois) under Rate Schedules 5 and 8.[1]

The rate increases to Tennessee and United consist of increased cost of gas purchased from producer suppliers and increased surcharges to recoup increased balances in the deferred purchased gas cost account. The rate reduction to Iroquois is based upon the replacement of the present surcharge of 27.15¢ per Mcf with a new surcharge of .6¢ per Mcf and upon a reduction in the average cost of gas resulting primarily from the transfer of low cost gas in the Petronilla Field to Iroquois from Tennessee. Valley Gas requests an effective date of January 1, 1974. Valley Gas' December 23, 1974, filing was noticed on January 7, 1975, with comments, protests and petitions to intervene due on or before January 20, 1975. To date, no comments protests or petitions to intervene have been received by this Commission.

Our review of Valley Gas' December 23, 1974, filing indicates that the shifting of a portion of its gas supply from Tennessee to Iroquois may be inconsistent with reserve dedications under Valley Gas' outstanding certificate authorizations and therefore contrary to the public convenience and necessity. Accordingly, Valley Gas' proposed rate increase filed December 23, 1974, has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall accordingly accept for filing, Valley Gas' proposed tariff sheets, suspend their use for one day and permit the rates to become effective thereafter subject to refund. Since the issue of the transfer of a portion of Valley Gas' gas supply from Tennessee to Iroquois is presently the subject of a hearing in another proceeding,[2] we shall make the disposition of that issue in this proceeding subject to the outcome of the hearing set in the Commission's December 27, 1974, order.

We also note that by order issued July 26, 1974,[3] we suspended for one day another PGA filing by Valley Gas in Docket No. RP73–94, which was filed on June 12, 1974. Since the issue of the transfer of gas from Tennessee to Iroquois is also at issue in that proceeding, we shall also make the transfer of gas issue in that proceeding subject to the hearing initiated in the December 27, 1974, order in Docket Nos. RP73–94, et al.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Valley Gas' proposed PGA rate increase filing of December 23, 1974, should be accepted for filing,

[1] Third Revised Sheet No. 2A to FPC Gas Tariff, Original Volume No. 1.

[2] See Valley Gas Transmission, Inc., Docket Nos. RP73–94, et al. order issued December 27, 1974.

[3] This proceeding shall henceforth be docketed as Dockets Nos. RP73–94 and PGA 74–2.

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suspended for one day and permitted to become effective subject to refund pending further Commission order in this docket, as discussed above.

(2) Good cause exists to make the issue of the transfer of gas from Tennessee to Iroquois raised in Valley Gas' June 12, 1974, PGA filing in Docket Nos. RP73–94 and PGA74–2 subject to the determination of that issue in the hearing initiated in the Commission's December 27, 1974, order in Docket Nos. RP73–94, et al.

The Commission orders. (A) Valley Gas' December 23, 1974, PGA rate increase filing is hereby accepted for filing, suspended and permitted to become effective on January 2, 1975, subject to refund pending further Commission order in this docket, as discussed above.

(B) In accordance with Section 154.51 of the Commission's regulations, waiver of the notice requirements is hereby granted.

(C) The issue of the transfer of gas from Tennessee to Iroquois, which was raised in Valley Gas' June 12, 1974, PGA filing in Dockets Nos. RP73–94 and PGA 74–2 is hereby made subject to the determination of that issue in the hearing initiated in the Commission's December 27, 1974, order in Docket No. RP73–94, et al.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4024 Filed 2–12–75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST UNITED BANCORPORATION, INC.

Order Approving Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire additional voting shares of University Bank, Fort Worth, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the tenth largest banking organization in Texas, controls nine banks with aggregate deposits of approximately $754 million, representing 2.0 percent of the total deposits in commercial banks in Texas.[1] Bank holds deposits of approximately $47.1 million or about 2.0 percent of the total deposits in the relevant market and thereby ranks as the eleventh largest of 48 banks operating therein.[2] The proposed transaction consummates the conversion of debentures of Bank, currently held by Applicant, into 15,861 voting shares of Bank. Since Applicant presently controls approximately 37 percent of Bank's outstanding shares, it appears that the acquisition of additional shares of Bank[3] by Applicant would not eliminate existing or potential competition, increase the concentration of banking resources in any relevant market area, or have an adverse effect on any bank. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant, its subsidiaries, and Bank are considered to be generally satisfactory and the future prospects of each appear favorable. Thus, the banking factors are consistent with approval of the application. Although there will be no immediate change in the services or operations of Bank as a result of the proposal, considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. Therefore, it is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective February 5, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75–4027 Filed 2–12–75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 7, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA and ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before March 3, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for renewal of revised Annual Report—Railroad Lessor (R–4). This report is required by the Interstate Commerce Commission, pursuant to the provisions of section 20 of the Interstate Commerce Act. The report is filed annually by 136 railroad lessor companies, whose property is leased to and operated by other companies. Reports are required for economic regulatory purposes. Railroad lessors maintain separate legal existences and keep financial, but not operating accounts. The average number of man-hours required per response is estimated to be 233. The report is mandatory.

FEDERAL ENERGY ADMINISTRATION

Request for review and clearance of Form FEA–U–501–S–0. The form is an Application to the Lighting and Thermal Operations Awards Program. The purpose of the form is to award outstanding savings in energy in individual commercial, public, and industrial buildings. In this category, any interested parties are potential respondents. Approximately 5,000 respondents are expected, with a response time of one man-hour per form.

CARL F. BOGAR, *Assistant Director, Regulatory Reports Review.*

[FR Doc.75–4097 Filed 2–12–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

COST SHARING IN FEDERAL RESEARCH

Opportunity for Comment

The purpose of this notice is to make known an interagency task group proposal on Recommendation B–8 of the Commission on Government Procurement concerning the establishment of policies and procedures for the treatment of Cost Sharing in Federal Research, and to offer an opportunity for public comment thereon. Interested persons may submit their comments to the General Services Administration (AMC); Washington, D.C. 20405. To be given consideration, written comments must be received on or before March 31, 1975.

Background. The Office of Management and Budget (OMB), in memoranda to Heads of Executive Departments and Agencies, dated December 7, 1972 and March 14, 1973, established and outlined plans for coordination of executive branch efforts in response to the Commission on Government Procurement (COGP) Report. Interagency task groups made up of assigned lead and participating agencies were formed to examine and recommend executive branch positions on each of the 149 COGP recommendations. Direction of executive branch efforts on COGP matters is a function which was delegated to the General Services Administration (GSA) by Executive Order 11717 on May 9, 1973.

COGP Recommendation B–8 reads as follows:

Eliminate cost sharing on R&D projects except in cases where the performer of the project would clearly benefit, e.g., through economic benefits on commercial sales. Decisions with respect to the placement of R&D contracts or grants should not be influenced by potential involvement in cost sharing.

Task Group Proposal for an Executive Branch Position. The following is the Task Group's proposed modification of COGP Recommendation B–8:

Cost participation on research and development projects may be encouraged or required at the discretion of individual agencies, as deemed in the best interests of the Government. Such participation is subject to statutory or interagency guidelines. Statutory cost participation not directed to specific agency programs or projects should be eliminated.

The Task Group believes that several main conclusions derive from their study of this recommendation:

1. Elimination of all cost participation is unrealistic in view of agency positions;
2. Organizations should not be prohibited from voluntary cost participation, nor agencies from requiring it when in the best interest of the Government;
3. Current legislation and practice provide a confusing and inconsistent basis for determining participation parameters;
4. Strengthened executive branch guidelines will preclude the necessity for legislatively specified cost participation with the exception of specific programs or projects.

The Task Group believes that the following steps need to be taken in order to implement its proposed position:

a. Cost participation may be required or encouraged by agencies in individual cases, as appropriate.

b. Federal Management Circular 73–3 ("Cost Sharing in Federal Research," formerly Office of Management and Budget Circular A–100) should be revised to provide strengthened guidance concerning participation by the performing organization in the cost of research and development funded by Federal agencies.

c. Current cost participation requirements should be omitted from future appropriations acts, and other legislation repealed if necessary.

Publication of this notice does not imply acceptance by the executive branch of the proposed executive branch position. Responses received from interested parties regarding this notice of opportunity for comment will be given careful consideration in the formulation of an executive branch position.

Dated at Washington, D.C. on February 7, 1975.

R. E. ZECHMAN, *Associate Administrator for Federal Management Policy*

[FR Doc.75–4029 Filed 2–12–75;8:45 am]

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1974.

[2] The relevant market is approximated by the Fort Worth RMA.

[3] Assuming the conversion of all of bank's outstanding debentures, approval of the proposed transaction would increase Applicant's interest in Bank by less than one per cent of Bank's total voting shares outstanding.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

INTERNATIONAL TRADE COMMISSION

[337–4]

EYE TESTING INSTRUMENTS INCORPORATING REFRACTIVE PRINCIPLES

Investigation

A complaint was filed with the Tariff Commission (now the U.S. International Trade Commission) on February 20, 1974, and a supplement thereto filed with the Commission on June 26, 1974, on behalf of American Optical Corporation of Southbridge, Massachusetts, alleging there to be importation and sale in the United States of eye testing instruments incorporating refractive principles and alleging that such importation and sale are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) for the reason that (1) such eye testing instruments are covered by claim 8 in U.S. Patent No. 2,923,200 and (2) such eye testing instruments are the subjects of false advertising. The complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States. Topcon Instrument Company of America, Inc., has been named as an importer of the subject product by the complainant.

Having conducted a preliminary inquiry with respect to the matters alleged by the said complainant, the United States International Trade Commission, on February 5, 1975, Ordered:

That for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to (1) the alleged violations in the importation and sale in the United States of eye testing instruments incorporating refractive principles covered by claim 8 in U.S. Patent No. 2,923,200 owned by the complainant, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States, and (2) the alleged violations in the importation and sale in the United States of eye testing instruments incorporating refractive principles which are the subjects of false advertising, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States, or to restrain or monopolize trade and commerce in the United States.

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on March 19, 1974 (39 FR 10336). The complaint was served upon the party named in the complaint and has been available for inspection by interested persons continually since issuance of the notice of preliminary inquiry, at the Office of the Secretary, located in the U.S. International Trade Commission Building and in the New York City Office of the Commission, located at 6 World Trade Center.

Issued: February 10, 1975.

KENNETH R. MASON, *Secretary.*

[FR Doc.75–4111 Filed 2–12–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR–30 issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of Quad-Cities Unit 2 (the facility), a boiling water reactor located in Rock Island County, Illinois, and currently authorized for operation at power levels up to 2511 MWt.

In accordance with the licensee's application for a license amendment dated January 21, 1975, as supplemented by filing dated February 10, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Quad Cities Unit 2, terminate the further restrictions imposed by the Commission's December 27, 1974, Order For Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's regulations.

By March 17, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the

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amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by March 17, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to John W. Rowe, Esquire, the attorney for the applicant, One First National Plaza, Chicago, Illinois 60670.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated January 21, 1975, (2) supplemental information dated February 10, 1975, (3) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1783), and (4) Notices and the documents referenced therein on related matters published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1291—relating to operation with 8 x 8 fuel assemblies) and on February 10, 1975 (40 FR 6240—relating to the incorporation of operating limits in the Technical Specifications for the facility based on the General Electric Thermal Analysis Basis), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504–17th Street, Moline, Illinois 61265. As they become available, the Commission's related Safety Evaluation and license amendment and any attachments may be inspected at the above locations. A copy of the license amendment and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of February, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-4260 Filed 2-12-75;9:24 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON COMBUSTION ENGINEERING SYSTEM 80

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Combustion Engineering System 80 will hold a closed meeting on February 28, 1975 at the Combustion Engineering facility in Windsor, Connecticut. The meeting will begin at 9 a.m. and will continue until about 6 p.m. The purpose of the meeting will be to discuss and examine the hardware for the following Combustion Engineering System 80 Systems: (1) Core Protection Calculator (CPC) and (2) Core Operating Limit Supervisory System (COLSS).

The Combustion Engineering System 80 Subcommittee Meeting noticed in the FEDERAL REGISTER, 40 FR 5197, February 4, 1975, for March 1, 1975, which will include an open session, will still be held as noticed.

I have determined that the above-noted closed session will consist of discussions of documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed session will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close the meeting to avoid public disclosure of proprietary information.

Persons desiring to attend the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4205 Filed 2-12-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-13 issued to the Southern California Edison Company (the licensee) for operation of the San Onofre Nuclear Generating Station, Unit 1 (the facility), located in San Diego, California.

The license amendment would revise the control rod insertion limits in the facility Technical Specifications to account for the effects of fuel densification for the remaining period of operation with the present Cycle 4 reactor core. This amendment is in accordance with the licensee's application dated June 15, 1973, and subsequent letter dated July 12, 1974.

Control rod insertion limits are included in the Technical Specifications to restrict operation of the facility within allowable core performance parameters. Although the presently specified control rod insertion limits are not based on considerations of fuel densification (a phenomenon involving time dependent changes in the fuel and its cladding during reactor operation), the licensee was authorized to operate the facility with the Cycle 4 core with other conservative restrictions to compensate for the effects of fuel densification pending completion of the Commission's review of the licensee's fuel densification analysis. By this amendment, the control rod insertion limits would be revised based on decreased allowable values of core performance parameters that account for possible effects of fuel densification.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations.

On or before March 17, 1975, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may

be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by March 17, 1975. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Rollin E. Woodbury, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated June 15, 1973, and subsequent letter dated July 12, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the San Clemente Public Library, 233 Granada Street, San Clemente, California. As they become available, the Commission's related Safety Evaluation, license amendment and attachments may be inspected at the above locations. A copy of the license amendment and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 4th day of February 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-3709 Filed 2-12-75;8:45 am]

[Docket No. P-537-A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report, pursuant to § 2.101 of Part 2, is expected to be filed during October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-537-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1823 Filed 1-22-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

FEDERAL COMMITTEE ON ECOLOGICAL RESERVES

Meeting

The Federal Committee on Ecological Reserves will convene on February 18, 1975, from 1:30 to 4:30 p.m., in room 318 at the National Science Foundation, 1800 G Street, NW., Washington, D.C. This Committee is concerned with Research Natural Areas and other Federal scientific reserves. The membership of this Committee is comprised solely of Federal employees and officers, and does not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, members of the public are invited to observe this meeting. Any persons wishing to attend or requiring further information should contact Dr. Jerry Franklin, Program Director, Ecosystem Analysis Program, National Science Foundation, Rm. 331, Washington, D.C. 20550 by mail, or by telephone 202/632-5854.

RUSSELL C. DREW,
Director, Science and Technology Policy Office.

[FR Doc.75-4049 Filed 2-12-75;8:45 am]

[3-4617; File Nos. 2-35994 (11-5872), 2-37251 (22-6062), 2-39532 (22-6538), 2-44260 (22-7196), 2-47762 (22-7534), 2-50423 (22-7848)]

SECURITIES AND EXCHANGE COMMISSION

BAY STATE GAS CO.

Application and Opportunity for Hearing

FEBRUARY 6, 1975.

Notice is hereby given that The Bay State Gas Company (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of First National Bank of Boston ("First National") under six indentures heretofore qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that: (1) The Company was formed on November 19, 1974 as the resulting corporation in a consolidation under Massachusetts law of two constituent pre-existing Massachusetts corporations, Bay State Gas Company ("Old Bay State") and Brockton Taunton Gas Company ("Brockton Taunton").

(2) Immediately prior to the consolidation, First National was serving as

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Bay State previously qualified under the Act as Nos. 22-5872, 22-7196 and 22-7848, respectively. Each indenture contains provisions specifically naming the earlier indenture(s) and declaring that no conflicting interest will be deemed to exist by reason of its trusteeship under such other indenture(s).

(3) Immediately prior to the consolidation, First National was also serving as Trustee under three different indentures of Brockton Taunton, qualified under the Act as Nos. 22-6062, 22-6538 and 22-7534, respectively. Each indenture contains provisions specifically naming the earlier Brockton Taunton indenture(s) and declaring that no conflicting interest will be deemed to exist by reason of its trusteeship under such other indenture(s).

(4) Pursuant to the consolidation referred to in paragraph (1), supplemental indentures were executed and delivered by the Company to First National for each of the above-mentioned indentures under which the Company succeeded to and assumed all obligations of Old Bay State and Brockton Taunton thereunder.

(5) The terms of the indenture differ in respect of:

a. interest rates, maturity dates, interest payment dates, sinking fund provisions, redemption provisions and premiums relating to the indenture securities;

b. limitations on payment of dividends;

c. limitations on future issuance of funded debt and the calculation of the amount of the earnings available for interest required to support future issuance of funded debt; and

d. some of such indentures require subsidiaries to be in compliance with coverants similar to those of the Company and some do not.

(6) The obligations of the Company under all of the indentures are wholly unsecured and each such obligation ranks equally with the others. The Company is not in default under any of the indentures.

(7) Each of the indentures through general "cross-default" provisions provides in substance that a default under any one of said indentures constitutes an event of default under all of said indentures. Accordingly, with respect to the differences between the indentures mentioned in subparagraphs 5 (b), (c) and (d) above, the Company is effectively required to comply with the most restrictive of each of the provisions as found in all six indentures in order to avoid being in default under all of them.

(8) Such differences as exist between the several indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as Trustee under any one of said indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 1100 L Street, NW, Washington, DC.

Notice is further given, That any interested person may, not later than March 4, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4075 Filed 2-12-75;8:45 am]

DETROIT STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 6, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B), of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

National Airlines, Inc..... File No. 7-4718.

Upon receipt of a request, on or before February 22, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4071 Filed 2-12-75;8:45 am]

BOSTON STOCK EXCHANGE

Application for Unlisted Trading Privileges and Opportunity for Hearing

FEBRUARY 6, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the American Depositary Receipt for American Units of the following company, which security is listed and registered on one or more other national securities exchange:

Sony Corp..... File No. 7-4703.

Upon receipt of a request, on or before February 22, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4074 Filed 2-12-75;8:45 am]

BOSTON STOCK EXCHANGE

Application for Unlisted Trading Privileges and Opportunity for Hearing

FEBRUARY 6, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

El Paso Co..... [File No. 7-4702.]

Upon receipt of a request, on or before February 22, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4072 Filed 2-12-75;8:45 am]

files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4072 Filed 2-12-75;8:45 am]

DETROIT STOCK EXCHANGE

Application for Unlisted Trading Privileges and Opportunity for Hearing

FEBRUARY 6, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Clorox Co..... File No. 7-4719.

Upon receipt of a request, on or before February 22, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4073 Filed 2-12-75;8:45 am]

[812-3498]

HIGHLAND CAPITAL CORP. AND MARATHON SECURITIES CORP.

Filing of Application for an Order Pursuant to Section 17(d) of the Act and Rule 17d-1 Thereunder

FEBRUARY 7, 1975.

In the Matter of Highland Capital Corporation c/o Mr. Edwin Robbins, President, 20 Exchange Place, New York, New York 10005; Marathon Securities Corporation c/o Mr. Edwin Robbins, President, 20 Exchange Place, New York, New York 10005.

Notice is hereby given, That Marathon Securities Corporation ("Marathon"), a non-diversified, closed-end, management investment company registered under the Investment Company Act of 1940 (the "Act") and Highland Capital Corporation ("Highland"), a non-diversified, closed-end, management investment company registered under the Act, filed an application on August 16, 1974 pursuant to section 17(d) of the Act and Rule 17d-1 under the Act for an order permitting the proposed sharing by Highland and Marathon of the expenses incurred and to be incurred by them in connection with the recently terminated proposed combination of Marathon and Highland. Marathon and Highland are hereinafter sometimes referred to collectively as "Applicants". All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Highland and Marathon have substantially the same principal officers and principal stockholders; they have similar investment policies; and both companies are internally managed by their officers and directors. Mr. Walter Scheuer ("Scheuer") is the principal stockholder of both Marathon and Highland and is Chairman of the Board of Directors of Marathon and a director of Highland. Mr. Edwin Robbins ("Robbins") is a principal stockholder of Marathon and Highland and the President, chief executive officer, and a director of both companies.

The application represents that Scheuer may be deemed to own beneficially directly or indirectly 213,774 shares (approximately 52.5 percent) of the 406,972 issued and outstanding shares of Marathon common stock, although he disclaims any beneficial ownership in 82,653 of such shares. Robbins may be deemed to own beneficially directly or indirectly 59,804 shares (approximately 14.7 percent) of Marathon's outstanding common stock, although he disclaims any beneficial ownership in 9,827 of such shares. Scheuer may be deemed to own beneficially directly or indirectly 222,600 shares (approximately 21.9 percent) of the 1,017,449 issued and outstanding shares of Highland's common stock, although he disclaims any beneficial ownership in 33,285 of such shares. Robbins may be deemed to own beneficially directly or indirectly 20,800 shares (approximately 2.0 percent) of Highland's outstanding common stock. An aggregate of 163,840 shares of Highland's common stock, including 146,190 of the shares which may be deemed to be beneficially owned by Scheuer and Robbins, are owned of record by Gaymark Associates, a New Jersey limited partnership of which Robbins is the sole general partner and Scheuer is one of the limited partners. The application states that, through their stock ownership of Highland and Marathon and otherwise, Scheuer and Robbins control both companies and dominantly influence their operations and policies.

In August 1973 Applicants entered into a Plan and Agreement of Reorganization (the "Plan and Agreement of Reorganization") pursuant to which it was proposed that Highland would acquire all of Marathon's assets in consideration of the issuance by Highland of shares of its common stock to Marathon and the assumption of all of Marathon's liabilities. Such transaction was subject to the receipt of an order from the Commission exempting the transaction from certain provisions of the Act and to the approval by the stockholders of both companies.

Also, in August 1973, at the same time that they entered into the Plan and Agreement of Reorganization, Marathon, Highland and others (including Scheuer and Robbins) filed an application (the "merger application") with the Commission seeking the aforementioned order exempting the proposed combination transaction from various provisions of the Act. In addition, at the same time, Highland filed with the Commission a registration statement (File No. 2-48905) on Form S-14 (the "registration statement") under the Securities Act of 1933 which included as part thereof a joint Highland-Marathon proxy statement to be used in connection with seeking stockholder approval for the proposed combination transaction.

On January 31, 1974, a notice of the merger application was issued (Investment Company Act Release No. 8211). Several stockholders responded to such notice by requesting a hearing, and, on June 3, 1974, the Commission ordered a hearing on the merger application (Investment Company Act Release No. 8371). A pre-hearing conference was held on July 18, 1974, and a hearing was scheduled for August 26, 1974. On August 30, 1974, at the request of Applicants, an Order Withdrawing Application and Dismissing Proceedings was issued (Investment Company Act Release No. 8480).

The current application states that on July 31, 1974, Marathon's Board of Directors met and determined not to proceed with the proposed combination transaction with Highland and to terminate the Plan and Agreement of Reorganization. Marathon promptly so notified Highland, and the proposed combination transaction was terminated. The application also explains that Marathon's Board of Directors, at the same July 31, 1974, meeting, determined that Marathon should be liquidated and dissolved.

The present application represents that ever since the proposed combination was first considered by Applicants, substantial expenses have been incurred by Applicants in connection with the combination proposal. Applicants assert that the estimated aggregate of such expenses through July 31, 1974, was $188,200, consisting of approximately $62,300 for printing costs, approximately $35,000 for accounting and auditing expenses, approximately $89,500 for legal fees and disbursements and approximately $1,500 for miscellaneous expenses. In addition, the application explains that certain expenses may not have been fully billed yet and that certain other expenses, consisting primarily of legal

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fees, are being incurred presently by Applicants in connection with the application and in connection with amending the merger application and the registration statement for the purpose of withdrawing such documents.

Applicants state that they have submitted the application in order that they may share such expenses (plus any additional expenses incurred in connection with the now terminated proposed combination, this application, the withdrawal of the merger application and the registration statement) on the same basis which they had provided for in the Plan and Agreement of Reorganization. The Plan and Agreement of Reorganization provided that, upon termination of the proposed combination, Applicants were each to bear a proportionate part of the total of all expenses incurred by them in connection with the Plan and Agreement of Reorganization and the transactions contemplated thereby. It provided that such proportionate sharing of expenses would be on the basis of the respective net asset values of Applicants (before giving effect to any such expenses). In line with such provision of the Plan and Agreement of Reorganization, Applicants have agreed, subject to the granting of the order sought by this application, to share the expenses in the same proportion as their respective net asset values (before giving effect to any such expenses) on July 31, 1974, the date on which the proposed combination transaction was terminated.

At July 31, 1974, Marathon's unaudited net assets (before giving effect to any such expenses) were $2,690,162 and Highland's unaudited net assets (before giving effect to any such expenses) were $5,840,821. On the basis of such figures and in accordance with their expense-sharing proposal, Marathon would bear approximately 32 percent of the expenses and Highland would bear approximately 68 percent of the expenses.

The application represents that of the total expenses through July 31, 1974, approximately $78,300 consist of fees for legal services rendered and disbursements made by the law firm of Skadden, Arps, Slate, Meagher & Flom of New York, New York, which has acted as general counsel to Marathon since 1965 and as general counsel to Highland since June 1972. Since April 1968 Robbins has been associated as counsel with such firm. In addition to representing Applicants, Skadden, Arps, Slate, Meagher & Flom has also represented Scheuer and Robbins from time to time in various personal and business matters not related to Applicants. Although Robbins receives compensation from Skadden, Arps, Slate, Meagher & Flom, the application alleges that such compensation is unrelated to the services rendered to Applicants by such firm and that Robbins does not participate in the fees paid or payable to such firm by Applicants.

Under the definition of "affiliated person" in section 2(a)(3) of the Act, Scheuer and Robbins are "affiliated persons" of both Marathon and Highland, and Marathon and Highland are affiliated persons of Scheuer and Robbins. Accordingly, each Applicant is an affiliated person of an affiliated person of each other.

Section 17(d) of the Act, and the rules and regulations promulgated thereunder, make it unlawful, in pertinent part, for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered company is a participant unless an application regarding such enterprise or arrangement has been filed with the Commission under Rule 17d–1 and granted by an order of the Commission. In passing upon such applications, the Commission will consider whether the participation of such registered investment company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. The application states that since the proposed sharing of the expenses by Applicants might be deemed to constitute a "joint enterprise or other joint arrangement or profit-sharing plan" as defined in rule 17d–1(c), it might be deemed to be subject to section 17(d) and the rules thereunder in view of the affiliations of Marathon and Highland.

Applicants have submitted this application for an order of the Commission permitting the proposed sharing of expenses. Applicants submit that their proposed sharing of expenses is in accordance with and pursuant to the provisions of the Plan and Agreement of Reorganization. Applicants state that the Plan and Agreement of Reorganization expressly provided for such sharing of expenses in the event of its termination and the termination of the proposed combination of Highland and Marathon contemplated thereby. Applicants further represent that such proposed sharing of expenses is reasonable and fair and does not involve overreaching on the part of any person concerned with or involved in the transaction; that it is not inconsistent with the investment policies of either Applicant; and that it is consistent with the policies and purposes of the Act.

Notice is further given, that any interested person may, not later than March 4, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4076 Filed 2–12–75;8:45 am]

[70–5338]

OHIO POWER CO. AND AMERICAN ELECTRIC POWER CO.

Issuance and Sale of Common Stock

FEBRUARY 7, 1975.

In the Matter of Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44701; American Electric Power Company, Inc., 2 Broadway, New York, New York 10004.

Notice is hereby given, that American Electric Power Company, Inc. ("AEP"), a registered holding company, and Ohio Power Company ("Ohio"), its electric utility subsidiary, have filed a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(b), 9(a), 10 and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and rules 43 and 50(a)(3) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the application-declaration, as amended, by the post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By orders dated June 29, 1973 and October 8, 1974 (Holding Company Act Release Nos. 18013 and 18597), the Commission authorized AEP to make cash capital contributions from time to time prior to December 31, 1974, to three of its public-utility subsidiary companies as follows: $115,000,000 to Ohio, $40,000,000 to Appalachian Power Company, and $100,000,000 to Indiana & Michigan Company.

It is now proposed that AEP make additional investment in the equity of Ohio in the form of the purchase from time to time prior to June 30, 1975 of a total of 2,000,000 shares of common stock, no par value, of Ohio for a consideration of $15 a share, or a total consideration of $30,000,000. As of January 21, 1975, Ohio has authorized 40,000,000 shares of its common stock of which

there are outstanding 19,952,472 shares.

The proceeds from the sale of common stock are to be used by Ohio to finance its construction program and for the payment of short-term notes issued in connection therewith.

The Public Utilities Commission of Ohio has jurisdiction over the proposed issue and sale by Ohio of its common stock to AEP. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given, That any interested person may, not later than March 3, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4077 Filed 2–12–75;8:45 am]

[File No. 500–1]

VIPONT CHEMICAL CO.

Suspension of Trading

FEBRUARY 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Vipont Chemical Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4:45 p.m. (e.s.t.) on February 3, 1975 through midnight (e.s.t.) on February 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4069 Filed 2–12–75;8:45 am]

[File No. 500–1]

VIPONT MINING CO.

Suspension of Trading

FEBRUARY 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Vipont Mining Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4:45 p.m. (e.s.t.) on February 3, 1975 through midnight (e.s.t.) on February 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4070 Filed 2–12–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Rev. 14–Amdt. 6]

REGIONAL DIRECTORS TO CONDUCT PROGRAM ACTIVITIES IN THE FIELD OFFICES

Delegation of Authority

Delegation of Authority No. 30 (Revision 14) (37 FR 12651), as amended (37 FR 14840, 37 FR 19405, 37 FR 21466, 38 FR 32984, and 39 FR 1698) is hereby further amended to update sources of authority and to include approval and certain other authority for water pollution control loans, base closing economic injury loans, and emergency energy shortage economic injury loans and now reads as follows:

Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, the following authority is hereby delegated to all regional directors:

PART I—FINANCING PROGRAM

SECTION A. *Loan Approval Authority.*

* * * * * *

3. *Displaced Business and Other Economic Injury Loans.* To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, base closing economic injury loans, water pollution control loans, emergency energy shortage economic injury loans, and economic injury loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to $1,000,000 (SBA share) on guaranty loans and $500,000 (SBA share) on direct and immediate participation loans.

* * * * *

SEC. B. *Other Financing Authority.*

1. *Loan Participation Agreements.* To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, water pollution control, base closing economic injury, handicapped assistance, and emergency energy shortage economic injury loan participation agreements with banks.

* * * * *

3. *Cancel, Reinstate, Modify, and Amend Authorizations.* To cancel, reinstate, modify, and amend authorizations for all loans, i.e., business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, water pollution control, base closing economic injury, handicapped assistance, emergency energy shortage economic injury.

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PART II—DISASTER PROGRAM

SECTION A. Disaster Loan Approval Authority.

1. To decline * * * (excluding displaced business loans, coal mine health and safety loans, occupational safety and health loans, strategic arms limitation economic injury loans, water pollution control loans, base closing economic injury, emergency energy shortage economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

Effective date: January 8, 1974, for base closing economic injury loans. August 23, 1974 for water pollution control loans. September 16, 1974, for emergency energy shortage economic injury loans.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75–4253 Filed 2–12–75;8:45 am]

[Proposed License No. 06/06–0175]

SMALL BUSINESS INVESTMENT CAPITAL, INC.

Filing of Application for Approval of Conflict of Interest Transactions

On January 9, 1975, a notice was published in the FEDERAL REGISTER (40 FR 1798) stating that Small Business Investment Capital, Inc., 10003 New Benton Highway, Little Rock, Arkansas 72203,

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had filed an application with the Small Business Administration (SBA) for a license to operate as a small business investment company. The Applicant Licensee is to be wholly owned by Shur-Valu Stamps, Inc. (Shur-Valu), 10003 New Benton Highway, Little Rock, Arkansas 72203, which in turn is owned 45 percent by Affiliated Food Stores, Inc., a cooperative of retail grocers, 35 percent by present members of the cooperative and 20 percent by former members of the cooperative.

It is proposed that among the Applicant Licensee's financings, will be investments in retail grocery stores which are owned and operated by members of the cooperative. At the present time the cooperative consists of approximately 219 members. These members and the cooperative, through ownership in Shur-Valu, are the beneficial owners of 80 percent of the Applicant Licensee's common stock. As such, they would be considered to be an "affiliated group" that beneficially owns 10 percent or more of the Applicant Licensee's common stock. Therefore, the proposed financings to member retail grocers would be subject to the restrictions of the provisions of Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1974)).

It is proposed that SBA grant the Applicant Licensee a partial exemption to the restrictions of § 107.1004 of the Regulations. The partial exemption would extend only to the financial assistance provided by the Applicant Licensee to the small retail grocers who are members of the cooperative. Any financial assistance to other Associates, as defined by § 107.3 of the Regulations, would not be exempt and fall within the purview of § 107.1004.

Notice is given that any interested person may, not later than fifteen days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed exemption. Any such communications should be addressed to Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant Licensee in a newspaper of general circulation in Little Rock, Arkansas.

Dated: February 11, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4218 Filed 2-12-75;8:45 am]

[License No. 06/10-0098]

UNITED BUSINESS CAPITAL, INC.

Approval for Transfer of Control

On January 9, 1975, a notice of request for approval for transfer of control was published in the FEDERAL REGISTER (40 FR 1799) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1974)) for the transfer of control of United Business Capital, Inc., 1102 South Broadway, La Porte, Texas 77571, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C., 661 et seq.), and the rules and regulations promulgated thereunder.

The offices are to be moved to 19 East Main, Idabel, Oklahoma 74745. The company will be owned one-third each by Messrs. Charles Hughes, James Wooten and Carl Sherman.

Interested parties were given to the close of business January 24, 1975, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has approved this application for transfer of control.

Dated: February 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4033 Filed 2-12-75;8:45 am]

WATER RESOURCES COUNCIL

NOTICE OF STUDY

Request for Comments and Views

Notice is hereby given of the initiation of a study pursuant to section 80(c) of the Water Resources Development Act of 1974 (Pub. L. 93-251).

Section 80(c) calls for the President to make a full and complete investigation and study of principles and standards for planning and evaluating water and related resources projects. This study will supply information to the President relative to section 80(c).

Such investigation and study shall include, but not be limited to, consideration of enhancing regional economic development, the quality of the total environment including its protection and improvement, the well-being of the people of the United States, and the national economic development, as objectives to be included in federally financed water and related resources projects and in the evaluation of costs and benefits attributable to such projects, the interest rate formula to be used in evaluating and discounting future benefits for such projects, and appropriate Federal and non-Federal cost sharing for such projects.

The study has been assigned by President Ford to the Water Resources Council. It is to be conducted by a special interagency study team under the direction of the Council of Members (COM) of the Water Resources Council. The study team effort began on February 1, 1975, and is scheduled for completion in 4 to 6 months. The plan for the study was approved by the COM on January 30, 1975, and is available upon request by writing to the Director, Water Resources Council, Suite 800, 2120 L Street NW., Washington, D.C. 20037.

Any persons interested in submitting comments or views regarding the study are requested to submit the same in writing to the Director, Water Resources Council, Washington, D.C. These comments would be most useful if they are received by March 3, 1975.

In addition, the Study Manager and members of the Study Management Team, comprised of professionals specializing in water resources planning and management, will be available to meet with interested non-Federal representatives regarding the content of the study in Washington, D.C., during the first week of March 1975. Those parties interested in participating in these discussions should contact the Director, Water Resources Council, Washington, D.C., no later than February 21, 1975, to indicate, in writing, their areas of interest to facilitate the scheduling of this series of meetings.

The Water Resources Council will give close attention and study to the views expressed at the National Conference on Water to be held in Washington, D.C., on April 22-24, 1975, in development of the section 80(c) study report.

Dated: February 7, 1975.

JACK O. HORTON,
Alternate to the Chairman.

[FR Doc.75-4098 Filed 2-12-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

Change in Agenda

The agenda for the February 18-19, 1975, meeting of the Standards Advisory Committee on Hazardous Materials Labeling, announced in 40 FR 2630 on January 14, 1975, has been changed. A meeting of the Subgroup on Categorizing and Ranking the Hazards of Materials Along with Appropriate Labeling and Placard Systems will take place both days rather than a meeting of the full Committee, as previously announced.

Signed at Washington, D.C. this 11th day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-4233 Filed 2-12-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 696]

ASSIGNMENT OF HEARINGS

FEBRUARY 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Ex Parte No. 277 (Sub-No. 3, 1975 Investigation), Adequacy of Intercity Rail Passenger Service, now being assigned March 4, 1975 (4 days), in Courtroom No. 4, U.S. Custom Court, One Federal Plaza, New York, N.Y., and March 11, 1975 (4 days) in Room 705, 610 South Canal Street, Chicago, Ill.

MC-C-8435, The Rock Motor Transit Company—Investigation of Practices, now assigned April 3, 1975, at Omaha, Nebr. is cancelled.

MC 119422 Sub 53, EE-Jay Motor Transports, Inc., Extension—Eight States, now being assigned April 3, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 94201 Sub 125, Bowman Transportation, Inc., now being assigned April 10, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138900 Sub 2, Reid J. Cavanaugh, now being assigned April 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 3854 Sub 26, Burton Lines, Inc., now being assigned April 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 112288 Sub 11, Yarbrough Transfer Company, now being assigned April 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124928 Sub 64, Brink's Incorporated, now being assigned April 21, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113784 Sub 55, Laidlaw Transport Limited, now being assigned April 28, 1975, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 109397 Sub 302, Tri-State Motor Transit Co., now being assigned April 29, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124170 Subs 38 & 41, Frostways, Inc., now assigned February 24, 1975, at Chicago, Illinois is cancelled and the application is dismissed.

MC-F-12341, Beverage Transport, Inc., Lewis G. Johnson, Inc., Gene Adams Refrigerated Trucking Service, Inc., and Evans Express Company, Inc.—Investigation of Control, now being assigned March 11, 1975 (2 days), at New York, N.Y., in a hearing room to be designated later.

MC 125115 Sub 5, El Paso Los Angeles Limousine Express, Inc., now assigned March 11, 1975, at El Paso, Texas, is postponed to March 11, 1975 (4 days) at Room 512 U.S. Courthouse, 500 E. San Antonio Street, El Paso, Texas.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4114 Filed 2-12-75;8:45 am]

[Notice No. 697]

ASSIGNMENT OF HEARINGS

FEBRUARY 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction: *MC 95876 Sub 151*, Anderson Trucking Service, Inc., now assigned March 12, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St., instead of *MC 95875 Sub-No. 151*.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4115 Filed 2-12-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 10, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before February 28, 1975.

FSA No. 42942—*Joint Water-Rail Container Rates—Mitsui O. S. K. Lines*, (No. 7), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea and Hong Kong, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4116 Filed 2-12-75;8:45 am]

[Revised Exemption No. 88-A]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

To all railroads: Upon further consideration of Revised Exemption No. 88, issued November 25, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Revised Exemption No. 88 to the Mandatory Car Service Rules, ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 11:59 p.m., February 4, 1975.

Issued at Washington, D.C., January 29, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-4119 Filed 2-12-75;8:45 am]

[Notice No. 230]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 13, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or about March 5, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75534. By order entered January 28, 1975, the Motor Carrier Board approved the transfer to John D. Tonkovich & Son, Inc., Shadyside, Ohio, of the operating rights set forth in Certificate No. MC 94599, issued July 2, 1941, to Andrew Alexander, Bellaire, Ohio, authorizing the transportation of sand, gravel, slag, stone, cinders, dirt, red dog, paving brick, and bituminous road building materials, from specified points in Ohio, to points in Pennsylvania and West Virginia; from specified points in West Virginia, to points in Ohio and Pennsylvania within 50 miles of the points of origin; and coal, between specified points in Ohio, on the one hand, and, on the other, specified points in West Virginia. Bernard G. Lancione, 38th & Jefferson Sts., Bellaire, Ohio 43906 and James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, Ohio 43017, co-counsel for applicants.

No. MC-FC-75623. By order of January 29, 1975 the Motor Carrier Board approved the transfer to Lawrence Neppl Trucking, Inc., Halbur, Iowa, of the operating rights in Certificates No. MC 4705 and MC 4705 (Sub-No. 2) issued October 15, 1969 and March 24, 1972 respectively to Lawrence Neppl, Halbur, Iowa, authorizing the transportation of various commodities from and to specified points and areas in Iowa, Nebraska, and Minnesota.

No. MC-FC-75630. By order entered January 28, 1975, the Motor Carrier Board approved the transfer to Pratt Moving & Storage, Inc., Pullman, Wash., of the operating rights set forth in Certificate No. MC 89215, issued October 18, 1949, to Ralph W. Pratt, doing business as Pratt Moving & Storage, Pullman, Wash., authorizing the transportation of such commodities as are dealt in by retail department stores and mail-order houses, between Pullman, Wash., on the

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one hand, and, on the other, points in Latah County, Idaho; and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, agricultural commodities, feed, farm machinery, livestock, fuel wood, and building materials, between points in Latah County, Idaho, on the one hand, and, on the other, points in Spokane, Whitman, and Asotin Counties, Wash., and Nez Perce County, Idaho. George H. Hart, 1100 IBM Building, Seattle, Wash. 98101, attorney for applicants.

No. MC–FC–75633. By order of February 4, 1975, the Motor Carrier Board approved the transfer to Furniture Transport, Inc., Frankfort, Ky., of a portion of the operating rights in Certificate No. MC 129701 (Sub-No. 1) issued May 6, 1970 to Jasper Furniture Forwarding, Inc., Jasper, Ind., authorizing the transportation of new furniture, crated, from points in Boyle, Fayette, and Green Counties, Ky. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. Robert H. Kinker, 711 McClure Bldg., Frankfort, Ky., 40601 Attorney for applicants.

No. MC–FC–75636. By order of February 5, 1975, the Motor Carrier Board approved the transfer to Town & Country Van Lines, Inc., Feasterville, Pa., of the operating rights in Certificate No. MC–25433 issued April 8, 1960 to Robert Longstreet and Howard Beaumont, doing business as Town & Country Van Lines, Feasterville, Pa., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware and Maryland. Harry J. Leiderbach, 892 Second St. Pike, Richboro, Pa., 18954 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4118 Filed 2-12-75;8:45 am]

[Notice No. 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 7, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210 (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 98TA), filed January 29, 1975. Applicant: WHELLER TRANSPORT SERVICE, INC., 7722 "F" Street, P.O. Box 14248 West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, in bulk, in tank vehicles, from Blair, Nebr., to points in California and Arizona, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, Raymond H. Iift, Regional Mgr., P.O. Box 450, Blair, Nebr. 68008. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 N. 14th Street, Omaha, Nebr. 68102.

No. MC 40830 (Sub-No. 10TA), filed February 3, 1975. Applicant: VIRGINIA FURNITURE CARRIERS, INC., P.O. Box 369, Bassett, Va. 24055. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from Bassett, Va., to points in Virginia, restricted to traffic having a prior movement by motor carrier, for 180 days. Supporting shipper: Bassett Furniture Industries, Inc., Bassett, Va. 24055. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC 44639 (Sub-No. 85TA), filed January 29, 1975. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel* (except commodities in bulk), between Weber City, Va., on the one hand, and, on the other, the New York, N.Y. Commercial Zone, Bloomfield, N.J., and Carlstadt, N.J. It is intended to tack under MC 44639 (Main certificate) at New York or legal points in New Jersey with Interstate Dress Carriers. Supporting shipper: Athenia Industries, Weber City, Va. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission; Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 108340 (Sub-No. 31TA), filed February 3, 1975. Applicant: HANEY TRUCK LINE, No. 1 Haney Lane, Cornelius, Oreg. 97113. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bags, from the plant site of Collier Chemical and Carbon Corp., near Portland, Oreg., to points in Whatcom, Skagit, Snohomish, King, Pierce, Clallam, Jefferson, Grays Harbor, Mason, Kitsap, Thurston, Lewis, Pacific, and Wahkiakum Counties, Washington, and points in Kittitas and Yakima Counties, Wash., lying west of U.S. Highway 97. Restriction: No service authorized to Seattle nor to points lying south of Seattle, Wash., on or within one mile of U.S. Highway 99, for 180 days. Supporting shipper: Collier Carbon and Chemical Corp., 14003 N. Rivergate Blvd., P.O. Box 03193, Rivergate Terminal, Portland, Oreg. Send protects to: A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 113908 (Sub-No. 335TA), filed February 3, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and wine products*, in bulk, from Atlanta, Ga., to Philadelphia, Pa., and New Brunswick, N.J., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128117 (Sub-No. 20TA), filed February 4, 1975. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Interior packing forms made of moulded pulp, for furniture, nested, in cartons*, from Jacksonville, Tex., to points in North Carolina, South Carolina, Tennessee, Virginia and Georgia, for 180 days. Supporting shipper: Western Pulp Products Company, P.O. Box 968, Corvallis, Oreg. 97330. Send protests to: Terrell Price, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 128375 (Sub-No. 128TA), filed January 13, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and personal care products and related items, and materials and supplies* used in the manufacture and distribution thereof, between Ada, Mich., on the one hand, and, on the other, points in Pennsylvania (except Allegheny and Westmoreland Counties), New Jersey, and New York, under a continuing contract with the Amway Corporation, for 180 days. Supporting shipper: Robert Van Der Weele, Manager of Transportation, Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68501.

No. MC 135616 (Sub-No. 5 TA) (Correction), filed January 15, 1975, published in the FEDERAL REGISTER issue of January 30, 1975 and republished as corrected this issue. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43551. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, and materials, equipment and supplies*, used in the manufacture, production and distribution of glass, between Upper Sandusky, Ohio on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Guardian Industries Corp., 14600 Romine Road, Carleton, Mich. 48117. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604. The purpose of this republication is to change the number of duration days.

No. MC 138465 (Sub-No. 4TA), filed January 31, 1975. Applicant: HHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, Fla. 32060. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry*, in bulk or in bags, from Albany, Ga., to points in Alachua, Baker, Bradford, Columbia, Dixie, Gadsden, Gilchrist, Jefferson, Lafayette, Leon, Levy, Madison, Suwannee, Taylor, Union and Wakulla Counties, Fla., for 180 days. Supporting Shipper: Mizell Produce Co., Inc., 302 S. Pine Avenue, Live Oak, Fla. 32060. Send protests to: G. J. Fauss, Jr. District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 140422 (Sub-No. 1TA), filed January 27, 1975. Applicant: THEODORI AND JERRY M. SMIELL, a partnership, doing business as THEODORI TRUCKING, Box 45, Waltersburg, Pa. 15488. Applicant's representative: William J. Lavelle, Esq., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, used or useful in the mining of coal, between points in Allegheny and Fayette Counties, Pa., Baltimore, Md., and Indianapolis, Ind., on the one hand, and, on the other, points in Monongalia County, W. Va., (2) *Coal* in bulk in dump vehicles, from points in Monongalia County, W. Va., to points in Fayette and Washington Counties, Pa. Restriction: The operations authorized herein are limited to a transportation service under a continuing contract or contracts with Betty Louise Coal Company, Inc., for 180 days. Supporting shipper: Betty Louise Coal Company, Inc., Box 305, Smithfield, Pa. 15478. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 140600 (Sub-No. 1TA), filed January 31, 1975. Applicant: DENNIS NASCA, doing business as H & H RAMSEY TOWING, P.O. Box 1271, Blythe, Calif. 92225. Applicant's representative: William J. Monheim, Registered Practitioner, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, over irregular routes, from points in Yuma County, Ariz., and that portion of Mohave County, Ariz., on and south of an imaginary line extending from the intersection of Yuma, Mohave, and Yavapi Counties, Ariz., northwesterly to Interstate Highway 40 near Haviland, Ariz., thence on and south of Interstate Highway 40 to the Arizona-California border to Blythe, Calif., and points in its commercial zone, from points in San Bernardino, Riverside, and Imperial Counties, Calif., on and south of Interstate Highway 40, from Needles, Calif., to the Interchange near Fenner, Calif., thence on and east of an imaginary line extending southwesterly to Indio, Calif., thence on and east of California Highway 111 to the United States-Mexico border, to Glendale and Phoenix, Ariz., for 180 days. Supporting shippers: McKelvy Trucking, 5420 W. Missouri Avenue, Glendale, Ariz. 85301. Precision Automotive, 134 West Hobsonway, Blythe, Calif. 92225. H & H Auto Service, P.O. Box 431, Blythe, Calif. 92225. Ed Wiiss Towing, 1060 East Nevada, Blythe, Calif. 92225. Mallett & Sons Trucking, 16275 South Broadway, Blythe, Calif. 92225. Braden Machinery Company, South Intake, Blythe, Calif. 92225. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 140601 TA, filed January 29, 1975. Applicant: BILLY FRANK, doing business as FRANK BROS., 349 Abbott Avenue, Hillsboro, Tex. 76645. Applicant's representative: Robert J. Birmbaum, P.O. Box 1945, Austin, Tex. 87867. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, and fittings and accessories for plastic pipe*, from Waco, Tex., to points in Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee and Texas; and (2) *Materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the commodities named in (1) above, from points in Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee and Texas, to Waco, Tex., under contract with Certain-Teed Products Corporation, for 180 days. Supporting shipper: Certain-Teed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 140601 (Sub-No. 1TA), filed January 29, 1975. Applicant: BILLY FRANK, doing business as FRANK BROS., 349 Abbott Avenue, Hillsboro, Tex. 76645. Applicant's representative: Robert J. Birnbaum, P.O. Box 1945, Austin, Tex. 87867. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos cement pipe, and fittings and accessories for asbestos cement pipe*, from Hillsboro, Texas, to points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee and Texas; and (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture of the commodities named in (1) above, from points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee and Texas to Hillsboro, Tex., under contract with Certain-Teed Products Corporation. Supporting shipper: Certain-Teed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 140603 TA, filed January 29, 1975. Applicant: FRANK'S INC., Highway #1 North, Kalona, Iowa 52247. Applicant's representative: Loyd A. Epley, 14 South Linn Street, Iowa City, Iowa 52240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities as are dealt in by retail department stores* which require installation and/or set-up service after delivery from the facilities of Montgomery Ward & Co., Inc., at Muscatine, Iowa, to retail customers of Montgomery Ward & Co., Inc., in Henry, Mercer, and Rock Island Counties, Ill., and (2) *returned shipments* of the commodities in (1) above,

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from the above named destination points to the facilities of Montgomery Ward & Co., Inc., at Muscatine, Iowa, under a continuing contract with Montgomery Ward & Co., Inc., of Muscatine, Iowa, for 180 days. Supporting shipper: Montgomery Ward & Co., Inc., 6200 St. John, Kansas City, Mo. 64123. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 675 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140604 TA, filed January 29, 1975. Applicant: AM-DEL-CO., INC., 4030 Chouteau, Suite 301, St. Louis, Mo. 63110. Applicant's representative: Whitney R. Harris, 2 Glen Craake Lane, St. Louis, Mo. 63124. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated furniture and crated and uncrated household appliances*, from points in St. Louis County, Mo. to those points in Ill., on and within a line beginning at the Mississippi River at or near Mozier, Ill., and extending east along Illinois Highway 96 to junction Illinois Highway 108, thence east along Illinois Highway 108 to junction Interstate Highway 55, thence south along Interstate Highway 55 to junction Illinois Highway 16, thence east along Illinois Highway 16 to junction Illinois Highway 127, thence south along Illinois Highway 127 to junction Illinois Highway 154, thence west along Illinois Highway 154 to junction Illinois Highway 150, thence southwest along Illinois Highway 150 to the Mississippi River, at or near Chester, Ill., with pick-up from said points and return to Crossroads Furniture Warehouse and Showroom in St. Louis County, Mo., for 180 days. Supporting shipper: Rhodes, Inc., doing business as Crossroads Furniture Warehouse and Showroom, 5690 Campus Parkway, Hazelwood, Mo. 63042. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140608 TA, filed January 30, 1975. Applicant: BENTLEY W. WARREN, doing business as BENTLEY W. WARREN TRUCKING COMPANY, Fernald Street, Gloucester, Mass. 01930. Applicant's representative: Ignatius C. Goode, 22 N. Shetland Road, Danvers, Mass. 01923. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in hydraulic dump trailers, from Tewksbury, Mass., to Madbury and Portsmouth, N.H., and points in the States of Connecticut, Massachusetts, New Jersey, Pennsylvania and Rhode Island, from Madbury, N.H., to points in Connecticut, Massachusetts, New Jersey, Pennsylvania and Rhode Island, from points in Maine and Vermont to Boston, Everett, and Tewksbury, Mass., and to Madbury, N.H., for 180 days. Supporting shippers: Tewksbury Auto Parts, Inc., 860 East St., Tewksbury, Mass. 01876. Madbury Metals, Inc., 860 East St., Tewksbury, Mass. 01876. B. P. Enterprises, 41 Pine St., Peabody, Mass. 01960. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 140609 TA, filed January 29, 1975. Applicant: STRANDE ENTERPRISES, INC., Box 30, Route 6, Anoka, Minn. 55303. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, Noibn*, from Ferndale, Mich., to Minneapolis, Minn., for 180 days. Supporting shipper: MacDermid, Inc., 50 Brookside Avenue, Waterbury, Conn. 06720. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Bldg. and U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 140610 TA, filed January 31, 1975. Applicant: TRIPLE "T" TRUCKING CO., INC., 3477 Old Conejo Road, Newbury Park, Calif. 91320. Applicant's representative: Leslie Tomor (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel studs, beams and braces* used in the installation of suspended ceilings from the facilities of Chicago, Metallic Corporation, at Los Angeles, Calif., to Portland, Oreg., and Seattle and Spokane, Wash., for 180 days. Supporting shipper: Chicago Metallic Corporation, 5501 Downey Road, Los Angeles, Calif. 90058. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4117 Filed 2-12-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

FEBRUARY 7, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 200 (Sub-No. E1), filed June 4, 1974. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Philadelphia, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, New York. The purpose of this filing is to eliminate the gateway of Rockland County, N.Y.

No. MC 2633 (Sub-No. E1), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks, from points in Warren County, Pennsylvania, to points in that part of Ohio on or bounded by a line beginning at Lake Erie and extending along U.S. Highway 21 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio-Pennsylvania State line, thence along Ohio-Pennsylvania State line to junction Ohio Highway 165, thence along Ohio Highway 165 to Ohio Highway 14, thence along Ohio Highway 14 to Lake Erie. The purpose of this filing is to eliminate the gateway of points in Chautauqua County, New York, which are within 15 miles of Erie, Pennsylvania.

No. MC 2633 (Sub-No. E3), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Bolivar, Wellsville, Buffalo, and points within ten miles of Buffalo, Ithaca, Rochester, and Syracuse, New York, to points in that part of Ohio on or bounded by a line beginning at Lake Erie and extending along U.S. Highway 20 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio-Pennsylvania State line, thence along Ohio-Pennsylvania State line to junction Ohio Highway 165, thence along Ohio Highway 165 to Ohio Highway 14, thence along Ohio Highway 14 to Lake Erie. The purpose of this filing is to eliminate the gateways of points in Erie County, Pennsylvania, and points within 15 miles thereof.

No. MC 2633 (Sub-No. E4), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except chemicals) in bulk, in tank vehicles, from points in Allegany, Cattaraugus, Chautauqua, Erie and Niagara Counties, New York, to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, those points in Maine on and south of Maine Highway 25, including Portland, and points in Ulster, Dutches, Orange, Putnam, Westchester, Rockland, Nassau, and Suffolk Counties, and New York City, New York, and points in New Jersey north of the Northern boundaries of Mercer and Monmouth Counties. The purpose of this filing is to eliminate the gateway of Bradford, Pennsylvania.

No. MC 2633 (Sub-No. E7), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Wayne County, New York, which are north of New York Highway 31, to points in Cameron, Clarion, Clearfield, Forest, Jefferson, and Mercer Counties, Pennsylvania. The purpose of this filing is to eliminate the gateways of points in McKean County, and Bolivar, and Wellsville, New York.

No. MC 2633 (Sub-No. E8), filed May 12, 1974, Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks, from those points in Wayne County, New York, north of New York Highway 31, to points in Crawford and Elk Counties, Pennsylvania. The purpose of this filing is to eliminate the gateways of points in McKean County, Pennsylvania, and Olean, New York.

No. MC 2633 (Sub-No. E9), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from those points in Ohio north and east of a line beginning at Lake Erie and extending along Ohio Highway 14 to junction Ohio Highway 165, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Warren, Pennsylvania, and points within seven miles thereof, and Olean, New York.

No. MC 2633 (Sub-No. E10), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 165 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Warren, Pennsylvania, and points within seven miles thereof, and Bolivar, and Wellsville, New York.

No. MC 2633 (Sub-No. E11), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the pipeline terminal of the Standard Oil Company of Ohio at or near Niles, Ohio, to those points in Wayne County, New York, north of New York Highway 31. The purpose of this filing is to eliminate the gateways of Ripley, New York, and points in McKean County, Pennsylvania.

No. MC 2633 (Sub-No. E17), filed May 12, 1974. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pennsylvania 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, except liquified petroleum gases, from points in Steuben County, New York, to Erie, Pennsylvania, and points on the Allegheny, Monongahela, and Ohio Rivers, which are in Allegheny, Armstrong, Beaver, and Clarion Counties, Pennsylvania. The purpose of this filing is to eliminate the gateways of points in Butler County.

No. MC 21170 (Sub-No. E8), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouse*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the facilities of Snyder Packing Co., Adams County, Nebraska, to points in Minnesota, restricted to traffic originating at the facilities of Snyder Packing Co., in Adams County, Nebraska. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 21170 (Sub-No. E9), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa, 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (Except commodities in bulk and hides), from points in that part of Minnesota bounded by a line beginning at the Minnesota-South Dakota State line and extending along Minnesota Highway 30 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to the Minnesota-South Dakota State line, thence along Minnesota-South Dakota State line to point of beginning, to Kenosha, Madison, Milwaukee, and Racine, Wisconsin. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa restricted to the transportation of such commodities as are dealt in by wholesale, retail or chain grocery stores.

No. MC 21170 (Sub-No. E10), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa, 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plant site of Cornland Dressed Beef Company, at or near Lexington, Nebraska, to Kenosha, La Crosse, Madison, and Milwaukee, Wisconsin. The purpose of this filing is to eliminate the gateways of that part of Missouri bounded by a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, thence along Missouri-Iowa State line to the Missouri-Nebraska State line, thence along Missouri-Nebraska State line to the Missouri-Kansas State line, thence along Missouri-Kansas State line to point of beginning, and Cedar Rapids, Iowa.

No. MC 22182 (Sub-No. E1), filed June 4, 1974. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*,

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by motor vehicle, over irregular routes, transporting: (A) *Automobiles, trucks, and chassis*, new, used and unfinished, in secondary movements, in truckaway service, between points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in Virginia, Maryland, West Virginia, Pennsylvania, Delaware, and the District of Columbia (points in New York) *; (B) *Automobile, trucks, chassis, and unfinished automobiles*, in secondary movements, in truckaway service, restricted to traffic originating at points other than those in Michigan and Indiana, between points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Ohio, North Carolina, South Carolina, Georgia, and Florida (points in New York) *; (C) *Automobiles, trucks, chassis, and unfinished automobiles*, in secondary movements, in driveaway service, restricted to traffic originating at points other than those in Michigan and Indiana, between points in Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in Delaware, Ohio, Florida, North Carolina, South Carolina, and Georgia (points in New York) *; (D) *Automobiles, trucks, and chassis*, new, used or unfinished, in secondary movements, in driveaway service, between points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, on the one hand, and, on the other, points in Virginia, Maryland, West Virginia, Pennsylvania, and the District of Columbia, restricted to shipments originating at points other than those in Indiana and Michigan or at Toledo, Ohio (points in New York) *;

(E) *Automobile and truck bodies and cabs*, (1) from points in Virginia, Maryland, West Virginia, New Jersey, Delaware, Pennsylvania, and the District of Columbia to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island (points in New Jersey) *, and (2) from points in Ohio, Florida, North Carolina, South Carolina, and Georgia to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, restricted to traffic originating at points other than those in Michigan and Indiana (points in New Jersey) *; (F) *New automobiles and new trucks*, in truckaway and driveaway service, in initial and secondary movements, (1) from Detroit, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island (points in New York and those in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, (2) from Detroit, Mich., to points in Connecticut, points in that part of New York on, north, and east of a line beginning at Lake Ontario and extending along New York Highway 13 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the Oswego-Onondaga County line, thence along the Oswego-Onondaga County line to the Onondaga-Cayuga County line, thence along the Onandaga-Cayuga County line to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its junction with New York Highway 14, thence along New York Highway 14 to the Yates-Ontario County line, thence along the Yates-Ontario County line to the Yates-Steuben County line, thence along the Yates-Steuben County line to its junction with U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, points in New Jersey, Delaware, those in that part of North Carolina in and east of Caswell, Alamance, Chatham, Lee, Harnett, Cumberland, and Robeson Counties, points in that part of South Carolina on and east of Interstate Highway 95, points in that part of Georgia on and east of Interstate Highway 95, and points in that part of Florida on and east of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 95 to its junction with Florida Highway A–1–A, thence along Florida Highway A–1–A to its junction with U.S. Highway 301, thence along U.S. Highway 301 to its junction with Interstate Highway 75.

Thence along Interstate Highway 75 to its junction with Florida Highway 688, thence along Florida Highway 688 to the Gulf of Mexico (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, and (3) from Detroit, Mich, to points in that part of Pennsylvania in and east of Tioga, Lycoming, Clinton, Centre, Huntingdon, and Bedford Counties, Pa., points in that part of Maryland on and east of unnumbered highway running through Piney Grove and Little Orleans, Md., points in the District of Columbia, and points in that part of Virginia in and east of Hampshire, Morgon, Berkley, and Jefferson Counties, W. Va., points in Frederick, Shenandoah, Rockingham, Augusta, Rockbridge, Bedford, and Pittsylvania Counties, Va. (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *; (G) *New automobiles and new trucks*, in truckaway and driveaway service, in secondary movements, from the destination points described in (F) above to the point of origin as described in (F) above; (H) *New automobiles and new trucks*, in truckaway and driveaway service, in initial and secondary movements, (1) from Toledo, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island (points in New York and those in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, and (2) from Toledo, Ohio, to points in Connecticut, those in New York on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 37 to its junction with New York Highway 185, thence along New York Highway 185 to its junction with New York Highway 26, thence along New York Highway 26 to its junction with New York Highway 365, thence along New York Highway 365 to its junction with New York Highway 5, thence along New York Highway 5 to its junction with New York Highway 96, thence along New York Highway 96 to its junction with New York Highway 414, thence along New York Highway 414 to its junction with New York Highway 329, thence along New York Highway 329 to its junction with U.S. Highway 15.

Thence along U.S. Highway 15 to the New York-Pennsylvania State line, points in New Jersey, Delaware, those in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along the Rockingham-Caswell County line to its junction with North Carolina Highway 87, thence along North Carolina Highway 87 to its junction with Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, and points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 501 to its junction with South Carolina Highway 41A, thence along South Carolina Highway 41A to its junction with South Carolina Highway 41, thence along South Carolina Highway 41 to its junction with U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-Georgia State line (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, and (3) from Toledo, Ohio, to points in that part of Pennsylvania in and east of Tioga, Lycoming, Clinton, Centre, Huntingdon, and Fulton Counties, Pa., points in the District of Columbia, those in that part of Maryland on and east of unnumbered highway running through Piney Grove and Little Orleans, Md., points in Morgan, Berkley, and Jefferson Counties, W. Va., and points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along the Highland-Augusta County line to its junction with U.S. Highway 250, thence along U.S. Highway 250 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with U.S. Highway 501, thence along U.S. Highway 501 to its junction with U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, (2) from Toledo, Ohio, to points in Connecticut, those in New York on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 37 to its junction with New York Highway 185, thence along New York Highway 185 to its junction with New York Highway 26, thence along New York Highway 26 to its junction with New York Highway 365, thence along New York Highway 365 to its junction with New York Highway 5, thence along New York Highway 5 to its junction with New York Highway 96, thence along New York Highway 96 to its junction with New York Highway 414, thence along New York Highway 414 to its junction with New York Highway 329, thence along New York Highway 329 to its junction with U.S. Highway 15.

Thence along U.S. Highway 15 to the New York-Pennsylvania State line, points in New Jersey, Delaware, those in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along the Rockingham-Caswell County line to its junction with North Carolina Highway 87, thence along North Carolina Highway 87 to its junction with Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, and points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 501 to its junction with South Carolina Highway 41A, thence along South Carolina Highway 41A to its junction with South Carolina Highway 41, thence along South Carolina Highway 41 to its junction with U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-Georgia State line (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, and (3) from Toledo, Ohio, to points in that part of Pennsylvania in and east of Tioga, Lycoming, Clinton, Centre, Huntingdon, and Fulton Counties, Pa., points in the District of Columbia, those in that part of Maryland on and east of unnumbered highway running through Piney Grove and Little Orleans, Md., points in Morgan, Berkley, and Jefferson Counties, W. Va., and points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along the Highland-Augusta County line to its junction with U.S. Highway 250, thence along U.S. Highway 250 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with U.S. Highway 501, thence along U.S. Highway 501 to its junction with U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line (points in Berks, Bucks,

Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *

(I) *New automobiles and new trucks*, in truckaway and driveaway service, in secondary movements, from the destination points described in (H) above to the point of origin as described in (H) above; (J) *New automobiles and new trucks*, in truckaway and driveaway service, in initial and secondary movements, (1) from Buffalo, N.Y., to points in Maine, those in that part of New Hampshire on and east of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to its junction with New Hampshire Highway 16, thence along New Hampshire Highway 16 to its junction with New Hampshire Highway 28, thence along New Hampshire Highway 28 to its junction with U.S. Highway 3, thence along U.S. Highway 3 to its junction with New Hampshire Highway 111, thence along New Hampshire Highway 111 to the Massachusetts-New Hampshire State line, points in that part of Massachusetts on, east, and south of a line beginning at the New Hampshire-Massachusetts State line and extending along Massachusetts Highway 111 to its junction with Massachusetts Highway 225, thence along Massachusetts Highway 225 to its junction with Massachusetts Highway 12, thence along Massachusetts Highway 12 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line, and points in Rhode Island (points in New York and those in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, (2) from Buffalo, N.Y., to points in Delaware, New Jersey, North Carolina, South Carolina, Georgia, Florida, and Connecticut (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *, and (3) from Buffalo, N.Y., to points in that part of New York on, east, and south of a line beginning at the Massachusetts-New York State line and extending along Interstate Highway 90 to its junction with U.S. Highway 9, thence along U.S. Highway 9 to its junction with New York Highway 199, thence along New York Highway 199 to its junction with U.S. Highway 209, thence along U.S. Highway 209 to its junction with New York Highway 52, thence along New York Highway 52 to its junction with New York Highway 17.

Thence along New York Highway 17 to the New York-Pennsylvania State line, points in that part of Pennsylvania in and east of Wayne, Susquehanna, Wyoming, Sullivan, Lycoming, Union, Snyder, Mifflin, Juniata Counties, and that portion of Huntingdon County east of U.S. Highway 522, points in Maryland, the District of Columbia, Virginia, and points in West Virginia in Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, Grant, Pendleton, Randolph, Webster, Pocahontas, Greenbrier, Monroe, and Summers Counties and those portions of Nicholas, Fayette, Raleigh, and Mercer Counties on and east of U.S. Highway 19 (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *; (K) *New automobiles and new trucks*, in truckaway and driveaway service, in secondary movements, from the destination points described in (J) above to the point of origin as described in (J) above; (L) *New automobiles and new trucks*, in truckaway and driveaway service, in initial and secondary movements, (1) from West Springfield, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island (points in New York and those in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill and York Counties, Pa.) *, (2) from West Springfield, Pa., to points in Connecticut, New Jersey, Delaware, North Carolina, South Carolina, Florida and Georgia (except points in Whitfield, Catoosa, Walker, Dade, and Chattooga Counties, Ga.) (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *; and (3) from West Springfield, Pa., to points in that part of New York on and east of a line beginning at the Vermont-New York State line and extending along U.S. Highway 4 to its junction with New York Highway 32, thence along New York Highway 32 to its junction with U.S. Highway 9, thence along U.S. Highway 9 to its junction with New York Highway 50, thence along New York Highway 50 to its junction with New York Highway 7, thence along New York Highway 7 to its junction with U.S. Highway 20.

Thence along U.S. Highway 20 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with New York Highway 17, thence along New York Highway 17 to its junction with U.S. Highway 220, thence along U.S. Highway 220 to the New York-Pennsylvania State line, points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along the Tioga-Bradford County line to its junction with the Tioga-Lycoming County line, thence along the Tioga-Lycoming County line to its junction with Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to its junction with Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to its junction with U.S. Highway 220, thence along U.S. Highway 220 to its junction with Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to its junction with Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to its junction with Pennsylvania Highway 445, thence along Pennsylvania Highway 445 to its junction with Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to its junction with Pennsylvania Highway 235, thence along Pennsylvania Highway 235 to its junction with Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to its junction with Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to its junction with Interstate Highway 76, thence along Interstate Highway 76 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line, points in the District of Columbia, points in that part of Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 70 to its junction with U.S. Highway 522 to the Maryland-West Virginia State line, points in that part of West Virginia on and east of U.S. Highway 522, and points in that part of Virginia on and east of U.S. Highway 21 (points in Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, and York Counties, Pa.) *;

(M) *New automobiles, new trucks, and new chassis*, in truckaway service, in initial movements, (1) from points of manufacture and assembly in Norfolk, Va., to points in Maryland, West Virginia, New Jersey, Delaware, Pennsylvania, and New York (points in Virginia) *, (2) from points of manufacture and assembly in Norfolk, Va., to points in Ohio, Florida, Georgia, and Connecticut (points in Virginia) *, and (3) from points of manufacture and assembly in Norfolk, Va., to points in Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (points in Virginia and New York) *. RESTRICTION: The operations authorized in (F) (1) and (2), (H) (1) and (2), (J) (1) and (2), (L) (1) and (2), and (M) (2) above (except truckaway service to and from points in New York, New Jersey, Delaware, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine), are restricted to shipments originating at points other than those in Indiana and Michigan or at Toledo, Ohio. The operations authorized in (M) above are restricted to the performance of through transportation of traffic from places of manufacture and assembly in Norfolk, Va. The purpose of

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this filing is to eliminate the gateways indicated by asterisks above.

No. MC 30844 (Sub-No. E2), filed May 15, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared infant foods*, from Fremont, Michigan to points in Texas, Oklahoma, Kansas, Nebraska, Colorado, Points in that part of Missouri on and west of U.S. Highway 65, and points in that part of Arkansas, on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 65 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 30844 (Sub-No. E3), filed May 15, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Decatur, Lawton, and Mattawan, Michigan, to points in Texas, Oklahoma, Kansas, and Colorado, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 30844 (Sub-No. E4), filed May 15, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods*, (1) from points in Oklahoma, Kansas, points in that part of Missouri on and west of U.S. Highway 65, and points in that part of Texas on and west of U.S. Highway 65 to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, and (2) from Russellville, Arkansas to points in Connecticut, Massachusetts, and Rhode Island, with no transportation for compensation on return in (1) and (2) above, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 31462 (Sub-No. E62), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Indiana State line, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of (1) Fort Wayne, Indiana, or any point in Indiana within 40 miles thereof; (2) Burlington, Iowa, or any point within 50 miles thereof; (3) Williston, North Dakota, or any point in North Dakota within 200 miles thereof; and (4) any point which is both within 35 miles of Alden, Minnesota and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E63), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Wisconsin on, west and north of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to Jamesville, thence along Wisconsin Highway 26 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to Wisconsin-Michigan State line, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; and Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E64), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in that part of Texas west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 259 to Lufkin, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 75 to the Gulf of Mexico at Galveston. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; Kansas City, Missouri, and points within 30 miles thereof; and points in Okmulgee County, Oklahoma.

No. MC 31462 (Sub-No. E242), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 259 to Lufkin, Tex., thence along U.S. Highway 59 to Houston, Tex., thence along U.S. Highway 75 to the Gulf of Mexico at Galveston, Tex., on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof; Ft. Wayne, Ind., and points in Indiana within 40 miles thereof; and Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E243), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of (1) Williston, North Dakota and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; (3) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; (4) Hoosick Falls, New York, and (5) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on or south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E250), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to Janesville, Wisconsin, thence along Wisconsin Highway 26 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, to points in Maine. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof; Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E253), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Dakota, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa and points within 50 miles thereof; (2) Ft. Wayne, Indiana and points in Indiana within 40 miles thereof; and (3) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E254), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of Kansas City, Kansas, and points within 30 miles thereof; and Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E255), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof; and Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E256), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Massachusetts to points in Maryland. The purpose of this filing is to eliminate the gateway of East St. Louis, Illinois, and points within 50 miles thereof; and Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E258), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, and points within 50 miles thereof; (2) Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof; and (3) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E260), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Mississippi to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Cairo, Illinois, and points within 25 miles thereof; and Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E261), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof, and Ft. Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E262), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Kansas City, Missouri and points within 30 miles thereof, and Fort Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E263), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa and points within 50 miles thereof, (2) Fort Wayne, Indiana, and points in Indiana within 40 miles thereof; and (3) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E264), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof; and Fort Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E265), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Dakota, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, and points within 50 miles thereof; (2) Fort Wayne, Indiana and points in Indiana within 40 miles thereof; and (3) any point which is both within 35 miles of Alden, Minnesota, and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E267), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster,

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Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other points in Michigan. The purpose of this filing is to eliminate the gateway of points in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E269), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan to points in Vermont. The purpose of this filing is to eliminate the gateway of Fort Wayne, Indiana, and points in Indiana within 40 miles thereof; and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E270), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Fort Wayne, Indiana, and points in Indiana within 40 miles thereof; and Hoosick Falls, New York.

No. MC 31462 (Sub-No. E273), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan to points in Tennessee. The purpose of this filing is to eliminate the gateway of Fort Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E274), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Fort Wayne, Indiana, and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E275), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 301, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the Lower Peninsula of Michigan to points in New York, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in that part of West Virginia on and north of a line beginning at the West Virginia-Virginia State line extending along West Virginia Highway 39 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio River. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E276), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Alternate U.S. Highway 77, thence along Alternate U.S. Highway 77 to U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points within Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E411), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Alternate U.S. Highway 77, thence along Alternate U.S. Highway 77 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points within Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E412), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Alternate U.S. Highway 77, thence along Alternate U.S. Highway 77 to junction U.S. Highway 191, thence along U.S. Highway 181 to Corpus Christi, Tex. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E413), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in that part of West Virginia on and north of a line beginning at the West Virginia-Virginia State line extending along West Virginia Highway 39 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio River. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E414), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in that part of Virginia on and north of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to Richmond, thence along U.S. Highway 360 to Reedville, Va. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E416), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 259 to Lufkin, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 75 to the Gulf of Mexico at Galveston, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, Fort Wayne, Ind., and points in Indiana within 40 miles thereof, and Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E417), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in that part of Virginia on and north of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to Richmond, thence along U.S. Highway 360 to Reedville, Va. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E414), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in that part of Virginia on and north of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to Richmond, thence along U.S. Highway 360 to Reedville, Va. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E416), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 259 to Lufkin, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 75 to the Gulf of Mexico at Galveston, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, Fort Wayne, Ind., and points in Indiana within 40 miles thereof, and Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E417), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Alternate U.S. Highway 77, thence along Alternate U.S. Highway 77 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E418), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Wisconsin on and west of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 51 to Wisconsin Dells, thence along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line, to points in Vermont. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and points within 50 miles thereof; and Fort Wayne, Ind., and points in Indiana within 40 miles thereof, and Hoosick Falls, N.Y.

No. MC 37248 (Sub-No. E3), filed May 31, 1974. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INC., P.O. Box 4988, Martinsville, Va. 24112. Applicant's representative: T. C. Clark (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in Virginia, on the one hand, and, on the other, the District of Columbia, and points in that part of Maryland within 55 miles of Gaithersburg, Md. (points in that part of Virginia within 55 miles of Gaithersburg, Md.)*; and (2) between points in North Carolina, on the one hand, and, on the other, the District of Columbia and points in that part of Maryland within 55 miles of Gaithersburg, Md. (a) points in Virginia, and (b) points in that part of Virginia located within 55 miles of Gaithersburg, Md.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 51146 (Sub-No. E14) (Correction), filed November 2, 1974, published in the FEDERAL REGISTER December 18, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wisc. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (14) *Paper and paper products* (except commodities in bulk), from the facilities of the Nekoosa Edwards Paper Co., Inc., at or near Potsdam, N.Y., to Memphis, Tenn., and points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, and points in (North Carolina on and west of a line beginning at the intersection of the Tennessee-North Carolina State line and U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-South Carolina State line, and points in South Carolina on and west of a line beginning at the intersection of the North Carolina-South Carolina State line and U.S. Highway 176, thence along U.S. Highway 176 to its intersection with South Carolina Highway 121, thence along South Carolina Highway 121 to its intersection with U.S. Highway 25 near Trenton, thence along U.S. Highway 25 to the Georgia-South Carolina State line). (32) *paper and paper products* (except commodities in bulk), from points in Indiana on, north and east of a line beginning at the intersection of the Michigan-Indiana State line and U.S. Highway 31, thence along U.S. Highway 31 to its intersection with Indiana Highway 25, thence along Indiana Highway 25 to Logansport, thence along U.S. Highway 24 to the Indiana-Ohio State line, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and points in New York on and east of a line beginning at the intersection of the International Boundary between the United States and Canada and New York Highway 56, thence along New York Highway 56 to its intersection with New York Highway 3, thence along New York Highway 3 to Tupper Lake, thence along New York Highway 30 to the Pennsylvania-New York State line, points in Alabama on and south of a line beginning at the intersection of the Mississippi-Alabama State line and U.S. Highway 11, thence along U.S. Highway 11 to Tuscaloosa, thence along U.S. Highway 83 to its intersection with Alabama Highway 25, thence along Alabama Highway 25 to its intersection with Alabama Highway 76, thence along Alabama Highway 76 to its intersection with Alabama Highway 21, thence along Alabama Highway 21 to its intersection with U.S. Highway 76.

Thence along U.S. Highway 78 to the Alabama-Georgia State line, points in Mississippi on, south and east of a line beginning at Natchez, Miss., thence along

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U.S. Highway 84 to U.S. Highway 11, thence along U.S. Highway 11 to the Mississippi-Alabama State line, points in Louisiana on and south of a line beginning at the intersection of the Texas-Louisiana State line and U.S. Highway 80, thence along U.S. Highway 80 to Shreveport, thence along U.S. Highway 71 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, and points in Texas south and west of a line beginning at the intersection of the Texas-Oklahoma State line and U.S. Highway 287, thence along U.S. Highway 287 to Ft. Worth, thence along U.S. Highway 80 to the Louisiana-Texas State line, and the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products and waste paper. (33) *paper and paper products* (except commodities in bulk), from points in Indiana on and within an area bordered on the east by the Ohio-Indiana State line and bordered on the north by U.S. Highway 24, and bordered on the west by a line beginning at Logansport, Ind., thence along Indiana Highway 29 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to Indianapolis, and bordered on the south by U.S. Highway 40, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, New York (except points west of U.S. Highway 219), points in Louisiana on, south and east of a line beginning at Cameron, thence along Louisiana Highway 82 to Abbeville.

Thence along U.S. Highway 167 to Opelousas, thence along U.S. Highway 190 to its intersection with U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Mississippi State line, and points in Texas on, south and west of a line beginning at the intersection of the Texas-Oklahoma State line and U.S. Highway 287, thence along U.S. Highway 287 to Childress, thence along U.S. Highway 83 to Abilene, thence along Texas Highway 36 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line. Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products and waste paper. (35) *paper and paper products* (except commodities in bulk), from Ypsilanti, Mich., to Memphis, Tenn., and points in North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, North Dakota, South Dakota (except points east and south of a line beginning at the intersection of the South Dakota-Nebraska State line and U.S. Highway 281, thence along U.S. Highway 281 to its intersection with U.S. Highway 14, thence along U.S. Highway 14 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line), Nebraska (except points north and east of a line beginning at the intersection of the South Dakota-Nebraska State line and U.S. Highway 281, thence along U.S. Highway 281 to its intersection with Nebraska Highway 2, thence along Nebraska Highway 2 to the Missouri-Nebraska State line), Virginia (except points north of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 33, thence along U.S. Highway 33 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay) and Maine (except points south and west of Maine Highway 26). Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products and waste paper.

(40) *paper and paper products*, (except commodities in bulk), from points in the Lower Peninsula of Michigan on and west of U.S. Highway 27, to points in Maine, New Hampshire, Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, Connecticut, Massachusetts (except points west of U.S. Highway 7), Vermont (except points west of U.S. Highway 7), New York (except points north and west of a line beginning at Hillburn, thence along Interstate Highway 87 to its intersection with U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line), New Jersey (except points north and west of a line beginning at the intersection of the Pennsylvania-New Jersey State line and Interstate Highway 78, thence along Interstate Highway 78 to its intersection with U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line), Alabama (except points north and west of a line beginning at the intersection of the Alabama-Mississippi State line and U.S. Highway 82, thence along U.S. Highway 82 to Tuscaloosa, thence along U.S. Highway 11 to the Alabama-Georgia State line), Mississippi (except points north of U.S. Highway 80), Texas (except points north and east of a line beginning at the intersection of the New Mexico-Texas State line and U.S. Highway 66, thence along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to the Texas-Louisiana State line) and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products and waste paper from points in Michigan on and south of Michigan Highway 21.

(41) *paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan on and east of U.S. Highway 27, to Memphis, Tenn., and points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, North Carolina, South Carolina, Virginia (except points north of a line beginning at the intersection of the West Virginia-Virginia State line and U.S. Highway 250, thence along U.S. Highway 250 to Richmond, thence along U.S. Highway 360 to its termination on the Chesapeake Bay), Kansas (except points north of U.S. Highway 24) and Missouri (except points north and east of a line beginning at Kansas City, Mo., thence along U.S. Highway 71 to its junction with Missouri Highway 7, thence along Missouri Highway 7 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to Rolla, thence along Missouri Highway 72 to its intersection with Missouri Highway 51, thence along Missouri Highway 51 to the Missouri-Illinois State line). Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products and waste paper from points in Michigan on and south of Michigan Highway 21. (42) *paper and paper products* (except commodities in bulk), from Niles, Mich., to Memphis, Tenn., and points in Texas, Louisiana, Mississippi, Alabama, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York (except points north of a line beginning at Fort Smith, thence along U.S. Highway 71 to its junction with Arkansas Highway 10, thence along Arkansas Highway 10 to Little Rock, thence along U.S. Highway 70 to the Arkansas-Tennessee State line), Oklahoma (except points north and east of a line beginning at the intersection of the Kansas-Oklahoma State line and U.S. Highway 77, thence along U.S. Highway 77 to Ponca City, thence along U.S. Highway 177 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line), and points in Kansas (except those points north and east of a line beginning at the intersection of the Colorado-Kansas State line and U.S. Highway 50, thence along U.S. Highway 50 to Dodge City, thence along U.S. Highway 283 to the Oklahoma-Kansas State line). Restriction: The authority granted herein is restricted against the transportation of pulpboard, pulpboard products and waste paper.

(51) *paper and paper products* (except commodities in bulk), from points in Indiana on and within an area bordered on the west by the Indiana-Illinois State line, on the north by U.S. Highway 24, on the east by a line beginning at Logansport, thence along Indiana Highway 29 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to Indianapolis, and on the south by U.S. Highway 40, to points in New York, Maine, Vermont, Massachusetts, New Hampshire, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia (except points southwest of a line beginning at the intersection of the Kentucky-Virginia State line, thence along U.S. Highway 23 to Norton, thence along Alternate U.S. Highway 58 to its junction with U.S. Highway 58, thence

along U.S. Highway 58 to Bristol), North Carolina (except points west of a line beginning at the intersection of the Virginia-North Carolina State line and U.S. Highway 21, thence along U.S. Highway 21 to its intersection with North Carolina Highway 18, thence along North Carolina Highway 18 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line), South Carolina (except points west of a line beginning at the intersection of the North Carolina-South Carolina State line and U.S. Highway 221, thence along U.S. Highway 221 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line), and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products and waste paper.

(54) *paper and paper products* (except commodities in bulk), from points in Kentucky on and within an area bordered on the north by the Indiana-Kentucky State line, on the west by U.S. Highway 40, on the south by the Tennessee-Kentucky State line, and on the east by Interstate Highway 65, to points in New York, Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, points in Virginia on and north of U.S. Highway 50 points in Maryland, on and north of U.S. Highway 50, points in North Dakota on, north and east of a line beginning at the intersection of the Montana-North Dakota State line and U.S. Highway 2, thence along U.S. Highway 2 to its intersection with U.S. Highway 281, thence along U.S. Highway 281 to the International Boundary line between Canada and the United States, and the District of Columbia. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products and waste paper. (56) *paper and paper products* (except commodities in bulk), from points in Kentucky on and within an area bordered on the west by Interstate Highway 65, on the north by U.S. Highway 60, on the east by U.S. Highway 25, and on the south by the Tennessee-Kentucky State line, to points in North Dakota, Maine, New Hampshire, Vermont, South Dakota (except points south and east of a line beginning at the intersection of the Nebraska-South Dakota State line and U.S. Highway 83, thence along U.S. Highway 83 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the South Dakota-Minnesota State line), New York (except points south of a line beginning at Narrowsburg, thence along New York Highway 52 to its intersection with U.S. Highway 209, thence along U.S. Highway 209 to its junction with U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-New York State line), and Massachusetts (except points south and east of a line beginning at the intersection of the Connecticut-Massachusetts State line and U.S. Highway 7, thence along U.S. Highway 7 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to Springfield, thence along U.S. Highway 5 to its intersection with U.S. Highway 202, thence along U.S. Highway 202 to its intersection with Massachusetts Highway 9, thence along Massachusetts Highway 9 to Boston). Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products and waste paper.

(58) *Paper and paper products* (except commodities in bulk), from points in Kentucky on and within an area bordered on the west by U.S. Highway 25, on the southeast by U.S. Highway 68, and on the northeast by the Ohio State line (except points in the Cincinnati-Ohio Commercial Zone as defined by the Commission, which are in Kentucky), to points in North Dakota, South Dakota, Nebraska, Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, those points in Maryland on and north of a line beginning at the intersection of the Maryland-Pennsylvania State line and U.S. Highway 11, thence along U.S. Highway 11 to Hagerstown, thence along U.S. Highway 40 to Baltimore, thence along Maryland Highway 2 to Annapolis, thence along U.S. Highway 50 to its termination on the Atlantic Ocean, points in Kansas on and west of a line beginning at Atchison, thence along Kansas Highway 4 to Topeka, thence along Interstate Highway 35 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, those points in Oklahoma on and west of a line beginning at the intersection of the Kansas-Oklahoma State line and U.S. Highway 77, thence along U.S. Highway 77 to its intersection with Oklahoma Highway 19, thence along Oklahoma Highway 19 to its intersection with U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and points in Texas on and west of a line beginning at the intersection of the Texas-Oklahoma State line and U.S. Highway 277 to Eagle Pass, Tex. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products and waste paper.

(69) *paper and* paper products (except commodities in bulk), from Tullahoma, Tenn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, North Dakota, South Dakota (except points south and east of a line beginning at the intersection of the Nebraska-South Dakota State line and South Dakota Highway 47, thence along South Dakota Highway 47 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-South Dakota State line), points in Nebraska on, north and west of a line beginning at the intersection of the Wyoming-Nebraska State line and U.S. Highway 26, thence along U.S. Highway 26 to its intersection with U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line, and points in New York. Restriction: The authority granted above is restricted against the transportation of cardboard cartons. The purpose of this filing is to eliminate the gateways of the plantsite of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 1–7, 9–36, 38–48, and 50–70 above. Lexington, Ky., and the plantsite of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 37. Points in Little River County, Ark., in 8. Chicago Heights, Ill., and the plantsite of Laminated and Coated Products Division of St. Regis Paper Co., at Troy, Ohio in 49. The purpose of this partial correction is to clarify the commodity descriptions. The remainder of this filing remains as previously published.

No. MC 61592 (Sub-No. E38), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), from Glenfield, Pa., to points in South Dakota. The purpose of this filing is to eliminate the gateways of Columbus, Ohio; Ida Grove, Iowa; and the facilities used by the Deutz Tractor Corporation at O'Fallon Industrial Park, St. Charles County, Mo.

No. MC 61592 (Sub-No. E41), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Kewanee, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Ida Grove, Iowa.

No. MC 61592 (Sub-No. E61), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and except those which because of size or weight, require the use of special equipment), from the facilities of International Harvester Company at Ports of Entry on the U.S.-Canadian International Boundary line in Maine to points in Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Texas, restricted to the transportation of traffic originating at the warehouse facilities of International Harvester Company. The purpose of this filing is to eliminate the gateway of the facilities of International Harvester at Davenport, Iowa.

No. MC 73828 (Sub-No. E1), filed July 8, 1974. Applicant: D & R MOVING & TRUCKING, INC., Suite 1515,

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One Lefrak City Plaza, Flushing, N.Y. 11368. Applicant's representative: Daniel Volkmamer, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, between points in Connecticut, Massachusetts, Rhode Island, New Jersey, and Pennsylvania, on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; (2) *Household goods*, between points in Maryland, Virginia, and the District of Columbia, and that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points within 100 miles of Columbus Circle, New York, N.Y., in the counties of Bergen, Passaic, Essex, Hudson, and Union, N.J.; and (3) *Household goods*, between points in New Jersey, Pennsylvania, Maryland, Virginia, and the District of Columbia, on the one hand, and, on the other, those points in Connecticut within 100 miles of Columbus Circle, New York, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 106920 (Sub-No. E83), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in Florida on and south of a line beginning at the Gulf of Mexico and extending along Florida Highway 51 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E84), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrate skim milk, in containers, from points in Wisconsin south of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 12 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74 to Lake Michigan to points in Alabama. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E85), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrate skim milk, in containers, from points in Wisconsin south of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 12 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74 to Lake Michigan, to points in Pennsylvania, Maryland, New York, and New Jersey. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E86), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except in bulk, in tank vehicles, concentrated whole milk and concentrated skim milk, in containers, and sweet cream and milk, processed and unprocessed, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E88), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, to points in Florida and Georgia. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E89), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk, in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, to points in Connecticut, District of Columbia,

Delaware, Massachusetts, North Carolina, Rhode Island, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E90), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk; in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan to points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 216 to junction Tennessee Highway 53, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E91), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, and concentrated whole milk and concentrated skim milk, in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan to points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 216 to junction Tennessee Highway 53, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E92), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, concentrated whole milk and concentrated skim milk, in containers, and sweet cream, and milk, processed and unprocessed, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, to points in West Virginia (except points on and north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E93), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except in bulk, in tank vehicles, concentrated whole milk and concentrated skim milk, in containers, from points in Wisconsin south of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 74, thence along Wisconsin Highway 74 to Lake Michigan, to points in Alabama on and east of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 72 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E97), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Missouri to points in Virginia on and north of a line beginning at the Chesapeake Bay and extending along U.S. Highway 360 to junction Virginia Highway 54, thence along Virginia Highway 54 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E98), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Missouri on and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction

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Missouri Highway 39, thence along Missouri Highway 39 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Kansas-Missouri State line, to points in Virginia. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E100), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Missouri on and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 61 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 39, thence along Missouri Highway 44, thence along Interstate Highway 44 to the Kansas-Missouri State line, to points in Virginia on and south of a line beginning at the Chesapeake Bay and extending along U.S. Highway 360 to junction Virginia Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, and on and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107064 (Sub-No. E18), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Bailey, Lamb, Garza, Scurry, Mitchell, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, Texas, to points in Indiana. The purpose of this filing is to eliminate the gateway of any point in Ector County, Texas.

No. MC 107064 (Sub-No. E20), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Midland, Glasscock, Sterling, Coke, Reeves, Ward, Crane, Upton, Reagan, Irion, Tom Green, Pecos, Crockett, Schleicher, Sutton, Presidio, Jeff Davis, Brewster, Terrell, Val Verde, Edwards, Kinney and Maverick Counties, Texas, and those parts of Stonewall, Jones, Taylor, Runnels, Concho, Menard, Kimble, Real, Uvalde, Zavala, Dimmitt, Webb, Zapata, Starr, Hidalgo and Cameron Counties, Texas, which are on and west of U.S. Highway 83, to points in that part of Oregon north and west of a line beginning at the California-Oregon State line, thence along U.S. Highway 395 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Oregon-Idaho State line. The purpose of this filing is to eliminate the gateway of any point in Ector County, Texas.

No. MC 107064 (Sub-No. E21), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from points in that part of Texas in and west of Yoakum, Terry, Lynn, Garza, Scurry, Nolan, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, to points in Iowa, and (2) from points in Lubbock County, Texas, to points in that part of Iowa on and east of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of any point in Ector County, Texas.

No. MC 107515 (Sub-No. E195), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen edible meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766 (except in bulk), from Norfolk (except imported frozen meats), and Smithfield, Va., to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. (The North Carolina gateway has no relevancy.)

No. MC 107515 (Sub-No. E273), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from the plant site of Pruden Co., at Suffolk, Va., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Goldsboro, N.C., and Montgomery, Ala.

No. MC 114019 (Sub-No. E283), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment, between Burns Harbor and points in Porter County, Ind., on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Toledo, Ohio, and those points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 20 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, those points in Bergen, Monmouth, Morris, and Somerset Counties, N.J., which are within 20 miles of New York, N.Y., points in Hudson, Essex, Union, Passaic, Middlesex, Mercer, and Hunter Counties, N.J., those points in New Jersey, Delaware, and Maryland which are within 36 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md. The purpose of this filing is to elimante the gateway of Gary, Ind.

No. MC 114019 (Sub-No. E284), filed May 24, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and seafoods*, fresh or frozen, from those points in Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along Massachusetts Highway 1A to junction Massachusetts Highway 3, thence along Massachusetts Highway 3 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Massachusetts-Rhode Island State line, points in Rhode Island on, east, and south of U.S. Highway 1 to points in Anderson, Boyle, Bourbon, Bullitt, Carroll, Casey, Clark, Estill, Fayette, Franklin, Gallatin, Garrard, Grant, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lincoln,

Madison, Marion, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Powell, Pulaski, Scott, Shelby, Spencer, Taylor, Trimble, Washington, and Woodford Counties, Ky., which are within 134 miles of Louisville. Restricted to shipments moving from, to, or between warehouses or other facilities or retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 114211 (Sub-No. E685), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from Oregon, Ill., to points in California, Oregon, Washington, Nevada, Idaho, Montana, North Dakota, and to points in that part of Arizona on and west of a line beginning at the Utah-Arizona State line extending along U.S. Highway 163 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Arizona Highway 264, thence along Arizona Highway 264 to junction Arizona Highway 87, thence along Arizona Highway 87 to junction Arizona Highway 188, thence along Arizona Highway 188 to junction Arizona Highway 88, thence along Arizona Highway 88 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line; to points in that part of Utah on and west of a line beginning at the Wyoming-Utah State line extending along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 33, thence along Utah Highway 33 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line; to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 18 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line; and to points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 14 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 14, thence along U.S. Highway 18 to the South Dakota-Wyoming State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and points in Iowa.

No. MC 114211 (Sub-No. E686), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa, 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements and parts therefor*, from Clay Center, Kans., to points in that part of New York on and north of a line beginning at Watertown, N.Y., extending along New York Highway 3 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 9N, thence along New York Highway 9N to junction New York Highway 373, thence along New York Highway 373 to Port Kent, N.Y., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E687), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from Lone Star, Tex., to points in Montana, North Dakota, South Dakota, Wyoming, and to points in that part of Nebraska on and north of a line beginning at the Colorado-Nebraska State line extending along Interstate Highway 80S to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Nebraska State line; to points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 92 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line; and to points in that part of Michigan on and north of a line beginning at Traverse City, Mich., extending along Michigan Highway 72 to junction Michigan Highway 33, thence along Michigan Highway 33 to junction Michigan Highway 55, thence along Michigan Highway 55 to Tawas City, Mich., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E688), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements and parts therefor*, from Clay Center, Kans., to points in that part of North Dakota on and east of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 1 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line; and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 33 to junction U.S. Highway 16, thence along U.S. Highway 16 to Milwaukee, Wis., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4121 Filed 2-12-75;8:45 am]

[Notice No. 12]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 7, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 647 (Sub-No. 14), filed January 22, 1975. Applicant: EXHIBITORS SERVICE COMPANY, a corporation, 85 Helen Street, McKees Rocks, Pa. 15136. Applicant's representative: Samuel P. Delisi, 530 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* in vehicles equipped with mechanical refrigeration; and (2) *Frozen fish and agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Act, in mixed loads with the commodities in (1) above, in vehicles equipped with mechanical refrigeration, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Roanoke County, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 11207 (Sub-No. 354), filed January 23, 1975. Applicant: DEATON, INC., 317 Ave. W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 16th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* (except commodities which because of size or weight require special equipment), from the facilities of Georgetown Steel Corp., located at Georgetown, S.C., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 16502 (Sub-No. 17), filed November 11, 1974. Applicant: WILLIAM A. ROBINSON, HENRY CLAY ROBINSON, JR., RICHARD RAY ROBINSON AND FRANK TAYLOR ROBINSON, a partnership, doing business as ROBINSON TRUCK LINES, West Main Street, P.O. Box 747, West Point, Miss. 39773. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22728, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the facilities of Weyerhaeuser Company, at or near Columbus, Miss., as an off-route point in connection with applicant's regular route authority between Memphis, Tenn., and Macon, Miss.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 20783 (Sub-No. 107), filed October 4, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Louisville, Ky., and Knoxville, Tenn., to points in Alabama, Florida and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 322), filed January 10, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 400 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* and *motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and *bodies, cabs*, and *parts* of and *accessories* for such vehicles, from the plant site of International Harvester Company in San Leandro, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42487 (Sub-No. 831), filed December 26, 1974. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100–1660 L Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and assembled automobiles), (1) Between Billings, Mont., and junction U.S. Highways 26 and 30, near Ogallala, Nebr., as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points, but serving junction U.S. Highways 26 and 30 for purposes of joinder only: From Billings, over Interstate Highway 90 to junction U.S. Highway 87 near Buffalo, Wyo., thence over U.S. Highway 87 to junction U.S. Highway 26 near Casper, Wyo. (and also from Billings over Interstate Highway 90 to junction Interstate Highway 25 near Buffalo, thence over Interstate Highway 25 to junction U.S. Highway 26), thence over U.S. Highway 26 to junction U.S. Highway 30 near Ogallala, and return over the same routes; and (2) Between Cheyenne, Wyo., and St. Joseph, Mo., as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations between Cheyenne, Wyo., and St. Joseph, Mo., serving no intermediate points: From Cheyenne over Interstate Highway 80 to Lincoln, Nebr. (and also from Cheyenne over Interstate Highway 80 to junction U.S. Highway 30 at Pine Bluffs, Wyo., thence over U.S. Highway 30 to junction Nebraska Highway 25, near Sutherland, Nebr., thence over Nebraska Highway 25 to junction Interstate Highway 80, thence over Interstate Highway 80 to Lincoln, Nebr.), thence over Nebraska Highway 2 to Nebraska City, Nebr., thence over U.S. Highway 75 to junction U.S. Highway 36 near Sabetha, Kans., thence over U.S. Highway 36 to St. Joseph (and also from junction U.S. Highway 75 and U.S. Highway 136 at Auburn, Nebr., over U.S. Highway 136 to junction Interstate Highway 29 near Rockport, Mo., thence over Interstate Highway 29 to St. Joseph); and return over the same routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif. or Washington, D.C.

No. MC 42487 (Sub-No. 832), filed January 20, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Birmingham, Ala. and Kansas City, Mo.: From Birmingham, Ala. over U.S. Highway 78 to junction Alabama Highway 5 at or near Jasper, Ala., thence over Alabama Highway 5 to junction U.S. Highway 278 at or near Natural Bridge, Ala., thence over U.S. Highway 278 to junction U.S. Highway 78 at Hamilton, Ala., thence over U.S. Highway 78 to Memphis, Tenn., thence over Interstate Highway 55 to junction U.S. Highway 63 near Gilmore, Ark., thence over U.S. Highway 63 to junction U.S. Highway 60 near Willow Springs, Mo., thence over U.S. Highway 60 to junction Missouri Highway 13 at Springfield, Mo., thence over Missouri Highway 13 to junction Missouri Highway 7 near Clinton, Mo., thence over Missouri Highway 7 to junction U.S. Highway 71 near Harrisonville, Mo., thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations. Note: Applicant states it presently holds alternate route authority between Birmingham, Ala. and Kansas City, Mo. in MC 42487 (Sub-No. 799), and that the authority in MC 42487 (Sub-No. 799) duplicates the highways here involved except between the Jasper, Ala. area and Hamilton, Ala., where the highways involved differ slightly.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Washington, D.C.

No. MC 47583 (Sub-No. 19), filed January 16, 1975. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Ave., Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation, blowing machines, replacement parts and supplies*, from Wellsville, Kans., to points in Iowa, Kansas, Missouri, Nebraska, Illinois, Colorado, Oklahoma, Arkansas and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 51146 (Sub-No. 415), filed January 13, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs, furniture and commodities in bulk), and (2) *foodstuffs* (except in bulk) and *furniture*, in mixed loads with the commodities in (1) above, from points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland and West Virginia, to the facilities of S. S. Kresge Company located at points in the Lower Peninsula of Michigan, restricted to traffic originating at the named origin states and destined to the facilities of S. S. Kresge Company located at points within the described destination territory.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 164), filed January 15, 1975. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat by-products and articles distributed by packinghouses* (except hides, skins and pieces therefrom and glue stock, and commodities in bulk and in tank vehicles), from the plant site and storage facilities of Hyplains Dressed Beef, Inc. at or near Dodge City, Kans., to points in Connecticut, Ohio, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., Oklahoma City, Okla., or Wichita, Kans.

No. MC 58923 (Sub-No. 42), filed May 31, 1974. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd. SE., Atlanta, Ga. 30315. Applicant's representative: John C. Henderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between points in that part of Florida on and east of a line beginning at the Georgia-Florida State Line, and extending along U.S. Highway 19 to New Port Richey, thence along the Gulf of Mexico to Naples, and points on and north of a line beginning at Naples and U.S. Highway 41, thence along U.S. Highway 41 to the Atlantic Ocean,

Restricted to the transportation of traffic having an immediately subsequent movement by rail between Atlanta, Ga., on the one hand, and, on the other, a point in the above-described area of Florida; and (2) between points in that part of Florida on and east of a line beginning at the Georgia-Florida State Line and extending along U.S. Highway 19 to New Port Richey, thence along the Gulf of Mexico to Naples, and points on and north of a line beginning at Naples and U.S. Highway 41, thence along U.S. Highway 41 to the junction of Florida Highway 27 and points on and east of a line extending south along Florida Highway 27 to the junction of S.W. 344th Street (Palm Drive) and points on and north of a line extending eastward along Palm Drive (S.W. 344th Street) to the Atlantic Ocean, restricted to the transportation of traffic having an immediately prior or an immediately subsequent movement by rail between Atlanta, Ga., on the one hand, and, on the other, a point in the above-described area in Florida.

NOTE.—Applicant states that it holds the authority requested in (1) above in MC 58923 (Sub-No. 33) and is seeking the authority requested in (2) above, in pending MC 58923 (Sub-No. 41). 1 The sole purpose of the instant application is to amend the restriction stated in (1) and (2) above to read as follows: The operations authorized immediately above are restricted to the transportation of traffic having immediately prior or an immediately subsequent movement by rail from, to, or through a point in Georgia, on the one hand, and, on the other, a point in the above-described area in Florida. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 59680 (Sub-No. 214), filed January 20, 1975. Applicant: STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Texas 75222. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Texas 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the warehouse site of Western Electric Company, Incorporated, located at or near Martinsburg, W. Va., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Memphis, Tenn.

No. MC 61396 (Sub-No. 278), filed January 20, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from the transfer station of Amstar Corporation, at Memphis, Tenn., to points in Illinois, Alabama, and Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Omaha, Nebr.

No. MC 61592 (Sub-No. 334), filed December 16, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections and *component parts* thereof

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(except commodities in bulk), from Youngsville, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 63792 (Sub-No. 25), filed January 20, 1975. Applicant: TOM HICKS TRANSFER COMPANY, INC., 3838 Majestic St., P.O. Box 16006, Houston, Tex. 77022. Applicant's representative: C. W. Ferebee, 710 N. Post Oak, Suite 515, Houston, Tex. 77024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plant site and storage facilities of Steel Inc., located at New Orleans, La., on the one hand, and, on the other, points in Alabama, Georgia, Florida, Tennessee, Texas, Louisiana, Mississippi, Arkansas, Oklahoma, Kansas, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 73165 (Sub-No. 360), filed January 21, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, bodies, engines and parts; compacted or crushed motor vehicles, bodies, engines and parts;* and *recycled non-ferrous or ferrous articles and materials, metal articles, and materials and supplies* used in the production of recycled metal articles and recycled materials (except in bulk, in tank or dump vehicles), between points in the United States in and east of Iowa, Wisconsin, Missouri, Oklahoma, and Texas, on the one hand, and, on the other, Huntsville, Ala., Knoxville and Chattanooga, Tenn., and Atlanta, Ga., restricted to the transportation of shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 73165 (Sub-No. 361), filed January 22, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 N. 33d St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories* for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Missouri, Mississippi, and Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 73618 (Sub-No. 6), filed January 20, 1975. Applicant: BIVIN'S FREIGHT SERVICE, INC., South Fifteenth Street, Millville, N.J. 08332. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of glass, from points in Michigan, Indiana, Ohio, West Virginia, Maryland, Delaware, New York, and New Jersey (except points in Camden, Salem, Gloucester, Cape May, Atlantic, Burlington and Cumberland Counties, N.J.), to points in Montgomery County, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75320 (Sub-No. 178), filed Jan. 20, 1975. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Burlington, Wis., to Houston, Tex., restricted to traffic originating at the plantsite or other facilities of The Nestle Co., Inc., at or near Burlington, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 81908 (Sub-No. 6), filed Jan. 20, 1975. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, Ohio 45480. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bags and in bulk; *herbicides, insecticides and pesticides*, when moving in mixed shipments with dry fertilizer and dry fertilizer ingredients; and *animal and poultry feed and animal and poultry feed ingredients*, (1) from the plantsite and warehouse facilities of The Andersons, a partnership, located at or near Maumee, Ohio, to points in Michigan, Illinois, Indiana, Wisconsin, Pennsylvania, Kentucky, and New York; and (2) from the plantsite and facilities of Wegro, Inc., located at or near Grand Rapids, Ohio, to points in Michigan, Illinois, Indiana, Wisconsin, Pennsylvania, Kentucky, and New York, restricted against the shipment of commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Washington, D.C.

No. MC 82079 (Sub-No. 39), filed January 20, 1975. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Ave. SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Tiffin, Ohio, to points in Michigan; and (2) *damaged or rejected merchandise*, on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 82079 (Sub-No. 40), filed January 20, 1975. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Ave. SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food and food products* requiring transportation in mechanically refrigerated equipment, from the plant and warehouse sites of Kitchens of Sara Lee at Deerfield and Chicago, Ill., to points in Michigan, restricted to the transportation of shipments originating at the above origin points and destined to points in Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich. or Chicago, Ill.

No. MC 82841 (Sub-No. 150), filed January 20, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unassembled furniture*, in cartons, from Stockton, Calif., to points in the United States in and east of New Mexico, Colorado, Wyoming, South Dakota and North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 82841 (Sub-No. 151), filed January 20, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, flakeboard, and hardboard*, from Martell, Calif., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 97394 (Sub-No. 13), filed January 8, 1975. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 1111, Bowling Green, Ky. 42101. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Nashville, Tenn. and Burkesville, Ky., serving no intermediate points, but serving the junction of Interstate Highway 40 and Tennessee Highway 53, south of Carthage, Tenn., for purposes of joinder only, as an alternate route for operating convenience only: From Nashville, Tenn. over Interstate Highway 40 to junction Tennessee Highway 56, thence over Tennessee Highway 56 to junction Tennessee Highway 53 thence over Tennessee Highway 53 via Gainesboro, Tenn. to the Kentucky-Tennessee State Boundary line, thence over Kentucky Highway 61 to Burkesville, Ky., and return over the same route; and (2) Between Nashville, Tenn. and junction Kentucky Highway 163 and Kentucky Highway 90, near Summer Shade, Ky. serving no intermediate points, as an alternate route for operating convenience only: From junction Tennessee Highway 53 and Interstate Highway 40, south of Carthage, Tenn., over Tennessee Highway 53 to junction U.S. Highway 70N, thence over U.S. Highway 70N to Carthage, Tenn., thence over Tennessee Highway 80 to Red Boiling Springs, Tenn., thence over Tennessee Highway 56 to the Kentucky-Tennessee State Boundary line, thence over Kentucky Highway 63 to Tompkinsville, Ky., thence over Kentucky Highway 163 to junction Kentucky Highway 90, and return over the same route. The routes in (1) and (2) above are sought as alternate routes in connection with applicant's present operations between Nashville, Tenn. and Burkesville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Bowling Green, Ky. or Nashville, Tenn.

No. MC 100666 (Sub-No. 291), filed January 22, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Life Foundation Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, prefinished wall panels, prefinished gypsum panels, adhesives, and accessories*, incidental to the installation thereof, from the plantsite and facilities of the U.S. Gypsum Company at Pittsburg, Kans., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 104675 (Sub-No. 35), filed January 22, 1975. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N.Y. 14210. Applicant's representative: E. Russell Whiteman (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda Ash*, in bulk, in dump or tank vehicles, from Solvay, N.Y., to Henderson, N.C. and Laurens, S.C., and *returned or rejected shipments* of the same commodity on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Washington, D.C.

No. MC 105375 (Sub-No. 57), filed January 21, 1975. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Ave., Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in tank vehicles, from Knoxville, Iowa, to Brookings, S. Dak.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 106119 (Sub-No. 22), filed January 21, 1975. Applicant: ASSOCIATED PETROLEUM CARRIERS, a corporation, P.O. Box 2808, Union Road, Spartanburg, S.C. 29302. Applicant's representative: Robert R. Odom, P.O. Box 5504, 220 North Church Street, Spartanburg, S.C. 29301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except propane), in bulk, in tank trucks, (1) from points in South Carolina, to points in North Carolina and Georgia; (2) from points in North Carolina to points in South Carolina and Georgia; and (3) from points in Georgia to points in South Carolina and North Carolina, (except (a) from Georgetown, S.C., to points in North Carolina, and (b) liquid fertilizer, nitrogen fertilizer solutions and fertilizer materials and ingredients from points in Colquitt County and Screven County, Ga., to points in South Carolina, and from points in Hertford County, N.C., to points in South Carolina and Georgia, and from points in Robeson County, N.C., to points in South Carolina).

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Columbia, S.C. or Atlanta, Ga.

No. MC 106485 (Sub-No. 16) (Correction), filed December 18, 1974, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: LEWIS TRUCK LINES, INC., Lisbon, N. Dak. 58054. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Fargo, N. Dak., and Oakes, N. Dak., serving all intermediate points and the off-route points of Walcott, Colfax, Galchutt, Mooreton, Barney and Great Bend, N. Dak.: From Fargo, N. Dak., over U.S. Highway 81 to Fairmont, N. Dak., thence over North Dakota Highway 11 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, N. Dak., and return over the same route, restricted against the transportation of traffic originating at or destined to points located in Minnesota within the Commercial Zones of Fargo and Wahpeton, N. Dak.

NOTE.—The purpose of this correction is to indicate the correct spelling of Mooreton, N. Dak. and to add a comma between Mooreton and Barney, N. Dak. If a hearing is deemed necessary, applicant requests it be held at either Wahpeton or Fargo, N. Dak.

No. MC 106674 (Sub-No. 151), filed January 20, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials dry*, in bulk, from Mapleton, Ill. to points in Indiana, (2) *Wooden pallets, pallet parts, and wooden blocking*, between the plantsite of Continental Box Company located at or near Lemont, Ill., and points in Indiana, Iowa, Kentucky, Missouri, Ohio, Tennessee, and Wisconsin, restricted to the transportation of shipments either originating at or destined to the plantsite of the Continental Box Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 106674 (Sub-No. 152), filed January 20, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Knocked-down farm machinery*, from the plantsite and facilities of Forrest City Machine works, Inc., at or near Forrest City, Ark., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, North Dakota, South Dakota, Tennessee, and Wisconsin, restricted to the transportation of shipments originating at the plantsite and facilities of Forrest City Machine Works, Inc., at or near Forrest City, Ark., and (2) *Fireplace logs and flare-up logs* manufactured with vegetable fiber and wax, and compressed with binder contents from Camilla, Ga., to points in Delaware, Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, District of Columbia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 107496 (Sub-No. 985), filed January 16, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as

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applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal feed and feed supplements*, from the plant location at Land O'Lakes, Inc., at or near Clarence, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; (2) *inedible tallow, animal feeding fats, and feed supplements*, in bulk, from points in Sarpy County, Nebr., to points in Kansas, Missouri, Iowa, Minnesota, and South Dakota; (3) *liquid feed*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Mississippi, Arkansas, and Tennessee; (4) *dry sugar*, in bags, from points in St. Bernard Parish, La., to points in Illinois, Missouri, and Tennessee; (5) *vinyl acetate*, in bulk, in tank vehicles, from Smithfield, Ky., to Clinton, Iowa; and (6) *fuel*, in bulk, from Clinton, Iowa, to Suffolk, Va., and Montezuma, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 107496 (Sub-No. 986), filed January 20, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, from Memphis, Tenn., to points in Tennessee, Arkansas, Mississippi, Alabama, Kentucky, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 107743 (Sub-No. 32), filed January 20, 1975. Applicant: SYSTEM TRANSPORT, INC., 6523 E. Broadway, P.O. Box 3456 TA, Spokane, Wash. 99220. Applicant's representative: S. J. Cully, Jr., P.O. Box 3456 TA, Spokane, Wash. 99220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chain*, from Maryville, Mo. to points in California, Oregon, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, South Dakota, Utah, Washington, Wyoming, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spokane or Seattle, Wash., or Portland, Oreg.

No. MC 109689 (Sub-No. 282), filed January 13, 1975. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid gilsonite asphalt sealers and preservatives*, in bulk, from Mack, Colo. and points within 5 miles thereof, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 111729 (Sub-No. 488) (Correction), filed December 16, 1974, published in the FEDERAL REGISTER issue of Jan. 23, 1975, and republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory samples, and specimens of all kinds, consisting of blood and urine; tissues and cells such as brain and skin; feces, sera and carcasses, limited to small animals or birds such as chickens and baby pigs; cultures, media for cultures, biological research products, vectors (insects), vaccines, antigens, parasites (animal), and chemicals*, as needed in diagnostic procedures, (1) between Orient Point, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; (2) between Ames, Iowa, on the one hand, and, on the other, points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota and Wisconsin; (3) between Beltsville, Md., on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; and (4) between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic having an immediately prior or subsequent movement by air, originating from or destined to Orient Point, N.Y.; Ames, Iowa; or Beltsville, Md.

NOTE.—The purpose of this republication is to correct the restriction stated above. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 497), filed January 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of size and weight require special equipment; and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, restricted against the transportation of packages weighing more than 50 pounds and each package or article shall be considered a separate and distinct shipment, and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; New York, N.Y.; Philadelphia, Pa.; and Boston, Mass.

No. MC 112822 (Sub-No. 362), filed January 20, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and frozen foods*, from the plantsite and warehouse facilities of Pepperidge Farm, Incorporated, located at or near Richmond, Utah, to points in Arkansas, Illinois, Nebraska, Oklahoma, and Texas, restricted to the transportation of shipments originating at the named origin point and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 113495 (Sub-No. 68), filed January 6, 1975. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments, and accessories* for the commodities in (1) above, from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida, to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, Virginia and West Virginia, restricted to traffic moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Chicago, Ill. or Washington, D.C.

No. MC 113666 (Sub-No. 90), filed January 23, 1975. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Refractories, refractory products, materials and supplies* used in the production and installation of refractory products, and *brick* from Pascagoula, Miss., and Bessemer, Riverside, Birmingham, and Pell City, Ala., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota, Michigan, New York, New Hampshire, Vermont, and Maine, restricted to the transportation of the commodities moving in foreign commerce; and (2) *Calcium carbide* from Ashtabula, Ohio, to points in Pennsylvania and New Jersey..

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 113678 (Sub-No. 581), filed January 20, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, yarn, and jute*, from Miami, Okla., to points in Colorado, Idaho, Illinois, Iowa, Michigan, Montana, Nebraska, New York, Ohio, Pennsylvania, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113908 (Sub-No. 332), filed January 22, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat byproducts* (except fats and oils and products thereof) in bulk, from the facilities of Wilson & Co., Inc., located at or near Marshall, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Nebraska, and Wisconsin, restricted to traffic originating at the above specified plant site and destined to the above specified destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114091 (Sub-89), filed January 15, 1975. Applicant: HUFF TRANSPORT CO., INC., 3601 S. 7th Street Road, Louisville, Ky. 40216. Applicant's representative: Marshall Kragen, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Kentucky, restricted to traffic having subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Ashland or Louisville, Ky.

No. MC 114725 (Sub-No. 70), filed January 13, 1975. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow*, from La-Platte, Nebr., to points in Iowa, Kansas, Missouri and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114896 (Sub-No. 25), filed Jan. 17, 1975. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins*, between Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo, N.Y.; Charlotte, N.C.; Chicago, Ill.; Cincinnati, and Cleveland, Ohio; Coral Gables, Fla.; Culpeper, Va.; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; El Paso, Tex.; Ft. Knox, Ky.; Helena, Mont.; Houston, Tex.; Jacksonville, Fla.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Calif.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Nashville, Tenn.; New Orleans, La.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Neb.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Richmond, Va.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Tex.; San Francisco, Calif.; Seattle, Wash.; West Point, N.Y., and the District of Columbia, under contract with General Services Administration.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 384), filed January 17, 1975. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferrous sulphate*, in bulk, in dump vehicles, from the facilities of Goodyear Chemical Co., at Akron, Ohio, to the facilities of Minnesota Mining and Manufacturing Company, at or near Cordova, Ill.; (2) *lime products*, from points in Knox County, Tenn., to points in Louisiana, Mississippi, Arkansas, Indiana, and those points in Ohio on and north of U.S. Highway 40; (3) *barite ore*, in bulk, from points in Washington County, Mo., to East St. Louis, Ill.; (4) *welding machinery and welding wire, iron and steel and welding compound*, from Troy, Ohio, to Illinois, Iowa, Missouri, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota; and (5) *agricultural chemicals*, in containers, from Arlington, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115331 (Sub-No. 385), filed January 20, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between the plantsite of the Southern California Chemical Company at or near Union, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 117416 (Sub-No. 48), filed January 14, 1975. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, N.W., Knoxville, Tenn. 37921. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica and sodium sulphate* (except in bulk, in tank vehicles), from Etowah, Tenn., to points in Georgia, Kentucky, Indiana, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Knoxville, Tenn.

No. MC 117851 (Amendment) (Sub-No. 16), filed November 18, 1974, published in the FEDERAL REGISTER issue of December 27, 1974, and republished as amendment, this issue. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing supplies and materials:* (a) from Delphi, Ind., to points in Virginia; (b) from Kokomo, Ind., to points in Connecticut, Delaware, District of Columbia, Louisville, Ky., and points in its Commercial Zone, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, and Vermont; (c) from Frankfort, Ind., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; (d) from Gadsden and Leighton, Ala., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia,

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Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, New Jersey, New York, North Dakota, Ohio, Maine, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia and Wisconsin.

(e) (1) from Woodbridge, N.J., and Sheboygan Falls, Wis., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin; (e) (2) from Sheboygan Falls, Wis., to points in North Carolina and South Carolina; (f) from Addison, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, and Wisconsin; (g) from Pomona, Calif.; Elyria and Cleveland, Ohio; and Erie, Philadelphia, and Washington, Pa., to Gadsden, Ala.; Kokomo, Ind.; and Woodbridge, N.J.; (h) from Princeton, Ind., and Fowlerville, Mich., to Gadsden, Ala., and Woodbridge, N.J.; (i) from Bauxite, Ark., to Kokomo, Ind.

(j) from LaPorte, Ind. and Beaufort, S.C., to Woodbridge, N.J.; and (k) from Franklin, Ga.; Cincinnati, Cleveland, Delaware, Elyria, Mansfield, Marysville, and Mingo Junction, Ohio; and Farmington, Grand Rapids, and Port Huron, Mich., to Delphi, Ind.; (2) *feldspar*, from Kona and Spruce Pine, N.C. to Gadsden, Ala.; Kokomo, Ind.; and Woodbridge, N.J.; (3) *clay*, from Edgar, Fla.; McIntyre, and Gordon, Ga.; Mayfield, Ky.; and Andrews, Bath, and Calico, S.C., to Gadsden, Ala.; Kokomo, Ind.; and Woodbridge, N.J.; (4) *petroleum, oil and lubricants*, in barrels and boxes, from Bristol, Pa., to Gadsden, Ala.; Kokomo, Ind.; and Woodbridge, N.J.; (5) *plaster* (except in bulk); (a) from Niagara Falls, N.Y. and Pittsburgh, Pa., to Gadsden, Ala.; Kokomo, Ind.; and Woodbridge, N.J. and (b) from Southward, Okla., to Gadsden, Ala. and Woodbridge, N.J.; (6) *foundry compounds*, from Cincinnati, Ohio, and Sheboygan, Wis., to Delphi, Ind.; (7) *buffing compounds*, from Howell, Mich., to Delphi, Ind.; and (8) *fire brick*: (a) from New Castle, Pa., to Gadsden, Ala.; and (b) from Tyler, Tex., to Kokomo, Ind.; Gadsden, Ala.; and Woodbridge, N.J., under a continuing contract or contracts with Gerber Plumbing Fixtures Corp. Note: The purposes of this republication are to delete South Carolina and North Carolina in (1) (e) (1) and add part (1) (e) (2). If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119634 (Sub-No. 12), filed January 22, 1975. Applicant: DICK IRVIN, INC., 218 12th Ave. North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bulk and bags, from ports of entry on the International Boundary Line between the United States and Canada located in Montana, to points in Washington, Oregon, Idaho, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., or Great Falls, Mont.

No. MC 119767 (Sub-No. 325), filed January 20, 1975. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425–13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Beaver Dam, Marathon and Wausau, Wis., to points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 315), filed January 20, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Kentucky, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 136970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 120736 (Sub-No. 6), filed January 17, 1975. Applicant: STROTHMAN EXPRESS, INC., 2735 Spring Grove Avenue, Cincinnati, Ohio 45225. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by wholesale and retail grocery stores*, from Fostoria, Ohio, to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123744 (Sub-No. 17), filed January 13, 1975. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of refractory products: (1) from Spinks, Gleason, Paris and Whitlock, Tenn.; Bauxite, Ark.; Sledge, Miss.; Ottawa, Ill.; Sandersville, Ga.; and Clayburn (Graves County), Ky., to the plantsites of North American Refractories at Curwensville, Womelsdorf and Mt. Union, Pa., and Ironton, Ohio; and (2) from Wilmington, Del.; Anniston, Ala.; Andersonville, Ga.; Erie, Mich.; Pamplin and Dillwyn, Va.; and Gleason, Tenn., to the plantsite of J. H. France Refractories at Snow Shoe, Pa., restricted to the transportation of shipments originating at the above points of origin, and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 124078 (Sub-No. 630), filed January 13, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 52346. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock* and *vinegar stock concentrate*, in bulk: (1) from Lyndonville and North Rose, N.Y., to Champaign, Ill.; Indianapolis and Terre Haute, Ind.; Charlotte, N.C.; and Memphis, Tenn.; and (2) from Charlotte, N.C.; to Atlanta and Decatur, Ga.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Chicago, Ill.

No. MC 124078 (Sub-No. 631), filed January 20, 1975. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Boston, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (2) *Liquid foundry core binders, and liquid molding sand binders*, in bulk, from Columbus, Ohio, to points in Alabama, Kentucky, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 124813 (Sub-No. 123), filed January 20, 1975. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa

50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid feed, and liquid feed supplements*, in bulk, from the facilities of Land O'Lakes, Inc., at or near Clarence, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) *hydrofluosilicic acid*, in bulk, from Montpelier, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 118468 Sub 16 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127616 (Sub-No. 21) (Amendment), filed November 6, 1974, published in the FEDERAL REGISTER issue of December 5, 1974, and republished as amended, this issue. Applicant: SAVAGE TRUCKING COMPANY, INC., P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut timber frame buildings*, from Hartland, Vt., to points in Maryland, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Ohio, Indiana, Illinois, Michigan, Wisconsin, Delaware, Pennsylvania, Virginia, North Carolina, West Virginia, and Kentucky.

NOTE.—The purpose of this republication is to amend the destination points. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128075 (Sub-No. 33), filed January 15, 1975. Applicant: LEON JOHNSRUD, P.O. Box 447, Cresco, Iowa 52136. Applicant's representative: Leon Johnsrud (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Howard and Winneshiek Counties, Iowa, to points in Minnesota (except those in the Minneapolis-St. Paul Commercial Zone) and Sioux Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 128375 (Sub-No. 127), filed January 2, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Elizabeth, La., to points in Nebraska, under a continuing contract with Western Paper Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Lincoln, Nebr.

No. MC 128762 (Sub-No. 12), filed January 2, 1975. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy, chewing gum and related confectionery products*, including premiums and advertising materials, from Duryea, Pa., to points in Alabama, Connecticut, Florida, Georgia, Massachusetts, North Carolina, Rhode Island, South Carolina, and Tennessee, under a continuing contract or contracts with Topps Chewing Gum Incorporated. If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 128932 (Sub-No. 9), Filed January 19, 1975. Applicant: ROBERT L. TORRANS, doing business as, COMMERCIAL STORAGE & DISTRIBUTION CO., West 26th at Taylor Streets, Texarkana, Tex. 75501. Applicant's representative: E. Lawrence Merriman, P.O. 1838, Texarkana, Tex. 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, containing various commodities*, from Shreveport and Bossier City, La., and the Commercial Zone thereof, on the one hand, and, on the other, points in Miller, Lafayette, Columbia, Union, and Ashley Counties, Ark.; points in DeSota, Red River, Bienville, Jackson, Lincoln, Union, Sabine, Nachitoches, Moorehouse, Caddo, Bossier, Webster, Claiborne, Ouachita, Winn, and Rapides Parishes, La.; and points in Harrison, Gregg, Upshur, Smith, Rusk, Panola, Cherokee, Nacogdoches, Shelby, Marion, Morriss, Cass, and Bowie Counties, Tex., restricted to shipments having a prior or subsequent movement in trail-on-flatcar service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Texarkana, Tex., Shreveport, La., Dallas, Tex., Little Rock, Ark., or Fort Worth, Tex.

No. MC 129759 (Sub-No. 4), filed January 7, 1974. Applicant: TRIANGLE TRUCKING CO., a corporation, P.O. Box 490, McKees Rock, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar beet pulp, pellets and residue*, from the Minn-Dak Farmers Cooperative at or near Wahpeton, North Dak., and the Red Valley Cooperative, Inc., at or near Hillsboro, N. Dak., to points in Minnesota, South Dakota, Wisconsin, Iowa and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 133492 (Sub-No. 13), filed Jan. 17, 1975. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 212–5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of Pabst Brewing Company, in Houston County, Ga., to points in Maryland, under contract with Pabst Brewing Company, at Perry, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133646 (Sub-No. 15), filed January 21, 1975. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., P.O. Box 404, Billings, Mont. 59103. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar beet pulp, pellets and residue*, from the Minn-Dak Farmers Cooperative at or near Wahpeton, North Dak., and the Red Valley Cooperative, Inc., at or near Hillsboro, N. Dak., to points in Minnesota, South Dakota, Wisconsin, Iowa and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 133796 (Sub-No. 26), filed December 23, 1974. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising matter*, from the plantsite of Cadbury Corporation, Humbolt Industrial Park, Hazle Township, Pa., to Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; Los Angeles, Emeryville and Hayward, Calif., restricted to shipments originating at the above origin and destined to the above destination points.

NOTE.—Applicant holds motor contract carrier authority in MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133867 (Sub-No. 10), filed December 30, 1974. Applicant: STARLING TRANSPORT LINES, INC., State Farmers Market, 3724 U.S. Highway #1, Fort Pierce, Fla. 33450. Applicant's representative: Bernard C. Pestcoe, 511 Biscayne Building, 19 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery ingredients*, from Clifton, N.J., to points in Arizona, California, Colorado, Idaho, Kansas, Kentucky, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Virginia, under a continuing contract or contracts with Globe Preserves, Inc.

NOTE.—Applicant holds common carrier authority in MC 119349, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or New York, N.Y.

No. MC 134336 (Sub-No. 5), filed January 14, 1975. Applicant: TOM BOWEN, INC., 1935 Hill Street, Sturgis, S. Dak. 57785. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Spearfish, S. Dak., to points in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Rapid City or Sturgis, S. Dak.

No. MC 134974 (Sub-No. 4), filed January 20, 1975. Applicant: BE-WELL FARMS, INC., Two Franklin Street, Medway, Mass. 02053. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by manufacturers of adhesives and adhesive appliances, and supplies, equipment and materials*, used in connection therewith (except commodities in bulk, in tank vehicles), between Rockland, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Transworld Adhesive & Chemical Corporation; and (2) *such commodities as are dealt in by manufacturers of paper and paper products, and supplies, equipment and materials*, used in connection therewith (except commodities in bulk, in tank vehicles), between points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas, under contract with Millen Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC 87626, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135797 (Sub-No. 33), filed January 17, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed supplements and agricultural chemicals*, dry (except in tank or hopper type vehicles or containers), from New Orleans, La., to points in Arkansas; Iowa; Kansas, on and east of U.S. Highway 81; Louisiana, on and north of U.S. Highway 190; Nebraska, on and east of U.S. Highway 81; Minnesota, on and south of U.S. Highway 12; Mississippi; Missouri; Oklahoma, on and east of U.S. Highway 81; Memphis, Tenn., and Texas, on and east of U.S. Highway 81.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Smith, Ark., or Tulsa, Okla.

No. MC 136315 (Sub-No. 4), filed December 30, 1974. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, P.O. Box 22828, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Alabama and Georgia, to the facilities of Weyerhaeuser Company at Philadelphia, Miss.; (2) *wood preservatives*, in containers, from Mobile, Ala., Atlanta, Ga., Shreveport, La., St. Louis, Mo., and Port Neches, Tex., to the facilities of Weyerhaeuser Company at Philadelphia, Miss.; (3) *glue extenders, in containers*, from Memphis, Tenn., to the facilities of Weyerhaeuser Company at Philadelphia, Miss.; and (4) *steel strapping*, from Chicago, Ill., to the facilities of Weyerhaeuser Company at Philadelphia, Miss., restricted in (1) through (4) above to traffic originating at and destined to the points named above.

NOTE.—By the instant application, applicant seeks to convert Permits issued in MC 123905 (Sub-Nos. 6 and 8) to Certificates of Public Convenience and Necessity pursuant to an Order of the Commission in MC 136315 dated November 5, 1974. Applicant holds contract carrier Permits in MC 123905 authorizing transportation of animal and poultry feed, and animal and poultry feed ingredients, in containers, from Decatur, Ill., to points in Louisiana and Mississippi, under contract with A. E. Staley Manufacturing Company. Applicant seeks approval of dual operations. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 138574 (Sub-No. 1), filed January 20, 1975. Applicant: NORTHERN EXPRESS, INC., 31 Virginia Ave., Carteret, N.J. 07008. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicine, and related articles*, from the plantsite of The Upjohn Company located at Carle Place, N.Y., to points in Bergen, Essex, Hudson, Mercer, Middlesex, Morris, Monmouth, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 138855 (Sub-No. 1), filed January 16, 1975. Applicant: FISCHER FAST FREIGHT, INC., 31207 Arrowhead, St. Clair Shores, Mich. 48082. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, from* Hamtramck, Mich., to points in Ohio; and (2) from points in Ohio, Kentucky, Minnesota, Pennsylvania, Iowa, Illinois, and Wisconsin, to Hamtramck, Mich. and Mt. Clemens, Mich., under a continuing contract with Kozak Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit or Lansing, Mich.

No. MC 139396 (Sub-No. 3), filed January 15, 1975. Applicant: MITCHELL & SON, INC., 1940 Carolyn Lane, Pearl, Miss. 39208. Applicant's representative: Morton E. Kiel, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and trailer parts*, from Denmark, S.C., Holland and Port Huron, Mich., and the International Boundary Line between the United States and Canada at Buffalo, N.Y. (on traffic originating from Welland, Ontario, Canada), to Los Angeles and Milpitas, Calif., Portland, Oreg., and Seattle, Wash., under a continuing contract or contracts with Holland Hitch Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 139495 (Sub-No. 27), filed January 13, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, equipment, materials and supplies* as are dealt in by manufacturers and distributors of home products: (1) from the plantsite and storage facilities utilized by The Fuller Brush Company located at or near Great Bend, Kans., to Seattle, Wash.; Los Angeles, Calif.; Dallas, Tex.; Chicago, Ill.; Toledo, Ohio; Atlanta, Ga.; East Farmingdale, N.Y.; and Camden, N.J.; and (2) from points in Illinois, New York, Pennsylvania, Massachusetts, New Jersey, Ohio, and Connecticut, to the plantsite and storage facilities named in (1) above.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139570 (Sub-No. 2), filed January 15, 1975. Applicant: LEASECON INCORPORATED, INC., Box 112, High Street, West Nyack, N.Y. 10994. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, *containers, truck chassis and trailer chassis, and trailer parts, materials, supplies and equipment*, used in connection with the production, sale and distribution of the aforementioned commodities (except in bulk), between Middletown, N.Y., Fairless Hills, Berwick, Pa., and Bancroft, W. Va., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, Illinois, Indiana, West Virginia, and the District of Columbia, under a continuing contract or contracts with Strick Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139727 (Sub-No. 1) filed December 6, 1974. Applicant: MADWELL METALS, INC., 301 East Shawnee, Muskogee, Okla. 74401. Applicant's representative: Robert E. Jansen, 1130 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead, lead alloy, lead oxide, and lead by-products*, in bulk and ingot form, from Schuylkill Metals Corporation, Baton Rouge, La., to Oklahoma City, Okla., St. Louis and St. Joseph, Mo., to Iowa City, Iowa, and Little Rock, Ark., under a continuing contract or contracts with Schuylkill Metals Corporation, Baton Rouge, La.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City, Okla. or Baton Rouge, La.

No. MC 139767 (Sub-No. 1), filed January 22, 1975. Applicant: FAIRWAY TRANSIT, INC., N10 W24730 Highway TJ, Pewaukee, Wis. 53072. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Prairie du Chien, Wis., to points in Iowa and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 140061 (Sub-No. 2), filed January 13, 1975. Applicant: DON MULDER TRUCKING, 1735 No. 50th, Lincoln, Nebr. 68504. Applicant's representative: Don Mulder (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from the plantsite of Neu Cheese Co. at or near Hartington, Nebr., to Los Angeles, San Francisco, and Oakland, Calif., and their respective Commercial Zones, under a continuing contract or contracts with Neu Cheese Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 140179 (Sub-No. 3), filed January 20, 1975. Applicant: N R G HAULING, INC., Sacramento, Ky. 42372. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, between points in Kentucky, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 140227 (Sub-No. 1), filed January 6, 1975. Applicant: DALE ETTESVOLD, 1287 11th Ave., Granite Falls, Minn. 56241. Applicant's representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Madison, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140300 (Sub-No. 2), filed January 16, 1975. Applicant: PHILLIPS FEED SERVICE, INC., Route 3, Box 519, Bath, Pa. 18014. Applicant's representative: S. Maxwell Flitter, 151 South Seventh Street, Easton, Pa. 18042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alfalfa meal*, in blower equipped vehicles, (a) from Ormrod (Lehigh County), Pa., to Stanford and Binghamton, N.Y.; Bridgewater, Mass.; and Brattleboro, Vt.; (b) from Nazareth and Northampton, Pa., to Frankford, Del.; and (c) from Bethlehem (Northampton County), Pa., to Concord and Greenfield, N.H.; Hillsdale, N.Y., and Rumford, R.I.; and (2) *spent bone charcoal*, in blower equipped vehicles, from Brooklyn, N.Y., to Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held either at Allentown, or Philadelphia, Pa.

No. MC 140307 (Sub-No. 1), filed January 20, 1975. Applicant: ASCO ENTERPRISES, INC., 5525 Santa Fe Avenue, Vernon, Calif. 90058. Applicant's representative: Robert Brown, P.O. Box 5345, Sherman Oaks, Calif. 91413. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petro lube oil*, in drums; and (2) *antifreeze preparation*, in drums, from the plantsite and shipping facility of Refiners Marketing Company, Ltd., located at Los Angeles, Calif., to points in Arizona, California, Nevada, Oregon, and Washington, under contract with Refiners Marketing Company, Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 140342 (Sub-No. 2), filed January 16, 1975. Applicant: RICHARD SISSON, 523 Valley View, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals* (except in bulk, in tank vehicles), between points in Alabama, on the one hand, and, on the other, points in Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, or Columbus, Miss.

No. MC 140396 (Sub-No. 1) (Correction), filed November 18, 1974, published in FEDERAL REGISTER issue of January 9, 1975, and republished as corrected, this issue. Applicant: AVTEC SERVICES, INC., 1750 NW. 26th Avenue, Miami, Fla. 33126. Applicant's representative: Richard B. Austin, Suite 214 Palm Coast II Bldg., 5255 NW. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and commodities which, by reason of size or weight, require specialized handling and equipment), (1) between Miami International Airport at Miami, Fla., on the one hand, and, on the other, points in South Carolina, Georgia, Alabama, Tennessee, Texas, and Mississippi; and (2) between points in South Carolina, Georgia, Alabama, Tennessee, Texas, and Mississippi, on the one hand, and, on the other, Miami International Airport, restricted to traffic moving under a continuing contract or contracts with Span East Airlines, Inc.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding as MC 140396 (Sub-No. 1) in lieu of MC 140356 as previously published. If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 140448 (Sub-No. 1), filed January 21, 1975. Applicant: KENDALL R. STEWART and KENNETH W. STEWART, a partnership, doing business as, K & K TRUCKING COMPANY, Ky.

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Hy. 15, P.O. Box 126, Clay City, Ky. 30312. Applicant's representative: R. H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregularroutes, transporting: *Coal*, in bulk from points in Breathitt, Clay, Floyd, Jackson, Johnson, Knox, Laurel, Lee, Magoffin, Owsley, Perry, Rockcastle, Wolfe, and Whitley Counties, Ky. to Cincinnati, Columbus, Dayton, Fairborn, Hamilton, Middletown, and Springfield, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lexington or Louisville, Ky.

No. MC 140453, filed November 22, 1974. Applicant: TANKS, INC., Box 1163, Gillette, Wyo. 82716. Applicant's representative: Leon Brady (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water, highway machinery, light oil field equipment, crude oil, propane, butane and natural gasoline residue*, between points in Wyoming, Montana, and South Dakota.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Casper, Wyo. or Billings, Mont.

No. MC 140483 (Sub-No. 1), filed January 13, 1975. Applicant: STANLEY ASHTON, R.R. No. 1, Brome, Quebec, Canada, Applicant's representative: J. P. Vermette, 250 Napleon-Provost Street, Repentigny, Quebec, Canada J6A-1H5. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railway crossties*, from ports of entry on the International Boundary Line between the United States and Canada at or near Champlain and Rouses Point, N.Y. and Highgate Springs, Vt., to Morrisville, Vt., and points in Massachusetts, New Jersey, and New York, restricted to traffic having an immediate prior movement in foreign commerce, originating in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montpelier, Vt., or Albany, N.Y.

No. MC 140508 (Sub-No. 1), filed December 27, 1974. Applicant: R. E. CAMPBELL, doing business as R. E. CAMPBELL TRUCKING CO., Route 1 Box 143, Ravensdale, Wash. 98051. Applicant's representative: Carlen A. Jonson, 300 Central Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* by closed van, between Matteson, Ill., and Seattle, Wash., under a continuing contract or contracts with Allis-Chalmers Material Handling Sales and Service.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140509 (Sub-No. 1), filed January 20, 1975. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, Minn. 56511. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed frozen and dehydrated potato products*, from the plantsites and storage facilities of J. R. Simplot Company, located in Minnesota, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *packaging and processing materials, and supplies*, used in the manufacture and production of processed, frozen and dehydrated potato products, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, to the plantsites and storage facilities of J. R. Simplot Company, located in Minnesota, restricted to the transportation services to be performed under a continuing contract or contracts, with J. R. Simplot Company, at Cookston, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 140543 (Sub-No. 1), filed January 9, 1975. Applicant: FRANK GARRETSON, R.R. #2, Morrison, Tenn. 37357. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Georgia and Tennessee, to the plant site of The Mead Corporation in Jackson County, Ala., under a continuing contract or contracts with The Mead Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Columbus, Ohio.

No. MC 140565, filed January 17, 1975. Applicant: EXPORT ALLOYS CORPORATION, 19 Morris Street, Freeport, N.Y. 11520. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from New Haven, Conn.; points in Suffolk, Essex, Norfolk, Middlesex, and Worcester Counties, Mass.; points in New Jersey (except Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties); points in that part of New York on, south, and east of a line beginning at the New York-Vermont State line, near Hoosic, N.Y., and extending westerly along New York Highway 7 to junction Interstate Highway 87, near Schenectady, N.Y., thence southerly and easterly along Interstate Highway 87 to the Hudson River, near Nyack, N.Y., thence southerly along the middle of the Hudson River, to the New York-New Jersey State line, near Hastings-on-Hudson, N.Y., and points in Rhode Island, to points in Beaver and Allegheny Counties, Pa., under contract with B. Shapiro Co., Inc., Emm Ess Metals Co., and Lieberman Koren Corp.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 140573, filed January 20, 1975. Applicant: DONALD E. SEARS, Route 1, Box 474, Woodland, Wash. 98674. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red cedar shakes and shingles*, from Sekiu, Wash., to points in California, and Nevada.

NOTE.—Applicant holds contract carrier authority in MC 135773 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140574, filed January 16, 1975. Applicant: F. A. HEBERT TRUCKING, INC., P.O. Box 51772 OCS, Lafayette, La. 70505. Applicant's representative: J. W. Goodson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boardroad lumber*, from the plantsite and mill facilities of South Louisiana Contractors, at Batson, Tex., to points in Louisiana, under contract with South Louisiana Contractors.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New Orleans, or Lafayette, La.

No. MC 140575 filed, January 20, 1975. Applicant: SHIRLEY (BUD) DE BOER, doing business as BUD'S SERVICE CENTER, 2329 93rd Street, Kenosha, Wis. 53140. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles, and wrecked and disabled self-propelled articles*, by use of wrecker and flatbed equipment, and *replacements for such wrecked and disabled vehicles and articles*, between points in Wisconsin on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kenosha, Wis.

APPLICATION OF PARAGRAPH(S)

No. MC 8842 (Sub-No. 4), filed December 23, 1974. Applicant: DAWSON BUS SERVICE, INC., 107 East Camden-Wyoming Avenue, Camden, Del. 19934. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Delaware south of U.S. Route 40 and extending to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (2) *passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Delaware south of U.S. Highway 40 and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dover, Del.

No. MC 58440 (Sub-No. 6), filed January 13, 1975. Applicant: SCENIC HAWKEYE STAGES, INC., 703 Dudley Street, Decorah, Iowa 52101. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations: (1) beginning and ending at Oelwein, Iowa, and points within 60 miles of Oelwein (except Waterloo, Iowa, and points on U.S. Highway 63 north of Waterloo, and points on Iowa Highway 9 between Davis Corners, Iowa, and the Mississippi River (near Lansing, Iowa)), and extending to points in the United States (except Alaska, Hawaii and Iowa), restricted against service beginning and ending at points on Iowa Highway 9 west of Davis Corners, and extending to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, and Pennsylvania; (2) beginning and ending at points in Mitchell, Worth, Howard, Floyd and Cerro Gordo Counties, Iowa, and Mower County, Minn., and extending to points in Missouri, Illinois, Wisconsin, Minnesota, South Dakota, Nebraska, and Colorado.

(3) Beginning and ending at Decorah and Forest City, Iowa, and extending to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Maryland, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Rhode Island, Wisconsin, and the District of Columbia; and (4) beginning and ending at all authorized service points on applicant's presently authorized regular routes located in Iowa, Minnesota and Wisconsin: (a) Between Waterloo, Iowa, and and Spring Valley, Minn.; (b) Between Davis Corners, Iowa, and La Crosse, Wis.; (c) Between Rochester, Minn., and Decorah, Iowa; (d) Between Rochester, Minn., and Wykoff, Minn.; (e) Between Decorah, Iowa, and Cedar Rapids, Iowa; and (f) Between Spencer, Iowa, and Mason City, Iowa, and extending to points in the United States (including Alaska, but excluding Hawaii). Note: Applicant presently holds the same territorial authority requested in (1), (2) and (3) above to transport *Passengers and their baggage*, in round trip charter operations. Copies of applicant's present certificates are on file in its public docket, which may be viewed at the offices of the Interstate Commerce Commission, Washington, D.C., or the Commission's Regional Office in Fort Worth, Tex. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 135552 (Sub-No. 3), filed January 20, 1975. Applicant: ALLIED UNDERWRITERS, INC., doing business as SCENIC TRAILS, 1807 Jackson, LaCrosse, Wis. 54001. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in charter and special operations, from points in Buffalo, Chippewa, Crawford, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Richland, Trempealeau, and Vernon Counties, Wis., and points in Winona and Houston Counties, Minn., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either LaCrosse, or Eau Claire, Wis.

WATER CARRIER APPLICATION(S)

No. W-1286-EX, filed December 19, 1974. Applicant: B. F. DIAMOND CONSTRUCTION CO., INC., 645 Indian Street, P.O. Box 727, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Applicant seeks authority by order under the provisions of Section 302(e) of the Interstate Commerce Act exempting the furnishing for compensation under a charter, lease or other agreement of *tugs and barges* to Diamond Manufacturing Company, Inc., to be used in the transportation of *shipper owned manufactured, rebuilt and repaired products*, and *shipper owned equipment, materials and supplies*, between ports and points along the Atlantic coastline, the Gulf of Mexico coastline and their inland tributary waterways, nonradially.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3979 Filed 2-12-75;8:45 am]

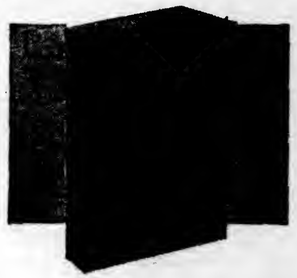
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Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1975 Crop of Upland Cotton; Base Acreage Allotments

STATE RESERVES AND COUNTY BASE ACREAGE ALLOTMENTS

Correction

In FR Doc. 75-1083 appearing at page 2992 in the issue for Friday, January 17, 1975, make the following changes:

1. On page 2999 in the table for North Carolina, the seventh entry now reading "• • • Tyrell • • •" should read "• • • Tyrrel • • •".

2. On page 3002 in the table for Texas, the entry for Hopkins County, in the third (3) column now reading "4,036.2" should read "4306.2".

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH-328]

PART 877—SUGARCANE: PUERTO RICO

Fair and Reasonable Prices for 1974–75 Crop

The Sugar Act of 1948, as amended, requires producers who also process sugarcane grown by other producers to pay prices determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in San Juan, Puerto Rico, on December 4, 1974.

The determination, which is applicable to the 1974–75 crop of Puerto Rican sugarcane, continues the provisions of the 1973–74 crop determination.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948 (7 U.S.C. 1131(c)(2)), as amended, (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, Puerto Rico, on December 4, 1974, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Puerto Rico" remain in full force and effect as to the time period to which they were applicable.

Accordingly, Part 877 is revised as follows.

Sec.

877.21 General requirements.
877.22 Definitions.
877.23 Payment for sugarcane.
877.24 Payment for molasses.
877.25 Determination of net sugarcane.
877.26 Services and allowances to producers.
877.27 Reporting requirements.
877.28 Applicability.
877.29 Procedures for checking compliance.
877.30 Subterfuge.
SCHEDULE A
SCHEDULE B
SCHEDULE C

AUTHORITY: Secs. 877.21 to 877.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; (7 U.S.C. 1131, 1153).

§ 877.21 General requirements.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane, to which this part applies as provided in § 877.28 of this part (herein referred to as "processor"), shall have paid or contracted to pay for sugarcane of the 1974–75 crop grown by other producers and processed by him, prices not less than those determined in accordance with the following requirements.

§ 877.22 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract (bulk sugar) for the period January 1, 1975, through December 31, 1975, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(b) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formulae set forth in Schedule A attached hereto and made a part hereof.

(e) "Inferior varieties of sugarcane" means sugarcane of Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213, and Coimbatore 281 varieties).

(f) "Net sugarcane" means (1) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of five percent of the gross weight, or (2) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of five percent of such gross weight.

(g) "Trash" means green or dried leaves, sugarcane tops above the last formed joint, soil, stones, and all other extraneous material.

(h) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.23 Payment for sugarcane.

(a) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar, or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(b) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:

	Percentage
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

NOTE.—Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

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(c) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting 3½ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(d) If settlement with the producer is made in sugar, delivery shall be made, loaded in the producer's vehicle, at the mill where the sugar is produced, unless the producer and processor agree in writing to delivery at another mill: *Provided*, That the processor shall bear any increase in marketing costs resulting from such agreement.

(e) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B, attached hereto and made a part hereof.

§ 877.24 Payment for molasses.

For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1974–75 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash, such settlement shall be based upon the average gross proceeds from the sales of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C, attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor by deducting from such gross proceeds each mill's admissible selling and delivery expenses. If a processor has not sold 1974–75 crop molasses by the time he is required to submit to the Area office a statement as required by § 877.26(b), he shall have made a provisional molasses payment to producers based upon not less than 85 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1974–75 crop molasses, as determined by the Director of the Area office. Final settlement with such producers shall be made promptly after the 1974–75 crop molasses has been sold, based upon the average net proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by § 877.27(b). In the event a processor has transferred all or part of its 1974–75 production of molasses to an affiliate, molasses payments to growers shall be based on the price of the molasses transferred to the affiliate, but such price shall not be less than the average net proceeds per gallon as determined by the Director of the Area office for all processors who sold 1974–75 crop molasses. Where payment is based on the average net proceeds of all processors who sold molasses, the processor is required to make a provisional molasses payment not later than June 1, 1976, based upon not less than 85 percent of the estimated average of net proceeds per gallon realized by all other processors in Puerto Rico, as determined by the Director of the Area office from reports submitted under provisions of § 877.27(b). Processor is further required to make a final molasses payment in the amount necessary to base the total molasses payment upon a price not less than the average net proceeds per gallon for all processors who sold the 1974–75 crop of molasses after the Area office has determined such net proceeds and notified the processor.

§ 877.25 Determination of net sugarcane.

(a) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (1) not in excess of five percent of the gross weight, or (2) in excess of five percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of five percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of five percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separating therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over five percent, and the same adjustments as determined above shall be applied to the gross weight of all other deliveries delivered by that producer during the same day or in the case of sugarcane handled in bulk during the same sugar yield period, which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(b) With respect to the sample taken as provided in paragraph (a) of this section, the processor shall make a separate determination of the weight of soil and stones contained in such sample and may charge the producer five cents per ton of net sugarcane delivered which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(c) The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken for trash including soil and stones to cover the cost of sampling and measuring the actual quantity of trash.

(d) Notwithstanding the foregoing paragraphs of this section, in cases where the direct cane analysis method is used, gross weight will also be net weight.

§ 877.26 Services and allowances to producers.

(a) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1975, and shall bear the cost thereof.

(b) The costs of services which were borne by the processor for the 1973–74 crop shall be borne for the 1974–75 crop.

(c) Allowances made to producers by the processor for the 1973–74 crop shall be made for the 1974–75 crop at the rates which were effective under comparable conditions in 1973–74; except that the processor is given the option of paying hauling allowances to producer on either (1) the gross weight of sugarcane, or (2) in cases where a bulk trash determination, as provided in § 877.25(a) is made, the net weight of sugarcane as determined by deducting from the gross weight the amount of trash that is in excess of five percent: *Provided*, That if the processor elects to pay allowances on the net weight, the allowance shall be computed at not less than the rates established in Rule 12 of the Sugar Board of Puerto Rico plus ten percent of such rates. The method of paying hauling allowances elected by the processor shall be used uniformly throughout the grinding season.

(d) Nothing in paragraphs (b) or (c) of this section shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of services or allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change is fair and reasonable.

§ 877.27 Reporting requirements.

(a) The processor shall submit to the Area office a statement as to whether settlement with producers is to be made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than March 3, 1975, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(b) If the processor makes settlement in cash, he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1976, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(c) The processor shall submit to the Area office a statement as to the option he elects in making hauling allowances to producers during the grinding season. Such information shall be submitted not later than March 3, 1975, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

§ 877.28 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in 7 CFR 893.1); and to sugarcane purchased by a cooperative processor from non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 877.29 Procedures for checking compliance.

The procedures to be followed by the Caribbean Area ASCS Office in checking compliance with the requirements of this part are set forth under the heading Part 8—"Fair Price Determination" in Handbook 5–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 5–SU may be inspected at and copies obtained from the Caribbean Area ASCS Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.30 Subterfuge.

The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this Part through any subterfuge or device whatsoever.

SCHEDULE A

FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the first expressed or crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be:

$$R = T\,(S - 0.3B)\,F$$

where:
R=Yield of raw sugar, 96° basis;
S=Polarization of the first expressed or crusher juice obtained from the sugarcane of each producer;
B=Brix of the first expressed or crusher juice obtained from the sugarcane of each producer;
T=Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 30 percent; *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.
I=Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:
(a) When the purity, P (where P=100 S÷B), of the first expressed or crusher juice of sugarcane is equal to 75 or more, the factor, I=0.9; or
(b) When the purity, P (where P=100 S÷B), of the first expressed or crusher juice of such sugarcane is less than 75, the factor, I=0.9–0.02 (75–P);
F=Yield factor which is determined as follows:
(a) Determine the "tentative recovery of raw sugar," 96° basis for each producer delivering sugarcane during the settlement period from the product of the formula (S–0.3B), the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and
(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and brix of the resulting dilute first expressed or crusher juice of such sugarcane shall be converted to an undiluted first expressed or crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

$$\text{Brix DCF} = \frac{\text{Brix of undiluted first expressed or crusher juice sample}}{\text{Brix of diluted first expressed or crusher juice sample}}$$

$$\text{Pol DCF} = \frac{\text{Pol of undiluted first expressed or crusher juice sample}}{\text{Pol of diluted first expressed or crusher juice sample}}$$

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(B) Where the "direct cane analysis" method is used the sampling of sugarcane delivered by producers must be by the core sampler method and the formula for determining the yield of raw sugar shall be:

$$R = F[S - 0.3(B + 0.1\,f_c)]$$

where:
R=96° Yield % Cane, or yield of raw sugar, 96° basis.
S=Pol % Cane.
B=Brix % Cane.
f_c=Fiber % Cane.
F=Factor calculated using the values obtained during the liquidation period, weighted on the basis of the net weight of cane and substituted at the right side of the following equation:

$$F = \frac{R}{S - 0.3(B + 0.1\,f_c)}$$

Whenever the "direcat cane anlysis" method is used, no adjustments in the cane weight and yield shall be made for purposes of determining the yield of raw sugar.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under (A) above after the sample mill juice Brix and sucrose for each producer has been factored to a first expressed or crusher juice basis.

(D) Where sugarcane is handled in bulk, the procedures for sampling the deliveries of sugarcane by a producer shall be representative of all the deliveries of sugarcane of such producer.

(E) All the sugarcane delivered by a producer during the settlement period shall be considered in determining the yield of raw sugar for the period, including that sugarcane for which a negative yield is obtained when applying the formulae set forth in the preceding paragraphs.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses in connection with the payment for sugarcane provided in § 877.23 of the 1974–75 price determination are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;
(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;
(3) Ocean freight;
(4) Unloading at destination;
(5) Freight demurrage resulting from causes beyond the control of the shipper;
(6) Reclaiming, weighing, and loading at mill or where stored;
(7) Shore risk, marine and war risk insurance;
(8) Brokerage or commission and exchange;
(9) Weighing, testing, and sampling at destination;

When any of the necessary services included in items (1), (3), (4), (5) or (6) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;
(2) Maintenance labor and supplies required for the facilities used;
(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;
(4) Direct supplies; and
(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property

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taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the cost incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers 20 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

(2) If the processor delivers less than 20 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be an amount equal to the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1974–75 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners except that such average of all selling and delivery expenses shall be increased (or reduced as appropriate) by an amount representing the difference between the estimated per hundredweight inland transportation costs which would have been incurred by the processor had all such 1974–75 crop raw sugar been delivered to the bulk sugar terminal to which the Area office determines the sugar could have been transported at the lowest inland transportation costs and the average per hundredweight of all admissible inland transportation costs for all 1974–75 crop raw sugar that was delivered to the mainland. The average of the admissible selling and delivery expenses shall, as provided above, be increased when the estimated inland transportation costs are greater than such average, and be reduced when the estimated inland transportation costs are less than such average.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed on the books of Central ---------- as of ----------, the deductions as set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1974–75 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in § 877.24 of the 1974–75 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marina equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of waterfront facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefore cannot be accurately determined.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed on the books of Central ---------- as of ----------, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1974–75 crop of Puerto Rican sugarcane.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1974–75 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1974–75 price determination. This determination has the effect of continuing without change the provisions of the prior determination.

A public hearing was held in San Juan, Puerto Rico, on December 4, 1974, at which interested persons were afforded the opportunity to present testimony and make recommendations with respect to fair and reasonable prices for the 1974–75 crop of sugarcane. Representatives of the Puerto Rico Farm Bureau recommended that the present system of basing selling and delivery expenses for all independent producers on an average of such expenses for all mills be changed to require that all independent producer sugar be considered as marketed within Puerto Rico for the local market and that any amount of raw sugar marketed in the Continental U.S. be considered as processor sugar, making it necessary for the mills shipping raw sugar to the mainland to absorb any and all selling and delivery expenses so incurred. They estimate that such a move would increase income to the independent cane farmers in Puerto Rico by about $1 million. They further recommended that no basic changes be made in the present payment scale contained in the determination, but that increases be allowed in accordance with any increases authorized in transportation costs; i.e., an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs.

A representative of the Sugar Corporation of Puerto Rico, an agency of the Commonwealth government recommended that the present method of basing deductible selling and delivery expenses for mills shipping 20 percent or more to the mainland is appropriate and equitable and should not be changed. He stated that during the 1973–74 crop season an estimated 80,326 tons of raw sugar was marketed in the Continental U.S. from the Coloso, Guanica, Cambalache, Eureka, and Plata mills. He maintains that the selling and delivery expenses incurred should serve as the basis for determining these expenses for the other ten mills that operated during the 1973–74 season, inasmuch as exclusion of the shipping and delivery expenses would in turn increase the price of refined sugar in the Commonwealth.

Consideration has been given to the recommendations made at the public hearing; to data on the returns, costs and profits or losses of producing and processing sugarcane obtained by field survey for prior crops and recast in terms of price and production conditions likely to prevail for the 1974–75 crop; and to other relevant factors. Sugar production in 1973–74 amounted to 287,000 tons, an increase of 35,000 tons over the all-time low of 252,000 in 1972–73. Sugar recovery per ton of cane was 160 pounds in 1973–74 as compared to 139 pounds in the previous year.

This determination continues the provisions of the 1973–74 determination. The recommendation of the Farm Bureau that all independent producer sugar be considered as marketed locally and, therefore, exempted from deductions for selling and delivery expenses has not been adopted. The Department's responsibility for determining a fair and reasonable price will not permit adoption of the recommendation of the Farm Bureau without a corresponding change in the sharing relationship between the independent growers and the sugar mills.

The recommendation for an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs has not been adopted.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This determination shall become effective on February 14, 1975, and is applicable to the 1974–75 crop of Puerto Rican sugarcane.

Signed at Washington, D.C. on February 7, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-4172 Filed 2-13-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 679]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Feb. 16–22, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.979 Lemon Regulation 679.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons opened steady and is expected to continue so most of this week. Average f.o.b. price was $4.76 per carton the week ended February 8, 1975, compared to $4.77 per carton the previous week. Track and rolling supplies at 125 cars were down 4 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 16, 1975, through February 22, 1975, is hereby fixed at 205,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674))

Dated: February 13, 1975.

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-4397 Filed 2-13-75;11:34 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Third or Sixth Preference Visa Petitions; Evidence of Training or Experience of Beneficiary

Reference is made to the notice of Proposed Rule Making which was published in the FEDERAL REGISTER of November 27, 1974 (39 FR 41378) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth proposed amendments to § 204.2(e) (1) of Chapter I of Title 8 of the Code of Federal Regulations, pertaining to the requirement that evidence of employment or training of a third or sixth preference visa petition beneficiary shall generally be in affidavit form from the employer or trainer.

The representations which were received concerning the proposed rules of November 27, 1974, have been considered. No change has been made in the proposed rules. The rules, as proposed and as set forth below, are hereby adopted:

In § 204.2, paragraph (e) (1) is amended by revising the existing last two sentences and by adding a new sentence at the end thereof. As amended, § 204.2 (e) (1) reads as follows:

§ 204.2 Documents.

* * * * * * *

(e) *Evidence of eligibility for third- or sixth-preference classification.*—(1) *General.* The documentary evidence which the petitioner must submit to establish the beneficiary's eligibility under section 203(a) (3) or (6) of the Act shall include Form MA 7–50A, or Forms MA 7–50 A and B, as provided in § 204.1(c), and any documents required to be presented with those forms. If the alien's eligibility is

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based in whole or in part on higher education, a certified copy of his school record shall be submitted. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on a claim of exceptional ability in the sciences or the arts, documentary evidence supporting the claim must be submitted by the petitioner. Such evidence may attest to the universal acclaim and either the national or international recognition accorded to the alien; that he has received a nationally or internationally recognized prize or award or won a nationally or internationally recognized competition for excellence for a specific product or performance or for outstanding achievement; or that he is a member of a national or international association of persons which maintains standards of membership recognizing outstanding achievement as judged by recognized national or international experts in a specific discipline or field of endeavor. An affidavit attesting to an alien's exceptional ability in the sciences or the arts must set forth the name and address of the affiant, state how he has acquired his knowledge of the alien's qualifications, and must describe in detail the facts on which the affiant bases his assessment of the alien's qualifications. If material published by or about the alien is submitted, it must be accompanied by information as to the date, place, and title of the publication. If the alien's eligibility is based on training or experience, affidavits by the trainers or employers attesting to the training or experience which they provided to the alien must be submitted by the petitioner. These affidavits must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the places where and the dates between which the alien gained the training or experience, and describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. If such affidavits cannot be obtained, the petitioner shall submit an affidavit by the alien beneficiary attesting to the reasons therefor, and shall also submit other documentary evidence of the alien's qualifications, such as copies of company records or affidavits by persons other than the alien's trainers or employers having personal knowledge of the facts to which the affiants are attesting, setting forth the information specified in the preceding sentence.

* * * * * *

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

The basis and purpose of the above-prescribed regulations are to establish safeguards against the submission of false statements or records in support of third or sixth preference visa petitions in which the beneficiary's eligibility is based on training or experience.

Effective date. The amendments contained in this order shall become effective March 17, 1975.

Dated: February 11, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-4202 Filed 2-13-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases a portion of Otoe County, a portion of Gage County and a portion Saline County in Nebraska from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in Nebraska remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

§ 73.1a [Amended].

In § 73.1a, paragraph (b) relating to the State of Nebraska is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FA 19141.)

Effective date. The foregoing amendment shall become effective on February 11, 1975.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4237 Filed 2-13-75;8:45 am]

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Recognized Breeds and Books of Record

Statement of considerations. The purpose of this amendment is to include the Morgan horse in the listing of recognized breeds and to the books of record of the Canadian National Live Stock Records contained in 9 CFR § 151.9(b)(1). An examination has been made by the Animal and Plant Health Inspection Service of the microfilm records and the rules of entry for the registration of the Morgan horse in Canada, and it has been determined that these rules and records are complete and adequate to provide a sufficient pedigree certificate to meet the requirements of 9 CFR Part 151.

The amendment also updates the name of the Director of the Canadian National Live Stock Records.

§ 151.9 [Amended]

Accordingly, in § 151.9 in paragraph (b)(1) the name "F. G. Hodgkin" is changed to read "F. G. Clark"; the second proviso is amended by inserting the word "Morgan," before the reference to "Shetland Pony,"; and the chart in paragraph (b)(1) is amended by inserting the following in alphabetical order under the heading "Horses":

Code:	*Horses*
2236	Morgan

(Sec. 101, 76 Stat. 72, Item 100.01, Title I, Tariff Act of 1930, as amended; (19 U.S.C. 1202, Item 100.01); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on February 14, 1975.

The effect of the amendment is to provide for duty-free entry of certain purebred animals and, in order to be of maximum benefit to persons desiring to import such animals, the amendment should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4238 Filed 2-13-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Emergency Amendment—Temporary Adjustments and Assignments Occasioned by Certain Energy Curtailments; Cancellation of Public Hearing

On January 25, 1975, the Federal Energy Administration issued an emergency amendment 10 CFR Part 205 which added a new § 205.29 and revised § 205.39 covering temporary adjustments and assignments occasioned by certain energy curtailments. A public hearing on the amendment was scheduled for February 19, 1975.

No requests to make oral presentations were received by FEA prior to 4:30 p.m., e.s.t., Tuesday, February 11, 1975. Therefore, FEA hereby gives notice that the public hearing is cancelled.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

FEBRUARY 12, 1975.

[FR Doc.75-4337 Filed 2-12-75;3:58 pm]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Emergency Amendment Permitting Entitlement Adjustments to Correct Reporting Errors in Old Oil Allocation Program

On November 29, 1974, FEA issued the final rule for the allocation of old oil (39 FR 42246, December 4, 1974). The initial entitlement notice for the old oil allocation program was issued on January 10, 1975, based on reports filed by refiners and eligible firms for the month of November 1974.

In the preparation of the entitlement notice for the month of December 1974, FEA was notified by numerous refiners and eligible firms of reporting errors for the month of November. These errors were of two basic types: first, refiners reported incorrectly as to volumes of old oil included in their crude oil receipts and refiners and eligible firms made reporting errors as to import volumes of eligible products; secondly, certain eligible firms did not file for volumes of eligible products imported in November due to confusion as to whether their firm qualified as an eligible firm under the definition of this term set forth in § 211.62.

Due to the nature of the reporting information required for the program and the time frame within which such information is required to be filed, FEA has concluded that a significant number of reporting errors are almost unavoidable for firms covered by the program. Due to complexities inherent in the start up phase of the program, a substantial number of good faith reporting errors made in November 1974 reports will have to be corrected by adjusting entitlement issuances for December 1974. Therefore, FEA has determined that an emergency amendment to 10 CFR 211.67 which would be effective immediately is required to permit appropriate corrective adjustments for November reporting errors to be reflected in the December entitlement issuance, which will take place on the date hereof. Accordingly, FEA is hereby adopting the requisite amendment.

The amendment adopted requires correction of and permits FEA to make adjustments for two types of reporting errors for prior months.

First, refiners and eligible firms are required to correct errors contained in reports filed under paragraphs (h) and (j) of § 211.66 by filing an amended report for the particular month. The basic data that would most likely be corrected in this manner are volumes of old oil included in the crude oil receipts of a refiner and import volumes of eligible products reported in a particular month by a refiner or eligible firm. Based on any reporting errors so corrected, FEA in its discretion may adjust entitlement issuances to a refiner or eligible firm in a month or months subsequent to the month in which the amended report is filed with FEA, by issuing fewer entitlements than the number otherwise issuable or by requiring a refiner or an eligible firm to purchase entitlements in order to correct for excess entitlements issued in a prior month or by issuing entitlements over and above the number otherwise issuable to compensate for too few entitlements having been issued in such prior month. However, the amendment adopted provides a time limitation for filing of amended reports to correct errors which would result in adjustments favorable to a refiner or an eligible firm. Such amended reports shall be filed no later than the 28th day of the second month following the month in which the report being corrected is required to be filed. Any such reporting errors which are not so corrected will not be eligible for any adjustments under the amendment adopted; however, the firm wishing to receive such an adjustment will be able to file with the Office of Exceptions and Appeals for an exception to permit such adjustments to be made. To give effect to variances in the entitlement price for different months, in adjusting entitlement issuances FEA shall take into account any such price differentials. FEA may also in its discretion take into account other factors to the extent it deems them relevant to the adjustment.

The amendment adopted hereby also provides that eligible firms that failed to file the affidavit called for by § 211.66(k) and to report any volumes of eligible products imported for the month of November or December, 1974 may report those volumes of eligible products on or before February 28, 1975. Any volumes so reported to the FEA shall be reflected in the entitlement issuances to those eligible firms either for the month of December 1974 (if the filing has been made by February 3, 1975) or for January, 1975.

PUBLIC HEARING AND WRITTEN COMMENT PROCEDURES

The public hearing and written comment procedures for this amendment will be in conjunction with the procedures provided for the emergency amendment to Special Rule No. 3 issued on February 5, 1975, which are set forth below.

Section 7(f)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) (FEAA) provides for waiver of the requirements of that section as to time of notice and opportunity to comment prior to promulgation of regulations where strict compliance with such requirements is found to cause serious harm or injury to the public health, safety, or welfare. The FEA has determined for the reasons outlined above that strict compliance with the requirements of section 7(f)(1)(B) of the FEAA would thus cause serious harm and injury to the public safety and welfare. Accordingly, these requirements must be waived and this amendment is made effective immediately, prior to opportunity to comment thereon.

The review provisions of section 7(c)(2) of the FEAA are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action. FEA is submitting the text of this emergency amendment concurrently with its issuance to the Administrator of the Environmental Protection Agency for his review.

Because this amendment is being issued on an emergency basis, an opportunity for oral presentation of views will not be possible prior to its promulgation. A public hearing on the amendment, however, will be held beginning at 9:30 a.m. on Tuesday, March 4, 1975, in Room 3000, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., Monday, February 24, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through Friday, February 28, 1975. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., Wednesday, February 26, 1975, and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 3315, Federal Building, Washington, D.C. 20461, before 9 a.m., e.s.t., Monday, March 3, 1975.

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The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communictaions, FEA, before 4:30 p.m., Friday, February 28, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the questions is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the emergency amendment to Executive Communications, Federal Energy Administration, Box CD, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Emergency Amendment—Corrections for Reporting Errors". Fifteen copies should be submitted. All comments received by February 28, 1975, and all relevant information will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective February 14, 1975.

Issued in Washington, D.C., February 11, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

Section 211.67(l) is amended by adding subparagraphs (5) and (6) to read as follows:

§ 211.67 Allocation of old oil.

* * * * *

(l) *Issuance and transfer of entitlements*

* * * * *

(5) Refiners and eligible firms shall correct any errors contained in reports filed pursuant to paragraphs (h) and (j) of § 211.66 by filing an amended report for the particular month. Based on any reporting errors so corrected, FEA in its discretion may adjust entitlement issuances to the refiner or eligible firm in a month or months subsequent to the month in which the amended report is filed with the FEA, by issuing fewer entitlements than the number otherwise issuable or by requiring the refiner or eligible firm to purchase entitlements in order to correct for excess entitlements issued in a prior month or by issuing entitlements over and above the number otherwise issuable to compensate for too few entitlements have been issued in such prior month. Amended reports setting forth corrections which would result in adjustments favorable to a refiner or eligible firm shall be filed no later than the 28th day of the second month following the month in which the report being corrected is required to be filed. Refiners and eligible firms which seek corrections in their favor subsequent to the two month period allowed for filing amended reports may apply to FEA for an exception from the provisions of this subparagraph in accordance with the procedures established in subpart D of part 205 of this chapter. All entitlement issuances or purchase requirements shall give effect to any differential between the entitlement price for the month in which any correction is reflected as compared with the entitlement price for the month as to which the reporting error was made and such other factors as the FEA deems appropriate.

(6) Notwithstanding the provisions of paragraph (l) of § 211.66, eligible firms which failed to report any volumes of eligible products imported for the month of November or December, 1974 and which were otherwise eligible to receive entitlements in accordance with the provisions of this subpart in effect with respect to those months may report those volumes of eligible products on or before February 28, 1975. Any volumes so reported to the FEA shall be reflected, to the extent determined by FEA after consideration of such factors as it deems appropriate, in the entitlement issuances to those eligible firms either for the month of December 1974 (if the amended report reflecting the correction has been filed with the FEA by February 3, 1975) or for January 1975.

[FR Doc. 75-4255 Filed 2-11-75;4:31 pm]

[Ruling 1975-1]

TRANSPORTATION COSTS

Facts. Firm X, a reseller of a covered product, purchases the covered product from Refiner W. Carrier A, an independent carrier, transports the covered product from Refiner W to Firm X. Carrier A increases the rates it charges Firm X for transporting the covered product. Firm X sells the covered product to Firm Z, a retailer, and delivers the covered product in its own trucks to Firm Z. Firm X's costs incurred in connection with delivering the covered product to Firm Z increase.

Issue No. 1. May Firm X treat Carrier A's increased transportation charges to it as "increased costs," as defined in § 212.92?

Issue No. 2. May Firm X treat its increased costs incurred in connection with delivering the covered product to Firm Z as "increased costs," as defined in § 212.92?

Ruling. Firm X may treat Carrier A's increased transportation charges as "increased cost" pursuant to § 212.92, but may not treat its increased costs incurred in connection with delivering the covered product to Firm Z as "increased costs."

"Increased costs" are defined in § 212.92 to mean "the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973." "Increased costs" are thus defined to be increased "cost of a product," and such increased costs are permitted to be passed through, on a dollar-for-dollar basis, in the prices charged for the product by resellers, reseller-retailers, and retailers pursuant to § 212.93. Increased non-product costs, on the other hand, are permitted to be reflected in the prices charged by resellers, reseller-retailers, and retailers only to the extent permitted by § 212.93(b).

The "weighted average unit cost of a product in inventory" includes transportation costs incurred in bringing the covered product into the seller's inventory. The cost of product is, in other words, considered to be the "delivered cost" to the buyer. In many instances, the product is purchased at a "delivered price," and there is no separate transportation cost incurred. Where transportation costs are incurred separately in connection with acquiring product, however, they have historically been treated as a cost of acquiring the product. For example, refiners are expressly allowed to treat increased transportation costs associated with obtaining crude oil or covered products as increased product costs, pursuant to the definitions of "cost of crude petroleum" and "cost of petroleum product" in § 212.83(b). "Cost of petroleum product" is defined in § 2.12.83(b), for example, to mean:

(1) For purposes of domestic petroleum products other than crude petroleum the purchase price including transportation costs. (2) For purposes of imported petroleum products other than crude petroleum, the landed costs.

The definition of "landed costs" in § 212.93(b) also includes transportation costs. Thus, pursuant to § 212.83(b), refiners have been expressly permitted to treat increased transportation costs incurred in connection with acquiring crude oil and petroleum products as increased product costs.

Although transportation costs are not specifically dealt with under the § 212.92 definition of "increased costs" which is applicable to resellers, reseller-retailers, and retailers, Form CLC-92, Part III, line 12, which was published by the Cost of Living Council and which certain retailers, retailer-resellers, and resellers must file with respect to No. 2 heating oil prices, states that "The total of all charges associated with transporting the No. 2 heating oil to your inventory, historically considered to be part of the costs and not already included in unit costs, should be reflected in [the cost of product]" (Form CLC-92, Instructions for Part III, line 12). Thus, resellers and retailers have been given further reason to believe that increased transportation costs incurred in obtaining covered products may properly be treated as increased product costs. The purpose of this ruling, therefore, is to confirm that such transportation costs are properly included within the meaning of "increased costs," as defined in § 212.92.

Firm X is not, however, permitted to treat increased transportation costs associated with delivering the covered product to its customers as "increased costs" under § 212.92. Such costs are not related to the cost of the product to Firm X, but are, rather, a cost of doing business for Firm X, which must be treated as all other non-product costs, and which may be reflected in Firm X's selling prices only to the extent permitted by § 212.93(b). Again, such treatment is consistent with the express provisions of the refiner price rules, which treat all marketing costs as non-product costs (§ 212.87). Similarly, Form CLC-92 does not provide any basis upon which a reseller, reseller-retailer, or retailer could seek to pass through as an increased product cost any increased transportation costs associated with delivering No. 2 heating oil to its customers.

It should be noted that in computing the "weighted average unit cost" of a product in inventory pursuant to § 212.92, a firm must be consistent in its accounting procedures. Thus, a firm which includes transportation costs associated with acquiring a covered product as a product cost when calculating its current weighted average unit cost of product in inventory must also include such costs in its calculation of the weighted average unit cost of that product in inventory on May 15, 1973.

Dated: February 6, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-4259 Filed 2-13-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	6¾	Feb. 5, 1975
New York	6¾	Do.
Philadelphia	6¾	Do.
Cleveland	6¾	Do.
Richmond	6¾	Do.
Atlanta	6¾	Do.
Chicago	6¾	Feb. 6, 1975
St. Louis	6¾	Feb. 7, 1975
Minneapolis	6¾	Feb. 5, 1975
Kansas City	6¾	Feb. 7, 1975
Dallas	6¾	Feb. 5, 1975
San Francisco	6¾	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	7¼	Feb. 5, 1975
New York	7¼	Do.
Philadelphia	7¼	Do.
Cleveland	7¼	Do.
Richmond	7¼	Do.
Atlanta	7¼	Do.
Chicago	7¼	Feb. 6, 1975
St. Louis	7¼	Feb. 7, 1975
Minneapolis	7¼	Feb. 5, 1975
Kansas City	7¼	Feb. 7, 1975
Dallas	7¼	Feb. 5, 1975
San Francisco	7¼	Do.

(b) The rates for advances to member banks for prolonged periods and in significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e) (2) of Regulation A are:

Federal Reserve Bank of—	Rate	Effective
Boston	8½	Feb. 5, 1975
New York	8½	Do.
Philadelphia	8½	Do.
Cleveland	8½	Do.
Richmond	8½	Do.
Atlanta	8½	Do.
Chicago	8½	Feb. 6, 1975
St. Louis	8½	Feb. 7, 1975
Minneapolis	8½	Feb. 5, 1975
Kansas City	8½	Feb. 7, 1975
Dallas	8½	Feb. 5, 1975
San Francisco	8½	Do.

3. Section 201.53 reads as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	9½	Feb. 5, 1975
New York	9½	Do.
Philadelphia	9½	Do.
Cleveland	9½	Do.
Richmond	9½	Do.
Atlanta	9½	Do.
Chicago	9½	Feb. 6, 1975
St. Louis	9½	Feb. 7, 1975
Minneapolis	9½	Feb. 5, 1975
Kansas City	9½	Feb. 7, 1975
Dallas	9½	Feb. 5, 1975
San Francisco	9½	Do.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, February 7, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4191 Filed 2-13-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 314—EXCESS PROPERTY

Grant and Loan Program

Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

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In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable.

The purpose of these regulations is to provide information concerning the availability of excess property to grantees or recipients of cost reimbursement type contracts under programs administered by the Economic Development Administration.

Accordingly, Chapter III of Title 13 is amended by adding a new Part 314 to read as follows:

PART 314—EXCESS PROPERTY

§ 314.1 General requirements.

(a) EDA is authorized to conduct an excess property program subject to all requirements and limitations contained in the GSA Federal Property Management Regulations as published in 31 CFR 43.320. EDA will act as a sponsor in forwarding appropriate requests for excess property to the General Services Administration for approval and processing.

(b) Any recipient of an EDA grant or any recipient of an EDA funded cost reimbursement type contract may submit a request to EDA for the use of excess property. Such requests shall be made on forms provided by EDA.

(c) The use of any excess property made available to the recipient of an EDA grant or the recipient of an EDA funded cost reimbursement type contract pursuant to this part will be governed by a written contract between EDA and the recipient. The contract shall specify the rights and obligations of the parties and actions to be taken by the recipient in regard to the shipment, use, care, maintenance, and redelivery of the property.

(Sec. 701, Pub. L. 89-136, August 26, 1965; (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5970))

Effective date. This amendment becomes effective on March 14, 1975.

Dated: February 7, 1975.

D. JEFF CAHILL,
Acting Assistant Secretary for Economic Development.

[FR Doc.75-4171 Filed 2-13-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-SO-13 Amdt. 39-2095]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech, Piper, Navion, and Cessna Airplanes

There have been failures of the Beryl filtrator air oil separator on Beech 35B33, C35, E35, J35, and Cessna 182 airplanes modified in accordance with Beryl Aviation Specialties STC SA2653WE that resulted in oil contamination and/or loss of engine oil. Since this condition is likely to exist or develop in other airplanes incorporating this modification, an airworthiness directive is being issued to require filtrator assembly inspection and modification, filtrator assembly replacement or the removal of STC SA2653WE on the following: Beech Models 35, A35, B35, C35, D35, E35, E33, F35, G35, 35R, 35-33, 35-A33, 35-B33, 35-C33, 35-C33A, E33A, E33C, F33, F33A, F33C, G33, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36 series airplanes.

Piper Models PA24, PA24-250, PA24-260 series airplanes.

Navion Model Navion A series airplanes.

Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 31 FR 13697, § 39.13 of Part 39 of the Federal aviation regulations is amended by adding the following new airworthiness directive:

BEECH, CESSNA, NAVION AND PIPER. Applies to Beech Models 35, A35, B35, C35, D35, E35, F35, G35, 35R, 35-33, 35-A33, 35-B33, 35-C33, 35-C33A, E33, E33A, E33C, F33, F33A, F33C, G33, E35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36 series airplanes; Piper Models PA24, PA24-250, PA24-260 series airplanes; Navion Model Navion A series airplanes; Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P series airplanes certificated in all categories which have been modified in accordance with STC SA2653WE.

Compliance required as indicated unless already accomplished.

To prevent loss of engine oil, improper engine lubrication, or engine oil contamination, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 25 hours' time in service, unless (b) has been accomplished, remove the Beryl Aviation air oil separator Filtrator Assembly and inspect in accordance with the following procedure.

(1) Add one quart of clear gasoline to the assembly can and plug or cap the ends of all tubes.

(2) Hold the assembly can upright and shake vigorously for about 2 minutes.

(3) Completely drain the gasoline from the ¼-inch oil return tube through a paint strainer or similar fine mesh strainer and check for the presence of polyester urethane particles that have broken off of the internal screen material.

(4) If screen particles are present, accomplish (b).

(5) If screen particles are not present, install a ⅛-inch rivet in the top center of the assembly can to fasten the inside center cone to the outside can. Seal the rivet with an oil and fuel resistant type sealant if required. After assuring that cleaning agent has evaporated, reinstall the filtrator assembly.

(b) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, accomplish (1), (2), or (3).

(1) (i) For Beech Models 35, A35, B35, C35, D35, E35, F35, G35, and 35R Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1119-1 and install either P/N B-1119-M or P/N B-1119-RM.

(ii) For Beech Models S35, V35, V35A, V35B, 35C-33A, E33A, E33C, F33A, F33C, 36, and A36 Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1116-1 and install either P/N B-1116-M or P/N B-1116-RM.

(iii) For Beech Models H35, J35, K35, M35, N35, P35, 35-33, 35-A33, 35-B33, 35-C33, E33, F33, and G33 Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1114-1 and install either P/N B-1114-M or P/N B-1114-RM.

(iv) For Piper Models PA24, PA24-250, and PA24-260 Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1113-1 and install either P/N B-1113-M or P/N B-1113-RM.

(v) For Navion Model A Series Airplanes, remove the Beryl Aviation filtrator assembly P/N B-1112-1 and install either P/N B-1112-M or P/N B-1112-RM.

(vi) For Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, and 182P Series Airplanes remove the Beryl Aviation filtrator assembly P/N B-1114-1 and install either P/N B-1114-M or P/N B-1114-RM.

(2) Remove the modification incorporated by STC SA2653WE and return airplane to the standard unmodified configuration.

(3) Provide compliance with an equivalent method approved by Chief, Engineering and Manufacturing Branch, Southern Region.

Beryl Aviation Specialties, Route 1, Box 127D, Leesburg, Florida 32748, Services Bulletin B-1-1-75-1 also pertains to this subject.

This amendment becomes effective February 21, 1975.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on February 7, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4129 Filed 2-13-75;8:45 am]

[Docket No. 75-GL-1; Amdt. 39-2093]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Model 8GCBC Series Airplanes

A propeller vibration survey of the McCauley 1A200/HFA propeller installation on the Bellanca Model 8GCBC airplane revealed that relatively high blade stresses could be encountered during descending flight between 1,700 and 2,100 RPM. Since this condition could result in decreased propeller blade life, an airworthiness directive is being issued to require placarding and remarking the engine tachometer on the Bellanca Model 8GCBC Airplane.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal aviation regulations is amended by adding the following new airworthiness directive.

BELLANCA. Applies to Model 8GCBC Airplanes, Serial Numbers 1-74 through 119-74, 120-75 through 153-75 certificated in all categories.

Compliance required within the next 10 hours time in service after the effective date of this airworthiness directive, unless already accomplished.

To prevent possible resonant vibratory conditions with McCauley Model 1A200/HFA fixed pitch propellers installed on Lycoming 0-360-C2A, or -C2E type engines, accomplish the following in accordance with Bellanca Service Letter Number 115 and Bellanca Service Kit Number 245.

(a) Remove existing markings on the tachometer instrument glass and affix Mylar decal, Bellanca P/N 1-10443. The decal is properly affixed when: a green arc extends from 500 to 1,700 r.p.m.; a yellow arc from 1,700 to 2,100 r.p.m.; a green arc from 2,100 r.p.m. to 2,700 r.p.m.; and a red radial is positioned at 2,700 r.p.m.

(b) Install Bellanca P/N 1-10437, placard "Avoid 1,700-2,100 During Descent", on the tachometer instrument glass below the hour meter.

(c) Accomplish Revision Number 1 to existing FAA Approved Airplane Flight Manual (AFM) in accordance with AFM revisions page.

This amendment becomes effective February 21, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on February 7, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-4127 Filed 2-13-75;8:45 am]

[Airworthiness Docket No. 74-WE-52-AD; Amdt. 39-2092]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331-1, -2, -3, -5 and -6 Series Engines

Amendment 39-2054 (39 FR 44439), AD 74-26-11, requires inspection and modification to the oil supply system for the high speed pinion gear bearing assembly. After issuing Amendment 39-2054, the agency has determined that this AD contains an incomplete list of affected engine serial numbers. Therefore, the AD is being amended to include the previously omitted affected engines.

After issuing Amendment 39-2054, the manufacturer issued Revision 1, dated January 27, 1975, to the AiResearch Service Bulletin TPE331-72-0092. This revision expands the inspection and maintenance to be performed on elements of the high speed pinion (HSP) gear bearing lubrication system. While the work to be accomplished under the original service bulletin, dated December 9, 1974, as required by Amendment 39-2054, is still satisfactory for purposes of meeting AD 74-26-11, the agency is including a note in the AD, as herein amended, to recommend to operators of affected airplanes incorporating the listed engines, that the additional work be performed. Revision 1 is FAA-approved, and constitutes a basis for compliance with the AD.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal aviation regulations, Amendment 39-2054 (39 FR 44439), AD 74-26-11, is amended to read as follows:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to certain Model TPE331 series engines.

Compliance required as indicated.

To detect, correct, and prevent loosening of the high speed pinion (HSP) gear carrier bolts and to detect fatigue failures of the HSP gear oil transfer and supply tubes, accomplish the following:

(1) TPE331-1-101B, S/N 93058 through 93061; TPE331-1-151A, S/N 92249 and 92336 through 92354; TPE331-1-151K, S/N 26001 through 26014; TPE331-1-151G, S/N 91193 through 91198; TPE331-2-201A, S/N 90218 through 90278, TPE331-3U-303G or TPE331-3UW-303G, S/N 03108, 03109, and 03112 through 03180 and 05031 through 05042; TPE 331-3U-307G, S/N 03001 and 03009; TPE331-5-251C, S/N 22006 through 22057; TPE331-5-251K, S/N 06113, 06190 through 06442 and 06444 through 06454; TPE331-6-251M or TPE331-6-252M, S/N 20144 and 20182 through 20467 and 20469 through 20533; TPE331-6-252B, S/N 27001 and 27002. In addition to the above serial number engines, also affected by this AD are any Model TPE331-1, -2, -3, -5, or -6 engines which have been modified in accordance with AiResearch Service Bulletin TPE331-72-0064 dated February 1, 1974 or subsequent revisions.

Within the next 100 hours time in service after the effective date of this AD, unless previously accomplished, replace the two high speed pinion gear carrier bolts, P/N MS21279-07, with two bolts, P/N MS9489-07, and lockplate, P/N 3101483-1, and inspect to insure proper torque on bolt, P/N MS21297-07, securing lube adapter, P/N 3101210, and bolt, P/N MS21279-10, securing lube nozzle, P/N 3101209, as described in paragraph 2.D. of AiResearch Service Bulletin TPE331-72-0092, dated December 9, 1974, or later FAA-approved revisions.

(2) Engines listed in (1), above, as well as the following: TPE331-1-101B, S/N 93062 and subsequent; TPE331-1-151A, S/N 92355 and subsequent; TPE331-1-151K, S/N 26015 and subsequent; TPE331-1-151G, S/N 91199 and subsequent; TPE331-2-201A, S/N 90279 and subsequent; TPE331-3U-303G or TPE331-3UW-303G, S/N 03181 series and subsequent, S/N 05043 and subsequent; TPE331-5-251C, S/N 22058 and subsequent; TPE331-5-251K, S/N 06443 and 06455 and subsequent; TPE 331-6-261M, S/N 20534 and subsequent; and TPE331-6-252B, S/N 27003 and subsequent. Within the next 100 hours time in service, unless accomplished within the last 100 hours time in service prior to the effective date of this AD, as amended, and thereafter, at intervals not to exceed 200 hours time in service, inspect the integral support bracket associated with the oil transfer tube, P/N 3101187-1, or, clamp P/N 3101484-1 used with the tube assembly described in (b) below, per the instructions in paragraph 2.C. of the above referenced AiResearch TPE331-72-0092 Service Bulletin. If the oil transfer tube bracket or clamp is cracked or separated, either:

(a) Replace with a serviceable P/N 3101187-1; or

(b) Accomplish the installation of a tube, P/N 3101187-2, clamp, P/N 3101484-1, and washer, P/N AN960C416L, using the existing clamp bolt, per the instructions of paragraph 2.E. of the service bulletin.

NOTE: Revision 1, to AiResearch Service Bulletin TPE331-72-0092, dated January 27, 1975, contains instructions for expanded inspection and maintenance of the high speed pinion (HSP) gear bearing lubrication system. Revision 1 is FAA-approved, and, if accomplished, constitutes compliance with the AD. Accomplishment of Revision 1 is recommended.

(3) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(4) Aircraft may be flown to a base for performance of inspections as required by paragraph 2.C. and the maintenance required by 2.D. of the above referenced AiResearch TPE331-72-0092 Service Bulletin, per FAR's 21.197 and 21.199.

This amendment becomes effective February 20, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on February 6, 1975.

LYNN L. HINK,
Acting Director, FAA Western Region.

[FR Doc.75-4126 Filed 2-13-75;8:45 am]

[Airworthiness Docket No. 75-WE-8-AD; Amdt. 39-2094]

PART 39—AIRWORTHINESS DIRECTIVES

Certain McDonnell Douglas DC-10 Series Airplanes

The agency has received reports of fan blade damage to the No. 2 engine on certain DC-10 Series airplanes, due to ice ingestion after the airplanes were parked for several hours or overnight during severe weather conditions. Secondary damage to airplane structures has also been experienced. Although the manufacturer has issued maintenance inspection instructions to operators; and the agency has previously accepted various provisions in continuous maintenance programs for large aircraft under Parts 43, 91, and 121 of the Federal aviation regulations (FAR) relating to ice and snow inspections, additional action is required.

The National Transportation Safety Board has urged the agency, in a safety recommendation addressed to the Administrator, to adopt an airworthiness directive which would require a modification of the tail engine inlet duct (No. 2 engine) to prevent ice accumulation and a preflight inspection, until the duct is modified, after precipitation in cold weather.

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At this time, the agency believes that an airworthiness directive to require continuing inspections for ice and snow accumulation by all operators of DC–10 airplanes should be adopted. A modification of the inlet duct, consisting of an expansion of the drain hole, is being incorporated by various operators. The modification, while a design improvement, is not, in the agency's judgment, sufficient, standing alone, to adequately insure against ice and snow accumulation with possible resulting foreign object damage (FOD) to the No. 2 engine.

The Air Transport Association, on behalf of its members, has expressed its objection to the issuance of the AD, based on procedures already implemented by operators and the language of the rule as to the conditions which require the AD inspection. Also, ATA advised that one operator indicates that the Douglas All Operators Letter, dated August 7, 1974 is not an acceptable procedure, based on the time required for the AOL inspection. Finally, the ATA believes that if the AD is issued, there is no need for separate maintenance entries. It is unnecessary and would not further insure compliance. If carried to extreme (it) could lead to separate entry and signature for each item of maintenance release.

The agency disagrees. To insure an adequate level of safety, the agency believes that a specific program of required inspections constitutes the greatest assurance of substantially minimizing exposure to the hazards of ice and snow accumulation. The required maintenance entries apply to the specific inspection required by this rule. The manufacturer's service documents furnish an acceptable, but not necessarily exclusive, means for accomplishing the inspection and removal of ice and snow. The rule is written to provide maximum flexibility to the operators of affected airplanes in the accomplishment of the AD, while providing a maximum level of assurance to the public.

The agency has also considered the adoption of an airworthiness directive applicable to other three engine jet airplanes, incorporating identical inspections and a duct inlet modification, as recommended by the National Transportation Safety Board. While there have been incidents of ice ingestion to the No. 2 engine on other airplanes, the service experience does not at this time, in the agency's judgment, warrant adoption of an airworthiness directive requiring special inspections, over and above those required by existing regulations.

Since a condition exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

MCDONNELL DOUGLAS. Applies to Douglas DC–10 Series –10, –10F, –30, and –30F airplanes, certificated in all categories.

To prevent possible damage to the No. 2 engine due to ingestion of ice and snow, accomplish the following.

(a) After the effective date of this airworthiness directive, when airplanes have been parked during icing conditions (freezing rain, snow, sleet) for any period of time which will enable ice or snow to accumulate on the airplane in the area of the No. 2 engine, inspect the top of the fuselage and the No. 2 engine inlet for the presence of ice and snow accumulation prior to starting engines. If found to exist, remove accumulated ice and snow prior to further flight.

NOTE: Guidelines for inspection and safeguarding the aircraft are contained in these documents:

Douglas AOL 10–546, dated January 11, 1974.

Douglas AOL 10–673, dated August 7, 1974.

DC–10 Maintenance Manual, Chapter 12–31–01.

(b) Make appropriate maintenance record entries to show compliance with this AD.

This amendment becomes effective February 21, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on February 6, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-4128 Filed 2-13-75;8:45 am]

[Airspace Docket No. 75-SO-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal aviation regulations is to alter the Covington, Ky., control zone.

The Covington control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on Runway 18 ILS localizer north course which was designated to provide controlled airspace protection for IFR aircraft executing ILS Runway 18 Instrument Approach Procedure. The altitude over the final approach fix (FAF) will be raised, effective February 27, 1975, which will negate the requirement for this extension. It is necessary to alter the description to revoke this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., February 27, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Covington, Ky., control zone is amended as follows:

"• • • extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of Runway 18 ILS localizer north course, extending from the 5-mile radius zone to Addyston LOM • • •" is deleted and "• • • extending from the 5-mile radius zone to the LOM • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on February 3, 1975.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4130 Filed 2-13-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-64; Amdt. 43]

PART 399—STATEMENTS OF GENERAL POLICY

Economic Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 11, 1975.

On December 16, 1974, Pan American World Airways, Inc. (Pan American) filed a document described as a petition for reconsideration and motion for stay of the Board's statement of general policy, minimum charter rate levels, Regulation PS–57, adopted and effective October 18, 1974 (Statement), Docket 25875. That statement sets forth guidelines which the Board stated it will consider in evaluating tariffs for North Atlantic charters pursuant to section 1002 (j) of the Federal Aviation Act of 1958 (the Act).[1] An answer in support of Pan American's petition has been filed by British Caledonian Airways Limited (BCAL). Capitol International Airways, Inc. (Capitol) and World Airways, Inc. (World) have filed answers in opposition to Pan American although they question the legality of the Board's action in issuing the Statement. In addition, on January 27, 1975, Trans World Airlines, Inc. (TWA) filed a petition for rulemaking to amend the Board's Policy Statement. World has filed an answer in opposition to TWA's petition. Since the Board's rules do not provide for petitions for reconsideration of final rules and statements of policy, Pan American's request will be considered as a petition for rulemaking.

[1] The following table sets forth the minimum rates per seat-mile, based on the season of the year and aircraft seating capacity.

Season	Aircraft with less than 230 seats (cents)	Aircraft with more than 229 seats (cents)
Low	3.1	2.4
Shoulder	3.4	2.7
Peak	4.1	3.4

The seasons are:

Eastbound

Low:
January 1 to March 14.
November 16 to December 31.
Shoulder:
March 15 to May 23.
August 1 to November 15.
Peak: May 24 to July 31.

Westbound

Low:
January 1 to March 14.
November 16 to December 31.
Shoulder:
March 15 to June 30.
September 1 to November 15.
Peak: July 1 to September 10.

Pan American, TWA, and BCAL all attack the Board's action in PS–57 of adopting a differential of 0.7 cents per seat-mile in each season between the minimum guideline charter rates for aircraft with less than 230 seats (conventional aircraft) and those with more than 229 seats (stretched and wide-bodied aircraft). Pan American contends that as a matter of law the Board cannot require pricing differentials based on equipment type, and joins TWA in asserting that the differentials of PS–57 would have the effect of driving these carriers out of the transatlantic charter market. All three carriers also attack the data and calculations on the basis of which the Board arrived at the differentials, Pan American and TWA contending that the cost data for stretched aircraft are understated, while BCAL contends that the costs posited for conventional aircraft are too high. Capitol and World, on the other hand, defend the equipment differentials of PS–57.

Based on the pleadings and on other surrounding circumstances, the Board has determined to vacate the minimum-charter-rate guidelines. With regard to the specific matter of equipment-type differentials, the Board has concluded that a number of Pan American's allegations, which challenge the basic overall reliability of the data submitted by the carriers for stretched equipment, cannot be satisfactorily resolved in this proceeding. Moreover, BCAL calls into question the completeness of the record on conventional equipment costs. And, of course, there are other issues which might surface if further proceedings in this docket were pursued.

Moreover, the Board's objective of implementing guidelines to apply during the 1975 charter season has already been effectively negated. Most contracts for the 1975 peak period have undoubtedly already been concluded and sales to the public are well in progress, particularly insofar as those charters involving any advance-purchase requirement are concerned. It seems apparent from the nature of the charter market that any program to improve the economics of the carriers' operations by a more managed approach to rate levels must be in place sufficiently in advance of the selling season so that all operators can plan accordingly. That situation has not materialized in the present instance, and we do not believe that the disruptive consequences of such an effort at this late date would be in the public interest.

In addition, a revised 1975 IATA North Atlantic agreement on scheduled fares has now been filed. The new agreement, unlike the "Montreux agreement," does not rest on a complementary resolution of minimum charter rate levels. Accordingly, to the extent that there may have been a tie-in between the establishment of minimum-charter-rate guidelines and an agreement on North Atlantic scheduled fares, the former no longer represents a critical factor for this year.

With all these considerations in mind, the Board has decided that the matter cannot be effectively concluded in the present rulemaking proceeding, and PS–57 will therefore be vacated. However, we believe the matter warrants further consideration and we invite carriers and interested persons to submit their views on what, if any, further steps the Board might appropriately take in this regard. Such comments shall be filed in Docket 25875 on or before February 26, 1975, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Accordingly, the Board hereby amends Part 399 of the economic regulations (14 CFR Part 399) effective February 11, 1975, as follows: [1]

§ 399.45 [Reserved]

Part 399 is amended by deleting and reserving § 399.45.

(Secs. 102, 204(a), 403(a), 404(a)(2), 416(a) and 1002(j), Federal Aviation Act of 1958, as amended. 72 Stat. 740, 743, 758, 760, 771 and 788; (49 U.S.C. 1302, 1324, 1373, 1374, 1386 and 1482); secs. 3 and 4, Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; (5 U.S.C. 552 and 553).)

Effective: February 11, 1975.

Adopted: February 11, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-4212 Filed 2-13-75;8:45 am]

[1] In view of our decision to vacate the Policy Statement, Pan American's Motion for Stay of PS–57 pending judicial review is moot. We note further that while all of the various pleadings have been accompanied by Motions for Leave to File Unauthorized Documents, our decision to treat the filings as a petition for rule making and answers thereto (Rule 38 of the Rules of Practice permits the filing of answers to petitions for rule making at any time prior to institution of a proceeding thereon or to denial thereof) obviates need for consideration of these motions.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2589]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Ideal Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* § 13.73–92 *Truth in Lending Act;* § 13.155 *Prices;* § 13.155–95 *Terms and conditions;* § 13.155–95(a) *Truth in Lending Act.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* § 13.1823–20 *Truth in Lending Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–75 *Truth in Lending Act;* § 13.1905 *Terms and conditions;* § 13.1905–60 *Truth in Lending Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605)

[Cease and desist order, American Ideal Homes, Inc., et al. Great Falls, Mont., Docket C–2589, Oct. 23, 1974]

In the Matter of American Ideal Homes, Inc., a Corporation, and John E. Boles and Arnold F. Kruse, Individually and as Officers of Said Corporation, and George H. Boomer, Individually and as Sales Manager of Said Corporation

Consent order requiring a Great Falls, Mont., retailer of new and used mobile homes and travel trailers, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents American Ideal Homes, Inc., a corporation, and its officers, and John E. Boles and Arnold F. Kruse, individually and as officers of said corporation, and George H. Boomer, individually and as sales manager of said corporation, and respondents' successors, assigns, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321 (15 U.S.C. 1601 et seq.)), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. The deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and

[1] Copies of the complaint and decision and order filed with the original document.

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dezist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission October 23, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4192 Filed 2-13-75;8:45 am]

[Docket C-2678]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Jack La Lanne Management Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.10–1 *Availability of merchandise and/or facilities*; § 13.15 *Business status, advantages or connections*; § 13.15–225 *Personnel or staff*; § 13.15–250 *Qualifications and abilities*; § 13.15–280 *Unique or special status or advantages*; § 13.70 *Fictitious or misleading guarantees*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*; § 13.155–70 *Percentage savings*; § 13.155–95 *Terms and conditions*; § 13.155–100 *Usual as reduced, special, etc.*; § 13.170 *Qualities or properties of product or service*; § 13.190 *Results*; § 13.205 *Scientific or other relevant facts*; § 13.240 *Special or limited offers*; § 13.280 *Unique nature or advantages*. Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements*; § 13.533–45 *Maintain records*; § 13.533–45(k) *Records, in general*. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed*. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others*; § 13.1520 *Personnel or staff*; § 13.1535 *Qualifications*; § 13.1570 *Unique status or advantages*—Goods: § 13.1572 *Availability of advertised merchandise and/or facilities*; § 13.1647 *Guarantees*; § 13.1710 *Qualities or properties*; § 13.1730 *Results*; § 13.1740 *Scientific or other relevant facts*; § 13.1747 *Special or limited offers*; § 13.1760 *Terms and conditions*; § 13.1760–50 *Sales contract*; § 13.1770 *Unique nature or advantages*—Prices: § 13.1823 *Terms and conditions*; § 13.1825 *Usual as reduced or to be increased*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity*; § 13.1882 *Prices*; § 13.1885 *Qualities or properties*; § 13.1892 *Sales contract, right-to-cancel provision*; § 13.–1892–10 Recording liens or executing on same; § 13.1895 *Scientific or other relevant facts*; § 13.1905 *Terms and conditions*; 13.1905–50 Sales contract. Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising*.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45) [Cease and desist order, Jack La Lanne Management Corp., et al., New York, N.Y., Docket C-2678, Oct. 17, 1974.]

In the Matter of Jack La Lanne Management Corp., Jack La Lanne Health Enterprises, Inc., Canadian International Health Spa, Inc., Jack La Lanne Madison Health Spa, Inc., Jack La Lanne Executive Health Spa, Inc., Jack La Lanne Lefrak City, Inc., Jack La Lanne Kings Highway, Inc., Jack La Lanne 5 Towns Health Club, Inc., Jacqueline Health Spa, Inc., Jack La Lanne Biltmore Health Spa, Inc., Jack La Lanne Fort Lee Health Spa, Inc., Jack La Lanne 86th St. Health Spa, Inc., Jack La Lanne Fifth Avenue Health Spa, Inc., and Churchill Collection Service, Inc., corporations, and Harry Schwartz, Individually and as an Officer of Said Corporations

Consent order requiring a chain of Jack La Lanne health spas in the New York City area, among other things to cease misrepresenting the price of memberships and the benefits and facilities available to members, and using deceptive collection methods. The order contains a provision to insure that customers sued by the spas receive adequate notice of the suits.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That Jack La Lanne Management Corp., Jack La Lanne Health Enterprises, Inc., Canadian International Health Spa, Inc., Jack La Lanne Madison Health Spa, Inc., Jack La Lanne Executive Health Spa, Inc., Jack La Lanne Lefrak City, Inc., Jack La Lanne Kings Highway, Inc., Jack La Lanne 5 Towns Health Club, Inc., Jacqueline Health Spa, Inc., Jack La Lanne Biltmore Health Spa, Inc., Jack La Lanne Fort Lee Health Spa, Inc., Jack La Lanne 86th St. Health Spa, Inc., Jack La Lanne Fifth Avenue Health Spa, Inc., Churchill Collection Service, Inc., corporations, their successors and assigns, and their officers, and Harry Schwartz, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, franchise, or other device, in connection with the advertising, offering for sale, or sale of health spa services or memberships, hereinafter sometimes referred to as "membership services", in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, orally or in writing, directly or by implication:

(a) That any price advertised or charged for membership services is reduced from a previous price or the usual and customary price unless such price represents a reduction from the price at which similar membership services were offered for sale for a reasonable substantial period of time in the recent, regular course of business;

(b) That any savings are afforded in the purchase of membership services from respondents' regular price unless the price at which the membership services are offered constitutes a reduction of not less than five percent from the price at which such membership services have been usually and customarily offered by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the price at which membership services are offered.

2. Representing, orally or in writing, directly or by implication, that an increase in price will occur, unless:

(a) The amount and the effective date of said increase have been determined by respondents;

(b) The effective date of said increase is disclosed in close proximity or in immediate conjunction with any representation to each person to whom such representation is made or in each advertisement, brochure or other promotional literature where such representation appears;

(c) The increase takes effect on the previously determined date in the previously determined amount and prevails for all sales of the membership services to which it applies for a period of not less than thirty days.

This paragraph shall apply to representations made in connection with the advertising, offering for sale or sale of membership services for health spa facilities which have not yet begun operations as well as to other such representations made by respondents.

3. Representing, orally or in writing, directly or by implication, that any membership service is available at a certain amount or for a certain period of time unless the membership service is actually available at that amount or for that period of time.

4. Failing to post in each room or office or other place where membership services are sold or offered for sale, a price list, being of sufficient size and posted in such a manner that it can be easily observed and read by potential purchasers of membership services, clearly and conspicuously disclosing:

(a) Each type of membership service offered for sale;

(b) The duration of each type membership service;

(c) Any limitations in respect of any offer of membership service;

(d) The regular price, any sale price, any special offer or inducement such as "one month free" or "entire summer free" which in effect decreases the price charged for membership services, and any price intended to take effect in the future pursuant to Paragraph 2, when such price increase has been advertised or any representation has been made in respect thereof.

5. Representing, orally or in writing, directly or by implication, that there is any limitation on the number of memberships available for sale at any health spa facility or any limit on the number of members who may use the facilities, unless a reasonable limit has been determined by respondents, or in any way misrepresenting the number of memberships for sale or the number of people who will be using the facilities.

6. Representing, orally or in writing, directly or by implication, that any offer of sale of membership services or any other offer or inducement is limited to a specific time period unless such is the fact and the expiration date of said offer is disclosed along with the information required by Paragraph 2 of this order, if applicable, or that the offer expires on the same day as it is made unless such offer is made on the last day of a period previously disclosed under this Paragraph or Paragraph 2 to expire on that day.

7. Falsely disparaging, in any manner, any offer or advertisement of membership services.

8. Representing, orally or in writing, directly or by implication, that exercise programs, instruction, or equipment are unique or exclusive unless such is the fact.

9. Representing, orally or in writing, directly or by implication, that any exercise program or program of nutritional guidance is designed personally for the purchaser of membership services unless such program has been or will be developed or prepared for that particular purchaser.

10. Representing, orally or in writing, directly or by implication, that services, programs, equipment, or instruction are available at respondents' locations if such services, programs, equipment, or instruction are not available at all of respondents' locations unless:

(a) When the representation is made in a television or radio advertisement, it is disclosed in the advertisement that some services, programs, equipment, or instruction are not available at all locations;

(b) When the representation is made in a newspaper, magazine, or other print advertisement, the locations at which such services, programs, equipment, or instruction are or are not available are disclosed;

(c) When the representation is made at one location, the services, programs, equipment, or instruction available at that location are disclosed; or representing that any facilities or membership services are available to both men and women at all times a health spa is open, unless such is the fact, and failing to disclose before the consummation of any contract any restrictions on use of the facilities or membership services by men or women.

11. Representing orally or in writing, directly or by implication, that any change in body size, configuration, or weight is guaranteed, unless:

(a) Any results guaranteed are conditioned solely upon reasonably regular attendance at the health spa facilities, and adherence to a diet, if one is suggested or required;

(b) The nature and extent of such guarantee, any conditions thereto, the manner in which the guarantor will perform, and the identity of the guarantor are clearly and conspicuously disclosed; and

(c) The results to be guaranteed are clearly and conspicuously disclosed in writing either in contract or along with the guarantee.

12. Representing, orally or in writing, directly or by implication, that respondents' programs are effective in reducing or changing body weight or size unless respondents disclose, in immediate conjunction with any such claim, that said programs include and require for effectiveness a diet or program or nutritional guidance.

13. Representing, orally or in writing, directly or by implication, that all members or prospective members will in fact obtain specific reductions or changes in weight or body size, or other changes in body configuration, in a specific period of time.

14. Misrepresenting, in any manner, orally or in writing, directly or by implication, the qualifications, education or training of instructors.

15. Use of "success" statements comparison photographs, "before and after" photographs or similar depictions, statements or representations (all of which are referred to in this paragraph by the term "representations") unless:

(a) The person or persons shown actually used respondents' facilities and obtained the represented results at respondents' facilities;

(b) The "after" representation was created while the subject or subjects were actually participating in a program or course of treatments at respondents' facilities, or accurately reflects the person's appearance at that time;

(c) The "before and after" representations are as nearly the same as possible in pose, style of clothing, facial expression, camera angle, lighting and all other conditions;

(d) A disclosure is made in conjunction with any such representation that not every purchaser of respondents' membership services can or will achieve the results represented or implied by the representation.

16. Failing, in connection with the sale or offering for sale of health spa membership services, to:

(a) Furnish the buyer with a fully completed copy of the contract pertaining to the sale at the time of its execution which shows the date of the transaction, the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer and in bold face type of a minimum size of ten points, the following statement:

Notice to the buyer: Do not sign this contract before reading the provisions under the caption "Cancellation and Refunds".

(b) Disclose, on the same page as the customer's signature line in the contract pertaining to the sale, under the caption "Cancellation and Refunds," which caption shall be printed in bold face type of a minimum size of ten points, the following cancellation and refund provisions:

You are permitted to visit and use the facilities of Jack La Lanne within three business days after the date of this contract, on a trial basis. If, within those three days, and regardless of whether you make any visits, you decide that you want to cancel this contract, you may do so by notifying Jack La Lanne on the form provided you, or by any other writing mailed or delivered to Jack La Lanne at the address shown on the contract. If you so cancel, any payments made by you under the contract will be refunded, and any evidence of indebtedness executed by you will be cancelled by Jack La Lanne or other arrangements will be made to relieve you of any further obligation to pay the same, except that Jack La Lanne may retain as compensation a sum not in excess of $5.00 for each day on which you visited and used its facilities.

(c) Provide the buyer with a copy of a note or any other instrument of indebtedness executed by him or on his behalf.

(d) Furnish each buyer, at the time he signs the contract, a completed form in duplicate, captioned "Notice of Cancellation," which shall set forth the date and identification of the transaction, the name and address of the seller, language sufficient to give notice of the buyer's intention to cancel the transaction, and a space for the buyer's signature.

(e) Inform each buyer orally, immediately prior to the time he signs the contract, of his cancellation rights as set forth in (b).

(f) Honor any notice of cancellation received or mailed within three (3) business days after the date of the contract, and within 10 business days after the

[1] Copies of the complaint and decision and order filed with the original document.

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receipt of such notice, (1) refund any payments due the buyer, and (2) cancel and return any evidence of indebtedness executed by the buyer, or take any action necessary or appropriate to terminate the buyer's obligation to pay any sum in excess of that due under the applicable cancellation and refund provision in (b).

17. Misrepresenting in any manner, directly or by implication:

(a) That any of respondents or their successors or assigns are holders in due course of any notes, contracts or other documents executed by respondents' customers.

(b) That a member's account has been turned over to an attorney or an independent organization engaged in the business of collecting past-due accounts.

18. Failing to print in 18 point bold face type at the top of any paper which includes a contract a title which includes the word "Contract".

19. Obtaining from the customer release of, or agreement to language which purports to release, respondent from liability for causes of action arising out of customer's use of respondents' services, facilities, or exercise equipment, when said release or purported release would not be legally operative in the state of contracting.

20. Representing that a health spa facility will open on a specific date, unless such representation is also made in writing in each and every contract signed by a customer to whom such representation is made; failing to disclose, clearly and conspicuously, to all such customers that if the health spa facility does not open on the specified date, the customer may choose between (1) extension of the contract so that the full time period for which the customer contracted does not begin to run until the health spa facility is open, and the right to use any of respondents' health spa facilities in the meantime, or (2) cancellation of the contract with a refund in the amount to which the customer would be entitled if he or she cancelled pursuant to Paragraph 16 of this order; and failing to extend the contract, or refund the appropriate amount of money, within 10 business days of receipt of written notification of the customer's choice.

21. Commencing any legal action in any court to collect any amount alleged to be due to respondents unless:

(a) The suit or action is commenced in the county in which the defendant resides or in which the contract was executed; and

(b) A summons and/or complaint are served pursuant to the applicable provisions of State law and a copy is sent, by registered or certified mail, return receipt requested, to the last known address of the defendant; *Provided*, That, if the summons and/or complaint are returned as undeliverable or if the defendant has moved, respondents shall request the United States Postal Service to provide the forwarding address of the defendant, and if the Postal Service provides same, shall send said summons and/or complaint to that address by registered or certified mail, return receipt requested.

22. In connection with any default judgment:

(a) Levying on or otherwise attempting to enforce any default judgment unless the defendant is sent within ten days of the entry of judgment a letter setting forth his rights under applicable State law and this order;

(b) Levying on or otherwise attempting to enforce any default judgment unless sixty days have passed from the date of entry of judgment;

(c) Levying on or otherwise attempting to enforce any default judgment unless each defendant against whom a default judgment is entered, is notified that he may have the default set aside at his request by stipulation by the respondents and receive a trial on the suit brought by respondents, if, within forty days after the entry of a default judgment and after receipt of the notification provided for in subparagraph (a) above, he notifies respondents by certified or registered mail that he desires to enter into a stipulation with respondents to reopen the default;

(d) Failing to consent and stipulate to the reopening of any default judgment obtained by respondents within sixty days after the entry of judgment, upon receipt by respondents of a request by a defendant to reopen such judgment pursuant to this paragraph or State law;

(e) Failing to send the notice required by this paragraph by certified or registered mail, return receipt requested, to the last known address of the defendant; *Provided*, That, if the notice is returned as undeliverable, or if the defendant has moved, respondents shall request the United States Postal Service to provide the forwarding address of the defendant, and if the Postal Service provides same, shall send said notice to that address, by certified or registered mail, return receipt requested.

Nothing in this paragraph shall require respondents to stipulate to reopen any default judgment more than once in each case.

23. Including in any contract any confession of judgment or any waiver of any rights to which the buyer is entitled under this order, or misrepresenting, orally or in writing, directly or by implication, the buyer's right to cancel the contract pursuant to this order.

It is further ordered, That respondents maintain at all times, complete records relative to the manner and form of their compliance with the terms and provisions of this Order, such records to include:

(1) All advertising copy, films, voice and video tapes, and correspondence with advertising agencies;

(2) All brochures, forms, notices, booklets, disclosures, and promotional material used in respondents' business;

(3) All contracts, notes, agreements, and forms offered for execution by or actually executed by members;

(4) All correspondence, including notices of cancellations and complaints, received from or sent to consumers;

(5) All correspondence, notes, or evidence of indebtedness sent to or received from banks or other extenders or arrangers of consumer credit;

(6) All correspondence and copies of agreements with any franchisor, franchisee, successor, lessee, lessor, person or firm with whom respondents maintain such a business relationship relative to the conduct of their health spa business;

(7) Records of each member's attendance, weight and measurements, if relevant to a guarantee or representation of results to be attained;

(8) Any records required to be maintained under other provisions of this Order.

After entry of this Order, all such records shall be retained for a period of not less than three years from the date of their creation or last use, whichever is longer.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to each operating division, to all present and future franchisees and licensees, and to all personnel of respondents now or hereafter engaged in the offering for sale or sale of respondents' services, or in the collection of patron's accounts, in the consummation of any extension of consumer credit, or in any aspect of preparation, creation or placing of advertising; and that respondents secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of any successor corporation or corporations, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and order was issued by the Commission, October 17, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4193 Filed 2-13-75;8:45 am]

[Docket C-2583]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Norlic Import Company, Inc., et al.

Subpart—Corrective Actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533–20 *Disclosures.* Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053–90 *Wool Products Labeling Act.* Subpart—Importing, manufacturing, selling and/or transporting flammable wear or other merchandise: § 13.1060 *Importing, manufacturing, selling and/or transporting flammable wear or other merchandise.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–90 *Wool Products Labeling Act;* § 13.1230 *Identity.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1590–90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130 (15 U.S.C. 45, 68)) [Cease and desist order, Norlic Import Company, Inc., et al., New York, N.Y., Docket C-2583, Oct. 22, 1974]

In the Matter of Norlic Import Company, Inc., a Corporation, and Norman Lichtenstein, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and seller of wool fabrics, among other things to cease misbranding and falsely guaranteeing its wool products and misrepresenting the fiber content of its goods. Further, respondent is required to bond its imported wool products for twice their value, with the bond subject to forfeiture should applicable legal requirements not be complied with.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Norlic Import Company, Inc., a corporation, its successors and assigns, and its officers, and Norman Lichtenstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the importation for introduction, into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Norlic Import Company, Inc., a corporation, its successors and assigns, and its officers, and Norman Lichtenstein, individually and as an officer of Norlic Import Company, Inc., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from:

1. Furnishing a false guarantee that any wool product is not misbranded under the provisions of the Wool Products Labeling Act of 1939.

2. Importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Norlic Import Company, Inc., a corporation, and its officers, and Norman Lichtenstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation or other device, in connection with the advertising, offering for sale, sale or distribution of fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That respondents notify, by delivery of a copy of this order by registered mail, each of their customers that purchased the wool products which gave rise to this complaint of the fact that such products were misbranded.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creating or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business and address, the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Decision and order issued by the Commission October 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4194 Filed 2-13-75;8:45 am]

[Docket C-2573]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Recreational Vehicle Institute, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.170 *Qualities or properties of product or service;* § 13.170–34 *Economizing or saving;* § 13.180 *Quantity.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533–20 *Disclosures;* § 13.533–45 *Maintain records;* § 13.533–45(k) *Records, in general.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45) [Cease and desist order, Recreational Vehicle Institute, Inc., et al., Des Plaines, Ill., Docket C-2573, Oct. 8, 1974]

In the Matter of Recreational Vehicle Institute, Inc., a Corporation, and F. Michael Radigan, Individually and as National Director of Said Corporation

Consent order requiring a Des Plaines, Ill., trade association representing manufacturers, component suppliers, and dealers of mobile homes and recreational vehicles, among other things to cease making representations as to energy use or energy-saving characteristics of their recreational vehicles or as to the supply or availability of gasoline without having a reasonable basis for such claim.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Recreational Vehicle Institute, Inc., a corporation, its successors and assigns, and its officers, and F. Michael Radigan, individually and as national director of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of recreational vehicles, including but not limited to travel trailers, motor homes, truck campers and camping trailers, in commerce, as "commerce" is defined in the

[1] Copies of the complaint and decision and order filed with the original document.

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Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles, or as to the supply or availability of gasoline or any other form of energy; unless, at the time the representation is made, respondents have a reasonable basis for such representation, consisting of tests or surveys;

a. Based on reliable data and adhering to generally accepted statistical principles,

b. Which shall fully and completely substantiate the representation, and

c. The results and methodology of which, together with the original data collected, are available for public inspection in comprehensive written form, in terms understandable to the average consumer, at each of respondents' offices.

2. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles; unless respondents clearly and conspicuously disclose, in immediate conjunction with the representation:

a. The specific forms of energy referred to, unless the representation applies to total consumption of all forms of energy by the consumer or family.

b. The particular type and size of recreational vehicle to which the representation applies, and the nature and extent of accessory equipment, unless it applies to all types and sizes of such vehicles regardless of accessory equipment installed.

c. The particular locations and conditions of use, including but not limited to the season, duration, and number of miles traveled, to which the representation applies, unless it applies to all conditions of use and to all locations and regions in the United States.

d. The specific manner of operation of the recreational vehicle, home, automobiles, and other energy-consuming possessions to which the representation applies, unless it applies to the customary or usual manner of operation of all such possessions by the average consumer or family.

It is further ordered, That respondents forthwith deliver, to all persons and firms which respondents know or have reason to know may engage in dissemination of representations originated or distributed by respondents since May 1, 1973, as to energy use or energy saving characteristics of ownership or operation of recreational vehicles, or as to the supply or availability of gasoline or any other form of energy, a notice containing the following information, without mitigation:

1. At the time these energy-related representations were made, Recreational Vehicle Institute, Inc. did not have adequate substantiation to support such representations.

2. Recreational Vehicle Institute, Inc. has been ordered by the Federal Trade Commission to cease and desist from making energy claims related to recreational vehicles unless Recreational Vehicle Institute, Inc. can support such claims with reliable and statistically valid tests or surveys.

3. None of the energy-related representations originated or distributed by Recreational Vehicle Institute, Inc. since May 1, 1973, and no materials containing such representations, are to be further disseminated to the public or others until such time as respondents certify in writing to such person or firm that Recreational Vehicle Institute, Inc., is in possession of the substantiation required by this order.

4. Further dissemination by the person or firm of such representations without the certification required above may constitute a violation of the Federal Trade Commission Act by the person or firm itself.

It is further ordered, That respondents shall maintain complete records relative to the manner and form of their compliance with this order, and shall retain each record for three years after such record is made. Such records shall include all advertising, promotional material, the basis for all applicable advertising claims, correspondence with persons who formulate or place advertising, and other pertinent documents.

It is further ordered, That respondents promptly distribute a copy of this order to each operating division, to all present and future personnel of respondents engaged in the preparation, creation or placing of advertising, and to all present and future agencies engaged in the preparation, creation or placing of advertising on behalf of respondents; and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and of his affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Decision and order issued by the Commission October 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4195 Filed 2-13-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 442—CEPHA ANTIBIOTIC DRUGS

CEPHACETRILE SODIUM; CORRECTION

In FR Doc. 74-29490, appearing at page 44011 in the FEDERAL REGISTER of December 20, 1974, § 442.219 *Cephacetrile sodium for injection* is corrected in the first sentence of paragraph (b)(1)(ii) by changing the reference "§ 435.205 of this chapter" to read "§ 436.205 of this chapter."

Dated: February 10, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4161 Filed 2-13-75;8:45 am]

SUBCHAPTER F—BIOLOGICS

Part 630—Additional Standards for Viral Vaccines Measles-Smallpox Vaccine, Live

A notice of proposed rule making was published in the FEDERAL REGISTER of October 31, 1974 (39 FR 38388), in which the Commissioner of Food and Drugs proposed to amend the additional standards for licensed Measles-Smallpox Vaccine, Live (21 CFR 630.80 through 630.87) by discontinuing the recommended use for revaccination against smallpox and by reducing the recommended dose volume of the vaccine from 0.5 milliliter to 0.3 milliliter consistent with a request in an amended product license application received from the only licensed manufacturer of Measles-Smallpox Vaccine, Live. In conjunction with this action, the Commissioner also proposed certain revisions of the additional standards concerning Measles-Smallpox Vaccine, Live, to reflect current technology and testing methods.

Interested persons were given until December 2, 1974 to file written comments regarding the proposal. No written comments were received. Accordingly, the Commissioner concludes that the proposed amendment of the additional standards for Measles-Smallpox Vaccine, Live, should be adopted without change.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 630 is amended as follows:

1. By revising § 630.81 to read as follows:

§ 630.81 Clinical trials to qualify for license.

In addition to demonstrating that the measles component meets the requirements of § 630.31, the measles and smallpox antigenicity of the final product shall be determined by clinical trials of adequate statistical design conducted with three consecutive lots of final vaccine manufactured by the same methods and administered as recommended by the manufacturer. A major skin reaction to the smallpox component of the vaccine shall result in at least 95 percent of smallpox susceptible recipients, and a protective antibody response demonstrating the immunogenic effect of measles shall result in at least 90 percent of the measles susceptible recipients. Based upon data submitted by each manufacturer requesting licensure and comparative testing by the Food and Drug Administration, the Commissioner will establish the type of test and the requisite antibody levels indicating seroconversion which must be met by the manufacturer. There also shall be a demonstration of safety of the product, when administered as recommended by the manufacturer, under circumstances wherein adequate clinical and epidemiologic surveillance of illness has been maintained.

2. By revising § 630.83 to read as follows:

§ 630.83 Reference preparations.

Reference Measles Virus and Reference Smallpox Vaccine and reconstitution fluid shall be obtained from the Bureau of Biologics. The Reference Measles Virus shall be used as a control for correlation of virus titers for the measles component of the product. The Reference Smallpox Vaccine shall be used to determine the potency of the smallpox component of the product.

3. By revising § 630.84(b) to read as follows:

§ 630.84 Potency tests.

• • • • • •

(b) *Smallpox.* Each lot of the product shall be tested for potency as prescribed in § 630.73. The product is satisfactory if the vaccinia virus contained in one human dose is at least equivalent to that contained in 0.3 milliliter of the Reference Smallpox Vaccine diluted 1:100.

• • • • • •

4. By revising § 630.86 (d) and (e)(2), deleting (e)(4), and revising (e)(5) and redesignating it as (e)(4) as follows:

§ 630.86 General requirements.

• • • • • •

(d) *Labeling.* In addition to the items required by other applicable labeling provisions of this chapter, labeling shall contain a statement that the product is intended for primary immunization only, for administration only by jet injector, and a description of the method of administration.

(e) • • •

(2) A total of no less than two 25-milliliter volumes, in a frozen state (−60° C), of the bulk measles component prior to clarification and containing no preservative or adjuvant, and no less than one 10-milliliter volume in a frozen state (−60° C), of the bulk measles component after clarification and containing stabilizer but no preservative or adjuvant, taken prior to filling into the final containers.

(3) • • •

(4) A sample consisting of no less than sixteen 10-dose vials, or twelve 25-dose vials, or ten 50-dose vials of vaccine in final labeled containers plus sufficient diluent in final labeled containers to reconstitute the vaccine.

(5) [Deleted].

• • • • • •

Effective date. This order shall be effective February 14, 1975.

(Sec. 351, 58 Stat. 702 (42 U.S.C. 262))

Dated: February 10, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4162 Filed 2-13-75;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Concentrate of Poppy Straw, Addition to Schedule II and Authorizing Its Importation

A notice was published in the FEDERAL REGISTER on Friday, December 20, 1974 (39 FR 44033-4), authorizing the importation of concentrate of poppy straw and proposing amendments to Title 21 of the Code of Federal Regulations which place this substance in Schedule II and require reporting of such importation by manufacturers. All interested persons were given until January 22, 1975, to submit their comments and objections.

The single comment received, that of the Bell Pharmacal Corp., did not object to the proposed rulemaking. Therefore, based upon consideration of the factors set forth in 39 FR 44033-4, the Administrator of the Drug Enforcement Administration, under authority vested in the Attorney General by sections 201(d), 301, and 1002 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d), 821, and 952, respectively) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby orders that Parts 1304 and 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

1. A new § 1304.42 is added as follows:

§ 1304.42 Reports from manufacturers importing concentrate of poppy straw.

(a) Every manufacturer importing concentrate of poppy straw shall submit in addition to Form 333, Form DEA 247 (c) accounting for the importation and for all manufacturing operations performed between importation and the production in bulk of finished marketable products, standardized in accordance with the U.S. Pharmacopeia, National Formulary, or other recognized medical standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in the returns on DEA Form 333 (§ 1304.38) and its supplements. DEA Form 247(c) shall be submitted quarterly to the Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month immediately following the period for which it is submitted.

(b) The report of manufacture from concentrate of poppy straw shall consist of summaries with supporting detail sheets accounting for original manufacture from concentrate of poppy straw, production from morphine for further manufacture, and also accounting for stocks of concentrate of poppy straw, morphine for further manufacture and other crude alkaloids.

(c) The detail sheets (DEA 247(c)) supporting the summary of original manufacture from concentrate poppy straw shall show separately the amount of concentrated poppy straw imported, the concentrated poppy straw used for the extraction of alkaloids, subsequent manufacture from those alkaloids, and the inventory of concentrated poppy straw at the close of the reporting period.

(d) Upon importation of concentrate of poppy straw, samples will be selected and assays made by the importing manufacturer in a manner and according to a method previously approved by DEA. Where final assay data is not determined at the time of rendering report, the report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entries shall be made on the next report.

(e) Upon withdrawal of concentrate of poppy straw from customs custody, the importing manufacturer shall assign to each container an identification mark or number by which the concentrate of poppy straw will be associated with the lot assay and identified in reports.

(f) Where factory procedure is such that partial withdrawals of concentrate of poppy straw are made from individual containers, there shall be attached to each container a stock record card on which shall be kept a complete record of all withdrawals therefrom.

(g) Concentrate of poppy straw derivatives which are produced for exclusive use in further manufacturing purposes shall be reported produced when they come into existence in that form in which they are to be so used. Alkaloids or derivatives produced exclusively for distribution shall be reported as produced when manufacture has actually been completed and the finished marketable product ready for packaging and distribution. Such products shall be regarded as ready for packaging and distribution as soon as all processing other than

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mere packaging has been completed. Products manufactured partly for distribution and partly for use in further manufacture will be reported produced as soon as manufacture is complete and there are ready either for use in further manufacture or for packaging for distribution.

(h) Subject to §1303.24(c) of this chapter, no accumulations of morphine or other narcotic controlled substances in their pure or near-pure states shall be permitted to remain inactively in process for an unreasonable time in light of efficient industrial practices. All such products nearing completion of their respective processes and approaching a condition of purity shall be carefully protected, promptly completed, and immediately transferred to finished stocks, and reported as produced.

(i) In making conversions of concentrate of poppy straw alkaloids and their salts to anhydrous morphine the quantity of the particular alkaloid or salt in avoirdupois ounces shall be multiplied by a conversion factor arrived at by ascertaining the ratio, carried to the fourth decimal place, between the respective molecular weight of such alkaloid or salt and the molecular weight of anhydrous morphine (285.16), such weights being computed to the third decimal place from the chemical formulae of the substances and the atomic weights of elements, as adopted by the International Committee on Chemical Elements and published in the latest edition of the U.S. Pharmacopoeia.

2. Section 1308.12 is amended by adding a new (b)(5) as follows:

§ 1308.12 Schedule II.

• • • • • •

(b) • • •

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy), 9670.

This order is effective February 14, 1975.

Dated: February 11, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-4235 Filed 2-13-75;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER D—PROPERTY MANAGEMENT

[FMC 75-1]

PART 234—ENSURING CONSIDERATION OF USERS' EXPERIENCE WITH FEDERAL AGENCY SUPPLY SUPPORT SYSTEMS

Policies and Procedures

This document is issued pursuant to Executive Order 11717 dated May 9, 1973, subject: Transferring Certain Functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce; and under authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended.

FMC 75-1, dated February 7, 1975, provides policies and procedures to ensure that supply support systems provide a positive means for the communication and consideration of users' experience.

Effective date. This regulation is effective February 7, 1975.

Dated: February 7, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

Part 234 of 34 CFR is added to read as follows:

Sec.
234.1 Purpose.
234.2 Background.
234.3 Policy intent.
234.4 Applicability and scope.
234.5 Policies and procedures.
234.6 Responsibility.
234.7 Reporting requirement.
234.8 Inquiries.

AUTHORITY: The adoption by the executive branch of Recommendation D-2 of The Commission on Government Procurement report to Congress dated December 31, 1972.

§ 234.1 Purpose.

This part establishes policies and procedures to ensure that supply support systems provide a positive means for the communication and consideration of users' experience.

§ 234.2 Background.

(a) The Commission on Government Procurement in its report to the Congress dated December 31, 1972, provides in Chapter 3, Part D, compelling examples of the need to consider users' satisfaction with their supply support systems. Because of its findings, the Commission issued Recommendation D-2 calling for the executive branch to "Provide a positive means for users to communicate satisfaction with their (supply) support system as a method of evaluating its effectiveness and ensuring user confidence."

(b) Under the procedures established by the executive branch for dealing with the recommendations of the Commission, an interagency task group was assigned to consider the merits of Recommendation D-2. The task group found that executive agencies are aware of the need to consider user satisfaction in the operation of centralized supply systems. This awareness is evidenced by techniques currently in use to discover and deal with users' complaints. However, the task group concluded that a higher priority should be given to the practice of communication with user activities as a tool for evaluating the performance of supply support systems. The decision to adopt the Commission's recommendation is based on the task group's findings.

§ 234.3 Policy intent.

This part is intended to ensure that the supply support systems of all Federal agencies provide a positive means for communication with users and consideration of their experience with those systems.

§ 234.4 Applicability and scope.

The provisions of this part apply to all supply support systems of executive departments and establishments with regard to intra-agency supply support systems and to the interagency supply support systems managed by the Department of Defense, the General Services Administration, and the Veterans Administration.

§ 234.5 Policies and procedures.

(a) It is the policy of the executive branch that needed goods and services be acquired and provided to the user in an economic, efficient, and effective manner.

(b) Government acquisition systems must consider such factors as agency resources, statutory sources, and social and economic programs while meeting end product users' needs. An end product user's satisfaction is directly related to the action taken on his ideas and problems by those on whom he must depend for support.

(c) Each agency operating one or more supply support systems shall establish procedures to provide for periodic reviews of existing methods of expressing end product user's satisfaction with the support system(s). In evaluating the effectiveness of the support system, the procedures shall provide for (1) evaluating the effectiveness of those methods; (2) determining whether end product user's satisfaction is a factor in evaluating the performance of the support system; and (3) taking actions to ensure that procedures provide a positive means of obtaining and considering the end product user's satisfaction. If improvements are warranted, consideration shall be given to establishing supply liaison programs using publications to assist the users, coordinating proposed procedures with the end product users before they are implemented, and conducting meetings and seminars with users to obtain direct information regarding the supply system.

§ 234.6 Responsibility.

Heads of executive departments and agencies are responsible for implementing this part.

§ 234.7 Reporting requirement.

Within 180 calendar days each agency shall inform the Office of Federal Management Policy (AMP), GSA, of the steps taken to implement the provisions of this part.

§ 234.8 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMP),
Washington, D.C. 20405.
Telephone: IDS 183-7528, FTS 202-343-7528

[FR Doc.75-4196 Filed 2-13-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-467]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Florida	Lake	Mount Dora, city of	Feb. 3, 1975. Emergency	June 28, 1974		
Illinois	Champaign	Urbana, city of	do	May 3, 1974		
Do.	Lake	Long Grove, village of	do	Apr. 5, 1974		
Maine	Aroostook	Fort Fairfield, town of	do	Aug. 23, 1974		
Minnesota	Wright	Delano, city of	do	May 24, 1974		
Mississippi	Perry	Beaumont, town of	do	June 28, 1974		
New York	Suffolk	Nissequogue, village of	do	Nov. 22, 1974		
Do.	Cortland	Cortland, city of	do	Mar. 29, 1974		
Do.	Herkimer	Newport, village of	do	Mar. 29, 1974		
North Dakota	Walsh	Park River, city of	do	May 24, 1974		
Texas	Travis	Rollingwood, city of	do	Feb. 7, 1975		
Utah	Salt Lake	Sandy, city of	do	July 26, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974

Issued: January 27, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4079 Filed 2-13-75;8:45 am]

[Docket No. FI-468]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arizona	Yavapai	Unincorporated areas	Jan. 31, 1975. Emergency			
Colorado	Montrose	Montrose, city of	do	Feb. 15, 1974		
Florida	Taylor	Unincorporated areas	do			
Do.	Brevard	West Melbourne, city of	do	Mar. 8, 1974		
Georgia	Douglas	Unincorporated areas	do			
Indiana	Lake	Crown Point, city of	do	Nov. 23, 1973		
Do.	do	Lowell, town of	do	Dec. 28, 1973		
Do.	Posey	Mount Vernon, city of	do	Feb. 1, 1974		
Missouri	Boone	Centralia, city of	do	June 7, 1974		
Ohio	Delaware	Delaware, city of	do	May 17, 1974		
Do.	Holmes	Millersburg, village of	do	Feb. 1, 1974		
South Carolina	Barnwell	Barnwell, city of	do	May 31, 1974		
Texas	El Paso	Unincorporated areas	do	Sept. 13, 1974		
Utah	Sampete	Ephraim, city of	do	June 28, 1974		
Vermont	Windham	Rockingham, town of (including Saxton's River Village Corporation).	do	June 21, 1974		
Wisconsin	Eau Claire	Altoona, city of	do	Jan. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974

Issued: January 24, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4080 Filed 2-13-75;8:45 am]

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[Docket No. FI-469]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Pinal	Coolidge, city of	Feb. 5, 1975. Emergency	Apr. 5, 1974		
Arkansas	Franklin	Ozark, city of	do	Nov. 9, 1973		
Minnesota	Hennepin	Rockford, city of	do	June 7, 1974		
Mississippi	Calhoun	Bruce, city of	do	May 10, 1974		
Missouri	St. Louis	Ellisville, city of	do	Feb. 7, 1975		
Do	Mississippi	Wilson City, city of	do			
Ohio	Tus Carwas	Newcomerstown, village of	do			
Oregon	Washington	Tigard, city of	do			
Pennsylvania	Allegheny	East Deer, township of	do	Sept. 20, 1974		
Do	Armstrong	Kittanning, borough of	do	May 31, 1974		
Do	Montour	Limestone, township of	do			
Do	Perry	Liverpool, township of	do			
Do	do	New Buffalo, borough of	do	Aug. 16, 1974		
Do	Bucks	Newton, borough of	do	Mar. 22, 1974		
South Dakota	Moody	Egan, city of	do	Mar. 1, 1974		
Tennessee	Overton	Livingston, city of	do	May 24, 1974		
Do	Smith	Unincorporated areas	do			
Texas	Kerr	Kerrville, city of	do	June 28, 1974		
Do	Uvalde	Uvalde, city of	do	May 1, 1974		
Virginia	Powhatan	Unincorporated areas	do	Sept. 13, 1974		
Wisconsin	Rock	Evansville, city of	do	June 14, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: January 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4081 Filed 2-13-75;8:45 am]

[Docket No. FI-470]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Volusia	Edgewater, city of	Feb. 5, 1975. Emergency	Aug. 23, 1974		
Kansas	Nemaha	Seneca, city of	do	Feb. 8, 1974		
Kentucky	Floyd	Prestonsburg, city of	do	May 10, 1974		
Louisiana	Calcasieu Parish	Vinton, town of	do	May 24, 1974		
Michigan	Iron	Iron River, city of	do	do		
Mississippi	Marion	Columbia, city of	do	May 31, 1974		
New Hampshire	Hillsborough	Nashua, city of	do	Aug. 23, 1974		
New York	Franklin	Saranac Lake, village of	do	May 31, 1974		
Oklahoma	Canadian	Mustang, city of	do			
Do	Tulsa	Glenpool, town of	do	June 28, 1974		
Oregon	Umatilla	Umatilla, city of	do	Nov. 9, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: January 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4082 Filed 2-13-75;8:45 am]

[Docket No. FI-472]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Hartford	Marborough, town of	Feb. 5, 1975. Emergency	July 19, 1974		
Idaho	Nez Perce	Lapwai, city of	do	Aug. 9, 1974		
Kentucky	Harlan	Benham, city of	do	May 17, 1974		
Michigan	Ontonagon	Ontonagon, village of	do	May 24, 1974		
				Dec. 13, 1974		
Minnesota	Norman	Halstad, city of	do	May 24, 1974		
				Dec. 13, 1974		
Nebraska	Lincoln	Sutherland, village of	do	May 17, 1974		
New York	Herkimer	Herkimer, town of	do	Mar. 8, 1974		
Pennsylvania	Lancaster	Penn, township of	do	May 31, 1974		
Do	Chester	London-Britain, township of	do	Nov. 22, 1974		
Texas	Brewster	Alpine, city of	do	May 31, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 29, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4083 Filed 2-13-75;8:45 am]

[Docket No. FI-473]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Temama	Temama, city of	Feb. 10, 1975. Emergency	Dec. 24, 1974		
Connecticut	Middlesex	East Haddam, town of	do	Aug. 23, 1974		
Illinois	McHenry	Spring Grove, village of	do	Mar. 8, 1974		
Massachusetts	Bristol	North Attleborough, town of.	do	Mar. 15, 1974		
Montana	Pondera	Conrad, city of (I)	do	June 7, 1974		
Ohio	Logan	Lakeview, village of	do	May 8, 1974		
Pennsylvania	Fayette	Luzerne, township of	do	Dec. 27, 1974		
Do	Chester	West Bradford, township of	do	Oct. 8, 1974		
Do	Allegheny	Rankin, borough of	do	Mar. 15, 1974		
Oklahoma	Pottawatom	Tecumseh, city of	do	July 19, 1974		
Oregon	Lane	Lowell, city of	do	Mar. 29, 1974		
Washington	Thurston	Bneoda, town of	do	Nov. 15, 1974		
West Virginia	McDowell	Iaeger, city of	do			
Wisconsin	Portage	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 4, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4084 Filed 2-13-75;8:45 am]

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[Docket No. FI-474]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Colorado	Garfield	Carbondale, town of	Feb. 7, 1975, Emergency			
Idaho	Gooding	Gooding, city of	do	May 31, 1974		
Indiana	Tippecanoe	Lafayette, city of	do	Dec. 7, 1973		
Kansas	Atchison	Atchison, city of	do	Feb. 8, 1974		
Maryland	Talbot	St. Michaels, town of	do	Aug. 30, 1974		
Massachusetts	Essex	Merrimac, town of	do	Oct. 18, 1974		
New Jersey	Burlington	Beverly, city of	do	June 21, 1974		
Oklahoma	Custer	Weatherford, city of	do	Mar. 29, 1974		
Pennsylvania	Allegheny	Dravosburg, borough of	do	Dec. 28, 1973		
Do	do	Rosslyn Farms, borough of	do	Jan. 16, 1974		
Do	Delaware	Tinicum, township of	do	Dec. 6, 1974		
Texas	Howard	Big Springs, city of	do	June 28, 1974		
Do	Wichita	Burkburnett, city of	do	June 7, 1974		
Wisconsin	Ozaukee	Fredonia, village of	do	Jan. 9, 1974		
Do	Trempealeau	Whitehall, city of	do	Dec. 17, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: January 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4085 Filed 2-13-75;8:45 am]

[Docket No. FI-475]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arkansas	Union	Strong, city of	Feb. 11, 1975, Emergency	June 28, 1974		
California	Sonoma	Rohnert Park, city of	do	Nov. 29, 1974		
Idaho	Boise	Horseshoe Bend, city of	do			
Mississippi	DeSoto	Olive Branch, town of	do			
Nevada	Elko	Carlin, city of	do	May 3, 1974		
New York	Delaware	Delhi, village of	do	May 31, 1974		
Pennsylvania	do	East Landsdowne, borough of	do			
Do	Mercer	Jefferson, township of	do			
Do	Centre	Rush, township of	do	Dec. 20, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 5, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4086 Filed 2-13-75;8:45 am]

[Docket No. FI-476]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arizona	Pima	Oro Valley, town of	Feb. 12, 1975. Emergency			
Florida	Hamilton	Unincorporated areas	do			
New Jersey	Bergen	Glen Rock, borough of	do	June 28, 1974		
Do	Monmouth	Roosevelt, borough of	do	Feb. 1, 1974		
Do	Somerset	South Bound Brook, borough of	do			
New York	Westchester	North Pelham, village of	do	Nov. 22, 1974		
Do	Livingston	Nunda, village of	do	May 24, 1974		
Do	Dutchess	Wappinger, town of	do	Nov. 29, 1974		
Pennsylvania	Beaver	Rochester, borough of	do	Feb. 1, 1974		
Do	Chester	West Nantmeal, township of	do	Dec. 13, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: February 5, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4087 Filed 2-13-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 235—SETTLEMENTS BY THE COMMISSIONER OF THE BUREAU OF GOVERNMENT FINANCIAL OPERATIONS, IN ADVANCE OF RECLAMATION, WITH PAYEES OR SPECIAL INDORSEES OF LOST OR STOLEN CHECKS, WHICH HAVE BEEN PAID ON FORGED INDORSEMENTS

Revision To Include Depositary Checks

In view of the enactment on December 22, 1974, of Pub. L. 93-539, "To grant relief to payees and special indorsees of fraudulently negotiated checks drawn on designated depositaries of the United States by extending the availability of the check forgery insurance fund, and for other purposes," the Department of the Treasury finds it necessary to revise its regulations at 31 CFR Part 235 (also appearing as Treasury Department Circular 678). In accord with the 1941 check forgery insurance fund law, the existing regulations cover only the issuance by the Commissioner of the Treasury Bureau of Government Financial Operations of settlement checks for forged checks drawn on and paid by the Treasury. Pub. L. 93-539 amends the 1941 Act to provide for the first time authority for the issuance by accountable officers of the United States of settlement checks for forged checks drawn on and paid by designated depositary banks in the United States and in foreign countries. The revision of the regulations implements the Pub. L.

In accord with 5 U.S.C. 553(b)(3), the Department of the Treasury also finds that notice and public procedure are unnecessary because the revision constitutes a rule of agency procedure.

Accordingly, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations is amended by revising Part 235 to read as follows:

PART 235—ISSUANCE OF SETTLEMENT CHECKS FOR FORGED CHECKS DRAWN ON TREASURY AND DESIGNATED DEPOSITARIES

Sec.
235.1 Scope of regulations.
235.2 Definition.
235.3 Settlement of claims.
235.4 Check Forgery Insurance Fund
235.5 Reclamation amounts.
235.6 Implementing instructions.

AUTHORITY: This part is issued pursuant to 5 U.S.C. 301 and section 5, 55 Stat. 778 (31 U.S.C. 564), as amended by Pub. L. 93-539.

§ 235.1 Scope of regulations.

This part governs the issuance of settlement checks for checks drawn on the United States Treasury and drawn on designated depositaries of the United States by accountable officers of the United States, that have been negotiated and paid on a forged or unauthorized indorsement.

§ 235.2 Definition.

"Accountable Officers of the United States", as used in these regulations, means disbursing officers authorized by the Secretary of the Treasury to maintain official accounts of the United States in depositary banks located in the United States, its territories, and foreign countries, and to draw checks thereon in dollars or in foreign currencies.

§ 235.3 Settlement of claims.

Upon receipt of a claim by a payee or special indorsee on a check determined to have been paid on a forged indorsement under conditions satisfying the provisions set forth in 31 U.S.C. 562, the Commissioner, Bureau of Government Financial Operations, with respect to a check drawn on the United States Treasury, or accountable officers of the United States, with respect to a check drawn on designated depositaries of the United States, in dollars or in foreign currency, shall cause to be issued a settlement check in the appropriate currency to the payee or special indorsee.

§ 235.4 Check Forgery Insurance Fund.

The Check Forgery Insurance Fund, established pursuant to 31 U.S.C. 561, shall be available for use by the Commissioner, Bureau of Government Financial Operations, and accountable officers of the United States for the purpose of providing funding for settlements made to a payee or special indorsee pursuant to these regulations.

§ 235.5 Reclamation amounts.

Amounts received by way of reclamation on forged checks shall be deposited to the credit of the Check Forgery Insurance Fund or to the appropriate foreign currency fund or other account charged for the settlement payment.

§ 235.6 Implementing instructions.

Procedural instructions implementing these regulations will be issued by the Commissioner, Bureau of Government Financial Operations, in Part IV of the *Treasury Fiscal Requirements Manual for the guidance of Departments and and Agencies.*

Dated: February 10, 1975.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc. 75-4219 Filed 2-13-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

National Marine Fisheries Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 401]

ANADROMOUS FISHERIES CONSERVATION DEVELOPMENT AND ENHANCEMENT

Proposed Revision of Administrative Procedures

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior and the Secretary of Commerce by the Anadromous Fish Conservation Act (64 Stat. 93), as amended (16 U.S.C. 757a–757f), it is proposed to revise Part 401 of Title 50, Code of Federal Regulations, as set forth below. The proposed changes will improve administrative procedures, and will incorporate the provisions of recent amendments to the Act as well as Office of Management and Budget directives.

It is the policy of the Departments of the Interior and Commerce whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, or to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before March 31, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

Part 401 of Title 50 is revised to read as follows:

PART 401—ANADROMOUS FISHERIES CONSERVATION, DEVELOPMENT AND ENHANCEMENT

Sec.

401.1 Administration.
401.2 Definitions.
401.3 Submission of documents.
401.4 Activities prohibited.
401.5 Coordination with States.
401.6 Prosecution of work.
401.7 General information for the Secretary.
401.8 Availability of funds.
401.9 Payments to cooperators.
401.10 Request for payment.
401.11 Property as matching funds.
401.12 Ownership of property.
401.13 Personnel.
401.14 Inspection.
401.15 Record retention.
401.16 Records and reporting.
401.17 Safety and accident prevention.
401.18 Contracts.
401.19 Statements and payrolls.
401.20 Officials not to benefit.
401.21 Patents and inventions.
401.22 Civil rights.

AUTHORITY: The provisions of this Part 401 are issued under Anadromous Fish Conservation Act (64 Stat. 93), 116 U.S.C. 757a-757f).

§ 401.1 Administration.

The Director of the U.S. Fish and Wildlife Service and the Director of the National Marine Fisheries Service shall jointly administer the Anadromous Fish Conservation Act for the Secretaries.

§ 401.2 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Secretary.* The Secretary of Commerce, the Secretary of the Interior, or their authorized representatives.

(b) *Act.* The Anadromous Fish Conservation Act (64 Stat. 93), as amended (16 U.S.C. 757a–757f).

(c) *Eligible states.* Any coastal State of the United States, the State of Vermont, and the States bordering the Great Lakes. The area within the Columbia River basin is excluded.

(d) *State fishery agency.* Any department(s), division(s), commission(s), or official(s) of a State empowered under its laws to regulate a commercial or sport fishery.

(e) *Non-Federal interest.* Any organization, association, institution, business, school, individual, or group of individuals, municipality and others outside the Federal Government in addition to State fishery agencies which desire to cooperate within the terms of the Act.

(f) *Cooperator.* One or more States acting jointly or severally or other non-Federal interests, participating in a project agreement or grant-in-aid award with the Secretary.

(g) *Anadromous fish.* Aquatic, gill breathing, vertebrate animals bearing paired fins which migrate to and spawn in fresh water, but which spend part of their life in an oceanic environment; also fish in the Great Lakes that ascend streams to spawn.

(h) *Application for Federal assistance.* A description of work to be accomplished including objectives and needs, expected results and benefits, approach, cost, location and time required for completion.

(i) *Project agreement.* The formal document executed between the Secretary of the Interior and the Cooperator, committing the Cooperator to the performance of described activities and the Federal Government to participation in the financing of those activities.

(j) *Grant-in-Aid award.* The formal document executed between the Secretary of Commerce and the Cooperator, committing the Cooperator to the performance of described activities and the Federal Government to participation in the financing of those activities.

§ 401.3 Submission of documents.

Applications for Federal assistance and other documents for projects relating generally to recreational fisheries shall be submitted to the concerned Regional Office of the U.S. Fish and Wildlife Service, or for projects relating generally to commercial fisheries of the concerned Regional Office of the National Marine Fisheries Service.

§ 401.4 Activities prohibited.

Law enforcement, public relations, harvesting, marketing and processing activities, construction of fisherman use facilities, and activities concerned with landlocked anadromous fish populations (except fish in the Great Lakes that ascend streams to spawn) may not be financed under the Act.

§ 401.5 Coordination with States.

The Secretary will approve an Application for Federal Assistance only after he has coordinated the application with those State or other non-Federal entities which have management authority over the resource to be affected.

§ 401.6 Prosecution of work.

(a) Project work shall be carried through to state of completion acceptable to the Secretary with reasonable promptness. Failure to render satisfactory performance reports or failure to complete the project to the satisfaction of the Secretary's authorized representatives shall be cause for suspension of Federal assistance for the project until the project provisions are satisfactorily met. Federal assistance may be terminated upon determination by the Secretary's representative that satisfactory progress has not been maintained. The Secretary's representatives shall have the right to inspect and review work at any time.

(b) Research and development work shall be continuously coordinated by the Cooperator with studies conducted by others to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable local laws, except when in conflict with Federal laws or regulations, in which case Federal laws or regulations shall prevail.

§ 401.7 General information for the Secretary.

Before any Federal funds may be obligated for any project an applicant shall furnish to the Secretary, upon his request, information regarding the laws affecting anadromous fish and the authority of the applicant to participate in the benefits of the Act.

(a) *Document signature.* Individuals authorized to sign project documents under the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197), as amended, (16 U.S.C. 779–779f) or the Federal Aid in Sport Fish Restoration Act (64 Stat. 430), as amended, (16 U.S.C. 777–777f) may likewise sign project documents contemplated in this Part.

(b) *Program information.* The Secretary may, from time to time, request, and the Cooperators shall furnish, information relating to the administration and maintenance of any project established under the Act.

§ 401.8 Availability of funds.

The period of availability of funds to the States or other non-Federal interests for obligation shall be established by the administering Federal agency.

§ 401.9 Payments to cooperators.

Payments shall be made to Cooperators in accordance with provisions of grant-in-aid awards or project agreements.

§ 401.10 Request for payment.

Request for payment shall be on forms provided by the Secretary, certified as therein prescribed, and submitted to the Regional Director by the Cooperator.

§ 401.11 Property as matching funds.

The non-Federal share of the cost of projects may be in the form of real or personal property. Specific procedures to be used by grantees in placing the value on real or personal property for matching funds are set forth in Attachment F of Federal Management Circular 74–7.

§ 401.12 Ownership of property.

When real property is acquired pursuant to the provisions of the Act, title to such property or interest therein shall be vested in the United States, and the conveying instrument shall recite the United States of America as the grantee. However, if the Secretary or his authorized representative determines that under the terms of the application for Federal assistance and grant-in-aid award or project agreement, the intent and purpose of the Act may be better served by other ownership of such property, an appropriate transfer may be made. When real or personal property is utilized as matching funds, title to such property shall be in the Cooperator unless otherwise specified in the grant-in-aid award or project agreement.

§ 401.13 Personnel.

The Cooperator shall maintain an adequate and competent force of employees to initiate and carry approved work to satisfactory completion.

§ 401.14 Inspection.

Cooperator supervision of each project shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 401.15 Record retention.

All records of accounts and reports, with supporting documentation thereto, will be retained by the Cooperator for a period of 3 years after submission of the final expenditure report on the project.

§ 401.16 Records and reporting.

Performance reports and other reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for each project. The accounts and records maintained by the Cooperator, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 401.17 Safety and accident prevention.

In the performance of each project, the Cooperator shall comply with all applicable Federal, State, and local laws governing safety, health and sanitation.

§ 401.18 Contracts.

A Cooperator may use its own regulations or guidelines in obtaining services by contract or otherwise, provided that they adhere to applicable Federal laws, regulations, policies, guidelines, and requirements. However, the Cooperator is the responsible authority, without recourse to the Federal agency, regarding the settlement of such contractual issues.

§ 401.19 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as amended, are made a part of the regulations in this part by reference. The Cooperator will comply with the regulations in this part and any amendments or modifications thereof and the Cooperator's prime contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions.

§ 401.20 Officials not to benefit.

No Member of, or Delegate to, Congress, or resident Commissioner, shall be admitted to any share or any part of any project agreement made under the Act, or to any benefit that may arise therefrom. This provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

§ 401.21 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under project agreements entered into pursuant to the Act shall be consistent with the "Government Patent Policy" (President's memorandum to Heads of Executive Departments and Agencies, August 23, 1971, and State of Government Patent Policy as printed in 36 FR 16889).

§ 401.22 Civil rights.

Each application for Federal assistance, grant-in-aid award, or project agreement shall be supported by a statement of assurances executed by the Cooperator providing that the project will be carried out in accordance with Title VI, Nondiscrimination in Federally Assisted Programs of the Civil Rights Act of 1964 and with the Secretary's regulations promulgated thereunder.

[FR Doc.75-4198 Filed 2-13-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 215]

POWER GENERATOR FUEL REGULATION

Petroleum Sulfur Content; Public Hearing

The Federal Energy Administration (FEA) hereby gives notice of a proposal to revise Part 215 of Chapter II, Title 10, Code of Federal Regulations to eliminate the prohibition therein against the use of a petroleum product or a blend of petroleum products with a sulfur content lower than that in use on December 7, 1973.

Part 215 was issued on April 29, 1974 to replace Energy Policy Office Regulation No. 2 (32A CFR Ch. XIII), which was due to terminate with the expiration on April 30, 1974, of the Economic Stabilization Act of 1970. Both regulations have had as their purpose the allocation of petroleum products, especially low sulfur petroleum products, to minimize the adverse impacts of shortages.

The proposed amendment to Part 215 is based on current reports that the shortages of low sulfur petroleum products are no more critical than is the case for petroleum products generally, and there has been no demonstration that disproportionate shortages of low sulfur petroleum products will recur in the foreseeable future. As a result, it appears that there is no need at this time or in the foreseeable future to distinguish among petroleum products on the basis of sulfur content for the purposes of allocation. Similarly, it appears that there is no need at this time or in the foreseeable future to preclude conversions from one type of petroleum product to another on the basis of sulfur content.

The purpose of this proposed revision of Part 215 is to reflect this changed circumstance. Power generators subject to the provisions of Part 215 will no longer be subject to a prohibition on conversions to petroleum products with lower sulfur content and on increases in the direct or indirect use of middle distillate or residual fuel. The use of petroleum products, of course, will continue to be subject to other FEA regulations relating to the mandatory allocation and pricing of petroleum products. Initial

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conversion to petroleum products with sulfur content lower than that in use in a power generator during November, 1973, and each subsequent conversion to petroleum products having sulfur content lower than that resulting from the initial conversion may be undertaken only after notice of such action to FEA. Similarly, notification is required prior to an increase in the direct or indirect use of middle distillate or residual fuel oils over that consumed in the corresponding month of 1972 or in July 1973, as well as prior to any subsequent increase in the direct or indirect use of middle distillate or residual fuel oils over that resulting from the initial increase in direct or indirect use.

Power generators subject to the provisions of Part 215 will continue to be precluded from converting from nonpetroleum fuels to petroleum fuels except where such actions are certified by the appropriate state agency to be essential to meet primary ambient air quality standards and suitable nonpetroleum fuels are not available; where conversion is necessary to avoid special hardship, inequity, or unfair distribution of burdens; where fuels necessary for compliance are not available; or where the conversion is from natural gas and alternative fuels cannot practically be utilized. The retention of that portion of Part 215, as part of FEA's allocation program, is necessary to address general petroleum product supply difficulties.

Specifically, § 215.3, which addresses the use of nonpetroleum products as fuel for power generators, seeks to reduce the demand for petroleum products by prohibiting the allocation or sale of such products to power generators which were not burning petroleum products on December 7, 1973, except under specified circumstances. Similarly, § 215.4(a)(2) of the current regulation precludes a disproportionate increase in the use of petroleum products over coal in power generators which burn both. These allocation restrictions on the use of petroleum products vis-a-vis nonpetroleum products will remain as part of FEA's effort to minimize the effects of shortages of petroleum products.

It is FEA's present intention to deal with the contingency of future low sulfur petroleum product shortages by revising § 211.22(c) of FEA's mandatory petroleum allocation regulations to permit the imposition of end-user restrictions on the use of low-sulfur petroleum products whenever FEA determines such restrictions to be necessary. Currently, § 211.22(c) allows FEA to specify quality characteristics, including sulfur content, of crude oil and other allocated products, but it does not contain procedures to implement that section. It is intended that FEA would invoke § 211.22(c) to prohibit a conversion only upon an express finding, at a minimum, that the conversion is not necessary to meet national primary ambient air quality standards and that the petroleum product to which the conversion is being made is in short supply, either nationally or locally. FEA, therefore, requests comments on (1) whether § 211.22(c) or some other section of the regulations should be revised to allow FEA at some time in the future, when and if a national or regional shortage of lower sulfur fuels develops, to take affirmative action to prevent switches from relatively high to relatively low sulfur petroleum products upon receiving notice, pursuant to proposed § 215.7 or otherwise, that such a switch is about to occur, and (2) the procedures by which such affirmative action should be taken. These comments shall also take into account the need to insure that such revision would complement, rather than hinder, the activities of the various state agencies concerned with the use of petroleum products, especially low sulfur petroleum products.

FEA also requests comments and data on the premises underlying this proposed rule change—namely, that there is not currently a relative shortage of low sulfur petroleum products and there is not likely to be such a shortage in the foreseeable future.

Section 215.1 has been modified to reflect that it pertains to shortages of petroleum products without regard to sulfur content.

Section 215.3 has been amended to prohibit a power generator capable of burning both petroleum and nonpetroleum products on December 7, 1973, from increasing its use of petroleum products, by incorporating § 215.4(a)(2) as § 215.3(b).

Section 215.4, in addition to the deletion of § 215.4(a)(2), has been amended to allow conversion from high sulfur to low sulfur petroleum products after notification to the FEA. Similarly, increased direct or indirect use of middle distillate and residual fuel oils is permitted, after notification. All prohibitory language has been deleted. Reference to plant or firm inventories has been deleted as unnecessary and the automatic exception provisions have been deleted as no longer applicable.

Section 215.5, new power generators, has also been made permissive subject to notice requirements to FEA.

Section 215.6 and § 215.7 relating to exceptions from the provisions of Part 215 have been combined. The language of the § 215.7(a) exception based on economic hardship has been amended to conform with the language of section 7(1)(1)(D) of the Federal Energy Administration Act of 1974, (Pub. L. 93-275).

A new § 215.7 has been added to specify the procedures and content of notification required by this revision of Part 215.

A public hearing on this proposed rulemaking will be held beginning at 9:30 a.m., on March 6, 1975, in Room 3000, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive oral presentation of data, views and arguments from interested persons. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 e.s.t., February 25, 1975. Such a request may be hand delivered to Room 3309 Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through March 3, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., March 3, 1975, and must submit 100 copies of the statement to Executive Communications, FEA, Room 3315 Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, before 9 a.m., e.s.t., March 5, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to the time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., March 4, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA, or the presiding officer if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to submit data, views, or arguments with respect to the proposed regulations to Executive Communications, Federal Energy Administration, Box CG, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Revision of Part 215." Fifteen copies should be submitted. All comments received by March 3, 1975, and all relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

(Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185))

In consideration of the foregoing, it is proposed to revise Part 215 of Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., February 10, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

PART 215—POWER GENERATOR FUEL REGULATION

Sec.
215.1 Purpose and intent.
215.2 Definitions.
215.3 Power generators burning non-petroleum products.
215.4 Power generators currently burning petroleum products.
215.5 New power generators.
215.6 Exceptions.
215.7 Notification to FEA.

AUTHORITY: Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185).

§ 215.1 Purpose and intent.

The purpose of this part is to assure the optimum use of limited supplies of petroleum products in a manner consistent with the provisions of the Clean Air Act, as amended, and the Clean Fuels Policy of the EPA. This part is not intended to affect or preempt the development of individual source compliance schedules or other actions associated with implementation of the Clean Air Act, except with regard to the timing of actual shifts to burning petroleum products during the period this part is in effect.

§ 215.2 Definitions.

"Clean Air Act" means the Clean Air Act as amended (42 U.S.C. 1857 et seq. (1970)), as amended by Pub. L. 93-319, 88 Stat. 246.

"EPA" means Environmental Protection Agency.

"FEA" means Federal Energy Administration.

"Power generator" means any boiler, burner, or other combustor of fuel or any combination of boilers at a single site in any electric power generating plant or industrial or commercial plant having a total firing rate of 50 million Btu/hour or greater in commercial operation on or prior to December 7, 1973, and includes combustion turbines used in the generation of electrical energy.

"Petroleum product" means crude oil, residual fuel oil, and refined petroleum products as defined in Part 211 of this chapter.

"Primary ambient air quality standards" means the national primary ambient air quality standards provided for in the Clean Air Act.

§ 215.3 Power generators burning non-petroleum products.

(a) No petroleum product shall be sold or otherwise provided to or accepted by any firm for burning under power generators that were not using a petroleum product on December 7, 1973.

(b) A firm using petroleum products in power generators on December 7, 1973, shall not utilize for burning under power generators an aggregate quantity of such products in any month subsequent to April, 1974, in any power generator that was burning petroleum products on December 7, 1973, and that is capable of burning coal and petroleum products which quantity exceeds the larger of the aggregate quantity of petroleum products consumed in the corresponding month of 1972 or in July 1973, except that the quantity of petroleum products burned may be increased in proportion to the increased output of energy or increased need for startups.

(c) Automatic exception is granted for power generators subject to this section converting from natural gas, provided that alternative fuels, such as coal, cannot practically be utilized.

§ 215.4 Power generators currently burning petroleum products.

Petroleum products may continue to be purchased and utilized by firms using them in power generators burning petroleum products on December 7, 1973, except that 30 days prior notice pursuant to § 215.7 shall be provided the FEA where:

(a) There is conversion to petroleum products having a lower specified sulfur content, by weight, than the average content of the petroleum products in use in such a power generator during November, 1973, or during the last month in which the power generator consumed such products. Notification required by this section is applicable to initial conversion referred to by this paragraph and to any subsequent conversion to petroleum products of lower sulfur content than that resulting from the initial conversion.

(b) The quantity of middle distillate fuel oil utilized by such firm in any month subsequent to April 1974, in any such power generator exceeds the larger of the quantity of middle distillate fuel oil consumed in the corresponding month of 1972 or in July 1973. Such notification is not required where the quantity of middle distillate fuel oil burned is increased in proportion to the increased output of energy, or increased need for startups. Notification required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the use of middle distillate fuels above that resulting from the initial conversion.

(c) Increased indirect use of middle distillate and residual fuel oils occurs due to:

(1) The blending of more middle distillate fuel oils into residual fuel oil than the greater of the quantities blended in the corresponding month of 1972, or in July 1973.

(2) The use under a power generator of a blended fuel containing a greater proportion of middle distillate fuels from the larger of:

(i) The proportion included in the corresponding month of 1972, or

(ii) The proportion included in July 1973.

(3) Notification required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the indirect use of middle distillate and residual fuel oils above that resulting from the initial conversion.

§ 215.5 New power generators.

Any firm with power generators which commenced commercial operations after December 7, 1973, shall not utilize any petroleum products with sulfur content by weight lower than that needed to meet Primary Ambient Air Quality Standards or to comply with EPA new source performance standards or for startup until 30 days prior notice of such intended use has been provided the FEA pursuant to § 215.7.

§ 215.6 Exceptions.

(a) The FEA shall automatically grant exceptions to the provisions of § 215.3 in accordance with the procedures stated in Subpart D of Part 205 of this chapter when the use of petroleum products is properly certified by the appropriate State air pollution control agency to be essential to meeting the Primary Ambient Air Quality Standard of the air quality region in which the power generator is located. Such exception shall be granted, however, only where suitable alternative nonpetroleum product fuels are not available.

(b) The FEA may also grant exceptions from the provisions of § 215.3 in accordance with the procedures stated in Subpart D of Part 205 of this chapter if:

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(1) Any firm subject to this part can demonstrate that compliance would cause special hardship, inequity, or unfair distribution of burdens; or

(2) Fuels necessary for compliance with this part are not available.

§ 215.7 Notification to FEA.

(a) Notification required by this part shall be filed with the FEA National Office and shall be addressed as follows:

Federal Energy Administration,
Box 90,
Washington, D.C. 20461.

(b) Such notification shall contain:

(1) Description of petroleum product, including sulfur content, currently used.

(2) Description of petroleum product, including sulfur content, to which conversion is intended, or description of increase in use of middle distillate fuel oil or the increase in indirect use of middle distillate and residual fuel oils that is intended.

(3) Quantity used in base period and quantity proposed for each month of the forthcoming 12 months.

(4) Reason for conversion or increased use for direct fuel or blending.

(5) Location of power generator.

(6) Source of supply including geographical location and the supplier.

[FR Doc.75-4174 Filed 2-11-75;12:18 pm]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Open Meeting

Pursuant to the provisions of section 10, Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve Executive Committee will be held on March 7, 1975, in the Office of the Secretary of Defense Conference Area, 1E801, Room No. 5, The Pentagon, Washington, D.C.

The purpose of the meeting is to develop greater activity by members of the National Advisory Council in the solicitation of employer support of the Guard and Reserve.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army Navy Drive, Arlington, Virginia 22202, 202-697-6902.

Dated: February 11, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

[FR Doc.75-4139 Filed 2-13-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

DAIRY PRODUCTS FROM EUROPEAN COMMUNITIES

Preliminary Countervailing Duty Determination

On January 15, 1975, a "Notice of Receipt of Countervailing Duty Petitions" was published in the FEDERAL REGISTER (40 FR 2718). The notice stated that petitions had been received, including, among others, a petition alleging that payments, bestowals, rebates or refunds, granted by the European Communities (consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium), upon the manufacture, production, or exportation of dairy products constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303).

On February 7, 1975, the Commission of the European Communities announced the re-institution of export restitution payments on certain dairy products destined for the United States, which payments had been suspended since July 12, 1974. The amounts of such payments and the products to which they apply are as set forth from time to time in the *Official Journal of the European Communities*. Accordingly, it has been determined tentatively that payments are being made, directly or indirectly, by the European Communities (consisting of France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy and Belgium), upon the manufacture, production, or exportation of dairy products, which constitute a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303). The amounts of the payments have not been ascertained.

Interested persons are invited to submit any relevant data, views, or arguments with respect to this preliminary determination in writing to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time o be received by his office not later than March 3, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Approved: February 12, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-4354 Filed 2-13-75;8:45 am]

Monetary Offices

[Gen. Exemption No. 1]

FOREIGN PORTFOLIO INVESTMENT STUDY

Equity Interest in Mutual Insurance Companies

Paragraph II.B.2.a. of the General Instructions for the Foreign Portfolio Survey provides that equity interests in mutual insurance companies arising from insurance policies are to be excluded from Forms FPI-1 and FPI-2. The term "equity" interests as used in this instruction was intended by the Project to encompass any right of ownership or membership, right to vote for the board of directors, or other right stemming from ownership of an insurance policy that would be analogous to an equity interest in a business corporation or association engaged in noninsurance enterprises. The Project has determined that neither policyholders nor fixed annuity holders of a mutual insurance company are "owners" of such a company in any sense that is deemed relevant to the Survey. The Project understands, however, that such companies occasionally may have outstanding debt obligations.

Accordingly, to alleviate the burden on mutual insurance companies that would be entailed by a routine filing of Form FPI-1 when such companies would have few, if any, issues to report that would be relevant to the Survey, such companies are hereby exempted from the reporting category "Routine large issuer reporters" described in Paragraph II.A.1.a. of the General Instructions. Instead, a mutual insurance company is required to file Form FPI-1 only if it meets the criteria in Paragraph II.A.1.b. of the General Instructions, namely, that it has evidence of foreign ownership of, for example, its indebtedness in the form of a bank loan or other financing having an original maturity of more than one year, or if it has foreign-resident variable annuity contract holders. Furthermore, if it manages foreign-origin funds, such as pension plans with foreign employers, Form FPI-2 should be filed. In the case a report is required, the reporter should file Form FPI-1 or FPI-2 except for data required on pages 2 and 4, and on Schedule A of Form FPI-1. These pages should be marked "not applicable".

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4220 Filed 2-13-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

1975 Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances; Establishment of an Interim 1975 Aggregate Production Quota for Methylphenidate

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedule I and II each year. This responsibility has been delegated to the administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On December 13, 1974, a notice of the proposed aggregate production quotas for 1975 was published in the FEDERAL REGISTER (39 FR 43411). All interested parties were invited to file comments or objections to the proposed aggregate

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production quotas to the Drug Enforcement Administration on or before January 13, 1975. Comments were received by DEA relative to the proposed aggregate production quotas for methylphenidate, that portion of the desoxyephedrine quota assigned for the production of levo-desoxyephedrine for use in the manufacture of a noncontrolled product, alphaprodine, phenmetrazine, amobarbital and secobarbital. Only the comments filed by Ciba-Geigy Corporation of Summit, New Jersey, relative to the proposed aggregate production quota for methylphenidate, requested that the Administrator hold a hearing pursuant to 21 CFR 1303.11(c). As a result of this request, the proposed aggregate production quota for methylphenidate was not made final at the time that final quotas were established for the other Schedule I and II controlled substances, in the FEDERAL REGISTER Notice of Monday, January 20, 1975, 40 F.R. 3225.

Ciba-Geigy Corporation filed comments advising that the aggregate production quota of 1,000 kilograms for methylphenidate represents a 33% decrease from the 1974 aggregate production quota and that this 1,000 kilograms, as proposed, is insufficient to meet legitimate scientific and medical needs of the United States as evidenced by prescription purchases since January 1, 1974.

Due to the fact that a hearing has been requested with reference to the aggregate production quota for methylphenidate proposed by the Drug Enforcement Administration, the Administrator has decided to postpone the publication of a final aggregate production quota for methylphenidate.

In order to provide for legitimate medical needs pending the outcome of the hearing, the Drug Enforcement Administration has established an interim 1975 production quota. The interim quota expressed in terms of grams of anhydrous base, is as follows:

Basic class	*Interim granted—1975*
Methylphenidate	1,000,000

Richardson-Merrell Inc. of Wilton, Connecticut filed comments relative to that portion of the desoxyephedrine quota assigned for the production of levo-desoxyephedrine for use in the manufacture of a noncontrolled product. Richardson-Merrell Inc. stated that since it is the principal, if not the only, commercial user of levo-desoxyephedrine in the United States, it had calculated that the proposed quota did not represent a quantity sufficient to meet manufacturing requirements of their product, Vicks Inhalers.

Eli Lilly and Company of Indianapolis, Indiana commented relative to the proposed aggregate production quotas for amobarbital and secobarbital. Eli Lilly and Company stated that, in the firm's opinion, the proposed quotas for these substances do not appear to be adequate to meet the estimated medical and lawful export requirements of the United States or to provide for sufficient reserve stocks.

Hoffman-LaRoche, Inc. of Nutley, New Jersey commented relative to the proposed aggregate production quota for alphaprodine indicating that the proposed quota does not provide sufficient material for the firm to meet its 1975 needs.

Western Fher Laboratories of Ponce, Puerto Rico commented relative to the proposed aggregate production quota for phenmetrazine, indicating that the proposed quota is inadequate to provide for the estimated medical needs of the United States in 1975 or to provide for the establishment and maintenance of reserve stocks.

The Administrator has evaluated the comments which have been submitted. As stated in the FEDERAL REGISTER announcement of January 20, 1975, 40 FR 3225, the Administrator will, in early 1975, review individual manufacturing quotas allocated for 1975 based upon 1974 end of year inventory figures submitted by applicants and estimates of medical and scientific requirements provided by the Food and Drug Administration.

Dated: February 11, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-4234 Filed 2-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Tentative Sale #40]

MID-ATLANTIC OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

WITHDRAWAL AND REVOCATION

The call for nominations of and comments on areas for oil and gas leasing in the Mid-Atlantic OCS, Tentative Sale #40, in FEDERAL REGISTER Doc. 75-3834, appearing at 40 FEDERAL REGISTER 6379, in the issue for Tuesday, February 11, 1975, is hereby withdrawn and revoked in its entirety.

Dated: February 13, 1975.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.75-4370 Filed 2-13-75;9:48 am]

Geological Survey

[GRO Order Nos. 1, 2, and 3]

CENTRAL AND WESTERN REGIONS

Well Guidelines

Notice is hereby given that pursuant to 30 CFR 270.2, the Chief, Conservation Division, U.S. Geological Survey, has approved the GRO Order Nos. 1, 2, and 3 for the Central and Western Regions.

The purpose of GRO Order Nos. 1, 2, and 3 is to provide specific guidelines for (1) Exploratory Operations; (2) Drilling, Completion and Spacing of Geothermal Wells; and, (3) Plugging and Abandonment of Wells, respectively, in the Central and Western Regions.

The proposed Orders were published in the FEDERAL REGISTER on September 30, 1974, (Vol. 39, No. 190, pages 35190-35194), with a solicitation for comments. Comments on the proposed Orders have all been considered in preparing the final version of GRO Order Nos. 1, 2, and 3. In addition, the Geological Survey, on its own motion, has revised some sections of the proposed Orders to strengthen and clarify them.

Significant modifications made in the draft Orders and the rationale for them are as follows:

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 1 (EXPLORATORY OPERATIONS)

1. *Casual use*, has been modified so that a Notice of Intent is not required to conduct Geothermal Resources Exploration Operations since by definition Casual Use operations are nondisturbing uses of the surface.

2. *Geophysical exploration*, has been modified with respect to airborne geophysical surveys. Such surveys will cover a larger area than that encompassed by a single lease, making it impossible for the Supervisor to effectively control such surveys. Therefore, a Notice of Intent will not be required to conduct such surveys.

3A to I. *Drilling of shallow holes*, has been modified to clarify the provisions of some subparagraphs and to require effective monitoring of the conditions involved in the drilling of shallow holes.

5. *General*, has been modified to require the fencing of all unattended sumps. The modification provides more protection for the public, domestic animals, and wildlife in geothermal resources areas.

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 2 (DRILLING, COMPLETION AND SPACING OF GEOTHERMAL WELLS)

I. *Well casing*, has been modified to permit the attachment of wellhead completion equipment to the surface casing only where necessary to meet special well conditions such as high volume downhole pumping.

1A. *Conductor casing*, has been modified to permit the conductor easing to be set at a minimum depth of 15 metres (50 feet) instead of 27 metres (90 feet). The minimum casing point for setting the conductor casing was modified due to the difficulties encountered in reaching a depth of 27 metres (90 feet) in certain operating areas.

1D. *Production casing*, has been modified to incorporate provisions for the use of a tapered production casing which is considered normal field operating practice and to permit the use of the surface casing as an integral part of the production casing only where necessary to meet special well conditions such as high volume downhole pumping.

1F. *Pressure testing*, has been modified to provide more effective pressure testing methods for casing strings in geothermal wells.

1G. *Directional surveys*, has been revised and expanded to clarify, define, and differentiate the provisions between vertical and directional wells.

The intent of the revised section is to require deviation surveys (inclination from vertical or single shot) on all wells during the normal course of drilling. However, the Supervisor may require directional surveys giving both inclination and azimuth on any well. Normally, directional surveys will be required on directional wells.

2. *Blowout prevention equipment*, has been modified and expanded to provide more effective well control requirements for geothermal resources drilling such as specifically requiring the use of manually-operated gates on the blowout prevention equipment. The pressure rating for certain auxiliary fittings and lines has also been modified to better conform with accepted operating practices.

2C. *Testing and maintenance*, has been revised and expanded to provide additional requirements and specific guidelines for the testing of the blowout prevention system to ensure that the system is functioning properly.

2D. *Related well control equipment*, has been modified to provide for mandatory installation of a Kelly cock valve between the Kelly and the swivel to provide additional safety during the drilling of geothermal wells.

4B. *Lithologic logs*, has been expanded to provide that daily mud logs be submitted to the Supervisor upon his request to ensure that this information is received on a timely basis for effective management of geothermal resources.

5A. *Completions*, has been modified to provide that the wellhead will be pressure tested to its API or ASA working pressure rating which is normal field operating practice.

5B. *Wellhead equipment*, has been modified to include the provisions that wellhead equipment must meet minimum ASA standards or minimum API Standard 6A Specifications.

6. *Well spacing*, has been modified to permit the drilling of geothermal wells as close as 30 metres (100 feet) to the outer boundaries of leased lands. This requirement was revised since drainage of adjacent lands is not considered critical in geothermal operations.

GEOTHERMAL RESOURCES OPERATIONAL ORDER NO. 3 (PLUGGING AND ABANDONMENT OF WELLS)

1G. (formerly 1H) *Testing of plugs*, has been modified to permit the testing of abandonment plugs with less than 6,803 kilograms (15,000 pounds). This is to permit the testing of shallow plugs with the drill pipe in the hole.

W. A. RADLINSKI,
Acting Director.

[FR Doc.75-4176 Filed 2-13-75;8:45 am]

DRILLING, COMPLETION AND SPACING OF GEOTHERMAL WELLS

Geothermal Resources Operational Order No. 2

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.14, 270.15, and 270.40. All wells shall be drilled in such a manner as to minimize damage to the environment and to protect life, health, property, usable ground waters and geothermal resources.

All exploratory wells drilled for geothermal resources shall be drilled in accordance with the provisions of this Order. Initial development wells drilled for geothermal resources shall be drilled in accordance with the provisions of this Order, and these provisions shall continue in effect until field rules are issued. After field rules have been established by the Area Geothermal Supervisor (Supervisor), development wells in the individual fields shall be drilled in accordance with such rules.

Where sufficient geologic and engineering information is obtained through exploratory drilling, lessees may make application or the Supervisor may request the lessee to submit an application for the establishment of field rules. The Supervisor may issue field rules at any time he deems appropriate upon failure of the lessee to timely file for such field rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development Plan of Operations as required under 30 CFR 270.34. Each Application for Permit to Drill (Form 9-331C) shall include all information required under 30 CFR 270.-71, and shall include a notation of any proposed variances from the requirements of this Order. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. References in this Order to approvals, determinations, and requirements for submitting of information or applications for approval are to those granted, made or required by the Supervisor or his delegated representative. The lessee shall comply with the following requirements:

1. *Well Casing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 270.15, and the application for permit to drill shall include the casing design safety factors for collapse, tension and burst. The permanent wellhead completion equipment shall be attached to the production casing or to the intermediate casing if the production casing does not reach to the surface except as otherwise authorized by the Supervisor to meet special well conditions. All casing strings reaching the surface shall be cemented at a sufficient depth to provide adequate anchorage and support for the casing and any blowout prevention equipment required thereon. For the purpose of this Order, the several casing strings in order of normal installation are (1) conductor, (2) surface, (3) intermediate and (4) production strings. The following casing setting depth requirements are general in nature and subject to variations to permit the casing to be set and cemented in a competent formation. The Supervisor's determination of adequate casing setting depths shall be based upon all geologic and engineering factors including apparent geothermal gradients, depths and pressures of the various formations to be penetrated and all other pertinent information about the area. All depths in this Order refer to true vertical depth (TVD) below ground level, unless otherwise specified.

A. *Conductor Casing.* This casing shall be set at a minimum depth of 15 metres (50 feet) and a maximum depth of 60 metres (200 feet) before drilling into shallow formations suspected or known to contain geothermal resources, noncondensible gases, or other mineral resources or upon encountering such formations.

B. *Surface Casing.* This casing shall be set at a depth equivalent to or in excess of ten percent of the proposed total depth of the well provided, however, that such setting depth shall be not less than 60 metres (200 feet) nor more than 400 metres (1,300 feet).

C. *Intermediate Casing.* This casing shall be set at any time when required by well conditions encountered in drilling below the surface casing such as anomalous pressure zones, uncased fresh water aquifers, cave-ins, washouts, lost circulation zones, rapidly increasing thermal gradients or other drilling hazards. If a liner is used as an intermediate string, the lap shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger casing string has been achieved. The liner overlap shall be a minimum of 30 metres (100 feet). The test shall be recorded on the driller's log and may be witnessed by the Supervisor. In the event of lap or casing failure during the test, the lap or casing must be repaired or recemented and successfully retested as required by the Supervisor.

D. *Production Casing.* This casing may be set at the top of or through the potential producing zone and shall be set before completing the well for production. Production casing shall be run to the surface or lapped into the next larger casing string. The liner overlap, if utilized, shall be at least 30 metres (100 feet) and shall be tested, witnessed and recorded as in the case of intermediate casing hereinabove. In the event of lap or casing failure during the test, the lap or casing must be repaired or recemented and successfully retested as required by the Supervisor. Production casing shall normally be of consistent nominal outside diameter from the surface or from the top of the lap to the casing shoe. The surface casing shall not be used as production casing, unless otherwise authorized by the Supervisor to meet special well conditions.

E. *Cementing of Casing.* The conductor and surface casing strings shall be cemented with a quantity of cement sufficient to fill the annular space back to

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the surface. The intermediate casing string shall likewise be cemented back to the surface or to the top of the lap if a liner is used as an intermediate string. Production casing shall be cemented with a high temperature resistant admix, unless waived by the Supervisor and shall be cemented in a manner necessary to exclude, isolate or segregate overlying formation fluids from the geothermal resources zone and to prevent the movement of fluids into possible fresh water zones. Production casing shall be cemented back to the surface or, if lapped, to the top of the lap. A temperature or cement bond log may be required by the Supervisor after setting and cementing the production casing and after all primary cementing operations if an unsatisfactory cementing job is indicated. Proposed well cementing techniques differing from the requirements of this paragraph will be considered by the Supervisor on an individual well basis.

F. *Pressure Testing.* Prior to drilling out the casing shoe after cementing, all casing strings set to a depth of 152 metres (500 feet) or greater, except for conductor casing, shall be pressure tested to a minimum pressure of 69 bars (1,000 psi) or 0.045 bars/metre (0.2 psi/ft) whichever is greater. All casing strings set at a depth less than 152 metres (500 feet), except for conductor casing, shall be pressure tested to a minimum pressure of 35 bars (500 psi). Such test shall not exceed the rated working pressure of the casing or the blowout preventer stack assembly, whichever is lesser.

In the event of casing failure during the test, the casing must be repaired or recemented until a satisfactory test is obtained. A pressure decline of 10 percent or less in 30 minutes shall be considered satisfactory.

Casing test results shall be recorded on the driller's log and reported to the Supervisor within 30 days after the completion of such test. Advance notice of all casing and lap tests shall be given in sufficient time to enable the Supervisor to be present to witness such tests. The casing and lap test reports shall give a detailed description of the test, including mud and cement volumes, lapse of time between running and cementing casing and testing, method of testing and test results.

G. *Directional Surveys.*

(1) General. Deviation surveys (inclination from vertical or single shot) shall be taken on all wells during the normal course of drilling at intervals not to exceed 152 metres (500 feet). The Supervisor may require a directional survey giving both inclination and azimuth or a dipmeter to be obtained on all wells. In calculating all surveys, a correction from true north to Lambert-Grid north shall be made after making the magnetic to true north correction. All surveys shall be filed with the Supervisor. Where directional surveys are required, composite surveys shall be filed with the Supervisor showing the interval from the bottom of the conductor casing to total depth.

(2) Vertical Wells. Wells are considered vertical if inclination does not exceed an average of five degrees from the vertical. The Supervisor may require a directional survey giving both inclination and azimuth at intervals not exceeding 30 metres (100 feet) between stations prior to, or upon, setting any casing string or liner (except conductor casing) and at total depth on any vertical well drilled in close proximity to lease boundaries or areas with an unstable land surface, highly faulted or steeply dipping beds, or in areas of suspected abnormal formation pressures.

(3) Directional Wells. Wells are considered directional if inclination exceeds an average of five degrees from the vertical. Directional surveys giving both inclination and azimuth shall be obtained at intervals not to exceed 30 metres (100 feet) between stations prior to, or upon, setting any casing string or liner (except conductor casing) and at total depth.

2. Blowout Prevention Equipment and Procedures. All necessary precautions shall be taken to keep all wells under control at all times, utilize trained and competent personnel, and utilize properly maintained equipment and materials. Blowout preventers and related well control equipment shall be installed, tested immediately thereafter and maintained ready for use until drilling operations are completed. Certain components, such as packing elements and ram rubbers, shall be of high temperature resistant material as necessary. All kill lines, blowdown lines, manifolds and fittings shall be steel and shall have a temperature derated minimum working pressure rating equivalent to the maximum anticipated wellhead surface pressure. Subject to subparagraphs (A) and (B) hereinbelow blowout prevention equipment shall have manually operated gates and hydraulic actuating systems and accumulators of sufficient capacity to close all of the hydraulically-operated equipment and have a minimum pressure of 69 bars (1,000 psi) remaining on the accumulator. Dual control stations shall be installed with a high pressure backup system. One control panel shall be located at the driller's station and one control panel shall be located on the ground at least 15 metres (50 feet) away from the wellhead or rotary table. Air or other gaseous fluid drilling systems shall have blowout prevention assemblies. Such assemblies may include, but are not limited to, a rotating head, a double ram blowout preventer or equivalent, a banjo-box or an approved substitute therefor and a blind ram blowout preventer or gate valve, respectively. Exceptions to the requirements of this paragraph will be considered by the Supervisor only for certain geologic and well conditions such as stable surface areas with known low subsurface formation pressures and temperatures.

A proposed blowout prevention program and a blowout contigency plan including proposed containment, public health and safety and clean-up measures shall be submitted with the Application for Permit to Drill (Form 9–331C).

A. *Conductor Casing.* Before drilling below this string, at least one remotely controlled hydraulically-operated expansion-type preventer or an acceptable alternative, approved by the Supervisor, including a drilling spool with side outlets or equivalent, shall be installed. A kill line and blowdown line with appropriate fittings shall be connected to the drilling spool.

B. *Surface, Intermediate and Production Casing.* Before drilling below any of these strings, the blowout prevention equipment shall include a minimum of:

(1) One expansion-type preventer and accumulator or a rotating head;

(2) A manual and remotely controlled hydraulically-operated double ram blowout preventer or equivalent having a temperature derated minimum working pressure rating which exceeds the maximum anticipated surface pressure at the anticipated reservoir fluid temperature;

(3) A drilling spool with side outlets or equivalent;

(4) A fillup line;

(5) A kill line equipped with at least one valve; and

(6) A blowdown line equipped with at least two valves and securely anchored at all bends and at the end.

C. *Testing and Maintenance.* Ram-type blowout preventers and auxiliary equipment shall be tested to a minimum of 69 bars (1,000 psi) or to the working pressure of the casing or assembly, whichever is the lesser. Expansion-type blowout preventers shall be tested to 70 percent of the above pressure testing requirements.

The blowout prevention equipment shall be pressure tested:

(1) When installed;

(2) Prior to drilling out plugs and/or casing shoes;

(3) Not less than once each week, alternating the control stations; and

(4) Following repairs that require disconnecting a pressure seal in the assembly.

During drilling operations blowout prevention equipment shall be actuated to test proper functioning as follows:

(1) Once each trip for blind and pipe rams but not less than once each day for pipe rams; and

(2) At least once each week on the drill pipe for expansion-type preventers.

All flange bolts shall be inspected at least weekly and re-tightened as necessary during drilling operations. The auxiliary control systems shall be inspected daily to check the mechanical condition and effectiveness and to ensure personnel acquaintance with the method of operation. Blowout prevention and auxiliary control equipment shall be cleaned, inspected and repaired, if necessary, prior to installation to assure proper functioning. Blowout prevention controls shall be plainly labeled, and all crew members shall be instructed on the function and operation of such equipment. A blowout prevention drill shall be conducted weekly for each drilling crew. All

blowout prevention tests and crew drills shall be recorded on the driller's log.

D. *Related Well Control Equipment.* A full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. A kelly cock shall be installed between the kelly and the swivel.

3. *Drilling Fluid.* The properties, use and testing of drilling fluids and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Sufficient drilling fluid materials to ensure well control shall be maintained in the field area readily accessible for use at all times.

A. *Drilling Fluid Control.* Before pulling drill pipe, the drilling fluid shall be properly conditioned or displaced. The hole shall be kept reasonably full at all times, however, in no event shall the annular mud level be deeper than 30 metres (100 feet) from the rotary table when coming out of the hole with drill pipe. Mud cooling techniques shall be utilized when necessary to maintain mud characteristics for proper well control and hole conditioning.

B. *Drilling Fluid Testing.* Mud testing and treatment consistent with good operating practice shall be performed daily or more frequently as conditions warrant. Mud testing equipment shall be maintained on the drilling rig at all times.

The following drilling fluid system monitoring or recording devices shall be installed and operated continuously during drilling operations, with mud, occurring below the shoe of the conductor casing. No exceptions to these requirements will be allowed without the specific prior permission of the Supervisor:

(1) High-low level mud pit indicator including a visual and audio-warning device;

(2) Degassers, desilters and desanders;

(3) A mechanical, electrical or manual surface drilling fluid temperature monitoring device. The temperature of the drilling fluid going into and coming out of the hole shall be monitored, read and recorded on the driller's or mud log for a minimum of every 9 metres (30 feet) of hole drilled below the conductor casing; and

(4) A hydrogen sulfide indicator and alarm shall be installed in areas suspected or known to contain hydrogen sulfide gas which may reach levels considered to be dangerous to the health and safety of personnel in the area.

C. *Monitoring.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall monitor the rig floor at all times for surveillance purposes, unless the well is secured with blowout preventers or cement plugs.

4. *Well Logging.* All wells shall be logged with an induction electric log or equivalent from total depth to the shoe of the conductor casing. The Supervisor may grant an exception to this requirement when well conditions make it impractical or impossible to meet the above requirements.

A. *Electric Logs.* The lessee shall furnish to the Supervisor two legible exact copies of all logs run, within 30 days after completion of drilling operations on each well. Two copies of field prints of such logs shall be made immediately available to the Supervisor upon his request. Two copies of chemical analyses of geothermal fluids or other similar services performed shall be submitted to the Supervisor within 30 days after such services are completed.

B. *Lithologic Logs.* Two legible exact copies of core analysis reports and lithologic (mud) logs shall be submitted to the Supervisor within 30 days after the completion of such reports or logs, when such services are used. However, daily logs shall be made available to the Supervisor immediately upon the completion of such daily logs upon his request.

5. *Wellhead Equipment and Testing.*

A. *Completions.* All wellhead connections shall be fluid pressure tested to the API or ASA working pressure rating. Cold water is recommended as the testing fluid. Welding of wellhead connections shall be performed by a certified welder using materials in conformance with ASTM specifications.

B. *Wellhead Equipment.* All completed wells shall be equipped with a minimum of one casinghead with side outlets, one master valve and one production valve, unless otherwise authorized by the Supervisor. All casingheads, Christmas trees, fittings and connections shall have a temperature derated working pressure equal to or greater than the surface shut-in pressure of the well at reservoir temperature. Packing, sealing mediums and lubricants shall consist of materials or substances that function effectively at, and are resistant to, high temperatures. Wellhead equipment, valves, flanges and fittings shall meet minimum ASA standards or minimum API Standard 6A specifications. Casinghead connections shall be made such that fluid can be pumped between casing strings.

C. *Testing.* Any well showing sustained casinghead pressure or leaking of geothermal fluids between casing strings shall be tested to determine the origin of the failure, when such failure point is not otherwise determinable, and corrective measures shall be taken.

6. *Well Spacing.* No producing interval of any well shall be located within 30 metres (100 feet) of the outer boundaries of the leased lands, except where approved by the Supervisor. No surface location of a well shall be located within 15 metres (50 feet) of the boundary of any legal subdivision unless otherwise authorized by the Supervisor. The Supervisor may approve or prescribe such well spacing as he determines to be necessary for the proper development of the geothermal resources in accordance with the provisions of 30 CFR 270.15.

Effective date. February 1, 1975.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-4200 Filed 2-13-75;8:45 am]

EXPLORATORY OPERATIONS

Geothermal Resources Operational Order No. 1

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.78. All exploratory operations other than drilling of exploratory and development wells will be conducted in accordance with the provisions of this Order. All plans for exploratory operations to be conducted shall include provisions for appropriate environmental protection and reclamation of disturbed lands. A cultural resources investigation approved by the Area Geothermal Supervisor (Supervisor) shall be performed prior to any surface disturbance other than Casual Use.

All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. Each Notice of Intent to Conduct Geothermal Resources Exploration Operations shall include a notation of any proposed variances from the requirements of this Order. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative.

The following exploratory operations and reasonable expenditures therefor will qualify as diligent exploration if approved by the Supervisor prior to the initiation of such operations.

1. *Casual Use.* Casual Use shall include any entrance on the leased lands for geological reconnaissance or surveying purposes. Sampling of springs and water wells on the lease for geochemical analysis shall be construed as casual use. Such non-disturbing surveys and reconnaissance operations will not require a Notice of Intent to Conduct Geothermal Resources Exploration Operations. The lessee shall notify the Supervisor prior to commencing such casual use operations. Casual Use operations proposed or completed shall be included in any subsequent Plan of Operations.

2. *Geophysical Exploration.* Geophysical exploration shall include, but is not limited to, surface electrical resistivity surveys, seismic ground noise surveys, passive micro-earthquake monitoring surveys, magneto-telluric surveys and all other geophysical surveys, including airborne techniques.

Geophysical surveys other than airborne techniques will require a Notice of

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Intent to Conduct Geothermal Resources Exploration Operations (Form 3200-9). All such anticipated surveys should be included in the Plan of Operations and must be approved by the Supervisor before the work is begun.

The lessee shall furnish the Supervisor two copies of the records of such surveys within 30 days after the completion of such operations.

3. *Drilling of Shallow Holes.* Drilling of shallow holes for the measurement of temperature gradients or heat flow will be considered as an exploration operation and will require approval of a Notice of Intent to Conduct Geothermal Resources Exploration Operations (Form 3200–9) by the Supervisor. The following stipulations shall apply to the drilling of such shallow holes:

A. Holes for measuring temperature gradients shall be limited to a depth of 152 metres (500 feet), unless otherwise authorized by the Supervisor.

B. Return-line temperatures shall be taken at no less than 9-metre (30-foot) intervals during drilling operations on shallow holes *drilled with mud.* If return-line mud temperature should reach 52° C. (125° F.), drilling ahead shall cease immediately and the hole will be either.

(1) Completed as an observation hole by running steel tubing as deep as possible, filling the annulus with drilling mud from total depth to 3 metres (10 feet) below the surface and with cement from 3 metres (10 feet) to the surface;

(2) Abandoned by filling the hole with drilling mud from total depth to 3 metres (10 feet) below the surface and cement to the surface thereafter, or

(3) Equipped with mud cooling and wellhead control devices to maintain well control and mud returns temperature at or below 52° C. (125° F.).

C. If flowing steam or hot water at 65° C. (150° F.) or greater is encountered, further drilling shall stop immediately and the hole will be either

(1) Completed as an observation hole using steel tubing cemented from total depth to surface; or

(2) Abandoned by plugging with cement from total depth to surface.

D. If cold flowing artesian water is encountered, the hole will be completed as in (C) hereinabove, except that plastic tubing may be used.

If the conditions outlined in (B), (C) or (D) are encountered, the Supervisor shall be notified immediately.

No exceptions to the stipulations of (B), (C) or (D) will be allowed without the specific prior permission of the Supervisor.

E. The lessee shall submit the following information with the Notice of Intent to Conduct Geothermal Resources Exploration Operations (Form 3200–9):

(1) The approximate location (to the nearest 30 metres (100 feet) from some identifiable marker or object within the smallest legal subdivision) and hole number or designation of each proposed hole and probable order of drilling;

(2) The type and size of drilling rig;

(3) The proposed drilling program including the drilling system (type of bit and circulating medium), approximate depths and casing (conductor) program for each such hole;

(4) The type of drilling sump and proposed method of sump abandonment at each location;

(5) The approximate time that each hole will be used for observation; and

(6) The proposed method of abandonment for each hole. Additionally, the lessee shall notify and receive the approval of the Supervisor prior to any change in the location of an approved hole or for any additional holes which the lessee desires to drill.

F. Locations proposed in natural thermal areas within a 300-metre (1,000-foot) radius of hot springs, fumaroles, or other surface geothermal indicia, or in areas of known artesian water flow, will require a detailed drilling program for each hole, approved by the Supervisor. The Supervisor may require special drilling and completion techniques for such holes (such as cemented surface casing and simple expansion-type blowout preventers) to safely control formations containing geothermal or other resources which may be penetrated.

G. A supply of mud and lost circulation material shall be kept on hand while drilling to control abnormal pressure if rotary equipment is used.

H. Holes shall be completed for observation purposes in a manner which will allow satisfactory subsequent abandonment. As a minimum, the annular space shall be filled with mud (cuttings and dirt if drilled with air or auger) to 3 metres (10 feet) below the surface and with cement from 3 metres (10 feet) to the surface, and the tubing shall be capped when not in use.

I. Holes shall be abandoned in a manner that will prevent subsurface interzonal migration of fluids and surface leakage. As a minimum, the top 3 metres (10 feet) of tubing below the surface shall be filled with cement. Tubing shall be cut off at ground level or as directed by the Supervisor.

4. *Reporting Completion of Exploration Operations.* The Notice of Completion of Geothermal Resources Exploration Operations (Form 3200–10) shall be submitted in triplicate, and shall include the following information for each hole drilled:

A. Final hole designation and location;

B. A driller's log noting water table and water aquifers encountered (if determined), and salt, coal beds or other mineral deposits, if present;

C. Method of completion, cementing, and casting and/or tubing used;

D. Complete details of the abandonment procedures;

E. Any information on drilling difficulties or unusual circumstances encountered which would be helpful in assuring future safety of operations or protection of the environment in the area concerned; and

F. Temperature data and logs for each hole surveyed.

5. *General.* Drilling fluids or cuttings shall not be discharged onto the surface where such discharge might contaminate lakes and perennial or intermittent streams. Excavated pits or sumps used in drilling shall be backfilled as soon as drilling is completed and restored to conform with the original topography. Unattended sumps shall be completely fenced for the protection of the public, domestic animals and wildlife.

6. *Notice of Entry.* Applicant shall contact the appropriate U.S. Geological Survey Geothermal District Office prior to entry on the land to conduct exploration operations.

Effective date. February 1, 1975.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-4199 Filed 2-13-75;8:45 am]

PLUGGING AND ABANDONMENT OF WELLS

Geothermal Resources Operational Order No. 3

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.14 and 270.45. The lessee shall comply with the following minimum plugging and abandonment procedures for all geothermal resources wells. Oral approvals shall be in accordance with 30 CFR 270.11. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. Each Sundry Notice (Form 9–331) shall include a notation of any proposed variances from the requirements of this Order. References in this Order to approvals, determinations or requirements are to those given or made by the Area Geothermal Supervisor (Supervisor) or his delegated representative.

The lessee shall promptly plug and abandon any well on the leased land that is not in use or demonstrated to be potentially useful. No well shall be abandoned until its lack of capacity for further profitable production of geothermal resources has been demonstrated to the satisfaction of the Supervisor. No well shall be plugged and abandoned until the manner and method of plugging have been approved or prescribed by the Supervisor.

Cement used to plug any geothermal resources well, except that cement or concrete used for surface plugging, shall be placed in the hole by pumping through drill pipe or tubing. Such cement shall consist of a high temperature resistant admix, unless this requirement is waived by the Supervisor in accordance with the particular circumstances existing in that well or area.

Prior to commencing abandonment operations, the Supervisor shall be notified of all such proposed operations.

Each Sundry Notice (Form 9–331) shall include all information required under 30 CFR 270.45 and 270.72. Any bond or rider thereto, covering a lease or an individual well thereon, shall remain in full force and effect until the lease or individual well is properly abandoned and the surface properly restored. Written approval of the abandonment must be obtained from the Supervisor before release of any bonds will be recommended.

1. *Permanent Abandonment.*

A. *Uncased Hole.* In uncased portions of wells, cement plugs shall be placed to protect all subsurface mineral resources, including fresh water aquifers. Such plugs shall extend a minimum of 30 metres (100 feet) below, if possible, and 30 metres (100 feet) above such aforementioned zones. Cement plugs shall be placed in a manner necessary to isolate formations and to protect the fluids in such formations from interzonal migration or contamination.

B. *Open Hole.* Where there is open hole (uncased and open into the casing string above), a cement plug shall be placed in the deepest casing string by either (1) or (2) below. In the event lost circulation conditions exist or are anticipated, or if the well has been drilled with air or other gaseous substance, the plug shall be placed in accordance with (3) below.

(1) A cement plug shall be placed across the shoe extending a minimum of 30 metres (100 feet) above and 30 metres (100 feet) below; or

(2) A cement retainer with effective back pressure control set approximately 30 metres (100 feet) above the casing shoe with at least 61 metres (200 feet) of cement below the retainer and 30 metres (100 feet) of cement above.

(3) A permanent bridge plug set at the casing shoe and capped with a minimum of 61 metres (200 feet) of cement.

C. *Perforations, Junk, Fish and Collapsed Pipe.* A cement plug shall be placed across production perforations, extending 30 metres (100 feet) below (where possible) and 30 metres (100 feet) above the perforated interval. When a cement retainer is used to squeeze cement the perforated interval, the retainer shall be set a minimum of 30 metres (100 feet) above the perforations. Where the casing contains perforations at or below fish, junk or collapsed casing, thereby preventing cleanout operations, a cement retainer shall be set at least 30 metres (100 feet) above such point, and the interval below the retainer shall be squeeze cemented.

D. *Casing Shoes, Stubs, Laps, and Liners.* No casing shall be cut and recovered without first obtaining the written approval of the Supervisor. A cement plug shall be placed across all casing stubs, laps, liner tops and all casing shoes not protected by an inner casing string. Such plug shall extend a minimum of 15 metres (50 feet) below and 15 metres (50 feet) above any such shoe, stub, lap or liner top.

E. *Plugging of Annular Space.* All open annuli extending to the surface shall be plugged with cement.

F. *Surface Plug.* The innermost casing string which reaches ground level shall be cemented or concreted to a minimum depth of 15 metres (50 feet) measured from 2 metres (6 feet) below ground level.

G. *Testing of Plugs.* The hardness and location of cement plugs placed across perforated intervals and at the top of uncased or open hole shall be verified by setting down with tubing or drill pipe a minimum of 6,803 kilograms (15,000 pounds) weight on the plug or the maximum weight of the available tubing or drill pipe string, if less than 6,803 kilograms (15,000 pounds).

H. *Mud.* The intervals of the hole not filled with cement shall be filled with good quality heavy mud.

1. *Surface Restoration.* All casing strings shall be cut off at least 2 metres (6 feet) below ground level and capped by welding a steel plate on the casing stub. Cellars, pads, structures and other facilities shall be removed. The surface area shall be restored as specified by the Supervisor in consultation with the appropriate surface management agency.

2. *Temporary Abandonment.* An uncompleted drilling well that is to be temporarily abandoned shall be mudded and cemented as required hereinabove for permanent abandonment except for the provisions of subparagraphs E, F, and I.

3. *Suspended Wells.* The drilling equipment shall not be removed on any geothermal resources well where drilling operations have been suspended, either temporarily or indefinitely, without prior approval of the Supervisor and after approved measures have been taken to close the well and to protect all subsurface resources, including fresh water aquifers.

Effective date. February 1, 1975.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-4201 Filed 2-13-75;8:45 am]

National Park Service

BIGHORN CANYON NATIONAL RECREATION AREA, MONTANA AND WYOMING

Designation of Area Open to Snowmobiles

In accordance with requirements of paragraph (c) of § 2.34 of Title 36 of the Code of Federal Regulations, notice is hereby given of the area to be open to snowmobiling in Bighorn Canyon National Recreation Area.

In determining the area to be designated, we have been guided by the criteria in sections 3 and 4 of Executive Order 11644 (37 FR 2877) and have considered such factors as other visitor uses, safety, wildlife management, noise, geography, weather and resource protection.

An environmental assessment has been prepared and is available for public review in the office of the Superintendent. A map of the area is also available.

Designated Snowmobile Area:

The frozen surface of Bighorn Lake in the vicinity of Horseshoe Bend from the so-called "Narrows" on the south to the "Narrows" on the north as delineated by signs posted on the ice.

It is the policy of the Department to afford the public an opportunity to participate in the decision making process. As required by 36 CFR § 2.34(c), prior to making a final decision on this designated area the public shall be provided a 30 day period to comment. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the area designated to the Superintendent, Bighorn Canyon National Recreation Area, Post Office Box 458, Fort Smith, Montana 59035 on or before March 17, 1975.

ARTHUR L. SULLIVAN,
Superintendent, Bighorn Canyon National Recreation Area.

[FR Doc.75-4215 Filed 2-13-75;8:45 am]

ROCKY MOUNTAIN NATIONAL PARK AND SHADOW MOUNTAIN NATIONAL RECREATION AREA, COLORADO

Designation of Snowmobile Areas and Routes

Notice is hereby given that pursuant to the authority contained in 36 CFR 2.34, which provides that use of snowmobiles in National Park Service areas is prohibited except in areas and on routes designated by the Superintendent, it is proposed to designate the following areas and routes for snowmobile use within the Rocky Mountain National Park and the Shadow Mountain National Recreation Area.

A. *Green Ridge Snowmobile Trail.* This route departs from the plowed road at a point 500 feet north of the pumping plant maintained by the Bureau of Reclamation on the north shore of Lake Granby. Route proceeds east 200 feet to the shoreline, and continues in an easterly direction over the frozen lake surface for approximately ¾ mile, passing around the north end of Rainbow Island, where the route turns south toward Shelter Island, paralleling the shoreline of Green Ridge. Approximately ½ mile from the north end of Rainbow Island, the route turns east across a point of land, crosses the ice across Hidden Cove and up onto the peninsula of Green Ridge.

The trail splits into a two-loop system. The northern loop, proceeding clockwise, runs generally north for a mile, east for ½ mile toward the summit of Green Ridge—reaching its highest elevation at approximately 8,900 feet, before turning south and following an intermittent drainage back to the frozen lake surface of 8,280 feet elevation, normal pool level.

The southern trail loop, proceeds clockwise (easterly) up the same intermittent drainage for approximately ½ mile, continues east to the 8,700 foot elevation of Green Ridge, turns south to

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follow a meadow and the Granby shoreline for approximately one mile to Hidden Cove.

Approximately two miles of this route is in lodgepole pine forest on Green Ridge, following former logging roads. Another two miles of trial crosses meadows and clearings. The initial 1½ miles is over the frozen lake surface. The National Park Service regulates the opening and closing dates for public use of this trail by snowmobiles, as dictated by a sufficient thickness of ice for safe use. Elsewhere on the Federal lands of Shadow Mountain National Recreation Area, snowmobile operation is permitted in the draw-down zone of the reservoirs, below the high water mark. Operation of snowmobiles on the adjacent frozen lake surface is permitted after the ice is of sufficient thickness to assure safe operation, which date shall be established by the National Park Service and may be obtained by telephoning 627–3471.

B. *Summerland Park Snowmobile Trail.* This route lies in Sections 32 and 33, Township 4 North, Range 75 West. This route is a continuation of the public road maintained by the town of Grand Lake, as a service road to the town's water system. Snowmobiles proceeding up that road reach the boundary of Rocky Mountain National Park approximately 1,000 feet off route 278 and ½ mile from the center of the town of Grand Lake.

The route enters the National Park, turns east across Tonahutu Creek, generally following the boundary between Park and private land for approximately ¾ mile, before turning northeasterly into the Park for another ½ mile. The snowmobile route terminates near the end of the motor vehicle road serving a summer residence on a privately owned inholding.

C. *Supply Creek Access Snowmobile Trail.* This route provides snowmobile users the opportunity to proceed from the town of Grand Lake (and other points on private land adjacent to Rocky Mountain National Park), and by crossing the corner of the Park for 1.5 miles in Section 31, Township 4 North, Range 76 West, to gain access to a system of logging roads in Arapaho National Forest—particularly the "Supply Creek Trail".

The proposed snowmobile trail enters the Park northwest of the town of Grand Lake, follows an abandoned road for approximately .2 mile through lodgepole pine forest and crosses Trail Ridge Road (Route 34) at the Park boundary. The proposed trail turns northwest across a meadow on the west side of Route 34, enters a forest of lodgepole pine and crosses the county-maintained road to Winding River Ranch, at a point approximately 300 feet inside the Park boundary. From that point, the trail runs north, following an abandoned powerline right-of-way, for .6 mile to a point of intersection with another county road along the Park boundary.

D. *Trail Ridge Road.* The 7.7 mile portion of Trail Ridge Road, between Timber Creek Campground and the Lake Irene picnic area, is designated as a snowmobile trail. This road above Timber Creek Campground is not plowed during the winter months. The snowmobile route terminates short of Poudre Lakes and Milner Pass, to prevent disturbance to the bighorn sheep wintering in that area.

The criteria contained in sections 3 and 4 of Executive Order 11644 (37 FR 2877) have been carefully considered as have factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. A map detailing the areas and routes described above is available at the office of the Superintendent. An environmental assessment has also been prepared and is available at the same location.

Interested persons may submit written comments and suggestions on the proposed areas and routes to the Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80517, on or before March 17, 1975.

Dated: December 17, 1974.

ROGER J. CONTOR,
Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.

[FR Doc.75-4214 Filed 2-13-75;8:45 am]

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., m.s.t., March 3, 1975, at the Meeting Room at the Holiday Inn, 3700 National Parks Highway, Carlsbad, New Mexico.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. Bob Burleson, Temple, Texas (Chairman)
Mr. Leslie Bowling, New Orleans, Louisiana
Dr. Neil Compton, Bentonville, Arkansas
Dr. Bertha P. Dutton, Santa Fe, New Mexico
Mr. Sam R. Powell, Tulsa, Oklahoma
Mr. J. R. Singleton, Austin, Texas
Mr. David B. Strickland, Muskogee, Oklahoma

Designated Federal Officer to attend the meeting is Joseph C. Rumburg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. The Big Thicket National Preserve.
2. Arkansas Sites Management Considerations.
3. Big Bend National Park Management Considerations.
4. Other items of special interest in management of the Southwest Region.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico 87501, telephone Area Code 505–988–6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: January 31, 1975.

JOSEPH C. RUMBURG, JR.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.75-4274 Filed 2-13-75;8:45 am]

UPPER ST. CROIX NATIONAL SCENIC RIVERWAY

Boundaries Description

Whereas the Act of October 2, 1968 (82 Stat. 906), provides for institution of a national wild and scenic rivers system; and

Whereas, section 2(b) of said act requires that a river area to be included in the national wild and scenic rivers system shall be classified as a wild river area, a scenic river area, or a recreational river area; and

Whereas section 3(a) of said act designates a segment of the St. Croix River between the dam near Taylors Falls, Minn., and the dam near Gordon, Wis., and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the St. Croix as a component of said system to be administered by the Secretary of the Interior; and

Whereas section 3(b) of said act requires the agency charged with administration of each component of said system designated by section 3(a) to establish detailed boundaries therefor, determine which of the classes outlined in section 2, subsection (b), of this act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification, and further requires that said boundaries, classification, and development plan shall be published in the FEDERAL REGISTER; and

Whereas, said boundary description for the St. Croix National Scenic Riverways

was duly published in the FEDERAL REGISTER in Vol. 34, No. 180, on Wednesday, October 1, 1969, in conformance with legislative directive.

Now, therefore, in order to correct certain omissions and errors, a revised boundary description is hereby published for the St. Croix National Scenic Riverway.

ROBERT L. GILES,
Acting Regional Director.

The boundaries of the St. Croix National Scenic Riverway are particularly described as follows:

SAINT CROIX NATIONAL SCENIC RIVERWAY

4TH PRINCIPAL MERIDIAN

The St. Croix National Scenic Riverway in Chisago and Pine Counties, Minn., and in Bayfield, Burnett, Douglas, Polk, Sawyer, and Washburn Counties, Wis. is hereby described as follows:

T. 43 N., R. 6 W.,
Sec. 6, W½W½, W½E½W½, E½E½SW¼, W½SE¼, and SE¼SE¼;
Sec. 7, E½NE¼, and E½W½NE¼;
Sec. 8, SW¼NE¼, NW¼, N½SW¼, and NW¼SE¼.
T. 43 N., R. 7 W.,
Sec. 1, N½NE¼, N½S½NE¼, and NW¼;
Sec. 2, NE¼, E½SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼, and NW¼SE¼;
NW¼SE¼;
Sec. 3, SE¼SE¼;
Sec. 10, E½E½, and SW¼SE¼;
Sec. 11, W½NW¼, and NW¼SW¼;
Sec. 15, NE¼, E½SW¼, that portion of N½SW¼SW¼ lying South of the center line of Town Road 45–1, S½SW¼SW¼, and N½SE¼;
Sec. 16, S½S½S½;
Sec. 17, S½S½S½;
Sec. 18, S½S½SE¼;
Sec. 19, that portion of the N½NE¼ lying North of the center line of Town Roads 32–11 and 32–12, that portion of W½W½E½ lying South of the center line of Town Road 32–11, E½W½, and W½SW¼;
Sec. 20, N½N½, NE¼SW¼NE¼, and N½SE¼NE¼;
Sec. 21, N½N½, and N½S½N½;
Sec. 22, N½NW¼, and N½S½NW¼.
T. 41 N., R. 8 W.,
Sec. 6, that portion of NW¼NE¼ lying west of the west right-of-way line of the Chicago and North Western Railroad, N½NW¼, SW¼NW¼, NW¼SW¼, and that portion of S½SW¼ lying west of the west right-of-way line of Chicago and North Western Railroad;
Sec. 7, that portion of NW¼NW¼ lying west of the west right-of-way line of Chicago and North Western railroad.
T. 42 N., R. 8 W.,
Sec. 2, lots 1, 2, and 5 and those portions of lots 3 and 4 and W½E½ lying west and north of the center line of U.S. Highway 63;
Sec. 3, lots 1, 2, and 3, SW¼, SE¼SE¼, and W½SE¼;
Sec. 4, E½SE¼;
Sec. 9, E½E½;
Sec. 15, that portion of NW¼SW¼ lying north of the center line of U.S. Highway 63 bounded by a line 200 feet east of and parallel to the east bank of Namekagon River, and that portion of W½NW¼ bounded by a line 200 feet east of and parallel to the east bank of Namekagon River;
Sec. 16, that portion of E½E½ lying north of the center line of U.S. Highway 63, S½NW¼SE¼ and that portion of SW¼SE¼ lying west of the center line of U.S. Highway 63, and SE¼SE¼SE¼ SW¼;
Sec. 20, SE¼NE¼, S½NE¼SW¼, SE¼ SW¼, N½SE¼, and SW¼SE¼;
Sec. 21, that portion of NE¼ lying north of the center line of U.S. Highway 63, that portion of E½NW¼ lying north of the center line of U.S. Highway 63, E½NW¼NW¼, SW¼NW¼, and W½ NW¼SW¼;
Sec. 29, E½NW¼, and W½W½;
Sec. 30, E½E½;
Sec. 31, that portion of E½E½ lying north of the center line of U.S. Highway 63, W½E½, S½SE¼NW¼, and E½SW¼;
Sec. 32, that portion of NW¼NW¼ lying north of the center line of U.S. Highway 63.
T. 43 N., R. 8 W.,
Sec. 23, that portion of S½SE¼ lying east and south of the center line of Town Road 4–1;
Sec. 24, that portion of N½SW¼ lying southeast of the southeast right-of-way line of U.S. Highway 63, S½SW¼, and SE¼;
Sec. 25, that portion of N½NW¼ lying west of the west right-of-way line of the Chicago and North Western Railroad;
Sec. 26, E½NE¼, S½NW¼NE¼, SW¼ NE¼, N½SE¼, SW¼SE¼, and W½SE¼ SE¼;
Sec. 35, that portion of W½E½E½ lying north of the center line of U.S. Highway 63, that portion of W½E½ lying north of the center line of U.S. Highway 63, and E½E½W½.
T. 40 N., R. 9 W.,
Sec. 5, W½;
Sec. 6, E½E½, SW¼SE¼, and S½SW¼;
Sec. 7, N½N½, S½NE¼, and SE¼NW¼.
T. 41 N., R. 9 W.,
Sec. 1, E½E½, and the north 49.5 feet of the east 49.5 feet of SW¼NE¼;
Sec. 12, that portion of E½E½ lying north of the west right-of-way line of the Chicago and North Western Railroad, E½W½NE¼, that portion of W½SE¼ lying west of the west right-of-way line of Chicago and North Western Railroad, NE¼SW¼, SW¼SW¼, and that portion of SE¼SW¼ lying west of the west right-of-way line of Chicago and North Western Railroad;
Sec. 13, W½W½, and W½E½NW¼;
Sec. 14, that portion of E½E½ lying south of the east right-of-way line of the Chicago and North Western Railroad;
Sec. 22, that portion of S½ lying south of the east right-of-way line of the Chicago and North Western Railroad and south of the center line of State Highway 77;
Sec. 23, E½, SE¼SW¼, and that portion of SW¼SW¼ lying south of the center line of State Highway 77;
Sec. 26, that portion of W½E½ lying north of the center line of County Highway "Old B" and that portion of W½ north of the center line of County Highways "Old B" and "B" bordering Hayward Lake;
Sec. 27, that portion lying south of the east right-of-way line of Chicago and North Western Railroad and north of both the center line of State Highway 27 and the center line of County Highway "B" bordering Hayward Lake;
Sec. 28, those portions of the NE¼ and S½ lying south and east of the east right-of-way line of the Chicago and North Western Railroad and west of the center line of State Highway 27;
Sec. 32, that part of E½E½ lying south of the east right-of-way line of the Chicago and North Western Railroad, and SW¼ SE¼;
Sec. 33, W½W¼SW¼, and that portion of N½ lying south of the east right-of-way line of Chicago and North Western Railroad and north of the center line of State Highway 27.
T. 40 N., R. 10 W.,
Sec. 1, S½S½;
Sec. 2, SW¼SW¼NE¼, NW¼, N½NW¼ SW¼, NE¼SW¼, NE¼SE¼SW¼, NW¼ NW¼SE¼, S½N½SE¼, and S½SE¼;
Sec. 3, NE¼, and that portion of E½NW¼ lying east of the center line of County Road "E";
Sec. 6, those portions of W½E½ and W½ lying north of the west right-of-way line of the Chicago and North Western Railroad and south of the center line of U.S. Highway 63;
Sec. 7, that portion of NW¼ lying north of the west right-of-way line of the Chicago and North Western Railroad;
Sec. 12, N½N½.
T. 41 N., R. 10 W.,
Sec. 32, that portion lying south of the center line of U.S. Highway 63, excepting therefrom the SE¼SE¼ and S½ NE¼SE¼;
Sec. 33, that portion of the N½NE¼ lying south of the west right-of-way line of Minneapolis, St. Paul and Sault St. Marie Railroad, S½NE¼, and that portion of N½NW¼ lying south of the center line of U.S. Highway 63;
Sec. 34, SW¼NE¼, that portion of SW¼ NW¼NW¼ lying southwest of the west right-of-way line of Minneapolis, St. Paul and Sault St. Marie Railroad, S½ NW¼, that portion of S½ lying east of the east right-of-way line of Minneapolis, St. Paul and Sault St. Marie Railroad, and that portion of N½SW¼ lying north of the north right-of-way line of the Chicago and North Western Railroad;
Sec. 35, that portion of the S½ lying south of south right-of-way line of Chicago and North Western Railroad.
T. 40 N., R. 11 W.,
Sec. 1, that portion of the SE¼SE¼ lying south of the center line of U. S. Highway 63;
Sec. 11, that portion of SE¼SE¼ lying southeast of the center line of Town Road 23–12;
Sec. 12, that portion lying north of the west right-of-way line of the Chicago and North Western Railroad, and south of the center line of U. S. Highway 63, together with that portion of the SW¼SW¼ lying south of the center line of Town Road 23–2 and west of the center line of U. S. Highway 63;
Sec. 13, that portion of the N½NW¼ lying north of the west right-of-way line of the Chicago and North Western Railroad;
Sec. 14, N½NE¼, that portion of N½SE¼ NE¼ lying west of the center line of U. S. Highway 63, SW¼NE¼, that portion of NW¼NW¼SE¼ lying north of a diagonal line from the northeast corner of said NW¼NW¼SE¼ and the southwest corner thereof, S½NW¼, and N½N½ SW¼;
Sec. 15, S½NE¼, S½SE¼NW¼, NE¼SW¼, S½SW¼, W½SE¼, and N½NE¼SE¼;
Sec. 17, S½N½SW¼, S½SW¼, S½NW¼ SE¼, and SW¼SE¼;
Sec. 18, S½NE¼SE¼, and SE¼SE¼;
Sec. 19, E½E½;
Sec. 20, W½SE¼NE¼, W½NE¼SE¼, SE¼SE¼, W½E½, and W½;
Sec. 21, S½NE¼, NE¼SW¼, S½SW¼, W½SW¼SE¼, and N½SE¼;

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Sec. 22, NW¼;
Sec. 28, N½NW¼;
Sec. 29, N½NE¼, and W½;
Sec. 30, SE¼NE¼SW¼, E½SE¼SW¼, S½N½SE¼, and S½SE¼;
Sec. 31, W½NE¼NE¼, NW¼NE¼, N½NW¼, SW¼NW¼, W½SE¼NW¼, W½NW¼SW¼, and that portion of SW¼SW¼ lying north and west of the north right-of-way line of the Chicago and North Western Railroad;

T. 40 N., R. 12 W.,
Sec. 6, SW¼NW¼, W½SE¼NW¼, and SW¼;
Sec. 7, W½W½, W½E½NW¼, W½NE¼SW¼, SE¼NE¼SW¼, SE¼SW¼, SW¼NW¼SE¼, W½SW¼SE¼, SE¼SW¼SE¼, and S½SE¼SE¼;
Sec. 17, SW¼;
Sec. 18, N½NE¼, SE¼NE¼, E½NW¼NW¼, NE¼NW¼, and SE¼;
Sec. 20, NW¼, N½NW¼SW¼, E½SW¼, and W½SE¼;
Sec. 27, W½SW¼, W½NE¼SW¼, SE¼SW¼, and W½SW¼SE¼;
Sec. 28, SW¼NE¼, NW¼, N½NW¼SW¼, NE¼SW¼, N½SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 29, NE¼, E½E½NW¼, NE¼NE¼SW¼, and N½N½SE¼;
Sec. 34, E½, E½W½, and that portion of the NW¼NW¼ lying northeast of the center line of Town Road 29–22;
Sec. 35, S½NE¼, SW¼NE¼NW¼, S½NW¼NW¼, S½NW¼, that portion of the SW¼ lying north of the center line of U.S. Highway 63, that portion of the NE¼SW¼ lying east of the west right-of-way line of the Chicago and North Western Railroad and south of the center line of U.S. Highway 63, and N½SE¼;
Sec. 36, E½NE¼NE¼, S½N½, and that portion of S½ lying north of the north right-of-way line of the Chicago and North Western Railroad.

T. 41 N., R. 12 W.,
Sec. 31, SW¼SW¼.

T. 40 N., R. 13 W.,
Sec. 1, N½, N½NE¼SW¼, N½SE¼, and E½SE¼SE¼;
Sec. 2, E½NE¼;
Sec. 12, E½E½NE¼, and E½NE¼SE¼.

T. 41 N., R. 13 W.,
Sec. 7, S½N½NW¼, S½NW¼, and S½;
Sec. 8, S½SW¼, and SW¼SE¼;
Sec. 17, E½, NW¼, and NE¼SW¼;
Sec. 18, N½N½;
Sec. 20, E½;
Sec. 21, SW¼SW¼, and SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 27, SW¼NE¼, W½, and W½SE¼;
Sec. 28, N½, and N½S½;
Sec. 29, E½NE¼;
Sec. 34, NE¼, and E½NW¼;
Sec. 35, N½, NE¼SE¼, and NE¼SE¼SE¼;
Sec. 36, SW¼NW¼, N½SW¼, N½SW¼SW¼; SE¼SW¼, W½SE¼, and SE¼SE¼.

T. 43 N., R. 13 W.,
NW¼SW¼;
Sec. 3, W½NW¼NE¼, NW¼, and N½
Sec. 4, E½NE¼, SE¼NW¼NE¼, E½SW¼NE¼, SW¼, W½SE¼, NE¼SE¼, and N½SE¼SE¼;
Sec. 5, E½NE¼SE¼, and S½SE¼;
Sec. 7, SE¼SE¼;
Sec. 8, NE¼NE¼, W½NE¼, E½NW¼, E½SW¼NW¼, SW¼, and N½NW¼SE¼;
Sec. 9, W½N½W¼NW¼;
Sec. 17, NW¼NW¼, and N½SW¼NW¼;
Sec. 18, NE¼, SE¼NW¼, SW¼, SW¼SE¼, and N½SE¼;
Sec. 19, NW¼NW¼.

T. 44 N., R. 13 W.,
Sec. 26, SE¼SW¼, and S½SE¼;
Sec. 34, E½E½, SW¼NE¼, S½NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 35, N½N½, N½S½NE¼, N½SE¼NW¼, SW¼NW¼, and N½NW¼SW¼;
Sec. 36, N½, and N½N½S½.

T. 41 N., R. 14 W.,
Sec. 1, all;
Sec. 2, S½N½, W½NE¼NW¼, NW¼NW¼, and that portion of the S½ lying north of the center line of Town Road 29–22;
Sec. 3, E½NE¼;
Sec. 12, NE¼, E½NW¼, NW¼NW¼, and NE¼SE¼.

T. 42 N., R. 14 W.,
Sec. 4, lots 1 to 8 inclusive, and NW¼NW¼;
Sec. 5, E½SE¼SE¼;
Sec. 8, E½E½E½;
Sec. 9, lots 1 to 8 inclusive;
Sec. 16, lots 1 to 8 inclusive;
Sec. 17, lot 1, E½E½NE¼, and E½NE¼SE¼;
Sec. 19, lots 1, 2, and 3, E½SE¼NE¼, and NW¼SE¼;
Sec. 20, lots 1 and 2, N½ of lot 3, and lots 4 to 9 inclusive;
Sec. 21, lots 1 and 2;
Sec. 26, SW¼SW¼;
Sec. 27, S½S½;
Sec. 28, S½N½NE¼, S½NE¼, S½NE¼NW¼, SE¼NW¼, and S½;
Sec. 29, W½NW¼, and S½;
Sec. 30, lots 1 to 7 inclusive, SE¼NE¼, NE¼NW¼, SE¼SW¼, and SE¼;
Sec. 31, N½N½;
Sec. 32, W½NW¼NE¼, and N½NW¼;
Sec. 33, NE¼, and E½NW¼;
Sec. 34, N½, and E½SE¼;
Sec. 35, NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼.

T. 43 N., R. 14 W.,
Sec. 13, E½NE¼SE¼, and S½SE¼;
Sec. 23, lots 1 to 6 inclusive, SE¼NE¼, and SW¼SW¼;
Sec. 24, lots 1, 2, 3, N½ lot 4, N½S½ lot 4, W½S½S½ lot 4, N½ lot 5, N½S½ lot 5, lots 6 and 7, E½NW¼NW¼, and W½SW¼SW¼;
Sec. 25, lot 1, N½ and N½S½ of lot 2, N½ and N½S½ of lot 3, lot 4, and W½NE¼NE¼;
Sec. 27, lots 1 to 8 inclusive, SE¼SW¼, and N½NE¼SE¼;
Sec. 28, SE¼SE¼;
Sec. 33, lots 1 to 4 inclusive, E½ of lot 5, lot 6, and E½ of lot 7;
Sec. 34, lot 1, and SW¼NW¼.

T. 41 N., R. 15 W.,
Sec. 4, lot 1;
Sec. 5, lots 1 and 2, and N½NW¼;
Sec. 6, E½NE¼NE¼.

T. 42 N., R. 15 W.,
Sec. 25, lots 1 to 6 inclusive, SE¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 26, S½S½;
Sec. 27, lots 1 to 6 inclusive;
Sec. 28, that portion of the S½SE¼ lying east of the center line of State Highway 35;
Sec. 31, lots 1 to 9 inclusive, in Burnett County, Wis., and lot 1 in Pine County, Minn.;
Sec. 32, lots 1 to 7 inclusive;
Sec. 33, lot 1, those portions of lots 2 and 3 east of the center line of State Highway 35, lots 4, 5, and 6, N½ of lot 7, W½S½ of lot 7, lot 8, and E½NW¼SW¼;
Sec. 34, lots 1 to 13 inclusive;
Sec. 35, lots 1 to 13 inclusive, SE¼SW¼, and NE¼SE¼;
Sec. 36, lots 1 to 6 inclusive, NE¼NE¼, and SW¼NE¼.

T. 41 N., R. 16 W.,
Sec. 1, lots 1 and 2, N½NE¼, and SW¼NW¼, in Burnett County, Wis., and lot 1 in Pine County, Minn.;
Sec. 2, lots 1 to 4 inclusive, and SW¼SE¼ in Burnett County, Wis., and lots 1 to 5 inclusive in Pine County, Minn.;
Sec. 10, lot 1 in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
Sec. 11, lots 1 to 4 inclusive and W½E½ and SE¼SW¼ in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
Sec. 14, NW¼NE¼, E½NW¼, and W½W½;
Sec. 15, lots 1 and 2 in Burnett County, Wis., and E½ lots 1 to 4 inclusive, in Pine County, Minn.;
Sec. 18, lots 1 to 4 inclusive;
Sec. 19, N½ lot 1, and lots 2, 3, and 4 in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
Sec. 20, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 4 inclusive in Pine County, Minn.;
Sec. 21, lots 1, 2, and 3, in Burnett County, Wis., and lots 1 to 4 inclusive, in Pine County, Minn.;
Sec. 22, lots 1 to 5 inclusive, in Burnett County, Wis., and lot 1, E½ lot 2, and lots 3 and 4, in Pine County, Minn.;
Sec. 23, NW¼NW¼;
Sec. 27, NW¼NE¼, and N½NW¼;
Sec. 28, N½N½NE¼.

T. 42 N., R. 16 W.,
Sec. 35, S½SE¼SE¼;
Sec. 36, lots 1 to 5 inclusive.

T. 40 N., R. 17 W.,
Sec. 3, lot 1, W½ lot 2, and lots 3, 4, and 5;
Sec. 4, all;
Sec. 5, all;
Sec. 6, lots 1 to 5 inclusive;
Sec. 8, N½NE¼, and NE¼NW¼;
Sec. 9, lots 1 and 2, N½ lots 3 and 4, lot 5, and NW¼NW¼;
Sec. 10, lot 1.

T. 41 N., R. 17 W.,
Sec. 23, that portion of E½SE¼ owned by the Northern States Power Co.;
Sec. 24, lots 1 to 9 inclusive, NE¼NW¼, and SW¼NW¼;
Sec. 25, W½ lot 1, lots 2, 3, and 4, and N½SW¼SW¼;
Sec. 26, lots 1 to 4 inclusive, and NE¼NE¼;
Sec. 31, SE¼SE¼;
Sec. 32, lots 1, 2, and 3, and SE¼SE¼;
Sec. 33, those portions of the S½SW¼ and the SW¼SE¼ owned by the Northern States Power Co.;
Sec. 34, those portions of the SE¼SW¼ and S½SE¼ owned by the Northern States Power Co.;
Sec. 35, lots 1 to 4 inclusive, and those portions of lots 5, 6, 7, and NE¼NW¼ owned by the Northern States Power Co., and lot 8.

T. 34 N., R. 18 W.,
Sec. 6, W½ lot 1;
Sec. 7, lot 1, W½ lot 2, those portions of lots 3 and 4 lying west of the center line of State Highway 87, and lots 5 and 6;
Sec. 18, those portions of lots 1, 2, 3, and 4 lying west of the center line of State Highway 87, and lots 5, 6, and 7;
Sec. 19, lot 2, those portions of lots 1, 3 and 4 and the SE¼NW¼ lying west of the following line within the city of St. Croix Falls, Wis., beginning at a point on the north line of said lot 1, said point being the northeast corner of Lot 1, Block 92; thence, South, along the west right-of-way line of Hamilton Street, to the south right-of-way line of Minnesota Street; thence, East, along said south line, to the northeast corner of Lot 16, Block 51; thence, South, along the east line of Lots 16 through 30, Block 51, Lots 13 through 4, Block 48, Lots 7 through 11, Block 44; thence, East, to the south line of Lot 6, Block 44, and continuing along said south line to the west right-of-way line of Washington Street; thence, South, along said west line, to the south line of lot 4 of said Section 19 in Polk County, Wis., lots 5, 6 and 7 in Chisago County, Minn;

Sec. 30, that portion of lot 1 lying West of the following described line within the City of St. Croix Falls; beginning at a point on the north line of said lot 1, said point being the intersection of said north line and the west right-of-way line of Washington Street; thence, South, along said west line, to a point being 205 feet north of the north line of Block 39; thence, West 110 feet; thence, South 205 feet, to the north line of said Block 39; thence, West, along said north line, to the northeast corner of Lot 6, Block 39; thence, South, along the east line of Lots 6 through 16, Block 39; thence, West, along the south line of Lot 16, Block 39 to the west right-of-way line of River Street; thence, South, along said west line, to the south line of said lot 1; thence, West, along said south line to the Wisconsin-Minnesota boundary; thence, North, along said boundary, to the north line of said Sec. 30 in Polk County, Wis.

T. 40 N., R. 18 W.,
Sec. 1, lots 1 and 2, and SE¼SE¼, in Burnett County, Wis., and lots 1 to 4 inclusive, in Pine County, Minn.;
Sec. 11, lot 1 in Burnett County, Wis., and lots 1, 2, and 3, NE¼NE¼, and SW¼NE¼, in Pine County, Minn.;
Sec. 12, lots 1 and 2 and W½SW¼ in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
Sec. 13, W½NW¼ and NW¼SW¼;
Sec. 14, lots 1 to 5 inclusive, in Burnett County, Wis., and lots 1, 2, and 3, those portions of lots 4 and 5 owned by the Northern States Power Co., and lot 6, in Pine County, Minn.;
Sec. 15, lot 1 in Burnett County, Wis., and lot 1, those portions of lots 2 and 3 owned by the Northern States Power Co., lot 4, and that portion of SW¼SW¼ lying south of the center line of State Highway 22 in Pine County, Minn.;
Sec. 19, lot 1 in Burnett County, Wis., and lots 1, 2, and 3, and E½SW¼ in Pine County, Minn.;
Sec. 20, lots 1, 2, and 3 in Burnett County, Wis., and lots 1 to 5 inclusive, in Pine County, Minn.;
Sec. 21, lots 1 to 4 inclusive, and NE¼SE¼, in Burnett County, Wis., lot 1, and those portions of lots 2 to 5 inclusive, owned by the Northern States Power Co., in Pine County, Minn.;
Sec. 22, lots 1 and 2 NW¼NE¼, N½SE¼NW¼, and NW¼SW¼ in Burnett County, Wis., and Lots 1 and 2 in Pine County, Minn.;
Sec. 29, N½N½NW¼;
Sec. 30, N½ lot 1, W½S½ lot 1, W½E½S½ lot 1, W½ lot 2, W½E½ lot 2, and those portions of lots 3, 4, and 5 owned by the Northern States Power Co., and W½NE¼SE¼, in Burnett County, Wis., and lots 1 and 2, S½ lot 3, and lot 4, in Pine County, Minn.

T. 34 N., R. 19 W.,
Sec. 1, lots 1 to 6 inclusive, S½SW¼NE¼, SW¼SE¼NE¼, S½SE¼NW¼, and W½NE¼SE¼;
Sec. 2, that portion lying north and east of the center line of State Highway 16;
Sec. 12, those portions of the N½ and N½SE¼ lying north and east of the center line of State Highway 16.

T. 35 N., R. 19 W.,
Sec. 4, lots 1 to 3 inclusive, and NE¼SW¼;
Sec. 5, lots 1 to 5 inclusive, that portion of lot 6 owned by the Northern States Power Co., lot 7 excepting the south 900 feet thereof, N½NE¼, and that portion of SW¼SE¼ owned by Northern States Power Co.;
Sec. 6, that portion of lot 1 lying north and east of a County Road, and that portion of NW¼NE¼ lying north and east of a County Road;
Sec. 8, N½NE¼NE¼;
Sec. 9, lots 1 to 8 inclusive;
Sec. 16, lots 1 to 8 inclusive, and W½SE¼SE¼;
Sec. 21, lots 1 to 5 inclusive, NW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 22, lots 1 to 4 inclusive, NE¼SW¼; and SW¼SE¼;
Sec. 26, SW¼NW¼SW¼ and W½SW¼SW¼;
Sec. 27, lots 1 to 4 inclusive, and those portions of lots 5 to 8 inclusive, owned by the Northern States Power Co.;
Sec. 34, lots 1 and 3, those portions of lots 2 and 4 owned by the Northern States Power Co., and that portion of the SE¼SE¼ lying north and east of the center line of State Highway 16;
Sec. 35, lots 1 to 4 inclusive, that portion of lot 5 lying north and east of the center line of State highway 16, SE¼NW¼, and SW¼NW¼SE¼.

T. 36 N., R. 19 W.,
Sec. 30, S½S½S½;
Sec. 31, lots 1 to 6 inclusive, that portion of lot 7 owned by the Northern States Power Co., N½NE¼, and SE¼NE¼;
Sec. 32, lot 1, SW¼NW¼, those portions of the SE¼NW¼ and the NE¼SW¼ lying south and west of a diagonal line and owned by the Northern States Power Co., NW¼SW¼, SE¼SW¼, and SW¼SE¼.

T. 38 N., R. 19 W.,
Sec. 6, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 4 inclusive, NE¼NW¼, and SE¼SW¼ in Pine County, Minn.;
Sec. 7, lots 1 to 5 inclusive, and SE¼NE¼ in Burnett County, Wis., and lots 1 and 2, and NW¼NW¼ in Pine County, Minn.;
Sec. 18, W½W½.

T. 39 N., R. 19 W.,
Sec. 2, lots 1 and 2 and NW¼NE¼ in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
Sec. 3, lots 1 and 2, N½ lot 3, and lot 4, in Burnett County, Wis., and lots 1 to 7 inclusive, in Pine County, Minn.;
Sec. 4, lot 1 in Burnett County, Wis., lots 1 to 6 inclusive, SW¼NE¼, and SE¼SW¼, in Pine County, Minn.;
Sec. 8, lots 2 to 5 inclusive, lot 8, and S½NW¼SE¼;
Sec. 9, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 8 inclusive, and SW¼NW¼, in Pine County, Minn.;
Sec. 10, NW¼NW¼;
Sec. 16, lots 1, 2, and 3, and SW¼SW¼, in Burnett County, Wis., and lot 1 in Pine County, Minn.;
Sec. 17, lots 1 and 2 in Burnett County, Wis., and lots 1 to 9 inclusive, in Pine County, Minn.;
Sec. 20, lots 1 to 3 inclusive, in Burnett County, Wis., and lots 1 to 5 inclusive E½SW¼SW¼, and SE¼SW¼ in Pine County, Minn.;
Sec. 21, NW¼NW¼;
Sec. 29, lots 1, 2, and 3 and NE¼NE¼ in Burnett County, Wis., and lots 1, 2, and 3 in Pine County, Minn.;
Sec. 30, lot 1 in Burnett County, Wis., and lots 1 to 4 inclusive, NE¼NE¼, SW¼NE¼, NE¼SW¼, and SW¼SW¼, in Pine County, Minn.;
Sec. 31, lots 1 to 5 inclusive, in Burnett County, Wis., and lots 1 to 5 inclusive, and SW¼SW¼, in Pine County, Minn.

T. 40 N., R. 19 W.,
Sec. 25, lots 1, 2, and 3 in Burnett County, Wis., lot 1, S½ lot 2, lots 3, 4, and 5, and SE¼NW¼, in Pine County, Minn.;
Sec. 26, SE¼SE¼;
Sec. 34, lots 1 and 2, SE¼SW¼, and NE¼SE¼;
Sec. 35, lots 1 to 4 inclusive, in Burnett County, Wis., and lots 1 to 5 inclusive, and NW¼SW¼ in Pine County, Minn.;
Sec. 36, lot 1, that portion of the NW¼NE¼, owned by the Northern States Power Co., NE¼NW¼, and SW¼NW¼, in Burnett County, Wis., and lot 1 in Pine County, Minn.

T. 36 N., R. 20 W.,
Sec. 6, lots 1 to 8 inclusive;
Sec. 7, lots 1 to 8 inclusive;
Sec. 18, lots 1 to 8 inclusive, and E½NW¼;
Sec. 19, lots 1 to 8 inclusive, and E½SW¼;
Sec. 25, S½S½SE¼, and S½SE¼SW¼;
Sec. 29, lot 1, and SE¼SW¼;
Sec. 30, lots 1 to 7 inclusive, and that portion of the SE¼SW¼ owned by the Northern States Power Co.;
Sec. 31, lot 1, and that portion of the NW¼NE¼ owned by the Northern States Power Co.;
Sec. 32, lots 1 to 7 inclusive, and those portions of the N½SW¼ and the SE¼SE¼ owned by the Northern States Power Co.;
Sec. 33, lots 1 to 8 inclusive;
Sec. 34, lots 1 to 8 inclusive;
Sec. 35, lots 1 to 8 inclusive, NE¼NE¼, and SE¼SE¼;
Sec. 36, lots 1 to 8 inclusive, NE¼SW¼ and those portions of the SW¼SW¼, SE¼SW¼, and NW¼SE¼ owned by the Northern States Power Co.

T. 37 N., R. 20 W.,
Sec. 3, N½NE¼, SW¼NE¼, NW¼, and NW¼SW¼;
Sec. 4, lots 1 to 6 inclusive, SE¼NE¼, NW¼NW¼, and N½SE¼;
Sec. 5, lots 1 to 5 inclusive and that portion of the SW¼NE¼ owned by the Northern States Power Co., NE¼SW¼, and SW¼SW¼;
Sec. 8, lots 1 to 8 inclusive;
Sec. 17, lots 1 to 10 inclusive;
Sec. 18, SE¼SE¼;
Sec. 19, E½E½;
Sec. 20, lots 1 to 8 inclusive;
Sec. 29, lots 1, W½ lot 2, and lots 3 to 5 inclusive;
Sec. 30, lots 1 to 4 inclusive, E½ lot 5, S½ W½ lot 5, lots 6 and 7, and that portion of the NE¼SW¼ owned by the Northern States Power Co.;
Sec. 31, lots 1 to 9 inclusive, and E½SE¼ NW¼.

T. 38 N., R. 20 W.,
Sec. 12, lot 1, in Burnett County, Wis., and lots 1 and 2 in Pine County, Minn.;
Sec. 13, lots 1 to 5 inclusive, in Burnett County, Wis., and lots 1 to 4 inclusive, in Pine County, Minn.;
Sec. 23, SE¼SE¼;
Sec. 24, lots 1 to 6 inclusive, and the SE¼SE¼, in Burnett County, Wis., and lot 1, and those portions of lots 2, 3, and 4 owned by the Northern States Power Co., lot 5, and that portion of the NW¼SW½ owned by the Northern States Power Co., in Pine County, Minn.;
Sec. 25, lots 1 and 2 in Burnett County, Wis., and lot 1 in Pine County, Minn.;
Sec. 26, lots 1 and 2 in Burnett County, Wis., and lots 1 to 7 inclusive, NW¼NE¼, SE¼NW¼, and the NW¼SW¼, in Pine County, Minn.;
Sec. 33, lot 1 in Burnett County, Wis., and lot 1, SE¼SW¼, and SW¼SE¼, in Pine County, Minn.;
Sec. 34, lots 1 to 4 inclusive, and S1/2 SE¼, in Burnett County, Wis., and lots 1 to 5 inclusive, in Pine County, Minn.;
Sec. 35, lots 1 and 2, and W½SW¼, in Burnett County, Wis., and lot 1 in Pine County, Minn.

Together with all bodies of water, rivers, islands, accretions, and relictions within and appurtenant to the St. Croix River from the south line of lot 1, Sec. 30, T. 34 N., R. 18W., upstream to its intersection with the east

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line of Sec. 26, T. 44 N., R. 13 W., and the Namekagon River from its confluence with the St. Croix River in Sec. 25, T. 46 N., R. 15 W., upstream to the east line of the W½E½ of Sec. 8, T. 43 N., R. 6 W.

[FR Doc.75-3806 Filed 2-13-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Determination of Approval by Producers in Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), a referendum was held among sheep and wool producers in the United States to determine whether they approved a proposed new agreement by the Administrator of the Agricultural Marketing Service with the American Sheep Producers Council, Inc., for developing and conducting an advertising and sales promotion program and a program to develop and disseminate information on product quality, production management, and marketing improvement for wool, sheep, and the products thereof and for deductions from payments to such producers to be made pursuant to the Act for marketing years 1974, 1975, 1976, and 1977. Notice of the referendum (39 FR 32766) published September 11, 1974, included the text of the proposed agreement.

In the referendum held pursuant to the notice, 85.5 percent of the voting producers who were engaged in the production for market of sheep or wool (i.e., anyone who, continuously during a single period of at least 30 days during the calendar year 1973, owned in the United States sheep or lambs 6 months of age or older) voted in favor of the agreement, and the producers voting in favor owned 87.9 percent of the sheep or lambs owned by all the voting producers. The 1973 calendar year is a representative period of production.

Under authority delegated to me (38 FR 22955, August 28, 1973; 39 FR 23076, June 26, 1974), I have determined that the agreement has the approval of the number of producers required by section 708 of the National Wool Act of 1954, as amended, since more than two-thirds of the total number of producers, and producers of more than two-thirds of the total volume of production represented in the referendum, indicated approval of the agreement.

On January 20, 1975, I signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Dated: February 11, 1975.

JOHN C. BLUM,
Associate Administrator,
Agricultural Marketing Service.

[FR Doc.75-4236 Filed 2-13-75;8:45 am]

Farmers Home Administration

[Designation No. A136]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in 23 counties in Michigan as a result of damages and losses caused by various natural disasters. The following chart lists the counties, the natural disasters, and the dates on which the natural disasters occurred.

MICHIGAN, 23 COUNTIES—1974

County	Excessive rainfall and cool temperatures	Excessive rainfall	Intermittent heavy rains	Drought	Early frost and/or freeze	Hailstorms
Allegan	May 3 through June 21.			July 5 to Aug. 10.	Oct. 2	
Arenac		June 6 through July 9.			Sept. 22 and 23.	
Barry	May 3 through June 21.			July 5 to Aug. 10.	do	July 21 and Aug. 8.
Bay		May 23 and 24, June 6 through July 9.			do	Oct. 1.
Berrien	May 3 through June 21.			July 5 to Aug. 10.	Oct. 2	
Branch	do			do	Sept. 22 and 23.	
Calhoun	do			do	do	
Cass	do			do	Sept. 22 and 23, Oct. 2.	June 14.
Delta	do		Aug. 11 through Oct. 22.		Sept. 2 and 14.	July 26 and Aug. 18.
Eaton	do			July 5 to Aug. 10.	Sept. 22 and 23.	
Hillsdale	do			do	do	July 20.
Ingham	do			do	do	
Isabella	do			do	do	
Jackson	do			July 5 to Aug. 10.	do	
Kalamazoo	do			do	do	
Macomb	do			do	do	
Monroe	do			do	do	
Muskegon	do			do	do	
Newaygo	do			do	do	Aug. 5 and 12.
Ottawa	do			do	Sept. 22 and 23, Oct. 2.	
Schoolcraft	do		Aug. 11 through Oct. 22.		Sept. 2 and 14.	
St. Joseph	do			July 5 to Aug. 10.	Sept. 22 and 23.	
Van Buren	do			do	Oct. 2	

Therefore, the Secretary has designated these areas as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 4, 1975, for physical losses and November 4, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 6th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4051 Filed 2-13-75;8:45 am]

Forest Service

TIMBER MANAGEMENT PLAN CHIPPEWA NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Chippewa National Forest, USDA-FS-R9-FES-(Adm)-74-4.

The environmental statement concerns the proposed plans for timber harvest, reforestation, timber stand improvement, tree improvement, and sale road construction on the Chippewa National Forest in parts of Beltrami, Cass, and Itasca Counties, Minnesota.

This final environmental statement was transmitted to CEQ on February 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
Chippewa National Forest
Cass Lake, Minnesota 56633

A limited number of single copies are available upon request to Forest Supervisor, Chippewa National Forest, Cass Lake, Minnesota 56633.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: February 10, 1975.

CURTIS L. SMITH,
Acting Regional Forester,
Eastern Region.

[FR Doc.75-4185 Filed 2-13-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BATTELLE MEMORIAL INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00102-98-34070. Applicant: Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio 43201. Article: Nd YAG Mode Locked Generator (Oscillator-Amplifier). Manufacturer: Cilas/Compagnie Generale d'Electricite, France. Intended use of article: The article will be used with a giant CGE pulsed laser in order to produce very hot plasmas for thermonuclear research and thermal X-ray research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a combined specification of an oscillator section compatible with the applicant's existing giant laser chain which is capable of producing pulses with duration at least as short as 40 picoseconds. The National Bureau of Standards (NBS) advises in its memorandum dated January 7, 1975 that the combined specification described above is pertinent to the applicant's intended laser fusion research. NBS also advises that it knows of no domestically available oscillator section of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-4180 Filed 2-13-75;8:45 am]

EMORY UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 10, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00250-01-01100. Applicant: Emory University School of Medicine, Neurology, 69 Butler Street, S.E., Atlanta, Ga. 30303. Article: Sequence Analyzer, JAS-47K. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to investigate the amino acid sequence of natural and synthetic peptides in the range of 3 to 30 residues where it is likely that some of the residues' positions contain minor components, that is, different amino acids. Application received by Commissioner of Customs: December 4, 1974.

Docket Number: 75-00333-65-46040. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to detect, identify, size, count, and chemically characterize fine particles below the resolution limits of optical microscopes. The article will also be used for the analysis of biological and metallurgical specimens. Application received by Commissioner of Customs: January 20, 1975.

Docket Number: 75-00334-33-40640. Applicant: Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the field of hypertension research for studies of the kidney, distribution of Tritiated Angiotensin, atherosclerosis, and vascular permeability. The article will also be used in a training program designed to train young Ph.D's and M.D.'s in the fields of cardiovascular research, using an integrated approach ranging from chemistry to bio-chemistry, physiology, pharmacology, morphology, pathology, indocrinology, and clinical sciences. Application received by Commissioner of Customs: January 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-4182 Filed 2-13-75;8:45 am]

UNIVERSITY OF WEST FLORIDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00081-33-46040. Applicant: The University of West Florida, Pensacola, Florida 32504. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in research involving experimentation with a variety of materials including: the algae, other plants, marine invertebrates and vertebrates, bacteria and colloids. Experiments to be conducted include: (a) effects of nutrition, pesticides and herbicides on algal ultrastructure; (b) ultrastructure of micro-algae; (c) wall formation in algae and algal spine formation; (d) subcellular structure of sexual reproduction; (e) ultrastructure of the ontogeny of marine invertebrates; (f) otolith and lens patterns in marine fish; and (g) preparation of colloidal suspensions. The article will also be used in the courses: Cell Biology, Electron Microscopy Directed Study, Physical Chemistry and Instrumental Analysis to familiarize the student with the electron microscope as a tool, to demonstrate areas of application in his major field and to teach

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methodology thus enabling the students to use the electron microscope as a tool.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74–00298–33–46040 which was denied without prejudice to resubmission on May 24, 1974 for informational deficiencies.

The applicant in response to Question 8 alleges that the foreign article provides the following pertinent features:

(a) A guaranteed resolution of 3.5 Angstroms (Å) point to point which, among other things, permits the operator to focus and deastigmate at higher magnifications directly on the specimen under observation.

(b) A specimen airlock chamber which provides freedom from the downtime caused by faulty specimen insertion and retrieval.

(c) A magnification range from 200 to 200,000x without a pole piece change and without losing the view of the specimen, plus direct magnification readout.

(d) Variability of photographic facilities, i.e., choice of plate, 35 and 70 mm camera use.

(e) A single condenser design which provides a level of operation very close to that of a double condenser system but with only one control.

(f) A "mini-lens" condenser which permits a smaller spot size and greater illumination at high magnification than the domestic instrument. Both of these characteristics improve resolution. Further, this system allows adequate illumination at drastically reduced electron beam current values compared to the domestic instrument, resulting in comparatively less damage to delicate biological materials.

(g) A range of accelerating voltages between 40 and 100 kilovolts (kv).

(h) An objective lens focal length of 1.6 mm.

(i) Astigmatism may be corrected to 125 Å in all planes.

(j) A 100 percent solid-state electronics instrument resulting in less downtime and maintenance than an instrument which relies mainly on tubes.

(k) A "state of the Art" electron microscope as evidenced by items (a) thru (j) above.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 29, 1974 that the Model EMU–4C electron microscope, which is presently manufactured by the Adam David Company, is the most closely comparable domestic instrument. HEW further advises that the applicant provides no pertinent specification within the meaning of section 701.2(n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(a) The specifications for both the foreign article and the EMU–4C indicate that at the time the foreign article was ordered, both of these instruments had a guaranteed resolution of 5Å point to point. In reply to question 8c(3)(a) the applicant states that "high resolution on the order of 5Å. (sic) is absolutely essential • • •" to the purposes for which the article is intended to be used. In the applicant's initial submission, in response to question 8c(2)(a) the applicant states that the guaranteed resolution of the foreign article is 5Å point to point. HEW advises that the article and the EMU–4C provide equivalent guaranteed resolution.

(b) HEW advises that the specimen airlock chamber with the advantages claimed by the applicant is a convenience which is not pertinent within the meaning of section 701.2(n) of the regulations.

(c) The EMU–4C provides magnifications of 1400x to 240,000x with 400x or less for scanning. The article provides a magnification range of 1500x to 200,000x with 200x for scanning. No pole piece change is necessary for either instrument. HEW advises that the magnification range of the EMU–4C is equivalent to that of the article. HEW also advises that direct magnification readout is a convenience which is not pertinent.

(d) The EMU–4C provides a choice of multiple camera use, such as plate 35 and 70 mm camera use. Further, the applicant states that 35 and 70 mm cameras are to be purchased at a later date. Future purchases cannot be considered in the determination of scientific equivalency according to sections 701.2(d) and 701.6(a) of the regulations. HEW advises that the choice of camera use provided by the foreign article is a convenience which is not pertinent.

(e) The EMU–4C provides the option of either a double condenser system or a single condenser system. Moreover, HEW advises that the single condenser system of the article and its control are conveniences which are not pertinent.

(f) The EMU–4C provides a high intensity grid cap for greater illumination and contrast at high resolution, plus a guaranteed resolution equivalent to that of the article. We note that at equal illumination specimen damage rate is equal. Although a larger beam could act on a slightly larger area, HEW advises that the alleged advantages conferred by the smaller spot size and the claimed greater illumination are conveniences which are not pertinent.

(g) In reply to question 8c(3)(a) the applicant indicates that the purposes for which the foreign article is to be used require 100 kv accelerating voltage. The EMU–4C provides accelerating voltages of 25, 50, 75 and 100 kv. HEW advises that the EMU–4C provides equivalent accelerating voltage.

(h) The applicant states, "The shorter the focal length of the objective lens the better the resolution of the lens." We note that the foreign article and the EMU–4C are equivalent with respect to guaranteed resolution. HEW advises that the objective lens focal length of 1.6 mm is a convenience feature which is not pertinent particularly in view of the EMU–4C's equivalent resolution and magnification range.

(i) HEW advises that operator ability to focus and deastigmate is related to skill and convenience and is therefore not pertinent particularly in view of the EMU–4C's equivalent resolution and magnification range.

(j) HEW advises that a 100 percent solid state electronics instrument is a convenience which is not pertinent.

(k) Inasmuch as items (a) through (j) are either not pertinent or matched on the EMU–4C, the "State of the Art" designation is not relevant to duty-free entry. In connection with the applicant's claims respecting this feature, HEW points out that the article is an updating of the EM 200 whereas, in a similar fashion, the EMU–4C has certain advantages over the EMU–4.

For the foregoing reasons we find that the Model EMU–4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–4181 Filed 2–13–75;8:45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held Monday, March 17, 1975, at 9:30 a.m., in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Committee was established to advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of future work programs.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–967–4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al., September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838–73), the Complete Notice of Determination to close portions of the series of meetings of the Committee and subcommittees thereof of the Numerically Controlled Machine Tool Technical Advisory Committee is hereby published.

Dated: February 11, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the numerically controlled machine tool industry, the Numerically Controlled Machine Tool Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c)(1) (Supp. III, 1973), as amended, Pub. L. No. 93–500, Section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has nine members representing industry and nine members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Numerically Controlled Machine Tool Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on April 6, 1973 for the meeting of May 7, 1973; on June 28, 1973 for the meeting of July 10, 1973; on August 21, 1973 covering a series of meetings for the period August 21, 1973 through December 31, 1973; on December 26, 1973, for a series of meetings for the period January 1, 1974 through April 30, 1974; and on May 16, 1974, for a series of meetings from May 1, 1974 through January 3, 1975.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 CFR 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1975, to January 3, 1976, from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: December 16, 1974.

GUY W. CHAMBERLIN, JR.,
Assistant Secretary for Administration.

Dated: December 12, 1974.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.75–4244 Filed 2–13–75;8:45 am]

Office of the Secretary

REPORT ON COAL EXPORT MONITORING PROGRAM

Coal Export Monitoring Program. The Export Administration Act of 1969, as amended, provides in section 4(c)(1) that the Secretary of Commerce shall "• • • monitor exports, and contracts for exports, of any article, material or supply • • • when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have a serious adverse impact on the economy or any sector thereof". The circumstances attending the strike of coal miners who are members of the United Mine Workers were judged to warrant the institution of bituminous coal export monitoring. Accordingly, Secretary of Commerce Frederick B. Dent ordered the monitoring of coal exports beginning with the work stoppage on November 12.

The monitoring program was set forth in detail in Export Administration Bulletin No. 129 of November 12, 1974 (39 FR 40279 of November 15, 1974). The program calls for exporters to report weekly their exports, contracts for exports and prices (average value) f.o.b. ports of exit, by country of destination. In addition, as a pre-strike baseline exporters were required to report their export shipments during the period October 1–November

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15, 1974. Cooperation in the program has been excellent.

Data Provided by the Monitoring System. Under the coal export monitoring program, data have been collected for the month and a half prior to the strike and are being collected for each week thereafter. Table 1 shows reported exports by country of destination for the respective time periods. Chart 1 illustrates the weekly export totals.

TABLE 1

BITUMINOUS COAL EXPORTS[1] BY COUNTRY OCT. 1, 1974 THROUGH JAN. 10, 1975

[In short tons]

Country of destination	Oct. 1 through Nov. 15, 1974		Nov. 16 through Jan. 10, 1975	
	Total for period	Weekly average	Total for 8 weeks	Weekly average
Japan	4,189,589	627,546	2,325,860	290,732
Canada	3,480,245	520,926	2,044,864	255,608
Italy	496,446	74,025	627,447	78,431
Spain	388,900	58,232	214,007	26,751
France	324,013	49,308	286,000	35,750
Netherlands	280,048	43,988	136,786	17,098
Brazil	270,395	41,174	218,873	27,322
United Kingdom	257,106	39,123	218,606	27,326
Belgium	219,544	33,411	87,786	10,973
Germany	186,120	28,630	195,491	24,436
Argentina	70,943	10,794	66,541	8,330
Mexico	44,072	6,706	31,182	3,898
All other	190,815	29,086	126,555	17,319
Total all countries	10,400,453	1,582,679	6,591,797	823,974

[1] As stated in coal exporters' reports under Export Administration No. 129 of Nov. 12, 1974.

The range of reported export prices was from about $23 to $125 per ton f.o.b. for the period November 15, 1974 to January 10, 1975. During the same period, new contracts entered into for export totalled 2.75 million tons and contracts cancelled totalled 5.37 million tons. Reported anticipated exports for the month of February are 5.5 million tons. Anticipated shipments have been highly variable in the weekly reports and are considered unreliable as an indicator of tonnage which will actually be shipped.

Domestic Coal Market Conditions. U.S. production of bituminous coal has increased over the past decade, but at a very slow pace (about 2 percent annually). Production peaked in 1970 at 603 million tons. Preliminary estimates for 1974 are about 593 million tons compared to 1973 production of 592 million tons. Production through the first seven months of 1974 was nearly 7 percent above the corresponding period of 1973. However, production losses during subsequent months eliminated this percentage gain by the end of the year.

Table 2 shows weekly production data during the monitoring period. The impact of the coal miners' strike from mid-November to mid-December is readily apparent. Normal levels of output have now been resumed. Consequently supplies for 1975 should exceed those for 1974.

TABLE 2

ESTIMATED UNITED STATES WEEKLY PRODUCTION OF COAL

[In millions of tons]

Week ending--	1974	1973 (nearest week)
Oct. 5	12.9	11.9
Oct. 12	13.5	12.0
Oct. 19	13.0	11.9
Oct. 26	13.8	12.0
Nov. 2	13.4	11.7
Nov. 9	14.4	12.1
Nov. 16	7.3	11.6
Nov. 23	4.6	10.3
Nov. 30	4.3	11.5
Dec. 7	5.3	12.2
Dec. 14	10.1	12.1
Dec. 21	10.4	11.7
Dec. 28	8.9	8.2
Jan. 4	10.5	9.9

Source: U.S. Bureau of Mines.

Imports as a source of supply increased from 1973 to 1974 sixteenfold to 2 million tons. However, coal obtained from foreign sources remains such a small amount compared to domestic sources that its contribution to total supply is negligible.

Demands upon domestic coal supplies in 1974 were comparable to those in 1973. Through October, domestic consumption had increased about 1 percent to 464 million tons. Electric utilities accounted for about 69 percent of this total, oven coke plants 16 percent, and other manufacturing and mining 11 percent. During the subsequent decline in production, consumers were able to draw upon accumulated coal stocks (Table 3) thus minimizing the impact of the strike on the economy.

TABLE 3

ESTIMATED STOCKS OF BITUMINOUS COAL AT ELECTRIC UTILITIES, INDUSTRIAL PLANTS, AND RETAIL DEALER YARDS IN THE UNITED STATES, 1974

	Nov. 13		Nov. 30		Dec. 14	
	Million tons	Days supply	Million tons	Days supply	Million tons	Days supply
Electric utilities	101.6	95	92.8	78	85.5	72
Oven-coke plants	9.3	37	7.9	42	6.8	34
Steel and rolling mills	.6	37	.4	22	.2	14
Other manufacturing and mining	10.2	57	7.9	43	7.1	35
Retail dealers	.5	14	.3	6	.3	4

Source: U.S. Bureau of Mines.

Export shipments of domestic output were also consistent with recent experience. During the beginning of the monitoring period approximately 1.2 million tons of coal were on hand at points of exportation and at least a quarter of a million tons of coal were in transit to ports. As production declined the level of exports was initially maintained. However, as these stockpiles were depleted export shipments declined rapidly. While domestic coal production fell from a weekly average of 13.5 million tons for the six weeks preceding the strike to a low point of 4.3 million tons, or a decline of about 70 percent, exports fell from an average of 1.58 million tons per week for the comparable period to a low of 270 thousand tons or a decline of over 80 percent. Comparing the low four weeks of production and exports, approximately 10 percent of domestic coal went to foreign markets which is nearly equivalent to the 1974 annual percentage (estimated 60 million tons exported out of 593 million tons output).

During 1974 domestic coal prices were dispersed over an extraordinarily wide range. F.o.b. mine prices for some utility coal on firm long term contract have been reported as low as $4 to $5 per ton. At the opposite extreme, relatively small volume sales on a spot basis have been made at more than $80 a ton. The Department of the Interior has estimated that, during the work stoppage, coal was selling at retail yards at prices ranging between $30 and $85 per ton. Indications are that prices generally increased 75 to 100 percent in 1974. Barring a repeat of extraordinary events in the energy sector, coal prices should demonstrate greater stability in 1975.

The International Market for Coal. The world coal market in 1973–1974 was characterized by strong demand, lagging production increases and rapidly rising prices, with spot coal prices reaching record levels. As an energy commodity in international trade, bituminous coal runs a distant second to oil in terms of volume or value, but far ahead of natural gas and lesser forms of energy. In 1973, nearly 190 million tons (about one tenth of world output) entered international markets. Table 4 gives the percentage distribution of this trade.

TABLE 4

PRINCIPAL COAL EXPORTING AND IMPORTING COUNTRIES, 1973

	Percent supplied
Exporters:	
United States	28.4
Poland	21.0
U.S.S.R.	14.6
Australia	14.6
Federal Republic of Germany	8.2
Canada	6.4
Others	6.8
Total	100.0
	Percent received
Importers:	
Japan	33.2
Canada	8.8
France	7.4
Italy	6.8
U.S.S.R.	5.8
Belgium-Luxembourg	4.4
German Democratic Republic	4.4
Federal Republic of Germany	4.1
Bulgaria	3.4
Czechoslovakia	3.1
Others	18.6
Total	100.0

Source: U.S. Bureau of Mines.

The export of coal is an important source of foreign exchange for the United States. Total coal exports in 1973 of 53 million tons provided $1 billion in hard currency earnings. The estimated 80 million tons exported in 1974 returned approximately $2.4 billion.

U.S. coal exports have traditionally consisted in large part of the highest quality coking coals, primarily low volatile coals from the Appalachian region. The preeminence in quality and large tonnage have made the United States the world's coking coal price leader. Reliable and comprehensive data on recent international coal prices are sparse and difficult to come by. The following selected price averages from the Department of the Interior show clearly the 1973–74 world price trend, although some part of the variation between countries represents differences in coal quality and transportation charges. U.S. coal export traders have stated that during the coal strike, their prices to the export market did not change appreciably.

AVERAGE VALUES OF COALS (PER SHORT TON) DELIVERED TO JAPAN

Country of origin	August 1973	August 1974
United States	33.03	78.29
Australia	23.14	38.97
Soviet Union	23.16	41.22
Canada	24.72	40.70
Poland	28.65	47.43

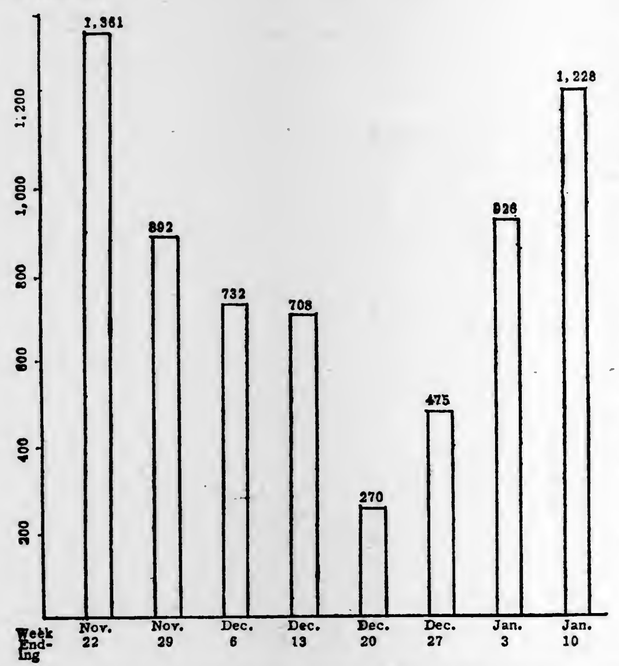
The restriction of oil supplies and rapidly rising prices have given impetus to the worldwide interest in the use and production of coal. The United Nations has reported that coal production is expected to increase in the United States, the USSR, Poland, Australia, the Republic of South Africa and Canada. Although geological conditions are generally unfavorable, West European coal production, in response to government policy, is expected to stabilize after its recent decline.

As announced in the FEDERAL REGISTER for February 3, 1975, the coal export monitoring program was terminated on January 28, 1975. Accordingly, this will be the only report to be issued on the program.

FREDERICK B. DENT,
Secretary of Commerce.

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Chart 1
Weekly Bituminous Coal Exports



Source: Based on data received pursuant to Export Administration Bulletin No. 129

[FR Doc.75-4046 Filed 2-13-75;8:45 am]

ROOM AIR CONDITIONER EFFICIENCY RANGES

Voluntary Labeling Program for Household Appliances and Equipment To Effect Energy Conservation

By notice published in the FEDERAL REGISTER May 1, 1974 (39 FR 15196), the Department of Commerce announced issuance of Voluntary Energy Conservation Specification No. 1-74, for room air conditioners, under the provisions of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9.

In Voluntary Energy Conservation Specification No. 1-74, section 2.3 requires that Appendix A to that specification, containing values for cooling capacity ranges and energy efficiency ratio (EER) ranges for use on labels, shall be updated on an annual basis starting in January 1975. Section 10.0 of the specification provides that Appendix A may be updated and published without first publishing notice of the proposed change in the FEDERAL REGISTER.

Accordingly, the updated Appendix A to Voluntary Energy Conservation Specification No. 1-74 is hereby issued. The new room air conditioner EER range values shall be utilized as prescribed in section 4.4.1 of that specification.

Issued: February 10, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

Following is the revised Appendix A:

VOLUNTARY ENERGY CONSERVATION-SPECIFICATION 1-74, FOR ROOM AIR CONDITIONERS

APPENDIX A: COOLING CAPACITY RANGES AND EER RANGES FOR USE ON LABELS AND IN CATALOGS

REVISED JANUARY 1975

RATED COOLING CAPACITY OF MODEL TO BE LABELED OR LISTED IN CATALOG, Btu PER HOUR	COOLING CAPACITY RANGE FOR USE ON LABEL OR IN CATALOG, Btu PER HOUR	EER RANGE FOR USE ON LABEL OR IN CATALOG, Btu PER WATT-HOUR			
		WINDOW MODELS*		THROUGH-WALL MODELS**	
		115 VOLT MODELS	HIGHER VOLTAGE MODELS	115 VOLT MODELS	HIGHER VOLTAGE MODELS
UP TO 4,799	UP TO 5,000	5.1 TO 8.8	-----	6.5 TO 6.5	-----
4,800 to 5,199	4,500 to 5,500	5.1 TO 8.8	-----	6.5 TO 6.5	-----
5,200 to 5,799	5,000 to 6,000	5.1 TO 8.8	-----	6.0 TO 7.0	-----
5,800 to 6,199	5,500 to 6,500	5.6 TO 9.3	-----	6.0 TO 7.7	-----
6,200 to 6,799	6,000 to 7,000	5.6 TO 10.5	-----	6.0 TO 10.5	-----
6,800 to 7,199	6,500 to 7,500	5.2 TO 10.5	-----	5.2 TO 10.5	-----
7,200 to 7,799	7,000 to 8,000	5.2 TO 9.3		5.2 TO 9.3	6.2 TO 6.3
7,800 to 8,199	7,500 to 8,500	5.5 TO 9.9	5.6 TO 6.5	6.0 TO 9.3	5.6 TO 7.3
8,200 to 8,799	8,000 to 9,000	5.8 TO 10.5	5.6 TO 6.9	6.0 TO 9.4	4.9 TO 7.7
8,800 to 9,199	8,500 to 9,500	6.5 TO 10.7	5.6 TO 6.9	6.4 TO 10.7	4.9 TO 7.7
9,200 to 9,799	9,000 to 10,000	6.5 TO 11.6	5.5 TO 7.1	6.4 TO 11.6	4.9 TO 7.7
9,800 to 10,199	9,500 to 10,500	7.2 TO 11.6	5.5 TO 7.9	7.3 TO 11.6	4.9 TO 7.9
10,200 to 10,799	10,000 to 11,000	7.2 TO 11.6	5.5 TO 8.0	7.3 TO 11.6	5.0 TO 8.0
10,800 to 11,199	10,500 to 11,500	7.6 TO 8.5	5.8 TO 8.0	-----	5.1 TO 8.0
11,200 to 11,799	11,000 to 12,000	8.0 TO 8.9	5.7 TO 8.2	-----	5.2 TO 6.9
11,800 to 12,199	11,500 to 12,500	8.3 TO 9.4	5.0 TO 8.2	9.4 TO 9.4	5.3 TO 7.8
12,200 to 12,799	12,000 to 13,000	8.7 TO 9.6	5.0 TO 8.3	9.4 TO 9.4	5.7 TO 8.3
12,800 to 13,199	12,500 to 13,500	9.4 TO 9.8	5.0 TO 8.5	9.6 TO 9.6	4.8 TO 8.5
13,200 to 13,799	13,000 to 14,000	9.4 TO 10.2	5.0 TO 8.5	9.6 TO 10.2	4.8 TO 8.5
13,800 to 14,199	13,500 to 14,500	9.8 TO 10.2	5.1 TO 8.3	10.2 TO 10.2	4.8 TO 5.7
14,200 to 14,799	14,000 to 15,000	10.1 TO 10.2	5.1 TO 7.7	10.2 TO 10.2	4.8 TO 6.7
14,800 to 15,199	14,500 to 15,500	-----	5.4 TO 8.0	-----	4.8 TO 7.8
15,200 to 15,799	15,000 to 16,000	-----	5.4 TO 8.4	-----	4.8 TO 8.4
15,800 to 16,499	15,500 to 16,800	-----	5.8 TO 8.5	-----	5.5 TO 8.5
16,500 to 17,499	16,200 to 17,800	-----	5.8 TO 8.6	-----	5.8 TO 7.6
17,500 to 18,499	17,200 to 18,800	-----	6.0 TO 9.3	-----	6.5 TO 9.0
18,500 to 19,499	18,200 to 19,800	-----	6.0 TO 9.3	-----	7.1 TO 9.3
19,500 to 20,499	19,200 to 20,800	-----	6.2 TO 7.3	-----	6.3 TO 7.2
20,500 to 21,499	20,200 to 21,800	-----	6.4 TO 7.6	-----	6.7 TO 6.7
21,500 to 22,499	21,200 to 22,800	-----	5.8 TO 7.9	-----	-----
22,500 to 24,499	22,000 to 25,000	-----	5.8 TO 9.4	-----	6.5 TO 8.0
24,500 to 26,499	24,000 to 27,000	-----	5.9 TO 9.4	-----	6.7 TO 7.3
26,500 to 28,499	26,000 to 29,000	-----	5.9 TO 8.0	-----	6.7 TO 7.5
28,500 to 30,499	28,000 to 31,000	-----	6.0 TO 7.8	-----	-----
30,500 to 33,499	30,000 to 34,500	-----	6.0 TO 7.1	-----	6.2 TO 6.3
33,500 to 36,000	32,500 to 36,000	-----	6.2 TO 7.3	-----	6.2 TO 6.3

From data supplied by the Association of Home Appliance Mfrs. Includes only units operating on 60 Hz electrical service.

* Includes EER ratings of all window models as defined in 3.5.

** Includes EER ratings of all through-wall models as defined in 3.6 plus EER ratings of window models suitable for mounting through a wall.

[FR Doc.75-4090 Filed 2-10-75;4:20 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL PANEL ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Alcohol, Drug Abuse, and Mental Health Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on January 24, 1975, of the following advisory committee:

Designation. National Panel on Alcohol, Drug Abuse, and Mental Health.

Purpose. The National Panel on Alcohol, Drug Abuse, and Mental Health shall advise, consult with, and make recommendations to the Secretary concerning the activities to be carried out through the Alcohol, Drug Abuse, and Mental Health Administration.

This charter is effective through January 24, 1977.

Dated: February 10, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-4163 Filed 2-13-75;8:45 am]

Office of Education

EDUCATION PROFESSIONS DEVELOPMENT: VOCATIONAL EDUCATION LEADERSHIP DEVELOPMENT PROGRAM

Closing Dates for Receipt of Recommendations

Pursuant to authority contained in section 552 of the Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended; (20 U.S.C. 1119c-111c-1)), notice is hereby given that the Commissioner of Education has established closing dates for receipt of recommendations from State Boards of Vocational Education, of individuals to receive Leadership Development Awards and of graduate

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programs of vocational education leadership development in institutions of higher education to participate in the Vocational Education Leadership Development Program. This program will be subject to the regulations published in 45 CFR Part 174, subpart F, and applicable provisions of subchapter A of this chapter (45 CFR Part 100a).

The criteria which will be used by the State Boards of Vocational Education in recommending Leadership Development Award recipients and by the Commissioner in selecting award recipients, and the criteria to be used by those State Boards in approving and recommending programs of vocational education leadership development and by the Commissioner in approving those recommended programs are published as §§ 174.243–246, and 174.250 of Part 174, Title 45 of the Code of Federal Regulations.

Recommendations of approved programs of vocational education leadership development must be received by the U.S. Office of Education Application Control Center on or before March 18, 1975 and recommendations of individuals to receive Leadership Development Awards must be received by the same Application Control Center on or before April 18, 1975.

A. *Recommendations sent by mail.* Statements of recommendations sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.503, Vocational Education Personnel Development Awards. Documents sent by mail will be deemed to have been received on time:

(1) If the document was sent by registered or certified mail not later than March 13, 1975 for institutions and April 14, 1975 for individuals, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) If the document is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered documents.* A document to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered documents will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Documents will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and forms may be obtained from the Division of Educational Systems Development, Bureau of Occupational and Adult Education, Office of Education, Room 3632, 7th and D Streets, SW., Washington, D.C. 20202.

(Catalog of Federal Domestic Assistance Number 13.503 Vocational Education Personnel Development Awards)

Dated: February 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-4204 Filed 2-13-75;8:45 am]

EDUCATION PROFESSIONS DEVELOPMENT; VOCATIONAL EDUCATION TRAINING—STATE SYSTEMS PROGRAM

Closing Date for Receipt of Applications

Pursuant to the authority contained in section 553 of the Education Professions Development Act (Title V of the Higher Education Act of 1965 as amended; (20 U.S.C. 1119c–2)), notice is hereby given that the U.S. Commissioner of Education has established a closing date for receipt of applications from State boards of vocational education for grants of financial assistance to continue their project activities under the EPDA Vocational Education Training—State Systems Program (Education Professions Development Act, Part F).

Applications must be submitted to the Regional Office of the Office of Education serving the area in which the applicant is located and must be received by that Regional Office on or before April 4, 1975.

The addresses are as follows:

Region I. Boston: Ms. Ruth Moran, Application Control Center, Office of Education/DHEW, J. F. Kennedy Federal Bldg., Room 2302, Boston, Massachusetts 02203.

Region II. New York: Application Control Center, Office of Education/DHEW, 26 Federal Plaza—Room 3954, New York, New York 10007.

Region III. Philadelphia: Mr. James Roberts, Office of Education/DHEW, 3535 New Gateway Bldg.—Room 16200, Philadelphia, Pennsylvania 19106.

Region IV. Atlanta: Mrs. Gussie Rudin, Office of Education/DHEW, Application Control Center—Room 555, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Region V. Chicago: Application Control Center, Office of Education, 300 South Wacker Drive—32nd Floor, Chicago, Illinois 60606.

Region VI. Dallas: Mrs. Virginia Lynn, Application Control Center, Office of Education, 1114 Commerce Street—Room 1011, Dallas, Texas 75202.

Region VII. Kansas City: Application Control Center, Office of Education/DHEW, New Federal Office Building—Room 458, 601 East 12th Street, Kansas City, Missouri 64106.

Region VIII. Denver: Application Control Center, Office of Education/DHEW, Federal Regional Office Bldg.—Room 11023, 1961 Stout Street, Denver, Colorado 80202.

Region IX. San Francisco: Application Control Center, Office of Education/DHEW, 50 Fulton Street—Room 334, San Francisco, California 94102.

Region X. Seattle: Application Control Center, Office of Education/DHEW, Arcade Plaza Building, 1321 Second Avenue—Room 508, Seattle, Washington 98101.

A. *Applications sent by mail.* An application sent by mail will be considered to have been received on time by the Regional Office if:

(1) The application was sent by registered or certified mail not later than March 31, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the appropriate Regional Office mail room.

(In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, the U.S. Office of Education or the Regional Offices.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the appropriate U.S. Office of Education Regional Office at the address listed above in this notice. No application will be accepted after the normal close of business time by a U.S. Office of Education Regional Office on the closing date.

C. *Program information and forms.* Information and forms may be obtained from the Division of Educational Systems Development, Bureau of Occupational and Adult Education, Office of Education, Room 3032 ROB–3, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Applicable Regulations.* Grants under this program are subject to the Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations for this program (45 CFR 174. 251–253).

(Catalog of Federal Domestic Assistance number 13.504, Vocational Education Personnel Development—Professional Personnel Development for States)

Dated: February 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-4203 Filed 2-13-75;8:45 am]

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that a meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m. to 5 p.m. on Monday, March 3, and on Tuesday, March 4, 1975 from 9 a.m. to 5 p.m. The Committee will meet in Room 5169, Department of Health, Education, and Welfare (North Building), 330 Independence Avenue SW., Washington, D.C.

The Advisory Committee on the Education of Bilingual Children is established pursuant to section 708 of the Bilingual Education Act (20 U.S.C. 880b-5) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the Committee meeting is:

1. Committee report on position paper and draft.
2. Annual Report to the Commissioner.
3. New Business.

Records shall be kept of all proceedings, and shall be available for pubic inspection at Room 3600, Regional Office Building #3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on February 7, 1975.

LEROY WALSER,
Acting Director, Division of Bilingual Education.

[FR Doc.75-4123 Filed 2-13-75;8:45 am]

Food and Drug Administration

LARGE VOLUME PARENTERALS

Availability of Draft Regulations Concerning Good Manufacturing Practices

The Food and Drug Administration has recently learned that representatives of industry have obtained copies of a working draft of proposed regulations covering current good manufacturing practices in the large volume parenteral drug industry. Disclosure of this draft was unauthorized. The draft incorporates certain novel features of potentially broad interest to industry and the public. These include qualification and certification requirements for plants, processes, and products; mandatory self-inspection; and requirements concerning systems for reporting product defects.

The Commissioner of Food and Drugs concludes that since the draft is in the possession of one or more members of the regulated industry, it should be made available to all interested persons. Accordingly, a copy of this draft document has been placed on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours, Monday through Friday.

Since this draft document is still undergoing review within the Food and Drug Administration, the draft copy on display does not necessarily represent final Agency thinking on this matter. Therefore, comments are not solicited on this draft. All members of the public will be afforded an opportunity to comment when a document is published in the FEDERAL REGISTER as a notice of proposed rule making.

Dated: February 11, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4160 Filed 2-11-75;11:39 am]

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of March 1975:

National Advisory Council on Nurse Training, March 12–14, 1975, 10:30 a.m., Conference Room 10, Building 31, NIH, Bethesda, Maryland. Open on March 12, 10:30 a.m. to 12 noon. Closed remainder of meeting. Contact Dr. Mary S. Hill, Federal Building, Room 6C–18, 9000 Rockville Pike, Bethesda, Maryland 20014. Telephone 301–496–6985.

Purpose. Performs final review of applications for construction projects, special projects for the improvement of nurse training, and research grants. Recommends approval, disapproval, or deferral action to the Administrator, HRA.

Agenda. Agenda items for the open portion of the meeting will include announcements, consideration of minutes of previous meeting, discussion of future dates for 1975, and administrative and staff reports. During the remainder of the meeting, the Council will conduct a final review of grant applications for Federal assistance and will not be open to the public in accordance with the provisions set forth in section 552(b)(4), Title 5 U.S. Code and the Determination by the Administrator, HRA, pursuant to the provisions of Pub. L. 92–463, section 10(d).

Agenda items are subject to change as priorities dictate.

That portion of the meeting so indicated, is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact the person indicated above.

Dated: February 7, 1975.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-4133 Filed 2-13-75;8:45 am]

Health Services Administration

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of March 1975:

Interagency Committee on Emergency Medical Services, March 24, 1975, 9 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. Open for entire meeting. Contact John D. Reardon, DEMS/BMS, 6525 Belcrest Road, Room 320, Hyattsville, Maryland 20782. Telephone 301–436–6284.

Purpose. The Committee will provide for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and make recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including making regulations for the emergency medical services systems program.

Agenda. The agenda will include a review of FY 1975 grant funding, discussion of program guidance and work-group activities; and a presentation by the Department of Transportation.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation. Anyone wishing to attend, obtain a roster of members, or other relevant information should contact the person listed above. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Dated: February 3, 1975.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc. 75-4132 Filed 2-13-75;8:45 am]

National Institutes of Health

ADVISORY COMMITTEE TO THE DIRECTOR, NIH

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, April 14–15, 1975, National Institutes of Health, Building 1, Conference Room 114.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on April 14, and from 9 a.m. to 1 p.m. on April 15 to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

The Executive Secretary, Charles R. McCarthy, Ph. D., National Institutes of Health, Building 1, Room 224, 301–496–3471, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: February 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-4170 Filed 2-13-75;8:45 am]

NATIONAL CANCER INSTITUTE

Advisory Committee Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

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Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301–496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Substantive program information can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Committee on Cancer Immunobiology.

Dates: March 5–7, 1975, 9 a.m.

Place: Landow Building, Room: Conference Room C–418, National Institutes of Health.

Times: Open: March 5, 9 a.m.–9:30 a.m. Closed: March 5, 9:30 a.m.–11 p.m. Closed: March 6, 10 a.m.–11 p.m. Closed: March 7, 10 a.m.–adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Barbara Sanford, Address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301–496–1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Cancer Control Community Activities Review Committee.

Dates: March 6–7, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 6, National Institutes of Health.

Times: Open: March 6, 8:30 a.m.–9 a.m. Closed: March 6, 9 a.m.–5 p.m. Closed: March 7, 8:30 a.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Veronica L. Conley, Address: Blair Building, Room 7A01, National Institutes of Health, Phone: 301–427–7943.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Cancer Control Supportive Services Review Committee.

Dates: March 6–7, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 8, National Institutes of Health.

Times: Open: March 6, 8:30 a.m.–9 a.m. Closed: March 6, 9 a.m.–5 p.m. Closed: March 7, 8:30 a.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Veronica L. Conley, Address: Blair Building, Room 7A01, National Institutes of Health. Phone: 301–427–7943.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Committee on Cancer Immunodiagnosis.

Dates: March 9–11, 1975, 7 p.m.

Place: Landow Building, Room: Conference Room C–418, National Institutes of Health.

Times: Open March 9, 7 p.m.–7:30 p.m. Closed: March 9, 7:30 p.m.–11:30 p.m. Closed: March 10, 8:30 a.m.–11:30 p.m. Closed: March 11, 8:30 a.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Ms. Judith M. Magnotta, Address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301–496–1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Cancer Clinical Investigation Review Committee.

Dates: March 10, 1975, 9 a.m.

Place: Building 31A, Room: Conference Room 3, National Institutes of Health.

Times: Open for the Entire Meeting.

Agenda: To plan a proposed CCIRC self-evaluation and program advisory workshop.

Executive Secretary: Dr. John E. Lane, Address: Westwood Building, Room: 803, National Institutes of Health. Phone: 301–496–7903.

Name of committee: Cancer Control Intervention Programs Review Committee.

Dates: March 10–11, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 7, National Institutes of Health.

Times: Open: March 10, 8:30 a.m.–9 a.m. Closed: March 10, 9 a.m.–5 p.m. Closed: March 11, 8:30 a.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Veronica L. Conley, Address: Blair Building, Room: 7A01, National Institutes of Health. Phone: 301–427–7943.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Subcommittee on Environmental Carcinogenesis.

Dates: March 11, 1975, 9:30 a.m.

Place: Building 31C, Room: Conference Room 10, National Institutes of Health.

Times: Open for the Entire Meeting.

Agenda: Formulation of recommendations concerning potential problems in environmental carcinogenesis.

Executive Secretary: Dr. W. Gary Flamm, Address: Building 31, Room: 11A05, National Institutes of Health. Phone: 301–496–5946.

Name of committee: Committee on Cancer Immunotherapy.

Dates: March 13, 1975, 1 p.m.

Place: Building 10, Room: Conference Room 4B14, National Institutes of Health.

Times: Open: March 13, 1 p.m.–1:30 p.m. Closed: March 13, 1:30 p.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Dorothy Windhorst, address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301–496–1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Breast Cancer Epidemiology Committee.

Dates: March 14, 1975, 9 a.m.

Place: Building 31A, Room: Conference Room 2, National Institutes of Health.

Times: Open: March 14, 3 p.m.–adjournment. Closed: March 14, 9 a.m.–3 p.m.

Agenda/open portion: Fiscal Year 1976 Project Plan discussion.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Bernice T. Radovich, Address: Landow Building, Room: B404, National Institutes of Health. Phone: 301–496–6773.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Subcommittee on Cancer Immunotherapy.

Dates: March 20, 1975, 1 p.m.

Place: Building 10, Room: Conference Room 4B14, National Institutes of Health.

Times: Open: March 20, 1 p.m.–1:30 p.m. Closed: March 20, 1:30–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Dorothy Windhorst, Address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301–496–1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Breast Cancer Diagnosis Committee.

Dates: March 21, 1975, 9 a.m.

Place: Building 31A, Room: Conference Room 3, National Institutes of Health.

Times: Open: March 21, 3 p.m.–adjournment. Closed: March 21, 9 a.m.–3 p.m.

Agenda/open portion: Fiscal Year 1976 Project Plan Discussion.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Bernice T. Radovich, Address: Landow Building, Room: B404, National Institutes of Health. Phone: 301–496–6773.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Committee on Cancer Immunobiology.

Dates: March 31, 1975, 2 p.m.

Place: Building 10, Room: Conference Room 4B14, National Institutes of Health.

Times: Open: March 31, 2 p.m.–2:30 p.m. Closed: March 31, 2:30 p.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Barbara H. Sanford, Address: Building 10, Room: 4B17, National Institutes of Health. Phone: 301–496–1791.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Virus Cancer Program Scientific Review Committee A.

Dates: April 10–11, 1975, 8:30 a.m.

Place: Building 31C, Room: Conference Room 10, National Institutes of Health.

Times: Open: April 10, 8:30 a.m.–9:30 a.m. Closed: April 10, 9:30 a.m.–5 p.m. Closed: April 11, 8:30 a.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. Elke Jordan, Address: Building 37, Room: 1A01, National Institutes of Health. Phone: 301–496–6927.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Diagnostic Radiology Committee.

Dates: April 23, 1975, 8:30 a.m.

Place: Landow Building, Room: Conference Room C–418, National Institutes of Health.

Times: Open: April 23, 8:30 a.m.–10:30 a.m. Closed: April 23, 11 a.m.–adjournment.

Agenda/open portion: Discussion of possible new areas of research and other business related to the Diagnostic Radiology Program.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Dr. R. Quentin Blackwell, Address: Building 31, Room: 3A10, National Institutes of Health. Phone: 301–496–1591.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Name of committee: Virus Cancer Program Scientific Review Committee B.

Dates: April 28–29, 1975, 9 a.m.

Place: Building 37, Room: Conference Room 1B04, National Institutes of Health.

Times: Open: April 28, 9 a.m.–10 a.m. Closed: April 28, 10 a.m.–5 p.m. Closed: April 29, 9 a.m.–adjournment.

Closure reason: To Review Research Contract Proposals.

Executive Secretary: Mrs. Harriet L. Streicher, Address: Building 37, Room: 2D24, National Institutes of Health. Phone: 301–496–3301.

(Catalog of Federal Domestic Assistance Number: 13.825.)

Dated: February 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–4166 Filed 2–13–75;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, March 25–26, 1975, Building 31, Conference Room 2, National Institutes of Health.

This meeting will be open to the public on March 25 from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 25, 1975, from 10 a.m. to 5 p.m. and on March 26, 1975, from 9 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

The Information Officer, NIAMDD, NIH, Mr. Victor Wartofsky, Building 31, Room 9A04, Bethesda, Maryland 20014 301–496–3583 will provide summaries of the meeting, rosters of committee members, and substantive program information.

Dated: February 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.828, National Institutes of Health)

[FR Doc.75–4168 Filed 2–13–75;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, April 25–26, 1975, National Institutes of Health, Building 4, Room 336. This meeting will be open to the public from 9 a.m. to 10 a.m. on April 25 to discuss the general trend in research as regards arthritis, metabolism, and digestive diseases. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)(6) Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10 a.m. April 25 to adjournment April 26 for the critique and evaluation of the NIAMDD intramural program, and review of the performance of an investigator's project.

Mr. Victor Wartofsky, Information Officer, NIAMDD, NIH, Building 31, Room 9A04, Bethesda, Maryland 20014, 301–496–3583, will provide summaries of meetings and rosters of committee members.

Dated: February 6, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–4169 Filed 2–13–75;8:45 am]

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, March 3, 1975, National Institutes of Health, Building 31, Conference Room 7.

This meeting will be open to the public on March 3, 1975, from 9 a.m. to 1 p.m., to discuss current and projected programs of the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)(5) of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 3, 1975, from 1 p.m. until adjournment for the review and discussion of the projected 1977 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 301–496–5708 will furnish summaries of meetings and rosters of committee members.

Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A01, National Institutes of Health, Bethesda, Maryland 20014 301–427–7943 will furnish substantive program information.

Dated: February 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–4164 Filed 2–13–75;8:45 am]

IMMUNOLOGIC CONTROL OF VIRUS-ASSOCIATED TUMORS IN MAN: PROSPECTS AND PROBLEMS

Meeting

Notice is hereby given of a symposium entitled, "Immunologic Control of Virus-Associated Tumors in Man: Prospects and Problems," National Cancer Institute, April 7–9, 1975, Building 31, C wing, Conference Room 10.

This meeting will be open to the public from 8:30 a.m. to 5 p.m. on April 7 and 8, 1975, and from 8:30 a.m. to 1 p.m. on April 9, 1975, to review the current status of information on the immunologic control of virus-induced tumors in animals and the potential application of such studies to human cancer. Attendance by the public will be limited to space available.

For additional information, please contact: George J. Burton, Ph. D., Landow Building, Room C306, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, 301–496–6086.

Dated: February 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–4165 Filed 2–13–75;8:45 am]

NATIONAL COMMISSION ON DIABETES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Commission on Diabetes, National Institute of Arthritis, Metabolism, and Digestive Diseases, March 10 and 11, 1975, from 9 a.m. to 5 p.m., in Building 31, Conference Room 6, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on March 10 and 11 to discuss: the role of the Commission and initial consideration of the status of research in the field, research studies required, the mechanisms by which studies should be supported, and the identification of resources needed in the performance of the Commission. Attendance by the public will be limited to space available.

Mr. Victor Wartofsky, Information Officer, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301–496–3583, will provide summaries of the meeting and rosters of the committee members. He will also provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: February 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 75–4167 Filed 2–13–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75 043]

U.S. NATIONAL COMMITTEE FOR THE PREVENTION OF MARINE POLLUTION

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 USC App. 1) of October 6, 1972 that the U.S. National Committee for the Prevention of Marine Pollution will conduct an open meeting on Tuesday, 4 March 1975 in Room 10234 of Department of Transportation, 400 7th Street SW., Washington, D.C. The meeting is scheduled to begin at 9:30 a.m.

The purpose of the meeting is to review the outcome of the second session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) and to begin preparations for the third session of the MEPC which is scheduled for June 1975 in London. In

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particular the National Committee will discuss development of U.S. positions for three specific agenda items for the third MEPC session, i.e.: (1) means for ensuring the provision and maintenance of adequate reception facilities in ports; (2) consideration of draft revised performance standards for oily water separating equipment and oil content meters; and (3) studies of procedures and arrangements for the discharge of noxious liquid substances.

The National Committee for the Prevention of Marine Pollution was established by the Department of State to ascertain views and make recommendations regarding prevention of marine pollution.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt D. C. Hintze
Chief, International Affairs Division
U.S. Coast Guard, (G-AIA/83)
Washington, D.C. 20590

or by calling 202-426-2280.

Dated: February 7, 1975.

J. A. PALMER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Public and International Affairs.

[FR Doc.75-4251 Filed 2-13-75;8:45 am]

[CGD 75044]

U.S. SOLAS SUBCOMMITTEE WORKING GROUP ON THE SAFETY OF FISHING VESSELS

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1) of October 6, 1972 that the U.S. SOLAS Subcommittee Working Group on Safety of Fishing Vessels will conduct an open meeting. The meeting will be at 10 a.m. on Friday, 28 February 1975 in room 8238 of the Department of Transportation, 400 7th Street SW., Washington, D.C.

The purpose of the meeting is to discuss the agenda for the Safety of Fishing Vessels Subcommittee of the Intergovernmental Maritime Consultative Organization (IMCO). The Subcommittee will consider five sections of the latest draft text of the 1976 Safety of Fishing Vessel Convention including the articles, general provisions and three technical sections.

The Safety of Life at Sea Subcommittee was established by the Department of State to provide advice, from the best information available towards improvement of safety of life at sea. In addition the Subcommittee may consider any matters which may be put forward by the International Conference on Safety of Life at Sea, by the IMCO Assembly, Council on Maritime Safety Committee, or which may originate within the SOLAS Subcommittee itself.

Public members of the Subcommittee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Mr. W. A. Cleary, Jr.,
Ship Characteristics Branch,
U.S. Coast Guard (G-MMT-5/82),
Washington, D.C. 20590.

or by calling 202-426-2187.

Dated: February 10, 1975.

J. A. PALMER,
Chief, Office of
Public and International Affairs.

[FR Doc.75-4252 Filed 2-13-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-2-46; Docket 27497]

COMPANIA PERUANA INTERNACIONAL DE AVIACION, S.A. (COPSA) AND BAHAMAS AIRWAYS LTD.

Permit Cancellations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of February 1975.

Compania Peruana Internacional de Aviacion, S.A. (COPISA), a Peruvian air carrier, holds a foreign air carrier permit[1] authorizing: (a) foreign air transportation of persons, property, and mail between a point or points in Peru, the intermediate point Maracaibo, Venezuela, and the terminal point Miami, Florida; and (b) the performance of offroute charter trips in foreign air transportation pursuant to Part 212 of the Board's economic regulations. Bahamas Airways Limited (BAL), a British air carrier, holds a foreign air carrier permit[2] authorizing: (a) foreign air transportation of persons, property, and mail (1) between a point or points in the Bahama Islands, the intermediate point Havana, Cuba, and the coterminal points Miami, Palm Beach, Fort Lauderdale, and Tampa, Florida; (2) between a point or points in the Bahama Islands and the terminal point New York, New York; and (3) between a point or points in the Cayman Islands, the intermediate points Merida, Cosumel, and Chetumal, Mexico, and a point or points in Jamaica, and the terminal point Miami, Florida; and (b) the performance of charter trips in foreign air transportation pursuant to Part 212 or the Board's economic regulations.

The Board has been advised that the Peruvian license held by COPISA has lapsed and that the Government of Peru has withdrawn its designation pursuant to the Air Transport Services Agreement between the United States and Peru.[3] The Board has also been advised that Bahamas Airways is in liquidation, its Bahamian permit has been terminated, and the Commonwealth of the Bahamas has withdrawn its designation pursuant to the Air Transport Services Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland.[4]

In view of the foregoing, the Board tentatively finds that it is in the public interest to cancel the foreign air carrier permits held by COPISA and BAL.

Accordingly, *it is ordered*, That: 1. All interested persons are hereby directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and which would, subject to the approval of the President:

(a) Cancel the foreign air carrier permit held by COPISA, issued pursuant to Order E-22521; and

(b) Cancel the foreign air carrier permit held by Bahamas Airways Limited, issued pursuant to Order 70-6-2.

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within twenty days after the adoption of this order. If an evidentiary hearing is requested the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[5]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon COPISA, Bahamas Airways Limited, the Ambassador of Peru and the Ambassador of the Commonwealth of the Bahamas.

This order will be published in the FEDERAL REGISTER, and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-4211 Filed 2-13-75;8:45 am]

[Order 75-2-49; Docket 26280 Agreement C.A.B. 24488 Agreement C.A.B. 24714 R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of February, 1975.

By Order 75-1-46 (January 13, 1975), the Board approved increases in North/Central Pacific specific commodity rates for electronic components adopted by the carrier members of the International Air Transport Association (IATA).[1] On January 28 and January 31, 1975, respectively, General Instrument Corporation (GIC) and the Western Electronics Manufacturers Association (WEMA)[2] filed petitions for reconsideration of the Board's order. The petitioners also requested the Board to stay the effectiveness of Order 75-1-46 pending action on the petitions for reconsideration and/or judicial review of the Board's decision. In view of the complexity of the issues involved in the case, the Board has determined to stay the effectiveness of its decision until further order.[3]

Accordingly, *it is ordered*, That: The effectiveness of Order 75-1-46, insofar as it relates to Agreement C.A.B. 24488, and of Order 75-1-47 insofar as it would revalidate rates for commodity Items 4416, 4417, 4435, 4506, 9902 and 9903, be and hereby are stayed until further order by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-4210 Filed 2-13-75;8:45 am]

[1] Order E-22521, approved August 6, 1965.
[2] Order 70-6-2, approved May 28, 1970.
[3] Supreme Resolution No. 0164-73-TC/AE, August 16, 1973.
[4] Diplomatic Note from the Ministry of External Affairs, Commonwealth of the Bahamas, December 31, 1974.
[5] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Commodity Items Nos. 4416, 4417, 4435, 4506, 9902 and 9903.
[2] The WEMA parties are: Signetics Corporation; Litronix, Inc; Fairchild Camera and Instrument Corporation; Intel Corporation; National Semiconductor; Electronic Memories and Magnetics Corporation; Data General Corporation; Rockwell International; Intersil, Inc; and American Microsystems, Inc.
[3] We will also stay the effectiveness of Order 75-1-47 (January 13, 1974) insofar as the revalidation of the North/Central Pacific rate structure approved in that order relates to the commodity rates here at issue.

COMMISSION ON CIVIL RIGHTS

COLORADO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 8 a.m. on March 8, 1975, at the Quality Inn, 1840 Sherman Street, Denver, Colorado 80203.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is general planning, and review of current projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 10, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.75-4186 Filed 2-13-75;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on March 15, 1975, at 220 2 N. YMCA Reading Room, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80202.

The purpose of this meeting is that Montana SAC will discuss and finalize plans for a media conference which will be held on April 12.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C. February 10, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.75-4187 Filed 2-13-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 8 a.m. on March 15-16, 1975 at the Sheraton-Crest Inn, Room 206, 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to plan MAES follow-up strategies and to make assignments to SAC and staff members.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 10, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.75-4188 Filed 2-13-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on March 8-9, 1975 at the Sheraton-Crest Inn, Room 206 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commision, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to plan MAES follow-up strategies and to make assignments to SAC and staff members.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.75-4189 Filed 2-13-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE ARMY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of the Army (Financial Management), Office, Assistant Secretary of the Army (Financial Management), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-4221 Filed 2-13-75;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Legislative Affairs), Immediate Office, Office of the Assistant Secretary of Defense (Legislative Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-4222 Filed 2-13-75;8:45 am]

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DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Defense Research and Engineering (Research and Advanced Technology), Immediate Office, ODD (Research and Advanced Technology), ODDR&E, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4226 Filed 2-13-75;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Director of Defense Research and Engineering, Immediate Office, Office of the Director of Defense Research and Engineering, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4227 Filed 2-13-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Director, Office of Regional and Intergovernmental Operations, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4223 Filed 2-13-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Education (Policy Communication), Office of the Assistant Secretary for Education, Education Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4230 Filed 2-13-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer service the position of Deputy Assistant executive assignment in the excepted Secretary for Consumer Services, Office of the Assistant Secretary for Community and Field Services, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4231 Filed 2-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Associate Director—Office of Water Research and Technology, Office of the Assistant Secretary—Land and Water Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4224 Filed 2-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Water Research and Technology, Office of the Assistant Secretary-Land and ater Resources, Office of the Secretay.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4225 Filed 2-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of the Director, Office of the Assistant Secretary, Land and Water Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4228 Filed 2-13-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Saline Water, Office of the Assistant Secretary (Water and Power Resources), Office of the Secretary).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4229 Filed 2-13-75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chairman, Board of Immigration Appeals.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4232 Filed 2-13-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 0782

Grounds Maintenance and Landscaping, Officers Club, Welcome Center, and Silas B. Hayes Hospital, Department of the Army, Fort Ord, California.

Comments and views regarding this proposed addition may be filed with the Committee on or before March 17, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-4179 Filed 2-13-75;8:45 am]

PROCUREMENT LIST, 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 7699

Typewriter Repair and Maintenance (Electric Typewriters Only), Syracuse, New York (including Onondago County).

Comments and views regarding this proposed addition may be filed with the Committee not later than March 17, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice supersedes the notice of proposed addition of Typewriter Repair and Maintenance, dated January 17, 1975 (40 FR 3034), which is cancelled.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-4178 Filed 2-13-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ADVISORY COMMITTEES

Invitation for Membership Applications

The Consumer Product Safety Commission was established by the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1207-33; 15 U.S.C. 2051-81). The Commission is charged with protecting the public against unreasonable risks of injury associated with consumer products; assisting consumers in evaluating the comparative safety of consumer products; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.

To assist in these tasks, the Commission has three advisory committees composed of individuals representative of consumers, industry, and government. The advisory committees are (1) the Product Safety Advisory Council, (2) the Technical Advisory Committee on Poison Prevention Packaging and (3) the National Advisory Committee for the Flammable Fabrics Act. A description of the functions and representational composition of each committee is outlined below.

The purpose of this notice is to invite applications for membership on each of the three advisory committees for vacancies that will occur in June 1975. The number of anticipated vacancies on each committee is provided in the brief description of each committee. A suggested format for applying for membership appears at the end of this notice. Applicants who wish to be considered for more than one advisory committee should submit only one application, specifying the committees for which they wish to be considered and providing any supplemental information as may be appropriate to the functions of the specific committees for which application is being made.

Persons wishing to nominate another individual to serve on an advisory committee should use the suggested format and should include a statement that the person nominated has agreed to serve if selected by the Commission.

The Commission's advisory committees will meet at the call of the Commission, generally on a quarterly basis.

A brief description of each advisory committee and its functions are noted below:

PRODUCT SAFETY ADVISORY COUNCIL

Section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) provides that the Commission shall establish a 15-member Product Safety Advisory Council to be composed of:

(1) Five members selected from governmental agencies including Federal, State, and Local Governments;

(2) Five members selected from consumer product industries including at least one representative of small business; and

(3) Five members selected from among consumer organizations, community organizations, and recognized consumer leaders.

Upon request of the Commission, the Council provides safety rules or other actions under the Consumer Product Safety Act. The Council may also propose safety rules for the Commission's consideration. The Commission, in establishing the Advisory Council, envisioned that this diversely-composed Council would assist it in its decisionmaking process by providing advice on proposed major policies as well as approaches to particular issues and problems.

The Commission anticipates ten (10) vacancies in June 1975: three (3) within the industry category; four (4) within the Federal/State, and local Government category; and three (3) within the consumer category.

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

The Technical Advisory Committee on Poison Prevention Packaging was first established in 1971 by the Department of Health, Education, and Welfare under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601; 15 U.S.C. 1471, et seq). Functions under this Act, including administration of the Technical Advisory Committee, were transferred, effective May 14, 1973, to the Commission by Section 30(a) of the Consumer Product Safety Act (15 U.S.C. 0279(a)).

The Technical Advisory Committee provides advice and recommendations to the Commission in its administration of the Poison Prevention Packaging Act on the establishment of packaging standards to protect children from injury or illness resulting from handling, using, or ingesting household substances.

The Technical Advisory Committee is composed of 18 members including one representative each from the Department of Health, Education, and Welfare and the Department of Commerce, with the remaining 16 members equally divided among consumer and industry interests. Within the industry category, representation is provided for manufacturers of packages and closures for household substances and manufacturers of household substances subject to the Poison Prevention Packaging Act. Scientists with expertise related to the Act and licensed medical practitioners may be included in either the consumer or industry category depending upon their employment affiliation.

The Commission anticipates five (5) vacancies in June 1975; four (4) within the consumer category and one (1) representing manufacturers of packages and closures for household substances.

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

The National Advisory Committee for the Flammable Fabrics Act was first established in 1968 by the Department of Commerce under section 17 of the Flammable Fabrics Act, as amended (Pub. L. 83-88, 15 U.S.C. 1204). Functions under the Act, including administration of the National Advisory Committee, were transferred, effective May 14, 1973, to the Commission by section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)).

The Commission consults with the National Advisory Committee for opinions, advice, and recommendations before prescribing flammability standards or other regulations under the Act.

The National Advisory Committee for the Flammable Fabrics Act is composed of 20 members, ten of whom are representatives of the consuming public and ten of whom are representatives of manufacturers and distributors. The Commission anticipates 15 vacancies in June 1975; ten (10) within the industry category and five (5) within the consumer category.

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APPLICATION FORMAT

1. Advisory Committee(s) for which application is submitted:
2. Name:
3. Address:
4. Birthdate:
5. Description of present employment, including consulting work:
6. Description of extracurricular activities, including organizational affiliation, relating to (a) product safety, (b) poison prevention packaging, and/or (c) flammable fabrics.
7. Will you represent the views and interest of an organization, association, or group? Specify.
8. Applicants for the Product Safety Advisory Council:
(A) Is your present or past experience related to product safety? If so, give a brief description.
(B) Are you now, or have you been, involved in product safety activities at the Federal, State, or Local Government levels? If so, give a brief description.
9. Applicants for the Technical Advisory Committee on Poison Prevention Packaging:
(A) If a manufacturer or consultant, what type industry do you represent (manufacturer of household substances, packaging, closures, etc.)? Specify.
(B) If a scientist or medical practitioner, what area of specialty do you represent?
10. Applicants for the National Advisory Committee for the Flammable Fabrics Act:
(A) If a manufacturer or consultant, what type industry do you represent and what product do you manufacture?
(B) If a distributor, what type of distributors do you represent (wholesale, retail, single product, multiproducts, imported products, etc.)?
11. Interest Questions:
(A) Why are you interested in serving on the Committee(s)?
(B) What contribution can you make?
(C) Would you be able to attend approximately four two-day sessions annually?
(D) How frequently would you be available to comment in writing on material provided by the Consumer Product Safety Commission?

Applications should be submitted not later than April 18, 1975, to the Committee Management Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: February 11, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-4188 Filed 2-13-75;8:45 am]

HAND GUN AMMUNITION

Solicitation of Written Public Comments

The Commission has received a petition requesting a ban on hand gun ammunition. The Committee for Hand Gun Control, Inc., of Chicago, Illinois, petitioned the Commission in June 1974, for a rule banning the sale of bullets for hand guns, with exceptions for police, licensed security guards; the military, and licensed pistol clubs. On September 5, 1974, the Commission denied the petition. In a judicial action which challenged the Commission's decision, the U.S. District Court for the District of Columbia ordered the Commission on December 19, 1974, to "* * * commence consideration of plaintiff's [the Committee's] proposal" (Committee for Hand Gun Control, Inc. v. Consumer Product Safety Commission, et al., Civil Action No. 74-1387). The Commission, therefore, seeks written public comment on the petition which reads as follows (with attachments omitted):

THE COMMITTEE FOR HAND GUN CONTROL, INC.
111 EAST WACKER DRIVE, CHICAGO, ILLINOIS 60601
JUNE, 1974.

MR. RICHARD O. SIMPSON,
Chairman, Bureau of Compliance, U.S. Consumer Product Safety Commission, 5401 Westbard Ave., Washington, D.C. 20207.

DEAR SIR: The Committee for Hand Gun Control, Inc., does hereby respectfully petition the Commission, pursuant to the provisions of Section 10 of the Consumer Product Safety Act, Pub. L. 92-573, as follows:

1. For the adoption of a rule banning the sale of bullets for hand guns. The rule would except such sales to (a) police, (b) licensed security guards, (c) the military, and (d) licensed pistol clubs.

The necessary facts pursuant to Section 10(b)(1) are attached hereto, and made a part hereof, as Exhibit I.

2. For a finding that said bullets referred to in (1) above are hazardous substances under the provision of the Hazardous Substances Act of 1960, enforcement of which Act was vested in the Commission by the Consumer Product Safety Act of 1972, section 30(a); and

3. For a finding that said bullets, as a aforesaid, are hazardous substances under section 8 of the Consumer Product Safety Act of 1972 in that they present an unreasonable risk of injury and no feasible standard would protect the public; and

4. For a hearing pursuant to section 27 of the Consumer Product Safety Act of 1972 in the City of Chicago for the presentation of evidence in support of this petition.

Respectfully submitted,

SUSAN R. SULLIVAN,
President.
PATRICIA B. KOLDYKE,
Treasurer.

Interested persons are invited to submit, on or before April 14, 1975, written comments regarding any aspect of the petition submitted by the Committee for Hand Gun Control, Inc. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, P.O. Box 8137, Washington, D.C. 20024. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and other materials relevant to this petition, including the Court order cited above, may be seen in the Office of the Secretary, 10th Floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: February 10, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-4112 Filed 2-12-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENT

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from February 3 through February 7, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 31, 1975.) The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Clear Creek Planning Unit, Gifford Pinchot National Forest, Skamania County, Wash., February 3: Proposed is a comprehensive management plan for the 76,520 acre Clear Creek Planning Unit of the Gifford Pinchot National Forest. The plan includes timber harvests, designation of roadless areas and scenic areas. Adverse impacts include the construction of roads necessary for timber harvests and effects from additional people in the area (124 pages). (ELR Order No. 50160.)

Final

Upper Fisher Planning Unit, Kootenai National Forest, Lincoln County, Mont., February 7: The statement refers to the implementation of a revised multiple use plan for the Upper Fisher Planning Unit, Libby and Fisher River Ranger Districts of Kootenai National Forest. Areas which are currently unroaded will be developed and the natural conditions of the Forest will be affected. Continued development activity will result in soil and vegetation disturbance and temporary noise and air pollution (168 pages). Comments made by: DOI, EPA, and State and local agencies. (ELR Order No. 50180.)

Eagle Creek Planning Unit, Mount Hood National Forest, Oreg., February 3: Proposed is the implementation of a comprehensive land use plan for the 75,260 acre Eagle Creek Planning Unit of the Mount Hood National Forest. The plan would result in a recommendation for a new wilderness study of 40,900 acres. Impacts of the plan would include the effects of an increased number of visitors, and the reduction of the annual allowable timber cut by 1,300,000 board feet. Comments made by: AHP, COE, DOI, HUD, DOT, EPA, FPC, and State and local agencies, organizations, and concerned citizens. (ELR Order No. 50173.)

SOIL CONSERVATION SERVICE

Draft

Upper Brushy Creek Watershed, Escambia County, Ala., February 3: The statement concerns a project for watershed protection flood prevention, and drainage in Escambia County, Ala. The plan proposes that over a period of 5 years, conservation land treatment methods be applied on 5,000 acres of cropland, 880 acres of pastureland and 3,055 acres of forest land; and 7.2 miles of channel work. Adverse impacts include direct loss of 75 acres of bottom land forest, increased depth of flooding below the channel work, and increased turbidity during construction. (ELR Order No. 50162.)

Little Black Watersheds, several counties in Missouri and Arkansas, February 7: The statement concerns two interrelated projects for watershed protection, flood prevention, drainage on agricultural land, and recreation for 40,254 acres in Butler, Carter, and Ripley Counties, Mo., and Clay County, Ark. Construction of the 24 floodwater retarding structures and the multiple-purpose reservoir will remove 1,192 acres of forest land, 334 acres of cropland, and 52 acres of pastureland. Proposed channel modification will result in the loss of 205 acres of cropland and 570 acres of forest land and the gain of 718 acres of pastureland (125 pages). (ELR Order No. 50181.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DARN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Holland Harbor, Mitigation of Shore Damage, Ottawa County, February 3: Proposed is the mitigation of shore damage attributed to the Federal navigation structures in the vicinity of Holland Harbor, on Lake Michigan. The plan entails the creation of a "feeder beach" on the south side of the harbor. Approximately 170,000 cubic yards of dredged material will be required for initial establishment, and 61,000 cubic yards annually. The dredging and disposition of sand will cause benthos damage and associated detraction in the recreational and aesthetic qualities of the area (Detroit District). (ELR Order No. 50165.)

Farmers Union Grain Terminal, Scott County, Minn., February 3: The statement concerns application by the Farmers Union Grain Terminal Association for a permit to construct a barge slip adjacent to and in the Minnesota River at Savage, Minn. Approximately 100,000 cubic yards of material would be removed. In connection with the barge slip, a barge loading facility and grain elevator and service facility would also be constructed on 12.5 acres of the 55-acre site after the land has been elevated by fill. Construction of the proposed facility would adversely affect most of a 36-acre marsh and 2 acres of woodland (St. Paul District). (ELR Order No. 50163.)

Final

Duluth Superior Harbor, Minn. and Wis., February 7: Proposed is the continued maintenance dredging of Duluth-Superior Harbor with disposal of spoil in diked disposal areas. There will also be some breakwater repair. Ninety acres of shoreline and shallow water would be committed to the disposal sites; there would be adverse impact to marine biota (St. Paul District). Comments made by: USDA, DOC, DOI, USCG, EPA, and State agencies and organizations. (ELR Order No. 50183.)

Commercial Dredging at Ross Island, Oreg., February 4: The project involves the continuation and expansion of the commercial dredging for sand and gravel in the Ross Island area on the Willamette River. As part of the project, a second permit application proposes the installation of a closure across the northeast entrance to the Ross Island lagoon. Adverse impacts include the loss of 92 acres covered with trees and undergrowth. With this loss there will be corresponding loss of habitat for terrestrial animals. There would be temporary increases in the turbidity of the east channel caused by dredging and the construction of the closure structure (Portland District). Comments made by: EPA USDA, DOI, HUD, DOT, and HEW. (ELR Order No. 50168.)

Parker Creek, Maintenance Dredging, Virginia, February 7: The statement refers to the maintenance dredging of a channel 40' wide and 5' deep from the mouth of Parker Creek to the Metomkin Bay Channel. An expected 30,000 cubic yards of spoil will be dredged by hydraulic pipeline and placed on Metomkin Island. The major adverse environmental impact is the removal and subsequent loss of organisms at the dredging site and disposal area (43 pages). Comments made by: EPA, DOC, DOI, and State agencies. (ELR Order No. 50182.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202-697-0892.

Final

Uniformed Services Univ. of Health Sciences, Montgomery County, Md., February 3: The statement refers to the proposed development of the Uniformed Services University of the Health Sciences to be located on the grounds of the National Naval Medical Center, Bethesda, Md. The university will graduate a broad range of professional health care specialists including at least 100 physicians annually. Comments made by: COE, USDA, EPA, and State and local agencies. (ELR Order No. 50161.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Federal Water Pollution Control Act, 204(b)(1); February 4: The statement concerns a proposed bill which would amend section 204(b)(1) of the Federal Water Pollution Control Act, as amended, to permit construction grant applicants to utilize a system based upon ad valorem taxation for charging fees to users of the treatment works. The proposed amendment would slightly diminish incentive to encourage water conservation by domestic and low volume users, but would meet the purposes of the present statute in other respects and would avoid disruption of change from this method. (ELR Order No. 50169.)

Federal Water Pollution Control Act, 307(a); February 4: The statement concerns the bill that would amend subsection 307(a) of the Federal Water Pollution Control Act. The bill would amend 307(a) to allow the Administrator to approve the extension of the compliance deadline to the earliest date compliance is feasible, but not to exceed 3 years from the date of promulgation of the standard when there has been a demonstration that it is technologically infeasible to achieve compliance within one year from promulgation; and to repeal the time requirement that a public hearing be held within 30 days after the standard is proposed. The proposed amendment would sanction continued discharge by some sources for up to 2 additional years. (ELR Order No. 50170.)

Sacramento Regional Wastewater Management Program, Sacramento and Yolo Counties, Calif., February 4: Proposed is a regional wastewater program which would provide for a regionwide interceptor system to deliver raw wastes to a single advanced waste treatment plant located south of the city at the site of the existing county central treatment plant and a disposal system that transports treated effluent to the Sacramento River for discharge near Freeport via a multiport diffuser system. Construction disruption and increased use of energy in the process of conveyance, treatment, and disposal will result. (ELR Order No. 50171.)

Aliso Water Management Agency Project, Orange County, Calif., February 5: Proposed is the implementation of a local or regional wastewater treatment and disposal system to eliminate various systems and prevent future problems. The applicant is considering two alternatives: a regional system with central treatment and ocean disposal of most wastes and a regional disposal system with local treatment. Construction disruption and occasional objectionable odors will result. (ELR Order No. 50174.)

ENERGY RESOURCES DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, ERDA, Washington, D.C. 20545, 301-973-4241.

Draft

Tokamak Fusion Test Reactor Facilities, Middlesex County, N.J., February 4: The statement concerns the design and construction of the Tokamak Fusion Test Reactor (TFTR) fusion device, the TFTR experimental facility which houses this new Tokamak system and the support facilities required to implement the TFTR experiment program. The proposed location is on the Forrestal Campus of Princeton University where similar controlled nuclear fusion studies are being performed. Adverse impacts include release of trace quantities of radioactivity, limited icing or fogging from cooling towers and construction disruption. (ELR Order No. 50172).

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Final

Federal Youth Center, Memphis, Shelby County, Tenn., February 7: The proposed action calls for construction of a Federal Youth Center in Memphis, Shelby County, to be operated by the FBI. The Center will provide correctional treatment programs for Federal offenders from the Memphis and surrounding area. The Youth Center will contain a gross area of 165,000 sq. ft. in approximately 14 rectangular shaped buildings. There will be short-term inconveniences associated with normal construction activities. (100 pages). Comments made by: USDA, HEW, HUD, DOI, FPC, EPA, DOT, and one State agency. (ELR Order No. 50179.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-6295.

Draft

Dade County Neighborhood Development Program, Dade County, Fla., February 3: The statement concerns a Neighborhood Development Program currently in the fifth year of execution proposing urban renewal in eight areas of Dade County: Seminola, Edison, Park, Central NDP Area, Cocoanut Grove, South Miami Area, Perrine, Goulds, and the Model City Area. Relocation of families and individuals is largely accomplished. There

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will be construction disruption (8 volumes). (ELR Order No. 50167.)

In July, 1974, the Department of Housing and Urban Development's Chicago Area Office issued a draft Environmental Impact Statement for 815–821 Gunnison Street, Chicago, Illinois. CEQ received notice January 30, 1975, that HUD does not intend to proceed with the project.

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF LAND MANAGEMENT

Draft

Sigurd to Cedar City Power Transmission Line, several counties in Utah, February 6: proposed is the construction of a 230 kV transmission line from Utah Power and Light Company's Sigurd substation to Cedar City, Utah. Four alternative corridors, each over 100 miles long, are considered. Adverse impacts include electronic interference, right-of-way clearing, wildlife disturbance, weed infestations, and increased fire hazards (161 pages). (ELR Order No. 50178.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, NRC, Washington, D.C. 20545, 301–973–7373.

Draft

Jamesport Nuclear Power Station, Units 1 and 2, Suffolk County, February 5: Proposed is the issuance of permits to the Long Island Lighting Company for the construction of the Jamestown Nuclear Power Station, Units 1 and 2, located on Long Island Sound. The plant will employ two identical pressurized-water reactors to produce up to 3425 MWt each. Two steam turbine-generators will use this heat to provide 1150 MWe (net) of electrical power capacity from each turbine-generator. A design power level of 3579 MWt 1250 MWe net) for each unit is anticipated in the future. The waste heat will be rejected by a once-through flow of water obtained from and discharged to the Long Island Sound. The cooling system will kill fish and organisms. (ELR Order No. 50176.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

Draft

Beltway 8-North, Subsection 1, Harris County, Tex., February 3: Proposed is the construction of an 8.5 mile segment of Beltway 8, North from Interstate Highway 45 to U.S. 59 as part of a planned 87.5 mile circumferential route around Metropolitan Houston. The project will provide a full controlled access facility with a minimum of 6 main lanes flanked by two, three-lane one-way continuous frontage roads. The project will displace 11 dwellings and 6 businesses and is expected to accelerate urban growth. (ELR Order No. 50164.)

FEDERAL HIGHWAY ADMINISTRATION

Final

Mountrail County Road, Mountrail County, N. Dak., February 5: The project consists of improving a Mountrail County road from White Earth South to U.S. Highway 2. The improvement involves grading to current standards and the placement of a bituminous surface. Adverse impacts are the use of 6.35 acres of 4(f) land. Of this 3 acres must be completely cleared of shrubs and trees. There will be a temporary rise in air pollution during construction. Comments made by: DOI, HUD, USDA, EPA, DOT, and State and local agencies. (ELR Order No. 50175.)

U.S. 278, Beaufort County, Beaufort County, S.C., February 3: The statement refers to the proposed construction of U.S. 278, beginning at South Carolina Route 46 and terminating 0.3 mile southeast of Skull Creek in Beaufort County, a distance of approximately 5.7 miles. Adverse impacts include temporary siltation and water turbidity, disruption of marshland, and 2 families. Comments made by: DOI, EPA, and State and local agencies. (ELR Order No. 50166.)

Loop 427, Williamson County, Tex., February 3: The statement refers to the extension of Loop 427 in Williamson County. The project begins at the Intersection of Loop 427 and Lake Drive and terminates at the intersection of Loop 427 and U.S. 79 in the city of Taylor. The project length is 5.6 miles. Adverse impacts include increased air, and water pollution due to construction, and the displacement of approximately 8 families and 3 businesses (89 pages). Comments made by: DOT, HEW, COE, USDA, DOI, EPA, and State and local agencies. (ELR Order No. 50150.)

U.S. COAST GUARD

Draft

New London Station, New London County, Conn., February 6: The Coast Guard is planning to develop approximately 24 acres of land just north of the existing Coast Guard Academy to house the Coast Guard Research and Development Center and the moorings and maintenance facilities for Station New London, as well as support facilities for those units and the Academy. Approximately 190,000 cubic yards of dredge material will be deposited at a dump site in Long Island Sound. Construction disruption and water turbidity will result from the project. (ELR Order No. 50177.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75–4131 Filed 2–13–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 333–5; OPP–210004]

LOUISIANA

Application for Emergency Exemption to Use DDT for Control of Tobacco Budworm on Cotton; Public Hearing

Correction

In FR Doc. 75–3895 appearing on page 6228 in the issue for Monday, February 10, 1975, in the last paragraph which begins, "The hearing in Washington, D.C., will be held in Room 305 • • •", should be changed to read, "The hearing in Washington, D.C., will be held in Room 3805 • • •".

[FRL 324–2]

MOTOR VEHICLE POLLUTION CONTROL SUSPENSION REQUEST

Extension of Public Hearing

On January 2, 1975, notice was published in the FEDERAL REGISTER (40 FR 21) of public hearings to be conducted by the Environmental Protection Agency under the authority of sections 202 (b) (5) (C) and 202(b) (4) of the Clean Air Act. These hearings were called to provide opportunity for interested persons to state their views or arguments or to provide pertinent information concerning both pending applications by automobile manufacturers for suspension of statutory 1977 light duty vehicle emission standards and any other topics which the Administrator might raise relating to his responsibility under section 202(b)(4) to report annually to the Congress on issues that arise in connection with the motor vehicle control provisions of the Clean Air Act.

The hearings commenced on January 21, 1975, and continued through February 7, 1975. During the course of the hearings a number of participants indicated their interest in presenting views and data on the public health significance of findings that emissions of sulfuric acid and other sulfate materials result from the use of oxidation catalyst emission control systems. In the interests of efficiency of the proceedings, and because the hearing panel then presiding was not constituted to fully explore such matters, participants were asked to defer discussion of such health impacts at that time. Nevertheless, the Administrator has determined that such views and data are relevant to the exercise of his statutory responsibilities under the Clean Air Act, and is extending the hearings to permit specific consideration of automotive sulfate emissions. This intention to extend the hearings for this purpose was announced by the Hearing Officer at the hearing on February 7, 1975.

The purpose of this notice is to provide further public notice of the extension of the previously announced hearings, to provide notification of the time and location of the continuation of the hearings, and to announce the reopening of the hearing record for submission of oral and written testimony on the specific subjects of this extension of the hearings.

Commencing at 10 a.m. on February 18, 1975, the hearing previously announced on January 2, 1975 (40 FR 21) will be continued at Room 3906, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 for purposes of receiving views, arguments, or other pertinent data regarding the following subjects:

(a) The increase in human exposure to sulfuric acid or other sulfate pollutants anticipated to result from continued use of automotive oxidation catalysts,

(b) The health effects associated with exposures to such levels of these pollutants, and

(c) The health trade-off between achieving reductions in automotive emissions of hydrocarbons, carbon monoxide, and possible other substances through application of oxidation catalyst emission control systems while incurring increased exposures to emissions of sulfate compounds or other emission products.

In addition to the above topics, testimony is sought on the feasibility of achieving interim reductions in automotive sulfate emission levels through the selective blending by refineries of low sulfur gasoline components into unleaded grades required by catalyst-equipped vehicles and the possible allocation of such

low sulfur unleaded gasoline supplies to geographical areas anticipated to experience the greatest impact from automotive sulfate emissions. Testimony on other aspects of possible automotive sulfate control measures has already been received in these hearings.

For purposes of this continuation of the hearing, the requirement included in the original announcement (40 FR 22) for advance written notice by persons desiring to make oral statements at the hearing will be waived. All interested persons are requested to provide notice, either written or oral, of their intention to participate to Office of Mobile Source Air Pollution Control (AW–455), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone number 202–426–2464, Attention: Ms. Maureen White. The hearing panel will attempt to provide opportunity for oral testimony by all interested persons. However, in the event that requests to make oral presentations exceed the time available for continuation of the hearings, those persons unable to be accommodated for oral testimony will be invited to submit written statements for the record. The record will remain open for submission of written statements and information not presented orally at the hearing through February 26, 1975. All submissions for the record of this continuation of the hearing should be made to the address given above.

Other procedures identified in the previous notice will continue in effect except that testimony under oath is not anticipated for this continuation of the hearing.

Questions regarding this extension of the hearing should be addressed to the Office of Mobile Source Air Pollution Control at the address and telephone number set forth above.

Dated: February 12, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management, U.S. Environmental Protection Agency.

[FR Doc.75–4294 Filed 2–13–75;8:45 am]

[FRL 333–6; OPP–32000/188]

APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 15, 1975.

Dated: February 7, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED

[OPP–32000/188]

EPA File Symbol 2749–GOO. Aceto Chem. Co., Inc., Agriculture Chem. Div., 126–02 Northern Blvd., Flushing NY 11368. DICAMBA +ATRAZINE HERBICIDE TANK MIXTURE. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 56.9%. Method of Support: Application proceeds under 2(c) of interim policy PM25.

EPA File Symbol 2749–UNE. Aceto Chem. Co., Inc. CHLOROBROMURON 50WP PRE-EMERGENCE HERBICIDE. Active Ingredients: Chlorbromuron 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749–UNU. Aceto Chem. Co., Inc. SOYAZINE 50WP HERBICIDE. Active Ingredients: 4 - Amino - 6 - (1,1 - dimethylethyl-3-(methylthio) -1,2,4-triazin-5 (4H) - one 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749–UNA. Aceto Chem. Co., Inc. ACETOVIN 75WP HERBICIDE. Active Ingredients: Acetovin (4-(methylsulfonyl) - 2,6 - dinitro - N,N - dipropylamine) 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749–UNL. Aceto Chem. Co., Inc. FLUOMETURON 80WP HERBICIDE. Active Ingredients: Fluometuron: 1,1-dimethyl-3-(a,a,a-trifluoro-m-tolyl) urea 80%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749–URN. Aceto Chem. Co., Inc. GIBB ACID 2% LIQUID CONCENTRATE PLANT GROWTH HORMONE. Active Ingredients: Gibberellic Acid 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 2749–UNG. Aceto Chem. Co., Inc. CHLOROXURON 50WP HERBICIDE. Active Ingredients: 3-(p-(p-chlorophenoxy) phenyl-1,1-dimethylurea 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 1029–REU. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. AIDEX PINE OIL. Active Ingredients: Pine oil 99.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 8959–RO. Applied Biochemists, Inc., 5300 W. County Line Rd., Mequon WI 53092. BLACK ALGAETRINE II. Active Ingredients: Copper as elemental 8.07%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benyl ammonium chlorides 26.34%; n-Alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 26.34%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 10088–UL. Athea Lab., Inc., 4180 N. 1st St., Milwaukee WI 43200. WASP, HORNET, AND YELLOW JACKET SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.084%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 26.375%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 960–ENR. Balcom Chem., Inc., PO Box 667, Greeley CO 80631. CLEAN CROP ETHION 5 INSECTICIDE GRANULES. Active Ingredients: Ethon 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 7478–GG. Chem-Pak Co., PO Box 757, Miami FL 33143. ROSE FUNGICIDE SPRAY. Active Ingredients: Ethylene bis dithiocarbamate ion (C4H6N2S4) 57.39%; Zinc 1.81%; Manganese 14.80%; Dinitro (1-methylheptyl) phenyl crotonate and Dinitro (1-methylheptyl) phenol and related compounds 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 3314–GE. Colonial Prod., Inc., 1830 10th Ave., N. Lake Worth FL 33460. COLONIAL P.T.O. WITH B–2. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic Petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 3314–GR. Colonial Prod., Inc. COLONIAL P.T.O. INDUSTRIAL RESIDUAL SPRAY. Active Ingredients: Pyrethrins 0.050%; Piperonyl butoxide, technical 0.100%; N-octyl bicycloheptene dicarboximide 0.166%; 2-(1-methylethoxy) phenol methylcarbamate 1.000%; Petroleum distillate 80.684%. Method of Support: Application proceeds under 2(c) of interim policy PM17.

EPA File Symbol 3314–GN. Colonial Prod., Inc. COLONIAL P.T.O. FOOD PLANT SPRAY E.C. Active Ingredients: Pyrethrins 1.20%; Piperonyl butoxide, technical 2.40%; N-octyl bicycloheptene dicarboximide 3.96%; Petroleum distillate 87.44%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

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EPA File Symbol 6957-L. Industrias Nacionales Inc., Calle Jordan 704-Parada 26 ½-Por Fernandez Juncos, Santurce PR 00916. CRESO-FEL DISINFECTANT. Active Ingredients: Tar acid oil 18.00%; Soap Anhydrous 6.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 2693-RNL. International Paint Co., Inc., Elmwood & Morris Ave., Union NJ 07083. WIDE SPECTRUM MARK II BLUE ANTIFOULING PAINT XA1818. Active Ingredients: Cuprous Oxide 25.8%; Tributyltin Fluoride 7.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 2693-RNA. International Paint Co., Inc., Elmwood & Morris Ave., Union NJ 07083. LATENAC EXTRA STRONG ANTIFOULING GREEN XA1816 COMPONENT A. Active Ingredients: Cuprous Oxide 54.6%; Bis(tri-butyltin oxide) 3.23%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 299-RON. C. J. Martin Co., PO Box 1089, Nacogdoches TX 75961. DIAZINON GARDEN INSECT SPRAY. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA Reg. No. 618-74. Merck Chem. Div., Merck & Co., Inc., Rahway NJ 07065. WETTABLE POWDER MERTECT 360-WP FUNGICIDE. Active Ingredients: 2-(4-thiazolyl) benzimidazole 60%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA Reg. No. 541-234. Puritan Chem. Co., Atlanta GA 30318. VALIANT HOSPITAL GRADE-DETERGENT-GERMICIDE. Active Ingredients: Isopropanol 9.40%; Potassium salt of para-tertiary-amylphenol 9.00%; Potassium salt of ortho-phenylphenol 3.25%; Tetrasodium ethylene diamine tetraacetate 3.00%; Triethanolamine dodecylbenzenesulfonate 2.70%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 4297-EI. Reliance-Brooks, Inc., 3302 E. 87, Cleveland OH 44127. 1.50% FRAMITOL RELIANCE-BROOKS VEGETATION KILLER. Active Ingredients: 2,4-bis(isopropylamino)-6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 5657-U. Sobin Chem., Inc. Sobin Park, Boston MA 02210. SOBIN BLUE CHLORINE. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 9115-L. Sun-Ray Chem. Co., Indus. Maintenance Prod. Div., 119 W. Jackson, Phoenix AZ 85003. SAN-O-PHENE '16' GERMICIDE-TUBERCULOCIDE-FUNGICIDE. Active Ingredients: ortho-Benzyl-para-Chlorophenol (C13H11OC1) Potassium laurate-Potassium myristate EDTA 16.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 9115-G. Sun-Ray Chem. Co. PINE SAN-O-PHENE. Active Ingredients: ortho-Benzyl-para-Chlorophenol Potassium laurate-Potassium myristate Steam distilled Pine oil 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 9115-U. Sun-Ray Chem. Co. PINE OIL DISINFECTANT. Active Ingredients: Steam Distilled Pine Oil and Vegetable Oil Soap 80.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 6921-G. Tesch Chem. Co., Inc., E. Midway Rd., Appleton WI 54911. SPEEDEE SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

[FR Doc.75-4109 Filed 2-13-75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

CERTIFICATE NO.	OWNER/OPERATOR and VESSELS
01180---	T.S. Bendixen A/S: *Sea Breeze.*
01190---	A/S Gerrards Rederi & A/S Gerrards Rederi II.: *Geranta.*
01232---	Rolf Wigands Rederi A/S: *Harwi.*
01271---	Scheepvaart Maatschappij "Trans Oceaan" B.V.: *Poeldyk.*
01330---	Shell Tankers (U.K.) Ltd.: *Mytilus.*
01354---	H.E. Hansen Tangen: *Kristina.*
01421---	Bibby Line Limited: *Ocean Bridge.*
01574---	Pearnley & Eger: *Ferncliff, Kristian Birkeland.*
01641---	The Bank Line Limited: *Carron Bank.*
01988---	Aktiebolaget Transmarin: *Tenos.*
02144---	Maridesa Compania Naviera S.A.: *Priamos.*
02198---	Peninsular & Oriental Steam Navigation Company: *Antrim, Donegal, Galway, Nigaristan, Tabaristan, Serbistan, Registan, Floristan, Armanistan, Shahristan, Turkistan, Gorjistan, Kohistan, Baluchistan, Farsistan, Baharistan, Himalaya.*
02199---	Atlantic Richfield Co.: *Atlantic No. 27, Arco #1.*
02227---	Fitzroy Maritime Panama S.A.: *Albamar.*
02295---	The Great Eastern Shipping Co., Ltd.: *Jag Vijay.*
02330---	Oriental Shipping Corporation: *Oriental Empire, Silver Light.*
02384---	Kristiansands Tankrederi A/S, A/S Kristiansands Tankrederi II, Aksjeselskapet Avant and Aksjeselskapet Skjoldheim: *Polyduke.*
02498---	Chevron Oil Company: *BT-363.*
02682---	Ivory Shipping Company, Ltd.: *Ivory Moon.*
02695---	Metropolitan Seas Transport Corporation.: *Methoni.*
02958---	Kawasaki Kisen K.K.: *Cuba Maru, Peru Maru.*
03134---	Compania Naviera Marlena S.A.: *Capetan Giorgis.*
03137---	The Cunard Steamship Company Limited: *Luzor.*
03171---	Saint Maria Maritime Co. Ltd.: *St. Maria.*
03245---	Rederiaktieselskabet Danneborg: *Amalienborg.*
03329---	Hudson Waterways Corporation: *Seatrain Maryland.*
03415---	Chiyoda Kisen K.K.: *Nagaura Maru.*
03441---	Japan Line K.K.: *Brooklyn Maru, Manhattan.*
03447---	K.K. Kyokuyo: *Kyo Maru No. 12.*
03467---	Nichiro Gyogyo K.K.: *Chitose Maru No. 18.*
03468---	Nihonkai Kisen Kabushiki Kaisha: *Shokai Maru.*
03474---	Nippon Suisan K.K.: *Teshio Maru.*
03480---	Osaka Senpaku K.K.: *Hoei Maru.*
03484---	Sanko Kisen K.K.: *Aiko Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Megurosan Maru.*
03589---	Bay Cities Transportation Company: *William H. McGuffey.*
03604---	Tank Barge 21, Inc.: *Barge 21.*
03605---	Harbor Lighterage Co.: *Barge 50.*
03610---	N.V. Rederij Holland: *Tubal.*
03618---	Harbor Barging, Inc.: *Barge 51.*
03636---	Smith-Rice Company: *Barge 13.*
03675---	Pressos Compania Naviera S.A.: *Myson.*
03686---	Tank Barge 22, Inc.: *Barge 22.*
03733---	Great Lakes Dredge & Dock Company: *G.L.4, No. 27.*
03736---	Bethlehem Steel Corporation: *Calmar, Marymar.*
03918---	Mobil Shipping and Transportation Company: *Mobil Mariner, Mobil Comet, Mobil Japan, Mobil Magnolia, Mobil Marketer, Mobil Producer, Mobil Petroleum.*
03937---	Liberian Equility Transports, Inc.: *Eastern Ace.*
03990---	Partenreederei M.S. "Marie Reith": *Marie Reith.*
04019---	Nord Transport Strandheim & Stensaker: *Kings Star.*
04037---	C. F. Bean Inc.: *M. H. Bean, S. B. Whittington.*
04189---	Megaron Shippng Ltd.: *Ergon.*
04289---	Dixie Carriers Inc.: *Colle 151.*
04356---	Pacific Far East Line, Inc.: *Philippine Bear.*
04358---	Holland Bulk Transport B.V.: *Kaap Hoorn.*
04591---	Jose Manuel Pombo: *San Remo.*
04767---	Texaco Inc.: *Texaco 210, Texaco 211, Texaco 212, Texaco 214, Pierce.*
04801---	Three R Towing Co., Inc.: *W-143, W-144.*
04838---	Wallenius Container Line GMBH & Co. KG.: *Atlantic Cinderella.*
05036---	Companhia Nacional de Navegacao: *Ana Mafalda.*
05047---	PPG Industries, Inc.: *HCC-1.*
05089---	H. F. Eimskipafelag Islands: *Gullfoss, Tungufoss, Bakkafoss.*
05151---	Zapata Protein, Inc.: *Grand Caliou, Marsa Island, ZMS-D-10, Zapata Atchafalaya Bay, Zapata Shell Key, Zapata Timbalier Bay, Zapata Trinity Bay, Oyster Bayou, Q. O. Dunn, Raccoon Point, Rachel Burton, Sandy Point, Terrebonne Bay, Willard P. Le Boeuf, W. J. Burton, Vermilion Bay, Tiger Point, Galveston Bay, Crochet 300, Crochet 250, Cote Balanche Bay, Carl Burton, Barataria Bay.*
05244---	Hanseatische Hochseefischerei Aktiengesellschaft: *Erich Ollenhauer.*
05379---	River Lines Company: *Barge Orange, Barge 25, Barge 24, Barge 10.*
05520---	Union Carbide Corporation: *MG-10D, MG-10C, MG-10B, MG-10A, MG-11.*
05589---	Maya Compania Naviera S.A.: *Vasilis.*
05597---	Cunningham Navigation Co. Ltd.: *Caribbean Mara.*

Certificate No.	Owner/operator and vessels
05611---	Marine Drilling Company: *Rig 8, J Storm 1, Stormdrill V, Cee Bee 15, Cee Bee 22, Cee Bee 21, Cee Bee 20, Cee Bee 19, Cee Bee 18, Cee Bee 17, Vermillion Bay Rig 6.*
05698---	Dorica Compania Naviera S.A.: *Artemidi II.*
05704---	Murmansk Shipping Company: *Vasya Kotik.*
05743---	Reederei Barthold Richters: *Claudia Maria, Clari.*
05972---	Louis Ormestad A/S: *Ormlund.*
06117---	Helmut Bastian Reederei: *Pelikan, Pinguin.*
06389---	Sears Oil Co., Inc.: *Rome Sears, Albany Sears, Utica Sears.*
06418---	Carosini Dott. Giovanni: *Capo Miseno.*
06496---	Whaling City Dredge & Dock Corp.: *Hughes Barge No. 53, Hughes Barge No. 51, Steel RR Carfloat No. 5649, Steel RR Carfloat No. 5851.*
06516---	Stott, Mann & Co., Ltd.: *Svenord.*
06566---	Occidental Petroleum Corporation: *NMS 1601.*
06602---	Seahunter Shipping Company Limited: *Mimi M.*
06761---	Sinclair Memphis Marine Service, Inc.: *Arco No. 7.*
06903---	Sun Shipbuilding and Dry Dock Company: *Puerto Rico Yard Hull No. 670.*
06921---	Lee Lai Maritime S.A.: *Chieh Hwang, Chieh Sheng, Chieh Hui, Chieh Shun.*
06995---	Noveresstisk Shipping Company: *Giordano Bruno.*
07178---	Water Tunnel Contractors: *Moran 110.*
07874---	Ocean Tramping Company Limited: *Minglang.*
07469---	Bulk Carriers International, Inc.: *Stolt Vista.*
07611---	William Brandt's (Liberia) Co. Ltd.: *Samos Glory.*
07867---	Pacifio Mariners Corporation of Panama: *Florina.*
07906---	Neptune Associated Lines (Pte.) Ltd.: *Neptune Sakura.*
07907---	Suramar Navigation Co. Ltd., Cyprus: *Arenal.*
08027---	Cala Sinnias Societa Per Azioni Di Navigazione: *Barbagia.*
08088---	Caparra Stevedors & Maritime Agencies Inc.: *Venus II.*
08120---	Empresa Naviera Peruana, S.A.: *Pisco.*
08158---	Cook Transportation System, Inc.: *UM 192.*
08188---	Caribbean Marine Service Company, Inc.: *Captain Steven Scott.*
08282---	Mediterranean Voyager, Ltd.: *Mediterranean Voyager.*
08371---	Seatrain Shipbuilding Corporation: *Williamsburg (Hull #101).*
08391---	Coral Voyager, Ltd.: *Coral Voyager.*
08417---	Dovey Shipping & Industrial Holdings Ltd.: *Lyminge.*
08471---	Villere Marine Corporation: *Bayou Queue.*
08542---	Central Bulk Carriers, Inc.: *Central Argo.*
08625---	United States Metals Refining Company: *Henry G. Stott.*
08629---	Black Gold, Ltd.: *Black Gold.*
08650---	Solway Shipping Company Limited: *Torre Del Oro.*
08670---	Oceanic Seaways Corporation: *Ocean Skipper.*
08751---	The Louisiana Land and Exploration Company: *L.S.C. 302.*

Certificate No.	Owner/operator and vessels
08814---	Matthew Shipping Co., Ltd.: *Jennifer, Samantha M.*
09124---	Asiatic Intermodal Seabridge S.A.: *Ashtabula, Lucky.*
09329---	Rederierne Steencoasters K/S: *Birte Steen.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4206 Filed 2-13-75;8:45 am]

[Docket No. 73-38]

COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS, ET AL. v. AMERICAN MAIL LINES, LTD., ET AL.

Order on Submission of Environmental Memorandum

Hearing in this proceeding is scheduled to commence February 11, 1975. The Commission must provide an environmental analysis of subject matter and issue an Environmental Impact Statement as required by the National Environmental Policy Act of 1969 (NEPA). Under section 102(C) of said Act of the Commission is required to:

(C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Commission believes that the nature of this proceeding renders any decision hereon a major Federal action significantly affecting the quality of the human environment. Consequently the broad scope of environmental factors involved warrant most careful consideration and evaluation before decision making is undertaken.

Therefore it is ordered, That to aid the Commission in its environmental evaluation, all parties shall submit memoranda to the Commission within 45 days which include their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding. Parties shall consider all alternative decisions in this case and use the above cited section 102(C) of NEPA as a guide in preparing their environmental memoranda.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4208 Filed 2-13-75;8:45 am]

[Docket No. 72-48]

PACIFIC MARITIME ASSOCIATION

Cooperative Working Arrangements; Possible Violations of Sections 15, 16, and 17, Shipping Act, 1916

The Federal Maritime Commission instituted this proceeding to determine, inter alia, whether the master collective bargaining contract entered into by the Pacific Maritime Association (PMA) and the International Longshoremen's and Warehousemen's Union embody any agreements between and among members of PMA, which agreements are subject to section 15 of the Shipping Act, 1916; and whether there were any labor policy considerations which would operate to exempt such agreements or practices from section 15 of the Shipping Act, 1916. The Commission having this date made and entered its report stating its findings and conclusions with respect thereto, which report is made a part hereof by reference:

Therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), and consistent with the Commission's Order of September 6, 1972, as amended by its Orders of October 19, 1972 and January 30, 1974, the investigation in this docket shall proceed to determine:

1. Whether the "ILWU-PMA Nonmember Participation Agreement" (Revised Agreement), which is embodied in the ILWU-PMA master collective bargaining contract and which we have found to be subject to and must be filed in accordance with the requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 814), should be approved, disapproved, or modified pursuant to that section;

2. Whether the implementation by PMA and the ILWU of the provisions of the Revised Agreement and/or the master collective bargaining agreement will result in any practices which will subject any person, locality or description of traffic to undue or unreasonable prejudice or disadvantage in violation of section 16 of the Shipping Act, 1916 (46 U.S.C. 815);

3. Whether the implementation by PMA and ILWU of the provisions of the Revised Agreement and/or the master collective bargaining agreement will result in any practice which is unjust or unreasonable in violation of section 17 of the Shipping Act, 1916 (46 U.S.C. 816);

4. Whether any labor policy considerations would operate to exempt these agreements or practices resulting therefrom from any provision of section 16 or 17 of the Shipping Act, 1916; and

It is further ordered, That the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, and their respective members are hereby made respondents in this proceeding; and

It is further ordered, That a public hearing be held before an Administrative Law Judge of the Commission's Office of

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Administrative Law Judges at a date and place to be determined and announced by the Administrative Law Judge; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon petitioners and both the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, individually, and on behalf of their respective members; and

It is further ordered, That notice of this order and notice of hearing be mailed directly to the Department of Justice, the Department of Labor and the National Labor Relations Board; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed to petitioners, the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, individually, and on behalf of their members, and any other person made a party of record to this proceeding; and

It is further ordered, That any person other than those named herein who desires to become a party to this proceeding and to participate herein, shall file a petition to intervene in accordance with rule 5(l) (46 CFR § 502.72) of the Commission's rules of practice and procedure.

Finally, it is ordered, That Seattle's Petition for Severance hereby is denied.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4209 Filed 2-13-75;8:45 am]

RELIANCE OVERSEAS CORP.

Independent Ocean Freight Forwarder License; Revocation

On January 31, 1975, the Federal Maritime Commission received notification that Reliance Overseas Corp., 17 Battery Place, New York 10004 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 440 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. (revised) section 7.04(f) (dated Sept. 15, 1973);

It is ordered, That Independent Ocean Freight Forwarder License No. 440 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 440 of Reliance Overseas Corp. be and is hereby revoked effective January 31, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Reliance Overseas Corp.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-4207 Filed 2-13-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8949; E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Further Extension of Procedural Dates

FEBRUARY 7, 1975.

On February 5, 1975, the Municipal Light Department of Belmont, Massachusetts filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued January 10, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, March 12, 1975.
Service of Company Rebuttal, April 3, 1975.
Hearing, April 24, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4140 Filed 2-13-75;8:45 am]

[Docket No. E-8712]

CAROLINA POWER AND LIGHT CO.

Extension of Procedural Dates

FEBRUARY 7, 1975.

On January 24, 1975, Carolina Power and Light Co. filed a motion to extend the procedural dates fixed by order issued December 12, 1974, in the above designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above material are modified as follows:

Service of Company's Testimony, March 14, 1975.
Service of Staff's Testimony, June 13, 1975.
Hearing, June 25, 1975. (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR 75-4142; Filed 2-13-75; 8:45 am]

[Docket No. E-8884]

CAROLINA POWER AND LIGHT CO.

Revising Hearing Date

FEBRUARY 6, 1975.

On February 5, 1975, Staff Counsel filed a motion to revise the date requested for the Phase II hearing which was fixed by notice issued January 31, 1975, in the above-designated matter. The motion states that the parties have agreed to the revised date.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until May 19, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4141 Filed 2-13-75;8:45 am]

[Docket No. E-9255]

CLEVELAND ELECTRIC ILLUMINATING CO.

Proposed Changes in Rates and Charges

FEBRUARY 7, 1975.

Take notice that The Cleveland Electric Illuminating Co. (CEI), on January 31, 1975, tendered for filing proposed changes in its rates and charges to the City of Cleveland's Municipal Electric Light Plant (MELP) for 11 KV Load Transfer Service being provided pursuant to Ordering Paragraph (E) of the Federal Power Commission's Opinion No. 644 in Docket Nos. E-7631, E-7633 and E-7713. The proposed changes which CEI proposes to put into effect as of March 3, 1975, would increase revenues from jurisdiction sales and service by $303,752 for the month of March 1975.

CEI states that copies of the filing have been served upon the City of Cleveland's MELP.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4143 Filed 2-13-75;8:45 am]

[Docket Nos. CP71-68, *et al.*]

COLUMBIA LNG CORP., ET AL.

Declaratory Order Reaffirming and Clarifying Opinion Nos. 622 and 622-A

FEBRUARY 7, 1975.

On December 19, 1974, Fairfax County, Virginia (Petitioner) filed a petition for declaratory order affirming and clarifying ordering paragraph F(3) of the Commission's Opinion No. 622, issued June 28, 1972, in these proceedings. Opinion No. 622, as amended by Opinion No. 622-A, issued October 5, 1972,[1] granted authorization to Columbia LNG Corp. (Columbia LNG), Consolidated System LNG Co. (Consolidated) and

[1] Further modifications and clarifications of Opinion No. 622, were directed by our Order Upon Motion for Clarification, issued November 17, 1972; Order on Motion for Waiver, issued December 5, 1972; and Findings and Order after Statutory Hearing Amending Opinions No. 622 and No. 622-A, issued March 30, 1973. None of these three supplemental orders concerned the issue addressed by Fairfax County in its Petition.

Southern Energy Co. (Southern), pursuant to Section 3 of the Natural Gas Act (Act) to import liquefied natural gas (LNG) from Algeria to terminal facilities located at Cove Point, Maryland and Savannah, Georgia. Opinion No. 622 also issued certificates of public convenience and necessity pursuant to section 7 of the Act, to the above listed importers to sell such gas for resale in interstate commerce, and to construct and operate all necessary pipeline and other facilities related thereto. Furthermore, the Commission ordered in Opinion No. 622 that the facilities therein authorized be constructed and placed in operation with the sale and delivery of natural gas to commence on or before December 31, 1975.

On January 7, 1975, the Commission issued a Notice of Petition for Declaratory Order and set January 20, 1975, as the final date for the submission of all responses. On January 21, 1975, the National Wildlife Federation (Federation) filed a request for extension of time to file a petition to intervene one day late and a petition for leave to intervene. Neither Petitioner Fairfax County nor The Federation previously had been parties to the proceedings at this docket in the Commission.

Petitioner Fairfax County requests that the Commission reaffirm the conditions imposed by paragraph F(3) of Opinion No. 622 requiring the importers to obtain all necessary federal, state, and local authorization,[2] and "clarify its intent with respect to the exercise of jurisdiction by affected state and local authorities * * *" Petitioner argues that since the natural gas pipeline certificated by Opinion No. 622 will pass through Fairfax, County, the Fairfax County Board of Supervisors and the Fairfax County Planning Commission which are vested pursuant to Section 15 of the Code of Virginia, as amended, with comprehensive planning authority for Fairfax County must approve the proposed pipeline. Petitioner contends that such approval is one of the local "authorizations" upon which the certificates issued by Opinion No. 622 are conditioned. Finally, petitioner states that the Fairfax County Board of Zoning Appeals, pursuant to section 15.1-496 of the Code of Virginia, as amended, has the jurisdiction to issue or deny a special permit necessary for the routing and construction of facilities through the County, and that such a special permit is also a necessary "authorization.

In May of 1974, Columbia LNG filed applications for the necessary Fairfax County authorizations. Petitioner states that evaluation of such applications by the local regulatory bodies is currently in progress. On December 6, 1974, Columbia LNG filed suit in the United States District Court for the Eastern District of Virginia requesting that Court enjoin Fairfax County from any further exercise of jurisdiction over or otherwise interfering with the construction and operation of the pipeline facilities authorized by the Commission in Opinion Nos. 622 and 622-A, or alternatively, that the Court order Fairfax County to forthwith issue the appropriate permits for the construction and operation of the pipeline in Fairfax County. In support of the relief requested, Columbia LNG alleged that Fairfax County is in contravention of the power and jurisdiction of the Federal Power Commission, since the specific route of the pipeline was authorized and certificated by the Commission in Opinion No. 622.

Petitioner Fairfax County alleges that by such action, Columbia LNG has challenged the clear language of Opinion Nos. 622 and 622-A, and in effect has contended "that the conditional authorization granted in Opinion Nos. 622 and 622-A are in fact unconditional." (Petition p. 4). Petitioner states that it has undertaken its thorough analysis of the pipeline route "on the assumption that the certificate granted to Columbia anticipated that just such a responsible review would be taken by affected state and local regulatory bodies. (Petition p. 5). For this reason, Petitioner requests the Commission issue a declaratory order reaffirming and clarifying Opinion Nos. 622 and 622-A.

On January 17, 1975, Columbia LNG filed an "Answer in Opposition" to Fairfax County's petition. Urging expedition, Columbia LNG argues that the petition should be denied because, (1) Opinion No. 622 is clear, final, and unambiguous, (2) Fairfax County's petition is untimely, and (3) the petition misstates the facts and attempts to interject irrelevant considerations into issue.

Fairfax County's petition does not, as Columbia LNG alleges, seek to relitigate the issues thoroughly explored in the proceedings leading to Opinion No. 622. Petitioner requests that the Commission reaffirm its Opinion Nos. 622 and 622-A. We herein shall reaffirm Our Opinion Nos. 622 and 622-A for as Columbia points out in its answer, the certificates issued in those opinions are final. We do not intend to alter that finality in any way, but solely to reaffirm our findings and the ultimate determination therein, for the purpose of clarification as requested by Fairfax County. The Commission's Opinion No. 622 approved the Columbia LNG project including the pipeline route through Fairfax County as proposed by Columbia LNG and determined that with concern to the environment the public interest on balance would be more beneficially served by the project. Our decision herein in no way changes these holdings.

We believe the conditions imposed by Opinion Nos. 622 and 622-A, specifically ordering paragraph F(3), speak clearly for themselves. As petitioner Fairfax County notes, the effectiveness of the authorizations granted are therein conditioned upon the obtaining of all other necessary permits, Federal, state, and local. Columbia LNG is obliged to submit a copy of such permit to the Commission prior to commencement of service. This Commission is not empowered to determine which local jurisdictions can impose additional requirements. It is clear, however, that localities can require permits, so long as the local action is consistent with, and does not encumber or conflict with, Federal regulation such as ours. In this regard, we believe the *Transcontinental Gas Pipeline Company* v. *Hackensack Meadowlands Development Commission* case[4], cited in Columbia LNG's answer, merits important consideration on the matter raised by Fairfax County. The Court of Appeals for the Third Circuit therein held that the Hackensack Meadowlands Development Commission's refusal to issue a permit for the construction of a natural gas plant certificated by the Federal Power Commission constituted an arbitrary and unwarranted imposition upon interstate commerce. The court noted in pertinent part that:

> It is well established that the interstate transmission and sale of natural gas is within the regulatory ambit of the Commerce clause of the Constitution. Although the states are not precluded from imposing reasonable restraints and restriction on interstate commerce, and although the authority to enact zoning ordinances under the state police power is clear, it is equally settled that a state may not exercise that police power where the necessary effect would be to place a substantial burden on interstate commerce. 464 F. 1362 (Citations omitted).

It is therefore well settled that, while states and localities may require their own permits, such restraints must be "reasonable", so as not to place a burden on interstate commerce by interfering with Federal regulatory jurisdiction. Thus, while we reaffirm our condition that Columbia LNG obtain all necessary permits, and do not contest Fairfax County's authority to require permits, such local action must not be inconsistent with the Commerce clause of the Constitution and our jurisdiction. We herein merely reaffirm our Opinion Nos. 622 and 622-A, and the conditions imposed thereby. For the above stated reasons,

The Commission further finds: Participation by the National Wildlife Federation in this proceeding may be in the public interest.

The Commission orders (A) As requested by Fairfax County's Petition filed December 19, 1974, Opinion Nos. 622 and

[2] Ordering paragraph F(3) provides that: "The authorizations granted herein shall not take effect as to any part of any facility, or operation of any part of any facility, until all necessary federal, state and local authorizations as to that part of the facility, or operation thereof, have been secured. A copy of each such authorization for each facility, or part thereof, shall be submitted to the Commission prior to the commencement of service of such facility or part thereof. Such authorizations shall include, but are not limited to, building permits, Coast Guard clearances of vessels and harbor operations, and statements of compliance with applicable industry codes or regulatory codes governing the design, construction and operation of facilities in a safe manner."

[3] Petition, p. 6.

[4] 464 F. 2d 1358 (3rd Cir. 1972).

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622–A, and specifically the conditions imposed by paragraph F(3), are hereby reaffirmed in their entirety as final, as explained and clarified above.

(B) The National Wildlife Federation is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, that participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and Provided, further, that the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4144 Filed 2-13-75;8:45 am]

[Docket No. RP75-53]

FLORIDA GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed Rate Increase

FEBRUARY 7, 1975.

On January 10, 1975, Florida Gas Transmission Co. (Florida) tendered for filing in the above docket certain revised sheets to its FPC Gas Tariff.[1] The revised sheets, which are proposed to become effective on February 10, 1975, provide for an increase in Florida's rates for jurisdictional gas sales and services amounting to $5,508,271 annually, based on the 12 months ended September 30, 1974, as adjusted.

In support of its proposed rate increase, Florida cites a claimed need for higher rates for depreciation and rate of return, reduced gas supplies, increased labor costs and other operating expenses, and an advance payment of $20 million to made to acquire the right to purchase new gas supplies. Florida requests an increase in its depreciation rate from 3.5 to 4.5 percent, and seeks a return on its net investment rate base of 10.25 percent, yielding a return of 14.46 percent on common equity.

Notice of Florida's proposed rate increase was issued on January 16, 1975, providing for protests on petitions to intervene to be filed on or before February 3, 1975. As of January 27, 1975, petitions to intervene had been received from Florida Power Corporation and Florida Public Utilities Co. These petitions will be granted. Any other petitions to intervene which may be filed will be acted on by separate order.

Our review of Florida's filing indicates that the issues raised therein should be developed in and by means of an evidentiary hearing. The proposed increase in rates and charges has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. We shall therefore accept Florida's revised tariff sheets for filing, suspend the proposed increase in rates for the maximum statutory period of five months, and set the matter for hearing.

We note that in the instant filing, Florida has used the *Atlantic Seaboard* method of cost classification for purposes of allocating costs between jurisdictional and non-jurisdictional customers. Florida's rate design is based upon the procedure adopted by the Commission in *United Gas Pipeline Co.*, Opinion No. 671. Under this method, 75 percent of fixed costs are allocated on a commodity or volume basis, and 25 percent on a demand basis.

In Opinion 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight would be given to the annual use of United's pipeline system than would result under *Atlantic Seaboard*. Therefore, we assigned 75 percent of fixed costs to the commodity component of United's two-part rates and to its straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the Florida system, all parties to this proceeding should direct their attention, and any evidence they wish to submit, to the propriety of the continued use of the *Atlantic Seaboard* method of cost classification and allocation, as well as to the propriety of Florida's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may more closely reflect or implement the Commission's policy objectives in this area.[2]

As previously noted, Florida's request for increased rates is based in part upon the premise of declining gas supplies. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies, as well as the uncertainties and contingencies inherent in possible supplemental sources of supply, are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations in which the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

The Commission finds: It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges proposed herein by Florida Gas Transmission Company, and that such rates and charges be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held commencing on July 8, 1975, in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Florida's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending hearing and a decision thereon, Florida's proposed revised tariff sheets are hereby suspended for five months and the use thereof deferred until July 10, 1975.

(C) On or before May 9, 1975, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before June 10, 1975. Any rebuttal evidence by Florida shall be served on or before July 1, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Natural Gas Act, the Commission's Rules and Regulations, and the terms of this order.

(E) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4145 Filed 2-13-75;8:45 am]

[1] Eighth Revised Sheet No. 3-A in Original Tariff Volume No. 1; Twelfth Revised Sheet Nos. 27 and 63 and Ninth Revised Sheet No. 128 in Original Volume No. 2.

[2] See: Footnote 3 in our order of May 31, 1974, in *Columbia Gas Transmission, et al.*, Docket Nos. RP74-82 and RP74-81.

[Docket No. E-8997]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Extension of Procedural Dates

FEBRUARY 7, 1975.

On February 4, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued January 14, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, March 27, 1975.
Service of Intervenor's Testimony, April 10, 1975.
Service of Company Rebuttal, April 24, 1975.
Hearing, May 8, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4146 Filed 2-13-75;8:45 am]

[Docket No. E-9236]

KANSAS POWER AND LIGHT CO.

Proposed Changes in Rates and Charges

FEBRUARY 7, 1975.

Take notice that on January 29, 1975, the Kansas Power and Light Co. (Kansas) tendered for filing a newly executed renewal contract dated January 7, 1975, with the City of Goff, Kansas for wholesale electric service to that community. Kansas states that this is a renewal of a similar contract dated December 2, 1964, and designated KPL Rate Schedule FPC No. 77. The proposed effective date is February 1, 1975, and Kansas requests that the Commission waive the notice requirements as allowed in section 35.11 of its regulations. According to Kansas, the net billing for the twelve months succeeding the proposed change in agreements was $10,038.40. In addition, Kansas states that copies of the contract have been mailed to the City of Goff and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4147 Filed 2-13-75;8:45 am]

[Docket No. RP74-26; PGA75-1]

LOUISIANA-NEVADA TRANSIT COMPANY

Filing of Tariff Sheets

FEBRUARY 7, 1975.

Take notice that on January 29, 1975, Louisiana-Nevada Transit Company (LNT) tendered for filing Substitute Second Revised Sheet No. PGA-1. LNT states that this sheet is being filed as a replacement for its Second Revised Sheet No. PGA-1 filed January 13, 1975, due to the discovery of certain errors in the computation of the rate contained in the replaced sheet. According to LNT, this filing reflects a purchased gas cost adjustment of 2.61¢/Mcf as compared to the 2.79¢/Mcf adjustment reflected in the January 13, 1975 filing. LNT requests a March 1, 1975 effective date for this filing and states that copies of the filing have been mailed to the City of DeQueen, Arkansas, and the Public Service Commission of Arkansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4148 Filed 2-13-75;8:45 am]

[Docket No. E-9206]

McDOWELL COUNTY CONSUMERS COUNCIL, INC. FORMERLY, APPALACHIAN RESEARCH & DEFENSE FUND, INC.

Change of Name of Complainant

FEBRUARY 6, 1975.

Take notice that, pursuant to a request filed by Counsel for McDowell County Consumer Council, Inc., the name of complainant should be changed in the above captioned docket to McDowell County Consumer Council, Inc.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4149 Filed 2-13-75;8:45 am]

[Docket Nos. E-8999; E-9000; E-9001]

ORANGE AND ROCKLAND UTILITIES, INC.; ROCKLAND ELECTRIC CO.

Order Granting Leave To File Late Answer, Permitting Interventions, Consolidation of Proceedings, and Refusing To Compel Submission of Additional Data

FEBRUARY 7, 1975.

On September 11, 1974, the Commission issued notice in Docket No. E-9000 that, on August 30, 1974, Orange and Rockland Utilities, Inc. ("Orange & Rockland") tendered for filing a new power contract between Orange & Rockland and Rockland Electric Co. ("REC"), its wholly-owned subsidiary. In its application Orange & Rockland asserts that the only changes effected by the new contract over the existing contract are a new method of determining rate of return and minor modifications to working capital, the amended contract representing an increase in revenues of $484,179, based on the year ending October 31, 1974.

By order of September 27, 1974, the Commission accepted the proposed rate increases for filing, suspended said filings for one day, the use thereof deferred until November 2, 1974, subject to refund, ordered consolidation of proceedings in Docket Nos. E-9000 and E-8999,[1] and set the matter for hearing on March 25, 1975.

On September 10, 1974, the Commission issued notice in Docket No. E-9001 that, on August 30, 1974, REC had filed with the Commission a set of proposed changes in its rates and charges for wholesale service to the Borough of Park Ridge, New Jersey. The proposed changes include an increase in fixed rates and a fuel adjustment clause, adding $486,107 to REC's total revenues.

Petitions to intervene in the latter proceeding were timely filed by The Board of Public Works in the Borough of Park Ridge ("Park Ridge") and by the Public Advocate of the State of New Jersey ("Public Advocate"). By its order of September 27, 1974, the Commission accepted the proposed rate changes for filing, suspending them for 45 days, until November 15, 1974, subject to refund, permitted the interventions of Park Ridge and Public Advocate, and set the matter for hearing. The hearing is scheduled for March 18, 1975.

On December 6, 1974, the Commission received from Park Ridge a petition to intervene out of time in Docket No. E-9000 and to consolidate Docket No. E-9001 with Docket No. E-9000. REC filed a memorandum in opposition to Park Ridge's petition on December 16, 1974. Staff filed a later answer to Park Ridge's petition for consolidation on January 9, 1975, supporting the proposed consolidation of Docket No. E-9001 with Docket No. E-9000.

On December 20, 1974, Public Advocate petitioned for late intervention into Docket No. E-9000.

Finally, Park Ridge filed a motion in Docket No. E-9001 on December 30, 1974, requesting the Commission to compel REC to produce certain data to supplement data already submitted in accordance with § 35.13(d)(1) of the regulations of the Commission. In response, REC states that it is unable to provide said data and that therefore no compulsory order should issue.

We will give individual consideration to each of the issues raised above.

Park Ridge operates and maintains a utility supplying electricity for public use to a population of some 9,300 people within the Borough of Park Ridge. Its

[1] Docket No. E-8999 involves similar changes in the contract between Orange & Rockland and Pike County Light and Power Company ("Pike") another wholly-owned subsidiary of Orange and Rockland. The consolidated Docket Nos. E-9000 and E-8999 are hereinafter referred to as "Docket No. E-9000."

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sole source of power is REC, from whom it purchases at wholesale pursuant to contract. As a customer of REC, Park Ridge claims that its interests stand to be directly affected by action which would permit an increase in the rates charged REC by Orange and Rockland. Public Advocate claims to be interested in the Docket No. E-9000 proceeding in that he is charged by state law with protecting the public interest of citizens of the State of New Jersey in any proceeding before a governmental agency regarding fixing of rates for products or services. Both Park Ridge and Public Advocate claim that their respective interests will not be adequately represented by any existing party to the Docket No. E-9000 proceeding and that they may be bound by the Commission's action therein.

Park Ridge alleges that consolidation of proceedings in Docket Nos. E-9000 and E-9001 is warranted because the proposed rate increases therein raise common issues of law and fact. Staff concurs.

It is apparent from the filings in Docket No. E-9001 that Park Ridge's electric rates stand to be significantly affected by the proposed fuel adjustment clause in the REC tariff. Said fuel adjustment clause relates rate increases to be charged to Park Ridge to increases in the cost of fossil fuel to Orange & Rockland. Orange & Rockland's fossil fuel costs will be considered in the Docket No. E-9000 proceeding.

We are of the opinion that the nexus between Park Ridge and Orange & Rockland vis-a-vis REC's proposed fuel adjustment clause warrants consolidation of the proceedings in Docket Nos. E-9000 and E-9001. Said consolidation will permit a more expeditious resolution of issues presented in the aforementioned dockets, and will result in substantial savings of time for the parties involved.

In our order of October 25, 1974, we waived that portion of § 35.13(b)(1) of our regulations requiring a comparison of sales and revenues under the present and proposed rate schedules for the 12 months succeeding the date REC's proposed rate schedule was to become effective. Our waiver was based on REC's good faith declaration that it anticipated no economy energy purchases by Orange & Rockland during the next 12 months.

Because Orange & Rockland has in fact made such purchases in the months of November and December, 1974, Park Ridge requests that we modify our October 25, 1974, order and require of REC the data specified in § 35.13(b)(1) of our regulations. To this request REC responds by asserting that said economy energy purchases were unforeseen prior to the times when they were made. REC further states that its present forecast includes no further economy energy purchases, adding the qualification that such purchases may occur, however, "when available and when they are of benefit to Rockland Electric's customers." REC concludes that it cannot provide data regarding future economy energy purchases, and that, therefore, the Commission should refuse to modify the waiver contained in its order of October 25, 1974.

Having reviewed the positions of the parties, we are unpersuaded to modify our order of October 25, 1974. Accordingly, Park Ridge's motion to compel REC to submit additional data will be denied.

The Commission finds: (1) It is desirable and in the public interest to allow Park Ridge and Public Advocate to intervene out of time in the consolidated Docket Nos. E-8999, E-9000 proceeding.

(2) Good cause has been shown to warrant consolidation of proceedings in Docket Nos. E-8999, E-9000 and Docket No. E-9001.

(3) Good cause has not been shown to warrant compelling REC to submit the additional data requested by Park Ridge.

The Commission orders: (A) Leave is granted the Commission Staff to file a late answer to Park Ridge's petition for consolidation, and said late answer is accepted by the Commission.

(B) Park Ridge and Public Advocate are permitted to intervene in the Docket Nos. E-8999 and E-9000 proceeding, subject to the rules and regulations of the Commission: *Provided however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their respective petitions to intervene: *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in the Docket Nos. E-8999, E-9000 proceeding.

(C) The proceedings in Docket Nos. E-8999, E-9000, and E-9001 are hereby consolidated, and will adhere to the procedural dates established for Docket Nos. E-8999, E-9000 by our notice issued February 3, 1975.

(D) Park Ridge's motion to compel submission of additional data by REC is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.4150 Filed 2-13-75;8:45 am]

[Docket No. E-9240]

OTTER TAIL POWER CO.

Filing of Wheeling Electric Rate Schedule

FEBRUARY 7, 1975.

Take notice that on January 29, 1975, the Otter Tail Power Co. (Company) tendered for filing a Wheeling (Transmission) Electric Rate Schedule. The rate schedule is for firm wheeling (transmission) service to the cities of Alexandria and Tyler, Minnesota. The Company states that it is currently serving the cities on a month-to-month basis under the terms of FPC Schedule No. 125 (Alexandria) and FPC Schedule No. 116 (Tyler). The Company states that both contracts are for "excess capacity" transmission service and that both have expired. The Company states that the current filing is a new schedule rather than a rate increase under the old contract.

A copy of the filing has been sent to the Cities. The proposed effective date is April 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4151 Filed 2-13-75;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Further Extension of Procedural Dates

FEBRUARY 7, 1975.

On January 24, 1975, the Power Section of the Georgia Municipal Association and the Cities of Acworth, *et al.* and the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia jointly filed a motion to extend the procedural dates fixed by order issued May 8, 1974, as most recently modified by notice issued December 17, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, March 3, 1975.
Service of staff's testimony, March 24, 1975.
Service of company rebuttal, April 1, 1975.
Hearing, April 15, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4152 Filed 2-13-75;8:45 am]

[Docket No. RP75-52]

STATE OF NORTH CAROLINA AND NORTH CAROLINA UTILITIES COMMISSION VS TRANSCONTINENTAL GAS PIPE LINE CORP., RESPONDENT

Extension of Time

FEBRUARY 7, 1975.

On February 6, 1975, the State of North Carolina and North Carolina Utilities Commission filed a motion for an extension of the procedural dates set by the order issued on January 31, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are extended as follows:

Evidence to be filed by parties seeking a modification in the interim plan, March 10, 1975.
Rebuttal testimony and exhibits to be filed, March 24, 1975.
Hearing to commence, March 31, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4153 Filed 2-13-75;8:45 am]

[Docket No. CI75-466]

TENNECO OIL CO., TENNESSEE GAS PIPELINE CO.

Order To Show Cause and Prescribing Procedures

FEBRUARY 7, 1975.

On July 29, 1974, Tennessee Gas Pipeline Company (Tennessee) filed in Docket No. CP75-23 an application seeking authorization to continue a transportation service it has been rendering for its affiliate, Tenneco Oil Co. (Tenneco), since 1964. The service involves transportation of gas received from Tenneco at various points in onshore and offshore Louisiana[1] to a point of delivery at the tailgate of the Ysclosky processing plant, St. Bernard Parish, Louisiana. Tennessee delivers 15,000 Mcf per day to Creole Gas Pipeline Company (Creole) for the account of Tenneco. Creole transports and resells such gas to Air Products and Chemicals, Inc. (Air Products) for use in Air Products' plant in Orleans Parish, Louisiana, as feedstock process gas and boiler fuel. Tennessee also proposes to add two new points of receipt of gas from Tenneco: The Terreborne Land Development, *et al.*, Well No. 1, Terreborne Parish, Louisiana; and Vermilion Block 246, offshore Louisiana.[2]

Tenneco has filed, in Docket No. CI75-45, for the sale to Creole of the volumes transported by Tennessee. By letter dated January 13, 1975, the Commission staff requested Creole to file an interdependent application in accordance with § 157.14 of the Commission's rules and regulations under the Natural Gas Act.

As of August 31, 1974, an imbalance of 12,552,438 Mcf of gas existed under the subject transportation arrangement, representing deficiencies in volumes which Tennessee delivered to Creole for Tenneco's account but did not actually receive from Tenneco. The parties have amended the transportation contract to provide for repayment of the deficient volumes, and have agreed that if, as of January 1, 1977, Tenneco has not eliminated the imbalance, Tennessee will reduce its deliveries for the account of Tenneco by a maximum of 20 percent per month until the deficit is eliminated.

Tennessee made further application jointly with Tenneco on October 16, 1974, in Docket No. CP75-120, for the exchange and transportation of natural gas to permit Tenneco to utilize its gas as fuel for the production of gasoline, diesel and fuel oils, and kerosenes, at its Chalmette, Louisiana refinery. Under the exchange, Tenneco will tender volumes of gas (unspecified as to amount) to Tennessee at the existing points of delivery utilized in the transportation agreement involved in Docket No. CP75-23, and at three additional points in Texas.[3] The volumes received by Tennessee in Texas will be exchanged for equivalent volumes at the existing Lake Barre, Louisiana delivery point, and Tennessee will then transport all of Tenneco's gas tendered under this agreement to the Ysclosky plant, St. Bernard Parish, Louisiana, and deliver such volumes to Creole for the account of Tenneco. Creole will transport the gas to Tenneco's Chalmette refinery.

The Commission, by order dated December 24, 1974,[4] instituted an investigation in Docket No. RP75-45 of the circumstances for Tennessee's increased curtailment in excess of 17 percent, beyond the Form 16 projection of six percent. Tennessee was also ordered to show the causes for the increased curtailment. At the proceedings convened on January 7, 1975, witness Donald G. Weikman, Tennessee Vice President in charge of sales, showed in Exhibit No. 1 that Tennessee's current system curtailment was 17.20 percent. Witness John L. Moye, Director of Planning for Tennessee indicated, in his Exhibit No. 8, that withdrawals from storage had reduced month end storage inventory from 25.3 Bcf in September of 1974 to 14.4 Bcf in November of 1974. Mr. Moye stated that storage inventory dropped to 4.0 Bcf at the end of December 1974 (Tr. 5/767) and projected that it would further drop to 1.1 Bcf at the end of January 1975 (Tr. 5/768). The projected negative storage situation is confirmed by Joseph L. Parrish, Jr., President of Tennessee (Tr. 947-948).

Based upon Tennessee's firm curtailments of 13,791,99 Mcf for December 1974 as reported in Form 17, the more than doubling of actual curtailments above the projected level of 6 percent in Form 16, the projected negative storage field top gas inventory as reported by Tennessee in Docket No. RP75-45, the rapid drop in storage inventory as indicated by Tennessee's witnesses in Docket No. CP75-45, and the imbalance of 12,552,438 Mcf in Tenneco's account with Tennessee relating to deliveries made by Tennessee for Tenneco's account, the Commission finds that an emergency exists on the Tennessee system which compels us to require Tenneco and Tennessee to show cause why Tenneco should not immediately repay the 12,552,438 Mcf imbalance existing under subject application in Docket No. CP75-23.

Furthermore, in view of the aforesaid emergency situation of Tennessee, the Commission will direct that Tennessee shall, balance receipts and deliveries of transportation gas from Tenneco on a daily basis subject to future orders.

The Commission further finds: That good cause exists for, and the public interest in administering sections 7, 14, 15 and 16 of the Natural Gas Act demands, that Tenneco Oil Company and Tennessee Gas Pipeline Company, A Division of Tenneco, Inc., show why the above described volumes owed by Tenneco to Tennessee should not be repaid immediately to remedy the severe and increasing curtailment situation.

The Commission orders: (A) That Tenneco Oil Co. and Tennessee Gas Pipeline Co., A Division of Tenneco, Inc., show cause why the above described volumes owed by Tenneco to Tennessee should not be repaid immediately.

(B) That Tennessee Gas Pipeline Company shall balance receipts and deliveries of transportation gas from Tenneco Oil Company on a daily basis.

(C) Tenneco and Tennesee are hereby ordered to file testimony and documentary evidence on February 14, 1975 as to why Tenneco should not repay immediately the above-described volumes owed to Tennessee. Such evidence should include, inter alia, a flow diagram of Tennessee's entire system showing all points of receipt and delivery from and to Tenneco and volumes of gas received or delivered from and to Tenneco or for its account.

(D) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. on February 25, 1975, at 10 a.m. (e.s.t.). The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing on these matters, pursuant to the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4154 Filed 2-13-75;8:45 am]

[1] Lake Barre, Terreborne Parish, Louisiana; South Timballer Blocks 22 and 27, offshore Louisiana, West Cameron Blocks 194 and 216, offshore Louisiana; and a point in DeSoto Parish, Louisiana.

[2] In pending Docket No. CP75-43, Tennessee proposes construction of facilities to attach this supply.

[3] The tailgate of Sun Oil Company's processing plant, Starr County, Texas; Welheim Field, Austin County, Texas; and North Ganado Field, Jackson County, Texas.

[4] Amended by Order of January 13, 1975, making all parties selling and delivering gas to Tennessee under FPC certificate authority in excess of 5,000 Mcf per day parties to that proceeding.

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[Docket Nos. RP74-91-15, et al.; RP75-41-2]

TENNESSEE GAS PIPELINE CO.

Order Amending and Clarifying Previous Order and Granting Interim Relief

FEBRUARY 7, 1975.

By order issued January 17, 1975,[1] we, inter alia, consolidated requests for relief from Tennessee Gas Pipeline Company's (Tennessee) and East Tennessee Natural Gas Company) East Tennessee) curtailment plans and denied requests for interim relief filed by Colonial Natural Gas Company (Colonial) on behalf of four of its customers, Hercules Incorporated, Harvey Hubbell Incorporated, Federal Mogul Corporation and Corning Glass Works. On January 24, 1975, Colonial filed a supplment to its request for interim relief and set forth therein additional information concerning the requirements of those four customer companies.

The supplemental request details the uses of the requested relief gas as it pertains to the subject four companies. It further shows the conservation and conversion efforts taken by those companies to reduce their gas requirements. The supplemental request justifies relief pendente lite to the four companies in the following amounts:

Customer	Daily volume in Mcf
Hercules Inc	255
Harvey Hubbell	50
Corning Glass Works	500
Federal Mogul Corp	100
Total	905

The relief granted herein is justified on the conditions granted in the January 17th order including, but not limited to, the 30-day period established in Ordering Paragraph (I) of that order. Accordingly, the relief granted herein will terminate February 17, 1975.

On January 24, 1975, East Tennessee filed a request seeking clarification of our January 17th order. East Tennessee asks whether our order was intended to require Tennessee to supply it with the 1500 Mcf per day interim relief granted for its customers, Natural Gas Utility District of Hawkins County, Tennessee (Hawkins). It was our intent, although not explicitly stated, to require Tennessee to supply East Tennessee the 1500 Mcf per day relief volumes to be distributed to Hawkins.

The Commission finds: Good cause exists to amend and clarify our order of January 17, 1975, in this consolidated proceeding as hereinafter ordered.

The Commission orders: (A) Ordering Paragraph (H) of order of January 17, 1975, is hereby amended to include therein the following additional relief volumes to be delivered by Tennessee to East Tennessee for redelivery to Colonial for service to Colonfal's customers pendente lite as follows:

Customer	Daily Volume in Mcf
Hercules Inc	255
Harvey Hubbell	50
Corning Glass Works	500
Federal Mogul Corp	100

The above relief *pendente lite* is in addition to the relief granted in Ordering Paragraph (H) of our order of January 17, 1975.

(B) Our order of January 17, 1975, is hereby clarified to reflect our intent to require Tennessee to deliver to East Tennessee a volume equivalnt to 9,089 Mcf per day for redelivery by East Tennessee, 1,500 Mcf of which is attributable to the interim relief granted to Hawkins.

(C) In all other respects, our orders of January 17, 1975, and of January 24, 1975, issued in this consolidated proceeding, shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4155 Filed 2-13-75;8:45 am]

[Docket Nos. RP74-20; RP74-83]

UNITED GAS PIPE LINE CO.

Conference

FEBRUARY 7, 1975.

Take notice that on Tuesday, February 25, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m., in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of United Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4156 Filed 2-13-75;8:45 am]

[Docket No. CP75-15]

UNITED GAS PIPE LINE CO.

Order Setting Matter for Hearing, Establishing Procedures and Granting Interventions

FEBRUARY 7, 1975.

On July 16, 1974, United Gas Pipe Line Company (United) filed an application, as amended on December 18, 1974, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act [15 USC § 717f(c)] to transport up to 5,000 Mcf of natural gas per day on behalf of the State of Louisiana (Louisiana) for delivery to New Orleans Public Service, Inc. (NOPSI).

Pursuant to a November 7, 1974, gas transportation agreement, Louisiana will deliver, or cause to be delivered gas for its account, to United at the tailgate of Exxon's Lirette Gasoline Plant in Terrebonne Parish, Louisiana. United will transport the gas to various points of redelivery at the outlet sides of United's several metering stations where United currently is delivering gas to NOPSI. At that point, NOPSI will purchase the gas from Louisiana in accordance with the terms of a letter agreement dated July 12, 1974, which specify that the gas will be utilized as boiler fuel to generate electricity. The stated purpose of this plan is to reduce the cost of electricity to NOPSI's customers by displacing fuel oil with natural gas. Louisiana and NOPSI anticipate that the total costs to NOPSI of such gas purchased and transported will be less than the present or future costs of fuel oil.

The gas to be transported by United will be purchased by Louisiana from T.N.T., Inc. (TNT) from acreage located in section 9 and 10-T21S-R21E, Lafourche Parish, Louisiana. The parties estimate recoverable reserves to be 20 billion cubic feet and initial daily deliverability to be 3,000 Mcf plus or minus 50 percent. Louisiana will pay TNT an initial rate of $1.1729 per Mcf, subject to Btu adjustment and an escalation clause.

The transportation agreement between United and Louisiana provides for a rate of 10.73 cents which reflects United's Southern Zone jurisdictional cost of service as proposed in Docket No. RP74-83.[1] The term of the agreement is for a period extending from date of first deliveries to January 1, 1976, and year to year thereafter. It is further stated that United will effectuate the contemplated transportation arrangement through existing facilities.

Pursuant to notice of the instant application and of the amendment, petitions to intervene have been filed by NOPSI, Texas Eastern Transmission Corporation (TETCO), Consolidated Gas Supply Corporation (Consolidated), Entex, Inc. (Entex), and Peoples Natural Gas Company (Peoples).

The proposed end-use of the gas purchased by Louisiana for sale to NOPSI as

[1] On January 24, 1975, we modified that order by adding another petitioner therein.

[1] A proposal rate increase was filed in Docket No. RP74-83 on April 15, 1974.

boiler fuel in power generation raises the question as to whether interstate transportation facilities should be employed for this purpose. In this connection, we note that NOPSI is an existing power plant customer of United, whose boiler fuel requirements under the currently effective three-category curtailment plan have been accorded the lowest delivery priority.[2] If the proposed transportation is approved, the gas purchased by NOPSI from Louisiana would not be subject to allocation, in whole or in part, to United's customers through operation of a present or future United curtailment tariff.

Were the proposed transportation one extending across state boundaries, our consideration of the application would be in accord with the principles of *F.P.C.* v. *Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1 (1961) and *Arizona Public Service Co.* v. *F.P.C.*, 483 F. 2d 1275 (CADC, 1973), and with the parties fully aware of our oft-stated findings that usage of natural gas for boiler fuel is inefficient, and, during times of shortage, is a misallocation of a wasting resource. However, here the gas to be transported for NOPSI is to be produced and consumed within the same state, so that the *Transco* and *APS* cases, *supra*, provide incomplete guidance. If, for example, the probable result of a denial by us of transportation authority to United is the construction of duplicative intrastate transportation facilities, then the public convenience and necessity may not be served by denial of authorization. We are aware that there is presently a high degree of underutilization of United's facilities through which this gas would flow, and United's jurisdictional ratepayers can be benefited if these facilities are put to use and compensation paid by NOPSI. Thus we must resolve a principal issue in this proceeding: Will the gas under contract to NOPSI move to NOPSI even if we disapprove use of United's facilities for that movement? If so, our inquiry here is whether or not the public convenience and necessity are served by permitting United to utilize more fully its existing interstate facilities and charge a fully compensatory rate therefor. If not, then our inquiry here is within the framework of the principles enunciated in *Transco* and *APS*.

For these reasons, we believe the instant application should be set for formal evidentiary hearing. Moreover, in light of the concurrent allegation by Louisiana in the United curtailment case that human needs customers are threatened by deepening curtailments this winter,[3] we shall establish procedures for expeditious hearing of this case. Finally, because this application does not involve the construction of facilities, we find that an environmental impact statement is not required by the National Environmental Policy Act of 1969.[4]

The Commission finds: (1) Good cause exists to set for formal hearing the application filed in the above-captioned docket.

(2) Participation of the above-named petitioners for intervention may be in the public interest.

The Commission orders: (A) The application filed by United pursuant to section 7(c) of the Natural Gas Act [15 USC § 717(c)] is hereby set for formal hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15 and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing March 4, 1975, at 10 a.m. (est) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether or not the application for a certificate of public convenience and necessity should be granted, or upon what terms and conditions.

(C) United and all other parties in support of the application shall file their testimony on or before February 21, 1975.

(D) The above-named petitioners are hereby permitted to become interveners in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order of the Commission entered in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4157 Filed 2-13-75;8:45 am]

[2] United's implementation study of the program for the current winter period (1974-75) was filed on October 11, 1974.

[3] Motion of State of Louisiana, *et al.*, filed January 21, 1975, in Dockets Nos. RP71-29 and RP71-120.

[4] Section 102(2)(c), 42 USC 4321, *et seq.*

[Docket No. E-8959]

UTAH POWER & LIGHT CO.

Compliance Filing

FEBRUARY 6, 1975.

Take notice that on January 27, 1975, Utah Power and Light Company (Utah) tendered for filing an "Amendment to Service Schedule F-1 to the Interconnection Agreement between Utah Power and Light Company and Arizona Public Service Company dated July 8, 1963," Utah states that it is filing the Amendment in compliance with Ordering Paragraph (B) of the Commission's November 15, 1974, order which required Utah, within 60 days of the date of issuance of that order, "to file a rate schedule supplement reflecting elimination of the provision for automatic adjustment of the material cost component of the O&M charge which is based upon the United States Department of Labor's "Industrial Commodities Index." The Amendment is dated January 20, 1975.

Utah states that a copy of the filing was served upon Arizona Public Service Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4158 Filed 2-13-75;8:45 am]

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FEDERAL RESERVE SYSTEM

Federal Open Market Committee

AVAILABILITY OF INFORMATION

Domestic Policy Directive of December 16–17, 1974

In accordance with 12 CFR 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 16–17, 1974.[1]

The information reviewed at this meeting suggests that real output of goods and services is falling substantially further in the current quarter. Price and wage increases are continuing large, although not so large as earlier this year. In November declines in industrial production and employment were sharp and widespread, and the unemployment rate increased further, from 6.0 to 6.5 percent. In recent weeks additional production cutbacks and layoffs have been announced. The November rise in wholesale prices of industrial commodities, although substantial, remained well below the extraordinarily rapid rate in the first 8 months of the year.

Since mid-November the dollar has declined somewhat further against leading foreign currencies. In October the U.S. foreign trade deficit was reduced sharply for the second consecutive month, while there were continued net inflows of bank-reported private capital and of investments by oil-exporting countries.

Growth of the narrowly defined money stock increased in November to an annual rate of about 7 percent. Net inflows of consumer-type time and savings deposits remained strong at banks and continued to improve at nonbank thrift institutions, and the more broadly defined money supply measures again expanded appreciably. Bank loans increased only moderately. Most market interest rates, after rising in the second half of November, subsequently turned down again. Yields on State and local government securities, however, continued under upward pressure. Effective December 9, Federal Reserve discount rates were reduced from 8 to 7¾ percent.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, cushioning recessionary tendencies and encouraging resumption of real economic growth, and achieving equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with somewhat more rapid growth in monetary aggregates over the months ahead than has occurred in recent months.

By order of the Federal Open Market Committee, February 5, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-4124 Filed 2-13-75;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of December 16–17, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

RANGER FINANCIAL CORP.

Formation of Bank Holding Company

Ranger Financial Corporation, Ranger, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 92.2 percent of the voting shares of First State Bank, Ranger, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 28, 1975.

Board of Governors of the Federal Reserve System, February 6, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4190 Filed 2-13-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Renewal Permits; Opportunity for Public Hearings

Correction

In FR Doc. 75-2607, appearing on page 4366 in the issue for Wednesday, January 29, 1975, in the list of permits, the second entry, now reading "ICP Permit No. 4003-002 * * * Ser. No. 410)", should be changed to read "ICP Permit No. 4003-001 * * * Ser. No. 410)".

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-7)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICAL PROPULSION AD HOC PANEL ON JET ENGINE HYDROCARBON FUELS

Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion, Ad Hoc Panel on Jet Engine Hydrocarbon Fuels will meet on March 6 and 7, 1975, at the NASA Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Room 225 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 40 persons including Panel members and other participants.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion's Ad Hoc Panel on Jet Engine Hydrocarbon Fuels was established to advise NASA's senior management on fuels research now being initiated by NASA in the areas of petroleum base, shale oil base and coal base jet engine fuels. The Ad Hoc Panel will assess ongoing work and research plans, and will make recommendations to NASA on program content, timing and direction to insure greatest benefit to the nation. There are 11 members on the Ad Hoc Panel on Jet Engine Hydrocarbon Fuels. The current Chairman is Dr. John P. Longwell.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

MARCH 6, 1975

Time	Topic
8:15 a.m.	Preparation of Subpanel Reports (Purpose: To consolidate thoughts and ideas on specific issues relating to NASA's role in fuels research. These issues deal with combustion research, fuels safety and toxicity, specification broadening, alternate fuels economics and availability.)
10:15 a.m.	Presentation of Subpanel Reports (Purpose: To afford Panel members an opportunity to comment on subpanel findings and identify areas of NASA participation.)
3 p.m.	Presentation of Alternate Fuels Program Activities (Purpose: To permit members and invited guests to brief the Panel on program activities under way outside NASA which could impact NASA's fuels program plans.)

MARCH 7, 1975

8:15 a.m.	Discussion of Subpanel Reports and Fuels Program Activities Described on Previous Day (Purpose: To arrive at a set of recommendations establishing the scope and direction of NASA's jet engine hydrocarbon fuels research activities.)
1 p.m.	Panel Discussion of Future Plans (Purpose: To develop a list of suitable topics for discussion at the next meeting, which will probably be the final one.)
2 p.m.	Adjournment.

Dated: February 10, 1975.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

[FR Doc.75-4134 Filed 2-13-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Architecture + Environmental Arts Advisory Panel to the National Council on the Arts will be held on March 6, 7, 1975 from 9 a.m.–5 p.m. in the 11th floor conference room, 2401 E Street, NW. Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-4239 Filed 2-13-75;8:45 am]

DANCE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Council on the Arts will be held on March 9, 10, 11, 12, 1975 from 9 a.m.–5:30 p.m. in the 14th floor conference room, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-4240 Filed 2-13-75;8:45 am]

LITERATURE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Literature Advisory Panel to the National Council on the Arts will be held on March 7, 8, 1975 at the Essex House, 160 Central Park South, New York, New York.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-4241 Filed 2-13-75;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on March 3, 4, 5, 1975, from 9 a.m.–5:30 p.m. in Washington, D.C. A specific meeting place has not been determined as of this date. For those interested in attending the open sessions, please contact the Public Media Program, 634-6300.

A portion of this meeting will be open to the public on March 4 from 2 p.m.–5:30 p.m. and on March 5 from 9 a.m.–5:30 p.m.

The remaining sessions of this meeting on March 3 from 9 a.m.–5:30 p.m. and on March 4 from 9 a.m.–12 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-4242 Filed 2-13-75;8:45 am]

SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that closed meetings of the Special Projects Advisory Panel to the National Council on the Arts will be held on March 1, 1975, from 9 a.m.–5:30 p.m. in the 14th floor conference room and on March 3, 4, 5, 1975, from 9 a.m.–5:30 p.m. in the 13th floor conference room, 2401 E Street NW., Washington, D.C.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these meetings, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to these meetings can be obtained from Mrs. Luna Diamond, Advisory Committee Management Office, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-4243 Filed 2-13-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR EARTH SCIENCES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Earth Sciences to be held at 9 a.m. on March 3, 1975, in room 511 and at 8:30 a.m. on March 4, 1975, in room 517, 1800 G Street NW., Washington, D.C.

The purpose of the Panel is to provide advice and recommendations concerning earth sciences research as part of the review and evaluation process for specific proposals and projects.

The agenda for this meeting is as follows:

MARCH 3

9–10:30 a.m.

General Discussion of NSF Budget and Organization Changes.

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Brief Review of Research Related to Mineral Resources Other Than Fossil Fuels.

10:45 a.m.–5:30 p.m.

Review and Evaluation of Research Proposals.

MARCH 4

Review and Evaluation of Research Proposals.

The March 3 session from 9–10:30 a.m. will be open to the public. The session on March 3 (10:45 a.m.–5:30 p.m.) and the entire session on March 4, will be devoted to reviewing, discussing, and evaluating individual research proposals. The proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92–463.

Individuals who wish to attend the open portion of the meeting on March 3 or require further information concerning this Panel, should contact Dr. William E. Benson, Head, Earth Sciences Section, Room 312, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4210, prior to the meeting. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 11, 1975.

[FR Doc.75–4257 Filed 2–13–75;8:45 am]

ADVISORY PANEL ON THE MATERIALS RESEARCH LABORATORIES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel on the Materials Research Laboratories to be held at 9 a.m. on March 3 and 4, 1975, in room 540, 1800 G Street NW., Washington, D.C.

The purpose of the Panel is to review the current program and program policy, and to provide advice and recommendations for the continuation of the program. The agenda for this meeting is as follows:

MARCH 3

Review and Evaluation of the Individual Materials Research Laboratory Programs.

MARCH 4

Review and Evaluation of the Overall Materials Research Laboratory Program.

The March 3 session will not be open to the public because the Panel, based on actual site visits, will be critically reviewing and evaluating each university's materials research laboratory program. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination of the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

The March 4 session shall be open to the public. Persons who wish to attend or would like more information about this Panel should contact Dr. R. J. Waslewski, Head, Materials Research Laboratory Section, Room 336, National Science Foundation, Washington, D.C. 20550, telephone 202/632–7408.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room K–720, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 11, 1975.

[FR Doc.75–4256 Filed 2–13–75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Subpanel on Minority Institutions Science Improvement Program (MISIP) to be held at 9 a.m. on March 6–7, 1975, in room 405, 5225 Wisconsin Avenue NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals submitted for consideration by the Minority Institutions Science Improvement Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about this Subpanel, please contact Dr. Art Diaz, Program Manager, Instructional Improvement Implementation Section, Room 448–W, National Science Foundation, Washington, D.C. 20550, telephone, 202/282–7760.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 11, 1975.

[FR Doc.75–4258 Filed 2–13–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–376]

PUERTO RICO WATER RESOURCES AUTHORITY (NORTH COAST NUCLEAR PLANT, UNIT 1)

Receipt of Application for Construction Permit and Facility License; Availability Environmental Report

Puerto Rico Water Resources Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on January 27, 1975, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on September 27, 1974. Following a preliminary review for completeness, the application was rejected on November 12, 1974, for lack of sufficient information. The applicant submitted additional information on December 27, 1974, and the application was found to be acceptable for docketing. Docket No. 50–376 which was previously assigned to Puerto Rico Water Resources' Aguirre application has been retained for this application, and should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the North Coast Nuclear Plant, Unit 1, is located on the north central coast of Puerto Rico (Islote), and is designed for initial operation at 1785 megawatts (thermal), with a net electrical output of 583 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Arecibo City Hall Library, Arecibo, Puerto Rico.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report dated January 27, 1975. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Planning Board, 1507 Ponce de Leon Avenue, Cond. Ponce de Leon, Box 9447, Santurce, Puerto Rico 00908.

After the environmental report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 5th day of February 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Project Branch 1–3, Division of Reactor Licensing.

[FR Doc. 75–3915 Filed 2–13–75;8:45 am]

[Docket No. 50–376]

PUERTO RICO WATER RESOURCES AUTHORITY (NORTH COAST NUCLEAR PLANT, UNIT 1)

Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, Part 51, Licensing and Regulatory Policy and Procedures for Environmental Protection, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Puerto Rico Water Resources Authority (the applicant), for a construction permit for a preisurized water nuclear reactor designated as the North Coast Nuclear Plant, Unit 1, (the facility), which will be designed for operation at 1785 thermal megawatts with a net electrical output of approximately 583 megawatts. The proposed facility is to be located on the north central coast of Puerto Rico (Islote).

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facility, will be conducted by an Atomic Safety and Licensing Board (Board), which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Richard F. Cole, Mr. Gustave A. Linenberger, and Daniel M. Head, Esq., Chairman.

Pursuant to 10 CFR 2.785; an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's staff of a favorable safety evaluation of the application and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Nuclear Reactor Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant. In the event that a separate hearing is held with respect to a limited work authorization, Item 6 below describes the matters for consideration.

Issues Pursuant to the Atomic Energy Act of 1954, as Amended. 1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design plete the safety analysis and which can information as may be required to comreasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA). 5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permit should be issued as proposed.

Issues Pursuant to 10 CFR 2.761a (Limited Work Authorization). 6. Pursuant to 10 CFR 2.761a, a separate hearing and partial decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Nuclear Reactor Regulation may, pursuant to 10 CFR 50.10(e) authorize the applicant to conduct certain onsite work entirely at its own risk prior to completion of the remainder of the proceeding.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine without conducting a de novo evaluation of the application: (1) whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's staff has been adequate to support the proposed findings to be made by the Director of Nuclear Reactor Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Nuclear Reactor Regulation; and (2) whether the NEPA review conducted by the Commission's staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether a construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) determine whether the requirements of section 102(2) (A), (C), and (D) of NEPA and Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permit with a view to determining the appropriate action to be taken; and (3) determine after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives whether a construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the

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record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Item 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 15, 1975. The presiding Atomic Safety and Licensing Board may make further provision with respect to limited appearances subsequently during the course of this proceeding.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by March 17, 1975. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by March 6, 1975.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Esq. Rafael Betancourt Pulliza, General Counsel, Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, Puerto Rico 00936, and to Maurice Axelrad, Esq., Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036, attorneys for the applicant.

For further details, see the application for a construction permit dated January 27, 1975, and amendments thereto, and the applicant's environmental report dated January 27, 1975, which are or will be available as noted above for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be available at the Arecibo City Hall Library, Arecibo, Puerto Rico, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday. As they become available, a copy of the safety evaluation report by the Commission's Division of Reactor Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Division of Reactor Licensing's safety evaluation report, the Commission's final environmental statement, the proposed construction permit, and the ACRS report may be obtained, when available, by request to the Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation, United States Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 6th day of February, 1975.

UNITED STATES NUCLEAR REGULATORY COMMISSION,
JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc.75-3916 Filed 2-13-75;8:45 am]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO. (ALLENS CREEK NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Evidentiary Hearing

A hearing will commence at 10 a.m., March 11, 1975, in the auditorium at Wallis Orchard Independent School, 6800 Main Street, Wallis, Texas, to receive evidence relating to the application of Houston Lighting and Power Company for a permit to construct two nuclear power reactors in Austin County, Texas. To be considered at this hearing are whether or not the site proposed for the reactors is suitable from the standpoint of radiological health and safety and issues relating to environmental matters.

The public is invited to attend. Any person who has asked to make a limited appearance may state his views or file a written statement at the time and place above set out or at such later time as the Board may designate.

It is so *ordered.*

Dated at Bethesda, Maryland, this 7th day of February, 1975.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.75-4137 Filed 2-13-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.2, Revision 1, "Preparation of Environmental Reports for Nuclear Power Stations," provides guidance on the preparation of environmental reports for nuclear power plants. It identifies the information that should be included in environmental reports accompanying applications for construction permits or operating licenses for these facilities. This revision reflects numerous comments from the public, implements 10 CFR Part 51 which became effective August 19, 1974, and relates more directly to the staff's needs for environmental information.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.2, Revision 1, will, however, be particularly useful in evaluating the need for an early revision if received by April 11, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 regulatory guides currently being developed include the following:

Cooling Water System—Protection of Aquatic Organisms (Entrapment).
Cooling Water System—Protection of Aquatic Organisms (Entrainment).
Cooling Water System—Protection of Aquatic Organisms (Cold Shock).
Irreversible and Irretrievable Commitments of Materials Resources.
Land Use Assessment—Agriculture.
Nuclear Power Stations—Guide to Terrestrial Studies.
Standard Format and Content of Site Certification Reports for Designated Sites.
Environmental Technical Specifications for Nuclear Power Plants.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 5th day of February, 1975.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-4138 Filed 2-13-75;8:45 am]

[Dockets Nos. 50-259 and 50-260]

TENNESSEE VALLEY AUTHORITY (BROWNS FERRY NUCLEAR PLANT, UNITS 1 AND 2)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 6 and 3 to Facility Operating License Nos. DPR–33 and DPR–52 issued to the Tennessee Valley Authority which revised technical specifications for operation of the Browns Ferry Nuclear Plant Units 1 and 2, located in Limestone County, Alabama. The amendment is effective as of its date of issuance.

The amendment revises sections 2.1 and 4.1.1 of Appendix B to the Facility Operating License Nos. DPR–33 and DPR–52. Revision of section 2.1 allows for backup procedures in case of thermal monitoring network failure. Revision of section 4.1.1 changes sample preservation procedures to comply with recent changes in EPA's approved procedures.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 17, 1974, and (2) Amendment Nos. 6 and 3 to License Nos. DPR–33 and DPR–52, with any attachments. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 5th day of February, 1975.

For the Nuclear Regulatory Commission,

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2–1, Division of Reactor Licensing.

[FR Doc.75-4135 Filed 2-13-75;8:45 am]

[Docket Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Notice of Reconstitution of Board

In the matter of 10 CFR Part 50, Appendix D, Section B, Proceeding.

John B. Farmakides, Esq., was Chairman of the Atomic Safety and Licensing Board established for the above proceeding. Mr. Farmakides, because of a schedule conflict, is unable to continue in his duties on this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at: Bethesda, Md., this 7th day of February, 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-4136 Filed 2-13-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 10, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, evaluation of medicaid spend-down, single-time, medicaid recipients, Sunderhauf, M. B., 395–4911.

National Institutes of Health, medical library resources project grants, library data sheets and supplemental instructions to, NIH 398 and 2006–1 applications, NIH–LM–6, on occasion, public and private nonprofit organizations, Lowry, R. L., 395–3772.

DEPARTMENT OF THE INTERIOR

Geological Survey, application for the establishment of royalty values, annually, oil and gas lessees, Caywood, D. P., 395–3443.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census, special population census schedule, SC–19, on occasion, Spanish speaking in San Bernardino, California, Strasser, A. 395–3880.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Report about student to railroad retirement board, G–317, annually, Evinger, S. K., 395–3648.

Request for hearing part B medicare claim, G–791, on occasion, Evinger, S. K., 395–3648.

Request for review part B medicare claim, G–790, on occasion, Evinger, S. K., 395–3648.

Annual policing questionnaires (of events which may affect annuitants benefits), G–19A, annually, Evinger, S. K., 395–3648.

Application for substitution of payee for employee or spouse annuitant, AA–5, on occasion, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4285 Filed 2-13-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8667]

PIONEER FUND, INC.

Application for Exemption Order for Sale of Securities at Other than the Public Offering Price

FEBRUARY 7, 1975.

Notice is hereby given that Pioneer Fund, Inc. ("Applicant"), 28 State Street, Boston, Massachusetts 02109, a Massachusetts corporation registered under the Investment Company Act of

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1940 (the "Act") as an open-end diversified management investment company, filed an application on December 9, 1974, and amendments thereto on January 14, 1975 and January 29, 1975, pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all of the assets of Munoz Corp. ("Munoz"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Munoz, a Colorado corporation, maintains a diversified portfolio of securities substantially in the form of investments in marketable securities, cash and cash items. Munoz is a personal holding company for tax purposes, all of its outstanding stock being owned of record and beneficially by twelve persons.

On December 5, 1974, Applicant and Munoz entered into a Plan and Agreement of Reorganization (the "Agreement") pursuant to which substantially all of the assets of Munoz, consisting of securities and cash, with a value of approximately $4,737,684 as of November 30, 1974, are to be transferred to Applicant in exchange for shares of the Applicant's voting common stock. The number of Applicant's shares to be delivered to Munoz will be determined by dividing the net value of the assets of Munoz transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the valuation time as defined in the Agreement.

Applicant expects to acquire all of the securities of Munoz except (1) Unmarketable Securities valued at an aggregate of $5,000 and (2) securities with a market value not exceeding $150,000 which will be retained by Munoz to cover its liabilities and costs. Applicant will not assume any liabilities of Munoz. Munoz will be liquidated as soon as practicable after the closing.

The transaction is contingent upon it being tax-free and a letter ruling has been requested from the Internal Revenue Service to that effect.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company from selling any redeemable security issued by it to any person except to or through a principal underwriter for distribution or at a current public offering price as described in the prospectus.

Applicant's shares are currently being offered for sale to the public through Fund Research and Management, Inc. (Underwriter), the Applicant's sole underwriter which is the owner of all of the outstanding capital stock of Pioneer Management Corp. (Adviser), the Applicant's investment adviser. The public offering price of Applicant's shares is net asset value per share plus varying sales charges dependent upon the amount purchased, the maximum being 8½ percent and the minimum being 1 percent on sales in excess of $600,000.

Since no sales charge will be made under the terms of the Agreement, the price at which the Applicant will issue its shares in exchange for assets of Munoz will be different from the public offering price described in Applicant's prospectus and an order exempting the proposed transaction from the provisions of section 22(d) of the Act is necessary.

Underwriter's share of the 1 percent sales charge on sales in sums of $600,000 is ¼ of the 1 percent. If the exchange of Applicant's shares for the assets of Munoz had been subject to the sales charge set forth in Applicant's prospectus, Underwriter's share of such sales load would have been $11,965. Underwriter has waived any sales loads on the proposed transaction.

Applicant has agreed to pay up to $5,000 of the fees of Munoz's attorneys and auditors to the extent such fees are directly related to the proposed transaction. Adviser, Underwriter's subsidiary, has agreed to reimburse Applicant for any special expenses, for auditors, legal counsel, etc., of the proposed transaction allocable to Applicant, including the $5,000 of Munoz's expenses, which Applicant has agreed to pay.

Adviser receives an advisory fee from Applicant of ½ percent per annum of Applicant's average daily net assets up to $250,000,000, .48 percent of such assets between $250,000,000 and $300,000,000, and .45 percent of such assets in excess of $300,000,000. As of November 30, 1974, Applicant had net assets of $208,531,242.

Applicant represents that the benefit of the proposed transaction to it is that it will acquire portfolio securities without paying any brokerage commission therefor and thus "save" approximately $40,000 that would have been paid in such commissions if securities in amounts equal to the value of the securities it intends to acquire from Munoz were acquired in the market.

Applicant has no present plans to sell any of the portfolio securities acquired from Munoz and each Munoz shareholder has represented to Munoz in writing that he has no present intention of selling, redeeming or otherwise disposing of the Applicant's stock to be received under the Agreement.

No tax adjustment formula has been provided since Applicant and Munoz had net unrealized capital losses as of November 30, 1974, of $51,959,059 and $404,325, respectively, neither Applicant nor Munoz has any Federal income tax loss carryforward, and Munoz will have no realized capital gain to be carried over to the Applicant.

Applicant states that no affiliation exists between Applicant or its affiliates and Munoz and its affiliates, and that the Agreement was negotiated at arms-length by the two companies.

Section 6(c) of the Act permits the Commission, upon application, to exempt a transaction from any provision of the Act if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice Is Further Given that any interested person may, not later than February 27, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 27, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-4184 Filed 2-13-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-5176]

EDICT INVESTMENT CORPORATION

Filing of Application

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Edict Investment Corporation (applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Rev. Roger P. Morin, 812 General Pershing Street, New Orelans, Louisiana; president, director.

Rev. Michael S. Haddad, 2705 State Street, New Orleans, Louisiana; vice president, director.

Rev. Clinton J. Donkey, 2916 Paris Avenue, New Orleans, Louisiana; secretary/treasurer, director.

Gregory G. Johnson, 1234 Broadway, New Orleans, Louisiana 70118; director.

John J. Dordis, 6321 South Robertson Street, New Orleans, Louisiana; director.

Alden J. McDonald, 8300 I-10 Service Rd., East, Court #1, Apt. 115, New Orleans, Louisiana; director.

Margaret Van Gundy, 2127 South Carrollton, New Orleans, Louisiana; director.

Richard Aselland, 13051 Chateau Court, New Orleans, Louisiana; director.

The applicant, a Louisiana corporation, having its principal place of business located at 3453 Magazine Street, New Orleans, Louisiana 70115, will begin operations with $150,000 of paid-in capital and paid-in surplus derived from the sale of 1,500 shares of common stock to Edict, Inc., a nonprofit corporation funded by grants from the Raskob Foundation and from Philmet, Inc., a nonprofit corporation operating as a source of funding for community service centers and projects in the Archdiocese of New Orleans.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economical disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, not later than March 3, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New Orleans, Louisiana.

Dated: February 5, 1975.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.75-4125 Filed 2-13-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSULTATION CONCERNING VOLUNTARY AGREEMENT AND PROGRAM

Meeting

A meeting will be held on Thursday, February 20, 1975, at 9:30 a.m. in Room 1812, at the State Department, 21st and Virginia Avenue NW., Washington, D.C. The meeting is for the purpose of consulting with representatives of the petroleum industry pursuant to section 708(a) of the Defense Production Act with a view to encouraging the making by such persons of a voluntary agreement and program. The agreement is intended to facilitate the participation of the petroleum industry in the implementation of the International Energy Program. Copies of a suggested agreement and program will be available in the Office of General Counsel, Federal Energy Administration, on Tuesday, February 18, in Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

The meeting will be open. A transcript will be prepared and made available to the public. Persons desiring to attend should notify the Office of General Counsel no later than noon, Wednesday, February 19, by phone (202) 961-8201. Attendance may be limited depending upon available space.

Interested parties are invited to participate by submitting written data, views, or arguments, with respect to the proposed agreement. Such views should be submitted five copies each to the Office of General Counsel, Federal Energy Administration, and the Office of Legal Counsel, State Department (attention Phillip Trimble).

Dated: February 13, 1975.

ROBERT E. MONTGOMERY, Jr., *General Counsel.*

[FR Doc.75-4406 Filed 2-13-75;12:43 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[ADMINISTRATIVE ORDER 637]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment to Investigate Conditions and Recommend Minimum Wage Rates; Hearings; Corrections

In FR Doc. 75-3586 appearing on page 5830 for the issue of Friday, February 7, 1975 make the following changes:

(1) In paragraph 1 appearing on page 5830 change Committee No. 125-A Chemical, Petroleum and Related Products Industry to read Committee No. 125-A Construction Industry.

(2) In paragraph 1 appearing on page 5830 change Committee No. 125-B Construction Industry to read Committee No. 125-B Chemical, Petroleum and Related Products Industry.

Signed at Washington, D.C., this 12th day of February 1975.

PETER J. BRENNAN, *Secretary of Labor.*

[FR Doc.75-4327 Filed 2-13-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 FR 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 FR 8869; 31 FR 930; 31 FR 13405; 32 FR 769; 32 FR 10786; 33 FR 522; 33 FR 10544; 33 FR 20067; 34 FR 11341; 35 FR 131; 35 FR 12175; 36 FR 1235; 36 FR 14359; 37 FR 3480; 37 FR 17100; 38 FR 3649; 38 FR 27248; 39 FR 6574; and 39 FR 390), for the six months' period ending January 3, 1975.

No changes since report for period ending July 3, 1974.

Dated: February 6, 1975.

R. R. MANION.

[FR Doc.75-4197 Filed 2-13-75;8:45 am]

[AB 101]

DULUTH, MISSABE AND IRON RANGE RAILWAY CO.

Abandonment Portion of Z Branch Between (1) Sparta Junction and Largo Junction and (2) Eveleth Branch in the City of Eveleth, All in St. Louis County, Minnesota

FEBRUARY 11, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in St. Louis County, Minn., on or before February 26, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 4th day of February, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 101]

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY ABANDONMENT PORTION OF Z BRANCH BETWEEN (1) SPARTA JUNCTION AND LARGO JUNCTION AND (2) EVELETH BRANCH IN THE CITY OF EVELETH, ALL IN ST. LOUIS COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated

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February 4, 1975, it has been determined that the proposed abandonment by the Duluth, Missabe and Iron Range Railway Company of its (1) line of railroad extending from Mile Post 5.18 at Sparta Junction near the City of Eveleth to Mile Post 11.31 at Largo Junction, a distance of 6.13 miles; and (2) its line of railroad extending from Mile Post 1.63 near Eveleth in a northerly direction to the end of the line in the City of Eveleth, a distance of 1.02 miles, all in St. Louis County, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there will be no significant adverse environmental effects associated with the proposed abandonment which is consistent with local land use plans to expand iron ore mining and related activities within the immediate area of the subject lines and trackage. In addition, there are nearby rail facilities and adequate alternate highways available for continued transportation services in the affected area. Bridge traffic which moves over this line will be diverted to an alternate rail line. Furthermore, any resultant diversion from rail to motor carrier services will have negligible impacts on air and water quality in the area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-4249 Filed 2-13-75;8:45 am]

[AB 43 (Sub-No. 6)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Valley and Redwood, in Yazoo and Warren Counties, Mississippi

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Warren and Yazoo Counties, Miss., on or before February 29, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN VALLEY AND REDWOOD, IN YAZOO AND WARREN COUNTIES, MISSISSIPPI

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company of its line between Valley and Redwood, in Yazoo and Warren Counties, Miss., a distance of 20 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because there has been no traffic over the subject line since August 1970, there are no development plans in the area which could be affected by the loss of rail service, and there are no major ecological, historic, or safety impacts associated with the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-4248 Filed 2-13-75;8:45 am]

[Notice No. 698]

ASSIGNMENT OF HEARINGS

FEBRUARY 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in th Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are not notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 14, 1975.

MC 140005, Dependable Interline Transfers, Inc., now assigned March 11, 1975, at New York, N.Y., is canceled and application dismissed.

MC 128932 Sub 8, Robert L. Torrans, DBA Commercial Storage & Distribution Co., now assigned March 4, 1975, at Dallas, Tex., will be held in Room 5A15-17, Federal Office Building, 1100 Commerce Street.

MC 114211 Sub 233, Warren Transport, Inc., now assigned March 6, 1975, at Dallas, Tex., will be held in Room 5A15-17, Federal Office Building, 1100 Commerce Street.

MC 117574 Sub 248, Daily Express, Inc., now assigned March 11, 1975, at Columbus, Ohio, will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 107295 Sub 724, Pre-Fab Transit Co., now assigned March 13, 1975, at Columbus, Ohio; will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 73937 Sub 16, Hogan Storage & Transfer Company, now assigned March 17, 1975, at Columbus, Ohio; will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

No. 35956, Morelli Overseas Export Service Of Wisconsin, Inc., v. Chicago and North Western Transportation Company, now assigned March 18, 1975, at Milwaukee, Wis., will be held in Room 301C, City Hall, 200 E. Wells St.

No. 35990, Maritime Shipping Agencies, Inc., v. Chicago and North Western Transportation Company, now assigned March 18, 1975, at Milwaukee, Wis., will be held in Room 301C, City Hall, 200 E. Wells St.

No. 35998, Hansen Seaway Service, Ltd. v. Chicago and North Western Transportation Company, et al. now assigned March 18, 1975, at Milwaukee, Wis., will be held in Room 301C, City Hall, 200 E. Wells St.

MC 127274 Sub 44, Sherwood Trucking, Inc., now assigned March 24, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 119656 Sub 27, North Express, Inc., now assigned March 27, 1975, at Chicago, Ill., will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 128375 Sub 112, Crete Carrier Corp., now assigned March 25, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 124821 Sub 13, William Gilchrist, now being assigned April 16, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574 Sub 249, Daily Express, Inc., now being assigned April 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12335, Roy A. Gerner & Sons, Inc.—Purchase—Joseph E. Davis, now being assigned April 22, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub 54, Pinto Trucking Service, Inc., now being assigned April 24, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12331, Aero Trucking, Inc.—Purchase (Portion)—Miller's Motor Freight, Inc., now being assigned April 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-111545 Sub 203, Home Transportation Company, Inc., now being assigned May 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-118142 Sub 77, M. Bruenger & Co., Inc., now assigned April 7, 1975, at Kansas City, Mo. is transferred to April 7, 1975 (3 days), at Wichita, Kans., in a hearing room to be later designated.

No. 36073, Chrysler De Mexico, S.A. v. Penn Central Transportation Company, et al., now assigned March 17, 1975, at Dallas, Texas, is cancelled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4245 Filed 2-13-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 11, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42943—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 17), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, Vietnam, The Philippines, Taiwan, Bangkok, Malaysia, Singapore, Indonesia, Sri Lanka, India, and Thailand, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4246 Filed 2-13-75;8:45 am]

[Notice No. 231]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 13, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75672. By application filed February 4, 1975, ACE MOVING & STORAGE COMPANY, INC., 7820 "L" St., Omaha, NE 68127, seeks temporary authority to lease the operating rights of FIDELITY STORAGE & VAN CO., INC., 512 South 11th St., Omaha, NE 68102, under section 210a(b). The transfer to ACE MOVING & STORAGE COMPANY, INC., of the operating rights of FIDELITY STORAGE & VAN CO., INC., is presently binding.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4247 Filed 2-13-75;8:45 am]

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PART II

FEDERAL HOME LOAN BANK BOARD

■

FEDERAL SAVINGS AND LOAN SYSTEM

Interest Rate Adjustments

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FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 75-118]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Interest Rate Adjustments

FEBRUARY 6, 1975.

The following summary of the amendments proposed by this Resolution is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. *Present regulation for Federal associations.*

A. Mortgage interest rates can be adjusted only by changing the length of the loan term.

B. The maximum loan term is 30 years.

II. *Proposed regulation for Federal associations.*

A. Mortgage interest rates could be adjusted by changing the amount of monthly payments, by changing the length of the loan term, or by a combination thereof. However, the loan term may not be decreased to less than the original loan term unless the borrower agrees.

B. The term of a loan having an adjustable interest rate could be extended to 35 years.

C. Increases would be optional and decreases would be required.

D. The overall contract rate increase could not exceed 2.50 percent and the rate of increase could not exceed an average rate of increase of 0.50 percent every six months.

E. The contract rate need not be decreased more than an average rate of 0.50 percent every six months.

F. Changes could not be made more often than every six months.

G. Forty-five days advance notice of any increase would be required.

H. Borrowers could prepay without penalty whenever the contract rate exceeds the initial contract rate.

I. Board approved index would be the standard for interest rate changes.

J. Advance disclosure of contract provisions would be required.

III. *Reasons for proposed changes.*

A. To provide a larger and more stable flow of funds for home mortgage lending.

B. To enable associations to pay more competitive rates of return on savings accounts.

C. To reduce the extent to which savers and new borrowers in effect subsidize the lower rates paid by existing borrowers.

IV. *Effects.*

A. The proposed amendments would apply to all loans having an interest rate adjustment provision closed on and after the effective date of the amendments including loans made pursuant to commitments entered into before such date.

B. The proposed amendments would not affect loans closed after the effective date of the amendments which have fixed rates of interest.

C. The proposed amendments would not affect existing mortgage contracts.

The Federal Home Loan Bank Board considers it desirable to propose amendments to Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) in order to authorize and regulate the manner in which Federal savings and loan associations may adjust the interest rates on loans secured by improved real estate. Accordingly, the Board hereby proposes to amend said parts 541 and 545 as set forth below.

It is the Board's position that permitting savings and loan associations to adjust interest rates on home mortgage loans would benefit both borrowers and savers. Borrowers would be benefited because the flow of funds into home mortgage lending should become larger and more stable. Further, sharp interest rate increases for new borrowers during periods of tight money could be reduced which would lessen the extent to which new borrowers, in effect, subsidize the lower rates of existing borrowers. The continuing availability of mortgage funds would facilitate the resale of existing housing and aid in insuring a steady volume of activity in real estate markets. Savers and potential savers would be benefited by the ability of associations to pay competitive rates of return on savings accounts.

A savings and loan association typically makes most of its loans to home buyers. About 90 percent of an association's income is normally derived from the interest on its loans to borrowing customers. Correspondingly, the association obtains the money with which to make home mortgage loans primarily from deposits by savers. The interest which the association must pay to these people on their savings represents the association's basic cost of money. The difference between the borrowers' interest payments and the interest paid to savers must at least meet the association's other operating expenses and required reserve allocations. Otherwise the association would operate at a loss. If its losses were large enough and lasted long enough, the association would fail and accountholders, prospective borrowers, the housing markets and the public generally would suffer. Hence, it is critical that an association's interest income over time always at least equal the association's average cost of money paid to savers plus its other operating expenses. Moreover, to remain a viable entity it is necessary that it maintain a reasonable margin between its interest income and its average cost of money and other operating expenses.

Most loans made by associations are long-term, frequently as long as 30 years. This is necessary if the monthly mortgage payments are to be within a borrower's income limits. However, the savings accounts of depositors have relatively short maturities. Thus, this creates an imbalance with the association in effect "lending long and borrowing short." There is a further imbalance since an association's income is relatively fixed and its cost of money is variable. This occurs for essentially two reasons: first the rate of interest on most loans is fixed for the entire term of the loan; and second, the rate of interest on savings accounts must vary much more frequently in response to changes in the rates of interest on market instruments that compete with savings accounts for the savings dollar. Thrift institutions are limited in increasing savings rates by the income produced on mortgages.

However, if the difference between the rates of interest that can be paid on savings accounts and market instruments becomes too great, as once again has been the case in recent months, "disintermediation" occurs. This means that people take their money out of savings accounts and put it into higher yielding investments, or do not put it into savings accounts in the first place.

When disintermediation occurs, homebuyers are seriously harmed in three basic ways. First, individuals wishing to purchase homes may be unable to obtain mortgage loans because associations do not have the money with which to make the loans. Second, to the extent that the association may have mortgage money available, it will be able to make only smaller loans and down payment requirements will be correspondingly higher. Third, in order to attract or even retain savings account funds to be used for mortgage loans, the association must pay a higher rate of return on those funds, which results in substantially higher rates to new mortgage borrowers.

The lack of availability of housing funds or the restricted availability of housing funds and the increased cost of those funds cause other problems. The increased cost reduces the number of people that are able to afford a home. The increase in mortgage loan rates is especially sharp and applies exclusively to new mortgage loans because an association can use the higher interest rate only on the new loans to bring the average return on its entire mortgage portfolio into line with its new average cost of money on all of its savings accounts. In effect, persons who obtain mortgage loans at higher interest rate levels are subsidizing persons who previously obtained low interest rate mortgages. The ability of existing homeowners to readily sell their houses is reduced, and the lack of activity in the housing markets adversely affects the income of builders, realtors, construction workers, and many other working Americans.

One method of helping to reduce the undesirable effects of disintermediation is to permit associations to make mortgage loans having adjustable rates of interest. The use of adjustable rate mortgages in time would enable associations to pay their savers rates of return which are more competitive with the interest rates available on market instruments. Further, small savers who may not be able to purchase higher yielding market instruments will share in these higher rates of return.

The interest rates on mortgage loans with adjustable rates would generally change in the same manner and at approximately the same time that changes occur in interest rates on market instruments and savings accounts. If an association has been making adjustable rate mortgages and market interest rates increase, the association would be able to offer its new borrowers mortgages at lower rates of interest than if the association's home mortgage portfolio was composed solely of loans having fixed interest rates. It would also be able to pay its savers rates more closely related to competitive market instruments. This would be possible because associations' income would be more nearly consonant with their costs and they would therefore not have to pass on the entire cost of higher savings account rates to their new borrowers. The use by associations of mortgage loans having adjustable rates of interest would thus significantly reduce the extent to which new borrowers and savers in effect subsidize existing borrowers. Because the use of adjustable rate mortgages would help lessen disintermediation, a greater supply of mortgage money would be available and would insure that more prospective homebuyers—including those who can afford to make only a modest down payment—would be able to purchase the homes they need. The following example illustrates these relationships; for the purposes of simplification, the example assumes that the association uses all its available funds to make home mortgage loans. If an association's average cost of money paid to savers increases from 6 percent to 6.25 percent, its average mortgage portfolio interest income must increase from 7 percent to 7.25 percent in order to maintain the income necessary to operate the association. However, in order to increase its average portfolio yield from 7 percent to 7.25 percent, an association whose mortgage portfolio consists solely of fixed-rate loans will have to increase the interest rate it charges on new mortgage loans to approximately 9.50 percent. This is due to the fact that only approximately 10 percent of the average mortgage portfolio is repaid in a given year. To increase the entire portfolio yield by 0.25 percent, this small portion of the portfolio must be replaced with loans of substantially higher yields.

While the Board believes that allowing savings and loan associations to adjust mortgage interest rates can moderate the effects of inflation in the housing sector, the Board emphasizes that adjustable interest rates do not operate on the root causes of inflation. Rather, adjustable interest rates are designed to help assure a continuing supply of mortgage money at fair prices.

With respect to the specifics of the regulatory proposal, Part 541 would be amended by revising the definitions of "installment loan" and "partially-amortized monthly installment loan" in §§ 541.14(a) and 541.14(b) to provide that interest rates on such loans could not be changed except in accordance with proposed § 545.6-2. The definition of "flexible payment loan" in § 541.14(c) would be amended: (1) By revising paragraph (c)(4) thereof, (2) by redesignating present paragraphs (c)(5) and (c)(6) as (c)(6) and (c)(7), and (3) by adding a new paragraph (c)(5) thereto. Section 541.14(c)(3) permits the payments on a flexible payment loan to be as little as interest-only during an "initial period" of such loan—not to exceed five years—and requires that the interest rate remain constant during such period. Section 541.14(c)(4) requires the amount of the first payment after the end of such "initial period" to be fixed at the beginning of the loan term and provides that no payment thereafter may exceed such payment. Said § 541.14(c)(4) would be revised to except interest rate adjustments in accordance with § 545.6-2 from this requirement. New § 541.14(c)(5) would provide that the interest rate on a flexible payment loan could not be changed after the "initial period" of such loan except in accordance with § 545.6-2.

Part 545 would be amended by completely revising § 545.6-2 thereof—to be recaptioned *Interest rate adjustments*. Presently, said § 545.6-2 sets forth the lending powers of Federal associations having Charter E. Since Charter E is no longer in use by any Federal association, these provisions are obsolete.

Revised § 545.6-2(a), captioned *Definitions*, defines four terms which are used throughout the remainder of said § 545.6-2. These definitions will be discussed as they occur.

Section 545.6-2(b), captioned *General*, authorizes Federal associations to make loans secured by improved real estate having interest dates which are subject to adjustment if such adjustments are in accordance with § 545.6-2, but prohibits Federal associations from making such loans if the interest rates thereon are subject to adjustment on any other terms. Section 545.6-2(b) makes clear that interest rate adjustments in accordance with § 545.6-2 may be used in connection with any loan repayment plan authorized by Part 545. Section 545.6-2(b) also provides that loans secured by any type of improved real estate (generally homes, multi-family dwellings, and commercial property) having interest rates subject to adjustment must be in accordance with applicable usury laws, if any.

Section 545.6-2(c), captioned *Restrictions relating to single-family dwelling loans*, provides that all monthly installment loans secured by single-family dwellings occupied or to be occupied by the borrower having interest rates subject to adjustment must be in accordance with eight groups of restrictions in addition to the one set forth in § 545.6-2(b). First, such adjustments may be made only in accordance with changes in a Board-approved index. The index to be used in connection with a particular loan must be selected when such loan is made and may not be changed during the loan term, unless a substitution is approved by the Board if an index ceases to be publicly available.

In order to gain Board approval, the index must meet the standards set forth in § 545.6-2(c)(2)(i). That is, the index must be one which: (1) Has proven reliability in moving with market interest rates, (2) is beyond the influence of the Federal association using it, and (3) can be explained in clear and simple terms to borrowers with the aid of publicly available information. The Board would publish the titles of approved indices in the FEDERAL REGISTER and would make other efforts to make the approved indices publicly available.

Second, as the index rate goes down, interest rate decreases on such a loan would be mandatory because of the operation of § 545.6-2(c)(2)(vii) and an association could make additional decreases if it wished to do so. However, an association would not be required to decrease the contract rate more rapidly than an average rate of 0.50 percent every six months. No maximum decrease would be established.

The association would have the option of implementing any interest rate increase permitted by § 545.6-2. Further, the interest rate on such a loan could not be increased by more than an average rate of 0.50 percent every six months and the association would have to establish a maximum interest rate for such loan at the beginning of the loan term. Such maximum could not be more than 2.50 percent above the initial contract rate on the loan. An association would not be required to make a permissible increase at the first time it became available. If it desired to do so, an association could choose not to take advantage of a particular permitted increase and could "save it" for use at another opportunity. A "saved" increase could be accumulated with subsequently available permitted increases (minus any subsequently required decreases).

Third, in order to simplify the operation of the interest rate adjustment feature of such loans and to eliminate minimal increases and decreases, § 545.6-2(c)(2)(vii) provides that the contract interest rate on such a loan could be changed only in increments of 0.25 percent and without upward rounding. In order to effect an increase or decrease of 0.25 percent or any multiple thereof, the index rate must have changed by the full amount of the increase or decrease. For example, an index increase of 0.38 percent may not be "rounded off" to 0.50 percent; a change to 0.25 percent is the most that could be made.

Fourth, an interest rate adjustment on such a loan could be effected by an adjustment of the loan term (so as to keep the loan payments the same), an adjustment of the loan payments, or a combination thereof. However, the loan term could not be shortened to less than the original loan term without the borrower's consent. This requirement ensures that the holder of the note will not automatically implement all required decreases by decreasing the loan term while implementing all permissible interest rate increases by increasing the amount of the monthly payments. Under § 545.6-2(c) the term of such a loan made pursuant to § 545.6-1(a)(1) (monthly installment loans on homes and combinations of home and business property), § 545.6-1(a)(4) (monthly installment loans on single-family dwellings in excess of 80 percent of value) or § 545.6-1(a)(5) (monthly installment loans on single-family dwellings in excess of 90 percent

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of value) could be extended to not more than 35 years for the purpose of effecting adjustments in the interest rate of such loan.

Fifth, the contract rate on such a loan would be subject to change only at the beginning of an "adjustment period" and could not be changed again until the beginning of the next adjustment period. The term "adjustment period" is defined in § 545.6–2(a)(1). Adjustment periods could be of any length agreed to by the borrower and the association, except that they would have to be at least 6 months and would have to be of equal length. (The first adjustment period could be a different length so that, for example, the association could arrange to have the beginning of the adjustment periods for all of its loans having adjustable interest rates fall in a certain month. For example, for a loan closed on December 27, 1976, the borrower and the lender could agree that the first adjustment period would last until June 30, 1978, with all subsequent adjustment periods being 2 years.)

The initial contract rate and the initial index rate on such a loan would always have a particular relationship to one another—for example, the "initial contract rate" (defined in §545.6–2(a)(2) as the contract interest rate for the first loan payment after the closing of the loan) may be 0.75 percent higher than the "initial index rate" (defined in § 545.6–2(a)(3) as the most recent index interest rate published at least 15 calendar days before the closing of the loan). This relationship would involve a quantitative and a qualitative aspect. In the above example, the initial contract rate is 0.75 percent different from the initial index rate (quantitative) and is higher than the initial index rate (qualitative). Section 545.6–2(c)(2)(vii) would require that this same relationship be maintained with respect to an "adjustment period contract rate" (defined in § 545.6–2(a)(4) as the contract interest rate for all loan payments due during an adjustment period) and the index rate for such adjustment period, subject to three qualifications which will be discussed later in this preamble.

The example set forth in the previous paragraph described the type of qualitative relationship between the initial contract rate and the initial index rate; i.e., that the initial contract rate was higher than the initial index rate. Two other qualitative relationships between these two rates are also possible; viz., the initial contract rate can be less than the initial index rate or it can equal the initial index rate. The following three examples will illustrate the operation of these three types of qualitative relationships between the initial contract and index rates.

If the initial contract rate on such a loan is higher than the initial index rate, then the difference between such rates could not be exceeded by the difference between an adjustment period contract rate and the index rate for such adjustment period. For example, if the initial contract rate is 8.50 percent and the initial index rate is 8 percent, then an adjustment period contract rate could not be more than 0.50 percent above the index rate for that adjustment period.

If the initial contract rate on such a loan is lower than the initial index rate, then an adjustment period contract rate would have to be less than the index rate for that adjustment period and the difference between such adjustment period contract rate and the index rate for such adjustment period could not be less than the difference between the initial contract rate and the initial index rate. For example, if the initial contract rate is 8.50 percent and the initial index rate is 9 percent, then an adjustment period contract rate would have to be at least 0.50 percent below the index rate for that adjustment period.

If the initial contract rate equals the initial index rate, then an adjustment period contract rate could not exceed the index rate for that adjustment period. For example, if the initial contract and initial index rates are both 8.50 percent, then the adjustment period contract rate would have to be equal to or less than the index rate for that adjustment period.

Earlier in this preamble, it was mentioned that whatever relationship exists between the initial contract and index rates would have to be maintained subject to three qualifications. First, contract interest rate adjustments could only be made in integral multiples of 0.25 percent. Second, an association making such a loan would not have to implement all permissible contract rate increases. Third, an association would be permitted to decrease the contract interest rate more than would be required.

If the contract interest rate for an adjustment period is to be changed from the rate for the preceding adjustment period, this change would have to be made during the first month of such adjustment period and would have to be in accordance with paragraph (c)(2)(vii). Whether an increase in the contract interest rate would be permitted or a decrease required for an adjustment period would be determined as follows. First, the association would have to determine which of the three qualitative relationships described above fits the particular loan; i.e., whether the initial contract rate is higher than, less than, or equal to the initial index rate. Second, the association must determine the difference between the initial contract rate and the initial index rate. For example, if the initial contract rate was 8.75 percent and the initial index rate was 7.75 percent, the difference would be 1 percent. Third, the association must look at the index rate for the upcoming adjustment period; i.e., the latest interest rate which was published at least 60 calendar days before the beginning of such adjustment period. (Using an index rate which is at least 60 days old means the association will have at least 15 calendar days during which to prepare and mail notices 45 calendar days early in the event that the association is increasing the contract interest rate.) Continuing with the example, suppose the index rate for the upcoming adjustment period is 8 percent. The question then becomes: to what rate may the contract rate be increased so that the difference between such contract rate and the index rate for the adjustment period does not exceed the difference between the initial contract rate and the initial index rate. In terms of the example, the question is to what rate may the contract rate for the upcoming adjustment period be increased if the index rate for that period is 8 percent and if the contract rate cannot be more than 1 percent higher than index rate. In this example, the contract rate for the upcoming adjustment period could be increased to 9 percent. The last step is to check to see whether a contract rate increase to 9 percent would violate the rules requiring no more than an average increase of 0.50 percent every six months and no more than a 2.50 percent increase overall.

Returning to the description of the eight groups of restrictions on borrower-occupied single-family dwelling loans having interest rates which are subject to adjustment, the sixth such restriction is that the association would have to permit such loan to be prepaid (in whole or in part) without penalty whenever the contract interest rate exceeds the initial contract rate. This provision would permit the association to impose a prepayment penalty (subject to the limitations of § 545.6–12) in the event that the borrower prepaid at a time when the contract rate had been decreased below the initial contract rate.

Seventh, the association would have to notify the person or persons liable under the loan of any interest rate increase at least 45 calendar days before the effective date of such increase. An increase could not be made unless the 45 calendar day notice is properly given. The notice which is given would have to specify the amount of the interest rate adjustment, the effect of such adjustment on the loan payments and/or the loan term, the effective date of the adjustment, and must state that the loan may be prepaid without penalty whenever the contract rate exceeds the initial contract rate. Such notice would be deemed to have been given when it was deposited in the United States mail, postage prepaid, addressed to the owner of the property described in the note or other instrument evidencing the loan and to any other person liable on the loan as such persons' names and addresses appear in the records of the holder of such instrument.

Eighth, a Federal association making such a loan would, of course, have to comply with 12 CFR 226.810, *Disclosures—variable interest rates*, in addition to the other disclosure requirements set forth in the Federal Reserve Board's Truth in Lending regulations (12 CFR Part 226). In addition, the association would have to make two other types of disclosure to the borrower—one type at commitment and the other at least 12 calendar days before closing

in the event that the initial contract rate had not been determined at the time of commitment. The requirement as to the time of the pre-closing disclosure is intended to be consistent with the requirements of section 6 of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533; December 22, 1974) as to advance disclosure of loan settlement charges.

The association would be required to inform the borrower at the time of commitment: (1) The index with respect to which the contract rate could be adjusted, (2) that the contract rate cannot be increased at a rate greater than 0.50 percent every six months, (3) that the contract rate cannot be increased more than 2.50 percent above the initial contract rate, (4) the manner in which an adjustment in the contract rate may be effected, (5) the length of the adjustment periods of such loan, (6) the initial and maximum loan terms, (7) that at least 45 calendar days notice of any contract interest rate increase must be given, (8) that the loan may be prepaid without penalty whenever the contract rate exceeds the initial contract rate, (9) the initial and maximum contract rates, and (10) the initial and maximum total monthly payments of principal and interest.

Disclosures (9) and (10) must be based upon the actual initial contract rate if that has been determined at the time of commitment. If it has not been determined, then disclosures (9) and (10) may be based upon an initial contract rate assumed for the purpose of making the required computations, and disclosures (9) and 10) would have to be made again at least 12 calendar days before closing using the actual initial contract rate. This disclosure is intended to provide the borrower with a general understanding of the operation of interest rate adjustments.

The two-part disclosure requirement described above generally assumes that a loan commitment occurs at least 12 calendar days prior to the loan closing. However, the Board is aware that in some areas of the country loan closings frequently occur less than 12 calendar days after commitment. The Board does not want to disrupt this practice and therefore § 545.6–2(c)(2)(x) allows the pre-closing disclosures at commitment if disclosures (9) and (10) are based upon the actual initial index rate.

In addition to these two types of disclosure, the note or other instrument evidencing such a loan would have to set forth the information required for pre-closing disclosures including disclosures (9) and (10) based upon the actual interest rate. The association would be required to furnish a copy of this note or other instrument to the borrower.

If the Board adopts the proposed amendments which are set forth below, the Board further proposes that such amendments would be effective with respect to all loans closed by Federal associations after the effective date of such amendments, including loans resulting from commitments made before such effective date. If adopted, the proposed amendments would not alter the terms of any mortgage contract in effect before the effective date of such amendments.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by May 15, 1975, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. Section 541.14 is amended by revising paragraphs (a), (b), (c)(3) and (4), redesignating (c)(5) and (c)(6) as (c)(6) and (c)(7), and by adding a new (c)(5) as follows:

§ 541.14 Installment loan; partially-amortized monthly installment loan; flexible payment loan.

(a) *Installment loan.* The term "installment loan" means any loan repayable in regular periodic payments sufficient to retire the debt, interest and principal, within the loan term. The interest rate on an installment loan shall not be changed except in accordance with § 545.6–2 of this chapter. Except to the extent permitted by said § 545.6–2 in connection with an interest rate adjustment, no required payment after the first payment shall be more, but may be less, than any preceding payment.

(b) *Partially-amortized monthly installment loan.* The term "partially-amortized monthly installment loan" means any loan which is repayable in full in a lump sum at the end of a loan term of not less than 10 years, but which requires partial amortization during the loan term by regular monthly payments which include both principal and interest, beginning within not more than 60 days after disbursement of the loan proceeds. Such monthly payments may not be fixed at less than the amount of the monthly payments which would be required to amortize an entire loan of the same amount, principal and interest, within a 30-year loan term. The interest rate on a partially-amortized monthly installment loan shall not be changed except in accordance with § 545.6–2 of this chapter.

(c) *Flexible payment loan.* The term "flexible payment loan" means any loan meeting the following requirements:

• • • • •

(3) Each required payment during an initial period, not to exceed five years, is not less than one-twelfth of the annual interest rate times the unpaid principal balance of the loan, and such rate is not increased during such initial period unless pursuant to a subsequently negotiated agreement;

(4) Except with respect to a flexible payment loan made in accordance with § 545.6–2 of this chapter, the amount of the first required payment after the end is fixed at the beginning of the loan term, and no required payment after the end of such initial period shall be more, but may be less, than the first required payment after the end of such initial period;

(5) The interest rate on a flexible payment loan is not changed after the initial period of such loan except in accordance with § 545.6–2 of this chapter; and

• • • • •

2. Section 545.6–2 is revised as follows:

§ 545.6–2 Interest rate adjustments.

(a) *Definitions.* For the purposes of this section:

(1) *Adjustment period.* The term "adjustment period" means each period of time during a loan term at the beginning of which period an interest rate increase or decrease may be effected. Such an adjustment period shall be at least six months in length and all the adjustment periods of a loan shall be consecutive beginning with the month in which the first loan payment is due. All such adjustment periods except the first shall be of equal length.

(2) *Initial contract rate.* The term "initial contract rate" means the contract interest rate for the first loan payment due after the closing of a loan.

(3) *Initial index rate.* The term "initial index rate" means the most recent index interest rate for the index with respect to which the contract interest rate on a loan may be adjusted which was published at least 15 calendar days before the closing of such loan by the Federal Home Loan Bank Board or by an entity specified by the Board.

(4) *Adjustment period contract rate.* The term "adjustment period contract rate" means the contract interest rate for all loan payments due during an adjustment period.

(b) *General.* Federal associations may make loans secured by improved real estate which have provisions permitting contract interest rates which are subject to adjustment if such provisions are in accordance with this section. Contract interest rate adjustments in accordance with this section may be used in connection with any loan repayment plan authorized by this part. Any adjustment of the contract interest rate on a loan secured by any type of improved real estate shall be in accordance with applicable usury laws, if any.

(c) *Restrictions relating to single-family dwelling loans.* (1) *General.* Any increase or decrease of the contract interest rate on a monthly installment loan secured by a single-family dwelling occupied or to be occupied by the borrower shall also be in accordance with this paragraph (c). The term of any such loan made pursuant to §§ 545.6–1(a)(1), (a)(4), or (a)(5) may be extended to not more than 35 years for the purpose of effecting adjustments in the contract interest rate on such loan in accordance with this section.

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(2) *Restrictions.* (i) *Index.* Any adjustment of the contract interest rate on such a loan shall be related to changes in an index which has been approved in writing by the Board. An index will be approved by the Board only if the Board determines that such index: (A) has proven reliability in moving with market interest rates; (B) is beyond the influence of a Federal association using such index; and (C) can be explained in clear and simple terms to borrowers with the aid of publicly available information.

(ii) *Substitution of index.* The note or other instrument evidencing such a loan shall provide that if the index with respect to which the contract interest rate on such loan may be adjusted ceases to be publicly available as determined by the Board, a new index shall be substituted with prior approval by the Board. A substitute index will be approved by the Board only if the Board determines that such index meets the three criteria set forth in paragraph (c) (2) (i) of this section and reflects market factors comparable to the index for which it is being substituted.

(iii) *Operation of index.* An adjustment of the contract interest rate on such a loan may be made only with respect to the first loan payment due during each adjustment period of such loan and shall be based on the most recent index rate which is published by the Federal Home Loan Bank Board or by any entity spcified by the Board at least 60 calendar days before the month in which such loan payment is due.

(iv) *Increases.* Subject to the provisions of this section, contract rate increases shall be at the option of the association. The contract interest rate on such a loan may not be increased by an amount: (A) Which would cause the sum of such increase and all previous contract interest rate increases (minus all contract interest rate decreases) to exceed an average rate of increase of 0.50 percent every six months beginning with the month in which the first payment on such loan is due, or (B) which would result in a contract interest rate more than 2.50 percent greater than the initial contract rate.

(v) *Decreases.* Notwithstanding the extent to which paragraph (c) (2) (vii) of this section requires contract interest rate on such a loan need not be decreased by an amount which would cause the sum of such decrease and all previous contract interest rate decreases (minus all contract interest rate increases) to exceed an average rate of decrease of 0.50 percent every six months, beginning with the month in which the first payment on such loan is due. The association may make contract interest rate decreases in amounts greater than those required by this section.

(vi) *Methods of adjustment.* An adjustment of the contract interest rate on such a loan may be effected by an adjustment of the loan term, an adjustment of the amount of the loan payments, or a combination thereof. However, no contract interest rate adjustment shall be effected by decreasing the loan term to less than the original loan term unless the borrower, at the time of a particular adjustment, specifically agrees that such adjustment may be so effected.

(vii) *Relationships between contract and index rates.* The contract interest rate on such a loan shall be adjusted only in integral multiples of 0.25 percent and without upward rounding. Subject to the provisions contained in the previous sentence and in paragraphs (c) (2) (iv) and (v) of this section, the relationship between an adjustment period contract rate and the index rate for such adjustment period shall be the same as the relationship between the initial contract rate and the initial index rate.

(viii) *Prepayment.* The association shall permit such loan to be prepaid (in whole or in part) without penalty whenever the contract interest rate exceeds the initial contract rate.

(ix) *Notice.* The contract interest rate on such a loan shall not be increased unless notice of such an increase is given at least 45 calendar days before the effective date of such increase. Each such notice shall specify the amount of the change in such contract interest rate, the effect of such change on the loan payments and/or the length of loan term, the effective date of such change, and shall state that such loan may be prepaid without penalty whenever the contract interest rate exceeds the initial contract rate. Any such notice shall be deemed to have been given when it is deposited in the United States mail, postage prepaid, addressed to the owner of the property who is described in the note or other instrument evidencing such loan and to any other persons liable on such loan (including any person liable as a result of an assumption of such loan) as such persons' names and addresses appear in the records of the association.

(x) *Disclosure.* (A) *Disclosure at commitment.* A Federal association making such a loan shall disclose to the borrower in writing at the time of commitment: (*1*) The index with respect to which the contract interest rate on such loan may be adjusted; (*2*) that the contract interest rate cannot be increased at an average rate greater than 0.50 percent every six months, beginning with the month in which the first loan payment is due; (*3*) that the contract interest rate cannot be increased more than 2.50 percen above the initial contract rate; (*4*) the manner in which any adjustment in the contract interest rate may be effcted; (*5*) the length of the adjustment periods of such loan; (*6*) the initial and maximum loan terms; (*7*) that at least 45 calendar days notice of any contract interest rate increase must be given; (*8*) that such loan may be prpaid without penalty whenever the contract interest rate exceeds the initial contract rate; (*9*) the initial and maximum contract interest rates on such loan; and (*10*) the initial and maximum total monthly payment of principal and interest. The disclosures required by paragraphs (c) (2) (x) (A) (*9*) and (*10*) of this section shall be based upon the actual initial contract rate if such rate has been determined at the time of commitment. If the actual initial contract rate has not been determined, then the disclosures required by such paragraphs shall be based upon an initial contract rate assumed for the purpose of making the required computations.

(B) *Disclosure before closing.* A Federal association making such a loan which makes the disclosures required by paragraphs (c) (2) (x) (A) (*9*) *and* (*10*) of this section based upon an assumed initial contract rate shall make these disclosures to the borrower in writing based upon the actual initial contract rate at least twelve calendar days before the closing of such loan.

(C) *Requirements as to notes.* The note or other instrument evidencing such a loan shall set forth the information required by paragraphs (c) (x) (A) (*1*) through (c) (x) (A) (*8*) of this section and the information required by paragraphs (c) (x) (A) (9) and (10) based upon the actual initial contract rate. A copy of such note or other instrument shall be provided to the borrower.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.
Assistant Secretary.

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PART III

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

EMPLOYEES' BENEFITS

Claims for Compensation Under the Federal Employees' Compensation Act

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Title 20—Employees' Benefits

CHAPTER I—OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR

EMPLOYEES' BENEFITS

Claims for Compensation Under the Federal Employees' Compensation Act

On October 27, 1972, there was published in the FEDERAL REGISTER new Parts 01, 02, and 03 of subchapter A of Chapter I of 20 CFR (37 FR 22979) which parts set forth provisions establishing the Office of Federal Employees' Compensation (OFEC) within the Employment Standards Administration of the Department of Labor, and further set forth the operating procedures to be followed by the OFEC. On January 31, 1970, subchapter B of Chapter I of 20 CFR was amended by adding thereto newly revised Parts 1 and 2 (35 FR 1284). On June 12, 1971, Part 3 of such subchapter was substantially revised (36 FR 11432). Part 25 of such subchapter was promulgated on June 10, 1948 (13 FR 3112). Each of these parts contained in the said subchapter B set forth provisions governing the administration and enforcement of the Federal Employees' Compensation Act (FECA), as amended and extended 5 U.S.C. 8101 et seq.

Pursuant to Employment Standards Order 2–74, effective September 27, 1974 (39 FR 34722–34723), the responsibility for the administration and enforcement of the FECA, as well as the Longshoremen's and Harbor Workers' Compensation Act, as amended and extended (33 U.S.C. 901 et seq.), and Title IV of the Federal Coal Mine Health and Safety Act, as amended (30 U.S.C. 901 et seq.), was transferred to the Office of Workers' Compensation Programs (OWCP). This same order abolished the Office of Federal Employees' Compensation and established the Office of Workers' Compensation Programs. In addition, Pub. L. 93–416, approved September 7, 1974, added significant amendments to the FECA. Of particular note from among these amendments are (1) a new section 8118 which provides for the continuation of an injured employee's regular pay for up to 45 days subsequent to a traumatic injury under certain circumstances; (2) an extension of section 8107 to permit the Director of OWCP to expand the compensation schedule to include certain internal and external organs; and (3) certain other provisions relating to the payment of benefits to persons entitled to a civil service annuity or compensation and/or military retirement, retainer pay, or compensation.

In light of the organizational changes brought about by Employment Standards Order 2–74 as well as the aforementioned amendments to the FECA it is apparent that substantial changes in Chapter I are appropriate. The purpose of this document is, therefore, to make such changes as are necessitated as well as to reorganize and update the existing provisions of Chapter I governing the administration of the FECA.

The provisions of 5 U.S.C. 553 for notice, public participation and delayed effective date are not applicable to rules of agency management or agency personnel. Further, since the provisions of this Chapter are designed to relieve a restriction by implementing the amendments made by Pub. L. 93–416 that are for the benefit of employees, I find that good cause exists for making these provisions effective immediately.

Accordingly, Chapter I of Title 20 CFR is revised as follows:

1. The title of Chapter I, which presently reads "Bureau of Employees' Compensation, Department of Labor", is revised to read "Office of Workers" Compensation Programs, Department of Labor."

PARTS 01, 02, 03 [REVOKED]

2. Parts 01, 02, and 03 of Subchapter A—Organization and Procedures—are revoked;

PARTS 1, 2, 3—[REVOKED]

3. Parts 1, 2, and 3 of Subchapter B—Federal Employees' Compensation Act—are revoked;

4. A new Part 1 is added to Subchapter A—Organization and Procedures—and reads as follows:

PART 1—PERFORMANCE OF FUNCTIONS UNDER THIS CHAPTER

Sec.
1.1 Establishment of the Office of Workers' Compensation Programs.
1.2 Assignment of functions.
1.3 Rules in this chapter.
1.4 Cross-references.
1.5 Abolition of Bureau of Employees' Compensation.
1.6 Historical background.

AUTHORITY: (5 U.S.C. 301), Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; (5 U.S.C. 8145, 8149); Secretary of Labor's Order No. 13–71, 36 FR 8155; Employment Standards Order No. 2–74, 39 FR 34722.

§ 1.1 Establishment of the Office of Workers' Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order No. 13–71, 36 FR 8755, established in the Employment Standards Administration (ESA) an Office of Workers' Compensation Programs (OWCP) by Employment Standards Order No. 2–74, 39 FR 34722. The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Assistant Secretary, shall administer the programs assigned to that Office by the Assistant Secretary.

§ 1.2 Assignment of functions.

By Employment Standards Order No. 2–74, 39 FR 34722, the Assistant Secretary has delegated authority and assigned responsibility to the Director, OWCP, for the Department of Labor's programs under the following statutes:

(a) Federal Employees' Compensation Act (FECA), (5 U.S.C. 8101 et seq.), except 8149 as it applies to the Employees' Compensation Appeals Board.

(b) War Hazards Compensation Act (WHCA), (42 U.S.C. 1701 et seq.).

(c) War Claims Act (WCA), (50 U.S.C. App. 2003).

(d) Longshoremen's and Harbor Workers' Compensation Act (LHWCA), (33 U.S.C. 901 et seq.), except 921 as it applies to the Benefits Review Board.

(e) District of Columbia Workmen's Compensation Act (DCWCA) (36 D.C. Code 501 et seq.).

(f) Defense Base Act (DBA (42 U.S.C. 1651 et seq.).

(g) Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331).

(h) Nonappropriated Fund Instrumentalities Act (NFIA) (5 U.S.C. 8171 et seq.).

(i) Title IV of the Federal Coal Mine Health and Safety Act (FCMHSA), 83 Stat. 742, as amended by the Black Lung Benefits Act of 1972 (BLBA) (30 U.S.C. 901 et seq.).

§ 1.3 Rules in this chapter.

The rules in this chapter are those governing the OWCP functions under the Federal Employees' Compensation Act, the War Hazards Compensation Act, and the War Claims Act.

§ 1.4 Cross-references.

(a) The rules of the OWCP governing its functions under the Longshoremen's and Harbor Workers' Compensation Act and its extensions, the District of Columbia Workmen's Compensation Act, Defense Base Act, Outer Continental Shelf Lands Act, and Nonappropriated Fund Instrumentalities Act are set forth in Subchapter A of Chapter VI of this title.

(b) The rules of the OWCP governing its functions under the Black Lung Benefits Act program are set forth in Subchapter B of Chavter VI of this title.

(c) The rules and regulations of the Employees' Compensation Appeals Board are set forth in Chapter IV of this title.

(d) The rules and regulations of the Benefits Review Board are set forth in Chapter VII of this title.

§ 1.5 Abolition of Bureau of Employees' Compensation.

By Secretary of Labor's Order issued September 23, 1974, 39 FR 34723, issued concurrently with Employment Standards Order 2–74, 39 FR 34722, the Secretary revoked the prior Secretary's Order No. 18–67, 32 FR 12979, which had delegated authority and assigned responsibility for the various workers' compensation programs enumerated in § 1.2, except the Black Lung Benefits Act program not then in existence, to the Director of the former Bureau of Employees' Compensation.

§ 1.6 Historical background.

(a) Administration of the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act was initially vested in an independent establishment known as the U.S. Employees' Compensation Commission. By Reorganization Plan No. 2 of 1946 (3 CFR 1943–1949 Comp., p. 1064; 60 Stat. 1095, effective July 16, 1946), the Commission was abolished and its functions were transferred to the Federal Security Agency to be performed by a newly created Bureau of Employees'

Compensation within such Agency. By Reorganization Plan No. 19 of 1950 (15 FR 3178, 64 Stat. 1263) said Bureau was transferred to the Department of Labor, and the authority formerly vested in the Administrator, Federal Security Agency, was vested in the Secretary of Labor. By Reorganization Plan No. 6 of 1950 (15 3174, 64 Stat. 1263), the Secretary of Labor was authorized to make from time to time such provisions as he shall deem appropriate, authorizing the performance of any of his functions by any other officer, agency, or employee of the Department of Labor.

(b) In 1972 two separate organizational units were established within the Bureau: an Office of Workmen's Compensation Programs (37 FR 20533) and an Office of Federal Employees' Compensation (37 FR 22979). In 1974 these two units were abolished and one organizational unit, the Office of Workers' Compensation Programs (OWCP), was established in lieu of the Bureau of Employees' Compensation (39 FR 34722).

5. A new Part 10 is added to Subchapter B—Federal Employees' Compensation Act—and reads as follows:

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

Subpart A—General Provisions

INTRODUCTION

Sec.
10.1 Statutory provisions.
10.2 Administration of the Act and this chapter.
10.3 Purpose and scope of this part.
10.4 Applicability of other parts within this chapter.
10.5 Definitions and use of terms.

INFORMATION IN PROGRAM RECORDS

10.10 Custody of records relating to Federal Employees Compensation Act matters.
10.11 Inspection and copying of records.

MISCELLANEOUS PROVISIONS

10.20 Forms.
10.21 Waiver of compensation rights invalid.
10.22 Exclusiveness of remedy.
10.23 Penalties.

Subpart B—Notice of Injury and Claim for Compensation, Administrative Procedures

NOTICE OF INJURY OR DEATH

10.100 How to file a notice of injury.
10.101 Report of death.
10.102 When a notice of injury or report of death must be given.
10.103 Report of injury by official superior and physician.

CLAIMS FOR COMPENSATION

10.105 Time for perfecting a claim for compensation.
10.106 How to file a claim for disability compensation.
10.107 Application for augmented compensation for disability.
10.108 How to file an original claim for death benefits.
10.109 Claims for balance of schedule due at death from other causes.

EVIDENCE

10.110 Affidavit or report by employee of employment and earnings.
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TERMINATION AND CONTINUATION OF ELIGIBILITY

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10.121 Recurrence of disability for work.
10.122 Claims for continued compensation for disability.
10.123 Employee's obligation to return to work or to seek work when able.
10.124 Continuance of compensation on account of death.
10.125 Termination of right to compensation for death.
10.126 Change in status of beneficiaries affecting compensation for death.

DETERMINATIONS OF CLAIMS, HEARING AND REVIEW PROCEDURES

10.130 Processing of claims.
10.131 Request for a hearing.
10.132 Time and place of hearing; prehearing conference.
10.133 Conduct of hearing.
10.134 Termination of hearing; decision; review of decision.
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10.136 Review of decision.
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10.140 Participation in claims process by employing agency.
10.141 Representation of the Director.
10.142 Representation of claimants.
10.143 Qualification of representative.
10.144 Authority of representative.
10.145 Fees for services.
10.146 Reserved.
10.147 Reserved.
10.148 Reserved.
10.149 Reserved.
10.150 Statement relative to substantive rules.

Subpart C—Continuation of Pay

GENERAL

10.200 Statutory provisions.

PROCEDURES

10.201 Right to continuation of pay.
10.202 Controversion by employing agency.
10.203 Manner of controversion.
10.204 Termination of continuation of pay.
10.205 Regular pay defined.
10.206 Agency accounting and reporting of continuation of pay.

OFFICIAL SUPERIOR'S AND BENEFICIARIES' RESPONSIBILITIES

10.207 Official superior's responsibility in continuation of pay case.
10.208 Recurrence of disability.
10.209 Employee's responsibilities in continuation of pay cases.
10.210 Election of annual or sick leave.

Subpart D—Payment of Compensation

COMPENSATION RATES

10.300 Maximum and minimum compensation.
10.301 Temporary total disability rate.
10.302 Permanent total disability rate.
10.303 Partial disability rate.
10.304 Schedule compensation rate.
10.305 Death benefit rates, conditions of eligibility.
10.306 Burial and transportation benefits.

ADJUSTMENTS TO BENEFITS

10.310 Buy back of annual or sick leave.
10.311 Lump sum awards.
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Subpart E—Furnishing Medical Treatment

10.400 Medical treatment, hospital services, transportation, etc.
10.401 Physician and medical services, etc., defined.
10.402 Official authorization for treatment.
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Subpart F—[Reserved]

Subpart G—Cases Involving the Liability of a Third Party

10.500 Prosecution of third party action by beneficiary.
10.501 Assignment of third party.
10.502 Refusal to assign or prosecute claim when required; effect.
10.503 Distribution of damages recovered by beneficiary.
10.504 Distribution of damages where cause of action is assigned.
10.505 Office may require beneficiary to settle or compromise third party suit.

AUTHORITY: (5 U.S.C. 301); Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; (5 U.S.C. 8145, 8149); Secretary of Labor's Order No. 13–71, 36 FR 8155; Employment Standards Order No. 2–74, 39 FR 34722.

Subpart A—General Provisions

INTRODUCTION

§ 10.1 Statutory provisions.

(a) The Federal Employees' Compensation Act, as amended (5 U.S.C. 8101 *et seq.*) provides for the payment of workers' compensation benefits to civil officers and employees of all branches of the Government of the United States. The Act has been amended and extended a number of times to provide workers' compensation benefits to volunteers in the Civil Air Patrol, members of the Reserve Officer Training Corps, Peace Corps Volunteers, Job Corps enrollees, Volunteers In Service to America, members of the National Teachers Corps, certain student employees (see 5 U.S.C. 5351, 8144), employees of the Panama Canal Zone Government and the Panama Canal Company, employees of the Alaska Railroad, certain law enforcement officers not employed by the United States (see 5 U.S.C. 8191–8193), and various other classes of persons who provide or have provided services to the Government of the United States.

(b) The Act provides for the payment of dollar benefits to enumerated classes of persons who are injured or disabled while in the performance of their duties in service to the United States and to

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persons within such classes who become sick or disabled as a result of their employment with or service to the United States. The Act further provides for the payment of dollar benefits to certain survivors of persons who have died as a result of or while in the performance of employment or services rendered to the United States. In addition to dollar benefits, eligible beneficiaries who have become disabled as a consequence of a service related injury, disability, disease, or other compensable condition, shall be entitled to receive the full range of medical benefits and services made necessary by the compensable condition, which shall be provided at the expense of the United States. In the case of death due to a compensable injury, disability, disease or other condition certain burial expenses shall be paid, subject to the provisions of 5 U.S.C. 8134. In appropriate cases vocational rehabilitation services shall be provided to eligible beneficiaries.

(c) Each of the types of benefits and conditions of eligibility enumerated in this section is subject to the applicable provisions of the Act and the provisions of this part. This section shall not be construed to modify or enlarge upon the provisions of the Act except to the extent that the provisions of the Act shall be construed to permit the payment of benefits to the victim of an employment related latent or progressive disease or disability if the nature and extent of such disease or disability and the circumstances surrounding the filing of a claim for benefits predicated upon such disease or disability may be reasonably construed to fall within the intent of the provisions of the Act.

§ 10.2 Administration of the Act and this chapter.

(a) Pursuant to 5 U.S.C. 8145 and Secretary of Labor's Orders 13–71 (36 FR 8755) and 16–73 (38 FR 19130) the responsibility for administering the provisions of the Act were delegated to the Assistant Secretary of Labor for Employment Standards. Pursuant to Employment Standards Order 2–74 effective September 27, 1974 (39 FR 34722–34723) the responsibility for the administration and implementation of the Federal Employees' Compensation Act, except for 5 U.S.C. 8149 thereof as it pertains to the Employees' Compensation Appeals Board, was delegated and assigned to the Director, Office of Workers' Compensation Programs. The Director, Office of Workers' Compensation Programs and his or her designees shall, therefore, except as is otherwise provided by law have the exclusive authority for the administration, implementation, and enforcement of the provisions of this chapter.

(b) In the case of employees of the Canal Zone Government and the Panama Canal Company, the Federal Employees' Compensation Act is administered by the Governor of the Canal Zone, and inquiries pertaining to such coverage and eligibility should be directed to the Governor of the Canal Zone.

§ 10.3 Purpose and scope of this part.

(a) This Part 10 sets forth the rules applicable to the filing, processing, and payment of claims for workers' compensation benefits under the provisions of the Federal Employees' Compensation Act, as amended. This part is applicable to all claims filed on or after November 6, 1974. The provisions of this part are intended to afford guidance and assistance to any person seeking compensation benefits under the Act, as well as to personnel within the Department of Labor and other agencies of the United States who are required to perform some function with respect to the administration of any provision of the Act or the processing of any claim filed under the Act.

(b) This Subpart A describes generally the statutory and administrative framework governing the manner in which claims under the Act shall be processed, contains a statement of purpose and scope, together with provisions pertaining to definition and use of terms, the disclosure of program information, and other miscellaneous provisions relating to the administration of the Act.

(c) Subpart B of this part describes the procedure by which an individual claimant shall file a notice of injury and claim for benefits under the Act and further describes the administrative procedures applicable to the processing of each individual claim and the rules governing the termination and continuation of eligibility for benefits with respect to certain previously approved claims.

(d) Subpart C of this part describes special procedures applicable to the continuation of pay provisions contained in 5 U.S.C. 8118 as amended by Pub. L. 93–416, 88 Stat. 1146.

(e) Subpart D of this part contains provisions relating to the procedures governing the payment of dollar benefits for disability or death and further contains additions to the compensation schedule mandated by the new paragraph 22 of 5 U.S.C. 8107(c), Pub. L. 93–416, 88 Stat. 1145.

(f) Subpart E of this part contains the rules governing an employee's rights to obtain medical evidence in support of such employee's claim and further contains information describing the rights of a beneficiary to medical benefits under the Act.

(g) Subpart F of this part is reserved.

(h) Subpart G of this part contains the rules governing the adjustment and recovery from a third person under 5 U.S.C. 8132.

§ 10.4 Applicability of other parts within this chapter.

This revised Part 10 replaces many provisions contained in Subchapter A of this chapter as well as all of Parts 1, 2, and 3 of Subchapter B of this chapter. The provisions of Subchapter A of this chapter are applicable to this part only in so far as such provisions do not conflict with the provisions of this part. This revised Part 10 is applicable to Part 25 of this chapter except as modified by said Part 25.

§ 10.5 Definitions and use of terms.

(a) *Definitions.* For purposes of this subchapter except where the content clearly indicates otherwise, the following definitions apply:

(1) "The Act" means the Federal Employees' Compensation Act, 5 U.S.C. 8101 *et seq.*, as amended by Pub. L. 93–416 and as it may be hereafter amended.

(2) "Secretary" means the Secretary of the United States Department of Labor or a person authorized to perform his functions under the Act.

(3) "Department" means the United States Department of Labor.

(4) "Office" or "OWCP" means the Office of Workers' Compensation Programs, Employment Standards Administration, of the Department.

(5) "Director" means the Director of OWCP or a person designated by him or her to carry out his or her functions under the Act.

(6) "Benefits" or "Compensation" means benefits or compensation paid or payable under the Act and includes money paid on account of a loss of wages, ability to earn wages, money paid in the form of scheduled compensation, medical diagnostic and treatment services supplied pursuant to the Act and this part, money paid on account of death, and certain payments to individuals participating in an approved vocational rehabilitation program.

(7) "Claim" means an assertion in writing of an individual's entitlement to benefits under or pursuant to the Act, submitted in a form and manner authorized by the provisions of this part.

(8) "Claimant" means an individual whose claim for entitlement to benefits under the Act has been filed in accordance with the Act and the provisions of this part.

(9) "Beneficiary" means an individual who is entitled to a benefit under the Act and this part.

(10) "Entitlement" means entitlement to benefits as determined pursuant to the provisions of the Act and the procedures set forth in this part. A beneficiary is entitled to benefits as so determined when the determination is final.

(11) "Employee" means:

(i) A civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States;

(ii) An individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(iii) An individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber and logging operations on that reservation;

(iv) An individual employed by the government of the District of Columbia;

(v) An individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

(vi) An individual selected pursuant to Chapter 121 of Title 28, United States Code, and serving as a petit or grand juror and who is otherwise an employee for the purposes of this part as defined by subparagraphs (i), (ii), (iii), (iv), and (v) of this subsection;

(vii) Members of the Reserve Officers Training Corps;

(viii) Civil Air Patrol Volunteers;

(ix) Peace Corps Volunteers, volunteer leaders and volunteers with one or more minor children as defined in Section 2504 of Title 22, United States Code;

(x) Job Corps enrollees;

(xi) Youth Conservation Corps enrollees;

(xii) Volunteers In Service To America;

(xiii) Members of the National Teachers Corps;

(xiv) Members of the Neighborhood Youth Corps;

(xv) Student employees as defined in 5 U.S.C. 5351;

(xvi) Employees of the Canal Zone;

(xvii) Employees of the Alaska Railroad;

(xviii) Law enforcement officers not employees of the United States killed or injured under certain circumstances involving a crime against the United States; and,

(xix) Other persons performing service for the United States within the purview of the Act and all acts in amendments, substitution or extension thereof;

(xx) But does not include.

(A) A commissioned officer of the Regular Corps of the Public Health Service;

(B) A commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(C) A commissioned officer of the Environmental Science Services Administration;

(D) A member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under Sections 521–535 of Title 4, District of Columbia Code.

(12) "Official Superior" means officers and employees having responsibility for the supervision, direction or control of employees.

(13) "Employing Agency" or "agency" means any civil agency or instrumentality of the United States Government or any other organization, group or institution employing any individual defined as an "employee" by this section.

(14) "Injury" means injury induced by accident or trauma and includes a disease or latent disabling condition proximately caused by the employment for which benefits are provided under the Act. The term "injury" includes damage or destruction of medical braces, artificial limbs, and other prosthetic devices which shall be replaced or repaired; except that eyeglasses and hearing aids would not be replaced, repaired, or otherwise compensated for, unless the damage or destruction is incident to a personal injury requiring medical services.

(15) "Traumatic Injury" means a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and member or function of the body affected, and be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries are distinguished from occupational diseases or illnesses in that the latter are produced by systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc., or other continued and repeated exposure to conditions of the work environment over a longer period of time. Traumatic injuries also include damage or destruction to prosthetic devices or appliances, exclusive of eyeglasses and hearing aids unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services.

(16) "Monthly pay" means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if the recurrence begins more than 6 months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 8113 of the Act with respect to any period.

(17) "Price index" means the Consumer Price Index (all items United States city average) published monthly by the Bureau of Labor Statistics.

(18) "Base month" means the month of July 1966 and each later month which is used as a basis for calculating an increase under 5 U.S.C. 8146a.

(19) "Organ" means a part of the body that performs a special function, and for purposes of this part excludes the brain, heart and back.

(20) "United States Medical Officers and Hospitals" means medical officers and hospitals of the Army, Navy, Air Force, Veterans' Administration, and United States Public Health Service, and any other medical officers or hospital designated as a United States medical officer or hospital by the Secretary.

(b) *Statutory terms.* The definitions contained in this part shall not be considered to derogate from the terms of the Act as amended.

(c) *Dependents and survivors.* In addition to basic disability benefits for employees the Act provides in section 8133 that certain monthly benefits shall be payable to certain enumerated survivors of employees who have died from an injury sustained in the performance of duty. Section 8110 of the Act provides that any employee who is found eligible for a basic benefit shall be entitled to have such basic benefit augmented at a specified rate for certain persons living in the beneficiary's household or who are dependent upon the beneficiary for support. The provisions of 5 U.S.C. 8101, 8110, and 8133 defining the nature of such survivorship or dependency necessary to qualify a beneficiary for a survivor's benefit or augmented benefit shall be applicable as appropriate to the provisions of this part.

(d) *Inclusive terms.* As used in this part, the singular case includes the plural.

INFORMATION IN PROGRAM RECORDS

§ 10.10 Custody of records relating to Federal Employees' Compensation Act matters.

All records, medical and other reports, statements of witnesses and other papers relating to the injury or death of a civil employee of the United States or other person entitled to compensation or benefits from the United States under the Act and all amendments or extensions thereof, are the official records of the Office and are not records of the agency, establishment or department making or having the care or use of such records. Such records and papers pertaining to any such injury or death are confidential and no official or employee of a Government establishment who has investigated or secured statements from witnesses and others pertaining to a claim for benefits, or any person having the care or use of such reports, shall disclose information from or pertaining to such records to any person, except upon the written approval of the Office.

§ 10.11 Inspection and copying of records.

(a) *Confidentiality of records.* Records of the Office pertaining to an injury or death are confidential, and are generally exempt from disclosure to the public under Section 552(b)(6) of Title 5 U.S.C., the terms of which are applied in this section. (See also Part 70 of Title 29, Code of Federal Regulations regarding Department of Labor documents exempt from disclosure.)

(b) *Release to the employee or to his/her beneficiary.* If an employee or, in the case of death, such employee's beneficiary or the authorized representative of an employee or beneficiary requests information from the Office's records, such individual shall at the discretion of the Office be permitted to examine the records of the case in which such employee is an interested party or representative of such party. In considering any request for such information the Office shall judge the reasonableness thereof, and may in its discretion permit inspection of such record or part thereof, which in its opinion, will not result in damage or harm to the employee or beneficiary. Where the Office determines the release of information to the employee or to the employee's beneficiary is not in the best interest of the employee or his beneficiary, the Office may release the information to the employee's or beneficiary's representative or personal physician

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upon receipt of written authorization from the employee or beneficiary. If the individual concerned is mentally incompetent, insane or deceased, the next of kin or legal representative must authorize in writing the release of records to the representative.

(c) *Release to other United States Government departments and agencies.* (1) Information may be released to other departments and agencies which have proper need for the information upon request stating the specific purpose for which it will be used.

(2) In appropriate cases, the requesting department will be advised that the information will be withheld until the Department obtains the written request of the employee or beneficiary concerned.

(3) In honoring requests, the Office shall disclose only that information which is germane to the request.

(d) *Release to medical research or scientific organizations.* Information shall be released, upon the request of medical research or scientific organizations or other qualified researchers when the Office finds that the release of the requested information will not constitute a clearly unwarranted invasion of personal privacy. Where feasible, the Office shall delete identifying detail to prevent a clearly unwarranted invasion of personal privacy. The requesting organization or individual shall be advised that the information must be held in confidence and that any published reports resulting from such study shall not identify in any way the individuals whose records were examined.

(e) *Release to Federal or State courts or other administrative bodies.* Any officer or employee of the United States who is served with a demand for records or information relating to Federal Employees' Compensation Act matters, the disclosure of which has not been authorized, regardless of whether it may or may not be authorized by this section or Part 70 of Title 29, Code of Federal Regulations, shall promptly, and without awaiting appearance before the court or other authority, communicate through established channels the contents of the demand to the Solicitor of Labor. Such officer or employee shall await instructions concerning the response to the demand. If it is determined that the demand should be opposed, the United States attorney, his or her assistant or other appropriate legal representative shall be requested respectfully to inform the court or other authority that the Secretary of Labor has instructed the officer or employee to refuse to disclose the records or information sought. If instructions have not been received at the time when the officer or employee is required to appear before the court or other authority in response to the demand, the United States attorney, his or her assistant, or other appropriate legal representative shall be requested to appear with the officer or employee upon whom the demand has been served and request additional time in which to receive such instructions.

(f) *Release to parties involved in actions brought under 5 U.S.C. 8131.* When an employee or beneficiary is prosecuting an action for damages under 5 U.S.C. 8131, records shall be released as provided for in paragraph (b) of this section. Information from such records requested by other parties in interest in said action for damages may be released only upon the written authorization of the employee or beneficiary, or of the authorized representative, and all such requests shall be directed to the Office.

MISCELLANEOUS PROVISIONS

§ 10.20 Forms.

(a) Notice of injury, claims and certain specified reports required to be made with respect to any claim shall be made on approved forms as are prescribed by the Office. Supervisors are expected to maintain an adequate supply of the basic forms needed for the proper recording and reporting of injuries. Pamphlet CA-136, obtainable from OWCP, lists the forms to be stocked by the agencies; and also tells where the forms may be obtained.

(b) The basic forms cited in this chapter are:

Form No.	Title
(1) CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.
(2) CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation.
(3) CA-2a	Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation.
(4) CA-3	Report of Termination of Disability and/or Payment.
(5) CA-4	Claim for Compensation on Account of Occupational Disease.
(6) CA-5	Claim for Compensation by Widow, Widower and/or Children.
(7) CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren.
(8) CA-6	Official Superior's Report of Employee's Death.
(9) CA-7	Claim for Compensation on Account of Traumatic Injury.
(10) CA-8	Claim for Continuing Compensation on Account of Disability.
(11) CA-16	Request for Examination and/or Treatment.
(12) CA-17	Duty Status Report.
(13) CA-20	Attending Physician's Report.
(14) CA-20a	Attending Physician's Supplemental Report.

(c) Copies of the forms enumerated in this paragraph are available for public inspection at the Office of the Federal Register.

§ 10.21 Waiver of compensation rights invalid.

No official superior or other person is authorized to require an employee or other claimant to enter into any agreement, either before or after an injury or death, to waive his or her right to claim compensation under the Act. No waiver of compensation rights shall be valid.

§ 10.22 Exclusiveness of remedy.

The benefits provided to employees and to survivors of employees by the Act constitute the exclusive remedy against the United States for employment related injuries or deaths. The injury or death of an employee gives rise to no right to recover damages from the United States exclusive of the Act.

§ 10.23 Penalties.

(a) Any person who makes a false statement to obtain Federal employees' compensation or who accepts compensation payments to which he or she is not entitled is subject to a fine of no more than $2,000 or imprisonment for no more than one year, or both.

(b) Any person charged with the responsibility of making reports in connection with an injury who willfully fails, neglects, or refuses to do so; knowingly files a false report; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury, is subject to a fine of no more than $500 or imprisonment for no more than one year, or both.

Subpart B—Notice of Injury and Claim for Compensation, Administrative Procedures

NOTICE OF INJURY OR DEATH

§ 10.100 How to file a notice of injury.

(a) *Traumatic injury.* Whenever any employee sustains a traumatic injury which he or she believes to have occurred while in the performance of duty, such employee shall immediately give written notice of the injury to his or her official superior. If the employee is unable to give such notice for any reason, such notice may be given by any person with knowledge of the injury on behalf of the injured employee. Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, is approved by the Office for the giving of such notice.

(b) *Occupational disease.* Whenever an employee has reason to believe that he or she is suffering from an employment related occupational disease or disability which has not been traumatic in onset, such employee or any person acting on behalf of such employee shall ment related occupational disease or disability to such employee's official superior in the manner prescribed in paragraph (a) of this section, except that notice is given on Form CA-2, Federal Employees' Notice of Occupational Disease and Claim for Compensation. If for any reason it is impractical to give such notice to the employee's official superior in the case of an occupational disease or disability, notice of the disease or disability may be given to any official of the employee's employing agency or to the Office.

§ 10.101 Report of death.

(a) *Traumatic injury.* When an employee dies because of a traumatic injury

sustained while in the performance of duty, such employee's official superior shall immediately report such death to the Office by telephone or telegraph. As soon thereafter as is practicable such official superior shall complete and send to the Office a form CA-6, Official Superior's Report of Employees' Death.

(b) *Occupational disease.* When an employee dies while in the performance of duty as a result of an occupational disease such employee's official superior shall immediately report such death in the manner prescribed in paragraph (a) of this section. If for any reason it is impracticable for such employee's official superior to report such employee's death due to an occupational disease or disability, such report may be made by any official superior of the employing agency or any other person acting on behalf of the deceased employee's survivors.

§ 10.102 When a notice of injury or report of death must be given.

(a) *Traumatic injury.* In the case of a traumatic injury or death due to a traumatic injury notice of such injury or death must be given pursuant to 5 U.S.C. 8119, within 30 days from the date on which the injury or death occurred. The failure to give notice within the period specified by this paragraph may result in a loss of compensation rights.

(b) *Occupational disease.* In the case of the onset of an occupational disease or disability notice of such onset or death shall be given within 30 days from the date on which the claimant has been informed by competent medical authority or by the exercise of reasonable diligence should have been made aware that he or she is suffering from an occupational disease or disability or in the case of death, within 30 days from the date of such death. In the case of a death due to an occupational disease or disability the 30 day period specified in this section does not apply until such time as the deceased employee's survivors or official superior should by the exercise of reasonable diligence be aware that the employees' death was due to an employment related occupational disease or disability. The failure to give notice within the time period specified by this paragraph may result in a loss of compensation rights.

§ 10.103 Report of injury by official superior and physician.

(a) The official superior is required to promptly submit to the Office a written report of every injury or occupational disease when it is likely to (1) result in a medical charge against the Office, (2) result in disability for work beyond the day or shift of injury, (3) require prolonged treatment, (4) result in future disability, (5) result in permanent disability or (6) result in a continuation of pay pursuant to 5 U.S.C. 8118. Portions of Forms CA-1 or CA-2 are provided for this purpose. The official superior shall also furnish the Office with a report of any investigation made and any other statements or data which may properly relate to the circumstances of the injury. If the injury need not be reported to the Office, the Form CA-1 or CA-2 shall be retained as a permanent record in the employee's personnel folder.

(b) In all cases reported, the Office shall be furnished with an immediate medical report from the attending physician. This report may be made: (1) on Part B of Form CA-16; (2) on Form CA-20, Attending Physician's Report; or (3) by narrative report on the physician's letterhead stationery.

(c) Other reports shall be submitted by the official superior and attending physician as described elsewhere in this part or as may be required by the Office.

CLAIMS FOR COMPENSATION

§ 10.105 Time for perfecting a claim for compensation.

(a) *Claim for disability compensation.* An injured employee is required to file a written claim for compensation within 3 years after the injury before compensation may be paid. If, however, the official superior had actual knowledge of the injury within 30 days, or if written notice was given within 30 days, compensation is allowed regardless of whether a written claim was made within 3 years after the injury. Actual knowledge must be such as to put the official superior reasonably on notice of an on-the-job injury.

(b) *Claim for death compensation.* If the employee dies, a written claim for compensation by or on behalf of the survivors is required before compensation may be paid. This claim is to be filed within 3 years after the death, unless within 30 days of such death, the official superior had actual knowledge of the death, due to an employment related injury or disease or written notice of such death was given to the official superior within 30 days of such death. The timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury.

(c) *Claim predicated upon a latent disability.* In a case of latent disability, or death due to a latent disability, the time for filing a claim does not begin to run until the employee has a compensable disability or dies and is aware or his survivors are aware, or by the exercise of reasonable diligence should have been aware, of the causal relationship of the compensable disability or death to the employment. In such a case, the time for giving notice of injury or death begins to run when the employee is aware or the survivors are aware, or by the exercise of reasonable diligence should have been aware that the employee's condition or death is causally related to his or her employment, whether or not there is a compensable disability or death.

(d) The time limitations described in this section do not begin to run against a minor until such minor reaches 21 years of age or has had a legal representative appointed; or run against an incompetent individual while such individual is incompetent and has no duly appointed legal representative; or run against any individual whose failure to comply is excused by the Secretary of Labor on the ground that notice could not be given because of exceptional circumstances.

§ 10.106 How to file a claim for disability compensation.

(a) A claim may be filed by delivering it to the Office, or to any person designated by the Office to receive claims. The employee's official superior is so designated to receive claims on behalf of the Office, and the injured employee may submit his claim to such official superior for transmission to the Office unless special circumstances require a different procedure. The official superior shall submit the injured employee's claim to the Office within 2 working days.

(b) Notwithstanding the filing of any document provided for by Paragraph (a) of this section, no disability compensation shall be payable unless the employee completes the front of a Form CA-4 and submits it to his or her official superior. The employee and the official superior shall complete the Form CA-4. The official superior also shall complete Items 1-4 on the front of the attached Form CA-20 and insert the appropriate Office address on the back thereof, and then detach the Form CA-20 and send it to the attending physician for completion and submission to the Office. The official superior shall forward the completed Form CA-4 to the Office within 2 working days.

(c) Except as provided in Subpart C of this part, whenever an employee, as a result of an injury in the performance of duty, is disabled with loss of pay for more than 3 days, the official superior shall furnish to the employee a Form CA-4 for the purpose of claiming compensation, and shall advise the employee of his or her rights under the Act.

(d) Claims for compensation for permanent disability which involve the loss, or loss of use, of a member or function of the body, or loss, or loss of use of any other important external or internal organ of the body excluding the heart, brain, and back, as listed in 5 U.S.C. 8107 (see § 10.304), shall be filed on Form CA-4 or CA-7 as appropriate which the official superior shall furnish.

(e) Claims for serious disfigurement of the face, head, or neck shall be made on Form CA-4 or CA-7 as appropriate (which shall be furnished by the official superior). If any compensation has been paid or is payable for any such prior disfigurement the date of such prior injury, the amount of compensation and the source thereof shall be stated in the said CA-4 or CA-7.

(f) Form CA-4 shall be filed with the Office upon termination of disability if the duration of disability should be less than 10 calendar days, or at the expiration of 10 calendar days from the date pay stops if disability continues beyond that date.

§ 10.107 Application for augmented compensation for disability.

(a) While the disabled employee has one or more dependents as defined in 5 U.S.C. 8110 such employee's basic compensation for disability shall be aug-

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mented as provided in said section. Form CA–4 includes an application for such augmented compensation.

(b) Augmented compensation payable while a disabled employee has an unmarried child as defined by 5 U.S.C. 8110 which would otherwise terminate because the child reaches the age of 18, may be continued while the child is a student regularly pursuing a full-time course of study or training as defined by the above said section of the Act.

(c) The disabled employee claiming augmented compensation under this section shall furnish, when so required by the Office, proof of continuing entitlement to augmented compensation as set forth in paragraph (a) of this section.

(d) The disabled employee receiving augmented compensation under this section shall promptly notify the Office of the happening of any event which would terminate an employee's continued entitlement to augmented compensation under the provisions of 5 U.S.C. 8110. Any checks or payments received after the occurrence of such event shall be returned promptly to the Office.

§ 10.108 How to file an original claim for death benefits.

An original claim for death benefits may be filed by any survivor of a deceased employee (see section 8133 of the Act) or any other person acting on behalf of such survivor. Form CA–5 is provided by the Office for this purpose, and should be executed as provided therein. An original death claim may be filed by delivering a completed Form CA–5 to the Office, or to any person designated by the Office to receive such claim. The deceased employee's former official superior is so designated to receive such claims on behalf of the Office, and the person claiming benefits should submit the claim to such former official superior, unless special circumstances require a different procedure. The official superior shall, when it is practicable, furnish to all persons likely to be entitled to compensation for death of an employee, a Form CA–5 or CA–5b with information as to the use of the form for making claim for compensation and procedure in respect of filing such form. The furnishing of assistance in preparing such form or in obtaining evidence relating to the claim shall be without charge by the official superior. Any claim or paper purporting to claim compensation on account of death, submitted to the deceased employee's former official superior, shall be transmitted promptly to the Office.

§ 10.109 Claims for balance of schedule due at death from other causes.

(a) If an employee files a valid claim for a scheduled loss (permanent disability which involves the loss or loss of use of a member or function of the body as provided in 5 U.S.C. 8107) in his or her lifetime and dies from causes other than the injury, before the entire amount due for such schedule is paid, claim for such unpaid balance may be made on an application form approved by the Office as follows: By the widow, widower, or child in the proportions and upon the conditions and in the order named in 5 U.S.C. 8109(a)(3)(D). If there is no surviving widow, widower, or child, then a claim for such unpaid balance may be made pursuant to § 10.108 in the proportions and upon the conditions and in the order as follows: To the parent or parents wholly dependent for support upon the decedent. If there is no parent wholly dependent then to a partially dependent parent or parents in equal shares with any partially dependent brother, sister, grandparent or grandchild. If one or more of the brothers, sisters, grandparents, or grandchildren are wholly dependent and a parent or parents and other brothers, sisters, grandparent, or grandchildren are partially dependent, then 75 percent will be awarded to such wholly dependent person or persons equally and the balance divided equally among such partially dependent persons. In the event there is no surviving widow, widower, child, or wholly dependent parent, and the foregoing apportionment of such compensation would result in injustice, the Office may, in its discretion, make such other apportionment as justice would require.

(b) The right of any survivor referred to in paragraph (a) of this section shall be conditioned upon his or her being alive to receive any payment and any such survivor shall not have a vested right to any such payment. Claims for continuation of payments under 5 U.S.C. 8109 shall be made in like manner and governed by § 10.124.

(c) The entitlement of any survivor to payments under 5 U.S.C. 8109 shall cease upon the happening of any event which would terminate such right under 5 U.S.C. 8133. The termination of such right shall be governed by § 10.125. In the event of any reapportionment made necessary by such termination prompt notification shall be made to the Office in accordance with § 10.126.

(d) As to the disposition of any balance not paid under the foregoing paragraphs see § 10.306.

EVIDENCE

§ 10.110 Affidavit or report by employee of employment and earnings.

The Office may require a partially disabled employee to submit an affidavit or other report as to his or her earnings either from employment or self-employment. If such individual, when required, fails within a reasonable time to submit such affidavit or report or if in such affidavit or report the employee knowingly omits or understates any part of such earnings or remuneration such employee shall forfeit his or her right to compensation with respect to any period for which such affidavit or report was required to be made, and any compensation already paid may be recovered by deducting the amount thereof from compensation payable to him or her or otherwise according to law. Earnings from employment referred to in this section or elsewhere in this part means gross earnings or wages before any deductions whatsoever have been taken out of such wages, and include the value of subsistence, quarters, or other advantages received in kind as part of the wage or remuneration. In general, earnings from self-employment means the rate of pay the employee estimates it would cost him or her to have someone else perform the work the employee is performing.

§ 10.111 Submission of other evidence.

Any claimant or person acting on behalf of such claimant may submit to the Office such evidence including documentary evidence, statements of witnesses or physicians, and any other evidence, which the claimant deems pertinent to the final determination of his claim.

TERMINATION AND CONTINUATION OF ELIGIBILITY

§ 10.120 Report of termination of disability or return to work.

In all cases reported to the Office the official superior is required to notify the Office immediately when the injured employee returns to work or when his or her disability ceases. Form CA–3, Report of Termination of Disability and/or Payment, is provided for this purpose. It shall be used unless a report of termination of disability is made to the Office on Form CA–1 or CA–2, or CA–4, or CA–7 as appropriate, or in some other manner.

§ 10.121 Recurrence of disability for work.

(a) The official superior shall notify the Office if, after the employee returns to work, the same injury causes such employee to stop work again .This report shall be made on Form CA–2a, Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation. If the injured employee does not return to duty prior to the date this form is submitted to the Office, an additional report shall be made on Form CA–3 or in a similar manner when the employee returns to work or his/her disability ceases.

(b) If the employee wishes to claim compensation as a result of the recurrence, a Form CA–4, CA–7, or CA–8 is required as appropriate. All parts of the appropriate form plus a medical report on Form CA–20 (or in narrative form), must be completed.

§ 10.122 Claims for continued compensation for disability.

Form CA–8, Claim for Continuing Compensation on Account of Disability, is provided to claim compensation for additional periods of time after Form CA–4 is submitted to the Office. While disability continues, claim on this form shall be submitted every 2 weeks until the employee is otherwise instructed by the Office. The employee shall complete and sign the face of the form, and the official superior shall complete the reverse side. The official superior also shall complete items 1–6 on the front of the attached Form CA–20a and insert the appropriate Office address on the back thereof, and then detach the Form CA–20a and send it to the attending physician for completion and submission to the Office. The official superior will forward the completed Form CA–8 to the Office within 2 working days.

§ 10.123 Employee's obligation to return to work or to seek work when able.

When total disability to perform work ceases and the employee is able to perform a part of his usual duties, or to perform work of a different nature, the employee must seek such suitable work as he or she is able to perform, either in Government or private employment, unless it has already been provided for such employee, and shall accept such work or offer of work secured for him or her. An employee who has not beaen regularly employed during the period covered by such employee's claim, and who is only partially disabled, shall state in his or her claim what efforts he or she has made to obtain suitable employment giving the names and addresses of persons or concerns to whom the employee has applied for work. If the employee has not been offered or has not been able to secure work which he or she is able to do, he or she shall so state. If a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for the employee, he or she shall not be entitled to any compensation.

§ 10.124 Continuance of compensation on account of death.

(a) A beneficiary to whom an award of compensation has been made on account of an employee's death, pursuant to his or her original claim, shall submit to the Office additional claims for continuance of compensation to the Office once each year. Form CA–12 is provided by the Office for this purpose, and will be sent to the beneficiary when an additional claim is required. Failure to submit the form may result in suspension of compensation.

(b) A beneficiary to whom an award of compensation has been made for a child, brother or sister, or grandchild after he or she has reached the age of 18 because he or she continues to regularly pursue a full-time course of study or training shall furnish, when so required by the Office, proof of continuing entitlement to such compensation. Failure to submit the proof may result in suspension of compensation.

(c) Compensation payable on behalf of a child, brother or sister, or grandchild under 5 U.S.C. 8133, which would otherwise be terminated because such individual reached 18 years of age, shall be continued if he or she is a student at the time he or she reaches age 18 for so long a period as he or she continues as a student or marries. An individual shall be considered a student while regularly pursuing a full-time course of study or training at an institution which is—

(1) A school or college or university operated or directly supported by the United States, or by any State and local government or political subdivision thereof, or

(2) A school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body, or

(3) A school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

(4) A technical, trade, vocational, business, or professional school accredited or licensed by the Federal, or a State government or any political subdivision thereof providing courses of not less than 3 months duration, that prepare the child for a livelihood in a trade, industry, vocation, or profession; but not after he or she reaches the age of 23 or has completed 4 years of education beyond the high school level, except that, where the child's 23rd birthday occurs during a semester or other enrollment period, he or she shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student (1) during any interim between school years if the interim does not exceed 4 months and the child shows to the satisfaction of the Office that he or she has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or (2) during periods of reasonable duration during which, in the judgment of the Office the child is prevented by factors beyond his or her control from pursuing his or her education.

§ 10.125 Termination of right to compensation for death.

When a beneficiary who is receiving compensation on account of death ceases to be entitled to such compensation, by reason of remarrying before age 60, marrying, reaching the age of 18, ceasing to be dependent, or ceasing to be a student, or becoming capable of self-support, the beneficiary or someone in his or her behalf shall immediately notify the Office of such fact. If such beneficiary receives a check which includes payment of compensation for any period after the date when he or she ceased to be entitled to it, for any of the above reasons, he shall promptly return it to the Office. On remarriage before reaching age 60, a widow or widower entitled to compensation under 5 U.S.C. 8133, shall be paid a lump sum equal to twenty-four times the monthly compensation payments (excluding compensation on account of another individual) to which he or she was entitled immediately before the remarriage.

§ 10.126 Change in status of beneficiaries affecting compensation for death.

When two or more beneficiaries are receiving compensation on account of the death of an employee and any event occurs which may require a reapportionment of the amount of compensation payable to one or more of them, such beneficiary, or someone on his or her behalf, shall promptly notify the Office giving the date of the event and all essential facts. Such reapportionment may become necessary when any such beneficiary dies or marries, when a child, grandchild brother, or sister of the decedent becomes 18 years old or if over 18, becomes capable of self-support or ceases to be a student, or when a parent or grandparent of the decedent ceases to be dependent, or when a posthumous child of the decedent is born.

DETERMINATIONS OF CLAIMS, HEARING AND REVIEW PROCEDURES

§ 10.130 Processing of claims.

Claims for compensation for disability and death are processed by claims examiners of the Office, whose duty it is to apply the law to the facts as reported, received, or obtained upon investigation. The Federal Employees' Compensation Act, as amended, requires determination of a claim, with findings of fact and a decision for or against the payment of compensation, upon consideration of the claim presented by the claimant, the report by his or her immediate official superior, and the completion of such investigation as the Office may deem necessary. There is no required procedure for the production of evidence, and evidence in written form is accepted. The final authority in the Office in the determination of a claim is vested in the Director of the Office. The decision shall contain findings of fact and a statement of reasons. A copy of the decision, together with information as to the right to a hearing, to a review, and to an appeal to the Employees' Compensation Appeals Board, shall be mailed to the claimant at his or her last known address.

§ 10.131 Request for a hearing.

Any claimant not satisfied with a decision of the Office shall, upon written request made within 30 days after the date of issuance of such decision, be afforded an opportunity for a hearing before an Office representative designated by the Director. The request for hearing shall be made to the Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211. At such hearing, the claimant shall be afforded an opportunity to present evidence in further support of his or her claim.

§ 10.132 Time and place of hearing; prehearing conference.

(a) The Office representative shall set the time and place of the hearing, and shall mail written notice thereof to the claimant at least 10 days prior to the hearing. The hearing will, when practicable, be set at a time and place convenient for the claimant. The Office representative may, and when so requested by the claimant shall, afford the claimant a prehearing conference to clarify the issues in his or her claim and, when necessary, shall postpone the hearing for this purpose. Request for such confer-

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ence may be made to the Office representative orally or in writing.

(b) A hearing may be postponed or cancelled upon the request of the claimant if such request is received by the Office or official of the Office assigned to conduct the hearing at least 48 hours prior to the time of the hearing or at the option of the Office. The unexcused failure of a claimant to appear at a hearing or late notice may result in the assessment of costs against such claimant.

§ 10.133 Conduct of hearing.

(a) In conducting the hearing, the Office representative shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 5 of the Administrative Procedure Act, but may conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose the representative shall receive such relevant evidence as may be adduced by the claimant and shall, in addition, receive such other evidence as such representative may determine to be necessary or useful in evaluating the claim. Evidence may be presented orally or in the form of written statements and exhibits. The hearing shall be recorded, and the original of the complete transcript shall be made a part of the claims record.

(b) Pursuant to 5 U.S.C. 8126 the Office may whenever necessary: (1) Issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles; (2) administer oaths; (3) examine witnesses; and (4) require the production of books, papers, documents, and other evidence, with respect to proceedings conducted for the purpose of determining the validity of any claim under this part.

§ 10.134 Termination of hearing; decision; review of decision.

The Office representative shall fix the time within which he or she will receive evidence, and shall terminate the hearing by mailing a copy of his tentative decision, setting forth the basis therefor, to the claimant at his or her last known address. Such tentative decision shall become the final decision unless revised within 30 days. A copy of any revision of the tentative decision, setting forth the basis therefor, shall be mailed to the claimant at his or her last known address within such 30 day period.

§ 10.135 Withdrawal of request for hearing; abandonment.

A claimant may withdraw his or her request for a hearing at any time prior to the mailing of the decision, by written notice to the Office representative so stating, or by orally so stating at the hearing. A claimant shall be deemed to have abandoned his or her request for a hearing if he or she fails to appear at the time and place set for the hearing and does not within 10 days after the time set for the hearing, show good cause for such failure to appear.

§ 10.136 Review of decision.

An award for or against the payment of compensation may be reviewed by the Office under 5 U.S.C. 8128(a) at any time, on its own motion or on application of the claimant. No formal application for review is required, but a written request for review, stating reasons why the decision should be changed and accompanied by evidence not previously submitted to the Office, is necessary to invoke action. Such request shall be made to the Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211.

§ 10.137 Review by Employees' Compensation Appeals Board.

Final decisions of the Office are subject to review by the Employees' Compensation Appeals Board (ECAB), U.S. Department of Labor, under the rules of procedure set forth in Part 501 of this title.

§ 10.138 [Reserved]

§ 10.139 [Reserved]

§ 10.140 Participation in claims process by employing agency.

Procedures conducted with respect to claims filed under the Act are intended to be nonadversary in character. Accordingly, a claimant's employing agency shall not have the right, except as provided in Subpart C of this part, to actively participate in the claims adjudication process. An employing agency may, however, in its discretion, submit affidavits and other relevant and probative statements regarding any particular claim. Such evidence shall be reviewed by the Office and acted upon as appropriate.

§ 10.141 Representation of the Director.

The Director shall be represented in proceedings with respect to any claim conducted before the Employees' Compensation Appeals Board by attorneys from the Office of the Solicitor of Labor. The Office of the Solicitor may, pursuant to the Secretary of Labor's Order of September 23, 1974 (39 FR 34723), refuse to represent the Director with respect to any particular case or matter as appropriate.

§ 10.142 Representation of claimants.

Any claimant may appoint an individual to represent his or her interest in any proceeding for determination of a claim under this part. Such appointment shall be made in writing or on the record at the hearing. A written notice appointing a representative shall be signed by the claimant or his or her legal guardian and shall be sent to the Office. In any case such representative must be qualified under § 10.143.

§ 10.143 Qualification of representative.

(a) *Attorney.* Any attorney in good standing who is admitted to practice before a court of a State, territory, district, or insular possession or before the Supreme Court of the United States or other Federal court and is not, pursuant to any provision of law, prohibited from acting as a representative may be appointed as a representative.

(b) *Other person.* Any other person with the approval of the Office may be appointed as a representative so long as that person is not, pursuant to any provision of law, prohibited from acting as a representative.

§ 10.144 Authority of representative.

A representative, appointed and qualified as provided in this part may make or give, on behalf of the claimant he or she represents, any request or notice relative to any proceeding before the Office under the Act, including formal hearing and review. A representative shall be entitled to present or elicit evidence and make allegations as to facts and law in any proceeding affecting the claimant he or she represents and to obtain information with respect to the claim of such claimant to the same extent as such party. Notice to any claimant of any administrative action, determination, or decision, or request to any party for the production of evidence may be sent to the representative of such claimant, and such notice or request shall have the same force and effect as if it has been sent to the claimant.

§ 10.145 Fees for services.

(a) No fee for representation services rendered in respect to a claim under this part shall be valid, unless prior approval of such fee has been obtained from the Office.

(b) The fee approved by the Office will be determined on the basis of the actual necessary work performed and will generally include but are not limited to the following factors:

(1) Usefulness of the representative's services to the claimant.

(2) The nature and complexity of the claim.

(3) The actual time spent on development and presentation of the claim.

(4) The amount of compensation accrued and potential future payments.

(5) Customary local charges for similar services.

(6) Professional qualifications of the representative.

(c) In every case where a representative's fee is desired, an application for approval of the fee shall be made to the Office. Each request for approval of a fee shall be accompanied by a complete itemized statement, in duplicate, describing the services rendered. Such itemization shall contain the following information:

(1) The dates that services began and ended in addition to all dates on which conferences were held, documents or letters prepared, telephone calls made, etc.

(2) A description of each service rendered with the amount of time spent on each type of service.

(3) The amount of the fee which the representative desires for services performed.

(4) The amount of fees requested, charged or received for services rendered on behalf of the claimant before any State or Federal court or agency, in a similar or related matter.

(5) A statement explaining the basis for the amount of the fee requested.

(d) The Office will arrange for the claimant to review the request for a fee and to comment as to the services provided and as to the reasonableness of the fee.

(e) In considering any request for such a fee, the Office will not recognize such items as:

(1) Work performed before any other State or Federal agency or court including the Employees' Compensation Appeals Board, and any State or Federal Court.

(2) Any contract for the payment of an agreed sum or any contingent contract.

(3) Expenses incurred by the representative for services performed.

(f) The Office will not pay or assist in the collection of any representative fee. Neither will compensation payments be routinely forwarded to the representative with or without the claimant's approval.

(g) Any claimant aggrieved or adversely affected by an award of a fee, may request a hearing or reconsideration by the Office. Thereafter, the appeals procedure described in this subpart may be utilized by the claimant.

(h) A representative aggrieved or adversely affected by an award of a fee, may utilize the appeals procedure described in this subpart.

(i) Any person who receives a fee, other consideration or gratuity on account of services rendered with respect to a claim under this part, unless approved by the Office, or who solicits employment for himself or another in respect to a case or claim, under (or to be brought under) this Act shall be guilty of a misdemeanor and upon conviction of each offense, will be punished by a fine of not more than $1,000 or imprisoned not to exceed 1 year or both such fine and imprisonment.

§ 10.146 [Reserved]

§ 10.147 [Reserved]

§ 10.148 [Reserved]

§ 10.149 [Reserved]

§ 10.150 Statement relative to substantive rules.

(a) The principal function of the Office and its subordinate parts is that of adjudicating claims for workers' compensation. This function is quasijudicial in character and involves the application of statutes and principles of law to resolve factual situations. This field of activity is within the specialized branch of the law generally referred to as "workers' compensation," and has its own particularized principles which have general applicability to workers' compensation statutes (State and Federal), as such statutes have certain common or underlying similarity in respect to the meaning of terms and phrases, and in respect to scope, jurisdiction, and general basic concepts of employer liability.

(b) In the administration of the Act, the Office has one general policy, which is to follow and to adhere to the principles of workers' compensation law as stated in the opinions of the Supreme Court, the Federal Circuit Courts of Appeal, and the District Courts of the United States, as they may appropriately be applied or have been determined by the Employees' Compensation Appeals Board (ECAB) to apply in like situations arising under the Act. In addition, decisions and opinions of the judicial tribunals of the several States furnish principles of law of general applicability in the specialized field of workers' compensation, which form parts of the foundation of general principles relied upon in the application and interpretation of the Act. The Office applies the provision of the Act applicable in respect to a particular case or situation, to the extent that such provision can readily be applied without extrinsic aid, but where such aid is necessary the source thereof is the body of principles embodied in authoritative decisions of the courts and the ECAB within such well-recognized branch of the law.

Subpart C—Continuation of Pay

General

§ 10.200 Statutory provisions.

(a) Pub. L. 93-416, approved September 7, 1974, significantly revised 5 U.S.C. 8118 to provide that an employee ["Employee" for the purposes of this subpart means only such employees as are enumerated in § 10.5(a)(11) (i), (ii), (iv), (vi)] who has filed a claim for a period of wage loss due to a traumatic injury shall be entitled under certain circumstances, to have his regular pay continued for a period not to exceed 45 days pending the OWCP's determination of such employee's claim for compensation under the Act.

(b) Pursuant to 5 U.S.C. 8118(e), pay continued under this subpart shall not be considered compensation and shall be subject to all applicable taxes and other payroll deductions.

Procedures

§ 10.201 Right to continuation of pay.

(a) An employee who sustains a disabling, job-related traumatic injury is entitled to the continuation of his or her regular pay for a period not to exceed 45 days without a break in time unless such right is controverted by the employee's employing agency.

(b) The entitlement to compensation of any person excluded from the continuation of pay provisions of the Act shall begin from the date of pay loss, subject to other applicable sections of the Act.

§ 10.202 Controversion by employing agency.

(a) The employing agency may, on the basis of the information submitted by the employee, or secured on investigation, controvert a claim and terminate an employee's pay only if:

(1) The disability is a result of an occupational disease or illness; or

(2) The employee falls within the exclusions of 5 U.S.C. 8101(1) (B) or (E); or

(3) The employee is neither a citizen nor resident of the United States or Canada (i.e., a foreign national employed outside of the United States or Canada); or

(4) The injury occurred off the employing agency's premises and the employee was not engaged in official "off premise" duties; or

(5) The injury was caused by the employee's willful misconduct, the employee intended to bring about the injury or death on himself or herself or another person or the employee's intoxication was the proximate cause of the injury; or

(6) The injury was not reported on Form CA-1, within 30 days following the injury; or

(7) Work stoppage first occurred six months or more following the injury; or

(8) The employee initially reports the injury after his or her employment has terminated; or

(9) The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

(b) In all other cases, the employing agency may controvert an employee's right to continuation of pay, however, such employee's regular pay shall not be interrupted during the 45 day period unless the controversion is sustained by the Office and until the employing Agency is so notified.

§ 10.203 Manner of controversion.

An employing agency may controvert a claim for purposes of this subpart by completing the indicated portion on Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, and submitting detailed information in support of the controversion to the Office.

§ 10.204 Termination of continuation of pay.

(a) Where pay is continued after an employee stops work due to a disabling traumatic injury, such pay shall not be terminated until:

(1) The agency receives medical information from the attending physician to the effect that the employee is no longer disabled; or

(2) The agency receives notification from the Office that pay should be terminated; or

(3) The expiration of 45 days.

(b) The 45 days during which pay may be continued pursuant to this subpart are calendar days and if the employee has stopped work due to the disabling effects of the injury, the period starts at the beginning of the first full day or first full shift during which the disability begins provided such disability began within six months of the occurrence of the injury. The agency will keep the employee in a pay status for any fraction of a day or shift on which the disability

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begins with no "charge" to the 45 day period. If the employee stops work for only a portion of a day or shift (other than the day or shift when disability begins), such day or shift will be considered as one calendar day. If the employee is not immediately disabled due to the injury, the 45 days will begin on the first full day or the first full shift when disability begins.

(c) Where pay is continued at a rate subsequently determined by the Office to be incorrect, the Office shall notify the agency of the correct pay rate and the agency will make the necessary adjustment.

§ 10.205 Regular pay defined.

(a) For a regular full time or part-time worker in the regular work force of the agency who works the same number of hours per week, the weekly pay rate shall be equal to the number of hours regularly worked each week times the hourly pay rate on the date of injury, exclusive of overtime.

(b) For a regular part-time worker in the regular work force of the agency who does not work the same number of hours per week the weekly pay rate shall be the average weekly earnings for the one year period prior to the date of injury, exclusive of overtime.

(c) For an irregular WAE, intermittent, etc., worker who is not a part of the agency's regular full or part-time work force, the weekly pay rate shall be the average of the employee's weekly earnings during the one year prior to the injury, but the average annual earnings may not be less than 150 times the average daily wage earned within one year prior to the date of injury. (The daily wage rate shall be the hourly rate times 8.) Premium, night or shift differential, Sunday or holiday pay, or other extra pay should be included in all instances; however, overtime pay must not in any instance (i.e., either regular or irregular employment) be made a part of the continuation of pay rate.

§ 10.206 Agency accounting and reporting of continuation of pay.

(a) Pending development of a system within the Office for directly capturing and tabulating data on continuing payments to employees under 5 U.S.C. 8118, each agency and instrumentality of the United States having an employee who was in a continuation of pay status during the calendar quarter shall submit a report to the Office within 30 days after the end of each quarter (address: Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Washington, D.C. 20211).

(b) Quarterly reports are to include data on all continuation of pay cases paid in the quarter for only those employees who have returned to work or exceeded the 45-day period by the last pay date of the reporting agency or instrumentality during the quarter (employees who have not returned to work or exceeded the 45-day period by the last pay date of the quarter are to be reported in the following quarter).

(c) Reported summary data for employees returning to work during the quarter is to include:

(1) Total number of employees provided such continuation of pay.

(2) Total number of workdays or shifts (full workdays) for which these employees were paid during the quarter (and the earlier quarter if return to work did not occur during such earlier quarter).

(3) Total amount paid to all employees during the quarter (and the earlier quarter if return to work did not occur during such earlier quarter).

OFFICIAL SUPERIOR'S AND BENEFICIARIES' RESPONSIBILITIES

§ 10.207 Official superior's responsibility in continuation of pay case.

(a) Upon receiving notice that an employee has suffered an employment related traumatic injury an official superior shall:

(1) Promptly authorize medical care in accordance with Subpart E of this part;

(2) Provide the employee with Form CA-1 for reporting the injury and upon receipt of the completed form, return to the employee the "Receipt of Notice of Injury.";

(3) Advise the employee of the right to elect continuation of regular pay or use annual or sick leave, if the injury is disabling;

(4) Inform the employee whether continuation of pay will be controverted, and if so, whether pay will be terminated, and the basis for such action;

(5) Promptly submit Form CA-1 fully completed by both employee and official superior together with all other pertinent information and documents to the Office within two working days following the official superior's receipt of such completed form from the employee.

(6) If the official superior controverts the claim (whether or not pay is terminated), explanation for the controversion will be submitted to the OWCP on the official superior's portion of Form CA-1 and/or by separate narrative report.

(7) In addition, such official superior shall report to the Office any injury resulting in probable disability or death in accordance with this part, and thereafter make any additional reports as the Office may require.

(b) In the case of a traumatic injury for which the continuation of pay may be appropriate, the injured employee's official superior shall to the best of his or her ability inform such employee of the advantages and disadvantages of the continuation of pay provisions of the Act. Special attention shall be drawn to the fact that continued pay is subject to taxes and all other regular payroll deductions as well as to the fact that an employee who chooses not to elect continuation of pay may be without income for an undetermined period of time subsequent to the onset of his or her disability.

§ 10.208 Recurrence of disability.

(a) Should an employee suffer a recurrence of disability, and again stop work and the initial claim has been approved by the Office, the official superior shall promptly complete Form CA-2a. The employee shall advise the official superior whether he or she wishes to continue to receive regular pay or charge the absence to sick or annual leave.

(b) If the employee so elects, the official superior shall again continue regular pay, providing the 45 calendar days were not all "used" during the initial period of disability. This is applicable, however, only during a six month period beginning from the date the employee first returned to work following the initial disability. If a recurrence happens after the six months have expired, the employing agency should not continue regular pay, although some of the 45 days may remain "unused". In such instances, the employee is entitled only to compensation payable by the Office.

(c) If the 45 day entitlement period has been exhausted, or six months have expired since the employee first returned to work, the employing agency is not required to continue regular pay. The Office shall be responsible for initiating payment of compensation. In such instance, the employee shall file claim for any wage loss on the appropriate Form CA-7 or CA-8.

(d) If the recurrence happens less than six months following the most recent prior medical treatment received by the employee, the official superior shall authorize required medical care by use of Form CA-16. If the recurrence happens more than six months after the most recent prior medical care, authorization for further medical care must be obtained from the Office.

§ 10.209 Employee's responsibilities in continuation of pay cases.

(a) When an employee sustains a traumatic, disabling injury in the performance of duty, the employee or someone acting on his or her behalf must give a written report on Form CA-1 to such employee's official superior within two working days following the injury. It must be shown on the form whether the employee wishes to receive sick or annual leave [see § 10.210(a)] or request continuation of regular pay for the period of disability.

(b) Upon reporting the injury, the employee will be authorized to obtain medical treatment if required. If treatment is obtained, the employee must inquire from the treating physician the earliest date that the employee is able to return to work.

(c) A "Duty Status Report," Form CA-17 will be used to obtain interim medical reports concerning the employee's duty status. If during the 45 day period the treating physician indicates the employee is able to return to work and the employee refuses to do so, the

continued absence from work may result in an overpayment. The period of absence from the job which resulted in the overpayment will be determined by the Office in the course of adjudication of the claim. The official superior and the employee will be notified of the period of disability which is approved by the Office and the official superior may then require the employee to resolve any overpayment.

(d) If medical evidence shows disability is expected to continue beyond 45 days and compensation is desired after expiration of the period, Form CA-7, must be completed and filed with the appropriate OWCP district office not more than 5 working days after the termination of the 45 days.

(e) The provisions of Subpart D of this part relating to the buy-back of leave and to collection of overpayments are applicable as appropriate to the provisions of this subpart.

§ 10.210 Election of annual or sick leave.

(a) In any case, an employee may use annual or sick leave to his credit at the time such employee's disability begins, but such employee's compensation for disability does not begin, and the time periods specified by 5 U.S.C. 8117 do not begin to run, until the termination of continuation of pay (see § 10.204) or until the use of annual or sick leave ends.

(b) If a claim for the continuation of pay is denied by the Secretary subsequent to the making of such payments, such payments shall, at the option of the employee, be charged to sick or annual leave or shall be deemed overpayments of pay within the meaning of Section 5584 of Title 5, United States Code.

Subpart D—Payment of Compensation

COMPENSATION RATES

§ 10.300 Maximum and minimum compensation.

(a) *Disability.* Compensation for disability may not exceed 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule. For total disability, it may not be less than 75 percent of the monthly pay of the first step of grade 2 of the General Schedule or actual pay, whichever is less.

(b) *Death.* Compensation for death is computed on a minimum pay equal to the first step of grade 2 of the General Schedulee. The total compensation may not exceed the employee's pay or 75 percent of the monthly pay of the highest step of grade 15 of the General Schedulee, except that compensation is allowed to exceed the employee's monthly pay if such excess is created by authorized cost of living increases.

§ 10.301 Temporary total disability rate.

(a) Compensation based on loss of wages is payable, subject to the provisions of 5 U.S.C. 8117, after the 45th day in traumatic injuries or from the beginning of pay loss in all other types of injuries.

(b) When an injured employee loses pay due to temporary total disability resulting from an injury, compensation is payable at the rate of 66⅔ percent of the pay rate established for compensation purposes. The compensation rate is increased to 75 percent when there are one or more dependents. Dependents include a wife or husband; an unmarried child under 18 years of age or if over 18, incapable of self-support, or a student (until reaching 23 years of age or completing four years of school beyond the high school level); or a wholly dependent parent. Compensation begins when the employee starts to lose pay if the injury causes permanent disability or if there is pay loss for more than 14 days, otherwise compensation begins on the fourth day after pay stops. Compensation may not be paid while an injured employee receives pay for leave or is otherwise in a continuation of pay status. The employee has the right to elect whether to receive pay for leave or to receive compensation.

§ 10.302 Permanent total disability rate.

When the injury causes permanent total disability, an injured employee is entitled to compensation until death unless the employee is medically or vocationally rehabilitated. Some, although not all, of the examples of permanent total disability are loss, or loss of use, of both arms; or both feet; or both legs; or both eyes or the sight thereof. Compensation for total disability equals 66⅔ percent of the employee's pay, and 75 percent when there is a dependent [see § 10.301(b)]. The employee may receive additional compensation, not to exceed $500 per month, when the services of a full time attendant are needed because of the disability.

§ 10.303 Partial disability rate.

(a) *Loss of wage-earning capacity.* An injured employee may receive compensation computed on loss of wage-earning capacity when unable to return to usual employment because of partial disability as a result of the injury. The compensation will equal 66⅔ percent of the employee's loss. It will equal 75 percent of the loss when there is a dependent [see § 10.301(b)]. The compensation will be paid so long as there is a loss of wage-earning capacity.

(b) *Scheduled awards.* Compensation is provided for specified periods of time for the permanent loss or loss of use, of each of certain members, organs, and functions of the body. Compensation for proportionate periods of time is payable for partial loss, or loss of use of each member, organ, or function. The compensation for scheduled awards will equal 66⅔ percent of the employee's pay, and 75 percent of the pay when there is a dependent. Proper and equitable compensation, not to exceed $3,500 may be paid for serious disfigurement of the face, head, or neck, if of a character likely to handicap a person in securing or maintaining employment. Compensation for loss of wage-earning capacity may be paid after the schedule expires.

§ 10.304 Schedule compensation rate.

(a) Pursuant to 5 U.S.C. 8107, compensation is provided for the permanent partial or permanent total loss of use of specified members of the body and internal and external organs as well as for serious disfigurement of the face, head, or neck. A new section, 5 U.S.C. 8107(c)(22) added by Pub. L. 93-416, 88 Stat. 1145, provides that in addition to the member and organs specifically enumerated in the compensation schedule the Secretary may provide for the payment and schedule compensaton not to exceed 312 weeks of compensation for such internal and external organs as is deemed appropriate. Pursuant to authority contained in 5 U.S.C. 8107(c)(22) certain specified internal and external organs are added to the compensation schedule as follows:

	Weeks
Breast (one)	82
Kidney (one)	156
Larynx	160
Lung (one)	156
Penis	205
Testicle (one)	52
Tongue	160

(b) The organs added to the compensation schedule in paragraph (a) of this section have been so added subsequent to studies undertaken by the OWCP. Continuing study in this area may, in the future, result in the further extension of the compensation schedule. Such further extensions shall have retroactive application back to the effective date of this section if such retroactive application is deemed appropriate by the Director.

(c) Schedule compensation rates shall be determined as provided in § 10.302 and § 10.303 of this part. Such amounts as are determined appropriate pursuant to the Act and this part are:

(1) Payable regardless of whether the cause of the impairmerft originates in a part of the body other than the impaired member or organ;

(2) Payable regardless of whether the disability also involves another impairment of the body; and

(3) In addition to compensation for temporary total or temporary partial disability.

§ 10.305 Death benefit rates, conditions of eligibility.

(a) When there are no children entitled to compensation the employee's widow or widower may receive compensation equal to 50 percent of the employee's pay until death or remarriage. Upon remarriage, a widow or widower will be paid a lump sum equal to 24 times the monthly compensation being paid on his or her own behalf, except that if such remarriage occurs on or after the age of 60, the lump sum payment shall not be made and compensation shall continue until the beneficiary's death.

(b) When there is a child entitled to compensation, the compensation for the widow or widower will equal 45 percent of the employee's pay plus 15 percent for each child, but shall not exceed 75 percent of the employee's pay. A child is entitled to compensation until he or she dies, marries, or reaches 18 years of age, or if over 18 and incapable of self-support, until he or she becomes capable of self-support. If an unmarried child is a

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student when reaching 18 years of age, compensation may be continued for as long as the child remains a student or until he or she marries. It may not, however, be continued beyond the end of the semester or enrollment period after the child reaches 23 years of age or has completed four years of school beyond the high school level.

§ 10.306 Burial and transportation benefits.

In the case of an employment related death of an employee a sum, not to exceed $800, may be paid for funeral and burial expenses. When an employee's home is within the United States, an additional sum may be paid for transporting the remains to the home if the employee dies away from home, official duty station, or outside the United States. An additional sum of $200 is paid to the personal representative of the decedent for reimbursement of the costs of termination of the decedent's status as an employee of the United States.

ADJUSTMENTS TO BENEFITS

§ 10.310 Buy back of annual or sick leave.

An employee may decide to take sick and/or annual leave in order to avoid possible interruption of income. If such employee does so decide and his or her claim for compensation is subsequently approved, such employee may arrange with his or her employing establishment to "buy back" the leave used and have it reinstated to such employee's account. The compensation to which the employee is entitled, may be used to pay a part of the "buy back" cost and the employee shall be obligated to pay the balance. The amount the employee will be required to pay will depend on several factors such as length of the period of disability and the amount of Federal income tax which is withheld from his or her leave pay. The employing agency shall help the employee determine how much the "buy back" cost will be in his or her case. If an employee uses leave and decides to buy it back, such employee may file a claim for compensation on Form CA–4 while still in leave status. In the interim, the Office shall consider and resolve any points at issue. No compensation payments shall be paid, however, while the employee is still in leave status. Arrangements to "buy back" leave, shall be made with the employing agency. Such agency shall make arrangements to have compensation paid directly to its account for the part of the "buy back" cost which is covered. Salary continuation payments made under 5 U.S.C. 8118 shall not be considered compensation as defined by the Act. If an employee elects to use annual or sick leave during the initial 45 day period of salary continuation pursuant 5 U.S.C. 8118, such employee may not "buy back" his or her leave by claiming compensation for such period.

§ 10.311 Lump sum awards.

(a) The liability of the United States for compensation to a beneficiary in the case of death or of permanent total or permanent partial disability may be discharged by a lump-sum payment equal to the present value of all future payments of compensation computed at 4 percent true discount compounded annually if—

(1) The monthly payment to the beneficiary is less than $50 a month; or

(2) The beneficiary is or is about to become a nonresident of the United States; or

(3) The Secretary of Labor determines that it is for the best interest of the beneficiary.

(b) The probability of the death of the beneficiary before the expiration of the period during which he or she is entitled to compensation shall be determined according to the most current United States Life Tables, as developed by the United States Department of Health, Education, and Welfare, which shall be updated from time to time, but the lump-sum payment to a widow or widower of the deceased employee may not exceed 60 months' compensation. The probability of the happening of any other contingency affecting the amount or duration of compensation shall be disregarded.

(c) On remarriage, a widow or widower, entitled to compensation under 5 U.S.C. 8133, shall be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation on account of another individual) to which he or she was entitled immediately before the remarriage.

(d) No claimant possesses an absolute right to a lump sum award. Lump sum awards shall be made exclusively by the Director, acting within his or her discretion, and no lump sum award shall be made unless it is apparent to the Director that such an award is in the best interests of the claimant.

§ 10.312 Assignment of claim, claims of creditors.

An assignment of a claim for compensation is void. Compensation and claims for compensation are exempt from claims of creditors.

§ 10.313 Dual benefits.

(a) *Civil service annuity and compensation.* Except as is otherwise provided by law a person may not concurrently receive compensation pursuant to the Act and a retirement or survivor annuity from the Civil Service Commission. Such beneficiary shall elect to receive the more advantageous benefits.

(b) *Military retirement/retainer pay and compensation.* An employee may receive compensation concurrently with military retired pay, retirement pay, retainer pay or equivalent pay for service in the Armed Forces or other uniformed services, subject to the reduction of such pay in accordance with 5 U.S.C. 5532(b).

§ 10.314 Overpayments.

(a) Whenever by reason of an error of fact or law an overpayment has been made to an individual who is entitled to further payments, proper adjustment shall be made by decreasing subsequent payments of compensation, having due regard to the probable extent of future payments, the rate of compensation, the financial circumstances of the individual, and any other relevant factors, so as to minimise any resulting hardship upon such individual. In the event such individual dies before such adjustment has been completed a similar adjustment shall be made by decreasing subsequent payments, if any, payable under this Act with respect to such individual's death.

(b) Where there are no further payments due and an overpayment has been made to an individual by reason of an error of fact or law such individual, as soon as the mistake is discovered or his attention is called to the same, shall refund to the Office any amount so paid, or upon failure to make such refund the Office may proceed to recover the same.

(c) There shall be no adjustment or recovery under paragraphs (a) or (b) of this section, by the United States in any case where incorrect payment has been made to an individual who is without fault and where adjustment or recovery would defeat the purpose of this Act or would be against equity and good conscience.

(d) If a claim for compensation is denied by the OWCP, continuation of pay made under 5 U.S.C. 8118, shall, at the option of the employee, be charged to sick or annual leave or shall be deemed overpayments of pay within the meaning of Section 5584, Title 5 U.S.C.

Subpart E—Furnishing Medical Treatment

§ 10.400 Medical treatment, hospital services, transportation, etc.

(a) All medical services, appliances, drugs, and supplies which in the opinion of the Office are necessary for treatment of an injury as provided by the Act shall be furnished to employees of the United States and to others covered by the Act. These may be furnished by or upon the order of either U.S. medical officers and hospitals, or at the employee's option, by or on the order of physicians or hospitals designated or approved by the Office, for injuries sustained while in the performance of duty, including diseases proximately caused by the conditions of employment, whether resulting in loss of time or not, as well as the necessary means of transportation incident to the securing of such services, appliances, drugs, and supplies. An injured employee will be furnished transportation, or be reimbursed for transportation expense, and shall be reimbursed for expenses incident to the securing of services, appliances and supplies necessary in the treatment of an injury related condition, when authorized by the Office or by the employee's official superior. All duly qualified physicians as defined in § 10.402 are considered designated or approved by the Office.

(b) An employee has only an initial choice of physicians. A change of physicians will be permitted only upon approval of the Office after the employee submits an explanation for his or her desire to change.

(c) The medical facilities of the U.S. Public Health Service generally are available at any time for the furnishing of medical treatment. The medical facilities of the Army, Navy, Air Force and Veterans Administration may be used when previous arrangements have been made on a case-by-case basis with the director of the hospital or clinic.

(d) Federal health service units or other occupational health service facilities established under the provisions of the Act of August 8, 1946, as amended (5 U.S.C. 7901), are not U.S. medical officers and hospitals as used in this part. Under criteria established by the Bureau of the Budget (now Office of Management and Budget) in Circular No. A–72 of June 18, 1965, these health service units or occupational health service facilities shall only provide emergency diagnosis and first (initial) treatment of injury or illness such as is necessary during working hours and that are within the competence of the professional staff and facilities of the health service unit or facility (see paragraph 4.a of OMB Circular A–72). Any other treatment and medical care by these units or facilities in instances of injury or illness sustained in the performance of duty must be specifically authorized by a physician providing medical care under the specific authorization of the Office (see paragraph 4.d of OMB Circular A–72).

(e) The official superior shall give the injured employee an opportunity to select the appropriate physician to whom he or she wishes to be referred. In medical emergencies, any qualified physician in the area shall be authorized to provide medical care as appropriate.

(f) The attending physician shall arrange for necessary hospital care at semi-private rates (unless the nature of the case requires care in a private room) special nursing services, x-ray examination, and consultations by specialists. In cases of an emergency nature or cases involving unusual circumstances the Office may in the exercise of its discretion authorize treatment otherwise than as provided for in this part, or it may approve payment for medical expenses incurred otherwise than as authorized in this part.

§ 10.401 Physician and medical services, etc., defined.

(a) The term "physician" as used in this subpart includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. The term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist.

(b) The term "medical, surgical, and hospital services and supplies" as used in this part, includes services and supplies by surgeons, podiatrists, dentists, clinical psychologists, optomerists, chiropractors, osteopathic practitioners and hospitals within the scope of their practice as defined by State law. Reimbursable chiropractic services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist. Also included for payment or reimbursement are physical examinations (and related laboratory tests) and x-rays performed by or required by a chiropractor to diagnose a subluxation of the spinal column. A chiropractor may interpret his or her x-rays as may any other physician as used in this subpart.

§ 10.402 Official authorization for treatment.

(a) When an employee sustains an injury by accident under circumstances entitling the employee to medical treatment, the employee's official superior shall promptly issue to the employee a request for examination and/or treatment on Form CA–16. The employee shall carry the Form CA–16, where practical, from the place of employment to the physician. Form CA–16 shall be used primarily for an injury sustained by accident, but may also be used to authorize examination and treatment for disease or illness, provided the official superior has contacted the Office for instructions on authorizing examination and treatment. In emergency situations, the Office shall be contacted by telephone.

(b) In determining the use of medical facilities, consideration must be given to availability, the employee's condition, and the method and means of transportation. Generally, 25 miles from the place of injury, the employing agency, or the employee's home is a reasonable distance to travel but other pertinent factors must also be taken into consideration.

§ 10.403 Emergency treatment.

In cases of injury by accident where emergency treatment is necessary, any qualified local physician may render initial treatment. If oral authorization for such treatment is given by the official superior, Form CA–16 shall be issued within 48 hours thereafter. Animal bites and eye injuries are considered medical emergencies and medical care by the nearest qualified physician is permissible. Further treatment, if necessary, shall be obtained as soon as practicable at the employee's option as provided in this part. It is the duty of the official superior to authorize initial medical treatment for acute injuries, exclusive of disease or illness, and to transfer the employee at the employee's option to the care of a local U.S. medical officer or hospital or, at the employee's option, to a private physician or hospital designated or approved by the Office for any subsequent treatment needed. If unable to comply promptly with this requirement, the official superior shall communicate with the Office for instructions.

§ 10.404 Medical treatment for recurrence of disability.

If an injured employee complains of a recurrence of disability (whether or not he or she is disabled for work), after having recently been discharged from medical treatment, on account of an injury by accident recognized as compensable by the Office under circumstances from which it may reasonably be inferred that such disability is the result of such injury, and the place of employment is the same as at the time of such injury, the official superior in his discretion may issue a Form CA–16, provided that not more than 6 months shall have elapsed since the final action of the Office upon the case. In any case in which the employee complains of a recurrence of disability with respect to which there may be doubt that the disability is the result of the injury or in any case in which the final action of the Office shall have been taken more than 6 months prior to complaint the official superior shall communicate with the Office and request instructions, stating all of the pertinent facts in the communication. In all other cases the employee shall communicate with the Office and request such treatment.

§ 10.405 Medical treatment in doubtful cases.

Cases of a doubtful nature, so far as compensability is concerned, shall be referred by the official superior to a United States medical officer or hospital, or at the employee's option, to a private physician or hospital designated or approved by the Office, or as otherwise provided in this part, using a Form CA–16 for medical services as indicated in 6B of the form. This authorizes the necessary diagnostic studies and emergency treatment pending receipt of advice from the Office. A statement of all pertinent facts relating to the particular case shall also be forwarded immediately to the Office for consideration. If the medical examination or other information received subsequent to the issuance of authorization for treatment discloses that the condition for which treatment was rendered is not due to an injury, the person issuing the authorization shall immediately notify the physician or hospital that no further treatment shall be rendered at the expense of the Office. In cases of an emergency or cases involving unusual circumstances, the Office may, in the exercise of its discretion, authorize treatment otherwise than as provided for in this part, or it may approve payment for medical expenses incurred otherwise than as authorized in this section. No authority for examination or for medical or other treatment shall be given by the official superior in any case already disallowed by the Office.

§ 10.406 Authority for dental treatment.

All necessary dental treatment, including repairs to natural teeth, false teeth, and other prosthetic dental devices, needed to repair damage or loss caused by an employment related injury shall be obtained at the employee's option from a U.S. Medical Officer or hospital, or from a private dentist, physician or hospital, upon authorization obtained in advance from the Office.

§ 10.407 Medical examination.

(a) An injured employee shall be required to submit to examination by a U.S. Medical Officer or by a qualified pri-

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vate physician approved by the Office as frequently and at such times and places as in the opinion of the Office may be reasonably necessary. The injured employee may have a qualified physician, paid by him or her, present at the time of such examination. For any examination required by the Office an injured employee shall be paid all expenses incident to such examination which, in the opinion of the Office are necessary and reasonable, including transportation and actual loss of wages incurred in order to submit to the examination authorized by the Office.

(b) If the employee refuses to submit himself or herself for or in any way obstructs any examination, the employee's right to claim compensation under the Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to the employee.

§ 10.408 Medical referee examination.

If there should be a disagreement between the physician making the examination on the part of the United States and the injured employee's physician, the Office shall appoint a third physician, qualified in the appropriate speciality, who shall make an examination. The physician appointed shall be one not previously connected with the case.

§ 10.409 Furnishing of orthopedic and prosthetic appliances, and dental work.

When an orthopedic or prosthetic appliance, such as an artificial eye or limb is deemed to be necessary by the attending physician by reason of an injury which has been found by the Office to have occurred in the performance of duty, application therefor may be made to the Office, stating the necessity therefor, the approximate cost of such appliance, and a brief description thereof. The term "injury" includes damage or destruction of medical braces, artificial limbs and other prosthetic devices which shall be replaced or repaired at Office expense, [see § 10.5(a) (14)]. Applications for repairs to such an appliance furnished by the Office will be made in the same manner. Where an artificial denture is necessary in such cases, application therefor may similarly be made.

§ 10.410 Recording and submission of medical reports.

(a) Medical officers and private physicians and hospitals shall keep adequate records of all cases treated by them so as to be able to supply the Office with a history of the employee's accident, the exact description, nature, location, and extent of injury, the x-ray findings or other studies, if x-ray examination or other studies have been made, the nature of the treatment rendered, and the degree of impairment arising from the injury.

(b) Form CA–16 provides for the furnishing of the initial medical report. Form CA–20 may also be used for the initial report and for subsequent report. The medical report Form CA–20a attached to Form CA–8 is to be utilized in instances where continued compensation is claimed on such form. These reports shall be forwarded promptly to the Office. In cases of disabling traumatic injuries Form CA–17 shall be used to obtain interim reports concerning the employee's duty status. These reports are necessary to support continuation of pay up to 45 days.

(c) Detailed supplementary reports in narrative form shall be made by the physician at approximately monthly intervals in all cases of serious injury or disease, especially injuries of the head and back, and including all cases requiring hospital treatment or prolonged care. The supplementary report shall show the date the employee was first examined or treated, the patient's complaint, the condition found on examination, the diagnosis and medical opinion as to any relationship between the impairment and the injury or employment factors alleged, report as to any other impairments found not due to injury, the treatment given or recommended for the injury alleged, the extent of impairment affecting the employment as a result of the injury, the actual degree of loss of active or passive motion of an injured member, the amount of atrophy or deformity in a member, the decrease, if any, in strength, the disturbance of sensation, the prognosis for recovery, and all other material findings. If the services of a specialist are required in the examination or treatment of the employee, a report of his findings upon examination, his diagnosis, his opinion as to the relationship between the impairment and the injury and/or conditions of employment, the medical rationale for his opinion, the treatment recommended by him, a statement of the extent of impairment as a result of the injury or employment and the prognosis shall be forwarded to the Office for consideration in conjunction with other reports. The requirement of this section or of any section in this part with respect to the form of medical, dental, hospital or other reports may be waived by the Office.

§ 10.411 Submission of bills for medical services, appliances and supplies.

All charges for medical, hospital, surgical, or other treatment or care of, or appliances and supplies furnished to injured employees, supported by medical evidence as provided in § 10.410 shall be itemized on the physicians, billhead stationery hospital's or supplier's as appropriate and shall be forwarded promptly to the Office for consideration. Charges may also be submitted at the time of submission of the initial report by completing item 14 on the back of Form CA–16. A separate bill shall be submitted when the employee is discharged from treatment except when treatment extends for more than 30 days, in which event, bills shall be submitted at the end of each 30 day period.

§ 10.412 Reimbursement for medical expenses, transportation costs, loss of wages, and incidental expenses.

If bills for medical, surgical, nursing, dental, or hospital services or supplies, or appliances, have been paid by an injured employee on account of an injury incurred while in the performance of duty, an itemized bill, receipted and signed by the person who has received payment, together with a medical report as provided in § 10.410 may be submitted to the Office for consideration. If payment has been made to a hospital, corporation or firm, the receipted bill shall bear the signature or initials of the person acting for the payee. If receipted by a mechanical stamp or device, which shows clearly its intent and purpose, the usual formalities attendant to the receipting of bills may be dispensed with. Where the means of transportation is not furnished by the United States Government, a claim for reimbursement of the cost of necessary transportation, and of necessary incidental expenses incurred by an injured employee for travel for the purpose of securing medical or hospital treatment, appliances or supplies, or for medical examination, should be submitted promptly to the Office for consideration. Standard Forms 1012 and 1012a properly executed, shall be used for this purpose. Where transportation by automobile is used, reimbursement may be made at the rate per mile fixed by law, executive administrative, or other order for employees of the United States authorized to travel at Government expense.

Subpart F—[Reserved]

Subpart G—Cases Involving the Liability of a Third Party

§ 10.500 Prosecution of third party action by beneficiary.

If an injury or death for which benefits are payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Office may require the beneficiary to prosecute an action for damages against such third person. When so required, such cause of action shall be prosecuted in the name of the injured employee or of his or her personal representative by an attorney of the beneficiary's choice.

§ 10.501 Assignment of third party.

If an injury or death for which benefits are payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the beneficiary shall, if required by the Office assign any right of action he may have to the United States. All such assignments shall be in writing and no such cause of action shall vest in the United States unless and until the assignment is accepted by the Office.

§ 10.502 Refusal to assign or prosecute claim when required; effect.

Refusal on the part of a beneficiary to assign his right of action to the United States or to prosecute an action in his own name when required to do so pursuant to § 10.500 or § 10.501, shall deprive the beneficiary of all rights to benefits under the Act.

§ 10.503 Distribution of damages recovered by beneficiary.

If an injury for which benefits are payable under the Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, and, as a result of suit brought by the beneficiary or by someone on his or her behalf, or as a result of settlement made by him or her or on his or her behalf in satisfaction of the liability of such other person, the beneficiary shall recover damages or receive any money or other property in satisfaction of the liability of such other person on account of such injury or death, the proceeds of such recovery shall be applied as follows:

(a) If an attorney is employed, a reasonable attorney's fee and cost of collection, if any, shall first be deducted from the gross amount of the settlement;

(b) The beneficiary is entitled to retain one-fifth of the net amount of the money or other property remaining after the expenses of a suit or settlement have been deducted, plus an amount equivalent to a reasonable attorney's fee proportionate to any refund to the United States;

(c) There shall then be remitted to the Office, the benefits which have been paid on account of the injury, which shall include payments made on account of medical or hospital treatment, funeral expense, and any other payments made under the Act on account of the injury or death;

(d) Any surplus then remaining may be retained by the injured employee or his dependents, and the net amount of damages received by the beneficiary shall be credited against future payment of benefits to which the beneficiary may be entitled under the Act on account of the same injury or death.

§ 10.504 Distribution of damages where cause of action is assigned.

If recovery is realized upon a cause of action assigned to the United States pursuant to 5 U.S.C. 8131, the money or other property so received shall be applied in the following manner: After deducting the amount of any payments made under the Act in respect of the injury or death on account of which the cause of action arose, and the expense of such realization or collection, which sum shall be placed to the credit of the proper fund of the Office, the surplus, if any, of such amount received shall be paid to the beneficiary and credited pro tanto upon any future payment of benefits payable to him on account of the same injury. However, the beneficiary is entitled to not less than one-fifth of the net amount of a settlement or recovery remaining after the expenses of such realization or collection have been deducted.

§ 10.505 Office may require beneficiary to settle or compromise third party suit.

Where a beneficiary under the Act has commenced an action in his or her own name or has initiated such action through an administrator of a deceased person to recover damages against the third party liable for the injury or death, the Office shall, at all times, have authority to require the beneficiary or such administrator to settle or compromise such action whenever it shall determine that further prosecution of the cause of action is not warranted. Refusal on the part of such beneficiary or other person acting in the interest of the beneficiary to make such settlement or to effect such compromise when so directed shall be deemed to be sufficient cause for refusal on the part of the Office to pay or cause to be paid any benefits under the Act on account of the same injury or death, or the Office may suspend or cause to suspend the payment of benefits under the Act during the period of such refusal.

6. Part 25 of Subchapter B—Federal Employees' Compensation Act—is revised to read as follows:

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZEN FEDERAL EMPLOYEES OUTSIDE THE UNITED STATES

Subpart A—General Provisions

Sec.
25.1 General statement.
25.2 General adoption of local law.
25.3 General provisions relating to special schedule.
25.4 Authority to settle and pay claims.
25.5 Applicable criteria.
25.6 Third and fourth country nationals.
25.7 Non-citizen residents of possessions.

Subpart B—Special Schedule of Compensation

25.11 Compensation for disability.
25.12 Compensation for death.
25.13 General provisions.

Subpart C—Extensions of Special Schedule of Compensation

25.21 Republic of the Philippines.
25.22 Australia.
25.23 [Reserved]
25.24 [Revoked]
25.25 Republic of Korea.
25.26 Japanese seamen.
25.27 Territory of Guam (nonresident aliens).

AUTHORITY. (Sec. 32, 39 Stat. 749, as amended; (5 U.S.C. 8145, 8149); 1946 Reorg. Plan No. 2, sec. 3, 3 CFR 1943–1948 Comp., p. 1064; 60 Stat. 1095; 1950 Reorg. Plan No. 19, sec. 1, 3 CFR 1949–1958 Comp., p. 1010; 64 Stat. 1271, unless otherwise noted)

Subpart A—General Provisions

§ 25.1 General statement.

The provisions of this part shall apply in respect to compensation, under the Federal Employees' Compensation Act, payable only to employees of the United States who are neither citizens nor residents of the United States, any territory, or Canada, or payable to any dependents of such employees. It has previously been determined, pursuant to 5 U.S.C. 8137, that the amount of compensation, as provided under such Act, is substantially disproportionate to the compensation for disability or death which is payable in similar cases under local law, regulation, custom, or otherwise, in areas outside the United States, any territory, or Canada. Therefore, in respect to cases of such employees whose injury (or injury resulting in death) has occurred subsequent to December 7, 1941, or may occur, the following provisions shall be applicable.

§ 25.2 General adoption of local law.

(a) Pursuant to the provisions of 5 U.S.C. 8137, the benefit features of local workers' compensation laws, or provisions in the nature of workers' compensation, in effect in the areas referred to in § 25.1, shall, effective as of December 7, 1941, by adoption and adaptation, as recognized by the Director, Office of Workers' Compensation Programs, apply in the cases of the employees specified in § 25.1: *Provided, however*, That there is not established and promulgated under this part, for the particular locality, or for a class of employees in the particular locality, a special schedule of compensation for injury or death.

(b) The benefit provisions as thus adopted or adapted are those dealing with the money payments for injury and death (including provisions dealing with medical, surgical, hospital and similar treatment and care), as well as those dealing with services and purposes forming an integral part of the local plan, provided they are of a kind or character similar to services and purposes authorized by the Federal Employees' Compensation Act. Procedural provisions, designations of classes of beneficiaries in death cases, limitations (except those affecting amounts of benefit payments), and any other provisions not directly affecting the amounts of the benefit payments, in such local plans, shall not apply, but in lieu thereof the pertinent provisions of the Federal Employees' Compensation Act shall apply, unless modified by further specification in this section. However, the Director may at any time modify, limit or redesignate the class or classes of beneficiaries entitled to death benefits, including the designation of persons, representatives, or groups entitled to payment under local statute or custom whether or not included in the classes of beneficiaries otherwise specified by this subchapter.

(c) Compensation in all cases of such employees paid and closed prior to the effective date of the regulations in this part shall be deemed compromised and paid under 5 U.S.C. 8137; in all other cases compensation may be adjusted to conform with the regulations in this part, or the beneficiary may by compromise or agreement with the Director have compensation continued on the basis of a previous adjustment of the claim.

(d) Persons employed in a country or area having no well-defined workers' compensation benefits structure shall be accorded the benefits provided—either by local law or special schedule—in a nearby country as determined by the

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Director. In selecting the benefit structure to be applied, equity and administrative feasibility shall be given due consideration, as well as local custom.

(e) Compensation for disability and death of noncitizens outside the United States under this part, whether paid under local law or special schedule, shall in no event exceed that generally payable under the Federal Employees' Compensation Act.

§ 25.3 General provisions relating to special schedule.

The special schedule established by Subpart B of this part is intended as the vehicle of general basic provisions, to be adapted, with such modifications as may be necessary, and as local conditions outside the United States require. The application of this special schedule will be by specific and appropriate provision in the regulations in this part, such provision specifying the locality to which applied, and the particular modifications of or additions to the schedule, as may be made.

§ 25.4 Authority to settle and pay claims.

In addition to the authority to receive, process, and pay claims, when delegated such representative or agency receiving delegation of authority shall, in respect to cases adjudicated under this part, and when so authorized by the Director, have authority (a) to make lump sum awards (in the manner prescribed by 5 U.S.C. 8135) whenever such authorized representative shall deem such settlement to be for the best interest of the United States, and (b) to compromise and pay claims for any benefits provided for under this part, including claims in which there is a dispute as to jurisdiction or other facts, or questions of law. The Director shall, in administrative instructions to the particular representative concerned, establish such procedures in respect to action under this section as may be deemed necessary, and may specify the scope of any administrative review of such action.

§ 25.5 Applicable criteria.

The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of injury or death for which claim is made:

(a) Appropriate certification by the Federal employing establishment, or;

(b) An armed service's casualty or medical record, or;

(c) Verification of the employment and casualty by military personnel, or;

(d) Recommendation of an armed service's "Claim Service" based on investigations conducted by it.

(79 Stat. 892)

§ 25.6 Third and fourth country nationals.

(a) *Definitions.*

(1) A third country national is a person who is neither a citizen nor resident of the United States who is hired by the United States in the person's country of citizenship or residence for employment in another foreign country, or in a possession or territory of the United States.

(2) A fourth country national is a person who is neither a citizen nor resident of either the country of hire or the place of employment, but otherwise meets the definition of third country national.

(3) "Benefits applicable to local hires" are the benefits provided in this part by local law or special schedule, as determined by the Director. In relation to a United States territory or possession, local law means only the law of the particular territory or possession.

(b) *Benefits payable.*

(1) Third and fourth country nationals shall be paid the benefits applicable to local hires in the country of hire or the place of employment, whichever benefits are greater, provided that all benefits payable on account of one injury must be paid under the same benefit structure.

(2) Where no well-defined workers' compensation benefits structure is provided in either the country of hire or the place of employment, the provisions of § 25.2 (d) shall apply.

(3) Where equitable considerations as determined by the Director so warrant, a fourth country national may be awarded benefits applicable to local hires in his home country.

§ 25.7 Noncitizen residents of possessions.

An employee who is a bona fide permanent resident of any United States possession, territory, commonwealth or trust territory shall be accorded the full benefits of the basic law (Federal Employees' Compensation Act, as amended), provided that the application of the minimum benefit provisions therein shall be governed by the restrictions set forth in 5 U.S.C. 8138.

Subpart B—Special Schedule of Compensation

§ 25.11 Compensation for disability.

Compensation for disability shall be paid to the employee as follows:

(a) *Permanent total disability.* In case of disability, total in character and permanent in quality, 66⅔ per centum of the monthly pay during the continuance of such disability.

(b) *Temporary total disability.* In case of disability, total in character and temporary in quality, 66⅔ per centum of the monthly pay during the continuance of such disability.

(c) *Permanent partial disability.* In case of disability, partial in character and permanent in quality, 66⅔ per centum of the monthly pay, for the following losses and periods:

(1) Arm lost, 280 weeks' compensation.

(2) Leg lost, 248 weeks' compensation.

(3) Hand lost, 212 weeks' compensation.

(4) Foot lost, 173 weeks' compensation.

(5) Eye lost, 140 weeks' compensation.

(6) Thumb lost, 51 weeks' compensation.

(7) First finger lost, 28 weeks' compensation.

(8) Great toe lost, 26 weeks' compensation.

(9) Second finger lost, 18 weeks' compensation.

(10) Third finger lost, 17 weeks' compensation.

(11) Toe, other than great toe, lost, 8 weeks' compensation.

(12) Fourth finger lost, 7 week' compensation.

(13) Loss of hearing: One ear, 52 weeks' compensation; both ears, 200 weeks' compensation.

(14) Phalanges: Compensation for loss of more than one phalanx of a digit shall be the same as for the loss of the entire digit. Compensation for loss of the first phalanx shall be one-half of the compensation for the loss of the entire digit.

(15) Amputated arm or leg: Compensation for an arm or a leg, if amputated at or above the elbow or the knee, shall be the same as for the loss of the arm or leg; but, if amputated between the elbow and the wrist, or between the knee and the ankle, the compensation shall be the same as for the loss of the hand or the foot.

(16) Binocular vision or per centum of vision: Compensation for loss of binocular vision, or for 80 per centum or more of the vision of an eye shall be the same as for the loss of the eye.

(17) Two or more digits: Compensation for loss of two or more digits, one or more phalanges of two or more digits of a hand or foot may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for the loss of a hand or a foot.

(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) Partial loss or partial loss of use: Compensation for permanent partial loss of use or loss of use of a member may be for proportionate loss of use of the member.

(20) Consecutive awards: In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member, set forth in sections (1) to (19), inclusive, of this paragraph but not amounting to permanent total disability, the award of compensation shall be for the loss or loss of use of each such member or part thereof, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, paragraph (c) (17) of this section shall apply.

(21) Other cases: In all other cases within this class of disability the compensation during the continuance of disability shall be that proportion of compensation for permanent total disability, as determined under paragraph (a) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

(22) Compensation under paragraph (c) (1) to (21), inclusive, of this section for permanent partial disability shall be in addition to any compensation for temporary total or temporary partial disability under this section, and awards for temporary total, temporary partial, and permanent partial disability shall run consecutively.

(d) *Temporary partial disability.* In case of disability, partial in character and temporary in quality, during the continuance of disability that proportion of compensation for temporary total disability, as determined under paragraph (b) of this section, which is equal in percentage to the degree or percentage of physical impairment caused by the disability.

§ 25.12 Compensation for death.

If the disability causes death the compensation shall be payable in the amount and to or for the benefit of the persons, determined as follows:

(a) To the undertaker or person entitled to reimbursement, reasonable funeral expenses not exceeding $200.

(b) To the widow, if there is no child, 35 per centum of the monthly pay until her death or remarriage.

(c) To the widower, if there is no child and if wholly dependent for support upon the deceased employee at the time of her death, 35 per centum of the monthly pay until his death or remarriage.

(d) To the widow or widower, if there is a child, the compensation payable under paragraph (b) or (c) of this section, and in addition thereto 10 per centum of the monthly wage for each child, not to exceed a total of 66⅔ per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation of any child shall cease when he or she dies, marries, or reaches the age of 18 years, or if over such age, and incapable of self-support, becomes capable of self-support.

(e) To the children, if there is no widow or widower, 25 per centum of such monthly pay for one child and 10 per centum thereof for each additional child, not to exceed a total of 66⅔ per centum thereof, divided among such children share and share alike. The compensation of each child shall be paid until he or she dies, marries, or reaches the age of 18, or if over such age, and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Director in his or her discretion shall determine.

(f) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, 25 per centum of such monthly pay; if both are wholly dependent, 20 per centum thereof to each; if one is or both are partly dependent, a proportionate amount in the discretion of the Director. The compensation to a parent or parents in the percentages specified shall be paid if there is no widow, widower, or child, but if there is a widow, widower, or child, there shall be paid so much of such percentages for a parent or parents, as, when added to the total of the percentages of the widow, widower, and children, will not exceed a total 66⅔ per centum of such pay.

(g) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his or her death, 20 per centum of such pay to such dependent if more than one are wholly dependent; 30 per centum of such pay, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more are partly dependent, 10 per centum of such pay divided among such dependents share and share alike. The compensation to such beneficiaries shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total of the percentages payable to the widow, widower, children, and dependent parents, will not exceed a total of 66⅔ per centum of such pay.

(h) The compensation of each beneficiary under paragraphs (f) and (g) of this section shall be paid until he or she, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of 18 years, or if over such age and incapable of self-support becomes capable of self-support. The compensation of a brother, sister, or grandparent under legal age shall be paid to his or her guardian, if there is one, otherwise to the person having the custody or care of such child, for such child, as the Director in his or her discretion shall determine.

(i) Upon the cessation of any person's compensation for death under this subpart, the compensation of any remaining person entitled to the continuation of compensation in the same case shall be adjusted, so that the continuing compensation shall be at the same rate such person would have received, had no award been made to the person whose compensation was terminated.

(j) In case there are two or more classes of persons entitled to compensation for death under this subpart, and the apportionment of such compensation as above provided would result in injustice, the Director may in his or her discretion modify the apportionments to meet the requirements of the case.

§ 25.13 General provisions.

(a) The definitions of terms in the Federal Employees' Compensation Act of September 7, 1916, as amended shall apply to terms used in this subpart.

(b) The provisions of such Act unless modified by this subpart, or unless otherwise inapplicable, shall be applied whenever possible in the application of this subpart.

(c) The provisions of the regulations for the administration of the Federal Employees' Compensation Act, as amended, and as supplemented from time to time by instructions applicable to this subpart, shall apply in the administration of compensation under this subpart, whenever they can reasonably be applied.

Subpart C—Extensions of Special Schedule of Compensation

§ 25.21 Republic of the Philippines.

(a) *Modified special schedule of compensation.* The special schedule of compensation established in Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section, in the Republic of the Philippines, to injury or death occurring on or after July 1, 1968, with the following limitations:

(1) *Temporary disability.* Benefits for payments accruing on and after July 1, 1969, for injuries causing temporary disability and which occurred on and after July 1, 1968, shall be payable at the rates in the special schedule as modified in this section.

(2) *Permanent disability and death.* Benefits for injuries occurring on and after July 1, 1968, which cause permanent disability or death shall be payable at the rates specified in the special schedule as modified in this section for (i) all awards not paid in full before July 1, 1969, and (ii) any award paid in full prior to July 1, 1969: *Provided,* That application for adjustment is made, and the adjustment will result in additional benefits of at least $10. (In the case of injuries or death occurring on or after December 8, 1941, and prior to July 1, 1968, the special schedule as modified in this section may be applied to prospective awards for permanent disability or death, provided that the monthly and aggregate maximum provisions in effect at the time of injury or death shall prevail. These maxima are $50 and $4,000, respectively.)

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Benefits are payable to the survivors in the following order of priority (all beneficiaries in the highest applicable cases are entitled to share equally):

(1) Widow, dependent widower, and unmarried children under 18, or over 18 and totally incapable of self-support.

(2) Dependent parents.

(3) Dependent grandparents.

(4) Dependent grandchildren, brothers and sisters who are unmarried and under 18, or over 18 and totally incapable of self-support.

(d) *Burial allowance.* 14 weeks' wages or $400, whichever is less, payable to the eligible survivor(s), regardless of the

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actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in amount not to exceed what would be paid to an eligible survivor.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable the compensation provided in subparagraphs (1) through (19) of paragraph (c) of the special schedule, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, provided for permanent total disability that proportion of the compensation (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period for temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed $8,000, exclusive of medical costs and burial allowance. The weekly rate of compensation disability or death shall not exceed $35.

(j) *Method of payment.* Only compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Director in his or her discretion may make exceptions to these regulations by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential death beneficiaries who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the beneficiary.

§ 25.22 Australia.

(a) The special schedule of compensation established by Subpart B of this part shall apply with the modifications or additions specified in paragraph (b) of this section, as of December 8, 1941, in Australia, in all cases of injury (or death from injury) which occurred between December 8, 1941 and December 31, 1961, inclusive, and shall be applied retrospectively in all such cases of injury (or death from injury). Compensation in all such cases pending as of July 15, 1946, shall be readjusted accordingly, with credit taken in the amount of compensation paid prior to such date. Refund of compensation shall not be required if the amount of compensation paid in any such case, otherwise than through fraud, misrepresentation, or mistake, and prior to July 15, 1946, exceeds the amount provided for under this paragraph; and such case shall be deemed compromised and paid under 5 U.S.C. 8137.

(b) The total aggregate compensation payable in any case under paragraph (a) of this section, for injury or death or both, shall not exceed the sum of $4,000, exclusive of medical costs. The maximum monthly rate of compensation in any such case shall not exceed the sum of $50.

(c) The benefit amounts payable under the provisions of the Commonwealth Employees' Compensation Act of 1930–1964, Australia, shall apply as of January 1, 1962, in Australia, as the exclusive measure of compensation in cases of injury (or death from injury) according on and after January 1, 1962, and shall be applied retrospectively in all such cases, occurring on and after such date: *Provided*, That the compensation payable under the provisions of this paragraph shall in no event exceed that payable under the Federal Employees' Compensation Act.

(5 U.S.C. 8137, 8138, 8145, 8149); Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 3 CFR 1949–1953 Comp., p. 1010); and General Order No. 46 (Rev.), (24 FR 8472)

§ 25.23 [Reserved]

§ 25.24 [Reserved]

§ 25.25 Republic of Korea.

(a) *Modified special schedule of compensation.* The special schedule of compensation established in Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section in the Republic of Korea, to injury or death occurring on or after July 1, 1968, with the following limitations:

(1) *Temporary disability.* Benefits for payments accruing on and after July 1, 1969, for injuries causing temporary disability and which occurred on and after July 1, 1968, shall be payable at the rates specified in the special schedule as modified in this section.

(2) *Permanent disability and death.* Benefits for injuries occurring on and after July 1, 1968, which cause permanent disability or death shall be payable at rates specified in the special schedule as modified in this section for (i) all awards not paid in full before July 1, 1969, and (ii) any award paid in full prior to July 1, 1969: *Provided*, That application for adjustment is made, and the adjustment will result in additional benefits of at least $10. (In the case of injury or death occurring on or after December 1, 1954, and prior to July 1, 1968, the special schedule as modified in this section may be applied to prospective awards for permanent disability or death: *Provided*, That the monthly and aggregate maximum provisions in effect at the time of injury or death shall prevail. These maxima are $50 and $4,000, respectively.)

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Benefits are payable to survivor or survivors in the following order of priority:

(1) Spouse.

(2) Unmarried children who were supported by or lived with the deceased employee at the time of death.

(3) Parents who were supported by or lived with the deceased employee at the time of death.

(4) Unmarried grandchildren who were supported by or lived with the deceased employee at the time of death.

(5) Grandparents who were supported by or lived with the deceased employee at the time of death.

(6) Unmarried brothers and sisters who were supported by or lived with the deceased employee at the time of death.

(d) *Burial allowance.* 14 weeks' wages or $400, whichever is less, payable to the eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of the special schedule, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period of temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed $8,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed $35.

(j) *Method of payment.* Only compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Director may in his or her discretion make exception to these regulations by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential death beneficiaries who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the beneficiary.

§ 25.26 Japanese seamen.

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (i) of this section, as of November 1, 1971, to injuries sustained outside the continental United States or Canada by direct-hire Japanese seamen who are neither citizens nor residents of the United States or Canada and who are employed by the Military Sealift Command in Japan.

(b) *Temporary total disability.* Weekly compensation shall be paid at 75 percent of the weekly wage rate.

(c) *Temporary partial disability.* Weekly compensation shall be paid at 75 percent of the weekly loss in wage-earning capacity.

(d) *Permanent total disability.* Compensation shall be paid in a lump sum equivalent to 360 weeks' wages.

(e) *Permanent partial disability.* (1) The provisions of § 25.11 shall apply to the types of permanent partial disability enumerated in paragraph (c), subparagraphs (1)–(19) of that section, *Provided*, That weekly compensation shall be paid at 75 percent of the weekly wage rate, and *Further provided*, That the number of weeks allowed for specified losses shall be changed as follows:

(i) Arm lost, 312 weeks.
(ii) Leg lost, 288 weeks.
(iii) Hand lost, 244 weeks.
(iv) Foot lost, 205 weeks.
(v) Eye lost, 160 weeks.
(vi) Thumb lost, 75 weeks.
(vii) First finger lost, 46 weeks.
(viii) Second finger lost, 30 weeks.
(ix) Third finger lost, 25 weeks.
(x) Fourth finger lost, 15 weeks.
(xi) Great toe lost, 38 weeks.
(xii) Toe, other than great toe lost, 16 weeks.

(2) In all other cases, that proportion of the compensation provided for permanent total disability [paragraph (d) of the section] which is equivalent to the degree or percentage of physical impairment caused by the injury.

(f) *Death.* If there are two or more eligible survivors, compensation equivalent to 360 weeks' wages shall be paid to the survivors, share and share alike. If there is only one eligible survivor, compensation equivalent to 300 weeks' wages shall be paid. The following survivors are eligible for death benefits:

(1) Spouse who lived with or was dependent upon the employee.

(2) Unmarried children under 21 who lived with or were dependent upon the employee.

(3) Adult children who were dependent upon the employee by reason of physical or mental disability.

(4) Dependent parents, grandparents and grandchildren.

(g) *Burial allowance.* $1,000 payable to the eligible survivor(s), regardless of actual expenses. If there are no eligible survivors, actual expenses may be paid or reimbursed, up to $1,000.

(h) *Method of payment.* Only compensation for temporary disability shall be payable periodically, as entitlement accrues. Compensation for permanent disability and death shall be payable in a lump sum.

(i) *Maxima.* In all cases (temporary disability, permanent disability, and death) the maximum weekly benefit shall be $130. Also, except in cases of permanent total disability and death, the aggregate maximum compensation payable for any injury shall be $40,000.

(j) *Prior injury.* In cases where injury or death occurred prior to November 1, 1971, benefits will be paid in accord with regulations previously promulgated.

§ 25.27 Territory of Guam (nonresident aliens).

(a) The special schedule of compensation established by Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section, to injury or death occurring on or after July 1, 1971 in the Territory of Guam to nonresident alien employees recruited in foreign countries for employment by the military departments in the Territory of Guam. However, the Director may, in his or her discretion, adopt the benefit features and provisions of local workers' compensation law as provided in Subpart A of this part, or substitute the special schedule in Subpart B of this part or other modifications of the special schedule in this Subpart C, if such adoption or substitution would be to the advantage of the employee or his beneficiary. This schedule shall not apply to any employee who becomes a permanent resident in the Territory of Guam prior to the date of his or her injury or death.

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Beneficiaries of death benefits shall be determined in accordance with the laws or customs of the country of recruitment.

(d) *Burial allowance.* 14 weeks' wages or $400, whichever is less, payable to the eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of § 25.11, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period for temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed $24,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed $70.

(j) *Method of payment.* Compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Director may in his or her discretion make exception to the regulations in this section by:

(1) Reapportioning death benefits for the sake of equity.

(2) Excluding from consideration potential beneficiaries of a deceased employee who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the employee or his beneficiary(s).

(5 U.S.C. 8137, 8145, 8149)

Signed at Washington, D.C. this 7th day of February, 1975.

HERBERT A. DOYLE, JR.,
Director, Office of Workers' Compensation Programs.

[FR Doc. 75-4173 Filed 2-13-75;8:45 am]

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and the Secrtary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended (40 U.S.C. 276a)) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AQ–4125	June 14, 1974
AR–4033	Sept. 13, 1974
AR–4043	Oct. 4, 1974
AR–4067	Dec. 20, 1974
Arizona:	
AR–1008; AR–1009; AR–1010	Aug. 9, 1974
Arkansas:	
AR75–4019	Jan. 17, 1975
Georgia:	
GA75–1005	Do.
Iowa:	
IA75–4034; IA75–4035; IA 75–4037; IA75–4039; IA 75–4040; IA75–4041; IA 75–4042; IA75–4043; IA 75–4044; IA75–4045; IA 75–4046	Jan. 31, 1975
Oklahoma:	
AR–85	Dec. 6, 1974
AR–88; AR–89	Jan. 17, 1975
Louisiana:	
LA75–4033	Jan. 24, 1975
Massachusetts:	
MA75–2003; MA75–2009	Jan. 17, 1975
Nebraska:	
AR–77	Nov. 15, 1974
AR–94	Dec. 27, 1974
Tennessee:	
AQ–4094	Mar. 22, 1974
AR–4021; AR–4022	Aug. 30, 1974
AR–4061; AR–4062	Dec. 6, 1974
TN75–1006	Jan. 17, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama:	
AR–4015 (AL75–1022)	Aug. 9, 1974
AR–4060 (AL75–1023)	Dec. 6, 1974
California:	
AR–1047 (CA75–5020); AR–1048 (CA75–5021)	Nov. 22, 1974
Illinois:	
AR–3061 (IL75–2015)	Aug. 2, 1974
AR–3174 (IL75–2016)	Nov. 29, 1974
New York:	
AQ–2112 (NY75–3012)	May 3, 1974
AR–2062 (NY75–3013)	Oct. 11, 1974
AR–2071 (NY75–3014)	Nov. 1, 1974
Pennsylvania:	
AQ–2016 (PA75–3015)	Aug. 17, 1974

Signed at Washington, D.C., this 7th day of February 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
DECISION #AR-1008 - Mod. #5 (39 FR 28773 - August 9, 1974) Statewide, Arizona					
Change:					
Electricians (Tucson Area)					
Zone A					
Electricians	$10.43	.45	7%		1/2%
Cable Splicers	10.68	.45	7%		1/2%
Zone B					
Electricians	11.13	.45	7%		1/2%
Cable Splicers	11.38	.45	7%		1/2%
Zone C					
Electricians	11.73	.45	7%		1/2%
Cable Splicers	11.98	.45	7%		1/2%
Zone D					
Electricians	12.43	.45	7%		1/2%
Cable Splicers	12.68	.45	7%		1/2%
Painters (Tucson & Yuma Areas)					
Zone A					
Brush	7.43	.47	.35		.04
Spray	7.93	.47	.35		.04
Steel, brush	8.43	.47	.35		.04
Steel, spray	8.93	.47	.35		.04
Zone B					
Brush	8.18	.47	.35		.04
Spray	8.93	.47	.35		.04
Steel, brush	9.18	.47	.35		.04
Steel, spray	9.68	.47	.35		.04
Plumbers; Steamfitters					
Zone I	9.39	.65	1.24	1.25	.10
Zone II	9.74	.65	1.24	1.25	.10
Zone III	10.16	.65	1.24	1.25	.10
Zone IV	10.46	.65	1.24	1.25	.10
DECISION #AR-1009 - Mod. #6 (39 FR 28781 - August 9, 1974) Maricopa County, Arizona					
Change:					
Plumbers; Steamfitters					
Zone I	$ 9.39	.65	1.24	1.25	.10
Zone II	9.74	.65	1.24	1.25	.10
Zone III	10.16	.65	1.24	1.25	.10
Zone IV	10.46	.65	1.24	1.25	.10

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
DECISION #AQ-4125 - Mod. #4 (39 FR 20911 - June 14, 1974) Tuscaloosa County, Alabama					
Change:					
Bricklayers; Marble masons; Stonemasons	$7.60	.30	.20		
Plumbers; Steamfitters	8.85	.30	.35		
DECISION #AR-4033 - Mod. #3 (39 FR 33145 - September 13, 1974) Lawrence, Limestone, & Morgan Counties, Alabama					
Change:					
Bricklayers; Marble Masons, Stonemasons, Pointers, Cleaners & Caulkers	8.50				
Cement masons	7.75				
Plasterers & Troweling machine op.	8.00				
Terrazzo workers & tile setters	8.25				
Carpenters:					
Carpenters & soft floor layers	6.60	.30	.20		.03
Millwrights	7.16	.30	.20		.03
Piledrivermen	6.99	.30	.20		.03
DECISION #AR-4043 - Mod. #6 (39 FR 35918 - October 4, 1974) Jefferson County, Alabama					
Change:					
Roofers	6.45		.20		.10
DECISION #AR-4067 - Mod. #4 (39 FR 44151 - December 20, 1974) Madison County, Alabama					
Change:					
Carpenters	7.49				
Millwrights	7.88				

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MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1010 - Mod. #3 (39 FR 28787 - August 9, 1974) Pima County, Arizona					
Change:					
Electricians					
Zone A	$8.11	.45	1%		1/2%
Zone B	8.61	.45	1%		1/2%
Zone C	9.11	.45	1%		1/2%
Zone D	9.61	.45	1%		1/2%
Painters, brush					
Zone A	7.43	.47	.35		.04
Zone B	8.18	.47	.35		.04
Zone C	8.93	.47	.35		.04
Zone D	9.43	.47	.35		.04
Painters, structural steel, brush					
Zone A	8.43	.47	.35		.04
Zone B	9.18	.47	.35		.04
Zone C	9.93	.47	.35		.04
Zone D	10.43	.47	.35		.04
Plumbers; Steamfitters					
Zone I	9.39	.65	1.24	1.25	.10
Zone II	9.74	.65	1.24	1.25	.10
Zone III	10.16	.65	1.24	1.25	.10
Zone IV	10.46	.65	1.24	1.25	.10
DECISION NO. AR75-4019 - Mod. #1 (40 FR 3090 - January 17, 1975) Union County, Arkansas					
Change:					
CARPENTERS:					
Millwrights & Piledrivermen	$7.50	.25			.04
ELECTRICIANS:					
Electrical contracts $20,000 or less:					
Electricians	8.40		1%		1/4%
Cable splicers	8.70		1%		1/4%
Electrical contracts over $20,000:					
Electricians	9.12		1%		1/4%
Cable splicers	9.42		1%		1/4%
IRONWORKERS	7.95	.30	.35		.04
ROOFERS	6.40		.05		
SHEET METAL WORKERS	7.25	3%+.40	.25		.05

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #GA75-1005 - Mod. #1 (40 FR 3091 - January 17, 1975) Richmond County, Georgia					
Change:					
Cement Masons	6.30				
DECISION #IA75-4034--MOD. #1 (40-FR-4823--January 31, 1975) Black Hawk County (City of Waterloo and abutting municipalities), Iowa					
ADD:					
Building Construction:					
Line Construction:					
Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assenoled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%
DECISION #IA75-4036--MOD. #1 (40-FR-4823--January 31, 1975) Clinton County (City of Clinton & abutting municipalities), Iowa					
ADD:					
Building Construction:					
Marble, Tile, Terrazzo	$8.75		.30		

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MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4035--MOD. #1 (40-FR-4826--January 31, 1975) Cerro Gordo County (City of Mason City), Iowa					
ADD:					
Building Construction:					
Line Construction:					
Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%
CHANGE:					
Building Construction:					
Carpenters:					
Carpenters;Soft Floor Layers	7.29		.20		.01
Piledrivermen;Millwrights	7.54		.20		.01

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4037--MOD. #1 (40-FR-4831--January 31, 1975) Des Moines County (City of Burlington & abutting municipalities & Burlington Ordnance Plant), Iowa					
ADD:					
Building Construction:					
Line Construction:					
Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

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DECISION #IA75-L039--MOD. #1
(LO-FR-4836--January 31, 1975)
Johnson County (City of Iowa City & abutting municipalities), Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ADD: Building Construction:					
Line Construction: Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

DECISION #IA-75-L0L0--MOD. #1
(LO-FR-4839--January 31, 1975)
Linn County, Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ADD: Building Construction:					
Line Construction: Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

DECISION #IA75-L0A1--MOD. #1
(LO-FR-4841--January 31, 1975)
Polk County, Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE: Building Construction:					
Painters: Brush;Roller;Drywall Finisher;	$8.39				.03
Paperhangers.	8.64				.03
Spray;Sandblasting;Structural Steel;Swing Stage.	8.89				.03
Stack;Tower over 100'	9.49				.03
ADD: Building Construction:					
Line Construction: Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

DECISION # IA75-L0L2--MOD. #1
(LO-FR-4843--January 31, 1975)
Pottawattamie County (City of Council Bluffs & the area within 3 miles from the city limits),Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ADD: Building Construction:					
Line Construction: Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

DECISION #IA75-L0L3--MOD. #1
(LO-FR-4845--January 31, 1975)
Scott County, Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ADD: Building Construction;					
Marble, Tile, Terrazzo	$8.75			.30	

DECISION #IA75-4044--MOD. #1
(40-FR-4848--January 31, 1975)
Story County (City of Ames and abutting municipalities), Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ADD:					
Building Construction:					
Line Construction:					
Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

DECISION #IA75-4045--MOD. # 1
(40-FR-4050--January 31, 1975)
Webster County (City of Fort Dodge), Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Building Construction:					
Painters:					
Brush;Roller;Drywall Finisher	$6.39				.03
Paperhangers	8.64				.03
Spray;Sandblasting;Structural Steel;Swing Stage Stack;Tower over 100'	8.89				.03
	9.49				.03
ADD:					
Building Construction:					
Line Construction:					
Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (With winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

DECISION #IA75-4046--MOD. #1
(40-FR-4854--January 31, 1975)
Woodbury County (City of Sioux City & abutting municipalities), Iowa

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ADD:					
Building Construction:					
Line Construction:					
Cable Splicers;Lineman; Welder; Technicians;All rigs setting assembled "H" fixtures & steel transmission structures.	$8.28	.35	1%		1%
Groundman;Truck Driver (without winch);Experienced(Not less than 6 mos.).	5.38	.35	1%		1%
Groundman;Truck Driver (Witn winch).	5.55	.35	1%		1%
Blaster;Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures).	6.62	.35	1%		1%
Groundman-1st 6 mos.	4.55	.35	1%		1%

DECISION NO. AR-85 - Mod. #1
(39 FR 42401 - December 6, 1974)
Garfield County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$8.95	.30	.60		.02
Boilermakers	8.00	.50	.76		.02
Bricklayers-Stonemasons	6.85				
CARPENTERS:					
Carpenters	6.85				
Millwrights-Piledrivermen	7.40				
Ironworkers	8.49	.30	.35		.08
LABORERS:					
Group I	4.40	.25	.20		
Group II	4.60	.25	.20		
Group III	5.25	.25	.20		
Marble setters	8.05		.20		
Roofers	7.25	.25	.25		.04
Soft floor layers (Resilient floor layers & Carpet layers)	7.45		.40		
Terrazzo workers	8.05		.20		
Terrazzo workers helper	6.28				
Terrazzo workers helper, floor machine operator	6.38				
Terrazzo workers helper, base machine operator	6.58				
Tile layers	8.05		.20		
Tile and marble helpers (experienced helpers)	5.95				

MODIFICATIONS P. 15

DECISION NO. AR-88 - Mod #2
(39 FR 43454 - December 13, 1974)
Pittsburg County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$8.90	.35	.50		.015
Boilermakers	8.00	.50	.76		.02
CARPENTERS:					
Carpenters	6.55				
Millwrights-Piledrivermen	7.35				
Ironworkers	8.49	.30	.35		.08
LABORERS:					
Five mile strip along the North border					
Group I	5.00	.25	.20		
Group II	5.30	.25	.20		
Group III	5.50	.25	.20		
All of Pittsburg County, except a five mile strip along the North border					
Group I	4.75	.25	.20		
Group II	5.05	.25	.20		
Group III	5.25	.25	.20		
Roofers	7.25	.25	.25		.04
TRUCK DRIVERS:					
Group I	6.15				
Group II	6.25				
Group III	6.35				
Group IV	6.30				
Group V	6.45				

MODIFICATIONS P. 16

DECISION NO. AR-89 - Mod. #1
(39 FR 43456 - December 13, 1974)
McIntosh County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	98.90	.35	.50		.015
Boilermakers	8.00	.30	.76		.02
Elevator constructors	7.93	.445	.29	3%+a+b	.02
Elevator constructors' helper	70%JR	.445	.29	3%+a+b	.02
Elevator constructors helper (probationary 6 months)	50%JR				
Ironworkers	8.49	.30	.35		.08
LABORERS:					
Group I	5.00	.25	.20		
Group II	5.30	.25	.20		
Group III	5.50	.25	.20		
Roofers	7.25	.25	.25		.04
TRUCK DRIVERS:					
Group I	6.15				
Group II	6.25				
Group III	6.35				
Group IV	6.30				
Group V	6.45				

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4033 - Mod. #1					
(40 FR 3898 - January 24, 1975)					
Statewide Louisiana					
Change:					
Carpenters:					
Zone 1	$6.91	.30			
Zone 10	6.90	.35	.20		.05
Electricians:					
Electricians:					
Zone 1	9.00	.30	1%+.35		3/10%
Zone 8	8.25		1%	.30	1/2%
Cable splicers:					
Zone 1	9.25	.30	1%+.35		3/10%
Zone 8	8.50		1%	.30	1/2%
Laborers (Building Construction):					
Zone 2:					
Group 1	4.52	.15			.05
Group 2	4.72	.15			.05
Zone 9:					
Group 1	4.50	.15	.10		
Group 2	4.60	.15	.10		
Group 3	4.65	.15	.10		
Group 4	4.70	.15	.10		
Zone 10:					
Group 1	4.42	.15	.10		.05
Group 2	4.52	.15	.10		.05
Group 3	4.67	.15	.10		.05
Laborers (Highway Construction):					
Group 1:					
Zone 1	4.85	.15	.10		.05
Zone 2	4.55	.15	.10		.05
Zone 3	4.15	.15	.10		.05
Zone 4	4.85	.15	.10		.05
Zone 5	4.10	.15	.10		.05
Zone 6	3.85	.15	.10		.05
Zone 7	3.75	.15	.10		.05

MODIFICATIONS P. 18

DECISION #IA75-4033 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W.	Pensions	Vacation	App. Tr.
Laborers (Highway Construction) (Cont'd):					
Group 2:					
Zone 1	$4.95	.15	.10		.05
Zone 2	4.65	.15	.10		.05
Zone 3	4.25	.15	.10		.05
Zone 4	4.95	.15	.10		.05
Zone 5	4.20	.15	.10		.05
Zone 6	3.95	.15	.10		.05
Zone 7	3.85	.15	.10		.05
Group 3:					
Zone 1	5.40	.15	.10		.05
Zone 2	5.10	.15	.10		.05
Zone 3	4.70	.15	.10		.05
Zone 4	5.40	.15	.10		.05
Zone 5	4.65	.15	.10		.05
Zone 6	4.40	.15	.10		.05
Zone 7	4.30	.15	.10		.05
Group 4:					
Zone 1	5.65	.15	.10		.05
Zone 2	5.35	.15	.10		.05
Zone 3	4.95	.15	.10		.05
Zone 4	5.65	.15	.10		.05
Zone 5	4.85	.15	.10		.05
Zone 6	4.60	.15	.10		.05
Zone 7	4.50	.15	.10		.05
Line Construction:					
Zone 2:					
Linemen, equipment operators & line truck operators	9.00	.30	1%+.35		3/10%
Cable splicers	9.25	.30	1%+.35		3/10%
Zone 5:					
Linemen & equipment operators	8.25		1%	.30	1/2%
Cable splicers	8.50		1%	.30	1/2%
Groundmen	60%JR		1%	.30	1/2%
Marble setters' helpers:					
Zone 2	4.52	.15	.10		.05
Millwrights:					
Zone 4	7.635	.30			
Zone 8	7.80	.35	.20		.05
Piledrivermen:					
Zone 8	7.40	.35	.20		.05

DECISION #1A75-4033 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plumbers & Pipefitters:					
Zone 3	$7.65	.40	.25		.10
Zone 4	7.82	.35	.55		.02
Soft floor layers:					
Zone 8	6.90	.35	.20		.05
Terrazzo workers' helpers:					
Zone 2	4.52	.15	.10		.05
Tile setters' helpers:					
Zone 2	4.52	.15	.10		.05
Truck drivers (Building Construction):					
Zone 3:					
Group 1	5.17				
Group 2	5.25				
Group 3	5.80				
Group 4	5.65				
Group 5	5.80				
Group 6	6.09				
Group 7	6.35				

DECISION #MA75-2003 - Mod. #1
(40 FR 3099 - January 17, 1975)
Berkshire County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters & Soft Floor layers:					
No. Adams, Clarksburg, Savoy, Florida, Adams & Williamstown	$ 8.085	.40	.50		.04
Elevator constructors	9.025	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Laborers (Building)					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.01
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers, Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers (Heavy and Highway):					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Sheet metal workers	8.81	.75	.97		.02

DECISION NO MA75-2009- Mod 41
(40FR3125- January 17, 1975)
Middlesex County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters; Soft floor layers:					
Ashland, Framingham, Hollis-ton, Hopkinton, Hudson, Mar-lboro, Maynard, Sherborn, & Stow	$9.15	.60	.50		.07
Remainder of County	9.45	.60	.50		.07
Cement masons:					
Arlington, Cambridge, Ever-ett, Melden, Medford, Mel-rose, Somerville, Stoneham, Wakefield, Wilmington, Win-chester, & Woburn	9.62	.70	.40		.05
Electricians:					
North Reading	9.72	.25	1%+.20		.02
Laborers (Building):					
Laborers; carpenter tenders; cement finisher tenders; wrecking laborers	7.00	.50	.45		.10
Jackhammer ops; pavement breakers; wagon drills, as-phalt rakers; carbide core drilling machine; chain saw ops; pipelayers; barco type jumping tampers; laser beam; concrete pump; mason tenders; mortar mixers; ride-on mot-orized buggy	7.25	.50	.45		.10
Air track; block pavers; ram-mers; curb setters	7.50	.50	.45		.10
Blasters; powdermen	7.75	.50	.45		.10
Open air caisson; cylindrical work & boring crew:					
Laborers; top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom man	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers (Heavy & Highway):					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10

DECISION NO AR-77 - Mod. #4
(39 FR 40465 - November 15, 1974)
Douglas and Sarpy Counties, Nebraska

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Plasterers	$8.35	.35	.30		

DECISION NO AR-94 - Mod. #2
(39 FR 44918 - December 27, 1974)
Douglas and Sarpy Counties, Nebraska

Change:					
Plasterers	$8.35	.35	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4094 - Mod. #3 (39 FR 10997 - March 22, 1974) Madison County, Tennessee					
Change:					
Carpenters	$6.85				
Cement masons	6.00				
Lathers	8.30	.25			.01
Plasterers	6.00				
DECISION #AR-4021 - Mod. #4 (39 FR 31868 - August 30, 1974) Davidson County, Tennessee					
Change:					
Ironworkers: Structural, ornamental & reinforcing	7.40	.45	.30		.10
DECISION #AR-4022 - Mod. #4 (39 FR 31869 - August 30, 1974) Knox County, Tennessee					
Change:					
Asbestos workers	8.40	.30	.20		.01
Carpenters	7.04		.30		.02
Lathers	7.91		.20		.01
Millwrights	7.56		.30		.02
Piledrivermen	7.29		.30		.02
DECISION #AR-4061 - Mod. #2 (39 FR 42826 - December 6, 1974) Anderson and Roane Counties, Tennessee					
Change:					
Asbestos workers	8.40	.30	.20		.01
Carpenters; Soft floor layers	7.04		.30		.02
Lathers	8.16		.20		.01
Millwrights	7.56		.30		.02
Piledrivermen	7.29		.30		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4062 - Mod. #2 (39 FR 42828 - December 6, 1974) Hamilton County, Tennessee					
Change:					
Asbestos workers	$8.40	.30	.20		.01
Carpenters:					
Carpenters; Soft floor layers	7.33	.35	.30		.03
Piledrivermen	7.455	.35	.30		.03
Millwrights	7.78	.35	.30		.03
Cement masons:					
Cement masons	7.15				
Power machine operator; Swinging scaffold & bos'n chair	7.35				
Plasterers	7.45				
Plumbers; Steamfitters	8.20	.25	.30	.20	.07
Omit:					
Power equipment operators' schedule					
Add:					
Power equipment operators' schedule					
GROUP A	$7.10	.25	.20		
GROUP B	6.30	.25	.20		
GROUP C	5.70	.25	.20		
GROUP D	5.40	.25	.20		

GROUP A: Backhoes, Cableways, Ross carrier, Clamshells, Cranes, Derricks, Draglines, Turnapulls, Pans, Scrapers, Scoops, Etc., Head tower machines, Endloaders, Locomotives (over 20 tons), Shovels, Dozers, Fork-lifts with over 8' lift, Core drills, Foundation drills, Graders, Mechanics, Welders, Winch truck with A Frame, Skimmer scoops, Locomotive cranes, Overhead cranes, Skid rigs, Pile drivers, Side boom tractors, Eucli loaders, Derrick boat, Dredge boats, Hoist (any size handling steel or stone), Engines used in connection with hoist material with an attached device on tower or engine, Mucking-machines, Hi-lifts or end loaders, Finish graders on bluetop, Trenching machin Cherrypickers, Tower crane, Skylift, Gradall

GROUP B: Tractors, Farm type tractors with attachments, Central compressor plants, Elevators used for hoisting building materials, Central mixing plants, Hoist, Pump crete machine, Concrete pumps, Backfillers (other than cranes), Tracmobile, Crushing plant operators, Elevating graders, Earth augers, Forklifts, Paving machines (Blacktop Paving machines (Concrete), Boat operator or engineer (30 tons or over), Blacktop rollers, Switchman, Locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, Engine tender other than steam, Mixers (over 2 bags, not to include central plants), Pumps (2 not more than 3, Scarifiers, Spreader box (Bituminous), Asphalt mixers, Portable compressors (2 not more than 3), Rollers, Sub-grader machine, Tractors (Farm-type without attachments), Cable head tower engineman, Dredge booster pump operator, Boat operator or engineers (under 30 tons), Finishing machine, Fireman & Oiler (Combination), Motor crane oiler & driver, Welding machine (2 not more than 3), Heaters, Stationary or portable (to 5), Compressors (Portable, 2 not more than 3), Greaser or fuel trucks

GROUP D: Air compressor (1 portable), Fireman, Portable crushers, Welding machine (1), Conveyors, Pumps (1), Oiler, Heater (1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TN75-1006 - Mod. #1 (40 FR 3155 - January 17, 1975) Shelby County, Tennessee					
Change:					
Bricklayers; Stonemasons	$9.25	.35	.20		.05
Lathers	8.30	.25			.01
Millwrights	8.60	.36			.09
Plasterers	8.60				.01
Omit:					
Power equipment operators' schedule					
Add:					
Power equipment operators' schedule					
CLASS A	$8.10	.30	.35		
CLASS B	7.67	.30	.35		
CLASS C	6.97	.30	.35		
CLASS D	6.57	.30	.35		

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantrys; Gradall; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Tug boat operator; Mechanics (heavy); Central mixing plant; Locomotive engineer; Straitle carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hopto; Pump crete; Mucking machines; Cableway; Central compressor plant; Derrick boat; Concrete pump; Welders (men from the craft); Helicopter operator; Well point systems; Sweeper; Bulldozers; Pans; Scrapers; Traxcavators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Pavers; Mobile mixers (rubber tired, mobile, mixed on job); Back filler; Blade graders; Dinkey operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switchman; Brakeman; Earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinkey operators (10 tons and less); Oilers on Gantrys; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: *See below
DECISION NO.: AL75-1022 DATE: Date of Publication
Supersedes Decision No. AR-4015 dated August 9, 1974, in 39 FR 28772
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

*Colbert and Lauderdale	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.71	.30	.30		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers:					
Bricklayers; Blocklayers; Stonemasons	8.345				
Saw operator	8.595				
Carpenters:					
Carpenters: Soft floor layers	7.59	.30	.25		
Piledrivermen	7.74	.30	.25		
Millwrights	7.84	.30	.25		
Cement masons:					
Cement masons	7.00				
Power equipment operators	7.25				
Electricians:					
Electricians	8.35	.30	1%		.5%
Cable splicers	8.60	.30	1%		.5%
Elevator constructors	8.02	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	5.60				
Ironworkers	8.005	.40	.30		.03
Laborers:					
Common	4.75	.15	.20		
Air tool operator (Jackhammer, vibrator)	4.95	.15	.20		
Plasterers' tenders	4.75	.15	.20		
Mason tenders	4.75	.15	.20		
Mortar mixers	4.95	.15	.20		
Pipelayers	4.95	.15	.20		
Painters	5.40		.20		.05
Plasterers	7.25				
Plumbers: Steamfitters	7.40	.35	.35	.45	.08
Roofers	6.10		.20		.10
Sheet metal workers	9.00	.45	.40		.05
Sprinkler fitters	8.75	.50	.70		.08
Truck drivers:					
½ to 3 tons	3.70				
3 to 5 tons	3.97				
5 tons & over including special equipment such as euclids, dempster, dumpsters, etc.	4.37				

Welders: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.98	.25	.25		
GROUP B	6.78	.25	.25		
GROUP C	6.13	.25	.25		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.) shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $1.25 per hour

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Mobile
DECISION NUMBER: AL75-1023 DATE: Date of Publication
Supersedes Decision No.: AR-4060 dated December 6, 1974, in 39 FR 42814.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	8.60	.395	.75	a	.02
Boilermakers	7.50	.40	.90		.02
Bricklayers: Caulkers; Cleaners: Marble setters; Pointers: Stonemasons; Terrazzo workers; & Tile setters	9.04		.90		
Carpenters:					
Carpenters; & Soft floor layers	8.36	.30	.35		
Carpenters on creosote material; Power saw operator	8.61	.30	.35		
Piledriver	8.63	.30	.35		
Piledriver on creosote material	8.88	.30	.35		
Millwrights	8.90	.30	.35		
Cement masons	8.15	.30	.35		
Electricians:					
Electricians	8.75	.30	1%+.25	.125	1/10 of 1%
Cable splicers	9.00	.30	1%+.25	.125	1/10 of 1%
Elevator constructors	8.58	.395	.26	2%+b+c	.02
Elevator constructors' helpers	70%JR	.395	.26	2%+b+c	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	6.40	.30	.15		
Ironworkers	8.77	.30	.35		
Lathers	7.13	.28	.25		.01
Line Construction:					
Linemen	8.75	.30	1%+.25	.125	1/10 of 1%
Cable splicers	9.00	.30	1%+.25	.125	1/10 of 1%
Painters:					
Brush	8.50	.30	.05	d	.01
Industrial	8.75	.30	.05	d	.01
Hazardous	9.00	.30	.05	d	.01
Spraying bituminous coatings	9.50	.30	.05	d	.01
Plasterers	8.86	.30	.35		
Plumbers; Steamfitters	10.15	.30	.45	e	.03
Roofers	6.93		.20	f	
Sheet metal workers	7.29	.40	.40	g	.01
Sprinkler fitters	8.75	.50	.70		.08
Welders: Rate for craft					

PAID HOLIDAYS:
A-New Year's Day: B-Memorial Day: C-Independence Day; D-Labor Day:
E-Thanksgiving Day: F-Christmas Day.

FOOTNOTES:

a. 2 Paid Holidays: D and Mardis Gras Day, provided the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day of the paid holiday.

b. 6 Paid Holidays: A through F.

c. Employer contributes 1% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

d. 1 Paid Holiday: F

e. 8 Paid Holidays: A, C, D, E, F, Day after Thanksgiving Day, Christmas Eve, and Mardi Gras

f. 40 hours paid vacation after 1 year of employment; 2 paid holidays: A & C.

g. 5 Paid Holidays: A, C, D, E and F.

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP A	$4.40	.28	.25		
GROUP B	4.58	.28	.25		
GROUP C	4.80	.28	.25		
GROUP D	5.50	.28	.25		
GROUP E	5.72	.28	.25		
GROUP F	5.28	.28	.25		
GROUP G	5.09	.28	.25		
GROUP H	4.74	.28	.25		
GROUP I	4.85	.28	.25		
GROUP J	5.38	.28	.25		
GROUP K	4.87	.28	.25		
GROUP L	5.28	.28	.25		
GROUP M	4.85	.28	.25		

GROUP A: General Building Construction Laborers

GROUP B: Mortar makers (any method), hod carriers, paving breakers - breaking & chipping concrete (any method), air operating tools (elec. or gas), mason and plaster tenders, tile setter & terrazzo helpers, handling creosote or coppertox materials, glass wool and all types insulation, kettle man, asphalt raker & tamper, drills and vibrators, concrete dump bucketman, All concrete rollers, wheel barrows, Georgia buggies, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), pipe wipers (inside and out)

GROUP C: Gunnite or pressure concrete workers, nozzleman, gunman, rodman, power driven buggy mobiles, height: all work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)

GROUP D: Cofferdam or tunnel workers (underground)

GROUP E: Blasting (powderman)

GROUP F: Concrete sawman

GROUP G: Form setters; roadways, runways, highways

GROUP H: Track laborer

GROUP I: Brick washers (laborers)

GROUP J: Burners on dismantling (anything not to be reused)

GROUP K: Stack laborers

GROUP L: Stack laborers (over 40 ft.)

GROUP M: Tank cleaners (caustic chemicals)

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BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP A	8.80	.30	.35		
GROUP B	8.49	.30	.35		
GROUP C	7.89	.30	.35		
GROUP D	7.09	.30	.35		
GROUP E	6.77	.30	.35		

GROUP A: HEAVY EQUIPMENT: Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), dragline pile driver operator, hoist operator (2 or more drums), cable ways, excavators, front end loader, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrol, pumpcrete machines, gradalls, johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats

GROUP B: MEDIUM EQUIPMENT: Dozer scraper, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well-point & dewatering systems, subgraders, finishing machines, motorized compactors, wagonmobiles and push carts, riding trenching & ditching machines

GROUP C: LIGHT EQUIPMENT: Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric)

GROUP D: Fuel truck oilers, fireman, brakeman, outboard motor boats, truck crane oilers and mechanic helpers

GROUP E: Oilers (crawler), deck hand

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TRUCK DRIVERS Building construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP A	$5.43	.30	.35		
GROUP B	6.20	.30	.35		
GROUP C	6.51	.30	.35		
GROUP D	6.78	.30	.35		
GROUP E	7.08	.30	.35		
GROUP F	7.28	.30	.35		
GROUP G	8.06	.30	.35		
GROUP H	8.76	.30	.35		

GROUP A: Truck helpers

GROUP B: Truck helpers when unloading creosote or coppertox materials; Drivers-trucks up to but not including 1½ tons; Station wagons; Jeeps and automobiles; Truck spotters; General warehousemen

GROUP C: Mechanic helper; Filling station attendant; Tire repairmen; Grease and wash rack man

GROUP D: Drivers 1½ tons up to but not including 5 tons

GROUP E: Receiving and issuing clerk

GROUP F: Scalemen

GROUP G: Truck drivers on rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks; Miss or corning wagons; Dumpsters; Semi-drivers; Agitators; Ross carriers; Dempsey dumps; Euclid trucks; Forklift trucks in warehouse and similar equipment such as tractors; 10 wheelers; Jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment

GROUP H: Truck & automobile mechanics

SUPERSEDEAS DECISION

STATE: California
DECISION NUMBER: CA75-5020
COUNTY: San Diego
DATE: Date of Publication
Supersedes Decision No. AR-1047 dated November 22, 1974, in 39 FR 41114
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.00	.70	.90		.06
BRICK, BLOCK and STONEMASONS' TENDERS	7.23	.60	1.39	.50	
CARPENTERS:					
Carpenters	7.51	.56	.85	.50	.02
Piledrivermen	7.64	.56	.85	.50	.02
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02
CEMENT MASONS:					
Cement Masons	6.74	.55	.96	.75	.045
Cement Masons color work - Curb Machine Operator	6.865	.55	.96	.75	.045
Composition, Mastic or Epoxy Finishing Machine Operator	6.99	.55	.96	.75	.045
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04
ELECTRICIANS:					
Electricians	9.72	.48	1%+.73		.02
Cable Splicers	10.02	.48	1%+.73		.02
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
IRRIGATION AND LAWN SPRINKLERS	8.00	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50	
LATHERS (Remainder of County)	9.45	.45	.70	.70	.02
LINE CONSTRUCTION:					
Linemen	9.72	.48	1%+.23		
Cable Splicers	10.02	.48	1%+.23		
MARBLE SETTERS	8.01	.55	.85	.60	
MARBLE SETTERS' HELPERS	6.89	.40	.65	.75	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Painrt burner	$8.77	.64	.80	.65	.07
Swing stage, brush; Spray; Iron, steel and bridge painter (ground work)	9.02	.64	.80	.65	.07
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel and bridge, swing stage; Iron, steel and bridge, spray (ground); Riggers, climbing steel; Brush, Climbing steel and bridge	9.27	.64	.80	.65	.07
Sandblaster, swing stage; Iron, steel and bridge, spray swing stage; Spray, climbing steel and Bridge	9.52	.64	.80	.65	.07
Steeplejack	10.17	.64	.80	.65	.07
Parking Lot Striping Work and/or Highway Markers:					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator; striper)	5.43	.40	.20	b	
PLASTERERS	8.71	.45	1.00	.85	.06
PLASTERERS' TENDERS	8.58	.60	1.39	.50	
PLUMBERS; Steamfitters	10.24	10%	16%	13%	3/4%
ROOFERS	7.14	.40	.25	1.00	
SHEET METAL WORKERS	8.93	.74	1.20		
SOFT FLOOR LAYERS	8.33	.45	.90	.90	.06
SPRINKLER FITTERS	11.85	.50	.70		.08
TERRAZZO WORKERS	8.01	.55	.85	.60	
TILE SETTERS	8.01	.55	.85	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental					

NOTICES

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FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service, $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years' service, but less than 10 years and $.50 per hour after 10 years' service.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$6.31	.60	1.39	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	6.36	.60	1.39	.50	.10
GUINEA CHASER	6.39	.60	1.39	.50	.10
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	6.41	.60	1.39	.50	.10
LABORER (packing rod steel and pans); Tank scaler and cleaner	6.435	.60	1.39	.50	.10
DRILLER'S HELPER (Caisson) including bellowers; Boring Machine	6.44	.60	1.39	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	6.46	.60	1.39	.50	.10
CESSPOOL DIGGER AND INSTALLER	6.49	.60	1.39	.50	.10
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and including rubber gasket joints; Pointing and any and all other services	6.50	.60	1.39	.50	.10

NOTICES

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pumps; Vibrating machine and simlilar mechanical tools not separately classified herein; Tree climber using mechanical tools	$6.52	.60	1.39	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	6.57	.60	1.39	.50	.10
DRILLERS, all others where drilling is for use of explosives	6.60	.60	1.39	.50	.10
PIPELAYERS, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborers' work	6.62	.60	1.39	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	6.65	.60	1.39	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACING; Hand-guided lagging hammer	6.67	.60	1.39	.50	.10
STEEL HEADERBOARD MAN	6.735	.60	1.30	.50	.10
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of machanical drills; Sand-blaster (nozzleman)	6.76	.60	1.39	.50	.10
POWDERMAN, BLASTERS	6.795	.60	1.39	.50	.10
HEAD ROCK SLINGER	6.83	.60	1.39	.50	.10

LABORERS (TUNNEL and SHAFT WORK)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULL GANG; Concrete crew (incls. rodders and spreaders); Dumpmen; Grout crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakemen and switchmen to tunnel work)	$6.60	.60	1.39	.50	.10
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	6.70	.60	1.39	.50	.10
GROUT GUNMEN	6.80	.60	1.39	.50	.10
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highway and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (wood or steel); Steel form raisers and setters	6.85	.60	1.39	.50	.10
SHAFT AND RAISE MINER	7.10	.60	1.39	.50	.10
GUNITE WORKERS:					
Nozzlemen and Rodmen	7.04	.60	1.39	.50	.10
Gunmen	6.72	.60	1.39	.50	.10
Reboundmen	6.305	.60	1.39	.50	.10

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$ 6.42	.70	.70	1.00	.05
WAREHOUSEMAN	6.67	.70	.70	1.00	.05
INDUSTRIAL LIFT	6.75	.70	.70	1.00	.05
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	6.78	.70	.70	1.00	.05
DUMP (8 yds. & under 12); Dump or flatbed (3 axles); Bunkerman	6.83	.70	.70	1.00	.05
FORKLIFT (15,000 lbs. & over); Rosa Carrier	6.90	.70	.70	1.00	.05
DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with semi)	6.91	.70	.70	1.00	.05
WATER TRUCKS (2 axles); Erosion Control Nozzlemen; Pipeline drivers (incl. winch & all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry boatman; Prell truck	6.93	.70	.70	1.00	.05
DUMPCRETE (less than 6-1/2 yds.)	6.99	.70	.70	1.00	.05
EROSION CONTROL DRIVER; Water truck (3 axles)	7.05	.70	.70	1.00	.05
FUEL OR DYNAMITE AND EXPLOSIVES	7.08	.70	.70	1.00	.05
DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. & over); Dumpster	7.13	.70	.70	1.00	.05
DUMP (25 yds. & under 35)	7.18	.70	.70	1.00	.05

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DW 10's or DW 20's or Euclid type equipment; LeTourneau Pulls, Terra Cobras or simlar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$ 7.20	.70	.70	1.00	.05
TRUCK GREASER	7.21	.70	.70	1.00	.05
7 AXLES OR DOUBLE LOWBED or combination of vehicles when under permit load	7.255	.70	.70	1.00	.05
TRANSIT-MIX (8 yds. & over)	7.27	.70	.70	1.00	.05
TIREMAN	7.31	.70	.70	1.00	.05
DUMP (35 yds. & under 50)	7.33	.70	.70	1.00	.05
WATER PULL TANKERS; Welder; A-Frame or Swedish crane	7.40	.70	.70	1.00	.05
DUMP (50 yds. & under 65)	7.48	.70	.70	1.00	.05
TRUCK REPAIRMAN	7.50	.70	.70	1.00	.05
WELDER HELPER	7.62	.70	.70	1.00	.05
DUMP (65 yds. & over)	7.63	.70	.70	1.00	.05

POWER EQUIPMENT OPERATORS DREDGING (Hydraulic Suction Dredges)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LEVERMAN	$9.53	.95	1.50	.30	.04
WATCH ENGINEER; Welder	9.01	.95	1.50	.30	.04
DECKMATE	8.59	.95	1.50	.30	.04
WINCHMAN (stern winch or dredge)	8.52	.95	1.50	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	8.04	.95	1.50	.30	.04
DREDGING, (Clam Shell Dredges)					
LEVERMAN	9.53	.95	1.50	.30	.04
WATCH ENGINEER	9.01	.95	1.50	.30	.04
DECKMATE	8.59	.95	1.50	.30	.04
BARGEMATE	8.52	.95	1.50	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler	8.04	.95	1.50	.30	.04

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.13	.95	1.50	.30	.04
Group 2:	8.39	.95	1.50	.30	.04
Group 3:	8.64	.95	1.50	.30	.04
Group 4:	8.76	.95	1.50	.30	.04
Group 5:	8.96	.95	1.50	.30	.04
Group 6:	9.06	.95	1.50	.30	.04
Group 7:	9.17	.95	1.50	.30	.04
Group 8:	9.32	.95	1.50	.30	.04
Group 9:	9.43	.95	1.50	.30	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians, Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt), Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type), Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer, Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type),

POWER EQUIPMENT OPERATORS(CONT'D):
(Except Piledriving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck), Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: California
COUNTY: San Diego
DECISION NUMBER: CA75-5021
DATE: Date of Publication
Supersedes Decision No. AR-1048 dated November 22, 1974, in 39 FR 41120
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.00	.70	.90		.06
BRICK, BLOCK & STONEMASONS' TENDERS	7.23	.60	1.39	.50	
CARPENTERS:					
Carpenters	7.51	.56	.85	.50	.02
Piledrivermen	7.64	.56	.85	.50	.02
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02
CEMENT MASONS:					
Cement masons	6.74	.55	.96	.75	.045
Cement masons color work - curb machine operator	6.865	.55	.96	.75	.045
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04
ELECTRICIANS:					
Electricians	9.72	.48	17%+.73		.02
Cable Splicers	10.02	.48	17%+.73		.02
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
IRRIGATION AND LAWN SPRINKLERS	8.00	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50	
LATHERS (Remainder of County)	9.45	.45	.70	.70	.02
LINE CONSTRUCTION:					
Linemen	9.72	.48	17%+.23		
Cable Splicers	10.02	.48	17%+.23		
MARBLE SETTERS	8.01	.55	.85	.60	
MARBLE SETTERS' HELPERS	6.89	.40	.65	.75	
PAINTERS:	$8.77	.64	.80	.65	.07
Brush	9.02	.64	.80	.65	.07
Spray; Swing stage, brush					
Paperhangers; Spray, swing stage; Sandblaster	9.27	.64	.80	.65	.07
PLASTERERS	8.71	.45	1.00		.06
PLASTERERS' TENDERS	8.58	.60	1.39	.50	
PLUMBERS; Steamfitters	10.24	10%	16%	13%	3/4%
ROOFERS	7.14	.40	.25	1.00	
SHEET METAL WORKERS	8.93	.74	1.20		
SOFT FLOOR LAYERS	8.33	.45	.90	.90	.06
SPRINKLER FITTERS	11.85	.50	.70		.08
TERRAZZO WORKERS	8.01	.55	.85	.60	
TILE SETTERS	8.01	.55	.85	.60	
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$6.31	.60	1.39	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	6.36	.60	1.39	.50	.10
GUINEA CHASER	6.39	.60	1.39	.50	.10
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Cardener and Nursery Man	6.41	.60	1.39	.50	.10
LABORER (packing rod steel and pans); Tank scaler and cleaner	6.435	.60	1.39	.50	.10
DRILLER'S HELPER (Caisson) incl. bellowers; Boring Machine	6.44	.60	1.39	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	6.46	.60	1.39	.50	.10
CESSPOOL DIGGER AND INSTALLER	6.49	.60	1.39	.50	.10
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and including rubber gasket joints; Pointing and any and all other services	6.50	.60	1.39	.50	.10

LABORERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$6.52	.60	1.39	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	6.57	.60	1.39	.50	.10
DRILLERS, all others where drilling is for use of explosives	6.60	.60	1.39	.50	.10
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborers' work	6.62	.60	1.39	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	6.65	.60	1.39	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	6.67	.60	1.39	.50	.10
STEEL HEADERBOARD MAN	6.735	.60	1.39	.50	.10
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	6.76	.60	1.39	.50	.10
POWDERMAN, BLASTERS	6.795	.60	1.39	.50	.10
HEAD ROCK SLINGER	6.83	.60	1.39	.50	.10

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS (3/4 ton & under), Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$ 6.42	.70	.70	1.00	.05
WAREHOUSEMAN	6.67	.70	.70	1.00	.05
INDUSTRIAL LIFT	6.75	.70	.70	1.00	.05
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	6.78	.70	.70	1.00	.05
DUMP (8 yds. & under 12); Dump or flatbed (3 axles); Bunkerman	6.83	.70	.70	1.00	.05
FORKLIFT (15,000 lbs. & over); Ross Carrier	6.90	.70	.70	1.00	.05
DUMP (12 yds. & under 16); Dump or flatbed (3 axles, with semi)	6.91	.70	.70	1.00	.05
WATER TRUCKS (2 axles); Erosion Control Nozzlemen; Pipeline drivers (incl. winch & all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry boatman; Prell truck	6.93	.70	.70	1.00	.05
DUMPCRETE (less than 6-1/2 yds.)	6.99	.70	.70	1.00	.05
EROSION CONTROL DRIVER; Water truck (3 axles)	7.05	.70	.70	1.00	.05
FUEL OR DYNAMITE AND EXPLOSIVES	7.08	.70	.70	1.00	.05
DUMP (16 yds. & under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. & over); Dumpster	7.13	.70	.70	1.00	.05
DUMP (25 yds. & under 35)	7.18	.70	.70	1.00	.05

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DW 10's or DW 20's or Euclid type equipment; LeTourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$ 7.20	.70	.70	1.00	.05
TRUCK GREASER	7.21	.70	.70	1.00	.05
7 AXLES OR DOUBLE LOWBED or combination of vehicles when under permit load	7.255	.70	.70	1.00	.05
TRANSIT-MIX (8 yds. & over)	7.27	.70	.70	1.00	.05
TIREMAN	7.31	.70	.70	1.00	.05
DUMP (35 yds. & under 50)	7.33	.70	.70	1.00	.05
WATER PULL TANKERS; Welder; A-Frame or Swedish crane	7.40	.70	.70	1.00	.05
DUMP (50 yds. & under 65)	7.48	.70	.70	1.00	.05
TRUCK REPAIRMAN	7.50	.70	.70	1.00	.05
WELDER HELPER	7.62	.70	.70	1.00	.05
DUMP (65 yds. & over)	7.63	.70	.70	1.00	.05

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.13	.95	1.50	.30	.04
Group 2:	8.39	.95	1.50	.30	.04
Group 3:	8.64	.95	1.50	.30	.04
Group 4:	8.76	.95	1.50	.30	.04
Group 5:	8.96	.95	1.50	.30	.04
Group 6:	9.06	.95	1.50	.30	.04
Group 7:	9.17	.95	1.50	.30	.04
Group 8:	9.32	.95	1.50	.30	.04
Group 9:	9.43	.95	1.50	.30	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians, Tar pot fireman; Temporary heating plant; Trenching machine oiler, Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms), Stinger crane (Austin-Western or similar type), Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type).

POWER EQUIPMENT OPERATORS (CONT'D):
(Except Piledriving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck), Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler on long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery St. Clair & Washington

DECISION NUMBER: IL75-2015

DATE: Date of Publication

Supersedes Decision No. AR-3061 dated August 2, 1974, 39 FR 28037

DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-DIST. #8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS and Piledrivermen:					
Bond, Calhoun, Green, Jersey, and Madison Counties	$9.585	.50	.50		
Clinton, Monroe, St. Clair and Washington Counties	9.535	.40	.75		
Macoupin and Montgomery Counties	8.975	.50	.50		
CEMENT MASONS:					
All of Calhoun, Jersey, St. Clair, Washington and Monroe Counties, Western ½ of Clinton County, East to but not including Carlyle; Southern part of Bond County, north to and including Smithboro; Madison County, except for the Southwestern tip of Greene County	10.425				
Green, Macoupin and Montgomery Counties, Eastern ½ of Clinton County, including Carlyle; the Northern part of Bond County and the Northeastern section of Madison County	9.475	.60	.35		
IRONWORKERS:					
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair, and Washington Counties, Summerville and South thereof in Macoupin County, and Litchfield, Hillsboro and South thereof in Montgomery	8.80	.45	.65		
Green, Macoupin Counties north of Summerville and Montgomery Co. North of Litchfield and Hillsboro	8.90	.45	.60		.05
LINEMEN:					
Greene, Calhoun, Jersey, Madison Counties (Alton and Wood River)	10.19	.30	17	6%	½ of 1%
Remainder of Distict #8	9.72	4%	17		.25%
PAINTERS:					
Brush	8.55	.35	.15		
Rollers	8.80	.35	.15		
Bridges	9.05	.35	.15		

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HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
St. Clair County - New Athens:					
Laborers	$8.45	.25	.30		.035
Brick and Plaster Mason Tenders	8.95	.25	.30		.035
Workmen cutting and burning w/a Torch and Men working on the bottom of sewer, etc.	8.70	.25	.30		.035
Dynamite Men	10.05	.25	.30		.035
Greene County - Roodhouse:					
Laborers	8.50		.50		.035
Brick and Plaster Mason Tenders	9.00		.50		.035
Workmen cutting and burning w/a torch and men working on the bottom of sewer, etc.	8.75		.50		.035
Dynamite Men	10.10		.50		.035
St. Clair County - Freeburg:					
Laborers	8.55	.25	.20		.035
Brick and Plaster Mason Tenders	9.05	.25	.20		.035
Workmen cuttin and burning w/a troch and men working on the bottom of sewer, etc.	8.80	.25	.20		.035
Dynamite Men	10.15	.25	.20		.035
Macoupin County - Gillespie; Madison County - Highland:					
Laborers	8.60		.40		.035
Brick and Plaster Mason Tenders	9.10		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.85		.40		.035
Dynamite Men	10.20		.40		.035
Madison County - St. Jacob:					
Laborers	8.60		.40		.035
Brick and Plaster Mason Tenders	9.10		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.85		.40		.035
Dynamite Men	10.20		.40		.035

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Cont'd)					
Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy:					
Laborers	$8.70		.30		.035
Brick and Plaster Mason Tenders	9.20		.30		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.95		.30		.035
Dynamite Men	10.30		.30		.035
Randolph County - Chester					
Laborers	8.50		.50		.035
Brick and Plaster Mason Tenders	9.00		.50		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	8.75		.50		.035
Dynamite Men	10.10		.50		.035
Madison County - Glen Carbon					
Laborers	8.75		.35		.035
Brick and Plaster Mason Tenders	9.25		.35		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.00		.35		.035
Dynamite Men	10.35		.35		.035
Washington County - Okawville; Macoupin County - Carlinville; Clinton County; Carlyle; Bond County - Greenville, Pocahotas, Sorento; Calhoun County - Hardin; Montgomery County - Litchfield, Hillsboro; Jersey County - Jerseyville; Madison County - Livingston, Marine; Randolph County - Sparta:					
Laborers	8.80		.20		.035
Brick and Plaster Mason Tenders	9.30		.20		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.05		.20		.035
Dynamite Men	10.40		.20		.035

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Zone 1					
Area 1: Madison County - Alton					
Laborers	$8.45	.35	.30		.035
Asphalt Raker, etc.	8.55	.35	.30		.035
Brick Mason Tenders	8.95	.35	.30		.035
Men working on the bottom, etc.	8.70	.35	.30		.035
Dynamite Men	9.975	.35	.30		.035
Area 2: St. Clair Co. - New Athens					
Laborers	8.55	.25	.30		.035
Asphalt Raker, etc.	8.65	.25	.30		.035
Brick Mason Tenders	9.05	.25	.30		.035
Men working on the bottom, etc.	8.80	.25	.30		.035
Dynamite Men	10.075	.25	.30		.035
Area 3: St. Clair County - East St. Louis, Madison County-Granite City					
Laborers	8.15	.40	.55		.035
Asphalt Raker, etc.	8.25	.40	.55		.035
Brick Mason Tenders	8.65	.40	.55		.035
Men working on the bottom, etc.	8.40	.40	.55		.035
Dynamite Men	9.675	.40	.55		.035
Area 4: Madison County-Edwardsville					
Laborers	8.80		.25		.035
Asphalt Raker, etc.	8.95		.25		.035
Brick Mason Tenders	9.35		.25		.035
Men working on the bottom, etc.	9.10		.25		.035
Dynamite Men	10.375		.25		.035
Area 5: Madison County - Wood River					
Laborers	8.60		.50		.035
Asphalt Raker, etc.	8.70		.50		.035
Brick Mason Tenders	9.10		.50		.035
Men working on the bottom, etc.	8.85		.50		.035
Dynamite Men	10.125		.50		.035

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ZONE II	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Area 1: Washington County - Ashley and Okawville; Macoupin County - Mt. Olive, Shipman and Carlinville; St. Clair County - Mascoutah, O'Fallon and Collinsville; Madison County - Marine and Livingston; Clinton County - Carlyle; Randolph County - Sparta Bond County - Greenville, Pocahontas and Sorento: Calhoun County - Hardin; Montgomery County - Hillsboro and Litchfield					
Laborers	$8.90		.20		.035
Asphalt Raker, etc.	9.00		.20		.035
Brick mason tenders	9.40		.20		.035
Men working on the bottom, etc.	9.15		.20		.035
Dynamite Mne	10.425		.20		.035
Area 2: Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy					
Laborers	8.80		.30		.035
Asphalt Raker, etc.	8.90		.30		.035
Brick Masons Tenders	9.30		.30		.035
Men working on the bottom, etc.	9.05		.30		.035
Dynamite Men	10.325		.30		.035
Area 3: St. Clair Co. - Belleville					
Laborers	8.40	.30	.40		.035
Asphalt Raker, etc.	8.50	.30	.40		.035
Brick Masons Tenders	8.90	.30	.40		.035
Men working on the bottom, etc.	8.65	.30	.40		.035
Dynamite Men	9.925	.30	.40		.035
Area 4: Madison County - Glen Carbon					
Laborers	8.75		.35		.035
Asphalt Raker, etc.	8.85		.35		.035
Brick Mason Tenders	9.25		.35		.035
Men working on the bottom, etc.	9.00		.35		.035
Dynamite Men	10.275		.35		.035

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Area 5: Randolph County - Chester					
Laborers	$8.60		.50		.035
Asphalt Raker, etc.	8.70		.50		.035
Brick Mason Tenders	9.10		.50		.035
Men working on the bottom, etc.	8.85		.50		.035
Dynamite Men	10.125		.50		.035
ZONE					
Area 6: Green County - Roodhouse					
Laborers	8.60		.50		.035
Asphalt Raker, etc.	8.70		.50		.035
Brick Mason Tenders	9.10		.50		.035
Men working on the bottom, etc.	8.85		.50		.035
Dynamite Men	10.125		.50		.035
Area 7: Madison County - Highland; Macoupin County - Gillespie					
Laborers	8.70		.40		.035
Asphalt Raker, etc.	8.80		.40		.035
Brick Mason Tenders	9.20		.40		.035
Men working on the bottom, etc.	8.95		.40		.035
Dynamite Men	10.225		.40		.035
Area 8: Montoe County - Columbia					
Laborers	8.85		.25		.035
Asphalt Rakers, etc.	8.95		.25		.035
Brick Mason Tenders	9.35		.25		.035
Men working on the bottom, etc.	9.10		.25		.035
Dynamite Men	10.375		.25		.035
Area 9: St Clair Co. - Freeburg					
Laborers	8.65	.25	.20		.035
Asphalt Raker, etc.	8.75	.25	.20		.035
Brick Mason Tenders	9.15	.25	.20		.035
Men working on the bottom, etc.	8.90	.25	.20		.035
Dynamite Men	10.175	.25	.20		.035
Area 10: Madison County - St. Jacob					
Laborers	8.70		.40		.035
Asphalt Raker, etc.	8.80		.40		.035
Brick Mason Tenders	9.20		.40		.035
Men working on the bottom, etc.	8.95		.40		.035
Dynamite Men	10.225		.40		.035

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.63	.42	.90		.05
GROUP II	8.80	.42	.90		.05
GROUP III	8.15	.42	.90		.05
GROUP IV	8.05	.42	.90		.05
GROUP V	7.80	.42	.90		.05
GROUP VI					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05
c.	9.90	.42	.90		.05
d.	10.40	.42	.90		.05

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines. hoists-2drum or more (where oiler or fireman is required), hoists-2drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, milk cement plants. cement pump derrick-type drills, mixers (over 3 bags) and boat oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machine Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), compressors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grade or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distributor pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant mixers (under 2 bags)

GROUP II: Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III: Firemen and asphalt spreader oilers

GROUP IV: Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V: Oilers

GROUP VI:

a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

TRUCK DRIVERS

ILL-82-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

CLASSIFICATIONS

GROUP I
Drivers on 2 axle trucks hauling less than 9 tm, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site; Fork lifts up to 6,000 lbs. capacity.

GROUP II
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTE:
a.- Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Madison and St. Clair
DECISION NUMBER: IL75-2016 DATE: Date of Publication
Supersedes Decision No. AR-3174 dated November 29, 1974, in 39 FR 41663
DESCRIPTION OF WORK: Building (Including Residential), Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.48	.45	.62		
BOILERMAKERS	9.15	.60	1.00		.01
BRICKLAYERS:					
Madison County					
Alton; Wood River and Vicinities					
Bricklayers; Stonemasons; Tile-Terrazzo-Marble Workers	9.60	.30	.50		
Edwardsville; Marine; Highline; Troy	8.63	.30	.50	1.00	
Granite City and Vicinity					
Bricklayers; Stonemasons					
Building	8.75		.50	1.00	.05
Residential	8.50		.50	1.00	.05
St. Clair County					
East St. Louis and Vicinity					
Bricklayers; Marble-Tile-Terrazzo Workers; Stonemasons	9.63	.30	.50	1.00	
Belleville and Vicinity					
Bricklayers; Stonemasons	9.40		.30	1.00	
CARPENTERS:					
Madison County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers					
Building	9.585	.50	.50		
Residential-up to 4 family apts.	9.185	.50	.50		
St. Clair County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers	9.535	.40	.75		
CEMENT MASONS	9.475	.60	.35		
ELECTRICIANS:					
Alton and Vicinity in Madison Co.	10.19	.30	17	6%	½ of 1%
St. Clair County and the Remainder of Madison County	9.38	4%	17+.65	6%	.25%
ELEVATOR CONSTRUCTORS	9.24	.445	.29	2%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	8.80	.45	.65		

DECISION NO. IL75-2016

LABORERS: (Madison County)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Alton:					
Common Laborer	$8.45	.35	.30		.035
Laying sewer and all sewer work	8.55	.35	.30		.035
Well digging gunnite machine and nozzle operator on gunnite; Sandblasting, rip/rapping work	8.70	.35	.30		.035
Wood River:					
Common Laborer	8.60		.50		.035
Laying sewer and all sewer work	8.70		.50		.035
Well digging, machine and nozzle operator on gunnite	8.85		.50		.035
Granite City, Madison, Venice, Nameoki and Mitchell:					
Common Laborers	8.15	.40	.55		.035
Open Well	8.65	.40	.55		.035
Cutting, burning and welding	8.425	.40	.55		.035
Plasterers' and Brickmasons' Tenders	8.65	.40	.55		.035
Dynamite and powdermen	9.675	.40	.55		.035
Dynamite and powdermen helpers	8.675	.40	.55		.035
Collinsville:					
Common Laborers	8.90		.20		.035
Burning and cutting w/torch (2-men); Raking and luting asphalt and power saw	9.15		.20		.035
Mason and plasterer tenders	9.40		.20		.035
Dynamite Men	10.20		.20		.035
Edwardsville:					
Common Laborer	8.85		.25		.035
Men working in main sewer ditch	9.10		.25		.035
Plaster and mason tenders	9.35		.25		.035
Dynamite and powder men	10.375		.25		.035
Dynamite and powder men helpers	9.375		.25		.035
Glen Carbon:					
Common Laborer	8.75		.35		.035
Mason and plasterer tenders	9.25		.35		.035
Dynamite men	10.35		.35		.035

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Highland:					
Common Laborers	$8.60		.40		.035
Mason and Plasterers Tenders	9.10		.40		.035
Workmen cutting and burning w/torch	8.85		.40		.035
Livingston:					
Common Laborers	8.80		.20		.035
Working on the bottom of sewer	9.05		.20		.035
Mason and Plasterer Tenders	9.30		.20		.035
Marine:					
Common Laborer	8.80		.20		.035
Mason and Plasterer Tenders	9.30		.20		.035
Working on the bottom of sewer	9.05		.20		.035
Troy:					
Common Laborer	8.70		.30		.035
Mason and Plasterer Tenders	9.20		.30		.035
Working on the bottom of sewer	8.95		.30		.035
St. Jacob:					
Common Laborer	8.60		.40		.035
Mason and Plasterer Tenders	9.10		.40		.035
Working in sewer trenches	8.85		.40		.035
LABORERS: (St. Clair County)					
East of St. Louis and Vicinity					
Laborers	8.15	.40	.55		.035
Bottom Men on sewer work	8.41	.40	.55		.035
Dynamite Men	9.675	.40	.55		.035
Hod Carriers:					
Plastering	7.75	.25	.35		.035
Masonry	8.15	.20	.20		.035
Belleville and Vicinity:					
Laborers	8.40	.30	.40		.035
Bottom Men on sewer work	8.65	.30	.40		.035
Dynamite Men and Powder Men	9.90	.30	.40		.035
Hod Carriers	9.25		.20	1.20	
Plasterers' Tenders	9.25		.20	1.20	
O'Fallon, Mascoutah, Scott AFB, Shilo anf Lebannon and Vicinity:					
Laborers	8.70		.40		.035
Bottom Men on sewer work	8.95		.40		.035
Brickmason Tenders	9.30		.40		.035
Plasterers' Tenders	9.20		.40		.035
Mortar Mixers	9.30		.40		.035

DECISION NO IL75-2016

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Cont'd)					
Freebury and Vicinity:					
Laborers	$8.55	.25	.20		.035
All sewer work	8.80	.25	.20		.035
Mason Tenders and Plaster Tenders	9.05	.25	.20		.035
Dynamite Men	10.15	.25	.20		.035
New Athens and Vicinity:					
Laborers	8.45	.25	.30		.035
Bottom Men on sewer work	8.70	.25	.30		.035
Mason and Plaster Tenders	8.95	.25	.30		.035
LATHERS	8.435			.65	.01
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Residential; Commercial	8.55	.35	.15		
Industrial	8.80	.35	.15		
Bridges; Grain Elevators; Water-Radio and TV Towers; Stacks	9.05	.35	.15		
Stacks; Boatswain Chairs; Picks; Scaffolds supported by ropers or cables; Rollers; Wool of Felt Applicators - additional $.25 per hour					
Rollers; Wool or Felt Applicators on Industrial work - additional $.50 per hour					
Spray; Sand and water blasting; Steam cleaning - additional $1.00 per hour					
PLASTERERS	9.935				.01
PLUMBERS and Steamfitters:					
Alton and Northern part of Madison County; North of Mitchell	10.50	.42	.84		
Granite City; Southern ½ of Madison County and East St. Louis and Vicinity in St. Clair County	9.50	.48	.48	.48	
Belleville and Vicinity	9.41	.29	1.00		
ROOFERS:					
Composition; Slate; Tile	7.80	.27	.30	.75	.03
Kettlemen	5.60	.27	.30	.75	.03
SHEET METAL WORKERS	8.18	.20	.25	6%	.01
SPRINKLER FITTERS	9.40	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

NOTICES

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FEDERAL REGISTER, VOL. 40, NO. 32—FRIDAY, FEBRUARY 14, 1975

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; F-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six Paid Holidays: A through F.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

TRUCK DRIVERS

ILL-82-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
GROUP I	$8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

CLASSIFICATIONS

GROUP I
Drivers on 2 axle trucks hauling less than 9 ton, air compressor and welding machine including those oulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling material, tools, or men to and from and on the job site; Fork lifts up to 6,000 lbs. capacity.

GROUP II
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTE:
a.- Per Week Per Employee.

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.63	.42	.90		.05
GROUP II	8.80	.42	.90		.05
GROUP III	8.15	.42	.90		.05
GROUP IV	8.05	.42	.90		.05
GROUP V	7.80	.42	.90		.05
GROUP VI					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05
c.	9.90	.42	.90		.05
d.	10.10	.42	.90		.05

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile-drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't, master mechanic, all locomotives, cableways or tower machines, hoists-2drum or more (where oiler or fireman is required), hoists-2drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps. bulk cement plants, cement pumps derrick-type drills, mixers (over 3 bags) end boat oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grad or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distributor pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (mixers (under 2 bags)
GROUP II: Air Compressor (1), water pumps regardless of size (1) welding machines (1)
GROUP III: Firemen and asphalt spreader oilers
GROUP IV: Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.
GROUP V: Oilers
GROUP VI:
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

NOTICES

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FEDERAL REGISTER, VOL. 40, NO. 32—FRIDAY, FEBRUARY 14, 1975

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: SUFFOLK
DECISION NO.: NY75-3012 DATE: DATE OF PUBLICATION
Supersedeas Decision No. A4-2112 dated May 3, 1974 in 39 FR 15673
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-New York-1-2-3-X 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.45	13.1%	9%	12%	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers:					
Center Moriches on the south shore and following Chichester Avenue, North of Walding River and areas east thereof including the off shore islands:					
Bricklayers, cement masons and plasterers	10.40	.40	2.00	.30	
Remainder of County:					
Bricklayers	9.40	.78	2.92	.30	
Cement masons	9.35	1.005	1.505	1.00	.01
Plasterers	8.10	1.00	.40	1.00	.01
Carpenters:					
Fishers Islands:					
Carpenters & soft floor layers	9.26	.70	.40		
Remainder of County:					
Carpenters & soft floor layers	9.00	.85	1.23	.80	.11
Piledrivermen	9.00	.85	1.23	.80	.11
Timbermen, wharf & dock builders	9.00	.85	1.23	.80	.11
Carpenters, Heavy:					
Carpenters	9.00	.85	1.23	.80	.11
Dock and wharf carpenters	9.00	.85	1.23	.80	.11
Piledrivermen	9.00	.85	1.23	.80	.11
Electricians and linemen	10.90	6%	.135%	5%	5/8 of1%
Elevator constructors	9.52	.445	.29+b	c+d	.02
Elevator constructors' helpers	7.14	.445	.29+b	c+d	.02
Elevator constructors' helpers (prob.)	4.76	.445	.29+b	c+d	.02
Elevator constructors repair	7.90	.445	.29+b	c+d	.02
Elevator constructors' repair helpers	5.92	.445	.29+b	c+d	.02
Elevator constructors modernization	8.75	.445	.29+b	c+d	.02
Elevator constructors modernization helper	6.56	.075	.26+b	c+d	.02
Glaziers	9.10	.66	1.66	.365	.03

NY75-3012 P. 2

52-New York-1-2-3-X 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ironworkers:					
Structural	$10.00	1.00	2.20	1.20	.04
Ornamental finisher	8.40	.63	.70+1.335	.76	.03
Reinforcing	9.10	.785	1.765	.75	.01
Laborers, building:					
Laborers	8.00	.7%	.83	.69	
Mason tenders	8.00	.7%	.83	.69	
Mortar mixers	8.00	.7%	.83	.69	
Plasterers' helpers	7.05	1.25		1.00	
Lathers, Metal	9.10	.785	1.763	.75	.01
Lead Burners	9.25	.35		e	.01
Millwrights	9.86	.95	1.63	.55	.02
Marble carvers	7.95	.63+.15	.66+.28	o	
Marble setters & cutters	7.80	.63+.15	.66+.28	o	
Marble helpers and crane operator	7.33	.59+.15	.63+.25	o	
Derrick men	7.33	.59+.15	.63+.25	o	
Marble sawers, rubbers and polishers	7.57	.61+.15	.61+.26	o	
Painters:					
Brush	7.25	2.15	.50	.40	.05
Structural steel & spray	9.82	2.15	.50	.40	.05
Plumbers	9.75	.70	1.87	1.20	.16
Roofers:					
Composition damp & waterproofing	8.90	.66	1.98	1.20	.01
Slate and tile	6.45	8%	.50	5%	
Slate and tile helpers	5.13	8%	.50	5%	
Sheet metal workers:					
Fishers Island	9.30	.50	.51		.05
Remainder of County	9.445	.725	1.77	1.055	1%
Sprinkler fitters	8.655	7%+.65	13%	10%	.05
Steam fitters	8.655	7%+.65	13%	10%	.05
Stone derrickmen and riggers	10.28	7%+.01	7%+1.04		.01
Stone masons	9.75	.50	1.00		
Terrazzo workers	9.00	.78+.45	1.68		
Tile setters	8.25	.60	.70+1.00		
Tile setters' helpers	7.42	.50	.27+1.00		

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52-New York-1-2-3-X 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck drivers:					
Ready-mix-concrete, sand gravel & asphalt	$ 8.02	.44½	.55½	g+h	
Euclid and tournapulls operator	8.075	.44½	.55½	g	
Tuck Pointers:					
Tuckpointers & waterproofers	8.72	.70	.67+.77	.50	.015
Steam cleaners	8.97	.70	.67+.77	.50	.015
Sand-blasters	9.72	.70	.67+.77	.50	.015
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

NY75-3012 P. 4

52-New York-1-2-3-X 4 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.29 per hour to an Annuity Fund.

b. Employer contributes $8.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.

d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday, Xmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes $4.00 per day to Annuity Fund.

g. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, (providing employee works two days in the calendar week in which the holiday falls and shape each remaining workday during such calendar week.)

h. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

i. Employer contributes $4.80 per day to Annuity Fund.

j. Paid Holiday: New Year's Day & Xmas Day providing the employee works the preceding and following the holiday.

k. Employer contributes $28.86 per month to Health & Welfare.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day; Election Day.

o. Paid Holiday: St. Patricks Day.

N.Y. 10-IAR-2-3-N

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Concrete & curb form setters, asphalt rakers	$ 7.20	10%	10%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	7.00	10%	10%	.75+a	
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plant (batcher & hopper men)	6.60	10%	10%	.75+a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivin Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

N.Y.-5-PEO-1- A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpillar or wheel	9.705	6%	1.05	a+b	.15

N.Y.-5-PEO-1 - A 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.70	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.62	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	6%	1.05	a+b	.15
Hoist tandem platform	11.88	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter ..	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tandem	11.08	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 Vacation fund.

NY-6-PEO-2-3-H 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$10.83	6%	1.25	a+b	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.20	6%	1.25	a+b	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.055	6%	1.25	a+b	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.58	6%	1.25	a+b	.15	
Boiler	10.33	6%	1.25	a+b	.15	
Boring machine (post holes)	10.77	6%	1.25	a+b	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.02	6%	1.25	a+b	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.555	6%	1.25	a+b	.15	
Compressor (2 or more in battery)	10.25	6%	1.25	a+b	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.715	6%	1.25	a+b	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.645	6%	1.25	a+b	.15	

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NY-6-PEO-2-3- H 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Other
HEAVY AND HIGHWAY CONSTRUCTION						
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker (pavement saw or cutter, self-propelled), concrete saw or cutter (walk-behind power operated) hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 8.93		1.25	a+b	.15	
Dredge	10.665		1.25	a+b a	.15	
Generator	9.94		1.25	a+b	.15	
Generator (Small)	8.615		1.25	a+b	.15	
Grader	10.235		1.25	a+b	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.045		1.25	a+b	.15	
Lead engineer	12.93		1.25	a+b	.15	
Mechanic	8.635		1.25	a+b	.15	
Mechanic helper	8.295					
Mechanic (compactors (machine drawn), roller (over 5 tons)	8.295		1.25	a+b	.15	
Oiler root cutter, stump chipper, tower crane (oiler), crack tamper (2 engineers, each)	10.37		1.25	a+b	.15	
Portable heaters	8.62		1.25	a+b	.15	
Powerbroom	10.195		1.25	a+b	.15	
Pump (concrete)	9.075		1.25	a+b	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	10.29					
Tractor (caterpilla or wheel)	11.455		1.25	a+b	.15	
	8.405		1.25	a+b	.15	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

b. Basic hourly rate includes $1.00 vacation fund.

NY75-3013 P. 2

30-NY-1-2-3-Z

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Lathers, metal	$ 8.40	.785	.655+1.10 e	.75	.01
Lead burners	9.25	.35			.01
Marble:					
Cutters	7.80	.78	.94		
Finishers	7.95	.78	.94		
Setters	7.80	.78	.87		
Sawyers, rubbers, polishers	7.57	.76	.66+q		
Derrickmen	7.33	.74	.66+q		.02
Helpers, crane operator	7.33	.74	.66+q		
Millwrights	9.65	.95	1.53	.55	
Painters:					.02
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, E. rockaway, part of Oceanside part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream:					
Painter	8.00	.60	.52+r	.24	
Spray & Scaffold	9.71	.60	.52+r	.24	
Fire escape	9.14	.60	.52+r	.24	
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:					
Structural steel	7.50	8%	11%		.02
Structural steel, spray	8.50	8%	11%		.02
Remainder of County:					
Painters	6.75	.49	1.05	.44	.02
Painters, spray	7.71	.49	1.05	.44	.03
Painters, open structural steel swing scaffold rolling scaffolds 18' or over		.49	1.05	.44	.04
Plasterers	7.71	1.00	.40		.01
Plumbers	8.10	.67	.96	.96	.19
Riggers	9.60	7%+1.04			.01
	10.28				

NY75-3013 P. 2

SUPERSEDEAS DECISION

STATE: NEW YORK

DECISION NO.: NY75-3013

Supersedes Decision No. AR-2062 dated October 11, 1974 in 39 FR 36787

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

COUNTY: NASSAU

DATE: Date of Publication

30-NY-1-2-3-Z

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.45	13.1%	9%	12%	.01
Boilermakers	10.57	5%	5%+10%	7%	
Bricklayers	9.40	.78	.87+a	.30	
Carpenters, Building:					
South of the Southern State Parkway in Hempstead Borough:					
Carpenters and soft floor layers	9.86	.95	1.63	.55	.02
Dock builders and Piledrivermen	9.86	.95	1.63	.61	.02
Remainder of County:					
Carpenters, piledrivermen and soft floor layers	9.15	1.30	1.24		.11
Carpenters, Heavy:					
Dockbuilder/ Shaft carpenters	9.86	.95	1.63	.55	.02
Piledrivermen	9.85	.95	1.63	.63	.02
Cement masons	9.86	.95	1.63	.61	.02
Electricians and linemen	9.35	1.005	1.005+.50	1.00	.01
Elevator Constructors	10.90	6%	5%	5%	5/8of1%
Elevator Constructors' helpers	9.52	.445	.29+b	c+d	.02
Elevator Constructors' helpers (prob.)	7.14	.445	.29+b	c+d	.02
	4.76				
Elevator Constructors modernization	8.75	.445	.29+b	c+d	.02
Elevator Constructors modernization helpers	6.56	.445	.29+b	c+d	.02
Elevator Constructors repair	7.90	.445	.29+b	c+d	.02
Elevator Constructors repair helpers	5.92	.445	.29+b	c+d	.02
Glaziers	8.75	.66	.46+1.20	.365	.03
Ironworkers, structural	10.00	1.00	2.20	1.20+p	.04
Ironworkers, reinforcing	9.10	.785	.655+1.10	.75	.01
Ironworkers, ornamental finishers	8.40	.63	.70+1.335	.76	.03
Laborers: (Building)					
Laborers, building	8.00	.74	.83	.69	
Mason tenders	8.00	.74	.83	.69	
Plasterers' helpers	7.05	.125		1.00	
Mortar mixers	8.00	.74	.83	.69	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roofers:					
Comp., damp, and waterproofing	$ 8.90	.66	1.98	1.20	.01
Sheet metal workers	9.445	.715	1.77	1.055	½ of 1%
Steam fitters	8.655	1.55	13%	10%	.05
Stone masons	9.75	.50	1.00		
Stone derrickmen and riggers	10.28	7%+1.04			.01
Sprinkler fitters	8.655	7%+1.55	13%	10%	.05
Terrazzo workers	9.00	1.23	1.68		
Tile setters	8.25	.60	1.95		
Tile setters' helpers	7.42	.50	1.00		
Truck drivers:					
Ready-mix concrete, sand gravel and asphalt	8.02	.7325	1.5825	h+i	
Euclid and Turnapull operator	8.075	.7325	1.5825+.10	h+i	
Tuck pointers:					
tuck-pointers and waterproofers	8.72	.70	1.44	.50	.015
Steam cleaners	8.97	.70	1.44	.50	.015
Sandblasters	9.72	.70	1.44	.50	.015
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorian Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $2.05 per hour to Annuity Fund.

b. Employer contributes $7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. $3.50 per day contribution for each man to special annuity fund.

g. Employer contributes $2.35 per hour combined to the Welfare, Pension and Vacation Fund.

h. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day providing employee works two days in the calendar week in which the holiday falls, and shapes each remaining work day during such calendar week.

i. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with pay, with a maximum vacation of three weeks per year.

o. Holidays: A through F; Election Day and Washington's Birthday.

p. Holidays: A and F, provided the employee works a full half day preceding the holiday.

q. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Concrete & curb form setters, asphalt rakers	$ 7.20	10%	10%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	7.00	10%	10%	.75+a	
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plant (batcher & hopper men)	6.60	10%	10%	.75+a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivin Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), purp (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-cutti, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.705	6%	1.05	a+b	.15

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.70	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.62	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	6%	1.05	a+b	.15
Hoist tandem platform	11.88	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tandem	11.08	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 vacation fund.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, (self-propelled), cherry picker	$10.83	6%	1.25	a+b	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.20	6%	1.25	a+b	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.055	6%	1.25	a+b	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.58	6%	1.25	a+b	.15	
Boiler	10.33	6%	1.25	a+b	.15	
Boring machine (post holes)	10.77	6%	1.25	a+b	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.02	6%	1.25	a+b	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.555	6%	1.25	a+b	.15	
Compressor (2 or more in battery)	10.25	6%	1.25	a+b	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.715	6%	1.25	a+b	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.645	6%	1.25	a+b	.15	

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 8.93	6%	1.25	a+b	.15	
Dredge	10.665	6%	1.25	a+b	.15	
Generator	9.94	6%	1.25	a+b	.15	
Generator (small)	8.615	6%	1.25	a+b	.15	
Grader	10.235	6%	1.25	a+b	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.045	6%	1.25	a+b	.15	
Lead engineer	12.93	6%	1.25	a+b	.15	
Mechanic	8.635	6%	1.25	a+b	.15	
Mechanic helper	8.295	6%	1.25	a+b	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	10.37	6%	1.25	a+b	.15	
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	8.62	6%	1.25	a+b	.15	
Portable heaters	10.195	6%	1.25	a+b	.15	
Powerbroom	9.075	6%	1.25	a+b	.15	
Pump (concrete)	10.29	6%	1.25	a+b	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	11.455	6%	1.25	a+b	.15	
Tractor (caterpilla or wheel)	8.405	6%	1.25	a+b		

FOOTNOTE:
a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial-Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.
b. Basic hourly rate includes $1.00 vacation fund.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. NY75-3014
COUNTY: NIAGARA
DATE: Date of Publication
Supersedeas Decision No. AR-2071 dated November 1, 1974 in 39 FR 38833
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.36	.72	.55		.04
Boilermakers	9.45	.50	.95		.02
Bricklayers:					
North Tonawanda:					
Bricklayers & stone masons	9.79	.55	1.00		.01
Terrazzo workers & tile setters	9.41	.55	1.00		
Marble setters	9.505	.55	1.00		
Remainder of County:					
Bricklayers & stone masons	9.57	.42	.52		
Marble masons, terrazzo works & tile setters	9.33	.42	.52		
Carpenters: Building					
North Tonawanda:					
Carpenters and millwrights	8.78	1.25	1.10		
Soft floor layers	8.20	1.25	1.10		
Remainder of County:					
Carpenters & soft floor layers	9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Carpenters, Heavy & Highway					
North Tonawanda:					
Carpenters, piledrivermen	8.78	1.25	1.10		
Remainder of County:					
Carpenters & Piledrivermen	7.42	1.10	.70		.02
Cement masons	9.07		.25+.56		
Electricians:					
Electricians	10.78	.35+.20	1%+.30		½ of 1%
Cable splicers	11.28	.35+.20	1%+.30		½ of 1%
Elevator constructors	10.215	.445	.29	3%+a+b	.02
Elevator constructors' helpers	7.15	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	5.11				
Glaziers	8.64	.50	.90		.05
Ironworkers:					
Structural, ornamental & reinforcing	9.16	.51	.40		.01
Lathers	9.625		.20		.01
Lead burners	9.25	.35		c	.01

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Linemen:					
Linemen	$10.10	.65	.60	d	3/8%
Groundman digging machine operator	9.17	.65	.60	d	3/8%
Groundman mobile equipment op operator	8.30	.65	.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	.60	d	3/8%
Groundman dynamite man	8.30	.65	.60	d	3/8%
Cable splicer	11.11	.65	.60	d	3/8%
Marble, tile and terrazzo workers' helpers	7.36	.40	1.40		
Painters:					
Twps., of Somerset, Hartland, Royalton, New Fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	8.655	.525+.45	.30		.10
Steel, tanks, towers, stacks, flag poles, radio TV towers	9.155	.525+.45	.30		.10
Sandblasting, swing stage spray, bosun chair	8.905	.525+.40	.30		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525+.40	.30		.10
Remainder of County:					
Brush	6.945	.525+.40	.30		.10
Spray, steel steeple jack, swing scaffold	7.345	.525+.40	.30		.10
Bridge-crossing the Niagara River	9.86	.525+.40	.30		.10
Piledrivermen:					
Piledrivermen, dock carpenters and drivers' tenders	8.78	1.25	1.10		
Drivers	16.07	1.25	1.10		
Plasterers	9.91				
Plumbers and Steamfitters	10.30	.575	.60		.025
Roofers:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steen roofers & siders	8.44	1.09	1.10		.02

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32-New York-1-2-3-Z 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Slate, tile, asbestos & pre-cast	$ 8.27	1.09	1.10		.02
Sheet metal workers, commercial	9.98	.40	.95		.08
Sprinkler fitters	10.34	.50	.70		.06
Truck Drivers:					
Building, heavy & highway:					
Contractor drivers	8.695	.50	.55	e + f	
Ready mix	7.965	.50	.55	e + f	
Dump	7.925	.50	.55	e + f	
Welders-Craft Rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and after the holiday.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

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NY-6-LAB-1-2-3-G

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Building, Heavy, Highway & Airport Construction:					
Laborers	$7.43	.60	1.55		
Form setter, wagon drill oprs., road finishers, blasters, gunite nozzlemen, operator of concrete saw burning torch	7.93	.60	1.55		
Pipelayers, pavement breakers or busters, jackhammer operators, Barco rammers, chain-saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, swing scaffold, bosun chair, suspended cage or bucket, caissons below 8 ft, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power	7.63	.60	1.55		
Rock Tunnel Free Air:					
Driller, shaft driller	7.78	.60	1.55		
Chucker, mucking machine tender, shaft mucker	7.68	.60	1.55		
Nipper, car pusher-tramer, track gang, bull gang, cage man, concrete gang, powder monkey	7.63	.60	1.55		
Blasters, burning torch on demolition	7.93	.60	1.55		
Rodman	8.03	.60	1.55		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, trenchers, backfillers, cableways, draglines, backhoes, piledriving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel mucking machines, all tractors used in connection with scoper wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanics, lubriation engineers, winch tractors, bulldozers, graders, blacktop spreaders, air-hoist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tugger are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, Rolman loaders, concrete planers, mechanic, wilder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoop-mobiles, fortlifts and hoist which lift higher than 25 feet.

GROUP II: Elevators, material hoist, road rollers except as prescribed in group I, tractors, pavement busters, jeep trenches, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but atleast within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over, stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP III: Oilers on (shovels, cranes, draglines, backhoes (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrcranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: A truck crane oiler will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam Boiler Operator

Building, Heavy & Highway Construction Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.47	.40	.40+.40	a	.10
GROUP II	8.90	.40	.40+.40	a	.10
GROUP III	7.96	.40	.40+.40	a	.10
GROUP IV	8.15	.40	.40+.40	a	.10
GROUP V	8.60	.40	.40+.40	a	.10

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; (providing employee works the day before and the day after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northampton
DECISION NO.: PA-75-3015 DATE of Publication
Supersedeas Decision No. AQ-2016, dated August 17, 1974, in 39 FR 22356.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

48-PA-1 Y

Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.61	.42	.30		.01	
Boilermakers	10.20	.65	1.00		.01	
Bricklayers & Stonemasons - Bethlehem	9.29	.35	.41			
Bricklayers & Stonemasons - Remainder of County	7.30	.30				
Carpenters	8.86	.33	.42			
Cement masons, Bethlehem	8.69	.35	.41			
Cement masons, Remainder of County	7.30	.30				
Electricians:						
Allen, Hanover, Lehign, Bath, Freemansburg, Hellertown and Bethlehem	9.70	.30	1%		.01	
Remainder of County	10.00	4%	1%+.20		1/4 of 1%	
Glaziers	8.14	.35	.10		.01	
Ironworkers, structural	10.00	.64	1.06			
Ironworkers, ornamental	10.00	.64	1.06			
Ironworkers, reinforcing	10.00	.64	1.06			
Laborers, Building:						
Unskilled laborers	6.35	.20	.20			
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools, wagon drills, and men handling dynamite, handling and using, cutting and burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same and cofferdams (below 10 feet)	6.60	.20	.20			
Plasterer and Mason Tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	6.69	.20	.20			
Barko Tamper Operator	6.85	.20	.20			
Lathers	8.71	.40	.25		.01	
Lead burners	9.25	.35		c	.01	
Line Construction:						
Linemen	10.21	.30	1%		3/8 of 1%	
Cable splicer	10.21	.30	1%		3/8 of 1%	
Groundman	6.13	.30	1%		3/8 of 1%	
Winch truck operator	7.15	.30	1%		3/8 of 1%	
Millwrights	9.26	.31	.42			
Painters (Bethlehem):						
Brush	7.60	.43	.40			
Structural Steel	8.55	.43	.40			
Spray	8.30	.43	.40			

PA-75-3015 P. 2

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Painters, Remainder of County						
Brush	8.05	.20	.30			
Structural Steel	8.30	.20	.30			
Spray	8.30	.20	.30			
Piledrivermen	9.92	1.28	.90		.07	
Plasterers, Bethlehem	8.65	.35	.41			
Plasterers, Remainder of County	7.30	.30				
Plumbers	10.02	.57	.92		.08	
Roofers, Composition, Slate & Tile	9.05	.40	.25			
Roofers, helpers	5.33	.40	.25			
Sheet metal workers	9.18	.32	.50		.01	
Sprinkler fitters	9.60	.30	.70		.08	
Steamfitters	10.02	.57	.92		.01	
Terrazzo workers	8.74	.35	.41			
Truck Drivers:						
Class I						
Helper, Stake Body Truck (single axle), Dumpster	6.57					
Class II						
Dump Trucks, TAndem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.64					
Class III						
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	7.13					
Welders- receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION

Paid Holidays (Where Applicable):
A-New Years' Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:

c. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

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POWER EQUIPMENT OPERATORS

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.44	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc.75-3933 Filed 2-13-75;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1974)

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Title 49—Transportation (Parts 200–999)---------- 5.85

[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

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federal register

February 18, 1975—Pages 6951–7080

TUESDAY, FEBRUARY 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 33

Pages 6951–7080

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 959—ONIONS GROWN IN SOUTH TEXAS

Handling Regulation: Correction

FR Doc. 74-30415 published at page 45203 in the issue dated Tuesday December 31, 1974, is corrected by changing paragraph (b)(5) to read as follows:

"Tolerances for size in the U.S. onion standards shall apply except that for 'repacker' and 'medium' sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply."

Dated: February 12, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-4289 Filed 2-14-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.8]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart G—Rural Housing Site Loan Policies, Procedures and Authorizations

LIMITATIONS

Section 1822.266(c) of Subpart G of Part 1822, Title 7 Code of Federal Regulations, (35 FR 10687) is amended to permit the sale of sites developed with a Section 524 Rural Housing Site loan to additional eligible purchasers as authorized by the Housing and Community Development Act of 1974. Sites that were developed with section 524 Rural Housing Site loans prior to this notice may be sold in accordance with this revision. It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process. However, inasmuch as this amendment implements the Housing and Community Development Act of 1974, the public rulemaking process is unnecessary.

As amended, § 1822.266(c) reads as follows:

§ 1822.266 Limitations.

• • • • • •

(c) *Sale of developed sites.* The sites developed with a Section 524 loan must be for housing low- and moderate-income families and may be sold to families, nonprofit organizations, public agencies, and cooperatives eligible for assistance under any Section of Title V of the Housing Act of 1949, or under any other law which provides financial assistance. For example, this may include:

(1) Individuals with low and moderate incomes eligible for HUD mortgages.

(2) Individuals with low and moderate incomes eligible for VA guaranteed loans.

(3) Individuals with low or moderate incomes eligible for a loan from any private lender which is authorized by law to provide financial assistance for housing.

(4) Nonprofit organizations funded by Federal, State, or local governments carrying out programs for low- and moderate-income families to obtain housing.

(5) State or local public agencies such as a housing authority or a housing finance development agency carrying out programs for low- and moderate-income families to obtain housing.

• • • • • •

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment becomes effective on February 18, 1975.

Dated: February 6, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4339 Filed 2-14-75;8:45 am]

[FmHA Instruction 442.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart A—Community Facility Loans

On page 44666 of the FEDERAL REGISTER of December 26, 1974, there was published notice of a proposed amendment of § 1823.6 of Subpart A of Part 1823. The change to § 1823.6 adds paragraph (b) (4) (i) and (ii) to allow security other than real estate liens and liens on personal property in those States where such security is precluded by State law; and also adds paragraph (c)(3) (i) and (ii) to provide that membership authorization of a project and its financing may not be required under certain conditions. Interested persons were given until January 27, 1975, to submit written comments, suggestions or objections regarding the proposed regulation.

No written objections have been received and the proposed regulation is adopted without change and is set forth below.

Effective date. This regulation is effective on February 18, 1975.

Dated: February 4, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

In 7 CFR 1823.6, paragraph (b)(4) is revised and (c)(3) is added to read as follows:

§ 1823.6 Security.

• • • • • •

(b) • • •

(4) In those cases where security is not available in accordance with paragraph (b)(3) of this section, a proposal may be considered provided the organization and facilities have:

(i) Been in existence and are able to present evidence of financially successful operation of a similar facility for a period of time sufficient to indicate project success. National Office concurrence is required for those applications in which the applicant has been in existence for less than ten years and/or has not operated on a financially successful basis for at least the last five years.

(ii) Such loans will be secured by an assignment of income and liens on real and personal property as evidenced by real estate mortgages, trust deeds, financing statements, chattel mortgages or statutory liens. If State law precludes securing the loan in such manner, the loan will be secured in the best possible manner consistent with State law and customary security taken by private lenders in the State such as revenue bonds and any other security the State Director determines necessary for a sound loan.

• • • • • •

(c) • • •

(3) *Membership authorization.* For organizations other than public bodies, the membership will authorize the project and its financing except that the State Director may, with the concurrence of the Office of the General Counsel, waive such membership authorization when State statutes and the organization's charter and bylaws do not require such authorization; and:

(i) The organization is well established and is operating with a sound financial base; or

(ii) The members of the organization have all signed an enforceable user agreement with a penalty clause and have made the required meaningful user cash contribution, except for members presently receiving service or when State statutes or local ordinances require mandatory use of the facility.

• • • • • •

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(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

[FR Doc.75-4340 Filed 2-14-75;8:45 am]

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1, 449.3]

PART 1843—FARMER PROGRAMS

Loan Subsidy Rates, Claims, and Payments

This amendment applies to loans on which a "conditional commitment for Guarantee" is issued after close of business, February 14, 1975. This amendment is being published without notice of proposed rule making inasmuch as the interest rate to be charged is set by § 1843.-3 of this part. The proposed rule making procedure is therefore unnecessary.

Section 1843.3, Part 1843, Title 7, Code of Federal Regulations (38 FR 29051, 30102, 30533; 39 FR 15868) is amended by revising paragraph (h) to read as follows:

§ 1843.3 Loan subsidy rates, claims, and payments.

• • • • • •

(h) *Current borrower, FmHA, and subsidy rates.*

[In percent]

Loan type	Interest rate to borrower	FmHA rate	Subsidy rate
OL	8¼	9¼	¼
EM for production purposes	5	9¼	4¼
EM for real estate	5	8½	3½
FO, SW, RL	5	8½	3½

(7 USC 1989; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70))

Effective date. This amendment shall become effective on February 18, 1975.

Dated: February 10, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4250 Filed 2-14-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-44]

PART 22—DRAWBACK

Drawback Statements From Manufacturers or Producers

Sections 22.4(h) and 22.6(a) of the Customs Regulations (19 CFR 22.4(h), 22.6(a)) require each manufacturer or producer of articles intended for exportation with benefit of drawback, to file a drawback statement with the regional commissioner of Customs where his drawback entries will be filed and liquidated. Sections 22.4(h) and 22.6(a) require that this statement be filed in triplicate or, in certain prescribed instances, in quadruplicate. A transfer of regulatory audit functions within the U.S. Customs Service now permits a reduction of one (1) in the number of copies of the drawback statement required to be filed with the regional commissioner, or, in certain cases, with the Commissioner of Customs.

Accordingly, §§ 22.4(h) and 22.6(a) of the Customs Regulations (19 CFR 22.4 (h), 22.6(a)), are amended as set forth below:

The first and second sentences of paragraph (h) of § 22.4 are revised to read as follows:

§ 22.4 Identification of imported merchandise and ascertainment of quantities for allowance of drawback; establishment of drawback rates.

• • • • • •

(h) Each manufacturer or producer shall submit to the regional commissioner where his drawback entries will be liquidated a statement in duplicate describing the methods which he will follow and the records which he will keep for the purpose of establishing that the articles upon which drawback will be claimed have been manufactured or produced in the United States with the use of imported duty-paid merchandise within the meaning of section 313(a), Tariff Act of 1930, and that the records of identification, manufacture, or production and storage prescribed in this section have been maintained. In the case of operations under section 313 (b), (d), or (g), Tariff Act of 1930, as amended, and in the case of operations under any combination of section 313(a) with section 313 (b), (d), or (g), the statement in triplicate shall be submitted to the Commissioner of Customs. • • •

• • • • • •

Paragraph (a) of § 22.6 is revised to read as follows:

§ 22.6 General drawback rates in effect; approval of drawback statements by Headquarters, U.S. Customs Service, and by regional commissioners.

(a) *Drawback statements; filing and approval by one regional commissioner.* Each manufacturer or producer of articles covered by a drawback rate in this section, except under paragraph (g-1), shall submit to the regional commissioner where drawback entries will be filed, a statement in duplicate describing the methods used in the manufacture or production of the products involved and setting forth the records it agrees to keep for the purpose of complying with the drawback law and regulations and for providing all the data required for the proper liquidation of certificates of manufacture and drawback entries filed hereunder. If the statement shows that the methods and records described therein enable the manufacturer or producer to comply with the law and regulations, the regional commissioner shall approve the statement and promptly notify the applicant, in writing, of such action. Statements and supplemental statements in triplicate relating to products covered by paragraph (g)(1) of this section shall be forwarded to Headquarters, United States Customs Service, for approval.

• • • • • •

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Inasmuch as these amendments merely relax present requirements and require no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments will be effective on February 18, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 7, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-4279 Filed 2-14-75;8:54 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

CHANGE IN SPONSOR NAME

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135 is amended in § 135.501(c) by revising code No. 034 to reflect the new corporate name as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

Code No.	*Firm name and address*
•	•
034	Smith Kline Animal Health Products, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101.
•	•

Effective date. This order shall be effective February 18, 1975.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 11, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-4283 Filed 2-14-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—GENERAL

[Docket No. R-75-317]

PART 200—INTRODUCTION

Subpart D—Delegations to Particular Positions

MISCELLANEOUS AMENDMENTS

The Department is reorganizing its Area Offices to facilitate and improve administration of various programs particularly those involving Housing Production and Mortgage Credit and Community Planning and Development. In each Area Office the Operations Division is being abolished and its respective housing production and community planning functions will now be performed by a new Housing Production and Mortgage Credit Division and a new Community Planning and Development Division. In addition, the position of Environmental Officer is being established and certain other organizational changes are being effected. The reorganization applies to all Area Offices and the Department considers that the public interest will benefit by the earliest possible implementation of this reorganization, even though certain Area Offices have not yet completed the necessary managerial and operating changes. Therefore, this reorganization becomes effective on February 18, 1975. Nevertheless, in those offices where the change cannot yet be effected, titles and positions existing prior to reorganization are being retained, during the transitional period, with all the duties, powers, and authority heretofore conferred upon those positions.

There is being published concurrently with this revision of 24 CFR, Part 200 a Notice of Redelegation by the Assistant Secretary for Community Planning and Development with respect to programs which he administers. Accordingly, subpart D of 24 CFR Part 200 is amended as follows:

1. In part 200, Subpart D, in the Table of Contents, the headings of §§ 200.110, 200.111, 200.112, 200.113, 200.114, 200.115, and 200.116 are revised as set forth below; and §§ 200.112a, 200.113a, and 200.127 are revoked as follows:

Sec.
200.110 Chief, Valuation Branch or Head, Single-Family Valuation Section and Commitment Appraiser.
200.111 Chief, Mortgage Credit Branch or Head, Single-Family Mortgage Credit Section and Commitment Mortgage Credit Examiner.
200.112 Chief, Mortgage Credit Branch or Head, Multi-Family Mortgage Credit Section.
200.112a [Revoked]
200.113 Director/Chief Underwriter or Chief, Multi-Family Branch.
200.113a [Revoked]
200.114 Director/Chief Underwriter or Chief, Single-Family Branch and Deputy Director/Deputy Chief Underwriter.
200.115 Director/Chief Underwriter or Chief, Multi-Family Branch and Multifamily Housing Representative.
200.116 Director/Chief Underwriter and Deputy Director/Deputy Chief Underwriter.
200.127 [Revoked]

2. In § 200.110 the title and text are revised to read as follows:

§ 200.110 Chief, Valuation Branch or Head, Single-Family Valuation Section and Commitment Appraiser.

To the position of Chief, Valuation Branch or Head, Single-Family Valuation Section, in each HUD Area Office, and under his general supervision to the position of Commitment Appraiser, there is delegated the following basic authority and function: To approve conditional commitments to insure 1- to 4-family housing and Title X project mortgages, *Provided, however,* That the issuance of feasibility letters, conditional commitments, or final commitments to insure projects in accordance with section 236 shall require the concurrence, indicated by signature, on the part of the Regional Administrator as to projects for which feasibility letters or conditional commitments were issued after December 15, 1972.

3. In § 200.111 the title and introductory text and paragraph (a) are revised to read as follows:

§ 200.111 Chief, Mortgage Credit Branch or Head, Single-Family Mortgage Credit Section and Commitment Mortgage Credit Examiner.

To the position of Chief, Mortgage Credit Branch or Head, Single-Family Mortgage Credit Section, in each HUD Area Office, and under his general supervision to the position of Commitment Mortgage Credit Examiner, there is delegated the following basic authority and functions:

(a) To approve firm commitments for, and to make interest assistance payment contracts in conjunction with, the insuring of 1- to 4-family housing and Title X project mortgages.

• • • • • •

4. In Subpart D, § 200.112 is revised to read as follows:

§ 200.112 Chief, Mortgage Credit Branch or Head, Multifamily Mortgage Credit Section.

To the position of Chief, Mortgage Credit Branch or Head, Multifamily Mortgage Credit Section, in each HUD Area Office, there is delegated the following basic authority and functions:

(a) To approve financial requirements for closing and execute and approve effective date interest reduction payment contracts for multifamily housing programs.

(b) To approve requests for approval of advances under a preliminary loan contract or under a contract for planning and land acquisition.

(c) To approve requests for approval of advances of funds and requisition of funds for non-permanently financed low-rent public housing.

(d) To approve determinations of minimum development cost for low-rent public housing.

§ 200.112a [Revoked]

5. In Subpart D, § 200.112a is revoked.

6. In § 200.113 the title, introductory text and paragraph (e) is added to read as follows:

§ 200.113 Director/Chief Underwriter or Chief, Multifamily Branch.

To the position of Director/Chief Underwriter or Chief, Multifamily Branch, in each HUD Area Office, there is delegated the following basic authority and functions:

(a) To direct underwriting processing for the insurance of mortgages in other than 1- to 4-family housing and Title X projects and establish and administer related processing target dates and construction starting dates, to approve preliminary underwriting determinations and recommend their acceptance for the insurance of mortgages in programs other than 1- to 4-family housing and Title X projects, to approve related construction advances and change orders, and to perform the functions and exercise the authorities as set forth in § 200.112.

• • • • • •

(c) To approve construction contract awards, acceptance of final inspections, and acceptance of certificates in lieu of audit or audit reports, all as related to the production of college housing.

• • • • • •

(e) To make reservations of rent supplement contract authority for section 236 projects.

§ 200.113a [Revoked]

7. In Subpart D, § 200.113a is revoked.

8. In § 200.114 the title, introductory text and paragraphs (b) and (c) are revised to read as follows:

§ 200.114 Director/Chief Underwriter or Chief, Single-Family Branch and Deputy Director/Deputy Chief Underwriter.

To the position of Director/Chief Underwriter or Chief, Single-Family Branch, and under his general supervision to the positions of Deputy Director/Deputy Chief Underwriter and Chief, Single-Family Branch, there is delegated the following basic authority and functions:

• • • • • •

(b) To establish and administer 1- to 4-family housing and Title X project mortgage insurance application processing target dates.

(c) To approve applications, subdivision reports, and construction changes related to the production of 1- to 4-family housing and Title X projects.

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9. In Subpart D, 200.115 is revised to read as follows:

§ 200.115 Director/Chief Underwriter or Chief, Multifamily Branch.

To the position of Director/Chief Underwriter or Chief, Multifamily Branch, in each HUD Area Office, and under his general supervision to the position of Multifamily Housing Representative, there is delegated the following basic authority and functions:

(a) To coordinate the participation in and support by those activities in the Area Office necessary to achieve required interprogram coordination in dealing with applications for (1) mortgage insurance in programs other than 1- to 4-family housing and Title X projects, (2) low-rent public housing, and (3) other subsidized housing projects.

(b) To approve findings of acceptability of proposals with respect to their completeness, compatibility with program policy, and, as applicable, the satisfaction of eligibility criteria.

10. In Subpart D, the heading, introductory text, and paragraph (a) of § 200.116 are revised to read as follows:

§ 200.116 Director/Chief Underwriter and Deputy Director/Deputy Chief Underwriter.

To the position of Director/Chief Underwriter, in each HUD Area Office, and under his general supervision to the position of Deputy Director/Deputy Chief Underwriter there is delegated the following basic authority and functions:

(a) To direct all activities essential to the insurance of mortgages, including the approval of determinations supporting feasibility letters, commitments and insurance endorsements, and the approval of cost certifications, eligibility statements, regulatory agreements, nonprofit sponsors and housing consultants, all as related to mortgages in programs other than 1- to 4-family housing and Title X projects; to establish and monitor adherence to related processing priorities and schedules, and to perform the functions and exercise the authorities set forth in §§ 200.113, 200.114, and 200.115.

• • • • •

11. In § 200.119, paragraph (b) is revised to read as follows:

§ 200.119 Designation of officials to perform certain functions with respect to the insurance of mortgages.

• • • • •

(b) *Officials designated.* The functions described in paragraph (a) of this section may be exercised by the officials appointed to the following positions:

(1) The Deputy Area Director.

(2) The Director/Chief Underwriter.

§ 200.127 [Revoked]

12. In Subpart D, § 200.127, *Area Office Chief Underwriter and Deputy Underwriter*, is revoked.

(Sec. 7(d) Dept. of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This revision shall be effective on February 18, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary-Commissioner.

[FR Doc. 75-4336 Filed 2-14-75;8:45 am]

[Docket No. R-75-313]

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Changes in Interest Rates

The following miscellaneous revisions have been made to this chapter to reduce from 9 percent to 8½ percent the maximum rate of interest for certain mortgage and loan insurance programs under the National Housing Act:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. Section 203.20(a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.74(a) is revised to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent, except that where an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

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Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirement

Section 207.7(a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage shall bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

1. Section 213.10(a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

Subpart C—Eligibility Requirement—Individual Properties Released From Project Mortgage

2. Section 213.511(a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply Sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

Section 220.576(a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

Section 221.518(a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

Section 232.29(a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

Subpart C—Eligibility Requirements—Supplemental Loans To Finance Purchase and Installation of Fire Safety Equipment

Section 232.560(a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8¾ percent per annum, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

Section 234.29(a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of receipt of the application.

• • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sale Projects

Section 235.540 is revised to read as follows:

§ 235.540 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interests at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 235, 82 Stat. 477; 12 U.S.C. 1715z)

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.15 is revised to read as follows:

§ 236.15 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 236, 52 Stat. 498; 12 U.S.C. 1715z-1)

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the loan may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 241, 82 Stat. 508, 12 U.S.C. 1715z-b)

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

Section 242.33 is revised to read as follows:

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§ 242.33 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies Sec. 242, 82 Stat. 5999; 12 U.S.C. 1715z–7)

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

Section 244.45(a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 8½ percent, except that where a letter inviting submission of an application for commitment was issued by the Secretary before January 21, 1975, or an application for commitment was received by the Secretary before January 21, 1975, the mortgage may bear interest at the maximum rate in effect at the time of issuance of the letter or receipt of the application.

• • • • •

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa–3)

Effective date. These amendments shall be effective on January 21, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.75–4300 Filed 2–14–75;8:45 am]

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INTRODUCTION

[Docket No. R–75–210]

PART 300—GENERAL

List of Attorneys-in-Fact

Section 300.11 is amended by revising paragraph (a) to show the addition of new paragraph (d), by adding to paragraph (c) additional names to the list of attorneys-in-fact authorized to act on behalf of the Association and by removing two names from the current list, and by adding a new paragraph (d).

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

1. Paragraph (a) of § 300.11 is revised to read as follows:

§ 300.11 Power of attorney.

(a) The Association does hereby make, constitute, and appoint each of the persons named in paragraphs (c) and (d) of this section its true and lawful attorney-in-fact, for the Association and in its name and stead:

• • • • •

2. Paragraph (c) of § 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

Name	*Region*
Hugh J. McConville	Dallas, Tex.
Jack Tuggle	Los Angeles, Calif.

3. Paragraph (c) of § 300.11 is further amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

Name	*Region*
Burleigh O. Burshem	Washington, D.C.
Frederick W. Mowatt	Do.

4. A new paragraph (d) is added as follows:

(d) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

Federal Home Loan Mortgage Corporation, created under the laws of the United States:

Philip R. Brinkerhoff	Washington, D.C.
Douglas R. Cottrell	Atlanta, Ga.
James W. Cotts	Pittsburgh, Pa.
Eugene F. Dunn	Lanham, Md.
Robert J. Eisenberg	Boston, Mass.
Kan Halterman	Little Rock, Ark.
Philip N. Harrington	Washington, D.C.
David G. Herold	Boston, Mass.
Rob L. Hollingsworth	Seattle, Wash.
John Horseman, Sr	Washington, D.C.
Victor H. Indiek	Do.
David S. Latimore	Atlanta, Ga.
Lee Linkroum	Los Angeles, Calif.
John E. Lott	Chicago, Ill.
Michael J. Materie	Seattle, Wash.
Michael S. Meyer	San Francisco, Calif.
Walter P. Moenning, Jr	Indianapolis, Ind.
Randall M. Nay	Des Moines, Iowa
Jerry C. Nelson	Little Rock, Ark.
Robert K. Ostengaard	Los Angeles, Calif.
Louis C. Paretti	New York, N.Y.
Edwin G. Pearce	Denver, Colo.
Paul Quinn	Do.
William R. Thomas, Jr	Cincinnati, Ohio
Clifford Walters	Chicago, Ill.

Effective date. This amendment shall be effective on February 18, 1975.

DANIEL P. KEARNEY,
President, Government National Mortgage Association.

[FR Doc.75–4301 Filed 2–14–75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 471]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Chambers	Unincorporated areas.	H 010026 01 through H 010026 15	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	County of Chambers, County Commissioners, County Courthouse, Lafayette, Ala. 36862.	Dec. 27, 1974.
Do	Cherokee	Centre, city of	H 010233 01 through H 010233 04	do	Mayor, City of Centre, City Hall, Centre, Ala. 35960.	Feb. 7, 1975.
Do	Geneva	Black, town of	H 010257 01 through H 010257 02	do	Town Manager, Town of Black, Black, Ala. 36314.	Do.
Do	St. Clair	Steele, town of	H 010291 01 through H 010291 03	do	Town Manager, Town of Steele, Steele, Ala. 35987.	Do.
California	Kern	Wasco, town of	H 060085A 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, Town of Wasco, 764 East St., Wasco, Calif. 93280.	May 17, 1974. Feb. 7, 1975.
Do	Stanislaus	Newman, city of	H 060388 01	do	Mayor, City of Newman, Newman, Calif. 95360.	Feb. 7, 1975.
Do	Contra Costa	Brentwood, city of.	H 060439 01	do	City manager, City of Brentwood, Brentwood, Calif. 94513.	Do.
Do	Plumas	Portola, city of	H 060456 01 through H 060456 02	do	City Manager, City of Portola, Portola, Calif. 96122.	Do.
Colorado	Douglas	Unincorporated areas.	H 080049 01 through H 080049 21	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Douglas County Planning Office, P.O. Box 940, Castle Rock, Colo. 80104.	Do.
Do	Montezuma	Dolores, town of	H 080122 01	do	Town Manager, Town of Dolores, Dolores, Colo. 81323.	Do.
Connecticut	Litchfield	Warren, town of	H 090175 01 H 090175 06	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Manager, Town of Warren, Warren, Conn. 06754.	Do.
Illinois	DuPage	Villa Park, village of.	H 170217A 01 through H 170217A 02	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Hall, Building Commissioner's Office, 20 South Ardmore Ave., Villa Park, Ill. 60181.	Mar. 8, 1974. Feb. 7, 1975.
Iowa	Crawford	Vail, town of	H 190101 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Town Manager, Town of Vail, Vail, Iowa 51465.	Do.
Do	Tama	Garwin, town of	H 190515 01	do	Town Manager, Town of Garwin, Garwin, Iowa 50632.	Do.
Kansas	Linn	Parker, city of	H 200198 01	Division of Water Resources, State Department of Agriculture, State Office Bldg., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, State House, Topeka, Kans. 66612.	Mayor, City of Parker, City Hall, Parker, Kans. 66072.	Do.
Do	Reno	Turon, city of	H 200369 01	do	Mayor, City of Turon, City Hall, Turon, Kans. 67583.	Do.
Louisiana	Red River Parish	Coushatta, town of.	H 220153A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town of Coushatta, Coushatta, La. 71019.	Apr. 12, 1974. Feb. 7, 1975.
Do	Webster Parish	Sibley, village of	H 220258 01 through H 220258 04	do	Village Manager, Village of Sibley, Sibley, La. 71073.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards flood hazards
Do.	Lincoln Parish	Simsboro, village of.	H 220312 01	do.	Village Manager, Village of Simsboro, Simsboro, La. 71275.	Do.
Do.	St. Helena Parish	Greensburg, town of.	H 220830 01	do.	Town Manager, Town of Greensburg, Greensburg, La. 70441.	Do.
Maine	Penobscot	Passadumkeag, town of.	H 230114 01 through H 230114 08	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Dept., Capitol Shopping Center, Augusta, Maine 04330.	First Selectman, Town Office, Passadumkeag, Maine 04475.	Do.
Do.	Oxford	Gilead, town of.	H 230166 01 through H 230166 02	do.	Town Manager, Town of Gilead, Town Hall, Gilead, Maine No ZIP.	Do.
Do.	Penobscot	Orrington, town of.	H 230180 01 through H 230180 14	do.	Town Manager, Town of Orrington, Town Hall, Orrington, Maine 04474.	Do.
Do.	York	Lebanon, town of.	H 230193 01 through H 230193 06	do.	Town Manager, Town of Lebanon, Town Hall, Lebanon, Maine No ZIP.	Do.
Do.	do	Lyman, town of.	H 230195 01 through H 230195 14	do.	Town Manager, Town of Lyman, Town Hall, Lyman, Maine No ZIP.	Do.
Do.	Lincoln	Boothbay, town of.	H 230212 01 through H 230212 04	do.	Town Manager, Town of Boothbay, Town Hall, Boothbay, Maine 04537.	Do.
Do.	Kennebec	Litchfield, town of.	H 230238 01 through H 230238 13	do.	Town Manager, Town of Litchfield, Town Hall, Litchfield, Maine 04350.	Do.
Do.	do	Vassalborough, town of.	H 230248 01 through H 230248 04	do.	Town Manager, Town of Vassalborough, Town Hall, Vassalborough, Maine 04989.	Do.
Do.	Waldo	Monroe, town of.	H 230260 01 through H 230260 13	do.	Town Manager, Town of Monroe, Town Hall, Monroe, Maine 04951.	Do.
Do.	do	Morrill, Town of.	H 230262 01 through H 230262 07	do.	Town Manager, Town of Morrill, Town Hall, Morrill, Maine 04952.	Do.
Do.	do	Stockton Springs, town of.	H 230266 01 through H 230266 04	do.	Town Manager, Town of Stockton Springs, Stockton Springs, Maine 04981.	Do.
Do.	do	Swanville, town of.	H 230267 01 through H 230267 09	do.	Town Manager, Town of Swanville, Town Hall, Swanville, Maine. No ZIP.	Do.
Do.	Washington	Whiting, town of.	H 230328 01 through H 230328 04	do.	Town Manager, Town of Whiting, Town Hall, Whiting, Maine 04691.	Do.
Do.	Oxford	Porter, town of.	H 230338 01 through H 230338 63	do.	Town Manager, Town of Porter, Town Hall, Porter, Maine 04068.	Do.
Do.	Franklin	Rangeley, town of.	H 230352 01 through H 230352 16	do.	Town Manager, Town of Rangeley, Town Hall, Rangeley, Maine 04970.	Do.
Do.	Penobscot	Burlington, town of.	H 230374 01 through H 230374 15	do.	Town Manager, Town of Burlington, Town Hall, Burlington, Maine 04417.	Do.
Do.	do	Clifton, town of.	H 230378 01 through H 230378 09	do.	Town Manager, Town of Clifton, Town Hall, Clifton, Maine. No ZIP.	Do.
Do.	do	Garland, town of.	H 230387 01 through H 230387 12	do.	Town Manager, Town of Garland, Town Hall, Garland, Maine 04939.	Do.
Do.	do	Holden, town of.	H 230390 01 through H 230390 09	do.	Town Manager, Town of Holden, Town Hall, Holden, Maine. No ZIP.	Do.
Do.	Piscataquis	Sangerville, town of.	H 230418 01 through H 230418 04	do.	Town Manager, Town of Sangerville, Town Hall, Sangerville, Maine 04479.	Do.
Do.	do	Williamantic, town of.	H 230437 01 through H 230437 02	do.	Town Manager, Town of Williamantic, Town Hall, Williamantic, Maine. No ZIP.	Do.
Do.	Aroostock	Benedicta, town of.	H 230420 01 through H 230420 06	do.	Town Manager, Town of Benedicta, Town Hall, Benedicta, Maine 04733.	Do.
Do.	do	Castle Hill, town of.	H 230422 01 through H 230422 04	do.	Town Manager, Town of Castle Hill, Castle Hill, Maine. No ZIP.	Do.
Do.	do	Monticello, town of.	H 230431 01 through H 230431 12	do.	Town Manager, Town of Monticello, Town Hall, Monticello, Maine 04760.	Do.
Do.	do	Cary, plantation of.	H 230441 01 through H 230441 02	do.	Maine Land Use Regulation Commission, State House, Plantation of Cary, Augusta, Maine 04330.	Do.
Do.	Penobscot	Garfield, plantation of.	H 230444 01 through H 230444 04	do.	Maine Land Use Regulation Commission, State House, Plantation of Garfield, Augusta, Maine 04330.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Aroostook	New Canada, plantation of.	H 230447 01 through H 230447 04	do.	Maine Land Use Regulation Commission, State House, Plantation of New Canada, Augusta, Maine 04330.	Do.
Do.	do	St. John, plantation of.	H 230448 01 through H 230448 05	do.	Maine Land Use Regulation Commission, State House, Plantation of St. John, Augusta, Maine 04330.	Do.
Do.	do	Wallagrass, plantation of.	H 230449 01 through H 230449 03	do.	Maine Land Use Regulation Commission, State House, Plantation of Wallagrass, Augusta, Maine 04330.	Do.
Do.	do	Winterville, plantation of.	H 230450 01 through H 230450 04	do.	Maine Land Use Regulation Commission, State House, Plantation of Winterville, Augusta, Maine 04330.	Do.
Do.	do	T1F-R4 Wels, township of.	H 230453 01 through H 230453 03	do.	Maine Land Use Regulation Commission, State House, Plantation of T1F-R4 Wels, Augusta, Maine 04330.	Do.
Do.	do	T17-R5 Wels, township of.	H 230454 01 through H 230454 04	do.	Maine Land Use Regulation Commission, State House, Township of T17-R5 Wels, Augusta, Maine 04330.	Do.
Do.	Hancock	T08-SD, township of.	H 230458 01	do.	Maine Land Use Regulation Commission, State House, Township of T08-SD, Augusta, Maine 04330.	Do.
Do.	Somerset	Rockwood Strip, township of (T01-R01-NBKP).	H 230467 01 through H 230467 04	do.	Maine Land Use Regulation Commission, Township of Rockwood Strip, State House, Augusta, Maine 04330.	Do.
Maryland	Allegany	Unincorporated areas.	H 240001 01 through H 240001 27	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Chairman, Board of County Commissioners, County of Allegany, Cumberland, Md. 21502.	Do.
Do.	Cecil	Northeast, town of.	H 240023 01	do.	Town Manager, Town of Northeast, Town Hall, Northeast, Md. 21901.	Do.
Do.	Charles	Unincorporated areas.	H 240039 01 through H 240039 44	do.	Office of the County Administrator, Charles County Courthouse, Room 101, La Plata, Md. 20646.	Do.
Massachusetts	Barnstable	Barnstable, town of.	H 250001 01 through H 250001 29	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Clerk's Office, Town of Barnstable, Town Office Bldg., Hyannis, Mass. 02601.	Do.
Do.	Franklin	Leyden, town of.	H 250121 01 through H 250121 06	do.	Town Manager, Town of Leyden, Town Hall, Leyden, Mass. No ZIP.	Do.
Michigan	Wayne	Detroit, city of.	H 260222A 01 through H 260222A 43	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer Street, Lansing, Mich. 48913.	Water Board Building, Room 901, 735 Randolph, Detroit, Mich. 48226.	July 26, 1974; Feb. 7, 1975.
Do.	Kalamazoo	Augusta, village of.	H 260312A 01	do.	Village Manager, Village Hall, Village of Augusta, Augusta, Mich. 49012.	Mar. 8, 1974; Feb. 7, 1975.
Minnesota	Morrison	Genola, city of.	H 270296 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Genola, City Hall, Genola, Minn. 56365.	Do.
Do.	Wadena	Aldrich, city of.	H 270492 01	do.	Mayor, City of Aldrich, City Hall, Aldrich, Minn. 54634.	Do.
Mississippi	Attala	Ethel, town of.	H 28006 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Town Manager, Town of Ethel, Ethel, Miss. 39067.	Do.
Do.	Newton	Union, town of.	H 280122 01 through H 280122 02	do.	Town Manager, Town of Union, Union, Miss. 39668.	Do.
Do.	Scott	Sebastopol, village of.	H 280151 01	do.	Village Manager, Village of Sebastopol, Sebastopol, Miss. 39359.	Do.
Missouri	Mississippi	Wilson City, village of.	H 290235 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High Street, Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Village Manager, Village of Wilson City, Wilson City, Mo. No ZIP	Do.
Do.	Pemiscott	Bragg City, city of.	H 290274 01	do.	Mayor, City Hall, Bragg City, Mo. 63827.	Do.
Do.	St. Clair	Appleton, city of.	H 290281 01	do.	City Manager, City of Appleton, Appleton, Mo. 64724.	Do.
Do.	Pike	Annada, village of.	H 290287 01	do.	Mayor, City Hall, Annada, Mo. 63330.	Do.
Do.	Clinton	Trimble, city of.	H 290510 01	do.	City Manager, City of Trimble, Trimble, Mo. 64492.	Do.
Do.	Grundy	Spickard, city of.	H 290530 01	do.	City Manager, City of Spickard, Spickard, Mo. 64679.	Do.
Do.	Maries	Vienna, city of.	H 290647 01	do.	City Manager, City of Vienna, Vienna, Mo. 65582.	Do.
Do.	Warren	Warrenton, city of.	H 290648 01 through H 290648 02	do.	City Manager, City of Warrenton, Warrenton, Mo. 63383.	Do.
Do.	do	Wright City, city of.	H 290654 01	do.	Mayor, City Hall, City of Wright City, Wright City, Mo. 63390.	Do.
Do.	Pulaski	St. Robert, city of.	H 290662 01 through H 290662 04	do.	City Manager, City of St. Roberts, St. Roberts, Mo. 65583.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Charlton	Salisbury, city of	H 290663 01	do	City Manager, City of Salisbury, Salisbury, Mo. 65381.	Do.
Do.	Ralls	Perry, city of	H 290676 01	do	City Manager, City of Perry, Perry, Mo. 63462.	Do.
Do.	Webster	Marshfield, city of.	H 290685 01 through H 290685 02	do	City Manager, City of Marshfield, Marshfield, Mo. 65706.	Do.
Do.	Clinton	Lathrop, city of	H 290704 01 through H 290704 02	do	City Manager, City of Lathrop, Lathrop, Mo. 64465.	Do.
Do.	Daviess	Jamesport, city of	H 290721 01	do	City Manager, City of Jamesport, Jamesport, Mo. 64648.	Do.
Do.	Taney	Forsyth, city of	H 290731 01	do	City Manager, City of Forsyth, Forsyth, Mo. 65653.	Do.
Do.	Lafayette	Concordia, city of	H 290745 01	do	City Manager, City of Concordia, Concordia, Mo. 64020.	Do.
Do.	St. Francis	Bismarck, city of	H 290758 01	do	City Manager, City of Bismarck, Bismarck, Mo. 63624.	Do.
Do.	Caldwell	Breckenridge, city of.	H 290760 01	do	City Manager, Breckenridge City, Breckenridge, Mo. 64625.	Do.
Montana	Sanders	Thompson Falls, town of.	H 300130 01	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Town Manager, Town of Thompson Falls, Thompson Falls, Mont. 59349.	Do.
Nebraska	Fillmore	Geneva, city of	H 310370	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City of Geneva, City Hall, Geneva, Nebr. 68361.	Do.
New Hampshire	Strafford	Milton, town of	H 330149 01 through H 330149 06	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main Street, Concord, N.H. 03301.	Town Manager, Town of Milton, Town Hall, Milton, N.H. 03851.	Do.
Do.	Merrimack	Hill, town of	H 330214 01 through H 330214 06	do	Town Manager, Town of Hill, Town Hall, Hill, N.H. 03243.	Do.
Do.	Strafford	New Durham, town of.	H 330227 01 through H 330227 07	do	Town Manager, Town of New Durham, Town Hall, New Durham, N.H. 03855.	Do.
New Jersey	Burlington	Eastampton, township of.	H 340036A 01 through H 340036A 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Clerks Office, Eastampton Township, Municipal Bldg., 1040 Carol Ct., Mt. Holly, N.J. 08060.	Oct. 5, 1973. Feb. 7, 1975.
Do.	do	Tabernacle, township of.	H 340533 01	do	Township Manager, Township of Tabernacle, Tabernacle, N.J. No ZIP.	Feb. 7, 1975.
Do.	Cumberland	Deerfield, township of.	H 340553 01 through H 340553 07	do	Town Manager, Town of Deerfield, Town Hall, Deerfield, N.J. 08313.	Do.
New Mexico	Sierra	Truth or Consequences, city of.	H 350073A 01 through H 350073A 04	State Engineer's Office, Bataan Memorial Building, Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Sante Fe, N. Mex. 87501.	City Hall, 605 Sims, Truth or Consequences, N. Mex. 87901.	June 28, 1974. Feb. 7, 1975.
New York	Broome	Chenango, town of.	H 360040A 01 through H 360040A 09	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Town Manager, Town of Chenango, Chenango, N.Y. 13745.	Mar. 8, 1974. Feb. 7, 1975.
Do.	do	Dickinson, town of	H 360044A 01 through H 360044A 06	do	Town Manager, Town of Dickinson, Dickinson, N.Y. 12930.	Mar. 8, 1974.
Do.	do	Fenton, town of	H 360046A 01 through H 360046A 08	do	Town Manager, Town of Fenton, Fenton, N.Y. No ZIP.	May 3, 1974. Feb. 7, 1975.
Do.	Jefferson	Champion, town of.	H 360825A 01 through H 360825A 05	do	Town Manager, Town of Champion, Champion, N.Y. 13019.	May 31, 1974. Feb. 7, 1975.
Do.	Livingston	Caledonia, village of.	H 360881 01 through H 360881 02	do	Village Manager, Village of Caledonia, Caledonia, N.Y. 14423.	Do.
Do.	Washington	Fort Edward, town of.	H 360885 01 through H 360885 09	do	Town Manager, Town of Fort Edward, Town Hall, Fort Edward, N.Y. 12828.	Do.
Do.	Ohenange	Smithville, town of.	H 361040 01 through H 361040 04	do	Town Manager, Town of Smithville, Town Hall, Smithville, N.Y. 13685.	Do.
Do.	Orleans	Ridgeway, town of.	H 361257 01 through H 361257 14	do	Town Manager, Town of Ridgeway, Town Hall, Ridgeway, N.Y. No ZIP.	Do.
Do.	Oswego	Palermo, town of	H 361263 01 through H 361263 12	do	Town Manager, Town of Palermo, Town Hall, Palermo, N.Y. No ZIP.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Clinton	Dannemora, town of.	H 361381 01 through H 361381 05	do	Town Manager, Town of Dannemora, Town Hall, Dannemora, N.Y. 12929.	Do.
Do.	St. Lawrence	Hermon, town of	H 361424 01 through H 361424 15	do	Town Manager, Town of Hermon, Town Hall, Hermon, N.Y. 13652.	Do.
Do.	Ulster	Denning, town of	H 361439 01 through H 361439 07	do	Town Manager, Town of Benning, Town Hall, Benning, N.Y. No ZIP.	Do.
Do.	Catario	Clifton Springs, village of.	H 361450 04	do	Village Manager, Village of Clifton Springs, Clifton Springs, N.Y. 14432.	Do.
Do.	Dutchess	Pawling, village of.	H 361517 01 through H 361517 02	do	Village Manager, Village of Pawling, Pawling, N.Y. 12564.	Do.
Do.	Suffolk	Huntington, village of.	H 361543 01 through H 361543 02	do	Village Manager, Village of Huntington Bay, Huntington Bay, N.Y. 11743.	Do.
North Carolina	Rockingham	Eden, city of	H 370206A 01 through H 370206A 05	Division of Community Assistance Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Municipal Building, City of Eden, 359 West Stadium Dr., Eden, N.C. 27288.	Oct. 12, 1973. Feb. 7, 1975.
Do.	Tyrrell	Unincorporated areas.	H 370232 01 through H 370232 13	do	County Commissioners, County Courthouse, County of Tyrrell, Columbia, N.C. 27925.	Dec. 27, 1974.
North Dakota	Stark	Dickenson, city of	H 380117A 01 through H 380117A 02	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Hall, City of Dickenson, 122 2d Ave. West, Dickenson, N. Dak. 58601.	Feb. 1, 1974. Feb. 7, 1975.
Do.	Burke	Flaxton, city of	H 380169 01	do	Mayor, City of Flaxton, City Hall, Flaxton, N. Dak. 58737.	Feb. 7, 1975.
Do.	do	Portal, city of	H 380196 01	do	Mayor, City of Portal, City Hall, Portal, N. Dak. 58772.	Do.
Do.	do	Bow Bells, city of	H 380216 01	do	City Manager, City of Bow Bells, Bow Bells, N. Dak. 58721.	Do.
Ohio	Delaware	Galena, village of	H 390149 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Village of Galena, Galena, Ohio 43224.	Feb. 15, 1974. Feb. 7, 1975.
Do.	Hamilton	Madeira, city of	H 390225 01 through H 390225 04	do	City Manager, Municipal Bldg., 7141 Miami Ave., Madeira, Ohio 45243.	Do.
Do.	Ross	Unincorportaed areas.	H 390480 01 through H 390480 07	do	County Board of Commissioners, County of Ross, Chillicothe, Ohio 35601.	Do.
Do.	Belmont	Bethesda, village of.	H 390674 01 through H 390674 02	do	Village Manager, Village of Bethesda, Bethesda, Ohio 43719.	Do.
Do.	Brown	Higginsport, village of.	H 390677 01	do	Village Manager, Village of Higginsport, Higginsport, Ohio 45131.	Do.
Do.	Clark	North Hampton, village of.	H 390679 01	do	Village Manager, Village of North Hampton, North Hampton, Ohio 45349.	Do.
Do.	Cuyahoga	Bentleyville, village of.	H 390682 01	do	Village Manager, Village of Bentleyville, Bentleyville, Ohio No ZIP.	Do.
Do.	Perry	Hemlock, village of.	H 390708 01	do	Village Manager, Village of Hemlock, Hemlock, Ohio 43743.	Do.
Do.	do	New Straitsville, village of.	H 390709 01 through H 390709 04	do	Village Manager, Village of Straitsville, New Straitsville, Ohio 43766.	Do.
Do.	do	Shawnee, village of.	H 390710 01	do	Village Manager, Village of Shawnee, Shawnee, Ohio 43782.	Do.
Do.	Pickaway	Darbyville, village of.	H 390712 01	do	Village Manager, Village of Darbyville, Darbyville, Ohio. No ZIP.	Do.
Do.	Summit	Northfield, village of.	H 390726 01 through H 390726 02	do	Village Manager, Village of Northfield, Northfield, Ohio 44067.	Do.
Do.	Athens	Buchtel, village of	H 390728 01	do	Village Manager, Village of Buchtel, Buchtel, Ohio. No ZIP.	Do.
Oklahoma	Ottawa	Afton, town of	H 400155 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73106.	Town Manager	Do.
Oregon	Benton	Philomath, city of.	H 410011A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Oreg. 97310.	Mayor, City of Philomath, City Hall, Philomath, Oreg. 97370.	Feb. 22, 1974. Feb. 7, 1975.
Do.	Malheur	Jordan Valley, city of.	H 410150 01	do	Mayor, City of Jordan Valley, City Hall, Jordan Valley, Oreg. 97910.	Do.
Do.	Polk	Unincorporated areas.	H 410186 01 through H 410186 23	do	County Board of Commissioners, County of Polk, Dallas, Oreg. 97880.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Lycoming	Muncy, borough of.	H 420849B 01	Pennsylvania Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Bldg., 5 Main Street, Muncy, Pa. 17756.	Aug. 24, 1973; Mar. 29, 1974. Feb. 7, 1975.
Do	Washington	Monongahela, city of.	H 420856 01 through H 420856 04.	do	City Clerk, City of Monongahela, Monongahela, Pa. 15063.	Do.
Do	Westmoreland	Hunker, borough of.	H 420880 01	do	Mayor, City Hall, Hunker, Pa. 15639.	Do.
Do	Adams	Littlestown, borough of.	H 421244 01 through H 421244 03	do	Mayor, 16 Maple Ave., Littlestown, Pa. 17340.	Do.
Do	do	Cumberland, township of.	H 421249 01 through H 421249 12	do	Chairman Board of Supervisors, Township of Cumberland, R.D. No. 1, Gettysburg, Pa. 17325.	Do.
Do	do	Mount Pleasant, township of.	H 421258 01	do	Chairman Board of Supervisors, R.D. No. 4, Hanover, Pa. 17331.	Do.
Do	Bedford	Southampton, township of.	H 341351 01 through H 421351 05	do	Chairman Board of Supervisors, Star Route, Artemas, Pa.	Do.
Do	Blair	Antis, township of.	H 421389 01 through H 421389 17	do	Chairman Board of Supervisors, Township of Antis, 909 North 2d St., Bellwood, Pa. 16617.	Dec. 27, 1974.
Do	Carbon	Packer, township of.	H 421456 01 through H 421456 11	do	Chairman, Board of Supervisors, Township of Packer, R.D. 1, Weatherly, Pa. 18255.	Do.
Do	Columbia	Madison, township of.	H 421553 01 through H 421553 13	do	Chairman, Board of Supervisors, R.D. 1, Bloomsburg, Pa. 17815.	Feb. 7, 1975.
Do	Cumberland	West Pennsboro, township of.	H 421590 01 through H 421590 10	do	Chairman, Board of Supervisors, R.D. 1, Newville, Pa. 17241.	Do.
Do	Indiana	Washington, township of.	H 421722 01 through H 421722 11	do	Chairman, Board of Supervisors, Township of Washington, R.D. 1, Creekside, Pa. 15732.	Dec. 27, 1974.
Do	Juniata	Delaware, township of.	H 421759 01 through H 421759 09	do	Chairman, Board of Supervisors, R.D. 2, Mifflintown, Pa. 17059.	Feb. 7, 1975.
Do	Mercer	Wilmington, township of.	H 421873 01 through H 421873 06	do	Chairman, Board of Supervisors, R.D. 2, New Wilmington, Pa. 16142.	Do.
Do	Potter	Stewardson, township of.	H 421988 01 through H 421988 20	do	Chairman, Board of Supervisors, Township of Stewardson, Cross Fork, Pa. 17729.	Do.
Do	Schuylkill	Delano, township of.	H 422001 01 through H 422001 04	do	Chairman, Board of Supervisors, Hazle Street, Delano, Pa. 18220.	Do.
Do	Susquehanna	Jackson, township of.	H 422063 01 through H 422063 08	do	Chairman, Board of Supervisors, R.D. 1, Susquehanna, Pa. 18847.	Do.
Do	Warren	Conewango, township of.	H 422117 01 through H 422117 11	do	Chairman, Board of Supervisors, Township of Conewango, 20 North State St., North Warren, Pa. 16365.	Do.
Do	Washington	North Franklin, township of.	H 422150 01 through H 422150 04	do	Chairman, Board of Supervisors, 620 Franklin Farms Rd., Washington, Pa. 15301.	Do.
Do	Wayne	Mount Pleasant, township of.	H 422169 01 through H 422169 13	do	Chairman, Board of Supervisors, R.D. 1, Pleasant Mount, Pa. 18453.	Do.
Do	York	Fawn, township of.	H 422219 01 through H 422219 13	do	Chairman, Board of Supervisors, Township of Fawn, New Park, Pa. 17352.	Dec. 27, 1975.
Do	do	North Codorus, township of.	H 422227 01 through H 422227 16	do	Chairman, Board of Supervisors, R.D. 1, Spring Grove, Pa. 17362.	Feb. 7, 1975.
Do	Blair	Newry, borough of.	H 422333 01	do	Mayor, City Hall, Newry, Pa. 16665.	Do.
Do	Franklin	Fannett, township of.	H 422424 01	do	Chairman, Board of Supervisors, Township of Fannett, Amberson, Pa. 17210	Do.
Do	Fulton	Ayr, township of.	H 422428 01 through H 422428 14	do	Chairman, Board of Supervisors, Township of Ayr, Big Cove Tannery Pa. 17212.	Do.
Do	do	Bethel, township of.	H 422429 01 through H 422429 10	do	Chairman, Board of Supervisors, Township of Bethel, Rt. 2, Hancock, Md. 21750.	Dec. 27, 1974.
Do	Jefferson	Washington, township of.	H 422451 01 through H 422451 15	do	Chairman, Board of Supervisors, R.D. 2, Reynoldsville, Pa. 15851.	Feb. 7, 1975.
Do	Lawrence	do	H 422468 01 through H 422468 02	do	Chairman, Board of Supervisors, R.D. 2, Volant, Pa. 16156.	Do.
Do	Lycoming	Bastress, township of.	H 422472 01 through H 422472 04	do	Chairman, Board of Supervisors, R.D. 3, Williamsport, Pa. 17701.	Do.
Do	Northumberland	E. Chillisquaque, township of.	H 422599 01 through H 422599 03	do	Chairman, Board of Supervisors, R.D. 1, Milton, Pa. 17847.	Do.
Do	Elk	Benezett, township of.	H 422612 01 through H 422612 08	do	Chairman, Board of Supervisors, Township of Benezett, Benezett, Pa. 15821.	Do.
South Carolina	Berkeley	Jamestown, town of.	H 450220 01	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town of Jamestown, Jamestown, S.C. 29453.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
South Dakota	Spink	Doland, town of	H 460079 01	South Dakota Planning Agency, Office of Executive Management, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Town Manager, Town of Doland, Doland, S. Dak. 57436.	Do.
Do	Charles Mix	Lake Andes, city of.	H 460187 01	do	City Manager, City of Lake Andes, Lake Andes, S. Dak. 57356.	Do.
Do	Lawrence	Lead, city of	H 460190 01	do	Mayor, City of Lead, City Hall, Lead, S. Dak. 57754.	Do.
Do	Roberts	Wilmot, city of	H 460229 01	do	Mayor, City of Wilmot, City Hall, Wilmot, S. Dak. 57279.	Do.
Tennessee	Madison	Adair, town of	H 470234 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Town Hall, Town of Adair, Adair, Tenn.	Do.
Do	Van Buren	Spencer, town of	H 470239 01 through H 470239 02	do	Mayor, Town of Spencer, Town Office Bldg., Spencer, Tenn. 38585.	Do.
Texas	Collin and Denton.	Renner, town of	H 480142 01 through H 480142 03	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, Town of Renner, Town Hall, Renner, Tex. 75079.	Do.
Do	Fell	Temple, city of	H 480276 01 through H 480276 10	do	City Mayor, City of Temple, Temple, Tex. 76501.	Mar. 1, 1974.
Do	Karnes	Karnes City, city of.	H 480465A 01	do	Mayor, City of Karnes City, City Hall, Karnes City, Tex. 78118.	May 10, 1974. Feb. 7, 1974.
Do	Tarrant	Unincorporated areas.	H 480582 01 through H 480582 37	do	The Department of Public Works, Tarrant County Courthouse, Fort Worth, Tex. 76102.	Do.
Do	Hays	Buda, town of	H 480656 01	do	Town Manager, Town of Buda, Buda, Tex. 78610.	Do.
Do	Travis	Rollingwood, city of.	H 481029 01	do	Mayor, City of Rollingwood, City Hall, Rollingwood, Tex.	Do.
Do	do	West Lake Hills, city of.	H 481030 01 through H 481030 02	do	Mayor, City of West Lake Hills, City Hall, West Lake Hills, Tex.	Do.
Do	Williamson	Granger, city of	H 481046 01	do	Mayor, City of Granger, City Hall, Granger, Tex. 76530.	Do.
Utah	Emery	Emery, town of	H 490060 01 through H 490060 02	Utah Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mrs. Virginia J. Sorensen, Emery Town Clerk, Town of Emery, Emery, Utah 84522.	Do.
Do	Garfield	Hatch, town of	H 490068 01	do	Mayor, City Hall, Town of Hatch, Hatch, Utah 84735.	Do.
Do	do	Henrieville, town of.	H 490069 01	do	Mayor, Town of Henrieville, City Bldg., Henrieville, Utah 84736.	Do.
Do	do	Tropic, town of	H 490071 01	do	Mayor, City Bldg., Town of Tropic, Tropic, Utah 84776.	Do.
Do	Millard	Oak City, town of	H 490090 01	do	Mayor, Town of Oak City, Oak City, Utah 84649.	Do.
Do	Utah	Cedar Fort, town of.	H 490153 01	do	Town Council, Town of Cedar Fort, Cedar Fort, Utah 84043.	Do.
Do	do	Genola, town of	H 490154 01 through H 490154 05	do	Town Council, Town of Genola, City Hall, Genola, Utah 84651.	Do.
Do	do	Goshen, town of	H 490155 01	do	Town Council, Town of Goshen, City Hall, Genola, Utah 84651.	Do.
Do	do	Lehi, city of	H 490209 01 through H 490209 03	do	City Hall, 51 North Center, Lehi, Utah 84042.	Do.
Do	Weber	Roy, city of	H 490223 01 through H 490223 04	do	Mayor, City of Roy, City Hall, Roy, Utah 84067.	Do.
Do	Addison	Shoreham, town of.	H 500171 01 through H 500171 04	do	Town Manager, Town of Shoreham, Shoreham, Utah 05770.	Do.
Do	Caledonia	Sheffield, town of.	H 500194 01 through H 500194 05	do	Town Manager, Town of Sheffield, Sheffield, Utah 05866.	Do.
Do	Franklin	Bakersfield, town of.	H 500216 01 through H 500216 04	do	Town Manager, Town of Bakersfield, Bakersfield, Utah 05441.	Do.
Do	do	Georgia, town of.	H 500217 01 through H 500217 03	do	Town Manager, Town of Georgia, Georgia, Utah.	Do.
Do	Rutland	Rutland, town of.	H 500267 01 through H 500267 06	do	Mayor, Town of Rutland, Town Hall, Rutland, Utah 05701.	Do.
Virginia	Accomack	Saxis, town of	H 510003 01	Virginia Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., Richmond, Va. 23209.	Town Manager, Town of Saxis, Saxis, Va. 23427.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Bland	Unincorporated areas.	H 510017 01 through H 510017 27	do	Chairman, Board of County Commissioners, Bland County, Bluefield, Va. 24605.	Do.
Do	Mecklenburg	do	H 510189 01 through H 510189 42	do	Office of County Administrator, Farm Bureau Bldg., Boydton, Va. 23917.	Do.
Washington	Asotin	Clarkston, city of	H 530009A 01	Washington Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, City of Clarkston, City Hall, Clarkston, Wash. 99403.	Do.
Do	Grant	Moses Lake, city of.	H 530053A 01 through H 530053A 05	do	Moses Lake City Hall, 321 South Balsam, Moses Lake, Wash. 98837.	Apr. 5, 1974; Feb. 7, 1975.
Do	Pacific	Raymond, city of.	H 530129 01	do	Raymond City Hall, 310 Commercial St. Raymond, Wash. 98577	Do.
Do	Lewis	Mossyrock, city of.	H 530235 01	do	Mayor, City of Mossyrock, City Hall, Mossyrock, Wash. 98564.	Do.
West Virginia	Braxton	Sutton, town of	H 540236 01	Flood Insurance Department, Office of Federal-State Relations, Division of Planning and Development, State Capitol Bldg., R 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, Bldg. No. 3, Room 643, 1800 Wash. St., Charleston, W. Va. 25305.	Town Manager, Town of Sutton, Sutton, W. Va.	Do.
Do	Mason	Point Pleasant, city of.	H 540250 01 through H 540250 09	do	Mayor, City of Point Pleasant, Point Pleasant, W. Va. 25550.	Do.
Wisconsin	Dane	Unincorporated areas.	H 550077 01 through H 550077 10	Wisconsin Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Chairman, Board of Commissioners, County of Dane, Madison, Wis. 53701.	Do.
Do	Manitowoc	do	H 550236 01 through H 550236 04	do	Manitowoc County Planning and Park Commission, 1701 Michigan Ave., Manitowoc, Wis. 54220.	Do.
Wyoming	Albany	Rock River, city of.	H 560003 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Wyoming Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, City of Rock River, Rock River, Wyo. 82083.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 31, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4088 Filed 2-14-75;8:45 am]

[Docket No. FI 477]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Where two dates appear in the column marked effective date of identification, the first listing refers to the initial identification of areas having special flood hazards, and the second date refers to additional areas identified. Accordingly, Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Houston	Unincorporated areas.	H 010008 01 through H 010008 08	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	County Board of Commissioners, Houston County, County Courthouse, Dothan, Ala. 35572.	Feb. 14, 1975.
Do	Pickens	Gordo, town of	H 010220 01 through H 010220 04	do	City Hall, Main St., Gordo, Ala. 35466.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Bibb	Unincorporated areas	H 010226 01 through H 010226 08	do	County Board of Commissioners, Bibb County, County Courthouse, Brent, Ala. 35034.	Do.
Do	Marshall	Boaz, city of	H 010276 01 through H 010276 05	do	Mayor, City Hall, Boaz, Ala. 35957.	Do.
Arkansas	Polk	Hatfield, town of	H 050253 01 through H 050253 04	Division of Soil and Water Resources, State Dept. of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Dept., 400 University Tower Bldg., Little Rock, Ark. 72204.	Town Council, Town of Hatfield, Hatfield, Ark. 71945.	Do.
Do	Sebastian	Barling, city of	H 050305 01	do	Mayor of Barling, Barling, Ark. 72923.	Do.
Do	Howard	Dierks, city of	H 050320 01	do	Mayor of Dierks, Dierks, Ark. 71833.	Do.
Do	Baxter	Mountain Home, city of.	H 050351 01 through H 050351 04	do	Mayor of Mountain Home, Mountain Home, Ark. 72653.	Do.
California	Alameda	Fremont, city of	H 065028 01 through H 065028 30	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	City Hall, City of Fremont, Fremont, Calif. 94538.	Do.
Do	do	Hayward, city of	H 065033 01 through H 065033 23	do	Mayor, City Hall, Hayward, Calif. 94540.	Do.
Do	Tulare	Unincorporated areas.	H 065066 01 through H 065066 29	do	Tulare County Planning Department, County Civic Center, Room 107, Courthouse, Visalia, Calif. 93277.	Do.
Connecticut	Litchfield	Norfolk, town of	H 090181 01 through H 090181 11	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Council, Town of Norfolk, Norfolk, Conn. 06058.	Do.
Florida	Bradford	Unincorporated areas.	H 120015 01 through H 120015 12	Department of Community Affairs, 2571 Ex. Center Circle E., Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	County Board of Commissioners, County Courthouse, County of Bradford, Starke, Fla. 33091.	Do.
Do	Seminole	Sanford, city of	H 120294A 01 through H 120294A 04	do	Sanford City Hall, P.O. Box 1778, Sanford, Fla. 32771.	Aug. 16, 1974; Do.
Do	Wakulla	Unincorporated areas.	H 120315 01 through H 120315 05	do	Wakulla County Courthouse, Crawfordville, Fla. 32327.	Feb. 14, 1975.
Georgia	Berrien	Nashville, city of	H 130008 01 through H 130008 05	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Clerk's Office, City Hall, 405 West Washington St.,	Do.
Do	Berrien	Ray City, town of.	H 130009 01	do	Clerk's Office, Town of Ray City; Town Hall, Main St., Ray City, Ga. 31645.	Do.
Do	Cook	Sparks, town of	H 130061 01 through H 130061 02	do	Clerk's Office, Town of Sparks, P.O. Box 136, Colquitt St., Sparks, Ga. 31647.	Do.
Illinois	do	Country Club Hills.	H 170078A 01 through H 170078A 02	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 325 West Jefferson St., Springfield, Ill. 62702.	City of Country Club Hills, 3700 West 175th Pl., Country Club Hills, Ill. 60477.	Apr. 5, 1974; Feb. 14, 1975.
Do	Rock Island	Cordova, village of.	H 170586A 01	do	Mayor, Village Hall, Cordova, Ill. 61242.	Mar. 15, 1974; Feb. 14, 1975.
Do	do	Hampton, village of.	H 170588A 01	do	Mayor, City Hall, Hampton, Ill. 61256.	Mar. 1, 1974; Feb. 14, 1975.
Do	do	Port Byron, village of.	H 170592A 01	do	Village Hall, Village of Port Byron, 101 North Main, Port Byron, Ill. 61275.	Mar. 22, 1974; Feb. 14, 1975.
Do	do	Rapids City, village of.	H 170593A 01	do	Mayor, Village Hall, Rapids City, Ill. 61278.	Mar. 22, 1974;
Do	Whiteside	Albany, village of	H 170688A 01	do	Office of the Zoning Officer, Village of Albany, Municipal Bldg., Lime and Union Stations, Albany, Ill. 61230.	Apr. 5, 1974; Feb. 14, 1975.
Do	do	Fulton, city of	H 170690A 01 through H 170690A 02	do	City Council, Water Works Office, Fulton, Ill. 61252.	May 31, 1974; Feb. 14, 1975.
Do	Will	Frankfort, township of.	H 170701 01 through H 170701 12	do	Mayor, City Hall, Will County, Frankfort, Ill. 60423.	Do.
Iowa	Lucas	Fredonia, town of	H 190308 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, Town of Fredonia, Fredonia, Iowa. No ZIP.	Do.
Kansas	Rush	Alexander, city of	H 200307 01	Division of Water Resources, State Department of Agriculture, State Office Bldg., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Alexander, Kans. 67513.	Do.
Do	Nemaha	Wetmore, city of	H 200376 01	do	Mayor of Wetmore, Wetmore, Kans. 66550.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kentucky	Marshall	Calvert City, town of.	H 210164A 01 through H 210164A 02	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Calvert City, Ky. 42029	Feb. 1, 1974. Feb. 14, 1975.
Maine	Oxford	Roxbury, town of.	H 230181 01 through H 230181 03	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Council, Town of Roxbury, Roxbury, Maine 04275.	Do.
Do	Cumberland	Baldwin, town of.	H 230200 01 through H 230200 04	do	Town Council, Town of Baldwin, Baldwin, Maine. No ZIP.	Do.
Do	Lincoln	Boothbay Harbor, town of.	H 230213 01 through H 230213 05	do	Town Council, Town of Boothbay Harbor, Boothbay Harbor, Maine 04538.	Do.
Do	do	Damariscotta, town of.	H 230216 01 through H 230216 06	do	Town Council, Town of Damariscotta, Damariscotta, Maine 04543.	Do.
Do	do	Nobleboro, town of.	H 230219 01 through H 230219 09	do	Town Council, Town of Nobleboro, Nobleboro, Maine 04555.	Do.
Do	Waldo	Freedom, town of.	H 230255 01 through H 230255 02	do	Town Council, Town of Freedom, Freedom, Maine 04941.	Do.
Do	do	Prospect, town of.	H 230264 01 through H 230264 07	do	Town Council, Town of Prospect, Prospect, Maine. No ZIP.	Do.
Do	do	Searsmont, town of.	H 230265 01 through H 230265 03	do	Town Council, Town of Searsmont, Searsmont, Maine 04973.	Do.
Do	do	Troy, town of.	H 230269 01 through H 230269 04	do	Town Council, Town of Troy, Troy, Maine 04987.	Do.
Do	do	Waldo, town of.	H 230270 01 through H 230270 02	do	Town Council, Town of Waldo, Waldo, Maine. No ZIP.	Do.
Do	Hancock	Swans Island, town of.	H 230297 01 through H 230297 17	do	Town Council, Town of Swans Island, Swans Island, Maine 04685.	Do.
Do	Washington	Columbia, town of.	H 230307 01 through H 230307 03	do	Town Council, Town of Columbia, Columbia, Maine. No ZIP.	Do.
Do	do	Jonesboro, town of.	H 230315 01 through H 230315 05	do	Town Council, Town of Jonesboro, Jonesboro, Maine 04648.	Do.
Do	do	Northfield, town of.	H 230318 01 through H 230318 04	do	Town Council, Town of Northfield, Northfield, Maine. No ZIP.	Do.
Do	Oxford	Waterford, town of.	H 230343 01 through H 230343 04	do	Town Council, Town of Waterford, Waterford, Maine 04088.	Do.
Do	Franklin	Weld, town of.	H 230353 01 through H 230353 06	do	Town Council, Town of Weld, Weld, Maine 04285.	Do.
Do	Somerset	Pleasant Ridge, plantation of.	H 230367 01 through H 230367 02	do	Maine Land Use Regulation Commission, State House, Plantation of Pleasant Ridge, Augusta, Maine 04330.	Do.
Do	Piscataquis	Abbot, town of.	H 230406 01 through H 230406 12	do	Town Council, Town of Abbot, Abbot, Maine 04406.	Do.
Do	do	Greenville, town of.	H 230409 01 through H 230409 03	do	Town Council, Town of Greenville, Greenville, Maine 04441.	Do.
Do	do	Medford, town of.	H 230410 01 through H 230410 04	do	Town Council, Town of Medford, Medford, Maine. No ZIP.	Do.
Do	do	Monson, town of.	H 230411 01 through H 230411 04	do	Town Council, Town of Monson, Monson, Maine 04464.	Do.
Do	do	Parkman, town of.	H 230412 01 through H 230412 04	do	Town Council, Town of Parkman, Parkman, Maine. No ZIP.	Do.
Do	Aroostook	Crystal, town of.	H 230423 01 through H 230423 12	do	Town Council, Town of Crystal, Crystal, Maine. No ZIP.	Do.
Do	do	Dyer Brook, town of.	H 230424 01 through H 230424 05	do	Town Council, Town of Dyer Brook, Dyer Brook, Maine. No ZIP.	Do.
Do	do	Wade, town of.	H 230436 01 through H 230436 10	do	Town Council, Town of Wade, Wade, Maine. No ZIP.	Do.
Do	do	Allagash, plantation of.	H 230440 01 through H 230440 09	do	Maine Land Use Regulation Commission, State House, Plantation of Allagash, Augusta, Maine 04330.	Do.
Do	do	Cyr, plantation of.	H 230443 01 through H 230443 04	do	Maine Land Use Regulation Commission, State House, Plantation of Cyr, Augusta, Maine 04330.	Do.
Do	do	Hamlin, plantation of.	H 230445 01 through H 230445 04	do	Maine Land Use Regulation Commission, State House, Plantation of Hamlin, Augusta, Maine 04330.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Macwahoc, plantation of.	H 230446 01 through H 230446 04	do	Maine Land Use Regulation Commission, State House, Plantation of Macwahoc, Augusta, Maine 04330.	Do.
Do	Franklin	Dallas, plantation of.	H 230455 01 through H 230455 04	do	Maine Land Use Regulation Commission, State House, Plantation of Dallas, Augusta, Maine 04330.	Do.
Do	Penobscot	Carroll, plantation of.	H 230461 01 through H 230461 04	do	Maine Land Use Regulation Commission, State House, Plantation of Carroll, Augusta, Maine 04330.	Do.
Do	do	Mount Chase, plantation of.	H 230462 01 through H 230462 04	do	Maine Land Use Regulation Commission, State House, Plantation of Mount Chase, Augusta, Maine 04330.	Do.
Do	Piscataquis	Orneville, township of.	H 230465 01 through H 230465 04	do	Maine Land Use Regulation Commission, State House, Plantation of Orneville, Augusta, Maine 04330.	Do.
Do	Somerset	Concord, township of.	H 230466 01 through H 230466 04	do	Maine Land Use Regulation Commission, State House, Township of Concord, Augusta, Maine 04330.	Do.
Do	Washington	Grand Lake Stream, plantation of.	H 230469 01 through H 230469 04	do	Maine Land Use Regulation Commission, State House, Plantation of Grand Lake Stream, Angusta, Maine 04330.	Do.
Do	do	Edmunds, township of.	H 230471 01 through H 230471 05	do	Maine Land Use Regulation Commission, State House, Township of Edmunds, Augusta, Maine 04330.	Do.
Massachusetts	Dukes	West Tisbury, town of.	H 250074 01 through H 250074 04	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Board of Selectmen, Town of West Tisbury, West Tisbury, Mass. 02575.	Do.
Michigan	Sanilac	Worth, township of.	H 260296 01 through H 260296 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Township Clerk, Township of Worth, 5176 Fisher Rd., Jeddo, Mich. 48032.	Do.
Do	Oakland	Lathrup Village, city of.	H 260297 01	do	City Clerk, City Hall, Lathrup Village, Mich. 48076.	Do.
Minnesota	Marshall	Warren, city of.	H 270274A 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, E-210 State Office Bldg., St. Paul, Minn. 55101.	City Hall, Warren, Minn. 56762	May 3, 1974. Feb. 14, 1975.
Do	Meeker	Cedar Mills, city of.	H 270281 01	do	Mayor, City Hall, Cedar Mills, Minn. 55351.	Do.
Do	Lyon	Lynd, city of.	H 270584 01	do	City Hall, Lynd, Minn. 56157	Do.
Mississippi	Greene	Leakesville, town of.	H 280057 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Leakesville, Miss. 39451.	Do.
Do	Lee	Saltillo, town of.	H 280261 01 through H 280261 02	do	Mayor, City Hall, Saltillo, Miss. 38866	Do.
Missouri	Andrew	Rosendale, city of.	H 290008 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Rosendale, City of Rosendale, Mo. 64483.	Do.
Do	Stone	Kimberling City, city of.	H 290432A 01 through H 290432A 08	do	Mayor, Kimberling City, Mo. 65686	June 21, 1974. Feb. 14, 1975.
Do	Texas	Raymondville, village of.	H 290542 01 through H 290542 04	do	Village Clerk, Village of Raymondville, Raymondville, Mo. 65555.	Feb. 14, 1975.
Do	Jasper	Iron Gates, village of.	H 290580 01	do	Village Clerk, Village of Iron Gates, Iron Gates, Mo. No ZIP.	Do.
Do	Adair	Brashear, city of.	H 290616 01	do	Mayor of Brashear, Brashear, Mo. 63533	Do.
Do	Henry	Calhoun, city of.	H 290622 01	do	Mayor of Calhoun, Calhoun, Mo. 65323.	Do.
Do	Macon	Callao, city of.	H 290623 01	do	Mayor of Callao, Callao, Mo. 63534	Do.
Do	Bates	Rich Hill, city of.	H 290655 01	do	Mayor of Rich Hill, Rich Hill, Mo. 64779.	Do.
Do	Iron	Pilot Knob, city of.	H 290679 01	do	Mayor of Pilot Knob, Pilot Knob, Mo. 63663.	Do.
Do	Monroe	Madison, city of.	H 290684 01	do	Mayor of Madison, Madison, Mo. 65263.	Do.
Do	Lewis	La Belle, city of.	H 290696 01	do	Mayor of La Belle, La Belle, Mo. 63447	Do.
Do	Macon	La Plata, city of.	H 290703 01	do	Mayor of La Plata, La Plata, Mo. 63549.	Do.
Do	Boone	Hallsville, city of.	H 290712 01	do	Mayor of Hallsville, Hallsville, Mo. 65255.	Do.
Do	Iron	Ironton, city of.	H 290720 01 through H 290720 02	do	Mayor of Ironton, Ironton, Mo. 63650	Do.
Do	Phelps	Doolittle, city of.	H 290727 01 through H 290727 02	do	Mayor of Doolittle, Doolittle, Mo. No ZIP.	Do.
Do	Daviess	Gallatin, city of.	H 290733 01	do	Mayor of Gallatin, Gallatin, Mo. 64640	Do.
Do	St. Charles	Charlack, city of.	H 290743 01	do	Mayor of Charlack, Charlack, Mo. No ZIP.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Macon	Bevier, city of	H 290756 01 through H 290761 01	do	Mayor of Bevier, Bevier, Mo. 63532. Village Clerk, Village of Airport Drive, Airport Drive, Mo. No ZIP.	Do. Do.
Do	Jasper	Airport Drive		do		
Montana	Cascade	Cascade, town of	H 300107 01	Montana Department of Natural Resources and Conservation, Water Resource Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Town of Cascade, Town Office Bldg., Cascade, Mont. 59421.	Do.
Do	Lake	St. Ignatius, town of	H 300123 01 through H 300123 02	do	Mayor, Town Hall, Town of Ignatius, St. Ignatius, Mont. 59865.	Do.
Nebraska	Webster	Blue Hill, village of	H 310352 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Village Clerk, Village of Blue Hill, Blue Hill, Nebr. 68930.	Do.
New Hampshire	Cheshire	Roxbury, town of	H 330172 01 through H 330172 02	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Town Council, Town of Roxbury, Roxbury, N.H. No ZIP.	Do.
Do	Hillsborough	Weare, town of	H 330235 01 through H 330235 15	do	Town Council, Town of Weare, Weare, N.H. 03281.	Do.
New York	Greene	Halcott, town of	H 360291 01 through H 360291 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St. New York, N.Y. 10038.	Supervisor, Town of Halcott, Halcott Center, N.Y. 12437.	Do.
Do	Chenango	Guilford, town of	H 361068 01 through H 361068 09	do	Town Council, Town of Guilford, Guilford, N.Y. 13780.	Do.
Do	St. Lawrence	DePeyster, town of	H 361975 01 through H 361975 13	do	Town Council, Town of DePeyster, DePeyster, N.Y.	Do.
Do	Otsego	Springfield, town of	H 361290 01 through H 361290 04	do	Town Council, Town of Springfield, Springfield, N.Y.	Do.
Do	Clinton	Mooers, town of	H 360868 01 through H 360868 24	do	Town Council, Town of Mooers, Mooers, N.Y. 12958.	Do.
Do	Hamilton	Arietta, town of	H 361462 01 through H 361462 21	do	Town Council, Town of Arietta, Arietta, N.Y.	Do.
Do	do	Morehouse, town of	H 361467 01 through H 361467 16	do	Town Council, Town of Morehouse, Morehouse, N.Y.	Do.
Do	St. Lawrence	Colton, town of	H 361428 01 through H 361428 17	do	Town Council, Town of Colton, Colton, N.Y. 13626.	Do.
Do	do	Russel, town of	H 361428 01 through H 361428 24	do	Town Council, Town of Russel, Russel, N.Y. 13680.	Do.
Do	Washington	Dresden, town of	H 361441 01 through H 361441 16	do	Town Council, Town of Dresden, Dresden, N.Y. 14441.	Do.
Do	Genesee	Bergen, village of	H 361497 01 through H 361497 02	do	Village Council, Village of Bergen, Bergen, N.Y. 14416.	Do.
North Carolina	Carteret	Unincorporated areas.	H 370043 01 through H 370043 19	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 26711. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 26711.	Carteret County Court House, Beaufort, N.C. 28516.	Do.
Do	Gates	do	H 370103 01 through H 370103 31	do	County Board of Commissioners, County of Gates, County Courthouse, Suffolk, N.C. No ZIP.	Do.
North Dakota	Cass	Arthur, city of	H 380156 01	State Office Bldg., State Water Commission, 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor of Arthur, Arthur, N. Dak. 58006.	Do.
Do	Griggs	Binford, city of	H 380158 01	do	Mayor of Binford, Binford, N. Dak. 58416.	Do.
Do	Cass	Buffalo, city of	H 380160 01	do	Mayor of Buffalo, Buffalo, N. Dak. 58011.	Do.
Do	Renville	Glenburn, city of	H 380174 01	do	Mayor of Glenburn, Glenburn, N. Dak. 58740.	Do.
Do	Steele	Hope, city of	H 380180 01	do	Mayor of Hope, Hope, N. Dak. 58046.	Do.
Do	Cass	Page, city of	H 380198 01	do	Mayor, Page, N. Dak. 58064.	Do.
Do	Steele	Sharon, city of	H 380208 01	do	Mayor of Sharon, Sharon, N. Dak. 58277.	Do.
Do	Renville	Sherwood, city of	H 380204 01	do	Mayor of Sherwood, Sherwood, N. Dak. 58782.	Do.
Do	Grand Forks	Thompson, city of	H 380206 01	do	Mayor of Thompson, Thompson, N. Dak. 58278.	Do.
Do	Barnes	Wimbledon, city of	H 380212 01	do	Mayor of Wimbledon, ND Wimbledon, N. Dak. 58492.	Do.
Do	Stelle	Finley, city of	H 380227 01	do	Mayor of Finley, Finley, N. Dak. 58230.	Do.
Do	Richland	Lidgerwood, city of	H 380227 02	do	Mayor of Lidgerwood, Lidgerwood, N. Dak. 58053.	Do.
Do	Nelson	McVille, city of	H 380236 01	do	Mayor of McVille, McVille, N. Dak. 58254.	Do.
Do	Grand Forks	Northwood, city of	H 380245 01	do	Mayor of Northwood, Northwood, N. Dak. 58267.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Dickey	Oakes, city of	H 380246 01	do	Mayor of Oakes, Oakes, N. Dak. 58474.	Do.
Do	Emmons	Strasburg, city of	H 380262 01	do	Mayor of Strasburg, Strasburg, N. Dak. 58573.	Do.
Do	Bottineau	Lansford, city of	H 390184 01	do	Mayor of Lansford, Lansford, N. Dak. 58750.	Do.
Ohio	Lawrence	Unincorporated areas.	H 390325 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	County Board of Commissioners, County Courthouse, Lawrence County, Ironton, Ohio 45638.	Do.
Do	Mercer	do	H 390392 01 through H 390392 02	do	County Board of Commissioners, County Courthouse, Mercer County, Celina, Ohio 45822.	Do.
Do	Monroe	do	H 390404 01	do	County Board of Commissioners, County Courthouse, Monroe County, Woodsfield, Ohio 43793.	Do.
Do	Brown	Hamersville, village of.	H 390676 01	do	Mayor, City Hall, Hamersville, Ohio 45130.	Do.
Do	Darke	Gettsburg, village of.	H 390686 01	do	Mayor, City Hall, Gettsburg, Ohio 45328.	Do.
Do	Licking	Kirkersville, village of.	H 390701 01 through H 390701 02	do	Mayor, City Hall, Kirkersville, Ohio 43033.	Do.
Do	Montgomery	Union, village of	H 390704 01	do	Village Board, Village of Union, Union, Ohio 45322.	Do.
Do	Muskingum	Dresden, village of.	H 390705 01	do	Mayor, City Hall, Dresden, Ohio 43821.	Do.
Do	Warren	Butlerville, village of.	H 390719 01	do	Village Clerk, Butlerville, Ohio.	Do.
Do	Wayne	Doylestown, village of.	H 390720 01	do	Mayor, Doylestown, Ohio 44230.	Do.
Do	Wyandot	Nevada, village of.	H 390722 01	do	Mayor, Village Hall, Nevada, Ohio 44849.	Do.
Do	Athens	Albany, village of.	H 390727 01	do	Mayor, City Hall, Albany, Ohio 43611.	Do.
Oklahoma	Alfalfa	Aline, town of	H 400256 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Town of Aline, Aline, Okla. 73716.	Do.
Pennsylvania	Centre	Centre Hall, borough of.	H 420258 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Centre Hall, Centre Hall, Pa. 16828.	Do.
Do	Clearfield	Lumber City, borough of.	H 420309 01	do	Mayor, Borough of Lumber City, R.D. No. 1, Curwensville, Pa. 16833.	Do.
Do	Clinton	Beech Creek, township of.	H 420321 01	do	Township Building, R.D. No. 1, Beech Creek, Pa. 16822.	Do.
Do	Delaware	Morton, borough of.	H 420423 01	do	Morton Borough, Municipal Bldg., 400 Highland Ave., Morton, Pa. 19070.	Do.
Do	Bedford	Cumberland Valley, township of.	H 421335 01 through H 421335 17	do	Chairman, Board of Supervisors, Town of Cumberland Valley, R.D. 3, Bedford, Pa. 15522	Do.
Do	Blair	Greenfield, township of.	H 421389 01 through H 421389 12	do	Chairman, Board of Supervisors, Town of Greenfield, R.D. 1, Claysburg, Pa. 16625.	Do.
Do	Lackawanna	Vandling, borough of.	H 421748 01	do	Mayor, Borough of Vandling, 855 Main St., Vandling, Pa. 18421.	Do.
Do	Lawrence	North Beaver, township of.	H 421795 01 through H 421795 15	do	Chairman, Board of Supervisors, Township of North Beaver, R.D. 7, New Castle, Pa. 16102.	Do.
Do	McKean	Hamilton, township of.	H 421856 01	do	Chairman, Board of Supervisors, Township of Hamilton, Ludlow, Pa. 16333.	Do.
Do	do	Hamlin, township of.	H 421857 01 through H 421857 15	do	Township of Hamlin, Box 235, Hazelhurst, Pa. 16733.	Do.
Do	Mifflin	Oliver, township of.	H 421882 01 through H 421882 11	do	Chairman, Board of Supervisors, Township of Oliver, R.D. No. 1, McVeytown, Pa. 17051.	Do.
Do	Montour	Limestone, township of.	H 421922 01 through H 421922 66	do	Chairman, Board of Supervisors, Township of Limestone, R.D. No. 2, Danville, Pa. 17821.	Do.
Do	Pike	Dingman, township of.	H 421964 01 through H 421964 18	do	Chairman, Board of Supervisors, Township of Dingman, Milford, Pa. 18337.	Do.
Do	do	Shohola, township of.	H 421969 01 through H 421969 15	do	Chairman, Board of Supervisors, Township of Shohola, Shohola, Pa. 18458.	Do.
Do	Susquehanna	Ararat, township of.	H 422073 01 through H 422073 06	do	Chairman, Board of Supervisors, Township of Ararat, R. D. No. 1, Thompson, Pa. 18465.	Do.
Do	Luzerne	Dupont, borough of.	H 422250 01 through H 422250 04	do	Mayor, Borough of Dupont, 330 Front St., Dupont, Pa. 18641.	Do.
Do	Cambria	East Carroll, township of.	H 422268 01 through H 422268 05	do	Chairman, Board of Supervisors, Township of East Carroll, Patton, Pa. 16668.	Do.
Do	Bucks	Langhorne Manor, borough of.	H 422336 01 through H 422336 02	do	Mayor, Borough of Langhorne Manor, 502 Station Ave., Langhorne, Pa. 19047.	Do.
Do	Clearfield	Goshen, township of.	H 422382 01 through H 422382 15	do	Chairman, Board of Supervisors, Township of Goshen, R. D. No. 2, Clearfield, Pa. 16830.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Fayette	Nicholson, township of.	H 422420 01 through H 422420 06	do	Chairman, Board of Supervisors, R.D. No. 1, Township of Nicholson, Masontown, Pa. 15461.	Do.
Do	Jefferson	Porter, township of.	H 422446 01 through H 422446 66	do	Chairman, Board of Supervisors, Township of Porter, R.D. No. 4, Punxsutawney, Pa. 15767.	Do.
Do	McKean	Sergeant, township of.	H 422474 01 through H 422474 29	do	Chairman, Board of Supervisors, Township of Sergeant, Clearmont, Pa. 16722.	Do.
South Carolina	Pickens	Unincorporated areas.	H 450166 01 through H 450166 16	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	County Council Chairman, County Courthouse, Pickens County, Pendleton St., Pickens, S.C. 29671.	Do.
Tennessee	Shelby	Collierville, town of.	H 470263 01 through H 470263 04	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Town of Collierville, Town Hall, Collierville, Tenn. 38017.	Do.
Texas	Potter and Randall.	Amarillo, city of	H 480529 01 through H 480529 26	Texas Water Development Board, P.O. Box 12367, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City of Amarillo, City Hall, Amarillo, Tex.	Do.
Do	Randall and Swisher.	Happy, city of	H 481011 01	do	Mayor, City of Happy, City Hall, Happy, Tex. 79042.	Do.
Utah	Iron	Paragonah, town of.	H 490075 01	Utah Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, Town of Paragonah, Paragonah, Utah 84760.	Do.
Do	Uintah	Unincorporated areas.	H 490147 01 through H 490147 04	do	County Commissioners, County of Uintah, Vernal, Utah 84078.	Do.
Virginia	Craig	do	H 510313 01 through H 510313 26	Virginia Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., Richmond, Va. 23209.	Chairman; County Board of Supervisors, County of Craig, County Courthouse, New Castle, Va. 24127.	Do.
Washington	Kitsap	do	H 530092 01 through H 530092 27	Washington Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Planning Department, County Courthouse, Kitsap County, Port Orchard, Wash. 98366.	Do.
Do	King	Skykomish, town of.	H 530236 01	do	Town Council, Town of Skykomish, Skykomish, Wash. 98288.	Do.
Do	Lewis	Napavine, town of.	H 530254 01	do	Town Council, Town of Napavine, Napavine, Wash. 98565.	Do.
West Virginia	Fayette	Ansted, town of	H 540027 01 through H 540027 02	Flood Insurance Department, Office of Federal-State Relations, Division of Planning and Development, State Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, Bldg. No. 3, Room 643, 1800 Washington St., Charleston, W. Va. 25305.	Mayor: Town of Ansted, Ansted, W. Va. 25812.	Do.
Do	Greenbrier	Ronceverte, town of.	H 540043 01 through H 540043 02	do	Mayor, Town of Ronceverte, City Hall, Ronceverte, W. Va. 24970.	Do.
Wisconsin	Iron	Unincorporated areas.	H 550182 01 through H 550182 03	Wisconsin Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	County Board of Commissioners, Iron County, County Courthouse, Hurley, Wis. 54534.	Do.
Do	Florence	do	H 550521 01 through H 550521 02	do	County Board of Commissioners, County Courthouse, Florence County, Florence, Wis. 54121.	Do.
Do	Iowa	do	H 550522 01 through H 550522 03	do	Office of Zoning Administrator, Iowa County Courthouse, Dodgeville, Wis. 53533.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: February 4, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–4089 Filed 2–14–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD–74–249]

PART 62—LORAN

Loran—C System Rate Structure Change

Correction

In FR Doc. 75–3635, appearing at page 6338 of the issue for Tuesday, February 11, 1975 the following corrections are made:

1. In the second column on page 6338, in the paragraph following Table I, the first sentence should read as follows:

"As can be seen in Table I, which shows the present rate structure, adjacent basic rates are either 10,000 or 20,000 microseconds apart, and adjacent specific rates are no closer than 100 microseconds to each other. The omission of specific rates 8 and 9 further limits the number of available rates."

2. In the third column on page 6338, Table II should read as set forth below:

TABLE II.—Group repetition intervals

(GRI in tens of microseconds)

9999	9999	7999	6999	5999	4999
9998	9998	7998	6998	5998	4998
9997	9997	7997	6997	5997	4997
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
9991	9991	7991	6991	5991	4991
9990(8S1)	9990	7990(8L1)	6990	5990(SH1)	4990(S1)
9989	9989	7989	6989	5989	4989
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
9971	9971	7971	6971	5971	4971
9970(8S3)	9970	7970(8L3)	6970	5970(SH3)	4970(S3)
9969	9969	7969	6969	5969	4969
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
9931	9931	7931	6931	5931	4931
9930(8S7)	9930	7930(8L7)	6930	5930(SH7)	4930(S7)
9929	9929	7929	6929	5929	4929
•	•	•	•	•	•
•	•	•	•	•	•
•	•	•	•	•	•
9000	8000	7000	6000	5000	4000

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EFFECTIVE DATE OF INCREASED BENEFITS

On page 43558 of the FEDERAL REGISTER of December 16, 1974, there was published a notice of proposed regulatory development to amend § 3.660(c) to provide that when an increase in rates is due to marriage, or birth or adoption of a child, which would permit payment at a higher rate, the increased rate will be effective the date of the event if evidence of the event is received within 1 year from such date. In addition minor editorial changes were made in §§ 3.660(a), 3.662, and 3.666 to reflect these provisions apply equally to male and female beneficiaries. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Section 3.660(c) is effective December 24, 1970.

Approved: February 10, 1975.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.660, paragraph (a) (1) and (c) are revised to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance*—(1) *General.* A veteran, widow, widower or child who is receiving pension, or a parent who is receiving compensation or dependency and indemnity compensation must notify the Veterans Administration of any material change or expected change in his or her income or other circumstances which would affect his or her entitlement to receive, or the rate of, the benefit being paid. Such notice must be furnished when the veteran acquires knowledge that he or she will begin to receive additional income at a rate which if continued will cause the income to exceed the income limitation or increment applicable to the rate of the benefit being paid or when his or her marital or dependency status changes. In pension claims subject to § 3.252(b) and in compensation claims subject to § 3.250(a)(2), notice must be furnished of any material increase in corpus of the estate or net worth.

• • • • • •

(c) *Increases; change in status.* Where there is change in the payee's marital status or status of dependents which would permit payment at a higher rate and the change in status is by reason of the claimant's marriage or birth or adoption of a child, the effective date of the increase will be the date of the event if the required evidence is received within 1 year of the event. Where there is a change in dependency status for any reason other than marriage, or the birth or adoption of a child, which would permit payment at a higher rate, the increased rate will be effective the date of receipt of notice constituting an informal claim if the required evidence is received within 1 year of the Veterans Administration request. The rate payable for each period will be determined, as provided in § 3.260 (f), on the basis of income for the full calendar year. (See § 3.651 as to increase due to termination of payments to another payee. Also see § 3.667 as to increase based on school attendance.)

2. Section 3.662 is revised to read as follows:

§ 3.662 Children; no widow or widower entitled.

(a) When an award of death pension to a widow or widower with a child or children has been discontinued for the reason that his or her annual income is in excess of the statutory limitation, payments to the child or children whose annual income, determined separately, does not exceed the statutory limitation will commence effective the day following the date of last payment to the widow or widower. In those cases in which an award of death pension to a widow or widower is discontinued retroactively in accordance with the provisions of § 3.660 and an additional amount in behalf of a child or children was included in the award, an adjustment will be made in the award to the widow or widower. The monthly rate payable to the widow or widower for the period from the effective date of discontinuance to the date of last payment will be the amount to which such child or children would have been entitled during that period.

(b) When payments are being made to a child or children and evidence is received showing that the annual income of the widow or widower, which was in excess of the statutory limitation, has been reduced to an amount not in excess of the statutory limitation, payments to the child or children will be discontinued effective date of last payment. For the period commencing the date from which the widow or widower is shown to be entitled to the date of last payment to the child or children, the rate for the widow or widower will be the difference between the amount paid to the child or children and the amount which would have been payable for the widow or widower and child or children. The full rate will be payable thereafter.

3. In § 3.666, the introductory text preceding paragraph (a) and the introductory text of paragraph (a) preceding paragraph (a)(1) are revised to read as follows:

§ 3.666 Penal institutions.

Where any individual to or for whom pension is being paid under a public or private law administered by the Veterans Administration is imprisoned in a Federal, State or local penal institution as the result of conviction of a felony or misdemeanor, such pension payments will be discontinued effective on the 61st day of imprisonment following conviction. The payee will be informed of his or her rights and the rights of dependents to payments while he or she is imprisoned as well as the conditions under which payments to him or to her may be resumed on his or her release from imprisonment. Payments of pension authorized under this section will continue until notice is received in the Veterans Administration that the imprisonment has terminated.

(a) *Disability pension.* Payment may be made to the wife, husband, child or children of a veteran disqualified under this section:

• • • • •

[FR Doc.75–4311 Filed 2–14–75;8:45 am]

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Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM 75-1; Order 58]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Public Information and Requests

FEBRUARY 12, 1975.

On January 9, 1975, the Commission issued a notice of proposed rulemaking, proposing to amend its regulations governing the availability of information to the public, as required by the Pub. L. 93-502 amendments to the Freedom of Information Act (5 U.S.C. (552 et seq.)). Interested persons were invited to comment by February 4, 1975. No comments were received. Accordingly, for reasons set forth in the notice of proposed rulemaking, the Commission has decided to adopt the proposed amendments to its rules of practice and procedure. We further find that good cause exists for making these amendments effective immediately.

Accordingly, pursuant to 39 U.S.C. 3603 and 5 U.S.C. 552, it is ordered that the Commission's rules of practice and procedure are amended as follows, said amendment to became effective on February 18, 1975.

Section 3001.42 of 39 CFR Part 3001 is amended as follows:

1. In paragraph (b)(12)(i) is revised and a new (vii) is added to read as follows:

(b) *Public records.* The public records of the Commission include: • • •

(12) All other records of the Commission except for those that are:

(i) (a) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (b) are in fact properly classified pursuant to such Executive order;

• • • • •

(vii) Investigatory records compiled for law enforcement purposes, to the extent specified in 5 U.S.C. 552(b)(7).

2. Paragraph (c) is revised to read as follows:

(c) *Requests for Records.* Requests for records shall be in writing and shall reasonably describe the records sought. Requests shall be addressed to the Secretary at the offices of the Commission. Requests which rely upon the Freedom of Information Act, 5 U.S.C. 552, shall bear the caption "Freedom of Information Act Request." Within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of a request for a Commission record, the Secretary shall:

(1) *General.* Inform the requestor where and when the records may be inspected and, if ascertainable, of the charge for furnishing copies; or

(2) *Deny the request.* A denial shall be in writing; it shall cite the specific exemption or exemptions under these rules authorizing the withholding of the records sought and shall inform the requestor that he may, within 20 days, appeal the denial to the Commission. Appeals to the Commission shall be in writing. The Commission may also review any decision of the Secretary on its own initiative. The Commission will consider all appeals and either grant or deny them in writing, within 20 days (excluding Saturdays, Sundays and legal public holidays) of the date the appeal is received. If on appeal the denial of the request for records is upheld, the Commission shall notify the person making such request of the provisions for judicial review of that determination pursuant to 5 U.S.C. 552(c).

(3) *Extensions of time.* The time period for decision on application pursuant to paragraph (c) of this section may be extended up to 10 working days by the Secretary and the time period for decisions on appeals may be extended up to 10 working days by the Commission, provided, however, that the total period of extensions may not exceed 10 working days. Such extensions shall be by written notice determining that an extension is warranted by unusual circumstances as specified in 5 U.S.C. 552(a)(6)(B).

(4) *Fees.* Documents furnished pursuant to the Freedom of Information Act shall be subject to a fee of 15 cents a page to meet the costs of duplication. Documents may be furnished without charge or at a reduced charge if the Commission determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Issued February 12, 1975.

By the Commission.

[SEAL] JAMES R. LINDSAY, *Secretary.*

[FR Doc.75-4371 Filed 2-14-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 338-6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Crop Groups

Section 180.34(f), Title 40 CFR, contains groups of crops which list raw agricultural commodities that are considered to be related for the purposes of establishing tolerances for pesticides. Commodities not listed in § 180.34(f) are not considered as related for such purposes. Based on the information at hand, the Administrator of the Environmental Protection Agency (EPA) has concluded that the groups "Forge Legumes," "Grain Crops," "Seed and Pod Vegetables (Dry or Succulent)," and "Small Fruits" should be expanded to include the related raw agricultural commodities listed below. The Administrator has also determined that the groups "Stored Fruits and Vegetables" and "Stored Grain" should be deleted.

These amendments merely make technical changes and are considered noncontroversial in nature. Notice, public procedure, and delayed effective date are not, therefore, prerequisites to the promulgation of this order.

Effective date. This order shall become effective on February 18, 1975.

(Federal Food, Drug, and Cosmetic Act (40 CFR Part 180; 21 U.S.C. 408(b))).

Dated: February 11, 1975.

EDWIN L. JOHNSON, *Acting Deputy Assistant Administrator, Pesticide Programs.*

Section 180.34(f) is amended to include the following commodities for the groups listed.

Group	Commodities therein
Forage legumes	Alphabetically insert after "lespedeza" and before "peanuts" the commodity "lupines".
Grain crops	Alphabetically insert after "(field corn, sweet corn, and popcorn)" and before "milo" the commodity "millet".
Seed and pod vegetables (dry or succulent).	Add the commodity "lentils" to the end of the list.
Small fruits	Add the commodities "strawberries, youngberries" to the end of the list.

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Section 180.34(f) is also amended by deleting the groups and commodities therein for "Stored Fruits and Vegetables" and "Stored Grain."

[FR Doc.75-4295 Filed 2-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

Miscellaneous Amendments

This amendment involves matters relating to agency management and contracting and while not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553 is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy and embodies already existing Government-wide policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

PART 4-1—GENERAL

1. The Table of Contents of Part 4-1 is amended as follows:

a. The following section is added:

4-1.064 Agriculture Grant and Agreement Regulations.

b. The heading of the following section is revised to read as follows:

4-1.451 Procurement by the Office of Operations.

c. Sections 4-1.708 and 4-1.708-2 are deleted.

2. Sections and paragraphs 4-1.006-2(a), 4-1.008, 4-1.009-2(a), 4-1.009-2(b), and 4-1.051(b) are revised to read as follows:

§ 4-1.006-2 Publication.

(a) AGPR are published in looseleaf form for distribution within the Department. Requests to be placed on the distribution list, or for extra copies, should be addressed to the Director, Office of Operations.

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§ 4-1.008 Agency implementation.

As portions of AGPR material are prescribed, agencies within the Department may publish in the FEDERAL REGISTER implementing regulations deemed necessary, as outlined in § 4-1.006-2. Detailed instructions of interest primarily for internal agency guidance will not be published in the FEDERAL REGISTER. All implementing regulations shall be prepared to conform with FPR style and arrangement, except that the looseleaf format may be in a single column per page. Regulations or instructions issued by agencies of the Department will be identified by the use of alphabetical suffixes with the chapter number as follows:

4A Agricultural Marketing Service.
4B Agricultural Research Service.
4C Agricultural Stabilization and Conservation Service.
4D Farmers Home Administration.
4E Extension Service.
4F Foreign Agricultural Service.
4G Forest Service.
4H Rural Electrification Administration.
4I Soil Conservation Service.
4J Economic Management Support Center.
4K Food and Nutrition Service.
4L Animal and Plant Health Inspection Service.
4M Federal Crop Insurance Corporation.
4N Office of Operations Procurement Division.

§ 4-1.009-2 Procedure.

Deviations from the FPR and AGPR shall be kept to a minimum and controlled as follows:

(a) Deviations must be approved in advance. Individual case deviations may be approved by the Heads of Department Agencies or their designated representative. Deviations for classes of cases must be approved by the Director, Office of Operations. Requests to the Director for approval of class deviations shall be initiated by the Heads of Department Agencies. Requests for deviations shall cite the specific part of the FPR or AGPR from which it is desired to deviate, set forth the nature of the deviations, and give reasons for the action requested.

(b) If a requested deviation is considered appropriate approval will be accomplished as follows:

(1) Where the deviation applies to an individual case, approval will be granted by memorandum addressed to the requesting officer with copies to interested offices. The contract file of the requesting office shall include a copy of the request and approval. A copy of the request and approval shall be furnished to the Office of Operations.

(2) Where the deviation applies to a class of cases, necessary coordination with the General Services Administration and Office of Management and Budget will be accomplished by the Office of Operations. The deviation may be issued as a part of AGPR, or the agency concerned may be authorized to issue internal instructions which incorporate the deviation.

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§ 4-1.051 Administrative regulations.

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(b) Arrangement. The complete Administrative Regulations consist of the following titles:

Title 1—General Authorities and Functions.
Title 2—National Agricultural Library.
Title 3—Information.
Title 4—Agriculture Grant and Agreement Regulations.
Title 5—Management Improvement.
Title 6—Budget.
Title 7—Accounting.
Title 8—Audit and Investigation.

3. Part 4-1 is amended by adding the following § 4-1.054:

§ 4-1.054 Agriculture Grant and Agreement Regulations.

The Agriculture Grant and Agreement Regulations are prescribed for application to administrative processes of grant, cooperative, and research agreement programs of the Department. They are published as Title 4 of the Administrative Regulations (see § 4-1.051).

4. Sections 4-1.302-3, 4-1.305-3, 4-1.305-50, 4-1.305-52, 4-1.306, 4-1.307-2(l), 4-1.307-3, and 4-1.310-5 are revised to read as follows:

§ 4-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

(a) *Policy.* Contracts between the Government and its employees are not prohibited generally by statute, but only where an employee acts as an agent both for the Government and the contractor in the transaction of business (see 18 U.S.C. 208) or where the services to be rendered under a contract with an employee is such as could have been required of him in his official capacity (see 5 U.S.C. 5535, 5536). However, aside from any statutory prohibition, contracts between the Government and its employees are open to criticism for possible favoritism and preferential treatment and should not, therefore, be made except for the most cogent reasons and under no circumstances where the needs of the Government reasonably can be otherwise supplied. The hire or rental of equipment from employees is generally prohibited. See § 4-4.5408 of this chapter for leases with Government employees and 18 U.S.C. 208 (§ 4-52.166 of this chapter) for acts of employees affecting a personal financial interest.

(b) *Approval.* Purchases from Government employees shall be approved in writing by the agency head or his designee for this purpose.

(c) *Exceptions.* The Forest Service may hire or rent property from employees of the Forest Service for the use of that Service in accordance with 16 U.S.C. 502, as amended. (See § 4-52.141.)

§ 4-1.305-3 Deviations from Federal specifications.

Agencies shall designate competent officials to authorize required deviations from Federal specifications. Such deviations shall be supported by written justifications therefor, copies of which shall be furnished promptly to the Director, Office of Operations, who shall notify the General Services Administration in accordance with applicable regulations.

§ 4-1.305-50 Agency specifications.

(a) *Definition.* A specification prepared by an agency of the Department to meet recurring needs of the agency involved for specialized supplies, equipment, or services peculiar to its needs, and for use by other agencies of the Department as need therefor arises.

(b) *Responsibility.* Agencies of the Department will be responsible for the development and maintenance of agency specifications which fall within their respective areas of operation. The Office of Operations will be responsible for coordinating the development and uses of such specifications in the Department.

(c) *Development.* As the need arises in an agency for a standard agency specification, it will be developed by the agency involved along the same general lines outlined in § 4-1.307 for the development of specifications for attachment to invitations for bids. If technical or other problems arise that require the assistance of a specialist in a particular field not available in the agency, request for such assistance should be made to the Office of Operations. A copy of each new agency specification developed shall be forwarded to the Office of Operations.

(d) *Maintenance of list of agency specifications.* The Office of Operations will maintain a list of all agency specifications. The list will be distributed in the Department periodically, and will show origin of the specification and where copies may be obtained.

§ 4-1.305-52 Availability of copies of specifications and standards.

When Federal Specifications and Standards are used, copies should be on file in the office issuing the invitation, so that they may be examined by interested bidders. Prospective bidders should be

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advised in the invitation that copies of Federal Specifications and Standards may be purchased at a nominal cost from the Business Service Centers of the General Services Administration Regional Offices. Department users will obtain annual requirements of specifications and standards (including Federal, Emergency Federal, Interim Federal, and GSA) and index (including supplements thereto) from the Central Supply Branch, Office of Operations, which will obtain a sufficient supply from GSA to meet the needs of the agencies both in Washington, D.C., and in the field, and will distribute them on a reimbursable basis to agency headquarters in Washington in accordance with a mailing list which it maintains for that purpose. Other requirements may be obtained from the Federal Supply Service, Region 3, GSA, 7th and D Streets SW., Washington, D.C., by purchase order. These other requirements will be furnished without charge unless they are substantial in quantity, in which event GSA may require reimbursement.

§ 4–1.306 Standards.

§ 4–1.306–1 Mandatory use and application of Federal Standards.

If deviation from or modification of a Federal Standard is required, application, giving reason therefor, should be made through appropriate agency channels to the Office of Operations for transmittal to the Federal Supply Service, Standards Division of GSA. The use of Interim Federal Standards is optional. Federal Standards do not preclude the use of existing Government stocks or excess property not in full conformity with such standards.

§ 4–1.307–2 General requirements.

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(1) *Basis for evaluation.* The basis that will be used in evaluation of bids should be as clear, precise and exact as possible and must be stated in the Invitation for Bids. It should be stated as a mathematical equation if possible. Where this cannot be done it must be stated with sufficient clarity and exactness to inform each bidder, prior to bid opening, of the factors which will be used in evaluating his bid in relation to other bids, so that he may estimate within reasonable limits the effect of the application of such evaluation. Factors such as, but not limited to, weighted values to be applied at time of award, award in the aggregate, estimated quantities, delivery time when the need is urgent, with liquidated damages in case of delay, and any other circumstance which may cause the award to be made in an unusual manner, must be set forth in the invitation for bids.

§ 4–1.307–3 Commercial, and State and local government specifications and standards.

(a) Purchase descriptions which include or reference specifications or standards of technical societies, associations or State or local governments may not require the presence of a certificate, label or approval from such organization which could automatically exclude otherwise acceptable products. A mandatory requirement that such a certificate, label or approval be furnished is authorized only when it can be definitely established that inclusion of the requirement would not prevent any manufacturer from bidding on the article specified. This requirement does not preclude acceptance of such a certificate, label or approval as one method of proof of conformance to the published standards or specifications.

(b) (1) *Voluntary product standards* originate with interested industry or State or local government groups. They are cooperatively developed with the U.S. Department of Commerce and published by that agency. They are issued as part of a broad program of aiding American industry through standardization (15 CFR Part 10). The standards may include definitions, classes, sizes, dimensions, capacities, performance criteria, material specifications, marking requirements, installation and test procedures and other similar information. The program is voluntary in nature, therefore no legal obligation exists for the individual firm to conform to a standard in whole or part unless it is incorporated as part of a contract or agreement.

(2) *Availability of Copies.* A list of available standards by name and number is available as publication No. 53 "NBS List of Publications." Write to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, for copies of this index. Copies of individual standards are available by name and number from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. If listed as out of print by GPO, single copies may be obtained from the Office of Engineering Standards Services at the address above.

§ 4–1.310 Responsible Prospective Contractor.

§ 4–1.310–5 Standards.

Loyalty consideration: The Department will not knowingly award a contract to anyone who advocates the overthrow of the Government of the United States by force or violence. Where it is proposed to refuse award on this basis, the case shall be referred to the Director, Office of Operations, for final determination. (See also § 4–4.5093.)

5. Sections 4–1.401, 4–1.403, 4–1.404–1(a), 4–1.404–2(a), 4–1.451, 4–1.453(a), 4–1.453(b), 4–1.453(c), and 4–1.453(d) are revised to read as follows:

§ 4–1.401 Responsibility of the head of the procuring activity.

Under the provisions of 7 CFR 2.79, the Director, Office of Operations is responsible for the general management and coordination of procurement activities of the several agencies of the Department. This broad grant of responsibility shall be construed to include the authority (1) to establish such procurement systems and policies, and (2) to delegate such contracting authorities as in the opinion of the Director, Office of Operations, will facilitate the orderly and economical procurement of equipment, materials, supplies, construction, services, and the leasing of space for use or consumption by the Department in carrying on its programs.

§ 4–1.403 Requirements to be met before entering into contracts.

Procurement contracting shall conform with all laws and regulations applicable to the Department, with the policies and procedures set forth in AGPR and with any applicable policies and procedures otherwise announced or prescribed by the Director, Office of Operations, or other responsible official. A continuing review of agency operations hereunder will be made by the respective office.

§ 4–1.404 Selection, designation, and termination of designation of contracting officers.

§ 4–1.404–1 Selection.

(a) *Procurement authority.* Procurement contracting authority in any amount shown to be needed under § 4–1.401 shall be obtained by heads of agencies of the Department from the Director, Office of Operations. With the concurrence of the Director, Office of Operations, such authority may be delegated, without redelegation powers to the incumbent of any responsible position at the agency headquarters, regional office or field station subject however, to the criteria specified in paragraph (b) of this section. Procurement contracting authority with redelegation powers shall be granted in a similar manner when: (1) The head of an agency submits adequate justification of a need for this authority, and (2) the criteria specified in paragraph (b) of this section have been accomplished. Procurement contracting authority for automatic data processing equipment and services is subject to the limits established in § 41.453.

• • • • •

§ 4–1.404–2 Designation.

(a) Requests for concurrence of the Director, Office of Operations, in the delegation of procurement contracting authority should be signed by the agency head and submitted in duplicate. A copy of the approved request will be returned with any necessary instructions or modifications. Changes in existing delegations will be handled in the same manner. Procurement contracting authority will not include authority to contract for construction, alteration, or repair of public buildings or works unless specifically requested.

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§ 4–1.451 Procurement by the Office of Operations.

The Office of Operations will provide procurement assistance as provided by § 4–5.5703 of this chapter.

§ 4–1.453 Delegation of authority for automatic data processing equipment, services, and related supplies.

(a) Those agencies delegated procurement contracting authority by the Office of Operations under § 4–1.404–1 are hereby delegated procurement contracting authority for procurement of automatic data processing equipment, services, and related supplies in the following circumstances:

(1) • • •

(iii) If for renewal of equipment previously authorized or procured by the Office of Operations and the terms of the original procurement have not significantly changed and the changes in costs do not exceed 10 percent of those originally approved.

(iv) None of the above-stated circumstances apply to the intergovernmental transfer (IGT) of owned or leased equipment. All IGT of equipment must be approved by the Office of Automated Data Systems prior to acquisition.

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(b) All procurements which are not within the authorities, set forth in paragraph (a) of this section must be submitted for technical approval to the Director, Office of Automated Data Services, then to the Director, Office of Operations, for procurement approval. The Office of Operations will either conduct the procurement or delegate the agency authority to conduct the procurement.

(c) Any agreement entered into by any agency, service, or staff office of the U.S. Department of Agriculture with other Government departments, agencies, corporations, or other independent entities of organization of the Federal Government, State, or local governments, as well as nonprofit corporations, universities, and other organizations for automatic data processing services, equipment, training facilities or other ADP resources or materials, directly or indirectly (as a part of an agreement whose primary purpose is other than automatic data processing), must have the written approval of the Director, Office of Automated Data Systems, unless the agreement falls within one of the following exceptions:

• • • • •

6. Sections 4–1.601, 4–1.602, and 4–1.650–6 are revised to read as follows:

§ 4–1.601 General.

§ 4–1.601–1 Definitions.

(a) The "Debarring Officer" is the agency or department official authorized to invoke debarment or suspension measures as authorized by this subpart. The Director, Office of Operations, and the Deputy Director, Office of Operations, are the Debarring Officers for the Department (Department Debarring Officers) in connection with all procurement and contracting under the Federal and Agriculture Procurement Regulations. Debarring Officers shall be appointed by the appropriate agency head for the following activities:

(1) Timber sales pursuant to 16 U.S.C. 476

(2) School lunch and Surplus Removal pursuant to 42 U.S.C. 1755 and 7 U.S.C. 612c.

(b) Debarring Officers are authorized to invoke debarment or suspension measures in accordance with the procedures of this subpart except as authorities may be specifically reserved to the Department Debarring Officer.

§ 4–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

(a) The Office of Operations maintains a consolidated list of firms and individuals debarred or suspended on the bases stated in § 1–1.602–1 of this title to whom contracts will not be awarded and from whom bids will not be solicited. The list is made available to all contracting officers through the issuance of Office of Operations Memorandum No. 24, and supplements thereto. The list shows the authority for and terms of the debarment or suspension.

(b) *Disclosure.* The list is divided into two sections and appendices. The first section is a list of debarred and ineligible firms and individuals. The second section is a list of suspended firms and individuals whose cases are under investigation. The appendices consist of background material which is attached to the list for convenience. The section listing debarred and ineligible firms and individuals may be released to the public only by authorized contracting officers in response to a specific request. The section on suspended firms and individuals and all correspondence relating thereto shall be released to the public only by the Office of Operations upon specific request and only after a determination that such information does not contain material the release of which would constitute a clearly unwarranted invasion of personal privacy.

§ 4–1.650–6 Clearance of foreign firms or individuals.

(a) *Checking published lists.* Agencies will check the Department list of debarred and suspended bidders (Office of Operations Memorandum No. 24) to see if the firm or individual proposed for a contractual relationship is listed thereon. This includes names listed by the Comptroller General and GSA. While foreign firms or individuals rarely appear on this list, they are subject to such listing. Exceptions to administrative debarments listed thereon may be made by the Department Debarring Officer. No exceptions may be made to other types of debarments included in this list.

(b) *Clearance with the Office of Operations.* Before entering into a contractual relationship or approving a subcontract with a foreign firm not listed in Office of Operations Memorandum No. 24, agencies shall furnish the Office of Operations information as follows:

(1) The name and address of the individual or firm involved.

(2) The names and addresses of all known firms or individuals having a controlling interest, or de facto control, through other means of the proposed contractor, subcontractor, lessor, cooperator, or grantee. In obtaining clearance for a proposed prime contract, any known foreign subcontractors to be employed in the work shall be included. However, it is not necessary to delay contracts while attempting to learn the names of prospective subcontractors.

(c) *Action by Office of Operations.* The Office of Operations will check the lists referred to in § 4–1.650–5 and advise, by telegraph or cable if requested, whether or not the proposed foreign individual or firm is listed. If it is, the agency will explore possible use of other individuals or firms and other alternatives. If essential activities would be substantially impaired through failure to enter into the proposed relationship with the listed foreign individual or firm, the agency will so advise the Office of Operations, with a full statement of the facts. The Department Debarring Officer will then determine and advise whether or not the proposed transaction may be made. He shall not authorize transactions with foreign nationals without permission of the Secretary of the Treasury. He shall not authorize transactions with foreign individuals or firms subject to administrative action by Washington headquarters of other agencies without consulting such headquarters.

7. Subparagraphs 4–1.706–2(a)(1) and b(3) are revised to read as follows:

§ 4–1.706–2 Review of SBA set-aside proposals.

(a) *Who determines if a class set-aside is in accord with the intent of the Small Business Act?* (1) The Small Business Act empowers the SBA and the Government contracting officer to set aside proposed procurements for exclusive competition among small business concerns when such action is determined to be: (i) In the interest of maintaining or mobilizing the Nation's full productive capacity; (ii) in the interest of war or national defense programs; or (iii) in the interest of assuring that a fair proportion of the total purchases and contracts for property and services for the Government (including but not limited to contracts for maintenance, repair, and construction) are placed with small business concerns. Determinations under (iii) of this subparagraph may be made by the contracting officer and the SBA representative. Proposed determinations under (i) or (ii) of this subparagraph shall be referred to the Director, Office of Operations.

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(3) Where the proposed action would have serious adverse effects on Department programs. Whether these program impacts indicate that a set-aside would be imprudent and therefore would justify a refusal is a judgement question which, in the event of dispute, may warrant clearance with agency headquarters and the Office of Operations before refusing a set-aside proposal.

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§ 4–1.708, 4–1.708–2 [Deleted]

8. Sections 4–1.708 and 4–1.708–2 are deleted.

9. Section 4–1.801–2 is revised to read as follows:

§ 4–1.801–2 Labor surplus area.

Information regarding labor surplus areas is contained in *Area Trends in Employment and Unemployment* published monthly by the Department of Labor. Every contracting activity other than small purchase offices should request to be placed on the mailing list to receive this publication. Address requests to:

U.S. Department of Labor,
Manpower Administration—MPPL,
Washington, D.C. 20213

10. Subpart 4–1.9 is revised to read as follows:

Subpart 4–1.9—Reporting Possible Antitrust Violations

§ 4–1.901 General.

All suspected violations of the antitrust laws shall be reported to the Office of Operations for review and referral to the Attorney General as may be necessary.

11. Subpart 4–1.11 is revised to read as follows:

Subpart 4–1.11—Qualified Products

§ 4–1.1101 Procurement of qualified products.

(a) *Product not listed.* If a bidder indicates in his bid that the products offered have been tested and approved for inclusion in the Qualified Products Lists, but the latest lists available to the contracting officer do not include such products, the qualifying agency named should be requested to verify that the products have been tested and approved. Should any delay or difficulty arise in obtaining prompt verification, the matter should be referred through appropriate agency channels to the Office of Operations, which will obtain the information from the General Services Administration. If the bidder furnished with his bid a copy of the notice of approval issued by the qualifying agency, no verification should be necessary.

(b) *Distribution of lists.* Arrangements may be made with the Office of Operations for obtaining copies of the Federal Qualified Products Lists.

12. Subpart 4–1.16 is revised to read as follows:

Subpart 4–1.16—Reports of Identical Bids

§ 4–1.1601 General.

Executive Order 10936 is applicable to all program functions of the Department, except for exemptions that may be made thereunder by the Attorney General. The provisions of Subpart 1–1.16 shall be followed in giving effect thereto.

§ 4–1.1603–2 Preparation of reports.

(a) See § 4–16.903—DJ1500 for the report form and instructions for preparation.

(b) Where the volume of identical bids so warrants, arrangements may be made with the Department of Justice, through the Office of Operations, for preparation and submission of the data in other format, such as machine listings.

PART 4–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

13. The Table of Contents of Part 4–5 is revised as follows:

a. The heading of Subpart 4–5.57 is revised to read as follows:

4–5.57—Office of Operations

b. The headings of §§ 4–5.5701, 4–5.5703, 4–5.5703–2, 4–5.5703–3, and 4–5.5703–4 are revised as follows:

Sec.
4–5.5701 Central Supply Branch.
4–5.5703 Procurement by the Office of Operations.
4–5.5703–2 Documentation.
4–5.5703–3 [Reserved]
4–5.5703–4 [Reserved]

14. The heading of Subpart 4–5.57 is revised to read as follows:

4–5.57—Office of Operations

15. Sections 4–5.5701, 4–5.5702, and 4–5.5703 are revised to read as follows:

§ 4–5.5701 Central Supply Branch.

§ 4–5.5701–1 Authority.

As authorized in the Agriculture Appropriation Act for 1944 (5 U.S.C. 542–1) the Central Supply Branch, Office of Operations, operates a central supply service for the purchase, storage, handling, issuance, packing, and shipping of supplies and equipment, which service shall be used to the fullest extent practicable in order to make unnecessary the separate maintenance of like services in agencies of the Department.

§ 4–5.5701–2 Delivery.

Agencies of the Department shall procure supplies, equipment, blank forms, or other materials needed for Washington, D.C., delivery from the Central Supply Branch to the extent such materials are carried in stock by that Branch. Field offices may procure their needs from the Central Supply Branch where this source of supply is the most economical.

§ 4–5.5701–3 Forms available.

There is included in the Central Supply Branch Catalog a list of forms available to all agencies of the Department. The list includes Standard, Department, Civil Service, Treasury, Compensation Commission, and other miscellaneous common use forms. Under special arrangements with the agencies concerned, the Branch also stocks certain forms adopted by and restricted to the use of individual agencies.

§ 4–5.5701–4 Ordering standard and AD forms.

The Central Supply Branch purchases, stocks, and issues Standard and AD forms and uses the Working Capital Fund to finance initially the cost of such operation. Agencies shall reimburse the Working Capital Fund for the cost of such forms as well as the handling cost. With the following exceptions, all agency requirements for Standard and AD forms shall be obtained from the Central Supply Branch:

(a) Tabulating cards, purchase orders and vouchers for transportation charges. For procurement of bills of lading see 5 AR 461c.

(b) Standard forms, which are not overprinted, serially numbered, or otherwise altered, for field use, shall be requisitioned from field warehouses of the Federal Supply Service.

(c) When, because of quantity, frequency of ordering, or other special circumstances, it appears more economical to order AD forms from the Public Printer, a printing requisition (Form AD–78), accompanied by a statement explaining the reason why such an order would be more economical, may be submitted to the Office of Communication where it will be processed if determined to be more economical.

§ 4–5.5701–5 Method of acquisition.

Agriculture Department Form 14, Request for Supplies, Equipment, or Service, shall be used to requisition materials and forms stocked by the Central Supply Branch. See the reverse side of that form for detailed instructions for its use. Other instructions are contained in the Central Supply Branch Catalog.

§ 4–5.5701–6 Handling charges.

The Central Supply Branch operates under a working-capital fund. Charges for handling office and laboratory supplies are in the form of a surcharge against the purchase price of items delivered. Handling charges on printed forms are based on quantity and frequency of withdrawals as related to overhead.

§ 4–5.5702 Departmental contracts.

The Office of Operations makes consolidated term contracts for services constantly in demand by the Department but not covered by Federal Supply Schedules or other term contracts. Agencies are notified of these contracts through Office of Operations' Memoranda No. 22.

§ 4–5.5703 Procurement by the Office of Operations.

§ 4–5.5703–1 General.

In order to accommodate agencies having a need therefor, the Office of Operations will, on agency request, solicit bids or proposals and/or award contracts when: (a) The agency has no delegated procurement contracting authority or assigned procurement office, (b) the contemplated contract is in excess of the amount of contracting authority delegated to the agency, or (c) the contract is otherwise beyond the authority of the agency. In such circumstances agencies are encouraged to include Office of Operations procurement personnel in the earliest planning stages of the procurement.

§ 4–5.5703–2 Documentation.

Certain documentation is required from agencies submitting requisitions to the Office of Operations for procurement action. It includes but is not limited to:

(a) An original requisition and two copies signed by an authorized official of the agency. The requisition must cite appropriation authority, estimated dollar amount, description of supplies or services required, quantity required, date material or services are required and place of inspection of goods or services.

(b) Specifications reflecting the minimum needs of the agency (see FPR 1–1.305 and 4–1.305 of this chapter).

(c) A list of known or potential suppliers of the supplies or services (see FPR 1–1.302 and 4–1.302 of this chapter).

(d) If competition is to be limited to a single source a statement to that effect together with appropriate justification is required.

(e) Justification for negotiation, if required (see FPR 1–3.2).

(f) If for automated data processing equipment or services, a statement from the Office of Automated Data Systems that the specifications have been reviewed by their staff.

§ 4–5.5703–3 [Reserved]

§ 4–5.5703–4 [Reserved]

§ 4–5.5703–5 Contract administration.

The successful completion of contracts awarded by the Office requires close cooperation and coordination between the Office and the agencies. After a contract is executed by the Office for an agency, the agency representatives have responsibility for close cooperation with the contracting officer in follow-up and expediting of performance and in inspection and testing of materials or services furnished. Those actions which are a responsibility of the contracting officer under the terms and conditions of the contract may not be performed by any other person, unless there is a written delegation by the contracting officer designating specific persons to act for him. These include the execution of such documents as change orders, extensions of contract time for performance, notices of default or termination of the contractor's right to proceed under the contract, findings of fact and decisions on questions of fact in dispute. Whenever such actions are required, the necessary documents should be prepared for signature of the contracting officer (or his designated repesentative) after such consultation with him as may be appropriate. The agency representative is responsible for maintaining constant cognizance of the status of performance by the contractor. Whenever it appears that a contract is not being, or will not be performed satisfactorily, the contracting officer should be advised promptly.

PART 4–16—PROCUREMENT FORMS

16. The Table of Contents of Part 4–16 is revised by deleting section 4–16.852.

§ 4–16.852 [Deleted]

17. Section 4–16.852 is deleted.

Effective date: February 18, 1975.

(5 U.S.C. 301; 40 USC 486(c))

JOHN J. KEANEY,
Director, Office of Operations.

FEBRUARY 12, 1975.

[FR Doc.75–4342 Filed 2–14–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–133]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Earth-to-Space Tracking Transmissions

In the Matter of Amendment of Part 2 of the Commission's rules and regulations to add a new footnote US 219 to the Table of Frequency Allocations permitting the use of the frequency 2106.4 MHz by Government earth stations for earth-to-space transmissions for tracking, telemetry and telecommand at Sioux Falls, South Dakota and Fairbanks, Alaska.

1. The Commission, through its liaison representation on the Interdepartment Radio Advisory Committee (IRAC) of the Office of Telecommunications Policy (OTP), has been requested to amend its Rules to permit the use of the frequency 2106.4 MHz for earth-to-space transmissions for tracking, telemetry, and telecommand.

2. The Department of the Interior has been given the responsibility for collecting and disseminating a wide variety of essential data concerning the natural resources of the earth. In attempting to meet this requirement, the Department of Interior is implementing the Earth Resources Survey Operational System (ERSOS). This system utilizes low altitude satellite techniques which use two earth stations, one located at Sioux Falls, South Dakota and another at Fairbanks, Alaska.

3. Under the broad provisions of footnote U.S. 90, Government and non-Government stations may be authorized to use the band 2025–2120 MHz for earth-to-space transmissions in the space research and earth exploration-satellite services. Such authority is granted on a case-by-case basis subject to certain conditions.

4. Therefore provisions are being made which will enable the Department of Interior to use the frequency 2106.4 MHz for earth-to-space transmissions for tracking, telemetry and telecommand in conjunction with its Earth Resources Survey Operational Systems. This provision will be in the form of a new U.S. footnote, U.S. 219, to the Table of Frequency Allocations. However, the use of the frequency 2106.4 MHz is subject to the condition that such transmissions shall not cause harmful interference to non-Government operations. Because no adverse effects will be caused to non-Government entities, the Commission would not expect to receive any comments in this matter if a Notice of Proposed Rule Making were issued. Issuance of a Notice and deferring the effective date would merely delay the outcome. Therefore, compliance with the prior notice and effective date provisions contained in the Administrative Procedures Act, 5 U.S.C. 553, is unnecessary and contrary to public interest.

5. *Accordingly, it is ordered* That, effective February 19, 1975, § 2.106 of the rules is amended as set forth below. Authority for this action is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

Adopted: February 4, 1975.

Released: February 13, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, § 2.106 is amended as follows:

1. The Table of Frequency Allocations is amended by adding a new footnote designator, US 219, to the band 1850–2200 MHz and by adding in proper numerical sequency the text of footnote US 219 following the Table, as shown below:

United States Band (MHz)		Allocations
Band (MHz)		
5		6
. . . . .		. . . . .
1850–2200		NG (US 90) (US 111) (US 219)
. . . . .		. . . . .

US 219. In the band 2025–2120 MHz Government earth resources satellite earth stations in the Earth Exploration-Satellite Service may be authorized to use the frequency 2106.4 MHz for earth-to-space transmission for tracking, telemetry, and telecommand at the sites listed below. Such transmissions shall not cause harmful interference to non-Government operations.

Sioux Falls, South Dakota, 43°32'3.1" N., 96°45'42.8" W.

Fairbanks, Alaska, 64°58'86.6" N., 147°30' 54.2" W.

[FR Doc. 75–4304 Filed 2–14–75; 8:45 a.m.]

PART 73—RADIO BROADCAST SERVICES

Lottery Information; Correction

In the matter of amendment of Part 73 (Radio Broadcast Services) and Part 76 (Cable Television Service) of the Rules.

Order, FCC 75–129, released February 5, 1975, (40 FR 6209) amends the rules with respect to the broadcast of lottery information. Section 73.1209 was designated as the new rule section. This section is already entitled, "References to time". Therefore, § 73.1211 is designated as "Broadcast of lottery information". Accordingly, paragraph 6 of the Order and items 1 and 2 of the Appendix are corrected by substituting § 73.1211 for § 73.1209.

Released: February 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–4305 Filed 2–18–75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 11]

DEVICES AND SUBSTANCFS FOR USE ON HORSES AT CERTAIN HORSE SHOWS

Proposed Prohibitions

Notice is hereby given in accordance with the administrative provision in 5 U.S.C. 553, that, pursuant to the provisions of the Horse Protection Act of 1970 (15 U.S.C. 1821–1831), the Animal and Plant Health Inspection Service is considering amending Part 11, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, with respect to prohibitions concerning devices and substances for use on horses at certain horse shows.

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry and humane officials provided the Department with many divergent views and considerable factual information as to possible methods of diagnosing sored horses and enforcement of the Act. Consideration was given to the views expressed, and the initial regulations were based on all information available at the time the regulations were issued, to become effective on January 28, 1972. Since the regulations were first published, experiments, tests, clinics, and experience have developed additional data which indicate the regulations should be amended.

The Department sought additional data after enforcement problems related to the regulations arose on a continuing basis and representatives of the concerned industry complained that portions of the regulations placed unnecessary and detrimental restrictions on the industry. Enforcement problems arose when numerous alleged violations were documented concerning boots which were prohibited by the regulations, e.g. exceeding the 16 ounce weight limitation (see 9 CFR 11.3). In some cases the horses wearing such boots showed no evidence of being sored. Also, enforcement experience revealed evidence which appears to support the horse industry's claim that adverse weather conditions could result in a "legal boot becoming illegal." It appears that boots permitted under the regulations which are exposed to water may gain weight, and wet leather boots may shrink when exposed to excessive heat. The regulation boots actually may be a soring device under certain other conditions. The 2½ inch height, permitted for boots under the regulations, may be excessive for a young horse with a small, short pastern and could cause loss of hair and boot rubs (abrasions) due to friction between the ill fitting boot and the horse's pastern. In some instances the 16-ounce boot weight may be excessive for a young horse with tender skin, and the horse industry claimed the 16-ounce weight was not sufficient to properly "balance" a mature horse. Weights, including the weight of action devices such as boots, are used to "balance" a horse in a manner similar to the use of weights in balancing automobile tires. The horse industry also claimed that USDA's restrictions against allowing action devices, other than the 16-ounce bell boot and the hinged quarter boot, placed detrimental restrictions on the industry because certain horses would not (or could not) perform while wearing the bell boot or hinged quarter boot. Further, the horse industry claimed that USDA's restrictions on allowing any foreign substance on the pastern and fetlock areas of horses were excessively restrictive. The industry maintained that lubricant-type substances, if allowed, would protect and prevent damage to a horse's leg.

In an effort to resolve enforcement problems and to properly evaluate complaints concerning the regulations, the Department conducted a 7-day, fact-finding clinic on soring, training devices, and aids such as lubricants, boots, chains, etc., in which the Department, industry, and humane group representatives worked cooperatively to gather data. In addition, the Department conducted extensive factfinding tests and experiments on live horses at the Veterinary Services Laboratory in Ames, Iowa, for the purpose of establishing the reliability of infrared thermography to detect soring and to test the effects of lubricants and various types of training devices and aids under diverse conditions. Evaluation of enforcement data provided information based on actual problems related to the regulations that have been experienced by Department personnel. Data gathered at the factfinding tests, experiments, and clinics, along with information gathered by experience in enforcing the Act, provided a basis for determining the effect of lubricants and various types of boots, chains, and other devices on horses. The factfinding clinic and test results were substantiated through the use of the Department's infrared thermography equipment.

The fact-finding clinic, tests, experiments, and enforcement experience revealed that current regulations may be excessively restrictive in prohibiting the use of all chains, in imposing a weight limitation of 16 ounces and a 2½-inch minimum width on bell boots, and in excluding all lubricants on horses' pasterns and too permissive with respect to certain methods and devices. The clinic, experiments, tests, and enforcement experience revealed that individual horses may be affected differently by certain methods or devices and that such methods or devices may cause, or reasonably be expected to cause, physical pain, extreme physical distress, or inflammation to some horses and not to other horses. It appears that with respect to such methods or devices an evaluation must be made in each specific case. However, there appears to be a rational basis for believing that use of certain other methods and devices such as chains weighing more than 10 ounces each would cause one or more of these effects in any horse, and if used on a horse for the purpose of affecting its gait would result in the house being sored. The fact-finding clinic, experiments, and tests also revealed that the use of certain lubricants, such as liquid petrolatum, may greatly decrease the possibility of friction damage to a horse's leg by boots, chains, or other devices. However, unless the lubricants are applied after pre-show inspection by the horse show representative, they may mask cracks, abrasions or other abnormalities indicative of soring which such inspection is meant to detect. Unless the lubricant used is clear and transparent, its presence could so greatly interfere with subsequent inspection by Department inspectors for physical evidence or soring as to outweigh the beneficial effects achieved by allowing the use of such lubricants. Further, the requirement that the lubricants be applied under the control of the show representative and that only lubricants furnished by the show management be used, would appear to be necessary to assure that only permitted lubricants are used and to facilitate sampling of the lubricants in enforcement of the Act. Further, it appears that the use of therapeutic substances should not be allowed on the pastern areas of a horse during showing or exhibition since they also can mask evidence of soring. Therefore, based on the knowledge gained from experience, tests, experiments, and studies involving infrared thermovision equipment, the fact-finding clinic, experiments, and tests conducted at the Veterinary Services Laboratory in Ames, Iowa, various field studies, and other experience gained in enforcing the Act, the Department proposes to amend the regulations to prohibit the use of certain methods and devices which it appears may reasonably be expected to cause physical pain, extreme physical distress, or inflammation

to any horse upon which they are used; to delete the provisions specifying permitted boots and thereby eliminate the 16-ounce weight limitation and 2½-inch width requirement for bell boots; to modify provisions for the use of therapeutic treatments; and to allow the use of clear and transparent lubricants under certain conditions when controlled by show management, as follows:

1. In § 11.2, paragraphs (b), (c), and (d), would be revised respectively to read:

§ 11.2 Prohibitions concerning exhibitors.

. . . . .

(b) No chain, boot, or other method or device shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) The use of any of the following devices on any horse for the purpose of affecting its gait at any horse show or exhibition is prohibited:

(1) All trotting devices, including but not limited to rollers and similar devices;

(2) Chains weighing in excess of 10 ounces each including the weight of the fastener;

(3) Chains which are not smooth and free of projections, protrusions, rust, corrosion, or rough or sharp edges;

(4) Boots, or any other device, with protrusions, swellings, or rough or sharp edges, seams or other surfaces that may contact a horse's leg.

(d) All substances are prohibited on the extremities, above the hoof (but below the fetlock) of any horse while being shown or exhibited at any horse show or exhibition, except clear and transparent lubrisants, including, but not limited to glycerine, petrolatum, and mineral oil, or mixtures thereof: *Provided*, That:

(1) Any such lubricant is applied after the horse is inspected by the show manager or his representative and the lubricant is applied under the control of the show management.

(2) Show management furnishes to the exhibitors at their request and maintains control over all lubricants for use at the horse show or exhibition;

(3) Show management makes such lubricants available for Department personnel to obtain samples for laboratory analysis.

§ 11.3 [Deleted]

2. The present § 11.3 would be deleted in its entirety.

§ 11.1 [Amended]

3. In present § 11.1(t)(1)(iv), the last sentence would be amended to read: "Although a horse given therapeutic treatment by a veterinarian to relieve pain, lameness, or disability, or to restore its normal gait shall not be considered sored, the use of any substances above hoof but below the fetlock of any horse while being shown or exhibited at any horse show or exhibition is prohibited by § 11.2(d) except as permitted therein."

Any person who wishes to submit written data, views, or arguments, concerning this proposal may do so by filing them with the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, before March 10, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4338 Filed 2-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 75-GL-5]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a joint-use restricted area three miles wide across Lake Michigan from Manitowoc, Wis., to Ludington, Mich., and from Ludington to Milwaukee, Wis., to enable the University of Wisconsin to conduct a meteorological study of the lower atmosphere across Lake Michigan.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill., 60018. All communications received on or before March 20, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate a two part joint-use restricted area identified as R6905A and R6905B across Lake Michigan as follows:

1. R6905A within 1½ NM. on each side of a direct line between coordinates latitude 44°05' N., longitude 87°38' W., and latitude 43°57' N., longitude 86°28' W., excluding the area within 5 NM of the shoreline.
2. R-6905B within 1½ NM. on each side of a direct line between coordinates latitude 43°57' N., longitude 86°28' W., and latitude 43°02' N., longitude 87°52' W., excluding the area within 5 NM. of the shoreline at Ludington, and the area southwest of the southern boundary of R6903.

R6905A and R6905B

Designated altitudes. Surface to 6,000 MSL.
Time of designation. As activated by NOTAM. 12 hours in advance.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. University of Wisconsin.

The University of Wisconsin plans to conduct a scientific program of studying the meteorological conditions of the air in the lowest mile of the atmosphere, called the boundary layer, over Lake Michigan.

This Boundary Layer Study will last about a year and will be conducted by flying a tethered balloon system from a ferry boat operating between Manitowoc, Wis., Ludington, Mich., and Milwaukee, Wis. Up to five instrument package units will be attached at meteorologically interesting levels to the tether line. These units will be suspended from a helium-filled balloon at both fixed and varying levels, from the lake surface to 1500 meters (4,922 ft.). The balloon will have a length of 8 meters (20 ft.) and a diameter of 3 meters (10 ft.). It will be equipped with a radio controlled rapid deflation device in the event the tether line severs. These instrument package units weigh 1.9 pounds and are 28 inches long and 8 inches in diameter. The balloon and packages will be towed at 18 knots across the lake. One to three days of intensive 24 hour operation followed by a one to two week break for data reduction and analysis is envisioned during the summer months and on an irregular basis during the winter months. There will be 12 hours notification before any operation starts and communications capability will be available from the boat during operation. The proposed width of 3NM allows for maximum horizontal tether line displacement from the boat, maximum course deviation and position information tolerance under normal conditions. During abnormal weather conditions, i.e., severe weather, the balloon system will not be flown.

The Chicago ARTC Center will be the controlling agency and the restricted airspace will be available to the public when balloon operations are not being conducted.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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Issued in Washington, D.C., on February 11, 1975.

P. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-4284 Filed 2-14-75;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 611, 613, 614, 615, 616]

FARMBANK SERVICES, LOAN POLICIES, ETC.

Proposed Amendments

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments of its regulations as set forth below in tentative form. These amendments would: (1) Require minutes to be kept of meetings of the Governing Body of Farmbank Services, (2) clarify the applicability to Farmbank Services of regulations issued for Farm Credit institutions, (3) revise rural home lending program requirements and limitations, (4) clarify limitations on maximum loans, (5) clarify what may be security for Federal land bank loans, (6) clarify what may be security for production credit association loans, (7) restate criteria to be included in loan servicing policies, (8) restate requirements for insurance on shipments of valuables, (9) delete regulation dealing with reports of insured shipments of valuables, and (10) restate coordination policies for rural home lending.

Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (10 copies) no later than March 17, 1975, to W. M. Harding, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the office of Director, Information Division, Office of Administration, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding §§ 611.1055 and 611.1150, revising § 613.3040, paragraphs (a) and (b) of § 614.4180, paragraph (a) of § 614.4230, § 614.4250, paragraph (d) of § 614.4510, and § 615.5500, deleting § 615.5510, and revising § 616.6030. These amendments are as follows:

PART 611—ORGANIZATION

§ 611.1055 Minutes of Governing Body of Farmbank Services.

The Governing Body of Farmbank Services shall keep full and accurate minutes of its meetings. Two copies of the minutes of the Governing Body shall be sent to the Farm Credit Administration within 2 weeks after the meetings.

§ 611.1150 Farmbank Services.

All applicable regulations published and issued for the banks and associations of the Farm Credit System shall be observed by Farmbank Services.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

§ 613.3040 Rural residents.

(a) *Definition.* A rural resident is a person residing in a rural area who meets the eligibility requirements enumerated below.

(b) *Eligibility.* Eligibility requirements for the rural home lending program are as follows:

(1) The applicant shall become an owner-occupant of the rural residence being financed. He shall not have loans under this program on more than one rural residence at any one time and no loan shall be made to purchase or construct a rural residence for the express purpose of rental or resale.

(2) For the purposes of nonfarm home lending only, a rural area is open country which may include rural subdivisions or any city or village with a population not exceeding 2,500 persons. A rural area does not include cities, subdivisions or villages associated with a larger population center. The intent is to avoid lending in concentrated, high density, residential areas or villages which are a part of an urbanizing area surrounding or immediately adjoining an urban area of a larger population center. Rural areas may include open areas which are undeveloped for housing and still devoted to agricultural use within other political boundaries, including "towns" exceeding 2,500 persons, designated by the district board and approved by the Farm Credit Administration.

(3) Within rural areas, eligible properties include individual sites as well as sites in rural subdivisions whose design shall encourage orderly development. The bank shall establish appropriate policies subject to approval of the district board for eligible subdivisions.

(4) A rural residence is a single-family, moderate-priced dwelling used as a permanent, year-round home, with appropriate appurtenances and an appropriate site. Rural residences may include conventional housing, modular housing, or mobile homes which are related to a specific real estate site. A moderate-priced dwelling is adequate but not in excess of the living standards of persons in the middle range of income, and not inconsistent with the general quality and standards of housing existing in, or planned for, that area of the Farm Credit district. Due to the wide variations in housing costs, income levels, and area standards for housing, the value level which constitutes moderate-priced housing will vary between localities.

(c) *Scope of financing.* Loans may be made to owner-occupants of rural residences for the purposes of buying, building, remodeling, improving, repairing and refinancing existing indebtedness on such residences. The total amount of credit that may be extended by Farm Credit institutions for eligible purposes shall not exceed 85 percent of the appraised value of the rural residence security.

(d) *Program limitations.* The rural home lending program shall be operated within the following limitations:

(1) Rural home lending in a district may be implemented only with the approval of the district board. Implementation at the association level is within the discretion of the association board. Upon implementation, such loan service shall be made available to all eligible persons.

(2) No Federal land bank may at any time have outstanding rural residence loans in an amount exceeding 15 percent of the total of all loans outstanding. No production credit association may have outstanding rural residence loans in an amount exceeding 15 percent of its total loans outstanding at the end of the preceding fiscal year, without prior approval by the Federal intermediate credit bank of the district, nor shall the aggregate of such loans exceed 15 percent of the outstanding loans of all associations in the district at the end of the bank's preceding fiscal year.

(3) Whenever any Federal land bank association or production credit association exceeds 15 percent of its total loan volume in rural residence loans, the respective bank board shall require the bank to make periodic reviews to assure that farmers' credit needs are being adequately served in accordance with the objectives of the Act.

(4) Should circumstances arise which curtail loan funds for the System, agricultural loans shall receive priority to the exclusion of rural home loans.

(e) *Identification.* All loans made under the rural home lending program shall be separately identified.

(1) In making such identification, a rural residence is a property which does not have the capacity to produce farm products for sale on a sustained basis, or if it has that capacity is not intended to be used in that manner.

(2) Housing loans for homes used in farming operations or immediate family needs to farmers and ranchers may be identified as farm loans if the borrower's agricultural operation represents more than 50 percent of his total business. Such loans are not subject to the area and price limitation of § 613.3040 (b) or the 15 percent limitation of § 613.3040(d).

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4180 Federal land banks.

(a) Loans may be made for not less than 5 years nor more than 40 years. The basis of approval shall set out the terms and conditions under which a loan is approved. When necessary to assure proper understanding, provide needed controls, and protect the lender, a formal written loan agreement shall be developed between the borrower and the bank.

(b) The outstanding loan balance on any loan shall not at any time during the life of the loan exceed 85 percent of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not, however, prohibit protecting the security position by advancing taxes, advancing insurance premiums, rescheduling loan payments, granting partial releases, or other loan servicing actions when the loan, subsequent to the action, will be at least as well secured as it was prior to the action.

* * * * *

§ 614.4230 Federal land banks.

(a) Primary security for a Federal land bank loan shall consist of a first lien on interest in real estate. In the case of nonfarm rural home loans, the primary security shall be a first lien on the rural residence being financed. The real estate interest must be mortgageable interest under deeds or leases which reasonably may be considered adequate to afford the security of a first lien upon the rights and interest on which the loan is predicated. Collateral closely aligned with, an integral part of, and normally sold with real estate may be included in the appraised value of the security upon which a loan is based. Appraised value shall be determined within approved standards and shall include in the evaluation either farmlands, eligible farm-related businesses, or eligible rural residences, whichever is appropriate for the type of loan being made.

* * * * *

§ 614.4250 Production credit associations.

(a) Both secured and unsecured loans may be made in accordance with procedures prescribed by the bank. Normally, primary security taken will consist of first liens on personal property and crops. While it is not intended that associations will ordinarily make first lien real estate mortgage loans to farmers, real estate or other security may be taken when deemed necessary for the protection of the association in making short- and intermediate-term loans for eligible purposes.

(b) The primary security for nonfarm rural home loans shall be a first lien on the rural residence being constructed, purchased, or refinanced. Loans for repairs and improvements usually will be secured by a real estate lien or such other security as is determined to be necessary to protect the lender. The outstanding loan balance on any nonfarm rural home loan shall not at any time during the life of the loan exceed 85 percent of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not, however, prohibit protecting the security position by advancing taxes, advancing insurance premiums, rescheduling loan payments, granting partial releases, or other loan servicing actions when the loan, subsequent to the action, will be at least as well secured as it was prior to the action.

(c) Before taking a real estate mortgage, the association shall consider whether all or a portion of the credit needs might be met more satisfactorily by a real estate mortgage loan such as may be obtained through a Federal land bank association, in accordance with district board policies established under § 616.6030.

(d) Recovery value shall be the basis for measuring the collateral worth of nonreal estate security. The value of interest in real estate which constitutes primary security shall be the appraised value as determined within approved appraisal standards.

§ 614.4510 General.

* * * * *

(d) In the development of the bank and association policies and procedures, the following criteria shall be included:

(1) Term loans. The objective shall be to provide borrowers with prompt and efficient service with respect to justifiable actions in such areas as personal liability, partial release of security, insurance requirements or adjustments, loan division or transfers, conditional payments, extensions, deferments or reamortizations. Procedures shall provide for adequate inspections, reanalysis, reappraisal, controls on payment of insurance and taxes (and for payment when necessary), and prompt exercise of legal options to preserve the lender's collateral position or guard against loss. The policy shall provide a means of forbearance for cases when the borrower is cooperative, making an honest effort to meet the conditions of the loan contract, and is capable of working out of the debt burden. Loan servicing policies for rural home loans shall recognize the inherent differences between agricultural and rural home lending.

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PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5500 Shipment of valuables.

Shipments of valuables including fully executed, uncanceled coupon bonds and uncanceled registered bonds which have been endorsed in such a manner or are accompanied by such detached powers of attorney or assignments as to require no further action before their negotiation by any holder could be accomplished, by the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, banks for cooperatives, and the production credit associations, when made to or by the assured or to or by others for the account of the assured, shall be covered by an insurance policy entitled open registered mail and express policy No. FCA 125. Details for implementing coverage under the open registered mail and express policy shall be issued by the Farm Credit Administration in the form of a letter of instruction.

§ 615.5510 [Reserved]

PART 616—COORDINATION

§ 616.6030 Rural home lending.

Coordination policies relative to rural home lending shall define the appropriate lending authorities and relationships.

(a) Federal land banks should finance the purchase or construction of rural residences where the owner requires long-term financing. Production credit association lending, while not excluding the purchase or construction of conventional homes, should emphasize remodeling and repair of permanent homes and financing mobile homes where the owner needs intermediate-term financing.

(b) The same appraisal standards, forms and procedures shall be used by both Federal land bank associations and production credit associations.

(c) Uniform procedures regarding the closing of rural home loans shall be prescribed by the supervising banks.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

W. M. HARDING,
Governor, Farm Credit Administration.

[FR Doc.75-4343 Filed 2-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

[Ex Parte No. MC 43 (Sub-No. 4)]

LEASE AND INTERCHANGE OF VEHICLES

Trip Leasing

It is ordered, That based upon the reasons set forth in the attached notice, a proceeding, be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act) and 49 U.S.C. 303(b)(6) and 304(f).

It is further ordered, That the attached notice be, and it is hereby, adopted and incorporated by reference into this order.

It is further ordered, That all motor common and contract carriers of property subject to Part II of the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That in view of the action taken herein, the petition of the National Independent Truckers Unity Committee filed January 20, 1975, be, and it is hereby, denied.

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over motor transportation, by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Congress in enacting section 204(f) of the Interstate Commerce Act, 49 U.S.C. 304(f), contemplated that the operators of motor vehicles used in the

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transportation of agricultural commodities or other property of a character embraced within section 203(b)(6) of the Act, 49 U.S.C. 303(b)(6), should be able next to use such motor vehicles under trip-lease arrangements for the transportation of freight for the account of motor carriers having use for them for movements in the general direction of the area in which such motor vehicles are based. There is reason to believe that the arrangements between the operators and the motor carriers have not evolved as satisfactorily as had been anticipated they might and that an investigation of this area of transportation by this agency might result in the adoption of rules and regulations that would facilitate such trip-leasing, as contemplated by the statute.

The Commission, herefore, has instituted this proceeding for the purpose of exploring the following issues, among others, and determining whether the rules and regulations governing the lease and interchange of vehicles, 49 CFR 1057.1 et seq., should be revised and for the purpose of taking such other and further action as the facts and circumstances may justify or require:

1. Whether the operators of motor vehicles trip-leasing such vehicles should be guaranteed copies of, or the right to inspect, the extended freight bills covering the transportation of freight for the account of motor carriers, showing the revenue upon which the split or division revenues upon which they are compensated is based.

2. Whether the operators of motor vehicles trip-leasing such vehicles should be assured of payment of their compensation within 15 days of delivery or tender of delivery.

3. Whether there should be one or more clearinghouses at which motor carriers would be able to register the availability of freight to be trip-leased for their account. If so, what, if any, requirements should be imposed for the participation of operators of motor vehicles seeking to trip-lease their equipment. Finally, who should operate such clearinghouses and upon what terms.

No hearings will be scheduled for the receiving of oral testimony unless a need therefor should later appear, but anyone interested in making representations in favor of, or against, the proposed modifications in the leasing regulations is hereby invited to do so by the submission of written data, views, or arguments. An original (and 8 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before April 1, 1975; and that all such statements will be considered as evidence and as part of the record in this proceeding.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4340 Filed 2-14-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 50-250]

VETERANS EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS

Notice of Proposed Rulemaking

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Pub. L. 93-508) which amends the Vietnam Era Veterans' Readjustment Assistance Act of 1972 (Pub. L. 92-540) was enacted into law on December 3, 1974.

The purpose of the 1972 Act was inter alia, to facilitate the employment of returning veterans by requiring Federal contractors and their subcontractors to list certain employment openings with the public employment service system and to give special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era. These requirements were set forth in section 2012 of Title 38 U.S.C.

The 1974 Act (hereinafter referred to as "the Act") amends section 2012 to:

(a) Establish the dollar amount of government contracts subject to the provisions of the Act at $10,000; and

(b) Require that contractors take affirmative action to employ and advance in employment disabled and Vietnam era veterans instead of providing special emphasis only.

To implement the amendments contained in the 1974 Act which pertain to the dollar amount of governmental contracts subject to the provisions of the Act, and to provide for certain programmatic improvements, the Secretary is proposing regulations which amend Part 50-250 of Title 41, Code of Federal Regulations. Regulations implementing the affirmative action provisions of section 2012 of the Act have not been completed and will be issued at a later date. Sections 50-250.20 through 50-250.40 have been reserved for this purpose.

A summary of specific changes proposed to be made to 41 CFR Part 50-250 in this issuance is as follows:

(a) In § 50-250.1, *Purpose and Scope*, the legislative references are appropriately revised;

(b) In § 50-250.2, retitled in these regulations as *Required clause in Federal contracts and first-tier subcontracts*, the contract amount subject to the provisions of the Act and regulations is changed from $2,500 to $10,000;

(c) In § 50-250.2(a), the language requiring special emphasis in the employment of disabled and Vietnam era veterans is changed to requiring affirmative action to employ disabled and Vietnam era veterans;

(d) In § 50-250.2(a), the reference to contracts for less than $10,000 is deleted;

(e) Section 50-250.2(a) has been revised to clarify State and local government agency listing responsibilities;

(f) In § 50-250.2(c), quarterly reporting requirements have been clarified to provide for the reporting of the categories of veterans covered by section 2012 of Title 38 of U.S.C.;

(g) In § 50-250.2(d), the term "establishment" has been changed to "hiring location" consistent with the reporting clarifications made in section 50-250.2(c);

(h) In § 50-250.2(g)(1), the definition of suitable employment opening has been revised to raise the salary basis for exclusion from listing from $18,000 and over to $25,000 and over to reflect current economic levels;

(i) In § 50-250.2(h), the subcontract amount subject to the provisions of the Act and regulations is changed from $2,500 to $10,000;

(j) In § 50-250.2(h), a requirement is established for contractor identification of first-tier subcontractors upon request by the State employment service;

(k) Procedures for handling contractor non-compliance and veterans' complaints in § 50-250.6, which is retitled in these regulations as *Failure to comply with mandatory listing provisions; processing of veterans' complaints* have been revised to provide specifically for contractor non-compliance with mandatory listing provisions. Provisions for processing veterans' complaints will be deleted when affirmative action provisions are promulgated as sections 50-250.20 through 50-250.40 at a later date;

(l) Sections 50-250.7 and 50-250.8 have been renumbered as §§ 50-250.9 and 50-250.7 respectively;

(m) In § 50-250.7, which is retitled in these regulations as *Federal departments and agencies*, provisions have been changed to reflect Civil Service Commission instructions to Federal agencies relating to the listing of job openings by these agencies with the employment service;

(n) A new § 50-250.8, *Monitoring and Evaluation by Veterans Employment Service*, has been added to specify the responsibilities of the Veterans Employment Service and to reflect the intent of section 104, *Veterans' Employment Provisions*, of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93-567).

(o) In § 50-250.9, retitled in these regulations as *Manpower Administration Regional Offices*, addresses of Manpower Administration regional offices are updated;

(p) Sections 50-250.20 through 50-250.40 have been reserved for affirmative action provisions to be promulgated at a later date.

Interested parties may submit written comments, suggestions, data, or arguments on these proposed regulations to: Assistant Secretary for Manpower, United States Department of Labor, 601 D Street NW., Washington, D.C. 20213. Attention: William B. Lewis, Associate Manpower Administrator for the United States Employment Service, on or before March 20, 1975. Material thus submitted will be evaluated and incorporated, to the extent appropriate, in final regulations to be published at a later date.

41 CFR Part 50-250 is proposed to be revised to read as follows:

Sec.

50-250.1 Purpose and scope.
50-250.2 Required clause in Federal contracts and first-tier subcontracts.
50-250.3 Veteran priority in referrals.
50-250.4 Obligation of executive departments and agencies.
50-250.5 Deviations.
50-250.6 Failure to comply with mandatory listing provisions; processing of veterans complaints.
50-250.7 Federal departments and agencies.
50-250.8 Monitoring and evaluation by Veterans Employment Service.
50-250.9 Manpower Administration Regional Offices.
50-250.20 to 50-250.40 [Reserved for affirmative action provisions.]

AUTHORITY: 38 U.S.C., 2012, E.O. 11701, 38 FR 2675, and Pub. L. 93-567, Sec. 104, unless otherwise noted.

§ 50-250.1 Purpose and scope.

This part contains the Department of Labor's rules and regulations requiring listing of employment vacancies with the Federal-State Employment Service system by Federal contractors and subcontractors pursuant to section 2012 of Title 38 of United States Code, 38 U.S.C. 2012 and Executive Order 11701, 38 FR 2675. Sections are also being reserved for promulgation at a later date of affirmative action provisions to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era by Federal contractors and subcontractors.

§ 50-250.2 Required clause in Federal contracts and first-tier subcontracts.

In every contract for $10,000 or more, for the procurement of personal property and non-personal services (including construction) for the United States made and entered into by any department or agency of the Federal Government or any federally owned corporation and every subcontract entered into by the prime contractor in carrying out such contract, the contracting officer shall include, either directly or by reference, the following contract clause in (a) all invitations for bids and requests for proposals, and (b) all contracts, including contracts resulting from unsolicited proposals. The contract clauses prescribed by the Federal Procurement Regulations and by the Armed Services Procurement Regulations may be used instead of the clause set forth herein. The contract clause is as follows:

LISTING OF EMPLOYMENT OPENINGS [1]

(a) In order to promote the implementation of the requirement for the contractor to take affirmative action in the employment and advancement of qualified disabled veterans and veterans of the Vietnam era, the contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required. State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (c) and (d).

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and non-veterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.

(c) The reports required by paragraph (a) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location: (1) The number of individuals hired during the reporting period, (2) the number of non-disabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain copies of the reports submitted until the expiration of 1 year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor.

(d) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State, wherein it has establishments, of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State systems when it is no longer bound by this contract clause.

(e) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and such executive, administrative, and professional openings as are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(5) "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans' Administration for disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person: (i) who, (i) served on active duty for a period of more than 180 days, any part of which occurred on or after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-connected disability if any part of such duty was performed on or after August 5, 1964, and (2) who was so discharged or released within the 48 months preceding his application for employment covered under this part.

(h) The contractor agrees to place this clause (excluding this paragraph (h)) in any subcontract of $10,000 or more directly under this contract and at the request of the State employment service, identify these first-tier subcontractors. This clause shall apply to any first-tier subcontract entered into by the contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States.

[1] (This clause is applicable pursuant to 38 U.S.C. 2012 if this contract is for $10,000 or more.)

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§ 50–250.3 Veteran priority in referrals.

The local offices of the Federal-State employment service shall give priority in referral to disabled veterans and veterans of the Vietnam era to such employment openings listed by contractors and subcontractors pursuant to this part.

§ 50–250.4 Obligation of executive departments and agencies.

Executive departments and agencies shall issue amendments or additions to their procurement rules and regulations as may be necessary to conform those rules and regulations to the requirements of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and these regulations. Such amendments or additions shall be issued in consultation with the Secretary of Labor. Requests for consultation may be made to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20213.

§ 50–250.5 Deviations.

Under the most compelling circumstances, deviation from the provisions of this part may be made, subject to the approval of the Secretary of Labor. Requests for any such deviations shall be addressed to the Secretary of Labor, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, or to the Assistant Regional Director for Manpower of the U.S. Department of Labor of the region wherein the contract is to be signed, and shall set forth the reasons for the request.

§ 50–250.6 Failure to comply with mandatory listing provisions; processing of veterans complaints.

(a) *Failure to comply.* (1) Appropriate local office staff of the State employment service will ascertain if contractors are subject to and complying with the mandatory listing provisions set forth in this part. If it is believed that a contractor is not in compliance, a representative of the local State employment service office will contact the contractor and attempt, informally, to determine the facts and obtain compliance with the mandatory listing provisions. If unsuccessful, a written report on the matter will be referred to the State office of the employment service which will further attempt to resolve it. If the State office is unable to resolve the matter, it will promptly refer it to the regional office of the Manpower Administration. If still unresolved, the matter will be referred to the United States Employment Service. If the matter is not resolved within a reasonable period of time by the United States Employment Service, the United States Employment Service will notify the appropriate government contracting agency to take action under paragraph (b) of this section.

(2) Upon receipt by the contracting agency of notice of failure of a contractor or subcontractor to comply with the provisions of this part, the cognizant government agency or agencies shall take such action as may be appropriate in consonance with the default provision of the contracts concerned.

(b) *Processing of veterans complaints.* If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to the employment of veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

§ 50–250.7 Federal departments and agencies.

Federal executive departments and agencies, in order to implement the Federal executive policy of assistance to veterans in obtaining employment, shall list all of their suitable employment openings with the appropriate office of the Federal-State Employment Service in accordance with instructions issued by the Civil Service Commission. The Civil Service Commission shall furnish to the Secretary of Labor such reports and information as the Secretary may require in carrying out the Secretary's responsibilities under the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2012) and Executive Order 11701, 38 FR 2675.

§ 50–250.8 Monitoring and evaluation by Veterans Employment Service.

The State Veterans Employment Representatives (SVER's) and Assistants (AVER's) shall be responsible, through the Regional Veterans Employment Representatives (RVER's), to the Director of the Veterans Employment Service for monitoring and evaluating the performance of the State employment service agency in meeting the provisions and requirements of section 2012, 38 U.S.C. The VER's will provide guidance and assistance to the State employment service in regard to services to veterans in the Mandatory Listing program and provide assistance to State employment service staff, where necessary, to assure that the State employment service agency and Federal contractors meet the requirements of section 2012, 38 U.S.C.

§ 50–250.9 Manpower Administration Regional Offices.

Following are the addresses of the regional offices of the Manpower Administration of the Department of Labor, together with a list of the States and territories in each region. The addresses of the State and local offices of the various State employment services can be obtained at the office of the appropriate Assistant Regional Director for Manpower.

Region I—Room 1708, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.) Region II—Room 3713, 1515 Broadway, New York, N.Y. 10036. (New York, New Jersey, Puerto Rico, and the Virgin Islands.) Region III—Post Office Box 8796, Philadelphia, Pa. 19101. (3535 Market Street, do not use street address for mailing purposes.) (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.) Region IV—Room 405, 1371 Peachtree Street NE., Atlanta, Ga. 30309. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.) Region V—Sixth floor, 230 South Dearborn Street, Chicago, Illinois 60605. (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.) Region VI—Seventh floor, Federal Center, 1100 Commerce Street, Dallas, Texas 75201. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.) Region VII—Room 3000, Federal Building, 911 Walnut Street, Kansas City, Mo. 64106. (Iowa, Kansas, Missouri and Nebraska.) Region VIII—Room 16015, Federal Office Building, 1961 Stout Street, Denver, Co. 80208. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.) Region IX—Room 10054, Federal Building, 450 Golden Gate Avenue, San Francisco, Ca. 94102. (Arizona, California, Guam, Hawaii, and Nevada.) Region X—Arcade Plaza, 1321 Second Avenue, Seattle, Wa. 98101. (Alaska, Idaho, Oregon and Washington.)

§ 50–250.20 to 50–250.40 [Reserved]

Signed at Washington, D.C. this 7th day of February 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4330 Filed 2-14-75;8:45 am]

Manpower Administration

[20 CFR Part 609]

UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Right To Reconsideration and Hearing

The Department of Labor proposes to amend 20 CFR Part 609, which implements the program of unemployment compensation for federal civilian employees contained in sections 8501–8508 of Title 5, United States Code.

The program of unemployment compensation for Federal civilian employees is administered by the unemployment compensation agencies of the States, as agents of the United States, in accordance with agreements between the States and the Secretary of Labor of the United States (5 U.S.C. 8502). When a claim for unemployment compensation is filed by a former federal employee, certain information necessary to determine the former employee's entitlement to unemployment compensation is requested from the Federal agency that employed the individual. The Federal agency is required to furnish its findings (1) as to whether the former federal employee has performed "federal service" as defined in the law, (2) the periods of Federal service, (3) the amount of "Federal wages" as defined in the law, and (4) the reasons for termination of Federal service (5 U.S.C. 8506(a)). The findings of the federal agency are required to be made in the form and

manner prescribed in the regulations of the Secretary of Labor, and, when made in accordance with those regulations, are final and conclusive on the former federal employee and the State in determining the individual's entitlement to unemployment compensation (5 U.S.C. 8506(a)).

A former Federal employee or the State agency may request the Federal agency to reconsider and correct its findings (5 U.S.C. 8506(a), and 20 CFR 609.23). Upon receipt of a request for reconsideration and correction of its findings, the Federal agency is required to consider any information submitted with the request, review its findings, correct any errors or omissions, and forward its reconsidered findings to the State agency (20 CFR 609.9).

In a case decided in 1974, *Christian, et al.* v. *New York State Department of Labor, Division of Employment, et al.*, 414 U.S. 614 (1974), the United States Supreme Court considered what opportunity for a hearing must be afforded to a former Federal employee in connection with a request for reconsideration of the findings of a Federal agency. In its opinion the Supreme Court stated that the statute provides for a "hearing" of some dimensions in conjunction with the mandated procedures for reconsideration.

On remand the United States District Court for the Southern District of New York issued an Order, dated December 19, 1974, directing that a regulation be prepared which is designed to insure fairness and impartiality in procedures used to reconsider findings transmitted to State agencies in connection with claims for unemployment compensation by former Federal employees.

Accordingly, in the light of the opinion of the United States Supreme Court and the Order of the District Court, 20 CFR 609.23 would be amended by adding two new paragraphs, specifically requiring that a former Federal employee filing a claim for unemployment compensation be informed of the right to request reconsideration and of the right to a hearing, and also requiring that when a request for reconsideration is sent to a federal agency the agency be informed whether the former employee requests a hearing.

Further, 20 CFR 609.9 would be amended so as to require that a hearing procedure be established for use in the reconsideration process in cases in which there are no established procedures of the federal agency or the Civil Service Commission affording former employees an opportunity for a fair hearing on the contentions they make with respect to the findings of the federal agencies. Consideration will be given to including in this amendment a provision for the adoption of special procedures solely for the purpose of hearings on requests for reconsideration in lieu of using established procedures for that purpose. Any procedure adopted pursuant to amended 20 CFR 609.9 would be required to include specified elements of rights and procedures deemed essential to a fair hearing.

Any person interested in the amendments proposed herein, and any federal agency that will be affected by the amendments, may participate in this proposed rulemaking by submitting written data, views, or arguments on the proposed amendments, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213, on or before March 21, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Part 609 of Title 20, Code of Federal Regulations, is proposed to be revised by amending §§ 609.9 and 609.23 in the following respects:

1. § 609.9 is amended in its entirety to read as follows:

§ 609.9 Answering requests for reconsideration of Federal findings; opportunity for hearing.

(a) (1) On receipt of a request for reconsideration and correction of Federal findings under § 609.23 a Federal agency shall, as promptly as possible, correct any errors or omissions in its Federal findings, affirm, modify, or reverse any or all of its Federal findings in writing, and forward its reconsidered findings to the requesting authority.

(2) The reconsidered findings of a Federal agency shall be made by a person who is fair, impartial, and objective, and who does not occupy a position in the Federal agency which is directly or indirectly under the jurisdiction of the office in which there is or was employed any person who made or participated in the making of the previous finding with respect to which reconsideration and correction is requested.

(3) In reconsidering a Federal finding the person making the reconsidered finding shall consider all information furnished with the request for reconsideration and correction, and review the correctness of the previous finding: *Provided*, That, if the Federal civilian employee requests a hearing in the manner described in § 609.23(d), paragraphs (b) through (e) of this section shall be applicable.

(b) (1) Whenever a request for reconsideration and correction involves a contention that is the subject of a grievance or appeal, and with respect to which the Federal civilian employee has had an opportunity for a fair hearing, pursuant to procedures established by the Federal agency or the Civil Service Commission, the reconsidered findings of the Federal agency on that contention shall be based upon and be consistent with the decision in the grievance or appeal.

(2) Whenever a request for reconsideration and correction involves a contention with respect to which the Federal civilian employee had an opportunity for a fair hearing pursuant to procedures established by the Federal agency or the Civil Service Commission, and that opportunity was not utilized, the Federal civilian employee is not required to be afforded another opportunity for a fair hearing by reason of the provisions of this section.

(c) (1) Whenever a request for reconsideration and correction involves a contention with regard to which there is no procedure established for affording the Federal civilian employee an opportunity for a fair hearing, other than as is required by this paragraph (c), a procedure affording an opportunity for a fair hearing in connection with a request for reconsideration and correction shall be established as provided in this paragraph except in cases to which § 609.18(a) applies.

(2) The procedure instituted pursuant to paragraph (c)(1) shall include, as a minimum, the following elements:

(i) Designation of a person to consider the request for reconsideration and correction who is fair, impartial, and objective, and who does not occupy a position in the Federal agency which is directly or indirectly under the jurisdiction of the office in which there is or was employed any person who made or participated in the making of the previous finding with respect to which reconsideration and correction is requested.

(ii) Opportunity to present evidence and argument in connection with the request for reconsideration and correction.

(iii) The right to know and the opportunity to rebut evidence adverse to the position of the Federal civilian employee, and where credibility arises the opportunity to hear and rebut the adverse evidence in an evidentiary proceeding conducted by the person designated to consider the request for reconsideration and correction.

(iv) The right to be represented.

(v) Written findings by the person designated to consider the request for reconsideration and correction, based upon the evidence before the designated person, and a written decision based upon those findings.

(3) Where a hearing is held in accordance with this paragraph (c), the reconsidered findings of the Federal agency shall be consistent with the decision after the hearing.

(d) A procedure instituted pursuant to paragraph (c)(1) of this section shall provide for the completion of all proceedings and the issuance of reconsidered findings as expeditiously as possible, and, except for circumstances beyond the Federal agency's control, not later than 40 days after the request for reconsideration is received by the Federal agency.

(e) A procedure instituted pursuant to paragraph (c)(1) of this section shall be solely for the purpose of considering requests for reconsideration by individuals claiming benefits under the program of unemployment compensation for Federal civilian employees.

§ 609.23 [Amended]

2. § 609.23 is amended by adding thereto new paragraphs (c) and (d) to read as follows:

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(c) *Informing Federal civilian employee.* A Federal civilian employee shall be informed of the right to request reconsideration and correction of Federal findings, and of the right to a hearing in accordance with § 609.9.

(d) *Request for hearing.* With every request for reconsideration and correction of Federal findings the State agency shall inform the Federal agency whether or not the Federal civilian employee requests a hearing. The State agency shall obtain for its records a statement signed by the Federal civilian employee as to whether or not a hearing is requested.

(5 U.S.C. 8508, 80 Stat. 590; Secretary's Order No. 20–71, August 13, 1971).

Signed at Washington, D.C. this 12th day of February 1975.

BEN BURDETSKY,
Acting Assistant Secretary for Manpower.

[FR Doc.75–4329 Filed 2–14–75;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1910]

IDENTIFICATION SYSTEM FOR OCCUPATIONALLY HAZARDOUS MATERIALS

Receipt of Criteria Document

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education and Welfare has submitted to the Secretary of Labor, pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970, criteria for a Recommended Standard on an Identification System for Occupationally Hazardous Materials. The purpose of such a standard would be to inform employees about the nature of the chemical hazards, both potential and actual, to which they may be exposed.

Section 6(b)(7) of the Occupational Safety and Health Act of 1970 states that occupational safety and health standards promulgated under section 6(b) will contain provisions for warning employees of hazards to which they may be exposed, relevant symptoms and emergency treatments, and for advising employees of proper conditions and precautions for safety use or exposure. The Criteria for a Recommended Standard would provide for the above by requiring the marking of hazardous materials in the workplace, the availability of data sheets to inform the employee, and the availability of data necessary for employers to take proper action to safeguard their employees.

An identification system for occupationally hazardous materials is also the subject of a Standards Advisory Committee. The Notice of Establishment and Meeting of the Standards Advisory Committee on Hazardous Materials Labeling was published in the Federal Register on September 4, 1974 (39 FR 32072). The Advisory Committee was established to make recommendations to the Assistant Secretary of Labor for Occupational Safety and Health regarding the development of guidelines for the implementation of section 6(b)(7) of the Act with respect to Hazardous Materials. Copies of the NIOSH Criteria Document for a Recommended Standard on an Identification System for Occupationally Hazardous Materials have been forwarded to the Advisory Committee.

Interested persons may submit written data, views and arguments concerning this Criteria Document to the Docket Officer, Occupational Safety and Health Administration, U.S. Department of Labor, Room 260, 1726 M Street NW., Washington, D.C. 20210. Information submitted in response to the Notices of Meeting of the Standards Advisory Committee on Hazardous Materials Labeling need not be resubmitted.

The NIOSH Criteria Document on an Identification System for Occupationally Hazardous Materials will be available for inspection, and upon request, copying at the above address and at any of the following OSHA Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, 18 Oliver St., Boston, Mass. 02110.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), New York, N.Y. 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market St., Philadelphia, Pa. 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree St. NE., Suite 587, Atlanta, Ga. 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn St., 32d Floor, Chicago, Ill. 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 7th Floor, Texaco Building, 1512 Commerce St., Dallas, Tex. 75201.

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut St., Room 3000, Kansas City, Mo. 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 15010, 1961 Stout St., Denver, Colo. 80202.

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Ave., Box 36017, San Francisco, Calif. 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, 506 Second Ave., 1808 Smith Tower Building, Seattle, Wash. 98104.

AREA OFFICES

U.S. Department of Labor, Occupational Safety and Health Administration, Custom House Building, Room 703, State St., Boston, Mass. 02109.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 426, 55 Pleasant St., Concord, N.H. 03301.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 617B, 450 Main St., Hartford, Conn. 06103.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse Building, 436 Dwight St., Room 501, Springfield, Mass. 01103.

U.S. Department of Labor, Occupational Safety and Health Administration, 90 Church St., Room 1405, New York, N.Y. 10007.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, 970 Broad St., Room 1435C, Newark, N.J. 07102.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 203, Midtown Plaza, 700 East Water St., Syracuse, N.Y. 13210.

U.S. Department of Labor, Occupational Safety and Health Administration, 370 Old Country Rd., Garden City, Long Island, N.Y. 11530.

U.S. Department of Labor, Occupational Safety and Health Administration, Condominium San Alberto Building, 605 Condado Ave., Room 328, Santurce, P.R. 00907.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green, Jr. Federal Building, 600 Arch St., Room 4455, Philadelphia, Pa. 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110–A, 31 Hopkins Plaza, Charles Center, Baltimore, Md. 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza, Suite 1726, 700 Virginia St., Charleston, W. Va. 25301.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 802, Jonnet Building, 4099 William Penn Highway, Monroeville, Pa. 15146.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 8015, 400 N. 8th St., P.O. Box 10186, Richmond, Va. 23240.

U.S. Department of Labor, Occupational Safety and Health Administration, Building 10, Suite 33, La Vista Perimeter Park, Tucker, Ga. 30084.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 406, 310 New Bern Ave., Raleigh, N.C. 27601.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 204, Bridge Building, 3200 E. Oakland Park Blvd., Fort Lauderdale, Fla. 33308.

U.S. Department of Labor, Occupational Safety and Health Administration, 1600 Hayes St., Suite 302, Nashville, Tenn. 37203.

U.S. Department of Labor, Occupational Safety and Health Administration, 2809 Art Museum Dr., Art Museum Plaza, Suite 4, Jacksonville, Fla. 32207.

U.S. Department of Labor, Occupational Safety and Health Administration, Todd Mall, 2047 Canyon Rd., Birmingham, Ala. 35216.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 554–E, 600 Federal Pl., Louisville, Ky. 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Enterprise Building, Suite 204, 6605 Abercorn St., Savannah, Ga. 31405.

U.S. Department of Labor, Occupational Safety and Health Administration, Commerce Building, Room 600, 118 North Royal St., Mobile, Ala. 36602.

U.S. Department of Labor, Occupational Safety and Health Administration, Riverside Plaza Shopping Center, 2720 Riverside Dr., Macon, Ga. 31204.

U.S. Department of Labor, Occupational Safety and Health Administration, 1710 Gervais St., Room 205, Columbia, S.C. 29201.

U.S. Department of Labor, Occupational Safety and Health Administration, 550 Cleveland St., Room 44, Clearwater, Fla. 33515.

U.S. Department of Labor, Occupational Safety and Health Administration, 57601 55 North Frontage Road East, Jackson, Miss. 39211.

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn St., 10th Floor, Chicago, Ill. 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 847 Federal Office Building, 1240 East Ninth St., Cleveland, Ohio 44199.

U.S. Department of Labor, Occupational Safety and Health Administration, 360 S. Third St., Room 109, Columbus, Ohio 43215.

U.S. Department of Labor, Occupational Safety and Health Administration, Michigan Theatre Building, Room 626, 200 Bagley Ave., Detroit, Mich. 48226.

U.S. Department of Labor, Occupational Safety and Health Administration, 110 South Fourth St., Room 437, Minneapolis, Minn. 55401.

U.S. Department of Labor, Occupational Safety and Health Administration, Clark Building, Room 400, 633 West Wisconsin Ave., Milwaukee, Wis. 53203.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office and Courthouse, Room 423, 46 East Ohio St., Indianapolis, Ind. 46202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 4028, Federal Office Building, 550 Main St., Cincinnati, Ohio 45202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 734, Federal Office Building, 234 North Summit St., Toledo, Ohio 43604.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 2118, 2320 La Branch St., Houston, Tex. 77004.

U.S. Department of Labor, Occupational Safety and Health Administration, Adolphus Tower, Suite 1820, 1412 Main St., Dallas, Tex. 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 421, Federal Building, 1205 Texas Ave., Lubbock, Tex. 79401.

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet St., Room 202, New Orleans, La. 70130.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 512, Petroleum Building, 420 South Boulder, Tulsa, Okla. 74103.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Donaghey Building, 103 East 7th St., Little Rock, Ark. 72201.

U.S. Department of Labor, Occupational Safety and Health Administration, 1015 Jackson Keller Rd., Room 122, San Antonio, Tex. 78213.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 302, Federal Building, 421 Gold Ave. SW., P.O. Box 1428, Albuquerque, N. Mex. 87103.

U.S. Department of Labor, Occupational Safety and Health Administration, 1627 Main St., Room 1100, Kansas City, Mo. 64108.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Blvd., Room 554, St. Louis, Mo. 63101.

U.S. Department of Labor, Occupational Safety and Health Administration, Petroleum Building, 221 South Broadway St., Suite 312, Wichita, Kans. 67202.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 643, 210 Walnut St., Des Moines, Iowa 50309.

U.S. Department of Labor, Occupational Safety and Health Administration, City National Bank Building, Harney and 16th St., Room 803, Omaha, Nebr. 68102.

U.S. Department of Labor, Occupational Safety and Health Administration, 113 West Sixth St., North Platte, Nebr. 69101.

U.S. Department of Labor, Occupational Safety and Health Administration, 8527 W. Colfax Ave., Lakewood, Colo. 80215.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 526, Petroleum Building, 2812 1st Ave., North, Billings, Mont. 59101.

U.S. Department of Labor, Occupational Safety and Health Administration, Court House Plaza Building, Room 406, 300 North Dakota Ave., Sioux Falls, S. Dak. 57102.

U.S. Department of Labor, Occupational Safety and Health Administration, U.S. Post Office Building, Room 452, 350 South Main St., Salt Lake City, Utah 84111.

U.S. Department of Labor, Occupational Safety and Health Administration, 100 McAllister St., Room 1706, San Francisco, Calif. 94102.

U.S. Department of Labor, Occupational Safety and Health Administration, Suite 318, Amerco Towers, 2721 North Central Ave., Phoenix, Ariz. 85004.

U.S. Department of Labor, Occupational Safety and Health Administration, 333 Queen St., Suite 505, Honolulu, Hawaii 96813.

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 E. William St., Suite 222, Carson City, Nev. 89701.

U.S. Department of Labor, Occupational Safety and Health Administration, Hartwell Building, Room 401, 19 Pine Ave., Long Beach, Calif. 90802.

U.S. Department of Labor, Occupational Safety and Health Administration, 121 107th St. NE., Bellevue, Wash. 98004.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 227, 605 West Fourth Ave., Anchorage, Alaska 99501.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 526, Pittock Block, 921 Southwest Washington St., Portland, Oreg. 97205.

U.S. Department of Labor, Occupational Safety and Health Administration, 228 Idaho Building, 216 North Eighth St., Boise, Idaho 83702.

and they will be available for inspection at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW, National Institute for Occupational Safety and Health, Room 10–A22, 5600 Fishers Lane, Rockville, Md. 20852.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 1114 Commerce St., Room 1612, Dallas, Tex. 75202.

U.S. Department of HEW, National Institute for Occupational Safety and Health, P.O. Box 13716, Philadelphia Pa. 19106.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 9017 Federal Building, 19th and Stout Sts., Denver, Colo. 80202.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 50 Seventh St. NE., Atlanta, Ga. 30323.

U.S. Department of HEW, National Institute for Occupational Safety and Health, Arcade Building, 1321 Second St., Seattle, Wash. 98101.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 26 Federal Plaza, New York, N.Y. 10007.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 601 East 12th St., Kansas City, Mo. 64106.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 254 Federal Office Building, 50 Fulton St., San Francisco, Calif. 94102.

U.S. Department of HEW, National Institute for Occupational Safety and Health, 300 South Wacker Dr., Chicago, Ill. 60607.

Finally, copies of the NIOSH document will be available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Signed at Washington, D.C., this 10th day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–4263 Filed 2–14–75;8:45 am]

[29 CFR Part 1952]

COLORADO PLAN

Proposed Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. On September 12, 1973, a notice was published in the FEDERAL REGISTER of the approval of the Colorado plan and of the adoption of Subpart M of Part 1952 containing the decision (38 FR 25173). On December 24, 1974, the State of Colorado submitted supplements to the plan involving developmental changes to the plan (see Subpart B of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement consists of a description of the public employee programs for Colorado. The public employee program proposed by Colorado consists of three components.

(a) The first component is a plan for State agencies. The plan for State agencies will be implemented by January 1, 1975, pursuant to and executive order issued by the Governor on December 23, 1974. The order designates the Director of the Division of Labor, Department of Labor and Employment, in cooperation with the Department of Health, Occupational and Radiological Health Division, as responsible for the administration of the program and directs each agency of the State to designate a safety and health officer. There will be an annual inspection program for all State agencies. Inspections of State highway projects involving State employees will be a target inspection program. No monetary penalties will be imposed but each agency shall abate problems and furnish reports

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of abatements and annual reports to the Director of the Division of Labor. In cases of imminent or serious danger, the Division has shut-down authority pursuant to section 80–2–5 of the Colorado Revised Statutes.

(b) A second component of the public employee program is a plan for political subdivisions of the State. This program will be implemented by the Division of Labor in cooperation with the Department of Health, Occupational and Radiological Health Division. Education and technical assistance will be provided by January 1, 1975, and inspection and enforcement activities will be implemented by February 1, 1975. Political subdivision governmental units will be inspected on a three year basis and be subject to procedures for enforcement of the same standards as apply to the private sector. However, highway activities will be inspected on a target basis. No monetary penalties will be proposed for political subdivisions but abatement and shut-down authority is provided for pursuant to sections 80–2–5 and 80–2–23 of the Colorado Revised Statutes. The political subdivision program will not be applicable to school employees; and shut-down authority will not be used in such areas as sewage disposal and police and fire protection since the continued operation of these occupations is essential for the preservation of the public health and welfare. Rather, the State will work with the political subdivision to assure that hazards are abated immediately.

(c) A third component of the public employee program is a plan for the assumption of jurisdiction for occupational safety and health enforcement by the City and County of Denver. The State intends to enter into an agreement with Denver wherein Denver will plan and implement its own program for its own public employees pursuant to section 80–2–24 of the Colorado Revised Statutes. This program is scheduled to be implemented by July 1, 1975.

The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) has preliminarily reviewed the supplements and hereby gives notice that their approval is in issue before him.

3. *Location of the supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; Director, Division of Labor, Department of Labor and Employment, 200 East Ninth Avenue, Denver, Colorado 80203.

4. *Public participation:* Interested persons are hereby given until March 17, 1975, in which to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements, by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart M of Part 1952 and initiate appropriate further proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91–596, 84 Stat. 1598, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 10th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–4264 Filed 2–14–75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 271]

WINE

Labeling and Advertising; Hearing

Correction

In FR Doc. 75–3720 appearing at page 6349 of the issue for Tuesday, February 11, 1975, the following corrections are made:

1. On page 6352, in § 4.37a:

a. In paragraph (a), second line, the word "an" should read "on".

b. In paragraph (f) the second sentence should read: • • • Natural ingredients shall be broken down into basic foodstuffs, such as "grapes", "cherries", "oranges" or "orange juice", "dextrose", or "yeast". • • •

c. In paragraph (g) (1), last line, open quotation marks should be inserted before the word "artificial".

d. In paragraph (h) (2), fifth line, close quotation marks should be inserted after the word "flavors".

2. On page 6353, in § 4.39:

a. The quoted material at the end of paragraph (a) (5) should appear to read:

• • • "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(Name of permittee)

b. In paragraph (b) (3) (i) and (ii), a line was inadvertently printed out of order. As corrected (b) (3) (i) and (ii) should read:

"(i) that the laws of such country regulate the appearance of vintage dates upon the labels of wine produced for consumption therein, (ii) that the wine in question has been produced in conformity with such laws, and".

c. In paragraph (b) (3), the fifth line from the bottom presently reading "in the United States of containers of 1" should read "in the United States in containers of 1".

3. On page 6354, in § 4.50(c), seventh line from the bottom the word "isued" should read "issued".

[27 CFR Part 5]

[Notice No. 272]

DISTILLED SPIRITS

Labeling and Advertising; Hearing

Correction

In FR Doc. 75–3719, appearing at page 6354 of the issue for Tuesday, February 11, 1975, the following corrections are made:

1. On page 6356, third column, the twelfth line from the top reading "or packed prior to the mandatory com-" should read "bottled or packed prior to the mandatory com-".

2. On page 6356, third column, in the twentieth line from the top, the word "or" should read "of".

3. On page 6358, in § 5.39, in the first line of the heading for paragraph (b), the word "products" should read "produced".

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

The Entry and Clearance of Aircraft Owned or Chartered by Air Travel Clubs

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and sections 904, 1109, 72 Stat. 787, 799, as amended (49 U.S.C. 1474, 1509), it is proposed to amend § 6.3 of the Customs Regulations (19 CFR 6.3), which sets forth certain entry and clearance requirements for certain aircraft carrying either passengers for hire or commercial cargo. The proposal would amend paragraphs (a) and (c) of § 6.3 to specify that aircraft utilized by members of air travel clubs, whether the aircraft are owned or chartered by such clubs, shall be treated as aircraft carrying passengers for hire.

The aircraft utilized by members of air travel clubs have, by interpretation, been treated by the Customs Service as subject to the entry and clearance requirements of § 6.3 of the Customs Regulations. The proposed amendment would incorporate this interpretation into the regulations.

Accordingly, it is proposed to amend paragraphs (a) and (c) of section 6.3 of the Customs Regulations (19 CFR 6.3 (a) and (c)) by inserting the following sentence after the first sentence in each paragraph:

§ 6.3 Entry and clearance.

(a) • • • Aircraft utilized by members of air travel clubs, whether such aircraft be owned or chartered by the air travel clubs, shall be treated as carrying passengers for hire. • • •

(c) • • • Aircraft utilized by members of air travel clubs, whether such aircraft be owned or chartered by the air travel clubs, shall be treated as carrying passengers for hire. • • •

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than March 20, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, U.S. Customs Service, Washington, D.C., during regular business hours.

Approved: February 7, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75–4277 Filed 2–14–75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2603]

FREEDOM OF INFORMATION

Document Search and Duplication Fees

The Freedom of Information Act (5 U.S.C. 552) was amended by Pub. L. 93–502, 88 Stat. 1561, to provide, among other things, that the provisions of that Act apply to a Government corporation or Government controlled corporation. Accordingly, the Pension Benefit Guaranty Corporation will be promulgating in the near future regulations implementing the Freedom of Information Act.

Further, the above-cited Freedom of Information Act Amendments require that the regulations of each agency contain a uniform schedule of fees covering the reasonable charges for document search and duplication and providing for the recovery of only the direct cost of such search and duplication. In conformance therewith, notice is hereby given that the Pension Benefit Guaranty Corporation proposes to amend Chapter XXVI of Title 29, Code of Federal Regulations, to add a new Part 2603, Subpart B as set forth below.

Interested persons are invited to submit written comments, data, views, or arguments to the General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. Comments received before February 26, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested parties in Room 706, American National Bank Building, 8701 Georgia Avenue, Silver Spring, Maryland.

In consideration of the foregoing it is proposed to amend Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2603 to read as follows:

Part 2603—Examination and Copying of Pension Benefit Guaranty Corporation Documents.

Subpart A—[Reserved]

Subpart B—Copies of Records and Fees for Services

Sec.
2603.51 Charges for services, generally.
2603.52 Search and copying charges.
2603.53 Computerized records.
2603.54 Payment of fees.
2603.55 Standard fees not charged in certain circumstances.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93–502, 88 Stat. 1561; Pub. L. 93–406, 88 Stat. 829.

Subpart A—[Reserved]

Subpart B—Copies of Records and Fees for Services

§ 2603.51 Charges for services, generally.

(a) Pursuant to the provisions of the Freedom of Information Act, as amended, the payment of standard charges as set forth in the fee schedule in § 2603.52 will, except as otherwise provided in this subpart, be required of the requester to cover the direct costs of searching for and duplicating records requested under the Act from the Corporation. Where the direct cost of the Corporation of making the search is substantial, fees for searching as provided in the schedule will be charged even if the record searched for is not found or if, after it is found, it is determined that the request to inspect it may be denied under the provisions of 5 U.S.C. 552(b) and the regulations in this part.

(b) Circumstances under which searching and copying facilities or services may be made available to the requester without charge or at a reduced charge are delineated in § 2603.55. Recoupment of the Corporation's costs for determining whether a requested record is disclosable under the statute and this part and for making deletions of portions exempted from disclosure by the Act has been excluded from consideration in arriving at the standard charges contained in the fee schedule and no charge is made to a requester for the cost of any such services.

§ 2603.52 Search and Copying Charges.

(a) *Fee schedule for searching records.* Where Corporation records must be searched to locate a requested record, charges applicable under this subpart to the search will be made according to the following fee schedule:

(1) *Search time.* (i) Ordinary search by custodial or clerical personnel, $1.25 for each one-quarter hour or fraction thereof of employee worktime in excess of the first quarter-hour required to reach or obtain the records to be searched and to make the necessary search; and (ii) Search requiring services of professional or supervisory personnel to locate requested record, $2.50 for each such quarter-hour of such services required in excess of the first quarter-hour required.

(2) *Additional search costs.* If the search for a requested record requires transportation of the searcher to the location of the records or transportation of the records to the searcher, at a cost in excess of $5, actual transportation costs will be added to the search time cost.

(3) *Search in computerized records.* Special fees to cover direct personnel and machine time costs of such searches will be charged as set forth in the above fee schedule and § 2603.52.

(b) *Fee schedule for copying of records.* The fees payable pursuant to this subpart for obtaining requested copies of records which have been made available for inspection under the Freedom of Information Act will be computed on the following basis and subject to the following conditions:

(1) *Standard copying fee.* $0.10 per page of record copies furnished. This standard fee is also applicable to the furnishing of copies of available computer printouts as stated in § 2603.63.

(2) *Voluminous material.* If the volume of page copy desired by the requester is such that the reproduction charge at the standard page rate would be in excess of $50, the person desiring reproduction may request special rate quotation from the Corporation.

(3) *Limit of service.* Not more than 10 copies of any document will be furnished.

(4) *Manual copying by requester.* No charge will be made for manual copying by the requesting party of any document made available for inspection under the provisions of this part. The Corporation shall provide facilities for such copying without charge at reasonable times during normal working hours.

(c) *Indexes.* Pursuant to 5 U.S.C. 552 (a) (2) copies of indexes or supplements thereto which are maintained as therein provided but which have not been published will be provided on request at a cost not to exceed the direct cost of duplication as computed pursuant to the fee schedule in paragraph (b) of this section.

§ 2603.53 Computerized records.

(a) Information available in whole or in part in computerized form which is disclosable under the Freedom of Information Act is available to the public as follows:

(1) When there is an existing printout from the computer which permits copying the printout, the material will be made available at the per page rate stated in § 2603.52(b) (1) for each 8½-by 11-inch page.

(2) When there is not an existing printout of information disclosable under the Freedom of Information Act, a printout shall be made provided the applicant pays the cost to the Corporation as hereinafter stated.

(3) Obtaining information from computerized records frequently involves a

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minimum computer time cost of approximately $100 per request. Multiple requests involving the same subject may cost less per request. Services of personnel in the nature of a search shall be charged for at rates prescribed in § 2603.52(a). A charge shall be made for the computer time involved based upon the prevailing level of costs to Government organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present or make available the output of computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of such supplies and materials that are used.

(b) Information in the Corporation's computerized records which could be produced only by additional programming of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act.

§ 2603.54 Payment of fees.

(a) *Medium of payment.* Payment of the applicable fees as set forth in §§ 2603.52 and 2603.53 shall be made in cash, by U.S. postal money order, or by check payable to the Pension Benefit Guaranty Corporation. Postage stamps will not be accepted in lieu of cash, checks, or money orders as payment for fees specified in the schedule. Cash should not be sent by mail.

(b) *Advance payment or assurance.* Payment of the known and officially estimated searching and copying fees shall be made or assured to the satisfaction of the disclosure officer prior to the performance of substantial searching or copying services. Where the requester does not know and has no official estimate of the search and copying costs at the time the request is made, the request should specifically state that whatever costs will be involved pursuant to §§ 2603.52–2603.53 will be acceptable, or will be acceptable up to an amount not exceeding a named figure. A request made without such specific assurance of payment of fees in an amount at least equal to the charges under §§ 2603.52–2603.53 which the Corporation anticipates will be necessary, will, if such estimated charges are in excess of $100, not be deemed to have been received by the Corporation until the requester has been notified (promptly upon physical tender of the request) of the Corporation's cost estimate and has perfected the request by paying the estimated charges or giving satisfactory assurance that payment will be made. In the event that a request is made only for inspection of a record, advance payment or assurance of payment as set forth in this paragraph is applicable only with respect to searching fees; charges for copying will not be made unless or until copies are requested. In cases where the estimated costs required under the fee schedule for responding to a request are such that an advance deposit is deemed necessary, and it appears that the information sought by the requester might be made available at less cost by revision of the request, the Corporation's advice to the requester of the estimated costs and the need for an advance deposit will be accompanied by extension of an offer to the requester to confer with knowledgeable Corporation personnel with a view of reformulation of the request in a manner which will reduce the fees and meet the needs of the requester.

(c) *Post-copying costs.* The scheduled fees for furnishing copies of records made available pursuant to the Act for inspection and copying cover the costs of furnishing the copies at the place of duplication. Where requests for such copies are made by mail, no postage charge will be made for transmitting by regular mail a single copy of the requested record to the requester, or for mailing additional copies where the total postage cost does not exceed $2. However, where the volume of page copy or method of transmittal requested is such that transmittal charges to the Corporation are in excess of $2 the transmittal costs will be added to the copying fee specified in accordance with the schedule, unless appropriate stamps or stamped envelopes are furnished with the request, or authorization is given for collection of shipping charges on delivery.

§ 2603.55 Standard fees not charged in certain circumstances.

(a) No searching charge under § 2603.52(a) shall be made for routine procurement for inspection from Corporation records, not requiring more than one-quarter hour of personnel time.

(b) The disclosure officer may reduce or waive fees applicable under §§ 2603.52–2603.53 when he determines that such reduction or waiver is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(c) The disclosure officer may reduce or waive fees applicable under §§ 2603.52–2063.53 when the requester has demonstrated his inability to pay such fees.

Issued in Washington, D.C., on February 11, 1975.

PETER J. BRENNAN,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75-4290 Filed 2-14-75;10:46 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/14]

SHIPPING COORDINATING COMMITTEE

Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Tuesday, March 11, 1975, in Room 6200, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

The Committee will discuss United States positions for the Thirty-second Session of the Intergovernmental Maritime Consultative Organization (IMCO) Maritime Safety Committee, scheduled to meet in London, March 17–21, 1975.

Persons wishing to attend the meeting should contact Mr. Samuel V. Smith, Acting Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632–2655.

Dated: February 5, 1975.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

[FR Doc.75-4270 Filed 2-14-75;8:45 am]

[Public Notice M-5/15]

STUDY GROUP 7 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 13, 1975, at the U.S. Naval Observatory, 34th Street and Massachusetts Avenue NW., Washington, D.C. The meeting will begin at 9:30 a.m. in Room 300 of Building 52.

Study Group 7 deals with time-signal services by means of radiocommunications. The purposes of the meeting will be:

a. Review of work programs looking to the international meeting of Study Group 7 in 1976;

b. Assignment of responsibilities;

c. Establishment of deadlines for submission of documents to the National Committee; and

d. Consideration of inputs to the Interdepartment Radio Advisory Committee in preparation for the 1979 World Administrative Radio Conference.

Members of the general public will be admitted up to the limits of the capacity of the meeting room. Members of the general public who plan to attend the meeting are requested to so inform Mr. Hugh Fosque, Chairman of U.S. Study Group 7, prior to March 13. Mr. Fosque can be contacted at NASA Headquarters, telephone number (202) 755–2434.

Dated: February 7, 1975.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR National Committee.

[FR Doc.75-4271 Filed 2-14-75;8:45 am]

[Public Notice CM-5/16]

ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Study Group Meeting

A meeting of the Study Group on Recognition and Enforcement of Foreign Judgments, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Saturday, March 8, 1975, in the Wheeler Room, Holmes Hall, Harvard Law School, Cambridge, Massachusetts. The meeting, which will begin at 10 a.m., will be open to the public.

The primary purpose of the meeting is to study the question of recognition and enforcement of foreign judgments, with particular emphasis on identifying the problems that should be resolved in bilateral treaties that the United States plans to negotiate on the subject.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room.

Dated: February 10, 1975.

ROBERT E. DALTON,
Executive Director.

[FR Doc.75-4272 Filed 2-14-75;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order No. 16]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2) dated April 22, 1955, its is hereby ordered as follows:

1. The following officers in the Bureau of Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.

(2) Thomas G. DeShazo, Deputy Comptroller of the Currency.

(3) David C. Motter, Deputy Comptroller of the Currency.

(4) Robert A. Mullin, Deputy Comptroller of the Currency.

(5) Robert Bloom, Chief Counsel.

(6) Dean E. Miller, Deputy Comptroller of the Currency.

(7) Kenneth W. Leaf, Chief National Bank Examiner.

(8) William A. Howland, Jr., Deputy Comptroller of the Currency for Administration.

(9) Joseph M. Ream, Deputy Comptroller of the Currency.

(10) Richard J. Blanchard, Deputy Comptroller of the Currency.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 15 is hereby repealed.

Dated: February 11, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-4275 Filed 2-14-75;8:45 am]

Internal Revenue Service

PRIVATE SCHOOLS

Proposed Revenue Procedure

Notice is hereby given that the Internal Revenue Service proposes to issue the revenue procedure set forth in tentative form below. Prior to the final adoption of such revenue procedure, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: Director, Exempt Organizations Division, 1111 Constitution Avenue, Washington, D.C. 20224, by March 21, 1975. Designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice is intended by the person submitting it to be

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subject in its entirety to public inspection and copying in accordance with the same procedures as are prescribed in 26 CFR 601.702(d)(9) for public inspection and copying of written comments received in response to a notice of proposed rulemaking.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

REVENUE PROCEDURE

SECTION 1. *Purpose.* This Revenue Procedure sets forth guidelines and recordkeeping requirements for determining whether private schools that are applying for recognition of exemption under sections 501(a) and 501(c)(3) of the Internal Revenue Code of 1954, or are presently exempt from tax, have racially nondiscriminatory policies as to students.

SEC. 2. *Background* .01 *Definition.* A school that does not have a racially nondiscriminatory policy as to students does not qualify as an organization exempt from Federal income tax. See Rev. Rul. 71-447, 1971-2 C.B. 230, which defines a racially nondiscriminatory policy as meaning that:

> the school admits the students of any race to all the rights, privileges, programs, and activities generally accorded or made available to students at that school and that the school does not discriminate on the basis of race in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

.02 *Organization and operation.* A school must show affirmatively both that it has adopted a racially nondiscriminatory policy as to students that is made known to the general public and that it has operated continuously in accordance with such racially nondiscriminatory policy. The existence of a racially discriminatory policy with respect to faculty and administrative staff is evidence of a racially discriminatory policy as to students.

.03 *Necessity for specific guidelines.* Service experience with private school operations has shown a need for more specific guidelines to insure a uniform approach to the determination whether a private school has a racially nondiscriminatory policy as to students.

SEC. 3. *Guidelines* .01 *Organizational requirements.* A school must establish that it has a racially nondiscriminatory policy as to students by providing in its charter, bylaws, resolution of its governing body, or other governing instrument that it will not discriminate against applicants and students on the basis of race.

02. *Publication requirements.* The school may use any method to publicize initially its racially nondiscriminatory policy so long as it effectively accomplishes the end of making the policy known to all racial segments of the general community served by the school. A school cannot limit the scope of its promotional activities to a specific geographical area if such a limitation precludes any racial segment of the general community in which the school is located from being made aware of the availability of the school. Following are examples of methods that the Service will consider as meeting this requirement.

1. Where the student body is drawn substantially from a single locality, the school may publish a notice of its racially nondiscriminatory policy in a newspaper of general circulation that serves all racial segments of the locality. Where no single newspaper of general circulation serves all racial segments, the school may publish its notice in those newspapers that are reasonably likely to be read by all racial segments in the locality. In the case of a school whose student body is not drawn substantially from a single locality, the school may publish the notices of its racially nondiscriminatory policy in a newspaper or other publication reasonably likely to reach the localities served and be read by all races. The notice may be either an advertisement or an article, but it must appear in a prominent position, be sufficiently large, and be captioned in such a way as to call attention to both the notice and to its nature as a notice of a racially nondiscriminatory policy as to students.

2. If a school customarily draws a substantial percentage of its students nationwide or from a large geographic section or sections of the United States, and is able to show from consistent past practice that it follows a racially nondiscriminatory policy as to students, the publication requirement may be satisfied by including a reference to its nondiscriminatory policy in whatever means of publicity it customarily utilizes. See also section 3.03 for required statement in school brochures and catalogues.

3. The school may use the broadcast media to publicize its racially nondiscriminatory policy if the use makes such nondiscriminatory policy known to all segments of the general community the school serves. If this method is chosen, the school must provide documentation that the policy has been fully and effectively communicated to all segments of the general community. In this case, appropriate documentation would include copies of the tapes or script used and records showing that there was an adequate number of announcements, that they were made during hours when the announcements were most likely to be communicated to all segments of the general community, that they were of sufficient duration to convey the message clearly, and that they were broadcast on radio and/or television stations likely to be listened to by substantial numbers of members of all racial minorities in the general community.

4. The school may advise leaders of racial minorities of the nondiscriminatory policy so that they in turn will make this policy known to other members of their race. If this method is used, the school must provide documentation that its racially nondiscriminatory policy has been fully and effectively communicated by the minority leaders to their groups. Adequate evidence of this would be statements signed by the minority group leaders.

.03 *Annual notification and certification.* In order to assure an appropriate degree of continuing publicity in every instance, each private school must publicize its policy in accordance with section 3.02 at least once annually, during the period of the school's solicitation for students, or in the absence of a solicitation program, during the school's registration period. Further, each school must also include a clear reference to its racially nondiscriminatory policy in all its brochures, catalogues, and other printed advertising which it uses as a means of informing prospective students of its programs.

All schools that claim to be racially nondiscriminatory as to students must also certify annually, on an Internal Revenue Service form to be issued, that they have not made statements and have not taken any actions qualifying or negating their published statements of a racially nondiscriminatory policy as to students.

.04 *Facilities and programs.* A school must be able to show that none of its facilities and programs permit or encourage racial discrimination. In this regard, a school cannot operate classrooms, cafeterias, or extra-curricular activities in a racially discriminatory manner.

.05 *Scholarship and loan programs.* As a general rule, all scholarships or other comparable benefits procurable for use at any given school must be offered on equal terms to the members of all races. Their availability on this basis must be known throughout the general community being served by the school in order for that school to be considered racially nondiscriminatory as to students and should be referred to in the publicity required by this section. No scholarship, loan or other financial assistance program may favor one racial group at a particular school without adversely affecting its exempt status unless the cumulative effect of all of the financial assistance programs does not significantly derogate from its racially nondiscriminatory policies.

.06 *Failure to comply with guidelines.* Failure to comply with the guidelines will ordinarily result in the termination of the exempt status of the school.

SEC. 4. *Applications for tax exempt status.* Every school filing an initial application for recognition of a tax exempt status must supply the Service with the following information.

1. Racial composition, as of the pending academic year, and projected so far as may be feasible for the subsequent academic year, of—

(a) Student body,

(b) Applicants for admission,

(c) Facility and administrative staff.

2. Amount of scholarship and loan funds, if any, awarded to students enrolled or seeking admission, and racial composition of students who have received such awards.

3. (a) A listing of (i) incorporators, founders, and board members; (ii) donors of land or buildings, whether individuals or organizations, and

(b) A statement as to whether any of the foregoing organizations are committed to or have as a primary objective the maintenance of segregated school education, and whether any of the foregoing individuals have an announced identification as officers or active members of any such organization.

SEC. 5. *Public complaints of racial discrimination.* Whenever a citizen has evidence that an exempt private school is not operating under a racially nondiscriminatory policy as to students, any communication he may initiate should be sent either to his local District Director of the Internal Revenue or to the Director, Exempt Organizations Division, 1111 Constitution Avenue, Washington, D.C. 20224. Similarly, any judicial or administrative determination that a school does not follow a racially nondiscriminatory policy should be communicated to the District Director or the Director, Exempt Organizations Division, for appropriate investigation.

SEC. 6. *Recordkeeping requirements* .01 Specific records. Each exempt private school must maintain, for a minimum period of three years, the following records and information for the use of the Internal Revenue Service:

1. All applications for general admission. Any rejected applications must be annotated to show the reasons for rejection.

2. All requests for scholarships or other forms of financial aid, and a list of the amounts awarded or the reasons for rejection, together with copies of all correspondence concerning comparable requests to other parties insofar as the school has at any time been a party to such correspondence.

3. All applications for employment. Any rejected applications must be annotated to show the reasons for rejection.

4. Copies of all catalogues, brochures, announcements, and other printed advertising.

5. Copies of all materials used to solicit contributions, and all contributions received.

.02 *Failure to maintain records.* Failure to maintain or to produce the required records and information will warrant the presumption that the organization has failed to comply with the guidelines. Such presumption may be rebutted only by clear and convincing evidence to the contrary.

SEC. 7. *Effect on other documents.* Rev. Proc. 72-54, 1972-2 C.B. 834, is superseded.

[FR Doc.75-4391 Filed 2-14-75;8:45 am]

Customs Service

[T.D. 75-48]

FOREIGN CURRENCIES

Certification of Rates

February 5, 1975.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 75-24 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling: January 28, 1975	$0.0612
Germany deutsche mark: January 27, 1975	.4345
Norway krone: January 27, 1975	.2015
Switzerland franc: January 27, 1975	.4145

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.75-4278 Filed 2-14-75;8:45 am]

NON-RUBBER FOOTWEAR FROM ARGENTINA

Preliminary Countervailing Duty Determination

In the FEDERAL REGISTER of July 16, 1974 (38 FR 26046), there was published a "Notice of Countervailing Duty Proceedings" in which the Commissioner of Customs announced that information had been received pursuant to the provisions of § 159.47(b) of the Customs Regulations (19 CFR 159.47(b)) which raised a question as to whether certain payments, bestowals, rebates, or refunds granted by the Government of Argentina upon the manufacture, production, or exportation of nonrubber footwear constituted the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) (referred to in this notice as "the Act"), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds applied. In accordance with the provisions of the above mentioned notice, a time period of 30 days was provided from the date of the notice for the receipt of relevant data, views, or arguments with respect to the existence or nonexistence, and the net amount, of any bounty or grant within the meaning of section 303 of the Act.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it has been determined that payments were made by the Government of Argentina upon the exportation of non-rubber footwear which would have constituted a bounty or grant of approximately 25 percent of the dutiable value of the footwear. The Government of Argentina has taken action, effective December 23, 1974, to abolish for footwear producers the program under which such payments were made.

Accordingly, it has been determined preliminarily that no bounty or grant within the meaning of the Act is being paid or bestowed, directly or indirectly, upon the manufacture, producton, or exportation of non-rubber footwear from Argentina.

Before a final determination is made the operation of a newly proposed export loan program of the GOA for the footwear industry will be observed to make certain it is not operated so as to result in the payment or bestowal of a bounty or grant. Consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office no later than March 20, 1975.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930 (19 U.S.C. 1303(a)).

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approval: February 12, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-4355 Filed 2-14-75;8:45 am]

Office of the Secretary

[Dept. Circular, Public Debt Series, No. 6-75]

TREASURY NOTES OF SERIES F-1977

Dated and Bearing Interest From March 3, 1975; Due February 28, 1977

FEBRUARY 12, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series F-1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Wednesday, February 19, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated March 3, 1975, and will bear interest from that date, payable on a semiannual basis on August 31, 1975, February 29, 1976, August 31, 1976, and February 28, 1977. They will mature February 28, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United

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States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Wednesday, February 19, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Standard time, Wednesday, February 19, 1975.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before March 3, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by March 3, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, February 26, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, February 24, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-4358 Filed 2-18-75;9:23 am]

[Dept. Circular, Public Debt Series, No. 5-75]

TREASURY NOTES OF SERIES L–1976

Dated and Bearing Interest From March 3, 1975; Due August 31, 1976

FEBRUARY 12, 1975.

I. INVITATIONS FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series L–1976. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Wednesday, February 19, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated March 3, 1975, and will bear interest from that date, payable on a semiannual basis on August 31, 1975, February 29, 1976, and August 31, 1976. They will mature August 31, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the p.m., Eastern Standard time, Wednesday, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern tSandard time, Wednesday, February 19, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations; States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Standard time, Wednesday, February 19, 1975.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before March 3, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by March 3, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, Februrary 26, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, February 24, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-4357 Filed 2-13-75;9:23 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

JOINT STRATEGIC TARGET PLANNING STAFF SCIENTIFIC ADVISORY GROUP

Closed Meeting

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a closed meeting of the Joint Strategic Target Planning Staff Scientific Advisory Group will be held at the National Security Agency, Fort George G. Meade, Md. from Tuesday, March 11, 1975, through Thursday, March 13, 1975.

The entire meeting is devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code, therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 12, 1975.

[FR Doc.75-4297 Filed 2-14-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLUMBIA BASIN PROJECT, WASH.

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Columbia Basin Project, Washington. This statement (INT DES 75-3, dated January 17, 1975) was made available to the public on January 20, 1975.

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The draft environmental statement deals with the whole of the Columbia Basin Project, including the early portions of the project which entailed the construction of the Grand Coulee Dam and the filling of Franklin D. Roosevelt Reservoir, and subsequent irrigation developments on lands throughout central Washington. The statement addresses some segments of the project which have yet to be constructed and indicates that further assessments will be prepared on those portions in the future.

A public hearing will be held in six sessions to receive views and comments on the environmental aspects of the project. Each session will begin at 7:30 p.m. These sessions and their locations are as follows:

March 24, 1975—Ephrata, Washington—St. Rose of Lima School Auditorium, Moses Lake Highway.

March 25, 1975—Coulee Dam, Washington—Coulee Dam City Hall, 300 Lincoln Avenue.

March 26, 1975—Othello, Washington—IOOF Hall, 3rd and Hemlock.

March 27, 1975—Pasco, Washington—Red Lion Motor Inn, Meeting Rooms A & B, 25 North Chase Street.

March 31, 1975—Spokane, Washington—Ridpath Motor Inn, Empire Room Ballrooms A & B, Sprague & First Avenue.

April 2, 1975—Seattle, Washington—Rainier Room, North Court Meeting Rooms, Seattle Center.

Oral comments at the hearings will be limited to a period of 10 minutes. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow a speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter requests whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be called at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up until 5 p.m. on March 21, 1975. They should indicate the location at which the presentation will be made. Opportunities will be available to request time at the time of the various sessions of the hearings, and these requests will be handled on a first-come first-served basis, following the previously scheduled presentations.

Organizations or individuals desiring to present their statements at the hearing should contact the Regional Director, attention: code 160, Bureau of Reclamation, P.O. Box 043, 550 West Fort Street, Boise, Idaho 83724, or telephone (208) 342–2711, extension 2215, and announce their intention to participate.

Written comments from those unable to attend, and from those wishing to supplement their oral presentations at the hearing, should be received by April 15, 1975, so that they can be included in the hearing record.

Dated: February 11, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-4262 Filed 2-14-75;8:45 am]

Bonneville Power Administration

BONNEVILLE REGIONAL ADVISORY COUNCIL

Public Meeting

The Bonneville Regional Advisory Council will hold its annual meeting on March 4, 1975, at the downtown Seattle Hilton Hotel in Seattle, Washington. The meeting will begin at 9:30 a.m. and will be open to interested members of the public. A registration period will precede the start of the meeting. There is no registration fee, but there will be a charge for the no-host luncheon.

The main purpose of the meeting will be to discuss the energy situation within the Pacific Northwest region served by the Bonneville Power Administration. Aspects of this topic to be covered include such items as the Pacific Northwest power outlook, the BPA wholesale rate increase, and long-range planning to meet the power supply needs of the region.

The Bonneville Regional Advisory Council serves to bring to the attention of its members matters pertinent to BPA programs. The Council does not pass formal resolutions as such but the annual meeting does serve as a general forum for the free exchange of ideas as to the best ways of utilizing the energy resources of the region.

Copies of the proceedings of the annual meeting will be furnished upon request to the Executive Secretary, Bonneville Regional Advisory Council, P.O. Box 3621, Portland, Oregon 97208.

Dated: February 7, 1975.

DAN W. SCHAUSTEN,
Executive Secretary, Bonneville Regional Advisory Council.

[FR Doc.75-4326 Filed 2-14-75;8:45 am]

Bureau of Land Management

[0126472]

COLORADO

Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 5, 1975.

Notice of a United States Forest Service application C-0126472 for withdrawal and reservation of land for public recreation sites was published as FR Doc. 65-12676, on page 14691 of the issue for Thursday, November 25, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 N., R. 74 W.
Sec. 16. SW¼SW¼SE¼, SE¼SE¼SW¼
Sec. 21. NW¼NW¼NE¼, NE¼NE¼NW¼

Therefore, pursuant to the regulations contained in 43 CFR Part 2310, such lands will be relieved of the segregative effect of the above-mentioned application 30 days from the date of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-4321 Filed 2-14-75;8:45 am]

Office of the Secretary

TRANSPORTATION TASK GROUP, COMMITTEE ON ENERGY CONSERVATION, NATIONAL PETROLEUM COUNCIL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Transportation Task Group of the Committee on Energy Conservation of the National Petroleum Council will meet on March 6, 1975, in the National Petroleum Council's Conference Room, 1625 K Street NW., Washington, D.C. at 9:30 a.m.

The agenda includes the following items:

1. Review of progress on preparation of a report on Phase II of the current study on the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the Nation. This study was requested by the Secretary of the Interior on July 23, 1973. Phase I of the study was completed on September 10, 1974.
2. Discussion of instructions and guidance by the Coordinating Subcommittee of the Committee on Energy Conservation regarding Phase II of the study.
3. Discussion of any other matters pertinent to the overall assignment of the Task Group.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Fran Hanavan, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343-2904.

Dated: February 11, 1975.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4291 Filed 2-14-75;8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. on Saturday, March 1, at the Environmental Education Center, Tilden Park, Berkeley, California.

The purpose of the Golden Gate National Recreation Area Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman	Mrs. Daphne Greene
Mrs. Amy Meyer, Secretary	Mr. Peter Haas, Sr.
Mr. Ernest C. Ayala	Mr. Joseph Mendoza
Mr. Richard Bartke	Mr. John Mitchell
Mr. Fred Blumberg	Mr. Merritt Robinson
Mr. Joseph Caverly	Mr. William Thomas
Mr. Lambert Lee Choy	Mr. Gene Washington
	Dr. Edgar Wayburn

The major item on the agenda will be adoption of guidelines for selection of Fort Mason pier area programs.

This meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent, Golden Gate/Point Reyes, Fort Mason, San Francisco, California 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by March 14, 1975 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Dated: January 31, 1975.

WILLIAM J. WHALEN,
General Superintendent.

[FR Doc.75-4407 Filed 2-13-75;12:56 pm]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A137]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following parishes in Louisiana:

Red River West Carroll

The Secretary has found that this need exists as a result of a natural disaster consisting of drought from June 1 to July 5, 1974, and excessive rainfall from January 1–5, 1974, and July 6 to November 20, 1974, in Red River Parish; and excessive rainfall from September 1 to December 16, 1974, in West Carroll Parish.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin W. Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 7, 1975, for physical losses and November 7, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of February 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-4290 Filed 2-14-75;8:45 am]

[Designation No. A138]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in New Mexico:

Harding Quay

The Secretary has found that this need exists as a result of a natural disaster consisting of drought May 1973 through November 1974 in Harding County and drought September 1973 to August 1974 and excessive rainfall during September and October 1974 in Quay County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of former Governor Bruce King that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 7, 1975, for physical losses and November 7, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of February, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-4341 Filed 2-14-75;8:45 am]

Soil Conservation Service

ANDERSON RIVER WATERSHED PROJECT, IND.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Anderson River Watershed Project, Crawford, Dubois, Perry and Spencer Counties, Indiana, USDA-SCS-EIS-WS-(ADM)-75-3-(D)-IN.

The environmental impact statement concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreation. The planned works of improvement provide for conservation land treatment; 46 single purpose floodwater retarding reservoirs; 1 multiple purpose reservoir for flood prevention, recreation and industrial water supply; 1 multiple purpose reservoir for flood prevention and municipal water supply; and approximately 10.5 miles of channel work on a natural stream with perennial flow. The channel work consists of debris removal and the removal of hazardous trees from the channel flow area. The recreational developments have a design capacity of 2,500 persons at one time.

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A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 5610 Crawfordsville Road,
Suite 2200,
Indianapolis, Indiana 46224.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Cletus J. Gillman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

Comments must be received on or before April 9, 1975 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 5, 1975.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4266 Filed 2-14-75;8:45 am]

MANTACHIE, BOGUE FALA, AND BOGUE EUCUBA CREEKS WATERSHED PROJECT, MISS.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Mantachie Bogue Fala, and Bogue Eucuba Creeks Watershed Project, Itawamba, Lee and Monroe Counties, Mississippi, USDA – SCS – EIS – WS–(ADM)–75–2–(D)–MS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, 12 floodwater retarding structures, two multiple-purpose structures for floodwater retardation and recreation water storage, and basic recreation facilities. The 12 floodwater and two multiple-purpose structures will provide for 4,069 acre feet of sediment storage, 11,882 acre feet of floodwater retardation storage and 2,726 acre feet of recreational water storage. The basic recreation facilities in conjunction with the 165 and 185 surface acre lake provided by the recreational water storage are expected to provide for about 129,000 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 610, Jackson, Mississippi 39205 or Room 490 Milner Building, 310 S. Lamar Street, Jackson, Mississippi.

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are invited from others having knowledge of or special expertise on environment impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. L. Heard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, Mississippi 39205.

Comments must be received on or before April 11, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904 National Archives Reference Services)

Dated: FEBRUARY 6, 1975.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4265 Filed 2-14-75;8:45 am]

DENTON CREEK WATERSHED (TRINITY), TEXAS

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Denton Creek Watershed (Trinity), Montague, Wise, Denton, Cooke, and Tarrant Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 4 floodwater retarding structures and 5 land stabilization treatment areas.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
First National Bank Building
Temple, Texas 76501

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken before March 5, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 6, 1975.

EUGENE C. BUIE,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4312 Filed 2-14-75;8:45 am]

VIRGIN ISLANDS RC&D PROJECT MEASURE A–11 BOAT RAMP DEVELOPMENT

Negative Declaration

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for RC&D Measure A–11 Boat Ramp Development at Altona Recreation Area in St. Croix of the U.S. Virgin Islands RC&D Project.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Angel H. Quintero, Director Caribbean Area, Soil Conservation Service, USDA, Room 504–L, Stubbe-Segarra Bldg., 1409 Ponce de León Avenue, Santurce, P.R. 00908, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for construction of an articulated, reinforced concrete boat ramp with overall dimensions of 30' x 40' x 6'' thick, with associated parking area and picnic facilities on 1.5 acres of the Altona Recreation Area, Christiansted, St. Croix.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Room 504–L, Stubbe-Segarra Bldg.
1409 Ponce de León Avenue
Santurce, Puerto Rico 00908

No administrative action on implementation of the proposal will be taken until March 5, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

Dated: February 5, 1975.

R. C. BARNES, JR.,
Acting Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.75-4267 Filed 2-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Availability of Standard Specifications

The Maritime Administration has prepared a publication entitled "Standard Specifications for Tanker Construction" for use as a guide in tanker design. It will be in the form of a construction contract specification for a hypothetical ship, complete except that vessel characteristics and dimensions that would be particular to an individual design will be omitted. It will also show all measurement units in both the Systeme International (SI) Metric and the English systems. A limited number of copies of the preliminary draft are available to interested parties for review and comment. These comments should be submitted by April 1, 1975. Requests for the draft specifications should be directed to Ronald K. Kiss, Chief, Division of Ship Design, Room 4059, U.S. Department of Commerce, Maritime Administration, Washington, D.C. 20230.

Dated: February 10, 1975.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-4352 Filed 2-14-75;8:45 am]

[Docket No. S–437]

WATERMAN STEAMSHIP CORPORATION

Application

Notice is hereby given that Waterman Steamship Corporation (Waterman) has filed an application pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for a six-month extension of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB–138.

Under the Agreement, Waterman is authorized to provide services on Trade Route No. 22 for a period not to exceed three years, commencing May 8, 1972, except that voyages in progress at the end of the period would remain eligible for subsidy until their termination. Waterman's request is for an amendment to Article I–9 of the Agreement to extend the expiration date thereof until the processing of its application for a long-term operating-differential subsidy agreement for Trade Route No. 22 has been completed, if such application is not fully processed by the end of three years. Waterman's application for a long-term subsidy contract on Trade Route No. 22 is currently the subject of a hearing before Administrative Law Judge Hunt.

Interested parties are invited to inspect the application at the Office of the Secretary, Maritime Subsidy Board (Board), Room 3099–B, Department of Commerce Building; 14th & E Streets NW., Washington, D.C. 20230.

The Board, after consideration of all relevant facts and upon a review of the Board action of April 27, 1972, is prepared to find that the effect of awarding a contract, for a period not to exceed the time required to complete the hearings now in process in Docket Nos. S–336 and S–390 would not be unduly prejudicial or give undue advantage, as between citizens of the United States operating on Trade Route No. 22.

Any person, firm, or corporation having an interest in the application, and who would contest the above proposed finding of the Board is invited, by March 4, 1975, to file a written statement showing cause why this finding should not be made. Any party requesting oral argument before the Board shall specifically include such a request in its statement.

Any party desiring an evidentiary hearing on the application should set forth his interest in the application and should, with particularity, articulate any or all of the facts upon which he desires to adduce evidence. Any allegation of undue prejudice or unfair advantage shall be accompanied by a statement describing in detail the undue prejudice or unfair advantage.

Allegations of other factual issues which the party wishes the Board to consider in a hearing on the application shall include: (1) a clear and concise statement of the issues upon which a hearing is desired; and (2) the grounds upon which such allegations rest, in such detail as to permit the Board to determine their exact nature.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: February 13, 1975.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-4464 Filed 2-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP OH2556]

ICI UNITED STATES, INC.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), ICI United States, Inc., Wilmington, DE 19897 (the petition was originally filed by Imperial Chemical Industries, Ltd., Dyestuffs Division, Hexagon House, P.O. Box 42, Blackley, Manchester, M9 3 DA, England), has withdrawn its petition (FAP OH2556), notice of which was published in the FEDERAL REGISTER of September 4, 1970 (35 FR 14103), proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for safe use of an aqueous solution containing poly(iminoimidocarbonyl - iminoimidocarbonyliminohexamethylene) hydrochloride as a sanitizing solution on food-processing equipment and utensils and on bulk containers, except milk containers or equipment.

Dated: February 10, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-4280 Filed 2-14-75;8:45 am]

[FAP 2B2760]

SYRACUSE UNIVERSITY RESEARCH CORP.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Syracuse University Research Corp., Merrill Lane, Syracuse, NY 13210, has withdrawn its petition (FAP 2B2760), notice of which was published in the FEDERAL REGISTER of June 10, 1972 (37 FR 11698), proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of benzyl bromoacetate as a slimicide in the production of paper and paperboard intended to contact food.

Dated: February 10, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-4281 Filed 2-14-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to PL–92–463, that the National Advisory Council on Vocational Education will hold an orientation session for new Council members on March 12, 1975, from 9 a.m. to 4 p.m., Eastern Standard Time, at 425 13th Street NW., Room 412, Washington, D.C. The next regular meeting of the National Advisory Council on Vocational Education will be held on March 13, 1975, from 9 a.m. to 5 p.m., Eastern Standard Time and March 14, 1975, from 8:30 a.m. to 12 Noon, E.S.T., at the Ramada Inn, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education

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Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

MARCH 12, 1975

9 a.m.–noon: Staff orientation for new members.

1 p.m.–4 p.m.: Meetings with OE, HEW, and Congressional staff.

MARCH 13, 1975

9 a.m.–noon: Approval of minutes; review of agenda; Executive Director's Report; Presentation by Appalachian Regional Commission; Discussion of Legislation Proposals.

1 p.m.–5 p.m.: Presentation by Proprietary Schools representatives; Committee Meetings; Presentation on School-to-Work Project.

MARCH 14, 1975

8:30 a.m.–noon: Committee Meetings; Discussion of Council goals; Committee Reports.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425–13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on February 7, 1975.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.75–4269 Filed 2–14–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the National Advisory Council on Adult Education will be held on March 13–14, 1975, from 9 a.m. to 6 p.m., and on March 15, 1975, from 9 a.m. to 1 p.m., at the Galt House, Fourth Street at River, Louisville, Kentucky.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Reports and meetings of the Council's three standing committees, and the Executive Committee.

Adult Education Clearinghouse.

Parent/Childhood/Family Focused Education.

Program Effectiveness and Administrative Review.

Bicentennial Activities.

Rules, Regulations, and Guidelines—Pub. L. 93–380.

FY–76 Adult Education Appropriations.

Local Program Visitations and Regional Hearing.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004).

Signed at Washington, D.C. on February 10, 1975.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.75–4320 Filed 2–14–75;8:45 am]

Office of Child Development

CHILD ABUSE PREVENTION AND TREATMENT ACT—STATE GRANTS

Allocations for States

Pursuant to 45 CFR 1340.3–7(b), notice is hereby given of the allocation of Fiscal Year 1975 funds available for grants to eligible States under the provisions of 45 CFR 1340.3–7(a). The funds allocated represent 20 percent of the sums appropriated under the Child Abuse Prevention and Treatment Act, in accordance with section 4(b)(1) thereof, and are available for making grants to the States to assist them in developing, strengthening, and carrying out child abuse and neglect prevention and treatment programs.

Dated: February 6, 1975.

SAUL R. ROSOFF,
Acting Director,
Office of Child Development.

Allocations Available to States for Grants, Child Abuse Prevention and Treatment Act FY 1975

	Totals	$2,878,000
1.	Alabama	56,400
2.	Alaska	23,300
3.	Arizona	38,000
4.	Arkansas	36,800
5.	California	183,400
6.	Colorado	40,400
7.	Connecticut	44,700
8.	Delaware	24,900
9.	District of Columbia	25,500
10.	Florida	76,900
11.	Georgia	61,600
12.	Hawaii	27,200
13.	Idaho	26,800
14.	Illinois	113,800
15.	Indiana	66,200
16.	Iowa	44,000
17.	Kansas	37,900
18.	Kentucky	48,600
19.	Louisiana	54,500
20.	Maine	28,600
21.	Maryland	54,100
22.	Massachusetts	65,800
23.	Michigan	99,000
24.	Minnesota	53,400
25.	Mississippi	40,900
26.	Missouri	58,100
27.	Montana	26,200
28.	Nebraska	32,600
29.	Nevada	24,600
30.	New Hampshire	26,606
31.	New Jersey	79,000
32.	New Mexico	30,500
33.	New York	161,700
34.	North Carolina	63,800
35.	North Dakota	25,500
36.	Ohio	110,000
37.	Oklahoma	41,000
38.	Oregon	37,500
39.	Pennsylvania	112,600
40.	Rhode Island	27,500
41.	South Carolina	44,100
42.	South Dakota	25,800
43.	Tennessee	53,600
44.	Texas	121,400
45.	Utah	31,200
46.	Vermont	23,900
47.	Virginia	59,700
48.	Washington	47,800
49.	West Virginia	34,800
50.	Wisconsin	58,900
51.	Wyoming	23,000
52.[1]	American Samoa	20,400
53.[1]	Guam	21,000
54.[1]	Puerto Rico	49,700
55.[1]	Trust Territory	21,200
56.[1]	Virgin Islands	20,700

[1] Based on 1970 (most recent) population data.

[FR Doc.75–4287 Filed 2–14–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–75–308]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority with Respect to Housing Management

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16105, October 10, 1970, as amended at 35 FR 17964, November 21, 1970; 36 FR 21298, November 5, 1971; 36 FR 21538, November 10, 1971; 37 FR 9048, May 4, 1972; 37 FR 12420, June 23, 1972; 37 FR 17576, August 30, 1972; and 39 FR 7478, February

26, 1974, is further amended in the following respects:

1. The present section M is redesignated as section N and a new section M is added to read as follows:

SEC. M. *Additional authority redelegated to Insuring Office Officials.*

Each Insuring Office Director and Deputy Insuring Office Director is authorized to exercise the power and authority of the Secretary of the Department of Housing and Urban Development under the Low-Rent Public Housing Program pursuant to the U.S. Housing Act of 1937 (42 U.S.C. 1401, et seq.), including the power and authority under sections 1(1) and 1(2) of Executive Order 11196, except the authority to:

1. Determine that there is a substantial breach or default and invoke any remedy on behalf of the Federal Government upon default or breach by a local housing authority in respect to the terms, covenants, or conditions of an annual contributions contract.

2. Terminate annual contributions contract when the decision to terminate is made by the Federal Government.

3. Waive the provisions of annual contributions contracts: *Provided,* That each Insuring Office Director and Deputy Insuring Office Director is authorized to waive provisions with respect to the following:

a. Employment of a former local housing authority Commissioner.

b. Frequency of examination of tenants to permit a local housing authority to change its established reexamination schedule.

c. Approval of the use of force account for modernization programs.

d. Approval of construction and equipment contracts for modernization exceeding $5,000, but not exceeding $50,000.

2. The present section M is redesignated as section N and is revised to read as follows:

SEC. N. *Additional authority excepted.* There is further excepted from the authority redelegated under section A through M the power and authority to:

1. Establish the rate of interest on Federal loans and advances.

2. Issue notes or other obligations for purchase by the Secretary of the Treasury.

3. Sue and be sued.

4. Issue rules and regulations.

5. Exercise the powers and authorities under section 402(a) and 402(c) 1–9 of the Housing Act of 1950 (12 U.S.C. 1749 (a) and 1749(c)(1)–(9)).

3. The present section N is redesignated as section O and is revised to read:

SEC. O. *Exercise of redelegated authority.* Redelegations of authority made under sections A through M shall not be construed to modify or otherwise affect the administrative and supervisor powers of the Regional Administrator, Area Director, or Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This amendment to redelegation of authority is effective as of September 4, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75–4302 Filed 2–14–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Rulemaking Petition Docket No. 74–5]

FREIGHT TRAIN MARKERS

Petition for Rulemaking Proceeding

Notice is hereby given that the Federal Railroad (FRA) is considering a petition of the United Transportation Union (UTU) to institute rulemaking to require highly visible markers to be placed on the rear end of freight trains.

In its petition, UTU indicates that these markers should be highly visible by night as well as by day and, consequently, should be lighted during night time hours. UTU asserts that FRA regulation is necessary because "many railroads are totally ignoring this safety need by not marking their cabooses at all" and "some railroads are operating trains without cabooses or markers of any kind."

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the proceeding (FRA Rulemaking Petition Docket No. 74–5) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received prior to April 1, 1975, will be considered before action is taken on this petition

This petition and all comments received will be available for examination by interested persons at any time during normal business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

FRA requests specific advice on the following points:

1. For purposes of this notice, the term "train" means "one or more freight locomotives units coupled, with or without freight cars" and the term "freight cars" includes cabooses. Should the regulation apply to trains only or should it also apply to cabooses which are not part of a train but are occupied by one or more railroad employees?

2. What marking devices are now in use on railroads? What other devices such as strobe lights are available? What are their relative costs, effectiveness and serviceability? Which device or combination of marking devices should be required generally?

3. What, if any, marking devices should be required where rear end protection is provided by an automatic block signal, cab signal, train stop, or speed control system?

4. What, if any, markers should be required when the last car in a train is not a caboose?

This notice is issued under the authority of Section 202, 84 Stat. 971, 45 U.S.C. 431 and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on February 7, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75–4323 Filed 2–14–75;8:45 am]

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Wednesday, February 26 and Thursday, February 27, 1975 at the Transportation Systems Center, Kendall Square, Cambridge, Massachusetts.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

In an early meeting of the Advisory Committee, the members identified as an area of interest to the Committee the role which the use of radio plays in railroad operations. The agenda for this meeting will include a briefing on radio technology and use in the railroad industry, and a discussion of safety issues raised by such use.

The meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to allow distribution to each of the Committee members. Members of the public who wish to make oral statements are requested to inform the Office of Chief Counsel, Federal Railroad Administration (202) 426–0767 at least 5 days prior to the meeting so that reasonable provision can be made for their appearance on the agenda.

Minutes of the meeting will be made available for public inspection during regular business hours in the Office of Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C.

Issued in Washington, D.C. on February 10, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75–4324 Filed 2–14–75;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket No. 26668]

EASTERN AIR LINES, INC., AND OZARK AIR LINES, INC.

Route Transfer Agreement; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on March 12, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., February 11, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-4331 Filed 2-14-75;8:45 am]

[Docket No. 24312]

NORDAIR LTEE.—NORDAIR LTD.

Hamilton—Pittsburgh Renewal Application; Postponement of Prehearing Conference and Hearing

Notice is hereby given that, at the request of counsel for the applicant, to which the Bureau of Operating Rights has indicated it has no objection, the prehearing conference and hearing previously scheduled in this case for February 24, 1975, (40 FR 4184, January 28, 1975), has been postponed to March 4, 1975, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

The hearing will be held immediately following conclusion of the prehearing conference unless a person has objected or shown reason for postponement pursuant to notice previously given.

Dated at Washington, D.C., February 12, 1975.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.75-4332 Filed 2-14-75;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

NOTICE OF HEARING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of Section Pub. L. 91-452, Part D, Sec. 804-806 of the Organized Crime Control Act of 1970, will hold hearings on March 4, 1975 in Room 301 of the Russell Senate Office Building and March 5, 1975 in Room 457 of the Russell Senate Office Building, Washington, D.C.; April 9-10-11, 1975 in Room 2003 of the John F. Kennedy Federal Building, Boston, Massachusetts; and May 6-7, 1975 in Room 1202 of the Dirksen Senate Office Building, Washington, D.C.

The purpose of the March 4-5, 1975 hearings is to elicit testimony from representatives of organized pari-mutuel racing regarding the effectiveness of the existing practices and to comment upon proposed changes in Federal and state policies toward that industry.

The purpose of the April 9-10-11, 1975 hearings in Boston is to elicit testimony from Federal, state and local government officials as well as law enforcement representatives as to the effectiveness of gambling enforcement toward the element of organized crime in the Northeastern United States.

The purpose of the hearings on May 6-7, 1975 is to elicit testimony from those persons who are proponents of off-track betting as well as those persons who are opposed to it.

The hearings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are the same as those previously published by this Commission in the FEDERAL REGISTER.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.75-4325 Filed 2-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 334-1; OPP-32000/189 & 190]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 21, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 21, 1975.

Dated: February 11, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED [OPP-32000/189]

EPA File Symbol 28472-O. Air Products and Chem., Inc., Spec. Gas Department, 733 W. Broad St., Emmaus PA 18049. ETHYLENE. Active Ingredients: Ethylene 98.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 5481-RIU. Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. FUM-A-CIDE 15. Active Ingredients: Ethylene dibromide 40%; Chloropicrin 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 960-ENN. Balcom Chem., Inc., PO Box 667, Greeley CO 80631. CLEAN CROP DIAZINON 14G. Active Ingredients: O,O-diethyl (O-(2-isopropyl-6-methyl 1-4-pyrimidinyl) phosphorothioate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 11566-UO. Cutter Animal Health Laboratories, Div. of Bayvet Corp., PO Box 390, Shawnee KS 66201. CO-RAL (COUMAPHOS) 50% DUST BASE AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: O,O-Diethyl O-[3-chloro-4-methyl-2-oxo-(2H) - 1 - benzopyran-7-yl] phosphorothioate 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 498-RNL. Chase Products Co., 19th & Gardner Rd., Broadview IL 60153. LEMON GLYCOLIZED AIR SANITIZER DEODORIZER NO. 2. Active Ingredients: Triethylene Glycol 5.00%; Isopropyl Alcohol 10.00%; Methyl Dodecyl Benzyl Trimethyl Ammonium Chloride 0.008%; Methyl Dodecyl Xylene bis (Trimethyl ammonium chloride) 0.002%; Essential Oils 0.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 2620-AA. Chemical Co., Inc., Argyle Rd., Beloit WI 53511. Q-STRIP #536. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 2620-AI. Chemical Co., Inc. SUPER-A #534. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 2620-AL. Chemical Co., Inc. MAX-A #535. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 2620-AT. Chemical Co., Inc. SOFT-A-CIDE #537. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 3.3%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.3%; Isopropyl Alcohol 2.0%; Ethyl Alcohol 1.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 1544-AL. Frank J. Curran Co., 8101 S. Iemont Rd., Downers Grove IL 60651. CURRAN "SCRAM MOTH BALLS." Active Ingredients: Refined Naphthalene 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA Reg. No. 464-201. Dow Chemical U.S.A., PO Box 1706, Midland MI 48640. ESTERON 99 CONCENTRATE LOW-VOLATILE HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Propylene Glycol Butyl Ether Esters 72.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM23.

EPA File Symbol 192-RRU. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL VEGETABLE GARDEN INSECT SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.125%; Other cube resins 0.250%; Petroleum distillate 0.225%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 2496-RI. The General Pest Control Co., 3561 W. 105th St., Cleveland OH 44111. MYSTIC FOOD HANDLING ESTABLISHMENT RESIDUAL SPRAY. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 2496-RO. The General Pest Control Co. MYCTIC PROFESSIONAL STRENGTH INSECT SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 2496-RT. The General Pest Control Co. MYSTIC GENERAL PURPOSE INSECT SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 0.5%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 729-AL. Gulf Oil Corp., Gulf Bldg., Pittsburgh PA 15230. GULF ORCHARD SPRAY 70. Active Ingredients: Refined Petroleum Distillate 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 5905-UGT. Helena Chemical Co., 5100 Poplar Ave., Clark Tower, Suite 2900, Memphis TN 38137. HELENA BRAND LIQUID SULFUR SIX. Active Ingredients: Sulfur 52%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA File Symbol 10182-RG. ICI United States Inc., Concord Pike & New Murphy Rd., Wilmington DE 19897. P.D.I.C. GRANULAR. Active Ingredients: Potassium dichloro-s-triazine 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 6957-I. Industrial Nacionales Inc., 704 Jordan St. S, Santurce PR 00918. MATA PIOJOS VEINTICINCO DOCE. Active Ingredients: Piperonyl Butoxide Technical 1.00%; Pyrethrins 0.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 2019-EI. Gaston Johnston Corp., 24-64 45th St., Long Island City NY 11103. JOHNSTON'S NO-ROACH II QUALITY SPRAY. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide technical 1.00%; Petroleum distillate 7.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 2019-EO. Gaston Johnston Corp., 24-64 45th St., Long Island City NY 11103. JOHNSTON'S HADABUG II QUALITY SPRAY INSECT KILLER. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide technical 1.00%; Petroleum distillate 7.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 2342-OLG. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73125. FASCO METHOMYL BAIT-2 INSECTICIDE. Active Ingredients: Methomyl (S-methyl-N-[(methylcarbamoyl)oxy] thioacetimidate) 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA Reg. No. 1021-245. McLaughlin Gormley King Co., 1715 SE 5th St., Minneapolis MN 55427. SIX-MONTH MOTHPROOFER. Active Ingredients: Pyrethrins 0.25%; Piperonyl butoxide, technical 1.00%; Petroleum distillate 16.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 4681-GEG. Pennwalt Corp., Three Parkway, Philadelphia PA 19102. DECCO SALT NO. 22. Active Ingredients: 2,6-dichloro-4-nitroaniline 48.8%; Dimeth-yl [(1,2-phenylene) bis (iminocarbonothioyl)] bis[carbamate] 24.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 10535-E. Professional Chemists, Inc., 700 Center Point Rd NE, Cedar Rapids IA 52402. PRO SUPER-SAN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 10535-G. Professional Chemists, Inc. PRO-SAN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 10535-U. Professional Chemists, Inc. PRO DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 9779-EER. Riverside Chemical Co., PO Box 171199, Memphis TN 38117. RIVERSIDE 25% MALATHION DUST BASE. Active Ingredients: Malathion (O, O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM16.

EPA File Symbol 572-EOT. Rockland Chemical Co., Inc., PO Box 204, Passaic Ave., West Caldwell NJ 07006. PROFESSIONAL LAWN WEED KILLER "B" WITH SILVEX. Active Ingredients: Butoxy propyl ester of 2,4-dichlorophenoxyacetic acid 29.10%; Butoxy propyl ester of Silvex [2-(2,4,5-trichloro-phenoxy) propionic acid] 14.06%. Method of Support: Application proceeds under 2(c) of interim policy. PM23.

EPA File Symbol 9115-I. Sun-Ray Chemical Co., Industrial Maintenance Products Div., 119 W. Jackson, Phoenix AZ 85003. INDUSTRIAL INSECTICIDE FOR THE CONTROL OF FLIES, ROACHES AND OTHER INSECTS. Active Ingredients: Piperonyl Butoxide, Technical 1.33%; Pyrethrins 0.13%; Petroleum Oil 98.54%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

APPLICATIONS RECEIVED (OPP-32000/190)

EPA File Symbol 2749-EUG. Aceto Chemical Co., Inc., Agricultural Chemical Div., 126-02 Northern Blvd., Flushing NY 11368. DIETHYL DIPHENYL DICHLOROETHANE 4EC. Active Ingredients: Diethyl diphenyl dichloroethane 47.3%; Xylene 48.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 36311-G. Anlo, Inc., 5881 Macinness St., Memphis TN 39117. WASP-15. Active Ingredients: Poly [oxyethylene-(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2 (b) of interim policy. PM34.

EPA File Symbol 1043-AG. Vestal Laboratories, Div. of Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VESTAL V-400. Active Ingredients: Potassium o-benzyl-p-chlorophenate 11.8%; potassium p-tertiary amylphenate 11.1%; potassium 2,2'-methylenebis (3,4,6-trichloro-phenate) 0.9%. Method of Support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 7616-UR. Chem-Lab Products Inc., 2850 E. Coronado St., Anaheim CA 92806. KEMEX 3. Active Ingredients: Trichloro-s-triazinetrione 70%; Sodium Carbonate 30%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 239-EURI. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHENE 75 S SOLUBLE POWDER. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(b) of interim policy. PM16.

EPA File Symbol 34628-G. The Chloramone Corp., PO Box AC, Delaware City DE 19706. SODIUM HYPOCHLORITE. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 1544-AU. Frank J. Curran Co., 8101 S. Lemont Rd., Downers Grove IL 60651. SCRAM MOTH FLAKE CRYSTALS. Active Ingredients: Refined Naphthalene 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 1021-RGGO. McLaughlin Gormley King Co., 8810 Tenth Ave., N, Minneapolis MN 55427. PYROCIDE INTERMEDIATE 7230. Active Ingredients: Pyrethrins 5.00%; Piperonyl butoxide, technical

XUM
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10.00%; N-octyl bicycloheptane dicarboximide 16.70%; Di-n-propyl isocinchomeronate 40.00%; Petroleum distillate 26.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1021–RGUN. McLaughlin Gormley King Co., 8810 Tenth Ave., N, Minneapolis MN 55427. FORMULA. 7243. Active Ingredients: Pyrethrins 1.0%; Piperonyl butoxide, Technical 10.0%; Petroleum distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 7001–ERN. Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. BEST BETASAN 12.5 GRANULES. Active Ingredients: S-(O,O-diisopropyl phosphorodithiate) of N-(2-mercaptoethyl) benzenesulfonamide 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25.

EPA File Symbol 5657–L. Sobin Chemicals, Inc., Sobin Park, Boston MA 02210. SODIUM HYPOCHLORITE. Active Ingredients: Sodium Hypochlorite 12½%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 11214–EE. Target Chemical Co., 17710 Studebaker Rd., Cerritos CA 90701. PENTA 5 WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 3.10%; Other Related Chlorophenols 0.36%; Petroleum Derivative Solvents 94.82%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 11214–ER. Target Chemical Co., 17710 Studebaker Rd., Cerritos CA 90701. COPPER NAPTHENATE SOLUTION (COPPER 2% AS METALLIC) WOOD PRESERVATIVE. Active Ingredients: Copper (Expressed as elemental) 2.0%; Petroleum Hydrocarbons 80.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA Reg. No. 769–274. Woolfolk Chemical Works, Inc., PO Box 93, Ft. Valley GA 31030. SECURITY ENDOSULFAN EMULSIFIABLE CONCENTRATE. Active Ingredients: Endosulfan (Hexachlorohexahydro methano-2,4,3-benzodioxathiepin oxide) 22.3%; Heavy Aromatic Solvent 71.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA Reg. No. 769–275. Woolfolk Chemical Works, Inc., PO Box 93, Ft. Valley GA 31030. SECURITY 50% THIODAN WETTABLE. Active Ingredients: Endosulfan 50.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

[FR Doc.75–4296 Filed 2–14–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 740]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

FEBRUARY 10, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20821–CD–ML–75, Airsignal of California, Inc. (KMA267), Mod. License to change frequency from 2121.6 MHz to 2171.6 MHz, control facilities at Loc. #2: 336 North Fresno Street, Fresno, California.

21109–CD–P–75, Mobile Telephone Service of Southern Utah, Inc. (New), C.P. for a new station to operate on 152.24 MHz, to be located at Red Hills, St. George, Utah.

21110–CD–P–75, Michigan Bell Telephone Company (KQK548), C.P. to relocate facilities operating on 152.81 MHz, to be located at 54 North Mill Street, Pontiac, Michigan.

21111–CD–P–75, Frank C. Escue d/b/a Telpage (New), C.P. for a new station to operate on 43.22 MHz to be located ½ mile south of Hardin Co. Court House, Elizabethtown, Kentucky.

21112–CD–P–75, Albert E. Armour, Jr. (KOF 912), C.P. for additional facilities to operate on 454.100 MHz. to be located Atop Sacaton Peak, 10 mi. NNW of Casa Grande, Arizona.

21113–CD–P–75, Mobile Phone of Texas, Inc. (KLF477), C.P. to add frequency operating on 152.21 MHz. to be located 1.7 miles North of Young County Court House, Graham, Texas.

21114–CD–P–75, Auto Phone Service (KIY 508), C.P. to change antenna system and relocate facilities operating on 35.22 MHz. to be located at 250 North Orange Avenue, Orlando, Florida.

21115–CD–P/L–(3)–75, Donald G. Pollard d/b/a Siskiyou Mobilfone (KLF550), C.P. to reinstate facilities operating on 152.15 MHz, Base and 459.10, Repeater at Loc. #1: Mahogany Pk 5 Miles Due West of Yreka, California; 454.10 MHz, Control, at Loc. #2: 1 Mile Southeast of Yreka, California.

21116–CD–P–(3)–75, Uintah Basin Telephone Association, Inc. (New), C.P. for a new station to operate on 152.72 MHz., Base and 72.08 MHz., Repeater at Loc. #1: 27 miles North of Duchesne, Utah; 75.92 MHz, Control at Loc. #2: Telephone Office, Tabiona, Utah.

Major Amendment

File No. 20952–C2–P–(2)–74 (KSV940), for Richard P. Blyler d/b/as Lebanon Mobilfone in Lebanon, Pennsylvania for additional two-way facilities has amended the transmitter location to Sand Hill Road, 2.75 miles North of Lebanon, Pennsylvania. All other particulars remain the same as originally reported on the Commission's Public Notice No. 688 dated February 19, 1974.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Radio Dispatch Company, Atlantic City, N.J. (New), 21549–C2–P–74.

Mobile Page Communications, Inc., Atlantic City, N.J. (New), 21651–C2–P–(3)–74.

Page Boy Messenger Service, Swainton, N.J. (KUO645), 21258–C2–P–(2)–74.

The Mobile Service Division has begun packing files in preparation for the move to 2025 "M" Street. Accordingly, it will be impossible to make these files available to the public for the next few weeks. We regret the inconvenience, but request your cooperation until we have completed the move.

RURAL RADIO

60280–CR–P–75, RCA Alaska Communications, Inc. (WGF82), C.P. to change antenna system, change frequency and replace transmitter operating on 85.1 MHz. located at FAA VHF Bldg. at Cordova Airport, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2601–CF–ML–75, American Telephone and Telegraph Company (KYJ85), 4.8 Miles SW of Ruckersville, Virginia. Lat. 38°10'49" N, Long. 78°25'12" W. Mod. of License to change polarization of frequencies toward Rhoadesville, Virginia, on azimuth 77°17'.

2602–CF–ML–75, Same (KUJ84), 1.2 Miles ESE of Rhoadesville, Virginia. Lat. 38°16'02" N., Long. 77°54'57" W. Mod. of License to change polarization of frequencies toward Advance Mills, Virginia, on azimuth 257°36'; correct transmitter identification of license to read (18)TD–8 and (6)TD–3A.

2607–CF–ML–75, Same (KSB74), 2.0 Miles NNW of Highland, Illinois. Lat. 38°45'45" N., Long. 89°41'30" W. Mod. of License to delete frequencies 3730 and 4030 and change polarization of the TD–2 frequencies toward Mascoutah, Illinois, on azimuth 195°34'.

2608–CF–ML–75, Same (KSP70), 3.1 Miles SSW of Versailles, Indiana. Lat. 39°01'47" N., Long. 85°16'47" W. Mod. of License to change polarization of the TD–2 frequencies toward Paris Crossing, Indiana, on azimuth 232°5'.

2609–CF–ML–75, Same (KSP71), 2.0 Miles East of Paris Crossing, Indiana. Lat. 38°49'42" N., Long. 86°36'34" W. Mod. of License to change polarization of the TD–2 frequencies toward Versailles, Indiana, on azimuth 51°52'.

2610–CF–P–75, Idaho Telephone Company (New), On State Hwy. 17, 600 feet SE of U.S. Post Office, Garden Valley, Idaho. Lat. 44°05'08" N., Long. 115°56'54" W. C.P. for a new station on frequency 2121.8V MHz toward Packer John Mountain, Idaho on azimuth 323°57'.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

2611–CF–P–75, Same (New), Packer John Mountain, 8 Miles SSE of Smith's Ferry, Idaho. Lat. 44°12'05" N., Long. 116°03'56" W. C.P. for a new station on frequencies 10895H and 11095V MHz toward Squaw Butte, Idaho, on azimuth 233°19'; 2171.8V MHz toward Garden Valley, Idaho, on azimuth 143°53'.

2629–CF–P–75, American Telephone and Telegraph Company (KGO74), 1.6 Miles South of Centerport, Pennsylvania. Lat. 40°27'40" N., Long. 76°00'29" W. C.P. to change antenna system and add frequency 4090H MHz toward Lynnport, Pennsylvania, on azimuth 32°20'.

2630–CF–P–75, Same (KVU38), 2.8 Miles North of Lynnport, Pennsylvania. Lat. 40°42'56" N., Long. 75°47'55" W. C.P. to add frequency 4050H MHz toward Centerport, Pennsylvania on azimuth 212°28'.

2631–CF–P–75, Same (KIW84), 2.9 Miles NW of Warrenton, Virginia. Lat. 38°44'28" N., Long. 77°50'10" W. C.P. to change frequencies 6055H and 6295H MHz to 4190H MHz toward Linden, Virginia, on azimuth 325°25'.

2632–CF–P–75, American Telephone and Telegraph Company (KIW85), 1.2 Miles North of Independent Hill, Virginia. Lat. 38°39'-00" N., Long. 77°26'35" W. C.P. to change frequencies 6019.4H and 6138.0H MHz to 4198H MHz toward Waldorf, Maryland, on azimuth 95°20'.

2633–CF–P–75, Same (KGH26), 1.1 Miles SSE of Waldorf, Maryland. Lat. 38°36'38" N., Long. 76°55'14" W. C.P. to change frequencies 6271.4H and 6390.0H MHz to 4190H MHz toward Independent Hill, Virginia, on azimuth 275°40'.

2634–CF–P–75, Same (KQG37), 0.8 Mile East of Wolf Summit, West Virginia. Lat. 39°-16'42" N., Long. 80°26'48" W. C.P. to change frequencies 6055V and 6295V MHz to 4198H MHz toward Alexander, West Virginia, on azimuth 163°13'.

2635–CF–P–75, Same (KQG38), 2.1 Miles West of Alexander, West Virginia. Lat. 38°47'-24" N., Long. 80°15'30" W. C.P. to change frequencies 6135V and 6375V MHz to 4190H MHz toward Webster Springs, West Virginia on azimuth 193°06'; change 6175V and 6415V MHz to 4190H MHz toward Wolf Summit, West Virginia, on azimuth 343°20'.

2636–CF–P–75, Same (KQG39), 4.5 Miles NE of Webster Springs, West Virginia. Lat. 38°30'30" N., Long. 80°20'26" W. C.P. to change frequencies 6055V and 6295V MHz to 4198H MHz toward Nettie, West Virginia, on azimuth 224°10'; change 6015V and 6255V MHz to 4198H MHz toward Alexander, West Virginia, on azimuth 13°2'.

2637–CF–P–75, Same (KQG40), 0.2 Mile West of Nettie, West Virginia. Lat. 38°13'25" N., Long. 80°41'26" W. C.P. to change frequencies 6135V and 6375V MHz to 4190V MHz toward Rainelle, West Virginia, on azimuth 208°13'; change 6175V and 6415V MHz to 4190H MHz toward Webster Springs, West Virginia, on azimuth 43°57'.

2638–CF–P–75, Same (KQG41), 2.5 Miles NW of Rainelle, West Virginia. Lat. 37°58'52" N., Long. 80°49'20" W. C.P. to change frequencies 6015V and 6255V MHz to 4198V MHz toward Nettie, West Virginia, 23°8'; change 5935V and 6175V MHz to 4198V MHz toward Clintonville, West Virginia, on azimuth 121°27'.

2639–CF–P–75, Same (KQH34), 1.4 Miles SW of Clintonville, West Virginia. Lat. 37°52'-54" N., Long. 80°37'03" W. C.P. to change frequencies 6095V and 6335V MHz to 4190H MHz toward Paint Bank, Virginia, on azimuth 136°42'; change 6055V and 6295V MHz to 4190V MHz toward Rainelle, West Virginia, on azimuth 301°35'.

2640–CF–P–75, American Telephone and Telegraph Company (KIR20), 3.0 Miles SE of Paint Bank, Virginia. Lat. 37°32'34" N., Long. 80°13'02" W. C.P. to change frequencies 5935V and 6175V MHz to 4198V MHz toward Airpoint, Virginia, on azimuth 162°33'; change 5975V and 6215V MHz to 4198H MHz toward Clintonville, West Virginia, on azimuth 316°57'.

2641–CF–P–75, Same (KIR21), 2.7 Miles ESE of Airpoint, Virginia. Lat. 37°09'46" N., Long. 80°04'05" W. C.P. to change frequencies 6055V and 6295V MHz to 4190V MHz toward Paint Bank, Virginia, on azimuth 342°39'.

2642–CF–P–75, Same (KIW83), 4.5 Miles NE of Linden, Virginia. Lat. 38°57'20" N., Long. 78°01'32" W. C.P. to change frequencies 5935H and 6175H MHz to 4198H MHz toward Warrenton, Virginia, on azimuth 145°18'.

Corrections

2512–CF–P–75, American Telephone and Telegraph Company (KIT27), correct entry to read: C.P. to delete frequencies 6197H and 6316H MHz and add 4190H MHz toward Villa Rica, Georgia. (All other particulars remain the same as reported on Public Notice No. 739, dated February 3, 1975.)

2513–CF–P–75, Same (KIT28), correct entry to read: C.P. to delete frequencies 5945H and 6064H MHz and add 4198H MHz toward Yorkville, Georgia. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2514–CF–P–75, Same (KIV70), correct entry to read: C.P. to delete frequencies 6227H and 6346H MHz and add 4198H MHz toward Cleveland, Tennessee. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2515–CF–P–75, Same (KIV71), correct entry to read: C.P. to delete frequencies 6227H and 6346H MHz and add 4198H MHz toward Chatsworth, Georgia; delete 5975H and 6094H MHz and add 4190H MHz toward Pikeville, Tennessee. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2516–CF–P–75, Same (KIV72), correct entry to read: C.P. to delete frequencies 6227H and 6346H MHz and add 4198H MHz toward Cleveland, Tennessee; delete 6227H and 6346H MHz and add 4198H MHz toward Crossville, Tennessee. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2517–CF–P–75, Same (KIV73), correct entry to read: C.P. to delete frequencies 5975H and 6094H MHz and add 4190H MHz toward Pikeville, Tennessee; delete 5975H and 6094H MHz and add 4190H MHz toward Jamestown, Tennessee. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

Corrections

2518–CF–P–75, American Telephone and Telegraph Company (KIV74), correct entry to read: C.P. to delete frequencies 6227H and 6346H MHz and add 4198H MHz toward Crossville, Tennessee; delete 6227H and 6346H MHz and add 4198H MHz toward Wiborg, Kentucky. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2519–CF–P–75, Same (KIV74), correct entry to read: C.P. to delete frequencies 5975H and 6094H MHz and add 4190H MHz toward Jamestown, Tennessee; delete 5975H and 6094H MHz and add 4190V MHz toward Argyle, Kentucky. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2520–CF–P–75, Same (KIV76), correct entry to read: C.P. to delete frequencies 6227H and 6346H MHz and add 4198V MHz toward Wiborg, Kentucky; delete 6227H and 6346H MHz and add 4198H MHz toward Junction City, Kentucky. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2543–CF–P–75, Same (KIV77), correct entry to read: C.P. to delete frequencies 5975H and 6094H MHz and add 4190H MHz toward Argyle, Kentucky. (All other particulars remain the same as reported on Public Notice No. 739 dated February 3, 1975.)

2460–CF–P–75, Western Tele-Communications, Inc. (KSQ40), Garnett Knoll, 22 Miles NNW of Deerlodge, Montana. Lat. 46°42'10" N. Long. 112°62'53" W. C.P. to add 6301.0V MHz toward Mosquito Peak, Montana, on azimuth 294°26'.

2461–CF–P–75, Same (KSQ41), Mosquito Peak, 10.5 Miles North of Missoula, Montana. Lat. 47°02'24" N., Long. 113°59'-03" W. C.P. to add 5989.7V MHz toward Missoula (CATV), Montana, on azimuth 186°44'. (NOTE:—A waiver of 21.701(1) is requested by Western.)

2493–CF–P–75, United Video, Inc. (WOF38), 2.70 Miles SE of Woods, Oklahoma. Lat. 35°25'00" N., Long. 97°14'27" W. C.P. (a) to add 10735.0V MHz and 10895.0V MHz toward new point of communication at Norman, Oklahoma, on azimuth 218°04'; (b) to change antenna system; and (c) to replace transmitters.

2494–CF–P–75, United Video, Inc. (New). Tulsa, Oklahoma. Lat. 36°05'58" N., Long. 95°54'05" W. C.P. for a new station on 10715.0H MHz and 10875.0H MHz toward Claremore, Oklahoma, on azimuth 41°06'.

2495–CF–P–75, American Microwave & Communications, Inc. (KQA29), Marquette, Michigan. Lat. 46°30'48" N., Long 87°23'-58" W. C.P. to add (reinstate) 6397.4H MHz toward Tilden Lake, Michigan, on azimuth 253°28'.

2496–CF–P–75, Video Service Company (WAS463), Wabash, Indiana. Lat. 40°47'-26" N., Long. 85°50'50" W. C.P. to add 10895.0V MHz toward Huntington, Indiana on azimuth 65°30'.

2645–CF–P–75, Same (New), Huntington, Indiana. Lat. 40°54'10" N., Long. 85°31'11" W. C.P. for a new station on 11425.0V MHz and 11665.0V MHz toward New Haven, Indiana on azimuth 65°21'.

2497–CF–P–75, Telecommunications, Inc. (WIV70), Spokane (KHQ–TV Studio), Washington. Lat. 47°36'56" N., Long. 117°22'06" W. C.P. to add 11015.0H MHz toward Browne Mountain, Washington, on azimuth 118°32'.

2536–CF–P–75, Eastern Microwave, Inc. (KEM 58), Helderberg Mountain, New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. (a) to change polarities to 6182.4V MHz and 6801.0V MHz toward Queensbury, New York, on azimuth 19°54', and (b) to add some frequencies, via path intercept, toward Schenectady, New York, on azimuth 19°54'.

2537–CF–P–75, Eastern Microwave, Inc. (KTG 28), 3.5 Miles East of Prewsburg, New York. Lat. 42°02'48" N., Long. 79°05'26" W. C.P. to replace transmitter (6390.0V MHz) on paths to Jamestown, New York and Warren, Pennsylvania on azimuths 311°33' and 186°37', respectively.

2538–CF–P–75, Eastern Microwave, Inc. (WAU206), Wood Hill, 2.20 Miles SW of Lawrence, Massachusetts. Lat. 42°39'17" N., Long. 71°13'05" W. C.P. to add 11305.0H MHz and 11265.0V MHz toward Woburn, Massachusetts, on azimuth 172°03'.

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2646–CF–P–75, Same (KEM58), Helderberg Mountain, New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to change frequency to 6271.4V MHz and increase output power to 2.5 watts toward Cherry Valley (KEA64), New York, on azimuth 285° 33'.

2539–CF–P–75, Eastern Microwave, Inc. (KEM58), Helderberg Mountain, New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to change frequency to 6271.4V MHz toward Albany, New York, on azimuth 75°55'.

2540–CF–P–75, Eastern Microwave, Inc. (KEM58), Helderberg Mountain, New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to change frequency to 6271.4H MHz toward Schenectady, New York, on azimuth 19°54'.

2541–CF–P–75, Same (KEM58), Helderberg Mountain, New York. Lat. 42°38'12" N., Long. 73°59'45" W. C.P. to change frequency to 6271.4H MHz toward Troy, New York, on azimuth 63°59'. (NOTE.—A waiver of 21.701(l) is requested by Eastern).

[FR Doc.75-4308 Filed 2-14-75;8:45 am]

[Docket Nos. 20258 and 20259; File Nos. 2981–C2–P–69 and 1912–C2–P–69; FCC 75R–52]

BUCKEYE COMMUNICATIONS CO. AND CENTRAL MOBILE RADIO PHONE SERVICE

Domestic Public Land Mobile Radio Service Applications for Construction Permits

By the Review Board:

In re applications of Buckeye Communications Company, Columbus, Ohio, Docket No. 20258, File No. 2981–C2–P–69; Central Mobile Radio Phone Service, Springfield, Ohio, Docket No. 20259, File No. 1912–C2–P–69; for construction permits to establish new one-way signalling facilities in the Domestic Public Land Mobile Radio Service (39 FR 43246).

1. The Review Board having before it an unopposed motion to enlarge issues, filed December 18, 1974, by the Common Carrier Bureau, seeking the addition of issues to determine the areas and populations of, and the need for, the services proposed by the two applicants;

2. It appearing, that, as pointed out by the Bureau, such issues are commonly designated in hearings of this nature and were only omitted from the instant designation Order through inadvertence;

3. *It is ordered,* That the motion to enlarge issues, filed December 18, 1974, by the Common Carrier Bureau, is granted; and

4. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issues to be numbered 2 and 3 respectively:

2. To determine the total area and population to be served by Buckeye Communications Company within the 43 dbu contour of its proposed station based upon the standards set forth in § 21.504 of the FCC rules and regulations, and to determine the need for its proposed service in that area.

3. To determine the total area and population to be served by Central Mobile Radio Phone Service within the 43 dbu contour of its proposed station based upon the standards set forth in § 21.504 of the FCC rules and regulations and to determine the need for its proposed service in that area.

5. *It is further ordered,* That the issues in this proceeding are renumbered, making the former issue number 2 now issue number 4.

Adopted: February 6, 1975.

Released: February 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4306 Filed 2-14-75;8:45 am]

[Dockets Nos. 20343 and 20344; File Nos. BPH–8665 and BPH–8858]

COUNTRY-POLITAN BROADCASTING, INC. AND TIPPAH BROADCASTING CO.

Order Designating Applications for Consolidated Hearing

In re applications of Country-Politan Broadcasting, Inc., Ripley, Mississippi, Docket No. 20343, File No. BPH–8665; requests: 102.3 MHz, Channel No. 272; 3 kW (H&V); 300 feet; Jesse R. Williams, tr/as Tippah Broadcasting Co., Ripley, Mississippi, Docket No. 20344, File No. BPH–8858; requests: 102.3 MHz, Channel No. 272; 3 kW (H&V); 300 feet; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, has before it the above-captioned applications which are mutually exclusive in that they seek the same channel in Ripley, Mississippi.

2. The financial portion of the application of Tippah Broadcasting Company [Tippah] indicates that it will require $61,508 to construct and operate the proposed station for a period of one year, without revenue, itemized as follows:

Down payment on equipment	$10,160
First-year payments on equipment, with interest	10,752
Interest on bank loan	3,250
Land (rent)	300
Building	6,320
Miscellaneous	10,395
Working capital	20,331
Total	61,508

To meet this requirement, Tippah relies on existing funds, cash flow from its existing AM operation, a $25,000 bank loan, and the proceeds from an anticipated sale of land. The applicant has adequately demonstrated the availability of the bank loan. In addition, it appears that the cash flow from its AM operation would support a commitment of $15,800. Further, Tippah's balance sheet indicates that the applicant has $16,464 in liquid assets in excess of current liabilities. With regard to the land sale, the prospective buyer has indicated a willingness to purchase the land. However, that individual has failed to submit any documentation establishing the availability of funds to make such a purchase. Thus, Tippah may not rely on this source. In sum, then, Tippah has demonstrated the availability of only $57,264 to meet its requirement of $61,508. Accordingly, an appropriate issue will be specified.

3. The Tippah application is also deficient with respect to its ascertainment of the needs and problems of Ripley. Although the applicant indicates that some members of the general public were contacted, there is no description of the methodology used to select the interviewees, nor is there an indication of the total number of general public interviews conducted. Since the Commission is therefore unable to determine whether the requirements of questions and answers 13(b) and 14 of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants,* 27 FCC 2d 650 (1971), have been satisfied, an appropriate issue will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of Tippah Broadcasting Company:

(a) The availability of funds over and above $57,264 with which to construct and operate the proposed station; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

2. To determine the efforts made by Tippah Broadcasting Company to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

notice as required by § 1.594(g) of the rules.

Adopted: February 5, 1975.

Released: February 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-4307 Filed 2-14-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSTRUCTION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Construction Advisory Committee will meet at 9 a.m., Tuesday, March 11, 1975, Room 3400, 12th & Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to the interests and problems of the construction industry as they relate to the policy and implementation of programs to meet the current and continuing national energy shortage.

The agenda for the meeting is as follows:

1. Organization Business—
a. Introductions.
b. Charter and Procedural Matters.
c. Organization Structure.
2. Brief Remarks by the Administrator.
3. Review of Administration's Energy Program.
4. FEA's Conservation Program, Re: Construction Industry.
5. Review of Major Energy Construction Requirements Resulting from the Administration's Energy Program.
6. Discussion on need and/or use of a Central Clearing House of Major Energy Construction Projects.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 12, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-4374 Filed 2-13-75;10:27 am]

FEDERAL RESERVE SYSTEM

[Reg. Y]

BANK HOLDING COMPANIES

Revised Notice of Deadline for Submitting Comments

Notice is hereby given that the Board of Governors of the Federal Reserve System, in response to a request for an extension of the February 18, 1975 deadline for the submission of additional material related to issues raised at the January 14 hearing on the question whether bank holding companies may operate a travel agency (39 FR 38423), has decided to extend the deadline until April 18, 1975. Accordingly, all parties and interested persons may submit their views in writing to be received by the Secretary no later than April 18, 1975. Written comments as they are received will be made available for inspection and copying in Room 1118 of the Board's building.

By order of the Board of Governors of the Federal Reserve System, February 12, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4273 Filed 2-14-73;8:45 am]

CITIZENS AND SOUTHERN CORP.

Proposed Retention of Carolina National Mortgage Investment Co., Inc.

The Citizens and Southern Corporation, Charleston, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain shares of Carolina National Mortgage Investment Company, Inc., Charleston, South Carolina, and its indirect subsidiary, C.N. Mortgages, Inc., Charleston, South Carolina. Notice of the application was published on:

Date, Newspaper, and City

January 7, 1975, Spartanburg Herald-Journal, Spartanburg, S.C.
January 8, 1975, The Greenville News, Greenville, S.C.
January 8, 1975, The News and Courier, Charleston, S.C.
January 8, 1975, Florence Morning News, Florence, S.C.
January 8, 1975, The State, Columbia, S.C.
January 8, 1975, The Atlanta Journal, Atlanta, Ga.
January 11, 1975, The Knoxville Journal, Knoxville, Tenn.
January 14, 1975, The Greensboro Record, Greensboro, S.C.
January 14, 1975, Greensboro Daily News, Greensboro, S.C.

Applicant states that both Carolina National Mortgage Investment Company and C.N. Mortgages, Inc. would continue to engage in the activities of servicing loans and their extensions of credit and making or acquiring for their own account, or for the account of others, loans and their extensions of credit such as would be made by a mortgage or finance company and, in connection with these activities, acting as agent in the sale of credit life insurance and accident and health insurance. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4314 Filed 2-14-75;8:45 am]

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corporation, Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of American Bank of Fort Myers, Fort Myers, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4316 Filed 2-14-75;8:45 am]

PROFILE BANKSHARES, INC.

Formation of Bank Holding Company and Application To Engage in the Operation of a Guaranty Savings Bank

Profile Bankshares, Inc., Rochester, New Hampshire, has applied for the

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Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 80 per cent of the voting shares of First National Bank of Rochester, Rochester, New Hampshire. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Profile Bankshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Rochester Savings Bank and Trust Company, Rochester, New Hampshire. Notice of the application was published on May 9, 1974, in *The Rochester Courier*, a newspaper circulated in Rochester, New Hampshire.

Applicant states that the proposed subsidiary would operate as a guaranty savings bank, a type of thrift institution unique to New Hampshire, which engages principally in providing to individuals, partnerships and corporations the following services: (i) accepting savings deposits in passbook accounts and issuing certificates of deposit; (ii) investing in residential and commercial mortgages; (iii) investing in U.S. Government securities, municipal and other political subdivision bonds and notes, and New Hampshire legal list common and preferred stocks; (iv) providing safe deposit services; (v) providing trust services; and (vi) servicing mortgages, but only for its own accounts, or for lenders with whom it has participated in a loan.

The Board has not heretofore considered whether the proposed activity is closely related to banking. Applicant is of the opinion that the proposed operation of a guaranty savings bank in New Hampshire is so closely related to banking or managing or controlling banks as to be a proper incident thereto and notice of receipt of the section 4(c)(8) application is being published pursuant to § 225.4(a) of the Board's Regulation Y.

Interested persons are invited to express their views on the question whether the operation of a guaranty savings bank in New Hampshire is so closely related to banking or managing or controlling banks as to be proper incident thereto. Interested persons are also invited to express their views on the question whether consummation of the subject proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question, or on the issue of whether the operation of a guaranty savings bank in New Hampshire is so closely related to banking or managing or controlling banks as to be a proper incident thereto, should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

In acting on the section 4(c)(8) application, the Board will not be considering the general question whether operating a thrift institution is an activity that is "so closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8) of the Bank Holding Company Act. Insofar as this application concerns the relationship of a thrift institution to a bank holding company, the issue is limited to the type of structural and competitive circumstances existing in New Hampshire.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4317 Filed 2-14-75;8:45 am]

T.N.B. FINANCIAL CORP.

Acquisition of Bank

T.N.B. Financial Corp., Springfield, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Ware Trust Company, Ware, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4318 Filed 2-14-75;8:45 am]

WOODBINE BANCORP, INC.

Order Approving Formation of Bank Holding Company

Woodbine Bancorp, Inc., Woodbine, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 97 percent of the voting shares of The First National Bank of Woodbine, Woodbine, Iowa ("Bank").

Notice of the receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of $11 million) is the second largest of eight banks in the relevant banking market (approximated by Harrison County) and controls approximately 19 percent of the total commercial bank deposits therein.[1] Upon acquisition of Bank, Applicant would control the 263rd largest bank in Iowa, holding .1 of one percent of total commercial bank deposits in the State. Since the purpose of the proposed transaction is essentially a corporate reorganization to transfer the ownership of Bank from a family to a corporation owned by the same family, consummation of the proposal herein would not eliminate any existing or potential competition, nor have an adverse effect on other banks in the area.

Applicant's principal shareholder is also a principal in Oakland Bancshares, Inc., Oakland, Iowa, a registered one bank holding company owning 95.45 per cent of the voting shares of Oakland Savings Bank, Oakland, Iowa. Oakland Savings Bank (deposits of $8.6 million) operates in a separate banking market approximately 52 miles southeast of Bank. From the facts of record, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank, are considered to be satisfactory. While Applicant will incur debt as a result of the proposal, it appears that the projected income from Bank should provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements as well as to adequately maintain the capital position of Bank. Accordingly, financial and managerial considerations are consistent with approval of the application. As indicated above, the proposed acquisition represents a change in the form of ownership of Bank and there are no significant proposed changes in the operation or services of Bank. However, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Secretary of the Board of Governors, acting pursuant to delegated authority from the Board of Governors, effective February 10, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4319 Filed 2-14-75;8:45 am]

[1] All banking data are as of June 30, 1974.

COMMUNITY INSURANCE AGENCY, INC.

Formation of Bank Holding Co.

Community Insurance Agency, Inc., Haxtum, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 74.7 percent or more of the voting shares of Taxtum Community Bank, Haxtum, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Community Insurance Agency, Inc., Haxtum, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's regulation Y, for permission to continue to engage in general insurance activities through Community Insurance Agency, Inc., Haxtum, Colorado. Notice of the application was published on January 8, 1975, in The Haxtum Harvest, a newspaper circulated in Phillips County, Colorado.

Applicant states that the proposed subsidiary would engage in general insurance activities as an agent or broker in the sale of all types of insurance such as casualty, life, health, accident, medical and credit related insurance in a town with a population of less than 5,000. Such activities have been specified by the Board in section 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4313 Filed 2-14-75;8:45 am]

EHS, INC.

Formation of Bank Holding Co.

EHS, Inc., Parkersburg, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 77.84 percent or more of the voting shares of Parkersburg State Bank, Parkersburg, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 3, 1975.

Board of Governors of the Federal Reserve System, February 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4315 Filed 2-14-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

COMMERCIAL ENVELOPE MANUFACTURING CO., INC.

Proposed Sanctions

The Director of Civil Rights, General Services Administration, pursuant to section 209 of Federal Executive Order 11246, as amended, and 41 CFR Part 60-30 formally advised the President of Commercial Envelope Manufacturing Company, Incorporated, 2350 Lafayette Ave., Bronx, New York 10463, by certified letter dated January 28, 1975, that the General Services Administration proposes to exercise the following sanctions:

(1) Termination of General Services Administration Contract No. GS-00S-02175, and such other Federal Contracts as may currently be in course of performance.

(2) Ineligibility for further Federal contracts for the duration of the period in which a status of non-compliance persists.

This action in regard to Commercial Envelope Manufacturing Company, Inc., was taken in accordance with the authority granted to the Director of Civil Rights for the General Services Administration, by the Director, Office of Federal Contract Compliance, U.S. Department of Labor as set forth in Office of Federal Contract Compliance Revised Order No. 1, dated July 11, 1974.

The matter giving rise to the proposed enforcement action is the Company's failure to comply with the Federal Equal Employment Opportunity Clause by failing to adopt and execute an acceptable Affirmative Action Plan.

Commercial Envelope Manufacturing Company, Inc., was informed that they may request, within 14 days of receipt of the letter, a formal hearing into the merits of the proposed action. The hearing rules for this proposed sanction are set forth in 41 CFR Part 60-30.

E. E. MITCHELL,
Director of Civil Rights.

[FR Doc.75-4268 Filed 2-14-75;8:45 am]

GENERAL ACCOUNTING OFFICE

INTERSTATE COMMERCE COMMISSION

Receipt of Regulatory Report Proposals

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 10, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before March 10, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the ICC form in this notice may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of a revised Form ACC-42, Field Report of Highway Form A. Information relating to the distribution of wage expenses to various types of carrier service is reported by 250 intercity motor common carriers of general freight. Data are compiled and published to provide information to carriers for ratemaking processes. An estimated respondent burden of 16 man-hours per respondent is required annually.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-4309 Filed 2-14-75;8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-8]

NASA WAGE COMMITTEE

Reestablishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that the reestablishment of a NASA Wage Committee is in the public interest in connection with the performance of duties imposed upon NASA by law. The function of this Committee will be to provide recommendations to NASA relating to a survey of wages and the establishment of wage schedules for trades and labor employees in the Cleveland, Ohio Wage Area. NASA has been designated as the "lead agency" for that area under Federal Personnel Manual Supplement 532-1.

Dated: February 11, 1975.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

[FR Doc.75-4292 Filed 2-14-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Committee for Science Education to be held from 9 a.m.-5 p.m. on March 6, and from 9 a.m.-1 p.m. on March 7, 1975, in room 651 at 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of the Committee is to provide advice and recommendations concerning the impact of all Foundation activities (including research, scientific information; and international programs; as well as, specifically, "education" programs) relating to education in the sciences in U.S. schools, colleges and universities.

The agenda for March 6 will include a discussion of time-shared, interactive, computer-controlled information TV (TICCIT); and description and discussion of Worcester Polytechnic Institute Plan. The March 7 agenda will include general review and plans in the Education Directorate and administrative matters.

This meeting shall be open to the public. Individuals who wish to attend should inform Mrs. Frances O. Watts, Staff Assistant, Assistant Directorate for Education, Rm. 600-W, National Science Foundation, Washington, D.C. 20550, telephone 202/282-7930 by close of business on February 28. Persons requiring further information concerning this Committee should contact Mrs. Frances Watts at the above address. Summary minutes relative to this meeting may be obtained from the Committee Management Coordination Staff, MAO, Rm. K-720, 1800 G Street NW., Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 12, 1975.

[FR Doc.75-4344 Filed 2-14-75;8:45 am]

ADVISORY PANEL FOR HISTORY AND PHILOSOPHY OF SCIENCE

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for History and Philosophy of Science to be held at 9 a.m. on March 7 and 8, 1975, in room 517, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations concerning the merit of specific research proposals in the area of History and Philosophy of Science.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel please contact Mr. Ronald J. Overmann, Assistant Program Director for History and Philosophy of Science, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-4182.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 12, 1975.

[FR Doc.75-4346 Filed 2-14-75;8:45 am]

ADVISORY PANEL FOR POLITICAL SCIENCE

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Political Science to be held at 9 a.m. on March 6, 1975, in room 621, 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. David C. Leege, Program Director for Political Science, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4348.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 11, 1975.

[FR Doc.75-4345 Filed 2-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-508A]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated January 29, 1975, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 20, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity Nuclear Reactor Regulation.

APPENDIX A

[NRC Docket No. 50-508A]

[Department of Justice File No. 60-415-92]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, WASHINGTON PUBLIC POWER SUPPLY SYSTEM NUCLEAR PROJECT NO. 3

JANUARY 29, 1975.

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

The Washington Public Power Supply System (WPPSS), a power generating agency, has applied for a construction permit and operating license for a utilization facility to be known as WPPSS Nuclear Project No. 3 (WPPSS No. 3) at its site near Satsop in southeastern Grays Harbor County, State of Washington. Operation is scheduled for 1981. The facility will have a nominal capacity of 1,200,000 kilowatts.

WPPSS will be entitled to a 70 percent share of the output of WPPSS No. 3. The remaining 30 percent of the output of WPPSS No. 3 will be received by Pacific Power & Light Company (10 percent), Portland General Electric Company (10 percent), Puget Sound Power & Light Company (5 percent) and Washington Water Power Company (5 percent) in proportion to their respective ownership shares.

Applicants. WPPSS is a municipal corporation and a joint operating agency of the State of Washington. Its membership, which is established by Washington state law, is made up of eighteen operating public utility districts in the State of Washington and the cities of Richland, Seattle, and Tacoma, Washington. The management and control of WPPSS is vested in a Board of Directors consisting of representatives of each of the public utility districts and the cities.

WPPSS presently operates the Packwood Lake Hydroelectric Project in Lewis County, Washington, and the Hanford Electric Generating Project, which utilizes by-product steam from the Energy Research and Development Administration's reactor near Richland, Washington. WPPSS previously applied to your predecessor commission for licenses to construct and operate WPPSS Nuclear Project No. 1. The Department of Justice advised the Atomic Energy Commission that it need not conduct an antitrust hearing with respect to WPPSS Nuclear Project No. 1. In addition, WPPSS has under construction its Nuclear Project No. 2, formerly known as Hanford No. 2, pursuant to AEC Construction Permit CPPR-93. We also advised the AEC that it need not conduct an antitrust hearing with respect to WPPSS Nuclear Project No. 2. WPPSS also anticipates acquiring a 15 percent ownership interest in the Skagit Nuclear Project now being planned by the Puget Sound Power & Light Company.

WPPSS No. 3 has 103 participants of which 27 are municipalities, 29 are public utility districts, and 47 are cooperatives. The 103 participants will contract to purchase varying amounts of the 70 percent of the output of WPPSS No. 3 which WPPSS will be entitled to. The Bonneville Power Administration (Bonneville), an agency of the U.S. Department of the Interior, will transmit all power generated by this facility. Each of the 103 participants are statutory preference customers of Bonneville under the Bonneville Project Act of 1937, and each currently obtains all or part of its power supply from Bonneville. WPPSS does not itself engage in the distribution of electrical energy to the retail market. Instead, it functions as a supplier of bulk electric power to utility systems in the Pacific Northwest.

Each of the participant's share of the annual cost of the WPPSS No. 3 will be "net billed" (credited) against the billings made by Bonneville to the participants. This enables Bonneville to receive all of the output of the project and compensate the participants by deducting the participant's share of the cost from the amount the participant owes to Bonnesville. Each participant is obligated to pay WPPSS a proportionate share of WPPSS' expenses incurred in connection with the operation of the project.

In 1972, the 103 participants in WPPSS No. 3 had total energy sales of 30,823,055 megawatt hours. In 1972, the participants purchased 23,877, 228 megawatt hours of electric power from Bonneville. They generated 9,380,417 megawatt hours. The peak demand in 1972 for the 103 participants totalled 7,165,289 kilowatts. In 1972, they served 961,318 customers of which 835,398 were residential.

Pacific Power & Light Company (PP&L) is an investor-owned electric utility with its principal offices in Portland, Oregon. PP&L owns thirty-three hydroelectric generating plants with a rated capacity of 863,393 kilowatts and seven steam-electric plants with a rated capacity of 1,494,433 kilowatts. PP&L has contracts to purchase power from various public agencies and public utility districts on long-term agreements as well as peaking capacity from Bonneville. PP&L presently operates a coal-fueled 750 MW generating station near Glenrock, Wyoming, and also owns 47.5 per cent of the Centralia Project, two coal-fueled 700 MW facilities at Centralia, Washington, which are jointly-owned by four publicly-owned and the three investor-owned utilities. PP&L and Idaho Power Company presently are developing the Jim Bridger power and coal mining complex in southwestern Wyoming. PP&L, along with the Black Hills Power & Light Company, is developing a bid on a 300 MW coal-fueled facility. PP&L has a 2.5 per cent ownership interest in the Trojan Nuclear Project being constructed by Portland General Electric Company and the City of Eugene, Oregon. PP&L will also have some ownership interest in the proposed Skagit Nuclear Project being planned by Puget Sound Power & Light Company.

Portland General Electric Company, (PGE) is an investor-owned electric utility with principal offices in Portland, Oregon. PGE presently owns facilities generating several hundred MW of hydroelectric capacity and has fifty-year contracts to purchase a minimum of 800 MW of hydroelectric power from projects owned by Public Utility Districts in Washington. PGE is participating in the Columbia Storage Power Exchange arrangement which will provide it with up to 287 MW in 1975. PGE owns 2.5 percent of the Centralia Project. PGE also owns 67.5 percent of the 1,100 MW nuclear-fueled Trojan Project presently under construction and is in the process of developing a jointly owned 1,200 MW nuclear-fueled Project at Pebble Springs, Oregon. The Department of Justice has advised the Atomic Energy Commission that it need not conduct an antitrust hearing with respect to the Trojan and Pebble Springs facilities.

Puget Sound Power & Light Company (PSP&L) is an investor-owned electric utility with principal offices in Bellevue, Washington. PSP&L presently has several long-term contracts for the purchase of approximately 1,700 MW of power from certain Columbia River projects. PSP&L also owns seven percent of the Centralia Project. PSP&L has exercised options for the purchase of 384 MW of power under the Columbia Storage Power Exchange Agreement. PSP&L and The Montana Power Company are jointly constructing two 350 MW coal-fueled units at Colstrip, Montana. In addition, PSP&L has announced plans to construct a 1269 MW nuclear-fueled plant on the Skagit River near Sedro Valley, Washington.

The Washington Water Power Company (WWPC) is an investor-owned electric utility with its principal offices in Spokane, Washington. Approximately 65 percent of the Company's power needs is supplied by Company-owned hydroelectric projects. The remainder is purchased from Public Utility Districts and other investor-owned utilities. WWPC will have a 15 percent ownership interest in two coal-fired electric plants to be constructed, at Colstrip, Montana. WWPC will also have some ownership interest in the proposed Skagit Nuclear Project being planned by PSP&L.

Interconnection and Coordination With Others. The Pacific Northwest is an area where there is a high degree of coordination and cooperation between utilities involved in the generation and transmission of electrical power.

The dominant factor in the area in terms of energy transmission is Bonneville; it has over 12,000 miles of transmission facilities in the Pacific Northwest representing about 80 percent of the bulk power transmission capacity in that region. Bonneville is generally described as the leading force promoting coordination and joint planning with respect to electrical power. Bonneville markets power to 149 customers, including the 103 preference customers which are participants in WPPSS No. 3.

In the Pacific Northwest, five private utilities, 110 publicly owned agencies, WPPSS and Bonneville have formed the Joint Power Planning Council to coordinate planning for existing and future thermal and hydroelectric resources for the region. The area includes the States of Washington, Oregon, and portions of northern California, Idaho, and Montana. The Joint Power Planning Council has developed the Hydro Thermal Power Program plan for power generation to meet the area's anticipated load growth.

The major portion of power supply for the Pacific Northwest has historically been from hydroelectric generating sources. Most of the hydroelectric projects were built by the Federal Government as part of the Columbia River Power System. However, in recent years, the region has turned to thermal generation for its base-load resources since virtually all the hydropower sites have been developed.

WPPSS has not received any request for interconnection and/or coordination from any system not already a participant in WPPSS Project No. 3.

Results of antitrust review. With one exception, our study of this application did not indicate any antitrust problems. The only matter requiring exploration pertained to allegations that the City of Tacoma, Washington, one of the 103 participants, was refusing to wheel power from Bonneville to five utilities who were, at one time, served by Tacoma. These five utilities are members of the Pierce County Cooperative Power Association (PCCPA). Many of the details concerning this controversy were presented to the United States Senate Committee on Appropriations on May 21, 1973, and can be found in Senate Hearings for the Committee on Appropriations on H.R. 8947, Public Works for Water and Power Development and Atomic Energy Commission Appropriations, Fiscal Year 1974, 93rd Congress, 1st Session, Part 6, at pages 7, 175-7, 1974.

Negotiations between the PCCPA group and Tacoma for transmission service from Bonneville to the PCCPA group have now been concluded, and since July 1, 1974, power from Bonneville has been wheeled over Tacoma facilities to the PCCPA group in accordance with an agreement between them. This agreement is subject to approval by the Tacoma City Council. On the assumption that the Tacoma City Council will approve the transmission agreement in the near future, we conclude that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.75-4261 Filed 2-14-75;8:45 am]

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[Docket No. P-531-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

FEBRUARY 7, 1975.

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102, Docket No. P-531-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1355 Filed 1-16-75;8:45 am]

[STN 50-508, STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Availability of Draft Environmental Statement for Nuclear Project Nos. 3 and 5

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Division of Reactor Licensing related to the proposed Washington Public Power Supply System Nuclear Project Nos. 3 and 5 to be constructed by Washington Public Power Supply System in Grays Harbor County, Washington is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563. The Draft Statement is also being made available at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Washington Public Power Supply System is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on October 4, 1974 (39 FR 35835).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 7, 1975. Comments by Federal, State, and local officials, or other person received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 11th day of February 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-4423 Filed 2-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON THE BALANCE OF PAYMENTS STATISTICS PRESENTATION

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the second meeting of the Advisory Committee on the Balance of Payments Statistics Presentation to be held on Thursday, March 6, 1975 in room 10104 of the New Executive Office Building, 726 Jackson Place NW., Washington, D.C. starting at 9:45 am. The first meeting of the Committee was held January 26.

The objectives of the Committee is to develop recommendations to improve the presentation of the official statistics of the U.S. balance of payments which are published quarterly by the Department of Commerce in press releases and in the Survey of Current Business. The Committee will consider the merits of the present and alternative methods of presenting and summarizing the accounts which would facilitate a more meaningful analysis by the government and the public, and will recommend to the Director of OMB improvements in the tables which could be implemented with the available basic data. The discussion at the meeting will be concerned primarily with resolving the following issues.

1. What purposes can be served by a table which shows overall analytical balances?

2. Which analytical balances or other measures can be agreed upon as being generally useful in the present international environment?

3. What would be the best format for a table which would classify data on international transactions in a clear but neutral fashion?

4. How should the data on international transactions be related to other statistics such as exchange rate relationships or the national economic accounts, in the official publications?

5. What are the desirable functions of the press release, the tables in the *Survey of Current Business*, and the signed *Survey* article?

The members of the Committee are:

Edward Bernstein, President, EMB Ltd.
James Burtle, Vice President, W. R. Grace and Co.
Rimmer deVries, Vice President, Morgan Guaranty Trust Co.
Peter Kenen, Professor Economics, Princeton University
Walter Salant, Senior Fellow, Brookings Institution
Wilson Schmidt, Chairman, Department of Economics, Virginia Polytechnic Institute and State University
Charles Schwartz, Deputy Director, Research Department, IMF
Robert Ulin, Economic-Finance, Mobil Oil Corporation
Marina Whitman, Professor of Economics, University of Pittsburgh

The meeting will be open to public observation and participation. Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C., telephone (202) 395-4730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-4322 Filed 2-14-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 11, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529); or from the reviewer listed.

NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

Questionnaire on probable economic effects of tariff concessions on U.S. firms producing rubber or plastics products, Form——, Single Time, Weiner (395-4890), Sample of producers in the rubber and plastics industry.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:
Motorist Questionnaire Pretest, Form——, Single Time, Strasser (395-3880), Motorists.
Intercity Auto Traveler Attitudinal Survey Plan, Form——, Single Time, Strasser (395-3880), Households having adult intercity auto travelers.

REVISIONS

None

EXTENSIONS

CIVIL SERVICE COMMISSION

Management Intern Program Qualifications Inquiry, Form WA-27, Occasional, Caywood (395-3443), References.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration:
ICAO International Civil Aviation Organization, Air Transport Reporting Form, Airport Traffic, Form ICAO 1, Quarterly, Evinger (395-3648), Airports.
Pilot Self-Briefing Experimentation Questionnaire, Form——, Occasional, Evinger (395-3648), Pilots.

PHILLIP D. LARSEN,
Management and Budget Officer.

[FR Doc.75-4392 Filed 2-14-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 12, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES TARIFF COMMISSION

Probable Economic Effects of Tariff Concessions on U.S. Manufacturers of Power Loom Woven Wire Cloth, single-time, manufacturers of power loom woven wire cloth, Weiner, N., 395-4890.

DEPARTMENT OF COMMERCE

Bureau of the Census: 1975 Income Pretest Address Register, SC-704, single-time, housing units in Salem County, New Jersey, Ellett, C. A., 395-6172.

DEPARTMENT OF COMMERCE

Bureau of the Census: 1975 Income Pretest, SC-700, SC-701, SC-702, SC-703, single-time, population of Salem County, New Jersey, Strasser, A., 395-3880.

REVISIONS

VETERANS ADMINISTRATION

Application for Servicemen's Group Life Insurance—Retired Reservists, VAF 29-871, on occasion, retired reservists, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Peanut Disposition Survey, SRSCE613, annually, peanut growers, Lowry, R. L., 395-3772.
Statistical Reporting Service, maple syrup inquiries, semi-annually, maple syrup producers, Lowry, R.L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Instructions for Application for Federal Assistance for R & D Grants, HEW-608T, on occasion, universities and nonprofit institutions, Caywood, D.P., 395-3443.
Social and Rehabilitation Service, Instructions for Completion of Application for Federal Assistance for Public Assistance Demonstration Grants, HEW-608T, annually, Government agencies, Lowry, R.L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Regulations—Special Food Service Program for Children, on occasion, service institutions, Evinger, S.K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4411 Filed 2-14-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

FEBRUARY 7, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 9, 1975 through February 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4310 Filed 2-14-75;8:45 am]

[Release Nos. 33-5569, 34-11236; File No. S7-551]

DISCLOSURE OF ENVIRONMENTAL AND OTHER SOCIALLY SIGNIFICANT MATTERS

Notice of Public Proceeding

The Securities and Exchange Commission hereby announces and directs that a public proceeding be held, including public hearings, concerning disclosure in registration statements, reports and other documents filed with the Commission or required to be furnished to investors pursuant to the Securities Act and the Securities Exchange Act of environmental and other matters of primarily social rather than financial concern, including equal employment matters. Through this proceeding the Commission seeks to determine whether its present disclosure rules are adequate in view of the provisions of the National Environmental Policy Act (NEPA)[1] and, if not, what further rulemaking action should be taken. The Commission also seeks information upon which to evaluate the desirability of amending its disclosure requirements with respect to other

[1] 42 U.S.C. 4321, et seq.

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matters of primarily social rather than financial concern.

BACKGROUND

This proceeding has been initiated primarily to assure that the Commission's disclosure requirements are fully consistent with the requirements of NEPA and to consider equal employment and other matters pursuant to an Order and Opinion of Judge Charles R. Richey in *Natural Resources Defense Council, Inc., et al.* v. *Securities and Exchange Commission, et al.*, No. 409–73 (D. D.C., December 9, 1974). Judge Richey suggested that the Commission should "resolve two overriding factual issues. The first is the extent of 'ethical investor' interest in [this] type of information. . . . The second issue is what avenues of action are available which ethical investors may pursue and which will tend to eliminate corporate practices that are inimical to the environment and equal employment opportunity." Judge Richey emphasized that "the SEC should not limit itself to these questions. Rather, it must imaginatively exercise its authority and expertise." [2]

SCOPE OF INQUIRY

In this proceeding the Commission seeks to obtain the views of the public concerning whether, and to what extent, information that does not necessarily have direct and immediate economic significance might nevertheless be the type of information that a reasonable investor would wish to have in making an investment decision or giving a proxy. In this connection, the Commission will welcome any views concerning (1) the advisability of its requiring disclosure of socially-significant matters, (2) whether and on what basis these disclosures might be viewed as being material, particularly where these matters may not be considered material in an economic sense, (3) the basis and extent, if any, of the Commission's authority to require disclosure of matters primarily of social concern but of doubtful economic significance, and (4) the probable impact, if any, of such disclosure on corporate behavior.

The Commission recognizes that certain members of the public may find environmental and other socially-significant disclosures of importance in making their investment decisions. At the same time, it is the Commission's responsibility to require disclosure of information that the investing public generally would find material in making their investment decisions. And the Commission must take due care that its disclosure requirements elicit meaningful, effective disclosure without causing disclosure documents to be excessively technical or obscure. The Commission believes that data concerning the extent of the investing public's interest in the use of environmental and other socially-significant disclosures is necessary for determining to what extent, if any, adoption of new disclosure requirements would be consistent with the Commission's statutory authority and the essential considerations of national policy that the securities laws were designed to effect.

The Commission's existing disclosure requirements concerning the environment and equal employment matters remain in effect pending further action by the Commission.[3]

ENVIRONMENTAL DISCLOSURES

* * * * *

EXISTING REQUIREMENTS

A primary purpose of this proceeding is to determine whether the provisions of NEPA require that the Commission's existing environmental disclosure requirements must be revised, expanded or limited or would permit them to remain in effect. The existing environmental disclosure requirements, adopted in Securities Act Release 5386, call for disclosure of the material effect of compliance with Federal, State and local environmental laws and regulations on the operations of the registrant and its subsidiaries. In addition, the rules and instructions contained in that release require disclosure with respect to certain administrative and judicial proceedings arising under Federal, State, or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment. All environmental proceedings initiated by a government authority are treated as being material and required to be disclosed. Those proceedings which are similar in nature, however, may be grouped and described generically.

POSSIBLE ADDITIONAL DISCLOSURE REQUIREMENTS

It has been suggested that the Commission adopt amendments to its registration statement and report forms to require that registrants describe, with respect to each major activity or product:

(1) The nature and extent, quantified to the degree feasible, of the resulting environmental pollution or injury to natural resources;

(2) The feasibility of reducing such pollution or injury under existing technology, including a description of alternatives and the cost of each;

(3) The prospects for improving that technology;

(4) Existing and projected expenditures for reducing such pollution or injury;

(5) Legal requirements affecting the impact of the registrant's activities on the environment, includng requirements for licenses and permits and outstanding court or administrative orders; and

(6) Pending or threatened judicial or agency proceedings, whether initiated by private or governmental bodies, challenging registrant's compliance with environmental protection standards.

It has further been proposed that the Commission require disclosure concerning whether a registrant has changed its products, projects, production methods, policies, investments or advertising to advance environmental values and a general statement of the registrant's policy towards environmental issues and concerns.

It also has been suggested that (a) certain disclosure might be required only of registrants which, by reason of their size or business, are considered to have major potential for causing environmental harm, and (b) certain disclosures might be included in prospectuses, proxy or information statements, or annual reports to security holders whereas others might be included only in documents which are filed with the Commission and are available for public inspection, but which are not distributed to the public.

The Commission would appreciate comment on the foregoing, including the possible criteria for determining (a) which registrants should be required to make proposed disclosures, and (b) which disclosures should be included in documents distributed to the public.

OTHER MATTERS OF SOCIAL CONCERN

* * * * *

EXISTING REQUIREMENTS

The Commission has issued an interpretative release concerning the responsibility of registrants to report material legal proceedings, including those related to equal employment practices,[4] and the Commission has taken enforcement action against certain companies which failed adequately to disclose illegal political contributions made by or on behalf of the corporation.[5] On the other hand, in response to a petition for rulemaking, the Commission determined during the past year not to adopt rules that would have imposed affirmative action requirements upon securities exchanges, national securities associations, and their members with respect to employment discrimination.[6] It has also rejected a petition for the promulgation of specific rules concerning disclosure with respect to political contributions.[7] In addition the Commission's staff has had reason to consider a variety of socially-oriented proposals that have been submitted for corporate consideration by shareholders pursuant to Rule 14a–8 under the Securities Exchange Act.

* * * * *

POSSIBLE ADDITIONAL DISCLOSURE REQUIREMENTS

(1) Equal Employment Litigation:

It has been suggested that the Commission amend its registration and report forms to require that registrants provide information concerning any proceedings in any court or before any agency challenging the registrant's compliance with the Equal Employment Opportunity Act [8] or the employment regulations pertaining to federal contractors. The Commission will consider that proposal in the course of this proceeding.

(2) Equal Employment Statistics:

It has been suggested that certain registrants be required to disclose in registration statements and periodic and other reports the statistical data showing the percentage and number of minority and female employees in each of specified job categories that is contained on Forms EEO–1 which the company is required to file with the Equal Employment Opportunity Commission. The Commission feels that it would be difficult, if not impossible, to make a meaningful evaluation of a company's current hiring and promotion practices based solely upon the raw statistical data reported on Forms EEO–1.[9] In the course of the proceeding the Commission will consider contrary views or whether, in any event, this or comparable information would be or could be reasonably made meaningful to members of the investing public, and, if so, whether disclosure requirements of that type may and should be adopted.

(3) Other Topics of Social Concern:

The Commission would welcome further comment on these and any other matters of social concern to members of the investing public, and alerts the public to the fact of its earlier consideration of certain of these matters in order to provide information that may be of value to persons seeking to comment at this time. The Commission's objective in requesting such comment is to determine generally the extent and nature of investor interest in topics primarily of social concern but, of doubtful economic relevance. Proposals concerning equal employment disclosure have been mentioned to illustrate, but not to exhaust, the range of social interests about which the Commission solicits comment.

The Commission invites comment from all interested persons. The Commission specifically invites comments from legal scholars, public-interest groups, foundations, colleges, universities, and registrants. The Commission would also appreciate comments from persons who have expertise or experience in the development of investment practices which take into account an issuer's environmental posture or any other area of social concern such as equal employment practices. The Commission also invites comments from investment managers and trustees as to whether concern with "non-economic" investment considerations is consistent with fiduciary responsibilities under applicable law. It would be particularly helpful if managers of corporations would provide the Commission with information concerning the extent to which socially-significant matters have been considered at shareholder meetings and the extent to which they have been accepted or rejected when put to a vote.

Any interested person wishing to submit specific written comments concerning the inquiries set forth herein is invited to do so at any time prior to May 14, 1975.[10] All comment letters should be submitted in duplicate, addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should be captioned with File No. S7–551. All such communications will be made part of the record of the proceeding and will be available for public inspection. In addition, the petitions, releases, and suggested rule changes to which this release refers, the court's opinion in *Natural Resources Defense Council* v. *Securities and Exchange Commission*, and certain documents prepared in connection with that litigation, have been placed in File No. S7–551 and are likewise available for public inspection.

The public hearings are scheduled to commence on Monday, April 14, 1975, at the Commission's offices in Washington, D.C. Any interested person desiring to make an oral presentation of his views at the hearing is requested to write or call William F. Bavinger, Office of the General Counsel (Telephone 202–755–1387). It has been tentatively determined to limit oral statements generally to 15 minutes each plus such further time as may be necessary to answer questions. Depending upon the number of persons requesting to be heard, appearances may be more limited. Additional time may be granted at the discretion of the hearing officer upon written request timely submitted with copies of the witness's prepared statement. All witnesses shall be required to submit 25 copies of their prepared statements three business days in advance of their scheduled date of appearance.

Persons making oral statements should be prepared to respond to specific inquiries from the Commission staff. Any person may in writing submit to the hearing officer questions that he wishes to have directed to a particular witness or groups of witnesses; but the hearing officer will determine in his sole discretion whether or to what extent to direct those questions to any witness.

This public proceeding has been ordered by the Commission pursuant to sections 19 and 21 of the Securities Act, sections 21 and 22 of the Securities Exchange Act and Rule 4(b) of the Commission's rules of practice.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–4408 Filed 2–14–75;8:45 am]

[2] Judge Richey ordered the Commission to take further rulemaking action in conformity with the procedural requirements of the Administrative Procedure Act, which he found had not been fully complied with when the Commission's forms were amended on April 20, 1973, pursuant to NEPA. While the Commission does not agree with Judge Richey that it did not satisfy the procedural requirements of the Administrative Procedure Act, it is herewith attempting fully to comply with his order. The fact that the Commission is conducting these proceedings should not be taken to indicate any view as to its authority to assist members of the investing public in matters of primarily social rather than financial concern.

[3] Securities Act Release No. 5386 (April 20, 1973); Securities Act Release No. 5170 (July 19, 1971).

[4] Securities Act Release No. 5170 (July 19, 1971).

[5] See, *e.g.*, *S.E.C.* v. *American Ship Building*, Dist. Ct., Dist. of Col., Litigation Release No. 6534 (Oct. 4, 1974).

[6] Securities Exchange Act Release No. 10597 (January 14, 1974); Securities Exchange Act Release No. 11189 (January 20, 1975).

[7] Securities Exchange Act Release No. 10325 (August 7, 1973).

[8] 42 U.S.C. 2000e.

[9] To the extent that unequal educational opportunity or unequal educational incentive has produced a lack of qualified women or minority group members in certain job categories, or to the extent that other factors may limit the number of qualified women or minority group members in a particular area, individual employers would find it most difficult to recruit a substantial number of women and minority group members to jobs within those categories. Raw statistics, reflecting only the fact that a company has not successfully recruited persons within these categories would provide little or no insight into the quality or extent of the company's recruitment efforts. See Letter, dated February 10, 1975, from George A. Fitzsimmons, Secretary, Securities and Exchange Commission, to Natural Resources Defense Council, Inc., Project on Corporate Responsibility, Inc., and Center on Corporate Responsibility, Inc. (SEC File No. 4–179).

[10] Judge Richey's order of December 9, 1974, referred to at page 2, requires the Commission to "take further rulemaking action within 120 days of this order." The Commission intends to file a motion requesting that this period be expanded to afford ample opportunity for public comment and Commission consideration of the matters discussed in this release. The plaintiffs in the case pending before Judge Richey have indicated that they will not oppose such a motion. Should the motion be denied, however, it will be necessary to shorten the comment period and accelerate the hearing schedule specified herein.

POSTAL RATE COMMISSION

POSTAL SERVICE FACILITIES

Notice of Visits

FEBRUARY 13, 1975.

Notice is hereby given that employees of the Postal Rate Commission have or will be visiting Postal Service facilities on the dates indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission have or will be discussed.

Reports of the visits will be on file in the Commission's docket room.

Place of visit:	*Date of visit*
Washington, D.C. post office	Feb. 12, 1975
Orlando, Fla., post office	Feb. 14–14, 1975
Rockville, Md., post office	Feb. 20–21, 1975
U.S. Postal Service Headquarters, D.C.	Feb. 24, 1975
Atlanta, Ga., post office	Mar. 3–5, 1975
San Francisco post office	Mar. 3–7, 1975

By direction of the Commission.

JAMES R. LINDSAY, *Secretary of the Commission.*

[FR Doc.75–4470 Filed 2–14–75;9:48 am]

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DEPARTMENT OF LABOR

Office of the Secretary

ALL ITEMS CONSUMER PRICE INDEX

United States City Average

Pursuant to section 104(a)(4) of the Federal Election Campaign Act of 1971, Pub. L. 92–225, 86 Stat. 3, 47 U.S.C. 803, the Secretary of Labor has certified to the Comptroller General, and publishes in this notice in the FEDERAL REGISTER, the fact that the United States city average of the All Items Consumer Price Index (1967=100) increased 27 percent from its 1970 annual average of 116.3 to its 1974 annual average of 147.7.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75–4473 Filed 2–14–75;9:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 699]

ASSIGNMENT OF HEARINGS

FEBRUARY 12, 1975.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 139763, Oak Harbor Freight Lines, Inc., now being assigned April 7, 1975 (1 week), at Olympia, Wash., in a hearing room to be designated later.

MC 135678 Sub 3, Midwestern Transportation, Inc., now being assigned April 7, 1975 (1 week), at Oklahoma City, Okla., in a hearing room to be designated later.

MC 104004 Sub 180, Associated Transport, Inc. Extension–T. V. A. Power Plan, now assigned March 4, 1975, at Nashville, Tenn., is postponed indefinitely.

MC 1239 Sub 4, Pony Trucking, Inc., now assigned February 18, 1975, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–4347 Filed 2–14–75;8:45 am]

[Finance Docket No. 26832]

CHESAPEAKE AND OHIO RAILWAY CO.

Abandonment of Service

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Fluvanna and Louisa Counties, Virginia, on or before February 26, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of January 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975, it has been determined that the proposed abandonment by the Chesapeake and Ohio Railway Company of its branch line extending 26.99 miles near Strathmore in Fluvanna County to a point near Lindsay in Louisa County, Va., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because effects upon, air and water quality due to diversion to motor carrier will be minimal; there are no definitive economic or industrial projects planned for the area which would be dependent on direct rail service from this line, and alternate rail service exists in close proximity over applicant's main lines.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75–4348 Filed 2–14–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 12, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by February 28, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2368 (Sub-No. E26), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Crozet, Va. to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of King George County, Va.

No. MC 2368 (Sub-No. E27), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Smithfield, Va., to points in Connecticut, Massachusetts, Rhode Island, Illinois, Indiana, Louisiana, Ohio, Alabama, Florida, Michigan, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Portsmouth, Va.

No. MC 2368 (Sub-No. E28), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles (except liquid cocoa butter), from points in Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding east along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Interstate Highway 64, thence along Interstate 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E29), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on and east and north of a line beginning at the Maryland-Virginia State line and proceeding south along U.S. Highway 15 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in South Carolina on and south of Interstate Highway 26. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E30), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland to points in Georgia. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E31), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland on and east of U.S. Highway 15 to points in Tennessee (except Memphis). The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E37), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland (except those south of U.S. Highway 50 on the Eastern Shore) to points in South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E37), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, (except liquid cocoa butter), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and proceeding south along U.S. Highway 29 to junction U.S. Highway 220, thence south along U.S. Highway 220 to the North Carolina-South Carolina State line, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E38), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles (except liquid cocoa butter), from points in West Virginia on and north of U.S. Highway 50, to points in South Carolina, on and east of Interstate Highway 95 and points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and proceeding south along Interstate Highway 85 to junction U.S. Highway 15, thence south along U.S. Highway 15 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E39), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Delaware to points in Tennessee (except Memphis), North Carolina on and west of Interstate Highway 95, South Carolina, Georgia, and on and south of a line beginning at the Virginia-West Virginia State line and proceeding west along U.S. Highway 60 to junction Interstate Highway 64 at Charlestown, thence along Interstate Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 14702 (Sub-No. E17) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 21, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment, and except in bulk), (a) between points in Maine, New Hampshire, Massachusetts, Rhode Island, Vermont, and points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line, thence south along Interstate Highway 91 to its intersection with Connecticut Highway 9, thence along Connecticut Highway 9 to Long Island Sound, on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, points in Iowa on and west of U.S. Highway 69, points in Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line, thence west over U.S. Highway 12 to its intersection with Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota-Iowa State line; points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence south along Kentucky Highway 69 to its intersection with Kentucky Highway 85, thence along Kentucky Highway 85 to its intersection with Kentucky Highway 62, thence along Kentucky Highway 62 to its intersection with U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line; points in Indiana on and south of a line beginning at the Indiana-Illinois State line, thence east along Indiana Highway 62 to its intersection with Indiana Highway 66, thence along Indiana Highway 66 to the Ohio River at Cannelton; points in Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corp., at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corp., at Fairmont, W. Va. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 14702 (Sub-No. E18) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 14, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment), between Buffalo and Rochester, N.Y., on the one hand, and, on the other, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, points in Indiana, and points in Michigan on and south of Michigan Highway 46, and points in Ohio south and west of a line beginning at the Ohio-Pennsylvania State line, thence west on U.S. Highway 62 to the intersection with Ohio Highway 82, thence west on Ohio Highway 82 to the intersection with U.S. Highway 422, thence along U.S. Highway 422 to the shores of Lake Erie. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plant site of The Timken Roller Bearing Company near Wooster, Ohio. The purpose of this correction is to expand the territorial descriptions.

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No. MC 14702 (Sub-No. E21) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, which because of size, weight, or nature require the use of flat-bottom vehicles or vehicles with sides not in excess of 36 inches in height, from points in Illinois to the Chicago, Ill., commercial zone as defined by the Commission, Indiana, points in Michigan on and south of Michigan Highway 46, to points in Armstrong, Clarion, Fayette, Forest, Warren, and Westmoreland Counties, Pa., and points in New York on and west of New York Highway 14 (except Buffalo and Rochester, N.Y.). The purpose of this filing is to eliminate the gateway of Canton, Ohio. The purpose of this correction is to clarify the territorial descriptions.

No. MC 14702 (Sub-No. E27) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), between points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence south along Interstate Highway 81 to its intersection with the Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to its intersection with U.S. Highway 422, thence along U.S. Highway 422 to its intersection with Interstate Highway 676, thence along Interstate Highway 676 to the Delaware River, and points in that part of New Jersey west and south of a line beginning at the Pennsylvania-New Jersey State line, thence south along U.S. Highway 206 to its intersection with Interstate Highway 206 to its intersection with Interstate Highway 287 to its intersection with New Jersey Highway 440, thence along New Jersey Highway 440 to the New Jersey-New York State line, and on and north of U.S. Highway 30, on the one hand, and, on the other, points in Arizona, California, Oregon, Washington, Utah, Nevada, Idaho; points in Montana on and west of a line beginning at the United States-Canada International Boundary line, thence south along Montana Highway 242 to its intersection with U.S. Highway 191, thence along U.S. Highway 191 to its intersection with U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line; points in Wyoming on and west of a line beginning at the Montana-Wyoming State line, thence south along U.S. Highway 310 to its intersection with Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line; points in Colorado on and west of a line beginning at the Colorado-Wyoming State line, thence south along Colorado Highway 13 to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to its intersection with U.S. Highway 24, thence along U.S. Highway 24 to its intersection with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line; and points in New Mexico on and west of U.S. Highway 285. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va. The purpose of this correction is to correct the territorial description.

No. MC 14702 (Sub-No. E35) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight, requires the use of special equipment and except in bulk), between points in that part of Ohio on, east, and north of a line beginning at the Michigan-Ohio State line, thence south along Interstate Highway 75 to its intersection with Ohio Highway 15, thence along Ohio Highway 15 to its intersection with U.S. Highway 23, thence along U.S. Highway 23 to its intersection with Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in California, Nevada, Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio, and (b) the plant site and warehouse facilities of Alcan Aluminum Corporation at Fairmont, W. Va. The purpose of this correction is to correct the destination territories.

No. MC 14702 (Sub-No. E44) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 28, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except in bulk and except commodities requiring special equipment), between points in Maine, New Hampshire, Vermont, Rhode Island, and points in Massachusetts on, north, and west of a line beginning at the New York-Massachusetts State line and extending along Interstate Highway 90 to its intersection with U.S. Highway 202, thence along U.S. Highway 202 to the Massachusetts-Connecticut State line, on the one hand, and, on the other, points in Ohio on, south, and east of a line beginning at the Ohio River and extending along Ohio Highway 39 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to its intersection with Ohio Highway 78, thence along Ohio Highway 78 to its intersection with Ohio Highway 13, thence along Ohio Highway 13 to its intersection with U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, restricted against the transportation of traffic originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of Warren, Ohio, and the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y. The purpose of this correction is to correct the territorial descriptions.

No. MC 21170 (Sub-No. E16), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars*, from Alton, Ill., to points in Minnesota. The purpose of this filing is to elliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E17), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty malt beverage containers*, from points in that part of Minnesota south and west of a line beginning at the Iowa-South Dakota State line and extending along Minnesota Highway 269 through Jasper to junction unnumbered Highway, thence south 8 miles to junction unnumbered Highway, thence east on unnumbered Highway including Hardwick, to Kenneth, thence south to Magnolia, thence east to and including Adrian, thence east on U.S. Highway 90 seven miles to junction unnumbered Highway, thence south six miles to junction of unnumbered Highway, thence east of junction U.S. Highway 59, thence south on U.S. Highway 59 two miles to junction unnumbered Highway, thence east of Round Lake, thence south on unnumbered Highway to the Minnesota-Iowa State line, to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E18), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products* (except commodities in bulk, in tank vehicles), and *advertising matter, premiums, prizes, and display material*, when shipped in the same vehicle with candy, confectionery, and confectionery products, from the facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in Colorado and Nebraska, restricted to traffic originating at the facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa. The purpose of this filing is to eliminate the gateway of the plantsite of Ralston Purina Co., located at or near California, Mo.

No. MC 21170 (Sub-No. E20), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouse*, as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and hides, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plant site of Swift and Company at or near Grand Island, Nebr., to points in that part of Iowa beginning at the Minnesota-Iowa State line and extending along U.S. Highway 69 to junction Iowa Highway 72, thence along Iowa Highway 72 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 118, thence along Iowa Highway 118 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 48, thence along Iowa Highway 48 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50, and on and west of U.S. Highway 63.

No. MC 21170 (Sub-No. E25), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eggs* and *butter*, from points in that part of Minnesota west of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 61 to junction Minnesota Highway 43, thence along Minnesota Highway 43 to junction Minnesota Highway 76, thence along Minnesota Highway 76 to the Minnesota-Iowa State line to Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E30), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery products* (except bulk, in tank vehicles), from the plant site of the United States Baking Company at Seeleyville, Indiana, to Fargo, North Dakota. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E31), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eggs and butter*, from points in that part of Kansas on and east of U.S. Highway 81, and that part of Missouri north and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 50 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, to Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E32), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* and *jars*, from Alten Illinois, to Fargo, North Dakota. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E36), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned milk*, from Waupun, Wisc., to points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 50 to junction Missouri Highway 87, thence along Missouri Highway 87 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Iowa-Missouri State line, and to points in that part of Kansas on the east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 21170 (Sub-No. E38), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Kansas on the east of U.S. Highway 81 and that part of Missouri on, north and west of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 50 to junction Missouri Highway 87, thence along Missouri Highway 87 to junction Missouri Highway 179, thence along Missouri Highway 179 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line to Chicago, Ill. The purpose of this filing is to eliminate the gateways of Cambridge, Gilman, Grundy Cender Oskaloosa and Roland, Iowa.

No. MC 21170 (Sub-No. E39), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and closures for glass containers*, from Burlington, Wis., to points in Kansas on the east of U.S. Highway 81, and points in Missouri on and north of U.S. Highway 50 and on the west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 31462 (Sub-No. E65), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Mississippi State line to points in Connecticut. The purpose of this filing is to eliminate the gateway of Cairo, Ill., and points within 25 miles thereof, and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E114), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Florida on, east, and south of a line beginning at the Georgia-Florida State line extending along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 319 to junction Florida Highway 365, thence along Florida Highway 365 to the Gulf of Mexico, on the one hand, and, on the other, points in that part of Texas on and north of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 256, thence along Texas Highway 256 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of any point in Georgia; any point in Tennessee; Cairo, Ill., and points within 25 miles

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thereof, and any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E115), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Florida on, east, and south of a line beginning at the Georgia-Florida State line extending along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 319 to junction Florida Highway 365, thence along Florida Highway 365 to the Gulf of Mexico, on the one hand, and, on the other, points in Oklahoma on and north of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 271 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to Ada, thence along Oklahoma Highway 29 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Lawton, thence along U.S. Highway 62 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of any point in Georgia; any point in Tennessee, and Cairo, Ill., and points within 25 miles thereof.

No. MC 31462 (Sub-No. E119), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in that part of Montana on and east of a line begining at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateways of (1) Gulfport, Miss., or any point within 35 miles thereof; (2) Cairo, Ill., or any point within 25 miles thereof; (3) Burlington, Iowa, or any point within 50 miles thereof; (4) Alden, Minn., or any point within 35 mfles thereof; and (5) Williston, N. Dak., or any point in North Dakota within 200 miles thereof.

No. MC 31462 (Sub-No. E137), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateways of (1) Alden, Minn., and points in Minnesota within 35 miles thereof; (2) Williston, N. Dak., and points in North Dakota within 200 miles thereof; and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E139), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and west of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 17 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Illinois State line, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 30, thence along U.S. Highway 411 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Cairo, Ill., and points within 25 miles thereof.

No. MC 31462 (Sub-No. E140), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateways of (1) Alden, Minn., and points in Minnesota within 35 miles thereof; (2) Williston, N. Dak., and points in North Dakota within 200 miles thereof; and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E257), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along Texas Highway 37 to Tyler, thence along Texas Highway 155 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Alternate U.S. Highway 77, thence along Alternate U.S. Highway 77 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla.; Kansas City, Mo., and points within 30 miles thereof; and Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E259), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateways of (1) Alden, Minn., and points in Minnesota within 35 miles thereof; (2) Williston, N. Dak., and points in North Dakota within 200 miles thereof; and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E278), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of the Lower Peninsula of Michigan on and west of a line beginning at Lake Huron extending along Michigan Highway 53 to Windsor, to points in that part of New York on and east of a line beginning at New York City extending along U.S. Highway 9 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E279), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of the Lower Peninsula of Michigan on and west of a line beginning at the Lake Huron extending along Michigan Highway 53 to Windsor, to points in that part of New Jersey on and south of a line beginning at the Delaware River extending along Interstate Highway 176 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 171, thence along New Jersey Highway 171 to New Brunswick, thence along New Jersey Highway 27 to Newark, thence along Interstate Highway 9 to junction U.S. Highway 9W, thence along U.S. Highway 9W to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E280), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 2, thence along U.S. Highway 2 to Browning, thence along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, on the one hand, and, on the other, points in that part of Michigan on and south of a line beginning at Lake Michigan extending along Michigan Highway 55 to Lake Huron. The purpose of this filing is to eliminate the gateway of (1) Williston, N. Dak., and points in North Dakota within 200 miles thereof; (2) Burlington, Iowa and points within 50 miles thereof; and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E281), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Dakota, on the one hand, and, on the other, points in that part of the Lower Peninsula of Michigan south of a line beginning at Ludington extending along U.S. Highway 10 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, and points within 50 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E282), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota, on the one hand, and, on the other, points in that part of the Lower Peninsula of Michigan south of a line beginning at Ludington extending along U.S. Highway 10 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, and points within 50 miles thereof; and (2) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E283), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in that part of Texas west of a line beginning at the Louisiana-Texas State line extending along Texas Highway 63 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 259, thence along U.S. Highway 259 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., Kansas City, Mo., and points within 30 miles thereof, and Burlington, Iowa, and points within 50 miles thereof.

No. MC 40204 (Sub-No. E5), filed June 4, 1974. Applicant: CUSTOM MOTOR FREIGHT, P.O. Box 551, Columbus, Ohio 43216. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, in truckloads, from Pittsburgh, Pa., to points in Clermont, Hamilton, Warren, Butler, and Preble Counties, Ohio. The purpose of this filing is to eliminate the gateway of that part of Covington, Ky., commercial zone, within Ohio.

No. MC 61592 (Sub-No. E45), filed June 10, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board*, from points in Illinois on and north of U.S. Highway 24, to

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points in Colorado on and south of a line beginning at the Colorado-New Mexico border and extending along Colorado Highway 159 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Colorado-Utah State line; Florida, Louisiana, Mississippi, New Mexico, Oklahoma on and south of Oklahoma Highway 51, Texas on and southwest of a line beginning at the Oklahoma-Texas State line and extending along Texas Highway 152 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Wright City, Missouri.

No. MC 61592 (Sub-No. E88), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board*, from points in Ashley, Bradley, Calhoun, Clark, Cleveland, Columbia, Dallas, Drew, Garland, Grant, Hempstead, Hot Spring, Jefferson, Lafayette, Lincoln, Nevada, Ouachita, Pike, Pulaski, Saline, and Union Counties, Arkansas, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, North Dakota, Rhode Island, Vermont, Montana on and north of U.S. Highway 10, Michigan, Ohio, Pennsylvania, Wisconsin, Illinois on and north of Illinois Highway 15, Indiana on and north of U.S. Highway 50, Iowa on and east of U.S. Highway 63, and points in Minnesota north of and on a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 12 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Wright City, Missouri.

No. MC 112617 (Sub-No. E4), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Louisville, Ky., to points in Arkansas, Florida, and Iowa, restricted against any transportation to or from points in Indiana located in the Louisville, Ky. commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E5), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Louisville, Ky., to points in Kansas, Louisiana, and Minnesota, restricted against any transportation to or from points in Indiana located in the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E6), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as described in Appendix XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Louisville, Ky., to points in Nebraska, Oklahoma, and Texas, restricted against any transportation to or from points in Indiana located in the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E7), filed May 11, 1974, Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Pennsylvania, restricted against any transportation to or from points in Indiana located in the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E8), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in New Mexico, Wyoming, and Utah, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateways of Doe Run, Ky., points in Robertson County, Tenn.; and Calvert City, Ky., and points within 5 miles thereof.

No. MC 112617 (Sub-No. E9), filed May 11, 1974, Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Colorado and Montana, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.; points in Robertson County, Tenn.; and Calvert City, Ky., and points in Marshall County, Ky., within 5 miles thereof.

No. MC 112617 (Sub-No. E10), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Virginia, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E11), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in West Virginia, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E12), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Illinois, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E13), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules, and resin powder*, in bulk, in tank vehicles, from Louisville, Ky., to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway of Seymour, Ind.

No. MC 112617 (Sub-No. E14), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical and petroleum products*, in bulk, in tank

vehicles, from Louisville, Ky., to points in Ashtabula County, Ohio, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., commercial zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E15), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), in bulk, in tank vehicles, from points in Kentucky within 5 miles of Brandenburg (excluding Brandenburg and Ekron, Ky.), to points in Connecticut, Delaware, Massachusetts, New Hampshire, and New Jersey. The purpose of this filing is to eliminate the gateway of Seymour, Ind., and refineries at or near Leach, Ky.

No. MC 112617 (Sub-No. E16), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), in bulk, in tank vehicles, from points in Kentucky within 5 miles of Brandenburg (except Brandenburg and Ekron, Ky.), to points in Rhode Island, Vermont, and those points in that part of New York on and east of a line beginning at the St. Lawrence River extending along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Seymour, Ind., and refineries at or near Leach, Ky.

No. MC 112617 (Sub-No. E17), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from West Henderson, Ky., to points in Maryland, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 106920 (Sub-No. E56), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in Modification of Permits of Motor Contract Carriers of Packinghouse products, 48 M.C.C. 628, from those points in Texas on and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 358 to junction Interstate Highway 37, thence along Interstate Highway 37 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Alternate Highway 77, thence along U.S. Alternate Highway 77 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 14, thence along Texas Highway 14 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line, to points in Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 311, thence along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E58), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in Modification of Permits of Motor Contract Carriers of Packinghouse Products, 48 M.C.C. 628, from those points in Arkansas State line and extending along U.S. Highway 64 to junction Arkansas Highway 333, thence along Arkansas Highway 333 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 164, thence along Arkansas Highway 164 to junction Arkansas Highway 124, thence along Arkansas Highway 124 to junction Arkansas Highway 95, thence along Arkansas Highway 95 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 92, thence along Arkansas Highway 92 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line, to points in Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 64 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 43, thence along Virginia Highway 43 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 130, thence along Virginia Highway 130 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E64), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in the upper peninsula of Michigan on and east of a line beginning at Gulliver Lake and extending along U.S. Highway 2 to junction of Michigan Highway 77, thence along Michigan Highway 77 to Lake Superior. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E65), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in Indiana north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 103, thence along Indiana Highway 103 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 130, thence along Indiana Highway 130 to junction

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U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Illinois State line, to points in Alabama. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E66), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from points in Indiana south of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 26, thence along Indiana Highway 26 to Indiana-Illinois State line, and north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 252 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 244, thence along Indiana Highway 244 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line, to points in Georgia on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 62, thence along Georgia Highway 62 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E67), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in *Modification of permits of Motor Contract Carriers of Packinghouse Products*, 48 M.C.C. 628, from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 38, thence along U.S. Highway 27 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 114, thence along Indiana Highway 114 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 4, thence along Indiana Highway 4 to junction Indiana Highway 23, thence along Indiana Highway 23 to junction Indiana Highway 223, thence along Indiana Highway 223 to junction U.S. Highway 20 Bypass, thence along U.S. Highway 20 Bypass to the Indiana-Michigan State line, thence along the Indiana-Michigan State line to Lake Michigan, thence along Lake Michigan to Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line, thence along the Indiana-Ohio State line to the point of origin, to points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 84 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E112), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Missouri to points in Connecticut, District of Columbia, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E113), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Missouri to points in Maine, Vermont and New Hampshire. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 107515 (Sub-No. E14), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products* and *articles* distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) in vehicles equipped with mechanical refrigeration, from the plant site of Missouri Beef Packers, Inc., at Plainview, Tex., to points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky at Louisville, Ky.

No. MC 107515 (Sub-No. E56), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles, equipped with mechanical refrigeration, from York, Pa., to points in Nevada. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Gainesville, Ga.

No. MC 107515 (Sub-No. E99), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in vehicles equipped with mechanical refrigeration from York, Pa., to that portion of Texas on and south of Interstate Highway 40, restricted against the transportation of traffic originating at points in Florida. The purpose of this filing is to eliminate the gateway of Richmond, Va., and Montgomery, Ala.

No. MC 107515 (Sub-No. E241), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such sandwich spreads as are considered dairy products*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to the District of Columbia, Virginia (except points in Frederick County, Va)., points in Delaware on and south of State Highway 310, and points in Maryland on, north, and east of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 114019 (Sub-No. E376), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from Monroe, Michigan, to points in Kansas. The purpose of this filing is to eliminate the gateway of the facilities of Owens-Illinois Glass Company, at or near Gas City, Indiana.

No. MC 114019 (Sub-No. E377), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk) from Denison, Iowa, to points in Maine, New Hampshire, and Vermont, and those in Virginia on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pennsylvania.

No. MC 114019 (Sub-No. E379), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Spencer, Iowa to points in Maine (except Portland, Bangor, and Augusta), New Hampshire (except Concord), Vermont (except Montpelier), Connecticut (except Hartford and New Haven), Rhode Island (except Providence), Delaware (except Dover and Wilmington), Virginia (except Norfolk, Fort Lee, Chatham, and Richmond, and those points west of U.S. Highway 21). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pennsylvania.

No. MC 114019 (Sub-No. E380), filed May 27, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *commodities*, the transportation of which is partially exempt from regulations under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipment with bananas, from Baltimore, to points in Franklin County, Massachusetts, and those in Berkshire County, Massachusetts, on and north of Interstate Highway 90, points in Cheshire County, and points in Bennington, Rutland, and Windham Counties, Vermont. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Schenectady, New York.

No. MC 114019 (Sub-No. E382), filed May 27, 1974. Applicant: MIDWEST EMERY SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as described in Sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk in tank vehicles, from points in the New York Commercial Zone, as defined by the Commission M.C.C. 665, and points in New York and New Jersey within 40 miles of City Hall, New York, to points in Bath, Breathitt, Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Perry, Pike, Rowan, and Wolfe Counties. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, in peddle service. The purpose of this filing is to eliminate the gateway of Huntington, West Virginia.

No. MC 114019 (Sub-No. E383), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard* and *pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or rosin base), *conduits, creosote in packages, eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos* or *felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding, mortar or cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos*, and *coal tar paint, roofing paper, paving joints, cement pipe containing asbestos fiber, roofing pitch, asphalt paving planks, asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos and asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives* from Joliet, Illinois, to points in Nebraksa. The purpose of this filing is to eliminate the gateway of Waukingan, Illinois.

No. MC 114019 (Sub-No. E384), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, between points in that part of Illinois, south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 150, and thence along U.S. Highway 150 to the Illinois-Iowa State line, and north of U.S. Highway 40, including points on U.S. Highway 40, points in that part of Indiana on and north of U.S. Highway 40, and Milwaukee, Racine, and Beloit, St. Louis, Missouri, on the one hand, and, on the other, Sparrows Point and Baltimore, points in those parts of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, and points in West Virginia. The purpose of this filing is to eliminate the gateway of Hamilton, Ohio.

No. MC 114019 (Sub-No. E385), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: The *commodities* classified as (1) *frozen edible meats, meat products*, and *meat by-products*, and *non-frozen edible meats, meat products*, and *meat by-products*, when transported in the same vehicle with frozen foods and (2) *frozen edible articles distributed by meat packinghouses*, in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, from points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts to points in Iowa, Nebraska, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateways of Chicago, Illinois and Cleveland, Ohio.

No. MC 114019 (Sub-No. E386), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Prarie du Chien, Wisconsin to points in Kansas and Missouri to points in that part of Iowa on

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and south of U.S. Highway 34, points in that part of Nebraska on and south of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 34 to junction Nebraska Highway 2, thence west along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of the facilities of Wilson & Co., Inc., at Monmouth, Illinois.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4351 Filed 2-14-75;8:45 am]

[Notice No. 17]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 11, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13134 (Sub-No. 40TA), filed February 3, 1975. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, Ohio 45656. Applicant's representative: Joe Haydon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal storage bins, metal shelving, and metal factory furniture and equipment*, from Wellston, Ohio to points in Alabama, Arkansas, Florida, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, New Hampshire, Oklahoma, Rhode Island, South Dakota, and Vermont, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: The Frick-Gallagher Mfg., Co., 201 South Michigan Avenue, Wellston, Ohio 45692. Send protests to: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 30844 (Sub-No. 526TA), filed February 3, 1975. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Liquid stick, in bulk, in tank vehicles, from Austin, Minn., to Waterloo, Iowa, for 180 days. Supporting shipper: The Rath Packing Company, Sycamore & Elm Streets, Waterloo, Iowa, 50702. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 35807 (Sub-No. 55TA), filed February 3, 1975. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bullion*, from San Francisco, Calif., to New York, N.Y., for 180 days. Supporting shipper: General Services Administration, Crystal Mall, Bldg., Number Four, Arlington, Va. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 Peachtree Street, N.W., Room 546, Atlanta, Ga. 30309.

No. MC 87113 (Sub-No. 15TA), filed February 4, 1975. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, Ind. 46250. Applicant's representative: Joseph F. Mullins, Jr., 1700 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trash compactors, uncrated*, from the plant site of Command Products Division, Owatonna Tool Co., Owatonna, Minn., to point of placement in customers' premises at all points in the United States, excluding Alaska and Hawaii, for 180 days. Supporting shipper: Compactor Products, Division of Owatonna Tool Company, 100 Hoffman Drive, Owatonna, Minn. 55060. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn St., Indianapolis, Ind. 46204.

No. MC 102567 (Sub-No. 181TA), filed February 5, 1975. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Donald W. English (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall Oil Fatty Acid*, in bulk, in tank vehicles, from Springhill, La., to Chicago, Ill., for 180 days. Supporting shipper: Arizona Chemical Company, Berdan Avenue, Wayne, N.J. 07470. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 106074 (Sub-No. 20TA), filed February 6, 1975. Applicant: B AND P MOTOR LINES, INC., 7100 Oakland Road, Forest City, N.C. 28043. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Andrews, N.C., to all points in the United States except points within Tennessee, for 180 days. Supporting shipper: Baker Furniture Company, Andrews, N.C. 28901. Send protests to: Terrell Price, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 111729 (Sub-No. 512TA), filed February 4, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, and medical isotopes, and related supplies and accessories*, (a) between Carlstadt, N.J., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee and Vermont; (b) between St. Louis, Mo., on the one hand, and, on the other, points in Alabama, Colorado, Florida, Georgia, Louisiana, North Carolina, Oklahoma, South Carolina, and Tennessee, for 90 days. Supporting shipper: Mallinckrodt Nuclear Corp., 2073 Wagner Place, Maryland Heights, Mo. 63119. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 513TA), filed February 4, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11041. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds, and advertising literature*, (a) between Boston, Mass, on the one hand, and, on the other, Framingham, Mass., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, (b) between points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin, restricted to the transportation of traffic having immediately prior or subsequent movement by air, originating from or destined to Framingham, Mass., for 90 days. Supporting shipper: Zayre Corp., 770 Cochituate Road, Framingham, Mass. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111848 (Sub-No. 5TA), filed February 5, 1975. Applicant: FLOYD E. HUBBARD, JR., East Main Road, P.O. Box 242, North East, Pa. 16428. Applicant's representative: William J. Hirsch, Esq., Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad diesel engine parts*, between Olean, New York, on the one hand, and, on the other, points in Iowa, for 90 days. Supporting shipper: Van der Horst Corporation of America, 314 Penn Avenue, Olean, N.Y. 14760. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Penn. 15222.

No. MC 113024 (Sub-No. 137TA), filed February 4, 1975. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery 2, S. Dupont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, Esq., 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden and industrial hose and materials, supplies and equipment* (except commodities in bulk, and those requiring special equipment), for account of Electric Hose & Rubber Company, Wilmington, Del., between Wilmington, Del., and McCook, Nebr., on the one hand, and, on the other, points in Denton, Tarrant, and Young Counties, Tex., for 180 days. Supporting shipper: Fred H. Evick, Dir., of Distribution, Electric Hose & Rubber Co., P.O. Box 910, Wilmington, Del. 19899. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 120659 (Sub-No. 3TA), filed February 3, 1975. Applicant: BUSH VAN LINES, INC., 1888 Brown Street, Akron, Ohio 44301. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between points in Summit County, Ohio on the one hand, and, on the other, points in Ohio. Restriction: The operations authorized herein are subject to the following conditions: The authority granted herein is restricted against the transportation of traffic originating at or destined to Summit County, Ohio. The authority granted herein is restricted to service at Summit County, Ohio for the purpose of interchange of traffic only. The authority granted herein shall not be severable by sale or otherwise from carrier's authority in Docket MC 120659 Sub-2 authorizing service between Akron, Ohio on the one hand, and, on the other, points in Ohio, for 180 days. Supporting shipper: Strickland Transportation Co., Inc., 2755 Brecksville Rd., Richfield, Ohio 44286. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 123744 (Sub-No. 16TA), filed February 5, 1975. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: Christian V. Graf, Esq., 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bags, from Anniston, Ala., Andersonville, Ga., Dillwyn and Pamplin, Va., Gleason, Tenn., and Erie, Mich., to the plantsite of J. H. France Refractories, Snow Shoe, Penn., for 180 days. Supporting shipper: J. H. France Refractories, Snow Shoe, Penn. 16874. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 124078 (Sub-No. 633TA), filed February 4, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, Wis. 53215. Applicant's representative: James R. Zipersik (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, (1) from points in Buffalo County, Wis., to points in Iowa and Minn., and (2) from points in Grant County, Wis., to points in Ill., Iowa and Minn., for 180 days. Supporting shipper: American Admixtures, Division of Chicago Fly Ash Company, 5909 No. Rogers Avenue, Chicago, Ill. 60646. Send protests to: John E. Ryder, Interstate Commerce Commission, Bureau of Operations, 135 W. Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125153 (Sub-No. 1TA) (Correction), filed January 2, 1975, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as corrected this issue. Applicant: RONALD E. SWANNER, doing business as SWANNER TRANSFER CO., 3445 Aronov Avenue, Montgomery, Ala. 36108. Applicant's representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Autauga, Bullock, Butler, Chilton, Coosa, Crenshaw, Elmore, Lowndes, Macon, Montgomery, Perry, Tallapoosa, and Wilcox Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Richardson Forwarding Company, 992 East Artesia Blvd., Long Beach, Calif. 90806. American Ensign Van Service, Inc., 2360 Pacific Ave., Suite D, Long Beach, Calif. 90806. AFI Worldwide Forwarders, Inc., 335 Valencia St., San Francisco, Calif. 94103. Continental Forwarders, Inc., 105 Leonard St., New York, N.Y. 10013. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Bldg., Birmingham, Ala. 35203. The purpose of this republication is to correct the docket number.

No. MC 126713 (Sub-No. 3TA), filed February 3, 1975. Applicant: GRAVES VAN LINES, INC., 411 W. Lincoln, Salina, Kans. 67401. Applicant's representative: Harold H. Chase, Box 914, Salina, Kans. 67401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Household goods*, having a prior or subsequent movement in containers and to pick up and delivery service in connection with packing, unpacking, crating, uncrating, containerization and decontainerization, from Norton, Phillips, Graham, Rooks, and Trego Counties in Kansas and Salina, Kans., as tacking point with authority held by applicant in MC 126713, applicant intends to tack with its present authority at Salina, Kans., for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 133119 (Sub-No. 65TA), filed February 3, 1975. Applicant: HEYL TRUCK LINES INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: Donald Heyl (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products* (except commodities in bulk), from Fairmont, Minn., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Michigan, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Midwest Foods Corp., Joseph H. Roe, President, P.O. Box 100, Clark, S. Dak. 57225. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 100 N. 14th Street, Omaha, Nebr. 68102.

No. MC 134131 (Sub-No. 3TA), filed February 5, 1975. Applicant: R & S TRANSIT, INC., P.O. Box 1254, Sedalia, Mo. 65301. Applicant's representative: Lucy Kennard Bell, Kretsinger & Sapp, 910 Fairfax Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, cotton balls and cotton swabs*, from Jefferson City, Mo., to Union City, Calif., for 180 days. Supporting shipper: Chesebrough-Ponds, Inc., John Street, Clinton, Conn. 06413. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

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No. MC 134182 (Sub-No. 29TA), filed February 4, 1974. Applicant: MILK PRODUCERS MARKETING COMPANY, Second & West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass Bottles, with metal closures*, from the plantsites of Brockway Glass Company at Muskogee, Okla., Kerr Glass Company at San Springs, Okla. and Obear-Nestor Glass Company at East St. Louis, Ill., to the plantsite of Milk Producers Marketing Company at Lawrence, Kans., restricted to the transportation of shipments originating at and destined to the above named points; and (2) *fruit juices, fruit punches, and fruit flavored drinks*, from the plantsite of Milk Producers Marketing Company at Lawrence, Kans., to points in Arkansas, Colorado, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wyoming, restricted to the transportation of shipments originating at the above named origin point, for 180 days. Supporting shipper: A. E. Staley Manufacturing Company, 2200 Eldorado Street, Decatur, Ill. 62525. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 136386 (Sub-No. 16TA), filed February 3, 1975. Applicant: GO LINES, INC., 8023 E. Slauson Avenue, Suite 6, Montebello, Calif. 90640. Applicant's representative: Harley E. Laughlin, P.O. Box 10875, Reno, Nev. 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) (a) from the plantsite and/or warehouse facilities utilized by the supporting shipper at or near Prosser, Wash., to Longshot, Nev.* (1) (b) from Longshot,* Nev., to points in Oregon, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, California, Arizona, New Mexico, Texas, and Washington. (2) (a) from the plantsite and/or warehouse facilities utilized by the supporting shipper in Yakima County, Wash., to Longshot, Nev.* (2) (b) from Longshot, Nev.,* to points in Oregon, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, California, New Mexico, Arizona, Texas, and Washington. Tacking: Applicant intends to tack Paragraphs (1–a) and (1–b), and (2–a) and (2–b), at Longshot, Nev., for the purposes of providing storage in transit service; transloading of cargo in transit; or stored in transit; co-mining and/or reloading of shipments in transit; storage with through direct shipments; and the loading and/or pooling of shipments into pool trailer loads for peddle type distribution.

NOTE.—Longshot, Nev., is located in Lyon County, Nev., on Nevada State Highway I–C. Nevada State Highway I–C is known as the Weeks Cut-off. It is approximately 4 miles west or south of Silver Springs, and runs between U.S. Highway 50 and U.S. Highway 95 (Alt.). Nevada State Highway I–C is in a remote location and is approximately 4 miles long. Longshot is in the approximate center thereof, or halfway between Highways 50 and 95 (Alt.). The name Longshot has been assigned this location by its developer in order to simply identify the aforedescribed location as a point of reference. Supporting shippers: Seneca Foods Corporation, P.O. Box 71, Prosser, Wash. 99350. Independent Food Processors Corporation, 1525 S. 4th St., Sunnyside, Wash. 98944. Freeport In-Transit Storage Co., Inc., 108 Roff Way, Suite 7, Reno, Nev. 89501. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136711 (Sub-No. 17TA), filed February 3, 1975. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 S. High—P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the plantsites of Minalone Mining Co., near New Alluwe, Okla.; United Coal Corp., near Inola, Okla.; Okar Energy, Inc., near Shady Point, Okla.; Green Country Coal Co., near Krebs, Okla.; to points in Oklahoma, restricted to traffic having a subsequent out-of-state movement by rail, or water, for 180 days. Supporting shipper: Associated Producers Co., Glen Seibel, Broker & Sales Mgr., 1700 N. Western, Oklahoma City, Okla. 73106. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139068 (Sub-No. 3TA), filed February 3, 1975. Applicant: ROADRUNNER TRANSPORTATION, INC., 1024 Topaz Lane, Villa Rica, Ga. 30180. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire, covered, insulated, or plain or copper clad or copperweld steel, covered, insulated or plain*, from the plantsite of Century Wire and Cable of Georgia, Inc., at or near Villa Rica, Ga., to Ocala, Fla., Haleyville, Ala.; Rockwell N.C.; Lancaster, Penn.; Elkhart, Ind.; Fort Worth, Tex.; and Newton, Kans., for 180 days. Supporting shipper: Century Wire and Cable of Georgia, Inc., P.O. Box 465, Villa, Rica, Ga. 30180. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140615 TA, filed January 31, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy Products, dairy by-products*, and gift paks, from Alpha, plantsite of East Auburndale Cheese Co., near Auburndale, Arpin, Ellsworth, Greenwood, plantsite of John Wuethrich Creamery Co., Inc., near Greenwood, Gilman, Knapp, Lena, Medford, plantsite of Ino Food Corp., near Merrill, Poy Sippi, Spencer, Thorp, and Wisconsin; Bongard and Dalbo, Minn., to all States east of the Mississippi River, Texas, Louisiana, Arkansas, Oklahoma, and Missouri, and (2) *Materials, supplies and equipment*, used in the preparation, packing and sale of these commodities, from the above mentioned States to Alpha, Auburndale, Arpin, Ellsworth, Greenwood, Gilman, Knapp, Lena, Medford, Merrill, Poy Sippi Spencer, Thorp, and Wisconsin Rapids, Wis., Bongard and Dalbo, Minn., (3) *dairy products, dairy by-products and gift paks* from Big Stone City, S. Dak., to Lena, Wis., for 180 days. Supporting shippers: Frigo Cheese Corp., Lena, Wis. 54139. Arpin Dairy, Inc., Arpin, Wis. 54410. Ino Food Corp., Route 5, Merrill, Wis. Wuetrich Creamery Co., Inc., Greenwood, Wis. 54437. Cheez Co., Inc., 2319–2321 Jefferson St., Wisconsin Rapids, Wis. 54494. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140615 (Sub-No. 1TA), filed January 31, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Balsa Wood*, in vehicles equipped with mechanical refrigeration, from Northvale, N.J., to Wausaukee, Wis., for 180 days. Supporting shipper: Mirro Marine Division, 804 Pecor St., Oconto, Wis. 54153. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

WATER CARRIER APPLICATION

No. W 1270 (Sub-No. 2TA), filed February 3, 1975. Applicant: MASCONY TRANSPORT AND FERRY SERVICE, INC., Room 206, Masonic Bldg., 558 Pleasant Street, New Bedford, Mass. 02740. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by water, in self-propelled vessels, transporting: *Passengers and automobiles with passengers, tractors, trailers and trucks, loaded and empty*, between ports of New London, Conn., and Greenport, Long Island, N.Y., for 180 days. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4350 Filed 2-14-75;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 314-4]

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Ambient Air Monitoring Reference and Equivalent Methods

Elsewhere in this issue of the FEDERAL REGISTER, EPA is adding a new Part 53, entitled "Ambient Air Monitoring Reference and Equivalent Methods," to Title 40 of the Code of Federal Regulations. As more fully described in the preamble to the new Part 53, that part establishes definitive requirements and procedures according to which methods of sampling and analyzing the ambient air may be designated as "reference methods" or "equivalent methods" for the measurement of specified air pollutants. The amendments set forth below make related changes in 40 CFR Parts 50 and 51.

Amendments similar to those set forth below were proposed in the FEDERAL REGISTER (38 FR 28438) on October 12, 1973, and interested persons were afforded an opportunity to comment on them. After considering public comments on the proposed amendments, as well as comments on the proposed Part 53, EPA has revised the amendments in several respects. The most significant comments and changes are discussed below.

REVISION OF CERTAIN APPENDICES TO PART 50

Some comments suggested that Appendices C and D to Part 50 (concerning measurement of CO and photochemical oxidants, respectively) should be revised to make them fully consistent with the provisions and purposes of the proposed Part 53. In effect, these comments also indicated the desirability of clarifying the role of the two appendices in designation of "automated" reference methods for CO and oxidants under Part 53.

As reflected in § 53.5 of the proposed Part 53 (38 FR 28438, October 12, 1973), EPA's intent was that automated methods would be designated as reference methods, regardless of their design, if they were based on the measurement principles and calibration procedures specified in the appropriate appendices to Part 50 and were shown to meet the performance requirements specified in Subpart B of the new Part 53. After reviewing Appendices C and D in light of the comments, EPA concluded that they were inconsistent with the intended scheme in several respects: (1) They specified performance characteristics intended to be superseded by the requirements of Part 53; and (2) they purported to specify reference methods per se, rather than measurement principles and calibration procedures on which reference methods must be based. Accordingly, today's amendments revise Appendices C and D by deleting provisions inconsistent with Part 53, by retitling them to make clear that each specifies only a measurement principle and calibration procedure (rather than a reference method per se), and by adding language to make clear that analyzers based on the two appendices will be considered reference methods only if designated as such in accordance with Part 53. Corresponding changes (included in the amendments set forth below) have been made in several other provisions of Parts 50 and 51 to conform them to the intended scheme.

NEW § 51.17A

With respect to certain pollutants, 40 CFR 51.17(a) presently requires use of reference or equivalent methods in State air quality surveillance systems. For reasons discussed below and in connection with proposed amendments to Part 51 appearing elsewhere in this issue of the FEDERAL REGISTER, EPA has concluded that certain exceptions to this rule are desirable. To avoid burdening § 51.17(a) with further detail in this regard, the general rule and certain exceptions adopted in response to public comments (discussed below) have been set forth in a new § 51.17a. If further exceptions are adopted, as proposed elsewhere in this issue of the FEDERAL REGISTER, they will be added to the new § 51.17a.

EXCEPTIONS PERMITTING CONTINUED USE OF EXISTING METHODS

As discussed above, methods used to measure certain pollutants for purposes of 40 CFR 51.17(a) must ordinarily be reference or equivalent methods. Because Part 53 supersedes certain existing provisions concerning reference and equivalent methods, no method (other than manual reference methods specified as such in appendices to Part 50) will be considered to be a reference or equivalent method unless it has been designated as such in accordance with the requirements of Part 53. Of particular concern are the many analyzers in current use for purposes of 40 CFR 51.17(a). When the new Part 53 regulations were proposed on October 12, 1973, State and local governments and other interested parties were specifically invited to comment on a proposal to permit continued use of such analyzers for a reasonable period of time and to suggest alternative courses of action (38 FR 28439).

A number of State and local agencies responded with detailed comments on the number, type, age, and cost of the analyzers currently in operation. In general, these comments emphasized the potential burden and expense that would result if the State or local agencies were required to test such analyzers in accordance with the proposed Part 53, or to replace them with new analyzers. Many commenters expressed concern about their ability to obtain funds to purchase new analyzers, to have their existing analyzers tested, or to hire skilled personnel to test their own analyzers. Concern was also expressed that separate testing of existing analyzers by each agency would involve duplication of effort, as various agencies operate similar analyzers. Others comments concerned the potential disruption of local control programs that might result from a diversion of funds and manpower to a program of testing or replacing existing analyzers; the loss of air quality data that would result if existing analyzers were removed from service for testing; the economic waste that would result if analyzers had to be replaced before the end of their useful lives; and the fact that some analyzers not likely to meet all requirements of the proposed Part 53 might still yield useful data in certain geographical areas (a subject addressed in proposed amendments to Part 51 appearing elsewhere in this issue of the FEDERAL REGISTER).

Some comments suggested that use of analyzers partially or substantially meeting the requirements of Part 53 be allowed for the remainder of their useful lives; others suggested that use of existing analyzers be allowed without restriction. Many government agencies indicated that testing or replacement of existing analyzers would take two to five years to implement, assuming sufficient funds would be available. Others suggested that financial and other burdens of testing or replacing existing analyzers should not be imposed solely on State or local agencies, and that EPA should establish a centralized program of testing existing analyzers.

After carefully weighing these comments, as well as other considerations, in light of the purposes of the Clean Air Act and the objectives of Part 53, EPA has concluded: (1) That use of existing methods should not be allowed indefinitely for purposes of 40 CFR 51.17(a) (unless they are designated hereafter as reference or equivalent methods as discussed below); (2) that a period of five years should be permitted for replacement (or designation) of existing automated methods for measuring SO_2, CO, and photochemical oxidants (unless further use is approved under proposed amendments discussed below); and (3) that a period of six months should be permitted for replacement (or designation) of existing manual methods for measuring the same three pollutants. Accordingly, new § 51.17a (discussed above) retains the general rule that all methods used to measure SO_2, CO, and photochemical oxidants for purposes of § 51.17(a) must be reference or equivalent methods but provides "grace periods" of five years and six months for the continued use of existing automated and manual methods, respectively, as exceptions to the general rule.

The five-year period for replacement of existing automated methods (analyzers) has been selected as a practical compromise reflecting: (1) The need to assure the reliability and national comparability of air quality data obtained under 40 CFR 51.17(a) at the earliest practicable date, and (2) the desirability of mitigating the economic impact and program disruptions that might be experienced by State and local control agencies if a shorter period were established. Considering the present rate of advancement in analyzer technology, some current models of analyzers may well become obsolete within the next five years. It should also be noted that many analyzers in current use are not in fact new, so that the five-year period will permit continued use in addition to that which has already occurred; and, further, that replacement of existing methods will not be required if they are designated hereafter as reference or equivalent methods as discussed in the next section of this preamble. In addition, five years should allow ample time for State and local control agencies to seek and obtain funds for the purchase of new analyzers where replacement of existing analyzers proves to be necessary.

It should also be noted that the new § 51.17a provides in effect that automated methods purchased during the next year (in addition to those already in use) will be considered "existing" analyzers for purposes of the five-year grace period. This will allow time for manufacturers to seek and obtain determinations that their analyzers are reference or equivalent methods and will allow any present purchase commitments to be fulfilled.

Finally, as discussed elsewhere in this issue of the FEDERAL REGISTER, EPA is proposing several amendments to the new § 51.17a that would allow use of existing analyzers for the remainder of their useful lives, rather than for five years, in circumstances providing reasonable assurance that air quality data obtained with the analyzers will be reliable and comparable to that obtained with reference or equivalent methods. It is expected that these amendments, modified as appropriate after consideration of comments received on the proposal, will be promulgated within a few months, so that decisions on replacement of analyzers that might be eligible for continued use under the amendments can be made before the one-year period referred to above has expired.

For all the above reasons, EPA believes that five years is a reasonable period to allow for replacement of existing analyzers where replacement proves to be necessary.

With respect to the six-month period for replacement of manual methods, EPA believes the time provided is more than reasonable because such methods involve only nominal costs.

DESIGNATION OF EXISTING ANALYZERS AS REFERENCE OR EQUIVALENT METHODS

Under new § 51.17a, automated methods used to measure SO_2, CO, and photochemical oxidants for purposes of 40 CFR 51.17(a) after the expiration of the five-year "grace period" discussed above must be reference or equivalent methods. Existing analyzers will meet this requirement, of course, if designated in the interim as reference or equivalent methods in accordance with Part 53. As discussed in the preamble to Part 53, it is not EPA's intent to require State or local control agencies to apply for reference or equivalent method determinations for their existing analyzers, although they are free to do so if they wish. Many existing analyzers are in current production, and their manufacturers are likely to apply for reference or equivalent method determinations with respect to them. To the extent that its resources permit, EPA intends to test other existing analyzers (see 40 CFR 53.7) and, if they meet the requirements of Part 53, to designate them as reference or equivalent methods; in general, priority will be given to those analyzers in widest use. State and local agencies using analyzers identical to one designated as a reference or equivalent method under Part 53 may consider them covered by the designation, provided that the come effective on February 18, 1975.

Effective date: These amendments become effective on February 18, 1975.

Dated: January 31, 1975.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

Chapter I of Title 40, Code of Federal Regulations, is amended as follows:

1. In the table of sections for Part 50, the titles of Appendices C and D are revised to read as follows:

Appendix C—Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Spectrometry)
Appendix D—Measurement Principle and Calibration Procedure for the Measurement of Photochemical Oxidants Corrected for Interferences Due to Nitrogen Oxides and Sulfur Dioxide

2. In § 50.1, paragraphs (f) and (g) are revised to read as follows:

§ 50.1 Definitions.

* * * * *

(f) "Reference method" means a method of sampling and analyzing the ambient air for an air pollutant that is specified as a reference method in an appendix to this part, or a method that has been designated as a reference method in accordance with Part 53 of this chapter; it does not include a method for which a reference method designation has been cancelled in accordance with § 53.11 of this chapter.

(g) "Equivalent method" means a method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with Part 53 of this chapter; it does not include a method for which an equivalent method designation has been cancelled in accordance with § 53.11 of this chapter.

3. In § 50.8, the introductory portion is revised to read as follows:

§ 50.8 National primary and secondary ambient air quality standards for carbon monoxide.

The national primary and secondary ambient air quality standards for carbon monoxide, measured by a reference method based on Appendix C to this part and designated in accordance with Part 53 of this chapter, or by an equivalent method, are: * * *

4. Section 50.9 is revised to read as follows:

§ 50.9 National primary and secondary ambient air quality standards for photochemical oxidants.

The national primary and secondary ambient air quality standard for photochemical oxidants, measured and corrected for interferences due to nitrogen oxides and sulfur dioxide by a reference method based on Appendix D to this part and designated in accordance with Part 53 of this chapter, or by an equivalent method, is: 160 micrograms per cubic meter (0.08 p.p.m.) maximum 1-hour concentration not to be exceeded more than once per year.

5. In Appendix C to Part 50, paragraphs 2 through 6 are revoked and reserved; the Addenda is revoked; and the title, the first sentence of paragraph 1.1, and paragraph 1.2 are revised to read as follows:

Appendix C—Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Spectrometry)

1. *Principle and applicability.*

1.1 This principle is based on the absorption of infrared radiation by carbon monoxide in a non-dispersive photometer. * * *

1.2 An analyzer based on this principle will be considered a reference method only if it has been designated as a reference method in accordance with Part 53 of this chapter.

6. In Appendix D to Part 50, paragraphs 2 through 5.9 are revoked and reserved; the title and paragraph 1.2 are revised to read as follows:

Appendix D—Measurement Principle and Calibration Procedure for the Measurement of Photochemical Oxidants Corrected for Interferences due to Nitrogen Oxides and Sulfur Dioxide.

1. *Principle and Applicability.* * * *

1.2 An analyzer based on this principle will be considered a reference method only if it has been designated as a reference method in accordance with Part 53 of this chapter.

(Sec. 4, Pub. L. 91-604, 84 Stat. 1679)

§ 51.14 [Amended]

7. In § 51.14, the table in subparagraph (1) of paragraph (e) is revised by revising the heading of the second column to read "Measurement method or principle[1]" and by revising footnote 1 to read as follows:

[1] Named measurement methods and principles are described in Part 50 of this Chapter.

§ 51.17 [Amended]

8. In § 51.17, the table in subparagraph (1) of paragraph (a) is revised by revising the heading of the third column to read "Measurement method or principle[1]"; by revoking and reserving footnotes d, e, and f; by revoking the table of performance specifications and associated definitions appearing after the colon in the second sentence of footnote

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1; and by revising footnote 1 to read as follows:

[1] Named methods and principles, except the tape sampler method, are described in Part 50 of this chapter. The tape sampler method is described in Hemeon, W. C. L., Haines, G. F., Jr, and Ide, H. M., "Determination of Haze and Smoke Concentrations by Filter Paper Samplers", J. Air Pollution Control Association, Vol. 3, pp. 22–28, 1953. Use of these and other methods shall be as specified in § 51.17a.

9. A new § 51.17a is added, reading as follows:

§ 51.17a Air quality monitoring methods.

(a) *General requirements.* (1) Except as otherwise provided in this paragraph (a), each method for measuring SO_2, CO, or photochemical oxidant used for purposes of § 51.17(a) shall be a reference method or equivalent method as defined in § 53.1 of this chapter. Concentrations of particulate matter shall be measured by the reference method specified in Appendix B to Part 50 of this chapter and by the tape sampler method.

NOTE.—Part 53 of this chapter does not presently provide for reference or equivalent method determinations with respect to methods of measuring nitrogen dioxide, hydrocarbons corrected for methane, or suspended particulates. Guidance for the selection of automated methods for measuring nitrogen dioxide and hydrocarbons may be found in the EPA Environmental Monitoring Series document (EPA–650/4–74–018), *Guidelines for Determining Performance Characteristics of Automated Methods for Measuring Nitrogen Dioxide and Hydrocarbons Corrected for Methane in Ambient Air*, which may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22151. For SO_2, CO and photochemical oxidant, a list of methods designated as reference or equivalent methods under Part 53 may be obtained as provided in § 53.8 of this chapter.

(2) Any analyzer purchased prior to one year after February 18, 1975, may be used for purposes of § 51.17(a) for a period not to exceed five years after February 18, 1975.

(3) Any manual method in use prior to February 18, 1975, may be used for purposes of § 51.17(a) up to and including August 18, 1975.

(b) [Reserved]
(c) [Reserved]
(d) [Reserved]
(e) [Reserved]

(Sec. 301(a) of the Clean Air Act (42 U.S.C. 1857g(a)), as amended by sec. 15(c)(2) of Pub. L. 91–604, 84 Stat. 1713)

[FR Doc.75–3819 Filed 2–14–75;8:45 am]

[FRL 314–3]

PART 53—AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

On October 12, 1973, EPA proposed regulations to establish definitive requirements and procedures by which methods for sampling and analyzing the ambient air may be designated "reference methods" or "equivalent methods" for the measurement of specified air pollutants (38 FR 28438). Interested persons were afforded an opportunity to participate in the rulemaking by submitting written comments. Following consideration of all the written comments and a thorough evaluation of the test procedures both within EPA and under contract, the proposed regulations have been revised and are being promulgated today.

BACKGROUND

Pursuant to section 109 of the Clean Air Act, as amended in 1970, EPA promulgated national ambient air quality standards for six pollutants on April 30, 1971. The standards are now codified as 40 CFR Part 50. At the same time, EPA published "reference methods," presently described in appendices to Part 50, to be used by EPA and by State and local agencies in measuring ambient concentrations of the six air pollutants.

The national ambient air quality standards presently provide that measurements are to be made by the appropriate reference method or by an "equivalent method." "Equivalent method" is presently defined in 40 CFR 50.1(g) as "any method of sampling and analyzing for an air pollutant which can be demonstrated to the Administrator's satisfaction to have a consistent relationship to the reference method." Under 40 CFR 51.17(a)(1), an "equivalent method" is also required, at present, to meet certain performance specifications set forth in that section. Because Part 53 is intended to supersede these requirements, appropriate amendments to 40 CFR 50.1 (g) and 40 CFR 51.17(a) are being made today as described elsewhere in this issue of the FEDERAL REGISTER.

Within nine months after promulgation of the national ambient air quality standards, each State was required by section 110 of the Act to adopt and submit to the Administrator a plan which provided for the implementation, maintenance, and enforcement of the standards within each air quality control region (or portion thereof) within the State. The Act requires the Administrator to approve an implementation plan, or any portion thereof, if he determines that the plan (or portion thereof) was adopted after reasonable notice and hearing and that it satisfies detailed criteria set forth in section 110(a)(2)(A)–(H) of the Act. To assist the States in the development of implementation plans, EPA proposed and promulgated regulations entitled "Requirements for Preparation, Adoption, and Submittal of Implementation Plans," now codified in 40 CFR Part 51.

The purpose of Part 53 is to assist State and local governments with respect to one of the requirements applicable to approval of implementation plans. Section 110(a)(2)(C) of the Act provides in part that a plan must include:

• • • provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (1) monitor, compile, and analyze data on ambient air quality • • •.

This provision has been amplified in 40 CFR 51.17, "Air Quality Surveillance." Among other things, § 51.17 requires that plans provide for the establishment of air quality surveillance systems. Each such system must meet certain requirements, one of which is that each method used by a State to monitor the ambient air for certain pollutants must ordinarily be either the appropriate reference method or a method that is "equivalent" to the reference method. (See 40 CFR 51.17(a) and 51.17a, as amended and promulgated, respectively, elsewhere in this issue of the FEDERAL REGISTER.) To assist State and local governments in meeting this requirement, Part 53 establishes a definitive scheme by which monitoring methods may be determined to be reference or equivalent methods for the measurement of specified air pollutants.

SUMMARY OF REGULATIONS

The new Part 53 is divided into three subparts, the contents of which are summarized briefly below. Changes from the regulations as proposed (reflected to some extent in the following summaries) are discussed more fully in the next section of this preamble.

Subpart A of Part 53 contains the general requirements to be satisfied for a reference or equivalent method determination for both automated methods ("analyzers") and manual methods. It also specifies the information that must be submitted in applications for such determinations and procedures for processing the applications. The primary responsibility for conducting tests required in connection with reference or equivalent method determinations rests with the applicant (ordinarily the manufacturer of the method in question). The general requirements for such determinations may be summarized as follows:

(1) *Reference method determinations.* As discussed more fully below, the definition of "reference method" in § 53.1(e) contemplates two kinds of reference methods: (a) Those designated in accordance with Part 53; and (b) those specified as reference methods in appendices to 40 CFR Part 50 (as amended elsewhere in this issue of the FEDERAL REGISTER). Under § 53.2, any automated method for measuring CO or oxidants may be designated as a reference method if it is based on the measurement principle and calibration procedure specified in the appropriate appendix to Part 50 and meets the performance requirements specified in Subpart B of the new Part 53. For other pollutants, reference methods are specified as such in the appropriate appendices to Part 50, and the requirements of Part 53 are inapplicable to those methods.

(2) *Equivalent method determinations.* Under § 53.3, candidate automated methods designed to measure sulfur dioxide, carbon monoxide, or photochemical oxidants will be designated as equivalent methods if they meet the performance requirements specified in Subpart B and demonstrate a consistent relationship to the reference method as required by Subpart C. (As discussed more fully below, Part 53 does not presently provide for equivalent method determinations with respect to methods of measuring pollutants other than SO_2, CO, and oxidants.) Candidate manual methods need only demonstrate a consistent relationship as required by Subpart C to be determined equivalent.

Subpart A also provides that any method determined to be a reference or equivalent method will be officially designated as such and notice of the designation will be published in the FEDERAL REGISTER. Any applicant whose application for a reference or equivalent method determination is rejected may appeal the rejection by various means specified in § 53.10. A reference or equivalent method designation may be cancelled if the method in question is subsequently found not to be in compliance with the provisions of Part 53. Prior to cancellation, the applicant who obtained the designation will be sent written notice of the facts that the Administrator believes warrant cancellation and will be given an opportunity to demonstrate that the facts presented are sufficient, or come into compliance. In such cases, the applicant or any other interested person (e.g., a user of the method in question) may request an evidentiary hearing and will be granted such a hearing if the request raises a substantial factual issue. If a hearing is granted, the presiding officer may permit interested persons to intervene.

Subpart B of Part 53 specifies: (1) Performance requirements for automated methods with respect to interference, lower detectable limit, precision, rise time, fall time, zero drift, span drift, lag time, and noise, and (2) procedures for testing the performance characteristics of candidate methods. It should be noted that the specifications given for interference equivalents are not intended to indicate the allowable measurement inaccuracy at the levels of the air quality standards but, rather, are predicated on challenging a candidate analyzer with larger concentrations of potential interferents than are likely to be encountered in actual use. This allows the method's interferent susceptibility to be estimated more accurately.

Subpart C contains the general provisions and test procedures necessary for demonstrating a consistent relationship between candidate methods (whether automated or manual) and reference methods.

COMMENTS RECEIVED ON PROPOSED REGULATIONS AND CHANGES MADE IN FINAL REGULATIONS

EPA received 32 comments on the proposed regulations from State and local air pollution control agencies, analyzer manufacturers, industrial users of monitoring equipment, other Federal agencies, research organizations, and individuals. Perhaps the most frequent comment concerned the fate of monitoring instruments in current use. That subject is considered in connection with the amendments to 40 CFR Part 51 appearing elsewhere in this issue of the FEDERAL REGISTER.

All comments were carefully considered. Additional information was obtained from evaluations of the test procedures conducted both by EPA and by an independent laboratory under an EPA contract. A large number of changes suggested in comments were made, as well as many recommended by the laboratory evaluations. Although such changes were numerous, most were of a relatively minor nature. Many provisions were reworded to resolve ambiguities or otherwise to clarify their meaning, and some were combined or otherwise reganized to clarify and simplify the overall organization of Part 53.

The most significant differences between the proposed and final regulations are discussed below. Documents providing further information on changes made in response to comments received, the rationale for such changes, and the identity of the commentors may be obtained from the Quality Assurance and Environmental Monitoring Laboratory, United States Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, North Carolina 27711, attention: Dr. David Shearer.

(1) *Definitions and basic concepts.* A number of comments referred to possible ambiguities in the use of such terms as "method," "instrument," and "technique" in the proposed regulations. In response to these and similar suggestions, EPA has revised some definitions and reworded some provisions to clarify their meaning or to make them consistent with the general concepts underlying Part 53.

Several possible ambiguities arise from the fact that the term "method" has a number of possible meanings when used in referring to air monitoring techniques and instruments. In common usage, for example, some "methods" of measuring pollutants (e.g., the pararosaniline method of measuring SO_2) are essentially techniques that may be specified as a series of actions performed manually with common laboratory equipment; others are essentially measurement principles (e.g., non-dispersive infrared spectrometry) utilized in wholly automatic instruments (themselves sometimes referred to as "methods") that vary in design depending on the manufacturer; still other "methods" are instruments employing a combination of manual and automatic functions. Another possible ambiguity arises from common use of the term "method" to denote either a particular instrument or the manufacturer's model of which the particular instrument is representative. Although it may be impossible to resolve all such ambiguities without unduly increasing the length and complexity of the regulations, a number of changes have been made in an attempt to minimize potential confusion in this area. Thus, the definitions of "manual method" and "automated method" in § 53.1 have been revised to specify more clearly which types of methods will be considered "manual" and which "automated" for purposes of Part 53. In addition, minor changes in terminology have been made throughout Part 53 to make clear that, depending on its context, the term "automated method" (or "analyzer") may refer either to a particular instrument (i.g., one owned by a particular user) or to the model of which the particular instrument is representative. Finally, the term "test analyzer" has been defined in § 53.1 and used in Subparts B and C as meaning a particular analyzer (representative of a model) that is subjected to testing for purposes of Part 53.

Other comments suggested that some of the appendices to 40 CFR Part 50 should be revised to make them fully consistent with the provisions and purposes of Part 53. In effect, these comments highlighted the differences between "methods" that may be specified as a series of actions performed manually and those that are instruments based on a specified measurement principle. Elsewhere in this issue of the FEDERAL REGISTER, EPA is amending Appendices C and D to Part 50 (concerning measurement of CO and photochemical oxidants, respectively) to make clear that each specifies only a measurement principle and calibration procedure (rather than a reference method per se) and that analyzers based on those measurement principles will be considered reference methods only if designated as such in accordance with Part 53. Manual reference methods (e.g., the reference method for measuring SO_2), however, are still specified in other appendices to Part 50. Thus, as reflected in the definition of "reference method" in § 53.1(e), there will be two types of reference methods for purposes of Part 53: (1) Manual methods that are specified as reference methods for certain pollutants in appendices to Part 50; and (2) automated methods (analyzers) for measuring CO and photochemical oxidants that are based on the measurement principles and calibration procedures specified in Appendices C and D to Part 50 and designated as reference methods in accordance with Part 53. As to the latter, it is possible to construct different types of analyzers based on a single measurement principle; accordingly, a number of different analyzers may be designated as reference methods for CO and photochemical oxidants.

As reflected in proposed § 53.5, the proposed regulations did not contemplate designation of manual methods as reference methods under Part 53 (as opposed to specification of manual reference methods in appendices to 40 CFR Part 50). In addition, it was not intended to provide for designation of automated methods as reference methods under Part 53 where manual reference methods are already specified, for the pollutants in question, in appropriate appendices to Part 50. Accordingly, the general requirements for a reference method determination (now § 53.2) have been revised to make clear that manual methods will not be considered for reference method

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determinations under Part 53 (although some manual methods are specified as reference methods in appendices to Part 50 and may be used as such without regard to Part 53), and that an automated method will not be considered where a reference method is already specified as such in an appendix to Part 50. However, manual and automated methods that are ineligible for reference method determinations under § 53.2 may be considered for equivalent method determinations under § 53.3, and amendments to Part 53 proposed elsewhere in this issue of the FEDERAL REGISTER would permit consideration of any manual or automated method for purposes of replacement ("supersession") of existing reference methods.

Finally, the definitions of "reference methods" and "equivalent method" in § 53.1 have been revised to make clear that they do not include methods for which reference or equivalent method designations have been cancelled under § 53.11. Elsewhere in this issue of the FEDERAL REGISTER, EPA is proposing an amendment to 40 CFR Part 51 that would permit continued use of such methods for a reasonable period for purposes of 40 CFR 51.17(a).

(2) *General provisions.* A number of comments suggested changes in the procedures governing submission and processing of applications for reference or equivalent method determinations, and a number of changes have been made to simplify or otherwise improve the procedures. In response to criticism of the "right of entry" provision (proposed § 53.7), for example, the provision has been changed to assure a mutual right to witness pertinent tests at a time and place agreeable to both parties (§ 53.6). As suggested in a number of comments and discussed in connection with amendments to 40 CFR Part 51 appearing elsewhere in this issue of the FEDERAL REGISTER, EPA will perform testing of some analyzers in current use; a provision has been added to make clear that analyzers so tested may be designated as reference or equivalent methods in the absence of applications for such designations (§ 53.7). Another provision has been added to make clear that material submitted to EPA and identified as containing trade secrets or other confidential information will not be routinely disclosed in connection with hearings on cancellation of designations (§ 53.13(b)(2)).

Section 53.6 of the proposed regulations provided that, except where additional information or testing was necessary, decisions on applications for reference or equivalent method determinations would be made within 60 calendar days. Several comments suggested that the length of the review period would adversely affect marketing and other schedules and requested that the period be shortened. EPA has carefully considered these comments and recognizes that the review period may delay production and marketing schedules. However, EPA believes very strongly that adequate review of applications is essential to the purposes of Part 53. In order to assure adequate time for review, EPA has extended the period for review to 75 calendar days (§ 53.5). One reason for the change is that a relatively large number of applications may be received in a short period of time after promulgation of Part 53, and review of such applications may in some cases take longer than 60 days. It should also be noted that the 75-day provision specifies the *maximum* period for review. In many cases, review of applications may take much less time than the maximum period, and EPA will expedite processing of all applications to the extent permitted by manpower and budgetary constraints.

(3) *Public participation in cancellation proceedings and notice of certain actions.* A number of comments suggested the desirability of permitting greater opportunity for interested parties (e.g., users of methods) to take part in proceedings to cancel reference or equivalent method designations. In response, EPA has provided that any interested person may request a hearing in connection with a cancellation proceeding (§ 53.12), and that the presiding officer in a hearing on cancellation may permit interested persons to intervene (§ 53.13(c)). In addition, it should be noted that States and other users of particular methods are free to support applications for reference or equivalent method determinations if they wish by providing test data and other information to applicants and to oppose cancellation of reference or equivalent method designations by providing test data, expert witnesses, and other assistance in cancellation proceedings.

Other comments suggested the desirability of providing systematic notice of actions that may affect or otherwise be of interest to instrument manufacturers and users. In response, EPA has provided that notices will be published in the FEDERAL REGISTER in connection with such events or actions as receipt of applications for reference or equivalent method determinations (§ 53.5), designations of reference or equivalent methods (§ 53.8(a)), preliminary findings relating to cancellation of such designations § 53.11(b)(1)), notices of cancellation (§ 53.11(d)), hearings on cancellations (§ 53.13(a)(2)), and certain determinations in connection with proposed modifications of reference or equivalent methods by manufacturers (§ 53.14(c)). In addition, a current list of methods designated as reference or equivalent methods will be maintained by EPA, and copies of the list will be available at EPA's Regional Offices (§ 53.8(c)).

One comment suggested that EPA publish a list of methods for which applications have been submitted and rejected under Part 53. As indicated above, notices of reference or equivalent method designations will be published in the FEDERAL REGISTER, and a list of methods that have been designated as reference or equivalent methods will be available on request. In addition, EPA is proposing amendments to § 53.9 (published elsewhere in this isue of the FEDERAL REGISTER) that would require labeling of analyzers so designated. These measures will enable prospective purchasers to determinate with relative ease whether methods of interest have been designated as reference or equivalent methods. For these reasons, EPA has concluded that a list of methods for which applications have been submitted and rejected is unnecessary.

(4) *Modification of reference or equivalent methods.* Proposed § 53.12 and § 53.13 would have required reporting of any modification of a reference or equivalent method within 15 calendar days after the modification; if the Administrator made a preliminary finding that the method as modified did not satisfy the requirements of Part 53, he would have initiated proceedings to cancel the reference or equivalent method designation applicable to the method. A number of comments raised questions about the scope and effect of these provisions. After consideration of the comments, EPA has revised the provisions (now combined in § 53.14) in several respects. The most significant changes are as follows.

First, language has been included in § 53.14 to make clear that it applies only to modifications made by sellers of methods. Elsewhere in this issue of the FEDERAL REGISTER, EPA is proposing an amendment to 40 CFR Part 51 concerning approval of modifications made by users of methods.

Second, an unacceptable modification of a reference or equivalent method by a seller will not be a ground for cancellation of the reference or equivalent method designation applicable to the method. The reason for this change is essentially that such a cancellation would (contrary to EPA's intent) preclude use of the method for purposes of 40 CFR 51.17(a) by State and local control agencies who bought the method (in its unmodified form) prior to the modification; the more appropriate remedy, now provided in § 53.14(c)(3), is to determine that the designation will not apply to the method as modified. Such a determination would affect only future sales, and only if the seller chose to implement the modification. State and local control agencies would still be free to use (and the seller free to sell) the method in its unmodified form for purposes of 40 CFR 51.17(a).

Third, § 53.14 in effect requires prior approval of intended modifications rather than approval after the fact of modifications already implemented. Although this change may have the effect of delaying incorporation of desirable modifications into production processes, EPA believes that prior approval is necessary to assure the acceptability of instruments offered for sale as reference or equivalent methods and that other changes in § 53.14 (discussed below) will help to limit any delays resulting from the requirements of prior approval.

Finally, § 53.14(b) specifies the information to be reported with respect to an intended modification. The intent of this provision is to minimize the burdens and delays that might otherwise result

under § 53.14. Brevity is encouraged, and the seller is asked to state whether the modification is likely to affect the performance characteristics of the method and, if so, what the probable effect will be. In many cases, little information will be necessary to demonstrate that an intended modification will have no significant adverse effect on the performance characteristics of the method, and in such cases the time necessary for EPA review should be short. In any event, § 53.14(c) requires final EPA action on intended modifications within 30 calendar days, unless further information or testing is necessary before a determination can be made.

Some comments suggested that reporting of "insignificant" modifications should not be required, and that the reporting requirement will discourage innovative modifications. Although EPA is sympathetic to these arguments, it believes § 53.14 will not impose unreasonable burdens in view of the importance of assuring the reliability and comparability of data obtained for purposes of 40 CFR 51.17(a). Where the seller believes that an intended modification will have no significant adverse effect on the performance characteristics of a method (or where a modification is intended to improve performance), it is likely that the modification can be explained and approved with relatively little burden or delay. With respect to innovative modifications, EPA believes improvement of methods will confer a competitive advantage on their sellers, particularly where an improved method occasions supersession of a reference method under a proposed amendment to Part 53 (proposed § 53.16) appearing elsewhere in this issue of the FEDERAL REGISTER. The possibility of such an advantage should provide an incentive for innovation notwithstanding the requirements of § 53.14.

(5) *Specifications and test procedures.* The proposed test procedures for zero drift, lag time, rise time, fall time, and precision have been combined into a single, sequential procedure (§ 53.23(e)) which eliminates redundant steps and significantly reduces the time required to complete the tests. Optional forms for reporting test data have also been provided in appendices to Subparts B and C to facilitate preparation and processing of applications.

As a result of laboratory testing of the procedures, the performance specifications in Table B–1 of Subpart B were reevaluated. It was evident from the tests that the proposed specifications for precision were too lenient, as many commercially available instruments performed much better than required by the specifications. At the time the precision standards were established, they were set rather conservatively because relatively little precision data, obtained in accordance with prescribed test procedures, were available. On the basis of the tests mentioned above, the precision specifications in Table B–1 have been made more restrictive; this should contribute to more reliable data. Except that the specification for span drift is now expressed in "per cent" instead of "ppm," the other specifications in Table B–1 remain unchanged.

One comment suggested that provision should be made for methods having more than one selectable range and for assuring the reliability of methods used to measure concentrations greater than the upper range limits specified in Table B–1 of Subpart B. In some cases, it is necessary to measure such concentrations in order to calculate average concentrations as contemplated by some of the national ambient air quality standards. Accordingly, Subparts B and C have been revised to permit designation of methods having more than one selectable range as reference or equivalent methods, provided that one range is the appropriate range specified in Table B–1 and that the method passes pertinent tests in that range and in any other range for which a reference or equivalent method designation is sought (see §§ 53.20(b), 53.31(d)).

Two limitations will apply for the present. First, a range broader (i.e., extending to higher concentrations) than that specified in Table B–1 will be eligible for a reference or equivalent method designation only if it does not extend to concentrations more than two times the upper range limit specified in Table B–1. EPA believes that this limitation is necessary for the present to assure that methods capable of operation in broader ranges will have adequate resolution for purposes of 40 CFR 51.17(a), and that it will permit designation of methods capable of measuring nearly all ambient concentrations likely to be experienced. Second, ranges narrower (i.e., extending to lower concentrations) than that specified in Table B–1 will be eligible only for reference method designations. This limitation is necessary because the comparison tests required by Subpart C for equivalent method determinations cannot be performed, in many if not all cases, in ranges narrower than that specified in Table B–1.

These limitations should not present any immediate problem to State and local control agencies possessing analyzers with ranges other than those specified in Table B–1, because an amendment to 40 CFR Part 51 appearing elsewhere in this issue of the FEDERAL REGISTER will permit use of existing analyzers for five years, without regard to the requirements of Part 53, for purposes of 40 CFR 51.17(a). To provide still greater flexibility with respect to use of methods having nonconforming ranges, EPA is proposing further amendments to Part 51 elsewhere in this issue of the FEDERAL REGISTER that would permit use in certain circumstances of such methods, including methods with ranges broader than two times the upper range limits specified in Table B–1, for purposes of 40 CFR 51.17(a). In connection with the proposed amendments, EPA is also inviting comments on the possibility of eliminating or relaxing the two limitations described above.

Use of existing analyzers not meeting the interference requirements of Part 53 is considered in connection with the proposed amendments to 40 CFR Part 51 appearing elsewhere in this issue of the FEDERAL REGISTER.

Other technical changes in Subparts B and C include revision of the test atmosphere requirements, addition of a requirement to substantiate flow measurements, substitution of a single formula for calculating standard deviations, use of a chart recorder instead of a stopwatch to measure lag time, rise time, and fall time, and correction of several typographical errors in the proposed regulation. These and other minor changes should improve the procedures by making them more meaningful and easier to carry out.

(6) *Other comments and changes.* A number of comments expressed concern that Part 53 would impose substantial burdens on State and local control agencies, a number of whom indicated that they lacked adequate resources to test their methods and apply for reference or equivalent method determinations. The principal purpose of Part 53, however, is to provide a means by which manufacturers may have their analyzers officially designated as reference or equivalent methods. The burden of testing a candidate method, obtaining a reference or equivalent method determination, and assuring that analyzers subsequently offered for sale as reference or equivalent methods meet the requirements of Part 53 is being placed on the manufacturer and not on the purchasing agency. (As indicated previously, an amendment to 40 CFR Part 51 appearing elsewhere in this issue of the FEDERAL REGISTER will permit continued use of existing analyzers for five years, without regard to the requirements of Part 53, for purposes of 40 CFR 51.17(a).) Although it is expected that most applicants for reference and equivalent method determinations will be instrument manufacturers, States and others may perform the necessary tests and apply for such determinations if they so desire.

Several provisions that appeared in various parts of the proposed regulations have been brought together in a new § 53.9 to emphasize that they are conditions of any reference or equivalent method designation. One such condition, concerning durability of methods (§ 53.9(c)), has been revised in response to comments: (1) By substituting the phrase "when maintained and operated in accordance with the (manufacturer's operation manual)" for the vaguer phrase "when properly maintained and operated," and (2) by providing that the durability requirement applies for one year after "delivery and acceptance" rather than for one year after "installation in the field." The latter change should avoid problems concerning analyzers that are not promptly installed after delivery.

Some comments reflected confusion regarding the scope of Part 53. Although Part 50 presently contains "reference methods" for SO_2, CO, photochemical oxidants, suspended particulates, NO_2,

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and hydrocarbons, Part 53 concerns reference and equivalent methods for only the first three of these pollutants. Because there is no agreed upon reference or standard suspended particulate, the reference method for suspended particulates is not being addressed in Part 53 for the present, and methods for nitrogen dioxide and hydrocarbons corrected for methane are not covered in Part 53 because of technical problems with the designated reference methods. However, guidance for evaluating the performance characteristics of automated methods for measuring the latter two pollutants may be found in the Environmental Monitoring Series document (EPA–650/5–74–018), *Guidelines for Determining Performance Characteristics of Automated Methods for Measuring Nitrogen Dioxide and Hydrocarbons Corrected for Methane in Ambient Air*, which may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22151.

Several comments suggested that EPA should have solicited more active participation from the professional standards-setting organizations in the development of Part 53, or that the entire regulation might have been written in acceptable fashion by such organizations. EPA agrees that for voluntary, consensus-type standards the latter approach might have been feasible. However, the present regulation is not such a standard. It is intended to assure not only the reliability but also the national comparability of ambient air quality data obtained from the surveillance networks required by 40 CFR 51.17(a), not only for purposes of judging the attainment and maintenance of the national ambient air quality standards but also so that trend analyses of ambient air pollution may be made, based on data submitted from myriads of air quality control regions. Consensus standards developed by competing private organizations would not necessarily provide a single base on which to judge analyzer performance and might not be sufficiently stringent to achieve the purposes mentioned above. For these and other reasons, EPA has chosen to develop the Part 53 regulations itself, rather than rely on standards developed in the private sector. In the course of the rulemaking process, EPA has solicited and considered comments from the professional standards-setting organizations, just as it has with respect to instrument manufacturers, State and local control agencies, and the general public.

Many comments expressed opinions to the effect that the proposed performance specifications were reasonable and appropriate, and no comments were received from analyzer manufacturers indicating that the specifications were unreasonable or unattainable. Only one comment suggested (without explanation) that existing methods could not meet the specifications. EPA has evaluated a number of commercially available analyzers for their ability to meet the performance specifications prescribed in Part 53 and has concluded that at least several state-of-the-art analyzers can meet the specifications or can be made to do so by relatively simple modifications by the manufacturer. In addition, EPA is confident, on the basis of these evaluations, that most analyzer manufacturers, once they know the performance specifications their products must meet to qualify for reference or equivalent method designations under Part 53, will be able to modify or redesign their analyzers to meet those specifications. Copies of a document (entitled "Technical Justification for the Performance Specification Given in Subpart B of 40 CFR Part 53") that contains further information about the evaluations mentioned above, as well as information on the rationale and methods for selection of the Part 53 performance specifications, may be obtained by writing to the Quality Assurance and Environmental Monitoring Laboratory, United States Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, North Carolina 27711, attention: Dr. David Shearer.

General Discussion

Pollutant profiles across the nation are sufficiently uniform that some methods of measuring ambient air quality may be designated as generally applicable; i.e., without restrictions as to their use in particular geographic areas. For this reason, Part 53 provides in effect for "certification" of model lines, rather than for approval of particular instruments to be used in particular locations. This approach takes advantage of the similarity in meteorological characteristics associated with ambient air pollutants across the nation and should be much less burdensome for all concerned than any system requiring case-by-case approval of particular instruments for use in particular locations.

The measurement of air pollutants emitted from stationary sources presents an entirely different set of circumstances for monitoring. In brief, the sources themselves often create unique, localized conditions (e.g., unusual concentrations of interferents) that can affect the performance of monitoring instruments. In proposed amendments to 40 CFR Parts 51 and 60 concerning monitoring of stationary sources (39 FR 32852, 32871, Sept. 11, 1974), therefore, EPA has proposed to require approval of particular monitoring instruments for use in particular locations.

As indicated previously, EPA is amending Appendices C and D to 40 CFR Part 50 (concerning measurement of CO and photochemical oxidants, respectively) elsewhere in this issue of the Federal Register to make clear that each specifies only a measurement principle and calibration procedure (rather than a reference method per se), and that analyzers based on those measurement principles will be considered reference methods only if designated as such in accordance with Part 53. Accordingly, there will be no reference methods for CO and oxidants until at least one analyzer for each has been designated as such under Part 53. (It should be noted that reference methods are still specified as such for other pollutants in the appropriate appendices to Part 50.) In addition, candidate methods cannot be designated as equivalent methods for CO and oxidants until reference methods for the two pollutants are available for the comparison testing required by Subpart C for equivalent method determinations. This should present no problem for State and local control agencies because an amendment to Part 51 appearing elsewhere in this issue of the Federal Register will permit them to use existing CO and oxidant analyzers for purposes of 40 CFR 51.17(a) for five years, and to use CO and oxidant analyzers bought within the next year for at least four years, without regard to the requirements of Part 53. In addition, it may be possible to use existing analyzers for their useful lives in various circumstances, as discussed elsewhere in this issue of the Federal Register in connection with amendments and proposed amendments to Part 51.

As indicated above, an amendment to Part 51 appearing elsewhere in this issue of the Federal Register will permit State and local control agencies to use CO and oxidant analyzers bought within the next year for at least four years without regard to the requirements of Part 53. Agencies purchasing new analyzers in the next year, however, are urged to require through appropriate contractual provisions that the manufacturer supply instruments meeting the performance specifications set forth in Subpart B of Part 53 and require that any deficiencies be corrected within the warranty period for such instruments.

It is the intent of EPA to encourage and take advantage of advances in the art of monitoring pollutants in ambient air. As better analyzers become available, EPA will, from time to time, revise performance specifications to require a higher level of performance. This will help to provide ambient air quality data of better quality in years to come. In addition, EPA is proposing elsewhere in this issue of the Federal Register an amendment to Part 53 that would permit replacement ("supersession") of existing reference methods with better methods, while permitting continued use of replaced methods for a reasonable period by control agencies that had previously purchased them.

Promulgation of Part 53, of course, does not render past or current air quality data invalid. Such data will still be as useful as it ever was. However, Part 53 will help to improve the accuracy, reliability, and overall quality of data collected in the future. It should be emphasized that the use of designated methods for air monitoring will not by itself assure the collection of adequate air quality data. Nor will it in any way diminish the need for well-planned, thorough, functional quality control activities including frequent calibrations, periodic audit checks, proper maintenance, careful data validations, and adequate operator training. Use of designated methods is only one necessary part of a complete and effective quality control program.

Applications for reference or equivalent method determinations will be processed in the order received. Processing of applications which require additional tests or information will necessarily involve delays. As indicated in § 53.15, confidential or proprietary information submitted by applicants or other persons should be clearly identified as such. Should a question of public access to such information arise, the information will be treated in accordance with 40 CFR Part 2, which concerns EPA's policies and procedures with respect to requests for information under 5 U.S.C. 552, often referred to as the Freedom of Information Act.

Effective date. This part becomes effective on February 18, 1975.

Dated: January 31, 1975.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

A new Part 53 is added to Chapter I, Title 40, Code of Federal Regulations, as follows:

Subpart A—General Provisions

Sec.
53.1 Definitions.
53.2 General requirements for a reference method determination.
53.3 General requirements for an equivalent method determination.
53.4 Applications for reference or equivalent method determinations.
53.5 Processing of applications.
53.6 Right to witness conduct of tests.
53.7 Testing of methods at the initiative of the Administrator.
53.8 Designation of reference and equivalent methods.
53.9 Conditions of designation.
53.10 Appeal from rejection of application.
53.11 Cancellation of reference or equivalent method designation.
53.12 Request for hearing on cancellation.
53.13 Hearings.
53.14 Modification of a reference or equivalent method.
53.15 Trade secrets and confidential or privileged information.

Subpart B—Procedures for Testing Performance Characteristics of Automated Methods

Sec.
53.20 General provisions.
53.21 Test conditions.
53.22 Generation of test atmospheres.
53.23 Test procedures.
Appendix A—Optional Forms for Reporting Test Results

Subpart C—Procedures for Determining a Consistent Relationship Between Candidate Methods and Reference Methods

53.30 General provisions.
53.31 Test conditions.
53.32 Test procedures.
Appendix A—Optional Form for Reporting Test Results

Authority: Section 301(a) of the Clean Air Act (42 U.S.C. section 1857g(a)), as amended by sec. 15(c)(2) of Public Law 91–604, 84 Stat. 1713.

§ 53.1 Definitions.

(a) Terms used but not defined in this part shall have the meaning given them by the Act.

(b) "Act" means the Clean Air Act (42 U.S.C. 1857–1857l), as amended.

(c) "Agency" means the Environmental Protection Agency.

(d) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(e) "Reference method" means a method of sampling and analyzing the ambient air for an air pollutant that is specified as a reference method in an appendix to Part 50 of this chapter, or a method that has been designated as a reference method in accordance with this part; it does not include a method for which a reference method designation has been cancelled in accordance with § 53.11.

(f) "Equivalent method" means a method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with this part; it does not include a method for which an equivalent method designation has been cancelled in accordance with § 53.11.

(g) "Candidate method" means a method of sampling and analyzing the ambient air for an air pollutant for which an application for a reference method determination or an equivalent method determination is submitted in accordance with § 53.4, or a method tested at the initiative of the Administrator in accordance with § 53.7.

(h) "Manual method" means a method for measuring concentrations of an ambient air pollutant in which sample collection, analysis, or measurement, or some combination thereof, is performed manually.

(i) "Automated method" or "analyzer" means a method for measuring concentrations of an ambient air pollutant in which sample collection, analysis, and measurement are performed automatically.

(j) "Test analyzer" means an analyzer subjected to testing as a candidate method in accordance with Subpart B of this part, Subpart C of this part, or both.

(k) "Applicant" means a person who submits an application for a reference or equivalent method determination in accordance with § 53.4.

(l) "Ultimate purchaser" means the first person who purchases a reference method or an equivalent method for purposes other than resale.

§ 53.2 General requirements for a reference method determination.

(a) *Manual methods.* Manual methods will not be considered for reference method determinations under this part.

Note.—As defined in § 53.1(e), "reference method" includes a manual method specified in an appendix to Part 50 of this chapter. The provisions of this part are inapplicable to such a method.

(b) *Automated methods.* A candidate automated method must utilize the measurement principle and calibration procedures specified in the appropriate appendix to Part 50 of this Chapter and meet the requirements specified in Subpart B of this part.

Note.—An automated method will not be considered for a reference method determination under this part if a reference method is specified in the appropriate appendix to Part 50.

§ 53.3 General requirements for an equivalent method determination.

(a) *Manual methods.* Candidate manual methods must satisfy the requirements specified in Subpart C of this part.

(b) *Automated methods.* Candidate automated methods must satisfy the requirements specified in Subparts B and C of this part.

§ 53.4 Applications for reference or equivalent method determinations.

(a) Applications for reference or equivalent method determinations shall be submitted in triplicate to:

Director, Quality Assurance & Environmental Monitoring Laboratory, Department E, United States Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, North Carolina 27711.

(b) Each application shall be signed by an authorized representative of the applicant, shall be marked in accordance with § 53.15 (if applicable), and shall contain the following:

(1) A clear identification of the candidate method which will distinguish it from all other methods and by which it may be referred to unambiguously.

(2) A detailed description of the candidate method including but not limited to the following: The measurement principle, manufacturer, name, model number, and other forms of identification; a listing of the significant components; schematic diagrams; and a detailed description of the apparatus and measurement procedures.

(3) A copy of a comprehensive operation or instruction manual providing a complete and detailed description of the operational and calibration procedures prescribed for field use of the candidate method and all instruments utilized as part of that method. The manual shall include adequate warning of potential safety hazards that may result from normal use, or (if the method is automated) from normal use or malfunction, of the method and a description of necessary safety precautions (see § 53.9(b)). For automated methods, the manual shall include a clear description of installation and operation procedures and of necessary periodic maintenance, as well as comprehensive trouble-shooting and corrective maintenance procedures and

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parts identification diagrams.[1] The manual may be used to satisfy the requirements of paragraphs (b) (1) and (2) of this section to the extent that it includes information necessary to meet those requirements.

(4) A statement that the candidate method has been tested in accordance with the procedures described in Subpart B of this part, Subpart C of this part, or both, as applicable.

(5) Test data, records, calculations, and test results as specified in Subpart B of this part, Subpart C of this part, or both, as applicable.

(6) A statement that the method or analyzer tested in accordance with this part is representative of the candidate method described in the application.

(c) For candidate automated methods, the application shall also contain the following:

(1) A detailed description of the quality control program that will be utilized, if the candidate method is designated as a reference or equivalent method, to ensure that all analyzers offered for sale under that designation will have essentially the same performance characteristics as the analyzer tested in accordance with this part.

(2) A description of the durability characteristics of such analyzers (see § 53.9(c)).

§ 53.5 Processing of applications.

After receiving an application for a reference or equivalent method determination, the Administrator will publish notice of the application in the FEDERAL REGISTER and, within 75 calendar days after receipt of the application, take one or more of the following actions:

(a) Send notice to the applicant, in accordance with § 53.8, that the candidate method has been determined to be a reference or equivalent method;

(b) Send notice to the applicant that his application has been rejected, including a statement of reasons for rejection;

(c) Send notice to the applicant that additional information must be submitted before a determination can be made and specify the additional information that is needed (in such cases, the 75-day period shall commence upon receipt of the additional information);

(d) Send notice to the applicant that additional tests are necessary and specify what tests are necessary and how they shall be interpreted (in such cases, the 75-day period shall commence upon receipt of the additional test data); or

(e) Send notice to the applicant that additional tests will be conducted by the Administrator, specifying the nature of and reasons for the additional tests and the estimated time required (in such cases, the 75-day period shall commence 1 calendar day after the additional tests have been completed).

§ 53.6 Right to witness conduct of tests.

(a) Submission of an application for a reference or equivalent method determination shall constitute consent for the Administrator or his authorized representative, upon presentation of appropriate credentials, to witness or observe any tests required by this part in connection with the application or in connection with any modification or intended modification of the method by the applicant.

(b) The applicant shall have the right to witness or observe any test conducted by the Administrator in connection with the application or in connection with any modificaton or intended modification of the method by the applicant.

(c) Any tests by either party that are to be witnessed or observed by the other party shall be conducted at a time and place mutually agreeable to both parties.

§ 53.7 Testing of methods at the initiative of the Administrator.

(a) In the absence of an application for a reference or equivalent method determination, the Administrator may conduct the tests required by this part for such a determination, may compile such other information as may be necessary in his judgment to make such a determination, and on the basis of the tests and information may determine that a method satisfies applicable requirements of this part.

(b) [Reserved]

(c) [Reserved]

§ 53.8 Designation of reference and equivalent methods.

(a) A candidate method determined by the Administrator to satisfy the applicable requirements of this part shall be designated as a reference method or equivalent method (as applicable), and a notice of the designation shall be submitted for publication in the FEDERAL REGISTER not later than 15 days after the determination is made.

(b) A notice indicating that the method has been determined to be a reference method or an equivalent method shall be sent to the applicant. This notice shall constitute proof of the determination until a notice of designation is published in accordance with paragraph (a) of this section.

(c) The Administrator will maintain a current list of methods designated as reference or equivalent methods in accordance with this part and will send a copy of the list to any person or group upon request. A copy of the list will be available for inspection or copying at EPA Regional Offices.

§ 53.9 Conditions of Designation.

Designation of a candidate method as a reference method or equivalent method shall be conditioned on the applicant's compliance with the following requirements. Failure to comply with any of the requirements shall constitute a ground for cancellation of the designation in accordance with section 53.11.

(a) Any method offered for sale as a reference or equivalent method shall be accompanied by a copy of the manual referred to in section 53.4(b)(3) when delivered to any ultimate purchaser.

(b) Any method offered for sale as a reference or equivalent method shall generate no unreasonable hazard to operators or to the environment during normal use or (if the method is automated) during normal use or when malfunctioning.

(c) Any analyzer offered for sale as a reference or equivalent method shall function within the limits of the performance specifications referred to in § 53.20(a) for at least 1 year after delivery and acceptance when maintained and operated in accordance with the manual referred to in § 53.4(b)(3).

§ 53.10 Appeal from rejection of application.

Any applicant whose application for a reference or equivalent method determination has been rejected may appeal the Administrator's decision by taking one or more of the following actions:

(a) The applicant may submit new or additional information in support of the application.

(b) The applicant may request that the Administrator reconsider the data and information already submitted.

(c) The applicant may request that any test conducted by the Administrator that was a material factor in his decision to reject the application be repeated.

§ 53.11 Cancellation of reference or equivalent method designation.

(a) *Preliminary finding.* If the Administrator makes a preliminary finding on the basis of any information available to him that a representative sample of a method designated as a reference or equivalent method and offered for sale as such does not fully satisfy the requirements of this part or that there is any violation of the requirements set forth in § 53.9, he may initiate proceedings to cancel the designation in accordance with the following procedures.

(b) *Notification and opportunity to demonstrate or achieve compliance.* (1) After making a preliminary finding in accordance with paragraph (a) of this section, the Administrator will send notice of the preliminary finding to the applicant, together with a statement of the facts and reasons on which the preliminary finding is based, and will publish notice of the preliminary finding in the FEDERAL REGISTER.

(2) The applicant will be afforded an opportunity to demonstrate or to achieve compliance with the requirements of this part within 60 days after publication of notice in accordance with paragraph (b)(1) of this section or within such further period as the Administrator may allow, by demonstrating to the satisfaction of the Administrator that the method in question satisfies the requirements of this part, by commencing a program to make any adjustments that are necessary to bring the method into compliance, or by taking such action as may be necessary to cure any violation of the requirements of § 53.9. If adjustments are necessary to bring the method into compliance, all such adjustments shall be made within a reasonable time as determined by the Administrator. If the applicant demonstrates or achieves compliance in accordance with this paragraph (b)(2), the Administrator will publish notice of such demonstration or achievement in the FEDERAL REGISTER.

(c) *Request for hearing.* Within 60 days after publication of notice in accordance with paragraph (b)(1) of this section, the applicant or any interested person may request a hearing as provided in § 53.12.

(d) *Notice of cancellation.* If, at the end of the period referred to in paragraph (b)(2) of this section, the Administrator determines that the reference or equivalent method designation should be cancelled, he will publish a notice of cancellation in the FEDERAL REGISTER and delete the designation from the list maintained under § 53.8(c). If a hearing has been requested and granted in accordance with § 53.12, action under this paragraph (d) will be taken only after completion of proceedings (including any administrative review) conducted in accordance with § 53.13 and only if the decision of the Administrator reached in such proceedings is that the designation in question should be cancelled.

§ 53.12 Request for hearing on cancellation.

Within 60 days after publication of notice in accordance with § 53.11(b)(1), the applicant or any interested person may request a hearing on the Administrator's action. The request shall be in writing, signed by an authorized representative of the applicant or interested person, and shall include a statement specifying (a) any objections to the Administrator's action and (b) data or other information in support of such objections. If, after reviewing the request and supporting data, the Administrator finds that the request raises a substantial issue of fact, he will grant a hearing in accordance with § 53.13 with respect to such issue.

§ 53.13 Hearings.

(a)(1) After granting a request for a hearing under § 53.12, the Administrator will designate a presiding officer for the hearing.

(2) If a time and place for the hearing have not been fixed by the Administrator, the hearing will be held as soon as practicable at a time and place fixed by the presiding officer, except that the hearing shall in no case be held sooner than 30 days after publication of a notice of hearing in the FEDERAL REGISTER.

(3) For purposes of the hearing, the parties shall include the Environmental Protection Agency, the applicant or interested person(s) who requested the hearing, and any person permitted to intervene in accordance with paragraph (c) of this section.

(4) The Deputy General Counsel or his representative will represent the Environmental Protection Agency in any hearing under this section.

(5) Each party other than the Environmental Protection Agency may be represented by counsel or by any other duly authorized representative.

(b)(1) Upon his appointment, the presiding officer will establish a hearing file. The file shall contain copies of the notices issued by the Administrator pursuant to § 53.11(b)(1), together with any accompanying material, the request for a hearing and supporting data submitted therewith, the notice of hearing published in accordance with paragraph (a)(2) of this section, and correspondence and other material data relevant to the hearing.

(2) The hearing file shall be available for inspection by the parties or their representatives at the office of the presiding officer, except to the extent that it contains information identified in accordance with § 53.15.

(c) At his discretion, the presiding officer may permit any interested person to intervene in the hearing upon such a showing of interest as the presiding officer may require; provided that leave to intervene may be denied in the interest of expediting the hearing where it appears that the interests of the person seeking to intervene will be adequately represented by another party (or by other parties), including the Environmental Protection Agency.

(d)(1) The presiding officer, upon the request of any party or at his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues.

(ii) Stipulations, admissions of fact, and the introduction of documents.

(iii) Limitation of the number of expert witnesses.

(iv) Possibility of agreement disposing of all or any of the issues in dispute.

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the presiding officer and made part of the record.

(e)(1) Hearings shall be conducted by the presiding officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to exclusion by the presiding officer of irrelevant, immaterial, or repetitious evidence.

(2) Witnesses shall be placed under oath.

(3) Any witness may be examined or cross-examined by the presiding officer, the parties, or their representatives. The presiding officer may, at his discretion, limit cross-examination to relevant and material issues.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased from the reporter.

(5) All written statements, charts, tabulations, and data offered in evidence at the hearing shall, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute part of the record.

(6) Oral argument shall be permitted. The presiding officer may limit oral presentations to relevant and material issues and designate the amount of time allowed for oral argument.

(f)(1) The presiding officer shall make an initial decision which shall include written findings and conclusions and the reasons therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to, or review on motion of, the Administrator within 30-calendar days after the initial decision is filed.

(2) On appeal from or review of the initial decision, the Administrator will have all the powers which he would have in making the initial decision, including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the presiding officer for additional proceedings. The decision by the Administrator will include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 53.14 Modification of a reference or equivalent method.

(a) An applicant who offers a method for sale as a reference or equivalent method shall report any intended modification of the method, including but not limited to modifications of design or construction or of operational and maintenance procedures specified in the operation manual, to the Administrator prior to implementation of the modification. The report shall be signed by an authorized representative of the applicant, marked in accordance with § 53.15 (if applicable), and addressed as specified in § 53.4(a).

(b) A report submitted under paragraph (a) of this section shall include:

(1) A description, in such detail as may be appropriate, of the intended modification;

(2) A brief statement of the applicant's belief that the modification will, will not, or may affect the performance characteristics of the method;

(3) If the applicant believes the modification will or may affect the performance characteristics of the method, a brief statement of the probable effect; and

(4) Such further information, including test data, as may be necessary to explain and support any statement required

[1] Guidance for the development of such a manual may be found in the EPA report, "Guideline Specifications for the Development of Instruction Manuals for Automatic Air Monitoring Instruments," available from: National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22151. (702-321-8543).

An example manual based on the above report and titled "Fully Proceduralized Instruction Manual for the Bendix Ozone Monitor, Model 8002" is available from the same source.

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by paragraphs (b)(2) and (b)(3) of this section.

(c) Within 30-calendar days after receiving a report under paragraph (a) of this section, the Administrator will take one or more of the following actions:

(1) Notify the applicant that the designation will continue to apply to the method if the modification is implemented.

(2) Send notice to the applicant that a new designation will apply to the method (as modified) if the modification is implemented, submit notice of the determination for publication in the FEDERAL REGISTER, and revise or supplement the list referred to in § 53.8(c) to reflect the determination.

(3) Send notice to the applicant that the designation will not apply to the method (as modified) if the modification is implemented and submit notice of the determination for publication in the FEDERAL REGISTER;

(4) Send notice to the applicant that additional information must be submitted before a determination can be made and specify the additional information that is needed (in such cases, the 30-day period shall commence upon receipt of the additional information);

(5) Send notice to the applicant that additional tests are necessary and specify what tests are necessary and how they shall be interpreted (in such cases, the 30-day period shall commence upon receipt of the additional test data); or

(6) Send notice to the applicant that additional tests will be conducted by the Administrator and specify the reasons for and the nature of the additional tests (in such cases, the 30-day period shall commence one calendar day after the additional tests are completed).

(d) Applicant who has received a notice under paragraph (c)(3) of this section may appeal the Administrator's action as follows:

(1) The applicant may submit new or additional information pertinent to the intended modification.

(2) The applicant may request the Administrator to reconsider data and information already submitted.

(3) The applicant may request that the Administrator repeat any test he conducted that was a material factor in his determination. A representative of the applicant may be present during the performance of any such retest.

§ 53.15 Trade secrets and confidential or privileged information.

Any information submitted under this part that is claimed to be a trade secret or confidential or privileged information shall be marked or otherwise clearly identified as such in the submittal. Information so identified will be treated in accordance with Part 2 of this chapter (concerning public information).

Subpart B—Procedures for Testing Performance Characteristics of Automated Methods

§ 53.20 General provisions.

(a) The test procedures given in this subpart shall be used to test the performance of candidate automated methods against the performance specifications given in Table B–1. A test analyzer representative of the candidate automated method must exhibit performance better than, or equal to, the specified value for each such specification (except Range) to satisfy the requirements of this subpart. Except as provided in paragraph (b) of this section, the range of the candidate method must be the range specified in Table B–1 to satisfy the requirements of this subpart.

(b) For a candidate method having more than one selectable range, one range must be that specified in Table B–1 and a test analyzer representative of the method must pass the tests required by this subpart while operated in that range. The tests may be repeated for a broader range (i.e., one extending to higher concentrations) than that specified in Table B–1 provided that the range does not extend to concentrations more than two times the upper range limit specified in Table B–1. If the application is for a reference method determination, the tests may be repeated for a narrower range (one extending to lower concentrations) than that specified in Table B–1.

If the tests are conducted or passed only for the specified range, any reference or equivalent method determination with respect to the method will be limited to that range. If the tests are passed for both the specified range and a broader range (or ranges), any such determination will include the broader range(s) as well as the specified range, provided that the tests required by Subpart C of this part (if applicable) are met for the broader range(s). If the tests are passed for both the specified range and a narrower range, a reference method determination for the method will include the narrower range as well as the specified range. Appropriate test data shall be submitted for each range sought to be included in a reference or equivalent method determination under this paragraph (b).

(c) For each performance specification (except Range), the test procedure shall be initially repeated seven (7) times to yield 7 test results. Each result shall be compared with the corresponding specification in Table B–1; a value higher than that specified constitutes a failure. These 7 results for each parameter shall be interpreted as follows:

(i) Zero (0) failures: candidate method passes the performance parameter.

(ii) Three (3) or more failures: candidate method fails the performance parameter.

(iii) One (1) or two (2) failures: Repeat the test procedures for the parameter eight (8) additional times yielding a total of fifteen (15) test results. The combined total of 15 test results shall then be interpreted as follows:

(i) One (1) or two (2) failures: candidate method passes the performance parameter.

(ii) Three (3) or more failures: candidate method fails the performance parameter.

TABLE B-1. PERFORMANCE SPECIFICATIONS FOR AUTOMATED METHODS

Performance parameter	Units [1]	Sulfur dioxide	Oxidants	Carbon monoxide	Definitions and test procedures
1. Range	Parts per million	0–0.5	0–0.5	0–50	§ 53.23(a).
2. Noise	do	0.005	0.005	0.50	§ 53.23(b).
3. Lower detectable limit	do	0.01	0.01	1.0	§ 53.23(c).
4. Interference equivalent					§ 53.23(d).
Each interferent	do	±0.02	±0.02	±1.0	
Total interferent	do	0.06	0.06	1.5	
5. Zero drift, 12 and 24 hr	do	±0.02	±0.02	±1.0	§ 53.23 (e).
6. Span drift, 24 hr	Percent	±5.0	±5.0	±2.5	§ 53.23 (e).
7. Lag time	Minutes	20	20	10	§ 53.23 (e).
8. Rise time	do	15	15	5	§ 53-23 (e).
9. Fall time	do	15	15	5	§ 53.23 (e).
10. Precision					§ 53.23 (e).
20 percent of upper range limit	Parts per million	0.01	0.01	0.5	
80 percent of upper range limit	do	0.015	0.01	0.5	

[1] To convert from parts per million to microgram per cubic meter at 25° C and 760 mm Hg, multiply by M/0.02447, where M is the molecular weight of the gas.

(d) The tests for *zero drift, span drift, lag time, rise time, fall time,* and *precision* shall be combined into a single sequential procedure to be conducted at various line voltages and ambient temperatures specified in § 53.23(e). The tests for *noise, lower detectable limit,* and *interference equivalents* shall be made at any temperature between 20° C. and 30° C. and at any normal line voltage between 105 and 125 volts, and shall be conducted such that not more than three (3) test results for each parameter are obtained per 24 hours.

(e) All response readings to be recorded shall first be converted to concentration units according to the calibration curve constructed in accordance with § 53.21(b).

(f) All recorder chart tracings, records, test data and other documentation obtained from or pertinent to these tests shall be identified, dated, signed by the analyst performing the test, and submitted.

NOTE.—Suggested formats for reporting the test results and calculations are provided in Figures B–2, B–3, B–4, B–5, and B–6 in Appendix A. Symbols and abbreviations used in this subpart are listed in Table B–5, Appendix A.

§ 53.21 Test conditions.

(a) *Set-up and start-up* of the test analyzer shall be in strict accordance with the operating instructions specified in the manual referred to in § 53.4(b)(3). Allow adequate warm-up or stabilization time as indicated in the operating instructions before beginning the tests. If the candidate method does not include an integral strip chart recorder, connect the output signal of the test analyzer to a suitable strip chart recorder of the servo, null-balance type. This recorder shall have a chart width of at least 25 centimeters, chart speeds up to 10 cm per hour, a response time of 1 second or less, a deadband of not more than 0.25 percent of full scale, and capability either of reading measurements at least 5 percent below zero or of offsetting the zero by at least 5 percent.

NOTE.—Other data acquisition components may be used along with the chart recorder during conduct of these tests. Use of the chart recorder is intended only to facilitate evaluation of data submitted.

(b) *Calibration* of the test analyzer shall be as indicated in the manual referred to in § 53.4(b)(3) and as follows: If the chart recorder does not have below zero capability, adjust either the controls of the test analyzer or the chart recorder to obtain a +5% offset zero reading on the recorder chart to facilitate observing negative response or drift. If the candidate method is not capable of negative response, the test analyzer (not recorder) shall be operated with an offset zero. Construct and submit a calibration curve showing a plot of recorder scale readings (ordinate) against pollutant concentrations (abscissa). A plot of output units (volts, millivolts, milliamps, etc.) against pollutant concentrations shall also be shown for methods not including an integral chart recorder. All such plots shall consist of at least seven (7) approximately equally spaced, identifiable points, including 0 and 90 ± 5 percent of full scale.

(c) Once the test analyzer has been set up and calibrated and the tests started, manual adjustment or normal periodic maintenance is permitted only every 3 days. Automatic adjustments which the test analyzer performs by itself are permitted at any time. The submitted records shall show clearly when any manual adjustment or periodic maintenance was made and describe the operations performed.

(d) If the test analyzer should malfunction during any of the performance tests, the tests for that parameter shall be repeated. A detailed explanation of the malfunction, remedial action taken, and whether recalibration was necessary (along with all pertinent records and charts) shall be submitted. If more than one malfunction occurs, all performance test procedures for all parameters shall be repeated.

(e) Tests for all performance parameters shall be completed on the same test analyzer, except that use of multiple test analyzers to accelerate testing will be permitted when alternate ranges of a multi-range candidate method are being tested.

§ 53.22 Generation of test atmospheres.

(a) Table B–2 specifies preferred methods for generating test atmospheres and suggested methods of verifying the concentrations. Only one means of establishing the concentration of a test atmosphere is normally required. If the method of generation can produce reproducible concentrations, verification is optional. If the method of generation is not reproducible, then establishment of the concentration by some verification method is required. However, when a method of generation other than that given in Table B–2 is used, the test concentration shall be verified.

(b) The test atmosphere delivery system shall be designed and constructed so as not to significantly alter the test atmosphere composition or concentration during the period of the test. The delivery system shall be fabricated from borosilicate glass or FEP Teflon.

(c) The output of the test atmosphere generation system shall be sufficiently stable to obtain stable response during the required tests. If a permeation device is used for generation of a test atmosphere, the device, as well as the air passing over it, shall be controlled to ±0.1° C.

TABLE B-2. TEST ATMOSPHERES

Test gas	Generation	Verification
Ammonia	Permeation device. Similar to system described in references 1 and 2.	Indophenol method, reference 3.
Carbon dioxide.	Cylinder of zero air or nitrogen containing CO_2 as required to obtain the concentration specified in table B-3.	Use NBS-certified standards wherever possible. If NBS standards are not available, obtain 2 standards from independent sources which agree within 2 percent; or obtain one standard and submit it to an independent laboratory for analysis which must agree within 2 percent of the supplier's nominal analysis.
Carbon monoxide.	Cylinder of zero air or nitrogen containing CO as required to obtain the concentration specified in table B-3.	
Ethane	Cylinder of zero air or nitrogen containing ethane as required to obtain the concentration specified in table B-3.	
Ethylene	Cylinder of prepurified nitrogen containing ethylene as required to obtain the concentration specified in table B-3.	
Hydrogen chloride.	Cylinder[1] of prepurified nitrogen containing approximately 100 p/m of gaseous HCl. Dilute with zero air to concentration specified in table B-3.	Collect samples in bubbler containing distilled water and analyze by the mercuric thiocyanate method, ASTM (D512), p. 29, reference 4.
Hydrogen sulfide.	Permeation device system described in references 1 and 2.	Tentative method of analysis for H_2S content of the atmosphere, p. 426, reference 5.
Methane	Cylinder of zero air containing methane as required to obtain the concentration specified in table B-3.	Use NBS-certified standards whenever possible. If NBS standards are not available, obtain 2 standards, from independent sources which agree within 2 percent; or obtain one standard and submit it to an independent laboratory for an analysis which must agree within 2 percent of the supplier's nominal analysis.
Nitric oxide	Cylinder[1] of prepurified nitrogen containing approximately 100 p/m. NO. Dilute with zero air to required concentration.	Gas-phase titration as described in reference 6, section 7.1.
Nitrogen dioxide.	1. Gas phase titration as described in reference 6. 2. Permeation device, similar to system described in references 1 and 2.	1. Use an NO_2 analyzer calibrated with a gravimetrically calibrated permeation device. 2. Use an NO_2 analyzer calibrated by gas-phase titration as described in reference 6.
Ozone	Calibrated ozone generator as described in reference 7, appendix D.	Use an ozone analyzer calibrated by gas-phase titration as described in reference 6.
Sulfur dioxide	Permeation device. Similar to system described in reference method for SO_2, reference 7, appendix A.	P-rosaniline method. Reference 7, appendix A.
Water	Pass zero air through distilled water at a fixed known temperature between 20° and 30° C such that the air stream becomes saturated. Dilute with zero air to concentration specified in table B-3.	Measure relative humidity by means of a dew-point indicator, calibrated electrolytic or piezo-electric hygrometer, or wet/dry bulb thermometer.
Xylene	Cylinder of prepurified nitrogen containing 100 p/m xylene. Dilute with zero air to concentration specified in table B-3.	Use NBS-certified standards whenever possible. If NBS standards are not available, obtain 2 standards from independent sources which agree within 2 percent; or obtain one standard and submit it to an independent laboratory for an analysis which must agree within 2 percent of the supplier's nominal analysis.
Zero air	1. Ambient air purified by appropriate scrubbers or other devices such that it is free of contaminants likely to cause a detectable response on the analyzer. 2. Cylinder of compressed zero air certified by the supplier or an independent laboratory to be free of contaminants likely to cause a detectable response on the analyzer.	

[1] Use stainless steel pressure regulator dedicated to the pollutant measured.

Reference 1. O'Keeffe, A. E., and Ortman, G. C., "Primary Standards for Trace Gas Analysis," *Anal. Chem.* 38, 760 (1966).
Reference 2. Scaringelli, F. P., A. E., Rosenbert, E., and Bell, J. P., "Primary Standards for Trace Gas Analysis," *Anal. Chem.* 42, 871 (1970).
Reference 3. "Tentative Method of Analysis for Ammonia in the Atmosphere (Indophenol Method)", *Health Lab Science*, vol. 10, No. 2, 115–118, April 1973.
Reference 4. *1973 Annual Book of ASTM Standards*, American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa.
Reference 5. *Methods of Air Sampling and Analysis*, Intersociety Committee, 1972, American Public Health Association, 1015.
Reference 6. *Federal Register*, vol. 38, No. 110, Tentative Method for the Continuous Measurement of Nitrogen Dioxide (Chemiluminescent) addenda C. (June 8, 1973).
Reference 7. *Federal Register*, vol. 36, No. 228, National Primary and Secondary Ambient Air Quality Standards, Nov. 25, 1971.

(d) All diluent air shall be zero air free of contaminants likely to cause a detectable response on the test analyzer.

(e) The concentration of each test atmosphere shall be established and/or verified before or during each series of tests. Samples for verifying test concentrations shall be collected from the test atmosphere delivery system as close as possible to the sample intake port of the test analyzer.

(f) The accuracy of all flow measure-

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ments used to calculate test atmosphere concentrations shall be documented and referenced to a primary standard (such as a spirometer bubble meter, etc.). Any corrections shall be clearly shown. All flow measurements given in volume units shall be standardized to 25° C. and 760 mm Hg.

(g) Schematic drawings and other information showing complete procedural details of the test atmosphere generation, verification, and delivery system shall be provided. All pertinent calculations shall be clearly indicated.

§ 53.23 Test procedures.

(a) *Range*—(1) *Technical Definition.* Nominal minimum and maximum concentrations which a method is capable of measuring.

NOTE.—The nominal range is specified at the lower and upper range limits in concentration limits; for example, 0–0.5 ppm.

(2) *Test Procedure.* Submit a suitable calibration curve, as specified in § 53.21 (b), showing the test analyzer's response over at least 95 percent of the required range.

NOTE.—A single calibration curve will normally suffice.

(b) *Noise*—(1) *Technical Definition.* Spontaneous, short duration deviations in output, about the mean output, which are not caused by input concentration changes. Noise is determined as the standard deviation about the mean and is expressed in concentration units.

(2) *Test Procedure.* (i) Allow sufficient time for the test analyzer to warm up and stabilize. Determine at two concentrations, first using zero air and then a pollutant test gas concentration as indicated below. The noise specification in Table B–1 shall apply to both of these tests.

(ii) Connect an integrating-type digital meter (DM) suitable for the test analyzer's output and accurate to three significant digits, to measure the analyzer's output signal.

NOTE.—Use of a chart recorder in addition to the DM is optional.

(iii) Measure zero air for 60 minutes. During this 60-minute interval, record twenty-five (25) readings at 2-minute intervals. (See Figure B–2 in Appendix A.)

(iv) Convert each DM reading to concentration units (ppm) by reference to the test analyzer's calibration curve as determined in § 53.21(b). Label the converted DM readings $r_1, r_2, r_3 \ldots r_i \ldots r_{25}$.

(v) Calculate the standard deviation, S, as follows:

$$S=\sqrt{\frac{\sum_{i=1}^{25}(r_i)^2-1/25\left(\sum_{i=1}^{25}r_i\right)^2}{24}}\ (\text{ppm})$$

where i indicates the i-th DM reading in ppm.

(vi) Let S at 0 ppm be identified as S_0; compare S_0 to the noise specification given in Table B–1.

(vii) Repeat steps (iii) through (vi) using a pollutant test atmosphere concentration of 80±5 percent of the upper range limit (URL) instead of zero gas, and let S at 80 percent of the URL be identified as S_∞. Compare S_∞ to the noise specification given in Table B–1.

(viii) Both S_0 and S_∞ must be less than or equal to the specification for noise to pass the test for the noise parameter.

(c) *Lower Detectable Limit*—(1) *Technical Definition.* The minimum pollutant concentration which produces a signal of twice the noise level.

(2) *Test Procedure.* (i) Allow sufficient time for the test analyzer to warm up and stabilize. Measure zero air and record the stable reading in ppm as B_z. (See Figure B–3 in Appendix A.)

(ii) Generate and measure a pollutant test atmosphere concentration equal to the value for the lower detectable limit specified in Table B–1.

NOTE.—If necessary, the test atmosphere concentration may be generated or verified at a higher concentration, then accurately diluted with zero air to the final required concentration.

(iii) Record the test analyzer's stable indicated reading, in ppm, as B_L.

(iv) Determine the Lower Detectable Limit (LDL) as $LDL=B_L-B_z$. Compare this LDL value with the noise level, S_0, determined in § 53.23(b), for 0 concentration test atmosphere. LDL must be equal to or higher than $2xS_0$ to pass this test.

(d) *Interference Equivalent* — (1) *Technical Definition.* Positive or negative response caused by a substance other than the one being measured.

(2) *Test Procedure.* The test analyzer shall be tested for all substances likely to cause a detectable response. The test analyzer shall be challenged, in turn, with each interfering agent specified in Table B–3. In the event that there are substances likely to cause a significant interference which have not been specified in Table B–3, these substances shall be tested at a concentration substantially higher than that normally found in the ambient air. The interference may be either positive or negative, depending on whether the test analyzer's response is increased or decreased by the presence of the interferent. Interference equivalents shall be detemined by mixing each interferent, one at a time, with the pollutant at the concentrations specified in Table B–3, and comparing the test analyzer's response to the response caused by the pollutant alone. Known gas-phase reactions that might occur between an interferent and the pollutant are designated by footnote (c) in Table B–3. In these cases, the interference equivalent shall be determined in the absence of the pollutant.

TABLE B-3. INTERFERENT TEST CONCENTRATION,[1] PARTS PER MILLION

Pollutant	Analyzer type[2]	Hydrochloric acid	Ammonia	Hydrogen sulfide	Sulfur dioxide	Nitrogen dioxide	Nitric oxide	Carbon dioxide	Ethylene	Ozone	M-Xylene	Water vapor	Carbon monoxide	Methane	Ethane
SO_2	Flame photometric (FPD)			0.1	[4] 0.14			750				[3] 20,000	50		
SO_2	Gas chromatography (FPD).			0.1	[4] 0.14			750				[3] 20,000	50		
SO_2	Spectrophotometric-wet chemical (pararosaniline reaction).	0.2	[3] 0.1	0.1	[4] 0.14	0.5		750		0.5					
SO_2	Electrochemical	0.2	[3] 0.1	0.1	[4] 0.14	0.5	0.5		0.2	0.5		[3] 20,000			
SO_2	Conductivity	0.2	[3] 0.1		[4] 0.14	0.5		750							
SO_2	Spectrophotometric-gas phase.				[4] 0.14	0.5	0.5			0.5	0.2				
O_3	Chemiluminescent			[3] 0.1				750		[4] 0.08		[3] 20,000			
O_3	Electrochemical		[3] 0.1		0.5	0.5				[4] 0.08		[3] 20,000			
O_3	Spectrophotometric-wet chemical (potassium iodide reaction).		[3] 0.1		0.5	0.5	[3] 0.5			[4] 0.08					
O_3	Spectrophotometric-gas phase.				0.5	0.5	[3] 0.5			[4] 0.08					
CO	Infrared							750				20,000	[4] 10		
CO	Gas chromatography with flame photometric detector.											20,000	[4] 10		0.5
CO	Electrochemical						0.5		0.2			20,000	[4] 10	5.0	0.5
CO	Catalytic combustion-thermal detection.			0.1				750	0.2			20,000	[3] 10		0.5
CO	IR fluorescence							750				20,000	[3] 10		0.5
CO	Mercury replacement-UV photometric.								0.2				[3] 10		0.5

[1] Concentrations of interferent listed must be prepared and controlled to ±10 percent of the stated value.
[2] Analyzer types not listed will be considered by the Administrator as special cases.
[3] Do not mix with pollutant.
[4] Concentration of pollutant used for test. These pollutant concentrations must be prepared to ±10 percent of the stated value.

(i) Allow sufficient time for warm-up and stabilization of the test analyzer.

(ii) For a candidate method using a prefilter or scrubber based upon a chemical reaction to derive part of its specificity, and which requires periodic service or maintenance, the test analyzer shall be "conditioned" prior to each interference test as follows:

(A) Service or perform the indicated maintenance on the scrubber or prefilter as directed in the manual referred to in § 53.4(b)(3).

(B) Before testing for each interferent, allow the test analyzer to sample through the scrubber a test atmosphere containing the interferent at a concentration equal to the value specified in Table B–3. Sampling shall be at the normal flow rate and shall be continued for 6 continuous hours prior to testing.

(iii) Generate three test atmosphere streams as follows:

(A) Test atmosphere *P*: Pollutant concentration.

(B) Test atmosphere *I*: Interference concentration.

(C) Test atmosphere *Z*: Zero air.

(iv) Adjust the individual flow rates and the pollutant or interferent generators for the three test atmospheres as follows:

(A) The flow rates of test atmospheres *I* and *Z* shall be identical.

(B) The concentration of pollutant in test atmosphere *P* shall be adjusted such that when *P* is mixed (diluted) with either test atmosphere *I* or *Z*, the resulting concentration of pollutant shall be as specified in Table B–3.

(C) The concentration of interferent in test atmosphere *I* shall be adjusted such that when *I* is mixed (diluted) with test atmosphere *P*, the resulting concentration of interferent shall be equal to the value specified in Table B–3.

(D) To minimize concentration errors due to flow rate differences between *I* and *Z*, it is recommended that, when possible, the flow rate of *P* be from 10 to 20 times larger than the flow rates of *I* and *Z*.

(v) Mix test atmospheres *P* and *Z* by passing the total flow of both atmospheres through a mixing flask.

(vi) Sample and measure the mixture of test atmospheres *P* and *Z* with the test analyzer. Allow for a stable reading, and record the reading, in concentration units, as *R* (see Figure B–3).

(vii) Mix test atmospheres *P* and *I* by passing the total flow of both atmospheres through a mixing flask.

(viii) Sample and measure this mixture. Record the stable reading, in concentration units, as R_I.

(ix) Calculate the interference equivalent (*IE*) as:

$$IE=R_I-R$$

IE must be equal to or less than the specification given in Table B–1 for each interferent to pass the test.

(x) Follow steps (iii) through (ix), in turn, to determine the interference equivalent for each interferent.

(xi) For those interferents which cannot be mixed with the pollutant, as indicated by footnote (c) in Table B–3, adjust the concentration of test atmosphere *I* to the specified value without being mixed or diluted by the pollutant test atmosphere. Determine *IE* as follows:

(A) Sample and measure test atmosphere *Z* (zero air). Allow for a stable reading and record the reading, in concentration units, as *R*.

(B) Sample and measure the interferent test atmosphere *I*. If the test analyzer is not capable of negative readings, adjust the analyzer (not the recorder) to give an offset zero. Record the stable reading in concentration units as R_I, extrapolating the calibration curve, if necessary, to represent negative readings.

(C) Calculate $IE=R_I-R$. *IE* must be equal to or less than the specification in Table B–1 to pass the test.

(xii) Sum the absolute value of all the individual interferences equivalents. This sum must be equal to or less than the total interferent specification given in Table B–1 to pass the test.

(e) *Zero Drift, Span Drift, Lag Time, Rise Time, Fall Time, and Precision*—(1) *Technical Definitions*—(i) *Zero Drift:* The change in response to zero pollutant concentration, over 12- and 24-hour periods of continuous unadjusted operation.

(ii) *Span Drift:* The percent change in response to an up-scale pollutant concentration over a 24-hour period of continuous unadjusted operation.

(iii) *Lag Time:* The time interval between a step change in input concentration and the first observable corresponding change in response.

(iv) *Rise Time:* The time interval between initial response and 95 percent of final response after a step decrease in input concentration.

(v) *Fall Time:* The time interval between initial response and 95 percent of final response after a step increase in input concentration.

(vi) *Precision:* Variation about the mean of repeated measurements of the same pollutant concentration, expressed as one standard deviation about the mean.

(2) Tests for these performance parameters shall be accomplished over a period of seven (7) or more days. During this time, the line voltage supplied to the test analyzer and the ambient temperature surrounding the analyzer shall be varied from day to day. One test result for each performance parameter shall be obtained each test day, for seven (7) or fifteen (15) test days as necessary. The tests are performed sequentially in a single procedure.

(3) The 24-hour test day may begin at any clock hour. The first 12 hours out of each test day are required for testing 12-hour zero drift. Tests for the other parameters shall be conducted during the remaining 12 hours.

(4) Table B–4 specifies the line voltage and room temperature to be used for each test day. The line voltage and temperature shall be changed to the specified values at the start of each test day (i.e., at the start of the 12-hour zero test). Initial adjustments (day zero) shall be made at a line voltage of 115 volts (rms) and a room temperature of 25° C.

(5) The tests shall be conducted in blocks consisting of 3 test days each until 7 or 15 test results have been obtained. (The final block may contain fewer than three test days.) If a test is interrupted by an occurrence other than a malfunction of the test analyzer, only the block during which the interruption occurred shall be repeated.

(6) During each block, manual adjustments to the electronics, gas, or reagent flows or periodic maintenance shall not be permitted. Automatic adjustments which the test analyzer performs by itself are permitted at any time.

(7) At least 4 hours prior to the start of the first test day of each block, the test analyzer may be adjusted and/or serviced according to the periodic maintenance procedures specified in the manual referred to in § 53.4(b)(3). If a new block is to immediately follow a previous block, such adjustments or servicing may be done immediately after completion of the day's tests for the last day of the previous block and at the voltage and temperature specified for that day, but only on test days 3, 6, 9, and 12.

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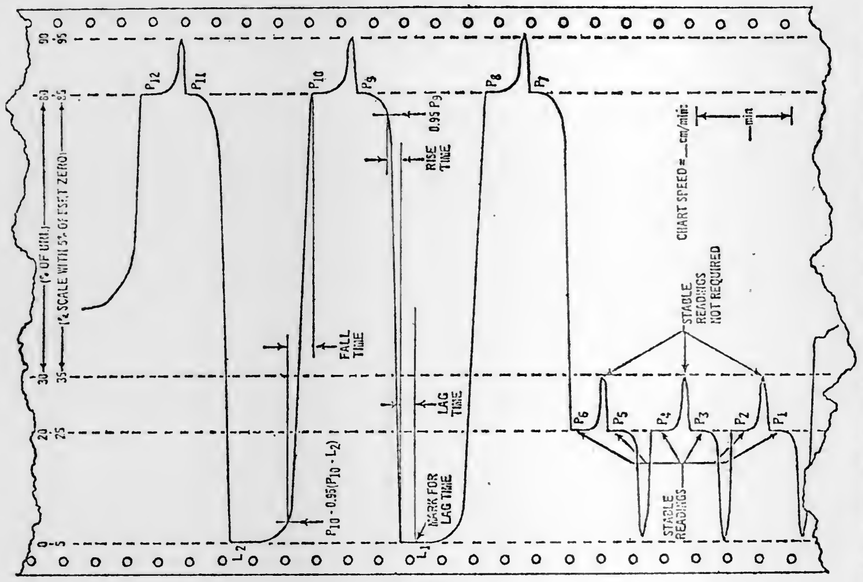


FIGURE B-1.—Example showing the nature of the tracing obtained during the test for drift, lag time, rise time, fall time, and precision. The time scale has been greatly compressed.

(8) All response readings to be recorded shall first be converting to the calibration units according to the calibration curve. Whenever a test atmosphere is to be measured but a stable reading is not required, the test atmosphere shall be measured long enough to cause a change in response of at least 10% of full scale. Indentify all readings and other pertinent data on the strip chart. (See Figure B-1 illustrating the pattern of the required readings.)

(9) *Test Procedure.* (i) Arrange to generate pollutant test atmospheres as follows:

TABLE B-4.—*Line voltage and room temperature test conditions*

Test day	Line voltage,[1] rms	Room temperature,[2] °C	Comments	Pollutant concentration (percent)	
0	115	25	Initial set-up and adjustments.	A_0	zero gas.
1	125	30		A_{20}	20±5 of the upper range limit.
2	105	30			
3	125	30	Adjustments and/or periodic maintenance permitted at end of tests.	A_{80}	30±5 of the upper range limit.
4	105	30		A_{90}	80±5 of the upper range limit.
5	125	30			
6	105	30	Adjustments and/or periodic maintenance permitted at end of tests.	A_{80}	90±5 of the upper range limit.
7	125	30	Examine test results to ascertain if further testing is required.		
8	105	30			
9	125	30	Adjustments and/or periodic maintenance permitted at end of tests.		
10	105	30			
11	125	30			
12	105	30	Adjustments and/or periodic maintenance permitted at end of tests.		
13	125	30			
14	105	30			
15	125	30			

[1] Voltage specified shall be controlled to ±1 volt.
[2] Temperature specified shall be controlled to ±1°C.

(ii) For steps (xxv) through (xxxi), a chart speed of at least 10 centimeters per hour shall be used. The actual chart speed, chart speed changes, and time checks shall be clearly marked on the chart.

(iii) Allow sufficient time for test analyzer to warm up and stabilize at a line voltage of 115 volts and a room temperature of 25° C. Recalibrate, if necessary, and adjust the zero baseline to 5 percent of chart. No further adjustments shall be made to the analyzer until the end of the tests on the third day.

(iv) Measure test atmosphere A_0 until a stable reading is obtained, and record this reading (in ppm) as Z'_n, where n=0 (see Figure B-4 in Appendix A).

(v) Measure test atmosphere A_{90}. Allow for a stable reading and record it as M'_n, where n=0.

(vi) Measure a test atmosphere A_{80}. Allow for a stable reading and record it as S'_n, where n=0.

(vii) The above readings for Z'_0, M'_0, and S'_0 should be taken at least four (4) hours prior to the beginning of test day 1.

(viii) At the beginning of each test day, adjust the line voltage and room temperature to the values given in Table B-4.

(ix) Measure test atmosphere A_0 continuously for at least twelve (12) continuous hours during each test day.

(x) After the 12-hour zero drift test (step ix), sample test atmosphere A_0 until the analyzer reading is below 15 percent of full scale. A stable reading is not required.

(xi) Measure test atmosphere A_{20} and record the stable reading (in ppm) as P_1. (See Figure B-4 in Appendix A.)

(xii) Sample test atmosphere A_{90}; a stable reading is not required.

(xiii) Measure test atmosphere A_{20} and record the stable reading as P_2.

(xiv) Sample test atmosphere A_0; a stable reading is not required.

(xv) Measure test atmosphere A_{20} and record the stable reading as P_3.

(xvi) Sample test atmosphere A_{90}; a stable reading is not required.

(xvii) Measure test atmosphere A_{20} and record the stable reading as P_4.

(xviii) Sample test atmosphere A_0; a stable reading is not required.

(xix) Measure test atmosphere A_{20} and record the stable reading as P_5.

(xx) Sample test atmosphere A_{90}; a stable reading is not required.

(xxi) Measure test atmosphere A_{20} and record the stable reading as P_6.

(xxii) Measure test atmosphere A_{80} and record the stable reading as P_7.

(xxiii) Sample test atmosphere A_{90}; a stable reading is not required.

(xxiv) Measure test atmosphere A_{80} and record the stable reading as P_8. Increase chart speed to at least 10 centimeters per hour.

(xxv) Measure test atmosphere A_0. Record the stable reading as L_1.

(xxvi) Quickly switch the test analyzer to measure test atmosphere A_{90} and mark the recorder chart to show the exact time when the switch occurred.

(xxvii) Measure test atmosphere A_{90} and record the stable reading as P_9.

(xxviii) Sample test atmosphere A_{90}; a stable reading is not required.

(xxix) Measure test atmosphere A_{90} and record the stable reading as P_{10}.

(xxx) Measure test atmosphere A_0 and record the stable reading as L_2.

(xxxi) Measure test atmosphere A_{90} and record the stable reading as P_{11}.

(xxxii) Sample test atmosphere A_{90}; a stable reading is not required.

(xxxiii) Measure test atmosphere A_{90} and record the stable reading as P_{12}.

(xxxiv) Repeat steps (viii) through (xxxiii) each test day.

(xxxv) If zero and span adjustments are made after the readings are taken on test days 3, 6, 9, or 12, complete all adjustments; then measure test atmospheres A_0, A_{90}, and A_{20}. Allow for a stable reading on each, and record the readings as Z'_n, S'_n, and M'_n, respectively, where n=the test day number.

(10) Determine the results of each day's tests as follows. Mark the recorder chart to show readings and determinations.

(i) *Zero Drift.* (A) 12-hour. Examine the strip chart pertaining to the 12-hour continuous zero gas test. Determine the minimum (°min.) and maximum (°max.) readings (in ppm) during this period of 12 consecutive hours, extrapolating the calibration curve to negative concentration units if necessary. Determine the 12-hour zero drift (12*ZD*) as 12*ZD*=°max. —°min. (See Fgure B-5 in Appendix A.)

(B) Calculate the 24-hour zero drift (24*ZD*) for the n-th test day as $24\ ZD_n = Z_n - Z_{n-1}$, or $24ZD_n = Z_n - Z'_{n-1}$ if zero adjustment was made on the previous day, where $Z_n = 1/2(L_1 + L_2)$ for L_1 and L_2 taken on the n-th test day.

(C) Compare 12*ZD* and 24*ZD* to the zero drift specification in Table B-1. Both 12*ZD* and 24*ZD* must be equal to or less than the specified value to pass the test for zero drift.

(ii) *Span Drift*

(A) Span drift at 20 percent of URL (MSD):

$$MSD_n = \frac{M_n - M_{n-1}}{M_{n-1}} \times 100\%,$$

or

$$MSD_n = \frac{M_n - M'_{n-1}}{M'_{n-1}} \times 100\%$$

if span adjustment was made on the previous day, where

$$M_n = \frac{1}{6} \sum_{i=1}^{6} P_i$$

n indicates the n-th test day, and i indicates the i-th reading on the nth day.

(B) Span drift at 80 percent of URL (USD):

$$USD_n = \frac{S_n - S_{n-1}}{S_{n-1}} \times 100\%,$$

or

$$USD_n = \frac{S_n - S'_{n-1}}{S'_{n-1}} \times 100\%$$

if span adjustment was made on the previous day, where

$$S_n = \frac{1}{6} \sum_{i=7}^{12} P_i$$

n indicates the n-th test day, and i indicates the i-th reading on the n-th test day.

(C) Both USD and MSD must be equal to or less than the specification given in Table B-1 to pass the test for span drift.

(iii) *Lag Time.* Determine, from the strip chart, the elapsed time in minutes between the mark made in step (xxvi) and the first observable (two times the noise level) response. This time must be equal to or less than the time specified in Table B-1 to pass the test for lag time.

(iv) *Rise Time.* Calculate 95 percent of reading P_9 and determine from the recorder chart, the elapsed time between the first observable (two times noise level) response and a response equal to 95 percent of the P_9 reading. This time must be equal to or less than the rise time specified in Table B-1 to pass the test for rise time.

(v) *Fall Time.* Calculate 95 percent of (P_{10}–L_2) and determine, from the strip chart, the elapsed time in minutes between the first observable decrease in response following reading P_{10} and a response equal to 95 percent of (P_{10}–L_2). This time must be equal to or less than the fall time specification in Table B-1 to pass the test for fall time.

(vi) *Precition.* Calculate precision (P_{20} and P_{80}) for each day's test as follows:

(A)

$$P_{20} = \sqrt{\frac{1}{5}\left[\sum_{i=1}^{6} P_i^2 - \frac{1}{6}\left(\sum_{i=1}^{6} P_i\right)^2\right]}$$

(B)

$$P_{80} = \sqrt{\frac{1}{5}\left[\sum_{i=7}^{12} P_i^2 - \frac{1}{6}\left(\sum_{i=7}^{12} P_i\right)^2\right]}$$

(C) Both P_{20} and P_{80} must be equal to or less than the specification given in Table B-1 to pass the test for precision.

APPENDIX A—OPTIONAL FORMS FOR REPORTING TEST RESULTS

TABLE B-5. SYMBOLS AND ABBREVIATIONS

B_L	Analyzer reading at specified *LDL* concentration.
B_Z	Analyzer reading at 0 concentration for *LDL* test.
DM	Digital meter.
C_{max}	Maximum analyzer reading during 12*ZD* test.
C_{min}	Minimum analyzer reading during 12*ZD* test.
i	Subscript indicating the *i*-th quantity in a series.
IE	Interference equivalent.
L_1	First analyzer zero reading for 24*ZD* test.
L_2	Second analyzer zero reading for 24*ZD* test.
M_n	Average of $P_1 \ldots P_6$ for the n-th test day.
M'_n	Adjusted span reading at 20 percent of *URL* on the n-th test day.
MSD	Span drift at 20 percent of *URL*.
n	Subscript indicating the test day number.
P	Analyzer reading for precision test.
P_i	The *i*-th analyzer reading for precision test.
P_{20}	Precision at 20 percent of *URL*.
P_{80}	Precision at 80 percent of *URL*.
R	Analyzer reading of pollutant alone for *IE* test.
R_I	Analyzer reading with interferent added for *IE* test.
r_i	The *i*-th *DM* reading for noise test.
S	Standard deviation of noise readings.
S_0	Noise value (*S*) measured at 0 concentration.
S_{80}	Noise value (*S*) measured at 80 percent of *URL*.
S_n	Average of $P_7 \ldots P_{12}$ for the n-th test day.
S'_n	Adjusted span reading at 80 percent of *URL* on the n-th test day.
URL	Upper range limit.
USD	Span drift at 80 percent of *URL*.
Z	Average of L_1 and L_2.
Z_n	Average of L_1 and L_2 on the n-th test day.
Z'_n	Adjusted zero reading on the n-th test day.
ZD	Zero drift.
12*ZD*	12-hour zero drift.
24*ZD*	24-hour zero drift.

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Applicant _____ Date _____

Test No. _____

Analyzer _____ Range _____

READING NUMBER (i)	TIME	0% of URL		80% of URL	
		DM READING	r_i, ppm	DM READINGS	r_i, ppm
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
$\sum_{i=1}^{25} r_i$					
$\sum_{i=1}^{25} r_i^2$					
S			S_0 =		S_{80} =

Figure B-2. Form for noise data.

Applicant _____

Analyzer _____ Range _____

TEST PARAMETER		READING OR CALCULATION	TEST NUMBER 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
LOWER DETECTABLE LIMIT		R_Z															
		R_L															
		$LDL = R_L - R_Z$															
INTERFERENCE EQUIVALENT	1	R_1															
		R_{11}															
		$IE_1 = R_{11} - R_1$															
	2	R_2															
		R_{12}															
		$IE_2 = R_{12} - R_2$															
	3	R_3															
		R_{13}															
		$IE_3 = R_{13} - R_3$															
	4	R_4															
		R_{14}															
		$IE_4 = R_{14} - R_4$															
	5	R_5															
		R_{15}															
		$IE_5 = R_{15} - R_5$															
	TOTAL	$IE_T = \sum_{i=1}^{5} \lvert IE_i \rvert$															

Figure B-3. Form for data and calculations for lower detectable limit and interference equivalent.

Applicant _____

Analyzer _____ Range _____

TEST DAY (x)	ANALYZER READING, ppm 0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
DATE																
P_1																
P_2																
P_3																
P_4																
P_5																
P_6																
$\sum_{i=1}^{6} P_i^2$																
P_7																
P_8																
P_9																
P_{10}																
P_{11}																
P_{12}																
$\sum_{i=7}^{12} P_i^2$																
L_1																
L_2																
Z_x																
σ_x																
$\bar{x}_x$																
C_{corr}																
C_{calc}																

Figure B-4. Form for recording data for drift and precision.

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Applicant _____ Range _____
Analyzer _____

TEST PARAMETER		CALCULATION	n - th TEST DAY 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Zero drift	12 hour	$12ZD = C_{max} - C_{min}$															
	24 hour	$Z = \frac{1}{2}(L_1 + L_2)$															
		$24ZD_n = Z_n - Z_{n-1}$															
		$24ZD_n = Z_n - Z'_{n-1}$															
Span drift	20% URL	$M_n = \frac{1}{6}\sum_{i=1}^{6} P_i$															
		$ASD_n = \frac{M_n - M_{n-1}}{M_{n-1}} \times 100\%$															
		$ASD_n = \frac{M_n - M'_{n-1}}{M'_{n-1}} \times 100\%$															
	80% URL	$S_n = \frac{1}{6}\sum_{i=7}^{12} P_i$															
		$USD_n = \frac{S_n - S_{n-1}}{S_{n-1}} \times 100\%$															
		$USD_n = \frac{S_n - S'_{n-1}}{S'_{n-1}} \times 100\%$															
Precision	20% URL	$P_{20} = \sqrt{\frac{1}{5}\left[\sum_{i=1}^{6} P_i^2 - \frac{1}{6}\left(\sum_{i=1}^{6} P_i\right)^2\right]}$															
	80% URL	$P_{80} = \sqrt{\frac{1}{5}\left[\sum_{i=7}^{12} P_i^2 - \frac{1}{6}\left(\sum_{i=7}^{12} P_i\right)^2\right]}$															

Figure B-5. Form for calculating zero drift, span drift and precision.

Applicant _____ Analysis _____
Analyzer _____
Range _____

PERFORMANCE PARAMETER		Table B-1 spec.	TEST 1	2	3	4	5	6	7	TEST 8	9	10	11	12	13	14	15	No. of test failures	Pass or fail
NOISE, ppm	0% URL (S_0)																		
	80% URL (S_{80})																		
LDL (must be 2 x noise)																			
INTERFERENCE EQUIVALENT, ppm	IE_1																		
	IE_2																		
	IE_3																		
	IE_4																		
	IE_5																		
	TOTAL (IE_T)																		
ZERO DRIFT, ppm	12 hour (12ZD)																		
	24 hour (24ZD)																		
SPAN DRIFT,	20% URL (ASD)																		
	80% URL (USD)																		
LAG TIME, min																			
RISE TIME, min																			
FALL TIME, min																			
PRECISION, ppm	20% URL (P_{20})																		
	80% URL (P_{80})																		

*Compare each test LDL reading with the corresponding noise measurements; LDL reading must exceed the 0% URL noise value by a factor of 2 to pass the test for LDL.

Figure B-6. Form for summary of test results.

Subpart C—Procedures for Determining a Consistent Relationship Between Candidate Methods and Reference Methods

§ 53.30 General provisions.

(a) *Determination of Consistent Relationship.* The test procedures given in this subpart shall be used to determine if a candidate method has a consistent relationship to a reference method when both methods measure pollutant concentrations in a real atmosphere. A consistent relationship is shown when the differences between (1) measurements made by a candidate manual method or by a test analyzer representative of a candidate automated method, and (2) measurements made simultaneously by a reference method are less than or equal to the value specified in the last column of Table C–1.

(b) *Selection of Test Sites.* The test site shall be in a predominantly urban area away from large bodies of water, and shall be one having a history of at least moderate concentrations of various pollutants. The site shall be clearly identified and shall be justified with suitable supporting evidence such as maps, population density data, vehicular traffic data, emission inventories, pollutant measurements from previous years, concurrent pollutant measurements, and wind or weather data. The Administrator may in his discretion select a different site (or sites) for any additional tests he decides to conduct.

(c) *Test Atmosphere.* Ambient air sampled at the test site shall be used for these tests. Simultaneous concentration measurements shall be made in each of three ranges as specified in Table C–1. If necessary, the concentration of pollutant in the sampled ambient air may be augmented with artificially generated pollutant to facilitate measurements in these specified rages. However, at all times the gas measured by the candidate and reference methods under test shall consist of not less than 80 percent ambient air by volume.

(d) *Submission of Test Data and Other Information.* All recorder charts, calibration data, records, test data, procedural descriptions and details, and other documentation obtained from (or pertinent to) these tests shall be identified, dated, signed by the analyst performing the test, and submitted.

(e) *Sample Manifold.* All test concentration measurements shall be made on air sampled from a common intake and distribution manifold, and in such a way that both the candidate method and the reference method receive homogeneous air samples. Precautions shall be taken in the design and construction of this manifold to minimize the removal of particulates and trace gases, and to insure that identical samples reach the two methods. Schematic drawings, physical illustrations, descriptions, and complete details of this manifold system shall be submitted.

§ 53.31 Test conditions.

(a) *All Methods.* All test measurements made or test samples collected shall be at a room temperature between 20° and 30° C., and at a line voltage between 105 and 125 volts. All methods shall be calibrated as specified in paragraph (c) of this section prior to initiation of the tests.

(b) *Automated Methods.* Set-up and start-up of the test analyzer (and the reference method if automated) shall be in strict accordance with the applicable operation manual(s). If the test analyzer does not have an integral strip chart recorder, connect the analyzer output to a suitable strip chart recorder of the servo, null-balance type. This recorder shall have a chart width of at least 25 centimeters, a response time of 1 second or less, and a deadband of not more than 0.25 percent of full scale, and capability of either reading measurements at least 5 percent below zero or offsetting the zero by at least 5 percent.

NOTE.—Other data acquisition components may be used along with the chart recorder during the conduct of these tests. Use of the chart recorder is intended only to facilitate evaluation of data submitted.

Allow adequate warmup or stabilization time as indicated in the applicable operation manual(s) before beginning the tests.

(c) *Calibration.* The reference method shall be calibrated according to the applicable operation manual. A candidate manual method (or portion thereof) shall be calibrated if such calibration is a part of the method. For a candidate automated method, the test analyzer shall be calibrated according to the manual referred to in § 53.4(b)(3) and as follows: If the chart recorder does not have below zero capability, adjust either the test analyzer's controls or the chart recorder to obtain a +5 percent offset zero reading on the recorder chart to facilitate observing negative drift. Construct and submit a calibration curve showing a plot of recorder scale readings (ordinate) against pollutant concentrations (abscissa). A plot of test analyzer output units (volts, millivolts, milliamps, etc.) against pollutant concentrations shall also be shown for candidate methods not including integral chart recorders. All such plots shall consist of at least seven (7) approximately equally spaced, identifiable points, including 0 and 90±5 percent of full scale.

(d) *Range.* (1) Except as provided in paragraph (d)(2) of this section, each method shall be operated in the range specified in Table B–1 of Subpart B of this part.

(2) For a candidate method having more than one selectable range, one range must be that specified in Table B–1 and a test analyzer representative of the method must pass the tests required by this subpart while operated in that range. The tests may be repeated for a broader range (i.e., one extending to higher concentrations) than the one specified in Table B–1, provided that the range does not extend to concentrations more than two times the upper range limit specified in Table B–1 and that the test analyzer has passed the tests required by Subpart B of this part (if applicable) for the broader range. If the tests required by this subpart are conducted or passed only for the range specified in Table B–1, any equivalent method determination with respect to the method will be limited to that range. If the tests are passed for both the specified range and a broader range (or ranges), any such determination will include the broader range(s) as well as the specified range. Appropriate test data shall be submitted for each range sought to be included in such a determination.

(e) *Operation of Automated Methods.* (1) Once the test analyzer has been set up and calibrated and tests started, manual adjustment or normal periodic maintenance is permitted only every 3 days. Automatic adjustments which the test analyzer performs by itself are permitted at any time. At 3-day intervals, only adjustments and periodic maintenance as specified in the manual referred to in § 53.4(b)(3) are permitted. The submitted records shall show clearly when manual adjustments were made and describe the operations performed.

(2) All test measurements shall be made with the same test analyzer; use of multiple test analyzers is not permitted. The test analyzer shall be operated continuously during the entire series of test measurements.

(3) If a test analyzer should malfunction during any of these tests, the entire set of measurements shall be repeated, and a detailed explanation of the malfunction, remedial action taken, and whether recalibration was necessary (along with all pertinent records and charts) shall be submitted.

§ 53.32 Test procedures.

(a) Conduct the first set of simultaneous measurements with the candidate and reference methods:

(1) Table C–1 specifies the type (1- or 24-hour) and number of measurements to be made in each of the three test concentration ranges.

(2) The pollutant concentration must fall within the specified range as measured by the reference method.

(3) The measurements shall be made in the sequence specified in Table C–2, except for the 1-hour SO_2 measurements, which are all in the high range.

(b) For each pair of measurements, determine the difference (discrepancy) between the candidate method measurement and reference method measurement. A discrepancy which exceeds the discrepancy specified in Table C–1 constitutes a failure. (See Figure C–1 in Appendix A for a suggested format for reporting the test results).

(c) The results of the first set of measurements shall be interpreted as follows:

(1) Zero (0) failures: The candidate method passes the test for consistent relationship.

(2) Three (3) or more failures: The candidate method fails the test for consistent relationship.

(3) One (1) or two (2) failures: Conduct a second set of simultaneous measurements as specified in Table C–1. The results of the combined total of first-set and second-set measurements shall be interpreted as follows:

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(i) One (1) or two (2) failures: The candidate method passes the test for consistent relationship.

(ii) Three (3) or more failures: The candidate method fails the test for consistent relationship.

(4) For sulfur dioxide, the 1-hour and and 24-hour measurements shall be interpreted separately, and the candidate method must pass the tests for both 1- and 24-hour measurements to pass the test for consistent relationship.

(d) A 1-hour measurement consists of the integral of the instantaneous concentration over a 60-minute continuous period divided by the time period. Integration of the instantaneous concentration may be performed by any appropriate means such as chemical ,electronic, mechanical, visual judgment, or by calculating the mean of not less than 12 equally spaced instantaneous readings. Appropriate allowances or corrections shall be made in cases where significant errors could occur due to characteristic lag time or rise/fall-time differences between the candidate and reference methods. Details of the means of integration and any corrections shall be submitted.

(e) A 24-hour measurement consists of the integral of the instantaneous concentration over a 24-hour continuous period divided by the time period. This integration may be performed by any appropriate means such as chemical, electronic, mechanical, or by calculating the mean of twenty-four (24) sequential 1-hour measurements.

(f) For oxidant and carbon monoxide, no more than six (6) 1-hour measurements shall be made per day. For sulfur dioxide, no more than four (4) 1-hour measurements or one (1) 24-hour measurement shall be made per day. One-hour measurements may be made concurrently with 24-hour measurements if appropriate.

(g) For applicable methods, control or calibration checks may be performed once per day without adjusting the test analyzer or method. These checks may be used as a basis for a linear interpolation-type correction to be applied to the measurements to correct for drift. If such a correction is used, it shall be applied to all measurements made with the method, and the correction procedure shall become a part of the method.

TABLE C-1. TEST CONCENTRATION RANGES, NUMBER OF MEASUREMENTS REQUIRED, AND MAXIMUM DISCREPANCY SPECIFICATION

Pollutant	Concentration range	Simultaneous measurements required				Maximum discrepancy specification
		1 hr		24 hr		
		First set	Second set	First set	Second set	
Oxidants	Low 0.06–0.10	5	6			0.02
	Medium 0.15–0.25	5	6			.03
	High 0.35–0.45	4	6			.04
	Total	14	18			
Carbon monoxide.	Low 7–11	5	6			1.5
	Medium 20–30	5	6			2.0
	High 35–45	4	6			3.0
	Total	14	18			
Sulfur dioxide	Low 0.02–0.05			3	3	.02
	Medium 0.10–0.15			2	3	.03
	High 0.40–0.50	7	8	2	2	.04
	Total	7	8	7	8	

TABLE C-2. SEQUENCE OF TEST MEASUREMENTS

Measurement	Concentration range	
	First set	Second set
1	Low	Medium.
2	High	High.
3	Medium	Low.
4	High	High.
5	Low	Medium.
6	Medium	Low.
7	Low	Medium.
8	Medium	Low.
9	High	High.
10	Medium	Low.
11	High	Medium.
12	Low	High.
13	Medium	Medium
14	Low	High.
15		Low.
16		Medium.
17		Low.
18		High.

APPENDIX A—OPTIONAL FORM FOR REPORTING TEST RESULTS

Candidate Method _____

Reference Method _____

Applicant _____ Pollutant _____

☐ First Set ☐ Second Set ☐ Type ☐ 1 hour ☐ 24 hour

CONCENTRATION RANGE		DATE	TIME	CONCENTRATION, ppm		DIFFERENCE	TABLE C-1 SPEC.	PASS OR FAIL
				CANDIDATE	REFERENCE			
LOW ____ ppm to ____ ppm	1							
	2							
	3							
	4							
	5							
	6							
MEDIUM ____ ppm to ____ ppm	1							
	2							
	3							
	4							
	5							
	6							
HIGH ____ ppm to ____ ppm	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
TOTAL FAILURES:								

Figure C-1. Form for Subpart C test results.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 50, 51, 53]

[FRL 314-5]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Notice of Proposed Rulemaking

Notice is hereby given that the Environmental Protection Agency is considering amendments to Parts 50, 51, and 53 of Title 40, Code of Federal Regulations, as set forth below.

Elsewhere in this issue of the FEDERAL REGISTER, EPA is amending Chapter I of Title 40, Code of Federal Regulations, by adding a new Part 53, entitled "Ambient Air Monitoring Reference and Equivalent Methods," and by revising related provisions of Parts 50 and 51. As discussed more fully in the preamble accompanying the new Part 53 regulations, the purpose of those regulations is to establish definitive requirements and procedures by which methods of sampling and analyzing the ambient air may be designated as "reference methods" or "equivalent methods" for the measurement of specified air pollutants. In general, the amendments proposed in this notice were inspired by public comments on Part 53 as originally proposed (38 FR 28438, Oct. 12, 1973) and are intended to add flexibility to Part 53 and related provisions by providing for situations not already addressed.

SUPERSESSION OF REFERENCE METHODS

EPA intends to encourage and take advantage of advances in the art of monitoring pollutants in ambient air. Accordingly, it is proposed to amend Part 53 by adding a new § 53.16, set forth below, establishing procedures and criteria applicable to requests that the Administrator specify a new manual reference method, or a new measurement principle and calibration procedure for automated reference methods, by revising the appropriate appendix to 40 CFR Part 50. A corresponding amendment to § 53.7 would make clear that the Administrator may take such action in the absence of a request under § 53.16. For purposes of 40 CFR 51.17(a), supersession of a reference method under the proposed § 53.16 would ordinarily require replacement of existing air monitoring methods within a reasonable period as discussed more fully below.

(1) *Criteria for supersession.* The Administrator would ordinarily take action under the proposed § 53.16 only if he determined that a candidate method (or some variation thereof) were substantially superior to the existing reference method(s). In exercising his discretion, the Administrator would consider not only the benefits that would result from such action but also the potential economic consequences for State and local air pollution control agencies and any disruption of State and local air quality monitoring programs that might result from the necessity of replacing existing air monitoring equipment within a reasonable period. As a result, it is expected that supersession of reference methods would occur relatively infrequently, and only when the advantages of such action appeared to outweigh potential disadvantages by a substantial margin.

(2) *Procedures.* Because action under the proposed § 53.16 would involve amendment of Part 50 and would affect both manufacturers and users of air monitoring methods, as well as the public interest in effective air pollution control programs, EPA believes such action should be governed by the requirements for informal rulemaking (sometimes referred to as "notice-and-comment" rulemaking) specified in section 4 of the Administrative Procedure Act, 5 U.S.C. 553. Accordingly, proposed § 53.16 provides that informal rulemaking procedures would be followed once the Administrator had reached a tentative conclusion that revision of an appendix to Part 50 would be appropriate under § 53.16. As discussed more fully below, § 53.16 would also establish procedures by which an applicant could seek to invoke the informal rulemaking process. In effect, these procedures would implement 5 U.S.C. 553(e), which requires in general terms that agencies afford interested persons the right to petition for the issuance, amendment, or repeal of a rule.

A person requesting action under the proposed § 53.16 would submit an application similar to that required by § 53.4 for a reference or equivalent method determination. Within 75 days, the Administrator would make a "preliminary finding" on the application or notify the applicant that further information or tests were needed before a preliminary finding could be made. If the preliminary finding were negative (in which case the Administrator would determine whether the applicant's candidate method were a reference or equivalent method), the applicant could appeal the finding by various means. If the preliminary finding were affirmative (or if a negative preliminary finding were reversed after an appeal), the Administrator would publish a notice of proposed rulemaking in the FEDERAL REGISTER, indicating that he proposed: (a) To revise the appropriate appendix to Part 50, and (b) to take appropriate action to cancel existing reference or equivalent method designations. The notice would indicate what period(s) of time the Administrator proposed to allow for replacement of existing methods (discussed below) and would solicit public comments on the proposal. If, after consideration of comments received, the Administrator determined that the appendix in question should be revised, he would take appropriate action by publication in the FEDERAL REGISTER.

(3) *Replacement of existing methods.* 40 CFR 51.17(a), as amended elsewhere in this issue of the FEDERAL REGISTER, requires that State implementation plans adopted pursuant to § 110 of the Clean Air Act (42 U.S.C. 1857c-5) provide for the establishment of air quality surveillance systems. Each such system must comply with certain requirements, one of which is that each method used by a State to monitor the ambient air for certain pollutants must ordinarily be either the appropriate reference method or an equivalent method (see 40 CFR 51.17a, promulgated elsewhere in this issue of the FEDERAL REGISTER). In the event that an appendix to 40 CFR Part 50 were revised (and existing reference or equivalent method designations cancelled) under the proposed § 53.16, 40 CFR 51.17a, would ordinarily require State and local control agencies to replace existing monitoring methods with new reference or equivalent methods based on the revised appendix. To minimize the costs and disruption that might result, it is proposed to amend § 51.17(a) to provide a reasonable period, to be determined by the Administrator, for the replacement of existing equipment in such cases. As indicated above, the period(s) the Administrator proposed to allow would be included in the notice of proposed rulemaking that would precede revision of the appendix in question, and the period(s) could be revised after consideration of comments received in response to the notice.

USE OF NON-CONFORMING ANALYZERS IN CERTAIN CASES

Some comments on Part 53 as originally proposed suggested that use of existing analyzers be permitted for the remainder of their useful lives under 40 CFR 51.17(a) where the anlyzers partially or substantially meet the requirements of Part 53. In response, EPA is proposing the following additional exceptions to the general rule requiring use of reference or equivalent methods for purposes of 40 CFR 51.17(a).

(1) *Interference exception.* Some comments suggested that use of existing analyzers not meeting the interference requirements of Part 53 be allowed in geographical areas where pertinent interferents are not present in ambient air. EPA believes that an exception to the general rule requiring use of reference or equivalent methods would be appropriate in such cases, provided that the circumstances justifying the exception were satisfactorily demonstrated. Accordingly, it is proposed to amend § 51.17a by adding a new paragraph (b), set forth below, that would permit use of existing analyzers for their useful lives where such circumstances were demonstrated to exist. The new paragraph (b) would require submittal of information showing that such analyzers met all applicable requirements of Part 53 (other than those pertaining to interference) and that the pertinent interferents did not occur in significant concentrations in the geographical areas in question. To minimize the burden of such submittals, paragraph (b) would provide that agencies applying for the exception could rely on data or other information known to EPA from its own testing, from manufacurers' applications for reference or equivalent method determinations, or from other requests for exceptions involving analyzers of the same type. Although approval of an exception under paragraph (b) could be withdrawn if circumstances changed, the proposed amendment would provide an option for State and local agencies that are reluctant to replace existing analyzers.

(2) *Range exceptions.* Some comments suggested that use of existing analyzers having ranges other than those specified in Table B-1 of Subpart B of Part 53 should be permitted for purposes of 40 CFR 51.17(a). EPA believes two exceptions to the general rule requiring use of reference or equivalent methods may be appropriate for existing analyzers that have non-conforming ranges but otherwise meet the requirements of Part 53.

First, it is proposed to amend 40 CFR 51.17a by adding a new paragraph (c), set forth below, which would permit use of existing analyzers for their useful lives where they met all requirements of Part 53 other than the range specification, provided that the range of each such analyzer did not extend to concentrations more than two times the upper range limit specified in Table B-1 (or, if the analyzer had more than one selectable range, that it would not be used in any range extending to such concentrations). The purpose of the limitation just stated would be to exclude use of analyzers having such broad ranges that their resolution may be inadequate for purposes of 40 CFR 51.17(a).

Second, it is proposed to amend 40 CFR 51.17a by adding a new paragraph (d), set forth below, that would permit use in some cases of analyzers having ranges broader (i.e., extending to higher concentrations) than those permitted by the proposed paragraph (c). Unusually high concentrations of pollutants occur on occasion in some geographical areas, and paragraph (d) would permit use in those areas of analyzers capable of measuring the higher concentrations if the requirements of Part 53 were otherwise met and (a) one range of each analyzer were the range specified in Table B-1 (or one approved under the proposed paragraph (c)), and (b) the range used to measure higher concentrations had adequate resolution for its intended use. In view of the special purpose of the exception, it would apply not only to existing analyzers but also to analyzers bought in the future.

As with the interference exception discussed above, both range exceptions would require approval by EPA, but agencies applying for the exceptions could rely on data or other information known to EPA from its own testing and from other sources. Although the exceptions would not apply in all cases, they would provide additional options for some State and local agencies.

As indicated previously, the two provisions just discussed would be exceptions to the general rule requiring use of reference or equivalent methods under 40 CFR 51.17(a); they would not affect the criteria applicable to designation of reference or equivalent methods under Part 53 and should not be confused with special provisions in Part 53 (§§ 53.20(b) and 53.31(d)) that concern designation of additional ranges in multirange analyzers.

MODIFICATION OF METHODS BY USERS

Several comments received on Part 53 as originally proposed expressed concern about provisions (proposed §§ 53.12 and 53.13) concerning modification of reference or equivalent methods. In particular, there was confusion whether the provisions (now combined in § 53.14) were addressed to manufacturers of methods, to users of methods, or to both. As discussed in the preamble to Part 53, promulgated elsewhere in this issue of the FEDERAL REGISTER, language has been included in § 53.14 to make clear that it applies only to sellers of reference or equivalent methods. To assure the reliability and national comparability of air quality data obtained under 40 CFR 51.17(a), however, EPA believes some provision is necessary for approval of user modifications as well.

Accordingly, it is proposed to amend 40 CFR 51.17a by adding a new paragraph (e), set forth below, that would require prior approval of user modifications that would or might "significantly" alter the performance characteristics of a reference method, equivalent method, or "alternative method." (For purposes of the proposed paragraph (e), "alternative method" would be defined as an analyzer the use of which had been approved under one or more of the interference and range exceptions discussed above.) As with 40 CFR 53.14, promulgated elsewhere in this issue of the FEDERAL REGISTER, the proposed paragraph (e) would attempt to minimize any burdens and delays resulting from the requirement of prior approval by encouraging brevity in requests for approval and by asking the user to state the probable effect of the modification. In many cases, little information would probably be necessary to demonstrate that the modification would have no significant adverse effect on the performance characteristics of the method, and in such cases the time necessary for EPA review should be short. In addition, requests for approval would be necessary, as indicated above, only for modifications that would or might "significantly" alter the performance characteristics of the method; accordingly, requests for approval should be unnecessary for most minor modifications of methods. Finally, provision would be made to permit temporary modifications without prior approval in certain cases.

CONDITIONS OF DESIGNATION

In response to several comments received on Part 53 as originally proposed, it is proposed to amend 40 CFR 53.9 by adding several further conditions applicable to designations of reference or equivalent methods. As with the conditions already specified in § 53.9, failure to comply with any of the proposed additional conditions would constitute grounds for cancellation of such designations.

The proposed additional conditions may be summarized as follows:

(1) Any analyzer offered for sale as a reference or equivalent method would be required to bear a label or sticker indicating that it had been designated as a reference or equivalent method in accordance with Part 53.

(2) If such an analyzer had one or more selectable ranges, the label or sticker would be required to be placed in close proximity to the range selector and to indicate which range or ranges had been designated as reference or equivalent methods.

(3) An applicant who offered analyzers for sale as reference or equivalent methods would be required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzers had been cancelled or if adjustment of the analyzers were necessary under 40 CFR 53.11(b) to avoid a cancellation.

(4) An applicant who modified an analyzer previously designated as a reference or equivalent method would not be permitted to sell the analyzer (as modified) as a reference or equivalent method (although he might choose to sell it without such representations), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he had received notice under 40 CFR 53.14(c) that the original designation or a new designation would apply to the method as modified or until he had applied for and received notice of a new reference or equivalent method determination for the analyzer as modified.

The general purposes of these proposed conditions are to provide assurance to purchasers of analyzers offered for sale as reference or equivalent methods that they are representative of those actually tested and designated in accordance with Part 53, to make clear to users of multirange analyzers which ranges have been so tested and designated, to provide notice to purchasers of developments affecting the status of their analyzers for purposes of 40 CFR 51.17(a), and to provide some protection for prospective purchasers in the event that a manufacturer modifies a reference or equivalent method without obtaining prior approval of the modification.

OTHER AMENDMENTS

As indicated previously, an amendment to 40 CFR 53.7, set forth below, would make clear that the Administrator may take action under proposed 40 CFR 53.16 ("Supersession of reference methods") in the absence of a request for such action. The amendment would complement § 53.7(a), which provides in effect that the Administrator may test methods on his own initiative for the purpose of making reference or equivalent method determinations.

A further amendment to § 53.7, set forth below, would provide that any person who offered for sale as a reference or equivalent method a method specified or designated as such on the

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basis of EPA testing under § 53.7 would assume the rights and obligations of an applicant (with appropriate exceptions) for purposes of Part 53. If a manufacturer chose not to apply for a reference or equivalent method determination with respect to an out-of-production model, for example, and that model were subsequently designated as a reference or equivalent method after EPA testing under § 53.7(a), the manufacturer would assume most of the obligations and rights of an applicant if he thereafter chose to resume production and marketing of the method as a reference or equivalent method. Thus, the purpose of the amendment is to provide appropriate protection for the interests of both users and manufacturers where there is commercial exploitation of methods tested and designated at the initiative of the Administrator.

As indicated previously, an amendment to 40 CFR 51.17a(a), set forth below, would provide a "reasonable period" for replacement of existing methods after cancellation of reference or equivalent method designations applicable to them in connection with supersession of reference methods under proposed 40 CFR 53.16. The amendment would also apply to cancellations under 40 CFR 53.11. Because longer or shorter periods for replacement of existing methods may be appropriate depending on the reasons for cancellation and other circumstances in each case, the proposed amendment would provide for case-by-case determinations of the "reasonable period" by the Administrator.

40 CFR 53.2, as promulgated elsewhere in this issue of the FEDERAL REGISTER, provides that manual methods will not be considered for reference method determinations under Part 53 and that automated methods will not be considered for such determinations in certain cases. Because both types of methods could be candidates to supersede existing reference methods under proposed 40 CFR 53.16, however, amendments to § 53.2 (set forth below) are proposed to state appropriate exceptions to the general rules set forth in § 53.2. Similarly, other miscellaneous amendments (set forth below) are proposed in Parts 50, 51, and 53 to cross-reference or otherwise reflect various amendments described in this preamble.

In addition to the proposed amendments set forth below, EPA is considering the possibility of amending Subparts B and C of Part 53 to provide additional flexibility with respect to designation of analyzers having ranges other than those specified in Table B–1 of Subpart B. One objective would be to establish appropriate requirements and procedures for the designation of analyzers having ranges broader (i.e., extending to higher concentrations) than two times the upper range limits specified in Table B–1 but offering high resolution in such ranges. Another objective would be to provide for equivalent method designations applicable to ranges narrower (i.e., extending to lower concentrations) than those specified in Table B–1, for multi-range analyzers having one range identical to the appropriate range in Table B–1. For reasons discussed in the preamble to Part 53, promulgated elsewhere in this issue of the FEDERAL REGISTER, Subparts B and C of Part 53 presently preclude the types of designations just described. Comments suggesting ways of providing for such designations are invited.

Interested persons may submit written comments on the proposed amendments in triplicate to the Director, Quality Assurance and Environmental Monitoring Laboratory, Department E, United States Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, North Carolina 27711. All relevant comments postmarked on or before April 4, 1975, will be considered. All comments will be available for public inspection during normal business hours at the address specified above. The amendments, modified as the Administrator deems appropriate after consideration of comments, will be effective approximately 30 days after republication in the FEDERAL REGISTER.

This notice of proposed rulemaking is issued under the authority of section 109 of the Clean Air Act (42 U.S.C. 1857c–4), as amended by section 4 of Pub. L. 91–604, 84 Stat. 1679, with respect to the proposed amendments of 40 CFR Part 50; and under the authority of section 301(a) of the Clean Air Act (42 U.S.C. 1857g(a)), as amended by section 15(c)(2) of Pub. L. 91–604, 84 Stat. 1713, with respect to the proposed amendments of 40 CFR Parts 51 and 53.

Dated: January 31, 1975.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

Chapter I of Title 40, Code of Federal Regulations, is proposed to be amended as follows:

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

1. By revising paragraphs (f) and (g) in § 50.1 to read as follows:

§ 50.1 Definitions.

* * * * *

(f) "Reference method" means a method of sampling and analyzing the ambient air for an air pollutant that is specified as a reference method in an appendix to this part, or a method that has been designated as a reference method in accordance with Part 53 of this chapter; it does not include a method for which a reference method designation has been cancelled in accordance with § 53.11 or § 53.16 of this chapter.

(g) "Equivalent method" means a method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with Part 53 of this chapter; it does not include a method for which an equivalent method designation has been cancelled in accordance with § 53.11 or § 53.16 of this chapter.

(Sec. 4, Pub. L. 91–604, 84 Stat. 1679)

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

2. By adding new paragraphs (a)(4), (a)(5), (b), (c), (d), and (e) to § 51.17a, reading as follows:

§ 51.17a Air quality monitoring methods.

(a) *General requirements.* * * *

(4) Any manual or automated method purchased prior to cancellation of a reference or equivalent method designation applicable to that method under § 53.11 or § 53.16 of this chapter may be used for purposes of § 51.17(a) for a reasonable period to be determined by the Administrator.

(5) An analyzer may be used for its useful life for purposes of § 51.17(a) if such use is approved by the Administrator under paragraph (b), (c), or (d) of this section, or any combination thereof, unless the approval is withdrawn.

(b) *Use of nonconforming analyzers in certain geographical areas.* (1) The Administrator may approve use in a particular geographical area of an analyzer that is not a reference or equivalent method for purposes of § 51.17(a) if the analyzer was purchased prior to February 18, 1975, and the Administrator determines:

(i) That the analyzer (or the method of which the analyzer is representative) meets all the requirements of Part 53 of this chapter that would apply if an application for a reference or equivalent method determination were submitted for the method of which the analyzer is representative except, (A) the test for interference equivalent specified in § 53.23(d) of Part 53, and (B) the requirements of Subpart C of Part 53, if applicable, to the extent that failure to meet the Subpart C requirements results from sensitivity to interferents; and

(ii) That interferents that cause or would cause the analyzer to fail the requirements of § 53.23(d) and Subpart C of Part 53 do not occur in significant concentrations in the geographical area in which use of the analyzer is proposed. For purposes of this paragraph (b), a "significant concentration" means one that would cause a measurement error equal to or greater than the lower detectable limit specification in Table B–1 of 40 CFR Part 53.

(2) Requests for approval under this paragraph (b) shall be submitted to:

Director, Quality Assurance and Environmental Monitoring Laboratory, Department E, U.S. Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, N.C. 27711.

(3) Except as provided in paragraph (b)(4) of this section, each request submitted under this paragraph (b) shall contain:

(i) A statement identifying the analyzer (e.g., by serial number) and the method of which the analyzer is representative (e.g., by manufacturer and model number) and specifying the date on which the analyzer was purchased;

(ii) Test data, records, calculations, and test results for the analyzer (or for the method of which the analyzer is representative) as specified in Subpart B, Subpart C, or both (as applicable) of Part 53 of this chapter;

(iii) An identification and description of the geographical area in which use of the analyzer is proposed;

(iv) Such data or other information as may be necessary to demonstrate that the interferents referred to in paragraph (b)(1)(ii) of this section do not occur in significant concentrations in the geographical area in which use of the analyzer is proposed; and

(v) If Subpart C of Part 53 of this chapter would apply if an application for a reference or equivalent method determination were submitted for the method of which the analyzer is representative, test data for tests conducted with the analyzer in accordance with Subpart C in the geographical area in which use of the analyzer is proposed.

(4)(i) A request submitted under this paragraph (b) may concern more than one analyzer or geographical area and may incorporate by reference any data or other information known to EPA from one or more of the following:

(A) An application for a reference or equivalent method determination submitted by any person for the method of which the analyzer is representative or testing conducted in connection with the application;

(B) Testing of the method of which the analyzer is representative at the initiative of the Administrator under § 53.7 of this chapter; or

(C) A previous or concurrent request for approval submitted by any person under this paragraph (b) or under paragraph (c) or (d) of this section.

(ii) To the extent that such incorporation by reference provides data or information required by paragraph (b)(3) of this section, independent data or duplicative information need not be submitted.

(5) After receiving a request under this paragraph (b), the Administrator may request such additional testing or information or conduct such tests as may be necessary in his judgment for a decision on the request.

(6) Any person who has obtained approval of a request under this paragraph (b) shall:

(i) Assure that the analyzer for which approval was obtained is used for purposes of § 51.17(a) only in the geographical area identified in the request;

(ii) Report to the Administrator within 60 days any significant increase in concentrations of the interferents referred to in paragraph (b)(1)(ii) of this section in the geographical area identified in the request and concurrently submit such new or additional information as may be necessary to supplement the demonstration required by paragraph (b)(3)(iv); and

(iii) On a semi-annual basis submit reports containing such data or other information as may be necessary to demonstrate that the interferents referred to in paragraph (b)(1)(ii) of this section continue to occur in insignificant concentrations in the geographical area identified in the request. Reports required by this paragraph (b)(6) shall be submitted to the address specified in paragraph (b)(2) of this section.

(7) If the Administrator determines, on the basis of any information available to him, that any of the determinations on which approval of a request under this paragraph (b) was based are invalid or no longer valid, or that the requirements of paragraph (b)(6) of this section have not been met, he may withdraw the approval after affording the person who obtained the approval an opportunity to submit information and arguments opposing such action.

(c) *Use of methods with non-conforming ranges.* (1) The Administrator may approve use of an analyzer that is not a reference or equivalent method for purposes of § 51.17(a) if:

(i) The analyzer was purchased prior to February 18, 1975;

(ii) The Administrator determines that the analyzer (or the method of which the analyzer is representative) meets all requirements of Part 53 of this chapter that would apply if an application for a reference or equivalent method determination were submitted for the method of which the analyzer is representative except the range requirement specified in Table B–1 in Subpart B of Part 53; and

(iii) The range of the analyzer does not extend to concentrations more than two times the upper range limit specified in Table B–1, or, if the analyzer has more than one selectable range, the analyzer will not be used for purposes of § 51.17(a) while operated in any range extending to such concentrations.

NOTE.—If use of the analyzer is approved under paragraph (d) of this section, the limitations specified in this paragraph (c)(1)(iii) will not apply unless the approval under paragraph (d) is later withdrawn.

(2) Requests for approval under this paragraph (c) shall be submitted to:

Director, Quality Assurance and Environmental Monitoring Laboratory, Department E, U.S. Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, N.C. 27711.

(3) Except as provided in paragraph (c)(4) of this section, each request submitted under this paragraph (b) shall contain:

(i) A statement identifying the analyzer (e.g., by serial number) and the method of which the analyzer is representative (e.g., by manufacturer and model number) and specifying the date on which the analyzer was purchased;

(ii) Test data, records, calculations, and test results for the analyzer (or for the method of which the analyzer is representative) as specified in Supbart B, Subpart C, or both (as applicable) of Part 53 of this chapter; and

(iii) A statement that the range of the analyzer does not extend to concentrations more than two times the upper range limit specified in Table B–1 in Subpart B of Part 53, or, if the analyzer has more than one selectable range, that the analyzer will not be used for purposes of § 51.17(a) while operated in any range extending to such concentrations.

NOTE.—If use of the analyzer is approved under paragraph (d) of this section, the statements required by this paragraph (c)(3)(iii) will be considered inapplicable unless the approval under paragraph (d) is later withdrawn.

(4)(i) A request submitted under this paragraph (c) may concern more than one analyzer and may incorporate by reference any data or other information known to EPA from one or more of the following:

(A) An application for a reference or equivalent method determination submitted by any person for the method of which the analyzer is representative or testing conducted in connection with the application;

(B) Testing of the method of which the analyzer is representative at the initiative of the Administrator under § 53.7 of this chapter; or

(C) A previous or concurrent request for approval submitted by any person under paragraph (b) or (d) of this section or under this paragraph (c).

(ii) To the extent that such incorporation by reference provides data or information required by paragraph (c)(3) of this section, independent data or duplicative information need not be submitted.

(5) After receiving a request under this paragraph (c), the Administrator may request such additional testing or information or conduct such tests as may be necessary in his judgment for a decision on the request.

(6) Any person who has obtained approval of a request under this paragraph (c) shall, if the analyzer has more than one selectable range, assure that the analyzer is not used for purposes of § 51.17(a) while operated in any range extending to concentrations more than two times the upper range limit specified in Table B–1 in Subpart B of Part 53.

(7) If the Administrator determines, on the basis of any information available to him, that any of the determinations or statements on which approval of a request under this paragraph (c) was based are invalid or no longer valid, or that the requirements of paragraph (c)(6) of this section have not been met, he may withdraw the approval after affording the person who obtained the approval an opportunity to submit information and arguments opposing such action.

(d) *Use of methods with non-conforming ranges in certain geographical areas.* (1) The Administrator may approve use in a particular geographical area of an analyzer having a broader range (i.e., one extending to higher concentrations),

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than that permitted by paragraph (c) of this section for purposes of § 51.17(a), regardless of the date on which the analyzer was purchased, if:

(i) The analyzer has more than one selectable range, and one of the ranges either (A) is the range specified in Table B–1 in Subpart B of Part 53 of this chapter, or (B) is approved for use under paragraph (c) of this section (which applies only to analyzers purchased before February 18, 1975);

(ii) The Administrator determines that the analyzer (or the method of which the analyzer is representative) meets all the requirements of Part 53 of this chapter that would apply if an application for a reference or equivalent method determination were submitted for the method of which the analyzer is representative, except that paragraph (d)(1)(i) of this section shall apply in lieu of the range requirement specified in Table B–1;

(iii) The pollutant intended to be measured with the analyzer occurs on some occasions in concentrations more than two times the upper range limit specified in Table B–1 in the geographical area in which use of the analyzer is proposed; and

(iv) The Administrator determines that the resolution of each range that is broader than that permitted by paragraph (c) of this section and is proposed to be used for purposes of § 51.17(a) is adequate for its intended use. For purposes of this paragraph (d), "resolution" means the ability of the analyzer to detect small changes in concentration.

(2) Requests for approval under this paragraph (d) shall be submitted to:

Director, Quality Assurance and Environmental Monitoring Laboratory, Department E, U.S. Environmental Protective Agency, National Environmental Research Center, Research Triangle Park, N.C. 27711.

(3) Except as provided in paragraph (d)(4) of this section, each request submitted under this paragraph (d) shall contain:

(i) A statement identifying the analyzer (e.g., by serial number) and the method of which the analyzer is representative (e.g., by manufacturer and model number) and specifying the range or ranges proposed to be used for purposes of § 51.17(a);

(ii) Test data, records, calculations, and test results for the analyzer (or for the method of which the analyzer is representative) as specified in Subpart B, Subpart C, or both (as applicable) of Part 53 of this chapter for each range proposed to be used for purposes of § 51.17(a);

(iii) An identification and description of the geographical area in which use of the analyzer is proposed;

(iv) Data or other information demonstrating that the pollutant intended to be measured with the analyzer occurs in concentrations more than two times the upper range limit specified in Table B–1 in Subpart B of Part 53 in the geographical area in which use of the analyzer is proposed; and

(v) Test data or other information demonstrating the resolution of each range that is broader than that permitted by paragraph (c) of this section and is proposed to be used for purposes of § 51.17(a).

(4)(i) A request submitted under this paragraph (d) may concern more than one analyzer or geographical area and may incorporate by reference any data or other information known to EPA from one or more of the following:

(A) An application for a reference or equivalent method determination submitted by any person for the method of which the analyzer is representative or testing conducted in connection with the application;

(B) Testing of the method of which the analyzer is representative at the initiative of the Administrator under § 53.7 of this chapter; or

(C) A previous or concurrent request for approval submitted by any person under this paragraph (d) or under paragraph (b) or (c) of this section.

(ii) To the extent that such incorporation by reference provides data or information required by paragraph (d)(3) of this section, independent data or duplicative information need not be submitted.

(5) After receiving a request under this paragraph (d), the Administrator may request such additional testing or information or conduct such tests as may be necessary in his judgment for a decision on the request.

(6) Any person who has obtained approval of a request under this paragraph (d) shall assure that the analyzer for which approval was obtained is used for purposes of § 51.17(a) only in the geographical area identified in the request and only while operated in the range or ranges specified in the request.

(7) If the Administrator determines, on the basis of any information available to him, that any of the determinations or statements on which approval of a request under this paragraph (d) was based are invalid or no longer valid, or that the requirements of paragraph (d)(6) of this section have not been met, he may withdraw the approval after affording the person who obtained the approval an opportunity to submit information and arguments opposing such action.

(e) *Modifications of methods by users.* (1) Except as otherwise provided in this paragraph (e), no reference method, equivalent method or alternative method that is used for purposes of § 51.17(a) shall be modified in a manner that will or might significantly alter the performance characteristics of the method without prior approval by the Administrator. For purposes of this paragraph (e), "alternative method" means an analyzer, the use of which has been approved under paragraph (b), (c), or (d) of this section, or some combination thereof.

(2) Requests for approval under this paragraph (e) shall be submitted to:

Director, Quality Assurance and Environmental Monitoring Laboratory,
Department E,
U.S. Environmental Protection Agency,
National Environmental Research Center,
Research Triangle Park, N.C. 27711.

(3) Each request submitted under this paragraph (e) shall include:

(i) A description, in such detail as may be appropriate, of the desired modification;

(ii) A brief statement of the purpose(s) of the modification, including any reasons for considering it necessary or advantageous;

(iii) A brief statement of belief concerning the extent to which the modification will or may affect the performance characteristics of the method; and

(iv) Such further information as may be necessary to explain and support the statements required by paragraphs (e)(3)(ii) and (iii) of this section.

(4) Within 75 days after receiving a request for approval under this paragraph (e) and such further information as he may request for purposes of his decision, the Administrator will approve or disapprove the modification in question by letter to the person or agency requesting such approval.

(5) A temporary modification that will or might alter the performance characteristics of a reference, equivalent, or alternative method may be made without prior approval under this paragraph (e) if the method is not functioning or is malfunctioning, provided that parts necessary for repair in accordance with the applicable operation manual cannot be obtained within 45 days. Within 10 days after such a temporary modification is made, a report containing the information specified in paragraph (e)(3) of this section shall be submitted to the office specified in paragraph (e)(2) of this section. The report may include a request that the Administrator approve the temporary modification as if a request for prior approval had been submitted. Unless such approval is given, the method shall be repaired in accordance with the applicable operation manual as quickly as practicable but in no event later than 4 months after the temporary modification was made, unless an extension of time is granted by the Administrator. Unless and until the temporary modification is approved, air quality data obtained with the method as temporarily modified shall be clearly identified as such when submitted in accordance with § 51.7.

PART 53—AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

3. By adding "§ 53.16 *Supersession of reference methods.*" at the end of the table of sections for Subpart A of Part 53.

4. By revising paragraphs (e), (f) and (k) of § 53.1 to read as follows:

§ 53.1 Definitions.

• • • • •

(e) "Reference method" means a method of sampling and analyzing the ambient air for an air pollutant that is specified as a reference method in an appendix to Part 50 of this chapter, or a method that has been designated as a reference method in accordance with this part; it does not include a method for which a reference method designation has been cancelled in accordance with § 53.11 or § 53.16.

(f) "Equivalent method" means a method of sampling and analyzing the ambient air for an air pollutant that has been designated as an equivalent method in accordance with this part; it does not include a method for which an equivalent method designation has been cancelled in accordance with § 53.11 or § 53.16.

• • • • •

(k) "Applicant" means a person who submits an application for a reference or equivalent method determination under § 53.4, or a person who assumes the rights and obligations of an applicant under § 53.7.

5. By revising § 53.2 to read as follows:

§ 53.2 General requirements for a reference method determination.

(a) *Manual methods.* Except as provided in § 53.16, manual methods will not be considered for reference method determinations under this part.

NOTE.—As defined in § 53.1(e), "reference method" includes a manual method specified in an appendix to Part 50 of this chapter. Except as provided in § 53.16, the provisions of this part are inapplicable to such a method.

(b) *Automated methods.* A candidate automated method must utilize the measurement principle and calibration procedures specified in the appropriate appendix to Part 50 of this chapter and meet the requirements specified in Subpart B of this part.

NOTE.—Except as provided in § 53.16 an automated method will not be considered for a reference method determination if a reference method is specified in the appropriate appendix to Part 50.

6. By adding paragraphs (b) and (c) to § 53.7, reading as follows:

§ 53.7 Testing of methods at the initiative of the Administrator.

• • • • •

(b) In the absence of an application requesting the Administrator to consider revising an appendix to Part 50 of this chapter in accordance with § 53.16, the Administrator may conduct such tests and compile such information as may be necessary in his judgment to make a determination under § 53.16(d) and on the basis of the tests and information make such a determination.

(c) If a method tested in accordance with this section is designated as a reference or equivalent method in accordance with § 53.8 or is specified or designated as a reference method in accordance with § 53.16, any person who offers the method for sale as a reference or equivalent method thereafter shall assume the rights and obligations of an applicant for purposes of this part with the exception of those pertaining to submission and processing of applications.

7. By adding paragraphs (d), (e), (f), and (g) to § 53.9, reading as follows:

§ 53.9 Conditions of designation.

• • • • •

(d) Any analyzer offered for sale as a reference or equivalent method shall bear a prominent, permanently affixed label or sticker indicating that the analyzer has been designated by EPA as a reference method or as an equivalent method (as applicable) in accordance with this part.

(e) If an analyzer is offered for sale as a reference or equivalent method but has one or more selectable ranges, the label or sticker required by paragraph (d) of this section shall be placed in close proximity to the range selector and shall indicate clearly which range or ranges have been designated as parts of the reference or equivalent method.

(f) An applicant who offers analyzers for sale as reference or equivalent methods shall maintain an accurate and current list of the names and mailing addresses of all ultimate purchasers of such analyzers. For a period of seven years after publication of the reference or equivalent method designation applicable to such an analyzer, the applicant shall notify all ultimate purchasers of the analyzer within 30 days if the designation has been canceled in accordance with § 53.11 or § 53.16 or if adjustment of the analyzer is necessary under § 53.11(b).

(g) If an applicant modifies an analyzer that has been designated as a reference or equivalent method, the applicant shall not sell the analyzer as modified as a reference or equivalent method nor attach a label or sticker to the analyzer as modified under paragraph (d) or (e) of this section until he has received notice under § 53.14(c)(1) that the designation will continue to apply to the analyzer as modified or has applied for and received notice under § 53.8(b) of a reference or equivalent method determination for the analyzer as modified.

§ 53.14 [Amended]

8. By adding "(see § 53.9(g))" at the end of the first sentence of § 53.14(a).

9. By adding a new § 53.16, reading as follows:

§ 53.16 Supersession of reference methods.

(a) This section prescribes procedures and criteria applicable to requests that the Administrator specify a new reference method, or a new measurement principle and calibration procedure on which reference methods shall be based, by revision of the appropriate appendix to Part 50 of this chapter. Such action will ordinarily be taken only if the Administrator determines that a candidate method or a variation thereof is substantially superior to the existing reference method(s).

(b) In exercising his discretion under this section, the Administrator will consider: (1) the benefits, in terms of the requirements and purposes of the Act, that would result from specifying a new reference method or a new measurement principle and calibration procedure; (2) the potential economic consequences of such action for State and local control agencies; and (3) any disruption of State and local air quality monitoring programs that might result from such action.

(c) An applicant who wishes the Administrator to consider revising an appendix to Part 50 of this chapter on the ground that the applicant's candidate method is substantially superior to the existing reference method(s) shall submit an application for a reference or equivalent method determination in accordance with § 53.4 and shall indicate therein that he desires such consideration. The application shall include, in addition to the information required by § 53.4, data and any other information supporting the applicant's claim that the candidate method is substantially superior to the existing reference method(s).

(d) After receiving an application under paragraph (c) of this section, the Administrator will publish notice of its receipt in the FEDERAL REGISTER and, within 75 calendar days after receipt of the application, take one of the following actions:

(1) Determine that it is appropriate to propose a revision of the appendix in question and send notice of the determination to the applicant;

(2) Determine that it is inappropriate to propose a revision of the appendix in question, determine whether the candidate method is a reference or equivalent method, and send notice of the determinations, including a statement of reasons for the determination not to propose a revision, to the applicant;

(3) Send notice to the applicant that additional information must be submitted before a determination can be made and specify the additional information that is needed (in such cases, the 75-day period shall commence upon receipt of the additional information);

(4) Send notice to the applicant that additional tests are necessary and specify what tests are necessary and how they shall be interpreted (in such cases, the 75-day period shall commence upon receipt of the additional test data); or

(5) Send notice to the applicant that additional tests will be conducted by the Administrator, specifying the nature of and reasons for the additional tests and the estimated time required (in such cases, the 75-day period shall commence one calendar day after the additional tests have been completed).

(e)(1) After making a determination under paragraph (d)(1) of this section, the Administrator will publish a notice of proposed rulemaking in the FEDERAL REGISTER. The notice will indicate that the Administrator proposes (i) to revise the appendix in question; (ii) where the appendix specifies a measurement principle and calibration procedure, to cancel reference method designations based on the appendix; and (iii) to cancel equivalent method designations based on the existing reference method(s). The notice will include the terms or substance of the proposed revision, will indicate what period(s) of time the Administrator proposes to allow for replacement of existing methods under § 51.17a(a)(4) of this chapter, and will solicit public comments on the proposal

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with particular reference to the considerations set forth in paragraphs (a) and (b) of this section.

(2) If, after consideration of comments received, the Administrator determines that the appendix in question should be revised, he will by publication in the FEDERAL REGISTER (i) promulgate the proposed revision, with such modifications as may be appropriate in view of comments received; (ii) where the appendix (prior to revision) specifies a measurement principle and calibration procedure, cancel reference method designations based on the appendix; (iii) cancel equivalent method designations based on the existing reference method(s); and (iv) specify the period(s) that will be allowed for replacement of existing methods under § 51.17a(a)(4) of this chapter, with such modifications from the proposed period(s) as may be appropriate in view of comments received. Cancelled designations will be deleted from the list maintained under § 53.8(c). The requirements and procedures for cancellation set forth in § 53.11 shall not apply to concellation of reference or equivalent method designations under this section.

(3) If the appendix in question is revised to specify a new measurement principle and calibration procedure on which the applicant's candidate method is based, the Administrator will take appropriate action under § 53.5 to determine whether the candidate method is a reference method.

(4) Upon taking action under paragraph (e)(2) of this section, the Administrator will send notice of the action to all applicants for whose methods reference and equivalent method designations are cancelled by such action.

(f) An applicant who has received notice of a determination under paragraph (d)(2) of this section may appeal the determination by taking one or more of the following actions:

(1) The applicant may submit new or additional information in support of the application.

(2) The applicant may request that the Administrator reconsider the data and information already submitted.

(3) The applicant may request that any test conducted by the Administrator that was a material factor in making the determination be repeated.

(Sec. 301(a) of the Clean Air Act (42 U.S.C. 1857(a)), as amended by sec. 15(c)(2) of Pub. L. 91-604, 84 Stat. 1713)

[FR Doc.75-3821 Filed 2-14-75;8:45 am]

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TUESDAY, FEBRUARY 18, 1975

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PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

REAL ESTATE SETTLEMENT PROCEDURES

Notice of Proposed Rulemaking

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 82]

[Docket No. R-75-318]

REAL ESTATE SETTLEMENT PROCEDURES

Notice of Proposed Rulemaking

The Real Estate Settlement Procedures Act of 1974 requires the advance disclosure of settlement costs and the use of a uniform settlement statement in all transactions which involve federally related mortgage loans, the disclosure of the previous selling price of existing real property and it prohibits kickbacks and unearned fees, requirements by sellers that buyers purchase title insurance from any particular title company and fees for preparation of truth-in-lending and uniform settlement statements. The effective date of the Act is June 20, 1975. The Act directs the Secretary of Housing and Urban Development to develop and prescribe the uniform settlement statement and advance disclosure of settlement costs and authorizes him to prescribe regulations relating to advance disclosure of settlement costs.

Notice is hereby given that the Secretary proposes to amend Subtitle A of Title 24 of the Code of Federal Regulations by adding a new Part 82 to implement section 4 and section 6 of the Real Estate Settlement Procedures Act of 1974.

The Federal Reserve Board will soon publish separately in the FEDERAL REGISTER for comment, the Truth-in-Lending portion of the Uniform Disclosure/Settlement Statement.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views and arguments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant material received on or before March 20, 1975, will be considered before adoption of the final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

In consideration of the foregoing, and pursuant to the authority contained in section 4 and section 6 of the Real Estate Settlement Procedures Act of 1974, it is proposed to amend Subtitle A of Title 24 of the code of Federal Regulations by adding a new Part 82, as set forth below.

1. A new Part 82 is added to 24 CFR Subtitle A as set forth below.

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Sec.
82.1 Definitions.
82.2 Uniform Disclosure/Settlement Statement.
82.3 Advance disclosure of settlement costs.
82.4 Waiver of advance disclosure.
82.5 Delivery of disclosure.
82.6 Relation to State laws.
82.7 Disclosure of previous selling price of existing real property.
82.8 Prohibition against kickbacks and unearned fees.
82.9 Title companies.
82.10 Fee for preparation of Truth-In-Lending and Uniform Settlement Statements.

AUTHORITY: Pub. L. 93-533.

§ 82.1 Definitions.

As used in this part the following terms shall have the meaning indicated:

(a) "Federally related mortgage loan" means any loan which—

(1) Is secured by residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from one to four families; and

(2) (i) Is made in whole or in part by any lender the deposits or accounts of which are insured by any agency of the Federal Government, or is made in whole or in part by any lender which is regulated by any agency of the Federal Government; or

(ii) Is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by the Secretary or any other officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary or a housing or related program administered by any other such officer or agency; or

(iii) Is eligible for purchase by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or from any financial institution from which it could be purchased by the Federal Home Loan Mortgage Corporation; or

(iv) Is made in whole or in part by any "creditor", as defined in section 103(f) of the Consumer Credit Protection Act (15 U.S.C. 1602(f)), who makes or invests in residential real estate loans aggregating more than $1,000,000 per year;

(b) "Loan Commitment" means any agreement of a lender to make a federally related mortgage loan or any statement made by a lender, directly or indirectly, to a prospective borrower expressing its intention and willingness to make such a loan.

(c) "Services in connection with settlement" includes, but is not limited to the following: title searches, title examinations, the provision of title certificates, title insurance, services rendered by an attorney, the preparation of documents, property surveys, the rendering of credit reports or appraisals, pest and fungus inspections, services rendered by a real estate agent or broker, and the handling of the processing, and closing or settlement;

(d) "Borrower" means any individual, corporation, association, partnership or trust receiving a federally related mortgage loan in connection with the purchase of real property or for any other purpose.

§ 82.2 Uniform Disclosure/Settlement Statement.

The Uniform Disclosure/Settlement Statement which appears in the Appendix to this part shall be used as the form for advance disclosure of settlement costs and the standard real estate settlement form in all transactions in the United States in which a lender makes or agrees to make a federally related mortgage loan.

§ 82.3 Advance disclosure of settlement costs.

(a) Any lender agreeing to make a federally related mortgage loan shall provide or cause to be provided to the prospective borrower, to the prospective seller, if any, and to any officer or agency of the Federal Government proposing to insure, guarantee, supplement, or assist such loan, an itemized disclosure of each charge arising in connection with the settlement.

(b) The disclosure shall be made on the Uniform Disclosure/Settlement Statement.

(c) The disclosure shall be made at the time of loan commitment, but in no case later than 12 calendar days prior to settlement.

(d) For the purposes of complying with this section it shall be the duty of the lender to obtain from persons who provide or will provide services in connection with the settlement the amount of each charge they intend to make. In the event the exact amount of any such charge is not available, a good faith estimate of such charge may be provided. In such case the disclosure shall indicate those items which are an estimate of the charges to be made.

(e) The lender shall retain in its files for 1 year from the date of settlement a copy of the advance disclosure, executed and dated on the date of disclosure by the prospective borrower, the prospective seller, if any, and the lender. Such copy shall be made available for inspection and reproduction by the parties identified in paragraph (a) of this section.

(f) The officer or agency of the Federal Government proposing to insure, guarantee, supplement, or assist the loan may determine the time and manner of delivery of the advance disclosure to such officer or agency.

(g) The advance disclosure made pursuant to this section may be used in satisfaction of the requirements of section 121(c) of the Consumer Credit Protection Act insofar as it applies to federally related mortgage loans.

§ 82.4 Waiver of advance disclosure.

A borrower or seller may waive the requirement that advance disclosure of settlement costs be provided at least 12 calendar days prior to settlement when:

(a) Settlement occurs, with the consent of the borrower and the seller, not more than 18 days after the lender receives the application for the loan, and

(b) On the date either party is notified of the loan commitment the Uniform Disclosure/Settlement Statement is delivered to the party waiving the requirement or such statement is available for delivery to such party at the office at which the application for the loan was made, and

(c) The party waiving the requirement receives the Uniform Disclosure/Settlement Statement at least 3 days prior to settlement, and

(d) The party waiving the requirement and the lender execute, on the date of settlement, a waiver in the following form:

WAIVER OF RIGHTS TO RECEIVE ADVANCE SETTLEMENT DISCLOSURES

Identification of Transaction:

Buyers (borrowers):_____
Sellers:_____
Property:_____
Loan amount:_____
Lender:_____
Date of settlement:_____

I/We hereby acknowledge and affirm that I/we know that the Real Estate Settlement Procedures Act of 1974 entitles me/us to advance itemized disclosure in writing of each charge arising in connection with the captioned settlement at the time of loan commitment, but in no case later than 12 calendar days prior to settlement, and that if the lender fails to provide such disclosure I/we may recover from it at least $500 plus reasonable attorneys fees.

Notwithstanding the above I/we hereby waive the right to receive such disclosure 12 days prior to settlement and I/we further certify that:

1. Application for this loan was made not more than 18 days prior to this date and I/we have consented to settlement on this date.

2. I/we received the Uniform Disclosure/Settlement Statement on the date the lender notified me of the loan commitment or the lender notified me that such statement was available for delivery to me/us on such date.

3. I/we received the Uniform Disclosure/Settlement Statement at least 3 days prior to this date.

The lender joins in the execution of this waiver for the purpose of affirming to the best of its knowledge the truthfulness of the above statements.

Executed this_____day of_____, 197__

Witness

_____ _____ Buyer (Borrower)
_____ _____ Seller
_____ _____ Lender

§ 82.5 Delivery of disclosure.

The provisions of paragraph (c) of § 82.3 and paragraph (b) of § 82.4 shall be deemed to be satisfied by delivery of the disclosure to the party entitled to its receipt or by mailing the disclosure to such party at his last known address at least 3 days prior to the time specified in such paragraphs.

§ 82.6 Relation to State laws.

These regulations do not annul, alter, or affect, or exempt any person from complying with the laws of any State with respect to settlement practices, except to the extent that those laws are inconsistent with any provision of the regulations. A State law shall not be determined inconsistent with these regulations if such State law gives greater protection to the consumer than the provisions of the regulations.

§ 82.7 Disclosure of previous selling price of existing real property.

Section 7 of the Real Estate Settlement Procedures Act of 1974 provides:

Section 7.(a) No lender shall make any commitment for a federally related mortgage loan on a residence on which construction has been completed more than twelve months prior to the date of such commitment unless it has confirmed that the following information has been disclosed in writing by the seller or his agent to the buyer—

(1) The name and address of the present owner of the property being sold;

(2) The date the property was acquired by the present owner (the year only if the property was acquired more than 2 years previously); and

(3) If the seller has not owned the property for at least 2 years prior to the date of the loan application and has not used the property as a place of residence, the date and purchase price of the last arm's length transfer of the property, a list of any subsequent improvements made to the property (excluding maintenance repairs) and the cost of such improvements.

(b) The obligations imposed upon a lender by this section shall be deemed satisfied and a commitment for a federally related mortgage loan may thereafter be made if the lender receives a copy of the written statement provided by the seller to the buyer supplying the information required by subsection (a).

(c) Whoever knowingly and willfully provides false information under this section or otherwise willfully fails to comply with its requirements shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

§ 82.8 Prohibition against kickbacks and unearned fees.

Section 8 of the RESPA of 1974 provides:

Section 8. (a) No person shall give and no person shall accept any fee, kickback, or thing of value pursuant to any agreement or understanding, oral or otherwise, that business incident to or a part of a real estate settlement service involving a federally related mortgage loan shall be referred to any person.

(b) No person shall give and no person shall accept any portion, split, or percentage of any charge made or received for the rendering of a real estate settlement service in connection with a transaction involving a federally related mortgage loan other than for services actually performed.

(c) Nothing in this section shall be construed as prohibiting (1) the payment of a fee (A) to attorneys at law for services actually rendered or (B) by a title company to its duly appointed agent for services actually performed in the issuance of a policy of title insurance or (C) by a lender to its duly appointed agent for services actually performed in the making of a loan, or (2) the payment to any person of a bona fide salary or compensation or other payment for goods or facilities actually furnished or for services actually performed.

(d) (1) Any person or persons who violate the provisions of this section shall be fined not more than $10,000 or imprisoned for not more than 1 year, or both.

(2) In addition to the penalties provided by paragraph (1) of this subsection, any person or persons who violate the provisions of subsection (a) shall be jointly and severally liable to the person or persons whose business has been referred in an amount equal to three times the value or amount of the fee or thing of value, and any person or persons who violate the provisions of subsection (b) shall be jointly and severally liable to the person or persons charged for the settlement services involved in an amount equal to three times the amount of the portion, split, or percentage. In any successful action to enforce the liability under this paragraph, the court may award the court costs of the action together with a reasonable attorney's fee as determined by the court.

§ 82.9 Title companies.

Section 9 of the RESPA of 1974 provides:

Section 9. (a) No seller of property that will be purchased with the assistance of a federally related mortgage loan shall require directly or indirectly, as a condition to selling the property, that title insurance covering the property be purchased by the buyer from any particular title company.

(b) Any seller who violates the provisions of subsection (a) shall be liable to the buyer in an amount equal to three times all charges made for such title insurance.

§ 82.10 Fee for preparation of Truth-in-Lending and Uniform Settlement Statements.

Section 12 of the RESPA of 1974 provides:

Section 12. No fee shall be imposed or charge made upon any other person (as a part of settlement costs or otherwise) by a lender in connection with a federally related mortgage loan made by it (or a loan for the purchase of a mobile home), for or on account of the preparation and submission by such lender of the statement or statements required (in connection with such loan) by sections 4 and 6 of this Act or by the Truth in Lending Act.

Issued at Washington, D.C., February 11, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

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Form Approved
OMB Number
January 1975

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIFORM DISCLOSURE/SETTLEMENT AND TRUTH IN LENDING STATEMENT

NOTE: This Statement must be accompanied by Truth in Lending Statement prescribed by the Federal Reserve Board.

A. TYPE OF LOAN

1. ☐ FHA 3. ☐ FmHA 5. ☐ Conv. Unins.
2. ☐ VA 4. ☐ Conv. Ins.
6. Purpose of Loan: _____
7. Loan Number: _____
8. File Number: _____
9. FHA/VA/PMI Case No.: _____
10. Loan Commitment Date: _____
11. Contract Sales Price of Property..... | |

B. NAMES AND ADDRESSES:

1. Seller	2. Buyer/Borrower	3. Lender
4. Property	5. Settlement Agent, Place and Date of	6. Beneficial Owner

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NOTE: This form when furnished prior to settlement provides the Advance Disclosure of Settlement Costs and Truth in Lending Statement required by law. When prepared at settlement, this form constitutes the Standard Statement of Settlement Costs prescribed by law. Charges itemized on this form at the time of advance disclosure may include good faith estimates. The lender does not warrant that an estimated charge will be identical to the final charge at settlement.

	BUYER/BORROWER	SELLER	DISBURSEMENTS
I. SALES/BROKER'S COMMISSION:			
101. Based on Contract Sales Price of $ _____ at ___ % =			
102. Disbursed to: _____			
102. _____			
103. _____			
104. TOTAL — SECTION I.....			
II. ITEMS PAYABLE IN CONNECTION WITH LOAN OR CREDIT:			
201. Loan Origination Fee			
202. Loan Discount Points			
203. Appraisal Fee			
204. Credit Report			
205. Amortization (Loan Repayment) Schedule			
206. Photographs			
207. Survey: pay to : _____			
208. Property Inspections			
209. _____			
210. _____			
211. Mortgage Insurance Application Fee			
212. Total Disbursed to Lender			
213. TOTAL — SECTION II.....			

III. PREPAID ITEMS IN CONNECTION WITH LOAN OR CREDIT:			
301. Prepaid Interest from _____ to _____			
302. Mortgage Insurance Premiums for _____ years			
303. Hazard Insurance Premium for _____ years			
ESCROW RESERVE FOR:			
304. Hazard Insurance			
305. Mortgage Insurance			
306. Real Estate Taxes			
307. Unpaid Assessments			
308. Flood Insurance			
309. _____			
310. TOTAL — SECTION III.....			
IV. PRIVATE TITLE TRANSFER CHARGES:			
401. Settlement or Closing Fee, pay to: _____			
402. Abstract or Title Search, pay to: _____			
403. Title Examination, pay to: _____			
404. Preliminary Title Binder(s), pay to: _____			
405. Title Insurance, pay to: _____			
(includes items: _____)			
406. Lender's Coverage			
407. Owner's Coverage			
408. Endorsements, pay to: _____			
409. Document Preparation, pay to: _____			
410. _____			
411. _____			
412. Attorney's Fees, pay to: _____			
(includes items: _____)			
413. _____			
414. Notary Fees, pay to: _____			
415. _____			
416. TOTAL — SECTION IV.....			

	BUYER/BORROWER	SELLER	DISBURSEMENTS
V. GOVERNMENT TRANSFER CHARGES:			
501. Recording Fees: Deed $ _____ ; Mortgages $ _____ ; Releases $ _____			
502. City/County Tax/Stamps			
503. State Tax/Stamps			
504. _____			
505. TOTAL — SECTION V.....			
VI. ADDITIONAL CHARGES AND CREDITS:			
Prior First Mortgage to: _____			
601. Principal			
602. Interest to Date			
603. Prepayment Charge			
604. Escrows for Insurance, Taxes			
605. _____			
606. Total of Prior First Mortgage.....			
Prior Second Mortgage to: _____			
607. Principal			
608. Interest to Date			
609. Prepayment Charge			
610. Escrows for Insurance, Taxes			
611. _____			
612. Total of Prior Second Mortgage.....			
613. Fee for Refinancing or Assuming Existing Mortgage			
614. Other Charges _____			
615. _____			
616. Inspection(s) _____			
617. _____			
618. TOTAL — SECTION VI.....			
VII. TOTAL SETTLEMENT CHARGES:			
701. Total Charges from Sections I, II, III, IV, V, and VI			
702. Less Items (no., _____) settled outside closing			
703. _____			
704. _____			
705. TOTAL — SECTION VII.....			

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VIII. FUNDS REQUIRED FROM BUYER/BORROWER:

801. Contract Sales Price	
802. Total Charges (from Line 705)	
Adjustments Charged to Buyer/Borrower:	
803. Proration of Taxes	
804. Unpaid Special Assessments	
805. Utilities	
806. Rent	
807. Fuel	
808. _____	
809. Total Sales Price Adjustments	
810. Total Charges to Buyer/Borrower	
Less:	
811. Earnest Money	
812. Mortgage Loan Proceeds	
813. Adjustments Paid by Seller	
814. _____	
815. Total Buyer's Credits	
816. AMOUNT DUE FROM BUYER/BORROWER	

IX. DISBURSEMENTS TO SELLER:

901. Contract Sales Price		
902. Adjustments (from Line 809)		
903. Gross Amount Due Seller		
Less:		
904. Total Charges (from Line 705)		
905. Earnest Money (from Line 811)		
906. Adjustments Paid by Seller		
907. _____		
908. _____		
909. Total Charges to Seller		
910. AMOUNT DUE TO SELLER		

NOTES: (1) If disclosure of settlement costs was not provided at the time of commitment or at least twelve (12) calendar days prior to settlement, a waiver of the requirement for advance disclosure must be executed in accordance with HUD Regulations by the borrower or seller, as the case may be, and attached hereto.

INSTRUCTIONS FOR COMPLETING UNIFORM DISCLOSURE/SETTLEMENT STATEMENT

The following are procedures and instructions for completing the Uniform Disclosure/Settlement and Truth in Lending Statement prescribed by the Real Estate Settlement Procedures Act of 1974. The lender is required to make in advance of settlement an itemized disclosure on this form of each charge arising in connection with settlement. It is recognized in the Real Estate Settlement Procedures Act of 1974 that the precise amount of every individual charge to be assessed at settlement will not in all cases be known at the time of advance disclosure. The Act provides: "In the event the exact amount of any such charge is not available, a good faith estimate of such charge may be provided."

It is the responsibility of the settlement or closing agent ("Closer") to complete the Settlement Statement and to submit copies to parties at the settlement showing all charges actually incurred. The body of the form is to be used for entry of charges, credits, and disbursements. The Uniform Disclosure/Settlement Statement will set forth each settlement service as a charge to the Buyer or to the Seller (or a split between the two) in accordance with the agreement between the parties. In the case of certain settlement items, FHA or VA Regulations forbid charges to a Buyer using FHA or VA financing, and such charges therefore become the Seller's obligation.

Since this form is used nationwide, it is important that all Closers follow the standard procedures.

The Act requires that this form be used in the following transactions: property sale financed by origination of a first mortgage, refinancing of existing mortgage indebtedness, origination of a junior mortgage to help finance a property sale, the giving of a purchase money mortgage by a federally related lending institution, and any borrowing secured by the borrower's principal residence.

SECTIONS A AND B

Section A: Type of Loan. Check appropriate loan type and complete items 6, 7, 8, 9, 10, and 11 as applicable. In item 6, state the purpose of the loan, i.e., home sale, refinancing, junior mortgage, etc.

Section B: Names and Addresses. In completing each box, provide as a part of the address the city, postal abbreviation of State, and zip code. Fill in item 6, Beneficial Owner, only in the event that title will be held in trust for a person other than the Buyer/Borrower.

SECTIONS I THROUGH VII

General. There are four columns across the page, from left to right:

The explanation of the item.

The Buyer/Borrower's Column. In this column enter all charges (amounts the Buyer/Borrower is expected to pay at settlement).

The Seller's Column. In this column enter all charges (amounts the Seller is expected to pay at settlement).

The Disbursements Column. In this column the Closer will enter actual disbursements on the line corresponding to each settlement charge requiring disbursement by the Closer. *This column is filled out only at closing and remains blank at the time of advance disclosure of settlement costs.*

Section I: Sales/Broker's Commission. The items included in this section are assessed by the Real Estate Salesperson(s) or Broker(s) who sold the property.

Line 101: Enter contract sales price from Section A, line 11 and the percent of sales commission. Enter dollar amount of commission in Seller's column and the name of the person to whom the commission is to be paid on the line following "disbursed to".

Lines 102 and 103: Blank lines on which may be entered other items included in the transaction such as amount of commission already received by salesperson.

Line 104: Enter totals for transactions in Section I.

Section II: Items Payable in Connection with Loan or Credit. The items in this section are charges assessed by the Lender or the Lender's investors for processing the loan.

Line 201: Enter the amount the Lender charges the Buyer for origination of the loan.

Line 202: Enter the amount the Lender charges for extending the loan to the Buyer. The loan discount is frequently called "points".

Line 203: Enter the charge assessed by the Lender for an appraisal to determine the value of the property.

Line 204: Enter the charge assessed by a credit reporting agency to ascertain the status of the Borrower's credit.

Line 205: Enter the charge, if applicable, for a table showing the principle and interest payments monthly for the life of the loan.

Line 206: Enter the charge for photographs of the property required by the Lender or the Lender's investors.

Line 207: Enter the charge for a survey or plat of the property. Enter the name of the Surveyor to be paid on the line after "pay to".

Lines 208–210: Enter charges for inspections required by the Lender to ascertain the status of certain fixtures or the building on the property (e.g. termite inspection, heating plant inspection, plumbing or electrical fixtures inspection). Lines 208 to 210 may also be used for additional items payable in connection with the loan or credit not specified above.

Line 211: Enter the amount of FHA application and commitment fee or PMI fees as applicable.

Line 212: Total all charges to be disbursed to the Lender and enter in the Disbursements Column.

Line 213: Enter the totals for items in Section II.

Section III: Prepaid Items in Connection with Loan or Credit. The items in this section are those which are required by the lender to be prepaid (escrowed or impounded).

Line 301: In the case of conventional loans enter the interest to be paid by the Buyer on the loan amount from the date of the closing to the date of the first payment (to the end of the month for FHA or VA loans).

Line 302: Enter the prepaid premium for insurance the Buyer purchases to insure the Lender against loss because of nonpayment of the loan.

Line 303: Enter the prepaid premium for insurance that the Buyer purchases from a private company insuring against fire, and possible additional hazards or risks such as personal liability, theft, flood, etc.

Lines 304–308: Enter the amounts reserved to cover the cost of insurance, taxes, and unpaid assessments from the date of the Closing until the date of the next insurance or tax payment is due.

Line 309: This blank line may be used for other reserves not specified on lines 304 to 308.

Line 310: Enter totals for Section III.

Section IV: Private Title Transfer Charges: The charges in this section relate to title insurance, settlement, closing or escrow fees, and attorneys' fees. NOTE.—Lines 405 and 412 may, according to the legal and administrative practices and requirements in different areas of the country, include any of the other items in the section.

Line 401: Enter the charge to be paid for the services of the Closer, indicating the name of the person or company to whom the fee should be paid on the line after "pay to".

Line 402: Enter the charge to be paid to a private company or attorney for making a search of the public records. Indicate the name of the person or company to whom the fee should be paid, if applicable on the line after "pay to".

Line 403: Enter the charge to be paid for a private company or attorney for examining the abstract or title search and giving a written opinion of the status of the title. Indicate the name of the person or company to whom the fee should be paid on the line after "pay to".

Line 404: Enter the charge for the preliminary commitment to insure title issued by a private company based on its search and examination of the public records. Indicate the name of the person or company to whom the fee is to be paid on the line after "pay to".

Line 405: Enter the premium to be paid to a private company, to insure against any defects in the title to the property. Indicate the name of the company to whom the fee is to be paid on the line after "pay to". *If this line includes other items in this section as described above in "NOTE", indicate these items by line number.*

Line 406: Enter the amount of the charge for a Lender's Title Insurance policy, if applicable.

Line 407: Enter the amount of any charge for an Owner's Title Insurance policy, if applicable. Purchase of such coverage is at the Buyer/Borrower's option.

Line 408: Enter the charge for endorsements which may be added to a Title Insurance policy to give additional coverage specifically requested by the Owner or the Lender. Enter the name of the company to whom the fee for the endorsement(s) should be paid on the line after "pay to".

Line 409: Enter the charge to be paid for drafting any documents necessary for the settlement, such as Deeds of Conveyance, Trust Deeds, Mortgages, etc. Type the name of the person or company to whom the fee should be paid. No charge may be made for preparation of the Uniform Settlement Statement, the Advance Disclosure Statement, or any statement required by the Truth in Lending Act.

Lines 410, 411, and 415: These blank lines may be used to specify additional title transfer charges not shown in this section.

Line 412: Enter the fee charged by an attorney or attorneys for services in connection with the transaction or on behalf of the Borrower or Seller. Type the name of the attorney to whom the fee is to be paid on the line after "pay to". *If this line includes other items in this section as described above in "NOTE", indicate these items by the line numbers.*

Line 414: Enter any fees charged for notarizing documents and type the party to whom the fee is paid on the line after "pay to".

Line 416: Enter totals for Section IV.

Section V: Government Transfer Charges. The charges in this section include the various fees assessed by cities, counties or states for transferring title of property, and for recording documents relating to the transfer.

Line 501: Enter the fees paid to a governmental body for placing a document in the public record.

Line 502: Enter the fee to be paid to a city or county as a tax, or for revenue stamps which must be affixed to a document, for placing the documents related to the transfer in the public record.

Line 503: Enter the fee to be paid to a State as a tax, or for revenue stamps which must be affixed to a document, for placing documents related to the transfer in the public record.

Line 504: This line may be used to specify additional governmental transfer charges now shown in this section.

Line 505: Enter totals for Section V.

Section VI: Additional charges: The charges in this section include any items not covered in prior sections, such as the payment and release of the prior mortgage(s), the refinancing or assumption of an existing mortgage by the Borrower, and inspections which may be required by the sales contract, but not by the Lender.

Lines Unnumbered: Enter the name(s) of the Lender(s) who made the loan(s), if any, to be paid and released in the space(s) after "prior First (Second) mortgage to."

Line 601: Enter the amount of principal remaining to be paid on the loan in the Explanation Column.

Line 602: Enter the amount of interest to be paid from the date of the last payment to the date of the Closing.

Line 603: Enter the amount any charge for early payment of the loan.

Line 604: Enter the amount the Seller has in prepaid reserves for the payment of taxes or insurance, or the deficit in these reserves if one exists in the Explanation Column.

Line 605: This blank line may be used to specify other fees required in the release of the mortgage.

Line 606: Make the calculations for Lines 601 to 605 and enter the total to be paid the prior Lender in the Explanation Column.

Lines 607–612: These lines should be completed if a second loan is to be paid and released. Follow the same procedures as for Lines 601 to 606 above.

Line 613: Enter any fee charged by the Lender to the Borrower for refinancing or assuming an existing mortgage, or for taking out any second mortgage or other loan to be secured by the real property. Refinancing may also involve charges for points (line 202), updating of title insurance (line 405), and government transfer fees (Section V).

Lines 614 and 615: These lines may be used to specify additional charges or credits.

Lines 616 and 617: Enter the charge for inspections other than those required by the Lender and included in Lines 208 through 210 of Section II. Enter the type of inspection on the lines provided.

Line 618: Enter totals for Section VI.

Section VII: Total Settlement Charges and Credits. In this section are shown charges for the transfer, including those settled outside of the settlement.

Line 701: Enter the total charges from Sections I, II, III, IV, V and VI (total for Lines 104, 213, 310, 416, 505, and 618).

Lines 702–704: Enter any items which were or are to be settled outside settlement. *Exclude any items relating to contract sales price adjustments which may be made outside of settlement.* These appear in Sections VIII and IX only.

Line 705: Enter totals for Section VII by subtracting Lines 702, 703 and 704 from Line 701.

Section VIII: Funds Required From Buyer/Borrower. This section summarizes the Buyer/Borrower's transaction and shows the amount of funds required from the Buyer/Borrower to complete the settlement.

Line 801: Enter the Contract Sales Price of the property from Section A, Line 11; or in the case of a loan not involving a sale, enter the new amount of loan principal owed by the Borrower.

Line 802: Enter total settlement charges from Line 705 of the Buyer/Borrower column.

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Lines 803–808: In these spaces enter all contract sales price adjustments which the Buyer agrees to pay.

Line 809: Enter the total of Lines 803–808.

Line 810: Enter the total of Lines 801, 802, and 809.

Line 811: Enter any earnest money deposit made by the Buyer.

Line 812: Enter the new mortgage proceeds; or in the case of a loan not involving a sale, enter the loan proceeds made available to the Borrower.

Lines 813–814: Enter any contract sales price adjustments which the Seller agrees to pay.

Line 815: Enter the total of Lines 811–814.

Line 816: Subtract Line 815 from Line 810 to arrive at the Buyer/Borrower's final cash obligation at settlement.

Section IX: Disbursements To Seller: This section summarizes the Seller's transaction and shows the amount owed to the Seller at settlement. It is filled out only if the loan finances sale of a 1- to 4-family residence.

Line 901: Enter the Contract Sales Price of the property from Section A, Line 11.

Line 902: Enter the contract sales price adjustments paid by the Buyer (from Line 809).

Line 903: Enter the total of Lines 901 and 902.

Line 904: Enter total settlement charges from Line 705 of the Seller column.

Line 905: Enter the Buyer's earnest money deposit (from Line 811).

Lines 906–908: Enter any contract sales price adjustments which the Seller agrees to pay.

Line 909: Enter the total of Lines 904–908.

Line 910: Subtract Line 909 from Line 903 to arrive at the final amount owed to the Seller at settlement.

[FR Doc.75-4276 Filed 2-14-75;8:45 am]

federal register

TUESDAY, FEBRUARY 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 33

PART IV

GENERAL ACCOUNTING OFFICE

■

1975 FEDERAL ELECTIONS EXPENDITURES

Limitations for Use of Communications Media

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GENERAL ACCOUNTING OFFICE

1975 FEDERAL ELECTION EXPENDITURES

Limitations for Use of Communications Media

Title I of the Federal Election Campaign Act of 1971 (Pub. L. 92-225) imposes a spending limitation on candidates for Federal elective office (President of the United States, Senator and Representative in, or Resident Commissioner or Delegate to, the Congress of the United States) for campaign use of communications media. Under the Act and the Regulations of the Comptroller General, 11 CFR ch. 1, "communications media" means radio, television, cable television, magazines, newspapers, billboards, display space in any public place of a type customarily leased to commercial advertisers, and telephones when used to communicate with potential voters by general canvass methods.

Under section 104(a)(4) of the Act, the Secretary of Labor has certified to the Comptroller General and published on page 7016 of this issue of the FEDERAL REGISTER that the United States city average All Items Consumer Price Index (1967=100) increased 27.0 percent from its 1970 annual average of 116.3 to its 1974 annual average of 147.7.

Under section 104(a)(5) of the Act, the Secretary of Commerce has certified to the Comptroller General and published in the FEDERAL REGISTER [1] an estimate of the voting age population (18 years and older) for calendar year 1974 for each State and congressional district, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands.

The estimate shows that no congressional district has a voting age population in excess of 500,000 except the District of Columbia and the Commonwealth of Puerto Rico. Under the statutory formula, the communications media spending limitation applicable to each congressional district for each election during 1975 (except the District of Columbia and Puerto Rico) is $63,500, of which no more than $38,100 may be spent for the use of broadcasting stations. The applicable limitations for the District of Columbia and the Commonwealth of Puerto Rico are shown in the attached table.

On the basis of the certifications received from the Secretary of Labor and the Secretary of Commerce, the communications media spending limitations applicable to each Federal election during 1975 in each State and in the United States are set forth in the attached table.

The voting age population estimate for the United States does not include the estimates for Guam, Puerto Rico, and the Virgin Islands because their residents are not entitled to vote in presidential elections.

[SEAL] ROBERT F. KELLER,
Acting Comptroller General of the United States.

Federal Election Campaign Media Spending Limitations (Calendar year 1975, Public Law 92-225)
[February 10, 1975, consumer price index increase=27.0 percent]

State and congressional district	Voting age population	Communication media limit	Broadcasting media limit
United States	144,128,000	18,304,256	10,982,554
Alabama	2,380,000	303,403	182,042
Alaska	207,000	63,500	38,100
Arizona	1,421,000	180,467	108,280
Arkansas	1,402,000	178,054	106,832
California	14,496,000	1,840,992	1,104,595
Colorado	1,687,000	214,249	128,549
Connecticut	2,139,000	271,653	162,992
Delaware	265,000	63,500	38,100
District of Columbia	517,000	65,659	39,395
Florida	5,768,000	732,536	439,522
Georgia	3,229,000	410,083	246,050
Hawaii	565,000	71,755	43,053
Idaho	524,000	66,548	39,929
Illinois	7,569,000	961,263	576,758
Indiana	3,576,000	454,152	272,491
Iowa	1,947,000	247,269	148,361
Kansas	1,580,000	200,660	120,396
Kentucky	2,267,000	287,909	172,745
Louisiana	2,426,000	308,356	185,014
Maine	707,000	89,789	53,873
Maryland	2,771,000	351,917	211,150
Massachusetts	4,031,000	511,937	307,162
Michigan	6,029,000	765,653	459,410
Minnesota	2,623,000	333,121	199,873
Mississippi	1,492,000	189,484	113,690
Missouri	3,298,000	418,973	251,384
Montana	499,000	63,500	38,100
Nebraska	1,052,000	133,604	80,162
Nevada	364,000	63,500	38,100
New Hampshire	547,000	69,469	41,681
New Jersey	5,058,000	642,366	385,420
New Mexico	711,000	90,297	54,178
New York	12,663,000	1,608,201	964,921
North Carolina	3,639,000	462,153	277,292
North Dakota	425,000	63,500	38,100
Ohio	7,267,000	921,639	552,983
Oklahoma	1,880,000	286,760	143,256
Oregon	1,576,000	200,152	120,091
Pennsylvania	8,279,000	1,051,433	630,860
Rhode Island	653,000	82,931	49,759
South Carolina	1,888,000	239,791	139,675
South Dakota	457,000	63,500	38,100
Tennessee	2,898,000	368,156	215,494
Texas	8,019,000	1,018,413	611,048
Utah	780,000	99,710	55,626
Vermont	316,000	63,500	38,100
Virginia	3,360,000	425,450	255,270
Washington	2,387,000	303,149	181,889
West Virginia	1,236,000	156,972	94,183
Wisconsin	3,089,000	389,763	233,858
Wyoming	240,000	63,500	38,100
OUTLYING AREAS			
Puerto Rico	1,682,000	213,614	128,168
Guam	45,000	63,500	38,100
Virgin Islands	45,000	63,500	38,100

[1] 40 FR 5177, February 4, 1975.

[FR Doc.75-4424 Filed 2-14-75;8:45 am]

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that six positions of Regional Director, GS–14 and GS–15, are excepted under Schedule A.

Effective February 19, 1975, § 213.3113 (d) (1) is revised as set out below.

§ 213.3113 Department of Agriculture.

• • • • •

(d) *Agricultural Stabilization and Conservation Service.*

(1) Six positions of Regional Director at GS–14 and GS–15.

(5 U.S.C. secs. 3301, 3302; E. O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–4579 Filed 2–18–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Relief of Restrictions on Importation of Slaughter Sheep and Goats From Canada

Statement of considerations. On December 5, 1974, there was published in the FEDERAL REGISTER (39 FR 42375), proposed amendments to 9 CFR Part 92, to provide for the importation of sheep and goats from Canada for immediate slaughter without the inspection on the premises of origin which is now required. In view of the fact that Canada has animal disease eradication programs comparable to those of the United States, this action is taken to relieve restrictions no longer deemed necessary to protect the livestock industry of the United States. Sheep and goats for immediate slaughter, however, must be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating in substance: (1) That the sheep and goats have been inspected and found free of evidence of communicable disease, and (2) That, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. The sheep and goats must be consigned from the port of entry directly to a recognized slaughtering establishment and under the condition that they there be slaughtered within two weeks from the date of entry.

A period of 30 days was allowed for submission of comments by interested persons. No comments were received.

Therefore, after due consideration of all relevant information available to the Department, the proposed amendments are hereby adopted without change.

1. § 92.21 is amended by adding a new paragraph (c) reading as follows:

§ 92.21 Sheep and goats from Canada.

• • • • • •

(c) Sheep and goats for immediate slaughter may be imported from Canada without the certification prescribed in paragraph (a) of this section but shall be subject to the other applicable provisions of this part and shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating that: (1) The sheep and goats were inspected on the premises where assembled for shipment to the United States within the 30 days immediately prior to the date of export and were found free of evidence of communicable disease, and (2) As far as can be determined, they have not been exposed to any such disease during the 60 days immediately preceding their exportation.

2. § 92.23 is amended to read:

§ 92.23 Animals from Canada for immediate slaughter.

Cattle, sheep, goats, and swine imported from Canada for immediate slaughter shall be consigned from the port of entry directly to a recognized slaughtering establishment and there be slaughtered within two weeks from the date of entry.

(Secs. 6 and 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 104, 105, 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477, 38 FR 19141.)

Effective date. The foregoing amendments shall become effective on February 19, 1975.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of animal diseases, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of February, 1975.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–4483 Filed 2–18–75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

The provisions of section 170 of the Atomic Energy Act of 1954, as amended, (the Act) require the holder of a license for a production or utilization facility to have and maintain financial protection to cover public liability claims. Section 170 of the Act in conjunction with section 201 of the Energy Reorganization Act of 1974 requires the Nuclear Regulatory Commission to indemnify the licensee and other persons indemnified against public liability claims in excess of the amount of financial protection required. Subsection 170b. of the Act requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection required shall be the maximum amount available from private sources. For other licensees, the Commission may require lesser amounts of financial protection. Financial protection may be in the form of private insurance, private contractual indemnities, self-insurance or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are not required to obtain financial protection.

The insurers who provide the nuclear liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have advised the Commission that effective January 1, 1975, the maximum amount of privately available nuclear energy liability insurance would be increased from $110 million to $125 million.

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Pursuant to the provisions of subsection 170b. of the Act, the amount of financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to $125 million, effective March 21, 1975. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," reflect this requirement.

Since the amendments set out below conform the Commission's regulations to a statutory requirement, the Commission has found that good cause exists for omitting public notice of proposed rule making and public procedure thereon as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Part 140, Code of Federal Regulations, are published as a document subject to codification.

§ 140.11 [Amended]

1. Section 140.11(a)(4) is amended by deleting "$110,000,000" and substituting therefor "$125,000,000."

§ 140.91 [Amended]

2. Section 140.91, Appendix A, Conditions, Paragraph 4, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows:

[1] For policies issued by Nuclear Energy Liability Insurance Association the amount will be "$96,875,000." for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be "$28,125,000."

3. Section 140.91, Appendix A, Optional Amendatory Endorsement, paragraph III, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows:

[1] For policies issued by Nuclear Energy Liability Insurance Association the amount will be "$96,875,000," for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be "$28,125,000."

§ 140.92 [Amended]

4. Section 140.92, Appendix B, Article II, Paragraph 8(a), is amended by deleting the amount "$85,250,000" wherever it appears and substituting therefor "$96,875,000."

5. Section 140.92, Appendix B, Article II, Paragraph 8(b), is amended by deleting the amount "$24,750,000" wherever it appears and substituting therefor "$28,125,000."

6. Section 140.92, Appendix B, Article II, Paragraph 8(c), is amended by deleting the amount "$110,000,000" wherever it appears and substituting therefor "$125,000,000."

7. Section 140.92, Appendix B, Article III, Paragraph 4(b)(2), is amended by changing "$110,000,000" to "$125,000,000."

§ 140.93 [Amended]

8. Section 140.93, Appendix C, Article II, Paragraph 8, is amended by deleting the amount "$110,000,000" wherever it appears and substituting therefor the amount "$125,000,000."

9. Section 140.93, Appendix C, Article III, Paragraph 4(b)(2), is amended by changing "$110,000,000" to "$125,000,000."

§ 140.94 [Amended]

10. Section 140.94, Appendix D, Article II, Paragraph 6, is amended by changing "$110,000,000" to "$125,000,000."

§ 140.95 [Amended]

11. Section 140.95, Appendix E, Article III, Paragraph 4(b)(2), is amended by changing "$110,000,000" to "$125,000,000."

Effective date. The foregoing rule becomes effective on March 21, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 4, Pub. L. 85-256, 71 Stat. 576 (42 U.S.C. 2210))

Dated at Washington, D.C., this 13th day of February 1975.

For the Nuclear Regulatory Commission.

JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc.75-4500 Filed 2-18-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Federal Airways; Correction

On Monday, February 3, 1975, the Federal Aviation Administration published an amendment to Part 71 of the Federal Aviation Regulations (FR Doc. 75-2990; 40 FR 4905). Amendatory item number 3 of that document contains transposed digits in a reference in line 9 of that paragraph on page 4906. The ninth line of amendatory item 3 reading, "267° radials; * * *" is amended by correcting it to read: "276° radials; * * *"

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 12, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-4388 Filed 2-18-75;8:45 am]

[Airspace Docket No. 75-SO-9]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to lower the ceiling for Restricted Areas R-3004 Fort Gordon, Ga., and R-6004 Savannah River Plant, S.C., from 18,000 feet MSL to 17,000 feet MSL.

This change can be effected without detriment to the intended purpose of the restricted areas and it will allow a portion of airspace to be returned to public use.

Since this amendment restores airspace to the public, it is a minor matter upon which the public would have no particular desire to comment, therefore, notice and public procedure are unnecessary. Since this action relieves a restriction upon the public, it may become effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective February 19, 1975, as hereinafter set forth.

In § 73.30 (40 FR 669) the designated altitudes for R-3004 Fort Gordon, Ga., are changed to read as follows:

Designated altitudes. Surface to 17,000 feet MSL.

In § 73.60 (40 FR 693) the designated altitudes for R-6004 Savannah River Plant, S.C., are changed to read as follows:

Designated altitudes. Surface to 17,000 feet MSL.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 11, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-4390 Filed 2-18-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8739]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bendix Corp. and Fram Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 7, 38 Stat. 731; as amended; 15 U.S.C. 18) [Cease and desist order, The Bendix Corporation, et al., Southfield, Mich., Docket 8739, Nov. 12, 1974]

In the Matter of the Bendix Corporation, a Corporation, and Fram Corporation, a Corporation

Consent order requiring, among other things, the establishment of a "New Company" within six months of the effective date of this order and its spin-off to shareholders or the public within two years. When it commences business, the New Company will own Fram Corporation's private label filter division, three of Bendix's and two of Fram's manufacturing divisions and a portion of Bendix's automotive sales divisions. Further, respondent is prohibited from making any acquisitions for a ten-year period, within the fields of automotive

filters for aftermarket distribution, aerospace filters, liquid separators, and automobile parts for aftermarket distribution.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

I. For the purposes of this Order, the following definitions shall apply:

1. *Respondent.* The Bendix Corporation, and those persons, partnerships, corporations or other legal entities acting on its behalf, including, but not limited to, its officers, directors, agents, representatives, employees, majority-owned subsidiaries, successors and assigns; *Provided, however,* That the term Respondent shall not be construed to include the New Company (as hereinafter referred to).

2. *Automobile parts.* All parts used on and in connection with the operation of passenger cars and light trucks. (As used in this Order the term "light trucks" means trucks having a gross vehicle weight of less than 10,000 pounds.)

3. *Bendix ignition parts.* Automobile parts consisting of rotors, condensers, points and distributor caps, as presently manufactured by Bendix; as well as all other parts as may from time to time be manufactured by Bendix which are substitutes therefor, or improvements thereof.

4. *Automobile chemicals.* Automobile parts cleaners, hand cleaners, starting fluid and any other Automobile Chemical products sold by Bendix as of the Effective Date of this Order except for brake fluid and brake lubricant.

5. *Effective date of this order.* The date of issuance of the Commission's Decision and Order with respect to this matter.

6. *Spin-off date.* The date within two (2) years after the Effective Date of this Order when Respondent divests itself of all right, title and interest in, and all capital stock of, the New Company as provided in this Order.

7. *Net parent investment.* The net book value of the assets of the New Company less the book value of the liabilities of the New Company determined in a manner consistent with the footnotes to the New Company balance sheet and income statement (pro forma combined-unaudited) attached as Exhibit IV to this Order.

8. *Intra-New Company eliminations.* Elimination of the sales between those divisions, subdidiaries and product lines to be transferred to the New Company pursuant to Part II(B) hereof.

II. *It is ordered,* That:

(A) Within six (6) months from the Effective Date of this Order, Respondent shall have existing or cause to be formed a separate corporation (herein "New Company") with at least sufficient shares of authorized capital stock to comply with the provisions of this Order.

(B) Within six (6) months from the Effective Date of this Order, Respondent shall transfer to New Company:

(1) All of the assets, properties, businesses, goodwill, rights, privileges and interests of whatever nature, real, personal, tangible and intangible (subject to liabilities) comprising the following existing divisions and/or subsidiaries of The Bendix Corporation (hereinafter "Bendix") and Fram Corporation (hereinafter "Fram"):

(a) Bendix Motor Components Division, whose principal plant and offices are located at 18th Street at Oakwood, Elmira, New York; *Provided,* That Bendix shall not transfer the facilities and personnel of said Division which are directly involved in or related to the manufacture or sale of bicycle brakes; said assets not to be transferred are listed in Exhibit I to this Order, which is attached and made a part hereof. The portion of said Division to be transferred had, on an unaudited pro forma basis, fiscal 1973 sales (before Intra-New Company Eliminations) of $19,531,000, pretax profits of $1,898,000 and, as of September 30, 1973, net assets of $8,175,000;

(b) Bendix's Filter Division, whose principal plant and offices are located at 434 West, 12 Mile Road, Madison Heights, Michigan, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of $5,346,000, pretax net profits of $320,000, and, as of September 30, 1973, net assets of $3,100,000;

(c) Bendix's Fuel Devices Division, whose principal plant and offices are located at 696 Hart Avenue, Detroit, Michigan, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of $9,351,000, pretax net profits of $1,117,000, and, as of September 30, 1973, net assets of $4,264,000;

(d) Fram's Campbell Filter Company, whose principal plant and offices are located at Fram Road, Dexter, Missouri, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of $8,227,000, pretax net profits of $1,755,000, and, as of September 30, 1973, net assets of $3,472,000;

(e) Fram's Industrial Filter Division, whose principal plant and offices are located at 2929 East Apache, Tulsa, Oklahoma, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of $8,056,000, pretax net profits of $335,000, and, as of September 30, 1973, net assets of $3,074,000;

(f) Fram's General Products Division, whose principal plant and offices are located at U.S. No. 1 By Pass South, Henderson, North Carolina, and which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of $15,099,000, pretax net profits of $260,000, and, as of September 30, 1973, net assets of $11,420,000.

A list of the general product lines to be transferred pursuant to this subparagraph (1) is attached to and made a part of this Order as Exhibit II.

(2) All of the assets and businesses (subject to liabilities) of Bendix's Automotive Aftermarket Operations Division (hereinafter "AAO"), which, on an unaudited pro forma basis, had fiscal 1973 sales (before Intra-New Company Eliminations) of $15,942,000, pretax net profits of $1,650,000, and, as of September 30, 1973, net assets of $5,838,000, consisting generally of all AAO's equipment, furniture and fixtures which relate to the product lines of AAO being divested as set forth in Exhibit III hereof, including a leasehold of a suitable warehouse facility, with adequate office space, of not less than 50,000 square feet; all AAO's books, catalogs, promotional materials, supplier and customer lists, records, accounts, data processing programs, inventories, machinery, and, subject to the provisions of subparagraph (C) of Part II of this Order, all rights to names, trade names trademarks, service names and service marks owned by Respondent (including all rights to P&D marks and names limited to the United States), pertaining to said AAO product lines; all AAO contracts (i) with third persons to manufacture, remanufacture or supply said product lines or components thereof to AAO, and (ii) with third persons to purchase any such product lines from AAO, to the extent that such contracts cover said product lines; provided, however, that Bendix shall not be required to divest any of its assets or businesses which relate to its brake, brake parts, brake fluid, brake lubricant, power steering, power hydraulics, or universal joint product lines.

(C) The assets to be transferred pursuant to subparagraph (1) of Part II(B) above shall include, without limitation, all books, catalogs, promotional materials, supplier and customer lists, records, accounts, data processing programs, inventories, tools, dies, jigs, machinery, equipment, manufacturing facilities, research and development capabilities, real and personal property, contract rights (including, but not limited to, all supply and sales contracts and all employment contracts), all rights to names, trade names, trademarks, service names and service marks owned by Respondent (including all rights to P&D marks and names limited to the United States, relating to, or associated with, the businesses to be transferred pursuant to Part 11(B)(1) (a) through (f), *Provided,* That Respondent shall not be required to transfer or otherwise divest the names, trade names, trademarks, service names and service marks (i) which consist of or which include "Bendix" or "Fram", or (ii) "Stromberg" in Asia, Australia and South Africa.

(D) Respondent shall make available to the New Company adequate administrative, sales and service personnel to carry on the businesses to be transferred to New Company.

(E) Respondent shall grant a non-exclusive royalty-free license to the New Company on reasonable terms and conditions to use the name "Bendix" in the United States for a period of five (5) years from the Effective Date of this Order in connection with the sale of (i) automotive starter drives of the general type manufactured by Bendix's Motor

[1] Copies of the decision and order and exhibits filed with the original document.

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Components Division and (ii) Automobile Chemicals.

(F) Respondent shall, concurrently with the above-described transfers, grant to the New Company the right to purchase, on reasonable terms and conditions no less favorable than those offered to any other customers for replacement use (but subject always to the requirements of law), for a period of five (5) years from the Effective Date of this Order, and for any part of said five year period, all or any part of the New Company's requirements of Bendix Ignition Parts, as the New Company, at its option shall desire.

(G) Unaudited pro forma financial statements of the New Company shall be and are attached and made a part of this Order as Exhibit IV.

III. *It is further ordered*, That:

(A) As of the date of transfer to New Company of the assets and businesses to be transferred pursuant to Part II of this Order, the New Company will have a Net Parent Investment of not less than forty-two (42) million dollars (including good will not to exceed $3.2 million).

(B) Pending the transfer of the assets and businesses to the New Company pursuant to Part II of this Order, Respondent shall use its best efforts to conduct such businesses in the ordinary course, and shall not make any change in the businesses to be divested or in the New Company (apart from making changes in the ordinary course of said businesses) which would impair the capacity of the New Company to continue the businesses transferred to the New Company pursuant to this Order.

(C) Pending the Spin-Off Date, Respondent shall use its best efforts to assist the New Company in commencing business, and in promoting its products and independent corporate identity. Prior to the Spin-Off Date, Respondent will notify all customers of the businesses transferred to the New Company that the New Company is a successor to Bendix and/or Fram with respect to the divested product lines, and that its products are those previously sold of furnished by Bendix or Fram.

(D) Pending the Spin-Off Date, the New Company, in order to insure an orderly transfer, may use all Bendix and Fram trademarks, trade names, service names and service marks previously used in connection with any lines of business transferred to it, and may inform others that it is associated with, and is a subsidiary of, Bendix and Fram.

(E) Respondent shall not, without the consent of the New Company, employ for three (3) years after the Spin-Off Date, any personnel (i) whose duties relate exclusively to the assets or businesses to be transferred to the New Company pursuant to Part II of this Order, or (ii) as shall be transferred to the New Company under Part II(D). Respondent will use its best efforts to encourage such persons to become employed by the New Company.

(F) In the period beginning on the date the New Company is organized pursuant to Part II(A) hereof until five years after the Spin-Off Date, Respondent shall not loan any sum of money or other thing of value to, or extend or advance credit to, or indemnify or guarantee the obligations of, the New Company, other than with respect to products or services sold on credit by Respondent to the New Company in the ordinary course of business.

(G) (1) Immediately after the New Company is organized, Respondent shall vote the stock of the New Company for the election of an interim Board of Directors to serve until the election of an initial Board of Directors;

(2) On or prior to the Spin-Off Date, Respondent shall cause the election of an initial Board of Directors of the New Company whose initial terms shall not exceed one (1) year;

(3) Respondent shall not vote any of the stock of the New Company except: (a) as provided in subparagraph 1 or Part III(G), (b) with respect to organizational matters, and (c) with respect to matters preparatory to spin-off;

(4) No member of the initial Board of Directors of the New Company shall at the time of his election or during the period of his service be an officer, director, or employee of Respondent; and

(5) Subsequent to the election of an initial Board of Directors of the New Company, no employee, officer, or director of Respondent shall concurrently be an employee, officer, or director of the New Company.

IV. *It is further ordered*, That:

(A) Within two (2) years of the Effective Date of this Order, Respondent shall divest itself of all right, title and interest in the New Company: (1) by transferring the capital stock of the New Company to persons who are at the time owners of Bendix common stock or Bendix common and preferred stock, or (2) by means of a public offering of the stock of the New Company which is registered pursuant to the Securities Act of 1933, or (3) by any combination of (1) and (2) above; subject always to the provisions of Paragraph (B) of this Part.

(B) In no case shall Respondent knowingly sell, divest, or otherwise transfer, directly or indirectly, any stock of the New Company to any person (other than an underwriter or selling dealer) who is at the time of the transfer the beneficial owner of more than two (2) percent of the outstanding common stock of Bendix; *Provided, however*, That in the event of a transfer of New Company stock under Part IV(A) (1) or (3) hereof, nothing in this Order shall prohibit any of the shareholders of Bendix who are the beneficial owners of more than two (2) percent of the outstanding common stock of Bendix from exercising any rights they may have as such shareholders to obtain their pro-rata shares of any shares of stock of the New Company; and *Further, provided, however*, That in the event of a public offering of New Company stock under Part IV(A) (2) or (3) hereof, Respondent shall exercise its best efforts to achieve a wide distribution of said stock.

V. *It is further ordered*, That Respondent shall:

(A) Not later than sixty (60) days after completion of the transfers described in Part II hereof, furnish to the Commission an independently certified balance sheet of the New Company.

(B) Cause the New Company to furnish to the Commission within one hundred twenty (120) days following the close of its first fiscal year, an independently certified income statement and balance sheet with respect to its first fiscal year's operations.

(C) Submit concurrently to the Commission copies of all registration statements or amendments thereto filed with the Securities and Exchange Commission with respect to any distribution of stock pursuant to Part IV(A).

VI. *It is further ordered*, That, for a period of two (2) years from the Spin-Off Date, Respondent shall not engage in the United States in:

(A) The manufacture or sale of the product lines presently manufactured or sold by Respondent as set forth in Exhibit II (other than sales of such products purchased from others and incorporated as component parts in other products sold by Respondent or sold by Respondent as spare parts for such other products).

(B) The manufacture or sale of Automobile Chemicals or of Bendix Ignition Parts except as provided in Part II(F) above; *Provided, however*, That to the extent that the New Company shall not during said two-year period purchase from Respondent Bendix Ignition Parts in quantities equal to the then current production capacity for such parts of Respondent, Respondent may to this extent: (i) manufacture and sell said ignition parts to new vehicle manufacturers for purposes of installation by them on new vehicles or for resale by them through their service operations as replacement parts under said manufacturers' brand or trade names; (ii) manufacture and sell said ignition parts to other manufacturers of ignition parts for resale by said manufacturers under a brand or trade name other than Respondent's; and (iii) manufacture and sell said ignition parts as part of an automotive tune-up kit which includes spark plugs, *Provided*, That Respondent will make available, on reasonable terms and conditions, spark plugs to the New Company under the New Company's own trade name subject to Respondent's then available production capacity.

VII. It is further ordered, That for ten (10) years from the Effective Date of this Order, Respondent shall not acquire, directly or indirectly, without the prior approval of the Commission, the share capital or assets (other than products acquired for use or resale in the ordinary course of Respondent's business, or other than the acquisition by Respondent of the share capital or assets of any corporation not organized in the United States of which Respondent owns more than 50 percent of the issued and outstanding share capital as of the Effective Date of this Order) of any corporation

engaged in the manufacture or sale in the United States of:

(A) Automotive filters, *Provided*, That nothing in this subparagraph (A) shall prohibit Respondent from acquiring the share capital or assets of any corporation engaged at the time in the manufacture or sale of automotive filters solely to any vehicle manufacturers for purposes of installation by them on any vehicles or for resale by them through their service operations as replacement parts;

(B) Aerospace filters;

(C) Liquid separators; or

(D) Automobile Parts (other than automotive filters which are covered separately by subparagraph (A) of this Part VII), *Provided*, That nothing in this subparagraph (D) shall prohibit Respondent from acquiring the share capital or assets of:

(1) Any corporation engaged at the time in the manufacture or sale of such Automobile Parts solely to any vehicle manufacturers for purposes of installation by them on any vehicles or for resale by them through their service operations as replacement parts, or to any other manufacturer of such Automobile Parts for resale by such manufacturer under a brand or trade name other than Respondent's; or

(2) Any corporation engaged at the time in the manufacture or sale of such Automobile Parts whose sales of such Automobile Parts during the calendar year preceding acquisition (exclusive of sales to any vehicle manufacturers for purposes of installation by them on any vehicles or for resale by them through their service operations as replacement parts) did not exceed twenty (20) percent of said corporation's total sales and were not in excess of One Million Dollars ($1,000,000).

The provisions of this Part VII of this Order shall apply to any arrangements pursuant to which Respondent acquires the market share of any concern, corporate or non-corporate, which is engaged in the manufacture of automotive filters, aerospace filters, liquid separators, or Automobile Parts other than automotive filters (a) through such concern discontinuing the marketing, distribution and/or sale of any said products under its own trade name or labels and thereafter distributing such products under Respondent's trade names or labels, or (b) by reason of such concern's discontinuing the manufacture of any of said products or the sale of any of said products to certain customers, and thereafter transferring to Respondent customer lists or in any other way making available to Respondent access to customers or customer accounts for any of said products.

No acquisition made by Respondent pursuant to the provisions contained in this Part VII shall be deemed immune or exempt from the provisions of the antitrust laws by reason of anything contained in this Order.

VIII. *It is further ordered*, That, Respondent shall, within six (6) months after the Effective Date of this Order, and every six (6) months thereafter, until Respondent has fully complied with Parts II through VI of this Order, submit in writing to the Commission a report setting forth in detail the manner and form in which Respondent intends to comply, is complying, and has complied with Parts II through VI of this Order. All compliance reports shall include such other information and documentation as may hereafter reasonably be required to show compliance with this Order.

With respect to Part VII of this Order, Respondent shall, on the first anniversary date of the Effective Date of this Order and on each anniversary date thereafter to and including the tenth anniversary date, submit a report, in writing, setting forth in detail the manner and form in which Respondent intends to comply, is complying and has complied with Part VII of this order, a list of all acquisitions or mergers made by Respondent in the categories described in Part VII, the date of such acquisition or merger, the products involved, and such additional information relating thereto as may from time to time reasonably be required.

IX. *It is further ordered*, That Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation, which may affect obligations arising out of this Order.

Decision and order issued by the Commission Nov. 12, 1974.[2]

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4394 Filed 2-18-75;8:45 am]

[Docket No. C-2595]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

J. Walter Thompson Co.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.210 *Scientific tests;* § 13.265 *Tests and investigations.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising;* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, J. Walter Thompson Company, New York City, Docket C-2595, Oct. 8, 1974.]

In the Matter of J. Walter Thompson Company, a corporation

Consent order requiring a New York City advertising agency, among other things to cease using deceptive demonstrations and making unsubstantiated claims concerning structural strength, quietness or performance of motor vehicles.

The Decision and Order, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondent, J. Walter Thompson Company, its successors and assigns, its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising or offering for sale or distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle, do forthwith cease and desist from:

(a) Unfairly or deceptively advertising any such product by presenting evidence, including tests, experiments, or demonstrations, or the results thereof, that appears or purports to be evidence of the structural strength, quietness or performance of such product, that is material to inducing the sale of such product, but which is not competent or reliable evidence to prove such fact or product feature.

(b) Making any statements or representations, directly or by implication, concerning the structural strength, quietness or performance of the said product or any part thereof, unless there exists a reasonable basis for such statements or representations, provided that such a reasonable basis shall consist of competent and reliable scientific tests or other competent and reliable objective materials; including competent and reliable opinions of scientific, engineering or other experts who are qualified by professional training and experience to render competent judgments in such matters.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to its operating divisions involved in the advertising or promotion of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle marketed by the Ford Division, Ford Motor Company.

It is further ordered, That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

[1] Copies of the complaint, initial decision, and original order reported in 77 FTC 731.

[2] Copies of the Complaint, Decision and Order, filed with the original document.

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It is further ordered, That respondent shall, within sixty (60) days after the effective date of this order, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

Decision and order issued by the Commission, Oct. 8, 1974, Commissioner Thompson dissenting.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4437 Filed 2-18-75;8:45 am]

[Docket No. C-2572]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Trailer Coach Association and Louis Bell

Subpart—Advertising falsely or misleadingly: § 1310 *Advertising falsely or misleadingly;* § 13.170 *Qualities or properties of product or service;* 13.170–34 Economizing or saving; § 13.180 *Quantity.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart — Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Trailer Coach Association, et al., Anaheim, Calif., Docket C-2572, Oct. 8, 1974]

In the Matter of Trailer Coach Association, a Corporation, and Louis C. Bell, Individually and as President of Said Corporation.

Consent order requiring an Anaheim, Calif., trade association representing manufacturers, component suppliers, and dealers of mobile homes and recreational vehicles, among other things to cease making representations as to energy use or energy-saving characteristics of their recreational vehicles or as to the supply or availability of gasoline without having a reasonable basis for such claim.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Trailer Coach Association, a corporation, its successors and assigns, and its officers, and Louis C. Bell, individually and as president of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of recreational vehicles, including but not limited to travel trailers, motor homes, van conversions, truck campers and camping trailers, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles, or as to the supply or availability of gasoline or any other form of energy; unless, at the time the representation is made, respondents have a reasonable basis for such representation, consisting of tests or surveys;

a. based on reliable data and adhering to generally accepted statistical principles,

b. which shall fully and completely substantiate the representation, and

c. the results and methodology of which, together with the original data collected, are available for public inspection and condensed in a report written in terms understandable to the average consumer, at each of respondents' offices.

2. Making any representation, directly or by implication, as to energy use or energy saving characteristics of ownership or operation of any recreational vehicle or vehicles; unless respondents clearly and conspicuously disclose, in immediate conjunction with the representation:

a. The specific forms of energy referred to, unless the representation applies to total consumption of all forms of energy by the consumer or family.

b. The particular type and size of recreational vehicle to which the representation applies, and the nature and extent of accessory equipment, unless it applies to all types and sizes of such vehicles regardless of accessory equipment installed.

c. The particular locations and conditions of use, including but not limited to the season, duration, and number of miles traveled, to which the representation applies, unless it applies to all conditions of use and to all locations and regions in the United States.

d. The specific manner of operation of the recreational vehicle, home, automobiles, and other energy-consuming possessions to which the representation applies, unless it applies to the customary or usual manner of operation of all such possessions by the average consumer of family.

It is further ordered, That respondents forthwith deliver, to all persons and firms which respondents know or have reason to know may engage in dissemination of representations originated or distributed by respondents since June 1, 1973, as to energy use or energy saving characteristics of ownership or operation of recreational vehicles, or as to the supply or availability of gasoline or any other form of energy, a notice containing the following information, without mitigation:

1. The energy-related representations contained in the referenced advertising have been the subject of an investigation by the Federal Trade Commission, which has resulted in the entry of a consent order directing that distribution of the referenced advertisements be restricted.

2. At the time the energy-related representations were made, Trailer Coach Association did not have adequate substantiation to support such representations.

3. Trailer Coach Association has been ordered by the Federal Trade Commission to cease and desist from making energy claims related to recreational vehicles unless Trailer Coach Association can support such claims with reliable and statistically valid tests or surveys.

4. None of the energy-related representations originated or distributed by Trailer Coach Association since June 1, 1973, and no materials containing such representations, are to be further disseminated to the public or others until such time as respondents certify in writing to such person or firm that Trailer Coach Association is in possession of the substantiation required by this order.

5. Further dissemination by the person or firm of such representations without the certification required above may constitute a violation of the Federal Trade Commission Act by the person or firm itself.

It is further ordered, That respondents shall maintain complete records relative to the manner and form of their compliance with this order, and shall retain each record for three years after such record is made. Such records shall include all advertising, promotional material, the basis for all applicable advertising claims, correspondence with persons who formulate or place advertising, and other pertinent documents.

It is further ordered, That respondents promptly distribute a copy of this order to each operating division, to all present and future personnel of respondents engaged in the preparation, creation or placing of advertising, and to all present and future agencies engaged in the preparation, creation or placing of advertising on behalf of respondents; and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered that the individual respondent named herein promptly notify the Commission if he discontinues his present business or employment and if he affiliates with another business or employment related to the promotion, sale or distribution of recreational vehicles. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered that respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Decision and order issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4438 Filed 2-18-75;8:45 am]

[1] Copies of the complaint and decision and order filed with the original document.

[Docket C-2587]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

4 Wheel Country, Inc. and Harvey G. Ferguson

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.470 *Scientific or other relevant facts.*—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions;* 13.1905–40 Insurance coverage; 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605.) [Cease and desist order, 4 Wheel Country, Inc., et al., Yakima, Wash., Docket C-2587, Oct. 23, 1974.]

In the Matter of 4 Wheel Country, Inc., a Corporation, and Harvey G. Ferguson, Individually and as an Officer of Said Corporation

Consent order requiring a Yakima, Wash., retailer of new and used mobile homes, travel trailers, campers and other motor vehicles, among other things to cease violating the Truth in Lending Act by failing to disclose to customers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act. Further, respondent must cease representing that credit insurance is mandatory in order to obtain credit and filling out contracts in such a manner as to obtain customer's signature requesting said insurance without full disclosure of what the customer is signing.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents 4 Wheel Country, Inc., a corporation, and its officers, and Harvey G. Ferguson, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et. seq.), do forthwith cease and desist from:

1. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

3. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

4. Failing to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and describe that sum as the "finance charge," as required by § 226.8(c)(8)(i) of Regulation Z.

5. Failing to compute and disclose the annual percentage rate accurately to the nearest quarter of one percent, as required by §§ 226.5(b) and 226.8(b)(2) of Regulation Z.

6. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to disclose the number, amounts and due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments, and to describe that sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

8. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

9. Failing to describe or identify the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as required by § 226.8(b)(5) of Regulation Z.

10. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

11. Failing to furnish to the customer, before the transaction is consummated, a duplicate of the instrument or other statement containing the disclosures prescribed by § 226.8 of Regulation Z, as required by § 226.8(a) of Regulation Z.

12. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges or premiums for Vendor's Single Interest insurance unless all subrogation rights against the customer have been effectively waived by the insurer in accordance with § 226.4(a)(7) of Regulation Z.

13. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges or premiums for credit life, accident, health or disability insurance, unless respondents can demonstrate that they have:

(a) Refrained from including the cost of such insurance in the "amount financed" and in all other amounts affected by the election or declination of insurance, as such amounts are set forth on the sales contract and any document containing credit cost disclosures, until respondents have completed the actions prescribed by paragraphs (b) and (c), below, and have secured the customer's signature on the statement there provided.

(b) Quoted to the customer, whether in person, by telephone, or otherwise, installment payment amounts exclusive of the charges or premiums for such insurance.

(c) Read and presented to the customer the following statement, printed clearly and conspicuously in 12-point or larger type on one side of a single sheet of paper:

Credit life, accident, health and/or disability insurance are entirely optional. You are NOT REQUIRED to purchase such personal insurance in order to obtain credit through our company, and your voluntary decision in this regard will not affect the granting of credit to you.

Your cost for such insurance, if you choose to purchase it, will be:

[Itemize, as applicable]

I have read this statement to the customer.

(Sales Representative) (Date and Time)

I ACKNOWLEDGE THAT THIS STATEMENT WAS READ TO ME at the date and time indicated. In light of the costs shown above, my voluntary choice is to:

[ ] Not purchase any such personal insurance.
[ ] Purchase credit life insurance.
[ ] Purchase [specify type(s)] insurance.

(Signature of Consumer) (Date and Time)

14. Making any marks or otherwise instructing a consumer as to signing or dating any document respecting an election of optional insurance, prior to a clear, voluntary exercise of the consumer's free and independent choice of such insurance.

15. Misrepresenting, orally or otherwise, directly or by implication, that credit life, accident, health and/or disability insurance coverage is required as

[1] Copies of the Complaint and decision and order filed with the original document.

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a condition of obtaining credit from or through respondents.

16. Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of optional or voluntary credit life, accident, health and/or disability insurance.

17. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with Sections 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by Sections 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondents secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents prominently display the following notice in two or more locations, including that portion of respondents' business premises most frequented by prospective customers, and including also each area where customers normally sign consumer credit documents or other binding instruments; *provided, however*, That such notices shall be considered prominently displayed only if so positioned as to be easily observed and read by the intended individuals:

NOTICE TO CREDIT CUSTOMERS

IF THE DEALER IS FINANCING OR ARRANGING THE FINANCING OF YOUR PURCHASE, YOU ARE ENTITLED TO CONSUMER CREDIT COST DISCLOSURES AS REQUIRED BY THE FEDERAL TRUTH IN LENDING ACT. THESE MUST BE PROVIDED TO YOU IN WRITING BEFORE YOU ARE ASKED TO SIGN ANY DOCUMENT OR OTHER PAPERS WHICH WOULD BIND YOU TO SUCH A PURCHASE. This notice required by order of the Federal Trade Commission.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business of employment. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission October 23, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4439 Filed 2-18-75;8:45 am]

[Docket No. C-2582]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Ford Motor Co.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.210 *Scientific tests;* § 13.265 *Tests and investigations.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising;* 13.2275–70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Ford Motor Company, Dearborn, Mich., Docket C–2582, Oct. 8, 1974.]

In the Matter of Ford Motor Company, a corporation

Consent order requiring a Dearborn, Mich., manufacturer of automobiles, among other things to cease using deceptive demonstrations and making unsubstantiated claims concerning structural strength, quietness or performance of motor vehicles.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered That respondent, Ford Motor Company, its successors and assigns, its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution, in commerce as "commerce" is defined in the Federal Trade Commission Act, of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle marketed by the Ford Division, do forthwith cease and desist from:

(a) Unfairly or deceptively advertising any such product by presenting evidence, including tests, experiments, or demonstrations, or the results thereof, that appears or purports to be evidence of the structural strength, quietness or performance of such product, that is material to inducing the sale of such product, but which is not competent or reliable evidence to prove such fact or product feature.

(b) Making any statements or representations directly or by implication, concerning the structural strength, quietness or performance of the said products or any part thereof, unless there exists a reasonable basis for such statements or representations; *Provided* that such a reasonable basis shall consist of competent and reliable scientific tests or other competent and reliable objective materials, including competent and reliable opinions of scientific, engineering or other experts who are qualified by professional training and experience to render competent judgments in such matters.

It is further ordered That respondent corporation shall forthwith distribute a copy of this order to its operating divisions involved in the advertising, promotion, distribution, or sale of the Ford LTD automobile, the Ford Galaxie automobile or any other motor vehicle marketed by the Ford Division.

It is further ordered That respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered That respondent shall, within sixty (60) days after the effective date of this order, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

Decision and order issued by the Commission, Oct. 8, 1974.[2]

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4434 Filed 2-18-75;8:45 am]

[Docket No. C-2590]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Kirby of North Providence, Inc., and Emanuel Toro

Subpart—Advertising falsely or misleading: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.75 *Free goods or services;* § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; 13.155–100 Usual as reduced, special, etc.; § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1740 *Scientific or other relevant facts;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract. Subpart—Prices: § 13.1817 *Reductions for prospect referrals;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act; § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1857 *Instruments sale to finance companies;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions;* 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Kirby of North Providence, Inc., et al., North Providence, R.I., Docket C–2590, Nov. 1, 1974.]

In the Matter of Kirby of North Providence, Inc., a Corporation, and Emanuel Toro, Individually and as an Officer of Said Corporation

Consent order requiring a North Providence, R.I., retailer of vacuum cleaners and related products, devices, parts and attachments, among other things to cease using misrepresentations to sell its products and violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of credit, such information as required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered*, That respondents Kirby of North Providence Inc., a corporation, its successors and assigns, and its officers, and Emanuel Toro individually and as an officer of said corporation trading under said corporate name or any trade name or names, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with advertising, offering for sale, sale and distribution of vacuum cleaners and related parts, attachments and devices or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally, visually, in writing or in any other manner, that:

(a) Any price for said products is a special or reduced price; unless such price constitutes a significant reduction from the regular selling price at which such products have been sold by respondents for a reasonably substantial period of time in the recent, regular course of their business; or misrepresenting in any manner, the savings available to purchasers.

(b) Any offer to sell said products is limited as to time or is limited or restricted in any other manner.

(c) Respondents offer reductions from the regular selling price of said products upon the occasion of the purchaser furnishing the names of other persons as prospective purchasers of such products unless the respondents clearly set forth on the contract the dollar amount of such reduction together with terminology which describes the nature of such reduction from the regular selling price and can affirmatively show that such regular selling price constitutes the price at which respondents have sold such products for a reasonably substantial period of time in the recent, regular course of business; or, in any manner, misrepresenting the amount of discounts, commissions, referral fees or allowances of any type receivable by the purchaser of respondents' products.

2. Failing to maintain adequate records, (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims of the type covered by paragraph 1(a) of this Order are based; and (b) from which the validity of any savings claim, including former pricing claims and similar representations of the type covered by paragraph 1(a) of this Order can be determined.

3. Failing to disclose to prospective customers, at the time of the initial contact by respondents via telephone call or any other type of contact, the fact that the individual making the call or contact is a representative of respondents, that the purpose of the call is to solicit the sale of said products and that if the prospective customer so agrees, respondents will send a salesman to the home of the prospective customer to demonstrate such products.

4. Representing to prospective customers that they will be provided with a free gift, valuable merchandise, or other consideration, at the time of the prior contact by respondents, unless respondents clearly and conspicuously disclose, orally or in writing, that such gift, merchandise or other consideration will be provided only if the prospective customers consent to allow respondents' sales representatives to visit their homes to demonstrate said products; or in any manner, misrepresenting the conditions, limitations, restrictions or requirements imposed upon the receipt of such free gifts, merchandise or other consideration.

5. Failing to inform the prospective purchaser prior to the signing of a contract wherein the respondents extend or offer to extend or arrange or offer to arrange for the extension of consumer credit that it is respondents' customary practice to sell, transfer, or assign their customers' obligations to various financial institutions, naming the specific financial institution which will receive the contract, if known by respondents, at the time of the sale.

6. Assigning, selling or otherwise transferring respondents' notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other documents evidencing the indebtedness.

7. Failing to include the following statement clearly and conspicuously on the face of any note, contract, or other instrument of indebtedness executed by or on behalf of respondents' customers:

NOTICE: Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

8. Contracting for any sale arising out of a door to door solicitation which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of signing of the contract.

9. Failing to orally disclose prior to the time of sale, and in writing conspicuously and clearly on any conditional sales contract, promissory note or other instrument executed by the buyer that the buyer may rescind or cancel the sale by written notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondent to collect any goods left in the buyer's home and to return any payments received from him. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to, and for a reasonable period following, cancellation.

10. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

11. Failing to refund immediately all monies or property to customers who have requested contract cancellation in writing within three (3) days from the execution of such contract.

12. Negotiating any conditional sales contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day of execution by the buyer.

Provided, however, that nothing contained in paragraphs 7 through 12 of this Order shall relieve respondent of any contractual obligations required by federal law or that law of the state in which the contract is negotiated. When such obligations are inconsistent, respondent may apply to the Commission for relief from this provision with respect to contracts executed in the state in which

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[2] Commissioner Thompson dissenting.

[1] Copies of the Complaint & decision and order filed with the original document.

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such different obligations are required.

II. *It is ordered* That respondents Kirby of North Providence, Inc., a corporation, its successors and assigns, and its officers, and Emanuel Toro, individually and as an officer of said corporation, trading under said corporate name or trading or doing business under any other name or names, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension or arrangement for the extension of consumer credit, or advertisement to aid, promote, assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the date on which the finance charge begins to accrue when that date is different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

2. Failing to disclose the finance charge expressed as an annual percentage rate, as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose the downpayment in property made in connection with the credit sale, and to describe that amount as the "trade-in," as required by § 226.8(c)(2) of Regulation Z.

4. Failing to disclose the "deferred payment price" as the sum of the cash price, all other charges which are part of the amount financed but are not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

5. Failing to make consumer credit cost disclosures before consummation of the transaction, and to furnish the customer with a duplicate of the instrument or a statement by which the disclosures required by § 226.8 are made, as prescribed by § 226.8(a) of Regulation Z.

6. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent corporation shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in (a) the offering for sale or sale of respondents' products or services or in the consummation of any extension of consumer credit or in (b) any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of the order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Nov. 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4435 Filed 2-18-75;8:45 am]

[Docket No. C-2579]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bob's Muldoon Lockers, et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Muldoon Lockers, Inc., et al., Anchorage, Alaska, Docket C-2579, Oct. 22, 1974]

In the matter of Muldoon Lockers, Inc., a corporation doing business as Bob's Muldoon Lockers, and Bob R. Buchta, individually and as an officer of said corporation.

Consent order requiring an Anchorage, Alaska, retailer of meat and meat products, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Muldoon Lockers, Inc., a corporation doing business as Bob's Muldoon Lockers, and Bob R. Buchta, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Representing in any such advertisement, directly or by implication, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z as required by § 226.10(d)(2) of Regulation Z:

a. the cash price;

b. the amount of the downpayment required or that no downpayment is required, as applicable;

c. the number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. the amount of the finance charge expressed as an annual percentage rate, and

e. the deferred payment price.

2. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 22, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4436 Filed 2-18-75;8:45 am]

[1] Copies of the complaint & decision and order filed with the original document.

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $100 to $108 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $108 each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

[Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205]

Signed at Washington, D.C. this 12 day of February 1975.

BETTY SOUTHARD MURPHY,
Administrator,
Wage and Hour Division.

[FR Doc.75-4431 Filed 2-18-75;8:45 am]

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESMAN"

Labor Standards

Section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended, exempts from its minimum wage and overtime pay provisions any employee employed in a bona fide executive, administrative, or professional capacity, as such terms are defined and delimited by regulations of the Secretary of Labor. The Administrator of the Wage and Hour Division has been delegated the authority to issue such regulations, which are contained in 29 CFR 541. Among other conditions, these regulations currently provide that executive employees must be paid at a rate of not less than $125 a week on a salary basis ($115 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), that administrative employees must be paid at a rate of not less than $125 a week on a salary or fee basis ($100 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa), and that professional employees must be paid at a rate of $140 a week on a salary or fee basis ($125 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). The regulations also contain a so-called upset salary test for certain employees who are paid not less than $200 a week ($150 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). All of these salary tests are exclusive of board, lodging, or other facilities.

On August 16, 1974, there was published in the FEDERAL REGISTER (39 FR 29603) a notice of proposed rulemaking to increase the minimum salary requirements of the exemption for bona fide executive, administrative, and professional employees. Interested persons were afforded the opportunity to submit written views, comments, data, or arguments within 30 days to the Administrator of the Wage and Hour Division, Washington, D.C. 20210. On September 17, 1974, a further notice was published in the FEDERAL REGISTER (39 FR 33377) extending the time for comment to October 29, 1974, and announcing a public hearing which was held in Washington, D.C. on October 22, 1974, as scheduled.

The August 16 notice, in order to make the salary tests in 29 CFR 541 more realistic and effective as qualifying requirements for exemption from the Act's monetary provisions, proposed that the salary tests in §§ 541.1(f) and 541.2(e) be increased to $160 per week for executive and administrative employees ($130 per week if employed in Puerto Rico, the Virgin Islands, or American Samoa) and that the salary test in § 541.3(e) be increased to $185 per week for professional employees ($150 a week if employed in Puerto Rico, the Virgin Islands, or American Samoa). It was further proposed that the upset salary test in §§ 541.1(f), 541.2(e) and 541.3(e) be increased to $300 per week ($200 per week if employed in Puerto Rico, the Virgin Islands or American Samoa), and that the special salary test for the motion picture industry in § 541.5a be increased to $250 per week.

The August 16 notice made clear that these proposed rates would, when adopted, be in effect for an interim period pending the completion and analysis of a study by the Bureau of Labor Statistics covering a six-month period in 1975.

The rapid increase in the cost of living since the salary tests were last adjusted justifies an interim increase in those tests pending completion of this study. Now, as before, it is believed that the widely accepted Consumer Price Index may be utilized as a guide for establishing these interim rates. The increase in the Consumer Price Index between March 1970 (114.5) and February 1974 (141.5) was 23.67 percent. It was this percentage rate, plus an upward adjustment for anticipated added increases during the period between February and August, 1974, that formed the basis of the regular salary tests set forth in the August 16 proposal. The actual increases which took place during that period would have justified a slightly higher salary rate for executive and administrative employees ($164 per week) and a slightly lower one for professional employees ($183 per week). However, in order to eliminate any inflationary impact, the interim rates hereinafter specified are set at a level slightly below the rates based on the CPI. As thus modified, these interim rates should, on the basis of all the available information, including wage and salary data relating to nonexempt employees, be well within the figures revealed by the subsequent study to be made in 1975. Because the interim rates are somewhat more conservative than the subsequent study may justify, no distinction will be made for employees covered prior to the Fair Labor Standards Amendments of 1966 and those covered by subsequent amendments to the Act. Therefore, a regular salary of not less than $155 per week will be required for bona fide executive and administrative employees. The salary test for bona fide professional employees will be set at $170 a week, thus maintaining the differential which currently exists between the salary tests for these employees and for bona fide executive and administrative employees. These rates will become effective on April 1, 1975.

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An upset salary test for higher salaried executive, administrative, and professional employees has been a part of the regulations since 1950. It was adopted for administrative convenience and contemplated that the salaries specified in the proviso would be high enough to include only individuals whose exempt status was not in question. A bona fide executive, administrative, or professional employee who does not meet this higher salary test would, of course, qualify for exemption under the regular salary test if the other basic requirements are also met. The proposed upset salary test was $300 a week, but a careful review of the record convinces me that this rate is too high. There are, however, considerations which warrant a proportionate increase in the upset salary test. For example, there are indications that certain employers are utilizing the high salary test to employ otherwise nonexempt employees (i.e., those who perform work in excess of the 20 percent tolerance for nonexempt work or the 40 percent tolerance allowed in the case of executive and administrative employees in retail and service establishments) for excessively long workweeks. Such employees do not qualify for exemption under the regulations' regular salary tests and some may no longer qualify for exemption under the interim upset salary test which, based on the record before me, is set at not less than $250 per week, to become effective on April 1, 1975.

The interim rates for Puerto Rico, the Virgin Islands, and American Samoa will be adopted as proposed; i.e., $130 per week for executive and administrative employees, $150 per week for professional employees, and $200 per week for such employees under the upset or special high salary proviso. These rates (which do not apply to employees of the Federal Government) are to become effective in Puerto Rico, the Virgin Islands and American Samoa on April 1, 1975.

The interim special salary requirement for the motion picture industry in § 541.5a will also be adopted as proposed: i.e., $250 per week, effective April 1, 1975.

These interim rates, pending completion of the study to be made in 1975, are necessary because present economic conditions have substantially impaired the current salary tests as effective guidelines for determining the exempt status of bona fide executive, administrative and professional employees. The present rates have become obsolete and interim rates are required to protect the interests of all concerned, including employees and employers, and to enable the Wage and Hour Division to administer the Act in a proper and equitable manner. The use of interim rates is not, however, to be considered a precedent.

Accordingly, Part 541 of Title 29, Code of Federal Regulations, is amended as follows:

1. Paragraph (f) of § 541.1 is revised to read as follows:

§ 541.1 Executive.

* * * * * *

(f) Who is compensated for his services on a salary basis at a rate of not less than $155 per week (or $130 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities: *Provided*, That an employee who is compensated on a salary basis at a rate of not less than $250 per week (or $200 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands or American Samoa), exclusive of board, lodging, or other facilities, and whose primary duty consists of the management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all the requirements of this section.

2. Paragraph (e) of § 541.2 is revised to read as follows:

§ 541.2 Administrative.

* * * * * *

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $155 per week ($130 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities; or

(2) Who, in the case of academic administrative personnel, is compensated for services as required by paragraph (e)(1) of this section, or on a salary basis which is at least equal to the entrance salary for teachers in the school system, educational establishment, or institution by which employed: *Provided*, That an employee who is compensated on a salary or fee basis at a rate of not less than $250 per week ($200 per week if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging or other facilities, and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all the requirements of this section.

3. Paragraph (e) of § 541.3 is revised to read as follows:

§ 541.3 Professional.

* * * * * *

(e) Who is compensated for services on a salary or fee basis at a rate of not less than $170 per week ($150 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities: *Provided*, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, nor in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, nor in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section: *Provided further*, That an employee who is compensated on a salary or fee basis at a rate of not less than $250 per week (or $200 per week, if employed by other than the Federal Government in Puerto Rico, the Virgin Islands, or American Samoa), exclusive of board, lodging, or other facilities, and whose primary duty consists of the performance either of work described in paragraph (a)(1) or (3) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

4. Part 541 of Title 29, Code of Federal Regulations, is amended by adding a new section, § 541.52 as follows:

§ 541.52 Special provision for motion picture producing industry.

The requirements of §§ 541.1, 541.2, and 541.3 that the employee be paid "on a salary basis" shall not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least $250 a week (exclusive of board, lodging, or other facilities).

5. Paragraphs (a) and (b) of § 541.117 are to read as follows:

§ 541.117 Amount of salary required.

(a) Except as otherwise noted in paragraph (b) of this section, compensation on a salary basis at a rate of not less than $155 per week, exclusive of board, lodging, or other facilities, is required for exemption as an executive. The $155 a week may be translated into equivalent amounts for periods longer than 1 week. The requirement will be met if the employee is compensated biweekly on a salary basis of $310, semimonthly on a salary basis of $335.84 or monthly on a salary basis of $671.67. However, the shortest period of payment which will meet the requirement of payment "on a salary basis" is a week.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the salary test for exemption as an "executive" is $130 per week for other than an employee of the Federal Government.

* * * * * *

6. Paragraph (b) of § 541.118 is amended to read as follows:

§ 541.118 Salary basis.

* * * * * *

(b) *Minimum guarantee plus extras.*—It should be noted that the salary may consist of a predetermined amount constituting all or part of the employee's compensation. In other words, additional compensation besides the salary is not

inconsistent with the salary basis of payment. The requirement will be met, for example, by a branch manager who receives a salary of $155 or more a week and in addition, a commission of 1 percent of the branch sales. The requirement will also be met by a branch manager who receives a percentage of the sales or profits of the branch, if the employment arrangement also includes a guarantee of at least the minimum weekly salary (or the equivalent for a monthly or other period) required by the regulations. Another type of situation in which the requirement will be met is that of an employee paid on a daily or shift basis, if the employment arrangement includes a provision that the employee will receive not less than the amount specified in the regulations in any week in which the employee performs any work. Such arrangements are subject to the exceptions in paragraph (a) of this section. The test of payment on a salary basis will not be met, however, if the salary is divided into two parts for the purpose of circumventing the requirement of payment "on a salary basis". For example, a salary of $200 in each week in which any work is performed, and an additional $50 which is made subject to deductions which are not permitted under paragraph (a) of this section.

* * * * * *

7. Section 541.119 is revised to read as follows:

§ 541.119 Special proviso for high salaried executives.

(a) Except as otherwise noted in paragraph (b) of this section, § 541.1 contains an upset or high salary proviso for managerial employees who are compensated on a salary basis at a rate of not less than $250 per week exclusive of board, lodging, or other facilities. Such a highly paid employee is deemed to meet all the requirements in paragraphs (a) through (f) of § 541.1 if the employee's primary duty consists of the management of the enterprise in which employed or of a customarily recognized department or subdivision thereof and includes the customary and regular direction of the work of two or more other employees therein. If an employee qualifies for exemption under this proviso, it is not necessary to test that employee's qualifications in detail under paragraphs (a) through (f) of § 541.1 of this Part.

(b) In Puerto Rico, the Virgin Islands, and American Samoa the proviso of § 541.1(f) applies to those managerial employees (other than employees of the Federal Government) who are paid on a salary basis at a rate of not less than $200 per week.

(c) Mechanics, carpenters, linotype operators, or craftsmen of other kinds are not exempt under the proviso no matter how highly paid they might be.

8. Paragraphs (a) and (b) of § 541.211 are revised to read as follows:

§ 541.211 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $155 a week, exclusive of board, lodging or other facilities, is required for exemption as an administrative employee. The requirement will be met if the employee is compensated biweekly on a salary basis of $310, semimonthly on a salary basis of $335.84, or monthly on a salary basis of $671.67.

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the salary test for exemption as an administrative employee is $125 per for other than an employee of the Federal Government.

* * * * * *

9. Section 541.214 is revised to read as follows:

§ 541.214 Special proviso for high salaried administrative employees.

(a) Except as otherwise noted in paragraph (b) of this section, § 541.2 contains a special proviso including within the definition of "administrative" an employee who is compenstated on a salary or fee basis at a rate of not less than $250 per week exclusive of board, lodging, or other facilities, and whose primary duty consists of either the performance of office or nonmanual work directly related to management policies or general business operations of the employer or the employer's customers, or the performance of functions in the administration of a school system, or educational establishment or institution, or of a department of subdivision thereof, in work directly related to the academic instruction or training carried on therein, where the performance of such primary duty includes work requiring the exercise of discretion and independent judgment. Such a highly paid employee having such work as his or her primary duty is deemed to meet all the requirements in § 541.2(a) through (e). If an employee qualifies for exemption under this provisio, it is not necessary to test the employee's qualifications in detail under § 541.2 (a) through (e).

(b) In Puerto Rico, the Virgin Islands, and American Samoa, the proviso of § 541.2(e) applies to those administrative employees other than an employee of the Federal Government who are compensated on a salary or fee basis of not less than $200 per week.

10. Paragraphs (a) and (b) of § 541.311 are to read as follows:

§ 541.311 Amount of salary or fees required.

(a) Except as otherwise noted in paragraphs (b) and (c) of this section, compensation on a salary or fee basis at a rate of not less than $170 per week, exclusive of board, lodging or other facilities, is required for exemption as a "professional employee." An employee will meet this requirement if paid a biweekly salary of $340, a semimonthly salary of $368.33 or a monthly salary of $736.67.

(b) In Puerto Rico, the Virgin Islands, and American Samoa the salary test for exemption as a "professional" for other than employees of the Federal Government is $150 per week.

* * * * * *

11. Paragraphs (c) and (d) of § 541.313 are revised to read as follows:

§ 541.313 Fee basis.

* * * * * *

(c) The adequacy of a fee payment. Whether it amounts of payment at a rate of not less than $170 per week to a professional employee or at a rate of not less than $155 per week to an administrative employee can ordinarily be determined only after the time worked on the job has been determined. In determining whether payment is at the rate specified in the regulations in Subpart A of this part the amount paid to the employee will be tested by reference to a standard workweek of 40 hours. Thus compliance will be tested in each case of a fee payment by determining whether the payment is at a rate which would amount to at least $170 per week to a professional employee or at a rate of not less than $155 per week to an administrative employee if 40 hours were worked.

(d) The following examples will illustrate the principle stated above:

(1) A singer receives $50 for a song on a 15-minute program (no rehearsal time is involved). Obviously the requirement will be met since the employee would earn $170 at this rate of pay in far less than 40 hours.

(2) An artist is paid $100 for a picture. Upon completion of the assignment, it is determined that the artist worked 20 hours. Since earnings at this rate would yield the artist $200 if 40 hours were worked, the requirement is met.

(3) An illustrator is assigned the illustration of a pamphlet at a fee of $150. When the job is completed, it is determined that the employee worked 60 hours. If the employee worked 40 hours at this rate, the employee would have earned only $100. The fee payment of $150 for work which required 60 hours to complete therefore does not meet the requirement of payment at a rate of $170 per week and the employee must be considered nonexempt. It follows that if in the performance of this assignment the illustrator worked in excess of 40 hours in any week, overtime rates must be paid. Whether or not the employee worked in excess of 40 hours in any week, records for such an employee would have to be kept in accordance with the regulations covering records for nonexempt employees (Part 516 of this chapter).

12. Section 541.315 is revised to read as follows:

§ 541.315 Special proviso for high salaried professional employees.

(a) Except as otherwise noted in paragraph (b) of this section, the definition of "professional" contains a special proviso for employees who are compensated on a salary or fee basis at a rate of at least $250 per week exclusive of board, lodging, or other facilities. Under this proviso, the requirements for exemption in § 541.3 (a) through (e) will be deemed to be met by an employee who receives the higher salary or fees and whose primary duty consists of the performance

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of work requiring knowledge of an advanced type in a field of science or learning, or work as a teacher in the activity of imparting knowledge, which includes work requiring the consistent exercise of discretion and judgement, or consists of the performance of work requiring invention, imagination, or talent in a recognized field of artistic endeavor. Thus, the exemption will apply to highly paid employees employed either in one of the "learned" professions or in an "artistic"' profession and doing primarily professional work. If an employee qualifies for exemption under this proviso, it is not necessary to test the employee's qualifications in detail under § 541.3 (a) through (e).

(b) In Puerto Rico, the Virgin Islands, and American Samoa the second proviso of § 541.3(e) applies to those "professional" employees (other than employees of the Federal government) who are compensated on a salary or fee basis of not less than $200 per week.

13. Section 541.601 is revised to read as follows:

§ 541.601 Special provision for motion picture producing industry.

Under § 541.5a, the requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least $250 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under §§ 541.1, 541.2, or 541.3 and who is employed at a base rate of at least $250 a week is exempt if he is paid at least pro rata (based on a week of not more than 6 days) for any week when he does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if he is employed at a daily rate under the following circumstances: (a) The employee is in a job category for which a weekly base rate is not provided and his daily base rate would yield at least $250 if 6 days were worked; or (b) the employee is in a job category having a weekly base rate of at least $250 and his daily base rate is at least one-sixth of such weekly base rate.

The higher minimum salary tests will be effective on April 1, 1975.

(Sec. 13, Stat. 1067, as amended; 29 U.S.C. 213; Reorganization Plan No. 6 of 1950 (3 CFR 1946–53 Comp. p. 1004); Secretary's Order No. 13–71 (3 CFR 8755), and Employment Standards Order 1–74 (39 FR 33841).

Signed this 12th day of February at Washington, D.C.

BETTY SOUTHARD MURPHY,
Administrator,
Wage and Hour Division.

[FR Doc.75–4433 Filed 2–18–75;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Employers of Ten or Fewer Employees

1. *Purpose.* Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 552(a)(1)(D) and sections 8(d) and 8(g)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 657 (d) and (g)(2)) of the Department of Labor's interpretation of the funding limitation in Title I of the Appropriations Act for Fiscal Year 1975 (Pub. Law 93–517). That Act provides as follows: "None of the funds appropriated in this Act shall be used to require recordkeeping and reporting under the Occupational Safety and Health Act of 1970 from employers of ten or fewer employees, and such exclusion shall be governed by the current rules and regulations in CFR, Title 29, Chapter XVII, Part 1904.15." This notice does not amend 29 CFR Part 1904 because of the temporary nature of the funding limitation in the Pub. Law 93–517, but it sets out the scope of that limitation and its relation to State plans approved under section 18 of the Act. Notice of the funding limitation has been prepared as a rulemaking document in order to give the public the most effective notice possible.

2. *Scope.* The funding limitation under Pub. L. 93–517 is applicable to all employers of ten or fewer employees covered by the Act. As stated in the preamble to the notice of proposed rulemaking on 29 CFR 1904.15, the term "employee" is used without limitation. Therefore, the term is intended to include all employees, whether full-time employees, part-time employees, or seasonal employees (37 FR 14316, July 19, 1972).

3. *Requirements.* (a) In accordance with 29 CFR 1904.15(a), an employer who had no more than ten (10) employees at any one time during calendar year 1973 need not comply with any of the requirements of 29 CFR Part 1904, except § 1904.8 concerning fatalities or multiple hospitalization accidents (i.e., he need not prepare the log, OSHA 100, the supplementary record, OSHA 101, nor prepare or post the summary, OSHA 102).

(b)(1) When an employer with only eight, nine, or ten employees is notified in writing in March, 1975 by the Bureau of Labor Statistics that he has been selected to participate in a statistical survey of occupational injuries and illnesses for 1974, he must report to the Bureau of Labor Statistics on the basis of records kept during calendar year 1974 (see the legislative history, Cong. Record H 11099, November 26, 1974).

(2) The exception to complying with the requirements of 29 CFR Part 1904 in paragraph (a) of this section shall, in accordance with 29 CFR 1904.15(b), not apply when an employer of only eight, nine, or ten employees has been notified in writing by the Bureau of Labor Statistics that he has been selected to participate in a statistical survey of occupational injuries and illnesses for 1975. If selected, an employer will be required to maintain a log of occupational injuries and illnesses, OSHA 100, in accordance with 29 CFR 1904.2 and to make reports in accordance with 29 CFR 1904.-21 for the period of time which is specified in the notice.

4. State plans. Under section 18(c)(7) of the Act and 29 CFR 1902.3(k), a State plan is required to provide that employers maintain records and make reports to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) in the same manner and to the same extent as if the State plan was not in effect. Those provisions do not limit State authority, under State law, to require additional data or to implement recordkeeping requirements for all employers regardless of the number of employees. This interpretation of State authority has been applied with respect to the limitation on recordkeeping requirements for employers of seven or fewer employees. (See 29 CFR 1952.4(a), 39 FR 29181, August 14, 1974). That regulation requires States with approved plans to adopt recordkeeping and reporting requirements which are substantially identical to 29 CFR Part 1904 and approves the extension of the State requirements to employers of seven or fewer employees. Since the funding limitation in Pub. L. 93–517 only applies to recordkeeping and reporting required under the Federal Act, States with approved State plans may, consistent with State law, require, or continue to require, that employers of ten or fewer employees comply with State recordkeeping and reporting requirements.

5. Public notice. Because this notice involves an interpretation of a statute, public comment is determined to be unnecessary as authorized by 5 U.S.C. 553.

6. Effective date. This notice is effective February 12, 1975, and will continue to be applicable for as long at the funding limitation in Pub. Law 93–517 remains in effect, unless modified or revised by the Assistant Secretary in the FEDERAL REGISTER.

(Secs. 8(d), 8(g)(2), 84 Stat. 1598 (29 U.S.C. 657(d), 657(g)(2)); 5 U.S.C. 552(a)(1)(D)).

Signed at Washington, D.C. this 12th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

JULIUS SHISKIN,
Commissioner of Bureau of Labor Statistics.

[FR Doc.75–4430 Filed 2–18–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75 048]

PART 117—DRAWBRIDGE OPERATION REGULATIONS, PEQUONNOCK RIVER, CONNECTICUT

Correction

Part 117 of Title 33 of the Code of Federal Regulations is amended by changing the spelling from "Poquonock" to "Pequonnock" as it appears in the heading of § 117.130 and § 117.131, and as it appears in § 117.130(a), § 117.130 (c)(2) and (4).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on February 20, 1975.

Dated: February 13, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Environment and Systems.

[FR Doc. 75–4459 Filed 2–18–75;8:45 am]

~~[CGD 8–75–8–R]~~

PART 127—SECURITY ZONES

Governors Island, New York

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of Buttermilk Channel, New York as a security zone. This security zone is established because of the presence of the Italian Fishing Vessel "Antonietta Madre" which, having been duly seized, is in the custody of the United States of America.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.318, to read as follows:

§ 127.318 Buttermilk Channel, New York.

That area of the waters of Buttermilk Channel, New York Harbor, within a 200 yard (radius) circle drawn from the center of the "Y" shaped pier on the eastern shore of Governors Island, N.Y.

(46 Stat. 220, as amended, 6(b), 80 Stat. 937; 50 U.S.C. Art. 191, 49 U.S.C. Art. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment becomes effective on 12 February 1975:

Dated: February 12, 1975.

FRANK OLIVER,
Captain, U.S. Coast Guard Captain of the Port of New York.

[FR Doc.75–4460 Filed 2–18–75;8:45 am]

Title 40—Protection of the Environment

[FRL 330–2]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 423—STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Miscellaneous Amendments and Corrections

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting 40 CFR Part 423, Steam Electric Power Generating Point Source Category, as set forth below. 40 CFR Part 423 was promulgated on October 8, 1974, pursuant to §§ 301, 304 (b) and (c), 306(b), and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500 (the Act).

The purpose of this notice is to correct errors in the preamble and Subparts A through D. The corrections encompass typographical, clerical and editorial errors and do not involve any substantive or policy issues.

In FR Document 74–23333 appearing on pages 36186 through 36207 in the issue of October 8, 1974, make the following changes:

1. In the preamble, comment No. 3, 5th paragraph, line 15, the word "regilation" is corrected to "regulation" (39 FR 36188, 1st column).

2. In the preamble, comment No. 21, 2nd paragraph, line 27, delete the comma after the word "practiced" and insert the word "and" (39 FR 36196 1st column).

3. In the preamble, comment No. 22, 1st paragraph, line 15, the word "phosphorous" is corrected to "phosphorus" (39 FR 36196, 2nd column).

4. In the preamble, comment No. 22, 1st paragraph, line 16, the word "sewerage" is revised to "sewage" (39 FR 36196, 2nd column).

5. In the preamble, comment No. 22, 3rd paragraph, line 34, "56,000,000" is revised to "5,600,000" (39 FR 36196, 3rd column).

6. In the preamble, comment No. 29, 2nd paragraph, line 5, "280,000,000,000" is revised to "28,000,000,000" (39 FR 36197, 2nd column).

7. Section 423.11 (e), (h), and (l) shall be revised to read as follows:

§ 423.11 [Amended]

(e) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the process, the further buildup of which would cause concentrations or amounts exceeding limits established by best engineering practice.

* * * * *

(h) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume waste sources would include but are not limited to wastewaters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems. Sanitary wastes and air conditioning wastes are specifically not included in low volume waste sources.

* * * * *

(l) The term "recirculated cooling water" shall mean water which is passed through the main cooling condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main cooling condensers.

§ 423.12 [Amended]

8. In § 423.12(b)(2) the word "biphenol" is revised to "biphenyl."

9. In § 423.12(b)(4) line 1, the word "quality" is revised to "quantity."

10. Section 423.12(b)(10) shall be revised to read as follows:

(10) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b) (1) through (9) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

§ 423.13 [Amended]

11. In § 423.13(b) the word "biphenol" is revised to "biphenyl."

12. In § 423.13(e) the word "sluicing" is revised to "transport water."

13. In § 423.13(h) the term "condenser" is revised to "cooling" both times the term occurs.

14. Section 423.13(l)(3) is revised to read as follows:

(3) Heat may be discharged in blowdown (overflow) from a cooling pond or cooling lake where the owner or operator of a unit otherwise subject to this limitation can demonstrate that a cooling pond, or cooling lake in service or

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under construction as of the effective date of this regulation, is used to cool recirculated cooling water before it is recirculated to the main condensers.

§ 423.15 [Amended]

15. In section 423.15(b) the word "biphenol" is revised to "biphenyl."

§ 423.16 [Amended]

16. Section 423.16, 2nd paragraph, 4th and 5th lines of the table are revised by deleting "Do." in each line and substituting "No limitation" in each line.

17. In § 423.16, 3rd paragraph, line 8, the word "dischrage" is revised to "discharge."

18. Section 423.21 (d), (f), and (j) shall be revised to read as follows:

§ 423.21 [Amended]

• • • • •

(d) The term "blowdown" shall mean the minimum discharge of recirculating water for the purpose of discharging materials contained in the process, the further buildup of which would cause concentrations or amounts exceeding limits established by best engineering practice.

• • • • •

(f) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume waste sources would include but are not limited to wastewaters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems. Sanitary wastes and air conditioning wastes are specifically not included in low volume waste sources.

• • • • •

(j) The term "recirculated cooling water" shall mean water which is passed through the main cooling condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main cooling condensers.

• • • • •

§ 423.22 [Amended]

19. In § 423.22(b)(2) the word "biphenol" is revised to "biphenyl."

20. Section 423.22(b)(10) shall be revised to read as follows:

(b) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b) (1) through (9) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

21. In § 423.23(b) the word "biphenol" is revised to "biphenyl."

22. In § 423.23(l), lines 4 and 5, the phrase "low volume waste sources" is deleted and the phrase "cooling tower blowdown" is substituted therefore.

23. In § 423.23(l), 3rd item in table "Phosphates" is revised to "Phosphorus."

§ 423.25 [Amended]

24. In § 423.25(b) the word "biphenol" is revised to "biphenyl."

§ 423.26 [Amended]

25. Section 423.26, 2nd paragraph, 4th and 5th lines of the table are amended by deleting "Do." in each line and substituting "No limitation" in each line.

§ 423.30 [Amended]

26. In section 423.30, 1st paragraph, 6th line, delete the word "generally."

27. Section 423.31 (c), (e) and (i) shall be revised to read as follows:

§ 423.31 [Amended]

• • • • •

(c) The term "blowdown" shall mean the minimum discharge of recirculatmg water for the purpose of discharging materials contained in the process, the further buildup of which would cause concentrations or amounts exceeding limits established by best engineering practice.

• • • • •

(e) The term "low volume waste sources" shall mean, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established in this subpart. Low volume waste sources would include but are not limited to wastewaters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, floor drainage, cooling tower basin cleaning wastes and blowdown from recirculating house service water systems. Sanitary wastes and air conditioning wastes are specifically not included in low volume waste sources.

• • • • •

(i) The term "recirculated cooling water" shall mean water which is passed through the main cooling condensers for the purpose of removing waste heat from the generating unit, passed through a cooling device for the purpose of removing such heat from the water and then passed again, except for blowdown, through the main cooling condensers.

• • • • •

28. In § 423.31(h), 5th line, delete the word "process."

§ 423.32(b)(2) [Amended]

29. In § 423.32(b)(2) the word "biphenol" is revised to "biphenyl."

30. Section 423.32(b)(10) shall be revised to read as follows:

(10) In the event that waste streams from various sources are combined for treatment or discharge, the quantity of each pollutant or pollutant property controlled in paragraphs (b) (1) through (9) of this section attributable to each controlled waste source shall not exceed the specified limitation for that waste source.

§ 423.33 [Amended]

31. In section 423.33, 1st paragraph, 7th line, after "technology" insert "economically achievable."

32. In § 423.33(b) the term "condenser" is revised to read "cooling" both times the term occurs.

33. In § 423.33(b) the word "biphenol" is revised to "biphenyl."

34. In § 423.33(l), 3rd item in table, the word "Phosphate" is revised to "Phosphorus."

§ 423.40 [Amended]

35. In § 423.40, 1st paragraph, line 2, the word "resutling" is revised to "resulting."

§ 423.41 [Amended]

36. In § 423.41(c), 2nd line, insert the phrase "point source" before the word "rainfall."

Dated: January 29, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-4662 Filed 2-18-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-157]

PART 101-32 — GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Implementation of Federal Information Processing Standards Publications (FIPS PUBS) into Solicitation Documents

This amendment adds standard terminology developed from Federal Information Processing Standards Publications (FIPS PUBS) initiated by the National Bureau of Standards, U.S. Department of Commerce.

The table of contents for Part 101-32 is amended by adding the following entries:

101-32.1304-15	FIPS PUB 32, optical character recognition character sets.
101-32.1304-16	FIPS PUB 33, character set for handprinting.
101-32.1305-3	FIPS PUB 30, software summary for describing computer programs and automated data systems.

Subpart 101-32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) into Solicitation Documents

Sections 101-32.1304-15, 101-32.1304-16, and 101-32.1305-3 are added as follows:

§ 101-32.1304-15 FIPS PUB 32, optical character recognition character sets.

(a) FIPS PUB 32 provides the description, scope, and identification for different character sets (OCR-A and OCR-B) to be used in the application of Optical Character Recognition (OCR) systems. (Technical specifications of the standard are included with FIPS PUB 32.)

(b) The standard terminology for use in solicitation documents is:

All applicable Optical Character Recognition (OCR) equipment or services resulting from this solicitation must comply with the provisions of FIPS PUB 32. Applicable OCR equipment also includes data input devices such as typewriters, line printers, and CRT displays. Applicable services include data preparation and processing of information represented in OCR form.

§ 101-32.1304-16 FIPS PUB 33, character set for handprinting.

(a) FIPS PUB 33 announces the adoption of the American National Standard X3.45-1974, Character Set for Handprinting, as a Federal standard. The standard provides the description, scope, and application rules for a character set for handprinting. (Technical specifications of the standard are not included with FIPS PUB 33.)

(b) The standard terminology for use in solicitation documents is:

All applicable Optical Character Recognition (OCR) equipment or services, which result from this solicitation and which are capable of reading handprinted material, must comply with FIPS PUB 33. The applicable services include data preparation and processing of information represented in OCR form.

§ 101-32.1305-3 FIPS PUB 30, software summary for describing computer programs and automated data systems.

(a) FIPS PUB 30 provides for the use of Standard Form 185, Federal Information Processing Standard Software Summary, and the instructions for describing computer programs and/or automated data systems for identification purposes. (Copies of SF-185 are available as a GSA Federal supply stock item FSN 7540-118-8541.)

(b) The standard terminology for use in solicitation documents is:

All documentation of computer programs and/or automated data systems that results from this solicitation must include completed SF-185 summaries as described by FIPS PUB 30.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective February 19, 1975.

Dated: February 6, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75-4446 Filed 2-18-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 34]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

In FR Doc. 74-21243, appearing in the FEDERAL REGISTER issue of September 13, 1974 (39 FR 33000), Part 308 was amended to reflect the following changes:

Amend §§ 308.6 *Period of interim binders and renewal procedure*, 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement*, 308.206 *Standard form of war risk protection and indemnity insurance interim binder*, and 308.305 *Standard form of Second Seamen's war risk insurance interim binder*, by changing the expiration dates contained therein to read "midnight April 7, 1975, G.m.t."

The same is hereby further amended by changing the expiration dates contained therein to read "midnight September 7, 1975, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: February 12, 1975.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-4465 Filed 2-18-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1064—LIMITATION OF FREE BAGGAGE ALLOWANCE; NOTICE OF AND PROCEDURES FOR BAGGAGE EXCESS VALUE DECLARATION

[No. MC-C-6829]

[No. MC-C-6829 (Sub-No. 1)]

Limitation of Free Baggage Allowance—Greyhound Lines—Petition for Investigation and Limitation of Free Baggage Allowance—Reasonableness of the $50 Limitation

George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the records in the above-entitled proceedings (including the report and order of the Commission at 120 M.C.C. 719), and of the letter-petition of the National Bus Traffic Association, Inc., filed February 3, 1975; and

It appearing, That although the said letter-petition seeks postponement of the effective date of the regulations promulgated in these proceedings from March 3, 1975, to July 1, 1975, in order to provide adequate time for publication of new tariffs and the preparation of the required notices, such purposes may be accomplished within an extension of time until June 2, 1975, and good cause appearing therefor:

It is ordered, That the effective date of the order of December 4, 1974, in these proceedings be, and it is hereby postponed to June 2, 1975, and that the letter-petition in all other respects be, and it is hereby, denied.

Dated at Washington, D.C., this 10th day of February, 1975.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4458 Filed 2-18-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[26 CFR Part 178]

[Notice No. 267]

COMMERCE IN FIREARMS AND AMMUNITION

Pistols and Revolvers; Proposed Reporting Requirements on Multiple Sales

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before March 21, 1975. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing to the Director, within the 30-day period. In such case, a public hearing will be held, and notice of the time, place and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in 18 U.S.C. 923(g) (82 Stat. 1223).

Dated: November 11, 1974.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering amendments to the Commerce in Firearms and Ammunition regulations to require firearms licensees to report the sale or other disposition of two or more pistols or revolvers at one time, or during any five consecutive business days, to an unlicensed person. Authority to prescribe the proposed report is contained in 18 U.S.C. 923(g).

The purpose of the proposed regulations is to enable ATF to monitor and deter illegal interstate commerce in pistols and revolvers by unlicensed persons. Investigations and surveys conducted by ATF indicate that a large number of the pistols and revolvers used in the commission of crimes in States with strict firearms laws were originally sold in States with less strict firearms laws and then transported and sold illegally in interstate commerce.

A licensee is generally prohibited by 18 U.S.C. 922(b)(3) and 26 CFR 178.99 from selling firearms to nonlicensees who do not reside in the State where the licensee maintains his place of business. A nonlicensee is generally prohibited by 18 U.S.C. 922(a)(3) and 26 CFR 178.29 from transporting into or receiving into the State where he resides any firearms purchased or obtained outside the State. A nonlicensee is also generally prohibited by 18 U.S.C. 922(a)(5) and 26 CFR 178.30 from transferring, selling, trading, giving, transporting, or delivering any firearms to any other nonlicensee who the transferor knows, or has reasonable cause to believe, resides in any State other than that in which the transferor resides.

Current regulations in 26 CFR Part 178 prescribe a definition of the term "firearm" which generally includes all weapons other than antique firearms. Since the proposed reporting requirement would not apply to all firearms but rather only to pistols and revolvers, a precise definition of the terms "pistol" and "revolver" is being prescribed.

The proposed regulations will require a licensee to prepare and forward a report whenever the licensee sells or otherwise disposes of two or more pistols and/or revolvers to an unlicensed person at one time or during any five consecutive business days.

The information required to be submitted on the form prescribed by the proposed regulations will generally be the name, address and identification of the purchaser and a statement of the quantity and type of the pistols and revolvers involved in the multiple sale.

It is therefore proposed to amend the regulations in 26 CFR Part 178 as follows:

1. Section 178.11 is amended by adding, in alphabetical order, a definition of the terms "pistol" and "revolver" to read as follows:

§ 178.11 Meaning of terms.

• • • • •

Pistol. A weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).

• • • • •

Revolver. A small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

• • • • •

2. A new § 178.126a is added immediately following § 178.126 to prescribe reports of multiple sales of pistols and revolvers. The added provision reads as follows:

§ 178.126a Reporting multiple sales or other disposition of pistols and revolvers.

Each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, and forwarded to the office specified thereon not later than the close of business on the day that the multiple sale or other disposition occurs.

EXAMPLE 1. A licensee sells a pistol and revolver in a single transaction to an unlicensed person. This is a multiple sale and must be reported not later than the close of business on the date of the transaction.

EXAMPLE 2. A licensee sells a pistol on Monday and sells a revolver on the following Friday to the same unlicensed person. This is a multiple sale and must be reported not later than the close of business on Friday. If the licensee sells the same unlicensed person another pistol or revolver on the following Monday, this would constitute an additional multiple sale and must also be reported.

EXAMPLE 3. A licensee maintaining business hours on Monday through Saturday sells a revolver to an unlicensed person on Monday and sells another revolver to the same person on the following Saturday. This does not constitute a multiple sale and need not be reported since the sales did not occur during five consecutive business days.

(82 Stat. 1223 (18 U.S.C. 923(g)))

[FR Doc.75-4405 Filed 2-18-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1207]

[Amdt. 1 to § 1207.403]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Increase in Expenses

Consideration is being given to a $207,000 increase in expenses recommended by the National Potato Promotion Board.

The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207) issued under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 7, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration. On June 19, 1974, the Secretary approved Potato Board expenses of $1,968,937, for the fiscal period ending June 25, 1975 (39 FR 22941).

On October 25, 1974, the Administrative Committee voted to budget an additional $50,000 for its merchandising project. Due to unexpectedly heavy participation by food chains in the improved retail display program, there is a need to buy more material and pay a temporary helper to properly service the program.

On February 1, 1975, the Administrative Committee voted to budget an additional $157,000 for a new advertising campaign to market the plentiful supplies of potatoes available by informing consumers that potatoes are now an even better bargain as an economical source of nutrients. The February 1 potato stocks on hand were 23 percent larger than a year earlier.

These proposed increases would result in a Potato Board budget of $2,175,937 for the fiscal period ending June 30, 1975.

The proposal is as set forth below:

Revise § 1207.403(a) (39 FR 22941) as follows:

§ 1207.403 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1975, by the National Potato Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,175,937.

• • • • •

Dated: February 13, 1975.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.75-4452 Filed 2-18-75;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

1976 NATIONAL ALLOTMENT FOR WHEAT

Proposed Determinations

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to the 1976 national allotment for wheat. Section 379c(a)(1) of the Agricultural Adjustment Act of 1938, as amended by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary proclaim a national wheat acreage allotment not later than April 15, 1975. The national allotment shall be the number of acres which the Secretary determines on the basis of the estimated national average yield will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for the crop. If the Secretary determines that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

Prior to determining the 1976 national allotment, consideration will be given to any data, views and recomendations relative to the estimated national yield, estimated domestic utilization of wheat, estimated exports, estimated carryover and other data pertinent to this determination which are submitted in writing to the Director, Grain Division, agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than March 21, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on February 11, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-4398 Filed 2-18-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 9]

HOUSEHOLD APPLIANCES AND EQUIPMENT

Proposed Procedures on Voluntary Labeling Program To Effect Energy Conservation

Notice is hereby given that the Department of Commerce proposes to amend Part 9 of Title 15, Code of Federal Regulations, providing procedures for a voluntary labeling program for household appliances and equipment to effect energy conservation. Two amendments are under consideration.

The first such amendment would revise the definition of the term "manufacturer" at 15 CFR 9.2(b) to clarify the intention of the Department to include private brand labelers within that term. The revised definition has been employed in proposed and final specifications issued to date under Part 9 and it is appropriate to make the underlying procedures consistent with these.

The second such amendment would revise the list of appliances and equipment included in the program under 15 CFR 9.3 by adding television receivers to that list. The procedures, at § 9.3, provide that "additional appliances and equipment may be included in the program by the Secretary pursuant to rulemaking procedures as set out in 5 U.S.C. 553." It has been tentatively determined that it would be appropriate to add television receivers to the program because it appears that the technology is available to reduce significantly the energy consumption of these receivers given the incentive provided by this program, and because television receivers, as a group, consume significant amounts of energy, and any savings would be proportional to that. The Association of Home Appliance Manufacturers has estimated that in 1973 television receivers in the United States used the equivalent of 207 trillion Btu's of energy, amounting to 0.3 percent of the total national energy usage during that year. This amount exceeds the energy consumption of room air conditioners and clothes dryers, both of which are already included in the program.

Interested persons are invited to participate in the proposed rule making by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, in Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 21, 1975.

A public docket will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW, Washington, D.C. 20203.

In consideration of the foregoing, it is proposed to amend Part 9 of Title 15, Code of Federal Regulations, as follows:

1. By revising paragraph (b) of § 9.2 to read as follows:

§ 9.2 Definitions.

• • • • •

(b) The term "manufacturer" means any person engaged in the manufacturing or assembling of new appliances or equipment in the United States, or in the

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importing of such products for sale or resale, or any person whose brand or trademark appears on such products who owns such brand or trademark and has authorized its use on such products, if the brand or trademark of the person actually manufacturing or assembling the products does not appear on the products.

• • • • •

2. By revising the first sentence of § 9.3 to read as follows:

§ 9.3 Appliances and equipment included in program.

The appliances and equipment included in this program are room and central air conditioners, household refrigerators, home freezers, clothes washers, dishwashers, clothes dryers, kitchen ranges and ovens, water heaters, comfort heating equipment, and television receivers. • • •

(Sec. 2, 31 Stat. 1449, as amended, sec. 1, 64 Stat. 371; 15 U.S.C. 272, Reorganization Plan No. 3 of 1946, Part VI; Message from the President of the United States Concerning Energy Resources, April 18, 1973 (119 Cong. Rec. H2866); 15 CFR Part 9)

Issued February 13, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-4400 Filed 2-18-75;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF INEXPERIENCED PERSONS AT SUBMINIMUM WAGES

Proposed Limited Pilot Project

Section 4(d)(3) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259), as amended, provides in pertinent part that the Secretary of Labor shall conduct a continuing study on means to prevent curtailment of employment opportunities for manpower groups which, because of limited education, training and work experience, have had historically high incidences of unemployment. Each report of the results of such study shall include suggestions respecting the Secretary's authority under section 14 of the Act.

That section provides that the Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall "by regulations or by orders provide for the employment of learners • • •, under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Secretary shall prescribe." (29 U.S.C. 214(a)). The term "learners" can include persons who, because of their limited education, training and work experience, will normally require more training and assistance from their employer.

Pursuant to these two sections, I propose to enter into an agreement with the Urban Institute, 2100 M Street, NW., Washington, D.C. 20037, for the conduct of a pilot project. Employers will be approved for participation in this project by the Wage and Hour Division.

Interested parties may present written data, views, and argument to the Administrator, Wage and Hour Division, Room 5146, U.S. Department of Labor, Washington, D.C. 20210, not later than March 21, 1975. Such submissions may bear on the substance and details of this proposal. Upon consideration of such submissions, any changes as are appropriate will be made in this part if, or when it is finally published in the FEDERAL REGISTER.

Part 522 of Title 29 would be amended by adding a new § 522.12 to read as follows:

§ 522.12 Issuance of certificates for a limited pilot project for the employment of inexperienced persons.

(a) Notwithstanding the provisions of § 522.1 through § 522.10, the Administrator may issue certificates to provide for the employment of inexperienced persons at less than the applicable minimum wage rate under section 6 of the Act as part of an experimental program to determine the effects of such lower wages on employment patterns of young and adult workers.

(b) The number of establishments participating in such project shall be limited to eight and shall, to the extent feasible, be geographically distributed so as to fairly represent all regions of the United States. The number of such workers shall not exceed the lesser of five percent of the workers in the establishment or 100.

(c) The Administrator shall designate such establishments, with due regard for avoiding the creation of unfair labor cost advantages and impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry.

(d) The project shall be administered consistent with all purposes and provisions of the Fair Labor Standards Act.

(e) The special minimum rates of such workers shall be not less than 80 percent of the otherwise applicable minimum wage rate prescribed by section 6 of the Act.

(f) The issuance of any such certificate shall not create a substantial probability of reducing the full-time employment opportunities for other workers.

(g) The Administrator shall neither designate nor continue designation as a participant in this project, any employer who has engaged in conduct in violation of any provision of the Act which has not been remedied or which provides reasonable grounds to conclude that the terms and qualifications of the project may not be complied with, nor any employing establishment where abnormal labor conditions such as a strike, lock-out, or other similar condition exists.

(h) This pilot project shall be so designed as to reasonably assure that all such workers will continue in the employment of the employer after the termination of such project, at a rate equal to or in excess of the minimum wage rate prescribed by section 6 of the Act, and the Administrator is expected to obtain in writing satisfactory assurances for each such employer to that effect.

(i) This section shall terminate and have no force and effect after December 31, 1976.

(Secs. 4(d)(3) and 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 204, 214), Reorganization Plan No. 6 of 1950 (3 CFR 1945-58 Comp. p. 1004), and Secretary's Order No. 13-71 (36 FR 8755) and Employment Standards Order 1-74 (39 FR 33841).)

Signed at Washington, D.C. this 12th day of February 1975.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division.

[FR Doc.75-4482 Filed 2-18-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 175, 176]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM, COLLEGE WORK-STUDY PROGRAM, AND NATIONAL DIRECT STUDENT LOAN PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that, pursuant to the authority contained in sections 464, 444, 413B and 413C, of the Higher Education Act of 1965, as amended (20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b-1 and 1070b-2), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Parts 144, 175 and 176 of Title 45 of the Code of Federal Regulations governing the operation of the National Direct Student Loan (NDSL) Program, the College Work-Study (CWS) Program, and the Supplemental Educational Opportunity Grant (SEOG) Program, respectively. The proposed amendments would provide procedures and standards which the Commissioner would use to review and approve, on an annual basis, the various private systems used by institutions of higher education for calculating the expected family contributions for dependent students applying for assistance under these three programs. The proposed amendments would also revise the current regulations the coordination of financial aid programs administered by the Office of Education with other resources available to the student.

1. *Review and approval of need analysis systems.* Section 413B(a)(2)(C) of the Higher Education Act requires that the Commissioner "prescribe, for the guidance of institutions, basic criteria and schedules for the determination of the amount of need" of students who

apply for SEOG awards. Under the existing regulations (45 CFR 176.13), the Commissioner has exercised this statutory responsibility by approving certain, specifically named need analysis systems without specifying any duration for such approval. The same regulation further provides that the Commissioner will approve other systems or methods which produce expected family contribution figures which are comparable to those produced by the named systems, with the duration of such approval again being unspecified. The authorizing legislation for the NDSL and CWS programs permit the Commissioner to adopt similar provisions for these two programs. However, in order to administer the three programs involved herein in the manner best fulfilling their statutory purposes, the Commissioner has now determined that he should review these need analysis systems annually and should, each year, publish a list of those which he has approved for use by institutions during the subsequent year.

The proposed regulation set forth herein would provide the procedures and standards for such annual review and approval. The first element of these standards is merely a check that the method under review produces a comprehensive set of figures and maintains its internal consistency and validity. The second element establishes a set of benchmark figures for expected family contributions, which will be compared with the figures produced by the method or system submitted for approval. This set of figures is derived by referring to the previously approved system which was used by the greatest number of students, at a time when that system produced expected family contribution figures which the Commissioner determined met the statutory purposes of these three programs, and updating the output of that system in accordance with the changes in the Consumer Price Index. The updated figures thus produced become the benchmark by which all systems, including the one being used as the referent, are reviewed and approved. Each year, the Commissioner will make public a set of sample cases, comprised of various combinations of standard family characteristics, and the benchmark expected family contribution for each case. These benchmarks will be based upon updating, in accordance with CPI, and figures produced by the previously approved system used by the greatest number of students. Each need analysis system submitted for approval will be required to demonstrate that its method of calculating expected family contributions produces figures which are within $50 of the benchmark figures for at least 75% of the sample cases. Any system which produces figures within the parameters set forth above will then be approved for use in distributing Federal student assistance. Systems seeking approval will submit their results for the sample cases on or before June 30 and the list of approved systems will be published on or before September 1.

If, following the comment period, this proposed review mechanism is published as a final regulation, it is the Commissioner's intention to implement it immediately, so that it would apply to student aid awards to be used by students during the 1975-76 academic year. Consequently, as soon as a final regulation were to be published, the Commissioner would act as quickly as possible to approve systems and publish a list of approved systems, in order that such systems would be made known on a timely basis for the institutions to make award decisions for the 1975-76 academic period. The benchmark expected family contribution figures for the initial implementation of the review mechanism would be derived by reducing, by 20 percent, the 1974-75 "Expected Parent's Contributions From Adjusted Effective Income" published by the College Scholarship Service.

For the 1976-77 academic year, the normal time frame of system submission and approval would be in effect. That is to say, systems must be submitted by June 30, 1975 in order to appear in the Comissioner's September 1, 1975 list. Such systems would then be used by incontribution figures for that initial imapplication during the fall of 1975 and making decisions on awarding assistance for use by students during the 1976-77 academic year.

2. *Coordination with other student aid resources.* The second proposed amendment revises the current regulation for the SEOG program (45 CFR 176.14) regarding the institution's responsibilities for coordinating student aid programs administered by the Commissioner with other resources available to the student—the regulation commonly referred to as the "over-award provision"—and adds similar provisions for the NDSL and CWS programs. Under the proposed regulation, institutions would be required to use a need analysis system approved by the Commissioner pursuant to the provisions discussed in paragraph (1) above for determining the total amount of aid which may be awarded to a dependent student under the three programs covered by this notice and the Basic Educational Opportunity Grants Program. However, in determining whether such a student's total aid package (including assistance from sources other than the Federal programs) would result in an over-award, the institutions would be permitted to use other need analysis systems approved by the Commissioner which produce different expected family contribution figures. Thus, by using a different need analysis system for the purpose of resolving the over-award question, the institution may provide more total support to a dependent student that would be the case if the institution were required to use one of the systems approved under the procedures discussed in paragraph (1) above. The list of systems from which an institution may choose for the purpose of determining whether there is an overaward would include any system published by an organization which has had a system approved by the Commissioner for use in making awards to independent students under these three programs.

The use of two levels of parental contribution—one for determining need for purposes of calculating Federal assistance and a second for determining whether a student has received a total amount of aid in excess of his need—should be regarded as only an interim measure. Institutions' should be advised that it is the intention of the Commissioner to move as expeditiously as possible and in cooperation with concerned parties toward bringing these two levels of expected parental contribution into agreement. This interim measure should not be interpreted as giving approval to a dual standard of need, but merely as recognition of the hardship which might otherwise be experienced by institutions which have already made commitments to students using the measurement of expected family contribution which would, under this proposed regulation, be approved for purposes of determining maximum allowable assistance that may be awarded to a student receiving Federal funds.

3. *Independent students.* In making awards to independent students under the three programs covered by this notice the institutions would continue to follow the general procedures set forth in the existing regulations.

4. *Public comment.* Interested parties are invited to submit written comments, suggestions or objections regarding these proposed amendments to the regulations to Dr. John D. Phillips, Associate Commissioner for Student Assistance, U.S. Office of Education, DHEW, Room 4076, ROB#3, 7th and D Streets, S.W., Washington, D.C. 20202.

All relevant material received not later than March 21, 1975, will be considered. All written comments received in response to this notice will be available for public inspection at the above office on Mondays through Friday between 8:30 a.m. and 4:30 p.m.

In addition, in order to provide further opportunity for discussion a public hearing has been scheduled for 10 a.m. Friday, February 28, 1975 in the HEW auditorium, 330 Independence Avenue, SW., Washington, D.C. 20201. Persons desiring to present oral comments are requested to notify Dr. John D. Phillips at the above address no later than February 25, 1975.

(Catalog of Federal Domestic Assistance No. 13.416, Supplemental Educational Opportunity Grant Program; No. 13.463, Higher Education Work-Study; No. 13.471, National Direct Student Loans)

Dated: February 4, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: February 13, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

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PART 144—NATIONAL DIRECT STUDENT LOAN PROGRAM

1. Part 144 of Title 45 of the Code of Federal Regulations is amended by adding §§ 144.14 and 144.15, which read as follows:

§ 144.14 Approved need analysis systems.

(a) In order to comply with the requirements of § 144.7(b), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by decreasing the figures produced by the largest private system (excluding the Income Tax System) approved for use during the current fiscal year by the estimated percent increase in the Consumer Price Index between the December immediately preceding and the December immediately following the submission of the system for approval. In developing the set of sample cases to be made available for this purpose, the Commissioner shall select cases in which: (*a*) The parental income, net of Federal and State income taxes, social security tax and business expenses, is equal in the prior year and the current year; (*b*) parental assets, net of related debt and retirement allowance, are equal in the prior year and the current year; and (*c*) other family and financial circumstances are identical in the prior year and the current year.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The system of need analysis published by the American College Testing Service; and

(iii) The system of need analysis published by the College Scholarship Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c)(1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specific expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1, of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for loans under this part, and in calculating the amount of such loans, to be used by the students during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1087dd)

§ 144.15 Coordination of student financial aid programs and overaward.

(a) The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) Dependent students. (1) The institution shall not award a loan under this part to a dependent student in an amount which, when combined with awards made to such student under the Basic Educational Opportunity Grants Program, the Supplemental Educational Opportunity Grants Program, and the College Work-Study Program, would exceed the difference between the student's cost of education at the institution and his expected family contribution, as determined in accordance with a need analysis system or method of calculation approved by the Commissioner pursuant to § 144.14(b).

(2) The institution shall not award a loan under this part to a dependent student which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with a need analysis system published by an organization which has a need analysis system currently approved by the Commissioner pursuant to § 144.14(c) for use in determining the expected family contributions of independent students; *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(c) Independent students. The institution shall not award a loan under this part to an independent student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculations approved by the Commissioner pursuant to § 144.14(c); *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(d) Resources. For purposes of paragraphs (b)(2) and (c) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowship or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act) except in cases in which paragraph (e) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives a loan under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(e)(1) Except as provided in paragraph (e)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 144.14. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV–B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than $15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or in cases in which the amount of the loan would cause the total amount of the borrower's loans insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed $2,000 for that academic year.

(f) The institution's responsibility under paragraphs (b)(2) and (c) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the proceeds of the loan made under this part are disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period covered by the loan under this part shall be deemed to have been known by the institution at the time of the disbursement of such loan. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including a loan under this part, exceeded that student's need by not more than $100.

(20 U.S.C. 1087dd)

PART 175—COLLEGE WORK-STUDY PROGRAM

2. Part 175 of Title 45 of the Code of Federal Regulations is amended by adding §§ 175.17 and 175.18, which read as follows:

§ 175.17 Approved need analysis systems.

(a) In order to comply with the requirements of § 175.5(c), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) Increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by decreasing the figures produced by the largest private system (excluding the Income Tax System) approved for use during the current fiscal year by the estimated percent increase in the Consumer Price Index between the December immediately preceding and the December immediately following the submission of the system for approval. In developing the set of sample cases to be made available for this purpose, the Commissioner shall select cases in which: (*a*) The parental income, net Federal and State income taxes, social security tax and business expenses, are equal in the prior year and the current year; (*b*) parental assets, net of related debt and retirement allowance, are equal in the prior year and the current year; and (*c*) other family and financial circumstance are identical in the prior year and the current year.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Service; and

(iii) The system of need analysis published by the College Scholarship Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) the system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c)(1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submissions shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph

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on or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for employment under this part and in calculating the amount of such employment to be made available to a student during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(42 U.S.C. 2754)

§ 175.18 Coordination of student financial aid programs and over-award.

(a) The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) Dependent students. (1) The institution shall not award assistance under this part to a dependent student in the amount which, when combined with awards made to such student under the Basic Educational Opportunity Grants Program, the Supplemental Educational Opportunity Grants Program, and the National Direct Student Loan Program, would exceed the difference between the student's cost of education at the institution and his expected family contribution as determined in accordance with a need analysis system or method of calculation approved by the Commissioner pursuant to § 175.17(b).

(2) The institution shall not award assistance under this part to a dependent student which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's costs of education and his expected family contribution, as determined in accordance with a need analysis system published by an organization which has a need analysis system currently approved by the Commissioner pursuant to § 175.17(c) for use in determining the expected family contributions of independent students; *Provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(c) Independent students. The institution shall not award assistance under this part to an independent student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculations approved by the Commissioner pursuant to § 175.17(c); *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(d) *Resources.* For purposes of paragraphs (b)(2) and (c) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowships or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act) except in cases in which paragraph (e) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives assistance under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(e) (1) Except as provided in paragraph (e)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 175.17. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV–B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than $15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or in cases in which the amount of the loan would cause the total amount of the borrower's loan insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428 (b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed $2,000 for the academic year.

(f) The institution's responsibility under paragraphs (b)(2) and (c) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the assistance under this part is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period during which the student is receiving assistance under this part shall be deemed to have been known by the institution at the time of the disbursement of such assistance. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including assistance under this part, exceeded that student's need by not more than $100.

(42 U.S.C. 2754)

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

3. Sections 176.13 and 176.14 of Title 45 of the Code of Federal Regulations are revised to read as follows:

§ 176.13 Approved need analysis systems.

(a) In order to comply with the requirements of § 176.12, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this secton.

(b) Dependent students. (1) The Commission has approved the following systems for the purpose of § 176.12(a):

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose § 176.12(a) which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (a) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by decreasing the figures produced by the largest private system (excluding the Income Tax System) approved for use during the current fiscal year by the estimated percent increase in the Consumer Price Index between the December immediately preceding and the December immediately following the submission of the system for approval. In developing the set of sample cases to be made available for this purpose, the Commissioner shall select cases in which: (a) the parental income, net of Federal and State income taxes, social security tax, and business expenses, are equal in the prior year and the current year; (b) parental assets, net of related debt and retirement allowance, are equal in the prior year and the current year; and (c) other family and financial circumstances are identical in the prior year and the current year.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 176.12(b) with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Service; and

(iii) The system of need analysis published by the College Scholarship Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 176.12(b) for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (a) increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c)(1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for awards under this part, and in calculating the amount of such awards, to be used by the students during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1070b–1 and 1070b–2)

§ 176.14 Coordination of student financial aid programs and over-award.

(a) The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) Dependent students. (1) The institution shall not award a Supplemental Grant to a dependent student in the amount which, when combined with awards made to such student under the Basic Educational Opportunity Grants Program, the College Work-Study Program, and the National Direct Student Loan Program, would exceed the difference between the student's cost of education at the institution and his expected family contribution, as determined in accordance with a need analysis system or method of calculation approved by the Commissioner pursuant to § 176.13(b).

(2) The institution shall not award a Supplemental Grant to a dependent student which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with a need analysis system published by an organization which has a need analysis system currently approved by the Commissioner pursuant to § 176.13(c) for use in determining the expected family contributions of independent students; *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal sources exceed the student's cost of education.

(c) Independent students. The institution shall not award a Supplemental Grant to an independent student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculations approved by the Commissioner pursuant to § 176.13(c); *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal resources exceed the student's cost of education.

(d) Resources. For purposes of paragraphs (b)(2) and (c) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowships or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act) except in cases in which paragraph (e) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives a grant. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(e) (1) Except as provided in paragraph (e)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy

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the expected family contribution of the borrower calculated in accordance with § 176.13. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV–B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than $15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or in cases in which the amount of the loan would cause the total amount of the borrower's loans insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b), to exceed $2,000 for that academic year.

(f) The institution's responsibility under paragraphs (b)(2) and (c) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the Supplemental Grant is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period covered by the grant award shall be deemed to have been known by the institution at the disbursement of such grant. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including a grant under this part, exceeded that student's need by not more than $100.

(20 U.S.C. 1070b–1 and 1070b–2)

[FR Doc.75–4401 Filed 2–18–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 415]

[317–3]

INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Notice of Proposed Rulemaking

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR 415, Inorganic Chemicals Manufacturing Point Source Category. The portions of Part 415 which are affected by the proposed amendments are as follows: Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory, §§ 415.61 and 415.63; Subpart G—Hydrochloric Acid Production Subcategory, §§ 415.71, 415.72, 415.73 and 415.75; Subpart J—Nitric Acid Production Subcategory, §§ 415.101, 415.102, 415.103 and 415.105; Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory, §§ 415.171, 415.173; Subpart R—Sodium Metal Production Subcategory, §§ 415.181, 415.183, and 415.185; Subpart S—Sodium Silicate Production Subcategory, §§ 415.191, 415.193, 415.195; Subpart U—Sulfuric Acid Production Subcategory, § 415.211, 415.212, 415.213, and 415.215.

40 CFR 415 was promulgated on March 12, 1974 pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended; 33 USC 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq., Pub. L. 92–500 (The Act) (39 FR 9612).

Point sources in these categories were required to achieve no discharge of "process waste water pollutants". Process waste water is defined as "any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product" (40 CFR § 401.11(q)).

The Agency's intention in developing this definition was to ensure that the regulations do apply to all waste waters generated during the manufacturing process while at the same time excluding waste streams such as noncontact cooling water, separate sanitary wastes, boiler blowdown, effluent from supply water treatment systems, etc. In some cases these non-process streams will be subject to effluent limitations which the Agency is presently developing. In any event, all such streams will be regulated in the individual permit proceedings. In either case, however, the effluent limitations promulgated in 40 CFR 415 were not intended to apply to them.

Subsequent to the promulgation the Agency has been furnished additional information which indicates that, in the context of no discharge requirements contained in Subparts F, G, J, Q, R, S and U, the existing definition of process waste water may be overly broad since it may be construed to apply to waste streams other than those directly connected with the production effort.

Accordingly, the Agency is now proposing to add to these subparts a definition of "contaminated non-process waste water". The purpose of this definition is to distinguish between those pollutant bearing streams which are attributable to, and correlated with, production and those ancillary streams which are not.

Based on additional information received and continuing internal review, the Agency has identified four ancillary sources of pollution from plants in the seven affected subcategories which should be controlled by available technology to which a no-discharge standard will not always be appropriate. These streams are: (1) Rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment which are repaired within the shortest reasonable time after discovery (which may not exceed 24 hours); and (4) discharges from safety showers and related personal safety equipment.

Pollutants contained in such streams may be discharged, subject to the provision that all reasonable measures have been taken to prevent, reduce and control the accidental contact with raw materials, etc., and thereafter to mitigate the effects of such contact once it has occurred.

In addition, information supplied by the industry indicates that in good practice such wastes are typically neutralized prior to discharge. Therefore, the proposed amendments would impose a pH limitation on discharges of contaminated non-process waste water. Limitations on other pollutant parameters may be appropriate for particular subcategories. The Agency thus solicits comments from the public identifying other pollutants of concern in ancillary discharges in these subcategories and indicating the levels of reduction attainable by the best practicable control technology currently available, the best available technology economically achievable, and by technology available and demonstrated for use by new sources.

Additionally, in order to obtain the information necessary to establish more complete effluent limitations for these waste streams, the permit issuing authority may require an applicant for a permit to identify and quantify contaminated non-process waste water and may impose monitoring conditions which will provide data on the nature and volume of pollutants discharged.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulations, including the potential applicability of the amendment to other subcategories in this segment of the inorganic chemicals industry which are also subject to a no discharge standard, are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify, and if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in distinguishing between process waste water and contaminated non-process waste water EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of §§ 301, 304(b), and 306 of the Act.

A copy of all public comments received will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M. St., S.W., Washington, D.C. All of the materials made available during the initial rulemaking leading to promulgation of the regulations proposed to be amended will also continue to be maintained at this location for public review and copying. The EPA Information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 21, 1975, will be considered.

In consideration of the foregoing, it is proposed that 40 CFR Part 415 be amended in the manner set forth below.

Dated: January 29, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 415 is amended as follows:

Subpart F—Chlorine and Sodium or Potassium Hydroxide Production Subcategory

1. Section 415.61 is amended by adding a new paragraph (e) to read as follows:

§ 415.61 Specialized definitions.

* * * * *

(e) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

2. Section 415.63 is amended by adding a new paragraph (c) to read as follows:

§ 415.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

* * * * *

(c) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

Subpart G—Hydrochloric Acid Production Subcategory

3. Section 415.71 is amended by adding a new paragraph (b) to read as follows:

§ 415.71 Specialized definitions.

* * * * *

(b) The term "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by product or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.72 [Amended]

4. Section 415.72 is amended by inserting "(a)" before the sentence beginning "In establishing the limitations set forth in this section, * * *" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.73 [Amended]

5. Section 415.73 is amended by inserting "(a)" before the sentence beginning "The following limitations establish * * *" and adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.75 [Amended]

6. Section 415.75 is amended by inserting "(a)" before the sentence beginning "The following standards of performance * * *" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristics:	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

Subpart J—Nitric Acid Production Subcategory

7. Section 415.101 is amended by adding a new paragraph (b) to read as follows:

§ 415.101 Specialized definitions.

* * * * *

(b) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.102 [Amended]

8. Section 415.102 is amended by inserting "(a)" before the sentence beginning "In establishing the limitations set forth in this section * * *" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.103 [Amended]

9. Section 415.103 is amended by inserting "(a)" before the sentence beginning "The following limitations * * *" and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.105 [Amended]

10. Section 415.105 is amended by inserting "(a)" before the sentence beginning "In establishing the limitations set forth in this section * * *", and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic:	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

Subpart Q—Sodium Dichromate and Sodium Sulfate Production Subcategory

11. Section 415.171 is amended by adding a new paragraph (e) to read as follows:

XUM V 40 34 FEB 19 75 XUM

§ 415.171 Specialized definitions.

• • • • •

(e) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.173 [Amended]

12. Section 415.173 is amended by inserting "(a)" before the sentence beginning "The following limitations • • •"; by redesignating paragraphs (a) and (b) to (a)(1) and (a)(2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

Subpart R—Sodium Metal Production Subcategory

13. Section 415.181 is amended by adding a new paragraph (c) to read as follows:

§ 415.181 Specialized definitions.

• • • • •

(c) The term "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.183 [Amended]

14. Section 415.183 is amended by inserting "(a)" before the sentence beginning "The following limitations • • •"; by redesignating paragraphs (a) and (b) to (a)(1) and (a)(2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.185 [Amended]

15. Section 415.185 is amended by inserting "(a)" before the sentence beginning "The following standards of performance • • •"; by redesignating paragraphs (a) and (b) to (a)(1) and (a)(2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

Subpart S—Sodium Silicate Production Subcategory

16. Section 415.191 is amended by adding a new paragraph (c) to read as follows:

§ 415.191 Specialized definitions.

• • • • •

(c) The term, "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.193 [Amended]

17. Section 415.193 is amended by inserting "(a)" before the sentence beginning "The following limitations • • •"; by redesignating subparagraphs (a) and (b) to (a) (1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.195 [Amended]

18. Section 415.195 is amended by inserting "(a)" before the sentence beginning "The following standards of performance • • •"; by redesignating subparagraphs (a) and (b) to (a)(1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

Subpart U—Sulfuric Acid Production Subcategory

19. Section 415.211 is amended by adding a new paragraph (b) to read as follows:

§ 415.211 Specialized definitions.

• • • • •

(b) The term "contaminated non-process wastewater" shall mean any water which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, byproduct or waste product by means of (1) rainfall runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment, which are repaired within the shortest reasonable time not to exceed 24 hours after discovery; and (4) discharges from safety showers and related personal safety equipment provided that all reasonable measures have been taken (i) to prevent, reduce and control such contact to the maximum extent feasible; and (ii) to mitigate the effects of such contact once it has occurred.

§ 415.212 [Amended]

20. Section 415.212 is amended by inserting "(a)" before the sentence beginning "In establishing the limitations set forth in this section, • • •"; by redesignating subparagraphs (a) and (b) to (a)(1) and (a)(2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.213 [Amended]

21. Section 415.213 is amended by inserting "(a)" before the sentence beginning "The following limitations • • •"; by redesignating subparagraphs (a) and (b) to (a)(1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

§ 415.215 [Amended]

22. Section 415.215 is amended by inserting "(a)" before the sentence beginning "The following standards of performance • • •"; by redesignating subparagraphs (a) and (b) to (a) (1) and (2); and by adding a new paragraph (b) to read as follows:

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged in contaminated non-process wastewater from point sources subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

[FR Doc.75-4363 Filed 2-18-75;8:45 am]

[40 CFR Part 428]

[FRL 334-5]

TIRE AND SYNTHETIC SEGMENT OF THE RUBBER PROCESSING POINT SOURCE CATEGORY

Proposed Effluent Guidelines and Standards

Notice is hereby given pursuant to sections 301, 304(b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317 (c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act), that the Environmental Protection Agency is considering the regulations set forth in tentative form below as amendments to the effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the tire and synthetic segment of the rubber processing point source category.

The proposal will amend 40 CFR Part 428, Tire and Synthetic Segment of the Rubber Processing Point Source Category, by amending the Tire and Inner Tube Plants Subcategory (Subpart A), the Emulsion Crumb Rubber Subcategory (Subpart B), the Solution Crumb Rubber Subcategory (Subpart C), and the Latex Rubber Subcategory (Subpart D).

Subsequent to the promulgation of regulations under 40 CFR Part 428 several affected firms petitioned the Agency to reconsider the regulations as they would apply to tire and inner tube plants constructed before 1959 and to those plants manufacturing acrylonitrile—butadiene rubber. An appreciable amount of information and data was submitted to indicate that provision should be made in the regulations to clarify which process waste water streams should be regulated, and to distinguish between process and nonprocess waste water streams in tire and inner tube plants constructed before 1959. Although tire and inner tube plants constructed after 1959 were designed to segregate process waste water and nonprocess waste water, older plants were not. As discussed in the Development Document, the Agency recognized that in pre-1959 plants major process waste water streams should be isolated from the combined plant effluents. Although the Development Document describes the technical process of isolation of process waste water streams in older tire plants, the regulation, itself does not clearly define which process waste water streams are to be regulated and which discharges from the plants are to be considered nonprocess waste water. Therefore, the proposed amendments to Subpart A of the regulation define which operations within tire and inner tube plants produce process waste waters as well as which nonprocess waste waters are subject to regulation.

A provision is made to control the concentration of oil and grease in nonprocess waste water for tire and inner tube plants contructed prior to 1959. The maximum for any one day is 10 mg/l and the average of daily values for 30 consecutive days shall not exceed 5 mg/l. Moreover, such older plants constructed prior to 1959 shall employ the best practicable maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters.

An additional amendment removes the manufacture of acrylonitrile—butadiene rubber from regulation under Subpart B—Emulsion Crumb Rubber Subcategory. Existing data, including data submitted by industry, do not support application of the emulsion crumb rubber subcategory regulations to acrylonitrile—butadiene manufacturing. The Agency intends to gather such additional data as will be necessary to determine what limitations should be applicable to acrylonitrile—butadiene rubber manufacturing.

In view of the foregoing and after careful review and evaluation of all information and data relevant to the discharge of waste waters from the Tire and Inner Tube Plants and Emulsion Crumb Rubber Subcategories, the Environmental Protection Agency proposes to amend 40 CFR Part 428 in the following manner:

(1) For tire and inner tube plants constructed before 1959, the term "process waste water" is defined to mean discharges from: soapstone solution applications; steam cleaning operations; air pollution control equipment; unroofed process oil unloading areas; mold cleaning operations; latex applications; and air conditioners receivers. Discharges from other areas of such plants shall not be classified as process waste water. Also provision is made in the regulations to minimize the discharge of oil and grease in nonprocess waste water.

(2) The manufacturing of acrylonitrile—butadiene rubber is excluded from regulation under the Emulsion Crumb Rubber Subcategory.

(3) The definition of oil and grease in Subparts A, B, C and D is deleted. This definition is no longer needed, because a method for the identification of oil and grease now appears in 40 CFR Part 136 (38 FR 28758, Tuesday, October 16, 1973).

It is not anticipated that these amendments will alter either the technology required for compliance as set forth in "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Tire and Synthetic Segment of the Rubber Processing Point Source Category" February 1974 or the economic impact as set forth in "Economic Analysis of Proposed Effluent Guidelines Rubber Processing Industry," September 1973.

All comments and documentation supporting the proposed amendments of 40 CFR Part 428 will be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies of the Development Document and the economic report will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report are available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Freedom of Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107: Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guidelines or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of §§ 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying. All comments received on or before March 21, 1975, will be considered.

Dated: February 11, 1975.

JOHN QUARLES,
Acting Administrator.

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Part 428 is proposed to be amended as follows:

Subpart A—Tire and Inner Tube Plants Subcategory

1. Section 428.10 is revised to read as follows:

§ 428.10 Applicability; description of the tire and inner tube plants subcategory.

The provisions of this subpart are applicable to discharges of process wastewater pollutants resulting from the production of pneumatic tires and inner tubes in tire and inner tube plants.

2. Section 428.11 is amended by revising paragraph (c) and adding new paragraphs (d) and (e), as follows:

§ 428.11 [Amended]

• • • • •

(c) The term "process waste water" shall mean, in the case of tire and inner tube plants constructed before 1959, discharges from the following: soapstone solution applications; steam cleaning operations; air pollution control equipment; unroofed process oil unloading areas; mold cleaning operations; latex applications; and air compressor receivers. Discharges from other areas of such plants shall not be classified as process waste water for the purposes of this section.

(d) Except as provided in paragraphs (c) and (e) of this section, the term "process waste water" shall have the meaning set forth in § 401.11(q) of this chapter.

(e) Water used only for tread cooling shall be classified as nonprocess waste water."

3. Section 428.12 is amended by designating the second paragraph as paragraph (a) and adding a new paragraph (b) as follows:

§ 428.12 [Amended]

• • • • •

(b) All plants constructed before 1959 shall employ the best practicable maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters. The concentration of oil and grease in discharges of nonprocess waste water shall meet the following limitations:

(1) The average of daily values for 30 consecutive days shall not exceed 5 mg/l.

(2) The maximum for any one day shall not exceed 10 mg/l.

4. Section 428.13 is amended by designating the second paragraph as paragraph (a) and adding a new paragraph (b), as follows:

§ 428.13 [Amended]

• • • • •

(b) All plants constructed before 1959 shall employ the best available maintenance and housekeeping practices in order to minimize the discharge of oil and grease in nonprocess waste waters. The concentration of oil and grease in discharges of nonprocess waste waters shall meet the following limitations:

(1) The average of daily values for 30 consecutive days shall not exceed 5 mg/l.

(2) The maximum for any one day shall not exceed 10 mg/l.

Subpart B—Emulsion Crumb Rubber Subcategory

§ 428.21 [Amended]

5. Subpart B is amended by deleting paragraph (b) of § 428.21.

Subpart C—Solution Crumb Rubber Subcategory

§ 428.31 [Amended]

6. Subpart C is amended by deleting paragraph (b) of § 428.31.

Subpart D—Latex Rubber Subcategory

§ 428.41 [Amended]

7. Subpart D is amended by deleting paragraph (b) of § 428.41.

Subpart B—Emulsion Crumb Rubber Subcategory

8. It is proposed to revise § 428.20 to read as follows:

§ 428.20 Applicability; description of the emulsion crumb rubber subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the manufacture of emulsion crumb rubber, other than acrylonitrilebutadiene rubber.

[FR Doc.75-4359 Filed 2-18-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Org. Order 45-1, Amdt. 1, Transmittal 219]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

This order, effective January 27, 1975, amends the material appearing at 40 FR 5549 of February 6, 1975.

Department Organization Order 45-1 dated December 24, 1974, is hereby amended as follows:

1. SECTION 1. *Purpose.* Paragraph .02 is amended to read:

.02 This revision modifies the procedures for approval of public works projects under Sections 101 and 201 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121) (the 'Act'), except that procedures for projects which require special action remain unchanged.

2. SEC. 11. *Economic Development Regional Offices.* In paragraph .02, delete subparagraph c., reletter the present subparagraph d. as c., and insert the following new subparagraph d.:

d. Forward appropriate processed public works projects documents to EDA headquarters with recommendations to the Assistant Secretary for approval or denial. On projects which require special action Washington staff offices will review the project file and recommend approval or disapproval to the Assistant Secretary.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

JANUARY 27, 1975.

[FR Doc.75-4399 Filed 2-18-75;8:45 am]

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Meeting Cancellation

This is to announce that the planned meeting of the CTAB Panel on Sulfur Oxide Control Technology which was scheduled, on a contingency basis, for February 18, 19 and 20, 1975 in the Main Commerce Building, Washington, D.C. will not be held. The meeting was announced on page 3025 of the January 17, 1975 issue of the FEDERAL REGISTER.

Dated: February 13, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-4394 Filed 2-18-75;10:59 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alchohol, Drug Abuse, and Mental Health Administration

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Alcohol, Drug Abuse, and Mental Health Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on February 4, 1975, of the following advisory committee:

Designation. Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism.

Purpose. The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and seek to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

This charter is effective through February 4, 1977.

Dated: February 12, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-4395 Filed 2-18-75;8:45 am]

NATIONAL ADVISORY MENTAL HEALTH COUNCIL AND BOARD OF SCIENTIFIC COUNSELORS, NIMH

Meetings

The Acting Administrator, Alcohol Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of March 1975:

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

March 17-19, 9:30 a.m.
Conference Room 14-105, Parklawn Bldg., Rockville, Maryland
Open—March 17; Closed—Otherwise
Contact Mrs. Zella Diggs, Parklawn Bldg., Rm. 17C-26
5600 Fishers Lane, Rockville, Md. 20852, 301-443-4333.

Purpose. The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda. March 17 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On March 18-19, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463.

BOARD OF SCIENTIFIC COUNSELORS, NIMH

March 28-29, 9:30 a.m.
Conference Rm. 1B-07, Bldg. 36, National Institutes of Health, Bethesda, Maryland
Open—March 28, 9:30-10 a.m., Closed—Otherwise
Open—March 29, 9 a.m. to adjournment
Contact Dr. John C. Eberhart, Bldg. 36, Rm. 1A-05, NIH [1]
Bethesda, Maryland 20014, 301-496-3501.

Purpose. The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda. The Board will meet in Building 36, Room 1B-07, Bethesda, Maryland, for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the first day's session will be devoted to the review of intramural research projects on depression and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to provisions set forth in Section 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463. The second day will be devoted to a discussion of the role of the Board of Scientific Counselors in the review and evaluation

[1] Substantive information may be obtained from the contact persons listed above.

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of the Intramural Research Program, and will be open to the public.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Infogmation, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone: Area Code 301–443–3600.

Dated: February 12, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–4396 Filed 2–18–75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Board of Tea Experts.	March 3, 10 a.m., Room 706, 850 3d Ave., Brooklyn, N.Y.	Open—Robert H. Dick, Food and Drug Administration, 850 3d Ave., Brooklyn, N.Y. 11232, 212–965–5739.

Purpose. Advises the Secretary regarding establishment of uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States and makes appropriate recommendations with respect thereto.

Agenda. Comments and presentations by interested persons; selection of tea standards. Interested persons may present relevant information or views orally or in writing to the Board for its consideration.

Committee name	Date, time, place	Type of meeting and contact person
2. Neurologic Drugs Advisory Committee.	March 3 and 4, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Stephen Groft, (HFD–120), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3800.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products for marketing for the treatment of neurologic diseases.

Agenda. Discussion of conflict of interest and the advisory committee member; use of antiemetics in Reye's Syndrome; decisionmaking criteria and processes; adequate and well controlled studies; possible future studies for marketed drugs; and discussion of NDA 17–615 (Elantrine, Lakeside Laboratories).

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on review of sedative, tranquilizer, and sleep aid drugs.	March 3 and 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 3, 9 a.m. to 10 a.m., closed March 3 after 10 a.m., closed March 4, Michael Kennedy (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, and sleep aid drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on review of cold, cough, allergy, bronchodilator and antiasthmatic drugs.	March 5 and 6, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed March 5, 9 a.m. to 3:30 p.m., open March 5 after 3:30 p.m., closed March 6, Thomas D. DeCillis (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data on safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

Agenda. Closed session: Continued deliberation of the safety and efficacy of ingredients and combination guidelines of the panel. Open session: Comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on review of general and plastic surgery devices.	March 7, 9:30 a.m., Room 1409, FB–8, 200 C St. SW., Washington, D.C.	Open March 7, 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Mark F. Parrish, Ph. D. (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of general and plastic surgery devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of diagnostic, prosthetic, and surgical devices (exclusive of instruments) listed in this announcement. Those desiring to make formal presentations should notify Mark Parrish, Ph. D., Executive Secretary, in writing by March 6, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: *Diagnostic devices:* arterial pressure manometers; biliary-pancreatoscopes; cameras—accessories, still, cine, television, endoscopic, microsurgical, surgical; chairs—accessories, electrical, hydraulic, mechanical, pneumatic; colonoscopes; endoscopes—accessories, fiberoptic, direct vision, mirror, prism, rigid, flexible; esophagoscopes; foreign body locators; gastroscopes; illuminating devices—accessories, flashlights, headlamps, instrument lights, transilluminators; laparoscopes; laryngoscopes; locators—electrical, magnetic, stimulator; manometers—invasive, noninvasive, manual, powered, aneroid, electronic, fluid, hydraulic, ultra-sound; measuring devices; mediastinoscopes; mirrors; monitors and analyzers and accessories—intermittent, continuous, invasive, noninvasive, on-line sensors (surface contact, pressure transducer, ultrasonic, electro-magnetic, chemical, pH electrode), signal conditioners (detectors, amplifiers, filters, signal transformation circuits), display devices (dial indicators, digital displays, cathode-ray tubes, signal lights, audible alarms, hard copy (strip chart, x-y recorders, photograph, microfilm, computer printout), logic module (electronic, digital computers, controllers); peritoneoscopes; proctoscopes; specula—accessories, illuminated, nonilluminated; sphygmoman-ometers; stethoscopes—direct, electronic-amplified; stimulators—muscle, nerve; tables—accessories, electrical, hydraulic, mechanical, pneumatic; thermometers-electronic, fluid column, liquid crystals; tongue blades. *Prosthetic devices:* external prostheses—adhesives, asthetic restoration materials, biological prostheses, braces (back, lower extremity, neck upper extremity), canes and crutches, facial fracture appliance, splints (extremities, nasal, postoperative-hand); internal prostheses—arterial graft, chin, eye, larynx, mammary, maxillofacial, otoplastry, penile, rhinoplastry, tendon, testicular; prosthesis kit and accessories; mesh—metallic, polymeric, surgical; materials—biological, fabrics, metallic, polymeric. *Surgical devices (exclusive of instruments):* air handling apparatus—bench type and accessories, enclosures and accessories, room (controls, cooling apparatus, distributors, ducts, filters, humidity control apparatus); apparel—aprons, caps, drapes and drape sets, dresses, exhaust apparatus, gown (isolation, patient, surgical), helmets, hoods, masks, materials (conductive, nonconductive, woven, nonwoven), shoes, shoe covers, suits; applicators, bags—hemostatic, rectal, stomal; brushes—derm abrasion, biopsy, scrub, buckets; bucket frame with casters ("kick"); catheters—accessories (adaptors, catheter—dilators, connectors, catheter needles), gastrointestinal and general (biliary, cholangiography, eustachian, irrigation, peritoneal, rectal, ventricular), urinary (balloon types, continuous irrigation, transformer, surface materials (conduc-multiple lumen, nephrostomy, pediatric, urethral, ureteral), vascular (balloon types, cardiovascular); chairs; cryosurgical apparatus—accessories, applicators, cryophthalmic units, cryosurgical probes, cryosurgical units, refrigerants, spray containers; electrical safety apparatus—conductivity tester, connectors and outlets (explosion proof, nonexplosion proof), ground fault indicators, isolation tive flooring); electrosurgical cutting and coagulation devices—accessories (cables, clamps and clips, cord testers, electrodes, electrode gels and creams, epilation needles, foot switches), generators (electron tube, solid state), patient indifferent cords, patient indifferent plates and ground plates, replacement spark gap assembly, stands and brackets. Closed session: Classification of diagnostic, prosthetic and surgical devices (exclusive of instruments).

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on review of allergenic extracts.	March 7 and 8, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8900 Rockville Pike, Bethesda, Md.	Open March 7, 9 a.m. to 10 a.m., closed March 7 after 10 a.m., closed March 8. Clay Eisk (HFB–5), 8906 Rockville Pike, Bethesda, Md. 20014, 301–496–2883.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of allergenic extracts under investigation.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on review of hemorrhoidal drugs.	March 9 and 10, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed March 9, open March 10, 9 a.m. to 10 a.m., closed March 10 after 10 a.m. Thomas D. DeCillis (HFD–109), 5600 Fishers Lane Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data on safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing hemorrhoidal drug products.

Agenda. Closed session: Continuing review of over-the-counter hemorrhoidal drug products under investigation. Open session: Comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
8. Clinical Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	March 10 and 11, 9 a.m., Room 1409, FB–8, 200 C St. SW., Washington, D.C.	Open March 10, 9 a.m. to 10 a.m., closed March 10 after 10 a.m., closed March 11, Eloise Eavenson, Ph. D. (HFK–200), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the development of product class standards and classification of clinical chemistry products listed in this announcement. Those desiring to make formal presentations should notify Dr. Eloise Eavenson in writing by March 1, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The diagnostic products to be reviewed for classification at the closed session meeting are in vitro diagnostic products used for the determination of glucose, calcium, sodium, potassium, lithium, magnesium, iron, lead chloride, phosphate, and bicarbonate. Closed Session: Review product inventory for the tentative classification of in vitro diagnostic products used for the determination of glucose, calcium, sodium, potassium, lithium, magnesium, iron, lead, chloride, phosphate and bicarbonate; evaluation of comments on the Proposed Glucose Product Class Standard; and evaluation of revised proposal for a draft of the Calibrator Product Class Standard.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on review of bacterial vaccines and bacterial antigens.	March 10 and 11, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8900 Rockville Pike, Bethesda, Md.	Open March 10, 9 a.m. to 10 a.m., closed March 10 after 10 a.m., closed March 11. Jack Gerzog (HFB–5), 8906 Rockville Pike, Bethesda, Md. 20014, 301–496–1676.

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Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens with no U.S. standards of potency.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of bacterial vaccines and bacterial antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on review of ear, nose, and throat devices.	March 10 and 11, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open March 10, 9:30 a.m. to 12:30 p.m., closed March 10 after 12:30 p.m., closed March 11: Richard A. Hawkins, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of ear, nose, and throat devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of ear, nose, and throat devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Richard Hawkins, Ph. D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Hawkins in writing by March 3, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: hearing aids; esophageal prosthesis; esophageal tubes; gelfoam; silastic implant material; tantalum prosthesis wire; teflon implant material; atticus punch; aural magnifiers; ear cannulae; ear curette; ear drapes; ear excavator; ear hook microsurgical; ear knife; ear pick microsurgical; ear rasp; ear scissor; ear snare; ear spoon; ear suction tubes; ear-lobe perforator; electric ear drills; maleus nipper; mastoid chisel; mastoid gouge; mastoid rongeur; mastoid searcher; measuring rods/gauges; middle-ear chisel; myringotomy knife; myringotomy tube inserter; ossicle holding clamp; otoscopes AC powered; otoscopes battery powered; sacculotomy tack inserter; temporal bone holders; vein press; wire loop; directoscopes; intracordal injection sets; laryngeal knife; laryngeal saw; laryngeal trocar; laryngectomy tubes; laryngoscopes, AC powered; laryngoscopes, battery powered; laryngotoboscopes; life saving tubes; tracheostomy tubes; burrs; elevators ENT; endoscope; AC powered; endoscope, battery powered; fiberilluminators ENT; forceps ENT; head mirrors; headlights; mirrors ENT; mobilizers ENT; pneumatic drills; pneumatic saws; probes ENE; retractors ENT; rules and microrules; specula ENT; speculum holders ENT; surgical head supports; surgical microscopes; antroscopes AC powered; antrum perforator; antrum punch; epistaxis balloon; ethmoid curette; ethmoid punch; frontal-sinus rasp; nasal chisel; nasal curette; nasal dilator; nasal gouge; nasal knife; nasal knife; nasal punch; nasal rasp; nasal ronguer; nasal saw; nasal scissors; nasal snare; nasographs; sinus cannules; sinus irrigator; sinus trephine; sinus trocar; adenoid curette; adenoid punch; adenotomes; bite block; eustachian bougie; eustachian catheter; eustachian filliform sets; laryngeal telescope; mouth gag; nasopharygoscope; oral screw; salpingeal curette; tongue depressors; tonsil dissector; tonsil guillotines; tonsil knife; tonsil punch; tonsil screw; tonsil snare; tonsil suction tube; tonsil suturing hooks; tonsil suturing instruments special; tonsil suturing needles; tonsillectome; bronchial cannulae; bronchoscopes AC powered; bronchoscopes battery powered; esophageal bougie; esophageal dilator; esophageal probang; esophagoscopes, AC powered; esophagoscopes, battery powered; mediastinascopes; tracheal histoury; tracheal dilator; tracheal hook; tracheal trocar; tracheal tube cleaning brushes. Closed session: Classification of devices listed above.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on review of cardiovascular devices.	March 11, 9:30 a.m., Room 4178, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. (Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Open session: During the open session there will be a presentation concerning a standards priority system for developing cardiovascular device standards. There will also be time for questions and comments from the public. Closed Session: During the closed session the panel will: (1) review recommendations made by its subcommittees concerning electrical safety standards and product development protocol guidelines for prosthetic heart valves, (2) review preliminary results of FDA research contracts related to this committee's responsibilities, and (3) discuss some compliance activities.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on review of topical analgesics.	March 13 and 14, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 13, 9 a.m. to 10 a.m., closed March 13 after 10 a.m., closed March 14. Lee Geismar (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing topical analgesics.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter topical analgesics under investigation.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on review of contraceptives and other vaginal drug products.	March 14 and 15, 9 a.m., Conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 14, 9 a.m., to 10 a.m., closed March 14 after 10 a.m., closed March 15. Armond M. Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852. 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products containing contraceptives and other vaginal drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. FDA/NIDA Drug Abuse Research Advisory Committee.	March 17 and 18, 9 a.m., Murphy Hall, Room 2121, 405 Hilgard Ave., University of California at Los Angeles, Los Angeles, Calif.	Closed March 17, 9 a.m. to 3 p.m., open March 17 after 3 p.m., open March 18. John A. Seigliano, Ph. D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3561.

Purpose. Advises FDA on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential; advises NIDA on supplies of substances for clinical studies, quantities of substances for animal and in vitro studies beyond the maximum amount available by NIDA staff action, and requests for any amount of substances that involve protocols containing unique problems.

Agenda. Closed session: Review of IND applications; progress reports and drug requests for preclinical studies. Open session: Minutes of previous meeting; presentations and discussions on "Marihuana: One Species or Varieties?"; Student Drug Use Surveys, San Mateo County, California; the Freedom of Information Act; marihuana literature: lectures and discussions on "Chromosomal Studies in Marihuana Smokers"; Radioimmune Assay of THC and Related Molecules; the effect of cannabis on intraocular pressure; pulmonary function in moderate and heavy marihuana smokers; laboratory and drug treatment. Tour of facilities with demonstrations and discussion.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on review of internal analgesic including antirheumatic drugs.	March 17, 18, and 19, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 17, 9 a.m., to 10 a.m., closed March 17 after 10 a.m., closed March 18 and March 19. Lee Geismar (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing internal analgesic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on review of physical medicine (physiatry) devices.	March 18, 8 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open March 18, 8 a.m. to 9 a.m., closed after 9 a.m. Robert C. Livingston, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of physical medicine (physiatry) devices currently in use.

Agenda. Open session: George Smith, Manager of Medical Devices, Pharmaceutical Manufacturers Association, will speak on performance standards and their content. Interested parties are encouraged to present information pertinent to the classification of physical medicine (physiatry) devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Robert C. Livingston, Ph. D., Executive Secretary. Those desiring to make formal presentations should notify Dr. Livingston in writing by March 14, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: abdominal board; ankle, leg exerciser; arm, wrist and shoulder exerciser; balanced board; electric walking exerciser; exercise and workout bench; exerciser skates; finger exerciser; foot massager; hydraulic assist leg exerciser; knee exerciser with metal upholstered table; bicycle ergometer; bicycle exerciser; lower limb isokinetic exerciser and trainer; manual gravity walking exerciser; massaging apparatus; multipurpose exercise kit; multipurpose resistance exerciser unit; nylon covered polyfoam exercise mat; parallel bars; passive motion exerciser machine; rowing machine, hydraulic; rowing machine, mechanical; striking bag platform; therapeutic exercise device; vestibular board; vibrating massage belt; wood frame mirror; wooden exercise stairs; wooden top/metal platform exercise mat; electrical stimulator; infrared heating unit; microwave diathermy; pulsed diathermy; shortwave diathermy; ultrasonic diathermy; ultrasound and muscle stimulator machine; ultraviolet lamp; adjustable highchair; adjustable stool; adjustable suspension seat; arm bath; bath arm rest; mechanical patient transfer lift; mobile sitz bath; non-disposable sitz-bath bidet; paraffin bath; pool equipment; portable vibrating bath; portable whirlpool bath; sitz bath; tank top seat; thermo-jet foot bath; underwater treatment tank; water purification system; whirlpool bath; whirlpool therapy unit; whole body bath; wheelchairs; wheel chair attachments; walker, wheeled, adjustable, with seat, open end, folding; walker, wheeled, adjustable, with seat, open end, nonfolding; walker, wheeled, adjustable, with seat, closed end, folding; walker, wheeled, adjustable, with seat, closed end, nonfolding; walker, wheeled, multi-purpose, with runner; walker, wheeled, attachments: saddle seat, walker handbrakes, forearm rests, balance ring, rib belt, underarm supports, suspension frame, swivel locks on casters, pressure caster brakes, step-on caster brakes, 3-position caster brakes; walker, nonswivel wheels, triangular frame (rollator); walker, pickup, adjustable (walkerette, walking aid); walker, pickup, non-adjustable (walkerette, walking aid); walker, pickup, attachments: chair seat, sling seat, wheels, runners, underarm supports, forearm rests, basket, utility pouch; walker, pickup, reciprocal, adjustable; walker, pickup, for stairs, adjustable; hemi-walker; scoot-about. Closed session: The panel will classify devices listed above. A date will be set for the next meeting.

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Committee name	Date, time, place	Type of meeting and contact person
17. Panel on review of antimicrobial agents.	March 21, 22, and 23, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 21, 9 a.m. to 10 a.m., closed March 21 after 10 a.m., closed March 22 and March 23. Armond M. Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antimicrobial agents under investigation.

Committee name	Date, time, place	Type of meeting and contact person
18. Panel on review of miscellaneous internal drug products.	March 24 and 25, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 24, 9 a.m. to 10 a.m., closed March 24 after 10 a.m., closed March 25. Armond M. Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data on the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing miscellaneous internal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter miscellaneous internal drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
19. Respiratory and Anesthetic Drugs Advisory Committee.	March 24, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 11 a.m., closed after 11 a.m.; Gerald M. Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

Purpose. Advises the Commissioner of Food and Drugs regarding the safety and effectiveness of drugs employed in anesthesiology.

Agenda. Open session: Contraindications for halogenated anesthetic drugs and discussion of the presence of methyl methacrylate monomer in the operating room. Closed session: Discussion of IND 5836 (Wyeth Laboratories, Inc.), and discussion of IND 10,470 (Janssen R&D, Inc.).

Committee name	Date, time, place	Type of meeting and contact person
20. Panel on review of antiperspirant drug products.	March 24 and 25, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 24, 9 a.m. to 10 a.m., closed March 24 after 10 a.m., closed March 25. Lee Geismar (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antiperspirant drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antiperspirant drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
21. Hematology Subcommittee of the Diagnostic Products Advisory Committee.	March 24 and 25, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open March 24, 9 a.m. to 10 a.m., closed March 24 after 10 a.m., closed March 25. Eloise Eavenson, Ph. D., (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the development of product class standards and classificaion of in virto diagnostic products used in the hematology laboratory. Those desiring to make formal presentations should notify Dr. Eloise Eavenson in writing by March 15, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. Closed Session: Discussion of classification approaches; review of information received in response to the Call for Information and Data for Hemoglobin Products; and review of proposal for a draft of a hemoglobin product class standard.

Committee name	Date, time, place	Type of meeting and contact person
22. Ad Hoc Committee on Reserpine and Breast Cancer.	March 24 and 25, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—John Jennings, M.D. (HFM-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4124.

Purpose. Reviews and evaluates available information on reserpine and advises the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs regarding possible carcinogenic properties, the risk of cancer of the breast and other cancer associated with the use of reserpine, considering such factors as dose, duration of treatment, age, predisposition, other drug treatment, and other diseases; further studies required to determine the possible association between reserpine and cancer.

Agenda. Charge to committee; consideration of published reports linking reserpine with increased risk of breast cancer; discussion of reserpine programs ongoing and proposed research: National Heart and Lung Institute, National Cancer Institute; National Institute of Mental Health, National Center for Health Statistics; discussion of report of the Joint Cardiovascular Renal Advisory Committee and Biometric and Epidemiological Methodology Advisory Committee on the association of reserpine and breast cancer; consideration of further research needs; and public discussions.

Committee name	Date, time, place	Type of meeting and contact person
23. National Advisory Food and Drug Committee.	March 27 and 28, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—William V. Whitehorn, M.D. (HFG-1), 5600 Fishers Lane, Rockville, Md. 20852 301-443-1547.

Purpose. Reviews and evaluates agency programs and provides advice and guidance to the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs on policy matters of national significance as they relate to FDA's statutory mission in the areas of foods, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations on applications for grants-in-aid for research projects relevant to the mission of FDA as required by law.

Agenda. Charge to committee; state of the agency reports: congressional investigations, ongoing programs, Freedom of Information regulations, procedural regulations, petitions, legislation, major policy problems, and discussion of deleterious substances in foods; discussion of guidelines for research grant requests; review of research grants applications; and other committee staff items.

Committee name	Date, time, place	Type of meeting and contact person
24. Subcommittee on the Radioactive Pharmaceuticals Advisory Committee.	March 27 and 28, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4290.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of nuclear medicine.

Agenda. Guidelines for clinical evaluations of radioactive pharmaceutical drugs.

Committee name	Date, time, place	Type of meeting and contact person
25. Gastrointestinal Drugs Advisory Committee.	March 31 and April 1, 10 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed March 31, 10 a.m., to 2 p.m., open March 31 after 2 p.m., closed April 1, 10 a.m., to 11 a.m., open April 1 after 11 a.m., Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4740.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for the treatment of gastrointestinal diseases.

Agenda. Closed session: Discussion of IND 6279 (Diphenoxinatropine, McNeil) and IND 8062 (Kinevac (Sincalide), Squibb). Open session: Discussion of IND 2906 (Biogastrone (Carbenoxolone), Biorex), NDA 7-073 (Azulfidine (Salicylazosulfapyridine) Pharmacia Labs), and NDA 17-657 (Cephulac (Lactulose), Merrell National).

Committee name	Date, time, place	Type of meeting and contact person
26. Panel on review of general hospital and personal use devices.	March 31 and April 1, 9 a.m., Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open March 31, 9 a.m. to 10 a.m., closed March 31 after 10 a.m., closed April 1. William C. Dierksheide, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3570.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of general hospital and personal use devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of general hospital and personal use devices listed in this announcement. Those desiring to make formal presentations should notify William C. Dierksheide, Ph. D., Executive Secretary, in writing by May 18, 1975, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments. The devices to be classified at this meeting are as follows: chair, blood drawing and other; evacuated blood collection tubes; lancet, blood; manometer, spinal, venous pressure; needles, all; specimen collector, plastic bowl; stopcocks and adapters; syringes, piston (plastic and glass); cape, examination; drapes, modesty; glove, patient examination; gown, examination; tongue depressor; cuff inflators; manometer, aneroid (blood pressure); manometer, mercury (blood pressure); stethoscope, mechanical; stethoscope, ultrasonic; stethoscope, electronic; apnea monitors, nursery; alarm, oxygen depletion; blood pressure monitors—doppler, neonatal; blood pressure monitors—invasive transducer, neonatal; cardiac monitors—battery powered, neonatal; infusion line monitor; oxygen analyzers—invasive, neonatal; oxygen analyzers—noninvasive, neonatal; thermometers, electric; thermometers, general; kick bucket; operating lamps; operating tables; stool, foot; stool, hydraulic; dispenser, brush; grapes; glove, surgical; linen, surgical drop; powdering unit, glove; suit, scrub; wrappers, linen; drying unit, glove; ace bandages, abdominal binders; elastic stockings; perineal binders; scrotal supports; heart-lung resuscitator; jars, dressing; lavage, jet; mask, oxygen; oxygen regulators, reduction; oxygen regulators, flow meters; oxygen regulators, mixing; respirators, pressure, neonatal; respirators, volume, neonatal; respiratory, cardiac; resuscitators, manual; scales; scissors, general; skin closure, staple; skin closure, adhesive strip; skin closure, liquid adhesive; stand, mayo; suction tip; tubing; litters; mouth gags; oropharyngeal airways; padded boards; portable oxygen equipment; sheet, sterile, burn; spine boards; splint, inflatable; splint, padded wooden; stretchers, hand carried; stretchers, wheeled; traction splint, hinged halfring, lower extremity; transport incubator, neonatal. A panel discussion will be held on medical device problems and their effect on patient care. Closed session: classification of devices listed above.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant

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information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognizes that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: February 11, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-4282 Filed 2-18-75;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Oral Cavity Drug Products.	March 4 and 5, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open March 4, 9 a.m. to 10 a.m., closed March 4, after 10 a.m., closed March 5, John T. McElroy, (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing oral cavity drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel Chairmen for Bureau of Medical Devices and Diagnostic Products.	March 5, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open—Robert S. Kennedy, Ph.D., (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Agenda. Mr. Rodney Munsey of the Pharmaceutical Manufacturers Association will present industry's views on the classification process. The panel chairmen will be briefed by FDA staff on FDA policy regarding release of information following panel meetings; on panel members' terms of service and the mechanisms employed to assure overlapping terms of service among panel members; on potential forms of publication of the panels' recommendations; and on the use of the review panels for Product Development Protocols. Interested persons are invited to attend.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

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The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

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Dated: February 13, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-4389 Filed 2-18-75;8:45 am]

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Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education will be held February 28, 1975 at 7:30 PM to 10:00 PM at 425 13th Street, NW, Washington, D.C. and on March 1-9, 1975 from 8:00 AM to 6:30 PM every day at Tempo B, Wing 8, 2nd Floor, 2nd and Q Streets, SW, Washington, D.C.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (P.L. 92-318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) to submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The first evening of the meeting will be open to the public beginning at 7:30 p.m. to 10 p.m. This meeting will be held at the National Advisory Council on Indian Education office at 425 13th Street, NW., Washington, D.C.

February 28, 1975, 7:30 p.m. to 10 p.m. the proposed agenda includes:

(1) Review of Title IV rules, regulations, and guidelines.

(2) Orientation of Proposal reading procedure.

The March 1-9, 1975, meeting of the National Advisory Council on Indian Education shall be closed to the public, since the Council members will be reviewing proposals that must be held in confidence, under the authority of the Federal Advisory Committee Act (Pub. L. 92-463) and under the exemptions contained in the Freedom of Information Act, 5 U.S.C. Section 552(b)(4) and (6), (Pub. L. 90-23), 45 CFR § 5.71(a) and § 5.71(b).

March 1-9, 1975.

The proposed agenda includes:

(1) Review of Title IV proposals submitted under Parts B-C and Part A non-LEAs.

(2) Make recommendations to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on February 4, 1975.

DORRANCE D. STEELE,
Acting Executive Director.

[FR Doc.75-4469 Filed 2-18-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401. The statement covers approximately 98 miles of new 230 kV transmission line from Boone, Pueblo County, Colorado, to Lamar, Prowers County, Colorado; approximately 2.5 mile section of 115 kV tie lines in Pueblo County, Colorado, between the proposed Boone Substation and the existing Midway-LaJunta 115 kV line; approximately 13 miles of new 115 kV transmission line in Prowers County, Colorado, from Lamar, Colorado, to South Lamar, Colorado; a new 100 MVA, 230-115 kV substation at Boone; a new 100 MVA, 230-115 kV substation at Lamar and a new 115 kV switching bay in the existing South Lamar Substation.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before April 21, 1975.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 12th day of February 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-4484 Filed 2-18-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

[COD 75 037]

Coast Guard

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 23, 1974 to January 3, 1975 (List No. 1-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/429/0, adult Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, Type II PFD, manufactured by Noble Products Company, 306 West Street, Caldwell, Ohio 43724, effective December 31, 1974. (It supersedes Approval No. 160.047/429/0 dated November 2, 1972 to show PFD type.)

Approval No. 160.047/430/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, Type II PFD, manufactured by Noble Products Company, 306 West Street, Caldwell, Ohio 43724, effective December 31, 1974. (It supersedes Approval No. 160.047/430/0 dated November 2, 1972 to show PFD type.)

Approval No. 160.047/431/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 143, Type II PFD, manufactured by Noble Products Company, 306 West Street, Caldwell, Ohio 43724, effective December 31, 1974. (It supersedes Approval No. 160.047/431/0 dated November 2, 1972 to show PFD type.)

Approval No. 160.047/632/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, Type II PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.047/632/0 dated November 2, 1972 to show change of address of manufacturer.)

Approval No. 160.047/633/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, Type II PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.047/633/0 dated November 2, 1972 to show change of address of manufacturer.)

Approval No. 160.047/634/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 158, Type II PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.047/634/0 dated November 2, 1972 to show change of address of manufacturer.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/231/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048 and UL report file No. MQ 99, Type IV PFD, manufactured by Swan Products Company, Inc., 25 Brighton Street, Passaic, New Jersey 07055, effective December 30, 1974. (It supersedes Approval No. 160.048/231/0 dated November 1, 1971 to show change of address of manufacturer.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/23/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Company, Shelton, Connecticut, rigging and materials as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1960, manufactured by Gladding Corporation, Flotation Division, Box 8277, Station A, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective December 30, 1974. (It is an extension of Approval No. 160.050/23/0 dated February 18, 1970 and change of name of manufacturer.)

Approval No. 160.050/24/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Company, Shelton, Connecticut, rigging and materials as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1960, manufactured by Gladding Corporation, Flotation Division, Box 8277, Station A, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective December 30, 1974. (It is an extension of Approval No. 160.050/24/0 dated February 18, 1970 and change of name of manufacturer.)

Approval No. 160.050/25/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by B. F. Goodrich Sponge Products Division of the B. F. Goodrich Company, Shelton, Connecticut, rigging and materials as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1960, manufactured by Gladding Corporation, Flotation Division, Box 8277, Station A, Greenville, South Carolina 29604, effective December 30, 1974. (It is an extension of Approval No. 160.050/25/0 dated February 18, 1970 and change of name of manufacturer.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/50/0, inflatable life raft, 6-person capacity, identified by general arrangement dwg. RFD-US-1072, revision No. 4 dated December 2, 1974, and Specification RFD-US-100, revision No. 3 dated December 9, 1974, satisfies temperature-exposure inflation quirements of 46 CFR 160.051-5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective December 23, 1974.

Approval No. 160.051/51/0, inflatable life raft, 15-person capacity, identified by general arrangement dwg. RFD-US-1079, revision No. 4 dated December 2, 1974, and Specification RFD-US-100 revision No. 3 dated December 9, 1974, satisfies temperature-exposure inflation requirements of 46 CFR 160.051-5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective December 23, 1974.

Approval No. 160.051/52/0, inflatable life raft, 20-person capacity, identified by general arrangement dwg. RFD-US-1000, revision 8 dated May 1, 1974, and Specification RFD-US-100, revision No. 3 dated December 9, 1974, statisfies temperature-exposure inflations requirements of 46 CFR 160.051-5(e)(11) as revised in FEDERAL REGISTER of March 13, 1974, manufactured by B. F. Goodrich, Engineered Systems Company, Union, West Virginia 24983, effective December 23, 1974.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/3/0, unicellular plastic foam work vest as per Military Specification MIL-L-17653A and U.S.C.G. Specification Subpart 160.053, Type V PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective December 30, 1974. (It is an extension of Approval No. 160.053/3/0 dated February 18, 1970 and change of name of manufacturer.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE (15 MINUTES), FOR MERCHANT VESSELS

Approval No. 160.057/3/0, floating orange smoke 15-minute distress signal, manufactured by Kilgore Corporation, general arrangement dwg. No. C A 49, Sheet 1 dated June 27, 1968, Sheet 2, Rev. A dated September 29, 1969, dwg. No. B-50 dated October 12, 1968 and U.S.C.G. letter dated January 30, 1970, manufactured by Kilgore Corporation, Toone, Tennessee 38381, effective December 30, 1974. (It is an extension of Approval No. 160.057/3/0 dated February 2, 1970.)

DESALTER KITS, SEA WATER, FOR MERCHANT VESSELS

Approval No. 160.058/1/0, desalter kits, sea water, Type BM-6318, U.S.C.G. Specification 160.058, manufactured by Ionac Chemical Company, Birmingham, New Jersey 08011, effective December 30, 1974. (It is an extension of Approval No. 160.058/1/0 dated February 17, 1970.)

MARINE BUOYANT DEVICE

Approval No. 160.064/118/1, adult small, Model No. 3965, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/118/1 dated April 10,

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1974 to show change in model and address of company.)

Approval No. 160.064/119/1, adult medium, Model No. 3960, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazelhurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/119/1 dated April 10, 1974 to show change in model and address of company.)

Approval No. 160.064/120/1, adult large, Model No. 3955, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazelhurst, Georgia 31539, Type III PFD, manufatured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/120/1 dated April 10, 1974 to show change in model and address of company.)

Approval No. 160.064/121/1, adult small, Model No. 63262 SML, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazelhurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/121/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/122/1, adult medium, Model No. 63262 Med, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/122/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/123/1, adult large, Model No. 63262 LGE, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazelhurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/123/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/189/1, adult X-small, Model No. 3970, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazelhurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/189/1 dated April 10, 1974 to show change in model and address of company.)

Approval No. 160.064/190/1, adult X-small, Model No. 63262 XSML, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/190/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/225/0, child medium, cloth covered unicellular plastic foam "Yachtsmans Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, formerly Ero Manufacturing Company, effective December 30, 1974. (It supersedes Approval No. 160.064/225/0 dated August 1, 1972 to show change of name and address of company.)

Approval No. 160.064/274/0, adult X-small, Model Yachtsmans II, cloth covered unicellular plastic foam "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, formerly Ero Manufacturing Company, effective December 30, 1974. (It supersedes Approval No. 160.064/274/0 dated August 1, 1972 to show change of name and address of company.)

Approval No. 160.064/275/2, adult small, Model No. 3950, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/275/2 dated October 3, 1974 to show change of address of company.)

Approval No. 160.064/276/2, adult medium, Model No. 3945, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/276/2 dated October 3, 1974 to show change of address of company.)

Approval No. 160.064/277/2, adult large, Model No. 3940, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/277/2 dated October 3, 1974 to show change of address of company.)

Approval No. 160.064/278/2, adult small, Model No. 63272 Small, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/278/1 dated October 3, 1974 to show change in model No.)

Approval No. 160.064/279/2, adult medium, Model No. 63272 MED, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 30, 1974. (It supersedes Approval No. 160.064/279/1 dated October 3, 1974 to show change in model No.)

Approval No. 160.064/280/2, adult large, Model No. 63272 LGE, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/280/1 dated October 3, 1974 to show change in model No.)

Approval No. 160.064/404/1, child medium, Model No. 3980, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/404/1 dated April 10, 1974 to show change of address of company and model.)

Approval No. 160.064/405/1, adult X-large Model No. 3975, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/405/1 dated April 10, 1974 to show change of model and address of company.)

Approval No. 160.064/406/1, child medium, Cat. No. 63261, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/406/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/407/1, adult X-large, Cat. No. 63263, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective December 31, 1974. (It supersedes Approval No. 160.064/407/1 dated April 19, 1974 to show change in model No.)

Approval No. 160.064/623/0, adult, Model No. 4156–6, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/623/0 dated April 23, 1974 to show change in model No.)

Approval No. 160.064/624/0, child medium, Model No. 4160–1, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/624/0 dated April 23, 1974 to show change in model No.)

Approval No. 160.064/625/0, child small, Model No. 4165–6, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, Type II PFD, manufactured by Ero Industries, Inc. 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974. (It supersedes Approval No. 160.064/625/0 dated April 23, 1974 to show change in model No.)

Approval No. 160.064/732/0, child small, Model No. 8216, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/733/0, child medium, Model No. 8217, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/734/0, adult, Model No. 8218, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type II PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/749/0, adult, Model No. 63224, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type II PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607, effective December 30, 1974.

Approval No. 160.064/778/0, child small, Model No. 3985, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607, effective December 30, 1974.

Approval No. 160.064/785/0, child small, Model No. 63261, cloth covered unicellular plastic foam, "Helmsman", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607, effective December 30, 1974.

Approval No. 160.064/786/0, adult, Model No. IM–S, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/787/0, adult, Model No. IM–A, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/788/0, adult, Model No. IM—A, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.64 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/789/0, adult, Model No. IM–XL, cloth covered unicellur plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/790/0, adult, Model No. IM–XXL, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/799/0, adult, Model No. AV–2, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective December 30, 1974.

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Appproval No. 160.064/800/0 adult, Model AV–2, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective December 30, 1974.

Approval No. 160.064/801/0, adult, Model No. AV–2, cloth covered unicellular plastic foam "Bouyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective December 30, 1974.

Approval No. 160.064/811/0, adult, Model No. CU–S, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/812/0, adult, Model No. CU–M, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/813/0, adult, Model No. CU–L, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/814/0, adult, Model No. CU–XL, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/815/0, adult, Model No. CU–XXL, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 30, Type III PFD, manufactured by Gladding Corporation, Flotation Division, P.O. Box 8277, Station A, Greenville, South Carolina 29609, effective December 30, 1974.

Approval No. 160.064/817/0, adult, Model No. 2A, vinyl dipped unicellular plastic foam "Boating and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 203, Type III PFD, manufactured by Taylortec, Inc., 249 Hickory Avenue, Metaire, Louisiana 70003, effective January 3, 1975.

Approval No. 160.064/818/0, child medium, Model No. 2M, vinyl dipped unicellular plastic foam "Boating and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 203, Type III PFD, manufactured by Taylortec, Inc., 249 Hickory Avenue, Metaire, Louisiana 70003, effective January 3, 1975.

Approval No. 160.064/819/0, child small, Model No. 2C, vinyl dipped unicellular plastic foam "Boating and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 203, Type III PFD, manufactured by Taylortec, Inc., 249 Hickory Avenue, Metaire, Louisiana 70003, effective January 3, 1975.

Approval No. 160.064/823/0, child small, Model No. 7321, cloth covered unicellular plastic foam "Child's Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Medalist Industries, Inc., 11525 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/824/0, child small, Model No. 7322, cloth covered unicellular plastic foam "Child's Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Medalist Industries, Inc., 11625 Sorrento Valley Road, San Diego, California 92121, effective December 30, 1974.

Approval No. 160.064/826/0, adult, Model No. 3500, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, factory location: 308 S. William Street, Hazlehurst, Georgia 31539, Type III PFD, manufactured by Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective December 30, 1974.

Dated: February 11, 1975.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75–4461 Filed 2–18–75;8:45 am]

[OGD 75 038]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 14, 1971 to January 16, 1975 (List No. 2–75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE HAND, FOR MERCHANT VESSELS

The Smith & Wesson Pyrotechnics, Inc., P.O. Box 247, Jefferson, Ohio 44047, Approval No. 160.023/3/0 expired and was terminated effective January 12, 1975.

GAUGING DEVICES, LIQUID LEVEL, LIQUEFIED COMPRESSED GAS

The Metal Goods Manufacturing Company, 309 West Hensley Boulevard, Bartlesville, Oklahoma 74003, Approval Nos. 162.019/2/5, 162.019/7/2 and 162.019/26/3 were terminated effective January 16, 1975 due to no Q specification.

The GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval Nos. 162.019/27/1 and 162.019/34/0 expired and were terminated effective January 9, 1974.

The Bastian-Blessing, Division of Astro Controls, Inc., 4201 West Peterson Avenue, Chicago, Illinois 60646, Approval Nos. 162.019/28/0, 162.019/29/0, 162.019/30/0 and 162.019/31/0 expired and were terminated effective August 12, 1974.

The Midland Manufacturing Corporation, 7733 Gross Point Road, Skokie, Illinois 60076, Approval Nos. 162.019/35/0 and 162.019/37/0 were terminated effective January 16, 1975 due to no Q specification.

The Midland Manufacturing Corporation, 7733 Gross Point Road, Skokie, Illinois 60076, Approval No. 162.019/36/0 expired and was terminated effective November 13, 1973.

The GPE Control, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval No. 162.019/38/0 was terminated effective January 16, 1975 due to no Q specification.

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

The Welbilt Corporation, Garland Division, Welbilt Square, Maspeth, New York 11378, Approval Nos. 162.020/101/1, 162.020/102/1, 162.020/103/1, 162.020/104/1, 162.020/115/0, 162.020/116/0, 162.020/117/0, 162.020/118/0, 162.020/119/0, 162.020/120/0, 162.020/121/0, 162.020/122/0, 162.020/123/1, 162.020/124/0, 162.020/125/0, 162.020/126/0, 162.020/127/0, 162.020/128/0, 162.020/129/0, 162.020/130/0 and 162.020/131/0 were terminated effective January 16, 1975 due to no Q specification.

The Anetsberger Brothers, Inc., Northbrook, Illinois 60062, Approval No. 162.020/143/1 expired and was terminated effective December 14, 1971.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

The Jerguson Gage & Valve Company, Adams Street, Burlington, Massachusetts 01803, Approval Nos. 162.025/75/1, 162.025/76/1 and 162.025/91/0 were terminated effective January 16, 1975 due to no Q specification.

The Jerguson Gage & Valve Company, 15 Adams Street, Burlington, Massachusetts 01803, Approval No. 162.025/90/0 expired and was terminated effective January 3, 1974.

The Bailey Meter Company, 29801 Euclid Avenue, Wickliffe, Ohio 44092, Approval No. 162.025/92/1 was terminated effective January 16, 1975 due to no Q specification.

The Clark-Reliance Corporation, 15901 Industrial Parkway, Cleveland, Ohio 44135, Approval Nos. 162.025/93/1, 162.025/94/1, 162.025/95/1, 162.025/98/1, 162.025/99/0, 162.025/103/0 and 162.025/104/0 were terminated effective January 16, 1975 due to no Q specification.

The Bailey Meter Company, Wickliffe, Ohio 44092, Approval No. 162.025/97/0 expired and was terminated effective July 16, 1974.

The Yarway Corporation, Blue Bell, Pennsylvania 19422, Approval Nos. 162.025/100/0 and 162.025/101/0 were terminated effective January 16, 1975 due to no Q specification.

The Jerguson Gage & Valve Company, 15 Adams Street, Burlington, Massachusetts 01803, Approval No. 162.025/102/0 expired and was terminated effective January 14, 1974.

The Diamond Power Specialty Corporation, P.O. Box 415, Lancaster, Ohio 43130, Approval Nos. 162.025/105/0 and 162.025/106/0 were terminated effective January 16, 1975 due to no Q specification.

The Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, Approval Nos. 162.025/107/0, 162.025/108/0 and 162.025/109/0 were terminated effective January 16, 1975 due to no Q specification.

Dated: February 12, 1975.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75–4462 Filed 2–18–75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON GRANT AND BENEFIT PROGRAMS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Grant and Benefit Programs of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, March 21, 1975, in the offices of Administrative Conference of the United States, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider the reports and recommendations of Professor William D. Popkin on the role of representatives for claimants in Federal disability claims adjudication proceedings and any other new business.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during, or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw (phone 202–254–7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

FEBRUARY 10, 1975.

[FR Doc.75–4393 Filed 2–18–75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL COUNCIL

Meeting

Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the American Revolution Bicentennial Council will be held on February 24, 1975, from 3 p.m. to 5 p.m. in the Hemisphere Room of the Washington Hilton Hotel for briefings by the Administrator of the American Revolution Bicentennial Administration on the role of the ARBA. Subject to the concurrence of the members, the Council may proceed at this meeting with the election of officers and consideration of other organizational matters. The Council will reconvene at the call of its chairman from 8 a.m. to 9 a.m., February 25, 1975, in the Monroe West Room of the Washington Hilton Hotel. The Council will also meet in joint session with the American Revolution Bicentennial Board from 12:45 p.m. to 1:45 p.m., February 25, 1975, in the Monroe West Room. During the balance of the day, the Council will be attending the National Bicentennial Conference at the hotel.

The meetings will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Jane Shay, Special Assistant to the Administrator, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276, telephone (202) 634–1841.

JOHN W. WARNER,
Administrator.

FEBRUARY 12, 1975.

[FR Doc.75–4410 Filed 2–18–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25990; Agreements C.A.B. 24827–24832; Order 75–1–140]

AMERICAN AIRLINES, INC. ET AL.

Order Regarding Capacity Agreement To Implement Fuel Allocation Program

Correction

In FR Doc. 75–3468 appearing at page 5556 in the issue for Thursday, February 6, 1975, make the following change:

On page 5560 in the third column, second full paragraph, in the last line the reference to "Docket 28995" should be changed to read "Docket 26995".

[Docket 27064]

ANTHONY COSIMANO, ET AL.

Application; Notice of Proposed Approval

Application of Anthony Cosimano et al. for disclaimer of jurisdiction, approval, or exemption pursuant to sections 408 and 409 of the Federal Aviation Act, Docket 27064.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the Civil Aeronautics Board intends to issue the attached order. Interested persons are hereby afforded until February 20, 1975, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 13, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

An application [1] has been filed requesting the Board to disclaim jurisdiction or

[1] The application was filed by Decair Corporation; Decair Helicopters, Inc.; Ramapo & Aero Helicopters, Inc.; Decair Helicopters of Peru, Inc.; Anthony Cosimano; Ted Dubolsky; Richard Elmert; Ben Turner and Son (Helicopters) Limited; and Caribbean Bank (Cayman) Limited.

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to grant relief, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the transactions set forth below.

In 1968, Anthony Cosimano, Ted Dubolsky, and Richard Eimert formed Decair Helicopters, Inc. (Helicopters), an air taxi operator, and became its sole officers, directors, and stockholders. These same individuals held similar interests in Ramapo Aero & Helicopters, Inc. (Ramapo), which engages in the maintenance and repair of helicopter aircraft.

In 1971, these individuals formed Decair Corporation (Decair), which subsequently acquired Helicopters and Ramapo as wholly owned subsidiaries. Decair is a publicly held company whose shares are traded over the counter. Messrs. Cosimano, Dubolsky, and Eimert hold 50.5 percent of Decair's stock and constitute its entire Board of Directors. The remaining shares are held in amounts of less than 10 percent by approximately 700 persons, virtually all of whom are U.S. citizens.[2]

In 1973, Helicopters formed a wholly owned subsidiary, Decair Helicopters of Peru, Inc. (Peru Inc.), a Delaware corporation, to engage in furnishing helicopters and pilots to oil exploratian companies in Peru. Messrs. Cosimano, Dubolsky, and Eimert are the sole directors and officers of Peru Inc.

Applicants now seek approval, disclaimer of jurisdiction, or exemption with respect to the foregoing control relationships, and exemption of the interlocking relationships arising by virtue of the positions of Messrs. Cosimano, Dubolsky, and Eimert as the sole officers and directors of each of the aforementioned companies.

Additionally, Peru Inc. has entered into a joint-venture agreement with two foreign corporations for the purpose of establishing a company operating out of the Cayman Islands which will provide helicopter services to oil companies in South America and elsewhere. The company will not operate in the United States. Under the terms of the agreement, one of the joint-venture partners, Ben Turner and Son (Helicopters) Limited (hereinafter referred to as Ben Turner & Son, will receive an option to purchase up to 10 percent of the stock of Decair as part consideration for its investment of further funds in the joint-venture operations.[3] The applicants request disclaimer, approval, or exemption with respect to (1) the resulting control of the joint-venture company by Peru Inc. and (2) the option held by Ben Turner & Son to purchase a 10-percent stock interest in Decair. In support of the requests, applicants state that the financing to be provided by virtue of the joint-venture agreement is urgently needed to prevent bankruptcy of Decair and its subsidiaries.

No comments have been received with respect to the application.

Upon consideration, it is concluded that Helicopters is an air carrier; that Peru Inc., Ramapo, and the joint-venture company are persons engaged in a phase of aeronautics; and that the following transactions are subject to § 408 of the Act: (1) the acquisition of control of Helicopters by Decair, and through Decair by Messrs. Cosimano, Eimert, and Dubolsky, (2) the acquisition of control by Helicopters of Peru Inc., and through Peru Inc. of the joint-venture company, (3) the acquisition of control of Helicopters through Decair by Ben Turner & Son, and (4) the common control through Decair of Helicopters and Ramapo.

Turning first to the acquisition of control of Helicopters by Decair, and through Decair by its three major shareholders, Messrs, Cosimano, Eimert, and Dubolsky, § 408(a)(5) of the Act prohibits the acquisition of control of an air carrier "by any person" in any manner whatsoever in the absence of prior Board approval, and section 413 provides that "control" may be indirect as well as direct. Thus, the reorganization of Helicopters which resulted in its direct acquisition of control by Decair, and through Decair by its three major shareholders, Messrs. Cosimano, Eimert, and Dubolsky, is subject to the requirements of § 408(a)(5) of the Act.[4] It is further concluded that the proposed control relationships will not result in creating a monopoly, and thereby restrain competition or jeopardize another air carrier; nor does it appear that the requirements of section 408 will be otherwise unfulfilled. The relationships are similar to others which have been authorized by the Board[5] and do not appear to raise any conicts of interest or other substantive regulatory concerns.[6] Accordingly, it is found that it would be in the public interest to exempt the control relationships from the requirements of § 408(a)(5) pursuant to the proviso therein.[7]

As previously noted, Ben Turner & Son has been granted an option to purchase 10 percent of the shares of Decair in exchange for its investment in the joint-venture company. The financing of the joint-venture agreement is dependent upon prior approval of the *exercise* of that option.[8] In considering the exercise of this stock option, we find that, since Helicopters is a wholly owned subsidiary of Decair, the acquisition of a 10-percent interest in the parent is effectively an acquisition of a 10-percent interest in the air carrier subsidiary. Whether this acquisition has resulted in the acquisition of control of the Act is an issue of fact which must be determined from a broad consideration of the particular facts of this case[9] and in light of § 408(f) of the Act.[10]

The Board further concludes that the applicants have not rebutted the § 408(f) presumption of control and that Ben Turner & Son's acquisition of a 10-percent interest in Decair is an acquisition of indirect control of an air carrier (Helicopters) subject to § 408(a)(5) of the Act. Control by a foreign citizen of a U.S. air carrier, even indirect, does raise serious concern with the Board in view of the congressional policy favoring U.S. control of U.S.-flag operations. However, the particular facts of this case indicate that even with its 10-percent interest, the influence of Ben Turner & Son on the affairs of Helicopters will be very limited. Decair and Helicopters are closely held corporations,[11] and the three majority shareholders (Messrs. Cosimano, Eimert, and Dubolsky) represent 50.5 percent of the stock ownership and will continue to constitute the entire Board of Directors of both Decair and Helicopters. In our view, the information set forth by the applicants appears to be sufficient to show that, despite Ben Turner & Son's interest, the substantive direction and influence over the air carrier will remain in the hands of Messrs. Cosimano, Eimert, and Dubolsky. Ben Turner & Son's focus of interest apparently will be in the successful operation of the joint-venture company rather than in the operation of Helicopters.[12] Thus, we find that it would be in the public interest to exempt such control as Ben Turner & Son may have in Helicopters from the requirements of § 408(a)(5) pursuant to the proviso therein, subject to the conditions noted below.

Because of the Board's deep concern of foreign influence over U.S. air carriers, the continued effectiveness of the exemption of control of Helicopters by Ben Turner & Son will be conditioned on the requirements that (1) the direct or indirect stock interest of Ben Turner & Son in Decair and/or Helicopters be limited to a maximum of 10 percent of either company's outstanding stock, and (2) at least two-thirds of the directors and managing officers of Decair and Helicopters remain citizens of the United States. These conditions will not prevent Ben Turner & Son from fully exercising its stock option in Decair, but will insure that the domination, direction, and influence of the air carrier remains in the hands of U.S. citizens.

As noted above, we believe that Messrs. Cosimano, Eimert, and Dubolsky will retain effective control over Helicopters and will continue to exercise such control in the best interests of Helicopters. However, if future circumstances should indicate an attempt by Ben Turner & Son to use its influence through the joint-venture company to adversely affect Helicopters, the Board will be disposed to reconsider the public interest factors in Ben Turner & Son's control of Helicopters. We will retain jurisdiction over the relationships considered herein in order to impose such further terms and conditions, including disapproval, as may be required in the public interest.

Helicopter's acquisition of all the stock of Peru Inc. is subject to § 408(a)(6) of the Act, inasmuch as the air taxi operator is acquiring control of a person engaged in a phase of aeronautics. Similarly, Helicopter's ownership of the joint-venture company, though its subsidiary, Peru Inc., is subject to § 408(a)(6) as an acquisition of indirect control of a person engaged in a phase of aeronautics by an aircarrier. However, we find that both acquisitions fall within the exemption from § 408 afforded by § 298.11(g) of the Board's Economic Regulations, and we will therefore dismiss the application to the extent it requests further approval, exemption, or disclaimer of these relationships.

The acquisition of Ramapo by Decair is subject to the provisions of § 408(a)(6) of the Act, since, by reason of the acquisition, a common control relationship is created between Helicopters (an air carrier) and a phase of aeronautics.[13]

If this control relationship is to be authorized by the Board, it must be approved pursuant to § 408(b). We find, after review of the application, that the sole ownership interest of Decair in Ramapo does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation within the meaning of the third proviso of § 408(b), does not result in creating a monopoly, and does not tend to restrain competition. Moreover, no person disclosing a substantial interest is presently requesting a hearing, and it is found that the public interest does not require a hearing. On the basis of the foregoing, the Board concludes that it should approve, without hearing under the third proviso of § 408(b) of the Act, the acquisition of control of Ramapo by Decair.[14]

The Board's concern in this proceeding is limited to those transactions heretofore considered. Therefore, any further request for relief by the applicants will be dismissed.

Accordingly, it is ordered that:

1. The acquisitions of control of Helicopters by Decair, and through Decair by Messrs. Cosimano, Eimert, and Dubolsky and Ben Turner & Son, be and they hereby are exempted from the requirements of § 408(a)(5) of the Act pursuant to the proviso therein; *Provided, however,* That the exemption herein granted to Ben Turner & Son will be effective only so long as (a) the direct or indirect stock interest of Ben Turner & Son in Decair and/or Helicopters does not exceed 10 percent of either company's outstanding stock, and (b) at least two-thirds of the directors and of the managing officers of Decair and Helicopters remain citizens of the United States;

2. The acquisition of control of Ramapo by Decair be and it hereby is approved pursuant to § 408(b) of the Act;

3. By reason of the exemption granted in Part 298.11 of the Board's Economic Regulations, the request for relief of the acquisition of control by Helicopters of Peru Inc., and through Peru Inc. of the joint-venture company, be and it hereby is dismissed;

4. The Board shall retain jurisdiction over the relationships herein exempted or approved for imposing such further terms and conditions as may be required in the public interest; and

5. Except to the extent noted above, all other requests for relief in docket 27064 be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

[FR Doc.75-4429 Filed 2-18-75;8:45 a.m.]

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[2] The application states that the families and close friends of the directors also constitute a substantial total of the other shareholders.

[3] The other joint-venture partner is the Caribbean Bank (Cayman) Limited, which is incorporated under the laws of Grand Cayman, British West Indies. The application states that neither the bank nor any of its stockholders holds a controlling interest in any sec. 408 enterprise.

[4] See orders 69-12-121 and 70-6-119.

[5] See order 74-2-114, Feb. 27, 1974.

[6] The reorganization of Helicopters appears to have been consummated without the requisite prior Board approval. However, it has been concluded that exceptional circumstances exist within the meaning of the Sherman Doctrine, and that there is no impediment to the processing of the application on its merits (*Sherman, Control and Interlocking Relationships*, 15 C.A.B. 876, 881).

[7] The various affiliations herein presented also give use to interlocking relationships within the meaning of sec. 409 of the Act. However, sec. 29811(h) of the Board's Economic Regulations exempts the air taxi operator from sec. 409 of the Act, and sec. 298.14 of the Economic Regulations grants a blanket approval of virtually all interlocking relationships involving individual officers and directors of the air taxi operator. In view of the foregoing, the applicant's request for further relief from sec. 409 of the Act will be dismissed.

[8] Ben Turner & Son is a British Company whose operations are limited solely to the sale and financing of helicopter aircraft. The application states that neither the company nor any of its stockholders holds a controlling interest in any sec. 408 enterprise.

[9] See *Eastern-Colonial Control Case*, 20 C.A.B. 629, 634-35 (1955); *Railroad Control of Northeast Airlines*, 4 C.A.B. 379, 381 (1943).

[10] Sec. 408(f) of the Act provides that the acquisition of 10 percent or more of the securities of an air carrier raises a presumption of control unless the Board finds otherwise.

[11] See note 2, *supra*, and accompanying text.

[12] It is this conclusion which distinguishes our decision here from that in Willy Peter Daetwyler d/b/a Interamerican Air Freight Co., order 71-10-114, Oct. 28, 1971, wherein the domination and direction of an air freight forwarder applicant was vested in a foreign citizen, thereby preventing the applicant from qualifying as a U.S. citizen (and thus as an "air carrier" within sec. 101(3) of the Act).

[13] Sec. 408(a)(6) requires approval, *inter alia*, of the acquisition of a phase of aeronautics by a person controlling an air carrier. Since Ramapo is a direct subsidiary of Decair (not under Helicopters' control), its control has not been considered in the context of the exemptions previously granted; See, *e.g.*, Berwind Corporation, *et al.*, order 69-11-12, Nov. 4, 1969.

[14] Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following such publication, both in accordance with the requirements of sec. 408(b) of the Act.

[Docket 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on March 25, 1975, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 13, 1975.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.75-4425 Filed 2-18-75;8:45 am]

[Docket 27156]

LOYAL-AIR LTD.

Small Aircraft Permit Application Canada-United States

Postponement of Prehearing Conference and Hearing

Notice is hereby given that, at the request of counsel for the applicant, to which the Bureau of Operating Rights has indicated it has no objection, the prehearing conference and hearing previously scheduled in this case for February 27, 1975 (40 FR 6526, February 12, 1975), has been postponed to March 5, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, DC.

The hearing will be held immediately following conclusion of the prehearing conference unless a person has objected or shown reason for postponement pursuant to notice previously given.

Dated at Washington, D.C., February 12, 1975.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.75-4426 Filed 2-18-75;8:45 am]

[Docket 25280; Agreement C.A.B. 24925 R-1]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates; Order

FEBRUARY 12, 1975.

By Order 75-1-119 the Board approved an agreement filed pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between

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various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates, including, inter alia, the following:

Agreement C.A.B.	Specific commodity Item No.	Description and rate
24925: R-1.....	9522	Handicraft Products,[1] 267 cents per kg., minimum weight 100 kgs. 255 cents per kg., minimum weight 300 kgs., from Teresina to New York.

[1] See tariff for complete commodity descriptions.

By subsequent filing received February 3, 1975 on behalf of the above referenced carriers it appears that the origin point designated with respect to the Specific Commodity Item 9522 should be Teheran rather than Teresina, so that the item reads as follows:

Agreement C.A.B.	Specific commodity Item No.	Description and rate
24925: R-1.....	9522	Handicraft Products,[1] 267 cents per kg., minimum weight 100 kgs., 255 cents per kg., minimum weight 300 kgs., from Teheran to New York.

[1] See tariff for complete commodity descriptions.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement as corrected is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, It IS ORDERED, *That:*

Agreement C.A.B. 24925, R–1 as corrected, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–4427 Filed 2–18–75;8:45 am]

[Docket 26494; Agreement C.A.B. 24940 R–1 through R–3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares; Order

FEBRUARY 12, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement, for effect February 15, 1975, proposes slight increases in first class, economy class and creative fares between other Middle Eastern points and Iran. We will approve the increases to first and economy class fares, which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to creative fares which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24940 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24940: R-1.....	062	TC2 First Class Fares (Not finally adopted) (Within Middle East) (Amending).	2
R-2.....	062	TC2 Economy Class Fares (Not finally adopted) (Within Middle East) (Amending).	2

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 24940, affects air transportation within the meaning of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24940: R-3.....	072b	TC2 Creative Fares Except Europe (Not finally adopted) (Within Middle East) (Amending).	2

Accordingly, *It is ordered*, That:

1. Those portions of Agreement C.A.B. 24940 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 24940 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–4428 Filed 2–18–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 334–3; OPP–32000/191]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before April 21, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 21, 1975.

Dated: February 11, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–32000/191)

EPA File Symbol 4313–LN. Carroll Co., 2900 W. Kingsley Rd., Garland TX 75041. CARROSOL GLYCOL MINT AIR SANITIZER. Active Ingredients: Triethylene Glycol 4.5%; Propylene Glycol 3.0%; n-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM33.

EPA File Symbol 34761–I. Ecology Ltd., Industrial Park, Bldg. #5, W. Haverstraw NY 10993. ECOLOGY INDUSTRIAL SPRAY. Active Ingredients: Pyrethrins 0.40%; Piperonyl Butoxide, Technical 2.00%; Petroleum Distillate 7.40%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 34761–L. Ecology Ltd. ECOLOGY WASP & HORNET KILLER. Active Ingredients: Pyrethrins 0.075%; Piperonyl Butoxide, Technical 0.188%; Carbaryl (1-Naphthyl N-Methylcarbamate) 0.500%; Petroleum Distillate 24.237%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 34761–G. Ecology Ltd. ECOLOGY ROACH & ANT SPRAY DIAZINON. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 95.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 35062–R. Enzone, Inc., 1737 Campbell Rd., Houston TX 77055. ENDANT. Active Ingredients: Perchloroethylene 33%; Trichloroethylene 33%; I,I,I, Trichloroethane 17%; I,I,2, Trichloroethane 17%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 2831–UI. NAPASCO International, PO Box 1219, Thibodaux LA 70301. LEMONEX AEROSOL QUAT REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; Essential oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 2831–UT. NAPASCO International. SAFARI BOUQUET AEROSOL QUAT RERESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chlorides 0.25%; Essential oils 0.05%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 2831–UA. NAPASCO International. SAFARI ORANGE AEROSOL QUAT REFRESHNER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; Essential oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 18185–L. Petway Prod. Corp., 350 5th Ave., New York NY 10001. PET WAY FLEA & TICK SPRAY CATS. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical 0.50%; Carbaryl (1-Naphthyl N-methylcarbamate) 0.50%; Butoxypolypropylene Glycol 5.00%; Petroleum Distillate 0.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 6811–UO. Research Prod. Co., 2423 Merrell Rd., Dallas TX 75229. DEFENSE RESIDUAL INSECTICIDE. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.52%; Piperonyl Butoxide Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14.

EPA File Symbol 346–GO. I. D. Russell Co. Labs., PO Box 1, Kansas City MO 64141. RUSSELL RAKIL CONTAINS PROLIN ANTICOAGULANT RODENTICIDE. Active Ingredients: Warfarin, 3(a-acetonylbenzyl)-4-hydroxycoumarin 0.025%; N1-2-quinoxalylsulfanilamide (sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11.

EPA File Symbol 11715–UL. Speer Products, Inc., PO Box 9383, Memphis TN 38109. SPEER INSECTICIDE, AEROSOL RESMETHRIN. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 1.20%; Related compounds 0.08%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 11350–RR. Standard Paint & Varnish Co., PO Box 826, Harvey LA 70058. STAN-GARD MARINE COATINGS 693 ALUM-A-TOX ANTI-FOULING WHITE. Active Ingredients: Tributyltin Fluoride 7.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM 24.

[FR Doc.75–4360 Filed 2–18–75;8:45 am]

XUM V40-34 FEB 19 75 XUM

[FRL 394-6]

AREAWIDE WASTE TREATMENT

Management Planning Approvals; Area and Agency Designations

Pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals of designation of areawide waste treatment management planning areas and agencies for the period January 8, 1975, thru January 31, 1975.

The following area and agency designations have been approved by the Environmental Protection Agency:

Sussex County, Delaware (Sussex County Government, P.O. Box 507, Georgetown, Delaware 19947).

Southwest Virginia (Plateau and Lenowisco Planning District Commission, U.S. 58, 421 W. Duffield, Virginia 24244).

Palm Beach County, Florida (Planning Board of Palm Beach County, P.O. Box 3643, W. Palm Beach, Florida 33402).

Uintah Basin, Utah (Uintah Basin Association of Governments, P.O. Box 867, Roosevelt, Utah 84066).

Provo, Utah (Mountainland Association of Governments, 160 East Center Street, Provo, Utah 84601).

Dated: February 12, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-4361 Filed 2-18-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-162]

EMERGENCY BROADCAST SYSTEM

Closed Circuit Test

FEBRUARY 12, 1975.

A test of the Emergency Broadcast System (EBS) has been scheduled for Friday, February 21, 1975, between 2:07 and 2:14:30 p.m., Washington, D.C. time. Only ABC, CBS, NBC, IMN, MBS, and NPR radio network affiliates and UPI-audio clients will participate. Television networks are not participating in this test.

Network affiliates will be notified of test procedures via their network beginning four days in advance of the test. Test messages will also be run by AP and UPI radio press wire services for four days in advance of the test to insure wide dissemination of test announcement and schedule.

Final evaluation of the November test is scheduled to be made by the end of March 1975.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission February 12, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4422 Filed 2-18-75;8:45 am]

[FCC 75-177]

EMERGENCY BROADCAST SYSTEM

Interconnecting Systems and Facilities; Closed Circuit Test

In the Matter of a closed circuit test of national-level interconnecting systems and facilities and program origination channels of the Emergency Broadcasting System.

1. The Commission has received a request from the White House Communications Agency to conduct a Closed Circuit Test of the National-Level interconnecting systems and facilities of the Emergency Broadcast System (EBS) on February 21, 1975, from 2:07 to 2:14:30 p.m. e.s.t.

2. This request has been coordinated with the major radio networks, the American Telephone and Telegraph Company, and the AP and UPI radio wire services.

3. Coordinated arrangements and voluntary agreements have been obtained from the White House Communications Agency, the Office of Telecommunications Policy, the major Radio Broadcast Networks, (ABC, CBS, IMN, MBS, NBC, NPR, UPI-Audio), and the AT&T.

4. *It is ordered,* pursuant to § 0.381 of the Commission's rules and regulations, That a Closed Circuit Test of the EBS be conducted on February 21, 1975, from 2:07 to 2:14 p.m. e.s.t., in accordance with § 73.962 of the rules.

5. Authority for the adoption of this action is contained in Section 1, 4(i), 4(o), and 303(r) of the Communications Act of 1934, as amended.

Adopted: February 11, 1975.

Released: February 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4418 Filed 2-18-75;8:45 am]

[Docket Nos. 20345 and 20346; File Nos. BPH-8914 and 9125]

DR. E. PAUL EDER AND C. C. BROADCASTING, INC.

Applications for Construction Permits; Hearing Order

In re applications of Dr. E. Paul Eder, Cape Coral, Florida. Requests: 103.9 MHz, Channel No. 280; 3 kW (H&V); 300 feet. C. C. Broadcasting, Inc., Cape Coral, Florida. Requests: 103.9 MHz, Channel No. 280; 3 kW (H&V); 300 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in Cape Coral, Florida.

2. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. *Accordingly, It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue which, if either, of the applications should be granted.

4. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 5, 1975.

Released: February 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-4420 Filed 2-18-75;8:45 am]

[Docket No. 19660; R-690]

WESTERN UNION AND ITT WORLD COMMUNICATIONS INC.

Joint Petition; Order Extending Time

In the matter of International Record Carriers' scope of operations in the continental United States including possible revisions to the Formula prescribed under Section 222 of the Communications Act.

By the Chief, Common Carrier Bureau.

1. By Order released February 7, 1975 (39 FR 29050) we granted the petition of Western Union International, Inc. to extend the time from February 3, 1975 to February 7, 1975 to respond to the Joint Petition to Approve Settlement Agreement (Joint Petition) filed by the Western Union Telegraph Company (Western Union) and ITT World Communications Inc. in the above-captioned proceeding. By motion dated February 6, 1975, RCA Global Communications, Inc. (RCA Globcom) requests a further extension of time until February 14, 1975 to respond to the Joint Petition.

2. In support of its request, RCA Globcom states that it is actively considering the settlement proposal extended by Western Union and believes that in view of the fact that a settlement may be reached and a response to the Joint Petition rendered moot, it is desirable to extend the time for filing so that it will not be necessary to file pleadings which may support legal petitions without furthering the settlement discussions.

3. Good cause has been shown for the requested extension.

Accordingly, it is ordered, pursuant to § 0.303(c) of the Commission's rules, 47 CFR § 0.303(c), the Motion for Extension of Time filed by RCA Globcom is granted, and the time for response to the Joint Petition is extended until February 14, 1975.

Adopted: February 7, 1975.

Released: February 11, 1975.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.75-4419 Filed 2-18-75;8:45 am]

[Dockets Nos. 19991 and 19992; File Nos. BRCT-71 and BRCT-4527; FCC 75R-54]

RKO GENERAL, INC. AND MULTI-STATE COMMUNICATIONS, INC.

Applications for Construction Permits; Memorandum Opinion and Order Enlarging Issues

In re applications of RKO General, Inc. (WOR-TV), New York, New York, for renewal of broadcast license and Multi-State Communications, Inc., New York, New York, for construction permit for new television broadcast station.

By the Review Board:

1. Before the Review Board for consideration is a motion to enlarge issues (39 FR 29965), filed December 10, 1974, by Multi-State Communications, Inc. (Multi-State), requesting the addition of news falsification, adequacy of supervision, Suburban, and misrepresentation issues against RKO General, Inc. (RKO).[1] Initially, the Review Board notes that Multi-State has not demonstrated that good cause exists to justify the late filing of its motion. However, in view of the serious charges contained in the motion, the Board will accept the motion and examine it on its merits. See The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966).

[1] Also before the Review Board for consideration are the following related pleadings: (a) opposition, filed December 23, 1974, by RKO; (b) opposition, filed December 26, 1974, by the Broadcast Bureau; (c) reply, filed January 8, 1975, by Multi-State; (d) motion for leave to file response to reply, filed January 14, 1975, by RKO; (e) response to reply, filed January 14, 1975, by RKO. RKO has not shown sufficient cause for acceptance of its supplemental pleading; in accordance with our general practice, therefore, we will deny its motion for leave to file response to rely and dismiss the response. In re Filing of Supplemental Pleadings Before The Review Board, 40 FCC 2d 1026 (1972).

NEWS FALSIFICATION AND LACK OF SUPERVISION ISSUES

2. In support of its request for a news falsification issue, movant asserts that on September 11, 1974, RKO deliberately falsified a news report dealing with racial turmoil in Mozambique. According to Multi-State, RKO received only one newswire dealing with the Mozambique incident on September 11, 1974—a newswire from the Associated Press which reads as follows:

Lourenco Marques, Mozambique—A Portuguese army officer in Mozambique says rioters around the capital are completely out of control. A senior police officer estimates that at least 200 people—mostly black—have died in the racial turmoil that followed the collapse yesterday of a white rebellion. A communique issued earlier in Lisbon said the army and police are having difficulty stemming the violence in the African townships that surround Lourenco Marques.

During the course of its news broadcast that evening, movant maintains, RKO's anchorman, Thomas Dunn, reading from his own script, made the following remarks:

Black Africans in Mozanbique (sic) went wild today after whites tried to reverse the freedom of the colony granted by Portgual.

200 persons, most of them white, were stabbed in the fighting in the capital of Lourenco Marques.

A Portuguese army officer says the blacks just went on a rampage and started stabbing every white they could find.

Given the variances between the wire story and Mr. Dunn's presentation, movant argues that an inquiry is necessary to determine whether RKO has intentionally broadcast false information.[2] Moreover, Multi-State alleges that RKO falsification of the Mozambique report is not an isolated act of news rigging or distortion by RKO, and urges the Review Board to also add an issue to determine whether the licensee is adequately supervising its employees.[3]

3. In support of its opposition, RKO submits the affidavit of Thomas Dunn, in which he states that he did not base his news broadcast dealing with the Mozambique uprising upon the Associated Press news wire relied upon by Multi-State, but rather upon a second Associated Press dispatch received that day by RKO.[4] According to RKO, the discrepancies noted by movant are not the product of deliberate falsification, but resulted from Multi-State and Dunn relying upon separate Associated Press releases, which contained materially different versions of the Mozambique incident.[5] Consequently, RKO urges the Board to deny the request. The Broadcast Bureau, while believing that Multi-State has raised a substantial question as to whether Mr. Dunn intentionally distorted the news, nonetheless opposes the motion since there is no allegation of improper involvement by the licensee, its principals, or management personnel. Moreover, both the Bureau and RKO oppose the request for the addition of an adequacy of supervision issue.

4. The Board will deny Multi-State's request for a news falsification issue since we believe that RKO has satisfactorily responded in its opposition and accompanying affidavit to the allegations raised by movant. In our view, Dunn's explanation in his affidavit for the variances between the newswire cited by Multi-State and his own news script is not unreasonable and it appears that the discrepancies in question were attributable to the release by the Associated Press of conflicting news stories and not to Dunn's improper action.[6] Thus, we be-

[2] In supoprt of its allegations, Multi-State submits the affidavit of Edgar O. Lake, who states he was formerly employed as News Desk Assistant by RKO and was on duty on September 11, 1974. Attached to Mr. Lake's affidavit are copies of the previously mentioned news wire and the related news script allegedly prepared and used by Dunn.

[3] In support, Multi-State points out that it had previously, on April 30, 1974, requested the Review Board to add an issue inquiring into whether RKO employees had attempted to stage a news event. As Multi-State notes, the Board denied that request; see RKO General, Inc. 47 FCC 2d 824, 30 RR 2d 955 (1974).

[4] In his affidavit, Dunn states that the newswire relied upon by Multi-State is known as the Associated Press's "Radio" wire, which is a rewritten version of the Associated Press's "A" wire specifically adapted for broadcast station use. According to Dunn, RKO reporters usually do not use the "Radio" wire but prefer to rewrite significant news stories themselves directly from the "A" wire. The newswire which served as the basis of Dunn's presentation and is attached to RKO's affidavit, reads as follows:

Lourenco Marques, Mozambique—At least 200 persons, mostly white, were stoned, stabbed or beaten to death in racial rioting that followed the collapse of a white settlers' revolt, a senior police officer said Wednesday.

The officer made his estimate after touring the black shanty towns surrounding the capital of Lourenco Marques on three sides. They have been the scene of destruction, killing, burning and looting since Tuesday when the leaders of a white movement surrendered.

The whites were protesting the signing of an agreement Saturday giving control of the territorial government to Frelimo, the African guerrilla movement that fought the Portuguese for ten years. The colony received its independence in June.

Most of the African townships were sealed off by Portuguese officials Wednesday and one officer said, "They are just in a wild mood and completely out of hand."

A Portuguese Army Captain, reporting via Radio Lisbon, said many Africans reacted to the whites' surrender by going on a rampage. He was in charge of the Lourenco Marques radio station the whites had used as their headquarters.

[5] Dunn avers he used the "A" wire in preparing his script and does not recall having used the "Radio" wire in his presentation or of being aware of any discrepancies between the "Radio" and "A" wires.

[6] Specifically, we note that the "A" wire relied on by Dunn includes the following data supportive of Dunn's position: (1) 200 whites were killed; (2) some of those dead had been stabbed; and (3) an officer of the Portuguese army had been quoted as stating that many Africans had gone on a rampage. Although Dunn's statement that blacks "started stabbing every white they could find" appears to be an exaggeration of the information on the "A" wire, we do not believe that it alone would warrant addition of an issue.

XUM V 40 N 34 FEB 19 75 XUM

lieve that Multi-State has failed to submit sufficient "extrinsic evidence" to show that RKO has engaged in news falsification. See CBS Program, "Hunger in America," 20 FCC 2d 143, 17 RR 2d 674 (1969); Democratic National Convention Television Coverage, 16 FCC 2d 650, 15 RR 2d 791 (1969).[7] Additionally, we point out that even if Dunn were shown to have falsified the news, Multi-State's request would still be denied since movant has not alleged or indicated that managerial-level employees at WOR–TV were involved in any improper activities. See CBS Program, "Hunger in America," supra; RKO General, Inc. (WOR–TV), 47 FCC 2d 824, 30 RR 2d 955 (1974). Finally, since we do not believe that a substantial question of news falsification by an RKO employee has been raised, the Board finds no justification for the addition of an adequacy of supervision issue.

SUBURBAN AND MISREPRESENTATION ISSUES

5. Petitioner alleges that RKO failed to conduct the community leader survey contained in its 1972 renewal application in accordance with the requirements of Q. and A. 11 of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Multi-State predicates its request on two grounds. First, Multi-State alleges that RKO's News Director, Alan B. Zimmerman, improperly delegated the conduct of the community leader survey to nonmanagerial personnel. According to Multi-State, on or about August 28, 1974, Zimmerman circulated a written memorandum requesting RKO's news reporters assigned to him to interview community leaders. As compensation for their interviewing efforts, Multi-State continues, Zimmerman offered the reporters $5 per consultation.[8] Multi-State asserts that the procedure outlined in Zimmerman's memorandum contravened the Primer's requirement that the decision-making personnel of an applicant conduct community leader interviews. Second, movant contends that RKO has failed to specify in its application the identity of the individuals who conducted its community leader survey.[9] In light of the foregoing, Multi-State requests the Board to add a Suburban issue against RKO. Additionally, Multi-State asserts that since RKO, in its application, has misrepresented to the Commission that its community leader survey was conducted only by managerial employees, a misrepresentation issue is justified against the applicant.

6. Opposing enlargement, both the Broadcast Bureau and RKO argue that since the Zimmerman memorandum was drafted on or about August 28, 1974, it is irrelevant to any consideration of whether the community leader survey contained in RKO's renewal application and completed in 1972 was conducted in conformity with Q. and A. 11.[10] Rather, RKO points out that the Zimmerman memorandum related to a community leader survey voluntarily conducted by RKO to insure its continuing awareness of community needs. Furthermore, RKO's General Manager, Robert L. Williamson, in an accompanying affidavit, states that upon learning of the Zimmerman memorandum, he countermanded the memorandum and instructed Zimmerman to conduct any future community leader interviews himself. RKO also maintains that the Zimmerman memorandum does not reflect the policy of the station's management and therefore does not justify the addition of the requested issue. Turning to movant's other allegations, RKO argues that, contrary to Multi-State's contentions, the Primer does not require an applicant to inform the Commission of the identity of those who conducted the community leader survey.

7. The Review Board will add a limited Suburban issue since RKO has failed to identify by name those individuals who conducted its community leader interviews. Absent this information, it is impossible for the Board to determine whether RKO has complied with the requirement of Q. and A. 11 of the Primer that interviews of community leaders be conducted by an applicant's principals or management-level employees. KOWL, Inc., ___ FCC 2d _____, 31 RR 2d 1589 (1974).[11] Therefore, an appropriate issue will be added. However, the Review Board finds no merit in the contention that the Zimmerman memorandum raises a serious question as to whether RKO improperly delegated to non-management level employees the conduct of its community leader survey.[12] Finally, in light of the foregoing, the Board finds no basis for Multi-State's claim that RKO intentionally misrepresented to the Commission that only its principals or managerial-level employees conducted its community leader survey.

8. Accordingly, *it is ordered*, That the motion for leave to file response to Multi-State Communications, Inc.'s reply to opposition to motion to enlarge issues, filed January 14, 1975, by RKO General, Inc., IS DENIED; and

9. *It is further ordered*, That the response to Multi-State Communications, Inc.'s reply to motion to enlarge issues, filed January 14, 1975, by RKO General, Inc., is dismissed; and

10. *It is further ordered*, That the motion to enlarge issues, filed December 10, 1974, by Multi-State Communications, Inc. is granted to the extent indicated above, and is denied in all other respects; and the issues in this proceeding are enlarged to include the following issue:

To determine who conducted the community leader interviews relied on by RKO General, Inc. and in light of the evidence adduced, whether the applicant has complied with the requirements set forth in the Commission's Primer.

11. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein SHALL BE on RKO General, Inc.

Adopted: February 6, 1975.

Released: February 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4421 Filed 2-18-75;8:45 am]

[7] The Board also notes that, contrary to Lake's contention, RKO claims to have received three newswires—not one—regarding the Mozambique uprising—one from United Press International and the two from Associated Press.

[8] In support, Multi-State attaches a copy of the Zimmerman memorandum to the previously mentioned affidavit of Edgar Lake. In his affidavit, Lake also makes reference to the Zimmerman memorandum.

[9] In support, Multi-State refers to three statements in RKO's 1972 renewal application. The first, contained in Exhibit No. 1, states that RKO's Vice President for Public Affairs consults with community leaders, but does not indicate whether he conducts all such interviews. Secondly, movant refers to another statement in Exhibit No. 1, in which RKO noted that its in-depth consultations with community leaders were "generally" conducted by management. Finally, Multi-State refers to Exhibit No. 2, in which the renewal applicant stated that community leader survey interviews were conducted by "station management personnel". According to movant, an examination of these statements raises serious doubt as to whether RKO has conducted its interviews in conformity with the Primer.

[10] RKO, in support, submits the affidavits of Zimmerman and four of the five reporters who received the memorandum from Zimmerman, all of whom state that they did not participate in the ascertainment survey contained in the 1972 renewal application.

[11] Although RKO claims that certain portions of the exhibits cited by Multi-State refer to RKO's "continuing dialogue" with the community and not its "survey of community leaders", we note that RKO has not included in either section a listing of the individuals who conducted its community leader survey.

[12] Specifically, Multi-State has not demonstrated any correlation between Zimmerman's August 28, 1974, memorandums, and the community leader survey contained in RKO's 1972 renewal application, and RKO has categorically denied the existence of such a nexus. Moreover, the memorandum was quickly countermanded by RKO management.

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for December 1974

In accordance with the provisions of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(l) is hereby published.

Based on reports submitted to FEA by refiners and eligible firms as to crude oil receipts, crude oil runs to stills and eligible product imports for December 1974 and an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), the adjusted national old oil supply ratio for December 1974 is calculated to be .400295.

The issuance of entitlements for the month of December 1974 to refiners and eligible firms is set forth as an Appendix to this notice. The Appendix lists the name of each refiner and other eligible firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm, and the number of barrels of old oil included in each refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of December 1974 at $5.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of December 1974 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of December 1974 equal to the difference between the number of barrels of old oil included in that refiner's adjusted crude oil receipts for that month and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of December 1974 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for December 1974, and eligible firms which have been issued entitlements for December 1974, shall sell such excess entitlements to refiners required to purchase entitlements.

The listing of entitlement issuances contained in the Appendix reflects the application of Special Rule No. 3 (as amended February 5, 1975) which operates to relieve certain small refiners from the requirement to purchase entitlements for the first 30,000 barrels per day of their daily average volume of crude oil runs to stills for the months of November and December, 1974. Accordingly, for those small refiners whose purchase requirements were totally exempted pursuant to Special Rule No. 3, as amended, the Appendix specifies issuance of an incremental number of entitlements equal to the number such refiners would have otherwise been required to purchase. The total number of entitlements exempted from the purchase requirements of 10 CFR 211.67(b) is 3,459,272. A factor of .168811 has been applied to the number of entitlements available for sale by each refiner and eligible firm, which has the effect of reducing the total number of entitlements available for sale by an amount equal to the total purchase requirements exempted pursuant to Special Rule No. 3.

The listing of entitlement issuances contained in the Appendix also reflects corrections of November 1974 reports filed pursuant to § 211.66 (h) and (j) by refiners and eligible firms under the provisions of the emergency amendment to 10 CFR 211.67 issued by FEA on the date of this notice which permitted entitlement adjustments to correct reporting errors. As also provided by this emergency amendment, eligible firms that failed to report volumes of eligible products imported in the month of November 1974 and which have reported such volumes to FEA by February 3, 1975, have received appropriate adjustments in the entitlement issuance for the month of December 1974.

The listing of refiners' old oil receipts contained in the Appendix also reflects any adjustments made by FEA pursuant to § 211.67(h).

Refiners which have reported no volumes of old oil receipts and crude oil runs to stills for December 1974, and eligible firms which have filed reports indicating no eligible product imports for this month, have been included in the listing contained in the Appendix.

The listing contained in the Appendix specifies a negative volume of old oil receipts as to one refiner due to a corrective adjustment. The total number of entitlements issued to such refiner under the listing includes the number specified in the "issued" column, as well as a number of entitlements equal to the number of barrels of old oil shown as this negative volume.

The total volume of entitlements required to be purchased and sold under this notice is 17,032,748.

Entitlement purchases required under 10 CFR 211.67(b) for the month of December must be effected by February 28, 1975. On or prior to March 10, 1975, each refiner and eligible firm which has been issued entitlements for December shall file with FEA the monthly transaction report specified in 10 CFR 211.66(l) certifying its purchases and sales of entitlements for the month of December. FEA will mail monthly transaction report forms for December 1974 to reporting firms in February 1975. Refiners and eligible firms which have been unable to locate firms for required entitlement transactions by February 21, 1975, may contact FEA at 202–634–7610 to obtain assistance in locating a firm with outstanding purchase or sale requirements. For refiners and eligible firms that have failed to consummate entitlement transactions on or prior to February 28, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(j).

Issued in Washington, D.C., February 11, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

APPENDIX

ENTITLEMENTS FOR ALLOCATION OF OLD OIL

Reporting firm, short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
A-Johnson	0	207,767	0	207,767
Agway	0	18,930	0	18,930
Allied	72,510	72,797	0	287
Amer-Petro	2,725,963	2,063,301	662,782	0
Amerada	3,824,042	6,941,728	0	3,117,686
Amoco	12,893,063	11,589,458	1,303,605	0
Apco	391,730	569,366	0	117,636
Apex	0	7,195	0	7,195
Arco	6,844,523	7,336,364	0	493,841
Arizona	42,632	42,632	0	0
Ashland	2,918,046	3,871,165	0	953,119
Asiatic	0	119,857	0	119,857
Bay	30,264	101,234	0	70,970
Bayou	47,337	47,337	0	0
Beacon	330,317	330,317	0	0
Belcher	0	136,106	0	136,106
Blue-Ridge	0	32,940	0	32,940
C. & H	6,167	6,167	0	0
Calumet	0	29,479	0	29,479
Canal	0	38,167	0	38,167
Caribou	74,437	79,761	0	5,324
Castle	0	31,782	0	31,782
Central	0	30,727	0	30,727
Champlin	2,062,836	1,830,146	232,690	0
Charter	1,097,856	1,033,133	64,725	0
Cirillo	0	78,127	0	78,127
Citco	4,008,361	2,778,160	1,230,201	0
Claiborne	77,230	77,230	0	0
Clark	624,038	976,559	0	352,521
Coastal	2,293,352	1,807,281	485,971	0
Colonial	0	53,868	0	53,868
Colonial-Oil	0	0	0	0
Con-Ed	0	321,449	0	321,449
Con-Ref	0	7,916	0	7,916
Conoco	4,222,750	3,829,906	392,844	0
Consumers-Power	0	34,599	0	34,599
Corco	0	971,965	0	971,965
Cra-Farm	501,122	655,589	0	154,467
Cross	12,764	58,065	0	45,301
Crown	627,332	737,429	0	110,097
Crystal-Oil	231,380	247,360	0	15,980
Crystal-Ref	13,427	29,856	0	16,429
Deepwater	0	13,497	0	13,497
Delta	483,486	503,059	0	19,573
Diamond	953,141	950,980	2,161	0
Dingman	7,520	9,192	0	1,672
Dorchester	[1]—1,764	[2] 9,908	0	11,672
E-Seaboard	0	55,294	0	55,294
Eastern	0	0	0	0
Eddy	36,760	36,760	0	0
Edgington-Oil	545,149	545,149	0	0
Edgington-Oxn	19,742	21,192	0	1,450
Elm	0	0	0	0
Energy-Fuels	0	0	0	0
Enterprise	0	6,689	0	6,689

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Reporting firm, short name	Old oil adjusted receipts	Entitlement position[1] Issued	Required to buy	Required to sell
Evangeline	33,066	33,066	0	0
Exxon	16,838,160	14,562,205	2,275,958	0
F-Fletcher	0	1,715	0	1,715
Famariss	280,746	368,283	0	87,537
Farmers-Un	243,027	387,500	0	144,473
Fletcher	401,093	401,093	0	0
Flint	8,907	9,125	0	218
Fort-Neck	0	0	0	0
Gary	49,826	58,919	0	9,093
Gen-Portland	0	13,024	0	13,024
Geo-Hall	0	3,420	0	3,420
Getty	658,222	859,211	0	200,989
Giant	321,339	322,590	0	751
Gibbs	0	21,202	0	21,202
Gladieux	87,681	87,681	0	0
Goetz	0	0	0	0
Golden-Eagle	203,762	203,762	0	0
Golden-Eagle-N.Y	0	18,701	0	18,701
Good-Hope	454,019	454,019	0	0
Great-Northern	0	13,227	0	13,227
Guam	0	303,655	0	303,655
Gulf	13,177,080	10,271,672	2,905,408	0
Gulf-STS	4,102	5,769	0	1,667
Hartwell	0	0	0	0
Hiri	118,617	398,224	0	279,607
Howard	0	77,700	0	77,700
Howell	870,030	824,459	45,571	0
Hunt	296,763	296,763	0	0
Husky	570,351	578,371	0	8,020
Indiana-Farm	156,174	234,810	0	78,636
Irving	0	25,219	0	25,219
J. & W	189,196	224,984	0	35,788
K-H-White	0	5,255	0	5,255
Kaiser	876	5,505	0	4,629
Kentucky	2,203,533	1,863,021	340,512	0
Kerr-McGee	0	0	0	0
King	301,289	1,077,322	0	776,033
Koch	479,270	479,270	0	0
Lagloria	11,369	39,925	0	28,556
Lakeside	209,780	209,780	0	0
Laketon	289,861	294,793	0	4,932
Little-Amer	204,889	204,889	0	0
MacMillan	4,301,724	3,713,161	588,563	0
Marathon	109,205	227,934	0	118,729
Marion	0	0	0	0
Meenan	10,084	30,407	0	20,323
Mid-Amer	0	0	0	0
Mid-Tex	251,475	257,271	0	5,796
Midland	9,840,361	10,523,968	0	683,607
Mobil	591,013	591,013	0	0
Mohawk	476,642	475,507	1,135	0
Monsanto	1,270	5,777	0	4,507
Morrison	3,298	3,403	0	105
Mountaineer	1,134,060	1,247,170	0	113,110
Murphy	161,250	161,250	0	0
N-Amer-Petro	0	36,155	0	36,155
Narragansett	453,185	638,490	0	185,305
Nati-Coop	429,191	429,191	0	0
Navajo	0	113,414	0	113,414
NE-Petro	0	58,706	0	58,706
Nepco	0	323,506	0	323,506
New-Engl	264,050	264,050	0	0
Newhall	0	4,714	0	4,714
Newman	0	0	0	0
Norco	0	0	0	0
Northern-NJ	22,228	22,228	0	0
Northland	0	96,689	0	96,689
Northville	971,597	924,701	46,896	0
Oil-Shale	377,647	377,647	0	0
OKC	0	5,819	0	5,819
Orange & Rockland	10,541	16,635	0	6,094
Oriental	0	0	0	0
Pace	888,263	795,072	93,191	0
Pasco	0	78,429	0	78,429
Patchogue	0	0	0	0
Patterson	625,131	653,788	0	28,657
Pennzoil	0	191,527	0	191,527
Pepco	0	26,129	0	26,129
Petro-Heat-Ct	0	46,836	0	46,836
Petro-Heat-Pa	0	21,460	0	21,460
P.G. & E	4,353,098	4,697,784	0	344,686
Phillips	10,893	13,313	0	2,420
Pioneer	0	247,883	0	247,883
Pittston	43,330	92,593	0	49,263
Plateau	559,720	551,804	7,916	0
Powerine	208,256	323,805	0	115,549
Pride	0	175,245	0	175,245
Prulease	0	0	0	0
Publicker	27,270	248,529	0	221,259
Quaker-St	0	32,522	0	32,522
Remington	0	13,294	0	13,294
Rico	0	3,962	0	3,962
Road-Oil	597,544	595,203	2,341	0
Rock-Island	0	0	0	0
Rockway	0	30,720	0	30,720
Royal	0	0	0	0
Saber	4,642	5,717	0	1,075
Sage-Creek	291,548	291,548	0	0
San-Joaquin	0	25,466	0	25,466
Sears	0	35,892	0	35,892
Seminole	0	0	0	0
Shaheen	15,454,125	11,491,162	3,962,963	0
Shell	0	0	0	0
Sigmor	0	0	0	0
Signal	1,312,713	934,159	379,554	0
Skelly	70,047	77,873	0	7,826
So-Hampton				

Reporting firm, short name	Old oil adjusted receipts	Entitlement position Issued	Required to buy	Required to sell
So-Terminal	0	0	0	0
Socal	9,227,000	10,711,942	0	1,484,942
Socaledison	0	97,123	0	97,123
Soble	3,264,180	3,975,775	0	721,595
Somerset	0	38,065	0	38,065
Sound	56,165	56,165	0	0
Southland	338,788	338,788	0	0
Southwestern	0	0	0	0
Stephens	0	0	0	0
Stuart	0	130,230	0	130,230
Stillings	0	0	0	0
Sunland	101,804	113,108	0	11,504
Sunoco	6,501,920	6,045,011	456,909	0
Swann	0	26,500	0	26,500
Tarricone	0	0	0	0
Tauber	0	15,957	0	15,957
Tenneco	1,418,347	1,410,692	7,655	0
Tesoro	992,461	887,799	104,662	0
Texaco	15,289,090	14,212,380	1,066,710	0
Texas-Asph	747	11,652	0	10,905
Texas-City	695,477	805,325	0	109,848
Texas-Fuel	0	0	0	0
Thagard	62,113	62,113	0	0
The-Refinery	94,342	167,338	0	72,996
Thriftway	6,042	22,142	0	16,100
Thunderbird	100,313	195,842	0	86,529
Time	0	0	0	0
Tonkawa	12,716	44,756	0	32,040
Toro	365,053	432,831	0	77,778
Total-Leon	145,078	432,059	0	286,981
Union-Oil	6,080,729	5,650,191	371,538	0
Union-Petro	0	0	0	0
Union-Texas	127,868	127,868	0	0
Unitd-Ind	0	0	0	0
Unitd-Ref	312,921	550,181	0	237,260
US-Oil	104,643	104,643	0	0
Vee-Fuel	0	13,572	0	13,572
Vi-Ohio	0	0	0	0
Vickers	202,434	209,645	0	7,211
Vulcan	0	27,941	0	27,941
Wallace	0	0	0	0
Walter	0	9,982	0	9,982
Warrior	82,407	82,407	0	0
Webber	0	0	0	0
Weller	0	0	0	0
West-Coast	88,506	88,506	0	0
Western	4,055	23,815	0	19,760
Whalco	0	11,628	0	11,628
Wickett	0	0	0	0
Winston	118,998	219,042	0	100,044
Wisbach	0	692	0	692
Witco	44,373	95,612	0	51,239
Wyatt	0	67,886	0	67,886
Yetter	0	1,243	0	1,243
Young	50,382	50,382	0	0
Total	176,346,407	176,346,407	17,032,748	17,032,748

[1] Reflects a correction for excessive old oil receipts reported by this firm for November 1974.
[2] Does not include entitlements issued to this firm under this notice as a result of the above-mentioned adjustment of old oil receipts.

[FR Doc.75-4293 Filed 2-12-75;11:41 am]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND COORDINATED CARIBBEAN TRANSPORT, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esquire
2000 K Street, N.W.
Washington, D.C. 20006

Agreement No. 10153 is an arrangement between Flota Mercante Gran Centroamericana, S.A. (Flomerca) and Coordinated Caribbean Transport, Inc. (CCT), whereby CCT has become associated with FLOMERCA for the transportation of cargo from Miami, Florida to Guatemala.

Under the terms of the agreement, CCT will pay FLOMERCA five percent of the gross ocean/inland freight revenue on all cargoes to any point in Guatemala. In return, FLOMERCA (1) will, jointly with CCT, meet with government agencies to coordinate movements of agricultural products; (2) will keep CCT informed of market conditions and opportunities; (3) will prepare and present all necessary documents to Guatemalan authorities for waiver for import cargo, and assist CCT to obtain the necessary permits for its business in Guatemala; (4) advertise in Guatemala that CCT, as an associate, has authority to transport duty exempt cargo; and (5) prepare and present all necessary documents authorizing importers using CCT services to receive industrial development law benefits. Other significant provisions require that all payments by CCT to FLOMERCA be made every three months; all rate changes must be reported to FLOMERCA, 30 days prior to the effective date; a commitment by CCT to export all perishable products originating in Guatemala; FLOMERCA's disclaimer of all liability and responsibility with respect to CCT's operations; the term of the arrangement shall be for three years from date of approval, and may be terminated by FLOMERCA for non-compliance; and obligations under the agreement are to be construed in accordance with the laws of Guatemala, and CCT expressly waives jurisdiction of the courts of its domicile and will submit to the jurisdiction of the courts chosen by FLOMERCA.

By Order of the Federal Maritime Commission.

Dated: February 13, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4443 Filed 2-18-75;8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear

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and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Jacob P. Billig, Esquire
Billig, Sher & Jones, P.C.
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 9548-7, among the member lines of the above-named Conference, modifies the organic agreement by providing that the Conference may appoint the Associated North Atlantic Freight Conferences, or its Executive Director, or any other entity to perform cargo inspection services.

By Order of the Federal Maritime Commission

Dated: February 12, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4440 Filed 2-18-75;8:45 am]

SOUTH CAROLINA STATE PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Marion S. Moore, Jr.
Traffic Manager
South Carolina State Ports Authority
P.O. Box 817
Charleston, South Carolina 29402

Agreement No. T-3059, between the South Carolina State Ports Authority (Authority) and the Puerto Rico Maritime Shipping Authority (PRMSA), provides for the preferential use by PRMSA of Berths 1 and 2 and lease to PRMSA of 8.91 acres of improved facilities at the Authority's Columbus Street Terminal, Charleston, South Carolina. As compensation, the Authority is to receive: (a) fixed monthly rent of $5,791.50; (b) 13 percent of the cost of the improvements caused to be constructed by the Authority; (c) all applicable dockage and crane hire charges per the Authority's tariffs; and (d) wharfage on the following basis: (i) a guaranteed minimum annual wharfage based on 150,000 short tons at 100 percent of the Authority's applicable tariff rates; plus (ii) 75 percent of the Authority's applicable tariff rates on tonnage exceeding 150,000 short tons annually; plus (iii) 50 percent of the Authority's applicable tariff rates on tonnage exceeding 250,000 short tons annually.

By order of the Federal Maritime Commission.

Dated: February 13, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4441 Filed 2-18-75;8:45 am]

COMPANIA AVONIMA VENEZOLANA DE NAVEGACION COMPANIA PERUANA DE VAPORES AND PRUDENTIAL LINES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. John R. Marano
Executive Vice President Operations
Prudential Lines, Inc.
One World Trade Center, Suite 3601
New York, New York 10048

Agreement No. T-3014 among Compania Anonima Venezolana De Navegacion (CAVN), Compania Peruana De Vapores (CPV), and Prudential Lines, Inc. (Prudential), provides for the sharing, on a tonnage basis, of the leasehold expenses (including rent) of Pier 1, Brooklyn, N.Y., under a joint lease with the Port of New York and New Jersey Authority, and the sharing, on the same basis, of any revenues from use of the pier by others. Universal Marine Service Corporation will provide stevedoring at the Pier under separate contracts with each of Prudential, CAVN and CPV. CAVN will administer the various affairs related to the joint terminal lease by the parties as the representative for the parties.

By Order of the Federal Maritime Commission.

Dated: February 13, 1975.

FRACIS C. HURNEY,
Secretary.

[FR Doc.74-4442 Filed 2-18-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8624]

ARIZONA PUBLIC SERVICE CO.

Further Extension of Procedural Dates

FEBRUARY 11, 1975.

On February 6, 1975, Arizona Public Service Company filed a motion to extend the procedural dates fixed by order issued December 12, 1974, as most recently modified by order of the Presiding Administrative Law Judge issued January 8, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of cost of service by company, February 18, 1975.

All other dates will be as modified by the order of the Presiding Administrative Judge issued February 11, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4375 Filed 2-18-75;8:45 am]

[Docket No. CP75-218]

CAPROCK PIPELINE CO.

Application

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, Caprock Pipeline Company (Applicant), P.O. Box 2542, Amarillo, Texas 79105, filed in Docket No. CP75-218 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for exchange and the sale for resale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to gather, transport and exchange with Transwestern Pipeline Company (Transwestern) up to 350 Mcf of gas per day purchased at the wellhead from C. H. Hinton, et al. Applicant will deliver said gas to Transwestern under the terms of an existing exchange agreement[1] in Carson County, in exchange for thermally equivalent volumes to be delivered by Transwestern at a delivery point in Parmer County, Texas. Transwestern will redeliver such gas, together with other volumes of gas delivered under said exchange agreement, at rates of up to 10,800 Mcf per day.

Applicant proposes to sell the gas delivered by Transwestern to Applicant's parent, Pioneer Natural Gas Company (Pioneer), at the rate of 60.0 cents per Mcf at 14.65 psia. Applicant proposes to effect the sale of such redelivered volumes to Pioneer at the point of redelivery pursuant to an agreement dated November 27, 1974, between Applicant, as seller, and Pioneer, as buyer, proposed to be designated as Applicant's Rate Schedule S-7. The gas to be sold hereunder will supplement other volumes of gas sold to Pioneer in Parmer County, Texas, by Applicant to meet existing demand for gas, fuel and irrigation engines. Applicant proposes to commence service on or before January 31, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4377 Filed 2-18-75;8:45 am]

[1] Applicant indicates that its existing exchange arrangement with Transwestern was certificated in Docket No. CP72-254 and that the rate scheduled providing for such an exchange is on file as Applicant's Rate Schedule S-5, Original Sheet No. 46, et seq., in Applicant's FPC Gas Tariff, Original Volume No. 2.

[Docket No. CP74-126]

EL PASO NATURAL GAS CO.

Amendment to Application

FEBRUARY 11, 1975.

Take notice that on January 30, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-126 an amendment to its application filed pursuant to Section 7(c) of the Natural Gas Act in said docket requesting authorization for additional points for the exchange of natural gas between Applicant and Natural Gas Pipeline Company of America (Natural) and the construction and operation of certain facilities necessary therefor, all as more fully set forth in the amendment to the application, which is on file with the Commission and open to public inspection.

In its application in the instant docket Applicant requests a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the delivery in interstate commerce by means thereof of natural gas for exchange with Natural. Applicant states that it has acquired the right to purchase gas produced from various leaseholds in the West Putnam Field in Dewey County, Oklahoma and that it has entered into an exchange agreement with Natural, dated September 24, 1973, in order to make said gas available to its customers. Pursuant to the agreement Applicant is to deliver up to 40,000 Mcf of gas to Natural in Dewey County and Natural is to deliver equivalent volumes to Applicant at a point on Applicant's 36-inch mainline in Reeves County, Texas. The agreement further provides for use of alternative exchange points in Ward and Reeves County, Texas, as required. The proposed exchange has been authorized pursuant to temporary certificates issued by the Commission on July 25, 1974, in the instant docket and in Natural's Docket No. CP74-162.

By the instant amendment to the application Applicant proposes to exchange gas at an additional point of delivery from Applicant to Natural in Beckham County, Oklahoma, and four additional points of delivery from Natural to Applicant in Eddy County, New Mexico. Applicant proposes to deliver to Natural at a point on Natural's 26-inch pipeline in Beckham County natural gas produced from the Annie Bruner No. 1-33 and Price No. 1-3 wells in Beckham County.[1] Applicant contemplates delivery of an additional 3,400 Mcf of gas per day at the Beckham delivery point, which volume will not, when added to the 10,600 Mcf per day presently delivered at 10,600 Mcf per day presently delivered the Dewey Exchange point, exceed the originally requested authorization for the exchange of 40,000 Mcf per day.

In the instant amendment Applicant proposes to exchange gas at the following delivery points from Natural to Applicant:

(1) Eddy No. 1 Exchange Point for delivery from the Sun State No. 1 well,
(2) Eddy No. 2 Exchange Point for delivery from Natural's gathering system into Applicant's gathering system,[2]
(3) Eddy No. 3 Exchange Point for delivery from the Champlin Petroleum Company's Pecos Federal No. 1 well, and
(4) Eddy No. 4 Exchange Point for delivery from the Champlin Petroleum Company's Nix Yates No. 1 well.

The gas to be delivered at points 1, 3 and 4 shall be delivered into Applicant's existing wellhead measurement facilities along with gas being purchased by Applicant from producers at the three named wells. Natural has filed in Docket No. CP74-162 an amendment to its application for a certificate of public convenience and necessity relating to its part of the additional arrangements described herein.[3]

Applicant further requests authority to construct and operate for the purpose

[1] Applicant states that it has entered into agreements with Union Oil Company of California (Union) and Burmah Oil and Gas Company (Burmah) to purchase gas produced from said wells. Applicant further states that it is informed that Union has filed an application on December 11, 1974, in Docket No. CI75-378 for a certificate of public convenience and necessity authorizing Union to sell gas to Applicant and that Burmah is expected to submit appropriate filings to the Commission forthwith.

[2] Applicant states that it has been informed that Natural does not plan to use the Eddy No. 2 Exchange Point at this time due to insufficient gas production from sources intended to supply such delivery point. Applicant proposes to construct the facilities necessary for said exchange point for use at such time as Natural's supply source becomes available at the proposed location.

[3] 39 FR 42423.

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of implementing delivery at the Beckham delivery point:

(1) A 6⅝-inch standard orifice meter station with appurtenances (Beckham meter station) to be located at the point of interconnection between Applicant's gathering facilities and Natural's pipeline,

(2) A 5,000 Mcf per day capacity central dehydration unit to be located near said meter station,

(3) Approximately 2.03 miles of gathering pipeline and well-tie facilities with appurtenances to connect the subject wells with the Beckham meter station.

For the Eddy No. 2 Exchange Point, Applicant proposes to construct and operate a 4½-inch tap and valve assembly, with appurtenances, located at the proposed point of interconnection between Natural's and Applicant's gathering systems. Applicant estimates the total cost of the facilities at $243,072.

Applicant states that it requests the authorization proposed herein in order to be able to make available to its customers additional quantities of gas produced from sources in Beckham County, thereby obviating the need for constructing additional pipeline facilities which would otherwise be required to connect said supplies.

Any person desiring to be heard or to make any protest with reference to said amendment to the application should on or before February 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4378 Filed 2-18-75;8:45 am]

[Docket No. CP75-220]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

FEBRUARY 11, 1975.

Take notice that on January 28, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-220 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 6000 horsepower central field compressor station for the compression of gas purchased by Applicant in the Washita Creek Area, Hemphill County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a compressor station consisting of two 3,000 horsepower compressor engines on a site adjacent to its existing dehydration plant in Hemphill County, Texas, to enable Applicant to lower the gathering system operating pressure for the purpose of maintaining daily deliverability from the Washita Creek Area. The estimated cost of such facility is $2,015,000, which cost will be met from funds on hand.

Applicant states that reduction of the gathering system operating pressure to 500 psig from the present 1,000 psig will permit the recovery of approximately 29.5 million Mcf of gas during the first 10 years of production under such lowered compression, and by approximately 40 million Mcf over the life of the field, which volumes would not otherwise be recoverable.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4382 Filed 2-18-75;8:45 am]

[Dockets Nos. RP71-125; PGA75-6]

NATURAL GAS PIPELINE CO. OF AMERICA

Special One-Time PGA Filing To Track Gas Cost Increases Incurred as Result of Opinion No. 699

FEBRUARY 11, 1975.

Take notice that on February 5, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Nineteenth Revised Sheet No. 5.

Natural states the purpose of this filing is (1) to make a special one-time purchased gas cost adjustment, as permitted under the Commission's Opinion No. 699-H at Docket No. R389-B, to track increases in purchase gas costs attributable to the national rate which are in effect pursuant to filings made by natural gas producers on or before January 31, 1975, and (2) to make a special one-time PGA surcharge, as provided for in the Commission's Opinion No. 699-G at Docket No. R389-B, for the recovery of all Opinion No. 699 producer increases to be incurred up to the effective date of the surcharge.

The proposed effective date of the above tariff sheet is February 5, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4381 Filed 2-18-75;8:45 am]

[Docket No. CI75-440]

NORTH AMERICAN ROYALTIES, INC.

Application

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, North American Royalties, Inc. (Applicant), 200 East 8th Street, Chattanooga, Tennessee 37402, filed in Docket No. CI 75-440 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from the Garden City Field, St. Mary Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it made a sale of natural gas to Texas Gas from the subject acreage wtihin the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) from October 9, 1974, to December 8, 1974. Applicant proposes to sell natural gas to Texas Gas for a period of one year from the first day of the month next following the month in which Applicant commences deliveries within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell to Texas Gas approximately 24,000 Mcf of natural gas per month at 73.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The application indicates that initial upward Btu adjustment is estimated to be 8.9 cents per Mcf. Applicant alleges that the price to Texas Gas is substantially less than the price Applicant could charge and receive if such natural gas were sold in the intrastate market. Applicant further alleges that this gas will be available for sale to Texas Gas for only a limited period of time.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4383 Filed 2-18-75;8:45 am]

[Dockets Nos. CP75-217; CP75-222]

NORTHERN NATURAL GAS CO. AND KANSAS-NEBRASKA NATURAL GAS CO., INC.

Applications

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, Northern Natural Gas Company (Northearn), 2223 Dodge Street, Omaha, Nebraska 68102, and January 30, 1975, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket Nos. CP75-217 and CP75-222,, respectively, applications pursuant to Section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the exchange of natural gas between the two companies and the sale of natural gas by Northern to Kansas-Nebraska, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

Northern states that it owns and controls 50 percent of the production from the Brown-Federal No. 1 Well in the West Frenchie Draw Field in Fremont County, Wyoming, located some distance from its existing gathering system. Northern further states that it has contracted with the Oil Development Company of Texas (ODC) to purchase the other 50 percent interest in the production of said well.

Under the terms of a June 5, 1974, agreement between Northern and Kansas-Nebraska:

(1) Northern will deliver all gas it owns or controls from the subject well to Kansas-Nebraska at the wellhead;

(2) Seventy-five percent of said gas will be redelivered to Northern by Kansas-Nebraska in Seward County, Kansas, and the remaining twenty-five percent will be purchased by Kansas-Nebraska.

(3) Northern will pay Kansas-Nebraska 11.0 cents per Mcf for all gas transported and redelivered to Northern;

(4) Kansas-Nebraska will pay Northern for each Mcf of the gas sold to Kansas-Nebraska the price equal to Northern's jurisdictional cost of service for such gas at the wellhead, or the highest price which Northern has paid the producer for gas transported by Kansas-Nebraska, whichever is the lesser;

(5) Kansas-Nebraska will install, own and operate all facilities necessary to accept delivery of gas from Northern at the wellhead; and

(6) All such costs are to be reimbursed by Northern. Kansas-Nebraska anticipates that any construction necessitated will be within the annual budget authority obtained by each company.

Northern states that the proposed arrangement will permit it to avoid the expenditures associated with installation of considerable gathering and transportation facilities to connect the subject well to its transmission system, and will thereby provide an economical means for receiving full gas purchase entitlement from said well. Kansas-Nebraska states that the proposed arrangement will provide it with additional gas supply to meet foreseeable future firm market requirements.

Annual gas production from the subject well is estimated at 290,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matters finds that grants of the certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4384 Filed 2-18-75;8:45 am]

PENNZOIL CO. AND UNITED GAS PIPE LINE CO.

[Docket No. RP74-87]

Investigation of Spin-Off and Related Transactions; Order Establishing Procedures

FEBRUARY 11, 1975.

On February 5, 1975, the Chief Presiding Administrative Law Judge in the instant proceeding filed a certification of Procedural Recommendation with this Commission. The Judge filed the certification following a February 3, 1975, prehearing conference at which Pennzoil, United and a group of intervenors reported on the status of settlement negotiations among them. The Judge in his certification recommended the following:

(1) That the Commission promptly issue an order consolidating the "old gas

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pricing" issue dockets with the instant show cause proceeding for the sole and limited purpose set forth above (i.e., for the sole and limited purpose of dealing with that portion of the instant settlement proposal relating to resolution of the "old gas pricing" issue, which was the subject of Opinion No. 682, and Docket Nos. RP74-41, et al.)

(2) That any such Commission consolidation order should inform the parties and make them subject to the following procedural dates laid down by the Presiding Judge in the instant show cause proceeding, at the February 3 prehearing conference:

(a) March 10—Deadline for submission of any evidence, plus written comments, relating to the proposed settlement.

(b) March 17—Final hearing session for limited interrogation, if any, with respect to any evidence related to the settlement, following which the proposed settlement will be certified to the Commission.

On February 6, 1975, Staff Counsel filed a response and objection to the certification that took issue with the procedures recommended in the Presiding Judge's certification.

In order to clarify the proper procedures to be followed by the Presiding Judge and the parties in dealing with the further course of the proceedings, the following procedures are established:

Pennzoil, United or the intervenors supportive of the settlement offer, but particularly Pennzoil, have the burden through a direct evidentiary presentation to:

(a) Demonstrate that the consolidation of the instant proceeding with docket (Nos. RP74-41, RP72-75, RP74-20, RP74-83, RP75-30, RP71-54, and RP72-133) involving the "old gas pricing" issue that was the subject of Commission Opinion No. 682 (January 11, 1974) operates in the public interest and set forth the benefits to be derived therefrom.

(b) Fully explain the settlement and in so doing to also demonstrate that the issues raised in our original orders (May 14, 1974 and June 12, 1974) herein and those additional issues that may have come to light during the hearings are resolved by the proposed settlement.

Additionally, the parties should be afforded the opportunity by the Law Judge of setting forth the procedural mechanics whereby these cases could be consolidated and resolved in light of the fact that Opinion No. 682 is now before the Fifth Circuit of Appeals (United Gas Pipe Line Company v. F.P.C., Case No. 72-2159). Here again the burden is with the moving party.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission require substantial evidence to support any settlement proposal that may be considered by it in this proceeding.

The Commission orders:

(A) The procedures recommended by the Chief Administrative Law Judge as set forth in his certification are hereby modified in accordance with this order.

(B) The Presiding Law Judge should establish procedures for the filing and presentation of direct evidentiary support by the proponents of the settlement as well as procedures for the orderly preparation of cross-examination and for the submittal of any rebuttal testimony after the direct evidence is cross-examined. In this regard, Pennzoil, United, and supportive intervenors, but particularly Pennzoil, should be required to provide substantial record evidence in support of the following:

(1) To demonstrate that the consolidation of the "old gas" pricing issue which was the subject of Commission Opinion No. 682, January 11, 1974, in United Gas Pipe Line Company (Pennzoil Phase I), Docket No. RP70-13 and which now remains to be litigated for a cost-of-service determination in a remanded proceeding incorporating the same issue from Dockets Nos. RP71-41, RP72-75, RP74-20, RP74-83, RP75-30, RP71-54, and RP72-133, with the instant proceeding, is in the public interest; (2) To fully explain the precise dimensions of the settlement proposal and the rights and obligations of the parties thereunder: (3) Resolution of the issues raised in the Commission's original orders and any additional issues arising in the course of the investigation.

(C) Additionally, the proponents of the settlement have the burden of coming forward either through legal argument or an evidentiary presentation supportive of the mechanics they would espouse to accomplish the proposed consolidation of dockets herein described.

(D) Pennzoil counsel shall serve the proposed settlement agreement not only on all parties to the instant show cause proceeding, but also on all parties on the Commission's service list in all of the "old gas pricing" issue dockets listed above, and shall certify such service to the Commission.

(E) The Secretary is directed to serve a copy of this order on all the parties in the instant docketed proceeding, all parties to the proceeding in Opinion No. 682, and in all the docketed proceedings listed in paragraph (B) above.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4379 Filed 2-18-75;8:45 am]

[Docket No. RP69-27, et al.]

TRANSWESTERN PIPELINE CO.

Retention and Disbursement of Producer Supplier Refunds

FEBRUARY 10, 1975.

Take notice that Transwestern Pipeline Company (Transwestern) on January 30, 1975, filed a letter dated January 28, 1975, in which it stated that Transwestern proposes to retain and commingle in its general corporate funds the refund of $10,249.96 including interest received from Phillips Petroleum Company and to disburse such refunds pursuant to Article IV of Transwestern's Stipulation and Agreement dated October 2, 1970, approved by Commision order issued November 24, 1970 in this proceeding.

(No statement of service of copies of this letter upon its jurisdictional customers and interested State commissions is included in the letter; and no copy of a proposed notice for publication in the FEDERAL REGISTER is included in the filing pursuant to § 2.1(a) of the Commission's rules and § 154.28 of the regulations).

Any person desiring to be heard or to protest said application should file a petition to intervene (unless such intervention has previously been granted herein) or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4385 Filed 2-18-75;8:45 am]

[Docket No. E-8959]

UTAH POWER & LIGHT CO.

Notice of Filing

FEBRUARY 11, 1975.

Take notice that on January 27, 1975, pursuant to Section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, and by direction of the Commission by order issued November 15, 1974 herein, Utah Power & Light Company (Applicant) tendered for filing a January 20, 1975 Amendment to Service Schedule F-1 of the Interconnection Agreement with Arizona Public Service Company, dated May 31, 1973, reflecting elimination of the provision set forth in subparagraph 5.1(b) of Service Schedule F-1 which automatically adjusted the material cost component of the operation and maintenance charge associated with the 100 mw unit sale to Arizona Public Service Company from Applicant's 415 mw Huntington Plant. The automatic adjustment provision was intended solely to allow Arizona Public Service Company to fully recover its proportionate share of O&M costs associated therewith, based upon the Industrial Commodities Index prepared by the United States Department of Labor.

The tendered Amendment provides that Arizona Public Service Company pay Applicant a monthly readiness-to-supply charge equal to ½ of Applicant's actual fixed charge rate applied to an investment of $13,166,176, plus actual O&M charges, less fuel cost, incurred by

Applicant in generation unit operation multiplied by the ratio of 100 mw to the total 415 mw capacity of the Huntington unit. The readiness-to-supply charge is additionally not subject to adjustment due to reduction in capacity, use by Applicant, or sale by either party.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4386 Filed 2-18-75;8:45 am]

[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Further Extension of Procedural Dates

FEBRUARY 11, 1975.

On February 4, 1975, Wisconsin Electric Power Company and Wisconsin Michigan Power Company filed a motion to extend the procedural dates fixed by order issued April 19, 1974, as most recently modified by notice issued December 10, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of company rebuttal, March 25, 1975.

Hearing, April 22, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4387 Filed 2-18-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-524A, 50-525A, 50-526A, and 50-527A]

ALABAMA POWER CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated February 5, 1975:

You have requested our advice pursuant to provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

A description of the Applicant, its history and structure, conduct with respect to smaller systems and our conclusions based thereon was transmitted to the Atomic Energy Commission on August 16, 1971, in connection with its request for our advice on Alabama Power Company's application to construct the Joseph M. Farley Nuclear Units 1 and 2, AEC Docket Nos. 50-348A and 50-364A. We concluded then that Applicant's activities under the Farley licenses might create or maintain a situation inconsistent with the antitrust laws, and we recommended that your predecessor Commission hold a hearing on the matter. An antitrust hearing on the Farley application is now proceeding before an NRC Atomic Safety and Licensing Board, and we are a party thereto.

The Alan R. Barton Nuclear Plant now applied for will consist of four 1200-megawatt units, for a total of 4800 megawatts of nuclear generation. This new generation will become an integral element of Applicant's bulk power supply system and further will be integrated into the Southern System Power Pool, of which Applicant is a member. When the Barton units are operational, nuclear generation will represent 43% of Applicant's total generating capacity, and its growing importance to Applicant's future as a producer and supplier of electric power is quite clear.

The electric power market structure in central and southern Alabama and Applicant's practices and policies toward its competitors and potential competitors in that area which led to our conclusions of August 16, 1971, concerning the Farley license application, and upon which we are now focusing in the Farley hearing, have been equally significant to our antitrust consideration of the instant application. We conclude that Applicant's activities under the Barton licenses now sought, whereby Applicant would construct, operate and market power from these four 1200-mw nuclear units while continuing to foreclose to its smaller competitors the ability to produce power from large nuclear units to meet growing loads, would create or maintain a situation inconsistent with the antitrust laws.

We therefore recommend that a hearing be held in accordance with section 105c of the Atomic Energy Act on the subject license application.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 21, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street NW.; Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN, *Chief, Office of Antitrust & Indemnity Nuclear Reactor Regulation.*

[FR Doc.75-4366 Filed 2-18-75;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment involves: editorial corrections to clarify the intent of several specifications and to correct typographical errors; a modified specification for reactor coolant flow testing; revised acceptance criteria for containment leak testing; revised diesel generator surveillance; the addition of allowable tolerances for safety valve setting; modified procedures for testing reactor coolant samples and air filters; new surveillance requirements for the hydrogen recombiners; a revised setting for initiation of engineered safeguards on high containment pressure; elimination of surveillance requirements for the Reactor Protection System during prolonged refueling shutdown periods; modifications to the surveillance requirements for the containment high pressure channels; a revised method for testing the Safety Injection Refueling Water Tank Level Switch interlock and a different surveillance test for the interlock on the shutdown cooling system isolation valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated April 8, 1974, (2) Amendment No. 12 to License No. DPR-20, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of February 1975.

For The Nuclear Regulatory Commission.

ROBERT A. PURPLE, *Chief, Operating Reactors Branch #1, Division of Reactor Licensing.*

[FR Doc.75-4367 Filed 2-18-75;8:45 am]

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[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-46 issued to the Nebraska Public Power District which revised Technical Specification for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

This amendment modifies the core spray and primary containment instrumentation requirements and revises the Specifications for filter systems and coolant chemistry.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1974, and supplement thereto dated September 16, 1974, (2) Amendment No. 7 to License No. DPR-46, with Change No. 10 and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of February 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-4368 Filed 2-18-75;8:45 am]

[Dockets Nos. 50-324 and 50-325]

DAVID M. STEWART, ET AL.

Petition for Show Cause Order

Notice is hereby given that on January 29, 1975, David M. Stewart, et al., by their attorney, filed a request pursuant to 10 CFR 2.206 of the Commission's rules of practice for the issuance by the Acting Director, Office of Nuclear Reactor Regulation of an order to show cause why the Carolina Power & Light Company, Brunswick Steam Electric Plant license should not be amended to require a comprehensive and independent re-evaluation of the seismic safety of the plant site as a continuing condition of the fueling, testing and operation of the Brunswick Plant. In accordance with the procedures specified in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the petition for the order to show cause is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Southport Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 10th day of February 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactor Branch 1-2, Division of Reactor Licensing.

[FR Doc 75-4365 Filed 2-18-75; 8:45 am]

[Dockets Nos. STN 50-502 and STN 50-503]

WISCONSIN ELECTRIC POWER CO. ET AL. (KOSHKONONG NUCLEAR PLANT, UNITS 1 AND 2)

Special Prehearing Conference

Before the Atomic Safety and Licensing Board.

In the Matter of Wisconsin Electric Power Co., Wisconsin Power & Light Co., Wisconsin Public Service Corp., and Madison Gas and Electric Co. (Koshkonong Nuclear Plant, Units 1 and 2).

Please take notice, that the Special Prehearing Conference in the above-captioned proceeding, initially scheduled for February 14, 1975, is hereby rescheduled for March 4, 1975. As noted in the earlier notice, the public is invited to attend. However, the purpose of the special conference is to consider petitions to intervene and related matters. No limited appearance statements will be received.

Each of the attorneys for the parties and for the petitioners to intervene shall adhere to the following:

(a) Supply in writing directly to each member of this Board and to each other on or before February 23, 1975, a statement of a proposed schedule for each requirement or phase leading to the evidentiary hearing in this proceeding; and

(b) In filing any document, or paper in this proceeding, attach a certificate of service properly setting forth the name and address of the person on whom served, and the manner and date of service. See Rules of Practice, §§ 2.701 and 2.712.

Accordingly, the said conference will commence at 9:30 a.m. local time, on March 4, 1975 at the Council Chambers, City-County Building, Room 201, 210 Monona Avenue, Madison, Wisconsin 53709.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of February 1975.

ATOMIC SAFETY AND LICENSING BOARD
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.75-4369 Filed 2-18-75;8:45 am]

[Docket No. 50-302]

FLORIDA POWER CORP. CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT

Order Extending Construction Completion Date

Florida Power Corporation is the holder of Provisional Construction Permit No. CPPR-51 issued by the Commission on September 25, 1968, for construction of the Crystal River Unit 3 Nuclear Generating Plant presently under construction at the Company's site on the Gulf of Mexico in Citrus County, Florida.

On July 12, 1974 and October 21, 1974, the Company filed requests for an extension of the completion date because construction has been delayed due to (1) construction schedule, (2) work stoppages, (3) design modifications, (4) rework, and (5) delays due to financial considerations. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated February 12, 1975.

It is hereby ordered, That the latest completion date for CPPR-51 is extended from September 30, 1974 to December 31, 1976.

For the Nuclear Regulatory Commission.

Date of Issuance: February 12, 1975.

VOSS A. MOORE,
Assistant Director for Light Water Reactors, Group 2, Division of Reactor Licensing.

[FR Doc.75-4444 Filed 2-18-75;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO. (DONALD C. COOK NUCLEAR PLANT, UNIT 1)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-58, issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company. The amendment is effective as of its date of issuance.

The amendment eliminates a Technical Specification requirement, unintended when the Technical Specifications were originally issued, that prohibits a change in reactor operating mode when meteorological monitoring instrumentation is inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated February 11, 1975, (2) Amendment No. 3 to License No. DPR-58, with any attachments, and (3) the Commission's letter to the licensee transmitting the amendment. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of February 1975.

For The Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-4445 Filed 2-18-75;8:45 am]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

Alan S. Rosenthal, *Chairman*
Dr. John H. Buck, *Member*
Dr. W. Reed Johnson, *Member*

Dated: February 12, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-4446 Filed 2-18-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ECONOMICS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Economics to be held at 9 a.m. on March 7 and 8, 1975, in room 621, 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations concerning specific proposals submitted for consideration by the Economics Program.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. James H. Blackman, Program Director for Economics, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5968.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 12, 1975.

[FR Doc.75-4403 Filed 2-18-75;8:45 am]

ADVISORY PANEL FOR GENETIC BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Genetic Biology to be held at 9 a.m. on March 7 and 8, 1975, in room 338, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations concerning the merit of specific research proposals submitted for consideration by the Genetic Biology Program.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Dr. Rose M. Litman, Program Director, Genetic Biology Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-5985.

R. GAIL ANDERSON,
FRED K. MURAKAMI,
Acting Committee Management Officer.

FEBRUARY 13, 1975.

[FR Doc.75-4404 Filed 2-18-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

INDEXES OF MATERIALS FOR PUBLIC INSPECTION

Notice of Delay in Availability

Pursuant to subsection (a)(2) of the Freedom of Information Act, 5 U.S.C. 552, as amended by Pub. L. 93-502, notice is hereby given that the National Transportation Safety Board deems it impractical at this time to publish indexes of materials available for public inspection and copying. Printed indexes are now in preparation and will be available for distribution at an early date. Meanwhile, the Safety Board will continue to provide prompt service to those seeking information concerning its records. All requests should be directed to the Accident Inquiry Unit, Office of the General Manager, National Transportation Safety Board, Washington, D.C. 20591.

[SEAL] FRITZ L. PULS,
General Counsel.

FEBRUARY 13, 1975.

[FR Doc.75-4492 Filed 2-18-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

FEBRUARY 11, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from February 12, 1975 through February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4412 Filed 2-18-75;8:45 am]

[Rel. No. 18810; (70-5610)]

NEW ENGLAND POWER COMPANY

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

FEBRUARY 12, 1975.

Notice is hereby given that New England Power Company ("NEPCO"), 20 Turnpike Road, Westborough, Mass. 01581, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b), 9(a), 10 and 12 of the Act and Rules 42 and

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50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEPCO proposes to issue and sell up to $80,000,000 aggregate principal amount of its First Mortgage Bonds, Series U, %, to mature not more than 30 years from March 1, 1975. Such bonds will be sold pursuant to the competitive bidding requirements of Rule 50 and the interest rate (which shall be a multiple of ⅛ of 1%) and the price exclusive of accrued interest (which shall be not less than 100% nor more than 102.75% of the principal amount) will be determined by competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of November 15, 1936, between NEPCO and New England Merchants National Bank, Trustee, as heretofore supplemented and amended and as to be further supplemented by a twentieth Supplemental Indenture to be dated as of March 1, 1975. NEPCO shall notify prospective bidders no later than the second full business day prior to the time designated for the submission of bids of (i) the maturity date of the bonds and (ii) whether or not the bonds shall be redeemable during the first five years of their term in connection with a refunding of the bonds at a lesser effective interest cost to NEPCO.

The proceeds from the sale of the bonds will be applied to the reduction of outstanding short-term promissory notes of NEPCO issued to pay for capitalizable expenditures or to reimburse the treasury thereof.

The application-declaration states that the Massachusetts Department of Public Utilities, The New Hampshire Public Utilities Commission and the Vermont Public Service Board have jurisdiction over the issue and sale of the bonds, and the Connecticut Public Utilities Commission may also have jurisdiction, subject to waiver, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be paid by NEPCO are estimated at $140,000, including service fees, at cost, of New England Power Service Company, a wholly-owned subsidiary company of NEES, of $40,000. The fees of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

Notice is further given that any interested person may, not later than March 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75-4409 Filed 2-18-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

FEBRUARY 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 12, 1975 through February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4413 Filed 2-18-75;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

FEBRUARY 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 12, 1975 through February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4414 Filed 2-18-75;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room 119, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on March 20, 1975, at 10 a.m. The meeting will be held for the purpose of reviewing the December 17, 1974, decision of the Director, Veterans Benefits Office, Washington, D.C., that benefits to all eligible persons enrolled in Modern School of Music, 3109 Georgia Avenue NW., Washington, D.C., be discontinued, effective December 16, 1974.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief Appraisal and Compliance, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2850) prior to March 10, 1975.

Dated: February 12, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-4416 Filed 2-18-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Notice of Meeting

Notice is hereby given that a Standards Advisory Committee on Marine Terminal Facilities, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, March 4; Wednesday, March 5; and Thursday, March 6, 1975, starting at 9 a.m. in the Francis Scott Key Room B of the Key Bridge Marriott Motel, 1401 Lee Highway, Arlington, Virginia. The meeting will be open to the public.

The Standards Advisory Committee on Marine Terminal Facilities will continue review of the proposed safety regulations for longshoring, with respect to marine terminal facilities, for the purpose of making recommendations to the Assistant Secretary of Labor for Occupational Safety and Health.

Written data, views, or comments may be filed, together with 20 copies thereof, with the Committee Management Officer by close of business March 3, 1975. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to make an oral presentation to the committee should submit a written request to be heard to the Committee Management Officer no later than close of business March 3, 1975. The request must contain the name of the person who wishes to make a presentation, whom he represents, a short summary of the intended presentation, and an estimate of the amount of time that will be needed. Oral presentations will be scheduled at the discretion of the Committee Chairman.

Communications should be addressed to:

J. Goodell
Committee Management Office
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, N.W., Room 200
Washington, D.C. 20210

Signed at Washington, D.C. this 14th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

NOTE.—With regard to the meetings announced by this notice, the requirement for 15 days advance notice has been impossible to meet. It was only at the conclusion of the most recent meeting of this committee on February 13, 1975, that a decision was made to hold the above-announced series of meetings.

[FR Doc.75-4668 Filed 2-18-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

FEBRUARY 10, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before March 21, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 119789 (Sub-No. 203G) (Correction), filed May 27, 1974, published in the FEDERAL REGISTER January 28, 1975. Applicant: REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Columbus, Ohio, to points in Arizona, California, and Utah. The purpose of this filing is to eliminate the gateway of Thibodaux, La. The purpose of this correction is to correct the "E" number, previously published as 293G.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2633 (Sub-No. E14), filed May 12, 1974. Applicant: CROSSETT, Inc., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks (except petrochemicals), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from those points in Wayne County, N.Y., which are north of New York Highway 31, to points in Ohio and Michigan. The purpose of this filing is to eliminate the gateways of points in McKean County, Pa.

No. MC 7597 (Sub-No. E1), filed May 31, 1974. Applicant: ASBESTOS EASTERN TRANSPORT, INC., Main Street, Manville, N.J. 08835. Applicant's representative: Ronald I. Shapps, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading; (a) between New York, New York and points in Nassau County, New York, on the one hand, and, on the other, points in that part of New York, east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, New York, to the United States-Canada International Boundary line, and north of a line beginning at South Kortright, New York and extending easterly through Spencertown, New York to the New York-Massachusetts State line; (b) between points in Suffolk County, New York, on the one hand, and, on the other, points in that part of New York east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, New York to the United States-Canada International Boundary line, and north of a straight line beginning at South Kortright, New York and extending easterly through Spencertown, New York to the New York-Massachusetts State line; and (c) between Westchester County, New York, on the one hand, and, on the other, points that part of New York east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, New York to the United States-Canada International Boundary line, and north of a straight line beginning at South Kortright, New York and extending easterly through Wright, New York to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Bergen County, New Jersey.

No. MC 15558 (Sub-No. E16), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Avenue, Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, those points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E17), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in North Carolina, on the one hand, and, on the other, those points in

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Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 7 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E18), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Avenue, Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 220 to the Virginia-North Carolina State line, those points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 250 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 7 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 47149 (Sub-No. E1), filed May 30, 1974. Applicant: C. D. AMBROSIA TRUCKING CO., Rural Delivery 1, Edinburg, Pa. 16116. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone* and *limestone products*, insecticides, herbicides, fungicides, fertilizer, and fertilizer ingredients and materials (other than such commodities in bulk liquid form), and ironbearing agglomerates, when transported in dump trucks, (a) From points in that part of Columbiana County, Ohio, on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 558 to junction Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 the Columbiana-Stark County line, to points in Jefferson, Berkeley and Morgan Counties, West Virginia, and to those points in West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50. (b) From points in Mahoning and Trumbull Counties, Ohio, to those points in West Virginia on and north of U.S. Highway 50. (c) From points in Portage County, Ohio, to those points in West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50. (2) *Limestone*, in dump trucks in Crawford, Lawrence, and Mercer Counties, Pennsylvania. (a) From points to those points in West Virginia on and north of U.S. Highway 50, and those points in Ohio on and east of U.S. Highway 23, except in bulk to points in Cuyahoga, Franklin, Geauga, Lake, Licking, Lorain, Muskingum, Summit, and Wayne Counties, Ohio. (b) From points in Beaver County, Pennsylvania, to those points in Ohio on and east of U.S. Highway 23.

(c) From points in Astabula County, Ohio to those points in West Virginia on and north of U.S. Highway 50, except point in Hancock County, West Virginia. (d) From those points in Columbiana County, Ohio, on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 558, to junction Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Columbiana-Stark County line, to points in Jefferson, Berkeley, and Morgan Counties, West Virginia, and points in that part of West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50. (e) From points in Mahoning and Trumbull Counties, Ohio, to those points in West Virginia on and north of U.S. Highway 50. (3) *Iron-bearing fines*, in dump truck, (a) From points in that part of West Virginia on and north of U.S. Highway 50, except points in Hancock County, West Virginia, to points in Ashtabula County, Ohio. (b) From points in Jefferson, Berkeley and Morgan Counties, West Virginia to points in that part of Columbiana County, Ohio on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 558 to junction Ohio Highway 517, thence along Ohio Highway 517 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Columbiana-Stark County line. (c) From points in that part of West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50, to points in the above-described portion of Columbiana County, Ohio. (d) From those points in West Virginia on and north of U.S. Highway 50, to points in Mahoning and Trumbull Counties, Ohio. (e) From points in that part of West Virginia on and east of U.S. Highway 19 and on and north of U.S. Highway 50, to points in Portage County, Ohio. (f) From points in Jefferson, Berkeley and Morgan Counties, West Virginia to points in Stark County, Ohio. (g) From points in Jefferson, Berkeley and Morgan Counties, West Virginia, to points in Stark County, Ohio.

No. MC 59247 (Sub-No. E2), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers* and *chemical supplies* used in the manufacture and sale of chemical products, in containers and in tank vehicles, from points in Massachusetts to points in Delaware, Nassau and Suffolk Counties, New York, and points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on the Delaware-Maryland-Virginia Peninsula. The purpose of this filing is to eliminate the gateway of Linden, New Jersey.

No. MC 59247 (Sub-No. E7), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers* and *chemical supplies*, used in the manufacture and sale of chemical products, in containers and in tank vehicles, from points in Rhode Island to points in Delaware, Nassau and Suffolk Counties, New York, points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on the Delaware-Maryland-Virginia Peninsula, and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to its junction with Interstate Highway 83, thence along Interstate Highway 83 to its junction with unnumbered highway (formerly U.S. Highway 111) at York, Pennsylvania, thence along unnumbered highway to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Linden, New Jersey.

No. MC 59247 (Sub-No. E8), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers and chemical supplies in containers*, between points in Rhode Island, on the one hand, and, on the other, points in Middlesex, Union, Bergen, Passaic, Essex, Hudson, Somerset, Mercer and Morris Counties, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59247 (Sub-No. E13), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers, and chemical supplies in containers*, between points in Connecticut, on the one hand, and, on the other, point in Middlesex, Union, Bergen, Passaic, Essex, Hudson, Somerset, Mercer, and Morris Counties, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59247 (Sub-No. E17), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers* and *chemical supplies* in Nassau and Suffolk Counties, New York, on the one hand, and, on the other, points in Middlesex, Union, Bergen, Passaic, Essex, Hudson, Somerset, Mercer and Morris Counties, New Jersey. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 59247 (Sub-No. E21), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers* and *chemical supplies* in containers, between Philadelphia, Pennsylvania, on the one hand, and, on the other, points in Massachusetts, Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 61592 (Sub-No. E12), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements*, from points in Wisconsin south of U.S. Highway 10 to points in Nebraska and points in South Dakota on and south of South Dakota Highway 34. The purpose of this filing is to eliminate the gateway of Ida Grove, Iowa.

No. MC 61592 (Sub-No. E68), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck-tractors and except those which because of size or weight, require the use of special equipment), from New Orleans, La., to points in Michigan on and north of a line beginning at the Michigan-Indiana State line and extending north along U.S. Highway 131 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron, and points in Nebraska on and north of a line beginning at the Nebraska-Missouri State line and extending along Nebraska Highway 92 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-South Dakota State line. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plantsites or warehouse facilities of International Harvester Company, and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of the facility of International Harvester at Davenport, Iowa.

No.. MC 61592 (Sub-No. E93), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Agricultural implements and parts, from points in Iowa to Dothan, Ala., points in Connecticut, Delaware, Florida; those points in Georgia on and southeast of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 19 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-South Carolina State line; those points in Indiana on and north of U.S.. Highway 30; those points in Kentucky on and east of a line beginning at the West Virginia State line and extending along U.S. Highway 60 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction Kentucky Highway 699, thence along Kentucky Highway 699 to junction Kentucky Highway 463, thence along Kentucky Highway 463 to junction U.S. Highway 119, thence east along U.S. Highway 119 to junction Kentucky Highway 160, thence along Kentucky Highway 160 to the Kentucky-Virginia State line; points in Maine, Massachusetts, Maryland; points in Michigan on and south of Michigan Highway 72; points in New Hampshire, New Jersey, New York, North Carolina; points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Pennsylvania State line; points in Pennsylvania, South Carolina, Tennessee on and east of Tennessee Highway 70, Virginia, and West Virginia. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant site or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restricted in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61592 (Sub-No. E95), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and flakeboard, and plywood* in mixed loads with hardboard and flakeboard, from Catawba, S.C., to points in Colorado, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Wisconsin, Wyoming, and points in Illinois on and west of U.S. Highway 67. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

No. MC 61592 (Sub-No. E108), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, (except truck-tractors and those that because of size or weight require the use of special equipment) from Baltimore, Maryland, to points in Indiana, the lower peninsula of Michigan, and those in Kentucky on and north of a line beginning at the Kentucky-Tennessee State line, extending along U.S. Highway 27 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line at Louisa, Kentucky. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 61592 (Sub-No. E110), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those that because of size or weight require the use of special equipment), from the facilities of Burkhardt-Larsen Company at Minneapolis, Minnesota, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Mississippi, Vermont, Virginia, West Virginia, and Michigan on and south of Michigan Highway 72. The purpose of this filing is to eliminate the gateway of Port Washington, Wisconsin.

No. MC 61592 (Sub-No. E111), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), from Philadelphia, Pa.,

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to points in Indiana, the Lower Peninsula of Michigan, and points in Kentucky on and north of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky Highway 28, thence along Kentucky Highway 28 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 23, thence along U.S. Highway 23 to Louis, Ky., at the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of the facilities of Hayward Distributing Co., at Columbus, Ohio.

No. MC 61592 (Sub-No. E114), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight require the use of special equipment), from Philadelphia, Pa., to points in Kansas, Missouri, Nebraska, those points in Iowa on and west of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line, and those points in Illinois on and west of a line beginning at Illinois Highway 37 at Cairo, thence along Illinois Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to U.S. Highway 51, thence along U.S. Highway 51 to Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Columbus, Ohio, and the facilities of the Deuty Tractor Corporation at O'Fallon Industrial Park, St. Charles County, Mo.

No. MC 103926 (Sub-No. E1), filed May 31, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING, CO., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *prestressed and precast concrete and prestressed and precast concrete products;* from Charlotte, North Carolina, to points in Alabama, points in that part of Tennessee on and west of U.S. Highway 41, points in that part of Florida west of the Suwanee River, and points in that part of Florida in and south of Pinellas, Hillsborough, Polk, Osceola, and Indian River Counties, Florida (Fulton County, Ga.*); and (b) *contractors' metal tanks*, setup, requiring special equipment and handling, not limited to such tanks as are intended solely for use by contractors; (1) from points in that part of Florida east of the Apalachicola River; (4) from points in that part of North Carolina in and east of Yancey, McDowell and Rutherford Counties, to points in Mississippi; (5) between in Alabama, on the one hand, and, on the other, points in that part of North Carolina north and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line; (6) between points in that part of North Carolina west and south of U.S. Highway 52, on the one hand, and, on the other, points in that part of Alabama west and south of a line beginning at the Alabama-Tennessee State line and extending along Interstate Highway 65 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to the Alabama-Georgia State line.

(7) From points in that part of South Carolina on, east and south of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 95 to its junction with Interstate Highway 26, thence along Interstate Highway 26 to Charleston, to points in that part of Kentucky on and west of Interstate Highway 65; (8) from points in that part of South Carolina north and east of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 95 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to Georgetown, to points in that part of Kentucky on and west of U.S. Highway 231; (9) from points in Richland, Calhoun, and Lexington Counties, South Carolina, to points in that part of Kentucky on and west of U.S. Highway 231; (10) from points in that part of North Carolina on, east and north of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 701 to its junction with U.S. Highway 74, thence along U.S. Highway 74 to Wilmington, to points in that part of Kentucky on and west of U.S. Highway 231; (11) from points in that part of North Carolina on and east of U.S. Highway 1, to points in that part of Kentucky on and west of U.S. Highway 45; (12) between points in that part of South Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 1 to the North Carolina-Georgia State line, thence along the North Carolina-Georgia State line to Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 1, on the one hand, and, on the other, points in that part of Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along Tennessee Highway 13 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line;

(13) Between points in Mecklenburg County, North Carolina, on the one hand, and, on the other, points in that part of Tennessee on and west of the Tennessee River; (14) between points in that part of North Carolina on and east of U.S. Highway 1, on the one hand, and, on the other, points in that part of Tennessee on and west of U.S. Highway 41; (15) between points in that part of South Carolina, on, south and east of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 95 to its junction with Interstate Highway 26, thence along Interstate Highway 26 to Charleston, on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 78; (16) between points in that part of South Carolina bound by a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 301 to the South Carolina-Georgia State line, thence along the South Carolina-Georgia State line to U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line, thence along the South Carolina-North Carolina State line to U.S. Highway 301, on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 80; and (17) between points in that part of South Carolina on and west of South Carolina Highway 72, on the one hand, and, on the other, points in that part of Alabama on and south of U.S. Highway 78 (Newnon, Georgia*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 104654 (Sub-No. E22), filed May 14, 1974. Applicant: COMMERICAL TRANSPORT, INC., South 20th St., Belleville, Ill., 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Indianapolis, Ind., and points within 20 miles thereof, to points and places within an area in Kentucky bounded by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to Bowling Green, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, thence west along the Kentucky-Tennessee State line to the Mississippi River, thence along the Ohio River to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Lawrenceville, Ill.

No. MC 104654 (Sub-No. E23), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor*

Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, to points and places in Missouri bounded by a line beginning at the Missouri-Illinois State line on U.S. Highway 66, extending southerly along U.S. Highway 66 to U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, thence along the Missouri-Arkansas State line to the Mississippi River, thence along the Mississippi River to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of St. Elmo and Gale, Ill.

No. MC 104654 (Sub-No. E25), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St. Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Indianapolis, Ind., and points within 20 miles thereof, to points and places in that part of Tennessee bounded by a line beginning at the Kentucky-Tennessee State line south along U.S. Highway 89, then south along U.S. Highway 22 to the Tennessee-Mississippi State line, thence along the Tennessee-Mississippi State line to the Mississippi River, thence north along the Mississippi River to the Kentucky-Tennessee State line to point of beginning including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Gale, Ill.

No. MC 104654 (Sub-No. E27), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the States Oil Co., Inc., river terminal at or near Hickman, Ky., to points and places in Arkansas within an area bounded by a line beginning at the Missouri-Arkansas State line at Arkansas Highway 9, extending southwest along Arkansas Highway 9 to junction U.S. Highway 65, thence south along U.S. Highway 65 to U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 49, thence southeast along U.S. Highway 49 to the Arkansas-Mississippi State line, thence north along the Mississippi River to the Missouri-Arkansas State line to point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Carrithersville, Mo.

No. MC 104654 (Sub-No. E30), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid hydrogen derived from petroleum and road building and construction materials derived from petroleum), in bulk, in tank vehicles, from Roxana and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateway of that part of Jackson County, Ill., located on and east of a line extending from the Jackson-Bartholomew County line south along Indiana Highway 58 to junction Indiana Highway 135, thence along Indiana Highway 153 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 250, thence along Indiana Highway 250 to the Jackson-Jennings County line.

No. MC 104654 (Sub-No. E31), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th & Pennsylvania Ave. N.W., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid chemicals, liquid hydrogen derived from petroleum and road building and construction materials rederived from petroleum), as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Roxana and points and places within 5 miles thereof, East St. Louis and Cahokia, Ill., to point in Pennsylvania. The purpose of this filing is to eliminate the gateways of Jackson County, Ind., and Butler County, Ohio.

No. MC 104654 (Sub-No. E32), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid chemicals, liquid hydrogen derived from petroleum, and road building and construction materials derived from petroleum), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Roxana and points and places within 5 miles thereof, East St. Louis, and Cahokia, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateways of Jackson County, Ind., and Butler County, Ohio.

No. MC 104654 (Sub-No. E36), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the American Oil Co., located approximately 2 miles south of Brookston, Ind., on or near Indiana Highway 43 to points and places in Kentucky bounded by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to Bowling Green, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, thence west along the Kentucky-Tennessee State line to the Mississippi River, thence along the Ohio River to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Lawrenceville, Ill.

No. MC 104654 (Sub-No. E41), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of The American Oil Co., located approximately 2 miles south of Brookston, Ind., on or near Indiana Highway 43, to points and places in Tennessee bounded by a line beginning at the Kentucky-Tennessee State line at Tennessee Highway 89, thence south along Tennessee Highway 89 to Tennessee Highway 22, thence along Tennessee Highway 22 to the Tennessee-Mississippi State line, thence along the Tennessee-Mississippi State line to the Mississippi River, thence north along the Mississippi River to the Kentucky-Tennessee State line to the point of beginning, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Gale, Ill.

No. MC 104654 (Sub-No. E43), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Bellevelle, Ill. 62222. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Whiting, Ind., to points and places in that part of Kentucky west of a line extending from the Illinois-Kentucky State line at Kentucky Highway 453, thence

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south along Kentucky Highway 453 to Kentucky Highway 282, thence along Kentucky Highway 282 through Calvert City, Ky., to U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State line, including points and places on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway of Lambert Field, St. Louis, Mo.

No. MC 106775 (Sub-No. E4) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER January 28, 1975. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: James McCurdy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, metal castings, and reinforcing rods*, between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Oklahoma, points in that part of Louisiana on and west of U.S. Highway 71 and on and north of Louisiana Highway 6, and points in that part of Arkansas on and south of U.S. Highway 67 and on and west of Arkansas Highway 35 and U.S. Highway 137. The purpose of this filing is to eliminate the gateway of Fort Worth, Tex., and those points within 250 miles of Fort Worth, Tex. The purpose of this correction is to correct the MC number, previously published as 206775.

No. MC 106920 (Sub-No. E72), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in the upper peninsula of Michigan bounded by a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 45 to junction of Michigan Highway 28, thence along Wisconsin Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 45, thence along U.S. Highway 45 to the point of origin, to points in Mississippi north and east of a line beginning at the Mississippi-Alabama State line and extending along Mississippi Highway 50 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E74), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in the Upper Peninsula south of a line beginning at Lake Michigan and extending along unnumbered highway to junction U.S. Highway 2 at Gulliver, thence along U.S. Highway 2 to junction Michigan Highway 77, thence along Michigan Highway 77 to junction County Highway 58, thence along County Highway 58 to junction County Highway 37, thence along County Highway 37 to junction Michigan Highway 123, thence along Michigan Highway 123 to junction Interstate Highway 75, to points in Kentucky north of a line beginning at the Indiana-Kentucky State line and extending along Kentucky Highway 69 to junction Kentucky Highway 369, thence along Kentucky Highway 369 to junction Kentucky Highway 106, thence along Kentucky Highway 106 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 962, thence along Kentucky Highway 962 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Missouri State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E75), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in the Upper Peninsula of Michigan to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E76), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from points in the Upper Peninsula of Michigan to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E77), June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illinois to points in New Hampshire, Maine and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E78), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Illinois north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 90, thence along Illinois Highway 90 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Iowa State line to points in Georgia. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E79), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW, Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* classified as *dairy products*, under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from points in Illinois north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, to points in Florida. The purpose of this filing is to eliminate the gateways

of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E80), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities classified as *dairy products* under B in the appendix to the report in modification of permits of motor contract carriers of packinghouse products, 48 M.C.C. 628, from points in Illinois on and east of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 30 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Interstate Highway 55, thence along Interstate Highway 55 to Lake Michigan, to points in Alabama on and east of a line beginning at the Florida-Alabama State line and extending along Alabama Highway 55 to junction U.S. Highway 29, thence along U.S. Highway 29 to Junction U.S. Highway 331, thence along U.S. Highway 331 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Alabama-Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E81), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E82), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P. O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in Illinois north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Iowa State line, to points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 27 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107478 (Sub-No. E12) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C., 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing, and fittings therefor*, from those points in North Carolina and South Carolina, north and east of a line beginning at the North Carolina-Tennessee State line and extending along Interstate Highway 40 to its junction with U.S. Highway 74, thence along U.S. Highway 74 to its junction with U.S. Highway 221, thence along U.S. Highway 221 to its junction with South Carolina Highway 11, thence along South Carolina Highway 11 to junction South Carolina Highway 105, thence along South Carolina Highway 105 to junction South Carolina Highway 211, thence along South Carolina Highway 211 to junction with South Carolina Highway 97, thence along South Carolina Highway 97 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to those points in Florida south and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 60 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C. The propose of this correction is to correct the territorial description.

No. MC 107515 (Sub-No. E75), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Harrisburg, Pa., to points in Nevada. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Gainesville, Ga.

No. MC 107515 (Sub-No. E101), filed May 29, 1974. Applicant: REFRIGERATED CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to points in Nevada. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Gainesville, Ga.

No. MC 107515 (Sub-No. E113), filed May 29, 1974. Applicant: Refrigerated Transport Co., Inc., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles, hides), from New York, N.Y., to points in Illinois on and south of a line beginning at the Indiana-Illinois State line, at Shawneetown, Ill., thence along Illinois Highway 3 to junction with Illinois Highway 149, thence along Illinois Highway 149 to its junction with Illinois Highway 3, thence along Illinois Highway 3 to Chester at junction of Illinois Highway 51, thence along Illinois Highway 51 to the Illinois-Missouri State line, that part of Missouri on and south of a line beginning at the Missouri-Illinois State line, thence along Missouri Highway 51 to junction U.S. Highway 61 at Perryville, Mo., thence north along U.S. Highway 61 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 67 at Farmington, Mo., thence north along U.S. Highway 67 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 64 at Lebanon, Mo., thence along Missouri Highway 64 to junction U.S. Highway 65, thence north along U.S. Highway 65 to the junction of U.S. Highway 54 at Preston, Mo., thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Madison, Tenn.

No. MC 107515 (Sub-No. E336), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen*

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meat, meat products, and meat by-products, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Smith, Ark., to points in Connecticut, Massachusetts, New Jersey, Delaware, points in Maryland on and east of U.S. Highway 522, and New York, N.Y., and its commercial zone, and points in Nassau, Suffolk, and Westchester Counties, N.Y., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E405), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foods*, in mechanically refrigerated equipment from Hart, Ludington, Ionia, and Suttons Bay, Michigan to points in Connecticut, Rhode Island, Massachusetts, and New York. The purpose of this filing is to eliminate the gateway of Mendon, Michigan, and Toledo, Ohio.

No. MC 114211 (Sub-No. E454) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER January 28, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires special equipment, from points in North Dakota to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along Texas Highway 79 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction Texas Highway 351, thence along Texas Highway 351 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 377, thence along U.S. Highway 377 to Del Rio, Tex., with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice and Omaha, Nebr., and Council Bluffs, Iowa. The purpose of this correction is to correct the "E" number, previously published as E254.

No. MC 114211 (Sub-No. E689), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from Gainsville, Tex., to points in Montana, North Dakota, South Dakota; to points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Indiana State line; to points in that part of Nebraska on and north of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line; to points in that part of Wyoming on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 136, thence along Wyoming Highway 136 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line; and to points in that part of Michigan on and north of a line beginning at Tawas City, Mich., extending along Michigan Highway 55 to junction Michigan Highway 33, thence along Michigan Highway 33 to junction Michigan Highway 72, thence along Michigan Highway 72 to Empire, Mich., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E801), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires special equipment, between points in that part of Illinois on and south of a line beginning at the Missouri-Illinois State line, thence along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 72, thence along Interstate Highway 72 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line, thence along Illinois Highway 34 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 51, thence along Illinois Highway 51 to the Illinois-Missouri State line, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 159, thence along U.S. Highway 159 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 192 to junction U.S. Highway 73, thence along U.S. Highway 73 to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of the St. Louis, Mo., commercial zone, and Martin City, Mo.

No. MC 114211 (Sub-No. E802), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 402, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which because of size or weight, requires special equipment, between points in that part of Illinois on and east and south of a line beginning at the Wisconsin-Illinois State line, thence along Illinois Highway 47 to junction Illinois Highway 176, thence along Illinois Highway 176 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 50, thence along Illinois Highway 50 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 34, thence along Illinois Highway 34 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Kentucky State line, on the one hand, and, on other, points in that part of Kansas on and south of a line beginning at the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and Martin City, Mo.

No. MC 114211 (Sub-No. E857), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carirer*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed

frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, attachments for the above-described commodities, and *parts* of the commodities described above in mixed loads with such commodities from points in that part of Minnesota on and north and east of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 12 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to the Minnesota-Canada International Boundary line to points in North Dakota (except Pembina County), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E858), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), equipment designated for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* of the commodities described above, in mixed loads with such commodities, from points in that part of Minnesota on and west of a line beginning at Duluth, Minn., thence along U.S. Highway 61 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Wisconsin State line to points in that part of North Dakota on and north of a line beginning at the South Dakota-North Dakota State line, thence along North Dakota Highway 3 to junction North Dakota Highway 30, thence along North Dakota Highway 30 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line, thence along the North Dakota-Minnesota State line to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-Canada International Boundary line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 115554 (Sub-No. E1), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1136, Cedar Rapids, Iowa 52403. Applicant's representative: James R. Madler, Suite 100–327 South La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration, cooling, heating and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities, (1) between points in Indiana on and north of a line beginning at the Indiana-Illinois State line, thence along Indiana Highway 2 to its intersection with Indiana Highway 8, thence along Indiana Highway 8 to its intersection with Indiana Highway 17, thence along Indiana Highway 17 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with Indiana Highway 13, thence along Indiana Highway 13 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 65, Kansas on and east of Kansas Highway 99, Oklahoma on and east of Oklahoma Highway 99, Texas on and east of U.S. Highway 75, Arkansas on and west of Arkansas Highway 7, Louisiana on and west of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 71 to the junction with U.S. Highway 167, thence along U.S. Highway 167 to the Gulf of Mexico, (2) between points in Indiana on and east of a line beginning at the Indiana-Michigan State line, thence along Indiana Highway 13 to its intersection with U.S. Highway 30 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 65, Arkansas on and west of U.S. Highway 71 beginning at the Missouri-Arkansas State line and ending at Port Smith, Ark., Kansas on and east of Kansas Highway 99, Oklahoma on and east of Oklahoma Highway 99, and points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 75 to the Gulf of Mexico, and on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction County Highway 356, thence along County Highway 356 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 146, thence along Texas Highway 146 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC 116915 (Sub-No. E2), filed June 3, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 1125 Sweeney St., Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Aluminum and aluminum products and equipment, materials and supplies* used in the manufacture and processing of aluminum and aluminum products (except commodities in bulk), between points in Arkansas and Texas, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Hawesville, Ky.

No. MC 116915 (Sub-No. E8), filed June 4, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (other than motor vehicles) which requires the use of special equipment by reason of size or weight from points in Virginia and West Virginia on and south of U.S. Highway 60 to Minneapolis, Minnesota, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Hancock County, Kentucky.

No. MC 116915 (Sub–No. E10), filed June 4, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil wells and mine machinery, pipe and supplies* which because of size or weight require the use of special equipment, (1) from points in Georgia and Mississippi to points in Ohio, Indiana, Illinois, and the Lower Peninsula of Michigan, (2) from points in Mississippi to points in Virginia and West Virginia, (3) from points in Georgia to points in Tennessee to Illinois, Ohio, Indiana, and the Lower Peninsula of Michigan and from points in Kentucky to points in Ohio, Illinois, Indiana, Missouri, and the Lower Peninsula of Michigan, (5) from points in Kentucky on and west of Interstate Highway 25 and points in Tennessee on and west of U.S. Highway 231 to points in Virginia, (6) from points in Kentucky on and west of Interstate Highway 75 to points in Tennessee, (7) from points in Indiana and Illinois to points in Tennessee, and (8) from points in Indiana west and south of a line beginning at Bristol and extending south along Indiana Highway 15 to Marion, thence east along Indiana Highway 18 to the Indiana-Ohio State line and points in Illinois to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateways of those points in Indiana, Illinois, Kentucky, and Tennessee within 150 miles of Owensboro, Ky.

No. MC 117344 (Sub-No. E14), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Hamilton and Middleton, Ohio, to points in Kentucky (except points in Jefferson County, Ky.), Tennessee and West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Ohio, Pleasants, and Wetzel Counties, and the plant site of the Celanese Corporation of America near Point Pleasant, Mason County, W. Va. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 119702 (Sub-No. E5), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Cahokia and East St. Louis, Illinois, to points in Indiana, Iowa, Kentucky, Michigan, Missouri (except to points in that part of Missouri within 125 miles of East St. Louis, Illinois, points in Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of St. Louis, Missouri.

No. MC 119702 (Sub-No. E6), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil* and *asphalt*, in bulk, in tank vehicles, from Cahokia and East St. Louis, Illinois, to points in that part of Missouri on and east of U.S. Highway 65 (except from Hartford, Roxana, and Wood River, Illinois, to those points in Missouri within 125 miles of East St. Louis, Illinois. The purpose of this filing is to eliminate the gateways of St. Louis, Missouri, Wood River, Illinois, and points in Illinois within five miles thereof.

No. MC 119702 (Sub-No. E7), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Cahokia and East St. Louis, Illinois, to points in Iowa. The purpose of this filing is to eliminate the gateway of the terminal of Great Lakes Pipe Lines Company, near Palmyra, Missouri.

No. MC 119702 (Sub-No. E8), filed May 31, 1974. Applicant: STAHLY CARTAGE COMPANY, P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Hartford, Roxana and Wood River, Illinois, to those points in Wisconsin on, south and east of a line beginning at the Mississippi River and extending along U.S. Highway 16 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the facilities of Illinois Road Contractors, Inc., Amboy, Illinois.

No. MC 119968 (Sub-No. E12), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beary, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in West Virginia on and north of U.S. Highway 60, and on and west of Interstate Highway 77, on the one hand, and, on the other, points in Connecticut, Massachusetts, that part of the Southern Peninsula of Michigan on and north of Michigan Highway 21; that part of New Jersey on and north of U.S. Highway 322; New York; that part of Ohio on and north of a line beginning at Sandusky, Ohio, and extending south along U.S. Highway 250 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending east along Pennsylvania Highway 68, to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E14), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beary, 8 East Broad Street, Columbus, Ohio 43115. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in West Virginia on and bounded by a line beginning at the Ohio-West Virginia State line and extending south along Interstate Highway 77 to junction U.S. Highway 119, thence north along U.S. Highway 119 to the Pennsylvania-West Virginia State line, except those points in Marshall County, W. Va., on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Indiana State line; that part of Indiana on and north of U.S. Highway 6; the southern Peninsula of Michigan; that part of Ohio on, north, and west of a line beginning at the Ohio-Indiana State line and extending east along U.S. Highway 6 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to Lake Erie; that part of New York on and north of a line beginning at Morristown, N.Y., and extending east along New York Highway 58 to junction New York Highway 3, thence along New York Highway 3 to Plattsburg, N.Y. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

No. MC 119968 (Sub-No. E15), filed May 20, 1974. Applicant: A. J. WEIGAND, INC., 3966 Pearl Road, Cleveland, Ohio 44109. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured and sold by chemical manufacturing plants* (except petroleum products, in bulk, in tank trucks), when moving to or from warehouses or other facilities of chemical manufacturing plants, that are included in machinery, equipment, materials, and supplies used by chemical manufacturing plants, in bulk, between those points in West Virginia on and bounded by a line beginning at the Virginia-West Virginia State line and extending north along Interstate Highway 77 to junction U.S. Highway 119, thence south along U.S. Highway 119 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in that part of Illinois on and north of Interstate Highway 80; that part of Indiana on and north of U.S. Highway 6; the southern Peninsula of Michigan; that part of New York on, west and north of New York Highway 7; that part of Ohio on and north of a line beginning at the Indiana-Ohio State line and extending east along U.S. Highway 6 to junction Ohio Highway 199, thence along Ohio Highway 199 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 100, thence along Ohio Highway 100 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 39, thence along Ohio Highway 39 to the Ohio-Pennsylvania State line; that part of Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Dover, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4457 Filed 2-18-75;8:45 am]

[Notice No. 700]

ASSIGNMENT OF HEARINGS

FEBRUARY 13, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 19, 1975.

MC 32882, Sub 67, Mitchell Bros., Truck Lines, now assigned February 24, at San Francisco, Calif., and March 10, 1975, at St. Paul, Minn., hearing is cancelled and application is dismissed.

MC 121586, Sub 1, Kruse Transportation Co., Inc., now assigned March 5, 1975, at Omaha, Nebr., is cancelled and application is dismissed.

MC 110420, Sub 727, Quality Carriers, Inc., now being assigned April 4, 1975 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 126716, Sub 2, Weston Trucking Company dba Weston Trucking, now being assigned April 8, 1975 (3 days), at Carson City, Nevada, in a hearing room to be designated later.

MC 126477, Sub 4, Jet Air Freight & Parcel Delivery, Inc., now being assigned April 8, 1975 (3 days), at Indianapolis, Ind., in a hearing room to be designated later.

MO 95540, Sub 915, Watkins Motor Lines, Inc., now being assigned March 17, 1975 (1 week) at Denver, Colorado; in a hearing room to be designated later.

MC 140061, A & A Trucking, Inc., now being assigned April 4, 1975 (3 days) at Lincoln, Nebr., in a hearing room to be later designated.

MC 106644, Sub 184, Superior Trucking Company, Inc., now assigned February 24, 1975, at Washington, D.C., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4455 Filed 2-18-75;8:45 am]

[Notice No. 232]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 18, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 10, 1975. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75512. By order of February 6, 1975, the Motor Carrier Board approved the transfer to Hall Way, Inc., Ankeny, Iowa, of the operating rights in Certificate No. MC 136385 (Sub-No. 2) issued August 20, 1974, to Hall Truck Lines, Inc., Ankeny, Iowa, and the operating rights in Certificate No. MC 135521 (Sub-No. 1) issued October 31, 1973, to Ernest S. Hall, Harold E. Hall, and Cleo L. Hall, a partnership, doing business as Hall Truck Lines, Lone Tree, Iowa, respectively authorizing the transportation of (1) frozen foods, from the facilities of the Kitchens of Sara Lee Corporation at or near New Hampton, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) meats, meat products and meat by-products, and articles distributed by meat packinghouses, except hides and commodities in bulk, from the facilities of Tama Meat Packing Corporation, at Tama, Iowa, to points in the same destination States as specified in (1) above. Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-75514. By order of February 6, 1975, the Motor Carrier Board approved the transfer to L J P Truck Lines, Inc., Howard Beach, N.Y., of the operating rights in Certificate No. MC 59114 issued February 2, 1972, to Flexible Freight Transport, Inc., Edgewater, N.J., authorizing the transportation of general commodities, with usual exceptions, between Elizabeth, N.J., on the one hand, and, on the other, points in Camden, Passaic, Bergen, Hudson, Essex, Union, Middlesex, Monmouth, Mercer, Somerset, Morris, Ocean, and Sussex Counties, N.J., and those in Pennsylvania on and east of Pennsylvania Highway 309. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904, and Harold M. Cohen, 1180 Raymond Boulevard, Newark, N.J. 07102, attorneys for applicants.

No. MC-FC-75637. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to Alex Chalmers, Cornwell Heights, Pa., of the operating rights set forth in Permit No. MC 5603, issued August 12, 1943, to Querin Special Motor Freight Line, Inc., Florence, New Jersey, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in New Jersey, Delaware, Pennsylvania, New York, Maryland, and the District of Columbia. Francis P. Desmond, 115 East Fifth St., Chester, Pa. 19013, attorney for applicants.

No. MC FC 75640. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to Leroy Peterson, doing business as Peterson Trucking, Ellsworth, Wis., of the operating rights set forth in Certificates Nos. MC 84633 and MC 84633 (Sub-No. 3), issued by the Commission November 15, 1949 and January 2, 1952, respectively, to W. H. Murphy, Prescott, Wis., authorizing the transportation of livestock, farm machinery, animal and poultry feeds, feed ingredients, seeds, and fertilizer, and general commodities, with the usual exceptions, from, to, and between specified points in Minnesota and Wisconsin. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, representative for applicants.

No. MC-FC-75644. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to A. W. Kozel Trucking Co., Inc., Perth Amboy, N.J., of the operating rights set forth in Permit No. MC 56382, issued by the Commission October 26, 1961, to Andrew W. Kozel, doing business as A. W. Kozel Trucking Co., Edison, N.J., authorizing the transportation of groceries, empty containers or related articles used in transporting groceries, and alcoholic liquors, from specified points in New Jersey and New York, to points in Pennsylvania, New York, Connecticut, Maine, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, Virginia, and the District of Columbia. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, practitioner for applicant.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4456 Filed 2-18-75;8:45 am]

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DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INDEX OF PUBLIC RECORDS

Freedom of Information Requirements

On November 21, 1974, Pub. L. 93–502 was enacted. This law, referred to as the 1974 Amendments to the Freedom of Information Act amended 5 U.S.C. 552. A provision of Pub. L. 93–502 requires that "Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication."

The provision of 5 U.S.C. 552 which was amended by the above quoted language originally read "Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published."

Pursuant to this original provision, the Comptroller of the Currency promulgated 12 CFR 4.15(b) stating the location where the index was available for inspection and copying.

After full consideration of 5 CFR 4.15 (b) and the type and contents of the index referred to therein, I hereby determine and order that the publication of the index and supplements thereto is unnecessary and impracticable.

Signed at Washington, D.C. on February 14, 1975.

THOMAS G. DESHAZO,
Acting Comptroller of the Currency.

[FR Doc.75–4672 Filed 2–18–75;8:45 am]

federal register

WEDNESDAY, FEBRUARY 19, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 34

PART II

FREEDOM OF INFORMATION ACT

Implementation Regulations

■

VARIOUS EXECUTIVE AGENCIES

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NOTE: Listed below are other documents containing Freedom of Information implementation regulations published previously in the FEDERAL REGISTER:

Agency	1975 Date of Issue	Vol. 40 FR, Page No.
Cost Accounting Standards Board	Jan. 30	4445
Cost Accounting Standards Board (correction)	Feb. 4	5135
Defense Department/Office of Secretary	Feb. 11	6336
Emergency Loan Guaranty Board	Feb. 10	6201
Federal Maritime Commission	Jan. 17	2983
Interstate Commerce Commission	Jan. 20	3215
Justice Department	Feb. 12	6494
Occupational Safety and Health Review Commission	Feb. 7	5779

NOTE: Listed below are other Freedom of Information documents on file with the Office of the Federal Register which will be published at a later date:

Agency	1975 Date of Issue
Interior Department/Office of the Secretary	Feb. 20
Renegotiation Board	Feb. 20
Treasury Department/Office of the Secretary	Feb. 20

Title 2—Amnesty

CHAPTER II—SELECTIVE SERVICE SYSTEM

PART 200—RECONCILIATION SERVICE

Freedom of Information Act Regulations

The Director of Selective Service, pursuant to Proclamation 4313, Executive Order 11804, and the Freedom of Information Act, 50 U.S.C. 552 as amended by Pub. L. 93-502, gave public notice on January 14, 1975 (40 FR 2592), that consideration is being given to a proposed amendment to the Reconciliation Service Regulations constituting a portion of Chapter II of Title 2 of the Code of Federal Regulations.

More than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered. The proposed amendment is being made effective without change in substance.

The amendment establishes the criteria and procedures for the release of information in a returnee's file.

Pursuant to the authority vested in me by Proclamation 4313, Executive Order 11804, and the Freedom of Information Act, 50 U.S.C. 552 as amended by Pub. L. 93-502, the Reconciliation Service Regulations constituting a portion of Chapter II of Title 2 of the Code of Federal Regulations are amended, effective February 19, 1975.

Section 200.9 is added to read as follows:

§ 200.9 Availability and use of information pertaining to a returnee.

(a) Information contained in a returnee's file and in records pertaining to an identifiable returnee may be disclosed or furnished to or examined by, the following persons:

(1) The returnee or any person having written authority dated and signed by the returnee: *Provided*, That whenever the time of the expiration of such authority is not specified therein, no information shall be disclosed, furnished, or examined under that authority after the expiration of a period of 1 year from its date.

(2) The legal representative of a deceased or incompetent returnee.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Reconciliation Service Program.

(4) The Attorney General and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the returnee has been reported for failure to complete his reconciliation service in accord with his agreement with the Attorney General.

(5) Any other agency, official, or employee, or class or group of officials or employees of the United States upon written request in individual cases, but only when and to the extent specifically authorized in writing by the Director of Selective Service.

(b) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

(c) A copy of a returnee's file and the documents contained in such file will be furnished to an individual described in paragraph (a) (1) or (2) of this section upon payment of a fee of 25¢ per page for each page in the form of a money order payable to the Treasury of the United States. A copy of other identifiable records or documents will be furnished to a person other than an individual described in paragraph (a) (3), (4), or (5) of this section entitled to receive it upon payment of a fee of 25¢ per page in the form of a money order payable to the Treasury of the United States. Search of records is made by compensated employees of the Selective Service System without charge.

(d) Whenever an employee receives a request for information or documents the disclosure of which is not clearly authorized by the provisions of this section that request will be immediately reported by telephone to the General Counsel, Selective Service System, for instructions as to its disposition.

(e) Complaints concerning possible abuse of discretion granted selective service employees under this section or failure to respond to inquiries shall be directed to the state director in the case of state headquarters or local board employees and to the Director in the case of National Headquarters employees.

(f) A requester whose request for information or documents has not been satisfied may appeal to the Director of Selective Service, 1724 F Street, NW., Washington, D.C. 20435.

(Proclamation 4313, Executive Order 11804, and the Freedom of Information Act, 50 U.S.C. 552 as amended by Pub. L. 93-502.)

BYRON V. PEPITONE,
Director.

FEBRUARY 13, 1975.

[FR Doc.75-4450 Filed 2-18-75;8:45 am]

Title 6—Economic Stabilization

CHAPTER VII—COUNCIL ON WAGE AND PRICE STABILITY

PART 701—ORGANIZATION

PART 702—PUBLIC ACCESS TO RECORDS

This is intended to establish a new Chapter VII, Council on Wage and Price Stability, in Title 6 of the Code of Federal Regulations and to issue, as Parts 701 and 702 of that new chapter, the regulations of the Council under the Freedom of Information Act, 5 U.S.C. Section 552.

The Council on Wage and Price Stability was established on August 24, 1974 by the enactment of the Council on Wage and Price Stability Act of 1974. The Council's principal purposes under the Act are to monitor the inflationary impact of price, wage and other activities in both the private and public sectors of the economy. In connection with these purposes, the Council collects data related to the economy. These regulations issued today contain the criteria and procedures whereby the Council will determine to provide public access to, or alternative to preserve the confidentiality of this data, in compliance with the Freedom of Information Act.

In order that these regulations may be effective upon the February 19, 1975 effective date of the Freedom of Information Act Amendments of 1974, they are issued to become effective immediately. However, public comment on these rules is welcome, and will be considered by the Council in determining the need to amend these rules. Comments on these rules should be addressed to the General Counsel, Council on Wage and Price Stability, Room 3235, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20506.

Issued in Washington, D.C. on February 13, 1975* and to become effective immediately.

ALBERT REES,
Director.

Chapter VII is added as follows:

CHAPTER VII—COUNCIL ON WAGE AND PRICE STABILITY

Part
701 Organization.
702 Public Access to Records.

Part 701 is added as follows:

Sec.
701.1 Purpose.
701.2 Status.
701.3 Membership.
701.4 Staff.
701.5 Officers.
701.6 Functions of the Council.
701.7 Divisions.

AUTHORITY: 5 U.S.C. 552.

§ 701.1 Purpose.

This Part is intended to provide a general description of the organization of the Council on Wage and Price Stability (the "Council"), in compliance with the Freedom of Information Act, 5 U.S.C. Section 552(a)(1). More detailed information can be obtained from the Assistant Director for Public Affairs and Congressional Relations, Council on Wage and Price Stability, Room 3225, The New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506.

§ 701.2 Status.

Pursuant to the Council on Wage and Price Stability Act of 1974, 12 U.S.C. Section 1904 note, the Council was established as an agency within the Executive Office of the President.

§ 701.3 Membership.

The Council consists of eight members and four adviser-members, all of whom are appointed by the President. The President has designated the Secretary of the Treasury to be a member and serve as Chairman of the Council, and the Assistant to the President for Economic Affairs to be a member and serve as Deputy Chairman of the Council. See Executive Order No. 11808.

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§ 701.4 Staff.

The staff of the Council is headed by a Director, appointed by the President, and a Deputy Director.

§ 701.5 Offices.

The offices of the Council are at the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506. The principal office of the Council is at Room 3235 at the above address.

§ 701.6 Functions of the Council.

The principal function of the Council, pursuant to the Council on Wage and Price Stability Act, is to encourage restraint in wage, price and other activity that might have an inflationary effect upon the nation's economy. The Council serves this function by (a) monitoring wage, price and other activity within the private sector of the economy, (b) reviewing programs and policies of the various federal departments and agencies to analyze their inflationary impact upon the economy, (c) working with representatives of labor and management in various sectors of the economy to encourage restraint in their wage, price and other activity, and (d) to hold hearings and otherwise collect data related to the economy. The Council does not, however, have the authority to impose any involuntary wage, price or other restraint upon any sector of the economy.

§ 701.7 Divisions.

To implement the above functions, the Council staff is organized by the following Divisions:

(a) *Office of the Director.* This office consists of the Director, the Deputy Director and an administrative officer. It provides general policy and guidance to the Council staff.

(b) *Office of Wage and Price Monitoring.* This office is headed by the Assistant Director for Wage and Price Monitoring, and consists principally of a small staff of professional economists. The office is responsible for the Council's monitoring of wage, price and other activities in the private sector of the economy, and undertakes studies, public hearings and investigations in furtherance of that responsibility.

(c) *Office of Government Operations and Research.* This office is headed by the Assistant Director for Government Operations and Research and also consists principally of a small staff of professional economists. The office is responsible for the Council's review and analysis of the economic impact of rules, regulations, policies and other actions of the federal departments and agencies, and occasionally participates in formal proceedings before those departments and agencies to present the Council's views as to specific department or agency actions.

(d) *Office of General Counsel.* This office consists of the General Counsel and a small legal staff. It provides the Council with legal advice and representation in connection with the various activities of the Council.

(e) *Office of Public Affairs and Congressional Relations.* This office is headed by the Assistant Director for Public Affairs and Congressional Relations and has a small professional staff. It is responsible for the Council's response to Congressional inquiries about the Council's work, for inquiries from the news media, for inquiries from the public (including requests under the Freedom of Information Act, as set forth in Part 702 below), and for other activities, for example, the arrangement of public hearings.

Part 702 is added as follows:

Subpart A—General

Sec.
702.1 Purpose.
702.2 Waiver.
702.3 Authority.

Subpart B—Confidential Records

702.4 Request for confidential treatment.
702.5 Confidential records.
702.6 Confidential determination.

Subpart C—Request for Disclosure of Records

702.7 Written requests.
702.8 Notice of request.
702.9 Initial decision.
702.10 Notice of initial decision.
702.11 Preservation of requests and notices.

Subpart D—Appeals

702.12 Written appeal.
702.13 Additional information.
702.14 Appellate decision.
702.15 Notice of appellate decision.
702.16 Access.
702.17 Fees.
702.18 Prior approval or advanced deposit of fees.
702.19 Payment of fees.

AUTHORITY: 5 U.S.C. 552.

Subpart A—General

§ 702.1 Purpose.

The Freedom of Information Act, 5 U.S.C. Section 552, which is applicable to the Council, requires the public disclosure of records held by the Council, with the exception of specific categories of confidential records described in that Act. This Part establishes the Council's procedures for providing public access to Council records and for determining the confidential treatment of specific records submitted to it. This Part authorizes the Assistant Director for Public Affairs and Congressional Relations (hereinafter referred to in this Part as "Assistant Director"), subject to review by the Director of the Council, to receive and act upon requests for the disclosure of records.

§ 702.2 Waiver.

Whenever a waiver of any of the procedures set forth in this Part would further the purposes of the Freedom of Information Act by causing the public disclosure of nonconfidential records within the time period required by that Act, the Director or Assistant Director may, in the context of individual requests for records, waive any of the procedural requirements of this Part.

§ 702.3 Authority.

The provisions of this part are promulgated pursuant to the requirement in the Freedom of Information Act, 5 U.S.C. Section 552, that such provisions be promulgated and to 18 U.S.C. Section 1905, both of which statutory provisions are made expressly applicable to the Council by Section 4 of the Council on Wage and Price Stability Act of 1974.

Subpart B—Confidential Records

§ 702.4 Request for confidential treatment.

(a) Any person requesting the confidential treatment, pursuant to 5 U.S.C. Section 552(b) and to 18 U.S.C. Section 1905, of records submitted by that person to the Council shall make that request in writing to the Council. Such a written request shall accompany the records for which confidential treatment is requested and shall specifically identify the portions of the submitted records for which confidential treatment is requested.

(b) To the extent possible, records for which confidential treatment is requested shall be separately bound or otherwise segregated from any accompanying material submitted without a request for confidentiality.

§ 702.5 Confidential records.

The following kinds of records, exempt from the public availability requirements of 5 U.S.C. Section 552, may be provided confidential treatment by the Council, pursuant to a request made as set forth in § 702.1:

(a) Records specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Records related solely to the internal personnel rules and practices of the Council;

(c) Records specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. This exemption includes, without limitation, data about the amount of sources of income, profits, losses, costs or expenditures; inventory lists; customer lists; manufacturing processes and other trade secrets; in each case to the extent that such information is not in fact published or otherwise made available on a nonconfidential basis.

(e) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Council. The exemption includes, without limitation, minutes and other records of the deliberations of the Council members and staff, intra- and inter-agency reports, memorandums, letters, work papers, and staff papers, except to the extent that such documents have been publicly released by the Council. To the extent that their premature release would be contrary to the public interest, such documents to be made public are included within this exemption until their public release by the Council.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The exemption includes, without limitation, the personnel records of the Council, files containing reports, records or other

material pertaining to individual cases in which disciplinary or other administrative action has been or may be taken, including records of proceedings pertaining to the conduct or performance of duties by Council personnel.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(h) Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

§ 702.6 Confidentiality determination.

Where a request for the confidential treatment of records submitted to the Council has been made, the General Counsel may, within a reasonable time, notify the party making that request of the General Counsel's determination whether those records are confidential records, as defined in § 702.5.

Subpart C—Requests for Disclosure of Records

§ 702.7 Written requests.

(a) Any request for records held by the Council shall be made in writing and addressed to the Assistant Director for Public Affairs and Congressional Relations, Council on Wage and Price Stability, Room 3235 The New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20506.

(b) Any request for records from the Council shall describe and identify, in reasonable detail, the particular documents or the type of records requested.

(c) Such a written request shall also estimate, pursuant to the fee schedule set forth in Subpart E, the maximum fee that the party making the request would be willing to pay for the search and duplication of the requested records, without further approval.

§ 702.8 Notice of request.

Whenever a request shall be made for the disclosure of records that the General Counsel has previously concluded, pursuant to § 702.6 to be confidential, notice shall be given to the party who has submitted those records that their disclosure has been requested.

§ 702.9 Initial decision.

(a) Except as set forth in § 702.8 above, the Assistant Director shall, within ten (10) days (excepting Saturdays, Sundays and legal public holidays) of the receipt of any written request for records, determine whether to grant or deny, in whole or in part, that request. In making such a determination, the Assistant Director shall consider, among other alternatives, the possibility of separating confidential records, as defined in Subpart B, from other portions of any requested records, and disclosing the nonconfidential portions.

(b) In the event of an unusual circumstance, as defined in Paragraph (b) (1), (2), or (3) of this section, the Assistant Director may extend, by no more than ten (10) working days, the time within which he must make an initial decision in response to a written request. The Assistant Director shall immediately give written notice to the party making the request of any such extension of time, of the reasons for such an extension, and of the expected date of the initial decision. "Unusual circumstances," for this purpose, shall include:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Council's office at the New Executive Office Building in Washington, D.C.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request for records or among two or more components of the Council having substantial subject-matter interest therein.

(c) For purposes of this Section, a written request for records shall be deemed "received" when it has arrived in the offices of the Council in a written form that complies with the requirements of § 702.7.

§ 702.10 Notice of initial decision.

The Assistant Director shall, immediately upon making an initial decision about a request for records, give written notice of that decision to the person making the request. In the event that that initial decision is to grant a request in whole or part, the written notice shall include a statement of that decision, a brief description of the records to be made available, a statement of the times and place when such records can be available for inspection or, alternatively, of the procedure for duplication and delivery (by mail or other means) of the records to the requesting party, and an itemized statement of the total fees chargeable to the requesting person, pursuant to the fee schedule set forth in Subpart E, for the search for and duplication of the requested records. In the event, on the other hand, that the Assistant Director's initial decision is to deny a request in whole or in part, the written notice of that decision shall include a brief statement of that decision and of the reasons therefor, an identification of the name and title of the person making that decision, and also a description of the procedures, pursuant to Subpart D, for an appeal from that decision.

§ 702.11 Preservation of requests and notices.

The Assistant Director shall preserve all written requests for records and all written notices of his initial decisions in response thereto for at least one calendar year.

Subpart D—Appeals

§ 702.12 Written appeal.

(a) Any person who has made a written request for the disclosure of records, pursuant to Subpart C, may, within 30 days of receipt of a written notice of the Assistant Director's initial decision or after the Assistant Director's failure to take any timely action upon that request, request that the Director of the Council review that decision or nonaction. Any such request for review should be made in writing, shall be addressed to the Director, Council on Wage and Price Stability at Room 3235, The New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20506.

(b) Any written request for review of an initial decision shall include a copy of the party's initial request to the Assistant Director for the disclosure of records, a copy of the Assistant Director's initial decision, and a brief statement of the legal, factual or other basis for the party's objection to that initial decision.

§ 702.13 Additional information.

Immediately upon receipt of a written appeal, the Director may request that additional information be submitted by the party appealing or by the Assistant Director.

§ 702.14 Appellate decision.

(a) The Director shall, within twenty (20) days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any written appeal, determine whether to grant or deny that appeal.

(b) In the event of an unusual circumstance, as defined in § 702.9(b), the Director may extend, by no more than ten (10) working days, the time within which he must make an appellate decision in response to a written appeal. The Director shall immediately give written notice to the party making the request of any such extension of time, of the reasons for such an extension, and of the expected date of the appellate decision.

§ 702.15 Notice of appellate decision.

The Director shall, immediately upon making an appellate decision, give written notice of that decision to the person making the request. This notice shall include a brief statement of the appellate decision and of the reasons therefor.

Subpart E—Access to Records; Fees

§ 702.16 Access.

(a) Except as set forth in paragraph (b) of this section or as otherwise determined by the Assistant Director or Director, requested records or duplicate copies thereof, to be made available to any person shall be made available during regular business hours at the offices of the Council on Wage and Price Stability, The New Executive Office Building, Washington, D.C.

(b) Upon the Assistant Director's or the Director's approval, requested records or duplicate copies thereof can be

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made available by mail to the person making the request.

§ 702.17 Fees.

(a) Fees charged by the Council for the search for and duplication of any records requested shall comply with the following fee schedule:

(1) *Search for records.* $5 per hour when the search is conducted by a clerical employee. $8 per hour when the search is conducted by a professional employee. No charge for searches of less than one hour.

(2) *Duplication of records.* Records will be duplicated at a rate of $.25 per page for all copying of four pages or more. There is no charge for duplicating three or less pages.

(3) *Other.* When no specific fee has been established for a service, the Assistant Director is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A–25. Examples of services covered by this provision include searches involving computer time or special travel, transportation or communication costs.

(4) If records requested are stored elsewhere than at the offices of the Council, the special costs of returning those records to the Council's offices for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made or if it is determined that a requested record is confidential and should be withheld.

(b) The Assistant Director or Director may determine, in connection with specific requests for records, that the public interest is best served by the provision of the requested records at no cost or at a cost below the above schedule and, in those specific instances, may waive the above schedule, in whole or in part.

§ 702.18 Prior approval or advanced deposit of fees.

(a) Where the search, duplication or other fees anticipated to result from a request are substantially greater than the amount estimated in the written request, pursuant to § 702.7 above, or in the absence of such an estimate where the anticipated fees are greater than $25, the person requesting the records shall be immediately notified of the estimated fees and his approval for such fees requested. Such person shall also be offered the opportunity to reformulate his or her request in order to reduce the search, duplication and other fees but yet satisfy that person's needs for records.

(b) Where the estimated search, duplication and other fees would exceed $25, the Assistant Director may in addition request that the person requesting records make an advance deposit of the estimated fees.

(c) The dispatch of any such request for an estimated fee approval or advance deposit shall suspend, until a reply is received by the Council, the period, pursuant to 5 U.S.C. section 552 and to § 702.9, within which the Assistant Director must respond to a written request for records.

§ 702.19 Payment of fees.

(a) Fees actually charged a person for the search and duplication of records must be paid in full prior to issuance to him or her of those records. In the event that that person is in arrears for previous requests to the Council for records, records will not be provided for any subsequent requests until the arrears have been paid in full.

(b) Payment of fees shall be made by a personal check, postal money order or bank draft drawn on a bank in the United States, made payable to the order of the Treasurer of the United States.

[5 U.S.C. 552]

[FR Doc.75–4466 Filed 2–18–75;2:04 pm]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Requests Under the Freedom of Information Act, as Amended; Policy and Procedure

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) as amended by Pub. L. 93–502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 103; 8 U.S.C. 1103), 28 CFR 0.105, and 8 CFR 2.1, amendments are being made to 8 CFR Part 103 to conform Service regulations to the requirements of the Freedom of Information Act as amended by the Act of November 21, 1974 (88 Stat. 1561).

The amendments contained in this order revise the Immigration and Naturalization Service regulations to conform with the new time limits for determining requests under the Freedom of Information Act (5 U.S.C. 552) established by the amendments to that Act contained in Pub. L. 93–502 (88 Stat. 1561). These amendments also conform with and supplement new amendments to the Freedom of Information Act regulations of the Department of Justice, 28 CFR Part 16, Subpart A, which become effective February 19, 1975. On January 16, 1975, the Service published proposed fee and proposed time limit regulations. So much of the proposed rules as concerned fees is not affected by the present amendments; the proposed rules pertaining to fees are being adopted by a separate order. The present amendments supersede so much of the proposed rules as concerned other aspects of the administration of the Freedom of Information Act.

In addition to changes necessitated by the recent amendments to the Freedom of Information Act and the amendments to 28 CFR Part 16, these amendments delegate the authority to deny requests, heretofore reserved to the Commissioner, to the Associate Commissioner, Management, and to regional commissioners and district directors. The amendments set forth specific requirements and suggestions for the making and processing of requests. Most of these amendments are intended to insure compliance with the new time limits imposed by the amendments to the Act. There are statements regarding when time limits will commence to run. There is a provision that when time limits have been exhausted a requester will be informed of his right to treat the absence of a reply as a denial, entitling him to appeal to the Attorney General, and that he may also be asked to forego his right of appeal while the Service is continuing to process his request. A distinction is made between requests for records and requests for official verifications of facts, the latter being denoted as not being under the Freedom of Information Act.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

§ 103.7 [Amended]

1. In § 103.7 *Fees*, paragraph (b)(1) is amended by adding at the end thereof the following fee:

For filing application for certification of information contained in Service records	$3.00

2. In § 103.7(c), a new subparagraph (2) is added and the existing subparagraph (2) is redesignated as subparagraph (3). As amended, § 103.7(c) (2) and (3) reads as follows:

(2) Fees under the Freedom of Information Act, as amended, may be waived or reduced where the Service determines such action would be in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(3) When the prescribed fee is for services to be performed by the clerk of court under section 344(a) of the Act, the affidavit for waiver of the fee shall be filed with the district director or officer in charge of the Service having administrative jurisdiction over the place in which the court is located at least 7 days prior to the date the fee is required to be paid. If the waiver is granted, there shall be delivered to the clerk of court by a Service representative on or before the date the fee is required to be paid, a notice prepared on Service letterhead and signed by the officer granting the waiver, that the fee has been waived pursuant to this paragraph.

3. In § 103.8, the title and the introductory text are revised to read as follows:

§ 103.8 Definitions pertaining to availability of information under the Freedom of Information Act.

Sections 103.8, 103.9, and 103.10 of this part comprise the Service regulations under the Freedom of Information Act, 5 U.S.C. 552. These regulations supplement those of the Department of Justice, 28 CFR Part 16, Subpart A. As used in this part the following definitions shall apply:

* * * * *

§ 103.9 [Amended]

4. In § 103.9, the title is revised to read as follows:

§ 103.9 Availability of decisions and interpretive material under the Freedom of Information Act.

5. Section 103.10 is amended in the following respects: the title is revised; paragraph (a)(1) is revised by the deletion and addition of offices to the listing therein and by the addition of two new sentences at the end of the paragraph; paragraph (a)(2) is revised in its entirety; paragraph (b)(1) is revised by the addition of a new subdivision (vi); paragraph (b)(2) is revised; paragraph (b)(4) is being revoked by a separate order and paragraphs (c), (d), and (e) are revised in their entirety; and a new paragraph (f) is added. As amended, § 103.10 is revised to read as follows:

§ 103.10 Requests for records under the Freedom of Information Act.

(a) *Place and manner of requesting records.*—(1) *Place.* Records shall be made available in the Central Office, each regional office, any district office, and the following offices: Agana, Guam; Albany, N.Y.; Cincinnati, Ohio; Dallas, Tex.; Hammond, Ind.; Harlingen, Tex.; Las Vegas, Nev.; Memphis, Tenn.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; San Diego, Calif.; Spokane, Wash.; additionally, in particular cases, a district director may designate any other Service office. Active alien records are maintained in the district or sub-office listed above where the subject of the record resides. For locations of regional and district offices, see 8 CFR 100.4.

(2) *Manner of requesting records.* Requests for records may be made in person or by mail. If a request is made by mail, both the envelope and its contents shall be clearly marked: "FREEDOM OF INFORMATION REQUEST" or "INFORMATION REQUEST". Any request for information not marked and addressed as specified in this paragraph will be so marked by Service personnel as soon as it is properly identified, and forwarded immediately to the appropriate office. A request will not be deemed to have been received for purposes of the time period set forth in 5 U.S.C. 552(a)(6) until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Service personnel. On receipt of a request forwarded as set forth above to the appropriate office, such office shall notify the requester of the date on which the time period commenced to run. The use of Form G–639 is recommended for rapid identification as a Freedom of Information matter and to insure expeditious handling. Each request made under this section pertaining to the availability of a record shall describe the record with sufficient specificity with respect to names, dates, subject matter and location to permit it to be identified and located. A request for all records falling within a reasonable specific category shall be regarded as conforming to the requirement that records be reasonably described if it enables the records requested to be identified by any process that is not unreasonably burdensome or disruptive of Service operations. If it is determined that a request does not reasonably describe the records sought, as specified above, the response rejecting the request on that ground shall specify the reasons why the request failed to meet requirements and shall extend to the requester an opportunity to confer with Service personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requester and the requirements of this subsection.

(b) *Authority to grant and deny requests.*—(1) *Grants.* The Associate Commissioner, Management, may grant any type of request. The head of any office specified in paragraph (a)(1) of this section may grant the following types of requests:

(i) Requests for information and records which officers and employees of the Service prior to the enactment of 5 U.S.C. 552 customarily furnished to the public in the regular performance of their duties;

(ii) Requests for records of proceedings in deportation hearings, unless members of the public have been excluded from the hearings by direction of the special inquiry officer pursuant to § 242.16(a) of this chapter;

(iii) Requests for records of proceedings in naturalization examinations and hearings;

(iv) Requests for records of proceedings in any other proceedings before the Service which were open to the public;

(v) Requests for records of proceedings in administrative fine cases; and

(vi) Requests for any other records of the Service, including portions of records, which clearly are not within the exemptions from disclosure enumerated in 5 U.S.C. 552(b).

(2) *Denials.* The Associate Commissioner, Management, regional commissioners, and district directors have authority to deny a request.

(3) *Authority to state that a record cannot be located or does not exist.* The head of any office specified in paragraph (a)(1) of this section has authority to notify a requester that a record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of.

(c) *Prompt response.*—(1) *Response within 10 days.* Within 10 days (excluding Saturdays, Sundays and legal public holidays) of the receipt of a request by the Service (or in the case of an improperly addressed request, of its receipt by the appropriate office as specified in paragraph (a) of this section), the authorized Service official shall either comply with or deny such request unless an extension is made under 28 CFR 16.5(c). A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in 5 U.S.C. 552(a)(6) until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Service personnel. On receipt of a request forwarded as set forth in paragraph (a) of this section to the appropriate office, such office shall notify the requester of the date on which the time period commenced to run.

(2) *Treatment of delay as a denial.* If no substantive reply is forthcoming at the end of the 10-day period, or the last extension thereof under 28 CFR 16.5(c), the requester may deem his request denied, and exercise a right of appeal in accordance with 28 CFR 16.7. When no substantive reply can be made within the applicable time limit, the responsible Service office shall nevertheless continue to process the request; it shall inform the requester upon expiration of the time limit of the reason for the delay, of the date on which a determination may be expcted to be dispatched, and of his right to treat the delay as a denial and appeal to the Attorney General in accordance with 28 CFR 16.7; and it may ask the requester to forego appeal until a determination is made.

(d) *Disposition of requests.*—(1) *Form of grant.* When a requested record is available, the responsible office shall notify the requester when and where the record is available or copies will be available. The notification shall also advise the requester of any applicable fees under 28 CFR 16.9.

(2) *Form of denial.* A reply denying a written request for a record in whole or in part shall be in writing, signed by the Associate Commissioner, Management, by a regional commissioner, or by a district director, and it shall include a reference to the specific exemption under the Freedom of Information Act authorizing withholding of the record. To the extent consistent with the purpose of the exemption, the notice of denial shall contain a brief explanation of how the exemption applies to the record withheld, and if the deciding official considers it appropriate, a statement of why the exempt record is being withheld. The notice of denial shall include a statement of the right of appeal to the Attorney General in accordance with 28 CFR 16.7 (see subparagraph (3) of this paragraph), and that judicial review will thereafter be available in the district in which the requester resides or has his principal place of business or the district in which the agency records are situated or the District of Columbia.

(3) *Right of appeal.* When a request for records has been denied in whole or in part the requester may, within 30 days of its receipt, appeal the denial to the Attorney General (Attention: Freedom of Information Appeals Unit), Department of Justice, Washington, D.C. 20530, and both the envelope and the letter shall be clearly marked: "FREEDOM OF INFORMATION APPEAL" or "INFORMATION APPEAL."

(e) *Copies of responses to Deputy Attorney General.* A copy of each notification to a requester of a delay, notice of extension, denial or of inability to locate a requested record shall be furnished to the Deputy Attorney General.

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(f) *Verification of information from Service records.* When a requester desires, not a copy of a record, but a formal statement by the Service verifying particular information based on Service records, his request is not being made pursuant to the Freedom of Information Act and shall be submitted on Form G-641 to the Service office having jurisdiction over his place of residence.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary because the amendments pertain to agency policy and procedure. In addition, since many of the amendments are necessary for implementation of the amendments to the Freedom of Information Act (5 U.S.C. 552) by the Act of November 21, 1974 (Pub. L. 93–502; 88 Stat. 1561), which become effective February 19, 1975, there is insufficient time to receive and evaluate public comment. However, in accordance with the spirit of the provisions of 5 U.S.C. 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to these amendments. Such comments may not be presented orally in any manner. All relevant material received by March 19, 1975, will be considered in the same manner as if this document were a notice of proposed rule making.

Effective date. The amendments contained in this order shall become effective February 19, 1975.

Dated: February 14, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-4600 Filed 2-18-75;8:45 am]

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Fees and Requests for Records Under Freedom of Information Act

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of January 16, 1975 (40 FR 2817) pursuant to the provisions of 5 U.S.C. 553 (80 Stat. 383) and 5 U.S.C. 552(a)(4), as amended by Public Law 93–502 (88 Stat. 1561), and in which there were set forth proposed amendments to 8 CFR 103.7 and 103.10 pertaining to fees and requests for record search and duplication under the Freedom of Information Act, as amended.

No representations were received in response to the proposed rules of January 16, 1975. Items 1, 2, 3, and 6 of the proposed rules are adopted, as proposed. Items 4, 5, 7, and 8 of those proposed rules, which pertain to aspects of the Freedom of Information Act other than fees, are not adopted because superseded by amendments being published separately to conform Service regulations to the requirements of the Act as amended by Public Law 93–502 (88 Stat. 1561).

In the light of the foregoing and pursuant to the authority contained in section 103 of the Immigration and Nationality Act, 28 CFR 0.105(b) and 8 CFR 2.1, the proposed amendments to §§ 103.7 (b), 103.7(d), and 103.10(b)(4) of Part 103, Chapter I, Title 8 of the Code of Federal Regulations, as set forth below, are hereby adopted:

§ 103.7 [Amended]

1. In § 103.7 *Fees*, amend paragraph (b)(1) by adding at the end thereof the following:

For filing application on Form I-550 for verification of lawful permanent residence of an alien	$3.00
For certification of true copies, each	1.00
For attestation under seal	3.00

2. In § 103.7, amend paragraph (b)(2) by deleting in its entirety the existing material and by substituting in lieu thereof the following:

(2) Fees for production or disclosure of records under 5 U.S.C. 552 shall be charged in accordance with the regulations of the Department of Justice, 28 CFR 16.9.

3. Section 103.10(b)(4) is redesignated as § 103.7(d) and reads as follows:

(d) *Authority to certify records.* Whenever authorized under 5 U.S.C. 552 or any other law to furnish information from records to persons entitled thereto, the following officials have authority to make certifications, as follows:

(1) The Associate Commissioner, Management—copies of files, documents, and records in the custody of the Central Office.

(2) A regional commissioner or district director—copies of files, documents, and records in the custody of his office.

(3) The Chief, Records Administration and Information Branch, Central Office—the nonexistence of an official record in the records of the Service.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

The basis and purpose of the above-prescribed rules are to conform fees for the production and disclosure of records under the Freedom of Information Act to the provisions of Public Law 93–502.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to delayed effective date is unnecessary in this instance because the amendments to § 103.7(b) and 103.10 are in implementation of the Act of November 21, 1974 (P.L. 93–502; 88 Stat. 1561), which becomes effective on February 19, 1975.

Effective date. The amendments contained in this order shall become effective on February 19, 1975.

Dated: February 14, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-4606 Filed 2-18-75;8:45 am]

Title 12—Banks and Banking

CHAPTER IV—EXPORT-IMPORT BANK OF THE UNITED STATES

PART 404—DISCLOSURE OF INFORMATION

Notice of Amended Regulations

Notice is hereby given that the Export-Import Bank (Eximbank) has revised Part 404 of Title 12 of the Code of Federal Regulations which sets forth Eximbank's regulations governing the disclosure of information under the Freedom of Information Act. The revision implements the provisions of Public Law 93–502 of November 21, 1974 effective February 19, 1975, which amends the Freedom of Information Act, 5 U.S.C. 552.

On January 13, 1975, Eximbank published (40 FR 2449) a proposed revision of § 404.6 which sets forth the schedule of fees for search and duplication of records under the Freedom of Information Act and invited public comment thereon.

The amendments to the regulations, including the revised fee schedule set forth in § 404.6, become effective on February 19, 1975.

Part 404 is revised as set forth below.

Issued in Washington, D.C. on February 10, 1975.

WARREN W. GLICK,
Acting Executive Vice President.

Sec.
404.1 Purpose and policy.
404.2 Scope.
404.3 Information and records available to the public and exempt from disclosure.
404.4 Public access to information and records.
404.5 Administrative appeal of refusal to disclose.
404.6 Fees.
404.7 Annual Report to Congress.
404.8 Appearances and testimony by Eximbank officers and employees.

AUTHORITY: 5 U.S.C. 552 and 12 U.S.C. 635.

§ 404.1 Purpose and policy.

(a) This part establishes policy and procedures governing public access to information contained in the files, documents, and records of the Export-Import Bank of the United States (Eximbank). In keeping with the spirit as well as the letter of Public Law 90–23, which codified and repealed Public Law 89–487, amending 5 U.S.C. 552, formerly section 30 of the Administrative Procedure Act, 60 Stat. 236, 5 U.S.C. 1002 (1964 Ed), and Public Law 93–502, further amending 5 U.S.C. 552, it reflects Eximbank policy that disclosure is the general rule rather than the exception. It is in addition a recognition that this policy in favor of disclosure extends in many instances to information technically exempt from disclosure under the law where such disclosure would not adversely affect some legitimate public or private interest intended to be protected by law, would not otherwise violate law or other authority, and would not impose an unreasonable burden upon Eximbank.

(b) This part is also a recognition that the soundness of many Eximbank programs, e.g. loans, guarantees and insurance, depends in large measure upon the reliability of commercial, technical, financial and business information relating to the affairs of applicants for Eximbank assistance. Since the release of such information would jeopardize the credit and competitive business position of an applicant it is essential that applicants be assured that confidential commercial or financial information which is submitted to Eximbank will not be disclosed to the public. By this assurance, applicants will be encouraged to make complete disclosure of material bearing upon an application.

§ 404.2 Scope.

This part applies to all files, documents, records, and information obtained or produced by officers and employees of Eximbank in the course of their official duties as well as all files, documents, records and other information in the custody or control of any Eximbank officer or employee. It does not purport to describe or set forth every file, document, record, or item of information which may or may not be disclosed or to incorporate every exemption from disclosure provided by law. Material described is illustrative rather than exclusive.

§ 404.3 Information and records available to the public and exempt from disclosure.

(a) *General.* All Eximbank information and records in existence which are not exempt by law are available for public inspection and copying in the manner specified in § 404.4. In addition, certain materials technically qualifying for exemption from disclosure will be made available where disclosure would not adversely affect some legitimate public or private interest, would not otherwise violate law or other authority, and would not impose an unreasonable burden on Eximbank. Reasonable requests for material not in existence may also be honored where their tabulation or compilation will not unduly interfere with Eximbank activities, programs and operations. As provided in § 404.6, a fee will be charged for Eximbank's expenses incurred in searching for, duplicating, tabulating or compiling such information and records.

(b) Information and records which are available to the public.

The following kinds of records and information are available to the public in the manner specified in § 404.4:

(1) Names of recipients of loans, guarantees, insurance and other assistance,

(2) The kind and amount of assistance,

(3) The purpose of the approved assistance in general terms,

(4) The extent of outside participation, if any, and

(5) Statistical data on Eximbank programs.

(c) Information which is generally not available to the public. The following kinds of information are generally not available to the public:

(1) Information on declined, withdrawn, or cancelled applications for assistance,

(2) Trade secrets obtained from applicants for Eximbank assistance,

(3) Privileged or confidential commercial or financial information obtained from any person, including, for example, such information contained in individual case files relating to such activities as loans, guarantees and insurance,

(4) Loan agreements, insurance policies and bank guarantee agreements relating to individual borrowers or foreign buyers receiving Eximbank assistance,

(5) Information concerning losses, delinquencies and defaults in individual cases, and

(6) Names of participating lending institutions and the terms of their participation without their consent.

(d) Minutes of the meetings of the Board of Directors. These are available for inspection and copying in Eximbank's Public Affairs Office in Room 1267, 811 Vermont Avenue NW., Washington, D.C. 20571.

(e) Personnel and similar files. Exempt from disclosure are personnel, medical and other files containing private or personal information. The names, position titles, and duty stations of Eximbank employees are public information but their home addresses are not. The disclosure of private or personal information contained in other files, for example, in the files relating to members of Eximbank's Advisory Board and to applicants for Eximbank assistance, also would be exempt.

(f) *Eximbank staff directives and other instructions to staff.* All staff directives are considered public information except (1) those relating to audits and investigations, internal financial management and fiscal operations, and (2) portions of directives containing confidential standards and instructions, as, for example, instructions concerning processing loan, guarantee or insurance applications, negotiations or bargaining in connection with the disposition and liquidation of loans, and loan collateral held by Eximbank.

(g) *Litigation materials.* Copies of pleadings, motions, orders, transcripts of testimony, and documentary evidence introduced in pending or closed litigation are available once such items are a matter of public record.

(h) *Internal communications.* Interagency or intraagency communications not routinely available to a party to litigation with Eximbank are exempt from disclosure. These would include, among other things, drafts, memoranda between officials or agencies, Eximbank staff memoranda, opinions and interpretations prepared by Eximbank attorneys or consultants for use of Eximbank, research studies performed internally or under contract for internal management purposes, and internal management reports.

§ 404.4 Public access to information and records.

(a) *Facilities.* Eximbank facilities are available to the public during normal business hours for requesting, inspecting and copying information and records. Reproduction machines will also be available in or through such facilities. The Public Affairs Office is located in Room 1267, 811 Vermont Avenue NW., Washington, D.C. 20571.

(b) *Materials available in Public Affairs Office.* (1) For the convenience of the public, certain Eximbank materials will be maintained and readily available in the public information office. These will include:

(i) All Eximbank directives and manuals not exempt from disclosure,

(ii) Eximbank Rules and Regulations (including Interpretations), and

(iii) Index of Eximbank materials, including lists of staff directives, forms, reports, and Eximbank official actions.

(2) The public affairs office will, in addition to the above, have normally available, among other things:

(i) Pamphlets describing Eximbank Programs,

(ii) Press releases,

(iii) Names of recipients of Eximbank support and related information not exempt from disclosure,

(iv) Eximbank's Annual Report to the President and the Congress,

(v) Routine statistical reports on Eximbank activities,

(vi) Minutes of Meetings of the Board of Directors, and

(vii) Blank Eximbank forms.

(c) *Requests for information and records.* Requests for information, records and other materials not readily available at the Public Affairs Office are to be submitted and processed in accordance with the following procedures:

(1) *Form of request.* Each request shall be addressed to the Export-Import Bank of the United States, Attention: Senior Vice President—Public Affairs and Export Expansion, 811 Vermont Avenue, NW., Washington, D.C. 20571. The envelope and the letter containing the request must be clearly marked in capital letters as follows: FREEDOM OF INFORMATION ACT REQUEST. EIB Form 73–5, described in paragraph (d) below, may be used in lieu of a letter for purposes of making the request. A request submitted in an envelope which is not addressed to the Senior Vice President—Public Affairs and Export Expansion will not be deemed to have been received by Eximbank until such time as the request is forwarded to such officer. All requests must be in writing and must be marked and addressed as specified in this section.

(2) *Description of material requested.* Each request shall reasonably describe the document or information with respect to names, dates and subject matter to permit it to be located among the records maintained by Eximbank. A request that does not substantially comply with this subparagraph (ii) will not be deemed to have been received by Exim-

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bank until such time as the requester has clarified his request to meet this standard. Eximbank will make every reasonable effort by telephone or by letter to assist the person making the request to be more specific in describing the document or information.

(3) *Notification of Eximbank action.* The person making the request normally will be notified of the availability of the material within 10 working days after the date of receipt of the request. If Eximbank determines to comply in whole or part with a request for records, the information or records shall be made available promptly provided the requirements of subparagraph (vi) regarding payment of fees are satisfied. Any denial of a request in whole or in part shall be made in writing by the Senior Vice President Public Affairs and Export Expansion. The letter shall set forth the reasons for the denial. Any person whose request for information has been denied may appeal from such determination in accordance with § 404.5.

(4) *Extension of time.* In certain unusual circumstances, as set forth below, the period of time within which Eximbank will respond to an initial request (10 working days) may be extended by an additional 10 working days. A determination that an extension of time to respond to a request is appropriate will be made by the Senior Vice President—Public Affairs and Export Expansion by giving written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances which could necessitate the extension are the following:

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(5) *Fees.* A fee will be imposed for Eximbank expenses incurred in searching for, duplicating, tabulating, or compiling the record or information in accordance with the schedule set forth in § 404.6. A letter requesting a document or information should specifically state that all costs involved will be paid or, alternatively, thatt hey will be paid up to a specified limit. If the letter makes no reference to anticipated fees, and the request is expected to involve fees in excess of $25, or it is estimated by Eximbank that the fee will exceed the dollar limit specified in the request, Eximbank will notify the requester of the estimated fee promptly upon receipt of the request. The request will not be deemed to have been received until Eximbank receives a reply from the requester stating his willingness to pay the estimated fee.

(6) *Method of payment.* Where the anticipated fee exceeds $25 an advance deposit of 25 percent of the anticipated fee or $25, whichever is greater, will be required within 5 working days of Eximbank's advising the requester. Payment of the balance of the fee will be due before Eximbank furnishes the information, records, or material to the requester. All payments to Eximbank, including the deposit, shall be in the form of cash, check or money order payable to the Export-Import Bank of the United States.

(7) *Waiver of fees.* The Senior Vice President—Public Affairs and Export Expansion may waive or reduce the fees if such officer determines that such waiver or reduction would be in the public interest because furnishing the information can be considered as primarily benefiting the public.

(8) *Deletions.* If it is determined that a portion of a record is exempt from disclosure, any reasonably segregable portion of the record will be provided the requester after deletion of the exempt portions.

(d) *Forms for requesting information.* (1) EIB Form 73–5, "Request for Eximbank Forms, Documents, Records and Other Information," may be used for submitting requests to Eximbank.

(2) EIB Form 73–6, "Answer to Request," is a form letter or notice which may be used to advise the requester of the availability of the material, any charges involved, or the referral of the request to another office or agency.

(3) EIB Form 73–7, "Invoice," will be used to bill the requester for the appropriate fee and a copy thereof will be served as a receipt to the requester.

§ 404.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied in whole or in part shall be entitled to submit a written appeal to Eximbank.

(b) *Time for appeal.* An appeal from a denial may be filed with Eximbank anytime following the date of receipt of the initial determination, in cases of denials of an entire request, or from the date of receipt of any records being made available under an initial determination, in cases of partial denials.

(c) *Form of appeal.* An appeal shall be in a letter addressed to the Export-Import Bank of the United States, Attention: Executive Vice President, 811 Vermont Avenue, Washington, D.C. 20571. The envelope and the letter setting forth the appeal shall be clearly marked in capital letters: FREEDOM OF INFORMATION ACT APPEAL. The letter shall reasonably describe the information or records requested, the name and title of the Eximbank official or employee who denied the request, and such other pertinent facts and statements as the appellant may deem appropriate. An appeal submitted in an envelope which is not addressed to the Executive Vice President will not be deemed to have been received until such time as the appeal is forwarded to such officer.

(d) *Eximbank decision.* Final Eximbank decision on appeals from denials of requests for information or records shall be made in writing by the Executive Vice President within 20 working days after the date of receipt of the request, unless an extension of up to 10 working days has been deemed necessary in accordance with the procedures set forth in § 404.4(c) (iv) above. The 10-day extension may be applied to the response to the initial request or to the appeal, or to both, but in no event shall the extension exceed a total of 10 working days. If the decision upholds the denial of the request, the appellant shall be notified in writing, which notice shall set forth the reasons for upholding the previous denial. The notification shall also refer to the provisions for judicial review of Eximbank's determination. 5 U.S.C. 552. If the Executive Vice President acts favorably on the appeal, the information or records requested shall be made available promptly provided the requirements of subparagraph (vi) regarding payment of fees are satisfied.

§404.6 Schedule of Fees.

(a) *Basis.* Factors taken into account in establishing fees for the search and duplication of Eximbank's records and the tabulation or compilation of information on record in Eximbank's files are the direct costs of duplication, the cost of transportation of records, and the salary of employees based on actual time spent for performing search and duplication services and any other services necessary to tabulate or compile the information.

(b) *Fees.* (1) For any brochure or publication readily available in the Public Affairs Office, there is no charge.

(2) For the transportation of the records to Eximbank offices, the charge will be computed at the rate of $5 per hour for the messenger service.

(3) For requests requiring a manual search of Eximbank records and duplication by Eximbank employees, there will be a charge of 10 cents per page for duplication and a charge based upon employee time required for the search and duplication. The charge will be computed at the rate of $4.75 per hour for clerical time and $9 per hour for supervisory or professional time. The rates of compensation are based on Eximbank's average hourly rate for each of the two classifications of personnel. Clerical employees will normally perform the search and duplication but the time of supervisory or professional personnel may be utilized if necessary to perform the search.

(4) For requests requiring a computer search of Eximbank records, there may be a charge based upon use of the computer and the computer operator's time. The charge will be $100 per hour. In the event a new program must be prepared for the computer search, there may be an additional charge of $30 per hour to cover the cost of the programming and testing. These charges will normally be in lieu of the charge for an employee

search but will be in addition to the fee for any duplication.

(5) While there is no obligation on the part of Eximbank to tabulate or compile records or data, Eximbank will make every effort to comply with reasonable requests for these services, provided such requests do not unduly interfere with normal operations or program activities. The charge for information which has to be tabulated or compiled will include the cost of employee time and cost of computer runs or other equipment use and other overhead expense allocable thereto. The fees for tabulation or compilation services will be fair and equitable in accordance with the federal user charge statute; See 31 U.S.C. 483a.

(6) Persons may inspect and copy specifically requested documents in the Eximbank facilities which are not exempt under § 404.3 without charge except for search, duplication, tabulation, or compilation fees which may otherwise be payable.

(7) No fee will be charged in connection with any record which is not made available because it is found to be exempt from disclosure under § 404.3. A fee will be charged, however, for employee time spent attempting to locate any record which, after reasonable search, cannot be located.

(8) Eximbank will waive or reduce the fees where it determines that such waiver or reduction would be in the public interest because furnishing the information can be considered as primarily benefiting the public.

§ 404.7 Annual Report to Congress.

On March 1 of each calendar year, Eximbank will report to Congress on the administration of the public requests for information and records during the prior calendar year.

§ 404.8 Appearances and testimony by Eximbank officers and employees.

Whenever an officer or employee of Eximbank is served with a subpoena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the Executive Vice President with respect thereto. Such officer or employee shall appear before the court, committee or body and, if the Executive Vice President has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents, and records demanded or requested, basing such refusal upon this part.

[FR Doc.75-4213 Filed 2-18-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-142, Amdt. 6]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS AND RECORDS

Amendment of Part To Reflect Changes to the Board's Schedule of Fees for Document Search and Duplication (Part 389)

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 12, 1975.

By Notice of Proposed Rule Making PDR–38/ODR–10, dated January 13, 1975, Docket 27378, the Board proposed, inter alia, to amend Part 389 of the Organization Regulations (14 CFR Part 389) to revise its schedule of fees for document searches and duplication, and to amend Part 310 of its Procedural Regulations to make certain editorial changes relating to the proposed revisions of Part 389. For reasons set forth in OR–94, published contemporaneously herewith, the Board has decided to adopt the proposed amendments to Parts 310 and 389.

Since the amendments herein relate only to agency procedure and practice, the Board finds that the amended rule may become effective on less than 30 days' notice, and that the rule should be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 310 of the Procedural Regulations (14 CFR Part 310) as set forth below, effective February 19, 1975.

1. Amend the table of contents so as to revise the caption of § 310.5, as follows:

Sec.

. . . . . .

310.5 Fees for locating and copying records.

. . . . . .

2. Revise § 310.5 to read as follows:

§ 310.5 Fees for locating and copying records.

Appropriate fees for locating and copying Board records are prescribed in Part 389 of this chapter.

(Sec. 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743, (49 U.S.C. 1324 (a)); Title V of the Act of August 31, 1951, 65 Stat. 290, (5 U.S.C. 140); (5 U.S.C. 552, as amended by Public Law 93–502, 88 Stat. 1561)).

By the Civil Aeronautics Board.

Effective: February 19, 1975.

Adopted: February 12, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-4335 Filed 2-18-75;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Regulation OR–98, Amdt. 45]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Amendment of Part To Reflect Changes to the Board's Schedule of Fees for Document Search and Duplication (Part 389)

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 12, 1975.

By Notice of Proposed Rulemaking PDR–38/ODR–10, dated January 13, 1975, Docket 27378, the Board proposed inter alia, to amend Part 389 of the Organization Regulations (14 CFR Part 389) to provide for waivers or modifications of photocopying fees established therein, and to amend Part 385 of its Organization Regulations to delegate to the Managing Director the authority to process requests for such waivers or modifications. For reasons set forth in OR–94, published contemporaneously herewith, the Board has decided to adopt the proposed amendments to Parts 385 and 389.

Since the amendments herein relate only to agency procedure and practice, the Board finds that the amended rule may be made effective on less than 30 days' notice, and that the rule should be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385) as set forth below, effective February 19, 1975.

1. Amend § 385.12, by adding a new paragraph (d), to read as follows:

§ 385.12 Delegation to the Managing Director.

. . . . . .

(d) Receive and determine applications for waiver or modification of prescribed fees for search and duplication services when such applications accompany requests for such services pursuant to § 389.14 of this chapter.

(Section 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 49 U.S.C. 1324(a); Title V of the Act of August 31, 1951 (65 Stat. 290, 5 U.S.C. 140); and 5 U.S.C. 552, as amended by Public Law 93–502, 88 Stat. 1561.)

By the Civil Aeronautics Board:

Effective: February 19, 1975.

Adopted: February 12, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-4333 Filed 2-18-75;8:45 am]

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[Reg. OR-94, Amdt. 20]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Amendment of Fee Schedule for Document Search and Duplication

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 12, 1975.

By Notice of Proposed Rule Making PDR-38/ODR-10, dated January 13, 1975, Docket 27378, the Board proposed to amend Part 389 of its Organization Regulations (14 CFR Part 389) in several respects and to modify related provisions of Part 310 of the Procedural Regulations and Part 385 of the Organization Regulations (14 CFR Parts 310 and 385) to reflect the proposed changes to Part 389. Part 389 establishes a system of fees for filings, licenses, and special services, including fees for searches for documents and their duplications. In pertinent part, the proposed amendments relate to fees for document searches and duplications, and are designed to bring the Board's regulations into conformity with recent amendments made by Pub. L. 93-502 to the Freedom of Information Act (5 U.S.C. 552). Specifically, the proposed amendments would (1) eliminate all existing charges for services performed in connection with searches for documents requested by members of the public; (2) reduce the present fee for photocopying to 15 cents per page; (3) eliminate minimum charges for copying services; (4) provide for waivers or modifications of photocopying fees; and (5) provide for advance payment of photocopying fees in certain prescribed circumstances.

No comments have been filed in response to the Board's notice.

The Board has decided to adopt the amendments as proposed for the reasons stated in its notice. Since the amended rule is one of agency procedure and practice, the Board finds that it may be made effective on less than 30 days' notice, and that the rule should be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 389 of the Organization Regulations (14 CFR Part 389), effective February 19, 1975, as set forth below:

1. Amend the table of contents, so as to revise the caption of § 389.14 as follows.

Sec.

. . . . . .

389.14 Locating and copying records and documents.

. . . . . .

2. Amend § 389.11, by revising paragraph (a), to read as follows:

§ 389.11 Services available.

. . . . . .

(a) Locating and copying records and documents.

. . . . . .

3. Revise § 389.14 to read as follows:

§ 389.14 Locating and copying records and documents.

Public records and documents on file with the Civil Aeronautics Board will be located, and such copies thereof as may be practicable to furnish will be provided, upon request therefor and payment of fees as set forth below:

(a) There shall be no charge in connection with searches for records or documents under this chapter.

(b) Copies of records or documents are made by Board facilities, or by non-Government contractors.

(1) The fee for photocopying will be at the rate of 15 cents per page.

(2) The fee for copying by non-Government contractors will be that established in the contracts with the Board and will be billed directly by such contractors.

(c) Where the fee for service requested hereunder will exceed $100.00, the service will not be performed until payment has been received. In such cases, the requester will be notified promptly of the amount of the fee, and the requested service will be performed as expeditiously as practicable following receipt of such payment.

(d) Applications may be filed requesting waivers or modifications of any fees required to be paid under this section in accordance with the following:

(1) Each applicant shall set forth briefly and succinctly the relief that it seeks and the reasons why such relief should be granted. Waivers or modifications of stated fees shall be granted only where it is demonstrated that such action is in the public interest because furnishing of the information requested can be considered as primarily benefiting the general public.

(2) Applications requesting waivers or modifications of fees under this section shall be addressed to the Managing Director, who has been delegated authority by the Board to decide such applications in § 385.12 of this chapter, and shall accompany the request for service under this section.

(3) The Managing Director shall either rule on the application or, at his discretion, pass the matter on to the Board for its determination. In acting upon such applications the Managing Director and the Board, where applicable, shall be guided by the procedures and requirements of § 310.9(d) of this chapter.

(4) A decision by either the Managing Director or the Board pursuant to paragraph (d)(3) of this section is final and will not be subject to petitions for reconsideration.

(Section 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743 (49 U.S.C. 1324(a)); Title V of the Act of August 31, 1951, 65 Stat. 290 (5 U.S.C. 140); (5 U.S.C. 552, as amended by Public Law 93-502, 88 Stat. 1561)).

By the Civil Aeronautics Board.

Effective: FEBRUARY 19, 1975.

Adopted: FEBRUARY 12, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-4334 Filed 2-18-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 286a—AVAILABILITY OF INFORMATION TO THE PUBLIC

PART 297—OFFICE OF THE SECRETARY OF DEFENSE/ORGANIZATION OF THE JOINT CHIEFS OF STAFF IMPLEMENTATION OF THE DEPARTMENT OF DEFENSE FREEDOM OF INFORMATION PROGRAM

The Deputy Secretary of Defense approved Part 297. This Part 297 implements the provisions of 32 CFR Part 286 pursuant to Title 5, United States Code, section 552, as amended by Pub. L. 93-502, assigns responsibilities, and sets forth procedures for the effective administration of the Freedom of Information Program within the Office of the Secretary of Defense including the Organization of the Joint Chiefs of Staff. Part 286a is superseded and cancelled as noted in § 297.2.

Part 297 is added to read as follows:

Sec.

297.1 Purpose.
297.2 Cancellation.
297.3 Applicability and scope.
297.4 Policy.
297.5 Responsibilities and functions.
297.6 Procedures.
297.7 Effective date.

AUTHORITY: The provisions of this Part 297 issued under 5 U.S.C. 552, as amended by Pub. L. 93-502.

§ 297.1 Purpose.

This Part implements the provision of 32 CFR 286 pursuant to Title 5, United States Code, section 552, as amended by Pub. L. 93-502, assigns responsibilities, and sets forth procedures for the effective administration of the Freedom of Information Program within the Office of the Secretary of Defense, including the Organization of the Joint Chiefs of Staff.

§ 297.2 Cancellation.

Part 286a of this subchapter is hereby superseded and cancelled.

§ 297.3 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense (Director, Defense Research and Engineering, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, or equivalent), the Organization of the Joint Chiefs of Staff, and other activities assigned to OSD for administrative support (hereinafter referred to collectively as "OSD Components").

(b) The provisions of this Part apply to the release of records to the general public and are not applicable to requests from Members of Congress, the General Accounting Office, and other Federal, State and local governmental organizations.

§ 297.4 Policy.

(a) It is the policy of the Department of Defense, consistent with the letter and spirit of Title 5, U.S.C., section 552, the Freedom of Information Act, to make available to the public the maximum amount of information concerning its operations and activities.

(b) Unclassified information, documents and forms which have heretofore been provided to the public as part of normal service will continue to be made available in accordance with previously established criteria.

(c) Authority to deny an initial request for a record resides in the heads of OSD Components.

(d) Materials required by the Freedom of Information Act for public inspection will be maintained, published, and made available in a public reading room located in room 2C757, the Pentagon.

(e) Fees will not be charged for access by the public to the public reading room or to the records provided for inspection therein, but fees in accordance with a schedule published in the FEDERAL REGISTER may be charged for furnishing copies.

§ 297.5 Responsibilities and functions.

(a) The Assistant Secretary of Defense (Public Affairs) shall:

(1) Direct and administer the Department of Defense Freedom of Information Program for OSD Components.

(2) Establish standards and procedures to assure compliance with and implementation of title 5, United States Code, section 552, as amended by Pub. L. 93-502 and 32 CFR 286.

(3) Develop and submit the consolidated OSD Component Annual Report as required by title 5, United States Code, section 552, as amended by Pub. L. 93-502 and 32 CFR 286.

(4) Serve as the central contact office for the receipt of all requests for records from OSD Components.

(5) Forward requests for records from the public to the OSD Component having proprietary responsibility for the record, and maintain records control procedures that insure action within time limits established in title 5, United States Code, section 552, as amended by Pub. L. 93-502.

(6) Respond to requesters and collect for deposit with the Assistant Secretary of Defense (Comptroller) fees entailed in the search and reproduction of records.

(7) Establish a facility where the public may inspect and copy records as provided for in 32 CFR Part 286.

(8) Provide for educational programs on the requirements and implementation of the Freedom of Information Act.

(9) Evaluate and decide, in coordination with the General Counsel, appeals from denial of records by OSD Components.

(10) Maintain data on Freedom of Information activity in a format that meets the requirements of 32 CFR 286.15 and in a manner that affords rapid retrieval.

(b) The Assistant Secretary of Defense (Comptroller) shall:

(1) Maintain, publish, and make available for public inspection current OSD Component indices of materials as required by title 5, United States Code, section 552, as amended by Pub. L. 93-502.

(2) Coordinate and arrange for information to be published in the FEDERAL REGISTER pursuant to title 5, United States Code, section 552, as amended by Pub. L. 93-502, 32 CFR 286 and 296.

(c) The General Counsel shall:

(1) Coordinate, as appropriate, with the Department of Justice on all final denials of appeals for requests for records when litigation is likely.

(2) Provide advice and assistance to the ASD(PA) as may be required in the discharge of his appellate responsibilities.

(d) Heads of OSD Components shall:

(1) Designate the official authorized to deny initial requests for records and designate an office as the point-of-contact for Freedom of Information matters.

(2) Provide to the ASD(PA), when the request for a record is granted, a copy of the record and a statement of search and reproduction charges.

(3) Provide to the ASD(PA), when a record is denied in whole or in part, the justification for denial.

(4) Provide to the ASD(C) quarterly updates of indices as required by 32 CFR 286.11.

(5) Coordinate with the Office of the General Counsel on all proposed denials of records.

(6) Consult with other OSD and DoD Components which have a significant interest in the requested record prior to a final determination. When consultation with an agency outside DoD is appropriate because of their interest in the requested record, a procedure for effecting that consultation shall be developed in cooperation with the ASD(PA).

(7) Refer cases to the ASD(PA) for review and evaluation when the issues raised are of unusual significance, precedent setting, or otherwise require special attention or guidance.

(8) Provide the record to the ASD(PA), when the initial denial of such record has been appealed by the requester, or at the time of initial denial when appeal seems likely.

(9) Establish procedures to mark record copies and notify holders of classified records that have been declassified as a result of review under this program.

(10) Instruct employees, who act in Freedom of Information matters, in the provisions of this part and 32 CFR Part 286.

§ 297.6 Procedures.

(a) *General.* A request for a record under the Freedom of Information Act may be denied only upon determining that:

(1) The record is subject to one or more of the exemptions set forth in 32 CFR 286.5, and a significant and legitimate governmental purpose is served by withholding.

(2) The record cannot be found because it has not been described with sufficient particularity to enable a responsible authority to locate it with a reasonable amount of effort.

(3) The requester has unreasonably failed to comply with the procedural requirements imposed by this Part.

(b) *Instructions to a requester.* A request for a record from an OSD Component can be made in person or in writing.

(1) Indices of current records will be made available for public inspection in Room 2C757, the Pentagon, between 9 a.m. and 4 p.m., except weekends and government holidays. Persons not authorized access to the Pentagon will be escorted to the public reading room and will not be permitted to visit other areas of the building.

(2) Copies of records which are listed in these indices will be provided upon payment of any search and copying fees. A copy of the standard schedule of fees previously published in the FEDERAL REGISTER will be posted in the public reading room. Checks are payable to the Treasury of the United States.

(3) A written request for a record should be addressed to: Directorate for Freedom of Information, Office of the Assistant Secretary of Defense (Public Affairs), Room 2C757, Pentagon, Washington, D.C. 20301. The record should be described as completely as possible to facilitate its retrieval from the gross file of Defense Department records and to reduce search fees, which may be borne by requester.

(4) A requester will state his intention to pay fees that may be charged for search and reproduction of a record. Time spent to assure willingness to pay fees will be in addition to the time allotted to provide a record.

(5) A record will not be released prior to receipt of fees. Failure to pay fees may be cause not to accept a subsequent request for a record from the same person.

(6) Not more than ten working days after notification that a request has been accepted, normally the requester will be notified that his request has been granted or denied. In unusual circumstances, however, such notification may convey that additional time, not to exceed ten working days, is required to make a determination.

(7) Notification of denial will cite the exemption under which the request was denied, will detail the supporting reasons, will identify the denial authority, and will set forth the course of action to be followed for an administrative appeal.

(8) Administrative appeals of initial denials should be addressed to: Assistant Secretary of Defense (Public Affairs), ATTN: Freedom of Information Appeal Board, Pentagon, Washington, D.C. 20301. Such an appeal should offer justification for a reversal of the initial denial.

(9) Not more than twenty working days after notification that an administrative appeal has been accepted, nor-

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mally the requester will be notified that his appeal has been sustained or denied. In unusual circumstances, however, such notification may convey that additional time, not used in an extension of time to respond to the initial request and not to exceed ten working days, is required to make a determination.

(10) Notification of a final denial will cite supporting reasons, will set forth a course of action that may be followed to seek judicial relief, and will be signed by the official exercising final denial authority.

(c) *Instructions to OSD components.* The Directorate for Freedom of Information, Office of the Assistant Secretary of Defense (Public Affairs, hereinafter referred to as the Directorate, will be the office of record and point of contact for OSD Components in matters pertaining to the Freedom of Information Act.

(1) The Directorate will deliver a request for a record to the OSD Component having proprietary responsibility. Redirect without delay any request for a record that originates from a source other than the Directorate.

(2) A request for a record will be delivered to the office of contact, together with a letter of instruction and a cover sheet. The cover sheet, of distinctive design and overprinted with instructions vital to Freedom of Information requests, *will not* be separated from the request packet to which it is attached.

(3) A request for a record from the Directorate may not be declined, except, when proprietary responsibility is challenged, it may be returned by a memorandum signed by the denial authority which fixes the proprietary responsibility with a specific OSD Component or other agency of the government. A lack of specificity by the requester that suggests records of other components or agencies may also fit the broad category of the request, will not be sufficient cause to challenge proprietary responsibility.

(4) A suspense will be assigned to each request that must be met by either a decision to grant the request in whole or in part, a decision to deny, or by a petition from the denial authority stating the specific number of additional days required and the reason, provided such petition is made to the Directorate three working days prior to the suspense. Extension of time will be granted on a case by case basis depending upon the ability to justify "unusual circumstances," and will normally not exceed five working days.

(5) When a request is granted a copy of the record and a completed statement of fees will be delivered to the Directorate. When a copy of the record cannot be made available in the time allotted, a statement explaining the delay and establishing the date of its availability will accompany the statement of fees. In every case where a request for a record is granted, a statement of fees will be provided in the time allotted.

(6) When a request is denied in part, an excised copy of the record, a statement of fees, and a letter explaining the reasons for denial and summarizing the coordination/consultation history, will be delivered to the Directorate. When denial is based on classification in the interest of national defense or foreign policy, the explanation shall convey that a current review of the record supports continued classification according to the criteria and rationale of DoD Regulation 5200.1–R[1] for specifically stated reasons that logically support those specific criteria and rationale in the context of the record. Letters of denial will be signed by the denial authority.

(7) When a record is denied in its entirety, all procedures set out in subparagraph (6) of this paragraph apply except, a statement of fees and a copy of the record are not provided.

(8) Cases referred to the Directorate in accordance with § 297.5(d)(7), will be transmitted by memorandum establishing the unusual or precedent setting conditions. Unless notified to the contrary, Public Affairs review and evaluation action will not relieve the OSD Component of any responsibility to reach an initial decision in the time originally allotted. Public Affairs action will, however, be accomplished so as to provide timely recommendation and guidance.

(9) Components are urged to use the direct lines of communication that have been established by the formation of OSD Component offices to focus on Freedom of Information matters and the Directorate for Freedom of Information. Early in the time allotted, any problems associated with a request that contact with the requester or agencies outside the DoD might resolve, should be presented to the Staff Director, Directorate for Freedom of Information. Direct contact between OSD Components and requesters, or between OSD Components and agencies outside the DoD, is not authorized.

§ 297.7 Effective date.

This part is effective February 19, 1975.

MAURICE W. ROCHE,
Director Correspondence and Directives OASD (Comptroller).

FEBRUARY 12, 1975.

[FR Doc.75-4299 Filed 2-18-75;8:45 am]

[1] Filed as part of original.

Title 14—Aeronautics and Space

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Freedom of Information Regulations

The purpose of this revision of Part 1206 of the National Aeronautics and Space Administration Regulations is to implement the Freedom of Information Act, 5 U.S.C. 552, as amended on November 21, 1974, by Pub. L. 93-502.

Subpart 7 of this Part 1206 is the same, except for minor editorial changes, as the proposed Subpart 7 which was published as a Notice of Proposed Rulemaking in the FEDERAL REGISTER, Vol. 40, No. 10, January 15, 1975, and on which written comments were solicited. Comments received on the Proposed Rulemaking have been considered.

Part 1206 of Title 14 of the Code of Federal Regulations is revised in its entirety as follows:

Subpart 1—Basic Policy

Sec.
1206.100 Scope of part.
1206.101 Definitions.
1206.102 General Policy.

Subpart 2—Records Available

1206.200 Types of records to be made available.
1206.201 Records which have been published.
1206.202 Deletion of segregable portions of a record.
1206.203 Creation of records.
1206.204 Records of interest to other agencies.
1206.205 Incorporation by reference.
1206.206 Availability for copying.
1206.207 Copies.
1206.208 Release of exempt records.

Subpart 3—Exemptions

1206.300 Exemptions.
1206.301 Limitation of exemptions.

Subpart 4—Location for Inspection and Request of Agency Records

1206.400 Information centers.
1206.401 Location of NASA information centers.
1206.402 Documents available for inspection at NASA information centers.
1206.403 Duty hours.

Subpart 5—Responsibilities

1206.500 Assistant Administrator for Public Affairs.
1206.501 General Counsel.
1206.502 Field and component installations.
1206.503 NASA Headquarters.
1206.504 Delegation of authority.

Subpart 6—Procedures

1206.600 Requests for records.
1206.601 Mail requests.
1206.602 Requests in person.
1206.603 Procedures and time limits for initial determinations.
1206.604 Request for records which exist elsewhere.
1206.605 Appeals.
1206.606 Request for additional records.
1206.607 Action on appeals.
1206.608 Time extensions in unusual circumstances.
1206.609 Litigation.

Subpart 7—Search and Duplication Fees

1206.700 Schedule of fees.
1206.701 Advance estimate or deposit before incurring costs.
1206.702 Waiver of fees.
1206.703 Certification.
1206.704 Form of payment.

Subpart 8—Failure To Release Records to the Public

1206.800 Failure to release records to the public.

Subpart 9—Annual Report

1206.900 Requirements for annual report.

AUTHORITY: Sec. 203, National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473 and 5 U.S.C. 552 as amended by Pub. L. 93-502, 88 Stat. 1561.

Subpart 1—Basic Policy

§ 1206.100 Scope of part.

This Part 1206 establishes the policies, responsibilities, and procedures for the release to members of the public of

agency records which are under the jurisdiction of the National Aeronautics and Space Administration. This part applies to information and agency records located at NASA Headquarters, at NASA Field Installations, and at NASA component installations, as defined in Part 1201 of this chapter.

§ 1206.101 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) The term "agency records" or "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by NASA in pursuance of Federal law or in connection with the transaction of public business and preserved by NASA as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities or because of the informational value of data contained therein. It does not include tangible objects or articles, such as structures, furniture, paintings, sculptures, exhibits, models, vehicles or equipment; library or museum material made or acquired and preserved solely for reference or exhibition purposes; or records of another agency, a copy of which may be in NASA's possession.

(b) The term "initial determination" means a decision by a NASA official, in response to a request by a member of the public for an agency record, on whether the record described in the request can be identified and located after a reasonable search and, if so, whether the record (or portions thereof) will be made available under this part or will be withheld from disclosure under Subpart 3 of this part.

(c) The term "appeal" means a request by a member of the public to the Administrator or his designee for reversal of any adverse initial determination the requester has received in response to a request for an agency record.

(d) The term "final determination" means a decision by the Administrator or his designee on an appeal.

(e) The term "working days" means all days except Saturdays, Sundays and legal public holidays.

(f) As used in § 1206.608, the term "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of a particular request for agency records—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the NASA Information Center processing the request (see Subpart 6 of this part for procedures for processing a request for agency records);

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of NASA having substantial subject-matter interest therein.

§ 1206.102 General policy.

(a) In accordance with section 203 (a)(3) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(a)(3)), it has been and continues to be NASA policy to provide for the "widest practicable and appropriate dissemination of information concerning its activities and the results thereof."

(b) In compliance with the "Freedom of Information" amendments to the Administrative Procedure Act (5 U.S.C. 552, as amended by Public Laws 90–23 and 93–502), a positive and continuing obligation exists for NASA to make available upon request by members of the public to the fullest extent practicable all agency records under its jurisdiction, as described in Subpart 2 of this part, except to the extent that they may be exempt from disclosure under Subpart 3 of this part.

Subpart 2—Records Available

§ 1206.200 Types of records to be made available.

(a) Records required to be published in the FEDERAL REGISTER. The following records are required to be published in the FEDERAL REGISTER, for codification in Title 14, Chapter V, of the Code of Federal Regulations.

(1) Description of NASA Headquarters and field organization and the established places at which, the employees from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which NASA's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by NASA;

(5) Each amendment, revision, or repeal of the foregoing.

(b) *Agency opinions, orders, statements, and manuals.* (1) Unless they are exempt from disclosure under Subpart 3 of this part, or unless they are promptly published and copies offered for sale, NASA shall make available the following records for public inspection and copying or purchase:

(i) All final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, such as opinions of the NASA Board of Contract Appeals;

(ii) Those statements of NASA policy and interpretations which have been adopted by NASA and are not published in the FEDERAL REGISTER;

(iii) Administrative staff manuals (or similar issuances) and instructions to staff that affect a member of the public.

(2) In connection with all records required to be made available or published under this paragraph (b), identifying details shall be deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. However, in each case the justification for the deletion shall be explained fully in writing. A copy of such justification shall be attached to the front of the portion of the record made available to the requester.

(3) In connection with all records required to be made available or published under this paragraph (b) which are issued, adopted, or promulgated after July 4, 1967, except to the extent they are exempt from disclosure under Subpart 3 of this part, current indexes providing identifying information will be maintained and made available for public inspection and copying or purchase (see § 1206.402).

(c) *Other agency records.* In addition to the records made available or published under paragraphs (a) and (b) of this § 1206.200, NASA shall, upon request for other records made in accordance with this part, make such records promptly available to any person, unless they are exempt from disclosure under subpart 3 of this part, or unless they may be purchased from other readily available sources, as provided in § 1206.201.

§ 1206.201 Records which have been published.

Publication in the FEDERAL REGISTER is a means of making certain agency records available to the public. Also, the Commerce Business Daily, Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards (Department of Commerce) is a source of information concerning agency records or actions. Various other NASA publications and documents, and indexes thereto, are available from other sources, such as the U.S. Superintendent of Documents, the National Technical Information Service (Department of Commerce), and the Earth Resources Observation Systems (EROS) Data Center (Department of the Interior). Such publications and documents are not required to be made available or reproduced in response to a request therefor unless they cannot be purchased readily from available sources. If a publication or document is readily available from a source other than NASA, the requester shall be informed of the procedures to follow to obtain the publication or document.

§ 1206.202 Deletion of segregable portions of a record.

If a record requested by a member of the public contains both information required to be made available and that which is exempt from disclosure under Subpart 3 of this part, and the portion of the record that is required to be made available is reasonably segregable from the portion that is exempt, the portion that is exempt from disclosure shall be deleted and the balance of the record shall be made available to the requester.

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If the non-exempt portion of the record appears to be unintelligible or uninformative, the requester shall be informed of that fact, and such non-exempt portion shall not be sent to the requester unless he thereafter specifically requests it.

§ 1206.203 Creation of records.

Records will not be created by compiling selected items from the files at the request of a member of the public, nor will records be created to provide the requester with such data as ratios, proportions, percentages, frequency distributions, trends, correlations, or comparisons.

§ 1206.204 Records of interest to other agencies.

If a NASA record is requested and another agency has a substantial interest in the record, such an agency shall be consulted on whether the record shall be made available under this part (see § 1206.101(f)(3)). If a record is requested that is a record of another agency, the request shall be returned to the requester, as provided in § 1206.604(c).

§ 1206.205 Incorporation by reference.

Matter which is reasonably available to the members of the public affected thereby shall be deemed published in the FEDERAL REGISTER when incorporated by reference in material published in the FEDERAL REGISTER (pursuant to the FEDERAL REGISTER regulation on incorporation by reference, 1 CFR Part 51).

§ 1206.206 Availability for copying.

Except as provided in § 1206.201, the availability of a record for inspection shall include the opportunity to extract information therefrom or to purchase copies.

§ 1206.207 Copies.

The furnishing of a single copy of the requested record will constitute compliance with this part.

§ 1206.208 Release of exempt records.

If a record which has been requested is exempt from disclosure under Subpart 3 of this part, the record may nevertheless be made available under the procedures of Subpart 6 of this part if it is determined by an official authorized to make either an initial determination or a final determination that such action would not be inconsistent with a purpose of the exemptions set forth in Subpart 3 of this part.

Subpart 3—Exemptions

§ 1206.300 Exemptions.

(a) Under 5 U.S.C. 552(b) agency records falling within the exemptions of paragraph (b) of this section are not required to be made available under this part. Such records may nevertheless be made available if it is determined that such actions would not be inconsistent with a purpose of the exemption (see § 1206.208).

(b) The requirements of this part to make agency records available do not apply to matters that are—

(1) (i) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of NASA;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with NASA;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

§ 1206.301 Limitation of exemptions.

(a) This Part 1206 does not authorize the withholding of information or the availability of records to the public, except as specifically stated in this part.

(b) Nothing in this Part 1206 shall be construed as authority to withhold information from Congress.

Subpart 4—Location for Inspection and Request of Agency Records

§ 1206.400 Information centers.

NASA will maintain Information Centers as set forth in this subpart.

§ 1206.401 Location of NASA information centers.

NASA will maintain the following Information Centers, at which agency records may be inspected, from which copies of agency records may be requested and at which copies of agency forms may be obtained:

(a) NASA Headquarters Information Center, National Aeronautics and Space Administration, Washington, DC 20546.

(b) NASA Information Center, Ames Research Center, Moffett Field, CA 94035.

(c) NASA Information Center, Flight Research Center, Post Office Box 273, Edwards, CA 93523.

(d) NASA Information Center, Goddard Space Flight Center, Greenbelt, MD 20771.

(e) NASA Information Center, John F. Kennedy Space Center, Kennedy Space Center, FL 32899.

(f) NASA Information Center, Langley Research Center, Langley Station, Hampton, VA 23365.

(g) NASA Information Center, Lewis Research Center, 21000 Brookpart Road, Cleveland, OH 44135.

(h) NASA Information Center, Lyndon B. Johnson Space Center, Houston, TX 77058.

(i) NASA Information Center, George C. Marshall Space Flight Center, Huntsville, AL 35812.

(j) NASA Information Center, Michoud Assembly Facility, Post Office Box 29300, New Orleans, LA 70126.

(k) NASA Information Center, National Space Technology Laboratories, Bay St. Louis, MS 39520.

(l) NASA Information Center, Pasadena Office (JPL), 4800 Oak Grove Drive, Pasadena, CA 91103.

(m) NASA Information Center, Wallops Flight Center, Wallops Island, VA 23337.

§ 1206.402 Documents available for inspection at NASA information centers.

(a) Each NASA Information Center will have available for inspection, as a minimum, a current version of the following documents:

(1) The Freedom of Information Act (5 U.S.C. 552, as amended by Pub. L. 90–23 and Pub. L. 93–502);

(2) Title 14, Chapter V, and Title 41, Chapter 18, Code of Federal Regulations, and material published in the FEDERAL REGISTER for codification but not yet included in the Code of Federal Regulations;

(3) A master list and index of NASA Issuances, and a copy of all such Issuances;

(4) A list and index of the management issuances of the NASA installation at which the Information Center is located, and a copy of such issuances;

(5) NASA's Scientific and Technical Aerospace Reports (STAR) and current indexes thereto;

(6) Cumulative Index to Selected Speeches and News Releases issued by NASA Headquarters;

(7) Index/Digest of Decisions, NASA Board of Contract Appeals;

(8) Decisions of the NASA Contract Adjustment Board and a current index thereto;

(9) NASA Handbook NHB 5500.1A containing an index to decisions of the NASA Inventions and Contributions Board on Petitions for Patent Waivers;

(10) Copies of Environmental Impact Statements filed by NASA under the National Environmental Policy Act of 1969;

(11) Collection of all issues of "NASA Activities"; and

(12) List of licenses granted under NASA-owned patents.

(b) Because the indexes listed in paragraph (a) of this section are voluminous and because current versions thereof will be available for inspection at NASA Information Centers, from which copies of the indexes may be requested under § 1206.603, it is determined and so ordered that publication of the indexes quarterly in the FEDERAL REGISTER would be unnecessary and impractical.

§ 1206.403 Duty hours.

The NASA Information Centers listed in § 1206.401 shall be open to the public during all regular workdays, from 9:00 a.m. to 4:00 p.m.

Subpart 5—Responsibilities

§ 1206.500 Assistant Administrator for Public Affairs.

The Assistant Administrator for Public Affairs is responsible for the following:

(a) Providing overall supervision and coordination of the implementation of the policies and procedures set forth in this Part 1206;

(b) After consultation with the General Counsel, making final determinations under § 1206.607, within the time limits specified in Subpart 6 of this part;

(c) Providing consultation on whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial determination;

(d) Determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for a final determination; and

(e) Preparing the annual reports required by § 1206.900, including establishing reporting procedures throughout NASA to facilitate the preparation of such report.

§ 1206.501 General Counsel.

The General Counsel is responsible for the interpretation of 5 U.S.C. 552 and this part, and for the handling of litigation in connection with a request for an agency record under this part.

§ 1206.502 Field and component installations.

(a) The Director of each NASA Field Installation or the Official-in-Charge of each Component Installation is responsible for the following:

(1) After consultation with the Chief Counsel or the Counsel charged with providing legal advice to a Field or a Component Installation, making initial determinations under §§ 1206.603 and 1206.604;

(2) After consultation with the Assistant Administrator for Public Affairs, determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial determination; and

(3) Insuring that requests for agency records under the cognizance of his respective installation are processed and initial determinations made within the time limits specified in Subpart 6 of this part.

(b) If so designated by the Director or Official-in-Charge of the respective installation, the principal Public Affairs Officer at the installation may perform the functions set forth in paragraphs (a) (1) and (2) of this section.

§ 1206.503 NASA Headquarters.

(a) The Director of Headquarters Administration is responsible for the following:

(1) After consultation with the Office of General Counsel, making initial determinations under §§ 1206.603 and 1206.604;

(2) After consultation with the Assistant Administrator for Public Affairs, determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial determination; and

(3) Insuring that requests for agency records are processed and initial determinations made within the time limits specified in Subpart 6 of this part.

(b) The functions set forth in paragraphs (a) (1) and (2) of this section may be delegated by the Director of Headquarters Administration to a Public Affairs Officer designated by the Assistant Administrator for Public Affairs.

§ 1206.504 Delegation of authority.

Authority necessary to carry out the responsibilities specified in this subpart is delegated to the officials named in this subpart.

Subpart 6—Procedures

§ 1206.600 Requests for records.

A member of the public may request an agency record by mail or in person from the Information Center having cognizance over the record requested or from the NASA Headquarters Information Center.

§ 1206.601 Mail requests.

In view of the time limits under 5 U.S.C. 552(a)(6) for an initial determination on a request for an agency record (see § 1206.603), a request by mail must meet the following requirements:

(a) The request must be addressed to an appropriate NASA Information Center (see § 1206.401) or otherwise be clearly identified on the envelope and in the letter as a request for an agency record under the "Freedom of Information Act".

(b) The request must identify the record requested or reasonably describe it in such a manner as to enable a professional NASA employee who is familiar with the subject area of the request to identify and locate the record with a reasonable amount of effort. NASA need not comply with a blanket or categorical request (such as "all matters relating to" a general subject) where it is not feasible reasonably to determine what is sought. NASA will in good faith endeavor to identify and locate the record sought and will consult with the requester when necessary and appropriate for that purpose. However, as provided in § 1206.203, NASA will undertake no obligation to compile or create information or records not already in existence at the time of the request.

(c) If a fee is chargeable under Subpart 7 of this part for search or duplication costs incurred in connection with a request for an agency record, and the requester knows the amount of the fee at the time of the request, the request should be accompanied by a check or money order payable in that amount to "Treasury of the United States." Cash or stamps should not be sent by mail. If the amount of the fee chargeable is not known at the time of the request, the requester will be notified in the initial determination (or in a final determination) of the amount of the fee chargeable (see § 1206.603(c)). For circumstances in which an advance estimate of fees shall be provided to the requester, see § 1206.701.

§ 1206.602 Requests in person.

(a) A member of the public may request an agency record in person at a NASA Information Center (see § 1206.401) during the duty hours of the center.

(b) A request at an Information Center must identify the record requested or reasonably describe it as provided in § 1206.601(b).

(c) If the record requested is located at the Information Center or otherwise readily obtainable, it shall be made available to the requester upon the payment of any fees that are chargeable (see Subpart 7 of this part), which fees may be paid in cash or by a check or money order payable to the "Treasury of the United States." If the record requested is not located at the Information Center or otherwise readily obtainable, the request will be docketed at the Information Center and processed in accordance with the procedures of §§ 1206.603 and 1206.604, with any fee chargeable being handled in accordance with § 1206.601(c).

§ 1206.603 Procedures and time limits for initial determinations.

(a) Except as provided in § 1206.608, an initial determination on a request for an agency record, addressed in accordance with § 1206.601(a) or made in person at a NASA Information Center, shall be made, and the requester shall be sent notification thereof, within ten working days after receipt of the request, as required by 5 U.S.C. 552(a)(6).

(b) An initial determination on a request for an agency record by mail not addressed in accordance with § 1206.601(a) shall be made, and the requester shall be sent notification thereof, within ten working days after the correspondence is recognized as a request for an agency record under the "Freedom of In-

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formation Act" and received by the appropriate NASA Information Center. With respect to such a request, unless an initial determination can reasonably be made within ten working days of the original receipt, the request will be promptly acknowledged and the requester notified of the date the request was received at that Information Center and that an initial determination on the request will be made within ten working days of that date.

(c) If it is determined that the requested record (or portions thereof) will be made available and the fee chargeable is $25.00 or less, a copy of the record requested (or portions thereof) shall be sent to the requester with the initial determination or, if that is not feasible, promptly after the initial determination is made. If the fee chargeable exceeds $25.00 (unless the requester has indicated a willingness to pay a higher fee), the requester will be informed of the fee in the initial determination, and the requested record will be sent to the requester promptly upon receipt of the required fee.

(d) Any notification of an initial determination that does not comply fully with the request for an agency record shall include a statement of the reasons for the adverse determination, include the name and title of the person making the initial determination, and notify the requester of his right to appeal to the Administrator under § 1206.605.

§ 1206.604 Request for records which exist elsewhere.

(a) If a request for an agency record is received by an Information Center not having cognizance of the record (for example, where a request is submitted to one NASA installation or Headquarters and the requested record exists only at another NASA installation), the Information Center receiving the request shall promptly forward it to the NASA Information Center having cognizance of the record requested. That center shall acknowledge the request and inform the requester that an initial determination on the request will be sent within ten working days from the date of receipt by such center.

(b) If a request is received for agency records which exist at two or more centers, the center receiving the request shall undertake to comply with the request, if feasible, or to forward the request (or portions thereof) promptly to a more appropriate center for processing. The requester shall be kept informed of the actions taken to respond to the request.

(c) If a request is received by a NASA Information Center for a record of another agency, the requester shall promptly be informed of that fact, and the request shall be returned to the requester, with advice as to where the request should be directed.

§ 1206.605 Appeals.

(a) A member of the public who has requested an agency record in accordance with §§ 1206.601 or 1206.602, and who has received an initial determination which does not comply fully with the request, may appeal such an adverse initial determination to the Administrator under the procedures of this section.

(b) The appeal must:

(1) Be addressed to the Administrator, NASA, Washington, D.C. 20546;

(2) Be identified clearly on the envelope and in the letter as an "Appeal under the Freedom of Information Act";

(3) Include a copy of the request for the agency record and a copy of the adverse initial determination;

(4) To the extent possible, state the reasons why the requester believes the adverse initial determination should be reversed; and

(5) Be sent to the Administrator within 30 calendar days of the date of receipt of the initial determination.

(c) An official authorized to make a final determination may waive any of the requirements of paragraph (b) of this section, in which case the time limit for the final determination (see § 1206.607 (a)) shall run from the date of such waiver.

§ 1206.606 Request for additional records.

If, upon receipt of a record (or portions thereof) following an initial determination to comply with a request, the requester believes that the materials received do not comply with the request, he may elect either to request additional records under the procedures of §§ 1206.601 or 1206.602, or to file an appeal under the procedures of § 1206.605, in which case the appeal must be sent to the Administrator within 30 days of receipt of the record (or portions thereof), unless good cause is shown for any additional delay.

§ 1206.607 Actions on appeals.

(a) Except as provided in § 1206.608, the Administrator or his designee shall make a final determination on an appeal, and notify the requester thereof, within twenty working days after receipt of the appeal.

(b) If the final determination reverses in whole or in part the initial determination, the record requested (or portions thereof) shall be made available promptly to the requester, as provided in the final determination.

(c) If the final determination sustains in whole or in part an adverse initial determination, the notification of the final determination shall:

(1) Explain the basis on which the record (or portions thereof) will not be made available;

(2) Include the name and title of the person making the final determination;

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552(a)(4); and

(4) Enclose a copy of 5 U.S.C. 552(a)(4).

§ 1206.608 Time extensions in unusual circumstances.

(a) In "unusual circumstances" as that term is defined in § 1206.101(f), the time limits for an initial determination (see §§ 1206.603 and 1206.604) and for a final determination (see § 1206.607) may be extended, but not to exceed a total of ten working days in the aggregate in the processing of any specific request for an agency record.

(b) If an extension of time under this section would be required, the requester shall be promptly notified of the reasons therefor and the date when a determination will be sent.

(c) If a record described in a request cannot be located within the ten-working-day time limit for an initial determination, after consultation with a professional NASA employee who is familiar with the subject area of the request, that fact normally will justify an initial determination that the record requested cannot be identified or located, rather than a decision that an extension of time under this section would be appropriate.

(d) In exceptional circumstances, if it would be impossible to complete a search for or review of agency records within the ten-working-day period for an initial determination, an official authorized to make an initial determination or his designee may seek an extension of time from the requester. If such an extension of time can be agreed upon, that fact should be clearly documented and the initial determination made within the extended time period; if not, an initial determination that the record cannot be identified or located, or reviewed, within the ten-working-day time limit shall be made under § 1206.603.

§ 1206.609 Litigation.

In any instance in which NASA is sued in connection with a request for an agency record under this part, the matter shall promptly be referred to the General Counsel together with a report on the details and status of the request. In such a case, if a final determination with respect to the request has not been made, such a determination shall be made as soon as possible, under procedures prescribed by the General Counsel in each case.

Subpart 7—Search and Duplication Fees

§ 1206.700 Schedule of fees.

The fees specified in this section shall be charged for searching for or duplicating an agency record made available in response to a request under this part.

(a) *Copies.* For copies of documents, such as letters, memoranda, statements, reports, contracts, etc., $0.10 per copy of each page. For copies of oversize documents, such as maps, charts, blueprints, etc., $0.15 for each reproduced copy per square foot. These charges for copies include the time spent in duplicating the documents.

(b) *Clerical searches.* For each one quarter hour spent by clerical personnel in searching for an agency record in response to a request under this part, $1.00.

(c) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested

records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent by such higher level personnel in searching for a requested record, $2.50.

(d) *Computerized records.* Because of the diversity in the types and configurations of computers which may be required in responding to requests for agency records maintained in whole or in part in computerized form, it is not feasible to establish a uniform schedule of fees for search and printout of such records. In most instances, records maintained in computer data banks are available also in printed form and the standard fees specified in paragraph (a) of this section shall apply. If the request for an agency record required to be made available under this part requires a computerized search or printout, the charge for the time of personnel involved shall be at the rates specified in paragraphs (b) and (c) of this section. The charge for the computer time involved and for any special supplies or materials used, such as magnetic tape or Hollerith cards, shall not exceed the direct cost to NASA. Before any computer search or printout is undertaken in response to a request for an agency record, the requester shall be notified of the applicable unit costs involved and the total estimated cost of the search or printout.

(e) *Other search and duplication costs.* Reasonable standard fees, other than as specified in paragraphs (a) through (d) of this section, may be charged for additional direct costs incurred in searching for or duplicating an agency record in response to a request under this part. Charges which may be made under this paragraph include, but are not limited to, the transportation of NASA personnel to places of record storage for search purposes or freight charges for transporting records to the personnel searching for or duplicating a requested record.

(f) *Unsuccessful or unproductive searches.* Search charges, as set forth in paragraph (b) and (c) of this section, may be made even when an agency record which has been requested cannot be identified or located after a diligent search and consultation with a professional NASA employee familiar with the subject area of the request, or if located, cannot be made available under Subpart 3 of this part. Ordinarily, however, fees will not be charged in such instances unless they are substantial and the requester has consented to the search after having been advised that it cannot be determined in advance whether any records exist which can be made available (see § 1206.701) and that search fees will be charged even if no record can be located and made available.

(g) *Examination and related tasks in screening records.* No charge shall be made for the time spent in resolving legal or policy issues in connection with a request for an agency record under this part, in examining records to determine whether they will be made available to the requester, or in monitoring the inspection of requested records by a member of the public.

§ 1206.701 Advance estimate or deposit before incurring costs.

(a) In the circumstance specified in subparagraphs (1) through (4) of this paragraph, before NASA undertakes to search for an agency record and thereby subjects the requester to a fee under this subpart, NASA will promptly notify the requester of the estimated fees chargeable for searching for and duplicating the requested record. Such an advance estimate shall be provided in the following circumstances:

(1) If the requester specifically requests an estimate;

(2) If the search involves computerized records (see § 1206.700(d));

(3) If the search and duplication would involve transportation costs (see § 1206.700(e)); or

(4) If the estimated cost of the search for an agency record exceeds $25.00 and it cannot be determined in advance if the record requested can be identified or located and made available to the requester.

(b) In appropriate cases, an advance deposit may be required before NASA will undertake to search for and duplicate an agency record.

(c) A notice of estimated fees or request for advance deposit shall also extend an offer to the requester to confer with knowledgeable NASA personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester.

(d) If an estimate is provided under this section, the request for the record shall not be deemed to have been received until the requester agrees to bear the estimated cost or, if an advance deposit is requested, provides such a deposit.

§ 1206.702 Waiver of fees.

(a) The NASA official making an initial or final determination on a request for an agency record may waive all or part of a fee which would be chargeable under this subpart if the official determines that such action is in the public interest because making the record available can be considered as primarily benefiting the general public.

(b) Ordinarily, fees will not be charged where they would amount in the aggregate, for a request or series of related requests, to less than $3.00.

§ 1206.703 Certification.

In accordance with the provisions of 31 U.S.C. 483a, a charge of $1.00 shall be made for each certification of true copies of agency records.

§ 1206.704 Form of payment.

Payment by mail shall be made by check or money order payable to the "Treasury of the United States" and sent to the NASA Information Center which processed the request.

Subpart 8—Failure To Release Records to the Public

§ 1206.800 Failure to release records to the public.

(a) Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the FEDERAL REGISTER under § 1206.200(a) and not so published.

(b) A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied upon, used, or cited as precedent by NASA against any member of the public only if it has been indexed and either made available or published as provided by § 1206.200(b) or if the member of the public has actual and timely notice of the terms thereof.

(c) Failure to make available an agency record required to be made available under this part could provide the jurisdictional basis for a suit against NASA under 5 U.S.C. 552(a)(4) (B) through (G), which provides as follows:

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings

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and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Commission recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

Subpart 9—Annual Report

§ 1206.900 Requirements for annual report.

On or before March 1 of each calendar year, NASA shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include the following information:

(a) The number of determinations made by NASA not to comply with requests for records made to the Agency under Subpart 6 of this part and the reasons for each such determination;

(b) The number of appeals made by persons under Subpart 6 of this part, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(c) The names and titles or positions of each person responsible for the denial of records requested under this part, and the number of instances of participation for each;

(d) The results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(B) through (G) (see § 1206.800(c)), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(e) A copy of the current version of this Part 1206 and any other rules or regulations made by NASA regarding 5 U.S.C. 552;

(f) A copy of the current fee schedule and the total amount of fees collected by NASA for making records available under this Part 1206; and

(g) Such other information as indicates efforts by NASA to administer fully this part.

Effective date: This Part 1206 shall become effective on February 19, 1975.

JAMES C. FLETCHER,
Administrator.

[FR Doc.75-4449 Filed 2-18-75;8:45 am]

CHAPTER III—NATIONAL TRANSPORTATION SAFETY BOARD

[NTSB Reg. OR-1 Amdt. 4]

PART 401—PUBLIC AVAILABILITY OF INFORMATION

Fee Schedule

On January 13, 1975, a notice was published in the FEDERAL REGISTER (40 FR 2446) stating that the National Transportation Safety Board was proposing an amendment to 14 CFR Part 401, which would add Appendix A—Fee Schedule, applicable to copying and other special services relating to requests for records of the Board.

Interested persons were given 30 days to submit written comments. No comments or objections have been received, and the following amendment is hereby adopted without change:

APPENDIX A—FEE SCHEDULE

1. *Special Services Fees* (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

(a) Subscriptions (calendar year)

(1) Initial decisions of the Administrative Law Judges—$40.00

(2) Board safety enforcement opinions and orders—$20.00

(3) Board aircraft accident (probable cause) reports, brief format—$40.00 (U.S.) and $50.00 (foreign)

(4) Aircraft accident reports, narrative—$27.50 (U.S.) and $34.50 (foreign).

(5) Surface accident reports, narrative—$27.50 (U.S.) and $34.50 (foreign).

NOTE.—Subscripton orders for (a)(3), (4) and (5) above, should be forwarded to the National Technical Information Service, P.O. Box 1551, Springfield, Virginia 22151.

(b) Document certification under the Board's seal—$4.00.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—$40.00.

NOTE.—Computer tape requests should be addressed to the Chief, Information Systems Branch, Bureau of Aviation Safety, National Transportation Safety Board, Washington, D.C. 20591.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Board's General Manager.

2. *Commercial Reproduction Fees and Search Fees.* Pursuant to 5 U.S.C. 552, as amended, reproduction of the documents listed below is accomplished by commercial contract, and the reproductions are mailed from the contractor together with a billing for the costs. Requests must be forwarded to the Accident Inquiry Unit, National Transportation Safety Board, Washington, D.C. 20591, together with an agreement to pay the reproduction cost. The search fee (if required) must be enclosed. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

Size:	Per page
8½"x11"	$0.12
8½"x14"	.24
10"x14"	.30
14"x18"	.60
18"x24"	.90

(b) Photographic prints:

Size:	Unit price
8"x10" black/white	$1.05
5"x7" color	3.25
8"x10" color	6.50
2"x2" color slide	1.50
2"x2" black/white slide	1.25
4"x10" X-ray	6.50

(c) *Minimum charge for reproduction*—$4.00.

(d) *Special expedite service*—80 percent surcharge for 24-hour service and 50 percent surcharge for 48-hour service.

(e) *Document search fee*—The Board has determined that it is in the public interest to limit search fees to documents which require commercial reproduction. Further, the fee has been reduced to the labor cost for a minimum time-search. Therefore, a $4.00 search fee is required only for:

(1) Factual accident investigation reports, statements, photographs, and other material contained in the Board's accident investigation files.

(2) Accident investigation information not in the Board's public files.

NOTE.—The $4.00 search fee will be included in the commercial reproduction firm's invoice.

(f) *Documents requiring commercial reproduction for copies:*

(1) Transcripts of public hearings.

(2) Factual accident investigation reports and information (see (e)(1) and (2) above).

3. *Reproduction fees for the public reading room.* All documents in the Board's public files may be examined, without charge, in the Board's public reading room, located in the Accident Inquiry Unit. There is a self-service duplicator in the reading room, which is available to the public for reproduction at a nominal cost.

4. *Documents available without commercial reproduction cost until limited supplies are exhausted:*

(1) Press releases

(2) Aviation accident reports, narrative, and brief format probable cause reports (on request for specific accidents)

(3) Surface accident reports

(4) Special studies

(5) Safety Board regulations (14 CFR 400 through 440)

(6) Indices to initial decisions, Board opinions and orders, and staff manuals and instructions

(7) Statistical data published by the Board

(8) Safety recommendations

5. *Documents for sale by the Government Printing Office:*

(1) Board's annual report

(2) Volume I, National Transportation Safety Board Decisions (1967-1972)

Effective date: This fee schedule is effective February 19, 1975, as Appendix A to 14 CFR 401, and supersedes any provision of subpart C which may be in conflict therewith.

JOHN H. REED,
Chairman.

FEBRUARY 14, 1975.

[FR Doc.75-4499 Filed 2-18-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Schedule of Fees for Document Search, Duplication and Certification

On page 2450 of the FEDERAL REGISTER of January 13, 1975, there was published a notice of initiation of a proceeding for the amendment of § 4.8(c) of its miscellaneous rules to establish a uniform schedule of fees applicable to all constituent units of the Federal Trade Commission. The proceeding was initiated as the result of recent amendments to the Freedom of Information Act (Administrative Procedure, 5 U.S.C. 552) which made significant changes to the law pertaining to the fees an agency may charge for search and duplication services performed for those requesting records. The fees proposed for certification services were in accordance with 31 U.S.C. 483(a). The proposal set forth fees for single copies of paper reproduction, microfilm services, duplication of microfilm, information retrieval by computer service, and clerical, paraprofessional, and professional search fees. The proposal also set forth instances under which charges or a portion thereof would not be made. Interested persons were given 30 days in which to submit written comments concerning the proposed amendment.

No written comments were received, and the proposed amendment of § 4.8(c) is hereby adopted without change and is set forth below. Minor changes were made in paragraph (b) to provide for a written request and to delete the references to identifiable records. Paragraph (b) as amended is also set forth below:

In § 4.8, paragraphs (b) and (c) are revised as follows:

§ 4.8 Availability of public information.

* * * * * *

(b) Reasonable facilities for copying and for producing copies are provided at each of the offices of the Commission. Subject to appropriate limitations and the availability of facilities, any person may copy without charge any of the public records available for inspection at each of those offices, or reproductions of any such records will be provided by the Commission to any person upon request in person or upon written request and the payment of the prescribed duplication fees. All written requests for reproductions of public records should be addressed to the Secretary of the Commission, and should specify as clearly and accurately as reasonably possible the records desired. With respect to records which cannot be specified with complete clarity and particularity, identification requirements will be met by descriptions sufficient to enable qualified Commission personnel to locate the requested records. In any instance the Commission, the Secretary of the Commission, or the official in charge of each office may restrict the use of the Commission's facilities to providing only one reproduction of any public record, or may refuse to permit the use of those facilities for copying and producing copies of records which are published or are publicly available at places other than the offices of the Commission, or may supply to any person only one reproduction of any record when copies thereof may be obtained from the Commission without charge.

(c)(1) User fees pursuant to 31 U.S.C. 483(a) and 5 U.S.C. 552(a), as amended by Sec. (b)(1) of Public Law 93-502, shall be charged according to the schedule contained in paragraph (2) of this section for services rendered in responding to requests for Commission records under this subpart unless the Secretary initially or the Commission on appeal determines, in conformity with the provisions of 5 U.S.C. 552(a) amended by Public Law 93-502 and 31 U.S.C. 483(a), that such charges or a portion thereof are not in the public interest. Such a determination will ordinarily not be made unless the service to be performed will benefit primarily to the public as opposed to the requester, or unless the requester is a government agency or indigent. Fees shall not be charged for a request where they would amount, in the aggregate, to less than $10.00. Ordinarily, fees will not be charged if the requested records are not found, or if all the records found are withheld as exempt. However, if the time expended in processing such a request is substantial, or if the requester has been notified of the estimated cost, pursuant to § 4.11 of the Rules, or has been advised that it cannot be determined in advance whether any records will be made available, fees may be charged. The Secretary, with the approval of the Commission, shall establish such fees.

(2) The following uniform schedule of fees applies to all constitutent units of the Commission, each requesting party being limited to one copy:

REPRODUCTION

Paper copy	10 cents per page.

MICROFILM SERVICES—PRODUCTION OF MICROFILM

16 mm	4 cents per frame.
Microfiche 4" x 6"	5 cents per frame.

DUPLICATION OF MICROFILM

16 mm	$3.75 per 100-ft roll.
Microfiche 4" x 6"	15 cents each.
8-M cartridge	$1.15 each.
Load cartridge	45 cents each.

COMPUTER SERVICES—INFORMATION RETRIEVAL

Use of terminal (each request).	25 cents.
Hard copy (paper) of each request.	30 cents.
Programer	$6.50 per hour.

SEARCH FEES

Clerical	1st hour, free.
2d and subsequent hours	$4.20 per hour.
Paraprofessional	1st hour, free.
2d and subsequent hours	$5.20 per hour.
Professional	1st hour, free.
2d and subsequent hours	$11 per hour.
Certification	$2.75 each.

(3) Payment should be made by check or money order payable to the Treasury of the United States.

(Authority: 15 U.S.C. 41, et seq. (5 U.S.C. 552, 31 U.S.C. 483(a)))

Effective date. February 19, 1975.

By direction of the Commission dated February 14, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4507 Filed 2-18-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM75-15; Order 524]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

Freedom of Information Act Regulations

FEBRUARY 10, 1975.

On January 2, 1975, the Commission issued a notice proposing certain changes in its general rules governing requests for public information. The notice was published in the FEDERAL REGISTER on January 6, 1975 (40 FR 1077). The changes involve, among other things, specific timetables and procedures to be followed in the event the Commission withholds requested information, the procedure to be followed for the search and duplication of requested documents, and rules governing the maintenance and dissemination of a current index of public information. The purpose of the amendments is to conform the Commission's procedures to the requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended by the passage of H.R. 12471, Pub. L. No. 93-502.

The Commission received one response to the notice on January 20, 1975, from the Salt River Project, Phoenix, Arizona. Ted. B. Hardy, Manager, Power Resource Development, writing on behalf of the Project, questioned whether the $2 fee for a certified copy means $2 per document or $2 per page. The language of Section 3.102(b) will be revised accordingly to clarify the Commission's intent to charge

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$2 per document for certification. A conference was not requested.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions are in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) In view of the intent of Pub. L. No. 93-502 that the amendments adopted herein become effective on February 19, 1975, good cause exists for making them effective on that date.

(3) The amendments of the Commission's General Rules as prescribed herein are in the public interest and are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly Section 309 (49 Stat. 858-859; 16 U.S.C. 825h), the Natural Gas Act, as amended, particularly Section 16 (52 Stat. 830; 15 U.S.C. 717o), and Pub. L. No. 93-502 (88 Stat. 1561, amending 5 U.S.C. 552) orders:

§ 1.36 [Amended]

A. Section 1.36 in Part 1, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Paragraph "(c) Public records" is amended as follows:

a. The introductory portion is revised to read:

(c) *Public records.* The public records of the Commission, available for inspection and copying upon a request reasonably describing the document, during regular business hours in the public reference room maintained by the Office of Public Information, include:

b. Paragraph (c)(14)(i) is revised to read:

(i) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order;

c. Paragraph (c)(14)(vii) is revised to read:

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would interfere with enforcement proceedings, deprive a person of a right to a fair trial or an impartial adjudication, constitute an unwarranted invasion of personal privacy, disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, disclose investigative techniques and procedures, or endanger the life or physical safety of law enforcement personnel; or

d. Paragraph (c)(15), and all references thereto, is redesignated as paragraph (c)(16) and immediately after paragraph (c)(14)(viii) the following new paragraph (c)(15) is inserted:

(15) Any reasonably segregable portion of a record after deletion of the portions which are exempt under this section.

2. Paragraph (f), and all references thereto, is redesignated as paragraph (g), and two new paragraphs (e) and (f) are inserted immediately after paragraph (d). As so revised, the amended portions read as follows:

(e) *Index of Commission actions.* The Office of Public Information will maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this section to be made available or published. The index will be published quarterly and copies or supplements thereto will be distributed by sale or otherwise.

(f) *Timetables and procedures in event of withholding of public records.* (1) The Director of Public Information will determine within ten days (except Saturdays, Sunday, and legal public holidays) after receipt of a request for public records whether to comply with such request and will immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the Chairman any adverse determination by petition filed pursuant to § 1.7.

(2) The Chairman, in his capacity as administrative head of the agency pursuant to Section 1 of Reorganization Plan No. 9 of 1950, will make a determination with respect to any appeal within twenty days (except Saturdays, Sundays, and legal public holidays after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the Chairman will notify the person making such request of the provisions for judicial review of that determination.

(3) In unusual circumstances, the time limits prescribed in this section may be extended by the Secretary by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice will specify a date that would result in an extension for more than ten working days. "Unusual circumstances" as used in this paragraph means, but only to the extent reasonably necessary to the proper processing of the particular request:

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(4) If the Commission fails to comply with the applicable time limit provisions of this section, the Commission can request the court for additional time to complete its review of the records by showing that exceptional circumstances exist and that it is exercising due diligence in responding to the request.

(5) Any notification of denial of any request for records under this section will set forth the names and titles or positions of each person responsible for the denial of such request.

(6) Upon any determination to comply with a request for records, the records will be made promptly available to such person making such request.

(g) *Procedure in event of subpoena* * * *

* * * * *

B. Section 3.102 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Paragraph (b) is revised to read:

§ 3.102 Public information requests, and assistance; miscellaneous charges.

* * * * *

(b) During the Commission's regular business hours, the public may examine in the Office of Public Information in Washington, D.C., copies of public information filed with the Commission. Pursuant to the competitive advertised procurement procedure of the Federal Power Commission, responsibility for the search and duplication of public documents is contracted out each year, and a new schedule of fees is prescribed. Any person may obtain a copy of the schedule of fees by coming in person to the Office of Public Information, by telephone, or by mail. Where practicable, self-service duplication of requested documents may also be made in the Office on duplicating machines by the person requesting the documents. Where data has been extracted from the Commission's public records on magnetic tape computer files, copies of the tape files may be secured on a reimbursable basis, upon a written request to the Office of Public Information. The fee will vary for each requirement, depending on size and complexity. Documents will be furnished without charge or at a reduced charge where the Secretary determines that waiver or reduction of the fee is in the public interest. Except for requests made by Government agencies certification of copies of any official Commission record shall be accompanied by a fee of $2.00 per document Inquiries and orders may be made to that office personally, by telephone, or by mail.

* * * * *

C. The amendments ordered herein are effective as of February 19, 1975.

D. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4503 Filed 2-18-75;8:45 am]

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Freedom of Information Act Regulations

Part 701, Subpart D of Chapter VI, Title 18 of the Code of Federal Regulations is hereby amended by deleting the current Subpart D entirely and substituting therefor a new Subpart D as shown below. This rulemaking is done by authority of 5 USC 552, as amended by the Freedom of Information Act Amendments of 1974 (the "1974 Amendments") (Pub. L. 93-502, 88 Stat. 1561 (5 USC 552)) and 42 USC 1962d-1.

The Water Resources Council (WRC) regulations implementing the Freedom of Information Act (the "Act") (5 USC 552) were published on pages 40761 and 40762 of the FEDERAL REGISTER of November 20, 1974 (39 FR 40761). On November 21, 1974, the Congress passed over the veto of President Ford a series of Amendments to the Act which go into effect on February 19, 1975. The 1974 Amendments render the current WRC Freedom of Information regulations anachronistic and necessitate extensive revision, which is expedited by the deletion of the current Subpart D and substitution of a new Subpart D that reflects the changes in the Act by the 1974 Amendments. These changes include three provisions whose nature is "substantive" in the sense that they affect what records are subject to compulsory disclosure under the Act, as well as "procedural" provisions affecting how requests for records shall be processed or litigated.

The substantive changes are a revision of the 1st exemption (pertaining to documents classified under an Executive order for reasons of defense or foreign policy), a revision of the 7th exemption (investigating law enforcement records), and a provision on the availability of "reasonably segregable" portions of records from which exempt matter has been deleted. These substantive changes are reflected in § 701.201 of the proposed regulations.

The procedural changes include provisions for: how and to whom requests for information are made (§ 701.202 (a), (b), (c), (d), and (e)); a uniform schedule of fees and when they will or will not be charged (§ 701.203); time limits for initial determinations (§ 701.204), appeals (§ 701.205), and final determinations (§ 701.206), regarding requests for information; administrative extensions of time limits in unusual circumstances (§ 701.207); and judicial extension of time limits in exceptional circumstances (§ 701.208).

As in the previous regulations (§ 701.204), the new § 701.209 encourages WRC river basin commissions and Field Committees to establish procedures for public availability of information consistent with 5 USC 552, as amended, and the new subpart D.

The policy of the WRC with regard to availability of information (previous and new § 701.200) has not changed. WRC records and informational materials are available to the fullest extent possible consistent with the Act and will be promptly furnished to any member of the public.

This subpart is intended to be consistent with, but separate from, the public participation provisions of the Council's principles and standards (38 FR 174) and subsequent implementing procedures.

Notice and public procedure on this amendment are deemed unnecessary and impracticable since they merely conform to the requirements of the 1974 Amendments.

Dated: February 13, 1975.

Effective date: February 19, 1975.

WARREN D. FAIRCHILD, *Director, U.S. Water Resources Council.*

Part 701, Subpart D, of Chapter VI, Title 18 of the Code of Federal Regulations is hereby amended by deleting the current Subpart D entirely and substituting therefor a new Subpart D as set forth below:

Subpart D—Availability of Information

Sec.
701.200 Statement of policy.
701.201 Availability of records and informational materials.
701.202 Procedure for requests for information.
701.203 Schedule of fees.
701.204 Time limits for WRC initial determinations regarding requests for information.
701.205 Time limit for requester to appeal an initial adverse determination.
701.206 Time limits for WRC final determinations regarding requests for information appealed by the requester from an initial adverse determination.
701.207 Extension of time limits for WRC initial and final determinations.
701.208 WRC petition for judicial extension of time.
701.209 River Basin Commissions and Field Committees.

AUTHORITY: 5 U.S.C. 552 as amended by Pub. L. 93-502, 88 Stat. 1561; 42 U.S.C. 1962d-1.

§ 701.200 Statement of policy.

Water Resources Council records and informational materials are available to the fullest extent possible consistent with 5 U.S.C. section 552, as amended, and will be promptly furnished to any member of the public.

§ 701.201 Availability of records and informational materials.

(a) Except for records and materials exempted from disclosure pursuant to paragraph (b) of this section, any person may inspect and copy any document in the possession and custody of the Water Resources Council in accordance with the procedure provided in § 701.202.

(b) The provisions of 5 U.S.C. section 552 which require that agencies make their records available for public inspection and copying do not apply to matters which are:

(1)(a) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (b) are in fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

§ 701.202 Procedure for requests for information.

(a) A member of the public who requests records or materials from the Water Resources Council must provide a reasonable description of the records or materials sought so that such records or materials may be located without undue search or inquiry.

(b) Requests which reasonably describe the records or materials sought should be directed to the Public Infor-

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mation Officer, Water Resources Council, Suite 800, 2120 L Street NW., Washington, D.C. 20037.

(c) To insure that requests for information are processed as expeditiously as possible, all Freedom of Information Act (FOIA) requests should be clearly identified by the requester as such on the envelope and in the letter.

(d) Records or materials will be available for inspection and copying in person during normal business hours or by mail.

(e) Requests for records which originate in or concern matters which originate in another department or agency may be forwarded to the department or agency primarily concerned and the requester so notified.

§ 701.203 Schedule of fees.

(a) The Public Information Officer will to the extent practicable, encourage the widest possible distribution of information by permitting requests for inspection or copies of records or materials to be met without cost to the person making the request.

(b) Fees will be charged in the case of requests which are determined by the Public Information Officer to involve a burden on staff or facilities significantly in excess of that normally accepted by the Council in handling routine requests for information.

(c) In all instances where the Public Information Officer determines that a request for information can be considered as primarily benefiting the general public (despite a § 701.203 determination of burden), such request shall be met either without cost wherever practicable or at a reduced cost to the requester. Any such reduction shall be determined by the Public Information Officer on the basis of the balance between the benefit to the general public and the cost to the Water Resources Council.

(d) Fees shall be limited to recovery of only direct costs of search and duplication but in no event shall the fee for search and duplication exceed $2.50 per half hour, nor shall the fee for copying exceed $0.25 per page (maximum per page dimension of 8x14 inches).

(e) Unless a request for information specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that is expected to involve an assessed fee in excess of $50.00 will not be deemed to have been received until the requester is advised promptly upon physical receipt of the request of the anticipated cost and agrees to bear it.

(f) When anticipated fees exceed $50.00, a deposit for 25% of the amount must be made within 10 days of the notice to the requester of the initial determination.

(g) The Council reserves the right to limit the number of copies of any document that will be provided to any one person.

§ 701.204 Time limits for WRC initial determinations regarding requests for information.

(a) An initial determination to grant or deny each request for information will be made within ten (10) working days of receipt of such request.

(b) The requester shall be notified immediately of the initial determination and the reasons therefor.

(c) The Public Information Officer will make initial determinations to grant requests for information.

(1) In those instances where the initial determination by the Public Information Officer is to grant the request and the information is immediately supplied such action will serve as both notice of determination and compliance with the request.

(2) In those instances where the initial determination by the Public Information Officer is to grant the request, but the information is not immediately available, the Public Information Officer will send immediate notice of the determination to comply, and the approximate date the information will be forwarded.

(d) The Public Information Officer will make initial determination to deny the requests only with the concurrence of the General Counsel. The requester shall be notified immediately of the initial adverse determination, the reasons therefor, and the right to appeal the initial adverse determination to the Director.

§ 701.205 Time limit for requester to appeal an initial adverse determination.

(a) The requester shall have thirty (30) calendar days to file with the Director an appeal from an initial adverse determination. The appeal must be in writing.

(b) The thirty (30) day period of appeal shall run from receipt of the initial adverse determination (in cases of denials of an entire request) and from receipt of any records being made available pursuant to the initial adverse determination (in cases of partial denials).

§ 701.206 Time limit for WRC final determinations regarding requests for information appealed by the requester from an initial adverse determination.

The Director shall make a final determination with respect to any appeal within twenty (20) working days after receipt of such appeal. If the initial adverse determination is in whole or in part upheld by the Director, the requester shall be notified of the final adverse determination and the provisions for judicial review of that determination as stated in the Freedom of Information Act, as amended (see 5 U.S.C. 552(a)(4) et seq.; as amended by Pub. L. 93-502).

§ 701.207 Extension of time limits for WRC initial and final determinations.

(a) In unusual circumstances, as specified in this section, the time limits prescribed in either § 701.203 or § 701.204 may be extended by written notice from the responsible WRC official (i.e., the Public Information Officer in instances of initial requests and the Director in instances of appeals) to the requester setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten (10) working days, and in no event shall the total extended time exceed ten (10) working days with respect to a particular request.

(b) As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

§ 701.208 WRC petition for judicial extension of time.

The provisions of § 701.206 notwithstanding, the Director may petition for judicial extension of time when exceptional circumstances warrant such action.

§ 701.209 River basin commissions and field committees.

(a) River basin commissions established pursuant to Title II of the Water Resources Planning Act are encouraged to establish, pursuant to section 205(c) of that Act, procedures for public availability of information that are consistent with 5 U.S.C. 552, as amended, and this subpart.

(b) Field committees will be governed by the procedures adopted by the lead Federal agency to implement 5 U.S.C. 552, as amended; except that if the lead agency of a field committee is a non-Federal entity, the standards of this subpart shall apply.

(c) Requests for documents and informational materials may be made to the chairmen of the field committees and river basin commissions at the following addresses.

(1) River Basin Commissions:

Great Lakes Basin Commission, P.O. Box 999, Ann Arbor, Michigan 48106;
New England River Basins Commission, 55 Court Street, Boston, Massachusetts 02108;
Ohio River Basin Commission, 36 East 4th Street, Suite 208-220, Cincinnati, Ohio 45202;
Pacific Northwest River Basins Commission, P.O. Box 908, Vancouver, Washington 98660;
Upper Mississippi River Basin Commission, Federal Office Building, Room 510, Fort Snelling, Twin Cities, Minnesota 55111;
Missouri River Basin Commission, 10050 Regency Circle, Suite 403 Omaha, Nebraska 68114.

(2) Field Committees:

Arkansas-White-Red Inter-Agency Committee, Room 4030, Federal Building, Albuquerque, New Mexico 87101;
Pacific Southwest Inter-Agency Committee, 630 Sansome Street, Room 1216, San Francisco, California 94111;
Southeast Basins Inter-Agency Committee, 402 Walton Building, Columbus, Georgia 30303.

[FR Doc.75-4576 Filed 2-18-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 200—PROCEDURES AND FORMS

Freedom of Information Act Regulations

The Railroad Retirement Board has determined that it would be impractical and unnecessary for it to publish an index of all records and documents in its custody. Such an index is maintained by the Railroad Retirement Board at its headquarters and copies of the index may be obtained for a fee equivalent to the costs of reproduction. Requests for such indexes should comply with the form for requests for information as described in § 200.3(h).

Pursuant to the general authority provided by section 7 of the act of October 16, 1974 (88 Stat. 1338; 45 U.S.C. 231f) and by section 12 of the act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), paragraphs (c), (e)(1), (f), (g), and (h) of § 200.3 of 20 CFR Part 200 of the regulations under such acts are revised and paragraphs (i), (j), (k), (l), and (m) are added to such section by Board Order 75-19, dated February 7, 1975, to read:

§ 200.3 Availability of information to public.

. . . . . .

(c) There shall be maintained in the Board's library a current index of the materials referred to in paragraph (a) of this section which will have been issued, adopted, or promulgated subsequent to July 4, 1967. This index shall be available for public inspection and copying at the Board's headquarters offices located at 844 Rush Street, Chicago, Illinois, during the normal business hours of the Board. Copies of the index or any portion thereof may be obtained for a fee equivalent to the costs of reproduction by submitting a written request therefor. Such request should comply with the form for requests as described in paragraph (h) of this section.

. . . . . .

(e) The copies of manuals and instructions made available for public copying and inspection shall not include:

(1) Confidential statements, standards, and instructions which do not affect the public, and

. . . . . .

(f) With the exception of records specifically excluded from disclosure by section 552(b) of Title 5, United States Code, or other applicable statute, any records of or in the custody of this agency, other than those made available under paragraphs (a), (c), and (d) of this section, shall, upon receipt of a written request reasonably describing them, promptly be made available to the person requesting them.

(g) The Chief Executive Officer may charge the person or persons making a request for records under paragraph (f) of this section a fee in an amount not to exceed the costs actually incurred in complying with the request. After February 21, 1975, any such fees charged by the Chief Executive Officer shall be in accordance with the following schedule.

(1) The fee for copies shall be $.10 per copy per page.

(2) The charge for making a manual search for records shall be $6.00 per man hour.

(3) The maximum computer search charge shall be $268.00 per hour ($4.50 per minute).

(4) Any or all fees may be waived or reduced by the Chief Executive Officer whenever he or she determines that it is in the public interest to do so.

(5) All fees shall be paid to the Board's Director of Budget and Fiscal Operations.

(h) Any person or organization requesting records pursuant to this section shall submit such request in writing to the Chief Executive Officer, Railroad Retirement Board, Room 536, 844 Rush Street, Chicago, Illinois 60611. All such requests should be clearly and prominently identified as requests for information under the Freedom of Information Act. If submitted by mail or otherwise submitted in an envelope or other cover, requests should be clearly and prominently identified as such on the envelope or cover.

(i) The Chief Executive Officer, or any other individual specifically authorized to act on behalf of the Chief Executive Officer, shall have the authority to grant or deny a request for information submitted under this section. The Chief Executive Officer or such authorized representative shall, within 10 working days following the receipt of a request, except as provided in subparagraph (1) of paragraph (j) of this section, make a determination granting or denying the request and notify the requester of his or her decision and if a denial, the reasons therefor. The requester shall be further advised that a total or partial denial may be appealed to the Board as provided in paragraph (j) of this section.

(j) In cases where a request for information is denied, in whole or in part, by the Chief Executive Officer or his or her authorized representative, the party who originally made the request may appeal such determination to the Board by filing a written appeal with the Secretary of the Board within 20 working days following receipt of the notice of denial. The Board shall render a decision on an appeal within 20 working days following receipt of the appeal except as provided in subparagraph (1) of this paragraph. The requester shall promptly be notified of the Board's decision and, in cases where the denial is upheld, of the provisions for judicial review of such final administrative decisions.

(1) In unusual circumstances, as enumerated in § 552(a)(6)(B) of Title 5, United States Code, the time restrictions of paragraphs (i) and (j) of this section may be extended in the aggregate by no more than 10 days by notice to the requester of such extension, the reasons therefor, and the date on which a determination is expected to be dispatched.

(2) For purposes of paragraphs (i) and (j) of this section, a request shall be received by the Chief Executive Officer of the Board when it arrives at the Board's headquarters. *Provided, however,* That when the estimated fee to be assessed for a given request exceeds $30.00, such request shall be deemed not to have been received by the Chief Executive Officer until the requester is advised of the estimated cost and agrees to bear it. *Provided further,* That a request which does not fully comply with all the provisions of paragraph (h) of this section shall be deemed to have been received by the Chief Executive Officer on the day it actually reaches his or her office.

(k) Any person in the employ of the Railroad Retirement Board who receives a request for any information, document or record of this agency, or in the custody thereof, shall advise the requester to address such request to the Chief Executive Officer. If the request received is in writing, it shall be immediately referred for action to the Chief Executive Officer.

(l) The Chief Executive Officer shall maintain records of

(1) The total amount of fees collected by this agency pursuant to this section;

(2) The number of initial denials of requests for records made pursuant to this section and the reason for each;

(3) The number of appeals from such denials and the result of each appeal, together with the reason(s) for the action upon each appeal that results in a denial of information;

(4) The name(s) and title(s) or position(s) of each person responsible for each initial denial of records requested and the number of instances of action on a request for information for each such person;

(5) The results of each proceeding conducted pursuant to section 552(a)(4)(F) of Title 5, United States Code, including a report of any disciplinary action against an official or employee who was determined to be primarily responsible for improperly withholding records, or an explanation of why disciplinary action was not taken;

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(6) Every rule made by this agency affecting or in implementation of section 552 of Title 5, United States Code;

(7) The fee schedule for copies of records and documents requested pursuant to this regulation; and

(8) All other information which indicates efforts to administer fully the letter and spirit of section 552 of Title 5, United States Code.

(m) The Board shall, prior to March 1 of each year, prepare and submit a report to the Speaker of the House of Representatives and the President of the Senate covering each of the categories of records maintained in accordance with the foregoing for the preceding calendar year.

Dated: February 12, 1975.

By authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.75-4571 Filed 2-18-75;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER A—GENERAL

[Departmental Reg. 108.711]

PART 6—FREEDOM OF INFORMATION POLICY AND PROCEDURES

Miscellaneous Amendments

In accordance with the 1974 amendments to the Freedom of Information Act 5 U.S.C. 552 (Pub. L. 93-502), the following amendments and revisions are made to Part 6 of Title 22 of the Code of Federal Regulations.

Sec.
6.1 Definitions.
6.2 Availability of records.
6.3 Executive Order 11652.
6.4 Records which may be exempt from disclosure.
6.5 Classified records and information from other agencies.
6.6 Authority to release and certify; authority to withhold records.
6.7 Time limits.
6.8 Appeals.
6.9 Public reading room.
6.10 Manner of requesting records.
6.11 Requests addressed to Foreign Service posts.
6.12 Closing requests.
6.13 Subsequent requests for same records.
6.14 Schedule of fees and method of payment for services rendered.
6.15 Opening of records for nonofficial research.
6.16 Activities of advisory committees.

AUTHORITY: Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111) (22 U.S.C. 2658); E.O. 11652, 37 FR 5209 (5 U.S.C. 552) (Pub. L. 93-502).

As used in this Part, the following definitions shall apply:

§ 6.1 Definitions.

(a) The term "identifiable" means, in the context of a request for a record, a description which reasonably identifies a particular record sought. Such a description, if possible, should include date, format, subject matter, country concerned, office or mission originating or receiving the record, and the name of any person to whom the record is known to relate.

(b) The term "record" includes all books, papers, maps, photographs, or other documentary material, or copies thereof, regardless of physical form or characteristics, made in or received by the Department of State (including Foreign Service posts abroad) and preserved as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Department or the Foreign Service. It does not include copies of the records of other Government agencies (except those which have been expressly placed under the control of the Department of State upon termination of another agency), foreign governments, international organizations, or non-governmental entities unless they evidence organization, functions, policies, decisions, procedures, operations, or activities of the Department of State. It does not include records in the Berlin Document Center.

§ 6.2 Availability of records.

(a) All identifiable records of the Department of State shall be made available to the public upon compliance with the procedures established in this Part, except to the extent that a determination is made to withhold a record exemptable under 5 U.S.C. 552(b). That determination shall be made in accordance with § 6.6(b).

(b) Unclassified information, documents, and forms which have previously been provided to the public as part of the normal services of the Department of State will continue to be made available on the same basis as before. Any Departmental officer who receives a request for records through normal channels of contact with the public, media, or the Congress which would not normally be made available shall advise the requester that, if the requester so wishes, the request will be referred to the Director, Freedom of Information Staff, Bureau of Public Affairs (hereinafter the FOI Director). If the Departmental officer has reason to believe that the request is intended to be one under the Freedom of Information Act (see § 6.10), the officer shall refer it immediately to the FOI Director and so advise the requester.

§ 6.3 Executive Order 11652.

A request for classification review under Executive Order 11652 (37 FR 5209) which is identified as specifically and exclusively so intended will be processed in accordance with that Order and the implementing National Security Council Directive (37 FR 10053).

§ 6.4 Records which may be exempt from disclosure.

(a) The following categories of records maintained by the Department of State may be exempted from disclosure:

(1) Records specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such executive order.

(2) Records related solely to the internal personnel rules and practices of an agency.

(3) Records specifically exempted from disclosure by statute, included in this category are records relating to the officers and employees of the Foreign Service, including efficiency records (§ 612 of the Foreign Service Act of 1946, as amended, 22 U.S.C. 986), the records of the Department of State or of diplomatic and consular officers of the United States pertaining to the issuance or refusal of visas or permits to enter the United States (§ 222(f) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1202(f)), "Restricted Data" under section 224 of the Atomic Energy Act (42 U.S.C. 2274), and records subject to section 102(d) of the National Security Act of 1947 (61 Stat. 498).

(4) Records of trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(5) Records which are inter-agency or intra-agency memorandums, letters, telegrams, or airgrams which would not be available by law to a party other than an agency in litigation with the agency.

(6) Records such as personnel and medical files and similar files the public disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would: (i) Interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication; (iii) constitute an unwarranted invasion of personal privacy; (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (v) disclose investigative techniques and procedures; or (vi) endanger the life or physical safety of law enforcement personnel.

(8) Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Geological or geophysical information and data, including maps, concerning wells.

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under paragraph (a) of this section. Normally a portion of a record shall be considered reasonably segregable when segregation can produce an intelligible record which is not distorted out of context and does not contradict the record being withheld.

§ 6.5 Classified records and information from other agencies.

(a) The applicability of the exemption for classified information (§ 6.4(a)(1))

requires a determination that the record in question is specifically authorized under the criteria established by Executive Order 11652 to be kept classified and is in fact properly classified pursuant to that order. This determination shall be made whenever possible before the initial denial under § 6.6(b). It must in any case be made prior to the decision of an appeal under § 6.8. No denial should be based solely on the existence of a classification marking on the record, and there shall be a substantive review of the validity of the classification to the maximum extent feasible within the time limits for a denial under § 6.7.

(b) When a request for a Departmental record encompasses classified information originated by another department or agency, the request for that information shall be referred to the originator. The requester should be advised of the date and the addressee of the referral. Classified information involving intelligence sources and methods is subject to the control of the Director, Central Intelligence Agency; FBI information (whether or not classified) is subject to the control of the FBI; "Restricted Data" is subject to the control of the Energy Research and Development Administration or the Nuclear Regulatory Commission, as the case may be; and National Security Council documents are subject to the control of the Council. The Bureau of Intelligence and Research shall be consulted on records which appear to be in the first category; the Office of Security shall be consulted on records which appear to be in the second category; and the Executive Secretariat of the Department shall be consulted on records which appear to be in the last category.

(c) Requests for documents of other departments or agencies in the files of the Department of State which are not records of the Department (such as FBI reports) shall be referred to the appropriate department or agency whether or not classified. The requester shall be advised of the date and the addressee of the referral.

§ 6.6 Authority to release and certify; authority to withhold records.

(a) Except as provided in § 6.15, the FOI Director is authorized to furnish copies of any record requested under these regulations which is not the subject of a denial letter under paragraph (b) of this section, and this authority shall include the authority to declassify any such record. The FOI Director is also authorized upon request to provide certified copies of any such record in accordance with Part 131 of this Chapter. In order to determine whether a record requested under this Part may be furnished, the FOI Director shall refer the request to the bureau, office, or other unit of the Department of State which he believes has primary responsibility, normally the originating office, or, in the case of documents originated elsewhere, the office with action responsibility for that document. If the office to which the request is referred does not accept responsibility, it shall immediately inform the FOI Director which Departmental office should have responsibility. The office which recommends referral to another office is required to send the request by hand, if possible, to that office. Whichever office accepts responsibility shall examine the requested record and, in consultation with the Assistant Legal Adviser designated to provide legal advice to the responsible office, determine which, if any, of the exemptions in § 6.4(a) are applicable and determine whether to claim an applicable exemption. If there is no applicable exemption, or it is determined not to exercise an exemption, the responsible office shall advise the FOI Director, who will, in turn, so advise the requester of the record and be responsible for collection of any fees and release of the record.

(b) If the responsible office believes that one or more exemptions is applicable and should be exercised, it shall so advise the FOI Director immediately. The responsible office shall also complete whatever coordination within the Department or with other departments or agencies is required under normal Departmental practice. After informing the FOI Director of its intention to recommend denial of a requested record, the responsible office shall send its recommendation in writing to the designated Freedom of Information officers of the bureau with supervisory responsibility over the responsible office. (The designated Freedom of Information Officer shall be at the Deputy Assistant Secretary level or equivalent rank.) The designated Freedom of Information Officer shall consult with the FOI Director before making his decision on the recommendation to deny a record. If the Freedom of Information Officer decides to deny a record requested under this Part, he shall directly advise the requester in writing. This shall be considered the initial denial by the Department of State, and the initial denial letter must be sent within 10 working days from the date actually received by the FOI Director, unless the FOI Director grants an extension of time under § 6.7(b). The denial letter shall state that the denial may be appealed to the Council on Classification Policy, the exemption or exemptions claimed, and the reason for doing so; it shall also enclose a copy of the regulation on appeals (§ 6.8). If a request is denied in whole or part but the responsible office is prepared to give further consideration to release of the requested record, the letter shall also state this fact and indicate the date by which this further consideration is expected to be completed. Whenever it is not possible to complete substantive review of the classification of classified records within the time allocated by the FOI Director, the letter should so state and indicate that this review is continuing and when it will be completed. If the designated Freedom of Information Officer decides that the requested record will not be denied, he shall so inform the FOI Director; this decision must be made also within the time allocated by the FOI Director.

§ 6.7 Time limits.

(a) An initial denial under § 6.6(b) shall be made within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of a request for a record under this Part by the FOI Director. An appeal under § 6.8 shall be decided within 20 days (excepting Saturdays, Sundays and legal public holidays) after the receipt of such an appeal by the Assistant Secretary of State for Public Affairs.

(b) In unusual circumstances as specified in this paragraph, the FOI Director may extend the time limits in paragraph (a) by written notice to the person requesting a record under this Part, which notice shall set forth the reasons for such extension and the date on which a determination or appeal decision is expected to be dispatched. No such notice shall specify a date which would result in an extension of either the initial determination period, or the appeal period, or both, for a total of more than 10 working days. As used in this paragraph "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(1) The need to search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Department of State having substantial subject matter interest therein.

(c) Where the responsible office believes that further consideration of a request may result in the release of additional records or portions thereof, the expiration of the time period allocated by the FOI Director does not require the termination of that consideration, and it should be continued with a view to maximum disclosure of requested records within a reasonable period of time.

§ 6.8 Appeals.

(a) Review of an initial denial under § 6.6(b) may be requested by the person who submitted the original request for a record. The review (hereinafter the appeal) must be requested in writing within 60 days of the date that the requester is informed either: (1) that the request is denied completely, or (2) that all records which are being furnished in response to his request have been released and he has been so informed.

(b) The appeal must be sent by certified mail to the Assistant Secretary of State for Public Affairs, Chairman, Council on Classification Policy, Department of State, Washington, D.C. 20520. The time for decision on appeal begins on the date the appeal is actually received in

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the Office of the Assistant Secretary. The request shall include a statement of the circumstances, reasons, or arguments advanced for insistence upon disclosure of the originally requested record and a copy of the initial denial letter.

(c) The Council on Classification Policy shall decide the appeal; there shall be a written record of the reasons for the decision and the views of each member. The decision shall be communicated in writing to the requester by a letter from the Assistant Secretary for Public Affairs. If the decision is to withhold, the letter shall identify the exemption or exemptions exercised under § 6.4, the reason, and, if the Council is prepared to give further consideration notwithstanding expiration of the time allocated for decision, the letter shall so state and indicate when that consideration is expected to be completed.

§ 6.9 Public reading room.

A public reading room or area where records may be made available is located in the Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The receptionist will refer the applicant to the proper room. Fees will not be charged for access by the public to this room or the records contained therein, but fees, in accordance with § 6.14, will be charged for furnishing copies thereof. The Assistant Secretary of State for Public Affairs, in his or her discretion, may authorize persons to utilize their own portable copying equipment. Any arrangements for the use of such equipment must be consistent with security regulations of the Department of State and are subject to the availability of personnel to monitor such copying.

§ 6.10 Manner of requesting records.

(a) Identifiable records may be requested by the public in person from 10 a.m. to 4 p.m., Department of State, 2201 C Street, N.W., Washington, D.C., where the receptionist will refer the applicant to the proper office for service and the necessary forms for making a request. Requests by mail and referrals from other agencies should be addressed to the Director, Freedom of Information Staff, Bureau of Public Affairs, Department of State, Washington, D.C. 20520.

(b) A request will not be considered as a request under this Part until actually received by the FOI Director either under paragraph (a) of this section or by referral under § 6.2(b) or § 6.11.

(c) Original or record copies of records will not be permitted to leave the custody of the lawful custodian thereof. Copies, duly certified upon request, will be furnished in lieu thereof in accordance with established fees.

(d) The burden of adequately identifying the record so requested lies with the requesting person. Such person may seek appropriate assistance from the FOI Director or a member of his or her staff, in identifying the record sought.

§ 6.11 Requests addressed to Foreign Service posts.

As indicated in § 6.10(b), requests for records will not be considered under this Part until actually received by the FOI Director. This is true of requests addressed directly to overseas posts of the Department and Foreign Service. Accordingly, any such post receiving a request for records which it has reason to believe is intended to be a request under this Part shall send that request by the fastest means available to the FOI Director and shall so inform the requester. In the case of a request for a record which is available only at that post, the post shall forward a copy of the requested record, together with its recommendation and a copy of the request, to the FOI Director. The post may submit its recommendations in any case and, in that event, shall do so as soon as possible. A post receiving such a request, however, may review the requested record and, if it is unclassified and the post believes it should be released, the post may forward the record to the requester on its own authority and so advise the FOI Director.

§ 6.12 Closing requests.

(a) The FOI Director is authorized to consider a request closed if, within 60 working days after he has sent a letter to a requester advising the latter either of a complete denial or that some or all of the requested records have been released and are available upon payment of fees, the requester fails to respond.

(b) The Assistant Secretary of State for Public Affairs is authorized to refuse to initiate a search for records requested by any person who has previously made a request under this Part and who, upon being informed by letter that some or all of the requested records are available and the fees for services performed, refused to pay or failed to respond within 60 working days from the date of the letter.

§ 6.13 Subsequent requests for same records.

When, pursuant to request under this Part, records are released to any person, any other person subsequently requesting the same records will also receive the records unless there would be an unwarranted invasion of privacy as to one but not to the other. In such cases, search costs for subsequent requests would normally be minimal.

§ 6.14 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this part:

(1) Searching for records, per hour or fraction thereof	$5.00
(2) Other facilitative services and index assistance—minimum charge, per hour or fraction thereof	5.00
hour or fraction thereof	5.00
(3) Copies made by photostat or otherwise (per page) maximum of 5 copies will be provided	0.10
(4) Certification of each record as a true copy	1.00
(5) Certification of each record as a true copy under official seal	1.50
(6) For each signed statement of negative result of search for record	1.00
(7) For each signed statement of non-availability of record—no fee	
(8) Duplication of architectural photographs and drawings	2.00

(b) If records requested under this Part are stored elsewhere than the headquarters of the Department of State at 2201 C Street NW., Washington, D.C., the special costs of returning such records to the headquarters shall be included in the search costs. These costs will be computed at the actual cost of transportation of either a person or the requested record between the place where the record is stored and Departmental headquarters when, for time or other reasons, it is not feasible to rely on Government mail service or diplomatic pouch. The most economical means of transportation available and consistent with the purpose of incurring special costs shall be utilized. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Department determines that a record which has been requested, but which is exempt from disclosure under this Part, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Departmental personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Department until a reply is received from the requester.

(d) The Assistant Secretary of State for Public Affairs, or an officer designated by the Assistant Secretary, may waive all or part of any fee provided for in this section when the Assistant Secretary or the designated officer considers it appropriate to do so.

(e) Fees for services performed other than under this Part, as described in § 6.2(b), will be charged in accordance with Parts 21 and 22 of this chapter.

(f) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or size or type thereof, the Assistant Secretary for Public Affairs is authorized to establish a appropriate fee, pursuant to the criteria established in Bureau of Budget Circular No. A-25, entitled "User Charges."

(g) Fees must be paid in full prior to issuance of requested copies.

(h) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Director, Freedom of Information Staff, Bureau of Public Affairs, Department of State, Washington, D.C. 20520. The Department will assume no responsibility for cash which is lost in the mail.

(i) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(j) Notwithstanding the foregoing, materials may be furnished without charge to foreign governments, other governmental agencies or units, nonprofit educational organizations, or any other applicant whenever the Assistant Secretary for Public Affairs determines that such action would further the performance of the functions of the Department of State.

§ 6.15 Opening of records for nonofficial research.

(a) General policy. The Department will open its records on an equitable basis to all individuals engaged in nonofficial research as soon as such action may be taken without adversely affecting the national security, the maintenance of friendly relations with other nations, and the efficient operation of the Department. The opening of departmental records to nonofficial researchers will ordinarily not take place until after the records have been transferred to the custody of the National Archives and Records Service. The opening of records for nonofficial research will generally take place on the basis of large blocks of records defined by years and/or major subject categories.

(b) Open records. (1) The records of the Department, with the exceptions stated in subparagraph (2) of this paragraph, shall be automatically declassified and opened to research when such records are 30 years old. The records for an entire year shall be opened normally on the first of January each year.

(2) Certain categories of records falling within the exemptions and specified in § 6.4 and requiring continuing protection under Executive Order 11652 or otherwise, as defined in restriction statements issued by the National Archives and Records Service, are not open for unofficial research purposes until they are 50 or 75 years old.

(3) When, in the opinion of the Director of the Historical Office, it is administratively feasible and consistent with the national security to open blocks of records less than 30 years old, he shall so recommend to the Council on Classification Policy. On approval by the Council, such records shall be declassified and treated administratively as if they were open records as defined in subparagraph (1) of this paragraph, except that classified papers which have been identified as requiring special handling shall not be opened to researchers until they are declassified either by specific action of the Department in each case or by the automatic declassification after 30 years, as provided for in subparagraph (1) of this paragraph.

(c) Restricted records. (1) Records of the Department other than those declassified and opened in accordance with procedures set forth above are not available to access by nonofficial researchers except to the limited extent that may be permitted under §§ 9.22 and 9.25 of this chapter.

(2) Nothing in this subsection affects the rights of persons to request and to receive copies of identifiable foreign policy documents of any age, unclassified or declassified, in accordance with the procedures set forth in §§ 6.1 through 6.14.

(d) Information on administration of this section. Correspondence with regard to open records of the Department should be addressed to the Chief, Diplomatic Branch, Civil Records Division, National Archives and Record Service, Washington, D.C. 20400. Correspondence with regard to the availability of other records of the Department under this section should be addressed to the Director, Historical Office, Bureau of Public Affairs, Department of State, Washington, D.C. 20520.

§ 6.16 Activities of advisory committees.

Any determination under section 10 (d) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) that activities of an advisory committee are concerned with matters listed in section 552(b) of Title 5 of the United States Code and that the Public interest requires such activities to be withheld from disclosure shall be made by the Deputy Under Secretary for Management. This determination shall be in writing and is final.

Public notice. In view of the imminence of the present compliance date, and since these amendments relate to Departmental organization, procedure and practices, notice and public procedure thereon (except with respect to § 6.14) are found impractical and unnecessary, and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER. On January 13, 1975 (40 FR 2443), the Department published in the FEDERAL REGISTER a "notice of proposed rulemaking with respect to Freedom of Information Fees". Public comments have been received and carefully considered, and the regulation (then § 6.8) described in that notice, subject only to a change in paragraph (b) to more specifically describe fees for special costs, is set forth above as § 6.14. Public comment is invited for consideration in connection with possible further amendments. Such comments may be addressed to the Assistant Legal Adviser for Management, Department of State, Washington, D.C. 20520. Any comments received on or before March 21, 1975, will be considered; comments received after that time may be considered.

Effective date. These amendments are effective February 19, 1975.

Amendments to 22 CFR 6 (Departmental Regulation 108.698) published in the FEDERAL REGISTER on April 22, 1974 (39 FR 14195) are cancelled.

Dated: February 13, 1975.

For the Secretary of State,

LAWRENCE S. EAGLEBURGER,
Acting Deputy Under Secretary for Management.

[FR Doc.75-4587 Filed 2-18-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY

[Docket No. R-75-194]

PART 15—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Interim Rule

The Department of Housing and Urban Development is amending Part 15 of Subtitle A of Title 24 of the Code of Federal Regulations in order to effectuate the amendments to section 552 of Title 5, United States Code, known as the Freedom of Information Act, enacted November 21, 1974, as Public Law 93-502.

Section 15.21(a) (7) is revised and expanded to specifically recite those classes of investigatory records compiled for law enforcement purposes production of which is exempted. This revision follows the express wording of section 2(b) of the statute.

In accordance with section 2(c) of the statute, § 15.21(b) expressly states the Department's presently implicit policy of providing reasonably segregable portions of a record after deletion of exempt portions.

In addition, certain time limits have been decreased and other proposed technical changes are set forth principally to comply with the new statutory requirements.

The public interest dictates that these amendments be made effective as soon as possible and, therefore, are being issued as an interim rule which will become effective on February 19, 1975, the effective date of Public Law 93-502. However, interested persons are invited to submit such written relevant comments or suggestions as they may desire. Communications should be filed, using the above docket number and title, with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant material received on or before April 4, 1975, will be considered by the Secretary before adoption of a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

It should be noted that the Department has presently in effect a uniform schedule of fees for document search and duplication (24 CFR 15.14). It is intended that this fee schedule remain in effect unchanged.

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Part 15 is amended as follows:

1. In § 15.1 the first sentences of paragraphs (a) and (d) are revised to read as follows:

§ 15.1 **Definitions.**

As used in this Part—

(a) "Act" means section 552 of Title 5, United States Code, as amended by Public Law 90–23, 81 Stat. 54, June 5, 1967, and Public Law 93–502, 88 Stat. 1561, November 21, 1974. • • •

• • • • • •

(d) "Organizational unit" means any one of the several offices, staffs, divisions, or administrations of the Department including the Government National Mortgage Association (GNMA), the Federal Insurance Administration (FIA), the Office of Interstate Land Sales Registration, the Community Development Corporation, and the Federal Disaster Assistance Administration. • • •

• • • • • •

§ 15.3 [Amended]

2. The second sentence of § 15.3 is deleted.

3. Section 15.12(c) is revised to read as follows:

§ 15.12 **Materials not published in Federal Register.**

• • • • • •

(c) The Department shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this section to be made available or published. The Department shall promptly publish, quarterly and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable, in which case the Department shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.

4. Section 15.13 is amended by revising the heading and by revising paragraph (b) as follows:

§ 15.13 **Records produced upon request when reasonably described.**

• • • • • •

(b) When a request is made which reasonably describes a record of the Department which has been stored in the National Archives or other record centers of the General Services Administration, such record will be requested by the Department if it otherwise would be available under this part.

• • • • • •

5. Section 15.14 is amended by adding an undesignated paragraph at the end to read as follows:

§ 15.14 **Schedule of fees.**

• • • • • •

Records shall be furnished without charge or at a reduced charge where the Department determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

6. Section 15.21 is amended by revising paragraphs (a)(1) and (a)(7) and by adding a new paragraph (b) as follows:

§ 15.21 **Exemptions authorized by 5 U.S.C. 552.**

• • • • • •

(a) • • •

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

• • • • • •

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel.

• • • • • •

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this section.

7. In § 15.31 paragraph (b) is revised to read as follows:

§ 15.31 **Information centers.**

• • • • • •

(b) The Department also maintains an information center—

(1) In each of its Regional Offices as follows:

Region I (Boston)—Room 800, John F. Kennedy Building, Boston, Mass. 02203.
Region II (New York)—26 Federal Plaza, Room 3541, New York, N.Y. 10007.
Region III (Philadelphia)—Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
Region IV (Atlanta)—Room 211, Pershing Point Plaza, 1371 Peachtree Street NE., Atlanta, Georgia 30309.
Region V (Chicago—300 South Wacker Drive, Chicago, Illinois 60606.
Region VI (Dallas)—Room 1402, Earle Cabell Federal Building. U.S. Courthouse, 1100 Commerce Street, Dallas, Texas 75202.
Region VII (Kansas City)—Federal Office Building, Room 300, 911 Walnut Street, Kansas City, Missouri 64106.
Region VIII (Denver)—Federal Building, 1961 Stout Street, Denver, Colorado 80202.
Region IX (San Francisco)—450 Golden Gate Avenue Post Office Box 36003, San Francisco, California 94102.
Region X (Seattle)—Arcade Plaza Building, 1321 Second Avenue, Seattle, Wash. 98101.

(2) With respect to the mortgage loan activities of GNMA, in each FNMA Regional Office as follows:

5 Penn Center Plaza, Philadelphia, PA 19103.
100 Peachtree Street NW., Atlanta, GA 30303. 30303.
150 South Wacker Drive, Chicago, IL 60606.
2001 Bryan Tower, Suite 1200, Dallas, TX 75201.
3435 Wilshire Boulevard, Los Angeles, CA 90010.

• • • • • •

8. Section 15.41 is revised to read as follows:

§ 15.41 **Requests for records.**

(a) Requests for copies of records may be made in person during normal business hours at information centers listed in § 15.31 or by mail addressed to such centers. Although oral requests may be honored, a requester may be asked to submit his request in writing.

(b) Each request must reasonably describe the desired record including the name, subject matter, and number or date, where possible, so that the record may be identified and located. In order to enable the Department to comply with the time limitations set forth in § 15.42, the envelope containing a written request and the letter itself should both clearly indicate that the subject is a Freedom of Information Act request.

(c) The request shall be accompanied by the fee or an offer to pay the fee as determined pursuant to § 15.14. At its discretion, the Department may refuse to furnish records prior to receipt of the required fee.

(d) Copies of available records shall be made as promptly as possible. Copying service shall be limited to not more than 10 copies of any single page. Records which are published or available for sale need not be reproduced.

9. A new § 15.42 is added to Subpart E as follows:

§ 15.42 **Time limitations.**

(a) Upon receipt of a request for records, the head of the appropriate organizational unit shall determine within ten days (excepting Saturdays, Sundays, and legal public holidays) whether to comply with such request and shall immediately notify in writing the requester of such determination and the reasons therefor and of the right of such person to request a review by the Secretary of any adverse determination.

(b) When a request for records is misdirected by the requester, the Department official receiving same shall promptly refer it to the head of the appropriate organizational unit and advise the requester that time of receipt for processing purposes will be the time when it is received by the appropriate official.

(c) A determination with respect to a request for review by the Secretary pursuant to § 15.61 shall be made within twenty days after receipt (excepting Saturdays, Sundays, and legal public holidays) and shall be immediately communicated to the person requesting review.

(d) Upon any determination to comply with a request for records, the records shall be made promptly available to the requester.

(e) In unusual circumstances as specified in this paragraph, and subject to the concurrence of the General Counsel, the time limits prescribed in either paragraph (a) or (c) may be extended by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this paragraph, "unusual circumstances" means (but only to the extent necessary to the proper processing of the particular request) that there is a need:

(1) to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more organizational units of the Department having a substantial interest in the subject matter of the request.

10. The second sentence in § 15.52 is revised to read as follows:

§ 15.52 **Authority to deny requests for records.**

• • • Any denial shall be made in writing, contain a simple statement of reasons for the denial, state that a review of the denial may be requested, set forth the steps for obtaining that review in accordance with § 15.61, and shall be signed by the official responsible for such denial. • • •

11. In § 15.61 paragraph (b) is revised to read as follows:

§ 15.61 **Administrative review.**

• • • • • •

(b) The decision after review will be in writing, will constitute final action of the Department on the request, and, if the denial of the request for records is in whole or in part upheld, the decision shall notify the person making the request of his right to seek judicial review under 5 U.S.C. 552(a)(4).

(5 U.S.C. 552 and sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); and Public Law 93–502, 88 Stat. 1561)

Effective date. These amendments shall be effective February 19, 1975.

JAMES L. MITCHELL,
Acting Secretary of Housing and Urban Development.

[FR Doc.75–4594 Filed 2–18–75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 596–75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Freedom of Information Act Requests Procedure and Policy

NOTE: This document is reprinted from the FEDERAL REGISTER of Wednesday, February 12, 1975 (40 FR 6494).

These amendments revise Department of Justice regulations in the light of past experience under the Freedom of Information Act and conform the regulations to the requirements of the Act as amended by Pub. L. 93–502, 88 Stat. 1561. On 13 January 1975, the Department published in the FEDERAL REGISTER (40 FR 2443) proposed fee regulations and that subject is therefore not covered by these amendments.

Present system. The present system of processing Freedom of Information requests furnishes the framework on which the amendments build. Under existing regulations requests for records are sent to the Deputy Attorney General (except that requests for records of the Immigration and Naturalization Service, the Bureau of Prisons, and the Board of Immigration Appeals are sent directly to those divisions). The Deputy Attorney General then sends the requests to the division which has primary concern with the records requested. (The term "division" includes all divisions, bureaus, offices, services, administrations, and boards of the Department, the Pardon Attorney, and Federal Prisons Industries except as otherwise provided.) That division then responds by either granting the request, denying it, or granting and denying it in part. There is a ten-day period for this initial response, with provision for extension of time. The Deputy Attorney General is specifically charged with insuring timely response and may be petitioned when a request is not answered within the applicable time limit.

Denials of initial requests may be appealed to the Attorney General within thirty days of receipt by the requester. The Attorney General then has twenty days to act on the appeal unless the time is extended. The Deputy Attorney General maintains files on all requests for information (except for requests directed to the Immigration and Naturalization Service, the Bureau of Prisons, and the Board of Immigration Appeals), and on all appeals. There is a provision for classification review of national security information more than ten years old.

Amended regulations. Discussed below are the major changes made by these amendments. There are additional minor changes, not discussed, which are either necessary under the amended Act, or are desirable in light of the experience of the Department with the present regulations.

The amended regulations establish in the Office of the Deputy Attorney General a new unit, designated the Freedom of Information Appeals Unit, which will assist the Attorney General in processing administrative appeals of initial denials of requests under the Freedom of Information Act. This assistance was formerly provided by the Office of Legal Counsel. The organizational location of this new unit is consistent with the overall responsibility of the Deputy Attorney General to supervise the processing of Freedom of Information requests. The Office of Legal Counsel will continue to process appeals in cases where the Deputy Attorney General has participated in the initial denial, and will continue its function of providing requested guidance to all divisions of the Department on difficult issues of law associated with Freedom of Information requests.

The amended regulations, while maintaining the same general system as presently exists, establish more specific requirements for the making and processing of requests. Most of these requirements are intended to insure compliance with the new time limits imposed by the amendments to the Act. Thus, the amended regulations require that requests under the Act be clearly marked, so as to enable prompt processing by the Department. The burden of forwarding misdirected requests to the appropriate office ordinarily the Office of the Deputy Attorney General) is placed on Department personnel; but time limits do not commence to run on such requests until they have been so delivered or, with the exercise of due diligence, should have been.

The amended regulations make clear that authority to deny a request lies only in the division head unless otherwise specified by regulation. Allowing delegation of this authority by regulation permits divisions with widely scattered components to decentralize the initial decision authority in order to meet the time limits of the Act.

Authority to extend (in increments of five working days) is limited to division heads. It was felt that limiting this authority still further—to the Attorney General and the Deputy Attorney General—would entail more delay than the time limits of the Act permit, while placing the authority in officials lower than division heads would not be consistent with the strict control that is necessary. This procedure may result in the use of the entire ten-day extension time at the division level, but in view of the shorter standard period available at that level this appears to be the most appropriate policy. Where the extension authority is abused, the Deputy Attorney General may remove it.

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The Office of the Deputy Attorney General is required to keep records of all time extensions taken. This serves the dual purpose of insuring that time requirements are met and of monitoring extensions so that the ten-day extension limit in the Act is not exceeded.

The amended regulations provide that when the time for initial reply, including any extensions, has expired and no determination has been made, the requester must be informed that he may deem this a denial and appeal to the Attorney General. This provision assures the preservation of the twenty-day period alloted to the Attorney General for appeals. In cases of unavoidable delay such as that occasioned by requests for voluminous records, a requester may be asked to defer appeal so long as the division is making diligent efforts to process the request. When a requester who accepts such a disposition believes that a division is not making diligent efforts, immediate appeal to the Attorney General provides the opportunity for relief. For this reason, provisions in the present regulations allowing petition to the Deputy Attorney General to complain of delay are eliminated as unnecessary.

The section on responses by the divisions is amended to require the letter denying a request to include the name and title or position of the person responsible for the denial. This person would be the division head or other person authorized by regulation to issue final denials. It is possible, however, that a person from another agency or division may share that status—under the regulations and the Act—if the denial is made at the instance of that person, out of regard for the primary interest or expertise of his agency or division, and with notice to him that his judgment will be relied on.

Two new paragraphs are added to the section dealing with appeals to the Attorney General, covering extensions of time and the handling of appeals where the time limits have been exhausted. In the latter case the requester will be informed of his right to treat the failure to complete administrative review as an exhaustion of administrative remedies, enabling immediate suit for judicial review. He will also be advised, however, of the reason for the delay and of the date by which a response may be expected. When the delay is unavoidable, it is anticipated the requester will avoid unnecessary litigation expenses by foregoing judicial review until the Department completes processing of the request, since a court may and presumably would grant an extension in such circumstances. No appeal to the Attorney General is provided with respect to denials by the Special Prosecutor, who is authorized, if he wishes, to establish an appeals procedure within his Office.

Extensive changes are made in Department procedures regarding the processing of requests for classified records. The present regulations provide for classification review of records only when they are over ten years old. The amended regulations require that in all cases of requests for records classified pursuant to Executive Order 11652 or its predecessors, the Department must review the information to determine if it continues to warrant classification. This requirement applies whenever classified matter is requested, even if other exemptions are also to be asserted. Because under Executive Order 11652 national security material can ordinarily be declassified only by the originating agency, documents classified by another agency are to be treated as records of that agency for purposes of FOIA decisionmaking authority; requests pertaining to such documents are to be referred to such agency for disposition (not only as to the classified information exemption but as to all other exemptions which might be asserted); the requester is to be informed that this referral has occurred and that he may expect a reply from that other agency.

The Appeals Unit will refer classified material included in an appeal to the Attorney General to the Departmental Review Committee, established under part 17 of chapter I. The Committee will complete its review in ten working days unless that time is extended by the Deputy Attorney General.

Because the amendments pertain to matters of procedure and policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. In addition, since many of these changes are necessary to achieve compliance with the amendments to the Freedom of Information Act (5 U.S.C. 552) which become effective on February 19, 1975, there is not sufficient time to receive and evaluate public comment. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments on these amendments to the Office of Legal Counsel, Department of Justice, Washington, D.C. 20530, no later than March 19, 1975. Comments should identify this order (596–75). Arrangements to inspect copies of written comments may be made by calling the Office of Robert Saloschin, Chairman, Freedom of Information Committee, Department of Justice at 202–739–2069. All comments received in this manner will be evaluated and acted upon in the same manner as if this document were a proposal.

In consideration of the above, Title 28, chapter I, parts 0 and 16 are amended as set forth below.

Effective date. These amendments become effective on February 19, 1975.

EDWARD H. LEVI,
Attorney General.

1. Section 0.18 is added to read as follows:

§ 0.18 Freedom of Information Appeals Unit.

The Freedom of Information Appeals Unit is established in the Office of the Deputy Attorney General, under the supervision of the Deputy Attorney General, to assist the Attorney General in acting on Freedom of Information appeals under § 16.7 of this chapter, except that in the case of appeals from initial decisions in which the Deputy Attorney participated this assistance shall be provided by the Office of Legal Counsel.

2. The last sentence of § 16.2 is revised to read as follows:

§ 16.2 Public reference facilities.

* * * * *

Each of these public reference facilities will maintain, make available for public inspection and copying, and publish quarterly (unless the applicable division determines by order published in the Federal Register that the publication would be unnecessary or impracticable), a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a)(2).

3. Section 16.3 is amended by revoking paragraph (e) and by revising paragraphs (a), (b) and (d) as follows:

§ 16.3 Requests for identifiable records and copies.

(a) *How made and addressed.* A request for a record of the Department which is not customarily made available and which is not available in a public reference facility as described in § 16.2, shall be made in writing, with the envelope and the letter clearly marked "FREEDOM OF INFORMATION REQUEST" or "INFORMATION REQUEST." All such requests shall be addressed to the Deputy Attorney General, Department of Justice, Washington, D.C. 20530, except that requests for records of the following divisions shall be addressed as follows:

Bureau of Prisons (including Federal Prison Industries)—Director, Bureau of Prisons, 320 First Street NW., Washington, D.C. 20534.

Board of Immigration Appeals—Chairman, Board of Immigration Appeals, Department of Justice, Washington, D.C. 20530.

Law Enforcement Assistance Administration—Administrator, Law Enforcement Assistance Administration, 633 Indiana Ave. NW., Washington, D.C. 20531.

Immigration and Naturalization Service—As set forth in 8 CFR Part 103.

Any request for information not marked and addressed as specified in this paragraph will be so marked by Department personnel as soon as it is properly identified, and forwarded immediately to the appropriate office as specified above. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in 5 U.S.C. 552(a)(6)(A)(i) until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Department personnel. On receipt of an improperly addressed request forwarded as set forth above to the appropriate office, such office shall notify the requester of the date on which the time period commenced to run.

(b) *Request should reasonably describe the records sought.* A request for access to records should sufficiently identify the records requested to enable Department personnel to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, the court and its location should be identified.

* * * * *

(d) *Categorical Requests*—(1) *Records must be reasonably described.* A request for all records falling within a reasonably specific category shall be regarded as conforming to the requirement that records be reasonably described if it enables the records requested to be identified by any process that is not unreasonably burdensome or disruptive of Department operations.

(2) *Assistance in reformulating nonconforming requests.* If it is determined that a request does not reasonably describe the records sought, as specified in paragraph (d)(1) of this section, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of paragraph (d)(1) of this section and shall extend to the requester an opportunity to confer with Department personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requester and the requirements of paragraph (d)(1) of this section.

(e) [Revoked]

4. Section 16.4 is revised to read as follows:

§ 16.4 Requests referred to division primarily concerned.

(a) *Referral to responsible division.* The Deputy Attorney General shall, promptly upon receipt of a request for Department records, forward the request to the division of the Department which has primary concern with the records requested. As used in this subpart, the term "division" includes all divisions, bureaus, offices, services, administrations, and boards of the Department, the Pardon Attorney and Federal Prison Industries, except as otherwise expressly provided. As used in this subpart, the term "responsible division" means, with respect to a particular request, the division to which the Deputy Attorney General forwards the request pursuant to this paragraph or, if the request is not one which is to be addressed to the Deputy Attorney General under § 16.3(a), the division to which the request is properly addressed thereunder.

(b) *Deputy Attorney General shall assure timely response.* The Deputy Attorney General shall periodically review the practices of the divisions in meeting the time requirements set out in § 16.5, including the granting of extensions of time, and shall take such action to promote timely responses as he deems appropriate. Such action may include, but is not limited to, removal from a division of a request or class of requests or removal of the authority of a division to grant extensions, as specified in § 16.5(f).

(c) *Records to be kept by Deputy Attorney General.* The Deputy Attorney General shall retain or be furnished with a file copy of each request which is required to be addressed to him pursuant to § 16.3(a). With respect to such requests he shall maintain records to show the date of receipt by the Department (and, in the case of improperly addressed requests, the date of receipt by the appropriate office after forwarding pursuant to § 16.3(a)), the responsible division to which it was forwarded under this section, and the date of such forwarding. The Board of Immigration Appeals, the Bureau of Prisons, the Immigration and Naturalization Service and the Law Enforcement Assistance Administration, respectively, shall retain or be furnished with file copies of requests required to be addressed to them pursuant to § 16.3(a), and shall maintain records to show the date of receipt by the Department (and, in the case of improperly addressed requests, the date of receipt by the appropriate office after forwarding pursuant to § 16.3(a)).

5. Section 16.5 is revised to read as follows:

§ 16.5 Prompt response by responsible division.

(a) *Response within ten days.* Within ten days (excluding Saturdays, Sundays and legal public holidays) of the receipt of a request by the Department (or, in the case of an improperly addressed request, of its receipt by the appropriate office after forwarding pursuant to § 16.3(a)) the responsible division shall determine whether to comply with or to deny such request and dispatch such determination to the requester unless an extension is made under paragraph (c) of this section.

(b) *Authority to deny request.* Unless otherwise specified by division regulation, only the head of a division may deny a request, and is the "person responsible for the denial" within the meaning of 5 U.S.C. 552(a). When a denial is made at the request of another agency or division, and out of regard for its primary interest or expertise, the person in that agency or division responsible for the request to deny may also be a "person responsible for the denial" if, before his final recommendation is accepted, he is advised that he will be so designated under § 16.6(b)(2).

(c) *Extension of time.* In unusual circumstances as specified in this paragraph, the head of a division may extend the time for initial determination on requests up to a total of ten days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be granted in increments of five days or less and shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request, or the need for consultation among two or more components of the responsible division having substantial subject matter interest therein.

(d) *Treatment of delay as a denial.* If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal in accordance with § 16.7. When no determination can be dispatched within the applicable time limit, the responsible division shall nevertheless continue to process the request; on expiration of the time limit it shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the Attorney General in accordance with § 16.7; and it may ask the requester to forego appeal until a determination is made.

(e) *Copies of extension notices and delay advisories maintained by Deputy Attorney General.* Copies of all extension notices issued under paragraph (c) of this section and delay advisories issued under paragraph (d) of this section shall be supplied to and maintained by the Deputy Attorney General.

(f) *Removal by Deputy Attorney General.* The Deputy Attorney General may remove any request or class of requests from the division to which it is referable under this part. The Deputy Attorney General may remove from a division the authority to grant extensions of time under this section. In event of such action the Deputy Attorney General shall perform the functions of the head of that division with respect to the removed requests or authority.

6. Section 16.6 is amended by revising paragraphs (b) and (d) as follows:

§ 16.6 Responses by divisions: Form and content.

* * * * *

(b) *Form of denial.* A reply denying a written request for a record shall be in writing, signed by the head of the responsible division (or other person authorized by regulation to deny requests) and shall include:

(1) *Exemption category.* A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the

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exemption applies to the record withheld, and, where relevant, a brief statement of why a discretionary release is not appropriate; and

(2) *Person responsible.* The name and title or position of the person or persons responsible for the denial under § 16.5 (b), provided, that no person not an employee of the responsible division shall be so designated unless he has been advised that he will be so designated before his final recommendation is accepted; and

(3) *Administrative appeal and judicial review.* A statement that the denial may be appealed under § 16.7(a) within thirty days by writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Department of Justice, Washington, D.C. 20530, that the envelope and letter should be clearly marked: "FREEDOM OF INFORMATION APPEAL" or "INFORMATION APPEAL," and that judicial review will thereafter be available in the district in which the requester resides or has his principal place of business or the district in which the agency records are situated or the District of Columbia. Provided, however, that a denial by the Office of the Watergate Special Prosecution Force shall instead of the foregoing describe any internal appeals procedure which it may establish or, in absence of such procedure, advise the requester that judicial review is available in the districts set forth above.

* * * * *

(d) *Copy of response to Deputy Attorney General.* The Deputy Attorney General shall be provided and shall maintain a copy of each denial letter; each notification under paragraph (c) of this section; and each letter advising the requester of the determination to grant the request, except such grant letters issued by the Board of Immigration Appeals, the Bureau of Prisons, the Immigration and Naturalization Service, and the Law Enforcement Assistance Administration.

7. Section 16.7 is revised as follows:

§ 16.7 Appeals to the Attorney General from initial denials.

(a) *Appeals to the Attorney General.* When a request for records has been denied in whole or in part by a head of a division or other person authorized to deny requests, the requester may, within thirty days of its receipt, appeal the denial to the Attorney General; except that no appeal to the Attorney General shall lie from a denial of a request for records of the Office of the Watergate Special Prosecution Force, which is hereby authorized to establish an internal appeals procedure. Appeal to the Attorney General shall be in writing, addressed to the Attorney General (Attention: Freedom of Information Appeals Unit), Department of Justice, Washington, D.C. 20530, and both the envelope and the letter shall be clearly marked: "FREEDOM OF INFORMATION APPEAL" or "INFORMATION APPEAL." An appeal not so addressed and marked will be so marked by Department personnel as soon as it is properly identified, and forwarded immediately to the Freedom of Information Appeals Unit. An appeal improperly addressed will not be deemed to have been received for purposes of the time period set forth in 5 U.S.C. 552(a)(6)(A)(ii) and for purposes of paragraph (b) of this section until the Appeals Unit receives the request or would have done so with the exercise of due diligence by Department personnel.

(b) *Action within twenty working days.* The Attorney General will act upon the appeal within twenty days (excluding Saturdays, Sundays and legal public holidays) of its receipt, unless an extension is made under paragraph (c) of this section.

(c) *Extension of time.* In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays, and legal public holidays) minus any extension granted at the initial request level pursuant to § 16.5(c). Such extension shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the appeal—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination o fthe request or the need for consultatio namong two or more components of the responsible division having substantial subject matter interest therein.

(d) *Treatment of delay as a denial.* If no determination on the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed; on expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the Department records are situated or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(e) *Form of action on appeal.* The Attorney General's determination on appeal shall be in writing. An affirmance in whole or in part of a denial on appeal shall include (1) a reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the exemption applies to the record withheld, and, where relevant, a brief statement of why a discretionary release is not appropriate; and (2) a statement that judicial review of the denial is available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated or the District of Columbia.

(f) *Copies to Deputy Attorney General.* Copies of all appeals, all actions on appeal, all extension notices issued under paragraph (c) of this section, and all delay advisories issued under paragraph (d) of this section shall be supplied to and maintained by the Deputy Attorney General.

8. Section 16.8(c) is revised to read as follows:

§ 16.8 Maintenance of files.

* * * * *

(c) *Protection of privacy.* Where the release of the identity of a requester, or other identifying details related to a request, would constitute a clearly unwarranted invasion of personal privacy, the Deputy Attorney General shall delete identifying details from the copies of documents maintained in the public file established under paragraph (b) of this section.

9. Section 16.10(b) is revised to read as follows:

§ 16.10 Exemptions.

* * * * *

(b)(1) In processing requests for information classified pursuant to Executive Order 11652, the responsible division shall review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and shall not be withheld on the basis of 5 U.S.C. 552(b)(1). No record remaining classified after such review shall be withheld by a division on the basis of any exemption other than 5 U.S.C. 552(b)(1) unless in addition to such other exemption it is also asserted that the record is exempt under 5 U.S.C. 552(b)(1).

(2) The Freedom of Information Appeals Unit shall, upon receipt of any appeal from an initial denial based in whole or in part upon 5 U.S.C. 552(b)(1), refer to the Departmental Review Committee, established in Part 17 of this chapter, any portion of the request as to which that exemption was asserted at the initial level. Within ten days (excluding Saturdays, Sundays and legal public holidays) of receipt of such referral (unless such period is extended by the Deputy Attorney General), the Committee shall advise

the Appeals Unit whether all or any portion of the material referred warrants continued classification under the criteria of Executive Order 11652.

(3) When a request for Department records encompasses information classified by another agency, or by a division of the Department other than the responsible division, the responsible division shall refer that portion of the request to the originating agency or division for determination as to all issues in accordance with the Freedom of Information Act. In the case of a referral to another agency under this paragraph, the requester shall be notified that such portion of his request has been so referred and that he may expect a determination from that agency. In the case of a referral to another division under this paragraph, the requester need not be notified, the original date of receipt of the request as established under this section shall continue to govern for purposes of all time limits, and the originating division shall advise the division receiving the request of its determination.

(5 U.S.C. 301; 5 U.S.C. 552 as amended by Public Law 93-502, 88 Stat. 1561)

[FR Doc.75-4043 Filed 2-10-75;12:38 pm]

[Order No. 599-75]

PART 16—PRODUCTION OR DISCLOSURE OF INFORMATION

Fees for the Production or Disclosure of Information

On January 13, 1975 there was published in the FEDERAL REGISTER (40 FR 2443) a notice of proposed rulemaking with proposed amendments to § 16.9 of title 28 of the Code of Federal Regulations. The proposed amendments revised Justice Department fee schedules to bring them into conformity with the 1974 amendments to the Freedom of Information Act, Public Law 93-502, 88 Stat. 1561. Three comments were received. One suggested a further change to § 16.9(a) which would incorporate the language of the 1974 amendments to the Freedom of Information Act regarding reduction or elimination of fees in the public interest. To accommodate this suggestion the phrase "because furnishing the information primarily benefits the general public" is added to the proposed language for the last sentence of § 19.9(a) directing waiver of fees when it is in the public interest.

Another comment questioned the propriety of that part of § 16.9(c) which states that where costs in excess of $25 are anticipated, and the requester has not indicated his willingness to bear such costs, the request will not be deemed received until the requester is notified of the anticipated costs and agrees to bear them. (Such notification must be given promptly and in any event within five working days.) That portion of the regulation was written to protect a requester from unexpectedly burdensome fees without placing the agency in violation of the strict time limits for initial response which the 1974 amendments provide. The actual delay involved is slight, because anticipated costs must be promptly determined. Moreover, a requester may avoid application of the provision entirely by stating in his request that he is willing to bear all costs involved, or all costs up to a specified limit which in fact is adequate to cover the anticipated fee. For these reasons, no change is made on the basis of this comment.

In response to the third comment, the provision of the present regulations requiring checks to be made payable to the Treasury of the United States, which is now correct, is left unchanged.

With the revisions discussed above, § 16.9 is hereby amended as set forth below.

Effective date. These amendments are effective February 19, 1975.

Dated: February 13, 1975.

EDWARD H. LEVI,
Attorney General.

Section 16.9 of 28 CFR Part 16 is amended as set forth below.

§ 16.9 [Amended]

1. By revising the first sentence in paragraph (a) to read as follows:

(a) *When charged.* Fees pursuant to 31 U.S.C. 483a and 5 U.S.C. 552 shall be charged according to the schedules contained in paragraph (b) of this section for services rendered in responding to requests for Justice Department records under this subpart unless the official of the Department making the initial or appeal decision determines that such charges, or a portion thereof, are not in the public interest because furnishing the information primarily benefits the general public.

2. By substituting "$1.00" for "$1.25" in paragraph (b)(2).

3. By revoking and reserving paragraph (b)(3).

4. By substituting "$2.00" for "$3.75" in paragraph (b)(6).

5. By deleting the word "ordinarily" in the second sentence of paragraph (b)(7).

6. By deleting the third and fourth sentences of paragraph (b)(7).

7. By amending and revising paragraph (b)(8) to read as follows:

(8) *Computerized Records.*

(i) *Computer time charges (includes personnel cost).*

1. Central processor charge per hour	$188.00
2. Main storage charge per 1,000 bytes per hour	.50
3. Channel charges per hour	.74
4. Card reading per 1,000 cards	.20
5. Printing per 1,000 lines	.43
6. Card punching per 1,000 cards	10.76
7. Tape mount	.50
8. Specific device charges:	
a. IBM 2260 Cathode ray tube or equivalent per hour	4.20
b. IBM 3330 Disk storage or equivalent per hour	39.72
c. IBM 2314 Disk storage or equivalent per hour	39.72
d. IBM 3420 Tape Drive or equivalent per hour	44.59

(ii) *Material charges.*

1. One-part paper per 1,000	$11.00
2. Two-part paper per 1,000	17.63
3. Three-part paper per 1,000	28.95
4. Four-part paper per 1,000	37.52
5. Five-part paper per 1,000	50.83
6. Stock Hollerith cards per 1,000	1.78
7. Magnetic tape per reel	9.50
8. Disk pack, each	775.00

8. By inserting after paragraph (b)(8), two new paragraphs (b)(9) and (b)(10) as follows:

(9) *Tape recordings and other audio records.*

(i) *Personnel charges.* Personnel charges in connection with the duplication of audio records shall be charged in accordance with paragraph (b)(2) or (b)(6) of this section, whichever is appropriate.

(ii) *Material charges.*

1. 45 minute cassette	$0.56
2. 60 minute cassette	.60
3. 90 minute cassette	.77

(10) *Other charges.* When a response to a request requires services or materials other than the common ones described in paragraphs (b)(1) through (b)(9) of this section, the direct cost of such services or materials to the government may be charged, but only if the requester has been notified of such cost before it is incurred.

9. By amending and revising paragraph (c) to read as follows:

(c) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it.

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Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requester the opportunity to confer with Department personnel with the object of reformulating the request so as to meet his needs at lower cost.

10. By inserting after paragraph (d) a new paragraph (e) as follows:

(e) *Advance deposit.*

(i) Where the anticipated fee chargeable under this section exceeds $25, an advance deposit of 25% of the anticipated fee or $25, whichever is greater, may be required.

(ii) Where a requester has previously failed to pay a fee under this section, an advance deposit of the full amount of the anticipated fee may be required.

11. By adding a new paragraph (f) as follows:

(f) *Other services.* Nothing in this section shall be construed to entitle any person, as of right, to any services or materials to which such person is not entitled under 5 U.S.C. 552.

(5 U.S.C. 301, 552, as amended by Pub. L. 93–502, 88 Stat. 1561)

[FR Doc.75–4463 Filed 2–18–75;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 70—EXAMINATION AND COPYING OF DEPARTMENT OF LABOR RECORDS

The Freedom of Information Act was amended by Pub. L. 93–502, 88 Stat. 1561, effective February 19, 1975, to clarify and liberalize the requirements for, and to expedite, the disclosure of information.

On January 15, 1975, a proposed revision of Subpart B of 29 CFR Part 70 was published at 40 FR 2705 with a request for comments on or before February 5, 1975.

One comment has been received objecting to the charge of $2.50 for each quarter hour for a search requiring the services of professional or supervisory personnel as provided in § 70.62(a)(ii) on the ground that this charge will prevent legitimate researchers from obtaining access to Department of Labor records. The fee is based upon the average hourly rate of those professional and supervisory personnel who would be conducting the search. In addition, § 70.67 of these regulations provides for the waiver or reduction of fees by disclosure officers under proper circumstances.

The amended Freedom of Information Act also necessitates a revision of Subparts A and C of 29 CFR Part 70 to bring them into conformity with the amendments made by Pub. L. 93–502. As the changes in the rules in these subparts as set forth below consist only of textual adjustments to conform to the amended language of the statute, and of interpretative rules, general statements of policy, and rules of procedure and practice to implement the amended Act, it is unnecessary that the revised Subparts A and C of Part 70 be published for notice and comment.

The more important changes made by the revision of the rules in this part, other than those made in the adoption of the revised Subpart B relating to charges for searching and copying services, give effect to the new requirements of the statute concerning publication of indexes of specified materials, to new time limitations for responding to requests for access to records and to appeals from denials of access (including procedures for expediting, noting, and acknowledging receipt of requests and appeals), to new provisions requiring identification of the persons responsible for denials of requests, and to the amendments made to the Act's exemptions protecting materials classified pursuant to executive order and investigatory records compiled for law enforcement purposes.

The general effect of these regulations is to implement the liberalized provisions of the amendments. The benefit of the reduced fees should be given immediately to the public, in accordance with the provisions of the law. Other provisions of benefit to the public are effective under the statute on February 19, 1975, and should be implemented immediately. I find the above reasons constitute good cause for making these regulations effective immediately. I further find that it is contrary to the public interest to delay these benefits for 30 days. These amendments shall be effective February 19, 1975.

Accordingly, 29 CFR Part 70 is amended as follows:

1. The part heading is amended to read as set forth above.

2. The section table and text of Part 70 are revised to read as follows:

Subpart A—General

INTRODUCTORY

Sec.
70.1 Purpose and scope of this part.
70.2 Definitions.

AVAILABILITY OF PUBLISHED INFORMATION

70.5 Information published in the FEDERAL REGISTER.
70.6 Information in Department of Labor publications.
70.7 Published indexes.

INFORMATION AVAILABLE ON REQUEST

70.11 Policy of disclosure.
70.12 Records of administrative proceedings.
70.13 Evaluation reports on external programs.
70.14 Policy statements and interpretations.
70.15 Staff manuals and instructions.
70.16 Indexes to certain records.

RESTRICTIONS ON DISCLOSURE

70.21 Records not disclosable.
70.22 Records disclosure of which may be refused.
70.23 Internal rules and practices.
70.24 Trade secrets and privileged or confidential information.
70.25 Inter-agency and intra-agency memoranda and letters.
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70.28 Well information.
70.29 Partial disclosure.
70.30 Withdrawal of originals.
70.31 Record of concern to more than one agency.

FACILITIES FOR DISCLOSURE

70.35 Where information may be obtained.
70.36 Titles and addresses of the responsible officials of various agencies.

PROCEDURE FOR DISCLOSURE

70.41 Applicability of procedures.
70.42 Submittal of requests for access to records.
70.43 To whom to direct requests.
70.44 Description of information requested.
70.45 Deficient descriptions.
70.46 Requests for categories of records.
70.47 Receipt by agency of request; acknowledgment.
70.48 Action on request.
70.49 Form of denials.
70.50 Appeals from denial of requests.
70.51 Receipt by Solicitor of appeal; acknowledgment.
70.52 Action on appeals.

TIME LIMITATIONS FOR ACTION ON REQUESTS AND APPEALS

70.53 Period within which action on request shall be taken.
70.54 Period within which action on appeal shall be taken.
70.55 Extension of period for taking action on request or appeal.

Subpart B—Copies of Records and Fees for Services

SPECIAL SEARCHING AND COPYING SERVICES

70.61 Charges for services, generally.
70.62 Search and copying charges.
70.63 Computerized records.
70.64 Payment of fees.
70.65 Standard fees not charged in certain circumstances.
70.66 Services performed without charge.
70.67 Waiver or reduction of fees by disclosure officer.

AUTHENTICATION; SPECIAL STUDIES AND COMPILATIONS

70.68 Authentication of copies.
70.69 Special studies and compilations.

Subpart C—Special Rules Applicable to Certain Specific Records

70.71 Authority of agency officials in Department of Labor.
70.72 Supplementary regulations currently in force.
70.73 Bureau of Labor Statistics.
70.74 Employment Standards Administration.
70.75 Employees' Compensation Appeals Board.
70.76 Labor-Management Services Administration.
70.77 Manpower Administration.
70.78 Occupational Safety and Health Administration.
70.79 Bureau of International Labor Affairs.

AUTHORITY: (5 U.S.C. 301, 552, as amended by Pub. L. 93–502), 88 Stat. 1561; (29 U.S.C. 9(b)); Reorganization Plan No. 6 of 1950, 64 Stat. 1263 (5 U.S.C. Appendix).

Subpart A—General

INTRODUCTORY

§ 70.1 Purpose and scope of this part.

This part contains the general rules of the Department of Labor providing for public access to information from records of the Department. These regulations implement 5 U.S.C. 552, the Freedom of Information Act, as amended,

and the policy of the Department of Labor to disseminate information on matters of interest to the public and to disclose to members of the public on request all information contained in records in its custody insofar as is compatible with the discharge of its responsibilities and consistent with law. This part sets forth generally the categories of records accessible to the public, the types of records subject to prohibitions or restrictions on disclosure, and the places at which and procedure whereby members of the public may obtain access to and inspect and copy information from records in the custody of the Department of Labor. Rules providing for the copying of records made available for inspection and for special services furnished in locating and copying records and fees therefor are set forth in Subpart B. Rules applying the general provisions of this part to requests for disclosure of particular types of records concerned with certain specific programs of the Department are set forth in Subpart C or in the titles and parts of the Code of Federal Regulations referred to in that subpart.

§ 70.2 Definitions.

As used in this part—

(a) The terms "agency," "person," "party," "rule," "rulemaking," "order," and "adjudication" have the meaning attributed to these terms by the definitions in 5 U.S.C. 551, except where the context demonstrates that a different meaning is intended, and except that for purposes of the Freedom of Information Act the term "agency" as defined in 5 U.S.C. 551 includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President) or any independent regulatory agency.

(b) Having "custody" of a Government record means having such charge of it as to be responsible for keeping it available for governmental use as required and protecting, preserving, and exercising such control over it as may be necessary for that purpose. Custody of a record is not synonymous with, and does not require, actual physical possession of the record and a record may be in the custody of an office or officer at a place other than that where the record is located.

(c) The terms "disclosure officer," "responsible officials," and "officer authorized to disclose information from Department records" refer generally to those officials in the Department of Labor to whom requests to inspect or copy record information in their custody may be addressed as provided in § 70.43 and who must pass on such requests as provided in §§ 70.46–70.49. The Solicitor of Labor, in the case of appeals as provided in §§ 70.50–70.52, and with respect to withdrawal of originals as provided in § 70.30, is the disclosure officer for such purposes, as is the Secretary of Labor when he takes action under § 70.30. As the head of the Department, the Secretary may invest any officer or employee of the Department with the authority to disclose information from particular records.

AVAILABILITY OF PUBLISHED INFORMATION

§ 70.5 Information published in the *Federal Register*.

(a) *General.* In accordance with the provisions of 5 U.S.C. 552(a)(1), basic information concerning the organization, operations, functions, substantive and procedural rules and regulations, officials, office locations, and allocation of responsibilities for functions and programs of the Department of Labor is published in the FEDERAL REGISTER for the guidance of the public. Among other things, such published information describes the central and field organization of the Department and its component units, identifies the persons in charge of its various programs and offices to whom submittals or requests may be made and from whom decisions may be obtained and the places at which they are stationed, outlines generally the course and method by which the various functions of the Department are channeled and determined, and makes plain the nature and requirements of available formal and informal procedures for official action. Indexes to the FEDERAL REGISTER are published in each daily issue and compiled currently on a monthly, quarterly, and annual basis. Copies of the FEDERAL REGISTER and its indexes are available in many libraries, may be examined in reference facilities and offices of the Department of Labor in which reference copies are maintained, and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. No formal request to examine documents published in the FEDERAL REGISTER is necessary to inspect them at the place where they are kept. Much of the information published in the FEDERAL REGISTER is available in compiled form as stated in paragraphs (b) and (c) of this section.

(b) *Government Organization Manual.* The Government Organization Manual, published annually as a special edition of the FEDERAL REGISTER provides a compact source of information concerning the general and field organization of the Department of Labor, location of Department offices, division of functions among various component units of the Department, and the names and addresses of major officers and those in charge of particular programs or offices. Copies of the Manual may be examined without formal request in any office of the Department of Labor and are available for purchase from the Superintendent of Documents.

(c) *Code of Federal Regulations.* Titles 20, 29, and 41 of the Code of Federal Regulations, which are revised annually, contain a compilation of documents published by the Department of Labor in the FEDERAL REGISTER which set forth substantive and procedural rules and regulations of the Department and statements of general policy or interpretations of general applicability formulated and adopted by the Department. The published rules include descriptions of forms available or the places at which forms and instructions for their use may be obtained, and provide guidance as to the scope and contents of any required papers, reports or examinations. Copies of the pertinent titles of the Code of Federal Regulations are available in many libraries and may be purchased from the Superintendent of Documents. Reference copies maintained in offices of the Department of Labor are available for examination without formal request.

§ 70.6 Information in Department of Labor publications.

Copies of informational material, such as press releases, pamphlets, and other material ordinarily made available to the public without cost as part of a public information program, including reprints of individual parts of the Code of Federal Regulations relating to programs affecting substantial segments of the general public, shall be available upon oral or written request so long as an adequate supply exists. Copies of informational publications of the Department which may be purchased from the Superintendent of Documents may be inspected in those offices of the Department in which reference copies are available. Compliance with the formal procedures provided in this part for obtaining access to Department records is not necessary for access to the foregoing materials.

§ 70.7 Published indexes.

The informational publications available from the Department may include indexes to materials published or contained in its records. Pursuant to the provisions of 5 U.S.C. 552(a)(2) as amended, they will in any event include the current indexes required by the Freedom of Information Act to be maintained and made available for inspecting and copying, except as otherwise provided by published order, as noted below. These indexes provide identifying information for the public as to any matter in the following categories issued, adopted, or promulgated after July 4, 1967: Final opinions and orders made in the adjudication of cases (including concurring and dissenting opinions if any); statements of policy and interpretations adopted but not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to staff that affect a member of the public. As promptly as possible after adoption of this part, such indexes will be made available in published form and offered for sale or otherwise distributed to make them readily available to members of the public. Thereafter, updated indexes or supplements shall be published not less frequently than quarterly to keep the indexes current. In the event that publication of any such index is determined to be unnecessary and impracticable, the order of the agency head so determining shall be published in the FEDERAL REGISTER. Where current indexes of the required matter in the foregoing cate-

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gories are published commercially and made readily available for public use by the agency no separate publication by the Department will be necessary.

INFORMATION AVAILABLE ON REQUEST

§ 70.11 Policy of disclosure.

(a) *Records made available pursuant to Freedom of Information Act.* Upon the request of any person submitted in accordance with provisions of this part for access to records reasonably described by the requester which are records of the Department of Labor or any of its constituent agencies in the custody of any official of the Department, such records shall be made available as provided in this part for inspection and copying unless specifically exempt from disclosure under the provisions of 5 U.S.C. 552, subsection (b) thereof, and §§ 70.21 through 70.28.

(b) *Records made available notwithstanding exemption from requirements of Freedom of Information Act.* Except in the case of records of which disclosure is prohibited, as described in § 70.21, each officer of the Department authorized to disclose information from Department records under the provisions of this part shall make available for inspection and copying pursuant to the applicable procedures any document from the records in his custody if he determines that, notwithstanding the applicability or possible applicability of an exemption from disclosure, the requested inspection or copying furthers the public interest and does not impede the discharge of any of the functions of the Labor Department. (See § 70.22(b).)

(c) *Implementation of disclosure policy.* To provide for a maximum of availability of Department records under the foregoing policy, the provisions of § 70.29 of this part will be applied where appropriate. Rules to effectuate the application of this policy of disclosure to specific types of information from Department records are set forth in §§ 70.12 through 70.15.

§ 70.12 Records of administrative proceedings.

(a) *Rulemaking proceedings.* All papers and documents made a part of the official record in administrative proceedings conducted by the Department of Labor in connection with the issuance, amendment, or revocation of rules and regulations or determinations having general applicability or legal effect with respect to members of the public or a class thereof shall be made available for public inspection and copying at reasonable times during business hours by the officer responsible for their custody at the place where such records are kept. Arrangements for such inspection may be made in response to oral requests, but a register shall be kept identifying the persons who inspect the records and the times at which they do so. Official records of other rulemaking proceedings shall be made available in accordance with the policies set forth in § 70.11 and the special regulations contained or cited in Subpart C.

(b) *Adjudication proceedings.* All final opinions, including concurring and dissenting opinions, as well as orders, made in the administrative adjudication of cases, shall be made available for inspection and copying upon request pursuant to the provisions in this part. Except where an exemption provided by 5 U.S.C. 552 must be asserted in the public interest to prevent a clearly unwarranted invasion of personal privacy or violation of law or to ensure the proper discharge of functions of the Department of Labor, all papers and documents made a part of the official record in adjudication proceedings conducted by the Department shall be made available for public inspection and copying on request as provided in this part or in specific regulations pertinent to such adjudications as referred to in Subpart C.

§ 70.13 Evaluation reports on external programs.

Except in the case of records of which disclosure is prohibited, as described in § 70.21, each officer of the Department authorized to disclose information from Department records under the provisions of this part shall make available for inspection and copying promptly after receipt thereof, any document or part thereof containing a final evaluation by an independent contractor of any external program or activity carried out by the Department of Labor, upon written request submitted as provided in this part.

§ 70.14 Policy statements and interpretations.

Statements of policy and interpretations affecting a member of the public which have been adopted by the Department of Labor or a constituent agency thereof in connection with the administration of any program of the Department and which have not been published in the FEDERAL REGISTER shall be made available for public inspection and copying in accordance with the policy set forth in § 70.11 and the provisions and procedures in this part. The policies and interpretations made available pursuant to this section shall include any policy or interpretation concerning a particular fact situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation. If the statement of policy or interpretation sought is contained in an available publication of the Department of Labor or has been placed in the public domain by release to private publishers of Government information services, it will be made available for examination in the form in which it was published or released without any formal request, at any office of the Department in which a copy or copies are kept.

§ 70.15 Staff manuals and instructions.

Any administrative staff manual or instruction to staff issued by the Department of Labor or a constituent agency thereof in connection with the administration of any program of the Department, containing matter (such as statutory interpretations) affecting a member of the public shall be made available for public inspection and copying in accordance with the policy set forth in § 70.11 and the provisions and procedures in this part. These are the manuals and instructions to staff or portions thereof which delineate the basis for administrative action affecting members of the public, and are to be distinguished from manuals, portions thereof, or instructions provided for the guidance of Government personnel engaged in such law enforcement activities as investigating, inspecting, or auditing to determine whether violations of law exist, or prosecuting law violations in courts or administrative tribunals. The criteria or guidelines for staff engaged in such procedures, with respect to such matters as the selection, handling, defense, prosecution, or settlement of cases, operational tactics, allowable tolerances, investigation or litigation techniques and strategy, are traditionally and necessarily of a confidential nature, as is recognized in the legislative history of the Freedom of Information Act, and are subject to protection under the provisions of 5 U.S.C. 552(b), which restrict the disclosure requirements by the exemptions explained in the following sections of this part. Any special provisions for access to administrative staff manuals and instructions applicable to specific programs may be ascertained by reference to Subpart C.

§ 70.16 Indexes to certain records.

(a) Current indexes identifying final opinions and orders in adjudicated cases (see § 70.12(b)), statements of policy and interpretations adopted by the agency but not published in the FEDERAL REGISTER (see § 70.14), and administrative staff manuals and instructions (see § 70.15), which have been issued, adopted, or promulgated after July 4, 1967, are normally available to the public in published form as provided in § 70.7. Such indexes, whether or not published, are made available for inspection and copying on request. If published copies of a particular index are at any time not available or if publication of such index has been determined to be unnecessary and impracticable by order published in the FEDERAL REGISTER, copies thereof will be furnished on request upon payment of the direct cost of duplication as provided in § 70.62(d).

(b) To effectuate the provisions of 5 U.S.C. 552(a)(2), § 70.7 of this part and paragraph (a) of this section, each officer identified in § 70.35 and § 70.36 shall maintain, make available for public inspection and copying, and provide for the required publication of current indexes of all materials in his custody which are subject to the indexing and publication requirements of 5 U.S.C. 552(a)(2). Each such officer shall forward a copy of each page of his index, including information as to pages which have become obsolete, to the Office of Information, Publications, and Reports in the Main Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, which shall provide a central repository for, and make available for public inspection, all such indexes and supplements thereto compiled by

such officers, and shall provide for distribution of the published indexes and supplements.

RESTRICTIONS ON DISCLOSURE

§ 70.21 Records not disclosable.

(a) Pursuant to the provisions of 18 U.S.C. 1905, every officer and employee of the Department of Labor is prohibited from publishing, divulging, disclosing, or making known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with the Department or any agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association. No officer or employee of the Department of Labor shall disclose records in violation of this provision of law.

(b) No records of the Department of Labor with respect to matters specifically required by statute to be kept secret shall be made available for inspection or copying under the provisions of this part. By virtue of the exclusionary language in 5 U.S.C. 552(b)(3) the disclosure requirements of the Freedom of Information Act do not apply to or authorize the disclosure of records with respect to any matters specifically exempted from disclosure by statute.

(c) No records of the Department of Labor with respect to matters specifically authorized under criteria established by Executive order to be kept secret in the interest of the national defense or foreign policy and properly classified pursuant to such order shall be made available for inspection or copying under the provisions of this part. Records concerning such matters are expressly excluded from the application of the disclosure requirements of the Freedom of Information Act by the provisions of 5 U.S.C. 552(b)(1).

§ 70.22 Records disclosure of which may be refused.

(a) *Records exempt from statutory disclosure requirements.* The Freedom of Information Act, as codified in 5 U.S.C. 552, lists nine categories of records (in 5 U.S.C. 552(b)) to which the disclosure requirements of the statute do not apply. The first and third of these relate to the records described in § 70.21 which are not disclosable because protected from disclosure by the express provisions of a statute or a secret classification authorized by Executive order in the interest of national defense or foreign policy. The other seven categories of records excluded from the statutory disclosure requirements are set forth in §§ 70.23 through 70.28, inclusive. Information from records in these seven categories may, however, be made available for inspection and copying as provided in paragraph (b) of this section.

(b) *Disclosure of protected records; conditions precedent.* Although the Department of Labor is not required by the Freedom of Information Act to make available for inspection or copying any materials or documents included in its records which are within the categories described in 5 U.S.C. 552(b)(2), (4), (5), (6), (7), (8), or (9) (see §§ 70.23–70.28), under the Department's disclosure policy set forth in § 70.11 particular records requested which come within these categories, or portions thereof, shall nevertheless be made available to the extent, but only to the extent, that the appropriate officer authorized to disclose information from Department records determines that the disclosure will further the public interest and will not impede the discharge of any of the functions of the Department of Labor. Such a determination shall be made with due regard not only to the public interest in accessibility to the people of information regarding operations of their Government but also to the public interest in protecting citizens from impairment of their rights to privacy or from harassment, injury, or the dissemination of information concerning them which is privileged or has been submitted by them to the Government on a confidential basis. In determining whether access to such records will be permitted, due consideration shall also be given to the public interest in preventing disclosure of information which would handicap, obstruct, or jeopardize effective performance of the Department's functions under statutes or Executive orders, including its duties with respect to law enforcement.

§ 70.23 Internal rules and practices.

(a) Pursuant to exemption (2) set forth in 5 U.S.C. 552(b), and as provided in § 70.22, the disclosure from Department of Labor records of matters that are related solely to the internal personnel rules and internal practices of the Department may be refused. The records protected by this exemption include memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees. Also included are records concerning operating rules, practices, guidelines, and procedures for departmental investigators, inspectors, compliance officers, examiners, and attorneys, the release of which would substantially impair the effective performance of their duties.

(b) The purposes of exemption (2) include the protection from public disclosure of any record that is designed only for the guidance of Department personnel, including internal rules and practices that cannot be disclosed to the public without substantial prejudice to the effective performance of a significant Department function. A negotiator cannot bargain effectively if his instructions and limitations are known to the person with whom he is negotiating. Similarly, the effectiveness of an authorized but unannounced inspection or audit would be destroyed if the circumstances under which that inspection or audit is to be held become public knowledge.

(c) Although access to particular records concerning matters within the purview of exemption (2) may be permitted as provided in § 70.22 if the officer authorized to disclose records determines that the disclosure would serve the public interest and not impede the discharge of any function of the Department, such a determination ordinarily cannot be made in the case of internal rules and instructions relating to investigations and enforcement activities concerned with questions of compliance with or violations of provisions of law.

§ 70.24 Trade secrets and privileged or confidential information.

(a) Pursuant to exemption (4) set forth in 5 U.S.C. 552(b), and as provided in § 70.22, the disclosure from Department of Labor records of matters that are trade secrets, and of commercial and financial information obtained from a person and privileged or confidential, may be refused. Legal requirements of secrecy and prohibitions of disclosure may apply to such records as set forth in § 70.21. Disclosure shall be refused where these mandatory restrictions apply to the records sought. Even where denial of access is not required by these restrictions, access to records exempted from the disclosure requirements by exemption (4) cannot be granted under the policy expressed in §§ 70.11 and 70.22 unless the disclosure officer, in balancing the right of the public to know how the Government operates against the need of the Government to keep information in confidence and the right of the person from whom it was obtained to have privileges and confidences respected, is able to determine that disclosure will serve the public interest and not impede the discharge of any function of the Department of Labor.

(b) The intent of the exemption set forth in paragraph (a) of this section to protect privileged or confidential information is, according to the committee reports in both Houses of Congress, not restricted to the trade secrets and commercial or financial information specifically mentioned in the statue. Information the disclosur of which may be refused pursuant to this exemption is, according to the legislative history, intended to include information customarily subject to a doctor-patient, lawyer-client, or other such privilege.

(c) Information "obtained from any person" would include information obtained from a person inside as well as outside the Government. The applicability of this exemption does not depend on whether the record contains information obtained from the public at large, from a particular person, from within the Department, or from another agency. While information which is confidential in the hands of one agency retains its protected character in the hands of agencies to which it is subsequently furnished, the exemption does not sanction the rendering of documents confidential by the expedient of transferring them among agencies.

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(d) Except as otherwise provided in this part (e.g., § 70.13), disclosure in certain circumstances may be refused of material such as formulae, designs, drawings, research data, and the like, which are significant not as records but as items of valuable property. These may have been developed by or for the Government for its use and at its expense. Nothing in the legislative history suggests that the Freedom of Information Act was intended to give away such valuable property to any person willing to pay the price of making a copy. Where similar property in private hands would be held in confidence, the public interest would appear to require that such property in the hands of an agency should be protected under exemption (4).

(e) This exemption is further intended to extend protection to other information in Government records which has been furnished and accepted in confidence and which would not customarily be released to the public by the person from whom the Government obtained it. See, for example, the House Report (H. Rept. 1497, 89th Cong., 2d Sess.) and the President's signing statement. Accordingly, the exemption assures the confidentiality of information thus obtained by the Department of Labor through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. Nothing in the Freedom of Information Act necessitates a disregard of the right of individuals or groups to rely in good faith on an understanding of confidentiality for which a Government agency has reasonably afforded a basis. Maintenance of citizens' respect for governmental fairness requires that such understandings be given due consideration. At the same time, Department representatives should be alert to discourage the development of such understandings where not clearly warranted by departmental responsibilities.

(f) Pursuant to exemption (8) set forth in 5 U.S.C. 552(b), and as provided in § 70.22, the disclosure from Department of Labor records of any matter contained in, or related to, examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, may be refused. Exemption (8) emphasizes the application to financial institutions of the protection from disclosure afforded by the exemption set forth in paragraph (a) of this section, and makes plain the intent to protect information relating to such institutions which may be prepared for or used by any agency responsible for the regulation or supervision of such institutions. Access to any such information in records of the Labor Department will be refused where disclosure is not legally permitted or where a determination to disclose is inappropriate for reasons discussed in paragraph (a) of this section. In cases where another agency is concerned with information protected by exemption (8) in 5 U.S.C. 552(b) which is sought from records of the Department, the provisions of § 70.31 are also applicable.

§ 70.25 Inter-agency and intra-agency ment of Labor.

(a) Pursuant to exemption (5) set forth in 5 U.S.C. 552(b), and as provided in § 70.22, the disclosure from Department of Labor records of matters in inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than the agency in litigation with the agency may be refused. The exemption is intended essentially to protect the full and frank exchange in writing of ideas, views, and opinions necessary for the effective functioning of the Government and the making of informed decisions by its officers.

(b) The protection from disclosure afforded by exemption (5) to the internal records of the Government described in paragraph (a) of this section is limited to those communications which, in litigation with a Government agency, would not be routinely available by law to another party to the proceeding. The legislative history and decisions of the courts make it clear that this provision is intended to insure that memoranda or letters not protected from disclosure by some other exemption would be available to the general public for inspection and copying if they "would routinely be disclosed" to such a party "through the discovery process" in such litigation. (See H. Rept. 1497, 89th Cong., 2d Sess.) The internal memoranda and letters protected from disclosure by exemption (5) are accordingly those which would not be released as a matter of course in litigation where discovery is sought by a party other than the agency under the Federal Rules of Civil Procedure. Since the granting of discovery of internal documents is typically a very extraordinary step, not normally a "routine" one, it is only in a limited category of situations that such documents would be routinely available by law to another party in litigation with the agency.

(c) Examples of the type of record information protected from disclosure by the exemption set forth in paragraph (a) of this section include opinions, advice, deliberations, or recommendations made in the course of developing official action by the Department of Labor or any of its component units, and other internal communications which would not be routinely available through the discovery process to a party in litigation with the Government.

(d) In the case of inter-agency memoranda and letters protected by this exemption, the officer authorized to disclose records shall not make a determination to allow access to such matters under the policy set forth in §§ 70.11 and 70.22 if to do so would conflict with the provisions of § 70.31.

§ 70.26 Personnel, medical, and similar files.

(a) Pursuant to exemption (6) set forth in 5 U.S.C. 552(b), and as provided in § 70.22, the disclosure from Department of Labor records of matters in "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" may be refused. In view of the congressional concern expressed in the legislative history regarding the protection of individuals' privacy, each disclosure officer of the Department shall apply the disclosure policy set forth in §§ 70.11 and 70.22 with due regard to the apparent intent of the statutory language to characterize the invasion of personal privacy typically involved in disclosure of personnel and medical files as "clearly unwarranted." "Similar files" for which protection is provided under this exemption appear to refer to any files the disclosure of which would invade personal privacy to such a degree that the disclosure would be as "clearly unwarranted" as the disclosure of personnel or medical files.

(b) Among the records in Department files protected from disclosure by the exemption set forth in paragraph (a) of this section are (1) personnel and background records personal to any officer or employee of the Department, including his home address and telephone number; (2) medical histories and medical records concerning individuals; (3) any other detailed record containing personal information identifiable with a particular individual where it appears that such person's right to have such information protected from public dissemination is clear; and (4) private or personal information in other files which, if disclosed to the public, would amount to a clearly unwarranted invasion of the privacy of any person, including members of the family of the person to whom the information pertains. The disclosure of information about a person to that same person is not, of course, an invasion of such person's privacy.

(c) Related regulations implementing this part and the application of this exemption to personal and medical information in the files of the Employment Standards Administration relating to claims of injured employees for workmen's compensation benefits are referred to in Subpart C.

§ 70.27 Investigatory records compiled for law enforcement purposes.

(a) *Restrictions on public access authorized.* Pursuant to the provisions of exemption (7) set forth in 5 U.S.C. 552 (b), as amended by Pub. L. 93–502, 88 Stat. 1563, effective February 19, 1975, the disclosure from Department of Labor records of matters that are "investigatory records compiled for law enforcement purposes" and to which access by the public would be detrimental to such purposes or to rights of privacy as specified in the statute, may be refused. Access to such records may be refused for any one or more of several specific reasons. Thus, exemption (7) protects from the public access requirements of the Freedom of Information Act investigatory records compiled for law enforcement purposes whenever their disclosure to any person requesting them would—

(1) interfere with enforcement proceedings; and/or

(2) deprive a person of a right to a fair trial or an impartial adjudication; and/or

(3) constitute an unwarranted invasion of personal privacy; and/or

(4) disclose (i) the identity of a confidential source and (ii), in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; and/or

(5) disclose investigative techniques and procedures; and/or

(6) endanger the life or physical safety of law enforcement personnel.

Where one or more of the foregoing consequences would ensue from the disclosure of particular records to any person requesting access to investigatory records compiled for law enforcement purposes, no determination to grant access to such records may be made by the disclosure officer under the disclosure policy set forth in §§ 70.11 and 70.22 in the ordinary case because in such circumstances it would not ordinarily be possible to determine that disclosure would serve the public interest and would not impede any of the functions of the Labor Department.

(b) *"Law enforcement purposes."* The exemption set forth in paragraph (a) of this section expresses the public interest in preventing disclosure detrimental to the enforcement, whether civil or criminal in nature, of applicable laws and in assuring, to this end, that such enforcement will not be jeopardized by disclosing information which would be harmful to citizens who aid the Government in law enforcement investigations and prosecutions, would endanger the persons or handicap the essential enforcement activities of investigators and prosecutors, would violate the rights of persons who may be charged with violations, or would otherwise interfere with investigations and other proceedings to enforce the laws. "Law enforcement" as used in the statute, according to the legislative history, is used in the broadest sense to include the enforcement not only of criminal statutes, but of all laws establishing rules of conduct, whether by statute or by Executive order or by a duly promulgated regulation having the force and effect of law. Moreover, "enforcement" is not limited to enforcement by adversary proceedings, and includes other types of Government law enforcement activities as well; the work of a policeman or a compliance officer is law enforcement even if he does not participate in adversary proceedings. On the other hand, "enforcement" does not include all activities conducted in order to carry out the laws, but only those intended to counteract past, present, or future violations.

(c) *"Investigatory" records.* The protection afforded investigatory records under the exemption set forth in paragraph (a) of this section also extends, according to the legislative history, to those files related to the investigation which are prepared in connection with related Government litigation and adjudicative proceedings. One of the purposes of the exemption is to preserve the position of the Government in litigation or potential litigation, in accordance with the rules governing discovery in cases before courts and administrative agencies. It ensures that the litigant is not given any earlier or greater access to investigatory material than he would have directly in litigation or other enforcement proceedings.

(d) *Records "compiled" for law enforcement purposes.* Whenever the disclosure of investigatory records requested by any person would have any of the consequences specified in the exemption set forth in paragraph (a) of this section, access to such records may be refused if the records have been "compiled" for law enforcement purposes, irrespective of the nature of the action, if any, to carry out such purposes which may have been contemplated at the time of their compilation or may have been taken thereafter as a result of the compilation. Investigatory records shown to have been compiled for law enforcement purposes retain their status as such and continue to be protected from disclosure in the specified circumstances as provided in this exemption whether or not enforcement proceedings are contemplated at the time of investigation or are instituted thereafter or, if brought, have been completed before the request is made for the records. None of these factors negate the need, in the public interest and in the interest of persons who have been the subject of or who have furnished information to help the law enforcement activities of the Government, for continued protection against a prejudicial disclosure from such records of information which may still constitute an unwarranted invasion of personal privacy or may reveal the identity of a confidential source. The subject of an investigation which has been closed because charges of law violation could not be substantiated is entitled to protection from the opprobrium which might follow public disclosure of the record of the charges without opportunity to demonstrate their falsity in an adjudicatory proceeding. An informant whose identity as the source of confidential information furnished in aid of law enforcement activities is made public by disclosure of investigative records may be made subject to retaliatory action by others and in any event may not inform without assurance that private persons will not, through access to the agency's records, be able to identify the informant as the source of the information furnished. Even years after enforcement proceedings are concluded, the public interest may require protection of investigatory records which would identify a confidential source or would reasonably lead to such a disclosure. Any disclosure of such records would soon become a matter of common knowledge and few individuals, if any, would come forth to embroil themselves in controversy or possible recrimination by notifying the Government of something which might justify investigation. Even more important in view of the increasing concern today over the conflict between a citizen's right of privacy and the need of the Government to investigate, it is unthinkable that rights of privacy, whether of subjects or confidential sources, should be jeopardized. In addition, the disclosure of investigatory records may reveal investigative techniques and procedures or endanger the life or physical safety of law enforcement personnel. In either case, the ability of the Government to carry out its law enforcement functions effectively would be seriously impaired.

§ 70.28 Well information.

Pursuant to exemption (9) set forth in 5 U.S.C. 552(b), and as provided in § 70.22, the disclosure from Department of Labor records of matters consisting of geological and geophysical information and data, including maps, concerning wells, may be refused. This exemption supplements the exemption set forth in § 70.23 by removing any doubt that disclosure of this specific type of information is protected under the Act.

§ 70.29 Partial disclosure.

(a) *Deletions to protect personal privacy.* To the extent required to prevent a clearly unwarranted invasion of personal privacy, the officer authorized to disclose information from a record may delete identifying details when he makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, provided that in every case the justification for the deletion is fully explained in writing.

(b) *Records containing both disclosable and nondisclosable information.* If a requested record or document contains some materials which are protected from disclosure and other materials which are not so protected, identifying details or protected matters shall be deleted whenever analysis indicates that such deletions are feasible. Any reasonably segregable portion of a record or document shall be provided after deletion of protected matter.

(c) *Deletions to protect identity of requester.* Where the identity of an applicant, or other identifying details related to a request, would constitute an unwarranted invasion of personal privacy if made generally available, as in the case of a request to examine one's own medical files, identifying details shall be deleted from copies of the request and written responses to it that are made available to requesting members of the public.

§ 70.30 Withdrawal of originals.

No document or record in the custody of the Department of Labor, or of any agency or officer thereof, shall on any occasion be taken or withdrawn by any agent, attorney, or any other person not officially connected with the Department; no exception will be made without the written consent of the Secretary or the Solicitor of Labor.

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§ 70.31 **Record of concern to more than one agency.**

If the release of a record in custody of the Department of Labor would be of concern not only to the Department but also to another Federal agency, the record will be made available by the Department only if its interest in the record is the primary interest and only after coordination with the other interested agency. If the interest of the Department in the record is not primary, the request will be transferred promptly to the agency having the primary interest, and the applicant will be so notified. The release of information received from another agency and the release to another agency of information collected from persons outside the Government shall be subject to the conditions and restrictions imposed by 44 U.S.C. 3508.

FACILITIES FOR DISCLOSURE

§ 70.35 **Where information may be obtained.**

(a) Any person desiring to examine or copy records of the Department of Labor known to be situated in any office of the Department and providing information adequate to permit identification of the records sought may obtain from the head of such office information as to the availability of the derived records. Such person will be advised whether such records are available for examination under the provisions of this part and any applicable supplemental regulations (see Subpart C) without the submission of a formal request or whether such a request must be submitted for consideration by an officer responsible for custody of the records under the procedures set forth in §§ 70.42–70.52. If such a request must be submitted, information as to the name, title, and address of the officer to whom it should be addressed will also be furnished. The officers to whom such requests should be addressed are identified in general terms in § 70.43. Such officers may provide access to records at the place where they are kept or, where appropriate, at another location.

(b) If the person desiring access to particular records is in doubt as to the place where they are kept or the agency of the Department listed in paragraph (e) of this section which is responsible for their custody, the necessary information may be obtained by addressing an inquiry, identifying as specifically as possible the records sought, to the Assistant Secretary for Administration and Management, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

(c) Indexes, normally in published form, are available to members of the public to assist them in locating records of certain types, as provided in §§ 70.7 and 70.16 of this part.

(d) Public reference facilities for examination and copying of certain Department records are maintained in some offices. Their locations and the types of records available for examination therein may be ascertained by addressing an inquiry to the chief officer of the agency of the Department listed in paragraph (e) of this section which has custody of records of the types sought to be examined, or by communicating with the nearest officer of such agency who is authorized to act on requests for its records. If the agency of the Department responsible for custody of the records is not known, the Assistant Secretary for Administration and Management will provide the necessary information on request.

(e) Offices in Washington, D.C., are maintained by the following component agencies of the Department of Labor. Field offices are maintained by some of these, as listed in the Government Organization Manual (see § 70.5(b)).

(1) Office of the Secretary of Labor.
(2) Office of the Solicitor of Labor.
(3) Office of Information, Publications, and Reports.
(4) Bureau of International Labor Affairs.
(5) Bureau of Labor Statistics.
(6) Employment Standards Administration.
(7) Labor-Management Services Administration.
(8) Manpower Administration.
(9) Occupational Safety and Health Administration.
(10) Employees' Compensation Appeals Board.
(11) Wage Appeals Board.
(12) Benefits Review Board.
(13) Board of Contract Appeals.
(14) Office of Administrative Law Judges.

The heads of the foregoing agencies shall make available for inspection and copying in accordance with the provisions of this part, records in their custody or in the custody of component units within their organizations, either directly or through their authorized representatives in particular offices and locations.

§ 70.36 **Titles and addresses of the responsible officials of various agencies.**

The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. Unless otherwise specified, the mailing address for these officials shall be:

U.S. Department of Labor, Washington, D.C. 20210.
Chief Administrative Law Judge.
Chairman, Employees Compensation Appeals Board.
Deputy Under Secretary for International Labor Affairs.
Associate Deputy Under Secretary for International Labor Affairs.
Associate Deputy Under Secretary for Trade and Adjustment Policy.
Director, Office of Information, Publication and Reports.
Executive Assistant for Assistant Secretary for Policy, Evaluation and Research.
Deputy Assistant Secretary for Policy Development, Office of Policy Development.
Deputy Solicitor, Office of the Solicitor.
Assistant Secretary for Administration and Management.
Office of Assistant Secretary for Administration and Management.
Associate Manpower Administrator for the Office of Administration and Management, Patrick Henry Building, Room 4000, 601 D Street NW., Washington, D.C. 20213.
Associate Manpower Administrator for the Office of Policy, Evaluation and Research, Room 9000.
Associate Manpower Administrator for the Bureau of Apprenticeship and Training, Room 5000.
Associate Manpower Administrator for the Office of Field Direction and Management, Room 10100.
Associate Manpower Administrator for the United States Employment Service, Room 8000.
Associate Manpower Administrator for the Unemployment Insurance Service, Room 700.
Associate Manpower Administrator for the Office of Manpower Development Programs, Room 600.
Assistant Regional Director for Manpower:
Region I.—Room 1703, J. F. Kennedy Federal Building, Center, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.)
Region II.—1515 Broadway, N.Y. 10036. (New York, New Jersey, Puerto Rico, and U.S. Virgin Islands.)
Region III.—Post Office Box 8796, Philadelphia, Pa. 19101. (Gateway Building, 3535 Market St., Philadelphia, Pa. 19101. Do not use street address for mailing purposes.) (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.)
Region IV.—Room 405, 1371 Peachtree Street NE., Atlanta, Ga. 30309. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)
Region V.—230 South Dearborn, Chicago, Ill. 60604. (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.)
Region VI.—Federal Building, 7th Floor, 1100 Commerce Street, Dallas, Tex. 75202. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)
Region VII.—Room 3000, Federal Building, 911 Walnut Street, Kansas City, Mo. 64106. (Iowa, Kansas, Missouri, and Nebraska.)
Region VIII.—Room 16015, Federal Office Building, 1961 Stout Street, Denver, Colo. 80202. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.)
Region IX.—Federal Building, 450 Golden Gate Avenue, Box 36084, San Francisco, Calif. 94102. (Arizona, California, Guam, Hawaii, and Nevada.)
Region X.—Arcade Plaza, 1321 Second Avenue, Seattle, Wash. 98101. (Alaska, Idaho, Oregon, and Washington.)
Assistant Secretary for Manpower, U.S. Department of Labor, Manpower Administration, Room 1000, 601 D Street NW., Washington, D.C. 20213.
Assistant Secretary for Occupational Safety and Health, Occupational Safety and Health Administration.
Assistant Secretary for Employment Standards, Employment Standards Administration.
Administrator, Wage-Hour Division.
Director, Office of Federal Contract Compliance.
Associate Directors, OFCC, Teams I–IV.
Associate Director, OFCC, Policies, Plans, and Programs.
Associate Director, OFCC, Construction Compliance Division.
Associate Director, OFCC, Training Administrative Support Staff.
Director, Women's Bureau.
Associate Assistant Regional Director for Wage-Hour Division, Associate Assistant Regional Director for Office of Federal Contract Compliance and Associate Assistant Regional Director for Women's Bureau.

Addresses:
JFK Building,
Government Center,
Boston, Massachusetts 02203.
Everett M. Dirksen Building,
219 South Dearborn Street,
Chicago, Illinois 60604.
1515 Broadway,
New York, New York 10036.
Federal Building, U.S. Court House,
1100 Commerce Street,
Dallas, Texas 75202.
Gateway Building,
3535 Market Street,
Philadelphia, Pennsylvania 19104.
Federal Office Building,
911 Walnut Street,
Kansas City, Missouri 64106.
1371 Peachtree Street NE.,
Atlanta, Georgia 30309.
Federal Office Building,
1961 Stout Street,
Denver, Colorado 80202.
Federal Building,
450 Golden Gate Avenue,
San Francisco, California 94102.
Smith-Tower,
506 Second Avenue,
Seattle, Washington 98104.
Area Director, OFCC,
Federal Building,
1240 East Ninth Street,
Cleveland, Ohio 44199.
Area Director, OFCC,
Federal Building,
300 North Los Angeles Street,
Los Angeles, California 90012.

Director, Office of Rehabilitation Employment Compliance and Service.
Director, Office of Program Development and Accountability.

The responsible field office for Office of Rehabilitation Employment Compliance and Service and Office of Program Development and Accountability is Assistant Regional Director for Employment Standards Administration. Requests may be made to the above addresses.

Commissioner, Bureau of Labor Statistics.
Assistant Secretary for Labor-Management Services.
Labor Management Services Administration.
Director, Office of Labor Management Standards Enforcement.
Director, Office of Federal Labor Management Petitions.
Director, Office of Labor-Management Relations Services.
Assistant Regional Directors for Labor-Management Services:

Director,
8757 Georgia Avenue,
Room 1449 Silver Spring Plaza,
Silver Spring, Maryland 20910.
Assistant Regional Director,
1371 Peachtree Street NE.,
Room 300,
Atlanta, Georgia 30309.
Assistant Regional Director,
230 S. Dearborn Street,
10th Floor, Federal Office Building,
Chicago, Illinois 60604.
Assistant Regional Director,
911 Walnut Street,
Room 2300 Federal Office Building,
Kansas City, Missouri 64106.
Assistant Regional Director,
1515 Broadway,
Room 3515,
New York, New York 10036.
Assistant Regional Director,
3535 Market Street,
Room 14120 Gateway Building,
Philadelphia, Pennsylvania 19104.
Assistant Regional Director,
450 Golden Gate Avenue,
Room 9061 Federal Office Building,
San Francisco, California 94102.

Area Directors for Labor-Management Services:

Area Director,
1371 Peachtree NE.,
Room 303,
Atlanta, Georgia 30309.
Area Director,
100 Tremont Street,
Room 211 New Studio Building,
Boston, Massachusetts 02108.
Area Director,
111 W. Huron Street,
Room 616 Federal Building,
Buffalo, New York 14202.
Area Director,
230 S. Dearborn Street,
Room 700 Federal Office Building,
Chicago, Illinois 60604.
Area Director,
1240 E. 9th Street,
Room 821 Federal Office Building,
Cleveland, Ohio 44199.
Area Director,
P.O. Box 239,
Bryan and Ervay Streets,
Room 301 Post Office Building,
Dallas, Texas 75221.
Area Director,
1961 Stout Street,
2320 Federal Office Building,
Denver, Colorado 80202.
Area Director,
234 State Street,
Room 1906, Washington Boulevard Building,
Detroit, Michigan 48226.
Area Director,
1833 Kalakaua Avenue,
Room 601,
Honolulu, Hawaii 96815.
Area Director,
911 Walnut Street,
Room 2200, Federal Office Building,
Kansas City, Missouri 64106.
Area Director,
300 N. Los Angeles Street,
Room 7731 Federal Building,
Los Angeles, California 90012.
Area Director,
18350 Northwest Second Avenue,
P.O. Box 3750, Norland Branch,
Miami, Florida 33169.
Area Director,
110 S. Fourth Street,
Room 110, Federal Courts Building,
Minneapolis, Minnesota 55401.
Area Director,
1808 West End Building,
Room 825,
Nashville, Tennessee 37203.
Area Director,
9 Clinton Street,
Room 305,
Newark, New Jersey 07102.
Area Director,
600 South Street,
Room 940, Federal Office Building,
New Orleans, Louisiana 70130.
Area Director,
26 Federal Plaza,
Room 1751,
New York, New York 10007.
Area Director,
600 Arch Street,
Room 4256, Federal Office Building,
Philadelphia, Pennsylvania 19106.
Area Director,
1000 Liberty Avenue,
Room 1436, Federal Office Building,
Pittsburgh, Pennsylvania 15222.
Area Director,
210 N. Twelfth Boulevard,
Room 570,
St. Louis, Missouri 63101.
Area Director,
100 McAllister Street,
Room 1604,
San Francisco, California 94102.
Area Director,
605 Condado Avenue,
Room 704, Condominio San Alberto,
Santurce, Puerto Rico 00907.
Area Director,
506 Second Avenue,
Room 3301, Smith Tower Building,
Seattle, Washington 98104.
Area Director,
1111 20th Street NW.,
P.O. Box 19257,
Room 509, Vanguard Building,
Washington, D.C. 20036.

Deputy Director, Office of Employee Benefits Security.

The following is a list of the offices in which the Disclosure Officers for Occupational Safety and Health Administration are located in Washington, D.C.:

Office of Executive Assistant to the Assistant Secretary.
Office of Special Assistant for Public Affairs.
Office of Federal Agency Safety Programs.
Office of Training and Education.
Office of Standards Development.
Office of Compliance Programming.
Office of State Plan Review and Operation.
Office of Field Performance Evaluation.
Office of Management Data Systems.
Office of Public Hearing Transcripts.
Office of Planning, Evaluation, and Research.
Office of Equal Employment Opportunity.
Office of Personnel Management.
Office of Administrative Management.
Office of Financial Management.
Office of Publications and Visual Aids.
Office of Committee Management.
Director, Office of Information, Publications and Reports.
Assistant Regional Director for Information, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.
Assistant Regional Director for Information, 1515 Broadway, New York, New York 10036.
Assistant Regional Director for Information, Gateway Building, 3535 Market Street, Philadelphia, Pennsylvania 19104.
Assistant Regional Director for Information, 1371 Peachtree St. NE., Atlanta, Georgia 30309.
Assistant Regional Director for Information, 300 S. Wacker Drive, 16th Floor, Chicago, Illinois 60606.
Assistant Regional Director for Information, Federal Building, U.S. Court House, 1100 Commerce Street, Dallas, Texas 75202.
Assistant Regional Director for Information, Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.
Assistant Regional Director for Information, Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.
Assistant Regional Director for Information, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.
Assistant Regional Director for Information, Room 2078 Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101.
Information Officer, 300 N. Los Angeles Street, Room 7641, Los Angeles, California 90012.

The following is a list of the responsible field officials in the Occupational Safety and Health Administration:

Assistant Regional Directors:

18 Oliver Street,
Boston, Massachusetts 02110.

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1515 Broadway (1 Astor Plaza),
Room 3445,
New York, New York 10036.

3535 Market Street,
Philadelphia, Pennsylvania 19104.

1375 Peachtree St. NE.,
Suite 587,
Atlanta, Georgia 30309.

32nd Floor, Room 3259,
230 S. Dearborn Street,
Chicago, Illinois 60604.

Texaco Building, 7th Floor,
1512 Commerce Street,
Dallas, Texas 75201.

911 Walnut Street, Rm. 3000,
Kansas City, Missouri 64106.

Federal Building, Room 15010,
1961 Stout Street,
Denver, Colorado 80202.

9470 Federal Building,
450 Golden Gate Avenue,
P.O. Box 36017,
San Francisco, Calif. 94102.

1808 Smith Tower Building,
506 Second Avenue,
Seattle, Washington 98104.

Area Directors:

Custom House Building,
Room 703,
State Street,
Boston, Massachusetts 02109.

Federal Building, Rm. 426,
55 Pleasant Street,
Concord, New Hampshire 03301.

Federal Building, Rm. 617B,
450 Main Street,
Hartford, Connecticut 06103.

U.S. Post Office and Courthouse Building, Rm. 501,
436 Dwight Street,
Springfield, Mass. 01103.

370 Old Country Road,
Garden City, L.I., N.Y. 11530.

90 Church Street, Room 1405,
New York, New York 10007.

970 Broad Street, Room 1435C,
Newark, New Jersey 07102.

605 Condado Avenue, Room 328,
Santurce, Puerto Rico 00907.

Midtown Plaza, Room 203,
700 E. Water Street,
Syracuse, New York 13210.

Federal Building, Room 1110A,
Charles Center, 31 Hopkins Plaza,
Baltimore, Maryland 21201.

Charleston National Plaza,
Room 1726,
700 Virginia Street,
Charleston, West Virginia 25301.

Jonnet Building, Room 802,
4099 William Penn Highway,
Monroeville, Pennsylvania 15146.

William J. Green, Jr., Federal Building, Room 4456,
600 Arch Street,
Philadelphia, Pa. 19106.

Room 8015,
Federal Building (P.O. Box 10186),
400 N. 8th Street,
Richmond, Virginia 23240.

Todd Mall,
2047 Canyon Road,
Birmingham, Alabama 35216.

1710 Gervais Street, Rm. 205,
Columbia, South Carolina 29201.

Bridge Building, Room 204,
3200 E. Oakland Park Blvd.,
Fort Lauderdale, Fla. 33308.

57601–55 North Frontage Rd. East,
Jackson, Mississippi 39211.

Art Museum Plaza, Suite 4,
2809 Art Museum Drive,
Jacksonville, Florida 32207.

600 Federal Place,
Suite 554–E,
Louisville, Kentucky 40202.

Riverside Plaza Shopping Ctr.,
2720 Riverside Drive,
Macon, Georgia 31204.

Commerce Building, Room 600,
118 North Royal Street,
Mobile, Alabama 36602.

1600 Hayes Street, Suite 302,
Nashville, Tennessee 37203.

Federal Office Building, Rm. 406,
310 New Bern Avenue,
Raleigh, North Carolina 27601.

Enterprise Building, Suite 204,
6605 Abercon Street,
Savannah, Georgia 31405.

650 Cleveland Street, Rm. 44,
Clearwater, Florida 33515.

Building 10, Suite 33,
La Vista Perimeter Office Park,
Tucker, Georgia 30084.

230 South Dearborn, 10th Floor,
Chicago, Illinois 60604.

Federal Office Building, Rm. 4028,
550 Main Street,
Cincinnati, Ohio 45202.

Federal Office Building,
Room 847,
1240 East Ninth Street,
Cleveland, Ohio 44199.

360 S. Third Street, Rm. 109,
Columbus, Ohio 43215.

Michigan Theatre Building,
Room 626,
220 Bagley Avenue,
Detroit, Michigan 48226.

U.S. Post Office and Courthouse, Room 423,
46 East Ohio Street,
Indianapolis, Indiana 46202.

Clark Building, Room 400,
633 West Wisconsin Avenue,
Milwaukee, Wisconsin 53203.

110 South Fourth Street, Rm. 437,
Minneapolis, Minnesota 55401.

Federal Office Building, Rm. 734,
234 North Summit Street,
Toledo, Ohio 43604.

Federal Building, Room 302,
421 Gold Avenue SW.,
P.O. Box 1428,
Albuquerque, N. Mexico 87103.

Adolphus Tower, Suite 1820,
1412 Main Street,
Dallas, Texas 75202.

2320 La Branch Street, Rm. 2118,
Houston, Texas 77004.

Federal Building, Room 421,
1205 Texas Avenue,
Lubbock, Texas 79401.

Donaghey Building, Rm. 526,
103 East 7th Street,
Little Rock, Arkansas 72201.

546 Carondelet Street, Rm. 202,
New Orleans, La. 70130.

Petroleum Building, Rm. 512,
420 South Boulder,
Tulsa, Oklahoma 74103.

1015 Jackson Keller Road,
Room 122,
San Antonio, Texas 78213.

210 Walnut Street, Room 643,
Des Moines, Iowa 50309.

1627 Main Street, Rm. 1100,
Kansas City, Missouri 64106.

113 West 6th Street,
North Platte, Nebraska 69101.

Harney & 16th Street, Rm. 803,
City National Bank Building,
Omaha, Nebraska 68102.

210 North 12th Boulevard,
Room 554,
St. Louis, Missouri 63101.

Petroleum Building, Suite 312,
221 South Broadway Street,
Wichita, Kansas 67202.

Petroleum Building, Suite 525,
2812 1st Avenue North,
Billings, Montana 59101.

Squire Plaza Building,
8527 West Colfax Avenue,
Lakewood, Colorado 80215.

U.S. Post Office Building,
Room 452,
350 South Main Street,
Salt Lake City, Utah 84101.

Court House Plaza Building,
Room 408,
300 North Dakota Avenue,
Sioux Falls, South Dakota 57102.

1100 East William Street,
Carson City, Nevada 89701.

333 Queen Street, Suite 505,
Honolulu, Hawaii 96813.

Hartwell Building, Room 401,
19 Pine Avenue,
Long Beach, California 90802.

Amerco Towers, Suite 318,
2721 North Central Avenue,
Phoenix, Arizona 85004.

100 McAllister Street, Rm. 1706,
San Francisco, California 94102.

Federal Building, Room 227,
605 West 4th Avenue,
Anchorage, Alaska 99501.

121 107th Street NE.,
Bellevue, Washington 98004.

228 Idaho Building,
216 N. 8th Street,
Boise, Idaho 83702.

Pittock Block, Room 526,
921S W. Washington Street,
Portland, Oregon 97205.

District Supervisors:

Federal Building,
Room 503A,
U.S. Courthouse,
Providence, Rhode Island 02903.

Stanwick Building, Room 111,
3661 Virginia Beach Blvd.,
Norfolk, Virginia 23502.

600 Leopard Street,
Suite 1322,
Corpus Christi, Texas 78401.

PROCEDURE FOR DISCLOSURE

§ 70.41 Applicability of procedures.

Requests for inspection or copying of information from records in the custody of the Department of Labor which are available under the provisions of this part shall be made and acted upon as provided in the following sections of this subpart. The prescribed procedure shall be followed in all cases where access is sought to official records pursuant to the provisions of the Freedom of Information Act, except with respect to records for which a less formal disclosure procedure is provided specifically in this part or in any supplemental regulation referred to in Subpart C. Officers and employees of the Department may be authorized by the Secretary, or by the head of the agency in the Department having custody of the record, to continue to furnish to the public, informally and without compliance with these procedures, information and copies from its records which prior to enactment of the Freedom of Information Act (5 U.S.C. 552) were customarily furnished in the regular performance of their duties.

§ 70.42 Submittal of requests for access to records.

(a) Any person who desires to inspect or copy any record covered by this part, including any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved, shall submit a written request to that effect to the agency of the Department of Labor (see the listings in §§ 70.35(e) and 70.36) which has custody of the record.

(b) Standard forms for making a request are not required. However, to expedite the processing of requests submitted in accordance with paragraph (a) of this section each such request should clearly indicate on the envelope and on the request the following: F.O.I.A. request.

(c) To avoid delay in receipt of a sufficiently complete request at the agency in cases where the search and copying charges are not known or estimated and agreed upon in advance but may be substantial, the request in such a case should, as provided in § 70.64(b), state specifically that whatever costs will be involved pursuant to §§ 70.62–70.63 will be acceptable, or will be acceptable up to an amount not exceeding a named figure.

§ 70.43 To whom to direct requests.

(a) A request for records in the custody of the Bureau of Labor Statistics shall be directed to the Commissioner of Labor Statistics, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. In the case of records in the custody of other agencies of the Department, the request shall be directed to the chief of such agency, unless the record asked for is kept in one of its field offices. If the desired record is kept in a field office, the request shall be directed to the field official having the principal responsibility to the agency for the custody of the records in that office, who may, for brevity, be referred to as the "responsible field official." The responsible field official may be identified as follows:

(1) In the case of records kept in a regional office, the chief of such office (for aid in identification, see § 70.36).

(2) In the case of records relating to compensation claims under laws providing compensation for work injuries to employees and under the War Hazards Act and Defense Base Act, the deputy commissioner of the district office in which the records are kept.

(3) In the case of records kept in any other field office, the chief of the regional office or of the highest field office which, pursuant to authority from the agency of the Department administering the program to which the record relates, is responsible for the direct supervision of operations under such program in the field office where the record is kept. If the person making the request does not know where the record is located, he may direct his request to the Assistant Secretary of Labor for Administration and Management, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, for appropriate handling.

(b) The agencies of the Department of Labor, referred to in paragraph (a) of this section, are, or are constituent units of, the agencies listed in § 70.35(e). Heads and responsible field officials of these agencies are further identified in § 70.36. For purposes of submittals of requests for records under this section, the chief of the Office of the Secretary shall be considered to be the Assistant Secretary for Administration and Management, and the chief of the Office of the Solicitor shall be considered to be the Deputy Solicitor. The general organization of the Department of Labor, its principal officers, and addresses of its regional and other field offices may be found in the "U.S. Government Organization Manual" referred to in § 70.5(b).

§ 70.44 Description of information requested.

Each request should reasonably describe the record or records sought; i.e., in sufficient detail to permit identification and location thereof with a reasonable amount of effort. So far as practicable, the request should specify the subject matter of the record, the date or approximate date when made, the place where made, the person or office that made it, and any other pertinent identifying details.

§ 70.45 Deficient descriptions.

If the description is insufficient so that a professional employee who is familiar with the subject area of the request cannot locate the record with a reasonable amount of effort, the officer processing the request will notify the applicant and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist an applicant in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

§ 70.46 Requests for categories of records.

Requests calling for all records falling within a reasonably specific category will be regarded as reasonably described within the meaning of § 70.44 and the statutory requirement if the Department is reasonably able to determine which records come within the request and to search for and collect them, at least where such search can be accomplished without unduly interfering with Department operations because of staff time consumed or the resulting disruption of files. If undue disruption of agency operations would result from fulfilling the request, the officer to whom the request was submitted shall promptly give the applicant notice thereof and the opportunity to confer with him in an attempt to reduce the request to manageable proportions by reformulation and by outlining an orderly procedure for the production of the records.

§ 70.47 Receipt by agency of request; acknowledgment.

(a) Since the officer responsible for acting upon a request for access to records of the Department or a constituent agency thereof must take the necessary action promptly after receipt of the request and a determination regarding disclosure must in any event be dispatched to the requester within a prescribed period after such receipt as set forth in § 70.53, such officer shall, upon receipt of such request, have the date and time of such receipt immediately inscribed thereon and give contemporaneous notice to the requester that the request was received on such date. Such notice shall also advise the requester of the time within which it is anticipated that a response will be made. If it appears from the request that the unusual circumstances set forth in § 70.55(b) may require extension of the normal time limit for responding to the request, and if such extension is authorized pursuant to § 70.55(c), the acknowledgment of receipt shall contain the information required by § 70.53(b).

(b) Each agency of the Department of Labor shall make provision for transmittal procedures which will expedite on a priority basis the receipt by the proper disclosure officer of incoming requests for access to records on which such officer must pass but which initially come to some other office or agency of the Department. Requesters can assist the Department in this regard by proper marking of their requests as indicated in § 70.42(b).

(c) In accordance with the rules set forth in Subpart B of this part, the request by a person for access to records requiring substantial search and/or copying services must be accompanied by payment or assurance of payment of any fees therefor applicable under the statute and this part, and action thereon may not be required in the absence of such payment or assurance. As provided in § 70.64(b), and to protect requesters from an unexpected accrual of liability greater than they may wish to assume for access to requested records when they do not know or have any estimate of the applicable fees and the agency anticipates that search and/or copying charges may exceed $25, no receipt of a complete request will be deemed to have occurred (and, therefore, the provisions of paragraph (a) of this section will not be applicable) unless or until (1) the requester specifically states that whatever costs will be involved pursuant to §§ 70.62–70.63 will be acceptable or will be acceptable up to an amount not exceeding a named figure, or (2) prompt notification has been given to the requester of the agency's estimate of the costs and the requester has perfected the request by payment or assurance of payment thereof. Upon completion of the request by such payment or assurance of payment, the re-

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quest will be deemed to have been made in accordance with the published rules as to fees and receipt will be acknowledged as provided in paragraph (a) of this section.

§ 70.48 Action on request.

(a) The officer responsible for determining whether a request for agency records will be complied with in whole or in part shall cause any necessary search to be made promptly upon receipt of a request made in accordance with the rules published in this part and, after location of the requested records and such examination as may be necessary, shall proceed, as expeditiously as possible and within the time limitations set forth in § 70.53, to determine whether and to what extent the request may be granted pursuant to the policy of disclosure set forth in § 70.11 and the provisions of §§ 70.21, 70.22, and 70.29, and to advise the requester immediately of such determination.

(b) When a determination to grant the request with respect to all or any portion of the records requested is made, such records shall be made available to the requester at the time he is advised of the determination or as promptly thereafter as possible.

§ 70.49 Form of denials.

A reply denying a written request for a record or portion thereof shall be in writing and shall contain a brief statement of the reasons for the denial, including (except in case of a denial for the reasons set forth in § 70.53(c)) a reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record and an explanation of how the exemption applies to the matter withheld. The denial shall also include the name and title or position of the person(s) responsible for the denial and an outline of the appeal procedure available.

§ 70.50 Appeals from denial of requests.

An applicant whose request for a record or portion thereof has been denied pursuant to § 70.49 may file an appeal within 90 days from the date of the denial or in the case of a partial denial, 90 days from the date the material is received by the requester. The appeal shall state, in writing, the grounds for appeal, including any supporting statements or arguments. The appeal shall be addressed to the Solicitor of Labor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. To expedite the processing of the appeal, each such appeal should clearly indicate on the envelope and on the appeal the following: F.O.I.A. Appeal.

§ 70.51 Receipt by Solicitor of appeal; acknowledgment.

Since action on an appeal from a denial of a request for records must be taken promptly after the receipt of the appeal by the Solicitor and in any event within the prescribed time limits following such receipt as set forth in § 70.54, each such appeal, when received by the Solicitor, shall have the date and time of such receipt inscribed thereon and the appellant shall immediately be notified of the time of receipt as so inscribed. To expedite the handling of appeals as much as possible, the Department will maintain internal procedures designed to assure transmittal to and receipt by the Solicitor of incoming appeals on a priority basis. Appellants can assist the Department in this regard by proper marking of their appeals as indicated in § 70.50.

§ 70.52 Action on appeals.

(a) As promptly as possible after receipt of an appeal and within the time limits specified in § 70.54, the Solicitor shall review the appellant's supporting papers and pass on the appeal. In his review of the matter on appeal, the Solicitor is authorized to determine de novo, in the light of the disclosure policy set forth in § 70.11, whether the denial of appellant's request for access to records was proper and in accord with the applicable provisions of the statute and the pertinent regulations. In the event that the denial appealed from is one made pursuant to the provisions of paragraph (c) of § 70.53 by reason of inability of the disclosure officer to make an informed determination within the specified time limits, the Solicitor's decision shall take into consideration any supplementary determination by the disclosure officer made pursuant to the provisions of such paragraph.

(b) The Solicitor may proceed as provided in paragraph (a) to take the necessary action on the appeal notwithstanding the pendency of any action for judicial relief against withholding of records requested pursuant to this part, unless otherwise directed by the court. The Solicitor may take such action whether the judicial relief was sought prior to any determination by the disclosure officer to grant or deny the request in whole or in part, or was applied for before or after the filing of the appeal. In the event that a requester seeks review by a court of the denial by a disclosure officer of a request for agency records without first filing an appeal to the Solicitor as provided in this part, the Solicitor may, unless otherwise ordered by the court, consider such action as the filing of an appeal and issue a decision thereon within the period specified in § 70.54 and in accordance with the provisions of paragraph (a) of this section. In any of the foregoing circumstances a final decision by the Solicitor to grant access to records would make unnecessary a ruling by the court with respect thereto.

(c) The Solicitor shall issue a decision in writing granting or denying the appeal in whole or in part and, if the appeal is granted with respect to any or all of the requested records, the Solicitor shall order such records to be made available promptly to the appellant. If the appeal is denied wholly or in part, the decision shall set forth each exemption provided in 5 U.S.C. 552 which is relied on, how it applies to the record or portion thereof which had been withheld, and the reasons for asserting it. The decision of the Solicitor shall be the final action of the Department of Labor with respect to the request. The notification to the requester of any decision upholding a denial in whole or in part of the request shall include notice of the provisions for judicial review set forth in 5 U.S.C. 552(a)(4).

(d) Copies of both grants and denials on appeal shall be collected in one file open to the public (subject to provisions of § 70.29(c)) and indexed in accordance with §§ 70.7 and 70.16.

TIME LIMITATIONS FOR ACTION ON REQUESTS AND APPEALS

§ 70.53 Period within which action on request shall be taken.

(a) As soon as possible and within a period not to exceed 10 working days after receipt (see § 70.47) of a request for agency records reasonably described and requested in accordance with the regulations published in this Part 70 and such supplementary regulations referred to in Subpart C hereof as may be pertinent, the officer responsible for acting on the request shall determine that such request will be granted or denied in whole or in part as provided in this Part 70, and shall thereupon immediately notify the requester of such determination and the reasons therefor. The provisions of paragraphs (b), (c), and (d) of this section are applicable where a final determination to grant or deny the request has not been made within the 10-day period with respect to all the records requested.

(b) As provided in § 70.55, an extension of the 10-day period for action on the request may be determined to be necessary because of unusual circumstances. If such an extension has been authorized as provided in § 70.55(c), the officer responsible for acting on the request shall notify the requester in writing within such 10-day period of the extension and the reasons therefor, specifying the date on which the determination to grant or deny the request is expected to be dispatched.

(c) If the disclosure officer is unable to grant the request as to all or any part of the records sought within the 10-day period specified in paragraph (a) or such extended period as may be specified pursuant to paragraph (b), because some or all of the records have not been located or made available for examination and consideration in time to make an informed determination, the officer may, within such period, respond to the request with respect to such records by denying access thereto at such time, with notification to the requester of such reasons and of the right to appeal such denial pursuant to the provisions of the Freedom of Information Act and this part within the 90-day period provided in § 70.50. In such event the officer shall further advise the requester that the search or examination will be continued and that the denial will be subject to withdrawal, modification, or confirmation by a supplementary determination to be made as soon as processing of the

request can be completed. If an appeal is filed from the initial denial, the Solicitor shall act thereon as provided in § 70.52.

(d) If the officer who must pass upon the request fails to make a determination to grant or deny access to requested records as provided in paragraph (a) or (c) within the 10-day period specified in paragraph (a) or an extension thereof as specified pursuant to paragraph (b), the requester shall be deemed to have exhausted his administrative remedies and may apply for judicial relief against the withholding of such records as provided in the Freedom of Information Act. In such event, however, the court may allow additional time as provided in the Act, upon a showing of exceptional circumstances and the exercise of due diligence in responding to the request. In view of this, where despite due diligence exceptional circumstances have prevented a timely determination, the disclosure officer shall so advise the requester, explaining fully the facts and circumstances and that processing of the request will continue with the expectation that a determination can be made by a stated date, and shall solicit agreement by the requester to delay any application for judicial relief until such date. Processing of the request shall continue until such determination is made, however, irrespective of whether the requester agrees to defer court action or applies for judicial relief. If it is finally determined to grant access to any such records, no judicial relief would be necessary with respect thereto.

§ 70.54 Period within which action on appeal shall be taken.

(a) After receipt (see § 70.51) of an appeal from a denial of a request for agency records, the Solicitor shall as soon as possible within a period not to exceed 20 working days or such extended period as may be authorized pursuant to § 70.55 (d) issue the decision on the appeal as provided in § 70.52.

(b) If a decision on the requester's appeal from a denial of access to agency records is not made by the Solicitor within the normal or extended period applicable under paragraph (a), the requester shall be deemed to have exhausted his administrative remedies and may apply for judicial relief against the withholding of the requested records as provided in the Freedom of Information Act. In such event, however, the court may allow additional time as provided in the Act, upon a showing of exceptional circumstances and the exercise of due diligence in responding to the request. In view of this, where despite due diligence exceptional circumstances have prevented a timely decision on the appeal, the Solicitor shall so advise the requester, explaining fully the facts and circumstances and that processing of the appeal will continue with the expectation that a decision will be made by a stated date, and shall solicit agreement by the requester to delay any application for judicial relief until such date. Processing of the appeal shall continue until a decision thereon is made, however, irrespective of whether the requester agrees to defer court action or applies for judicial relief. If it is finally determined to grant the appeal as to any of the requested records, no judicial relief will be necessary with respect thereto.

§ 70.55 Extension of period for taking action on request or appeal.

(a) *Extension in unusual circumstances, generally.* Pursuant to paragraph 6(B) of 5 U.S.C. 552(a) as amended, the maximum period of 10 working days normally allowed (see § 70.53) for making the determination in response to a request for agency records submitted as provided in this part, or the maximum period of 20 working days normally allowed (see § 70.54) for deciding an appeal from a denial of the request for any such records in whole or in part, may be extended in the unusual circumstances described in paragraph (b) of this section for an additional period by written notice from the disclosure officer or the Solicitor, as the case may be, to the requester setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such additional time may be provided only to the extent reasonably necessary to the processing of the particular request and no extension for more than an additional 10 working days is permitted. Such extensions shall be allowed only as provided in paragraphs (c) and (d) of this section, so that the total additional time made available thereby for determining the action to be taken on a particular request, whether by the disclosure officer or by the Solicitor in the event of appeal, or by both together, will not exceed 10 working days.

(b) *Unusual circumstances which may justify extended time.* The unusual circumstances which may justify an extension, as provided in paragraph (a), of the time for taking action on a request for records or an appeal from a denial of the request in whole or in part are:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

Consultations between an agency unit and its legal counsel, the public information staff, or the Department of Justice are not unusual circumstances within the meaning of this paragraph and should not be considered the basis for an extension as provided in paragraph (a) and paragraph (c) or paragraph (d).

(c) *Extension of period for disclosure officer to determine action to be taken on request.* The disclosure officer passing upon the request for records may, to the extent reasonably necessary to the proper processing of such request in the unusual circumstances set forth in paragraph (b), extend the period for determining the action to be taken thereon beyond the normal 10-day limit as provided in paragraph (a), but only with the prior approval of the Solicitor and for such period up to but not in excess of 10 additional working days as the Solicitor shall approve. Notification shall be given to the requester as provided in § 70.53(b).

(d) *Extension of period for Solicitor to decide appeal from denial of access to requested records.* The Solicitor may, to the extent necessary to the proper processing of an appeal from a denial of a request for agency records, extend the period for deciding such appeal beyond the normal 20-day limit by written notice to the appellant as provided in paragraph (a), but only in the unusual circumstances set forth in paragraph (b) and in no event for more than 10 additional working days or such portion thereof as remains after any extension previously made pursuant to paragraph (c).

(e) *Further provisions for extension of time for taking action.* As noted in § 70.53(d) and § 70.54(b), notwithstanding the fact that a requester is deemed to have exhausted his administrative remedies and may apply for judicial relief under the Freedom of Information Act when the disclosure officer or the Solicitor fails to take the necessary action with respect to a request for records or an appeal from a denial thereof within the normal or extended time limits prescribed in the Act, the court in any such action may, upon a showing of exceptional circumstances and the exercise of due diligence in responding to the requester, allow additional time to complete the necessary review. While any deferral of an application for judicial relief under such circumstances is within the discretion of the requester, the responsible officer will, pursuant to the rules in this part, continue to proceed to a determination of the matter before him and, if the determination is to grant access to the requested records, the necessity for judicial relief will be obviated.

Subpart B—Copies of Records and Fees for Services

SPECIAL SEARCHING AND COPYING SERVICES

§ 70.61 Charges for services, generally.

(a) Pursuant to the provisions of the Freedom of Information Act, as amended, the payment of standard charges as set forth in the fee schedule in § 70.62 will, except as otherwise provided in this subpart, be required of the requester to cover the direct costs of searching for and duplicating records requested under the Act from the Department or any of its constituent agencies. Where the direct cost to the agency of making the search is substantial, fees for searching as provided in the schedule will be charged even if the record searched for is not found or if, after it is found, it is determined that the request to inspect

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it must be denied under the provisions of 5 U.S.C. 552(b) and the regulations in this part.

(b) Circumstances under which searching and copying facilities or services may be made available to the requester without charge or at a reduced charge are delineated in §§ 70.65–70.67. Recoupment of agency costs for determining whether a requested record is disclosable under the statute and this part and for making deletions of portions exempted from disclosure by the Act has been excluded from consideration in arriving at the standard charges contained in the fee schedule and no charge is made to a requester for the cost of any such services. However, where a requester desires the agency to provide such services as certification, authentication, or other special services not required under the Freedom of Information Act with respect to requested records, fees in addition to the standard charges for search and copying will be charged to cover the agency costs as indicated in §§ 70.68–70.69 and as authorized by the special provisions in Subchapter II of Title 29 of the United States Code and the general user-charge statute, section 483a of Title 31, United States Code.

§ 70.62 Search and copying charges.

(a) *Fee schedule for searching records.* Where agency records must be searched to locate a requested record, charges applicable under this subpart to the search will be made according to the following fee schedule:

(1) *Search time:* (i) Ordinary search by custodial or clerical personnel, $1.25 for each one-quarter hour or fraction thereof of employee worktime in excess of the first quarter-hour required to reach or obtain the records to be searched and to make the necessary search; and

(ii) Search requiring services of professional or supervisory personnel to locate requested record, $2.50 for each such quarter-hour of such services required.

(2) *Additional search costs.* If the search for a requested record requires transportation of the searcher to the location of the records or transportation of the records to the searcher, at a cost in excess of $5, actual transportation costs will be added to the search time cost.

(3) *Search in computerized records.* Special fees to cover direct personnel and machine time costs of such searches will be charged as set forth in the above fee schedule and § 70.63.

(b) *Fee schedule for copying of records.* The fees payable pursuant to this subpart for obtaining requested copies of records which have been made available for inspection under the Freedom of Information Act will be computed on the following basis and subject to the following conditions:

(1) *Standard copying fee:* $0.10 per page of record copies furnished. This has been determined to be a reasonable standard charge to cover direct costs to the Department of duplicating records where the volume of page copies furnished is not extraordinary. The standard fee is applicable both where the copies are reproduced by the person desiring them, using Government-furnished reproduction equipment, such as coin-operated machines, which may be made available for use by any number of the public, and where, in the absence of availability of such facilities, the copies are reproduced by agency personnel. This standard fee is also applicable to the furnishing of copies of available computer printouts as stated in § 70.63(a)(1).

(2) *Voluminous material.* If the volume of page copy desired by the requester is such that the reproduction charge at the standard page rate would be in excess of $200, the person desiring reproduction may request special rate quotation from the Office of the Assistant Secretary for Administration and Management.

(3) *Limit of service.* Not more than 10 copies of any document will be furnished.

(4) *Manual copying by requester.* No charge will be made for manual copying by the requesting party of any document made available for inspection under the provisions of this part. The Department shall provide facilities for such copying without charge at reasonable times during normal working hours.

(c) *Transcripts of proceedings.* Where pursuant to the provisions of this part there is made available for inspection and copying the transcript of a hearing or other proceeding pertaining to matters within the purview of the Department of Labor or any of its programs, constituent agencies, or advisory committees, no search charge will be made. Copies of such transcripts will normally be furnished upon payment of the actual cost of duplication as computed pursuant to the fee schedule in paragraph (b). If, however, the transcript was furnished to this Department under the provisions of a contract executed prior to January 5, 1973, the effective date of the Federal Advisory Committee Act, under contractual provisions which prohibit the Department from reproducing the transcript, copies of such transcripts prepared by persons or firms reporting the proceedings may be obtained upon application to the reporter and payment of the reporter's fees at the rate provided in the contract. The foregoing fees are not applicable to the furnishing of any copies of such transcripts to any person entitled to receive such copies without charge pursuant to a regulation or order issued by the Secretary or his authorized representative.

(d) *Indexes.* Pursuant to 5 U.S.C. 552(a)(2), copies of indexes or supplements thereto which are maintained as therein provided but which have not been published will be provided on request at a cost not to exceed the direct cost of duplication as computed pursuant to the fee schedule in paragraph (b) of this section.

§ 70.63 Computerized records.

(a) Information available in whole or in part in computerized form which is disclosable under the Freedom of Information Act is available to the public as follows:

(1) When there is an existing printout from the computer which permits copying the printout, the material will be made available at the per page rate stated in § 70.62(b)(1) for each 8½- by 11-inch page.

(2) When there is not an existing printout of information disclosable under the Freedom of Information Act, a printout shall be made provided the applicant pays the cost to the Department as hereinafter stated.

(3) Obtaining information from computerized records frequently involves a minimum computer time cost of approximately $100 per request. Multiple requests involving the same subject may cost less per request. Services of personnel in the nature of a search shall be charged for at rates prescribed in § 70.62(a). A charge shall be made for the computer time involved based upon the prevailing level of costs to Government organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present or make available the output of computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of such supplies and materials that are used.

(b) Information in the Department's computerized records which could be produced only by additional programming of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act. In view of the usually heavy workloads of the computers used by the Department, such a service cannot ordinarily be offered to the public.

§ 70.64 Payment of fees.

(a) *Medium of payment.* Payment of the applicable fees as set forth in §§ 70.62 and 70.63 shall be made in cash, by U.S. postal money order, or by check payable to the Secretary of Labor. Postage stamps will not be accepted in lieu of cash, checks, or money orders as payment for fees specified in the schedule. Cash should not be sent by mail.

(b) *Advance payment or assurance.* Payment of the known and officially estimated searching and copying fees shall be made or assured to the satisfaction of the disclosure officer prior to the performance of substantial searching or copying services. Where the requester does not know and has no official estimate of the search and copying costs at the time the request is made, the request should specifically state that whatever costs will be involved pursuant to §§ 70.62–70.63 will be acceptable, or will be acceptable up to an amount not exceeding a named figure. A request made without such specific assurance of payment of fees, in an amount at least equal to the charges under §§ 70.62–70.63 which the Department anticipates will be necessary, will, if such estimated charges are in excess of $25, not be deemed to have been received by the

Department until the requester has been notified (promptly upon physical tender of the request) of the Department's cost estimate and has perfected the request by paying the estimated charges or giving satisfactory assurance that payment will be made. In the event that a request is made only for inspection of a record, advance payment or assurance of payment as set forth in this paragraph is applicable only with respect to searching fees; charges for copying will not be made unless or until copies are requested.

(c) *Adjustment of fees.* Where an estimated fee paid by the requester in advance exceeds the fee chargeable under the applicable schedule for the search or copying services actually performed, the balance will be refunded by the Department. Where the actual fees due for the services are in excess of the estimate, the requester will be required to remit the difference. In cases where the estimated costs required under the fee schedule for responding to a request are such that an advance deposit is deemed necessary, and it appears that the information sought by the requester might be made available at less cost by revision of the request, the Department's advice to the requester of the estimated costs and the need for an advance deposit will be accompanied by extension of an offer to the requester to confer with knowledgeable Department personnel with a view to reformulation of the request in a manner which will reduce the fees and meet the needs of the requester.

(d) *Post-copying costs.* The scheduled fees for furnishing copies of records made available pursuant to the Act for inspection and copying cover the costs of furnishing the copies at the place of duplication. Where requests for such copies are made by mail, no postage charge will be made for transmitting by regular mail a single copy of the requested record to the requester, or for mailing additional copies where the total postage cost does not exceed $1. However, where the volume of page copy or method of transmittal requested is such that transmittal charges to the Department are in excess of $1, the transmittal costs will be added to the copying fee specified in accordance with the schedule, unless appropriate stamps or stamped envelopes are furnished with the request, or authorization is given for collection of shipping charges on delivery.

§ 70.65 Standard fees not charged in certain circumstances.

The searching and copying fees set forth in this subpart are intended to cover agency costs of furnishing services that are special to the requester and above and beyond those which are generally provided to the public at large. Where furnishing the information requested can be considered as primarily benefiting the general public, the Freedom of Information Act provides that the agency may determine that waiver or reduction of the standard charges for searching and copying is in the public interest, in which event requested records shall be made available without charge or at a reduced charge. On this basis as well as for other reasons which have satisfied the Department that it is in the public interest to do so, the standard fees for making a requested record available will, in certain circumstances, not be charged or will be reduced as stated in the sections following. In addition, where the disclosure officer granting the request for a record determines that the waiver or reduction of the standard charge would be in the public interest because of the primary benefit to the general public of disclosure of the requested information, the disclosure officer shall advise the requester that the requested record will be made available without charge or at a reduced charge which he shall specify.

§ 70.66 Services performed without charge.

(a) No searching charge under § 70.62(a) shall be made for routine procurement for inspection from Department records, not requiring more than one-quarter hour of personnel time, of any record required by the Freedom of Information Act to be made available for public inspection on request.

(b) The searching fees set forth in § 70.62(a) shall not be charged for the production of any requested record material maintained in a public reference facility of the Department or any of its component units, or for searching for any records available for public inspection without formal request pursuant to the rules in this part and supplemental regulations issued as provided in Subpart C, or for producing any record required by statute to be made available for inspection without charge.

(c) The fees provided for copies in § 70.62(b) do not apply to copies of materials reproduced for the purpose of distribution to the public without charge or to copies of published materials available for purchase from the Superintendent of Documents which the Department makes available in single copies or in limited quantities without charge to persons whose access to such materials may serve the public interest and assist the Department in administering statutes or carrying out programs for which it is responsible.

§ 70.67 Waiver or reduction of fees by disclosure officer.

In appropriate circumstances the disclosure officer may waive or reduce fees otherwise applicable under § 70.62 for services in searching for and copying record information. Thus, where no major expenditure of staff time or burden on reproduction facilities is involved, single copies of disclosable documents readily accessible in Departmental files may be furnished without charge to persons properly and directly concerned with the matters therein (e.g., where an individual seeks a copy of a record pertaining to Departmental action or reference material directly concerning that individual), and to persons in special circumstances where inability to pay is demonstrated and it is clear that a significant public interest would be served by providing the service free of charge. Similarly, searching and copying services may be performed at a reduced charge determined by the disclosure officer to be justified by the public interest in disclosure of a requested record (see § 70.65) or by the benefit to the public that may accrue from dissemination of information likely to assist the Department in carrying out a statutory program.

AUTHENTICATION; SPECIAL STUDIES AND COMPILATIONS

§ 70.68 Authentication of copies.

(a) *Fees.* The Freedom of Information Act does not require certification or attestation under seal of copies of records furnished in accordance with its provisions. Pursuant to provisions of the general user-charger statute, 31 U.S.C. 483a and Subchapter II of Title 29 of the United States Code, the following charges will be made where such services are requested:

(1) For certification of true copies, each $1.

(2) For attestation under the seal of the Department, each $3.

(b) *Authority and form for attestation under seal.* Authority is hereby given to any officer or officers of the Department of Labor designated as authentication officer or officers of the Department to sign and issue certificates of authentication under the seal of the Department of Labor. The form of authentication shall be as follows:

I hereby certify, that _____ who signed the foregoing attestation, is now and was at the time of signing (title) _____ and has legal custody of the official documents of the U.S. Department of Labor therein attested and that full faith and credit should be given to his act as such.

In witness whereof, I _____ duly designated by the Secretary of Labor as Authentication Officer of the Department of Labor, have hereunto subscribed my name and caused the seal of the Department of Labor to be affixed this ____ day of _____ 19__.

_____
(Authentication Officer, Department of Labor)

§ 70.69 Special studies and compilations.

Pursuant to the provisions of Subchapter II of Title 29 of the United States Code (29 U.S.C. 9–9b), the Department may, upon the written request of any person and within the discretion of the Secretary of Labor, undertake special statistical studies relating to employment, hours of work, wages and other conditions of employment, may prepare from its records statistical compilations, and may furnish transcripts of its studies, tables, and other records, upon the payment of the actual cost of such work by the person requesting it. Transcripts of existing records requested and made available under the Freedom of Information Act will be furnished subject to payment of the applicable searching and copying fees as set forth earlier in this

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subpart. However, services as above described which are not within the contemplation of the Freedom of Information Act and are performed in the discretion of the Secretary of Labor will be charged for on the basis of a computation of actual total cost. Nothing in the Freedom of Information Act is construed to require the compiling of records other than the indexes prescribed by 5 U.S.C. 552(a)(2) or the preparation of documents other than those required by 5 U.S.C. 552(a)(1) to be published in the FEDERAL REGISTER.

Subpart C—Special Rules Applicable to Certain Specific Records

§ 70.71 Authority of agency officials in Department of Labor.

Each agency of the Department of Labor for which an officer or officers have authority to issue rules and regulations may through such officers promulgate supplementary regulations, not inconsistent with this part, governing the disclosure of particular or specific records which are in the custody of that departmental unit. Agencies of the Department which do not or have not promulgated special supplementary regulations governing disclosure of particular records shall disclose such records pursuant only to the provision of Subparts A and B of this Part 70.

§ 70.72 Supplementary regulations currently in force.

Duly promulgated regulations curently in force governing the disclosure of records in the custody of a subdivision of the Department shall continue to be operative insofar as such regulations are consistent with the provisions of this part. Agencies of the Department which have promulgated supplementary regulations or to which special regulations apply are listed in this subpart. Disclosure by such agencies of records not subject to such regulations shall be governed by the provisions of this Part 70.

§ 70.73 Bureau of Labor Statistics.

(a) The records described in paragraph (b) of this section are in the custody of the Bureau of Labor Statistics at the address indicated. The right of inspection and copying provided in this Part 70 may be exercised at that office. See § 70.77(b) concerning rules specially applicable to the disclosure of statistical information compiled by the Bureau pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970.

(b) Collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department of Labor pursuant to section 211(a) of the Labor-Management Relations Act of 1947 (61 Stat. 156; 29 U.S.C. 181); other available statistical information, tables, studies, and reports, collected, collated, and published or reported by the Bureau of Labor Statistics pursuant to the provisions of title 29, chapter I of the United States Code. As required by the governing statute and as provided in § 70.21, requests to inspect or copy any such document shall be denied with respect to any specific information submitted to the Department in confidence.

Address: U.S. Department of Labor, Bureau of Labor Statistics, General Accounting Office, 441 G Street NW., Washington, D.C. 20210.

§ 70.74 Employment Standards Administration.

(a) Records relating to compensation claims under statutes administered by the Employment Standards Administration for work injuries to employees and for detention benefits under the War Hazards Act may be made available for inspection as provided in 20 CFR 1.22, 31.22, 41.21, 51.1, 61.19, 81.1, and 91.1, and for copying as provided in Subpart B and the supplemental rules in 20 CFR 1.22.

(b) Special supplementary regulations governing the disclosure of records respecting the certification of eligibility to apply for worker assistance under the Trade Expansion Act of 1962 (76 Stat. 872; 19 U.S.C. 1801) and Executive Order 11075 (28 FR 473) may be found in §§ 90.18–19 of this title. The proceedings and reports of advisory committees established under the Trade Act (88 Stat. 1996; 19 U.S.C. 2155) may, as provided in Section 135(f)(2) of that Act, be nondisclosable whenever and to the extent it is determined in accordance with law that such meetings will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions on the negotiation of any trade agreement.

(c) The disclosure of records in the custody of the Office of Federal Contract Compliance or its Compliance Agencies shall be governed by the supplementary regulations published as new Part 60–40 of Title 41 of the Code of Federal Regulations. These will be rescinded or modified in the near future so as to conform to the Freedom of Information Act Amendments of 1974.

(d) The regulations of the Office of Workers' Compensation Programs relating to release of information, which will appear in the near future in the Federal Register under Title 20, Chapter I, Part 10, with reference to the Federal Employees' Compensation Act, as amended; at 20 CFR 702.112–702.114 with reference to the Longshoremen's and Harbor Workers' Compensation Act, as amended and extended; and at 20 CFR 715.301 with reference to the Black Lung Benefits Program.

§ 70.75 Labor-Management Services Administration.

(a) The following documents are in the custody of the Office of Labor-Management Standards Enforcement at the address indicated below, and the right of inspection and copying provided in this Part 70 may be exercised at such offices:

(1) Data and information contained in any report or other document filed pursuant to Sections 201, 202, 203, 211, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524–528, 530, 79 Stat. 888; 29 U.S.C. 431–433, 441, 461).

(2) Data and information contained in any report or other document filed pursuant to the reporting requirements of Part 204 of this title, which are the regulations implementing Executive Order 11491. The reporting requirements are found in Part 204, of this title, § 204.3.

Address: U.S. Department of Labor, Office of Labor-Management Standards Enforcement, Public Documents Room 8757, Georgia Avenue, Silver Spring, MD 20216.

(b) Upon request of the Governor of a State for copies of any reports or documents filed pursuant to Sections 201, 202, 203, 211 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524–528, 79 Stat. 888; 29 U.S.C. 431–433, 441), or for information contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Office of Labor-Management Standards Enforcement shall:

(1) Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies of information and data, or;

(2) Require the person who filed such reports and documents, to furnish such copies or information and data directly to the State agency thus designated.

§ 70.76 Employees' Compensation Appeals Board.

In matters before the Employees' Compensation Appeals Board the Board shall make available, or deny access to, records in the proceedings to employees or their attorneys, or in case of death, to their beneficiaries or authorized representatives, in compliance with standards set out in 20 CFR 501.8.

§ 70.77 Occupational Safety and Health Administration.

(a) Supplementary regulations governing the disclosure of records in the custody of the Occupational Safety and Health Administration pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 651) have been published in Part 1913 of this title. These will be rescinded or modified in the near future so as to conform to the Freedom of Information Act Amendments of 1974.

(b) Disclosure of statistical information compiled by the Bureau of Labor Statistics pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970 shall be governed by the supplementary regulations referred to in paragraph (a) of this section. These will be rescinded or modified in the near future so as to conform to the Freedom of Information Act Amendments of 1974.

Signed at Washington, D.C., this 11th day of February 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4328 Filed 2-18-75;8:45 am]

CHAPTER X—NATIONAL MEDIATION BOARD

PART 1208—AVAILABILITY OF INFORMATION

Freedom of Information Regulations

Pursuant to the authority contained in 44 Stat. 577, as amended (45 U.S.C. 151–163), the National Mediation Board herein amends Part 1208 of its rules by revising § 1208.2.

These amendments revise National Mediation Board regulations to conform to the requirements of the Freedom of Information Act as amended by Pub. L. 93–502, 88 Stat. 1561.

The amendments require that requests for information be mailed to the Executive Secretary of the Board (except that requests for records of the National Railroad Adjustment Board be sent directly to its offices in Chicago). The Executive Secretary responds to the request, in writing, by either granting the request, denying it, or granting and denying it in part. There is a ten-day period for this response, with provision for extension of time. The Executive Secretary is specifically charged with insuring timely response.

In cases of a complete or partial denial by the Executive Secretary, the amendments provide for an appeal to the Chairman of the Board within thirty days of receipt of the denial. The Chairman of the Board has twenty days to act on the appeal. Provision is made for extension of the 20-day period and handling of appeals if and when time limits are exhausted.

The Executive Secretary is charged with maintaining records and files on the processing of all requests and appeals. He must also keep records of all extensions of time taken. This insures that the ten-day extension limit in the Act is not exceeded. Authority for granting extensions of time rests with the official authorized to make a decision on the request.

The amended regulations provide that when the time for initial reply, including any extensions, has expired and no determination has been made, the requester must be informed in writing that he may deem this a denial and appeal to the Chairman of the Board. This provision assures the preservation of the twenty-day period allotted to the Chairman for deciding appeals. In cases of unavoidable delay, such as that occasioned by requests for voluminous records the requester may be asked to defer appeal so long as the Board is making diligent efforts to process the request.

The amendments require that at either stage a letter denying a request must include the name and title or position of the person responsible for the denial, as well as a statement of reasons for it.

In a case where time limits have expired at the appeal level the requester will be informed of his right to treat the failure to complete administrative review as an exhaustion of administrative remedies, permitting immediate suit for judicial review. He will also be advised, however, of the reason for the delay and of the date by which a response may be expected. When the delay is unavoidable, it is anticipated the requester will avoid unnecessary litigation expenses until processing is completed, since a court may grant an extension in such circumstances.

Because the amendments pertain to matters of procedure and policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. In addition, since these changes are necessary to achieve compliance with the amendments to the Freedom of Information Act (5 U.S.C. 552), which become effective on February 19, 1975, there is not sufficient time to receive and evaluate public comment. However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments on these amendments to the Executive Secretary, National Mediation Board, Washington, D.C. 20572 no later than March 19, 1975. All comments received by that date will be evaluated and acted upon as if this document were a proposal.

On January 13, 1975, the Board published in the FEDERAL REGISTER (40 FR 2451) proposed fee regulations (§ 1208.6). That subject is therefore not covered by these amendments.

In consideration of the above, § 1208.2 is amended in the manner set forth below.

These amendments, together with the proposed fee regulations referred to above, become effective on February 19, 1975.

ROWLAND K. QUINN, JR.,
Executive Secretary.

Part 1208 of Title 29 of the Code of Federal Regulations is amended by revising § 1208.2 to read as follows:

§ 1208.2 Production or disclosure of material or information.

(a) *Requests for identifiable records and copies.* (1) All requests for National Mediation Board records shall be filed in writing by mailing the request or delivering it to the Executive Secretary, National Mediation Board, 1230 16th Street, NW., Washington, D.C. 20572, except that requests for records of the National Railroad Adjustment Board shall be in writing and addressed to the Administrative Officer, National Railroad Adjustment Board, 220 South State Street, Chicago, Illinois 60604.

(2) The request shall reasonably describe the records being sought in a manner which permits identification and location of the records.

(i) If the description is insufficient to locate the records, the National Mediation Board will so notify the person making the request and indicate the additional information needed to identify the records requested.

(ii) Every reasonable effort shall be made by the Board to assist in the identification and location of the records sought.

(3) Upon receipt of a request for records the Executive Secretary shall maintain records in reference thereto which shall include the date and time received, the name and address of the requester, the nature of the records requested, the action taken, the date the determination letter is sent to the requester, appeals and action thereon, the date any records are subsequently furnished, the number of staff hours and grade levels of persons who spent time responding to the request and the payment requested and received.

(4) All time limitations established pursuant to this section with respect to processing initial requests and appeals shall commence at the time a written request for records is received at the Board's offices in Washington, D.C., except for requests directed to the National Railroad Adjustment Board pursuant to § 1208.2(a)(1) in which case the time limit shall commence when the request is received at the NRAB's office in Chicago.

(i) An oral request for records shall not begin any time requirement.

(b) *Processing the Initial Request.* (1) Time limitations. Within 10 working days (excepting Saturdays, Sundays and working holidays) after a request for records is received, the Executive Secretary shall determine and inform the requester by letter whether or the extent to which the request will be complied with, unless an extension is taken under paragraph (3) of this subsection.

(2) Such reply letter shall include:

(i) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, a brief explanation of how the exemption applies to the record withheld.

(ii) The name or names and positions of the person or persons, other than the Executive Secretary, responsible for the denial.

(iii) A statement that the denial may be appealed within thirty days by writing to the Chairman of the Board, National Mediation Board, Washington, D.C. 20572, and that judicial review will thereafter be available in the district in which the requester resides, or has his principal place of business, or the district in which the agency records are situated, or the District of Columbia.

(3) Extension of time. In unusual circumstances as specified in this paragraph, the Executive Secretary may extend the time for initial determination on requests up to a total of ten days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be granted in increments of five days or less and shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the request—

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(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request, or the need for consultation among components of the agency having substantial subject matter interest therein.

(4) Treatment of delay as a denial. If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal, in accordance with § 1208.2c. When no determination can be dispatched within the applicable time limit, the responsible official shall nevertheless continue to process the request; on expiration of the time limit he shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the Chairman of the Board in accordance with § 1208.2(c) and he may ask the requester to forego appeal until a determination is made.

(c) *Appeals to Chairman of the Board.* (1) When a request for records has been denied in whole or in part by the Executive Secretary or other person authorized to deny requests, the requester may, within thirty days of its receipt, appeal the denial to the Chairman of the Board. Appeals to the Chairman of the Board shall be in writing, addressed to the Chairman, National Mediation Board, Washington, D.C. 20572.

(2) The Chairman of the Board will act upon the appeal within twenty working days (excluding Saturdays, Sundays and legal public holidays) of its receipt unless an extension is made under paragraph (c)(3) of this section.

(3) In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays and legal public holidays) minus any extension granted at the initial request level pursuant to § 1208.2(b)(3). Such extension shall be made by written notice to the requester which sets forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the appeal—

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency or another division having substantial interest in the determination of the request or the need for consultation among components of the agency having substantial subject matter interest therein.

(4) Treatment of delay as a denial. If no determination on the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed; on expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the Board records are situated or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(d) *Indexes of Certain Records.* (1) The National Mediation Board at its office in Washington, D.C. will maintain, make available for public inspection and copying, and publish quarterly (unless the Board determines by order published in the Federal Register that such publication would be unnecessary or impracticable) a current index of the materials available at the Board offices which are required to be indexed by 5 U.S.C. 552(a)(2).

(i) A copy of such index shall be available at cost from the National Mediation Board, Washington, D.C. 20572.

(2) The National Railroad Adjustment Board at its offices in Chicago, Illinois will maintain, make available for public inspection and copying, and publish quarterly (unless the Board determines by order published in the FEDERAL REGISTER that such publication would be unnecessary or impracticable) a current index of the materials available at the Board offices which are required to be indexed by 5 U.S.C. 552(a)(2).

[FR Doc.75-4467 Filed 2-18-75;8:45 am]

Title 32—National Defense

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER B—MISCELLANEOUS

[DSAR 5400.14; RCS DD-PA(A)1365]

PART 1285—AVAILABILITY TO THE PUBLIC OF OFFICIAL INFORMATION

Freedom of Information Regulations; Revision of Part

FEBRUARY 13, 1975.

Pursuant to the provisions of Pub. L. 93-502, enacted November 21, 1974, notice is hereby given of the publication of revised DSA Regulation 5400.14 implementing 5 U.S.C. 552, as amended by Pub. L. 93-502, Freedom of Information Act. This regulation will become effective February 19, 1975. However, public comments and recommendations submitted to Defense Supply Agency, ATTN: DSAH-XA, Cameron Station, Alexandria, Virginia 22314 by April 18, 1975, will be considered in determining the need for modification of the regulation.

Effective date: February 19, 1975.

By order of the Director, Defense Supply Agency.

GEORGE W. JOHNSON, Jr.,
Colonel, USAF,
Staff Director, Administration.

Part 1285, Subchapter B, Chapter XII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
1285.1 References.
1285.2 Purpose and Scope.
1285.3 Policy.
1285.4 Definitions.
1285.5 Background.
1285.6 Responsibilities.
1285.7 Procedures.
1285.8 Forms and Reports.
Appendix A

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

§ 1285.1 References.[1][2]

(a) 5 U.S.C. 552 as amended by Pub. L. 93-502.
(b) DoD 5200.1-R, Information Security Program Regulation.
(c) DSAR 5400.12, Administration of Congressional Matters.
(d) DSAR 4185.13, Management of Technical Data.
(e) DSAR 4185.5, DSA Technical Data Management Program.
(f) 5 U.S.C. 551 (Section 2 of the Administrative Procedure Act).
(g) DSAM 5205.1, Safeguarding Classified Information.
(h) 18 U.S.C. 1905 Disclosure of Confidential Information Generally.
(i) Pub. L. 86-36 (50 U.S.C. 401 note) National Security Information Exemption.
(j) 35 U.S.C. 181-188 Secrecy of Certain Inventions and Filing Applications in Foreign Countries.
(k) Pub. L. 90-620, 44 U.S.C. 3301 Definition of Records.
(l) Pub. L. 93-579, U.S.C. 552a, The Privacy Act of 1974.
(m) 42 U.S.C. 2162 Classification and Declassification of Restricted Data Periodic Determinations.
(n) DoD Directive 5400.9, Publication of Proposed and Adopted Regulations Affecting the Public.

§ 1285.2 Purpose and scope.

To announce policy and prescribe procedures governing the release to the public of DSA documentary material or records, or information therefrom, pursuant to the provisions of 5 U.S.C. 552 as amended by Pub. L. 93-502, and to implement DoD Directive 5400.7, Availability to the Public of Department of Defense Information. This DSAR is applicable to HQ DSA and DSA field activities.

[1] Referenced material may be obtained from Department of Defense, Defense Supply Agency, and Superintendent of Documents.
[2] This publication supersedes Part 1285 published in Volume 38, No. 172, dated Thursday, September 6, 1973.

§ 1285.3 Policy.

(a) *General.* (1) It is the policy of DSA to make available to the public the maximum amount of information concerning its operations and activities. Exceptions to the requirements for disclosure will be made in accordance with the provisions of paragraph (d) of this section and the release procedures in § 1285.7.

(2) Information exempt from public disclosure, under provisions of paragraph (d) of this section, will be made available to the public when its disclosure is not inconsistent with statutory requirements or with DSAM 5205.1 and when officials determine that no significant purpose would be served by withholding the information. The determination of whether a significant purpose is served by withholding information under provisions of paragraph (d) of this section is within the sole discretion of the DSA official authorized by this Part 1285 to deny release.

(3) Records and other documents or related material may be withheld from the public only as authorized by this Part 1285. In no event will the determination that requested information comes within any of the specific exemptions in paragraph (d) of this section, or that information has not been properly requested, be influenced by the possibility that its release might suggest administrative error or inefficiency, or might embarrass DSA or an official of DSA.

(b) *Availability of records.* (1) Subject to the exemptions in paragraph (d) of this section, and the procedural requirements of § 1285.7, any record in the possession of DSA will be made available upon the request of any person. A request for information reasonably interpretable as being made pursuant to 5 U.S.C. 552 as amended by Pub. L. 93-502 will be processed in accordance with this Part 1285. Records which are published in accordance with DoD Directive 5400.9 or made available for inspection and copying in accordance with DoD Directive 5400.9 will, when practicable, also be copied and forwarded by the custodian of the records to those who request copies.

(2) A request for a record will be honored if:

(i) The requester describes the record sought with sufficient particularity to enable DSA to locate the record with a reasonable amount of effort, and

(ii) The requester is willing and able to pay the cost associated with locating and providing a copy of the record sought, as determined by enclosure 1.

(3) In order for a record to be considered "identifiable", it must exist at the time of the request. There is no obligation to "create" a record for the purpose of satisfying a request for information. When the information requested exists in the form of several records at several locations, the activity receiving the request will normally compile the records. However, the applicant may be referred to the custodian of the records if gathering the information would be unduly burdensome on the DSA activity.

(4) When the record requested was originated by another agency, the request will be referred promptly and directly to that agency for disposition. The originating agency of a record should consult with other agencies having a significant interest in the content of a requested document before determining whether to make it available. A member of the public requesting material primarily originated by a Member of Congress or Congressional Committee will be advised to direct his request to the Member or Committee concerned.

(5) DSA activities will not create procedural obstacles when internal DSA or Department of Defense organizational questions arise, particularly where reorganization or transfer of functions contributes to an improperly directed request. DSA personnel will make all reasonable efforts to assist private persons in directing requests for information to the appropriate authorities.

(c) *Inspection and copying of opinions, orders, and manuals.* (1) Subject to the exemptions set forth in paragraph (d) of this section, DSA will make available for public inspection and copying in an appropriate facility or facilities in accordance with the procedures in § 1285.7, the following materials, unless such materials are published and copies offered for sale:

(i) All final opinions (including concurring and dissenting options) and orders in adjudication, as defined in 5 U.S.C. 551 (Section 2 of the Administrative Procedure Act) that may be cited, used, or relied upon as precedents in future adjudication.

(ii) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER.

(iii) Administrative staff manuals and instructions, or portions of such, which establish DSA policy or interpretation of policy that is determinative of the rights of members of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of DSA. Examples of manuals and instructions not normally made available are:

(*a*) Those issued for audit and inspection purposes.

(*b*) Those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution or settlement of cases.

(*c*) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(2) The cost to the DSA activity of copying any such opinion, order, or statement of policy or interpretation shall be imposed on the person requesting the copy in accordance with enclosure 1.

(3) When feasible, all material published in the Federal Register will be made available for inspection and copying, along with any available index of that published material, in the same facility or facilities provided for inspection and copying of opinions, orders and manuals.

(4) Identifying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing.

(5) No order, opinion, statement of policy, interpretation, staff manual, or instruction which is issued, promulgated, or adopted after 4 July 1967 which is not indexed and either made available or published, may be relied upon, used, or cited as a precedent against any member of the public unless he has actual and timely notice of terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before 4 July 1967, it need not be indexed but must be made available in accordance with paragraph (c)(1) of this section. In determining whether an order, opinion, statement of policy, interpretation, staff manual, or instruction is likely to be used or relied upon as precedent, the primary test will be whether it is intended to provide binding guidance for decisions or evaluations by subordinates or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issues are presented.

(d) *Exemptions.* (1) Documentary material which would otherwise have to be made available under paragraphs (b) and (c) of this section may be withheld from public disclosure if it comes within a specific exemption. However, even exempted material will be made available if, in the judgment of the releasing authority, no significant purpose would be served by withholding it from the requester under an applicable exemption and its release is not inconsistent with statutory requirements or DSAM 5205.1 and DoD Directive 5200.1-R.

(2) The following types of records will be withheld from public disclosure:

(i) Those properly classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations, such as DSAM 5205.1 and DoD Directive 5200.1-R.

(ii) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Department of Defense if their release to the public would substantially hinder the effective performance of a significant function of the Department of Defense. Examples include:

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(a) Operating rules, guidelines, and manuals for Department of Defense investigators, inspectors, auditors, or examiners, and schedules or methods which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of Defense. Some of those materials would reveal:

(1) Negotiating and bargaining techniques.

(2) Bargaining limitations and positions.

(3) Inspection schedules and methods.

(4) Audit schedule and methods.

(b) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement or promotion.

(iii) Those containing information which statutes authorize or require to be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive Orders or in regulations authorized by, or in implementation of, the statute. Examples include:

(a) National Security Agency information, governed by Pub. L. 86–36 (50 U.S.C. 401 note) (National Security Agency Reporting Exemption).

(b) Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued, governed by 35 U.S.C. 181–188 (Secrecy of Certain Invention and Filing Applications in Foreign Countries).

(c) Information to be held in confidence under the Privacy Act of 1974.

(d) Information protected as restricted data, 42 U.S.C. 2162.

(iv) Those containing information which DSA receives from anyone including an individual, a foreign nation, an international organization, a State or local government, a corporation, or any other organization with the understanding that it will be retained on a privileged or confidential basis, or similar commercial or financial records which DSA develops internally, if they are in fact the kinds of records which are normally considered privileged or confidential, and when release of the record would adversely affect the competitive position of the source of the information. Such records include documents containing:

(a) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets and inventions and discoveries.

(b) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if received in confidence from a contractor or potential contractor.

(c) Information customarily considered privileged or confidential under the rules of evidence in the Federal Courts.

(d) Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they cover trade secrets or commercial or financial information normally considered confidential or privileged or because they are essential to an effective inspection, investigation, or audit and could not otherwise be obtained.

(v) Except as provided in subdivisions (a) through (d) of this subparagraph, internal communications within and among elements of Federal agencies and of the Department of Defense.

(a) Examples include:

(1) Staff papers containing staff advice, opinions, or suggestions.

(2) Information received or generated by DSA preliminary to a decision or action, including draft versions of documents, where premature disclosure would interfere with the authorized appropriate purpose for which the records were created.

(3) Advice, suggestions, or reports prepared on behalf of DSA by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by DSA to obtain advice and recommendations or by individual consultants.

(4) Those portions of DSA activities evaluations of contractors and their products which contain recommendations or advice by Government employees about the contractor or product.

(5) Advance information on such matters as proposed plans to procure, lease or otherwise acquire and dispose of materials, real estate, facilities, or functions, when such information would provide undue or unfair competitive advantage to private personal interests.

(6) Records which are exchanged among agency personnel or within and among elements of Federal agencies and the Department of Defense preparing for anticipated legal proceedings before any Federal, State, or military court or before any regulatory body.

(7) Reports of inspections, audits, investigations, or surveys which pertain to safety, security or the internal management, administration, or operation of the Department of Defense.

(b) If any such intra- or inter-agency record, or reasonably segregable portion of such record would routinely be made available through the discovery process in the course or litigation with the agency (i.e., the process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing) then it will not be withheld from the general public. If, however, the record or parts of the record would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or part of the record will not be made available to a member of the general public.

(c) A direction or order from a superior to a subordinate, though contained in internal communication, is generally not withholdable from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(d) An internal communication concerning an event or decision which has subsequently been made a matter of public record, or was between officers or employees (or members of the armed forces) who no longer are actively employed by the DSA activity will normally be made available to a requester unless it is determined that, because of special circumstances, release would prejudice the current decision-making process.

(vi) Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(a) Examples of files similar to personnel and medical files include:

(1) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military or industrial, for security clearances.

(2) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(b) In determining whether the release of information would result in a "clearly unwarranted invasion of personal privacy," consideration will be given to the stated or assumed purpose of the request. When determining whether a release is "clearly warranted," the public interest in satisfying this purpose must be balanced against the sensitivity of the privacy interest being threatened.

(c) When the only basis for withholding information is protection of the personal privacy of an individual who is the subject of the record, the information will not be withheld from him or from his designated legal representative. A clearly unwarranted invasion of the privacy of others discussed in that record may, however, constitute a basis for deleting reasonably segregable portions of the record even when providing it to the subject of the record.

(d) An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative only to the extent consistent with Pub. L. 93–579, 5 U.S.C. 552a, The Privacy Act of 1974.

(vii) Those investigative records compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of Executive Orders, or regulations validly adopted pursuant to law.

(a) But only to the extent that their release would:

(1) Interfere with enforcement proceedings.

(2) Deprive a person of the right to a fair trial or impartial adjudication.

(3) Constitute an unwarranted invasion of personal privacy.

(4) Disclose the identity of a confidential source.

(5) Disclose confidential information furnished only from a confidential source obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

(6) Disclose investigative techniques and procedures not already in the public domain and requiring protection against public disclosure to ensure their effectiveness.

(7) Endanger the life or physical safety of law enforcement personnel.

(b) Examples include:

(1) Statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(2) The identity of firms or individuals suspended from contracting with the Department of Defense or being investigated for alleged irregularities when no indictment has been obtained nor any civil action filed against them by the United States.

(3) Information obtained in confidence in the course of a criminal investigation by a criminal law enforcement agency or office within a DSA activity, or a lawful national security intelligence investigation conducted by an authorized agency or office within a DSA activity for the purpose of obtaining affirmative or counterintelligence information, or background investigation information needed to determine suitability for employment or eligibility for access to classified information.

(c) The right of individual litigants to investigative records currently available by law is not diminished.

(d) When the subject of an investigative record is the requester of that record it may be withheld only in accordance with P.L. 93–579, 5 U.S.C. 552a, (The Privacy Act of 1974), and implementing regulations.

(viii) Those contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(ix) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 1285.4 Definitions.

(a) *Records.* (1) In determining whether documentary material qualifies as a "record", consideration should be given to Pub. L. 90–620 44 U.S.C. 3301 Definitions of Records which defines the word "record" for records disposal purposes as follows:

> [It] includes all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(2) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence". Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(3) Records include data stored in computers.

(4) Formulae, designs, drawings, research data, computer programs, technical data, and so forth are not considered "records" within the Congressional intent of 5 U.S.C. 552 as amended by Pub. L. 93–502. Because of development costs, utilization, or value, these items are considered property, not preserved for informational value nor as evidence of agency functions, but as exploitable resources to be utilized in the best interest of all the public. Requests for copies of such material will be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of such property.

(b) *Record custodian.* The Heads of DSA primary level field activities and Heads of HQ DSA principal staff elements who have custody of the records.

§ 1285.5 Background.

Section 552 of Title 5 of the United States Code, as amended by Pub. L. 93–502, describes the kinds of official records and information that must be made available to the public and the kinds of information that need not be made available to the public, requires facilities be made available to the public for the examination and copying of records, and provides procedures for the review of denials to release records and information to the public. Requests from Members of Congress are governed by DSAR 5400.12.

§ 1285.6 Responsibilities.

(a) (HQ DSA. (1) The Chief, Publications Division, Office of Administration (DSAH–XM) will review DSA publications to assure that those which meet the criteria for publication in the Federal Register are prepared in proper form and transmitted promptly for publication in the Federal Register as required by DSAR 5025.19, Publication of Material in the Federal Register.

(2) The Chief, Administrative Management Division, Office of Administration (DSAH–XA) will:

(i) Serve as the point of contact for referring members of the public, except the news media, desiring to examine and copy records to the appropriate staff element within HQ DSA, or within the DSA Administrative Support Center having custody of the records.

(ii) Maintain for examination and copying by the public a copy of the material and documents referred to in subparagraph (b)(3) of this section.

(iii) Process requests for records received under provisions of § 1285.7(a)(1).

(iv) Maintain this DSAR in a current status and review it annually.

(3) The Special Assistant for Public Affairs (DSAH–B) will serve as the central point of contact for the release of information to the news media.

(4) The Counsel (DSAH–G) will:

(i) Provide advice and assistance in determining releasability of records.

(ii) Process appeals to the Director, DSA, of denials to provide records.

(iii) Coordinate denials of releases with Office of the General Counsel, Department of Defense, and the Department of Justice, as appropriate.

(5) The Heads of HQ DSA Principal Staff Elements will:

(i) Review all instructions for which they are the proponent to ensure that such instructions are not inconsistent with the provisions of this Part 1285.

(ii) Ensure that the provisions of this Part 1285 are followed in processing requests for records from members of the public.

(iii) Coordinate with other HQ DSA staff elements, to the extent considered necessary, requests from the public for information.

(iv) Arrange for the collection of fees prescribed in enclosure 1 associated with locating and providing copies of documentary material requested. Screening records and transporting records for screening purposes may constitute a search cost payable by the requester, in advance of release, along with costs of duplication in accordance with enclosure 1.

(v) Furnish DSAH–XA a copy of all denials to provide a record made under the provisions of § 1285.7(b)(13). Copies will be identified using the office symbol, calendar year, Freedom of Information Act (FOIA) and serially numbered, e.g., DSAH–X–75–FOIA–1.

(vi) Prepare and submit reports in accordance with § 1285.8(b).

(vii) Make initial determination to deny release after coordination with DSAH–G.

(b) The Heads of DSA Primary Level Field Activities will:

(1) Ensure that the provisions of this Part 1285 are followed in processing requests for records from members of the public.

(2) Provide convenient facilities where members of the public may examine and copy documents to which they are entitled.

(3) Maintain for examination and copying by the public a copy of the following:

(i) All publications listed in § 1285.1.

(ii) DSAH 5025.2, DSA Field Establishment Directory, which reflects the mailing addresses of all activities of DSA.

(iii) DSAH 5025.1, Defense Supply Agency Index of Publications (HSIs, Handbooks, Manuals and Regulations) which contains, among other things, a topical index of the publications issued by HQ DSA.

(iv) DSAM 5015.1, Files Maintenance and Disposition, which contains a functional description of all records and files generated by DSA. This manual also contains a topical index.

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(v) A copy of such local indexes of opinions, orders, statement of policy, and publications that may exist, or that may be prepared in the future.

(4) Arrange for the collection of fees prescribed in enclosure 1 associated with locating and providing copies of documentary material requested. Screening records and transporting records for screening purposes may constitute a search cost payable by the requester, in advance of release, along with costs of duplication in accordance with enclosure 1.

(5) Furnish DSAH-XA a copy of all denials to provide a record made under provisions of § 1285.7(b)(13). In the case of the Defense Contract Administration Services Regions, the copy will be forwarded through the Deputy Director for Contract Administration Services. Copies will be identified using activity office symbol, calendar year, FOIA and serially numbered, e.g., DCSC-75-FOIA-1.

(6) Prepare and submit reports in accordance with § 1285.8(b).

(7) Refer cases of significance to DSAH-G for review and evaluation when the issues raised are unusual, precedent setting, matters of disagreement among components, or otherwise requiring special attention or guidance.

(8) Establish safeguards to ensure that the official records of the activity are properly safeguarded during the time they are made available for examination by a member of the public.

(9) Ensure that internal operating procedures provide for prompt response to all requests for records.

(10) Establish a training program for those personnel that may be involved in passing on requests from the public for records.

§ 1285.7 Procedures.

(a) *Requests for records or for permission to examine records.* (1) Members of the public may make requests in writing for copies of records or for permission to examine or copy records directly to the Head of the DSA activity having custody of the records, if the location of the document is known. If the location is not known, and it is reasonably certain that the document is in the custody of DSA, the requester should submit the request to HQ DSA, ATTN: DSAH-XA, Cameron Station, Alexandria, Virginia 22314.

(2) Requests must identify each record with sufficient particularity to enable the custodian to locate the record with a reasonable amount of effort. Information as to where the record originated, its subject, date, number, or other identification that would enable the custodian to locate the document should be provided by the requester when possible. The DSA activity may require the requester to complete a form to facilitate efforts to locate a record not otherwise reasonably described.

(3) Because certain information and documents are exempt from the imposition of fees under provisions of enclosure 1, the requester need not submit payment for services with the initial written request. When it is anticipated that the cost of the record search and reproduction of the documents may exceed $10.00, the requester will be so advised and requested to submit payment prior to furnishing the records. In other instances, the requester will be advised at the time the record is found and prior to the release as to the charges involved.

(4) Refusal to make a record available may be made only by the Heads of DSA primary level field activities or the Heads of HQ DSA principal staff elements. The refusal may be appealed to the Director, DSA.

(b) *Processing requests for records or for permission to examine records.* (1) Upon receipt of a request for records or for permission to examine records, the DSA activity having custody of the records will collect the documents, determine whether they are releasable under provisions of this DSAR, determine the fees to be charged, and advise the requester accordingly.

(2) If the request is for permission to examine releasable records, the requester will be advised as to where and when during normal working hours he may appear for this purpose. Every reasonable effort will be made to accommodate individuals granted permission to examine records; however, overtime is not authorized for this purpose.

(3) The DSA official having custody and control of any DSA record, requested by a member of the public, is authorized to make such record available unless the record falls within one of the exemptions listed in § 1285.3(d). In such case the request will be referred promptly to the Head of the primary level field activity or the Head of a HQ DSA principal staff element, as appropriate. The marking or absence of the marking "FOR OFFICIAL USE ONLY" does not relieve the official who is authorized to release the record from the responsibility of reviewing the requested record for the purpose of determining whether an exemption under § 1285.3(d) is applicable.

(4) The official designated by DSA to make initial determinations, if not a public affairs officer, should consult with the appropriate public affairs officer to determine if the subject matter is considered to be newsworthy. The Public Affairs Officer will be advised of all requests from news media representatives. In addition, public affairs officers will be informed in advance whenever a record containing potentially newsworthy material is to be released or to be withheld when it is likely that the withholding action will be publicly challenged.

(5) Initial determinations will normally be made within 10 working days of the date a request is received by the official designated to respond for the type of record sought, providing the requester indicates a willingness to reimburse the DSA activity for any search and duplication costs incurred in providing the record. If the willingness of the requester to reimburse the DSA activity for any required search and duplication costs is not expressed in the request, this issue must be resolved before the time for responding begins to run. The requester will be contacted as expeditiously as possible, usually by telephone, for assurance of his intent to reimburse the Government for these costs.

(6) When the request is received by someone other than the records custodian, it will be forwarded promptly to the records custodian with the period for response commencing upon his receipt.

(7) When a request is received for records which were obtained by DSA from a non-U.S. government source; or contain information obtained by DSA from non-U.S. government source and because of the source and the nature of the records or information, there is reason to believe that the source of the information or records may object to release and may have an enforceable right to prevent release, prompt notification of intended release shall be given to the source. Release will normally be withheld until the source has a reasonable time to comment on the proposed release. Comments received will be considered in determining the releasability of the document. When the source advises that it is seeking a restraining order or other court action to prevent release, release will normally not be made pending the outcome of the court action.

(8) When a decision is made to release a record, it will be forwarded promptly to the requester, upon receipt of any required payment for search and duplication.

(9) In all cases where the time for response may become an issue, the official responsible for replying will acknowledge to the requester the date of the receipt of the request for purposes of determining time limits.

(10) If additional time is needed in unusual circumstances to respond to requests for records, the DSA activity will acknowledge the request in writing within the 10 day period, briefly cite one of the unusual circumstances requiring delay, and indicate the anticipated date for substantive response which may not exceed 10 additional working days. Unusual circumstances that may justify delay are:

(i) The requested records are located in whole or part at places other than the office processing the request.

(ii) The request requires the collection and coordination of a substantial number of records.

(iii) Consultation is required with other DoD components or agencies having substantial interest in the subject matter of the requested records to determine whether the records requested in whole or part are exempt from disclosure under section VI of DoD Directive 5400.7 or should be released as a matter of discretion.

(11) The extension of time for responding to an initial request must be approved on a case by case basis by DSAH-G.

(12) Requests for records will be denied only by the Head of a DSA primary level field activity or the Head of a HQ DSA principal staff element upon

a determination after consultation with the appropriate Office of Counsel that:

(i) The record is subject to one or more of the exemptions set forth in § 1285.3(d) of this Part 1285 and a significant and legitimate Governmental purpose is served by withholding it, or

(ii) The record cannot be found because it has not been described with sufficient particularity to enable the DSA activity to locate it with a reasonable amount of effort.

(13) When a request for a record or records is denied in whole or part, the designated official who has made the determination will explain to the requester in writing (with at least one additional copy) the basis for the determination, that he may appeal the denial to the Director, DSA and that such appeals should contain the basis for disagreement with the denials.

(i) Inability to process any part of the request within the specified time will be explained to the requester, with notification that he may treat this delay as an initial denial with a right to appeal, or that he may agree to await a substantive response by an anticipated date. It will be made clear that any such agreement does not prejudice the right of the requester to appeal the initial decision after it is made.

(ii) The explanation of the substantive basis for a denial will include both specific citation of the exemption applied under the authority of § 1285.3(d), and a short discussion of the significant and legitimate Governmental purpose served by invoking an exemption. Reference to the marking "FOR OFFICIAL USE ONLY" on the requested record does not constitute a proper citation or explanation of the basis for invoking an exemption.

(iii) The name and title or position of the official responsible for the denial will be included in the written response to the requester.

(iv) When the initial denial is based in whole or part on a security classification pursuant to § 1285.3(d)(2)(i), the explanation will include a summary of the paragraph or paragraphs contained in DSAM 5205.1 which set forth the criteria or rationale for the current classification of the requested record. In addition, it will advise the requester of his optional right under DSAM 5205.1 and DoD Directive 5200.1-R to seek declassification review of a record more than 10 years old.

(v) Copies of all initial denials will be maintained by each DSA activity in a form suitable for rapid retrieval, periodic statistical compilation, and management evaluation.

(vi) When there is good reason to believe that the requester will appeal the denial, the record, the letter of denial, and such other information as will assist the Director, DSA, will be promptly forwarded to DSAH-G in order to permit timely response of the anticipated appeal.

(14) Final determination on appeals will normally be made within 20 working days of the receipt of the appeal by DSAH-G. Misdirected appeals will be forwarded promptly to the Director, DSA, with the period for response commencing upon his receipt, which should be acknowledged. If additional time is needed to decide the appeal because of unusual circumstances, as described in subparagraph 10 of this paragraph, the final determination may be delayed for the number of working days, not to exceed 10, which were not utilized as additional time for responding to the initial request.

(15) A final denial to provide a requested record will be made in writing by the Director, DSA. Such a denial will be made in accordance with appeal procedures prescribed in this DSAR and will include, as a minimum, the following elements:

(i) The basis for the denial will be explained to the requester, in writing, both with regard to the applicable exemption under § 1285.3(d), and the significant and legitimate governmental purpose served by its withholding. More particularly:

(a) When the final denial is based in whole or part on a security classification, pursuant to § 1285.3(d)(2)(i), the explanation will include a statement that the record meets the cited criteria and rationale of DSAM 5205.1 and that this determination is based on a declassification review. A brief explanation of why that review confirmed the continuing validity of the security classification will also be included.

(b) The requester will be advised of his optional right to seek declassification of the record by the appropriate component Classification Review Committee established pursuant to DoD 5200.1-R.

(c) Appeals from a denial by the appropriate component Classification Review Committee may be made to the Interdepartmental Classification Review Committee, establish pursuant to Executive Order 11652, March 8, 1972, in lieu of immediate judicial review.

(d) The written final denial will include the name and title or position of the official responsible for the denial and of the provision for judicial review of the denial set forth in § 1285.8.

(ii) No final denial will be made without prior consultation with the Office of the General Counsel of the Department of Defense when there is reason to believe that the requester will file a complaint in a U.S. District Court to force release of the denied record.

(iii) Copies of all final denial letters will be maintained by DSAH-XA in a central repository. Whenever a complaint is filed in a U.S. District Court to force release of the record, a copy of the final denial letter from DSA will be forwarded to the General Counsel of the Department of Defense. DSAH-G will also furnish to the General Counsel a copy of the requester's complaint and the DSA litigation report.

(iv) When the denial to provide the record is based in whole or part on a security classification, pursuant to § 1285.3(d)(2) and § 1285.3(d)(2)(iii), the litigation report will include an affidavit from the Director, DSA, for this purpose explaining in as much detail as national security interests permit the basis under applicable statute, executive order, and regulations for the current security classification of the requested record.

(16) The costs of searching for and duplicating a requested record must be paid or waived in accordance with enclosure 1. The time limits for responding to requests will be computed from the date of receipt from the requester of clear evidence of willingness to pay any anticipated search and duplication costs under the schedule of fees set forth in enclosure 1 for providing the requested record. The record need not be forwarded until actual receipt of payment.

(c) *Release and authentication of copies of official records.* (1) Records available to a person, requesting them under § 1285.3(b), will be authenticated with an appropriate seal whenever necessary to fulfill an official governmental or other legal function.

(2) Records exempt from release to a person requesting them may, nevertheless, be authenticated on request, and released in accordance with this DSAR to local, State, or other Federal Governmental bodies, whether legislative, executive, administrative, or judicial, as follows:

(i) To the courts: whenever ordered as appropriate to the proper administration of justice.

(ii) To the Congress: in accordance with DSAR 5400.12.

(iii) To local and State legislative bodies: in accordance with the determination of the Director, DSA.

(iv) To other Federal agencies, both executive and administrative as determined by the Director, DSA, as consistent with efficient administration and in accordance with law, including Pub. L. 93-579, 5 U.S.C. 552a, The Privacy Act of 1974.

(v) To local and State executive and administrative agencies as determined by the Director, DSA.

§ 1285.8 Forms and reports.

(a) An annual report will be prepared by DSAH-XA for the preceding calendar year on DSA's implementation of 5 U.S.C. 552 as amended by Pub. L. 93-502 as follows:

(1) The number and reasons for initial denial of records requested from DSA.

(2) The number of appeals from initial denials and the disposition of each such appeal; with the reasons for any final denial of records requested from DSA.

(3) The names and titles or positions of each person primarily responsible for an initial denial or for a final denial on appeal of a request for a record under 5 U.S.C. 552 as amended by Pub. L. 93-502 and the number of such denials by each such person.

(4) The results of any disciplinary proceeding, including an explanation of a decision not to discipline that was initiated against an officer or employee because a court determined that a record

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requested from DSA was arbitrarily or capriciously withheld.

(5) A copy of the current DSAR implementing 5 U.S.C. 552 as amended by Pub. L. 93–502.

(6) Total amount collected for search and duplication under this DSAR as accurately and as reasonably as can be determined.

(7) A brief description of every court case brought against DSA to force the release, or withhold a record requested under 5 U.S.C. 552 as amended by Pub. L. 93–502, including the status of the case, whether attorney fees have been awarded to the private party, and whether the court found that the circumstances of withholding raised questions of arbitrary and capricious personnel conduct.

(8) A description of all efforts undertaken by DSA or by personnel of DSA to instruct and educate employees or the public on the requirements of 5 U.S.C. 552 as amended by Pub. L. 93–502.

(9) Such data on the costs of processing requests under 5 U.S.C. 552 as amended by Pub. L. 93–502 as can reasonably be ascertained or estimated.

(10) Any other information that demonstrates efforts by DSA to implement 5 U.S.C. 552 as amended by Pub. L. 93–502, including problems with the implementation and any proposed solutions for those problems.

(11) Six copies of the annual report will be furnished to the Assistant Secretary of Defense (Public Affairs), on or before 1 February of each year for transmittal to the Speaker of the House of Representatives, and to the President of the Senate.

(b) An annual feeder report on the actions of the preceding year will be prepared by Heads of DSA primary level field activities and Heads of HQ DSA principal staff elements for submission, in duplicate to DSAH–XA on or before 15 January each year. The report will contain the following:

(1) The number of initial denial of records requested.

(2) The total amount collected for search and duplication under this DSAR as accurately and as reasonably as can be determined.

(3) Such data on other costs of processing requests under 5 U.S.C. 552 as amended by Pub. L. 93–502 as can reasonably be ascertained or estimated.

(4) A description of all efforts undertaken by the DSA activity personnel to instruct and educate employees or the public on the requirements of 5 U.S.C. 552 as amended by Pub. L. 93–502 and this Part 1285.

(5) Any other information that demonstrates efforts by the DSA activity to implement 5 U.S.C. 552 as amended by Pub. L. 93–502, including problems with the implementation and any proposed solutions for those problems.

(6) The Reports Control Symbol for these annual reports will be DD–PA(A) 1365.

APPENDIX A

UNIFORM AGENCY FEES FOR SEARCH AND DUPLICATION UNDER THE FREEDOM OF INFORMATION ACT AMENDMENTS PUB. L. 93–502

SCHEDULE OF FEES

Duplication, Publications, Forms and Reports

Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request	$2.00
Plus:	
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05

(Examples: Cost of 20 forms, $3; cost of a printed publication with 100 pages, $3; cost of a microfiche publication consisting of 10 fiche, $2.60.)

Office copy reproduction (when shelf stock is not available):	
Minimum charge up to six reproduced pages	$2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10
Other issuances:	
Minimum charge up to six pages	2.00
Each additional page	.05
Search:	
Clerical search, per hour	6.50
Minimum charge	3.50
Professional search (includes computer programer time and review to determine whether a record comes within the scope of a request) per hour	13.00
Minimum charge	10.00
Computer service charges will be based on actual computer configuration used and be based on direct costs only if the Central Processing Unit plus Input/Output Devices plus Memory Capacity.	

Exceptions.—1. In general, charges may be waived in the public interest when:

a. The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare.

b. Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program.

c. The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

2. A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the Director, DSA, for purposes of final approval.

Collections.—1 Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to a specified limit that covers anticipated costs. The time for responding to a request begins to run upon agreement to pay for anticipated costs of search and duplication or upon actual receipt of payment.

2. Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

3. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval and he agrees to incur the costs of search.

IDENTIFICATION AND MARKING "FOR OFFICIAL USE ONLY"

1. At the time of their origination, records which are not classified under DSAM 5205.1 but which are authorized by DoD Directive 5400.7 to be withheld from the general public disclosure under paragraph III D of this DSAR, and which for a significant reason should not be given general circulation, will be considered as being "FOR OFFICIAL USE ONLY" (FOUO). No other record may be considered as being FOUO.

2. A record that is considered FOUO will be marked "FOR OFFICIAL USE ONLY" when such marking is deemed necessary or desirable to ensure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter, normally falling within the exemptions of paragraph III D of this DSAR, such as personnel and medical files, bids, proposals, and the like, which are covered by rules and regulations specifying what may be released publicly, do not require the FOUO marking unless handled under circumstances where marking is desirable to ensure protection of the information involved.

a. The marking may not be used on records or portions of records which are classified under DSAM 5205.1 and DoD Directive 5200.1–R, but, if otherwise proper under this DSAR, may be applied to information or material which has been declassified.

b. The marking may not be employed as a less stringent security designation under conditions where classification under DSAM 5205.1 is not warranted.

c. Information contained in a technical document for which a determination has been made that a distribution statement under DSAR 4185.5 is appropriate will not be marked FOUO.

3. Material which is considered FOUO must be safeguarded from general disclosure irrespective of whether the material is physically marked with the term "FOR OFFICIAL USE ONLY."

4. Whenever necessary to assure proper understanding, or appropriate as a means of facilitating segregation of exempt information in a lengthy record, individual paragraphs which contain FOUO information will be marked with the symbol FOUO. In classified documents, this marking will be applied only to paragraphs which contain FOUO information and do not contain classified information. Instructions regarding marking, safeguarding, and transmitting FOUO materials are set forth in 42 U.S.C. 2162 (Classification and Declassification of Restricted Data Periodic Determination).

JUDICIAL ACTION

1. A requester has exhausted his administrative remedy after he has been refused a record by the Director, DSA, or when the DSA activity fails to respond to his request within any of the time limits set forth in paragraph VII of this DSAR. The requester may then seek an order from a United States District Court, in the district in which he resides or has his principal place of business; in the district in which the record is situated to produce the record; or in U.S. District Court for the District of Columbia.

2. The burden is on DSA to justify its denial to produce the record, and its justification will be evaluated de novo by the District Court, which may examine any requested record in camera to determine whether the denial of the record, in whole or part, is justified under 5 U.S.C. 552 as amended by P.L. 93–502.

3. The United States must answer or otherwise plead to the complaint within 30 days. Consideration of such cases by both trial courts and courts of appeal will be expedited in every way, except as to cases the court considers of greater importance.

4. A court may retain jurisdiction and allow DSA additional time to complete its review of records to determine their availability to the requester when DSA demonstrates due diligence in exceptional circumstances.

5. If the court orders production of a record and the responsible official designated in accordance with paragraph VII of this DSAR refuses to produce it, the court has statutory authority to punish the official whose decision and order govern the determination of whether to release the record. In addition, the court may assess against the United States reasonable attorney fees and other litigation costs when the requester has substantially prevailed. In such situations the court may also issue a written finding that the circumstances of withholding, raise a question of whether DSA personnel have acted arbitrarily or capriciously, and the Civil Service Commission must determine whether disciplinary action against responsible DSA officials, or employees is warranted.

[FR Doc.75-4501 Filed 2-18-75;8:45 am]

SUBCHAPTER P—RECORDS

PART 298—FREEDOM OF INFORMATION PRACTICES

The Director, Defense Investigative Service (DIS) approved Part 298. This Part 298 has been added based upon a requirement contained in Congressional enacted amendments to Section 552 of Title 5, United States Code. The act requires that agencies publish in the FEDERAL REGISTER their rules of procedure for compliance with the Freedom of Information Act. In consideration of the foregoing the following are procedures in effect within the Defense Investigative Service, a component of the Department of Defense.

Sec.

298.1 Purpose.
298.2 DIS mission.
298.3 DIS organization.
298.4 Records maintained by DIS.
298.5 Procedure for release of DIS records.
298.6 Effective date.

AUTHORITY: The provisions of Part 298 issued under 5 U.S.C. 552 as amended by Public Law 93–502.

§ 298.1 Purpose.

This part sets forth the mission of the Defense Investigative Service (DIS), its organization, and policy and procedures for the public to obtain information from DIS records.

§ 298.2 DIS mission.

(a) The Defense Investigative Service was established on April 18, 1972, by Department of Defense (DoD) Directive 5105.42 (38 FR 7131, March 16, 1973) and became operational on October 1, 1972. DIS is a separate operating agency within the DoD, under control of the Secretary of Defense with staff supervision provided by the Assistant Secretary of Defense (Comptroller).

(b) The mission of DIS is to provide the Department of Defense (and, when authorized by the Secretary of Defense, other U.S. Government activities), with a single centrally directed personnel security investigative service. DIS also conducts criminal investigations and crime prevention surveys, and participates in joint investigative task force operations, in support of the Defense Supply Agency (DSA). Finally, it conducts such special investigations as the Secretary of Defense may direct. DIS operates the Defense Central Index of Investigations (DCII), a consolidated index of investigations conducted by all components of the DoD, and the DoD National Agency Check Center (NACC).

§ 298.3 DIS organization.

DIS organization includes a headquarters located in Washington, DC, as well as 20 district offices and over 200 subordinate operating locations throughout Continental United States (CONUS), Alaska, Hawaii, and Puerto Rico. A copy of the DIS Regulation 01–13,[1] "DIS Mailing List," showing addresses of all offices is available to the public upon request and may be obtained from the DIS Public Information Officer, Defense Investigative Service (DO102), Washington, DC 20314.

§ 298.4 Records maintained by DIS.

It is the expressed policy of DIS to make available to the public all information which may be released within the spirit of the Freedom of Information Act with due regard to protecting the privacy of any individual whom it investigates. In this regard DIS maintains the following records which may be of interest to the public:

(a) The DCII, which contains references to investigative records created and held by DoD components. The records indexed are primarily those prepared by the investigative agencies of the Military departments and DIS, covering criminal, fraud, counterintelligence, and personnel security information. Information from the DCII is not available to the general public since release would violate the privacy of individuals whose names are indexed therein.

(b) Records created as required by DoD Directive 5105.42, "Charter for the Defense Investigative Service" (38 FR 7131, March 16, 1973).

(c) Investigative records created in the furnishing of criminal investigative support to DSA.

(d) Publications listed in DIS Regulation 00–1,[1] "Numerical Index of Standard DIS Publications". A copy of DISR 00–1 may be obtained upon request from the DIS Public Information Officer, Defense Investigative Service (DO102), Washington, DC 20314. DISR 00–1 will be provided for the convenience of possible users of the materials but does not constitute a determination that all or any of the publications listed affect the public or have been cleared for release.

[1] Filed as part of original.

§ 298.5 Procedure for release of DIS records.

The following procedure is applicable to requests for records by the public, except that subjects of investigative files or their counsel may obtain summaries or extracts under separate procedures for use in administrative or judicial proceedings.

(a) All requests will be submitted in writing and addressed to:

PUBLIC INFORMATION OFFICER (FOIA REQUEST)
DEFENSE INVESTIGATIVE SERVICE (DO102)
WASHINGTON, D.C. 20314

(b) All requests will contain the following information:

(1) As complete an identification as possible of the desired material, including to the extent known, the title, description, and date.

(2) With respect to material concerning investigations of personnel: the first name, middle name or initial, surname, date and place of birth, military service number, and social security account number of the individual concerned. (These items are required to consult the index effectively.)

(3) A statement as to whether the requester wishes to inspect the record or obtain a copy of it.

(4) A statement that all costs for search and duplication, if requested (or costs to a specified limit), will be borne by the requester even if no record, or no releasable record, is found.

(5) In all third-party requests for investigative files (e.g., spouse or executor), a statement indicating what use the requester will make of the record.

(6) The full address (including ZIP code) of the requester.

(c) A notarized request by an individual requesting investigative or other personal records may be required to avoid the risk of invasion of privacy. Requesters will be notified and furnished appropriate forms if this requirement is deemed necessary.

(d) When a request is incomplete or fails to include all of the information required, the requester will be contacted for additional information prior to beginning release procedures.

(e) DIS will dispatch responses to requests within ten working days after receipt by the Information Office, unless an extension is required and the requester notified.

(f) When the release of information has been approved, a statement of estimated costs computed in accordance with the DoD Fee Schedule, or a statement waiving the fee, will be included in the notification of approval. Records approved for release will generally be mailed immediately following receipt of fees. Fees may be waived or reduced

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where release of information is determined to benefit the general public. Remittances should be in the form of a personal check, bank draft, or postal money order. Remittances are to be made payable to the Treasurer of the United States.

(g) When requests are denied in whole or part, the requester will be advised of the identity of the official making the denial, the reason for the denial, the right of appeal of the decision, and the identity of the person to whom an appeal may be addressed.

(h) Facilities for the review or reproduction of records following approval of request or appeal are available at the DIS Public Information Office, Room 2H063, 1000 Independence Avenue, SW (James Forrestal Building), Washington, D.C. Subject to the approval of the Director, DIS, and upon request of an individual requester, arrangements may be made to review documents at one of the DIS field locations within the United States or Puerto Rico. Depending upon the field location, reproduction service may or may not be available at the specific office.

(i) Appeal of denial to DIS records and information:

(1) All appeals will be submitted in writing and addressed to:

DIRECTOR (FOIA APPEAL)
DEFENSE INVESTIGATIVE SERVICE
(D0102)
WASHINGTON, D.C. 20314

(2) All appeals will contain at least the same identification of the records requested as the original request, and a copy of the letter denying the request, if available.

(3) All appeals will be reviewed by the Director or Deputy Director, DIS. Responses to appeals will be dispatched within ten working days after receipt, unless an extension is required and appellant notified. When a request is approved on appeal, the procedures set forth in Section 298.5(f) will be followed.

§ 298.6 Effective date.

The effective date of this Part is February 19, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 15, 1975.

[FR Doc.75-4596 Filed 2-18-75;8:45 am]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart K—Records and Information

FREEDOM OF INFORMATION REGULATIONS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following amendments to §§ 102.117 and 102.118 of its rules and regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act.

The agency fee schedule set forth in § 102.117(c)(2)(iv) is issued pursuant to a notice of proposed rulemaking published in the FEDERAL REGISTER on January 14, 1975, 40 FR 2591–2592. The Board having considered the responses thereto and in the exercise of its authority under the Act has determined to adopt the rule as proposed.

1. Section 102.117 is revised to read as follows:

§ 102.117 Board materials and formal documents available for public inspection and copying; requests for described records; time limit for response; appeal from denial of request; fees for document search and duplication; files and records not subject to inspection.

(a)(1) The following materials are available to the public for inspection and copying during normal business hours: (i) All final opinions and orders made in the adjudication of cases; (ii) administrative staff manuals and instructions that affect any member of the public (excepting those establishing internal operating rules, guidelines, and procedures for the investigation, trial, and settlement of cases); (iii) a record of the final votes of each member of the Board in every agency proceeding; and (iv) a current index of final opinions and orders made in the adjudication of cases. Paragraphs (a)(1)(i) through (iv) of this section are available for inspection and copying during normal business hours at the Board's offices in Washington, D.C. Paragraphs (a)(1)(ii) and (iv) of this section are also available for inspection and copying during normal business hours at each regional, subregional, and resident office of the Board. Final opinions and orders made by regional directors in the adjudication of representation cases pursuant to the delegation of authority from the Board under section 3(b) of the act are available to the public for inspection and copying in the original office where issued.

(2) Copies of forms prescribed by the Board for the filing of charges under section 10 or petitions under section 9 may be obtained without charge from any regional, subregional, or resident office of the Board.

(b)(1) The formal documents constituting the record in a case or proceeding are matters of official record and, until destroyed pursuant to applicable statutory authority, are available to the public for inspection and copying during normal business hours, at the appropriate regional office of the Board or at the Board's office in Washington, D.C., as the case may be.

(2) The executive secretary shall certify copies of the formal documents upon request made a reasonable time in advance of need and payment of lawfully prescribed costs.

(c)(1) Requests for the inspection and copying of records other than those specified in paragraphs (a) and (b) of this section must be in writing and must reasonably describe the record in a manner to permit its identification and location. The envelope and the letter should be clearly marked to indicate that it contains a request for records under the Freedom of Information Act (FOIA). The request must contain a specific statement assuming financial liability in accordance with paragraph (c)(2)(iv) of this section, for the direct costs of the search for the requested records and their duplication. If the request is for records in a regional or subregional office of the agency, it should be made to that regional or subregional office; if for records in the office of the general counsel and located in Washington, D.C., it should be made to the Freedom of Information officer, office of the general counsel, Washington, D.C.; and if for records in the offices of the Board in Washington, D.C., to the executive secretary of the Board, Washington, D.C. Requests made to other than the appropriate office will be forwarded to that office by the receiving office, but in that event the applicable time limit for response set forth in paragraph (c)(2) of this section shall be calculated from the date of receipt by the appropriate office.

(2)(i) Within 10 working days after receipt of a request by the appropriate office of the agency a determination shall be made whether to comply with such request, and the person making the request shall be notified in writing of that determination. If the determination is to comply with the request, the records shall be made promptly available to the person making the request, upon payment of any charges due in accordance with the provisions of paragraph (c)(2)(iv) of this section. If the determination is to deny the request, the notification shall set forth the reasons therefor and the name and title or position of each person responsible for the denial, and shall notify the person making the request of the right to appeal the adverse determination under the provisions of subparagraph (ii) of this subsection.

(ii) An appeal from an adverse determination made pursuant to paragraph (c)(2)(i) of this section must be filed within 20 working days of the receipt by the person of the notification of the adverse determination where the request is denied in its entirety; or, in the case of a partial denial, within 20 working days of the receipt of any records being made available pursuant to the request. If the adverse determination was made in a regional office, a subregional office, or by the Freedom of Information officer, office of the general counsel, the appeal shall be filed with the general counsel in Washington, D.C. If the adverse determination was made by the executive secretary of the Board, the appeal shall be filed with the chairman of the Board in Washington, D.C. Within 20 working days after the receipt of an appeal the chairman of the Board or the general counsel, as the case may be, shall make a determination with respect to such appeal and shall notify the person in writing. If the determination is to comply with the request, the records shall be made promptly available to the person making the request, upon receipt of payment of any charges due in accordance with the provisions of paragraph (c)(2)(iv) of this section. If on appeal the denial of the request for records is upheld in whole or in part, the person making the request shall be notified of the reasons for the determination, the name and title or position of each person responsible for the denial, and the provisions for judicial review of that determination under the provisions of 5 U.S.C. section 552(4)(B). Even though no appeal is filed from a denial in whole or in part of a request for records by the person making the request, the chairman of the Board or the general counsel may, without regard to the time limit for filing of an appeal, sua sponte initiate consideration of an adverse determination under this appeal procedure by written notification to the person making the request. In such event the time limit for making the determination shall commence with the issuance of such notification.

(iii) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either paragraph (c)(2)(i) or (ii) of this subsection may be extended by written notice to the person requesting the record setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice or notices shall specify a date or dates that would result in an extension or extensions totaling more than 10 working days with respect to a particular request. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(*a*) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(*b*) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(*c*) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(iv) Persons requesting records from this agency shall be subject to a charge of fees for the direct cost of document search and duplication in accordance with the following schedules, procedures, and conditions:

(*a*) Schedule of charges:

(*1*) For each one-quarter hour or portion thereof of clerical time	$1.10
(*2*) For each one-quarter hour or portion thereof of professional time	2.85
(*3*) For each sheet of duplication (not to exceed 8½ x 14 inches) of requested records	0.10
(*4*) All other direct costs of search or duplication shall be charged to the requester in the same amount as incurred by the agency.	

(*b*) Each request for records shall contain a specific statement assuming financial liability, in full or to a specified maximum amount, for charges, in accordance with paragraph (c)(2)(iv)(*a*) of this section which may be incurred by the agency in responding to the request. If the anticipated charges exceed the maximum limit stated by the person making the request or if the request contains no assumption of financial liability for charges, the person shall be notified and afforded an opportunity to assume financial liability. The request for records shall not be deemed received for purposes of the applicable time limit for response until a written assumption of financial liability is received. When the anticipated charges exceed $50, the person making the request, upon notification, shall deposit 50 percent of the anticipated charges with the agency. The request shall not be deemed received for purposes of the applicable time limit for response until such deposit has been made.

(*c*) Charges may be imposed even though the search discloses no records responsive to the request, or none not exempt from disclosure. The imposition of charges may be waived for the convenience of the agency, and will be reduced or waived where the agency determines that furnishing the information can be considered as primarily benefiting the general public. The agency may, by agreement with the person making the request, make arrangements with commercial firms for required services to be charged directly to the requester.

(v) "Working days," as used in this subsection, means calendar days excepting Saturdays, Sundays, and legal holidays.

(d) Subject to the provisions of §§ 102.31(c) and 102.66(c), all files, documents, reports, memoranda, and records of the agency, falling within the exemptions specified in 5 U.S.C. section 552(b), shall not be made available for inspection or copying, unless specifically permitted by the Board, its chairman, or its general counsel.

2. Section 102.118(a) is revised to read as follows:

§ 102.118 Board employees prohibited from producing files, records, etc., pursuant to subpoena ad testificandum or subpoena duces tecum; prohibited from testifying in regard thereto; production of witnesses' statements after direct testimony.

(a) Except as provided in § 102.117 of this part respecting requests cognizable under the Freedom of Information Act, no regional director, field examiner, administrative law judge, attorney, specially designated agent, general counsel, member of the Board, or other officer or employee of the Board shall produce or present any files, documents, reports, memoranda, or records of the Board or of the general counsel, whether in response to a subpoena duces tecum or otherwise, without the written consent of the Board or the chairman of the Board if the document is in Washington, D.C., and in control of the Board; or of the general counsel if the document is in a regional office of the agency or is in Washington, D.C., and in the control of the general counsel. Nor shall any such person testify in behalf of any party to any cause pending in any court or before the Board, or any other board, commission, or other administrative agency of the United States, or of any State, territory, or the District of Columbia, or any subdivisions thereof, with respect to any information, facts, or other matter coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Board or the general counsel, whether in answer to a subpoena or otherwise, without the written consent of the Board or the chairman of the Board if the person is in Washington, D.C., and subject to the supervision or control of the Board; or of the general counsel if the person is in a regional office of the agency or is in Washington, D.C., and subject to the supervision or control of the general counsel.

A request that such consent be granted shall be in writing and shall identify the documents to be produced, or the person whose testimony is desired, the nature of the pending proceeding, and the purpose to be served by the production of the document or the testimony of the official. Whenever any subpoena ad testificandum or subpoena duces tecum, the purpose of which is to adduce testimony or require the production of records as described hereinabove, shall have been served on any such person or other officer or employee of the Board, he will, unless otherwise expressly directed by the Board or the chairman of the Board or the general counsel, as the case may be, move pursuant to the applicable procedure, whether by petition to revoke, motion to quash, or otherwise, to have such subpoena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

These amendments shall become effective on February 19, 1975.

Dated, Washington, D.C., February 14, 1975.

By direction of the Board.

JOHN C. TRUESDALE,
Executive Secretary.

[FR Doc.75-4624 Filed 2-18-75;8:45 am]

Title 30—Mineral Resources

CHAPTER V—INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SUBCHAPTER A—COAL MINE HEALTH

PART 506—FREEDOM OF INFORMATION

The Interim Compliance Panel established by section 5 of the Federal Coal Mine Health and Safety Act of 1969 (83

[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151–167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of September 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

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Stat. 744; 30 U.S.C. 804) issues regulations implementing the provisions of Pub. L. 93–502 (88 Stat. 1561) which amends the Freedom of Information Act, 5 U.S.C. 552.

Written comments on the fee schedule or objections may be submitted to the Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006, no later than March 21, 1975. If in the opinion of the Panel such comments are applicable, these regulations will be amended.

Part 506 of title 30 CFR, Subchapter A Coal Mine Health, as set forth below is herewith promulgated and shall become effective February 19, 1975.

Sec.
506.1 Purpose.
506.2 General.
506.3 Responding to requests.
506.4 Certification of information.
506.5 Denial of requests.
506.6 Appeals.
506.7 Schedule of fees.
506.8 Annual report.

AUTHORITY: Sec. 508, Pub. L. 91–173, 83 Stat. 803, (30 U.S.C. 957).

§ 506.1 Purpose.

The provisions of this Part provide procedures to implement the Freedom of Information Act, 5 U.S.C. 552 as amended by Pub. L. 93–502 (88 Stat. 1561).

§ 506.2 General.

(a) Except for material specifically excluded by § 552(b) of Title 5, United States Code or other applicable statute, the Interim Compliance Panel will disclose all records and proceedings pertaining to the issuance or denial of permits for noncompliance with the interim mandatory health standards and the electric face equipment standards for underground coal mines prescribed by the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801).

(b) Requests for information should be sent to the Interim Compliance Panel, Room 800, 1730 K Street NW, Washington, D.C. 20006.

§ 506.3 Responding to requests.

(a) Requests for information will be acted upon within ten working days after the receipt of such requests.

(b) If an unusual circumstance under section 552(a)(6)(B), United States Code, delays a decision concerning disclosures of information, the person making the request will be informed of the delay within ten working days. In no case will the decision be delayed more than 20 working days from the receipt of the initial request.

§ 506.4 Certification of information.

(a) The Chairman and Vice Chairman are the certifying officers of the Interim Compliance Panel.

(b) The Chairman or Vice Chairman may authenticate records or written instruments of the Interim Compliance Panel and may attest to the genuineness and correctness of copies of Interim Compliance Panel records by his signature and by affixing the seal of the Interim Compliance Panel to such documents or records.

§ 506.5 Denial of requests.

(a) Denial of requests for privileged information shall be the responsibility of the Chairman or Vice Chairman.

(b) Letters denying requests for information will:

(1) Provide the person making the request with the reason for the denial;

(2) Inform the person making the request of the right to appeal the denial within 30 days; and

(3) Give the name of the official to whom the appeal may be sent.

§ 506.6 Appeals.

(a) The Interim Compliance Panel, or a quorum thereof, is the appellate authority for all denials of requests for information; however, the officer who denied the initial request for information is excluded from considering the merits of the appeal.

(b) The person filing the appeal will be informed of the decision on the appeal within 20 working days after its receipt. If the denial is upheld, the person who filed the appeal will be notified concerning the provisions for judicial review of that determination.

§ 506.7 Schedule of fees.

(a) The fee schedule for processing or copying of records or proceedings is:

(1) Reproduction, duplication, or copying of written records—10 cents per page; however, no charge will be made where the total amount does not exceed $1.

(2) Certification or authentication of records—$3 per certification or authentication.

(3) Transcription or duplication of audio tapes—direct cost.

(4) Special handling — overtime search for records, special delivery, certified, or airmail postage or other nonroutine costs will be charged on a direct cost basis.

(b) The Chairman or Vice Chairman may waive all or part of any fee provided for in this section whenever he determines that waiver or reduction of fee is in the public interest because furnishing the information can be considered as primarily benefitting the general public.

§ 506.8 Annual report.

On or before March 1 of each calendar year the Interim Compliance Panel will submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include:

(a) The number of determinations made not to comply with requests for information and the reasons for each such determination;

(b) The number of appeals filed, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(c) The name and title or position of each person responsible for the denial of information requested and the number of instances of participation for each;

(d) The results of each proceeding conducted pursuant to section 552(a)(4)(F), United States Code, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding information or an explanation of why disciplinary action was not taken;

(e) A copy of every rule made in implementation of section 552 of Title 5, United States Code;

(f) A copy of the fee schedule and the total amount of fees collected for making information available pursuant to this regulation; and

(g) Any other information which indicates efforts to administer fully section 552 of Title 5, United States Code.

Dated: February 13, 1975.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.75-4402 Filed 2-18-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER P—RECORDS

PART 292—AVAILABILITY TO THE PUBLIC OF DEFENSE INTELLIGENCE AGENCY (DIA) INFORMATION

The Director, Defense Intelligence Agency has approved the following revision of Part 292 as shown below in order to reflect the new requirements as contained in Public Law 93–502 which amended the Freedom of Information Act (5 U.S.C. 552).

Sec.
292.1 Purpose.
292.2 Applicability.
292.3 Basic policy.
292.4 Specific policy.
292.5 How the public submits requests for records.
292.6 Schedule of fees.
292.7 Material that may be withheld from release.
292.8 Filing an appeal for refusal to make records available.
292.9 Responsibilities.
292.10 Uniform agency fees for search and duplication under the Freedom of Information Act amendments (P.L. 93–502).

AUTHORITY: 5 U.S.C. 301, 552, as amended by the Act of 21 November 1974 (P.L. 93–502).

§ 292.1 Purpose.

This part implements the "Freedom of Information Act," (FOIA) 5 U.S.C. 552, as amended by Pub. L. 93–502, within the DIA and outline policy governing release of records to the public.

§ 292.2 Applicability.

The provisions of this part apply to all elements of the DIA and governs the release of records of these elements. This regulation is effective as of February 19, 1975.

§ 292.3 Basic policy.

(a) Upon receipt of a written request, the DIA will release to the public records concerning its operations and activities which are rightfully public information. Generally, information, other than that exempted in § 292.7, will be provided to the public. The following policy will be followed in the conduct of this program:

(1) The provisions of the Freedom of Information Act (5 U.S.C. 552 as amended), as implemented by Part 286 of this chapter and this part, will be supported in both letter and spirit.

(2) Requested records will be withheld only when a significant and legitimate governmental purpose is served by withholding them. Records which require protection against unauthorized release in the interest of the national defense or foreign relations of the United States will not be provided.

(3) Requests from members of Congress will be governed by DoD Directive 5400.4,[1] from the General Accounting Office by DoD Directive 7650.1,[1] and from other agencies and courts by Part 286 of this chapter.

(4) Records will not be withheld solely because their release might result in criticism of DoD or this Agency.

(5) The applicability of the Freedom of Information Act depends on the existence of an "identifiable record" (5 U.S.C. 552(a)(3)). Accordingly, if DIA has no record containing information requested by a member of the public, it is under no obligation to compile information to create such a record.

(6) The mission of DIA does not encompass regulatory or decisionmaking matters in the sense of a public use agency, therefore, extensive reading room material for the general public is not available, however, unclassified DIA regulations and related material have been placed in the joint reading room managed by DoD Public Affairs.

(b) This basic policy is subject to the exemptions recognized in 5 U.S.C. 552(b) and discussed in § 292.7. Even where release denial is authorized by 5 U.S.C. 552(b) and § 292.7, requested records will be provided if no significant and legitimate governmental purpose is served by withholding them.

§ 292.4 Specific policy.

(a) In determining whether documentary material qualifies as a "record," 44 U.S.C., 3301 will be used as a guide. This statute, which defines the word "records" for record disposal purposes, provides that:

> [It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal Law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(1) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(2) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(3) Records include data stored in computers.

(4) Formulae, designs, drawings, research data, computer programs, technical data packages, and so forth are not considered "records" within the Congressional intent of 5 U.S.C. 552 as amended by Pub. L. 93–502. Because of development costs, utilization, or value, these items are considered property, not preserved for informational value nor as evidence of agency functions, but as exploitable resources to be utilized in the best interest of all the public. Requests for copies of such materal shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of such property. Requests to inspect such material to determine its content for informational purposes shall normally be granted, unless inspection is inconsistent with the obligation to protect the property value of the material, as, for example, may be true for certain formulae.

(5) The term "For Official Use Only" will not prevent a record from being released. Use of this designation is for internal convenience only, and each record containing this designation should be examined for release on its own merit.

(b) For a record to be considered "identifiable," it must exist at the time of the request.

(c) Requesters must be reasonably specific in identifying records. DIA will make a reasonable effort to locate any records that are requested.

(d) Requests for identifiable records may be denied only when the official designated in § 292.9 determines that such denial is authorized by this regulation.

(e) Pursuant to 5 U.S.C. 552(a)(3), requesters will be charged reasonable costs incurred by DIA in searching and copying records. Charges will be in accordance with § 292.6.

(f) In appropriate circumstances, requests requiring special attention will be referred, by the Central Reference Division Library, DIA, to the Assistant Secretary of Defense (Public Affairs) (ASD (PA)) for review and evaluation.

(g) Initial availability, releasability and cost determinations will normally be made within 10 working days of the date on which a written request for an identifiable record is received by the DIA Secretariat (FOIA). If, due to unusual circumstance, additional time is needed, a written notification of the delay will be forwarded the requester within the 10 working day period. This notification will briefly explain the circumstances for the delay and indicate the anticipated date for a substantiative response. The period of delay may not exceed 10 additional working days.

§ 292.5 How the public submits requests for records.

(a) Requests to obtain copies of records must be made in writing. The request should contain at least the following information:

(1) Reasonable identification of the desired record including (if known) title or description, date and the issuing office.

(2) With respect to matters of official record concerning civilian or military personnel, the first name, middle name or initial, surname, date of birth, and social security number of the individual concerned, if known.

(b) Persons desiring records should direct inquiry to:

Defense Intelligence Agency
ATTN: SC (FOIA)
Washington, D.C. 20301

§ 292.6 Schedule of fees.

Specific fees apply with respect to services rendered to the public.

(a) In general, charges may be waived when:

(1) The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare.

(2) Payment of the full costs or fee by state, local government or nonprofit group would not be in the interest of the program.

(3) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(b) Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost is involved will be acceptable or acceptable up to a specified limit that covers anticipated costs. In the absence of an agreement to pay required anticipated costs, the time for responding to a request begins on resolution of willingness to pay.

(c) The schedule of fees chargeable is contained in § 292.10.

(d) Fees must be paid in full prior to search and issuance of requested copies. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified, precludes remitting the exact fee chargeable with the request, DIA will inform the requester of the exact amount required.

(e) Remittances will be by personal check or bank draft on a bank in the United States or by U.S. postal money order. Remittances will be made payable to the "Treasurer of the United States" and forwarded to the address listed in § 292.5.

§ 292.7 Material that may be withheld from release.

(a) Detailed guidelines for withholding information under exemptions con-

[1] Filed as part of original. Extra copies available from the U.S. Naval Publications and Forms Center, Attention Code 300, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

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tained in 5 U.S.C. 552 are published in 32 CFR 286.8, "Exemptions."

(b) For example, DIA is not required to release records that fall within the categories listed below:

(1) Information requiring protection in the interest of national defense or foreign policy and authorized under criteria established by Executive Order 11652 and DoD 5200.1-R[1] to be kept SECRET.

(2) Rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or internal practices of DIA and those providing management guidance to the Military Departments and the Unified and Specified Commands.

(3) Information authorized or required by statute to be withheld from the public. The authorization or requirement may be found in the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(i) Documentary material referred to in 18 U.S.C. 1905—Trade and financial information provided in confidence by businesses (see subparagraph (4) of this paragraph).

(ii) 35 U.S.C. 181–88—Records containing information relating to inventions that are the subject of patent applications for which Patent Secrecy orders have been issued.

(4) Personnel and medical files and similar files the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

(5) DIA will also withhold information which has been received from anyone, including an individual, a foreign nation, an international organization, a State or local government, a corporation, or any other organization, with the understanding, expressed or implied, that the information will be retained on a privileged or confidential basis under criteria contained in Executive Order 11652 and DoD 5200.1-R.[1]

(6) Exempt portions of a record may be deleted and the remaining reasonably segregable portions of the record released to the requester when the meaning of these portions is not distorted and it can be reasonably assumed that a skillful and knowledgeable person could not reconstruct the exempt information.

§ 292.8 Filing an appeal for refusal to make records available.

(a) A requester may appeal an initial decision to withhold a record. Appeals should be addressed to:

Director
Defense Intelligence Agency
ATTN: SC (FOIA)
Washington, D.C. 20301

(b) Final determination on appeals shall normally be made within 20 working days of the receipt of the appeal at the above address. If additional time is needed to decide the appeal because of unusual circumstances, the final determination may be delayed for the number of working days, not to exceed 10, which were not utilized as additional time for responding to the initial request.

(c) When an appeal is denied, the requester will be apprised of the following:

(1) Applicable exemptions and the significant and legitimate governmental purpose served by the denial.

(2) Name, and title of position of the official responsible for the denial and of the provision for judicial review of the denial.

(3) When the denial is based upon security classification, the requester shall be advised of his optional right to seek declassification of the record by the Interdepartmental Classification Review Committee established pursuant to Executive Order 11652, March 8, 1972, in lieu of immediate judicial review.

§ 292.9 Responsibilities.

When a request for release of material is received the following will apply:

(a) The Secretariat (SC):

(1) Receives requests and assigns tasking.

(2) Maintains appropriate suspenses and authorizes all extensions of response time.

(3) Acts as the responsible official for all initial denials of access to the public.

(b) The Reference Library Branch (DS-4A), Central Reference Division, Directorate for Support:

(1) Acts as the responsible operating office for all Agency actions related to the Freedom of Information Act.

(2) Drafts and transmits responses on:

(i) The release of records and/or information.

(ii) Obtaining supplemental information from the requester.

(iii) Informing the requester of any fees required.

(iv) The transfer to another component or agency of the initial request.

(3) Fulfills the annual reporting requirement and maintains appropriate records.

(4) Refers unusual or precedent-setting requirements to ASD (PA).

(5) Drafts for SC:

(i) Notification of an extension of response time.

(ii) The denial of access to the record.

(c) All DIA Elements:

(1) When identified by DS-4A as the Office of Primary Interest (OPI):

(i) Review records for possible public release within the time constraints assigned.

(ii) Prepare a documented response in all cases of nonrelease.

(2) All employees are required to read this Part to insure familiarity with the requirements of the Freedom of Information Act as implemented.

(d) General Counsel (GC);

(1) Insures uniformity in the Freedom of Information Act legal positions within DIA and with DoD.

(2) Secures coordination with the DoD General Counsel on denials of public requests.

(3) Acts as the focal point in all judicial actions.

(4) Reviews all initial and final denials.

(e) Chief of Staff (CS/DP):

(1) Exercises overall staff supervision of the Freedom of Information Act activities of the Agency.

(2) Acts as the responsible official for all denials of appeals.

§ 292.10 Uniform agency fees for search and duplication under the Freedom of Information Act amendments (Pub. L. 93–502).

General fees:	
Minimum fee, per request plus	$2.00
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05
(Examples: Cost of 20 forms, $3.00; cost of a printed publication with 100 pages, $3.00; cost of a microfiche publication consisting of 10 fiche, $2.60.)	
Office copy reproduction (when shelf stock is not available):	
Minimum charge up to six reproduced pages	2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10
Other issuances:	
Minimum charge up to six pages	2.00
Each additional page	.05
Search:	
Clerical search, per hour	5.50
Minimum charge	2.75
Professional search (includes computer programmer time and review to determine whether a record comes within the scope of a request), per hour	11.00
Minimum charge	5.50
Computer service charges will be based on actual computer configuration used and be based on direct costs only of the Central Processing Unit plus Input/Output Devices plus Memory Capacity.	

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 12, 1975.

[FR Doc.75-4298 Filed 2-18-75;8:45 am]

[1] Filed as part of original.

CHAPTER XIX—CENTRAL INTELLIGENCE AGENCY

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

Part 1900 of Title 32 of the Code of Federal Regulations is revised to read as follows:

GENERAL

Sec.
1900.1 Purpose and Authority.
1900.3 Definitions.
1900.5 Organization: Requests and Submittals.

REQUESTING RECORDS

1900.11 Freedom of Information Communications: Requirements as to Form.
1900.21 Option to Request Records.
1900.23 Pre-Request Option: Estimates of Charges.
1900.25 Fees for Records Services.

PROCESSING FREEDOM OF INFORMATION COMMUNICATIONS

1900.31 Screening Communications.
1900.33 Processing Expressions of Interest.
1900.35 Processing Requests for Records.

ACTIONS ON REQUESTS

1900.41 Searching for Requested Records.
1900.43 Reviewing Records.
1900.45 Expeditious Action: Extension of Time.
1900.47 Allocation of Manpower and Resources: Agreed Extension of Time.
1900.49 Notification and Payment: Furnishing Records.

APPEALS

1900.51 Appeal to CIA Information Review Committee.
1900.53 Appeal to Interagency Classification Review Committee.

MISCELLANEOUS

1900.61 Access for Historical Research.
1900.63 Suggestions and Complaints.

AUTHORITY: National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652.

GENERAL

§ 1900.1 Purpose and authority.

This part is issued under the authority of, and in order to implement, section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 11652, as amended (3 CFR Revised as of January 1, 1974, p. 339) and the Freedom of Information Act, as amended (5 U.S.C. 552). It prescribes procedures for:

(a) Requesting records pursuant to the Freedom of Information Act;

(b) Requesting the declassification of documents pursuant to Executive Order 11652;

(c) Appealing any denial or refusal of any such request to an appeal authority with the Central Intelligence Agency, to the Interagency Classification Review Committee, in appropriate cases, and to the courts;

(d) The prompt and expeditious processing of such requests and appeals; and

(e) Requesting estimates and advice prior to actually requesting records, thus affording protection against unanticipated fees.

This part is also designed to assist Central Intelligence Agency management at all appropriate echelons, to allocate resources to perform the functions, duties and responsibilities of the Central Intelligence Agency prescribed by and pursuant to law, including in particular those situations where it is deemed necessary to choose among conflicting requirements, duties and responsibilities.

§ 1900.3 Definitions.

For the purpose of this part, the following terms have the meanings indicated:

(a) "Agency" includes any executive department, military department or other establishment or entity included in the definition of agency in subsection 552(e) of Title 5 of the United States Code;

(b) "Coordinator" means the Central Intelligence Agency Freedom of Information Coordinator;

(c) "Expression of interest" means a written communication submitted by a potential requester pursuant to § 1900.23 to indicate an interest in requesting records;

(d) "Freedom of Information Act" means section 552 of Title 5 of the United States Code, as amended;

(e) "National Security Council Directive of May 1972" means the directive entitled "National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information" approved on May 17, 1972 and published at page 227 of Title 3A (The President, Appendix (1972 Compilation)) of the Code of Federal Regulations;

(f) "Potential requester" means a person, organization or other entity who submits an expression of interest in accordance with § 1900.23;

(g) "Records," with reference to records of the Central Intelligence Agency, includes all papers, maps, photographs and other documentary materials regardless of physical form or characteristics made or received by the Central Intelligence Agency in pursuance of federal law or in connection with the transaction of public business and appropriate for preservation by the Central Intelligence Agency as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Agency or because of the informational value of data contained therein. But the term does not include:

(1) Index, filing and museum documents made or acquired and preserved solely for reference, indexing, filing or exhibition purposes;

(2) Routing and transmittal sheets and notes and filing instructions and notes which do not also include information, comment or statement of substance or policy;

(3) Books, newspapers, magazines, and similar publications and clippings and excerpts from any such publications;

(4) Documents and records prepared or originated by an agency other than the Central Intelligence Agency;

(5) Documents and records furnished by foreign governments or international organizations and held by the Central Intelligence Agency on the understanding that the information therein or the furnishing thereof be kept in confidence.

(h) "Records of interest" means records which are the subject of an expression of interest or of a request;

(i) "Work days" means calendar days other than Saturdays and Sundays and legal public holidays.

§ 1900.5 Organization: requests and submittals.

The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Functions are channeled and determined by regular chain-of-command procedures. Except as provided by this part, there are no formal or informal procedural requirements regarding public access to Agency records. Requests and other submittals may be addressed to the CIA Freedom of Information Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

REQUESTING RECORDS

§ 1900.11 Freedom of information communications; requirements as to form.

(a) Any communication to the Central Intelligence Agency or to the Director of Central Intelligence under the Freedom of Information Act should be addressed to:

CIA Freedom of Information Coordinator,
Central Intelligence Agency,
Washington, D.C. 20505.

That address should appear on the envelope or other folder or package in which the communication is transmitted. It should also be included as the addressee of the letter or other communication or be clearly set forth in the text of the communication.

(b) Any request for records under the Freedom of Information Act (§ 1900.21), expression of interest in requesting records (§ 1900.23) or request for declassification of records under Executive Order 11652 shall be in writing and shall be addressed as prescribed by paragraph (a). The Coordinator may, but need not, waive the requirements as to address.

(c) The request or expression of interest shall reasonably describe the records of interest.

(d) Any request or communication to an agency other than the Central Intelligence Agency which requests or concerns documents or records originated by the Central Intelligence Agency and is transferred by that agency to the Central Intelligence Agency shall not be a Freedom of Information Request to the Central Intelligence Agency. But the person or entity who submitted the request to that agency may submit a request for such records to the Central Intelligence Agency in accordance with the procedures prescribed by § 1900.11.

§ 1900.21 Option to request records.

Any person, organization or entity may submit a written request for records to the Coordinator, in accordance with the procedures prescribed by § 1900.11. An estimate of charges likely to be incurred may be obtained by requesting such an estimate as provided by § 1900.23.

§ 1900.23 Pre-request option: estimates of charges.

(a) In order to avoid being faced with unanticipated sizeable charges, interested persons and entities may defer the submission of requests for records and first submit a written request, in accordance with the procedures prescribed by § 1900.11, for an estimate of charges likely to be incurred if the records are requested.

(b) Notice is hereby given that a requester may be liable for the payment of search charges, in accordance with the

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fee schedule and provisions of § 1900.25, even if search for requested records locates no such records and even if some or all of requested records which are located are denied the requester under one or more exemptions of the Freedom of Information Act. In determining which of options §§ 1900.21 and 1900.23(a) to exercise, interested persons and entities are urged to take into consideration the fact of possible liability.

§ 1900.25 Fees for records services.

(a) Search and duplication fees shall be charged according to the schedule set out in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. The Coordinator also may waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than $4.

(b) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or of such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with the Coordinator in an attempt to revise the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

(1) For each one quarter hour spent by clerical personnel in searching for a record, $1;

(2) For each one quarter hour spent by professional personnel in searching for a record, $2;

(3) For computer search, $55;

(4) For copies of paper documents in sizes not larger than 8½ x 14 inches, $0.10 per copy of each page; and

(5) For duplication of non-paper media or any document that cannot be reproduced on a standard office copier actual direct cost.

PROCESSING FREEDOM OF INFORMATION COMMUNICATIONS

§ 1900.31 Screening communications.

(a) If any Agency employee receives a written communication which the employee deems to be an apparent or intended communication under the Freedom of Information Act, he shall expeditiously transmit the communication to the Coordinator and alert the Coordinator to the fact that the communication may be a communication under the Freedom of Information Act.

(b) Upon receipt of a communication in accordance with § 1900.11 or paragraph (a) of this section, the Coordinator shall promptly consult with such Agency components as he may deem appropriate and:

(1) Determine the nature of the communication—an intended expression of interest (§ 1900.21), an intended request (§ 1900.23) or other; and

(2) If he determines the communication to be an intended expression of interest or intended request, he shall further determine whether it fails to qualify as an expression of interest or request only because it fails to reasonably describe the records of interest.

(c) The Coordinator thereupon shall take the appropriate one of the following actions.

(1) If he determined that the communication was not an intended expression of interest or an intended request, he shall take such action with respect to the communication as he may deem appropriate.

(2) If he determined that the communication was an intended expression of interest or an intended request but failed to reasonably describe the records of interest, he shall so inform the originator of the communication promptly, in writing, and he may offer to assist the originator in revising and perfecting the description of the records of interest.

(3) The Coordinator shall determine whether any communication not acted on under subparagraph (1) or (2) is an expression of interest, or is a request made in accordance with published rules stating the procedures to be followed, as required by subsection (a)(3) of the Freedom of Information Act. The Coordinator's determination in this regard shall be based on and shall reflect the clear intent of the originator of the communication insofar as the Coordinator is able to determine that intent. When the originator's intent is not apparent to the Coordinator and when the Coordinator deems it desirable and feasible, he shall promptly communicate with the originator in order to ascertain the latter's intent.

(d) The Coordinator shall inform the requester, in writing, of his determination made under subparagraph (c)(3) and, in the case of a determination that the communication is a request, of the date of such determination. Such notification shall be given promptly and, in any case, within five work days of the date of such determination. The ten work days within which the Agency must determine whether to comply with a request, as provided by subsection (a)(6)(A)(i) of the Freedom of Information Act, shall begin as of the date of such determination.

(e) The Coordinator shall promptly process under the procedures prescribed by § 1900.33 those communications which he determines to be expressions of interest. He shall promptly process under the procedures prescribed by § 1900.35 those communications which he determines to be requests.

§ 1900.33 Processing expressions of interest.

(a) Upon determining, in accordance with subparagraph (c)(3) of § 1900.31, that a communication is an expression of interest, and after promptly consulting with such Agency components as he may deem appropriate, the Coordinator, to the extent feasible, shall determine the search and duplication charges likely to be incurred by the potential requester if the potential requester ultimately requests such records. In determining such charges, the Coordinator shall take into account the nature and quantity of the work and services of people and computers and other equipment which may be required, and the applicable rates set out in the fee schedule prescribed by paragraph (c) of § 1900.25. If feasible at this stage, the Coordinator also shall determine whether to waive or reduce the fee in accordance with paragraph (a) of § 1900.25.

(b) The Coordinator thereupon shall advise the potential requester, in writing, of the likely search and duplication charges. He shall explain the bases and reasons for the charges and he shall make clear that the amounts indicated are estimates only, if such be the case, and, if there is a possibility that the charges to be incurred may be in larger amounts, he shall so inform the potential requester. If the amounts indicated are not estimates but are the amounts which in fact are to be charged if the potential requester makes a request, he shall inform the potential requester of that fact. In either event and if such be the case, he shall also inform the potential requester that search charges will be levied upon the requester even if no records fitting the description are located or if any or all records which do fit the description are denied the requester.

(c) When he deems it appropriate or when the potential requester so requests, the Coordinator shall consult with and advise the potential requester with the view to assisting the latter to determine whether and, if so, how to revise the description of the records of interest so as to cause or permit a reduction in the likely and actual search and duplication charges.

(d) Upon receipt of such estimate and advice concerning likely charges, the potential requester may:

(1) In accordance with § 1900.21, submit a request for records, either the records of interest indicated in his expression of interest or records encompassed in a less-inclusive description;

(2) Advise the Coordinator that he does not intend to request records; or

(3) Take no additional action.

(e) If, as a result of his consultations with the Coordinator or otherwise, the potential requester wants to request records additional to or other than those described in his expression of interest, he may submit an expression of interest

with respect to such records, in accordance with § 1900.23, or a request for such records, in accordance with § 1900.21.

§ 1900.35 Processing requests for records.

Upon determining that a communication is a request for records, the Coordinator, after consulting with such Agency components as he may deem appropriate, shall promptly transmit a copy of the request to the component or components believed responsible for the records, if any exist, inform the components of the date of receipt of the request as determined by him pursuant to paragraph (c)(3) of § 1900.31, and alert the components to the action required of them by § 1900.41 through § 1900.47 with respect to the request.

ACTIONS ON REQUESTS

§ 1900.41 Searching for requested records.

(a) Upon receipt of a copy of a request and an alert pursuant to § 1900.35, the components responsible for requested records (hereinafter the "responsible components"), shall, with such assistance as may be appropriate from the Coordinator and from such reference, indexing or filing components as may have reference, indexing or filing responsibilities with respect to any such records, undertake to locate the requested records.

(b) If no records described by the request are located, the responsible components shall so inform the Coordinator who shall promptly so inform the requester, in writing. The Coordinator also shall determine the charges, if any, for which the requester shall be liable, in accordance with the fee schedule and provisions of § 1900.25. He shall inform the requester of the amount charged, explain the basis of computation and request prompt payment thereof.

§ 1900.43 Reviewing records.

(a) The responsible components shall review any located records in accordance with the provisions of the Freedom of Information Act and Executive Order 11652, and on the basis of other applicable law, regulations and policy, and determine which, if any, requested records, or reasonably segregable portions of records, are to be furnished the requester and which are to be denied or withheld. Any decision to furnish or to deny or withhold requested records shall be made only by employees and officials to whom authority to make such decisions has been duly delegated.

(b) In the event records require review by more than one Agency component or by more than one agency, the Coordinator or the responsible component, as may be appropirate, shall expeditiously coordinate such review.

§ 1900.45 Expeditious action: extension of time.

Whenever feasible under the standards prescribed by § 1900.47, the search and review functions prescribed by §§ 1900.41 and 1900.43 and notice to the requester of the Agency action on the request, as prescribed by paragraph (a) of § 1900.49, shall be completed within ten days of the date of Agency receipt of the request as determined by the Coordinator pursuant to subparagraph (c)(3) or § 1900.31. Whenever the Coordinator determines that "unusual circumstances," as defined by subsection (a)(6)(B) of the Freedom of Information Act, exist, he may, by written notice to the requester, authorize an additional period for completion of Agency action, but no such extension shall be for more than ten work days. His notice shall also set forth the reasons for the extension.

§ 1900.47 Allocation of manpower and resources: agreed extension of time.

(a) Agency components shall devote such manpower and other resources to searching for, locating and reviewing records in accordance with §§ 1900.41 and 1900.43 as may be appropriate and expedient in the circumstances, taking into account:

(1) The manpower and resources available for those purposes;

(2) The right of the requester to resort to litigation if the Agency decision on the request is not made within ten work days; and

(3) All functions, duties and responsibilities assigned to those components by, or pursuant to, law.

(b) The responsible components shall consult with the Coordinator with regard to the need to allocate resources and establish priorities, and the latter with the requester, as may be appropriate, in order to accomplish such arrangements and agreements with the requester as may be acceptable to the requester concerning the Agency's efforts and ability to act on his request expeditiously. In particular, when the Coordinator deems it feasible and of possible benefit to the requester, the public or the Agency, he shall inform the requester that more thorough or extensive search or review, or both, could be accomplished, which might be of benefit to the requester, if additional time were to be available. When appropriate in such cases, the Coordinator shall also advise the requester of the effect on charges and fees such additional search might cause. Any extensions arranged or agreed to under this section may be in addition to any extension under § 1900.45.

§ 1900.49 Notification and payment: furnishing records.

(a) The Coordinator shall promptly inform the requester, in writing, which of the requested records, or portions thereof, if any, are to be furnished the requester and those, if any, which are denied, as determined pursuant to paragraph (a) of § 1900.43. With respect to the latter, he shall also explain the reasons for the denial and he shall furnish the names and titles or positions of the persons responsible for the decision to deny access.

(b) Upon receipt of payment of all fees and charges, or upon the completion of arrangement satisfactory to the Coordinator that payment will be made promptly, the Coordinator shall promptly prepare copies of the records, or portions of records, which are to be made available and transmit them to the requester. The Coordinator shall do likewise with respect to any records or portions of records made available to a requester by the action of the Central Intelligence Agency Information Review Committee under subparagraph (i) or (ii) of paragraph (e) of § 1900.51.

APPEALS

§ 1900.51 Appeal to CIA Information Review Committee.

(a) *Establishment of committee.* The Central Intelligence Agency Information Review Committee is established hereby, pursuant to the Freedom of Information Act and section 7(B)(2) of Executive Order 11652. The Committee shall be comprised of the Deputy Director for Administration, the Deputy Director for Intelligence, the Deputy Director for Operations, the Deputy Director for Science and Technology, the Deputy to the Director of Central Intelligence for the Intelligence Community and the Deputy to the Director of Central Intelligence for National Intelligence Officers. The Director of Central Intelligence shall appoint a chairman. The Committee, by majority vote, may delegate to one or more of its members the authority to act on any appeal or appeals under this section, and may authorize the chairman to delegate such authority.

(b) *Right of appeal: notice.* Whenever any requested record or any portion thereof is denied a requester, the requester may appeal the denial to the Committee and the Coordinator shall inform the requester of this right, in writing. Also, any requester for the declassification of classified documents under Executive Order 11652 who is not informed of Agency action thereon within sixty days of his request may request the Committee to declassify the documents and make them available.

(c) *Appeal procedures.* Any such appeal or request to the Committee shall be in writing, addressed to the CIA Freedom of Information Coordinator. The appeal or request may present such information, data and argument in support thereof as the requester may desire. The Committee shall not permit a requester to appear before the Committee or to make an oral presentation.

(d) *Time for appeal: expiration of right of appeal.* An appeal shall be submitted within thirty days of the date of receipt of notification of the right to appeal and the right of appeal shall cease as of the expiration of that period. But the Committee, for good cause shown, may permit an additional thirty days for the submission of an appeal.

(e) *Committee action on appeals and requests.* (1) The Committee shall promptly consider any appeal, together with any submissions in support thereof, and shall grant or deny the appeal or take such other action thereon as it may deem appropriate. The Committee's review, decision and action shall be based on and shall be in conformance

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with the Freedom of Information Act, Executive Order 11652 and other applicable law, directives, regulations and policy.

(2) The Committee shall promptly consider any requests for declassification under paragraph (a) of this section and shall declassify any such records or reasonably segregable portions of such records as it deems appropriate in accordance with Executive Order 11652.

(3) Committee action on appeals shall be completed within twenty work days of receipt of the appeal, except that the Committee may, in accordance with the provisions of § 1900.45, avail itself of an additional period of time for completion of its work on the appeal. But no such extension shall be available with respect to an appeal of a denial of a request which was the subject of an extension of time for Agency action by the Coordinator under that paragraph. In the event the Committee is unable to complete its review of an appeal within the time prescribed by the two preceding sentences it may, by agreement with the requester, extend the period for completion of such review.

(4) The Committee shall promptly inform the requester of its decisions and, with respect to any decision to withhold or deny records, it shall furnish the names and titles or positions of the persons responsible for the decision. If any record or portion thereof is denied the requester by the Committee's action, the Committee shall also inform the requester of the provision for judicial review of that determination under subsection (a)(4) of the Freedom of Information Act.

§ 1900.53 Appeal to Interagency Classification Review Committee.

In the case of any refusal to declassify records which are at least ten years old, the Committee also shall inform the requester of his right to appeal that denial to the Interagency Classification Review Committee established pursuant to section 7(A) of Executive Order 11652, as provided by section IX(D) of the National Security Council Directive of May 1972. In that event, the Committee shall also inform the requester that appeal to the Interagency Classification Review Committee shall not waive his right to judicial review as provided by subsection (a)(4) of the Act.

MISCELLANEOUS

§ 1900.61 Access for historical research.

(a) Any person engaged in a historical research project may submit a request, in writing, to the Coordinator to be given access to information classified pursuant to an Executive order for purposes of that research project may submit a request, the nature, purpose and scope of the research project.

(b) The Coordinator may authorize access, under such conditions and at such time and place as he may deem feasible. But the Coordinator shall authorize access only with respect to documents and records prepared or originated not less than ten years prior to the date of such request and only upon the prior written approval by the Agency Director of Security of a current security clearance of the requester and of persons associated with him in the project, in accordance with Executive Order 10450, and upon the Coordinator's further determination that:

(1) A serious professional or scholarly research project is contemplated;

(2) Such access is clearly consistent with the interests of national security;

(3) Appropriate steps have been taken to assure that classified information will not be published or otherwise compromised;

(4) The information requested is reasonably accessible and can be located and compiled with a reasonable amount of effort;

(5) The historical researcher agrees to safeguard the information in a manner consistent with Executive Order 11652 and the National Security Council Directive of May 1972; and

(6) The historical researcher agrees to authorize a prior review of his notes and manuscript by the Agency for the sole purpose of determining that no classified information is contained therein.

(c) An authorization shall be valid for the period required for the research project, as the Coordinator may determine, but in no event for more than two years. But upon renewed request in accordance with paragraph (a) of this section, authorization may be renewed in accordance with paragraph (b) and this paragraph.

(d) The Coordinator shall cancel any authorization whenever the Director of Security cancels the security clearance of the requester or of any person associated with the requester in the research project or whenever the Coordinator determines that continued access would not be in compliance with one or more of the requirements of paragraph (b) of this section.

§ 1900.63 Suggestions and complaints.

Any person may direct any suggestion or complaint with respect to the Agency administration of Executive Order 11652 to the CIA Information Review Committee. The Committee shall consider such suggestions and complaints and shall take such action thereon as it may deem feasible and appropriate.

This regulation shall become effective on February 19, 1975.

JOHN F. BLAKE,
Deputy Director for Administration, Central Intelligence Agency.

FEBRUARY 11, 1975.

[FR Doc.75-4254 Filed 2-18-75;8:45 am]

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1608—PUBLIC INFORMATION

Freedom of Information Act Regulations

Whereas, on January 14, 1975, the Director of Selective Service published a Notice of Proposed Amendments to Selective Service Regulations (40 FR 2593) of January 14, 1975; and

Whereas more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered. The proposed amendments are being made effective without change in substance.

The revision of Part 1608 would eliminate the authority of the Director of Selective Service and the State Director of Selective Service to disclose information in a registrant's file to an official of any state or subdivision thereof and the authority of the Director of Selective Service to disclose information in a registrant's file to any person other than the officials listed; the addresses of State Directors of Selective Service would be eliminated; a charge for the search of records would be specifically prohibited; "not clearly authorized" disclosures of information could be made only upon advice of the General Counsel of the Selective Service System; and final agency action on an appeal from a denial of information would be taken by the Director of Selective Service. The present provisions of Part 1608 that are not changed in substance are rearranged for the purposes of increased clarity and convenience in use.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective February 19, 1975.

Part 1603, Public Information is revised to read as follows:

Sec.

1608.1 Public information policy.
1608.2 Definitions.
1608.3 General policy on disclosure of information.
1608.4 Availability and use of information information in registrants' files.
1608.5 Waiver of confidential nature of information in registrant's files.
1608.6 Subpoena of records.
1608.7 Available information.
1608.8 Places where information may be obtained.
1608.9 Rules governing the obtaining of information.
1608.10 Identification of information requested.
1608.11 Fees for search of records and copies of documents.
1608.12 Request for information not authorized to be disclosed.
1608.13 Review of denials of requests for information.
1608.14 Demands of courts or other authorities for records or information protected by these regulations.

AUTHORITY: Military Selective Service Act, as amended (50 App. U.S.C. 451 et seq.) 32 CFR 1604.1.

§ 1608.1 Public information policy.

The Selective Service System has a positive public information policy under which information is brought to the attention of the public. The Selective Service System brings to the public, through news releases, pamphlets, educational material for distribution to high schools, and other documents, information concerning important events, and the functions of the Selective Service System.

§ 1608.2 Definitions.

When used in this part, the following words shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean an oral or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

§ 1608.3 General policy on disclosure of information.

(a) It is the general policy of the Selective Service System to make information available to the public unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited by law or Executive order or relates to internal memoranda, letters or other documents the disclosure of which would interfere with the functions of the Selective Service System.

(b) The records in a registrant's file and the information contained in such records shall be disclosed, furnished, or examined only in accord with the provisions of this part.

(c) Technical instructions pertaining to automatic data processing, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Selective Service System or between the Selective Service System and other organizations or persons generally are not information available to the public.

(d) Lists of registrants may be furnished only in accordance with written instructions from the Director of Selective Service.

(e) The addresses of registrants are confidential information.

§ 1608.4 Availability and use of information in registrants' files.

(a) Information contained in records in a registrant's file and records pertaining to a named registrant may be disclosed or furnished to, or examined by, the following persons:

(1) The registrant, or any person having written authority dated and signed by the registrant: *Provided*, That whenever the time of the expiration of such authority is not specified therein, no information shall be disclosed, furnished, or examined under that authority after the expiration of a period of 1 year from its date.

(2) The legal representative of a deceased or incompetent registrant.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) A U.S. Attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the U.S. Attorney as a violator for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

(5) Any other agency, official, or employee, or class or group of officials or employees of the United States upon written request in individual cases, but only when and to the extent specifically authorized in writing by the Director of Selective Service.

(b) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

(c) Persons described in paragraph (a)(1) may be furnished a copy of the registrant's file only in accord with the provisions of § 1608.11(e) or upon payment of fees prescribed in § 1608.11(b)(1) of this part. Persons described in paragraph (a)(2) may be furnished a copy of a registrant's file only upon payment of fees prescribed in § 1608.11(b)(1) of this part.

§ 1608.5 Waiver of confidential nature of information on registrants files.

The making or filing by or on behalf of a registrant of a claim or action for damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall constitute a waiver of the confidential nature of all selective service records of such registrant, and, in addition, all such records shall be produced in response to the subpoena or summons of the tribunal in which such claim or action is pending.

§ 1608.6 Subpoena of records.

(a) In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpoena or summons of the court in which such production or proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena or summons of any court without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

§ 1608.7 Available information.

(a) Upon request, current documents specifically identified as being printed for free distribution to the general public will be furnished without charge. Each individual requesting such documents shall be entitled to only one copy of each document.

(b) Copies of Selective Service Regulations (32 CFR Chapter XVI) and the Registrants Processing Manual are offered for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(c) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State or at the National Headquarters, Selective Service System.

(d) Each local board maintains a Classification Record (SSS Form 102) which contains the name, selective service number, and the current and past classifications for each person registered with that board. Information in this record will be supplied upon request.

(e) Any compensated employee of the Selective Service System may disclose to the former employer of a registrant who is serving in or who has been discharged from the Armed Forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the Armed Forces.

(f) The names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(g) The names of local board members and the names and addresses of advisors to registrants will be posted in an area available to the public at each board office to which such personnel are assigned.

(h) Personal data concerning board members that relate to their legal qualifications for appointment and/or continuation in office are a matter of official record. Upon request, the executive secretary or clerk of a local board or appeal board will verify that a member of that

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board was legally qualified for appointment and for continuation in office without disclosing the personal data pertaining to such member without the member's consent.

§ 1608.8 Places where information may be obtained.

(a) Requests for information concerning a registrant shall be addressed to the local board where he is registered.

(b) Requests for information concerning the national administration of the Military Selective Service Act shall be addressed to the National Headquarters, Selective Service System, 1724 F Street, NW, Washington, D.C. 20435.

(c) Requests for information concerning the administration of the Military Selective Service Act within a particular State shall be addressed to the State Director of Selective Service involved.

§ 1608.9 Rules governing the obtaining of information.

(a) A request for information under this part must be made orally or in writing during business hours at the appropriate selective service office. When information to be furnished is not readily available, the employee responsible for obtaining the information shall advise the requester how and where it may be obtained.

(b) Although the time period allowed for inspection of identifiable documents and registrants' files must be sufficient to allow hand copying, the activity should not interfere with the daily business activities of the selective service office. Accordingly, the selective service employee handling the request for information or inspection should arrange for inspection of selective service files and documents during specified hours of the business week.

(c) Any person entitled under the provisions of this part to examine any record or information shall be permitted to copy it by hand, to photograph it or to copy it by using portable copying equipment so long as the use of such equipment does not disrupt the normal operations of the office.

§ 1608.10 Identification of information requested.

(a) Any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search is not an identifiable record, and the request for that information may be declined.

(b) If the description is insufficient, the employee processing the request will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

(c) When a request is received at an office not having charge of the records, it shall promptly forward the request to the proper office and notify the requester of the action taken.

§ 1608.11 Fees for search of records and copies of documents.

Fees for search of records and copies of documents are the following:

(a) Search of records is made by compensated employees of the Selective Service System without charge.

(b) The charge for copies of documents prepared on Selective Service System equipment is as follows:

(1) 25 cents per page for a copy of File Folder (SSS Form 101) and contents except as provided in paragraph (e) of this section.

(2) 25 cents per page for other identifiable records or documents.

(c) For copies of File Folder (SSS Form 101) or other identifiable records or documents reproduced by a private concern, the requester will assume the expense of copying. The Selective Service System employee's time to monitor the reproduction, computed from the time of his departure until his return to his post, will be charged by the Selective Service System to the requester at the rate of $1 per quarter-hour after the first quarter-hour.

(d) Copies will not be released to any requester until these fees are paid in full by money order payable to the Treasury of the United States.

(e) Where a registrant has been charged under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, the Selective Service System will furnish to him, or to any person he may designate, one copy of his selective service file free of charge.

§ 1608.12 Request for information not authorized to be disclosed.

Whenever an employee receives a request for information or documents the disclosure of which is not clearly authorized by the provisions of this part that request will be immediately reported by telephone to the General Counsel, Selective Service System for instruction as to its disposition.

§ 1608.13 Review of denials of requests for information.

(a) Complaints concerning possible abuse of discretion granted selective service employees under this part or failure to respond to inquiries shall be directed to the state director in the case of state headquarters or local board employees and to the Director in the case of National Headquarters employees.

(b) A requester whose request for information or documents has not been satisfied may appeal to the Director of Selective Service, 1724 F Street NW., Washington, D.C. 20435.

§ 1608.14 Demands of courts or other authorities for records or information protected by these regulations.

No officer or employee of the Selective Service System will comply with a request, demand or order of a court or other authority to produce information the disclosure of which is prohibited or restricted by the provisions of this part without the prior approval of the Director of Selective Service.

BYRON V. PEPITONE,
Director.

FEBRUARY 13, 1975.

[FR Doc.75-4461 Filed 2-18-75;8:45 am]

PART 286a—AVAILABILITY OF INFORMATION TO THE PUBLIC

Cancellation of Part

The provisions of Part 286a have been incorporated in Part 297. Part 286a is hereby cancelled.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 14, 1975.

[FR Doc.75-4526 Filed 2-18-75;8:45 am]

PART 299—PUBLIC ACCESS TO RECORDS

The Director, National Security Agency/Chief, Central Security Service has approved Part 299. This Part 299 implements the requirements of 5 U.S.C. 552 as amended by Public Law 93-502 and sets out the procedures for public access to the official records of the NSA/CSS.

Part 299 is added to read as follows:

Sec.
299.1 Purpose.
299.2 Organization and Requests for Information.
299.3 Indexes.
299.4 Procedures for request of records.
299.5 Determination and notification.
299.6 Appeals.
299.7 Effective date.

AUTHORITY: The provisions of this Part 299 issued under 5 U.S.C. 552 as amended by Public Law 93-502.

§ 299.1 Purpose.

Pursuant to the requirements of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552), and amendments thereto contained in Public Law 93-502, the following rules of procedure are established with respect to public access to the records of the National Security Agency/Central Security Service.

§ 299.2 Organization and requests for information.

The Headquarters of the National Security Agency/Central Security Service is located at Fort George G. Meade, Maryland. Requests for information and decisions and other submittals may be addressed to the Information Officer, National Security Agency/Central Security Service, Fort George G. Meade, Maryland 20755.

§ 299.3 Indexes.

The NSA/CSS does not originate final orders, opinions, statements of policy, interpretations, staff manuals or instructions that affect a member of the public of the type covered by the indexing requirement of 5 U.S.C. 552(a)(2) or required to be published for the guidance of the public under 5 U.S.C. 552(a)(1). The Director, NSA/Chief, CSS, has therefore determined, pursuant to pertinent statutory and Executive Order requirements, that it is unnecessary and impracticable to publish an index of the type required by 5 U.S.C. 552 as amended by Public Law 93-502.

§ 299.4 Procedures for request of records.

(a) *Requests.* Requests for access to records of the National Security Agency/Central Security Service may be filed by mail addressed to the Information Officer, National Security Agency/Central Security Service, Fort George G. Meade, Maryland 20755. Requests need not be made on any special form but may be by letter or other written statement identifying the request as a Freedom of Information Act request and setting forth sufficient information reasonably describing the requested record.

(b) *Determination and notification.* When the requested record has been located and identified, the Information Officer shall determine whether the record is one which, consistent with statutory requirements, Executive Orders and appropriate directives, may be released or should be exempted under the provisions of 5 U.S.C. 552. The Information Officer shall notify the requester of his determination within ten working days of his receipt of the request.

(c) *Extension of response time.* Where the requested record cannot be located within the initial response period of ten days because of unusual circumstances, the Information Officer shall notify the requester in writing within the initial response period of the delay, the reasons therefore, and a date, not to exceed ten working days, on which a determination is expected to be dispatched.

(d) *Fees.* If the Agency determines that the requested record can be released, the Information Officer will inform the requester as to the appropriate search and duplication fee, if any, and, upon receipt of this fee, will have the record duplicated and sent to the requester. Fees will be computed in accordance with the uniform Schedule of Fees promulgated by the Department of Defense. Fees paid in accordance with this paragraph will be paid by check or postal money order forwarded to the Information Officer and made payable to the Treasurer of the United States.

§ 299.5 Appeals.

Any person denied access to records may, within 30 days after notification of such denial, file an appeal to the Executive for Staff Services, National Security Agency/Central Security Service. Such an appeal shall be in writing addressed to the Executive for Staff Services, National Security Agency/Central Security Service, Fort George G. Meade, Maryland 20755, shall reference the initial denial of access issued by the Agency to the requester and shall contain in sufficient detail and particularity the grounds upon which the requester believes release of the information is required. The Executive for Staff Services shall respond to the appeal within 20 working days after receipt of the appeal.

§ 299.6 Effective date.

This notice shall become effective upon February 19, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 14, 1975.

[FR Doc.75-4527 Filed 2-18-75;8:45 am]

PART 290—AVAILABILITY TO THE PUBLIC OF DEFENSE CONTRACT AUDIT AGENCY INFORMATION

The Director of the Defense Contract Audit Agency (DCAA) has approved the following revision of Part 290 as shown below in order to reflect the new requirements established by Pub. L. 93-502, which amended the Freedom of Information Act, 5 U.S.C. 552.

Sec.
290.1 Purpose.
290.2 Applicability.
290.3 Policy.
290.4 Availability of records.
290.5 DCAA officials authorized to release records requested by members of the public.
290.6 Procedure for submission of requests for DCAA records by members of the public.
290.7 Fees.
290.8 Material that may be withheld from disclosure.
290.9 Expedited handling required.
290.10 Appeals.
290.11 Judicial action.

AUTHORITY: (5 U.S.C. 301, 552), as amended by Act of Nov. 21, 1974 (Pub. L. 93-502, 88 Stat. 1-3).

§ 290.1 Purpose.

This part implements 5 U.S.C. 552, as amended, and Department of Defense Directive § 5400.7 (Part 286 of this Subchapter) and describes established facilities at which, the officials from whom, and the procedures whereby members of the public may inspect and copy or obtain copies of unclassified DCAA records.

§ 290.2 Applicability.

This part is applicable to Headquarters DCAA and all DCAA Regions.

§ 290.3 Policy.

It is the policy of the DCAA to make available to the public the maximum amount of information concerning its operations and activities. This basic policy is subject to the exemptions recognized in 5 U.S.C. 552(b) and Part 286 of this Subchapter. However, notwithstanding such permissible exemptions, it is DCAA's policy that an exempt record will be made available to the public when its disclosure would not be inconsistent with statutory requirements and when the DCAA official designated in § 290.5 determines that no significant and legitimate governmental purpose would be served by withholding the information. The latter determination is within the sole discretion of the DCAA.

§ 290.4 Availability of records.

(a) Any identifiable documentary material in the possession of the Defense Contract Audit Agency which qualifies as a "record", as discussed in paragraph (b) of this section and which is not exempt under 5 U.S.C. 552(b) and Part 286 of this Subchapter shall be made available on the request of any person.

(b) In determining whether documentary material qualifies as a "record", consideration will be given to 44 U.S.C. 366, which defines the word "record" as follows:

(It) includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein.

(1) Records are not limited to permanent or historical documents but include contemporaneous documents as well.

(2) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipments, etc., whatever their historical value or value as "evidence."

(3) Formulae, designs, drawings, research data, computer programs, technical data packages, etc., are not considered "records" within the intent of 5 U.S.C. 552, even though maintained in documentation form because of development costs, utilization, or value, these items are considered property, not preserved for informational value nor as evidence of agency functions, but as exploitable resources to be utilized in the best interest of all the public. Requests for copies of such material shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of such property. Requests to inspect such material to determine its content for informational purposes shall normally be granted; however, unless inspection is inconsistent with the obligation to protect the property value of the material, as, for example, may be true for certain formulae.

(c) For a record to be considered "identifiable" it must exist at the time of the request. There is no obligation to create a record to satisfy a request for information.

(d) Requesters must reasonably describe the record sought. This requires sufficient particularity in the description

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to enable the DCAA to locate the record requested with reasonable effort.

(e) Pursuant to 5 U.S.C. 552(4)(A), requesters will be charged the reasonable costs of searching for, copying and certifying records. Such charges will be determined in accordance with Part 286 of this Subchapter.

(f) Requests for identifiable records may be denied only when an official designated in § 290.5 determines that such denial is authorized by 5 U.S.C. 552 (b) and Part 286 of this Subchapter.

§ 290.5 DCAA officials authorized to release records requested by members of the public.

Authority to make initial determinations of whether to release DCAA records to members of the public is, in the case of Headquarters, DCAA vested in the Records Administrator; in the case of the DCAA Regions such authority is vested in the Regional Managers.

§ 290.6 Procedure for submission of requests for DCAA records by members of the public.

(a) Identification of records requested. Requests to inspect or obtain copies of records will normally be submitted by letter and should contain at least the following information.

(1) As complete an identification as possible of the desired record, including (if known) its title or a description thereof, date and the issuing office.

(2) A statement as to whether the requester wishes to inspect the record at a DCAA facility or obtain copies thereof by mail.

(b) Addressing requests. Requesters should address their inquiries to the appropriate official as follows:

(1) Records Administrator, Headquarters, DCAA, Cameron Station, Alexandria, Va. 22314.

(2) Regional Manager, Atlanta Region, DCAA, 3100 Maple Drive NE., Atlanta, Ga. 30305.

(3) Regional Manager, Boston Region, DCAA, Waltham Federal Center, 424 Trapelo Road, Waltham, MA 02154.

(4) Regional Manager, Chicago Region, DCAA, 527 So. LaSalle Street, Suite 652, Chicago, IL 60605.

(5) Regional Manager, Los Angeles Region, DCAA, 1340 West Sixth Street, Second Floor, Los Angeles, CA 90017.

(6) Regional Manager, New York Region, DCAA, 252 Seventh Avenue, Fourth Floor, New York, NY 10001.

(7) Regional Manager, Philadelphia Region, DCAA, Federal Building, 1421 Cherry Street, Philadelphia, Pa. 19102.

(8) Regional Manager, San Francisco Region, DCAA, 450 Golden Gate Avenue, Box 36116, San Francisco, CA 94102.

(c) Facilities for inspection and copying of records.

(1) Subject to the exemptions set forth in 5 U.S.C. 552(b) and Part 286 of this Subchapter, Headquarters, DCAA and each DCAA Region shall make available for public inspection and copying in an appropriate facility or facilities the materials described in Part 286 of this Subchapter, unless such materials are published and copies offered for sale.

(2) The cost of copying any such opinion, order, or statement of policy or interpretation shall be imposed on the person requesting the copy in accordance with Part 286 of the Subchapter.

(3) Headquarters, DCAA and each DCAA Region shall maintain on a current basis and make available for public inspection and copying in the facilities established for that purpose current indexes providing identifying information for the public as to any matter issued, adopted or promulgated after July 4, 1967 and required by 5 U.S.C. 552 and Part 286 of this Subchapter to be indexed.

§ 290.7 Fees.

(a) The schedule of fees published in Part 286 of this Subchapter shall be applicable to all services rendered to members of the public hereunder.

(b) When no specific fee has been established for a particular service, or the service requested does not fall within a category covered by Part 286 of this Subchapter, an appropriate fee will be established therefor in accordance with Part 288 of this Subchapter.

(c) Normally, mail requests for identifiable records should be accompanied by remittance of the total fee chargeable, as well as a self-addressed, stamped envelope, if special mail services are desired.

(d) Fees must be paid in full prior to search for an issuance of requested copies of records. If uncertainty as to the existence of a record, or as to the number of sheets to be copied or certified, precludes remittance of the exact fee with the request, the Defense Contract Audit Agency will inform the requester of the exact amount required. The time limits for responding to requests established in 5 U.S.C. 552 and Part 286 of this Subchapter begin to run only upon receipt of any required payment, unless the requester indicates in writing a clear willingness to pay the anticipated costs.

(e) Remittances may be in the form of either a personal check or bank draft drawn on a U.S. bank, or by U.S. postal money order. All such instruments shall be drawn to the order of the Treasurer of the United States.

(f) A receipt for fees paid will be given only upon request. Refund of fees paid will be made when the requested service cannot be rendered.

§ 290.8 Material that may be withheld from disclosure.

Only those records falling within the specific exemptions listed in 5 U.S.C. 552(b), and Part 286 of this Subchapter may be withheld from members of the public. Therefore, a request for a record made pursuant to 5 U.S.C. 552 and this part may be denied only by a DCAA official designated in § 290.5 of this Chapter, and only upon a determination that:

(1) The record is subject to one or more of the exemptions set forth in 5 U.S.C. 552(b) and Part 286 of this Subchapter, and a significant and legitimate governmental purpose is served by withholding it; or

(2) The record cannot be found because it has not been described with sufficient particularity to enable the DCAA to locate it with a reasonable amount of effort; or

(3) The requester has unreasonably failed to comply with the procedural requirements imposed by this part.

§ 290.9 Expedited handling required.

The handling of all requests from members of the public to inspect or copy records will be expedited by the officials designated in § 290.5 of this chapter, as well as by all other DCAA people. The initial determination of whether to make a record available upon request will normally be made within ten (10) working days of the date a request is received by the official designated to respond for the type of record sought. Any delay beyond this initial ten day period may not exceed ten additional working days and will be authorized only for the reasons described in Part 286 of this Subchapter.

§ 290.10 Appeals.

Any person who is denied a request for a record, in whole or in part, will be given a written explanation of the basis for such determination by an appropriate official designated in § 290.5 of this Chapter, and advised of his right to appeal the denial to the Deputy for Resources Management, Headquarters, DCAA, Cameron Station, Alexandria, Va. 22314. Final determinations on appeals will normally be made within twenty (20) working days of the receipt thereof. If, due to unusual circumstances, additional time is needed to decide the appeal, the final determination may be delayed for the number of working days, not to exceed ten (10), which were not utilized as additional time for responding to the initial request. Final refusal to provide a requested record will be made in writing by the Deputy for Resources Management in accordance with the appeal procedures prescribed in Part 286 of this Subchapter and after consultation with the Counsel, DCAA and the Deputy for Audit Management.

§ 290.11 Judicial action.

5 U.S.C. 552 provides that a requester will be deemed to have exhausted his administrative remedy after he has been refused the requested record by the head of an agency, or his designee, or when the agency fails to respond to his request within the time limits prescribed by law. The requester may then seek an order from a U.S. District Court: (1) in the district in which he resides or has his principal place of business; (2) in the district in which the record is situated; or (3) in the U.S. District Court for the District of Columbia, enjoining the agency from withholding the record and ordering its production.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 14, 1975.

[FR Doc.75-4528 Filed 2-18-75;8:45 am]

CHAPTER XXII—NATIONAL SECURITY AGENCY, CENTRAL SECURITY SERVICE

PART 2200—AVAILABILITY OF INFORMATION

Pursuant to the requirements of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552), and amendments thereto contained in Pub. L. 93-502, the following rules of procedure are established with respect to public access to the records of the National Security Agency/Central Security Service.

Sec.
2200.1 Organization and requests for information.
2200.2 Indexes.
2200.3 Procedures for request of records.
2200.4 Appeals.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

§ 2200.1 Organization and requests for information.

The Headquarters of the National Security Agency/Central Security Service is located at Fort George G. Meade, Maryland. Requests for information and decisions and other submittals may be addressed to the Information Officer, National Security Agency/Central Security Service, Fort George G. Meade, Maryland 20755.

§ 2200.2 Indexes.

The NSA/CSS does not originate final orders, opinions, statements of policy, interpretations, staff manuals or instructions that affect a member of the public of the type covered by the indexing requirement of 5 U.S.C. 552(a)(2) or required to be published for the guidance of the public under 5 U.S.C. 552(a)(1). The Director, NSA/Chief, CSS, has therefore determined, pursuant to pertinent statutory and Executive Order requirements, that it is unnecessary and impracticable to publish an index of the type required by 5 U.S.C. 552 as amended by Pub. L. 93-502.

§ 2200.3 Procedures for request of records.

(a) *Requests.* Requests for access to records of the National Security Agency/Central Security Service may be filed by mail addressed to the Information Officer, National Security Agency/Central Security Service, Fort George G. Meade, Maryland 20755. Requests need not be made on any special form but may be by letter or other written statement identifying the request as a Freedom of Information Act request and setting forth sufficient information reasonably describing the requested record.

(b) *Determination and notification.* When the requested record has been located and identified, the Information Officer shall determine whether the record is one which, consistent with statutory requirements, Executive Orders and appropriate directives, may be released or should be exempted under the provisions of 5 U.S.C. 552. The Information Officer shall notify the requester of his determination within ten working days of his receipt of the request.

(c) *Extension of response time.* Where the requested record cannot be located within the initial response period of ten days because of unusual circumstances, the Information Officer shall notify the requester in writing within the initial response period of the delay, the reasons therefor, and a date, not to exceed ten working days, on which a determination is expected to be dispatched.

(d) *Fees.* If the Agency determines that the requested record can be released, the Information Officer will inform the requester as to the appropriate search and duplication fee, if any, and upon receipt of this fee, will have the record duplicated and sent to the requester. Fees will be computed in accordance with the uniform Schedule of Fees promulgated by the Department of Defense. Fees paid in accordance with this paragraph will be paid by check or postal money order forwarded to the Information Officer and made payable to the Treasurer of the United States.

§ 2200.4 Appeals.

Any person denied access to records may, within 30 days after notification of such denial, file an appeal to the Executive for Staff Services, National Security Agency/Central Security Service. Such an appeal shall be in writing addressed to the Executive for Staff Services, National Security Agency/Central Security Service, Fort George G. Meade, Maryland 20755, shall reference the initial denial of access issued by the Agency to the requester and shall contain in sufficient detail and particularly the grounds upon which the requester believes release of the information is required. The Executive for Staff Services shall respond to the appeal within 20 working days after receipt of the appeal.

Effective date. This notice shall become effective on February 19, 1975.

LEW ALLEN, JR.,
Lieutenant General, USAF
Director, NSA/Chief, CSS.

[FR Doc.75-4615 Filed 2-18-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER IV—AMERICAN BATTLE MONUMENTS COMMISSION

PART 404—PROCEDURES AND GUIDELINES FOR COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT

On January 13, 1975, there was published in the FEDERAL REGISTER (40 FR 2447) a notice of proposed rule-making in which the American Battle Monuments Commission announced that it was planning to issue a new Part 404 to 36 CFR Chapter 4. The new Part 404 was to contain procedures and Guidelines for Compliance with the Freedom of Information Act. The publication of these procedures and guidelines is required by the November 21, 1974 amendments to the Freedom of Information Act (5 U.S.C. 552). Interested persons were given 30 days in which to submit comments and recommendations regarding the proposed rule making. As a result of the comments received, § 404.1(a) was amended.

Accordingly with this change, the proposed Procedures and Guidelines are adopted as set forth below:

Sec.
404.1 General.
404.2 Denial of access.
404.3 Appeals.

AUTHORITY: 5 U.S.C. 552, as amended.

§ 404.1 General.

(a) Public requests for information from the records of the American Battle Monuments Commission should be sent to that agency at Room 4C014, The Forrestal Building, Washington, D.C. 20314. They may also be sent to its field offices at the below listed addresses:

(1) Officer-in-Charge, European Office, American Battle Monuments Commission, APO New York 09777

(2) Officer-in-Charge, Mediterranean Office, American Battle Monuments Commission, APO New York 09794

(3) Superintendent, Manila American Cemetery, APO San Francisco 96528

(b) Requests for information from the public will be honored within ten working days except where the confidentiality of such information is protected by law.

(c) Whenever information cannot be dispatched within ten working days after receipt of its request, an interim reply will be sent informing the requestor of the status of the request.

§ 404.2 Denial of access.

(a) Letters denying access to confidential information will be dispatched within ten working days of receipt of the request and will be signed by one of the below listed personnel:

(1) Officer-in-Charge, ABMC European Office

(2) Officer-in-Charge ABMC Mediterranean Office

(3) Directors, ABMC Washington Office

(4) Secretary, ABMC

(b) Letters denying access to information will:

(1) provide the requestor with the reason for denial,

(2) inform the requestor of his or her right to appeal the denial within 30 days,

(3) give the name of the official to whom the appeal may be sent.

(c) If an unusual circumstance delays a decision concerning access to information, the requestor will be informed of the delay within ten working days of the request's initial receipt. In no case will the decision be delayed more than 20 working days from initial receipt of the request.

(d) A copy of each denial of information will be furnished to the Secretary at the time of its dispatch.

§ 404.3 Appeals.

(a) The Secretary is the appellate authority for all denials except those which he authors. The Chairman is the appellate authority for denials authored by the Secretary.

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(b) The requestor will be informed of the decision on his or her appeal within 20 working days after its receipt. If the denial is upheld, the requestor will be advised that there are provisions for judicial review of such decisions under the Freedom of Information Act.

(c) In the event a court finds that the American Battle Monuments Commission has arbitrarily and capriciously withheld information from the public and a subsequent Civil Service Commission investigation finds agency personnel responsible, these personnel will be subject to disciplinary action by the American Battle Monuments Commission.

Dated: February 13, 1975.

A. J. ADAMS,
Mayor General, U.S. Army,
Secretary.

[FR Doc.75-4373 Filed 2-18-75;8:45 am]

PART 405—SCHEDULE OF FEES FOR SEARCH AND DUPLICATION OF RECORDS

On January 13, 1975, there was published in the FEDERAL REGISTER (40 FR 2447) a notice of proposed rule making in which the American Battle Monuments Commission announced that it was planning to issue a new Part 405 to 36 CFR Chapter 4. The new Part 405 was to contain a schedule of fees for search and duplication of records available to the public under the Freedom of Information Act. The publication of this schedule is required by the November 21, 1974 amendments to the Freedom of Information Act (5 U.S.C. 552). Interested persons were given 30 days in which to submit comments and recommendations regarding the proposed rule making.

No written objections have been received and the proposed schedule of fees is hereby adopted without change and is set forth below.

Sec.
405.1 General.
405.2 Schedule.

AUTHORITY: 5 U.S.C. 552 as amended.

§ 405.1 General.

(a) While most information will be furnished promptly at no cost as a service to the general public, fees will be charged if the cost of search and duplication warrants.

(b) When a fee is to be charged, the individual requesting the information will be informed of the fee, and no work will be performed until he or she has agreed to pay it.

§ 405.2 Schedule.

Fees which may be charged by this Commission for search and duplication of records are as follows:

(a) Duplication fees:

(1) $2.00 for first 6 pages, 5¢ per page thereafter for photocopying.

(2) $1.50 per 8x10 inch black and white print of photographs.

(3) $2.50 per 8x10 inch color print of photographs.

(b) Search fees:

(1) $8.00 per hour to search records for specific documents.

(2) $215.00 for selective extracts from Commission computer tapes.

(3) Transportation costs of personnel and records arising from searches for requested information.

Dated: February 13, 1975.

A. J. ADAMS,
Major General, U.S. Army
Secretary.

[FR Doc.75-4372 Filed 2-18-75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Pursuant to the authority granted by 5 U.S.C. 301, 5 U.S.C. 552, 31 U.S.C. 483a and 43 U.S.C. 1460, Part 2 of Title 43, Subtitle A, Code of Federal Regulations is revoked in its entirety and a revised Part 2 is adopted.

The 1974 Amendments to the Freedom of Information Act, Pub. L. 93-502 (November 21, 1974) significantly revised the Freedom of Information Act. In order to conform the Department of the Interior's regulations to the changes in the Act and to improve the Department's procedures for handling requests made under the Act, detailed new Freedom of Information procedures are set out in the revised Part 2. The significant features of the new procedures are as follows:

1. Specific time limits for the processing of requests are established, as required by the 1974 Amendments. Decisions on whether to grant initial requests for records must be made within 10 working days. Decisions on appeals from initial denials of requests must be decided within 20 working days. Provision is made for extension of both the initial request time limit and the appellate decision time limit. The total extension with respect to any one request may not exceed 10 working days, however.

2. Authority to process initial requests under the Freedom of Information Act is vested in the various bureaus and offices of the Department. Requests made to field installations of a bureau may be denied only by the head of the field installation or such higher authority as the head of the bureau may designate. Requests made to the headquarters of a bureau may be denied only by the head of the bureau or by an official designated by the head of the bureau.

3. The appellate authority of the Secretary of the Interior in Freedom of Information Act cases is vested in the Assistant Secretary—Program Development and Budget, who will decide all appeals after consultation with the Solicitor, the Director of Communications and the appropriate program Assistant Secretary.

4. Specific procedures for the submission of Freedom of Information Act requests are outlined for requesters.

5. Specific standards for granting and denying requests are also established. A request for records may be denied only if the record falls within one of the nine exemptions from the Freedom of Information Act's general disclosure requirements and the non-disclosure of the record is required by statute or Executive Order or supported by sound grounds.

Because of the length of the new Freedom of Information procedures and because it is anticipated that detailed regulations implementing the Privacy Act, P.L. 93-579, will be added to Part 2 later in 1975, it was necessary to rearrange the remainder of the prior Part 2.

Prior § 2.3, "Declassification of classified documents," has been placed in subpart C of the revised Part 2 and redesignated section 2.41.

Prior § 2.5, "Opinions in adjudication of cases; administrative manuals," has been placed in subpart A and redesignated §§ 2.1 to 2.3. The section has also been modified by deletion of certain obsolete provisions.

Prior §§ 2.6 and 2.7, "Compulsory process" and "Testimony of employees," have been placed in subpart E and designated §§ 2.81 and 2.82.

The remaining sections of the prior Part 2 dealt with Freedom of Information matters and have been replaced by the revised Freedom of information regulations, §§ 2.11 to 2.19 of subpart B of the revised Part 2.

Subpart D of the revised Part 2 has been reserved for addition of regulations implementing the Privacy Act.

The Appendix to the prior Part 2 has been redesignated Appendix B in the revised Part 2 and has been expanded to list the heads of the bureaus and offices of the Department and their addresses and the public information officers of the Department and their addresses.

Appendix A is reserved for addition of a uniform fee schedule. Such a schedule was proposed by a notice of proposed rulemaking published in the FEDERAL REGISTER on Friday, February 7, 1975, 40 Fed. Reg. 5783.

Because Part 2 consists of rules of agency organization, procedure and practice, adoption of the revised Part 2 through the rulemaking procedure prescribed in 5 U.S.C. 553 is not required and the revised Part 2 is accordingly adopted without resort to that procedure. In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971 on rulemaking procedures, interested persons may, however, submit written comments, suggestions, data or arguments concerning the revised Part 2 to the Assistant Solicitor—General Legal Services, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, on or before April 7, 1975. All such comments received will be given full consideration.

The amendments to the Freedom of Information Act take effect on February 19, 1975. So that the Department's new procedures will be in effect when the amendments take effect or shortly thereafter, good cause for waiver of the 30-day waiting period for effectiveness exists and the revised Part 2 accordingly will take effect February 19, 1975.

The revised Part 2 reads as follows:

Subpart A—Opinions in Adjudication of Cases; Administrative Manuals

Sec.
2.1 Purpose and scope.
2.2 Opinions in adjudication of cases.
2.3 Administrative manuals.

Subpart B—Inspection of Records

2.11 Purpose and scope.
2.12 Definitions.
2.13 Records available.
2.14 Requests for records.
2.15 Action on initial requests.
2.16 Time limits on processing of initial requests.
2.17 Appeals.
2.18 Action on appeals.
2.19 Fees.

Subpart C—Declassification of Classified Records

2.41 Declassification of Classified Records.

Subpart D—[Reserved]

Subpart E—Compulsory Process, Testimony of Employees

2.81 Compulsory process.
2.82 Testimony of employees.

Appendix B—Heads of Bureaus and Offices of the Department of the Interior.

AUTHORITY: 5 U.S.C. 301, and 552; 31 U.S.C. 483a, and 1460.

Subpart A—Opinions in Adjudication of Cases, Administrative Manuals

§ 2.1 Purpose and scope.

This subpart contains the regulations of the Department of the Interior concerning the availability to the public of opinions issued in the adjudication of cases and of administrative manuals. Persons interested in obtaining access to other records are directed to the procedures for submission of Freedom of Information requests set out in Subpart B of this part.

§ 2.2 Opinions in adjudication of cases.

(a) (1) Copies of final decisions and orders issued on and after July 1, 1970, in the following categories of cases are available for inspection and coyping in the Office of Hearings and Appeals, Ballston Building No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203:

(i) Contract appeals:

(ii) Appeals from decisions rendered by departmental officials relating to the use and disposition of public lands and their resources and the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf;

(iii) Appeals from orders and decisions issued by departmental officials and administrative law judges in proceedings relating to mine health and safety; and

(iv) Appeals from orders and decisions of administrative law judges in Indian probate matters other than those involing estates of Indians of the Five Civilized Tribes and Osage Indians.

(2) Copies of final opinions and orders issued in the following categories of cases are available for inspection and copying in the Docket and Records Section, Office of the Solicitor, Interior Building, Washington, D.C. 20240:

(i) Tort claims decided in the headquarters office of the Office of the Solicitor, and appeals from decisions of Regional Solicitors or Field Solicitors on tort claims;

(ii) Irrigation claims under Public Works Appropriation Acts (e.g., 79 Stat., 1103) or 25 U.S.C. 388 decided in the headquarters office of the Office of the Solicitor, and appeals from decisions of Regional Solicitors on irrigation claims;

(iii) Appeals under § 2.18 respecting availability of records;

(iv) Appeals from decisions of officials of the Bureau of Indian Affairs, and Indian enrollment appeals; and

(v) Appeals from decisions of officers of the Bureau of Land Management and of the Geological Survey in proceedings relating to lands or interests in land, contract appeals, and appeals in Indian probate proceedings, issued prior to July 1, 1970.

(3) An Index-Digest is issued by the Department. All decisions, opinions and orders issued in the categories of cases described in subdivisions paragraph (a) (1), (i), (ii), and (iii) of this section (that is, contract appeals, land appeals, and mine health and safety appeals), are covered in the Index-Digest; in addition, the Index-Digest covers the more important decisions, opinions and orders in the remaining categories of cases described in paragraphs (a) (1) (iv) and (a) (2) (i)–(iv) of this section, and the more important opinions of law issued by the Office of the Solicitor. The Index-Digest is available for use by the public in the Office of Hearings and Appeals, Ballston Building No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, in the Docket and Records Section, Office of the Solicitor, Interior Building, Washington, D.C. 20240, and in the offices of the Regional Solicitors and Field Solicitors. Selected decisions, opinions, and orders are published in a series entitled "Decisions of the United States Department of the Interior" (cited as I.D.), and copies may be obtained by subscription from the Superintendent of Documents U.S. Government Printing Office, Washington, D.C. 20402.

(4) Copies of final opinions and orders issued by Regional Solicitors on tort claims and irrigation claims, and copies of final opinions and orders on appeals in Indian probate proceedings issued by Regional Solicitors prior to July 1, 1970, are available for inspection and copying in their respective offices. Copies of final opinions and orders issued by Field Solicitors on tort claims are available for inspection and copying in their respective offices.

(b) (1) Copies of final decisions and orders issued prior to July 1, 1970, on appeals to the Director, Bureau of Land Management, and by hearing examiners of the Bureau of Land Management, in proceedings relating to lands and interests in land are available for inspection and copying in the Office of Hearings and Appeals, Ballston Building No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, and in the offices of the Departmental administrative law judges.

(2) Copies of final decisions, opinions and orders issued on and after July 1, 1970, by departmental administrative law judges in all proceedings before them are available for inspection and copying in their respective offices and in the Office of Hearings and Appeals, Ballston Building No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203.

(3) Copies of final decisions, opinions and orders issued by administrative law judges in Indian probate proceedings are available for inspection and copying in their respective offices.

§ 2.3 Administrative manuals.

The Departmental Manual is available for inspection in the Departmental Library, Interior Building, Washington, D.C., and at each of the regional offices of bureaus of the Department. The administrative manuals of those bureaus which have issued such documents are available for inspection at the headquarters offices and at the regional offices of the bureaus.

Subpart B—Inspection of Records

§ 2.11 Purpose and scope.

(a) This subpart contains the regulations of the Department of the Interior implementing the requirement of subsection (a) (3) of the Freedom of Information Act, 5 U.S.C. Section 552(a) (3), which provides that the Department "upon any request for records which (1) reasonably describes such records and (2) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." This subpart describes the procedures by which records may be obtained from all constituent units of the Department of the Interior. The procedures in this subpart are not applicable to requests for records published in the Federal Register or opinions in the adjudication of cases, statements of policy and interpretations and administrative staff manuals which have been published or made available under Subpart "A" of this part.

(b) Before invoking the formal proinformation or records of the Department may find it useful to consult with officials of the bureau possessing the information or records or the Office of Communications, U.S. Department of the Interior, Washington, D.C. 20240.

§ 2.12 Definitions.

(a) *Act.* As used in this subpart, "Act" means the "Freedom of Information Act," 5 U.S.C. § 552.

(b) *Bureau.* As used in this subpart, "bureau" refers to all constituent bureaus and offices of the Department of the Interior, including the Office of the Secretary and the other Departmental offices.

§ 2.13 Records available.

(a) *Department policy.* It is the policy of the Department of the Interior to make the records of the Department available to the public to the greatest

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extent possible, in keeping with the spirit of the Freedom of Information Act.

(b) *Statutory disclosure requirement.* The Freedom of Information Act requires that the Department, on a request from a member of the public to inspect or copy records made in accordance with the procedures in this subpart, shall promptly make the records available.

(c) *Statutory exemptions.* The Act exempts nine categories of records from this disclosure requirement. The Act provides that disclosure is not required of matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempt from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that production of such records would (i) interfere wies enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

(d) *Decisions on requests.* It is the policy of the Department to withhold information falling within an exemption only if (1) disclosure is prohibited by statute or Executive Order or (2) sound grounds exist for invocation of the exemption.

(e) *Deletion of portions of records.* If a requested record contains material within an exemption together with material not within an exemption and it is determined under the regulations in this subpart to withhold the exempt material, any reasonably segregable nonexempt material shall be separated from the exempt material.

(f) *Creation of records.* This subpart applies only to records which exist at the time a request for records is made. Records are not required to be created in response to a request by combining or compiling selected items from the files or by preparing a new computer program, nor are records required to be created to provide the requester with such data as proportions, percentages, frequency distributions, trends, or comparisons.

(g) *Records of concern to other departments and agencies.* (1) If the release of a record would be of concern to both the Department of the Interior and another Federal agency, the record will be made available by the Department only if the interest of the Department is the primary interest. If the Department's interest is not the primary interest, the requester shall be referred in writing to the agency having the primary interest. The Department of the Interior has the primary interest in a record if the record was developed pursuant to Department regulations, directives, or request even though the record originated outside of the Department.

(2) If the release of a record in which the Department has a primary interest would be of substantial concern to another agency, the official processing the request, should, if administratively feasible and appropriate, consult with that agency before releasing the record.

(h) *Records obtained from the public.* If a requested record was obtained by the Department from a person or entity outside of the Government, the official responsible for processing the request shall, when it is administratively feasible to do so, seek the views of that person or entity on whether the record should be released before making a decision on the request.

§ 2.14 Requests for records.

(a) *Submission of requests.* A request to inspect or copy records shall be made to the installation where the records are located. If the records are located at more than one installation or if the specific location of the records is not known to the person wishing to inspect or copy the records, he may direct his request to the head of the appropriate bureau, or the bureau's chief public information officer, if any.

(b) *Assistance in submitting requests.* If a requester is uncertain which bureau of the Department is responsible for a record which he wishes to inspect or copy, he may seek guidance from the Office of Communications, U.S. Department of the Interior, Washington, D.C. 20240, to assist him in determining the appropriate bureau to which to submit his request.

(c) *Form of request.* (1) Requests invoking the Freedom of Information Act shall be in writing.

(2) (i) A request must reasonably describe the records requested. A request reasonably describes the records requested if it will enable an employee of the Department familiar with the subject area of the request to locate the record with a reasonable amount of effort. If such information is available, the request should identify the subject matter of the record, the date when it was made, the place where it was made, and the person or office that made it, the present custodian of the record, and any other information which will assist in location of the requested records. If the request involves a matter known by the requester to be in litigation, the request should also state the case name and court hearing the case.

(ii) If the description of a record sought is insufficient to allow identification and location of the record, the response denying the request on this ground shall so state and, to the extent possible, indicate what additional descriptive information, if any, would assist in location of the record.

(3) A request shall state the maximum amount of fees which the requester is willing to pay. Requesters are notified that under § 2.19(d), the failure to state willingness to pay fees as high as are anticipated by the Department will delay running of the time limit and delay processing of the request, if the responsible official anticipates that the fees chargeable may exceed $25.00.

(4) (i) To insure expeditious handling, requests shall be prominently marked, both on the envelope and on the face of the request, with the legend "FREEDOM OF INFORMATION REQUEST." The failure of a request to bear such a legend will not disqualify a request from processing under the procedures in this subpart if the request otherwise meets the requirements of this section. A request not bearing the legend "FREEDOM OF INFORMATION REQUEST" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 2.16 until it has been identified by bureau personnel as a Freedom of Information request and marked by them with this legend.

(ii) Bureau personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION REQUEST" as a request otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION REQUEST," (B) date the request to reflect the date on which it was identified, and (C) take steps to assure proper processing of the request under the procedures in this subpart.

(d) *Categorical requests.* (1) A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be reasonably described if (i) it can be determined which particular records are covered by the request and (ii) the records can be seached for, collected and produced without unduly burdening or interfering with Department operations because of the staff time consumed or the resulting disruption of the files.

(2) If a categorical request is determined under paragraph (d) (1) of this section not to reasonably describe the records requested, the response denying the request on that ground shall specify the reasons why and shall extend to the requester an opportunity to confer with knowledgeable Department personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

§ 2.15 Action on initial requests.

(a) *Granting of requests.* (1) A requested record shall be made available if (i) the record is not exempt from disclosure or (ii) the record is exempt from disclosure, but its withholding is neither required by statute or Executive order nor supported by sound grounds.

(2) A determination to release a record which is located in a field installation may be made only by the head of that installation or by such higher authority as the head of the bureau may in writing designate. A determination to release a record which is exempt from disclosure and which is located at the headquarters installation of a bureau may be made only by the head of the bureau or an official whom the head of the bureau has in writing designated.

(b) *Form of grant.* (1) When a requested record has been determined to be available, the official processing the request shall immediately notify the person requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 2.19, the responsible official shall also state the amount or, if the exact amount cannot be determined, the approximate amount of fees due.

(2) If the record was obtained by the Department from a person or entity outside of the Government, the responsible official shall, when it is administratively feasible to do so, notify that person or entity that the record has been made available.

(c) *Denial of requests.* A request for a record may be denied only if it is determined that (1) the record is exempt from disclosure and (2) that withholding of the record is required by statute or Executive order or supported by sound grounds.

(d) *Authority to deny requests.* (1) A request made of a field installation to inspect or copy a record located at that installation may be denied only by the head of the installation or such higher authority as the head of the bureau may in writing designate and only after consultation with the appropriate field or regional solicitor.

(2) A request to inspect or copy a record located at the headquarters installation of a bureau shall be denied only by the head of the bureau or by an official whom the head of the bureau has in writing designated and only after consultation with the appropriate associate, regional, or field solicitor.

(e) *Form of denial.* A reply denying a request shall be in writing and shall include:

(1) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record;

(2) If neither a statute nor an executive order requires withholding, the sound ground for withholding;

(3) A listing of the names and titles or positions of each person responsible for the denial;

(4) A statement that the denial may be appealed to the Assistant Secretary—Program Development and Budget, pursuant to § 2.17 and that such appeal must be in writing and be received by this official within 20 days (Saturdays, Sundays, and public legal holidays excepted) after the date of the denial, in the case of the denial of an entire request, or within 20 days (Saturdays, Sundays, and public legal holidays excepted) of records being made available, in the case of a partial denial, by writing to the Freedom of Information Act Officer, Office of the Assistant Secretary—Program Development and Budget, U.S. Department of the Interior, Washington, D.C. 20240.

(f) *Exception.* The requirements of paragraphs (c), (d), and (e) of this section do not apply to requests denied under § 2.14 on the ground that the request did not reasonably describe the records requested or to requests for records which do not exist.

(g) *Filing of denials.* (1) Copies of all replies denying, in whole or part, a request for a record which are issued under this section or § 2.14 shall be promptly submitted to the Freedom of Information Act Officer, Office of the Assistant Secretary—Program Development and Budget, U.S. Department of the Interior, Washington, D.C. 20240. The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such denials to the Office of the Solicitor, the Office of Communications, and the appropriate program Assistant Secretary.

(2) If a bureau has a public information office, copies of all replies denying, in whole or part, a request for a record issued by the bureau under this section or § 2.14 shall be submitted to the public information office.

§ 2.16 Time limits on processing of initial requests.

(a) *Basic limit.* Requests for records shall be processed promptly. A determination whether to grant or deny a request shall be made within no more than 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of a request. This determination shall be communicated immediately to the requester.

(b) *Running of basic time limit.* For purposes of paragraph (a) of this section, the time limit commences to run when a request is received at an installation designated in § 2.14(a) to receive the request. If a request is received at an installation not designated in § 2.14(a) to receive the request, the officer receiving a request shall promptly transmit the request to the appropriate installation and shall notify the requester in writing of this action.

(c) *Extensions of time.* In the following unusual circumstances, the time limit for acting upon an initial request may be extended to the extent reasonably necessary to the proper processing of the particular request, but in no case may the time limit be extended for more than 10 working days:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(d) *Authority to make extensions.* (1) An extension of time under paragraph (c) of this section may be made only by the head of a field installation or such higher authority as the head of a bureau has in writing designated, if the records requested are located in a field installation, or by the head of a bureau or an official whom the head of the bureau has in writing designated, if the records are located in the headquarters installation of a bureau.

(2) The person requesting the records shall be notified in writing of the extension. The written notice shall state the reason for the extension and the date on which a determination on the request is expected to be dispatched.

(3) A copy of the written notice shall be forwarded to the Freedom of Information Act Officer, Office of the Assistant Secretary—Program Development and Budget, U.S. Department of the Interior, Washington, D.C. 20240. The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Office of the Solicitor, the Office of Communications, and the appropriate program Assistant Secretary.

(e) *Treatment of delay as denial.* (1) If no determination has been reached at the end of the 10-day period for deciding an initial request, or the last extension thereof, the requester may deem his request denied and may exercise a right of appeal in accordance with the provisions of § 2.17.

(2) When no determination can be reached within the applicable time limit, the responsible official shall nevertheless continue to process the request. On expiration of the time limit, the responsible official shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial for purposes of appeal to the Assistant Secretary—Program De-

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velopment and Budget in accordance with § 2.17. The requester may be asked to consider delaying use of his right to appeal until the date on which the determination is expected to be dispatched. If the requester so agrees, he is deemed not to have treated the failure to respond within the applicable time limit as a denial for purposes of the running of the 20 working-day appeal period set out in § 2.17(b). If a determination on the request is not issued by the new agreed upon date, or if the request is denied in whole or part, the requester will have available his full right of appeal under § 2.17, including the entire 20 working-day period for filing of the appeal.

§ 2.17 Appeals.

(a) *Right of appeal.* Where a request for records has been denied, in whole or part, the person submitting the request may appeal the denial to the Assistant Secretary—Program Development and Budget.

(b) *Time for appeal.* An appeal must be received no later than twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after the date of the initial denial, in the case of a denial of an entire request, or twenty (20) days (Saturdays, Sundays, and public legal holidays excepted) after records have been made available, in the case of a partial denial.

(c) *Form of appeal.* (1) An appeal shall be initiated by filing a written notice of appeal. The notice shall be accompanied by copies of the original request and the initial denial and should, in order to expedite the appellate process and give the requester an opportunity to present his arguments, contain a brief statement of the reasons why the requester believes the initial denial to have been in error.

(2) The appeal shall be addressed to Freedom of Information Act Officer, Office of the Assistant Secretary—Program Development and Budget, U.S. Department of the Interior, Washington, D.C. 20240.

(3) (i) Both the envelope containing the notice of appeal and the face of the notice shall bear the legend "FREEDOM OF INFORMATION APPEAL." The failure of an appeal to bear such a legend will not disqualify an appeal from processing under § 2.18 if the appeal otherwise meets the requirements of this section. An appeal not bearing the legend "FREEDOM OF INFORMATION APPEAL" will not, however, be deemed to have been received for purposes of the running of the time limit set out in § 2.18 until it has been identified by Department personnel as a Freedom of Information appeal and marked by them with this legend.

(ii) Department personnel identifying a communication from the public not bearing the legend "FREEDOM OF INFORMATION APPEAL" as an appeal otherwise meeting the requirements of this section shall immediately (A) mark the communication with the legend "FREEDOM OF INFORMATION APPEAL," (B) date the appeal to reflect the date on which it was identified, and (C) take steps to assure proper processing of the appeal under the procedures in this subpart.

(4) The Freedom of Information Act Officer shall be responsible for promptly furnishing copies of such notices to the Office of the Solicitor, the Office of Communications, and the appropriate program Assistant Secretary.

§ 2.18 Action on appeals.

(a) *Authority.* Appeals from initial denials of requests for records shall be decided for the Department by the Assistant Secretary—Program Development and Budget after consultation with the Solicitor, the Director of Communications and the appropriate program Assistant Secretary. If the initial denial appealed from was issued by an official required to be consulted by this paragraph, the Assistant Secretary—Program Development and Budget is not required to consult with that official.

(b) *Time limit.* A final determination on any appeal shall be made within 20 days (excepting Saturdays, Sundays, and public legal holidays) after receipt of the appeal.

(c) *Extensions of time.* (1) If the time limit for responding to the initial request for a record was not extended under the provisions of § 2.16(c) or was extended for fewer than 10 working days, the time for processing of the appeal may be extended by the Assistant Secretary—Program Development and Budget to the extent reasonably necessary to the proper processing of the appeal, but in no event may the extension, when taken together with any extension made during processing of the initial request, result in an aggregate extension with respect to any one request of more than 10 working days. The time for processing of an appeal may be extended only if one or more of the unusual circumstances listed in § 2.16(c) requires an extension.

(2) The Assistant Secretary—Program Development and Budget shall, in writing, advise the appellant of the reasons for the extension and the date on which a final determination on the appeal is expected to be dispatched.

(3) If no determination on the appeal has been reached at the end of the 20 working-day period for deciding an appeal, or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be reached within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched and of his right to seek judicial review. The requester may be asked to consider delaying resort to his right to judicial review until the date on which the determination on his appeal is expected to be dispatched.

(d) *Form of decision.* (1) The final determination on an appeal shall be in writing and shall state the basis for the determination. If the determination is to release the requested records or portions thereof, the Assistant Secretary—Program Development and Budget shall immediately make the records available or instruct the appropriate bureau official to make them immediately available. If the determination upholds in whole or part the initial denial of a request for records, the determination shall advise the requester of his right to obtain judicial review in the United States District Court for the district in which the withheld records are located, or in which the requester resides or has his principal place of business or in the United States District Court for the District of Columbia, and shall set forth the names and titles or positions of each person responsible for the denial.

(2) If the determination is to release a requested record or portions thereof and the record was obtained by the Department from a person or entity outside of the Government, the Assistant Secretary—Program Development and Budget shall, when it is administratively feasible to do so, notify the person or entity of the release of the record.

(e) *Distribution of copies.* Copies of final determinations issued by the Assistant Secretary—Program Development and Budget shall be provided to the Office of the Solicitor, the Office of Communciations, and the appropriate program Assistant Secretary.

§ 2.19 Fees.

(a) *Services for which fees may be charged.* (1) Unless waived pursuant to the provisions of paragraph (c) of this section, user fees shall be charged for document search and duplication costs incurred in responding to requests for records. User fees also shall be charged for the formal certification of verification attached to authenticated copies of records under the seal of the Department or any bureau.

(2) Unless waived or reduced pursuant to paragraph (c) of this section, user fees shall be charged in accordance with the schedule of charges contained in Appendix A to this Part.

(b) *Services for which fees may not be charged.* No fee may be charged for any services required by the Freedom of Information Act to be performed in responding to a request for records other than those services for which fees may be charged under subsection (a) of this section. Services for which no fees may be charged include, but are not limited to, (1) examining requested records to determine whether they are exempt from mandatory disclosure or whether, even if exempt, they should nevertheless be made available in whole or part, (2) deleting exempt matter from records so that the remaining portions of the records may be made available, (3) monitoring a requester's inspection of agency records made available to him for inspection, and (4) resolving legal and policy issues affecting access to requested records.

(c) *Waiver or reduction of fees.* (1) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests for records shall be waived or reduced, as appropriate, if the official making the records available determines that furnishing the records can be considered as primarily benefiting the public as opposed to the requester.

(2) Fees otherwise applicable for document research and duplication costs incurred in responding to requests shall be waived and not charged if the request involves:

(i) furnishing unauthenticated copies of any documents reproduced for gratuitous distribution;

(ii) furnishing one copy of a personal document (e.g., a birth certificate) to a person who has been required to furnish it for retention by the Department;

(iii) furnishing one copy of the transcript of a hearing before a hearing officer in a grievance or similar proceeding to the employee for whom the hearing was held.

(3) Fees otherwise chargeable for document search and duplication costs incurred in responding to requests may be waived or reduced if the cost of collecting the fee would exceed the amount of the fee or if the request involves:

(i) furnishing records to press, radio and television representatives for dissemination through the media to the general public;

(ii) furnishing records to donors with respect to their gifts;

(iii) furnishing records to individuals or private non-profit organizations having an official voluntary or cooperative relationship with the Department to assist the individual or organization in its work with the Department;

(iv) furnishing records to state, local and foreign governments and public international organizations when to do so without charge is an appropriate courtesy, or when the recipient is carrying on a function related to that of the Department and to do so will help to accomplish the work of the Department;

(v) furnishing records when to do so saves costs and yields income equal to the direct cost of providing the records (e.g., where the Department's fee for the service would be included in a billing against the Department);

(vi) furnishing records when to do so is in conformance with generally established business custom (e.g., furnishing personal reference data to prospective employers of former Department employees);

(vii) furnishing one copy of a record in order to assist the requester to obtain financial benefits to which he is entitled (e.g., veterans or their dependents, employees with Government employee compensation claims or persons insured by the Government).

(d) *Notice of anticipated fees and prepayment.* (1) Where it is anticipated that fees chargeable under this section may amount to more than $25.00 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the request shall be deemed not to have been received for purposes of the time limits established by § 2.16 until the requester is advised of the fees which are anticipated and has agreed to pay these fees. Advice to requesters with respect to anticipated fees shall be provided promptly.

(2) In appropriate cases, advance payment of fees may be required before requested records are made available to the requester.

(3) A notice of anticipated fees or notice of request for advance payment shall extend an offer to the requester to confer with appropriate personnel in an attempt to reformulate the request in a manner which will reduce the anticipated fees and meet the needs of the requester.

(e) *Form of payment.* Payment of fees should be made by check or money order payable to the Department of the Interior or the bureau furnishing the information. The term United States or the initials "U.S." should not be included on the check or money order. Where appropriate, the official responsible for handling a request may require that payment by check be made in the form of a certified check.

Subpart C—Declassification of Classified Documents

§ 2.41 Declassification of classified documents.

(a) *Request for classification review.* (1) Requests for a classification review of a document of the Department of the Interior pursuant to section 5(c) of Executive Order 11652 (37 FR 5209, March 10, 1972) and section III B of the National Security Council Directive Governing Classification, Downgrading, Declassification and Safeguarding of National Security Information (37 FR 10053, May 1972) shall be made in accordance with the procedures established by this section.

(2) Any person desiring a classification review of a document of the Department of the Interior containing information classified as National Security Information by reason of the provisions of Executive Order 11652 (or any predecessor executive order) and which is more than 10 years old, should address such request to the Chief, Division of Enforcement and Security Management, Office of Management Operations, U.S. Department of the Interior, Washington, D.C. 20240.

(3) Requests need not be made on any special form, but shall, as specified in the executive order, describe the document with sufficient particularity to enable identification of the document requested with expenditure of no more than a reasonable amount of effort.

(4) Charges for locating and reproducing copies of records will be made when deemed applicable in accordance with Appendix A to this Part and the requester will be notified.

(b) *Action on requests for classification review.* (1) The Chief, Division of Enforcement and Security Management, shall, unless the request is for a document over 30 years old, assign the request to the bureau having custody of the requested records for action. In the case of requests for declassification of records in the custody of the Office of the Secretary and less than 30 years old, the request shall be processed by the Chief, Division of Enforcement and Security Management. Requests for declassification of documents over 30 years shall be referred directly to the Archivist of the United States. The bureau which has been assigned the request, or the Chief, Division of Enforcement and Security Management, in the case of requests assigned to him, shall immediately acknowledge the request in writing. Every effort will be made to complete action on each request within thirty (30) days of its receipt. If action cannot be completed within thirty (30) days, the requester shall be so advised.

(2) If the requester does not receive a decision on his request within sixty (60) days from the date of receipt of his request, or from the date of his most recent response to a request for more particulars, he may apply to the Department of the Interior Committee on Classification of Security Information, U.S. Department of the Interior, Washington, D.C. 20240, for a decision on his request. The Committee must render a decision within thirty (30) days.

(c) *Form of decision and appeal to Committee on Classification of Security Information.* In the event that the bureau to which a request is assigned or the Chief, Division of Records and Protective Services, in the case of a request assigned to him, determines that the requested information must remain classified by reason of the provisions of Executive Order 11652, the requester shall be given prompt notification of that decision and, whenever possible, shall be provided with a brief statement as to why the information or material cannot be declassified. He shall also be advised that if he desires he may appeal the determination to the Chairman, Department of the Interior Committee on Classification of Security Information, U.S. Department of the Interior, Washington, D.C. 20240. An appeal shall include a brief statement as to why the requester disagrees with the decision which he is appealing. The Department Committee on Classification of Security Information shall render its decision within thirty (30) days of receipt of an appeal. The Departmental Committee shall be authorized to over-rule previous determinations in whole or in part when, in its judgment, continued protection is no longer required.

(d) *Appeal to Interagency Classification Review Committee.* Whenever the Department of the Interior Committee on Classification of Security Information confirms a determination for continued classification, it shall so notify the requester and advise him that he is entitled to appeal the decision to the Interagency Classification Review Committee established under section 8(A) of Executive Order 11652. Such appeals shall be addressed to the Interagency

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Classification Review Committee, the Executive Office Building, Washington, D.C. 20500.

(e) *Suggestions and complaints.* Any person may also direct suggestions or complaints with respect to the administration of the other provisions of Executive Order 11652 and the NSC Directive by the Department of the Interior to the Department of the Interior Committee for Classification of Security Information, U.S. Department of the Interior, Washington, D.C. 20240.

Subpart D—[Reserved]

Subpart E—Compulsory Process and Testimony of Employees

§ 2.80 Compulsory process.

(a) If the production of any record of the Department is sought by compulsory process and if it is determined in accordance with the provisions of § 2.13 that the record should not be disclosed, the person making such determination shall immediately report the matter to the Solicitor. The person to whom the compulsory process is directed shall appear in answer to the process and respectfully decline to produce the record on the ground that the disclosure, pending the receipt of instructions from the Secretary of the Interior, is prohibited by the regulations in this Subpart.

(b) The Solicitor of the Department of the Interior is authorized to exercise all of the authority of the Secretary of the Interior under this section.

§ 2.82 Testimony of employees.

(a) An officer or employee of the Department shall not testify in any judicial or administrative proceeding concerning matters related to the business of the Government without the permission of the head of the bureau, or his designee, or of the Secretary of the Interior, or his designee. If the head of a bureau or his designee, concludes that permission should be withheld, he shall report the matter immediately to the Solicitor for a determination, and the officer or employee shall appear in answer to process and respectfully decline to testify, pending the receipt of instructions from the Secretary, on the ground that testimony is prohibited by the regulations in this part. Pending instructions from the Secretary or his designee, an officer or employee in the Office of the Secretary shall follow the same procedure.

(b) Any person (including a public agency) wishing an officer or employee of the Department to testify in a judicial or administrative proceeding concerning a matter related to the business of the Government may be required to submit a statement setting forth the interest of the litigant and the information with respect to which the testimony of the officer or employee of the Department is desired, before permission to testify will be granted under this section.

(c) The Solicitor of the Department of the Interior is authorized to exercise all of the authority of the Secretary of the Interior under this section.

APPENDIX B

1. *Heads of Bureaus and Offices of the Department of the Interior.* (The address for all bureaus and offices, unless otherwise indicated, is U.S. Department of the Interior, Washington, D.C. 20240.)

Secretary of the Interior
Office of the Secretary
Director
U.S. Geological Survey
The National Center
Reston, Virginia 22092
Commissioner
Bureau of Indian Affairs
Director
Bureau of Land Management
Director
Bureau of Mines
Administrator
Mining Enforcement and Safety Administration
Director
National Park Service
Director
Bureau of Outdoor Recreation
Director
Bureau of Reclamation
Director
U.S. Fish and Wildlife Service
Administrator
Alaska Power Administration
P.O. Box 50
Juneau, Alaska 99802
Administrator
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208
Administrator
Southeastern Power Administration
Samuel Elbert Bldg.
Elberton, Georgia 30635
Administrator
Southwestern Power Administration
P.O. Drawer 1619
Tulsa, Oklahoma 74101
Administrator
Defense Electric Power Administration
Solicitor
Office of the Solicitor
Director
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, Virginia 22203
Director
Office of Legislation
Director
Office for Equal Opportunity
Director
Office of Communications
Director
Office of International Activities
Director
Office of Research and Development
Director
Office of Water Research and Technology
Director
Office of Land Use and Water Planning
801—19th Street, NW.
Washington, D.C. 20006
Director
Office of Management Services
Director
Office of Management Operations
Director
Office of Management Consulting
Director
Office of Organization and Personnel Management
Director
Office of Library Services
Director
Office of Manpower Training and Youth Activities
Director
Office of Audit and Investigation
Director
Office of ADP Management
Director
Office of Aircraft Services
3905 Vista Avenue
Boise, Idaho 83705
Director
Office of Budget
Director
Office of Policy Analysis
Director
Office of Environmental Project Review
Director
Office of Outer Continental Shelf Program Coordination

2. *Public Information Officers of the Department of the Interior.* (The address for all public information officers, unless otherwise indicated is U.S. Department of the Interior, Washington, D.C. 20240.)

Director
Office of Communications
U.S. Department of the Interior
Chief
Office of Minerals Information
Bureau of Mines
Director
Public Information Staff
Bureau of Indian Affairs
Chief
Office of Public Affairs
Bureau of Reclamation
Information Officer
U.S. Geological Survey
The National Center
Reston, Virginia 22092
Chief
MESA Information Office
Mining Enforcement and Safety Administration
Ballston Tower No. 3
4015 Wilson Boulevard
Arlington, Virginia 22203
Assistant to the Director
Office of Public Affairs
National Park Service
Assistant Director—Public Affairs
U.S. Fish and Wildlife Service
Staff Assistant for Communications
Office of Land Use and Water Planning
801 19th Street NW.
Washington, D.C. 20006
Information Officer
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208
Administrator
Alaska Power Administration
P.O. Box 50
Juneau, Alaska 99801
Chief
Division of Administrative Management
Southeastern Power Administration
Samuel Elbert Building
Elberton, Georgia 30635
Public Information Specialist
Southwestern Power Administration
P.O. Drawer 1619
Tulsa, Oklahoma 74101

3. *Office of Hearings and Appeals—Field Offices.*

Administrative Law Judge
Federal Building
Sacramento, California 95825
Administrative Law Judge
Federal Building
Salt Lake City, Utah 84138

Administrative Law Judge
Indian Probate
Arizona Title Annex Building
Phoenix, Arizona 85012
Administrative Law Judge
Indian Probate
Federal Building
Sacramento, California 95825
Administrative Law Judge
Indian Probate
Federal Building and Courthouse
Billings, Montana 59101
Administrative Law Judge
Indian Probate
V.E.M. Building
Gallup, New Mexico 87301
Administrative Law Judge
Indian Probate
U.S. Post Office and Federal Office Building
Tulsa, Oklahoma 74101
Administrative Law Judge
Indian Probate
Federal Building
Portland, Oregon 97208

4. *Office of the Solicitor—Field Offices.*

Anchorage Region

Regional Solicitor
Federal Building
Anchorage, Alaska 99501
Field Solicitor
U.S. Post Office and Courthouse
Juneau, Alaska 99801

Atlanta Region

Regional Solicitor
148 Cain Street, N.E., Suite 410
Atlanta, Georgia 30303
Field Solicitor
Elberton, Georgia 30635

Denver Region

Regional Solicitor
Denver Federal Center
Denver, Colorado 80225
Field Solicitor
Post Office Box 549
Aberdeen, South Dakota 57401
Field Solicitor
Post Office Box 1538
Billings, Montana 59103
Field Solicitor
Post Office Box 983
Cheyenne, Wyoming 82001

Portland Region

Regional Solicitor
Post Office Box 3621—Room 766
1002 N.E. Holladay Street
Portland, Oregon 97208
Field Solicitor
Post Office Box 020
Boise, Idaho 83702
Field Solicitor
Reclamation Building
Division and C Streets
Ephrata, Washington 98823

Philadelphia Region

Regional Solicitor
Merchants Exchange Building
143 South Third Street
Philadelphia, Pennsylvania 19106
Field Solicitor
686 Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Sacramento Region

Regional Solicitor
2800 Cottage Way—Room E-2753
Sacramento, California 95825
Field Solicitor
Arizona Title Annex Building—Room 410
135 North 2nd Avenue
Phoenix, Arizona 85003
Field Solicitor
4127 Federal Building—U.S. Courthouse
300 Booth Street
Reno, Nevada 89502
Field Solicitor
3610 Central Avenue—Suite 104
Riverside, California 92506
Field Solicitor
Post Office Box 36064
450 Golden Gate Avenue—Room 14126
San Francisco, California 94102
Field Solicitor
Window Rock, Arizona 86515

Salt Lake City Region

Regional Solicitor
Federal Building—Suite 6201
125 South State Street
Salt Lake City, Utah 84111

Tulsa Region

Regional Solicitor
Page Belcher Federal Building—Room 3068
333 West 4th Street
Tulsa, Oklahoma 74103
Field Solicitor
Federal Building & Courthouse
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87101
Field Solicitor
Box H-4393, Herring Plaza
317 East Third
Amarillo, Texas 97101
Field Solicitor
Post Office Box 397
Anadarko, Oklahoma 73005
Field Solicitor
Federal Building—Room 319
5th and Broadway
Muskogee, Oklahoma 74401
Field Solicitor
c/o Osage Agency
Grandview Avenue
Pawhuska, Oklahoma 74056
Field Solicitor
U.S. Courthouse—Room 224
Federal Place & Washington Street
Santa Fe, New Mexico 87501

KENT FRIZZELL,
Acting Secretary of the Interior.

FEBRUARY 14, 1975.

[FR Doc.75-4505 Filed 2-18-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

Docket No. 75-1; [General Order 22; Amdt. 5]

PART 503—PUBLIC INFORMATION

Pursuant to amendments to the Freedom of Information Act (5 USC 522) notice of a proposal to amend the regulations of the Federal Maritime Commission dealing with public information (46 CFR Part 503) was published in the FEDERAL REGISTER (40 FR 2983, January 17, 1975). The amended regulations would conform to the requirements of the Freedom of Information Act and, in accordance therewith, afforded interested parties the opportunity to submit comments on the Commission's fee schedule provided in Subpart E of the proposed regulations.

A single comment was received. That comment noted the fact that the fee proposed to be assessed by the Commission for photocopying of documents was 30¢ per page. It suggested that, in view of a slightly lower range of charges for duplication commonly proposed by other agencies, the Commission review the cost data which justifies a 30¢ charge to assure inclusion of direct costs only, as mandated by the Freedom of Information Act amendments. The Commission reviewed the rate and its cost basis. The component costs of this charge are as follows:

4 minutes expenditure of time (GS-5, Step 1)	27¢
Machine rental and supplies (1971 cost study)	4¢
Total	31¢

The Commission does not impose a fee for the first one-half hour of search (§ 503.43(c)(3)) and the Commission has discretion to waive or reduce any fee (§ 503.43(d)(4) and (g)). In view of these provisions, and the cost data above, it has been determined that the charge of 30¢ per page for photocopying reflects only direct costs and therefore is in accord with the mandate of the Freedom of Information Act.

Therefore, the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective as of February 19, 1975.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4616 Filed 2-18-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-134]

PART 0—COMMISSION ORGANIZATION

Amendment of Rules Implementing the Freedom of Information Act; Report and Order

1. The Congress has recently amended the Freedom of Information Act (Pub. L. 93-502, November 21, 1974, 5 U.S.C. 552). Our purpose herein is to revise the Commission's rules and regulations to comply with the requirements of the modified statute. The amendments to both the Act and the rules apply to requests for inspection of records which are received by the Commission on or after February 19, 1975. In addition to the rules set out in the attached Appendix, which specify procedures for requesting records and acting on requests, a schedule of fees to recover the cost of staff time spent in searching for records which are requested will apply to requests submitted on or after February 19, 1975. A Notice of Proposed Rule Making requesting comment on a proposed fee schedule was released on January 22, 1975 (FCC 75-30).

2. For purposes here pertinent, the Freedom of Information Act, as amended, contains the following new or modified provisions:

(a) The amended act requires the publication of certain indexes.

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(b) The amended act requires a person requesting records to "reasonably describe" those records. This replaces a provision requiring agencies to grant requests for "identifiable records."

(c) The amended act provides for waiver of fees.

(d) The amended act specifies time limits for actions by agencies on requests for inspection of records.

(e) The amended act provides that notice of denial of a request shall set forth the names and titles or positions of each person responsible.

(f) The amended act provides that any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of portions which are exempt from inspection.

(g) The amended act modifies the description of two categories of exempt records.

These new or modified provisions and the rules implementing them are discussed below.

3. *The publication of indexes, 5 U.S.C. 552(a)(2).* The amended act requires agencies to publish indexes of the following materials:

(a) Final opinions, including concurring and dissenting opinions, made in the adjudication of cases;

(b) Those statements of policy and interpretations which have been adopted by the agency and are not published in the FEDERAL REGISTER; and

(c) Administrative staff manuals and instructions to staff that affect a member of the public.

Except in the case of administrative staff manuals, indexes for these materials are now published, as provided in § 0.445 of the rules. The manuals are listed in that section and are indexed. Since the indexes would be of no use whatsoever without the text of the manuals, no purpose would be served by publishing them. We find, therefore, pursuant to 5 U.S.C. 552, that publication of the indexes to the Commission's administrative manuals is unnecessary and impracticable.

4. *Reasonable description of records requested, 5 U.S.C. 552(a)(3).* In accordance with this provision, requirements in our rules which seem to require more than a reasonable description have been deleted. Our reading of what is reasonable is contained in the following two requirements:

> The records in question must be reasonably described by the person requesting them, so as to permit their location by staff personnel.
>
> Written requests shall * * * for each document requested, * * * set out all information known to the person making the request which would be helpful in identifying and locating the document.

See § 0.460 (c) and (e) and § 0.461 (a) and (b) as set out below.

5. *Waiver of fees, 5 U.S.C. 552(a)(4)(A).* Pursuant to this provision of the act, the proposed fee rules (§ 0.466(c)) provide as follows for the waiver of search fees:

(c) The search fee will be waived or reduced by the custodian of the records, upon a showing that waiver or reduction is in the public interest because furnishing the information is primarily of benefit to the general public.

A waiver of duplicating fees on the same grounds will be considered by the custodian of the records under present section 0.465(c)(3) of the Rules, which provides, in part, that, "When it serves the regulatory or financial interests of the U.S. Government, the Commission will make and furnish copies of its records free of charge."

6. *Time limits for actions, 5 U.S.C. 552(a)(6).* This part of the act provides that agencies:

(a) Shall act on requests for records within 10 working days after receipt of the request and immediately notify the requester of the action, the reasons therefore, and of his right to appeal an adverse ruling to the head of the agency;

(b) Shall act on any appeal of an adverse ruling within 20 working days after its receipt and, in the event of an adverse ruling on appeal, notify the requester of his right to judicial review; and

(c) May extend the aggregate period for acting on the initial request and the appeal for a maximum of 10 working days, but only for the following reasons: (1) The need to search for and collect the records from establishments that are separate from the office processing the request; (2) the need to search for, collect or examine a voluminous amount of records demanded in a single request; or (3) the need to consult with another interested agency or among components of the same agency. If the initial or appellate periods are exceeded, the requester may immediately seek an injunction in a Federal district court.

7. The new time limits are responsible for most of the rule changes set out below. The provisions are implemented by a new § 0.460, covering requests for materials which are routinely available for public inspection, and a revised § 0.461, covering requests for other materials. They have necessitated a revision of § 0.459, covering requests that materials submitted to the Commission be received in confidence.

8. In part, new § 0.460 tracks provisions heretofore set out in § 0.451. Significant additions include the following:

(a) Paragraph (d) requires written requests for routinely available records where it appears that there will be an appreciable delay in locating or producing the documents.

(b) Paragraph (e) specifies the required contents of written requests, including a statement of the maximum search fee the person making the request is prepared to pay. (If the specified maximum is reached before all the records have been located, the search will be terminated).

(c) Paragraph (f) contains instructions for delivery of the request.

(d) Paragraph (h) provides that all requests limited to records listed in §§ 0.453 and 0.455 (those routinely available for inspection) will be granted and provides that requests for records listed in those sections shall not be combined with requests for other records.

(e) Paragraph (i) provides that the records will be produced for inspection at the earliest possible time.

9. Significant changes in § 0.461 include the following:

(a) Paragraphs (b) and (c) specify the required contents of requests for records not routinely available, all of which must be in writing. Included is a statement of the maximum search fee the person making the request is prepared to pay.

(b) Paragraph (d) contains instructions for delivery of the request.

(c) Paragraph (g) provides for action on the request within 10 working days (if possible), for an extension of up to 10 working days (if permissible and if needed), for a further extension on consent of the requester (if needed), and for denial of the request if it cannot be acted on within the statutory period and if the requester does not agree to an extension. In the event of denial in the latter circumstance, the search for and/or assessment of the records will continue during the period provided for filing and acting on an application for review.

(d) Paragraph (h) provides for administrative and judicial review of an action granting a request for records where the records have been submitted to the Commission in confidence. Note that provision has not been made for consideration of oppositions to requests for inspection by the person who submitted the materials to the Commission. The 10 day period allowed for action is not sufficient to provide for the filing and consideration of oppositions prior to the initial action. However, as provided in paragraph (d), the person who submitted the materials will be notified when the request is filed and will be afforded an opportunity to file an application for review of an order granting the request for inspection. In view of the statutory admonition to produce the records promptly after grant of the request, the period for seeking administrative review of a grant has been reduced from 15 to 5 days and a period of 5 days has been specified for seeking a judicial stay if the Commission affirms the order granting the request for inspection. The limited period is also required because of the possibility of a partial grant, followed by applications for review by two parties, including the person who submitted the request for inspection, and the requirement that the latter application be acted on within 20 days after it is submitted.

(e) Paragraph (l) provides that the person who requested the records is afforded 30 days in which to apply for review of an adverse action.

(f) Paragraph (k) provides for action within 20 working days on an application for review, if possible, and contains essentially the same provision for statutory and consensual extensions of the 20 day

period as are provided in the case of the initial ruling under § 0.461(g).

(g) Paragraph (l) provides that, if a request is granted, the records will be made available at the earliest possible time.

10. In part, new § 0.459 tracks provisions of existing § 0.459. The main changes are that the procedures for submitting, and the criteria for acting on, requests that materials submitted to the Commission be received in confidence have been tightened and that the periods allowed for filing an application for review or for seeking a judicial stay of an adverse action have been reduced. Significant changes in § 0.459 include the following:

(a) Paragraph (a) notes that a request under § 0.459 is unnecessary if the materials in question are specifically listed in § 0.457 as materials which are not routinely available for inspection.

(b) Paragraph (c) provides that requests which do not meet the requirements of paragraphs (a) and (b) will not be considered. Among other things, it is expected that requests will contain a full statement of the facts and reasons, and of the statutory basis, for non-disclosure.

(c) Paragraph (d) provides that the request will be granted only if it presents a clear and convincing case for non-disclosure consistent with the Freedom of Information Act.

(d) Paragraph (g) provides for the filing of an application for review of an action denying the request or non-disclosure. In view of the fact that a request for inspection of the materials may be filed at any time and must be acted on within 10 days, the period for filing an application for review has been reduced from 30 to 5 days. In addition, the period afforded for seeking a judical stay of a Commission order affirming an order denying the request has been limited to 5 days.

11. *Disclosure of names of persons responsible for denying a request for inspection, 552(a)(4)(c).* This provision is implemented by § 0.461(m) of the rules.

12. *Deletion of the exempt portions of a record and disclosure of the remainder, 5 U.S.C. 552(b).* This provision is implemented by § 0.461(e)(5).

13. *Modification of substantive provisions,* 5 U.S.C. 552(b) (1) and (7). These changes have been carried forward into § 0.457 (a) and (g).

14. Authority for the amendments set out below is set out in section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in 5 U.S.C. 552.

15. Because the amendments are procedural in nature or carry forward to our rules mandatory provisions of the amended Freedom of Information Act, and because the revised rules must be in effect on February 19, 1975, compliance with the notice and effective date provisions of 5 U.S.C. 553 is unnecessary and impracticable.

16. In view of the foregoing, it is ordered, effective February 19, 1975, that Part 0 of the rules and regulations is amended as set out below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Adopted: February 4, 1975.

Released: February 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.451 is revised to read as follows:

§ 0.451 Inspection of records: Generally.

(a) *Records which are routinely available for public inspection.* Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Procedures governing requests for inspection of such records are set out in § 0.460.

(b) *Records which are not routinely available for public inspection.* Records which are not listed in § 0.453 or § 0.455 are not routinely available for public inspection. Such records fall into two categories.

(1) The first category consists of those records or kinds of records listed in § 0.457 and of particular records withheld from public inspection under § 0.459. The Commission has determined that there is a statutory basis for withholding these records from public inspection. In some cases, the Commission is prohibited from permitting the inspection of records. In other cases, the records are the property of another agency, and the Commission has no authority to permit their inspection. In still other cases, the Commission is authorized, for reason of policy, to withhold records from inspection, but is not required to do so.

(2) The second category consists of records which are not listed in § 0.453, § 0.455, or § 0.457 and have not been withheld from inspection under § 0.459. In some cases, these records have not been identified for listing. In other cases (e.g., the general correspondence files), the Commission is unable to determine either that all records in a class should be routinely available for inspection or that all records in that class should not be routinely available for inspection, and individual determination is required.

(3) Procedures governing requests for inspection of these records are set out in § 0.461.

(4) Procedures governing demands by competent authority for inspection of these records are set out in § 0.463.

(5) Except as provided in §§ 0.461 and 0.463, no officer or employee of the Commission shall permit the inspection of records which are not routinely available for public inspection under § 0.453 or § 0.455, or disclose information contained therein.

(c) *Copies.* Section 0.465 applies to requests for copies of Commission records which are routinely available for public inspection under §§ 0.453 and 0.455 and those which are made available for inspection under § 0.461. Section 0.467 applies to requests for certified copies of Commission records.

(d) *Search fees.* Section 0.466 prescribes fees to cover the expense of searching for records made available for inspection under § 0.460 or § 0.461.

§ 0.456 [Deleted]

2. Section 0.456 is deleted.

3. In § 0.457, the portion of paragraph (a) preceding paragraph (a)(1), and paragraph (g), are revised to read as set forth below:

§ 0.457 Records not routinely available for public inspection.

* * * * *

(a) *Materials that are specifically authorized under criteria established by executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, 5 U.S.C. 552(b)(1).* * * *

* * * * *

(g) *Investigatory records compiled for law enforcement purposes, to the extent that production of such records would (1) Interfere with enforcement proceedings;*

(2) Deprive a person of a right to fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source;

(5) Disclose investigative techniques or procedures; or

(6) Endanger the life or physical safety of law enforcement personnel, 5 U.S.C. 552(b)(7).

4. Section 0.459 is revised to read as follows:

§ 0.459 Requests that materials or information submitted to the Commission be withheld from public inspection.

(a) Any person submitting information or materials to the Commission may submit therewith a request that such information not be made routinely available for public inspection. (If the materials are specifically listed in § 0.457, such a request is unnecessary.) A copy of the request shall be attached to and shall cover all of the materials to which it applies and all copies of those materials. If feasible, the materials to which the request applies shall be physically separated from any materials to which the request does not apply; if this is not feasible, the portion of the materials to which the request applies shall be identified.

(b) Each such request shall contain a statement of the reasons for withholding the materials from inspection (see § 0.457) and of the facts upon which those reasons are based. If the request is that the materials be withheld from inspection for a limited period of time, that period shall be specified.

(c) Casual requests which do not comply with the requirements of paragraphs

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(a) and (b) of this section will not be considered.

(d) Requests which comply with the requirements of paragraphs (a) and (b) of this section will be acted on by the appropriate Bureau or Office Chief, who is directed to grant the request only if it presents a clear and convincing case for non-disclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. 552. If the request is granted, the ruling will be placed in a public file in lieu of the materials withheld from public inspection. A copy of the ruling shall be forwarded to the General Counsel.

(e) If the materials are submitted voluntarily (i.e., absent any direction by the Commission), the person submitting them may request the Commission to return the materials without consideration if the request for confidentiality should be denied. In that event, the materials will ordinarily be returned (e.g., an application will be returned if it cannot be considered on a confidential basis); only in the unusual instance where the public interest so requires will the materials be made available for public inspection. If submission of the materials is required by the Commission and the request for confidentiality is denied, the materials will be made available for public inspection.

(f) If no request for confidentiality is submitted, the Commission assumes no obligation to consider the need for nondisclosure but, in the unusual instance, may determine on its own motion that the materials should be withheld from public inspection. See § 0.457(g).

(g) If a request for confidentiality is denied, the person who submitted the request may, within 5 working days, file an application for review by the Commission. If the application for review is denied, the person who submitted the request will be afforded 5 working days in which to seek a judicial stay of the ruling. If these periods expire without action by the person who submitted the request, the materials will be returned to the person who submitted them or will be placed in a public file. Notice of denial and of the time for seeking review or a judicial stay will be given by telephone, with follow-up notice in writing.

(h) If the request is granted, the status of the materials is the same as that of materials listed in § 0.457. Any person wishing to inspect them may submit a request for inspection under § 0.461.

5. Section 0.460 is added, to read as follows:

§ 0.460 Requests for inspection of records which are routinely available for public inspection.

(a) Sections 0.453 and 0.455 list those Commission records which are routinely available for public inspection and the places at which those records may be inspected. Subject to the limitations set out in this section and to the provisions of § 0.466, a person who wants to inspect such records need only appear at the specified location and ask to see the records.

(b) A person who does not want a copy of the records must appear at the specified location during the office hours of the Commission and must inspect the records at that location. (Procedures governing requests for copies are set out in § 0.465.) However, arrangements may be made in advance, by telephone or by correspondence, to make the records available for inspection on a particular date, and there are many circumstances in which such advance arrangements will save inconvenience. If the request is for a large number of documents, for example, a delay in collecting them is predictable. Current records may be in use by the staff when the request is made. Older records may have been forwarded to another location for storage.

(c) The records in question must be reasonably described by the person requesting them so as to permit their location by staff personnel. The information needed to locate the records will vary, depending on the records requested. Advice concerning the kind of information needed to locate particular records will be furnished in advance upon request. Members of the public will not be given access to the area in which records are kept and will not be permitted to search the files.

(d) If it appears that there will be an appreciable delay in locating or producing the records (as where a large number of documents is the subject of a single request or where an extended search for a document appears to be necessary), the request shall be submitted in writing, either in person or by mail.

(e) Written requests shall be captioned "REQUEST FOR INSPECTION OF RECORDS", shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document. Written requests shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see § 0.466). If the specified maximum is reached before all of the records have been located, the search will be terminated, and the person making the request will be so notified.

(f) Written requests shall be delivered or mailed directly to the chief of the organizational unit having custody of the records, as listed in §§ 0.453 and 0.455. If the request is enclosed in an envelope, the envelope shall be marked, "REQUEST FOR INSPECTION OF RECORDS."

(g) When a written request is received by the custodian of the records, it will be date-stamped.

(h) All requests limited to records listed in §§ 0.453 and 0.455 will be granted. Requests for records listed in those sections shall not be combined with requests for other records.

(i) The records will be produced for inspection at the earliest possible time.

6. Section 0.461 is revised to read as follows:

§ 0.461 Requests for inspection of materials not routinely available for public inspection.

Any person desiring to inspect Commission records which are not listed in § 0.453 or § 0.455 shall file a request for inspection meeting the requirements of this section.

(a) The records in question must be reasonably described by the person requesting them, so as to permit their location by staff personnel. See § 0.460(c).

(b) Requests shall be captioned, "REQUEST FOR INSPECTION OF RECORDS", shall be dated, shall list the telephone number (if any) of the person making the request and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document. The request shall, in addition, specify the maximum search fee the person making the request is prepared to pay (see § 0.466). If the specified maximum is reached before all of the records have been located, the search will be terminated and the person making the request will be so notified.

(c) If the records are of the kinds listed in § 0.457 or if they have been withheld from inspection under § 0.459, the request shall, in addition, contain a statement of the reasons for inspection and the facts in support thereof. In the case of other materials, no such statement need accompany the request; but the custodian of the records may require the submission of such a statement if he determines that the materials in question may lawfully be withheld from inspection.

(d) (1) Requests shall be delivered or mailed to the Executive Director, who will determine the identity of the custodian of the records and deliver the request to him. (If the request is to be acted on by the officer presiding at a hearing pursuant to paragraph (j) of this section, the Executive Director will deliver the request to the presiding officer rather than to the custodian of the records.)

(2) If the request is enclosed in an envelope, the envelope shall be marked, "REQUEST FOR INSPECTION OF RECORDS."

(3) An original and two copies of the request shall be submitted. If the request is for materials not open to routine public inspection under § 0.457(d) or § 0.459, one copy of the request will be mailed by the custodian of the records to the person who originally submitted the materials to the Commission.

(e) When the request is received by the Executive Director, it will be date-stamped.

(f) Except as provided in paragraph (j) of this section, requests for inspection of records will be acted on as follows by the custodian of the records.

(1) If the Commission is prohibited from disclosing the records in question, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the records are the property of another agency, the request will be referred to that agency and the person who submitted the request will be so advised, with the reasons therefor.

(3) If it is determined that the Commission does not have authority to withhold the records from public inspection, the request will be granted.

(4) If it is determined that the Commission does have authority to withhold the records from public inspection, the considerations favoring disclosure and non-disclosure will be weighed in the light of the facts presented, and the request will be granted, either conditionally or unconditionally, or denied.

(5) If there is a statutory basis for withholding part of a document only from inspection, that part will be deleted and the remainder will be made available for inspection.

(g) The custodian of the records will make every effort to act on the request within 10 working days after it is received by the Executive Director. If it is not possible to locate the records and to determine whether they should be made available for inspection within 10 working days, the custodian may, in any of the following circumstances, extend the time for action by up to 10 working days:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his rights and asked to consent to an extension or further extension. If he agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he does not agree to an extension, the request will be denied, on the ground that the custodian has not been able to locate the records and/or to make the determination within the period for an initial ruling mandated by the Freedom of Information Act, 5 U.S.C. 552. In that event, the custodian will continue to search for and/or assess the records and will advise the person who made the request of further developments; but that person may file an application for review by the Commission. When action is taken by the custodian of the records, the person who made the request and the person who originally submitted, the materials to the Commission (if any) will be notified and advised of their rights by telephone, with followup notice in writing.

(h) In the case of records not open to routine inspection under § 0.457(d) or § 0.459, the person who originally submitted the records to the Commission may file an application for review of an action by the custodian of the records granting a request for inspection. The application for review shall be filed within 5 working days after the date of the action. No other pleadings shall be filed. If an application for review is not filed within this period, the records will be produced for inspection. If the application for review is denied, the person who submitted the records to the Commission will be notified and advised of his rights by telephone, with follow-up notice in writing, and will be afforded 5 working days in which to obtain a judicial stay of the Commission's action. If a stay is not obtained within this period, the records will be produced for inspection. Because of the statutory constraints imposed upon the Commission, no extensions of time will be granted to seek either Commission review or a judicial stay.

(i) Except as provided in paragraph (h) of this section, an application for review of an initial action on a request for inspection may be filed only by the person who made the request. The application for review shall be filed within 30 days after the date of the action by the custodian of the records. No other pleadings shall be filed.

(j) If the request is for inspection of records for use in a proceeding which has been designated for hearing and is filed by a party to the proceeding, it will be acted on by the presiding officer under the criteria and procedures set out in this section rather than by the custodian of the records.

(k) The Commission will make every effort to act on an application for review of an action on a request for inspection of records within 20 working days after it is filed. If it is not possible to locate the records and to determine whether they should be made available for inspection within 20 working days, the General Counsel may, in the following circumstances and to the extent time has not been extended under paragraph (g) of this section, extend the time for action by up to 10 working days. (The total period of extensions taken under this paragraph and under paragraph (g) of this section without the consent of the person who submitted the request shall not exceed 10 days.):

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) It is necessary to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the Commission.

If these circumstances are not present or if it is not possible to locate the records and make the determination within the extended period, the person who made the request will be advised of his rights and asked to consent to an extension or further extension. If he agrees to an extension, the General Counsel will confirm the agreement in a letter specifying the length of the agreed-upon extension. If he does not agree to an extension, the Commission will continue to search for and/or assess the records and will advise the person who made the request of further developments; but that person may file a complaint in an appropriate United States district court.

[FR Doc.75-4303 Filed 2-18-75;8:45 am]

[Docket No. 20236; FCC 75-179]

Freedom of Information Act Regulations

In the matter of fees for searching for records requested under the Freedom of Information Act.

1. A notice of proposed rulemaking in this proceeding was released on January 22, 1975 (FCC 75-30, 50 FCC 2d, 40 FR 4155, January 28, 1975). The notice proposed a schedule of fees to cover the direct costs of searching for records requested under the Freedom of Information Act and invited the submission of comments on or before February 5, 1975. Comments have been submitted by GTE Service Corporation (GTE) and by the Communications Workers of America (CWA). Reply comments were not invited. Related procedural rules were released by the Commission on February 11, 1974 (FCC 74-134).

2. While approving generally of the fee provision,, GTE takes the position that a search fee should not be charged in the case of "informal" requests for records which are routinely available for public inspection. It has since been established that the taking of this position is based on a misconception of the Commission's intentions, due to our inability to publish procedural rules implementing the 1974 amendments to the Freedom of Information Act prior to the filing date for comments in this proceeding. The search fee is, in fact, applicable only to "formal" requests; i.e., those which the rules require to be submitted in writing. In the case of materials which are routinely available, "a person who wants to inspect such records need only appear at the specified location and ask to see the records." (§ 0.460(a), as added by FCC 74-134). A written request is required only by § 0.460(d), which reads as follows:

(d) If it appears that there will be an appreciable delay in locating or producing the records (as where a large number of documents is the subject of a single request or where an extended search for a document ap-

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pears to be necessary), the request shall be submitted in writing, either in person or by mail.

In such circumstances, there is a possibility that we may not be able to locate the records (or all of them) within 10 days and to produce them promptly after the end of that period. There is therefore a need for a written record of the request. Since the burden of making the search would be essentially the same as the burden of searching for records which are not routinely available for inspection in the same circumstances, a search fee is equally justified. This being understood, GTE has no objection to the fee provision.

3. GTE also takes the position that the fee should not be charged in the case of searches made pursuant to the Commission's discovery procedure (47 CFR 1.311 (b) (3)), to searches for statements to be produced under the Jencks rule (47 CFR 1.362), or to searches for documents relied on by the Commission in hearing cases. We agree, and the fee provision will not be so applied. It would be inappropriate for one party to a hearing proceeding (i.e., a Commission Bureau) to impose a charge on another party for producing papers pursuant to an order by the presiding judge. Jencks statements and documents relied on by the Commission, moreover, should be readily available, and producing them should not require a search.

4. CWA takes the position that § 0.466 "will be usable to deny information to the public, or at least to delay production thereof". No explanation is offered as to how the search fee provision could be used for such purposes, and we can see no connection between the provision and such uses. Certainly, there is no intent on our part to so use the provision. The purpose of this provision is simply to compensate the Government for the direct cost of searches for records which are requested, as contemplated by 5 U.S.C. 552(a)(4)(A).

5. CWA also objects to the fact that the Rule Making Notice herein was issued, and that comments on the fee provision were required, before related procedures implementing the Freedom of Information Act amendments were issued. We note that relevant provisions of the related procedures were summarized in a footnote to § 0.466, as proposed in the Rule Making Notice. We nevertheless regret that the procedures could not be published simultaneously with the related fee provision. The necessity to publish both the procedures and the fee provision prior to February 19, 1975, the effective date of the Freedom of Information Act, and the requirement that comment be sought on the fee provision, made our actions necessary. Considering the statutory deadline of February 19, it is clearly not feasible to defer implementation of the fee provision, as urged by CWA.

6. The new search fee provision is set out below. Authority for this rule is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in 5 U.S.C. 552.

7. Because the Freedom of Information Act amendments take effect on February 19, 1975, good cause exists for making the fee provision effective on that date and less than 30 days after publication of the final rule in the FEDERAL REGISTER.

8. Accordingly, *It is ordered*, effective February 19, 1975, That Part 0 of the Commission's rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1036, 1082; 47 U.S.C. 154, 303, and 5 U.S.C. 552)

Adopted: February 12, 1975.

Released: February 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.466 is revised to read as follows:

§ 0.466 Search fee.

(a) Subject to the provisions of this section, a fee of $5 per hour, and for any fraction of an hour, is charged for recovery of the direct costs of searching for records requested under § 0.460(d) or § 0.461. Sections 0.465 and 0.467 deal with charges for providing copies of records made available for inspection.

(b) No search fee will be charged if:

(1) The records are not located;

(2) The records are located but are not made available for inspection;

(3) The search does not exceed one hour in duration.

(c) The search fee will be waived or reduced by the General Counsel, upon a showing that waiver or reduction is in the public interest.

(d) The fee charged will not exceed an amount based on the time normally required to locate records of the kind requested. (For example, the person making the request will not be charged for the extra time required to locate records which have been misplaced or misfiled.)

(e) In most cases, the request for inspection shall specify the maximum search fee that the person making the request is prepared to pay. See § 0.460 (d) and (e) and § 0.461(b). If the specified maximum is reached before all of the records have been located, the search will be terminated and the person making the request will be so notified.

(f) When the search has been completed, the custodian of the records will give notice of the charges incurred to the person who made the request.

(g) The fee shall be paid to the Fee Unit, Financial Management Division, Office of Executive Director, or as otherwise directed by the Commission.

(h) Evidence of payment shall be presented to the custodian of the records before the records are made available for inspection.

(i) Records shall be inspected within 7 days after notice is given that they have been located and are available for inspection. After that period, they will be returned to storage, and additional charges may be imposed for again producing them.

(j) Record searches will not be undertaken on the request of any person who has incurred but has not paid charges for producing records.

[FR Doc.75-4417 Filed 2-18-75;8:45 am]

[1] Commissioner Hooks dissenting: Commissioner Quello concurring in the result.

Title 32—National Defense

CHAPTER XXI—NATIONAL SECURITY COUNCIL

PART 2101—FREEDOM OF INFORMATION ACT REQUESTS FOR CLASSIFIED DOCUMENTS—PROCESSING, FEES, REPORTS, APPLICABLE MATERIAL, DECLASSIFICATION CRITERIA, PARTIAL RELEASE

FEBRUARY 19, 1975.

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2101.2 Purpose of amended Act.

Subpart B—Processing Requests for Classified Material

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2101.12 Initial processing.
2101.13 Requests for time extensions.
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2101.15 Initial reply to request.
2101.16 Processing of appeals to "Head of Agency."
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Subpart F—Declassification Criteria

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2101.52 Procedural criteria under E.O. 11652.
2101.53 Substantive criteria under E.O. 11652 for material under ten years old.
2101.54 Substantive criteria under E.O. 11652 for material over ten years old.

Subpart G—Partial Release

2101.61 Release of "reasonably segregable portion" of requested classified material.
2101.62 Downgrading of classified material reviewed under the FOI Act.

AUTHORITY: E.O. 11652, as amended by Pub. L. 93-502, unless otherwise noted.

Subpart A—Introduction

§ 2101.1 The amended Freedom of Information Act.

The amended Freedom of Information Act, Pub. L. 93-502 (5 U.S.C. 552), provided, and to the extent, it is applicable to the National Security Council Staff, provides expanded opportunities for the public to secure the release of classified material under the control of, or of primary interest to, the NSC Staff. The amended Act sets more restrictive time periods within which requests must be

processed, modifies the criteria upon which denials of such requests can be based, and permits appeals to district courts of denials of requests. As a result of these changes, modified procedures are required from those followed in the case of requests for the release of classified material over ten years old made under Executive Order 11652. These regulations are intended to guide the NSC Staff response to requests for classified material under the amended Freedom of Information Act, insofar as it is applicable.

§ 2101.2 Purpose of amended Act.

The underlying purpose of the amended Freedom of Information Act is to insure that the public is informed to the fullest extent possible about governmental policies and actions, consistent with the requirement to protect certain categories of sensitive information. In the case of classified material, the Act is intended to protect the public against the improper classification of information, particularly to conceal inefficiency or administrative error or to prevent embarrassment to a person or department. provisions of Executive Order 11652 and the implementing NSC Directive of May 17, 1972, which regulate and control the protection and management of national security information. The provisions of these documents relating to the criteria, authority and procedures for classifying and safeguarding national security material remain unaffected by the amended Act.

Subpart B—Processing Requests for Classified Material

§ 2101.11 Receipt of requests.

(a) Request for classified documents under the FOI Act should be addressed to:

National Security Council
ATTN: Staff Secretary
Old Executive Office Building
Washington, D.C. 20506

Oral requests received by the Staff Secretary or other members of the NSC Staff will be rejected and the requester informed that his request should be made in writing and directed to the Staff Secretary.

(b) All time limits are based on the date of receipt by the NSC Staff of a request. Consequently, this "key date" must in all cases be accurately recorded.

(c) If a request is misdirected to the NSC Staff, the requestor will be promptly notified in writing.

(d) Requests for declassification of material forwarded by National Archives and Records Service (or other Agencies) should be submitted with three copies of the requested material attached.

§ 2101.12 Initial processing.

(a) Requested material will be rapidly gathered (when not received with the request) screened, and disseminated to appropriate reviewing officers.

(1) Initial dissemination of material to reviewing officers will be made by the Secretariat, with review by the Staff Secretary.

(2) Material to be reviewed will be disseminated utilizing "highly visible" and clearly distinguishable orange folders.

(3) Deadline for submitting recommendations will be indicated in all cases and must be adhered to.

(b) Dissemination of material to other Agencies for comment will be made by the Staff Secretary to responsible officials of these Agencies.

(c) Strict accounting of status and location of all material disseminated will be maintained by the Secretariat.

§ 2101.13 Requests for time extensions.

(a) Requestors will be promptly notified by the Staff Secretary of a time extension (indicating the new date by which a determination will be dispatched) due to the following three "unusual circumstances":

(1) need to search for or collect records from field facilities or other establishments separate from the office of request;

(2) need to search for, collect and examine voluminous amounts of records;

(3) need to consult with other agencies because of their having substantial subject-matter interests.

(b) Time extensions will not exceed ten working days in the aggregate, either solely in the initial or the review stage, or divided between them.

(c) The Staff Secretary will authorize all time extensions.

(d) Prior to requesting a court authorized time extension, requestors will be contacted by the Staff Secretary in an attempt to arrange informal agreement on a time extension (any verbal agreement will be quickly formalized in writing).

(e) The Staff Secretary will authorize all requests to courts for time extensions based on "exceptional circumstances" and "due diligence". Formal approaches to courts for time extensions will be conducted by the Department of Justice.

§ 2101.14 Initial review period.

(a) A total of ten working days is available for submitting an initial response to requests.

(1) Time period allowed reviewing officers will be the maximum period consistent with time required for administrative processing and final review of recommendations and preparation of reply by Staff Secretary.

(2) Reviewing officers will be periodically reminded of approaching due dates in order to insure recommendations are received in a timely manner.

(b) Primary reviewing officers will delegate reviewing authority in the event they are unavailable to conduct reviews.

§ 2101.15 Initial reply to request.

(a) The Staff Secretary will review the recommendations of primary reviewing officers and approve initial replies.

(b) An initial response will *always* be made *even* if processing has not been completed.

(c) If processing has not been completed but an interim negative reply has been dispatched, processing will continue.

(d) Accurate record of replies will be maintained by Secretariat.

(e) If a negative or partial denial response is dispatched, requester will be notified of his right to appeal.

(f) If some or all material is approved for release, the Staff Secretary will insure it is expeditiously dispatched to the requestor or grant authority to NARS or other Agency to release the material.

§ 2101.16 Processing of appeals to "Head of Agency".

(a) Replies to appeals will be approved by the Assistant to the President for National Security Affairs, or the Deputy Assistant acting in the name of the Assistant to the President.

(b) The Staff Secretary will be responsible for preparing material required by the above appeal review officer in making a final determination.

(1) Views of primary reviewing officers will again be solicited.

(2) Opinion of Office of the White House Counsel and/or Department of Justice on legal ramifications will be solicited.

(c) Staff Secretary will insure replies to appeals are dispatched within 20 working days of receipt or before exhaustion of time of an authorized time extension.

§ 2101.17 Appeals to Federal District Courts.

(a) Staff Secretary will coordinate the NSC Staff's support (to include background data, affidavits, etc.) to USG lawyers defending against court appeals for denied NSC classified documents.

(b) If court judgment is against USG, Staff Secretary will arrange release of documents to litigant.

Subpart C—Schedule of Fees and Method of Payment for Services Rendered

§ 2101.21 Fees schedule.

(a) Fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended:

(1) *Search for records.* $5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

(2) *Duplication of records.* Records will be duplicated at a rate of $.25 per page for all copying of 4 pages or more. There is no charge for duplicating documents of 3 or less pages or the first three pages of documents of greater length.

(3) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Staff Secretary is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under the Act are stored elsewhere than the headquarters of the National Security Council Staff at Washington, D.C., the special

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costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the NSC Staff determines that a record which has been requested, but which is exempt from disclosure under the Act, is to be withheld. Processing of a request for records will not be undertaken until a requestor has paid in full for search and duplication charges for any previous document request under the Act.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requestor has not indicated in advance his willingness to pay fees as high as are anticipated, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requestor to consult with knowledgeable NSC Staff personnel—designated by the Staff Secretary—in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requestor. Dispatch of such a notice or request shall suspend the running of the period for response by the NSC Staff until a reply is received from the requestor.

(d) Fees must be paid in full prior to issuance of requested copies.

§ 2101.22 Fee payments.

(a) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasury of the United States and mailed to the Staff Secretary, National Security Council, Washington, D.C. 20506.

(b) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(c) The Staff Secretary, National Security Council, may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when it is deemed to be in either the interest of the NSC Staff or of the general public.

SUBPART D—REPORTS

§ 2101.31 Quarterly Index of Publications.

(a) The NSC Staff is required to publish and distribute to the public on a quarterly basis an index of the following material promulgated after July 4, 1967:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted and are not published in the FEDERAL REGISTER; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent against a party other than an agency only if:

(1) It has been indexed and either made available or published as provided by the Act; or

(2) The party has actual and timely notice of the terms thereof.

(c) The legislative history of this requirement indicated that only material having "precedential significance" are to be included in the Index.

(d) Matters specifically excluded from release under the Freedom of Information Act are not required to be included in the Index. In the case of the NSC Staff, this particularly includes matters that are:

(1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order (see section E, below);

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute (see Part VII, below);

(4) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(5) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(e) Because of the considerations outlined under sections 3. and 4., above, it is anticipated that the NSC Staff will normally have little or nothing to report in its quarterly index.

§ 2101.32 Annual Report to Congress.

(a) On or before March 1st of each calendar year, a report of the NSC Staff's activities over the preceding calendar year relating to the Freedom of Information Act will be submitted to the Speaker of the House of Representatives and the President of the Senate.

(b) The above report will include:

(1) The number of determinations made by the NSC Staff not to comply with requests for records made to it under the Act and the reasons for each such determination;

(2) The number of appeals made by persons under the Act, the results of such appeals, and the reason for the action by the NSC Staff upon each appeal that results in a denial of information;

(3) The names and titles or positions of each person responsible for the denial of records requested under the Act, and the number of instances of participation for each;

(4) The results of each (Civil Service Commission) proceeding conducted pursuant to the Act, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) A copy of every rule made by the NSC Staff regarding the Act;

(6) A copy of the fee schedule and the total amount of fees collected by the NSC Staff for making records available under the Act; and

(7) Such other information as indicates efforts by the NSC Staff to administer fully the Act. (This should include, to the extent possible, data on the costs to the NSC Staff of administering the Act.)

(c) The NSC Staff, based in part on the information compiled for its annual report to Congress will provide—upon request—assistance to the Department of Justice in the preparation of its annual report (also due each March 1st) to Congress concerning judicial cases arising under the provisions of the Act.

SUBPART E—APPLICABLE MATERIAL

§ 2101.41 Primary review by NSC staff.

(a) The NSC Staff will have primary and authoritative review responsibility for Freedom of Information Act requests for the following types of classified material.

(1) Material originally classified by a properly authorized member of the NSC Staff and maintained under its control;

(2) Material produced for and processed by the NSC Staff even if not originally classified by an authorized member of the Staff;

(3) Material classified by a President, his White House Staff, the NSC Staff on his behalf, or special committee or commission appointed by him and which the Archivist of the United States has in his custody at any archival depository, including a Presidential Library, and which is concerned with "national defense or foreign policy" matters of "primary subject-matter interest" to the NSC Staff;

(4) Verbatim or extensively paraphrased NSC material appearing in documents originally classified by another agency.

(b) Requests received by other agencies for the material described above should be forwarded to the NSC Staff for action.

§ 2101.42 Recommendations to other agencies.

The NSC Staff will, at the request of another agency, make recommendations on the release of material concerning "national defense or foreign policy" originally classified by another agency but which is of *significant* subject-matter interest of the NSC Staff.

SUBPART F—DECLASSIFICATION CRITERIA

§ 2101.51 Criteria for denying a request for release of classified material.

(a) The amended Freedom of Information Act does not apply to matters that are:

(1) Specifically authorized under criteria established by an Executive Order (E.O. 11652) to be kept secret in the interest of national defense or foreign policy;

(2) Are in fact properly classified pursuant to (both procedural and substantive criteria contained in) such Executive Order;

(3) Or, are specifically exempted from disclosure by statute.

§ 2101.52 Procedural Criteria under E.O. 11652.

(a) The material must have been classified by a properly authorized individual;

(b) The material must have been properly marked. For documents prepared after the effective date of Executive Order 11652 (June 1, 1972), this must especially include its classification, whether it is subject to or exempt from the General Declassification Schedule, and the highest level individual that authorized classification in each case. Documents prepared prior to June 1, 1972, must have been properly marked pursuant to the rules of the appropriate Executive Order then applicable.

§ 2101.53 Substantive criteria under E.O. 11652 for material under ten years old.

(a) Material must be classified "solely on the basis of national security considerations. In no case (may material be classified) in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security."

(b) To be classified "Top Secret," it must reasonably be expected that unauthorized disclosure of the material would "cause exceptionally grave damage to the national security." Examples are:

(1) Armed hostilities against the United States or its allies;

(2) Disruption of foreign relations vitally affecting the national security;

(3) The compromise of vital national defense plans or complex cryptologic and communications intelligence systems;

(4) The revelation of sensitive intelligence operations; and

(5) The disclosure of scientific or technological developments vital to the national security.

(c) To be classified "Secret," it must reasonably be expected that unauthorized disclosure of the material would "cause serious damage to the national security." Examples are:

(1) Disruption of foreign relations significantly affecting the national security;

(2) Significant impairment of a program or policy directly related to the national security;

(3) Revelation of significant military plans or intelligence operations; and

(4) Compromise of significant scientific or technological developments relating to national security.

(d) To be classified "Confidential," it must be reasonably expected that unauthorized disclosure of the material would "cause damage to the national security."

(e) Examples of material exempt from release because it is classified pursuant to a statute are:

(1) Restricted Data (42 U.S.C. 2162);

(2) Communication information (18 U.S.C. 798);

(3) Material relating to intelligence sources and methods (50 U.S.C. 403(d)(3) and (9)).

§ 2101.54 Substantive criteria under E.O. 11652 for material over ten years old.

(a) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence;

(b) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods;

(c) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security;

(d) Classified information or material the disclosure of which would place a person in immediate jeopardy.

Subpart G—Partial Release

§ 2101.61 Release of "Reasonably segregable portion" of requested classified material.

(a) The amended Freedom of Information Act requires that "any reasonably segregable portion of a record shall be provided . . . after deletion of the portions which are exempt."

(b) Determination of which portion(s) of classified material are to be released, and what portion(s) are to remain classified, will be made on the basis of the criteria outlined in Subpart F.

§ 2101.62 Downgrading of classified material reviewed under the FOI Act.

(a) Classified material reviewed for release under the Freedom of Information Act which no longer meets the criteria established for its original classification should be recommended for downgrading to a lower classification if appropriate.

(b) Downgraded material which retains a classification will be exempted from release.

Effective date. The amended Freedom of Information Act is effective February 19, 1975. This regulation shall become effective on that date. It is subject to revision upon review by the Interagency Classification Review Committee.

JOHN H. MURPHY,
Chief, Information Support Systems, Secretariat, National Security Council.

[FR Doc.74-4468 Filed 2-18-75;2:39 pm]

Title 22—Foreign Relations

PART 706—PUBLIC INFORMATION

CHAPTER VII—OVERSEAS PRIVATE INVESTMENT CORPORATION

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

Freedom of Information Act Regulations

Pursuant to the authority delegated to me by the President of the Overseas Private Investment Corporation (the "Corporation") under Redelegation of Authority No. A-71-5, December 26, 1973, subchapter A of Title 22, Chapter VII is hereby amended as follows:

PARTS 701–704 [RESERVED]

1. By reserving Parts 701 through 704.

PART 705 and 730—[REDESIGNATED]

2. By redesignating Part 730, Employee Responsibilities and Conduct, as Part 705 and thereby renumbering §§ 730.735–101 through 730.735–114 as §§ 705.735–101 through 705.735–114; and

PART 706—PUBLIC INFORMATION

3. By adding a new Part 706, Public Information, which shall be effective upon the date hereof. Although prior notice and comment with respect to the adoption of part 706 is not required under the Administrative Procedure Act (5 U.S.C. 553), interested persons may submit written comments, suggestions, data or arguments to the Vice President for Public Affairs, Overseas Private Investment Corporation, Washington, D.C. 20527, on or before April 7, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, part 706, Subchapter A, as set forth herein shall remain in effect, thus permitting the public business to proceed more expeditiously.

Part 706, Subchapter A, shall read as follows:

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Procedures and Fees

Sec.
706.31 Requests for inspection of records.
706.32 Fees.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

Subpart C—Procedures and Fees

§ 706.31 Requests for inspection of records.

(a) Access by any member of the public to the Corporation's public information files, or to the index thereto, which are maintained in accord with the provisions of 5 U.S.C. 552(a)(2), shall be granted by appointment only. Persons desiring such access may request an appointment either by reporting in person to the receptionist at the principal offices

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of the Corporation between 8:45 a.m. and 5:30 p.m., except Saturdays, Sundays and official holidays, by telephoning the Office of Public Affairs of the Corporation at (202) 632-1854 during such hours or by writing the Corporation to the attention of the Vice President of Public Affairs. Although the Corporation will endeavor to grant an appointment at the time requested, some delay may be required at times because of the small size of the Corporation's staff. Persons desiring access to the public information files should seek an appointment at least twenty-four (24) hours in advance.

(b) Access to any records of the Corporation not otherwise made available by the Corporation to the public under the provisions of 5 U.S.C. 552(a) (1) and (2), or the duplication of such records by the Corporation, shall be granted only upon specific written request to the Corporation, addressed to the attention of the Vice President for Public Affairs, which shall be deemed not to have been received by the Corporation until actual receipt thereof by the Corporation's Office of Public Affairs. Such request shall to the maximum extent required under the law, accurately describe the records to which access to or duplication of is requested such as, by way of example only, the subject matter, format, date, and where pertinent, the country, project or person involved. Any such request which does not describe such records sufficiently enough to permit the staff of the Corporation to promptly locate such records shall be returned to the requester.

§ 706.32 Fees.

(a) The following schedule of fees representing direct costs shall be charged for services rendered by the Corporation under 5 U.S.C. 552(a) in furnishing information to members of the public:

Service

(1) Searching for records, etc., $15.00 per hour per person.
(2) Other facilitative assistance, $15.00 per hour per person.
(3) Photocopy duplication, .20 per page.
(4) Certification of a true copy, $3.50.
(5) Certified statement of negative results of a search, $3.50.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Vice President for Public Affairs may waive or reduce any fee otherwise due under paragraph (a) of this section for the preparation, release or distribution of any document, instrument, publication or class thereof, for which he determines that waiver or reduction of such fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Issued in Washington, D.C. on February 14, 1975.

DAVID GREGG III,
Executive Vice President.

[FR Doc.75-4637 Filed 2-18-75;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 709—PUBLIC RECORDS

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233, and the Act was made effective on January 19, 1975 by Executive Order 11834 dated January 15, 1975, which Executive Order was published on January 17, 1975, at 40 Fed. Reg. 2971.

Consistent with the establishment of ERDA, a new Chapter III of Title 10, Code of Federal Regulations, is established consisting at this time of Part 709, Public Records, which is set forth below.

On an interim basis, the rules and regulations of the Atomic Energy Commission contained in Chapter I of Title 10, Code of Federal Regulations (Parts 0 through 170 of Chapter I of Title 10, CFR, respectively), except Part 9 thereof, approved as of the effective date of the reorganization (January 19, 1975) including any proposed rules thereunder, are applicable to ERDA to the extent they are not inconsistent with applicable law, for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577), and other applicable law.

Pursuant to the authority vested in me by section 105(a) of the Energy Reorganization Act of 1974, and pursuant to the provisions of section 552 of Title 5, United States Code, as amended by Pub. L. 93-502 (the Freedom of Information Act, as amended), Part 709 of Chapter III, Title 10, Code of Federal Regulations, which Part is entitled "Public Records" and implements for ERDA the Freedom of Information Act, including the 1974 amendments thereto is hereby issued.

Except as provided below, Part 709 is a statement of ERDA policies and procedures for implementing the Freedom of Information Act, as amended, and the relevant provisions of 5 U.S.C. 553 requiring notice of proposed rule making, opportunity for public participation and delay in effective date, are inapplicable.

On page 2714 of the FEDERAL REGISTER of January 15, 1975, there was published a notice of proposed rule making regarding a proposed uniform schedule of fees for document search and duplication. No comments have been received in response to that notice and no changes have been made to the charges proposed for searching and duplicating. These charges for document search and duplication are set forth in § 709.12 below.

While these regulations are effective February 19, 1975, the public is invited to submit comments thereon, provided they are received within 90 days of publication of these regulations. Any comments submitted should be in writing and submitted to the Office of the General Counsel, Enery Research and Development Administration.

Effective date: February 19, 1975.

ROBERT C. SEAMANS, JR.,
Administrator.

Sec.
709.1 Applicability.
709.2 Policy.
709.3 Definitions.
709.4 Statement of organization, functions, procedure, and substantive rules, final opinions, statement of policy, staff manuals and instructions.
709.5 Freedom of information officers.
709.6 Requesting records.
709.7 Handling of FOI requests.
709.8 Denial of records.
709.9 Matters exempt from disclosure.
709.10 Administrative appeal of initial denial of records.
709.11 Requests for classified records.
709.12 Fees for search and duplication of records.
709.13 Matters in litigation.
709.14 Annual report.

AUTHORITY: 5 U.S.C. 552 and sec. 105(a), Pub. L. 93-438.

§ 709.1 Applicability.

(a) This part implements section 552 of Title 5, United States Code, and prescribes rules governing the availability to the public of the records of the Energy Research and Development Administration (ERDA).

(b) This part only applies to requests which (1) reasonably describe records and (2) are made in accordance with this part.

(c) Under section 552 of Title 5 there is no obligation to compile or create a record solely for the purpose of satisfying a request for records.

(d) Nothing in this part shall inhibit the dissemination of scientific, technical, or other information in accordance with established ERDA policies or programs for such dissemination.

(e) Except where specifically noted otherwise, this part applies to all records whether they predate or postdate July 4, 1967.

(f) This part supersedes any other ERDA policy, rule, or regulation to the extent inconsistent with this part.

(g) This part shall be interpreted so as to be consistent with the "Privacy Act of 1974," Pub. L. 93-579.

§ 709.2 Policy.

(a) In implementing section 552 of Title 5, United States Code, it is the policy of ERDA to make records available to the public to the greatest extent possible in keeping with the spirit of that section. Therefore, all records of ERDA which are requested in accordance with this part shall be made available promptly, except those that ERDA specifically determines in accordance with this part (1) are exempt from disclosure under § 709.9, and (2) that dislosure is contrary to the public interest or will adversely affect the rights of any person.

(b) If records requested contain material exempt from disclosure, any reasonably segregable portion of a record shall be provided to a person requesting such record after deletion of the portions which are exempt from disclosure. However, the entire record will be exempt where exempt material in that record is inextricably intertwined with nonexempt material.

(c) Requests made under this part shall be considered without regard to any showing of need.

§ 709.3 Definitions.

As used in this part:

(a) "ERDA" means the Energy Research and Development Administration established by the Energy Reorganization Act of 1974 (Pub. L. 93-438).

(b) "ERDA personnel" means employees, consultants, and members of advisory boards, committees and panels of ERDA; members of boards designated by the Administrator, Deputy Administrator, or other designee of the Administrator or Deputy Administrator to preside at adjudicatory proceedings; and officers or employees of Government agencies, including military personnel, assigned to duty at ERDA.

(c) "Administrator" means the Administrator of Energy Research and Development provided for in section 102(a) of the Energy Reorganization Act of 1974.

(d) "Deputy Administrator" means the Deputy Administrator provided for in section 102(b) of the Energy Reorganization Act of 1974.

(e) "Assistant Administrator" means an Assistant Administrator provided for in section 102(d) of the Energy Reorganization Act of 1974 or such other Assistant Administrator as the Administrator may appoint under section 102(f) of the Energy Reorganization Act of 1974.

(f) "Government" means the United States of America.

(g) "Agency" is defined as provided in section 551(1) of Title 5, United States Code, and includes any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(h) "Record" includes any book, paper, map, photograph, brochure, punch card, magnetic tape, paper tape, sound recording, pamphlet, slide, motion picture, or other documentary material regardless of form or characteristics, which evidences ERDA organization, functions, policies, decisions, procedures, operations, programs or other activities, and which was made by, in the possession of, or under the control of ERDA pursuant to ERDA contracts, or Federal law or in connection with the transaction of public business. "Records" do not include objects or articles such as structures, furniture, tangible objects or models, or vehicles and equipment, nor formulas, designs, and the like which are significant not as records but as items of valuable property.

(i) "Freedom of Information Officer" has the meaning as set forth in § 709.5 below.

(j) Except as otherwise provided in § 709.11(c), "Authorizing Official" means the Assistant Administrator for International Affairs, the Assistant Administrator for Planning and Analysis, and Directors of Offices and Divisions in ERDA Headquarters, and Directors of Energy Research Centers and Managers of Operations Offices for ERDA field organizations, who are authorized to make the initial determination for ERDA to grant or deny, in whole or in part, requests for records under this part. The officials designated above may in their discretion redelegate the above authority without power or further redelegation.

(k) Except as otherwise provided in § 709.11(e) "Freedom of Information (FOI) Appeal Panel" means a panel consisting of the following three officials: (1) The Assistant Administrator for Administration or his designee, who shall be Chairman of the panel, (2) the Director of the Office of Public Affairs, or his designee, and (3) such other ERDA official as the Chairman shall designate to consider a specific appeal. The appointment of the third panel member shall be made with due regard to the particular records involved. It is contemplated that such panel members shall be Assistant Administrators, Deputy Assistant Administrators, or other high ranking ERDA officials in keeping with the policy stated in § 709.2. No member of the FOI Appeal Panel shall have been involved in the determination from which the appeal under consideration is being taken.

§ 709.4 Statement of organization, functions, procedure, and substantive rules, final opinions, statement of policy, staff manuals and instructions.

(a) As required by section 552, Title 5, United States Code, a statement as to the sources of information concerning the following subjects may be found in § 701 of this chapter: (1) A description of the central and field organization of ERDA and the established places at which, the offices from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions, except for Freedom of Information requests which requests shall be made in accordance with the procedures set forth in § 709.6 of this part; (b) statements of the general course and method by which ERDA functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (c) ERDA rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations; (d) ERDA substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by ERDA; and (e) every amendment, revision, or repeal of the foregoing.

(b) As required by section 552, Title 5, United States Code, the following records are made available for public inspection and copying at the ERDA Public Document Room at 1717 H Street NW., Washington, D.C.:

(1) All final opinions (including concurring and dissenting opinions) and all orders in the adjudication of cases.

(2) Statements of policy and interpretations which have been adopted by ERDA and are not published in the FEDERAL REGISTER.

(3) ERDA rules and regulations.

(4) ERDA Manuals and Instructions to ERDA personnel that affect any member of the public.

(c) The records specified in § 709.4(b) (3) and (4) above are also made available for public inspection and copying at any one of the ERDA field organizations identified in § 701 of this chapter.

(d) The ERDA Public Document Room will be open between 8:30 a.m. and 5:15 p.m. on Mondays through Fridays. The Public Document Room at the ERDA field organizations referenced above will be open during regular office hours on Mondays through Fridays.

(e) Indexes (or supplements thereto) of those records specified in § 709.4(b) (1), (2) and (4) of this section, and issued, adopted, or promulgated after July 4, 1967, will be published and made available for sale to the public at no more than quarterly intervals, unless it is determined by the Administrator or Deputy Administrator, by order published in the FEDERAL REGISTER, that such publication would be unnecessary and impracticable, in which case there shall be provided copies of such index on request at a cost not to exceed the direct cost of duplication. Inclusion of a record in the index does not constitute a determination that such record is required by law to be indexed.

§ 709.5 Freedom of information officer.

(a) There is appointed at ERDA Headquarters, Washington, D.C. 20545 a Freedom of Information (FOI) Officer whose duties shall hereinafter be described.

(b) There shall be designated by each Director of an Energy Research Center and Manager of an Operations Office for each of the following ERDA field organizations a Freedom of Information (FOI) Officer whose duties shall hereinafter be described:

(1) Bartlesville Energy Research Center, ERDA
P.O. Box 1398
Bartlesville, Oklahoma 74003
(2) Grand Forks Energy Research Center, ERDA
P.O. Box 8213, University Station
Grand Forks, North Dakota 58201
(3) Laramie Research Center, ERDA
P.O. Box 3395, University Station
Laramie, Wyoming 82070

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(4) Morgantown Research Center, ERDA
P.O. Box 830
Morgantown, West Virginia 26505

(5) Pittsburgh Energy Research Center, ERDA
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

(6) San Francisco Energy Research Center, ERDA
1429 Appraisers Building
630 Sansome Street
San Francisco, California 94111

(7) Albuquerque Operations Office, ERDA
P.O. Box 5400
Albuquerque, New Mexico 87115
[NOTE.—This office has cognizance over the following area offices: Amarillo, Burlington, Dayton, Kansas City, Los Alamos, Pinellas, Rocky Flats, and Sandia.]

(8) Chicago Operations Office, ERDA
9800 South Cass Avenue
Argonne, Illinois 60439
[NOTE.—This office has cognizance over the Batavia and Brookhaven area offices and the New Brunswick laboratory.]

(9) Idaho Operations Office, ERDA
550 2nd St.
Idaho Falls, Idaho 83401

(10) Nevada Operations Office, ERDA
P.O. Box 14100
Las Vegas, Nevada 89114

(11) Oak Ridge Operations Office, ERDA
P.O. Box E
Oak Ridge, Tennessee 37830

(12) Richland Operations Office, ERDA
P.O. Box 550
Richland, Washington 99352

(13) San Francisco Operations Office, ERDA
1333 Broadway, Wells Fargo Building
Oakland, California 94616

(14) Savannah River Operations Office, ERDA
P.O. Box "A"
Aiken, South Carolina 29801

(c) The FOI Officers shall make no determinations to deny requests received under this part but shall receive and log each request by time and date, shall ascertain where the documents requested are located, shall acknowledge receipt of requests by letter to the requester, shall refer the request to the proper Authorizing Official and shall make such reports and perform such other functions as are hereinafter set forth or otherwise delegated.

§ 709.6 Requesting records.

(a) A request need not be in any particular format, but it (1) must be addressed to any one of the FOI Officers listed in § 709.5 above, (2) must be in writing, (3) must be clearly identified both on the envelope and in the letter as a Freedom of Information Act or FOIA request, (4) must reasonably describe the records sought to permit identification, and (5) must state that the requester promptly will pay the fees chargeable under § 709.12.

(b) Because of the strict statutory time limits it would be helpful if the request could be addressed to the FOI Office where the desired records are located or are believed to be located, or to the FOI Officer who is in the office which has, or it is believed has, cognizance over the records. However, it is not the responsibility of the requester to ascertain the location of the records requested.

§ 709.7 Handling of FOI requests.

(a) Promptly upon receipt of a request made in accordance with § 709.6 above, the FOI Officer shall log the date and time of receipt, ascertain the location of the records requested and the identity of the appropriate Authorizing Official, immediately dispatch the request to such Authorizing Official by the fastest available means advising him of the date and time of receipt and when the ten working days permitted for a determination will expire, and acknowledge receipt in writing of the request stating the time and date of receipt and the appropriate Authorizing Official to whom the request has been directed.

(b) Any request not made in accordance with § 709.6 shall be promptly brought to the attention of a FOI Officer by the ERDA Official or employee receiving such a request, or the requester shall be referred to the FOI Officer, as appropriate. The FOI Officer shall assist the requester in making the request in accordance with § 709.6.

(c) All Freedom of Information requests properly made in accordance with § 709.6 shall be deemed to have been received when date and time stamped by a FOI Officer.

(d) If a request can be immediately complied with in accordance with this part, it should be.

(e) The Authorizing Official shall advise the requester in writing within ten working days of the receipt of the request by the FOI Officer (see paragraph (c) of this section) whether the request is to be complied with. A copy of the letter to the requester shall be sent to the appropriate FOI Officer. Where a determination is made to comply with a request in whole or in part, the records shall be made available to the requester promptly in accordance with this part, subject to the requirement for payment under § 709.12.

(f) (1) The Freedom of Information Act, as amended, section 552(a)(6)(B), Title 5, United States Code, provides that:

> In unusual circumstances . . . the time limits prescribed . . . [the 10-day initial determination limit or the 20-day administrative appeal limit] may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. . . . . '[U]nusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular request—
>
> (i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
>
> (ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
>
> (iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(2) The ten working day extension provided for in unusual circumstances permits more than one extension, either divided between the initial and appeal stages (see § 709.10 below concerning appeal procedures) or within a single stage, so long as the total extended time does not exceed ten working days with respect to a particular request.

(3) The Authorizing Official has the discretion unilaterally to invoke any or all of the ten working day extension, if the unusual circumstances exist and if the additional time is considered as reasonably necessary to the proper processing of the particular request. This discretionary authority can only be invoked after consultation with counsel.

(4) The requester must be promptly notified in writing of the extension, setting forth the reasons of the extension, and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, over and above the ten working days allowed for the initial determination.

(5) The FOI Officer shall be advised by copy of a letter to the requester or otherwise of any extension invoked.

(g) The Authorizing Official or FOI Officer, shall consult with the appropriate agency when records are requested, which are in the possession of ERDA, but which were originated by another agency. Unless the other agency agrees that the document may be released by ERDA, the request shall be forwarded to the other agency for their disposition. The requester shall be advised in writing when a request is referred to another agency (see § 709.11 regarding classified documents or information originated by another agency).

(h) Nothing in this part shall preclude the Authorizing Official and a requester from agreeing to an extension of time for the initial determination on a request. Any such agreement shall be confirmed in writing and shall clearly specify the total time agreed upon for the initial determination.

§ 709.8 Denial of records.

(a) Any record, or any portion of a record may be denied to a requester by the Authorizing Official only if he determines it contains matters specified in § 709.9 below and further determines that disclosure of such matters is contrary to the public interest or will adversely affect the rights of any person. The Authorizing Official shall make such determinations only after consultation with counsel. A subsequent request for identical records previously denied shall be considered on its own merits.

(b) Any reasonably segregable portion of a record shall be provided after deletion of the portions exempt under § 709.9 below. Those portions of documents which are deleted shall be identified in an appropriate manner, e.g., by placing the word "DELETED" in the space where material is deleted.

(c) (1) If the Authorizing Official determines that a request will be denied in whole or in part, a written notice of the determination shall be promptly dispatched to the requester within the appropriate time period set forth in § 709.7 above. Such notice shall be sent by certified or registered mail, return receipt requested. Such notice shall appropriately advise the requester of the reasons for denying the request or any portion thereof and that the Authorizing Official signing the determination is the person responsible for that determination. If other Authorizing Officials, or appropriate officials of other agencies are responsible for denying any portion of a record requested, their names and titles or positions shall be listed in the notice of denial and it shall be clearly indicated what portion or portions they were responsible for denying.

(2) The reasons for denying the request shall where possible be more than a recitation of the statutory exemptions listed in § 709.9 below. Where material has been deleted from a record furnished, there shall also be furnished a brief explanation of why the material was deleted (each deletion may be coded as to what exemption is being used).

(3) The notification of the denial determination shall also advise the requester of the right to appeal to the FOI Appeal Panel as provided in § 709.10 below. A copy of the denial determination should be provided to the appropriate FOI Officer.

§ 709.9 Matters exempt from disclosure.

(a) The following items are the matters exempt from disclosure under the Freedom of Information Act, section 552 (b) of Title 5, United States Code, with the statutory language being underlined: *(1) (i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order;* Exemption (1) matters are those matters classified as National Security Information under Executive Order 11652, or other matters authorized to be kept secret under other Executive Orders now or hereafter issued. Restricted Data and Formerly Restricted Data under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), are covered by this exemption as well as the exemption in (3) below.

(2) *Related solely to the internal personnel rules and practices of an agency;*

(3) *Specifically exempted from disclosure by statute;* Restricted Data and Formerly Restricted Data come within the meaning of this exemption (see (1) above).

(4) *Trade secrets and commercial or financial information obtained from a person and privileged or confidential;* Whenever a record is requested which comes within or might come within this exemption, it is necessary that the person whose information it is, be notified immediately to see if there is any objection to its release. Criteria applicable in making a determination concerning this exemption include, but are not necessarily limited to the following:

(A) Whether the information has been held in confidence by its owner;

(B) Whether the information is of a type customarily held in confidence by its owner and whether there is a reasonable basis therefor;

(C) Whether the information was transmitted to and received by the agency in confidence; and

(D) Whether the information is available in public sources.

(ii) This exemption may be invoked for the benefit of the person who has provided the information, even though the agency has no interest in withholding the information.

(iii) Records held in confidence which identify procedures for safeguarding special nuclear material or detailed security measures for the physical protection of a facility or plant comes within this exemption except to the extent that portions thereof come within any other exemption.

(iv) Naval nuclear propulsion information which is held in confidence by ERDA, its contractors or subcontractors is deemed to come within this exemption except to the extent that portions thereof come within any other exemption. This exemption also applies to material obtained in confidence from a foreign source.

(5) *Interagency or intragency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;*

(i) This exemption includes all internal memoranda which would not routinely be disclosed to a party other than a Government agency through the discovery process in litigation with ERDA or the Government, such as internal drafts or memoranda between officials or agencies; opinions, interpretations, and evaluations prepared by staff personnel, contractors or consultants for the use of ERDA; records of the deliberations of ERDA staff groups; staff criteria or guidelines used for auditing or inspection purposes; and documents or information which ERDA has received or generated before it completes the process of awarding a contract or issuing an order, decision, or regulation; ERDA plans or materials that are in process of preparation or development and are likely to be revised before being finalized, such as budget proposals, long range plans or studies, drafts of speeches or statements, or legislative proposals; ERDA plans (such as those included in budget justification material) which, even though finalized, the disclosure of which would be harmful to public or private interests, if made available in advance of the effective date; documents awaiting patent review; and working papers of ERDA attorneys and documents which come within the attorney-client privilege.

(ii) This exemption is intended to allow the withholding the type of records indicated above to the extent they reflect deliberative or policy making decisional processes, including advice, opinions, or recommendations that are part of ERDA's deliberative or policy making decisional processes.

(iii) While the policy set forth under § 709.2(b) applies to the exemption, where materials reflecting deliberative or policy making processes are inextricably intertwined with factual material in a particular record, the entire record may be withheld.

(iv) The withholding of records, or portions thereof, under this exemption is discretionary on the part of the Authorizing Official, and whether such exemption should be invoked is to be considered on a case-by-case basis in accordance with the policy set forth in § 709.2 above.

(6) *Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;*

(7) *Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;*

(i) The scope of this exception against disclosure of "investigative techniques and procedures" shall not be interpreted to include routine techniques and procedures already well known to the public, such as ballistics tests, fingerprinting, and other scientific tests or commonly known techniques.

(ii) This exemption shall not be interpreted to include records falling within the scope of subsection 552(a)(2) of Title 5, United States Code, (see § 709.4 above) such as administrative staff manuals and instructions to staff that affect a member of the public.

(iii) "Confidential source" in (7)(d) includes the identity of a person other than a paid informer who may be protected if the person provided information under an express assurance of confidentiality or in circumstances from which such an assurance could be reasonably inferred. In every case where the investigatory records sought were compiled for law enforcement purposes—either civil or criminal in nature—the agency can withhold the names, addresses, and other information that would reveal the identity of a confidential source who furnished the information. However, where the records are compiled by a criminal law enforcement authority, all of the information furnished only by a confidential source may be withheld if the information was compiled in the course of a

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criminal investigation. In addition, where the records are compiled by an agency conducting a lawful national security intelligence investigation, all of the information furnished only by a confidential source may also be withheld. The term "criminal law enforcement authority" is to be narrowly construed to include the Federal Bureau of Investigation and similar investigative authorities. Likewise, "national security" is to be strictly construed to refer to military security, national defense, or foreign policy. The term "intelligence" used in (7)(d) is intended to apply to positive intelligence-gathering activities, counter-intelligence activities, and background security investigations by governmental units which have authority to conduct such functions. The term "an agency" is intended to include criminal law enforcement authorities as well as other agencies. Personnel, regulatory, and civil enforcement investigations are intended to be covered by the first clause authorizing withholding of information that would reveal the identity of a confidential source but are not encompassed by the second clause authorizing withholding of all confidential information under the specified circumstances.

(iv) Disclosure of information about a person to that person does not constitute an invasion of his privacy.

(8) *Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or*

(9) *Geological and geophysical information and data, including maps, concerning wells.*

By memorandum dated February 1975, the Attorney General of the United States has provided agency guidance with respect to the amendments to the Freedom of Information Act, section 552 of Title 5, United States Code.

§ 709.10 Administrative appeal of initial denial of records.

(a) Any person, whose request for records made under procedures set forth in this part, is denied in whole or in part, as provided in § 709.8, shall have the right to appeal such initial determination of denial to an FOI Appeal Panel.

(b) Appeals shall be made by written notice mailed to the Freedom of Information Officer, ERDA Headquarters, and shall be filed within sixty days after receipt of an initial denial letter by the person requesting the records. Both the letter and envelope must clearly identify that a Freedom of Information appeal is being made. The sixty-day time limit may be waived by the FOI Appeal Panel for good cause shown.

(c) Notices of appeal received by ERDA shall be processed in a manner similar to request for records under § 709.7 including mutual agreements which may be made with the requester by the FOI Officer at ERDA Headquarters or the Chairman of the FOI Appeal Panel to extend the twenty-day period set forth in (e) below. Appeals shall be deemed to have been received when date and time stamped by the FOI Officer at ERDA Headquarters.

(d) Upon receipt of an appeal, the FOI Officer, ERDA Headquarters, will promptly advise the Chairman of the FOI Appeal Panel who will then promptly constitute the Panel as provided in § 709.3(k). The FOI Officer shall promptly notify the Authorizing Official who was responsible for the original denial and arrange to have the appropriate records transmitted to ERDA Headquarters as may be necessary to consider the appeal.

(e) The FOI Appeal Panel shall have twenty working days from date of receipt of the appeal by the FOI Officer to make a final decision on such an appeal.

(f) The FOI Appeal Panel shall consult with counsel prior to making a final decision.

(g) A decision of the FOI Appeal Panel to uphold in whole or in part an initial decision to deny access to records shall be by a simple majority vote of the Panel members and shall be in writing, and shall make the necessary determinations stating the reasons therefore in the manner provided for in § 709.8, as necessary to sustain, modify, qualify, or expand the initial denial.

(h) The written decision of the FOI Appeal Panel upholding in whole or part the initial denial determination shall state that the decision is a final decision of the Administrator. The decision shall also advise the requester of the provisions for judicial review of the decision, as set forth in section 552(a)(4), of Title 5, United States Code, and shall set forth the names and titles or positions of each person responsible for the denial, including the person or persons who made the initial denial determination. The term "responsible persons" is limited to the Authorizing Official who signed the initial notice of denial and other Authorizing Officials or officials of other agencies listed in the initial notice of denial as being responsible for any portion of the initial denial (see § 709.8) and those members of the FOI Appeal Panel who concur in whole or in part with the initial denial.

(i) Decisions of the FOI Appeal Panel shall be final decisions of the Administrator.

(j) The FOI Appeal Panel may invoke that portion of the 10-day extension period set forth in § 709.7(f), if the "unusual circumstances" as defined therein are applicable. The FOI Officer shall advise the Panel if any of the 10-day extension period had been used at the initial denial stage.

(k) The FOI Officer shall take all appropriate steps to obtain the necessary files, including the initial written denial from the Authorizing Official, for the FOI Appeal Panel to review.

§ 709.11 Requests for classified records.

(a) Requests for classified records including requests made to field organizations shall be subject to the provisions of this part 709 with the special qualifications noted below.

(b) Any request for records made in accordance with this part, except those requests for access to classified records which are made specifically pursuant to the mandatory review provisions of Executive Order 11652 shall be automatically considered a Freedom of Information Act request under this part.

(c) The Director, Division of Classification shall be the Authorizing Official for all requests for classified records. In this capacity he shall advise the office originating the records, or who has cognizance or responsibility for the records, of the request and consult with such office or offices prior to making a determination under this section.

(d) The written notice of a determination to deny records, or portions of records, which contain both classified material and other exempt material shall be signed by the appropriate Authorizing Official listed in (c) above. If other Authorizing Officials or appropriate officials of other agencies are responsible for denying any portion of the record, their names and titles or positions shall be listed in the notice of denial and it shall be clearly indicated what portion or portions they were responsible for denying.

(e) The Assistant Administrator for National Security or his designee shall replace the Director of the Office of Public Affairs as a member of the FOI Appeal Panel to the extent the appeal involves records or portions thereof which have been denied because they are classified. Other provisions of § 709.3(k) shall remain applicable.

(f) Requests for ERDA records containing classified information received from another agency, or records prepared jointly by ERDA and other agencies, will be treated as requests for ERDA records except that coordination will be effected by the ERDA Authorizing Official with the appropriate official of the other agency. Such coordination will be done on an expedited basis, for the purpose of determining whether the agency official wishes to deny the request (as far as it concerns another agency's classified material) and obtaining the other agency denying official's certification, signature, and identity on a record copy of the document being requested. The notice of determination to the requester, in the event part or all of the record is denied by the other agency shall cite the other agency denial official, as well as the ERDA Authorizing Official if a denial by ERDA is also involved.

(g) If the request specifically cites a document from another agency, the request will be referred directly to the proper official in the other agency and the requester will be so notified of the referral together with a copy of the referral. The notification to the requester should also include the statement that the ten-day time period will start when that request is received by the other agency.

§ 709.12 Fees for search and duplication of records.

(a) Requests for the duplication of records at the ERDA Public Document Room located in Washington, D.C. will be honored upon payment of the following charges:

(1) Sizes up to 8½ x 14 inches made on office copying machines—$0.08 per page copy. Microfiche—paper copy enlargement up to 8½ inches x 11 inches—$0.15 per page copy.

(2) Unless waived as provided below, the charge for duplicating records other than those specified above will be computed on the basis of ERDA's direct cost.

(3) Unless waived as provided below, the charges of duplication for requests made in accordance with § 709.6 will be the same as paragraph (a) (1) and (2) of this section.

(4) The cost of searching as provided in § 709.12(c) below.

(b) Requests for copies of records to be duplicated and furnished by ERDA at all locations, except ERDA's Public Document Room located in Washington, D.C., will be honored upon payment of the following charges unless the charges are waived as provided below:

(1) Sizes up to 8½ x 14 inches made on office copying machines—$0.10 per page copy. Larger sizes—$0.10 for each 8½ x 14 inch unit or fraction thereof per page copy.

(2) The charge for duplicating records other than those specified above will be computed on the basis of ERDA's direct cost.

(3) The cost of searching as provided in § 709.12(c) below.

(c) If a request is for records not already available for public inspection in the Public Document Room the rates for searching are $5.70 per hour for clerical personnel and $16.00 per hour for nonclerical personnel. Fractional parts of an hour will be charged on a pro rata basis. When a computer search is necessary in order to fulfill a request, the computer search charge will be the actual direct cost of the computer search.

(d) No records shall be made available to a requester until all charges as provided herein are paid in full. Checks, drafts, or other negotiable instruments shall be made payable to the Energy Research and Development Administration.

(e) Transcripts by a reporting firm under contract with ERDA, may be purchased directly from the reporting firm or ERDA at the cost of reproduction as provided for in the ERDA contract with the reporting firm.

(f) Material which has been copyrighted will not be reproduced in violation of the copyright laws.

(g) Documents shall be furnished without charge or at a reduced charge where the Authorizing Official initially considering the FOI request, or the FOI Appeal Panel, determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the public interest. Except for records reproduced in an ERDA Public Document Room or by a reporting firm under contract with ERDA or another Government agency, no charge shall be made under this part where the cost of search and duplication of records does not exceed $10.00.

(h) No charge will be made when no record responsive to a request has been found or when a request is denied in whole.

(i) Unless the request made under § 709.6 specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit that covers anticipated costs, a request will not be deemed to have been received in accordance with § 709.7 until the requester is advised of the estimated costs of searching and duplicating and agrees in writing to bear the cost.

§ 709.13 Matters in litigation.

(a) Any request for records shall be processed to initial determination or determination on appeal without regard to the pendency of litigation on a request under this part.

(b) When a matter is in litigation at the time the initial determination is made, the Authorizing Official shall file an appeal under § 709.10 on his own motion if the initial determination is to deny in whole or in part any of the request.

§ 709.14 Annual report.

(a) On or before March 1 of each calendar year, ERDA shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include—(1) the number of determinations made by ERDA not to comply with requests for records made to ERDA under this part and the reasons for each such determination;

(2) The number of appeals made by persons under this part, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) The names and titles or positions of each person responsible for the denial of records requested and the number of instances of participation for each; this listing shall include those persons responsible for this initial determination to deny records, or parts thereof as well as those persons responsible for denial on appeal;

(4) The results of each proceeding conducted pursuant to subsection 552(a)(4)(F) of Title 5, United States Code, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) A copy of every rule made by the agency regarding the Freedom of Information Act, section 552, Title 5, United States Code;

(6) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this part; and

(7) Such other information as indicates efforts to administer fully this part.

(b) The Freedom of Information Officer, ERDA Headquarters, shall prepare the annual report for the Administrator's signature, which shall be transmitted to the respective Houses on or before March 1 of each calendar year.

(c) The Freedom of Information Officers in the field shall forward the necessary information concerning their activities to the Freedom of Information Officer, ERDA Headquarters, within thirty days after the end of the calendar year.

[FR Doc.75-4665 Filed 2-18-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 301—PROCEDURES

Availability of TVA Records and Publications

The Freedom of Information Act (5 U.S.C. 552) was recently amended by Pub. L. 93-502. These amendments change the exemptions relating to classified material and investigative records and require agencies to institute certain procedures to ensure prompt availability of nonexempt agency records. Accordingly, the Tennessee Valley Authority hereby revises § 301.1 to reflect these changes.

This revision of § 301.1 makes certain other changes which include:

1. Provision of an agency appellate procedure to be followed in case of an initial determination not to comply with a request for records;

2. Clarification of TVA's practice that the availability of certain classes of nonexempt records is deferred where premature disclosure might interfere with accomplishment of TVA's statutory responsibilities; and

3. A statement of TVA's determination that records relating to special nuclear material and nuclear facilities are exempt from public disclosure.

These regulations are effective on February 19, 1975. Since the material contained herein concerns rules involving agency procedure and public property, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

The regulations are issued under the authority of 16 U.S.C. 831-831dd and Pub. L. 93-502.

By direction of The Board of Directors.

Dated: February 18, 1975.

H. N. STROUD,
Assistant General Manager.

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Effective February 19, 1975, § 301.1 of Title 18 is revised to read as follows:

§ 301.1 Records.

(a) *Records available.* TVA's records will be made available for inspection and copying upon request as provided in this section, except that records are exempt and are not made available if they are (1) (i) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive order; (2) related solely to the internal personnel rules and practices of TVA; (3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (5) inter-agency or inter-agency memorandums or letters which would not be available by law to a private party in litigation with TVA, including without limitation records relating to control and accounting for special nuclear material and to the physical security plans for the protection of TVA's nuclear facilities; (6) personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; (8) contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institution; or (9) geological and geophysical information and data, including maps, concerning wells. The availability of certain classes of nonexempt records is deferred for such time as TVA may determine is reasonably necessary to avoid interference with the accomplishment of its statutory responsibilities. Such records include bids and information concerning the identity and number of bids received prior to bid opening; all nonexempt records relating to bids between the time of bid opening and award; and all nonexempt records relating to negotiations in progress involving contracts or agreements for the acquisition or disposal of real or personal property by TVA prior to the conclusion of such negotiations. Any reasonably segregable portion of an available record shall be provided to any person requesting such record after deletion of the portions which are exempt under this paragraph.

(b) *Requests.* Requests to inspect and copy TVA records shall be directed to the Director of Information, Tennessee Valley Authority, Knoxville, Tennessee 37902. A request shall:

(1) be in writing,

(2) state in the text that it is a request for records pursuant to the Freedom of Information Act or the regulations in this section,

(3) reasonably describe the records requested with sufficient specificity to permit their location and identification; and

(4) include a statement (if such is the case) that the person making the request will pay all applicable fees under § 301.2, or a statement of the amount of the maximum applicable fee that such person is willing to pay without further notification from TVA. Requests may be made personally or by mail, but to permit expeditious processing, a mailed request should be identified on the envelope as a Freedom of Information Act request.

(c) *Processing of requests.* (1) *Initial determination.* (i) Within 10 days (excluding Saturdays, Sundays, and legal public holidays) after a request is received by TVA, and subject to paragraph (c) (3) of this section, TVA shall make an initial determination as to whether to comply with the request, and shall immediately give written notice of the determination to the person making the request. Initial determinations shall be made by the Director or Assistant Director of Information. If the initial determination is not to comply with the request, the notice to the person making the request shall include a statement of the reasons for the denial of the request; a notice of the right of the person making the request to appeal the denial to TVA's General Manager, and the time limits therefor; and the name and job title of the person responsible for the initial determination.

(ii) For purposes of this paragraph, a request is deemed to be received by TVA only when it is physically delivered to Office of the Director of Information and meets all the requirements of paragraph (b) of this section. If the request does not contain a sufficient description of the record as required by paragraph (b) (3) of this section, TVA will promptly notify the person making the request of the need for clarification, and the request will not be deemed received until clarification is obtained. If the request does not contain a statement as required by paragraph (b) (4) of this section, or if the amount of anticipated search fees exceeds the higher of the amount stated or $25, TVA will promptly notify the person making the request of the amount of the anticipated fee. Such notice shall include an offer to confer in order to determine if the request can be reformulated so as to meet the person's needs at lower cost, and the request will not be deemed received until agreement is reached concerning fees.

(2) *Appeal.* (i) If the initial determination is to deny the request, the person making the request may appeal such action to TVA's General Manager. Such an appeal must be taken within 30 days after the person's receipt of the initial determination, and is taken by delivering a written notice of appeal to the General Manager, Tennessee Valley Authority, Knoxville, Tennessee 37902. Such notice shall include a statement that it is an appeal from a denial of a request under the Freedom of Information Act and shall indicate (A) the date on which the denial was issued, and (B) the date on which the denial was received by the person making the request.

(ii) Within 20 days (excluding Saturdays, Sundays, and legal public holidays) after an appeal is received, and subject to paragraph (c) (3) of this section, TVA shall make a final determination on the appeal. In making such a determination, TVA will consider whether or not to waive the provisions of any exemption contained in paragraph (a) of this section, except that without the written permission of the person involved, TVA will not waive the exemptions contained in paragraph (a) (4), (6) and (7) of this section. Determinations of appeals under this section shall be made by the General Manager, the Assistant General Manager, or an Assistant to the General Manager. If the determination on the appeal is to deny the request for records, TVA shall notify the person making the request of such determination, including the reason for the denial; a notice of the person's right to judicial review of the denial; and the name and job title of the TVA official responsible for the determination of the appeal.

(3) *Extensions of time.* (i) The 10-day time limit provided in paragraph (c) (1) of this section may be extended by TVA for unusual circumstances as set forth in this paragraph upon written notice to the person making the request specifying the reason for such extension and the date on which an initial determination is expected to be dispatched to such person. Such extension may not exceed 10 working days, and a decision to make such extension shall be made by the Director of Information or the Assistant Director of Information.

(ii) The 20-day time limit provided in paragraph (c) (2) of this section may be extended by TVA for unusual circumstances as set forth in this paragraph upon written notice to the person appealing a denial of a request for records. The notice shall specify the reasons for the extension and the date on which a determination of the appeal is expected to be dispatched. The aggregate length of an extension under this paragraph when combined with any extension provided under paragraph (c) (3) (i) of this section shall not exceed 10 working days. A decision to make an extension under this paragraph shall be made by the General Manager, Assistant General Manager, or an Assistant to the General Manager.

(iii) For the purposes of this paragraph, unusual circumstances means, to the extent reasonably necessary to the proper processing of the particular request or appeal:

(A) Time necessary to search and collect requested records from segments of the agency separate from the office processing the request;

(B) Time necessary to search for, collect, and appropriately examine the voluminous number of records demanded in a single request; or

(C) Time necessary for consultation with another agency having a substantial interest in the determination of the request, or among two or more components of the agency which have an interest in the subject matter of the request.

(d) *Manner of making records available.* When TVA determines to comply with a request for records, the records are made available promptly for inspection and copying at the place it considers most feasible. TVA will notify the person requesting the records of the place at which the records will be made available and the amount of the applicable fee pursuant to § 301.2, and will request the person to set up a mutually convenient time for inspection. Applicable fees are payable prior to actual inspection of the records or prior to receipt of requested copies after inspection, respectively. If TVA deems it more convenient to do so, it may furnish copies of available requested records in lieu of permitting physical inspection thereof. In such case payment of applicable fees is due within 30 days after receipt of the copies.

(e) *Publications.* TVA publishes and sells to the public at nominal cost various materials concerning its activities and other matters within its statutory responsibilities, and also provides for the sale of other materials, such as maps prepared by other agencies, at prices prescribed by such agencies. Such services are not performed under the Freedom of Information Act, and requests for the purchase of such materials are not covered by the provision of subsections (a) through (d) of this section. A price list and order form for some of the most frequently asked for TVA publications and reports is contained in TVA Form 3077, which may be obtained by writing the Director of Information, Tennessee Valley Authority, Knoxville, Tennessee 37902. Information about other informational material available for sale or distribution by TVA may be obtained at the same address.

(16 U.S.C. 831–831dd)

[FR Doc.75-4628 Filed 2-18-75;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 12]

PART 212—PUBLIC INFORMATION

On November 21, 1974, Congress amended the Freedom of Information Act (5 U.S.C. 552). These amendments (Pub. L. 93-502) change the directives under which the former Public Information regulations of the Agency for International Development were issued and require changes in the procedures by which information requests are processed. Accordingly, Part 212 is hereby repealed and a new Part 212 is substituted therefor setting forth new procedures for requests, appeals and processing such requests and appeals under the Freedom of Information Act.

Since the Freedom of Information amendments require persons making requests to follow published rules stating the time, place, fees, and procedures to be followed, it is considered in the public interest to publish promptly the required rules of this Agency. It would be impractical to delay the effective date of the regulations beyond the effective date of the Freedom of Information amendments. Therefore, pursuant to 5 U.S.C. 553(d), these regulations shall be effective on February 19, 1975 without the normal 30-day notice being given.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Director, Office of Public Affairs, Agency for International Development, Department of State, 21st and Virginia Ave., NW., Washington, D.C. 20523, on or before March 25, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal.

Subpart A—General

Sec.
212.1 Statement of policy.

Subpart B—Publication in the Federal Register
212.11 Materials to be published.
212.12 Effect of nonpublication.
212.13 Incorporation by reference.

Subpart C—Availability of Information for Public Inspection and Copying
212.21 Public records.
212.22 Protection of personal privacy.
212.23 Current index.
212.24 Effect of noncompliance.
212.25 Procedures for obtaining materials under this subpart.

Subpart D—Access to Agency Records
212.31 Access to Agency records.
212.32 Identification of records.
212.33 Procedure for making requests.
212.34 Procedures for responding to requests for records.
212.35 Schedule of fees and methods of payment for services rendered.
212.36 Denial of request for access to records.
212.37 Procedures for agency consideration of appeals.

Subpart E—Exemptions from Disclosure
212.41 Exemptions from the publication and disclosure requirements of Subparts B, C, and D.

Subpart F—Opening of Records for Nonofficial Research Purposes
212.51 General policy.

AUTHORITY: The provisions of Part 212 are issued under Sec. 621, the Foreign Assistance Act of 1961, as amended, 75 Stat. 445 (22 U.S.C. 2381), Executive Order 10501, as amended by Executive Order 10816, sec. 3, Administrative Procedure Act, 60 Stat. 237, as revised by Pub. L. 89-487, 80 Stat. 250 as amended by Pub. L. 93-502, 88 Stat. 1561 (5 U.S.C. 552).

Subpart A—General

§ 212.1 Statement of policy.

(a) It is the policy of the Agency for International Development that information about its objectives and operations be freely available to the public in accordance with the provisions of Pub. L. 89-487 (80 Stat. 250) as amended by Pub. L. 93-502. The Director, Office of Public Affairs is responsible for administration of the provisions of the regulations of this part.

(b) All records of the Agency for International Development shall be made available to the public upon compliance with the procedures established in this regulation, except to the extent a determination is made to withhold a record exemptable under 5 U.S.C. 552(b). Such a determination shall be made pursuant to procedures set forth in §§ 212.36 and 212.37.

(c) The term "record" includes all books, papers, maps, photographs, or other documentary material, or copies thereof, regardless of physical form or characteristics, made in or received by the Agency for International Development (including its Missions abroad), and preserved as evidence of its organization, functions, policies, decisions, procedures, operations, or other activities. It does not include copies of the records of other Government agencies, foreign governments, international organizations, or non-governmental entities which do not evidence organization, functions, policies, decisions, procedures, operations, or activities of the Agency for International Development.

Subpart B—Publication in the Federal Register

§ 212.11 Materials to be published.

(a) The Agency separately states and currently publishes in the FEDERAL REGISTER for the guidance of the public:

(1) Descriptions of its central and field organization and the established places at which, the officers from whom and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which its functions are channelled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Agency; and

(5) Every amendment, revision or repeal of the foregoing.

(b) A.I.D. Public Notice No. 1 and the A.I.D. Regulations published in Chapter

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II of Title 22 and in Sub-Title A. Chapter 7 of Title 41 of the Code of Federal Regulations, implement the provisions of this section.

§ 212.12 Effect of nonpublication.

Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any A.I.D. matter required to be published in the FEDERAL REGISTER and not so published.

§ 212.13 Incorporation by reference.

For purposes of this Subpart B, A.I.D. matter which is reasonably available to the class of persons affected thereby is deemed to be published in the FEDERAL REGISTER when it has been incorporated by reference therein with the approval of the Director of the FEDERAL REGISTER.

Subpart C—Availability of Information for Public Inspection and Copying

§ 212.21 Public records.

In accordance with this subpart, A.I.D. makes the following information and materials available for public inspection and copying:

(a) All final opinions (including concurring and dissenting opinions), and all orders made in the adjudication of cases;

(b) Those statements of policy and interpretations which have been adopted by the Agency and are not published in the FEDERAL REGISTER; and

(c) Administrative staff manuals and instructions to staff that affect any member of the public.

§ 212.22 Protection of personal privacy.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and will, in each such case, explain in writing the justification for the deletion.

§ 212.23 Current index.

The Agency maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required by § 212.21 to be made available or published. Publication of an index is deemed both unnecessary and impractical. However, copies of the index are available upon request for a fee of the direct cost of duplication.

§ 212.24 Effect of noncompliance.

No final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects any member of the public will be relied upon, used, or cited as precedent by the Agency against any private party unless it has been indexed and either made available or published as provided by this subpart, or unless that private party shall have actual and timely notice of the terms thereof.

§ 212.25 Procedures for obtaining materials under this subpart.

(a) The materials required to be made available for public inspection and copying in accordance with this subpart are available to members of the public at the Agency for International Development Public Reading Room, Room 4943, Department of State Building, 21st and Virginia Ave., NW., Washington, D.C. which is open from 9 a.m. to 5 p.m., Monday through Friday, except on Holidays.

(b) Requests for materials which are available under this subpart should follow the procedures under Subpart D.

(c) The direct costs of any necessary duplication will be charged in accordance with the fee schedule set forth in § 212.35.

(d) The USAID Missions in countries abroad are not responsible for the maintenance of the index and materials available under this subpart. However, in so far as they do have these materials, they will make them available to citizens of the United States who are present in their respective countries upon either in person application or writing to the Director, USAID, c/o American Embassy in the applicable country.

Subpart D—Access to Agency Records

§ 212.31 Availability of Agency Records.

Upon receiving a request for a record, which reasonably describes such record, and which is made in accordance with the provisions of this Subpart, the Agency for International Development will make such records promptly available to any person, except the following: (a) matters published in the FEDERAL REGISTER pursuant to Subpart B; (b) matters made available to the public pursuant to Subpart C; and (c) matters exempt from disclosure pursuant to § 212.41.

§ 212.32 Identification of records.

The request for a record by a member of the public must contain a reasonably specific description of the particular record sought so that an officer of the Agency who is familiar with the subject matter of the request may be able to locate the record with a reasonable amount of effort. A description that includes as much information as possible, such as the subject matter, format, approximate date, and where pertinent, the name of the country or person involved, will facilitate the search for the requested record.

§ 212.33 Procedure for making requests.

(a) Requests for reasonably described records may be made by a member of the public either in person or by writing to the Director, Office of Public Affairs, Agency for International Development, Department of State, 21st and Virginia Ave., NW., Washington, D.C. 20523. The request and the envelope must be plainly marked "FOI Request." Requests may be made in person by going to the Agency for International Development Public Reading Room, Room 4943, Department of State Building, 21st and Virginia Ave., NW., Washington, D.C., which is open from 9 a.m. to 5 p.m., Monday through Friday, except on Holidays. Telephonic requests cannot be accepted.

(b) Requests for reasonably described records may be made directly to USAID missions abroad only by citizens of the United States who are present in their respective countries by either personal application or by written application to the Director, USAID, care of American Embassy in the applicable country. Any written request and its envelope must be plainly marked "FOI Request."

(c) If a request not properly marked "FOI Request" on the request and envelope is inadvertently delayed in reaching the Director, Office of Public Affairs, or is erroneously sent to a USAID mission abroad, it will not be deemed received by the Agency until actually received by the Director, Office of Public Affairs. In such event, the person making the request will be furnished a notice of the effective date of receipt.

§ 212.34 Procedures for responding to requests for records.

(a) Upon receipt of the request by the Director, Office of Public Affairs, a maximum of 10 working days will normally be taken to determine to what extent the Agency can provide the information requested, and upon the making of the determination, the person making the request will be immediately informed. Copies of the releasable documents shall be made available promptly thereafter upon receipt of appropriate fees as set forth in § 212.35.

(b) In unusual circumstances, the Agency may not be able to determine the availability of the requested documents within 10 working days, in which event the person making the request will be informed by written notice of the delay, the reasons for the delay and the date on which a determination may be expected. The maximum time in making a determination of availability will be 20 working days from receipt of the request. If only part of the permissible 10 working days extension is used, the Agency reserves the right to use any remainder of the time for an extension of time for the determination of an appeal, if one is made, and the unusual circumstances require an extension of time to decide an appeal. A time extension for unusual circumstances will be used as reasonably necessary for a particular request in the following instances:

(1) When there is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) When there is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) When there is a need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two

or more components of the agency having substantial subject-matter interest therein.

(c) If, in spite of diligent efforts, circumstances are such that the Agency cannot make a complete and final determination even within the 10-day extension period, a denial of the request may be made. However, the Agency will continue the determination process and the denial will contain a statement to this effect with a date when final determination is expected. As soon as a final determination can be made, the person making the request will be further notified. This provision does not in any way limit or abridge the person's right to appeal the initial denial. It is only an informal process that may exist in addition to the appeal procedure in an attempt to prevent the necessity of appeal when the denial is issued without a full determination but solely in order to meet the Agency's time deadlines.

(d) If a request is made to this Agency for material that is controlled or held by another agency, the request will be referred to the appropriate agency for action and the person making the request will be immediately notified of the referral, unless the other agency has, by public regulation, delegated the release authority to this Agency. If release authority has been delegated, this Agency will follow the procedures authorized by the delegation in determining whether to release the information. If a request for material is referred to this Agency from another agency, the time period for determination of release of the information will not start until the request is received by the Director, Office of Public Affairs. The person making the request will be immediately notified of the referral and the date the request was received in this Agency. This Agency will not accept referral of requests unless and until the Director, Office of Public Affairs, determines that the material requested is actually within the scope and control of the release authority of the Agency for International Development.

(e) If only a part of a record is exempt from disclosure, then any reasonably segregable portion of such record shall be furnished after deletion of the portions which are exempt, provided that the segregable portion constitutes an intelligible record which is not distorted out of context or contradictory to the substance of the entire record before segregation.

§ 212.35 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this part:

(1) Searching for records, per hour, after 1st hour	$9.00
(2) Copies made by photostat or otherwise (per page). (Maximum of 2 copies will be provided.)	.10
(3) Duplication of architectural photographs and drawings	2.00

(b) When no specific fee has been established for a service, for example, when the search involves computer time or special travel, transportation, or communications costs, the Director, Office of Public Affairs, is authorized to determine the direct costs of the service and include such costs in the fees chargeable under this section.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The requester is at any time welcome to confer with knowledgeable Agency personnel in an attempt to formulate the request in a manner which will reduce the fees and meet the needs of the requester. A request will not be deemed to have been received until the requester has agreed to pay the anticipated fees and has made an advance deposit if one is required.

(d) Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts or if the Agency determines that a record which has been requested but which is exempt from disclosure under this part is to be withheld.

(e) Fees must be paid in full prior to issuance of requested copies.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Director, Freedom of Information Staff, Office of Public Affairs, Agency for International Development, Washington, D.C. 20523. The Agency will assume no responsibility for cash which is lost in the mail.

(g) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(h) The Director, Office of Public Affairs, or an officer designated by the Director may waive all or part of any fee provided for in this section when the Director or the designated officer deems it to be in either the Agency's interest or in the general public's interest.

§ 212.36 Denial of request for access to records.

(a) If it is determined that the Agency cannot comply with all or part of a request for records, the person making the request shall be immediately notified of the determination, the reasons for the determination, the name and title of each officer responsible for the denial, and the right of the person to appeal the adverse determination.

(b) The denial of a request for records may be made only by the Director, Office of Public Affairs or his delegate. The General Counsel shall be consulted prior to a decision to deny access.

(c) Any person who has been denied access to records pursuant to this section may appeal the adverse decision not later than 60 days after the date of the notification of denial or, in the case of a partial denial, after the date the releasable documents are actually furnished the person making the request, whichever is later. The appeal shall be in writing addressed to the Administrator or Deputy Administrator, Agency for International Development, 21st and Virginia Ave., NW., Washington, D.C. 20523. In order to make a timely response to the appeal, both the appeal and the envelope must be plainly marked "FOI Appeal". The appeal should contain a reasonable description of the record sought and withheld, a copy of the initial decision to deny access and any other information that will enable the Administrator or Deputy Administrator to make the final decision.

§ 212.37 Procedures for Agency consideration of appeals.

(a) Upon receipt of the appeal by the Administrator or Deputy Administrator, a maximum of 20 working days will normally be taken to decide the appeal. In unusual circumstances, as defined in § 212.34, the 20 working days may be extended by 10 working days or by the number of days not used in the original denial of the request.

(b) If the appeal is granted, the person making the appeal shall be immediately notified and copies of the releaseable documents shall be made available promptly thereafter upon receipt of appropriate fees as set forth in 212.35. If the appeal is denied in whole or part, the person making the request shall be immediately notified of the decision and of the provisions of judicial review of the Agency's denial of the request.

(c) In the event a determination is not issued within the appropriate time limit and the person making the request chooses to sue the Agency, the determination process shall continue and the Administrator or Deputy Administrator may review any initial denial of the requested records.

(d) If appeals not properly marked "FOI Appeal" on the appeal and envelope are inadvertently delayed in reaching the Administrator or Deputy Administrator, they will not be deemed received by the Agency until actually received by the Administrator or Deputy Administrator. In such event, the person making the appeal will be furnished a notice of the effective date of receipt.

Subpart E—Exemptions From Disclosure

§ 212.41 Exemption from the publication and disclosure requirements of Subparts B, C, and D.

None of the provisions of Subparts B, C, and D which provide for publication and disclosure of certain information and records shall be applicable to matters that are:

(a) (1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (2)

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are in fact properly classified pursuant to such Executive order;

(b) Related solely to the internal personnel rules and practices of the agency;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; and

(i) Geological and geophysical information and data (including maps) concerning wells.

Subpart F—Opening of Records for Nonofficial Research Purposes

§ 212.51 General policy.

(1) In accordance with the policy of the Department of State, the Agency for International Development will open its records on an equitable basis to all individuals engaged in private research as soon as such action may be taken without adversely affecting the national security, the maintenance of friendly relations with other nations, the efficient operation of the agency, and the administrative feasibility of servicing requests for access to such records.

(2) Access for research in the classified foreign policy records in A.I.D.'s custody will be governed by the regulations of the Department of State in respect thereto, as set forth in Part 6, Chapter II of Title II of the Code of Federal Regulations. Application for such access may be made to the Director, Public Affairs, Agency for International Development, 21st and Virginia Avenue NW., Washington, D.C. 20523. The Director, Public Affairs, in consultation with the Director, Historical Office, Department of State, will determine the action to be taken and advise the researcher.

Effective date. This regulation is effective February 19, 1975.

Dated: February 14, 1975.

JOHN E. MURPHY,
Deputy Administrator, Agency for International Development.

[FR Doc.75-4684 Filed 2-18-75;9:20 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 265—RELEASE OF INFORMATION

Freedom of Information Act Regulations

The purpose of this document is to adopt revised regulations to govern the release of records to the public and to establish procedures implementing the Freedom of Information Act, as amended, insofar as it applies to the Postal Service.

The revised regulations are placed in Part 265 of Title 39, Code of Federal Regulations, and supersede regulations adopted by the former Post Office Department presently appearing as Parts 261 and 262 of Title 39, Code of Federal Regulations. While continuing generally the organization of Parts 261 and 262, the new regulations have been substantially rewritten in the interest of clarity, and have been modified as necessary in the light of recent statutory developments, principally §§ 410 and 412 of Title 39, United States Code, as enacted by Pub. L. 91-375, and the Freedom of Information Act Amendments, Pub. L. 93-502.

For purposes of analysis, the new regulations may be divided roughly into two groups of sections. The first group, consisting of §§ 265.1 through 265.6, states the policy of the Postal Service on the release of records and lists the principal categories of records that are available to the public as of right and those that are exempt from mandatory disclosure. The second group, consisting of §§ 265.7 through 265.9, establishes the procedures to be followed by the public in submitting requests for records and by the Postal Service in responding to those requests.

Discussed below are the major changes effected by the revision. There are in addition minor changes, not discussed, which have been made in the light of either statutory changes or the experience of the Postal Service under the previous regulations.

In order to conform the regulations to § 410(c) of Title 39, U.S.C., several categories of records have been added to the list of those exempt from mandatory disclosure contained in § 265.6 (formerly § 261.2). Of particular interest among these may be paragraphs (b)(3), relating to commercial information, and (d), relating to the names and addresses of postal customers. Paragraph (e)(1) of § 265.6 is a new provision added to reflect the prohibition of the disclosure by the Postal Service to the public of mailing lists, which is contained in 39 U.S.C. 412. Paragraph (e)(2) of § 265.6, although not altogether new, has been revised to reflect the changes effected by Pub. L. 93-502 in 5 U.S.C. 552(b)(1) relating to classified defense and foreign policy materials. Paragraph (c) of § 265.6, relating to disclosure of investigatory records, has similarly been revised to state the policy of the Postal Service normally to make investigatory records available to the public when disclosure would be required by 5 U.S.C. 552(b)(7) as amended by Pub. L. 93-502, even though withholding would be authorized by 39 U.S.C. 410(c)(6).

The new regulations generally continue the system of procedures for responding to Freedom of Information Act requests that has been in effect under the prior regulations. Under this system, a request is submitted to the head of the facility at which the record is maintained. This custodian makes the initial determination whether to grant or deny the request. If it is denied, an appeal may be taken to the General Counsel whose decision is final within the Postal Service.

The sections relating to procedures and fees for requesting access to records, viz, §§ 265.7 and 265.8, have been substantially rewritten and expanded to conform to the requirements of the 1974 Amendments and to provide additional guidance to the public and to postal employees in submitting and responding to requests for records. The procedures which have been adopted are designed to take account of the fact that postal records are maintained at more than 30,000 post offices and other facilities located throughout the United States and its overseas territories. If the statutory time limits for response to requests are to be met, expeditious handling is essential. To facilitate the identification of requests for records so that priority treatment may be given them, § 265.7(a)(1) requires that a person desiring a response to his request within the statutory period label it as a Freedom of Information Act request or use a designated Postal Service form and that any envelope bear the same label. Requests not fulfilling this requirement will, of course, be given prompt treatment, but they will not be deemed as coming within the framework of these formal procedures. Such treatment seems, moreover, consistent with our experience that many inquiries which could be treated formally are, in fact, casual in nature, and can be answered informally to the greater satisfaction of the inquirer.

Paragraph (a)(2) of § 265.7 requires that requests be submitted to the custodian of the requested record, i.e., the head of the facility at which it is maintained. If it is submitted to some other facility it will, of course, be forwarded to the proper one, but it will be deemed to have been received by the Postal Service for purposes of computing the response period when it has been received by the actual custodian. If the location of the record is not known to the requester he may obtain this information from the Postal Service Records Officer or he may submit his request to the

Records Officer who will forward it to the proper custodian.

The section which establishes the fee schedule (§ 265.8), was previously published in the FEDERAL REGISTER (40 FR 3220) as a proposed revision of § 262.7 of Title 39, CFR, and comments were requested from members of the public. We received one letter of comment, the suggestions of which we have adopted in part. We have redesignated the proposed §§ 262.7 as 265.8. We also made some modifications to the text.

The proposed increase in the fee for clerical search time has been reconsidered and the prior rate of $2.00 per quarter hour will be retained. The proposed treatment of computer fees has been similarly reconsidered. We have determined to adopt the information Services Price List for computer services fees in its entirety, rather than to attempt to treat analysts' time and the reproduction of records separately. § 265.8(b)(3). The list, which is also used for other purposes within the Postal Service, is subject to periodic revision in the light of experience and cost adjustments. Charges will be based on the price list in effect at the time the services are performed. The list in effect on February 19, 1975, is published as Appendix A to Part 265 to provide an illustration of the services covered and the current charges per unit of work.

A new paragraph (1) has been added to § 265.8(d) to provide that when sufficient stock exists, printed materials will be made available at their established price, or at cost if no price has been established, rather than at the per-page reproduction fee. In this respect we have adopted a suggestion made in the letter of comment.

The problem of providing meaningful advance notice of the cost of particular requests while complying with statutory deadlines for responses continues to be troublesome. The proposed rule provided for the giving of advance notice if fees were expected to exceed $25.00. We have concluded that the $25.00 figure would exceed the expectations of many members of the public, particularly those unfamiliar with these regulations. We consider, however, that a fee not in excess of $10.00 would not be considered exorbitant, § 265.8(e)(2).

The proposed rule provided further that the ten-day response period would not begin until the requester had been notified and had agreed to bear the estimated costs. The comment to this proposal expressed concern that this system would permit unwarranted delays in giving notice. It was suggested that notice be required within a short, fixed period and include an explanation of the basis for the estimate. We consider that this suggestion has merit and have modified the rule to require that notice of estimated costs in excess of $10.00 be given within five working days of receipt by the custodian and that it explain briefly the basis of the estimate. The comment suggested further that the response period begin to run with the physical receipt of the request and be tolled by the giving of notice. We are not persuaded, however, that the potential saving of time by tolling the response period, rather than starting it with the requester's response, is significant, and we believe that the approach adopted permits a simpler, more readily computed response period.

We have considered but not adopted two additional suggestions which we believe require discussion. The first is that the right of the public to obtain copies of postal records which are not exempt, as distinct from an opportunity merely to inspect the records, be made absolute. We believe, however, that this is not required either by statute or by considerations of fairness. Conditions in post offices, including the availability of copying equipment, may vary considerably. Section 265.8(c)(3) does not give the custodian unfettered discretion to refuse copies.

The second suggestion is that fees for search time be waived in all cases in which no records are made available. The comment expressed concern that the possibility that the requester may be liable for significant search costs, even though records are not found or are withheld, may have a chilling effect on all substantial requests. Such is not, of course, the intended result and a waiver of search costs in this situation is stated as the normal rule § 265.8(e)(4). It is not reasonable, moreover, that the Postal Service, meaning the taxpayers or mail users, should be required in all possible situations to bear the costs of search.

As noted above, § 265.8 was previously published for public comment. As to the balance of the part, since many of the changes are necessary to achieve compliance with the amendments to the Freedom of Information Act which become effective February 19, 1975, there is no time to receive and evaluate public comment. We intend, nonetheless, to reexamine this part in the light of our experience and that of citizens requesting access to records pursuant to its provisions. Interested persons are also invited to submit written comments on these regulations at any time to the General Counsel, United States Postal Service, Washington, D.C. 20260. Attention: Legal Affairs Office.

ROGER P. CRAIG,
Deputy General Counsel.

The following changes become effective February 19, 1975.

Accordingly, 39 CFR Parts 261 and 262 are revised and redesignated as new Part 265, which is set forth below. 39 CFR Parts 261 and 262 are then vacated and reserved.

PART 261—[RESERVED]

PART 262—[RESERVED]

PART 265—RELEASE OF INFORMATION

Sec.
265.1 Purpose and scope.
265.2 Policy.
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265.10 Compliance with subpoena duces tecum court orders and summonses.

APPENDIX A

AUTHORITY: 39 U.S.C. 401; 5 U.S.C. 552 as amended by Pub. L. 93-502, 88 Stat. 1561.

§ 265.1 Purpose and scope.

This part contains the regulations of the Postal Service relating to the availability to the public of Postal Service records. Included in this part are the regulations which implement section 552 of Title 5, United States Code, the "Freedom of Information Act," insofar as it applies to the Postal Service.

Official records of the Postal Service made available pursuant to the requirements of the Act shall be furnished to members of the public as prescribed by this part.

§ 265.2 Policy.

(a) It is the policy of the Postal Service to make its official records available to the public to the maximum extent consistent with the public interest. This policy requires a practice of full disclosure subject only to the specific exceptions required or authorized by law.

(b) The exemptions from mandatory disclosure provided by section 552(b) of Title 5, and section 410(c) of Title 39, United States Code, for various types of records, reflect the fact that under some circumstances the public interest may be better served by leaving the disclosure of particular records to the discretion of the Postal Service than by requiring their disclosure. As to those records the disclosure of which is not prohibited by statute, Executive Order, or regulation, the discretion vested in the Postal Service should be exercised after giving consideration to the following: the effect of non-disclosure on the public's right to know about a particular matter; the effect of disclosure on the right of privacy of any affected individuals; the effect of disclosure on the public interest in the economical, efficient, and orderly operation of the nation's mail system; and any other factors that may be relevant under the circumstances.

§ 265.3 Responsibility.

(a) *Custodian.* Official records are in the custody of the postmaster or other head of the facility, such as a postal data center, mail bag depository, sectional center facility, district office or regional headquarters, or of a group or department of Headquarters, at which they are maintained. These custodians are responsible for responding in the first instance to requests from members of the public for Postal Service records.

(b) *Records officer.* The Records Officer, Management Information Systems Department, United States Postal Service, Washington, D.C. 20260, is responsible for the overall administration

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of this part, including the issuance of detailed instructions to custodians.

(c) *General counsel.* The General Counsel decides timely appeals authorized by this part.

§ 265.4 Inquiries.

Inquiries regarding the availability of Postal Service records should be directed to the head of the post office, postal data center, mail bag depository, sectional center facility, district office, regional headquarters or other facility, or group or department of Headquarters, at which the official records are maintained. If the appropriate custodian is not known, inquiries should be directed to the Records Officer, Management Information Systems Department, United States Postal Service, Washington, D.C. 20260, telephone number (202) 245-4000.

§ 265.5 Public reading room.

The Library of the Postal Service Headquarters, 475 L'Enfant Plaza, West, SW., Washington, D.C. 20260, serves as public reading room for the materials which are listed paragraphs (a)(2) and (a)(3) of § 265.6 as available for public inspection and copying.

§ 265.6 Availability of records.

(a) *Records available to the public upon request.* (1) *General.* Postal Service records are available for inspection or copying at the request of any person, in accordance with the provisions of this part, except as otherwise provided by law or regulations, including but not limited to, § 265.(b) through 265.(f) of this part. Certain categories of records of particular interest are available on a continuing basis as provided in paragraphs (a)(2) and (a)(3) of this section and are listed in a public index as provided in paragraph (a)(4). Access to other records may be requested on an individual basis in accordance with the procedures provided in § 265.7. Official records which are maintained on an electronic storage medium will normally be made available, in accordance with this part, as an exact duplicate of the requested original in a form readable by the human eye, such as a computer print-out.

(2) *Opinions.* All final opinions and orders made in the adjudication of cases by the Judicial Officer, Administrative Law Judges, and Board of Contract Appeals, and all advisory opinions concerning the private express statutes issued pursuant to § 310.6 of title 39, Code of Federal Regulations, all bid protest decisions and all decisions on appeals pursuant to this part, rendered by the Law Department are on file and available for inspection and copying in the Headquarters Library, United States Postal Service, 474 L'Enfant Plaza, West, SW., Washington, D.C. 20260.

(3) *Administrative Manuals and Instructions to Staff.* The manuals, instructions, and other publications of the Postal Service that affect members of the public are available through the Headquarters Library, United States Postal Service, Washington, D.C. 20260, and at many post offices and other postal facilities. Those which are available to the public but are not listed for sale may be inspected in the Library or at any postal facility which maintains a copy. Copies of publications which are not listed as for sale or as available free of charge may be obtained by paying a fee in accordance with § 265.8 below.

(4) *Public index.* (i) A public index is maintained in the Headquarters Library of all final opinions and orders made by the Postal Service in the adjudication of cases, Postal Service policy statements which may be relied on as precedents in the disposition of cases, and administrative staff manuals and instructions that affect the public.

(ii) The index mainly contains matters issued after July 4, 1967. However, the Postal Service may include prior matters.

(iii) Any person may arrange for the inspection of any matter in the public index in accordance with the procedures of § 265.7.

(iv) Copies of the public index and of matters listed in the public index may be purchased through the Headquarters Library upon payment of fees as listed in the index or as provided in § 265.8.

(b) *Records not subject to mandatory public disclosure.* Certain classes of records are exempt from mandatory disclosure under exemptions contained in the Freedom of Information Act and in section 410(c) of Title 39, United States Code. The Postal Service will exercise its discretion, in accordance with the policy stated in § 265.2, as implemented by instructions issued by the Records Officer with the approval of the General Counsel in determining whether the public interest is served by the inspection or copying of records that are:

(1) Related solely to the internal personnel rules and practices of the Postal Service.

(2) Trade secrets, or privileged or confidential commercial or financial information, obtained from any person.

(3) Information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed. This class includes, but is not limited to:

(i) Information pertaining to methods of handling valuable registered mail.

(ii) Records of money orders, except as provided in Chapter 1 of the Postal Service Manual.

(iii) Technical information concerning postage meters and prototypes submitted for Postal Service approval prior to leasing to mailers.

(iv) Reports of market surveys conducted by or under contract in behalf of the Postal Service.

(v) Records compiled within the Postal Service which would be of potential benefit to persons or firms in economic competition with the Postal Service.

(vi) Information which, if publicly disclosed, could materially increase procurement costs.

(4) Interagency or internal memoranda or letters that would not be available by law to a private party in litigation with the Postal Service.

(5) Reports and memoranda of consultants or independent contractors, except to the extent they would be required to be disclosed if prepared within the Postal Service.

(6) Files personal in nature, including medical and personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Information prepared for use in connection with proceedings under Chapter 36 of Title 39, United States Code, relating to rate, classification, and service changes.

(8) Information prepared for use in connection with the negotiation of collective bargaining agreements under Chapter 12 of Title 39, United States Code, or minutes of, or notes kept during, negotiating sessions conducted under such chapter.

(9) Other matter specifically exempted from disclosure by statute.

(c) *Investigatory records.* (1) Investigatory files compiled for law enforcement purposes, whether or not considered closed, are exempt by statute from mandatory disclosure except to the extent otherwise available by law to a party other than the Postal Service, 39 U.S.C. 410(c)(6). As a matter of policy, however, the Postal Service will normally make investigatory records available upon request unless the production of these records would:

(i) Interfere with enforcement proceedings,

(ii) Deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Constitute an unwarranted invasion of personal privacy,

(iv) Disclose the identity of a confidential source, and, in the case of a record compiled by the Postal inspection Service in the course of a criminal investigation or of a lawful national security intelligence investigation, confidential information furnished only by the confidential source,

(v) Disclose investigative techniques and procedures, or

(vi) Endanger the life or physical safety of law enforcement personnel.

(2) Authority to disclose investigatory records to persons outside the Postal Service must be obtained from the Chief Postal Inspector, United States Postal Service, Washington, D.C. 20260, or his designee.

(d) *Disclosure of names and addresses of customers.* The addresses of postal customers will be made available only in accordance with the following:

(1) The new address of any specific customer who has filed a change of address order will be furnished to any person upon payment of the fee prescribed in paragraph (d)(3) of § 265.8.

(2) The name and address of the holder of a bulk mail permit, permit imprint or similar permit, or postage meter permit, and the name of any person applying for a permit in behalf of a holder, will be furnished to any person upon the payment of any fees authorized by § 265.8.

(3) The recorded post office box address of a customer whose mail is redirected to a post office box will be furnished to any person upon payment of the fee prescribed in paragraph (d)(3) of § 265.8.

(4) The business name and address of the holder of a post office box being used for the purpose of doing or soliciting business with the public, and any person applying for a box in behalf of a holder, will be furnished to any person without charge. The postmaster may furnish this information when he is satisfied from the entries appearing on Form 1093, Application for Post Office Box, or from evidence furnished by the requestor, such as an advertising circular, that a box is being used for such a business purpose. When the postmaster is unable to determine whether a business use is involved, he shall refer the request to Regional Counsel for advice.

(5) Except as provided in (d)(4) above, the name or address of the boxholder will be furnished only to:

(i) A Federal, State, or local government agency upon prior written certification that the information is required for the performance of its duties,

(ii) A person empowered by law to serve legal process upon prior written certification that the information is required to effect service, or

(iii) In compliance with a subpoena or other court order.

(6) The mailing address of any customer sought in connection with jury service, if known, will be furnished without charge upon prior written request to a court official, such as a judge, court clerk, or jury commissioner.

(7) If the location of a residence or a place of business is known to a Postal Service employee, whether as a result of his official duties or otherwise, he may, but need not, disclose the location or give directions to it. No fee shall be charged for such information.

(e) *Information not available for public disclosure.* (1) The Postal Service and its officers and employees shall not make available to the public by any means or for any purpose any mailing list or other list of names or addresses (past or present) of postal patrons or other persons.

(2) Records or other documents which are classified or otherwise specifically authorized by Executive Order to be kept secret in the interest of the national defense or foreign policy are not subject to disclosure pursuant to this part.

(3) Records consisting of trade secrets or confidential financial data, the disclosure of which is prohibited by section 1905 of Title 18, United States Code, are not subject to disclosure pursuant to this part.

(4) Other records, the disclosure of which is prohibited by statute, are not subject to disclosure pursuant to this part.

(f) *Protection of the right of privacy.* If any record required or permitted by this part to be disclosed contains the name of, or other identifying details concerning, any person, including an employee of the Postal Service, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, the name or other identifying details shall be deleted before the record is disclosed. A notice such as, "The names of individuals and other identifying details have been deleted to prevent an unwarranted invasion of the personal privacy of the individuals involved" shall be placed on any record from which this material has been deleted.

(g) *Disclosure in part of otherwise exempt record.* Any reasonably segregable portion of a record shall be provided after deleting the information which is neither subject to mandatory disclosure nor available as a matter of discretion.

§ 265.7 Procedure for inspection and copying of records.

(a) *Submission of requests.* (1) *Form and content of request.* To permit expeditious handling and timely response in accordance with the provisions of this part, a request to inspect or to obtain a copy of an identifiable Postal Service record shall be in writing and bear the caption "Freedom of Information Act Request" or otherwise be clearly and prominently identified as a request for records pursuant to the Freedom of Information Act. Form 1478 Freedom of Information Request may be used for this purpose. If submitted by mail or otherwise submitted in an envelope or other cover, a request shall be clearly and prominently identified as such on the envelope or other cover. Other requests for information will be considered informal requests and will be handled as expeditiously as practicable but not necessarily within the time limitations set forth in § 265.7(b). An informal request will be granted or denied according to the substantive rules in § 265.6, if found to be a request for a record. A Freedom of Information Act request shall identify the record sought as completely as possible, by name, description, or subject matter, and be sufficient to permit the custodian to locate it with a reasonable amount of effort. The request may state the maximum amount of fees for which the requester is willing to accept liability without prior notice. See paragraph (e)(2) § 265.8. If no amount is stated the requester will be deemed willing to accept liability for fees not to exceed $10.00.

(2) *To whom submitted.* A request shall be submitted to the custodian of the requested record. If the location of the record is not known, inquiry should be directed to the Records Officer, Management Information Systems Department, United States Postal Service, Washington, D.C. 20260, telephone (202) 245-4000. If a request is submitted to a facility other than that at which the record is maintained, it shall be promptly transmitted to the appropriate custodian with a copy of the transmittal furnished to the requester. A request which is not initially submitted to the appropriate custodian shall be deemed to have been received by the Postal Service for purposes of computing the time for response is accordance with § 265.7(b) at the time that it is actually received by the appropriate custodian. If a request seeks records maintained at two or more facilities, the custodian shall be deemed to be the next senior common supervisor of the heads of the facilities, e.g., sectional center manager, district manager, Regional Postmaster General.

(3) *Reasons for request.* In view of the possibility that some or all of the records may be exempt from mandatory disclosure, the requestor may state any reasons why the record should nevertheless be made available to him even if exempt.

(4) *Request for waiver of fees.* The requestor may ask that fees, the advance payment of fees, or the advance deposit of estimated fees be waived in whole or in part and may state any reasons in support thereof. See § 265.8(e)(6).

(5) *Categorical requests.* A request for all or substantially all of the records within a specific category will be deemed a reasonable description of those records only if it is possible, without further information, to determine which particular records are sought. See para. (b)(3) of § 265.7 concerning the providing of additional information.

(6) *Request for records located at numerous facilities.* A request for records which are, or may be, located at all or a substantial number of post offices or other postal facilities will be deemed to be a reasonable description only of such of those records as are maintained at the post office or other facility to which the request is submitted, and of those records maintained at any other post offices or facilities specifically identified in the request. See paragraph (a)(2) of this section concerning the custodian of records of two or more facilities.

(b) *Responsibilities of the custodian.* (1) The custodian of the requested record is the person responsible for determining whether to comply with or to deny the request. A custodian who is not an Officer as defined in § 221.7, however, should not deny a request, until he has obtained the advice of Regional Counsel. If denial of a request appears necessary the custodian should seek advice as soon as possible after receipt of the request so as to provide adequate time for legal review.

(2) The custodian shall make his determination within ten working days, i.e., exclusive of Saturdays, Sundays, and holidays, of receiving the request, and more rapidly if feasible. The custodian and the requester may, by mutual agreement, preferably in writing establish a different response period from those provided in paragraph (a) of this section.

(3) If a requested record cannot be located from the information supplied, the requester should be given an opportunity to supply additional information and, if feasible, to confer with the custodian or his representative, in an attempt to provide a reasonable description of the records sought. If additional information is furnished, the request will be deemed to have been received by the

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custodian when sufficient additional information to identify and locate the record with a reasonable amount of effort has been received.

(4) The ten working day response period allowed above may be extended by the custodian, after consultation with or with the General Counsel if the custodian is at Headquarters, Regional Counsel, for a period not to exceed an additional ten working days when, and to the extent, reasonably necessary to permit the proper processing of a particular request, under one or more of the following unusual circumstances:

(i) The request requires a search for and collection of records from a facility other than that processing the request;

(ii) The request requires the search for, and collection and appropriate examination of, a voluminous amount of separate and distinct records; or

(iii) The request requires consultation (A) with another agency having a substantial interest in the determination of whether to comply with the request or (B) among two or more components of the Postal Service having substantial subject matter interest in the determination of whether to comply with the request.

(5) When the custodian finds that the additional time is required, he shall acknowledge the request in writing within the initial ten day response period, state the reason for the delay, and indicate the date on which a decision as to disclosure is expected.

(6) If the custodian has been unable to comply with the applicable time limit provisions of this section, in spite of the exercise of due diligence, he shall nonetheless make a determination as promptly as possible. He shall notify the requester of the exceptional circumstances preventing timely compliance and of the date by which it is expected that the determination will be made. A copy of this notification shall be sent to the General Counsel, U.S. Postal Service, Washington, D.C. 20260.

(7) If a requested record is known to have been destroyed, disposed of, or otherwise not to exist, the requester shall be so notified.

(c) *Compliance with request upon affirmative determination by custodian.* (1) When a requested record has been identified and is to be disclosed in whole or in part, the custodian shall ensure that the record is made available promptly and shall immediately notify the requester where and when and upon what reasonable conditions, if any, including the payment of fees, the record will be available for inspection or copies will be available. Postal Service records will normally be available for inspection and copying during regular business hours at the postal facilities at which they are maintained. The custodian may, however, designate other reasonable locations and times for inspection and copying of some or all of the records within his custody.

(2) Any fees, authorized or required by § 265.8 shall be paid by the requester before the record is made available or a copy is furnished unless payment is waived or deferred pursuant to § 265.8 (e). See also para. (e) (2) of § 265/8 concerning advance notice of fees.

(3) A custodian complying with a request may designate a representative to monitor any inspection or copying.

(d) *Denial of request.* (1) A reply denying a request in whole or in part shall be in writing, signed by the custodian or his designee, and shall include:

(i) A statement of the reason for, or justification of, the denial, e.g., the nonexistence of the record, including, if applicable, a reference to the provision or provisions of § 265.6 authorizing the withholding of the record and a brief explanation of how each provision applies to the records requested;

(ii) The name and title or position of the person responsible for the denial of the request (see paragraph (d) (2) of § 265.7); and

(iii) A statement of the right to appeal and of the appeal procedure within the Postal Service (described in § 265.7 (e)).

(2) The custodian is ordinarily the person responsible for the denial of the request. If the denial of a particular request has been directed by higher authority, however, the name and title or position of the person directing the denial shall be given in the reply to the requester in place of the custodian as the person responsible for the denial, and a copy of the denial shall be sent to that person.

(e) *Appeal procedure.* (1) If a request to inspect or to copy a record is denied, in whole or in part, if no determination is made within the period prescribed by this section, or if a request for waiver of fees is not granted, the requester may appeal to the General Counsel, U.S. Postal Service, Washington, D.C. 20260.

(2) The requester shall submit his appeal in writing within 30 days of the date of the denial or of the other action complained of, or within a reasonable time if the appeal is from a failure of the custodian to act. The General Counsel may, in his discretion, consider late appeals.

(3) In the event of the denial of a request or of other action or failure to act on the part of a custodian from which no appeal is taken, the General Counsel may, if he considers that there is doubt as to the correctness of the custodian's action or failure to act, review the action or failure to act as though an appeal pursuant to this section had been taken.

(4) A letter of appeal should include, as applicable:

(i) A copy of the request, of any notification of denial or other action, and of any other related correspondence;

(ii) A statement of the action, or failure to act, from which the appeal is taken;

(iii) A statement of the reasons why the requester believes the action or failure to act is erroneous; and

(iv) A statement of the relief sought.

(f) *Action on appeals.* (1) The decision of the General Counsel or his designee constitutes the final decision of the Postal Service on the right of the requester to inspect or copy a record. The decision will normally be made within twenty working days from the time of the receipt by the General Counsel. The 20 day response period may be extended by the General Counsel or his designee for a period not to exceed an additional ten working days when reasonably necessary to permit the proper consideration of an appeal, under one or more of the unusual circumstances set forth in paragraph (b) (4) of § 265.7 above. The aggregate number of additional working days utilized pursuant to this paragraph (f) (1) and paragraph (b) of § 265.7, however, may not exceed ten.

(2) The decision on the appeal shall be in writing. If the decision sustains a denial of a record, in whole or in part, it shall state the justification therefor and shall specify any exemption or exemptions relied on and the manner in which they apply to the record withheld, and shall inform the requester of his right to judicial review. An indexed file of decisions on appeals shall be maintained by the General Counsel and be made available to the public.

(3) If not prohibited by or under law, the General Counsel or his designee may direct the disclosure of a record even though its disclosure is not required by law or regulation.

§ 265.8 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit the furnishing of records to members of the public while covering the direct costs incurred by the Postal Service.

(b) *Record retrieval.* (1) The fee for each quarter hour spent by clerical personnel in searching for records other than by computer is $2.00. If no more than one quarter hour of clerical search time is required in connection with a request or a series of related requests, no charge for search time shall be made.

(2) When a search cannot be performed by clerical personnel and must be performed by professional or managerial personnel, the fee for each quarter hour in searching for records other than by computer is $2.75 for each quarter hour.

(3) The fee for retrieving data by computer is the actual cost of the retrieval as calculated in accordance with the Information Services Price List in effect at the time that the retrieval services are performed. The list is subject to periodic revision. A copy of the list is included within the public index. (See Appendix A for the list in effect on February 19, 1975.)

(4) Paragraphs (b) (1), (b) (2), and (c) of this section also apply to information stored within micrographic systems.

(c) *Reproduction.* (1) The fee for reproducing any record or publication,

other than a change of address order, is $.10 per page. The reproduction fee is in addition to any fee authorized by paragraph (b) of this section for the retrieval of the same records.

(2) The Postal Service may at its discretion make coin-operated copy machines available at any location or otherwise give the requester the opportunity to make copies of Postal Service records at his own expense. Unless authorized by the Records Officer, however, no offsite copying shall be permitted of records which, if lost, could not be replaced without inconvenience to the Postal Service.

(3) The Postal Service will normally furnish only one copy of any record. If duplicate copies are furnished at the request of the requester, the per-page fee shall be charged for each copy of each page. At his discretion, when it is reasonably necessary because of a lack of adequate copying facilities or other circumstances, the custodian may make the requested record available to the requester for inspection under reasonable conditions and need not furnish a copy thereof.

(d) *Other costs.* (1) *Publications.* Publications and other printed materials may, to the extent that they are available in sufficient quantity, be made available at the established price, if any, or at cost to the Postal Service.

(2) *Other charges.* When a response to a request requires services or materials other than the common ones listed in paragraphs (b) and (c) of this section, the direct cost of such services or materials to the Postal Service may be charged, but only if the requester has been notified of the nature and estimated amount of such cost before it is incurred.

(3) *Change of address orders.* Although change of address information is not required by the Freedom of Information Act to be made available to the public, the fee for obtaining this information in accordance with § 265.641 is included in this section as a matter of convenience to the public. The fee for searching for and reproducing change of address orders is $1.00 per change of address. The fee is not refundable.

(e) *Payment and Waiver of Fees.* (1) *Liability and payment.* The requester is responsible, subject to limitations on liability provided by this section, for the payment of all fees for services resulting from his request, whether or not any of the requested records are made available to him. Payment shall be made before any record is made available or any copy is furnished unless payment is waived or deferred pursuant to paragraph (e) (4)–(5) of this section. Checks in payment of fees shall be made payable to "United States Postal Service."

(2) *Advance notice.* To protect members of the public from unwittingly incurring liability for unexpectedly large fees, a request that is expected to result in fees in excess of $10.00 will be deemed not to have been received until the requester is notified of the estimated cost and agrees to bear it. The notification shall be transmitted as soon as possible after physical receipt of the request, but in any event within five working days, giving the best estimate then available. It shall include a brief explanatory statement of the nature and extent of the services upon which the estimate is based and shall offer the requester an opportunity to confer with the custodian or his representative in an attempt to reformulate the request so as to meet his needs at lower cost. No notification is required if the request specifically states that whatever cost is involved is acceptable or is acceptable up to a specified amount that covers estimated costs or if payment of all fees in excess of $10.00 has been waived.

(3) *Advance deposits.* When it is estimated that the fees chargeable under this section will amount to more than $100.00, an advance deposit of not less than 50 percent of estimated fees shall be required, unless the payment of fees in excess of $100.00 has been waived. The deposit should be made within 5 working days of receipt by the requester of notice of the requirement. The determination of the availability of the records sought by the requester shall not be delayed to await this deposit, if such determination will involve search charges of less than $25.00. In other cases, however, the determination of the availability of the records shall be delayed to await the deposit and the request will not be deemed to have been received until the deposit is received.

(4) *Waiver of fees where records are not disclosed.* Ordinarily, fees shall not be charged if the requested records are not found, or if all of the records located are withheld as exempt. However, search fees may be charged if the time spent in searching for the requested record warrants charges in excess of $25.00 and the requester was notified of the estimated cost, either pursuant to paragraph (e) (2) of this section or in a separate notification, and of the fact that it could not be determined in advance whether any records would be made available and that he might be responsible for search fees even though no records are made available, unless the requester promptly withdraws or modifies his request upon receipt of such notification.

(5) *Fees not charged for certain services.* Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3.00. This general waiver shall not apply to the fee for providing change of address information.

(6) *Waiver of fees by custodian.* The custodian may waive, in whole or in part, a fee not in excess of $25.00 or the requirement for the advance payment of such a fee, when he determines, in accordance with guidelines established by the Records Officer, that the furnishing of the records is primarily for the benefit of the general public, or that charging the fee otherwise required would impose an undue hardship or inconvenience on the requester. If the custodian determines that waiver is appropriate, but the amount of the fee or the deposit is in excess of his authority to waive, he shall promptly submit a recommendation for such a waiver to the Officer exercising jurisdiction over his post office or facility or to the General Counsel. Until the Officer has acted on the recommendation, the custodian shall require any advance deposit or advance payment otherwise warranted by this section to be made but shall inform the requester that waiver is under consideration and may defer any action requiring deposit or payment, if desired by the requester, until waiver has been granted or denied.

(7) *Waiver by officer.* Any Officer of the Postal Service, as defined in § 221.7 or his designee, may waive in whole or in part any fee required by this part or the requirement for advance payment or advance deposit of any fee.

(8) *Waiver of fee for changes of address.* The fee prescribed by paragraph (d) of this section is waived in the following circumstances for providing change of address information for:

(i) Telegraph companies when the sender of the telegram is the U.S. Government.

(ii) Federal, state, and local public health officials when the persons being sought are infected with or exposed to contagious diseases.

(iii) Federal, state, and local government agencies, upon certification that the change of address is required for the performance of their duties, and all other known sources for obtaining the change of address have been exhausted. This waiver does not apply to fees for services performed in accordance with § 122.5 of the PSM.

(iv) Postage meter manufacturers when they are attempting to locate a missing meter.

(f) *Accounting for fees.* Custodians shall account for fees paid in accordance with this section as follows:

(1) *Deposit fees received as postal funds.* Record the amounts collected as write-in entries to A/C 49299, Miscellaneous, Other than U.S. Government Agencies, in the cashbook and statement of account. Record the manner paid, the amount received, and the number of hours used to compile lists or prepare copies of other records released on the request for this information. Attach written replies to the customer's request stating the number of hours required to prepare information and the amount to be charged in lieu of the above notation. File materials chronologically.

(2) Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in paragraph (b) (3) of this section, plus the fees covered in paragraphs (b) (1) and (2), (c) and (d) of this section will enter the fees in A/C 40990, Miscellaneous; ADPC complexes will enter in A/C 49299, Miscellaneous, Other than U.S. Government Agencies. Other

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installations will enter all fees deposited in A/C 40990.

§ 265.9 Annual reports.

A report concerning the administration of the Freedom of Information Act and this part for the preceding calendar year is to be submitted to the Congress by March 1 of each year. To permit the timely compilation and submission of this annual report, each custodian shall submit to the Records Officer a report of each request received pursuant to § 265.7 (a) (1) immediately following the custodian's action on it. The Records Officer shall prescribe the form and content of the report and may vary the time for the submission of reports by individual custodians to avoid undue duplication or frequency of submissions.

§ 265.10 Compliance with subpoena duces tecum court orders and summonses.

(a) *Compliance with subpoena duces tecum.* (1) Except as required by Part 262, produce other records of the Postal Service only in compliance with a subpoena duces tecum or appropriate court order.

(2) Time, leave, and payroll records of postal employees are subject to production when a subpoena duces tecum or appropriate court order has been properly served. The custodian of the records may designate a postal employee to present the records. The presentation by a designee rather than the employee named in the subpoena or court order must meet with the approval of the attorneys for each side. In addition, such records may be released if authorized in writing by the employee.

(3) If the subpoena involves a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Requests for authorization to produce these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, DC 20210. Also notify the attorney responsible for the issuance of the subpoena or court order.

(4) Employee medical records are primarily under the exclusive jurisdiction of the U.S. Civil Service Commission. The Commission has delegated authority to the Postal Service and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria:

(i) Except in response to a subpoena or court order, do not release any medical information about an employee to any non-Federal entity or individual without authorization from the employee.

(ii) With authorization from the employee, the Regional Postmasters General, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

(*a*) If, in the opinion of a Federal medical officer, the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, do not release the medical information to the employee or to any individual designated by him, except to a physician, designated by the employee in writing. If a subpoena or court order was issued, the responding official shall caution the moving party as to the possible dangers involved if the medical information is divulged.

(*b*) If, in the opinion of a Federal medical officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person of the exact nature and probable outcome of his condition, release it in response to a subpoena or court order, or to the employee or to any person, firm, or organization he authorizes in writing.

(c) If a Federal medical officer is not available, refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(5) Do not release any records containing information as to the employee's security or loyalty.

(6) Honor subpoenas or court orders only when disclosure is authorized.

(7) When authorized to comply with a subpoena duces tecum, do not leave the original records with the court.

(b) *Compliance with summons.* (1) Comply with a summons requiring an appearance in court. Do not testify as to any matters for which an exemption under § 261.2(c) may be claimed. Call the Regional Counsel for instructions relating to exemptions.

(2) Do not present inspectors' reports or inspection Service records in either State or Federal courts in which the United States is not a party in interest, unless authorized by the Regional Chief Inspector, who will make a decision after consulting with Regional Counsel. If an attempt is made to compel the production of matters, decline to produce the information or matter, and state it may be exempted and cannot be disclosed or produced without specific approval of the Regional Chief Inspector, who will make a decision after consulting with Regional Counsel. The Postal Service will offer every possible assistance to the courts, but the questions of disclosing information for which an exemption may be claimed is a matter of discretion.

APPENDIX A

INFORMATION SERVICES PRICE LIST IN EFFECT FEBRUARY 19, 1975

System utilization charges:	
Processor utilization S/360 Model 65	$150.00/process hour.
Selector channel utilization	52.40/channel hour.
Multiplexor channel utilization	18.52/channel hour.
System occupancy charges:	
Processor storage	.53/K/occupancy hour.
Extended core storage	.24/K/occupancy hour.
2314 Disk	22.38/occupancy hour.
2400 Tape drive	14.50/occupancy hour.
1288 Scanner	48.44/occupancy hour.
3330 Disk	9.12/occupancy hour.
System spooling charges:	
Local card reading	.17/1,000 cards.
Remote card reading	.17/1,000 cards.
Local printing	.20/1,000 lines.
Remote printing	.20/1,000 lines.
Local punching	.51/1,000 cards.
Remote punching	.51/1,000 cards.
Peripheral charges:	
H-1200 Processing	67.25 hours.
Keypunch	3.80 100 cards.
Programming support	19.60 hours.
Programming support O/T	29.40 hours.
Systems analysis support	22.50 hours.
Systems analysis support O/T	33.75 hours.
Data transmission	46.00 hours.
Special forms, 1 part	0.015 per page.
Special forms, 2 part	0.025 per page.
Special forms, 3 part	0.0300 per page.
Special forms, 4 part	0.0400 per page.
Special forms, 6 part	0.0500 per page.
Special forms, multilith	0.0600 per page.
Statistical services and support:	
Statistical system design and development	$31.00 hour.
System maintenance and operation	31.00 hour.
Special statistical projects	31.00 hour.
Model development and analysis	31.00 hour.
Management science or services	31.00 hour.
System implementation	31.00 hour.

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Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Freedom of Information Act Regulations

On November 21, 1974, Pub. L. 93-502 was enacted. This law, referred to as the 1974 Amendments to the Freedom of Information Act, amended 5 U.S.C. 552. It is necessary for the Comptroller of the Currency to amend §§ 4.16 and 4.17 of Part 4 of 12 CFR and add a new § 4.17a to Part 4 of 12 CFR to bring the regulation into conformity with 5 U.S.C. 552 as amended by Pub. L. 93-502.

These amendments are issued under authority of the national banking law (12 U.S.C. 1 et seq.) and 5 U.S.C. 552. Since the amendments add information to and clarify the regulation setting out the availability of public information, and the procedures to acquire access to records, notice and public procedure are found to be unnecessary and not in the public interest. Accordingly, the amendments will become effective upon publication.

In 12 CFR Part 4, § 4.16 is revised to read as follows:

§ 4.16 Other records available to public; exceptions.

(a) In addition to the records referred to in § 4.15 of this part, all other records of the Comptroller of the Currency are available to any person for inspection and copying in accordance with §§ 4.17 and 4.17a, except as provided in paragraph (b) of this section.

(b) Except as specifically authorized by the Comptroller of the Currency, the following records, or portions thereof, are not available to the public:

(1) A record, or portion thereof, which is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and which is, in fact, properly classified pursuant to such Executive order.

(2) A record, or portion thereof, relating solely to the internal personnel rules and practices of an agency.

(3) A record, or portion thereof, specifically exempted from disclosure by statute.

(4) A record, or portion thereof, which is privileged or contains trade secrets and commercial or financial information which relates to the business, personal, or financial affairs of any person and is furnished in confidence.

(5) An intra-agency or interagency memorandum or letter that would not be routinely available by law to a private party in litigation, including, but not limited to, memoranda, reports, and other documents prepared by the personnel of the Comptroller of the Currency and records of deliberations and discussions at meetings of the personnel of the Comptroller of the Currency.

(6) A personnel, medical, or similar record, including a financial record, or any portion thereof, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory records compiled for law enforcement purposes, including investigatory records relating to a proceeding for the issuance of a cease and desist order or order of suspension or removal under the Financial Institutions Supervisory Act of 1966, and the granting, withholding, or revocation of any approval, permission, or authority, but only to the extent that the production of such records would (i) interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

(8) A record, or portion thereof, containing or relating to an examination, operating, or condition report prepared by, or on behalf of, or for the use of, the Comptroller of the Currency or any other agency responsible for the regulation or supervision of financial institutions, relating to the affairs of any bank or affiliate thereof, bank holding company or subsidiary, broker, finance company, or any other person engaged, or proposing to engage, in the business of banking, extending credit, or managing or controlling banks.

(9) A record, or portion thereof, which contains or is related to geological and geophysical information and data, including maps, concerning wells.

(c) Even if an exemption described in paragraph (b) of this section may be reasonably applicable to a requested record, or portion thereof, the Comptroller of the Currency may elect under the circumstances of any particular request not to apply the exemption to such requested record, or portion thereof. The fact that the exemption is not applied by the Comptroller of the Currency to any requested record, or portion thereof, has no precedential significance as to the application or nonapplication of the exemption to any other requested record, or portion thereof, no matter when the request is received.

(d) Reasonably segregable portions of a record shall be provided to any person properly requesting such record in accordance with §§ 4.17 and 4.17a of this Part after deletion of the portions which are exempt under paragraph (b) of this section.

In 12 CFR Part 4, § 4.17 is revised to read as follows:

§ 4.17 Location of public reading rooms, requests for identifiable records; and service of process.

(a) *General.* This section identifies the locations of the public reading rooms at which records of the Comptroller of the Currency are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process, the addresses for delivery of requests, appeals and service of process, and the required content of requests.

(b) *Public reading rooms.* Public reading rooms or public reading areas for the Comptroller of the Currency are maintained at the following locations for the records as stated in paragraph (c) of this section:

(1) *Central office.* (i) *Mailing address.*

Special Assistant for Public Affairs
Comptroller of the Currency
Washington, D.C. 20219

(ii) *Location.*

Sixth Floor
490 L'Enfant Plaza East, SW
Washington, D.C.

(2) *Regional offices.* (i) The mailing address and location for each respective region is the same and is set forth in § 4.1a(b) of this Part.

(c) *Locations of certain records.* All public records of the Comptroller of the Currency, except the public portions of applications by national banking associations to establish a branch or seasonal agency and the public portion of applications to organize a national banking association during the period such applications are in the investigatory process in the respective regions, are available in the central office listed in paragraph (b) (1) of this section. During this investigatory period, the public portions of these applications will be available in the respective regions as listed in § 4.1a(b) of this Part.

(d) *Where to send requests for records.* (1) Initial determinations as to whether to grant requests for (i) Consolidated Reports of Condition (Domestic), (ii) Consolidated Reports of Condition (Foreign and Domestic), (iii) Consolidated Reports of Income, (iv) Annual Reports of Equity Security Holdings for Banks having Trust Powers and Equity Security Holdings of $75 Million or More, or (v) Quarterly Reports of Stock Transactions of Banks Submitting the Report of Equity Security Holdings listed in part (vi) of this subparagraph (1), will be made by the Director of Statistical Division or his delegate. Requests for records listed in this paragraph (d) (1) shall be submitted to:

(i) *Mailing address.*

Director of Statistical Division
Comptroller of the Currency
Washington, D.C. 20219

(ii) *Location.*

Sixth Floor
490 L'Enfant Plaza East, SW
Washington, D.C.

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(2) Initial determinations as to whether to grant requests for all records of the Comptroller of the Currency available under §§ 4.15 and 4.16 of this Part, other than those described in paragraph (d)(1) of this section and other than those described in paragraph (c) of this section as being located in the Regional Offices, will be made by the Special Assistant for Public Affairs or his delegate. Requests for all records, other than those listed in paragraph (d)(1) of this section and other than those described in paragraph (c) of this section as being located in the Regional Offices, shall be submitted to:

(i) *Mailing address.*

Special Assistant for Public Affairs
Comptroller of the Currency
Washington, D.C. 20219

(ii) *Location.*

Sixth Floor
490 L'Enfant Plaza East, SW
Washington, D.C.

(3) Initial determination as to whether to grant requests for records described in paragraph (c) of this section as being located in the Regional Offices shall be made by the Regional Administrator of National Banks for each respective region. All requests for such records shall be submitted to the respective Regional Administrator at the location set forth in § 4.1a(b) of this part.

(e) *Administrative appeal of initial determination to deny records.* Appellate determinations with respect to records of the Comptroller of the Currency will be made by the Comptroller or his delegate. All appeals shall be submitted in writing within 30 days of the initial denial and shall state the circumstances, reasons or arguments advanced for insistence upon disclosure of the requested records, and be submitted to:

(1) *Mailing address.*

Special Assistant for Public Affairs
Comptroller of the Currency
Washington, D.C. 20219

(2) *Location.*

Sixth Floor
490 L'Enfant Plaza East, SW
Washington, D.C.

(f) *Delivery of process.* Service of process will be received by the Chief Counsel, Comptroller of the Currency and shall be delivered to the following location:

(1) *Mailing address.*

Chief Counsel
Comptroller of the Currency
Washington, D.C. 20219

(2) *Location.*

Office of the Chief Counsel
Comptroller of the Currency
Sixth Floor, 490 L'Enfant Plaza, East, SW
Washington, D.C. 20219

(g) *Content of request.* A request for records of the Comptroller of the Currency available under §§ 4.15 and 4.16 of this Part must be in writing and state the full name, address and telephone number of the person requesting access to such records and a reasonable description of the records sought. A reasonable description shall include sufficient detail to enable the personnel of the Comptroller of the Currency who are familiar with the subject area of the request to locate the records with a reasonable amount of effort.

(h) *Fees.* A person requesting access to a record of the Comptroller of the Currency shall pay a fee of $5 for the cost of locating and preparing the record for inspection and copying. Additional fees of ten cents per page will be charged for providing a copy of the record and of $1.25 for each quarter hour spent beyond the first hour in locating, preparing, or copying the record.

In 12 CFR, Part 4 is amended by adding a new § 4.17a reading as follows:

§ 4.17a Request procedures.

(a) *Date of receipt of request or appeal.* (1) A request for records shall be deemed to have been received on the date which;

(i) the requirements of paragraph (g) of § 4.17 of this Part have been satisfied, and

(ii) it is received in the office of the initial determining officer for the request as set out in § 4.17 of this Part; except

(iii) where the provisions of paragraphs (a)(1)(i) and (ii) of this section are satisfied, but the requester has asked the Comptroller of the Currency to submit a notice of anticipated fees, in which case the date of receipt of the request shall be deemed to be the date a response in writing stating that the anticipated fees are acceptable to the requester is received in the office of the initial determining officer for the request as set out in § 4.17 of this part, or

(iv) where the provisions of subparagraph (1)(i) and (ii) of this paragraph (a) are satisfied and a request for an agreement to pay the anticipated fees or deposit is required by the Comptroller of the Currency, and the requester is notified of such requirement, the date of receipt of the request shall be deemed to be the date the affirmative response agreeing to pay the anticipated fees or the amount of the requested deposit is received in the office of the initial determining officer for the request.

(2) An appeal of a denial of a request for records, or a portion thereof, which request was deemed received by reason of satisfying the requirements of subparagraph (1) of this paragraph (a) shall be deemed received when the requirements of paragraph (e) of § 4.17 of this part have been satisfied and the appeal is received in the office designated in paragraph (e) of § 4.17 of this part.

(b) *Initial determination.* Initial determinations as to whether to grant a request for records will be made by the initial determining officer for the request as set out in § 4.17 of this part.

(1) *If request is granted.* When a request for access to records is granted, in whole or in part, a copy of the records made available pursuant to the request shall promptly be delivered to the requester or made available for his inspection, whichever was requested. Records will be made available for inspection, or for duplication when copies of records are requested to be delivered, at such reasonable and proper times as not to interfere with their use by the Comptroller of the Currency or to exclude other persons from making inspections. Reasonable limits may be placed on the number of records which may be inspected by a person on any given date.

(2) *If request is denied.* When a request for access to records is denied, in whole or in part, the requester shall be notified by mail. The notification shall contain a brief statement of the reasons for the denial, set forth the name and title or position of the official making the decision, and advise the requester of his right to an administrative appeal in accordance with § 4.17 of this part.

(c) *Determination of appeals.* (1) *If an appeal is granted.* When an administrative appeal is granted, in whole or in part, the request shall be treated as if it were originally granted, in whole or in part, by the initial determining officer and the provisions of paragraph (b)(1) of this section shall apply.

(2) *If appeal is denied.* If an administrative appeal is denied, in whole or in part, the requester shall be notified by mail. Such notification shall contain a brief statement of the reasons for the denial, set forth the name and title or position of the official making the decision and advise the requester-appellant of his right to judicial review of the denial under 5 U.S.C. 552(a)(4).

(d) *Time limits.* (1) The initial determination to grant or deny a request for records shall be made and notification shall be mailed within ten (10) days (excepting Saturdays, Sundays and legal holidays) after the date the request is deemed received pursuant to paragraph (a) of this section, except as stated in paragraph (d)(3) of this section.

(2) The determination to grant or deny an administrative appeal shall be made and notification shall be mailed within twenty (20) days (excepting Saturdays, Sundays and legal holidays) after the date the appeal is deemed received pursuant to paragraph (a) of this section, except as stated in subparagraph (3) of this paragraph (d).

(3) *Time extensions by administrative action.* The time limitations set forth in paragraphs (d)(1) and (2) of this section may be extended in unusual circumstances for a maximum of ten (10) days by written notice to the person making the request or appeal. Such notification shall contain the reasons for such extension and the date on which the determination is expected to be dispatched. As used in this subparagraph (3), "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request or appeal,

(i) The need to search for and collect the requested records from field facilities or other buildings that are separate from the building in which the office

of the official to whom the request or appeal is made is located,

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request or appeal, or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Comptroller of the Currency having substantial subject matter interest therein, other than consultation with the legal staff, the public affairs staff or with the Department of Justice.

(4) *Time extension by agreement.* A requester may agree to an extension of the time limits specified in paragraphs (d)(i) and (ii) of this section. In event of such an agreement, the respective specified time limit shall not be considered as having expired until the period of the extension of time agreed to by the requester has expired.

(5) *Time extension by judicial action.* If a suit is properly instituted against the Comptroller of the Currency by a requester, the court may, pursuant to 5 U.S.C. 552(a)(6)(c), allow the Comptroller of the Currency additional time to complete the review of the records requested.

Effective date. These amendments are effective February 19, 1975.

Dated: February 14, 1975.

THOMAS G. DESHAZO,
Acting Comptroller of the Currency.

[FR Doc.75-4673 Filed 2-18-75;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 602—RELEASING INFORMATION

Freedom of Information Act Regulations

The Farm Credit Administration publishes herewith amendments to its regulations in order to conform them to the requirements of the Freedom of Information Act as amended by Pub. L. 93-502, 88 Stat. 561. These amendments (1) clarify which records are exempted from disclosure, (2) determine that the publication of an index of records available for public inspection and copying is unnecessary and impracticable, (3) prescribe time limits for responses to requests, (4) prescribe a time limit within which an appeal must be taken, and (5) revise the uniform schedule of fees which may be charged for requested records. These amendments make extensive revisions in regulations pertaining to the Freedom of Information Act. Therefore, for convenience of the public, all of such regulations of the Farm Credit Administration are included in this publication.

On January 14, 1975, the Farm Credit Administration published in the FEDERAL REGISTER (40 FR 2590) a proposed revision of the uniform schedule of fees, and stated that prior to final adoption consideration would be given to any written comments received no later than February 14, 1975. No comments have been received.

As to the amendment pertaining to the uniform fee schedule, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) and the Freedom of Information Act (5 U.S.C. 552(a)(4)(A)) for public participation, and delay in effective date have been followed. Because the remaining regulation amendments pertain to matters of procedure and policy and are necessary to achieve compliance with the amendments to the Freedom of Information Act which become effective on February 19, 1975, such relevant provisions of the Administrative Procedure Act are inapplicable. Accordingly, the amendments published herewith become effective on February 19, 1975.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising Subpart B of Part 602 to read as follows:

PART 602—RELEASING INFORMATION

* * * * * *

Subpart B—Availability of Records of the Farm Credit Administration

Sec.
602.250 Official records of the Farm Credit Administration.
602.251 Current index.
602.255 Identification of records requested.
602.260 Request for records.
602.261 Response to requests for records.
602.265 Fees for provision of records.

* * * * * *

Subpart B—Availability of Records of the Farm Credit Administration

§ 602.250 Official records of the Farm Credit Administration.

(a) The Farm Credit Administration shall, upon any request for records which reasonably describes them and is made in accordance with the provisions of this Subpart B, make the records available as promptly as is practicable to any person, except exempt records which include the following:

(1) Records specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order;

(2) Records related solely to the internal personnel rules and practices of the Farm Credit Administration, including matters which are for the guidance of agency personnel;

(3) Records which are specifically exempted from disclosure by statute;

(4) Commercial or financial information obtained from any person or organization and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation in which the United States, as real party in interest on behalf of the Farm Credit Administration, is a party, or from a bank or association supervised by the Farm Credit Administration to a private party in litigation with such bank or association if such memorandums or letters are records of such bank or association;

(6) Personnel and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

§ 602.251 Current index.

The Farm Credit Administration will make available for public inspection and copying a current index to provide identifying information as to any matter required by 5 U.S.C. 552(a)(2)(C) to be made available or published in the FEDERAL REGISTER. Because of the infrequent requests in the past for material required to be indexed, it is determined that the publication of the index in the FEDERAL REGISTER is unnecessary and impractical. However, the Farm Credit Administration will provide a copy of such index to a member of the public upon request therefor at a cost not in excess of the direct cost of duplication.

§ 602.255 Identification of records requested.

A member of the public who requests records from the Farm Credit Administration shall provide a reasonable description of the records sought including, where possible, specific information as to dates, titles, and subject matter, so that such records may be located without undue search or inquiry. If a record is not identified by a reasonable description, the request therefor may be denied.

§ 602.260 Request for records.

Requests for records, other than records identified in § 602.265(a) which are available in a public reference facility in the offices of the Farm Credit Administration, shall be in writing, in an envelope clearly marked "FOIA Request," and addressed to the Director of Information, Office of Administration, Farm Credit

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Administration, Washington, D.C. 20578. A request improperly addressed will be deemed not to have been received for purposes of the ten-day time period set forth in § 602.261(a) until it is received, or would have been received with the exercise of due diligence by Agency personnel, in the Office of the Director of Information. Records requested in conformance with this Subpart B and which are not exempt records may be received in person or by mail as specified in the request. Records to be received in person will be available for inspection or copying during business hours on a regular business day in the public reference facility in the offices of the Farm Credit Administration which are located in Suite 4000, 490 L'Enfant Plaza East SW, Washington, D.C. 20578.

§ 602.261 Response to requests for records.

(a) Within ten days (excluding Saturdays, Sundays, and legal public holidays), or any extension thereof as provided in paragraph (d) of this section, of the receipt of a request in the office of the Director of Information, the Director shall determine whether to comply with or to deny such request and place a notice thereof in writing in the mails addressed to the requester.

(b) Within thirty days of the receipt of a notice denying, in whole or in part, a request for records, the requester may appeal the denial. The appeal shall be in writing addressed to the Deputy Governor, Office of Administration, Farm Credit Administration, and both the letter and envelope shall be clearly marked "FOIA Appeal." An appeal improperly addressed shall be deemed not to have been received for purposes of the twenty-day time period set forth in paragraph (c) of this section until it is received, or would have been received with the exercise of due diligence by Agency personnel, in the office of the Deputy Governor, Office of Administration.

(c) Within twenty days (excluding Saturdays, Sundays, and legal public holidays), or any extension thereof as provided in paragraph (d) of this section, of the receipt of an appeal in the office of the Deputy Governor, Office of Administration, the Deputy Governor shall act upon the appeal and place a notice of the determination thereof in writing in the mails addressed to the requester. If the determination on the appeal upholds in whole or in part the denial of the request for records, or, if a determination on the appeal has not been mailed at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When a determination cannot be mailed within the applicable time limit, the appeal will nevertheless be processed. In such case, upon the expiration of the time limit the requester will be informed of the reason for the delay, of the date on which a determination may be expected to be mailed, and of his right to seek judicial review. The requester may be asked to forego judicial review until determination of the appeal.

(d) In unusual circumstances as specified in this paragraph the ten-day time limit prescribed in paragraph (a) of this section or the twenty-day time limit prescribed in paragraph (c), or both, may be extended by the Director of Information or the Deputy Governor, Office of Administration, as the case may be, provided that the total of all extensions shall not exceed ten days (excluding Saturdays, Sundays, and legal public holidays). Extensions shall be made by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be mailed. As used in this paragraph, "unusual circumstances" means, but only to the extent necessary to the proper processing of the request:

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

§ 602.265 Fees for provision of records.

(a) The Farm Credit Administration furnishes a member of the public free of charge a reasonable quantity of information that has been printed or otherwise reproduced for the purpose of making it available to the public without charge.

(b) The Farm Credit Administration furnishes a member of the public free of charge information that is requested and is not exempt from disclosure when the information is readily available and can be furnished by the Farm Credit Administration without charge.

(c) When a request for information which cannot be furnished under paragraphs (a) and (b) of this section is received, fees shall be charged in accordance with the schedule contained in paragraph (d) of this section for services rendered in response to requests for Farm Credit Administration records under this Subpart B unless the Deputy Governor, Office of Administration, determines that such charges or a portion thereof are not in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $5. Fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (d) of this section and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(d) For the services listed below expended in locating or making available records or copies thereof, the following fees shall be charged:

(1) For copies of documents (maximum of 10 copies will be supplied), $1.10 per copy of each page.

(a) For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record, including services to transport personnel to places of record storage, or records to the location of personnel for the purpose of search, $1.50.

(3) For certification of true copies, each, $1.

(4) For attestation under the seal of the Administration, $3.

(5) Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.15.

(6) No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall be made for the time involved in examining records in connection with determining whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy.

(7) Fees for services in processing requests maintained in whole or part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search shall be charged for at rates prescribed in paragraph (b)(5) of this section unless the level of personnel involved permits rates in accordance with paragraph (b)(2) of this section. A charge shall be made for the computer time involved, based upon the prevailing level of costs to the Farm Credit Administration and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to the Farm Credit Administration and upon the type and amount of such supplies or materials that is used. Nothing in this paragraph shall be construed to entitle any person, as of right, to any

services in connection with computerized records, other than services to which such person may be entitled under the provisions, not including this paragraph (b), of this Subpart B.

(e) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. When the anticipated fees exceed $50 a deposit of 50 percent of the anticipated fees must be made within 5 business days of the Farm Credit Administration's notice to the requester. Unless the request specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit, a request that is expected to involve fees in excess of $25 will not be deemed to have been received for purposes of this Subpart B until the requester is notified of the anticipated cost and his agreement to bear it is received. The notice or request for an advance deposit shall extend an offer to the requester to confer with identified Farm Credit Administration personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester.

(f) Payment shall be made by check or money order payable to the Farm Credit Administration.

(Secs. 5.9, 5.10, 5.12, 5.18, 85 Stat. 619, 620, 621; Pub. L. 93-502 amending 5 U.S.C. 552, 88 Stat. 1561)

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-4726 Filed 2-18-75;11:00 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Subpart A—Official Records

FREEDOM OF INFORMATION

Subpart A, Part 1, Subtitle A of 7 CFR is revised to amend the procedures for making and acting upon requests for information under the Freedom of Information Act, and for the disclosure of records pursuant to compulsory process as follows:

Sec.
1.1 Purpose and scope.
1.2 Public access to certain materials.
1.3 Requests for records.
1.4 Agency implementing regulations.
1.5 Agency response to requests for records.
1.6 Date of receipt of requests or appeals.
1.7 Appeals.
1.8 Extension of administrative deadlines.
1.9 Failure to meet administrative deadlines.
1.10 Fee schedule.
1.11 Exemptions and discretionary release.
1.12 Annual report.
1.13 Compilation of new records.
1.14 Authentication.
1.15 Compulsory process.
1.16 Records in formal adjudication proceedings.

AUTHORITY: (5 U.S.C. 301, 552).

§ 1.1 Purpose and scope.

This subpart provides regulations of the Department of Agriculture implementing the Freedom of Information Act, 5 U.S.C. 552, pursuant to which official records may be obtained by any person. It also provides regulations pertaining to the disclosure of records pursuant to compulsory process. Unless prohibited by other laws, Executive Orders, or regulations, agencies of the Department may make available records which they are authorized to withhold under 5 U.S.C. 552 whenever they determine that such disclosure is in the public interest.

§ 1.2 Public access to certain materials.

(a) In accordance with 5 U.S.C. 552 (a)(2) each agency within the Department shall make the following materials available for public inspection and copying (unless they are promptly published and copies offered for sale):

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretation which have been adopted by the agency and are not published in the FEDERAL REGISTER; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) Each agency of the Department shall also maintain and make available current indexes providing identifying information regarding any matter issued, adopted or promulgated after July 4, 1967, and required by paragraph (a) of this section to be made available or published. Each agency shall publish and make available for distribution, copies of such indexes and supplements thereto at least quarterly, unless it determines by Notice published in the FEDERAL REGISTER that publication would be unnecessary and impracticable. After issuance of such Notice, the agency shall provide copies of any index upon request at a cost not to exceed the direct cost of duplication.

§ 1.3 Requests for records.

(a) Any person who wishes to inspect, or obtain copies of any record of an agency of the Department shall submit a request in writing and addressed to the official designated in regulations promulgated by the agency. All such requests for records shall be deemed to have been made pursuant to the freedom of Information Act, regardless of whether that Act is specifically mentioned. To facilitate processing of a request, the phrase "FOIA REQUEST" should be placed in capital letters on the front of the envelope.

(b) A request must reasonably describe the records to enable agency personnel to locate them with reasonable effort. Where possible, specific information regarding dates, titles, etc. which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, the court and its location should be identified.

(c) If an agency determines that a request does not reasonably describe the records, it shall inform the requester of this fact and extend an opportunity to confer promptly with knowledgeable agency personnel to attempt to identify the records he is seeking.

(d) Nothing in this subpart shall be interpreted to preclude an agency from honoring an oral request for information, but, if the requester is dissatisfied with the response, the agency official involved shall advise him to submit a written request in accordance with paragraph (a) of this section. The "date of receipt" of such a request for purposes of § 1.5(a) of this subpart shall be the date of receipt of the written request.

(e) If a request for records made under this subpart is denied, the person making the request shall have the right to appeal the denial. This appeal must be in writing and addressed to the official designated in regulations promulgated by the agency which denied the request. To facilitate processing of an appeal, the phrase "FOIA APPEAL" should be placed in capital letters on the front of the envelope.

§ 1.4 Agency implementing regulations.

Each agency of the Department shall promulgate regulations setting forth the following:

(a) The location and hours of operation of the agency office or offices where members of the public may gain access to those materials required by § 1.2 of this subpart to be made available for public inspection and copying.

(b) Information regarding the publication and distribution (by sale or otherwise) of indexes and supplements thereto which are maintained in accordance with the requirements of 5 U.S.C. 552(a)(2) and § 1.2(b) of this subpart.

(c) The title(s) and mailing address(es) of the official(s) of the agency who are authorized to receive requests for records submitted in accordance with § 1.3(a) of this subpart, and to make determinations regarding whether to grant or deny such requests. Authority to make such determinations includes authority to (1) extend the ten-day administrative deadline for reply pursuant to § 1.8 of this subpart, (2) make discretionary releases of records exempt from mandatory disclosure pursuant to § 1.11 (b) of this subpart, and (3) make determinations regarding the charging of fees pursuant to Appendix A of this subpart.

(d) The title and mailing address of the official of the agency who is authorized to receive appeals from denials of requests for records submitted in accordance with § 1.3(e) of this subpart and to make determinations regarding whether to grant or deny such appeals.

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Authority to determine appeals includes authority to (1) extend the twenty-day administrative deadline for reply pursuant to § 1.8 of this subpart (to the extent the maximum extension authorized by § 1.8(c) was not used with regard to the initial request), (2) make discretionary releases pursuant to § 1.11(b) of this subpart, and (3) make determinations regarding the charging of fees pursuant to Appendix A of this subpart.

(e) Other information which would be of concern to a person wishing to request records from that agency in accordance with this subpart.

§ 1.5 Agency response to requests for records.

(a) 5 U.S.C. 552(a)(6) provides that each agency of the Department to which a request for records is submitted in accordance with § 1.3(a) of this subpart shall inform the requester of its determination concerning that request within ten days (excepting Saturdays, Sundays, and legal public holidays), plus any extension authorized under § 1.8 of this subpart, of its date of receipt. If the agency determines to grant the request, it shall inform the requester of any conditions (e.g., payment of fees) and the approximate date upon which compliance will be effected. If it grants only a portion of the request, it shall treat the portion not granted as a denial. If it determines to deny the request, it shall immediately inform the requester of that decision and of the following:

(1) The reasons for the denial;

(2) The requester's right to appeal such denial and the title and address of the official to whom such appeal is to be addressed;

(3) The requirement that such appeal be made within forty-five days of the date of the denial; and

(4) The name and title or position of each person responsible for denial of the request.

(b) If the agency official designated to receive and make determinations on appeals submitted in accordance with § 1.3(e) of this subpart is a person responsible for denying an initial request, the denial shall be deemed a final agency denial, and the requester shall be so notified and furnished the information required by paragraph (e) of this section. In these circumstances a denial shall be made in accordance with § 1.7(b) of this subpart.

(c) If the reason for not fulfilling the request is that the records requested are the records of another agency or Department, the agency shall inform the requester of this fact and shall forward the request to that agency or Department for processing in accordance with the latter's regulations. If the agency has no knowledge concerning the requested records it shall notify the requester of that fact.

(d) 5 U.S.C. 552(a)(6) provides that each agency in the Department to which an appeal from a denial of an initial request for records is submitted in accordance with § 1.3(e) of this subpart shall inform the requester of its determination concerning that appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays), plus any extension authorized by § 1.8 of this subpart, of its date of receipt. If the agency determines to grant the appeal it shall inform the requester of any conditions (e.g., payment of fees) and the approximate date upon which compliance will be effected. If it grants only a portion of the appeal, it shall treat the portion not granted as a denial. If it determines to deny the appeal, it shall inform the requester of that decision and of the following:

(1) the reasons for the denial;

(2) the right to judicial review of the denial in accordance with 5 U.S.C. 552(a)(4); and

(3) the name and title or position of each person responsible for denial of the appeal.

(e) If a charge is to be made for compliance with the request in accordance with Appendix A of this subpart, the agency's response shall inform the requester of the amount and basis for the charge. It may, in accordance with Appendix A of this subpart, require payment of the entire fee, or a portion thereof, before it provides the requested records.

(f) In the event compliance with the request involves inspection of records by the requester rather than the forwarding of copies, the agency response shall include the name, mailing address and telephone number of the person to be contacted to arrange a mutually convenient time for such inspection.

(g) In the event the records requested contain some portions which are exempt from mandatory disclosure and others which are not, the official responding to the request shall insure that all nonexempt portions are disclosed, and that all exempt portions are identified according to the nature of information contained and the specific exemption or exemptions which are applicable.

§ 1.6 Date of receipt of requests or appeals.

(a) The date of receipt of a request or appeal which contains the phrase FOIA REQUEST or FOIA APPEAL and is addressed in accordance with applicable agency regulations, shall be the date it is received in the mailroom serving the addressee.

(b) The date of receipt of a request or appeal which is hand-delivered to the address specified in agency regulations shall be the date of such hand delivery.

(c) The date of receipt of a request or appeal which does not comply with paragraphs (a) or (b) of this section shall be the date it is received by the official designated in agency regulations to make the applicable determination.

§ 1.7 Appeals.

(a) Each agency shall provide for review of appeals by an official different than the official or officials designated to make initial denials.

(b) Each agency, upon a determination that it wishes to deny an appeal, shall send a copy of the records requested (when practicable) and of all correspondence relating to the request to the General Counsel: Attention, Research and Operations Division. When the volume of records is so large as to make sending a copy impracticable, the agency shall enclose an informative summary of those records. The agency shall not deny an appeal until it receives a response from the Office of the General Counsel regarding the legal issues involved in the appeal.

(c) The Office of the General Counsel shall promptly review the matter (including necessary consultation with the Department of Justice and coordination with the Office of Communication) and render all necessary assistance to enable the agency to respond to the appeal within the administrative deadline or any extension thereof.

§ 1.8 Extension of administrative deadlines.

(a) In unusual circumstances as specified in this section either of the administrative deadlines prescribed in § 1.5 of this subpart may be extended by an authorized agency official. Written notice of the extension shall be sent to the requester within the applicable deadline, setting forth the reasons for such extension and the date a determination is expected to be dispatched. In no event shall the extension exceed a total of ten working days.

(b) As used in this section, "unusual circumstances" shall be limited to the following:

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; and

(3) the need for consultation, which shall be conducted with all practicable speed, with another Department or agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein. (Note: consultation between an agency and the Office of the General Counsel, Office of Communication, or the Department of Justice, is not a basis for extension under this section).

(c) The ten-day extension authorized by this section may be divided between the initial and appellate reviews, but in no event shall the total extension exceed ten working days.

§ 1.9 Failure to meet administrative deadlines.

In the event an agency fails to meet either of the administrative deadlines set forth in § 1.5 of this subpart, plus any extension authorized by § 1.8 of this subpart, it shall notify the requester, state

the reasons for the delay, and the date by which it expects to dispatch determination. Although the requester may be deemed to have exhausted his administrative remedies under 5 U.S.C. 552(a)(6)(C) the agency shall continue processing the request as expeditiously as possible and dispatch the determination when it is reached in the same manner and form as if it had been reached within the applicable deadline.

§ 1.10 Fee schedule.

Pursuant to authority delegated in § 2.79 of this chapter, the Director, Office of Operations, has issued regulations, following notice and public comment, setting forth a uniform schedule of fees applicable to all agencies of the Department regarding requests for records under this subpart. (See Appendix A of this subpart). Any amendments thereto will be made by the Director pursuant to notice and opportunity for comment. Said regulations provide reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such duplication. The regulations provide that documents may be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 1.11 Exemptions and discretionary release.

(a) All agency records, except those specifically exempted from mandatory disclosure by one or more provisions of 5 U.S.C. 552(b), shall be made promptly available to any person submitting a request under this subpart.

(b) Except where disclosure is specifically prohibited by Executive order, statute, or applicable regulations, an agency may release records exempt from mandatory disclosure under 5 U.S.C. 552(b) whenever it determines that such disclosure would be in the public interest.

(c) In no event shall release of any list of names and/or addresses of employees of the Department or of farmers, persons, organizations or firms, for political purposes be considered to be in the public interest; nor shall release for commercial solicitation purposes be considered to be in the public interest unless release is specifically authorized by the individuals named therein.

§ 1.12 Annual report.

(a) Each agency of the Department shall compile the following information for each calendar year:

(1) the number of determinations made by such agency not to comply with initial requests for records made to it under § 1.3(a) of this subpart, and the reasons for each such determination;

(2) the number of appeals made by persons under § 1.3(d) of this subpart, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the name and title or position of each person responsible for the denial of records requested under this subpart and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by the agency regarding this subpart;

(6) the total amount of fees collected by the agency for making records available under this subpart; and

(7) such other information as indicates efforts to administer fully this subpart.

(b) Each agency shall compile the information required by (a) above for the preceding calendar year into a report and submit this report to the Director of Communication by February 1 of each year.

(c) The Director of Communication shall combine the reports from the various agencies within USDA into a Departmental report, and shall arrange for submission of this report to the Speaker of the House of Representatives and President of the Senate by March 1 of each year in accordance with 5 U.S.C. 552(d).

§ 1.13 Compilation of new records.

Nothing in 5 U.S.C. 552, or this subpart require that any agency compile a new record in order to fulfill a request for records. Such compilation may be undertaken voluntarily if the agency determines this action to be in the public interest.

§ 1.14 Authentication.

When a request is received for an authenticated copy of a document which the agency determines to make available to the requesting party, the agency shall cause a correct copy to be prepared and sent to the Office of the General Counsel which shall certify the same and cause the seal of the Department to be affixed, except that the Judicial Officer, or the Hearing Clerk when directed by the Judicial Officer, may authenticate copies of documents in the records of the Hearing Clerk.

§ 1.15 Compulsory process.

(a)(1) In any case where it is sought by subpoena, order, or other compulsory process or demand (hereinafter in this section referred to as a "demand") to require the production or disclosure of any record or material which is exempt from disclosure under 5 U.S.C. 552(b) or information related thereto acquired by an employee of this Department in the performance of his official duties or because of his official status, the matter shall be referred to an official authorized by agency regulations to make releases pursuant to § 1.11(b) of this subpart. (2) Such official may authorize release. However, if such official determines that it would be improper to comply with the demand, he shall refer it to the agency head. The agency head may authorize release; however, if the agency head concurs with the initial conclusion, the matter shall be referred to the Secretary for final determination. (3) If the Secretary has determined that the records, material, or information should not be produced, or if no final determination has been made, the employee who appears in answer to the demand will respectfully decline to produce or disclose the records, material, or information demanded on the ground that the disclosure is prohibited by this section. The employee shall provide the court or other authority with a copy of this subpart and a copy (when available) of the Secretary's determination, and shall respectfully request the court or other authority to withdraw or stay the demand.

(b)(1) Whenever a demand of the type described in paragraph (a) of this section is made upon an employee of this Department not authorized to make releases pursuant to § 1.11(b) of this subpart, by a court or other authority while he is appearing before, or is otherwise in the presence of the court or other authority, the employee, or other appropriate Government official or attorney acting on behalf of the employee, shall (i) immediately inform the court or other authority that this section prohibits the employee from producing or disclosing the information or material demanded and (ii) offer to refer the demand for the prompt consideration of authorized officials, providing the court or other authority a copy of this subpart and respectfully requesting that the demand be stayed pending his receipt of appropriate instructions concerning the demand. (2) If the employee is authorized to make a release pursuant to § 1.11(b) of this subpart but determines that such release would be improper, he shall offer to refer the demand for the prompt consideration of the agency head and/or Secretary and shall otherwise comply with (1)(ii) above.

(c) If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with paragraph (a) or (b) of this section pending the receipt by the employee of instructions or directions, or if the court or other authority rules adversely on any assertion made in conformity with the provisions of this subpart, the employee upon whom the demand has been made may tender the records, material, or information, demanded with a request they be held in camera until an appeal can be taken from the adverse ruling.

§ 1.16 Records in formal adjudication proceedings.

Records in formal adjudication proceedings are on file in the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and shall be made available to the public.

Effective date: February 19, 1975.

Done at Washington, D.C., this 14th day of February, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

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APPENDIX A—FEE SCHEDULE

The Department of Agriculture solicited in 40 FR 3604 public comment on proposed regulations implementing the 1974 Freedom of Information Act amendments as they affect the fees which may be charged requesters for services performed under that Act. The regulations also cover fees for services performed under other authority. No comments from the public were received.

The following changes have been made. The Department has determined that these changes are not such as to require further public comment.

Sec. 5. An additional paragraph is included specifying the availability of transcripts under the Departments reporting service contract.

Sec. 7. The paragraph requiring agreement in writing to pay when an estimate exceeds $20.00 has been dropped.

The paragraph requiring a 50% deposit on estimates over $150.00 has been changed by deletion of redundant language and by reducing the amount at which a deposit is required to $50.00.

The paragraph regarding "fair prior notice" has been deleted.

A new paragraph has been inserted advising requesters that, in the event of the possibility of an unproductive or extensive search, the requester will be given the opportunity to confer with agency personnel to possibly reform his request to meet his needs at a lower fee.

Sec. 8.e. Information regarding the St. Louis Computer Center location and rates, and a comment on commercial time-sharing sources have been added.

Sec. 8.h. Redundant verbiage has been removed.

Sec. 10.a. & b. Soil Conservation Service addresses have been revised.

Sec. 16.b.8. The price for cassettes was corrected from $8.00 to $3.00.

Pursuant to the authority delegated to the Director, Office of Operations in 7 CFR 2.79 (a) (3) (iii), there is published the following fee schedule to be effective February 19, 1975.

The previous fee schedule published in 39 FR 26050 as amended in 39 FR 28449 is superseded.

FEE SCHEDULE

Sec. 1. *General.* This schedule sets forth fees to be charged for providing copies of records, including photographic reproductions, microfilm, maps and mosaics, and related services. The fees set forth in this schedule are applicable to all agencies and constituent units of the Department of Agriculture.

Sec. 2. *Facilities.* Records and related services are available at the locations specified by the agencies in their statements of organization and services. Each agency is responsible for promulgating procedures to facilitate public inspection and copying of its records. Any materials offered for sale by the Government Printing Office should be purchased from that source. Departmental agencies will not stock such materials for public sale.

Agencies do not stock copies of forms and publications or maintain records at any facility which does not require these materials in its operations.

Sec. 3. *Fees for materials and services.* All agencies of the Department shall be guided by the fees set forth herein. Any changes or additions to this fee schedule shall be made by amendment to or revision of this schedule.

Sec. 4. *Circumstances governing exceptions to the charging of fees for records and related services.* (For photographic reproductions, see Sec. 12.)

a. *Waiver of fees for records and related services.* Fees may be waived in whole or in part under the following conditions:

(1) Where individual collections are $3.00 or less.

(2) Where the furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization; or comparable fees are set on a reciprocal basis with a foreign country or an international organization.

(3) Where the recipient is engaged in a nonprofit activity designed for the public safety, health, or welfare.

(4) Where the agency determines that payment of the full fee by a State, local government, or nonprofit group would not be in the interest of the program involved.

b. *Fees not to be charged for records and related services.* Fees shall not be charged under the following conditions:

(1) When the furnishing of records and related services is determined by the agency to be in the public interest as primarily benefiting the general public.

(2) When filling requests from other Departments or Government agencies for official use, provided quantities requested are reasonable in number.

(3) When members of the public provide their own copying equipment, in which case no copying fee will be charged.

(4) When any notices, decisions, orders, or other material are required by law to be served on a party in any proceedings or matter before any Department agency.

c. Where both a and b above apply to a matter, b shall be controlling.

Sec. 5. *Limitations of copies.* a. Agencies may restrict numbers of photocopies and directives furnished the public to one copy of each page. Copies of forms provided the public shall also be held to the minimum practical. Persons requiring any large quantities should be encouraged to take single copies to commercial sources for further appropriate reproduction.

b. Single or multiple copies of transcripts, provided the Department under a reporting service contract, may be obtained from the contractor at a cost not to exceed $.10 per page for the first copy and $.05 per page for each additional copy ordered by the same person. The contractor may add a postage charge when mailing orders to the public but no other charge may be added.

Sec. 6. *Search Services.* a. Search services are services of agency personnel-clerical, supervisory or professional salary level-used in trying to find the records sought by the requester. They include time spent examining records for the purpose of finding records which are within the scope of the request. They also include services to transport personnel to places of record storage, or records to the location of personnel for the purpose of the search, if such services are reasonably necessary.

b. Because of the nature of the Department's business and records, the normal location of a record in a file or other facility will not be considered a search. This would be the same as quickly locating a piece of material for purposes of answering a letter or telephone inquiry, and is based on the Department's obligation to respond to requests furnishing a reasonably specific description of the record.

Sec. 7. *Payments of fees and charges.* a. Payments will be collected to the fullest extent possible in advance or at the time the requested materials are furnished.

b. Except as otherwise stipulated by agency procedures, payment shall be made by check, draft, or money order made payable to the Treasury of the United States, but small amounts may be paid in cash, particularly where services are performed in response to a visit to a Department office.

c. Where the estimated fees to be charged exceed $50.00, a deposit of 50 percent of the estimated amount shall be collected from the requester before any of the requested materials are reproduced.

d. Where a request for records indicates the necessity of an extensive search, the requester should be notified of that fact, and of the possibility of an unproductive search. The notification should offer the requester the opportunity to confer with agency personnel to reform his request to meet his needs at a lower fee. When an extensive search still appears necessary, unless the agency determines that the request is in the public interest in accordance with section 4b(1), it shall inform the requester that no search will be undertaken until an agreement to pay applicable fees is received, including a deposit of 50% of the estimated fee where appropriate.

Sec. 8. *Fees for records and related services.*

a. Photocopies, 8½" x 14" or smaller; $0.10 for the first copy and $0.05 for each additional copy of the same page.

b. Photocopies in excess of 8½" x 14"; $0.25 per linear foot of the longest side of the copy.

c. Manual searches will be charged for at the rate of $4.00 per hour for clerical time and $9.00 per hour for supervisory or professional time. Charges will be computed to the nearest quarter hour required for the search. A search may involve both clerical and supervisory or professional time.

d. Other direct costs incurred will be assessed the requester at the actual cost to the Government, e.g., where records are required to be shipped from one office to another by commercial carrier in order to timely answer the request, the actual freight charges will be assessed the requester.

e. Computer searches will be charged for at the rates established in the Users Manual or Handbook published by the computer center at which the work will be performed, except that where commercial time-sharing computer sources are the required search media, the contract rate charged by the commercial source to the Government will be charged. A listing follows showing where those rates are published and the office from which copies may be obtained or at which the rates may be examined.

Fort Collins Computer Center Users Manual Section 3.4—Administrative Policies and Procedures—Rates, pp. 3–4 through 3–7:

Fort Collins Computer Center, U.S. Department of Agriculture, 8825 East Mulberry Street (P.O. Box 1206), Fort Collins, Colorado 80521.

New Orleans Computer Center Users Manual Appendix B—New Orleans Computer Center Rates, pp. 1 through 5:

New Orleans Computer Center, U.S. Department of Agriculture, 13800 Old Gentilly Road, Building 350, New Orleans, Louisiana 70129.

Kansas City Computer Center Users Manual Appendix D–2–Rates. pp. 65–80:

Kansas City Computer Center, U.S. Department of Agriculture, 6930 Ward Parkway (P.O. Box 205), Kansas City, Missouri 64141.

Washington Computer Center Users Handbook Appendix B–Washington Computer Center Rates. pp. 1–10:

Washington Computer Center, U.S. Department of Agriculture, Room S–100, South Buildings, 12th Street and Independence Ave., S.W., Washington, D.C 20250

St. Louis Computer Center. Charges for the St. Louis Computer Center will be based on actual computer configuration used and be based on direct costs only:

St. Louis Computer Center, U.S. Department of Agriculture, Farmers Home Administration, Business Services Branch, 1520 Market Street, St. Louis, Missouri 63103.

f. The fees do not include and no charge shall be made for (a) time spent examining records to determine whether an exemption

can should be asserted, (b) time spent deleting exempt matter being withheld from records to be furnished, or (c) time spent in monitoring a requester's inspection of agency records.

g. Certifications, $1.00 each; Authentications under Department Seal (including aerial photographs), $2.00 each.

h. Except as provided in section 9, for services not subject to the Freedom of Information Act, and not covered by (g) above, agencies may set their own fees in accordance with applicable law.

i. The fees specified in a through f of this Section apply to all requests for services under the Freedom of Information Act, as amended (5 USC 552), unless no fee is to be charged, or the agency has determined to waive or reduce those fees pursuant to Section 4. No higher fees nor charges in addition to those provided for in this schedule may be charged a party requesting search or duplication services under the Freedom of Information Act.

j. The fees specified in g and h of this Section and in Sections 9 through 16 of this schedule apply to requests for services other than those subject to the Freedom of Information Act. The authority for establishment of these fees is 31 USC 483a and other applicable law.

Sec. 9. *Photographic reproduction, microfilm, mosaic and maps.* Reproduction of such aerial or other photographic microfilm, mosaic and maps as have been obtained in connection with the authorized work of the Department may be sold at the estimated cost of furnishing such reproductions as prescribed in this schedule.

Sec. 10. *Agencies which furnish photographic reproductions.*—a. *Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS) Room 3405 Auditor's Building, Washington, D.C. 20250.

Forest Service (FS), 24 LOB RP–E, Arlington, Virginia 22209, or nearest Forest Service Regional Office.

Soil Conservation Service (SCS), Cartographic Division, SCS, Washington, D.C. 20250 or Cartographic Unit in nearest SCS Technical Service Center.

b. *Other photographic reproductions.* Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service (ASCS) (Address above).

Forest Service (Address above).

Office of Communication, Photographic Division, Room 536A, Washington, D.C. 20250.

Soil Conservation Service, Information Division, Audio-Visual Branch, Washington, D.C. 20250.

National Agricultural Library, Information Officer, Room 204, Beltsville, Maryland 20705.

Sec. 11. *Photographic Sales Committee.* The Photographic Sales Committee consists of representatives designated by Department agencies principally concerned with the sale of photographic reproductions. The Committee recommends prices at which photographic and mosaic reproductions, except library material, shall be sold, and other matters related to photographic reproductions.

Sec. 12. *Circumstances under which photographic reproductions may be provided free.* Reproductions may be furnished free at the discretion of the agency, if it determines this action to be in the public interest, to:

a. Press, radio, television, and newsreel representatives for dissemination to the general public.

b. Agencies of State and local governments carrying on a function related to that of the Department when it will help to accomplish an objective of the Department.

c. Cooperators and others furthering agricultural programs. Generally, only one print of each photograph should be provided free.

Sec. 13. *Loans.* Aerial photographic film negatives or reproductions may not be loaned outside the Federal Government.

Sec. 14. *Sales of positive prints under Government contracts.* The annual contract for furnishing single and double frame slide film negatives and positive prints to agencies of the Department, County Extension Agents and others cooperating with the Department, carries a stipulation that the successful bidder must agree to furnish slide film positive prints to such persons, organizations, and associations as may be authorized by the Department to purchase them.

Sec. 15. *Procedure for handling orders.* In order to expedite handling, all orders should contain adequate identifying information. Agencies furnishing aerial photographic reproductions require that all such orders identify the photographs. Each agency has its own procedure and order forms.

Sec. 16. *Photographic reproduction prices.* The prices for photographic reproductions listed here are the most generally requested items.

a. *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only.

Microfilm–$1.00 for each 30 pages or fraction thereof. Photoreproduction–$1.00 for each 10 pages.

b. *General photographic reproductions.* Minimum charge $1.00 per order. All sizes are approximate. An extra charge may be necessary for excessive laboratory time caused by any section instructions from the purchaser.

Class of work	Unit	Price
1. Black and white copy negatives and film positives:		
4 x 5	Each	$3.60
5 x 7	do	3.90
8 x 10	do	4.50
11 x 14	do	7.00
2. Black and white enlargements:		
Up to 8 x 10	do	2.70
11 x 14	do	4.20
Over 11 x 14	Per square foot	3.60
3. Reductions (from any size negative)		3.60
4. Mounting	Per square foot	2.20
5. Slides: Black and white (from copy negative):		
2 x 2 cardboard mounted	Each	2.40
3¼ x 3¼	do	3.60
Original color (from flat copy)	do	1.80
Duplicate color (2 x 2 cardboard mounted)	do	.30
(Duplicate color slides are slides copied from 35mm color slides only.) Slides made from black and white material, or from transparencies larger or smaller than 35mm, will be charged at the same rates shown for black and white and original color slides.		
6. Color transparencies (4 x 5)	do	8.00
7. Color prints		-(1)
8. Current USDA slide sets in stock:		
1 to 50 frames		13.00
51 to 60 frames		14.80
61 to 75 frames		15.00
76 to 95 frames		17.50
96 to 105 frames		18.50
106 to 130 frames		21.00
(Prices include printed narrative guide)		
The following can be purchased for the corresponding slide sets above:		
Cassettes		3.00
Records		8.00
Audio-tape		1.50
9. Milk sedimentation standards (5 x 7 Black and white photograph)	Each	1.25
10. Seeds and seedlings (any size)	do	2.40

[1] By quotation.

c. *Aerial photographic reproductions.* No minimum charge on aerial photographic reproductions. All prints are furnished unmounted and untrimmed.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

	Each
Size 9 by 9 on commercial grade paper	$2
For polyester base paper, add $0.75 per contact print available from ASCS only).	
Size 70-mm contact prints	$1.25
Size 70-mm contact transparencies	2.00

2. *Enlargements* (projection prints). The prices for enlargements of various sizes are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered.

Size:	Price each
9 by 9 in (from 70 mm)	$2.00
17 by 17 in	4.00
24 by 24 in	5.00
24x24 in	6.00
38 by 38 in	12.00

For larger size reproductions, add $2.00 for each additional 12 inches or fraction thereof, linear measurement.

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3. *Aerial photo-index sheets.*

Size 20 by 24 inches

Quantity:	Price each
Any quantity	$5.00

4. *Film positives.* Contact printed from aerial negatives, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

5. *Copy negatives.* On film, aerial exposures, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

6. *Diapositives.* Prints on glass, size 9 by 9 inches, thickness 0.06 inch.

Quantity:	Price each
Any quantity	$10.00

7. *Aperture Cards and Printouts.*

	First unit	Each additional unit
Duplicate of an aperture card	$1.00	$0.10
Aperture card from photoindex sheet	1.00	.25
Printout from aperture card	1.00	.50

8. *Color Photography.* Furnished only by the Regional Forest Service Aerial Photography Laboratories at Ogden, Utah and San Francisco, California, and the Agricultural Stabilization and Conservation Service Aerial Photography Laboratory in Salt Lake City, Utah.

Positive contact print made from negative	$7.00
Enlargements 9x9 inches (from 70 mm)	7.00
Enlargements 13x13 inches	12.00
Enlargements 17x17 inches	15.00
Enlargements 24x24 inches	20.00
Enlargements 38x38 inches	30.00

Color film transparencies (positives or negatives)

Contacts 70 mm	$5.00
Contacts 9x9 inches	12.00
Enlargements 9x9 inches (from 70 mm)	12.00

9. *Special Needs.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in Section 10a or the Coordinator, Aerial Photographic Work of the Department of Agriculture, ASCS, Room 3405, Auditors Building, 14th Street and Independence Avenue, SW, Washington, D.C. 20250.

(5 USC 301; 5 USC 552; 31 USC 483a; and 7 CFR 2.79(a)(3)(iii))

Done at Washington, D.C., this 13th day of February, 1975.

JOHN J. KEANEY,
Director.

[FR Doc.75-4753 Filed 2-18-75;12:22 pm]

Title 5—Administrative Personnel

CHAPTER III—OFFICE OF MANAGEMENT AND BUDGET

PART 1303—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

Notice is hereby given that pursuant to the provisions of 5 U.S.C. 552, there is published as Chapter III, Part 1303 of Title 5, Code of Federal Regulations and as Chapter V of Title 3, Code of Federal Regulations, the following regulations as set forth below.

It is the policy of the Office of Management and Budget whenever practicable to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections concerning the regulations pertaining to the Office of Management and Budget to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503, on or before March 31, 1975. These regulations are effective immediately.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

EXECUTIVE OFFICE OF THE PRESIDENT

NOTE: Until further regulations are promulgated, the remainder of the entities within the Executive Office of the President, to the extent that 5 U.S.C. 552 is applicable, shall follow the procedures set forth in the regulations applicable to the Office of Management and Budget. Requests for information from these other entities should be submitted directly to such entity.

Freedom of information regulations for:

Office of Management and Budget appear at 5 CFR Ch. III;

Council on Wage and Price Stability appear at 6 CFR Ch. VII;

National Security Council appear at 32 CFR Ch. XXI.

OFFICE OF MANAGEMENT AND BUDGET

ORGANIZATION AND INFORMATION

Pursuant to section 552 of title 5, United States Code, as amended, the following Part 1303 is published:

ORGANIZATION

Sec.
1303.1 General.
1303.2 Authority and functions.
1303.3 Organization.

PROCEDURES

1303.10 Methods of operation.

AVAILABILITY OF INFORMATION

1303.20 Inspection, copying and exceptions.

CHARGES FOR SEARCH FOR REPRODUCTION

1303.30 Schedule of fees and method of payment for services rendered.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

ORGANIZATION

§ 1303.1 General.

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

§ 1303.2 Authority and functions.

(a) The Office of Management and Budget was established in the Executive Office of the President pursuant to Part I of Reorganization Plan No. 2 of 1970 (35 FR 7959), effective July 1, 1970. That Plan transferred to the President all functions vested by law in the Bureau of the Budget, or its Director, and designated the Bureau of the Budget as the Office of Management and Budget. By Executive Order No. 11541 of July 1, 1970, the President delegated all functions transferred to him by Part I of the Plan to the Director of the Office of Management and Budget.

(b) The principal statutory functions of the Office of Management and Budget are contained in the Budget and Accounting Act of 1921 (42 Stat. 20, 31 U.S.C. 1-25); the Federal Reports Act of 1942 (44 U.S.C. 3501-3511); the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841-869); the Budget and Accounting Procedures Act of 1950 (65 Stat. 832), the Federal Advisory Committee Act (Pub. L. 92-463), the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344), the Office of Federal Procurement Policy Act (Pub. L. 93-400), and the Privacy Act of 1974 (Pub. L. 93-579).

(c) The functions of the Office of Management and Budget are carried out pursuant to the provisions of the statutes cited above and the provisions of various Executive orders—principally, Executive Order No. 8248 of September 8, 1939 (CFR Cum. Supp., p. 576), outlining certain functions to be performed by the Bureau of the Budget for the President, and Executive Order No. 11230 of June 28, 1965 (3 CFR 1965 Supp., p. 148), as amended, delegating certain functions of the President to the Director of the Bureau of the Budget. Under the terms of Executive Order No. 11541 of July 1, 1970, the assignments and delegations made in the earlier orders are to be considered as assignments to the Office of Management and Budget and its Director.

§ 1303.3 Organization.

The central organization of the Office of Management and Budget consists of—

(a) The Office of the Director, which includes the Director and the Deputy Director and their principal assistants, including the Assistant to the Director for Administration.

(b) The Administrator of the Office of Federal Procurement Policy.

(c) Three Associate and Assistant Directors with Government-wide management responsibilities in specialized areas, as follows:

Executive Development and Labor Relations
Legislative Reference
Management and Operations

(d) Five program and budget Associate and Assistant Directors, as follows:

Budget Review
National Security and International Affairs
Human and Community Affairs
Economics and Government
Natural Resources, Energy, and Science

(e) The Office has no field organization.

(f) Units of the Office of Management and Budget are presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue, NW., and in the New Executive Office Building, 17th and H Streets, NW., Washington, D.C. 20503. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday. Both buildings are under security control. Persons desiring to visit officers or employees of the Office Management and Budget in either building will usually find it easier to do so if they write or telephone in advance for an appointment.

PROCEDURES

§ 1303.10 Methods of operation.

(a) The Office of Management and Budget maintains current indexes which identify information pertaining to matters issued, adopted, or promulgated after July 4, 1967, that are within the scope of 5 U.S.C. 552(a)(2). These indexes are updated quarterly and are published in the FEDERAL REGISTER. They are also available for public inspection and copying at the Office's Publications Office, Room G-236, New Executive Office Building, 17th and H Streets NW., Washington, D.C. 20503. The indexes may be examined between the hours of 9 a.m. and 5:30 p.m. on any day, except Saturdays, Sundays, and legal public holidays.

(b) The Office of Management and Budget has established an internal Committee on Freedom of Information (hereinafter referred to as the Committee), chaired by the Deputy Director. The purpose of this Committee is to oversee the Officer's administration of the Freedom of Information Act as amended and to rule on any appeals that may be filed in the event a request for information is denied.

(c) The Assistant to the Director for Administration is responsible for acting on all initial requests. Individuals wishing to obtain any information listed on the indexes should address their request in writing to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503, Phone 395-4790. Requests for information shall be as specific as possible. It is suggested that requestors use the format shown in either Exhibit A or B hereto.[1]

(d) Upon receipt of any request for information or records, the Assistant to the Director for Administration will determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) whether it is appropriate to grant the request and will immediately (Receipt of a request as used herein means the date the request is received in the office of the Assistant to the Director for Administration.) provide written notification to the person making the request. If the request is denied, the written notification will also include the names of other individuals who participated in the determination and a notice that an appeal may be lodged including the format and content of any such appeal within the Office of Management and Budget.

(e) In the event the request is denied and that denial is appealed, the Assistant to the Director for Administration will refer the appeal to the Committee which will make a determination with respect to such appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays). Appeals shall be set forth in writing and addressed to the Assistant to the Director for Administration at the address specified in paragraph (c) of this section. The appeal shall include a statement explaining the basis for the appeal. Determinations of appeals will be set forth in writing and signed by the Deputy Director ,or his designee. If, on appeal, the denial is in whole or in part upheld, the written determination will also contain a notification of the provisions for judicial review and the names of the persons who participated in the determination.

(f) In unusual circumstances, the time limits prescribed in paragraphs (d) and (e) of this section, may be extended for not more than 10 working days (excepting Saturdays, Sundays, or legal public holidays). Extensions may be granted by the Assistant to the Director for Administration in the case of initial requests and by the Deputy Director in the case of appeals. The extension period may be split between the initial request and the appeal but in no instance may the total period exceed 10 working days. Extensions will be by written notice to the persons making the request and will set forth the reasons for the extension and the date the determination is expected. As used herein, but only to the extent reasonably necessary to the proper processing of the particular request, the term "unusual circumstances" means:

(1) The need to search for and collect the requested records from establishments that are separate from the office processing the request;

(2) The need to search for, collect, and examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practical speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency which have a substantial subject matter interest therein.

AVAILABILITY OF INFORMATION

§ 1303.20 Inspection, copying, and exceptions.

(a) When a request for information has been approved pursuant to section 10 above, the person making the request may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the Assistant to the Director for Administration at the address or telephone number listed in § 1303.10(c). Such materials may be copied manually without charge, and reasonable facilities will be made available for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in paragraph (a) of § 1303.30; however, the right is reserved to limit to a reasonable quantity the copies of such materials which may be made available in this manner when copies also are offered for sale by the Superintendent of Documents.

(b) Certain functional units of the Office of Management and Budget solely advise and assist the President, and therefore these units are not covered by 5 U.S.C. 552. However, the Director or the Deputy Director, acting on his behalf, may determine that a record which falls in one of the following categories shall be made available. These units carry out activities that provide advice and assistance to the President with regard to

(1) The formulation and preparation of the Federal budget,

(2) The processing of enrolled bills and determinations of the relationships of pending and proposed legislation to the program of the President.

(3) The compensation of Federal employees, and

(4) The establishment and organization of new agencies and the reorganization of existing programs and agencies.

(5) The preparation of Executive Orders and Proclamations.

(c) Except to the extent that the Director or Deputy Director, acting on his behalf, determines that a record which falls within one of the following categories shall be made available, this section shall not apply to matters that are—

(1)(i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of the national defense or foreign policy, and (ii) are in fact properly classified pursuant to such Executive Order.

(2) Related solely to the internal personnel rules and practices of the Office;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Office;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports

[1] Exhibits A and B filed as part of the original document.

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prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

CHARGES FOR SEARCH AND REPRODUCTION

§ 1303.30 Schedule of fees and method of payment for services.

(a) Following is the fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) *Search for records.* $5.00 per hour when the search is conducted by a clerical employee. $8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

(2) *Duplication of records.* Records will be duplicated at a rate of $.25 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or less pages.

(3) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Assistant to the Director for Administration is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25, "User charges." Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the Office of Management and Budget at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Office determines that a record which has been requested, but which is exempt from disclosure under this part, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, or the maximum amount specified in the request, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25.00, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to consult with Office personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Office until a reply is received from the requester.

(d) Fees must be paid in full prior to issuance of requested copies. In the event the requestor is in arrears for previous requests for which the Office was unable to find or provide the requested information (see paragraph (b)) of this section), copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Assistant to the Director for Administration, Office of Management and Budget, Washington, D.C. 20503.

(f) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.

(g) The Assistant to the Director for Administration, or an officer designated by the Assistant to the Director for Administration may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Assistant to the Director for Administration or the designated officer deems it to be in either the Office's interest or in the general public's interest.

For the Director of the Office of Management and Budget.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

FEBRUARY 18, 1975.

[FR Doc.75-4777 Filed 2-18-75;3:01 p.m.]

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federal register

WEDNESDAY, FEBRUARY 19, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 34

PART III

THE PRESIDENT

Executive Orders

■

OFFICE OF MANAGEMENT AND BUDGET

■

FY 75 RESCISSIONS AND DEFERRALS

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Title 3—The President

EXECUTIVE ORDER 11839

Amending the Civil Service Rules To Except Certain Positions in Regional Offices From the Career Service

The program to decentralize Federal policy and decision making and to involve local governments and other interested parties in Federal, State, and local policy and program development requires a capability for deep involvement in the development and advocacy of Administration proposals and policies, and support of their controversial aspects, on the part of certain senior regional officials.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution of the United States and Sections 3301 and 3302 of Title 5 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Civil Service Rule VI is amended by adding the following Section:

"SECTION 6.8. *Specified Exceptions.* Positions in the Department of the Interior whose incumbents serve as the principal representative of the Secretary in their respective regions shall be listed in Schedule C for grades not exceeding grade GS–15 of the General Schedule, and shall be designated Noncareer Executive Assignments for positions graded higher than GS–15. Incumbents of these positions who are, on February 15, 1975, in the competitive service shall not be affected by the foregoing provisions of this Section."

SEC. 2. Civil Service Rule IX is amended by adding the following:

"SEC. 9.11. *Specified Noncareer Executive Assignments.* The regional director, regional administrator, or the Secretary's principal regional representative positions in the Departments of Health, Education, and Welfare, Housing and Urban Development, Transportation and Labor, and those positions in the Environmental Protection Agency shall be designated Noncareer Executive Assignments; and, the Limited Executive Assignments of any incumbents of these positions on February 15, 1975, are converted to Noncareer Executive Assignments. Incumbents of these positions serving in Career Executive Assignments on February 15, 1975, shall not be affected by the foregoing provisions of this Section."

Gerald R. Ford

THE WHITE HOUSE,
February 15, 1975.

[FR Doc.75–4754 Filed 2–18–75;12:29 pm]

XUM V40-34 FEB 19 75 XUM

EXECUTIVE ORDER 11840

Waiver of Certain Provisions of Law and Limitations of Authority

The American Revolution Bicentennial Board has requested that the American Revolution Bicentennial Administration be authorized to perform, without regard to certain provisions of law or limitations of authority, the functions authorized under the act to establish the American Revolution Bicentennial Administration (Public Law 93–179; 87 Stat. 697, hereinafter referred to as the act). I have determined that it would be in furtherance of the purposes of the act to provide such authorization.

NOW, THEREFORE, by virtue of the authority vested in me by section 11 of the act, and as President of the United States of America, it is hereby ordered as follows:

Section 1. The American Revolution Bicentennial Administration is authorized to perform the functions authorized by the act without regard to the following specified provisions of law and limitations of authority:

(a) section 638(a) of title 31 of the United States Code to the extent that it pertains to hiring passenger motor vehicles.

(b) section 13 of title 41 of the United States Code.

(c) section 501 of title 44 of the United States Code.

(d) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit:

(1) selection of, and award of contracts to, a State or local government agency or non-profit organization on a sole-source basis;

(2) expenditure of not to exceed $10,000 annually of funds received pursuant to contracts under section 2(f) of the act for official receptions and representation; and

(3) expenditure of appropriated funds for transportation and subsistence of volunteers.

SEC. 2. It is directed that each specific use of the waivers of statutes and limitations of authority authorized by the foregoing provisions of this order shall be made only with the advice of the General Counsel of the Administration, and only when determined in writing by the Administrator (or in his absence by the Deputy Administrator) that such use is specifically in furtherance of the purposes of the act and in the public interest.

Gerald R. Ford

THE WHITE HOUSE,
February 18, 1975.

[FR Doc.75-4755 Filed 2-18-75;12:29 pm]

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OFFICE OF MANAGEMENT AND BUDGET

1975 RESCISSIONS AND DEFERRALS

Cumulative Report

FEBRUARY 1975.

This report is submitted in fulfillment of the requirements of section 1014 of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014 provides for a monthly report listing all budget authority for the current fiscal year with respect to which, as of the first day of such month, a special message has been transmitted to the Congress. This February report includes those deferrals and rescissions in the eight special messages sent by the President to the Congress in September, October, November, December, and January.

Rescissions. Five proposed rescissions, totaling $131,481,000 in budget authority, have been effected by Pub. L. 93-529 signed December 21, 1974. In addition, $455,635,000 in budget authority proposed for rescission for Rural Electrification Administration loans but not included in Pub. L. 93-529 has been made available for obligation. Another $85,000,000 proposed for rescission under the Agricultural Conservation Program (REAP) and not included in Pub. L. 93-529 lapsed on December 31, 1974. These items are shown in the report together with the remaining proposed rescission which total—as of February 1, 1975—$1,782,805,000.

Deferrals. Attachment B identifies, by agency and account, all deferred funds reported. As of February 1, of the 152 deferrals submitted to the Congress, 30 had been revised by supplementary reports. When supplementary reports have revised previous reports, the amount initially reported has been placed in brackets and zeroed out in the column labeled "Adjustments." Unlike proposed rescissions of budget authority, funds reported as deferred (section 1013 of the act) are often planned to be made available for obligation, in whole or in part, during the course of the fiscal year. As of February 1, 4 of these deferrals had been made available in whole for obligation. These releases as well as the partial releases are detailed in Attachment B which shows, for each deferral, the amount of deferred funds made available by the Office of Management and Budget and other Federal agencies in the current year, the date the funds were made available, and the balance of funds being deferred as of the first of the month for which the report is submitted. The total of all budget authority deferrals currently before the Congress, as amended by subsequent releases or lapses of funds, is $20,362,089,000. In addition to this amount of deferred budget authority, another $10,000,000 in outlays have been deferred under the Department of the Interior's Land and Water Conservation Fund.

Actions concluded before July 12, 1974. Some of the actions reported in the special messages are not, in the opinion of the Attorney General, subject to Congressional ratification or disapproval under the Impoundment Control Act since they were concluded before it became effective on July 12, 1974. These items, marked by asterisks, are included in the report to provide more complete information on the status of withheld funds.

Actions by Congress on rescissions and deferrals. The report formats provide for showing the effect of congressional action and inaction on both deferrals and proposed rescissions. As of February 1, 1975, no congressional action on deferrals had been concluded. Public Law 93-529, signed December 21, 1974, rescinded $131,481,000 of budget authority proposed for rescission in the first two special messages. Details of these approved rescissions are shown in Attachment A under columns entitled "Amount Rescinded by Congress" and "Date Rescission Act Signed." The proposed rescission of $455,635,000 for Rural Electrification Administration Loans was not included in Pub. L. 93-529 and was made available for obligation on December 11, 1974.

Information from the special messages. The eight special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Monday, September 23 (Vol. 39, No. 185, Part III),
Tuesday, October 8 (Vol. 39, No. 196, Part V),
Tuesday, November 5 (Vol. 39, No. 214, Part III),
Tuesday, November 19 (Vol. 39, No. 224, Part III),
Thursday, December 5 (Vol. 39, No. 235, Part IV),
Wednesday, January 8 (Vol. 40, No. 5, Part IV), and
Thursday, February 6 (Vol. 40, No. 26, Part III).

PAUL H. O'NEILL,
Acting Director.

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ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1975
(Amounts in thousands)

As of February 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Executive Office of the President							
Special Action Office for Drug Abuse Programs							
Pharmacological Research	R75-45	2,760	11-26-74				
Special Fund for Drug Abuse	R75-46	2,240	11-26-74				
Funds Appropriated to the President							
Appalachian Regional Development Commission							
Appalachian Regional Development Programs	[R75-1]	[40,000*]	[09-20-74]				
	[R75-1A]	[40,000]	[11-13-74]	-40,000	12-21-74		
Department of Agriculture							
Extension Service:							
Extension service	R75-47	3,200	01-30-75				
Farmers Home Administration:							
Rural Development Grants	R75-50	3,750	01-30-75				
Rural Community Fire Protection Grants	R75-51	3,500	01-30-75				
Agricultural Stabilization and Conservation Service							
Agricultural Conservation Program (REAP)	[R75-3]	[85,000*] 1/	[10-08-74]				
	R75-48	156,250	01-30-75				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Water Bank Act Program	[R75-8]	[11,213]	[11-26-74]				
	R75-8A	21,213	01-30-75				
Rural Electrification Administration							
Loans*	[R75-2]	[855,635*] 2/	[09-20-74]				12-11-74
Forest Service							
Cooperation in Forest Fire Control	R75-9	4,921	11-26-74				
Reforestation and Stand Improvement	R75-10	10,000	11-26-74				
Forest Roads and Trails and Roads and Trails for State National Forest Fund	[R75-4]	[63,553*]	[10-08-74]				
	[R75-4A]	[61,611]	[11-13-74]	-51,611	12-21-74		
Forestry Incentive Programs	R75-49	25,000	01-30-75				
Department of Commerce							
Social and Economic Statistics Administration							
Salaries and Expenses	R75-11	373	11-26-74				
Economic Development Administration							
Economic Development Assistance Programs	R75-12	2,000	11-26-74				
Domestic and International Business Administration							
Financial and Technical Assistance	R75-13	12,000	11-26-74				
United State Travel Service							
Salaries and Expenses	R75-14	250	11-26-74				

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Inter-American Cultural and Trade Center	R75-52	5,000	01-30-75				
National Oceanic and Atmospheric Administration							
Operations, Research and Facilities	[R75-15]	[500]	[11-26-74]				
	R75-15A	3,227	01-30-75				
Patent Office Salaries and Expenses	R75-16	700	11-26-74				
Department of Defense, Military							
Operation and Maintenance							
Army	R75-17	41,000	11-26-74				
Navy	R75-18	27,500	11-26-74				
Marine Corps	R75-19	5,000	11-26-74				
Air Force	R75-20	40,000	11-26-74				
Defense Agencies	R75-21	1,900	11-26-74				
Army Reserve	R75-22	1,800	11-26-74				
Navy Reserve	R75-23	1,100	11-26-74				
Air Force Reserve	R75-24	400	11-26-74				
Army National Guard	R75-25	1,400	11-26-74				
Air National Guard	R75-26	500	11-26-74				
Aircraft Procurement Army	[R75-27]	[13,500]	[11-26-74]				
	R75-27A	5,700	01-30-75				
Air Force	[R75-28]	[248,000]	[11-26-74]				
	R75-28A	152,500	01-30-75				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Special Foreign Currency Program, 1973/1975	R75-53	915	01-30-75				
Special Foreign Currency Program, 1974/1975	R75-54	40	01-30-75				
Department of Health, Education and Welfare							
Health Services Administration: Health Services	R75-55	25,681	01-30-75				
Center for Disease Control: Preventive Health Services	R75-56	9,805	01-30-75				
National Institutes of Health: National Cancer Institute	R75-57	123,006	01-30-75				
National Heart and Lung Institute	R75-58	37,730	01-30-75				
National Institute of Dental Research	R75-59	7,489	01-30-75				
National Institute of Arthritis, Metabolism, and Digestive Diseases	R75-60	28,473	01-30-75				
National Institute of Neurological Diseases and Stroke	R75-61	30,283	01-30-75				
National Institute of Allergy and Infectious Diseases	R75-62	13,975	01-30-75				
National Institute of General Medical Sciences	R75-63	30,794	01-30-75				
National Institute of Child Health and Human Development	R75-64	23,978	01-30-75				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
National Eye Institute	R75-65	6,512	01-30-75				
National Institute of Environmental Health Sciences	R75-66	6,922	01-30-75				
Research Resources	R75-67	40,560	01-30-75				
Fogarty International Center	R75-68	1,020	01-30-75				
National Library of Medicine	R75-69	385	01-30-75				
Alcohol, Drug Abuse and Mental Health Administration: Alcohol, Drug Abuse and Mental Health	R75-70	103,894	01-30-75				
Health Resources Administration: Health Resources	R75-71	25,477	01-30-75				
Health Services Planning and Development	[R75-29]	[372,466]	11-26-74				
	R75-29A	284,719	01-30-75				
Office of Education: Elementary and Secondary Education	R75-72	35,856	01-30-75				
Education for the Handicapped	R75-73	102,500	01-30-75				
Occupational, Vocational and Adult Education	R75-74	38,710	01-30-75				
Higher Education	R75-75	58,300	01-30-75				
Library Resources	R75-76	47,433	01-30-75				
Social and Rehabilitation Services: Public Assistance	R75-77	12,900	01-30-75				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Rehabilitation Services	R75-78	29,848	01-30-75				
Office of Human Development: Human Development	R75-79	41,582	01-30-75				
Department of Housing and Urban Development							
Housing Production and Mortgage Credit College Housing*	[R75-5]	[14,518*]	[10-04-74]	-14,518	12-21-74		
Department of the Interior							
Bureau of Land Management Public Lands Development Roads and Trails	[R75-6]	[4,891*]	[10-04-74]				
	[R75-6A]	[4,891]	[11-13-74]	-4,891	12-21-74		
National Park Service Road Construction	[R75-7]	[14,000]	[10-04-74]				
	[R75-7A]	[10,461]	[11-13-74]	-10,461	12-21-74		
Department of Justice							
Federal Bureau of Investigation Salaries and Expenses	R75-30	5,300	11-26-74				
Immigration and Naturalization Service Salaries and Expenses	R75-31	1,300	11-26-74				
Bureau of Prisons Salaries and Expenses	R75-32	5,251	11-26-74				
Buildings and Facilities	R75-33	1,750	11-26-74				
Drug Enforcement Administration Salaries and Expenses	R75-34	2,400	11-26-74				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
Department of Labor							
Manpower Administration:							
Community Service Employment:							
For Older Americans	R75-80	12,000	01-30-75				
Department of State							
International Organizations and Conferences							
Contributions to International Organizations	R75-35	2,000	11-26-74				
International Trade Negotiations	R75-36	100	11-26-74				
Department of Treasury							
Office of the Secretary							
Salaries and Expenses	R75-37	310	11-26-74				
Federal Law Enforcement Training Centers							
Salaries and Expenses	R75-38	60	11-26-74				
Bureau of Accounts							
Salaries and Expenses	R75-39	630	11-26-74				
U.S. Customs Service							
Salaries and Expenses	R75-40	3,000	11-26-74				
Internal Revenue Service							
Salaries and Expenses	R75-41	530	11-26-74				
Accounts, Collection and Taxpayer Service	R75-42	9,230	11-26-74				
Compliance	R75-43	10,240	11-26-74				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded by Congress	Date Rescission Act Signed	Amount Made Available as a result of Congressional Inaction	Date Made Available
General Services Administration							
Public Buildings Service							
Federal Buildings Fund	R75-44	20,023	11-26-74				
Other Independent Agencies							
Consumer Product Safety Commission:							
Salaries and Expenses	R75-81	1,709	01-30-75				
TOTAL RESCISSIONS		1,782,805		-131,481			

1/ Contract Authority lapsed December 31, 1974

2/ Released on December 11, 1974

STATUS OF DEFERRALS

ATTACHMENT B

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Agency for International Development									
Prototype Desalting Plant, Economic Assistance*	D75-19		20,000*	10-04-74					20,000
TOTAL			20,000						20,000

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Agricultural Research Service									
Agricultural Research Service (Construction)*	D75-11		770*	09-20-74					770
Foreign Agriculture Service									
Special Foreign Currency Program*	D75-20		2,516*	10-04-74					2,516
Agricultural Stabilization and Conservation Service:									
Emergency Conservation Measures	D75-21	[5,000]		10-04-74 01-30-75				-5,000 1/	0
	D75-21A		11,688	01-30-75					11,688
Water Bank Program	D75-139		1,266	01-30-75					1,266
Agricultural Marketing Service:									
Marketing Services	D75-22	[903*]		10-04-74 01-30-75				-903 1/	0
	D75-22A		1,459	01-30-75					1,459
Perishable Agricultural Commodities Act Fund	D75-23	[341*]		10-04-74 01-30-75				-341 1/	0
	D75-23A		511	01-30-75					511
Forest Service:									
Youth Conservation Corps	D75-88		3,081	11-13-74					3,081

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Forest Roads and Trails and Roads and Trails for State National Forest Fund	D75-24	[420,000*]		10-04-74 11-13-74				-420,000 1/	0
	D75-24A		420,000	11-13-74					420,000
Construction and Land Acquisition	D75-90		6,865	11-26-74					6,865
Forest Fire Prevention	D75-25	[152]		10-04-74 01-30-75				-152 1/	0
	D75-25A		173	01-30-75					173
Expense, Brush Disposal	D75-26	[18,747*]		10-04-74 01-30-75				-18,747 1/	0
	D75-26A		26,141	01-30-75					26,141
TOTAL		445,143	474,470					-445,143	474,470

1/ Subsequently incorporated in a supplementary report

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
General Administration: Special Foreign Currency	D75-140		1,500	01-30-75					1,500
Economic Development Administration: Job Opportunities Program	D75-141		125,000	01-30-75					125,000
Social and Economic Statistics Administration: Periodic Censuses and Programs	D75-91		327	11-26-74					327
Domestic and International Business Administration: Operations and Administration	D75-92		750	11-26-74					750
Financial and Technical Assistance, Trade Adjustment Assistance*	D75-27	[1,780*]		10-04-74 11-26-74				-1,780 1/	0
United States Travel Service: Inter-American Cultural and Trade Center*	D75-28	[4,891*]		10-04-74 11-26-74 01-30-75				-1,420 -3,471 2/	0
Inter-American Cultural and Trade Center	D75-93	[1,420]		11-26-74 01-30-75				-1,420 2/	0
National Oceanic and Atmospheric Administration: Operations Research and Facilities	D75-94		6,800	11-26-74 02-03-75				-3,227 2/	3,573

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Coastal Zone Management*	D75-30	[3,175*]		10-04-74 10-26-74 12-27-74	-1,000			-2,175 3/	0
	D75-30A		2,175	12-27-74					2,175
Coastal Zone Management	D75-95		1,000	11-26-74					1,000
Promote and Develop Fishery Products and Research Pertaining to American Fisheries	D75-131		1,871	12-27-74					1,871
Fisheries Loan Fund*	D75-12	[4,039*]		09-20-74 12-27-74				-4,039 4/	0
	D75-12A		5,292	12-27-74					5,292
National Fire Prevention and Control Administration Operations, Research and Administration	D75-96		500	11-26-74					500
National Bureau of Standards Construction and Facilities*	D75-29		231*	10-04-74					231
Office of Telecommunications: Scientific and Technical Research and Services	D75-97	[3,718]		11-26-74 01-30-75				-3,718 1/	0
	D75-97A		4,628	01-30-75					4,628
Maritime Administration Ship Construction	D75-99		5,750	11-26-74					5,750
Research and Development	D75-99	[3,468]		11-26-74 01-30-75				-3,468 1/	0
	D75-99A		7,768	01-30-75					7,768
Operations and Training	D75-100		1,300	11-26-74					1,300

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Shipbuilding and Conversion, Navy	D75-32	[497,990]		10-04-74 12-27-74				-497,990 1/	0
	D75-32A		1,244,760	12-27-74					1,244,760
Military Construction, All	D75-33		156,893	10-04-74 10-25-74 11-18-74 12-04-74	-19,598 -1,636 -10,037				125,622
Special Foreign Currency Program Appropriations	D75-34	[955]		10-04-74 01-30-75				-955 2/	0
TOTAL		498,945	1,401,653		-31,271			-489,945	1,370,382

1/ Subsequently incorporated in a supplementary report

2/ See Rescission Nos. R75-53 and R75-54

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Office of the Assistant Secretary for Science and Technology:									
Scientific and Technical Research and Services*	D75-31	[2,468*]		10-04-74 11-26-74				-2,468 5/	0
TOTAL		28,959	168,892		-1,000			-27,186	161,665

1/ See Rescission No. R75-13
2/ See Rescission No. R75-52
3/ Amount proposed for rescission (R75-15A)
4/ Subsequently incorporated in a supplementary report
5/ See Deferral No. D75-97

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Corps of Engineers, Civil									
Construction, General	D75-1		108	09-20-74					108
	D75-81		43,945	10-31-74					43,945
Flood Control, Mississippi River and Tributaries	D75-82		14,503	10-31-74					14,503
Soldiers' and Airmen's Home									
Capital Outlay*	D75-35	[613*]		10-04-74 10-01-74 11-13-74	-179			-434 1/	0
	D75-35A		434	11-13-74					434
Panama Canal Zone									
Capital Outlay*	D75-36	[500*]		10-04-74 11-13-74				-500 1/	0
	D75-36A		500	11-13-74					500
Wildlife Conservation Military Reservations*	D75-37	[297*]		10-04-74 11-13-74				-297 1/	0
	D75-37A		343	11-13-74					343
TOTAL		[1,410]	59,833		-179			-1,231	59,833

1/ Subsequently incorporated in a supplementary report

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Health Services Administration									
Health Services Delivery*	D75-38		2,250*	10-04-74					
				10-31-74	-2,250				0
Health Services	D75-142		13,996	01-30-75					13,996
Indian Health Facilities*	D75-39		88*	10-04-74					88
National Institutes of Health									
Buildings and Facilities*	D75-40	[10,441*]		10-04-74					
				11-18-74	-4,009				
				12-27-74				-6,432 1/	0
	D75-40A		6,432	12-27-74					6,432
Research Resources	D75-143		6,255	01-30-75					6,255
Alcohol, Drug Abuse and Mental Health Administration:									
Alcohol, Drug Abuse, and Mental Health	D75-144		2,326	01-30-75					2,326
Health Resources Administration									
Health Resources	D75-145		2,823	01-30-75					2,823
Health Resources (Health Facilities Construction)	D75-146		301,340	01-30-75					301,340
Health Manpower	D75-87		100	10-31-74					100
Health Manpower	D75-101	[3,550]		11-26-74					
				12-20-74				-3,550 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Program Management	D75-102	[1,400]		11-26-74					
				01-30-75				-1,400 1/	0
	D75-102A		740	01-30-75					740
Office of Assistant Secretary for Health									
Scientific Activities Overseas*	D75-41		21,714*	10-04-74					
				01-10-75	-6,566				15,148
Education Division:									
Office of Education:									
Elementary and Secondary Education:									
Supplementary Services	D75-103	[9,278]		11-26-74					
				12-27-74				-9,278 2/	0
Equipment and Minor Remodeling	D75-104	[6,562]		11-26-74					
				12-27-74				-6,562 2/	0
Nutrition and Health	D75-105	[1,900]		11-26-74					
				12-27-74				-1,900 2/	0
School Assistance in Federally Affected Areas	D75-6	[16,000]		09-20-74					
				12-27-74				-16,000 1/	0
	D75-6A	[64,000]		12-27-74					
				12-07-74				-64,000 2/	0
Higher Education	D75-42	[8,788*]		10-04-74					
				01-30-75				-8,788 1/	0
	D75-42A		72,790	01-30-75					72,790
(University Community Services)	D75-3	[2,906]		09-20-74					
				12-27-74				-2,906 1/	0
	D75-3A	[5,812]		12-27-74					
				12-07-74				-5,812 2/	0
(Land Grant Colleges)	D75-4	[9,500]		09-20-74					
				12-07-74				-9,500 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
(State Postsecondary Education Commission)	D75-5	[350]		09-20-74 12-27-74				-350 1/	0
	D75-5A	[700]		12-27-74 12-07-74				-700 2/	0
(Basic Opportunity Grants)	D75-147		298,714	01-30-75					298,714
Library Resources: (Public Libraries)	D75-2	[5,437]		09-20-74 12-27-74				-5,437 1/	0
	D75-2A	[10,874]		12-27-74 12-07-74				-10,874 2/	0
Library Resources	D75-148		2,792	01-30-75					2,792
Social and Rehabilitation Service:									
Public Assistance (Child Welfare Assistance)	D75-8	[375]		09-20-74 12-27-74				-375 1/	0
	D75-8A	[750]		12-27-74 12-07-74				-750 2/	0
Work Incentives	D75-132	[50,000]		12-27-74 12-07-74				-50,000 2/	0
Rehabilitation Services (Innovation and Expansion)	D75-7	[5,000]		09-20-74 12-27-74				-5,000 1/	0
	D75-7A	[10,000]		12-27-74 12-07-74				-10,000 2/	0
Research and Training Activities Overseas	D75-43		8,158	10-04-74					8,158

NOTICES

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Social Security Administration									
Limitation on Construction*	D75-44	[15,393*]		10-04-74 11-22-74 12-27-74	-2,865			-12,528 1/	0
	D75-44A	[12,528]		12-27-74 01-30-75				-12,528 1/	0
	D75-44B		20,576	01-30-75					20,576
Special Institutions									
Model Secondary School for the Deaf*	D75-45		803*	10-04-74					803
Howard University	D75-46	[11,490*]		10-04-74 01-30-75				-11,490 1/	0
	D75-46A		6,323	01-30-75					6,323
Gallaudet College (Construction)	D75-149		1,267	01-30-75					1,267
Office of the Secretary									
Departmental Management	D75-106	[1,902]		11-26-74 12-20-74				-1,902 2/	0
TOTAL		264,936	769,487		-15,690			-258,062	760,671

NOTICES

1/ Subsequently incorporated in a supplementary report

2/ Enactment of P.L. 93-529 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Housing and Urban Development

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Housing Production and Mortgage Credit									
Nonprofit Sponsor Assistance*	D75-47		7,995*	10-04-74					7,995
Homeownership Assistance* 1/	D75-48		264,117*	10-04-74					264,117
Community Planning and Development									
Comprehensive Planning Grants	D75-107		50,000	11-26-74					50,000
Open Space Land Programs*	D75-49		55,161*	10-04-74 01-01-75				-55,161 2/	0
Grants for Neighborhood Facilities*	D75-50		48*	10-04-74 01-01-75				-48 2/	0
Grants for Basic Water and Sewer Facilities*	D75-51		401,734*	10-04-74 01-01-75				-401,734 2/	0
Public Facility Loans	D75-52	[199,290*]		10-04-74 10-04-74 11-13-74	-15,356			-183,934 3/	0
	D75-52A		183,934	11-13-74 01-01-75				-183,934 2/	0
New Communities Administration:									
New Communities Assistance Grants*	D75-53		1,799*	10-04-74					1,799

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Policy Development and Research									
Research and Technology	D75-108		8,000	11-26-74					8,000
TOTAL		199,290	972,788		-15,356			-824,811	331,911

1/ On November 6, 1974, the Comptroller General advised the Congress that, in his opinion, this item was misclassified and should have been submitted as a rescission.
2/ Authority for these programs expired January 1, 1975.
3/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Bureau of Land Management									
Public Lands Development Roads and Trails	D75-54	[30,000*]		10-04-74 11-13-74				-30,000 1/	0
	D75-54A		30,000	11-13-74					30,000
Oregon and California Grant Lands*	D75-13		23,693*	09-20-74					23,693
Bureau of Reclamation									
Loan Program	D75-83		900	10-31-74					900
Construction and Rehabilitation:	D75-14		1,055	09-20-74 09-27-74	-25				1,030
	D75-84		17,955	10-31-74					17,955
Colorado River Basin Project	D75-85		2,525	10-31-74					2,525
Upper Colorado River Storage Project	D75-86		1,730	10-31-74					1,730
Upper Colorado River Basin Fund	D75-15		1,150	09-20-74					1,150
Bureau of Outdoor Recreation									
Land and Water Conservation Fund*	D75-55		30,000*	10-04-74					30,000
Land and Water Conservation Fund	D75-109		20,000 (10,000) 2/	11-26-74 11-26-74					20,000 (10,000)
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management*	D75-56		6,924*	10-04-74					6,924

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Federal Aid in Wildlife Restoration*	D75-57		19,375*	10-04-74					19,375
National Wildlife Refuge Fund	D75-58		3,642	10-04-74					3,642
Proceeds from Sales, Water Resources Development Projects*	D75-59		4*	10-04-74					4
National Park Service:									
Road Construction	D75-60		312,098	10-04-74 10-10-74 12-18-74	-55,962 -7,500				248,636
U.S. Geological Survey									
Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920	D75-61	[28*]		10-04-74 10-25-74 11-13-74	-1			-27 1/	0
	D75-61A		27	11-13-74					27
Bureau of Mines									
Drainage of Anthracite Mines*	D75-62		3,575*	10-04-74					3,575
Helium Fund	D75-133		47,500	12-27-74					47,500
Bureau of Indian Affairs									
Road Construction	D75-63	[110,423]		10-04-74 01-30-75				-110,423 1/	0
	D75-63A		135,175	01-30-75					135,175
Acquisition of Land and Loans to Indians of Oklahoma, Act of June 26, 1939*	D75-64		105*	10-04-74					105
TOTAL		[140,451]	657,433		-63,488			-140,450	593,946

1/ Subsequently incorporated in a supplementary report

2/ Deferral of outlays only

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STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Bureau of Prisons Buildings and Facilities*	D75-65		19,320*	10-04-74					19,320
TOTAL			19,320						19,320

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Manpower Administration: Program Administration	D75-135	[200]		12-27-74 12-07-74				-200 1/	0
Comprehensive Manpower Assistance	D75-134	[5,000]		12-27-74 12-07-74				-5,000 1/	0
Departmental Management: Salaries and expenses	D75-136	[60]		12-27-74 12-07-74				-60 1/	0
Special Foreign Currency	D75-150		200	01-30-75					200
Pension Benefit Guarantee Corporation: Pension Guaranty Fund	D75-89		343	11-13-74 01-06-75	-343				0
TOTAL		5,260	543		-343			-5,260	200

1/ Enactment of P.L. 93-529 (December 7, 1974) ended deferral of funds provded by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Administration of Foreign Affairs									
Acquisition, Operation, and Maintenance of Buildings Abroad	D75-66		33,310	10-04-74					33,310
International Boundary and Water Commission, U.S. and Mexico									
Construction	D75-67	[4,696*]		10-04-74 11-13-74				-4,696 1/	0
	D75-67A		4,696	11-13-74					4,696
International Center, Washington, D.C.	D75-16		500	09-20-74					500
TOTAL		[4,696]	38,506					-4,696	38,506

1/ Subsequently incorporated in a supplementary report

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
United States Coast Guard									
Acquisition, Construction, and Improvements	D75-68		7,614	10-04-74					7,614
Federal Aviation Administration									
Civil Supersonic Aircraft Development Termination and Civil Supersonic Aircraft Development	D75-69		8,113	10-04-74					8,113
Facilities and Equipment	D75-70		260,824	10-04-74					260,824
Federal Highway Administration									
Rail Crossings - Demonstration Projects	D75-72		8,015	10-04-74					8,015
National Scenic and Recreational Highway and Trust Fund Share of Other Highway Programs	D75-71		90,000	10-04-74					90,000
Federal Aid Highways 1975 and prior	D75-17		4,370,090	09-20-74					4,370,090
1976	D75-17		6,357,500	09-20-74					6,357,500
National Highway Traffic Safety Administration									
Traffic and Highway Safety	D75-151		1,800	01-30-75					1,800
TOTAL			11,103,956						11,103,956

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Abatement and Control									
Water Program Operations	D75-74		2,000	10-04-74					2,000
Water Planning and Standards	D75-75		30,000	10-04-74					30,000
Construction Grants	D75-9		9,000,000*	09-20-74 01-31-75	-4,000,000				5,000,000
Air and Water Control Agency Grants	D75-152		9,375	01-30-75					9,375
TOTAL			9,041,375		-4,000,000				5,041,375

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Energy Research and Development Administration 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Operating Expenses Weapons Program	D75-110		4,000	11-26-74					4,000
Civilian Reactor Research and Development	D75-111		8,000	11-26-74					8,000
Civilian Reactor Research and Development	D75-112		6,700	11-26-74					6,700
Physical Research	D75-113		2,700	11-26-74					2,700
Controlled Thermonuclear Research	D75-114		8,000	11-26-74					8,000
Biomedical and Environmental Research and Safety	D75-115		4,000	11-26-74					4,000
Operating Expenses/Plant and Capital Equipment Weapons Program	D75-116		4,700	11-26-74					4,700
Plant and Capital Equipment	D75-73	[1,500]		10-04-74 11-26-74				-1,500 2/	0
Plant and Capital Equipment Nuclear Materials	D75-117		12,000	11-26-74					12,000
Nuclear Materials	D75-118		12,000	11-26-74					12,000
Civilian Reactor Research and Development	D75-119		10,000	11-26-74					10,000
Civilian Reactor Research and Development	D75-120		1,500	11-26-74					1,500

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Civilian Reactor Research and Development	D75-121		12,100	11-26-74					12,100
Civilian Reactor Research and Development and Controlled Thermonuclear Research	D75-122		13,000	11-26-74					13,000
Other Capital Equipment	D75-123		13,900	11-26-74					13,900
TOTAL		[1,500]	112,600					-1,500	112,600

1/ Effective January 19, 1975 all AEC deferrals were transferred to ERDA. AEC programs transferred to the Nuclear Regulatory Commission contained no deferrals. EPA, NSF, and Interior programs transferred to ERDA contained no deferrals.

2/ See Deferral No. D75-120.

STATUS OF DEFERRALS

FISCAL YEAR 1975

(Amounts in thousands)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Automatic Data and Telecommunications Activities:									
Automatic Data Processing	D75-10		18,300	09-20-74 09-30-74 12-10-74	-4,300 -14,000				0
Property Management and Disposal Service:									
Rare Silver Dollar Program	D75-137		2,184	12-27-74					2,184
TOTAL			20,484		-18,300				2,184

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Research and Development Manned Space Flight	D75-124		20,000	11-26-74					20,000
Space Science and Applications	D75-125		16,000	11-26-74					16,000
Aeronautical Research and Space Supporting Activities	D75-126		36,000	11-26-74					36,000
TOTAL			72,000						72,000

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

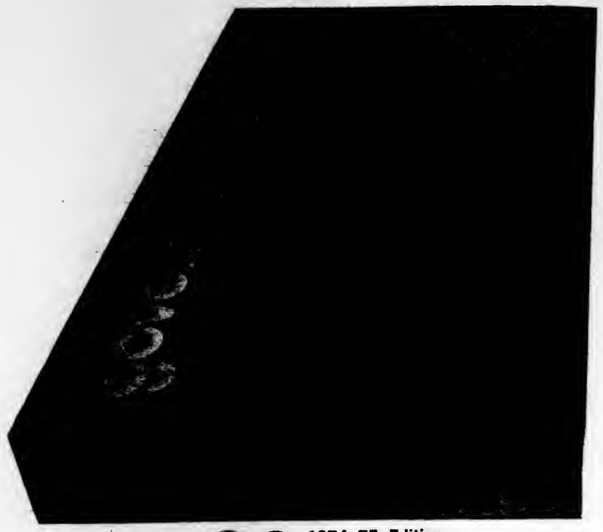
Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
District of Columbia Loans for Capital Outlay	D75-76		96,800	10-04-74					96,800
Federal Energy Administration Salaries and expenses	D75-77		11,929	10-04-74					11,929
Foreign Claims Settlement Commission Payment of Vietnam Prisoners of War Claims	D75-18		10,500	09-20-74					10,500
Advisory Commission on Intergovernmental Relations Salaries and Expenses	D75-138		50	12-27-74 01-02-75	-50				0
National Foundation on the Arts and Humanities Salaries and expenses	D75-127		18,000	11-26-74					18,000
National Science Foundation Salaries and Expenses	D75-128		15,000	11-26-74					15,000
Salaries and Expenses (Energy R&D Appropriation Act, 1975)	D75-129		5,000	11-26-74					5,000
American Revolution Bicentennial Administration Salaries and Expenses	D75-78		11,000	10-04-74 11-20-74	-11,000				0
Commemorative Activities Fund	D75-79		6,310	10-04-74 12-05-74	-4,810				1,500

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-75
Railroad Retirement Board									
Railroad Unemployment Administrative Expenses Trust Fund*	D75-80		4,716*	10-04-74					4,716
Small Business Administration									
Business Loan and Investment Fund	D75-130		36,000	11-26-74					36,000
TOTAL			215,305		-15,860				199,445
TOTAL, ALL DEFERRALS		1,586,590	25,144,270		-4,161,487			-2,207,284	20,362,089

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federal register

THURSDAY, FEBRUARY 20, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 35

Pages 7391–7615



PART I

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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presidential documents

Title 3—The President

EXECUTIVE ORDER 11838

Amending Executive Order No. 11491, as amended by Executive Orders 11616 and 11636, relating to Labor-Management Relations in the Federal Service

Correction

In FR Doc. 75–3781 appearing in the issue of Friday, February 7, 1975, on page 5743, the following corrections should be made to text on page 5746:

1. The word "decision" in the second line of paragraph (d) should be changed to read "procedure".

2. Paragraph 16 should be changed to read as follows:

"16. Section 21(b) is revoked."

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2574]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sharp Electronics Corp.

Subpart—Combining or conspiring: § 13.388 *To control allocations and solicitation of customers;* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Cutting off access to customers or market: § 13.560 *Interfering with distributive outlets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sharp Electronics Corporation, Paramus, N.J., Docket C-2574, Oct. 9, 1974]

In the Matter of Sharp Electronics Corporation, a Corporation

Consent order requiring a Paramus, N.J., distributor of consumer and business electronic products, among other things to cease imposing territorial, customer and other anticompetitive restrictions on its dealers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Sharp Electronics Corporation, and its officers, agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, merchandising, offering for sale and sale or distribution of electronic calculators, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Imposing or attempting to impose any limitations or restrictions respecting the territories in which electronic calculators may be sold by its dealers.

2. Attempting to enter into, entering into, continuing, maintaining, or enforcing and contract, combination, understanding or agreement to limit, allocate, or restrict the territory in which electronic calculators may be sold by its dealers.

3. Imposing or attempting to impose any limitations or restrictions respecting any contract, combination, understanding or agreement to limit, allocate or restrict the person or class of persons to whom electronic calculators may be sold by its dealers.

4. Attempting to enter into, entering into, continuing, maintaining, or enforcing any contract, combination, understanding or agreement to limit, allocate or restrict the person or class of persons to whom electronic calculators may be sold by its dealers.

5. Requiring or attempting to require for a period of five years from the date of this Order that its dealers without option, enter into any contract, combination, understanding or agreement establishing for the period of time during the warranty a mandatory fixed schedule for the division of any profit earned in the sale of an electronic calculator between the selling dealer and a dealer in whose territory the calculator is to be used and serviced.

6. Requiring or attempting to require for years subsequent to the period of five years from the date of this Order that its dealers without option, enter into any contract, combination, understanding or agreement where such mandatory fixed schedule has the effect of limiting, allocating or restricting the territory in which electronic calculators may be sold by its dealers.

Provided, That nothing in this Order shall prohibit respondent from:

(a) Engaging in any activity specifically rendered lawful by subsequent legislation enacted by the Congress of the United States or any rules or regulations promulgated pursuant to such legislation.

(b) Designating geographical areas within which a dealer may agree to devote his best efforts to the sale of electronic calculators (hereinafter "area of primary responsibility") as a condition of becoming a dealer or maintaining a dealership, provided that such dealers are told that said area is not exclusive and does not place a territorial restriction upon the sale of such equipment.

(c) Requiring or attempting to require as a condition of maintaining a dealership any dealer to undertake or cause others to undertake obligations of installation and warranty in connection with the use of any electronic calculators sold, leased or rented by such dealer or for which a dealer has accepted compensation for installation or warranty.

(d) Making available a program for use at the option of a dealer which provides, or contains provisions which provide, in all instances in which the selling dealer chooses not to undertake the obligations of installation or warranty, for a stated fixed schedule for the division of any profit between the selling dealer and a dealer in whose territory the calculator is to be used and serviced.

(e) Requiring, as a condition of maintaining a dealership, compliance with any program described in paragraph (d) voluntarily accepted by such dealer.

II

It is further ordered, That respondent shall within sixty (60) days after service upon it of this Order serve upon all of its franchised dealers a copy of this Order along with a copy of the attached letter (Attachment A) on respondent's official company stationery and signed by the president of respondent.

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its subsidiaries and operating divisions.

IV

It is further ordered, That respondent notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That respondent shall within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

Decision and order issued by the Commission Oct. 9, 1974.

CHARLES A. TOBIN,
Secretary.

ATTACHMENT A

(Official Sharp Stationery)

(Date)

Dear: The Federal Trade Commission has entered into a Consent Order with Sharp Electronics Corporation which, among other things, prohibits Sharp Electronics Corporation from imposing or attempting to impose any limitations or restrictions respecting the territories in which, or class of persons to whom dealers may sell electronic calculators. Dealers are permitted to sell outside the confines of their assigned territories and to sell to any person or class of persons to whom they wish.

The Order prohibits as well, for a period of five years, any mandatory fixed schedule for the division of profit in the sale of electronic calculators between the selling dealer and the dealer in whose territory the calculator is to be used and serviced. For the period of time beyond five years, the Order prohibits mandatory fixed schedules with the effect of limiting, allocating or restricting the territory

[1] Copies of the complaint and decision and order filed with the original document.

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in which electronic calculators may be sold by its dealers.

A copy of the Order is attached for your information.

Very truly yours,

President,
Sharp Electronics Corporation.

[FR Doc.75-4514 Filed 2-19-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11203]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Fixing of Rates of Commission

The Securities and Exchange Commission, acting pursuant to the authority vested in it by the Securities Exchange Act of 1934,[1] and particularly sections 2, 6, 10, 11, 19 and 23 thereof,[2] has adopted Rule 19b-3. The rule will be effective as to the rates charged by members of national securities exchanges (exchanges) on transactions for persons other than members or associated members (public rates), and for clearance charges,[3] on May 1, 1975, the date originally proposed. As to floor brokerage rates, that is, rates charged to members or associated members except for clearance, the effective date will be May 1, 1976. The rule has otherwise been adopted substantially in the form proposed.[4] The Commission has determined not to adopt proposed Rule 10b-22.

The Commission's determination to defer the effective date of the rule as to floor brokerage rates is based essentially on the following considerations. In the first place, the Commission recognizes that the transition to competitive public rates will create problems of adjustment and accommodation for the exchanges and a deferral of the change as to floor brokerage rates may facilitate the ability of the exchanges to accomplish a smooth transition to the new environment. In addition, it appears that many exchange members did not fully appreciate until September 1974, following intra-member rate hearings, that the Commission's policy conclusions with respect to fixed commissions, which were announced on September 11, 1973, were applicable to floor brokerage rates and that, consequently, such members may not have had the benefit of the advance notice and time for planning with respect to floor brokerage rates which the September 11th notice was intended to provide. Finally, floor brokerage rates have considerably less impact on public investors than do public rates.[5]

The Commission's decision not to adopt Rule 10b-22 is based, in part, upon a consensus which developed at the 19b-3 Hearings.[6]

Rule 19b-3 essentially prohibits any exchange from adopting or retaining any rule that requires, or from otherwise requiring, its members to charge fixed rates of commission for transactions executed on or by the use of the facilities of such exchange after the applicable effective dates. Rule 19b-3 further requires each exchange after the applicable effective dates to provide in its rules that nothing therein shall be construed to require or authorize members to agree or arrange for the charging of fixed rates of commission. The rule would also relieve exchange members and their associated persons of any obligation to comply with rules prohibited by its basic provision, regardless of whether or not the exchange has amended such rules, and such rules could no longer be relied upon. This latter provision, among other things, provides for the contingency that some exchange may not have completed the necessary process of rule amendment by the applicable effective dates of the rule.

Rule 19b-3 is intended to reach all rules governing the fixing of rates of commission on exchange transactions. Thus, for example, in the case of the New York Stock Exchange (NYSE), the provisions of Article XV of the NYSE Constitution relating to floor brokerage could be retained after May 1, 1975; but such provisions may not be retained after May 1, 1976. In addition, other rules, such as NYSE Rules 391, 392, and 393, would have to be amended by exchanges to eliminate provisions intended to preserve the fixed commission rate structure in connection with distributions outside the normal pattern of exchange transactions. It should be noted that Rule 19b-3 covers any "rule of the exchange," which is defined as any provisions of the constitution, articles of incorporation, bylaws, or rules or instruments corresponding thereto, whatever the name, of the exchanges.

Introduction

In view of the importance of the issue of commission rates dealt with by the rule and the extensive consideration given to the subject over the past twelve years, not only by the Commission but by Congressional Committees, the Department of Justice, the Treasury Department, exchanges, various firms and organizations in the securities industry, investors and many independent economists, jurists and other scholars, the Commission believes it is appropriate to set forth the reasons for the rule and the relevant considerations in somewhat greater detail than is its usual practice in connection with the adoption of rules or than appears to be required by the Administrative Procedure Act.[7] At the same time, the voluminous materials on this subject which have been developed and considered since 1963 and the numerous questions with respect thereto which have received the Commission's attention make it impossible, if we are to keep this release within any reasonable compass, to do more than highlight those aspects of the matter which the Commission finds particularly significant. It is therefore impractical to undertake a detailed analysis of the large body of underlying facts which entered into the Commission's determination to adopt the rule.[8]

More particularly, although the Securities Industry Association raised a question at the 19b-3 Hearings with respect to the legal authority of the Commission to adopt any rule precluding the exchanges from having rules fixing rates of commission, and similar questions have been raised by others in the past, the Commission does not regard it as appropriate to set forth in this release the legal arguments in support of its authority to adopt the rule. In view of the broad regulatory and rulemaking authority over the securities markets and the securities exchanges, including the specific subject of commission rates, granted to the Commission by the Act, the Commission, after careful consideration of the legal issues, is satisfied that it has authority to adopt Rule 19b-3, if it makes, as it has done, the basic findings called for by the Act.

The Act was passed against the background of the stock market crash of 1929 and in the light of the extensive study and investigation by the Senate Committee on Banking and Commerce entitled "Stock Market Practices." It was consequently a basic, if not the basic,

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[1] 15 U.S.C. 78a et seq. (hereinafter cited as the Act).

[2] 15 U.S.C. 78b, 78f, 78j, 78k, 78s and 78w.

[3] In its statement of May 29, 1974, at the Intra-Member Rate Hearings, the New York Stock Exchange concluded that fixed rates for clearance could be determined on a competitive basis at the same time as public rates were so determined. Statement of James J. Needham, In the Matter of Intra-Member Commission Rate Schedules of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4-171 (1974), Transcript at 4-5.

[4] Securities Exchange Act Release No. 11073 (Oct. 24, 1974), 39 FR 38396 (Oct. 31, 1974).

[5] Nothing in Rule 19b-3, however, requires exchanges to wait until May 1, 1976, to eliminate fixed floor brokerage rates, or for that matter, to wait until May 1, 1975, to eliminate fixed public rates.

[6] In the Matter of Proposal to Adopt Rules 19b-3 and 10b-22 Concerning the Fixing of Commission Rates by National Securities Exchanges, Securities and Exchange Commission File No. 4-176 (1974).

[7] Section 4(c) of the Administrative Procedure Act (5 U.S.C. 553(c)) provides that rules which are adopted shall incorporate "a concise general statement of their basis and purpose." It is our practice to include such a statement in the release announcing the adoption of a rule. This provision may be contrasted with Section 8(c) of that Act (5 U.S.C. 557(c)), which requires, in the case of adjudication, that the decision include a statement of "findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record."

[8] Securities Exchange Act Release No. 11073 of October 24, 1974, in which the Commission released the proposed rule for public comment, contained a list of some of the more important source materials relating to this subject, which mere list covered two and one-half printed pages. Reference thereto is hereby made.

purpose of this legislation to provide for regulation of the stock market and of transactions and practices relating thereto. It was intended that this regulation be comprehensive and complete. Indeed, the Congress so stated in the preamble of the Act which stated that it is "necessary to provide for regulation and control * * * and to impose requirements necessary to make such regulation and control reasonably complete and effective." This objective was approached in a variety of ways. The Commission was established to administer the Act; and exchanges are required to register with the Commission, are charged with the duty of self-regulation of their members and may become registered only if the Commission concludes, among other things, "that the rules of the exchange are just and adequate to insure fair dealing and to protect investors." In addition to statutory provisions regulating various trading practices and activities of members, section 19(b) of the Act supplements the initial authority of the Commission over exchange rules by authorizing it to alter or supplement the rules of an exchange with respect to various significant matters, including "the fixing of reasonable rates of commission, interest, listing and other charges." The standard for such action is that such alterations be "necessary or appropriate for the protection of investors or to insure fair dealing in securities traded in upon such exchange or to insure fair administration of such exchange." As the House Committee put it, this authority was intended to permit the Commission to effect changes in exchange rules "in any important matter * * * appropriate for the protection of investors or appropriate to insure fair dealing." [9]

In view of the complexity of the subject and of changing conditions, great reliance was placed upon broad rulemaking power so as to enable the Commission to respond flexibly to changing regulatory needs. In light of these considerations, the Commission believes that the express authority granted to it over the subject of commission which, as the Special Study [10] said, are "the lifeblood of the brokerage business today even as in 1792," [11] encompasses the authority to accomplish necessary changes in those rules.

An extensive discussion of the history and interpretation of the Commission's rulemaking authority under the Act is found in Securities Exchange Act Release No. 9950 (Jan. 16, 1973), 38 FR 3902 (Feb. 8, 1973), to which reference is hereby made.

The remainder of this release consists of the following sections:

1. Summary of the evolution of exchange commission rates and of the Commission's consideration of them.
2. Reasons for the rule.
3. Comments on the rule.
4. Conclusion.
5. Text of the rule.

1. *Summary of the evolution of exchange commission rates and of the Commission's consideration of them.* The practice of fixing commission rates on stock exchanges in the United States is generally traced back to the so-called Buttonwood Tree Agreement of 1792, which provided:

> We, the Subscribers, Brokers for the Purchase and Sale of Public Stock, do hereby solemnly promise and pledge ourselves to each other, that we will not buy or sell from this day for any person whatsoever, any kind of Public Stock at a less rate than one-quarter percent Commission on the Specie value, and that we will give a preference to each other in our Negotiations. In Testimony whereof we have set our hands that 17th day of May, at New York, 1792.[12]

Although present exchange commission rate rules have become far more complex than this simple paragraph, the essentials are the same. The members undertake not to deal at a rate less than the fixed commission, that is, the public rate, and to give preference to each other, that is, the intra-member rates. The ancient lineage of exchange rate fixing, and the fact that it has persisted for over a century and a half without serious challenge, naturally provoke inquiry as to why it should be questioned now. The answer is that exchange commission rate fixing operates now in a far different environment than it did in earlier periods. During the period from 1792 to approximately the end of World War I, exchange commission rates were of little public importance. The general public was not involved to any significant extent in exchange trading in equity securities and there was some justification for regarding the stock exchanges as, in considerable measure, private clubs. While certain aspects of exchange operations gave rise to increasing public concern in the late years of the 19th Century and the opening years of the 20th Century, commission rates were not among them.

After the end of World War I, the public participated increasingly in exchange trading in equity securities and the stock market assumed unprecedented importance in the functioning of the economy. The disastrous events of 1929 demonstrated that the exchanges had not satisfactorily adapted to their new status as institutions with far reaching public responsibilities and led to the comprehensive Congressional investigations of the early 1930's. The evils and malpractices thus uncovered, in turn, gave rise to the movement for reform which culminated in the enactment of the Act in 1934 with its comprehensive scheme of governmental regulation. But attention was then focused primarily upon such obvious evils as corners, pools, manipulations, insider trading, and other fraudulent and deceptive practices which seriously injured investors. With respect to commission rates, there was some concern with the possible overcharging of unsophisticated investors, and with possible monopoly profits, and the Commission was given regulatory authority.

Between World War II and the early 1970's, the public flocked into the securities markets, and financial institutions increasingly participated in those markets. As a result of Congressional concern as to the adequacy of investor protection under these circumstances, two major studies were made under the auspices of the Commission. The first of these was the monumental Special Study, made essentially during the period from the end of 1961 to the middle of 1963, pursuant to Congressional direction embodied in an amendment to the Act. The second of these studies was the Institutional Investor Study,[13] made essentially in 1969 and 1970, pursuant to another amendment to the Act. The Special Study noted that during the 1952–1961 decade, the number of individual shareholders in America grew almost three times but that, despite this expansion, activity of individuals as a proportion of total NYSE share volume decreased from 57 percent in 1952 to 51.4 percent in 1961; during the same period, the Special Study observed, institutional activity rose from 24.6 percent in 1952 and 19 percent in 1953 to 26.2 percent of such volume in 1961.[14] The Institutional Investor Study noted a further decrease in the volume accounted for by the public to 33.4 percent at the end of 1969 and an increase in the institutional share during the same period of 42.4 percent.[15] The institutional share has continued to rise at least through 1971, the latest year for which the NYSE has made available a public transaction study.[16]

The Special Study included probably the first reasonably comprehensive analysis of the nature and structure of commission rates and their impact, together with the procedures and standards involved in setting and reviewing such rates. The Special Study did not, however, consider the question of fixed vs. competitive commissions. Nor did it believe that it was either "called upon or equipped" to study the level of commission rates or to express any view with respect to their reasonableness. Nevertheless, the Special Study did point out certain problems presented by the commission rate structure, some of which are still unresolved. These include the fact that the commission rate schedule covers a great variety of services performed by brokers in addition to the execution and

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[9] Report of House Committee on Interstate and Foreign Commerce on H.R. 9323, H.R. Rep. No. 1383, 73d Cong., 2d Sess. 15 (1934).

[10] Securities and Exchange Commission, "Report of Special Study of Securities Markets," H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963).

[11] 2 Special Study 295.

[12] Eames, "The New York Stock Exchange" 14 (1894).

[13] "Institutional Investor Study Report," H.R. Doc. No. 92-64, 92d Cong., 1st Sess. (1971).

[14] 2 Special Study 6.

[15] "Institutional Investor Study," Supp. Vol. 1 at 147.

[16] NYSE 1974 Fact Book 55.

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clearance of transactions. That characteristic of the rate schedule has induced service competition rather than price competition and has resulted in complex and irrational distinctions between permissible ancillary services and prohibited rebates of the minimum commission. The Special Study also noted the prevalence of reciprocal arrangements and pointed out that the nature of the securities commission business is such that traditional principles of rate regulation can hardly be applied to it. In that connection, the Special Study said:

> It is important to reemphasize that, while the security commission business shares, with other businesses subject to rate regulation, the qualities of being "affected with the public interest" and of being limited to a standard of "reasonable" rates, the differences are perhaps more significant than the similarities, and the problem here is in many ways unique. Thus, the public utility normally possesses a franchise conferring upon it monopoly rights to furnish a service required by the public and also obligating it to furnish service to all who need it at reasonable prices. In contrast, though the auction market of the NYSE is a dominant unit in the structure of our capital markets, about 500 member firms compete with each other for the business of the public to be transacted on the NYSE within the confines of the same commission rate schedule. Moreover, they compete with other investment media for the public's savings, and the Exchange itself competes as a marketplace with other markets, both for the listing of issues to be traded and for transactions in listed issues also traded on other exchanges (dually traded securities) or in the over-the-counter market.
>
> There are other important economic differences. Public utilities generally are characterized by relatively high investment in fixed plant and equipment, while the security commission business is essentially a service business requiring relatively small capital investment but relatively high personnel costs. The income of utilities tends to be more stable than that of industry generally while that of the security commission business fluctuates much more widely. These differences make it clear that the problem of "reasonable" rate level can be solved by no simple transfer of principles evolved in the field of utility regulation to the security commission business.[17]

It was further pointed out that a basic dilemma was involved in the setting of commission rates. Traditionally, the rates have been set, at least in part, in terms of a commission per share. This means that with a per share commission the commission charge on a given number of shares of a low price stock is a far larger proportion of the amount invested than the commission on the same number of shares of a high priced stock. On the other hand, a commission schedule based on the dollar amount of the investment would produce a far higher commission on a given number of shares of a high priced stock than on a given number of shares of a low priced stock although the cost of executing the two orders would normally not be very different. In the context of a fixed rate structure, no satisfactory solution to this dilemma has yet been found.

The Special Study also pointed out that five commission rate increases occurred between the enactment of the Act and 1963, and that in connection with each, reference was made to generalized concepts of cost and profit but that the available data for the determination of these was entirely inadequate and that complex problems of allocation of costs existed as well as the even more difficult conceptual problem of giving content to the general standard of reasonableness in an industry to which traditional ratemaking concepts were largely inapplicable.

Over the years since the Special Study, strenuous efforts were made by the Commission and the exchanges to deal with the problems and to correct the defects pointed out. Thus, volume discounts were introduced, customer directed give-ups were abolished, income and expense data for member firms were substantially improved and efforts were made to develop principles for the allocation of costs and also to develop a ratemaking philosophy. It is fair to state, however, that the latter efforts have not been successful. The NYSE has acknowledged that it has not established a basis for allocating costs between the stock exchange commission business and other business done by member firms and has requested the Commission to pass upon recent proposals for rate increases upon the basis of the overall profitability of the securities industry and the impact of inflation upon various costs incurred by member firms. The exchanges and representatives of the brokerage industry acknowledged at the 19b–3 Hearings that they had not yet endeavored to develop and present a philosophy or a set of principles to be applied in ratemaking.

The Commission has held two major hearings with respect to rate structure since the Special Study. The first of these was the Rate Structure Hearings[18] commenced in early 1968. In those hearings, the question was, for the first time, directly raised as to whether rate fixing by exchanges should be replaced by competition. The Antitrust Division of the Department of Justice participated in those hearings in order to "raise questions concerning the relationship between * * * the Exchange Act and the public policy embraced in the Federal antitrust laws."[19] In the course of the hearings, the NYSE stated that it would retain economic consultants to develop a cost-based commission rate schedule. The Commission agreed to await completion of that study before resolving the basic question but, nevertheless, invited written submissions and oral presentations in preparation for the resolution of those issues. In response to the Commission's invitation, the Antitrust Division of the Department of Justice stated, in effect, that the Commission should develop a transitional program which would permit it to institute competitive commissions gradually, commencing with larger volume transactions.[20]

The NYSE study was thereafter accelerated and in February 1970 the NYSE presented to the Commission a study entitled "Reasonable Public Rates for Brokerage Commissions—A Report by National Economic Research Associates, Inc. to the Cost and Revenue Committee of the New York Stock Exchange."[21] The NYSE subsequently made clear, however, that its Board of Governors had not approved the proposed commission rate schedule set forth in the February NERA Report and that the February NERA Report was merely a study presented for discussion.[22]

The Commission reconvened hearings to analyze a new commission rate schedule proposed in June 1970 by the NYSE. The NYSE proposal departed from a cost-based schedule, such as that set forth in the February NERA Report, by limiting increases on small orders and decreases on large orders called for in the original study.[23]

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[17] 2 Special Study 328–329 (footnote omitted).

[18] In the Matter of the Commission Rate Structure of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4–144 (1968–1971).

[19] It is rather surprising that, although the exchanges have been engaged in a combination to fix commission prices both before and ever since the Sherman Act was passed in 1890, the first direct antitrust challenge to stock exchange rate fixing in the federal courts did not come until the Kaplan case in 1966. "Kaplan v. Lehman Bros.", 371 F. 2d 409 (7th Cir.), cert. denied, 389 U.S. 954 (1967). Perhaps this was, at first, attributable to the early idea that the commerce clause of the Constitution and the Sherman Act applied only to transactions in "commodities." See "Hopkins v. United States," 171 U.S. 578, 597–98 (1898); "United States v. Southeastern Underwriters Ass'n," 322 U.S. 533 (1944); "Atlantic Cleaners & Dyers v. United States," 286 U.S. 427 (1932). Since 1934, federal regulation under the Act has affected the application of the antitrust laws to stock exchange actions. See "Silver v. New York Stock Exchange," 373 U.S. 341 (1963). The status of stock exchange rules fixing commissions under the antitrust laws in view of the provisions of the Act is expected to be clarified by the Supreme Court in the near future unless mooted by enactment of legislation now pending in the 94th Congress. See "Gordon v. New York Stock Exchange," 498 F. 2d 1303 (2d Cir.), cert. granted, 95 Sup. Ct. 491 (1974).

[20] Rate Structure Hearings. Memorandum of the Department of Justice on the Fixed Minimum Commission Rate Structure, Jan. 17, 1969, at 194–195.

[21] Hereinafter cited as the February NERA Report.

[22] NYSE Special Membership Bulletin, February 12, 1970; NYSE Special Membership Bulletin, Feb. 19, 1970.

[23] The NYSE submitted in support of its proposal a revised study entitled "Stock Brokerage Commissions, the Development and Application of Standards of Reasonableness for Public Rates, a Report by National Economic Research Associates, Inc. to the Cost and Revenue Committee of the New York Stock Exchange" (July 1970) (hereinafter cited as the July NERA Report). The February NERA Report had proposed a 116.3 percent increase in the commission on an order involving 100 shares of stock selling at $10 per share; the NYSE proposal called for a 50 percent commission rate increase. For an order of 1,000 shares of a stock selling at $50 per share, the February NERA Report had proposed a 36.3 percent commission rate reduction; the NYSE proposal called for a 10 percent commission increase. For further comparisons, see Table XI–4 of the February NERA Report and Table XII–3 of the July NERA Report.

In October 1970, the Commission concluded that the data submitted in support of the NYSE proposal did not provide a complete answer to the problems of commission rate structure, but that it would not be in the public interest to leave the subject indefinitely in abeyance. Accordingly, while the Commission stated that it would not raise any objection if the proposed schedule were adopted with specified modifications and upon the understanding that specified steps would be taken to provide a better basis for the determination of commission rates, it also stated that it was of the opinion that fixed charges for portions of orders in excess of $100,000 were neither necessary nor appropriate. It further requested that a plan for reasonable economic access for non-member broker-dealers be presented.[24]

In March 1971, the Institutional Investor Study was transmitted to the Congress. That Study was basically an economic study conducted primarily by economists and it included an examination of the impact of institutional investment upon the securities markets. This aspect of the Institutional Investor Study is relevant to the question of commission rates since one of the principal problems with the commission rates was the generally unsuccessful effort to adapt them to the needs of both individual investors and large institutional investors. Upon the basis of the data and analysis of the Institutional Investor Study with respect to this matter, the Commission concluded, as stated in its letter of March 10, 1971, to the Congress in transmitting the Study:

> It is clear that the securities markets are changing in rapid and significant ways. There are a number of reasons for these changes; among the most important are the greatly increased volume of trading by institutions, the negotiated nature of many institutional transactions, the fixed minimum commission rates that stock exchanges impose on such transactions and technological advances in communications and data processing. The evolution of the securities markets has been, and may continue to be, affected and distorted by barriers to competition. Among the most significant of these are minimum commission rates and rules that insulate markets, market makers and broker-dealers from each other. The combination of fixed minimum commission rates and barriers to access have tended to cause institutions to choose market places, in part at least, for the purpose of reducing the commission they pay or taking advantage of opportunities to purchase various services with "soft" commission dollars by means of reciprocal practices. These appear to be the most important explanations for the accelerating growth of institutional trading on the regional stock exchanges and in the third market. Because the assembly of many block trades takes place primarily over the upstairs communications systems of broker-dealers rather than on the floor of any stock exchange, such transactions can be executed wherever the participants select, and markets have therefore been selected on the basis of these considerations.
>
> The fixed minimum stock exchange commission on large orders had led to the growth of complex reciprocal relationships between, on the one hand, institutions (particularly mutual fund managers and banks) and, on the other, broker-dealers. This has had the effect of making commission rates for institutions negotiable but limiting the extent to which the ultimate investor rather than the money manager has benefited from such negotiation. As noted earlier, these relationships tend to aggravate potential conflicts of interests, to be anti-competitive in nature and to impede the development of a central market system for securities trading. Elimination of fixed commission rates for institutional size transactions should go some distance toward dealing with these problems. The Commission will closely observe the extent to which competitive commission rates lead toward these results.[25]

In April 1971, at the direction of the Commission, exchanges provided that commissions on the portion of exchange orders involving $500,000 or more were to be competitively determined. In July 1971, the Commission reconvened its commission rate hearings to receive testimony and other relevant data concerning a proposed rate structure based in part on the methodology developed in the preceding year by the economic consultants engaged by the NYSE. The following September, the Commission advised the NYSE that it would not raise any objection to the new rate schedule if certain additional modifications to then prevailing commission-related practices were effected (including implementation of economic access for non-member brokers permitting discounts of up to 40 percent from the public rate).[26]

In not objecting to the NYSE's rate proposal the prior October, the Commission had specifically requested the presentation not later than May 31, 1971, of a uniform accounting system in order to evaluate the need for a fixed commission rate system.[27] In September 1971, the Commission recognized that the inability of the NYSE appropriately to allocate costs and revenues between brokerage and other activities engaged in by members had necessitated consideration of the proposal on the basis of the total financial experience of member firms. The Commission, therefore, extended until May 1, 1972, the period for submission of uniform reporting by member firms in order to permit evaluation of subsequent commission rate proposals.[28]

Beginning in October 1971, the Commission held the Hearings on Market Structure[29] and, on February 2, 1972, issued the Market Structure Statement,[30] which was based on those hearings as well as the earlier studies and hearings extending back over a decade.[31] The Market Structure Statement concluded that a reduction to $300,000 was called for in the breakpoint above which commission rates on exchange transactions should be competitively determined. In reaching that conclusion, however, the Market Structure Statement noted that the securities industry had operated under fixed commission rates for a very long time and that it would, therefore, be appropriate to measure the effect of competitive commissions carefully, on a step-by-step basis. The Commission recognized the possible risk of a precipitate movement toward competitive rates, but concluded that that did not rule out moving toward competitive rates, at least on large orders, at a measured, deliberate pace and that the Commission rate structure would ultimately be based upon the cost characteristics of the service being offered.[32] In response to the Commission's conclusions, the breakpoint on fixed commission rate schedules was lowered to $300,000 in April 1972.

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[24] Securities Exchange Act Release No. 9007 (Oct. 22, 1970). In the course of the 19b–3 Hearings, reference was made to that release as making the continuation of minimum commissions dependent on the adoption of a uniform system of accounts. While indicating that implementation of a uniform system of accounts, as well as uniform and adequate methods of cost allocation, was necessary to the continuance of a system of fixed rates for exchange transactions, that release also stated that fixed charges for portions of orders in excess of $100,000 were neither necessary nor appropriate. The inadequacies of the data submitted in support of the NYSE proposal were subsequently pointed out to the NYSE. See letter dated April 23, 1971, from Irving M. Pollack, Director, Division of Trading and Markets, to William C. Freund, NYSE Vice President and Economist. As indicated supra, p. 11, exchanges have not established a basis for allocating costs between stock exchange commissions and other business done by member firms. Furthermore, by the end of 1970 it appeared that the banning in 1968 of customer directed give-ups and the simultaneous introduction of the volume discount had not solved the regulatory problems of fixed commission rate schedules. See Address by Robert W. Haack before the Economic Club of New York, Nov. 17, 1970, quoted in The New York Times, Nov. 18 1970, at 76, col. 8. See also 4 Institutional Investor Study Report 2206.

[25] Institutional Investor Study, Summary Vol. at xxii. See supra n. 13.

[26] Securities Exchange Act Release No. 9351 (Sept. 24, 1971).

[27] See n. 24 supra.

[28] The Commission also indicated that it was continuing to study the economic and regulatory impact on the investing public, the securities markets and the securities industry of competitive commission rates on portions of orders in excess of $500,000. *See* Securities Exchange Act Release No. 9143 (Apr. 14, 1971).

[29] In the Matter of the Structure, Operation and Regulation of the Securities Markets, Securities and Exchange Commission File No. 4–147 (1972).

[30] Securities and Exchange Commission, Statement on the Future Structure of the Securities Markets, 37 Fed. Reg. 5286 (Mar. 14, 1972).

[31] The Market Structure Statement expressed the unanimous view of the Commission as it was then constituted (Chairman Casey and Commissioners Owens, Needham, Herlong and Loomis), although Commissioner Owens took a different view with respect to restrictions on transactions by institutionally affiliated brokerage firms for their institutional affiliates.

[32] Market Structure Statement 16. The emphasis of the Market Structure Statement was on fostering free and open competition, not only with respect to commission rates but also competing market makers.

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In May 1973, the NYSE proposed to increase commission rates; the Commission received comments on that proposal at a public hearing and, in September 1973, determined not to raise any objection to the proposed increases or to their continuation through March 31, 1974.[34] The Commission also indicated that it would act promptly to terminate the fixing of commission rates after April 30, 1975, if the exchanges did not, on their own initiative, adopt rule changes achieving that result.[35]

Subsequently, the NYSE proposed to provide for competitively determined commission rates on transactions involving less than $2,000. That proposal, as resubmitted in amended form by the NYSE to exclude intra-member rates (that is, rates paid by members to other members for floor brokerage and clearance), was adopted by the NYSE and other exchanges and became effective on April 1, 1974. In withdrawing its initial proposal, the NYSE Board of Directors stated that it did not believe it was necessary to amend the intra-member rate schedules as originally proposed in order to provide experimentation with competitive commission rates.[36] The Commission then held the Intra-Member Rate Hearings, at which the NYSE announced its willingness to abandon fixed intra-member commission rates for clearance.[37]

During the same period the Committees of the Congress having jurisdiction over securities regulation has also turned their attention to the issue of fixed vs. competitive rates. Both the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs and the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce of the House of Representatives initiated in 1971 a comprehensive examination of the securities industry. These studies were primarily occasioned by the operational and financial crisis in the securities industry in 1969 and 1970 which had led the Congress to enact the Securities Investor Protection Act of 1970.[38] That Act, in effect, provided government insurance for investors against loss resulting from the insolvency of broker-dealers and created a potential liability of the Treasury to cover such claims. The Committees felt that they should independently study the industry to examine the conditions which made such legislation necessary. Both Committees carefully studied the problems arising from fixed commissions. The recommendations of the Senate Subcommittee contained in its Report of February 4, 1972, with respect to commission rates were as follows:

> The related questions of stock exchange commission rates and exchange membership for institutions have been the subject of intensive hearings before the SEC for 3½ years. A review of the record of these proceedings and of the statements submitted to the Subcommittee itself on these questions reveals clearly that the present distortions and fragmentation of our securities markets cannot be effectively dealt with so long as the NYSE and other stock exchanges are permitted to fix the commissions that their members must charge, at least on large transactions. The industry expects, and is entitled to, a clear statement of government policy as to when and how the present restrictions will be removed. This requires the setting of a date certain for elimination of fixed rates on institutional-size transactions, which have resulted in the most serious distortions. This could best be achieved by eliminating fixed rates on orders in excess of $100,000. In addition, to provide the possibility of lower rates to small investors, brokerage firms, after appropriate filings with the SEC, should be permitted to charge lower fees for "unbundled" services than are required by the current fixed rate schedules for the full range of brokerage services.[39]

The House Committee in its recommendations went somewhat further, stating that:

> The Subcommittee finds that fixed minimum commission rates are not in the public interest. We have reviewed our own record, the relevant portions of the SEC's record and that of the Senate study. On the basis of that review the Subcommittee finds that the fixed minimum commission rate system should be replaced by one where commission rates are determined by the forces of competition. We find further that competitively determined rates should apply to all transactions regardless of size, and that a competitive commission rate system should be phased in without excessive delay.
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> The SEC has indicated that it will seek reduction of the level from $300,000 to $200,000 by April of 1973 and then to $100,000 by April of 1974. The New York Stock Exchange has proposed a slightly different timetable, and stated that it will review the level for competitively determined commission rates in October 1972. The Subcommittee has heard testimony that the difference in impact on the industry between a $500,000 breakpoint and a $300,000 breakpoint is minimal, and a number of witnesses indicated that a further reduction in the breakpoint may be warranted prior to the date scheduled by the SEC. The Subcommittee agrees. A further reduction in the breakpoint by the Exchange when it conducts its review in October is warranted. The SEC could then adjust its timetable accordingly. So long as reasonable progress along this road is being made, the Subcommittee will defer legislative action.
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> The Subcommittee agrees with the testimony of a large number of witnesses that there is no reason to freeze competitive rates at the $100,000 level. The Subcommittee finds no logical justification for competition on institutional size transactions while perpetuating rate fixing on transactions of small investors. If steps are not taken to continue to reduce the breakpoint below the $100,000 level until all fixed rates are abolished, the Subcommittee will introduce legislation to do so.
>
> There has been much debate over the desirability of a fixed minimum commission rate system. But the Congress, the Department of Justice, and the SEC have determined that the public interest will best be served by replacing fixed prices with a competitive rate system. The debate should now end. If the securities industry expends as much energy in adjusting to a competitive system as it has in debating its wisdom, the Subcommittee is convinced that the industry will not only survive, but it will flourish.[40]

Following the completion of these Studies, legislation to implement the recommendations of the respective Committees was introduced in the Senate and in the House. The Senate bill passed the Senate but the House bill, although favorably reported by the Committee on Interstate and Foreign Commerce, was not acted upon in the 93d Congress. Similar legislation has been introduced in both Houses in the 94th Congress.[41]

2. *Reasons for the rule.* The basic reason for the Commission's decision to adopt Rule 19b–3 was the conclusion that, under present circumstances, the free play of competition can provide a level and structure of commission rates which will better serve the interests of the investing public, the securities markets, the securities industry, the national economy and the public interest than any system of price fixing which can reasonably be devised. Furthermore, the Commission concludes that there is no economic requirement for fixed rates of commission in the securities industry, as is evident from the practical experience of the over-the-counter market, where no such structure exists, as well as all of the data which has been accumulated concerning the nature and characteristics of the securities commission business.[42] Consequently, even if it were possible to devise a better scheme of fixed rates, the commitment of resources would not appear to be justified under present and foreseeable conditions in view of the strong probability that no such system would work as well as competition. The foregoing conclusions are consistent with the American tradition of reliance upon free competition to determine prices and allocate resources, as reflected by the public policy embodied in the antitrust laws. It should be emphasized, however, that the Commission's conclusions are not based upon any simplistic notion that competition is a "good thing" in all lines of endeavor, including a regulated industry, and that, therefore, competitive rates should be substituted regardless of experience and circumstances. Rather, this conclusion is based upon the entire experience of the Commission and the securities industry with fixed rates, particularly during the last decade and more, and the intensive studies which have been made of that subject by so many competent persons.

The existing commission rate structure has demonstrably worked badly during that period. It has led to distortions, evasions, conflicts of interest,[43] and inefficiencies, and has obstructed at every step the ability of the securities markets to adapt themselves to the demands of our time. It has impeded the evolution of a central market system and has fragmented the markets, impairing their ability to concentrate the flow of orders and to mobilize market-making resources necessary to provide depth and liquidity in a market increasingly affected by institutional participation. It has also, by its rigidity and delay, inhibited innovations in the rendering of brokerage services to the investing public and in the ability of the securities industry to adjust rapidly to the rapid fluctuations in the volume of trading and, therefore, in the demand for brokerage services. Some of these difficulties seem to be inherent in a fixed rate system as applied to a dynamic and rapidly changing industry.

When the Commission commenced its inquiry into the commission rate structures at the time of the Special Study, fixed commission rates were assumed by everyone, including the Commission, to be a normal and necessary feature of the exchange markets. It became more and more clear in the light of later experience that this was not the case. However, the virtues of the traditional system were staunchly defended throughout the Commission's hearings in 1968 and 1969 and in the hearings before Congressional Committees in 1971 and 1972. In contrast, at the 19b–3 Hearings, the existing system had few defenders. Those who opposed the proposed rule largely confined themselves to either asking for delay, or suggesting that the initiation of competitive commission rates should await a more prosperous period, or be deferred pending the taking of certain further steps toward a central market system, or the adoption of certain proposed safeguards for the auction market process.[44] A few witnesses suggested that some vaguely outlined better system of fixed commission rates should be developed. No one supported any extended continuation of the status quo at least with respect to public rates.

The foregoing does not reflect any judgment by the Commission that the fixed minimum commission rate always was bad or that it was, or now is, illegal, or that fixed commissions could never be appropriate in the future. Rather, it simply reflects a conclusion, based upon the Commission's experience and the abundant data alluded to earlier that, under the conditions now existing, fixed minimum commissions should terminate at the times specified in the rule. It is not possible to predict future developments or future conditions, and it is conceivable that unforeseen developments could require the Commission to reinstitute some form of fixed rates, although the Commission does not anticipate or believe that this will become necessary.

3. *Comments on the rule.* In addition to a number of comments urging prompt adoption of Proposed Rule 19b–3,[45] a number of comments were received either opposing its adoption or suggesting changes in timing to allow for other developments or to await improved economic conditions, or urging that other action be taken by the Commission in conjunction with its adoption. The principal arguments for permitting fixed minimum commission rates to continue were the contentions that the brokerage industry is subject to "destructive competition," that the fixed commission rate structure provides desirable subsidies which cause the securities markets to operate more efficiently and fairly and that the existence of a fixed commission rate, by encouraging membership on exchanges, is desirable to promote self-regulation.

The proposition that the brokerage industry, if subjected to competitive commission rates, would be susceptible to destructive competition was first elaborated in 1968; and it was again urged in opposition to Rule 19b–3. The economic prerequisites for the type of destructive competition postulated are, however, the existence of fixed costs constituting a high percentage of total costs and the availability of economies of scale applicable to a substantial percentage of an industry's aggregate production. Under those circumstances, it is argued that price competition, during periods of low

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[34] On September 3, 1974, the NYSE proposed to increase rates again. As subsequently modified, the NYSE's proposal called for an increase of 8 percent on minimum rates of commission on transactions involving from $5,000 to $300,000. After receiving information with respect to the NYSE's proposal and holding a public hearing, the Commission determined not to invoke its jurisdiction to object to the NYSE's proposal. See Securities Exchange Act Release No. 11089 (Nov. 6, 1974), 39 FR 43250 (Dec. 11, 1974).

[35] Securities Exchange Act Release No. 10383 (Sept. 11, 1973), 38 FR 27243 (Oct. 1, 1973). The NYSE Board of Directors had already adopted on the preceding March 1 a resolution calling for a combined program of legislation and regulation concurrently eliminating fixed commission rates on all orders and establishing the requirement that all trades of listed securities be made on national securities exchanges operating under similar rules and regulations.

[36] Securities Exchange Act Release No. 10669 (Mar. 6, 1974).

[37] In Securities Exchange Act Release No. 11019 (Sept. 18, 1974), 39 FR 35214 (Sept. 30, 1974), the Commission indicated that it had not been persuaded, on the basis of the data and views obtained at the public hearings on intra-member rates and otherwise, that its policy conclusions of September 11, 1973, should not also be applicable to intra-members rates.

[38] 15 U.S.C. 78aaa *et seq.* The Securities Investor Protection Corporation established by that Act is required to provide for the satisfaction of claims against a bankrupt broker, not exceeding $50,000 for each customer (subject to a limitation of $20,000 for claims for cash).

[39] Securities Industry Study, Report of the Subcommittee on Commerce and Finance of the Senate Committee on Banking, Housing and Urban Affairs (For the Period Ended Feb. 4, 1972), 92d Cong., 2d Sess. (1972).

[40] Securities Industry Study, Report of the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, H.R. Doc. No. 92–1519, 92d Cong., 2d Sess. (1972).

[41] H.R. 10 and S. 249, 94th Cong., 1st Sess. (1975).

[42] The securities commission business, of course, is not a natural monopoly or utility which requires fixed rates because price competition is impossible. It is, however, contended that the securities commission business is of so vulnerable a nature that it cannot survive price competition or, stated otherwise, that it is subject to "destructive competition." Certain reasons for rejecting that conclusion are discussed under the next heading in this release.

[43] The fixed rate structure tends to create conflicts of interest on the part of institutional investors who are usually engaged in managing investments on behalf of others, rather than investing their own money. In these cases, the institutional manager allocates the commission business among brokers but the beneficiaries, in effect, pay the commissions. Since brokers provide a great variety of services which are compensated by commissions, institutional managers are constantly tempted to direct the brokerage business of their beneficiaries to brokers who will provide services for the benefit of the manager. The problem is aggravated by the fact that under prevailing accounting practices and tax law, commissions are treated as part of the purchase price of securities bought, or as a deduction from the proceeds of securities sold, rather than being accounted for as expenses incurred in the management of the portfolio. Under these circumstances, investment managers may be inclined to seek services in exchange for brokerage since the cost of such services may be buried in the carrying value of the portfolio securities rather than charged to the beneficiaries as an expense of administration. The tendency of this situation to corrupt fiduciary relationships is not the least of the evils resulting from the present commission rate system. Even where no misconduct is present, the situation leads to inefficiency in the management of assets. The foregoing does not mean that fiduciaries may not utilize commissions on transactions for beneficiaries to obtain for their beneficiaries research and other valuable services. Certain aspects of this matter are discussed below in connection with the so-called "fiduciary question" raised by certain persons in connection with the proposed rule.

[44] See, e.g., statements at 19b–3 Hearings by Representative William S. Stuckey, Jr., United States House of Representatives; James H. Lorie, Professor of Business Administration, University of Chicago; Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University; Marshall E. Blume, Professor of Finance, University of Pennsylvania; Donald Farrar, Professor of Finance, University of California, Los Angeles; Walter Werner, Professor of Law, Columbia University; Richard West, Dean, University of Oregon; David L. Ratner, Professor of Law, Cornell University; Robert Loeffler, Trustee, Equity Funding Corporation of America; James B. Halpern, of Arent, Fox Kintner, Plotkin and Kahn; Philip G. Conner, Executive Vice President of Conner, Redwine, Inc.; Mark M. Batatian, President, Prudential-American Securities, Inc.; Charles T. Bauer, Chairman, Committee of Investment Officers, American Insurance Association. Comments of the United States Department of Justice, Dec. 10, 1974.

In addition, a number of letters supporting prompt adoption of the rule were received subsequent to the 19b–3 Hearings. See, e.g., letters from Senator Harrison A. Williams, Jr., Chairman of the Senate Subcommittee on Securities (Dec. 16, 1974); Senator Philip A. Hart, Chairman of the Senate Subcommittee on Anti-trust and Monopoly (Dec. 17, 1974); Representative John E. Moss, Chairman of the House Subcommittee on Commerce and Finance (Dec. 16, 1974); Representative Peter W. Rodino, Jr., Chairman of the House Subcommittee on Monopolies and Commercial Law (Dec. 18, 1974); and William R. Salomon, Salomon Brothers (Dec. 10, 1974).

[45] See infra "Comments on the Rule."

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demand and excess capacity, may be expected to drive prices down to marginal costs, which would be below average costs, resulting in losses for a large part of the industry. Eventually such conditions would result in a contraction of industry capacity to a level below that which is necessary to suppy the public need and an undue degree of concentration in the brokerage industry which would have adverse effects on the functioning of the securities markets.

The possibility of destructive competition in the brokerage industry has been, since 1968, subject to careful analysis by a number of independent economists.[46] These analyses demonstrate that the brokerage industry's fixed costs are not high in relation to its total costs even though fixed costs have sharply increased since 1968 and that there are no economies of scale which should lead to undue concentration with competitive commission rates. It has also been pointed out that, above a critical level necessary to provide modern electronic facilities by contract or otherwise, other forms of competition such as service competition could be expected eventually to have effects similar to those of price competition so that a fixed commission rate system, absent controls on the type and quantity of services, does not assure that there will not be increasing concentration in the brokerage industry.[47] Experience with competitive commission rates on large transactions since April 1971, and on small transactions since April 1974, has tended to bear out the analysis that the brokerage industry is not subject to destructive competition as postulated.

Coupled with the destructive competition argument has been an acknowledgment that any new fixed commissions would have to be based on costs with suggestions that the Commission develop the necessary analysis. To date the exchanges have not devised a system for allocating costs between stock exchange commission business and other business not involving fixed rates; furthermore, they have been reluctant to adopt schedules recommended on the basis of available cost data.[47] A number of brokerage firms have repeatedly indicated that it is impractical to allocate expenses so as to break down net income among such varied lines of business as securities commissions, underwriting and trading profits since substantially the same sales personnel and branch office facilities are engaged in the generation of all sources of revenues at any time, and it is not practicable to allocate to each revenue source its share of such joint expenses as personnel costs, occupancy and equipment costs, interest and communication costs.

On the basis of its experience over the last six years with the problems of analyzing costs for a brokerage industry in many different lines of business, the Commission has concluded, as noted above, that commitment of resources would not be justified in view of the strong probability that no such system would work as well as competition.[48] The brokerage industry has demonstrated for a number of years that it can deal with price competition. Initially, such competition was confined to the use of the complex rebative practices which developed because the fixed commission rate structure was out of line with perceptions of cost. Since April 1971, competitive commission rates for large transactions have been given formal recognition in the rate structure, and since April 1974, competitive commission rates have been in effect for small transactions.

The second argument for retaining fixed commission rates is that they provide a number of subsidies which are beneficial to the operation of the securities markets.[49] Thus, it is said that large investors should pay commissions which are in excess of those justified by costs thereby enabling brokers to hold commission rates for small investors down to reasonable levels. The participation of small investors, which would be encouraged by lower commission rates would, it is asserted, enhance the orderliness and liquidity of the market for securities.

Many brokerage firms, however, concentrate on servicing large institutions while others concentrate on a retail business for small investors. Firms that do both a retail business and an institutional business have tended to treat the two as separate operations; each operation is in effect selling a different product and selling it to customers with fundamentally different needs. Brokerage firms are not obligated to do business at the request of the public and may decline, for example, to handle the accounts of small customers. Consequently, revenues derived from institutional business do not provide any rational, controllable subsidies to small investors.

It has also been argued that minimum commission rates, since they provide a relatively dependable stream of revenue to regional brokers, particularly small brokers, enable them to operate profitably. Their continued existence is said to be dependent on profits derived from fixed commission rates and to be important in order to maintain a nationwide distribution network for newly issued securities as well as to provide regional underwriting capabilities for local enterprises. While it may be argued that commission rates should be kept artificially high to sustain regional brokers in times of few underwritings so that they may be available when needed to distribute new offerings, underwriting is recognized as profitable business for a brokerage firm, there have always been adequate resources to devote, in light of the demand, to underwriting activities and many regional brokers appear confident of their ability to operate without minimum commission rates. Nevertheless, it is possible that some firms are not large enough to operate efficiently. To that extent there may be a continuation in the current pattern of consolidation of firms after the introdudction of competitive commissions.

It has also been argued that minimum floor brokerage commissions are desirable because they maintain excess capacity on exchange floors during slack periods in order to meet peak demands. There are not, however, concomitant obligations on exchanges or their members to maintain any particular level of floor brokerage capacity. Consequently, capacity is not maintained except to the extent that individual exchange members believe it desirable in order to meet expected demand.

With respect to market making by specialists, it is argued that floor brokerage income realized from high volume securities enables the specialist to make a better market in low volume securities. But it has never been possible, in view of exchanges and specialists, to measure the quality of markets with any degree of precision so as to determine that any incentive provided by minimum floor brokerage commissions is being used to provide better markets. It has consistently been acknowledged that the type of market maintained for a security is dependent upon its individual trading characteristics which may vary from time to time so that there is not any way to monitor the use by specialists of any incentive provided. Furthermore, the system of allocating and reallocating stocks to specialists has not been designed for the purpose of distributing floor brokerage among different specialists on any basis likely to make efficient use of the incentive. Secondly, securities listed on exchanges are required to meet listing criteria designed to provide reasonable likelihood of sufficient trading volume so that the exchange system will operate effectively.

The third argument for maintaining fixed commission rates is that they provide an incentive for membership on exchanges and that the exchange revenue derived from the orders executed on exchanges supports desirable self-regulation of the brokerage industry. The advent of competitive rates, it is argued,

[46] See, e.g., Baxter, "NYSE Fixed Commission Rates": "A Private Cartel Goes Public", 22 Stanford L. Rev. 675 (1970); Friend and Blume, "Competitive Commissions on the New York Stock Exchange", 28 The Journal of Finance 795 (1973); Mann, "A Critique of the New York Stock Exchange's Report on the Economic Effects of Negotiated Commission Rates on the Brokerage Industry, the Market for Corporate Securities, and the Investing Public" Rate Structure Hearings (1969); West and Tinic, Minimum Commission Rates on New York Stock Exchange Transactions", 2 Bell Journal of Economic and Management Science 577 (1971).

[47] See Friend and Blume, supra, n. 43.

[47] See supra n. 22 and accompanying text.

[48] See supra "Reasons for the Rule."

[49] See, e.g., statements at Intra-Member Rate Hearings by representatives of the NYSE, the American Stock Exchange, and the Securities Industry Association; and statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated and by representatives of the Association for the Preservation of the Auction Market, Inc., the NYSE, the American Stock Exchange, and the Securities Industry Association.

may lead to an exodus from exchanges of members which could effectively negotiate access to the exchange when necessary and would otherwise make separate markets off the exchanges.

Market making requires the commitment of capital so that, to the extent exchanges operate as efficient market places, brokers will be less likely to make the necessary investment to engage in their own market-making activities. With respect to the possible loss of membership in the case of brokers which prefer to negotiate access to exchange facilities, exchanges have authority to provide appropriate regulation for such transactions. Furthermore, exchanges may impose revenue charges to support their activities which, if not borne directly by brokers which negotiate access, will nevertheless be passed on indirectly to them through charges made by members. If transactions in listed securities take place off exchanges to a greater extent than is now the case, the associated self-regulatory costs will be shifted to a national securities association. Finally, developments of this kind are among the matters which may be monitored and dealt with if they arise, as discussed below.[50]

Representatives of several exchanges, as well as several other witnesses at the 19b-3 Hearings,[51] suggested that current economic conditions should lead to a postponement of the introduction of competitive commission rates. It is argued that the transition should be timed to a period of general prosperity so as to allow the securities industry a margin for error in making the necessary adjustments for competitive commission rates. There is not, however, any assurance of successfully predicting the general level of the economy, or of stock volume and stock prices. Furthermore, if a decision were to be made on the basis of predictions, after the decision became effective there could be a change in the trend of the economy, or of stock market volume and stock prices independent of the general state of the economy.

Similarly, there have been recent periods of high stock market volume and stock prices when it would have been unwise to introduce competitive commission rates; during the paperwork crunch in 1969 and 1970 there might have been substantial risks to investor protection, notwithstanding relatively high volume and prices for most of that period. Developments since 1970, such as implementation of the Securities Investor Protection Act,[52] revision of financial responsibility rules,[53] implementation of new rules with respect to custody of customer funds and securities[54] and improved surveillance procedures[55] have substantially reduced those risks.

On the other hand, some commentators suggested that there would be a better opportunity to observe adverse consequences, if any, and take action to correct them during a period of relative lack of activity in the industry. Finally it was suggested by others that there would be transitional problems of roughly the same magnitude whenever the transition took place and, therefore, no effort should be made to tie the transition to particular economic circumstances.[56]

The most important consideration is that the brokerage industry should be given, as it has been, a substantial period of time to plan for the transition rather than attempt to time the change precisely with respect to particular economic circumstances. That was the principle which motivated the Commission to announce, in September 1973, its policy conclusion that the fixing of commission rates should be terminated after April 30, 1975.

It was also urged that a number of other steps be implemented concurrently with or prior to the introduction of competitive commission rates. Suggestions included: (a) adoption of a best execution rule;[57] (b) development of a composite quotation system and improved nationwide clearance and depository system; [58] (c) possible safeguards to maintain viability of regional exchanges and third markets; [59] (d) preservation of the auction market by providing "equal regulation" for aspects of the securities business; [60] (e) alternation of other rules of exchanges which have anti-competitive aspects; [61] (f) prior action to lower costs on small transactions; [62] (g) prohibition of affiliated business; [63] (h) adoption of rules to resolve possible questions as to the scope of the term "investment adviser" under the Investment Advisers Act of 1940 and of the term "member" under the Act; [64] (i) action to clarify the "fiduciary" question; [65] and (j) institution of a monitoring system to assess the impact of competitive commission rates.[66]

Some of the suggestions are intended to have the effect of preserving the competitive position of exchanges; others are designed to remove competitive disadvantages which are believed to impede the ability of existing participants in the securities markets to compete effectively without fixed minimum commissions. Still other suggestions link anticipated developments in the efficient operation of the securities markets to the issue of competitive commission rates or anticipate problems with respect to the fair and orderly operation of securities markets.

With respect to adoption of a best execution rule, the Commission does not

[50] Furthermore, with the advent of the consolidated tape, any broker choosing to make its own markets in listed securities would have to ensure appropriate reporting. See "Silver v. New York Stock Exchange," 373 U.S. 341, 356 (1963), with respect to regulation by exchanges of non-members.

[51] See, e.g., statements at 19b-3 Hearings by Sanford I. Weil, Chief Executive Officer, Shearson Hayden Stone, Inc.; James M. Roche, Public Director of the NYSE; and representatives of the American Stock Exchange, Midwest Stock Exchange and the Securities Industry Association.

[52] 15 U.S.C. 78aaa et seq. The Securities Investor Protection Corporation, established by the Securities Investor Protection Act, had by the end of 1973 placed 94 firms in liquidation. Securities Investor Protection Corporation, Third Annual Report 1973, at 1 (1974).

[53] Compare NYSE Rule 325 as in effect until 1970 with such rule as in effect subsequently.

[54] Rule 15c3-3 under the Securities Exchange Act of 1934, 17 C.F.R. 240.15c3-3.

[55] See Securities Investor Protection Corporation, Third Annual Report 1973, at 16–17 (1974).

[56] See, e.g., statements at 19b-3 Hearings by Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University, and Roger E. Birk, President, Merrill Lynch, Pierce, Fenner & Smith, Incorporated.

[57] See, e.g., statements at 19b-3 Hearings by Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University; Donald Farrar, Professor of Finance, University of California, Los Angeles; and repreesentatives of the Boston Stock Exchange.

[58] See, e.g., statements at 19b-3 Hearings by Daniel J. Murphy, Senior Vice President, Shields Model Roland, Incorporated and by representatives of the Boston Stock Exchange, Midwest Stock Exchange and PBW Stock Exchange.

[59] See, e.g., statements at 19b-3 Hearings by Donald Farrar, Professor of Finance, University of California, Los Angeles; Mark Batatian, President, Prudential-American Securities, Inc.; and by representatives of the PBW Stock Exchange and the Investment Counsel Association of America.

[60] See, e.g., statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated and by representatives of the Midwest Stock Exchange and the NYSE.

[61] See statement at 19b-3 Hearings by Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University.

[62] See, e.g., statements at 19b-3 Hearings by Mark Kaplan, President, Drexel Burnham & Co., Inc. and Thomas E. O'Hara, Chairman of the Board of Trustees of the National Association of Investment Clubs.

[63] See, e.g., statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated and by representatives of the Midwest Stock Exchange.

[64] See, e.g., statements at 19b-3 Hearings by Roger E. Birk, President, Merrill Lynch, Pierce, Fenner & Smith, Incorporated and by representatives of the Midwest Stock Exchange.

[65] See, e.g., statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated; Haig Casparian, Vice President and General Counsel, William D. Witter, Inc.; Philip G. Conner, Executive Vice-President, Conner, Redwine Inc.; Roger E. Birk, President, Merrill Lynch, Pierce, Fenner & Smith, Incorporated; Daniel J. Murphy, Senior Vice President, Shields Model Roland, Incorporated; Mark Kaplan, President, Drexel Burnham & Co., Incorporated; Honorable Gerald L. Parsky, Assistant Secretary of the Treasury for Trade, Energy, and Financial Resources Policy Consideration; Marshall Blume, Professor of Finance, University of Pennsylvania; James H. Lorie, Professor of Business Administration, University of Chicago; Robert Loeffler, Trustee, Equity Funding Corporation of America; and by representatives of the Boston Stock Exchange, Midwest Stock Exchange, NYSE, American Insurance Association and Investment Counsel Association of America.

[66] See, e.g., statements at 19b-3 Hearings by representatives of the NYSE.

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believe it necessary, solely because of the introduction of competitive commission rates, to formulate special principles to supplement existing standards as to the duty of loyalty and care owed by an agent to his principal under general principles of agency law, as currently supplemented by the provisions of the Act and the rules adopted thereunder. If, however, it should appear appropriate, after the introduction of competitive commissions and on the basis of experience with the evolution of the markets, to provide more particular rules, the Commission will consider doing so.

More efficient and wider dissemination of quotations as well as full implementation of the consolidated tape now in a trial phase, continue, in the Commission's judgment, to be appropriate in the context of the development of a central market system. In the view of the Commission the essence of the central market system is an interconnected system of communication. But the development of such a system or further improvements in the nationwide clearance and depository systems are not preconditions to the introduction of competitive commission rates; rather, competitive commissions may, as suggested by some,[8] speed progress in their development.

While regional exchanges have been innovative and resourceful in developing new techniques and services for their members, some of them have also been vehicles for the evasion of minimum commissions. At least one regional exchange has indicated its confidence that it will be a viable marketplace without minimum commissions,[9] and the Commission does not believe it appropriate to afford special safeguards to regional exchanges solely to protect them against the effects of competitive commissions rather than for reasons relating to a desirable market structure. Similarly, to the extent that the third market has in effect existed because of the exchange umbrella of the minimum commission rate structure, the Commission does not therefore conclude that special protections are appropriate for the third market to further the objectives of the Act.

Suggestions for "equal regulation" for all aspects of the securities business came specifically from the NYSE. The NYSE would, among other things, require all trading in listed securities to be exposed to the auction market provided by any exchange [10] and would limit contact between dealers in listed securities and their customers as is currently done for specialists by NYSE and American Stock Exchange rules. The NYSE and American Stock Exchange rules restricting specialists from certain classes of customers have their regulatory foundation on the specialist's control of the limit order book from which he derives substantial income acting as an agent for other brokers. Similar circumstances do not exist for third market dealers. Nevertheless, without such provisions it is suggested that the third market will expand to the detriment of the exchanges and the auction market they provide.

Other commentators have suggested that it is more reasonable to argue that minimum commission rates have had more to do with fostering the development of the third market than to argue that competitive rates will make the third market more important.[11] Since the effect of proposals to restrict third market dealers would be to put the third market out of business and consequently give exchanges a monopoly on trading in listed securities, such action would not appear to be appropriate without persuasive evidence based on experience with competitive commission rates that the objectives of the Act would thereby be promoted.

Alteration of other rules of exchanges which have anticompetitive effects was also suggested by commentators particularly concerned that regional exchanges might not survive in an environment of competitive commission rates. One commentator suggested requiring the NYSE to allow anyone to become a specialist in order to develop a system of competitive specialists on the NYSE. That suggestion is based on assumptions about future developments in the markets for listed securities as a consequence of introducing competitive commission rates; those developments may not come to pass and the Commission does not believe it necessary to take specific action in advance of any experience with actual developments.

With respect to small transactions, it may not be possible to reduce costs without changes in the manner in which securities transactions are effected; certain kinds of costs do not vary with the amount involved in a transaction and must be incurred. To the extent, however, that better cost controls and improved procedures for processing transactions, including the elimination or immobilization of stock certificates, can be developed, their development will be speeded by the introduction of competitive commission rates and impeded by retention of a minimum commission rate system in which rates are automatically increased to pay for increasing costs.

It was also urged that, prior to implementation of a system of competitive commission rates, any handling of affiliated business by exchange members should be prohibited outright in place of the current provisions of Rule 19b-2 [12] which require that 80 percent of an exchange member's business not be affiliated business. In adopting Rule 19b-2 the Commission recognized that it should gain some administrative experience in its operation and impact so that it might reassess its position should harmful, unforeseen consequences arise. The current formulation provides flexibility to respond to any fundamental changes attributable to operation under competitive commission rates, which will greatly reduce the significance of the so-called "institutional membership" problem.

The fiduciary question referred to above, arises out of the expectation by many observers that institutional portfolio managers, who purchase a very large part of all brokerage services, may believe themselves compelled, after the introduction of competitive commission rates, to seek the lowest available commission rate. It is believed that institutions would so act out of fear of lawsuits alleging breach of fiduciary duty if they used their beneficiaries' funds to pay more than the lowest available commission rate. Paying the lowest available commission rate would, it is argued, protect the institutional portfolio manager from liability. Fiduciaries, however, purchase other services for their beneficiaries without believing themselves compelled to seek the lowest possible cost; rather they appropriately "consider the full range and quality" of the services which accrue to their beneficiaries and "need not solicit competitive bids." [13]

In this connection, it has been suggested that fiduciaries might feel compelled to pay commissions which were so low as to make it impossible for brokers to supply research which is urgently needed by these fiduciaries and their beneficiaries. The Commission does not believe that this will occur to any material extent since fiduciaries are entitled to exercise their judgment as to what is in the interest of their beneficiaries and, in any event, the cost of research does not appear to be so large a part of the expense incurred by brokerage firms as to make it impossible for them to supply it in reasonable quantity if their customers desire it.[14] While there may be some period of adjustment for fiduciaries after the introduction of competitive commission rates for all transactions, experience has to some extent already built up in arriving at commissions on the portion of orders over $300,000, which have most frequently involved fiduciaries. That experience should eventually be capable of general application.

Questions relating to the definition of investment adviser under the Investment Advisers Act of 1940 may require analysis based on experience with competitive commission rates. The questions raised relating to the scope of the definition of member under the Act are not basically new, but were not considered to require specific action in connection with the introduction of access provisions for nonmember brokers. The Commission, as indicated below, is, however, prepared to consider further specific proposals with respect to those questions as well as the fiduciary question and other suggestions made at the 19b-3 Hearings.

The Commission was also requested to undertake a monitoring system to assess the impact of competitive commissions. The Commission proposes to take steps to provide appropriate increased monitoring of the activities of brokers and their financial condition and operations as well as possible shifts in patterns of trading for some period subsequent to May 1, 1975, in order to assure that the objectives of the Act, including the protection of investors and the maintenance of fair and orderly markets, are upheld during any transitional phase. Such monitoring may include collection of additional financial data as well as programs of staff interviews to evaluate changing conditions. In that connection the Commission will welcome specific suggestions for the types of activities on which monitoring efforts should be focused. In addition, the Commission will consider whether or not any rulemaking or other action would be appropriate to clarify the application of the definition of member in order to assist exchanges in performing their self-regulatory role and will consider questions as to incentives to exchange membership and problems for fiduciaries anticipated by some commentators. As to the fiduciary question the Commission will, of course, also submit comments on provisions in pending legislation.[15] Any such action, if appropriate, could be taken prior to May 1, 1975, in order to facilitate the transition.

Stated differently, certain persons suggested that the introduction of competitive rates would have undesirable and unintended consequences, in part because of the changes which it would create in the economic incentives and choices of member firms. The Commission believes that these concerns appear exaggerated. In any event, however, the possibility of such undesirable consequences does not provide an adequate basis for deferring competitive rates, since there are other ways in which these problems can be dealt with. The monitoring efforts which the Commission intends to undertake will enable it to be alert to developments and to position itself to take prompt corrective action if undesirable consequences develop before, or after, May 1, 1975. Thus, for example, if it should appear that member firms are proposing to leave the exchanges in order to execute customers' transactions by making markets off the exchange, various steps could be taken to restrict this practice to the extent necessary or appropriate in the public interest or for the protection of investors.

In that connection, the Commission intends shortly to announce procedures by which any interested person may offer suggestions concerning appropriate methods to deal with any problems that might emerge. It should be noted, however, that proposals which appear on their face to be anticompetitive can hardly be acted upon in the absence of experience under competitive rates which demonstrates that they are, nevertheless, necessary or appropriate.

4. *Conclusion.* After a long and careful consideration of the policy questions raised by the existence of the fixed commission rate structures on national securities exchanges, the Commission has concluded that the adoption of Securities Exchange Act Rule 19b-3, precluding exchanges from fixing the rates of commission their members must charge, is necessary or appropriate for the protection of investors, to assure fair dealing in securities traded in upon such exchanges and to insure the fair administration of such exchanges, and, accordingly, hereby adopts Rule 19b-3.

5. *The Text of the Rule.* Section 240.19b-3 reads as follows:

§ 240.19b-3 Prohibiting fixing of rates of commission by exchanges.

(a) No national securities exchange ("exchange") shall adopt or retain any rule of the exchange that requires, or shall otherwise, directly or indirectly, require its members, or any person associated with its members, to charge any person any fixed rate of commission for transactions effected on, or effected by the use of the facilities of, such exchange.

(b) Each exchange shall provide in its rules of the exchange that nothing therein or in its practices shall be construed to require or authorize its members, or any person associated with its members, to agree or arrange, directly or indirectly, for the charging of fixed rates of commission for transactions effected on, or effected by the use of the facilities of, such exchange.

(c) No member of any exchange, or person associated with any member, shall be required to comply with, or may rely on, the provisions of any rule of the exchange covered by paragraph (a) of this section.

(d) As used in this rule, the term "rule of the exchange" refers to any provision of the constitution, articles of incorporation, bylaws or rules or instruments corresponding thereto, whatever the name, of the exchange, and the term "floor brokerage commissions" refers to commissions applicable to the execution of transactions for members or associate members of an exchange but does not include commissions for clearance services or commissions for a combination of floor brokerage and clearance services.

(e) The provisions of this rule shall become effective on May 1, 1975, except as to any rule of the exchange relating to floor brokerage commissions as to which the provisions of this rule shall become effective on May 1, 1976.

(Secs. 2, 6, 10, 11, 19, 23; 48 Stat. 881, 885, 891, 898, 901; as amended; secs. 8, 49 Stat. 1379, 75 Stat. 465, 82 Stat. 453 (15 U.S.C. 78b, 78f, 78j, 78k, 78s, 78w))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

JANUARY 23, 1975.

[FR Doc.75-4609 Filed 2-19-75;8:45 am]

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[8] See statement at 19b-3 Hearings by James H. Lorie, Professor of Business Administration, University of Chicago.

[9] See statement at 19b-3 Hearings by representatives of the Midwest Stock Exchange.

[10] The Midwest Stock Exchange suggested requiring all trading of listed securities to be done on exchanges if exchange memberships dropped. Currently NYSE rules provide in a number of situations that a member need not take even its own transactions in listed securities to an exchange floor. See NYSE rules relating to secondary distributions.

[11] See, e.g., statements at 19b-3 Hearings by James H. Lorie, Professor of Business Administration, University of Chicago and Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University.

[12] 17 CFR 240.19b-2.

[13] *Cf.* Securities Exchange Act Release No. 9498 (May 9, 1972), 37 FR 9988 (May 18, 1972).

[14] Member firms' 1973 NYSE Income and Expense reports (which include an estimate of research expense covering all research activities wherever performed) show that, of the 235 firms carrying public customer accounts, 4 estimated research expense as 25 percent or more of total expense, 12 as more than 15 percent, and 26 firms as more than 10 percent. The aggregate research expense of these 26 firms was $20 million out of a total of $109 million for all 235 carrying firms. There were 180 firms for which research expense was estimated to account for less than 5 percent of total expense; but the research expenditures of these firms accounted for 65 percent of the total for all carrying firms.

[15] H.R. 10 and S. 249, 94th Cong., 1st Sess. (1975).

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

AMENDMENT REGARDING ENFORCEMENT ACTIVITIES

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations of authority to inspect establishments of manufacturers of biological products under section 351 of the Public Health Service Act. A reorganization of the Bureau of Biologics (39 FR 18702) made revision of the delegation necessary.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120),

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Part 2 is amended in § 2.121 by revising paragraph (p)(7) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

• • • • • •

(p) • • •

(7) The Director, Deputy Director, and Associate Director of the Bureau of Biologics and the Director of the Division of Compliance of that Bureau may authorize, pursuant to section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)), any officer, agent, or employee to enter and inspect any establishment which is subject to the provisions of section 351 of the act (42 U.S.C. 262).

• • • • • •

Effective date. This order shall be effective February 20, 1975.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a).)

Dated: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4591 Filed 2-19-75;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

LIGNIN SULFONATE FROM SISAL

The Commissioner of Food and Drugs has evaluated the data in a petition (MF-3515) filed by the Dexter Corp., 1 Elm St., Windsor Locks, CT 06096, and other relevant material, and concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the safe use of lignin sulfonate derived from sisal (*Agave sisalana*) as a permitted ingredient in animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.234 is amended in paragraph (a) by adding the words "or of sisal (*Agave sisalana*)" after the words "or of abaca (*Musa textilis*)." As revised, paragraph (a) reads as follows:

§ 121.234 Lignin sulfonates.

• • • • • •

(a) For the purpose of this section, the food additive is either one, or a combination of, the ammonium, calcium, magnesium, or sodium salts of the extract of spent sulfite liquor derived from the sulfite digestion of wood or of abaca (*Musa textilis*) or of sisal (*Agave sisalana*) in either a liquid form moisture not to exceed 50 percent by weight) or dry form (moisture not to exceed 6 percent by weight).

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before March 24, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective February 20, 1975.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4592 Filed 2-19-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

PART 552—APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Extension to Domestic Service Employees

The Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), as amended by the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259, 88 Stat. 55), extends with certain exceptions the Act's minimum wage, overtime, equal pay, and recordkeeping provisions to domestic service employees. In order to implement the 1974 Amendments, a proposed change in the recordkeeping requirements of 29 CFR Part 516 and and a new proposed 29 CFR Part 552 concerning domestic service employment were published in the FEDERAL REGISTER on October 1, 1974 (39 FR 35382). Subpart A of 29 CFR Part 552 defined and delimited the terms "domestic service employee," "employee employed on a casual basis in domestic service employment to provide babysitting services," and "employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves." Subpart B set out statements of general policy and interpretation concerning the application of the Fair Labor Standards Act to domestic service employees. Interested persons were invited to submit written comments, suggestions, data or arguments concerning the proposal to the Administrator of the Wage and Hour Division, U.S. Department of Labor, in Washington, D.C. on or before November 4, 1974.

In response to the October proposal, comments were received from individuals, law firms, social service groups (both public and private), employers of working mothers, the Women's Bureau of the U.S. Department of Labor, the AFL-CIO, public welfare departments of State and local governments, and business firms providing domestic service workers. Most of the comments were from working mothers and their employers who expressed great concern over the impact which the Amendments and the proposed regulations would have upon those working mothers who employ full-time babysitters. The Wage and Hour Division is mindful of the special problems of working mothers, but the text of the statute and the legislative history of the 1974 Amendments do not permit the Secretary of Labor or the Administrator of the Wage and Hour Division to extend the exemption which Congress provided for those who perform babysitting services on a casual basis to individuals who care for children as their regular, full-time employment.

Based upon the other comments, I have made several minor changes in proposed Part 552. These include the addition of "nurses" to the list of employees who fall within the term "domestic service employment" (§ 552.3); removing the examples from the definition of "casual basis" as it applies to babysitting services (§ 552.5) and inserting them in § 552.104; and deleting the 8-hour a week limitation on the amount of nonexempt work which may be performed by individuals engaged in rendering companionship services (§ 552.6). Also, a sentence was added to § 552.100(b) to make it clear that employers cannot credit against wages for the cost of uniforms and their care if they require that the uniforms be worn. The more detailed description in § 552.100(d) for determining the actual cost of furnishing lodging has been omitted and employers are referred instead to the applicable regulations and rulings contained in 29 CFR 531. Section 552.101(b) has been amended to make clear that employees engaged in maintaining businesses conducted in a home are not "domestic service employees." A paragraph (c) has been added to § 552.101 to deal with the method of determining hours of work for non-live-in domestic service employees. The recordkeeping requirements for live-in domestic service employees have been simplified by the addition of paragraph (b) to § 552.102 which permits the employee's hours to be established by an agreement rather than by the maintenance of precise hourly records where there is an agreement between the parties which schedules the employee's hours of work and that agreement is regularly followed. Other clarifying changes were made in § 552.110.

The one major change in Part 552 is in § 552.109 which deals with "third party employment." This section as originally proposed would not have allowed the section 13(a)(15) or the section 13(b)(21)

exemption for employees who, although providing companionship or live-in domestic services, are employed by an employer or agency other than the family or household using their services. On further consideration, I have concluded that these exemptions can be available to such third party employers since they apply to "any employee" engaged "in" the enumerated services. This interpretation is more consistent with the statutory language and prior practices concerning other similarly worded exemptions.

Therefore, with the changes and additions indicated above, the proposed amendments to 29 CFR Part 516, and the new 29 CFR Part 552, are adopted, to become effective February 20, 1975 in their final form which reads as follows:

1. Part 516 is amended by adding the following section:

§ 516.34 Domestic service employees.

(a) With respect to any person employed as a domestic service employee who is not exempt under section 13(a)(15) of the Act, the employer of such person shall maintain and preserve records containing for each such person the following:

(1) Name in full;
(2) Social security number;
(3) Address in full, including zip code;
(4) Total hours worked each week by such employee for the employer;
(5) Total cash wages paid each week to such employee by the employer;
(6) Weekly sums claimed by the employer for board, lodging or other facilities; and
(7) Extra pay for weekly hours worked in excess of 40 by such employee for the employer.

(b) No particular form of records is required, so long as the above information is recorded and the record is maintained and preserved for a period of 3 years.

(c) Where an employee works on a fixed schedule, the employer may maintain the schedule of daily and weekly hours the employee normally works, and (1) indicate by check mark, statement or other method that such hours were actually worked, and (2) when more or less than the scheduled hours are worked, show the exact number of hours worked.

(Sec. 11(c), 52 Stat. 1060, as amended (29 U.S.C. 211(c)))

2. Part 552 is added. Its title, table of contents and Subparts A and B read as follows.

Subpart A—General Regulations

Sec.
552.1 Terms used in regulations.
552.2 Purpose and scope.
552.3 Domestic service employment.
552.4 Babysitting services.
552.5 Casual basis.
552.6 Companionship services for the aged or infirm.
552.7 Petition for amendment of regulations.

Subpart B—Interpretations

552.99 Basis for coverage of domestic service employees.
552.100 Application of minimum wage and overtime provisions.
552.101 Domestic service employment.
552.102 Live-in domestic service employees.
552.103 Babysitting services in general.
552.104 Babysitting services performed on a casual basis.
552.105 Individuals performing babysitting services in their own home.
552.106 Companionship services for the aged or infirm.
552.107 Yard maintenance workers.
552.108 Child labor provisions.
552.109 Third party employment.
552.110 Recordkeeping requirements.

AUTHORITY: Section 13(a)(15) of the Fair Labor Standards Act, as amended (29 U.S.C. 213(a)(15), 88 Stat. 62; sec. 29(b) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259, 88 Stat. 76).

Subpart A—General Regulations

§ 552.1 Terms used in regulations.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 552.2 Purpose and scope.

(a) This part provides necessary rules for the application of the Act to domestic service employment in accordance with the following amendments made by the Fair Labor Standards Amendments of 1974, 88 Stat. 55, et seq.

(b) Section 2(a) of the Act finds that the "employment of persons in domestic service in households affects commerce." Section 6(f) extends minimum wage protection under section 6(b) to employees employed as domestic service employees under either of the following circumstances: (1) If the employee's compensation for such services from his employer would constitute wages under section 209(g) of Title II of the Social Security Act, that is, if the compensation paid in cash during a calendar quarter totaled $50 or more, or (2) if the employee was employed in such domestic service work by one or more employers for more than 8 hours in the aggregate in any workweek. Section 7(l) extends generally the protection of the overtime provisions of section 7(a) to such domestic service employees. Section 13(a)(15) provides both a minimum wage and overtime exemption for "employees employed on a casual basis in domestic service employment to provide babysitting services" and for domestic service employees employed "to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves." Section 13(b)(21) provides an overtime exemption for domestic service employees who reside in the household in which they are employed.

(c) The definitions required by section 13(a)(15) are contained in §§ 552.3, 552.4, 552.5 and 552.6.

§ 552.3 Domestic service employment.

As used in section 13(a)(15) of the Act, the term "domestic service employment" refers to services of a household nature performed by an employee in or about a private home (permanent or temporary) of the person by whom he or she is employed. The term includes employees such as cooks, waiters, butlers, valets, maids, housekeepers, governesses, nurses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. It also includes babysitters employed on other than a casual basis. This listing is illustrative and not exhaustive.

§ 552.4 Babysitting services.

As used in section 13(a)(15) of the Act, the term "babysitting services" shall mean the custodial care and protection, during any part of the 24-hour day, of infants or children in or about the private home in which the infants or young children reside. The term "babysitting services" does not include services relating to the care and protection of infants or children which are performed by trained personnel, such as registered, vocational, or practical nurses. While such trained personnel do not qualify as baby sitters, this fact does not remove them from the category of a covered domestic service employee when employed in or about a private household.

§ 552.5 Casual basis.

As used in section 13(a)(15) of the Act, the term "casual basis," when applied to babysitting services, shall mean employment which is irregular or intermittent, and which is not performed by an individual whose vocation is babysitting. Casual babysitting services may include the performance of some household work not related to caring for the children: *Provided, however*, That such work is incidental, i.e., does not exceed 20 percent of the total hours worked on the particular babysitting assignment.

§ 552.6 Companionship services for the aged or infirm.

As used in section 13(a)(15) of the Act, the term "companionship services" shall mean those services which provide fellowship, care, and protection for a person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. Such services may include household work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. They may also include the performance of general household work; *Provided however*, That such work is incidental, i.e., does not exceed 20 percent of the total weekly hours worked. The term "companionship services" does not include services relating to the care and protection of the aged or infirm which require and are performed by trained personnel, such as a registered or practical nurse. While such trained personnel do not qualify as companions, this fact does not remove them from the category of covered domestic service employees when employed in or about a private household.

§ 552.7 Petition for amendment of regulations.

Any person wishing a revision of any of the terms of the foregoing regula-

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tions may submit in writing to the Administrator a petition setting forth the changes desired, the reasons for proposing the specified changes, and his or her interest in the matter. No particular form of petition is required. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Subpart B—Interpretations

§ 552.99 Basis for coverage of domestic service employees.

Congress in section 2(a) of the Act specifically found that the employment of persons in domestic service in households affects commerce. In the legislative history it was pointed out that employees in domestic service employment handle goods such as soaps, mops, detergents, and vacuum cleaners that have moved in or were produced for interstate commerce and also that they free members of the household to themselves engage in activities in interstate commerce (S. Rep. 93–690, pages 21–22). The Senate Committee on Labor and Public Welfare "took note of the expanded use of the interstate commerce clause by the Supreme Court in numerous recent cases (particularly "Katzenbach v. McClung", 379 U.S. 294 (1964))," and concluded "that coverage of domestic employees is a vital step in the direction of ensuring that all workers affecting interstate commerce are protected by the Fair Labor Standards Act" (S. Rep. 93–690, pp. 21–22).

§ 552.100 Application of minimum wage and overtime provisions.

(a)(1) Domestic service employees must receive for employment in any household a minimum wage of $1.90 an hour effective May 1, 1974, not less than $2.00 an hour during the year beginning January 1, 1975, not less than $2.20 an hour during the year beginning January 1, 1976, and not less than $2.30 an hour after December 31, 1976.

(2) In addition, domestic service employees who work more than 40 hours in any one workweek for the same employer must be paid overtime compensation at a rate not less than one and one-half times the employee's regular rate of pay for such excess hours, unless the employee is one who resides in the employer's household. In the case of employees who reside in the household where they are employed, section 13(b)(21) of the Act provides an overtime, but not a minimum wage, exemption. See § 552.102.

(b) In meeting the wage responsibilities imposed by the Act, employers may take appropriate credit for the reasonable cost or fair value, as determined by the Administrator, of food, lodging and other facilities customarily furnished to the employee by the employer such as drugs, cosmetics, drycleaning, etc. See S. Rep. 93–690, p. 19, and section 3(m) of the Act. Credit may be taken for the reasonable cost or fair value of these facilities only when the employee's acceptance of them is voluntary and uncoerced. See regulations, Part 531. Where uniforms are required by the employer, the cost of the uniforms and their care may not be included in such credit.

(c) For enforcement purposes, the Administrator will accept a credit taken by the employer of $0.75 for breakfast (if furnished), $1.00 for lunch (if furnished), and $1.25 for dinner (if furnished), which meal credits do not exceed $3.00 a day. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing meals, as determined in accordance with Part 531 of this chapter, if such cost or fair value is different from the meal credits specified above: *Provided, however,* That employers keep, maintain and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures.

(d) In the case of lodging furnished to live-in domestic service employees, the Administrator will accept a credit taken by the employer of $15 a week. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing lodging, as determined in accordance with Part 531 of this chapter, if such cost or fair value is different from the amount specified above, provided however, that employers keep, maintain, and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures. In determining reasonable cost or fair value, the regulations and rulings in 29 CFR 531 are applicable.

§ 552.101 Domestic service employment.

(a) The definition of "domestic service employment" contained in § 552.3 is derived from the regulations issued under the Social Security Act (20 CFR 404.1027(j)) and from "the generally accepted meaning" of the term. Accordingly, the term includes persons who are frequently referred to as "private household workers." See S. Rep. 93–690, p. 20. The domestic service must be performed in or about the private home of the employer whether that home is a fixed place of abode or a temporary dwelling as in the case of an individual or family travelling on vacation. A separate and distinct dwelling maintained by an individual or a family in an apartment house, condominium or hotel may constitute a private home.

(b) Employees employed in dwelling places which are primarily rooming or boarding houses are not considered domestic service employees. The places where they work are not private homes but commercial or business establishments. Likewise, employees employed in connection with a business or professional service which is conducted in a home (such as a real estate, doctor's, dentist's or lawyer's office) are not domestic service employees.

(c) In determining the total hours worked, the employer must include all time the employee is required to be on the premises or on duty, and all time the employee is suffered or permitted to work. Special rules for live-in domestic service employees are set forth in § 552.102.

§ 552.102 Live-in domestic service employees.

(a) Domestic service employees who reside in the household where they are employed are entitled to the same minimum wage as domestic service employees who work by the day. However, section 13(b)(21) provides an exemption from the Act's overtime requirements for domestic service employees who reside in the household where employed. But this exemption does not excuse the employer from paying the live-in worker at the applicable minimum wage rate for all hours worked. In determining the number of hours worked by a live-in worker, the employee and the employer may exclude, by agreement between themselves, the amount of sleeping time, meal time and other periods of complete freedom from all duties when the employee may either leave the premises or stay on the premises for purely personal pursuits. For periods of free time (other than those relating to meals and sleeping) to be excluded from hours worked, the periods must be of sufficient duration to enable the employee to make effective use of the time. If the sleeping time, meal periods or other periods of free time are interrupted by a call to duty, the interruption must be counted as hours worked. See regulations Part 785, § 785.23.

(b) Where there is a reasonable agreement, as indicated in (a) above, it may be used to establish the employee's hours of work in lieu of maintaining precise records of the hours actually worked. The employer shall keep a copy of the agreement and indicate that the employee's work time generally coincides with the agreement. If it is found by the parties that there is a significant deviation from the initial agreement, a separate record should be kept for that period or a new agreement should be reached that reflects the actual facts.

§ 552.103 Babysitting services in general.

The term "babysitting services" is defined in § 552.4. Babysitting is a form of domestic service, and babysitters other than those working on a casual basis are entitled to the same benefits under the Act as other domestic service employees.

§ 552.104 Babysitting services performed on a casual basis.

(a) Employees performing babysitting services on a casual basis, as defined in § 552.5 are excluded from the minimum wage and overtime provisions of the Act. The rationale for this exclusion is that such persons are usually not dependent upon the income from rendering such services for their livelihood. Such services are often provided by (1) teenagers during non-school hours or for a short period after completing high school but prior to entering other employment as a vocation, or (2) older persons whose

main source of livelihood is from other means.

(b) Employment in babysitting services would usually be on a "casual basis," whether performed for one or more employees, if such employment by all such employers does not exceed 20 hours per week in the aggregate. Employment in excess of these hours may still be on a "casual basis" if the excessive hours of employment are without regularity or are for irregular or intermittent periods. Employment in babysitting services shall also be deemed to be on a "casual basis" (regardless of the number of weekly hours worked by the babysitter) in the case of individuals whose vocations are not domestic service who accompany families for a vacation period to take care of the children if the duration of such employment does not exceed 6 weeks.

(c) If the individual performing babysitting services on a "casual" basis devotes more than 20 percent of his or her time to household work during a babysitting assignment, the exemption for "babysitting services on a casual basis" does not apply during that assignment and the individual must be paid in accordance with the Act's minimum wage and overtime requirements. This does not affect the application of the exemption for previous or subsequent babysitting assignments where the 20 percent tolerance is not exceeded.

(d) Individuals who engage in babysitting as a full-time occupation are not employed on a "casual basis."

§ 552.105 Individuals performing babysitting services in their own homes.

(a) It is clear from the legislative history that the Act's new coverage of domestic service employees is limited to those persons who perform such services in or about the private household of the employer. Accordingly, if such services are performed away from the employer's permanent or temporary household, there is no coverage under sections 6(f) and 7(l) of the Act. A typical example would be an individual who cares for the children of others in her own home. This type of operation, however, could, depending on the particular facts, qualify as a preschool or day care center and thus be covered under section 3(s)(4) of the Act in which case the person providing the service would be required to comply with the applicable provisions of the Act.

(b) An individual in a local neighborhood who takes four or five children into his or her home, which is operated as a day care home, and who does not have more than 1 employee or whose only employees are members of that individual's immediate family is not covered by the Fair Labor Standards Act.

§ 552.106 Companionship services for the aged or infirm.

The term "companionship services for the aged or infirm" is defined in § 552.6. Persons who provide care and protection for babies and young children, who are not physically or mentally infirm, are considered babysitters, not companions. The companion must perform the services with respect to the aged or infirm persons and not generally to other persons. The "casual" limitation does not apply to companion services.

§ 552.107 Yard maintenance workers.

Persons who mow lawns and perform other yard work in a neighborhood community generally provide their own equipment, set their own work schedule and occasionally hire other individuals. Such persons will be recognized as independent contractors who are not covered by the Act as domestic service employees. On the other hand, gardeners and yardmen employed primarily by one household are not usually independent contractors.

§ 552.108 Child labor provisions.

Congress made no change in section 12 as regards domestic service employees. Accordingly, the child labor provisions of the Act do not apply unless the underaged minor (a) is individually engaged in commerce or in the production of goods for commerce, or (b) is employed by an enterprise meeting the coverage tests of sections 3(r) and 3(s)(1) of the Act, or (3) is employed in or about a home where work in the production of goods for commerce is performed.

§ 552.109 Third party employment.

(a) Employees who are engaged in providing companionship services, as defined in § 552.6, and who are employed by an employer or agency other than the family or household using their services, are exempt from the Act's minimum wage and overtime pay requirements by virtue of section 13(a)(15). Assigning such an employee to more than one household or family in the same workweek would not defeat the exemption for that workweek, provided that the services rendered during each assignment come within the definition of companionship services.

(b) Employees who are engaged in providing babysitting services and who are employed by an employer or agency other than the family or household using their services are not employed on a "casual basis" for purposes of the section 13(a)(15) exemption. Such employees are engaged in this occupation as a vocation.

(c) Live-in domestic service employees who are employed by an employer or agency other than the family or household using their services are exempt from the Act's overtime requirements by virtue of section 13(b)(21). This exemption, however, will not apply where the employee works only temporarily for any one family or household, since that employee would not be "residing" on the premises of such family or household.

§ 552.110 Recordkeeping requirements.

(a) The general recordkeeping regulations are found in Part 516 of this chapter and they require that every employer having covered domestic service employees shall keep records which show for each such employee (1) name in full, (2) social security number, (3) address in full, including zip code, (4) total hours worked each week by the employee for the employer, (5) total cash wages paid each week to the employee by the employer, (6) weekly sums claimed by the employer for board, lodging or other facilities, and (7) extra pay for weekly hours worked in excess of 40 by the employee for the employer. No particular form of records is required, so long as the above information is recorded and the record is maintained and preserved for a period of 3 years.

(b) In the case of an employee who resides on the premises, records of the actual hours worked are not required. Instead, the employer may maintain a copy of the agreement referred to in § 552.102. The more limited recordkeeping requirement provided by this subsection does not apply to third party employers. No records are required for casual babysitters.

(c) Where a domestic service employee works on a fixed schedule, the employer may use a schedule of daily and weekly hours that the employee normally works, and either the employer or the employee may (1) indicate by check marks, statement or other method that such hours were actually worked, and (2) when more or less than the scheduled hours are worked, show the exact number of hours worked.

(d) The employer may require the domestic service employee to record the hours worked and submit such record to the employer.

Signed at Washington, D.C., this 12th day of February, 1975.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-4472 Filed 2-19-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER B—SALES AND SERVICES

PART 812—USER CHARGES

Cost Determination Factors

These amendments expand and revise the factors used in determining costs for services and change the criteria for determining charges for lease or sale of Federally-owned resources or property.

Part 812, Subchapter B of Chapter VI of title 32 of the Code of Federal Regulations is amended as follows:

1. Section 812.3 is amended by revising paragraph (b)(1) and adding (b) (10) and (11) to read as follows:

§ 812.3 Establishing fees and determining costs for special services.

* * * * * * *

(b) * * *

(1) Gross civilian salaries. (Include an amount to cover annual leave, sick leave and holiday entitlements, and the Air Force contributions for life insurance,

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health benefits, and retirement. Activities without an industrial-type cost accounting system add 29 percent of gross civilian salaries. Activities with an industrial-type cost accounting system which indicates a rate other than 29 percent is required to recover costs, use that rate.)

. . . . . .

(10) A one percent surcharge added to the basic sale price of the service to recoup the higher headquarters administrative cost in cases where major command review and approval is required; add a two percent surcharge if the major command is required to send the contract to HQ, USAF for final review.

(11) Interest on the Government's investment in AF-owned capital assets, that is, land, buildings, and equipment. Interest on investment equals the net book value of facilities and equipment times the interest rate. The interest rate to be used for this purpose is 10 percent. If the net book value is not available, use the best available data.

. . . . . .

2. Section 812.4 is revised to read as follows:

§ 812.4 Determining charges for lease or sale.

When Federally-owned resources or property are leased or sold, base the charges on a determination of fair market value. Charges need not be limited to the recovery of costs; they may produce net revenues to the Government.

(a) *Sale of material.* In the absence of a known market value, determine the fair value for sale of material based on the aggregate of:

(1) Standard price of the item carried in inventory or at reduced price when so authorized for sale within the Department of Defense.

(2) Accessorial and administrative costs as provided in AFR 172-5, Reimbursement for Accessorial and Administrative Costs.

(b) *Lease or rental of property.* Fair market value for lease or rental of property is normally determined according to commercial rates for similar property in the local geographical area. In cases involving the lease or rental of military equipment where there is no commercial counterpart, base fair market value on the computation of an annual rent which consists of depreciation and interest on investment. Also charge support, if furnished, and applicable general administration expenses.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-4542 Filed 2-19-75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION

Department of Health, Education, and Welfare

PROGRAMS FOR THE EDUCATION OF THE HANDICAPPED

Notice of proposed rule making was published in the FEDERAL REGISTER on October 11, 1973, at 38 FR 28230-28247 setting forth: (1) Definitions and general provisions for programs authorized under the Education of the Handicapped Act (Title VI of Pub. L. 91-230; 20 U.S.C. 1401-1461) (Part 121 of the proposed regulation); (2) Specific requirements governing assistance to applicants under Parts C (Secs. 621-624), D (Secs. 631-634), E (Secs. 641-644), F (Secs. 651-654), and G (Sec. 661) of the Act (Parts 121b, 121c, 121d, 121e, 121f, 121g, 121h, 121i, 121j of the regulations, respectively); and (3) guidelines for assistance under Parts C (Sec. 623), E, and G of the Act (set forth following Parts 121d, 121h, and 121j of the regulations, respectively.

Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92-318), a public hearing on the proposed regulations and guidelines was held on November 12, 1973 in Washington, D.C. In addition, written comments were received and considered.

A. *Summary of comments; changes in the regulations and guidelines.* The following comments were submitted to the Office of Education regarding the proposed regulations and guidelines, either at the public hearing held on November 12, 1973, or in writing. After the summary of each comment, a response is set forth stating changes which have been made in the regulations and guidelines or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulations and guidelines.

REGULATIONS

1. Section 121.2 *Definitions.* (a) *Comment.* A commenter suggested that the terms "physical education" and/or "adapted physical education," and "recreation" and/or "therapeutic recreation," be defined.

Response. Defining a term necessarily restricts its scope. In order that these terms may be broadly interpreted under the legislation, it has been determined not to define them. No change has been made in the regulations.

(b) *Comment.* A commenter suggested that the definition of "handicapped" be reviewed and consideration be given to differentiating between and using terms such as "impaired," "disabled," and "handicapped" with greater refinement and exactness. The commenter stated that the definition of "handicapped" is not consistent with the way in which persons with various handicapping conditions view themselves.

Response. The definition of the term "handicapped" in § 121.2 of the regulations repeats the definition in section 620(1) of the Act. No change has been made in the regulations.

(c) *Comment.* A commenter questioned whether categorization of specific types of handicaps would not tend to limit delivery of appropriate services in cases of children with multiple handicaps.

Response. The regulations do not preclude multiply-handicapped children from receiving services, where they are otherwise eligible under the Act. No change has been made in the regulations.

2. Section 121.3 *Objectives.*—(a) *Comment.* A commenter suggested that physical education be specifically included in the list of objectives regarding the education of handicapped children.

Response. The U.S. Office of Education recognizes, in accordance with the Act, that physical education and recreation is an integral part of programs for the education of handicapped children. However, the Act does not require and the Office of Education does not believe that physical education and recreation should be listed as a major objective in educating handicapped children. No change has been made in the regulations.

(b) *Comment.* A commenter suggested that rural school psychologists be viewed as an integral part in the delivery of services in order to meet the objectives listed in § 121.3.

Response. A wide variety of relevant disciplines and persons should have input into educational programs for the handicapped. While it would not be inappropriate to delineate specific persons or professions which might be involved to some extent in such programs, the difficulties in compiling a complete list are greater than the benefit to be derived. Professionals in various disciplines should be involved in the programs assisted under the Act to the extent appropriate, considering the activity involved. No change has been made in the regulations.

3. Part 121b *Regional resource centers. Comment.* A commenter suggested that there be greater explication of work scope of the regional resource centers in Part 121b.

Response. Changes have been made to reflect current program objectives and to provide a more detailed description of the activities to be carried out by the centers.

4. Section 121b.9 *Parental participation. Comment.* A commenter expressed the desirability and necessity of greater parental involvement in programs and activities of the regional resource centers.

Response. It is felt that parental participation is already sufficiently provided under § 121.4 and § 121b.9 of the regulations. No change has been made in the regulations.

5. Section 121c.33 *Services.* (a) *Comment.* A commenter suggested that in the second sentence of paragraph (b), the term "may" be changed to "shall" so as to require that centers for deaf-blind children provide a program for the adjustment, orientation and education of deaf-blind children which includes adapted recreational and physical education activities and services.

Response. The language of section 622 of the Act is broad enough to include physical education and recreation as part of the total program for the adjustment, orientation, and education of deaf-blind children. It is felt that the regulations should retain this broad authority to permit flexibility in the design of individual projects. No change has been made in the regulations.

(b) *Comment.* A commenter suggested that in the second sentence of § 121c.33 (b) the terms "adapted recreational" and "physical education" be changed respectively to "therapeutic recreation" and "adapted physical education."

Response. Changes have been made in the regulation in conformity with this comment. The changes are intended to make the terminology consistent with current professional usage. No substantive change is intended.

(c) *Comment.* A commenter also suggested that in the second sentence of § 121c.33(b) the scope of concern be expanded beyond "social experience" to include opportunities for growth and development in such areas as physical (psychomotor), mental/intellectual (cognitive), and emotional (effective).

Response. Programs under Part 121c for deaf-blind children are comprehensive educational-service programs which include the psychomotor, cognitive, and emotional (as well as social) growth and development of each such child. In order to prevent any misinterpretation, the phrase "organized to provide adequate social experience" has been deleted from the second sentence of paragraph (b) of § 121c.33.

(d) *Comment.* A commenter suggested that in the second sentence of § 121c.33 (b), the phrase "adapted recreational and physical education activities and services" be changed to "adapted recreational and/or physical educational activities and services."

Response. The originally intended meaning of the phrase "adapted recreational and physical education activities and services" is that either adapted recreational or physical education activities and services, or both, may be included in the program for the adjustment orientation, and education of deaf-blind children. However, in order to clarify this intent the commenter's suggestion has been adopted and the term "or" inserted so that the phrase reads "adapted recreational and/or physical education activities and services".

6. Part 121d *Early Education for Handicapped Children. Comment.* A commenter expressed the desirability of greater participation of parents in early education programs.

Response. One of the objectives of early education programs listed in § 121d.16 (Development, parental involvement, and dissemination of information) is to encourage effective participation of parents of children to be served in the development and operation of the program. Parents also must be included on the advisory council pursuant to § 121d.29 (Advisory council). Such participation is deemed sufficient. No change was made in the regulations.

7. Section 121d.2 *Eligible parties. Comment.* A commenter suggested that institutions of higher education be listed as eligible parties for assistance.

Response. Parties eligible for assistance under this Part are "public agencies and private nonprofit organizations", as specified in section 623(a) of the Act. These terms are broad enough to include institutions of higher education. No change was made in the regulations.

8. Section 121d.3 *Purpose;* and section 121d.19 *Priorities. Comment.* Commenters suggested that recreation and physical education be specifically mentioned in each of these sections.

Response. Section 623 of the Act requires that early education programs for handicapped children include activities for physical development along with other specified activities. Physical education and recreation are an integral part of the comprehensive early education program. Therefore, no changes are necessary in the regulations.

9. Section 121e.3 *Eligible parties. Comment.* A commenter questioned whether assistance under Part 121e (*Auxiliary Activities*) should be restricted to public or non-profit private agencies, organizations, or institutions which operate regional resource centers, centers for deaf-blind children, or those which carry out programs of early education for handicapped children.

Response. Part 121e has been reviewed in the light of the language of section 624 of the Act and relevant legislative history. Upon reconsideration, the language of § 121e.3 has been revised and broadened so as to be less restrictive with respect to the type of activity which a party has to be carrying out in order to be eligible for assistance.

10. Section 121f.4 *Grants to State educational agencies. Comment.* A commenter suggested that in the second sentence of § 121f.4 the phrase "physical educators and recreation personnel" be changed to "physical educators and/or recreation personnel."

Response. It was originally intended that grants to State educational agencies may include either programs for preparation of physical educators or for recreation personnel, or for both. However, to clarify this intent, the commenter's suggestion has been adopted and the phrase changed to read "programs for preparation of physical educators and/or recreation personnel . . ."

11. Section 121f.10 *Areas of preparation. Comment.* A commenter suggested that the phrase "physical education and recreation" be changed to "physical education and/or recreation."

Response. As in comment 10 above, it was originally intended that areas of preparation under § 121f.10 could include either physical education, or recreation, or both. To clarify this intent the term "or" has been inserted so that the phrase now reads "physical education and/or recreation for the handicapped . . .".

12. Section 121f.20 *Criteria for evaluation of applications. Comment.* A commenter suggested that applications for assistance be reviewed in two stages, the first being a review in terms of program design, methodology, budget, and other project elements without identification of the applicant. If a minimum score were attained in the first stage of review, a further review would be made in terms of qualifications of the applicant to carry out the project.

Response. Current procedures for review of applications by non-federal outside reviewers involves the consideration of the adequacy of qualifications of personnel designated to carry out the proposed project, along with other factors such as sufficiency of size, scope, and duration of the project so as to serve productive results, soundness of the proposed plan of operation, adequacy of facilities, etc., as required under 45 CFR 100a.26(b) (*General Provisions for Office of Education Programs*). These factors must be considered together under this regulation. It would be extremely difficult from an administrative standpoint to review applications in two stages. The commenter's suggestion is an interesting conception, except for the inherent administrative difficulties involved. No change was made in the regulations.

13. Part 121g—*Recruitment of Personnel and Dissemination of Information. Comment.* A commenter suggested that Part 121g be reviewed and rewritten for greater clarity and depth.

Response. It has been determined that maximum flexibility in carrying out activities as well as leeway in designing imaginative projects should be permitted under this Part. Greater specificity would restrict interpretation and frustrate this policy. No change has been made in the regulations.

14. Section 121h.2 *Purpose. Comment.* A commenter suggested the phrase "physical education or recreation" be changed to "physical education and/or recreation."

Response. In the context of the language of section 642 of the Act, the Office of Education is interpreting the phrase "physical education or recreation" so that funds may be used to conduct research surveys or demonstrations relating to physical education for the handicapped or to recreation for the handicapped, or to both. Changes have been made to clarify this interpretation in § 121h.2(b) so that the phrase now reads, "relating to physical education and/or recreation for handicapped children."

15. Section 121h.7 *Cost Sharing. Comment.* A commenter questioned whether cost sharing should apply to contracts, as well as grants.

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Response. Cost sharing is not required under Part E of the Act. Pursuant to OMB Circular A-100, the Office of Education has decided not to require cost sharing with respect to procurement contracts. The objectives of the research project and its work scope are specified in the Office's request for proposals. Section 121h.7 has been changed so as to eliminate contracts from the cost-sharing requirement.

16. Part 121l *Instructional media for the Handicapped. Comment.* A commenter suggested that consideration be given to making the media system under Part 121l a part of existing State and local audio-visual and/or media centers so that more teachers and leaders could have access to the materials.

Response. The instructional media program for the handicapped has been substantially modified to provide for the establishment of a systematic comprehensive service of media materials for the handicapped child through a combination of Federal, State, and local agencies. It is believed that this new approach will make such materials more accessible to the consumer.

17. Section 121l.81 *Purpose. Comment.* A commenter suggested that other areas of an individual's total development be included so as to delineate his physical, mental, emotional, and social growth. Leisure pursuits are needed, along with social and vocational considerations.

Response. As stated in the response to comment 16 above, the instructional media program for the handicapped has been substantially modified. It is intended that through a systematic comprehensive service of media materials for the handicapped, the total development of the individual including his physical, mental, emotional, and social growth will be enhanced. Any specification of particular areas of development might restrict this broad comprehensive scope.

18. Part 121j. *Special Programs for Children with Specific Learning Disabilities.* (a) *Comment.* A commenter felt greater parental participation was desirable in programs under Part 121j.

Response. Active parental participation in each model center is already required under § 121j.44 (Parental participation). Section 121j.43 (Advisory council) also provides for membership of parents on the advisory council of each model center. No change was made in the regulations.

(b) *Comment.* A commenter suggested that reference should be made throughout Part 121j to motor development, movement, physical proficiency, and perceptual-motor skills.

Response. Since specific learning disabilities involve disorders in understanding or using language, written or spoken, education which emphasizes physical dexterity and training is not the most appropriate type of education for overcoming this handicap. The term "children with specific learning disabilities," as defined in section 602(15) of the Act, does not include children with learning problems which are primarily the result of motor handicaps. No change was made in the regulations.

19. Section 121j.41 *Activities. Comment.* A commenter suggested that recreation and physical education be included in the list of activities which a model center must provide.

Response. Specific learning disabilities refers to disorders in the basic psychological processes involved in understanding or in using language, written or spoken. Physical education and recreation would not be appropriate for dealing with this type of disability. No change was made in the regulations.

20. *General comments.* (a) *Comment.* A commenter suggested that there be required to be included on all advisory councils covered in the regulations, including the National Advisory Council on Handicapped Children under section 604 of the Act, an individual with expertise in physical education and recreation.

Response. An effort has always been made to include persons from a wide variety of relevant disciplines on advisory councils. In order to obtain a balanced input into programs for the education of the handicapped from all relevant sources, it is felt that membership on the various advisory committees should not be tightly categorized. The Bureau for the Education of the Handicapped will continue to be sensitive to input from physical education and recreation personnel. No change was made in the regulations.

(b) *Comment.* A commenter suggested that an advisory council be required for all projects covered in the regulations.

Response. Advisory councils have been required in those programs where local participation is required under the Act or where it is deemed necessary to increase the effectiveness of the particular local project. Advisory councils are provided for in projects for early education for handicapped children and for children with specific learning disabilities. Centers for deaf-blind children each have a regional committee made up of various representatives, including at least one parent of a deaf-blind child in the area to be served, to assist in the planning, development, and operation of the center dissemination of information and assessment of needs, establishment of priorities, and evaluation. Regional resource centers, in the case of local educational agencies, must provide for parental involvement in the planning, development, and operation of the center.

Because of the technical nature of the design and methodology of research projects, local advisory councils are not provided for. However, the Commissioner receives advice and recommendations on applications for research projects by experts who must review each application before it can be approved. Programs and projects for training personnel for the education of the handicapped are selected on the basis of the technical qualifications of applicants to conduct a training program. Such programs are training-oriented rather than service-oriented. It is deemed inappropriate to require local advisory councils because of the nature of the program. No change has been made in the regulations.

(c) *Comment.* A commenter suggested that consultation with the State director of special education be required for all project applications.

Response. State educational agencies are eligible applicants under most discretionary programs covered by the regulations. It would therefore be inappropriate for the State director of special education to review applications from other eligible applicants. No change was made in the regulations.

(d) *Comment.* A commenter suggested that separate emphasis be given to the provision of services to the handicapped in rural areas.

Response. Services to handicapped children in rural areas are already provided for in various programs and projects under the Act. Regional Resource Centers, Area Learning Resource Centers, programs for early education of handicapped children, and projects for the recruitment of personnel and dissemination of information provide services for handicapped children in rural areas. Centers for deaf-blind children are established on the basis of need for the center in the region to be served, and services are provided under a comprehensive plan to meet the special needs of these children in the region. Both urban and rural areas are included in this determination of need and provision of services. A center for children with specific learning disabilities is, to the extent feasible, established in each State. Services are to be provided for children in all areas of the State. Programs and projects for training personnel and for research in education of the handicapped are dependent on the technical capability of the applicant and must therefore be awarded on this basis rather than on the basis of the physical location of the applicant. The ultimate results of these programs and projects are such that they will benefit all areas of the country. No changes have been made in the regulations.

(e) *Comment.* A commenter suggested that members be appointed to the National Advisory Committee on Recreation and Physical Education for Handicapped Children.

Response. The policy under the Federal Advisory Committee Act (Pub. L. 92-463) is to reduce the number of Federal advisory committees. The Bureau for the Education of the Handicapped has reviewed the need for a national committee on physical education and recreation activities and does not feel that such a need exists. The Bureau feels that there is sufficient input from physical education and recreation personnel on local project advisory councils.

GUIDELINES

21. *Research in the Education of the Handicapped; Part E of the Education of the Handicapped Act.* A. Section 3.1 *Initiation of projects. Comment.* A commenter suggested that § 3.1 of the guidelines be broadened so as to include a greater number of ways in which requests for proposals will be disseminated.

Response. Section 3.1 was intended to give the general areas for dissemination rather than the actual disseminating instrumentalities. No change has been made in the guideline.

B. *Other changes.* (1) Numerous typographical and technical corrections have been made.

(2) Part 121b (Regional Resource Centers) has been revised by the addition of a new section and the redesignation of other specific section as follows:

(a) A new § 121b.3 has been added to define the term "educational program."

(b) Section 121b.11 (as redesignated) has been revised to include additional services to be provided by the centers, with preference in testing and educational evaluation in paragraph (a) of that section being given to children for whom local or State services are not available and children with complicated education problems. A new paragraph (e) has been added to this section to provide for assistance to States in developing an intrastate capacity to meet the educational needs of the handicapped children.

(c) Section 121b.13 (as redesignated) has been revised to require that each center develop and apply effective methods for evaluating the efficiency with which human and financial resources have been used in providing services and meeting project objectives.

(3) Part 121c (Centers and Services for Deaf-Blind Children)—Section 121c.33 has been revised to include in paragraph (b) therapeutic as well as adapted recreational and physical education services and activities which may be provided by the center.

(4) Part 121d (Early Education for Handicapped Children) has been revised as follows:

(a) Section 121d.17 has been revised to require that each program under subpart B include provision for the development of relationships with appropriate public and private health agencies, as well as with State and local educational agencies.

(b) Section 121d.40 has been added to provide for awards for special projects such as replication, training, technical assistance, etc.

(c) Section 121d.41 has been added to cover requirements for applications for special projects under § 121d.40.

(5) Part 121f (Training Personnel for Education of the Handicapped) has been revised by the addition of several new sections and the redesignation of other specific sections.

(a) Section 121f.6 has been revised to eliminate the definition of "post baccalaureate" and add definitions of "predoctoral student" and "post-doctoral student" in place thereof. Assistance for students now includes students beyond the doctoral level.

(b) Section 121f.9 has been revised to require that each application contain the State educational agency's statement as to personnel needs for education of the handicapped.

(c) Section 121f.41 has been revised to provide for direct financial assistance to students at the graduate (pre-doctoral), and post-graduate (post-doctoral) levels, as well as at the undergraduate (baccalaureate) level.

(d) Sections 121f.45 and 121f.46 have been revised to delete all references to "post-baccalaureate" and to substitute instead, the term "pre-doctoral." Section 121f.45 provides for stipends for students at the pre-doctoral level and § 121f.46 covers work related experience for predoctoral students.

(e) A new § 121f.47 has been added to provide for stipends for students at the post-doctoral level.

(f) Section 121f.48 has been revised to provide for dependency allowances for both pre-doctoral and post-doctoral students.

(g) Section 121f.49 has been revised to provide for supplementation of stipends for pre-doctoral and post-doctoral students to accommodate regional cost of living variations and cases of special needs, but not to exceed $1,000 per student per academic year. This revised section reflects present Department policy.

(h) Section 121h.4 has been revised to include the criteria for the selection of applications. Section 3.5 of the guidelines has been deleted because unsolicited proposals are now accepted only under the procedure for submission of field initiated studies.

(i) A definition of "severely handicapped children" has been added to § 121.2.

(j) An objective relating to severely handicapped children has been added to § 121.3.

The changes made in these regulations are not deemed to be sufficiently substantial to warrant further rule making procedures, given the delays that would result. Therefore, it has been determined under 5 U.S.C. 553(b) that rule making with respect to these changes is unnecessary and contrary to the public interest.

Assistance provided under these programs is subject to the provisions in the governing legislation as well as the applicable provisions of Parts 121 and 121b–121j of the regulations. Assistance is also subject to applicable provisions of Subchapter A of this chapter (See, in particular, 45 CFR Part 100a).

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by revising Part 121 and by adding new parts 121b–121j to read as set forth below. Subpart B of Part 121 is redesignated as Part 121a.

Effective date: Pursuant to section 431 (d) of the General Education Provision Act, as amended (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Programs, Nos. 13.443–448, 13.445–452, Education of the Handicapped Programs)

Dated: January 23, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 11, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 121—DEFINITIONS; GENERAL PROVISIONS

Sec.
121.1 Scope.
121.2 Definitions.
121.3 Objectives.
121.4 Parental involvement and dissemination.
121.5 Multi-year programs and projects.

AUTHORITY: Secs. 601–605, Pub. L. 91–230, 84 Stat. 175, 177 (20 U.S.C. 1401–1404), unless otherwise noted.

§ 121.1 Scope.

Except as otherwise provided in this part, the provisions contained in this part apply to all programs authorized under the Education of the Handicapped Act (Pub. L. 91–230, Title VI).

(20 U.S.C. 1401)

§ 121.2 Definitions.

As used in Parts 121 through 121j, inclusive, of this chapter: "Act" means the Education of the Handicapped Act (Title VI of Pub. L. 91–230).

(20 U.S.C. 1401)

"Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematic calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

(20 U.S.C. 1401 (15))

"Construction" means:

(a) Erection of new or expansion of existing structures, including the acquisition and installation of equipment therefor; or

(b) Acquisition of existing structures not owned by any agency or institution making application for assistance under the Act; or

(c) Remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or

(d) Acquisition of land in connection with the activities in paragraphs (a), (b), and (c) of this definition; or

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(e) A combination of any two or more of the foregoing.

(20 U.S.C. 1401(4))

"Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(20 U.S.C. 1401(5))

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(20 U.S.C. 1401(1))

"Institution of higher education" means an educational institution in any State which:

(a) Admits as regular students only individuals who have a certificate of graduation from high school, or the recognized equivalent of such certificate;

(b) Is legally authorized within such State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph, or if not so accredited, is an institution, whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge. If the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under the Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner will publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(20 U.S.C. 1401(11))

"Local educational agency" means a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1401(8))

"Private elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education provided beyond grade 12) and which are controlled by other than a public agency.

(20 U.S.C. 1413(a)(2))

"Research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(20 U.S.C. 1401(12))

"Seriously emotionally disturbed children" does not include children who are socially maladjusted but not emotionally disturbed. In distinguishing between such children, the following criteria may be used to determine those children who are seriously emotionally disturbed: those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) General pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

(20 U.S.C. 1401 (1))

"Severely handicapped children" are those who because of the intensity of their physical, mental, or emotional problems, or a combination of such problems, need educational, social, psychological, and medical services beyond those which are traditionally offered by regular and special educational programs, in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment.

(a) The term includes those children who are classified as seriously emotionally disturbed (including children who are schizophrenic or autistic), profoundly and severely mentally retarded, and those with two or more serious handicapping conditions, such as the mentally-retarded blind, and the cerebral-palsied deaf.

(b) "Severely handicapped children" (1) may possess severe language and/or perceptual-cognitive deprivations, and evidence abnormal behaviors such as: (i) Failure to respond to pronounced social stimuli, (ii) Self-mutilation, (iii) Self-stimulation, (iv) Manifestation of intense and prolonged temper tantrums, and (v) The absence of rudimentary forms of verbal control, and (2) May also have extremely fragile physiological conditions.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such agency, or officer, an agency or officer designated by the Governor or by State law.

(20 U.S.C. 1401 (7))

§ 121.3 Objectives.

(a) The U.S. Office of Education is committed to assuring equal educational opportunities for all handicapped children. The efforts of the Office of Education in meeting this commitment are coordinated through the Bureau of Education for the Handicapped.

(b) Education of handicapped children has been adopted by the U.S. Office of Education as one of its major priorities. The six objectives designed to implement this priority are:

(1) To assure that every handicapped child is receiving an appropriately designed education;

(2) To assist the States in providing appropriate educational services to the handicapped;

(3) To assure that every handicapped child who leaves school has had career educational training that is relevant to the job market, meaningful to his career aspirations, and realistic to his fullest potential;

(4) To assure that all handicapped children served in the schools have a trained teacher or other resource person competent in the skills required to aid the child in reaching his full potential; and

(5) To secure the enrollment of preschool aged handicapped children in Federal, State, and local educational and day care programs.

(6) To encourage additional educational programming for severely handicapped children to enable them to become as independent as possible, thereby reducing their requirements for institutional care, and providing opportunities for self-development.

(20 U.S.C. 1402, 1411, 1421–1425, 1431–1434, 1441, 1442, 1451, 1461)

§ 121.4 Parental involvement and dissemination.

(a) *Scope.* This section is applicable to any program under the Act in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes.

(b) *Regulations.* Upon making a determination pursuant to paragraph (a) of this section, the Commissioner will promulgate regulations with respect to such program setting forth criteria designed to encourage such participation.

(c) *Local educational agencies.* If the program for which such determination is made provides for payments to local educational agencies, applications for payments shall:

(1) Set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluation to such parents and the public.

(20 U.S.C. 1231d)

§ 121.5 Multi-year programs and projects.

(a) The Commissioner may require that institutions, organizations, and agencies applying for assistance under Parts C, D, E, F, or G of the Act will project their goals and activities over a three-year period. Multi-year approval is intended to offer programs or projects a reasonable degee of stability over time and to facilitate additional long range planning.

(b) Approval of multi-year programs or projects shall not commit the Federal government to provide financial assistance from appropriations not currently available.

(20 U.S.C. 1413)

PART 121b—REGIONAL RESOURCE CENTERS

Subpart A—General

Sec.
121b.1 Scope.
121b.2 Purpose.
121b.3 Definition.
121b.4 Eligible parties.

Subpart B—Services and Activities

121b.10 Need and capability.
121b.11 Services.
121b.12 Location of centers.
121b.13 Evaluation and dissemination.
121b.14 Coordinating office for regional resource centers.
121b.15 Parental participation.
121b.16 Auxiliary activities.

AUTHORITY: Sec. 621, Pub. L. 91-230, 84 Stat. 181 (20 U.S.C. 1421), unless otherwise noted.

Subpart A—General

§ 121b.1 Scope.

(a) This part applies to projects assisted under section 621 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1421)

§ 121b.2 Purpose.

Payment of Federal funds under this part may be made to assist eligible parties in the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs.

(20 U.S.C. 1421(a))

§ 121b.3 Definition.

As used in this part: "Educational program" means a curriculum prescribed for a handicapped child, designed to meet the needs of that child as determined through testing and other methods of educational evaluation. The term includes:

(a) Long-range plans which generalize the sequence and content of educational experiences a child should have, over a period of years, through various schools, clinics, tutorial programs, and/or other kinds of broad units of teaching/learning situations;

(b) Short-range plans which generalize the sequence and content of educational experiences a child should have for the next few months, school year, or several years; and

(c) Plans for the immediate future which detail specific sets of teaching strategies, prescribed skill-building activities, or other specific curricular activities a child should have for the next few days, weeks, or month.

(20 U.S.C. 1421)

§ 121b.4 Eligible parties.

Parties eligible to receive assistance under this part are (a) institutions of higher education, (b) State educational agencies, or (c) combinations of such agencies or institutions (which combinations may include one or more local educational agencies), within particular regions of the United States.

(20 U.S.C. 1421(a))

Subpart B—Services and Activities

§ 121b.10 Need and capability.

(a) In providing assistance under this part, the Commissioner will take into consideration (1) the need for a regional center in the region to be served (including the number of handicapped children in the State or region to be served), and (2) the capability of the applicant to develop and apply, with the assistance of funds under this part, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

(b) Each regional center assisted under this part shall work with the State educational agencies in its region toward assuring effective educational evaluation and program placement for all handicapped children.

(20 U.S.C. 1421(b))

§ 121b.11 Services.

Each regional center assisted under this part shall make available at least the following services:

(a) (1) Testing and educational evaluation to determine the special educational needs of handicapped children referred to such center. (2) Preference will be given to (i) children for whom local or State services are not available, and (ii) children with the most complicated educational problems. (3) Services under this paragraph shall include the development and appraisal of methods (which can be disseminated by way of demonstration or other appropriate means) for appraising those needs; (4) The recipient shall provide for the dissemination, throughout the States, of information concerning the testing and evaluation capacity of the regional center.

(20 U.S.C. 1421(a)(1))

(b) Development of educational programs to meet those needs in cooperation with school officials and the parents of the concerned children. The regional center shall provide ongoing evaluation to identify the methods found most effective in meeting those needs.

(20 U.S.C. 1421(a)(2))

(c) Assistance to schools and other appropriate agencies, organizations, and institutions in providing the educational programs (developed under paragraph (b) of this section) through services such as (1) consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at the regional centers), (2) periodic reexamination and reevaluation of special education programs (including programs developed at the center under paragraph (b) of this section), and (3) regional workshops, (4) dissemination of printed or media packages on educational programming practices, (5) other technical services;

(20 U.S.C. 1421(a)(3))

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(d) Following the educational progress of the handicapped children evaluated under paragraph (a) of this section, and modifying the programs developed under paragraph (b) of this section or assisted under paragraph (c) of this section as necessary to meet the special educational needs of those children;

(e) Technical assistance to States in the region served by the center in the development of their capacity to evaluate and meet the educational needs of handicapped children; and

(20 U.S.C. 1421 (a)(3))

(f) Demonstration of new techniques of testing and new procedures of instruction.

(20 U.S.C. 1421 (b))

§ 121b.12 Location of centers.

To the extent feasible, regional centers will be distributed equitably throughout the Nation, and may, for demonstration purposes, be located both in urban and in rural areas.

(20 U.S.C. 1421)

§ 121b.13 Evaluation and dissemination.

(a) Each regional center shall develop and apply effective methods for evaluating (1) the extent to which project objectives are being met, (2) the effectiveness of the educational programs developed for handicapped children by the center, and (3) the efficiency with which human and financial resources were used in providing the services in § 121b.11 and meeting such project objectives.

(b) Each center shall disseminate or provide for the dissemination of information regarding its activities, including the evaluation carried out under paragraph (a) of this section. Additional dissemination activities may be carried out under Part 121e of this chapter.

(20 U.S.C. 1421, 1424)

§ 121b.14 Coordinating office for regional resource centers.

(a) The Commissioner will establish a Coordinating office for regional resource centers to serve the regional centers, and to set forth strategies which accommodate sharing of resources and nonredundant activities among regional centers in instances where single efforts are warranted.

(b) The coordinating office shall: (1) conduct studies to identify needs for educational testing and for evaluation instruments or procedures, (2) announce these needs to organizations which have the potential for satisfying these needs, (3) recommend priorities to the Commissioner in meeting these needs, (4) maintain state of the art information on identification diagnostic, appraisal, and prescriptive techniques for use by the regional centers and State and intrastate agencies, (5) conduct regional and national seminars on educational evaluation of handicapped children and educational program prescriptions for regional center staffs, State and local educational agencies, and teacher training institutions, and (6) develop and disseminate training and information packets which are designed to improve the quality of the educational evaluation of, and program prescription for, handicapped children.

(20 U.S.C. 1423, 1424)

§ 121b.15 Parental participation.

If a local education agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d, 1421)

§ 121b.16 Auxiliary activities.

(a) Applications for assistance under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121 of this chapter.

(20 U.S.C. 1421, 1424)

PART 121c—CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

Subpart A—Purpose; Eligible Parties

Sec.
121c.1 Scope.
121c.2 Purpose.
121c.3 Eligible parties.

Subpart B—Organization of Centers

121c.10 Cooperative arrangements.
121c.11 Regional center sponsoring agency.
121c.12 Other center components.

Subpart C—Geographical Requirements

121c.22 Need for center.
121c.23 Regional plan.

Subpart D—Services and Activities

121c.33 Services.
121c.34 Additional activities.
121c.35 Construction and equipment.
121c.36 Children to be served.
121c.37 Determination of deaf-blind children.
121c.38 Location of services.
121c.39 Transportation.
121c.40 Parental participation.

AUTHORITY: Sec. 622, Pub. L. 91-230, 84 Stat. 182 (20 U.S.C. 1422), unless otherwise noted.

Subpart A—Purpose; Eligible Parties

§ 121c.1 Scope.

(a) This part applies to programs and projects assisted under section 622 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1422)

§ 121c.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of providing (by grants to or contracts with eligible parties), through a limited number of model centers for deaf-blind children (referred to in this part as "regional centers"), a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids, that are found to be most effective to enable such children to achieve their full potential (a) for communication with, and adjustment to, the world around them, (b) for useful and meaningful participation in society, and (c) for self-fulfillment.

(20 U.S.C. 1422(a))

§ 121c.3 Eligible parties.

Parties eligible to receive assistance under this part are public or nonprofit private agencies, organizations, or institutions.

(20 U.S.C. 1422(b))

Subpart B—Organization of Centers

§ 121c.10 Cooperative arrangements.

(a) *General.* To receive assistance under this part, eligible parties shall enter into cooperative arrangements with other eligible parties (referred to in this part as "participating agencies"), which may include those in another State.

(b) *Sponsoring agency.* In the case of each cooperative arrangement established under paragraph (a) of this section there shall be a single public or nonprofit private agency, organization, or institution (1) which is designated as the "sponsoring agency", (2) which is the grant or contract applicant for the regional center, (3) which shall be the legal recipient of the grant of contract award, (4) which shall be legally responsible for administering the regional center under the grant or contract, and (5) which may enter into contracts (to the extent permitted by State and local law) for the provision of part of the services under the grant or contract.

(c) *Parties and terms of service contracts.* The contracts specified in paragraph (b)(5) of this section may be made with participating agencies, as well as with other agencies, institutions, or organizations.

(20 U.S.C. 1422)

§ 121c.11 Regional center sponsoring agency.

The sponsoring agency shall be responsible for stimulating development of and coordinating and monitoring the status of contracted services for deaf-blind children in the region to be served, including the provision of those activities and services for deaf-blind children specified under §§ 121c.33 and 121c.34.

(20 U.S.C. 1422)

§ 121c.12 Other center components.

Each regional center shall have a regional coordinator, a regional committee, and adequate staffing to administer the grant or contract.

(a) *Regional coordinator.* The regional coordinator shall be responsible for (1) preparation of the grant or contract application of the regional center; (2) implementation of approved program goals and supervision of the carrying out of those responsibilities of the sponsoring agency specified in § 121c.10; and (3) establishment of the regional committee pursuant to paragraph (b) of this section.

(b) *Regional committee.* (1) The regional committee shall include in its membership (but shall not be limited to): A representative from the sponsoring agency, at least one representative from each State in the region to be served (including the State official or officials, or their designees, who are responsible for special education), at least one parent of a deaf-blind child in the area to be served, and at least one representative from each of the allied disciplines of medicine, social service, and rehabilitation services (which may include a representative of the National Center for Deaf-Blind Youths and Adults). (2) The regional committee shall actively assist in (i) the planning, development, and operation of the regional center, (ii) the dissemination of information regarding the regional center's programs, (iii) the assessment of regional needs regarding deaf-blind children and the establishment of priorities respecting those needs for the region, and (iv) the evaluation of the extent to which the objectives of the regional center meet established short and long range regional goals.

(c) *Staff.* The regional center staff shall (1) stimulate early identification and followup of all deaf-blind children in the region, (2) maintain adequately organized records on each such child, and (3) stimulate, support, and monitor services, research, training, and evaluation provided or carried out by the regional center.

(d) *Participating agencies.* Participating agencies may include eligible parties which are health, education, or social service agencies or institutions in the region to be served, and which are engaged in, or responsible for, direct delivery of services to deaf-blind children or their families, regardless of whether those agencies are assisted through contracts with the sponsoring agency or are assisted from other public or private sources.

(20 U.S.C. 1422)

Subpart C—Geographical Requirements

§ 121c.22 Need for center.

In providing assistance under this part, the Commissioner will take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the region to be served.

(20 U.S.C. 1422(c))

§ 121c.23 Regional plan.

Each application for assistance under this part shall include a comprehensive plan to meet the special needs of deaf-blind children in the region to be served. In the case of an application for a continuation award, the regional committee established under § 121c.12(b) shall actively assist in the development of this regional plan.

(20 U.S.C. 1422)

Subpart D—Services and Activities

§ 121c.33 Services.

Each regional center assisted under this part shall provide at least the following services:

(a) Comprehensive and continuing diagnostic and evaluative services for deaf-blind children. Such services shall include (1) examinations by the following qualified personnel: Audiologists, ophthalmologists, pediatricians, and other special consultants as needed, such as child psychologists, optometrists, orthodontists, pediatric neurologists, cardiologists, otorhinolaryngologists, speech pathologists, and occupational and physical therapists and (2) continuing psychoeducational assessments of intellectual, social-adaptive, and communication abilities, and emotional adjustment.

(b) A program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor. This program may include therapeutic and adapted recreational and/or physical education activities and services.

(c) Effective professional consultative and counseling services for parents, teachers, and others who play a direct role in the lives of deaf-blind children, to enable them to understand the special problems of those children and to assist in the process of adjustment, orientation, and education of those children.

(20 U.S.C. 1422(d)(1))

§ 121c.34 Additional activities.

(a) In addition to the services specified in § 121c.33 each regional center shall carry out the following activities under Part 121e of this chapter:

(1) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of deaf-blind children;

(2) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for those children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(3) Dissemination of materials and information about practices found effective in working with those children.

(b) Each regional center shall provide for continuing evaluation of the effectiveness of each program or project assisted under this part, either directly or by contract with independent organizations.

(c)(1) Each regional center may also conduct research under section 624(a)(1) of the Act and Part 121e of this chapter to identify and meet the full range of special needs of deaf-blind children. (2) Applications for assistance under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act. (3) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter and sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1422, 1424)

§ 121c.35 Construction and equipment.

Establishment and operation of regional centers under this part may include the construction of necessary facilities, including the construction of necessary residential facilities, and may include the acquisition of necessary equipment.

(20 U.S.C. 1404, 1422(b))

§ 121c.36 Children to be served.

The services to be provided under § 121c.33 shall be available on a continuing basis to all deaf-blind children in the geographic area to be served by the regional center, including deaf-blind children (a) who are enrolled in schools operated by participating agencies, (b) who are attending other programs for handicapped children, and (c) who are not able to cope with a regular school program.

(20 U.S.C. 1422)

§ 121c.37 Determination of deaf-blind children.

(a) As used in this part, the term "deaf-blind children" means children who have auditory and visual handicaps, the combination of which causes such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing handicapped child or for the visually handicapped child.

(b) Determination that a child is a deaf-blind child within the meaning of paragraph (a) of this section shall be made by the regional center on the basis of an extended period of evaluation, conducted in the center or elsewhere by a team of specialists (at least including specialists in the fields of hearing, vision, and education of the handicapped), who shall make appropriate recommendations to the center as to whether a child is a deaf-blind child within the criteria set forth in paragraph (a) of this section.

(20 U.S.C. 1422)

§ 121c.38 Location of services.

(a) Services provided to deaf-blind children by a regional center may be provided to those children (and, where applicable, other persons) regardless of whether they reside in the regional center, and may be provided at some place other than the center.

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(b) A regional center may use the facilities, services, and resources available in another regional center to provide needed services for its deaf-blind children and their families except where such use will interfere with the program of the other regional center.

(20 U.S.C. 1422(d)(2))

§ 121c.39 Transportation.

The services referred to in § 121c.33 may include the provision of transportation for deaf-blind children (including an attendant), and for parents.

(20 U.S.C. 1422(d)(2))

§ 121c.40 Parental participation.

If a local educational agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d)

PART 121d—EARLY EDUCATION FOR HANDICAPPED CHILDREN

Subpart A—Early Education Projects

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AUTHORITY: Sec. 623, Pub. L. 91-230, 84 Stat. 183 (20 U.S.C. 1423), unless otherwise noted.

Subpart A—Early Education Projects

§ 121d.1 Scope.

(a) Except as otherwise provided, this supart applies to all programs assisted under section 623 of the Act. Assistance under this part will be limited to those programs which the Commissioner determines show the greatest promise of providing a comprehensive and strengthened approach to the special problems of handicapped children.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1423)

§ 121d.2 Eligible parties.

Parties eligible to receive assistance under this subpart are public agencies and private nonprofit organizations.

(20 U.S.C. 1423(a))

§ 121d.3 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in developing and carrying out experimental preschool and early education programs for handicapped children which incorporate the basic principles of child growth and development, psychology of learning, special education, and other disciplines that may be associated with the handicapped.

(20 U.S.C. 1423)

§ 121d.13 Distribution.

Programs under this subpart will be distributed to the greatest extent possible throughout the Nation, and will be carried out both in urban and in rural areas.

(20 U.S.C. 1423(a))

§ 121d.14 Initial year proposal.

Eligible applicants shall submit, as a condition to receiving assistance under this subpart for the first year of such assistance for an activity, a proposal containing the following information:

(a) A description of the population to be served including its socioeconomic, social and ethnic makeup, and the handicapping conditions of the children to be served;

(b) The criteria which will be used to determine whether a child is handicapped for the purpose of participating in programs assisted under this subpart;

(c) The curriculum design;

(d) The provision for parent-family participation;

(e) A description of proposed replication activities;

(f) A description of supplementary services available;

(g) The provision for coordination with other agencies,

(h) A description of the applicant's plans for the establishment of the advisory council required under § 121d.29;

(i) Plans for continuation of the program after the period of Federal funding ceases; and

(j) A description of the provision for assessment of the progress of the children to be served.

(20 U.S.C. 1423)

§ 121d.15 Participating children.

(a) "Preschool and early education" refers to a period from birth to the time a child would normally complete the third grade. The term includes the prenatal period where there is evidence that a handicapped child will be born.

(b) A program may also serve a limited number of handicapped children, beyond the preschool and early education period if such children are functioning at a level below that which would normally be expected upon a child's completion of the third grade.

(c) A program may serve one or a variety of types of handicapped children. In the case of integrated programs (those combining handicapped and non-handicapped children) funds provided under this subpart may support only the costs for the handicapped children.

(20 U.S.C. 1423)

§ 121d.16 Development, parental involvement, and dissemination of information.

Each program shall include services and activities designed to accomplish the following objectives:

(a) To facilitate the intellectual, emotional, physical, mental, social, and language development of handicapped children. These services and activities must be appropriate to the age level, levels of development, family situations, and handicapping conditions of the children included in the program. These services shall include comprehensive and continuing diagnosis and evaluation of each child's development.

(b) (1) To encourage the effective participation in the development and operation of the program of parents (and other family members) of the children to be served. This participation, in addition to that provided under § 121d.29, shall include (i) opportunities to advise and assist in the planning, development, operation, and evaluation of the project; (ii) training for parents and other family members (where appropriate) as a component of the project; (iii) appropriate participation in the educational and therapeutic components of the program; and (iv) opportunities to advise and assist in the dissemination of information regarding the program. (2) If a local educational agency applies for assistance under this subpart, the application shall contain the policies, procedures, and assurance required in § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(c) To acquaint the community to be served by the program with the problem and potentialities of handicapped children. In addition, dissemination of information regarding the program shall be extended to the general public, the education community, and other professional communities by appropriate means. A program shall be structured so that its components can be replicated or adapted for use elsewhere.

(20 U.S.C. 1231d, 1423(a))

§ 121d.17 Coordination.

Each program under this Subpart shall provide for effective coordination with similar activities in the schools of the community to be served. In addition, each program shall include provision for the development of relationships with State and local educational agencies, and appropriate public and private health agencies, in such manner as to accomplish the following objectives:

(a) Inform those agencies of the nature and purposes of the program;

(b) Provide opportunities for the staff of the program to coordinate their activities with those of the staffs of those agencies;

(c) Use available services in order to provide a comprehensive program for children served by the program and in order to avoid duplication of effort;

(d) Facilitate the spread of knowledge about the program;

(e) Develop mechanisms for future replication or adaptation of program components;

(f) Relate the program to State and local planning;

(g) Inform those agencies of the number and special needs of children of school age who will be leaving the program in order to facilitate continuity in the educational program of those children and facilitate the provision of comprehensive services for them as they enter the local school system; and

(h) Encourage continued active parental participation in the education progress of handicapped children.

(20 U.S.C. 1231d, 1423 (a) and (b))

§ 121d.19 Priorities.

Priority for assistance under this subpart will be given to applications which propose projects designed to: (a) Provide or develop models which can successfully group handicapped children with non-handicapped children on a full or part-time basis and which are aimed at permitting the entry of handicapped children into the regular school system, (b) serve to further the goal set forth in § 121d.13, (c) serve children of special age level or functional level groups within the limits provided for in § 121d.15, (d) offer significantly improved delivery of specialized services to handicapped children residing in rural areas, (e) serve handicapped children who are also economically disadvantaged, or (f) serve children with specific handicapping conditions.

(20 U.S.C. 1423)

§ 121d.29 Advisory council.

(a) Each recipient shall establish an advisory council upon official notice from the Commissioner that it has been awarded a grant or contract under this subpart.

(b) At least one-fourth of the membership of the advisory council shall consist of parents living in the geographic area to be served by activities carried out under this subpart by the recipient, and at least two of such parents shall be parents of children served by those activities.

(c) The recipient shall arrange for the advisory council to assist actively in (1) the planning, development, and operation of the program, (2) acquainting the community to be served with the program, (3) disseminating information regarding the program, and (4) evaluating the success of the program.

(d) Each recipient shall provide to each member of its advisory council: (1) A copy of the Act and this part; (2) a copy of the program proposal and all documents in the possession of the recipient relating to the award of assistance under this part for the program; and (3) such other documents and information relating to the program as are reasonably necessary to permit the advisory council to perform its functions under this section.

(20 U.S.C. 1231d, 1423)

§ 121d.30 Tuition.

No recipient may collect fees or other charges from, or with respect to, any child participating in activities assisted under this part.

(20 U.S.C. 1423)

§ 121d.31 Federal financial participation.

(a) Federal financial assistance under this subpart will not exceed 90 percent of the cost of developing, carrying out, and evaluating a program.

(b) Federal funds provided under this part may not be used for costs of construction, except for minor remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures.

(20 U.S.C. 1404, 1423(c))

§ 121d.32 Auxiliary activities.

(a) Applications for assistance under this subpart shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1 (b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1423, 1424)

Subpart B—Outreach Activities

§ 121d.40 Activities.

(a) Parties which have received assistance for early education projects under section 623 of the Act for three or more years may apply for assistance for activities under section 624 of the Act which will assist other agencies in meeting the early educational needs of handicapped children.

(b) Activities under this subpart are subject to applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1423, 1424)

§ 121d.41 Application content.

An application for assistance under this subpart shall include:

(a) An assurance that direct services provided to handicapped children during the prior years of the early education project under section 623 of the Act will be continued by the applicant and supported from funds other than funds under section 623.

(b) written evidence obtained from the responsible officials of the applicant of the amount and sources of funding for such continued support (both cash and in-kind), the number of children and personnel involved, and the location for the delivery of such services;

(c) evidence of the need and demand for the activity to be funded under this subpart;

(d) evidence of experience in working with other agencies in activities related to early education for the handicapped; and

(e) a description and samples of any early educational materials to be involved in the project assisted under this subpart.

(20 U.S.C. 1423, 1424)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART C, SECTION 623—EARLY EDUCATION FOR HANDICAPPED CHILDREN

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PART 1—INTRODUCTION

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part C, section 623. The legal requirements include the Act itself (20 U.S.C. 1423) and the regulations (45 CFR Part 121d). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1423; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 623 of the Act (20 U.S.C. 1423), and the guideline affects section 121d.3 of the regulations (45 CFR 121d.3), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1423; 45 CFR 121d.3). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

PART 2—PROPOSAL PREPARATION

SEC. 2.1 *Purpose.* (a) The basic purpose of the Handicapped Children's Early Education Program is to demonstrate the provision of exemplary comprehensive services to young handicapped children from birth through 8 years of age through grants to and contracts with public agencies and private nonprofit organizations, so that other agencies and organizations wishing to replicate the programs can have visible and available models to help them do so.

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(b) Model programs should be child centered and the outcome of the services directed towards a reduction of dependency on the part of the handicapped child by helping him attain his full potential for social, emotional, physical and cognitive growth. After receiving services in these model programs, many handicapped children should be able to enter regular educational systems or require less intensive levels of special education.

(c) Each program should have as its aim, demonstrating the provision of high quality services for young handicapped children which emphasize assisting the child to overcome his handicaps and attain his highest potential functioning level. Therefore, the information in a proposal should present the program's planned approach, educational and therapeutic techniques, specific objectives, and desired attainment levels for the kinds of children to be enrolled in the model program.

(20 U.S.C. 1423; 45 CFR 121d.3)

PART 3—PROPOSAL CONTENTS

SEC. 3.1 *Target population served.* The applicant should state briefly the eligibility criteria which will be used to determine a child's acceptance into the program. It should be indicated who (or what kind of professional) will refer the children to the program and what degree of medical, psychological, and educational assessment will be required for entrance into the program. A program may serve one or a variety of types of handicapped children. In the case of integrated programs—those combining handicapped and non-handicapped children—Handicapped Children's Early Education Program funds may support only the costs related to serving the handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.15)

SEC. 3.2 *Curriculum design.* (a) The applicant should state the objectives of the program and the activities directed toward their achievement, as well as the procedures which will be used for evaluating the effectiveness of the program.

(b) A sample of the daily schedule of activities and the program content should be presented. The applicant should indicate how many days per week and hours per day a child will participate in the program. It is the responsibility of the applicant to define the scope of the service year.

(20 U.S.C. 1423; 45 CFR 100a.16, 100a.26, 121d.16, 121d.14)

SEC. 3.3 *Parent-family participation.* The proposal should contain plans for meaningful involvement of the parents and other family members of a handicapped child in the services to be provided that child under the proposal. The following are recommended services which should be available to parents and other family members as needed.

(a) Assistance in understanding and coping with the child's handicap;
(b) Psychological or social work services;
(c) Information on child growth and development;
(d) Information on special education techniques;
(e) Observation of the children in the project;
(f) Carry-over activities to the home; and
(g) An opportunity to participate in planning and evaluation of the program.

(20 U.S.C. 1423, 1231d; 45 CFR 121d.16, 121d.14)

SEC. 3.4 *Demonstration.* Plans should be detailed showing how knowledge of the exemplary aspects of the program will be disseminated. Provision should be made to provide orientation for visitors. Efforts should be made to allow for professionals visiting the program to understand its operation and to assist them in replicating either a part of or the total program.

The proposal should list the groups which the program intends to reach through demonstrations and the efforts which will be made to inform and familiarize the community with the problems and potentials of handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.16, 121d.14)

SEC. 3.5 *Replication.* (a) Recipients should not undertake extensive replication activities until after the initial planning-operational year. However, the kinds of replication activities contemplated for the second and third years should be listed.

(b) Recipients are encouraged to seek newspaper coverage and other publicity to obtain more than purely local coverage. Widespread understanding and support for early education for handicapped children is one goal of the replication efforts. Creative ideas in this area as in all others are being sought. Steps should be taken to design plans that will result in a packaging of project activities so that at the end of the grant period either all or parts of the program can be used in other communities.

(20 U.S.C. 1423; 45 CFR 121d.16, 121d.14)

SEC. 3.6 *Supplementary services.* The applicant should list the supplementary services, e.g., health, social services, psychological services, etc., which are available, and the agencies providing them, under three categories: (a) Services which are donated to the program, (b) services which are paid for by the program and, (c) services which are obtained through an exchange of services between the program and the agency providing the supplementary assistance.

(20 U.S.C. 1423, 45 CFR 121d.14)

SEC. 3.7 *Coordination with other agencies.* An increasingly important aspect of coordination is assistance to other agencies serving young children, such as day care centers, Head Start Projects, and nursery schools. Specialized resource and training assistance to these agencies can make a vital contribution to their ability to serve handicapped as well as non-handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.17, 121d.14)

SEC. 3.8 *Advisory council.* The proposal should name persons, or titles of persons available and suitable to the tasks to be performed by the advisory council. The members may include local public school personnel, experts in early childhood education, child development, and special education, and handicapped adults. Persons from related fields such as health, social work, mental health, medicine, etc., may be strong additions. State Department of Education personnel may also be invited to participate. At least one council member should have expertise in Federal program management. The proposal should indicate the number of meetings to be held annually.

(20 U.S.C. 1423, 45 CFR 121d.29)

SEC. 3.9 *Funding justification.* A funding justification statement should be included which sets forth the reasons for funding the program. It should stress the significance of this program for national replication. Rather than citing the widespread need for services, it should indicate the need for this specific program and should list the particular strengths of the program.

(20 U.S.C. 1423, 45 CFR 100a.16)

SEC. 3.10 *Assessment of the children's progress.* (a) If possible, several objectives should be stated in the proposals in behavioral terms, for the type of children being served. The proposal should indicate the process by which the children's progress will be determined and the instruments and techniques which will be used.

(b) The person responsible for the ongoing evaluation of the program should be named, along with the percentage of time he or she will be available to the program.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 3.11 *Continuation.* A commitment on the part of the applying agency or related agency for continuation of the program after the period of federal funding ceases should be outlined in the proposal.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 3.12 *Research activities.* Research activities conducted pursuant to section 624 (a)(1) of the Act are subject to sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1423, 1424; 45 CFR 121d.32, 121h.1)

PART 4—OTHER

SEC. 4.1 *Timetable for program activities.* Major objectives for the fiscal year beginning July 1 should be indicated on a timetable. Beginning and ending dates should be indicated by timeliness for the main phases of the following major program activities:

(a) Identification and initial assessment of children;
(b) Development of inservice training for the staff;
(c) Curriculum planning;
(d) Development of the evaluation component;
(e) Development of the parent participation program;
(f) Establishment and meetings of the advisory council;
(g) Training for others, if appropriate;
(h) Preparation of facilities;
(i) Initiation of education and therapeutic services;
(j) Dissemination; and
(k) Others.

(20 U.S.C. 1423; 45 CFR 100a.16, 100a.26, 121d.14)

SEC. 4.2 *Previous experience.* A brief section may be appended to indicate previous related experience of the applicant agency which is relevant to the proposed program.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 4.3 *Training of personnel.* (a) The program should provide an orientation for each staff member. Each program should detail a plan for in-service activities for the entire staff of the program. These activities may include formal and informal staff meetings, workshops, national, regional and State institutes, retreats, demonstrations, work conferences, laboratory and clinical experiences, training in the use of media, and cooperative enterprises with nearby programs.

(b) A staff training coordinator should be listed for each program. Programs are encouraged to involve university or college programs and other resources such as hospitals in plans for in-service training. The program may also serve as a center for practicum or internship for university and college programs; however, training cannot supplant the demonstration of services as the primary focus of the program.

(20 U.S.C. 1423; 45 CFR 100a.26, 121e.4)

SEC. 4.4 *Facilities and equipment.* As required under § 100a.16 of the Office of Education general provisions regulations, the proposal for a program under this part should specifically describe the type and use of both

indoor and outdoor facilities and settings (home, clinic, school, etc.) in terms of their appropriateness for the children served and the program planned. Information such as the number and approximate size of the rooms to be used for programs should be included. If facilities have not been located, specifications for the type of facilities which will be sought should be presented.

(20 U.S.C. 1423; 45 CFR 100a.16)

SEC. 4.5 *Staff vitae.* The staff should include personnel with backgrounds in special education. The educational experience backgrounds of each staff member and consultant should be listed. A job description which outlines both the duties and the time commitments for this program should be included. If a staff member is not currently employed by the agency a letter of intention from the selected staff member should be attached. If a specific staff member has not been selected, recruitment procedures and qualifications should be indicated.

(20 U.S.C. 1423; 45 CFR 100a.16)

SEC. 4.6 *Budget.* (a) The budget section of the applicant's proposal should indicate only the funds which will be used for costs for the handicapped children in the case of programs serving handicapped and non-handicapped children, since only those costs may be supported by the Handicapped Children's Early Education Program.

(b) The non-Federal share is designed to encourage local commitment through tangible involvement. It may be used to develop broad-based support for the program by involving a variety of agencies and individuals. Increasing the percentage of the local contribution during the program period helps to further its continuation after Federal funding ceases. The staffing patterns and budgetary allocations constitute an important model aspect of exemplary demonstration programs designed to be replicated by others.

(20 U.S.C. 1423; 45 CFR 100a.16, 121d.15, 121d.31)

PART 121e—AUXILIARY ACTIVITIES

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AUTHORITY: Sec. 624, Pub. L. 91-230, 84 Stat. 183 (20 U.S.C. 1424), unless otherwise noted.

§ 121e.1 Scope.

(a) This part applies to activities assisted under section 624 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1424)

§ 121e.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of assisting eligible parties in such activities as:

(a) Research to identify and meet the full range of special needs of handicapped children;

(b) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of those children;

(c) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for those children, including payments of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(d) Dissemination of materials and information about practices found effective in working with these children.

(20 U.S.C. 1424)

§ 121e.3 Eligible parties.

The Commissioner may provide assistance under this part either (a) pursuant to a grant or contract under Parts 121b, 121c, or 121d of this chapter, or (b) by separate grant to or contract with a public or nonprofit private agency, organization, or institution which (with or without Federal assistance under Parts 121b, 121c, or 121d of this chapter) is operating a center or providing a service which meets one or more of the purposes of Part C of the Act.

(20 U.S.C. 1424)

§ 121e.4 Criteria for assistance.

(a) Activities assisted under this part shall serve to enhance the effectiveness of the center or program to which they will be related.

(b) The activities shall serve to complement rather than displace the basic functions of the center or program to which they will be related.

(c) The activities shall be:

(1) Coordinated with similar research, development, training, and dissemination activities assisted under other parts of the Act, and

(2) Coordinated and intergrated with the activities of the center or program to which they will be related.

(20 U.S.C. 1424)

§ 121e.5 Evaluation.

Activities assisted under this part shall include effective procedures for evaluating at least annually:

(a) The extent to which and the manner in which the objectives of the activities have been met, and

(b) The extent to which and the manner in which the effectiveness of the center or program to which the activities are related has been enhanced by the activities.

(20 U.S.C. 1424)

§ 121e.6 Research.

(a) Research conducted under § 121e.2(a) shall be subject to requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter.

(b) Applications for assistance under this part shall specifically state any research activities which an applicant intends to undertake.

(20 U.S.C. 1424)

§ 121e.7 Training.

(a) *Inservice training.* Inservice training activities assisted under this part may include staff meetings; seminars; workshops; national, regional, and State institutes; demonstrations; and related activities.

(b) *Participants.* Trainee-participants in such activities may include present and potential project personnel and other teachers, administrators, child care workers, parents, and teacher aides.

(c) *Stipends and allowances.* In connection with training assisted under this part, the Commissioner may authorize the payment of stipends and allowances (including but not limited to allowances for dependents and institutional fees) in such amounts as he determines to be appropriate for a particular training activity.

(20 U.S.C. 1424)

§ 121e.8 Dissemination.

Activities assisted under § 121e.2(d) may include dissemination (by demonstrations or otherwise) of materials and information for the benefit of educational institutions and the general public as well as for the benefit of members of professions engaged in the field of the education of the handicapped.

(20 U.S.C. 1424)

PART 121f—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Subpart A—Purpose; Definitions
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AUTHORITY: Secs. 631, 632, 634, Pub. L. 91-230, 84 Stat. 184 (20 U.S.C. 1431, 1432, 1434), unless otherwise noted.

Subpart A—Purpose; Definitions

§ 121f.1 Scope.

(a) This part applies to programs and projects assisted under sections 631, 632, and 634 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.2 Purpose.

The general purpose of assistance under this part is to increase the quantity and quality of teaching personnel and other special personnel for the education of handicapped children by providing funds to eligible institutions and agencies which have, or will develop, programs for the preparation of such personnel.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.3 Grants to institutions of higher education and others.

Grants may be made to institutions of higher education and to other appropriate nonprofit institutions or agencies for the purposes set forth in section 631 of the Act, and to institutions of higher education for the purposes set forth in section 634 of the Act.

(20 U.S.C. 1431, 1434)

§ 121f.4 Grants to State educational agencies.

Grants may be made to State educational agencies for the purposes set forth in section 632 of the Act. Such grants may include programs for preparation of physical educators and/or recreation personnel if such educators and personnel are certified (or certifiable) under applicable State law.

(20 U.S.C. 1432)

§ 121f.5 Special project grants.

(a) Special project grants may be awarded for the purpose of designing programs that, upon implementation and evaluation, may be more effective and efficient in fulfilling the purposes of sections 631, 632, or 634 of the Act than current operational programs.

(b) If the purpose of a special project grant under paragraph (a) of this section has been accomplished, the institution or agency shall incorporate the personnel preparation program design within its program assistance grant (if any) by addition of the design, or by deletion of an existing design which the special project grant was formulated to replace.

(c) Special project grants may also be awarded for the purpose of conducting projects to identify major problems relevant to the preparation of personnel for the education of handicapped children, and to develop procedures for the solution of such problems.

(d) Special project grants may be used (1) to defray all, or a portion, of the recipient's costs which are directly related to the purposes set forth in paragraph (a) or (c) of this section, and (2) for the award of financial assistance to students who participate in the program pursuant to Subpart C of this part.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.6 Definitions.

As used in this part:

"Dependent" means any of the following individuals over half of whose support, for the calendar year in which the school year begins, was received from a student:

(a) A spouse;

(b) A son or daughter of the student, or a descendent of either;

(c) A stepson or stepdaughter of the student;

(d) A brother, sister, stepbrother, or stepsister of the student;

(e) A father or mother of the student, or an ancestor of either;

(f) A stepfather or stepmother of the student;

(g) A son or daughter of a brother or sister of the student;

(h) A brother or sister of the father or mother of the student;

(i) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the student;

(j) An individual (other than the student's spouse) who, during the student's entire calendar year, lives in the student's home and is a member of the student's household (but not if the relationship between the individual and the student is in violation of local law); or

(k) An individual who—

(1) Is a descendent of a brother or sister of the father or mother of the student;

(2) For the school year of the student receives institutional care required by reason of a physical or metal disability; and

(3) Before receiving such institutional care, was a member of the same household as the student.

A legally adopted child or a child placed in the student's home for adoption by an authorized agency is considered to be a child by blood. A citizen of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada or Mexico, or Panama, or the Canal Zone, at some time during the calendar year in which the school year of the student begins, or is a resident of the Philippines born to, or adopted by, a student while he was a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a student as a member of his household for the entire calendar year.

"Post-doctoral student" means a student who receives training beyond the attainment of a doctoral degree.

"Pre-doctoral student" means a student who receives training beyond the baccalaureate level, but does not include a post-doctoral student. The term includes a student who is a master's or doctoral degree candidate.

(20 U.S.C. 1431, 1432, 1434)

Subpart B—Applications for Grants

§ 121f.7 Departmental applications.

Each application by an institution of higher education made on behalf of one of its departments (such as special education, speech and hearing, or physical education and recreation), shall include all programs within that department for which assistance is requested.

(20 U.S.C. 1431, 1434)

§ 121f.9 State personnel needs.

Each application shall include (a) a statement by the State educational agency of personnel needs for education of the handicapped and a statement by the applicant of how the proposed program relates to those stated needs, and (b) a description of the ways in which the recipient's program goals and objectives relate to the purposes of Part D of the Act.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.10 Areas of preparation.

In addition to the areas of preparation related to the various categories specified in § 121.2 of this chapter (definition of "Handicapped children"), applications may include such areas as the following: combined areas (multi-handicapped), special education administration, physical education and/or recreation for the handicapped, and vocational education for the handicapped.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.11 Period of study.

The period of study shall be defined by the institution or agency providing instruction. The "period of study" is the time required to accomplish the program activities as specified by the institution or agency. The period of study may be the full academic year, a summer session, or an intensive study period such as an institute, a conference, a presession, a postsession or an intersession, or any combination of such periods.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.20 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, applications will be evaluated on the basis of the following factors:

(a) The extent to which the applicant specifically provides evidence that program graduates are meeting the educational needs of handicapped children at the local, State, or national level;

(b) The extent to which program philosophy, program objectives, activities implemented to attain program objectives and evaluation procedures are internally consistent, and are related to the educational needs of handicapped children;

(c) The extent to which the number of qualified staff is in a reasonable ratio to the number of students, and other program resources are available for the effective and efficient conduct of the program;

(d) The extent to which (1) present and former students, (2) employing agencies (school districts, State agencies, etc.) and (3) individuals (parents, practicing teachers, etc.), are involved in program planning, implementation, and evaluation;

(e) The extent to which the evaluation design and procedures (1) provide for assessment of the effectiveness and efficiency of the use of program resources in the attainment of program objectives, and (2) provide for the collection of quantifiable program performance information including (i) the numbers of personnel prepared and placed in positions relevant to the education of handicapped children, (ii) the type and location of positions accepted by program graduates, (iii) the number of handicapped children served by program graduates, (iv) the length of time that program graduates serve handicapped children, (v) employers evaluation of program graduates' proficiency, and (vi) the effectiveness of program graduates in facilitating the educational progress of handicapped children;

(f) The extent to which the application describes procedures for assessing the impact, and in the case of an application for continuation support provides evidence of impact, of the program upon other related programs within the institution, community programs for the education of handicapped children, and improvement of services for handicapped children at the local, State, and/or national level;

(g) The extent to which the application deseribes and specifies the various roles or positions for which students are prepared, the tasks associated with such roles, and the competencies that must be acquired to complete each task successfully;

(h) The extent to which the application includes (1) a delineation of competencies that each program graduate will acquire and will subsequently exhibit, and (2) the evaluation procedures used in measuring the attainment of those competencies;

(i) The extent to which substantive content and organization of the program are (1) appropriate for the student's attainment of professional knowledge and competencies that are necessary for the provision of quality educational services for handicapped children, and (2) demonstrate an awareness of relevant methods, procedures, techniques, and instructional media or materials that can be used in the preparation of qualified educators of handicapped children;

(j) The extent to which appropriate practicum facilities (1) are utilized for observation, participation, practice teaching, laboratory or clinical experience, internship, and other supervised experiences of adequate scope, combination, and length, (2) are accessible to the applicant and students, and (3) are staffed by qualified personnel; and

(k) The amount of fiscal and other effort the applicant will contribute to the program, and a delineation of the procedures that will be implemented for the increase of such effort over a specified time period in relationship to the amount of Federal funds awarded for support of the program.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.30 Appeal.

If an applicant wishes to request reconsideration of a decision concerning action taken on its application for assistance, a letter making such request must be sent to the Commissioner within 30 days of the receipt of the letter of notification of such action.

(20 U.S.C. 1431, 1432, 1434)

Subpart C—Financial Assistance for Students

§ 121f.40 Student financial assistance.

All or a portion of the funds awarded under this part may be used by the institution or agency to provide direct financial assistance to students.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.41 Student qualifications.

Direct financial assistance may be provided to students only if:

(a) The student is qualified for admission to the program at the baccalaureate, pre-doctoral, or post-doctoral level of academic study;

(b) The student maintains continuous and acceptable progress in a course of study on a part-time or full-time basis; and

(c) The student is able to demonstrate a need for financial assistance.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.42 Amount of assistance.

Subject to the limitations contained in this part, grantees will disburse financial assistance to students in amounts commensurate and consistent with established institution or agency policy for various levels of academic study, and policy relevant to providing financial assistance to part-time and full-time students.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.43 Stipends for baccalaureate students.

Students enrolled for a full-time academic year at the baccalaureate level may receive a yearly stipend not exceeding $800.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.44 Dependency allowances for baccalaureate students.

Students at the baccalaureate level are not eligible for dependency allowances.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.45 Stipends for pre-doctoral students.

Except as provided in § 121f.46, students enrolled for a full-time academic year at the pre-doctoral level may receive stipends not exceeding: (a) $2400 in the first pre-doctoral year, (b) $2600 in each of the years between the first and terminal year, and (c) $2800 in the terminal year.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.46 Related work experience for pre-doctoral students.

(a) Students enrolled for a full-time academic year at the pre-doctoral level who have had professional work experience related to the education of handicapped children may receive annual stipends not exceeding the following amounts: (1) Less than 12 months of experience—$3,000; (2) 12–23 months of experience—$3,300; (3) 24–35 months of experience—$3,600; (4) 36–47 months of experience—$3,900; or (5) 48 months or more of experience—$4,200.

(b) Each single full-time academic year of pre-doctoral experience in the field of education of handicapped children shall equal 12 months of related professional work experience for the purposes of paragraph (a) of this section.

(c) If the student has been awarded a Master's degree in a field relevant to the education of handicapped children, an additional amount, not exceeding $500, may be added to the stipend provided under paragraph (a) of this section.

(d) No stipend at the pre-doctoral level shall exceed $4,700.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.47 Stipends for post-doctoral students.

(a) Students enrolled for a full-time academic year at the post-doctoral level may receive stipends not exceeding (1) $6,000 if the student does not have relevant full-time academic year experience at the post-doctoral level; (2) $6,500 if the student has one full-time academic year of relevant experience at the post-doctoral level; and (3) $7,000 if the student has two or more full-time academic years of relevant experience at the post-doctoral level.

(b) Each 12 months of professional work experience related to the field of the education of the handicapped shall equal one full-time academic year of relevant experience at the post-doctoral level for the purpose of paragraph (a) of this section.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.48 Dependency allowances for pre-doctoral and post-doctoral students.

(a) Students enrolled for a full-time academic year at the pre-doctoral and post-doctoral levels may receive allowances not exceeding $600 for each dependent.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.49 Supplementation of stipends for pre-doctoral and post-doctoral students.

Grantees may use Federal funds under Part D of the Act to supplement stipends

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for pre-doctoral and post-doctoral students to accommodate regional cost of living variations and cases of special needs, providing that such supplements do not exceed $1,000 per student per academic year.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.50 Financial assistance for short-term students.

(a) Students enrolled for a period of study less than a full-time academic year but of at least two days length, may receive a stipend of up to $15 per day but not exceeding $75 per week. These students are not eligible for dependency allowances.

(b) Students who are receiving assistance under §§ 121f.43, 121f.45, 121f.46, 121f.47, or 121f.48 at the time of their short-term study are not eligible for financial assistance under this section.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.51 Veterans readjustment assistance.

A dependency allowance may not be claimed for an individual who is concurrently receiving assistance under Pub. L. 82–550, as amended (Veterans Readjustment Assistance Act of 1952).

(20 U.S.C. 1431, 1432, 1434)

§ 121f.52 One allowance per dependent.

No individual may be claimed for a dependency allowance by more than one student.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.60 Payments to students.

(a) Grantees shall insure that appropriate payments are made to students receiving assistance under this part.

(b) Students enrolled in a full-time academic year program shall receive regular and frequent payments of any assistance provided.

(c) Except as provided in § 121f.61, the full amount of each stipend and dependency allowance awarded must be paid.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.61 Withdrawal of students.

Financial adjustments must be made when a student withdraws or is dismissed before the end of the full term of the program. For graduate and undergraduate academic year and short term programs, the remaining funds may be given as a partial award to another student who is currently enrolled at the institution. In such cases,the grantee shall notify the Commissioner that such an adjustment has been made. Remaining funds will be considered an overpayment, unless used as a partial award or in other ways consistent with the applicable regulations contained in this part.

(20 U.S.C. 1431, 1432, 1434)

Subpart D—Requirements for Student Eligibility

§ 121f.70 Citizenship of student.

A student must be a citizen or a national of the United States, or be in the United States for other than a temporary purpose and intend to become a permanent resident.

(20 U.S.C. 1431, 1432, 1434)

PART 121g—RECRUITMENT OF PERSONNEL AND DISSEMINATION OF INFORMATION

Sec.
121g.1 Scope.
121g.2 Purpose.
121g.3 Eligible parties.
121g.4 Distribution of projects.

AUTHORITY: Sec. 633, Pub. L. 91–230, 84 Stat. 184 (20 U.S.C. 1483), unless otherwise noted.

§ 121g.1 Scope.

(a) This part applies to projects assisted under section 633 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1433)

§ 121g.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of assisting eligible parties in carrying out projects for:

(a) Encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers;

(b) Disseminating information about programs, services, and resources for the education of handicapped children;

(c) Using parent, volunteer, media and other organizations to provide information concerning handicapped children to the general public; and

(d) Providing referral services (including referral to educational, diagnostic, and clinical facilities and services) to parents, teachers, and other persons especially interested in the handicapped.

(20 U.S.C. 1433)

§ 121g.3 Eligible parties.

Parties eligible to receive assistance through grants or contracts under this part are public or private agencies, organizations, or institutions, except that grants only will be made to public or private non-profit agencies, organizations, and institutions.

(20 U.S.C. 1433)

§ 121g.4 Distribution of projects.

Projects will be distributed to the greatest extent possible throughout the Nation and will be carried out both in urban and rural areas.

(20 U.S.C. 1433)

PART 121h—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

Sec.
121h.1 Scope.
121h.2 Purpose.
121h.3 Eligible parties.
121h.4 Criteria for the selection of applications.
121h.5 Types of activities supported.
121h.6 Panels of experts.
121h.7 Cost sharing.

AUTHORITY: Secs. 641–644, Pub. L. 91–230, 84 Stat. 185 (20 U.S.C. 1441–1444), unless otherwise noted.

§ 121h.1 Scope.

(a) This part applies to programs and projects assisted under Part E of the Act. Paragraph (b) of this section, as well as §§ 121h.4 and 121h.7 apply to research programs and projects assisted under sections 624(a)(1), 651(a)(2)(A), 652(b)(5), and 661(a)(1) of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management and other matters) and Part 121 of this chapter, as well as such policies of the Department relating to research contracts with educational institutions as may be contained in 41 CFR Part 3–4.

(20 U.S.C. 1401, 1424, 1441, 1451, 1452, 1461)

§ 121h.2 Purpose.

Payment of Federal funds under Part E of the Act may be made to eligible parties (a) for research and related purposes and to conduct research, surveys, or demonstrations, relating to the education of handicapped children, and (b) for research and related purposes and to conduct research, surveys, or demonstrations, relating to physical education and/or recreation for handicapped children.

(20 U.S.C. 1441, 1442)

§ 121h.3 Eligible parties.

Parties eligible to receive assistance under this part are States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, except that grants may be awarded only to public or private nonprofit agencies and organizations.

(20 U.S.C. 1441, 1442)

§ 121h.4 Criteria for the selection of applications.

(a) Applications for new awards. In reviewing applications for new awards, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 100a.26(b) of this chapter):

(1) The extent to which the proposed activities relate directly to one or more of the objectives set forth in § 121.3 of this chapter; and

(2) The extent to which the proposed activities are "applied" in nature and show promise of producing valid and relevant information relating to the education of handicapped children. (Whether an activity is "applied" will be determined by the Commissioner on the basis of the extent to which such activity: (i) Is a direct effort to solve some critical educational problem; and (ii) is planned so that the final product of such activity can be reasonably expected to have a direct influence on the performance of handicapped children or on personnel responsible for the education of the handicapped).

(b) Continuation awards. In reviewing applications for continuation awards, in addition to the criteria set forth in paragraph (a) of this section, the Commissioner will consider the extent to which the applicant demonstrates that it has performed satisfactorily with respect to previous awards made under this part.

(20 U.S.C. 1441, 1442)

§ 121h.5 Types of activities supported.

Activities assisted under this part may include projects for research, dissemination, demonstration, curriculum development, and media.

(20 U.S.C. 1441, 1442)

§ 121h.6 Panels of experts.

The Commissioner will not approve any application for a grant under this part unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has secured the advice and recomendations of such panel.

(20 U.S.C. 1443)

§ 121h.7 Cost sharing.

(a) No recipient of a grant under this part may receive the entire cost of the program or project. The amount of potential contribution to the cost of the program or project will not affect the disposition of the application by the Commissioner.

(b) Recipients of contract awards (other than procurement contracts) are encouraged to contribute to the cost of the program or project.

(Pub. L. 92–48, Title III, sec. 306, 85 Stat. 106, OMB Circular A–100; 20 U.S.C. 1441, 1442)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART E

SECTIONS 641–644—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

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PART 1—INTRODUCTION

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part E, Sections 641–644. The legal requirements include the Act itself (20 U.S.C. 1441–1444) and the regulations (45 CFR Part 121h). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1444, 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guidelines is section 642 of the Act (20 U.S.C. 1442), and the guideline affects section 121h.2 of the regulation (45 CFR 121h.2), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1442; 45 CFR 121h.2). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232 (a))

PART 2—ACTIVITIES APPROPRIATE FOR SUPPORT

SEC. 2.1 *Authority.* (a) The greatest part of the research responsibility of the Bureau of Education for the Handicapped falls under Part E of the Act, but other research activities are authorized under sections 624(a)(1), 651(a)(2)(A), 652(b)(5), and 661(a)(1) of the Act.

(b) Legislative authority for the activities described above is included in connection with the following parts of the Education of the Handicapped Act, Title VI of Pub. L. 91–230:

(1) Part C, section 624(a)(1): Research in connection with Centers and Services for the Handicapped (20 U.S.C. 1424).

(2) Part E, section 641: Research and Demonstration Projects in Education of Handicapped Children (20 U.S.C. 1441).

(3) Part E, section 642: Research and Demonstration Projects in Physical Education and Recreation for Handicapped Children (20 U.S.C. 1442).

(4) Part F, section 651(a)(2)(A) and 652(b)(5): Instructional Media for the Handicapped (20 U.S.C. 1451–1452).

(5) Part G, section 661(a)(1): Special Programs for Children with Specific Learning Disabilities—Research (20 U.S.C. 1461).

(c) The research activities in (b)(1), (4), and (5) above are subject to the regulations (45 CFR 121h.1(b), 121h.4, and 121h.7, only) and guidelines (secs. 2.1–2.2 and 3.1–3.5, only) for Part E of the Act.

(20 U.S.C. 1424, 1441, 1442, 1451, 1452, and 1461; 45 CFR 121h.1)

SEC. 2.2 *Applied research.* (a) The Bureau of Education for the Handicapped pursues a catalytic strategy in all its programs. Support of applied research and related activities pursues this catalytic strategy. These support activities are directed at developing new knowledge, methods, and materials which will facilitate the broader efforts of the Bureau and the Nation's schools in fulfilling their commitment.

(b) The basic objectives of this support are to:

(1) Identify, research, and demonstrate solutions to problems that are related to the education of handicapepd children;

(2) Develop, demonstrate, and disseminate innovative support systems and techniques to improve the performance of handicapped children and/or teachers and other practitioners serving the handicapped; and

(3) Create mechanisms that will produce the broadest possible diffusion, utilization, and implementation of the products of research and development.

(20 U.S.C. 1441, 1442; 45 CFR 121h.4, 121h.5)

PART 3—PROJECTS

SEC. 3.1 *Initiation of projects.* (a) Research and research related projects are initiated in one of four ways: (1) Requests for proposals, (2) negotiated contracts, and (3) responses to program announcements. From time to time specific research and research related tasks are identified by the Bureau as being of critical and immediate importance. The Office of Education may elect to issue a Request for Proposals for accomplishing a critical research job. These are advertised in Commerce Business Daily and become available to all qualified offers.

(b) The interests of potential participants under a request for proposals are best served by careful monitoring of Commerce Business Daily. At times there may be special interest in receiving proposals in area receiving little attention. (For example, in recent years activities to improve educational services for the trainable retarded, in vocational education, and for the deaf-blind have been particularly welcome.) Public announcements may advertise these interests and prospective applicants are urged to check with their State Educational Agency and their professional organizations as well as with bureau program officers.

(c) Closing dates of general applicability for receipt of applications for new and continuation grants will be published in the FEDERAL REGISTER.

(d) Most of the bureau's programs dealing with research and related activities will also respond to proposals generated by interested institutions without prior call from the bureau.

(20 U.S.C. 1441, 1442; 45 CFR 121h.2)

SEC. 3.2 *Proposal development.* (a) *Basic components.* Although specific details may differ for various activities, proposals for projects under Part E of the Act usually incorporate the following features:

(1) *Problem statement.* This includes a description of the current status of the area of investigation and its impact on handicapped children. Related investigations and pertinent results thereof may be reported here.

(2) *Goals and objectives.* The focus of the planned investigation and, as specifically as possible, the anticipated outcome should be described. Planned products and long-range outcomes may be described and their potential uses, applications, costs and benefits discussed. The anticipated outcomes of the investigation are usually related to their potential impact on handicapped children and to bureau objectives. When possible, the number of handicapped children expected to benefit from the activity should be indicated.

(3) *Procedures.* The applicant should outline the planned activities of the proposed project with as much precision as possible. For example, applied research proposals usually describe the experimental design, numbers and characteristics of participating individuals, characteristics of data to be collected, statistical analysis, etc. Proposals for production of educational materials, curricula, etc., describe the process of production, the planned products, and evaluation procedures. Although the amount and kind of procedural description will vary with proposed activities, sufficient detail to permit reviewers to assess the likelihood of satisfactory outcome is usually critical.

(4) *Project schedule.* Time lines for specific activities give particular attention to

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target dates for completion of project tasks or products.

(5) *Demonstrated and relevant capabilities of applicant.* Proposals are welcome from representatives of many disciplines (e.g., education, special education, psychology, sociology, anthropology, neurophysiology, engineering, government, economics, etc.) and interdisciplinary approaches are encouraged. Applications are usually expected to demonstrate familiarity with the area of exceptionality addressed by the proposal and with the proposed procedures to be used. When large groups of subjects are to be drawn from population subgroups such as schools, clinic populations, and States, written assurances of cooperation may be appended.

(b) *Appended items.* Additional information may be included in the proposal if pertinent.

(1) If this or a similar proposal has been submitted elsewhere, an applicant should give details.

(2) If this is a proposed extension of, or in addition to, a previous or current project supported by the Office of Education or any other Federal agency, the agency's name and the related grant or contract numbers should be provided.

(3) If there has been any previous communication with the Office of Education on this proposal, the name of the staff member concerned should be given.

(4) If the proposal is a resubmission of a previous formal proposal to the Bureau of Education for the handicapped, the applicant should give the number assigned to the original proposal, and describe the major revisions which have been made. (This does not apply to preliminary statements submitted for informal review.)

(5) If any of the primary personnel have a current or uncompleted project with the Office of Education or other Federal agency, an appended statement should indicate the status of the project, the amount of time devoted to it, and relationship between the current project and the proposed project.

(6) If any of the personnel have completed a research or related project supported by the Office of Education, information should be given to identify it. If findings of the previous projects are related to the current proposal, they should be briefly summarized.

(20 U.S.C. 1441, 1442; 45 CFR 100a.16, 100a.26, 121h.2)

SEC. 3.3 *Common pitfalls in proposals.* A listing of the following commonly noted failings of proposals may be helpful to the prospective applicant:

(a) A failure to specify objectives of the study and relate them to the impact on education of handicapped children;

(b) A failure to specify the anticipated outcomes and products of the study related to the education of handicapped children. When improved scientific understanding is the intended outcome, attention should be directed toward avenues for translating this understanding to usable educational practices. (This is to say, journal articles alone may not be viewed as sufficient outcomes.);

(c) A failure to relate the planned project to other published or recently completed work, including similarities, differences, and new contributions of the proposed project;

(d) A failure to outline the specific plans for conducting the project. Objectives, as well as planned procedures or strategies for achieving specificity and measurable results or objectives, procedures, and intended products or outcomes during the course of the planned project are often critical;

(e) A failure to utilize available expertise. Most university or geographic communities have available many individuals with skills in experimental design, test, and measurement, child development, etc., to name only a few specialties which frequently relate to proposals. Prospective applicants are urged to seek the best staff and consultants available, which frequently means pooling resources across department, organizational, or discipline lines;

(f) A failure to append assurances from facilities or schools whose cooperation is necessary for project success. For some activities, it is also appropriate to discuss plans and elicit feedback from the staff of the State Educational Agency;

(g) A failure to propose a realistic time frame for the planned project. If staff must be recruited, instruments designed, forms clearances obtained, etc., the project time schedule should take such activities into account. Although time extensions may be arranged in special circumstances, prospective applicants are advised to plan realistically. Particularly if time must be allowed for clearance of forms or for bureau review of documents, either other activities should be planned for those time periods, or staff should be temporarily assigned other duties;

(h) A failure to follow principles of good design. Most frequently overlooked are validity and reliability of collected data in surveys, test protocols, etc. Controls for experimenter's bias, Hawthorne and halo effects, and the issue of generalizing beyond the group of project participants often deserve attention. Appropriate statistical analyses do not necessarily require highly complex procedures. Levels of significance in statistical tests should not be violated by multiple reanalyzing of the same data. An appropriate ratio of subjects or respondents to variables under study should be planned;

(i) A failure to plan for evaluation of materials or procedures developed under the grant or contract. Although major development projects may require evaluation by an independent third party, the applicant usually outlines detailed procedures for evaluation of materials, curricula, or hardware devices. In some instances it may be appropriate to include both evaluation steps during product development and a final, overall evaluation procedure. When new procedures, curricula, materials, or other products are to be developed, the proposed evaluation should plan to obtain estimates of costs (including dollar amounts) and benefits expected to accrue if the product were placed in service.

(20 U.S.C. 1441, 1442; 45 CFR 100a.16, 100a.26, 121h.2)

SEC. 3.4 Review. Although procedures and time schedules of the bureau's divisions may differ, all proposals are read by substantive experts from within and outside the bureau. These reviews may be supplemented by on-site visits, advisory group reviews, or other procedures. Recommendations of program and division staff are forwarded to the Deputy Commissioner who, in conjunction with the Bureau Research Advisory Committee renders final decisions.

(20 U.S.C. 1443: 45 CFR 121h.6)

PART 121i—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

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AUTHORITY: Secs. 651, 652, 653, Pub. L. 91–230, 84 Stat. 186 (20 U.S.C. 1451, 1452, 1453), unless otherwise noted.

Subpart A—General

§ 121i.1 Scope.

(a) The provisions contained in this part apply to programs and projects assisted under Part F of the Act.

(b) Assistance provided under this Part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), and Part 121 of this chapter.

(20 U.S.C. 1451)

§ 121i.2 Definitions.

As used in this part:

"ALRC" means area learning resource center.

"Area Learning Resource Center" means a regional center funded under Part F of the Act for the purposes set forth in Subpart E of this part.

"Borrower" means an individual deaf person, parents of a deaf person, a group of deaf persons, or a group of persons working closely with the deaf.

"Deaf person" means a person whose hearing is so severely impaired as to be nonfunctional for the ordinary purposes of living.

"Educational media" or "media" means sound or silent motion pictures, kinescopes, filmstrips (with or without accompanying sound and/or captions), slides, transparencies, videotapes, materials, to be used for educational purposes.

"Film" means sound or silent motion pictures, filmstrips (with or without accompanying sound), slides and transparencies.

"Group of deaf persons" means a class, club, school, association, or other gathering of six or more deaf persons.

"NCEMMH" means the National Center on Educational Media and Materials for the Handicapped which is funded under Part F of the Act.

"Nonprofit purposes" means that the exhibition of media borrowed pursuant to this part is not intended to result in monetary gain or other tangible economic benefit to the individual, institution, or organization borrowing such media. Funds collected for the payment of reasonable rent for the use of equipment or for a meeting place for such an exhibition, or for reasonable payment for the hire of a projectionist does not prevent an exhibition from being one for nonprofit purposes.

"S 1", "S 2", "S 3", and "S 4" refer to the Special Offices funded under Part F of the Act for the purposes set forth in Subpart G of this part.

(20 U.S.C. 1451)

Subpart B—Loan Services for the Deaf

§ 121i.10 Purpose of loan service.

(a) It is the purpose of the loan service of captioned films and educational media for the deaf to promote the general welfare of deaf persons by:

(1) Bring to such persons understanding and appreciation of those films and other educational media which play such an important part in the general, cultural, and educational advancement of hearing persons;

(2) Providing to deaf persons, through such films and other educational media, enriched educational and cultural experiinto better touch with the realities of ences through which they can be brought their environment;

(3) Providing to deaf persons a wholesome and rewarding experience which they may share together; and

(4) Providing to parents of deaf persons and to persons working with the deaf as employers or in other significant roles, better means of communicating with the deaf and assisting the deaf toward full participation in society.

(b) It is also the purpose of the loan service to the deaf to provide a demonstration of the use of modern communication technology in improving the general welfare of handicapped persons.

(20 U.S.C. 1451(a))

§ 121i.11 Application for loan service.

An application for loan service to the deaf shall be submitted on a form which will be provided by the Commissioner.

(20 U.S.C. 1452(b)(3))

§ 121i.12 Obligations of borrowers.

(a) The borrower shall be responsible for assuring that:

(1) No admission or other fee will be charged to anyone for the purpose of viewing the borrowed film or other educational media;

(2) The borrowed film or other educational media will not be exhibited by television without the prior approval of the Commissioner;

(3) The borrowed film or other educational media will not be used in any manner that will infringe upon or violate any copyright interest;

(4) In accordance with contractual agreements with film producers, exhibition of captioned theatrical, recreational, or general interest type films will be limited to groups of deaf persons (except provided in § 121i.14); and

(5) Except as provided in § 121i.14, educational and training films or other educational media for deaf persons will be exhibited only to groups of deaf persons, to groups working or training to work with the deaf in a professional capacity, to parents of deaf children, or to actual or potential employers of the deaf.

(b) To protect borrowed films and other educational media and expedite their use the borrower shall:

(1) Pay transportaiton costs for the return of the media (but will not be required to pay for their use);

(2) Be responsible for the safekeeping of the borrowed media from the time of its receipt until it is returned or delivered to the common carrier;

(3) Exercise care in the projection of film, providing for 16mm film a sound projector in good operating condition operated by an experienced and capable projectionist;

(4) Not repair a borrowed film that is damaged nor rewind a borrowed film prior to its return;

(5) Return theatrical or recreational films on the first day (not counting Sundays and holidays) following the scheduled date of exhibition (Return may be delayed if the exhibition is postponed because of late receipt of the film, but in any event the film shall be returned 72 hours after its receipt);

(6) Return educational media within two weeks of the scheduled date of the first showing;

(7) Provide that a person will be present at the designated address for receipt of films or other educational media during normal hours of postal delivery; and

(8) Give prompt notice of any change of address (including zip code) of any certified group and of any change in designation of the person authorized to order and receive media.

(c) The Commissioner may suspend or cancel loan service to any borrower in the event of violations of the regulations contained in this subpart.

(20 U.S.C. 1542(a))

§ 121i.13 Reports.

The borrower shall:

(a) Complete the report form provided with each theatrical or general interest type film and post the report when the film is posted for return; and

(b) Make a cumulative report on the form provided every three months on the utilization of educational films and other educational media loaned for use in the education of the deaf.

(20 U.S.C. 1452(a))

§ 121i.14 Exhibitions for individuals.

Borrowed media may be exhibited to individual deaf persons only with the prior approval of the Commissioner, when there are extenuating circumstances which preclude the individual deaf person from attending an exhibition for a group of deaf persons. Such extenuating circumstances may include, among other reasons:

(a) A demonstrated need for purposes of the education or training of a deaf person for the exhibition of media in his home rather than at an exhibition for a group of deaf persons, or

(b) The physical disability, quarantine, isolation, or extreme youth of the individual deaf person such as to make it impractical for him to attend an exhibition for a group of deaf persons.

(20 U.S.C. 1452(a))

Subpart C—Loan Service for the Handicapped

§ 121i.30 Purpose of loan service.

The purpose of the loan service for the handicapped is to make available on a loan basis educational media or ancillary equipment, or both, to be used in the education of the handicapped.

(20 U.S.C. 1451(a)(2))

§ 121i.31 Applications.

(a) Any public or private agency, organization, or institution engaged or preparing to engage in providing educational services to the handicapped may make application to the Commissioner to participate in the program under this subpart.

(b) Each application under this subpart shall:

(1) Describe the educational services which such agency, organization or institution is providing or preparing to provide to the handicapped;

(2) Describe the type of handicap of persons to whom such agency, organization, or institution is or will be providing educational services and give the number of such persons;

(3) Describe the type and quantity of educational media or ancillary equipment, or both, which such agency, organization, or institution seeks to borrow and the period for which it wishes to borrow such media or equipment; and

(4) Describe the manner in which such agency, organization, or institution intends to use such media or equipment in providing educational services to the handicapped, giving particular emphasis to any exemplary or innovative aspects of the intended use.

(20 U.S.C. 1452(a), (b)(4))

§ 121i.35 Priority for exemplary uses of media.

In the event that appropriations of Federal funds are insufficient to permit entering into a contract with each applicant for the loan of educational media

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or related equipment, or both, in providing educational services to the handicapped, priority will be given to those applications which show the greatest promise of making the most innovative or exemplary use of educational media or ancillary equipment, or both, in providing educational services to the handicapped.

(20 U.S.C. 1452 (a), (b) (4))

§ 121i.36 Consultation with the State director of special education.

An agreement will not be entered into with any public agency, organization, or institution without consultation with the state director of special education in the State in which such agency, organization, or institution is located.

(20 U.S.C. 1451)

Subpart D—Research and Training

§ 121i.50 Purpose.

Projects assisted under this subpart may include such activities as:

(a) Research to identify and meet the full range of special needs of the handicapped relative to instructional materials and instructional technology;

(b) Needs assessment to determine needed instructional materials, needed media training, needed media information systems, and needed curricular materials delivery system;

(c) Impact and appraisal studies to determine the extent and competency with which needs are being met;

(d) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of such persons through use of instructional materials, media, and/or technology;

(e) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such persons.

(f) Dissemination of materials and information about practices found effective in working with such persons in regard to instructional materials, media and technology usage; and

(g) Creation or adaptation of instructional materials and development of delivery systems for the distribution of instructional materials designed for such persons.

(20 U.S.C. 1452(b) (5))

§ 121i.51 Priority for research.

In awarding contracts under this subpart, priority will be given to research in the application of films, other educational media, and ancillary equipment to the education of the handicapped. Such research may include projects designed to:

(a) Adapt existing films, educational media, and ancillary equipment to the education of the handicapped;

(b) Develop new films, educational media, and ancillary equipment for use in the education of the handicapped; and

(c) Evaluate existing films, education media, and ancillary equipment with respect to the effectiveness of such materials in meeting specific educational objectives determined for persons with specific handicapping conditions.

(20 U.S.C. 1452(b)(5))

§ 121i.52 Training projects.

Training projects may include:

(a) Projects to familiarize professional personnel with the use of educational media and materials equipment in the education of handicapped children; and

(b) Projects to update the knowledge of professional personnel with respect to new developments in educational media and materials suitable for use in the education of handicapped children.

(20 U.S.C. 1452(b)(5))

Subpart E—Area Learning Resource Centers

§ 121i.80 Purpose.

(a) Payment of Federal funds under this subpart may be made for the purpose of providing for the establishment of regional centers (ALRC's) which will: (1) Provide services designed to strengthen the capacity of State and local public and private agencies and institutions to serve the needs of the handicapped in the area of educational media, and (2) train persons in the use of educational media for the instruction of the handicapped.

(b) The ALRC's will be part of a system which will also include the Special Offices funded under Subpart G of this part and the NCEMMH funded under Subpart F of this part.

(c) Area learning resource centers will provide technical assistance to State educational agencies in the development and implementation of a systematic capacity to provide media which will meet the educational needs of the handicapped. Area learning resource centers will provide demonstrations of systematic, comprehensive media services for the handicapped which are designed to result in the provision of high quality special educational services, and will provide technical assistance to State and local educational agencies in adopting such media services. Systematic, comprehensive media services include: (1) Acquiring and developing media which are designed to accommodate the special learning problems of the handicapped person, (2) training persons (who are or will be involved in the design, selection, prescription, or use of media) to be competent in the use of educational media and related equipment, (3) informing interested parties of available media which are designed to meet specific learning problems of the handicapped, and (4) implementing an efficient logistical system for providing media to meet the needs of the handicapped.

(d) Each ALRC will assist the State educational agencies in its region in providing effective educational media services for the handicapped. The ALRC's will perform this function by providing services to the handicapped and their teachers as a demonstration of effective practices (either directly or in conjunction with the NCEMMH or the S4 special office), and by offering technical and developmental assistance to professional educators and administrators in establishing similar programs.

(20 U.S.C. 1451(a)(2) (B), (C); 1452(b))

§ 121i.81 Eligible parties.

Parties eligible for funding under this subpart are public and private agencies, organizations, and institutions.

(20 U.S.C. 1451; 1452)

§ 121i.82 Geographic responsibilities.

Each ALRC shall be responsible for serving a geographic area designated by the Commissioner.

(20 U.S.C. 1451; 1452)

§ 121i.83 Services to be provided by ALRC's.

Each ALRC shall provide the following services within its respective region:

(a) State program development, including:

(1) Stimulation and development of services by State and local media centers;

(2) Technical assistance to State educational agencies in the State planning of intrastate media services;

(3) Consultation services on the use of educational technology and media for the handicapped;

(4) Participating in and conducting conferences and workshops regarding educational media for the handicapped, and

(5) Disseminating information to State educational agencies and other agencies, institutions, and organizations concerning educational media for the handicapped.

(20 U.S.C. 1451(a)(2)(B), (C); 1452(b) (4–6))

(b) Training persons in the use of media and technology for the education of the handicapped, including:

(1) Identification of a need for training in the use of media and technology;

(2) Making the need for training known to persons in institutions which are engaged in pre- and in- service training by providing consultation services to these persons;

(3) Locating existing training programs and materials which fulfill that need;

(4) Conceptualizing materials to fulfill that need, if such materials are unavailable;

(5) Obtaining training materials from the S–4 special office, as appropriate; and

(6) Describing, classifying, and coding training materials for entry in the information base maintained by the NCEMMH.

(20 U.S.C. 1451(a)(2)(C);1452(b)(5))

§ 121i.84 State program development.

(a) Each application under this subpart shall include a plan for providing services within each State in the region to be served by the ALRC, with an indication of the extent to which each State plan is enforced by the respective State educational agency.

(b) In providing assistance to State and local media service centers, the ALRC shall provide technical assistance only with respect to activities of the types set forth in § 121i.83(a).

(20 U.S.C. 1452(b))

§ 121i.85 Training services.

(a) Each ALRC will carry out activities to identify the need for and availability of training materials which are designed to increase the competency of teachers in selecting and using educational media.

(b) Each ALRC will act as the contact between State and local media centers, pre- and in-service training institutions, and the NCEMMH, for sharing available training resources.

(c) Activities carried out under this section and § 121i.83(b) shall be planned by the ALRC with the participation of State and local agencies and professionals within whose responsibility and authority local media centers are operated.

(20 U.S.C. 1451(a)(2)(C); 1452(b)(5))

§ 121i.86 Media production.

Funds provided under this subpart shall not be used to maintain collections of media, or to produce media.

(20 U.S.C. 1451; 1452)

§ 121i.87 Media distribution.

(a) Funds provided under this subpart shall not be used for the distribution of media except as specifically provided in the approved application (or amendment thereto).

(b) To the extent that an ALRC does distribute educational media, the distribution shall be through State schools for the handicapped and such other agencies as the Commissioner shall deem appropriate to serve as local or regional centers for such distribution.

(20 U.S.C. 1452(b)(4))

§ 121i.88 Cooperation with NCEMMH and Special Offices.

Each ALRC shall cooperate with the NCEMMH and the Special Offices with respect to activities under Subparts F and G of this part.

(20 U.S.C. 1451; 1452)

§ 121i.89 Review of proposals.

(a) In reviewing a proposal for a new award under this subpart, the Commissioner will take into account the following criteria:

(1) The criteria set forth in § 100a.26 (b)(2)–(5), (7), and (8) (i)–(ii) of this chapter;

(2) The aplicant's technical competence and experience in educational technology and related areas; and

(3) The adequacy of the applicant's plan to provide data to the Commissioner with respect to each of its activities under this subpart.

(b) In reviewing a proposal for a continuation award under this subpart, the Commissioner will take into account:

(1) The extent to which performance of the grant or contract has been satisfactory,

(2) The availability of funds,

(3) The criteria set forth in paragraph (a) of this section, and

(4) Whether continuation of the project is in the best interest of the Federal government.

(20 U.S.C. 1451; 1452)

§ 121i.90 Reporting requirements.

(a) Each recipient under this subpart will develop, maintain, and report the following data to the Commissioner on a quarterly basis:

(1) Profiles of the scope of services, extent of target coverage, and state of financial self-sufficiency of each of the State and local media service centers in its region. The profiles must describe conditions at the beginning and at the end of the reporting period.

(2) A plan which sets forth specific ways in which the ALRC might assist in reinforcing State efforts at media development during the period of Federal support for the ALRC under this subpart. Each State shall be given an opportunity to participate in the development of its respective portion of the plan. The recipient shall submit information specifying the techniques used to develop the plan required under this subparagraph.

(3) A report of the monthly volume and cost of each of the training activities.

(b) The first quarterly report shall also include the following information:

(1) The number of children in the region identified as handicapped;

(2) The number of these children being served by formal educational programs;

(3) A list of those agencies (schools, diagnostic centers, etc.) in the region which serve handicapped children;

(4) A list of community groups, organizations, and State and local agencies (serving such areas as public health, mental hygiene, social welfare, rehabilitation, etc.), which have shown interest in and support for the ALRC;

(5) The media services presently provided by each State in the region; and

(6) An indication of the State planning for media services taken place to date and its relevancy to the larger State planning effort on behalf of the handicapped.

(c) Quarterly reports subsequent to the first quarterly report shall contain information which updates the information contained in the prior quarterly reports.

(d) A final report shall be submitted on completion of the grant or contract to the Commissioner (1) describing the recipient's efforts and accomplishments (including appropriate graphs, tables, charts, etc.) with respect to each of the activities of the ALRC, and (2) containing a summary of all information previously reported to the Commissioner in the quarterly reports.

(20 U.S.C. 1451; 1452)

Subpart F—National Center on Educational Media and Materials for the Handicapped

§ 121i.100 Purpose; eligible parties.

The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation of a National Center on Educational Media and Materials for the Handicapped, for the purpose of providing a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional material, and other activities consistent with the purposes of Part F of the Act.

(20 U.S.C. 1453(a))

§ 121i.101 Services to be provided by the NCEMMH.

(a) The NCEMMH shall provide the following services:

(1) The development of a work plan which specifies the activities of the NCEMMH, the ALRC's, and the Special Offices, and which provides for the coordination of these activities and ensures a comprehensive delivery of media services under Part F of the Act.

(20 U.S.C. 1453(a))

(2) The development of educational media, including.

(i) Identifying needed educational media and setting priorities among these needs:

(ii) Disseminating information regarding these needs to commercial and noncommercial developers of educational media; and

(iii) Providing for the production and distribution of educational media which have been found to be effective.

(3) Training persons in the use of media and educational technology for the education of the handicapped, including:

(i) Developing an information base on media training programs and materials, and

(ii) Providing information concerning existing training programs and materials in response to inquiries.

(4) Developing a media information system, including:

(i) Developing and maintaining a machine-readable media information data base with access terminals.

(ii) Producing catalogs, bibliographies, and other reference materials from the data base.

(iii) Maintaining a file on the location of media,

(iv) Operating a search/retrieval system to answer inquiries about media, and

(v) Maintaining records on inventories, circulation, demand, reactions to media services, and other data relating to the activities of the NCEMMH.

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(5) Acquiring selected media included in the information system maintained by the NCEMMH.

(b) The NCEMMH may also serve as a clearinghouse for States which share media resources.

(20 U.S.C. 1453(a))

§ 121i.102 Review of proposals.

In considering proposals under this subpart, the Secretary will give preference to institutions which:

(a) Have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped, and

(b) Can serve the educational technology needs of the Model High School for the Deaf (established under Pub. L. 89-694).

(20 U.S.C. 1453(b))

Subpart G—Special Offices

§ 121i.110 Purpose.

(a) Payment of Federal funds under this subpart may be made for the purposes of:

(1) Providing media to meet the educational needs of the handicapped,

(2) Supporting the media information system of the NCEMMH, and

(3) Distributing educational media.

(b) The Special Offices funded under this subpart shall provide the services set forth in §§ 121i.113 and 121i.115 in conjunction with the ALRC's and the NCEMMH.

(20 U.S.C. 1451; 1452(b))

§ 121i.111 Eligible parties.

Parties eligible for funding under this subpart are public and private agencies, organizations, and institutions.

(20 U.S.C. 1451; 1452)

§ 121i.112 Areas of specialization.

The Special Offices shall provide services within the following specific areas:

(a) The S-1 special office shall serve the needs of persons with visual impairments;

(b) The S-2 spceial office shall serve the needs of persons with hearing impairments;

(c) The S-3 special office shall serve the needs of persons with handicapping conditions other than those designated in paragraphs (a) and (b) of this section;

(d) The S-4 special office shall serve as the media depository for the ALRC's, the NCEMMH, and the S-1, S-2, and S-3, special offices.

(20 U.S.C. 1452(b)(4)(5))

§ 121i.113 Services to be provided by S-1, S-2, and S-3.

The S-1, S-2, and S-3 special offices shall provide the following services within their respective areas of specialization (as set forth in § 121i.112):

(a) Providing educational media to meet identified needs, including:

(1) Locating existing media,

(2) Adopting existing media,

(3) Developing media where such media are unavailable, cannot be provided by adapting existing media, and commercial and noncommercial developers cannot be interested in providing for such development,

(4) Field testing recently developed media for their educational effectiveness (following field testing, the Special Office shall notify the NCEMMH of those media which are found to be effective), and

(5) Reproducing media.

(b) Supporting the media information system maintained by the NCEMMH, including:

(1) Identifying and classifying media to be entered in the system,

(2) Evaluating media, and

(3) Describing media and encoding these descriptions for the information system.

(20 U.S.C. 1451(a)(2)(A), (B); 1452(b))

§ 121i.114 Cooperation with NCEMMH, ALRC's and S-4.

The S-1, S-2, and S-3 shall cooperate with the NCEMMH, ALRC's, and the S-4 with respect to activities under subparts E and F of this part and § 121i.115.

(20 U.S.C. 1451; 1452)

§ 121i.115 Services to be provided by the S-4.

The S-4 shall serve as a center for the distribution of educational media. Its activities shall include the following:

(a) Processing accessions;

(b) Maintaining a collection of the media acquired by the NCEMMH;

(c) Operating a loan service of educational media for the handicapped;

(d) Providing depository services, including, but not limited to: check in, overdue collection, insurance claims, transaction accounting, shelving and labeling, inspecting, repairing, and booking;

(e) Maintaining accounts of charges for usage and shipping; and

(f) Operating a non-profit media training library.

(20 U.S.C. 1451(a)(2)(B), (C); 1452(a), (b)(4), (5))

§ 121i.116 Media deposited in S-4.

The S-4 will maintain a depository only of (a) educational media acquired by the NCEMMH, and (b) media and educational technology materials related to training which have been acquired by the NCEMMH.

(20 U.S.C. 1452(b)(4))

§ 121i.117 Media distribution.

Distribution of media under this subpart shall be through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution.

(20 U.S.C. 1452(b)(4))

§ 121i.118 Cooperation with NCEMMH, ALRC's, and other Special Offices.

The S-4 shall cooperate with the NCEMMH, the ALRC's and the other Special Offices with respect to activities under subparts E and F of this part and § 121i.113.

(20 U.S.C. 1451; 1452)

§ 121i.119 Review of proposals.

(a) In reviewing a proposal for an initial award under this subpart, the Commissioner will take into account the following criteria:

(1) The criteria set forth in § 100a.26(b)(2)-(5), (7), and (8)(i)-(ii) of this chapter;

(2) The applicant's technical competence and experience in educational technology and related areas; and

(3) The adequacy of the applicant's plan to provide data to the Commissioner with respect to each of its activities under this subpart.

(b) In reviewing a proposal for a continuation award under this subpart, the Commissioner will take into account:

(1) The extent to which performance of the grant or contract has been satisfactory,

(2) The availability of funds, and

(3) The criteria set forth in paragraph (a) of this section, and

(4) Whether continuation of the project is in the best interest of the Federal government.

(20 U.S.C. 1451; 1452)

§ 121i.120 Reporting requirements.

(a) Each of the recipients operating a special office under this subpart shall submit reports to the Commissioner on a quarterly basis which shall include the monthly volume and cost of each of the activities required to be performed by the recipient.

(b) A final report shall be submitted on completion of the grant or contract to the Commissioner (1) describing the recipient's efforts and accomplishments (including appropriate graphs, tables, charts, (2) containing a summary of all information previously reported to the Commissioner in the quarterly reports.

(20 U.S.C. 1451; 1452)

PART 121j—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

Subpart A—General

Sec.
121j.1 Scope.
121j.2 Purpose.
121j.3 Eligible parties.
121j.4 Priorities.

Subpart B—Research

121j.15 General.

Subpart C—Training

121j.30 Distribution of projects.

Subpart D—Model Centers

121j.41 Activities.
121j.42 Replication of model programs.
121j.43 Advisory council.
121j.44 Parental participation.
121j.45 Distribution of model centers.
121j.47 Proposal review.

AUTHORITY: Sec. 661, Pub. L. 91-230, 84 Stat. 187 (20 U.S.C. 1461), unless otherwise noted.

Subpart A—General

§ 121j.1 Scope.

(a) This part applies to programs and projects assisted under Part G of the Act.

(b) Assistance provided under this part is subject to the applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1461)

§ 121j.2 Purpose.

Payment of Federal funds under this part may be made to eligible parties in order to carry out programs of:

(a) Research and related purposes relating to the education of children with specific learning disabilities.

(b) Professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

(c) Establishing and operating model centers for the improvement of education of children with specific learning disabilities.

(20 U.S.C. 1461(a))

§ 121j.3 Eligible parties.

Parties eligible to receive assistance through grants or contracts under this part are institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that grants will be made only to public or private nonprofit agencies and organizations).

(20 U.S.C. 1461(a))

§ 121j.4 Priorities.

In making grants and contracts under this part, priority will be given to applications which (a) propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, or (b) emphasize the prevention and early identification of learning disabilities.

(20 U.S.C. 1461(a))

Subpart B—Research

§ 121j.15 General.

(a) Research conducted pursuant to section 661(a)(1) of the Act shall be subject to requirements contained in §§ 121h1.(b), 121h.4, and 121h.7 of this chapter.

(b) Applications for assistance under this part shall specifically state any research activities which an applicant intends to undertake.

(20 U.S.C. 1461)

Subpart C—Training

§ 121j.30 Distribution of projects.

In making grants and contracts for the purpose set forth in § 121j.2(b) the Commissioner will seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation.

Subpart D—Model Centers

§ 121j.41 Activities.

Each model center assisted under this part shall:

(a) Provide testing and educational evaluation to identify children with learning disabilities who have been referred to the centers;

(b) Develop and conduct model programs designed to meet the special educational needs of those children;

(c) Assist appropriate educational agencies, organizations, and institutions in making model programs available to other children with learning disabilities; and

(d) Disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations, and agencies within the area served by the center, and evaluate the effectiveness of the dissemination process. This evaluation shall be conducted annually. The first evaluation shall be conducted during the first year of operation of a

(20 U.S.C 1461(a)(3))

§ 121j.42 Replication of model programs.

(a) Each model center shall encourage and assist replication, in the area to be served by the center, or model programs developed by it under § 121j.41(b).

(b) Applications for assistance for model centers shall include (1) a strategy for the replication of model programs, and (2) information which will enable the Commissioner to determine the degree and nature of the proposed replication.

(20 U.S.C. 1461(a)(3))

§ 121j.43 Advisory council.

(a) Each model center shall establish an advisory council upon official notice from the Commissioner that it has been awarded a grant or contract under this part.

(b) The council's membership shall include parents of children with specific learning disabilities.

(c) The model center shall arrange for the council to assist actively in (1) planning, developing, and operating the model center, (2) disseminating information regarding the model center's programs, and (3) evaluating the success of the model center.

(20 U.S.C. 1231d, 1461(a)(3) (C) and (D))

§ 121j.44 Parental participation.

(a) Each model center shall provide for the active, effective involvement of parents in the project, including participation in the advisory council under § 121j.43.

(b) If a local educational agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d)

§ 121j.45 Distribution of model centers.

In providing assistance for the purposes set forth in § 121j.2(c), the Commissioner will, to the extent feasible, seek to encourage the establishment of a model center in each of the States.

(20 U.S.C. 1461(b)(2))

§ 121j.47 Proposal review.

(a) Applications will be evaluated by the Commissioner and outside consultants specifically chosen by the Commissioner for their expertise in the area of learning disabilities.

(b) In reviewing applications submitted under this part, in addition to the criteria set forth in § 100a.26(b) of this chapter, the following criteria will be considered:

(1) The presence of a clear, logical statement of the replication strategy, including objectives, target populations and evaluation measurements; and

(2) The degree and nature of parental involvement.

(20 U.S.C. 1231d, 1461)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART G SECTION 661—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

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Section 2.1 Form of proposal information.
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PART 1—INTRODUCTION

SECTION 1.1 Scope of guidelines. (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part G, section 661. The legal requirements include the Act itself (20 U.S.C. 1461) and the regulations (45 CFR Part 121j). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1461; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 661 of the Act (20 U.S.C. 1461), and the guideline affects section 121j.4 of the regulations (45 CFR 121j.4), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1461; 45 CFR 121j.4). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

PART 2—PROPOSAL DEVELOPMENT

SEC. 2.1 *Form of proposal information.* Applicants should develop a plan for

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model program designed to meet the special educational needs of children with learning disabilities and a system for replicating this program. Each proposal should contain the lowing information:

(a) *Current status.* The current State plan or activities of the State and local educational agencies regarding children with specific learning disabilities should be described. The proposal should specify the nature of functional administrative models now in use, the quantity of services rendered, the quality control mechanism, and the availability of trained personnel. Also, the proposal should contain a brief outline of any State legislation relevant to children with learning disabilities. Any State publications regarding educational programming for learning disabled children should be attached.

(20 U.S.C. 1461)

(b) *Theory.* A model system of educational interevntion should be defined, which is the model the applicant seeks to replicate. A statement should be included explaining in detail the theoretical basis for the program including supposed etiology (if applicable) of specific learning disabilities and the rationale for a planned educational intervention.

(20 U.S.C. 1461; 45 CFR 121j.41)

(c) *Model.* The intervention procedures to be employed should be described, including:

(1) The objectives (stated in child-centered and measurable terms) of the learning disability intervention;

(2) The characteristics of the children to be served by this model and criteria for selection;

(3) The content of educational intervention (e.g., visual/perceptual, auditory/listening, language development, motor skills/physical development, self-concept, etc.);

(4) The average duration of the planned intervention for each child;

(5) The methodology used to attain the goals and objectives of the intervention system; and

(6) Other details of the intervention including the sponsoring agency, the logistics, and the teacher-student relation.

(20 U.S.C. 1461; 45 CFR 121j.41)

(d) *Replication strategy.* (1) The replication strategy should be described, as well as the impact of the model upon selected targeted school districts. The types of districts within the State that will be receptive to the model should be specified, and some evidence of this receptivity provided. Demographic characteristics of these districts should be set forth, i.e., number of children, size, geographic location, socio-economic status of the population, average income, industrial potential, etc. If the model is applicable to all districts, a description should be provided in general terms, of the demographic characteristics of the State.

(2) An estimate of how many targeted districts will accept the model program after the next two years should be included. Replication will be considered satisfactory if the program shows promise for continued funding and permanent acceptance into the school system.

(3) A strategy for replication should be described. The applicant should describe all actions to be taken and products to be derived which will be used to stimulate the target districts to replicate the model programs. Cooperation of agencies and organizations assisting in this replication should be noted. Selection of the replication strategy should be based on a cost-effective rationale.

(4) Federal funds may be used to initiate components of the above strategy. A description should be set forth of that part of the proposed replication system which could be strengthened or developed with Federal funds to facilitate the development of an exemplary system. The application should include the approximate cost on a per year basis for this partial support of the model demonstration program.

(20 U.S.C. 1461; 45 CFR 121j.42)

(e) *Evaluation.* The evaluation techniques for both the model program objectives and the objectives of the replication strategy should be outlined. The characteristic of the model and the replication that would result in the spread of quality services to children should be described.

(20 U.S.C. 1461(a); 45 CFR 121j.41)

(f) *Coordination with significant agencies.* The nature of the coordination with local educational agencies should be described. This should include details of funding procedures and obtaining assistance in replication. Formal and informal communication channels between the applicant and the local educational agencies should be delineated. The applicant should specify how this program addresses itself to the requirements of the State's Special Education program objectives and goals, and delineate what contributions "in kind" or in cash will be made by the sponsoring agencies.

(20 U.S.C. 1461)

(g) *Other details of the application.* (1) The advisory council should consist of, in addition to parents, State personnel, students, project personnel, consultants, and at least one person who has expertise in Federal program management. The application should describe the role of this council.

(20 U.S.C. 1461; 45 CFR 121j.43)

(2) A discussion should be provided of the types of problems the applicant anticipates in initiating and maintaining the program. The applicant should describe the types of assistance it may require of the Learning Disabilities Leadership Training Institute, and indicate, where possible, at which points in time this assistance might be needed.

(20 U.S.C. 1461; 45 CFR 121j.2)

SEC. 2.2 *Submission of proposal.* (a) There should be documentation of participation by specific staff members and letters of agreement to participate should be appended for consultants. If staff is not currently available, an outline of the applicant's recruiting procedures and requirements should be provided.

(b) Where agreements with school districts or other cooperating agencies are a factor, copies of the agreements or letters of intent from the agencies should be appended.

(c) The Office of Education may make an award without further discussion of the applications submitted. Therefore, the applications should be submitted initially on the most favorable terms possible from both price and technical standpoints.

(d) If any of the primary personnel have a current or uncompleted project with the Office of Education, National Institute of Mental Health, or other Federal agencies, the status of the project, the amount of time devoted to it, and the relationships between the current and the proposed project should be indicated. If any of the personnel previously completed a Federally supported research or development project, information should be provided to identify the project.

(20 U.S.C. 1461; 45 CFR 121j.47)

SEC. 2.3 *Research activities.* Research activities conducted pursuant to section 661(a)(1) of the Act are subject to sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1461; 45 CFR 121h.1, 121j.15)

[FR Doc.75-4629 Filed 2-19-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER LINER OPERATING—DIFFERENTIAL SUBSIDY AGREEMENTS

Operating Requirements

On November 13, 1974, there was published in the FEDERAL REGISTER (39 FR 40031) a notice of proposed rulemaking with respect to 46 CFR Part 281, setting forth reporting requirements for operators of liner vessels subject to operating differential subsidy contracts. The proposed amendment is hereby adopted with the changes and additions indicated in this notice.

Part 281 sets forth the information that each liner operator who is a party to an operating-differential subsidy agreement must submit to the Maritime Administration in compliance with the terms of such agreement. This amendment to paragraph (f) of § 281.1 requires each contractor to periodically submit internal management reports, balance sheets, income statements and vessel performance reports. Paragraph (f) as amended also sets forth the allocation bases to be used in the preparation of vessel performance reports.

This amendment reflects the Maritime Administration's recent revision of the Uniform System of Accounts for Maritime Carriers (46 CFR Part 282, 39 FR 16445, May 9, 1974). The new technology of the maritime industry employing barges, containers and related equipment required the revision of the Uniform System of Accounts. The system was also revised to reflect specific cost centers to permit more useful analysis of data.

Careful consideration has been given to all comments received with respect to the amendment. As a result of comments received, the following changes and additions are made to the amendment as proposed:

1. The type of internal management reports to be submitted has been clarified;

2. The regulations now provide that if the operator is unable to submit the annual Form 172 by March 31 of the succeeding year, he shall, before such March 31, request the Director, Office of Financial Analysis, for an extension and shall submit by such March 31 an annual balance sheet and a fourth quarter and annual income statement.

3. If any additional charges or credits are incurred during the reporting period for voyages terminated in prior periods, such information should be included in the vessel performance reports;

4. An example has been added showing a reconciling item of the difference between voyage revenue and expense reported in the income statement and in the grand summary of all terminated voyage results shown by vessel performance reports;

5. The allocation of terminal expenses between terminated and unterminated voyages is required to be made by each individual terminal;

6. The requirement that individual vessel performance reports be prepared as of December 31 of each year for each voyage terminated during the annual period has been eliminated; and

7. An Exhibit D has been added showing the vessel types to be used for reporting purposes.

Accordingly, Part 281 of Title 46 of the Code of Federal Regulations is amended to read as follows:

1. Title of parts: Revised as set forth above.

2. First paragraph of § 281.1 and paragraph (f) are revised as follows:

§ 281.1 Information and procedure required under liner operating-differential subsidy agreements.

In compliance with the terms of the operating-differential subsidy agreement, the following information shall be submitted to the Maritime Administration by each operator who is a party to any such agreement and operates liner type vessels pursuant to such agreement.

* * * * *

(f) *Current financial reports.* Each operator shall prepare current financial reports as specified in this paragraph and shall submit one copy each to the appropriate Region Director of the Maritime Administration and three copies each to the Director, Office of Financial Analysis, Maritime Administration, Washington, D.C. 20230, as follows:

(1) Internal management reports: Each month the operator shall submit copies of such portions of its internal management reports that provide an estimate of its current operating results.

(2) Quarterly balance sheets: The operator shall prepare balance sheets as of March 31, June 30, and September 30 of each calendar year in conformity with section 282.6(A) of the Uniform System of Accounts (Part 282 of this chapter) and shall submit each as soon as practicable but not later than 45 days after the end of the respective quarter.

(3) Quarterly and cumulative income statements: The operator shall prepare income statements for the quarterly periods January 1 to March 31, April 1 to June 30, and July 1 to September 30, and for cumulative periods from January 1 to the end of the second and third quarters of each calendar year in conformity with section 282.6(B) of the Uniform System of Accounts (Part 282 of this chapter) and shall submit each statement as soon as practicable but not later than 45 days after the end of the respective quarter.

(4) Annual financial report: The operator shall submit Maritime Administration Form 172 for each calendar year by March 31 of the succeeding year. If the operator is unable to submit Form 172 by March 31 of the succeeding year he shall, prior to such March 31, request an extension for the filing of Form 172 from the Director, Office of Financial Analysis, and shall submit by such March 31:

(i) A balance sheet for the year ending on December 31, in conformity with section 282.6(A) of the Uniform Systems of Accounts; and

(ii) An income statement for the quarterly period October 1 to December 31 and an income statement for the year ending on December 31, in conformity with § 282.6(B) of the Uniform System of Accounts.

(5) Vessel performance reports: Vessel performance reports shall be prepared for the period January 1 to March 31 of each calendar year, and from January 1 to the end of each succeeding quarter of the calendar year, in the form provided in Exhibit A of paragraph (f)(7) of this section and consistent with the allocation bases provided in paragraph (f)(6) of this section and shall include:

(i) A grand summary of all terminated voyage results for the reporting period including any idle status period occurring during the reporting period and any additional charges or credits from prior terminated periods;

(ii) Summaries of each service by vessel type, as indicated in Exhibit (D) of paragraph (7) of this part, as of December 31 of each year;

(iii) Individual reports by vessel for each idle status period occurring during any reporting period.

Vessel performance reports shall be submitted with the quarterly balance sheets and income statements required under paragraphs (f)(2) and (3) of this section and must be reconciled with voyage revenue and expense from all operations as reported in the income statement. "Depreciation Vessels" is an example of a reconciling item. Vessel performance reports which are properly prepared and filed will satisfy the reporting requirements for sub-schedules 3002 of the Maritime Administration Form 172.

(6) Allocation bases: The allocation bases to be applied in preparation of vessel performance reports required by paragraph (f)(5) of this section are as follows:

(i) Terminal expenses: Terminal expenses defined by accounts 855 through 866 of the Uniform System of Accounts (section 282.3(E) of this chapter), including depreciation accounts, for each terminal shall be allocated between terminated and unterminated voyages on the basis of freight payable tons loaded and discharged on each vessel and voyage during the reporting period, except that in the case of terminals handling only one cargo carriage technology type (CCTT), which can be expressed in common units such as twenty foot equivalent container units (TEU's) or the number of individual barges, such common unit may be used for allocating terminal expenses by vessel and voyage for each terminal, as shown in Exhibit B of paragraph (f)(7) of this section.

(ii) Container/barge expense—(A) Allocation of expense: Container/barge expense defined by accounts 867 through 899 of the Uniform System of Accounts (section 282.3(F) of this chapter), including depreciation accounts, shall be segregated between container and barge cost pools. Accounts 879, 880, and 894 shall be allocated between container and barge cost pools on an allocation basis developed by the operator.

(B) Allocation of cost pools: Container and barge cost pools shall be allocated among vessels by voyage and idle status for each vessel in the same ratio that the total container or barge capacity of each vessel multiplied by vessel days bears to the total container or barge capacity of the operator's entire fleet multiplied by vessel days. Total container or barge capacity of a vessel means the total container or barge capacity of the vessel, expressed in TEU's for containers and single units for barges, multiplied by the total number of containers or barges acquired for each available container or barge slot on the vessel. Vessel days means the number of days in the period for which an allocation of cost pools is being made. Containers and barges purchased by an operator for utilization in a particular trade route shall be allocated by vessel capacity among the vessels in the trade route for which they were purchased. See Exhibit C of paragraph (f)(7) of this section.

(iii) Administrative and general expenses: Administrative and general expenses defined by accounts 901 through 979 of the Uniform System of Accounts (§ 282.3(G) of this chapter) shall be allocated to terminated voyages for each vessel type by service or for each vessel by voyage, as required by paragraph (f)(5) of this section, based on the ratio that total terminated voyage operating expenses (accounts 701–773 of the Uniform System of Accounts) plus total terminated voyage operating revenue (accounts 601–624 of the Uniform System of Accounts) for each bears to the total terminated voyage operating expense plus total terminated voyage operating revenue for the period, except that account 945 (advertising passengers) will be allocated directly to passenger vessels based on pasengers carried, account 955 (contributions to pools) may be allocated as an administrative and general expense or directly to vessel and voyage based on pool statements, and that portion of accounts 960 and 961 (interest expense) representing interest on vessels shall be allocated to vessels and voyages in the same ratio that depreciation is distributed among all vessels in the fleet. In addition to the above exceptions, significant interest expenses related to purchases of containers and barges should be charged directly to container and barge pools prior to allocation of the container and barge pools.

(7) Exhibits:

A. Vessel performance report.

B. Sample allocation of terminal expenses by vessel and voyage.

C. Sample allocation of container/barge expenses by vessel and voyage.

D. Examples of vessel types currently operated.

* * * * *

Effective date: This amendment is effective as of January 1, 1975.

(Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1971 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

Dated: January 21, 1975.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

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Exhibit A

TYPE OF REPORT (1) GRAND SUMMARY ( ) (2) VESSEL TYPE BY SERVICE ( ) (3) IDLE STATUS BY VESSEL ( )

NAME OF OPERATOR _____ VESSEL PERFORMANCE REPORT FOR THE PERIOD ENDED _____

SERVICE AND TYPE OF VESSEL _____ VOYAGE DAYS _____ DAYS AT SEA _____ DAYS IN PORT _____

NUMBER OF VOYAGE TERMINATIONS _____ VESSEL CARGO CAPACITY _____ MILES TRAVELED _____

VESSEL CONTAINER CAPACITY -TEU'S _____

	OUTBOUND	INTERMEDIATE	INBOUND	TOTAL
Passengers Carried				
Freight Payable Tons Carried				
Number of Containers - TEU's				
Number of Barges				

(100) OPERATING REVENUE			
01	Freight - Foreign	$	
05	Freight - Intercostal		
09	Passenger - Foreign		
12	Passenger - Intercostal		
20	Charter Revenue		
30	Other Voyage Revenue		
	TOTAL VESSEL OPERATING REVENUE	$	
(700) OPERATING EXPENSES			
	Vessel Expenses		
01	Wages		
10	Domestic Subsistence		
15	Domestic Stores, Supplies and Equipment		
25	Other Maintenance Expense		
30	Insurance - Hull and Machinery		
35	Vessel Fuel		
40	Vessel Repairs - Domestic		
42	Depreciation - Vessels	(STRAIGHT LINE DEPRECIATION BASED ON STATUTORY LIFE WITH RESIDUAL VALUE $ OF ESTIMATED SHIPYARD CONSTRUCTION COST)	
43	Charter Hire - Time and Trip		
45	Bareboat Charter Hire - Short Term		
48	Other Vessel Expense		
	TOTAL VESSEL EXPENSE		
	Voyage Expenses		
50	Allocated Expenses-Container & Barge (A/C 867-894)		
52	Cargo Handling		
53	Transportation Expense, Port Commercial		
70	Wharfage and Dockage		
	TOTAL VOYAGE EXPENSES		
	DIRECT PROFIT (LOSS) BEFORE SUBSIDY		
825	OPERATING-DIFFERENTIAL SUBSIDY		
	DIRECT PROFIT (LOSS) AFTER SUBSIDY FROM VESSEL OPERATIONS		
810	OVERHEAD - ACCOUNTS 901/935, 965, 975/979, 990		
81.	INTEREST EXPENSE VESSELS		
	PRELIM TERMINATED VOYAGE RESULTS		

04 Union Payments
03 Fringes
07 Payroll Taxes
14 Pension
18 Pension
24 Other
41 Pension
44 Affiliates
46 Long Term Affiliates
50 L.T.S.
62 Oil Cost of $
68 Substitute Service-Military
72 Canal Tolls
51 Terminal Expense (A/C 851-864)
54 CY
56 CF&
58 Commercial
59 Other
66 Inland Commercial
67 Substituted Service-Commercial
73 Port Costs Pass
71 Other Port
81 INTEREST EXPENSE VESSELS - AFFILIATES

EXHIBIT B.—SAMPLE ALLOCATION OF TERMINAL EXPENSES BY VESSEL AND VOYAGE**

Type of facility	Total units loaded and discharged			Voyage status end of the period		Ratio vessel/voyage to Total (percent)	Terminal cost by vessel/voyage		
	Vessel	Voyage	Total units *	Terminated	Unterminated		Totals	Terminated	Unterminated
Container yard	Cont-1	1	500	500		31.7	$326.51	$326.51	
	LASH-2	1	359		359	22.7	233.81		$233.81
	LASH-2	2	269	269		16.5	169.95	169.95	
	B/B-4	1	110	110		6.9	71.07	71.07	
	Cont-6	1	200	200		12.7	130.81	130.81	
	Cont-6	2	150		150	9.5	97.85		97.85
			(a) 1,579	1,070	509	100.0	1,030.00	698.34	331.66
Container freight station/break bulk.	LASH-2	1	17,002	17,002		22.8	175.56	175.56	
	LASH-2	2	11,002		11,002	14.8	113.96		113.96
	RO/RO-3	1	30,525	30,525		41.0	315.70	315.70	
	B/B-4	1	1,000	1,000		1.3	10.01		
	Bulk-5	1	15,000	15,000		20.1	154.77	154.77	
			(b) 74,529	63,527	11,002	100.0	770.00	650.04	113.96
Barge terminal	LASH-2	1	37	37		68.5	445.25	445.25	
	LASH-2	2	17		17	31.5	204.75		204.75
			(c) 54	37	17	100.0	650.00	445.25	204.75

*(a) Units for container yard=twenty foot equivalent units (TEU's).
(b) Units for container freight station and break bulk operation=freight payable tons (FPT's).
(c) Units for barge terminal=number of barges unless barges differ in size. Barges of different capacity must be reduced to equivalent units.
(d) Other terminal facilities (not illustrated) handling many or all cargo carriage technology types will allocate period costs on freight payable tons load and discharged during the period.
**This allocation procedure shall be applied for each terminal maintained by an operator.

EXHIBIT C.—SAMPLE ALLOCATION OF CONTAINER/BARGE EXPENSES BY VESSEL AND VOYAGE

EXAMPLE

Assumptions

Service A—One (1) Container vessel with an actual capacity of 1,050 containers with two (2) containers acquired for each container slot.
Service B—One (1) LASH vessel with an actual capacity of 450 containers with four (4) containers purchased for each container slot.
Service C—One (1) Roll on-roll off vessel with an actual capacity of 350 containers with three (3) containers acquired for each container slot.
W One (1) Break-bulk vessel with an actual capacity of 100 containers with four (4) containers acquired for each container slot.
Total container pool costs for a ninety (90) day period equals $414,675.

Calculations:

(A) Service	(B) Vessel	(C) Voyage	(D) Vessel days in period: Terminated	(D) Vessel days in period: Unterminated	(E) Actual container capacity of vessel	(F) Containers acquired for each slot	(G) Total container capacity col. (E)×(F)	(H) Allocation base col. (D)×(G)	(I) Allocation percentages	(J) Allocation of container pool
A	Container-1	1	90		1,050	2	2,100	189,000	39.3	$162,967
B	LASH-2	1	60		450	4	1,800	108,000	22.4	92,887
C	LASH-2	2		30	450	4	1,800	54,000	11.2	46,444
	RO/RO-3	1	70		350	3	1,050	73,500	15.3	63,445
	RO/RO-3	L.S.	20		350	3	1,050	21,000	4.3	17,831
	Break Bulk-4	1		90	100	4	400	36,000	7.5	31,101
	Totals		240	120				481,500	100.0	414,675

EXHIBIT D—EXAMPLES OF VESSEL TYPES CURRENTLY OPERATED

C3-S-33a	C4-S-49a	C6-S-1go
C3-S-38a	C4-S1-49a	C6-S-1w
C3-S-43a	C4-S-57a	C6-S-1x
C3-S-46a	C4-S-58a	C6-S-1xa
C3-S-46b	C4-S-60a	C6-S-8go
C3-S-73b	C4-S-64a	C6-S-85a
C3-S-76a	C4-S-64b	C6-S-85b
C4-S-1a	C4-S-65a	C7-S-68c, d, and e
C4-S-1f	C5-S-37e	C8-S-81b
C4-S-1g	C5-S-37f	C8-S-82d
C4-S-18a	C5-S-73b	C9-S-81d
C4-S-1t	C5-S-75a	
C4-S-1u	C5-S-78a	
C4-S-19a	C6-S-1ga	

[FR Doc.75-4353 Filed 2-19-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Administrative Office of the United States Courts

Section 213.3172 is amended to show that Schedule A authority for not to exceed five positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service in the U.S. Courts is revoked. Simultaneously, not to exceed eight positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service with the U.S. Courts are excepted under Schedule B.

Effective February 20, 1975.

§ 213.3172 [Reserved]

1. Section 213.3172 is deleted.

2. Section 213.3272 is added to read as follows:

§ 213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed eight positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service in the U.S. Courts.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4578 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Staff Assistant (Secretary) to the Counselor to the Secretary is excepted under Schedule C.

Effective February 20, 1975, § 213.3305 (a) (60) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(60) One Staff Assistant (Secretary) to the Counselor to the Secretary.

• • • • • •

XUM V 4 0 1 3 5 FEB 20 75 XUM

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4581 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that one position of Private and Confidential Assistant to the Director of Congressional Affairs is excepted under Schedule C.

Effective February 20, 1975, § 213.3377 (h) is added as set out below.

§ 213.3377 Equal Employment Opportunity Commission.

* * * * *

(h) One Private and Confidential Assistant to the Director of Congressional Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4580 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

ACTION

Section 213.3359 is amended to show that one position of Special Assistant to the Assistant Director for Policy and Program Development is reestablished under Schedule C.

Effective on February 20, 1975, § 213.3359(o) is amended as set out below.

§ 213.3359 ACTION.

* * * * *

(o) **Special Assistant** to the Assistant Director for Policy and Program Development.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4633 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is amended to show that one position of Staff Assistant to a Commissioner is reestablished under Schedule C.

Effective on February 20, 1975, § 213.3360(a) is amended as set out below.

§ 213.3360 Consumer Product Safety Commission.

(a) One Secretary (Stenography) to one Commissioner and one Staff Assistant to each of two Commissioners.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4634 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Secretary (Steno) to the Administrator, Law Enforcement Assistance Administration is reestablished under Schedule C.

Effective on February 20, 1975, § 213.3310(s) (1) is amended as set out below.

§ 213.3310 Department of Justice.

* * * * *

(s) *Law Enforcement Assistance Administration.*

(1) One Secretary (Steno) to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4636 Filed 2-19-75;8:45 am]

PART 550—PAY ADMINISTRATION (GENERAL)

Schedule of Pay Differential

Appendix A to Subpart I of Part 550 is amended by adding two new subitems (b) and (c) to item (1), "Pressure chamber subjects," and a new item, "Hot Work," under the duty "Exposure to Physiological Hazards," to provide for paying a hazard differential for work performed in pressurized and non-pressurized sonar domes and for work at temperatures above 110 degrees Fahrenheit in confined spaces.

The amendments, which are effective on the date shown in the schedule, reads as follows:

Appendix A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate hazard pay differential (percent)	Effective date
Exposure to physiological hazards:		
(1) *Pressure chamber subject.* (a) Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mockup components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are susceptible to explosive ruptures.	25	1st pay period beginning after Mar. 16, 1973.
(b) *Working in pressurized sonar domes.* Performing checkout of sonar system after sonar dome has been pressurized. This may include such duties as changing transducer elements, setting of transducer turntables, checking of cables, piping, valves, circuits, underwater telephone, and pressurization plugs.	8	1st pay period beginning after Feb. 16, 1975.
(c) Working in nonpressurized sonar domes that are a part of an underwater system. Performing certification pretrial inspections, involving such duties as calibrating, adjusting, and photographing equipment, in limited space and with limited egress.	4	1st pay period beginning after Feb. 16, 1975.
* * * * *		
Hot Work—Working in confined spaces wherein the employee is subject to temperatures in excess of 100° F.	4	1st pay period beginning after Feb. 16, 1975.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4582 Filed 2-19-75;8:45 am]

PART 735—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Financial Obligations

Section 735.207, Subpart B of Part 735 is revised to clarify and more accurately reflect the intent of Executive Order 11222 regarding the responsibility of Federal employees to pay taxes and other obligations imposed by law and that Federal, State or local taxes imposed by law are to be considered just financial obligations.

Effective on February 20, 1975, § 735.207 is revised to read as follows:

§ 735.207 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-4583 Filed 2-19-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 340]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 21–27, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.640 Navel Orange Regulation 340.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is slightly weaker due in part to poor weather in the East, shortages of some sizes, and interruptions in distribution due to recent holidays. Prices f.o.b. averaged $3.69 per carton on a reported sales volume of 1,366 carlots last week, compared with an average f.o.b. price of $3.65 per carton and sales of 1,374 carlots a week earlier. Track and rolling supplies at 609 cars were down 65 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 18, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 21, 1975, through February 27, 1975, are hereby fixed as follows:

(i) District 1: 1,348,000 cartons;

(ii) District 2: 202,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 19, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-4862 Filed 2-19-75;11:50 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–SO–118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 6, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 1059), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Myers, Fla., control zone and transition area.

Interested persons were afforded an oppportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Fort Myers, Fla., control zone is amended as follows:

"* * * VORTAC 126° * * *" and "* * * southeast * * *" is deleted and "* * * VORTAC 062° * * *" and "* * * northeast * * *" is substituted therefor.

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In § 71.181 (40 FR 441), the Fort Myers, Fla., transition area is amended as follows:

All after "southwest of the RBN;" is deleted and "within 3.5 miles each side of Fort Myers VORTAC 062° radial, extending from the 8.5-mile radius area to 10 miles northeast of the VORTAC; within 3 miles each side of the 220° bearing from Tice RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on February 10, 1975.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.75-4495 Filed 2-19-75;8:45 am]

[Airspace Docket No. 75-SO-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lakeland, Fla., transition area.

The Lakeland transition area is described in § 71.181 (40 FR 441). In the description, extensions are predicated on Lakeland VORTAC 175° and 233° radials and were designated to provide controlled airspace protection for IFR aircraft executing VOR-A and VOR RWY 4 Standard Instrument Approach Procedures. Since these procedures will be cancelled, effective February 27, 1975, the extensions will no longer be required. It is necessary to amend the description to reflect this change. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Lakeland, Fla., transition area is amended as follows:

"• • • within 3 miles each side of Lakeland VORTAC 175° and 233° radials, extending from the 8.5-mile radius area to 9 miles south and 9.5 miles southwest of the VORTAC • • •" is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on February 11, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4496 Filed 2-19-75;8:45 am]

[Airspace Docket No. 74-SO-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration on Transition Area; Correction

On January 22, 1975, FR Doc. No. 75-1950 was published in the FEDERAL REGISTER (40 FR 3409), amending Part 71 of the Federal Aviation Regulations by altering the Augusta, Ga., transition area.

In the amendment, reference was made to McDuf RBN. Subsequent to publication of the rule, it was determined that "McDuf RBN" should have been "McDuffie RBN." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. No. 75-1950 is amended as follows:

In line six of the description change "• • • McDuf RBN • • •" is deleted and "• • • McDuffie RBN • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on February 10, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4496 Filed 2-19-75;8:45 am]

[Airspace Docket No. 75-SO-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Jefferson, Ga., transition area.

The Jefferson transition area is described in § 71.181 (40 FR 441) and was designated to provide controlled airspace protection for IFR operations at Jackson County Airport and for IFR aircraft executing the VOR/DME RWY 34 Standard Instrument Approach Procedure. Since this procedure will be cancelled, effective March 13, 1975, the requirement for the transition area no longer exists. It is necessary to revoke the transition area. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 13, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Jefferson, Ga., transition area is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on February 11, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4494 Filed 2-19-75;8:45 am]

[Docket No. 13569; Amdt. No. 121-116]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Extension of Compliance Date: Stowage of Containers for Transport of Animals Aboard Aircraft

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to extend the time for compliance with § 121.288 for eight months.

On August 9, 1974, the FAA issued Amendment 21-111, effective October 18, 1974, to Part 121 of the Federal Aviation Regulations (published in the FEDERAL REGISTER on August 19, 1974; 39 FR 29917) to require that cargo containers housing live animals for carriage by air in the cargo compartments of aircraft be secured in the cargo compartment in such a fashion as to prevent shifting and be protected from the hazards of shifting of other cargo, and to assure that ventilation areas of the container are not obstructed. That amendment was based on a notice of proposed rule making (Notice 74-10) published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9456). In response to petitions received from the Air Transport Association of America and Southern Airways, Inc., and members of the medical profession engaged in research using live animals, the FAA issued Amendment No. 121-112 (39 FR 36576) and extended the date for compliance with § 121.288 until February 18, 1975, to allow certificate holders additional time for obtaining and installing necessary equipment.

It now appears that Part 121 certificate holders have a need for additional time to complete modifications of their aircraft in order to comply with § 121.288. Petitions for exemptions from the February 18, 1975, compliance date have been received by the FAA from eight Part 121 certificate holders that require additional time to complete the necessary modifications of their aircraft. It appears that other certificate holders also have a need for additional time to complete the modifications on all of their aircraft so as not to interrupt their transportation of live animals.

The FAA believes that an eight-month extension of the February 18, 1975, compliance date is appropriate to enable Part 121 certificate holders to complete modifications on all of their aircraft used for the transportation of live animals and to avoid any significant interruption in their transportation.

In view of the imminence of the present effective date and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impractical and that good cause exists for making this amendment effective in less than 30 days.

(Sections 313(a), 601(a), and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421(a), and 1424. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).)

In consideration of the foregoing, effective February 14, 1975, the effective date of Amendment 121-111 is changed from February 18, 1975, to October 18, 1975.

Issued in Washington, D.C. on February 14, 1975.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.75-4804 Filed 2-19-75;8:45 am]

Title 26—Internal Revenue

[T.D. 7345]

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deductibility of Fines and Penalties and Illegal Bribes, Kickbacks, and Other Payments

By a notice of proposed rule making appearing in the FEDERAL REGISTER for December 6, 1972 (37 FR 25936), amendments to the Income Tax Regulations (26 CFR Part 1) under sections 61, 162, 212, and 471 of the Internal Revenue Code of 1954 were proposed in order to revise the rules applicable to the deductibility of fines and penalties and illegal bribes, kickbacks, and other payments. These proposed amendments were to reflect the amendment of the Internal Revenue Code by section 902 of the Tax Reform Act of 1969 (83 Stat. 710) and by section 310 of the Revenue Act of 1971 (85 Stat. 525). After consideration of all relevant matter presented by interested persons regarding the rules proposed, it was decided to revise those rules in certain respects. This document finalizes those rules as revised, except as to paragraph (b) (1)(ii) and (2) of proposed § 1.162-21 which will be proposed in another notice of proposed rule making. Those provisions set forth definitional rules as to what amounts are treated as fines or similar penalties for purposes of section 162 (f).

In general, the amendments to section 162 codified the rules for disallowing a deduction claimed under that section for reasons relating to public policy. This document amends the regulations to conform to that codification. In addition, the regulations under sections 212 and 471 are amended to prevent the Congressional intent from being circumvented by the allowance under those sections of deductions which Congress explicitly denied by its amendments to section 162. The rules contained herein are essentially those proposed in the December 6, 1972, notice.

On December 6, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25936) to conform the Income Tax Regulations (26 CFR Part 1) under sections 61, 162, 212, and 471 of the Internal Revenue Code of 1954 to section 902 of the Tax Reform Act of 1969 (83 Stat. 710) and to section 310 of the Revenue Act of 1971 (85 Stat. 525). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the Income Tax Regulations are amended as follows:

Par. 1. Section 1.162 is amended by revising section 162(c) (2) and (3) and by revising the historical note to read as follows:

§ 1.162 **Statutory provisions; trade or Business expenses.**

Sec. 162. *Trade or business expenses.* • • •

(c) *Illegal bribes, kickbacks, and other payments.* • • •

(2) *Other illegal payments.* No deduction shall be allowed under subsection (a) for any payment (other than a payment described in paragraph (1)) made, directly or indirectly, to any person, if the payment constitutes an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or under any law of a State (but only if such State law is generally enforced), which subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer. The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

(3) *Kickbacks, rebates, and bribes under medicare and medicaid.* No deduction shall be allowed under subsection (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

• • • • • •

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608); secs. 7(b) and 8, Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1002, 1003); sec. 3(a), Revenue Act 1962 (76 Stat. 973); sec. 902, Tax Reform Act 1969 (83 Stat. 710); sec. 310, Revenue Act 1971 (85 Stat. 525).]

PAR. 2. Paragraph (a) of § 1.162-1 is amended to read as follows:

§ 1.162-1 **Business expenses.**

(a) *In general.* Business expenses deductible from gross income include the ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business, except items which are used as the basis for a deduction or a credit under provisions of law other than section 162. The cost of goods purchased for resale, with proper adjustment for opening and closing inventories, is deducted from gross sales in computing gross income. See paragraph (a) of § 1.61-3. Among the items included in business expenses are management expenses, commissions (but see section 263 and the regulations thereunder), labor, supplies, incidental repairs, operating expenses of automobiles used in the trade or business, traveling expenses while away from home solely in the pursuit of a trade or business (see § 1.162-2), advertising and other selling expenses, together with insurance premiums against fire, storm, theft, accident, or other similar losses in the case of a business, and rental for the use of business property. No such item shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property. See section 1054 and the regulations thereunder. A deduction for an expense paid or incurred after December 30, 1969, which would otherwise be allowable under section 162 shall not be denied on the grounds that allowance of such deduction would frustrate a sharply defined public policy. See section 162 (c), (f), and (g) and the regulations thereunder. The full amount of the allowable deduction for ordinary and necessary expenses in carrying on a business is deductible, even though such expenses exceed the gross income derived during the taxable year from such business. In the case of any sports program to which section 114 (relating to sports programs conducted for the American National Red Cross) applies, expenses described in section 114(a)(2) shall be allowable as deductions under section 162(a) only to the extent that such expenses exceed the amount excluded from gross income under section 114(a).

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PAR. 3. Section 1.162-18 is amended to read as follows:

§ 1.162-18 **Illegal bribes and kickbacks.**

(a) *Illegal payments to government officials or employees*—(1) *In general.* No deduction shall be allowed under section 162(a) for any amount paid or incurred, directly or indirectly, to an official or employee of any government, or of any agency or other instrumentality of any government, if—

(i) In the case of a payment made to an official or employee of a government other than a foreign government described in subparagraph (3) (ii) or (iii) of this paragraph, the [making of the] payment constitutes an illegal bribe or kickback, or

(ii) In the case of a payment made to an official or employee of a foreign government described in subparagraph (3) (ii) or (iii) of this paragraph, the making of the payment would be unlawful under the laws of the United States (if such laws were applicable to the payment and to the official or employee at the time the expenses were paid or incurred).

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No deduction shall be allowed for an accrued expense if the eventual payment thereof would fall within the prohibition of this section. The place where the expenses are paid or incurred is immaterial. For purposes of subdivision (ii) of this subparagraph, lawfulness or unlawfulness of the payment under the laws of the foreign country is immaterial.

(2) *Indirect payment.* For purposes of this paragraph, an indirect payment to an individual shall include any payment which inures to his benefit or promotes his interests, regardless of the medium in which the payment is made and regardless of the identity of the immediate recipient or payor. Thus, for example, payment made to an agent, relative, or independent contractor of an official or employee, or even directly into the general treasury of a foreign country of which the beneficiary is an official or employee, may be treated as an indirect payment to the official or employee, if in fact such payment inures or will inure to his benefit or promotes or will promote his financial or other interests. A payment made by an agent or independent contractor of the taxpayer which benefits the taxpayer shall be treated as an indirect payment by the taxpayer to the official or employee.

(3) *Official or employee of a government.* Any individual officially connected with—

(i) The Government of the United States, a State, a territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico,

(ii) The government of a foreign country, or

(iii) A political subdivision of, or a corporation or other entity serving as an agency or instrumentality of, any of the above,

in whatever capacity, whether on a permanent or temporary basis, and whether or not serving for compensation, shall be included within the term "official or employee of a government", regardless of the place of residence or post of duty of such individual. An independent contractor would not ordinarily be considered to be an official or employee. For purposes of section 162(c) and this paragraph, the term "foreign country" shall include any foreign nation, whether or not such nation has been accorded diplomatic recognition by the United States. Individuals who purport to act on behalf of or as the government of a foreign nation, or an agency or instrumentality thereof, shall be treated under this section as officials or employees of a foreign government, whether or not such individuals in fact control such foreign nation, agency, or instrumentality, and whether or not such individuals are accorded diplomatic recognition. Accordingly, a group in rebellion against an established government shall be treated as officials or employees of a foreign government, as shall officials or employees of the government against which the group is in rebellion.

(4) *Laws of the United States.* The term "laws of the United States", to which reference is made in paragraph (a)(1)(ii) of this section, shall be deemed to include only Federal statutes, including State laws which are assimilated into Federal law by Federal statute, and legislative and interpretative regulations thereunder. The term shall also be limited to statutes which prohibit some act or acts, for the violation of which there is a civil or criminal penalty.

(5) *Burden of proof.* In any proceeding involving the issue of whether, for purposes of section 162(c)(1), a payment made to a government official or employee constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) the burden of proof in respect of such issue shall be upon the Commissioner to the same extent as he bears the burden of proof in civil fraud cases under section 7454 (i.e., he must prove the illegality of the payment by clear and convincing evidence).

(6) *Example.* The application of this paragraph may be illustrated by the following example:

Example. X Corp. is in the business of selling hospital equipment in State Y. During 1970, X Corp. employed A who at the time was employed full time by State Y as Superintendent of Hospitals. The purpose of A's employment by X Corp. was to procure for it an improper advantage over other concerns in the making of sales to hospitals in respect of which A, as Superintendent, had authority. X Corp. paid A $5,000 during 1970. The making of this payment was illegal under the laws of State Y. Under section 162(c)(1), X Corp. is precluded from deducting as a trade or business expense the $5,000 paid to A.

(b) *Other illegal payments*—(1) *In general.* No deduction shall be allowed under section 162(a) for any payment (other than a payment described in paragraph (a) of this section) made, directly or indirectly, to any person, if the payment constitutes an illegal bribe, illegal kickback, or other illegal payment under the laws of the United States (as defined in paragraph (a)(4) of this section), or under any State law (but only if such State law is generally enforced), which subjects the payor to a criminal penalty or the loss (including a suspension) of license or privilege to engage in a trade or business (whether or not such penalty or loss is actually imposed upon the taxpayer). For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer. This paragraph applies only to payments made after December 30, 1969.

(2) *State law.* For purposes of this paragraph, State law means a statute of a State or the District of Columbia.

(3) *Generally enforced.* For purposes of this paragraph, a State law shall be considered to be generally enforced unless it is never enforced or the only persons normally charged with violations thereof in the State (or the District of Columbia) enacting the law are infamous or those whose violations are extraordinarily flagrant. For example, a criminal statute of a State shall be considered to be generally enforced unless violations of the statute which are brought to the attention of appropriate enforcement authorities do not result in any enforcement action in the absence of unusual circumstances.

(4) *Burden of proof.* In any proceeding involving the issue of whether, for purposes of section 162(c)(2), a payment constitutes an illegal bribe, illegal kickback, or other illegal payment the burden of proof in respect of such issue shall be upon the Commissioner to the same extent as he bears the burden of proof in civil fraud cases under section 7454 (i.e., he must prove the illegality of the payment by clear and convincing evidence).

(5) *Example.* The application of this paragraph may be illustrated by the following example:

Example. X Corp., a calendar-year taxpayer, is engaged in the ship repair business in State Y. During 1970, repairs on foreign ships accounted for a substantial part of its total business. It was X Corp.'s practice to kick back approximately 10 percent of the repair bill to the captain and chief engineer of all foreign-owned vessels, which kickbacks are illegal under a law of State Y (which is generally enforced) and potentially subject X Corp. to fines. During 1970, X Corp. paid $50,000 in such kickbacks. On X Corp.'s return for 1970, a deduction under section 162 was taken for the $50,000. The deduction of the $50,000 of illegal kickbacks during 1970 is disallowed under section 162(c)(2), whether or not X Corp. is prosecuted with respect to the kickbacks.

(c) *Kickbacks, rebates, and bribes under medicare and medicaid.* No deduction shall be allowed under section 162(a) for any kickback, rebate, or bribe (whether or not illegal) made on or after December 10, 1971, by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, as amended, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

PAR. 4. Section 1.162–21 is revised to read as follows:

§ 1.162–21 Fines and penalties.

(a) *In general.* No deduction shall be allowed under section 162(a) for any fine or similar penalty paid to—

(1) The government of the United States, a State, a territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(2) The government of a foreign country; or

(3) A political subdivision of, or corporation or other entity serving as an agency or instrumentality of, any of the above.

(b) *Definition.* (1) For purposes of this section a fine or similar penalty includes an amount—

(i) Paid pursuant to conviction or a plea of guilty or *nolo contendere* for a crime (felony or misdemeanor) in a criminal proceeding;

(ii) [Reserved]

(iii) Paid in settlement of the taxpayer's actual or potential liability for a fine or penalty (civil or criminal); or

(iv) Forfeited as collateral posted in connection with a proceeding which could result in imposition of such a fine or penalty.

(2) [Reserved]

(c) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). M Corp. was indicated under section 1 of the Sherman Anti-Trust Act (15 U.S.C. 1) for fixing and maintaining prices of certain electrical products. M Corp. was convicted and was fined $50,000. The United States sued M Corp. under section 4A of the Clayton Act (15 U.S.C. 15a) for $100,000, the amount of the actual damages resulting from the price fixing of which M Corp. was convicted. Pursuant to a final judgment entered in the civil action, M Corp. paid the United States $100,000 in damages. Section 162(f) precludes M Corp. from deducting the fine of $50,000 as a trade or business expense. Section 162(f) does not preclude it from deducting the $100,000 paid to the United States as actual damages.

Example (2). N Corp. was found to have violated 33 U.S.C. 1321(b)(3) when a vessel it operated discharged oil in harmful quantities into the navigable waters of the United States. A civil penalty under 33 U.S.C. 1321(b)(6) of $5,000 was assessed against N Corp. with respect to the discharge. N Corp. paid $5,000 to the Coast Guard in payment of the civil penalty. Section 162(f) precludes N Corp. from deducting the $5,000 penalty.

Example (3). O Corp., a manufacturer of motor vehicles, was found to have violated 42 U.S.C. 1857f–2(a)(1) by selling a new motor vehicle which was not covered by the required certificate of conformity. Pursuant to 42 U.S.C. 1857f–4, O Corp. was required to pay, and did pay, a civil penalty of $10,000. In addition, pursuant to 42 U.S.C. 1857f–5a (c)(1), O Corp. was required to expend, and did expend, $500 in order to remedy the nonconformity of that motor vehicle. Section 162(f) precludes O Corp. from deducting the $10,000 penalty as a trade or business expense, but does not preclude it from deducting the $500 which it expended to remedy the nonconformity.

Example (4). P Corp. was the operator of a coal mine in which occurred a violation of a mandatory safety standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.). Pursuant to 30 U.S.C. 819(a), a civil penalty of $10,000 was assessed against P Corp., and P Corp. paid the penalty. Section 162(f) precludes P Corp. from deducting the $10,000 penalty.

Example (5). Q Corp., a common carrier engaged in interstate commerce by railroad, hauled a railroad car which was not equipped with efficient hand brakes, in violation of 45 U.S.C. 11. Q Corp. was found to be liable for a penalty of $350 pursuant to 45 U.S.C. 13. Q Corp. paid that penalty. Section 162(f) precludes Q Corp. from deducting the $350 penalty.

Example (6). R Corp. owned and operated on the highways of State X a truck weighing in excess of the amount permitted under the law of State X. R Corp. was found to have violated the law and was assessed a fine of $85 which it paid to State X. Section 162(f) precludes R Corp. from deducting the amount so paid.

Example (7). S Corp. was found to have violated a law of State Y which prohibited the emission into the air of particulate matter in excess of a limit set forth in a regulation promulgated under that law. The Environmental Quality Hearing Board of State Y assessed a fine of $500 against S Corp. The fine was payable to State Y, and S Corp. paid it. Section 162(f) precludes S Corp. from deducting the $500 fine.

Example (8). T Corp. was found by a magistrate of City Z to be operating in such city an apartment building which did not conform to a provision of the city housing code requiring operable fire escapes on apartment buildings of that type. Upon the basis of the magistrate's finding, T Corp. was required to pay, and did pay, a fine of $200 to City Z. Section 162(f) precludes T Corp. from deducting the $200 fine.

PAR. 5. Section 1.212–1 is amended by adding a new paragraph (p) at the end thereof to read as follows:

§ 1.212–1 Nontrade or nonbusiness expenses.

. . . . . .

(p) *Frustration of public policy.* The deduction of a payment will be disallowed under section 212 if the payment is of a type for which a deduction would be disallowed under section 162 (c), (f), or (g) and the regulations thereunder in the case of a business expense.

PAR. 6. So much of § 1.471–3 as follows paragraph (d) is revised to read as follows:

§ 1.471–3 Inventories at cost.

Cost means:

. . . . . .

(d) . . .

Notwithstanding the other rules of this section, cost shall not include an amount which is of a type for which a deduction would be disallowed under section 162 (c), (f), or (g) and the regulations thereunder in the case of a business expense.

(68A Stat. 917; 26 U.S.C. 7805.)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: February 14, 1975.

ERNEST S. CHRISTIAN, Jr.,
Deputy Assistant Secretary of the Treasury.

[FR Doc.75–4671 Filed 2–19–75;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY

PART 1—DISCLOSURE OF RECORDS

By a notice of proposed rule making appearing in the FEDERAL REGISTER for January 16, 1975 (40 FR 2836), an amendment to 31 CFR 1.6 was proposed in order to provide a uniform schedule of fees, applicable to all constituent units of the Department of the Treasury, for search and duplication of records under the Freedom of Information Act (5 U.S.C. 552, as amended). The same document gave notice that 31 CFR, Part 1 (relating to public access to records) would be amended to comport with the requirements of Pub. L. 93–502 and would also be made applicable to all constituent units of the Department. This document is such amendment.

In general, these amendments provide for access by the public to information created or maintained by the Department of the Treasury. Specifically, they provide for publication of certain documents in the FEDERAL REGISTER and public inspection of records. They also provide procedures for making a request for records of a constituent unit of the Department of the Treasury, for appeal of an initial or appellate administrative determination to deny such request, and the schedule of fees for search and duplication of records. The amendments apply to all constituent units of the Department of the Treasury, including the Internal Revenue Service and supersede all inconsistent prior issuances of Bureaus, offices and other constituent units.

These amendments also designate officers of the constituent units of the Department of the Treasury who will make initial determinations as to whether to grant requests for records and those who will make appellate administrative determinations. Initial determinations normally are to be made within 10 working days after the date of the request, and appellate determinations are to be made within 20 working days after the date of the receipt of the appeal. However, under unusual circumstances, an extension of not to exceed 10 days may be invoked. If such an extension is invoked in connection with an initial determination, any unused days of the maximum 10-day extension period may be invoked subsequently in connection with an administrative appeal from the initial determination. These time limits may also be extended by agreement with the requester or by judicial process.

The amendment previously proposed relating to a uniform schedule of fees is adopted with only clarifying revisions suggested by the Department itself.

In addition, the amendments conform provisions relating to the exemptions from disclosure requirements for matters concerning national defense and foreign policy and for investigatory records to changes made by Pub. L. 93–502.

In order to preserve without change the provisions now set forth in 31 CFR 1.8 through 1.11, 31 CFR, Part 1 is divided into Subpart A, Under 5 U.S.C. 552, as amended, applicable to all constituent units of the Department of the Treasury, and Subpart B, Under other provisions, applicable only to specified constituent units.

The amendments made by this document are effective on and after February 19, 1975. Inasmuch as Pub. L. 93–502 requires these regulations to be effective by such date, and since the principal purpose is to comply with and implement the provisions of Pub. L. 93–502, and due to the time constraints involved, the opportunity for public comment prior to adoption is not deemed necessary or

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practical. Moreover, inasmuch as on the date of submission of these regulations for publication, no comments had been received concerning the revision to 31 CFR 1.6, Fees for Services, such proposed regulations are adopted as part hereof with only minor changes. Nevertheless, with respect to all of these regulations, with the exception of 31 CFR 1.6, interested parties may submit comments by March 20, 1974, addressed to the General Counsel, Department of the Treasury, Washington, D.C. 20220. Any comments so received, together with any comments received after the date of submission for publication of these regulations concerning the amendment to 31 CFR 1.6, will be considered in connection with such further revision of these regulations as may be indicated. Any such comments will be available for public inspection upon request therefor.

Therefore, effective February 19, 1975, Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Under 5 U.S.C. 552, as amended

Sec.
1.1 Purpose and scope of regulations.
1.2 Information made available.
1.3 Publication in the FEDERAL REGISTER.
1.4 Public inspection and copying.
1.5 Specific requests for other records.
1.6 Fees for services.

Appendix A—Office of the Secretary.
Appendix B—Internal Revenue Service.
Appendix C—United States Customs Service.
Appendix D—United States Secret Service.
Appendix E—Bureau of Alcohol, Tobacco and Firearms.
Appendix F—Bureau of Engraving and Printing.
Appendix G—Bureau of Government Financial Operations.
Appendix H—Bureau of the Mint.
Appendix I—Bureau of the Public Debt.
Appendix J—Office of the Comptroller of the Currency.
Appendix K—United States Savings Bond Division.
Appendix L—Consolidated Federal Law Enforcement Training Center.
Appendix M—Office of the Assistant Secretary for Tax Policy.

Subpart B—Under Other Provisions

1.7 Scope.
1.8 Records not to be otherwise withdrawn or disclosed.
1.9 Oral information.
1.10 Testimony or the production of records in a court or other proceeding.
1.11 Regulations not applicable to official request.

AUTHORITY: The provisions of this Part 1 issued under 5 U.S.C. 301, 552, as amended.

Subpart A—Under 5 U.S.C., as Amended

§ 1.1 Purpose and scope of regulations.

The regulations in this subpart are issued to implement the public information provisions of section 552 of title 5, United States Code, as amended. These regulations apply to all constituent units of the Department of the Treasury, and supersede any regulations on the same subject issued by any constituent unit prior to February 19, 1975, which are inconsistent herewith. Any inconsistency whether actual or apparent, shall be resolved by resort to the regulations in this subpart A. Any reference in this subpart to the Department or its officials, employees, or records shall be deemed to refer also to the consistent units or their officials, employees, or records. In order that interested parties may more readily find them, the constituent units of the Department are hereby authorized to reprint these regulations in their entirety (less any appendices not applicable to the unit in question) in these titles of the Code of Federal Regulations which normally contain regulations applicable to such constituent units. In connection with such republication, constituent units may supplement and implement these regulations with material applicable only to the constituent unit in question, provided such additional material is not inconsistent herewith. In the event of any actual or apparent inconsistency, these Departmental regulations shall govern. Persons interested in the records of a particular constituent unit should, therefore, also consult the Code of Federal Regulations for any rules or regulations promulgated specifically with respect to that constituent unit. (See Appendices to this subpart for cross references.) The head of each unit is hereby also authorized to substitute the officials designated and change the addresses specified in the appendix to this subpart applicable to his unit. The constituent units of the Department of the Treasury for the purposes of this Part are:

(a) The Office of the Secretary of the Treasury, which includes the offices of:

(1) The Secretary, including immediate staff;

(2) The Deputy Secretary, including immediate staff;

(3) The Under Secretary for Monetary Affairs, including immediate staff;

(4) The Under Secretary, including immediate staff;

(5) The General Counsel and also the Legal Division, except legal counsel to the constituent units listed in (b) through (m) of this section;

(6) The Assistant Secretary (International Affairs) and all offices reporting to him, including immediate staff;

(7) The Assistant Secretary (Trade, Energy, and Financial Resources Policy Coordination) and all offices reporting to him, including immediate staff;

(8) The Assistant Secretary (Economic Policy) and the Office of Domestic Gold and Silver Operations and all other offices reporting to him, including immediate staff;

(9) The Fiscal Assistant Secretary, including immediate staff;

(10) The Assistant Secretary (Administration) and all offices reporting to him, including immediate staff;

(11) The Assistant Secretary (Legislative Affairs), including immediate staff;

(12) The Assistant Secretary (Enforcement, Operations, and Tariff Affairs), including immediate staff, and the Offices of Law Enforcement, including Interpol (National Central Bureau), Operations, Tariff Affairs and Foreign Assets Control reporting to him;

(13) The Special Assistant to the Secretary (Public Affairs), including immediate staff;

(14) The Special Assistant to the Secretary (Debt Management) and the office reporting to him, including immediate staff;

(15) The Special Assistant to the Secretary (National Security), including immediate staff;

(16) The Treasurer of the United States, including immediate staff;

(17) The Director of Practice, including immediate staff; and

(18) Persons concerned with the completion of actions under the Economic Stabilization Act of 1970, as amended.

(b) The Internal Revenue Service;

(c) The United States Customs Service;

(d) The United States Secret Service;

(e) The Bureau of Alcohol, Tobacco and Firearms;

(f) The Bureau of Engraving and Printing;

(g) The Bureau of Government Financial Operations;

(h) The Bureau of the Mint;

(i) The Bureau of the Public Debt;

(j) The office of the Comptroller of the Currency;

(k) The United States Savings Bond Division;

(l) The Consolidated Federal Law Enforcement Training Center; and

(m) The Assistant Secretary for Tax Policy, including immediate staff and all offices reporting to him.

For purposes of this subpart, the office of the legal counsel for the constituent units listed in paragraphs (b), (c), (d), (e), (h), (i), (j), and (m) are to be considered a part of such constituent unit. Any office, which is now in existence or may hereafter be established, which is not specifically listed or known to be a constituent of any of those listed above, shall be deemed a part of the Office of the Secretary for the purpose of making requests for records under these regulations.

§ 1.2 Information made available.

(a) *General.* Section 552 of Title 5 of the United States Code provides for access to information and records developed or maintained by Federal agencies. Generally, such section divides agency information into three major categories and provides methods by which each category is to be made available to the public. The three major categories, for which the disclosure requirements of the constituent units of the Department of the Treasury are set forth in this subpart, are as follows:

(1) Information required to be published in the FEDERAL REGISTER (see § 1.3 below);

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale (see § 1.4 below); and

(3) Information required to be made available to any member of the public upon specific request (see § 1.5 below). The provisions of section 552 are intended to assure the right of the public

to information. Section 552 is not authority to withhold information from Congress.

(b) Subject only to the exemptions set forth in § 1.2(c) the public generally or any member thereof shall be afforded access to information or records in the possession of any constituent unit of the Department of the Treasury. Such access shall be governed by the regulations in this subpart A and any regulations of a constituent unit implementing or supplementing them.

(c) *Exemptions.* (1) *In general.* Under 5 U.S.C. 552(b), the disclosure requirements of section 552(a) do not apply to certain matters which are:

(i) (A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order (See 31 CFR, Part 2);

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(viii) Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2) The exemptions set forth in paragraph (c)(1) of this Section apply to each of the three categories of information set forth in paragraph (a) of this section.

(3) *Segregable portions of records.* Any reasonably segregable portion of a record shall be provided to any person, after deletion of the portions which are exempt under 5 U.S.C. 552(b) (see paragraph (c)(1) of this section. The term "reasonably segregable portion" as used in this paragraph means any portion of the record which is not exempt from disclosure by 5 U.S.C. 552 (b) and which after deletion of the exempt material still conveys meaningful and nonmisleading information.

(4) *Application of exemptions.* Even though an exemption described in paragraph (c)(1) of this section may be fully applicable to a matter in a particular case, a constituent unit of the Department of the Treasury may, if not precluded by law, elect under the circumstances of that case not to apply the exemption to such matter. The fact that the exemption is not applied by a constituent unit in that particular case will have no precedential significance as to the application of the exemption to such matter in other cases, but is merely an indication that, in the particular case involved, the constituent unit finds no compelling necessity for applying the exemption to such matter.

§ 1.3 Publication in the Federal Register.

(a) *Requirement.* Subject to the application of the exemptions described in § 1.2(c) and subject to the limitations provided in paragraph (b) of this section, each constituent unit of the Department of the Treasury is hereby required, in conformance with 5 U.S.C. 552(a)(1), to separately state, publish and maintain current in the FEDERAL REGISTER for the guidance of the public the following information with respect to such constituent unit:

(1) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the constituent unit; and

(5) Each amendment, revision, or repeal of matters referred to in subparagraphs (1) through (4) of this paragraph.

(b) *Limitations.* (1) *Incorporation by reference in the* FEDERAL REGISTER. Matter reasonably available to the class of persons affected thereby, whether in a private or public publication, will be deemed published in the FEDERAL REGISTER for purposes of paragraph (a) of this section when it is incorporated by reference therein with the approval of the Director of the Federal Register. The matter which is incorporated by reference must be set forth in the private or public publication substantially in its entirety and not merely summarized or printed as a synopsis. Matter, the location and scope of which are familiar to only a few persons having a special working knowledge of the activities of the Department of the Treasury, may not be incorporated in the FEDERAL REGISTER by reference. Matter may be incorporated by reference only pursuant to the provisions of 5 U.S.C. 552 (a)(1) and 1 CFR, Part 20.

(2) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in paragraph (a) of this section which is required to be published in the Federal Register, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to paragraph (b)(1) of this section. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by refence will not adversely change or affect a person's rights.

§ 1.4 Public inspection and copying.

(a) *In general.* Subject to the application of the exemptions described in § 1.2(c) each constituent unit of the Department of the Treasury is hereby required in conformance with 5 U.S.C. 552(a)(2), to make available for public inspection and copying or, in the alternative, to promptly publish and offer for sale the following information with respect to such constituent unit:

(1) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the constituent unit but are not published in the FEDERAL REGISTER; and

(3) Its administrative staff manuals and instructions to staff that affect a member of the public.

(b) *Indexes.* Each constituent unit of the Department of the Treasury is hereby also required, in conformance with 5 U.S.C. 552(a)(2), to maintain and make available for public inspection and copying current indexes identifying any matter described in paragraphs (a) (1) through (3) of this section which is issued, adopted, or promulgated after July 4, 1967, and which is required to be made available for public inspection or published. In addition, each constituent unit shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless the head of such unit (or his delegate) determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable, in which

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case the constituent unit shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.

(c) *Effect of failure to publish or make available.* No matter, described in paragraphs (a) (1) through (3) of this section which is required by this paragraph to be made available for public inspection or published, may be relied upon, used, or cited as precedent by the constituent unit against a party, other than an agency, unless that party has actual and timely notice of the terms of such matter or unless the matter has been indexed and either made available for inspection or published, as provided by this paragraph. This paragraph may be interpreted to apply only to matters which have precedential significance. It does not apply to matters which have been made available pursuant to § 1.3.

(d) *Deletion of identifying details.* To prevent a clearly unwarranted invasion of personal privacy, a constituent unit of the Department of the Treasury may, in accordance with 5 U.S.C. 552(a)(2), delete identifying details contained in any matter described in paragraphs (a) (1) through (3) of this section before making such matter available for inspection or publishing it. However, in every case where identifying details are so deleted, the justification for the deletion must be explained in writing in an attachment to the document from which the identifying details have been deleted.

(e) *Public reading rooms.* Each constituent unit of the Department of the Treasury shall make available for inspection and copying, in a reading room or otherwise, the matters described in paragraphs (a) (1) through (3) of this section which are required by such paragraph (a) to be made available for public inspection or published in the current indexes such matters. Facilities shall be provided whereby a person may inspect the material and obtain copies of that which is shelved. Fees shall not be charged for access to materials, but fees are to be charged in accordance with § 1.6 for copies of material provided to the person. (See the appendices to this subpart for the location of established reading rooms of constituent units of the Department of the Treasury.)

§ 1.5 Specific requests for other records.

(a) *In general.* Except with respect to the records made available under §§ 1.3 and 1.4, above, but subject to the application of the exemptions described in § 1.2 (c), above, each constituent unit of the Department of the Treasury, shall, in conformance with 5 U.S.C. 552(a)(3), upon any request, which is for reasonably described records and conforms in every respect with the rules and procedures of this subpart A, particularly this section, § 1.6 and the applicable appendix to this subpart, make the requested records promptly available to any person. Any request or any appeal from the initial denial of a request which does not comply with the foregoing requirements and those set forth elsewhere in this subpart A, will not be deemed subject to the time constraints of paragraphs (g), (h), and (i) of this section, unless and until amended so as to comply. However, constituent units shall, nevertheless, make every reasonable effort to comply with such request within such time constraints or, in the alternative, promptly advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended for consideration in accordance with this subpart. This section applies only to records in being which are in the possession or control of the constituent unit. There is no requirement that records be created or data processed in a format other than required for governmental purposes in order to comply with a request for records.

(b) *Requests for records not in control of constituent unit.* (1) Where the request is for a record in the possession or under the control of a constituent unit of the Department other than that to which the request was addressed, the request for such record shall immediately be transferred to the appropriate constituent unit and the requester notified to that effect. Such referral shall not be deemed a denial of access within the meaning of these regulations. The constituent unit of the Department to which such referral is made shall treat such request as a new request addressed to it and the time limits for response set forth by paragraph (g) (1) of this section shall commence when the referral is received by the designated office or officer of the constituent unit. Where the request is for a record which is not in the possession or control of any constituent unit of the Department of the Treasury, the requester shall be so advised and the request shall be returned to the requester.

(2) Where the record requested was created by a Department or agency other than a constituent unit of the Department of the Treasury or has been classified or otherwise restrictively endorsed by such other Department or agency, and a copy thereof is in the possession of a constituent unit of the Department of the Treasury, such originating or restrictively endorsing Department or agency shall be promptly requested to advise the constituent unit of the Department of the Treasury on the releasability of that record. The request for advice shall also inform the other Department or agency that, in the absence of timely guidance from it, the constituent unit of the Department of the Treasury will proceed to make its own determination in accordance with this subpart A. When it becomes necessary to provide a response to the requester within the time limits set forth in paragraphs (g) (1) and (i) (1) (iii) of this section without the advice of the other department or agency, the constituent unit shall proceed to make its own determination in accordance with this subpart A and advise the requester accordingly. However, where as a result, access to the record is denied under one of the exemptions set forth in § 1.2(c) the requester shall be advised of the right to appeal such denial and may also be advised to make a request for the record directly to the originating Department or agency. When an appeal to a constituent unit of the Department of the Treasury results from such procedure, the originating Department or agency shall again be promptly requested to provide timely advice on the releasibility of the records. Nevertheless, the ultimate decision on the appeal of such record shall rest with the designated Department of the Treasury official.

(c) *Form of request.* In order to be subject to the provisions of this section, a request for records shall—

(1) Be made in writing and signed by the person making the request,

(2) State that it is made pursuant to the Freedom of Information Act, 5 U.S.C. 552 or these regulations,

(3) Be addressed to the office or officer of the constituent unit to which the subject matter of the request is of paramount concern, unless the requester is unable to ascertain the appropriate constituent unit, in which event, the request shall be addressed as specified in Appendix A hereto for the Office of the Secretary (See the appendices to this subpart for the office or officer to which requests shall be addressed for each constituent unit),

(4) Reasonably describe the records in accordance with paragraph (d) of this section,

(5) Set forth the address where the person making the request desires to be notified of the determination as to whether the request will be granted,

(6) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them, and

(7) State the firm agreement of the requester to pay the fees for search and duplication ultimately determined in accordance with § 1.6 hereof, or request that such fees be reduced or waived and state the justification for such request (See § 1.6(d) below).

Where the initial request, rather than stating a firm agreement to pay the fees ultimately determined in accordance with § 1.6, places an upper limit on the amount the requester agrees to pay, which upper limit is deemed likely to be lower than the fees estimated to ultimately be due, or where the requester asks for an estimate of the fees to be charged, the requester shall be promptly advised of the estimate of fees due and asked to agree to pay such amount. Where the initial request includes a request for reduction or waiver of fees, the responsible official shall determine whether to grant the request for reduction or waiver in accordance with § 1.6 (d) below and notify the requester of his decision and, if such decision results in the requester being liable for all or part of the fees normally due, ask the requester to agree to pay the amount so determined. The requirements of this paragraph (c) will not be deemed met until the requester has explicitly agreed to pay the fees applicable to his request for records, if any, or has made payment in advance of the fees estimated to be

due. In addition, requesters are advised that only requests for records which fully comply with the requirements of this paragraph can be processed in accordance with this section. However, every effort shall be made to comply with the request, including, where appropriate, asking the requester to remedy any defects in his request.

(d) *Reasonable description of records.* (1) The request for records must describe the records in reasonably sufficient detail to enable the Department of the Treasury employees who are familiar with the subject area of the request to locate the records without placing an unreasonable burden upon the constituent unit. While no specific formula for a reasonable description of a record can be established, the requirement will generally be satisfied if the requester gives the name, subject matter, and, if known, the date and location of the requested record. However, it is suggested that the person making the request furnish any additional information which will more clearly identify the requested records. Where the request does not reasonably describe the records being sought, the requester shall be afforded an opportunity to refine his request. Such opportunity may, where desirable, involve a conference with knowledgeable Department of the Treasury personnel. The reasonable description requirement shall not be used by officers or employees of the Department of the Treasury as a device for improperly withholding records from the public.

(2) The Department of the Treasury will make every reasonable effort to comply fully with all requests for access to records subject only to any applicable exemption set forth in § 1.2(c). However, in any situation in which it is determined that a request for voluminous records would unduly burden and interfere with the operations of a constituent unit, the person making the request will be asked to be more specific and to narrow the request, and to agree on an orderly procedure for the production of the requested records, in order to satisfy the request without disproportionate adverse effects on agency operations.

(e) *Date of Receipt of request.* A request for records shall be considered to have been received for purposes of this subpart on the later of the dates on which—

(1) The requirements of paragraph (c) of this section have been satisfied, and, where applicable,

(2) The requester has agreed in writing, by executing a separate contract or otherwise, to pay the fees for search and duplication determined due in accordance with § 1.6, or

(3) The fees have been waived in accordance with § 1.6(d), or

(4) Payment in advance has been received from the requester. Requests for records and any separate agreement to pay, final notification of waiver of fees, or letter transmitting prepayment shall be promptly stamped with the date of receipt or dispatch by the office prescribed in the appropriate appendix. The latest of such stamped dates will be deemed for the purposes of this subpart to be the date of receipt of the request. As soon as the date of receipt has been established as provided above, the requester shall be informed and advised when he may expect a response within the time limits specified in paragraph (g) (1) below, unless extended as provided in paragraph (i) (1) below, and the title of the officer responsible for such response.

(f) *Search for record requested.* Upon the receipt of a request, search services will be performed by Department of the Treasury employees to identify and locate the requested records. With respect to records maintained in computerized form, a search shall include services functionally analogous to searches for records which are maintained in a conventional form. However, a constituent unit of the Department of the Treasury is not required under 5 U.S.C. 552 to tabulate or compile information for the purpose of creating a record.

(g) *Initial determination.* (1) *In general.* Initial determinations as to whether to grant requests for records will be made by the officers designated in the appendices to this part. Those determinations will be made and notification thereof mailed within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (e) above, unless the designated officer invokes an extension pursuant to paragraph (i) (1) of this section or the requester otherwise agrees to an extension of the 10-day time limitation.

(2) *Granting of request.* If it is determined that the request is to be granted, and if the person making the request desires a copy of the requested records, a copy of such records shall be mailed to him together with a statement of the fees for search and duplication at the time of the determination or promptly thereafter. In the case of a request for inspection, the requester shall be notified in writing of the determination, when and where the requested records may be inspected, and of the fees involved in complying with the request. In such case, the records shall promptly be made available for inspection at the time and place stated in a manner so as not to interfere with their use by the Department of the Treasury or to exclude other persons from making inspections. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The person making the request will not be allowed to remove the records from the room where inspection is made. If, after making inspection, the person making the request desires copies of all or a portion of the requested records, copies will be furnished to him upon payment of the established fees prescribed by § 1.6.

(3) *Denial of request.* If it is determined that the request for records should be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request will be so notified by mail. The letter of notification shall specify the city or other location where the requested records are situated (if known), contain a statement of the reasons for not granting the request in full, set forth the name and title or position of the responsible official, advise the person making the request of the right to administrative appeal in accordance with paragraph (h) of this section, and specify the official or office to which such appeal shall be submitted.

(4) *Inability to locate records within time limits.* Where the records requested cannot be located and evaluated within the initial 10-day period or any extension thereof in accordance with paragraph (i) (1) of this section, the search for the records shall continue, but the requester shall be so notified, and advised that he may consider such notification a denial of access within the meaning of paragraph (3) above, and provided with the address to which an administrative appeal may be addressed. However, the requester may also be invited, in the alternative, to agree to a voluntary extension of time in which to locate the records. Such voluntary extension of time will not constitute a waiver of the requester's right to appeal any denial of access ultimately made or his right to appeal in the event of failure to comply with the time extension granted.

(h) *Administrative appeal.* At any time within 35 days after the date of the notification described in paragraph (g) of this section or the date of the letter transmitting the last records released, whichever is later, the requester may submit an administrative appeal to the official specified in the appropriate appendix to this subpart whose title and address should also have been included in the initial determination to deny access to the records. The appeal shall—

(1) Be made in writing and signed by the requester,

(2) Be addressed to and mailed or hand delivered, within 35 days of the date of the initial determination, to the office or officer specified in the appropriate appendix to this subpart and also in the initial determination. (See the appendices to this subpart for the address to which appeals made by mail should be addressed.),

(3) Reasonably describe, in accordance with paragraph (d) of this section, the records requested from the denial of access to which an appeal is being taken,

(4) Set forth the address where the requester desires to be notified of the determination on appeal,

(5) Specify the date of the initial request and date of the letter denying the initial request, and

(6) Petition such official to grant the request for records and state any arguments in support thereof.

Appeals shall be promptly stamped with the date of their receipt by the office to which addressed and such stamped date

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will be deemed to be the date of receipt for all purposes of this subpart. The receipt of the appeal shall be acknowledged by the responsible official and the requester advised of the date of receipt established by the foregoing and when a response is due in accordance with this paragraph. The determination to affirm the initial denial (in whole or in part) or to grant the request for records shall be made and notification of the determination mailed within 20 days (exclusive of Saturdays, Sundays, and legal public holidays) after the date of receipt of the appeal, unless extended pursuant to paragraph (i) (1) of this section. If it is determined that the appeal from the initial denial is to be denied (in whole or in part), the requester shall be notified in writing of the denial, the reasons therefor, the name and title or position of the official responsible for the denial on appeal, and of the provisions of 5 U.S.C. 552(a)(4) for judicial review of that determination. If a determination cannot be made within the 20-day period (or any extension thereof pursuant to paragraph (i)(1) of this section) the requester shall be promptly notified in writing that the determination will be made as soon as practicable but that the requester is nonetheless entitled to commence an action in a district court as provided in paragraph (k) of this section. However, the requester may also be invited, in the alternative, to agree to a voluntary extension of time in which to decide the appeal. Such voluntary extension shall not constitute a waiver of the right of the requester ultimately to commence an action in a United States district court.

(i) *Time extensions.* (1) *10-day extension.* In unusual circumstances, the time limitations specified in paragraphs (g) and (h) of this section may be extended by written notice from the official charged with the duty of making the determination to the person making the request or appeal setting forth the reasons for such extension and the date on which the determination is expected to be dispatched. Any extension or extensions of time shall not cumulatively total more than 10 additional working days. (For example, if an extension pursuant to this subparagraph is invoked in connection with an initial determination, any unused days of the extension period may be invoked in connection with the determination on administrative appeal by written notice from the official who is to make the appellate determination. If no extension is sought for the initial determination, an extension of 10 days may be added to the ordinary 20-day period for appellate review.) As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request, the following:

(i) The need to search for and collect the requested records from field facilities or other establishments in buildings other than the building in which the office of the official to whom the request is made is located;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request, or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more constituent units within the Department of the Treasury or within a constituent unit thereof (other than the legal staff or the component concerned with public affairs) having substantial subject-matter interest therein. Consultations with personnel of the Department of Justice concerned with requests for records under 5 U.S.C. 552 do not constitute a basis for an extension under this subdivision.

(2) *Extension by judicial review.* If a constituent unit of the Department of the Treasury fails to comply with the time limitations specified in paragraph (g) or (h) of this section and the person making the request initiates a suit in accordance with paragraph (k) of this section, the court in which the suit was initiated may retain jurisdiction and allow the constituent unit additional time to review its records, provided that the constituent unit demonstrates the existence of exceptional circumstances and the exercise of due diligence in responding to the request.

(j) *Failure to comply.* If a constituent unit of the Department of the Treasury fails to comply with the time limitations specified in paragraph (g), (h), or (i) of this section, any person making a request for records shall be deemed to have exhausted his administrative remedies with respect to such request. Accordingly, the person making the request may initiate suit as set forth in paragraph (k) of this section.

(k) *Judicial review.* If a request for records is denied upon appeal pursuant to paragraph (h) of this section, or if no determination is made within the 10-day or 20-day periods specified in paragraphs (g) and (h) of this section, respectively, together with any extension pursuant to paragraph (i)(1) of this section or by agreement of the requester, the person making the request may commence an action in a United States district court in the district in which he resides, in which his principal place of business is located, in which the records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4). Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C., App.) applicable to actions against an agency of the United States. Delivery of process shall be directed to the official specified in the appropriate appendix to this subpart as the official to receive such process.

(l) *Proceeding against officer or employee.* In accordance with 5 U.S.C. 552(a)(4)(F), the Civil Service Commission will, upon the issuance of a specified finding by a court, initiate a proceeding to determine whether disciplinary action is warranted against an officer or employee of a constituent unit of the Department of the Treasury who was primarily responsible for a withholding of records. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the head of the constituent unit and the Secretary of the Treasury, and shall send copies of the findings and recommendations to the officer or employee or his representative. For the purposes of this paragraph the officer or employee primarily responsible for withholding records is the officer or employee:

(1) Who, when no response is received within the time limits specified by paragraphs (g), (h), or (i) of this section,

(i) Is identified by title in paragraph (e) of this section as responsible for the initial determinations, or

(ii) Acknowledged the receipt of the appeal as provided in paragraph (h) of this section, unless such acknowledgement identifies another officer or employee as being responsible for the decision; or

(2) Who signed the appellate determination, unless another officer or official is named in such determination as being primarily responsible for the decision.

When the designated deciding official is not, in fact, the person making the decision, because of direction from higher authority, the designated deciding official shall state in the response to the requester that his decision is made by direction and identify the officer or employee who is responsible for such direction. When the officer or employee designated in paragraph (e) of this section as responsible for the initial determination has referred the request to another constituent unit or to another officer or employee, he remains the officer or employee responsible within the meaning of this paragraph until he has notified the requester of such referral and the title of the officer or employee who will be responsible thereafter for the response.

§ 1.6 Fees for services.

(a) *In General.* (1) This fee schedule is applicable uniformly to all constituent units of the Department of the Treasury and supersedes fees schedules heretofore published by any constituent unit of the Department. The fees indicated are to be charged only for search and duplication and under no circumstances will a fee be charged for determining whether an exemption can or should be asserted, deleting exempt matter being withheld from records to be furnished, or monitoring a requester's inspection of records made available in this manner.

(2) While certain relevant publications which are available for sale through the Government Printing Office will be placed on the shelves of the reading rooms and similar public inspection facilities, such publications will not be available for sale there. Persons desiring to purchase such publications should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, copies of pages of such publications on the public

inspection facilities' shelves may be obtained at those facilities in accordance with the schedule of fees set forth in paragraph (g) of this section.

(b) *When charged.* (1) Unless performed without charge, waived or reduced in accordance with paragraphs (c) or (d) of this section, fees shall be charged in accordance with the schedule contained in paragraph (g) of this section for services rendered in responding to requests for records.

(2) Fees may be waived or reduced at the discretion of the official who determines the availability of records, when the record is not located for any reason or when it is determined to be exempt from disclosure.

(c) *Services performed without charge.* The heads of constituent units or their delegates are authorized to determine, under the rulemaking procedures of 5 U.S.C. 553, which classes of records under their control may be provided to the public without charge, or at a reduced charge.

(d) *Waiver or reduction of fees.* (1) Fees may be waived or reduced on a case by case basis in accordance with this paragraph by the official who determines the availability of the records, provided such waiver or reduction has been requested in writing. Fees shall be waived or reduced by such official when he determines either that:

(i) The records are being requested by, or on behalf of, an individual who demonstrates in writing under penalty of perjury to the satisfaction of the deciding official that he is indigent and compliance with the request does not constitute an unreasonable burden on the constituent unit of the Department (to demonstrate indigency an individual shall show that he is eligible for Federally aided public assistance designed to supplement income on the basis of financial need, e.g., food stamp program); or

(ii) A waiver or reduction of the fees is in the public interest because furnishing the information primarily benefits the general public.

(2) Normally, no charge should be made for providing records to Federal, state or foreign governments, international governmental organizations, or local governmental agencies or offices thereof in accordance with subdivision (1)(ii) above.

(3) Appeals from denials of requests for waiver or reduction of fees shall be decided in accordance with the criteria set forth in subparagraph (1) above by the official authorized to decide appeals from denials of access to records. Appeals shall be addressed in writing to such official within 35 days of the denial of the initial request for waiver or reduction and shall be decided promptly.

(e) *Avoidance of unexpected fees.* In order to protect the requester from unexpected fees, all requests for records shall state the agreement of the requester to pay the fees determined in accordance with paragraph (g) of this section or state the amount which the requester has set as an acceptable upper limit he is willing to pay to cover the costs of processing the request. When the fees for processing the request are estimated by the constituent unit of the Department of the Treasury to exceed that limit, or when the requester has failed to state a limit and the costs are estimated to exceed $50.00 and the relevant constituent unit has not then determined to waive or reduce the fees, a notice shall be sent to the requester. This notice shall:

(1) Inform the requester of the estimated costs;

(2) Extend an offer to the requester to confer with personnel of the relevant constituent unit of the Department of the Treasury in an attempt to reformulate the request in a manner which will reduce the fees and still meet the needs of the requester; and

(3) Inform the requester that the running of the time period, within which the relevant constituent unit of the Department of the Treasury is obliged to make a determination on the request, has been tolled pending a reformulation of the request or the receipt of advance payment or an agreement from the requester to bear the estimated costs.

(f) *Form of payment.* (1) Payment shall be made by check or money order payable to the order of the Treasury of the United States or that relevant constituent unit of the Department of the Treasury.

(2) When the estimated costs exceed $50.00, the requester may be required to enter into a contract for the payment of actual costs determined in accordance with paragraph (g) below, which contract may provide for prepayment of the estimated costs in whole or in part.

(g) *Amounts to be charged for specified services.* The fees for services performed by the relevant constituent unit of the Department of the Treasury shall be imposed and collected as set forth in this paragraph. Should services other than those described be requested and rendered, appropriate fees shall be established by the head of the relevant constituent unit of the Department, or his delegate, and such fees shall be imposed and collected pursuant to 31 U.S.C. 483a, but subject to the constraints imposed by 5 U.S.C. 552(a)(4)(A).

(1) *Duplication.* (i) Photocopies, per page up to 8½" x 14"—$0.10 each.

(ii) Photographs, films and other materials—actual cost.

The constituent unit of the Department may furnish the records to be released to a private contractor for copying and shall charge the person requesting the records the actual cost of duplication charged by the private contractor. No fee will be charged where the requester furnishes the supplies and equipment and makes the copies at the government location.

(2) *Unpriced printed materials.* Otherwise printed material, which is available at the location where requested and which does not require duplication in order that copies may be furnished, will be provided at the rate of $0.25 for each twenty-five pages or fraction thereof.

(3) *Search Services.* (i) The fee charged for services of personnel involved in locating records shall be $3.50 for each hour or fraction thereof.

(ii) Where, because of the nature of the records sought and the manner in which such records are stored, a computer search is required, the fee shall be $3.50 for each hour (or fraction thereof) of personnel time associated with the search plus an amount which reflects the actual costs of extracting the stored information in the format in which it is normally produced, based on computer time and supplies necessary to comply with the request.

(4) *Searches requiring travel or transportation.* Shipping charges to transport records from one location to another, or for the transportation of an employee to the site of requested records when it is necessary to locate rather than examine the records, shall be at the rate of the actual cost of such shipping or transportation.

APPENDIX A—OFFICE OF THE SECRETARY

1. *In general.* This appendix applies to the Office of the Secretary as defined in 31 CFR § 1.1(a). It identifies the location of the public reading room at which Office of the Secretary documents are available for public inspection and copying, the officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading room.* The public reading room for the Office of the Secretary is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR § 1.5 (g) as to whether to grant requests for records for the Office of the Secretary will be made by the head of the organizational unit having immediate custody of the records requested or his delegate. Requests for records should be addressed to:

Freedom of Information Request, O.S., Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Requests may be delivered personally to the Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR § 1.5(h) with respect to records of the Office of the Secretary will be made by the Secretary, Deputy Secretary, Under Secretary, General Counsel or Assistant Secretary having jurisdiction over the organizational unit which has immediate custody of the records requested, or the delegate of such officer. Appeals made from initial determinations to deny records made by mail should be addressed to:

Freedom of Information Appeal, O.S., Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appeals may be delivered personally to the Library, Room 5030, Main Treasury Building,

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1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury or his delegate and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

APPENDIX B—INTERNAL REVENUE SERVICE

1. *In general.* This appendix applies to the Internal Revenue Service. It identifies the locations of the public reading rooms at which documents of the Internal Revenue Service are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officers designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the Internal Revenue Service, see 26 CFR 601.1 701 and 601.702.

2. *Public reading rooms.* Public reading rooms for the Internal Revenue Service are maintained at the following locations:

NATIONAL OFFICE

Mailing address: Assistant to the Commissioner (Public Affairs), Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Location: Same as mailing address.

NORTH ATLANTIC REGION

Mailing address: Regional Public Affairs Officer, Room 1002, 90 Church Street, New York, N.Y. 10007.

Location: Same as mailing address.

MID-ATLANTIC REGION

Mailing address: Regional Public Affairs Officer, Post Office Box 12805, Philadelphia, Pa. 19106.

Location: Federal Office Building, 600 Arch Street.

SOUTHEAST REGION

Mailing address: Regional Public Affairs Officer, Post Office Box 926, Atlanta, Ga. 30301.

Location: 275 Peachtree Street NE., Atlanta, Ga. 30303.

MIDWEST REGION

Mailing address: Regional Public Affairs Officer, Room 2034, 35 East Wacker Drive, Chicago, Ill. 60601.

Location: Same as mailing address.

CENTRAL REGION

Mailing address: Regional Public Affairs Officer, Post Office Box 2119, Cincinnati, Ohio 45201.

Location: Room 7106, Federal Office Building, 550 Main Street.

SOUTHWEST REGION

Mailing address: Regional Public Affairs Officer, 1114 Commerce Street, Dallas, Tex. 75202.

Location: Room 11D9, 1100 Commerce Street.

WESTERN REGION

Mailing address: Regional Public Affairs Officer, Room 2780, 525 Market Street, San Francisco, Calif. 94105.

Location: Same as mailing address.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Internal Revenue Service will be made by the Chief, Disclosure Staff or his delegate. Requests made by mail should be addressed to:

Chief, Disclosure Staff, Internal Revenue Service, c/o Ben Franklin Station, P.O. Box 388, Washington, D.C. 20044.

Requests may be delivered personally to the Office of the Chief, Disclosure Staff, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5 (h) with respect to records of the Internal Revenue Service will be made by the Commissioner of Internal Revenue or his delegate. Appeals made by mail should be addressed to:

Commissioner of Internal Revenue, c/o Ben Franklin Station, P.O. Box 929, Washington, D.C. 20044.

Requests may be delivered personally to the Director of the Disclosure Division in the Office of the Chief Counsel, in the Internal Revenue Building, located at 1111 Constitution Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner of Internal Revenue and shall be delivered to such officer as the following location:

Commissioner, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC: A: OS.

APPENDIX C—UNITED STATES CUSTOMS SERVICE

1. *In general.* This appendix applies to the United States Customs Service. It identifies the locations of the public reading rooms at which United States Customs Service documents are available for public inspection and copying, the officers designated to make initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of the requests, appeals and service of process. For additional rules promulgated specifically with respect to the United States Customs Service, see 19 CFR, Part 103.

2. *Public reading rooms.* Public reading rooms for the United States Customs Service are maintained at the following locations:

United States Customs Service (Headquarters), 2100 K Street NW., Washington, D.C. 20229.

Region I—Boston
24th Floor, John F. Kennedy Building, Government Center, Boston, Massachusetts 02203.

Region II—New York
6 World Trade Center, New York, New York 10048.

Region III—Baltimore
U.S. Customshouse, 40 Gay Street, Baltimore, Maryland 21202.

Region IV—Miami
Plaza Executive Centre, Suite 300, 7370 NW. 36th Street, Miami, Florida 33166.

Region V—New Orleans
Room 13036, Federal Building, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Region VI—Houston
500 Dallas Street, Suite 1240, Houston, Texas 77002.

Region VII—Los Angeles
New Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

Region VIII—San Francisco
New Federal Building, 450 Golden Gate Avenue, Box 37117, San Francisco, California 94102.

Region IX—Chicago
Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

(b) Requests for information from Headquarters of the United States Customs Service should be mailed or personally delivered to the Director, Classification and Value Division, Office of Regulations and Rulings, United States Customs Service, 2100 K Street NW., Washington, D.C. 20229. Any substantive denial of an initial request for information under 31 CFR 1.5(g) will be made by the Assistant Commissioner, Office of Regulations and Rulings, United States Customs Service.

(c) All such requests should be conspicuously labeled on the face of the envelope "Freedom of Information Act Request" or "FOIA Request".

(d) It should be noted that on or about April 1, 1975, the address of Headquarters will change to Constitution Avenue and 14th Street NW., Washington, D.C. 20229.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR § 1.5(h) will be made by the Commissioner of Customs, and all such appeals should be mailed or personally delivered to the United States Customs Service, 2100 K Street NW., Washington, D.C. 20229. It should be noted that on or about April 1, 1975, the address for Headquarters will change to Constitution Avenue and 14th Street NW., Washington, D.C. 20229.

5. *Delivery of process.* Service of process will be received by the Chief Counsel, United States Customs Service, 2100 K Street NW., Washington, D.C. 20229. It should be noted that on or about April 1, 1975, the address of Headquarters will change to Constitution Avenue and 14th Street NW., Washington, D.C. 20229.

APPENDIX D—UNITED STATES SECRET SERVICE

1. *In general.* This appendix applies to the United States Secret Service. It identifies the location of the public reading room at which Secret Service documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the U.S. Secret Service, see 31 CFR 401 through 408.3.

2. *Public reading rooms.* No room has been set aside for this purpose. The U.S. Secret Service will provide a room on an ad hoc basis when necessary.

3. *Requests for records.* Initial determinations under 31 CFR 1.5 (g) as to whether to grant requests for records of the U.S. Secret Service will be made by the Assistant to the Director, Office of Public Affairs, U.S. Secret Service. Requests made by mail should be addressed to:

Assistant to the Director, Office of Public Affairs, U.S. Secret Service, 1800 G Street NW., Room 805, Washington, D.C. 20223.

Requests may be delivered personally to the Office of Public Affairs, U.S. Secret Service, 1800 G Street NW., Room 805, Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5 (h) with respect to records of the U.S. Secret Service will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs). Appeals made by mail should be addressed to:

Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 3448, Washington, D.C. 20220.

Requests may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) in Room 3448, Main Treasury Building located at 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the U.S. Secret Service Legal Counsel and shall be delivered to such officer at the following location:

Legal Counsel, U.S. Secret Service, 1800 G Street NW., Room 801, Washington, D.C. 20223.

APPENDIX E—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

1. *In general.* This appendix applies to the Bureau of Alcohol, Tobacco and Firearms. It identifies the locations of the public reading rooms at which documents of the Bureau of Alcohol, Tobacco and Firearms are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process, and the addresses for delivery of requests, appeals, and service of process. For additional rules promulgated specifically with respect to the Bureau of Alcohol, Tobacco and Firearms, see 27 CFR, Part 71.

2. *Public reading rooms.* Public reading rooms for the Bureau of Alcohol, Tobacco and Firearms are maintained at the following locations:

BUREAU HEADQUARTERS

Mailing address: Assistant to the Director for Public Affairs, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

Location: Same as mailing address.

NORTH ATLANTIC REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 6 World Trade Center, New York, New York 10048.

Location: Same as mailing address.

MID-ATLANTIC REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.

Location: Same as mailing address.

SOUTHEAST REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 2009, Atlanta, Georgia 30303.

Location: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 3835 Northeast Expressway, Atlanta, Georgia 30303.

MIDWEST REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 230 South Dearborn Street, Chicago, Illinois 60604.

Location: Same as mailing address.

CENTRAL REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 550 Main Street, Cincinnati, Ohio 45202.

Location: Same as mailing address.

SOUTHWEST REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 1114 Commerce Street, Dallas, Texas 75202.

Location: Same as mailing address.

WESTERN REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, 34th Floor, San Francisco, California 94105.

Location: Same as mailing address.

3. *Requests for records.* Initial determinations under 31 CFR § 1.5(g) as to whether to grant requests for records of the Bureau of Alcohol, Tobacco and Firearms will be made by the Assistant to the Director for Public Affairs or his delegate. Requests made by mail should be addressed to:

Assistant to the Director for Public Affairs, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

Requests may be delivered personally to the office of the:

Assistant to the Director for Public Affairs, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

4. *Administrative appeal of initial determination to deny records.* Appellate determination under 31 CFR 1.5(h) with respect to records of the Bureau of Alcohol, Tobacco, and Firearms will be made by the Director of the Bureau of Alcohol, Tobacco, and Firearms or his delegate. Appeals made by mail should be addressed to:

Director, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

Requests may be delivered personally to the office of the Director, Bureau of Alcohol, Tobacco, and Firearms at 1200 Pennsylvania Avenue, NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Director of the Bureau of Alcohol, Tobacco, and Firearms and shall be delivered to such officer at the following location:

Director, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226. Attention: Chief Counsel.

APPENDIX F—BUREAU OF ENGRAVING AND PRINTING

1. *In general.* This appendix applies to the Bureau of Engraving and Printing. It identifies the locations of the public reading rooms at which Bureau of Engraving and Printing documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process.

2. *Public reading rooms.* No room has been set aside for this purpose. The Bureau of Engraving and Printing will provide a room on an ad hoc basis when necessary.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Bureau of Engraving and Printing will be made by the Director, Bureau of Engraving and Printing. Requests made by mail should be addressed to:

Director,
Bureau of Engraving and Printing, Department of the Treasury, 14th and C Streets SW., Washington, D.C. 20228.

Requests may be delivered personally to the Director, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Bureau of Engraving and Printing will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs). Appeals made by mail should be addressed to:

Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 3448, Washington, D.C. 20220.

Requests may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) in Room 3448, Main Treasury Building located at 1500 Pennsylvania Avenue, NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

APPENDIX G—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

1. *In general.* This appendix applies to the Bureau of Government Financial Operations. It identifies the location of the public reading room at which documents of the Bureau of Government Financial Operations are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the Bureau of Government Financial Operations is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to

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grant requests for records will be made by the Director, Executive Staff. Requests made by mail should be addressed to:

Director, Executive Staff (FOIA), Bureau of Government Financial Operations, Department of the Treasury, Room 600, Treasury Annex No. 1, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Director, Executive Staff, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Drive NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) will be made by the Commissioner, Bureau of Government Financial Operations. Appeals made by mail should be addressed to:

Commissioner, Bureau of Government Financial Operations (FOIA), Department of the Treasury, Room 3132, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appeals may be delivered personally to the office of the Commissioner, Bureau of Government Financial Operations, Room 3132, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner, Bureau of Government Financial Operations and shall be delivered to such officer at the following location:

Commissioner, Bureau of Government Financial Operations, Department of the Treasury, Room 3132, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

APPENDIX H—BUREAU OF THE MINT

1. *In General.* This appendix applies to the Bureau of the Mint. It identifies the location of the public reading room at which documents of the Bureau of the Mint are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* No room has been set aside for this purpose. The Bureau of the Mint will provide a room on an ad hoc basis when necessary.

3. *Requests for records.* Initial determinations under 31 CFR 1.5 (g) as to whether to grant requests for records of the Bureau of the Mint will be made by the Assistant Director for Public Services, Bureau of the Mint. Requests made by mail should be addressed to:

Chief, Information Systems and Documentation Branch, Bureau of the Mint, Department of the Treasury, Room 912, Warner Building, Washington, D.C. 20220.

Requests may be delivered personally to Information Systems and Documentation Branch of the Bureau of the Mint, Room 912, Warner Building located at 501 13th Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Bureau of the Mint will be made by the Director of the Mint. Appeals made by mail should be addressed to:

Director of the Mint, Department of the Treasury, Washington, D.C. 20220.

Requests may be delivered personally to the office of the Director of the Mint in Room 2064, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Director of the Mint and shall be delivered to such officer at the following location:

Director of the Mint, Room 2064, Main Treasury Building, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

APPENDIX I—BUREAU OF THE PUBLIC DEBT

1. *In general.* This appendix applies to the Bureau of the Public Debt. It identifies the location of the public reading room at which Bureau of the Public Debt documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the Bureau of the Public Debt, see 31 CFR, Part 323.

2. *Public reading rooms.* The public reading room for the Bureau of the Public Debt is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Information Officer of the Bureau of the Public Debt. Requests made by mail should be addressed to:

Information Officer, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Information Officer, Room 200, Washington Building, 1435 G Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Bureau of the Public Debt will be made by the Commissioner of the Public Debt. Appeals made by mail should be addressed to:

Commissioner,
Bureau of the Public Debt,
Department of the Treasury,
Washington, D.C. 20226.

Requests may be delivered personally to the Chief Counsel of the Bureau of the Public Debt, Room 200, Washington Building, 1435 G Street NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner of the Public Debt and shall be delivered to such officer at the following location:

Commissioner, Bureau of the Public Debt,
Room 300, Washington Building,
1435 G Street NW.,
Washington, D.C. 20226.

APPENDIX J—OFFICE OF THE COMPTROLLER OF THE CURRENCY

1. *In general.* This appendix applies to the Office of the Comptroller of the Currency. It identifies the locations of the public reading rooms at which documents of the Office of the Comptroller of the Currency are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the Office of the Comptroller of the Currency, see 12 CFR, Part 4.

2. *Public reading rooms.* Public reading rooms for the Office of the Comptroller of the Currency are maintained at the following locations for the records as stated:

NATIONAL OFFICE

Mailing address: Special Assistant for Public Affairs, Comptroller of the Currency, Washington, D.C. 20219.

Location: Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C.

Locations at which certain records are available: All public records of the Comptrollers of the Currency, except the public portions of applications by national banking associations to establish a branch or seasonal agency and the public portion of applications to organize a national banking association during the period such applications are in the investigatory process in the respective regions, are available in the national office listed above. During this investigatory period, the public portions of these applications will be available in the respective regions listed below.

REGIONAL OFFICES

Mailing address and location for each region listed below are the same:

Region	Area within region	Office address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.	Three Center Plaza, Suite P-400, Boston, Mass. 02108.
2	New York, New Jersey, Puerto Rico, Virgin Islands.	33 Liberty St., Room 621, New York, N.Y. 10005.
3	Pennsylvania, Delaware.	Three Parkway, Suite 1316, Philadelphia, Pa. 19107.
4	Indiana, Ohio, Kentucky.	One Erieview Plaza, Cleveland, Ohio 44114.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	400 North Eighth St., Room 5215, Richmond, Va. 23240.
6	South Carolina, Georgia, Florida.	1510 First National Bank Bldg., Two Peachtree St. NW., Atlanta, Ga. 30303.
7	Illinois, Michigan	164 West Jackson Blvd., Room 715, Chicago, Ill. 60604.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	165 Madison Ave., Rm. 1900, Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin.	822 Marquette Ave., Rm. 300, Minneapolis, Minn. 55402.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main St., Suite 2616, Kansas City, Mo. 64105.
11	Oklahoma, Texas	1401 Elm St., Suite 4500, Dallas, Tex. 75202.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1600 Broadway, Suite 1800, Denver, Colo. 80202.
13	Washington, Oregon, Idaho, Montana, Alaska.	707 Southwest Washington St., Room 900, Portland, Oreg. 97205.
14	California, Nevada, Hawaii, Guam.	555 California St., Suite 3039, San Francisco, Calif. 94104.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Office of the Comptroller of the Currency will be made by the Special Assistant for Public Affairs or his delegate. Requests made by mail should be addressed to:

Special Assistant for Public Affairs, Comptroller of the Currency, Washington, D.C. 20219.

Requests may be delivered personally to the office of the Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza East, SW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Office of the Comptroller of the Currency will be made by the First Deputy Comptroller or his delegate. Appeals made by mail should be addressed to:

Special Assistant for Public Affairs, Comptroller of the Currency, Washington, D.C. 20219.

Appeals may be delivered personally to the office of the Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Chief Counsel, Comptroller of the Currency and shall be delivered to such officer at the following location:

Office of the Chief Counsel, Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

APPENDIX K—UNITED STATES SAVINGS BOND DIVISION

1. *In general.* This appendix applies to the United States Savings Bond Division. It identifies the location of the public reading room at which United States Savings Bond Division documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the United States Savings Bond Division is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Information Officer of the Bureau of the Public Debt. Requests made by mail should be addressed to:

Information Officer, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Information Officer, Room 200, Warner Building, 1435 G Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5 (h) with respect to records of the United States Savings Bond Division will be made by the Commissioner of the Public Debt. Appeals made by mail should be addressed to:

Commissioner, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the Chief Counsel of the Bureau of the Public Debt, Room 200, Washington Building, 1435 G Street NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner of the Public Debt and shall be delivered to such officer at the following location:

Commissioner, Bureau of the Public Debt,
Room 300, Washington Building, 1435 G Street NW., Washington, D.C. 20226.

APPENDIX L—CONSOLIDATED FEDERAL LAW ENFORCEMENT TRAINING CENTER

1. *In general.* This appendix applies to the Consolidated Federal Law Enforcement Training Center. It identifies the location of the public reading room at which Consolidated Federal Law Enforcement Training Center documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the Consolidated Federal Law Enforcement Training Center is maintained at the following location:

Library, Room 514, Consolidated Federal Law Enforcement Training Center, 1310 L Street NW., Washington, D.C.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Director, Consolidated Federal Law Enforcement Training Center. Requests made by mail should be addressed to:

Director,
Consolidated Federal Law Enforcement Training Center, Department of the Treasury, Washington, D.C. 20220.

Requests may be delivered personally to the Library, Room 514, 1310 L Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Consolidated Federal Law Enforcement Training Center will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs). Appeals made by mail should be addressed to:

Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 3448, Washington, D.C. 20220.

Requests may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Room 3448, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel,
Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

APPENDIX M—OFFICE OF THE ASSISTANT SECRETARY FOR TAX POLICY

1. *In general.* This appendix applies to the Office of the Assistant Secretary for Tax Policy, including the Office of International Tax Counsel, the Office of Tax Analysis, the Office of the Tax Legislative Counsel, and generally the Office of Industrial Economics. It identifies the locations of the public reading rooms at which documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the Office of the Assistant Secretary for Tax Policy is maintained at the following location:

Library, Room 5030, Main Treasury Building, Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Office of the Assistant Secretary for Tax Policy will be made by the Freedom of Information Officer, Office of Tax Legislative Counsel, or

Deputy Tax Legislative Counsel, Room 3064, Main Treasury Building, Washington, D.C. 20220.

Requests for records should be addressed to:

Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 4028, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Requests may be delivered personally to the Freedom of Information Officer at the same address.

4. *Administrative appeal of initial determination to deny records.* Appeals from initial determinations to deny records made by mail should be addressed to:

Assistant Secretary for Tax Policy, Department of the Treasury, Room 3112, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appeals may be delivered personally to the Assistant Secretary for Tax Policy at the same address.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Subpart B—Under Other Provisions

§ 1.7 Scope.

The regulations in this subpart concern access to information and records other than under 5 U.S.C. 552. This subpart is applicable only to the Office of the Secretary as defined in § 1.1(a) of this part and the Bureau of Engraving and Printing, the United States Savings Bond Division and the United States Secret Service.

[§§1.8 through 1.11 are not changed by this document.]

Done at Washington, District of Columbia, this 18th day of February, 1975.

[SEAL] STEPHEN S. GARDNER,
Deputy Secretary of the Treasury.

[FR Doc.75-4760 Filed 2-18-75;1:28 pm]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Freedom of Information Act Fees

On February 7, 1975, there was published in the FEDERAL REGISTER (40 FR 5783) a notice of proposed rulemaking with a proposed uniform fee schedule for requests under the Freedom of Information Act. The uniform fee schedule will provide fees to be charged for manual searches for records, for duplicating records and for computer services involved in producing records. The fees to be charged are based on the direct costs of performing these services.

No comments on the proposed schedule were received from the public; however, based on suggestions from representatives of the Department paragraphs (1) and (2) have been changed to clarify the intention that the fees referenced therein apply only to copies produced from ordinary office copying machines.

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Accordingly, with editorial changes, the proposed Appendix A is adopted as set forth below.

APPENDIX A

FEES

The following uniform fee schedule is applicable to all constituent units of the Department. It states the fees to be charged to members of the public for services performed in locating and making available records or copies thereof in connection with requests made under the Freedom of Information Act. It also states the fees to be charged for certification of documents.

(1) *Photo copies, basic fee.* For photo copies of documents other than documents requiring special handling because of their age or unusual dimensions: $0.25 for the first page of copy, $0.05 for each page of copy thereafter reproduced on a standard office duplicating machine, in size up to 8½" x 13".

(2) *Photo copies, documents requiring special handling.* For photo copies of documents which require special handling because of their age: $0.25 for the first page of copy, $0.10 for each page of copy thereafter reproduced on a standard office duplicating machine, in size up to 8½" x 13".

(3) [Reserved].

(4) [Reserved].

(5) *Clerical searches.* For each quarter hour, or portion thereof, spent by clerical personnel in locating a requested record or records: $1.10.

(6) *Nonclerical searches.* For each quarter hour, or portion thereof, spent by professional or managerial personnel in locating a requested record or records where the search cannot be performed by clerical personnel: $2.10.

(7) [Reserved].

(8) Certification. For each certificate of verification attached to authenticated copies of records furnished to the public: $0.25.

(9) [Reserved].

(10) *Computerized records, computer time charges.* For services in processing requests for records maintained in computerized form (includes personnel cost):

(a) CDC 6500.

(i) Batch use, central processing unit per hour, $160.00.

(ii) Batch use, Input/Output, per hour, $138.00.

(iii) Remote Terminals, central processing unit, per hour, $160.00.

(iv) Remote Terminals, Input/Output, per hour, $250.00.

(v) Remote Terminals, connect time, per hour, $5.00.

(vi) Plotters, $24.00.

(b) Burroughs 5500

(i) Computer time, per hour, $66.00.

(c) CYBER 74–28

(i) Central Memory, kiloword hour, $10.53.

(ii) Extended Core Storage, kiloword hour, $5.92.

(iii) Mass Storage, Input/Output, per 1000 physical records, $0.07.

(iv) Central processor, per second, $0.10.

(v) Magnetic Tape, Input/Output, per 1000 physical records, $3.01.

(vi) Card Input, per 1000 cards, $0.85.

(vii) Card Output, per 1000 cards, $11.75.

(viii) Printer, per 1000 lines, $0.66.

(ix) Interactive Terminal, connect time, per hour, $3.60.

(d) IBM 1130

(i) Computer time, per hour, $25.00.

(e) IBM 1620

(i) Computer time, per hour, $15.00.

(f) NCR 200

(i) In house batch, per hour, $19.00.

(ii) Remote batch, per hour, $22.00.

(g) DEC 1070

(i) *Basic charge for batch processing.* $4.00 per job plus $2.16 per 1000 disk accesses plus $260.00 per hour central processor charge.

(ii) *Core use charge.* In addition to the basic charges, a core use charge is added to each job. This charge is computed using the following formula: CPU Charge under paragraph (i) multiplied by Words of Core, divided by 25,000.

(iii) *Terminal Access by COPE 1200.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per COPE 1200 machine resource unit, defined as follows: Lines printed, divided by 13,333, plus cards read, divided by 5,556, plus cards punched, divided by 2,500.

(iv) *Terminal access by Data 110 Model 78.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per model 78 machine resource unit, defined as follows: Lines printed, divided by 12,300, plus cards read, divided by 7,000, plus cards punched, divided by 4,500.

(v) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Froedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on the following basis: $2.00 per job plus $1.26 per 1000 disk accesses plus $260.00 per hour central processor charge.

(h) IBM 360/65 and 370/155.

(i) *Basic charge for batch processing.* $16.00 per job plus $33.03 per 1000 tape access plus $11.01 per 1000 disk access plus $3.67 per 1000 drum accesses plus $1320.00 per hour central processor charge.

(ii) *Core use charge.* (A) If in any Job Step the amount of core reserved exceeds the amount of core used by more than 20K, the basic charges are increased for every Job Step by 1% for each 1K of such excess core reserved. If the excess condition exists in more than one Job Step, the maximum excess is applied to the charges for all Job Steps. The minimum charge is $10.00.

(iii) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Freedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on any one of seven lower priority bases. The charge for each priority basis is as follows:

(A) *Priority A.* $7.50 per job plus $21.96 per 1000 tape accesses plus $7.32 per 1000 disk accesses plus $2.44 per 1000 drum accesses plus $880.00 per hour central processor charge.

(B) *Priority B and C.* $3.00 plus $10.98 plus $3.66 plus $1.22 plus $440.00 per hour central processor charge.

(C) *Priority D and E.* $1.50 plus $6.48 plus $2.60 plus $0.72 plus $260.00 per central processor charge.

(D) *Priority F.* $1.00 plus $3.24 plus $1.08 plus $0.36 plus $130.00 per central processor charge.

(11) *Computerized records, materials.* For materials used in processing requests for records maintained in computerized form:

(a) Paper. $7.00 per 1000 sheets.

(b) Cards. $1.60 per 1000 cards.

(12) [Reserved]

(13) [Reserved]

(14) *Other services.* When a response to a request requires services or materials other than the common ones described in this schedule, the direct cost of such services or materials to the Government may be charged, but only if the requester has been notified of such cost before it is incurred.

(15) *Effective dates.* This schedule applies to all requests made under the Freedom of Information Act between February 19, 1975 and November 30, 1975, inclusive.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4778 Filed 2-18-75;3:20 pm]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5489]

[Idaho 4350]

IDAHO

Withdrawal for Atomic Energy Commission Communications Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Atomic Energy Commission, now the Energy Research and Development Administration:

BOISE MERIDIAN

T. 2 N., R. 39 E.,
Sec. 6, lot 1.

The area described contains 40.26 acres in Bonneville County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 12, 1975.

[FR Doc.75-4549 Filed 2-19-75;8:45 am]

[Public Land Order 5490]

[Oregon 012693]

OREGON

Withdrawal for Multiple Use Management

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights and to provisions of existing withdrawals, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, except the mining laws, 30 U.S.C. Ch. 2, the mineral leasing laws, 30 U.S.C. 181, et seq. (1970), the Materials Sale Act of July 31, 1947, 30 U.S.C. 601–604 (1970), the Recreation and Public Purposes Act of 43 U.S.C. 869, and except sales and exchanges initiated by the Bureau of Land Management under R.S. 2455, 43 U.S.C. 1171 (1970), and Section 8 of the Act of June 28, 1934, 43 U.S.C. 315g (1970), respectively, and reserved for multiple use management, including sustained yield of forest resources in connection with intermingled revested Oregon and California Railroad Grant Lands and reconveyed Coos Bay Wagon Road Grant Lands:

WILLAMETTE MERIDIAN

All public lands in and west of Range 8 East and all lands within that area which hereinafter become public lands.

The areas described aggregate approximately 243,000 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 12, 1975.

[FR Doc.75-4546 Filed 2-19-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Delegations of Authority; Chief, Common Carrier Bureau

1. The Commission has completed a review of the delegations of authority to the Chief, Common Carrier Bureau, and has concluded that in addition to the need for up-dating, the public interest would be served by eliminating where appropriate the recitation of specific delegations of authority presently appearing in certain sections of the rules (§§ 0.291, 0.292, 0.294, 0.295, 0.296, 0.297 and 0.298) and in lieu thereof condensing and restructuring those sections in terms of those matters to be referred to the Commission. As so amended, the residue of undefined matters will be disposed of at staff level in accordance with established policy and precedent unless a particular matter warrants referral to the Commission. It also appears desirable to merge the Telephone and Telegraph Committees into a single unit and to rename the group The Telecommunications Committee.

2. Authority for the adoption of this Order is contained in section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission management, practices, and procedure, and because the early implementation of these changes will expedite the transaction of public business, compliance with the notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, is not required.

3. Accordingly, *It is ordered,* That the §§ 0.214, 0.292, 0.294, 0.295, 0.296, 0.297, and 0.298 of the Commission's rules are deleted.

4. *It is further ordered,* That § 0.293 of the Commission's rules is renumbered 0.292.

5. *It is further ordered,* That §§ 0.215, 0.291, 0.302, 0.303 and 0.307 of the Commission's rules are amended in the manner set forth below effective February 19, 1975.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: February 4, 1975.

Released: February 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 0.91, paragraph (e) and (g) are revised, and (h) added to read as follows:

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends, and administers policies and programs with respect to the regulation of rates, services, accounting, reporting, and facilities of communication common carriers involving the use of wire, cable, radio and space satellites. The Bureau performs the following functions:

. . . . .

(e) Advises and assists members of the public and the industries regulated on Commission policy and regulations.

. . . . .

(g) Obtains from carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

(h) Carries out the functions of the Commission or the Telecommunications Committee under the Communications Act of 1934, as amended, except as reserved to Commission under § 0.291.

§ 0.214 [Deleted]

2. Section 0.214 is deleted.

3. The heading and text of § 0.215 is revised to read as follows:

§ 0.215 Telecommunications Committee.

A Telecommunications Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under section 214 or 319 of the Communications Act of 1934, as amended, by communications common carriers, for certificates or authorizations for the construction, acquisition, operation, or extension of wire, cable, or radio facilities, for temporary or emergency service, for supplementing existing facilities, for discontinuance, reduction, or impairment of service, except those covered by § 0.291.

4. Section 0.291 and headnote are revised to read as follows:

§ 0.291 Authority Delegated.

The Chief, Common Carrier Bureau is hereby delegated authority to perform all functions of the Bureau, as described in § 0.91, with the following exceptions.

(a) *Authority concerning applications.* (1) Authority to act on any formal and informal radio applications and section 214 applications for common carrier services (including all marine and aeronautical applications) which are in hearing status or subject of a petition to deny or where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of $10 million or the annual rental is in excess of $2 million. (The only exception to these monetary limitations will be special temporary authorizations in the event of extraordinary circumstances requiring the immediate restoration or institution of public service).

(2) Authority to act on any applications or requests which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Authority concerning sections 219 and 220 of the Act.* Authority to promulgate regulations and orders pursuant to sections 219 and 220 of the Communications Act of 1934, as amended.

(c) *Authority concerning section 221 (a) of the Act.* (1) Authority to determine upon consideration of all relevant factors whether hearings shall be held on applications filed under section 221(a) of the Communications Act of 1934, as amended, where a request has been made by a telephone company, an association of telephone companies, a State Commission or local government authority.

(2) Authority to act in all cases upon applications filed under section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is in excess of $1 million.

(3) Authority to act upon any application, petition or request under section 221(a) of the Communications Act of 1934, as amended, which presents novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(d) *Authority concerning tariff regulations.* Authority to determine whether a tariff filed on sixty days notice shall be suspended; or whether a tariff filed on thirty days notice shall be suspended for more than thirty days.

(e) *Authority concerning non-common carrier satellite systems.* Authority to determine whether a construction permit shall be granted for a non-common carrier satellite system, or any part thereof, where the construction costs are in excess of $10 million.

(f) *Authority to designate for hearing.* Authority to designate for hearing all formal complaints and all applications except mutually exclusive applications for radio facilities filed pursuant to Parts 21, 23 and 25 of this chapter.

(g) *Authority concerning forfeitures.* Authority to impose, reduce, or cancel forfeitures pursuant to sections 203 and 510 of the Communications Act of 1934, as amended, in amounts of $10,000 or more.

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(h) *Authority concerning applications for review.* Authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau pursuant to any delegated authority.

§ 0.292 [Deleted]

5. Section 0.292 is deleted.

§ 0.293 [Redesignated]

6. Section 0.293 is renumbered 0.292.

§§ 0.294–0.298 [Deleted]

7. Sections 0.294, 0.295, 0.296, 0.297 and 0.298 are deleted.

8. In § 0.302, paragraphs (c) and (d) are added to read as follows:

§ 0.302 Authority concerning records and papers.

* * * * *

(c) To return, in rulemaking proceedings, pleadings which:

(1) Combine requests in a manner prohibited by § 0.229(c) of this chapter.

(2) Fail to contain an appropriate affidavit as required by § 1.229(c) of this chapter.

(d) To act on complaints filed under section 208 of the Communications Act, which, contrary to the provisions of §§ 1.716 or 1.722 of this chapter, fail to allege facts which, if true, would constitute a violation of the Communications Act or of a Commission Order, rule, or regulation.

9. Section 0.303(g) is revised to read as follows:

§ 0.303 Authority concerning extension of time and waivers.

* * * * *

g) For extensions of time within which to file pleadings before the Chief, Common Carrier Bureau on any matter not in hearing status.

10. Section 0.307 is revised to read as follows:

§ 0.307 Record of actions taken.

The application and authorization files in the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief, Common Carrier Bureau pursuant to authority delegated to him. In the case of joint authority exercised by the Chief, Common Carrier Bureau, and the Chief, Safety and Special Radio Services Bureau, § 0.337 applies.

[FR Doc.75-4603 Filed 2-19-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1210]

PART 1033—CAR SERVICE

Track Use Authorization

FEBRUARY 14, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of February 1975.

It appearing, that the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC), in Finance Docket No. 26154, has been authorized to abandon operations over the line of the Providence and Worcester Company (P&W) between Worcester, Massachusetts, and Providence, Rhode Island; that the P&W has concurrently been authorized to resume separate operation of its line between these points; that the Slatersville, Rhode Island branch and the Wrentham, Rhode Island branch of the PC have been severed of direct connections with the remainder of the PC by reason of abandonment of operations of the PC over the line of the P&W; that the P&W has consented to operate the Slatersville and Wrentham branches of the PC for the account of the PC, subject to approval by the Commission of a permanent operating agreement; that certain other operations of the P&W over tracks of the PC and of the PC over tracks of the P&W are required to permit separate operations of the P&W and the PC in the manner ordered by the Commission; that continued operation of the P&W and of the Slatersville and Wrentham branches of the PC is necessary to provide uninterrupted railroad service to shippers served by these lines; that operation by the P&W over tracks of the PC and by the PC over tracks of the P&W is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1210 Service Order No. 1210.

(a) The Providence and Worcester Company (P&W) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, (PC), pending disposition by the Commission of applications seeking approval of permanent agreements for the operation of such lines.

(1) The P&W is authorized to operate over the Norwich and Worcester tracks of the PC along Southbridge Street between Norwich and Worcester survey station 72+46 and joint P&W—Norwich and Worcester survey station 2240+99, all in Worcester, Massachusetts.

(2) The P&W is authorized to operate over the Slatersville and Wrentham branches of the PC from a point of connection near Woonsocket, Rhode Island, to the ends of the track at Woonsocket and at Slatersville, Rhode Island, a distance of approximately 4.4 miles (the Slatersville branch) and from a point of connection near Valley Falls, Rhode Island, to the end of the track, a distance of approximately 1 mile (the Wrentham branch).

(b) The P&W and PC, be, and they are hereby, authorized to operate over tracks of the other between Boston Switch in Central Falls, Rhode Island and DePasquale Avenue in Providence, Rhode Island, a distance of approximately 5 miles.

(c) The P&W and the PC be, and they are hereby, authorized to operate jointly over tracks between Wilkes Barre pier and the junction of the Darlington and East Junction lines, all in the vicinity of East Providence, Rhode Island.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(e) *Rates applicable.* Inasmuch as this operation by the P&W over tracks of the PC and by the PC over tracks of the P&W is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via the PC, until tariffs naming rates and routes specifically applicable via the P&W become effective.

(f) Nothing herein shall be considered as a pre-judgment of the dispute between the parties as to the use by either railroad of tracks owned by the other, or tracks owned jointly by them.

(g) *Effective date.* This order shall become effective at 11:59 p.m., February 14, 1975.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 1, 1975, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4665 Filed 2-19-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEDUCTIBILITY OF FINES AND PENALTIES

Notice of Proposed Rule Making

On December 6, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25936) to conform the Income Tax Regulations under sections 61, 162, 212, and 471 of the Internal Revenue Code of 1954 to section 902 of the Tax Reform Act of 1969 (83 Stat. 710) and section 310 of the Revenue Act of 1971 (85 Stat. 525). The proposed amendment to the regulations under section 61 as set forth in paragraph (1) of the appendix to such notice was effectuated as part of Treasury Decision 7285, published in the FEDERAL REGISTER for September 19, 1973 (38 FR 26184). The proposed regulations set forth in paragraphs (2) through (7) of the appendix to such notice, with the exception of two portions of one paragraph of the proposed regulations under section 162(f), were adopted in revised form in Treasury Decision 7345, published in the FEDERAL REGISTER for February 20, 1975, 40 FR 7437. The following relates to those excepted portions.

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 24, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulation should submit his request, in writing, to the Commissioner by March 24, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER, *Commissioner of Internal Revenue.*

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 162(f) of the Internal Revenue Code of 1954, in order to clarify the definition of fines or similar penalties for purposes of that section.

A previous notice of proposed rule making published December 6, 1972 in the FEDERAL REGISTER (37 FR 25936) contained language excluding from the definition of a fine and similar penalty sanctions imposed to encourage prompt compliance with filing or other requirements if the sanction was more in the nature of a late charge or interest charge than a fine. This language has been removed because it is inconsistent with the general Congressional intent in enacting section 162(f) not to liberalize the law with respect to the nondeductibility of fines and penalties.

The category of fines and similar penalties includes amounts paid pursuant to a conviction or a plea of guilty or nolo contendere in a criminal proceeding, amounts paid as a civil penalty imposed by Federal, State, or local law (including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Code), amounts paid in settlement of an actual or potential liability for a fine or penalty, and amounts forfeited as collateral posted in connection with a proceeding which could result in a fine or penalty; but it excludes expenses of defending against a prosecution or civil suit and compensatory damages paid to a government.

In order to clarify the definition of fines or similar penalties for purposes of section 162(f) of the Internal Revenue Code of 1954, the Income Tax Regulations (26 CFR Part 1) are amended by revising paragraph (b) (1) (ii) and (2) of § 1.162–21 to read as follows:

§ 1.162–21 Fines and penalties.

* * * * *

(b) *Definition.* * * *

(1) * * *

(ii) Paid as a civil penalty imposed by Federal, State, or local law, including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Internal Revenue Code of 1954;

* * * * *

(2) The amount of a fine or penalty does not include legal fees and related expenses paid or incurred in the defense of a prosecution or civil action arising from a violation of the law imposing the fine or civil penalty, nor court costs assessed against the taxpayer, or stenographic and printing charges. Compensatory damages (including damages under section 4A of the Clayton Act (15 U.S.C. 15a), as amended) paid to a government do not constitute a fine or penalty.

[FR Doc.75-4670 Filed 2-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 4110, 4120, 4130]

CONSERVATION OR PROTECTION OF NATURAL RESOURCES OR THE ENVIRONMENT

Proposed License, Permit, and Leasing Procedures; Requirements and Conditions

On pages 4262 and 4263 of the FEDERAL REGISTER of March 1, 1972, there was published a notice and text of a proposed amendment to Parts 4110, 4120 and 4130 of Title 43, Code of Federal Regulations. The purpose of that proposed amendment was to make grazing privileges subject to cancellation where a grazier has violated or failed to comply with any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment and (1) grazing land administered by the Bureau of Land Management is involved or affected; and (2) such violation or failure to comply is related to a grazing use authorized by said lease, license, or permit.

Interested persons were given until June 12, 1973, within which to submit comments, suggestions, or objections to the proposed amendment. One hundred and fifty comments were received.

The proposed rulemaking has been revised to require conviction of a violation of a Federal or State law concerning the

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conservation or protection of natural resources or the environment as a prerequisite to reduction or cancellation of a grazing lease, license, or permit by the Bureau of Land Management. This requirement will make these regulations more consistent with regulations being promulgated under the Act of June 8, 1940, the Bald Eagle Protection Act (16 U.S.C. 668), as amended October 23, 1972 (Pub. L. 92-535). Proposed rules to incorporate the provisions of Pub. L. 92-535 into the Code of Federal Regulations were published September 18, 1974.

Since the revised proposal constitutes a substantive change from the proposed rulemaking published March 1, 1972, interested parties may again submit written comments, suggestions, or objections to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until March 24, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5625, Interior Building, Washington, D.C., during regular business hours (7:45 a.m. - 4:15 p.m.).

ROLAND G. ROBISON, JR.,
Deputy Assistant Secretary of the Interior.

FEBRUARY 12, 1975.

Parts 4110, 4120, 4130, of Subchapter D of Chapter II, Title 43 of the Code of Federal Regulations are amended as follows:

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

1. A new paragraph (15) is added to § 4115.2-1(e) of Part 4110 to read as follows:

§ 4115.2-1 License and permit procedures; requirements and conditions.

* * * * *

(e) * * *

(15) The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment may result in the cancellation or reduction of a license or permit where (i) grazing land administered by the Bureau of Land Management is involved or affected, and (ii) such violation is related to a grazing use authorized by said license or permit. Laws or regulations relating to the conservation or protection of natural resources or the environment include, but are not limited to, those relating to air and water pollution, protection of wildlife and fish, and the use of pesticides.

* * * * *

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

2. A new paragraph (12) is added to § 4125.1-1(i) of Part 4120 to read as follows:

§ 4125.1-1 Leasing procedures; requirements and conditions.

* * * * *

(i) * * *

(12) The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment may result in the cancellation or reduction of a lease where (i) grazing land administered by the Bureau of Land Management is involved or affected, and (ii) such violation is related to a grazing use authorized by said lease. Laws or regulations relating to the conservation or protection of natural resources or the environment include, but are not limited to, those relating to air and water pollution, protection of wildlife and fish, and the use of pesticides.

* * * * *

[FR Doc.75-4545 Filed 2-19-75;8:45 am]

PART 4130—GRAZING ADMINISTRATION (ALASKA)

3. Paragraph (f) of § 4131.2-7 of Part 4130 is amended by numbering the existing paragraph (1) and adding a subparagraph to read as follows:

§ 4131.2-7 Lease.

* * * * *

(f) *Restrictions.* * * *

(1) * * *

(2) The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment may result in the cancellation or reduction of a lease where (i) grazing land administered by the Bureau of Land Management is involved or affected, and (ii) such violation is related to a grazing use authorized by said lease. Laws or regulations relating to the conservation or protection of natural resources or the environment include, but are not limited to, those relating to air and water pollution, protection of wildlife and fish, and the use of pesticides.

* * * * *

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1823]

[FmHA Instruction 442.13]

DEVELOPMENT GRANTS FOR COMMUNITY DOMESTIC WATER AND WASTE DISPOSAL SYSTEMS

Application Processing

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment to § 1823.472 of Subpart P of Part 1823, Title 7, Code of Federal Regulations (39 FR 20475) by amending paragraph (d) (3) to further explain participation with other Federal agencies; by amending paragraph (e) (1) and (2) to further explain the disbursal of grant funds; by adding a new subdivision (ii) under paragraph (e)(2) to provide additional information pertaining to audit reports, and by redesignating paragraph (e)(2) (ii) and (iii) as paragraph (e) (iii) and (iv) without change.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250.

Comments will be received through March 17, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, § 1823.472 (d)(3), (e) (1) and (2) and (e) (2) (ii) read as follows:

§ 1823.472 Application processing.

* * * * *

(d) * * *

(3) FmHA grants may be used on projects where other Federal financial assistance is available on all or part of the facility. If any Federal grants other than FmHA are made in connection with the proposed project the amount of an FmHA grant plus the amount of other Federal grants may not exceed fifty percent (50%) of the development costs of the project unless such other Federal grants are being made by the Department of Defense, Economic Development Administration, Environmental Protection Agency, or a Regional Economic Development Commission. In such cases, the maximum percentages allowed under these agencies' authorities will apply. In determining the Federal grant limitations, waste treatment and waste collection facilities will be recognized as separate projects.

* * * * *

(e) Grant closing and delivery of funds: (1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds and loan funds will be disbursed before the disbursal of any grant funds. If grant funds are available from other agencies and they are transferred to the Finance Office for disbursement by FmHA, these grant funds should be used before FmHA grant funds.

(2) When FmHA is not making a loan and all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed; except, where State statutes preclude the use of interim financing, the applicant will provide FmHA with an opinion from the State Attorney General to that effect and a statement by the applicant certifying that it has no other resources to pay for

the completion of the construction. In such exceptional cases the State Director will forward his recommendations for fund disbursal and a copy of the State Attorney General's opinion to the National Office for concurrence prior to closing the grant or issuing funds.

* * * * *

(ii) Grantees will be required to submit an audit report prepared in sufficient detail to allow FmHA to determine that grant funds have been used in compliance with the proposal, any applicable laws and regulations, and the grant agreement when grants are closed and funds delivered in accordance with paragraph (e)(2) of this section. Such audit reports should ordinarily be available for review prior to grant closing; however, FmHA may, upon receipt of the grantee's request accompanied by supporting factual data, permit the grantee a period of time up to 90 days to submit the audit report. Audit reports shall be prepared preferably by the State Auditor or at his direction. If this is not practical, audit reports will be prepared by an independent public accountant. An independent public accountant is an independent certified public accountant or an independent licensed public accountant, licensed on or before December 31, 1970, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70).

Dated: February 13, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-4640 Filed 2-19-75;8:45 am]

Food and Nutrition Service

[7 CFR Parts 270, 271]

[Amendment No. 53]

FOOD STAMP PROGRAM

Outreach Program

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 U.S.C. 2011-2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend Parts 270 and 271 of its regulations governing the operation of the Food Stamp Program, 7 CFR 270 and 271. The proposed amendment would delete the current definition of outreach and require State agencies to take effective outreach action, using a full-time State Outreach Coordinator.

While it is recognized that there is no way to make certain that all eligible households participate in the program inasmuch as participation is a voluntary matter with any household, it is the intent of the amendment that all eligible households be made aware of the existence of the program and its benefits and how they may participate therein if they choose to do so.

Interested parties may submit written comments, suggestions, or objections regarding the proposed amendment to P. Royal Shipp, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 21, 1975.

All comments, suggestions, or objections received by this date will be considered before the final regulations are issued.

All written comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director, Food Stamp Division, during regular business hours (8:30 a.m. to 5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650.

The proposed amendment is as follows:

PART 270—GENERAL INFORMATION AND DEFINITIONS

§ 270.2 [Amended]

1. In § 270.2, paragraph (nn) is deleted and reserved.

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

2. In § 271.1, paragraph (k) is amended to read as follows:

§ 271.1 General Terms and Conditions for State agencies.

* * * * *

(k) *Outreach.* Each State agency shall take immediate and functional action (hereafter called "outreach"), pursuant to an outreach plan approved by FNS, using a full-time State Coordinator, other State personnel, and the services provided by federally funded and other agencies and organizations, to inform all low-income households, with due regard to ethnic groups, of the availability and benefits of the Food Stamp Program, and how they may apply to participate.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: February 14, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-4641 Filed 2-19-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

RESERVE SAMPLE REQUIREMENT

Reasonable Exceptions

Section 702(b) of the Federal Food, Drug, and Cosmetic Act directs the Secretary, upon request, where a sample of food, drug, or cosmetic is collected for analysis under the act, to provide a part of such sample for examination or analysis by any person named on the label of the article or the owner of the article. The Secretary is, however, authorized by regulations to make "reasonable exceptions" from this requirement as he finds "necessary for the proper administration of the provisions of this Act."

The Commissioner of Food and Drugs has promulgated regulations pursuant to this section, making exceptions which he has deemed reasonable and necessary.

After reexamining the regulation (21 CFR 1.700), the Commissioner concludes that changes in circumstances since its original promulgation make certain revisions both desirable and necessary.

1. A minor addition to § 1.700(b) (1) is proposed to clarify the procedure to be followed if twice the amount of the official sample is unavailable. From the present wording, one could conclude that such unavailability would lead to a total exemption from the reserve sample requirement as regards that sample. The more reasonable approach would be to requre the taking of as large a reserve sample as is reasonably available up to an amount equal to that of the official sample. The Commissioner proposes to add language to paragraph (b)(1) to confirm this preferable procedure.

2. Section 1.700(b)(2) exempts from the reserve sample requirement any article the cost of twice the quantity of which is estimated to exceed $10. Clearly, inflation has made the $10 limitation unreasonable; however, some dollar limitation is necessary to prevent the expending of unreasonably large amounts for the reserve samples. The Commissioner has determined that a reasonable limitation at present would be $50 for twice the cost of any article.

3. The exception for perishable samples (§ 1.700(b)(3)) should also be clarified by conforming it to the realities of modern technology. Simple perishability has never been and should not now be an excuse for failure to keep a reserve sample unless practicable preservation techniques cannot keep the sample in a state in which it could be meaningfully analyzed. On the other hand, certain radioactive substances might be examples of unpreservable substances which are not "perishable." Also, certain microbiological samples, while they are not strictly-speaking, "perishable," cannot, by any known method, be maintained at the level originally analyzed. The Commissioner, therefore, proposes to amend the exemption for "perishable" articles so that the regulation reflects these facts.

4. Modern practicable preservation techniques have made the exceptions set forth in § 1.700(b)(7) as it presently stands neither reasonable nor necessary. Since a field sample can lead to regulatory action or prosecution and since preservation of a field sample is now often technically practicable, the fact that rapid organoleptic or field analysis is undertaken is, standing alone, not a reasonable basis for an exception. Exceptions for lack of quantity and for

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perishability or its equivalent are necessary and should provide ample protection for all in the case of a field sample. Therefore, the Commissioner proposes to delete the first sentence of § 1.700(b)(7).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 702 (b), 52 Stat. 1056–1057 as amended; 21 U.S.C. 372(b)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 1.700 by revising the section heading and paragraph (b) to read as follows:

§ 1.700 **Reserve samples.**

* * * * *

(b) When an officer or employee of the Department collects an official sample of a food, drug, or cosmetic for analysis under the act, he shall collect at least twice the quantity estimated by him to be sufficient for analysis, unless:

(1) The amount of the article available and reasonably accessible for sampling is less than twice the quantity so estimated, in which case he shall collect as much as is available and reasonably accessible.

(2) The cost of twice the quantity so estimated exceeds $50.

(3) The sample cannot by diligent use of practicable preservation techniques available to the Food and Drug Administration at the time and place of collection be kept in a state in which it could be readily and meaningfully analyzed in the same manner and for the same purposes as the Food and Drug Administration's analysis.

(4) The sample is collected from a shipment or other lot which is being imported or offered for import into the United States.

(5) The sample is collected from a person named on the label of the article or his agent, and such person is also the owner of the article.

(6) The sample is collected from the owner of the article, or his agent, and such article bears no label or, if it bears a label, no person is named thereon.

In addition to the quantity of sample set forth in this paragraph, the officer or employee shall, if practicable, collect such further amount as he estimates will be sufficient for use as trial exhibits.

* * * * *

Interested persons may, on or before April 21, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4590 Filed 2-19-75;8:45 am]

[21 CFR Part 640]

NORMAL SERUM ALBUMIN (HUMAN) AND PLASMA PROTEIN FRACTION (HUMAN)

Proposed Additional Standards

As published in the FEDERAL REGISTER of June 24, 1972 (37 FR 12505 and 37 FR 12506), the Director of the National Institutes of Health proposed additional standards of safety, purity and potency for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) which are biological products subject to licensure pursuant to section 351 of the Public Health Service Act. Additional standards are specific requirements pertaining to the manufacture of a particular biologic product and supplement the general biologics regulations applicable to the manufacture of all biological products. Normal serum albumin and plasma protein fraction are similar in composition and use. They are both blood derivatives obtained through fractionation of human blood plasma. Both products are administered to burn victims to combat loss of liquids and sodium and are also useful in treatment of shock due to trauma. In addition, these products are useful in replacing deficient plasma proteins in hypoproteinemic individuals.

Shortly after publication of the proposed standards under Title 42 of the Code of Federal Regulations, the Division of Biologics Standards, National Institutes of Health, was transferred to the Food and Drug Administration where it is now the Bureau of Biologics. The Commissioner of Food and Drugs is now charged with administering and enforcing section 351 of the Public Health Service Act. Correspondingly, regulations for these products are now published in Title 21 of the Code of Federal Regulations along with other regulations enforced by the Food and Drug Administration.

Since initial publication of the proposed standards in June 1972, several incidents of adverse reactions, including septicemia and hepatitis, involving fractionated plasma have been reported to the Bureau of Biologics. The Commissioner has concluded, after a thorough investigation of these adverse reactions and review of pertinent manufacturing procedures for fractionated plasma products, that the standards first proposed for normal serum albumin and plasma protein fraction in June 1972 must be strengthened to provide increased protection to the public. In addition, more than 2 years have passed since the original proposals were published and in that time changes in manufacturing techniques have taken place and there have evolved new concepts concerning the significance and reliability of some testing procedures based upon the availability of new instrumentation. Therefore, the Commissioner has made substantive revisions in some sections of the 1972 proposal and is publishing the standards again as proposals. Since normal serum albumin and plasma protein fraction are similar in many respects, the Commissioner has decided to repropose the additional standards together to eliminate the repetitive recitation of comments necessitated by separate publication.

Fifteen comments concerning the first proposal for Normal Serum Albumin (Human) and six comments concerning the first proposal for Plasma Protein Fraction (Human) were received from manufacturers and interested parties. These comments have been carefully evaluated and most have been accepted in part or in their entirety and are now incorporated into this proposal. Since there will be a full and complete comment period for this new proposal, the Commissioner believes that there would be little value in discussing the previous comments in great detail. Therefore, the Commissioner will discuss only very briefly those substantive comments received in conjunction with the 1972 proposal. In addition, the new provisions which have been added to increase protection to the public will be highlighted in this preamble.

In the following paragraphs, the section numbers for Normal Serum Albumin (Human) are listed first, those for Plasma Protein Fraction (Human) listed second. Where the items discussed apply to both products, the word "product" is used rather than repeating both product names. Where a comment applies to only one product, the product will be named.

A. The following suggestions have been accepted by the Commissioner and have been incorporated into the new proposal:

1. The original proposals required that the source material for the product be stored in a manner to prevent contamination by micro-organisms, pyrogens, and other impurities. The Commissioner recognizes the validity of the comment that source materials may be subject to contamination during transportation as well as during storage, and therefore has revised §§ 640.80(b)(4) and 640.90(b)(4) to add the requirement that the source material be transported, as well as stored, in a manner designed to prevent such contamination.

2. The original proposals would have established that the date of manufacture be the date of placing the product into solution. The Commissioner agrees with the suggestion that it would be more precise to state that the date of manufacture shall be the date of placing the product powder or concentrate into solution. Therefore §§ 640.81(a) and 640.91(a) are revised accordingly.

3. The requirement in the original proposals that "all processing steps shall be conducted in a manner designed to prevent contamination with either micro-organisms or other deleterious matter" has been revised in §§ 640.81(c) and 640.91(c) to read, "all processing steps shall be conducted in a manner to minimize the risk of contamination from either micro-organisms or other deleterious matter." The Commissioner has made this revision in light of the suggestion that the former wording could be interpreted to mean that only a completely closed, sterile system could be used throughout the processing, which is not feasible in view of the large volume of product that is made and the many processing steps involved.

4. The original proposals stated that all forms of bulk product fractions may be stored prior to further processing, provided they are stored in clearly identified and hermetically closed vessels at a temperature of −10° C or lower. Several comments suggested that bulk freeze-dried products could be stored safely at 5° C or colder, and that bulk liquid concentrates could be safely stored at −5° C, which is the commonly accepted storage temperature for such liquid biological products. Several comments further suggested that it was unnecessary to store bulk products in hermetically closed containers.

The Commissioner has adopted the suggested storage temperatures for the different forms of the bulk products because he believes that these temperatures will ensure the integrity of the final products. He further believes that a hermetic closure is not necessary for a storage container of bulk material, inasmuch as it will be sterile-filtered prior to filling into final containers. Therefore §§ 640.81(d) and 640.91(d) are revised to permit two different storage temperatures for bulk produets stored in closed containers.

5. The content of the final product for Normal Serum Albumin (Human) in § 640.82(a) is expressed in percentage of protein present, rather than in percentage of albumin present as originally proposed, since the concentration in question is the total protein content and not the albumin content. The albumin concentration, which is required to be 96 percent of the total protein concentration, is discussed in § 640.82(b).

6. Due to the development of equivalent methods, it is proposed that the protein composition of the products in §§ 640.82(b) and 640.92(b) may be determined by any method that has been approved by the Director, Bureau of Biologics, rather than being limited solely to the moving boundary electrophoresis method as stated in the original proposals.

7. The original proposal stated that the sodium content of Normal Serum Albumin (Human) shall be 100 to 160 milliequivalents per liter. A comment objected to establishing a lower limit of sodium content for the 25 percent albumin, suggesting that it be removed. In light of the fluid drawing properties of both protein and salt, sound medical practice often justifies administration of albumin which contains only small amounts of a salt component. Therefore, in revised § 640.82(d) the Commissioner has eliminated the lower limit of 100 milliequivalents per liter of sodium for the 25 percent solution, as originally proposed, and retained only the upper limit of 160 milliequivalents per liter. In addition, a sodium content level of 130 to 160 milliequivalents per liter has been proposed for the 5 percent albumin to assure that it will be in the normal isotonic range for blood.

8. The original proposals required that the sterile bulk solution of the product be kept at a temperature not above 5° C before filling into final containers. However, a provision has been added to §§ 640.83(b) and 640.93(b) in this reproposal to permit the bulk product to reach ambient temperature immediately prior to filling. This revision is made as a result of a comment which suggested that permitting the product to reach ambient temperature would allow time for some degassing before the filling operation. Such degassing may tend to prevent foaming in the filling line, which if not prevented, could result in a lack of uniformity in the volume of the filled final containers.

9. The original proposal for Normal Serum Albumin (Human) required that the type of source material, expressed as venous blood or placentas, appear on the final container label. Four manufacturers objected to the provision because it: (a) Presumed that there is a significant distinction in the final products produced from these two sources, (b) appeared to place a stigma on placentas as a source of albumin, and (c) presented a problem in that there would not be sufficient space on the label of 20- and 50-milliliter vials to include such information in type of legible size.

The Commissioner concurs that there is no significant difference between albumins prepared from placental or venous plasma, and therefore there is no reason to place a stigma on placentas as a source of albumin. However, the Commissioner does believe that information regarding the source of the product should be available to the physician when treating a patient to provide a complete medical history for further treatment or testing. Therefore, § 640.84 (b), as reproposed has been revised to require that the source material be listed on the package or container label or in the package insert.

10. In response to comments that 200 milliliters was an unnecessarily large amount of product for test purposes, it is proposed that the volume of the final product to be submitted to the Bureau of Biologics for testing before release be 100 milliliters, as set forth in §§ 640.85(a) and 640.95(a). It is required, however, that the product be divided equally into at least two final containers, and packaged as for distribution. The two containers are required so that samples for sterility and pyrogen testing may be withdrawn from an unopened container so as not to compromise the test when performed at the Bureau of Biologics, Food and Drug Administration, prior to release of the product. The final containers may be of any size and number, provided the total volume of product is 100 milliliters.

B. The following suggestions concerning the original 1972 proposals were rejected by the Commissioner:

1. One manufacturer suggested that placental blood be included as source material for Plasma Protein Fraction (Human).

Since there is no satisfactory evidence that placental blood is an appropriate source for the manufacture of Plasma Protein Fraction (Human), the regulations cannot be so revised at this time. When and if sufficient data is submitted to the Food and Drug Administration establishing its suitability as source material, the regulations will be amended. Until that time, however, it is proposed that the use of placental blood be permissible only pursuant to § 640.96 *Equivalent methods*, and then only if sufficient evidence for its use is presented and approved by the Director, Bureau of Biologics, Food and Drug Administration.

2. Two comments suggested that the heating time required in processing the product, §§ 640.81(e) and 640.91(e), be established at "not less than 10 hours," rather than the originally proposed requirement of "heating for 10 hours."

The Commissioner rejects this suggestion, since it implies that unlimited reheatings of the product would be acceptable, which is not the case, for they may compromise the integrity of the product.

3. Two comments, concerning §§ 640.82 (f) and 640.92(f), suggested the use of an instrument, such as the nephelometer, in determining whether or not the product remained unchanged after heating at 57° C for 50 hours, on the grounds that such an instrument is more objective than visual examination.

The scientific literature, however, indicates that a nephelometric reading has limited significance and reliability in clinical evaluation of the safety and efficacy of the product. Therefore, the Commissioner does not propose to require that a nephelometer be used in determining the presence of turbidity after heating, but he does believe that it may be a valuable additional check in quality assurance, and encourages manufacturers to continue its use where appropriate.

C. The following revisions or additions have been made in the reproposed regulations as a result of the Commissioner's determination that the standards should be strengthened to lessen the possibility of adverse reactions.

1. The Commissioner proposes that the final product should be heated for 10 hours at 60° C in the final containers, rather than in bulk. This heating, following all processing steps, is required to minimize the risk of bacterial contamination that may occur in the filling step, and to inactivate any hepatitis B virus which may be present. Therefore, §§ 640.81(e) and 640.91(e) have been revised accordingly.

2. A comment regarding the original proposals suggested that a provision should be included to require that the product in final containers be free of turbidity after being held for a period of at least 1 week at 18° to 35° C.

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The Commissioner agrees with the suggestion that an additional check on sterility is warranted and has, therefore, adopted the substance of the suggestion. He has also proposed additional requirements, which he believes will result in the production of a safer product, and has combined these in a new paragraph (g) *Incubation* which has been added to each additional standard in §§ 640.81 and 640.91. The substance of this new provision is to provide for a 21-day incubation period at 20° to 25° C, after which each final container must be examined for turbidity and possible microbial contamination.

The temperature of 20° to 25° C has been designated because most microbial contaminants grow well in this temperature range, while the incubation period has been set at 21 days to enhance the development of visible growth in contaminated bottles.

3. A survey of manufacturing practices and quality control testing of fractionated plasma products conducted by the Bureau of Biologics in the fall of 1973 revealed poor manufacturing practices, including the inadequate evaluation of vials demonstrating turbidity. As a result of this study, the Commissioner believes that more detailed information regarding processing is essential to enable the Bureau to effectively evaluate each lot prior to release.

Therefore, he proposes to require in §§ 640.85 and 640.95 that samples and protocols be submitted for each filing of each lot, rather than for just each lot as required in the original proposals, and that protocols contain specific production information such as the lot numbers of all in-process bulk lots used to prepare the final bulk lot, including a description of any reprocessing performed on in-process bulk material; a description of any reprocessing performed on final bulk or final container material before packaging; the results of all required quality control tests, including initial and repeat tests performed on bulk and final container material; a description of any nonrequired heating steps on final container or bulk material, including the reasons for and the results obtained from such heating; the total number of vials filled and the fill volume of the vials; and the total number of rejected filled vials, including the vials rejected for turbidity and the results of the tests performed on the turbid vials.

Pertinent background data and information on which the Commissioner relies in proposing these regulations are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 640 by adding new Subparts H and I as follows:

Subpart H—Normal Serum Albumin (Human)

Sec.
640.80 Normal Serum Albumin (Human).
640.81 Processing.
640.82 Tests on final product.
640.83 General requirements.
640.84 Labeling.
640.85 Samples; protocols; official release.
640.86 Equivalent methods.

Subpart H—Normal Serum Albumin (Human)

§ 640.80 Normal Serum Albumin (Human).

(a) *Proper name and definition.* The proper name of the product shall be Normal Serum Albumin (Human). The product is defined as a sterile solution of the albumin component of human blood.

(b) *Source material.* The source material of Normal Serum Albumin (Human) shall be blood, plasma, serum or placentas from human donors determined at the time of donation to have been free from disease-causative agents that are not destroyed or removed by the processing method, as determined by the medical history of the donor and from such physical examination and clinical tests as may appear necessary for each donor at the time the blood was obtained. Where source material is a licensed product for which additional standards are effective, the requirements of those additional standards shall determine the propriety of the source material for use in the production of Normal Serum Albumin (Human). Where no additional standards are effective with respect to source material for the production of Normal Serum Albumin (Human), such source material shall:

(1) Be collected by a procedure approved by the Director, Bureau of Biologics, Food and Drug Administration, which is designed to assure the integrity of the source material and to minimize risk to contamination;

(2) Be identified to accurately relate it to the individual donor and the dates of collection;

(3) Not contain a preservative; and

(4) Be stored and transported in a manner designed to prevent contamination by microorganisms, pyrogens, or other impurities.

(c) *Additives in source material.* Source material shall not contain an additive unless it is shown that the processing method yields a final product free of the additives to such extent that the continued safety, purity, and potency of the final product will not be adversely affected.

§ 640.81 Processing.

(a) *Date of manufacture.* The date of manufacture shall be the date of placing the albumin powder or concentrate into solution.

(b) *Processing method.* The processing method shall not affect the integrity of the product, and shall have been shown to consistently yield a product which is safe for intravenous injection.

(c) *Microbial contamination.* All processing steps shall be conducted in a manner to minimize the risk of contamination from either microorganisms or other deleterious matter. Preservatives to inhibit growth of microorganisms shall not be used during processing.

(d) *Storage of bulk fraction.* Bulk liquid concentrate to be held more than 1 week prior to further processing shall be stored in clearly identified closed vessels at a temperature of −5° C or colder. Any other bulk form of the product, to be held more than 1 week prior to further processing, such as freeze-dried powder, shall be stored in clearly identified closed vessels at a temperature of 5° C or colder.

(e) *Heat treatment.* The product in solution shall be heated in the final containers, within 4 hours of completing filling, at an attained temperature of 60° C±0.5° C for 10 hours.

(f) *Stabilizer.* Either 0.16 millimole sodium acetyltryptophanate, or 0.08 millimole sodium acetyltryptophanate and 0.08 millimole sodium caprylate shall be added per gram of albumin as a stabilizer.

(g) *Incubation.* All final containers of liquid Normal Serum Albumin (Human) shall be stored at 20° to 25° C for at least 21 days following heat treatment at 60° C for 10 hours, as required by § 640.81(e). At the end of this incubation period, each final container shall be examined and all containers showing any indication of turbidity or microbial contamination shall not be issued. The contents of turbid final containers shall be examined microscopically and tested for sterility. If growth occurs, the types of organisms shall be identified, and the material from such containers shall not be used for further manufacturing.

§ 640.82 Tests on final product.

Tests shall be performed on the final product to determine that it meets the following standards:

(a) *Protein content.* The final product shall be either a 25±1.5 percent or a 5.0±0.3 percent solution of protein.

(b) *Protein composition.* At least 96 percent of the total protein in the final product shall be albumin, as determined by a method that has been approved for each manufacturer by the Director, Bureau of Biologics, Food and Drug Administration.

(c) *Hydrogen ion concentration.* The pH shall be 6.9±0.5 when measured in a solution of the final product diluted with 0.15 molar sodium chloride to contain 1 percent protein.

(d) *Sodium content.* The sodium content of the final product containing 25 percent protein shall not exceed 160 milliequivalents per liter. The sodium content of the final product containing 5 percent protein shall be 130 to 160 milliequivalents per liter.

(e) *Heme content.* The absorbance at 403 nanometers of a solution of the final product, diluted to contain 1 percent protein in a cell with a 1-centimeter light path, shall not exceed 0.25.

(f) *Heat stability.* A final container sample of Normal Serum Albumin (Human) shall remain unchanged, as determined by visual inspection, after heating at 57° C for 50 hours, when compared to another unheated control sample.

§ 640.83 General requirements.

(a) *Preservative.* The final product shall not contain a preservative.

(b) *Storage of bulk solution.* After all processing steps have been completed, sterile bulk solution shall be kept at a temperature of 5° C or colder before filling into final containers, except that the bulk solution may be allowed to reach ambient temperature immediately before filling.

§ 640.84 Labeling.

In addition to the labeling requirements of §§ 610.60, 610.61, and 610.62 of this chapter,

(a) The container and package labels shall contain the following information:

(1) The osmotic equivalent in terms of plasma;

(2) The caution "Do not use if turbid" placed in a prominent position on the label;

(3) The need for additional fluids when 25 percent albumin is administered to a patient with marked dehydration;

(4) The albumin content, expressed as either a 5 percent or a 25 percent solution;

(b) The type of source material, expressed as venous plasma, placental plasma, or both, used to manufacture the product shall appear on either the container or package label or in the package insert.

§ 640.85 Samples; protocols; official release.

From each filling of each lot of Normal Serum Albumin (Human), the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29A, 8800 Rockville Pike, Bethesda, MD 20014:

(a) A sample consisting of no less than 100 milliliters of product filled in equal volumes in at least two final containers packaged as for distribution.

(b) A protocol which consists of a complete summary of the history of manufacture of each filling, including the following items:

(1) The lot numbers of all in-process bulk lots used to prepare the final bulk lot, including a description of any reprocessing performed on in-process bulk material.

(2) A description of any reprocessing performed on final bulk or final container material before packaging.

(3) The results of all required tests, including initial and repeat tests performed on bulk and final container material.

(4) A description of any heating steps on final container material other than as required in § 640.81(e), or performed on bulk material, including the reasons for the heating and the results obtained from such heating.

(5) The total number of vials filled and the fill volume of the vials and, if more than one fill volume is used, the total number of vials filled for each fill volume.

(6) The total number of rejected filled vials, including the vials rejected for turbidity and the results of the tests performed on the turbid vials.

(c) Normal Serum Albumin (Human) shall not be issued by the manufacturer until written notification of official release is received from the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.86 Equivalent methods.

Modification of any particular manufacturing method or process, or the conditions under which it is conducted, as set forth in these additional standards for Normal Serum Albumin (Human), shall be permitted only upon the submission by the manufacturer to the Director, Bureau of Biologics, Food and Drug Administration, of substantial evidence demonstrating that the modification will assure the continued safety, purity and potency of Normal Serum Albumin (Human) to an extent equal to or greater than the methods or processes provided in §§ 640.80 through 640.85, and the equivalent method has received the written approval of the Director, Bureau of Biologics, Food and Drug Administration.

Subpart I—Plasma Protein Fraction (Human)

Sec.
640.90 Plasma Protein Fraction (Human).
640.91 Processing.
640.92 Tests on final product.
640.93 General requirements.
640.94 Labeling.
640.95 Samples; protocols; official release.
640.96 Equivalent methods.

Subpart I—Plasma Protein Fraction (Human)

§ 640.90 Plasma Protein Fraction (Human).

(a) *Proper name and definition.* The proper name of the product shall be Plasma Protein Fraction (Human). The product is defined as a sterile solution of protein composed of albumin and globulin, derived from human blood.

(b) *Source material.* The source material of Plasma Protein Fraction (Human) shall be blood, plasma, or serum from human donors determined at the time of donation to have been free from disease-causative agents that are not destroyed or removed by the processing method, as determined by the medical history of the donor and from such physical examination and clinical tests as may appear necessary for each donor at the time the blood was obtained. Where source material is a licensed product for which additional standards are effective, the requirements of those additional standards shall determine the propriety of the material for use in the production of Plasma Protein Fraction (Human). Where no additional standards are effective with respect to source material for the production of Plasma Protein Fraction (Human), such source material shall:

(1) Be collected by a procedure approved by the Director, Bureau of Biologics, Food and Drug Administration, which is designed to assure the integrity of the source material and to minimize risk of contamination.

(2) Be identified to accurately relate it to the individual donor and the dates of collection;

(3) Not contain a preservative; and

(4) Be stored and transported in a manner designed to prevent contamination by microorganisms, pyrogens, or other impurities.

(c) *Additives in source material.* Source material shall not contain an additive unless it is shown that the processing method yields a final product free of the additives to such extent that the continued safety, purity, and potency of the final product will not be adversely affected.

§ 640.91 Processing.

(a) *Date of manufacture.* The date of manufacture shall be the date of placing the plasma protein fraction powder or concentrate into solution.

(b) *Processing method.* The processing method shall not affect the integrity of the product, and shall have been shown to consistently yield a product which:

(1) Does not show more than a 5 percent increase in the components having an electrophoretic mobility similar to that of alpha globulin, after heating at 60° C for 10 hours;

(2) Contains less than 5 percent protein with a sedimentation coefficient greater than 7.0 S;

(3) Is safe for intravenous injection;

(c) *Microbial contamination.* All processing steps shall be conducted in a manner to minimize the risk of contamination from either microorganisms or other deleterious matter. Preservatives to inhibit growth of microorganisms shall not be used during processing.

(d) *Storage of bulk fraction.* Bulk liquid concentrate to be held more than 1 week prior to further processing shall be stored in clearly identified closed vessels at a temperature of −5° C or colder. Any other bulk form of the product to be held more than 1 week prior to further processing, such as freeze dried powder, shall be stored in clearly identified closed vessels at a temperature of 5° C or colder.

(e) *Heat treatment.* The product in solution shall be heated in the final containers, within 4 hours of completing filling, at an attained temperature of 60° C ±0.5° C for 10 hours.

(f) *Stabilizer.* Either 0.16 millimole sodium acetyltroptophanate, or 0.08 millimole sodium acetyltryptophanate and 0.08 millimole sodium caprylate shall be added per gram of plasma protein fraction as a stabilizer.

(g) *Incubation.* All final containers of liquid Plasma Protein Fraction (Human) shall be stored at 20° to 25° C for at least 21 days following heat treatment at 60° C for 10 hours, as required by § 640.91

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(e). At the end of this incubation period, each final container shall be examined and all containers showing any indication of turbidity or microbial contamination shall not be issued. The contents of turbid final containers shall be examined microscopically and tested for sterility. If growth occurs, the types of organisms shall be identified and the material from such containers shall not be used for further manufacturing.

§ 640.92 Tests on final product.

Tests shall be performed on the final product to determine that it meets the following standards:

(a) *Protein content.* The final product shall be a 5.0 ±0.3 percent solution of protein.

(b) *Protein composition.* The total protein in the final product shall consist of at least 83 percent albumin, and no more than 17 percent globulins. Of the globulins, no more than 1 percent shall be gamma globulin. The protein composition shall be determined by a method that has been approved for each manufacturer by the Director, Bureau of Biologics, Food and Drug Administration.

(c) *Hydrogen ion concentration.* The pH shall be 7.0±0.3 when measured in a solution of the final product diluted with 0.15 molar sodium chloride to contain 1 percent protein.

(d) *Sodium content.* The sodium content of the final product shall be 100 to 160 milliequivalents per liter.

(e) *Heme content.* The absorbance at 403 nanometers of a solution of the final product diluted to contain 1 percent protein in a cell with a 1-centimeter light path shall not exceed 0.25.

(f) *Heat stability.* A final container sample of Plasma Protein Fraction (Human) shall remain unchanged, as determined by visual inspection, after heating at 57° C for 50 hours, when compared to another unheated control sample.

(g) *Potassium content.* The potassium content of the final product shall not exceed 2 milliequivalents per liter.

§ 640.93 General requirements.

(a) *Preservative.* The final product shall not contain a preservative.

(b) *Storage of bulk solution.* After all processing steps have been completed, sterile bulk solution shall be kept at a temperature of 5° C or colder before filling into final containers, except that the bulk solution may be allowed to reach ambient temperature immediately before filling.

§ 640.94 Labeling.

In addition to the labeling requirements of §§ 610.60, 610.61 and 610.62 of this chapter, the container and package labels shall contain the following information:

(a) The osmotic equivalent in terms of plasma.

(b) The caution "Do not use if turbid" placed in a prominent position on the label.

§ 640.95 Samples; protocols; official release.

For each filling of each lot of Plasma Protein Fraction (Human), the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29A, 8800 Rockville Pike, Bethesda, MD 20014:

(a) A sample consisting of no less than 100 milliliters of product filled in equal volumes in at least two final containers packaged as for distribution.

(b) A protocol which consists of a complete summary of the history of manufacture of each filling, including the following items:

(1) The lot numbers of all in-process bulk lots used to prepare the final bulk lot, including a description of any reprocessing performed on in-process bulk material.

(2) A description of any reprocessing performed on final bulk or final container material before packaging.

(3) The results of all required tests, including initial and repeat tests performed on bulk and final container material.

(4) A description of any heating steps on final container material other than as required in § 640.91(e), or performed on bulk material, including the reasons for the heating and the results obtained from such heating.

(5) The total number of vials filled and the fill volume of the vials and, if more than one fill volume is used, the total number of vials filled for each fill volume.

(6) The total number of rejected filled vials, including the vials rejected for turbidity and the results of the tests performed on the turbid vials.

(c) Plasma Protein Fraction (Human) shall not be issued by the manufacturer until written notification of official release is received from the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.96 Equivalent methods.

Modification of any particular manufacturing method or process, or the conditions under which it is conducted, as set forth in the additional standards for Plasma Protein Fraction (Human), shall be permitted only upon the submission by the manufacturer to the Director, Bureau of Biologics, Food and Drug Administration, of substantial evidence demonstrating that the modification will assure the safety, purity, and potency of Plasma Protein Fraction (Human) to an extent equal to, or greater than, the methods or processes provided in §§ 640.90 through 640.95, and the equivalent method has received the written approval of the Director, Bureau of Biologics, Food and Drug Administration.

Interested persons may, on or before April 21, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4593 Filed 2-19-75;8:45 am]

Public Health Service

[42 CFR Part 32]

MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

Clarifying Authority to Procure Services

Notice is hereby given that the Assistant Secretary for Health with the approval of the Secretary of Health, Education, and Welfare proposes to revise, clarify and amend Part 32, title 42, Code of Federal Regulations as set out below.

Primarily, the amendments clarify existing authority to procure necessary services through non-Federal medical and hospital facilities in support of available Federal medical facilities for the care of primary beneficiaries of the Service and to conform the regulations to prevailing practice. Other changes are in the nature of changing nomenclature, of incorporating legislative enactments of recent years, and of eliminating obsolete phraseology, among them the substitution of "Hansen's disease" for the term "leprosy." No change in the level and range of services provided to primary beneficiaries on January 1, 1973, required to be maintained by section 818, Pub. L. 93–155, is effected by these revisions.

Specifically, the proposed changes are as follows: Section 32.1 as revised removes obsolete terms such as First, Second, Third and Fourth class stations and substitutes "Secretary" for "Surgeon General" pursuant to Reorganization Plan No. 3 of 1966 which transferred the authorities, functions and duties of the Surgeon General to the Secretary. Section 32.6 would delete obsolete reference in (a) (2) thereof to a defunct organization, the War Shipping Administration, add "(8) Seamen-trainees" who were made eligible for medical benefits by section 10 of Pub. L. 90–174, eliminate the old subparagraph (8) pertaining to field employees of the Public Health Service in accordance with section 10 of Pub. L. 90–174, and correct the reference in (c) (4) to the Federal Employees' Compensation Act. Sections 32.14 and 32.17 increase to 180 days the period of time within which there must be 60 days of service for purposes of eligibility. Minor procedural modifications for compatibility with present field organization authorizing points are made in §§ 32.11–23. Sections 32.22, 32.41, 32.64 and 32.116 of the old regulations would be deleted as obsolete. Section 32.46 would combine old §§ 32.46, 32.51 and 32.56 without substantive change. Sections 32.86–90 referring to Hansen's disease have been completely rewritten and unused and unneeded authorities deleted. A new section providing for reconsideration of determinations of eligibility would be added as section 32.22. Sections 32.57 and 32.76 would remain unchanged. Sections 32.61, 32.63, 32.65, 32.106 and 32.111 would be simplified for clarity with no substantive change. Section 32.62 would eliminate obsolete procedural requirements and organizational entities. It is proposed that these regulations will become effective upon republication in the FEDERAL REGISTER.

Interested persons are invited to submit written comments, suggestions, or objections regarding the revised 42 CFR Part 32 to the Director, Division of Hospitals and Clinics, Bureau of Medical Services, Federal Center Building 3, Prince Georges Center, 6525 Belcrest Road, Hyattsville, Maryland 20782. Comments will be available for public inspection in room 1110, Federal Center Building 3, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday. All comments received by March 24, 1975, will be considered.

It is therefore proposed to issue a revised Part 32 of Title 42 as set forth below.

Dated: January 30, 1975.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: February 14, 1975.

CASPAR W. WEINBERGER,
Secretary.

Part 32 of Chapter I of Title 42 of the Code of Federal Regulations is revised to read as follows:

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

DEFINITIONS

Sec.
32.1 Meaning of terms.

BENEFICIARIES

32.6 Persons eligible.

AMERICAN SEAMEN

32.11 Scope of benefits.
32.12 Provision of services.
32.13 Application for treatment.
32.14 Evidence of eligibility.
32.15 Sickness or injury while employed.
32.16 Seamen from wrecked vessels.
32.17 Lapse of more than 90 days since last service.
32.18 Procedure in case of doubtful eligibility.
32.19 False document evidencing service.
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32.23 Certificate of discharge from treatment.
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SEAMEN; STATE SCHOOL SHIPS AND VESSELS OF THE UNITED STATES GOVERNMENT

32.46 Conditions and extent of treatment.

OWNER-OPERATORS OF COMMERCIAL FISHING VESSELS

32.57 Conditions and extent of treatment.

MARITIME SERVICE ENROLLEES AND MERCHANT MARINE CADETS

32.61 Use of service facilities.
32.62 Injury while in custody.
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CADETS AT STATE MARITIME ACADEMIES OR ON STATE TRAINING SHIPS

32.76 Conditions and extent of treatment.

PERSONS AFFLICTED WITH HANSEN'S DISEASE

32.86 Admissions to Service facilities.
32.87 Confirmation of diagnosis.
32.88 Examinations and treatment.
32.89 Discharge.
32.90 Notification to health authorities regarding discharged patients.

SEAMEN ON FOREIGN FLAG VESSELS

32.106 Conditions and extent of treatment; rates; burial.

NONBENEFICIARIES; TEMPORARY TREATMENT IN EMERGENCY

32.111 Conditions and extent of treatment; charges.

AUTHORITY: Sec. 2, 321, 322, 58 Stat. 682, 695, 696 as amended; 42 U.S.C. 2, 248, 249. Sec. 32.86 to 32.90 issued under sec. 331 and 332, 58 Stat. 696, 698 as amended; 42 U.S.C. 255, 256.

DEFINITIONS

§ 32.1 Meaning of terms.

All terms not defined herein shall have the same meaning as given them in the Act.

(a) "Act" means the Public Health Service Act, approved July 1, 1944, 58 Stat. 682, as amended;

(b) "Service" means the Public Health Service;

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may have been delegated.

(d) "Seamen" includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation, but does not include the owner or joint owners of a vessel or the spouse of any such owner, except owner-operators as described in § 32.6(a)(12);

(e) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, exclusive of aircraft and amphibious contrivances;

(f) "Authorizing Official" means Service officers or employees duly designated by the Director, Division of Hospitals and Clinics to authorize and provide care and treatment to beneficiaries at Service expense;

(g) "Active Duty," with respect to an enrollee of the United States Maritime Service, means that the enrollee is on the active list of that service, as distinguished from being on inactive status, and includes absence on authorized leave or liberty;

(h) "Commercial fishing operations" means the gathering of any form of either fresh water or marine animal life for sale on a commercial basis through available markets.

BENEFICIARIES

§ 32.6 Persons eligible.

(a) Under this part the following persons are entitled to care and treatment by the Service as hereinafter prescribed:

(1) Seamen employed on vessels of the United States registered, enrolled, or licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade, hereinafter designated as American seamen;

(2) Seamen employed on United States or foreign flag vessels as employees of the United States;

(3) Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships or on vessels of the United States Government of more than five tons burden;

(4) Seamen on vessels of the Mississippi River Commission;

(5) Officers and crew members of vessels of the Fish and Wildlife Service;

(6) Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

(7) Cadets at State maritime academies or on State training ships;

(8) Seamen-trainees while participating in maritime training programs to develop or enhance their employability in the maritime industry;

(9) Persons afflicted with Hansen's disease;

(10) Seamen on foreign flag vessels other than those seamen employed on foreign flag vessels specified in subparagraph (2) of this paragraph;

(11) Non-beneficiaries for temporary treatment and care in case of emergency;

(12) Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations.

(b) Separate regulations govern: (1) The medical care of certain personnel, and their dependents, of the Coast Guard, National Oceanic and Atmospheric Administration and Public Health Service (see Part 31 of this chapter); (2) physical and mental examinations of aliens (see Part 34 of this chapter); (3) physical and mental examinations of aliens (see Part 34 of this chapter); and (4) Medical Care for Indians. (See Part 36 of this chapter.)

(c) While regulations of the Public Health Service are not required with respect thereto, circular instructions by the Service cover the care and treatment or physical examination of the following:

(1) Persons not otherwise eligible for treatment for purposes of study;

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(2) Persons detained in accordance with quarantine laws;
(3) Persons detained by the Immigration and Naturalization Service, for treatment at the request of that Service;
(4) Persons entitled to treatment under the Federal Employees' Compensation Act and extensions thereof;
(5) Beneficiaries of other Federal agencies on a reimbursable basis;
(6) Medical examinations of:
(i) Employees of the Alaska Railroad and employees of the Federal Government for retirement purposes;
(ii) Employees in the Federal classified service, and applicants for appointment, as requested by the Civil Service Commission for the purpose of promoting health and efficiency;
(iii) Seamen for purposes of qualifying for certificates of service; and
(iv) Employees eligible for benefits under the Longshoremen's and Harbor Workers' Compensation Act, as amended as requested by any deputy commissioner thereunder.

AMERICAN SEAMEN

§ 32.11 Scope of benefits.

(a) American seamen (hereinafter referred to in §§ 32.11 to 32.23, inclusive, as seamen) shall, on presenting evidence of eligibility, be entitled to medical, surgical, and dental treatment or hospitalization at medical care facilities operated by the Service or in accordance with these regulations, at Service contract medical facilities at the expense of the Service.

(b) Where medical facilities of the Service are not available, medical care and services may be obtained from contract medical providers designated by the Service. Expenses for medical care and services obtained from non-Service providers or in non-Service facilities not arranged for by the Service in behalf of seamen is not an obligation of the Service and will not be paid.

§ 32.12 Provision of services.

(a) When a seaman requires medical, surgical and dental treatment or hospitalization which the Service is unable to provide in the local Service operated facility, or in the case of an emergency, arrangements for such medical, surgical, and dental treatment or hospitalization at the expense of the Service shall be made by an authorizing official.

(b) If eligibility cannot be established at the time of application by the seaman or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) The authorizing official shall keep himself informed regarding the progress of the case in order that treatment or hospitalization shall not be unnecessarily prolonged.

§ 32.13 Application for treatment.

(a) In nonemergency cases, a sick or disabled seaman, in order to obtain the benefits of the Service, must apply in person, or by proxy if too sick to do so, to an authorizing official as specified in § 32.12, and must furnish satisfactory evidence of his eligibility for such benefits.

(b) In emergency cases, a sick or disabled seaman shall, upon admission for such condition or as soon thereafter as is practicable under the circumstances, either personally or by proxy, notify the nearest authorizing official of the fact of such admission and treatment and shall furnish appropriate identification and satisfactory evidence of eligibility for such benefits.

§ 32.14 Evidence of eligibility.

(a) As evidence of his eligibility a seaman must present a properly executed master's certificate, or a continuous discharge book, or a certificate of discharge, showing that he has been employed on a registered, enrolled, or licensed vessel of the United States. The certificate of the owner or accredited commercial agent of a vessel as to the facts of the employment of any seaman on said vessel may be accepted in lieu of the master's certificate where the latter is not procurable. When an applicant cannot furnish any of the foregoing documents, his certification as to the facts of his most recent (including his last) employment as a seaman, stating names of vessels and dates of service, may be accepted as evidence in support of his eligibility. Documentary evidence of eligibility, excepting continuous discharge books and certificates of discharge, shall be filed at the medical care facility of the Service where application is made. Where continuous discharge books and certificates of discharge are submitted as evidence of eligibility, the pertinent information shall be abstracted therefrom, certified by the officer accepting the application, and filed at the station.

(b) Except as otherwise provided in §§ 32.11 to 32.23, inclusive, documentary evidence of eligibility must show that the applicant has been employed for 60 days of continuous service on a registered, enrolled, or licensed vessel of the United States, a part of which time must have been during the 180 days immediately preceding application for relief. There may be included as a part of such 60 days of continuous service as a seaman time spent in training as (1) an active duty enrollee in the United States Maritime Service, (2) a member of the Merchant Marine Cadet Corps, (3) a cadet at a State maritime academy, or (4) a cadet on a State training ship. The phrase "60 days of continuous service" shall not be held to exclude seamen whose papers show brief intermissions between short services that aggregate the required 60 days: Provided, that any such intermission does not exceed 60 days. The time during which a seaman has been treated as a patient of the Service shall not be considered as absence from the vessel in determining eligibility. When the seamen's service on his last vessel is less than 60 days, his oath or affirmation as to previous service may be accepted.

§ 32.15 Sickness or injury while employed.

A seaman taken sick or injured on board or ashore when actually employed on a vessel shall be entitled to care and treatment without regard to length of service.

§ 32.16 Seamen from wrecked vessels.

Seamen taken from wrecked vessels of the United States and returned to the United States, if sick or disabled at the time of their arrival in the United States, shall be entitled to care and treatment without regard to length of service.

§ 32.17 Lapse of more than 180 days since last service.

(a) Where more than 180 days have elapsed since an applicant's last service as a seaman, he will no longer be eligible for benefits from the Service: *Provided*, That if he can show that he has not definitely changed his occupation, such period of time shall not exclude him from receiving care and treatment (1) if due in whole or in part to closure of navigation or economic conditions resulting in decreased shipping with consequent lack of opportunity to ship; or (2) if he provides satisfactory evidence that he has been under continuous medical supervision and treatment at other than Service expense for a condition which occurred or arose during any period of treatment at a Service facility or at Service expense.

(b) Where a seaman receives care and treatment by the Service or at Service expense during a period of eligibility for a condition or illness which requires, in the opinion of the attending physician, continuing and recurring care and treatment on a regular and frequent basis, such periods of continuing and recurring care and treatment whether obtained privately by the seaman or at Service facilities or Service expense shall not be included in the computation of the 180 day period above.

§ 32.18 Procedure in case of doubtful eligibility.

When a reasonable doubt exists as to the eligibility of an applicant for service, the matter shall be referred immediately to the appropriate authorizing official or Hospital Director for decision. If, in the opinion of such person the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending the decision as to eligibility.

§ 32.19 False document evidencing service.

The issue or presentation of a false document as evidence of service with intent to procure the treatment of a person as a seaman shall be immediately reported to the Headquarters of the Service.

§ 32.20 Treatment during voyage.

The Service shall not be liable for expenses incurred during a voyage for the care of sick and disabled seamen.

§ 32.21 Care while in custody.

Seamen shall not be provided treatment at the expense of the Service while in police custody.

§ 32.22 Reconsideration of eligibility denial.

A decision of the authorizing official or Hospital Director denying eligibility shall be communicated to the seaman in writing, shall set forth the reasons therefor, and shall state that such decision may be reconsidered by the Secretary upon written request setting forth the facts in support of such request.

§ 32.23 Certificate of discharge from treatment.

A certificate of discharge from treatment may, at the discretion of the officer in charge, be given to a hospital patient, but such certificate, when presented at another medical care facility shall not be taken as establishing the seaman's eligibility for further care and treatment, but may be considered in connection with other documentary evidence of eligibility submitted by the seaman.

SEAMEN; STATE SCHOOL SHIPS AND VESSELS OF THE UNITED STATES GOVERNMENT

§ 32.46 Conditions and extent of treatment.

Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships, on vessels of the United States Government of more than five tons burden, or on vessels of the Mississippi River Commission or of the Fish and Wildlife Service, shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

OWNER-OPERATORS OF COMMERCIAL FISHING VESSELS

§ 32.57 Conditions and extent of treatment.

Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

MARITIME SERVICE ENROLLEES AND MERCHANT MARINE CADETS

§ 32.61 Use of Service facilities.

Enrollees in the United States Maritime Service on active duty and members of the Merchant Cadet Corps shall, upon written request of the responsible officer of the station or training ship to which such enrollees or cadets are attached, identifying the applicant, be entitled to medical surgical, and dental treatment or hospitalization at medical care facilities of the Service or at Service expense. Whenever an enrollee or cadet applies for care without the above-mentioned written request and in the opinion of the responsible Service officer the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending verification of the applicant's status as an enrollee or cadet.

(b) If eligibility cannot be established at the time of application by the enrollee or cadet or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) The authorizing official shall keep himself informed regarding the progress of the case in order that treatment or hospitalization shall not be unnecessarily prolonged.

§ 32.62 Injury while in custody.

Enrollees on active duty or cadets shall not be provided treatment at the expense of the Service while in police custody.

§ 32.63 Absence without leave.

Enrollees on active duty or cadets shall not be entitled, when absent without leave, to receive medical care except at a medical care facility of the Service or under contract to the Service.

CADETS AT STATE MARITIME ACADEMIES OR ON STATE TRAINING SHIPS

§ 32.76 Conditions and extent of treatment.

Cadets at State maritime academies or on State training ships shall be entitled to care and treatment by the Service under the same conditions and to the same extent as is provided for American seamen. Provided, however, that the written request of the superintendent or other responsible officer of an academy, including the master of a training ship, shall be accepted in lieu of the documentary evidence of eligibility required of American seamen.

PERSONS WITH HANSEN'S DISEASE

§ 32.86 Admissions to Service facilities.

Any person with Hansen's disease who presents himself for care or treatment or who is referred to the Service by the proper health authority of any State, Territory, or the District of Columbia shall be received into the Service hospital at Carville, Louisiana, or into any other hospital of the Service which has been designated by the Secretary as being suitable for the temporary accommodation of persons with Hansen's disease.

§ 32.87 Confirmation of Diagnosis.

At the earliest practicable date, after the arrival of a patient at the Service hospital at Carville, Louisiana, or at another hospital of the Service the medical staff shall confirm or disapprove the diagnosis of Hansen's disease. If the diagnosis of Hansen's disease is confirmed, the patient shall be provided appropriate inpatient or outpatient treatment. If the diagnosis is not confirmed, the patient shall be discharged.

§ 23.88 Examinations and treatment.

Patients will be provided necessary clinical examinations which may be required for the diagnosis of primary or secondary conditions, and such treatment as may be prescribed.

§ 32.89 Discharge.

Patients with Hansen's disease will be discharged when, in the opinion of the medical staff of the hospital, optimum hospital benefits have been received.

§ 32.90 Notification to health authorities regarding discharged patients.

Upon the discharge of a patient the medical officer in charge shall give notification of such discharge to the appropriate health officer of the State, Territory, or other jurisdiction in which the discharged patient is to reside. The notification shall also set forth the clinical findings and other essential facts necessary to be known by the health officer relative to such discharged patient.

SEAMEN ON FOREIGN FLAG VESSELS

§ 32.106 Conditions and extent of treatment; rates; burial.

(a) Seamen on foreign flag vessels may, when suitable accommodations are available and on application of the master, owner, or agent of the vessel, be provided treament at medical care facilities of the Service at rates prescribed by the Secretary.

(b) Upon application, the Service may assist in arranging for private hospitalization of such seamen or private services in connection with their treatment at the expense of the master, owner, or agent of the vessel.

(c) If any such seaman dies while receiving treatment by the Service, the expenses of burial shall be paid directly to the vendors by the master, owner, or agent.

NONBENEFICIARIES: TEMPORARY TREATMENT IN EMERGENCY

§ 32.111 Conditions and extent of treatment; charges.

(a) Persons not entitled to treatment by the Service may be provided temporary care and treatment at medical care facilities of the Service in case of emergency as an act of humanity.

(b) Persons referred to in paragraph (a) of this section who, as determined by the officer in charge of the Service facility, are able to defray the cost of their care and treatment shall be charged for such care and treatment at the following rates (which shall be deemed to constitute the entire charge in each instance): In the case of hospitalization, at the current interdepartmental reciprocal per diem rate; and, in the case of

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outpatient treatment, at rates established by the Secretary.

[FR Doc.75-4630 Filed 2-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-AL-14]

CONTROL AREAS

Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would designate additional control area upward from 14,500 feet MSL to Flight Level 450 within an area west of the Alaskan Peninsula and north of Control 1236 and south of Control 1485.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before March 24, 1975 will be considered before action is taken on the proposed amendment. The substance of the proposal may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

On March 4, 1965, (29 FR 19185), the Federal Aviation Administration amended § 71.9 of the Federal Aviation Regulations to include the airspace of Alaska south of latitude 68°00'00'' N., excluding the Alaskan Peninsula west of longitude 160°00'00'' W., within the Continental Control Area. Subsequently, on January 17, 1970, (35 FR 622), § 71.9 of the Federal Aviation Regulations was amended to include the airspace of Alaska north of latitude 68°00'00'' N., excluding the Alaskan Peninsula west of longitude 160°00'00'' W., within the Continental Control Area. These actions were taken to provide air traffic control service to civil and military aircraft operating at high altitudes over Alaska. At that time there was a requirement for this service over the whole state. However, the agency had neither the air traffic control, nor communications capability to provide this service over the Alaskan Peninsula west of longitude 160°00'00'' W.

Since the designation of the original Continental Control Area in Alaska, there has been a considerable increase in jet traffic in Alaska in support of the recent discovery of oil and building of the pipeline. Civil air traffic operates from Nome, Alaska, to Tokyo via routes north of the NOPAC-1 route and military air traffic operates over the peninsula. As the agency now has both the air traffic control capability and necessary communications to provide air traffic control services to these high altitude operations, action is proposed herein to designate the controlled airspace necessary to the provision of such service.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations by designating an additional control area in § 71.163 as follows:

CONTROL 1238

That airspace extending upward from 14,500 feet MSL to FL 450, within an area bounded by a line beginning at latitude 60°57'00''N., longitude 165°17'00''W.; along the northern boundary of Control 1236 to latitude 60°17'00''N., longitude 168°42'00'' W.; thence to latitude 62°35'00''N., longitude 175°00'00''W.; thence to latitude 65°00'00'' N., longitude 168°58'23''W.; thence to latitude 68°00'00''N., longitude 168°58'23''W.; along the southern boundary of Control 1485 to latitude 68°00'00''N., longitude 165°30'-00''W.; thence by a line 3 nautical miles from and parallel to the shoreline to the point of beginning, excluding that portion that lies within Continental Control Area, control areas, and transition areas at Nome and Kotzebue, Alaska.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on February 12, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-4497 Filed 2-19-75;8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

[29 CFR Parts 2520, 2521, 2522, 2523]

REPORTING AND DISCLOSURE REQUIREMENTS

Intent to Defer Effective Dates

Notice is hereby given of the intent to defer certain reporting and disclosure requirements published in proposed rules on pages 42235 through 42242 in the FEDERAL REGISTER of December 4, 1974 as Parts 2520, 2521, 2522 and 2523 of Title 29 of the Code of Federal Regulations.

Final regulations on reporting and disclosure requirements, and the final version of Form EBS-1, are not expected to be available before the middle of March, 1975. The Department of Labor has determined that there would not be sufficient time before April 30, 1975 to prepare and file with the Secretary of Labor, or to furnish to plan participants and beneficiaries, as the case may be, completed EBS-1 plan description forms and summary plan descriptions prepared in accordance with the final reporting and disclosure regulations. Application of the April 30 deadline would therefore result in excessive expense and difficulties for plans. In addition, attempts to meet the reporting and disclosure requirements without adequate time would lead to inadequate and incomplete documents, to the detriment of plan participants and beneficiaries. Accordingly, the Department of Labor intends to defer those reporting and disclosure dates that were set at not later than April 30, 1975 in the December 4, 1974 proposed regulations to not later than August 31, 1975, as follows:

(1) For welfare plans, the dates for filing a plan description and a copy of the summary plan description with the Secretary of Labor, and for furnishing summary plan descriptions to participants and beneficiaries receiving benefits under the plan;

(2) For pension plans not using the alternative covered in (3) below, the dates for filing a plan description and a copy of the summary plan description with the Secretary of Labor, and for furnishing summary plan descriptions to participants and beneficiaries receiving benefits under the plan;

(3) For pension plans using the alternative method of compliance described in § 2521.30 of the December 4, 1974 proposed regulations, the dates for filing a plan description, an interim summary plan description, and a supplementary statement with the Secretary of Labor, and for furnishing to participants and beneficiaries receiving benefits under the plan a supplementary statement and, on request or as otherwise required by the alternative method of compliance, an interim summary plan description.

PAUL J. FASSER, JR.,
Assistant Secretary for Labor Management Relations.

[FR Doc.75-4598 Filed 2-19-75;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Parts 302, 330, 353, 531, and 550]

CIVIL SERVICE RETENTION RIGHTS

Persons Injured On the Job

Notice is hereby given that under authority of section 8151 of title 5, United States Code, it is proposed to amend Parts 302, 330, 353, 531, and 550 of title 5 of the Code of Federal Regulations to implement the civil service retention rights provision of the injury compensation amendments of 1974 as follows:

Sections 302.103, 302.104, and 302.303 (c) are revised and §§ 302.105 and 302.303 (b) are added to give injured employees in the excepted service who recover more than one year after they begin receiving compensation, the priority placement consideration required by law.

Sections 330.301(c) and 330.701 (a) and (b) are revised to incorporate an editorial perfecting change in the wording.

Part 353 is revised in its entirety to give injured employees who recover within one year after they begin receiving compensation, absolute restoration rights to their previous positions or equivalent ones.

Sections 531.404(c) and 531.509 are revised to credit injured employees, for purposes of within-grade increases and salary retention, with all the time during which they received compensation or continuation of pay.

Section 550.704(d) is revised to credit injured employees who resume Federal employment, with all the time during which they received compensation or continuation of pay, for purposes of meeting the 12-month continuous service requirement for severance pay.

Agencies, unions, and other interested persons may submit comments, objections, or suggestions to the Bureau of Recruiting and Examining, U.S. Civil Service Commission, Washington, D.C. 20415, on or before March 24, 1975. The proposed amendments are set forth below.

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

1. The heading and text of §§ 302.103 and 302.104 are revised, §§ 302.105 and 302.303(b)(3) are added, and § 302.303 (c) and the authority are revised as set out below:

Subpart A—General Provisions

§ 302.103 Definition.

"Person entitled to priority consideration" means a former employee of an agency who sustained an injury in line of duty under the provisions of 5 U.S.C. chapter 81, subchapter I, and who has recovered from such injury more than 1 year after the date of commencement of compensation. To be eligible under this part the person must apply for reappointment to his former agency within 30 days of the date of cessation of compensation.

§ 302.104 Applicability of regulations to applicants and employees.

Each agency shall follow the provisions of this part relating to examination, rating, and selection for appointment of an applicant when a qualified preference eligible or person entitled to priority consideration applies for appointment to a position covered by this part. Each agency, in its discretion, may follow these provisions in making an appointment when no preference eligible or person entitled to priority consideration applies.

§ 302.105 Special agency plans.

An agency having a position subject to this part may submit to the Commission a system for making appointments which will result in granting to a person the preference or priority consideration referred to in sections 1302(c) or 8151 of title 5, United States Code, but which does not conform to all the procedural requirements set forth in this part. However, an agency may not put such a system into effect until it has received the prior approval of the Commission.

. . . . . .

Subpart C—Accepting, Rating, and Arranging Applications

§ 302.303 Maintenance of employment lists.

. . . . . .

(b) *Reemployment list.* . . .

(3) The name of each former employee of the agency who has been furloughed or separated due to injury sustained in line of duty under the provisions of 5 U.S.C. chapter 81, subchapter I, and who is eligible for priority consideration under this part.

(c) *Regular employment list.*—(1) The regular employment list shall consist of the names of eligible applicants who have been assigned numerical ratings and whose names are not on the agency reemployment list.

(2) A person entitled to priority consideration under this part is eligible for entry on an agency's regular employment list when he:

(i) Has a statement from his last employing agency that he cannot be placed and

(ii) Has ceased receiving compensation under 5 U.S.C. chapter 81 no more than one year previously for a person formerly in tenure group II and two years previously for a person formerly in tenure group I. Eligibility may be terminated earlier, however, upon the person's acceptance of a nontemporary, full-time position or upon his declination of full-time employment in a position equivalent to the one he held at the time of injury.

(5 U.S.C. 1302, 3301, 3302, 8151; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218, unless otherwise noted.)

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

2. Sections 330.301(c) and 330.701 are revised as set out below:

Subpart C—Displaced Employee Program

§ 330.301 Definition.

. . . . . .

(c) Was separated or furloughed because of a compensable injury sustained in line of duty under the provisions of subchapter I of chapter 81 of title 5, United States Code; or

. . . . . .

§ 330.701 Coverage.

This subpart applies to each present or former employee who is not eligible for assistance under Subpart C of this part and who—

(a) Was separated or furloughed because of a compensable injury sustained in line of duty under the provisions of subchapter I of chapter 81 of title 5, United States Code; or

(b) Is under 60 years of age, has been retired under section 8337 of title 5, United States Code, and is subsequently found by the Commission to have recovered from his disability or to have been restored to earning capacity.

(5 U.S.C. 1302, 3301, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

PART 353—RESTORATION TO DUTY

3. Part 353 is revised in its entirety.

Subpart A—General Provisions

Sec.	
353.101	Scope.
353.102	Definitions.
353.103	Persons covered.
353.104	Agency action at time employee enters on military duty.
353.105	Agency action when an employee is injured in line of duty.
353.106	Notification of rights and obligations.
353.107	Maintenance of records.

Subpart B—Agency Action in Employee's Absence

353.201	Personnel actions.
353.202	Transfer of function to another agency.
353.203	Abolishment of agency.

Subpart C—Agency Obligation to Restore

353.301	Extent of agency's obligation and how discharged.
353.302	Time limit for restoration.

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Sec.
353.303 Position to which restored.
353.304 Physical disqualification.
353.305 Conflicting rights.
353.306 Partially recovered injured employees.
353.307 Notice of right of appeal.

Subpart D—Appeals to the Commission

353.401 Appeals to the Commission.
353.402 Where appeals are filed.
353.403 Finality of appeal decision.
353.404 Agency action when the Commission recommends corrective action.
353.405 General provisions governing appeals.

Subpart E—Restoration Rights of TAPER Employees

353.501 Rights of TAPER employees.

AUTHORITY: The provisions of this part issued under 38 U.S.C. 2021, et seq., and 5 U.S.C. 8151.

Subpart A—General Provisions

§ 353.101 Scope.

This part sets forth rights and obligations of employees and agencies in connection with restoration following (a) military duty subject to the provisions of 38 U.S.C. 2021, et seq. (formerly section 9 of the Military Selective Service Act of 1967, as amended), and (b) employee injuries subject to the provisions of 5 U.S.C. chapter 81, subchapter 1.

§ 353.102 Definitions.

In this part:

(a) "Law" means Pub. L. 93–508 (38 U.S.C. 2021 et seq.) and Pub. L. 93–416 (5 U.S.C. 8151).

(b) "Leave of absence" means military leave, annual leave, leave without pay, continuation of pay, or any combination of these.

(c) "Military duty" means a period of (1) active duty for training or for service in the Armed Forces of the United States, (2) inactive duty training in the Armed Forces of the United States, and (3) active duty in the Public Health Service that is covered by 38 U.S.C. 2024(b). For the purpose of this paragraph, full-time training or other full-time duty performed by a member of the National Guard under 32 U.S.C. 316, 503, 504, or 505 is considered active duty for training in the Armed Forces of the United States, and inactive duty training performed by a member of the National Guard under 32 U.S.C. 502 or 37 U.S.C. 206(a) or 1002(a) is considered inactive duty training in the Armed Forces of the United States.

(d) "Injury" means an injury in line of duty subject to the provisions of 5 U.S.C. chapter 81, subchapter I, and includes, in addition to accidental injury, a disease proximately caused by the employment.

§ 353.103 Persons covered.

(a) The provisions of this part concerned with military duty cover each employee of an agency who enters on military duty from:

(1) A career or career-conditional appointment in the competitive service; or

(2) An appointment without time limitation in a position outside the competitive service.

(b) Subpart E of this part covers the restoration rights of TAPER employees.

(c) The provisions of this part concerned with employee injury cover the following persons:

(1) A civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States, who was separated or furloughed from a position without time limitation as a result of a compensable injury;

(2) An individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(3) An individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber or logging operations on that reservation;

(4) An individual employed by the Government of the District of Columbia;

(5) An individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

(6) A Peace Corps Volunteer or Volunteer Leader; and

(7) Individuals enrolled in programs under title I of the Domestic Volunteer Service Act of 1973 (Pub. L. 93–113) for periods of service of at least one year; but do not include—

(i) A commissioned officer of the Regular Corps of the Public Health Service;

(ii) A commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(iii) A commissioned officer of the Environmental Science Services Administration; or

(iv) A member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under section 521.535 of title 4, District of Columbia Code.

§ 353.104 Agency action at time employee enters on military duty.

Each employee who enters on active duty with restoration rights under section 2021 or 2024 (a), (b), or (c) of title 38, United States Code, shall be either separated or furloughed, at the option of his agency, when he enters on military duty, except that an agency may elect to place a member of a reserve component of the Armed Forces or a member of the National Guard on leave of absence, instead.

§ 353.105 Agency action where an employee is injured in line of duty.

Agencies should carry injured employees on leave without pay for at least the first year the employee is receiving injury compensation under 5 U.S.C. chapter 81. Extensions of such leave may be granted, if warranted, based on review of each individual case.

§ 353.106 Notification of rights and obligations.

An agency shall notify an employee who is separated, furloughed, or given leave of absence because of military duty or injury, of his rights, obligations, and benefits relating to his Government employment.

§ 353.107 Maintenance of records.

Each agency shall identify the position vacated by an employee who is injured or leaves to enter on military duty. It shall also maintain the necessary records to assure that all such employees are preserved the rights and benefits granted by law and this part.

Subpart B—Agency Action in Employee's Absence

§ 353.201 Personnel actions.

(a) Each agency shall consider every employee absent because of injury or military duty for all promotions for which he would be considered were he not absent. A promotion based on this consideration is effective on the date it would have been made if the employee were not absent.

(b) When the position of an employee absent because of injury or military duty is regraded upward during his absence, his agency shall place him in the regraded position.

(c) An agency may not demote or separate an employee absent on military duty. If the employee's position is abolished during his absence, the agency shall reassign him to another position of like seniority, status, and pay.

(d) An employee absent because of injury is subject to the same conditions of employment as though he had not been injured.

§ 353.202 Transfer of function to another agency.

If the function with which an employee absent because of injury or military duty was associated at the time of his departure, is transferred to another agency and if the employee would have been transferred with the function under Part 351 of this chapter if he were not absent, the gaining agency shall retain the employee in his position or assign him to a position of like seniority, status, and pay. It shall also assume the obligation to restore the employee in accordance with law and this part.

§ 353.203 Abolishment of agency.

If an agency is abolished and its functions are not transferred to another agency, it shall furnish the Commission a list of its employees absent because of injury or military duty. For each employee, the list shall state the employee's name, date of birth, position, grade, and pay, and the name of the organizational unit in which his position was located. The agency shall note in each employee's

Official Personnel Folder that notification was made under this section.

Subpart C—Agency Obligation to Restore

§ 353.301 Extent of agency's obligation and how discharged.

When an employee is entitled to restoration under sections 2021 or 2024 (a), (b), or (c) of title 38, United States Code, or under 5 U.S.C. 8151, the agency shall restore him in accordance with this subpart.

§ 353.302 Time limit for restoration.

(a) An employee returning from military duty is entitled to be restored as soon as possible after his application for restoration, filed in accordance with the requirements in law, is received in the agency but, in no event, later than 30 days after his application is received.

(b) An employee whose injury or disability has been overcome within one year after the date of commencement of compensation, or from the time compensable disability recurs if the recurrence begins after the injured employee resumes regular full-time employment with the United States, is entitled to resume his former position immediately, but in no event later than 30 days after notifying his agency that he is fully recovered. An employee whose injury or disability has been fully overcome shall notify his agency within 15 days of the date he is found fit to resume his full-time duties.

§ 353.303 Position to which restored.

An employee is entitled to be restored to employment in the following order, unless the position is occupied by an employee in a higher retention subgroup under Part 351 of this chapter:

(a) To the position to which promoted while he was injured or on military duty, or, if that position is not available, to a position of like seniority, status, and pay;

(b) To the position he left because of injury or military duty, or, if that position is not available, to a position of like seniority, status, and pay;

(c) To the next best available position for which he is qualified. For purposes of this paragraph, the next best available position is one that most nearly approximates in seniority, status, and pay the position to which an employee is entitled under either paragraph (a) or (b) of this section.

§ 353.304 Physical disqualification.

A returning employee who, because of injury or disability sustained in line of duty or during military duty, is disqualified for a position to which he has restoration rights, is entitled to be restored to another position in the agency for which he is qualified that will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

§ 353.305 Conflicting rights.

If two or more employees are entitled to be restored to the same position, the employee who left his position first is entitled to the prior right of restoration. Each other employee is entitled to be restored in accordance with the provisions of §§ 353.303 and 353.304.

§ 353.306 Partially recovered injured employees.

Agencies are expected to restore, according to the circumstances in each case, an employee whose injury or disability has been partially overcome within one year of the date he began receiving compensation and who is able to return to limited duty.

§ 353.307 Notice of right of appeal.

(a) When an agency refuses to restore, or determines that it is not feasible to restore an employee under the provisions of law and this part, it shall notify him in writing of the reasons for its decision, of his right to appeal to the Commission, and of the time limit applicable to the filing of an appeal. The agency shall forward a copy of the notice to the Commission.

(b) When an agency restores an employee it shall notify him that he is being restored in accordance with the requirements of § 353.303 of this subpart. The agency shall also inform the employee that he has 15 days in which to appeal to the Commission a restoration that he believes does not conform to the requirements of this subpart.

Subpart D—Appeals to the Commission

§ 353.401 Appeals to the Commission.

(a) *Executive branch and District of Columbia employees.* (1) An employee with a right to restoration under sections 2021 or 2024 (a), (b), or (c) of title 38, United States Code, or under 5 U.S.C. 8151 may appeal to the Commission in furtherance of this right as follows:

(i) Failure of restoration: If the agency concerned fails to restore an employee within 30 days after receipt of a properly filed application for restoration, the employee may appeal to the Commission not later than 15 calendar days after the 30-day period has expired.

(ii) Not feasible to restore: If the agency concerned decides that it is not feasible to restore an employee, he may appeal this decision to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iii) Refusal of restoration: If the agency concerned refuses to restore an employee, he may appeal to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iv) Improper restoration: If an employee considers that he has been improperly restored, he may appeal to the Commission not later than 15 calendar days after this restoration.

(v) Former agency abolished: If the agency in which an employee was employed when he left for military duty or was injured is abolished and its functions are not transferred to another agency, the employee may appeal to the Commission not later than 15 calendar days after expiration of the period specified by law and in this part for applying for restoration.

(2) An employee who left a position in an agency with right to return to his position under sections 2024(d) or 2024 (e) of title 38, United States Code, may appeal to the Commission in furtherance of his right to return to work in accordance with the provisions of such sections and this part.

(b) *Other employees.* An employee of another branch who is entitled by law to appeal to the Commission may do so not later than 15 calendar days after expiration of any period specified in the law for applying for restoration. If a period is not specified by law the employee may appeal to the Commission not later than 15 calendar days from the time he receives notice of an action under subsection (a) of this section.

§ 353.402 Where appeals are filed.

Appeals under this subpart are to be filed with the office of the Commission having appellate jurisdiction.

§ 353.403 Finality of appeal decision.

The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.404 Agency action when the Commission recommends corrective action.

Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.405 General provisions governing appeals.

(a) *Delayed appeals.* The Commission may extend the time limits in §§ 353.401 and 353.404 when the appellant shows that he was not notified of these limits, and was not otherwise aware of them, or that circumstances beyond his control prevented him from filing an appeal within the prescribed limits.

(b) *Ascertainment of facts.* Each appellant shall submit in writing all facts that he considers pertinent to his appeal. The Commission may also conduct such appropriate investigations as it considers necessary.

(c) *Notification of appeal decisions.* The Commission shall submit its decision on an appeal in writing to each appellant and to each agency concerned.

(d) *Cancellation of appeals.* The Commission shall cancel an appeal, and the appellant and the agency concerned will be so notified on receipt of the appellant's written request for cancellation, or on failure of the appellant to furnish information requested by the Commission.

(e) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

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Subpart E—Restoration Rights of TAPER Employees

§ 353.501 Rights of TAPER employees.

(a) *General.* Subject to the exceptions set forth in paragraph (b) of this section an employee serving in a position in the competitive service under a temporary appointment pending establishment of a register under section 316.201 of this chapter (other than an employee serving in grades GS–16, GS–17, or GS–18), is entitled to rights equivalent to those provided for employees covered by sections 2021 and 2024 of title 38, United States Code, or 5 U.S.C. 8151, and subparts A through D of this part apply to a TAPER employee.

(b) *Exceptions.* (1) Sections 353.203 and 353.401(a)(2)(v) do not apply to a TAPER employee. (2) The right of restoration of a TAPER employee is restricted to the geographical area in which the installation he left because of military duty or injury is located. (3) The prohibitions in section 2021(b)(1) and section 2024(c) of title 38, United States Code, against discharging employees without cause within 1 year or 6 months respectively after restoration from military duty do not apply to a TAPER employee; restoration of a TAPER employee may not cause his employment to extend beyond the date it would otherwise be terminated. (4) A TAPER employee who cannot be restored in his former agency does not have the right to restoration in another agency that nontemporary employees have.

PART 531—PAY UNDER THE GENERAL SCHEDULE

4. Sections 531.404 and 531.509 are amended as set out below:

Subpart D—Within-Grade Increases

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§ 531.404 Creditable service—waiting period.

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(c) (1) Leave of absence granted to an employee because of an injury for which compensation is payable under subchapter I of chapter 81 of title 5, United States Code, is creditable service in the computation of a waiting period.

(2) An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as creditable service in the computation of a waiting period.

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Subpart E—Salary Retention

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§ 531.509 Continuous service.

The period of two continuous years of service immediately prior to a demotion required by section 5337(a) of title 5, United States Code, or by § 531.502(b) of this subpart includes any period or periods of nonpay status occurring in the 2-year period. An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as continuous service for the purpose of satisfying the two continuous years requirement. Similarly, the salary retention period after demotion includes any period or periods in a nonpay status or periods during which the employee was receiving continuation of pay or compensation because of such injury.

(5 U.S.C. 5115, 5338, sections 531.501 to 531.516 also issued under 5 U.S.C. 5337, 5338, and sections 531.404 and 531.509 issued under 5 U.S.C. 8151, as well)

PART 550—PAY ADMINISTRATION (GENERAL)

5. Section 550.704(d) is amended as set out below:

Subpart G—Severence Pay

• • • • •

§ 550.704 General provisions.

• • • • •

(d) *Determination of 12 months' continuous service.* The requirement of section 5595(b) of title 5, United States Code, is met if the employee on the date of separation has been on the rolls of one or more agencies under one or more appointments without time limitation, or temporary appointments that precede or follow on appointment without time limitation, without any break in service of more than 3 calendar days for at least the preceding 12 calendar months. An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as continuous service for purposes of determining whether the employee has satisfied the 12 months continuous service requirement.

(5 U.S.C. 5595; E.O. 11257, 3 CFR 1964–1965 Comp. p. 367. Section 550.704 also issued under 5 U.S.C. 8151.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–4632 Filed 2–19–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 20102]

BRIDGE TO BRIDGE RADIO STATIONS

Availability of Energy Source

In the matter of amendment of § 83.–717 of the rules to ensure the ready availability of an energy source for required Bridge-to-Bridge radio stations.

1. On July 8, 1974, we released a notice of proposed rule making (39 FR 26170), published in the FEDERAL REGISTER on July 17, 1974, in the above-captioned matter. The time for filing of comments and reply comments has passed.

2. Comments were filed by the Utilities Telecommunications Council ("UTC"), the American Institute of Merchant Shipping ("AIMS"), and the Atlantic Richfield Company ("ARCO"). No reply comments have been filed.

3. Because this matter was internally initiated by the staff of the Commission, no public notice of this action was given prior to the release of our notice of proposed rule making. A common point in the comments received is that there are ways to operationally and technically satisfy the ready availability of energy requirement of § 81.717 of the rules other than that suggested by our proposed rule change. Specifically, UTC suggested that on smaller vessels, such as the ones its members operate, connection of the Bridge-to-Bridge radio is made to the starter battery, a rechargeable battery not located on the bridge. ARCO, on the other hand, has installed, at considerable expense according to its comments, its batteries in the Battery Room and the associated chargers in the Radio Room. ARCO also maintains it has installed separate batteries and chargers for VHF radio installations.

4. The point of all these comments appears to be that there are different, but satisfactory, technical means of achieving and satisfying the objective of § 83.–717 of assuring a readily available energy source to the Bridge-to-Bridge Radio. We agree with these comments. As ARCO further points out, ambiguity and the possibility of misinterpretation exist in the proposed rule. Most of the problem appears to result from an attempt to list one method of satisfying the requirement, i.e., the proposed requirement of locating either the battery charger or spare batteries on the bridge, when, in fact, there are other equally satisfactory methods of satisfying the requirement. Rather than attempt to catalogue all acceptable methods in the rule—at the risk of omitting some—we believe that the rule as it is presently written adequately states the requirement and that the proposed changes would not substantially improve it. It further appears that the cataloguing of satisfactory methods would needlessly hinder flexibility, under differing operational and ship design considerations, in satisfying the basic requirement.

5. Accordingly, *it is ordered*, That the notice of proposed rule making in Docket No. 20102, is withdrawn and this proceeding is terminated.

Adopted: February 4, 1975.

Released: February 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–4602 Filed 2–19–75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–5/18]

ADVISORY PANEL ON ACADEMIC MUSIC

Notice of Meeting

Pursuant to Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Academic Music has scheduled a meeting to be held on Wednesday, March 26 in Room 1408 at the Department of State, 2201 C Street NW., Washington, D.C. The meeting hours will be from 10 a.m. to 12:30 p.m. and from 2 p.m. to 5 p.m.

The sessions will be open to the public. The agenda is: (1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the Department of State;

(3) Evaluation of tapes and records of performing artists who are planning tours abroad, and other performers who wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein by telephone before March 18; the telephone number is (area code 202) 632–2846.

The meeting room has a seating capacity of 40, so the public will be admitted on a first-come, first-served basis.

Dated: February 12, 1975.

BART N. STEPHENS,
Deputy Director, Office of International Arts Affairs.

[FR Doc.75–4574 Filed 2–19–75;8:45 am]

[Public Notice CM–5/17]

ADVISORY PANEL ON MUSIC

Notice of Meeting

Pursuant to Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Music has scheduled a 2-day meeting to be held on Monday, March 24 and on Tuesday, March 25 in Room 1408 at the Department of State, 2201 C Street NW., Washington, D.C. The meeting hours for each day will be from 10 a.m. to 12:30 p.m. and from 2 p.m. to 5 p.m.

The sessions will be open to the public. The agenda is: (1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the Department of State;

(3) Evaluation of tapes and records of performing artists who are planning tours abroad, and other performers who wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein by telephone before March 18; the telephone number is (area code 202) 632–2846.

The meeting room has a seating capacity of 40, so the public will be admitted on a first-come, first-served basis.

Dated: February 12, 1975.

BART N. STEPHENS,
Deputy Director, Office of International Arts Affairs.

[FR Doc.75–4573 Filed 2–19–75;8:45 am]

[Public Notice CM–5/19]

ADVISORY PANEL ON FOLK MUSIC AND JAZZ

Notice of Meeting

Pursuant to Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Folk Music and Jazz has scheduled a meeting to be held on Thursday March 27 in Room 1408 at the Department of State, 2201 C Street NW., Washington, D.C. The meeting hours will be from 10 a.m. to 12:30 p.m. and from 2 p.m. to 5 p.m.

The sessions will be open to the public. The agenda is: (1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the Department of State;

(3) Evaluation of tapes and records of performing artists who are planning tours abroad, and other performers who wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein by telephone before March 18; the telephone number is (area code 202) 632–2846.

The meeting room has a seating capacity of 40, so the public will be admitted on a first-come, first-served basis.

Dated: February 12, 1975.

BART N. STEPHENS,
Deputy Director, Office of International Arts Affairs.

[FR Doc.75–4571 Filed 2–19–75;8:45 am]

[Public Notice 441; Delegation of Authority No. 127–3]

DEPUTY UNDER SECRETARY FOR MANAGEMENT

Delegation of Authority

By virtue of the authority vested in me by the act of June 20, 1874 (18 Stat. 90; 22 U.S.C. 2664) and by section 4 of the act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, for any period of vacancy in the position of the Deputy Under Secretary of State for Management, I hereby delegate:

All duties, functions, and responsibilities vested in the Deputy Under Secretary of State for Management, to Lawrence S. Eagleburger.

The delegation to Mr. Eagleburger is in addition to functions previously vested in him as Executive Assistant to the Secretary of State and it includes the authority to redelegate any of the duties, functions, and responsibilities of the Deputy Under Secretary of State for Management.

This Delegation of Authority shall be effective on February 13, 1975.

Dated: February 12, 1975.

ROBERT S. INGERSOLL,
Acting Secretary of State.

[FR Doc.75–4575 Filed 2–19–75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the Law Enforcement/Private Security Relationship Study Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet Friday, March 7, 1975, in Chicago, Illinois. The meeting place has not yet been determined.

XUM V40I35 FEB 20 75 XUM

Further discussion will be held on the relationships between private security personnel and public law enforcement agencies.

The meeting will be open to the public.

For further information, please contact: Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531.

GERALD YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-4622 Filed 2-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 49443]

WYOMING

Notice of Application

FEBRUARY 11, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 14 N., R. 92 W.,
Sec. 5, lot 8;
Sec. 6, lot 8, S½NE¼, N½SE¼, and SW¼SE¼;
Sec. 7, W½NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼.
T. 15 N., R. 92 W.,
Sec. 4, lots 7, 8, and SW¼NW¼;
Sec. 5, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 8, W½E½;
Sec. 17, W½E½, and SE¼SW¼;
Sec. 20, NW¼NE¼, and E½W½;
Sec. 29, W½E½, SE¼SW¼, and NE¼NW¼;
Sec. 32, NW¼NE¼, E½NW¼, N½SW¼, and SW¼SW¼.
T. 16 N., R. 92 W.,
Sec. 12, NW¼SE¼, and E½SW¼;
Sec. 13, N½NW¼, and SW¼NW¼;
Sec. 14, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, NW¼NE¼, E½NW¼, SE¼NW¼, and W½SW¼;
Sec. 27, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 33, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 34, NW¼NW¼.

The pipeline will convey natural gas from the Blue Gap Unit II #7 Well in Sec. 7, T. 14 N., R. 92 W. to an existing pipeline in Sec. 12, T. 16 N., R. 92 W., all in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-4547 Filed 2-19-75;8:45 am]

[Wyoming 49462]

WYOMING

Notice of Application

FEBRUARY 11, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas meter station right-of-way on the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 12 N., R. 93 W.,
Sec. 3, NE¼SE¼.

The pipeline will regulate natural gas through the Barrel Springs Gathering System in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-4548 Filed 2-19-75;8:45 am]

Office of the Secretary

ALASKA

Availability of Final Environmental Statement

[INT FES 75-28]

CHUKCHI-IMURUK NATIONAL PRESERVE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Chukchi-Imuruk National Reserve in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Chukchi-Imuruk National Reserve and its management by the agencies indicated below.

Proposal recommends that: Approximately 2.7 million acres of public lands and waters on the Seward Peninsula of Alaska be designated by Congress as the Chukchi-Imuruk National Reserve.

Management by: National Park Service and Fish and Wildlife Service.

[INT FES 75-26]

HARDING ICEFIELD-KENAI FJORDS NATIONAL MONUMENT, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Harding Icefield-Kenai Fjords National Monument in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Harding Icefield-Kenai Fjords National Monument and its management by the agencies indicated below.

Proposal recommends that: Approximately 300,000 acres of public lands and waters on the south coast of the Kenai Peninsula in Alaska be established legislatively by Congress as the Harding Icefield-Kenai Fjords National Monument and, further, that legislative recognition be given an Area of Ecological Concern of 460,000 acres associated with the proposed monument.

Management by: National Park Service and Fish and Wildlife Service.

[INT FES 75-30]

KOBUK VALLEY NATIONAL MONUMENT, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Kobuk Valley National Monument in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Kobuk Valley National Monument and its management by the agency indicated below.

Proposal recommends that: Approximately 1.8 million acres of public lands and waters in northwest Alaska be designated by Congress as the Kobuk Valley National Monument and, further, that the entire Salmon River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: National Park Service.

[INT FES 75-32]

LAKE CLARK NATIONAL PARK, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Lake Clark National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Lake Clark National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 2.6 million acres of public lands and waters north of Cook Inlet, Alaska, be designated by Congress as the Lake Clark National Park.

Management by: National Park Service.

[INT FES 75-31]

PORCUPINE NATIONAL FOREST, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Porcupine National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Porcupine National Forest and its management by the agency indicated below.

Proposal recommends that: Approximately 5.5 million acres of public lands and waters in northeast Alaska be designated by Congress as the Porcupine National Forest and that 114 miles of the Porcupine River and 102 miles of the Sheenjek River be designated in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

[INT FES 75-29]

WRANGELL MOUNTAINS NATIONAL FOREST, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Wrangell Mountains National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Wrangell Mountains National Forest and its management by the agency indicated below.

Proposal recommends that: Approximately 5.5 million acres of public lands and waters in southeast Alaska be designated by Congress as the Wrangell Mountains National Forest and that 90 miles of the Bremner River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

[INT FES 75-25]

WRANGELL-ST. ELIAS NATIONAL PARK, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Wrangell-St. Elias National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Wrangell-St. Elias National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 8.6 million acres of public lands and waters in southeast Alaska be designated by Congress as the Wrangell-St. Elias National Park.

Management by: National Park Service.

[INT FES 75-24]

YUKON-KUSKOKWIM NATIONAL FOREST, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Yukon-Kuskokwim National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Yukon-Kuskokwim National Forest and its management by the agency indicated below.

Proposal recommends that: Approximately 7.3 million acres of public lands and waters in Interior Alaska be designated by Congress as the Yukon-Kuskokwim National Forest and that 202 miles of the Nowitna River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

The final environmental statements are available for inspection at the following locations.

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

Western Regional Office
National Park Service
450 Golden Gate Avenue
Box 36063
San Francisco, California 94102

Fish and Wildlife Service
1500 Plaza Building, Room 288
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Fish and Wildlife Service
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Southwest Regional Office
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office
National Park Service
Room 931, 4th and Pike Building
1424 Fourth Avenue
Seattle, Washington 98101

Fish and Wildlife Service
500 Gold Avenue, SW.
Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Fish and Wildlife Service
17 Executive Park Drive, NE.
Room 411
Atlanta, Georgia 30329

Fish and Wildlife Service
10597 West Sixth Avenue
Denver, Colorado 80215

U.S. Forest Service
Federal Building
Missoula, Montana 59801

U.S. Forest Service
Federal Building
517 Gold Avenue, SW.
Albuquerque, New Mexico 87101

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111

U.S. Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

Bureau of Land Management
Federal Building
300 Booth Street
Reno, Nevada 89502

Bureau of Land Management
Federal Building, Room 398
550 W. Fort Street
Boise, Idaho 83702

Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

Bureau of Land Management
Federal Building
316 North 26th Street
Billings, Montana 92301

U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

U.S. Forest Service
319 SW. Pine Street
P.O. Box 3623
Portland, Oregon 97208

U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

Bureau of Land Management
Federal Building
Room 3022
Phoenix, Arizona 85025

Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

Bureau of Land Management
2800 Cottage Way
Room E-2841
Sacramento, California 95825

Bureau of Land Management
729 Northeast Oregon Street
P.O. Box 2965
Portland, Oregon 97208

Bureau of Land Management
Robin Building
7981 Eastern Avenue
Silver Spring, Maryland 20910

Southeast Regional Office
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia 30303

Mid-Continent Regional Office
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

Northwest Regional Office
Bureau of Outdoor Recreation
1000 2nd Avenue
Seattle, Washington 98104

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XUM

Northeast Regional Office
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Lake Central Regional Office
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

South Central Regional Office
Bureau of Outdoor Recreation
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office
Bureau of Outdoor Recreation
450 Golden Gate Avenue
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior
Alaska Planning Group
Washington, D.C. 20240

Department of the Interior
National Park Service
524 W. Sixth Avenue
Room 201
Anchorage, Alaska 99501

Department of the Interior
Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

Dated: February 3, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Docs.75-4643-4650 Filed 2-19-75; 8:45 am]

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: January 1, 1975.

ANDREW P. JONES.

[FR Doc.75-4556 Filed 2-19-75; 8:45 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1974.

Dated: December 30, 1974.

B. C. HULSEY.

[FR Doc.75-4555 Filed 2-19-75; 8:45 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 27, 1974.

Dated: December 27, 1974.

B. M. GUTHRIE.

[FR Doc.75-4552 Filed 2-19-75; 8:45 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1975.

Dated: December 30, 1974.

C. N. WHITMIRE.

[FR Doc.75-4565 Filed 2-19-75; 8:45 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Texas Utilities Fuel Company.
(2) Sold 200 shares of Texas Utilities Company stock.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: December 31, 1974.

CARLOS O. LOVE.

[FR Doc.75-4557 Filed 2-19-75; 8:45 am]

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete Chase Manhattan Mortgage & Realty.
(3) No change.
(4) No change.

This statement is made as of December 11, 1974.

Dated: December 11, 1974.

EARL D. DRYER.

[FR Doc.75-4551 Filed 2-19-75; 8:45 am]

ELMER HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 6, 1974.

Dated: December 6, 1974.

ELMER HALL.

[FR Doc.75-4553 Filed 2-19-75; 8:45 am]

FRED M. TREFFINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 3, 1975.

Dated: January 3, 1975.

FRED M. TREFFINGER.

[FR Doc.75-4563 Filed 2-19-75; 8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 4, 1974.

Dated: December 4, 1974.

FREDERICK L. PETERSEN.

[FR Doc.75-4560 Filed 2-19-75; 8:45 am]

HARLEY L. COLLINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1974.

Dated: December 30, 1974.

HARLEY L. COLLINS.

[FR Doc.75-4550 Filed 2-19-75; 8:45 am]

JOHN A. McMAHON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: December 31, 1974.

JOHN A. McMAHON.

[FR Doc.75-4558 Filed 2-19-75; 8:45 am]

JOHN R. VOGEL, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 27, 1974.

Dated: November 27, 1974.

JOHN R. VOGEL.

[FR Doc.75-4564 Filed 2-19-75; 8:45 am]

KEITH E. SPENCER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 3, 1974.

Dated: December 3, 1974.

KEITH E. SPENCER.

[FR Doc.75-4562 Filed 2-19-75; 8:45 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1975.

Dated: January 3, 1975.

ROBERT J. MARCHETTI.

[FR Doc.75-4559 Filed 2-19-75; 8:46 am]

ROBERT WINFREE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: December 31, 1974.

ROBERT WINFREE.

[FR Doc.75-4566 Filed 2-19-75; 8:45 am]

SAMUEL R. SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1975.

Dated: December 30, 1974.

SAMUEL R. SHEPPERD.

[FR Doc.75-4561 Filed 2-19-75; 8:45 am]

WILLIAM HENNE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 2, 1975.

Dated: January 2, 1975.

WILLIAM HENNE.

[FR Doc. 75-4554 Filed 2-19-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Tuesday, March 4, 1975.

The purpose of the meeting is to review the report of the 5-Man Subcommittee appointed at the February 10, 1975, meeting of the Committee and consider areas of improving the grower designation plan for the 1975 flue-cured marketing season. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee

XUM V40I35 FEB 20 75 XUM

at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: February 13, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-4599 Filed 2-19-75;8:45 am]

Farmers Home Administration

[Designation Number A140]

INDIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Indiana:

Jay

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 23 through August 18, 1974, and freeze September 23, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Otis R. Bowen that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 13th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4638 Filed 2-19-75;8:45 am]

[Designation Number A141]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in six counties in Nebraska as a result of damages and losses caused by various natural disasters. The following chart lists the counties, the natural disasters, and the dates on which the natural disasters occurred:

NEBRASKA—6 Counties

1974

County	Drought	Freeze	Hailstorm
Gage	June 1 to July 30.	Sept. 3, 4, and 13.	
Garfield	June 1 to July 31.	Sept. 3 and 13.	
Rock	June 1 to Sept. 9.		
Saline	June 11 to July 31.	Sept. 3	Aug. 17.
Valley	June 1 to July 31.	Sept. 3 and 13.	
Wheeler	June 1 to July 31.	Sept. 3 and 13.	

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 13th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4639 Filed 2-19-75;8:45 am]

Forest Service

PLUMAS NATIONAL FOREST TIMBER MANAGEMENT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan, Plumas National Forest, California, USDA-FS-R5-DES (Adm)-75-7.

The environmental statement concerns a timber management plan for the management of the timber resources on the forest and proposes a Potential Yield of 2,505.4 million board feet of timber from the Standard, Special, and Marginal Components for the 10 year period from July 1, 1975 to July 1, 1985 under a sustained yield program based on a 140-year rotation. The proposed action will be carried out within Plumas, Butte, Lassen, Sierra and Yuba counties in northeastern California.

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on February 11, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 630 Sansome Street, Rm. 529, San Francisco, California 94111.
Plumas National Forest, P.O. Box 1500 (159 Lawrence St.), Quincy, California 95971.

A limited number of single copies are available, upon request, from Regional Forester Douglas R. Leisz, California Region, Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, Forest Service, 630 Sansome Street, San Francisco, California 94111. Comments must be received by April 14, 1975 in order to be considered in the preparation of the final environmental statement.

T. W. KOSKELLA,
Deputy Regional Forester.

FEBRUARY 11, 1975.

[FR Doc.75-4541 Filed 2-19-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NORTHWESTERN UNIV.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00535-90-46070. Applicant: Northwestern University, Department of Materials Science, the Technological Institute, Evanston, Ill. 60201. Article: Scanning electron microscope, model JSM-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The

article is intended to be used in various research and teaching programs throughout the university. The research programs will include:

(a) Cyclic creep study of aluminum and copper,

(b) Deformation of low dislocation density single crystals,

(c) Fatigue and fracture study of iron and steel,

(d) Investigation of mechanical properties of Al-Ni alloys,

(e) Examination of the microfabric of clay specimens,

(f) Diffusion study of Fe and S in NiO, and

(g) Composition distribution in In-Ga-Phosphide.

The teaching materials and information acquired from the use of the article will be used in several courses including Materials Science 750-C65, a course in electron microscopy and election diffraction in Materials Science. The article will also be used in Biological Sciences 409-C65, a course in submicroscopic cytology including electron microscopy and its applications. In addition, the information gained will be employed for educational purposes in photographic enlargements and in slides used to illustrate lectures. COMMENTS: Comments dated June 26, 1973 were received from Applied Research Laboratories (ARL) which state inter alia that ARL manufactures an instrument similar to the article that will perform the work described by the applicant.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the article was ordered (June 22, 1972).

Reasons: This application is a resubmission of Docket Number 73-00013-90-46070 which was denied without prejudice to resubmission on February 22, 1973 for informational deficiencies.

In reply to Question 8 the applicant alleged that the foreign article provided the following pertinent specifications:

(a) Selected area channeling patterns from an area on the order of 10 micrometers diameter;

(b) Provision for visual observation of specimen through a light microscope at the same time the specimen is bombarded with the electron beam;

(c) 70Å resolution capability, referring to the secondary electron image;

(d) Capability for dispersive x-ray analysis.

With regard to these specifications the National Bureau of Standards (NBS), in its memorandum dated August 1, 1973, advised that the most closely comparable domestic instrument, the AMR model 900 scanning electron microscope manufactured by AMR Corporation, satisfied specifications (a) (b) and (d), and thus NBS makes no findings on their pertinency. With regard to specification (c), which states a 70Å resolution capability in the secondary electron mode of operation, NBS advises that the resolution guaranteed for the foreign article in this mode is 100Å. Accordingly, NBS makes no finding on the pertinency of 70Å resolution. NBS also makes no finding on the pertinency of the 100Å guaranteed by the foreign article because the AMR-900 also meets this specification. Therefore, NBS finds that the domestic AMR-900, which was available at the time of order, is scientifically equivalent to the foreign article for the applicant's intended uses.

For these reasons, we find that the domestic Model AMR-900 scanning electron microscope was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75-4613 Filed 2-19-75;8:45 am]

PACIFIC MED. CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00110-35-07700. Applicant: Pacific Medical Center, 2340 Clay Street, San Francisco, California 94115. Article: Fundus Camera with Flash. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article will be used to establish criteria for ophthalmoscopic and photographic evaluation of the nerve fiber layer of the retina. The study will identify optimal photographic methods for study of nerve fiber detail. Special emphasis will be placed on carefully defining changes that will be helpful in early detection of disease (such as glaucoma), in making patient care decisions (such as avoiding expensive and dangerous studies in conditions which mimic papilledema), or establishing a prognosis (as in an initial presentation of multiple sclerosis or optic nerve compression).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 9, 1975 that the basic design, flexibility, and acceptance of a variety of filters are pertinent to the applicant's intended use in research to establish criteria for evaluation of the nerve fiber layer of the retina by ophthalmoscopic means and by fundus photography. HEW also advises that it knows of no instrument or apparatus which is scientifically equivalent to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-4614 Filed 2-19-75;8:45 am]

Maritime Administration

SS CANADA MAIL

Amendment of Invitation for Sealed Bids for the Bareboat Charter of the Vessel

Notice is hereby given that Invitation for Bids No. 1, dated November 26, 1974, inviting sealed bids for the bareboat charter of the SS CANADA MAIL, Official No. 297579, notice of which was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42703), has been amended by Addendum No. 3, dated February 14, 1975, so as to extend the time for the receipt of bids from February 18, 1975, to 11 a.m. e.s.t., March 4, 1975, and to provide for public opening of such bids at 11:30 a.m. e.s.t., on said date at the office of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, NW, Washington, D.C. 20230.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: February 14, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-4695 Filed 2-19-75;8:45 am]

XUM V40135 FEB 20 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Meeting

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble the month of March 1975:

National Advisory Council on Alcohol Abuse and Alcoholism
March 17–18, 9:30 a.m.
Conference Room 14–105, Parklawn Bldg., Rockville, Maryland
Open—March 17; Closed—Otherwise
Contact David Orchard, Parklawn Bldg., Rm. 16–86
5600 Fishers Lane, Rockville, Md. 20852, 301–443–4703

Purpose: Advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: March 17 will be devoted to a discussion of (1) Status Report from the National Center for Alcohol Education, (2) Discussion of the proposed FY '76 budget, (3) Discussion of the Conference on Alcohol Research (1/10/75), (4) Discussion of the AMA Resolution, (5) Future Role of the Liaison Representatives, (6) Discussion of the Success from NIAAA Support of Research Studies, (7) Results of the Follow-up Study of 2,000 Clients that come into contact with NIAAA Programs, and (8) Report from Liaison Representatives.

March 18, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(4) and 552(b)(6), Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

Substantive program information may be obtained from the contact person listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Council members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6–C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone—(301) 443–3306.

Dated: February 14, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–4584 Filed 2–19–75;8:45 am]

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, that the second meeting of the Community Education Advisory Council will be held March 7 and 8, 1975, at The Lounge, National Center for Community Education, 1017 Avon Street, Flint, Michigan. The Friday meeting will begin at 9 a.m. and end at 5 p.m. The Saturday meeting will begin at 8 a.m. and end at 12 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93–380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools. In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of the Community Schools Act.

In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Consideration of Policy related to Regulations.

(2) Annual Report to Congress.

(3) Procedures for Evaluation.

(4) Future Business and Administration Matters.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 4177–E, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on February 14, 1975.

JULIE ENGLUD,
Special Assistant to the U.S. Commissioner of Education.

[FR Doc. 75–4597 Filed 2–19–75;8:45 am]

Office of the Secretary

NATIONAL BLOOD POLICY

Meeting

Responding to a request made by the Department in the FEDERAL REGISTER September 10, 1974 (Vol. 39, Number 176, pages 32702–11), certain private sector organizations listed below[1] formed the Ad Hoc Committee to Establish the American Blood Commission. Pertinent passages of the FEDERAL REGISTER announcement are reproduced here for the convenience of the reader.

Notwithstanding the existence of these unresolved issues, the Department recognizes that formation of the American Blood Commission as a coordinating body in the private sector is the sine qua non for moving forward at this time in implementing the National Blood Policy. Once the initial step of establishing an American Blood Commission has been taken, it will be possible to deal adequately with the entire range of blood banking issues that require attention. The Department will continue to work with the private sector to see to it that these issues are resolved in a satisfactory manner. But nothing else is so important to the success of the private sector implementation effort as the American Blood Commission as a first step.

INAUGURAL CONVENTION OF THE AMERICAN BLOOD COMMISSION AND FORMATION OF AD HOC COMMITTEE TO ESTABLISH THE AMERICAN BLOOD COMMISSION

Establishment of the American Blood Commission will require considerable preparatory work. Various groups in the private sector have called on the Department to sponsor the activities and the specific planning needed to bring the Commission into

[1] American Association of Blood Banks, AFL–CIO, American Heart Association, American Hospital Association, American Medical Association, American National Red Cross, American Society of Clinical Pathologists, Blue Cross Association, Chamber of Commerce of the United States, College of American Pathologists, Council of Community Blood Centers, National Hemophilia Foundation, and Pharmaceutical Manufacturers Association.

being. Officials of the Department feel that it would be appropriate for the Federal Government to continue to play a catalytic role in the formation of an American Blood Commission, so long as this is done without usurping the proper functions of the private sector, and so long as it is borne clearly in mind that the American Blood Commission must remain a private sector undertaking. Accordingly, the Department agrees that the Inaugural Convention of the American Blood Commission shall be convened under the auspices of the Department.

In order to make necessary arrangements to ensure the success of the Inaugural Convention, it is essential that the private sector form an ad hoc committee to establish the American Blood Commission, and select a suitable chairman to guide the committee's activities. The Department will encourage the private sector's efforts to form this committee. The ad hoc committee shall consist of 13 members, in addition to the chairman, and shall be composed of one representative from each of the following: Council of Community Blood Centers; American National Red Cross; American Association of Blood Banks; American Medical Association; American Hospital Association; American Society of Clinical Pathologists; College of American Pathologists; Blue Cross Association; Pharmaceutical Manufacturers Association; National Hemophilia Foundation; and three additional lay groups, to be selected shortly. The chairman shall be an individual with proven administrative abilities, and with no commitments to any of the organizations represented on the committee. Once this ad hoc committee is formed by the private sector, the Department will seek to cooperate and will consider providing financial support for the activities of the ad hoc committee in this planning phase.

It shall be the responsibility of the ad hoc committee to make all necessary preparations for the inaugural convention of the American Blood Commission. The ad hoc committee will be expected to accomplish the following tasks:

1. Write a draft charter for the American Blood Commission. This draft charter is to be presented, discussed, modified as appropriate, and then ratified at the inaugural convention. The draft charter may borrow, where appropriate, from the draft American Blood Commission plan, and should contain at least the following:

a. Preamble—purposes (goals) functions (objectives).

b. Structure of the Commission (organization).

c. Criteria for membership in the Commission.

d. Executive Committee: composition and tenure.

e. Frequency of meetings: American Blood Commission and Executive Committee.

f. Tasks and implementing actions of the Commission/Committee, defined in terms of elements of the National Blood Policy.

g. Designation of task forces as information-gathering instruments.

h. Mechanism for altering the charter.

i. Financing of the American Blood Commission.

j. Officers.

k. Staff.

2. Determine logistics of the inaugural convention (when and where).

3. Draw up a list of invitees and select the mechanism for announcing the inaugural convention.

4. Establish rules of participation in the inaugural convention.

5. Draft an agenda.

6. Propose funding of the convention.

7. Provide for recording of the convention proceedings.

8. Propose the legal status of the American Blood Commission.

9. Establish working groups to accomplish all of the above.

Several points deserve particular emphasis at this time. The Department will consider financially supporting the activities of the ad hoc committee during the planning phase. In doing so, the Department intends to demonstrate its commitment to implementation of the National Blood Policy, and to fruitful cooperation with the private sector. The Department does not intend thereby to dominate the workings of the ad hoc committee, nor to underwrite the ongoing operations of the American Blood Commission. The Department fully expects that the private sector organizations, recipients of blood services, and third-party payers will bear most of the costs of operating regional programs and maintaining the American Blood Commission. Nevertheless, the Department recognizes the community's shared responsibility to maintain an adequate supply of blood, and to educate the members of the community to that responsibility. Inasmuch as all Americans will benefit from an improved nationwide blood service system, and will gain therefrom the assurance that high quality blood will be available when they need it, it is appropriate for the Department to consider offering financial support for starting up the Commission and for partial maintenance of such campaigns to educate the public as may be needed. In the main, however, the American Blood Commission and the blood service system generally should be self-supporting with regard to ongoing operations.

The precise nature of the relationship between the Federal Government and the American Blood Commission will come into sharper focus as the ad hoc committee progresses with its tasks, and as the Commission comes into being. Although the Department expects the ad hoc committee to consider how the Commission should relate to the Department, this is intended to foster creative and critical thinking on the part of the ad hoc committee, and not to commit the Federal Government to a particular course of action. The Department does have some broad guidelines on this subject. The Department has no wish to become deeply involved in blood banking operations and, indeed, the entire implementation strategy from which the American Blood Commission proposal has issued is based on a fervent desire to let the private sector do what it knows best. As long as the American Blood Commission and the ad hoc committee remain faithful to the principles of the National Blood Policy and the expectations for implementing the Policy that the Department has articulated, the Federal Government will be pleased to cooperate with the private sector, and to tailor Federal actions to be complementary to those of the American Blood Commission. The reader is implored to understand clearly that this FEDERAL REGISTER notice and the announcement of the Department's response do not constitute rule-making or regulation setting. Rather, the Department is engaged in trying to fashion a partnership with the private sector to promote and protect the health of all the people of the United States.

The Ad Hoc Committee has produced plans for an American Blood Commission and for the Inaugural Convention of that Commission, and has announced that the Inaugural Convention will be held at the Statler Hilton Hotel, 16th & K Streets, NW, Washington, D.C. 20005, on April 4 and 5, 1975. Both sessions will begin at 9 a.m.; the former will terminate at 4:30 p.m., the latter at noon.

The Ad Hoc Committee is inviting numerous national organizations to attend the Inaugural Convention. Those organizations having expressed an intent to become members of this private sector Commission and having paid registration fees of $100 will be entitled to vote on the charter and bylaws of the Commission, and in the election of a board of directors and officers of the Commission.

National organizations that are concerned with the provision of blood services and, hence, may wish to become voting members of the Commission are encouraged to communicate promptly with the Chairman, Ad Hoc Committee to Establish the American Blood Commission, 1828 L Street, NW, Suite 608, Washington, D.C. 20036, Telephone 202/872–1828 or 1829. Parties desiring additional background information may obtain same by communicating with the Chairman at the above noted address.

The Ad Hoc Committee has invited the attendance of the public as observers, but has stated that public attendance will be limited by the available space and that a registration fee of $25 will be required of all attendees.

Dated: February 10, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

[FR Doc.75–4620 Filed 2–19–75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Council meeting:

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Name: National Professional Standards Review Council

Date and Time: March 31, 1975 (1 p.m. to 5 p.m.); April 1, 1975 (9 a.m. to 1 p.m.)

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A–16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: February 12, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75–4589 Filed 2–19–75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name: National Professional Standards Review Council Technical Subcommittee.

Date and time: March 31, 1975 (9 a.m. to 12 noon).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

Purpose of Meeting: The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to the PSRO data and information systems, medical care norms, standards and criteria, and the evaluation of PSROs.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A–16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: February 12, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75–4588 Filed 2–19–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75–2–65; Docket 26494, Agreement C.A.B. 24902 and 24913]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of February, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other air carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted by mail vote, have been assigned the above-designated C.A.B. agreement numbers.

Insofar as transportation to/from U.S. points is concerned, Agreement C.A.B. 24902 would increase, effective April 1, 1975, all fares to/from Zaire by $3.80 each way to compensate carriers for an increase in the airport service charge recently imposed by the Government of Zaire. Agreement C.A.B. 24913, effective February 25, 1975, would decrease by 10.985 percent fares sold in Pakistani currency for transportation commencing in Pakistan to the Western Hemisphere over the North Atlantic. This decrease is considered necessary for technical reasons in order to maintain consistency with agreements reached at the 1974 Fort Lauderdale and Montreux meetings. Although fares from Pakistan were exempted from increases agreed to at the meetings of the appropriate resolutions, the fare tables themselves do not reflect the proper levels thus causing problems with both publication and ticketing. We will approve the agreements as being reasonable since they reflect a pass-through of an increased passenger service charge in Zaire and fares from Pakistan as previously agreed upon.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act does not find that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.:	*IATA resolutions*
24902	200 (Mail 231) 005ww, JT12 (Mail 861) 005ww, JT23 (Mail 353) 005ww, JT123 (Mail 746) 005ww.
24913	JT123 (Mail 747) 022r.

Accordingly, *it is ordered*, That: 1. Agreements C.A.B. 24902 and 24913 be and hereby are approved; and

2. Tariffs implementing the agreements be marked to expire March 31, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–4626 Filed 2–19–75;8:45 am]

[Order 75–2–63; Docket 26494; Agreement C.A.B. 24945]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

Adopted by the Civil Aeronautics Board at is office in Washington, D.C. on the 14th day of February, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other air carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which amends the results of an earlier meeting held in Geneva,[1] has been assigned the above C.A.B. agreement number.

The agreement adjusts the level of proportional fares, used to construct through fares from interior U.S. points to points in the South Pacific over Honolulu, to reflect recent Board disapproval in Order 74–12–23, December 6, 1974, of the 5 percent fuel-related increase in specified South Pacific fares. We will approve the agreement as it seems reasonable and consistent with our past policies regarding fares between the U.S. and South Pacific points.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, does not find that the following resolution, incorporated in Agreement C.A.B. 24945, is adverse to the public interest or in violation of the Act:

[1] Approved by Order 74–12–122, December 30, 1974.

Agreement C.A.B.	IATA No.	Title	Application
24945	015a	South Pacific Proportional Fares-North America (Amending)	3/1

Accordingly, *It is ordered*, That:

1. Agreement C.A.B. 24945 be and hereby is approved;

2. Tariffs implementing the agreement shall be marked to expire March 31, 1975; and

3. The carriers are hereby authorized to file tariffs implementing the agreement on not less than one day's notice for effectiveness not earlier than February 19, 1975. The authority in this paragraph expires March 21, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–4627 Filed 2–19–75;8:45 am]

[Docket 27075]

PITTSBURGH-ATLANTA-JAMAICA CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 18, 1975, at 10:00 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 4, 1975, and the other parties on or before March 12, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 13, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–4625 Filed 2–19–75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BATHROOM SAFETY

Meeting

ABT Associates, Incorporated, under contract to the Consumer Product Safety Commission, Bureau of Engineering Sciences, will conduct a conference of interested parties such as bathtub and bathroom fixture and accessory manufacturers, government representatives, safety experts, members of the design, building, and medical professions, as well as consumers to discuss the preliminary results of an investigation of bathroom accidents. This conference will be held on March 5 and 6, 1975, at ABT Associates, 55 Wheeler Street, Cambridge, Massachusetts.

Topics which will be presented include proposed new-product performance guidelines as well as recommendation for renovations and retrofit measures and concepts for educational programs which may enhance the inherent safety of the bathroom.

The meeting is open to the public. An agenda is available from Ms. Deborah Blackwell, ABT Associates, (617) 492–7100. Questions may also be directed to Mr. Brian Pierman, Bureau of Engineering Sciences, Consumer Product Safety Commission, (301) 496–7588.

Dated: February 13, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75–4621 Filed 2–19–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

LIQUID METAL FAST BREEDER REACTOR PROGRAM

Proposed Final Environmental Statement, Extension of Comment Period

The availability of the proposed final environmental statement for the Liquid Metal Fast Breeder Reactor Program was announced in the FEDERAL REGISTER January 24, 1975 (40 FR 3804 and 40 FR 3799). The period for receipt of comments by the Energy Research and Development Administration was through March 25, 1975. In view of delays in the publication of the document the comment period is hereby extended to April 9, 1975.

Dated at Germantown, Md., this 11th day of February 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Acting Deputy Assistant Administrator for Environment and Safety.

[FR Doc.75–4716 Filed 2–19–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180032 FRL 331–2]

COLORADO DEPARTMENT OF AGRICULTURE

Denial of Application for Exemption To Use Pesticide for Predator Control

Application was made by the Colorado Department of Agriculture pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), for an exemption to allow use of strychnine, sodium monofluoroacetate (1080), and sodium cyanide for predator control.

The Administrator of the Environmental Protection Agency has, after giving due consideration to the application and other pertinent information, denied this request for an exemption.

Background. On March 9, 1972, the Administrator, EPA, suspended and canceled all registrations of pesticides containing strychnine, sodium monofluoroacetate (1080), and sodium cyanide for use as predator controls; notice of this action was published in the FEDERAL REGISTER on March 18, 1972 (37 FR 5718).

On January 18, 1974, the Administrator published in the FEDERAL REGISTER (39 FR 2295), notice of a decision concerning the use of the M–44 device and sodium cyanide under experimental use

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permits designed to generate data concerning effects on non-target species, efficacy of the product in reducing sheep losses and comparative data with non-chemical means of control.

Specifically, the Administrator noted the following:

The knowledge which would permit satisfactory evaluation of the M-44 as a candidate for registration or for any widespread use is not available. There still exists a lack of reliable data as there did in early 1972, in particular (insofar as the M-44 is concerned):

1. Insufficient data on the amount of coyote control which can be achieved by the M-44 without causing unreasonable adverse effects on the environment;

2. Insufficient data on the correlation between the number of sheep lost (with and) without the use of the M-44;

3. Insufficient data comparing the effectiveness and cost of the M-44 with non-chemical coyote control alternatives, including denning, shooting, trapping, and protective measures applied directly to sheep and lambs.

The above mentioned FEDERAL REGISTER notice also denied pending applications from the States of Texas, California, and Wyoming for registration of the M-44 and requests for exemptions for emergency use (Wyoming requested the use of sodium cyanide, 1080, and strychnine). However, this same notice went on to say:

It is possible that, upon the collection of appropriate data, the EPA may at some future time be able to register the M-44 under the FIFRA, as amended, with ample protection of public health and the environment, and be consistent with the policies articulated in the 1972 Order.

The Administrator has therefore, determined to give expedited, favorable consideration to applications for experimental permits for use of the M-44 under the FIFRA, as amended. Under the Act, experimental use may proceed so that the applicant can accumulate the field information necessary for registration.

Finally, on January 31, 1974, the Administrator published a regulation in the FEDERAL REGISTER (39 FR 3939) which required any party wishing to undertake an experimental use program involving the use of sodium cyanide in a spring-loaded ejector unit (such as the M-44) as predator control to obtain an experimental use permit pursuant to section 5 of the amended FIFRA. Several programs are now underway in a number of Western States and under the Department of the Interior, enabling collection of data under the different geographic and climatic conditions that could be encountered under registered use conditions.

Conclusion. While the data submitted with the request demonstrates that losses are occurring to predation, the Agency's evaluation reveals that information is still lacking in the three areas listed above.

Therefore, the Administrator denies the request for exemption under section 18 of the amended FIFRA, for emergency use of sodium cyanide, 1080, and strychnine to control predators. However, expeditious and favorable consideration will be given to an application for an experimental use permit to obtain the data needed to apply for registration of sodium cyanide in the M-44 for predator control. Hazard to humans, in the case of the explosive type "coyote getter", and environmental risk, in the case of 1080 and strychnine, are among additional issues which led to the cancellation of these methods for predator control in 1972. These issues still exist at this time.

Dated: February 10, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-4681 Filed 2-19-75;8:45 am]

[FRL 325-2]

FUELS AND FUEL ADDITIVES

Suspension of Enforcement of Regulations for Control of Lead Additives in Gasoline

Regulations controlling the amount of lead additives in gasoline were published on December 6, 1973 (38 FR 33734). Beginning January 1, 1975 the regulations would have required gasoline manufacturers to gradually reduce the average lead content of gasoline manufactured at each refinery to 0.5 gram of lead per gallon over a four year period. The purpose of the regulations was to reduce lead emissions from automobiles to protect public health.

On December 20, 1974 these regulations were set aside by the U.S. Court of Appeals for the District of Columbia Circuit. Written opinions were issued on January 28, 1975. As a result of this decision by the Court, EPA has suspended enforcement of these regulations.

The Court's ruling regarding these regulations does not affect the unleaded gasoline regulations (38 FR 1254 and amendments) currently being enforced by EPA. The unleaded gasoline regulations are needed to protect the catalytic converters on most 1975 cars and require certain service stations to offer for sale a grade of unleaded gasoline.

Dated: February 12, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-4682 Filed 2-19-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION

Reporting Forms

FEBRUARY 13, 1975.

The Cable Television Bureau is in the process of changing the format of FCC Form 325 (annual reporting form) to make it more suitable for computerization. As a result the mailing of these forms will be delayed. This delay may well necessitate extending the required filing date for the Form 325. If extension is necessary further notice will be given. FCC Form 395 (annual employment report) will be mailed with the Form 325 and therefore some extension of the filing date for it may also be required.

It is anticipated that a new Form 326 (annual financial reporting form) will be adopted this year pursuant to a rule-making proceeding now before the Commission. Public notice of its filing date will be given.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4605 Filed 2-19-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Change in Meeting Place

This notice is given to advise of a change in location for the Wholesale Petroleum Advisory Committee meeting scheduled for February 24, 1975. The meeting will take place at 9 a.m. at the Sheraton Hotel, 1893 West Mockingbird Lane, Dallas, Texas, rather than at FEA Regional Headquarters, 2626 Mockingbird Lane, Dallas, Texas, as previously announced. A Notice of Meeting was published in the issue of February 10, 1975, of the FEDERAL REGISTER (40 FR 6231).

Issued at Washington, D.C. on February 18, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-4809 Filed 2-18-75;8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before March 3, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Neal M. Mayer, Esq.
Coles & Goertner
1000 Connecticut Avenue, NW
Washington, D.C. 20036

Agreement No. T-3017-3, between the International Longshoremen's Association, AFL-CIO (ILA), the New York Shipping Association, Inc. (NYSA), Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc. (Carriers), deals with the parties' agreement (as heretofore amended) providing for the settlement of the parties' litigation in and the Carriers' withdrawal from FMC Dockets Nos. 69-57 and 73-34. The purpose of Agreement No. T-3017-3 is to ratify and confirm the terms of the settlement provided for by the basic agreement as approved by the Commission, as of January 16, 1975, and thereafter.

By order of the Federal Maritime Commission.

Dated: February 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4618 Filed 2-19-75;8:45 am]

SEA-LAND SERVICE, INC. AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gerald A. Malia, Esq.
Ragan & Mason
The Farragut Building
900 Seventeenth Street, N.W.
Washington, D.C. 20006

Agreement No. T-3036, between Sea-Land Service, Inc. (Sea-Land) and the Puerto Rico Maritime Shipping Authority (Authority), provides for the sublease to the Authority of certain facilities at Berths 52, 54, 56, 58 and 60, Elizabeth, New Jersey, for a term ending September 30, 1984 (with renewal options). As compensation, Sea-Land will receive $2,176,573.59 annually plus other payments for utilities, taxes, etc. Sea-Land is also to receive $250,000 annually from October 1, 1975 until September 30, 1979 for certain termination rights under the agreement. Agreement No. T-3036 is subject, with certain exceptions, to the agreement between Sea-Land and the Port of New York and New Jersey Authority (Port) providing for the lease of the facility to Sea-Land. The Authority's operations on the subleased premises will be subject to the rules and regulations contained in the Port's Tariff.

By Order of the Federal Maritime Commission.

Dated: February 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4619 Filed 2-19-75;8:45 am]

VIRGINIA PORT AUTHORITY AND PORTSMOUTH TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. J. Robert Bray, Esq.
Virginia Port Authority
1600 Maritime Tower
Norfolk, Virginia 23510

Agreement No. T-3058, between the Virginia Port Authority (Port) and Portsmouth Terminals, Inc. (PTI), provides for the lease to PTI of certain premises at Pinners Point, Virginia to be used for marine terminal operations. As compensation, PTI shall pay Port a basic rental of $14,670 per annum plus 60 percent of the rental received by PTI from its use and occupation of the South Piggyback Area, after operational expenses have been deducted. This agreement is subject to the terms and conditions set forth in an agreement dated July 1, 1974, between the Port and the Southern Railway Company (SRC), wherein SRC grants Port the privilege to use said premises for marine terminal operations, or upon written approval by SRC, to assign said privilege to a third party.

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By Order of the Federal Maritime Commission.

Dated: February 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4817 Filed 2-19-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-239]

ALASKAN ARCTIC GAS PIPELINE CO.

Supplement to Application

FEBRUARY 12, 1975.

Take notice that on January 21, 1975, Alaskan Arctic Gas Pipeline Company (Applicant), Suite 230, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006, filed in Docket No. CP74-239 the third supplement to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by submitting Exhibit H, its statement of gas supply data, in compliance with § 157.14(a) (10) of the Commission's regulations under the Natural Gas (18 CFR 157.14(a) (10)), all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By its application in the subject docket filed March 21, 1974,[1] Applicant seeks a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the Prudhoe Bay area on the North Slope of Alaska, eastward for approximately 195 miles to a point of interconnection at the Canadian border with the proposed facilities of the Canadian Arctic Gas Pipeline Limited (CAG) for the account of various contract shippers. Applicant did not accompany said application with certain required exhibits, including the instant submittal.

Applicant states that the instant submittal, Exhibit H, presents basic information relative to the amount of present and potential gas reserves in the Prudhoe Bay (Prudhoe) area of Alaska. Furthermore, because the gas from Prudhoe will be carried by Applicant's sister company, CAG, together with gas from Canada's Mackenzie Delta (Delta) area, Applicant states that it also submits herein information on Delta area gas supplies.

Applicant claims that present and potential gas reserves in the two areas available from structures already delineated total almost 30 billion Mcf, more than enough to assure the feasibility of both Applicant's and CAG's pipelines. In addition, Applicant states that the potential of the areas exceeds the level of proven reserves presently delineated. Applicant maintains that the information presented herein supports the projections it made in previous exhibits to the subject application as to the amount of gas available and the timing of its availability. Applicant further claims that, although Exhibit I (market data) is yet to be filed, markets are available for the gas from the Prudhoe and Delta areas.

Applicant estimates[2] reserves of salable gas in the Prudhoe area as of December 1974 are about 22.5 billion Mcf at 14.73 psia and 60 degrees F. (or 23.9 billion Mcf on a 1,000 Btu per cubic foot basis), of which about 7.9 billion Mcf are attributed to solution gas and about 14.6 billion Mcf to gas cap associated gas. Applicant notes that its reserve estimates are confined to the Prudhoe Oil Pool of the Prudhoe Bay Field and thus do not include the gas which may become available from the Kiparuk and Lisburnie Pools of that field, both of which are known to be hydrocarbon-bearing reservoirs. Applicant points to estimates by the State of Alaska of over 114 billion Mcf in the Pruhoe area as evidence that Applicant's estimates of reserves are conservative.

Applicant estimates that the salable gas reserves of the Delta area, in the proven, probable and possible categories,[3] are about 6.35 billion Mcf. Applicant further estimates that potential reserves in the area (including the Beaufort Sea) are in excess of 50 billion Mcf of gas.

Applicant projects gas deliverability from the Prudhoe area of about 2 million Mcf per day (or about 740 million Mcf per year), increasing to about 2.25 million Mcf per day (or about 821 million Mcf per year) in the third full year of operations. With gas sales beginning in July of 1980, Applicant predicts total delivery from the Prudhoe area to be approximately 12.5 billion Mcf through 1995.

Applicant projects gas deliverability from the Delta area of about 882,000 Mcf per day from presently identified sources. With gas sales beginning in July of 1979, Applicant predicts total delivery from the Delta area to be approximately 5.2 billion Mcf through 1995.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before February 26, 1975, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a protest or petition to intervene in this proceeding need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4474 Filed 2-19-75;8:45 am]

[1] The application was noticed in the FEDERAL REGISTER on April 15, 1974 (39 FR 13590).

[2] Applicant states that its estimates and other data in Exhibit H are based upon a report by the consultant firm DeGrolyer and MacNaughton.

[3] Applicant states that by the time its pipeline is completed the Delta area reserves will be proven.

[Docket No. E-9249]

AMERICAN ELECTRIC POWER SERVICE CORP.

Changes in Rates and Charges

FEBRUARY 7, 1975.

Take notice that American Electric Power Service Corporation (AEP) on February 3, 1975, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), Amendment No. 8 dated January 13, 1975 to the Operating Agreement dated March 1, 1966, among Consumers Power Company, and The Detroit Edison Company, designated Indiana Rate Schedule FPC No. 68.

According to AEP, section 1 of amendment No. 8 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week and section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month. AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Amendment.

AEP requests waiver of the Commission 30-day notice requirement to permit this filing to become effective as of February 1, 1975.

AEP states that copies of this filing have been sent to Detroit Edison Company and to Consumers Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4512 Filed 2-19-75;8:45 am]

[Docket No. E-9248]

AMERICAN ELECTRIC POWER SERVICE CORP.

Changes in Rates and Charges

FEBRUARY 7, 1975.

Take notice that American Electric Power Service Corporation (AEP) on January 31, 1975, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 5 dated November 15, 1973 to the Interconnection Agreement dated December 1, 1963, between Ohio and Columbus and Southern Ohio Electric Company, designated Ohio Rate Schedule FPC No. 32.

According to AEP, section 1 of modification No. 5 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week and section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month. AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the modification.

AEP requests that the instant filing be permitted to become effective March 1, 1975.

AEP states that a copy of this filing has been sent to Columbus and Southern Ohio Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4521 Filed 2-19-75;8:45 am]

[Docket No. CI75-162]

ATLANTIC RICHFIELD CO. ET AL.

Petition To Amend

FEBRUARY 10, 1975.

Take notice that on January 23, 1975, Atlantic Richfield Company (Operator), et al. (Petitioner), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. CI75-162 a petition to amend the order of the Commission issued in said docket on December 3, 1974, pursuant to section 7(c) of the Natural Gas Act issuing a certificate of public convenience and necessity authorizing Petitioner to sell natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), from certain leases in the Bay Lizette Area of Lafourche Parish, Louisiana, pursuant to an agreement between the parties dated August 22, 1974, so as to authorize Petitioner to sell and deliver additional volumes of gas attributable to the royalty interests in the land and leaseholds committed to said agreement and all additional volumes attributable to Petitioner's special form lease from the Lafourche Basin Levee District, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued December 3, 1974, Petitioner was authorized to sell Tennessee its net working interest (100 percent of the working interest exclusive of the volume of gas applicable to the royalty interest in and under the leases committed) in certain leases now owned in the Bay Lizette Area of Lafourche Parish from the surface down to the base of the TEX-L-1 sand. The petition indicates that the application filed in the original proceeding in Docket No. CI75-162 specifically stated that Petitioner's August 22, 1974, gas purchase and sales agreement with Tennessee covers only Petitioner's net interest in the lease and that certification was not requested for and "should not cover the royalty interest in the reserves underlying said leases".

The petition states further that Petitioner has been apprised by the royalty owners that they have not found an intrastate market for their gas and would entertain a request from Petitioner for authority to sell the royalty owners' share of gas to Tennessee under the same terms and conditions as set forth in Petitioner's August 22, 1974, agreement with Tennessee, "provided that any such authorization would be revokable at any time by the royalty owners."

Petitioner states that it has accepted the proposed royalty arrangements with the State of Louisiana and the Lafourche Basin Levee District and the conditional authorization from Lafourche Basin Levee District to market Petitoner's working interest in the special form lease subject to Tennessee's consent and the receipt of requisite regulatory approvals. Petitioner states further that it has entered into an agreement dated December 20, 1974, with Tennessee to sell, along with Petitioner's share of gas committed under the Gas Purchase and Sales Agreement of August 22, 1974, certain additional volumes described above of heretofore uncommitted gas attributable to the State of Louisiana's royalty interest and certain additional volumes of gas attributable to said special form lease from the Lafourche Basin Levee District, so long as and only so long as Petitioner is authorized by such lessors to sell such gas.

The petition indicates that by resolution dated November 13, 1974, the State Mineral Board approved Petitioner's request for authority to sell the State's share of royalty gas along with Petitioner's share of gas to Tennessee produced from the Tex Li RA SU A, State Lease No. 1 Well, said unit being effective May 15, 1974, affecting State Lease No. 5918, Bay Lizette Field, Lafourche Parish. The resolution states that such approval is specifically subject to the additional understanding that this approval authorizes marketing of the State's royalty gas by its lessee only under temporary certificate or similar approval of the federal regulatory authority "until such time as the State Mineral Board exercises its right to revoke such authority and to take the states' royalty share of gas in kind."

The petition further indicates that by resolution adopted November 14, 1974, the Board of Commissioners for the Lafourche Basin Levee District waives the requirement that the gas produced from Lease No. LA. 12987, granted to Petitioner on April 12, 1973, in sections 11 and 12, Township 21 South, Range 23 East, Lafourche Parish, be sold in intrastate markets and that Petitioner is permitted, to sell the production, inclusive of the royalty interest of the board, in the interstate market and specifically to Tennessee. The resolution is stated to be temporary in nature and subject to revocation of the rights granted therein at anytime at the option of the Board.

Petitioner proposes to sell the above-designated additional volumes of gas estimated to be 25,000 Mcf per month to Tennessee at 59.53 cents per Mcf at 15.025 psia, subject to Btu adjustment upward and downward from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissions' rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH P. PLUMB,
Secretary.

[FR Doc.75-4536 Filed 2-19-75;8:45 am]

[Rate Schedule Nos. 314, etc.]

ATLANTIC RICHFIELD COMPANY, ET AL.

Rate Change Filings

FEBRUARY 11, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Com-

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mission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 23, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	314	United Gas Pipe Line Co...	Texas Gulf Coast.
Do	Burmah Oil and Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94103, Houston, Tex. 77018.	15	Lone Star Gas Co	Other Southwest.
Jan. 24, 1975	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	2	Texas Gas Pipe Line Corp..	Texas Gulf Coast.
Do	do	4	Texas Eastern Transmission Corp.	Do.
Jan. 29, 1975	Clinton Oil Co., P.O. Box 1201, Wichita, Kans. 67201.	60	Arkansas Louisiana Gas Co.	Do.
Do	Koch Industries, Inc., P.O. Box 2256, Wichita, Kans. 67201.	2	El Paso Natural Gas Co....	Rocky Mountain.
Do	do	3	do	Do.
Do	do	4	do	Do.
Do	do	5	do	Do.
Do	do	6	do	Do.
Do	do	7	do	Do.
Do	do	8	do	Do.
Do	do	1	do	Do.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	112	Cities Service Gas Co.....	Hugoton-Anadarko.
Do	do	121	Natural Gas Pipe Line Corporation of America.	Do.
Do	do	187	do	Do.
Jan. 30, 1975	W. G. Haun and Elva Armer, c/o Mr. Merle Brigging, 200 North Main, Wichita, Kans. 67202.	1	Zenith Natural Gas Co.....	Do.
Do	Davis-Noland-Merrill Grain Co., Suite 1220, 127 West 10th St., Kansas City, Mo. 64105.	1	do	Do.
Do	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	78	Lone Star Gas Co	Other Southwest.
Do	H. S. Cole, Jr.[1], P.O. Box 55344, Houston, Tex. 77055.	3	Texas Gas Transmission Corp.	South Louisiana.
Do	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	2	Tennessee Gas Pipeline Co..	Texas Gulf Coast.
Do	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	24	Columbia Gas Transmission Corp.	South Louisiana.
Do	do	26	do	Do.
Do	do	104	Tennessee Gas Pipeline Co..	Texas Gulf Coast.
Do	do	364	do	Do.
Do	Atlantic Richfield Co	505	do	Do.
Jan. 31, 1975	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	66	United Gas Pipe Line Co..	Other Southwest.
Do	Murphy Oil Corp	8	Southern Natural Gas Co...	Do.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	103	do	Do.
Do	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	287	Arkansas Louisiana Gas Co.	Do.
Do	General American Oil Company of Texas, Meadows Building, Dallas, Tex. 75206.	35	do	Do.

[1] Filing made by Clover Bobo Cole, et al., as apparent successor-in-interest.

[FR Doc.75-4376 Filed 2-19-75;8:45 am]

[Dockets Nos. E-8855 and E-9037]

BOSTON EDISON CO.

Further Extension of Procedural Dates

FEBRUARY 10, 1975.

On February 3, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 12, 1974, as most recently modified by notice issued December 13, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's revisions, February 7, 1975.
Service of company rebuttal and any intervenor changes, February 14, 1975.
Hearing, February 27, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4516 Filed 2-19-75;8:45 am]

[Dockets Nos. CI63-464 and CI71-532]

CHARLES CLAFLIN ALLEN GROUP, ET AL.

Petition To Amend

FEBRUARY 10, 1975.

Take notice that on January 31, 1975, Charles Claflin Allen Group, Lunes Company Group and Wm. S. Barnickel & Company (Petitioners), 408 Olive Street, St. Louis, Missouri 63102, filed in Docket No. CI63-464 a petition to amend the order issuing a certificate of public convenience and necessity in said docket on March 12, 1963, pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) pursuant to the terms of a gas purchase agreement dated November 7, 1974, between Mobil Oil Corporation (Mobil) and Transco, said agreement having resulted from the settlement agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G-2730, et al., all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection. Petitioners also request termination of the proceeding on their application for permission and approval to abandon sales in Docket No. CI71-532.

Petitioners represent owners of certain mineral interests in the La Gloria Field, Brooks and Jim Wells Counties, Texas, and have entered into a contract with Mobil whereby Mobil is to operate said interests. As owner-operator, Mobil was granted a certificate of public convenience and necessity on March 12, 1963, in Docket No. CI63-464, to sell gas from Petitioners' interest, as well as from other specific properties in the La Gloria Field, to Transco. On January 18, 1971, Mobil filed an application in Docket No. CI71-532 for permission and approval to abandon said sales of gas to Transco. Petitioners joined in said application on March 17, 1971. By the order accompanying Opinion No. 655 in Docket No. G-2730, et al. (49 FPC 738), the Commission authorized the abandonment requested by Mobil's application in Docket No. CI71-532 and in other similar applications involving all the sales of La Gloria Field gas to Transco. The United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. "Transcontinental Gas Pipe Line Corporation v. FPC," 488 F.2d 1325 (D.C. Cir. 1973).

As a result of settlement negotiations concerning the La Gloria Field gas Mobil entered into a new contract with Transco, dated November 7, 1974, and filed it with the Commission to become effective upon the effective date of the revised settlement proposal in Docket No. G-2730, et al. By order issued January 17, 1975, in Docket No. G-2730, et al., the Commission issued a temporary certificate authorizing delivery of volumes from the La Gloria Field in accordance with certain of the terms of the revised settlement agreement, but withholding a final decision on the proposed settlement until all gas purchase agreements between the pipelines and producers who are parties to the proceeding in Docket No. G-2730, et al., have been filed, along with certificate amendment applications, and until all such filings have been properly reviewed.

Petitioners state that they have executed a contract identical to the one

dated November 7, 1974, that Mobil filed with the Commission in the La Gloria Field proceeding, and have sent said contract to Transco for signature. Petitioners, accordingly, request in Docket No. CI63-464 the change in rate level as prescribed in the new contract.

Petitioners' summary of the applicable contract with Transco states that estimated volumes of 3,000,000 Mcf per month, initially sold to Mobil by Petitioners, will be sold at a price consistent with the nationwide rate promulgated by § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said petition to amend and request to terminate the proceeding on application for abandonment authorization should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4529 Filed 2-19-75;8:45 am]

[Docket No. CP74-324]

CITIES SERVICE GAS CO.

Order Fixing Hearing and Establishing Procedures

FEBRUARY 10, 1975.

On June 17, 1974, Cities Service Gas Company (Applicant) filed in Docket No. CP74-324 an application as supplemented on September 8, 1974 and November 11, 1974, pursuant to section 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for permission and approval to abandon certain facilities and service on its transmission system, all as more fully set forth in the application, as supplemented, in this proceeding.

Applicant is engaged in the purchase of natural gas from various sources in the states of Texas, Oklahoma, Kansas, Missouri and Nebraska for direct use and for resale. Applicant maintains a pipeline system to provide this service and in this regard Applicant proposes to abandon facilities and construct replacement facilities as described below:

(1) Abandon in place approximately 3.70 miles of 5-inch gas pipeline and construct approximately 3.70 miles of 2-inch gas pipeline in the DeMalorie 5-inch pipeline, Greenwood County, Kansas;

(2) Abandon in place approximately 0.23 mile of 6-inch gas pipeline and replace by constructing 0.23 mile of 2-inch gas pipeline in the Santa Fe Shops 6-inch pipeline, Neosho County, Kansas;

(3) Abandon in place approximately 0.03 mile of 4-inch and 4.66 miles of 6-inch, abandon by reclaim approximately 0.56 mile of 3-inch and 0.54 mile of 6-inch gas pipeline and construct approximately 5.79 miles of 3-inch gas pipeline in the South Mound pipeline, Neosho and Labette Counties, Kansas;

(4) Abandon in place approximately 0.45 mile of 4-inch and 6-inch gas pipeline and construct approximately 0.45 mile of 3-inch gas pipeline in the Carl Junction 4 and 6-inch pipeline, Jasper County, Missouri;

(5) Abandon by reclaim ten 170 horsepower compressor units at Applicant's Pierce City Compressor Station in Lawrence County, Missouri;

(6) Abandon by reclaim 1.62 miles of 3-inch gas pipeline and replace by constructing 1.62 miles of 2-inch gas pipeline in the Neiagoney 3-inch pipeline, Osage County, Oklahoma;

(7) Abandon by reclaim approximately 0.85 mile of 2-inch and 3-inch gas pipeline and replace by constructing 0.85 mile of 2-inch gas pipeline in the Pershing 2 and 3-inch pipeline, Osage County, Oklahoma; and,

(8) Abandon by reclaim approximately 7.20 miles of 20-inch gas pipeline and construct approximately 0.40 mile of 3-inch gas pipeline in the Pampa 20-inch pipeline, Sedgwick County, Kansas.

The application states that the facilities which Applicant proposes to abandon in place or by reclaim are largely inadequate and obsolete in view of operational requirements and will be replaced where necessary by new facilities needed to meet efficiently and economically changing operating conditions on portions of Applicant's pipeline system and to prevent leakage and gas loss.

Applicant seeks authority to discontinue gas deliveries to The Gas Service Company (Gas Service) for resale to two domestic consumers served from a section of its Pampa 20-inch pipeline which it proposes to abandon. Although these consumers' contracts with Gas Service provide for termination of service upon 10 days notice, Applicant states that such service would be discontinued 60 days from the date of the Commission's order granting abandonment authority. Applicant originally proposed to issue notice of termination to these consumers promptly upon issuance of an order by the Commission approving the requested abandonment; however, in response to a Commission Staff request, Applicant has caused Gas Service to advise the affected consumers of Applicant's pending abandonment application and the proposed termination of their natural gas service. Applicant's original application further indicated that no alternative natural gas source is available to these consumers; and therefore, to assist in their conversion to propane Applicant would pay each consumer $500, which Applicant stated it believed to be more than adequate to cover such conversion costs. In response to Staff inquiry as to the feasibility of conversion to an alternative fuel and whether Applicant will fully compensate the two consumers for their conversion costs, Applicant in its supplement filed November 11, 1974, revised its estimate as to conversion costs to $630 and expressed its willingness to reimburse actual conversion costs up to this figure.

By letter received November 20, 1974, Mr. A. W. Young through counsel has filed a protest to the granting of this abandonment request. Mr. Young, one of the affected consumers, is a farmer and livestock feeder in the area immediately north of Clearwater, Kansas, and has been served by the pipeline proposed to be abandoned for many years. The letter states that removal of this gas line serving Mr. Young's residence and farm facilities will impose a hardship on him and that his cost for substitute fuels will be more than double and possibly triple the present cost of gas fuel used by him. Mr. Young's protest also states that while he was uncertain of the number of other consumers served by the pipeline, it was his impression that a number of substantial industries including a Kansas Gas and Electric Company generating station and Vulcan Materials are served by the pipeline.

An additional protest was also received from Mr. Robert Daily, the other customer whose service would be terminated incident to the proposed abandonment. Mr. Daily states that the termination of natural gas service would be quite an inconvenience to him and that although Applicant is willing to reimburse him up to $630 for the cost of conversion to alternative fuel, an alternative fuel would be much more costly to use.

In light of these protests, we believe that sufficient cause exists to set this matter for a formal hearing. The hearing should consider, among other things, the reasons for not constructing a replacement pipeline for the entire 7.20-mile length rather than the proposed construction of a 0.40-mile pipeline for this area; the cost and availability of alternative fuel supply in the consumers' area; the hardship which those consumers would suffer; and the existence of other consumers on the pipeline as asserted by Mr. Young and whether they will be affected by the proposed abandonment.

After due notice by publication in the FEDERAL REGISTER on July 9, 1974 (39 FR 25250), no petition to intervene, notice of intervention or further protest to the granting of the application has been filed.

The Commission finds. It is necessary and appropriate that a formal hearing be set in Docket No. CP74-324 as hereinbefore described.

The Commission orders. (A) A formal hearing shall be convened in the proceeding in Docket No. CP74-324 as hereinbefore described, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on March 20, 1975 at 10 a.m. (e.d.t.). The Presiding Administrative Law Judge for the purpose—see delegation of authority, 18 CFR 3.5(d)—shall

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preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Cities Service Gas Company as to all the issues raised by the June 17, 1974, filing in Docket No. CP74–324, as supplemented, as well as all issues referred to in this order shall be filed on all parties of record, including the Commission Staff on or before March 6, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4539 Filed 2–19–75;8:45 am]

[Docket No. RP73–93]

COLORADO INTERSTATE GAS CO.

Filing of Report of Refunds

FEBRUARY 7, 1975.

Take notice that on January 27, 1975, Colorado Interstate Gas Company (CIG) tendered for filing a report of refunds in the above captioned docket. CIG states that these refunds are pursuant to Commission order of October 30, 1974, affirming and adopting the Initial Decision of the Presiding Administrative Law Judge, and that they reflect the elimination of coal and water option payments from the settlement cost of service. CIG states that it mailed refunds to its jurisdictional customers on January 24, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4523 Filed 2–19–75;8:45 am]

[Dockets Nos. RP73–85 and RP73–86]

COLUMBIA GAS TRANSMISSION CORP.

Extension of Procedural Dates

FEBRUARY 10, 1975.

On January 24, 1975, Washington Gas Light Company filed a motion to extend the procedural dates fixed by order issued January 20, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, February 28, 1975.

Service of company rebuttal, March 21, 1975.

Hearing, April 2, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4510 Filed 2–19–75;8:45 am]

[Docket No. RP75–59]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

FEBRUARY 12, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on January 31, 1975, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1. The proposed change is to Section 10.2 of the General Terms and Conditions and is filed to reflect a change from six percent (6%) to nine percent (9%) in the interest to be charged on delinquent accounts of customers.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4475 Filed 2–19–75;8:45 am]

[Docket No. CP75–223]

COLUMBIA GULF TRANSMISSION CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Application

FEBRUARY 10, 1975.

Take notice that on February 5, 1975, Columbia Gulf Transmission Company (Columbia) P.O. Box 683, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural) 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75–233 a joint application[1] pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing on a temporary basis the transportation and exchange of natural gas from reserves offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request certificate authorization to enable Natural, pending construction of facilities authorized in Docket No. CP75–204, to continue to receive gas produced from reserves offshore Louisiana. The application indicates that Natural and Columbia are seeking authorization in Docket No. CP74–204 to build and operate facilities for the transportation and exchange of natural gas from reserves located offshore Louisiana, including gas purchased by Natural from Shell Oil Company (Shell) in Eugene Island Block 331. The application further indicates that by order issued January 10, 1975, in Docket No. CP74–204, the Commission issued a temporary certificate authorizing installation and operation of facilities which would, inter alia, enable Columbia to transport gas from Block 331 for Natural under a transportation and exchange arrangement. The application also states that by order issued September 24, 1974, in Docket Nos. CP72–296, CP74–101, and CP74–195, the Commission approved an interim arrangement pending construction of said facilities authorized in Docket No. CP74–204. Under this arrangement natural gas from Block 331 would be transported for Natural in part by Columbia and in part by Michigan Wisconsin Pipe Line Company (Mich Wisc)

The application states that pursuant to the interim arrangement authorized in Docket No. CP72–296, et al., and under a contract between Natural and Mich Wisc dated April 10, 1972, Mich Wisc has been transporting up to 26,000 Mcf of gas per day from Block 331 for the account of Natural, of which gas volumes in excess of 15,600 Mcf per day are transported on a best-efforts basis. Natural states that it has been informed by Mich Wisc that Mich Wisc will no longer be able to make available to Natural additional capacity above 15,600 Mcf per day. The application states that Columbia is willing to assist Natural by transporting additional gas volumes.

In order that Natural can continue to receive the additional volumes which Mich Wisc is no longer able to transport, the application proposes that Columbia be authorized to furnish such a service pending construction of the facilities authorized in Docket No. CP74–204 which are anticipated to be completed on or about September 1, 1975. Applicants propose an arrangement under which Columbia will receive up to 15,000 Mcf (5,000 Mcf of which is on a best-efforts basis) of natural gas per day into its existing 20-inch pipeline from Eugene Island Block 250 to the Blue Water Project in Eugene Island Block 227 and will redeliver an equivalent volume to Natural at an existing interconnection at Texaco Inc.'s Henry Plant. The application indicates that the Block 331 natural

[1] The application which is filed by Natural indicates that Natural is authorized to state that Columbia joins in the application.

gas initially will be transported to Block 250 by Natural and Columbia under the short-term arrangement authorized in Docket No. CP72–296, et al., and that no additional facilities will be needed.

The application states that the charge for the proposed interim transportation of gas by Columbia for Natural will be the same as provided in Columbia's transportation agreements with Texas Gas Transmission Corporation which are on file as Columbia's FPC Gas Tariff, Original Volume No. 2, Rate Schedule X–12 (for the 20-inch pipeline) and X–13 (for the Blue Water Project).

Applicants assert that the evidence upon which the Commission in Docket No. CP74–204 found that an emergency exists and issued a temporary certificate continues to exist. Applicants, therefore, request that the Commission issue a certificate authorizing the above described transportation and exchange of natural gas.

It appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4535 Filed 2–19–75;8:45 am]

[Docket CS72–978]

CORPENING ENTERPRISES

Change in Name

FEBRUARY 12, 1975.

Notice is hereby given that due to the death of A. V. Corpening, Jr., on June 9, 1974, the above docket shall henceforth be designated as follows:

Estate of A. V. Corpening, Jr.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4476 Filed 2–19–75;8:45 am]

[Project No. 2485]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Application for Approval of Revised Exhibit K

FEBRUARY 10, 1975.

Public notice is hereby given that application was filed October 10, 1974 under the Federal Power Act (16 U.S.C. 791a–825r) by The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company (Correspondence to: Paul J. Sullivan, Vice President, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 and Maurice L. Zilber, Esq., Peabody, Brown, Rowley & Storey, One Boston Place, Boston, Massachusetts 02108) for approval of revised Exhibit K for constructed Project No. 2485, known as the Northfield Mountain Pumped Storage Project, located on the Connecticut River, a navigable water, in Franklin County, Massachusetts.

The revised Exhibit K for Northfield Mountain Pumped Storage Project No. 2485 was filed in compliance with Article 33 of the license, in order to reflect the as-built configuration of the Project.

The revised Exhibit K, sheets 1 and 2 (Detail Map of Project) delineates the project boundary and indicates land rights and ownership status of land occupied by the principal features of the Project's upper reservoir, underground powerhouse, and the tailrace tunnel area.

Approval of the revised Exhibit K as part of the license would include within the project boundary flowage rights on lands within a part of the reservoir area of the Turners Fall Project No. 1889, which is utilized as the lower reservoir for Project No. 2485.

Concurrent orders for Projects Nos. 1889 and 2485, issued November 7, 1972, approved Exhibit K maps for the entire lower reservoir, with the exception of revised Exhibit K of the subject application.

Any person desiring to be heard or to make protest with reference to said application should on or before March 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4532 Filed 2–19–75;8:45 am]

[Docket No. CP73–334]

EL PASO NATURAL GAS CO.

Petition To Amend

February 12, 1975.

Take notice that on February 3, 1975, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP73–334 a petition to amend the order of the Commission issued in said docket pursuant to section 7(c) of the Natural Gas Act, on October 10, 1973, so as to conform the facilities authorized therein with the facilities actually constructed, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The October 10, 1973 order authorized Petitioner to construct and operate certain additional facilities on its interstate system required for the reactivation and the injection of gas into the Rhodes Reservoir located in Lea County, New Mexico, and for the withdrawal of gas therefrom for the protection of Petitioner's east-of-California Priority 1 and 2 requirements during the 1973–74 heating season. The principal facilities authorized to be constructed were up to 25 injection/withdrawal wells with appurtenances and 5.6 miles of 4½-inch O.D. and 6⅝-inch O.D. gathering pipeline.

The petition states that as a result of redesigning the injection and withdrawal system, as test data of actual deliverability of the new wells was obtained during the drilling phase of the project, Petitioner installed an additional 1.1 miles of 4½-inch O.D., 6⅝-inch O.D. and 8⅝-inch O.D. gathering pipe, and that there has been no change, as a result of the modification in facility installation, in withdrawal capabilities from that set forth in Petitioner's initial application in Docket No. CP73–334, and as authorized by the Commission. Petitioner requests that the Commission's order of October 10, 1973, be amended to reflect the installation of the additional facilities.

Petitioner states that the actual cost of the subject project exceeded its original estimate by $63,257.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 27, 1975, file with the

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Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4477 Filed 2-19-75;8:45 am]

[Docket No. CP75-200]

EL PASO NATURAL GAS CO.

Extension of Time

FEBRUARY 12, 1975.

On February 3, 1975, Southland Royalty Company filed a motion to extend the time for filing answers and petitions to intervene fixed by order issued January 30, 1975, in the above-designated matter. On February 11, 1975, Warren Petroleum Company, a Division of Gulf Oil Corporation filed a similar motion.

Upon consideration, notice is hereby given that the date for filing answers and petition to intervene in the above matter is extended to and including March 3, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4478 Filed 2-19-75;8:45 am]

[Docket No. G-103]

ENTEX, INC.

Redesignation

FEBRUARY 12, 1975.

On October 29, 1974, Entex, Inc., notified the Commission of their corporate name change from the former United Gas, Inc., effective April 4, 1974.

Notice is hereby given that the export and Presidential permits issued in the above-designated matter are redesignated as those of Entex, Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4479 Filed 2-19-75;8:45 am]

[Docket Nos. CI74-328 and CI74-381]

FOURWAY OIL CO.

Order Providing for Hearing Consolidating Proceedings and Granting Interventions

FEBRUARY 10, 1975.

On November 23, 1973 and January 10, 1974, respectively, Fourway Oil Company, (Fourway), filed applications for abandonment of its sales of casinghead gas to Atlantic Richfield Company (ARCO) from the Abell Field, Pecos County, Texas. The first such application filed covers a sale under a contract dated March 1, 1969 involving gas extracted from the Rooney Lease (Docket No. CI74-328), while the other application refers to sales from the Fuller Lease pursuant to a contract dated November 1, 1957 (Docket No. CI74-381). These sales are currently being made to PGP Gas Properties, Inc., (PGP), which has succeeded to the interests of ARCO under these contracts. The gas from both leases is processed in the Imperial Gas Processing Plant, Crane and Pecos Counties, Texas by PGP.

Fourway has asserted that the reason for the abandonment requests is because the subject contracts have been terminated by them according to their provisions. At the time when Fourway gave notice of termination to ARCO,[1] it indicated that negotiation for higher price for the gas would be an alternative to final termination of sales. Subsequent negotiations have been conducted by the parties in an attempt to determine an acceptable price and contract term. Pending abandonment authorization, Fourway is continuing sales from the subject wells to PGP under an interim agreement between them and PGP, dated April 18, 1974, whereby Fourway sells the gas at 30.0 cents per Mcf as permitted under its small producer certificate.

Fourway has also filed for a unilateral rate increase to the national rate for the instant sales following the issuance of Opinion No. 699. However, the Commission rejected the filing since no new contracts had been executed.

Because there are factual and legal issues involved in the applications in both dockets herein which require resolution in an evidentiary proceeding, and since the negotiations between the parties have as yet failed to reach fruition, we will order a hearing thereon and consolidate the resultant proceedings.

On March 6, 1974, Northern Natural Gas Company, (Northern), filed a petition to intervene in Docket No. CI74-331. The petition asserted sufficient interest by Northern in the proceeding since Northern purchases the gas that is processed pursuant to the sale from Fourway to ARCO, (now PGP).

The Commission finds. (1) Good cause exists to consolidate and set for hearing and disposition the matters involved in the proceedings in Docket Nos. CI74-328 and CI74-381 because of common issues of law and fact.

(2) Good cause exists to grant the intervention of Northern since their participation herein may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, (18 CFR, Chapter 1), a public hearing shall be held commencing March 11, 1975 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, concerning the propriety of permitting the abandonment requests by Fourway in the instant dockets. In addition, the applicable dockets, (Docket Nos. CI74-328 and CI74-381) shall be consolidated for hearing and subsequent disposition.

(B) On or before February 25, 1975 Fourway shall file and serve its testimony and exhibits comprising its case-in-chief upon all parties to this proceeding including Commission Staff.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose—see delegation of authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioner hereinabove set forth is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4540 Filed 2-19-75;8:45 am]

[Project No. 2654]

GARKANE POWER ASSOCIATION, INC.

Application for Withdrawal of Application for License

FEBRUARY 10, 1975.

Public notice is hereby given that an application was filed June 11, 1971 and again on June 27, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by the Garkane Power Association, Inc. (Correspondence to: Mr. Glen P. Willardson, General Manager, Garkane Power Association, Inc., 56 East Center Street, Richfield, Utah 84701) for approval of withdrawal of application for license for constructed Torrey Hydro Plant Project No. 2654, located on the Fremont River in Wayne County, Utah and affecting lands of the United States.

The project consists of: (1) A dam with a 480 foot long earth fill section and an 80 foot wide timber crib diversion section; (2) a concrete canal inlet with a 10-foot mechanical radial gate; (3) a canal 13 feet wide and 3,050.2 feet long; (4) a 42" diameter, 26.12 foot long steel pipe (5) a powerhouse containing a 300 kw generator connected to a 450 horsepower turbine; and (6) appurtenant electrical and mechanical facilities. The application states that the Torrey Hydro Plant has not been operating since January 1970, and there are no plans to rehabilitate the project in the future. Applicant states that the maintenance and up-keep would not be economically feasible. The Applicant intends to leave the dam and project canal intact for use by the Fremont River Water Distribution System for irrigation purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before March 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4508 Filed 2-19-75;8:45 am]

[Docket No. RP75-54]

GRAND VALLEY TRANSMISSION CO.

Order Accepting for Filing and Approving Without Suspension, Proposed Rate Increase and Denying Request for Waiver

FEBRUARY 12, 1975.

On January 13, 1975, Grand Valley Transmission Company (Grand Valley) tendered for filing proposed changes in its FPC Gas Rate Schedule No. 1 for sales of gas to Northwest Pipeline Corporation (Northwest).

Grand Valley states that because of the rate for sales by Grand Valley to Northwest, and consequently the depressed rate which Grand Valley has been able to offer to producers in its area, Grand Valley has been unable to attract additional supplies of gas for sale to Northwest, and the volumes of sales to Northwest have thus declined.

The proposed increase to Northwest of 3 cents per Mcf will result in an annual revenue increase from jurisdictional sales by $56,762 based on sales volumes for the twelve months ended September 30, 1974. However, due to a loss of $50,085 for the twelve months ended September 30, 1974, the proposed increase will result in a net increase of only $6,677 for 1975 over 1974 figures.

The contract existing between Grand Valley and Northwest is a fixed-rate contract which precludes Grand Valley from increasing its rate without Northwest's approval. However on November 27, 1974, Grand Valley and Northwest amended their purchase agreement to permit the requested rate increase. Consequently the contract does not bar the requested increase of Grand Valley.

Grand Valley has requested an effective date for its proposed rate increase of no later than February 14, 1975 and therefore requested the Commission to grant waiver of its notice requirements to the extent it would be necessary to permit the increase to go into effect prior to that date.

Notice of the January 13, 1975 filing by Grand Valley was issued on January 22, 1975, with comments, protests, and petitions to intervene due on or before February 5, 1975. No comments have been received.

Upon a review of Grand Valley's proposed rate increase we find that the proposed rates have been shown to be just and reasonable. Furthermore, Grand Valley has not shown good cause for this Commission to waive its 30-day notice requirement. We shall therefore permit the requested rate increase to become effective without suspension, on February 13, 1975.

The Commission finds. (1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission accept for filing Grand Valley's January 13, 1975 filing in Docket No. RP75-54, without suspension, and permit it to become effective on February 13, 1975.

(2) Good cause has not been shown by Grand Valley for this Commission to waive its notice requirements under Section 154.22 of its Regulations.

The Commission orders. (A) Grand Valley's January 13, 1975 filing in Docket No. RP75-54 is hereby accepted and permitted to become effective without suspension on February 13, 1975.

(B) Grand Valley's request for waiver of the Commission's notice requirements under § 154.22 is hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4480 Filed 2-19-75;8:45 am]

[Docket No. E-9253]

GULF STATES UTILITIES CO.

Change of Parties

FEBRUARY 10, 1975.

Take notice that on February 3, 1975 Gulf States Utilities Company (Company) tendered for filing copies of a letter and an affidavit in which the City of Kirbyville assumed all responsibilities and liabilities as stated in the Company's contract with Kirbyville Light and Power Company, FPC Schedule No. 110. The Company requests that the present agreement which was accepted by letter in Docket No. E-8817 be assigned to the City of Kirbyville.

A copy of this filing has been sent to Kirbyville Light and Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4513 Filed 2-19-75;8:45 am]

[Docket No. E-9252]

GULF STATES UTILITIES CO.

Rate Schedule Filing

FEBRUARY 10, 1975.

Take notice that on February 3, 1975 Gulf States Utilities Company (Company) tendered for filing an agreement for wholesale electric service between the Company and the Town of Welsh, Louisiana. The Company states that the agreement supersedes FPC Rate Schedule No. 51. The Company states that the rates in the agreement are the same as those being considered in FPC Docket No. E-8121 and thus subject to be changed as a result of those proceedings.

The Company states that a copy of the filing has been sent to the Town of Welsh.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4514 Filed 2-19-75;8:45 am]

[Docket No. CS75-291, etc.]

JERE CLAYTON HUBBARD ET AL.

Applications for "Small Producer" Certificates[1]

FEBRUARY 10, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Rooney Lease contract terminated March 1, 1973 and Fuller Lease contract terminated November 1, 1973.

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applications should on or before March 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS75-291..	Jan. 13, 1975	Mrs. Jere Clayton Hubbard, 416 First National Bank Bldg., Midland, Tex. 79701.
CS75-292.....	do.....	W. P. Buckthal, 509 Bank of the Southwest Bldg., Amarillo, Tex. 79109.
CS75-293.....	do.....	W. T. Speller, 516 American Bank Bldg., Odessa, Tex. 79760.
CS75-294..	Jan. 20, 1975	William M. Shepperd, 4151 Southwest Freeway, Houston, Tex. 77027.
CS75-295.....	do.....	C. H. Hinton, 3120 West 28th, Amarillo, Tex. 79105.
CS75-296.....	do.....	Garland Cassbler, 507 Petroleum Bldg., Midland, Tex. 79701.
CS75-297.....	do.....	O. H. Shaller, Box 508, Cheyenne, Okla. 73628.
CS75-298.....	do.....	Swadco Corp., P.O. Box 265, Monahans, Tex. 79756.
CS75-299..	Jan. 21, 1975	Barrens Resources, Inc., 919 Third Ave., New York, N.Y. 10022.
CS75-300..	Jan. 20, 1975	Harold L. Penn, P.O. Box 3092, Olympic Station, Beverly Hills, Calif. 90212.
CS75-301..	Jan. 22, 1975	G. William Hurley, 3351 Carmel Dr., Casper, Wyo. 82601.
CS75-302..	Dec. 26, 1974	O'Neill Duncan—Mich.-Wisc. Gas Program 1974, A Limited Partnership, Room 1606, First National Center West, Oklahoma City, Okla. 73102.
CS75-303..	Jan. 23, 1975	Vulcan Materials Co., Suite 320, 220 West Douglas, Wichita, Kans. 67202.
CS75-304..	Jan. 24, 1975	Dorothy M. Bumgarner, 1436 Spring Dr., Wichita, Kans. 67206.
CS75-305.....	do.....	H. J. Headrick, 579 Milner Bldg., Jackson, Miss. 39201
CS75-306.	Jan. 22, 1975	Forced Gas Co., P.O. Box 7, Houston, Tex. 77001.

[FR Doc.75-4534 Filed 2-19-75;8:45 am]

[Docket No. RM74-12]

JURISDICTIONAL SALES OF NATURAL GAS

Order Granting Petitions for Rehearing for Purposes of Further Consideration

FEBRUARY 10, 1975.

On January 22, 1975, Union Oil Company of California (Union) filed a petition for rehearing of Order No. 521, issued January 9, 1975.[1] Subsequent petitions for rehearing have been filed by other parties to this proceeding.[2] For the reasons set forth, we grant all petitions for rehearing and/or clarification of Order No. 521 for the sole purpose of reconsideration of that order.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such petitions if not acted upon "within thirty days after it is filed . . . may be deemed to have been denied."[3] Because these time constraints do not allow sufficient time for a considered decision of the Commission upon all of the applications for rehearing of Order No. 521, the public interest requires that we grant the application for rehearing in part for the sole purpose of reconsideration of Order No. 521. This action does not constitute a grant or denial of any or all of the petitions for rehearing of Order No. 521 on their merits in whole or in part.[4]

The Commission orders. The petitions for rehearing of Order No. 521 filed by the parties listed in Appendix A are hereby granted for the sole purpose of further consideration of Order No. 521.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Atlantic Richfield Company
Texaco Inc.
Union Oil Company of California

[FR Doc.75-4504 Filed 2-19-75;8:45 am]

[1] —— F.P.C. —— (January 9, 1975).

[2] Appendix A sets forth a list of all parties filing petitions for rehearing of Order No. 521.

[3] 52 Stat. 831 (1938); 15 U.S.C. § 717r(a) (1970).

[4] Area Rate Proceeding, et al., (Southern Louisiana Area), 40 FPC 1091 (1968).

[Docket No. G-12004, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 11, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-12004..... D 1-27-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., West Gueydan Field, Vermilion Parish, La.	Uneconomical	
G-13746..... D 1-27-75	do.....	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 72 Field, Federal offshore Louisiana.	Nonproductive	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C161-130..... E 1-17-75	Service Drilling Co. (successor to Terra Resources, Inc.), 1800 Fourth National Bank Bldg., Tulsa, Okla. 74119.	Natural Gas Pipeline Company of America, Panhandle Field, Carson County, Tex.	14.2	14.65
C164-799..... D 1-27-75	Mobil Oil Corp.....	El Paso Natural Gas Co., Waha Field, Pecos and Reeves Counties, Tex.	(1)	.....
C165-1355..... D 1-27-75	do.....	El Paso Natural Gas Co., Coyanosa Field, Pecos and Reeves Counties, Tex.	(1)	.....
C166-176..... D 1-24-75	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Furry Unit, Arkoma Basin, Haskell County, Okla.	(2)	.....
C168-1255..... C 10-1-73 [3]	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Aztec, Angels Peak, and Blanco Fields, San Juan and Rio Arriba Counties, N. Mex.	[4] [5] 55.70265	15.025
C175-207..... A 1-24-74 [3]	Perry R. Bass and Bass Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, Big Eddy No. 39 Area, Eddy County, N. Mex.	[4] [6] 51.0	14.73
C175-208..... A 1-24-74 [3]	Perry R. Bass and Bass Enterprises Production Co.	Natural Gas Pipeline Company of America, Big Eddy No. 38 Area, Eddy County, N. Mex.	[6] 51.0	14.73
C175-339..... A 11-22-74 [7]	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., Sorrento Field, Ascension Parish, La.	[7] [8] 35.075	15.025
C175-242..... (CS71-51) F 1-20-75	Sun Calvert Co. (successor to Calvert Exploration Co.,) P.O. Box 2880, Dallas, Tex. 75221.	Western Transmission Corp., Browning Unit Area, Carbon County, Wyo.	[9] 40.0	14.65
C175-427..... (CS71-727) F 1-15-75	Sun Oil Co. (successor to Southdown, Inc.).	Texas Gas Transmission Corp., Ship Shoal Block 23, offshore Terrebonne Parish, La.	[10] 36.1125 [11] 58.5014	15.025 15.025
C175-429..... (C167-882) B 1-20-75	R. H. Adkins, Box 555, Hamlin, W. Va. 25523.	Hope Natural Gas Co., Elizabeth E. Daubenspeck et al., Lease, Wyoming County, W. Va.	Depleted	.....
C175-431..... A 1-23-75	Texas Gas Exploration Corp., (Operator) et al., 1100 First City National Bank Bldg., Houston, Tex. 77052.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., West Chalkley Field Area, Calcasieu Parish, La.	[12] 63.15	15.025
C175-434..... (G-7859) B 1-27-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., Ike West Field, Live Oak County, Tex.	[13]	.....
C175-435..... (G-4603) B 1-27-75	Sohio Petroleum Co., 970 First National Center, North, Oklahoma City, Okla. 73102.	Texas Gas Transmission Corp., South Lewisburg Field, Acadia and St. Landry Parishes, La.	Nonproductive	.....
C175-436..... A 1-27-75	Pinto, Inc., 999 The Main Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Block 587, West Cameron Area, offshore Louisiana.	[14] 57.21	15.025

[1] Acreage is nonproductive and no deliveries have ever taken place.
[2] Buyer has elected not to compress gas available for delivery.
[3] Being renoticed, because by amendment to application filed Jan. 23, 1975, Applicant requests the certificate in accordance with Opinion No. 699.
[4] Subject to upward and downward Btu adjustment; Includes 4.70130 cents per Mcf tax adjustment.
[5] Petition to amend the order of Dec. 23, 1974, to request a higher price. Applicant states service will not commence until about Feb. 21, 1975.
[6] Subject to upward and downward Btu adjustment.
[7] Being renoticed, because by amendment to application filed Jan. 15, 1975, Applicant requests a change in price and states its willingness to accept a certificate at the area rate under Opinion No. 598.
[8] Includes 5.575 cents per Mcf tax reimbursement and is subject to downward Btu adjustment.
[9] Applicant is willing to accept the 35.0 cents per Mcf rate prescribed in Opinion No. 699-H, issued Dec. 4, 1974, for gas covered under contracts dated on or after Oct. 1, 1968, for the Rocky Mountain Area.
[10] Includes 4.1125 cents per Mcf tax reimbursement and is subject to downward Btu adjustment. Applicant is willing to accept a certificate in accordance with Opinion No. 598.
[11] Rate for gas produced from acreage added under amendment dated Feb. 8, 1973. Includes 0.5 cents per Mcf gathering allowance and is subject to downward Btu adjustment.
[12] Includes 7 cents per Mcf tax reimbursement and 4.13 cents per Mcf upward Btu adjustment.
[13] Flash gas from Mobil's gas processing plant is no longer available from plant.
[14] Includes 0.51 cent per Mcf gathering allowance and 4.68 cents per Mcf upward Btu adjustment. The contract rate is 80 cents per Mcf.

[FR Doc.75-4380 Filed 2-19-75;8:45 am]

[Docket No. CS75-273, etc.]

MAHUN OIL & GAS CORP. ET AL.

Applications for Small Producer Certificates [1]

FEBRUARY 10, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS75-273..	Dec. 26, 1974	Mahun Oil & Gas Corp., 960 Johnson Ferry Rd., Suite 320, Atlanta, Ga. 30342.
CS75-274.....	do.....	Marion Majoros, M.D., 960 Johnson Ferry Rd., Suite 320, Atlanta, Ga. 30342.
CS75-276..	Dec. 27, 1974	Samuel J. Hileman, Route 1, Box 78, West Union, W. Va. 26456.
CS75-277..	Dec. 26, 1974	Lilly Oil Co., P.O. Box 1885, Paso Robles, Calif. 93446.
CS75-278..	Dec. 30, 1974	Barrett Drilling Co., P.O. Box 1345, Shawnee, Okla. 74801.
CS75-279.....	do.....	RMNG Gathering Co., 420 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203.
CS75-280..	Jan. 15, 1975	Montana Royalty Corp., P.O. Box 515, Chinook, Mont. 59523.
CS75-281..	Jan. 2, 1975	W. F. Schell, 320 Page Court, 230 West Douglas, Wichita, Kans. 67202.
CS75-282..	Jan. 6, 1975	Sterling Drilling Co., P.O. Box 129, Sterling, Kans. 67579.
CS75-283.....	do.....	Dale G. Wier, 460 South Market St., Opelousas, La. 70570.
CS75-284..	Jan. 8, 1975	Wayne J. Spears, 708 Ouachita Bank Bldg., Monroe, La. 71201.
CS75-285..	Jan. 9, 1975	Paula Jean Wier, 516 Mont Rose Ave., Lafayette, La. 70570.
CS75-286.....	do.....	Howard Hampton, 3501 North Causeway Boulevard, Metairie, La. 70002.
CS75-287..	Jan. 10, 1975	The Columbus Corp., Three Park Central, Suite 200, 1515 Arapahoe, Denver, Colo. 80202.
CS75-288.....	do.....	Pelest, Ltd., Three Part Central, Suite 200, 1515 Arapahoe, Denver, Colo. 80202.
CS75-289.....	do.....	Larco Drilling Co., Inc., 1700 Capital Towers, Jackson, Miss. 39201.
CS75-290.....	do.....	Voyager Petroleums, Inc., 8301 East Prentice Ave., Englewood, Colo. 80110.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.75-4533 Filed 2-19-75;8:45 am]

[Docket No. CI75-450]

MARATHON OIL CO.

Application

FEBRUARY 7, 1975.

Take notice that on February 3, 1975, Marathon Oil Company (Applicant), 539 South Main Street, Findlay, Ohio 45840,

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filed in Docket No. CI75-450 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of Natural gas in interstate commerce from the Walker Creek Field, Columbia County, Arkansas, to Texas Gas Transmission Corporation (Texas Gas) and delivery of said gas to Beacon Gasoline Company for processing and redelivery to Texas Gas in Webster Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that Applicant will commence a sixty-day emergency sale of gas from the subject acreage to Texas Gas on February 1, 1975, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29), and that Applicant proposes to continue said sale after the expiration of the sixty-day period for a term of one year or until gas injection operations are commenced and the gas is no longer available, whichever occurs first, within the contemplation of § 2:70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that its interests in the Walker Creek Field have been unitized with those of others in order to implement a pressure maintenance program which is expected to be implemented in approximately six months and that gas will not be available to the interstate market after said implementation.

Applicant proposes to sell approximately 5,000 Mcf per month at 15.025 psia at the nationwide rate promulgated by § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a), or a contract price of 60 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, whichever is the lesser.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4524 Filed 2-19-75;8:45 am]

[Docket No. CP72-279]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on January 27, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP72-279 a petition to amend the order issued in said docket on December 6, 1972 (48 FPC 1206), as amended October 9, 1973 (50 FPC 1021), and September 6, 1974 (52 FPC ——), pursuant to section 7(c) of the Natural Gas Act by authorizing the continuation through February 28, 1976, of the 59,100 Mcf per day of 100-day storage service under Petitioner's FPC Rate Schedule S-3,[1] and in accordance with the third amendment, dated December 5, 1974, to the relevant transportation and exchange agreement between Petitioner and Michigan Wisconsin Pipe Line Company (Mich Wisc), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that the December 5, 1974, amendment extends the term of the original agreement with Mich Wisc dated April 4, 1972, as amended March 2, 1973 and December 28, 1973, for the period through February 28, 1976, on the same terms and conditions as previously authorized in the subject docket. Pursuant to the agreement Petitioner will deliver to Mich Wisc near Woodstock, Illinois, a total of 5,910,000 Mcf of gas during the summer months. Petitioner states that such gas will be provided by Petitioner's customers by scheduling summer storage injection volumes from within said customers' effective monthly quantity entitlements. Mich Wisc, according to the agreement, will cause the injection of an equivalent volume of gas into storage for redelivery to Petitioner during the period from November 1975 through February 1976.

Petitioner states that it has offered this continued storage service, at a rate of 59,100 Mcf per day for 100 days on a pro rata basis, to its jurisdictional customers who are participants in the current year's service, and that the volumes not accepted were then reoffered to accepting customers pro rata until the total volume was contracted. Petitioner, accordingly, also seeks authorization for service in the following quantities:

	Share of 59,100 Mcf
DMQ-1 customers:	
Associated Natural Gas Co	166
Illinois Power Co	4,348
Iowa Electric Light & Power Co	2,166
Iowa Illinois Gas & Electric Co	9,643
Iowa Power & Light Co	741
Iowa Southern Utilitiea Co	389
North Shore Gas Co	5,011
The Peoples Gas Light & Coke Co	35,018
Wisconsin Southern Gas Co., Inc	1,006
G-1 customers:	
Kaskaskia Gas Co	47
Monarch Gas Co	85
Nashville, Ill., city of	72
Perryville, Mo., city of	133
Pinckneyville, city of	91
Spearville, Kans., city of	14
United Cities Gas Co	170
	59,100

Petitioner asserts that proposed additional winter period service is urgently needed by its customers to enable them to meet their respective presently attached peak-day requirements in the event of a severe 1975-1976 winter. Petitioner states that no new facilities will be required to in order to extend the subject service.

Petitioner indicates that the rate for the subject service is based on the cost of storage service provided by Mich Wisc under its Rate Schedule X-29 and the allocated portion of Petitioner's cost of pipeline loopings on the north end of its system said to be required for the proposed deliveries. Said rate computes to 51.92 cents per Mcf, according to Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4481 Filed 2-19-75;8:45 am]

[1] The petition states that the applicable rate schedule designation will be changed to MS-3 in order to distinguish more readily between types of storage service currently in effect and additional storage service Petitioner plans to offer pursuant to authorization to be requested from the Commission in the near future.

[Docket No. E-9250]

NIAGARA MOHAWK POWER CORP.

Filing of Transmission Agreement and Request for Waiver

FEBRUARY 10, 1975.

Take notice that on February 3, 1975 Niagara Mohawk Power Corp. (Niagara) tendered for filing as a rate schedule a transmission agreement between Niagara and Consolidated Edison Company of New York, Inc., (Con Ed) dated September 30, 1974. This rate schedule is proposed to supersede Niagara Mohawk Power Corporation's Rate Schedule FPC No. 84.

Niagara states that the service to be rendered by it under this rate schedule is the transmission of short term or supplemental power and residual energy from Long Sault, Inc. at its St. Lawrence switchyard to Con Ed at its Pleasant Valley Substation. The source of the Long Sault, Inc., power and residual energy is the Hydro Quebec Electric Power Commission which will arrange with Cedar Rapids Transmission Company, Ltd., to deliver such power and energy at the international boundary to Long Sault, Inc.

Copies of the filing were served upon Con Ed.

Niagara requests a waiver of notice requirements of the Commission's regulations to allow an effective date of July 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4531 Filed 2-19-75;8:45 am]

[Docket No. E-9251]

NIAGARA MOHAWK POWER CORP.

Filing of Amendment

FEBRUARY 10, 1975.

Take notice that on February 3, 1975, Niagara Mohawk Power Corporation (Niagara) and New York State Electric and Gas Corporation (NYSEG) tendered for filing proposed changes in Niagara Mohawk Power Corporation's Rate Schedule FPC No. 51 and New York State Electric and Gas Corporation's Rate Schedule FPC No. 39. The proposed filing is submitted as Supplement No. 6 to both schedules.

Niagara states that the supplementary agreement is filed for the purpose of amending the original transmission agreement of July 21, 1966, as amended, to reflect the addition of three interconnection points which will be subject to transmission charges. All other provisions of the transmission agreement are not affected.

Copies of the filing were served upon NYSEG.

Niagara requests a waiver of the notice requirements of the Commission's regulations to allow an effective date of November 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4530 Filed 2-19-75;8:45 am]

[Docket No. RP75-52]

NORTH CAROLINA UTILITIES COMMISSION AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Setting Hearing, Prescribing Procedures, and Waiving Regulations

JANUARY 31, 1975.

On January 7, 1975, the State of North Carolina and the North Carolina Utilities Commission (North Carolina) filed a petition for (1) an investigation of Transcontinental Gas Pipe Line Corporation's (Transco) supply situation, (2) extraordinary relief from curtailment, and (3) immediate relief pendente lite. In support of its petition, North Carolina alleges that Transco will curtail deliveries to North Carolina some 20 percent below the levels anticipated less than three months ago. This increased curtailment, it is alleged, will terminate all industrial use of natural gas within North Carolina, causing widespread unemployment and loss of production essential to the national economy.

On January 8, 1975, we issued an order in Docket No. RP75-51 instituting an investigation into the circumstances causing increased curtailment on the Transco system.[1] A hearing on the investigation is presently scheduled to commence on January 27, 1975.

By order of January 9, 1975,[2] we denied interim extraordinary relief to North Carolina on the ground that their petition failed to meet the minimal requirements of Order No. 467-C, 18 CFR 2.78 (a)(ii). As to North Carolina's other requests for relief, however, including a suggestion that the interim settlement be modified, we treated the petition as a complaint filed under section 5(a) of the Natural Gas Act. We noted that we would address this matter further in a separate order.

Consistent with our heretofore stated purpose, we shall treat North Carolina's petition as a complaint filed under section 5(a) and set it for hearing to determine whether or not this Commission should exercise its power under section 5(a) to modify the interim curtailment plan which is currently effective pursuant to an order issued on November 26, 1974, by the District of Columbia Circuit in Consolidated Edison Company of New York, Inc. v. F.P.C., Nos. 73-1999, et al. In this regard we reiterate what we stated in our order of January 10, 1975, in this docket (mimeo at 11-12):

• • • [W]e are not prepared to say that the currently effective interim plan is sufficient to protect Transco's customers from even the remainder of the current winter heating season. Transco's supply situation continues to worsen, as indicated by the growing number of petitions for extraordinary relief, and it may be necessary for the Commission to either modify the present interim plan or prescribe a new plan pursuant to our authority under Section 5(a) of the Act. Any further modification, however, will be made only if it is determined that the harm created by the currently effective plan is greater than the harm that would be inherent in a switch at mid-winter to a new plan.

Therefore, the Commission finds. Good cause exists to treat North Carolina's petition as a complaint filed under section 5(a), waive the requirements contained in our rules of practice and procedure relative to the subject filing, set it for formal hearing, and establish the procedures for that hearing, all as hereinafter ordered.

The Commission orders. (A) A hearing shall be convened on March 3, 1974, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, for the purpose of determining whether the currently effective interim curtailment plan on the Transco system should be modified by this Commission.

(B) North Carolina, as well as any other party seeking a modification in the interim plan, shall file their direct testimony and supporting exhibits on or before February 10, 1975. Rebuttal testimony and exhibits shall be filed on or before February 24, 1975.

(C) Section 1.6(a) of our rules of practice and procedure is hereby waived with

[1] Order instituting investigation and order to show cause, setting hearing, and establishing procedures, issued in RP75-51 on January 8, 1975.

[2] Order consolidating proceedings, modifying previously issued orders, granting rehearing, setting hearings on requests for interim extraordinary relief and for permanent extraordinary relief and prescribing procedures, issued on RP75-16-1, et al., on January 9, 1975.

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respect to North Carolina's filing of January 7, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4482 Filed 2-19-75;8:45 am]

[Docket No. RP75-52]

NORTH CAROLINA UTILITIES COMMISSION AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Fixing Time for Intervention

FEBRUARY 12, 1975.

Take notice that on January 31, 1975, the Commission issued an order setting hearing, prescribing procedures, and waiving regulations in which no time was fixed for filing petitions to intervene. Pursuant to § 1.8(d) of the Commission's rules of practice and procedure all such petitions to intervene shall be filed on or before February 24, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4483 Filed 2-19-75;8:45 am]

[Docket Nos. CP75-111 and CP75-112]

NORTHERN NATURAL GAS CO.

Order Consolidating Proceedings, Modifying Previously Issued Orders, Granting Interventions, Setting Hearings and Prescribing Procedures

JANUARY 31, 1975.

On January 20, 1975 the Commission issued an order designating the joint application of Village of Circle Pines, Minnesota (Circle Pines) and the Hutchinson Utilities Commission (Hutchinson) in Docket No. CP75-112 for a formal hearing, granted intervention and established formal procedures. Circle Pines and Hutchinson filed (October 1, 1974) pursuant to section 7(a) of the Natural Gas Act for authorization directing Northern Natural Gas Company (Northern) to consolidate the respective natural gas contract demand quantities of these joint applicants and to deliver same to a new entity, the Circle-Hutch Public Utility Board [2] for the purpose of resale within their respective communities. The applicants thus seek authority to transfer their existing respective contract demands to the Utility Board which would in turn execute the necessary service agreements with Northern to replace the present service agreements between Northern and Circle Pines and Northern and Hutchinson.

The joint applicants contend that the primary purpose for the formation of the Utility Board is to enable Circle Pines to make use of Hutchinson's peak shaving facility (which has a potential capacity greater than Hutchinson's requirements) by being able on peak days to increase its daily takes (above its existing contract demand but within the limits of the proposed consolidated contract demand) while at the same time Hutchinson would increase the output of its peak shaving plant to make up for its reduced takes from the Utility Board. Joint Applicants contend that both Circle Pines and Hutchinson would meet their peak daily requirements without burdening Northern or its other existing customers. Furthermore, Hutchinson would benefit in that according to the Joint Agreement Hutchinson would be appropriately reimbursed by Circle Pines for the increased use of the former's peak shaving plant.

On October 29, 1974 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a petition to intervene contending that the above proposal by Circle Pines and Hutchinson may have the effect of reducing the gas supply available to it as a customer of Northern [3] as well as other customers of Northern.

On November 25, 1974 Northern filed an answer and objection to the application and requested an evidentiary hearing to resolve and clarify various issues including: (1) Liability of the Utility Board with respect to payment of bills, and its financial resources available to meet such obligations; (2) operational responsibility for receipt of curtailment orders and compliance with same; (3) determination of specific volumes expected to be delivered through existing delivery points in order to allow Northern to determine adequacy of existing branch lines and measuring station facilities; (4) whether pursuant to the "Joint Agreement" additional "governmental units" may be added to the agreement at a future date; and (5) potential adverse impact of the Utility Board's exercise of various powers. As a result of the foregoing questions, the above application in Docket No. CP75-112 was designated for hearing.

On October 11, 1974, the Commission issued a notice of application (filed October 1, 1974) by Northern in docket No. CP75-111 as an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern at the request of its customer, Inter-City Gas Limited (Inter-City) to adjust and realign volumes by community within Inter-City's presently authorized contract demand.

Specifically, Inter-City requests through Northern that Reserve Mining Company (Reserve Mining) which is an existing firm industrial customer has requested a reduction of 2,055 Mcf in its currently effective contract demand of 9,863 Mcf per day. In addition Inter-City proposes various minor adjustments in deliveries to other existing customers as is necessary in order to more effectively utilize the volumes of gas available from Northern during the 1974-75 heating season in the residential and small volume high priority market. Furthermore, Inter-City requests that 1,681 Mcf per day of the 2,055 Mcf per day reduction from Reserve Mining be delivered at Grand Rapids, Minnesota. Presently, Northern is not delivering gas to Grand Rapids [4] and would be required to install additional metering facilities.[5]

On November 4, 1974 Iowa Power and Light Company (Iowa) filed a petition to intervene and requested a hearing. Iowa contends that much of the gas sold to Reserve Mining is used as low priority boiler fuel. Iowa argues that should this type of load become vulnerable in the future due to Northern's declining gas supply Iowa would be adversely affected by allowing Inter-City to remove contract demand from exposure to future curtailment by shifting it from a large low priority industrial user to a small volume high priority market. Iowa states that it is not opposed to the proposed small volume realignments among Inter-City's customers but objects to the "firming up" of 2,055 Mcf per day which otherwise would be associated with Reserve Mining.

In light of Northern's request to realign existing contract demand authorizations on behalf of Inter-City pursuant to section 7(c) of the Natural Gas Act; the necessity to clarify the intended end use of the natural gas proposed to be delivered to Grand Rapids in light of Northern's present and future curtailment situation; the justification for Inter-City's failure to make use of an existing delivery point at Grand Rapids supplied by Great Lakes; and finally Iowa's petition to intervene present good cause for designating Northern's application in Docket No. CP75-111 for formal hearing.

The applications in both proceedings present similar issues of realignments of firm contract demand authorizations of customers in Northern's system, which may result in firming up low priority sales at the expense of Northern's other existing customers. Therefore, these applications should be consolidated to determine what the effects will be on Northern's system-wide delivery obligations especially in light of Northern's gas supply situation now and in the future as well as the present and future curtailments on Northern's system.

The Commission finds. (1) The above-entitled proceedings contain common questions of fact and law that require consolidation of those proceedings for purposes of hearing and decision.

(2) Good cause exists for granting the petitions to intervene that were filed in Docket Nos. CP75-111 and CP75-112 and for modifying the hearing dates and procedures established by our order issued January 20, 1975 in Docket No. CP75-112.

(3) Good cause exists for setting the proceeding consolidated herein for formal hearings and establishing the procedures for this proceeding as hereinafter ordered.

The Commission orders. (A) The applications filed in Docket Nos. CP75-111 and CP75-112 are hereby consolidated for purposes of hearing and decision.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on March 11, 1975 at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, concerning the applications for realignment of deliveries to existing customers filed in the proceedings consolidated in ordering paragraph (A) hereof.

(C) The hearing and procedures established by order issued January 20, 1975 in Docket No. CP75-112 are hereby modified to permit that proceeding to be heard in the consolidated proceeding initiated by this order.

(D) On or before February 10, 1975 all Applicants shall file their testimony and exhibits comprising their cases in chief in support of their respective applications. With respect to joint applicants Circle Pines and Hutchinson in CP75-112 their presentation shall include inter alia evidence containing: (a) their response to the issues raised by Northern in its original "Answer and Objection" filed on November 25, 1974, and (b) a break down of their sales within the categories of priorities established by the Commission in its Order No. 467-B, 18 CFR 2.78(a)(2) for the latest 12-month period and shall serve their-case-in-chief upon all parties to this proceeding including Commission staff.

With respect to applicant Northern in Docket No. CP75-111 its presentation shall include inter alia evidence containing: (a) A breakdown of the sales made by Inter-City within the categories of priorities established by the Commission in its Order No. 467-B, 18 CFR 2.78 (a)(2) for the latest 12-month period, (b) specific end use data and information pertaining to the 1,681 Mcf per day to be delivered by Inter-City to the Grand Rapids interconnection, and (c) facts, circumstances and other pertinent information regarding the non-use of delivery facilities and any gas supply agreements existing between Inter-City and Great Lakes at their Grand Rapids interconnection point.

Answering testimony shall be filed and served on all parties on or before February 24, 1975; rebuttal testimony shall be filed and served on all parties on or before March 5, 1975; and at the hearing on March 11, 1975, cross-examination will commence on the testimony and exhibits which are proferred and accepted into evidence.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) Iowa Power and Michigan Wisconsin are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting their asserted rights and interests as specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order entered by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4484 Filed 2-19-75;8:45 am]

[Docket No. CP75-55]

NORTHERN NATURAL GAS COMPANY

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on February 3, 1975, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-55 a petition to amend the order issued in said docket on October 31, 1974, pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations under the Natural Gas Act (18 CFR 157.7), so as to increase the total annual cost limitations for budget-type gas purchase facilities authorized in said order to 12,000,000 and the single project cost limitation to $1,500,000, and so as to expand the definition of budget-type gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural-gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By the order in the instant docket Petitioner is authorized, inter alia to construct during the calendar year 1975 and operate gas-purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a total annual cost limitation of $7,000,000 and a single project cost limitation of $1,000,000.

Petitioner cites, in its petition to amend, Commission Order No. 522, issued in Docket No. RM75-2 on January 16, 1975, which amended, inter alia, § 157.7 of the regulations under the Natural Gas Act to permit, effective February 21, 1975, the issuance of budget-type certificates of public convenience and necessity within the limits of the amended authorization requested by Petitioner.

Petitioner states, as justification for the requested amendment to its certificate, that it will have projects during the calendar year 1975 that would qualify for construction under budget-type authority granted in the subject docket, but that because of the effect of inflation such projects will exceed the single project cost and the total annual cost limitations for said calendar year. Petitioner further states that in recent years it has entered into various natural gas exchanges with other pipeline companies and that from time to time applications are filed to provide for additional delivery points in such exchanges.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4485 Filed 2-19-75;8:45 am]

[1] Circle Pines operates a municipal gas distribution system and purchases its total supply of natural gas from Northern under Northern's CD Rate Schedule (Contract Demand: 873 Mcf per day) and PS Rate Schedule (Contract Demand: 50 Mcf per day) for resale. Circle Pines has peak day requirements in excess of its peakday contractual entitlement from Northern and therefore has had to purchase penalty gas in the past to meet its high priority load on peak days. Circle Pines has no peak shaving plant. Hutchinson operates a municipal distribution system and purchases its entire supply of natural gas from Northern under Northern's CD Rate Schedule (Contract Demand: 5,200 Mcf per day) and WPS Rate Schedule (Contract Demand: 260 Mcf per day) for resale in the community Hutchinson has a propane oil peak shaving plant which with additional modification would have a capacity of 150 Mcf per hour.

[2] Pursuant to § 471.59 of the Minnesota Statutes, Circle Pines and Hutchinson entered into a "Joint and Cooperative Agreement" establishing the Circle-Hutch Public Utility Board for the purpose of purchasing gas from Northern for resale in their respective communities.

[3] Northern presently delivers and sells 78,875 Mcf per day to Michigan-Wisconsin on a firm basis.

[4] In Docket No. CP70-19 Great Lakes Gas Transmission Company was authorized to deliver gas to Grand Rapids for the account of Inter-City. However, this delivery point has not been utilized since 1970-71 heating season.

[5] The estimated cost of the new metering facilities proposed by Northern amounts to $4,320, and the estimated cost of removal for existing facilities is $50. Inter-City has agreed to reimburse Northern for the cost of the proposed new metering facilities.

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[Docket Nos. E-7795 and E-7980]

PHILADELPHIA ELECTRIC CO.

Further Extension of Procedural Dates

FEBRUARY 7, 1975.

On January 29, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 11, 1974, as most recently modified by notice issued January 27, 1975, in the above-designated matter. On January 31, 1975, Philadelphia Electric Company filed an answer in opposition to Staff's motion. On February 3, 1975, the Borough of Lansdale, Pennsylvania, filed a response in support of Staff's motion.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, February 25, 1975.
Service of intervenor's testimony, March 18, 1975.
Service of company rebuttal, April 1, 1975.
Hearing, April 15, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4511 Filed 2-19-75;8:45 am]

[Docket No. E-8741]

POTOMAC ELECTRIC POWER CO.

Order Granting Late Petition To Intervene

FEBRUARY 10, 1975.

On September 27, 1974, Southern Maryland Electric Cooperative, Inc. (Cooperative) filed a petition to intervene in this docket. Notice of PEPCO's filing in this docket was issued on May 1, 1974, with protests and petitions to intervene due on or before May 20, 1974. In support of its petition to intervene, Cooperative states that PEPCO is the sole supplier of its electric power and energy requirements. Cooperative further states that it has not previously filed a petition to intervene since it was named respondent in the complaint filed by PEPCO in its April 18, 1974, filing. Moreover, Cooperative states that the Commission specifically referred to its answer to PEPCO's complaint in the August 6, 1974, order instituting the Section 206 proceeding in this docket.

The Commission finds. Participation by Cooperative in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders. (A) Southern Maryland Electric Cooperative, Inc. is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4522 Filed 2-19-75;8:45 am]

[Docket No. E-8741]

POTOMAC ELECTRIC POWER CO.

Extension of Procedural Dates

FEBRUARY 10, 1975.

On January 7, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 6, 1974, as most recently modified by notice issued November 19, 1974, in the above-designated matter. On February 5, 1975, Staff Counsel filed a supplement to the motion. The parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, April 1, 1975.
Service of intervenor's testimony, April 22, 1975.
Service of company rebuttal, May 6, 1975.
Hearing, May 20, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4515 Filed 2-19-75;8:45 am]

[Docket No. E-9227]

PUBLIC SERVICE CO. OF OKLAHOMA

Proposed Change in Rates

FEBRUARY 10, 1975.

Take notice that on January 24, 1975, Public Service Company of Oklahoma (PSCO) tendered for filing a proposed change in rates which would increase their revenues by $1,627,074. PSCO requests that the Commission waive § 35.11 of the regulations to allow an effective date of January 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4520 Filed 2-19-75;8:45 am]

[Docket No. R-472]

REGIS GAS SYSTEMS, INC.

Findings and Order Granting Waiver

FEBRUARY 12, 1975.

By Order No. 489 issued August 24, 1973, in Docket No. R-472 (50 FPC 561), the Commission promulgated § 260.12 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations to prescribe FPC Form No. 16, Report of Supply and Requirements, to be filed by natural gas pipeline companies making sales in interstate commerce of natural gas for resale. The Commission stated in Order No. 489 that it would consider requests by any company for waiver of the requirement to file Form No. 16 and would grant such requests upon good cause being shown.

On November 15, 1974, Regis Gas Systems, Inc. (Regis), filed a request for waiver of the requirement to file Form No. 16 stating that it is only a small gatherer which resells all gas to Trunkline Gas Company (Trunkline). Since Regis sells all of its gas to Trunkline, its supply is reflected in Trunkline's Form No. 16, and, accordingly, Regis should be excused from filing Form No. 16.

The Commission finds. Good cause having been shown, it is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the request by Regis for waiver of the requirement to file Form No. 16 should be granted.

The Commission orders. Subject to further review should Regis' operations change in the future, Regis' request for waiver of the requirement to file Form No. 16 is granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4491 Filed 2-19-75;8:45 am]

[Docket No. CI75-444]

ROBERT J. HEWITT

Application

FEBRUARY 10, 1975.

Take notice that on January 27, 1975, Robert J. Hewitt (Applicant), 400 Victoria Bank & Trust Bldg., Victoria, Texas 77901, filed in Docket No. CI75-444 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from the Garden City Field, St. Mary Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he made a sale of natural gas to Texas Gas from the subject acreage within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) from October 9, 1974, to December 8, 1974. Applicant proposes to sell natural gas to Texas Gas for a period of one year from the first day of the month next following the month in which Applicant commences deliveries within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell to Texas Gas approximately 24,000 Mcf of natural gas per month at 73.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The application indicates that initial upward Btu adjustment is estimated to be 8.9 cents per Mcf. Applicant alleges that the price to Texas Gas is substantially less than the price Applicant could charge and receive if such natural gas were sold in the intrastate market. Applicant further alleges that this gas will be available for sale to Texas Gas for only a limited period of time.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4519 Filed 2-19-75;8:45 am]

[Dockets Nos. E-7706, E-7750, E-8092]

SIERRA PACIFIC POWER CO.

Changes in Tariff Sheets Pursuant to Commission Opinion No. 702

FEBRUARY 11, 1975.

Take notice that Sierra Pacific Power Company (Sierra), on October 16, 1974, filed revised tariff sheets applicable to its FPC Electric Tariff, Original Volume No. 1, pursuant to the Commission's Opinion No. 702, issued herein on August 15, 1974. The revised tariff sheets are those designated by Sierra as Substitute Third Revised Sheet No. 4, effective September 1, 1972 through April 27, 1973; Substitute Fourth Revised Sheet No. 4, effective April 28, 1973 through December 30, 1973; Substitute First Revised Sheet No. 5, effective September 1, 1972 through December 30, 1973; and Substitute First Revised Sheet No. 8, effective September 1, 1972 through December 30, 1973. Tariff Sheet Nos. 4 and 5 contain rates, charges, terms and provisions applicable to Schedule R, Resale Service. Tariff Sheet No. 8 contains a Fuel Adjustment clause provision.

Sierra states that although no action has been taken by the Commission on its petition for rehearing and reconsideration of Opinion No. 702, filed September 13, 1974, "it is not believed that it will affect the substitute revised tariff sheets required to be filed in accordance with Opinion No. 702". By order issued on October 9, 1974, the Commission granted rehearing for further consideration of Sierra's petition for rehearing.

Sierra states that copies of the revised tariff sheets have been sent to its jurisdictional customers and interested State commissions. (No copy of the notice for publication in the FEDERAL REGISTER is included in the filing, pursuant to § 35.8 (a) of the Commission's rules.)

Any person desiring to be heard or to protest said rate filings should file a petition to intervene (unless such intervention has been previously granted herein) or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4486 Filed 2-19-75;8:45 am]

[Docket No. RP75-61]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND AFFILIATES [1]

Order Instituting an Investigation

FEBRUARY 10, 1975.

As a part of this Commission's administration and enforcement of the provisions of the Natural Gas Act, 15 U.S.C. 717(a) et seq., the Commission has concluded that a field investigation by its staff should be undertaken relative to certain activities of South Texas Natural Gas Gathering Company (South Texas), its parent, affiliates, and subsidiaries. Heretofore, some of these companies have been determined to be "natural-gas companies", within the meaning of the Natural Gas Act, 15 U.S.C. 717b(6). Others properly may or may not be so classifiable.

Continued surveillance of natural gas operations of the South Texas affiliates, through this staff investigation, will serve the purposes of the Natural Gas Act. As set forth infra, this Commission as recently as January 14, 1974, has directed compliance actions by South Texas with requirements of the Natural Gas Act. This investigation complements our prior activities.

We had occasion to examine the activities of South Texas and found that the evidentiary record there established (South Texas Natural Gas Gathering Company, —— FPC ——, Opinion No. 683, issued January 14, 1974):

> • • • that due to mistake of law or other reasons South Texas has failed to file a number of applications for certificates to sell or transport gas and to abandon services or facilities and has failed to make rate schedule filings all as required by the Gas Act under the present law. We shall therefore require that South Texas make filings that are currently relevant and complete all necessary supplements to its Rate Schedule No. 2 covering its sale of gas to Transco (Transcontinental Gas Pipe Line Corporation). [mimeo ed., p. 16].

As a result of that order, South Texas and Coastal States Gas Producing Company (Coastal States), on March 13, 1974, filed in Docket No. CP74-258 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas between the applicants, which is presently pending our review of the Presiding Administrative Law Judge's Initial Decision granting the certificate.

Previously, by order issued February 10, 1964, we, inter alia, deferred determination of the jurisdictional question concerning certain sales and transportation activities of some South Texas affiliates pending final resolution of then pending court proceedings, which have now been finally resolved.[2] (United Gas Pipe Line Company v. Coastal States Gas Producing Company, et al., 31 FPC 406, 409). Specifically, we stated (31 FPC at 409):

> • • • we shall defer action upon the other elements of United's complaint. Specifically until there has been a final resolution of the questions raised in Lo-Vaca Gathering Company v. F.P.C., 323 F. 2d 190, petition for rehearing denied December 17, 1963 (CA5), and in the Florida Parishes case, supra we shall not attempt to pass upon the issues raised by the complaint as to our jurisdiction over the sales by Rio Grande

[1] As used in this order, "affiliate" means a company or person that directly or indirectly, through one or more intermediaries, controls, or is controlled by, or under common control with, South Texas, 18 CFR 201.5A.

[2] The court proceedings are California v. Lo-Vaca Gathering Co., 379 U.S. 366 (1965) and Louisiana Public Service Commission v. F.P.C., 359 F.2d 525 (5th Cir., 1966), certiorari denied 385 U.S. 833.

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to Alamo and Coastal to Lo-Vaca, or South Texas' transportation of such gas. We believe that pending such action we should not consider the request that we reclassify Coastal as a pipeline or consider all of the Coastal entities as one for Commission purposes. [Footnotes omitted]

At our initiative, the staff has been directed to conduct the field investigation ordered herein. Our purpose in initiating this investigation is to ascertain the activities of the South Texas affiliates and their compliance with the Natural Gas Act. Accordingly, this investigation will involve the sales and transportation activities of all affiliates of South Texas in order that we may definitively determine which of their activities fall within the scope of this Commission's jurisdiction and the enforcement and remedial measures, if any, to be directed by this Commission in the light of this investigation and our prior opinions as referred to herein.

The investigation herein initiated will encompass activities of all South Texas affiliates. It shall encompass all facts bearing upon which of those operational activities are jurisdictional under the Natural Gas Act. Further, the investigation shall encompass all facts bearing upon whether such jurisdictional activities are being or have been conducted under appropriate authorizations granted by this Commission pursuant to the Natural Gas Act and whether any jurisdictional activities are being conducted by the South Texas affiliates without necessary and appropriate Commission authorization, and, therefore, which may be or have been in violation of the Natural Gas Act. The investigation shall encompass all facts bearing upon the enforcement and remedial measures to be directed by this Commission.

The investigation herein instituted shall encompass initially a Commission staff field review of the past and present activities of all South Texas affiliates limited initially to the Texas geographic area. The staff's assignment is to conduct an immediate field investigation of facilities, properties, books, and records of South Texas and its parent, affiliates, and/or subsidiaries. We here determine and direct that those entities accord Commission staff full and complete access to all facilities, properties, books and records during that field investigation.

Based upon a review of the data obtained from the field investigation herein ordered and any subsequent investigations deemed necessary by our staff for completion of its investigatory task, the staff will report to the Commission its findings and recommendations for further procedures to expeditiously and fully conclude this investigation.

The Commission further finds. (1) Pursuant to section 1(b) of the Natural Gas Act, 15 U.S.C. 717(b), this Commission has jurisdiction over

> • • • the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption, for domestic, commercial, industrial, or any other use, and to natural-gas companies engaged in such transportation of sale • • •

(2) It is necessary and appropriate for the purposes of that Act and good cause exists as set forth in the recital portions above for instituting an investigation into the activities of South Texas, its parent, affiliates and/or subsidiaries pursuant to Sections of the Natural Gas Act. 15 U.S.C. 717(a) et seq., as more fully identified infra to determine the jurisdictional and substantive issues as enunciated in the recital portions of this order.

(3) The investigation herein initiated and the procedures hereinafter ordered are the most expeditious method of determining the jurisdictional and substantive issues involved in this proceeding.

(4) The Commission has determined that the following members of South Texas affiliates are or have been previously classified as "natural-gas companies" within the meaning of the Natural Gas Act: South Texas Natural Gas Gathering Company, 28 FPC 401, 418; Coastal States Gas Producing Company, 31 FPC 1027, 1029; Ben Bolt Gathering Company, 26 FPC 825; and Lo-Vaca Gathering Company, 46 FPC 198, 199. The activities, operations and jurisdictional status of some of these may have changed from the dates of those Commission determinations.

The Commission orders. (A) Pursuant to the authority contained in the Natural Gas Act, particularly sections 1, 4, 5, 7, 8, 10, 14, 15, 16, 20 and 21 thereof, 15 U.S.C. 717, c, d, f, g, i, m, n, o, s, t, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, 18 CFR Parts 1, 152–160, 201–225, 250–260, the Commission hereby institutes an investigation into the activities of South Texas and its parent, affiliates and/or subsidiaries for the purposes as set forth in the recital portion of this order.

(B) Pursuant to the provisions of section 14(c) of the Natural Gas Act, 15 U.S.C. 717m (c), and § 1.23 of the Commission's rules of practice and procedure, 18 CFR 1.23, for purposes of this investigation all members of the Commission investigating staff are each hereby designated an officer of this Commission and are empowered to issue subpenas and to perform all other duties in connection therewith as prescribed by law.

(C) The Commission staff is directed to conduct a full field investigation to obtain the facts and information from the books, records, facilities and properties of South Texas and its parent, affiliates and/or subsidiaries to enable it to make a full and complete report on the jurisdictional and substantive issues set forth in the recital portion of this order, together with recommendations for the further procedures necessary to conclude this investigation.

(D) South Texas, its parent, affiliates, and/or subsidiaries are hereby directed to assist staff, when requested, in staff's field investigation.

(E) Further procedures, if required, shall be set by further order of this Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4506 Filed 2-19-75;8:45 am]

[Docket No. RP75-58]

SOUTHERN NATURAL GAS CO.

Rate Change

FEBRUARY 7, 1975.

Take notice that Southern Natural Gas Company (Southern) on January 30, 1975, tendered for filing two proposed changes in its FPC Gas Tariff, Original Volume No. 3. Southern states that the first change, in Rate Schedule No. F-5, is an increase up to the level allowed by Commission Opinion No. 662. The second change, Southern states, is in Rate Schedule No. F-9 and reflects changes pursuant to Commission Opinion Nos. 699, 699-A, and 699-H.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4509 Filed 2-19-75;8:45 am]

[Docket Nos. RP71-6, RP71-67, and RP72-1]

TENNESSEE GAS PIPELINE CO.

Refund, With Interest, of Purchased Gas Costs Collected During Price Freeze Period

FEBRUARY 7, 1975.

On June 13, 1972, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a purchased gas racking increase to become effective August 1, 1972, pursuant to the purchased gas tracking authority prescribed in the Settlement Agreement approved by Tennessee Gas Pipeline Company, Opinion No. 619, 47 FPC 1327 (1972) in the instant docket. Tennessee's filing proposed an increase of 2.16¢ per Mcf which included the effect of charges to Tennessee's Deferred Purchased Gas Cost Account for the period from April 15, 1971, to November 14, 1971, covered by Phase I of the President's Economic Stabilization Program. Tennessee also filed alternate tariff sheets reflecting a rate increase of only

1.83¢ per Mcf, which excluded the effect of charges to the Deferred Account during the Phase I period. Tennessee stated that the alternate 1.83¢ per Mcf sheets were filed in the event the Commission "deems it inappropriate" to reflect the deferred charges for the Phase I period to the Deferred Purchased Gas Cost Account as part of the June 12, 1972, purchased gas tracking rate increase. Tennessee, however, argued that the costs accrued in the Deferred Account were properly includible in the June 12, 1972, tracking filing because they were consistent with the President's Executive Order No. 11615 instituting Phase I of the Economic Stabilization Program and the Commission's Order 437 implementing such program.

By letter order dated July 31, 1972, 48 FPC 194 (1972) the Commission rejected Tennessee's filing on the grounds that Tennessee's tracking authority expired on June 13, 1972, and, under the approach followed by the Commission, tracking filings had to become effective on or before the date the tracking authority terminated. Following denial of Tennessee's application for rehearing,[1] Tennessee filed a Petition for Review with the U.S. Court of Appeals for the District of Columbia Circuit.

By order of the Court dated November 13, 1972, the Court granted Tennessee's October 30, 1972, motion for stay pending review of the Commission's order. Pursuant to the Court's November 13, 1972, order, the Commission issued an order, 48 FPC 1375 (1972), accepting Tennessee's tariff sheets for filing effective as of August 1, 1972, subject to possible refund, with interest at 7 percent per annum, pending resolution of the appeal to the U.S. Court of Appeals concerning the timeliness of Tennessee's filing.

However, the Commission also stated:

> Our action today is solely for the purpose of complying with the court ordered stay and reserves, until completion of judicial review of our July 31, 1972, order the issue of whether the subject 2.16¢ increase should include increases frozen during Phase I of the President's Economic Stabilization Program.[2]

On August 1, 1974, the Court of Appeals in "Tennessee Gas Pipeline Company, et al. v. Federal Power Commission," ------ U.S. App. D.C. ------, ------ F.2d ------ (Case No. 72-1945) vacated the Commission's July 31, 1972, letter order which had rejected Tennessee's purchased gas cost tracking filing of June 12, 1972, as not having been timely filed. No appeal of that decision has been filed and therefore the Court's decision is final.

Accordingly, we must now decide the proper disposition of the amounts collected by Tennessee, subject to refund, which relate to deferred purchased gas costs accrued in Tennessee's Deferred Account pursuant to the purchased gas tracking authority approved in Opinion No. 619 in the instant docket. We find that permitting Tennessee to retain the amounts collected, subject to refund, which relate to the Phase I freeze period would be inconsistent with the Commission's Order No. 437, 46 FPC 274 (1971), which implemented the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. We find that retention of such amounts by Tennessee would also be inconsistent with Order No. 437A, 46 FPC 1219 (1971) which implemented Executive Order No. 11627. Accordingly, we shall require Tennessee to refund with interest at 7 percent per annum, from August 1, 1972, the revenues collected based on charges to its Deferred Purchased Gas Account in this docket during the period August 15, 1971, to November 14, 1971. Such refunds shall be based upon Tennessee's sales for the period from August 1, 1972, through December 31, 1972. We note that this treatment is consistent with that accorded to other pipelines having deferred purchased gas accounts as a part of their purchased gas tracking authority during the Phase I Freeze period.[3]

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act to require Tennessee, within 30 days of the date of issuance of this order, to refund, with interest at 7 per cent per annum, the revenues collected based on charges to its Deferred Purchased Gas Account in this docket during the period August 15, 1971, to November 14, 1971, as hereinafter ordered and conditioned.

The Commission orders. (A) Within 30 days of the date of issuance of this order, Tennessee shall refund, with interest at 7 per cent per annum from August 1, 1972, the revenues collected based on charges of its Deferred Purchased Gas Account in this docket during the period August 15, 1971, to November 14, 1971. Such refunds shall be based upon Tennessee's sales for the period from August 1, 1972, through December 31, 1972.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

NATURAL GAS PIPELINE CO. OF AMERICA,
122 South Michigan Ave.,
Chicago, Ill. 60603.

(Attention: Mr. J. I. Poole, Jr., Vice President, Marketing and Rates).

DECEMBER 1, 1971.

GENTLEMEN: This is in regards to your filing on October 14, 1971, of two copies of a tariff sheet, designated as Fourth Revised Sheet No. 38-L.2. to your FPC Gas Tariff, Second Revised Volume No. 1, reflecting increased rates to track increased purchased gas costs, pursuant to the Purchased Gas Cost Adjustment Provision included in your tariff. The tabulation attached to your filing indicates a crediting to the deferred account of amounts for the months of August and September.

This approach is inconsistent with the Commission's order issued August 18, 1971, in Docket No. R-427, implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. It is also inconsistent with the Commission's subsequent order issued November 16, 1971, in the same docket, implementing Executive Order No. 11627. Accordingly, your filing is hereby rejected without prejudice to being refiled excluding the adjustments for the period from August 15-September 30, 1971.

Very truly yours,

KENNETH F. PLUMB, *Secretary.*

APPENDIX B

MICHIGAN WISCONSIN PIPE LINE CO.,
1 Woodward Ave.,
Detroit, Mich. 48226.

(Attention: Mr. Ray J. Lynch, Executive Vice President).

APRIL 25, 1972.

GENTLEMEN: This is in regards to your filing on March 31, 1972, of two copies of a tariff sheet, designated as First Revised Sheet No. 27F to your FPC Gas Tariff, Second Revised Volume No. 1, reflecting increased rates to track increased purchased gas costs, pursuant to the Purchased Gas Cost Adjustment Provision included in your tariff. The tabulation attached to your filing indicates a crediting to the deferred account of amounts for the period from September 19, through November 14, 1971.

This approach is inconsistent with the Commission's order issued August 18, 1971, in Docket No. R-427, implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. It is also inconsistent with the Commission's subsequent order issued November 16, 1971, in the same docket, implementing Executive Order No. 11627. Accordingly, your filing is hereby rejected without prejudice to being refiled excluding the adjustments for the period from September 19, through November 14, 1971, from both the Purchased Gas Cost Changes and the Deferred Gas Cost Account Balances.

Very truly yours,

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4538 Filed 2-19-75;8:45 am]

[Docket No. CP75-159]

TENNESSEE GAS PIPELINE COMPANY

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on February 5, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-159 a petition to amend the order issued in said docket on January 24, 1975, pursuant to section 7 of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder (18 CFR 157.7), so as to increase the total annual cost limitations for budget-type gas purchase facilities authorized in said order to $12,000,000 and the single project cost limitations to $1,500,000 and $2,500,000 for onshore and offshore proj-

[1] See: 48 FPC 477 (1972).

[2] The increase would be only 1.83 cents per Mcf if Phase I increases were eliminated.

[3] See letter orders set forth in Appendices A and B to Natural Gas Pipeline Company in Docket No. RP70-35 and Michigan Wisconsin Pipeline Company in Docket No. RP71-112, respectively.

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ects, respectively, and so as to expand the definition of budget-type gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural-gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By the order in the instant docket Petitioner is authorized to construct, during the calendar year 1975, and operate gas-purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a total cost limitation of $7,000,000 and single project cost limitations of $1,000,000 and $1,750,000 for onshore and offshore projects, respectively.

Petitioner cites in its petition to amend Commission Order No. 522, issued in Docket No. RM75–2 on January 16, 1975, which amends, inter alia, § 157–7 of the regulations under the Natural Gas Act to permit, effective February 21, 1975, the issuance of budget-type certificates of public convenience and necessity within the limits of the amended authorization requested by Petitioner.

Petitioner states that it has made increasing use of exchange and transportation agreements in recent years and has also experienced the impact of spiraling construction costs, thereby necessitating the increase in cost limitations and the expanded definition of gas-purchase facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropirate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4487 Filed 2–19–75;8:45 am]

[Docket Nos. RI75–107 and RI75–108]

TEXACO INC.

Proposed Changes in Rates [1]

FEBRUARY 7, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI75–107	Texaco, Inc.	45	8	Mountain Fuel Supply Co. (Hiawatha Field, Moffat County, Colo.) (Rocky Mountain Area).	$236,699	1–9–75	2–9–75	[3] Accepted	[4] 15.3004	[1] [2] 24.4806	
	do		9	do	660,583	1–9–75		7–9–75	[1] 24.4806	[1] [5] 52.0214	
RI75–109	Mobile Oil Corp.	215	31	Northwest Pipeline Corp. (Lincoln and Sublette Counties, Wyo.) (Rocky Mountain Area).	2,803,000	1–13–75		7–13–75	[3] 25.8282	[1] 52.0214	
	do	217	30	do	2,156,000	1–13–75		7–13–75	[3] 28.8282 [7] 26.3236	[1] 52.0214	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to applicable taxes and Btu adjustment.
[2] Unilateral increase to the Opinion No. 658 ceiling rate.
[3] Unilateral increase to the Opinion No. 699–H rate.
[4] Subject to Btu adjustment.
[5] Fractured rate inclusive of applicable taxes.
[6] Substitute filing received Jan. 20, 1975.
[7] Lincoln County.
[8] Accepted, as of the date set forth in the "Effective Date Unless Suspended" column.

The proposed rate increases of Texaco Inc. and Mobil Oil which exceed the applicable area rate under Opinion No. 658 are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699–H, issued December 4, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699–H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc. 75–4517 Filed 2–19–75; 8:45 am]

[Docket No. RI75–99]

TEXAS PACIFIC OIL CO. INC.

Order Granting Petition for Special Relief

JANUARY 31, 1975.

On December 16, 1974, Texas Pacific Oil Company, Inc. (Texas Pacific) filed a petition for special relief pursuant to § 2.76 [1] of the Commission's general policy and interpretations for a sale of natural gas to Arkansas Louisiana Gas Company (Arkla) from a well located in the Kinta Field, Haskell County, Oklahoma (Other Southwest Area, Opinion No. 607).

Texas Pacific is currently selling natural gas to Arkla pursuant to a base contract dated January 29, 1962, providing for a rate of 17.27 cents per Mcf at 14.65 psia. On October 23, 1974, Texas Pacific and Arkla entered into an amendment to

[1] 18 CFR 2.76.

the base contract whereby Arkla agreed to pay Texas Pacific 32 cents per Mcf in consideration of remedial measures to be performed by Texas Pacific on the subject well. Petitioner states that these corrective measures include the replacement of the well's tubing and packer, the cleaning out of the well bore through the producing zone, the stimulation of the producing zone with acid, and the installation of a compressor. Texas Pacific avers that this rework will result in the recovery of an estimated 250,000 Mcf over a 4-year productive life, at an estimated cost of $43,145.

Notice of the petition was issued on January 15, 1975, and appeared in the FEDERAL REGISTER on January 22, 1975, at 40 FR 3513. No protests or petitions to intervene have been filed.

After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is the public interest to grant Texas Pacific's petition.

The Commission finds. The petition for special relief filed by Texas Pacific Oil Company, Inc., meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders. For the abovestated reasons, the petition for special relief of Texas Pacific is hereby granted. Texas Pacific is authorized to collect 32 cents per Mcf at 14.65 psia for all gas produced from the subject well effective upon the filing of 1) a notification signed by Arkla that the proposed remedial work on the subject well has been successfully completed and 2) A notice of change in rate pursuant to § 154.94 of the Commission's regulations with attached copies of the October 23, 1974 contract amendment providing for the proposed rate change.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4488 Filed 2–19–75;8:45 am]

[Docket No. CP74–308]

TRANSCONTINENTAL GAS PIPE LINE CO.

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on February 4, 1975, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74–308 a petition to amend the order issued in said docket on August 28, 1974, pursuant to section 7 of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder (18 CFR 157.7), so as to increase the total annual cost limitations for budget-type gas purchase facilities authorized in said order to $12,000,000 and the single project cost limitations to $1,500,000 and $2,500,000 for onshore and offshore projects, respectively, and so as to expand the definition of budget-type gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner and those facilities necessary to connect producers' facilities with Petitioner's pipeline facilities for the purpose of transporting natural gas for the account of or in exchange with another natural gas company, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant docket Petitioner is authorized to construct during the one-year period commencing August 12, 1974, and operate gas-purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a total annual cost limitation of $7,000,000 and single project cost limitations of $1,000,000 and $1,750,000 for onshore and offshore projects, respectively.

Petitioner cites in its petition to amend Commission Order No. 522, issued in Docket No. RM75–2 on January 16, 1975, which amends, inter alia § 157.7 of the regulations under the Natural Gas Act to permit, effective February 21, 1975, the issuance of budget-type certificates of public convenience and necessity within the limits of the amended authorization requested by Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4489 Filed 2–19–75;8:45 am]

[Docket No. RP74–52]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

FEBRUARY 12, 1975.

On February 10, 1975, Transwestern Pipeline Company filed a motion to extend the procedural dates fixed by order issued November 18, 1974, as most recently modified by notice issued January 13, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal: March 14, 1975.
Hearing: April 1, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4490 Filed 2–19–75;8:45 am]

[Docket No. E–9143]

WEST TEXAS UTILITIES CO.

Filing of Revised Fuel Clause

FEBRUARY 7, 1975.

Take notice that on January 31, 1975, West Texas Utilities Company (West Texas) tendered for filing a revised fuel clause in response to the Commission's order issued December 31, 1974, in the referenced docket. West Texas states that said revised fuel clause should supersede the fuel clause contained in Article 2, paragraph (d), page 3, of West Texas' rate schedule contract for FPC jurisdictional service to Gate City Electric Cooperative, Inc. According to West Texas, the revised fuel clause has been prepared in accordance with Commission Order No. 517, issued November 13, 1974, in Docket No. R–479.

West Texas requests that the Commission accept the tendered revised fuel clause and terminate the refund obligation with respect to the fuel clause, as said obligation was imposed by the aforementioned December 31, 1974, order in this docket.

West Texas states that a copy of the revised fuel clause is being mailed to Gate City Electric Cooperative, Inc., Childress, Texas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75–4525 Filed 2–19–75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

STUDY OF PREVAIL'NG RATE SYSTEM

Committee Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 6, 1975
Thursday, March 20, 1975
Thursday, March 27, 1975

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The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

FEBRUARY 13, 1975.

[FR Doc.75-4577 Filed 2-19-75;8:45 am]

FEDERAL RESERVE SYSTEM

COLONIAL BANCORP, INC.

Acquisition of Bank

Colonial Bancorp, Inc., Waterbury, Connecticut, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Second New Haven Bank, New Haven, Connecticut.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, The Colonial Bank and Trust Company, with deposits of $332.4 million, representing 4.8 percent of the total deposits in commercial banks in the State, and is the seventh largest commercial banking organization in Connecticut. Bank is the tenth largest commercial banking organization in the State and holds deposits of $202.3 million, representing 2.9 percent of the deposits in commercial banks in the State.[1]

Acquisition of Bank would increase Applicant's deposits to $534.7 million (about 8 percent of the deposits in the State) and would result in it becoming the fourth largest commercial banking organization in Connecticut. In view of the structure of banking in Connecticut, the Board does not regard the increase in concentration that would result from this proposal as a factor warranting denial.

Bank is the second largest banking organization in the New Haven market (approximated by the New Haven RMA) by virtue of its control of 20.8 percent of the commercial bank deposits in the market. Applicant's subsidiary bank also operates offices in the New Haven market and, as a result of the consummation of this proposal, Applicant would control approximately 24.2 percent of the deposits in the market. However, the State's three largest banking organizations (CBT Corporation, Northeast Bancorp, Inc., and Hartford National Corporation) have offices in the market and together they account for about 28.1 percent of the total commercial bank deposits in the market. The Board views this proposal, therefore, as an appropriate means whereby Applicant would enhance its ability to compete more effectively with these largest organizations operating in the market.

As noted above, Applicant is presently represented in the New Haven market; however, Applicant's subsidiary bank, which is headquartered in Waterbury, competes primarily in the Waterbury market. In the New Haven market, Applicant's subsidiary operates a total of five offices, all of which are located on the fringe of the market and do not appear to exert a significant competitive influence on the economic hub of the market, the city of New Haven. Since both Applicant and Bank operate in the same market, some amount of existing competition would be eliminated as a result of this proposal. However, on balance, the Board believes that the effects on existing competition would not be significant.

In assessing the effects of the proposal on potential competition, the Board notes that Connecticut's banking law contains a home office protection provision which generally prohibits branching into towns where the home office of another bank is located. Applicant's subsidiary is prohibited from branching into New Haven and Bank is precluded from branching into Waterbury. "Open" towns exist in both the New Haven and Waterbury markets into which Applicant or Bank could branch and there are a limited number of smaller banks available for acquisition; however, neither branching nor a smaller acquisition would enable Applicant or Bank to compete effectively in the principal city of the other's market. Moreover, Bank's history of expansion and growth indicates that, absent affiliation with Applicant, Bank is unlikely to expand into the Waterbury market. Although Applicant's de novo entry into the City of New Haven is possible, in view of the apparent difficulties of obtaining a national charter or of Applicant affiliating with a newly chartered state bank, such entry by Applicant appears remote. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposed transaction would not have a significantly adverse effect on potential competition.

The financial condition and managerial resources of Applicant and Bank appear to be generally satisfactory and consistent with approval of the application. As a result of the acquisition, Bank will decrease or eliminate service charges on demand deposit accounts, increase interest rates on time and savings deposits, lower interest rates on retail installment loans and improve the availability of mortgage financing in the New Haven area. In the New Haven market, Bank will be able to offer expanded services to Connecticut's largest banking customers and generally be able to compete more effectively with larger banking organizations operating in that market. Therefore, considerations relating to convenience and needs lend weight toward approval and outweigh any slight anticompetitive effects on existing competition that may result from the proposed transaction. Accordingly, it is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record,[2] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[3] effective February 11, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4502 Filed 2-19-75;8:45 am]

[1] State banking data are as of June 30, 1974.

[2] Dissenting Statement of Governors Holland, Wallich, and Coldwell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Bucher. Voting against this action: Governors Holland, Wallich, and Coldwell.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 14, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received, the name of the agency sponsoring the proposed collection of information, the agency form number, and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before March 10, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form F-1, required to be filed by some 124 Class A Freight Forwarders, pursuant to section 412 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1210) adopted through rulemaking proceedings. Reporting burden for carriers is estimated to average 17 man-hours per report. Reports are mandatory and available for use of the public.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-4666 Filed 2-19-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of a report form intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 11, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this information in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC report form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before March 10, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the proposed ICC report form may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form M-4, required to be filed by some 77 motor carrier holding companies, pursuant to section 220(a) of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions being made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1207) adopted through rulemaking proceedings. Reporting burden for carriers is estimated to average 45 manhours per report. Reports are mandatory and available for use of the public.

CARL F. BOGAR,
Assistant Director
Regulatory Reports Review.

[FR Doc.75-4667 Filed 2-19-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPM Temporary Reg. G-20]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Interstate Commerce Commission.

2. *Effective date.* This regulation is effective August 26, 1974.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Housing and Urban Development to represent the consumer interests of the executive agencies of the Federal Government before the Interstate Commerce Commission involving the application of Sentry Transport, Inc., for Motor Carrier Permanent Authority (Docket No. MC 139226, Sub. No. 1).

b. The Secretary of Housing and Urban Development may redelegate this authority to any officer, official, or employee of the Department of Housing and Urban Development.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

FEBRUARY 10, 1975.

[FR Doc.75-4543 Filed 2-19-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on March 7, 1975 from 9 a.m.-5 p.m. and March 8, 1975 from 9 a.m.-4 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will be held to review the final draft of the Council's 1975 Annual Report and to discuss the NIE study.

Because of limited space, all persons wishing to attend should call for reservations by February 28, 1975, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on February 18, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-4748 Filed 2-19-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 6-8, 1975, in Room 1046, 1717 H Street, NW, Washington, D. C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, MARCH 6, 1975

11 a.m.-12:30 p.m. and 1:30 p.m.-4 p.m.: Summit Power Station—The Committee will

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hear presentations by and hold discussions with representatives of the NRC Staff and the Delmarva Power and Light Company related to the request for a Construction Permit for this station. Closed sessions will be held if required to consider proprietary information related to the design, construction and/or operation of this plant. Closed portions will also be held if necessary to discuss security arrangements for this facility and for Committee deliberative sessions.

4:30 p.m.–6:30 p.m.: Perry Nuclear Power Plant—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the Cleveland Electric Illuminating Company and others to consider matters related to the Construction Permit for this plant.

Closed portions will be held if necessary to discuss proprietary information related to the design and/or construction of this facility and for Committee deliberative sessions.

FRIDAY, MARCH 7, 1975

9:30 a.m.–12:30 p.m. and 1:30 p.m.–3 p.m.: General Electric Company Standard Safety Analysis Report—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the General Electric Company to discuss the request for approval of this standardized plant design. Closed portions will be held if required to discuss proprietary information related to the design, construction and/or operation of this standard type plant. Closed portions will also be held if necessary to discuss security plans for this type facility and for Committee deliberative sessions.

3 p.m.–3:45 p.m.: Meeting with NRC Staff—The Committee will meet with representatives of the NRC Staff to hear presentations and hold discussions regarding recent reactor operating experience, current licensing actions, and operator requalification programs.

4:15 p.m.–6:15 p.m.: Exxon Nuclear Company, Inc.—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the Exxon Nuclear Company, Inc. regarding the request for approval of analytical models related to performance of Exxon fuel during postulated loss-of-coolant accidents. Portions of this session will be closed if required to discuss proprietary information related to the design, fabrication and/or operation of this fuel and for Committee deliberative sessions.

It should be noted that, in addition to the closed portion of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 26, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and as follows:

SUMMIT POWER STATION

Mrs. L. J. Brown, Librarian
Newark Free Library
Elkton Road & Delaware Avenue
Newark, Delaware 19711

PERRY NUCLEAR POWER PLANT

Perry Public Library
Mrs. Eleanor Plummer
3753 Main Street
Perry, Ohio 44081

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 5, 1975, to the Office of the Executive Secretary of the Committee (Telephone: 202–634–1371) between 8:30 a.m. and 5:15 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on March 5, 1975.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. on or after June 6, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4569 Filed 2-19-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 and 2, will hold a meeting on March 4, 1975 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Cleveland Electric Illuminating Company for a permit to construct this nuclear power plant. The facility will be located on Lake Erie in Lake County, Ohio. The plant site is approximately 35 miles northeast of Cleveland and 21 miles southwest of Ashtabula, Ohio.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, March 4, 1975—1 p.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the Cleveland Electric Illuminating Company and will hold discussions with these groups pertinent to its review of the application of the Cleveland Electric Illuminating Company for a permit to construct the Perry Nuclear Power Plant, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 1 p.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 25, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 1:30 p.m. and 3:30 p.m. on March 4, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 3, 1975 to the Office of the Executive Secretary of the Committee (telephone 202–634–1371) between 8:30 a.m. and 5:15 p.m., e.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 6, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and within approximately nine days at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 2002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after June 4, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4567 Filed 2-19-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on March 5, 1975 in Room 1062, 1717 H Street, NW, Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, March 5, 1975, 8:45 a.m. until about 10 a.m. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to its review of Revision 2 to regulatory guide 1.26, Quality Group Classifications and Standards.

In connection with the above agenda item, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 10 a.m. on March 5 to consider matters related to the above review. These sessions will involve an exhange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the NRC Staff and any consultants at about 10:15 a.m. until the close of business to discuss the following work papers:

1. Reg. Guide 1.XX—Initial Test Program to Demonstrate Remote Shutdown Capability for Nuclear Power Plants.
2. Reg. Guide 1.XX—Investigation of Materials Under Nuclear Power Plant Foundations.
3. Reg. Guide 1.40 (Revision 1)—Qualification Tests of Continuous-Duty Motors. Installed Inside and Outside Containment of Water-Cooled and Gas-Cooled Nuclear Power Plants.
4. Reg. Guide. 1.XX—Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
5. Reg. Guide 1.14 (Revision 1)—Reactor Coolant Pump Flywheel Integrity.

This portion of the meeting may include Executive Sessions both before and after the closed session with the NRC Staff.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that other closed sessions will be held to discuss and exchange views on working papers which fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this

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material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding Regulatory Guide 1.26 may do so by mailing 25 copies thereof, postmarked no later than February 27, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9 a.m. and 10 a.m. on March 5, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted can be obtained by a prepaid telephone call on March 4, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1413) between 8:30 a.m. and 5:15 p.m., e.t.

(3) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 6, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 after June 5, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4570 Filed 2-19-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON THE REACTOR SAFETY STUDY (WASH-1400)

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on the Reactor Safety Study (WASH-1400) will hold a closed meeting at 8:30 a.m. on March 5, 1975, in Washington, D.C. to discuss ACRS policy and response to the Commission's request for comments on the draft report of the Reactor Safety Study (WASH-1400).

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463 that the meeting will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during the meeting will be inextricably intertwined with such exempt material, and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4568 Filed 2-19-75;8:45 am]

[Docket Nos. 50-500 and 50-501]

TOLEDO EDISON CO.

Availability of Draft Environmental Statement for Davis-Besse Nuclear Power Station, Units 2 and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of Davis-Besse Nuclear Power Station, Units 2 and 3, in Ottawa County, Ohio is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Ida Rupp Public Library, Port Clinton, Ohio. The Draft Statement is also being made available at the Ohio State Clearinghouse, 62 East Broad Street, Columbus, Ohio 43215 and the Toledo Metropolitan Area Council of Governments, 420 Madison Avenue, Toledo, Ohio 43604. Single copies of the Draft Environmental Statement (Document No. NUREG-75/006) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as amended, submitted by the Toledo Edison Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on September 5, 1974 (39 FR 32175).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as amended, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 7, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Ida Rupp Public Library. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 13th day of February 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-4717 Filed 2-19-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS; NATO POSTDOCTORAL FELLOWSHIP SUBPANEL

Postponement of Announced Meeting

This announcement concerns the meeting of the NATO Postdoctoral Fellowship Subpanel of the Advisory Panel for Science Education Projects which

was published in the FEDERAL REGISTER on February 12, 1975, Vol. 40, No. 30 (FR Doc. 75-3893) pg. 6546.

The previously scheduled meeting of February 27 and 28, 1975 is postponed until March 17 and 18, 1975. The location will remain unchanged as will the agenda.

Any questions may be routed to Dr. Hall Taylor, Program Manager, Fellowships and Traineeships Section, Rm. W-476, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7595.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 14, 1975.

[FR Doc.75-4585 Filed 2-19-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS; SUBPANEL ON MINORITY INSTITUTIONS SCIENCE IMPROVEMENT PROGRAM

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Subpanel on Minority Institutions Science Improvement Program to be held at 9 a.m. on March 27 and 28, 1975, in room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals, projects or applications submitted for consideration by the Minority Institutions Science Improvement Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Art Diaz, Program Manager, Instructional Improvement Implementation Section, Rm. 448-W, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7760.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 13, 1975.

[FR Doc.75-4586 Filed 2-19-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 13, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals with appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

OTHER AGENCIES

Environmental Assessment of Wiping Cloth Industry, Com 501, single-time, sheltered workshops, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Intracranial Neoplasms Survey—Pilot Study, DSNIB-ND-6, single-time, persons with diagnosis intracranial neoplasm, Hall, George, 395-4607.

Office of Education, Supplemental Application for School Assistance in Federally Affected Areas (Title I of Pub. L. 81-874), OE 4019-3, single-time local educational agencies, Lowry, R. L., 395-3772.

NEW FORMS

DEPARTMENT OF THE INTERIOR

Departmental and Other Grants to States for Establishing Youth Conservation Corps program, annually, State agencies, Lowry, R. L., 395-3772.

REVISIONS

OTHER AGENCIES

Bicentennial Project Register Form—Bicentennial Event Master Calendar Form, LC 4, on occasion, sponsors of bicentennial projects and events, Planchon, P. 395-3898.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Sugar Beets—Factory Report (Acreage and Production), semi-annually, sugarbeet processors, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration, Project Application for Federal Financial Assistance, HUD 483, on occasion, State and local government in disaster areas, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF LABOR

Employment Standards Administration: Application for a Farm Labor Contractor Certificate of Relgstration, WH-410, annually, agricultural workers, Lowry, R. L. 935-3772.

EXTENSIONS

DEPARTMENT OF LABOR

Employment Standards Administration:
Physician's Report on Impairment of Vision, LS-205, on occasion, Evinger, S. K., 395-3648.
Attending Physician's Supplementary Report, LS-204A, on occasion, Evinger, S. K., 395-3648.
Employees Claim for Compensation, LS-203, on occasion, Evinger, S. K., 395-3648.

Bureau of Labor Statistics:
Outside Salespersons, 1973 Gross Annual Earnings and Number of Weeks Worked, BLS 3010C, single-time, Evinger, S. K., 395-3648.
Straight-Time Weekly/Hours and Earnings of Executive, Administrative and Professional Employees, BLS 3010B, single-time, Evinger, S. K., 395-3648.
Survey of Earnings and Hours, Nonsupervisory Occupations in Selected Industries, BLS 3010D, single-time, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4747 Filed 2-19-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

FEBRUARY 12, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a National Securities Exchange is suspended, for the period from February 13, 1975 through February 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4611 Filed 2-19-75;8:45 am]

[70-5617]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Common Stock

Notice is hereby given that General Public Utilities Corporation, 80 Pine Street, New York, New York 10005, ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility

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Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to issue and sell for cash before April 30, 1975, 2,300,000 additional shares of its common stock, par value $2.50 per share (the "Additional Common Stock"), in a negotiated public underwriting through a group of underwriters represented by Merrill Lynch, Pierce, Fenner & Smith, Incorporated. The issuance and sale of the Additional Common Stock are not subject to the preemptive rights of GPU's present holders of Common Stock by virtue of Subdivision (f) of Article 9 of GPU's Articles of Incorporation which permits, in the discretion of GPU's Board of Directors, the issuance for cash in a public offering in any calendar year of an amount of common stock which is less than 5 percent of the number of such shares (exclusive of shares held in GPU's treasury) outstanding at the beginning of such calendar year. At the beginning of the present calendar year, GPU had outstanding 47,358,002 shares of common stock.

On November 7, 1974 (Holding Company Act Release No. 18646), this Commission announced a temporary suspension of the competitive bidding requirements of Rule 50 under the Act insofar as those requirements apply to sales of common stock. This suspension is effective, under certain conditions, until April 30, 1975. GPU contemplates selling its stock during this period, and thus the sale will be exempt from the competitive bidding requirements.

The proceeds from the sale of the Additional Common Stock will be used by GPU for additional investment in its subsidiaries and/or to repay a portion of GPU's short-term indebtedness, expected to be outstanding at the time of sale of the Additional Common Stock.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 11, 1975, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4612 Filed 2-19-75;8:45 am]

[Release No. 34-11243; File No. S7-552]

PROXY MATERIAL AND OTHER ISSUER COMMUNICATIONS TO BENEFICIAL OWNERS

Timely Dissemination

The Securities and Exchange Commission announced today that, in view of the fact that the 1975 proxy solicitation season is rapidly approaching, the Commission wishes to re-emphasize its concern that proxy materials and other issuer communications reach beneficial owners in a timely manner. This matter was one of the subjects of the recent Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons held by the Commission. The Commission's staff is continuing its consideration of the views and opinions received during that hearing.

The process of communication between issuers and beneficial owners is one which requires close cooperation among issuers, transfer agents, soliciting agents, and brokers, banks and other securities recordholders such as securities depositories. The Commission notes that certain of the self-regulatory organizations have recently increased their efforts to improve this cooperation and, thereby, the communications between issuers and beneficial owners.

Self-regulatory organizations (i.e., securities exchanges and the National Association of Securities Dealers, Inc.) have rules requiring their members to forward proxy materials, annual reports, and other materials to beneficial owners for whom such members hold securities in a name other than the beneficial owner such as in "street" or "nominee" name. The Commission wishes to remind broker-dealers of their obligations to comply with such applicable self-regulatory requirements in order to facilitate the timely flow of communications between issuers and beneficial shareholders.[1]

The Commission believes it would be helpful for issuers, brokers, banks, proxy soliciting agents and the public to report to the Commission or to the appropriate securities exchange or to the National Association of Securities Dealers, Inc. (with a copy to the Commission) any specific problems which are encountered in the issuer-shareowner communication process, including specific instances where participants in the process appear to impede the timely flow of such material, and any complaint which an issuer or broker receives from a beneficial owner. Such reports should contain all available relevant information, including the identity of the beneficial owner, broker and issuer, and all the known dates upon which these and any other persons requested, sent or received material.

Communications sent to the Commission on this subject may be addressed to Mr. Lee A. Pickard, Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All communications forwarding such material should bear the File No. S7-552 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 13, 1975.

[FR Doc.75-4608 Filed 2-19-75;8:45 am]

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[1] The Commission has recently adopted rules placing greater responsibilities upon issuers to forward certain materials to recordholders for transmission to beneficial owners. See Securities Exchange Act Release No. 11079 (October 31, 1974), 39 FR 40766.

VETERANS ADMINISTRATION

MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

Notice of Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location
Cardiovascular studies	Mar. 14, 1975	8 a.m. to 6 p.m.	Stratford Room, Sir Francis Drake.[1]
Immunology	Mar. 18, 1975	do	Room 817, VACO.[2]
Nephrology	Mar. 25, 1975	8 a.m. to 5 p.m.	Room 817, VACO.
Respiration	Mar. 31, 1975	8:30 a.m. to 3 p.m.	Do.
Infectious diseases	Apr. 1, 1975	8 a.m. to 6 p.m.	Do.
Neurobiology	do	7 p.m. to 10 p.m.	Parlor A, Burlington.[3]
Do	Apr. 2, 1975	8:30 a.m. to 6 p.m.	Do.[3]
Behavioral sciences	Apr. 3, 1975	7 p.m. to 10 p.m.	Parlor C, Sheraton Inn.[4]
Do	Apr. 4, 1975	8:30 a.m. to 6 p.m.	Do.[4]
Surgery	Apr. 7, 1975	7:30 p.m. to 10:30 p.m.	Suite 1111, Quality Inn.[4]
Do	Apr. 8, 1975	8 a.m. to 6 p.m.	Do.[4]
Hematology	Apr. 11, 1975	8 a.m. to 3 p.m.	Room 139, VACO.
Alcoholism and drug dependence	Apr. 25, 1975	do	Do.
Basic sciences	Apr. 27, 1975	7:30 p.m. to 10:30 p.m.	Parlor B, Burlington.
Do	Apr. 28, 1975	8 a.m. to 6 p.m.	Room 817, VACO.
Oncology	Apr. 30, 1975	do	Suite 820, Radisson.[6]
Endocrinology	May 2, 1975	9 a.m. to 6 p.m.	Delaware Suite, Sheraton Inn.[7]
Gastroenterology	May 3, 1975	8 a.m. to 4 p.m.	Do.[7]

[1] Sir Francis Drake Hotel, 450 Powell Street, San Francisco, Calif. 94102.
[2] Veterans Administration Central Office, 810 Vermont Ave. NW., Washington, D.C. 20420.
[3] Burlington Hotel, 1120 Vermont Avenue NW., Washington, D.C. 20005.
[4] Sheraton Inn O'Hare South, 3539 North Mannheim, Schiller Park, Ill. 60176.
[5] Quality Inn Downtown, Massachusetts Ave. and Thomas Circle NW., Washington, D.C. 20005.
[6] Radisson Denver Hotel, 1790 Grant Street, Denver, Colo. 80203.
[7] Sheraton Airport Inn, State Route 291, at the Airport, Philadelphia, Pa. 19153.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms for one-half hour at the start of each meeting to discuss the general status of the program. The meetings will be closed thereafter for discussion and evaluation of individual programs. Because of the limited seating capacity of the rooms, those who plan to attend should contact Gerald Libman, Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Central Office, Washington, DC, (202) 389-5065 at least two days prior to each meeting. Minutes of the meetings and rosters of the members of the Boards may be obtained from this source.

Dated: February 12, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-4415 Filed 2-19-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

DETERMINATION OF REDUCED NATIONAL "ON" INDICATOR FOR FEDERAL-STATE EXTENDED BENEFITS

I, as Secretary of Labor, have determined that there was a reduced National "on" indicator for the week ending on January 11, 1975, and an Extended Benefit Period will, therefore, commence with the week beginning on January 26, 1975, in any State which has amended its unemployment compensation law so as to give effect to the reduced National indicator.

Section 203(d)(1) of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment for all States equaled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period commences in every State with the third week after the week of the indicator. During an Extended Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits, after they have exhausted their rights to regular unemployment compensation.

Section 107 of the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869, amended the Federal-State Extended Unemployment Compensation Act of 1970 to authorize a reduction in the National "on" indicator during 1975 and 1976. Under that amendment a State may amend its unemployment compensation law to provide that the National "on" indicator shall take effect in that State when the rate of insured unemployment nationally reaches 4.0 per centum instead of 4.5 per centum.

There have been three consecutive calendar months for each of which the rate of insured unemployment for all States equalled or exceeded 4.0 per centum. The rate was 4.0 per centum for October 1974, 4.5 per centum for November 1974, and 5.2 per centum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975.

States which amend their unemployment compensation laws to give effect to the reduced National indicator at the earliest time will, therefore, commence an Extended Benefit Period as of the week beginning on January 26, 1975. I have signed a notice for publication in the Federal Register announcing those States which have an Extended Benefit Period in effect based on the reduced National "on" indicator.

In States in which an Extended Benefit Period commences by reason of the reduced National "on" indicator, there will also be a Federal Supplemental Benefit Period commencing at the same time, pursuant to the Emergency Unemployment Compensation Act of 1974, if the State has entered into an Agreement with the Secretary of Labor of the United States under the Act. During a Federal Supplemental Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal Supplemental Benefits, after they have exhausted their rights to regular compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods).

Signed at Washington, D.C., this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4674 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Certain States

I, as Secretary of Labor, have determined that there was a reduced national "on" indicator for the week ending on January 11, 1975, as announced in 40 FR 7509, and that an Extended Benefit Period and a Federal Supplemental Benefit Period commenced with the week beginning on January 26, 1975, in the States of the District of Columbia, Georgia, Minnesota, Ohio, Texas, and Wisconsin. This determination is made pursuant to the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, and the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869.

Section 203(d)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment for all States equalled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period commences in every State with the third week after the week of the indicator. During an Extended Benefit Period, individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits after they have exhausted their rights to regular unemployment compensation.

Section 107 of the Emergency Unemployment Compensation Act of 1974 amended the Federal-State Extended Unemployment Compensation Act of 1970 to authorize a reduction in the National "on" indicator during 1975 and

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1976. Under that amendment a State may amend its unemployment compensation law to provide that the National "on" indicator shall take effect in that State when the rate of insured unemployment nationally reaches 4.0 per centum instead of 4.5 per centum. Each of the States named herein has amended its unemployment compensation law in accordance with section 107 of the Emergency Unemployment Compensation Act of 1974.

There have been three consecutive calendar months which the monthly rate of insured unemployment for all States equalled or exceeded 4.0 per centum. The rate was 4.0 per centum for October 1974, 4.5 per centum for November 1974, and 5.2 per centum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975.

The same "on" indicator is effective to commence a Federal Supplemental Benefit Period in accordance with the Emergency Unemployment Compensation Act of 1974, in States which have entered into an Agreement with the Secretary of Labor pursuant to the Act. During a Federal Supplemental Benefit Period up to 13 weeks of Federal Supplemental Benefits are payable under the Act to individuals who are unemployed and have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not eligible for such extended benefits because of the ending of their eligibility periods). Each of the States named herein has entered into an Agreement pursuant to the Act. Accordingly, a Federal Supplemental Benefit Period commenced in each of those States with the week beginning on January 26, 1975.

The Extended Benefit Period in those States will last for a minimum period of 13 weeks, and the Federal Supplemental Benefit Period will last for a minimum period of 26 weeks. The Extended Benefit Period in each State will end with the third week after there is both a State and National "off" indicator in accordance with the State law and the Federal-State Extended Unemployment Compensation Act of 1970. The Federal Supplemental Benefit Period will end on the same date as the Extended Benefits Period if it has been in effect for 26 or more weeks.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the States of the District of Columbia, Georgia, Minnesota, Ohio, Texas, or Wisconsin, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C., this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4675 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Certain States

A program for the payment of Federal-State Extended Benefits is contained in the unemployment compensation laws of the States of Delaware, Missouri and New Mexico, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Up to 13 weeks of Federal-State Extended Benefits are payable under this program, during and Extended Benefit Period, to unemployed individuals who have exhausted their rights to regular unemployment compensation.

In addition, the Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, provides further rights to unemployment benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States which have entered into an Agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period or a Federal Supplemental Benefit Period is the thirteenth week for a State "on" indicator, and is the first week following the three-month period for a National "on" indicator. An Extended Benefit Period or a Federal Supplemental Benefit Period actually begins with the third week following the week in which there is an "on" indicator. An Extended Benefit Period will last for a period of not less than 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period or a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in a State is less than 4.0 per centum for a thirteen week period, and when the rate of insured unemployment nationally is less than 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period or Federal Supplemental Benefit Period will end with the third week after the week in which there is an "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

In accordance with those laws the following determinations of "on" indicators have been made, and the beginning dates of Extended Benefit Periods and Federal Supplemental Benefit Periods are announced as follows:

Delaware. J. Thomas Schranck, Secretary of Labor of the State of Delaware, has determined that there was a State "on" indicator in Delaware for the week ending on January 11, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 26, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Delaware for the week ending on January 11, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 26, 1975.

Missouri. John F. Meystrik, Director of the State of Missouri Division of Employment Security, has determined that there was a State "on" indicator in Missouri for the week ending on January 11, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 26, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Missouri for the week ending on January 11, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 26, 1975.

New Mexico. Louis R. Bachicha, Chairman-Executive Director of the State of New Mexico Employment Security Commission, has determined that there was a State "on" indicator in New Mexico for the week ending on December 21, 1974, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 5, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in New Mexico for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975. Since, however, the State of New Mexico entered into an Agreement under the Emergency Unemployment Compensation Act of 1974, on January 28, 1975, pursuant to the limitation contained in section 102(f)(1)(B) of the Act, Federal Supplemental Benefits will first become payable in that State with respect to the week beginning on February 2, 1975.

I, as Secretary of Labor, have also determined that there was a reduced National "on" indicator for the week ending on January 11, 1975, as announced in 40 FR 7509, and on the basis of that indicator an Extended Benefit Period and a Federal Supplemental Benefit Period commenced with the week beginning on January 26, 1975, in the States of Delaware and New Mexico. Both of these

States have amended their unemployment compensation laws, in accordance with section 107 of the Emergency Unemployment Compensation Act of 1974, to provide for a National "on" indicator triggering an Extended Benefit Period when the monthly rate of insured unemployment nationally reaches 4.0 percentum and remains at or above that level for three consecutive months. The rate was 4.0 percentum for October 1974, 4.5 percentum for November 1974, and 5.2 percentum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the States of Delaware, Missouri, or New Mexico, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4676 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Certain States

A program for the payment of Federal-State Extended Benefits is contained in the unemployment compensation laws of the States of Idaho, North Carolina, Tennessee, and West Virginia, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Up to 13 weeks of Federal-State Extended Benefits are payable under this program, during an Extended Benefit Period, to unemployed individuals who have exhausted their rights to regular unemployment compensation.

In addition, the Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, provides further rights to unemployment benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States which have entered into an agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period or a Federal Supplemental Benefit Period is the thirteenth week for a tSate "on" indicator, and is the first week following the three-month period for a national "on" indicator. An Extended Benefit Period or a Federal Supplemental Benefit Period actually begins with the third week following the week in which there is an "on" indicator. An Extended Benefit Period will last for a period of not less than 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period or a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in a State is less than 4.0 percentum for a thirteen week period, and when the rate of insured unemployment nationally is less than 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period or Federal Supplemetal Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

In accordance with those laws the following determinations of "on" indicators have been made, and the beginning dates of Extended Benefit Periods and Federal Supplemental Benefit Periods are announced as follows:

Idaho. H. Fred Garrett, Executive Director of the State of Idaho Department of Employment, has determined that there was a State "on" indicator in Idaho for the week ending on January 4, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 19, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Idaho for the week ending on January 4, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 19, 1975.

North Carolina. Manfred Emmrich, Chairman of the State of North Carolina Employment Security Commission, has determined that there was a State "on" indicator in North Carolina for the week ending on December 28, 1974, and an Extended Benefit Period therefore commenced in that State with the week begenning on January 12, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in North Carolina for the week ending on December 28, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 12, 1975.

Tennessee. Ernest Griggs, Commissioner of the State of Tennessee Department of Employment Security, has determined that there was a State "on" indicator in Tennessee for the week ending on January 4, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 19, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Tennessee for the week ending on January 4, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 19, 1975.

West Virginia. Clement R. Bassett, Commissioner of the State of West Virginia Department of Employment Security, has determined that there was a State "on" indicator in West Virginia for the week ending on January 4, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 19, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in West Virginia for the week ending on January 4, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 19, 1975.

Persons who believe they may be entitled to Federal-State Extended Benefits under the laws of those States, or may be entitled to Federal Supplemental Benefits under the Emergency Unemployment Compensation Act of 1974, or who wish to inquire about their rights under those laws, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 14th day of February 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4677 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Maine

I, as Secretary of Labor, have determined that there was a Federal Supplemental Benefit "on" indicator in Maine for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975, pursuant to the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869.

The Emergency Unemployment Compensation Act of 1974 provides for the payment of unemployment benefits (referred to herein as Federal Supplemental Benefits) to individuals who are unemployed and have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States which have entered into an agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

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Emilien A. Levesque, Commissioner of the State of Maine Employment Security Commission, has determined that there was a State "on" indicator in Maine for the week ending on January 25, 1975, and an Extended Benefit Period therefore commenced in Maine with the week beginning on February 9, 1975.

A program for the payment of Federal-State Extended Benefits is contained in the unemployment compensation law of the State of Maine, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Up to 13 weeks of Federal-State Extended Benefits are payable under this program during an Extended Benefit Period to individuals who are unemployed and have exhausted their rights to regular unemployment compensation.

While the "on" indicators are the same for both the Federal-State Extended Benefit program and the Federal Supplemental Benefit program, in Maine the two programs cannot go into effect in the same week because of a restriction in the Federal-State Extended Unemployment Compensation Act of 1970. Under section 203(b)(1)(B) of the Act an Extended Benefit Period cannot begin in a State by reason of a State "on" indicator prior to the fourteenth week after the end of a prior Extended Benefit Period. Because there was an Extended Benefit Period in Maine which ended on November 9, 1974, a new Extended Benefit Period cannot begin before the week beginning on February 9, 1975, which is the fourteenth week after the week that ended on November 9, 1974.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period or a Federal Supplemental Benefit Period is the thirteenth week for a State "on" indicator, and is the first week following the three-month period for a national "on" indicator. An Extended Benefit Period or a Federal Supplemental Benefit Period actually begins with the third week following the week in which there is an "on" indicator. An Extended Benefit Period will last for a period of not less than 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period or a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in a State is less than 4.0 percentum for a thirteen-week period, and when the rate of insured unemployment nationally is less than 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period or Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the State of Maine, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4678 Filed 2-19-75;8:45 am]

Office of the Secretary

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility of Workers to Apply for Adjustment Assistance

The Department of Labor has received an International Trade Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers producing transistors and diodes at the Syracuse, New York, and Auburn, New York, plants of General Electric Co., New York, New York (TEA-W-255). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice.

The investigation related to the determination of whether any of the group of workers covered by the International Trade Commission report should be certified as eligible to apply for adjustment assistance, provided under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before February 24, 1975.

Signed at Washington, D.C. this 11th day of February 1975.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.75-4471 Filed 2-19-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 701]

ASSIGNMENT OF HEARINGS

FEBRUARY 14, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 20, 1975.

MC 67450 Sub 50, Peterlin Cartage Co., now being assigned April 15, 1975 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 107295 Sub 729, Pre-Fab Transit Co., now being assigned May 5, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126708 Sub 139, Thunderbird Motor Freight Lines, Inc., now being assigned May 6, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139986, Frank C. Sheer, dba Allstates Coach Service, now being assigned May 6, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub 53, Pinto Trucking Service, Inc., now being assigned May 7, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134501 Subs 9 & 10, Uft Transport Company, now being assigned May 7, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118431 Sub 18, Denver Southwest Express, Inc., now being assigned May 8, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136032 Sub 5, Texas Continental Express, Inc., now being assigned May 12, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 723, Pre-Fab Transit Co., now assigned April 2, 1975, at Washington, D.C., is postponed to April 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 18302 Sub 2, State Moving & Storage, Inc., now assigned March 17, 1975, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC-C 8378, Laurel Hill Trucking Company, Employers Assistance, Inc., et al., now assigned March 10, 1975, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC F-12223, Newport Trucking Corp.—Purchase—Relay Transport, Inc., now assigned March 13, 1975, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC-F-12341, Beverage Transport, Inc., et al., now assigned March 11, 1975, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC-C 8372, North American Van Lines, Inc.—Investigation and Revocation of Certificates, continued to April 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 8434, Diggins and Rose, Inc.—Investigation and Revocation of Certificate, now being assigned May 12, 1975 (2 days) in Room 501, 150 Causeway Street, Boston, Massachusetts.

MC 118496 Sub 5, Ferree Moving & Storage, Inc., now being assigned May 14, 1975 (3 days), in Room 501, 150 Causeway Street, Boston, Massachusetts.

MC 139732 Sub 7, Aubrey Freight Lines, Inc., now being assigned March 17, 1975, at New York, N.Y., in a hearing room to be later designated.

MC 136032 Sub 2, Texas Continental Express, Inc., now being assigned March 20, 1975, at New York, N.Y., in a hearing room to be later designated.

MC 140036, Winters Trucking, Inc., now being assigned March 21, 1975, at New York, N.Y., in a hearing room to be later designated.

MC 59264 Sub 59, Smith and Solomon Trucking Company, and MC 91811 Sub 13, Milton K. Morris, Inc., now being assigned March 19, 1975, at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4655 Filed 2-19-75;8:45 am]

[Notice No. 702]

ASSIGNMENT OF HEARINGS

FEBRUARY 14, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 20, 1975.

CORRECTION.

MC 125115 Sub 5, El Paso Los Angeles Limousine Express, Inc., now assigned March 10, 1975, at El Paso, Texas, is postponed to March 11, 1975 (4 days) at Room 512 U.S. Courthouse, 500 E. San Antonio Street, El Paso, Texas. Instead of now assigned March 11, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4656 Filed 2-19-75;8:45 am]

[Ex Parte No. 241; Exemption No. 95]

BESSEMER AND LAKE ERIE RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rule

It appearing, that the Bessemer and Lake Erie Railroad Company (BLE) and the Norfolk and Western Railway Company (N&W) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the BLE and N&W without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks BLE	*N&W*
BLE	NKP
	P&WV
	VGN
	WAB
	N&W

Effective: February 5, 1975.

Expires: April 15, 1975.

Issued at Washington, D.C., February 5, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-4660 Filed 2-19-75;8:45 am]

[Ex Parte No. 241; Exemption No. 94]

DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service

It appearing, that The Detroit, Toledo and Ironton Railroad Company (DTI) and the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the DTI and the PC without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks DTI	*PC*
DTI	B&A
	NH
	PCB
	TOC
DT&I	BWC
	NYC
	P&E
	PC
	CASO
	PCA
	PRR

Effective: February 5, 1975.

Expires April 15, 1975.

Issued at Washington, D.C., February 5, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-4653 Filed 2-19-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 11, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 21170 (Sub-No. E11), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter and eggs*, from points in that part of Minnesota west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 76 to junction Minnesota Highway 43, thence along Minnesota Highway 43 to the Minnesota-Wisconsin State line to Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E12), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in (1) that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line and extending along Iowa Highway 76 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 18, thence along U.S.

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Highway 18 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction of unnumbered highway, thence west on unnumbered highway through Greene and Sheffield to junction Iowa Highway 107, thence along Iowa Highway 107 to junction of unnumbered highway at Meservey, thence west on unnumbered highway at Meservey through Goodell and Kanawha to Luverne and junction Iowa Highway 408, thence along Iowa Highway 408 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 222, thence along Iowa Highway 222 to junction Iowa Highway 15, thence along Iowa Highway 15 to Rolfe, thence west from Rolfe on unnumbered highway to junction of Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 110, thence along Iowa Highway 110 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line, and (2) that part of Kansas on and east of U.S. Highway 81 and on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Minnesota.

No. MC 21170 (Sub-No. E13), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the facilities of Snyder Packing Co., Adams County, Nebr., to points in that part of Kansas east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 75 (excluding Topeka), to junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 21170 (Sub No. E15), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in that part of Iowa north and west of a line beginning at the Iowa-Wisconsin State line and extending along Iowa Highway 364 to junction Iowa Highway 76, thence along Iowa Highway 76 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction Iowa Highway 56, thence along Iowa Highway 56 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 190, thence along Iowa Highway 190 to junction Iowa Highway 281, thence along Iowa Highway 281 to junction of unnumbered Highway, thence south on unnumbered Highway to junction of U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 297, thence along Iowa Highway 297 to and including Gilbertsville, thence west on unnumbered Highway to Washburn, thence south on U.S. Highway 218 to La Porte City, thence west on unnumbered Highway to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateways of Darien, Wisc., and Minnesota.

No. MC 31462 (Sub-No. E162), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 72, thence along Interstate Highway 72 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and East St. Louis, Ill., and points within 50 miles thereof; and Cairo, Ill., or any points within 25 miles thereof.

No. MC 31462 (Sub-No. E266), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in that part of Michigan east and south of a line beginning at Marquette extending along U.S. Highway 41 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E268), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 66 to the Missouri-Oklahoma State line, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E271), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of the Lower Peninsula of Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Ohio-Michigan State line, to the District of Columbia. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E272), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of the Lower Peninsula of

Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Ohio-Michigan State line, to points in Virginia. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E276), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of the Lower Peninsula of Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Ohio-Michigan State line, to points in that part of Pennsylvania on and east of a line beginning at Chester extending along U.S. Highway 13 to Philadelphia, thence along Pennsylvania Highway 611 to Easton. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E277), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of the Lower Peninsula of Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Ohio State line, to points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 50 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points within 40 miles thereof.

No. MC 31462 (Sub-No. E321), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and north of a line beginning at Kansas City, Mo., extending along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and points within 50 miles thereof; and Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 59247 (Sub-No. E9), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers, and chemical supplies*, used in the manufacture and sale of chemical products in containers and in tank vehicles, from points in Connecticut to points in Delaware and points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on the Del-Mar-Va Peninsula. The purpose of this filing is to eliminate the gateway of Linden, N.J.

No. MC 59247 (Sub-No. E18), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers, and chemical supplies*, used in the manufacture and sale of chemical products, in containers and in tank vehicles, from points in Nassau and Suffolk Counties, N.Y., to points in Delaware, points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on Del-Mar-Va Peninsula, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to its junction with Interstate Highway 83, thence along Interstate Highway 83 to its junction with unnumbered highway (formerly U.S. Highway 111) at York, Pa., thence along unnumbered highway to the Pennsylvania-Maryland State line, and points in that part of New York east and south of New York Highway 7. The purpose of this filing is to eliminate the gateway of Linden, N.J.

No. MC 61403 (Sub-No. E34), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 23, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in Tennessee on, north, and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to Knoxville, thence along U.S. Highway 411 to Newport, thence along U.S. Highway 70 to the North Carolina-Tennessee State line, on the one hand, and, on the other, points in Texas (Kingsport, Tenn.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial description in (1) (a) above. The remainder of this letternotice remains as previously published.

No. MC 61592 (Sub-No. E52), filed June 25, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and agricultural implements*, in mixed loads with tractors (except truck tractors and commodities the transportation of which require because of their size or weight, the use of special equipment), from O'Fallon Industrial Park, St. Charles County, Mo., to Gulfport, Miss., and points in Louisiana on and southeast of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 90 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 167, thence along Louisiana Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 333, thence along Louisiana Highway 333 to the southern border of Louisiana. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 61592 (Sub-No. E53), filed June 25, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck-tractors and except those which because of size or weight require the use of special equipment), from Houston, Tex., to points in Indiana on and north of line beginning at the Indiana-Illinois State line along U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line; Maine; Massachusetts; Michigan; New Hampshire; New York on and north of a line beginning at the New York-Pennsylvania State line along New York Highway 17, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 199, thence along New York Highway 199 to the New York-Connecticut State line; Ohio on and

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north of U.S. Highway 224; Rhode Island and Vermont. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restricted on (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of that part of the East Moline, Ill., commercial zone in Iowa.

No. MC 61592 (Sub-No. E66), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins (except commodities in bulk, in tank vehicles) from points in Alabama on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Mississippi State line; Arizona; California; Colorado; Florida; Georgia on and south of U.S. Highway 84; Idaho; Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 41, thence along Mississippi Highway 41 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Mississippi-Alabama State line; Montana, Nevada; New Mexico; Oregon; Utah; Washington and Wyoming; to points in Wisconsin on and south of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of the Long Manufacturing Co., Inc., at Davenport, Iowa.

No. MC 61592 (Sub-No. E78), filed July 5, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except chemicals & liquid wood products), from ports of entry on the U.S.-Canada Boundary line in Maine to points in Tennessee west of Kentucky Lake and the Tennessee River, and points in Kentucky west of Kentucky Lake, restricted to the transportation of traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Beardstown, Illinois.

No. MC 61592 (Sub-No. E96), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Gering, Nebraska, to points in Indiana on and northeast of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line; Maryland; the Upper and Lower peninsulas of Michigan on and southeast of a line beginning at the Wisconsin-Michigan State line and extending along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Supe ior; New Hampshire, Rhode Island, Vermont, West Virginia, Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Wisconsin-Michigan State line. Restriction: The service authorized above is restricted to the transportation of traffic originating at Gering, Nebraska. The purpose of this filing is to eliminate the gateway of Moline, Illinois, and the facilities of Simplicity Manufacturing Company at Port Washington, Wisconsin.

No. MC 61592 (Sub-No. E106), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements in mixed loads with tractors* (except truck tractors and commodities the transportation of which require because of their size or weight, the use of special equipment), from Atlanta, Georgia, to points in Iowa, Missouri on and north of U.S. Highway 66, and Illinois on and northwest of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 40 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the facilities used by the Deutz Tractor Corporation at O'Fallon Industrial Park, St. Charles County, Missouri.

No. MC 83539 (Sub-No. E19), filed May 31, 1974. Applicant: C&H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Georgia, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31E to its junction with Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateways of Nashville, Tenn., and points in Tennessee within 50 miles of Nashville.

No. MC 87928 (Sub-No. E1), filed June 3, 1974. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Ave., Wayne, Mich. 48184. Applicant's representative: Mr. Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in North Carolina, South Carolina, and Tennessee, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Connecticut, Massachusetts, Vermont, points in that part of Pennsylvania east of U.S. Highway 219, and the District of Columbia (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*; (2) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Michigan, Illinois, Indiana, and Ohio, on the one hand, and, on the other, points in Vermont, Massachusetts, Connecticut, New York, New Jersey, and points in that part of Pennsylvania east of U.S. Highway 219 (points in that part of Pennsylvania on and west of U.S. Highway 219)*; (3) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, and Michigan (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*; (4) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Kentucky, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Connecticut, Massachusetts, Vermont, the District of Columbia, and that part of Pennsylvania east of U.S. Highway 219 (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*;

(5) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished or wrecked, restricted to secondary movements, in driveaway and truckaway service, between points in West Virginia, on the one hand, and, on the other, points in Vermont, Massachusetts, Connecticut, New York, New Jersey, that part of Pennsylvania east of U.S. Highway 219, that part of Maryland in and east of Frederick County, Md., and the District of Columbia (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*; (6) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished or wrecked, restricted to secondary movements, in driveaway and truckaway service, between Garrett, Allegany, and Washington Counties, Md., on the one hand, and, on the other, points in that part of West Virginia in, west, and south of Pendleton, Randolph, Barbour, Taylor, and Monongahela Counties, W. Va. (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*; (7) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished or wrecked, restricted to secondary movements, in truckaway and driveaway service, between points in Delaware and Rhode Island, on the one hand, and, on the other, points in Michigan, Illinois, Indiana, Kentucky, Ohio, West Virginia, Tennessee, South Carolina, and North Carolina (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*; (8) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway and driveaway service, from points in Delaware and Rhode Island to points in New Hampshire and Maine (points in New York and Massachusetts)*; (9) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway and driveaway service, from points in Connecticut, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia, to points in Maine and New Hampshire (points in Massachusetts and New York)*;

(10) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, in secondary movements, in truckaway and driveaway service, from points in Michigan, Illinois, Indiana, Ohio, West Virginia, Tennessee, Kentucky, South Carolina, and North Carolina to points in Maine and New Hampshire (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219, and points in New York)*; (11) *New automobiles, new trucks, new bodies, new cabs, and new chassis*, in initial movements, in truckaway service, from places of manufacture and assembly in Wayne County, Mich., and Warren Township, Macomb Country, Mich., to points in Tennessee, South Carolina, and North Carolina (points in Ohio)*; and (12) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in driveway and truckaway service, from points in that part of Vermont on and west of a line beginning at the Vermont-New Hampshire State line and extending along Vermont Highway 30 to its junction with U.S. Highway 7, thence along U.S. Highway 7 to its junction with Vermont Highway 73, thence along Vermont Highway 73 to the Vermont-New York State line, to points in Maine (points in New York and Massachusetts)*. Restriction: The operations authorized in (8), (9), (10), and (12) above are restricted to the transportation of traffic originating at plant sites of the Ford Motor Company, and having an immediately prior movement by rail. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 95540 (Sub-No. E788) (Correction), filed November 25, 1974, published in the FEDERAL REGISTER December 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from those points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with U.S. Highway 117, thence along U.S. Highway 117 to the Atlantic Ocean, to points in that part of New Mexico on and north of a line beginning at the New Mexico-Arizona State line extending along U.S. Highway 70 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Washington, Pa. The purpose of this correction is to extending the territorial description.

No. MC 97841 (Sub-No. E6) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER January 13, 1975. Applicant: GENERAL HIGHWAY EXPRESS, INC., P.O. Box 727, Sidney, Ohio 45365. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Portsmouth, Ohio, on the one hand, and, on the other, those points in Ohio on and or bounded by a line beginning at Lake Erie and extending along U.S. Highway 20 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Sidney, Ohio. The purpose of this correction is to clarify the territorial descriptions.

No. MC 97841 (Sub-No. E9), filed June 4, 1974. Applicant: GENERAL HIGHWAY EXPRESS, INC., P.O. Box 727, Sidney, Ohio 45365. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Middletown, Ohio, on the one hand, and, on the other, those points in Ohio on or bounded by a line beginning at Toledo, Ohio, and extending along Ohio Highway 2 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 11, thence along Ohio Highway 11 to junction U.S. Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 2. The purpose of this filing is to eliminate the gateway of Sidney, Ohio.

No. MC 106920 (Sub-No. E68), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from those points in Indiana south of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 103, thence along Indiana Highway 103 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 130, thence along Indiana Highway 130 to junction Indiana Highway 6, thence along Indiana Highway 6 to the Indiana-Illinois State line, and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 24, thence along Indiana Highway 24 to the Indiana-Illinois State line, to points in Alabama on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 84 to junction County Highway 70, thence along County Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E69), filed June 3, 1974. Applicant: RIGGS FOOD

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EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 67 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line, thence along the Indiana-Michigan State line to Lake Michigan, thence along Lake Michigan to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line and thence along the Indiana-Ohio State line to the point of origin, to points in Tennessee on and east of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Tennessee Highway 8, thence along Tennessee Highway 8 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Tennessee Highway 136, thence along Tennessee Highway 136 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E70), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, classified as dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 224 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Indiana-Michigan State line, thence along the Indiana-Michigan State line to Lake Michigan, thence along Lake Michigan to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to the Indiana-Ohio State line, thence along the Indiana-Ohio State line to the point of origin, to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E71), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Indiana to points in Maine, New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107103 (Sub-No. E1), filed June 4, 1974. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive SW., Grand Rapids, Mich. 49509. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hill, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and related machinery parts, and related contractors' materials and supplies when their transportation is incidental to the transportation by carrier of commodities which because of size or weight requires the use of special equipment: (1) between points in Van Buren and Kalamazoo Counties, Mich., those points in Calhoun County, Mich., which are on and west of U.S. Highway 27, those points in the Lower Peninsula of Michigan which are east of U.S. Highway 27, on the one hand, and, on the other, points in Illinois and Wisconsin (points in Allegan, Barry and Eaton Counties, Mich., and those points on U.S. Highway 27 which are north of Olivet, Mich.)*; (2) between points in Berrien County, Mich., on the one hand, and, on the other, points in Illinois on, south and west of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Mississippi River, and points in Wisconsin on and north of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 151 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (points in Allegan, Barry and Eaton Counties, Mich.)*;

(3) between points in Michigan west of U.S. Highway 27 in Branch County, Mich., on the one hand, and, on the other, points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 47 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, and points in Wisconsin (points in Allegan, Barry, and Eaton Counties, Mich.)*; (4) between points in St. Joseph County, Mich., on the one hand, and, on the other, points in Illinois on and west of U.S. Highway 51 and on and south of Illinois Highway 17, and points in Wisconsin on and north of Wisconsin Highway 15 (points in Allegan, Barry and Eaton Counties, Mich.)*; (5) between points in Cass County, Mich., on the one hand, and, on the other, points in Illinois on, west and south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Mississippi River, and north of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (points in Allegan, Barry and Eaton Counties, Mich.)*; (6) between points in Ohio and points in Wisconsin (points in Allegan, Barry and Eaton Counties, Mich.)*; (7) between points in Ohio on and north of U.S. Highway 30, on the one hand, and, on the other, points in Illinois on and north of Illinois Highway 17 (points in Allegan, Barry and Eaton Counties, Mich.)*; (8) between points in the Lower Peninsula of Michigan which are east of U.S. Highway 27, and points in Indiana (points in Michigan on and west of U.S. Highway 27)*; and (9) between points in the Lower Peninsula of Michigan which are east of U.S. Highway 27 and on and west of U.S. Highway 127, and points in Michigan east of U.S. Highway 27 which are on and north of a line beginning at Lansing, Mich., and extending along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to the St. Clair River, on the one hand, and, on the other, points in Ohio (points in Michigan on and west of U.S. Highway 27)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E227), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from Suffolk, Va., to points in Kansas and Missouri (except points in Clark County, Mo.), restricted to the transportation of shipments originating at the facilities used by Pruden Packing Co., at Suffolk, Va. The purpose of this filing is to eliminate the gateway of Augusta, Ga.

No. MC 107515 (Sub-No. E405), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated equipment, from Hart, Ludington, Ionia, and Suttons Bay, Mich., to points in Connecticut, Rhode Island, Massachusetts, and New York. The purpose of this filing is to eliminate the gateways of Menden, Mich., and Toledo, Ohio.

No. MC 112617 (Sub-No. E1), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Georgia and Mississippi, restricted against any transportation to or from points in the Louisville, Ky., Commercial Zone located in the State of Indiana. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E2), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Maryland, North Carolina and South Carolina, restricted against any transportation to or from points in the Louisville, Ky., Commercial Zone located in the State of Indiana. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E3), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Missouri and Wisconsin, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., Commercial Zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 113843 (Sub-No. E853) (Correction), filed June 4, 1974, republished in the FEDERAL REGISTER January 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to Deposit, thence along New York Highway 8 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 13, thence along New York Highway 13 to Lake Erie, thence along the Lake Erie shoreline and the U.S.-Canada International Boundary line to the New York-Vermont State line, thence along the New York-Vermont State line to New York Highway 149, thence along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 196, thence along New York Highway 196 to Glen Falls, thence along New York Highway 50 to Schenectady, thence along New York Highway 7 to junction New York Highway 8, thence along New York Highway 8 to Deposit, thence along New York Highway 17 to the New York-Pennsylvania State line and the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E381), filed May 29, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik) (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as classified in the Appendix of *Modification of Permits of Motor Contract Carriers of Packinghouse Products* 46 M.C.C. 23, from points in Iowa (except Sioux City) to points in Rutland, Bennington, and Windham Counties, and points in Cheshire County, New Hampshire. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, peddle service. The purpose of this filing is to eliminate the gateway of Schnectady, New York.

No. MC 114019 (Sub-No. E390), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik) (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Foodstuffs*, not frozen (except in bulk), from the facilities of Howard D. Johnson Company in Boston and Brockton, Massachusetts to points in Illinois (except Chicago), Indiana, Iowa, Wisconsin, Ohio, Grand Rapids, and Detroit, Michigan, (B) *Prepared foods* (other than frozen foods) from the facilities of Howard D. Johnson Company at Boston and Brockton, Massachusetts to Denver, Colorado, to points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Missouri River, that part of Kansas on and east of U.S. Highway 281 and points in Missouri on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Chicago, Illinois.

No. MC 114019 (Sub-No. E412), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard* and *pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or rosin base), *conduits, creosote* in packages, *eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos* or *felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar* or *cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos*, and *coal tar paint, roofing paper, paving joints, cement pipe* containing asbestos fiber, *roofing pitch, asphalt paving planks, asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos and asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives*, restricted against the transportation of commodities in bulk, (1) from Wilmington, Ill., to points in Colorado and North Dakota, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, points in that part of

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Nebraska on and west of U.S. Highway 183, points in that part of South Dakota on, north, and west of a line beginning at the Nebraska-South Dakota State line and extending along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to the South Dakota-Minnesota State line, points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line and extending along Minnesota Highway 30 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 104.

Thence along Minnesota Highway 104 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 33, thence along Minnesota Highway 33 to junction U.S. Highway 53, thence along U.S. Highway 53 to the U.S.-Canada International Boundary line, (2) from Wilmington, Ill., to points in Pennsylvania, West Virginia, and points in that part of Kentucky on and east of U.S. Highway 431, points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 431 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Mississippi-Tennessee State line, points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, Baltimore and Sparrows Point, Md., and points within 30 miles of New York City, N.Y., and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 114211 (Sub-No. E665), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from Illinois, Indiana, and points in that part of Wisconsin on and south of a line beginning at the Iowa-Wisconsin State line extending along U.S. Highway 151 to junction U.S. Highway 18, thence along U.S. Highway 18 to Milwaukee, Wisc. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E666), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except commodities which because of size or weight, requires the use of special equipment), from Ionkawa, Okla., to points in that part of Texas on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 75 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to the New Mexico-Texas State line (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso) with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E667), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements, the transportation of which, because of size or weight, requires special equipment, between Lincoln, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Oklahoma, and points in that part of South Dakota on, north and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line and points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E668), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Maize, Kans., to points in Minnesota, Wisconsin, Michigan, Indiana, Ohio to points in that part of Missouri on, north and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line, and to points in that part of Illinois on, north and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Kentucky State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E674), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Thief River Falls, Minn., to points in Arizona, New Mexico, Texas, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Kentucky, Indiana, Michigan, Ohio, and West Virginia; to points in that part of Nebraska on and south of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 30 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 138, thence along U.S. Highway 138 to the Colorado-Nebraska State line; to points in that part of Colorado on and south of a line beginning at the Nebraska-Colorado State line extending along U.S. Highway 138 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line; to points in that part of Utah on and south of a line beginning at the Colorado-Utah State line extending along U.S. Highway 40 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line; to points in that part of Nevada on and south of a line beginning at the Utah-Nevada State line extending along U.S. Highway 50 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the

Nevada-California State line; to points in that part of California on, south, and west of a line beginning at the Nevada-California State line extending along Interstate Highway 80 to junction California Highway 20, thence west along California Highway 20 to junction California Highway 99, thence along California Highway 99 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 101, thence along U.S. Highway 101 to Eureka, Calif.; and to points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 8 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Wisconsin-Michigan State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E675), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities which because of size or weight, require special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Grinnel, Iowa; to points in Louisiana, New Mexico, to points in that part of U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line extending along U.S. Highway 82 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 27, thence along Mississippi Highway 27 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Mississippi Highway 48, thence along Mississippi Highway 48 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Louisiana-Mississippi State line; to points in that part of Arizona on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line; to points in that part of Nevada on and south of a line beginning at the Nevada-Arizona State line extending along U.S. Highway 93 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Arizona Highway 58, thence along Arizona Highway 58 west to the California-Nevada State line; and to points in that part of California on and south of a line beginning at the California-Arizona State line extending along California Highway 58 to junction California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 99, thence along California Highway 99 to junction California Highway 12, thence along California Highway 12 to junction California Highway 116, thence along California Highway 116 to Jenner, Calif., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Claremore, Okla.

No. MC 114211 (Sub-No. E676), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Pella, Iowa, to points in Oklahoma and points in that part of Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E677), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from Barnesville, Minn., to points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E678), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Grinnell, Iowa, to points in that part of South Dakota on and north of a line beginning at the Montana-South Dakota State line extending along U.S. Highway 14 to the South Dakota-Wyoming State line; to points in that part of Wyoming on and north of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line; to points in that part of Idaho on, north, and west of a line beginning at the Wyoming-Idaho State line extending along U.S. Highway 26 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Idaho State line; to points in that part of California on, north, and west of a line beginning at the Arizona-California State line extending along Interstate Highway 10 to junction California Highway 78, thence along California Highway 78 to junction California Highway 86, thence along California Highway 86 to the United States-Mexico International Boundary line; and to points in Washington, Oregon, Nevada, and Montana, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E679), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed in conjunction with tractors, *attachments* for the above-described commodities, and *parts* in mixed loads with such commodities, from Huron, S. Dak., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, the District of Columbia, New York; to points in that part of North Dakota on and east of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 32 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Minnesota State line; to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line along U.S. Highway 2 to the Wisconsin-Michigan State line; to points in that part of the Upper Peninsula of Michigan, on, north, and east of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 2 to Escarba, Mich.; to points in that part of Michigan on and north of a line beginning at Traverse City, Mich., extending along U.S. Highway 31 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction U.S. Highway 10.

Thence along U.S. Highway 10 to junction Michigan Highway 15, thence along Michigan Highway 15 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction Michigan Highway 19, thence along Michigan

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Highway 19 to junction Michigan Highway 136, thence along Michigan Highway 136 to Port Huron, Mich.; to points in that part of Ohio on and east of a line beginning at Avon Lake, Ohio, extending along Ohio Highway 83 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line; to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 53 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 136, thence along Tennessee Highway 136 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line; to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 68 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to the Kentucky-Tennessee State line; to points in that part of Georgia on and east of a line beginning at the Tennessee-Georgia State line extending along U.S. Highway 27 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line; to points in that part of Florida on and east of a line beginning at the Alabama-Florida State line extending along Florida Highway 85 to junction U.S. Highway 90, thence along U.S. Highway 90 to Pensacola, Fla.; and to points in that part of Alabama on and east of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 78 to junction Alabama Highway 9, thence along Alabama Highway 9 to junction Cleburne County Highway 19, thence along Cleburne County Highway 19 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 87, thence along Alabama Highway 87 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone, located in Moorhead, Minn.

No. MC 114211 (Sub-No. E901), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in Iowa, on the one hand, and, on the other, points in Colorado, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nebraska City, Nebr., and Beatrice, Nebr.

No. MC 116400 (Sub-No. E1), filed May 25, 1974. Applicant: LAWRENCE TRANSFER & STORAGE CORP., P.O. Box 416, Roanoke, Va. 24003. Applicant's representative: Stanley I. Goldman, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Virginia on and west of a line beginning at the Virginia-North Carolina State line and extending north along U.S. Highway 29 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia (Staunton or Waynesboro, Va.)*, (2) between points in Virginia on and south of a line beginning at the Chesapeake Bay and extending Interstate Highway 64 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 219 to the Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to the Ohio-Pennsylvania State line (Staunton, Waynesboro, or Harrisonburg, Va.)*, (3) between Washington, D.C., and points in Arlington, Fairfax, Loudoun, Clarke, Frederick, Warren, Page, Greene, Rappahannock, and Shenandoah Counties and the cities of Winchester, Alexandria, Fairfax, and Falls Church, Va., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to junction U.S. Highway 70.

Thence along U.S. Highway 70 to the Atlantic Ocean, and, points in South Carolina (Waynesboro, Staunton, and Harrisonburg, Va.)*, (4) between Virginia Beach, Chesapeake, Portsmouth, and Norfolk, Va., and points in Virginia east of a line beginning at the Elizabeth River near Portsmouth Va., and extending along U.S. Highway 460 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29 to the Virginia-Washington, D.C. State line, on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 33 (Staunton or Harrisonburg, Va.)*, (5) between points in Virginia located in and east of Stafford, Culpeper, Madison, Greene, Albermarle, Nelson, Amherst, Campbell, and Pittsylvania Counties (including independent cities), and the city of Lynchburg, on the one hand, and, on the other, points in West Virginia, on and north of U.S. Highway 33 (except points in Jefferson, Morgan, Berkeley, Hampshire, Mineral, Hardy, Grant, and Pendleton Counties), (Staunton or Harrisonburg, Va.)*, (6) between points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line and extending along Interstate Highway 64 to junction U.S. Highway 60 at Charleston, W.Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, on the one hand, and, on the other, Washington, D.C., points in Delaware and New Jersey and those points in Maryland, New York, and Pennsylvania on and east of Interstate Highway 81, (7) between points in Tennessee, on the one hand, and, on the other, points in (a) Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 64 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Rappahannock River, (b) points in Maryland, Pennsylvania, and West Virginia on and east of U.S. Highway 220, and (c) points in Washington, D.C. (Staunton, Va.)*.

(8) Between points in North Carolina on and east of U.S. Highway 21 and points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Pennsylvania on and west of Interstate Highway 81 and points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line (Staunton, Va.)*, (9) between points in North Carolina, on and west of U.S. Highway 21, on the one hand, and, on the other, (1) points in Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, and (2) points in Virginia, on and east of Interstate Highway 81, located in or north of Augusta, Albermarle, Orange, Spotsylvania, Caroline, and King George Counties, including the cities of Charlotesville, Staunton, and Waynesboro (Staunton, Va.)*, (10) between Richmond, Va., on the one hand, and, on the other, points in North Carolina, on and west of U.S. Highway 25 (Waynesboro, Va.)*, (11) between points in South Carolina, on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Maryland, Pennsylvania, and the District of Columbia (Staunton, Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117344 (Sub-No. E19), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 42515. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals*, in bulk, in tank vehicles, from Hamilton and Middleton, Ohio, to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, those points in Missouri on and south of U.S. Highway 50 (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, Oklahoma and Texas, restricted against the transportation of dry chemicals to points in Ohio, and points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, Tex. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio, and the gateways of the Polymers and Chemical Division of W. R. Grace & Co., at Owensboro, Ky.

No. MC 117344 (Sub-No. E20), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 42515. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals* (except styrene), in bulk, in tank vehicles, from Hamilton and Middleton, Ohio to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Monsanto Chemical Co., at Addyston, Ohio.

No. MC 118959 (Sub-No. E38), filed June 4, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Avenue, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk, from the plantsite of Charmin Paper Products Co., near Neely's Landing, Mo., to Memphis, Tenn. Restriction: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the act. The purpose of this filing is to eliminate the gateway of the plantsite of West Virginia Pulp & Paper Co. at or near Wickliffe, Ky.

No. MC 118959 (Sub-No. E39), filed June 4, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Rubber* (except commodities in bulk), from Mayfield, Ky., to points in California with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the act. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC 119934 (Sub-No. E4) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER January 23, 1975. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 North Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *Acids* (except soda ash and chemicals derived from petroleum), in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Oklahoma, and to points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 41 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plant site of the Central Chemical Co., Division of Wilson & Co., Inc., near Elwood, Ill.

(B) *Phosphoric acid*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Minnesota, Missouri, and Nebraska, restricted against serving the site of any glass manufacturing plant. The purpose of this filing is to eliminate the gateway of the plant site of the National Phosphate Corp., at or near Marseilles, Ill. The purpose of this correction is to clarify the gateway in (A) above.

No. MC 126489 (Sub-No. E2) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and salt products, and except cotton seed products), from points in Texas on and west of U.S. Highway 83, to points in that part of Nebraska, on and east of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kans.

No. MC 126489 (Sub-No. E3) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hucthinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and salt products, and except cotton seed products), from points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 283 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Mexican border, to points in Colorado, except Dolores, Montezuma, San Juan, La Plata, Hinsdale, Mineral, Archuleta, Rio Grande, Alamosa, Conejos, Costilla, Las Animas, and Baca Counties, Tex., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kans.

No. MC 126489 (Sub-No. E4) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, except salt and urea, from points in Texas, Hansford, Ochiltree, Lipscomb, Hutchinson, Roberts, Hemphill, Carson, Gray, Wheeler, Donley, Armstrong, Collingsworth, Briscoe, Hall, Childress, Floyd, Motley, Cottle Counties, Tex., to points in Arkansas, except Miller, Lafayette, Columbia, Union, Ashley, and Chicot Counties, Ark., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 126489 (Sub-No. E5) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed* and *dry feed ingredients*, except salt and urea, from points in Dallan, Sherman, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Castro, Swisher, Parmer, Lamb, Hale, and Bailey Counties, Texas, to points in Arkansas-Missouri State line, thence along U.S. Highway 71 to junction Interstate Highway 40, thence along Interstate Highway 40 to Little Rock, Ark., thence along U.S. Highway 65 to the Arkansas-Louisiana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 126489 (Sub-No. E7), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box

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1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed* and *dry feed ingredients* (except salt and salt products, cotton seed products, and urea), from points in Texas on and south of a line beginning with at the New Mexico-Texas line, thence along U.S. Highway 84 to Abilene, Tex., thence along U.S. Highway 83 to the Mexico border to points in Benton, Carroll, Boone, Marion, Bater, Fulton, Sharp, Randolph, Lawrence, Clay, Greene, Craighead, and Mississippi Counties, Ark., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 126489 (Sub-No. E11), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat shorts, wheat bran,* and *wheat mill run,* from points in Kansas to points in Louisiana on and east of U.S. Highway 167 and points in Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Carthage, Mo. and Van Buren, Ark.

No. MC 126489 (Sub-No. E13), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, from Fredonia, Kansas, to points in that part of Texas on and north of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to intersection with Texas Highway 11, thence along Texas Highway 11 to junction with U.S. Highway 259, thence along U.S. Highway 259 to junction with Texas Highway 155, thence along Texas Highway 155 to Tyler, Texas, thence along Texas Highway 31 to Corsicana, Texas, thence along Texas Highway 22 to Hamilton, Texas, thence along U.S. Highway 281 to intersection with U.S. Highway 84, thence along U.S. Highway 84 to Abilene, Texas thence along U.S. Highway 83 to Paduca, Texas, thence along U.S. Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Carthage, Missouri.

No. MC 126489 (Sub-No. E14), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kansas 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, from Fredonia, Kansas to points in Arkansas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Carthage, Missouri.

No. MC 126489 (Sub-No. E16), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kansas 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Fremont, Page, Taylor, Ringgold, Decator, Lucas, Wayne, Monroe, Appanouse, Davis, Wapello, Keokuk, Washington, Muscatine, Louisa, Des Moines, Lee, Van Buren, and Jefferson Counties, Iowa, to points in, north, and east of Lake, Jasper, Pulaski, Cass, Howard, Grant, Delaware, Randolph, and Wayne Counties, Ind., and points in Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to clarify the territorial description.

No. MC 126489 (Sub-No. E20), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kansas 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry alfalfa products*, from Dawson County, Nebraska, to points in Oklahoma on and east of U.S. Highway 81, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kansas.

No. MC 127840 (Sub-No. E41) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Mills, Montgomery, Adams, Union, Clarke, Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Harrison, Selby, Audubon, Guthrie, Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Cedar, Scott, Clinton, Jackson, Jones, Linn, Benton, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford, and Monona Counties, Iowa, to points in north and east of Newton, Benton, Tippecanoe, Montgomery, Hendricks, Morgan, Brown, Jackson, Scott, and Clark Counties, Ind., and in north and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties, Ky., and points in Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to extend the territorial description.

No. MC 127840 (Sub-No. E42) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils* (except fatty acids), from points in Minnesota to points in Ohio east of Interstate Highway 71, points in that part of Kentucky on, south, and east of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 71 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to its junction with U.S. Highway 62 to Paducah, points in Pennsylvania, New York, and New Jersey. The purpose of this filing is to eliminate the gateways of Chicago and Bradley, Ill. The purpose of this correction is to extend the destination points.

No. MC 128878 (Sub-No. E17), filed May 16, 1974. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: C. Wade Shenwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from points in Louisiana on and south of U.S. Highway 84 to points in Texas on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Shreveport, La.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4662 Filed 2-19-75;8:45 am]

[Notice No. 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 14, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 134), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed February 4, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Alexandria, La., over Louisiana Highway 28 to junction U.S. Highway 84, and (2) From Alexandria, La., over U.S. Highway 167 to Packton, La., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Alexandria, La., over U.S. Highway 165 to junction Louisiana Highway 8, thence over Louisiana Highway 8 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Louisiana Highway 28, and (2) From Alexandria, La., over U.S. Highway 165 to junction Louisiana Highway 8, thence over Louisiana Highway 8 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Louisiana Highway 500, thence over Louisiana Highway 500 to Packton, La., and return over the same routes.

No. MC 107478 (Deviation No. 2), OLD DOMINION FREIGHT LINE, 1791 Westchester Drive, P.O. Box 1189, High Point, N.C. 27261, filed January 22, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbia, S.C., over Interstate Highway 20 to junction U.S. Highway 278 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Columbia, S.C., over Interstate Highway 26 to junction South Carolina Highway 7, thence over South Carolina Highway 7 to junction South Carolina Highway 61, thence over South Carolina Highway 61 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction Interstate Highway 20 and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4663 Filed 2-19-75;8:45 am]

[Notice No. 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 14, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 690) (Cancels Deviation No. 660), GREYHOUND LINES, INC., (Eastern Division) P.O. Box 6903, 1400 West Third Street, Cleveland, Ohio 44101, filed February 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From junction Pennsylvania Highway 291 and Interstate Highway 95 near Philadelphia, Pa., over Interstate Highway 95 via Chester, Pa., and Wilmington, Del., to Baltimore, Md., thence over Harbor Tunnel Thruway to junction Baltimore-Washington Expressway with the following access routes: (a) From junction U.S. Highway 13 and Sellers Ave., over Sellers Aye., to junction Interstate Highway 95, (b) from junction Pennsylvania Highway 291 and Sellers Ave., over Sellers Ave., to junction Interstate Highway 95, (c) From junction U.S. Highway 13 and Delaware Highway 273, over Delaware Highway 273 to junction Interstate Highway 95, (d) From junction U.S. Highway 222 and U.S. Highway 40 near Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95, (e) From Aberdeen, Md., over Maryland Highway Highway 22 to junction Interstate Highway 95, and (f) From junction Maryland Highway 43 (White Marsh Boulevard) and U.S. Highway 40, over Maryland Highway 43 to junction Interstate Highway 95, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Philadelphia, Pa., over unnumbered highway to Darby, Pa., thence over U.S. Highway 13 to Chester, Pa., and (2) From Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa., thence over U.S. Highway 13 via Wilmington, Del., to State Road, Del., thence over U.S. Highway 40 to Baltimore, Md., thence over the Baltimore-Washington Expressway to junction Harbor Tunnel Thruway south of Baltimore, Md., and return over the same routes.

No. MC 1515 (Deviation No. 691), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed February 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From East Alpine Junction, Calif., over Interstate Highway 8 (when completed) to Manzanita Junction, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From East Alpine Junction, Calif., over U.S. Highway 80 to Manzanita Junction, Calif., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4662 Filed 2-19-75;8:45 am]

[Notice No. 13]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 14, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the

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human environment resulting from approval of its application), are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice: The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MC 124211 (Sub-No. 242) (Republication), filed December 26, 1973, and published in the FR issue of February 7, 1974, and republished this issue. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas Hilt (same address as applicant). An Order of the Commission, Operating Rights Board, dated January 7, 1974, and served February 6, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities utilized by Platte Valley Packing Co., Division of National Foods, Inc., at Darr, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri and Wisconsin, and from the facilities of Prairie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr., to Chicago, Ill., and Kansas City and Topeka, Kans.; (2) of *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, from points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, to the facilities of Prairie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr.; and (3) of *paper and fibreboard boxes*, from Montgomery, Ill., to Lincoln, Nebr.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the authority requested from regular route authority to irregular route authority. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 124711 (Sub-No. 23) (Republication), filed September 17, 1973, and published in the FEDERAL REGISTER issue of January 10, 1974, and republished this issue. Applicant: BECKER & SONS, INC., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. An Order of the Commission, Review Board Number 3, dated January 22, 1975, and served February 5, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *liquid animal feed, supplements, and ingredients*, in bulk, in tank vehicles, from the facilities of ConAgra Feed Division Great Plains Region in Butler County, Kans., to points in Missouri, Nebraska, Oklahoma, and Iowa; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the point of origin, as being from the facilities of ConAgra Feed Division Great Plains Region in Butler County, Kans., instead of between points in Butler County, Kans. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 12520 (Sub-No. 2) (Notice of Filing of Petition To Modify a License), filed February 3, 1975. Petitioner: ROGER Q. WILLIAMS TOURS, INC., P.O. Box 9112, Knoxville, Tenn. 37920. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds a license to engage in operations as a *broker* at Knoxville, Tenn. in No. MC 12520 (Sub-No. 2), issued July 6, 1964, to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip tours: (1) beginning and ending at Norris, Tenn., and points within 75 miles thereof, and extending to points in the United States (except Alaska and Hawaii); and (2) beginning and ending at points in Alabama, Florida, Louisiana, Mississippi, South Carolina, and West Virginia, and at points in Kentucky, Virginia, and North Carolina (except those within 75 miles of Norris, Tenn.), and extending to points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to modify the above license by adding Birmingham, Ala. as a point at which operations as a broker may be conducted in addition to Knoxville, Tenn. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 120800 (Sub-No. 46) (Partial Correction of Notice of Filing of Petition To Remove Restriction), filed January 14, 1975, and published in the FEDERAL REGISTER issue of February 5, 1975, and partially republished as corrected in this issue. Petitioner: CAPITOL TRUCK LINE, INC., 2500 N. Alameda St., Compton, Calif. 90222. Petitioner's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. The purpose of this partial correction is to indicate that the proper spelling of petitioner's name is CAPITOL in lieu of CAPITAL. The rest of the notice remains as originally published.

No. MC 124912 (Notice of Filing of Petitio.. To Modify a Permit) filed January 31, 1975. Petitioner: DONALD F. DENGEL and A. WILLIAM LIND, a partnership, doing business as D & L TRUCKING COMPANY, 1803 Martin Ave., Sheboygan, Wis. 53081. Petitioner's representative: Edward Solie, 4513 Vernon Blvd., Madison, Wis. 53705. Petitioner holds a motor *contract carrier* permit in No. MC 124912 issued January 2, 1975, authorizing transportation, over irregular routes, of *Malt beverages* and *incidental supplies, premiums, and advertising materials* when shipped with malt beverages, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to Fond du Lac and Sheboygan, Wis., under a continuing contract, or contracts, with Donald F. Dengel, doing business as Don Dengel Distributing Company of Fond du Lac, Wis.; and Lind Distributing Co., Inc., of Sheboygan, Wis. By the instant petition, petitioner seeks to modify the destination points, and to change one of the contracting shippers, so as to read: From points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to the unincorporated community of Van Dyne located in the town of Friendship (Fond du Lac County), Wis., and Oshkosh and Sheboygan, Wis., under a continuing contract, or contracts, with General Beverage Sales Co.—Oshkosh, of Oshkosh, Wis.; and Lind Distributing Co., Inc. of Sheboygan, Wis. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1,240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 69901 (Sub-No. 30) (Correction), filed December 3, 1974, published in the FEDERAL REGISTER issue of January 3, 1975, and February 5, republished as corrected this issue. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, those of unusual value and those requiring special equipment), between points in Lake, McHenry, Kane, DuPage, DeKalb, Cook, Will and Kendall Counties, Ill.; those in that part of LaSalle County bounded on the west by a line along an unnumbered county highway running in a southerly direction from the LaSalle County line thru Earlville, to U.S. Highway 34; thence east of U.S. Highway 34 to Illinois Highway 23, thence south on Illinois Highway 23 to U.S. Highway 52 to the county line; those in that part of Grundy County bounded by the Grundy County line on the north and east and bounded by Illinois Highway 113 and 47 and U.S. Highway 6 on the south and west; and points in Kankakee County on and north of Illinois Highway 17, restricted against service to and from Kankakee, Bradley and Momence, Ill., but serving all points on the highways designated above. Note: The purposes of this republication are (1) indicated applicant seeks service through Earlville, Ill. in lieu of Earville, Ill. and (2) indicate that service is restricted against traffic to and from Kankakee, Bradley and Momence, Ill. (3) correct the applicant's name. Applicant intends to tack at the common points in the Chicago Commercial Zone as well as common points in DeKalb and McHenry Counties, Ill. to provide service to and from points authorized to be served by applicant in the States of Illinois, Indiana, Ohio, Michigan, Kentucky and Tennessee. Applicant seeks to purchase the operating rights of Berglund Trucking, Inc. in MC 96705 Sub-No. 1. This is a matter directly related to the Section 5 proceeding in MC-F-12379 published in the FEDERAL REGISTER issue of December 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC-F-11855. (Amendment) (MAISLIN TRANSPORT CORP.—MERGER—MAISLIN BROS. TRANSPORT (U.S.) LTD.), published in the May 9, 1973, issue of the FEDERAL REGISTER on page 12190. By petition filed August 12, 1974, applicants sought to amend the application to include H. P. Welch Co., an affiliated motor carrier, in the merger. Applicants' petition was granted and subject to the present republication the merger was authorized by order of the Commission, Review Board 5, dated December 19, 1974. The Commission, by the same order, also authorized the acquisition by Maislin Industries Ltd. of control of the operating rights and properties through the transaction.

No. MC-F-12385. Authority sought for purchase by WESTERN TRANSPORT CRANE AND RIGGING, INC., Route 9, Grant Creek Rd., Missoula, MT 59801, of the operating rights and property of ELKINS TRANSPORT SERVICE, INC., 620 North Freya St., Spokane, WA 99202, and for acquisition by WASHINGTON CONSTRUCTION CO., INC., 500 Taylor St., Missoula, MT 59801, of control of such rights and property through the purchase. Applicants' attorney: M. Von Weiss, also of Missoula, MT 59801. This proceeding was originally entitled MC-FC-75200. The transfer proceeding was dismissed without prejudice to the filing of the instant application. Western presently operates the properties of Elkins under section 210a(b), as authorized by Review Board #5, in its order dated June 19, 1974. Operating rights sought to be transferred: *Contractors' sawmill and mining machinery and equipment, agricultural commodities, ore*, and *Camp, U.S. Forest Service, and Civilian Conservation Corps equipment and supplies*, in truckload lots, as a *common carrier*, over irregular routes, between points in Washington and Idaho, points in that part of Montana west of a line beginning at the Canadian border and extending south through Caldwell, Wagner, and Ballantine, Mont., to the Wyoming State line, and points in that part of Oregon north of a line beginning at Ontario and extending west through Bend & Eugene, Oreg., to the Pacific Ocean, including points named; *construction equipment, material, and supplies*, between Coulee City and Odair, Wash., on the one hand, and, on the other, Coulee Dam, Wash., with restrictions. Vendee holds no authority from this Commission. However it is affiliated with MC-125907, DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, Route 2, Grant Creek Rd., Missoula, MT 59801, which is authorized to operate as a *common carrier* in Idaho and Montana.

No. MC-F-12431. Authority sought for control by AKERS MOTOR LINES, INCORPORATED, P.O. Box 10303, Charlotte, NC 28237, of P. & K. TRANSPORTATION CO., INC., 534 W. 29th St., New York, NY 10001, and for acquisition by VICTOR DeMARAS, also of Charlotte, NC 28237, of control of P. & K. TRANSPORTATION CO., INC., through the acquisition by AKERS MOTOR LINES, INCORPORATED. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M St., NW., Suite 501, Washington, DC 20036, and Julius Wolfson, 225 Broadway, New York, NY 10007. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC 15914 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Maryland, Massachusetts and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC F 12432. Authority sought for control by THE GREYHOUND CORPORATION, Greyhound Tower, Phoenix, AZ 85077 of VERMONT TRANSIT CO., INC., 135 St. Paul St., Burlington, VT 05401. Applicants' attorneys: W. L. McCracken, Greyhound Tower—17th Floor, Phoenix, AZ 85077, and L. C. Major, Jr., 6121 Lincolnia Rd., Suite 400 Overlook Office Bldg., Alexandria, VA 22312. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, etc., as a common carrier over regular and irregular routes, from, to, and between specified points in all of the States in the United States (except Hawaii), with certain restrictions, serving various intermediate and off-route points over one alternate route for operating convenience only, as more specifically described in Docket No. MC 45626 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof, and authority issued under MC 133421 and Sub-No. 1, covering the transportation of *express*, as a *common carrier* over irregular routes, between points in Vermont, between points in Cheshire, Coos, Grafton, and Sullivan Counties, N.H., on the one hand, and, on the other, points in Vermont, with restrictions. THE GREYHOUND CORPORATION holds no authority from this Commission. However, it is affiliated with THE GREYHOUND LINES, INC., which is authorized to operate as a common carrier in all of the States in the United States except Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12433. Authority sought for purchase by F-B TRUCK LINE COMPANY, 1945 S. Redwood Rd., Salt Lake City, UT 84104, of the operating rights of LESTER SMITH TRUCKING, INC., P.O. Box 43, Sterling, CO 80751, and for acquisition by MERLIN J. NORTON, also of Salt Lake City, UT 84104, of control of such rights through the purchase. Applicants' representative: David J. Lister, V.P., F-B Truck Line Company, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Operating rights sought to be transferred: *Agricultural commodities*, other

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than in containers, as a *common carrier* over irregular routes, between points in Logan County, Colo., between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Iowa, Missouri, and Kansas; *building and fencing materials, farm machinery, used farm equipment, feed, seed, hides, wool,* and *irrigation supplies,* between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Iowa, Missouri, and Kansas; *household goods,* as defined by the Commission, between points in a defined area of Colorado, on the one hand, and, on the other, points in that part of Wyoming, Kansas, and Nebraska within 250 miles of Sterling, Colo.; *livestock,* between Denver, Colo., on the one hand, and, on the other, points in Kansas, Missouri, and Iowa, those in Nebraska 25 miles or more from Chappell, Nebr., and those in Campbell, Crook, Weston, Converse, Niobrara, Albany, Platte, Goshen, and Laramie Counties, Wyo., between points in Logan County, Colo., between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Iowa, Missouri, and Kansas, between points in Wyoming, Nebraska, Iowa, Missouri, and Kansas; machines, other than farm, maximum 5,000 pounds each, between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Kansas, Nebraska, Iowa, and Missouri; oil-well castings, pipe, and supplies, between Sterling, Colo., and points within 25 miles of Sterling, on the one hand, and, on the other, points in Wyoming, with restriction. Vendee is authorized to operate as a common carrier in Arizona, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210 a(b).

[Finance Docket No. 27849]

Notice is hereby given that Sacramento Northern Railway has filed with the Interstate Commerce Commission an application seeking authority pursuant to section 5(2)(a)(ii) of the Interstate Commerce Act (49 U.S.C. 5(2)(a)(ii)) to acquire trackage rights over a portion of the track of The Atchison, Topeka and Santa Fe Railway Company, 515.0 feet in length, more or less, in Port Chicago, County of Contra Costa, State of California, near Santa Fe Milepost 1164. Applicant will operate jointly over said track with the Santa Fe, if said authority is granted, for the purpose of providing rail service to the Naval Weapons Station, a military reservation under the jurisdiction of the United States Navy.

Correspondence or inquiries relevant to the above-described application should be directed to:

R. W. Bridges, Attorney
Sacramento Northern Railway
526 Mission Street
San Francisco, California 94105

In the opinion of the applicant, granting of the authority sought in this application will not constitute a major Federal action having a significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Chicago, Rock Island and Pacific Railroad Company, represented by Mr. James E. Sykes, General Attorney, 139 West Van Buren Street, Chicago, Illinois 60605, hereby gives notice that on February 3, 1975, it filed an application assigned Finance Docket No. 27843 under section 5(2)(a)(ii) of the Interstate Commerce Act for authority to acquire trackage rights over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Emmetsburg and Hartley, Iowa, a distance of 43.69 miles. At the same time an application for authority to construct a connection at Hartley, Iowa, of its tracks with those of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company was filed under section 1(18) of the Act, assigned Finance Docket No. 27844, a distance of 565 feet. In the opinion of the applicant, the granting of the authority sought by these applications will not constitute a major Federal Action having a significant effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant facts set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

(1) The name and address of applicant and applicant's attorneys are: Georgia Railroad and Banking Company, 699 Broad Street, Augusta, Georgia 30903, represented by Charles E. Campbell, Heyman and Sizemore, 310 Fulton Federal Building, Atlanta, Georgia 30303.

(2) This is an application assigned Finance Docket No. 27839 under section 5(2) of the Interstate Commerce Act seeking authority to permit the Georgia Railroad and Banking Company to acquire from the Seaboard Coast Line Railroad Company and Louisville and Nashville Railroad Company the assets of the Monroe Railroad Company and the Augusta Belt Railway Company. This transaction is envisioned in and required by the terms of that certain Re-Lease Agreement approved by the Commission in Finance Docket No. 27298 in which the Commission permitted the Seaboard Coast Line Railroad Company and the Louisville and Nashville Railroad Company to re-lease and continue to operate the properties of Georgia Railroad and Banking Company through and under the name Georgia Railroad. Article IV (c)(8) of said Re-Lease Agreement approved by the Commission provides for the acquisition by the Georgia Railroad and Banking Company of the assets of the Monroe Railroad Company and the Augusta Belt Railway Company from the Seaboard Coast Line Railroad Company and the Louisville and Nashville Railroad Company. The effect of this proposed transaction, if approved by the Commission, will be that the properties that were the Monroe Railroad Company and the Augusta Belt Railway Company will be owned by the Georgia Railroad and Banking Company and will be included in those properties comprising the Georgia Railroad and leased to the Seaboard Coast Line Railroad Company and Louisville and Nashville Railroad Company. The properties will continue to be operated as connector lines and still be included in the calculation of the lease payments under the aforesaid Re-Lease Agreement. In other words, the net effect will be zero in terms of operations, with the change occurring on paper only.

(3) Approval of this application would permit the operation of the properties previously held by the Monroe Railroad Company and the Augusta Belt Railway Company as described in (2) above, said properties being limited to the following: The properties now held by the Monroe Railroad Company consists of main track mileage of 10.17 miles between Social Circle, Georgia, and Monroe, Georgia with no interchange. Properties held by the Augusta Belt Railway Company consist of 7.19 miles of yard switching track located wholly within the City of Augusta, Georgia, and being operated as a switching line with no interchange. All of the above referred to properties continue to be operated in the same manner in which they are now operated.

In the opinion of the applicant, approval of this application will have no significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

(6) The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

Chicago and North Western Transportation Company (hereinafter CNW) hereby gives notice that on the 24th day of January, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of an agreement authorizing trackage rights by the CNW over tracks of the Union Pacific Railroad Company between Ames and Fremont, Nebraska in Dodge County, Nebraska, a distance of approximately 5.60 miles, beginning at Milepost 39.19 at Fremont, Nebraska and extending to Milepost 44.79 at Ames, Nebraska. CNW states that no shippers or receivers will be adversely affected. The trackage rights to be operated lie between Ames and Fremont, Nebraska. This application has been assigned Finance Docket No. 27837.

In the opinion of Applicant the Commission's action requested i.e. approval of the trackage rights, will not have any significant impact and will not significantly adversely affect the quality of the human environment. Rather Applicant alleges that coordination of through train operation will have a beneficial effect on the environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factor set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Correspondence in regard to this matter including all protests should be addressed to Stuart F. Gassner, General Attorney, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606.

The Interstate Commerce Commission hereby gives notice that under date of January 22, 1975, an Application assigned Finance Docket No. 16990 was filed by the Illinois Central Gulf Railroad Company, 233 N. Michigan Avenue, Chicago, Illinois 60601, seeking approval of a supplemental agreement dated April 18, 1952, as modified, covering joint use of certain terminal facilities of the Louisville and Nashville Railroad Company between South Alice (Birmingham) to the north end of Louisville and Nashville Railroad Company's yard at Boyles (Birmingham), Alabama, a distance of 5.39 miles. Kenneth L. Novander, 233 N. Michigan Avenue, Chicago, Illinois 60601, is attorney for the Illinois Central Gulf Railroad Company.

This Application involves an amending agreement dated February 6, 1974, wherein it is proposed to increase train yard and terminal switching rates as well as elimination under the April 18, 1952, agreement of Illinois Central Gulf Railroad Company's right to use this trackage to reach the yard or yards of a rail carrier other than Louisville and Nashville Railroad Company in Birmingham.

Implementation of this February 6, 1974, amending agreement will not result in the acquisition, construction or abandonment of any railroad facilities, nor will the implementation of this agreement affect any railroad employees.

In the opinion of the applicant, the relief sought is not a major federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceedings will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4664 Filed 2-19-75;8:45 am]

[Notice No. 233]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 19, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 11, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75372. By order of February 12, 1975, the Motor Carrier Board approved the transfer to Coast Freightlines, Inc., Council Bluffs, Iowa, of the operating rights in Certificates Nos. MC 133229 (Sub-No. 6), MC 133229 (Sub-No. 9), and MC 133229 (Sub-No. 11) issued October 12, 1971, August 10, 1973, and July 2, 1974, respectively, to Coats Freightways, Inc., Council Bluffs, Iowa, authorizing the transportation of meats, meat products and meat by-products, except commodities in bulk and hides, from the facilities of Swift Fresh Meats Company at Grand Island, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; and meats, meat products and meat by-products, and articles distributed by meat packinghouses, except commodities in bulk, and except hides, (1) from the plant site and storage facilities of Swift Fresh Meats Company at Grand Island, Nebr., to points in Maine, New Hampshire, Vermont, Virginia, West Virginia, and Tennessee (except Memphis), and (2) from the plant site and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Michigan, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106, attorney for applicants.

No. MC-FC-75535. By order of February 7, 1975, the Motor Carrier Board approved the transfer to Mistletoe Transit Company, a corporation, Lubbock, Tex., of the operating rights evidenced by the Certificates of Registration in Nos. MC-121742 and MC-121742 (Sub-No. 1) issued December 30, 1974, to R. G. Dudley, doing business as Mistletoe Transit Company, Lubbock, Tex., covering the transportation of newspapers, motion picture films, equipment, advertising and supplies and general commodities, to and from, and between specified points in Texas coextensive to the grant of authority in Certificate No. 3037 issued by the Railroad Commission of Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-75643. By order of February 7, 1975, the Motor Carrier Board approved the transfer to John Phillip Hanks, doing business as Hanks Tours, Parowan, Utah, of License No. MC 12934 issued August 6, 1965 to Theron Milton Ashcroft, doing business as Ashcroft Tours, Cedar City, Utah, authorizing it

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to engage in operations as a broker of passengers and their baggage, in special or charter operations beginning and ending at Cedar City, Utah and extending to points in the United States, including Alaska and Hawaii.

No. MC-FC-75646. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to Norcon Transportation Co., Inc., Blue Point, N.Y., of that portion of the operating rights set forth in Certificate No. MC 134486, issued January 4, 1972, in the name of B R Trucking Company, Inc., and acquired by S & M Delivery Service, Inc., New York, pursuant to No. MC-FC-74483, approved by order entered June 7, 1973 and consummated July 13, 1973, authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

No. MC-FC-75647. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to All Airport Service, Inc., Wantagh, N.Y., of that portion of the operating rights set forth in Certificate No. MC 134486, issued January 4, 1972, in the name of B R Trucking Company, Inc., and acquired by S & M Delivery Service, Inc., New York, N.Y., pursuant to No. MC-FC-74483, approved by order entered June 7, 1973 and consummated July 13, 1973, authorizing the transportation of general commodities, with the usual exceptions, between Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4659 Filed 2-19-75;8:45 am]

[Notice No. 14]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWADER APPLICATIONS

FEBRUARY 14, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before April 21, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 531 (Sub-No. 306), filed January 27, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to all points in the United States (except Alabama, Arkansas, Georgia, Florida, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas, Wisconsin, Alaska, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 2368 (Sub-No. 47), filed January 23, 1975. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow, inedible animal grease*, and *inedible animal oil*, between Philadelphia, Pa., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 4405 (Sub-No. 518), filed November 21, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New tank trailers, high pressure gas trailers and specialized custom built trailers*, in initial truckaway and driveaway service, from Portersville, Pa., to points in the United States (except Alaska and Hawaii); (2) *trailers, semi-trailers* including dump trailers, and *trailer chassis*, in initial truckaway and driveaway service, from New Castle, Pa., and Randolph, Ohio to points in the United States (except Alaska and Hawaii); and (3) *tractors*, in secondary driveaway service only when drawing trailers in (1) and (2) moving in initial driveaway service, from Portersville and New Castle, Pa., and Randolph, Ohio, to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Akron or Cleveland, Ohio.

No. MC 8535 (Sub-No. 53), filed January 2, 1975. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21220. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Kentucky, Ohio and the District of Columbia, restricted against the severance, by sale or otherwise, from applicant's corresponding authority in MC 8535.

NOTE.—Applicant states that the effect of a grant of authority will be to permit applicant to provide the same type and quantum of service it has been providing within its operating area under No. MC 8535. In No. MC 8535, applicant has authority to engage in operation, in interstate or foreign commerce, as a common carrier by motor vehicle,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

over irregular routes, in the transportation of: *Building and contractors' equipment, materials and supplies; machinery and machine parts; pipe line and plant construction materials and supplies; steel; and also heavy and bulky articles generally requiring rigging, special equipment, or specialized handling*, Between points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Kentucky, Ohio, and the District of Columbia. Applicant contends that the authority already possessed by applicant, as set forth above, permits the transportation of iron and steel and iron and steel articles. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 271), filed January 24, 1975. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Dr. S.E., Grand Rapids, Mich. 49506. Applicant's representative: L. R. Knapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vacuum bottles, lunch kits, jugs, chests, cooling boxes, tents, insulating material, bowls and cups, fillers for vacuum bottles*, from the plant site of King Seeley Thermos Co., located at or near Macomb, Ill., to points in Michigan (with the exception of the upper peninsula).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 16798 (Sub-No. 3), filed January 20, 1975. Applicant: AL CAMILLO TRUCKING CO., INC., 224-28 E. Shedaker Street, Philadelphia, Pa. 19144. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber and forest products*, from Wilmington, Del., to points in Delaware, Maryland, New Jersey, those points in that part of Pennsylvania east of the western boundaries of York, Dauphin, Northumberland, Lycoming and Tioga Counties, and points in the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 20546 (Sub-No. 19), filed January 27, 1975. Applicant: C. MALONE TRUCKING, INC., Rear 154 Newton St., Waltham, Mass. 02154. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard and paperboard boxes*, from the plant site facilities of Container Corporation of America located at Medford and Wakefield, Mass., to points in Connecticut and New Hampshire.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 22182 (Sub-No. 29), filed January 15, 1975. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis and bodies, cabs, and parts of and accessories* for such vehicles, (1) From Chesapeake, Va., to points in the United States (except Alaska and Hawaii) in initial and secondary movements; and (2) from Portsmouth, Va., to points in the United States (except Alaska and Hawaii) in secondary movements.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 98), filed January 24, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of General Cable Corporation located at or near Lawrenceburg (Anderson County), Ky., as an off-route point in connection with carrier's authorized regular route service between Louisville, Ky. and Cincinnati, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necesary, the applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 25639 (Sub-No. 1), filed January 27, 1975. Applicant: DONALD G. POWELL, doing business as POWELL TRUCK LINE, Rural Route No. 1, Jasper, Minn. 56144. Applicant's representative: Raymond M. Kelley, Jr., 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed adamant silica (silex) stone*, from the quarry and plant of Jasper Stone Company located at Jasper, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 29120 (Sub-No. 189), filed January 20, 1975. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and hides): (1) Between Racine, Wis. and Dixon, Ill.: From Racine, Wis. over Wisconsin Highway 11 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Beloit, Wis., thence over U.S. Highway 51 to Rockford, Ill., thence over Illinois Highway 2 to Dixon, Ill., and return over the same route, serving no intermediate points, and an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) Between Palatine, Ill. and Minneapolis-St. Paul, Minn.: From Palatine, Ill. over Illinois Highway 53 to junction U.S. Highway 12.

Thence over U.S. Highway 12 to Madison, Wis., thence over Interstate Highway 94 to Minneapolis-St. Paul, Minn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (3) Between the junction of U.S. Highway 12 and Wisconsin Highway 50 and Minneapolis-St. Paul, Minn.: From the junction of U.S. Highway 12 and Wisconsin Highway 50 over Wisconsin Highway 50 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Minneapolis-St. Paul, Minn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, restricted in (1), (2) and (3) above against the transportation of shipments originating at or destined to points in Illinois or Indiana within the Chicago, Ill. Commercial Zone as defined by the Commission.

NOTE.—Common control may be involved. If a hearing is deemed necesseary, applicant requests it be held at Chicago, Ill.

No. MC 35320 (Sub-No. 144) (Partial Correction), filed November 19, 1974, published in the FEDERAL REGISTER issue of January 23, 1975, and republished in part, as corrected, this issue. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment); (A) Between Cincinnati, Ohio and Evansville, Ind.: From Cincinnati, Ohio over Interstate Highway 71 to Louisville, Ky., thence over Interstate Highway 64 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular route operations, serving no intermediate points, restricted against the trans-

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portation of local traffic moving between Cincinnati, Ohio, on the one hand, and, on the other, Evansville, Ind.; and (5) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Chicago, Ill. and Seattle, Wash.: (a) From Chicago, Ill. over Interstate Highway 90 to junction Interstate Highway 90 and U.S. Highway 16 at or near Alden, Minn., thence over U.S. Highway 16 and/or Interstate Highway 90 to Rapid City, S. Dak.

Thence over U.S. Highway 14 and/or Interstate Highway 90 to junction of Interstate Highway 90 and U.S. Highway 87 at or near Sheridan, Wyo., thence over U.S. Highway 87 and/or Interstate Highway 90 to junction U.S. Highway 87, Interstate Highway 90 and Interstate Highway 94 at or near Billings, Mont., thence over U.S. Highway 10 and/or Interstate Highway 90 to Spokane, Wash. thence over Interstate Highway 90 to Seattle, Wash. and return over the same route; and (b) from Chicago, Ill. over Highway 90, as it is completed, to Seattle, Wash. and return over the same route; (B) Between Evansville, Ind. and Louisville, Ky.: From Evansville, Ind. and over U.S. Highway 41 to junction U.S. Highway 41 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky. and return over the same route, 5 (A) and (B) as alternate routes for operating convenience only, in connection with carrier's presently authorized regular route operations, serving no intermediate points.

NOTE.—The purposes of this partial correction are (A) to correct the route description in part 2; and (B) to indicate in part 5 that applicant seeks alternate route authority in 5 (A) and (B) in lieu of 5 (a) and (b) as previously published. The rest of the notice remains as originally published. Common control may be involved. If a hearing is deemed necessary, applicant requests it may be held at either Lubbock or Dallas, Tex.

No. MC 41951 (Sub-No. 27), filed January 22, 1975. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Ave., P.O. Box 458, Cambridge, Md. 21613. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen, in containers), from Queen Anne, Md., and Millsboro, Del., to points in North Carolina, South Carolina, Georgia and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 45544 (Sub-No. 5), filed January 8, 1975. Applicant: SILVER LINE, INC., 196 Stanton Street, New York, N.Y. 10002. Applicant's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, cut materials, trimmings, thread, wearing apparel, and materials*, used in the manufacture and shipping of wearing apparel, between West Deptford, N.J., on the one hand, and, on the other, Wilkes-Barre and West Pittston, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 51146 (Sub-No. 407) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as corrected, this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications, and exempted printed matter*, as described in Section 203(B)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, *and materials, supplies, and equipment*, used in the maintenance and operation of printing plants, between the plantsite of the R. R. Donnelly & Sons Company located at or near Gallatin, Tenn., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, Michigan, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, New York, Massachusetts, Vermont, New Hampshire, Maine, Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to add the destination state of Virginia omitted in the previous publication. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 723), filed January 23, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th St., Chicago, Ill. 60620. Applicant's representative: S. S. Eisen, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in truckaway and driveaway service, (1) from Chesapeake, Va., to points in the United States (except Alaska and Hawaii); and *wrecked, disabled or rejected vehicles*, on return; and (2) from Portsmouth, Va., to points in the United States (except Alaska and Hawaii); secondary movements are restricted to mixed loads of vehicles moving in initial and secondary transportation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York City, N.Y. or Washington, D.C.

No. MC 60012 (Sub-No. 92), filed January 2, 1975. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Avenue, Denver, Colo. 80221. Applicant's representative: John S. Walker, Jr., 1515 Arapahoe Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Yampa Project located near Craig, Colo. as off-route points in connection with carrier's authorized regular route operations. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 60186 (Sub-No. 51), filed January 28, 1974. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between points in New Hampshire, on the one hand, and, on the other, points in Maine, and those in Worcester, Springfield, and Lowell, Mass., (2) between Albany, N.Y., Waterbury and South Windsor, Conn., and Hackensack and Cherry Hill, N.J., on the one hand, and, on the other, points in New York (except those on and east of N.Y. Highway 112), Pennsylvania, Delaware, Maryland and the District of Columbia, and (3) between points in Maine and New Hampshire, on the one hand, and, on the other, points in New York, (except those on and east of N.Y. Highway 112). The purpose of this filing is to eliminate the gateways at Worcester, Springfield, and Lowell, Mass.; Albany, N.Y.; Hackensack and Cherry Hill, N.J.; and South Windsor and Waterbury, Conn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 277), filed January 10, 1975. Applicant: HERMAN BROS., INC., 2565 St. Mary's, Omaha, Nebr. 68101. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen, liquid nitrogen, liquid argon, gaseous hydrogen, gaseous oxygen, gaseous nitrogen, gaseous argon, and helium*, in bulk, in tank vehicles, from East Alton, Ill., to Fairfield, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 61692 (Sub-No. 19), filed January 28, 1975. Applicant: WARNERS MOTOR EXPRESS, INC., West Country Club Road, Red Lion, Pa. 17356. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. 10019.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture*, (1) between points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia; and (2) from points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, to points in Rhode Island, Ohio, Michigan, and the District of Columbia; and (b) *household goods* as defined by the Commission (1) between points in Pennsylvania, Maryland, New Jersey, Massachusetts, New York, Connecticut, Delaware, Virginia, West Virginia, Rhode Island, and the District of Columbia; and (2) between points in Pennsylvania, Maryland, New Jersey, Massachusetts, New York, Connecticut, Delaware, Virginia, West Virginia, Rhode Island, and the District of Columbia, on the one hand, and, on the other, points in North Carolina, Florida, Ohio, Indiana, Illinois, and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant does not specify location.

No. MC 66462 (Sub-No. 19) (Correction), filed November 18, 1974, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as corrected this issue. Applicant: THE WILLETT COMPANY, a Corporation, 700 South Desplaines Street, Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1034, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, in tank vehicles, from Lemont, Ill. to points in Lake and Porter Counties, Ind., and (2) *Muriatic acid*, in bulk, in tank vehicles, from the plantsite of Kell Chemical Company, located at or near Hammond, Ind., to points in Illinois; and (3) *sulphuric acid*, in bulk, in tank vehicles, from De Pue, Ill., to points in Indiana.

NOTE.— Common control and dual operations may be involved. The purpose of this republication is to correct the commodity description in (2) which was erroneously published in the original notice. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 66807 (Sub-No. 5), filed January 20, 1975. Applicant: MANUFACTURERS EXPRESS, INCORPORATED, 294 Kimberly Avenue, New Haven, Conn. 06519. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Merrimack, N.H., to Wallingford, and Norwalk, Conn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.; New York City, or Washington, D.C.

No. MC 80430 (Sub-No. 154), filed January 24, 1975. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: F. Neil Ashemeyer, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, (except commodities in bulk and those requiring special equipment), from points in Florida on and east of a line beginning at the Gulf of Mexico at Yankeetown, Fla., thence along Florida Highway 40 to intersection with U.S. Highway 41, thence north along U.S. Highway 41 to Williston, Fla., thence along Florida Highway 121 to Gainesville, Fla., thence along Florida Highway 24 to intersection with U.S. Highway 301, thence along U.S. Highway 301 to the Florida-Georgia State Boundary line; to points on and west of U.S. Highway 219 in New York; points in Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State Boundary line, thence north along U.S. Highway 119 to junction with U.S. Highway 219 south of Du Bois, Pa., thence north along U.S. Highway 219 to the Pennsylvania-New York State line; points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Kentucky, Missouri, Ohio and Tennessee; to all points in Michigan on and south of a line beginning at Muskegon, Mich., thence east along Michigan Highway 46 to junction with Michigan Highway 57, then east along Michigan Highway 57 to junction State Highway 15, thence south along Michigan Highway 15 to junction with State Highway 21, thence east along Michigan Highway 21 to Port Huron, Mich., and points in Georgia on and north of U.S. Highway 60.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Tampa or Orlando, Fla.

No. MC 80430 (Sub-No. 155) (AMENDMENT), filed July 22, 1974, published in the FEDERAL REGISTER issue of August 29, 1974 as MC 45657 (Sub-No. 52) and republished, as retitled, this issue. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, P.O. Box 85, La Crosse, Wis. 54601. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of FMC Corp. located near Tupelo, Miss. as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—The purpose of this republication is to indicate the substituted applicant in the above proceeding previously docketed as MC 45657 (Sub-No. 52). If a hearing is deemed necessary, applicant requests it be held at Tupelo, Miss.

No. MC 87103 (Sub-No. 16), filed January 20, 1975. Applicant: MILLER TRANSFER AND RIGGING CO., a Corporation, P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: Edward P. Bocko (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, construction equipment and cranes; self-propelled articles weighing 15,000 pounds and more, and related machinery, tools and parts and supplies*, when moving in connection therewith, from Shady Grove, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 119302 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC–87379 (Sub-No. 13), filed January 20, 1975. Applicant: C. H. HOOKER TRUCKING CO., a Corporation, 1475 Roanoke Avenue, Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except earthenware, pottery, stoneware and chinaware), from points in Tuscarawas County, Ohio, to points in Iowa, Maine, Minnesota, Missouri, New Hampshire, Rhode Island and Vermont. Note: Applicant states that it presently holds the above requested authority by tacking separate paragraphs of its authority held in MC–87379 (Sub-No. 7), and that the purpose of this application is to eliminate the gateway of Junction City, Ohio. Applicant holds motor contract carrier authority in MC–126851 (Sub-Nos, 2, 3) therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 94876 (Sub-No. 12), filed January 24, 1975. Applicant: RICHARD ACERRA, INC., 43–09 Vernon Blvd., Long Island, New York, N.Y. 11101. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York City, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games or toys and childrens furniture*, between Parsippany, N.J., on the one hand, and, on the other, points in Queens, Nassau, and Suffolk Counties, N.Y., under a continuing contract or contracts with P.A.O. Schwarz.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

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No. MC 97009 (Sub-No. 23), filed January 23, 1975. Applicant: HERZOG TRUCKING, a Corporation, 200 Delaware St., Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by the house of Westmore, its subsidiaries and/or its divisions located at or near Newburgh and Rochester, N.Y. (except commodities in bulk), in mechanical refrigerated equipment, from the facilities of House of Westmore, located at Newburgh and Rochester, N.Y., on the one hand, and, on the other, points in Pennsylvania on and west of the Susquehanna River, Ohio, Illinois, Indiana, Michigan, Oklahoma, Wisconsin, Iowa, Kansas, Missouri, Texas, Arkansas, Louisiana, Kentucky, Tennessee, West Virginia, Virginia and Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 99780 (Sub-No. 51), filed January 27, 1975. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N. E. Bond St., Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, from the storage facilities of Federal Warehouse Company located at East Peoria, Ill., to points in Cook, Will and Du Page Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 102817 (Sub-No. 22), filed January 24, 1975. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, and benches* moving therewith, from Jasper and French Lick, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind.; Chicago, Ill.; or Washington, D.C.

No. MC 103993 (Sub-No. 849), filed January 27, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced fiberglass plywood panels*, from Washington Court House, Ohio to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved by the Commission in MC-F-10057. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 757), filed January 15, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire mesh*, from Williamsport, Md., and ports at Baltimore, Md., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 758), filed January 15, 1975. Applicant: PRE-FAB TRANSIT CO. a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, aluminum products, and extrusions* (except commodities in bulk), from North Brunswick, N.J., Phoenix, Ariz., Winton and Burlington, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 929), filed January 20, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfuric acid*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Co., Inc., at Wurtland, Ky., to Petrolia, Pa.; and (2) *reclaimed vinyl compound*, dry, in bulk, in tank vehicles, from Piqua, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107487 (Sub-No. 4), filed January 27, 1975. Applicant: COLUMBIA CITY FREIGHT LINES, INC., P.O. Box 328, Columbia City, Ind. 46725. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Howe, Ind., and Sturgis, Mich: From Howe, Ind., over Indiana Highway 9 to the Indiana-Michigan State Line, thence via Michigan Highway 66 to Sturgis, Mich., and return over the same route; and (2) Between Columbia City, Ind., and Millersburg, Ind.: From Columbia City, Ind., over U.S. Highway 30 to its junction with Indiana 13, thence via Indiana Highway 13 to Millersburg, and return over the same route, serving the intermediate point of Syracuse, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 108676 (Sub-No. 76) (Correction), filed December 16, 1974, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, compacted and crushed motor vehicles, bodies, engines, and parts; and recycled nonferrous and ferrous articles, and materials and supplies* used in the production of recycled metal articles and recycled materials (except commodities in bulk, in tank or dump vehicles), between points in Iowa, Wisconsin, Missouri, Oklahoma, Michigan, Texas, and points in the United States east thereof, on the one hand, and, on the other, Huntsville, Ala.; Knoxville and Chattanooga, Tenn. and Atlanta, Ga. restricted against shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—The purpose of this republication is to correct the restriction stated above. If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 110420 (Sub-No. 719) (amendment), filed June 3, 1974, published in the FEDERAL REGISTER issue of August 1, 1975, and republished as amended, this issue. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except caustic soda, muriatic, nitric, and sulfuric acid), in bulk, in tank vehicles, (1) from Chicago, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Wisconsin, and Wyoming; and (2) in the alternative, from Carpentersville, Lansing, St. Charles, Zion, and Lemont, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Wisconsin, and Wyoming, restricted to traffic moving by interchange of trailers at Carpentersville, Lansing, St. Charles, Zion, and Lemont, Ill., from Chicago, Ill.

NOTE.—The purposes of this republication are (1) to indicate a change in applicant's representative; and (2) add part 2 above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110563 (Sub-No. 153), filed January 16, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (a) from Mankato, Kans., to points in Iowa and Illinois; and (b) from Denison, Iowa, to points in Illinois, Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Delaware, Rhode Island, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities utilized by Dubuque Packing Company located at or near Mankato, Kans. and Denison, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 111375 (Sub-No. 72), filed January 27, 1975. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *materials, equipment, and supplies*, from Denver, Colo., to points in Arizona, California, Idaho, Illinois, Indiana, Michigan, Minnesota, Nevada, Ohio, Oregon, Utah, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Chicago, Ill.

No. MC 111545 (Sub-No. 209) (Correction), filed January 6, 1975, published in the FEDERAL REGISTER issue of January 30, 1975, and republished as corrected this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30052. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above: (a) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia; (b) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin; and (c) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffice moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—The purpose of this republication is to indicate the correct docket no. assigned to this proceeding as MC 111545 (Sub-No. 209), in lieu of MC 11545 (Sub-No. 209), as previously published. If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 111729 (Sub-No. 509), filed January 15, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media* of all kinds: (a) between Kalamazoo, Mich., on the one hand, and, on the other, Keokuk, Iowa, and points in Illinois, Indiana, Ohio, and Pennsylvania; and (b) between Sharon Hill, Pa., on the one hand, and, on the other, points in Delaware, New Jersey, and New York; (2) *automotive emergency replacement parts*, between Sharon Hill, Pa., on the one hand, and, on the other, points in Delaware, New Jersey, and New York, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day; (3) *radiopharmaceuticals, radioactive drugs and medical isotopes*, between Arlington Heights, Ill., on the one hand, and, on the other, points in New York, Pennsylvania and West Virginia; and (4) *clinical laboratory samples*, from points in Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and Rhode Island, to West Nyack, N.Y.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 513), filed January 22, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware Street, P.O. Box 1233 57101, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, packets, pouches, and wrappers*, flat, folded flat or in rolls, requiring separation into individual units, with or without compliment of bag ties, from Sioux Falls, S. Dak., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112713 (Sub-No. 176), filed January 27, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of General Cable Corporation located at or near Lawrenceburg, Ky., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 113475 (Sub-No. 24), filed January 21, 1975. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, Va. 23847. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in North Carolina and South Carolina on and east of a line beginning at the North Carolina-Virginia State Boundary line, and extending along U.S. Highway 29 to intersection Alternate U.S. Highway 29 (formerly U.S. Highway 29), near Hamtown, N.C., thence along Alternate U.S. Highway 29 via Greensboro, High Point, and Thomasville, N.C., to intersection U.S. Highway 29, thence along U.S. Highway 29 to Charlotte, N.C., thence along U.S. Highway 21 to Columbia, S.C., thence along U.S. Highway 76 to Sumter, S.C., thence along U.S. Highway 521 to Georgetown, S.C.; and thence in an

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easterly direction along a straight line to the Atlantic Ocean, to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, District of Columbia, New York, N.Y., and points in Virginia on and east of U.S. Highway 29. (2) *Lumber* (except plywood and veneer), from points in North Carolina and South Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 29 to intersection Alternate U.S. Highway 29 (formerly U.S. Highway 29), near Hamtown, N.C., thence along Alternate U.S. Highway 29 via Greensboro, High Point, and Thomasville, N.C., to intersection U.S. Highway 29, thence along U.S. Highway 29 to Charlotte, N.C., thence along U.S. Highway 21 to Columbia, S.C., thence along U.S. Highway 76 to Sumter, S.C., thence along U.S. Highway 521 to Georgetown, S.C., and thence in an easterly direction along a straight line to the Atlantic Ocean, to points in New York, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, Rhode Island, Tennessee, Vermont, and points in Virginia on and east of U.S. Highway 29. Note: Applicant states that it presently holds authority under its Lead Certificate to transport lumber from Emporia, Va., to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, the District of Columbia, and New York, N.Y. Under the same certificate, it also is authorized to transport lumber from the above described portion of North Carolina and South Carolina to the District of Columbia, Highstown, and Camden, N.J. and a described portion of Pennsylvania, Maryland, and Virginia on and east of U.S. Highways 15 and 29. By tacking such authority at Emporia, applicant has transported lumber in the past from the described North Carolina and South Carolina area to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, the District of Columbia, and New York, N.Y.

The purpose of this application is to eliminate the Emporia, Va. gateway and to permit direct service between the named North and South Carolina area, on the one hand, and, on the other, the six States, the District of Columbia, and New York, N.Y. Applicant also holds authority to transport lumber, excluding plywood and veneer, in its Sub-Nos. 5 and 12 certificates. In the past it has tacked this authority with its Lead Certificate to serve the described portion of North and South Carolina and has provided service to points in the States set forth in (2) above. By this application applicant seeks to eliminate the need to tack such authority in providing service between points in a specified North and South Carolina area, on the one hand, and, on the other, New York, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, Rhode Island, Tennessee, Vermont, and points in Virginia on and east of U.S. Highway 29. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va. or Washington, D.C.

No. MC 113678 (Sub-No. 582), filed January 21, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening, vegetable oil, shortening NOI, cooking and salad oils, and oleomargarine*, not frozen (except commodities in bulk), from the plantsite and warehouse facilities of PVO International, located at or near St. Louis, Mo., and East St. Louis, Ill., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Omaha, Nebr., or Denver, Colo.

No. MC 113855 (Sub-No. 308), filed January 27, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled material handling equipment and self-propelled log slashing and skidding equipment* (except self-propelled vehicles designed for the transportation of property or passengers on highways), and *parts and attachments* of self-propelled material handling equipment and self-propelled log slashing and log skidding equipment, between Baraga, Mich., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Baraga, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 334), filed January 16, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same adress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and de-icer*, in bags, cartons, drums, and bulk, from Viroqua, Wis., to points in Indiana, Kansas, Nebraska, North Dakota, Ohio and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.; Chicago, Ill.; or Washington, D.C.

No. MC 114211 (Sub-No. 241), filed January 10, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick H. Smyth, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by, agricultural machinery, industrial equipment, and lawn and leisure products dealers (except commodities in bulk), from the facilities of Deere and Company located at Bloomington, Minn. and of International Harvester Company located at St. Paul, Minn., to points in Iowa, Minnesota, Montana, North Dakota, South Dakota, Upper Peninsula of Michigan, Wisconsin, and Wyoming, restricted to shipments originating at Bloomington and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 114273 (Sub-No. 226), filed January 27, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Truesdale, Mo. to Bayport, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 221), filed January 23, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products dealt in by wholesale and retail grocers*, from Shakopee, Minn., to points in Iowa, South Dakota, North Dakota, Wisconsin, Minnesota and the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 114818 (Sub-No. 17), filed December 26, 1974. Applicant: MOTOR CARGO, a corporation, 845 West Center, North Salt Lake, Utah 84054. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Elko, Nev., and Wells, Nev.: From Elko, Nev. over U.S. Highway 40 (interstate Highway 80) to Elko, Nev., and return over the same route, serving all intermediate points: and (b) between Los Angeles, Calif. and Elko, Nev., serving all points in the Los Angeles Harbor Commercial Zone as described by the Commission in *Los Angeles, Calif. Commercial Zone* 3 M.C.C. 676, and no intermediate points: From Los Angeles over Interstate Highway 5 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 395, thence over 395 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nevada Highway 8–A to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Nevada Highway 51 to junction U.S. Highway 40, thence over U.S. Highway 40 to Elko, and return over the same route.

NOTE.—Applicant holds contract carrier authority in MC 134152 (Sub-No. 1), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Reno, Nev.

No. MC 115092 (Sub-No. 36), filed January 14, 1975. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board insulation and insulated gypsum foam board panels* including plastic foam insulation with or without backing or facing, from Salt Lake City, Utah, to points in Mississippi, Arkansas, Missouri, Illinois, Wisconsin, Minnesota, and States west thereof.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 115331 (Sub-No. 386), filed January 27, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from the plantsite and storage facilities of Illinois Cement Co., located at or near LaSalle, Ill., to points in Indiana, Iowa, Missouri and Wisconsin; and (2) *materials and supplies* used in the manufacturing of cement, from points in Indiana, Iowa, Missouri, and Wisconsin to the plantsite and storage facilities of Illinois Cement Co., at or near LaSalle, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either (1) St. Louis, Mo., or (2) Chicago, Ill.

No. MC 115524 (Sub-No. 30), filed January 10, 1975. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road, NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, molding, and particleboard*, from points in New Mexico, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wyoming; (2) *lumber*, from points in Arizona and Colorado, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming; (3) *lumber*, from points in Utah, to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wyoming; and (4) *lumber and molding*, from El Paso, Tex. and from the ports of entry on the International boundary line between the United States and Mexico, located at of near Juarez, Mexico to points in Arizona, under a continuing contract with Duke City Lumber Company, Inc.

NOTE.—Applicant holds common carrier authority in MC–135062, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex. or Denver, Colo.

No. MC 115730 (Sub-No. 4), filed January 21, 1975. Applicant: THE MICKOW CORP., 1914 East Euclid, P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Flattened car bodies and solid waste*, from points in Iowa, to points in the Chicago, Illinois, Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Washington, D.C.

No. MC 115840 (Sub-No. 101), filed January 27, 1975. Applicant: COLONIAL FAST FREIGHT LINES, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Practice bombs, and mine parts*, (except commodities which because of size or weight require special equipment, and in bulk), from Anniston, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115840 (Sub-No. 102), filed February 5, 1975. Applicant: COLONIAL FAST FREIGHT LINES, INC., Suite 200, 105 Vulcan Rd., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, parts, and accessories* (except commodities in bulk), from the plant site of Mueller Company at Chattanooga, Tenn., to points in that part of the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location. Applicant requests handling on a consolidated record with MC–115840 (Sub-No. 99).

No. MC 115904 (Sub-No. 37), filed January 16, 1975. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, forest products, sawmill products, wood products, composition board and wall board*, (1) between points in Washington, Idaho and Nevada; and (2) from points in Oregon, to points in Wyoming and Arizona.

NOTE.—Applicant intends to tack the authority requested in (1) above with its Sub-No. 28 at points in Idaho, to provide service on the requested commodities, from points in Washington and Nevada, to points in Colorado. Applicant further intends to tack the authority requested in (1) above with its Sub-No. 24 at points in Idaho, to provide service on lumber, lumber mill products, and composition board, between points in Idaho, Washington, Montana, Utah, Arizona, and Nevada. Applicant further intends to tack the authority requested in (1) above with its pending Sub-No. 33 at points in Idaho, to provide service on the commodities requested herein, from points in Washington and Nevada, to points in Wyoming and Oregon. Applicant concurrently seeks to eliminate the gateway at points in Lemhi County, Idaho in connection with its Sub-No. 33 tacking request. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 116273 (Sub-No. 187), filed January 23, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, Ill. 60650. Applicant's representative: Mr. William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, in bulk, in tank vehicles, between the plant site of the Southern California Chemical Company located at or near Union, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116947 (Sub-No. 38), filed January 24, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., SW., Atlanta, Ga. 30310. Applicant's representative: Williams Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard and dunnage materials*, between Tampa, Fla. and Winston-Salem, N.C., under a continuing contract with Jos. Schlitz Brewing Company.

NOTE.—Applicant holds common control carrier authority in MC 117956 Sub 2 and 8, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117119 (Sub-No. 523), filed January 27, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in

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bulk), from Manufacturing and storage facilities utilized by Alberto Culver Co., located at or near Dunkirk and Fredonia, N.Y. to the storage facilities of Alberto Culver Company located at or near Sparks.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117503 (Sub-No. 7), filed January 27, 1975. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value, commodities requiring special equipment, and commodities in vehicles equipped with mechanical refrigeration), between the San Francisco International Airport, and Oakland International Airport, Calif., and the facilities of air-freight forwarders, serving the above-named airports within twenty five (25) miles thereof, on the one hand, and, on the other, points in San Joaquin, Solano, Stanislaus, and Yolo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 117815 (Sub-No. 238), filed January 17, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 S. E. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Decatur, Ind., to points in Iowa, Illinois, Nebraska, Minnesota, Michigan, Missouri, Kansas, and Wisconsin, restricted to traffic originating at the named origin and destined to points in the destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 118202 (Sub-No. 45), filed January 22, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the plantsite and storage facilities of Midwest Food Corporation located at or near Clark, S. Dak., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 134631 Sub 4 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119777 (Sub-No. 316), filed January 15, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, sand, gravel, limestone, fluorspar*, in bulk, in dump vehicles, (1) between points in Ballard, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmondson, Fulton, Graves, Grayson, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Meade, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky.; and (2) between points in (1) above on the one hand, and, on the other, points in Kentucky.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 126970 Subs 1 and 3, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.; Frankfort, Ky.; or Nashville, Tenn.

No. MC 119908 (Sub-No. 27), filed January 24, 1975. Applicant: WESTERN LINES, INC., P.O. Box 1145, 3523 N. McCarty Street, Houston, Tex. 77001. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Composition board*, from the plantsite and warehouse facilities utilized by Plywood Panels, Inc., located at or near New Orleans, La., to points in Alabama, Arkansas, Georgia, Kansas, Kentucky, Mississippi, Missouri, New Mexico, Tennessee and Texas.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 110814 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 121470 (Sub-No. 9) (Correction), filed January 2, 1975, published in the FEDERAL REGISTER issue of January 30, 1975, and republished as corrected, this issue. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation of the commodities listed above; and (4) *metal pre-fabricated structural components and panels*, from the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and (B) *materials, equipment and supplies* used in the manufacture of the commodities listed in (A)(1) through and including (4) above from points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, to the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., restricted to the transportation of traffic originating at or destined to the plantsite and storage facilities of Kirby Building Systems, Inc.

NOTE.—The purpose of this republication is to indicate applicant seeks to transport *materials, equipment and supplies* used in the manufacture of the commodities listed in (A)(1) through and including (4) above, in lieu of (A) (1) through and including (B) 4 as previously published. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Louisville, Ky.

No. MC 124606 (Sub-No. 4), filed January 9, 1975. Applicant: FORD TRUCK LINE, INC., 1389 South Third Street, Memphis, Tenn. 38106. Applicant's representative: Allen P. Roberts, 303 Jackson Street, P.O. Box 777, Camden, Ark. 71701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk): (1) Between Memphis, Tenn., and Lewisville, Ark.: From Memphis, Tenn, over Interstate Highway 40 to junction Interstate Highway 30 and U.S. Highway 167 at or near North Little Rock, Ark., thence over U.S. Highway 167 to junction U.S. Highway 79, thence over U.S. Highway 79 to Magnolia, Ark., thence over U.S. Highway 82 to Lewisville, Ark., and return over the same route, serving all intermediate points between Fordyce and Lewisville, Ark., including Fordyce and its Commercial Zone, and serving East Camden, Ark. and the Highland Industrial Park as off-route points; (2) Between Magnolia, Ark., and El Dorado, Ark.: From Magnolia, Ark. over U.S. Highway 82 to El Dorado, Ark., and return over the same route, serving all intermediate points; (3) Between Lewisville, Ark. and Gurdon, Ark.: From Lewisville, Ark. over Arkansas Highway 29 to Hope, Ark., thence over U.S. Highway 67 to Gurdon, Ark., and return over the same route, serving all intermediate points; (4) Between El Dorado, Ark. and Prescott, Ark.: From El Dorado, Ark. over Arkansas Highway 7 to Camden, Ark., thence over Arkansas Highway 24 to Prescott, Ark., and return over the same route, serving all intermediate points.

(5) Between El Dorado, Ark. and Fordyce, Ark.: From El Dorado, Ark., over U.S. Highway 167 to Fordyce, Ark., and return over the same route, serving

all intermediate points; (6) Between Hope, Ark. and Hampton, Ark.: From Hope, Ark., over Arkansas Highway 4 to Hampton, Ark., and return over the same route, serving all intermediate points and the off-route points of East Camden, Ark., and the Highland Industrial Park; (7) Between the junction of Arkansas Highway 24 and Arkansas Highway 53 and Gurdon, Ark.: From the junction of Arkansas Highway 24 and Arkansas Highway 53 over Arkansas Highway 53 to Gurdon, Ark., and return over the same route, serving all intermediate points; and (8) Between the junction of Arkansas Highway 4 and Arkansas Highway 274 and the junction of Arkansas Highway 274 and U.S. Highway 167: From the junction of Arkansas Highway 4 and Arkansas Highway 274 over Arkansas Highway 274 to junction U.S. Highway 167, and return over the same route, serving all intermediate points, and serving East Camden, Ark. and the Highland Industrial Park as off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Camden, El Dorado or Little Rock, Ark.

No. MC 124947 (Sub-No. 36), filed January 15, 1975. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel and iron and steel articles*, from the plantsites and storage facilities of CF & I Steel Corporation located at or near Pueblo, Colo., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.; Chicago, Ill.; or Washington, D.C.

No. MC 126276 (Sub-No. 114), filed January 22, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and products produced and distributed by manufacturers and converters of paper and paper products* (except commodities in bulk), from Millville (Cumberland County), N.J., to points in Illinois, Indiana, Kentucky, and Ohio, under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126633 (Sub-No. 2), filed January 15, 1975. Applicant: DILLON BROTHERS, INC., P.O. Box 357, Bergholz, Ohio 43908. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Jefferson County, Ohio, to points in the Lower Peninsula of Michigan, under a continuing contract or contracts with Dunes Mining Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 126960 (Sub-No. 7), filed January 22, 1975. Applicant: EASTMAN TRANSPORT, INC., P.O. Box 305, Fort Bragg, Calif. 95437. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Jackson and Josephine Counties, Oreg., to points in San Mateo, San Francisco, Alameda, Contra Costa, Marin, Solano and Sacramento Counties, Calif.

NOTE.—Applicant presently provides the above service by tacking two authorities held in MC 126960 (Sub-No. 2). The purpose of the instant application is to eliminate the gateway of Redding (Shasta County), Calif. If a hearing is deemed necessary, applicant does not state a location.

No. MC 129631 (Sub-No. 46), filed January 16, 1975. Applicant: PACK TRANSPORT, INC., 3975 South 300 West Street, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, cast stone, rock, brick, clay products, and masonry products and materials*, between points in Utah, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Texas and Wyoming; and (2) between points in Arizona, on the one hand, and, on the other, points in Colorado, Nevada and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with Sub-No. 37 at (a) Utah to provide service between points in Idaho and Washington, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, and Wyoming; and (b) at Utah to provide service between Idaho and Montana, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Texas, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133708 (Sub-No. 17), filed January 27, 1975. Applicant: FIKSE BROS., INC., 12647 East South St., Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from the mine and plant sites of J. Irving Crowell, Jr., & Sons, located at or near Beatty, Nev., and the plant and mine sites of Flouride Mines Co. (Monolith Fluorspar mine), approximately 12 miles south and east of Beatty, Nev., to the plant site of Monolith Portland Cement Company at Monolith, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134319 (Sub-No. 3), filed January 27, 1975. Applicant: BRAFLADT TRANSPORT COMPANY, 501 North Broadway, P.O. Box 1065, Dimmitt, Tex. 79027. Applicant's representative: John C. Sims, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank type vehicles, from the plantsite and storage facilities of N-Ren Corporation located at or near Carlsbad, New Mex., to points in Texas, Arizona, and Louisiana, restricted to traffic originating at the plantsite of N-Ren Corporation at or near Carlsbad, New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Carlsbad, or Albuquerque, New Mexico.

No. MC 135811 (Sub-No. 3), filed January 27, 1975. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric welders and electric welder parts and accessories*, from the facilities of Miller Electric Mfg. Co., located at or near Appleton, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract with Miller Electric Mfg. Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135813 (Sub-No. 5), filed January 24, 1975. Applicant: PARR TRUCKING SERVICE, INC., 829 Alsop Lane, P.O. Box 1308, Owensboro, Ky. 42301. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor graders, road making, construction and earth moving machinery and equipment and components and parts* for such commodities; (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between points in Daviess County, Ky., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Owensboro, Ky., or Louisville, Ky.

No. MC 134755 (Sub-No. 49), filed January 17, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D.

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Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Dubuque Packing Company, at Wichita, Kans., to points in Alabama, Arizona, California, Florida, Georgia, Louisiana, Iowa, Mississippi, New Mexico, Ohio, Texas, Utah, Nebraska, North Carolina, Oregon, South Carolina, and Washington, restricted to traffic originating at the named origin and destined to points in the named destination states.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 136211 (Sub-No. 29), filed January 20, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Bank Bldg., 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, new home furnishings, appliances and recreational equipment:* (1) from the facilities of the Levitz Corporation, located at or near Calumet City, Rolling Meadows, and Hillside, Ill., to points in Wisconsin on, south and east of a line beginning at Lake Michigan at Racine, Wis., and extending westerly along Wisconsin Highway 11 to intersection Wisconsin Highway 67, thence south along Wisconsin Highway 67 to intersection U.S. Highway 14, and thence south along U.S. Highway 14 to the Wisconsin-Illinois state boundary line; (2) from the facilities of the Levitz Corporation, located at or near Calumet City, Rolling Meadows, and Hillside, Ill., to points in Indiana on and east of a line beginning at Lake Michigan at Tremont, Ind. and extending south along Indiana Highway 49 to intersection Indiana Highway 14, thence along Indiana Highway 14 to the Illinois-Indiana state boundary line; and (3)) *return shipments* of new furniture, new home furnishings, appliances, and recreational equipment, from points in the destination territories described in (1) and (2) above, to the facilities of the Levitz Corporation, located at or near Calumet City, Rolling Meadows, and Hillside, Ill., under a continuing contract or contracts with the Levitz Furniture Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 136275 (Sub-No. 17), filed January 16, 1975. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 28 San Marcos Road, El Paso, Tex. 79922. Applicant's representative: H. B. Dudley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special cement* (except normal TY I or II portland cement), in bulk and in packages, in pneumatic and flatbed trailers, from Douro (Ector County), Tex., and El Paso, Tex., to points in Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 136786 (Sub-No. 67), filed January 24, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Ave., NW., P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage products*, from Kingman, Kans., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136786 (Sub-No. 68), filed January 16, 1975. Applicant: ROBCO TRANSPORTATION, a corporation, 3033 Excelsior Boulevard, Minneapolis, Minn. 55414. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terratires*, from West Palm Beach, Fla., to Chicago, Ill., Des Moines, Iowa, Minneapolis, Minn., Kansas City and St. Louis, Mo., and Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No, MC 138000 (Sub-No. 16), filed January 27, 1975. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., and points in Houston County, Ga., to Harrisonburg and Winchester, Va., and Martinsburg, W. Va.

NOTE.—Applicant holds contract carrier authority in MC 129613 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138274 (Sub-No. 15), filed January 21, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendering house products*, from the plantsite of C.U.I. International located at or near Boise, Idaho, to points in Washington, Oregon, California, Utah, Colorado, Arizona, Nebraska, Kansas, Iowa, Minnesota, Missouri, Wisconsin and Illinois.

NOTE.—Applicant holds contract carrier authority in MC 138086, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138336 (Sub-No. 3), filed January 23, 1975. Applicant: CROSS-LIN-GRADER CORPORATION, 1022 Sixth Avenue, North, Nashville, Tenn. 37208. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, accessories, and supplies, and related catalogs and advertisement, promotional, and display materials and supplies*, (1) from Nashville, Tenn., and Bowling Green, Ky., to points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Texas, Utah, Washington, and Oregon, and (2) from Eugene, Oreg., and Los Angeles, Calif., to Nashville, Tenn., under contract with Holley Carburetor Division, Colt Industries Operating Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or Detroit, Mich.

No. MC 139289 (Sub-No. 1), filed July 25, 1974. Applicant: HOLLOWAY BROTHERS TRUCKING COMPANY, INC., Route 1, Box 105, Bessemer City, N.C. 28016. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground lithium ore waste*, in bulk, in dump vehicles, from Bessemer City, N.C., to Pacolet, S.C., under contract with Lithium Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, or Bessemer City, N.C.

No. MC 139495 (Sub-No. 31), filed January 22, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aquariums and aquarium supplies*, from Canton, Ga., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (2) *materials and supplies*, used in the manufacture of aquariums, from points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, to Canton, Ga., restricted to shipments originating at or destined to, the warehouse and plantsite facilities of Triton Industries, Inc., at Canton, Ga.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139754 (Sub-No. 1), filed January 22, 1975 Applicant: SOFT DRINK

CARRIERS, INC., 5820 Centre Avenue, Pittsburgh, Pa. 15206. Applicant's representative: Robert R. Wertz, 2310 Grant Building, Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages and soft drinks*, from Twinsburg, Cleveland, and Akron, Ohio, to points in and west of McKean, Cameron, Clearfield, Blair, Cambria and Somerset Counties, Pa.; and (2) *materials, equipment and supplies* used in the production, sale and distribution of carbonated beverages and soft drinks, from points in and west of McKean, Cameron, Clearfield, Blair, Cambria and Somerset Counties, Pa., to Twinsburg, Cleveland and Akron, Ohio, under a continuing contract or contracts with The Akron Coca-Cola Bottling Co.; Quaker State Coca-Cola Bottling Co.; The Cleveland Coca-Cola Bottling Co.; and the Great Lakes Canning Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 140329 (Sub-No. 1), filed January 23, 1975. Applicant: PYRAMID VAN & STORAGE OF SACRAMENTO, INC., 623 14th Street, Marysville, Calif. 95901. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Sacramento, Placer, Nevada, El Dorado, Yuba, Sutter, Butte, Colusa, Lake, and Mendocino Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sacramento, Calif.

No. MC 140379 (Sub-No. 2), filed January 15, 1975. Applicant: TRANSPORT SERVICE, INC., 999 Pontiac Avenue, Cranston, R.I. 02920. Applicant's representative: Russell R. Sage, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Band steel, wire rods, wire, and steel ingots and billets*, from the plant of Washburn Wire Company located at or near Phillipsdale, R.I., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia; and (2) *materials, supplies and equipment* used in the manufacture of band steel, wire rods, wire, and steel ingots and billets, from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia, to the plant of Washburn Wire Company at Phillipsdale, R.I., under a continuing contract with Washburn Wire Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Providence, R.I. or Boston, Mass.

No. MC 140457 (Sub-No. 2), filed January 24, 1975. Applicant: W.H.P.T. CO. INC., Rt. 8, Box 644, Roanoke, Va. 24014. Applicant's representative: Michael S. Ferguson, 214 Shenandoah Bldg., Roanoke, Va. 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium Sulfate*, in dump vehicles, from Hopewell and Chesapeake, Va., to Winston-Salem, N.C., and (2) *Limestone Rock*, in dump vehicles, from Roanoke, Va., to Winston-Salem, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Va.

No. MC 140512, filed December 23, 1974. Applicant: WALLACE E. WYMAN, doing business as F & W TRUCKING, 4738 N. Hwy. 99, P.O. Box 1128, Salida, Calif. 95368. Applicant's representative: Wallace E. Wyman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes*, from Amanda Park, Wash., to Empire, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 140563 (Sub-No. 1), filed January 20, 1975. Applicant: W. T. MYLES TRANSPORTATION COMPANY, a corporation, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspaper supplements, and advertising matter*, when moving in the same vehicle with newspaper supplements, from Sylacauga, Ala., to points in Florida, North Carolina, South Carolina, those points in Georgia on and east of Interstate Highway 75, and on and south of U.S. Highway 80, from Interstate Highway 75 east, excluding Macon, points in Virginia, West Virginia, those points in Tennessee west of Interstate Highway 65, and points in Maryland, Mississippi, Kentucky, Louisiana, Ohio, Indiana, Illinois, Texas, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 138869 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140572 (Sub-No. 1), filed January 27, 1975. Applicant: R. C. MOORE, INC., P.O. Box 346, Waldoboro, Maine 04572. Applicant's representative: Frederick T. McGonagle, 36 Maine St., Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products and plastic articles*, from Wilton, Maine to points in the United States (except Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Alaska and Hawaii), under continuing contract with Forster Mfg. Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, or Augusta, Maine, or Boston, Mass.

No. MC 140580, filed January 23, 1975. Applicant: EARL HAINES, INC., P.O. Box 841, Winchester, Va. 22601. Applicant's representative: Bill R. Davis, 2614 New Spring Rd., Suite 101, Emerson Center, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber commodities, shoe components, tags, and adhesives*, from Winchester, Va., to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, under contract with O'Sullivan Corp., at Winchester, Va.

NOTE.—Applicant holds common carrier authority in MC 128290 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140582, filed January 23, 1975. Applicant: CFC TRUCKING, INC., Paradise Road, Oak Ridge, N.J. 07483. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Computer flooring and materials, equipment and supplies*, used in the installation thereof (except commodities in bulk), from Fairfield, N.J., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; and (2) *materials, equipment and supplies*, used in the manufacture and sale of computer flooring (except commodities in bulk), and *computer flooring*, from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Fairfield, N.J., under continuing contract or contracts with Communication Flooring Corporation, at Fairfield, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 140595, filed January 24, 1975. Applicant: ATLAS TOWING CO., 1353 Pennsylvania, Pagedale, Mo. 63133. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged, wrecked, disable or repossessed motor vehicles*, in a tow away service, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

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No. MC 140605, filed January 24, 1975. Applicant: OHIO OIL GATHERING CORPORATION, Chilton Building, Suite 400, 201 King of Prussia Road, Radnor, Pa. 19087. Applicant's representative: James W. Patterson, 2100 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, from points in Ashland, Athens, Carroll, Columbiana, Coshocton, Cuyahoga, Fairfield, Gallia, Guernsey, Hocking, Holmes, Knox, Licking, Loraine, Mahoning, Medina, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Portage, Richland, Stark, Tuscarawas, Vinton, Washington, and Wayne Counties, Ohio, to pipeline termini in Coshocton, Fairfield, Hocking, Holmes, Knox, Licking, Morgan, Muskingum, Perry, Washington, and Wayne Counties, Ohio, and points in Carroll and Stark Counties, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

PASSENGER APPLICATIONS

No. MC 125076 (Sub-No. 7), filed January 19, 1975. Applicant: SUPERIOR BUS SERVICE, INCORPORATED, doing business as TRAVELINES UNITED, 4540 Newbern Drive, Knotts Island, N.C. 27950. Applicant's representative: Michael A. Inman, 5 Stoney Point, 700 Newtown Road, Norfolk, Va. 23502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers: (1) Between the junction of South Head of River Road and Blackwater Road at Virginia Beach, Va., and the junction of Centerville Turnpike (Virginia Highway 604) and Mt. Pleasant Road (Virginia Highway 165) at Chesapeake, Va.: From the junction of South Head of River Road and Blackwater Road over Blackwater Road to junction Fentress Airfield Road, thence over Fentress Airfield Road to junction Mt. Pleasant Road, thence over Mt. Pleasant Road to junction Centerville Turnpike, and return over the same route, serving all intermediate points; (2) Between the junction of Butts Station Road and Centerville Turnpike (Virginia Highway 604) at Chesapeake, Va., and Norfolk, Va.: From the junction of Butts Station Road and Centerville Turnpike at Chesapeake, Va. over Centerville Turnpike to junction Interstate Highway 64, thence over Interstate Highway 64 to Norfolk, and return over the same route, serving all intermediate points; (3) Between the junction of Blackwater Road and Pungo Ferry Road at Virginia Beach, Va., and Currituck, N.C.: From the junction of Blackwater Road and Pungo Ferry Road at Virginia Beach, Va. over Pungo Ferry Road to junction Princess Anne Road (Virginia Highway 615).

Thence over Princess Anne Road to junction North Carolina Highway 615 at the Virginia-North Carolina State Boundary line, thence over North Carolina Highway 615 to the Knotts Island-Currituck Ferry, thence over the Knotts Island-Currituck Ferry to Currituck, N.C., and return over the same route, serving all intermediate points; (4) Between the junction of Blackwater Road and Indian Creek Road at Virginia Beach, Va. and Currituck, N.C.: From the junction of Blackwater Road and Indian Creek Road at Virginia Beach, Va. over Indian Creek Road to junction Gallbush Road, thence over Gallbush Road to junction Battlefield Boulevard, thence over Battlefield Boulevard to junction Ballahack Road, thence over Ballahack Road to junction Backwoods Road, thence over Backwoods Road to junction Currituck County Road 1218 at the Virginia-North Carolina State Boundary line, thence over Currituck County Road 1218 to junction Currituck County Road 1227, thence over Currituck County Road 1227 to Moyock, N.C., thence over Currituck County Road 1222 to junction North Carolina Highway 34, thence over North Carolina Highway 34 to junction Currituck County Road 1242, thence over Currituck County Road 1242 to Currituck, N.C., and return over the same route, serving all intermediate points, restricted against service for passengers from any point on Battlefield Boulevard destined to Moyock, N.C., or from Moyock, N.C. to any point on Battlefield Boulevard; (5) Between the junction of Currituck County Road 1222 and Currituck County Road 1231, and the Panther Landing Recreation Area in Currituck County, N.C.: From the junction of Currituck County Road 1222 and Currituck County Road 1231 over Currituck County Road 1231 to the Panther Landing Recreation Area, and return over the same route, serving all intermediate points; (6) Between the junction of Centerville Turnpike (Virginia Highway 604) and Mt. Pleasant Road (Virginia Highway 165) at Chesapeake, Va., and Suffolk, Va.:

From the junction of Centerville Turnpike (Virginia Highway 604) and Mt. Pleasant Road (Virginia Highway 165) over Mt. Pleasant Road (Virginia Highway 165) to junction Virginia Highway 104, thence over Virginia Highway 104 to junction Interstate Highway 464, thence over Interstate Highway 464 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 13, thence over U.S. Highway 13 to Suffolk, Va., and return over the same route, serving all intermediate points, restricted to the transportation of passengers originating at or destined to points on applicant's authorized regular routes located in North Carolina; and (7) Between the junction of Ocean View Avenue and Interstate Highway 64 at Norfolk, Va., and Newport News, Va.: From the junction of Ocean View Avenue and Interstate Highway 64 at Norfolk, Va. over Interstate Highway 64 to junction County Street at Exit 5, thence over County Street to Exit 5 Access Ramp to Interstate Highway 64, thence over Interstate Highway 64 to junction Virginia Highway 134 at Exit 7 (Newport News Connector) thence over Virginia Highway 134 to Newport News, Va., and return over the same route, serving all intermediate points, restricted to the transportation of passengers originating at or destined to points on applicant's authorized regular routes located in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 140555, filed January 13, 1975. Applicant: J G EXEC, INC., 1651 South DuPont Highway, c/o Bailey & Son, Inc., Dover, Del. 19901. Applicant's representative: Harold Schmittinger, 414 South State Street, Dover, Del. 19901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in limousine service, between the Philadelphia International Airport at or near Philadelphia, Pa., on the one hand, and, on the other, points in Kent County, Del., restricted to the transportation of no more than 12 passengers in the same vehicle at any one time.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dover or Wilmington, Del.

FREIGHT FORWARDER APPLICATION

No. FF-467, filed January 17, 1975. Applicant: ARCTIC FORWARDING CO., INC., 646 South Holgate Street, Seattle, Wash. 98134. Applicant's representative: Stanley H. Barer, 1122 Denny Building, Seattle, Wash. 98121. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, water, air, express and motor vehicle, in the transportation of *General commodities*, from Seattle, Wash., to Anchorage and Fairbanks, Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either (1) Anchorage, Alaska; (2) Fairbanks, Alaska; or (3) Seattle, Wash.

WATER CARRIER APPLICATION

No. W-471 (Sub-No. 6), filed January 17, 1975. Applicant: MERRY SHIPPING COMPANY, INC., 310 Bay Street, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation by general towage of *non-self-propelled lighter aboard ship (LASH) barges*, between the Port of Norfolk, Va., on the one hand, and, on the other, ports and points along the Atlantic coast and inland tributary waterways, between New Bern, N.C. and Miami, Fla., inclusive. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-4651 Filed 2-19-75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 14, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Illinois Docket No. 3687 Sub 6, filed November 14, 1974. Applicant: McGARY TRANSFER, INC., 609 So. Fifth Street, Petersburg, Ill. 62675. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Certificate of public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, over irregular routes, to, from or between Springfield, Petersburg, Salisbury, Bradfordton, Tallula, Pleasant Plains, Oakford, Athens, Cantrall, Fancy Prairie, Sherman, Peoria, Greenview, Mason City, Pekin, Easton, Havana, and New Holland, Ill. The regular route common carrier authority sought to be converted to irregular route authority is presently registered with the Interstate Commerce Commission under Certificate of Registration No. MC 58216 (Sub-No. 1), which registration of intrastate operations now authorize the following: Commodities general over the following described routes: Route 1: From Petersburg, Ill., to Springfield, Ill., and return via the following highways: Illinois Route 97 to Junction with Illinois Route 125; Illinois Route 125 to Springfield, Ill., serving Salisbury, Bradfordton, Tallula, Pleasant Plains, and Oakford as intermediate and off-route points. Route 2: From Petersburg, Ill., to Springfield, Ill., and return via the following highways: Route 123 from Petersburg to Route 29; Route 29 to Springfield, serving Athens, Cantrall, Fancy Prairie, and Sherman as intermediate and off route points. Route 3: From Petersburg, Ill., to Peoria, Ill., and return via the following highways: Illinois Route 123 to Junction with Illinois Route 29; Illinois Route 29 to Peoria serving Greenview, Mason City, Pekin, Easton, Havana, Lincoln, and New Holland as intermediate and off route points. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Hearing scheduled to be held at 1:30 P.M. on March 18, 1975 in the offices of the Illinois Commerce Commission at 527 East Capitol Avenue, Leland Building, Springfield, Ill. 62706. Requests for procedural information should be addressed to the Illinois Commerce Commission, 527 East Capitol Avenue, Leland Building, Springfield, Ill. 62706, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 32894, filed January 29, 1975. Applicant: PYLE LUMBER COMPANY, INC., Harleton Road, P.O. Box 457, Marshall, Tex. 75670. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of sideboards, hot top, and brick pouring molds, from Marshall, Tex., to Pampa and Longview, Tex., and vice versa, requiring specialized equipment for the loading, unloading and transportation thereof. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-4658 Filed 2-19-75;8:45 am]

[Notice No. 18]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 12, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 476TA), filed February 6, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those injurious or contaminating to other lading, (A) serving all intermediate points on the routes hereinafter described, and all points located in the Counties of Lee, Van Buren, Davis, Appanoose, Wayne Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Louisa, Wash., Keokuk, Mahaska, Marion, Jasper, Poweshiek, Iowa, Johnson, Muscatine, Scott, Cedar, Clinton, Jackson, Jones, Linn, Benton, Tama, Marshall, Grundy, Black Hawk, Buchanan, Del., and Dubuque as off route points as follows: (1) between Missouri-Iowa State line and Dubuque, Iowa, from the Missouri-Iowa State line over U.S. Highway 61 to Dubuque, and return over the same route, (2) Between Davenport, Iowa and Dubuque, Iowa, from Davenport over U.S. Highway 67 to the junction of U.S. Highway 52, thence over U.S. Highway 52 to Dubuque, and return over the same route, (3) between Missouri-Iowa State line and Iowa Highway 2 to the junction of U.S. Highway 61, from the Missouri-Iowa State line over Iowa Highway 40 to the junction of Iowa Highway 2, thence over Iowa Highway 2 to the junction of U.S. Highway 61, and return over the same route.

(4) Between Corydon, Iowa and Dubuque, Iowa, from Corydon over Iowa Highway 14 to the junction of U.S. Highway 20, thence over U.S. Highway 20 to Dubuque, and return over the same route, (5) between Missouri-Iowa State line and Waterloo, Iowa, from the Missouri-Iowa State line over U.S. Highway 63 to Waterloo, and return over the same route, (6) between Chariton, Iowa and Burlington, Iowa, from Chariton over U.S. Highway 34 to Burlington, and return over the same route, (7) between Knoxville, Iowa, and Highway 92 to the junction of U.S. Highway 61, from Knoxville over Iowa Highway 92 to the junction of U.S. Highway 61, and return over the same route, (8) between Monroe, Iowa and Oskaloosa, Iowa, from Monroe over Iowa Highway 163 to Oskaloosa, and return over the same route, (9) between Marshalltown, Iowa and Clinton, Iowa, from Marshalltown over U.S. Highway 30, to Clinton, and return over the same route, (10) between Newton, Iowa and Davenport, Iowa, from Newton over U.S. Highway 6 to Davenport, and return over the same route, (11) between Cedar Rapids, Iowa and Iowa Highway 149 to the junction of U.S. Highway 63, from Cedar Rapids over Iowa Highway 149 to the junction of U.S. Highway 63, and return over the same route, (12) between Newport, Iowa and Iowa Highway 78 to the junction of Iowa Highway 149, from Newport over Iowa Highway 78 to the junction of Iowa Highway 149, and re-

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turn over the same route, (13) between the junction of Iowa Highways 1 and 2 and Fairview, Iowa, from the junction of Iowa Highways 1 and 2 over Iowa Highway 1 to Fairview, and return over the same route, (14) between Keokuk, Iowa to Waterloo, Iowa, from Keokuk over U.S. Highway 218 to Waterloo, and return over the same route, (15) between Cedar Rapids, Iowa and Independence, Iowa, from Cedar Rapids over Iowa Highway 150 to Independence, and return over the same route, (16) between Cedar Rapids, Iowa and U.S. Highway 151 to the junction of U.S. Highway 61, from Cedar Rapids over U.S. Highway 151 to the junction of U.S. Highway 61, and return over the same route.

(17) Between Anamosa, Iowa and Iowa Highway 64 to the junction of U.S. Highway 67, from Anamosa over Iowa Highway 64 to the juction of U.S. Highway 67, and return over the same route, (18) between the junction of U.S. Highway 151 and Iowa Highway 13 and Manchester, Iowa, from the junction of U.S. Highway 151 and Iowa Highway 13 over Iowa Highway 13 to Manchester, and return over the same route, Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at or destined to points in Nebraska, Kansas, Missouri, Chicago, Ill., Minnesota and Wisconsin. (B) between Omaha and Lincoln, Nebr., serving no intermediate points; from Omaha over Interstate Highway 80 to Lincoln, and return over the same route. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at or destined to points in Iowa, Kansas, Missouri, Chicago, Ill., Minnesota and Wisconsin. Supporting shippers: There are approximately 160 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copiers thereof which may be examined at the field office named below. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 13845 (Sub-No. 5TA), filed January 22, 1975. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, Ill. 62896. Applicant's representative: Donald Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from West Frankfort, Ill., to the plantsite and storage facilities of West Virginia Pulp and Paper Company at or near Wickliffe, Ky., for 180 days. Supporting shipper: Lawrence Finazzo, President, Twin Mills Lumber Corporation, Highway 37 North, West Frankfort, Ill. 62896. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 19550 (Sub-No. 3TA), filed February 5, 1975. Applicant: OBSERVER TRANSPORTATION COMPANY, INC., 1600 W. Independence Blvd., Charlotte, N.C. 28208. Applicant's representative: Joseph F. Radovanic (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), restricted to packages not to exceed 100 pounds in weight and restricted to traffic having prior or subsequent movement by air, motor or rail transportation, and fresh cut flowers, decorative greens, and live potted plants when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulations; between Charlotte, N.C. on the one hand, and, on the other, points in the Counties of Ashe, Alleghany, Stokes, Forsyth, Rockingham, Guilford, Randolph, Caswell, Alamance, Chatham, Lee, Hartnett, Person, Orange, Durham, Wake, Johnston, Granville, Vance, Franklin, Nash, and Wilson, N.C. and Union, Greenville, and Spartanburg, S.C., over irregular routes, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: T. Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 20915 (Sub-No. 3TA), filed February 6, 1975. Applicant: SKYWAY, INC., 75–3rd Avenue, Kearny, N.J. 07032. Applicant's representative: G. A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, in containers and empty containers, between the facilities of Universal Furniture Industries, Inc., North Brunswick, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone and points in New Jersey within five miles of New York, N.Y. Commercial Zone, restricted to traffic having prior or subsequent movements via other common carriers, for 180 days. Supporting shipper: Universal Furniture Industries, Inc., 1201 Jersey Avenue, North Brunswick, N.J. Send protests to Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07012.

No. MC 30844 (Sub-No. 527TA), filed February 7, 1975. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk and those requiring special equipment), used in the manufacture or distribution of road building machinery contractors' equipment and supplies, self-propelled vehicles (except passenger vehicles or truck tractors), attachments and parts therefor, from points in Illinois except Chicago, and its commercial zone; Indiana except those Indiana points included in the Chicago commercial zone; Ohio; Michigan; Memphis, Tenn.; Pottstown, Pittsburgh, and New Castle, Penn.; and Syracuse and Jamestown, New York; to the plantsite and facilities of Bantam—Division Koehring at or near Waverly, Iowa, for 180 days. Supporting shipper: Bantam Division—Koehring, Waverly, Iowa 50677. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 48213 (Sub-No. 40TA), filed February 4, 1975. Applicant: C. E. LIZZA, INC., P.O. Box 447, Latrobe, Pa. 15601. Applicant's representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, and supplies used in the manufacture and distribution thereof* (except commodities in bulk), between Hazel Township and Pittston Township (Luzerne County), Pa., on the one hand, and, on the other, New York City, N.Y., under a continuing contract with American Cyanamid Company, for 180 days. Supporting shipper: American Cyanamid Company, Standard Coated Products Dept., Wayne, N.J. 07470. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 65849 Sub-No. 2TA), filed February 6, 1975. Applicant: MART MOTOR EXPRESS CO., 2117 S. Throop Street, Chicago, Ill. 60608. Applicant's representative: Thomas G. Woodall, Suite 304, 6400 Goldsboro Rd., Washington, D.C. 20034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, household goods, and motor vehicles, between Portage and Burns Harbor, Ind., on the one hand, and points in Cook, DuPage, Kane, Kankakee, Lake, and Will Counties, Ill., on the other, restricted to traffic having an immediately prior or subsequent movement by water, for 180 days. Supporting shippers: Tri-State Terminals, Inc., Port of Indiana, Burns Waterway Harbor, P.O. Box 398, Portage, Ind. 46368. Vinyl Weld, Inc., 1900 S. Western Ave., Chicago, Ill. Consolidated Distilled Products, Inc., 3247 S. Kedzie Ave., Chicago, Ill. Send protests to: Richard K. Shullaw, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107002 (Sub-No. 459TA) (Amendment), filed October 8, 1974, published in the FEDERAL REGISTER issue of October 29, 1974, and republished as amended this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80W, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shippers: Ralston Purina Company, 1725 Airways Blvd., Memphis, Tenn. 38114. The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 110541 (Sub-No. 15TA), filed February 7, 1975. Applicant: MARK E. YODER, INC., P.O. Box 346, Schuylkill Haven, Pa. 17972. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal fines*, in bulk, from Solvay, N.Y., to Minersville, Pa., for 180 days. Supporting shipper(s): Allied Chemical, Industrial Chemicals Division, P.O. Box 1139R, Morristown, N.J. 07960. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 111729 (Sub-No. 514TA), filed February 6, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ophthalmic goods*, between Dallas, Tex., on the one hand, and, on the other, Enid, Muskogee, Oklahoma City, and Tulsa, Okla., *business papers, records, and audit and accounting media*, between Dallas, Tex., on the one hand, and, on the other, Enid, Muskogee, Oklahoma City, and Tulsa, Okla., for 180 days. Supporting shipper: American Optical Corporation, 711 South St. Paul, Dallas, Tex. 75201. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114273 (Sub-No. 227TA), filed February 5, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Knochar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals*, other than in bulk, from the plantsite of Monsanto Company at or near Muscatine, Iowa, to points in Alabama, Arkansas, Connecticut, Georgia, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 115092 (Sub-No. 38TA), filed February 5, 1975. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Koboe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from the plantsite of L. D. Schreiber Cheese Co., Inc., at Logan, Utah, to Atlanta, Ga., Baltimore, Md., Chicago, Ill., Cleveland, Dayton, and Toledo, Ohio, Dallas, Fort Worth, and Houston, Tex., Greenville, South Carolina, Memphis, Tenn., New Orleans, La., Oklahoma City, Okla., and Rocky Mount, N.C., for 180 days. Supporting shipper: L. D. Schreiber Co., Inc., 1607 Main St., Green Bay, Wis. 54305. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 118846 (Sub-No. 10TA), filed February 4, 1975. Applicant: DALE JESSUP, R.R. 1, Box 252, Camby, Ind. 47424. Applicant's representative: Mrs. Dale Jessup (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and plastic articles*, from Mooresville, Ind., to Garland, Tex.; Smyrna, Ga.; Denver, Colo.; Seattle, Wash.; Kansas City, Mo.; Northbrook, Ill.; Los Angeles and San Francisco, Calif.; Charlotte, N.C.; Doraville, Ga.; Orlando, Fla.; under a continuing contract or contracts with Nice Pak Products, Inc. of Mooresville, Ind., for 180 days. Supporting shipper(s): Nice-Pak Products, Inc., Nice Pak Road, Mooresville, Ind. 46158. Send protests to: Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 128007 (Sub-No. 75TA), filed February 6, 1975. Applicant: HEFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trace minerals and pigments*, from Sangamon County, Ill., to Alabama, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, for 180 days. Supporting shipper: Westmin Corporation, P.O. Box 822, Quincy, Ill. 62301. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128217 (Sub-No. 15TA), filed February 6, 1975. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials* (except iron and steel articles and commodities in bulk) from the facilities of Certainteed Products Corporation in Scott County, Minn., to points in North Dakota, for 180 days. Supporting shipper(s): LeFevre Sales, Inc., P.O. Box 1708, Jamestown, N. Dak. 58401. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128988 (Sub-No. 56TA), filed February 6, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper wire*, from the facilities of Westinghouse Electric Corporation, at or near Abingdon, Va., to points in California. Restrictions: restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and commodities in bulk, further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, RD #5, Leger Road, North Huntingdon, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128988 (Sub-No. 57TA), filed February 6, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers*, from the facilities of Westinghouse Electric Corporation, at or near Jefferson City, Mo., to points in Arizona, California, Nevada, Oregon, and Washington. Restriction: restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, further restricted to a transportation service to be performed under

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a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, RD #5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 133419 (Sub-No. 8TA), filed February 6, 1975. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, N.Y. 14225. Applicant's representative: Edward B. Murphy, 1103 Liberty Bank Bldg., Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quartzite, chrome and manganese ores*, in bulk, in dump vehicles, from Port of Buffalo, Erie County, N.Y. to City of Niagara Falls, N.Y., for 180 days. Supporting shippers(s): Airco Alloys Division of Airco, Inc., 3801 Highland Avenue, Niagara Falls, N.Y. 14305. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 134531 (Sub-No. 5TA), filed February 4, 1975. Applicant: AGGREGATE HAULERS, INC., P.O. Box 778, Cayce, S.C. 29033. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk in dump trucks, (1) from Austinville, Va., to points in North Carolina and South Carolina, (2) from Blount, Jefferson and Knox Counties, Tenn., to points in North Carolina and South Carolina (except those in Aiken, Calhoun, Edgefield, Fairfield, Greenwood, Lexington, Newberry, Orangeburg, Richland, and Saluda Counties, S.C.), for 180 days. Supporting shipper: FCX Inc., P.O. Box 2419. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 135283 (Sub-No. 12TA), filed February 6, 1975. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., East Highway 30, Box 1665, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 S. 14th St., Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Alda, Nebr., to Grand Rapids, Mich., Wichita, Kans., and Denver and Boulder, Colo., *plastic granules*, from Grand Rapids, Mich., Akron, Ohio, New Castle, Penn., Mt. Vernon and Hammond, Ind., Chicago, Ill., Delaware City, Del., West Haven, Conn., and Denver and Boulder Colo., to Alda, Nebr., equipment used in the manufacture of plastic articles, between Alda, Nebr., and Grand Rapids, Mich., for 180 days. Supporting shipper: Charles R. Beltinck, Leon Chemical & Plastics Division, United States Industries, Box 1728, Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68501.

No. MC 135606 (Sub-No. 3TA), filed February 7, 1975. Applicant: MARC A. ROBIN, 600 Delaware Avenue, Throop, Pa. 18512. Applicant's representative: Thomas J. Jones, 502–5 Brooks Building, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used batteries and lead, including scrap lead* (except commodities in bulk, in tank vehicles), between points in the Borough of Throop (Lackawanna County), Pa., on the one hand, and, on the other, points in the State of Indiana, for 180 days. Supporting shipper(s): Marjol Battery & Equipment Co., 600 Delaware Avenue, Throop, Pa. 18512. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135611 (Sub-No. 5TA), filed February 7, 1975. Applicant: WALKER & WHITTED TRANSPORTATION CO., INC., 320 North 8th Street, Brawley, Calif. 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements* (in bulk), from points in Imperial County, Calif. to points in Nevada on and south of U.S. Highway 6, for 180 days. Supporting shipper: Agriform of Imperial Valley, P.O. Box 278, Imperial, Calif. 92251. Brawley Chemical, 4720 Highway 111, Brawley, Calif. 92227. Seaco, Inc., 1772 Kent Place, Vista, Calif. 92083. 1001 Ranch, Caliente, Nev. 89008. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 N. Los Angeles St., Room 7708, Los Angeles, Calif. 90012.

No. MC 135649 (Sub-No. 3TA), filed February 6, 1975. Applicant: FRIEDERICH TRUCK SERVICE, INC., 626 East State Street, P.O. Box 86, O'Fallon, Ill. 62269. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, such as dealt in by retail discount stores, for the account of Venture Stores, Inc., a division of May Department Stores Co., from St. Louis, Mo., to Mt. Prospect, Ill., for 180 days. Supporting shipper(s): Victor H. de Linlere, Director Transportation Venture Stores, Inc., a division of May Department Stores Co., 615 Northwest Plaza, St. Ann, Mo. 63074. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 136605 (Sub-No. 1TA), filed February 6, 1975. Applicant: DAVIS BROS. DIST., INC., P.O. Box 962, 2024 Trade Street, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, Particle board, Fiberboard;* between points in Montana and points on the International Boundary between Canada and the United States of America at or near Roosville, Port of Piegan, Sweetgrass, Port of Morgan, Port of Scobey and Raymond, Mont., for 180 days. Supporting shipper(s): Prentice Lumber Co., P.O. Box 1208, Missoula, Mont. 59801; Minot Builders Supply Association, Branch Office-Builders Supply Company, 2300–9th Ave. North, P.O. Box 3047, Great Falls, Mont. 59403; Plum Creek Lumber Co., Box 160, Columbia Falls, Mont. 59912.

No. MC 138308 (Sub-No. 4TA), filed February 3, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances and parts accessories for electrical appliances* (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment), from the facilities of Northern Electric Company at or near Hattiesburg, Miss., to points in Texas, New Mexico, Arizona, Nevada, California, Utah, Colorado, Kansas, Oklahoma, Nebraska, Iowa, Wyoming, Idaho, Oregon, South Dakota, North Dakota, Montana, and Washington. Supporting shipper: Northern Electric Company, Box 247, Laurel, Miss. 39440. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 138732 (Sub-No. 3TA), filed February 5, 1975. Applicant: OSTERKAMP TRUCKING, INC., 1049 North Glassell St., Orange, Calif. 92667. Applicant's representative: Anthony H. Osterkamp, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil amendments, and bark in mixed truckloads with the above named commodity* from the plantsite of Kaibab Industries, Inc., at Fredonia, Ariz., to points in California, for 180 days. Supporting shipper(s): Kaibab Industries, Inc., 1300 South 27th Street, Phoenix, Ariz. 85036. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 N. Los Angeles, St., Rm. 7708, Los Angeles, Calif. 90012.

No. MC 140548 (Sub-No. 1TA), filed January 31, 1975. Applicant: FRANK PAGE, doing business as FRANK PAGE TRUCKING CO., P.O. Box 442, Buffalo, Okla. 73834. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th

Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated minerals* (except in bulk, in tank vehicles), from (1) the plantsite of the Soil and Earth Products Co., near Salida, Colo., and (2) *rail sidings* in Clark, Comanche, Edwards, Ford, and Kiowa Counties, Kansas, to points in that part of Oklahoma on and west of Interstate Highway 35, for 180 days. Supporting shipper: Midwest Soil & Supply Co., 408 S. Oklahoma, Laverne, Okla. 73848. Send protests to: Haskell E. Ballard, District Supervisor, Bureau Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 140579 (Sub-No. 1TA), filed February 6, 1975. Applicant: JIM D. JIMISON, doing business as JIM JIMISON TRUCKING, P.O. Box 153C, Sidney, Mont. 59270. Applicant's representative: John R. Davidson, Davidson, Veeder, Roberts & Baugh, Room 805, Midland Bank Bldg., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, except car bodies, from points in Valley, Daniels, Sheridan, Roosevelt, Richland, McCone, Garfield, Dawson, Prairie, Custer, and Fallon Counties, Mont., to the International Boundary line between the U.S. and Canada located at or near Raymond, Mont., on Montana Hwy. 265, for 180 days. Supporting shipper(s): Pacific Hide & Fur Depot, 211–9th Avenue NE, Sidney, Mont. 59270. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 140593 (Sub-No. 1TA), filed February 6, 1975. Applicant: DONALD L. ELLIS, doing business as PACIFIC OWL EXPRESS, 20022 S. Mountain Rd., Santa Paula, Calif. 93060. Applicant's representative: Donald Murchison, Esq., 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including meat, restaurant supplies and equipment*, from Oxnard, Vernon, or Northridge, Calif., or Sioux City, Iowa, on the one hand, and, on the other, Fairbanks, Alaska, for 180 days. Supporting shipper: Oxnard Produce, 950 Mountain View Avenue, Oxnard, Calif. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140617 (Sub-No. 1TA), filed February 4, 1975. Applicant: KERN COUNTY TRANSFER, INC., P.O. Box 1641, Bakersfield, Calif. 90609. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape concentrate and wine* (except in bulk), moving in Sea-Land Service, Inc., containers, from the plantsite of California Wine Association at or near Delano, Calif., to the Sea-Land Service, Inc., facilities at the Port of Long Beach, Calif., limited to traffic destined beyond moving via Sea-Land Service, Inc., for 180 days. Supporting shipper: California Wine Association, P.O. Box 818, Delano, Calif. 93215. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operation, Room 7708, Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140621 TA, filed February 3, 1975. Applicant: KSI FARM LINES CO-OP, INC., 12400 Wilmot Road, Kenosha, Wis. 53140. Applicant's representative: Jerry Seidman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resins, candle wax products, plastic molds, yarn, hobby craft kits, wood products and component parts, thereof*, from the plantsite of Lee Wards, Inc., 1200 St. Charles Road, Elgin, Ill., to points in Santa Clara, Covina, San Diego, Los Angeles, and Huntington Beach, Calif. (2) *Buffing or polishing compounds, cleaning or washing compounds, chemicals, coatings, deodorants or disinfectants, shoe cleaners, softeners and varnish*, from the plantsite of S. C. Johnson, Waxdale, Wis., to Burlingame, Los Angeles, San Francisco, Mercer, Santa Ana, Gardena, San Diego and San Bernadino, California, Mesa, Tucson and Phoenix, Ariz., and Milwaukee, Oreg. (3) *Yeast, yeast products, cheese, pretzels, chili peppers and powders*, from the plantsites of Universal Foods, Inc., in Milwaukee, Wis., the International Division, Franklin Park, Ill., Red Star Yeast Division, Milwaukee, Wis., and Philip Orth Co., Oak Creek, Wis., to Oakland, Cerritos, Los Angeles, and San Francisco, Calif., Phoenix, Ariz., Salt Lake City, Utah, Portland, Oreg., and Seattle, Wash. (4) *Baked goods*, from the plantsite of Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill., to Fullerton, Calif. (5) *records, tapes, tape decks and wine making products*, from the plantsites of K-Tel International, Inc., in Minneapolis and Minnetonka, Minn., to Anaheim and Delano, Calif.

(6) *Catalogues, magazines, newspaper supplements, dated publications and printed matter*, from the plantsite of Quad/Graphics, Inc., at W224, N3322 Duplainville Road, Pewukee, Wis., to Seattle, Wash., Portland, Oreg., Los Angeles and San Francisco, Calif., and Jacksonville, Fla. (7) *chemicals, drugs and medicine, bottles and plastic articles*, from the plantsite of Hyland Division, Travenol Laboratories, Inc., at Route 120 and Wilson Road, Round Lake, Ill., to Buena Park, Calif. (8) *table slides*, from the plantsite of Watertown Table Slid Corp., at 321 Hart Street, Watertown, Wis., to Westminster, Lynwood, Stanton, Los Angeles, Gardena, Paramount, and City of Industry, Calif. (9) *animal hides*, from the plantsite of Paul Flagg, Inc., at Badger Tanning Co., in Milwaukee, Wis., L & W Leathers, in Milwaukee, Wis., to National City, Calif. (10) *boxed meat*, for Kelco Foods, Inc., at 625 Deerfield Road, Deerfield, Ill., from plantsites in Holland, Mich., Chicago, Ill., Dubuque, Iowa, Green Bay, Madison, and Milwaukee, Wis., to points in Los Angeles and San Francisco, Calif., and Jacksonville, Fla. (11) *binders, paper clips, staples, and other office supplies*, from the plantsites of Acco International, Inc., at Riverside Drive, Ogdensburg, N.Y., and at 95th Street, Chicago, Ill., to Los Angeles, Calif., (12) *finished and semi-finished plastic products*, from the plantsite of Illinois Moulding Company at 2330 South Western Avenue, Chicago, Ill., to Los Angeles and Pico Rivera, Calif. (13) *various cleaning items and fuel treatment*, from the plantsites of Perolin Company, in Chicago, and Des Plaines, Ill., to points in Wilmington and Los Angeles, Calif. for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copiers thereof which may be examined at the field office named below. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 140622 TA, filed February 4, 1975. Applicant: JESSE J. NICHOLSON & SONS, INC., 2714 North Compton Ave., Compton, Calif. 90220. Applicant's representative: (same as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags and Kraft paper in rolls*, from the plantsite of Western Kraft in Beaverton, Oreg., to the plantsite of Kraft in Buena Park, Calif., *paper bags*, from the plantsite of Western Kraft in Buena Park, Calif., to Albuquerque, New Mexico, Beaverton, Oreg., Denver, Colo., Ogden, Utah, and Phoenix, Ariz., both the above are under a continuing contract with Western Kraft, Buena Park, Calif., (2) *paper bags, styrene, polystyrene, wood and wood products, spoons, knives and forks; plastic products* between Los Angeles, Calif., on the one hand, and, on the other, St. Louis, Mo., Albuquerque, N. Mex., Portland, Oreg., Ogden, Utah, Denver, Colo., Seattle, Wash., Houston and Dallas, Tex., under a continuing contract with Matsukas Bros., Paper Company, (3) *used tire casings*, from Azusa, Calif., to Spokane and Seattle, Wash., under a continuing contract with Perfection Tire Company of Azusa, Calif., and (4) uncooked macaroni and macaroni products, from Los Angeles, Calif., to Phoenix and Tucson, Ariz., under a continuing contract with Anthony Macaroni Company, Inc., of Los Angeles, Calif., for 180 days. Supporting shipper: Western Kraft, Bag Division, 6485 Descanso Avenue, Buena Park, Calif. 90620. Matsukas Bros., Paper Co., 2930 East Pico Blvd., Los Angeles, Calif. 90023. Perfection Tire Company, S. 204

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Conklin Road, Box 97, Veradale, Wash. 99037. Anthony Milcaroni Gold Medal Division, 4722 Everett Ave., Vernon, Calif. Send protests to: Philip Yail Witz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 140629 TA, filed February 6, 1975. Applicant: REYNOLDS COAL CO., INC., 1541 North 1st, Box 4335, Pocatello, Idaho 83201. Applicant's representative: Garth S. Pincock, P.O. Box 4986, Pocatello, Idaho 83201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Emory and Carbon Counties, Utah and LDS Deseret Coal Terminal, Orangeville, Utah, to Pocatello, Idaho, for 180 days. Supporting shipper: Cooperative Security Corporation, 50 East North Temple, Salt Lake City, Utah 84104. Send protests to: C. W. Campbell, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4661 Filed 2-19-75;8:45 am]

[AB-10 (Sub-No. 2)]

NORFOLK AND WESTERN RAILWAY CO.

Abandonment of Lines

FEBRUARY 14, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Lucas, Wood, Henry, and Putnam Counties, Ohio, on or before February 26, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of January, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB-10]

NORFOLK AND WESTERN RAILWAY COMPANY ABANDONMENT BETWEEN WATERVILLE AND DELPHOS IN LUCAS, WOOD, HENRY AND PUTNAM COUNTIES, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975 it has been determined that the proposed abandonment of the Norfolk and Western Railway Company's line between Waterville and Delphos, Ohio, a distance of 55.8 miles, which has been amended to exclude the southern 6.0 mile segment between Delphos and Douglas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because increases in air pollution and fuel consumption which may result from the subsequent increase in highway traffic would be minimal due to the small amount of involved traffic. There are no major development plans in the area that are dependent on this line for direct rail service. The ecological and historic impacts associated with the proposed action have been determined to be minor or absent. Furthermore the Ohio Department of Natural Resources and the Toledo, Lake Erie, and Western Railway, Inc. have expressed desires to purchase certain segments of the line for use as a linear trail consistent with the existing Buckeye Trail and excursion train operation respectively.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-4657 Filed 2-19-75;8:45 am]

[MC-14073]

WILLETT MOTOR COACH CO.

Self-Insurance Authority

FEBRUARY 14, 1975.

At a Session of the INTERSTATE COMMERCE COMMISSION, the Insurance Board, held at its office in Washington, D.C., on the 11th day of February, 1975.

In the matter of Willett Motor Coach Co., acting as a self-insurer with Willett Motor Coach Company, its parent, assuming the obligation of surety, in respect to liability for payment of final judgment recovered against it for bodily injury to, or the death of, persons, and loss of, or damage to, property of others resulting from negligence in the operation, maintenance, or use of motor vehicles in transportation, subject to Part II of the Interstate Commerce Act.

It appearing, that on November 4, 1955, the Willett Motor Coach Company was granted authority to be a self-insurer with respect to automobile bodily injury and property damage liability;

It further appearing, that the Willett Motor Coach Company has transferred its I.C.C. authority under MC-16073 to the Willett Motor Coach Co., under MC-FC-75527, consummated February 10, 1975;

It further appearing, that Willett Motor Coach Co., has requested self-insurer status in substitution for its parent and that the parent, Willett Motor Coach Company, is willing to act as a surety in this respect;

And it further appearing, that this request has been given consideration and is found to be reasonable;

It is ordered, That Willett Motor Coach Co., be authorized to act as a self-insurer of the automobile bodily injury and property damage liability incurred by Willett Motor Coach Company and subsequently incurred by itself after February 10, 1975, the date of consummation of MC-FC-75527;

And it is further ordered, That this grant of self-insurance authority is conditioned upon the parent company, Willett Motor Coach Company, acting as a surety of Willett Motor Coach Co., for such liability.

By the Commission, Insurance Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4654 Filed 2-19-75;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

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SOAP AND DETERGENT MANUFACTURING CATEGORY

Application of Standards of Performance for New Sources to Pretreatment Standards for Incompatible Pollutants

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 417]

[FRL 334-4]

SOAP AND DETERGENT MANUFACTURING CATEGORY

Application of Standards of Performance for New Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to section 307(c) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the revision of pretreatment standards for new sources. The proposal will supplant portions of 40 CFR 417—Soap and Detergent Manufacturing Point Source Category, establishing for the manufacture of spray dried detergents subcategory (Subpart O), the manufacture of liquid detergents subcategory (Subpart P), the manufacture of detergents by dry blending subcategory (Subpart Q), and the manufacture of drum dried detergents subcategory (Subpart R), therein the standards of pretreatment for new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. This general regulation was proposed July 19, 1973 (39 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The general pretreatment standard considers pollutants discharged by users of publicly owned treatment works in the two broad categories compatible and incompatible. Compatible pollutants generally are not subject to Federal pretreatment standards; however 40 CFR 128.131 (Prohibited Wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants generally are subject to pretreatment standards as provided in 40 CFR 128.133.

In compliance with section 307(c), pretreatment standards for new sources were incorporated in the regulations promulgated under 40 CFR 417—Soap and Detergent Manufacturing Point Source Category on April 12, 1974 (39 FR 13370) as §§ 417.16, 417.26, 417.36, 417.46, 417.56, 417.66, 417.76, 417.86, 417.96, 417.106, 417.116, 417.126, 417.136, 417.146, 417.156, 417.166, 417.176, 417.186, and 417.196. The potential presence of incompatible pollutants (i.e., refractory organic materials) in waste waters associated with the production of industrial and institutional detergents was recognized for Subparts O, P, Q, and R. New source pretreatment standards in the form of limitations on the discharge of COD, and based on the best information and data available at the time, were included in §§ 417.156, 417.166, 417,176, and 417.186 to control discharge of refractory organic materials to publicly owned treatment works.

Subsequent to the promulgation of regulations under 40 CFR 417, an appreciable body of information and data has been received indicating that a technically sounder basis for pretreatment standards for this industry can be developed utilizing parameters and limitations other than those specified in the promulgated regulations. This new basis will neither unduly penalize the discharge of degradable organic materials nor permit discharge of excessive amounts of refractory organic materials to publicly owned treatment works. A brief summary of the points raised in the comments received and the supporting body of information and data is as follows:

(1) The intent of the pretreatment standard is to control the discharge of pollutants to publicly owned treatment works, which pollutant may interfere with, pass through or otherwise be incompatible with such works. Hence, the parameters to be considered and the limitations to be applied should be addressed to the discharge stream, not to the finished products. Moreover, the COD to BOD ratio of the discharge stream may differ radically from that of the finished products, since, due to the nature of the operations in the affected subcategories, the amounts of various materials in the wastewater discharge may not be proportional to their content in finished products.

(2) The five-day biochemical oxygen demand and a COD to BOD5 ratio of 4.0 to 1.0 are not reliable parameters for indicating the susceptibility of many organic materials employed in the affected subcategories to degradation and removal in biological treatment plants and thus are not appropriate for defining pollutants in pretreatment standards for discharge to publicly owned treatment works. This position is supported by an extensive body of data submitted on groups of compounds employed as industrial surfactants that were suspect in regard to biodegradability (e.g., ethoxylated phenols and ethoxylated modified alcohols).

The data indicate that for certain organic materials employed in the soap and detergent industry, there may be a lag in the exertion of oxygen demand in the BOD test. The now available data indicate that applicability of biochemical oxygen demand determinations can be improved substantially and the effects of lag largely eliminated by using acclimated seed and extending the incubation period to 7 days.

Based on the COD/BOD7 ratios of a number of ethoxylated phenols and alcohols for which both bench scale and actual plant treatment data show reductions ranging from 90.5 to 97.0 percent (standard errors of 1.4-3.4 percent), and on statistical analysis of the variability of COD and BOD determinations, a COD/BOD7 ratio of 10 to 1, or less, would indicate materials which would be expected to undergo satisfactory reduction in well designed and operated publicly owned treatment works. The mean COD/BOD7 ratios of the individual ethoxylated phenols and alcohols referred to range from 2.5 to 7.5. Statistical analysis of the variability of COD and BOD5 determinations results in a coefficient of variability of approximately plus or minus 22 percent for the COD/BOD5 ratio. Thus, the 95 percent upper confidence limit is obtained by multiplying the mean COD/BOD5 by a factor of approximately 1.4. While sufficient data are not available for a corresponding statistical analysis of BOD7 determinations employing acclimated seed, with the greater consistency expected for this procedure a COD/BOD7 ratio of 10 to 1 should exceed the 95 percent upper confidence limit associated with a mean COD/BOD7 ratio of 7.5.

In marked contrast to the foregoing, information submitted in regard to ethoxylated materials conceded to be virtually nondegradable in conventional biological treatment works shows COD/BOD7 ratios in the range of 75 to 150 to 1. Even if the incubation period is extended to 18 days the COD/BOD ratios remain substantially in excess of 10 to 1.

In the design and construction of new sources there are many possibilities for incorporation of measures to eliminate waste discharges that may not be available to existing sources. Typical of such measures would be the installation of a sufficient number of holding tanks to receive the wastes associated with all major products for recycle into process. Reasonable use of in-plant controls, especially where formulations containing larger amounts of refractory organic materials are involved, will significantly reduce raw waste loads; thus, the discharge of raw wastes with a COD to BOD7 ratio greater than 10 and COD loads in excess of those contained in the regulation proposed herewith, which represent approximately 30 percent reduction of typical raw waste loads, is representative of inadequate in-plant control and pretreatment should be employed to prevent excessive pass-through of refractory organic materials discharged to publicly owned treatment works.

After careful review and evaluation of all available information and data relevant to the discharge of waste waters of the soap and detergent manufacturing industry to publicly owned treatment works, the Environmental Protection Agency (EPA or Agency) proposes to modify the pretreatment standards for new sources in the industry along the following lines:

(1) The parameters and limitations will be referenced to the discharge stream from the affected source within a subcategory, not to the finished products.

(2) The requirements for pretreatment will be defined in terms of COD/BOD7 of the discharge streams; those with COD/BOD7 ratios greater than 10 and COD content above specified levels requiring pretreatment prior to discharge to publicly owned treatment works.

It is not anticipated that these modifications will alter either the technology required for compliance or the economic impact set forth in the EPA reports entitled "Economic Analysis of Proposed Guidelines, Soap and Detergent Manufacturing" (December 1973) and "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Soap and Detergent Manufacturing Point Source Category" (April 1974).

All comments and documentation basic to the proposed modification of the pretreatment standards for new sources subject to 40 CFR 417 will be maintained for inspection and copying during the comment period at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies of the Development Document and the economic report will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report are available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for new sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that reasonable fee may be charged for copying. All comments received on or before March 24, 1975 will be considered.

In consideration of the foregoing, it is hereby proposed that 40 CFR 417 be amended by adding a definition for BOD7 to §§ 417.151, 417.161, 417.171 and 417.181, and by deleting the existing §§ 417.156, 417.166, 417.176, and 417.186 and substituting new §§ 417.156, 417.166, 417.176, and 417.186.

Dated: February 10, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 417 is proposed to be modified as follows:

Subpart O—Manufacture of Spray Dried Detergents Subcategory

1. Section 417.151 is amended by adding a new paragraph (g) to read as follows:

§ 417.151 Specialized definitions.

• • • • • •

(g) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

2. The existing § 417.156 is replaced to read as follows:

§ 417.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of spray dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 2.40 kg/kkg of anhydrous product or less the pretreatment standard shall be:

(1) For normal operation of spray drying towers above, the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For air quality restricted operation of a spray drying tower, but only when a high rate of wet scrubbing is in operation which produces more waste water than can be recycled to process, the following values pertain:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.08	0.04
Surfactants	No limitation.	
Oil and grease	No limitation.	
BOD5	No limitation.	
TSS	No limitation.	
pH	No limitation.	
(English units) lb/1000 lb of anhydrous product		
COD	0.08	0.04
Surfactants	No limitation.	
Oil and grease	No limitation.	
BOD5	No limitation.	
TSS	No limitation.	
pH	No limitation.	

(b) For waste streams having a ratio of COD to BOD7 greater than 10.0 and a COD content of more than 2.40 kg/kkg of anhydrous product the pretreatment standard shall be:

(1) For normal operation of spray drying towers as defined above, the following values pertain:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.60	0.30
Surfactants	No limitation.	
Oil and grease	No limitation.	
BOD5	No limitation.	
TSS	No limitation.	
pH	No limitation.	
(English units) lb/1000 lb of anhydrous product		
COD	0.60	0.30
Surfactants	No limitation.	
Oil and grease	No limitation.	
BOD5	No limitation.	
TSS	No limitation.	
pH	No limitation.	

(2) For air quality restricted operation of a spray drying tower, but only when a high rate of wet scrubbing is in operation which produces more waste water than can be recycled to process, the following values pertain:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.50	0.25
Surfactants	No limitation.	
Oil and grease	No limitation.	
BOD5	No limitation.	
TSS	No limitation.	
pH	No limitation.	
(English units) lb/1000 lb of anhydrous product		
COD	0.50	0.25
Surfactants	No limitation.	
Oil and grease	No limitation.	
BOD5	No limitation.	
TSS	No limitation.	
pH	No limitation.	

(3) For fast turnaround operation of a spray tower, the following values pertain: The maximum for any one day when the number of turnarounds exceeds six in any particular thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (1) or (2) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of six and prorated to thirty days plus the appropriate value from paragraph (1) or (2) of this section.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

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(3) For fast turnaround operation of a spray tower, the following values pertain: the maximum for any one day when the number of turnarounds exceeds six in any particular thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (a) or (b) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of six and prorated to thirty days plus the appropriate value from paragraph (1) or (2) of this section.

Pollutant or pollutant property:	*Pretreatment standards*
(Metric units) kg/kkg of anhydrous product	
COD	0.07.
Surfactants	No limitation.
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.
(English units) lb/1000 lb of anhydrous product	
COD	0.07.
Surfactants	No limitation.
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.

Subpart P—Manufacture of Liquid Detergents Subcategory

3. Section 417.161 is amended by adding a new paragraph (f) to read as follows:

§ 417.161 Specialized definitions.

• • • • •

(f) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

4. The existing § 417.166 is replaced to read as follows:

§ 417.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of liquid detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 182, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 1.10 kg/kkg of anhydrous product or less the pretreatment standard shall be:

(1) For normal liquid detergent operations the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For fast turnaround operation of automated fill lines, the following values pertain; the maximum for any one day when the number of turnarounds exceeds eight in any thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (1) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of eight and prorated to thirty days plus the appropriate value from paragraph (1) of this section:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(b) For waste streams having a ratio of COD to BOD7 greater than 10.0 and a COD content of more than 1.10 kg/kkg of anhydrous product the pretreatment standard shall be:

(1) For normal liquid detergent operations the following values pertain:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.44	0.22
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	
(English units) lb/1000 lb of anhydrous product		
COD	0.44	0.22
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	

(2) For fast turnaround operation of automated fill lines, the following values pertain: the maximum for any one day when the number of turnarounds exceeds eight in any thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (a) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of eight and prorated to thirty days plus the appropriate value from paragraph (a) of this section:

Pollutant or pollutant property:	*Pretreatment standards*
(Metric units) kg/kkg of anhydrous product	
COD	0.07.
Surfactants	No limitation
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.
(English units) lb/1000 lb of anhydrous product	
COD	0.07.
Surfactants	No limitation
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.

Subpart Q—Manufacture of Detergents by Dry Blending Subcategory

5. Section 417.171 is amended by adding a new paragraph (d) to read as follows:

§ 417.171 Specialized definitions.

• • • • •

(d) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

6. The existing § 417.176 is replaced to read as follows:

§ 417.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of detergents by dry blending subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 0.26 kg/kkg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant, property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(b) For waste streams having a ratio of COD to BOD7 greater than 10.0 and a COD content of more than 0.26 kg/kkg of anhydrous product the pretreatment standard shall be:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.14	0.07
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	
(English units) lb/1000 lb of anhydrous product		
COD	0.14	0.07
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	

Subpart R—Manufacture of Drum Dried Detergents Subcategory

7. Section 417.181 is amended by adding a new paragraph (d) to read as follows:

§ 417.181 Specialized definitions.

• • • • •

(d) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 r.p.m. may be used.

8. The existing § 417.186 is replaced to read as follows:

§ 417.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of drum dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 0.20 kg/kkg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(b) For waste streams having a ratio of COD to BOD7 greater than 10.0 and a COD content of more than 0.20 kg/kkg of anhydrous product the pretreatment standard shall be:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.10	0.05
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	
(English units) lb/1000 lb of anhydrous product		
COD	0.10	0.05
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER LEARNING

Guaranteed Loan Program

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS

Guaranteed Loan Program

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 17, 1974 (39 FR 37154–37161), setting forth proposed regulations governing the operation of the Guaranteed Student Loan Program (20 U.S.C. 1071 through 1087–1). Interested persons were invited to submit to the Office of Education written data, views or arguments concerning the proposed rule. In addition, hearings were held in Washington, D.C., Chicago and San Francisco during the 45 day comment period which ended December 2, 1974.

A. *Summary of comments: Changes in the regulations.* Numerous comments were received, both in writing and at the public hearings. Major areas of concern were: the definition of "student" which most commenters saw as a threat to the eligibility status of community colleges and public vocational schools which have open admission requirements; the multiple disbursements required of educational institutions; the proposed refund policy which many colleges feel is an unwarranted intrusion in their internal affairs; the proposed standards for evaluating educational institutions about which many commenters expressed concern over their possible impact on school eligibility and future admissions policies; the several proposals affecting correspondence schools, which many commenters felt would inhibit the flexibility of home study programs; and the additional administrative burden that the proposed regulations would impose on educational institutions.

A summary of the comments follows, arranged in the order of the sections of the final regulation. After each comment, a response is set forth stating changes which have been made in the regulation, or the reason why no change is deemed necessary.

1. *Changes to current regulations.* Section 177.1(e) *Eligible institution. Comment.* A commenter requested that the final regulations make clear that when a student transfers from an eligible to an ineligible program in the same school that this has the same consequences as transferring to an ineligible school, graduation or withdrawal from school.

Response. We see no need to modify the regulations in this respect. However, it should be fully understood that transferring to an ineligible portion of an eligible institution and transferring to an ineligible institution both result in the commencement of the student's grace period.

Vocational School. Comment. One commenter felt that OE should obtain firm evidence as to the legality of a particular school to operate within a given State.

Response. In rendering eligibility determinations, the Office of Education will continue to require each applicant institution to comply with all statutory eligibility qualifications including proof that it is "legally authorized to provide • • • postsecondary vocational or technical education • • •"

Comment. Several comments were addressed to the requirement "to prepare individuals for gainful employment." One commenter noted that this language is a change from the wording of the statute and previous regulations.

Response. This definition has been modified to be consistent with both the statute and previous regulations as no change in meaning was intended.

Comment. Several commenters felt that the 300 clock hour minimum requirement for an eligible vocational school course is excessive and will eliminate many valuable courses from being eligible for the Guaranteed Student Loan Program.

Response. It should be noted that the 300 clock hour minimum requirement is not a new proposal and has been in program regulations since the inception of the Guaranteed Student Loan Program. The original regulation was promulgated in order to establish a floor for eligible courses of study as it did not seem reasonable for students to borrow for very short courses. Insufficient evidence has been submitted to warrant any further consideration of this regulation at this time.

Comment. A number of commenters stated that, in the case of a correspondence student, the requirement of an average of 12 hours of preparation per week for any 4 week period is unreasonable and would present many problems. They cited examples of students (such as farmers during harvest season, military personnel, and people with family responsibilities) who would not be able to maintain such a schedule. One commenter noted that other types of students are entitled to vacation periods during the year.

Response. The proposed definition has been amended to read "not less than an average of 12 hours of preparation per week over a 12 week period • • •" This will still require steady progress but will allow for various contingencies that might interrupt the student's progress, such as job or family responsibilities. The student will be able to plan for time away from his studies by completing lessons in advance or increasing the amount of course work at other times during the 12 week period. This change is made also in paragraph (i) of this section. Related changes were made in § 177.46(d).

Comment. With regard to the requirements for approval of a flight school program, a commenter pointed out that the Veterans Administration itself does not approve schools, but that approval of schools for veterans benefits is performed by special State agencies established for this purpose.

Response. The definition of "Vocational School" has been changed to indicate that a flight school program must be "approved for veterans training according to procedures established by the Veterans Administration".

Comment. One commenter stated that the Commissioner should establish criteria to evaluate a State approval agency's standards for vocational schools.

Response. This issue is properly one to be treated under regulations governing the Commissioner's authority to publish a list of the accrediting agencies which he has approved (45 CFR Part 149). It should be noted that criteria have been published in the FEDERAL REGISTER on August 20, 1974, setting forth criteria for approval of State agencies in order to comply with the provisions of section 438(b) of the Higher Education Act of 1965, as amended. However, such criteria relate only to the approval of public postsecondary vocational educational institutions.

Comment. One commenter felt that if a school is licensed by the State and has a bond to protect students financially, approval by another accrediting agency should not be necessary.

Response. The requirement for accreditation by a nationally recognized agency is a statutory one and cannot be removed by administrative regulation. If a nonpublic vocational school belongs to a category of schools for which there is a national accrediting agency which has been recognized by the Commissioner, the only way such a school can be eligible for the Guaranteed Student Loan Program is through accreditation by this accrediting agency. State approval may not be substituted for national accreditation for such nonpublic schools.

Student.—Comment. One commenter asked that we clarify the phrase "good standing".

Response. The requirement of "good standing" is a statutory provision and this regulation merely reiterates the statute, which further states "as determined by the institution".

Comment. A number of commenters took issue with the provision that an eligible student includes a person who does not have a high school diploma or its equivalent provided the institution does not admit more than a small proportion of such students. There was considerable concern that this provision would eliminate a number of community colleges and public vocational schools that operate under an open admissions provision mandated under State law.

Response. The definition in question deals only with the eligibility of a student, not with the eligibility of an institution of higher education, and is intended to make it clear that if the institution is otherwise eligible, a student who is admitted under unusual circumstances which accelerate his academic progress will be eligible for a loan under this program. The concern being voiced

by the commenters is more properly directed to the statutory definition of "eligible institution". 20 U.S.C. 1085(b) provides that, in order to be eligible for this program, an institution of higher education shall admit as regular students only persons having a high school diploma or its equivalent. This definition is repeated in the current regulations at 45 CFR, 177.1(f). This issue can best be resolved through legislative amendments and appropriate measures are being prepared at this time by interested parties. Meanwhile, it should be noted that the same definitional issue pertains to other student financial assistance programs administered by the Office of Education and such programs will be administered consistently with this one.

Matriculate.—Comment. Several commenters felt that the proposed definition was vague, and did not indicate that the student actually has commenced classes. It was also pointed out that this definition should be clarified to relate specifically to correspondence students.

Response. The regulation has been amended to specify that a student, in order to matriculate, must have commenced the attendance period. A new provision has been added to this definition specifying that a home study student shall be deemed to have commenced attendance by the submission of one lesson.

Section 177.46 *Disbursement and repayment of loans.—Comment.* A number of commenters expressed concern over the requirement that a loan not be disbursed earlier than 30 days prior to the date on which the institution requires the student to pay tuition or required fees. Some suggested that it would be more appropriate to relate disbursement to the date on which classes begin, since early registration at some institutions could require payment of tuition and fees several months before classes begin. Other persons felt that relating disbursement to the date that tuition and fees were due implied that loans could be used only for that purpose. Some commenters felt that different disbursement requirements should be specified depending upon whether the loan would be used for amounts due the school or for other educationally related expenses.

Response. § 177.46(c) has been modified so that the 30 day provision relates to the date of matriculation. However, it was not believed practical to require different disbursement requirements depending upon uses to which the loan would be applied. This is generally not possible for either lenders or schools to determine, and the actual use of the funds may change depending upon the financial circumstances of the student at the time bills are to be paid. It should be noted that Federal law, regulations and operating procedures clearly provide that student loans may be used for any educational expense including room and board, books and supplies, transportation and personal expenses in addition to tuition and fees.

Comment. A great many commenters urged that schools be required to provide lenders with the date on which tuition and fees are to be paid in order that lenders will know when the 30 day period begins.

Response. The changes to § 177.46(c) relating the 30 day provision to the date the student matriculates should resolve this problem. Loan applications currently indicate the period to which the loan applies. The begining of that period provides lenders with a basis for determining the beginning of the 30 day period as in all cases the date of matriculation should not be earlier than the beginning of the period of the loan. If the loan applies to a period of time commencing after matriculation occurs (e.g. second semester) the loan still should not be disbursed earlier than 30 days prior to the beginning of that period.

Comment. A number of comments were received relating to the provision authorizing lenders to disburse the proceeds of the loan to an educational institution after obtaining prior written permission of the borrower. Some indicated that it was not clear if this meant that the check would be made payable to the school. The question was raised if written authorization would be required when the check was made payable only to the student, but mailed to the school to give to the student. Others urged that the checks be made payable to both the student and the school.

Response. The regulation has been clarified to indicate that the borrower's written authorization is required only when the check is made payable either to the institution or payable jointly to both the student and the institution. The lender may, of course, without obtaining the student's authorization, mail a check which is made payable only to the student, directly to the school for delivery to the student. It is not desirable or practical to mandate that in each case the check must be made payable to both student and school. There may be cases at publicly supported institutions where State fiscal procedures could result in delaying the student from receiving his loan if such a requirement were imposed. In addition, such a requirement could further hamper students who needed the loan primarily or solely for expenses that are not paid directly to the educational institution. Every effort has been made to provide maximum flexibility in order not to hinder the loan process. In cases where students attending a particular school receive loans from a single lender or from a relatively small number of lenders, schools and lenders are urged to cooperatively work out those procedures which are most suitable to their particular situation.

Comment. A number of schools and colleges have expressed concern over their ability to handle the paperwork and other administrative functions required where the lender makes the check payable to the school. Many expressed the need for an administrative allowance paid by the Federal Government in order for them to comply with this provision.

Response. Section 177.46(c)(2) has been amended to allow an institution, if it determines that it does not have the ability to administer such disbursements properly, to return the loan proceeds to the lender for disbursement directly to the student. In order to reduce the number of checks that have to be returned and to minimize delays to students, schools are urged to communicate their policy, insofar as possible, to lenders making loans to their students. Statutory changes would be required in order for the Office of Education to provide schools with an administrative allowance.

Comment. Several persons noted an apparent conflict between § 177.46(c)(2) requiring the school to refund to the lender with § 177.63(c) requiring the school to refund to the student. Clarification was also requested of the phrase "after giving consideration to other forms of Federal student financial assistance".

Response. The provision requiring schools to return the proceeds of the loan to the lender was retained in cases where the student does not matriculate. However, the provision requiring the school to return the remaining portion of the loan to the lender in cases where the student has matriculated but does not complete the academic period for which the loan was made has been deleted. This question is covered in § 177.63 dealing with refunds and with giving proper consideration for other forms of student financial assistance.

Comment. One commenter felt that, when schools receive the loan proceeds from the lender (when the check is made payable to the school), the schools should be required to place the funds in an escrow account in order to assure that funds would be available to pay refunds that may be due or to assure that funds would be available to students under the multiple disbursement provisions.

Response. We did not concur with this suggestion as it was felt that this would place an unnecessary and unwarranted restriction on schools as to how they utilize such funds. Schools will be permitted to invest funds not currently needed. The return on such investments should partially cover their administrative expenses. In addition, where it is determined pursuant to § 177.66(d) that a school is not in a sound financial position and is unable to meet its financial requirements (such as payment of refunds due), corrective action can be taken under that provision of the regulations or under the procedures established in Subpart G.

Comment. One commenter felt that the regulations should be clarified to make it clear that commercial lenders were not required to make mutliple disbursements.

Response. No change has been made to the regulations in this respect as the

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proposed rules did not require commercial lenders to make multiple disbursements. Commercial lenders have always been encouraged to make multiple disbursements, and the regulations provide that if they do, the amount disbursed during a particular school period should not be greater than required by the student for that period.

2. Subpart F—*Requirements and Standards for Participating Institutions*—Section 177.61 *Agreements between eligible institution and the Commissioner. Comment.* A commenter felt that the requirements for agreements between institutions participating in the Guaranteed Student Loan Program and the Commissioner should be standardized with those of other student aid programs.

Response. Such standardization would be neither feasible nor practical. Other student aid programs are based on different statutes and regulations, thus making uniform agreements impossible.

Comment. One commenter felt that these agreements should not require concurrence with future regulations.

Response. Rather than require new agreements each time the regulations may be modified, the agreement will signify concurrence by educational institutions with the law and regulations as may be amended from time to time. If future statutory or regulatory amendments are deemed objectionable by a particular institution, it may notify the Commissioner that it can no longer comply with the agreement and thus terminate its eligibility as a participating educational institution for purposes of the Guaranteed Student Loan Program.

Section 177.62 *Procedures, records, and reports. Comment.* Numerous comments were received on the requirement for record keeping. Commenters were concerned as to the type of record keeping required and whether they were to keep separate or additional records for GSLP students. Others commented that many colleges do not maintain attendance records.

Response. This section does not require duplication of records. Existing records and procedures will no doubt, in many cases, meet the requirements of this section. All participating institutions must maintain records sufficient to comply with the requirements of § 177.62(c). Daily attendance records are not required in the case of institutions of higher education. Such institutions must be able to determine that a student has commenced attendance for a particular academic term. For purposes of refund calculations, they must maintain a record of the date of withdrawal for purposes of the Guaranteed Student Loan Program as defined in § 177.63(c)(4)(i).

Vocational schools will be required to maintain daily attendance records in order to determine date of withdrawal for purposes of the Guaranteed Student Loan Program as defined in § 177.63(c)(4)(ii).

Correspondence schools will be required to maintain records showing the date of the student's submission of each lesson and the required date for its submission.

Comment. One commenter asked what records are required in the determination of need for subsidized loans, and whether OE Form 1260 is sufficient.

Response. The original source forms such as ACT and CSS together with the institution's copy of Form OE 1260 must be maintained to fulfill this requirement.

Comment. The question was raised whether microfilm records would be acceptable to meet the requirements of this section.

Response. The regulation has been clarified to specifically include both microfilm and computer records.

Comment. Several commenters interpreted the regulation to mean that they would have to establish additional placement services for GSLP students.

Response. Placement service is and has been optional at most schools. This section has been changed to clarify that the record keeping requirement applies only to GSLP students who choose to utilize the institution's placement service.

Comment. Several commenters suggested that the 5 year records retention should be reduced to 3 years to be consistent with other USOE regulations. Others felt that there was no reason for a long period of records retention.

Response. Changing the GSLP records retention requirement to correspond with those of other OE programs is not appropriate. Considering the relatively lengthy repayment period for guaranteed loans, it is deemed necessary to retain student records for at least 5 years following a student's graduation or withdrawal from school.

Comment. Numerous commenters were concerned with the requirement that schools notify OE or lenders of changes in enrollment status of students. Some commenters stated that schools are not always aware of which students have loans.

Response. The key phrase in this regulation is "* * * at such times and in such manner as the Commissioner may prescribe * * *" To date, only the semi-annual Student Status Confirmation Report has been required. The Commissioner does not intend to require schools to notify lenders until such time as procedures have been implemented to assure that schools are aware of lender identity.

Comment. Clarification was requested by several commenters as to whether the audit requirement in § 177.62(d) applies to all records or only to those related to GSLP.

Response. This provision applies to all records to the extent that they pertain to the institution's participation in the GSLP. Because circumstances surrounding an audit or examination may vary and because institutional record keeping procedures are not uniform, it is not possible to be more specific than is cited in the regulation.

Section 177.63 *Refunds—Comment.* There were a number of commenters who objected to the requirement that an educational institution must have a refund policy or one that is dictated by the Office of Education. Some felt that such a policy would subsidize those who drop out of school at the expense of those students who persevere since institutions must pay salaries and overhead, regardless of how many students leave school. A number of persons suggested that only vocational schools should be required to have refund policies since this appears to be where the problems exist. Other commenters pointed out that other federally administered student aid programs accept schools' refund policies and urged that the Office of Education do the same for the Guaranteed Student Loan Program. It was also pointed out that refund policies of public institutions are often set at the State level and are not subject to change if the Office of Education finds them objectionable. Numerous other comments were made along related lines.

Response. The Commissioner believes that students borrowing to finance their education under the Guaranteed Student Loan Program should be entitled to fair and equitable institutional refund policies regardless of the type of school attended. As there currently are a wide variety of refund policies, it is deemed appropriate to establish certain regulatory criteria upon which an institution's policy can be evaluated. In this regard, where student borrowers under the GSLP are assured of fair and equitable treatment with regard to refunds, the goal of effective administration of the GSLP is advanced. In addition, consideration will be given to determine the feasibility of making similar modifications to the regulations of other student assistance programs. Institutions whose refund policies do not comply with the requirements of these regulations will be subject to having their eligibility under the Guaranteed Student Loan Program limited, suspended or terminated pursuant to the provisions of Subpart G of these regulations.

Comment. Some commenters felt it was not clear whether a refund policy had to apply only to loan recipients or to all students. It was also pointed out that not all loans are used for tuition purposes nor was it easy to determine whether loans were used for payment of tuition and fees.

Response. The regulation does not require a refund policy for students who do not obtain loans under this part. However, if under the institution's refund policy a refund is due a loan recipient, it must be paid, whether or not he used the proceeds of the loan for tuition and fees or for other educational expenses.

Comment. Several persons recommended that, in order to assure that funds exist to pay refunds at such time as they may become due, institutions be required to place loan proceeds in an escrow account.

Response. This suggestion was not adopted as it was felt that this would be

an unwarranted intrusion in the manner in which an institution managed its funds. In addition, § 177.66(d) provides that the institution's financial condition is subject to review and where it is deemed that the institution does not have the financial capability of meeting its obligations, including the payment of refunds, there are several remedies authorized under § 177.66 and Subpart G which the Commissioner has available to correct the situation.

Comment. A number of persons requested clarification of what constitutes "fair and equitable", and suggested that the criteria should also recognize the appropriateness of a penalty for withdrawal.

Response. There are more than 8,600 educational institutions currently eligible under the Guaranteed Student Loan Program, ranging from vocational schools to universities and including both resident and correspondence schools. The problems and circumstances associated with these schools vary considerably and it was not deemed appropriate to be more specific in the regulations than is presently set forth in the six factors by which the Commissioner will determine whether a refund policy is fair and equitable. The Office of Education will evaluate the advisability of providing institutions with examples of refund policies that will meet the standards established by these regulations. It was felt that a penalty for withdrawal was not appropriate. There is no requirement that a refund policy necessarily result in a strict pro-rata refund to a student based on the precise period that a student attends an institution. Furthermore, the permissible administrative fee of up to $100 need not be included in the amount of money subject to refund calculations. Therefore, it is not to the student's financial advantage to take lightly the decision to enroll in or withdraw from an educational institution.

Comment. Many institutions pointed out that they have certain fixed costs that must be paid whether or not the students complete the academic term. They recommended that the refund policy be modified to take these fixed costs into consideration.

Response. It is recognized that all educational institutions have certain fixed costs although these will vary considerably, depending upon the nature and financial strength of the institution. However, it is not deemed feasible to consider an institution's fixed costs in determining whether the refund policy is fair and equitable. It is felt that students should be entitled to a reasonable refund. If an institution's withdrawal rate is low enough, an institution's fixed costs should have little or no effect on its ability to pay refunds, especially in view of the fact that the regulation does not necessarily require a strict pro-rata refund policy.

Comment. One commenter suggested that the regulations should require that the student and/or his parents should be required to certify that they have read and understand the institution's refund policy.

Response. Section 177.63(a) requires the institution to make its refund policy known to the student in writing prior to his initial acceptance for enrollment at the institution and prior to each academic year in which he enrolls thereafter. In addition, § 177.64 requires the institution to make a good faith effort to provide each prospective student with a complete and accurate statement about the institution. It is felt that these two provisions provide adequate protection for the student and that to require written certification would impose an additional workload on the institution which is not warranted. However, the regulation has been modified to require that the school must also make students aware of the procedures to be followed in obtaining a refund.

Comment. Several comments recommended that the refund policy be modified to include room and board and other institutional charges.

Response. The regulation has been modified to include room and board, where paid to the institution. Other institutional charges are already included to the extent that they are included in "required fees".

Comment. A number of schools indicated that the provision authorizing institutions to retain an enrollment or registration fee not to exceed $50 was not sufficient to cover overhead costs.

Response. The regulation has been modified to increase the maximum fee which may be retained in calculating a student's refund to $100. However, the regulation has been further revised to include application fees and other similar charges within the $100 figure.

Comment. One commenter asked if Office of Education recognition of an accrediting agency creates a presumption that its refund policy is fair and equitable.

Response. Listing by the Commissioner of Education of an accrediting body as a "nationally recognized accrediting agency or association" does not imply automatic approval of specific refund policies or formulas promulgated by such agencies. What is required, in accordance with the published Criteria for Recognition (45 CFR 149.6) is that an accrediting agency demonstrate its capability and willingness to foster ethical practices among accredited institutions or programs, including "equitable student tuition refunds * * *" Where an accrediting agency has adopted a specific refund policy, it has generally addressed itself to establishing minimum requirements consistent with its intent to foster equitable refund policies. Accrediting agencies are not regulatory bodies and the minimum refund policy requirements established by such agencies would not necessarily reflect the requirements of these regulations. The requirements of such agencies therefore, cannot be presumed to be fair and equitable within the meaning of § 177.63.

Comment. Many commenters expressed concern and made suggestions regarding the manner in which refunds were to be paid to the student or the lender in § 177.63(c) as well as in § 177.46(c)(2). A number of persons pointed out the inconsistency between the two different sections of the regulations. Some suggested that all refunds be required to be repaid to the lender. Others suggested that there was need for a "leave of absence" policy to take into consideration illness or other acts of God. There were also concerns that the 30 day period in which refunds were due to be paid would not provide the schools with sufficient time to determine that the student actually has withdrawn and to pay the refund. Concern was expressed over the distinction between types of schools in determining the date of withdrawal and a number of correspondence schools expressed concern that the required schedule of lessons was inconsistent with the basic flexibility that is inherent in home study. Finally, clarification was requested about the manner in which schools should consider other forms of student financial aid in determining the amount of refund that would be paid to the student or the lender.

Response. As a result of the many helpful comments received, § 177.63(c) has been rewritten and reorganized for purposes of clarity. In order to assure an equitable distribution of any refund among various financial assistance programs, the regulation requires that the amount of refund attributable to the Guaranteed Student Loan Program be determined by a ratio that relates the loan amount to the student's cost of education. The refund is to be paid to the student unless the student has previously authorized the refund to be paid to the lender. Increasingly, lenders are expected to request such authorizations and the practice will be encouraged. As many commenters urged that all refunds be made payable to the lender and to assure loan proceeds are not used for noneducational expenses, the Commissioner is currently giving consideration to issuing a proposed amendment to this provision that would require any portion of the refund attributable to the student's loan to be paid to the lender.

The proposed regulation required that refunds would be payable within 30 days of the date the student ceased to be enrolled at the institution. As a number of commenters indicated that this was too short a period of time, the final regulation has been modified to permit a 40 day period after the student is considered to be withdrawn from the institution for purposes of the GSLP.

A number of commenters from vocational schools urged that the regulations be modified to permit leaves of absence in order to take into consideration illness and other acts of God that might preclude a student from attending classes. The regulations have been modified to permit a single leave of absence for a period of not to exceed 60 days for students attending such schools provided the student requests the absence in writing. More than one leave of absence can be granted in exceptional circumstances,

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where authorized by the Commissioner. As the date of withdrawal for college students is dependent primarily upon the date the student notifies the institution of withdrawal, as opposed to the last date of attendance, an express leave of absence policy is not necessary for college students. Due to the provisions of this section and of § 177.46(d), such a policy is also not necessary for correspondence students.

The provisions that determine when a student is withdrawn have been modified to provide further clarity and, in the case of correspondence students, the period during which a student has to notify the school that he is not withdrawing has been increased from 30 to 60 days in order to be consistent with the changes in § 177.46(d).

A number of correspondence schools indicated that the requirement to provide students with a schedule of lesson submission requirements was contrary to the basic flexibility inherent in home study courses. However, this requirement has been retained as the statute requires students to maintain at least half-time status in order to continue their enrollment status for purposes of this program. Schools are provided flexibility in establishing the schedule of lesson submissions within the limitations of the 12 hours requirement set forth in § 177.1 (g) and (i). Another modification to the regulation requires schools to indicate (as part of the schedule) the date on which the correspondence course must be completed for purposes of the Guaranteed Student Loan Program. There is no requirement that students be terminated for failure to maintain the schedule, although, when the provisions of § 177.46(d) are met, students may be required to begin repayment of their loans even though they may still be enrolled, similar to the resident student who drops below half-time enrollment status.

Comment. Some commenters indicated that the provisions regarding change of ownership in § 177.62(e) and § 177.63(d) will result in major problems for persons who may wish to purchase schools, and may deter purchases that have often resolved major problems in the past.

Response. In order to assure that records will be available for inspection and that students will receive refunds due, the Commissioner believes that these provisions are essential to protect student interests. Therefore, these provisions have been retained.

Section 177.64 *Provision of information to prospective student.—Comment.* One commenter felt that schools should be required to maintain a central location where catalogs and other information would be available to any member of the public.

Response. This section provides that certain types of information be disclosed to prospective students prior to the time they commit themselves to payment of tuition and fees. Because prospective students are assured of receiving this information, it does not seem appropriate that these regulations be the vehicle to require that information about an institution be made available to the general public.

Comment. Several schools and student organizations commented that the disclosure requirements should be made more specific and stringent. Some suggested that the required disclosures should include withdrawal rates and instructions as to how to file complaints.

Response. For the most part, these disclosure requirements are general in order to allow flexibility and to take into consideration the many types of schools involved in the program. Published withdrawal rates could be subject to much misinterpretation and misunderstanding, due to the wide variation in school programs, some with open admissions policies. Section 177.66(b) provides a means of dealing with schools having excessive withdrawal rates. In terms of complaints, GSLP is not the appropriate vehicle for handling all problems dealing with schools. Of course, students or other interested parties having complaints related to the GSLP are encouraged to communicate such complaints to the appropriate regional offices of the USOE.

Comment. Some commenters felt that "an institution holding itself out as preparing students for a particular vocation or trade" should not include colleges or graduate and professional schools. One commenter stated that the misrepresentations which this section intends to correct have not occurred among post-baccalaureate institutions.

Response. This provision has not been modified to exempt colleges that prepare students for a particular vocation or profession. The Commissioner believes that all students should be made aware of what employment opportunities in a particular field may or may not exist prior to their enrollment. The current adverse employment market for teachers is a good case in point that should be brought to the attention of prospective students.

Comment. Several commenters stated a requirement for information regarding employment of graduates is impractical and can lead to misrepresentation. They also stated that this would be a nearly impossible requirement as very few schools can follow the progress of graduates after they leave school. Placement services are voluntary; the schools cannot guarantee jobs and are not employment agencies.

Response. The regulation has been modified to specify certain types of employment information required. Prospective students must be informed of average starting salaries and the percentage of students obtaining employment in the field for which the course of study provided preparation. Educational institutions must use the most recently available data, but where statistically meaningful data about its own students is not available, the institution may use comparable regional or national data. In addition to the required disclosures, other information may be provided as well. The regulation has also been broadened to include "career field" as well as "vocation or trade". In addition, instead of limiting data only to graduates of an institution, the regulation has been modified to specify other appropriate categories of students.

Comment. Several commenters requested clarification of "good faith effort" and "complete and accurate statement".

Response. Because of the wide variety of schools eligible to participate under the Guaranteed Student Loan Program, it was deemed impractical to try to specify in detail the type of information that should be disclosed to prospective students. For this reason, schools are required to make a reasonable effort to disclose that information which will enable students to make the best possible choice as to which school to attend and as to what program of studies to take within a particular insitution. Many school and college catalogs currently provide prospective students with such information. However, where such catalogs do not, they will be required to do so in the future.

Section 177.65 *Admissions criteria for a vocational or trade program.—Comment.* Many commenters stated that there is no test that can accurately determine a student's ability to benefit from the training to be provided by the institution. One commenter recommended that the regulation be modified to state: "• • • there is a reasonable basis to believe that [the student] has the ability to benefit • • •".

Response. This provision has been modified to recognize that no test is infallible and now reads: "• • • there is a substantial and reasonable basis to conclude that [the student] has the ability to benefit • • •".

Comment. Some commenters recommended that, in the case of publicly supported vocational institutions with mandated open admissions policies, students should only be required to meet such school's admissions policies. One commenter stated that there was no way to test such students.

Response. The regulation does not limit institutions to making the required determination solely on the basis of an appropriate examination. Other appropriate criteria may be utilized, provided that such criteria can provide a substantial and reasonable basis to conclude that the student has the ability to benefit from the instruction or training to be provided. Institutions governed by mandated open admissions policies usually have certain criteria which are used to determine a student's eligibility for admission and often provide remedial instruction intended to enable the student to benefit from the instruction or training to be provided. If such criteria and practices do, in fact, meet the regulatory objective they may be deemed acceptable. On the other hand, where an institution is not making an adequate determination of the student's ability to benefit from the instruction or training to be

provided, it would have to commence making such an adequate determination or be subject to the provisions of Subpart G.

Comment. One commenter requested that the phrase, "vocation or trade" be broadened to include "career field" as was proposed (and accepted) in § 177.64. Several commenters requested clarification as to whether this provision applied to colleges and universities.

Response. As was done in § 177.64, the regulation has been modified to include "career field". As was indicated in the response to comments on § 177.64, the terms "vocation, trade or career field" can also apply to college and university courses of study.

Comment. One commenter stated that some states allow schools to make use of "certified State counselors" to determine that students have the ability to benefit from the instruction or training to be offered by certain institutions and asked if such a procedure would meet the requirements of this section.

Response. There is nothing in the regulation that would preclude such practices. However, it should be made clear that under this regulation, the responsibility for making the determination rests with the institution. Therefore, it would be up to the institution to determine that the examination or other criteria used by such counselors was appropriate.

Comment. Some commenters requested clarification of the meaning of "benefit from the instruction or training to be provided" and further specifications for "appropriate criteria". Others suggested that the examinations used should be reviewed and approved by the Office of Education or asked what kind of test would be appropriate.

Response. It is not deemed practical or feasible for prior review or approval of specific tests or other criteria utilized by various institutions due to the wide variety of programs offered and types of institutions eligible for the Guaranteed Student Loan Program. A major criterion which will be employed in evaluating compliance with this requirement will be the performance of the students admitted. This would include withdrawal rates (including consideration of the extent of course completion prior to withdrawal), failure rates, employer acceptance of the institution's students and other indicators of performance of students admitted.

§ 177.66 *Additional standards for evaluating an educational institution.—Comment.* Many commenters expressed major concerns over the possible effect of this section. These comments were made by representatives of colleges, vocational schools and student organizations. Some felt that institutions, in order to avoid any possible actions or sanctions by the Office of Education, might raise their admissions standards in order to reduce the default rate, the rate of withdrawal from school and the degree of dependence on the program. Such institutional actions might well result in discrimination against low income and minority students. Recognizing the permissive nature of this provision, some commenters asked if the Commissioner would take into consideration the nature of a school's student body (race and income), the geographic location (inner city, suburban or small town), the availability of other forms of student aid or lack thereof, the efforts of the institution to resolve its problems and the type of institution (higher education, vocational or correspondence). Some commenters also suggested that the specific percentages mentioned in the regulation are too restrictive and do not relate to reality. They may hurt many schools that are doing a good job.

Response. The Commissioner does not intend, by adopting these standards, to encourage or condone discrimination in admissions based on the student's socioeconomic status. To the contrary, the Office of Education has consistently supported efforts to assure that all students should have free and equal access to postsecondary educational opportunities. However, the Commissioner does have the responsibility for administering the Guaranteed Student Loan Program in a sound and prudent manner. When an institution comes within the standards set forth in this section, it is often the result of problems in the administration of the program by the institution.

When the Commissioner determines that an institution has come within one or more standards set forth in this section, upon notification to the institution of this determination, he will provide it with the opportunity to response to these findings. In submitting its response, an institution is encouraged to provide evidence showing that the conditions which the Commissioner has found to exist are not a result of problems at the institution which adversely affect the Guaranteed Student Loan Program. Where the institution recognizes that the Commissioner's findings are, in whole or in part, a result of the institution's administration of the program, the institution is encouraged to submit a plan as to how it would propose to correct or improve on the conditions set forth in the findings. Where the Commissioner has reason to believe that the institution is meeting its commitments to its community and students and that it is properly carrying out its responsibilities under the Guaranteed Student Loan Program, he will not initiate any further action under the provisions of Subpart G of these regulations even though the conditions at the institution may exceed the limits set forth in paragraphs (a) through (d) of this section. Where the Commissioner finds that there is need for improvement, he may accept the institution's plan for correcting or improving the conditions set forth in the Commissioner's findings. The Commissioner may also, pursuant to the provisions of Subpart G, impose limitations reasonably intended to correct such conditions.

Comment. Several commenters pointed out that it would not be appropriate to consider some of these criteria for "initial participation", as a new educational institution would not have a default rate, a withdrawal rate for loan recipients or a degree of dependency on the program.

Response. The regulation has been modified so that the withdrawal rate relates to all students enrolled at the institution without regard to those who have obtained student loans. While it is true that the default rate and the rate of dependency on the program would not be appropriate measures for a new educational institution, the withdrawal rate (as modified) and the institution's financial stability are still considered relevant.

Comment. One commenter pointed out that the 30 day period to respond to the Commissioner's findings is not sufficient and recommended that the regulation be modified to provide for a period not less than 90 days.

Response. No change has been made to the regulation in this regard. The amount of time specified by the regulation for an institution to make a response is a reasonable time but in any event not sioner finds that the use of a 30 day period would impose unusual hardships on an institution, he may provide for a longer time period.

Comment. A number of institutions commented that they should not be held accountable for the default rate of their students in cases where the institution is not the lender. The lenders should be held accountable and be required to exercise more diligence in the collection of loans.

Response. Regulations governing lending institutions participating in the Guaranteed Student Loan Program are currently being revised and will be issued as proposed regulations later this spring. However, there is a good deal of evidence which reveals a high correlation between default rates and the educational institution attended. The existence of a high default rate for students attending a particular institution may well be symptomatic that there are problems at the institution which adversely affect the Guaranteed Student Loan Program.

Comment. A few commenters urged that the default rate of an institution be limited only to those defaults on which claims have been filed with the guarantor. Other commenters suggested that the default rate be defined in terms of dollars of defaults rather than the number of students or loans in default. It was also clear from comments received that many institutions did not have an adequate understanding of the definition of the term "default rate".

Response. Section 177.66(a) has been modified to relate to the dollar amount of loans which are in default rather than the number of loans as was stated in the proposed rule. However, the regulation was not modified to reflect calculating the default rate only on loans for which claims have been filed with the guarantor. It is recognized that, in most cases, the default rate can be calculated only on claims filed. However, where the Commissioner has knowledge of defaults that

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have not been filed, it is deemed appropriate to consider such information. This is especially true with educational institutions that are lenders or with commerical lenders who make loans primarily to students attending a particular institution. The term "default rate" is defined as the dollar amount of loans which are in default divided by the dollar amount of all loans which have reached the repayment period. Included in the denominator of this fraction are all loans which have been paid in full and those which have entered the repayment period including loans which are in default, whether or not the default claim has been paid. The only loans excluded from the denominator are those loans for students who are still in school or in the 9 to 12 month grace period.

Comment. There were a number of comments made with regard to the institution's withdrawal rate. A number of schools suggested that the withdrawal rate should apply to the total student body, not just those who borrow. To do otherwise, would discriminate against schools that enroll high percentages of low income and minority students as well as against publicly supported schools which, by law, have open admission policies. It was also pointed out that many college students withdraw at the end of the semester rather than during a given academic period. However, vocational schools, who do not have such academic periods, would be judged on withdrawals during any 4 month period. It was recommended that colleges be judged on the basis of those students who do not return for the next semester.

Response. The regulation has been modified to relate the withdrawal rate to the total student body rather than apply only to student borrowers. In addition, the withdrawal rate will now apply to an academic year. For those institutions not having a common academic term for the majority of its students, the prior 4 month period has been raised to a period of 8 months. In calculating the withdrawal rate only matriculated students will be included. Students who do not matriculate at the institution will not be counted in computing the withdrawal rate.

Comment. One commenter felt that, in order to avoid the 20 percent withdrawal rate, some schools may retain students who they know are not qualified. The commenter recommended that this provision be stricken.

Response. As is the case with the default rate, it is felt that a high withdrawal rate may be symptomatic of other problems in the administration of the Guaranteed Student Loan Program by the institution. Retaining non-qualified students may well affect an institution's continued accreditation status, its efforts to place students in positions of employment, and employer attitudes towards the institution.

Comment. There were a number of comments relating to § 177.66(c), which relates to the degree the institution is dependent upon the Guaranteed Student Loan Program. A number of schools felt that it would be difficult to relate loans to tuition and fees, as many schools are not sure which dollars came from loans and that at some low tuition schools, students' loans far exceed the cost of tuition and fees. It was also pointed out that institutions located in poverty areas may often need to have more than 60 percent of their students receiving loans.

Response. As a result of the comments received, this provision has been rewritten to relate to the percentage of students receiving loans during any academic year or, where an institution does not have a common academic year for the majority of its students, during any 8 month period.

The response made at the beginning of this section relating to the manner in which the Commissioner will interpret § 177.66 addresses the issue of how this provision will be enforced.

Comment. There are a number of comments relating to § 177.66(d), which concerns the financial stability of an educational institution. Some commenters felt that the requirement for a CPA prepared statement was too costly. One commenter asked that, in California, we accept "Public Accountants". Some commenters asked for clarification as to which fund in fund accounting was to be utilized, as there are often several funds. Others pointed out that an institution can operate at a deficit for one year and still be sound financially.

Response. Although there were a number of suggested technical modifications to this provision, only one change has been made in the case of fund accounting, to specify that the "current or operating fund" is the one of interest to the Commissioner. It was felt that most other suggestions could be interpreted within the language of the existing regulation. For example, "Public Accountants" in California can fall within the phrase "• • • certified public accountant or the most reasonable equivalent thereof." The Commissioner believes that it is essential to require, upon reasonable request, a certified financial statement in order to have confidence in the reliability and accuracy of the financial statements of the institution. For further clarification as to how this provision will be interpreted, please review the first response under this section.

3. Subpart G—*Procedures for the Limitation, Suspension or Termination of Eligibility for Programs under this Part.* The only comments received relating to Subpart G were in connection with § 177.73 *Possible sanctions.* However, one change has been made to § 177.71, *Purpose and scope,* by amending § 177.71(c) to emphasize that the provisions of Subpart G also apply, for purposes of imposing limitations on an educational institution, as a result of an institution coming within the terms of § 177.66 of Subpart F. A similar conforming change has been made to § 177.73 (a)(6).

Section 177.73 *Possible sanctions.*—*Comment.* A few commenters expressed concern that a sanction could be imposed limiting the number of students at an institution that could receive loans under the Guaranteed Student Loan Program. It was felt that this could hurt poor schools that are more dependent on student loans than some of the wealthier schools and that safeguards are needed to protect students against the power the regulations give to the OE designated official.

Response. The response indicating the intent of the Commissioner in implementing § 177.66 is also applicable in this case. Sanctions will be imposed only after the institution is provided an opportunity to present its case and the evidence indicates that the institution is not properly carrying out its responsibilities under the Guaranteed Student Loan Program. Institutions may appeal any limitation pursuant to the provisions of § 177.77 and § 177.78. The Commissioner believes that these provisions provide institutions with the necessary assurances that they will receive fair and equitable decisions in the event that procedures are applied pursuant to Subpart G.

Comment. A few commenters stated that the sanction requiring an institution to obtain a bond to assure that it will meet its financial obligations could result in a prohibitive cost to the institution.

Response. The basic method of assuring fairness in the process of imposing sanctions is in the system itself. The Commissioner has no desire, nor intent, to impose unreasonable administrative or financial burdens on institutions. The due process procedures set forth in Subpart G are designed to assure that fairness is inherent in the system.

Comment. Several commenters expressed concern that the provision of § 177.73(a)(6) was too much of a "catchall provision" and provided too much freedom to the Office of Education which could adversely affect educational institutions.

Response. Other requirements or conditions may be imposed only if they meet the tests specified: e.g. they are reasonable and appropriate, there is a high probability they will accomplish what is intended and they will be consistent with program purposes. If an institution feels that the sanction does not meet these criteria, it may appeal pursuant to § 177.77 and § 177.78.

Comment. One commenter requested clarification as to the conditions under which payments may be required of schools under § 177.73(b).

Response. Both § 177.46 and § 177.63 set forth certain conditions regarding the disbursement and refund of monies to students borrowing under the Guaranteed Student Loan Program. When the procedures are not correctly followed, it is possible that the Office of Education may make payments of interest benefits and special allowances to lenders in amounts greater than would otherwise be warranted if correct procedures had been followed by the institution. Therefore, in order to recover

these excess payments, the Office of Education may direct a school to restore amounts equal to the excess payments either to the lender or the Office of Education.

Comments not related to specific regulatory provisions.—Comment. A number of commenters recommended modifications such as:

1. Provide an administrative allowance for schools.
2. Permit deferment for half-time study.
3. Increase academic workload required for student to enter grace period from present half-time status.
4. Authorize hardship deferments.
5. Eliminate or reduce the grace period for dropouts.
6. Permit student option to begin repayment prior to end of grace period.
7. Shorten maximum 10 year repayment period.
8. Establish advisory board of borrowers, student leaders and lenders who could forgive loans granted under false and misleading circumstances.
9. Loans should be made and collected by schools with funds provided by banks.
10. Students should not be permitted loans until their period of actual enrollment has carried them beyond that period of time when refunds would be due if they withdrew from school.

Response. Each of these recommendations would require statutory changes to the program's enabling legislation and may not be implemented by administrative regulations.

Comment. The following comments were submitted as suggestions for modification to the regulations.

1. Establish standards for pre-loan counselling by both schools and lenders.
2. Require a 10 day "cooling-off" period from the time the student is accepted for enrollment before he is obligated to make payments to the school. This would be consistent with similar requirements of the FTC and the Veterans Administration.
3. Exit interviews should be required of all students.
4. Forgive loans for insolvency or fraud by school.

Response. These provisions were not included in the proposed regulations and therefore could not be included in final regulations. Consideration will, of course, be given to these and other changes for future regulatory proposals.

B. *Effect of proposed Trade Regulation Rule of the Federal Trade Commission.* The Federal Trade Commission (FTC) has proposed regulations covering proprietary schools and other organizations marketing educational programs. Their regulations cover a number of subjects including refund policies and disclosure of information which are also the subject of these regulations. These regulations do not refer to the FTC regulations because it will be several months before they are in final form and the exact provisions will be known. The U.S. Office of Education expects to work closely to cooperate with the FTC, both in the drafting and enforcement of applicable regulations.

C. *Effect of the Buckley Amendment.* Section 177.71 has been amended to indicate, along with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, that the provisions of Subpart G of these regulations do not apply to administrative action by the Department of Health, Education, and Welfare based on any alleged violation of the Family Educational Rights and Privacy Act of 1974 (often referred to as the Buckley Amendment). Because of numerous inquiries and complaints regarding the Buckley Amendment as it relates to the Guaranteed Student Loan Program, it seems pertinent to note that there is no provision of that legislation that should be construed to prohibit an educational institution from providing lenders, guarantee agencies or the Office of Education with information concerning the enrollment status or address of any student who has obtained a loan under the Guaranteed Student Loan Program. Such information is vital to the effective administration of this program and educational institutions are encouraged to cooperate with lenders and guarantors in every reasonable way possible.

D. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

It is also recognized that a number of the provisions of these regulations may require a substantial new commitment or effort on the part of an educational institution and that it may take a period of time in order for the institution to bring itself into full compliance with the requirements set forth herein. Institutions should make a good faith effort to comply with the provisions of these regulations as soon as possible. The Commissioner will take into consideration those circumstances that may prevent the institution from implementing these provisions on the effective date of these regulations. However, it is expected that most requirements should be operational for any academic year or school term beginning after August 1, 1975.

(Catalog of Federal Domestic Assistance No. 13.460, Guaranteed Student Loan Program)

Dated: February 1, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 12, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

1. Section 177.1 is amended by revising paragraphs (e) and (g) thereof and adding paragraphs (l) and (r) thereto, to read as follows:

§ 177.1 Definitions.

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(e) "Eligible institution" or "institution" means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part. In cases where the Commissioner does not determine the entire institution to be eligible, this term includes only those individual units or programs within an institution which have been determined by the Commissioner to meet all requirements for institutional eligibility pursuant to paragraphs (f) or (g) of this section.

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(g) "Vocational school" means a business or trade school, technical institution or other technical or vocational school in any State which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have demonstrated the ability to benefit from the training offered by such institution pursuant to the provisions of § 177.65; (2) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education which (i) is designed to provide occupational skills more advanced than those generally provided at the high school level and to fit individuals for useful employment in recognized occupations, (ii) provides no less than 300 clock hours of classroom instruction or its equivalent or, in the case of a program offered by correspondence, requires not less than an average of 12 hours of preparation per week over any 12 week period and completion in not less than 6 months, and (iii) in the case of a flight school program, maintains current valid certification by the Federal Aviation Administration and is approved for veterans training according to procedures established by the Veterans Administration; (3) has been in existence for 2 years or has been specially determined by the Commissioner pursuant to regulation to be an institution meeting the other requirements of this paragraph and to be eligible to participate in programs under this part; and (4) (i) is accredited by a nationally recognized accrediting agency or association recognized by the Commissioner for this purpose, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner for this purpose, or (iii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit institutions of the particular category encompassing such institution, is approved by a State approval agency recognized by the Commissioner for this

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purpose, or (iv) if the Commissioner determines that there is no nationally recognized accrediting agency or association or State approval agency qualified to accredit or approve institutions of the particular category encompassing such institution, is approved by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility, pursuant to standards of content, scope, and quality prescribed by that committee for this purpose. An institution which has been approved pursuant to clause (iv) above must, in order to remain an eligible institution, become accredited within three years after the Commissioner has designated a nationally recognized accrediting or State approval agency for the particular category of institutions which encompasses such institution. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State approval agencies which he has determined to be reliable authority as to the quality of education or training afforded.

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(l) "Student" means a person who (1) is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands (except that a student attending an institution outside the States must be a national of the United States); (2) has a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate or, in the case of a vocational school student, attends neither elementary nor secondary school, is beyond the age of compulsory school attendance in the jurisdiction where he lives, and has demonstrated the ability to benefit from the training offered by such vocational school pursuant to the provisions of § 177.65; (3) is enrolled at an eligible institution and in good standing (as determined by the institution) or has been accepted for enrollment at an eligible institution; (4) plans to carry or is carrying, during the period for which the loan is intended, at least one-half the normal full-time workload as determined by the institution; (5) if enrolled in a program of study by correspondence, plans to engage or is engaging in an average of at least 12 hours of preparation per week over any 12 week period during which he is so enrolled; and (6) if enrolled in a flight school program at a vocational school or institution of higher education, plans to pursue or is pursuing a full-time program leading to commercial flight ratings, has completed ground school training or is taking it concurrently with flight training, holds a private pilot's certificate (or has sufficient flight hours to qualify for such certificate), and holds at least a Class-II medical certificate. This term also includes a person who does not have a certificate required by paragraph (l)(2) of this section, but otherwise meets the requirements of this paragraph and has been admitted by an institution of higher education which admits a small proportion of such persons.

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(r) "Matriculate" means that a student has completed all the requisite steps in the enrollment and registration process and has commenced the attendance period. In the case of a program of study by correspondence, the student shall be deemed to have commenced attendance by submission of one lesson.

(20 U.S.C. 1077(a)(1), 1078(b)(1)(I), 1082(a)(1), 1085(a), (c), and 1087-1(b))

2. Section 177.46 is amended by revising paragraphs (c) and (d) and by adding paragraph (c-1) to read as follows:

§ 177.46 Disbursement and repayment of loans.

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(c) *Disbursement by a lender which is not an educational institution.* (1) A lender which is not an educational institution may not make a disbursement of any loan proceeds earlier than is reasonably necessary to meet the purposes for which the loan is being made and in no case, except as approved by the Commissioner, earlier than 30 days prior to the date on which the student is scheduled to matriculate. If a loan is disbursed in installments, the proceeds disbursed for use during a given semester, quarter or term should not be greater than the amount required by the student for that academic period.

(2) If the borrower authorizes the lender, in writing, to disburse the proceeds of the loan to an educational institution (by an instrument either made payable only to the institution or made payable jointly to the institution and the student), the lender may do so, but must notify the borrower in writing, when any part of the loan has been disbursed. In such cases, the institution shall disburse the proceeds of the loan to the student as set forth in paragraph (c-1)(2) of this section. However, if the institution determines that it does not have the ability to administer such disbursements properly, it may return the loan proceeds to the lender for disbursement to the student. In cases where the student does not matriculate in the institution for an academic period for which he has received a loan under this part, the institution must promptly notify the lender and return the proceeds of the loan to the lender.

(c-1) *Disbursement by a lender which is an educational institution.* (1) An eligible institution acting as a lender or making disbursements pursuant to paragraph (c)(2) of this section may not make a disbursement of any loan proceeds to a student earlier than is reasonably necessary to meet the purposes for which the loan is being made. The Commissioner will not honor a default claim based upon a disbursement, for an amount greater than that reasonably necessary to enable the student to travel from his residence to the institution, to a student who failed to matriculate at that institution during the academic period for which the loan was made. A disbursement for the purpose of a required resident training portion of a correspondence course shall not be made until such time as the student commences resident training.

(2) Unless otherwise approved or required by the Commissioner, an eligible institution shall (except for loans of less than $400) make disbursements in multiple installments, as set forth in subdivisions (i), (ii) and (iii) of this subparagraph. Moreover, the proceeds disbursed for use during a given semester, quarter or term shall not be greater than the amount required by the student for that academic period and the amount of the initial disbursement (except for amounts advanced for travel expenses) shall not be greater than one half of the total loan amount.

(i) With regard to a loan disbursed by an educational institution (other than for a program of study by correspondence) to a student for a full academic year, and such academic year consists of 2 or more academic sessions (e.g. semester, quarter, or trimester), the frequency of installments shall coincide with the frequency of sessions which form an academic year (e.g., two installment disbursements for those institutions utilizing a two semester system). Disbursement of a loan made to a student for a portion of the academic year need not be made for less than a single session.

(ii) With regard to a loan disbursed by an educational institution (other than for a program of study by correspondence) which does not have an academic year consisting of 2 or more sessions, installments shall be made in intervals not greater than four months. With regard to a loan made to a student for a period of 4 months or less, disbursement may be made in a single payment.

(iii) With regard to a loan disbursed for correspondence study, installments shall be made in intervals not greater than six months.

(3) The Commissioner may, pursuant to Subpart G of this part, require an institution that is a lender to utilize a special promissory note which provides that the student's obligation with regard to the loan amount is dependent upon the student's continued enrollment during the academic period for which the loan was made and is proportionate to the percentage of such period which he has completed.

(d) *Commencement of repayment.* The note evidencing a loan shall provide for repayment of the principal amount together with interest thereon, in periodic installments beginning not earlier than 9 months nor later than 1 year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by that institution: *Provided, however,* That in the case of a correspondence student, the repayment period shall begin

not earlier than 9 months nor later than 1 year after (1) the student's completion of his program, or (2) the expiration of a 60 day period during which the student submits no assignments (unless the student, by submitting assignments in advance of the schedule required by § 177.63(c), has not fallen more than 60 days behind such schedule), or (3) the expiration of a 60 day period following the normal time established by the school for the completion of the program and communicated to the student pursuant to § 177.63(c), whichever comes first, The submission of one or more assignments more than 60 days after the previous submission (or, if applicable, more than 60 days after the due date for a scheduled assignment) shall not restore the in-school status of a correspondence student with respect to his loan: *Provided, however,* That the institution may permit one such restoration if the student acknowledges in writing, within such 60 day period, that he wishes to continue his course of study and that he fully understands his responsibilities to submit lessons on a timely basis.

(20 U.S.C. 1077(a), 1079(a), 1082(a)(1) and 1087-1(a)(2))

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§ 177.50 [Reserved]

3. § 177.50 is deleted and reserved.

4. Part 177 is amended by adding new Subparts F and G thereto, to read as follows:

Subpart F—Requirements and Standards for Participating Educational Institutions

Sec.

177.61 Agreements between eligible institutions and the Commissioner.
177.62 Procedures, records and reports.
177.63 Refunds.
177.64 Provision of information to a prospective student.
177.65 Admissions criteria for a vocational, trade or career program.
177.66 Additional standards for evaluating an eligible institution.

AUTHORITY: 20 U.S.C. 1082(a)(1), 1085 (b), (c), 1087-1(a).

Subpart F—Requirements and Standards for Participating Educational Institutions

§ 177.61 Agreements between eligible institutions and the Commissioner.

(a)(1) Any eligible institution seeking to participate, in any manner, in any program covered under this part shall submit to the Commissioner for his approval, on a form provided by him, an agreement signed by an appropriate official acknowledging the institution's obligation to comply with all applicable laws and all applicable regulations set forth in this part.

(2) The agreement provided for in paragraph (1) of this paragraph shall be for a term of 2 years and be renewable for additional terms of 2 years. A shorter term may, however, be provided if the Commissioner has knowledge that the institution's accreditation or its satisfaction of other eligibility requirements, as set forth in § 177.1, will be effective for less than 2 years.

(3) If a participating institution undergoes a change of controlling ownership or form of control, its agreement shall automatically expire at the time of such change. In such instance, continued participation by the institution in loan programs under this part shall require a new agreement with the Commissioner and continuation of the institution's status as an eligible institution under this part.

(4) Institutions outside the States shall be required to comply with the provisions of this part only to the extent determined by the Commissioner on a case by case basis.

(b) An institution designated as an "eligible institution" on the effective date of this regulation shall have a period of 90 days to submit the agreement described in paragraph (a) of this section in order to assure continuous participation in programs covered under this part. An institution which has not submitted such agreement by the end of this 90 day period will be subject to having its eligibility suspended or terminated pursuant to Subpart G of this part.

(20 U.S.C. 1082(a)(1), 1087-1(a))

§ 177.62 Procedures, records and reports.

(a) Each participating institution shall establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of any funds received from students who have obtained loans under this part, to assure that the rights of students established under this part are protected, to protect the United States from unreasonable risk of loss due to defaults, and to comply specifically with all applicable requirements set forth in this part.

(b) Each participating institution shall maintain records, with respect to each student who receives a loan under this part, regarding the student's admission (to the extent required for purposes of § 177.65), academic standing, periods of attendance (to the extent required for purposes of paragraph (c) of this section and § 177.63), courses taken and placement (if the institution provides a placement service and the student uses such service). Such records will also be maintained with regard to the determination of need for interest subsidies on the student's loan, receipt and disbursement of loan proceeds, receipt of tuition and fees, and refunds. The institution shall retain such records (which may be stored in microfilm or computer format) for not less than 5 years (unless otherwise directed by the Commissioner) following the date the student graduates, withdraws, or fails to matriculate for an academic period for which he has received a loan under this part. Copies of reports submitted by the institution pursuant to this section and other forms utilized by the institution relating to loans made under this part shall also be retained for not less than 5 years following their completion, unless otherwise directed by the Commissioner.

(c) Each participating institution shall submit such reports to the Commissioner or to lenders at such times and in such manner as the Commissioner may prescribe concerning the changes in enrollment status of its students who are borrowers. Such reports shall include timely completion of the Student Status Confirmation Report (OE Form 1072) and the notification to lenders, on forms provided by the Commissioner for that purpose, of any change in the status of a student borrower to less than half-time enrollment.

(d) The Commissioner or his designee may audit or examine the institution with respect to such matters pertaining to the institution's participation in programs covered under this part as he deems appropriate. Each participating institution shall afford access to records required by paragraphs (a) and (b) of this section and by § 177.66(d) at any reasonable time to the Commissioner or his designee as needed in order to verify compliance with the regulations in this part.

(e) In the event of the closure, termination, suspension or change of ownership of a participating institution, the institution or its successors must make provision for the retention of the records provided for in paragraph (b) of this section and for the access to such records by the Commissioner as provided for in paragraph (d) of this section.

(20 U.S.C. 1082(a)(1), 1087-1(a))

§ 177.63 Refunds.

(a) Each participating institution shall establish a fair and equitable refund policy, under which it shall make a refund of unearned tuition, required fees and, where paid to the institution, room and board charges to a student who receives a loan under this part and who does not matriculate or who otherwise does not complete the period of study for which the loan was advanced. The institution shall make such policy (including the procedure for obtaining a refund) known in writing to the student prior to his initial acceptance for entrollment at the institution and prior to each academic year in which he enrolls thereafter.

(b) In determining whether a refund policy is fair and equitable, the Commissioner will consider the following factors:

(1) Whether the refund policy takes into consideration the period for which tuition, and other required fees and room and board charges were paid;

(2) Whether the refund policy takes into consideration the length of time the student was enrolled at the institution;

(3) Whether the refund policy takes into consideration the kind and amount of instruction, equipment and other services provided over the periods described in Paragraphs (b)(1) and (2) of this section;

(4) Whether the refund policy produces refunds in reasonable and equitable amounts when the considerations described in Paragraphs (b)(2) and (3) of this section are compared with that described in Paragraph (b)(1) of this

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section: *Provided, however,* That an institution may retain reasonable fees not to exceed $100, for the period for which tuition and other fees were required, in order to cover application, enrollment, registration, and other similar charges;

(5) Whether the refund policy of the institution is mandated by State law; and

(6) Whether, in the case of an accredited institution, the Commissioner has approved the refund policy requirements of the pertinent accrediting body.

(c) For purposes of this section, the date on which a student's period of enrollment shall be deemed to have ended will be:

(1) In the case of an institution of higher education, the date on which the student notifies the institution of his withdrawal or the date on which the institution determines that the student has withdrawn, whichever is earlier;

(2) In the case of a vocational school (other than a program of study by correspondence), the date on which the student notifies the institution of his withdrawal or the date of the expiration of a thirty day period during which the student does not attend any classes or submit any assignments, whichever occurs first. An institution in this category may, however, upon a student's written request, grant a leave of absence not to exceed 60 days; if the student does not return to his classes or scheduled assignments at the expiration of such leave of absence, the date of withdrawal shall be deemed to be the first day of the approved leave of absence: *Provided,* however, that in determining the amount of a refund due such a student, the institution may consider the costs of any services actually provided to the student during the leave of absence. Except as approved by the Commissioner, only one such leave of absence shall be granted to a student;

(3) In the case of a program of study by correspondence, sixty days after the due date of a required lesson which the student has failed to submit, unless the student, within such sixty day period, notifies the institution in writing that he is not withdrawing. For purposes of this section and § 177.46(d), each institution having a course of study by correspondence must establish a schedule of the number of lessons in the course, the intervals at which lessons are to be submitted, the date by which the course is to be completed for purposes of this part, and the period of time within which any resident training must be completed. Such a schedule must conform to the requirements set forth in § 177.1(g)(2) and must be furnished to the student prior to his enrollment.

(d) Each participating institution shall make each refund which is due under this part within 40 days after the date on which the student's period of enrollment has ended: *Provided* That, in the case of a student whose enrollment has ended on the first day of a leave of absence, pursuant to subparagraph (c)(2) of this section, the refund shall be made within 40 days of the last day of such leave of absence.

(e) In determining what portion of a refund which is due under this part shall be payable to the student, the institution shall make provision for the refund requirements of other forms of financial assistance which the student has received. In order to assure that an equitable portion of the refund is allocated to the loan made under this part, the amount of the refund attributable to such loan shall not be less than an amount which bears the same ratio to the total amount of the refund as the amount of such loan bears to the amount determined by the institution to be the cost of education for such student at such institution for the period of enrollment for which the loan was made. The net amount of the refund which is payable to the student shall be paid directly to the student after making such disbursements as may be authorized to the lender or holder of the loan by the student. The student must be given written notice of such disbursements or payments made on his behalf out of the proceeds of a refund.

(f) In the event of the closure, termination, suspension or change of ownership of a participating institution, the institution or its successors must make provision for compliance with the requirements of this section with regard to refunds which are due or may become due for students who obtained loans under this part for periods of attendance at the institution prior to such change in status.

(20 U.S.C. 1082(a)(1), 1087-1(a))

§ 177.64 Provision of information to a prospective student.

Each participating institution shall make a good faith effort to present each prospective student, prior to the time the prospective student obligates himself to pay tuition or fees to the institution, with a complete and accurate statement (including printed materials) about the institution, its current academic or training programs, and its faculties and facilities, with particular emphasis on those programs in which the prospective student has expressed interest. In the case of an institution having a course or courses of study, the purpose of which is to prepare students for a particular vocation, trade or career field, such statement shall include information regarding the employment of students enrolled in such courses, in such vocation, trade or career field. Such information shall include data regarding the average starting salary for previously enrolled students entering positions of employment for which the courses of study offered by the institution are intended as preparation and the percentage of such students who obtained employment in such positions. This information shall be based on the most recently available data. If the institution, after reasonable effort, cannot obtain statistically meaningful data regarding its own students, it may use the most recent comparable regional or national data. Where the data the institution possesses, regarding its own students, is more than 3 years old and cannot be updated after reasonable effort by the institution and where there is available comparable regional or national data at least 3 years more recent than the institution's data, the institution shall use such regional or national data.

(20 U.S.C. 1082(a)(1), 1085(b), (c) 1087-1(a))

§ 177.65 Admissions criteria for a vocational, trade or career program.

Each participating institution holding itself out as preparing students for a particular vocation or career field trade, shall, prior to the time the prospective student obligates himself to pay tuition or fees to the institution, make a determination, based on an appropriate examination or other appropriate criteria, that there is a substantial and reasonable basis to conclude that such person has the ability to benefit from the instruction or training to be provided.

(20 U.S.C. 1082(a)(1), 1085(b), (c) 1087-1(a))

§ 177.66 Additional standards for evaluating an eligible institution.

If the Commissioner determines that any of the following conditions exist, he may, pursuant to the provisions of Subpart G of this part, require reasonable and appropriate measures to alleviate such conditions as a requirement for an institution's initial or continued participation in programs under this part: *Provided, however,* That prior to initiating such action, the Commissioner shall inform the institution of his findings and provide it a reasonable period, not less than 30 days, to respond to such findings, to show that such conditions do not have an adverse effect on the program, or to submit a plan as to those measures it will voluntarily initiate to alleviate such conditions:

(a) The dollar amount of loans made under this part to students at the institution which are in default represents more than 10 percent of the dollar amount of all such loans which have reached the repayment period;

(b) More than 20 percent of the students at the institution withdrew from enrollment at such institution (1) during any academic year or (2) where an institution does not have a common academic year for the majority of its students, during any 8 month period: *Provided,* That only those students enrolled at the beginning of such academic year or 8 month period shall be counted for purposes of this provision;

(c) More than 60 percent of the students at the institution received loans under this part (1) for any academic year, or (2) where an institution does not have a common academic year for the majority of its students, for any 8 month period; or

(d) The institution's financial condition is such that it is unable (1) to provide the educational services for which

its students who have obtained loans under this part have enrolled; (2) to meet its obligations to refund unearned tuition and fees; or (3) to provide the administrative resources to comply with the requirements of this part. An institution's financial condition will be deemed not to satisfy these requirements (i) in the case of an institution utilizing accrual accounting, if the ratio of its current assets to current liabilities falls below 1:1 at the conclusion of its most recent fiscal year, or (ii) in the case of an institution utilizing fund accounting, if the current or operating fund reflects a deficit at the conclusion of its most recent fiscal year. For purposes of making this determination, the institution will make available to the Commissioner, upon reasonable request, its latest financial statement prepared by a certified public accountant or the most reasonable equivalent thereof.

(20 U.S.C. 1082(a)(1), 1087-1(a))

Subpart G—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs Under This Part

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177.71 Purpose and scope.
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177.73 Possible sanctions.
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177.76 Suspension.
177.77 Limitation and termination.
177.78 Denial or limitation of initial application or reinstatement.

AUTHORITY: 20 U.S.C. 1060(d), 1062(a), 1087-1(a).

Subpart G—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs under this Part

§ 177.71 Purpose and scope.

(a) This subpart establishes rules and procedures for the limitation, suspension or termination of the eligibility of an institution participating in programs under this part and of a lender participating in the Federal Insured Student Loan Program under this part for failure to comply with applicable laws, regulations, agreements or limitations and, for purposes of imposing limitations on an institution, as a result of an institution coming within the terms of § 177.66 of Subpart F.

(b) This subpart does not apply to administrative action by the Department of Health, Education, and Welfare based on any alleged violation of Title VI of the Civil Rights Act of 1964, which is governed by Parts 80 and 81 of this Title, or Title IX of the Education Amendments of 1972, or the Family Educational Rights and Privacy Act of 1974 (section 431 of the General Education Provisions Act, as amended).

(20 U.S.C. 1060(d), 1062(a), 1087-1(a))

§ 177.72 Definitions.

As used in this subpart:

(a) "Limitation" means the continuation of an institution's or a lender's eligibility, subject to compliance with special conditions or restrictions which have been set as a result of a failure to comply with applicable law, regulations or agreements or as a result of an institution coming within the terms of § 177.66 of Subpart F.

(b) "Suspension" means the removal of an institution's or a lender's eligibility (or portions thereof) for a specified period of time or until the occurrence of one or more specified conditions.

(c) "Termination" means the unqualified removal of an institution's or lender's eligibility (or portions thereof) for an indefinite period of time.

(d) "Designated OE Official" means an official of the Office of Education, other than the Commissioner, to whom the Commissioner has delegated the responsibilities indicated in this subpart.

(20 U.S.C. 1060(d), 1062(a), 1087-1(a))

§ 177.73 Possible sanctions.

(a) *Limitations.* A limitation on an institution's or a lender's participation established under this part may include any of the following:

(1) A limit on the number or total amount of loans which a lender may make under the Federal Insured Student Loan Program;

(2) A limit on the number or percentage of students enrolled in an institution who may receive loans under this part;

(3) A limit on the percentage of an institution's total receipts for tuition and fees which may be derived from loans under this part for a stated period of time;

(4) A requirement that an institution obtain a bond, in an appropriate amount, to provide assurance that it will be able to meet its financial obligations to students enrolled in such institution who have received loans under this part;

(5) A requirement that an institution, acting as a lender, utilize a special promissory note form as provided in § 177.46(c-1)(3); and

(6) Such other requirements or conditions as a designated OE official, an Administrative Law Judge or the Commissioner may determine: (i) Are reasonable and appropriate as a direct means of correcting a violation of applicable laws, regulations or agreements or of correcting a condition coming within the terms of § 177.66 of Subpart F; (ii) have a high probability for successfully correcting such violation or condition; and (iii) will promote the purposes of the programs provided for in this part.

(b) *Reimbursements and refunds.* As part of any decision resulting in a limitation, suspension, or termination under this subpart, a designated OE official, an Administrative Law Judge or the Commissioner may also require an institution or lender to take such other corrective action as is reasonable and appropriate to remedy a violation of applicable laws, regulations, agreements or limitations. Such corrective action may include payment, to the Office of Education or to recipients designated by the designated OE official, the Administrative Law Judge or the Commissioner, for:

(1) Ineligible interest benefits, special allowances, or other claims paid by the Commissioner;

(2) Discounts, premiums or excess interest paid in violation of § 177.6(e); or

(3) Refunds due to students under the regulations of this part.

(20 U.S.C. 1060(d), 1062(a), 1087-1(a))

§ 177.74 Effect on prior participation.

An action under this subpart resulting in the limitation, suspension or termination of an institution or lender shall not affect any of its responsibilities arising from participation in programs under this part prior to the date of such action. Nor shall such action impair any benefits or claims to which an institution or lender may be entitled based on its participation prior to such action, except that if such action results in a requirement that such institutions or lenders make payments to the Office of Education, then such payments may be used as offsets against such benefits or claims.

(20 U.S.C. 1060(d), 1062(a), 1087-1(a))

§ 177.75 Informal compliance procedure.

If a designated OE official receives a complaint, or has other information which he believes to be reliable, indicating that a violation of applicable laws, regulations, agreements or limitations has occurred or is occurring, the designated OE official shall call such matter to the attention of the institution or lender involved and shall give such institution or lender a reasonable opportunity to respond to the allegation and, if the alleged violation occurred, to show that it has been corrected or to submit an acceptable plan as to those measures which will be undertaken to correct the violation and to prevent its recurrence. The procedures provided in §§ 177.76 and 177.77 for limitation, suspension or termination need not be delayed during such informal compliance procedure if the designated OE official believes that such delay would have an adverse effect on programs covered under this part or believes that such informal compliance procedure will not result in a successful resolution of the alleged violation.

(20 U.S.C. 1060(d), 1062(a), 1087-1(a))

§ 177.76 Suspension.

(a) *Scope and duration.* A suspension may affect all aspects of an institution's or lender's participation in programs under this part or only a portion thereof. The duration of a suspension may be set to extend until the designated OE official has determined that the basis for the suspension has been removed and that a repetition of such violation appears unlikely: *Provided, however,* That the period of suspension shall not exceed 60 days, unless the institution or lender and the designated OE official agree to an extension or unless limitation or termination proceedings are initiated pursuant to § 177.77 within this period of

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time, in which case the period of suspension may be extended until the completion of such proceedings, including any appeal which may be made to the Commissioner.

(b) *Procedures.* (1) Except as provided in paragraph (c) of this section, suspensions shall only be made pursuant to notice and opportunity to show cause as provided in this paragraph.

(2) Suspension proceedings shall be initiated by a designated OE official mailing to the institution or lender in question a notice, by certified mail with return receipt requested:

(i) Informing the institution of the Office of Education's intent to suspend the institution's or lender's eligibility and of the basis for such action;

(ii) Specifying the proposed effective date of the suspension and the consequences of such action; and

(iii) Informing the institution or lender of its rights, if exercised within a stated period of time, to submit written material and to request an informal meeting to show cause why such action should not be taken, prior to the time the suspension becomes effective. The notice shall also provide information about the nature of the meeting and such other information about the matter as the designated OE official may determine appropriate. The notice shall also invite voluntary efforts to correct the violation which led to the initiation of these proceedings.

(3) The proposed effective date for suspension provided for in paragraph (b) (2) of this section shall not be less than 15 days after the notice of intent has been sent. The period of time within which the institution or lender may submit written material or request a meeting to show cause shall not be less than 10 days after such notice has been sent. If such a meeting is requested, the designated OE official shall set a time and place for it, which time shall not be less than 5 days nor more than 30 days after the request is received by him. If a meeting is requested, but it cannot be held prior to the proposed effective date of suspension, the date shall be postponed until the completion of such meeting.

(4) The designated OE official shall consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting provided for in paragraph (b) (3) of this section and any showing that the institution or lender has adequately corrected the violation which led to the initiation of suspension proceedings. If, after considering such material, the designated OE official concludes that the institution or lender has failed to show cause why its eligibility should not be suspended, he may suspend eligibility in whole or part and subject to such terms and conditions as he shall specify. Notice of such suspension shall be promptly transmitted to the institution or lender and shall become effective upon the date of transmittal.

(c) *Emergency action.* The Commissioner may withhold the issuance of further commitments of insurance to a participating lender or with respect to loans for students attending a participating institution, without prior notice and opportunity to show cause as provided for in paragraph (b) of this section, if he determines that such immediate action is necessary in order to prevent an unreasonable risk of a substantial loss of funds either to the Federal Government or the students involved if further disbursements under this part were permitted and that such risk is sufficiently serious to outweigh the importance of following the procedures set forth in paragraph (b) of this section. Such emergency action shall be initiated by sending the institution or lender a notice, by certified mail and return receipt requested, informing the institution or lender of the suspension and the grounds therefor. Such emergency action shall not exceed 7 days in length unless suspension proceedings are initiated pursuant to paragraph (b) of this section or limitation or termination proceedings are initiated pursuant to § 177.77 within such seven day period, in which case the Commissioner may continue to withhold commitments of insurance until the conclusion of such proceedings, including any appeal which may be made to the Commissioner. If limitation or termination proceedings are initiated, the Commissioner shall provide the institution or lender, if it so requests, an opportunity to show cause why the action should be rescinded pending the outcome of such proceedings.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.77 Limitation and termination.

(a) *Scope and duration.* A limitation or termination may extend to all aspects of an institution's or lender's participation in programs under this part or may be limited to portions thereof. The duration of a limitation may be set to extend for a definite period of time or until the designated OE official has determined that the basis for the limitation has been removed and that a repetition of such violation appears unlikely. An institution or lender which has been limited or terminated may subsequently seek reinstatement of its full eligibility to participate in programs under this part, pursuant to § 177.78(b).

(b) *Procedures.* (1) A limitation or termination may be initiated whether or not suspension proceedings have been initiated under § 177.76. Limitation or termination procedures shall be initiated by a designated OE official mailing to the institution or lender in question a notice, by certified mail with return receipt requested:

(i) Informing the institution or lender of the Office of Education's intent to limit or terminate the institution's or lender's eligibility, the nature of any proposed limitation and the basis of such action;

(ii) Specifying the proposed effective date for the limitation or termination and the consequences of such action; and

(iii) Informing the institution or lender of its rights, if exercised within a stated period of time, to submit written material and to request a hearing before the limitation or termination takes effect. The notice shall also provide information pertaining to this proceeding as the designated OE official may determine to be appropriate. The notice shall also invite voluntary efforts to correct the violation which led to the initiation of this action.

(2) Except as provided in paragraph (c) of this section, the proposed effective date of limitation or termination shall not be less than 21 days after the notice of intent has been sent. The period of time within which the institution or lender may submit written material or request a hearing shall not be less than 15 days after such notice has been sent. If a hearing requested by the institution or lender cannot be held prior to the proposed effective date of the limitation or termination, the date shall be extended until the completion of such proceedings.

(3) If the institution or lender does not request a hearing, the designated OE official may, after considering any written material submitted on a timely basis by the institution or lender, dismiss the matter or notify the institution or lender that it has been limited or terminated.

(4) If the institution or lender requests a hearing within the time permitted, such hearing shall be conducted as promptly as possible by an Administrative Law Judge pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. sections 554–557). Proposed findings of fact, conclusions of law, and briefs shall be submitted to the presiding officer within 15 days of the conclusion of the hearing.

(5) The Administrative Law Judge shall issue an initial decision consisting of findings of fact and conclusions of law. The initial decision of the Administrative Law Judge shall become final 10 days after being issued, unless within such 10 days the institution or lender or the designated OE official who initiated these proceedings notifies the Commissioner that it or he wishes to appeal the decision, in whole or in part. If any such party makes such an appeal, it must submit, within 20 days of the initial decision of the Administrative Law Judge, any further written material it wishes to be considered by the Commissioner, including exceptions to the decision of the Administrative Law Judge, proposed findings and conclusions, and supporting reasons. The opposing party will have 15 days to submit a response. Parties making any submission to the Commissioner must simultaneously transmit copies of such submission to all other parties which participated in the hearing. Any decision by the Administrative Law Judge limiting or terminating the institution or lender shall be stayed pending the appeal, unless the Commissioner determines that such stay would produce a serious and adverse effect on the program involved. The Commissioner may, in his discretion, provide an opportunity for an oral presentation by the institution or lender and by members of the

Office of Education staff. The Commissioner shall issue a decision on the appeal, including a statement of reasons for his decision, no later than 20 days following receipt of all written materials from the parties involved. Such decision may affirm, reverse or modify the initial decision of the Administrative Law Judge: *Provided, however,* That findings of fact made by the Administrative Law Judge shall not be set aside unless found to be clearly unsupported by the evidence. The decision of the Commissioner shall be final.

(c) *Effect of prior proceedings.* If any proceedings have been previously initiated under this subpart against an institution or lender at the time limitation or termination proceedings are initiated, such proceedings need not duplicate the previous proceedings. Any matters resolved under the previous proceedings shall be considered final and any hearings undertaken in the subsequent limitation or termination proceedings shall be limited to new evidence or new issues: *Provided, however,* That the Administrative Law Judge, or the Commissioner in the case of an appeal, may, in his discretion, agree to reconsider matters previously resolved. Moreover, the time schedules set forth in subparagraphs (2), (4) and (5) of paragraph (b) of this section may be shortened to reflect the previous proceedings in such manner as the Administrative Law Judge or the Commissioner may deem appropriate.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.78 Denial or limitation of initial application or reinstatement.

(a) *Initial application.* If an institution requests an agreement under § 177.61(a) of this part or a lender requests an agreement under § 177.42(a) of this part, the Commissioner shall respond to such submission within 30 days and, if he has decided not to approve such request, shall state reasons for his decision. An institution or lender which has been denied an agreement shall be given an opportunity to meet with a designated OE official to show cause why such agreement should not be denied. However, the Commissioner need not give reasons for a denial or grant an opportunity to show cause if such a request is submitted within 6 months of a previous denial. If a request is submitted by an institution at which the conditions set forth in § 177.66(b) or (d) exist, the Commissioner may add to such agreement such terms as are necessary to alleviate those conditions: *Provided, however,* That such institution may request that the procedures set forth in § 177.77(b) (4) and (5) be exhausted before such agreement becomes effective. Such institution may, without waiving its rights under the preceding sentence, participate in programs under this part subject to such terms pending the outcome of such procedure.

(b) *Reinstatement.* An institution or lender against which a final adverse decision has been issued under this subpart, may at any time request reinstatement of its eligibility (or portion thereof) and may submit to the designated OE official such material as it wishes, or as the designated OE official requests, to demonstrate that the basis for such decision has been remedied and is unlikely to recur. The designated OE official shall respond to such request within 30 days and, if he denies the request, shall provide reasons for such denial. An institution or lender whose request has been denied shall be given an opportunity to show cause why such request should not be denied. However, the designated OE official need not consider a request to remove a limitation or termination or grant an opportunity to show cause if such a request is submitted within 6 months of a previous denial. The reinstatement of an institution or lender which has been terminated may be subject to reasonable and appropriate conditions or limitations relating to the grounds for such termination. *Provided, however,* That such institution or lender may request that the procedures set forth in § 177.77(b) (4) and (5) be exhausted before such reinstatement becomes effective. Such institution or lender may, without waiving its rights under the preceding sentence, participate in programs under this part subject to such conditions or limitations pending the outcome of such procedures.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

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PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Revised Guidelines

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Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-241]

PART 42—RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Revised Guidelines

Pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601) the Department is amending Title 24, Part 42 of the Code of Federal Regulations to incorporate revisions in the guidelines for Agency Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (General Services Administration Federal Management Circular 74-8) published on October 4, 1974. In addition, amendments have been made to simplify and consolidate certain provisions and to provide new rules governing eligibility for certain aspects of relocation payments in connection with Code Enforcement, Interim Assistance, voluntary rehabilitation activities, and business moving expenses.

On September 27, 1973, (38 FR 26923) the Department first published these amendments for public comment as notice of proposed rule making. The Department has now considered the comments received and promulgates these amendments to be effective forty-five days after publication.

Principal changes and the Department's response to significant comments are set forth below.

The rules governing eligibility for relocation payments in connection with the low-rent public housing programs, code enforcement, voluntary rehabilitation activities and the interim assistance program have been revised and simplified for greater ease in administration of these requirements.

The regulations have been revised to set forth the rules governing eligibility in connection with the community development block grant program.

In response to comments received several changes have been made regarding eligible business moving expenses. The suggestion regarding a liberalization of the rule governing allowable expenses for alteration or improvement and physical changes to structures or premises has been accepted. The provision as now constituted permits these expenses to be payable in an amount not to exceed $100,000 for each displacement. The rules governing business self-moves have been simplified and clarified to indicate that no documentation will be required when a business self-moves and submits a claim not exceeding the amount of the low bid obtained from a mover in accordance with these regulations. The suggestion that the provision governing actual direct loss of property be greatly simplified and abbreviated has been accepted.

In response to comments received, business expenses in connection with searching for replacement property have been limited to a maximum of $500 per claim.

The requirements governing nonprofit organizations have been clarified. Comments received regarding the status of mobile homes have led to the adoption of § 42.90(f) dealing with this subject in relation to the Replacement Housing Payment authorized by that section and to the payments authorized by § 42.95.

The comment that the Department should reinstitute the provision governing advance payments in hardship cases has been accepted and is reflected in § 42.175.

The suggestion that all references to set-offs against relocation payment claims be eliminated has been accepted.

The requirements governing temporary moves of individuals, families and business concerns previously appearing in §§ 42.65 and 42.120 have been deleted. The Department remains concerned that these requirements should be applied where appropriate, but has become persuaded by the suggestion that they do not properly belong in regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which imposes no obligations with respect to temporary displacements. The Department will undertake to promulgate these administrative requirements elsewhere.

Accordingly, Part 42 is amended as follows:

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AUTHORITY: 84 Stat. 1894; 42 U.S.C. 4601.

Subpart A—General

§ 42.1 Purpose.

The purpose of this subpart is to set forth provisions of general applicability with respect to the regulations in this Part. Such provisions relate to (a) the effect of the regulations in this Part on previously issued regulations pertaining to relocation payments, (b) statements of applicable policy and law, (c) definitions of pertinent terms, (d) a description of the dates, and the entities or persons, on or to which the regulations in this part are applicable, and the assurances required in connection with such applicability, (e) the extent of Federal participation in the costs of relocation payments and assistance, and (f) the effect on payments provided under the regulations in this Part of duplicate payments made in condemnation proceedings and negotiated purchases.

§ 42.5 Supersedure.

The regulations in this Part supersede those appearing at Part 41 of this subtitle (35 FR 14307-14, effective September 10, 1970) to the extent that the regulations issued hereunder are, under § 42.25, applicable. The regulations in this Part also supersede those appearing at Part 42 of this subtitle (36 FR 8795-98) effective May 13, 1971, as amended (37 FR 16603 effective August 17, 1972 and 38 FR 25172 effective September 12, 1973). The regulations so superseded shall not apply to any acquisition and/or displacement occurring on and after the effective date of the regulations in this Part, which shall be governed solely by these regulations.

§ 42.10 Statement of policy.

The purpose of the regulations in this Part is to carry out the following policies of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ((42 U.S.C. 4601); 84 Stat. 1899; Pub. L. 91-646) (hereinafter referred to as the "Act"):

(a) To insure that uniform, fair and equitable treatment be afforded persons displaced as a result of federally-assisted projects in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole, and

(b) In the acquisition of real property for a federally-assisted project, to encourage and expedite acquisition by agreements with owners of such property to avoid litigation and relieve congestion in courts, to assure consistent treatment for owners of real property to be so acquired, and to promote public confidence in Federal land acquisition.

§ 42.15 Statement of applicable law.

(a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1899; Pub. L. 91-646) requires satisfactory assurances from a State agency that specified relocation payments and relocation assistance will be provided, and replacement dwellings will be available to displaced persons as a condition to Federal approval of any grant or loan to, or contract or agreement with, such State agency under which Federal financial assistance will be made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of the Act.

(b) Section 305 of the Act requires satisfactory assurances from a State agency that in acquiring real property it will be guided, to the greatest extent practicable under State law, by specified land acquisition policies, and that specified payments will be made to property owners, as a condition to Federal approval of any grant or loan to, or contract or agreement with, any State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective the date Act.

(c) Section 211(c) of the Act provides that any grant to, or contract or agreement with, a State agency executed before the effective date of the Act under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after such date, shall be amended to include the cost of providing payments and services under the Act.

(d) Section 211(a) of the Act provides that the cost to a State agency of providing such payments and assistance shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency. Section 211(a) also provides that where such Federal financial assistance is by loan, the Federal agency shall loan the State agency the first $25,000 of such costs.

(e) Subject to section 211(c) of the Act, section 220(a) repealed the following provisions of law: Section 114 of the Housing Act of 1949 (42 U.S.C. 1465); paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8); section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074); section 107(b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307). Subject to section 221(c) of the Act, section 306 repealed sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073). Sections 220(b) and 306 of the Act provide that any rights or liabilities existing under prior Acts shall not be affected by such repeals.

(f) Section 221 of the Act provides that the Act shall take effect on the date of its enactment (January 2, 1971) except that with regard to acquisitions or displacements occurring prior to July 1, 1972, sections 210 and 305 of said Act with respect to assurances required of State agencies shall be held applicable to a State only to the extent that such State was able under its laws to comply with these sections, and that certain repeals (specified in paragraph (e) of this section) made by sections 220(a) and 306 of the Act do not apply to any State so long as sections 210 and 305 were not applicable in such State prior to July 1, 1972.

§ 42.20 Definitions.

For the purpose of the regulations in this part, the following terms shall mean:

(a) *Business.* Any lawful activity, excepting a farm operation, conducted primarily: (1) For the purchase, sale, lease, and rental of personal and real property, and the manufacture, processing, or marketing of products, commodities or any other personal property; (2) for the sale of services to the public; (3) by a nonprofit organization; or (4) solely for the purposes of payments under §§ 42.65, 42.70 and 42.75, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(b) *Comparable replacement dwelling.* A dwelling which is (1) decent, safe and sanitary, and comparable to the acquired dwelling with respect to number of rooms or habitable living space, but in any event adequate to accommodate the displaced person; (2) in an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and reasonably accessible to the displaced person's present or potential place of employment; (3) available on the private market to the displaced person and available to all persons regardless of race, color, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968; and which is available to all persons regardless of sex; (4) to the extent practicable and where consistent with paragraph (b)(1) of this section, functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing; and (5) within the financial means of the displaced person, provided that this subparagraph (5) shall be construed only in accordance with the intent to put such person in an equal or better position: *Provided*, That if housing meeting the requirements of this subparagraph (b) is not available, the State agency may, upon proper finding of the need therefor, consider available housing exceeding these basic criteria.

(c) *Decent, safe and sanitary housing.* Housing in sound, clean and weathertight condition, in conformance with local housing codes (or in the absence of local housing codes, or where the standards contained in any such code are determined by HUD to be inadequate, in conformance with standards established by HUD) and which meets the following minimum standards:

(1) Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, an adequate and safe wiring system for lighting and other electrical services, and heating as required by climatic conditions and local codes.

(2) Each nonhousekeeping unit shall be in conformance with local code standards for boarding houses, hotels and other dwellings for congregate living. If such local codes do not include requirements relating to space and sanitary facilities in this connection, standards shall be subject to the approval of HUD.

(3) Occupancy standards shall be in conformance with local codes or HUD-approved requirements, whichever of these is higher.

(d) *Displaced person.* A person as defined in § 42.20(1) who meets the basic eligibility requirements specified in § 42.55, and (except for the low-rent public housing program) as set out in general terms below:

(1) Such person moves from real property within the project area or moves his personel property from such real property on or after the applicable date specified in § 42.55 and either:

(2) Such person is displaced as a result of acquisition of such real property in whole or in part for a project, as provided in § 42.55(e); or

(3) Such person is displaced as a result of code enforcement, voluntary rehabilitation, improvement of private property, or demolition, as provided in paragraphs (f), (g), and (h) of § 42.55.

(e) *Dwelling.* The place of permanent or customary and usual abode of a person, including a single-family dwelling, a single-family unit in a two-family, multifamily or multipurpose dwelling, a

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unit of a condominium or cooperative housing project, a nonhousekeeping unit, or any other residential unit, including a mobile home which is either considered to be real property under State law or which cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe and sanitary dwelling.

(f) *Family.* Two or more individuals who by blood, marriage, adoption, or mutual consent live together as a family unit.

(g) *Farm operation.* Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities.

(h) *Federal financial assistance.* A grant, loan, or contribution (except any Federal guarantee or insurance) made by HUD, including a grant, loan or contribution specified below:

(1) A community development block grant under title I of the Housing and Community Development Act of 1974 (88 Stat. 633 (42 U.S.C. 5301));

(2) A loan, a grant, or a loan and grant, for an urban renewal project under title I of the Housing Act of 1949 (63 Stat. 413, 414 (42 U.S.C. 1450));

(3) A grant for concentrated code enforcement and public improvements under section 117 of the Housing Act of 1949 (79 Stat. 478 (42 U.S.C. 1468));

(4) A grant for the demolition of unsafe structures under section 116 of the Housing Act of 1949 (79 Stat. 477 (42 U.S.C. 1467));

(5) A grant for interim assistance to slums or blighted areas under section 118 of the Housing and Urban Development Act of 1949 (82 Stat. 525 (42 U.S.C. 1468a));

(6) A loan or annual contribution, made in connection with low-rent public housing projects under the U.S. Housing Act of 1937 (50 Stat. 888 (42 U.S.C. 1401 et seq.));

(7) A grant for open-space use or for a historic preservation or urban beautification project under title VII of the Housing Act of 1961 (75 Stat. 183 (42 U.S.C. 1500) as amended):

(8) A grant for a neighborhood facilities program under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489 (42 U.S.C. 3101));

(9) A public facility loan under title II of the Housing Amendments of 1955 (69 Stat. 642 (42 U.S.C. 1491));

(10) A water and sewer facilities grant under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489 (42 U.S.C. 3101));

(11) A grant for advance acquisition of land under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489 (42 U.S.C. 3101));

(12) A grant for the purpose of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255 (42 U.S.C. 3301));

(13) Loans or grants to assist educational institutions in construction of housing and other educational facilities under title I of the Housing Act of 1950 (64 Stat. 48, 77 (12 U.S.C. 1749)) where such payments are made to a State agency;

(14) Loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (73 Stat. 654, 667 (12 U.S.C. 1701q)) where such loans are made to a State agency;

(15) Where contributions are made to a State agency and the performance by such State agency, or by a private body acting on behalf of such State agency of undertakings necessary to enable it to receive such contributions will be the direct cause of displacement, the payment of contributions specified below.

(i) Assistance payments under section 235 and interest reduction payments under section 236 of the National Housing Act (48 Stat. 1246 (12 U.S.C. 1715z and 1715z-1)),

(ii) Below market interest rates provided under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715-1),

(iii) Rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (79 Stat. 451 (12 U.S.C. 1701s)),

(iv) Grants under section 713(a) and loans under section 714(a) of title VII of the Housing and Urban Development Act of 1970 (Pub. L. 91-609, 84 Stat. 1791) to assist in financing new community development programs.

(i) *HUD.* The Secretary of Housing and Urban Development or an officer or employee duly authorized to perform the functions of the Secretary.

(j) *Initiation of negotiations.* Except as provided in §§ 42.90(b)(3) and 42.95(b)(5), the initial written offer made by the acquiring agency to the owner of real property to be acquired for a project of the amount established as just compensation for such property in accordance with § 42.135.

(k) *Mortgage.* Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(l) *Person.* Any individual, family, partnership, corporation, or association. For purposes of an alternate payment under § 42.80 and a replacement housing payment under §§ 42.90 and 42.95, two or more individuals (regardless of whether they are family members or not) living together in, and displaced from, a single dwelling, shall be regarded as one person.

(m) *Personal property (tangible personal property).* (1) Tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is noncompensable (other than for moving expenses) under the State law of eminent domain, and (2) in the case of a tenant, fixtures and equipment which the tenant may lawfully, and at his election determines to, move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the determination as to whether an item of property is personal or real shall take due consideration of how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions.

(n) *Plan.* (1) A duly approved formal plan, as exists from time to time, for any project as defined in this Part and any action program implementing such plan, or (2) in the case of a project for which no formal plan is required the application by the State agency as approved by HUD and modified from time to time.

(o) *Project.* Any undertaking which receives Federal financial assistance and to which the Act is applicable pursuant to § 42.25.

(p) *Project area.* An area which HUD has approved for the carrying out of project activities.

(q) *Relocation payment.* A payment specified under §§ 42.65 through 42.95.

(r) *State.* Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(s) *State agency.* The National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or two or more States or two or more political subdivisions of a State or States. Unless otherwise indicated in the context of a specific provision of these regulations, the term "State agency" as used in these regulations shall mean the particular State agency to which Federal financial assistance is made available for a specific project.

(t) *Voluntary rehabilitation.* Structural or other substantial repairs to, or alterations to, or demolition of, any building or other improvement on land within a project area, undertaken by an owner in order to conform to the property rehabilitation standards or other applicable provisions set forth in the applicable plan.

§ 42.25 Applicability of regulations.

(a) *Applicability of the regulations in this part.* (1) Except as provided in paragraph (a)(2) of this section, these regulations are applicable to all acquisition and displacements occurring on or after their effective date.

(2) For the low-rent public housing program under the U.S. Housing Act of 1937, Subpart D of these Regulations (implementing Title III of the Act) is applicable to all acquisitions of real property by the State agency except: (i) Acquisitions by the turnkey method; (ii) acquisitions in connection with construction for leasing projects (i.e., leases or agreements to lease) where such acquisitions result from proposals submitted in response to public invitation; and (iii)

leasing or acquisition of existing structures after rehabilitation where such leasing or acquisition results from proposals submitted in response to public invitation. For the purposes of this paragraph (a)(2), a lease is considered to be an "acquisition of real property" where the term, including options for extension, is for more than ten years.

(3) Subpart D of the regulations in this Part shall not apply in the case of any acquisition of property from any public body.

(b) *Applicability of previously published regulations.* The regulations covering Relocation Payments appearing at Part 41 of this subtitle and at 35 FR 14307-14 (effective Sept. 10, 1970) shall apply to (1) displacements occurring on or after September 10, 1970, and prior to January 2, 1971, and (2) displacements occurring on or after January 2, 1971, and prior to July 1, 1972, to the extent that the regulations appearing at Part 42, as issued at 36 FR 8785 (effective May 13, 1971) do not apply. The regulations appearing at Part 42 of this subtitle as issued at 36 FR 8785 (effective May 13, 1971) shall apply to all acquisition or displacement occurring on or after January 2, 1971, and prior to July 1, 1972, to the extent that a State agency has furnished HUD with satisfactory assurances under § 42.30 with respect to the federally assisted activity under which such acquisition or displacement takes place. Where, as of January 2, 1971, a State agency was not legally empowered under State law to make such assurances, to the extent that the State agency subsequently became so empowered and furnished such assurances prior to July 1, 1972, the regulations appearing at 36 FR 8785 shall apply to acquisitions and displacements occurring on or after the date on which the State agency became legally empowered to furnish such assurances. On and after July 1, 1972, the regulations appearing at 36 FR 8785 apply to all acquisition or displacement occurring prior to the effective date of the amended regulations in this Part.

(c) *Continuation of rights and liabilities.* Nothing in paragraph (a) or (b) of this section shall be deemed to affect any rights or liabilities in existence as of January 2, 1971, under any laws repealed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

§ 42.30 Assurances.

(a) *Displacement.* As a condition to any grant, contract, or agreement approved by HUD on or after January 2, 1971, under which Federal financial assistance will be available to pay all or part of the cost of any undertaking which will result in the displacement of any person on or after such date, a State agency shall submit assurances (either separately or by contract) satisfactory to HUD that with respect to such displacement—

(1) Relocation payments shall be provided to displaced persons in accordance with §§ 42.65 through 42.95;

(2) Relocation assistance programs offering the services described in Subpart C shall be provided to such displaced persons;

(3) Within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to displaced persons in accordance with § 42.120;

(4) Affected persons will be adequately informed of the benefits, policies and procedures provided in these regulations; and

(5) The relocation process will be carried out in such a manner as to provide displaced persons with uniform and consistent services, and replacement housing under § 42.120 will be available and the same range of choices with respect to such housing will be offered to all displaced persons regardless of race, color, religion or national origin pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3501 et seq.) and Executive Order 11063 (27 FR 11527) and which is available to all persons regardless of sex.

(b) *Acquisition.* As a condition to any grant, contract, or agreement approved by HUD on or after January 2, 1971, under which Federal financial assistance will be available to pay all or a part of the cost of an undertaking which will result in the acquisition of real property on or after such date the State agency shall, to the extent it is authorized under State law, submit assurances (either separately or by contract) satisfactory to HUD that with respect to such acquisition:

(1) It will, to the greatest extent practicable under State law, be guided by the land acquisition policies and provisions in § 42.135;

(2) Property owners will be paid or reimbursed for necessary expenses specified in §§ 42.140 and 42.145; and

(3) Affected persons will be adequately informed of the benefits, policies and procedures provided in the regulations in this Part: *Provided*, That in the case of the community development block grant program any acquisition of real property (whether such acquisition is federally-assisted or not) shall be subject to this paragraph and to the regulations in Subpart D if such acquisition occurs on or after the date of submission of an application requesting Federal financial assistance which is funded for a proposed activity in connection with which the acquisition has been or will be undertaken.

§ 42.35 Federal share of costs of relocation payments and assistance.

Payments made and assistance provided in accordance with Subpart B and C of this part and §§ 42.140 and 42.145, and pursuant to a grant, loan, contract, or agreement for Federal financial assistance for a project, shall be included as a part of the cost of such project and shared in the same manner and to the same extent as other program or project costs: *Provided*, That where such Federal financial assistance is by loan, HUD shall loan the full amount of the first $25,000 of the cost to the State agency for providing such payments and assistance to an eligible displaced person or a person from whom property is acquired.

§ 42.40 Payments in condemnation proceedings and negotiated purchases.

No payment shall be made under the regulations in this Part which would duplicate a payment received by a displaced person or owner under the State law of eminent domain, and which is included in an award in eminent domain or in the purchase price for any property acquired by negotiation, if such payment so received is determined by HUD to have the same purpose or effect as a payment under this Part, and to be part of the cost of the program or project for which Federal financial assistance is available.

Subpart B—Relocation Payments

§ 42.45 Purpose.

The purpose of this Subpart is to set forth the types of, and specific eligibility criteria for, relocation payments to displaced persons.

§ 42.50 Relocation payments by State agency.

The State agency shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by §§ 42.65 through 42.95.

§ 42.55 Basic eligibility conditions.

(a) *General.* The rules set forth in this paragraph shall apply to all displaced persons except those who move from real property or move personal property from real property as the result of activities undertaken pursuant to the community development block grant, low-rent public housing or model cities programs. A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment if:

(1) Such person moves from real property within the project area or moves his personal property from such real property (i) on or after the date of the pertinent contract for Federal financial assistance for a project, or (ii) on or after the date of HUD approval of a budget for project execution activities resulting in displacement, provided that the contract for Federal financial assistance for the contemplated project is thereafter executed, and

(2) Such person is displaced as a result of (i) the acquisition of such real property, in whole or in part, for a project as further provided in paragraph (e) of this section, (ii) code enforcement, voluntary rehabilitation, improvement of private property, or demolition as provided in paragraphs (f), (g), and (h) of this section.

(b) *Community development block grant program.* A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment under the community development block grant program if such person moves from real property or moves his

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personal property from real property as a result of the acquisition of such real property for an activity assisted under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301) and the regulations appearing at 42 CFR Part 570. Any displacement resulting from the acquisition of real property (whether such acquisition is itself federally-assisted or not) shall be subject to the regulations in this Part if such displacement occurs on or after the date of submission of an application requesting Federal financial assistance which is funded for a proposed activity in connection with which the acquisition has been or will be undertaken.

(c) *Model cities program.* A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment under the model cities program if:

(1) Such person moves from real property within the project area or moves his personal property from such real property (i) on or after the date of the pertinent contract for Federal financial assistance for a project or (ii) if the displacement occurs prior to the approval of the contract for Federal financial assistance, on or after the date approved by HUD for a specific undertaking upon the request of the State agency: *Provided,* That a contract of Federal financial assistance is thereafter executed: *And provided further,* That the comprehensive city demonstration program thereafter identifies the undertaking as one being carried out in connection with such program, and

(2) Such person is displaced as a result of (i) the acquisition of such real property, in whole or in part, for a project as further provided in paragraph (e) of this section, or (ii)) code enforcement, voluntary rehabilitation, or demolition as provided in paragraphs (f), and (h) of this section.

(3) In all cases in which a comprehensive city demonstration program is amended to incorporate any of the activities specified in this section which were carried out prior to the date of such amendment, and to recognize the eligibility of persons displaced by reason of any of such activities, a person so displaced shall qualify as a displaced person for purposes of establishing basic eligibility for a relocation payment: *Provided,* That the date of displacement for such person shall be deemed to be the date on which the comprehensive city demonstration program was amended to include the activity bringing about displacement: *And provided further,* That the regulations in effect at the time of such amendment shall be fully applicable to each such displacement.

(d) *Low-rent public housing program.* A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment if such person moves, including a move of personal property, under the following circumstances:

(1) Conventional bid, or acquisition of existing housing other than under paragraph (2) below: If (i) such person moves from the project site on or after the date of the annual contributions contract, or the date of tentative site approval by HUD, if it is later, and (ii) the move is a displacement by acquisition as provided in paragraph (e) of this section: *Provided,* That an option agreement shall not be considered as a notice of intent to acquire or a firm offer to acquire as provided in paragraph (e) (3).

(2) Turnkey new construction or rehabilitation: If such person (i) moves from the project site, other than for cause, on or after the date of the Contract of Sale, or (ii) moves from the project site on or after the date of the annual contributions contract and prior to the date of the Contract of Sale.

(3) Housing assistance payments program: If such person moves from a dwelling on and after the date of execution of the annual contributions contract: *Provided,* That eligibility under the regulations in this Part shall be limited to cases in which a public housing agency itself acquires real property from which such person is displaced.

(e) *Displacement by acquisition.* Displacement as a result of the acquisition of real property includes displacement which is a result of:

(1) The obtaining by the acquiring agency of title to or the right to possession of such real property for a project;

(2) The written order of the acquiring agency to vacate such property for a project; or

(3) The issuance by the acquiring agency of a written notice to the owner of its intent to acquire the real property for such project, in accordance with § 42.136: *Provided,* That a person (other than the former owner or tenant of any real property acquired by a State agency) who enters into rental occupancy of real property after its acquisition by a State agency and thereafter moves from such real property shall not be considered displaced by acquisition for the purposes of the regulations in this Part. If no written notice of intent to acquire the real property is issued, the issuance by the acquiring agency to the owner of a firm offer to acquire shall constitute a notice of intent to acquire: *Provided,* That no person moving from real property after the State agency has served upon him the notice described in § 42.137 shall be deemed eligible for any of the relocation assistance or relocation payments described in this Part. Displacement as a result of acquisition of real property in the urban renewal, neighborhood development, and model cities programs shall include displacement which is a result of the acquisition of real property by a State agency other than the State agency receiving Federal financial assistance as defined in § 42.20(h), to the extent that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is not applicable to such other State agency in connection with such displacement, and if the acquisition is undertaken in accordance with the plan for the project, or, in the case of the model cities program, if the comprehensive city demonstration program identifies the acquisition as being carried out in connection with such program.

(f) *Displacement by code enforcement and voluntary rehabilitation.*—(1) *Urban renewal, neighborhood development, and code enforcement programs.* A person shall be deemed displaced by code enforcement or voluntary rehabilitation under the urban renewal, neighborhood development, and code enforcement programs if the vacation of the real property is the result of code enforcement, as further specified in paragraph (f) (3) of this section, or of voluntary rehabilitation, as further specified in paragraph (f) (4) of this section with respect to the property occupied and if such activities are undertaken in accordance with the plan: *Provided,* That no person displaced by the activities described in such paragraphs (f) (3) and (f) (4) in connection with the community development block grant program shall be deemed eligible under the regulations in this Part.

(2) *Model cities program.* A person shall be deemed displaced by code enforcement or voluntary rehabilitation under the model cities program if the vacation of the real property is the result of code enforcement, as specified in paragraph (f) (3) of this section, or of voluntary rehabilitation activities, as specified in paragraph (f) (4) of this section, with respect to the property occupied and if such activities are undertaken in accordance with the comprehensive city demonstration program which identifies the undertaking as being carried out in connection with such program.

(3) *Code enforcement.* A person shall be deemed to be displaced as a result of code enforcement if the vacating of real property occurs after: The State agency has (a) determined that code enforcement cannot reasonably be undertaken without the vacation of the real property, and (b) has notified the owner and occupant of the real property in writing, return receipt requested, of its intention to undertake such code enforcement within not less than 90 nor more than 180 days from the date of the receipt of such notice: *Provided,* That such notice shall confer no eligibility under this Part upon any person who moves from the real property more than 180 days from the date of his receipt of the notice unless code enforcement activities have commenced, and the notice shall so state.

(4) *Voluntary rehabilitation.* A person shall be deemed to be displaced as a result of voluntary rehabilitation if the vacating of real property occurs after: The State agency has (i) agreed with the owner of the real property that rehabilitation activities will be undertaken in accordance with HUD policies and requirements; and (ii) the State agency has determined that such activities cannot reasonably be undertaken without the vacating of the real property; and (iii) the State agency has notified the owner and occupant of the real property in writing, return receipt requested, of

the owner's agreement to undertake voluntary rehabilitation within not less than 90 nor more than 180 days from the date of the receipt of such notice: *Provided,* That such notice shall confer no eligibility under this part upon any person who moves from the real property more than 180 days from the date of his receipt of the notice unless voluntary rehabilitation has commenced; and the notice shall so state;

(g) *Displacement by improvement of private properties in the interim assistance program.* A person shall be deemed displaced by the improvement of private property under the interim assistance program if the vacating of the real property is the result of:

(1) Improvement with respect to the property occupied and undertaken in accordance with the plan; and

(2) The State agency has determined that such improvement cannot reasonably be undertaken without the vacation of the real property and has notified the owner and occupant of the real property in writing, return receipt requested, of its intention to undertake such improvement within not less than 90 nor more than 180 days from the date of the receipt of such notice: *Provided,* That such notice shall confer no eligibility under this Part upon any person who moves from the real property more than 180 days from the date of his receipt of the notice, unless improvement has commenced, and the notice shall so state.

(h) *Displacement by Demolition Grant Program.* A person shall be deemed displaced as a result of demolition if the vacating of real property is the result of demolition undertaken in accordance with the plan for a project, and occurs on or after the date on which the State agency has ordered the real property to be vacated and demolished under State and local law on the ground that it is structurally unsound or unfit for human habitation.

(i) *Moves from dwellings as a result of displacement from a business or farm operation.* Notwithstanding any other provision of this Subpart, any person who moves from real property or moves his personal property from real property on or after the applicable date specified in paragraphs (a), (b), (c) or (d) of this section as a result of displacement (as specified in paragraphs (a), (b, (c) or (d) of this section) from other real property on which such person conducts a business or farm operation shall qualify as a displaced person for the purposes of establishing basic eligibility for the following payments and assistance: (1) Actual reasonable moving expenses under § 42.65, (2) actual direct losses of personal property under § 42.70, (3) actual reasonable expenses in searching for a replacement business or farm under § 42.75, (4) an alternate payment for individuals and families under § 42.80, and (5) relocation advisory assistance under Subpart C of this part.

§ 42.60 Filing of claims.

(a) *General.* All claims shall be submitted to the State agency on the appropriate HUD form, supported by such documentation as may be required by the specific provisions of the regulations in this Part applicable to the payment claimed, and by such other documentation as may be required by the State agency.

(b) *Time for filing claims.* Any claim for a payment shall be submitted to the State agency within a period of 18 months after displacement of a claimant.

§ 42.65 Actual reasonable moving expenses.

(a) *General.* A State agency shall make a payment to a displaced person who satisfies the pertinent eligibility requirements of § 42.55 and the requirements of this section, for actual reasonable expenses specified below and subject to the limitations set forth in paragraph (d) of this section for moving himself, his family, business, farm operation or other personal property. In all cases the amount of a payment shall not exceed the cost of the least expensive feasible method of accomplishing the activity in connection with which a claim has been filed, as determined by the State agency. The moving and related expenses for which claims may be filed shall include:

(1) Transportation not to exceed a distance of 50 miles from the site from which displaced, except where the State agency determines that relocation beyond such distance of 50 miles is justified;

(2) Packing, crating, unpacking and uncrating personal property;

(3) Such storage of personal property, for a period generally not to exceed 12 months, as the State agency determines to be necessary in connection with relocation;

(4) Insurance of personal property while in storage or transit; and

(5) The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent, or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available.

(b) *Actual reasonable moving expenses—displaced business concerns and farm operations.* In addition to those compensable expenses set forth in paragraph (a) of this section, a displaced business concern or farm operation may file a claim for the following moving and related expenses:

(1) Disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the State agency;

(2) The cost, directly related to displacement and subject to the limitations imposed by this subparagraph of:

(i) Any addition, improvement, alteration or other physical change in or to any structure or its premises in connection with the reassembling, reconnection or reinstallation of machinery, equipment or other personal property, or otherwise required to render such structure, premises, or equipment suitable for a displaced business; or

(ii) Expenditures made by a business concern to adapt or convert relocated equipment to the use of a different type of power supply.

Claims for payment under this subparagraph shall be subject to the following limitations:

(iii) Reimbursable costs shall be limited to $100,000;

(iv) The cost shall be found by the State agency to be required by law or ordinance or to be otherwise necessary to the reestablishment of the displaced business;

(v) The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.

(vi) The State agency shall deduct the amount, if any, realized by the displaced business concern as compensation for comparable additions, improvements, alterations or other physical changes to the structure and premises acquired, as part of the payment made for the acquisition of such structure and premises; and

(vii) In any case in which the claim for payment exceeds $25,000 the State agency shall obtain HUD concurrence before making payment.

(3) The cost of any license, permit or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at a new location;

(4) The cost of any professional services necessary to the planning, preparation for or accomplishment of a move by a displaced business concern, or its reestablishment at a new location, including, but not limited to, architects', attorneys' or engineers' fees, or consultants' charges; and

(5) Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed (i) the replacement cost, minus any proceeds received from its sale, or (ii) the estimated cost of moving, whichever is less.

(c) *Requirements—Moving a business or farm operation.* Except as provided in this paragraph, no payment for actual reasonable moving expenses shall be made to a displaced person for moving his business or farm operation unless:

(1) The State agency has received, at least 30 days (or such earlier date as the State agency may determine necessary, but not earlier than 90 days) prior to the moving date, written notice from such displaced person of his intention to move or dispose of personal property used in connection with such business or farm operation (which property shall be described generally in the notice), and the date of such intended move or disposition; and

(2) The displaced person has permitted, at all reasonable times, the inspection by or on behalf of the State agency of such property at the site from

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which the business or farm operation is displaced. For the purpose of this subsection, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The State agency may make a relocation payment notwithstanding nonreceipt of such timely notice only if the agency has determined that there was reasonable cause for the failure of the displaced person to give such notice, and the agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

(d) *Special requirements and limitations.*—(1) *Businesses and farm operations—general limitation on moving expenses.* Payment to a displaced person for moving expenses in connection with moving a business or farm operation shall not exceed the amount of the low bid submitted in accordance with paragraph (e) (2) of this section.

(2) *Business and farm operations—self-moves.* A displaced person electing to self-move a business or farm operation may submit a claim for his moving expenses to the State agency in an amount not to exceed an acceptable low bid obtained by the State agency, without documentation of moving expenses actually incurred.

(3) *Personal property of low value and high bulk—Business or farm operation.* Where, in the judgment of the State agency, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This subparagraph may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, and metals.

(e) *Documentation in support of a claim.*—(1) *General.* Except in the case of a displaced person conducting a self-move of a business or farm operation as provided in paragraph (d)(2) of this section, a claim for a payment under paragraph (a) of this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the State agency, the site occupant, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the State agency, and the agency may pay the mover directly.

(2) *Businesses and farm operations.* Each claim in excess of $1,000 for the costs incurred by a displaced person for moving his business or farm operation shall be supported by bids obtained by the displaced person at least 15 days prior to the commencement of the move from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a written justification shall be submitted by the displaced person; and no relocation payment shall be allowed in such cases unless the State agency has approved the justification. Where such bid requirement cannot be complied with under State law, or where estimates in an amount of less than $1,000 were obtained in good faith by the displaced person, such claim shall be supported by estimates in lieu of bids.

§ 42.70 Actual direct losses of tangible personal property.

(a) *General.* A State agency shall make a payment to a displaced person who satisfies the eligibility requirements of § 42.65, and this section, for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, in an amount determined by the State agency in accordance with the provisions of this section.

(b) *Determining actual direct loss of property.* Actual direct loss of property shall be determined on the basis of the lesser of:

(1) Fair market value of the property for continued use at its location prior to displacement plus the costs of a bona fide effort to sell such property; or

(2) Estimated reasonable costs of moving such property, plus the costs of a bona fide effort to sell such property.

In every case a bona fide effort to sell such property shall first be made. The proceeds realized from any sale of all or part of such property shall be deducted from this determination. Fair market value for continued use shall be calculated and bona fide efforts to sell undertaken in accordance with HUD policies and procedures.

(c) *Documentation to support claim.* A claim for payment hereunder shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, cancelled checks, copies of advertisements, offers to sell, auction records, and other records appropriate to support the claim.

§ 42.75 Actual reasonable expenses in searching for a replacement business or farm.

A displaced person who satisfies the pertinent eligibility requirements of § 42.65 with respect to actual reasonable moving expenses, shall be eligible for a payment in an amount not to exceed $500, in searching for a replacement business or farm, including expenses incurred for: (a) Transportation; (b) meals and lodging away from home; (c) time spent in searching, based on the hourly wage rate of the salary or earnings of the displaced person or his representative, but not to exceed $10 per hour; and (d) fees paid to a real estate agent or broker to locate a replacement business or farm.

§ 42.80 Alternate payments—individuals and families.

(a) *General.* A person or family, who is displaced from a dwelling and is eligible for a payment for actual reasonable moving expenses under § 42.65 may elect to receive and shall be paid, in lieu of such payment: (1) A moving expense allowance not to exceed $300 and determined in accordance with approved Federal Highway Administration schedules established by the State in which the displacement occurred, and (2) a dislocation allowance of $200.

(b) *Limitations—joint occupants of single-family dwellings.* If individuals (regardless of whether they are family members, or not) who are joint occupants of a single-family dwelling submit more than one claim, an eligible claimant for a payment under paragraph (a) of this section may be paid only his reasonable prorated share (as determined by the State agency) of the total payment applicable to a single individual, and the total of alternate payments made to all such claimants moving from such dwelling shall not exceed the total fixed payment applicable to a single individual, in accordance with HUD policies and procedures.

§ 42.85 Alternate payments—businesses and farm operations.

(a) *General.* A displaced person who is displaced from his place of business or farm operation and is eligible for payments under § 42.65, § 42.70, or § 42.75 and complies with the requirements set out in paragraphs (b), (d), and (e) of this section may elect to receive and shall be paid, in lieu of such payments, a payment equal to the average annual net earnings of the business or farm operation (but not including a business as defined in § 42.20(a)(4) of this part) as determined in accordance with paragraph (b) of this section, except that such payment shall be not less than $2,500 nor more than $10,000. For purposes of this section, the dollar limitation specified in the preceding sentence shall apply to a single business, regardless of whether it is carried on under one or more legal entities.

(b) *Requirements—businesses.* No payment shall be made under this section unless the State agency determines that:

(1) the business cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all pertinent circumstances including such factors as the type of business conducted, the nature of the clientele, and the relative importance to the displaced business of its present and proposed location;

(2) the business is not part of a commercial enterprise having another establishment which is not being acquired for a project and which is engaged in the same or similar business: *Provided*, That in any case in which the sole remaining facility of a business which has been displaced from its principal location (i) had average annual gross receipts of less than $2,000 during the two taxable years prior to displacement of the major component of the business, or (ii) average annual net earnings of less than $1,000 during the two taxable years prior to the displacement of the major component of the business, the remaining facility will not be considered another "establishment," for purposes of this paragraph; and

(3) the displaced business (i) had average annual gross receipts of at least $2,000 during the two taxable years prior to displacement; or (ii) the displaced business had average annual net earnings of at least $1,000 during the two taxable years prior to displacement; or (iii) the displaced business contributed at least 33⅓ percent of the total gross income of the owner(s) during each of the two taxable years prior to displacement: *Provided*, That if in any case the State agency determines that the two year period prior to displacement is not representative of average receipts, earnings or income, it may make use of a more representative period.

(c) *Determination of number of "businesses."* In determining whether one or more legal entities, all of which have been acquired constitute a single business, the following factors, among others, shall be considered:

(1) The extent to which the same premises and equipment are shared;

(2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled;

(3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business; and

(4) The extent to which the same person or closely related persons own, control or manage the affairs of the entities.

(d) *Requirements—farms.* (1) In the case of a farm operation, no payment shall be made under this section unless the State agency determines that the farm met the definition of a farm operation prior to its acquisition; (2) if the displacement is limited to only part of the farm operation, the operator will be considered to have been displaced from a farm operation if: (i) The part taken met the definition of a farm operation prior to the taking; *or*, (ii) the taking caused the operator to be displaced from the farm operation on the remaining land; or (iii) the taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement; (3) Each farm operation shall be subject to the requirements of paragraph (b)(3) of this section, regarding income.

(e) *Requirements—nonprofit organizations.* In the case of a nonprofit organization, no payment shall be made under this section unless the State agency determines that (1) the nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term "existing patronage" as used in connection with a nonprofit organization includes the membership, persons, community, or clientele served or affected by the activities of the nonprofit organization); and (2) the nonprofit organiaztion is nat a part of an enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity. A payment to a nonprofit organization shall be limited to $2,500.

(f) *Net earnings.* The term "average annual net earnings" as used in this section means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the head of the State agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. The term "owner" as used in this paragraph includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the State agency. For purposes of determining a principal stockholder, stock held by a husband, his wife and their dependent children shall be treated as one unit.

(g) *Documentation in support of a claim.* A claim for payment under paragraph (a) of this section shall be supported by such reasonable evidence of earnings as may be approved by HUD.

§ 42.90 Replacement housing payments for homeowners.

(a) *General.* A State agency shall make to a displaced person who is displaced from a dwelling and who satisfies the pertinent eligibility requirements of § 42.55 and the conditions of paragraph (b) of this section, a payment not to exceed a combined total of $15,000 for:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost (as determined in accordance with paragraph (c)(1) of this section) of a comparable replacement dwelling: *Provided*, That such amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling. *And provided further*, That in the case of any person displaced as the result of demolition of a dwelling pursuant to code enforcement or voluntary rehabilitation in accordance with § 42.55(f) of the regulations in this Part, the amount of residual value of the real property following such demolition and prior to redevelopment shall be deemed its 'acquisition cost' for purposes of this subparagraph. In all cases of displacement by code enforcement or voluntary rehabilitation not involving demolition of a dwelling, the fair market value of the real property at the time of displacement shall be deemed its 'acquisition cost' for purposes of this subparagraph.

(2) The amount, if any, to compensate the displaced person for any increased interest costs, as determined in accordance with paragraph (c)(2) of this section, which such displaced person is required to pay for financing the acquisition of a replacement dwelling: *Provided*, That no such payment shall be made unless the dwelling acquired by the State agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling.

(3) Reasonable expenses, determined in accordance with paragraph (c)(3) of this section, incurred by the displaced person incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) *Eligibility conditions.* (1) A displaced person is eligible for the payments specified in paragraph (a) of this section if such displaced person (i) is displaced from a dwelling that (A) is acquired for a project, or (B) in connection with a project and in accordance with local code, is demolished, is declared unfit for human habitation, or requires vacation for any other reason, such as overcrowding, and is deemed acquired under the regulations in this Part, (ii) has actually owned and occupied such dwelling for not less than 180 days prior to the initiation of negotiations for its acquisition; (iii) purchases and occupies a replacement dwelling which is decent, safe, and sanitary, within 1 year subsequent to the date on which he received final payment from the State agency of all costs of the acquired dwelling or the date on which he moves from the acquired dwelling, whichever is later.

(2) For the purpose of this paragraph (b), a person has "owned" a dwelling if he (i) held fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from date of acquisition of the property for the project; (ii) held an interest in a cooperative housing project which includes the rights of occupancy of a dwelling unit therein, (iii) was the contract purchaser of any of the foregoing estates or interest, or (iv) had a leasehold interest with an option to purchase.

(3) The term "initiation of negotiations" shall mean, for the purposes of this paragraph (b), the following:

(i) In the case of code enforcement, voluntary rehabilitation, improvement of private property, or demolition in connection with a project, the date such person vacates the dwelling.

(ii) In the case of a low-rent public housing project carried out by means of the turnkey method (new construction or rehabilitation), the date of the letter from the State agency notifying a developer of his tentative selection in connection with such project, except: (A) For turnkey new construction cases where the State agency obtains control of the site prior to tentative selection of the developer, the date of the initial written offer to the owner by or on behalf of the State agency of the amount established as just compensation in accordance with § 42.135; (B) for turnkey rehabilitation cases where the State agency enters into an agreement with a developer for unidentified properties, the date of the initial written offer for each property by the developer to the owner or the date of the

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contract between the developer and the State agency, whichever is later;

(iii) In the case of displacement arising pursuant to the housing assistance payments program, the date specified in § 42.55(d)(3).

(4) The term "Purchases," for the purpose of this paragraph (b), includes the acquisition, construction or rehabilitation of a dwelling, the purchase and rehabilitation of a substandard dwelling, the relocation or relocation and rehabilitation of an existing dwelling, or the entering into a contract to purchase, or for the construction of, a dwelling to be constructed on a site to be provided by a builder or developer or on a site which the displaced person owns or acquires for such purpose. Where completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed, for reasons beyond control of the displaced person, beyond the date by which occupancy is required under this paragraph (b), the State agency may determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

(5) Where, for reasons of hardship and beyond the control of the displaced person, such person is unable to occupy the replacement dwelling by the date by which occupancy is required under this paragraph (b), the State agency may determine the date of occupancy to be the date on which the displaced person became entitled to possession of such dwelling: *Provided*, That the displaced person occupies the replacement dwelling within such reasonable period of time as shall be determined by HUD.

(c) *Computation of replacement housing payment.*—(1) *Cost of comparable replacement dwelling.* The cost of a comparable replacement dwelling for purposes of paragraph (a)(1) of this section, shall be determined by the method specified in paragraph (c)(1)(i) except as provided in paragraph (c)(1)(ii) or (iii);

(i) Comparative method: On a case-by-case basis by determining the sales price of one or more dwellings which have been selected by the State agency and which are most representative of the acquired dwelling unit and meet the definition of "comparable replacement housing" set out in § 42.20(b);

(ii) Schedule method: By the use of a schedule as described in § 42.160, in cases in which a State agency determines that the use of a schedule is desirable.

(iii) Alternative method: Where the State agency determines that neither the schedule nor comparative method is feasible in a given situation, by the use of such other method as may be approved by HUD.

(2) *Interest payments.* Interest payments shall be equal to the difference between (i) the aggregate interest applicable to the amount of the principal of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and other debt service costs, and (ii) the aggregate interest paid on the mortgage on the replacement dwelling, and other debt service costs: *Provided*, That the term and amount of the mortgage on the replacement dwelling for purposes of this paragraph shall be the lesser of (iii) the remaining term and amount of the mortgage on the acquired dwelling, or (iv) the actual term and amount of the mortgage on the replacement dwelling: *And provided further*, That such differential shall be reduced to discounted present value. In making such computation, the aggregate interest and other debt service costs with respect to the replacement dwelling shall not exceed the prevailing interest rate currently charged by the mortgage lending institutions in the general area in which the replacement dwelling is located. The discount rate for computing the present worth of future payments of increased interest shall be computed at the prevailing interest rate paid on savings deposited by commercial banks in the general area in which the replacement dwelling is located: *And provided further*, That the amount of the debt service cost with respect to the replacement dwelling shall be the lesser of (v) the debt service cost based on the cost required for a comparable dwelling, or (vi) the debt service cost based on the actual cost of the replacement dwelling.

(3) *Expenses incident to the purchase of the replacement dwelling.* Such payments shall be the amount necessary to reimburse the displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling, including (i) legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation. (ii) Lender, FRA or VA appraisal. (iii) FHA or VA application fee. (iv) Certification of structural soundness. (v) Credit report. (vi) Owner's and mortgagee's evidence or assurance of title. (vii) Escrow agent's fee. (viii) Sales or transfer taxes: *Provided*, That no payment for any such expenses shall exceed the amount attributable to the purchase of a comparable dwelling, as defined by § 42.20(b) and selected in accordance with this section. No reimbursement shall be made for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act (Pub. L. 90-321), and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(d) *Limitation-joint owner-occupants of single-family dwellings.* The total amount of payment under this section to individuals (regardless of whether they are family members or not) who were joint owner-occupants of a single-family dwelling acquired as a result of the project shall be subject to the limitation of § 42.80(b).

(e) *Descent and distribution of replacement housing payments.* A replacement housing payment computed in accordance with this section or with § 42.95 shall be personal to the displaced person claiming such payment, and shall not be paid to his heirs or assigns to the extent to which such payment, or any portion thereof, has not been disbursed prior to the death of such displaced person (except as to the amount attributable to such displaced person's actual period of occupancy of comparable replacement housing): *Provided*, That such payment shall be fully disbursed in any case in which the displaced person was a member of a family living with him in the dwelling or dwelling unit from which he was displaced, which continues to occupy together the comparable dwelling selected in accordance with the regulations in this Part; *And provided further*, That so much of a replacement housing payment as will satisfy the legal obligation of an estate in connection with the selection of a comparable dwelling by or on behalf of a deceased displaced person shall be disbursed to the estate.

(f) *Mobile Homes.*—(1) *Acquisition of mobile homes.* Any person displaced as the result of the acquisition of a mobile home (actually owned and occupied by such person in accordance with paragraph (b) of this section or actually occupied in accordance with § 42.95(b)) who otherwise meets the eligibility requirements of the regulations in this Part shall be eligible for a payment under this section or under the provisions of § 42.95: *Provided*, That payments shall be computed in accordance with paragraph (c)(1) of this section or § 42.95(c) based upon the reasonable cost of a comparable mobile home.

(2) *Displacement from mobile homes not caused by acquisition.* For purposes of this section and § 42.95, any person required to move a mobile home (actually owned and occupied by such person in accordance with the provisions of paragraph (b) of this section or actually occupied in accordance with § 42.95(b)) from real property acquired for a project as defined by the regulations in this Part shall be deemed displaced by reason of acquisition, notwithstanding the fact that the mobile home cannot be acquired as real property pursuant to State law, if:

(i) The mobile home cannot be moved without substantial damage or unreasonable cost as determined by the State agency; or

(ii) The mobile home is not a decent, safe and sanitary dwelling, as determined by the State agency.

The State agency shall determine the salvage value of the mobile home and shall deem such value the "acquisition cost" in computing a payment under paragraph (c) of this section.

(3) The displaced person must be determined to have moved to a comparable dwelling as defined by § 42.20(b) of the regulations in this Part.

(4) Payments shall be computed in accordance with paragraph (c)(1) of this section or § 42.95(c) based upon the reasonable cost of a comparable mobile home.

(g) *Presidentially-declared Disasters.* Notwithstanding any other provision of the regulations in this Part, no person otherwise eligible for a payment under this section or under § 42.95 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set forth in the regulations in this Part.

§ 42.95 Replacement housing payments for tenants and certain others.

(a) *General.* A State agency shall make to a displaced person who satisfies the eligibility requirements of § 42.55 and the conditions of paragraph (b) of this section, a payment not to exceed $4,000 for either:

(1) An amount, computed in accordance with paragraph (c)(1) of this section, necessary to enable such displaced person to lease or rent a comparable replacement dwelling for a period not to exceed 4 years; or

(2) An amount, computed in accordance with paragraph (c)(2) of this section, necessary to enable such displaced person to make a downpayment (including incidental expenses described in § 42.90(a)(3), on the purchase of a comparable dwelling: *Provided*, That if such amount exceeds $2,000, such displaced person shall equally match any such amount in excess of $2,000 in making the downpayment.

(b) *Eligibility conditions.* A displaced person is eligible for the payments specified in paragraph (a) of this section if such displaced person:

(1) Has actually and lawfully occupied the dwelling from which he is displaced for a period of not less than 90 days prior to the initiation of negotiation for acquisition of such dwelling; and

(2) Is not eligible to receive a replacement housing payment for homeowners under § 42.90; and

(3) Where such displaced person was the owner of the dwelling, such dwelling is (i) acquired for a project or (ii) in connection with a project and in accordance with local code, is demolished, is declared unfit for human habitation, or requires vacation for any other reason, such as overcrowding and is deemed acquired under the regulations in this Part; and

(4) In cases in which a payment specified in paragraph (a)(2) of this section is sought such displaced person shall within one year from the date of displacement purchase and occupy a replacement dwelling. For purposes of this paragraph, the term "purchase" shall be defined in accordance with § 42.90(b)(4).

(5) The term "initiation of negotiations" shall mean, for the purposes of this paragraph (b), the following:

(i) In the case of code enforcement, voluntary rehabilitation, improvement of private property, or demolition in connection with a project, the date such person vacates the dwelling.

(ii) In the case of a low-rent public housing project carried out by means of the turnkey method (new construction or rehabilitation), the date of the letter from the State agency notifying a developer of his tentative selection in connection with such project, except: (A) For turnkey new construction cases where the State agency obtains control of the site prior to tentative selection of the developer, the date of the initial written offer to the owner by or on behalf of the State agency of the amount established as just compensation in accordance with § 42.135, and (B) for turnkey rehabilitation cases where the State agency enters into an agreement with a developer for unidentified properties, the date of the initial written offer for each property by the developer to the owner or the date of the contract between the developer and the State agency, whichever is later.

(iii) In the case of displacement arising pursuant to the housing assistance payments program, the date specified in § 42.55(d)(3).

(c) *Computation of payment.*—(1) *Rentals.* The amount of payment necessary to lease or rent a comparable replacement dwelling, as specified under paragraph (a)(1) of this section, shall be computed by subtracting 48 times the base monthly rental of the displaced person (as determined in accordance with paragraph (c)(1)(i) of this section), from 48 times the comparable monthly rental for a replacement dwelling (as determined in accordance with paragraph (c)(1)(ii) of this section): *Provided*, That in no case may such amount exceed the difference between 48 times the base monthly rental as determined in accordance with this paragraph and 48 times the monthly rental actually required for the comparable dwelling occupied by the displaced person.

(i) *Base monthly rental.* The base monthly rental shall be the average monthly rental paid by the displaced person for the 3-month period prior to initiation of negotiations: *Provided*, That where the displaced person was the owner of the dwelling from which he was displaced, the base monthly rental shall be the average monthly rental during such three month period for similar dwellings in an area not generally less desirable than that of the dwelling from which the person was displaced. (Hereinafter referred to as the economic rent.) *And provided further*, That where necessary to satisfy the definition under § 42.20(b)(5) of comparable replacement housing as being within the financial means of the displaced person, the amount of such base monthly rental shall not exceed 25 percent of such person's monthly income.

(ii) *Comparable monthly rental.* The comparable-monthly rental shall be the amount of rental determined by the State agency by the method specified in paragraph (a), except as provided in paragraph (b) or (c);

(A) *Comparative method.* On a case-by-case basis by determining the average month's rent for one or more dwellings which have been selected by the State agency and which are most representative of the acquired dwelling and meet the definition of "comparable replacement dwelling" set out in § 42.20(b);

(B) *Schedule method.* By the use of a schedule as described in § 42.160, in cases in which a State agency determines that the use of a schedule is desirable.

(C) *Alternative method.* Where the State agency determines that neither the schedule nor comparative method is feasible in a given situation, by the use of such other method as may be approved by HUD.

(2) *Downpayment.* The downpayment for which a payment specified under paragraph (a)(2) of this section may be made, together with any matching share which may be required, shall not exceed (i) the amount ordinarily required for a downpayment for the purchase of a comparable dwelling where such purchase is financed by a conventional loan, and (ii) expenses incident to the purchase of a replacement dwelling computed in accordance with § 42.90(c)(3) (including purchaser's points and loan origination charges, where customary): *Provided*, That if the amount actually required of the displaced person as a downpayment for the purchase of a comparable dwelling is more than the amount specified in paragraph (c)(2)(i) of this section, such amount shall be the amount which the State agency determines to be necessary for such downpayment. The full amount of a downpayment under this section shall be applied to the purchase price of the replacement dwelling and shall be shown on the closing statement.

(d) *Limitation on payments and disbursement of payments.*—(1) *Joint occupants of single-family dwellings.* The total amount of payment under this section to individuals (regardless of whether they are family members or not) who were joint occupants of a single-family dwelling acquired for the project shall be subject to the limitation of § 42.80(b).

(2) *Rental replacement housing for displaced owner-occupant.* A displaced person who is not eligible for a replacement housing payment under § 42.90 because he elects to rent rather than purchase a replacement dwelling, and who meets the eligibility conditions specified in paragraph (b) of this section, is eligible for the payment specified in paragraph (a)(1) of this section.

(3) *Rental replacement housing payments for dependents.* Notwithstanding the provisions of paragraph (c) of this section, the amount of payments necessary to lease or rent a comparable replacement dwelling, as specified under paragraph (a)(1) of this section, shall, in the case of displaced persons designated dependents in accordance with this subparagraph, be limited to the difference between 48 times the rental actually paid for the unit previously occupied by the displaced person and 48 times the monthly rental actually required for the

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comparable dwelling occupied by the displaced person. For purposes of this subparagraph, a "dependent" shall be any person who derives fifty-one percent or more of his income in the form of gifts from any private person or any academic scholarship or stipend. Full-time students and persons residing in hospitals, sanitariums and similar institutions shall be presumed to be dependents: *Provided*, That any displaced person presumed to be a dependent may rebut this presumption by demonstrating that fifty percent or more of his income is derived from sources other than gifts from another private person or academic scholarships or stipends.

(e) *Disbursement.* The Secretary shall have the authority to prescribe the manner for the disbursement of payments under this section and may from time to time establish procedures governing such disbursements.

Subpart C—Relocation Assistance Advisory Program and Assurance of Adequate Replacement Housing

§ 42.100 Purpose.

The purpose of this Subpart is to set forth requirements with respect to the development and implementation of a relocation assistance advisory program for the provision of specified services and to prescribe the obligation of the State agency not to displace or cause the displacement of any person from his dwelling without adequate notice and unless adequate replacement housing is available.

§ 42.105 Relocation assistance advisory program.

State agencies shall develop and implement a relocation assistance advisory program which satisfies the requirements of § 42.115 and of Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to assure that (a) all persons displaced from their dwellings are relocated into housing meeting the criteria described in § 42.120, and (b) all persons displaced from their places of business or farm operations are assisted in reestablishing with a minimum of delay and loss of earnings.

§ 42.110 Eligibility for services.

Relocation assistance advisory services shall be available to:

(a) Any person who occupies property from which he will be displaced for a project or whose personal property will be so displaced: *Provided*, That whenever the State agency determines that the project will result in substantial economic injury to any person, the State agency may offer such person relocation advisory services; and

(b) Any person who moves from real property or moves his personal property from real property, because he is displaced from other real property on which he conducts a business or farm operation.

§ 42.115 Minimum requirements of relocation assistance advisory program.

Each relocation assistance advisory program undertaken pursuant to § 42.105 shall include, at a minimum, such measures, facilities or services as may be necessary or appropriate in order to:

(a) Fully inform eligible persons under this Subpart at the earliest possible date as to the availability of relocation payments and assistance and the eligibility requirements therefor, as well as the procedures for obtaining such payments and assistance;

(b) Through direct personal interview, determine the extent of the need of each such eligible person for relocation assistance;

(c) Provide current and continuing information on the availability, prices, and rentals of comparable sales and rental housing, and of comparable commercial properties and locations;

(d) Assure that, within a reasonable period of time prior to displacement, there will be available adequate replacement housing meeting the criteria described in § 42.120 equal in number to the number of, and available to, such eligible persons who will be displaced;

(e) Assist any such eligible person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(f) Supply to such eligible persons information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal or State programs, offering assistance to displaced persons;

(g) Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, or source of income.

§ 42.120 Requirement of adequate replacement housing prior to displacement; notices to displaced persons.

(a) *Availability.* No person shall be required to move from his dwelling on account of a project unless within a reasonable period of time prior to displacement there are available to such person replacement dwellings which are:

(1) Decent, safe, and sanitary;

(2) Demonstrated to be open to all persons regardless of race, color, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968, and available without discrimination based on sex or source of income;

(3) In an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and in an area not generally less desirable nor less accessible with regard to public utilities and services, schools, churches, recreation, transportation, and other public and commercial facilities;

(4) Reasonably accessible to the displaced person's place of employment or potential employment;

(5) Adequate in size, facilities and amenities to accommodate the needs of the displaced person and his family; and

(6) Available on the market at a rental or price within the financial means of the displaced person;

(b) *Reasonable offer of replacement housing.* The requirements of this paragraph shall be deemed to have been satisfied if a person is offered and refuses without justification reasonable choices of specifically identified replacement dwellings which fully meet the criteria set forth in this paragraph.

(c) *Notice.* No person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation, without at least 90 days' written notice from the State agency acquiring the real property or ordering its demolition: *Provided*, That a shorter period of notice may be given when the State agency determines, with HUD concurrence, that a 90-day period is impracticable. In addition, State agencies shall simultaneously notify each individual tenant to be displaced as well as each owner. Where persons are expected to be displaced by code enforcement, voluntary rehabilitation or the improvement of private properties as defined in § 42.55 (f) and (g), the State agency shall take all reasonable steps to urge and assure that owners of real property give tenants to be displaced at least 90 days' written notice that the activities will take place or that the premises must be vacated (except where the continued occupancy of the dwelling constitutes a substantial danger to the health or safety of the occupants). This policy shall be included by the State agency in all notices served on property owners requiring that code enforcement work be done.

(d) *Waiver.* The requirement in paragraph (a) of this section may be waived only by the Secretary of Housing and Urban Development under the following circumstances:

(1) When displacement is necessitated by a major disaster as defined in section 102(2) of the "Disaster Relief Act of 1974" (88 Stat. 143, 42 U.S.C. 5121); or

(2) During periods of Presidentially declared national emergencies; or

(3) Such other extraordinary or emergency situations where immediate possession of real property is of crucial importance.

§ 42.125 Coordination of relocation activities.

State agencies shall contact other Federal, State, and local governmental agencies to determine the extent of present and proposed governmental actions in or affecting the locality (or localities) which may affect the carrying out of their relocation assistance program and the availability of housing resources. State agencies shall be required to stage the project activities in a manner which assures the availability of a sufficient supply of adequate replacement housing

meeting requirements of § 42.120(a), giving consideration to the relocation needs of other programs being carried out in a locality and the progress of construction or rehabilitation of replacement dwellings or other relocation accommodations. In addition, State agencies should cooperate with other displacing agencies to insure that relocation assistance and relocation payments will be administered in a manner consistent with the promotion of uniform treatment of displacees from all such programs.

Subpart D—Real Property Acquisition

§ 42.130 Purpose.

The purpose of this Subpart is to set forth the practices to be followed with respect to acquisition of real property for a project, and to provide for payments to property owners for expenses incidental to transfer of title and, in limited situations, payments for litigation expenses (see § 42.25(a)(2) for applicability of this Subpart to the low-rent public housing program).

§ 42.135 Real property acquisition practices.

In order to carry out the purpose of the regulations in this Part, as set out in § 42.10(b) with respect to the acquisition of real property, the State agency shall, to the greatest extent practicable under State law, be guided by the following policies in acquiring real property for any project:

(a) The State agency shall make every reasonable effort to acquire such real property expeditiously by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, and the owner or his representative designated in writing shall be given an opportunity, by reasonable advance written notice or otherwise, to accompany the appraiser during his inspection of the property. HUD shall designate the minimum required number of appraisals to be so obtained.

(c) Before the initiation of negotiations for the acquisition of such real property, the State agency shall establish an amount it believes to be just compensation therefor. Such amount shall be (1) the State agency's review appraiser's determination of the fair market value of the property, or (2) if HUD concurrence is required, the fair market value as concurred in by HUD, or (3) if required by specific HUD program regulations, the amount determined by HUD to be just compensation. The date of valuation ordinarily will be the date of the appraisal review.

(d) Promptly after the amount of just compensation is established in accordance with this section, the State agency shall offer to acquire the property for the full amount so established, and shall provide the owner with a written Statement of the Basis for Determination of Just Compensation (the Statement). The Statement shall include, as a minimum, the following:

(1) An accurate legal description and location identification of the real property and the interest therein to be acquired.

(2) An inventory identifying the buildings, structures, fixtures, and other improvements, including appurtenant removable building equipment, which are considered to be part of the real property for which the offer of just compensation is made, and an identification of the owner of each item of the inventory not owned by the owner of the land.

(3) A recital of the amount of the offer and a statement that such amount:

(i) Is the full amount believed by the State agency to be just compensation for the property;

(ii) Is not less than the approved appraisal of the fair market value of the property;

(iii) Disregards any decrease or increase in the fair market value caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the owner;

(iv) Does not reflect any consideration of or allowance for any relocation assistance and payments which the owner is entitled to receive under the regulations in this Part or of the State agency's agreement to pay certain settlement costs.

(4) The recognized definition of the term "fair market value" shall be set forth by the State agency in the Statement.

(5) If only a portion of the property is to be acquired, the Statement shall include an apportionment of the total estimated just compensation for the partial acquisition between: (i) An amount representing estimated just compensation for the real property to be acquired, which compensation shall be the amount considered to be the fair market value of the part or interest to be acquired as part of the whole property, and (ii) an amount representing any net damages or benefits to the remaining property.

(6) If any building, structure, fixture, or other improvement, comprising part of the real property, has been identified as being the property of a tenant who has the right or obligation to remove it at the expiration of his term, the total just compensation for the real property, including the property of such tenant, shall be apportioned to the land owner and to the tenant so that the amount apportioned to each of the tenant's improvements to the real property will be the greater of:

(i) The amount which the tenant's improvement contributes to the fair market value of the real property to be acquired; or

(ii) The fair market value of the tenant's improvement for removal from the real property.

The basis of such apportionment shall be included in the statement.

(e) If the State agency acquires any interest in real property, it shall offer to acquire at least an equal interest in all buildings, structures, fixtures, or other improvements located thereon and which it requires to be removed from the real property or which it determines will be adversely affected by the use to which the real property will be put.

(f) Payment under this section shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the real property involved disclaims all interest in the improvements of the tenant and the tenant assigns, transfers, and releases to the State agency all his right, title, and interest in and to such improvements. Nothing in this section shall deprive the tenant of the right to reject payment thereunder and to obtain payment of just compensation for his property interest as otherwise provided for by applicable law.

(g) If the acquisition of a portion of a property would leave the owner with an uneconomic remnant, the State agency shall offer to acquire such uneconomic remnant. For purposes of the regulations in this subpart an "uneconomic remnant" shall be a parcel of real property in which the owner retains an interest after partial acquisition of his property and which has little or no utility or value to such owner.

(h) If arrangements are made to rent the property to the owner, or his tenant, for a short term, or for a period subject to termination by the State agency or short notice, the rental shall not exceed the lesser of:

(1) The fair rental value of the property to a short-term occupier;

(2) The pro rata portion of the fair rental value for a typical rental period.

If the owner or his tenant is an occupant of a dwelling, the rental for such dwelling shall not exceed twenty-five (25) percent of his income.

(i) The State agency shall make reasonable efforts to discuss with the owner its offer to purchase his real property. The owner shall be given reasonable opportunity to present material which he believes to be relevant as to the question of value and to suggest modification in the proposed terms and conditions of the purchase, and the State agency shall carefully consider the owner's presentation.

(j) If the evidence presented by an owner or a material change in the character or condition of the property indicates the need for new appraisal evidence, or if a significant delay has occurred since the time of an appraisal the State agency shall have the appraisal updated or obtain a new appraisal. If a modification in the State agency's determination of just compensation is warranted, an appropriate price adjustment shall be made and the new amount determined to be just compensation shall be promptly offered in writing to the owner.

(k) No owner shall be required to surrender possession of real property before the State agency pays the agreed purchase price, or deposits with the court in which the State agency has instituted a condemnation proceeding for such property, for the benefit of the owner, an amount not less than the fair market

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value of such property, determined in accordance with paragraph (c) of this section, or the amount of the award of compensation in the condemnation proceeding for such property.

(l) In no event shall the State agency advance the time of condemnation or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action which is coercive or misleading in nature in order to compel or induce an agreement on the price to be paid for the property.

(m) If any interest in real property is to be acquired by exercise of the power of eminent domain, the State agency shall institute formal condemnation proceedings to prove the fact of the taking of real property.

(n) In any case in which a notice is served by the State agency of its intention to acquire real property, initiation of negotiations shall occur within 90 days of the service of such notice of intention.

§ 42.136 Notice of intent to acquire real property.

The State agency shall provide the owner and each tenant in occupancy as of the date its determination to acquire an official written notice of its intent to acquire the real property. Such notice shall be given as soon as feasible after the effective date of approval of the determination to acquire the real property. The notice shall specify, as a minimum, that: (a) A specific area has been designated for inclusion within a HUD-assisted project; (b) The owner's property has been determined to be included in such area; and (c) It has been determined that the owner's property, which shall be generally described, is to be acquired in connection with such program or project. In any case in which a notice of intent to acquire is served, initiation of negotiations for the acquisition of real property which is the subject of such notice, shall commence within 90 days of the service of such notice as set forth in § 42.135(n) of the regulations in this Part.

§ 42.137 Notice of land acquisition procedures.

(a) At the time the State agency notifies an owner of its intention to acquire real property, it shall furnish him a written Notice of Land Acquisition Procedures, describing, in nontechnical terms, the State agency's acquisition procedures and the principal rights and options available to such owner.

(b) Such Notice shall include the following: (1) A description of the basic objectives of the State agency's land acquisition program and a reference to the availability of the State agency's statement covering relocation benefits for which an owner-occupant may be eligible;

(2) A statement that the owner or his representative designated in writing shall be given the opportunity to accompany each appraiser during his inspection of the property;

(3) A statement that if the acquisition of any part of real property would leave the owner with an uneconomic remnant as defined in § 42.135(g) the State agency will offer to acquire the uneconomic remnant;

(4) A statement that if the owner is not satisfied with the State agency's offer of just compensation, he may refuse to accept it and that if he can provide evidence concerning value or damage that warrants a change in the State agency's determination of just compensation, the price will be adjusted accordingly, and that if a voluntary agreement cannot be reached, the State agency will institute a formal condemnation proceeding against the property, depositing in the court the full amount of the State agency's estimate of just compensation;

(5) A statement identifying settlement and related costs that will be paid by the State agency;

(6) A statement that construction or development of a project shall be so scheduled that no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by § 42.120(a) will be available) or to move his business or farm operation, without at least 90 days' written notice from the State agency of the date by which such move is required: *Provided*, That shorter notice may be given where HUD determines that such 90-day notice is impracticable.

(7) A statement that if arrangements are made to rent the property to an owner or his tenant for a short term or for a period subject to termination by the Agency on short notice, the rental will not exceed the lesser of:

(i) The fair rental value of the property to a short-term occupier;

(ii) The pro rata portion of the fair rental value for a typical rental period; or

If the owner or his tenant is an occupant of a dwelling, the rental for such dwelling shall not exceed twenty-five (25) percent of his income.

§ 42.138 Notice of State agency's determination not to acquire.

Whenever a State agency which has issued a written notice of its intent to acquire, or a firm offer to acquire, subsequently determines not to acquire said property, the State agency shall serve a notice in writing, return receipt requested, on the owner, all persons occupying the property and any other person potentially eligible for relocation payments and assistance. This notice shall state that the State agency has determined not to acquire the property and that any person moving from the premises thereafter will not be eligible for relocation payments and assistance. This notice shall be served no later than 10 days from the date of the State agency's determination not to acquire.

§ 42.140 Payments—expenses incidental to transfer of title.

(a) *General.* The State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is earlier, shall reimburse the owner, to the extent the State agency deems fair and reasonable, for expenses such owner necessarily incurred for:

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the State agency;

(2) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) The pro rata portion of real property taxes paid and other charges for public services such as water, sewerage and trash collection, which are allocable to a period subsequent to the date of vesting of title in the State agency, or the effective date of possession of such real property by the State agency, whichever is earlier.

(b) *Documentation in support of a claim.* If real property is acquired by condemnation, a claim for payment under paragraph (a) of this section shall be submitted to the State agency and supported by such documentation as may be required by the State agency. If the real property is acquired by purchase, payment shall be made at settlement of the acquisition and accounted for in the settlement statement, on the basis of such documentation as may be required by the State agency.

(c) *Time for filing claims.* Each such claim shall be submitted to the State agency within a period of six months after the acquisition of the property.

§ 42.141 Statement of settlement cost.

A Statement of Settlement Cost shall be prepared and furnished to the owner at the settlement of the acquisition, or as soon as feasible after the award of the judgment in a condemnation proceeding. The Statement shall itemize all settlement costs regardless of whether they are actually paid at, before, or after the closing, and shall clearly separate charges paid by the owner. The Statement shall be dated and certified as true and correct by the closing attorney or other person handling the transaction.

§ 42.145 Payments—litigation expenses.

(a) *General.* The State agency shall reimburse the owner of any real property for the owner's reasonable costs, disbursements, and expenses of litigation, including attorney, appraisal, and engineering fees, actually incurred because of condemnation proceedings, if:

(1) In a condemnation proceeding instituted by the State agency to acquire such real property for a project, the final judgment of the court having jurisdiction over such proceeding is that the State agency cannot acquire the real property by condemnation; or

(2) Such proceeding is abandoned by the State agency other than pursuant to an agreed-upon settlement of the proposed acquisition of the property by direct purchase; or

(3) A court of competent jurisdiction renders a judgment in favor of the owner as plaintiff in an inverse condemnation proceeding or the State agency effects a settlement of such proceeding.

(b) *Limitations.* No payment under paragraph (a) of this section shall be made unless the State agency is satisfied that the costs involved are reasonable and directly and necessarily related to such condemnation proceedings.

(c) *Documentation in support of a claim.* A claim for a payment under paragraph (a) of this section shall be submitted to the State agency and supported by such documentation as may be required by the State agency.

(d) *Time for filing claims.* Each claim shall be submitted to the State agency within a period of six months after final judgment in accordance with paragraph (a)(1) or (3) of this section, or the abandonment of a condemnation proceeding by a State agency, whichever is applicable.

§ 42.150 Effect upon property acquisition.

(a) The provisions of this Subpart D create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in these regulations shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of value or of damage not in existence immediately prior to January 2, 1971, the date of enactment of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Subpart E—Administration

§ 42.155 Purpose.

The purpose of this Subpart is to set forth the provisions relating to the overall administration of the regulations in this Part.

§ 42.160 Schedules of prices of comparable replacement dwellings.

In cases in which a State agency determines that the use of a schedule is desirable, it may make use of schedules of representative price ranges of comparable replacement dwellings in the locality. Such schedules shall be used for determining the amount of replacement housing payments under §§ 42.90(a)(1) and 42.95(a)(2) and a separate schedule shall be used for determining the amount of payments under § 42.95(a)(1) of this Part. The schedules shall be consistent with the regulations in § 42.120 of this Part; shall be kept current; shall, to the maximum extent possible, reflect the costs set forth in schedules used by other State agencies in the locality; and shall be available in written form to all persons in the office of the State agency. If there is an insufficient supply of comparable replacement housing meeting the definition of § 42.20(b), new, rehabilitated or more recently constructed housing, including publicly assisted housing, shall be used in developing the schedules.

§ 42.165 Notice to persons in project area.

The State agency shall furnish, at the earliest possible date, to all persons who own or occupy property within a project area (or the area of the federally-assisted activities) and who are anticipated to be displaced, a notice or information statement (not a notice of intent to acquire as described in § 42.136 of the regulations in this Part) advising them of (a) the availability of payments under these regulations to eligible persons, (b) the office where the conditions under which such payments will be made are available for inspection, (c) the earliest date on which such person may move and still qualify as a displaced person, (d) the availability of the grievance procedures appearing at Subparts F and G of this Part, and (e) such other information as may be required by HUD. The State agency shall take reasonable steps to publicize this information in language(s) and in a fashion most likely to be understood by the persons to be affected, such as by using the local media, posters in public places and other forms of public communication.

§ 42.166 Manner of notice.

Any notice required by this Part shall be personally serviced or sent by certified or registered first-class mail (return receipt requested).

§ 42.170 Review of claims.

The State agency is initially responsible for determining the eligibility of a claim for, and the amount of, any payment under the regulations in this Part and shall maintain in its files complete and proper documentation including HUD concurrences where required supporting the determination. The determination on each claim shall be made or approved either by the governing body of the agency or by the principal executive officer of the agency or his duly authorized designee.

§ 42.175 Prompt payment.

A payment shall be made by the State agency as promptly as possible after a person's eligibility has been determined in accordance with the regulations in this Part. Advance payments may be made in hardship cases where the State agency determines such advances are appropriate under the regulations in this Part.

§ 42.180 Accounts and records.

Accounts and records shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility for payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the State agency for not less than 3 years after the completion of the project; or, in the case of the community development block grant program, not less than 3 years after the receipt by a displaced person of final payment pursuant to the regulations in this Part. Timely and complete reports shall be submitted in accordance with HUD requirements.

§ 42.185 Payments not to be considered as income.

No payment received under Subpart B of these regulations by a displaced person shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

§ 42.190 Displacement in connection with more than one project.

No person shall be entitled to more than one payment under each of §§ 42.65–42.95 and §§ 42.140 and 42.145 on account of a single displacement or a single acquisition, notwithstanding that the displacement or acquisition is in connection with more than one Federal or federally-assisted project.

§ 42.195 Policies and requirements of HUD.

All determinations or other actions by the State agency provided for under the regulations in this part shall be undertaken in accordance with the policies and requirements of HUD as issued from time to time.

§ 42.200 Waivers.

A waiver of any section of these regulations not required by law may be authorized only with respect to a particular claim and by the Secretary of Housing and Urban Development or his authorized designee after such claim has been reviewed by HUD: *Provided*, That the limitations provided in §§ 42.60, 42.140 and 42.145 with respect to the time of filing of claims may be waived by the State agency for good cause.

Effective date. These regulations shall be effective on March 31, 1975.

JAMES L. MITCHELL,
Under Secretary of Housing and Urban Development.

[FR Doc.75-4595 Filed 2-19-75;8:45 am]

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Title 3—The President

PROCLAMATION 4351

National Safe Boating Week, 1975

By the President of the United States of America

A Proclamation

Despite the need to conserve energy, there are still opportunities on our rivers, lakes, and coastal waters to enjoy sailing and other recreational boating. But these opportunities carry the responsibility of practicing safe boating by developing essential skills.

Recognizing the growth in recreational boating, the Congress, by joint resolution approved June 4, 1958 (72 Stat. 179; 36 U.S.C. 161), requested the President to proclaim annually the week which includes July 4th as National Safe Boating Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning June 29, 1975, as National Safe Boating Week.

I urge all who utilize our waters, in the American tradition of fair play, to provide for the safety of other boaters, as well as themselves, by becoming equipped with basic boating safety knowledge. This information is readily available through numerous safe boating courses offered by governmental and private organizations, such as the United States Coast Guard, the United States Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, and the various State agencies. All pleasure boat operators should take advantage of the many available boating safety courses. Only through education can we minimize boating accidents. I further urge all organizations offering boating safety instruction to reach into every possible related recreational area to encourage boating education.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75–4963 Filed 2–20–75;11:56 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-158]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.7—Procurement Sources Other Than GSA and the Department of Defense

AVAILABILITY OF CERTAIN ITEMS FROM GSA SUPPLY DISTRIBUTION FACILITIES

This regulation provides that only certain items identified by national stock number and produced by workshops for the blind and other severely handicapped persons, and the Federal Prison Industries, Inc., are available from GSA supply distribution facilities.

1. In § 101-26.701 Paragraph (c) is revised to read as follows:

§ 101-26.701 Purchase of blind-made products and services from the blind and other severely handicapped persons.

* * * * *

(c) Products produced by workshops for the blind or other severely handicapped persons which are available from GSA supply distribution facilities are designated by an asterisk (*) preceding the national stock number in the Procurement List identified in paragraph (b) of this section.

2. In § 102-26.702, Paragraph (c) is revised to read as follows:

§ 101-26.702 Purchase of products manufactured by the Federal Prison Industries, Inc.

* * * * *

(c) Prison-made products which are available from GSA supply distribution facilities are designated by an asterisk (*) preceding the national stock number in the product schedule referred to in paragraph (b) of this section.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

* * * * *

Effective date. This regulation is effective February 21, 1975.

Dated: February 10, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-4773 Filed 2-20-75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT)

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), AND CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, & 55)

Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results; Corrections

In FR Doc. 75-3113 appearing at pages 5135-5139 in the issue of February 4, 1975, the following corrections are made:

(1) On page 5135, in the heading in the center column, "Subchapter VII—Farm Marketing Quotas and Acreage Allotments" should be "Subchapter B—Farm Marketing Quotas and Acreage Allotments".

(2) On page 5137, in the first sentence of the second complete paragraph in the first column, "1974-75" should be "1975-76".

(3) On page 5137, in the third complete paragraph, in the first column, "1974" should be "1975".

(4) On page 5137, in the second complete paragraph, in the center column, "1974" should be "1975".

(5) On page 5138, in § 724.12(c), "October 1, 1974" should be "October 1, 1975" and "October 1, 1975" should be "October 1, 1974".

(6) On page 5138, the last line of § 724.12(g) reading "allotment, less the national reserve, by" should be removed and inserted in § 724.12(f) immediately after the words "the national acreage".

(7) On page 5135, in the third column, and on page 5139, in the third column, the effective date "February 3, 1975" should be "February 1, 1975".

Effective date: February 1, 1975.

Signed at Washington, D.C. on: February 14, 1975.

GLENN A. WEIR,
Acting Administrator, Agriculture Stabilization and Conservation Service.

[FR Doc.75-4811 Filed 2-20-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 680]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Feb. 23-Mar. 1, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.980 Lemon Regulation 680.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons was undetermined on Tuesday, which was the first selling day after Monday's holiday.

Average f.o.b. price was $4.97 per carton the week ended February 15, 1975, compared to $4.76 per carton the previous week. Track and rolling supplies at 127 cars were up 2 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

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which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 18, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 23, 1975, through March 1, 1975, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: February 19, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-4908 Filed 2-20-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of these amendments is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1975 ed.), as amended, November 27, 1974 (39 FR 41356–41358), December 11, 1974 (39 FR 43294), and January 3, 1975 (40 FR 757), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective lists therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Add: El Paso, Texas.

OUTSIDE METROPOLITAN AREA

FIVE HOURS

Add: Los Angeles and Los Angeles International Airport (served from San Bernardino, California).

SIX HOURS

Add: Douglas, Arizona (served from Nogales, Arizona).

Add: Nogales, Arizona (served from Douglas, Arizona).

Add: San Luis, Arizona (served from Ajo, Arizona).

Delete: Newport, Oregon (served from Roseburg, Oregon).

TEN HOURS

Add: Barron, Wisconsin (served from Sauk City, Wisconsin).

TWELVE HOURS

Add: Barron, Wisconsin (served from Markesan, Wisconsin).

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective February 21, 1975.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of February, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-4810 Filed 2-20-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

Implementation of 1974 Amendments to the Freedom of Information Act

The purpose of these revisions is to implement the 1974 Amendments to the Freedom of Information Act (5 U.S.C. section 552). The amended regulations will (1) inform the public of the availability of the Board's Index compiled under section (a)(2) of the Freedom of Information Act; (2) provide specific time limits for making a determination as to the availability of requested information; (3) clearly identify the official[s] responsible for any initial or final denial of a request for information, and (4) revise the Board's Rules with regard to exemptions (1) and (7) of the Freedom of Information Act.

Additionally, on January 22, 1975 there was published in the FEDERAL REGISTER (40 FR 3474) a notice of proposed rulemaking with regard to a proposed fee schedule applicable to all constituent units of the Board. The Board has considered all aspects of the proposed fee schedule and the proposed fee schedule is hereby adopted with the following change: addition of a provision for the waiver of search and duplication charges of less than $2. The new fee schedule is incorporated herein as § 261.4(g) of the revised Rules Regarding Availability of Information.

Furthermore, the Board has found that the publication and distribution of its index providing identifying information as to any matter issued, adopted or promulgated by the Board between July 4, 1967 and January 1, 1975 to be impracticable and unnecessary. However, copies of such index are available to the public upon request to the Secretary of the Board, at a charge not to exceed the direct cost of duplication. Section 261.3 of the revised Rules Regarding Availability of Information is changed to reflect the availability of this index.

In order to accomplish these revisions and to otherwise update the Rules Regarding Availability of Information, §§ 261.3, 261.4 and 261.6 are amended, effective February 19, 1975, in the following respects:

(1) Section 261.3 is amended by the modification of paragraphs (b) and (d) and the addition of a new paragraph (f) to read as follows:

§ 261.3 Published information.

. . . . . .

(b) *Annual Reports.* The Board's Annual Report to Congress pursuant to section 10 of the Federal Reserve Act (12 U.S.C. 247), which is made public immediately after its submission to Congress, contains a full account of the Board's operations during the year, an economic review of the year, and legislative recommendations to Congress. As required by law, the Annual Report includes (1) a complete record of the policy actions taken by the Board and the Federal Open Market Committee, showing the votes taken thereon and the reasons underlying such actions (12 U.S.C. 247a); (2) material pertaining to the administration of the Board's functions under the Bank Holding Company Act of 1956 (12 U.S.C. 1844); and (3) material pertaining to bank mergers approved by the Board under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828 (c)).

Pursuant to section 114 of the Truth in Lending Act (15 U.S.C. 1613) the Board reports annually to the Congress concerning the administration of its functions under the Act, and includes such recommendations as it deems necessary or appropriate, and its assessment of the extent to which compliance is being achieved. An annual report is also submitted pursuant to the Freedom of Information Act (5 U.S.C. 552) with regard to requests for information under that Act.

. . . . . .

(d) *Other published information.* As required by section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), the Board issues weekly (1) a statement of the condition of the Federal Reserve Banks; (2) a statement listing certain applications received by or on behalf of the Board and actions on such applications by the Board, or on behalf of the Board pursuant to authority delegated under Part 265 of this chapter, as well as other matters issued, adopted, or promulgated by the Board; and (3) a statement showing changes in the banking structure resulting from mergers and the establishment of branches. From time to time, the Board issues statements to the press regarding particular monetary and credit actions, regulatory actions, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, the more important of which are listed in the monthly Federal Reserve Bulletin. Among such publications is a loose-leaf compilation of Interpretations of the Board of Governors of the Federal System.

. . . . . .

(f) *Index of Board Action.* There is available to the public upon request to the Secretary of the Board, at a charge not to exceed the direct cost of duplication, copies of an index providing identifying information as to any matter issued, adopted or promulgated by the Board between July 4, 1967 and February 19, 1975. Furthermore, the Board publishes and distributes to the public, at a cost not to exceed the direct cost of duplication, a weekly index providing identifying information as to any matter issued, adopted or promulgated by the Board after February 19, 1975.

(2) Section 261.4 is amended by the modification of paragraph (d) and the addition of new paragraphs (e), (f), and (g) to read as follows:

§ 261.4 Records available to the public upon request.

. . . . . .

(d) *Obtaining access to records.* Records of the Board subject to this section are available for inspection and copying during regular business hours at the offices of the Board of Governors of the Federal Reserve System, Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20551, or, in the case of records containing information required to be disclosed under section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78), at the offices of the Federal Deposit Insurance Corporation or at any Federal Reserve Bank. Every request for access to records of the Board, other than those containing information required under section 12 of the Securities Exchange Act, shall be submitted in writing to the Secretary of the Board, shall state the name and address of the person requesting access to such records, shall clearly indicate whether such request is an initial request or an appeal from a denial of information requested pursuant to the Freedom of Information Act, and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty. The Secretary of the Board (or, in his absence, and Assistant Secretary designated by the Secretary) shall determine within ten working days after receipt of a request for access to records of the Board whether to comply with such request; and he shall immediately notify the requesting party of his decision, of the reasons therefor, and of the right of the requesting party to appeal to the Board any refusal to make available the requested records of the Board.

(e) *Appeal of denial of access to records of the Board.* Any person who is denied access to records of the Board, properly requested in accordance with paragraph (d) of this section, may file, with the Secretary of the Board, within ten days of notification of such denial, a written request for review of such denial. The Board or such member or members as the Board may designate, shall make a determination with respect to any such appeal within 20 working days of its receipt, shall immediately notify the appealing party of the decision on the appeal and of the right to seek court review of any decision which upholds, in whole or in part, the refusal of the Secretary of the Board to make available the requested records; and such determination shall not be subject to the procedure prescribed in § 265.3 of this chapter with respect to review of actions taken pursuant to authority delegated by the Board.

(f) *Extension of time requirements in unusual circumstances.* In unusual circumstances as provided in 5 U.S.C. section 552(a)(6)(b), the time limitations imposed upon the Secretary of the Board or the Board in paragraphs (d) and (e) of this section may be extended by written notice to the requesting party for a period of time not to exceed a total of ten working days.

(g) *Fee schedule.* A person requesting access to or copies of particular records shall pay the costs of searching for and copying such records at the rate of $10 per hour for searching and 10 cents per standard page for copying. With respect to information obtainable only by processing through a computer or other information systems program, a person requesting such information shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the information requested. Detailed schedules of such charges are available upon request from the Secretary of the Board. Documents may be furnished without charge or at a reduced charge where the Secretary of the Board or such person as he may designate determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public or where total charges are less than $2.

(3) Section 261.6 is amended by the deletion of subsection (d) and the modification of subsections (a)(1) and (a)(4) to read as follows:

§ 261.6 Exemptions from disclosure.

. . . . . .

(a) . . .

(1) is exempted from disclosure by statute or is specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and is in fact classified pursuant to such executive order.

. . . . . .

(4) is contained in investigatory files compiled for law enforcement purposes (but only to the extent provided in the Freedom of Information Act (5 U.S.C. § 552(b)(7))), including information relating to proceedings for (i) the issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966; (ii) the termination of membership of a State bank in the Federal Reserve System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 327); (iii) the suspension of a bank from use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act (12 U.S.C. 301); and (iv) the granting or revocation of any approval, permission, or authority, except to the extent provided in this Part and except as provided in Part 262 of this chapter concerning bank holding company and bank merger applications;

. . . . . .

(4) The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments (except for subsection 261.4(g)) because the

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rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Board of Governors, February 18, 1975.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4858 Filed 2-20-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 3; Rev. 3, Amdt. 5]

PART 120—BUSINESS LOAN POLICY

PART 122—BUSINESS LOANS

Terms and Conditions of Loans

On October 9, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 36354–36358) concerning revised business loan policy regulations, §§ 120.3, 120.4 and 120.5. Interested persons were invited to make inquiry and submit comments on or before November 8, 1974. After considering the inquiries and comments received, the proposed business loan policy revisions are being adopted with certain modifications, as set forth below, and certain changes in form or style not detailed in the Information section.

Effective date. Amendment 3 to Revision 6 of Part 120 and Amendment 5 to Revision 3 of Part 122 shall be effective on February 21, 1975.

Information. (1) The definition of "Associate" has been liberalized to permit loans to employees of the lender, other than employees authorized to approve loans on its behalf.

(2) Section 120.3(b)(3) has been rewritten to clarify SBA's intent, that, while the amount of servicing fee that a lender may charge a purchaser (other than SBA) of a guaranteed portion of a loan is limited by the amount of interest collected and the duration of the service, it is not subject to any percentage or dollar limitation.

(3) Section 120.3(b)(5) has been rewritten without significant change to the present regulation, with respect to the disclosure of fees charged by lenders, Associates, or by the designee of either.

(4) Section 120.4, setting forth the eligibility requirement for participants, has been amended to

(a) Clarify the meaning of "equivalent of cash" [§ 120.4(b)(2)];

(b) Reserve, in addition to SBA's right to suspend or revoke a lender's eligibility, SBA's right to refuse its consent to a transfer of the guaranteed portion of a loan [§ 120.4(a), see also § 120.5(a)(3)]; and

(c) The procedure for suspending or revoking the eligibility of a lender to continue to participate with SBA has been simplified in order to facilitate a final determination.

(5) Section 120.5(a)(1) [issued in proposed form as § 120.3(a)(3)] has been rewritten to reflect SBA's present policy with respect to its participation in loans intended to repay or refinance existing private debt.

(6) Section 120.5(a)(3) has been redrafted to set forth the conditions under which a lender may transfer all or part of its interest in the SBA guaranteed portion of a loan.

(7) Section 120.5(b)(3) now allows participants eligible under § 120.4(b) to raise capital [in excess of the minimum capitalization required by § 120.4(b)(2)] by issuing subordinated capital notes with the prior written approval of SBA.

(8) Section 122.2(f)(2) has been amended by the deletion of the reference to § 120.3(c), which is repealed by this Amendment.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, Sec. 5, 72 Stat. 385, 15 U.S.C. 634, Parts 120 and 122 of Chapter I of Title 13 of the Code of Federal Regulations are hereby amended as follows:

1. In § 120.1, (c) is revised and (d) is added to read as follows:

§ 120.1 Introduction.

* * * * * *

(c) The terms "financial institution," "lending institution," "bank," or "lender," used interchangeably as appropriate in this part, mean a bank or other lending institution meeting the requirements of this part for qualifying to participate with SBA in making loans to small business concerns.

(d) The term "Associate" as used herein, refers to an Associate of the lender, and includes:

(1) Any officer or director of the lender, any holder of ten percent or more of the lender's stock, debt instruments, or other securities (directly or indirectly), any employee of the lender authorized to approve loans on its behalf, or a close relative or partner of any of the foregoing persons;

(2) Any person (including individual, corporation or partnership), or other entity that controls, is controlled by, or is under common control with, the lender, whether directly or indirectly in each case, or a close relative or partner of any person described in this paragraph;

(3) Any enterprise in which any person or entity (except a small business investment company licensed by SBA) described in the preceding paragraphs (1) or (2) shall be an officer, director, or partner, or in which any such person or entity, either individually or in concert with any other person or entity, shall have a direct or indirect interest of ten percent or more in stock, debt instruments, or other securities.

(i) *Close relative.* A close relative means ancestor, lineal descendant, brother or sister and the lineal descendants of either, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

(ii) *Period of relationship.* For the purposes of this definition, any person or entity in any of the relationships described in paragraphs (1), (2), and (3), within six months prior to the date of the application for a loan or six months after disbursement thereof shall be deemed to have been in such relationship at the time of application or disbursement, as the case may be.

2. In § 120.3, (b)(3) is revised, (b)(5) and (6) are added and (c) is removed as set forth below:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * * *

(b) *Charges and interest rates.* * * *

(3) *Service fees.* In servicing (i) immediate participation loans, (ii) guaranteed loans where SBA has purchased its portion but has not assumed responsibility for servicing, and (iii) guaranteed loans where, the guaranteed portion has been transferred by the lender to a third party, the lender may charge a service fee but shall deduct such fee only from interest collected for the account of SBA or the said third party, as the case may be, and only so long as the lender is servicing the loan: *Provided, however,* That such fee shall not be added to any amount which the borrower is obligated to pay under the loan. Where SBA's share of any loan described in clauses (i) and (ii) is seventy-five percent or less, the service fee shall be three-eighths of one percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share of any loan described in clauses (i) and (ii) is in excess of seventy-five percent, the service fee shall be one-fourth of one percent per annum on the unpaid principal balance of SBA's share of the loan. The above stated limitations do not apply when a lender is servicing a loan for the benefit of a third party other than SBA.

* * * * * *

(5) *Applicants' fees.* No applicant for SBA financial assistance shall be required as a condition or requirement for obtaining a loan to pay any fees or charges to the lender, Associate, or designee of either, or to purchase any goods or services (including insurance) from the lender, Associate, or designee of either, except as hereinafter provided.

(i) *Fees for services.* A lender or Associate may charge an applicant reasonable fees for necessary services actually performed at the request of the applicant, including fees for necessary services actually rendered in in the preparation of the application. Nothing contained herein shall be deemed to authorize any lender to impose upon an applicant fees or charges, any part of which defrays the lender's overhead costs. If additional, supplemental or revised financial statements, income projections, appraisals, abstracts of title or other record searches are required for the processing of a loan, or as a condition of the disbursement thereof, a lender or an Associate (with the consent of the applicant in either case) may prepare such documentation for a reasonable fee: *Provided, however,* That legible copies of any such documents shall be made available to the applicant, together with any supporting

work papers that the applicant may request. A lender may receive the fees authorized under this paragraph whether or not the requested loan is made. A lender may be reimbursed by the borrower for any expenses incurred for filing or recordation necessary to perfect a security interest in the assets of the borrower, including title insurance.

(ii) *Disclosure of fees.* On all applications submitted to SBA the full amount of all fees or expenses, together with a description of the services rendered therefor, paid or to be paid by the applicant to the lender, Associate, or designee of either for purchase of any goods or services (including insurance), shall be disclosed to SBA, as required by Part 103 and by § 122.18 of this chapter.

(6) *Insurance.* An applicant may be required, as a condition of the loan, to purchase or maintain hazard insurance on tangible assets to be used as collateral. An applicant may also be required, when appropriate, to purchase or maintain personal insurance coverage; but any such requirement to purchase personal insurance shall be limited to declining balance term insurance in an initial face amount not in excess of the outstanding balance of the loan, and declining thereafter consistently with the amortization of the loan balance. An applicant shall not be required to purchase insurance from the lender, Associate, or broker, agent, or carrier designated by the lender or Associate. When any insurance is purchased from the lender, Associate, or broker, agent, or carrier designated by the lender or Associate, the cost of such insurance shall be deemed a fee for the purpose of § 120.3(b)(5).

3. Part 120 is further amended by adding new §§ 120.4, 120.5, 120.6, and 120.7 as follows:

Sec.
120.4 Eligible loan participants.
120.5 Operations of eligible participants.
120.6 Reports to SBA by Subsection (b) lenders.
120.7 Examination of Subsection (b) lenders.

§ 120.4 Eligible loan participants.

(a) *General eligibility requirements.* SBA is authorized by appropriate enabling legislation to make participation loans in its discretion in cooperation with banks and other lending institutions, excluding small business investment companies licensed by SBA, through agreements to participate on an immediate or deferred (guaranty) basis. Such agreements do not obligate SBA to participate on any particular loan or loans that a lender may submit. The existence of a participation agreement does not limit SBA's right to determine from time to time, as a matter of general policy or with respect to particular loans, the ratio between its share, immediate or guaranteed, of a loan and the lender's share, or SBA's right to withhold, at its sole discretion, approval of a proposed transfer of the guaranteed portion of any loan. To qualify as a loan participant a lending institution must—

(1) *Capability.* Have a continuing capability to evaluate, process, close, disburse, and service commercial term and other loans authorized to be made by SBA to small business concerns. Such capability will be deemed to exist when the lending institution's operations are at all times conducted by persons possessing the ability to evaluate, process, close, disburse, and service loans of the types aforesaid. The lending institution shall hold itself out to the public as engaged in the making of such loans, and shall maintain a reasonably accessible office in its own name, have a listed telephone number, and be open to the public during regular business hours.

(2) *Good character and reputation.* Have continuing good character and reputation. A lending institution will be deemed to possess good character and reputation if the holders, direct or indirect, of ninety percent or more of its stock, and all members of its management (including officers and directors) possess good character and reputation.

(3) *Financing subsidiaries.* Not be a concern that is or will be engaged primarily in financing the operations of an affiliate as defined in § 121.3-2 of this chapter.

(4) *Supervision and examination.* Be a lending institution subject to continuing supervision and examination by a State or Federal chartering, licensing, or similar regulatory authority as SBA may deem satisfactory, such as a State or National bank, or a State or Federal savings and loan association.

(b) *Special eligibility requirements.* Lending institutions not subject to supervision and examination as provided in (a)(4) of this section may qualify as loan participants if, in addition to the requirements set forth in (a)(1), (2) and (3) of this section, they meet each of the following requirements:

(1) *Business purpose.* Be corporations (profit or non-profit) engaged solely in the making of loans in participation with SBA. A lending institution qualifying under this paragraph (b) shall not engage in any other business or activity except as hereinafter authorized.

(2) *Capital structure.* Have initial unencumbered paid-in capital and paid-in surplus of not less than $500,000 in cash or the equivalent thereof. Only obligations of, or fully guaranteed as to principal and interest by, the United States, including certificates of deposit fully insured by the United States and maturing within three months of the date of entering into a participation agreement with SBA, shall be deemed the equivalent of cash.

(3) *Acceptance of SBA supervision.* Enter into written agreements with SBA generally to submit to supervision and examination by SBA and to conduct their business operations in accordance with such regulations as may be promulgated by SBA. Lending institutions meeting the requirements of this paragraph (b) shall be hereinafter referred to as "Subsection (b) Lenders."

(c) *Determination of eligibility.* A lending institution wishing to participate with SBA in making loans to small business concerns and meeting all requirements set forth in paragraph (a) of this section should submit its request to the SBA District Office serving the area in which the lending institution intends to participate with SBA in making loans to small business concerns. The District Office may require further evidence of the lending institution's qualifications. Requests to qualify as Subsection (b) Lenders should be submitted to the Associate Administrator for Finance and Investment, SBA, Washington, D.C. 20416.

(d) *Suspension and revocation of eligibility to participate.* SBA reserves the right to revoke the eligibility of any lender to participate with SBA or to suspend temporarily the eligibility of any lender to participate with SBA, as a result of any violation of SBA regulations, any breach of any agreement with SBA, or any change of circumstance resulting in the lender's inability to meet the operational requirements set forth herein: *Provided, however,* that such suspension or revocation shall not invalidate any guaranty previously entered into by SBA. Suspension or revocation shall be accomplished in the manner set forth below:

(1) *Service of Notice.* SBA shall serve upon a lender notice of its intention to suspend or revoke its eligibility (Notice), which Notice shall set forth in detail the basis of SBA's intention to suspend or revoke the said lender's eligibility. The Notice shall be served upon the lender by registered or certified mail, return receipt requested, addressed to the said lender's principal business office.

(2) *Service of papers other than the Notice.* Papers other than the Notice may be served upon a lender as provided in (d)(1) of this section, or by service in the manner provided therein upon an attorney at law or other agent designated by the lender.

(3) *Service of papers upon SBA.* Papers in connection with the suspension or revocation of a lender's eligibility shall be served upon SBA by:

(i) delivery to the Associate Administrator for Finance and Investment, SBA, 1441 L Street, N.W., Washington, D.C. 20416; or

(ii) registered or certified mail, return receipt requested, addressed to the Associate Administrator for Finance and Investment at the above-listed address.

(4) *Effect of failure to respond.* The revocation or temporary suspension of a lender's eligibility to participate shall become effective as of the close of business on the tenth day following the lender's receipt of the Notice unless, prior to the expiration of the aforementioned time period, SBA shall receive notice of the lender's intention to submit an answer.

(5) *Answer.* A lender that has notified SBA of its intention to file an answer shall be given twenty additional days to submit to SBA such answer, including briefs and affidavits, showing why its eligibility should not be suspended or revoked. SBA may, in its sole discretion, extend the period permitted hereunder for the filing of an answer. Suspension or revocation of the eligibility of any lender

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that has filed an answer shall be held in abeyance pending final determination by SBA.

(6) *Initial decision.* SBA's Notice, together with the said lender's answer thereto, including briefs and affidavits, shall be referred by the Associate Administrator for Finance and Investment to an SBA employee designated by him (designee) for initial determination of any material issues of fact or of law. No person who has participated in the preparation or approval of the Notice to the lender, or in any investigation or other fact-finding procedure in connection therewith shall participate in the preparation of the initial determination; and no person who has participated in the lender's case, as aforesaid, shall communicate with, or otherwise attempt to influence the initial decision of, the designee, who shall, as soon as possible, prepare proposed findings and conclusions and present them to the Associate Administrator for Finance and Investment.

(7) *Final decision.* The decision of the Associate Administrator for Finance and Investment shall give appropriate weight to the recommended findings and conclusions of the designee and shall, without further proceedings, be the final decision of SBA.

(8) *Effect of decision.* Suspension or revocation of a lender's eligibility to participate with SBA shall become effective upon the lender's receipt of notification of SBA's decision, but shall not relieve that lender from its obligation to service any loan made in participation with SBA, nor any other obligation arising out of, or out of the breach of, any agreement with SBA, or any regulation promulgated by SBA.

§ 120.5 Operations of eligible participants.

(a) *General.* Lenders must observe the following regulations as a condition of their continuing eligibility as participants:

(1) *Conflicts.* SBA will not participate in any loan to a small business concern in which the lender has a direct or indirect interest. For example:

(i) SBA will not participate in any loan made to an Associate;

(ii) SBA will not participate in any loan made for the purpose of financing, directly or indirectly, the purchase of real or personal property, or of services, from the lender or any Associate unless SBA shall have first made a written determination that the purchase of the property or services from the lender or Associate is in the best interests of the small business concern.

(iii) SBA will not participate in repaying or refinancing an existing loan unless SBA shall have first made a written determination, upon the basis of evidence in the file, that

(A) The terms of the existing indebtedness are causing undue hardship to the small business concern;

(B) Financing on the terms proposed will relieve the hardship and contribute to the orderly growth of the small business concern, and will not violate § 120.2 (d) (1) of this part; and

(C) Refinancing, extension, or modification of the outstanding indebtedness is not available without such SBA participation.

(2) *Services to borrowers.* Lenders are permitted to provide to borrowers any services not otherwise prohibited by statute or regulation, but are subject to the restrictions set forth in §§ 120.3(b) (5) and (6) and as set forth below: *Provided, however,* That Subsection (b) Lenders may provide only management consulting, accounting, insurance, and related services, and only to their borrowers, or as otherwise provided in § 120.3(b) (5).

(i) In no event may the purchase or commitment to purchase any goods or services (including insurance) from the lender, Associate, or designee of either, be made a condition precedent or subsequent to the making, closing, disbursing or servicing of any loans;

(ii) No contract for goods or services [including insurance other than as authorized in § 120.3(b) (6)] from a lender, Associate, or designee of either, may be entered into with any small business concern until after full disbursement of the loan proceeds to the small business concern or to an account not controlled by the lender, Associate, or designee of either.

(3) *Sale or transfer of guaranteed portion.* In addition to the transfer of an SBA guaranteed loan as provided in SBA Forms 750 and 750B, Loan Guaranty Agreements, a lender may transfer the entire guaranteed portion pursuant to a transfer instrument (hereinafter referred to as a secondary participation agreement) wherein the lender and SBA agree to the repurchase of the guaranteed portion as provided in said secondary participation agreement: *Provided, however,* That prior to the execution thereof:

(i) All loan documents, including compensation agreements and settlement sheets, have been executed by the borrower and by the lender, as the case may be, and approved by SBA;

(ii) All fees, including fees to agents (as defined in § 103.13–2 of this chapter) paid or to be paid by the borrower in connection with the loan have been approved by SBA;

(iii) The full amount of the loan, as authorized, has been disbursed by the lender to the borrower;

(iv) All guaranty fees, including fees otherwise payable in installments, have been paid in full; and

(v) The terms of sale do not obligate the lender or SBA to repurchase under any circumstances other than those provided for in the said secondary participation agreement. Execution of the said secondary participation agreement by SBA shall not relieve any lender of the obligation of compliance with all legal requirements relating to the sale or other transfer of securities, including (but not limited to) the statutes administered by the Securities and Exchange Commission and "Blue Sky" laws.

(b) *Special requirements applicable to Subsection (b) Lenders.* As a condition of continued participation with SBA, Subsection (b) Lenders are subject to the following additional requirements:

(1) *Capital impairment.* Each Subsection (b) Lender shall maintain at all times an unimpaired capital. Impairment shall be deemed to exist when the retained earnings deficit exceeds fifty percent of the combined paid-in capital and paid-in surplus, excluding treasury stock. SBA shall be given prompt written notice of any capital impairment. Until the said impairment is cured, a Subsection (b) Lender shall present no loans to SBA for guaranty.

(2) *Maintenance of Capitalization.* A Subsection (b) Lender shall maintain at all times an unimpaired combined paid-in capital and paid-in surplus in an amount not less than $500,000, or ten percent of the aggregate of said lender's share of all loans outstanding, whichever shall be greater.

(3) *Issuance of securities.* A Subsection (b) Lender may not issue, without prior written SBA approval, any securities (including stock, stock options, or debt securities), except common stock issued for cash, direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States, or as a stock dividend.

(4) *Voluntary capital reduction.* Without prior written SBA approval, a Subsection (b) Lender may not voluntarily reduce its capital, or purchase and hold more than two percent of any class or combination of classes of its stock.

(5) *Reserves for losses.* In addition to the requirements of paragraph (2) hereof, a Subsection (b) Lender shall maintain a reserve in the amount of anticipated losses on receivables (as defined in Appendix C hereto, SBA's *System of Account Classification for Subsection (b) Lenders*) [1] and on said lender's share of all outstanding loans.

(6) *Maintenance of records.* A Subsection (b) Lender shall maintain accurate and current financial records, including books of account, in accordance with Appendix C hereto. All financial records, minutes of meetings of stockholders, directors, executive committees, or other officials, and all documents and supporting materials relating to the said lender's transactions shall be maintained at its principal office, or at such other location as SBA may require: *Provided, however,* That securities held by a custodian pursuant to a written agreement shall be exempt from this requirement.

(7) *Preservation of records.* Subsection (b) Lenders shall preserve, for the periods hereinafter specified and in a manner that permits the immediate location thereof, such documents which

[1] Appendix A (*Audit Guide for Subsection (b) Lenders*), Appendix B (*Guide for the Preparation of the Financial Report*), and Appendix C (*System of Account Classification for Subsection (b) Lenders*) will be published in the FEDERAL REGISTER in the near future.

are the basis for financial statements required by § 120.7(b) (and of the accompanying independent public accountant's opinion), and shall:

(i) Preserve permanently—

(A) All general and subsidiary ledgers (or other records) reflecting asset, liability, capital stock and surplus, income, and expense accounts;

(B) All general and special journals (or other records forming the basis for entries in such ledgers); and

(C) The corporate charter, bylaws, application for determination of eligibility to participate with SBA, and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(ii) Preserve for at least six years following final disposition of the related loan—

(A) All applications for financing;

(B) Lending, participation, and escrow agreements;

(C) Financing instruments;

(D) All other documents and supporting material relating to such loan, including correspondence.

Records and other documents referred to in this paragraph (7) may be preserved by microfilming: *Provided, however,* said lender shall cause a duplicate microfilm to be made on a current basis and stored separately from the original microfilm for the time required, and shall maintain at all times at its principal office, or at such other location as SBA may require, facilities for the projection and reproduction of the said microfilmed records.

(8) *Internal control.* A Subsection (b) Lender shall adopt a plan designed to safeguard its funds and other assets, to assure the reliability of its personnel, and the accuracy of its financial data.

(i) *Dual control.* A Subsection (b) Lender shall maintain dual control over disbursement of funds and withdrawal of securities. Disbursements shall be made only by means of checks requiring the signatures of two or more officers covered by the said lender's fidelity bond, except that checks in amounts of $1,000 or less may be signed by one bonded officer. Two or more bonded officers, or one bonded officer and one bonded employee, shall be required to open safe deposit boxes or withdraw securities from safekeeping. Said lenders shall furnish to each depository bank, custodian, or entity providing safe deposit boxes, a certified copy of the resolution implementing the foregoing control procedures.

(ii) *Fidelity insurance.* Each Subsection (b) Lender shall maintain a Brokers Blanket Bond, Standard Form 14, or Finance Companies Blanket Bond, Standard Form 15, or such other form of coverage as SBA may approve, in a minimum amount of $25,000 executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to 6 U.S.C. 6–13.

(9) *Change of ownership or control.* Any change of ownership or control of a Subsection (b) Lender shall be reported to SBA. Change of ownership or control shall include:

(i) Any transfer of ten percent or more of any class of the said lender's stock, and any agreement providing for such transfer;

(ii) Any transfer that could result in the beneficial ownership by any person or group of persons acting in concert of ten percent or more of any class of the said lender's stock, and any agreement providing for such transfer;

(iii) Any merger, consolidation, or reorganization; or

(iv) Any other transaction or agreement that in fact transfers control (as defined in § 107.3 of this chapter) of the said lender.

If transfer of ownership or control is subject to the approval of any State or Federal chartering, licensing, or similar regulatory authority, copies of any documents filed with such authority shall, at the same time, be transmitted to the SBA District Office serving the area in which the lender's principal office is located.

Any such change of ownership or control is prohibited without prior written approval of SBA. Said lenders shall file requests for approval of any such change with the Associate Administrator for Finance and Investment, SBA, Washington, D.C. 20416. Pending such approval, such lender shall neither register the proposed new owners on its transfer books, nor permit them to participate in any manner in the conduct of such lender's affairs.

§ 120.6 Reports to SBA by subsection (b) lenders.

(a) *General.* All reports required to be filed hereunder shall be transmitted to the Associate Administrator for Finance and Investment, SBA, Washington, D.C. 20416.

(b) *Financial reports to SBA.* Each Subsection (b) Lender shall submit financial reports to SBA that are prepared in accordance with Appendix B, *Guide for the Preparation of the Financial Report.* Said lender shall submit at the end of its fiscal year a financial report that has been prepared by the said lender's SBA-approved independent public accountant in accordance with Appendix A, *Audit Guide for Subsection (b) Lenders.* When requested by SBA, interim financial reports shall also be submitted.

(c) *Litigation reports.* When a Subsection (b) Lender becomes a party to litigation or other legal or administrative proceedings, including any action commenced by it, or by a security holder thereof in a personal or derivative capacity, against an officer, director, or employee of such lender for alleged breach of official duty, it shall within ten days thereof file a report with SBA describing the proceedings, identity of and the said lender's relationship to other parties involved and, upon request, submit copies of the pleadings and other documents specified by SBA. Where such proceedings have been terminated by settlement or final judgment, such lenders shall within ten days advise SBA of the terms thereof. The requirements of this paragraph are in addition to the requirements of paragraph 6 of SBA Form 750, Loan Guaranty Agreement.

(d) *Other reports to SBA.* (1) *Reports to stockholders.* At the time any report is furnished to stockholders of a Subsection (b) Lender (including any prospectus, letter, or other publication concerning the financial operations of said lender or any of its borrowers), the said lender shall file three copies of such report with SBA.

(2) *Reports of changes.* A Subsection (b) Lender shall, within thirty days of the event in question, notify SBA in writing (using an SBA form, where appropriate) of:

(i) Any change in its name, address, or telephone number;

(ii) Any change in its charter or bylaws, or of its officers or directors (to be accompanied by a statement of personal history);

(iii) Any change in capitalization not otherwise required to be reported to SBA; or

(iv) any change in circumstances affecting the validity of representations on the basis of which SBA determined that the lender was an eligible participant.

(3) *Miscellaneous reports.* Each Subsection (b) Lender shall file with SBA such other reports as SBA may require from time to time by written directive.

§ 120.7 Examination of subsection (b) lenders.

Each Subsection (b) Lender shall be subject to periodic examination by the SBA Office of Examinations, and the cost of such examination shall be assessed against the examined lender. SBA may waive examination in the case of such lender whose operations have been suspended, or which is in receivership. Examination fees will be assessed for each examination, except for the first examination of such lender. As a general rule, SBA will not assess examination fees for special examinations to obtain specific information. The fee structure for examinations is based on such lender's assets as of the date of the latest audited financial statement submitted to SBA before the examination. The rate table is as follows:

Total assets	Base rate	Percent of assets
$500,000 or less	$400+	0.
$500,000 to $1,000,000	400+	0.06 over $500,000.
$1,000,001 to $3,000,000	700+	0.15 over $1,000,000.
$3,000,001 to $5,000,000	1,000+	0.08 over $3,000,000.
Over $5,000,001	1,160+	0.003 over $5,000,000.

For example, a lender with total assets of $2,000,000 would pay an examination fee of $850 ($700+0.015% of $1,000,000). SBA may assess an additional fee of $100 per day required to complete an examination that is delayed or prolonged beyond twenty days if, in the judgment of SBA, such delay or prolongation is caused by the lender's failure to keep or maintain its books or records in the manner prescribed herein or by failure to cooperate in such examination.

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4. Section 122.2(f)(2) is amended by deleting the last sentence thereof and substituting therefor the following sentence:

§ 122.2 General.

* * * * * * *

(2) * * * The eligibility qualifications for financial institutions set forth in Part 120 of this chapter are incorporated herein.

(f) * * *

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: February 12, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-4749 Filed 2-20-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NE-53, Amdt. 39-2098]

PART 39—AIRWORTHINESS DIRECTIVES

Aircraft Incorporating Whelen Engineering Co., Inc. A427 Strobe Light Flash Tubes

A proposal to amend Part 39 of the Federal aviation regulations to include an airworthiness directive pertaining to Whelen Engineering Company Incorporated A427 strobe light flash tubes manufactured before November 1, 1974, was published in the FEDERAL REGISTER (40 FR 1711) on January 9, 1975.

Interested persons have been afforded an opportunity to participate in making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal aviation regulations is amended by adding the following new airworthiness directive:

WHELEN ENGINEERING CO., INC.: Applies to aircraft incorporating Whelen Engineering Company Incorporated A427 strobe light flash tubes manufactured before November 1, 1974.

Compliance required within the next 100 hours time in service unless already accomplished.

(a) To preclude possible ignition of flammable fluids or vapors by arcing at the strobe light flash tube, install on the base of Whelen Engineering Company Incorporated A427 flash tubes a pressure sensitive vinyl label conforming to Whelen Engineering Company Incorporated Drawing A-30052, Revision 1, dated October 15, 1974, or later FAA approved revision. Scotch Brand Type 33+ vinyl plastic electrical tape or equivalent tape approved by an FAA Maintenance/Avionics Inspector can be used in lieu of the vinyl label. If vinyl plastic electrical tape is used, it must be formed to cover the rivet at the rear of the flash tube without covering the identifying part number. If the flash tube incorporates a label, the new label or tape may be installed directly over the old label. Install the label or tape only when the label or tape and the flash tube are at a temperature above 50°F.

(b) The installation required by this AD constitutes preventive maintenance and may be performed by persons authorized to perform preventive maintenance under FAR 43.

(c) Upon request with substantiating data submitted through an FAA Maintenance/Avionics Inspector, equivalent methods of compliance with this AD may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

NOTE.—For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

This amendment becomes effective March 24, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on February 12, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-4689 Filed 2-20-75;8:45 am]

[Docket No. 75-CE-2-AD; Amdt. 39-2097]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 95, 55, 95-55, 56 and 58 Series Airplanes

Amendment 39-600, AD 68-10-7, published in the FEDERAL REGISTER on May 17, 1968, is an Airworthiness Directive (AD), which required installation of a redesigned elevator tab push-pull rod and strengthening the elevator tab actuator rod end on certain Beech 95 and 95-55 series aircraft to prevent an unsafe flight condition which could occur as a result of looseness in elevator trim tab systems. Service experience has shown that the redesigned rod and subsequent modifications have been inadequate to correct this problem. Since the condition of looseness of the elevator trim tab system is likely to exist or develop on other airplanes of the same type design, an AD is being issued superseding AD 68-10-7, which provides for the installation of components to insure a more secure elevator trim tab system for those Beech Model aircraft to which AD 68-10-7 was applicable as well as additional Beech airplane models that are affected.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal aviation regulations is amended by adding the following new AD.

BEECH. Involves those Serial Numbers listed below of Models 95, B95, B95A, D95A, E95, 95-55, 95-A55, 95-B55, 95-B55A, 95-C55, 95-C55A, D55, D55A, E55, E55A, 95-B55B (Military T-42A), 56TC, A56TC, 58 and 58A airplanes.

Paragraph 1 applies to Serial Numbers TC-1 thru TC-1077; TD-2 thru TD-715; TE-1 thru TE-542; TG-2 thru TG-63 and TF-1 thru TF-65 airplanes (some airplanes may already have complied with this paragraph per AD 68-10-7).

Paragraph 2(a) applies to Serial Numbers TC-1 thru TC-1143; TD-2 thru TD-721; TE-1 thru TE-617; TF-1 thru TF-65; and TG-2 thru TG-69 airplanes.

Paragraph 2(b) applies to Serial Numbers TC-1144 thru TC-1775; TE-618 thru TE-1005; TF-66 thru TF-70; TG-70 thru TG-94; and TH-1 thru TH-533 airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of elevator trim tab systems, accomplish the following:

(1) Within the next 100 hours' time in service after the effective date of this AD, remove two AD 470 AD3 rivets which attach the rod end to the screw shaft in each elevator trim tab actuator and replace with a shoulder pin (P/N 96-524032) and one MS 20 435 F3-6 rivet in accordance with Beech Service Instruction No. 0610-152 or later revisions.

(2) Within the next 100 hours' time in service after the effective date of this AD, replace or alter the elevator trim tab control rod as follows:

(a) Replace the tube assemblies that have swaged tube ends (tapered) with tube assemblies with straight tube ends (P/N 96-520012-9) in accordance with Beech Service Instructions No. 0610-152 or later revisions.

(b) Either replace two AN 470 AD rivets which are attached to the forward end fitting of the tube assembly with two MS 20615-3M rivets of appropriate length in accordance with procedures specified in Advisory Circular AC 43.13-1A or in the alternative, replace the rod assemblies with assemblies approved for the appropriate elevator trim tab configuration.

(3) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes Amendment 39-600 (AD 68-10-7).

This amendment becomes effective February 26, 1975.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Kansas City, Missouri, on February 11, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-4686 Filed 2-20-75;8:45 am]

[Docket No. 75-NE-9; Amdt. 39-2099]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft

There have been reported instances of fuel leakage and autoignition as a result of fuel leakage on Pratt and Whitney Aircraft JT8D engines incorporating the "B" nut fuel manifold configuration. Since this condition is likely to exist or develop in other JT8D engines of the same design, an airworthiness directive is being issued to require a daily visual inspection for fuel leakage on those engines with over 1000 hours in service since the fuel manifold "B" nuts were torqued. The inspection requires looking into the engine tailpipe and fan duct as far forward as the diffuser case for residual fuel wetness or staining and inspecting the diffuser fan duct and combustion chamber fan duct flanges for dripping fuel.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal aviation regulations is amended by adding the following new airworthiness directive:

PRATT AND WHITNEY AIRCRAFT. Applies to all Pratt and Whitney Aircraft JT8D model engines containing P/Ns 629141, 629148, 629154, 699155, 735780, and 735781 fuel manifolds.

To detect possible fuel manifold leakage accomplish the following inspection once a day on engines with over 1000 hours total time in service since new, or 1000 hours total time since the fuel manifold "B" nuts have been torqued in accordance with Section 72-37 of Pratt and Whitney Aircraft JT8D Engine Manual No. 481672, Revision 71, or later FAA approved revision:

1. Within 20 minutes after engine shutdown, inspect the inside diameter of the diffuser fan duct, combustion chamber fan duct, exhaust fan duct, and exhaust nozzle for evidence of residual fuel wetness or staining, using a six volt light source or equivalent. Direct the light source into the engine tailpipe to illuminate the fan duct as far forward as the diffuser case. If residual fuel is not evident, inspect within 30 minutes after engine shutdown for the presence of dripping fuel at the diffuser fan duct and combustion chamber fan duct flanges and for the presence of fuel in the cowl bottom quadrant under these flanges.

2. Remove from service before further flight those engines that have evidence of fuel leakage.

3. Equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may be substituted for torquing the fuel manifold "B" nuts and for compliance with the requirements of Paragraph 1.

NOTE: Pratt and Whitney Aircraft Alert Service Bulletin No. 4389, dated January 16, 1975, pertains to this subject.

The manufacturer's engine manual identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt and Whitney Aircraft, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at Federal Aviation Administration Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the Federal Aviation Administration at its headquarters in Washington, D.C., and at the New England Regional office in Burlington, Massachusetts.

Upon submission of substantiating data through an FAA maintenance inspector by an owner or operator, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance time.

This amendment becomes effective March 12, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on February 12, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

(The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc.75-4683 Filed 2-20-75;8:45 am]

[Airspace Docket No. 74-SW-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal aviation regulations is to designate a 700-foot transition area at Marksville, La.

On December 30, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 45047) stating the Federal Aviation Administration proposed to designate the Marksville, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MARKSVILLE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marksville NDB (latitude 31°05'39" N., longitude 92°04'17" W.); within 3.5 miles each side of a 206° bearing from the Marksville NDB extending from the 5-mile radius area to 11.5 miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Forth Worth, Tex., on February 10, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-4690 Filed 2-20-75;8:45 am]

[Airspace Docket No. 74-NE-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Transition Area; Correction

The airport at the Naval Air Station, Quonset Point, Rhode Island, was deactivated as a naval facility on April 5, 1974, and is presently being operated as the Quonset Point, Rhode Island, Airport.

Accordingly, action is taken herein to change the name of the airport as it appears in the description of the Providence, Rhode Island, transition area.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective in less than thirty (30) days notice.

§ 71.181 [Amended]

In view of the foregoing, the description of the Providence, Rhode Island, Transition Area in § 71.181 of Part 71 of the Federal Aviation Regulations is hereby amended by deleting all reference to "NAS Quonset Point" and inserting in lieu thereof "Quonset Point, Rhode Island, Airport."

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348(a)] and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on February 7, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-4693 Filed 2-20-75;8:45 am]

[Docket No. 14313; Amdt. No. 956]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United

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States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective April 3, 1975.*

Albany, N.Y.—Albany County Arpt., VOR Rwy 28, Orig.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR/DME Rwy 22, Amdt. 1.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR Rwy 4, Amdt. 11.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR Rwy 13, Amdt. 1.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR Rwy 31, Amdt. 10.
Big Piney, Wyo.—Big Piney Municipal Arpt., VOR Rwy 31, Amdt. 1.
Erie, Pa.—Erie Int'l. Arpt., VOR/DME Rwy 24, Amdt. 4.
Fort Wayne, Ind.—Fort Wayne Municipal Arpt. (Baer Field), VOR Rwy 4 (TAC), Amdt. 11.
Fort Wayne, Ind.—Fort Wayne Municipal Arpt. (Baer Field), VOR Rwy 22 (TAC), Amdt. 4.
Gage, Okla.—Gage Municipal Arpt., VOR–A, Amdt. 7.
Meridian, Miss.—Key Field, VOR–A, Amdt. 11.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., VOR Rwy 5, Amdt. 7.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., VOR Rwy 23, Amdt. 7.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., VOR Rwy 32, Amdt. 7.
West Point, Va.—West Point Municipal Arpt., VOR Rwy 33, Amdt. 5.

• • • *effective February 27, 1975.*

Knoxville, Tenn.—McGhee Tyson Arpt., VOR Rwy 22L, Orig.

• • • *effective February 11, 1975.*

Destin, Fla.—Destin-Ft. Walton Beach Arpt., VOR–A, Amdt. 2.

• • • *effective February 8, 1975.*

Annette Island, Alaska—Annette Island Arpt., VORTAC–A, Amdt. 6.
Annette Island, Alaska—Annette Island Arpt., VORTAC Rwy 30, Amdt. 8.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective April 3, 1975.*

Chattanooga, Tenn.—Lovell Field, LOC (BC) Rwy 2, Amdt. 12, cancelled.
Erie, Pa.—Erie Int'l. Arpt., LOC (BC) Rwy 24, Amdt. 4.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., LOC (BC) Rwy 14, Amdt. 1.

• • • *effective March 6, 1975.*

Monticello, N.Y.—Sullivan Co. Int'l. Arpt., LOC Rwy 15, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective April 3, 1975.*

Erie, Pa.—Erie Int'l. Arpt., NDB Rwy 24, Amdt. 11.
Meridian, Miss.—Key Field, NDB Rwy 1, Amdt. 14.
Walterboro, S.C.—Walterboro Municipal Arpt., NDB Rwy 23, Amdt. 3.

• • • *effective March 6, 1975.*

Monticello, N.Y.—Sullivan Co. Int'l. Arpt., NDB Rwy 15, Orig.

• • • *effective February 8, 1975.*

Annette Island, Alaska—Annette Island Arpt., NDB–B, Amdt. 7.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective April 3, 1975.*

Atlantic City, N.J.—NAFEC Atlantic City Arpt., ILS Rwy 31, Amdt. 1, cancelled.
Chattanooga, Tenn.—Lovell Field, ILS Rwy 20, Amdt. 24.
Meridian, Miss.—Key Field, ILS Rwy 1, Amdt. 18.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., ILS Rwy 32, Amdt. 2.
Salt Lake City, Utah—Salt Lake City Int'l. Arpt., ILS Rwy 16L, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective April 3, 1975.*

Atlantic City, N.J.—NAFEC Atlantic City Arpt., RADAR–1, Amdt. 11.
Erie, Pa.—Erie Int'l. Arpt., RADAR–1, Amdt. 1.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective April 3, 1975.*

Erie, Pa.—Erie Int'l. Arpt., RNAV Rwy 24, Amdt. 3.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., RNAV Rwy 5, Amdt. 2.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., RNAV Rwy 23, Amdt. 2.

CORRECTION

In Docket No. 14303, Amendment 955 to Part 97 of the Federal aviation regulations, published in the FEDERAL REGISTER dated February 14, 1975, under § 97.25, effective March 27, 1975—Change effective date of Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arpt., LOC (BC) Rwy 5, Amdt. 1 to March 6, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on February 13, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

(Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610))

[FR Doc.75-4694 Filed 2-20-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Public Records, Confidential Information, and Freedom of Information Act Requests

The Federal Trade Commission's current regulations concerning public records, inspection and copying of records, exempted records, and requests for disclosure of records are set forth in §§ 4.8, 4.9, 4.10, and 4.11 of its procedures and rules of practice (16 CFR 4.8, 4.9, 4.10, and 4.11).

Recent amendments to the Freedom of Information Act (Administrative Procedure, 5 U.S.C. 552) establish specific time limits for responding to access requests, impose stringent indexing requirements, levy sanctions for improper withholding of records, contain substantive changes with respect to the coverage of exemption 7 (5 U.S.C. 552(b)(7)), and require the segregation of requested records into exempt and non-exempt portions. Accordingly, to comply with these amendments, the Federal Trade Commission announces the amendments listed and set forth below in Part 4 of its miscellaneous rules.

On February 19, 1975, the Commission published in the FEDERAL REGISTER (40 FR 7251) a schedule of fees for document search, duplication and certification and that subject is, therefore, not covered by these amendments.

Because the amendments pertain to matters of procedure and policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

1. Sections 4.9(a), 4.9(b)(1) and 4.9(b)(4) are revised as follows: § 4.9(c) is deleted and §§ 4.9(c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), and (c)(7) are renumbered as 4.9(b)(17), (b)(18), (b)(19), (b)(20), (b)(21), (b)(22), and (b)(23) respectively; and §§ 4.9(d) and 4.9(e) are redesignated as 4.9(c) and 4.9(d) respectively:

§ 4.9 **Public records.**

(a) All records of the Commission are available for public inspection and copying on request except to the extent that they are exempt from public availability under the provisions of § 4.10. Records exempt from disclosure by the provisions of § 4.10 may be made available for inspection and copying upon request under the procedure set forth in § 4.11.

(b) The public records of the Commission which are routinely available for inspection and copying include:

(1) A current index of opinions, orders, statements of policy and interpretations, administrative staff manuals, general instructions and other public records of the Commission;

• • • • • •

(4) The pleadings and prehearing conferences (to the extent made available under § 3.21(c)), motions, certifications, orders, and the transcripts of hearings, including public conferences, testimony, oral arguments, and other material made a part thereof, and exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings (except testimony and exhibits placed in camera);

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2. Sections 4.10(a), (a)(1), (a)(4) and (a)(5) are revised as follows:

§ 4.10 **Confidential information.**

(a) The following records of the Commission are exempt from availability for public inspection and copying pursuant to 5 U.S.C. § 552; however, records exempt from disclosure by the provisions of this section may be made available to a requester for inspection and copying upon request for records under the procedures set forth in § 4.11 or by the Commission upon its own motion.

(1) Records, except to the extent required to be disclosed under other laws or regulations, related solely to the internal personnel rules and practices of the Commission. This exemption applies to administrative manuals and other internal rules or instructions to Commission personnel which must be kept confidential in order to assure effective performance of the functions and activities for which the Commission is responsible and which do not affect members of the public.

• • • • • •

(4) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy except to the extent such files or materials must be disclosed under other laws or regulations. This exemption applies to personnel and medical records and similar records containing private or personal information concerning any individual which, if disclosed to any person other than the individual concerned or his designated legal representative without his permission in writing, would constitute a clearly unwarranted invasion of personal privacy. Examples of files exempt from disclosure include, but are not limited to: (i) The personnel records of the Commission; (ii) files containing reports, records or other material pertaining to individual cases in which disciplinary or other administrative action has been or may be taken, including records of proceedings pertaining to the conduct or performance of duties by Commission personnel;

(5) Investigatory records compiled for law enforcement purposes to the extent that release of information in such records would (i) interfere with enforcement activities, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, (v) disclose investigative techniques or procedures, or (vi) endanger the life or physical safety of law enforcement personnel. This exemption covers, but is not limited to information obtained by the Commission relating to alleged or possible violations of laws administered by the Commission, which information may be in many forms, including letters of complaints, reports of interviews conducted by Commission personnel, memoranda, transcripts of testimony in nonpublic investigational hearings, and evidentiary documents obtained during the course of investigation.

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3. Section 4.11 is revised as follows:

§ 4.11 **Requests for disclosure of records.**

(a) *Freedom of Information Act requests*—(1) *Initial Requests.* (i) *Form and contents; time of receipt.* (A) A request under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended, for access to Commission records shall be in writing and addressed as follows:

Freedom of Information Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

(B) Failure to mark the envelope and the request in accordance with paragraph (a)(1)(i)(A) of this section will result in the request being treated as received on the date the request is actually received by the processing unit in the Office of the Secretary.

(C) Each request must specifically indicate the requester's willingness either (*1*) to pay, in accordance with § 4.8(c) of these rules, whatever fees may be charged for processing the request, or (2) a willingness to pay such fees up to a specified amount.

(D) If the indication required by paragraph (a)(1)(i)(C) of this section is absent, the requester will be advised by letter of the estimated fees and the request will be deemed not to have been received until the requester agrees to pay such fees; *provided, however,* if the Secretary determines that the estimated fees will not exceed $25.00, the request will be processed upon receipt in accordance with the requirements of paragraphs (a)(1)(i)(A) or (B) of this section. For good cause an advance deposit may be required.

(E) The letter of request should indicate whether any waiver of fees is requested. The Secretary shall make a determination on any such request in accordance with § 4.8(c) and notify the requester accordingly. A denial may be appealed to the Commission. If a waiver is requested, and the requester has not provided the indication required by paragraph (a)(1)(i)(C) of this section, unless the Secretary determines that the estimated fees will not exceed $25.00, the access request will be deemed not to have been received until the waiver is granted.

(ii) *Identifiability.* (A) A request for access to Commission records must reasonably describe the records requested to enable Commission personnel to identify and locate them with a reasonable amount of effort. A request should be as specific as possible, and include, where known, information regarding dates, titles, file designations, location, and any other information which may assist the Commission in identifying and locating the records requested.

(B) A denial of a request may state that the description required by paragraph (a)(1)(ii)(A) of this section is insufficient to allow identification and location of the records.

(iii) *Time limit for initial determination.* (A) The Secretary shall, within 10 (10) working days of the receipt of a request, either grant or deny, in whole or in part, such request.

(B) The Secretary may extend this time limit by not more than ten working days if such extension is

(*1*) Necessary for locating records or transferring them from physically separate facilities; or

(2) necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are sought in a single or series of closely related requests; or

(3) necessary for consultation with another agency having a substantial interest in the determination, or for consultation among two or more components of the Commission having substantial subject-matter interest therein.

(C) If the Secretary extends the time limit for initial determination pursuant to paragraph (a)(1)(iii)(B) of this section the requester shall be notified in accordance with 5 U.S.C. 552(a)(6)(B).

(D) If a request is not granted within the time limits set forth in paragraphs (a)(1)(iii) (A) and (B) of this section, the request shall be deemed to be denied and the requesting party may appeal such denial to the Commission in accordance with paragraph (a)(2) of this section.

(iv) *Initial determination.* (A) The Secretary shall grant access to requested records, or any portion thereof, that must be made available under the Freedom of Information Act. He shall deny access to records that are exempt under the Freedom of Information Act (5 U.S.C. 552(b)), unless he determines that such records fall within a category the Commission has previously authorized to be made available to the public as a matter of policy. Denials shall set forth the reasons therefore and advise the requester that this determination can be appealed to the Commission either because the requester believes the records are not exempt, or because the requester believes the records are not exempt or because the requester believes the Commission should exercise its discretion to release such records notwithstanding their exempt status. (B) The Secretary is deemed to be the sole official responsible for all denials of initial requests, except denials to materials contained in active investigatory files in which case the Director of the Bureau or Regional Office responsible for the investigation shall be the responsible official.

(C) Records to which access has been granted will be made available to the requester and will remain available for inspection and copying for a period not

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to exceed thirty days from date of notification to the requester unless the requester asks for and receives the Secretary's consent to a longer period. Records assembled pursuant to a request will remain available only during this time period and thereafter will be refiled. Appropriate fees may again be imposed for any new or renewed request for the same records.

(D) If a requested record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of, the requester shall be so notified.

(2) *Appeals to the Commission from initial denials.* (i) *Form and contents; time of receipt.* (A) If the Secretary denies a request for records in whole or in part the requester may, within 30 days, appeal such denial to the Commission. The appeal shall be in writing and should include a copy of the initial request and a copy of the Secretary's response, if any. The appeal shall be addressed as follows:

Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

(B) Failure to mark the envelope and the appeal, in accordance with paragraph (a)(2)(i)(A) of this section, will result in the appeal being treated as received on the date the appeal is actually received by the Office of the General Counsel.

(C) Each appeal to the Commission which requests the Commission to exercise its discretion to release exempt records shall set forth the interest of the requester in the subject matter and the purpose for which the records will be used if the request is granted.

(ii) *Time limit for appeal.* (A) The Commission shall, within twenty (20) working days of the receipt of an appeal, either grant or deny the appeal, in whole or in part.

(B) The Commission or the General Counsel may, by written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), extend the time limit for deciding an appeal by not more than ten working days for the reasons set forth in paragraph (a)(1)(ii)(B), of this section, provided that the amount of any extensions utilized by the Secretary under that subsection shall be subtracted from the amount of additional time otherwise available.

(iii) *Determination of appeal.* (A) A denial of an appeal in whole or in part shall set forth the basis for the denial, and shall advise the petitioner that judicial review of the Commission's decision is available either in the district in which the petitioner resides or has a principal place of business, in the district in which the agency records are situated, or in the District of Columbia.

(B) The Commission shall be deemed solely responsible for all denials of appeals.

(b) *Requests from government agencies and Congressional committees.* Requests from agencies of the Federal Government and from Congressional committees and subcommittees, shall be referred to the General Counsel for determination. If the General Counsel determines that the records are not exempt under 5 U.S.C. 552(b), he shall notify the requester that access is granted. If the General Counsel determines that the records are exempt, the matter shall be forwarded to the Commission for final determination.

(c) *Information requested by subpoena.* Any employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this chapter, requiring the production of any document or record or the disclosure of any information which under § 4.10 is exempt from availability for public inspection and copying, shall promptly advise the Commission of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the employee so served has not received instructions from the Commission prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this paragraph. The Commission will consider and act upon compulsory process under this section with due regard for statutory restrictions, its rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records.

(15 U.S.C. 41, et seq., 5 U.S.C. 552)

Effective date: February 19, 1975.

By direction of the Commission dated February 18, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4852 Filed 2-20-75;8:45 am]

[Docket C-2559]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Babbitt Brothers Trading Co., et al.

Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* § 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2090 *Undertakings, in general.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Babbitt Brothers Trading Co., et al., Flagstaff, Arizona, Docket C-2559, Oct. 7, 1974]

In the Matter of Babbitt Brothers Trading Company, a Corporation, and Warren Trading Post Company, a Corporation, and Cedar Ridge Trading Post Company, a Corporation, and Tuba City Trading Post Company, a Corporation, and Oraibi Trading Post Company, a Corporation, and Indian Wells Trading Post Company, a Corporation, and Red Lake Trading Post Company, a Corporation Also Doing Business as Cow Springs Trading Post

Consent order requiring seven Arizona, pawnbrokers and general merchandise retailers, among other things to cease offering their customers unfair or deceptive inducements to purchase or deal; failing to make material disclosures on such items as pawn receipts; and failing to make disclosures required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Babbitt Brothers Trading Company, a corporation, Warren Trading Post Company, a corporation, Cedar Ridge Trading Post Company, a corporation, Tuba City Trading Post Company, a corporation, Oraibi Trading Post Company, a corporation, Indian Wells Trading Post Company, a corporation, and Red Lake Trading Post Company, a corporation also doing business as Cow Springs Trading Post, their successors and assigns, and their officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the offering for sale, sale or purchase to or from individual consumers within the exterior boundaries of the Navajo, Hopi, and all other Reservations, of all classes of goods, wares, merchandise and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Purchasing rugs, blankets, jewelry or other forms of handicraft or livestock from consumers for other than lawful United States currency unless the consumer offering to sell the goods to the respondents has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to the consumer, in partial or full payment, and unless the respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of this right to receive the purchase price in lawful United States currency.

[1] Copies of the complaint & decision and order filed with the original document.

2. Failing to clearly and conspicuously indicate on all pawn receipts given to consumers:

(a) The correct due date indicating the date the pledgor must effect redemption of a pawned item;

(b) Any mutually agreed upon extension of such due date; and

(c) The market or replacement value of the pawned item as agreed upon between the consumer and respondents, *provided however* such value shall be a reasonable estimate of the price at which the pawned item could be sold at retail in the trade area.

3. Selling items held as security in pawn transactions prior to the expiration of the statutory or mutually agreed to redemption period, whichever is longer.

4. Transporting, or causing to be transported, from post offices or other places of original delivery, or in other ways interfering with the delivery of government issued or other checks payable to consumers.

It is further ordered, That respondents, their successors and assigns, maintain adequate records for a period of two years from the date of each transaction, and permit the inspection and copying thereof by Commission representatives, evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in return for any product or goods sold to the respondents.

It is further ordered, That respondents Babbitt Brothers Trading Company, Warren Trading Post Company, Cedar Ridge Trading Post Company, Tuba City Trading Post Company, Oraibi Trading Post Company, Indian Wells Trading Post Company, and Red Lake Trading Post Company, also doing business as Cow Springs Trading Post, their successors and assigns, and their officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the extension to individual consumers within the exterior boundaries of the Navajo, Hopi, and all other Reservations, of "consumer credit" or arranging for "consumer credit" for such consumers as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321 (15 U.S.C. 1601 et seq.)), do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as precribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate," as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments," as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed," as prescribed by § 226.8(d)(1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge," as prescribed by § 226.8(d)(3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the respondent corporations, their successors and assigns, shall forthwith distribute a copy of this order to each of their present and future managers.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4699 Filed 2-20-75;8:45 am]

[Docket C-2568]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bruce M. Barnard Co. of Shiprock, Inc., et al.

Subpart—Delaying or withholding corrections or action owed: § 13.675 *Delaying or withholding corrections or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities;* Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 Terms and conditions; § 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Bruce M. Barnard Co. of Shiprock, Inc., et al., Shiprock, N.M., Docket C-2568, Oct. 8, 1974]

In the Matter of Bruce M. Barnard Company of Shiprock, Inc., a Corporation Doing Business as Bruce M. Barnard Trading Post, and Bruce M. Barnard III, Individually and as an Officer of Said Corporation

Consent order requiring a Shiprock, N.M., general merchandise retailer, pawnbroker and money lender, among other things to cease failing to make immediate restitution for pawned items held as security in the event the item cannot be found at the time redemption is requested, and failing to make all disclosures required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Bruce M. Barnard Company of Shiprock, Inc., a corporation doing business as Bruce M. Barnard Trading Post, its successors and assigns, and its officers, and Bruce M. Barnard III, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the offer for sale, sale or purchase of all classes of goods, wares, merchandise, and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to make immediate restitution for the market value of a pawned item held as security by the respondents in the event the respondents are unable to locate and deliver said item to the pledgor at the time the pledgor wishes to effect redemption.

2. Failing to clearly and conspicuously indicate on the receipt given to the consumer the market or replacement value

[1] Copies of the complaint and decision and order filed with the original document.

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of the item held by respondents as security in pawn transactions.

It is further ordered, That respondents Bruce M. Barnard Company of Shiprock, Inc., a corporation, its successors and assigns, and its officers, and Bruce M. Barnard III, individually and as an officer of said corporation and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.7 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to disclose the conditions under which the finance charge may be imposed, including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge, as prescribed by § 226.7(a) (1) of Regulation Z.

3. Failing to disclose the method of determining the balance upon which a finance charge may be imposed, as prescribed by § 226.7(a) (2) of Regulation Z.

4. Failing to disclose the minimum periodic payment required, as prescribed by § 226.7(a) (8) of Regulation Z.

5. Failing to set forth the outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance," as prescribed by § 226.7 (b) (1).

6. Failing to set forth the amount credited to the account during the billing cycle for payments, using the term "payments," and for other credits including returns, rebates of finance charges, and adjustments, using the term "credits," as prescribed by § 226.7(b) (3).

7. Failing to set forth the amount of any finance charge, using the term "finance charge," debited to the account during the billing cycle, itemized and identified to show the amount, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge such as a minimum, fixed, check service, transaction, activity or similar charge, using appropriate descriptive terminology, as prescribed by § 226.7(b) (4) of Regulation Z.

8. Failing to set forth the balance upon which the finance charge was computed, and a statement of how that balance was determined, as prescribed by § 226.7(b) (8) of Regulation Z.

9. Failing to set forth a closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which payment must be made to avoid additional charges, as prescribed by § 226.7 (b) (9) of Regulation Z.

10. Failing to disclose on the face of the periodic statement the annual percentage rate and the amount of the balance to which each rate is applicable, as prescribed by § 226.7(c) (1) of Regulation Z.

11. Failing to make a reference to the balance on which the finance charge was computed, in conjunction with the disclosures of the periodic rate and the annual percentage rate, either together on the face or reverse side of the periodic statement, or on the face of a single supplemental statement accompanying the periodic statement, as prescribed by § 226.7(c) (2) of Regulation Z.

12. Failing to disclose periodic rates, the annual percentage rate, the statement of how the balance on which the finance charge was computed was determined, and the statement of the period within which payment must be made to avoid additional finance charges, on the reverse side of the periodic statement without incorporating verbatim on the face thereof the following notice: "NOTICE: See reverse side for important information," as prescribed by § 226.7(c) (3) of Regulation Z.

It is further ordered, That respondents, their successors and assigns, in connection with the extension of credit other than open end, as defined in § 226.8 of Regulation Z, do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate," as prescribed by § 226.8(b) (2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments," as prescribed by § 226.8(b) (3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b) (5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b) (7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed," as prescribed by § 226.8(d) (1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge," as prescribed by § 226.8(d) (3) of Regulation Z.

It is further ordered, That respondents, their successors and assigns, shall cease and desist from failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assign, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4700 Filed 2-20-75;8:45 am]

[Docket 8890]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Frozen Food Forum, Inc., et al.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 2, 49 Stat. 1526; (15 U.S.C. 13)) [Order dismissing complaint, Frozen Food Forum, Inc., et al., Atlanta, Ga., Docket 8890, Oct. 29, 1974.]

In the Matter of Frozen Food Forum, Inc., a Corporation, and Richard M. Page, Julius Levitt, and Jabie S. Hardin, Individually and as Officers, Directors and Members of the Executive and Buyers Committee of Frozen Food Forum, Inc., and Winton Sales Co., a Corporation, and Stewart-Tucker, Inc., a Corporation, and Carper Sales Co., Inc., a Corporation, and Howard B. Carper, Individually and as an Officer of Carper Sales Co., Inc., and the Following Stockholder-Members of Frozen Food Forum, Inc.; All of Which are Corporations: Arrow Food Distributors, Inc., New Orleans, Louisiana, Hardin's Inc., Memphis, Tennessee, Capitol Fish Company, Atlanta, Georgia, Gordon Food Service, Inc., Grand Rapids, Michigan, L. M. Sandler and Sons, Inc., Norfolk, Virginia, Tenneva Frozen Foods, Inc., Bristol, Virginia, Bob Blanke Sales Company, Inc., Florence, Alabama, Marin Products Company, Inc., San Rafael, California, Saunders Food Distributors, Inc., Pensacola, Florida, Rotelle, Inc., Spring, House, Pennsylvania, Frostex Foods, Inc., Austin, Texas, and Artic Frozen Foods, Inc., Amarillo, Texas

Order dismissing complaint against an Atlanta, Ga., buying group composed of 72 distributors of grocery products, which alleged respondents had violated section 2(c) of the Clayton Act by receiving illegal brokerage payments.

The Order dismissing the Complaint is as follows:[1]

The Commission, on August 5, 1974, ordered complaint counsel to file a brief limited to the question "whether in view of the unavailability of evidence this proceeding should be dismissed," and granted respondents the right to file a reply brief limited to the same question.

Complaint counsel recommended that the proceedings be dismissed on the ground that the evidence upon which complaint counsel must rely to prove the allegations of the complaint is too remote in point of time to support an order to cease and desist.

Respondents, in their answering brief, take the position that either the complaint should be dismissed with prejudice or, in the alternative, they should be granted compulsory process to discover the circumstances of the Commission's order dated August 15, 1968, which denied respondents' motion to quash 1968 investigative subpoenas duces tecum.

Because the Commission believes that to allow respondents discovery of past and present Commissioners and staff would be disruptive of the agency's function, the Commission has determined to not grant respondents discovery. The effect of this action is to deprive complaint counsel of documents updating respondents' 1968 submissions. These submissions relate to events occurring long before 1968. As a consequence, complaint counsel, in the trial of this matter, would be required to rely upon evidence that is not sufficiently current to sustain the allegations in the complaint. The Commission has, therefore, determined that said complaint in this matter will be dismissed.

Respondents' request that the Commission dismiss the complaint with prejudice is denied. Respondents' request for oral argument is also denied.

It is ordered, That the complaint be, and it hereby is, dismissed without prejudice to the right of the Commission to issue a new complaint or to take such further action or other action against the respondents at any time in the future.

The Order was issued by the Commission, October 29, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4702 Filed 2-20-75;8:45 am]

[Docket C-2566]

PART 13—PROHIBITED TRADE PRACTICES, AND CORRECTIVE AFFIRMATIVE ACTIONS

Four-S, Inc. t/a White Horse Lake Trading Post, etc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* § 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601–1605)) [Cease and desist order, Four-S, Inc. t/a White Horse Lake Trading Post, etc., et al. Cuba, N.M., Docket C-2566, Oct. 8, 1974.]

In the Matter of Four-S, Inc., a Corporation Doing Business as White Horse Lake Trading Post, and as Lybrook Trading Post, and Roland P. Spicer, Individually and as an Officer of Said Corporation

Consent order requiring a Cuba, N.M., retailer of general merchandise, pawnbroker and money lender among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondent Four-S, Inc., a corporation doing business as White Horse Lake Trading Post, and as Lybrook Trading Post, its successors and assigns, and its officers, and Roland P. Spicer, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8(b) (2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments", as prescribed by § 226.8(b) (3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b) (5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b) (7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d) (1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8 (d) (3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment

[1] Copies of the Complaint and Order, filed with the original document.

[1] Copies of the Complaint & decision and order filed with the original document.

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in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4701 Filed 2-20-75;8:45 am]

[Docket C-2575]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lawry's Foods, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 2, 49 Stat. 1526; (15 U.S.C. 13)) [Cease and desist order, Lawry's Foods, Inc., Los Angeles, California, Docket C-2575, Oct. 16, 1974.]

In the Matter of Lawry's Foods, Inc., a Corporation.

Consent order requiring a Los Angeles, California, manufacturer and distributor of salad dressings, seasonings, and other food products, among other things to cease discriminating in paying promotional allowances among competing distributors of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Lawry's Foods, Inc., a corporation, its successors and assigns, and its officers, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the sale of salad dressings, seasonings, and other food products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any promotion or any other services or facilities furnished by or through such customer, in connection with the handling, offering for sale, or sale of said products, unless such payment or consideration is made available on proportionately equal terms to all other customers competing in the distribution of such products.

It is further ordered, That respondent shall forthwith distribute a copy of this order to all directors and officers of Lawry's Foods, Inc., and to any operating divisions if and when they are established.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Decision and order issued by the Commission October 16, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4703 Filed 2-20-75;8:45 am]

[Docket C-2565]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lower Sunrise Trading Post, Etc., Et Al.

Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* § 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2090 *Undertakings, in general.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Lower Sunrise Trading Post, etc., et al., Leupp, Ariz., Docket C-2565, Oct. 8, 1974]

In the Matter of Lower Sunrise Trading Post, a Partnership, and Sunrise Ganado Trading Post, a Partnership, and Dilkon Trading Post, a Partnership, and White Cone Trading Post, a Partnership, and Lower Greasewood Trading Post, a Partnership, and Harold Springer, Individually and as a Copartner Trading and Doing Business as Lower Sunrise Trading Post, Sunrise, Ganado Trading Post, Dilkon Trading Post, White Cone Trading Post, Lower Greasewood Trading Post, and Clarence A. Wheeler, Individually and as a Copartner Trading and Doing Business as Sunrise Ganado Trading Post, White Cone Trading Post, Lower Greasewood Trading Post, and Francis Powell, Individually and as a Copartner Trading and Doing Business as Lower Sunrise Trading Post, Dilkon Trading Post, and Rubin Rinker, Individually and as a Copartner Trading and Doing Business as Lower Sunrise Trading Post

Consent order requiring five Arizona trading posts, dealing in all classes of goods, wares, merchandise, and articles of trade and in pawn broking and money lending, among other things to cease offering improper, unfair and deceptive inducements to deal and failing to make certain disclosures as required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Lower Sunrise Trading Post, a partnership, and Sunrise Ganado Trading Post, a partnership, and Dilkon Trading Post, a partnership, and White Cone Trading Post, a partnership, and Lower Greasewood Trading Post, a partnership, and Harold Springer, individually and as a co-partner trading and doing business as Lower Sunrise Trading Post, as Sunrise Ganado Trading Post, as Dilkon Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Clarence A. Wheeler, individually, and as a co-partner trading and doing business as Sunrise Ganado Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Francis Powell, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, as Dilkon Trading Post, or under any other name or names, and Rubin Rinker, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offer for sale, sale or purchase of all classes of goods, wares, merchandise and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

[1] Copies of the Complaint & decision and order filed with the original document.

[1] Copies of the complaint & decision and order filed with the original document.

1. Purchasing rugs, blankets, jewelry or other forms of handicraft or livestock from consumers for other than lawful United States currency unless the consumer offering to sell the goods to the respondent has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed the consumer, in partial or full payment, and unless respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of his right to receive the purchase price in lawful United States currency.

2. Failing to present to each consumer pawning an item with respondents a receipt therefore with all disclosures required by law.

3. Failing to make immediate restitution for the market value of a pawned item held as security by the respondents in the event the respondents are unable to locate and deliver said item to the pledgor at the time the pledgor wishes to effect redemption.

It is further ordered, That respondents, their successors and assigns, maintain adequate records for a period of two years from the date of each transaction evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in return for any product or goods sold to the respondent and to permit the inspection and copying of such records by the Federal Trade Commission.

It is further ordered, That respondents Lower Sunrise Trading Post, partnership, and Sunrise Ganado Trading Post, a partnership, and Dilkon Trading Post, a partnership, and White Cone Trading Post, a partnership, and Lower Greasewood Trading Post, a partnership, and Harold Springer, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, as Sunrise Ganado Trading Post, as Dilkon Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Clarence A. Wheeler, individually, and as a co-partner trading and doing business as Sunrise Ganado Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Francis Powell, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, as Dilkon Trading Post, or under any other name or names, and Rubin Rinker, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, or under any other name or names, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and, due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d)(1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8(d)(3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent partnerships, their successors and assigns, shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the form of business organization such as dissolution, assignment or sale resulting in the emergence of a successor, individual proprietorship, partnership or corporation, the creation or dissolution of subsidiaries or any other change in the form of business organization which may affect compliance obligations arising out of this order.

It is further ordered. That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4704 Filed 2-20-75;8:45 am]

[Docket C-2569]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

McGee Traders Inc., t/a Pinon Mercantile Trading Co., etc., et al.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed; § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* § 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2090 *Undertakings, in general.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605).) [Cease and desist order, McGee Traders Inc., t/a Pinon Mercantile Trading Company, etc., et al., Keams Canyon, Ariz., Docket C-2569, Oct. 8, 1974.]

In the Matter of McGee Traders Inc., a Corporation Doing Business as Pinon Mercantile Trading Company, Keams Canyon Trading Company and Polacca Trading Post, and Clifton Ferron McGee, Individually and as an Officer of Said Corporation, and William Bruce McGee, Individually and as an Officer of said Corporation, and Clifton Ferron McGee, Jr., Individually and as an Officer of Said Corporation, and Johnny Lynn Kay, Individually and as an Officer

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of Said Corporation, and Leland Noel, Individually and as an Officer of Said Corporation

Consent order requiring a Keams Canyon, Ariz., retailer of general merchandise and pawnbroker, among other things to cease offering unfair inducements to purchase or deal; delaying actions owed; securing signatures in a wrongful manner; and failing, in connection with the extension of consumer credit, to disclose to consumers all information as required by Regulation Z of the Truth in Lending Act.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents McGee Traders Inc., a corporation doing business as Pinon Mercantile Trading Company, Keams Canyon Trading Company and Polacca Trading Post, its successors and assigns, and its officers, and Clifton Ferron McGee, William Bruce McGee, Clifton Ferron McGee, Jr., Johnny Lynn Kay and Leland Noel, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offer for sale, sale, or purchase of all classes of goods, wares, merchandise and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to plainly and conspicuously mark or indicate the price at which all merchandise is offered for sale.

2. Cashing government issued or other checks in other than lawful United States currency unless the consumer presenting the check has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to the consumer, and unless the respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of his right to receive the full value of the check tendered in lawful United States currency.

3. Purchasing rugs, blankets, jewelry or other forms of handicraft or livestock from consumers for other than lawful United States currency unless the consumer offering to sell the goods to the respondents has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to the consumer, in partial or full payment, and unless the respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of his right to receive the purchase price in lawful United States currency.

4. Issuing trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer without recording, in a permanent fashion in the books of the respondents at the particular place of business where the trade slips, due bills or other form of purchase orders were issued, in such a manner as to indicate the date of issuance, the name and address of the consumer to whom issued, the amount of the credit, and the reason for the issuance of the credit.

5. Failing to present each consumer with an itemized statement showing the price of each item purchased, the correct total of all purchases made and the date of the transaction.

6. Requiring consumers to pay in full any credit account or other indebtedness to the respondent at the time the consumer attempts to effect redemption of a pawn item held by respondent.

7. Failing to make immediate restitution for the market value of a pawned item held as security by the respondents in the event the respondents are unable to locate and deliver said item to the pledgor at the time the pledgor wishes to effect redemption.

8. Inducing consumers by deception or any other means to sign change of address cards for the receipt of government or other checks; or in any other way to interfere with delivery of said checks from the method desired by the consumer.

It is further ordered, That respondents, their successors and assigns:

1. Maintain adequate records for a period of two years from the date of each transaction:

(a) Evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in place of lawful United States currency in return for government issued or other checks;

(b) Evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in return for any product or goods sold to the respondents; and

(c) Which disclose the issuance of trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer for purchases made from a consumer or checks cashed for a consumer.

2. Permit the inspection and copying of such records by Federal Trade Commission representatives.

It is further ordered, That respondents McGee Traders Inc., a corporation doing business as Pinon Mercantile Trading Company, Keams Canyon Trading Company, and Polacca Trading Post, its successors and assigns, and its officers, and Clifton Ferron McGee, William Bruce McGee, Clifton Ferron McGee, Jr., Johnny Lynn Kay, and Leland Noel, individually and as officers of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to determine the finance charge as the sum of all charges, payable directly or indirectly by the customer, and imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit, as prescribed by § 226.4(a) of Regulation Z.

2. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

4. Failing to make the required disclosures in either of the two ways prescribed by § 226.8(a) of Regulation Z.

5. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8(b)(2) of Regulation Z.

6. Failing to disclose the cash price of the property or service purchased using the term "cash price", as prescribed by § 226.8(c)(1) of Regulation Z.

7. Failing to disclose the amount financed, using the term "amount financed", as prescribed by § 226.8(c)(7) of Regulation Z.

8. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

9. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

10. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

11. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d)(1) of Regulation Z.

12. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8(d)(3) of Regulation Z.

13. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with any new business or employment which is located within the boundaries of the Navajo or Hopi Reservations or which involves the extension of or arranging for extension of "consumer credit" as defined in Regulation Z. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4765 Filed 2-20-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket C-2567]

PART 13—PROHIBITED TRADE PRACTICES, AND CORRECTIVE AFFIRMATIVE ACTIONS

Stokies, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* § 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601–1605)) [Cease and desist order, Stokies, Incorporated, et al. Tonolea, Ariz., Docket C-2567, Oct. 8, 1974]

In the Matter of Stokies, Incorporated, a Corporation Doing Business as Inscription House Trading Post, and Orange J. Carson, Individually and as an Officer of Said Corporation

Consent order requiring a Tonolea, Ariz., general merchandise retailer, pawnbroker and money lender, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Stokies, Incorporated, a corporation, its successors and assigns, and its officers, and Orange J. Carson, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90–321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d)(1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8(d)(3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4706 Filed 2-20-75;8:45 am]

[1] Copies of the Complaint & decision and order filed with the original document.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Revisions in Carriers' Procedural Terminology and Coding

On February 22, 1974, there was published in the FEDERAL REGISTER (39 FR

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6725) a notice of proposed rule making with a proposed amendment to Subpart E of Regulations No. 5 (20 CFR Part 405), regarding revisions in Medicare carriers' procedural terminology and coding systems. The Commissioner recognizes that revisions in Medicare carriers' procedural terminology and coding systems may be appropriate when such changes would result in more efficient and economical determinations with respect to Medicare coverage and reimbursement of physicians' services. The proposed amendment specified that such revisions would be approved if the Social Security Administration determined that the potential advantages of the proposed new system outweighed its disadvantages. The proposed amendment also listed certain considerations and guidelines that would be taken into account in evaluating a carrier's proposal for such a change. Interested persons were given through March 25, 1974, to submit written comments or suggestions thereon.

Comments were received from a number of private physicians and physicians' organizations. All the comments have been carefully considered. However, the amendment as announced under the notice of proposed rule making is being adopted without substantive change.

When a uniform, national terminology and coding system is developed and approved for use by all Medicare carriers, this regulation will, of course, be obsoleted.

Following is an explanation of the comments received and why they were considered inappropriate.

1. Many who commented proposed the use of the Current Procedural Terminology (CPT), Third Edition, published by the American Medical Association (AMA). However, it was decided to retain the original provisions in order to leave the initiative for any change in the hands of the carriers, subject to evaluation and approval by the Social Security Administration after consultation with the Assistant Secretary for Health.

2. A number of other comments were received. Many of these comments would entail rather significant changes in the proposed regulation and would remove some of the safeguards against increased costs resulting from conversions to different procedural terminology and coding systems, and also place the burden of justification on the Social Security Administration or the carriers if a change in a carrier's system is not initiated or approved. For example, it was proposed that the carriers be authorized to adopt the CPT, Third Edition, "without the necessity for the detailed approval process currently called for in the proposed rules." However, the approval process outlined in the guidelines is the safeguard provided against conversions whose costs or other disadvantages outweigh the potential advantages.

3. Also suggested were a number of changes in the proposed rule if the recommendation to adopt the CPT was not acceptable. One change recommended was that each of the Medicare carriers be required to report, within 6 months of the effective date of the regulation, whether or not it wishes to modify its procedural terminology and coding system, and the reasons for its decision. Such a requirement would bring strong pressure on carriers to make early changes and might, therefore, result in undesirable changes.

4. The proposed regulation (§ 405.512 (b)) stated that "the Social Security Administration will evaluate the proposal in the light of the guidelines specified in paragraph (c) of this section and such other considerations as may be pertinent." A suggestion to delete the phrase, "and such other considerations as may be pertinent" was made on the ground that only "specific criteria" should be included. However, the inclusion of this phrase is necessary because not all criteria which may turn out to be important in the future can necessarily be anticipated.

5. Also recommended was revision of the language in the regulation providing that a proposed change in a carrier's procedural terminology and coding system will be approved if it is determined that the potential advantages of the proposed new system outweigh the disadvantages on the grounds that: (a) current coding systems in use by Medicare carriers are those which the carriers themselves developed or adopted, not ones mandated by the Social Security Administration; (b) effective and efficient administration of the Medicare program is intended by Congress to be a responsibility of a carrier; and (c) the Social Security Administration's voice in this facet of administration should be limited to a veto, not to control. It was, therefore, proposed that the Social Security Administration be permitted to disapprove such a revision only if it is determined that the potential disadvantages of the proposed new system outweigh the advantages; that such disapproval be stated and documented within 90 days of the carrier's proposal or the new system would be deemed approved; and that such disapproval, if stated within the 90-day period, be subject to a hearing if requested by either the carrier or practitioners who would be affected by the determination. This recommendation has not been accepted. It would subject the Social Security Administration to pressures for decisions more rapid than might always be appropriate and might give rise to formal hearings being initiated by a physician for almost any reason in case of denial and involve administrative difficulty and increased cost.

6. Another recommendation was that the proposed guideline which called for estimates of the short-run and long-run cost impact of the proposed change be deleted. It was suggested that since the Department of Health, Education, and Welfare has been involved in such studies for some 2 years, it is not necessary to obtain this information. However, these studies have been carried out in only a few areas and a change in any given plan in a given area of the country would not have the identical effect to that shown in the study. It was suggested that if the cost-estimate requirement were retained, (1) an evaluation of their present systems be required of the carriers, and (2) the costs of such studies be borne by the Social Security Administration. However, such an evaluation and analysis of a carrier's existing terminology and coding system would be expected as part of the carrier's proposal to change to a new system.

7. One of the proposed guidelines referred to the degree of physician acceptance of a proposed new system. It was intended to assure a reasonable likelihood that a new system would, in fact, be used by the physicians in the carrier's service area. In this regard, it was recommended that the guideline be amended to provide that the carrier obtain opinions on the proposed change in terminology from the State medical association and from any Professional Standards Review Organizations (PSRO's) in the area. In order for a carrier to assess the degree to which physicians in its area would accept and utilize a new system, the carrier would have to contact local medical societies and other parties. These contacts would afford them an opportunity to express their opinions on the proposed change. Consequently, we think the point and concern of this comment is accommodated in paragraph (c) (4) of § 405.512 as presently written.

Use of a hearing procedure was recommended where the carrier opposes a change that has been endorsed by physicians. Endorsement of a particular system of procedural terminology and coding by a medical association or by other groups would be one of the factors to be taken into account under the proposed guideline. However, we do not believe that such endorsements can be accepted as conclusive evidence that the physicians in an area will actually use the new terminology, or as establishing a presumption that a physician-backed system is superior, from the point of view of the public, to the existing system.

8. There was also concern with the proposed guideline which called for the evaluation of a carrier's proposal in terms of the compatibility of the new terminology and coding system with other systems that the carrier and other carriers may utilize in the administration of the Medicare program—e.g., its compatibility with systems and statistical requirements and with the historical data in the carrier's claims processing system. The comment was that while it is an objective of the Medicare program to coordinate administration as far as possible, interpreting this requirement too rigidly could preclude the change of any terminology and coding system until all were changed. It was recommended that compatibility with other carriers' systems be an evaluation criterion only in comparison with whatever system the carrier is using, i.e., that this factor should only be relevant if the proposed system is less compatible than the current system. However, this criterion would also be relevant where the proposed procedural terminology and coding system is more compatible than the current system, since this would be a factor in favor of making the change. Also, the proposed guideline would not preclude a revision solely because other carriers are not using the same system or because the proposed new system is not compatible with those used by other carriers. The proposed guideline was written so as to provide for testing whether a new procedural terminology and coding system proposed by a carrier will enable it to timely and accurately update its reasonable charge screens, and to meet program requirements related to utilization safeguards, and the collection of program statistical data.

9. It was also recommended that the reference to compatibility with "historical data in the carrier's processing system" be deleted from the guidelines as an evaluation factor on the ground that, while "historical data is of some importance, the major relevance of the new system should be its effectiveness in handling claims, and the proposal should not be disapproved on what may be, essentially, minor disadvantages." This recommendation cannot be adopted because, under the Medicare law, determinations regarding reasonable charge must take into account historical data (i.e., data on charges which physicians and others have made in prior periods). Inability to relate determinations regarding reasonable charges to historical data would make it impossible to determine reasonable charges under the provisions of section 1842(b) of the Act. Therefore, any plan to institute a new system which would make existing data unusable would have a fundamental flaw.

10. One comment related to the last proposed guideline, which called for consideration of the compatibility of the proposed system with the carrier's methods for determining reasonable charges for services which are identified by a single element of the terminology but which may vary in content. The comment was that, in effect, this guideline would be relevant only where the new system is less detailed and precise because a more detailed and precise system would, in fact, enable the carrier to distinguish differing services under the new system whereas previously such services might have been identified as a "single element". However, there are other circumstances in which it would be relevant. For example, surgeons have usually made one inclusive charge for the surgery and the preoperative and postoperative care rendered to patients. When charges are made separately for the individual components of such "packages", the total cost may rise. The carriers have been advised to base their reasonable charges in such situations on the charges that in sum are reasonable for the whole package. To implement this rule the carriers need to know whether any given service charged for is only part of what is often reported as a package. More specifically, when a surgical service is paid for, it may have been expected to cover some specific duration of postoperative care. It may be necessary then to know whether a visit to a surgeon fell within the specified period. The proposed guideline was intended to assure that carriers which revise their systems of procedural terminology and coding can continue to implement this policy at least as well as they have in the past.

11. Finally, it was suggested that the proposed guidelines be changed so that they would apply only to "new and untested" systems, excluding the established, experienced, and predominant coding systems. However, proposed changes to such systems can also be expensive and should be evaluated. The approval process outlined in the proposed guidelines is, therefore, viewed as a necessary safeguard which must be retained.

The amendment as adopted is set forth below.

(Secs. 1102, 1169, 1814, 1833(a), 1842(b), and 1871; 49 Stat. 647, as amended; 79 Stat. 296, 297, 79 Stat. 302; 79 Stat. 331; 86 Stat. 1445; 42 U.S.C. 1302, 1320c–18, 1395f, 1395l(a), 1395u(b), and 1395hh.)

Effective date. This amendment shall be effective March 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: November 18, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 14, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding a new § 405.512 to read as follows:

§ 405.512 Carriers' procedural terminology and coding systems.

(a) *General.* Procedural terminology and coding systems are designed to provide physicians and third party payers with a common language that accurately describes the kinds and levels of services provided and that can serve as a basis for coverage and payment determinations.

(b) *Modification of terminology and/or coding systems.* A carrier that wishes to modify its system of procedural terminology and coding shall submit its request to the Social Security Administration with all pertinent data and information for approval before the revision is implemented. The Social Security Administration will evaluate the proposal in the light of the guidelines specified in paragraph (c) of this section and such other considerations as may be pertinent, and consult with the Assistant Secretary for Health. The Social Security Administration will approve such a revision if it determines that the potential advantages of the proposed new system outweigh the disadvantages.

(c) *Guidelines.* The following considerations and guidelines are taken into account in evaluating a carrier's proposal to change its system of procedural terminology and coding:

(1) The rationale for converting to the new terminology and coding;

(2) The estimated short-run and long-run impact on the cost of the health insurance program, other medical care costs, administrative expenses, and the reliability of the estimates;

(3) The degree to which the conversion to the proposed new terminology and coding can be accomplished in a way that permits full implementation of the reasonable charge criteria in accordance with the provisions of this subpart;

(4) The degree to which the proposed new terminology and coding are accepted by physicians in the carrier's area (physician acceptance is assumed only if a majority of the Medicare and non-Medicare bills and claims completed by physicians in the area and submitted to the carrier can reasonably be expected to utilize the proposed new terminology and coding);

(5) The extent to which the proposed new terminology and coding system is used by the carrier in its non-Medicare business;

(6) The clarity with which the proposed system defines its terminology and whether the system lends itself to: (i) Accurate determinations of coverage; (ii) proper assessment of the appropriate level of payment; and (iii) meeting the carrier's or Professional Standards Review Organizations' review needs and such other review needs as may be appropriate;

(7) Compatibility of the new terminology and coding system with other systems that the carrier and other carriers may utilize in the administration of the Medicare program—e.g., its compatibility with systems and statistical requirements and with the historical data in the carrier's processing system; and

(8) Compatibility of the proposed system with the carrier's methods for determining reasonable charges for services which are identified by a single element of the terminology but which may vary in content.

[FR Doc.75-4792 Filed 2-20-75;8:45 am]

[Regulations No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974-.....)

Subpart T—State Supplementation Provisions; Agreements; Payments

Subpart U—Medicaid Eligibility Determinations

On August 6, 1973, and October 3, 1973, there were published in the FEDERAL REGISTER (38 FR 21188 and 38 FR 27412) notices of proposed rule making with proposed amendments to the regulations

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adding new Subparts T and U to Regulations No. 16. The proposed amendments provide policies regarding State supplementation and Federal determinations of Medicaid eligibility.

Proposed Subpart T defines State supplementary payments, and establishes the conditions under which the Secretary of Health, Education, and Welfare will enter into an agreement with States to make optional supplementary payments to persons eligible (or eligible but for income) for benefits under title XVI of the Social Security Act. It also establishes conditions for implementing the mandatory State supplementation provisions contained in Pub. L. 93–66. Proposed Subpart U (Medicaid Eligibility Determinations) sets forth the conditions under which the Secretary of Health, Education, and Welfare will enter into agreements with States to determine eligibility for medical assistance in the case of aged, blind, or disabled individuals under such State's plan approved under title XIX of the Social Security Act.

Interested parties were given the opportunity to submit data, views, or arguments with regard to the proposed regulations. All comments submitted with respect to proposed Subparts T and U were given due consideration.

The following is a discussion of the major substantive comments and the disposition of each:

(1) Questions were raised regarding the requirement that State funds must be on deposit with the Secretary in the month prior to the month of payment to recipients. Section 416.2090(a) of the regulations has been modified to state that the funds must be available to the Secretary on or before the date payment is to be received by the recipient unless otherwise provided by the Secretary (rather than in the prior month).

(2) Concern was expressed about the provision that an individual, aged 65 or over, was only eligible for federally administered supplementation as an aged individual. Section 416.2015(e) has been modified to permit a State, at its option, to allow an individual to elect to receive State supplementation in a category other than aged (e.g., blind) for which he may qualify and under which the payments are higher.

(3) Comments were received about limitations on State payment level variations. Some concern was expressed that the limit was inconsistent with mandatory State supplementation under Pub. L. 93–66. The reorganized regulations make it clear that the payment variations are applicable to optional supplementation rather than the supplementation required by Pub. L. 93–66. A few States expressed the opinion that variable costs of care in custodial homes required a greater number of variations. However the proposed limitation on variations has been retained for reasons of efficient and effective administration. Any State is free to administer additional supplements in those cases where it is deemed necessary and appropriate.

(4) There was criticism of the provisions (now appearing as § 416.2035(b)) which permit States to retain lien and relative responsibility provisions if the Secretary determines that (a) the specific State rules are consistent with the purpose of the supplemental security income program, (b) the Federal government is in no way involved in the enforcement or administration of the rules, and (c) no portion of any benefit payment which is financed from Federal funds will be subjected to the liens or encumbrances under the State rules. No change has been made in this section of the regulations since there does not appear to be any basis for precluding a State from itself carrying out, completely apart from the administration of the supplemental security income (and supplementation) program, those rules which meet the criteria described above.

(5) Comments were received pertaining to the limitations on a person's eligibility for federally administered optional State supplementary payments due to his confinement in a medical facility. The restriction in § 416.2040(b) against Federal administration of a State supplement to persons in medical facilities not certified under title XIX has been deleted. This is superseded by the broader issue raised by the enactment of section 14 of Pub. L. 93–233 which will be addressed in separate regulations, to be published in notice form.

In addition, the provision regarding the calculation of the adjusted payment level for couples has been changed to require the use of actual ratios (§ 416.2085(b)); and § 416.2025(c) (implementing section 1616(c)(2) of the Social Security Act pertaining to additional income disregards available to the State in connection with optional supplementation) has been modified to make clear that, in accordance with the Act, States may provide for excluding only additional amounts of income in determining the amount of supplementation payable, and may not vary the exclusions based on the type (or source) of income. Modifications required by the provisions of section 8 of Pub. L. 93–233 and Pub. L. 93–335 relative to the bonus value of food stamps have been incorporated (§§ 416.2050(b)(1) and 416.2085(a)). Further, the regulations have been reorganized for the sake of accuracy and clarity.

Additional changes have been made to more clearly reflect the intent of the original regulatory provisions. Most of these changes resulted from comments received.

Accordingly, the proposed amendments, with changes noted, are hereby adopted as set forth below.

(Secs. 1102, 1601, 1616, 1631, and 1634, Social Security Act, as amended, sec. 401 of Pub. L. 92–603, sec. 212 of Pub. L. 93–66, sec. 8 of Pub. L. 93–233, secs. 1 and 2 of Pub. L. 93–335, 49 Stat. 647, as amended, 86 Stat. 1465, 1474, 1475, 1478, and 1485, 87 Stat. 155 and 956, 88 Stat. 291; 42 U.S.C. 1302, 1381, 1382e, 1383, 1383c, 1382e nts, 1382 nt (7 U.S.C. 2012 nts.))

Effective date. The amendments shall be effective on February 21, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 20, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 14, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 416 of 20 CFR Chapter III is amended by adding thereto new Subparts T and U to read as follows:

Subpart T—State Supplementation Provisions; Agreements; Payments

Sec.

416.2001 State supplementary payments; general
416.2005 Administration agreements with the Secretary.
416.2010 Essentials of the administration agreements.
416.2015 Establishing eligibility.
416.2020 Federally administered supplementary payments.
416.2025 Optional supplementation: countable income.
416.2030 Optional supplementation: variations in payments.
416.2035 Optional supplementation: additional State options.
416.2040 Limitations on eligibility.
416.2045 Overpayments and underpayments.
416.2047 Waiver of State supplementary payments.
416.2050 Mandatory minimum State supplementation.
416.2055 Mandatory minimum supplementation reduced.
416.2060 Mandatory minimum supplementary payments not applicable.
416.2065 Mandatory minimum State supplementation: agreement deemed.
416.2070 Mandatory supplementation: State compliance not applicable.
416.2075 Monitoring of mandatory minimum supplementary payments.
416.2080 Limitation of fiscal liability of States.
416.2082 Non-Federal share of expenditures; defined.
416.2085 Adjusted payment level.
416.2090 State funds advanced for supplementary payments.

Subpart U—Medicaid Eligibility Determinations

416.2101 Authority to perform State Medicaid functions.
416.2104 Renewal, termination, or modification of agreement.
416.2107 Effect of agreement on existing Federal-State responsibilities.
416.2111 Conditions for agreement to determine eligibility for medical assistance.
416.2112 Limitations as to individuals covered by agreement to determine eligibility for medical assistance.
416.2116 Terms of agreement; functions performed by the Secretary.
416.2118 State requests for studies, evaluations, and other information or assistance.
416.2119 Functions performed by the State.

Subpart T—State Supplementation Provisions; Agreements; Payments

§ 416.2001 State supplementary payments; general.

(a) *State supplementary payments; defined.* State supplementary payments, which will be excluded from income pursuant to § 416.1151, are any payments made by a State (or one of its political subdivisions) to a recipient of supplemental security income benefits (or to an individual who would be eligible for such benefits except for income), if the payments are made:

(1) In supplementation of the Federal supplemental security income benefits; i.e., as a complement to the Federal benefit amount, thereby increasing the amount of income available to the recipient to meet his needs; and

(2) Regularly, on a periodic recurring, or routine basis of at least once a quarter; or made to a specific group or class of individuals in similar circumstances or situations (such as burnouts, utility turnoffs, evictions); and

(3) In cash, which may be actual currency or any negotiable instrument, convertible into cash upon demand; and

(4) In an amount based on the need or income of an individual or couple.

(b) *State; defined.* For purposes of this subpart, "State" means a State of the United States or the District of Columbia.

(c) *Mandatory minimum supplementary payments.* In order for a State to be eligible for payments pursuant to title XIX of the Act with respect to expenditures for any quarter beginning after December 1973, such State must have in effect an agreement with the Secretary under which such State will provide to aged, blind, and disabled individuals (as defined in § 416.202) residing in the State who were recipients of aid or assistance for December 1973 as defined in § 416.121, under such State's plan approved under titles I, X, XIV, or XVI of the Act, mandatory minimum supplementary payments beginning in January 1974 in an amount determined in accordance with § 416.2050 in order to maintain their income levels of December 1973. (See §§ 416.2065 and 416.2070.)

§ 416.2005 Administration agreements with the Secretary.

(a) *Agreement—mandatory only.* Subject to the provisions of paragraph (d) of this section, any State having an agreement with the Secretary under § 416.2001(c) may enter into an administration agreement with the Secretary under which the Secretary will make the mandatory minimum supplementary payments on behalf of such State. An agreement under § 416.2001(c) and an administration agreement under this paragraph may be consolidated into one agreement.

(b) *Agreement—mandatory and optional payments.* Subject to the provisions of paragraph (d) of this section, any State may enter into an agreement with the Secretary under which the State will provide both mandatory and optional State supplementary payments and elect Federal administration of such State supplementary payment programs. If the Secretary agrees to administer such State's optional supplementary payments, the State must also have the Secretary administer its mandatory minimum supplementary payments unless the State is able to provide sufficient justification for exemption from this requirement.

(c) *Administration—combination.* Any State may enter into an agreement with the Secretary under which the State will provide mandatory minimum supplementary payments and elect Federal administration of such payments while providing optional State supplementary payments which it shall administer itself. If the State chooses to administer such payment itself, it may establish its own criteria for determining eligibility requirements as well as the amounts.

(d) *Conditions of administration agreement.*

The State and the Secretary may, subject to the provisions of this subpart, enter into a written agreement, in such form and containing such provisions not inconsistent with this part as are found necessary by the Secretary, under which the Secretary will administer the State supplementary payments on behalf of a State (or political subdivision). Under such an agreement between the Secretary and a State, specific Federal and State responsibilities for administration and fiscal responsibilities will be stipulated. The regulations in effect for the supplemental security income program shall be applicable in the Federal administration of State supplementary payments except as may otherwise be provided in this subpart as found by the Secretary to be necessary for the effective and efficient administration of both the basic Federal benefit and the State supplementary payment.

§ 416.2010 Essentials of the administration agreements.

(a) *Payments.* Any agreement between the Secretary and a State made pursuant to § 416.2005 must provide that, if for optional supplementation, such State supplementary payments are made to all individuals and/or couples who are:

(1) Receiving (or at the option of the State would, but for the amount of their income, be eligible to receive) supplemental security income benefits under title XVI of the Social Security Act, and

(2) Within the variations and categories (as defined in § 416.2030) for which the State (or political subdivision) wishes to provide a supplementary payment, and

(3) Residing, subject to the provisions of § 416.2035(a), in such State (or political subdivision thereof).

(b) *Fiscal bases specified.* If, for any fiscal year, a State wishes to claim fiscal protection under the provisions of § 416.2080, the agreement between a State and the Secretary will specify the dollar amount(s) of the adjusted payment level(s), as defined in § 416.2085. The non-Federal share of expenditures for calendar year 1972 as defined in § 416.2082 will also be stated in the agreement. These amounts, if not known at the time the agreement is entered into, may be provisionally agreed upon and subsequently verified by Department of Health, Education, and Welfare audits. If the State elects options available under this subpart (specified in §§ 416.2015–416.2035), such options must be specified in the administration agreement.

(c) *Administrative costs.* The agreement between the State and the Secretary shall specify that all administrative costs incurred by the Secretary will be borne by the Federal Government.

(d) *Agreement period.* The agreement period for a State which, prior to January 1, 1974, elects Federal administration of its supplement will extend from January 1, 1974, through June 30, 1974. The agreement will be automatically renewed for a period of 1 year unless either the State or the Secretary gives written notice not to renew, at least 90 days before the beginning of the new period. For a State to elect Federal administration after January 1, 1974, it must notify the Secretary of its intent to enter into an agreement, furnishing the necessary payment specifications, at least 120 days before the first day of the month for which it wishes Federal administration to begin, and have executed such agreement at least 30 days before such day. Such a State's initial agreement period will run until the following June 30 at which time its agreement will be automatically renewed for 1 year unless the State or the Secretary has given written notice not to renew at least 90 days before the end of that period.

(e) *Modification or termination.* The agreement may be modified at any time by mutual consent. The State or the Secretary may terminate the agreement upon 90 days written notice to the other party, provided the effective date of the termination is the last day of a quarter. However, the State may terminate the agreement upon 45 days written notice to the Secretary where: (1) the State does not wish to comply with a regulation promulgated by the Secretary subsequent to the execution of the agreement; and (2) the State provides such written notice within 30 days of the effective date of the regulation. The Secretary is not precluded from terminating the agreement in less than 90 days where he finds that a State has failed to materially comply with the provisions of paragraph (f) of this section or § 416.2090.

(f) *Mandatory minimum State supplementation.* Any administration agreement between the Secretary and a State under which the Secretary will make such States mandatory minimum State supplementary payments shall provide that the State will:

(1) *Certify income and payment amount.* Certify to the Secretary the

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names of each individual who, for December 1973 was eligible for and a recipient of aid or assistance in the form of money payments under a plan of such State approved under title I, X, XIV, or XVI of the Act (§ 416.121), together with the amount of such aid or assistance payable to each such individual and the amount of such individual's other income (as defined in § 416.2050(b)(2)), and

(2) *Additional data.* Provide the Secretary with such additional data at such times as the Secretary may reasonably require in order to properly, economically, and efficiently carry out such administration agreement. This shall include required information on changes in countable income as well as changes in special needs and circumstances that would result in a decrease in the mandatory income level being maintained by the State, unless the State has specified in the agreement that the minimum income level shall not be lowered by such changes.

§ 416.2015 Establishing eligibility.

(a) *Applications.* Any person who meets the application requirements of Subpart C of this part is deemed to have filed an application for any federally administered State supplementation for which he may be eligible unless supplementation has been waived pursuant to § 416.2047. However, a supplemental statement will be required where additional information is necessary to establish eligibility or to determine the correct payment amount.

(b) *Evidentiary requirements.* The evidentiary requirements and developmental procedures of this part are applicable with respect to Federally administered State supplementary payments.

(c) *Determination.* Where not inconsistent with the provisions of this subpart, eligibility for and the amount of the State supplementary payment will be determined pursuant to the provisions of Subparts A through Q of this part.

(d) *Categories; aged, blind, disabled.* An applicant will be deemed to have filed for the State supplementary payment amount provided for the category under which his application for a Federal supplemental security income benefit is filed. As in the Federal supplemental security income program, an individual who establishes eligibility as a blind or disabled individual, and continually remains on the rolls, will continue to be considered blind or disabled after he attains age 65.

(e) *Concurrent categories.* (1) In States where the supplementary payment provided for the aged category is higher than for the blind or disabled category aged individuals will be paid the State supplement on the basis of age.

(2) If the administration agreement pursuant to § 416.2005(b) provides for higher supplementary payments to the blind or disabled than to the aged category, then, at the option of the State, the agreement may provide that individuals who are age 65 or over at time of application and who are blind or disabled may elect to receive such higher supplementary payments.

§ 416.2020 Federally administered supplementary payments.

(a) *Payment procedures.* A Federally administered State supplementary payment will be made on a monthly basis and will be included in the same check as a Federal benefit that is payable. A State supplementary payment shall be for the same month as the Federal benefit.

(b) *Maximum amount.* There is no restriction on the amount of a State supplementary payment that the Federal Government will administer on behalf of a State.

(c) *Minimum amount.* The Federal Government will not administer optional State supplementary payments in amounts less than $1 per month, i.e., $3 per quarter. Hence, optional supplementary payment amounts of less than $1 will be raised to a dollar.

(d) *Optional supplementation: nine categories possible.* A State may elect Federal administration of its supplementary payments for up to nine categories, depending on the assistance titles in effect in that State in January 1972 (i.e., titles I, X, XIV, or XVI). It can have no more than two categories (one for individuals and one for couples) for each title in effect for January 1972:

(1) Since a State with a title XVI program had just the one title in effect, it can supplement only to two categories, the individual (aged, blind, or disabled), the couple (both of whom are aged, blind, or disabled).

(2) Other States could supplement up to nine categories, depending on the plans they had in effect. Six of these categories would be for:

(i) Aged Individual,
(ii) Aged Couple,
(iii) Blind Individual,
(iv) Blind Couple,
(v) Disabled Individual,
(vi) Disabled Couple

(3) In addition to those enumerated in paragraph (d)(2) of this section, there are three additional couple categories for which a State may elect to provide a Federally administered supplement. These categories are created when one individual in the couple is:

(1) Aged and the other blind, or
(2) Aged and the other disabled, or
(3) Blind and the other disabled.

§ 416.2025 Optional supplementation: countable income.

(a) *Earned and unearned income.* No less than the amounts of earned or unearned income which were excluded in determining eligibility for or amount of a title XVI supplemental security income benefit must be excludable by a State in the Federal-State agreement for purposes of determining eligibility for or amount of the State supplementary payment.

(b) *Effect of countable income on payment amounts.* "Countable income" of an eligible individual or eligible couple is determined in the same manner as such income is determined under the title XVI supplemental security income program. Countable income will affect the amount of the State supplementary payments as follows:

(1) As provided in § 416.420, countable income will first be deducted from the Federal benefit rate applicable to an eligible individual or eligible couple.

(2) If countable income is equal to or less than the amount of the Federal benefit rate, the full amount of the State supplementary payment as specified in the Federal agreement will be made.

(3) If countable income exceeds the amount of the Federal benefit rate, the State supplementary payment will be reduced by the amount of such excess.

(4) No State supplementary payment will be made where countable income is equal to or exceeds the sum of the Federal benefit rate and the State supplementary payment rate.

(c) *Effect of additional income exclusions on payment amounts.* A State has the option of excluding amounts of earned and unearned income in addition to the amounts it is required to exclude under paragraph (a) of this section in determining a person's eligibility for State supplementary payments. Such additional income exclusions affect the amount of the State supplementary payments as follows:

(1) Countable income (as determined under the Federal eligibility rules) will first be deducted from the Federal benefit rate applicable to an eligible individual or eligible couple.

(2) Such countable income is then reduced by the amount of the additional income exclusion specified by the State.

(3) If the remaining countable income is equal to or less than the amount of the Federal benefit rate, the full amount of the State supplementary payment will be made.

(4) If the remaining countable income exceeds the amount of the Federal benefit rate, the State supplementary payment will be reduced by the amount of such excess.

§ 416.2030 Optional supplementation: variations in payments.

(a) *Payment level.* The level of State supplementary payments may vary for each category the State elects to include in its Federally administered supplement. These categorical variations of payment levels must be specified in the agreement between the Secretary and the State. If any State has in effect for July 1974 an agreement which provides for variations in addition to those specified in this section, the State may, at its option, continue such variations but only for periods ending before July 1, 1976.

(1) *Geographical variations.* A State may elect to include two different geographical variations. A third may be elected if adequate justification, e.g., substantial differences in living costs, can be demonstrated. All such variations must be readily identifiable by county or ZIP code or other readily identifiable factor.

(2) *Living arrangements.* In addition, a State may elect no more than five variations in recognition of the different needs which result from various living arrangements. Types of living arrangements for which variations may be allowed include arrangements such as:

(i) Living alone,
(ii) Living with an ineligible spouse,
(iii) Personal care facility,
(iv) Domiciliary or congregate care facility.

(b) *Relationship to actual cost differences.* Under the agreement, variations in State supplementary payment levels will be permitted for each living arrangement the State elects. These differences must be based on rational distinctions between both the types of living arrangements and the costs of those arrangements.

§ 416.2035 Optional supplementation: additional State options.

(a) *Residency requirement.* A State or political subdivision may impose, as a condition of eligibility, a residency requirement which excludes from eligibility for State supplementary payment any individual who has resided in such State (or political subdivision thereof) for less than a minimum period prescribed by the State. Any such residency requirement will be specified in the agreement.

(b) *Lien and relative responsibility.* A State which elects Federal administration of its supplementary payments may place a lien upon property of an individual as a consequence of the receipt of such payments or may require that a relative of the individual contribute to a reasonable extent to the support of the individual, providing it is stated in the agreement that:

(1) The Secretary has determined that the specific State laws and their enforcement are consistent with the supplemental security income program purpose of providing unencumbered cash payments to recipients; and

(2) The Federal Government is not involved in the administration of such laws and will not vary the State supplementary payment amount it makes to comply with such laws; and

(3) Neither the basic Federal benefit nor any part of the State supplementary payment financed by Federal funds will be subject to the liens or encumbrances of such laws.

§ 416.2040 Limitations on eligibility.

Notwithstanding any other provision of this subpart, the eligibility of an individual (or couple) for optional State supplementary payments administered by the Federal Government in accordance with this subpart shall be limited as follows:

(a) *Inmate of public institution.* No person who is ineligible for a Federal benefit pursuant to § 416.231(a)(1) shall be eligible for such State supplementation for that month.

(b) *Supported by title XIX funds.* No person who is, throughout any month, in a medical facility receiving payments with respect to such person under a State plan approved under title XIX at a level exceeding 50 percent of the cost of such person's care, shall be eligible for such State supplementation for that month.

(c) *Ineligible persons.* No person who is ineligible for a Federal benefit for any month under sections 1611(e)(1)(A), (2), (3), or (f) of the Act (failure to file; refuses treatment for drug addiction or alcoholism; outside the United States) or section 1615 of the Act (refuses vocational rehabilitation) or other reasons (other than the amount of income) shall be eligible for such State supplementation for such month.

§ 416.2045 Overpayments and underpayments; federally administered supplementation.

(a) *Overpayments.* Upon determination that an overpayment has been made, adjustments will be made against future federally administered State supplementary payments for which the person is entitled. Rules and requirements (see §§ 416.550–416.572) in effect for recovery (or waiver) of supplemental security income benefit overpayments shall also apply to the recovery (or waiver) of federally administered State supplementary overpaid amounts. If the overpaid person's entitlement to the State supplementary payments is terminated prior to recoupment of the overpaid State supplementary payment amount, and the overpayment cannot be recovered from a Federal benefit payable under this part, the person's record will be annotated (specifying the amount of the overpayment) to permit recoupment if the person becomes reentitled to supplementary payments of such State or to a Federal benefit under this part.

(b) *Underpayments.* Upon determination that an underpayment of State supplementary payments is due and payable, the underpaid amount shall be paid to the underpaid claimant directly, or his representative. If the underpaid person dies before receiving the underpaid amount of State supplementary payment the underpaid amount shall be paid to the claimant's eligible spouse. If the deceased claimant has no eligible spouse, no payment of the underpaid amount shall be made. (See §§ 416.538–416.543.)

§ 416.2047 Waiver of State supplementary payments.

(a) *Waiver request in writing.* Any person who is eligible to receive State supplementary payments or who would be eligible to receive such State supplementary payments may waive his right to receive such payments if such person makes a written request for waiver of State supplementary payments. Any such request made at time of application for the Federal benefit shall be effective immediately. Any such request filed after the application is filed shall be effective the month the request is received in a social security office, or earlier if the recipient refunds to the Social Security Administration the amount of any supplementary payment(s) made to him for the subject period.

(b) *Revocation of waiver.* Any individual who has waived State supplementary payments may revoke such waiver at any time by making a written request to any social security office. The revocation will be effective the month in which it is filed. The date such request is received in a social security office or the postmarked date, if the written request was mailed, will be the filing date, whichever is earlier.

§ 416.2050 Mandatory minimum State supplementation.

(a) *Determining the amount.* The amount of a mandatory State supplementary payment in the case of any eligible individual or couple for any month is equal to:

(1) The amount by which such individual or couple's December 1973 income (as defined in paragraph (b) of this section) exceeds the amount of such individual or couple's title XVI benefit plus other income which would have been used by such State in computing the assistance payable under the State's approved plan for such month or;

(2) Such greater amount as the State may specify.

(b) *December 1973 income.* "December 1973 income" means an amount equal to the aggregate of:

(1) *Money payments.* The amount of the aid or assistance in the form of money payments (as defined in 45 CFR § 234.11(a)) which an individual would have received (including any part of such amount which is attributable to meeting special needs or special circumstances) under a State plan approved under title I, X, XIV, or XVI of the Act in accordance with the terms and conditions of such plan relating to eligibility for and amount of such aid or assistance payable thereunder which were in effect for the month of June 1973 together with the bonus value of food stamps for January 1972 (as defined in § 416.2085(e)) if for such month such individual resides in a State which the Secretary has determined provides supplementary payments the level of which has been found by the Secretary pursuant to section 8 of Pub. L. 93–233 (87 Stat. 956) to have been specifically increased so as to include the bonus value of food stamps, and

(2) *Income.* The amount of the income of such individual other than aid or assistance, received by such individual in December 1973, remaining after application of all appropriate income exclusions and used in computation of the amount of aid or assistance, minus any such income which did not result, but which if properly reported, would have resulted in a reduction in the amount of such aid or assistance. Income, which because a State paid less than 100% of its standard of need, did not cause a reduction in the amount of aid or assistance is included.

(c) *Special needs or circumstances.* Special needs or circumstances include needs of essential persons (as defined in § 416.243), special allowances for housing, and such other situations for which

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money payments to or for an eligible individual were made under a State plan approved under title I, X, XIV, or XVI of the Act as in effect for June 1973.

(d) *Optional supplement payable.* A recipient meeting the requirements of paragraph (a) of this section who would otherwise qualify for a payment under a State's program of optional State supplementation (provided for by § 416.2010) which is greater than the amount required by paragraph (a) of this section, shall be paid such greater amount.

§ 416.2055 Mandatory minimum supplementation reduced.

If for any month after December 1973 there is a change with respect to any special need or special circumstance which, if such change had existed in December 1973, would have caused a reduction in the amount of such individual's aid or assistance payment, then, for such month and for each month thereafter, the amount of the mandatory minimum supplement payable to such individual may, at the option of the State, be reduced in accordance with the terms and conditions of the State's plan approved under title I, X, XIV, or XVI of the Act in effect for the month of June 1973.

§ 416.2060 Mandatory minimum supplementary payments not applicable.

An individual eligible for mandatory minimum supplementary payments from a State beginning in January 1974 shall not be eligible for such payments:

(a) *Month after the month of death.* Beginning with the month after the month in which the individual dies; or

(b) *Not aged, blind, or disabled.* Beginning with the first month after the month in which such individual ceases to be an aged, blind, or disabled individual (as defined in § 416.202); or

(c) *Not entitled to a Federal payment.* During any month in which such individual was ineligible to receive supplemental income benefits under title XVI of the Social Security Act by reason of the provisions of Section 1611(e)(1)(A), (2) or (3), 1611(f), or 1615(c) of such Act; or

(d) *Month of change in residence.* During any full month such individual is not a resident of such State.

§ 416.2065 Mandatory minimum State supplementation: agreement deemed.

A State shall be deemed to have entered into an agreement with the Secretary under which such State shall provide mandatory minimum supplementary payments if such State has entered into an agreement with the Secretary under section 1616 of the Act under which:

(a) *Other eligible individuals.* Supplementary payments are made to individuals other than those aged, blind, and disabled individuals who were eligible to receive aid or assistance in the form of money payments for the month of December 1973 under a State plan approved under title I, X, XIV, or XVI of the Act, under terms and conditions of such plan in effect for June 1973, and

(b) *Minimum requirements.* Supplementary payments which meet the mandatory minimum requirements of this subpart are payable to all aged, blind, or disabled individuals who were eligible to receive aid or assistance in the form of money payments for the month of December 1973 under a State plan approved under title I, X, XIV, or XVI of the Act, under terms and conditions of such plan in effect for June 1973.

§ 416.2070 Mandatory supplementation: State compliance not applicable.

The requirement that a State must have in effect an agreement with the Secretary whereby such State shall provide individual aged, blind, and disabled recipients residing in the State mandatory minimum supplementary payments beginning in January 1974 shall not be applicable in the case of any State where:

(a) *State constitution.* The State constitution limits expenditures that may be paid as public assistance to, or on behalf of, any needy person to an amount that does not exceed the amount of State public assistance payments that are matched by Federal funds under titles I, IV, X, XIV, XVI, or XIX of the Social Security Act making it impossible for such State to enter into and commence carrying out (on January 1, 1974) such agreement with the Secretary, and

(b) *Attorney General decision.* The Attorney General (or other appropriate State official) has, prior to July 1, 1973, made a finding that the State constitution of such State contains limitations which prevent such State from making supplementary payments of the type described in section 1616 of the Act.

§ 416.2075 Monitoring of mandatory minimum supplementary payments.

(a) *Access to records.* Any State entering into an agreement with the Secretary whereby such State will provide mandatory minimum supplementary payments in accordance with § 416.2001(c) shall agree that the Secretary shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the State involving transactions related to this agreement.

(b) *Additional data.* Any State entering into an agreement in accordance with § 416.2005 shall provide the Secretary with such additional data at such times as the Secretary may reasonably require in order to properly, economically, and efficiently be assessed of such State's compliance with such State agreements.

§ 416.2080 Limitation of fiscal liability of States.

(a) *Fiscal limits.* The amount payable to the Secretary by a State for the amount of the supplementary payments made on its behalf for any fiscal year pursuant to the administration agreement with the Secretary as described in § 416.2005 shall not exceed the total amount of the State's calendar year 1972 non-Federal share of expenditures as aid or assistance under the State plan(s) approved under title I, X, XIV, or XVI of the Act, as set forth in § 416.2082.

(b) *Less than full fiscal year period.* Should the agreement cover less than a full fiscal year, the limitation on the amount of the State's fiscal liability protection is the same as described in paragraph (a) of this section. The only exception is the fiscal liability protection for States for January through June of 1974 which will be determined by dividing the calendar year 1972 non-Federal share of expenditures as described in § 416.2082 by two.

(c) *State fiscal protection.* Except as provided in paragraph (e) of this section, the provisions of paragraphs (a) and (b) of this section shall apply only to that portion of the State supplementary payments made by the Secretary on behalf of a State under an agreement for any month which does not exceed, in the case of any individual (or couple), the difference between:

(1) The adjusted payment level as defined in § 416.2085 under the appropriate approved State plan(s) as in effect for January 1972, and

(2) The benefits paid for such month under title XVI plus any income not excluded under the provisions of section 1612 of the Act.

(d) *Unprotected payments.* Except as provided in paragraph (e) of this section, the portion of the State supplementary payment which is, in the case of any individual, in excess of this difference between the State's January 1972 adjusted payment level and the Federal benefit (plus income counted under Federal eligibility rules) will be made entirely at State expense.

(e) *Credits and debits.* For purposes of determining the extent of protected payments where State supplementary payments are paid at varying levels, to the extent that payments above the adjusted payment level do not exceed the difference by which variations in payment levels (variant payment levels) are established below the adjusted payment level, payments count toward the amount of a State's fiscal liability protection. This provision is explained as follows:

(1) The variant payment levels must be both above and below the adjusted payment level. The variant payment level is the sum of the Federal benefit plus income counted under Federal eligibility rules plus the State supplementary payment.

(2) In each case where the variant payment level is below the adjusted payment level and a State supplementary payment is made, a credit will be given to the extent of the difference between the adjusted payment level and the variant payment level. While countable income affects the amount of the State's supplementary payment, it has no effect on the amount of credit given. Cumulative credit will be given for the number of cases in each variation below the adjusted payment level. The credit given to each case within such a variation is always the same because it is not adjusted to reflect payments that are reduced due to income.

(3) In each case where the variant payment level is above the adjusted payment level and a State supplementary payment is made which equals either the full or partial difference between the variant payment level and the adjusted payment level, a debit will be given to the extent of such difference. A cumulative debit amount will be given for such cases in each variation that exceeds the adjusted payment level.

(4) Neither a credit nor a debit is applicable to those cases where a State's variant payment level is equal to the adjusted payment level.

(5) For those States which apply additional income exclusions as explained in § 416.2025(c), the computation of credits and debits will be made as if supplementary payments had been made without regard to such additional income exclusions.

(6) For purposes of paragraph (e)(4) of this section, credits may be applied to debits at any time within a fiscal year. The amount that would count toward a State's fiscal liability protection once the non-Federal share of 1972 expenditures has been met will be determined by the extent to which total credits within each category of supplementation equal total debits within each category of supplementation in a fiscal year. The amount by which total debits exceed total credits will be borne entirely at State expense.

(f) *Fiscal limit not applicable.* The limitation on fiscal liability provision will not apply to any State supplementary payments which are made to individuals or couples within any category for which the adjusted payment level is less than, or equal to, the Federal monthly benefit rate for an eligible individual or eligible couple as specified in §§ 416.410 and 416.412. Further, the provisions of paragraph (a) of this section shall not apply to the amount of any State supplementary payment which results from the application of additional income exclusions specified by the State in its agreement with the Secretary (see § 416.2025(c)). In addition, the provisions of paragraph (a) of this section shall not apply with respect to supplementary payments to any individual or couple who is both:

(1) Not required to be included in the agreement administered by the Secretary (see § 416.2010(a)), and

(2) Would have been ineligible (for reasons other than income) for payments under the appropriate approved State plan as in effect for January 1972.

§ 416.2082 Non-Federal share of expenditures; defined.

The term "non-Federal" share of expenditures as aid or assistance for quarters in the calendar year 1972 under the plans of a State approved under titles I, X, XIV, or XVI of the Act means the difference between:

(a) The total matchable expenditures as aid or assistance for such plans (excluding expenditures authorized under section 1119 of the Act as in effect prior to October 30, 1972, for repairing the home of an individual who was receiving aid or assistance under one of the appropriate approved State plans); and

(b) The total of the amounts determined under sections 3, 1003, 1118, 1403, and 1603 of the Act and under section 9 of the Act of April 19, 1950, for such State with respect to such expenditures in such quarters.

§ 416.2085 Adjusted payment level.

(a) *Adjusted payment level; defined.* "Adjusted payment level" means the amount of the money payment under the appropriate State plan(s) approved under titles I, X, XIV, or XVI of the Social Security Act to individuals (or couples) within a category who had no other income (excluding eligible recipients who received no payments) for the month of January 1972; plus (at State option) an amount no greater than the sum of a payment level modification (as described in paragraph (d) of this section) and (at State option) beginning July 1, 1975, the bonus value of food stamps in the State for January 1972 (as described in paragraph (e) of this section). Also, prior to July 1, 1975, those States which the Secretary has determined provide supplementary payments the level of which has been found by the Secretary pursuant to section 8 of Pub. L. 93-233 (87 Stat. 956) to have been specifically increased so as to include the bonus value of food stamps may include such bonus value in the computation of the adjusted payment level. (See 7 CFR § 271.10 published at 39 FR 3812, January 30, 1974.)

(1) *Amount of money payment.* The amount of the money payment will be determined by computing the average of the cash payments made for basic needs and special needs, (but excluding cases involving only personal needs payments to recipients residing in medical facilities, and payments that included an amount for the needs of an "essential person") to individuals who were not living in the household of another, whose support and maintenance was not contributed to by another, and who had no other income. In addition, States may include domiciliary care payments to individuals with no other income (within each category).

(2) *No other income.* Cases in which income which was totally disregarded by a State in determining the amount of the money payment will be considered cases in which there was "no other income." For these purposes, in-kind or imputed income will be treated the same as cash income.

(b) *Adjusted payment levels for couples: computation method.* If the State's records do not contain sufficient information to compute the actual amount of the money payment for couples for January 1972, then the adjusted payment level for couples may be computed by multiplying the sum of the average money payment to individuals in the appropriate category (as defined in § 416.2020(d)) and the payment level modification for that category by the ratio of the payment standard for a couple to the payment standard for an individual in that category, and then in accordance with paragraph (a) of this section, adding the bonus value of food stamps to the result. With respect to adjusted payment levels used for the period January 1, 1974, through June 30, 1974, the ratio of the payment standards, if less than 1.5 shall be raised to 1.5; ratios in excess of 2.0 shall be lowered to 2.0.

(c) *Payment standard.* "Payment standard" (PS) means the amount specified as the "payment standard" in the approved State plan as in effect for January 1972 under titles I, X, XIV, or XVI of the Act.

(d) *Payment level modification.* "Payment level modification (PLM) with respect to any State plan means the amount by which a State which paid less than 100 percent of its standard of need could have increased its January 1972 money payments for basic needs to persons with no other income by reducing the need standard and raising the maximum amount payable so that the increased payments equal 100 percent of the new standard without increasing the non-Federal share of expenditures under titles I, X, XIV, and XVI of the Act for calendar year 1972.

(1) *Maximum amount payable.* The "maximum amount payable" (M) means the amount specified as the largest amount payable for basic needs in the approved State plan as in effect for January 1972 under title I, X, XIV, or XVI of the Act.

(2) *Computing the payment level modification.* The payment level modification shall be determined by computing a Reduced Payment Standard (RS) and subtracting the maximum amount payable (PLM=RS−M).

(i) The Reduced Payment Standard shall be computed (within a category) by use of the following formula:

$$RS=\frac{TP+TCI}{TR}$$

(TP=Total Payments for January 1972 for basic needs,
TCI=Total Countable Incomes of recipients for January 1972, and
TR=Total Number of Recipients for January 1972.)

(ii) For a State entitled to a payment level modification and for which State total countable incomes of recipients for January 1972 cannot be determined, TCI may be estimated using the following formula:

$$TCI=TN-TP\ (PS).$$
$$M$$

TN=PS×TR=Total Needs for January 1972.)

(e) *Bonus value of food stamps.* (1) The term "bonus value of food stamps in a State for January 1972" means (with respect to any individual) the difference between:

(i) The face value of the coupon allotment which would have been provided to such individual under the Food Stamp Act of 1964 (7 U.S.C. 2011 ff.) for January 1972, and

(ii) The charge which such individual would have paid for such coupon allotment.

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(2) *Income schedules.* The total face value of such coupon allotment and the cost thereof for January 1972 shall be determined in accordance with the schedules prescribed by the Secretary of Agriculture. Such schedules for 48 States and the District of Columbia are those published in the FEDERAL REGISTER on January 26, 1972 (37 FR 1180). Such schedules for Alaska and Hawaii are those published in the FEDERAL REGISTER on March 3, 1972 (37 FR 4456–58). The schedule as applicable to a household of one shall be used with respect to an individual, and the schedule as applicable to a household of two shall be used with respect to a couple.

(3) *Determining bonus value.* In determining the charge such individual (or couple) would have paid for such coupon allotment, the individual's (or couple's) monthly net income will be considered to equal the State's January 1972 adjusted payment level as set forth in paragraph (a) of this section including the results of any payment level modification as described in paragraph (d) of this section but excluding the bonus value of food stamps. If such amount exceeds the maximum allowable monthly income for food stamp eligibility (as published for non-public assistance households), the bonus value is the difference between the monthly coupon allotment and the monthly purchase requirement listed in the schedule for households with the maximum allowable monthly income. (This situation may occur since public assistance households are eligible for food stamps regardless of income.)

§ 416.2090 State funds advanced for supplementary payments.

(a) *Advance payment and adjustment.* Any State which has entered into an agreement with the Secretary which provides for Federal administration of such State's supplementary payments shall pay to the Secretary either: (1) An amount equal to the Secretary's estimate of State supplementary payments for any month which shall be made by the Secretary on behalf of such State; or (2) where the provisions of § 416.2080 are applicable, an amount equal to one-twelfth of the State's non-Federal share of expenditures (as described in § 416.2082) plus the unprotected payments which are payable for the month for which funds are provided. In order for the Secretary to make State supplementary payments as provided by the agreement, the necessary amount of State funds must be on deposit with the Secretary on or before the date payments are to be received by the recipients, unless otherwise agreed to by the Secretary. The amount of State funds paid to the Secretary for State supplementary payments will be adjusted as necessary to maintain the balance with State supplementary payments paid out by the Secretary on behalf of the State.

(b) *Accounting of State funds.* (1) As soon as feasible, after the end of each calendar month, the Secretary will provide the State with a statement showing, cumulatively, the total amounts paid by the Secretary on behalf of the State during the current fiscal year; the State's total liability, therefore; and the end-of-month balance of the State's cash on deposit with the Secretary.

(2) The Secretary shall provide an accounting of State funds received and paid as State supplementary payments within 3 calendar months following the termination of an agreement under § 416.2005.

(3) Adjustment will be made because of State funds due and payable or amounts of State funds recovered for calendar months for which the agreement was in effect. No interest shall be charged or payable by the Secretary or the State with respect to the adjustment and accounting of State supplementary funds.

(c) *State audit.* Any State entering into an agreement with the Secretary which provides for Federal administration of the State's supplementary payments has the right to an audit (at State expense) of the payments made by the Secretary on behalf of such State. The Secretary and the State shall mutually agree upon a satisfactory audit arrangement to verify that supplementary payments paid by the Secretary on behalf of the State were made in accordance with the terms of the administration agreement under § 416.2005. Resolution of audit findings shall be made in accordance with the provisions of the State's agreement with the Secretary.

Subpart U—Medicaid Eligibility Determinations

§ 416.2101 Authority to perform State Medicaid functions.

(a) *Section 1634 of the Act.* Pursuant to section 1634 of the Act, the Secretary may, should a State so desire, enter into an agreement with that State to determine the eligibility for medical assistance on behalf of such State in the case of aged, blind, and disabled individuals under such State's medical assistance plan approved for Federal financial participation under title XIX of the Act.

(b) *Data exchange.* Pursuant to authority under the Intergovernmental Cooperation Act (42 U.S.C. 4222), the Secretary will enter into an agreement with a State, if the State so desires, to provide information obtained through the administration of the title XVI program and other additional assistance or support related to the administration of the State's medical assistance programs where administratively feasible and subject to such limitations as may be necessary for the efficient and effective administration of the title XVI program.

§ 416.2104 Renewal, termination, or modification of agreement.

(a) *Terms of agreement.* An agreement between the Secretary and a State described in § 416.2101 remains in effect for the term specified in the agreement and shall be automatically renewed for a period of 1 year except that the Secretary or the State may terminate the agreement by written notice at least 120 days in advance of the proposed termination date.

(b) *Modification or termination of agreement.* The Secretary or the State may modify or terminate the agreement at any time by mutual consent.

§ 416.2107 Effect of agreement on existing Federal-State responsibilities.

The terms and conditions for approval of a State's medical assistance plan under title XIX of the Act and the State's responsibility under such plan remain unchanged except to the extent otherwise specifically provided for in the agreement. Thus, a State will continue to be responsible for any aspects of medical assistance eligibility determinations and other functions not specifically undertaken to be performed by the Secretary pursuant to the agreement. Functions permitted or required by title XIX of the Act that shall remain as State responsibilities include, but are not limited to:

(a) Issuance of emergency authorizations for medical service pending processing of applications;

(b) Outstationing of medical assistance eligibility workers at providers of medical services to receive Medicaid applications;

(c) Establishment, administration, and operation of the cost-sharing systems (including spend-down computations) for medical assistance recipients;

(d) Issuance, control, and termination of medical assistance identification cards and other notices to individuals within the purview of the agreement;

(e) Determination of retroactive eligibility for medical assistance.

§ 416.2111 Conditions for agreement to determine eligibility for medical assistance.

As a condition for having the Secretary agree to determine or redetermine eligibility for medical assistance under a State's approved plan, the plan must specify that:

(a) Such eligibility is to be determined using the criteria established under title XVI of the Act to determine eligibility for benefits as a disabled, blind, or aged individual; and

(b) Such Medicaid eligibility is provided to all individuals of a particular category (i.e., aged, blind, or disabled) eligible for benefits under title XVI of the Act.

§ 416.2112 Limitations as to individuals covered by agreement to determine eligibility for medical assistance.

Determinations of Medicaid eligibility pursuant to an agreement are limited to individuals who have been determined to be eligible individuals under title XVI of the Act or who are receiving a State supplementary payment which is federally administered, or both (see § 416.2003 and § 416.2052 in connection with federally administered State supplementary payments).

§ 416.2116 Terms of agreement; functions performed by the Secretary.

Under the agreement the Secretary may perform the following:

(a) *Determinations and redeterminations.* (1) Make determinations of eligibility for medical assistance pursuant to the agreement on behalf of a State so requesting;

(2) Make redeterminations of eligibility for medical assistance as frequently and to the same extent that redeterminations of eligibility for benefits are made under the title XVI program or as frequently and to the same extent as may be mutually agreed upon.

(b) *Notification to States.* Notify the State in a manner mutually agreed upon concerning:

(1) Individuals determined or redetermined to be eligible to receive a benefit under title XVI or a federally administered State supplementary payment, or both;

(2) Changes in status of individuals covered under the agreement;

(3) Individuals determined or redetermined to be ineligible to receive a benefit under title XVI or a federally administered State supplementary payment, or both.

(c) *Quality reviews and program integrity reviews.* Apply the same procedures established for the performance of quality assurance reviews and program integrity reviews for the title XVI program to determinations made under the agreement and to notify the State of findings that affect the status of individuals covered under the agreement.

(d) *Other items of mutual concern.* Other matters of mutual concern relevant to the purpose of the agreement or related functions may, in the Secretary's discretion, be incorporated into its terms.

§ 416.2118 State requests for studies, evaluations, and other information or assistance.

(a) *Studies and evaluations.* The Secretary may, in a separate agreement, agree to conduct such studies and evaluations as the State may request, provided that:

(1) The costs of such studies and evaluations shall be borne by the State, and

(2) The Secretary determines that any such study or evaluation requested by the State is consistent with effective and efficient administration of the title XVI program and does not interfere with the administration of that program.

(b) *Information sharing.* The Secretary may provide the State with information obtained upon an application for title XVI benefits which may be relevant to medical assistance eligibility determinations in a manner mutually agreed upon.

(c) *Coordination with title XVI program.* The Secretary may provide such other assistance with respect to coordination between the State medical assistance programs and the title XVI program, such as the gathering of additional information required by a State to make eligibility determinations for medical assistance, the referral of applicants under the title XVI program to the appropriate State agency, and the placement of State medical assistance workers in offices of the Social Security Administration, as may be administratively feasible and subject to such limitations as may be necessary for the efficient and effective administration of the title XVI program.

§ 416.2119 Functions performed by the State.

(a) *Agreements for Federal determination of eligibility for medical assistance.* The State shall make a timely payment to the Secretary as specified in the agreement of an amount equal to one-half of the administrative costs incurred in carrying out the agreement. In determining such administrative costs only the costs that are necessitated by the agreement and that are additional to the Secretary's costs incurred in administering the title XVI program shall be included.

(b) *Agreements for data exchange.* The State shall make a timely payment to the Secretary, as specified in the agreement of the identifiable costs incurred in carrying out the agreement. Only those costs, necessitated by the agreement that are additional to the Secretary's costs incurred in administering the title XVI program shall be included.

[FR Doc. 75-4793 Filed 2-20-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 1—GENERAL

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Railroad-Highway Insurance Protection; Revocation and Corrections

The matters affected relate to grants benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed changes is not required. The changes will become effective on the date of issuance.

A revocation and corrections are hereby published as set forth below.

§ 1.14 [Removed]

§ 1.14 (Project Agreements) is hereby revoked. The provisions of this section have been codified in Part 630, Subpart C of this title.

Appendix A [Amended]

1. The last line in Item 1 of paragraph 10 in Appendix A should be corrected by placing a close parenthesis symbol after the word "State."

2. The reference to the "Atomic Energy Act of 1964" in the third full subparagraph of paragraph 4 under "Exclusions" in Appendix A should be changed to "Atomic Energy Act of 1954."

3. In paragraph 11 under "Conditions" in Appendix A, after the words in the seventh line "competent appraiser, and" insert the words "the appraisers shall select a".

Issued on February 12, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-4723 Filed 2-20-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-321]

List of Communities; Correction

On August 6, 1974, in 39 FR 28252, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Tallahassee, Florida, as an eligible community and included map No. H 120144 10 which indicates that Lots No. 12–25 of Block F, Lots No. 1, 2, 16–26 of Block G, and Lots No. 1–12 and 14–26 of Block J, Apalachee Ridge Subdivision Unit No. 4, Tallahassee, Florida, as recorded in Plat Book 4, Page 18, in the Office of the Clerk of the Circuit Court, Leon County, Florida, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 120144 10 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: February 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4763 Filed 2-20-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This included Fairfax County, Virginia as an eligible community and

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included map No. H 515525 13 which indicates that Lot No. 37, Section 2, Pomponio's Addition to Valley Brook, Mason District, Fairfax County, Virginia, as recorded in Deed Book 1478, Page 4 of the land records of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. Accordingly, effective June 17, 1970, Map No. H 515525 13 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4764 Filed 2-20-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-315]

List of Communities; Correction

On August 6, 1974, in 39 FR 28265, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Charlotte, North Carolina, as an eligible community and included map No. H 370159 18 which indicates that property at 2219 Windingwood Lane, Charlotte, North Carolina, as recorded in Volume 9, at Page 231 in the records of Mecklenburg County, North Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in the view of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 370-159 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: February 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4765 Filed 2-20-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

The Foreign Assets Control Regulations are being amended to revoke or modify provisions applicable to the People's Republic of China and its nationals that were made obsolete by the issuance in 1971 of general licenses removing virtually all restrictions on transactions with the People's Republic of China, and to add statements of licensing policies.

The Foreign Assets Control Regulations are being amended in the following respects:

Section 500.204 is being amended by revoking those subparagraphs which are applicable to merchandise presumptively of Chinese origin. Such provisions are unnecessary in view of the general license in § 500.547.

The Appendix to § 500.204 is being revoked as unnecessary in view of § 500.547, except for certain items which are being recodified with appropriate amendments as §§ 50.410, 500.411, and 500.412 within Subpart D "interpretations", or recodified as §§ 500.549–500.553 within Subpart E. As a result, the title of Subpart E is being amended to read "Licenses, Authorizations and Statements of Licensing Policy."

Sections 500.413 and 500.414 setting forth interpretations which have formerly been available for public inspection but not published are being added.

Section 500.508 which licenses payments to blocked accounts is being amended by the addition of paragraph (f) which requires as a condition thereof that confirmation bef urnished to the Office of Foreign Assets Control of the establishment of a blocked account in the name of the designated national by the bank receiving the authorized payment.

Paragraphs (c) and (d) of § 500.536, authorizing certain transactions in merchandise presumptively of Peoples Republic of China origin, are being revoked as unnecessary in view of the general license in § 500.547.

Paragraph (d) of § 500.538 and paragraph (c) of § 500.541 are being amended so that references therein to the Department of Commerce's Commodity Control List will correspond to the currently published format of that list.

Section 500.545 authorizing travel to and in the Peoples Republic of China is being revoked as unnecessary in view of § 500.546.

Sections 500.554–500.559 containing statements of licensing policies not heretofore published are being added.

Section 500.808 containing Customs' procedures with respect to merchandise subject to § 500.204 is being amended to revoke those provisions which relate to certificates of origin. Such provisions are unnecessary in view of the general license in § 500.547.

1. Section 500.204 (a) and (a)(1) are revised to read:

§ 500.204 Importation of and dealings in certain merchandise.

(a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, persons subject to the jurisdiction of the United States may not purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States specified in following subparagraph (1) of this paragraph:

(1) Merchandise the country of origin of which is China (except Formosa), North Korea, or North Viet-Nam. Articles which are the growth, produce or manufacture of these areas shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) Grading; (ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purpose of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, if there shall have been added to such articles any embroidery, needle point, petit point, lace or any other article of adornment which is the product of China (except Formosa), North Korea, or North Viet-Nam notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa), North Korea or North Viet-Nam.

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§ 500.204 Appendix [Revoked]

2. Section 500.204, Appendix, is hereby revoked.

3. Subpart D "Interpretations" is hereby amended by the addition of §§ 500.410, 500.411, 500.412, 500.413 and 500.414 to read:

Sec.
§ 500.410 Currency, coins, and postage and other stamps.
§ 500.411 Dealings abroad in commodities subject to the Regulations.
§ 500.412 Process v. manufacture.
§ 500.413 Property excluded from paragraph (b) of § 500.541.
§ 500.414 Foreign branches of a U.S. Firm.

§ 500.410 Currency, coins, and postage and other stamps.

Currency, coins, and postage and other stamps issued by North Korea or North Viet-Nam are merchandise of North Korean or North Viet-Namese origin subject to § 500.204(a)(1).

§ 500.411 Dealings abroad in commodities subject to the Regulations.

Section 500.204 prohibits the unlicensed importation into the United States of commodities of North Korean or North Viet-Namese origin. It also prohibits, unless licensed, persons subject to the jurisdiction of the United States from purchasing, transporting or otherwise dealing in such commodities which are outside the United States.

§ 500.412 Process v. manufacture.

A commodity subject to § 500.204 remains subject howsoever it has been processed. It should not be assumed that a commodity which has undergone operations other than those listed in § 500.204 (a)(1), has become a manufactured form of the commodity rather than a processed form thereof. In case of question, a ruling should be requested from the Office of Foreign Assets Control. Requests for rulings in the form of license applications or otherwise should include adequate technical detail. It should be noted that it is quite possible for merchandise to have North Korea or North Viet-Nam as its "country of origin" for Foreign Assets Control purposes while having some other country as its "country of origin" for marking or statistical purposes.

§ 500.413 Property excluded from paragraph (b) of § 500.541.

The term "any property subject to the jurisdiction of the U.S." as used in § 500.541(b) of the Foreign Assets Control Regulations does not include tangible property located in a foreign country.

Securities (registered or bearer) located abroad, issued by a person entitled to the privileges of § 500.541 are also not included within that term.

§ 500.414 Foreign branches of a U.S. Firm.

Section 500.541 is applicable to foreign branches of a United States firm.

4. The title of Subpart E "Licenses and Authorizations" is hereby amended to read: "Licenses, Authorizations and Statements of Licensing Policy".

5. Section 500.508 is hereby revised to read:

§ 500.508 Payments to blocked accounts in domestic banks.

(a) Any payment or transfer of credit to a blocked account in a domestic bank in the name of any designated national is hereby authorized providing such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize:

(1) Any payment or transfer to any blocked account held in a name other than that of the designated national who is the ultimate beneficiary of such payment or transfer; or

(2) Any foreign exchange transaction including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

(c) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(d) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, or the income derived from such securities, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities are held.

(e) This section does not authorize any payment or transfer from a blocked account in a domestic bank to a blocked account in another domestic bank held under any name or designation which differs from the name or designation of the specific blocked account or sub-account from which the payment or transfer is made.

(f) The authorization in paragraph (a) is subject to the condition that a notification from the domestic bank receiving an authorized payment or transfer is furnished by the transferor to the Office of Foreign Assets Control confirming that the payment or transfer has been deposited in a blocked account under the regulations in this Part and providing the name and address of the designated national in whose name the account is held.

6. Section 500.536 (a) and (b) are revised to read:

§ 500.536 Certain transactions with respect to merchandise affected by § 500.204.

(a) With respect to merchandise the importation of which is prohibited by § 500.204, all Customs transactions are authorized except the following:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone.

(b) Paragraph (a) of this section is intended solely to allow certain restricted disposition of merchandise which is imported without proper authorization. Paragraph (a) does not authorize the purchase or importation of any merchandise.

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7. Section 500.538 is hereby revised to read:

§ 500.538 Transportation and insurance of merchandise.

(a) Except as provided in paragraphs (c) and (d) of this section, to the extent that transportation or insurance of merchandise is prohibited by §§ 500.201 or 500.204, such transportation by carriers or insurance is authorized.

(b) [Reserved]

(c) This section does not authorize the transportation or insurance of any merchandise directly or indirectly to or from North Korea or North Viet-Nam, nor does it authorize the transportation or insurance of any merchandise of North Korean or North Viet-Namese origin.

(d) This section does not authorize the transportation directly or indirectly to mainland China or insurance of: 1) Any merchandise of United States origin, except as authorized by § 500.533; 2) Any merchandise regardless of origin of a type included in the Commodity Control List of the United States Department of Commerce (15 CFR Part 399) and identified by the code letter "A" following the Export Control Commodity Number, or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10.

8. Section 500.541 is hereby revised to read:

§ 500.541 Certain transactions by persons in foreign countries.

(a) Except as provided in paragraphs (b), (c), (e), and (f) of this section, all transactions incident to the conduct of business activities abroad engaged in by any individual ordinarily resident in a foreign country in the authorized trade territory, or by any partnership, association, corporation, or other organization which is organized and doing business under the laws of any foreign country in the authorized trade territory, are hereby authorized.

(b) This section does not authorize any transaction involving property subject to the jurisdiction of the United States as of May 6, 1971, in which there existed, or had existed at any time on or since the effective date, any direct or

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indirect interest of China or nationals thereof.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of:

(1) Merchandise or technical data of United States origin unless it is in compliance with § 500.533; and,

(2) Merchandise, regardless of origin, of a type included in the Commodity Control List of the United States Department of Commerce (15 CFR Part 399) and identified by the code letter "A" following the Export Control Commodity Number, or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 570.10, unless the transaction is in compliance with § 505.31 of this chapter.

(d) [Deleted]

(e) This section does not authorize the supply of petroleum products to any vessel bound to or from North Korea, North Viet-Nam, or Cuba.

(f) This section does not authorize any transaction involving North Korea of North Viet-Nam or their nationals or merchandise the country of origin of which is North Korea, or North Viet-Nam.

§ 500.545 [Revoked]

9. Section 500.545 is hereby revoked.

10. Sections 500.549–500.562 are hereby added to read:

Sec.

500.549 Proof of origin.
500.550 Publications, films, etc. from North Korea and North Viet-Nam.
500.551 Reimports.
500.552 Research samples.
500.553 Prior contractual commitments not a basis for licensing.
500.554 Gifts of North Korean or North Viet-Namese origin.
500.555 Bank accounts and other property of persons who were in mainland China on or after December 17, 1950 and prior to May 7, 1971.
500.556 Joint bank accounts.
500.557 Proceeds of insurance policies.
500.558 Accounts of blocked partnerships.
500.559 Accounts of Chinese, North Korean, or North Viet-Namese sole proprietorships.
500.560 Bank Accounts of Official Representatives in North Korea or North Viet-Nam of Foreign Governments.
500.561 Transfers of abandoned property under State laws.
500.562 News Materials from North Korea or North Viet-Nam.

§ 500.549 Proof of origin.

Specific licenses for importation of goods of North Korean or North Viet-Namese origin are generally not issued unless the applicant submits satisfactory documentary proof of the location of the goods outside North Korea or North Viet-Nam prior to the applicable effective dates and of the absence of any North Korean or North Viet-Namese interest in the goods at all times on or since that date. Since the type of documents which would constitute satisfactory proof varies depending upon the facts of the particular case, it is not possible to state in advance the type of documents required. However, it has been found that affidavits, statements, invoices, and other documents prepared by manufacturers, processors, sellers or shippers cannot be relied on and are therefore not by themselves accepted by the Office of Foreign Assets Control as satisfactory proof of origin. Independent corroborating documentary evidence, such as insurance documents, bills of lading, etc., may be accepted as satisfactory proof.

§ 500.550 Publications, films, etc. from North Korea and North Viet-Nam.

(a) Specific licenses are issued for commercial importations of publications, films, posters, phonograph records, photographs, microfilms, microfiche and tapes originating in North Korea or North Viet-Nam, provided all payments due the suppliers are made into blocked accounts in the name of the seller and provided that reports of any such imports and deposits, as required by the Office of Foreign Assets Control, are made by the licensee.

(b) Specific licenses are also issued for such publications, films, etc. originating in North Korea and North Viet-Nam, without restriction as to method of payment or on an exchange basis, under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions.

(c) Such publications, films, etc. are also licensed when the Office of Foreign Assets Control is satisfied that they are bona fide gifts to the importer and that there is not and has not been, since the applicable effective date, any direct or indirect financial or commercial benefit to designated countries or nationals thereof from the importations.

§ 500.551 Reimports.

Specific licenses are issued for reimportation of merchandise subject to § 500.204 on proof of the export of the identical merchandise from the United States. Persons planning to export any such merchandise for exhibition, repair, or for any other purpose should first ascertain that reimportation will be authorized. Generally, reimportation is authorized only if Customs Form 4455 was completed at the time of export.

§ 500.552 Research samples.

Specific licenses are issued for importation of commodities subject to § 500.204 for bona fide research purposes in sample quantities only.

§ 500.553 Prior contractual commitments not a basis for licensing.

Specific licenses are not issued on the basis that an unlicensed firm commitment or payment has been made in connection with a transaction prohibited by § 500.204. Contractual commitments to engage in transactions subject to the prohibitions in § 500.204 should not be made, unless the contract specifies that the transaction is authorized by a general license or that it is subject to the issuance of a specific Foreign Assets Control license.

§ 500.554 Gifts of North Korean or North Viet-Namese origin.

(a) Except as stated in paragraph (b) of this section and in § 500.550, specific licenses are not issued for the importation of North Korean or North Viet-Namese origin goods sent as gifts to persons in the United States or acquired abroad as gifts by persons entering the United States. However, licenses are issued, upon request, for the return of such goods to the donors in countries other than North Korea or North Viet-Nam.

(b) Specific licenses are issued for the importation directly from North Korea or North Viet-Nam (1) of goods which are claimed by the importer to have been sent as a bona fide gift and (2) of goods which are imported by a person entering the U.S., which are claimed to have been acquired in North Korea or North Viet-Nam as a bona fide gift, subject to the conditions that:

(i) The goods are of small value, and

(ii) There is no reason to believe that there is, or has been since the applicable effective date, any direct or indirect financial or commercial benefit to North Korea or North Viet-Nam or nationals thereof from the importation.

§ 500.555 Bank accounts and other property of persons who were in mainland China on or after December 17, 1950 and prior to May 7, 1971.

(a) *Persons who left mainland China after December 17, 1950.* Specific licenses are issued unblocking the accounts and other property of persons who left mainland China after December 17, 1950, provided that they submit evidence satisfactorily demonstrating that they have established residence in a foreign country in the authorized trade territory.

(b) *Non-Chinese Decedents who died in mainland China on or after December 17, 1950 and prior to May 7, 1971.* Specific licenses are issued authorizing the administration of the estates of non-Chinese decedents who died in mainland China on or after December 17, 1950 and prior to May 7, 1971, provided that any distribution to a blocked national of China is made by deposit in a blocked account in a domestic bank in the name of the blocked national.

§ 500.556 Joint bank accounts.

Specific licenses are issued unblocking a portion of or all of a blocked joint bank account where a non-blocked applicant claims beneficial ownership, as follows:

(a) *Joint bank account, without survivorship provisions.* Specific licenses are issued unblocking only that amount with respect to which the applicant is able to prove beneficial ownership by documentary evidence independent of his assertions of interest.

(b) *Joint bank account, with survivorship provision.* Specific licenses are issued unblocking an amount equivalent

to that portion of the total amount to which the applicant would be entitled if the total were divided evenly among the persons in whose names the account is held (e.g. 50 percent where there are two names; 33⅓ percent where there are three names). Such licenses are issued on the basis of applicant's assertions of beneficial ownership interest without the requirement of independent evidence.

§ 500.557 Proceeds of insurance policies.

(a) Specific licenses are issued authorizing payment of a portion of the proceeds of a blocked life insurance policy issued on the life of a Chinese, North Korean, or North Viet-Namese national who died in one of those countries after the applicable effective date, and in the case of a Chinese national, prior to May 7, 1971, to non-blocked beneficiaries as follows:

(1) Payment may be licensed of a portion equal to the proportionate shares due the beneficiaries after deduction of an amount equal to the cash surrender value of the policy on the date of the insured's death, (i.e., the value of the blocked insured's interest), subject to the condition that the amount deducted is deposited in a blocked account in a domestic bank in the name of the estate of the insured.

(2) As an alternative procedure, at the option of the applicant, payment may be licensed of the total amount of the proceeds into a blocked account in a domestic bank in the names of the beneficiaries, subject to the condition that the account is designated as blocked by reason of the interest of the decreased insured in the policy. Specific licenses may subsequently be issued authorizing payments from such blocked accounts to non-blocked beneficiaries provided that the balance remains equal to the cash surrender value of the policy on the date of the insured's death, plus any accrued interest.

(3) Where a non-blocked surviving spouse of the insured is a beneficiary, payments to such spouse are licensed pursuant to the procedures in paragraphs (a) (1) and (2) of this section.

(b) Where a blocked life insurance policy on the life of a Chinese, North Korean, or North Viet-Namese national who died in any one of those countries after the applicable effective date, and in the case of the Chinese national prior to May 7, 1971, provides for payment to the estate of the insured, licenses are not issued for payment except to a blocked account in a domestic bank in the name of the estate of the deceased insured.

§ 500.558 Accounts of blocked partnerships.

Specific licenses are issued unblocking partnerships established under the laws of China, North Korea, or North Viet-Nam, as follows:

(a) Where all of the general partners and limited partners, if any, have emigrated from China, North Korea or North Viet-Nam and have established residence in the United States or in a country in the authorized trade territory, specific licenses are issued unblocking the assets of the partnership after deducting the total debt due creditors wherever located.

(b) Where one or more partners, whether general or limited, is in China, North Korea or North Viet-Nam (or elsewhere but still blocked), specific licenses are issued unblocking only the net pro-rata shares of those partners who are resident in the United States or in a country in the authorized trade territory after deducting the total debt due creditors wherever located.

(c) The issuance of licensees is conditioned on the applicant furnishing the following information:

(1) Detailed information as to the status of all debts and other obligations of the blocked partnership, specifying the citizenship and residence of each creditor as of the applicable effective date, and as of the date of the application;

(2) The current status of the blocked partnership e.g., liquidated, nationalized, inoperative, etc.;

(3) A detailed description of all the partnership's assets, wherever located; and,

(4) A list of all partners, indicating whether they are general, limited, etc. and giving their citizenship and residence as of the applicable effective date and as of the date of filing of the application.

§ 500.559 Accounts of Chinese, North Korean, or North Viet-Namese sole proprietorships.

Specific licenses are issued unblocking sole proprietorships established under the laws of China, North Korea, or North Viet-Nam if the proprietor has emigrated from those countries and established residence in the United States or a country in the authorized trade territory. Such licenses do not unblock any indebtedness of the proprietorship due to persons in North Korea or North Viet-Nam or to persons in China if the indebtedness existed prior to May 7, 1971.

§ 500.560 Bank accounts of official representatives in North Korea or North Viet-Nam of foreign governments.

Specific licenses are issued authorizing payments from accounts of official representatives in North Korea or North Viet-Nam of foreign governments for transactions which are not inconsistent with the purposes of any of the regulations in this chapter.

§ 500.561 Transfers of abandoned property under State laws.

(a) Except as stated in paragraph (b) of this section, specific licenses are not issued authorizing the transfer of blocked property to State agencies under State laws governing abandoned property.

(b) Specific licenses are issued authorizing the transfer of blocked property, pursuant to the laws of the State governing abandoned property, to the appropriate State agency provided that the State's laws are custodial in nature, i.e., there is no permanent transfer of beneficial interest to the State. Licenses require the property to be held by the State in accounts which are identified as blocked under the regulations. A separate index of these blocked assets is required to be maintained by the State agency.

§ 500.562 News materials from North Korea or North Viet-Nam.

(a) *Imports by newsgathering agencies.* Specific licenses are issued for the purchase and importation of North Korean and North Viet-Namese origin newspapers, magazines, photographs, films, tapes, and other news material or copies thereof by newsgathering agencies in the United States without restriction as to method of payment, provided such materials are imported for domestic news publication or news broadcast dissemination.

(b) *News material acquired in North Korea or North Viet-Nam by journalists and news correspondents.* (1) Specific licenses are issued to journalists and news correspondents holding U.S. passports validated for travel to North Korea or North Viet-Nam authorizing (i) payment of expenses for travel to and from, and maintenance within, North Korea or North Viet-Nam for the purpose of gathering and transmitting news to the United States; and (ii) the acquisition in North Korea or North Viet-Nam for transmission to and importation into the United States of newspapers, magazines, photographs, films, tapes, and other news material, or copies thereof, necessary for the journalistic assignments.

(2) A condition of any such license as it applies to an importation is that a validated United States passport for travel to North Korea or North Viet-Nam must be presented to Customs at the time of importation.

11. § 500.808 is hereby amended to read:

§ 500.808 Customs procedures; merchandise specified in § 500.204.

(a) With respect to merchandise specified in § 500.204, whether or not such merchandise has been imported into the United States, directors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, or any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, until either;

(i) a specific license pursuant to this chapter is presented; or,

(ii) instructions from the Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received.

(b) Whenever a specific license is presented to a director of customs in accordance with this section, one additional

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legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the director of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the director in respect to each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise, the director, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the director to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220.

(c) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license is required in connection therewith, the director of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the director to authorize him to take action with regard thereto.

(The provisions of this Part 500 issued under Act of October 6, 1917, sec. 5, 40 Stat. 415, as amended (50 U.S.C. App. 5); E.O. 9193, 3 CFR, Cum. Supp., p. 1174 (1943), E.O. 9989, 3 CFR, 1943–1948 Comp. p. 748)

Effective date: This amendment of Part 500 shall become effective on February 21, 1975.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.75-4833 Filed 2-20-75;8:45 am]

Title 45—Public Welfare

CHAPTER XVII—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PART 1701—DISCLOSURE OF INFORMATION

Miscellaneous Amendments

FEBRUARY 19, 1975.

These amendments revise the regulations of the National Commission on Libraries and Information Science in conformity with the requirements of the Freedom of Information Act as amended by Pub. L. 93–502, 88 Stat. 1561.

The amended regulations, while maintaining the same general system as presently exists, establish more specific requirements for the making and processing of requests. These changes are intended to insure compliance with the new time limits, the provision applying to fees, and other changes made by the recent amendments to the Act.

With the exception of the provision concerning fees, relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable to these new regulations because they pertain to matters of policy and procedure. The Freedom of Information Act as amended does require each agency to promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. 88 Stat. 1561, but since all of the changes set forth here are necessary to achieve compliance with the amendments to the Freedom of Information Act which become effective on February 19, 1975, there is not sufficient time to receive and evaluate public comment prior to implementation of any of them. Accordingly, all of the changes, including those concerning fees, will become effective without consideration of public comment.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments on these amendments to the Associate Director, National Commission on Libraries and Information Science, Room 601, 1717 K Street, NW., Washington, D.C. 20036, no later than March 19, 1975. Arrangements to inspect copies of written comments may be made by calling Mrs. Mary Alice Hedge Reszetar, Associate Director, National Commission on Libraries and Information Science, (202) 382–6595. All comments received in this manner will be evaluated and acted upon as if this document were a proposal.

Effective date: These amendments become effective on February 19, 1975.

Approved by the Commission on February 14, 1975.

FREDERICK BURKHARDT,
Chairman, National Commission on Libraries and Information Science.

In consideration of the above, Title 45, Chapter XVII, Part 1701, is amended as set forth below.

1. Section 1701.2 is amended by revising paragraph (b) (1), (7) and adding a new paragraph (c) as follows:

§ 1701.2 Disclosure of records and informational materials.

(b) • • •

(1) (i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive Order;

• • • • • •

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

• • • • •

(c) The Commission shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated by the Commission since its creation on July 20, 1970, and required by section 552(a)(2) of Title 5 to be made available or published. However, in accordance with 5 U.S.C. 552(a)(4)(A) the Commission deems that publication of the index or supplements thereto would be unnecessary and impracticable. Accordingly, it shall provide copies of such index on request but shall not publish and distribute it quarterly or more frequently.

2. Section 1701.3 is amended by redesignating it "Requests," revoking paragraphs (d) and (e), and revising paragraphs (a) and (b) to read as follows:

§ 1701.3 Requests.

(a) A member of the public may request records from the National Commission on Libraries and Information Science by writing to the Associate Director, National Commission on Libraries and Information Science, Suite 601, 1717 K Street, NW, Washington, D.C. 20036.

(b) A request for access to records should reasonably describe the records requested such that Commission personnel will be able to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester.

• • • • •

3. Sections 1701.4 and 1701.5 are revoked and the following new sections 1701.4, 1701.5, 1701.6 and 1701.7 are added:

Sec.
1701.4 Fees.
1701.5 Prompt response.
1701.6 Form of denial.
1701.7 Appeals.

§ 1701.4 Fees.

(a) A fee may be charged for direct costs of document search and duplication at the rate of $0.10 per page for copying and $5.00 per hour for time expended in identifying and locating records.

(b) A fee may be waived in whole or in part where it is determined that it is in the public interest because furnishing the information can be considered as primarily benefiting the general public or where other circumstances indicate that a waiver is appropriate.

(c) The Commission may limit the number of copies of any document provided to any person.

§ 1701.5 Prompt response.

(a) Within ten days (excluding Saturdays, Sundays and legal public holidays) of the receipt of a request, the Associate Director shall determine whether to comply with or deny such request and shall dispatch such determination to the requester, unless an extension is made under paragraph (c) of this section.

(b) Only the Associate Director may deny a request and is the "person responsible for the denial" within the meaning of 5 U.S.C. 552(a). When a denial is made at the behest of another agency, the person in that agency responsible for urging the denial may also be a "person responsible for the denial" if he is so advised before the Associate Director informs the requester that his request is denied.

(c) In unusual circumstances as specified in this paragraph, the Associate Director may extend the time for the initial determination of a request up to a total of ten days (excluding Saturdays, Sundays and legal public holidays). Extensions shall be made by written notice to the requester setting forth the reason for the extension and the date upon which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Commission;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (3) the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request.

(d) If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal in accordance with § 1701.7. When no determination can be dispatched within the applicable time limit, the Associate Director shall nevertheless continue to process the request. On expiration of the time limit he shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his rights to treat the delay as a denial and appeal to the Executive Director in accordance with § 1701.7. He may also ask the requester to forego appeal until a determination is made.

§ 1701.6 Form of denial.

A reply denying a request shall be in writing, signed by the Associate Director, and shall include (a) a specific reference to the exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, (b) a brief explanation of how the exemption(s) applies to the record(s) withheld, (c) a statement that the denial may be appealed under § 1701.7 within thirty days by writing to the Executive Director, National Commission on Libraries and Information Science, Suite 601, 1717 K Street NW., Washington, D.C. 20036, and (d) that judicial review will thereafter be available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated, or in the District of Columbia.

§ 1701.7 Appeals.

(a) When the Associate Director has denied a request for records in whole or in part, the requester may, within thirty days of receipt of the letter notifying him of the denial, appeal to the Commission. Appeals to the Commission shall be in writing, addressed to the Exeeutive Director, National Commission on Libraries and Information Science, 1717 K Street, NW., Washington, D.C. 20036.

(b) The Commission will act upon an appeal within twenty days (exeepting Saturdays, Sundays or legal public holidays) of its receipt, unless an extension is made under paragraph (c) of this section.

(c) In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays, and legal public holidays) minus any extension granted at the initial request level pursuant to § 1701.5(c). Such extension shall be made by written notice to the requester setting forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the appeal—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Commission;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request.

(d) If no determination of the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the records are situated, or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(e) The Commission's determination on appeal shall be in writing. An affirmance in whole or in part of a denial on appeal shall include (1) a reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, (2) a brief explanation of how the exemption(s) applies to the record(s) withheld, and (3) a statement that judicial review of the denial is available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated, or the District of Columbia.

[FR Doc.75-4802 Filed 2-20-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 35613 [1]]

PASSENGER AND FREIGHT TARIFFS AND SCHEDULES

Regulations for the Transmission and Furnishing of Tariffs and Schedules to Subscribers and Other Interested Persons

Miscellaneous Amendments; Correction

FEBRUARY 18, 1975.

The regulations as published in February 12, 1975, 40 FR 6503 (served February 6, 1975), inadvertently failed to disclose appendices C thru K. Therefore the purpose of this correction is to republish this document including all applicable appendices.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of January 1975.

Notice of the institution of this rulemaking proceeding was published in the March 8, 1974, issue of the FEDERAL REGISTER (39 FR 9205). The purpose of this notice was to announce our intention to

[1] This proceeding embraces certain issues raised in Docket No. 35959, *Investigation of Charges for Furnishing Tariffs by Eastern Railroads*, discontinued February 27, 1974.

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consider the amendment of Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 for the purpose of establishing therein regulations to govern the transmission and furnishing of tariffs and schedules to subscribers and other interested persons. The regulations proposed then would require the transmission by first-class mail of one copy of each new publication to each subscriber thereto not later than the time the copies for official filing are transmitted to the Commission and would require the furnishing without delay of a copy of any tariff or schedule to any person upon reasonable request therefor. A 4-day mailing delay would be permitted to transmit publications filed on less than 10 days' notice. It was proposed that the charge for furnishing the copy could not exceed the cost of mailing the copy by first-class mail.

The participation was very substantial. As the result of the comments received, we conclude that the proposed rules should be modified and the modified ones adopted.

The modified rules will provide that one copy of each new publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The 4-day mailing delay has been changed to five for publications filed on less than 10 days' notice. The charge for furnishing the copy would be shared by the subscriber and the carrier or agent, except that this would not apply to participating carriers as to a particular tariff. The modified rules are set forth in appendixes C through K. An interim period of 90 days has been allowed for carrier development of implementation procedures.

It appearing, That the notice of proposed rulemaking in this docket having been published in the March 8, 1974, issue of the Federal Register (39 FR 9205), a full investigation of the matters and things involved in this docket having been made, and the Commission on this date having entered its report setting forth its findings and conclusions, which report is hereby referred to and made a part hereof; therefore:

It is ordered, That Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 of Chapter X of Title 49 of the Code of Federal Regulations be and they are hereby, amended as follows:

1. § 1300.30 is amended to read as set forth in appendix C. (12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; (49 U.S.C. 12, 304); secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; (49 U.S.C. 5, 6, 317)).

2. § 1303.36 is amended to read as set forth in appendix D. (secs. 5, 6, 12, 24 Stat. 380, 49 Stat. 546, 560; secs. 304, 306, 54 Stat. 933; (49 U.S.C. 5, 6, 12, 304, 317, 906)).

3. § 1304.42 is amended to read as set forth in appendix E. (secs. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; (49 U.S.C. 12, 304); secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; (49 U.S.C. 5, 6, 317)).

4. § 1306.17 is amended to read as set forth in appendix F. (secs. 204, 217, 218, 49 Stat. 546, as amended, 560, as amended, 561, as amended; (49 U.S.C. 304, 317, 318)), unless otherwise noted.

5. § 1307.14 is amended to read as set forth in appendix G. (secs. 204, 217, 218, 49 Stat. 546, as amended, 561, as amended, sec. 210a, 52 Stat. 1238, as amended; (49 U.S.C. 304, 317, 318, 310a)), unless otherwise noted. Subpart B—Common carrier Freight Tariffs and Classifications.

6. § 1307.48 is amended to read as set forth in appendix H. secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; (49 U.S.C. 304, 317, 310a)).

7. § 1308.12 is amended to read as set forth in appendix I.

8. § 1308.109 is amended to read as set forth in appendix J. (secs. 304, 306, 54 Stat. 933, 935; (49 U.S.C. 904, 906)).

9. § 1309.5 is amended to read as set forth in appendix K. (secs. 20, 24 Stat. 386, as amended, secs. 204, as amended, 217, as amended, 19a, as amended, 49 Stat. 546, as amended, 560, as amended, 563, as amended, secs. 403, 405, 413, 56 Stat. 285, 287, 295; (49 U.S.C. 20, 304, 317, 319, 1003, 1005, 1013)).

It is further ordered, That this order shall become effective 90 days from the date of service of this order to afford the carriers an opportunity to develop implementation procedures as explained in the report.

And it is further ordered, That notice of this order be given to the general public by mailing a copy to each party of record in docket No. 35613, to the Governor of every State and to the public utilities commissions or other regulatory commissions or boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication in the Federal Register as notice to all interested persons.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

PART 1300—FREIGHT SCHEDULES: RAILROADS

1. Section 1300.30 is amended to read as follows:

§ 1300.30 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications reproducing service orders.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one-half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies or carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1303—PASSENGER SERVICE SCHEDULE: RAIL AND WATER CARRIERS

2. Section 1303.36 is amended to read as follows:

§ 1303.36 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

3. Section 1304.42 is amended to read as follows:

§ 1304.42 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and looseleaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal

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accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail or other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies of official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

4. Section 1306.17 is amended to read as follows:

§ 1306.17 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff, schedule, or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates, fares, or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff or schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff or schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff or schedule without a request for future amendments thereto.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

5. Section 1307.14 is amended to read as follows:

§ 1307.14 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) This paragraph will not apply to publications or provisions filed under § 1307.4(e)(2) (§ 187.4(e)(2) of Tariff Circular MF No. 4). If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber, carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay at least one copy of any of their schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto.

6. Section 1307.48 is amended to read as follows:

§ 1307.48 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission

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to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certificatin:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

7. Section 1308.12 is amended to read as follows:

§ 1308.12 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

8. Section 1308.109 is amended to read as follows:

§ 1308.109 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send at least one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publications listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto.

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

9. Section 1309.5 is amended to read as follows:

§ 1309.5 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and forwarder or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and forwarder or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the

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letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a forwarder only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Forwarders and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each forwarder and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one-half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to forwarders parties to the tariff, this being a matter between the agent and the forwarders.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing forwarder or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[FR Doc.75-4818 Filed 2-20-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Savannah National Wildlife Refuge, South Carolina; Correction

In FR Doc. 75-2736, appearing on page 4408 of the issue for Thursday, January 30, 1975, under § 33.5, all paragraphs under Savannah National Wildlife Refuge should read as follows:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

* * * * * *

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge is permitted on impounded waters, tidal creeks, ditches and canals in an area comprising approximately 13,000 acres and is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season extends from March 15 through October 25, daylight hours only.

(2) Rod and reel, pole and line, artificial and live baits permitted.

(3) Outboard motors prohibited in impounded waters.

(4) All State regulations must be obeyed while fishing on the refuge and fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special refuge permit is required.

(5) All areas posted with "Closed Area Signs" are closed to all activities including fishing.

* * * * * *

RAY R. VAUGHN,
Acting Regional Director, Fish and Wildlife Service.

FEBRUARY 11, 1975.

[FR Doc.75-4775 Filed 2-20-75;8:45 am]

PART 33—SPORT FISHING

National Wildlife Refuges—Missouri

The following special regulation is issued and is effective February 21, 1975.

§ 33.5 Special regulations: Sport fishing: for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Missouri is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: April 1, 1975 through December 31, 1975 Daylight hours only.

(2) Spearing or gigging is permitted: April 1, 1975 through June 30, 1975.

(3) Refuge waters will be open to the use of rowboats, canoes and sailboats. No sailboats after September 1, 1975.

(4) The use of motors on boats will be restricted to trolling or electric type motors.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1975.

GERALD M. NUGENT,
Refuge Manager, Squaw Creek National Wildlife Refuge.

FEBRUARY 10, 1975.

[FR Doc.75-4776 Filed 2-20-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 54]

INDIVIDUAL RETIREMENT ACCOUNTS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 27, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 27, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 219(b)(5), 408(a)(6), 408(b), 408(h), 408(i), 4974, and 7805 of the Internal Revenue Code of 1954 (88 Stat. 959, 88 Stat. 960, 88 Stat. 964, 88 Stat. 967, and 68A Stat. 917; 26 U.S.C. 219(b)(5), 408(a)(6), 408(b), 408(h), 408(i), 4974, and 7805).

This document contains proposed amendments to the income tax regulations (26 CFR Part 1) and the retirement income plan excise tax regulations (26 CFR Part 54) in order to conform those regulations to the provisions of section 2002 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 958), relating to deduction for retirement savings.

Generally, under section 219 of the Internal Revenue Code, as added by section 2002(a) of the Act, a deduction from gross income is permitted to an individual for amounts contributed by or on behalf of such individual to an individual retirement account (described in section 408(a) of the Code), an individual retirement annuity (described in section 408(b) of the Code), or a retirement bond (described in section 409 of the Code).

Under section 408 of the Code, as added by section 2002(b) of the Act, requirements are prescribed for establishing and maintaining an individual retirement account or annuity. Section 408 of the Code also prescribes the tax treatment of distributions from an individual retirement account or annuity.

Section 409 of the Code, as added by section 2002(c) of the Act, prescribes rules for the issuance of retirement bonds under the Second Liberty Bond Act and prescribes the tax treatment of such bonds.

An excise tax on excess contributions to or for an individual retirement account, individual retirement annuity, retirement bond, or certain section 403(b) annuity contracts is imposed by section 4973 of the Code, as added by section 2002(d) of the Act.

An excise tax on certain accumulations in individual retirement accounts or annuities is imposed by section 4974 of the Code, as added by section 2002(e) of the Act.

Section 2002(g) of the Act, inter alia, amends sections 402 and 403 of the Code to permit rollover contributions.

Section 408(b) of the Code provides that the term "individual retirement annuity" includes an endowment contract, as determined under regulations prescribed by the Secretary of the Treasury or his delegate. Section 1.408-3(e) of the proposed regulations sets forth certain characteristics which a contract must have in order to be treated as an endowment contract for this purpose.

Proposed amendments to the regulations. In order to conform the income tax regulations (26 CFR Part 1) and the retirement income plan excise tax regulations (26 CFR Part 54) to the provisions of section 2002 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 99 Stat. 958), such regulations are amended as set forth below.

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

1. Section 1.62 is amended by adding new paragraphs (9) and (10) and amending the historical note. These added and amended provisions read as follows:

§ 1.62 Statutory provisions; adjusted gross income defined.

* * * * * *

(9) *Pension, etc., plans of electing small business corporations.* The deduction allowed by section 1379(b)(3).

(10) *Retirement savings.* The deduction allowed by section 219 (relating to deduction of certain retirement savings).

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 213(b), Rev. Act 1964 (78 Stat. 52); sec. 531(b), Tax Reform Act 1969 (83 Stat. 655); sec. 2002(a)(2) Employee Retirement Income Security Act of 1974 (88 Stat. 959)]

2. Section 1.62-1 is amended by revising pargraph (c)(11) and adding new paragraphs (c)(12) and (13). These amended provisions read as follows:

§ 1.62-1 Adjusted gross income.

* * * * * *

(c) * * *

(11) The deduction for moving expenses allowed by section 217;

(12) The deduction allowed by section 1379(b)(3) to an individual or his beneficiaries upon the termination of rights to receive benefits prior to the excludable recovery of amounts which were included in the gross income of a shareholder-employee as excess employer contributions to a pension, etc., plan of an electing small business corporation;

(13) The deduction allowed by section 219 for contributions to an individual retirement account described in section 408(a), for an individual retirement annuity described in section 408(b), or for a retirement bond described in section 409.

* * * * * *

3. Immediately after § 1.218 there are added the following new sections:

§ 1.219 Statutory provisions; retirement savings.

SEC. 219. *Retirement savings*—(a) *Deduction allowed.* In the case of an individual, there is allowed as a deduction amounts paid in cash during the taxable year by or on behalf of such individual for his benefit—

(1) To an individual retirement account described in section 408(a),

(2) For an individual retirement annuity described in section 408(b), or

(3) For a retirement bond described in section 409 (but only if the bond is not redeemed within 12 months of the date of its issuance).

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For purposes of this title, any amount paid by an employer to such a retirement account or for such a retirement annuity or retirement bond constitutes payment of compensation to the employee (other than a self-employed individual) who is an employee within the meaning of section 401(c)(1) includible in his gross income, whether or not a deduction for such payment is allowable under this section to the employee after the application of subsection (b).

(b) *Limitations and restrictions*—(1) *Maximum deduction.* The amount allowable as a deduction under subsection (a) to an individual for any taxable year may not exceed an amount equal to 15 percent of the compensation includible in his gross income for such taxable year, or $1,500, whichever is less.

(2) *Covered by certain other plans.* No deduction is allowed under subsection (a) for an individual for the taxable year if for any part of such year—

(A) He was an active participant in—

(*i*) A plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

(*ii*) An annuity plan described in section 403(a),

(*iii*) A qualified bond purchase plan described in section 405(a), or

(*iv*) A plan established for its employees by the United States, by a State or political division thereof, or by an agency or instrumentality of any of the foregoing, or

(B) Amounts were contributed by his employer for an annuity contract described in section 403(b) (whether or not his rights in such contract are nonforfeitable).

(3) *Contributions after age 70½.* No deduction is allowed under subsection (a) with respect to any payment described in subsection (a) which is made during the taxable year of an individual who has attained age 70½ before the close of such taxable year.

(4) *Recontributed amounts.* No deduction is allowed under this section with respect to a rollover contribution described in section 402(a)(5), 403(a)(4), 408(d)(3), or 409(b)(3)(C).

(5) *Amounts contributed under endowment contract.* In the case of an endowment contract described in section 408(b), no deduction is allowed under subsection (a) for that portion of the amounts paid under the contract for the taxable year properly allocable, under regulations prescribed by the Secretary or his delegate, to the cost of life insurance.

(c) *Definitions and special rules*—(1) *Compensation.* For purposes of this section, the term "compensation" includes earned income as defined in section 401(c)(2).

(2) *Married individuals.* The maximum deduction under subsection (b)(1) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

[Sec. 219 as added by sec. 2002(a)(1) Employee Retirement Income Security Act of 1974 (88 Stat. 958)]

§ 1.219–1 Deduction for retirement savings.

(a) *In general.* Subject to the limitations and restrictions of paragraph (b) and the special rules of paragraph (c)(2) of this section, there shall be allowed a deduction under section 62 from gross income of amounts paid during the taxable year of an individual by or on behalf of such individual for his benefit to an individual retirement account described in § 1.408–2, for an individual retirement annuity described in § 1.408–3, or for a retirement bond described in section 409. The deduction described in the preceding sentence shall only be allowed to the individual in whose name such individual retirement account, individual retirement annuity, or retirement bond is established or purchased. The first sentence of this paragraph shall only apply in the case of a contribution of cash, and a contribution of property other than cash is not allowable as a deduction. In the case of a retirement bond, a deduction will not be allowed if the bond is redeemed within 12 months of the date of its issuance.

(b) *Limitations and restrictions*—(1) *Maximum deduction.* The amount allowable as a deduction under section 219(a) to an individual for any taxable year cannot exceed an amount equal to 15 percent of the compensation includible in his gross income for such taxable year, or $1,500, whichever is less.

(2) *Restrictions*—(i) *Individuals covered by certain other plans.* No deduction is allowable under section 219(a) to an individual for the taxable year if for any part of such year—

(A) He was an active participant in—

(*1*) A plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

(*2*) An annuity plan described in section 403(a),

(*3*) A qualified bond purchase plan described in section 405(a), or

(*4*) A retirement plan established for its employees by the United States, by a State or political subdivision thereof, or by an agency or instrumentality of any of the foregoing, or

(B) Amounts were contributed by his employer for an annuity contract described in section 403(b) (whether or not the individual's rights in such contract are nonforfeitable).

(ii) *Contributions after age 70½.* No deduction is allowable under section 219(a) to an individual for the taxable year of the individual, if he has attained the age of 70½ before the close of such taxable year.

(iii) *Recontributed amounts.* No deduction is allowable under section 219 for any taxable year of an individual with respect to a rollover contribution described in § 1.402(a)–3, 1.403(a)–3, 1.408–1(b)(2), or 1.409–1(c).

(iv) *Amounts contributed under endowment contracts.* (A) For any taxable year, no deduction is allowable under section 219(a) for that portion of amounts paid under an endowment contract described in § 1.408–3(e) which is allocable under subdivision (B) to the cost of life insurance.

(B) For any taxable year, the cost of current life insurance protection under an endowment contract described in paragraph (b)(2)(iv)(A), of this section, is the product of the net premium cost, as determined by the Commissioner, multiplied by the excess, if any, of the death benefit payable under the contract during the taxable year over the cash value of the contract at the end of such year.

(C) The provisions of this subdivision can be illustrated by the following examples:

Example (1). A, an individual who is otherwise entitled to the maximum deduction allowed under section 219, purchases, at age 20, an endowment contract described in § 1.408–3(e) which provides for the payment of an annuity of $100 per month, at age 65, with a minimum death benefit of $10,000, and an annual premium of $220. The cash value at the end of the first year is 0. The net premium cost, as determined by the Commissioner, for A's age is $1.61 per thousand dollars of life insurance protection. The cost of current life insurance protection is $16.10. A's maximum deduction under section 219 with respect to amounts paid under the endowment contract for the first year is $203.90 ($220−$16.10).

Example (2). Assume the same facts as in example (1), except that the cash value at the end of the second year is $200 and the net premium cost is $1.67 per thousand for A's age. The cost of current life insurance protection is $16.37. A's maximum deduction under section 219 with respect to amounts paid under the endowment contract for the second year is $203.63 ($220−$16.37).

(c) *Definitions and special rules*—(1) *Definitions.* (i) For purposes of this section the term "compensation" means wages, salaries, or professional fees, and other amounts received for personal services actually rendered (including, but not limited to, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips, and bonuses) and includes earned income, as defined in section 401(c)(2), but does not include amounts received as earnings or profits from property (including, but not limited to, interest and dividends) or amounts not includible in gross income such as income from sources without the United States excluded from gross income under section 911.

(ii) (A) For purposes of this section, the term "active participant" means, except as provided in paragraph (c)(1)(ii)(B) of this section, an individual who is a participant in a plan described in paragraph (b)(2)(i)(A) of this section and for whom, at any time during the taxable year,

(*1*) Benefits are accrued under the plan on his behalf,

(*2*) The employer is obligated to contribute to or under the plan on his behalf, or

(*3*) The employer would have been obligated to contribute to or under the plan on his behalf if any contributions were made to or under the plan.

For purposes of the preceding sentence, a participant includes an individual regardless of whether or not his benefits under the plan are nonforfeitable (within the meaning of section 411). In applying paragraphs (c)(1)(ii)(A)(*2*) and (*3*) of this section, if an employer is or would have been obligated to contribute an amount on behalf of the individual with respect to a plan year of the plan which includes any portion of the taxable year of the individual, such individual shall be considered an active participant during such taxable year. However, for any taxable year of an individual in which

there have been no contributions and there has been a complete discontinuance of contributions under a plan under which such individual is covered, such individual shall not be considered an active participant.

(B) For purposes of this section, an individual is not an active participant under a plan—

(*1*) With respect to any prior taxable year of such individual, merely because he is given past service credit for prior years of service;

(*2*) With respect to any taxable year of such individual beginning after his separation from service covered under the plan and before he resumes service covered under the plan, whether or not he has a nonforfeitable right to benefits under such plan; or

(*3*) For any taxable year of such individual in which such individual does not elect under the plan to participate in such plan.

This subdivision shall not apply in the case of an individual who elects not to be covered under the plan and subsequently elects to be covered under the plan if, under the plan, such individual can receive benefits based upon all prior years in which such individual could have been covered under the plan had he so elected, upon the payment by him of an amount specified under the plan for such prior years. In such case, the individual shall be treated as an active participant under the plan for each such prior year with respect to which such payment is made.

(2) *Special rules.* (i) The maximum deduction allowable under section 219(b)(1) is computed separately for each individual. Thus, if a husband and wife each has compensation of $10,000 for the taxable year and they are each otherwise eligible to contribute to an individual retirement account and they file a joint return, then the maximum amount allowable as a deduction under section 219 is $3,000. However, if, for example, the husband alone has compensation of $20,000 and they are each otherwise eligible to contribute to an individual retirement account for the taxable year, and they file a joint return, the maximum amount allowable under section 219 is $1,500.

(ii) Section 219 is to be applied without regard to any community property laws. Thus, if, for example, a husband and wife, who are otherwise eligible to contribute to an individual retirement account, live in a community property jurisdiction and the husband alone has compensation of $20,000 for the taxable year, then the maximum amount allowable as a deduction under section 219 is $1,500.

(3) *Employer contributions.* For purposes of this chapter, any amount paid by an employer to an individual retirement account or for an individual retirement annuity or retirement bond constitutes the payment of compensation to the employee (other than a self-employed individual who is an employee within the meaning of section 401(c)(1)) includible in his gross income, whether or not a deduction for such payment is allowable under section 219 to such employee after the application of section 219(b). Thus, an employer will be entitled to a deduction for compensation paid to an employee for amounts the employer contributes on the employee's behalf to an individual retirement account, for an individual retirement annuity, or for a retirement bond if such deduction is otherwise allowable under section 162.

4. Section 1.402 is amended by revising paragraph (a)(5) and the historical note. These amended and revised provisions read as follows:

§ 1.402(a) Statutory provisions; taxability of beneficiary of employees trust; exempt trust.

Sec. 402. *Taxability of beneficiary of employees' trust*—(a) *Taxability of exempt trust*—* * *

(5) *Rollover amounts*—In the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), if—

(A) The balance to the credit of an employee is paid to him on [*sic*] one or more distributions which constitute a lump sum distribution within the meaning of subsection (e)(4)(A) (determined without reference to subsection (e)(4)(B)),

(B) (*1*) The employee transfers all the property he receives in such distribution to an individual retirement account described in section 408(a), and individual retirement annuity described in section 408(b) (other than an endowment contract), or a retirement bond described in section 409, on or before the 60th day after the day on which he received such property, to the extent the fair market value of such property exceeds the amount referred to in subsection (e)(4)(D)(*1*), or

(*ii*) The employee transfers all the property he receives in such distribution to an employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in section 403(a) on or before the 60th day after the day on which he received such property, to the extent the fair market value of such property exceeds the amount referred to in subsection (e)(4)(D)(*1*), and

(C) The amount so transferred consists of the property (other than money) distributed, to the extent that the fair market value of such property does not exceed the amount required to be transferred pursuant to subparagraph (B), then such distributions are not includible in gross income for the year in which paid. For purposes of this title, a transfer described in subparagraph (B)(*1*) shall be treated as a rollover contribution as described in section 408(d)(3). Subparagraph (B)(*ii*) does not apply in the case of a transfer to an employees' trust, or annuity plan if any part of the lump sum distribution described in subparagraph (A) is attributable to a trust forming part of a plan under which the employee was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

[Sec. 402(a) as amended by sec. 4(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 221(c)(1), Rev. Act 1964 (78 Stat. 75); sec. 232(e)(1), Rev. Act 1964 (78 Stat. 111); sec. 515(a)(1), Tax Reform Act 1969 (83 Stat. 643); sec. 2002(g)(5), Employee Retirement Income Security Act 1974 (88 Stat. 968)]

5. After § 1.402(a)–2 there is added the following new section:

§ 1.402(a)–3 Rollover amounts.

(a) *In general.* Under section 402(a)(5), any amount distributed from an employees' trust described in section 401(a) which is exempt from tax under section 501(a) and which satisfies the requirements of paragraph (b) of this section is not includible in the gross income of the employee for the year in which paid.

(b) *General rule.* Except as provided in paragraph (c) of this section, an amount satisfies the requirements of this paragraph if—

(1) The balance to the credit of the employee is paid or distributed to him in one or more distributions which constitute a lump sum distribution within the meaning of section 402(e)(4)(A) (determined without reference to section 402(e)(4)(B)),

(2) The employee transfers all the property he receives in such distributions to—

(i) An individual retirement account described in section 408(a) and the regulations thereunder, an individual retirement annuity described in section 408(b) (other than an endowment contract) and the regulations thereunder or a retirement bond described in section 409 and the regulations thereunder, or

(ii) An employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in section 403(a), on or before the 60th day after the day on which he received such property, to the extent the fair market value of the property exceeds the amounts considered contributed by the employee (determined by applying section 72(f) and paragraph (b) of § 1.72–16), reduced by any amounts theretofore distributed to him which were not includible in gross income, and

(3) The amount so transferred consists of the same property (other than cash) distributed, to the extent that the fair market value of such property does not exceed the amount required to be transferred pursuant to paragraph (b)(2) of this section.

(c) *Special rules.* (1) Paragraph (b)(2)(ii) of this section does not apply in the case of a transfer to an employees' trust or annuity plan if any part of the lump sum distribution described in paragraph (b)(1) of this section is attributable to a trust forming part of a plan under which the employee receiving the lump sum distribution was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

(2) Paragraph (b)(2)(ii) of this section does not apply unless the plan of which the employees' trust is a part or the annuity plan provides for the acceptance of such contributions.

(d) *Effective date.* (1) Except as provided in paragraph (d)(2) of this section, the provisions of this section shall

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apply to all transfers described in paragraph (b)(2) of this section made after September 1, 1974.

(2) The provisions of this section shall only apply to transfers described in paragraph (b)(2)(i) of this section made to an individual retirement account, individual retirement annuity or retirement bond after December 31, 1974.

6. Section 1.403 is amended by adding the following new paragraph (a)(4) and revising the historical note. These amended and revised provisions read as follows:

§ 1.403(a) Statutory provisions; taxation of employee annuities; qualified annuity plan.

Sec. 403. *Taxation of employee annuities*—(a) *Taxability of beneficiary under a qualified annuity plan*—* * *

(4) *Rollover amounts.* In the case of an employee annuity described in 403(a), if—

(A) The balance to the credit of an employee is paid to him in one or more distributions which constitute a lump sum distribution within the meaning of section 402(e)(4)(A) determined without reference to section 402(e)(4)(B).

(B)(i) The employee transfers all the property he receives in such distribution to an individual account described in section 408(a), an individual retirement annuity described in section 408(b) (other than an endowment contract), or a retirement bond described in section 409, on or before the 60th day after the day on which he received such property to the extent the fair market value of such property exceeds the amount referred to in section 402(e)(4)(D)(i), or

(ii) The employee transfers all the property he receives in such distribution to an employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in subsection (a) on or before the 60th day after the day on which he received such property to the extent the fair market value of such property exceed the amount referred to in section 402(e)(4)(D)(i), and

(C) The amount so transferred consists of the property distributed to the extent that the fair market value of such property does not exceed the amount required to be transferred pursuant to subparagraph (B), then such distribution is not includible in gross income for the year in which paid. For purposes of this title, a transfer described in subparagraph (B)(i) shall be treated as a rollover contribution described in section 408(d)(3). Subparagraph (B)(ii) does not apply in the case of a transfer to an employees' trust, or annuity plan if any part of the lump sum distribution described in subparagraph (A) is attributable to an annuity plan under which the employee was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

[Sec. 403(a) as amended by sec. 23(b), Technical Amendments Act 1958 (72 Stat. 1622); sec. 4(d), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 232(e)(4), Rev. Act 1964 (78 Stat. 111); sec. 2002(g)(6), Employee Retirement Income Security Act 1974 (88 Stat. 969)]

7. Immediately after § 1.403(a)-2 there is added the following new section:

§ 1.403(a)-3 Rollover amounts.

(a) *In general.* Under section 403(a)(4), any amount distributed from an employees' annuity plan described in section 403(a)(1) which satisfies the requirements of paragraph (b) of this section is not includible in the gross income of the employee for the year in which paid.

(b) *General rule.* Except as provided in paragraph (c) of this section an amount satisfies the requirements of this paragraph if—

(1) The balance to the credit of an employee is paid to him in one or more distributions which constitute a lump sum distribution within the meaning of section 402(e)(4)(A) (determined without reference to section 402(e)(4)(B)),

(2) The employee transfers all of the property he receives in such distribution to—

(i) An individual retirement account described in section 408(a) and the regulations thereunder, an individual retirement annuity described in section 408(b) (other than an endowment contract) and the regulations thereunder, or a retirement bond described in section 409 and the regulations thereunder, or

(ii) An employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in section 403(a), on or before the 60th day after the day on which he received such property to the extent the fair market value of such property exceeds the amount considered contributed by the employee (determined by applying section 72(f) and paragraph (b) of § 1.72-16), reduced by any amount theretofore distributed to him which were not includible in gross income, and

(3) The amount so transferred consists of the same property (other than cash) distributed, to the extent that the fair market value of such property does not exceed the amount required to be transferred pursuant to paragraph (b)(2) of this section.

(c) *Special rule.* (1) Paragraph (b)(2)(ii) of this section does not apply in the case of a transfer to an employees' trust or annuity plan if any part of the lump sum distribution described in paragraph (b)(1) of this section is attributable to a plan under which the employee receiving the lump sum distribution was ar. employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

(2) Paragraph (b)(2)(ii) of this section does not apply unless the plan of which the employees' trust is a part or the annuity plan provides for the acceptance of such contributions.

(d) *Effective date.* (1) Except as provided in paragraph (d)(2) of this section, the provisions of this section shall apply to all transfers described in paragraph (b)(2) of this section made after September 1, 1974.

(2) The provisions of this section shall only apply to transfers described in paragraph (b)(2)(i) of this section made to an individual retirement account, individual retirement annuity or retirement bond after December 31, 1974.

8. Immediately after § 1.403-3 there are added the following new sections:

§ 1.408 Statutory provisions; individual retirement accounts.

Sec. 408. *Individual retirement accounts*—(a) *Individual retirement account.* For purposes of this section, the term "individual retirement account" means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

(1) Except in the case of a rollover contribution described in subsection (d)(3) in section 402(a)(5), 403(a)(4), or 409(b)(3)(C), no contribution will be accepted unless it is in cash, and contributions will not be accepted for the taxable year in excess of $1,500 on behalf of any individual.

(2) The trustee is a bank (as defined in section 401(d)(1)) or such other person who demonstrates to the satisfaction of the Secretary or his delegate that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

(3) No part of the trust funds will be invested in life insurance contracts.

(4) The interest of an individual in the balance of his account is nonforfeitable.

(5) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(6) The entire interest of an individual for whose benefit the trust is maintained will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, commencing before the close of such taxable year, in accordance with regulations, prescribed by the Secretary or his delegate, over—

(A) The life of such individual or the lives of such individual and his spouse, or

(B) A period not extending beyond the life expectancy of such individual or the life expectancy of such individual and his spouse.

(7) If an individual for whose benefit the trust is maintained dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (6) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence does not apply if distributions over a term certain commenced before the death of the individual for whose benefit the trust was maintained and the term certain is for a period permitted under paragraph (6).

(b) *Individual retirement annuity.* For purposes of this section, the term "individual retirement annuity" means an annuity contract, or an endowment contract (as determined under regulations prescribed by the Secretary or his delegate), issued by an insurance company which meets the following requirements:

(1) The contract is not transferable by the owner.

(2) The annual premium under the contract will not exceed $1,500 and any refund of premiums will be applied before the close of the calendar year following the year of the refund toward the payment of future premiums or the purchase of additional benefits.

(3) The entire interest of the owner will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, in accordance with regulations prescribed by the Secretary or his delegate, over—

(A) The life of such owner or the lives of such owner and his spouse, or

(B) A period not extending beyond the life expectancy of such owner or the life expectancy of such owner and his spouse.

(4) If the owner dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (3) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence does not apply if distributions over a term certain commenced before the death of the owner and the term certain is for a period permitted under paragraph (3).

(5) The entire interest of the owner is nonforfeitable.

Such term does not include such an annuity contract for any taxable year of the owner in which it is disqualified on the application of subsection (e) or for any subsequent taxable year. For purposes of this subsection, no contract shall be treated as an endowment contract if it matures later than the taxable year in which the individual in whose name such contract is purchased attains age 70½; if it is not for the exclusive benefit of the individual in whose name it is purchased or his beneficiaries; or if the aggregate annual premiums under all such contracts purchased in the name of such individual for any taxable year exceed $1,500.

(c) *Accounts established by employers and certain associations of employees.* A trust created or organized in the United States by an employer for the exclusive benefit of his employees or their beneficiaries, or by an association of employees (which may include employees within the meaning of section 401(c)(1)) for the exclusive benefit of its members or their beneficiaries, shall be treated as an individual retirement account (described in subsection (a)), but only if the written governing instrument creating the trust meets the following requirements:

(1) The trust satisfies the requirements of paragraphs (1) through (7) of subsection (a).

(2) There is a separate accounting for the interest of each employee or member.

The assets of the trust may be held in a common fund for the account of all individuals who have an interest in the trust.

(d) *Tax treatment of distributions*—(1) *In general.* Except as otherwise provided in this subsection, any amount paid or distributed out of an individual retirement account or under an individual retirement annuity shall be included in gross income by the payee or distributee, as the case may be, for the taxable year in which the payment or distribution is received. The basis of any person in such an account or annuity is zero.

(2) *Distributions of annuity contracts.* Paragraph (1) does not apply to any annuity contract which meets the requirements of paragraphs (1), (3), (4), and (5) of subsection (b) and which is distributed from an individual retirement account. Section 72 applies to any such annuity contract, and for purposes of section 72 the investment in such contract is zero.

(3) *Rollover contribution.* An amount is described in this paragraph as a rollover contribution if it meets the requirements of subparagraphs (A) and (B).

(A) *In general.* Paragraph (1) does not apply to any amount paid or distributed out of an individual retirement account or individual retirement annuity to the individual for whose benefit the account or annuity is maintained if—

(i) The entire amount received (including money and any other property) is paid into an individual retirement account or individual retirement annuity (other than an endowment contract) or retirement bond for the benefit of such individual not later than the 60th day after the day on which he receives the payment or distribution; or

(ii) The entire amount received (including money and any other property) represents the entire amount in the account or the entire value of the annuity and no amount in the account and no part of the value of the annuity is attributable to any source other than a rollover contribution from an employees' trust described in section 401(a) which is exempt from tax under section 501(a) (other than a trust forming part of a plan under which the individual was an employee within the meaning of section 401(c)(2) at the time contributions were made on his behalf under the plan), or an annuity plan described in section 403(a) (other than a plan under which the individual was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan) and any earnings on such sums and the entire amount thereof is paid into another such trust (for the benefit of such individual) or annuity plan not later than the 60th day on which he receives the payment or distribution.

(B) *Limitation.* This paragraph does not apply to any amount described in subparagraph (A)(i) received by an individual from an individual retirement account or individual retirement annuity if at any time during the 3-year period ending on the day of such receipt such individual received any other amount described in that subparagraph from an individual retirement account, individual retirement annuity, or a retirement bond which was not includible in his gross income because of the application of this paragraph.

(4) *Excess contributions returned before due date of return.* Paragraph (1) does not apply to the distribution of any contribution paid during a taxable year to an individual retirement account or for an individual retirement annuity to the extent that such contribution exceeds the amount allowable as a deduction under section 219 if—

(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

(B) No deduction is allowed under section 219 with respect to such excess contribution, and

(C) Such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which received.

(5) *Transfer of account incident to divorce.* The transfer of an individual's interest in an individual retirement account, individual retirement annuity, or retirement bond to his former spouse under a divorce decree or under a written instrument incident to such divorce is not to be considered a taxable transfer made by such individual notwithstanding any other provision of this subtitle, and such interest at the time of the transfer is to be treated as an individual retirement account of such spouse, and not of such individual. Thereafter such account, annuity, or bond for purposes of this subtitle is to be treated as maintained for the benefit of such spouse.

(e) *Tax treatment of accounts and annuities*—(1) *Exemption from tax.* Any individual retirement account is exempt from taxation under this subtitle unless such account has ceased to be an individual retirement account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

(2) *Loss of exemption of account where employee engages in prohibited transaction*—(A) *In general.* If, during any taxable year of the individual for whose benefit any individual retirement account is established, that individual or his beneficiary engages in any transaction prohibited by section 4975 with respect to such account, such account ceases to be an individual retirement account as of the first day of such taxable year. For purposes of this paragraph—

(i) The individual for whose benefit any account was established is treated as the creator of such account, and

(ii) The separate account for any individual within an individual retirement account maintained by an employer or association of employees is treated as a separate individual retirement account.

(B) *Account treated as distributing all its assets.* In any case in which any account ceases to be an individual retirement account by reason of subparagraph (A) as of the first day of any taxable year, paragraph (1) of subsection (d) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

(3) *Effect of borrowing on annuity contract.* If during any taxable year the owner of an individual retirement annuity borrows any money under or by use of such contract, the contract ceases to be an individual retirement annuity as of the first day of such taxable year. Such owner shall include in gross income for such year an amount equal to the fair market value of such contract as of such first day.

(4) *Effect of pledging account as security.* If, during any taxable year of the individual for whose benefit an individual retirement account is established, that individual uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

(5) *Purchase of endowment contract by individual retirement account.* If the assets of an individual retirement account or any part of such assets are used to purchase an endowment contract for the benefit of the individual for whose benefit the account is established—

(A) To the extent that the amount of the assets involved in the purchase are not attributable to the purchase of life insurance, the purchase is treated as a rollover contribution described in subsection (d)(3), and

(B) To the extent that the amount of the assets involved in the purchase are attributable to the purchase of life, health, accident, or other insurance, such amounts are treated as distributed to that individual (but the provisions of subsection (f) do not apply).

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(6) *Commingling individual retirement account amounts in certain common trust funds and common investment funds.* Any common trust fund or common investment fund of individual retirement account assets which is exempt from taxation under this subtitle does not cease to be exempt on account of the participation or inclusion of assets of a trust exempt from taxation under section 501(a) which is described in section 401(a).

(f) *Additional tax on certain amounts included in gross income before age 59½—(1) Early distributions from an individual retirement account, etc.* If a distribution from an individual retirement account or under an individual retirement annuity to the individual for whose benefit such account or annuity was established is made before such individual attains age 59½, his tax under this chapter for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in his gross income for such taxable year.

(2) *Disqualification cases.* If an amount is includible in gross income for a taxable year under subsection (e) and the taxpayer has not attained age 59½ before the beginning of such taxable year, his tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount so required to be included in his gross income.

(3) *Disability cases.* Paragraphs (1) and (2) do not apply if the amount paid or distributed, or the disqualification of the account or annuity under subsection (e), is attributable to the taxpayer becoming disabled within the meaning of section 72(m)(7).

(g) *Community property laws.* This section shall be applied without regard to any community property laws.

(h) *Custodial accounts.* For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary or his delegate, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an individual retirement account described in subsection (a). For purposes of this title, in the case of custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

(i) *Reports.* The trustee of an individual retirement account and the issuer of an endowment contract described in subsection (b) or an individual retirement annuity shall make such reports regarding such account, contract, or annuity to the Secretary or his delegate and to the individuals for whom the account, contract, or annuity is, or is to be, maintained with respect to contributions, distributions, and such other matters as the Secretary or his delegate may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.

(j) *Cross references.* (1) For tax on excess contributions in individual retirement accounts or annuities, see section 4973.

(2) For tax on certain accumulations in individual retirement accounts or annuities, see section 4974.

[Sec. 408 as added by sec. 2002(b) Employee Retirement Income Security Act 1974 (88 Stat. 959)]

§ 1.408–1 General rules.

(a) *In general.* Section 408 prescribes rules relating to the individual retirement account and the individual retirement annuity. If the individual retirement account or individual retirement annuity satisfies the requirements of §§ 1.408–2 or 1.408–3, as the case may be, the following rules shall apply.

(1) *Exemption from tax.* The individual retirement account or individual retirement annuity is exempt from all taxes under subtitle A of the Code other than the taxes imposed under section 511, relating to imposition of tax on unrelated business income of charitable, etc., organizations. If (i) the individual on whose behalf an account is established or his beneficiary engages in any transaction prohibited by section 4975, or (ii) the owner of an individual retirement annuity borrows any money under or by use of such contract, such account or annuity ceases to be an individual retirement account or an individual retirement annuity.

(2) *Distributions.* The distributions received from an individual retirement account or individual retirement annuity are includable in income in accordance with the requirements of paragraph (b) of this section.

(3) *Sanctions.* If the individual retirement account or individual retirement annuity makes premature distributions (i.e., distributions or payments to the individual before he has attained age 59½ unless he has become disabled within the meaning of section 72(m)(7)) to the individual on whose behalf the account is established or who is the owner of the annuity, the individual will be subject to an additional tax (see paragraph (c) of this section). If an individual retirement account or individual retirement annuity is disqualified within the meaning of section 408(e)(2) and such individual has not attained age 59½ or become disabled (within the meaning of section 72(m)(7)) before the taxable year in which the account was disqualified, the individual on whose behalf the account is established or who is the owner of the annuity will be subject to an additional tax (see paragraph (c) of this section). If an individual retirement account or individual retirement annuity accepts and retains, beyond the time permitted for withdrawal, excess contributions, the individual on whose behalf the account is established or who is the owner of the annuity will be subject to the excise tax imposed by section 4973. If an individual retirement account or individual retirement annuity fails to distribute the minimum amount required to be distributed, the individual on whose behalf the account is established or who is the owner of the annuity, or the beneficiary of such individual, will be subject to the excise tax imposed by section 4974. If any person, described in section 4975(e)(2), other than the individual on whose behalf the account is established or his beneficiary engages, with respect to such account, in any transaction prohibited by section 4975 such person shall be subject to the excise taxes imposed by section 4975.

(4) *Reports.* The trustee of an individual retirement account or the issuer of an individual retirement annuity shall submit to the Commissioner and the individual for whose benefit the account is maintained or in whose name the annuity is purchased the reports, described in paragraph (d) of this section, regarding contributions to and distributions from the account or annuity.

(5) *Limitation on contributions and benefits.* An individual retirement account or individual retirement annuity is subject to the limitation on contributions and benefits imposed by section 415 for years beginning after December 31, 1975.

(b) *Treatment of distributions—(1) General rule.* Except as otherwise provided in this paragraph, any amount paid or distributed from an individual retirement account or individual retirement annuity shall be included in the gross income of the payee or distributee for the taxable year in which the payment or distribution is received. The basis (or investment in the contract) of any person in such an account or annuity is zero. For purposes of this section, an assignment of an individual's rights under an individual retirement account or an individual retirement annuity shall, except as provided in paragraph (f) of this section (relating to transfer incident to divorce), be deemed a distribution from such account or annuity of the amount assigned.

(2) *Rollover contribution.* (i) Except as limited by paragraph (b)(2)(iii) of this section, paragraph (b)(1) of this section shall not apply to any amount paid or distributed from an individual retirement account or individual retirement annuity to the individual for whose benefit the account was established or who is the owner of the annuity if the entire amount received (including the same amount of money and any other property) is paid into an account, annuity (other than an endowment contract), or bond (described in section 409) (created for the benefit of such individual) not later than the 60th day after the day on which he receives the payment or distribution.

(ii) Paragraph (b)(1) of this section shall not apply to any amount paid or distributed from an individual retirement account or individual retirement annuity to the individual for whose benefit the account was established or who is the owner of the annuity if—

(A) No amount in the account or no part of the value of the annuity is attributable to any source other than a rollover contribution (see section 402(a)(5) and § 1.402–3) from an employees' trust described in section 401(a) which is exempt from tax under section 501(a) or a rollover contribution (see section 403(a)(4) and § 1.403–3) from an annuity plan described in section 403(a) and the earnings on such sums, and

(B) The entire amount received (including the same amount of money and any other property) represents the entire amount in the account and is paid into another such trust or plan (for the benefit of such individual) not later than the 60th day after the day on which he receives the payment or distribution.

This paragraph shall not apply if any portion of the rollover contributions described in (b)(2)(ii)(A) of this section is attributable to an employees' trust forming part of a plan or an annuity plan under which the individual was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

(iii) Paragraph (b)(2)(i) of this section does not apply to any amount received by an individual from an account, annuity or retirement bond if at any time during the 3-year period ending on the day of receipt, the individual received any other amount from an account, annuity or retirement bond which was not includible in his gross income because of the application of this subparagraph.

(iv) An amount may be distributed to an individual on whose behalf the account is established and who has not attained age 59½ or who is not disabled within the meaning of section 72(m)(7) and paragraph (f) of § 1.72–17 only if the trustee of the account receives from such individual a statement signed by such individual indicating whether the amount distributed is to be a rollover contribution within the meaning of paragraph (b)(2)(i), (ii), and (iii) of this section.

(3) *Excess contributions.* (i) Paragraph (b)(1) of this section does not apply to the distribution of any contribution paid during a taxable year to an account or annuity to the extent the contribution exceeds the amount allowable as a deduction under section 219 if—

(A) The distribution is received on or before the day prescribed by law (including extensions) for filing the individual's return for such taxable year;

(B) No deduction is allowed under section 219 with respect to the excess contribution; and

(C) The distribution is accompanied by the amount of net income attributable to the excess contribution as of the date of the distribution.

The amount of net income described in the preceding sentence is includible in the gross income of the individual for the taxable year in which it is received. Thus the amount of net income distributed may be subject to the tax imposed by section 408(f)(1).

(ii)(A) For purposes of paragraph (b)(3)(i)(C) of this section, the amount of net income attributable to the excess contributions is an amount equal to the amount which bears the same ratio to the net income earned by the account during the computation period as the excess contribution bears to the sum of the balance of the account as of the first day of the taxable year in which the excess contribution is made and the total contribution made for such taxable year. For purposes of this subparagraph, the term "computation period" means the period beginning on the first day of the taxable year in which the excess contribution is made and ending on the date of the distribution from the account.

(B) For purposes of paragraph (b)(3)(i) of this section, the net income earned by the account during the computation period is the fair market value of the balance of the account immediately after the distribution increased by the amount of distributions from the account during the computation period, and reduced (but not below zero) by the sum of—

(*1*) The fair market value of the balance of the account as of the first day of the taxable year in which the excess contribution is made, and

(2) The amount of contribution to the account made during the computation period.

(iii) The provisions of paragraphs (b)(1) and (b)(3) may be illustrated by the following examples:

Example (1). On January 1, 1975, A, age 55, who is a calendar year taxpayer, contributes $1,500 to an individual retirement account established for his benefit. For 1975, A is entitled to a deduction of $1,400 under section 219. For 1975, A does not claim as deductions any other items listed in section 62. A's gross income for 1975 is $9,334. On April 1, 1976, $107 is distributed to A from his individual retirement account. As of such date, the balance of the account is $1,498 [$1,605—$107]. There were no other distributions from the account as of such date. The net amount of income earned by the account is $105 [$1,498+$107—(0+$1,500)]. The net income attributable to the excess contribution is $7. [$105×($100/$1,500)]. A's adjusted gross income for 1975 is his gross income for 1975 ($9,334) reduced by the amount allowable to A as a deduction under section 219 ($1,400), or $7,934. A will include the $7 of the $107 distributued on April 1, 1976, in his gross income for 1976.

Example (2). Assume the same facts as in example (1) except that there is no distribution on April 1, 1976. Assume further that the net income attributable to the excess contribution as of April 1, 1977 is $14.49; that A is entitled to a deduction of $1,500 under section 219 for 1976 and contributes that amount to the account in 1976; that A is not entitled to deduct any other items enumerated in section 62 for 1976; that A's otherwise determined gross income for 1976 is $11,500; and that on April 1, 1977, $114.49 is distributed to A. A's adjusted gross income is the sum of his otherwise determined gross income ($11,500) plus the amount includible in his gross income for 1976 under subparagraph (1) of this paragraph ($114.49), reduced by the amount allowable to A as a deduction under section 219 ($1,500), or $10,-114.49.

(4) *Deemed distribution.* (i) In any case in which an account ceases to be an individual retirement account by reason of the application of section 408(e)(2), paragraph (b)(1) of this section shall apply as if there were a distribution on the first day of the taxable year in which such account ceases to be an individual retirement account of an amount equal to the fair market value on such day of all of the assets in the account on such day. In the case of a deemed distribution from an individual retirement annuity, see § 1.408–3(d).

(ii) In any case in which an individual for whose benefit an individual retirement account is established uses, directly or indirectly, all or any portion of the account as security for a loan, paragraph (b)(1) of this section shall apply as if there were distributed on the first day of the taxabe year in which the loan was made an amount equal to that portion of the account used as security for such loan.

(5) *Distribution of annuity contracts.* Paragraph (b)(1) of this section does not apply to any annuity contract which is distributed from an individual retirement account and which satisfies the requirements of paragraphs (b)(1), (3), (4), and (5) of § 1.408–3. Amounts distributed under such contracts will be taxable to the distributee under section 72. For purposes of applying section 72 to a distribution from such a contract, the investment in such contract is zero.

(6) *Treatment of assets distributed from an individual retirement account for the purchase of an endowment contract.* Under section 408(e)(5), if all, or any portion, of the assets of an individual retirement account are used to purchase an endowment contract described in § 1.408–3(e) for the benefit of the individual for whose benefit the account is established, (i) the excess, if any, of the total amount of assets used to purchase such contract over the portion of the assets attributable to life insurance protection or waiver of premium upon disability shall be treated as a rollover contribution described in paragraph (b)(2)(i) of this section, and (ii) the portion of the assets attributable to life insurance protection or waiver of premium upon disability shall be treated as a distribution described in paragraph (b)(1) of this section, except that the provisions of section 408(f) and paragraph (c)(1) of this section shall not apply to such amount.

(c) *Additional taxes.* (1) *Premature distributions.* If a distribution (whether a deemed distribution or an actual distribution, including an amount described in paragraph (b)(3) of this section) is made from an individual retirement account, or individual retirement annuity, to the individual for whose benefit the account was established, or who is the owner of the annuity, before he attains the age of 59½, his tax under chapter 1 of the Code for his taxable year in which such distribution is received is increased under section 408(f)(1) by an amount equal to 10 percent of the amount of the distribution which is includible in his gross income for the taxable year. Thus, for example, if an unmarried individual, age 40, with taxable income in 1975 (determined without regard to this section) of $20,000 receives a distribution of $3,000 from an individual retirement account established and maintained by him, his income tax for 1975 would be $6,690 ($6,390 in tax on $23,000 of taxable income, plus a $300 additional tax on the premature distribution). Except in the case of the credits allowable under section 31, 39, or 42, no credit can be used

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to offset the tax described in the first sentence of this paragraph (c)(1).

(2) *Disqualification distributions.* If an amount is includible in gross income for a taxable year as a distribution under paragraph (b)(4) of this section and the individual has not attained the age of 59½ before the beginning of such taxable year, his tax under chapter 1 of the Code is increased under section 408(f)(2) by an amount equal to 10 percent of the amount required to be included in his gross income as a distribution under paragraph (b)(4) of this section.

(3) *Exception for disability.* Paragraphs (c)(1) and (2) of this section do not apply if the amount paid or distributed, or deemed paid or distributed under paragraph (b)(4) of this section is attributable to the individual becoming disabled within the meaning of section 72(m)(7).

(d) *Reports*—(1) *In general.* The trustee of an individual retirement account or the issuer of an individual retirement annuity shall submit to the Commissioner and the individual on whose behalf the account is established or in whose name the annuity is purchased (or his beneficiary) annual reports regarding the amount of contributions to the account or annuity; the amount of distributions from the account or annuity; in the case of an endowment contract, the amount of the premium allocable to retirement savings; and such other information as is required by the form prescribed pursuant to paragraph (d)(2) of this section and the instructions relating thereto in the manner and at the time required under paragraph (d)(2) of this section.

(2) *Manner and time for filing.* (i) The trustee of an individual retirement account or the issuer of an individual retirement annuity (other than an endowment contract) shall file the form prescribed for that purpose for each individual retirement account or annuity he maintains during the taxable year of the individual on whose behalf such account was established or such annuity contract was issued. Such form shall be filed on or before the 30th day of the first month following the close of the individual's taxable year.

(ii) The issuer of an endowment contract shall provide to the individual on whose behalf the contract is purchased the information relating to the amount of the premium allocable to retirement savings on or before the 30th day after the first premium payment during the individual's taxable year but in no event later than the close of the individual's taxable year. The issuer shall also file the form prescribed for that purpose for each endowment contract he maintains during the taxable year of the individual on whose behalf the contract was issued. Such form shall be filed on or before the 30th day of the first month following the close of the individual's taxable year.

(3) *Statements to be furnished to individuals with respect to whom information is furnished.* Each trustee or issuer filing a report described in paragraph (d)(1) of this section shall furnish to each individual for whom a report is filed under this paragraph, within the time provided in paragraph (d)(2) of this section, a written statement showing in addition to the information described in paragraph (d)(1) of this section the name and address of the trustee or issuer filing such report.

(e) *Community property laws.* This section, § 1.408–2, and § 1.408–3 shall be applied without regard to any community property laws.

(f) *Transfer incident to divorce*—(1) *In general.* The transfer of an individual's interest, in whole or in part, in an individual retirement account, individual retirement annuity, or a retirement bond, to his former spouse under a valid divorce decree or a written instrument incident to such divorce shall not be considered to be a distribution from such an account or annuity to such individual or his former spouse nor shall it be considered a taxable transfer by such individual to his former spouse notwithstanding any other provision of this subchapter.

(2) *Treatment of transferred interest.* The interest described in paragraph (f)(1) of this section which is transferred to the former spouse shall be treated as an individual retirement account of such spouse if the interest is an individual retirement account; an individual retirement annuity of such spouse if such interest is an individual retirement annuity; and a retirement bond of such spouse if such interest is a retirement bond.

§ 1.408–2 Individual retirement accounts.

(a) *In general.* An individual retirement account must be a trust or a custodial account (see paragraph (e) of this section). It must satisfy the requirements of paragraph (b) of this section in order to qualify as an individual retirement account. It may be established and maintained by an individual, by an employer for the benefit of his employees (see paragraph (c) of this section), or by an employee association for the benefit of its members (see paragraph (c) of this section). It is exempt from tax (see paragraph (a)(1) of § 1.408–1) unless disqualified under paragraph (d) of this section.

(b) *Requirements.* An individual retirement account must be a trust created or organized in the United States (as defined in section 7701(a)(9)) for the exclusive benefit of an individual or his beneficiaries. Such trust must be maintained at all times as a domestic trust in the United States. The instrument creating the trust must be in writing and the following requirements must be satisfied.

(1) *Amount of acceptable contributions.* Except in the case of a rollover contribution described in § 1.402(a)–2, § 1.403(a)–3, § 1.408–1(b)(2), or § 1.409–1(c), the trust instrument must provide that contributions may not be accepted by the trustee for the taxable year in excess of $1,500 on behalf of any individual for whom the trust is maintained.

(2) *Trustee.* (i) The trustee must be a bank (as defined in section 401(d)(1) and the regulations thereunder) or another person which demonstrates, in the manner described in (b)(2)(ii) of this section to the satisfaction of the Commissioner, that the manner in which such other person will administer the trust will be consistent with the requirements of section 408 and this section.

(ii) [Reserved]

(3) *Life insurance contracts.* No part of the trust funds may be invested in life insurance contracts. An individual retirement account may invest in annuity contracts which provide a death benefit, provided that such death benefit is not based upon mortality assumptions.

(4) *Nonforfeitability.* The interest of any individual on whose behalf the trust is maintained in the balance of his account must be nonforfeitable.

(5) *Prohibition against commingling.* (i) The assets of the trust must not be commingled with other property except in a common trust fund or common investment fund.

(ii) For purposes of this subparagraph, the term "common investment fund" means a group trust created for the purpose of providing a satisfactory diversification of investments or a reduction of administrative expenses for the individual participating trusts, and which group trust satisfies the requirements of section 408(c) (except that it need not be established by an employer or an association of employees) and the requirements of section 401(a) in the case of a group trust in which one of the individual participating trusts is an employees' trust described in section 401(a) which is exempt from tax under section 501(a).

(iii) For purposes of this subparagraph, the term "individual participating trust" means an employees' trust described in section 401(a) which is exempt from tax under section 501(a) or a trust which satisfies the requirements of section 408(a) provided that in the case of such an employees' trust, such trust would be permitted to participate in such a group trust if all of the other individual participating trusts were employees' trusts described in section 401(a) which are exempt from tax under section 501(a).

(6) *Distribution of interest.* (i) The trust instrument must provide that the entire interest of the individual for whose benefit the trust is maintained must be distributed to him in accordance with paragraphs (b)(5) (ii) or (iii) of this section.

(ii) Unless the provisions of paragraph (b)(6)(iii) of this section apply, the entire interest of the individual must be actually distributed to him not later than the close of his taxable year in which he attains age 70½.

(iii) In lieu of distributing the individual's entire interest as provided in paragraph (b)(6)(ii) of this section, the interest may be distributed commencing not later than the taxable year described in such paragraph (b)(6)(ii). In such case, the trust must expressly provide that the entire interest of the individual shall be distributed to him and his beneficiaries, in a manner which satisfies the requirements of paragraph (b)(6)(v) of this section, over any of the following periods (or any combination thereof)—

(A) The life of the individual,

(B) The joint life and last survivor expectancy of the individual and his spouse,

(C) A period certain not extending beyond the life expectancy of the individual, or

(D) A period certain not extending beyond the joint life and last survivor expectancy of the individual and his spouse.

(iv) The life expectancy of the individual or the joint life and last survivor expectancy of the individual and his spouse cannot exceed the period computed by use of the expected return multiples in § 1.72–9, or, in the case of payments under a contract issued by an insurance company, the period computed by use of the life expectancy tables of such company.

(v) If an individual's entire interest is to be distributed over a period described in paragraph (b)(6)(iii) of this section, beginning in the year the individual attains 70–½ the amount to be distributed each year must be not less than the lesser of the balance of the individual's entire interest or an amount equal to the quotient obtained by dividing the entire interest of the individual in the trust at the beginning of such year by the life expectancy of the individual (or the joint life and last survivor expectancy of the individual and his spouse (whichever is applicable)), determined in either case as of the date the individual attains age 70–½ in accordance with paragraph (b)(6)(iv) of this section, reduced by the number of whole years elapsed since the individual's attainment of age 70–½. However, no distribution need be made in any year, or a lesser amount may be distributed, if beginning with the year the individual attains age 70–½ the aggregate amounts distributed by the end of any year are at least equal to the aggregate of the minimum amounts required by this subdivision to have been distributed by the end of such year.

(vi) If an individual's entire interest is distributed in the form of an annuity contract, then the requirements of section 408(a)(6) are satisfied if the distribution of such contract takes place before the close of the taxable year described in paragraph (b)(6)(ii) of this section, and if the individual's interest will be paid over a period described in paragraph (b)(6)(iii) of this section and at a rate which satisfies the requirements of paragraph (b)(6)(v) of this section.

(7) *Distribution upon death.* The trust instrument must provide that if the individual for whose benefit the trust is maintained dies before his entire interest in the trust has been distributed to him, or if distribution has been commenced as provided in paragraph (b)(6) of this section to his surviving spouse and such spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) must, within 5 years after his death (or the death of the surviving spouse) be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of the surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity contract will be immediately distributed to such beneficiary or beneficiaries. Paragraph (b)(1) of § 1.408–1 does not apply to a contract described in the preceding sentence. Amounts distributed under such a contract will be taxable under section 72. For purposes of applying section 72 to a distribution from such a contract, the investment in such contract is zero. The first sentence of this paragraph (b)(7) shall have no application if distributions over a term certain commenced before the death of the individual for whose benefit the trust was maintained and the term certain is for a period permitted under paragraph (b)(6)(iii) (C) or (D) of this section.

(8) *Definition of beneficiaries.* The term "beneficiaries" on whose behalf an individual retirement account is established includes the estate of the individual, dependents of the individual, and any person designated by the individual to share in the benefits of the account after the death of the individual.

(c) *Accounts established by employers and certain association of employees.* (1) *In general.* A trust created or organized in the United States (as defined in section 7701(a)(9)) by an employer for the exclusive benefit of his employees or their beneficiaries, or by an association of employees for the exclusive benefit of its members or their beneficiaries, is treated as an individual retirement account if the requirements of paragraphs (c)(2) and (c)(3) of this section are satisfied under the written governing instrument creating the trust. A trust described in the preceding sentence is for the exclusive benefit of employees or members even though it may maintain an account for former employees or members and employees who are temporarily on leave.

(2) *General requirements.* The trust must satisfy the requirements of paragraphs (b)(1) through (7) of this section.

(3) *Special requirement.* There must be a separate accounting for the interest of each employee or member.

(4) *Definitions.* (i) *Separate accounting.* For purposes of paragraph (c)(3) of this section, the term "separte accounting" means that separate records must be maintained with respect to the interest of each individual for whose benefit the trust is maintained. The assets of the trust may be held in a common trust fund, common investment fund, or common fund for the account of all individuals who have an interest in the trust.

(ii) *Employee Association.* For purposes of this paragraph and section 408(c), the term "employee association" means any organization composed of two or more employees including, but not limited to, an employee association described in section 501(c)(4). Such association may include employees within the meaning of section 401(c)(1).

(d) *Disqualification and effect thereof.* (1) *Disqualification.* If during any taxable year of the individual for whose benefit an individual retirement account was established such individual or his beneficiary engages in any transaction prohibited by section 4975 with respect to such account, such account will cease to be an individual retirement account as of the first day of such taxable year. For purposes of this subparagraph, the individual for whose benefit an account was established shall be treated as the creator of such account, and the interest of any individual within an individual retirement account maintained by an employer or employee association is treated as a separate individual retirement account.

(2) *Effect of disqualification.* (i) If the individual for whose benefit the account is maintained or his beneficiary engages in any transaction prohibited by section 4975 during any taxable year, the deemed distribution described in § 1.408–1(b)(4) will be includible in the gross income for such year of the person engaging in such acts. If the trust with which the individual engages in any transaction described in the preceding sentence is established by an employer or employee association under section 408(c), only that portion of such trust which is equal to such individual's interest will be disqualified. Thus, for example if an employer establishes an individual retirement account for all of his employees and one employee whose interest is 10 percent of the entire account borrows money from the account only that 10 percent interest is disqualified.

(ii) In the case of an individual who has not attained age 59½, or become disabled within the meaning of section 72(m)(7) before the first day of the taxable year in which the deemed distribution described in § 1.408–1(b)(4) is includible in his gross income, the additional tax described in § 1.408–1(c)(1) is applicable.

(e) *Custodial accounts.* For purposes of this section and section 408(a), a custodial account is treated as a trust described in section 408(a) if such account satisfies the requirements of section 408(a) except that it is not a trust and if the assets of such account are held by a bank (as defined in section 401(d)(1) and the regulations thereunder) or such other person who satisfies the requirements of paragraph (b)(2)(ii) of this chapter, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account will be treated as the trustee thereof.

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§ 1.408–3 Individual retirement annuities.

(a) *In general.* An individual retirement annuity is an annuity contract or endowment contract (described in paragraph (e)(1) of this section) issued by an insurance company which is qualified to do business under the law of the jurisdiction in which the owner of the contract resides at the time of the issuance of the contract and which satisfies the requirements of paragraph (b) of this section. A distribution under the contract, other than a deemed distribution described in paragraph (d), is includible in gross income in accordance with the provisions of § 1.408–1(b). An individual retirement annuity contract which satisfies the requirements of section 408 (b) need not be purchased under a trust if the requirements of paragraph (b) of this section are satisfied. An individual retirement endowment contract may not be purchased under a trust which satisfies the requirements of section 408(a). Distribution of the contract is not a taxable event. Distributions under the contract, other than a deemed distribution described in paragraph (d) of this section, are includible in gross income in accordance with the provisions of § 1.408–1(b).

(b) *Requirements*—(1) *Transferability.* The annuity or the endowment contract must not be transferable by the owner.

(2) *Annual premium.* The annual premium for the annuity or the endowment contract cannot exceed $1,500, and any refund of premiums must be applied before the close of the calendar year following the year of the refund toward the payment of future premiums or the purchase of additional benefits.

(3) *Distribution.* The entire interest of the owner must be distributed to him in the same manner and over the same period as described in § 1.408–2(b)(6).

(4) *Distribution upon death.* If the owner dies before his entire interest has been distributed to him, the remaining interest must be distributed in the same manner, over the same period, and to the same beneficiaries as described in § 1.408–2(b)(7).

(5) *Nonforfeitability.* The entire interest of the owner in the annuity or endowment contract must be nonforfeitable.

(6) *Borrowing prohibited.* The contract must provide that the owner may not use such contract as security for a loan.

(c) *Disqualification.* If during any taxable year the owner of an annuity borrows any money under the annuity or endowment contract or by use of such contract (including, but not limited to, pledging the contract as security for any loan), such contract will cease to be an individual retirement annuity as of the first day of such taxable year. If an annuity or endowment contract which constitutes an individual retirement annuity is disqualified as a result of the preceding sentence, an amount equal to the fair market value of the contract as of the first day of the taxable year of the owner in which such contract is disqualified is deemed to be distributed to the owner. See paragraph (d) of this section for treatment of deemed distribution from an individual retirement annuity because of disqualification.

(d) *Deemed distribution.* If an individual retirement annuity is disqualified as a result of a transaction described in paragraph (c) of this section and the amount described in such paragraph (c) is deemed distributed to the owner of such annuity, then the owner of the annuity contract is to include such amount in his gross income in his taxable year in which the annuity is disqualified. If an amount is includible in the gross income of the individual under this paragraph, see § 1.408–1(c)(2) for additional tax in disqualification cases. If the individual has not attained age 59½, see § 1.408–1(c)(1) for additional tax on premature distributions.

(e) *Endowment contracts*—(1) *Additional requirements for endowment contracts.* No contract providing life insurance protection issued by a company described in paragraph (a) of this section shall be treated as an endowment contract for purposes of this section if—

(i) Such contract matures later than the taxable year of the individual in whose name the contract is purchased attains the age of 70½;

(ii) Such contract is not for the exclusive benefit of such individual or his beneficiaries;

(iii) Such contract does not provide that such individual shall notify the issuer in the event that the aggregate annual premiums due under all such contracts purchased in his name, whether or not such contracts are purchased from the same issuer, exceed $1,500;

(iv) Premiums under such contract may increase over the term of the contract;

(v) The cash value of such contract at maturity is less than the death benefit payable under the contract at any time before maturity;

(vi) The death benefit does not, at some time before maturity, exceed the greater of the cash value or the sum of premiums paid under the contract;

(vii) Such contract does not provide for a cash value;

(viii) Such contract provides that the life insurance element of such contract may increase over the term of such contract, unless such increase is merely, because such contract provides for the purchase of additional benefits; or

(ix) Such contract provides insurance other than life insurance and waiver of premiums upon disability.

(2) *Treatment of proceeds under endowment contract upon death of individual.* In the case of the payment of a death benefit under an endowment contract upon the death of the individual in whose name the contract is purchased, the portion of such payment which is equal to the cash value immediately before the death of such individual is not excludable from gross income under section 101(a) and is treated as a distribution from an individual retirement annuity. The remaining portion, if any, of such payment constitutes current life insurance protection and is excludable under section 101(a). If a death benefit is paid under an endowment contract at a date or dates later than the death of the individual, section 101(d) is applicable only to the portion of the benefit which is attributable to the amount excludable under section 101(a).

§ 1.409 Statutory provisions; retirement bonds.

Sec. 409. *Retirement bonds*—(a) *Retirement bond.* For purposes of this section and section 219(a), the term "retirement bond" means a bond issued under the Second Liberty Bond Act, as amended, which by its terms, or by regulations prescribed by the Secretary or his delegate under such Act—

(1) Provides for payment of interest, or investment yield, only on redemption;

(2) Provides that no interest, or investment yield, is payable if the bond is redeemed within 12 months after the date of its issuance;

(3) Provides that it ceases to bear interest, or provide investment yield on the earlier of—

(A) The date on which the individual in whose name it is purchased (hereinafter in this section referred to as the "registered owner") attains age 70½; or

(B) 5 years after the date on which the registered owner dies, but not later than the date on which he would have attained the age 70½ had he lived;

(4) Provides that, except in the case of a rollover contribution described in subsection (b)(3)(C) or in section 402(a)(5), 403(a)(4), or 408(d)(3) the registered owner may not contribute for the purchase of such bonds in excess of $1,500 in any taxable year; and

(5) Is not transferable.

(b) *Income tax treatment of bonds*—(1) *In general.* Except as otherwise provided in this subsection, on the redemption of a retirement bond the entire proceeds shall be included in the gross income of the taxpayer entitled to the proceeds on redemption. If the registered owner has not tendered it for redemption before the close of the taxable year in which he attains age 70½, such individual shall include in his gross income for such taxable year the amount of the proceeds he would have received if the bond had been redeemed at age 70½. The provisions of section 72 (relating to annuities) and section 1232 (relating to bonds and other evidences of indebtedness) shall not apply to a retirement bond.

(2) *Basis.* The basis of a retirement bond is zero.

(3) *Exceptions*—(A) *Redemption within 12 months.* If a retirement bond is redeemed within 12 months after the date of its issuance, the proceeds are excluded from gross income if no deduction is allowed under section 219 on account of the purchase of such bond.

(B) *Redemption after age 70½.* If a retirement bond is redeemed after the close of the taxable year in which the registered owner attains age 70½, the proceeds from the redemption of the bond are excluded from the gross income of the registered owner to the extent that such proceeds were includible in his gross income for such taxable year.

(C) *Rollover into an individual retirement account or annuity or a qualified plan.* If a retirement bond is redeemed at any time before the close of the taxable year in which the registered owner attains age 70½, and the registered owner transfers the entire amount of the proceeds from the redemption of the bond to an individual retirement account described in section 408(a) or to an individual retirement annuity described in section 408(b) (other than an endowment contract) which is maintained for the benefit of the registered owner of the bond, or to an employees' trust described in section 401(a) which is exempt from tax under section 501(a), or an annuity plan described in section 403(a) for the benefit of the registered owner, on or before the 60th day after the day on which he received the proceeds of such redemption, then the proceeds shall be excluded from gross income and the transfer shall be treated as a rollover contribution described in section 403(d)(3). This subparagraph does not apply in the case of a transfer to such an employees' trust or such an annuity plan unless no part of the value of such proceeds is attributable to any source other than a rollover contribution from such an employees' trust or annuity plan (other than an annuity plan or a trust forming part of a plan under which the individual was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan).

(c) *Additional tax on certain redemptions before age 59½*—(1) *Early redemption of bond.* If a retirement bond is redeemed by the registered owner before he attains age 59½, his tax under this chapter for the taxable year in which the bond is redeemed shall be increased by an amount equal to 10 percent of the amount of the proceeds of the redemption includible in his gross income for the taxable year.

(2) *Disability cases.* Paragraph (1) does not apply for any taxable year during which the retirement bond is redeemed if, for that taxable year, the registered owner is disabled within the meaning of section 72(m)(7).

(3) *Redemption within one year.* Paragraph (1) does not apply if the registered owner tenders the bond for redemption within 12 months after the date of its issuance.

[Sec. 409 as added by sec. 2002(c) Employee Retirement Income Security Act 1974 (88 Stat. 964)]

§ 1.409–1 Retirement bonds.

(a) *In general.* Section 409 authorizes the issuance of bonds under the Second Liberty Bond Act the purchase price of which would be deductible under section 219. Section 409 also prescribes the tax treatment of such bonds. See paragraph (b) of this section.

(b) *Income tax treatment of bonds*—(1) *General rule.* Except as provided in paragraph (b)(2) of this section, the entire proceeds upon redemption of a retirement bond described in section 409(a) shall be included in the gross income of the taxpayer entitled to such proceeds. If a bond has not been tendered for redemption by the registered owner before the close of the taxable year in which he attains age 70-½, he must include in his gross income for such taxable year the amount of the proceeds he would have received if the bond had been redeemed at age 70-½. The provisions of sections 72 and 1232 do not apply to a retirement bond.

(2) *Exceptions.* (i) If a retirement bond is redeemed within 12 months after the issue date, the proceeds are excluded from gross income if no deduction is allowed under section 219 on account of the purchase of such bond. For definition of issue date, see 31 CFR 346.1(c).

(ii) If a retirement bond is redeemed after the close of the taxable year in which the registered owner attains age 70-½ the proceeds from the redemption of the bond are excludable from the gross income of the registered owner or his beneficiary to the extent that such proceeds were includible in the gross income of the registered owner for such taxable year.

(iii) If a retirement bond is surrendered for reissuance in the same or lesser face amount, the difference between current redemption value of the bond surrendered for reissuance and the current surrender value of the bond reissued is excludable from the gross income of the registered owner.

(3) *Basis.* The basis of a retirement bond is zero.

(c) *Rollover.* The first sentence of paragraph (b)(1) of this section shall not apply in any case in which a retirement bond is redeemed by the registered owner before the close of the taxable year in which he attains the age of 70-½ if he transfers the entire amount of the proceeds of such redemption to—

(1) An individual retirement account described in section 408 (a) or an individual retirement annuity described in section 408 (b) (other than an endowment contract described in § 1.408–3(e)), or

(2) An employees' trust which is described in section 401(a) which is exempt from tax under section 501(a), or an annuity plan described in section 403(a), for the benefit of the registered owner, on or before the 60th day after the day on which he received the proceeds of such redemption. This subparagraph shall not apply in the case of a transfer to a trust or plan described in (c)(2) of this section unless no part of the purchase price of the retirement bond redeemed is attributable to any source other than a rollover contribution from such an employees' trust or annuity plan (other than an annuity plan or employees' trust forming part of a plan under which the individual was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan).

(d) *Additional tax.* (1) *Early redemption.* Except as provided in paragraph (d)(2) of this section, under section 409(c) if a retirement bond is redeemed by the registered owner before he attains age 59½, his tax under chapter 1 of the Code is increased by an amount equal to 10 percent of the proceeds of the redemption includible in his gross income for the taxable year. Except in the case of the credits allowable under sections 31, 39, or 42, no credit can be used to offset the tax described in the preceding sentence.

(2) *Limitations.* Paragraph (d)(1) of this section shall not apply if—

(i) During the taxable year of the registered owner in which a retirement bond is redeemed, the registered owner becomes disabled within the meaning of section 72(m)(7), or

(ii) A retirement bond is tendered for redemption in accordance with paragraph (b)(2)(i) of this section.

9. These regulations are prescribed as part of a new Part 54:

PART 54—EXCISE TAXES IMPOSED WITH RESPECT TO RETIREMENT INCOME PLANS

Sec.

54.4973 Statutory provisions; tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds.

54.4973–1 Excess contributions to certain accounts, contracts and bonds.

54.4974 Statutory provisions; excise tax on certain accumulations in individual retirement accounts or annuities.

54.4974–1 Excise tax on accumulations in individual retirement accounts or annuities.

AUTHORITY: Secs. 219(b)(5), 408(a)(6), (b), (h), (i), 4974 and 7805, Internal Revenue Code of 1954, 88 Stat. 959, 960, 964, 967, 68A Stat. 917; (26 U.S.C. 219(b)(5), 408(a)(6), (b), (h), (i), 4974 and 7805).

§ 54.4973 Statutory provisions; tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds.

Sec. 4973. *Tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds*—(a) *Tax imposed.* In the case of—

(1) An individual retirement account (within the meaning of section 408(a)),

(2) An individual retirement annuity (within the meaning of section 408(b)), a custodial account treated as an annuity contract under section 403(b)(7)(A) (relating to custodial accounts for regulated investment company stock), or

(3) A retirement bond (within the meaning of section 409), established for the benefit of any individual, there is imposed for each taxable year a tax in an amount equal to 6 percent of the amount of the excess contributions to such individual's accounts, annuities, or bonds (determined as of the close of the taxable year). The amount of such tax for any taxable year shall not exceed 6 percent of the value of the account, annuity, or bond (determined as of the close of the taxable year). In the case of an endowment contract described in section 408(b), the tax imposed by this section does not apply to any amount allocable to life, health, accident, or other insurance under such contract. The tax imposed by this subsection shall be paid by such individual.

(b) *Excess contributions.* For purposes of this section, in the case of individual retirement accounts, individual retirement annuities, or bonds, the term "excess contributions" means the sum of—

(1) The excess (if any) of—

(A) The amount contributed for the taxable year to the accounts or for the annuities or bonds (other than a rollover contribution described in section 402(a)(5), 403(a)(4), 408(d)(3)), or 409(b)(3)(C), over

(B) The amount allowable as a deduction under section 219 for such contributions, and

(2) The amount determined under this subsection for the preceding taxable year, reduced by the excess (if any) of the maximum amount allowable as a deduction under

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section 219 for the taxable year over the amount contributed to the accounts or for the annuities or bonds for the taxable year and reduced by the sum of the distributions out of the account (for all prior taxable years) which were included in the gross income of the payee under section 408(d)(1). For purposes of this paragraph, any contribution which is distributed out of the individual retirement account, individual retirement annuity, or bond in a distribution to which section 408(d)(4) applies shall be treated as an amount not contributed.

(c) *Section 403(b) contracts.* For purposes of this section, in the case of a custodial account referred to in subsection (a)(3) [*sic*], the term "excess contributions" means the sum of—

(1) The excess (if any) of the amount contributed for the taxable year to such account, over the lesser of the amount excludable from gross income under section 403(b) or the amount permitted to be contributed under the limitations contained in section 415 (or under whichever such section is applicable, if only one is applicable), and

(2) The amount determined under this subsection for the preceding taxable year, reduced by—

(A) The excess (if any) of the lesser of (i) the amount excludable from gross income under section 403(b) or (ii) the amount permitted to be contributed under the limitations contained in section 415 over the amount contributed to the account for the taxable year (or under whichever such section is applicable, if only one is applicable), and

(B) The sum of the distributions out of the account (for all prior taxable years) which are included in gross income under section 72(e).

[Sec. 4973 as added by sec. 2002(d) Employee Retirement Income Security Act 1974 (88 Stat. 966)]

§ 54.4973–1 Excess contributions to certain accounts, contracts and bonds.

(a) *In general.* (1) *General rule.* Under section 4973, in the case of an individual retirement account (as described in section 408(a)), an individual retirement annuity (as described in section 408(b)), a custodial account treated as an annuity contract under section 403(b)(7)(A), or a retirement bond described in section 409, a tax equal to 6 percent of the amount of excess contributions (as defined in paragraph (b) of this section) to such account, annuity, or bond is imposed on the individual for whose benefit such account, annuity, or bond is established.

(2) *Special rules.* (i) The tax imposed by section 4973 cannot exceed 6 percent of the value (determined as of the close of the individual's taxable year) of the account, annuity, or bond.

(ii) In the case of an endowment contract described in section 408(b), the tax imposed by section 4973 is not applicable to any amount allocable under § 1.219–1(b)(2)(iv)(B) to life insurance under the contract.

(b) *Excess contributions defined.* (1) *Sections 408 and 409 excess contributions.* For purposes of this section, in the case of an individual retirement account (described in section 408(a)), an individual retirement annuity (described in section 408(b)), or a retirement bond described in section 409, the term "excess contribution" means the sum of—

(i) The excess (if any) of the amount contributed for the taxable year to an account or for an annuity or bond (other than a rollover contribution described in section 402(a)(5), 403(a)(4), 408(d)(3), or 409(b)(3)(C)), over the amount allowable for such taxable year as a deduction under section 219 for such contributions, and

(ii) The amount determined under this subparagraph for the preceding taxable year, reduced by the excess (if any) of the maximum amount allowable as a deduction under section 219 for the taxable year over the amount contributed to the account or for the annuity or bond for the taxable year and reduced by the sum of the distributions out of the account (for all prior taxable years) which were included in the gross income of the payee under section 408(d)(1) or 409(b)(1).

For purposes of paragraph (b)(1)(ii) of this section any contribution which is distributed out of the account or annuity in a distribution to which section 408(d)(4) or 409(b)(3)(A) applies is treated as an amount not contributed.

(2) *Section 403(b)(7)(A) excess contributions.* For purposes of this section, in the case of a custodial account treated as an annuity contract under section 403(b)(7)(A), the term "excess contributions" means the sum of—

(i) The excess (if any) of the amount contributed for the taxable year to such account, over the lesser of the amount excludable from the gross income of the employee under section 403(b) or the amount permitted to be contributed under the limitations contained in section 415 (or under whichever such section is applicable, if only one is applicable), and

(ii) The amount determined under this paragraph (b)(2)(ii) for the preceding taxable year, reduced by—

(A) The excess (if any) of the lesser of (*1*) the amount excludable from the gross income of the employee under section 403(b) or (2) the amount permitted to be contributed under the limitations contained in section 415 (or under whichever such section is applicable, if only one is applicable), over the amount contributed to the account for the taxable year, and

(B) The sum of the distributions out of the account (for all prior years) which are included in the gross income of the employee under section 72(e).

(C) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On January 1, 1975, A, an individual, establishes an individual retirement account and contributes $1,500. On December 31, 1975, the value of A's account is $1,500. On January 31, 1976, A determines he has compensation for 1975 within the meaning of section 219(c) and the regulations thereunder of $9,334. Under section 219, the maximum amount allowable as a deduction for retirement savings available to A is $1,400. On April 15, 1976, A files his income tax return for 1975 taking a deduction of $1,400 for his contribution to his individual retirement account, and as of such date there had been no distribution from the account. Under section 4973, A would have $100 of excess contribution in his account for 1975 [($1,500–$1,400)+0] and A would be liable for an excise tax of $6 on such excess contribution.

Example (2). Assume the same facts as in Example (1). Assume further that on June 1, 1976, A contributes $1,500 to his account. On January 31, 1977, he determines that he has compensation for 1976 of $10,000. Under section 219, the maximum amount allowable to A as a deduction for retirement savings is $1,500 for 1976. On April 15, 1977, A files his income tax return for 1976 taking a deduction of $1,500 for his contribution to his individual retirement account, and as of such date there has been no distribution from the account. Under section 4973, A would have $100 of excess contribution in his account for 1976 [($1,500–$1,500)+$100] and A would be liable for an excise tax of $6 on such excess contribution.

Example (3). Assume the same facts as in Examples (1) and (2). Assume further that on June 1, 1977, A contributes $1,500 to his account. On January 31, 1978, A determines he has compensation for 1977 of $11,000. Under section 219, the maximum amount allowable to A as a deduction for retirement savings is $1,500 for 1977. On March 26, 1978, A receives a distribution of $100 from his account. On April 15, 1978, A files his income tax return for 1977 taking a deduction for retirement savings of $1,500. Under section 4973, A would have $100 of excess contributions for 1977 [(0+$100)] and A would be liable for an excise tax of $6 on such excess contribution. For additional tax, see section 408(f).

Example (4). Assume the same facts as in Examples (1), (2), and (3). Assume further that on June 1, 1978, A contributes $1,500 to his account. On January 31, 1979, A determines he has compensation for 1978 of $11,000. Under section 219, the maximum amount allowable to A as a deduction for retirement savings is $1,500 for 1978. On April 15, 1979, A files his income tax return for 1978 taking a deduction for retirement savings of $1,500 and including the $100 distribution of March 26, 1978, in his gross income for 1978. Under section 4973, A would have no excess contribution in his individual retirement account [0+($100–$100)] and would have no excise tax liability for excess contributions.

Example (5). Assume the same facts as in example (3), except that instead of contributing $1,500 to his account A contributes $1,400 and is allowed a deduction for retirement savings under section 219 of $1,400. Under section 4973, A would have no excess contribution in his individual retirement account [0+($100–($1,500–$1,400))] and would have no excise tax liability for excess contributions.

Example (6). On May 7, 1975, B establishes an individual retirement account and contributes $1,000 to such account. On October 13, 1975, B purchases an individual retirement annuity for $900. B has compensation of $10,000 for 1975. Under section 219, the maximum amount allowable to B as a deduction for retirement savings is $1,500. On April 15, 1976, B files his income tax return for 1975 and there has been no distribution from the account nor has there been any refund of premiums under the annuity. Under section 4973, B would have $400 of excess contribution [($1,900–$1,500)+0] and would be liable for an excise tax of $24.

Example (7). Assume the same facts as in example (1) except the value of A's account as of the end of 1975 is $90. Under section 4973, A would have $100 of excess contribution in his account for 1975 but A would only be liable for an excise tax of $5.40 (6% of $90).

Example (8). On January 1, 1977, a custodial account under section 403(b)(7)(A) is established for the benefit of A who is otherwise eligible to have such an account established and a contribution of $7,000 is made to such account by A's employer which is a tax-exempt organization described in section 501(c)(3). The amount excludable from A's gross income in 1977 under section 403(b) is $4,000 and the amount permitted to be contributed for 1977 under section 415 is $5,000. Under section 4973, A would have an excess contribution of $3,000 [($7,000–$4,000)+0] in his account for 1977 and would be liable for an excise tax of $180.

Example (9). Assume the same facts as in example (8). Assume further that on June 22, 1978, a contribution of $1,000 is made by A's employer. The amount otherwise excludable from A's income in 1978 under section 403(b) is $4,000 and the amount permitted to be contributed for 1978 under section 415 is $5,000. Under section 4973, A would have no excess contribution in his account for 1978 [0+($3,000–($4,000–$1,000))] and would have no excise tax liability for 1978.

§ 54.4974 Statutory provisions; excise tax on certain accumulations in individual retirement accounts or annuities.

Sec. 4974. *Excise tax on certain accumulations in individual retirement accounts or annuities*—(a) *Imposition of tax.* If, in the case of an individual retirement account or individual retirement annuity, the amount distributed during the taxable year of the payee is less than the minimum amount required to be distributed under section 408(a)(6) or (7), or 408(b)(3) or (4) during such year, there is imposed a tax equal to 50 percent of the amount by which the minimum amount required to be distributed during such year exceeds the amount actually distributed during the year. The tax imposed by this section shall be paid by such payee.

(b) *Regulations.* For purposes of this section, the minimum amount required to be distributed during a taxable year under section 408(a)(6) or (7) or 408(b)(3) or (4) shall be determined under regulations prescribed by the Secretary or his delegate.

[Sec. 4974 as added by sec. 2002(e) Employee Retirement Income Security Act 1974 (88 Stat. 967)]

§ 54.4974–1 Excise tax on accumulations in individual retirement accounts or annuities.

(a) *General rule.* A tax equal to 50 percent of the amount by which the minimum amount required to be distributed from an individual retirement account or annuity described in section 408 during the taxable year of the payee under paragraph (b) of this section exceeds the amount actually distributed during the taxable year is imposed by section 4974 on the payee.

(b) *Minimum amount required to be distributed.* For purposes of this section, the minimum amount required to be distributed is the amount required under § 1.408–2(b)(6)(v) to be distributed in the taxable year described in paragraph (a) of this section.

(c) *Examples.* The application of this section may be illustrated by the following examples.

Example (1). In 1975, the minimum amount required to be distributed under § 1.408–2(b)(6)(v) to A under his individual retirement account is $100. Only $60 is actually distributed to A in 1975. Under section 4974, A would have an excise tax liability of $20 [50% of ($100–$60)].

Example (2). Although no distribution is required under § 1.408–2(b)(6)(v) to be made in 1986, H, a married individual born on February 1, 1921, who has established and maintained an individual retirement account decides to begin receiving distributions from the account beginning in 1986. H's wife, W, was born on March 6, 1921. H and W are calendar year taxpayers. H decides to receive his interest in the account over the joint life and last survivor expectancy of himself and his wife. On January 1, 1986, the balance in H's account is $10,000; H and W, based on their nearest birthdates, are 65; and the joint life and last survivor expectancy of H and his wife is 22.0 years (see Table II of § 1.72–9). His annual payments during the following years (none of which were required) were determined by dividing the balance in the account on the first day of each year by the joint life and last survivor expectancy reduced by the number of whole years elapsed since the distributions were to commence.

Date	Life expectancy minus whole years elapsed	Account balance at beginning of each year	Annual payment
Jan. 1, 1986	22.0	$10,000	$455
Jan. 1, 1987	21.0	10,118	482
Jan. 1, 1988	20.0	10,214	511
Jan. 1, 1989	19.0	10,285	541
Jan. 1, 1990	18.0	10,329	574
Jan. 1, 1991	17.0	10,340	608

For 1986, 1987, 1989, and 1990, the amount required to be distributed under § 1.408–2(b)(6)(v) is zero. Thus, H would have no excise tax liability under section 4974 for these years. In 1991, the year H attains age 70½, the amount required to be distributed from the account under § 1.408–2(b)(6)(v) is $565, determined by dividing $10,340 (the account balance as of January 1, 1991) by 18.3 years (the joint life and last survivor expectancy of H and W, assuming they are both still living, as of January 1, 1991). If W should die after December 31, 1990, the joint life and last survivor expectancy determined on January 1, 1991 (18.3 years) would not be redetermined. Because the amount distributed from the account in 1991 ($608) exceeds the amount required to be distributed from the account in 1991 ($565), H has no excise tax liability under section 4974 for 1991.

Example (3). Assume the same facts as in example (2) except that W dies in 1988. For 1988, 1989, and 1990, the amount required to be distributed under § 1.408–2(b)(6)(v) is zero. Thus, H would have no excise tax liability under section 4974 for these years. In 1991, the amount required to be distributed under § 1.408–2(b)(6)(v) is $855, determined by dividing $10,340 (the account balance as of January 1, 1991) by 12.1 years (the life expectancy of H as of January 1, 1991). Because the amount distributed from the account in 1991 ($608) is less than the amount required to be distributed from the account in 1991 ($855), H has an excise tax liability of $123.50 under section 4974 for 1991 [50% of ($855–$608)].

[FR Doc.75–4356 Filed 2–13–75;9:16 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 3300]

QUALIFIED JOINT BIDDERS

Pursuant to the authority vested in the Secretary of the Interior with respect to the promulgation of regulations as may be necessary to carry out the provisions of the Outer Continental Shelf Lands Act, 43 U.S.C. section 1331 (1970) and to amend such regulations, notice is hereby given that the Department of the Interior has under consideration the promulgation of a regulation to become a part of 43 CFR Subpart 3302, and amendment of existing regulations in 43 CFR Subparts 3300, 3302, and 3305 with the objective of enhancing competitive bidding for oil and gas leases granted on submerged lands of the Outer Continental Shelf.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rule making to the Director, Bureau of Land Management (Attn: 720, Washington, D.C. 20240), by the close of business March 25, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours 7:45 a.m. to 4:15 p.m.

Subpart 3300—Outer Continental Shelf Mineral Deposits; General

1. Section 3300.1 is amended to read as follows:

§ 3300.1 Persons qualified to hold leases.

Mineral leases issued pursuant to section 8 of the act may be held only by citizens and nationals of the United States, aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. section 1101(a)(20), private, public, or municipal corporations organized under the laws of the United States or any state or Territory thereof, or associations of such citizens, nationals, resident aliens, private, public or municipal corporations, States, or political subdivisions of a State.

Subpart 3302—Issuance of Leases

2. Section 3302.1 is amended to read as follows:

§ 3302.1 General.

Tracts will be offered for lease by competitive sealed bidding under conditions specified in the Notice of Lease Offer and in accordance with the provisions of §§ 3300.1, 3302.2, 3302.3 and 3302.4 of this Subpart. Each oil and gas lease issued pursuant to section 8 of the Act shall cover a compact area not exceeding 5,760 acres.

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3. The proposed new regulation which will appear at 43 CFR 3302.3 reads as follows:

Sec.
3302.3 Qualified bidders.
3302.3–1 Definitions.
3302.3–2 Joint bidding requirements.
3302.3–3 Chargeability for production.
3302.3–4 Bids disqualified.

§ 3302.3–1 Definitions.

For the purposes of the regulations appearing at §§ 3302.3 through 3302.4 of this Subpart the following definitions shall control:

(a) *"Barrel"* means 42 United States gallons.

(b) *"Crude Oil"* means a mixture of liquid hydrocarbons including condensate that exists in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, but does not include liquid hydrocarbons produced from tar sands, gilsonite, oil shale, or coal. All measurements shall be at 60° F.

(c) *"An Economic Interest"* means any right to, or any right dependent upon, production of crude oil, natural gas, or liquefied petroleum products and shall include, but not be limited to, a royalty interest, or overriding royalty interest, whether payable in cash or in kind, a working interest, a net profits interests, a production payment, or a carried interest.

(d) *"Liquefied Petroleum Products"* means natural gas liquid products including the following: ethane, propane, butane, pentane, natural gasoline, and other natural gas products recovered by a process of absorption, adsorption, compression, refrigeration cycling, or a combination of such processes. All measurements shall be 60° F.

(e) *"Natural Gas"* means a mixture of hydrocarbons and varying quantities of nonhydrocarbons that exist in the gaseous phase.

(f) *"Oil and Gas Lease"* means an oil and gas lease either offered or issued pursuant to the provisions of the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331–1334 (1970).

(g) *"Owned"* means: (1) with respect to crude oil—having either an economic interest in or a power of disposition over the production of crude oil; and

(2) with respect to natural gas—having either an economic interest in or a power of disposition over the production of natural gas; and

(3) with respect to liquefied petroleum products—having either an economic interest in or a power of disposition over any liquefied petroleum product at the time of completion of the liquefaction process.

(h) *"Prior Production Period"* means the continuous six month period of January 1 through June 30, preceding November 1 through April 30 for joint bids submitted during the six month bidding period from November 1 through April 30, and means the continuous six month period of July 1 through December 31 preceding May 1 through October 31 for joint bids submitted during the six month bidding period from May 1 through October 31.

(i) *"Production"* (1) *of crude oil* means the volume of crude oil produced worldwide from reservoirs during the prior production period. The amount of such crude oil production shall be established by measurement of volumes delivered from storage tanks (i.e. the point of custody transfer) to pipeline, trucks, tankers or other media for transport to refineries or terminals with adjustments for

(i) net differences between opening and closing inventories, and

(ii) basic sediment and water;

(2) *Of natural gas* means those volumes of natural gas produced worldwide from natural oil and gas reservoirs during the prior production period, with adjustments where applicable, to reflect

(i) the volume of gas returned to natural reservoirs, and

(ii) the reduction of volume resulting from the removal of natural gas liquids and nonhydrocarbon gases.

For purposes of reporting net production of natural gas under section 3302.3–2, and chargeability under section 3302.3–3, 5,620 cubic feet of natural gas at 14 pounds per square inch (msl) shall equal one barrel;

(3) *Of liquefied petroleum products* means those volumes of natural gas liquids which are portions of reservoir gas and liquefied at surface separators, field facilities, or gas processing plants worldwide during the prior production period including the following:

(i) *Condensate*—natural gas liquid recovered from gas well gas (associated and non-associated) in separators or field facilities.

(ii) *Gas Plant Products*—natural gas liquids recovered from natural gas in gas processing plants and from field facilities. Gas plant products shall be subclassified according to standards of the Natural Gas Processors Association (NGPA) or the American Society for Testing Materials (ASTM) as follows:

(A) Ethane—C_2H_6

(B) Propane—C_3H_8

(C) Butane—C_4H_{10} including all products covered by NGPA specifications for commercial butane,

(*1*) Isobutane

(*2*) Normal butane

(3) Other butanes—all butanes not included as isobutane or normal butane.

(*4*) *Butane-Propane Mixtures*—All products covered by NGPA specifications for butane-propane mixtures.

(*5*) *Natural Gasoline*—Mixture of hydrocarbons extracted from natural gas, which meet vapor pressure, end point, and other specifications for natural gasoline set by the NGPA.

(*6*) *Plant Condensate*—A natural gas plant product recovered and separated as a liquid at gas inlet separators or scrubbers in processing plants or field facilities.

(*7*) *Other Natural Gas Plant Products* meeting refined product standards (e.g. gasoline, kerosene, distillate, etc.).

(j) *"Six Month Bidding Period"* means the six month period of time (1) from May 1 through October 31 or (2) from November 1 through April 30, respectively.

§ 3302.3–2 Joint bidding requirements.

Any person who submits a joint bid for any oil and gas lease during a particular six month bidding period must file a Report of Production of Crude Oil, Natural Gas, and Liquefied Petroleum Products with the Director, on a form approved by him, and hereinafter referred to as a Report of Production, no later than 45 days prior to the commencement of the applicable six month bidding period, except that for the bidding period commencing May 1, 1975 and ending October 31, 1975 Reports of Production must be filed no later than May 16, 1975. The Report of Production shall list in barrels the production of crude oil, natural gas, and liquefied petroleum products chargeable to the reporting person in accordance with section 3302.3–3 for the prior production period. The Director will, no less than semi-annually, publish in the FEDERAL REGISTER a "List of Disqualified Joint Bidders," to be effective immediately upon publication and to continue in force and effect until a subsequent list is published. The List of Disqualified Joint Bidders shall be made up of those persons who in the judgment of the Director, based on information available to him, including, but not limited to sworn Reports of Production, are chargeable under section 3302.3–3 with an average net production in excess of 1.6 million barrels per day of crude oil, natural gas, and liquefied petroleum products for the prior production period. The first List of Disqualified Joint Bidders shall be published no later than ----------.

When a person is placed on the List of Disqualified Joint Bidders the Director shall serve that person either personally or by certified mail, return receipt requested, with a copy of the Director's Order placing said person on the List of Disqualified Joint Bidders. Any appeal from said Order or from an adverse effect of said Order shall be made in accordance with the provisions of 43 CFR 4.410 et seq.

The submission of a Report of Production which misrepresents the actual production of the reporting person shall constitute failure to comply with the regulation; and if a lease has been awarded in reliance on that Report, it may be cancelled pursuant to section 8(1) of the Act and regulations issued thereunder.

§ 3302.3–3 Chargeability for production.

(a) As used in this subsection the following definitions shall control:

(1) *"person"* means a natural person or company,

(2) *"company"* means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any group of persons whether incorporated or not, or any receiver, trustee in bankruptcy or similar official or any of the foregoing in his capacity as such.

(3) *"subsidiary"* means a company 50 percent or more of whose stock or other interest having power to vote for the election of directors, trustees, or other similar controlling body of said subsidiary is directly or indirectly owned, controlled, or held with the power to vote by another company.

(4) *"security or securities"* means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, pre-organization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.

(b) A person filing a Report of Production under section 3302.3–2 shall be charged with and shall include in its Report of Production for the prior production period the following:

(1) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products which it owned worldwide; and

(2) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by every subsidiary of the reporting person; and

(3) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by any person or persons of which the reporting person is a subsidiary; and

(4) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by any subsidiary, other than the reporting person, of any person or persons of which the reporting person is a subsidiary.

(c) A person filing a Report of Production shall be charged with and shall include in its Report of Production, in addition to the requirements of (b) above, but not in duplication thereof, its proportionate share of the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by every person: 1) which has an interest in the reporting person, and 2) in which the reporting person has an interest, whether said interest referred to in section 3302.3–3 (c) (1) and (2), is by virtue of ownership of securities or other evidence of ownership, or by participation in any contract, agreement, or understanding respecting the control of any person or of any person's production of crude oil, natural gas, or liquefied petroleum products, equal to said interest.

§ 3302.3–4 Bids disqualified.

The following bids for any oil and gas lease will be disqualified and unaccepted in their entirety:

(a) a bid submitted by two or more persons who are on the effective List of Disqualified Joint Bidders, or

(b) a bid submitted by two or more persons when one or more of such persons has not filed the required Report of Production pursuant to sections 3302.3–2 and 3302.3–3 for the applicable six month bidding period; or

(c) a solo or joint bid submitted pursuant to an agreement, whether written, oral, formal or informal, entered into or arranged prior to or simultaneously with the submission of such solo or joint bid, or prior to or simultaneously with the award of the bid upon tract, which agreement provides (1) for the assignment, transfer, sale, or other conveyance of less than a 100 percent interest in the entire bid upon tract by a person or persons on the List of Disqualified Joint Bidders, effective on the date of submission of the bid, to another person or persons on the same List of Disqualified Joint Bidders; or (2) for the assignment, sale, transfer or other conveyance of less than a 100 percent interest in any fractional interest in the entire tract, (which fractional interest was originally acquired by the person making the assignment, sale, transfer, or other conveyance, under the provisions of the Outer Continental Shelf Lands Act) by a person or persons on the List of Disqualified Joint Bidders, effective on the date of submission of the bid, to another person or persons on the same List of Disqualified Joint Bidders, or (3) for the assignment, sale, transfer, or other conveyance of any interest in a tract by a person or persons not on the List of Disqualified Joint Bidders, effective on the date of submission of the bid, to two or more persons on the same List of Disqualified Bidders. Assignments expressly required by law, other existing regulation, lease, or stipulation to lease shall not disqualify an otherwise qualified bid; or

(d) a bid submitted by or in conjunction with a person who has filed a false or fraudulent or otherwise intentionally misrepresentation Report of Production.

4. Section 3302.4 is amended to add paragraphs (c) and (d) thereto as follows:

§ 3302.4 What must accompany bids.

* * * * *

(c) In addition to the above, every joint bid submitted for any oil and gas lease shall be accompanied by a sworn statement by each joint bidder stating that the bid is not disqualified under §§ 3302.3–4(c) or (d), and 3302.4(d).

(d) To verify the accuracy of the statements submitted pursuant to §§ 3302.3–2, 3302.3–3 and 3302.4(c) the Director may require the person submitting such information to permit the inspection and copying by an official of the Department of the Interior of such documents, records of production of crude oil, natural gas and liquefied petroleum products, analyses and other material as are necessary to demonstrate the accuracy of any statement or information upon which any statement was based and derived.

5. Section 3302.5 is amended to read as follows:

§ 3302.5 Award of leases.

Sealed bids received in response to the Notice of Lease Offer shall be opened at the place, date and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids will be accepted or rejected at that time. In accordance with section 8 of the Act, leases will be awarded only to the highest qualified responsible bidder. The United States reserves the right and discretion to reject any and all bids received for any tract, regardless of the amount offered. Awards of leases will be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution. In the event the highest bids are tie bids, tie bidders, unless they would be disqualified under section 3300.1, or disqualified under section 3302.3–4 had their bids been a joint bid, may file with the Director within 15 days after notification an agreement to accept the lease jointly; otherwise all bids will be rejected. If the officer fails to accept the highest bid for a lease within 30 days after the date on which the bids are opened, all bids for such lease will be considered rejected. Notice of his action will be transmitted promptly to the several bidders. If the lease is awarded, three copies of the lease will be sent to the successful bidder and he will be required not later than the 15th day after his receipt thereof, or the 30th day after the date of the sale, whichever is later, to execute them, pay the first year's rental, the balance of the bonus bid, and file a bond as required in § 3304.1. Deposits on rejected bids will be returned. If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the act. If before the lease is executed on behalf of the United States the land is withdrawn or restricted from leasing, all payments made by the bidder will be refunded. If the awarded lease is executed by an agent acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the agent to execute the lease. When the three copies of the lease are executed by the successful bidder and returned to the authorized officer, the lease will be executed on behalf of the United States, and one fully executed copy will be mailed to the successful bidder.

Subpart 3305—Assignments or Transfers

6. Section 3305.1 is amended as follows:

§ 3305.1 Assignment of leases or interests therein.

Leases, or any undivided interest therein, may be assigned in whole, or as to any officially designated subdivision, subject to the approval of the authorized officer, to any one qualified under section 3300.1 to take and hold a lease. An assignment pursuant to any pre-lease agreement described in section 3302.3–4

XUM V40136 FEB 21 75 XUM

(c) of Subpart 3302 will not qualify for approval. Any assignment made under this section shall, upon approval, be deemed to be effective on and after the first day of the lease month following its filing in the appropriate office of the Bureau of Land Management, unless at the request of the parties an earlier date is specified in the Director's approval. The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

7. Section 3305.2 is amended to add paragraph (e) as follows:

§ 3305.2 Requirements for filing of transfers.

. . . . . .

(e) Where the assignment or transfer is of the entire lease or fractional interest in a lease acquired by a joint bid, the assignor or transferor must file a copy, prior to approval of the assignment, of all joint bidding agreements applicable to the acquisition of said lease or fractional interest therein.

Dated: February 14, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-4713 Filed 2-20-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[24 CFR Part 115]

[Docket No. R-75-152]

CALIFORNIA

Recognition of Substantially Equivalent Fair Housing Laws

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice to the State of California and all interested persons and organizations that the Department was in the process of evaluating the California fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of California, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the California Fair Employment Practice Commission.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4799 Filed 2-20-75;8:45 am]

[24 CFR Part 115]

[Docket No. R-75-152]

INDIANA

Recognition of Substantially Equivalent Fair Housing Laws; Extension of Comment Period

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice, to the State of Indiana and all interested persons and organizations, that the Department was in the process of evaluating the Indiana fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Indiana, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the Indiana Civil Rights Commission.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4805 Filed 2-20-75;8:45 am]

[24 CFR Part 115]

[Docket No. R-75-152]

OHIO

Recognition of Substantially Equivalent Fair Housing Laws; Extension of Comment Period

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice, to the State of Ohio and all interested persons and organizations, that the Department was in the process of evaluating the Ohio fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Ohio, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the Ohio Civil Rights Commission.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4806 Filed 2-20-75;8:45 am]

[24 CFR Part 115]

[Docket No. R-75-152]

WISCONSIN

Recognition of Substantially Equivalent Fair Housing Laws; Extension of Comment Period

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice, to the State of Wisconsin and all interested persons and organizations, that the Department was in the process of evaluating the Wisconsin fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Wisconsin, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the Wisconsin Department of Industry, Labor and Human Relations, Equal Rights Division.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4807 Filed 2-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 75-SW-1]

AIRWORTHINESS DIRECTIVES

Mooney Model M20 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Mooney Model M20 series airplanes. There have been cracks and failures of the engine mounts reported on Mooney Model M20 series airplanes that could possibly result in loss of the engine. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspection of the engine mounts for cracks and replacement of cracked mounts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 24, 1975 will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, at the office of the Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MOONEY. Applies to Mooney Models M20, M20A, M20B, M20C, M20D, M20E, M20F, and M20G airplanes with 200 or more hours' time in service.

Compliance required within the next 25 hours' time in service after the effective date of this AD or before the accumulation of 225 hours' time in service, whichever occurs later, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

a. To detect cracked engine mount members, visually inspect the entire tubular mount.

b. If cracks are found, replace the engine mount before further flight with an engine mount of the same part number or later FAA approved revision or with an equivalent mount approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Fort Worth, Texas.

c. Repetitive inspections are required on new engine mounts.

Issued in Fort Worth, Texas, on February 10, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-4687 Filed 2-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Sidney, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before March 24, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The NDB RWY 19 and NDB RWY 1 approach procedures to Sidney-Richland, Mont. Airport have been revised. The NDB RWY 28 approach procedure has been cancelled. Other minor refinements to the procedures have been made. It is necessary to change controlled airspace accordingly to protect aircraft conducting these revised procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

§ 71.181 [Amended]

In § 71.181 (40 FR 441) the description of the Sidney, Mont. transition area is amended to read:

XUM V 40 136 FEB 21 75 XUM

SIDNEY, MONTANA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); within 9.5 miles east and 4.5 miles west of the 356° bearing from the Sidney NDB (latitude 47°42'45" N., longitude 104°10'56" W.) extending from the 9-mile radius area to 18.5 miles north of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the 215° bearing from the Sidney NDB extending from the 9-mile radius area to 18.5 miles southwest of the NDB.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on February 19, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-4691 Filed 2-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-AL-2]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a control zone and transition area at Umiat, Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

All communications received on or before March 24, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

Increased air activity in the Umiat area has necessitated the installation of a nondirectional radio beacon to provide navigational coverage for Instrument Flight Rule (IFR) operations.

The proposed control zone and transition area would be designated to provide controlled airspace protection for Instrument Flight Rule (IFR) traffic using the Umiat airport. The proposed configuration conforms to the minimum requirement for controlled airspace protection for standard instrument procedures as specified in the U.S. Standard for Terminal Instrument Procedures (TERPs) which criteria are premised on safety.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.171 [Amended]

1. In § 71.171 (40 FR 354) the Umiat, Alaska, control zone is designated to read:

UMIAT, ALASKA

Within a 5-mile radius of the Umiat airport, latitude 69°22'17" N, longitude 152°08'00" W; within 3 miles each side of the 079° bearing from the Umiat RBN extending from the 5-mile radius zone to 8 miles east of the RBN; and within 3 miles each side of the 259° bearing from the Umiat RBN extending from the 5-mile radius zone to 8 miles west of the RBN.

§ 71.181 [Amended]

2. In § 71.181 (40 FR 441) the Umiat, Alaska, transition area is designated to read:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Umiat airport (latitude 69°22'17" N, longitude 152°08'00" W).

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and section 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Anchorage, Alaska, on February 10, 1975.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.75-4692 Filed 2-20-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 87, 89, 91, 93 & 95]

[Docket No. 20351; FCC 75-145]

SAFETY AND SPECIAL RADIO SERVICES

Station Transmissions; Automatic Identification System

1. The Commission hereby gives Notice of Proposed Rule Making looking toward adoption of rules requiring transmitters used by stations licensed in the Safety and Special Radio Services to be fitted with an automatic transmitter identification system (ATIS).

2. The Commission by statute is charged with developing the efficient use of the radio spectrum. In practical terms, the goal is to provide rules which promote the orderly use of radio facilities and the radio frequency spectrum by the maximum number of persons. In order to accomplish that goal, the Commission has promulgated various rules with which licensees must comply in order to assure efficient use of the spectrum. To assure compliance with these rules, and, more importantly, to identify violators and improper activities, the Commission has consistently found it necessary to require identification of every transmission made from a transmitting station.

3. The Commission's rules now require the transmitter operator to identify every transmission generally at least at the end of each transmission. The Commission, however, recognizes the fact that proper station identification is not always accomplished by the operator. Whether he does not know how he must identify, he forgets, or deliberately fails to identify the end result is a difficult procedure to locate the station should it be operated for any reason improperly. It is important to recognize that the problem of proper identification is not confined to any one service. While the Citizens Radio Service enforcement activities are severely aggravated by the lack of identification, Commission enforcement personnel are very much aware that in almost every Safety and Special Radio Service there is virtually no identification of the transmitting station.

4. Within recent years, the electronic industries have developed inexpensive but reliable devices which automatically identify a transmitting station. Not only do these devices assure the correct identification of every transmission but will also increase spectrum efficiency when the need for voice identification can be eliminated. (See paragraph 8 below).

5. To alleviate this enforcement difficulty and to bring our technical rules up to the existing level of the state of the art, we are proposing that each transmitter used under Parts 81, 83, 87, 89, 91, 93 and 95 which operates between 25 MHz and 960 MHz and produced after (one year following adoption of final rules) be fitted with an automatic transmitter identification device. This proposal is prospective only; it will not affect existing transmitters.

6. The actual ATIS system proposed is set forth in the attached Appendix. Our proposed rules will regulate the output of the ATIS device, e.g., the system must use the American Standard Code for Information Interchange (ASCII) and the tone must be transmitted at a particular rate and at a particular modulation level; they will not regulate the actual means by which that output is achieved. In the Citizens Radio Service we have proposed additional requirements designed to insure that the ATIS device is properly installed and operating and will not be tampered with once put into service.

7. We welcome comments from the electronics industry and affected licensees on any aspect that will improve this system of automatic identification. We specifically request comments and supporting data on the following:

A. Whether the proposed system will significantly affect the quality of ongoing communications.

B. Overall economic impact of the ATIS program including a cost analysis of the proposed system as installed in transmitters.

C. Whether a code other than ASCII should be adopted.

D. Whether the proposed ATIS will be compatible with present and future designs on selective calling, coded squelch, control of repeaters, or other non-voice control functions.

E. Whether it will be feasible to substitute the proposed ATIS for the Morse Code system adopted in Docket 18262.

F. Whether any types of transmitters should be exempt from utilizing the ATIS system, e.g., operational fixed stations operating on frequencies above 952 MHz for multi-channel use, Developmental stations, repeater stations. Detailed reasons and supporting technical or economic data should be included with any recommendation for exemption.

G. Whether another system of automatic identification should be adopted. Consideration should be given to a subaudible system. Any recommendation for another system should include data on the foregoing queries; and should also include recommended technical standards to implement such systems.

8. We are not proposing to eliminate the voice identification requirements now in effect. Such a proposal would for the present be premature. Since our ATIS proposal most likely cannot be decoded without reasonably sophisticated receiving equipment, elimination of voice identification would be in violation of the International Radio Regulations. More importantly, in the radio services where international communications frequently, or may reasonably be expected to take place, the lack of voice identification may be a safety hazard until ATIS decoding devices are in common use. It may be expected that the Commission will support a proposal to amend the International Radio Regulations regarding the use of ATIS and modifying the requirements for voice identification.

9. Authority for the proposed rule amendments herein is contained in § 4(i), 302 and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before May 19, 1975, and reply comments on or before June 2, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

11. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

12. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street, NW).

Adopted: February 5, 1975.

Released: February 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.983, paragraph (h) is added to read as follows:

§ 2.983 Application for type acceptance.

* * * * *

(h) For equipment including the ATIS function, a complete description of the system and installation details of the ATIS identifier shall be submitted.

2. In § 2.989, paragraph (i) is added to read as follows:

§ 2.989 Measurement required: Occupied bandwidth.

* * * * *

(i) Transmitters employing an ATIS identifier when operating at required keying speed and modulation percentage.

3. In § 2.995, paragraph (f) is added to read as follows:

§ 2.995 Measurements required: Frequency stability.

* * * * *

(f) The frequency stability of the ATIS identifier tone frequency shall be measured in accordance with paragraph (a), (b) and (c) above.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 87—AVIATION SERVICES

PART 89—PUBLIC SAFETY RADIO SERVICE

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

4. Parts 81, 83, 87, 89, 91, and 93 are to be amended to add the following sections:

§ --.--- Automatic transmitter identification.

(a) A transmission system the purpose of which is to automatically identify the transmissions of particular stations.

(b) The system is alphanumeric and provides for the transmission of the station call sign, binary coded in the American Standard Code for Information Inter-change (ASCII), which is transmitted automatically at the beginning and end of each transmission, or at intervals of approximately thirty seconds in the case of longer transmissions, at a rate of 100 bauds.

§ --.--- Applicability.

The requirements of this Subpart are applicable to transmitters which are placed in service or manufactured after (one year after final rules are adopted) for operation in the (name of service) service on frequencies in the bands between 25 and 960 MHz.

§ --.--- ATIS identifiers.

(a) The ATIS identifier shall be the station call sign preceded by "SYN" and shall be followed by "I".

(b) The ATIS identifier shall be included in each transmitter subject to this Subpart.

§ --.--- Supplementary information for type acceptance.

After (after adoption of final rules) an application for type acceptance of each type of transmitter fitted with ATIS, as required by this Subpart, shall include that information required by §§ 2.983(h), 2.989(i) and 2.995(f) of the Commission's Rules.

§ --.--- Transmission of identification.

(a) The ATIS identifier shall be automatically transmitted at the beginning and conclusion of each transmission and, in the case where a transmission is of more than thirty seconds duration, once each thirty seconds, ±10 seconds.

(b) The binary (ATIS) information shall be applied to the carrier as modulation by audio frequency shift keying (AFSK) of 85 Hz above and below of the center frequency of 1200 Hz. The information "O" (low) and "1" (high) shall be applied in such a manner the "O" is the lower frequency and "1" is the higher frequency.

(c) The ATIS identifier shall be transmitted at a modulation level of 50%, ±10%.

(d) The ATIS identifier shall be transmitted at a rate of 100 bauds.

(e) The frequency of the tone oscillator shall not vary more than 85 ±1Hz from the center frequency of 1200 Hz.

§ --.--- ATIS as an integral part of the transmitter.

(a) The ATIS shall be incorporated into and made an integral part of each transmitter installed pursuant to this Subpart. The ATIS shall be installed in each transmitter by the manufacturer of the transmitter. The ATIS identifier shall be encoded by a person holding a first or second class commercial telephone operator's license or by the manufacturer.

(b) The timing, programming and encoding functions of the ATIS identifier shall be incorporated into the transmitter so as to prohibit adjustment, change or disabling of these functions once initially established in accordance with (a) above.

§ --.--- Technical standards applicable to ATIS identifiers.

The following technical standards shall be employed in formation of each of the characters of the ATIS identifier:

(a) Standard ATIS code. Each of the characters of the ATIS identifier shall be formed from the following code:

XUM V 40136 FEB 21 75 XUM

Bits b7 b6 b5 / b4 b3 b2 b1 / COLUMN / ROW	0_0 0	0_1 1	1_0 2	1_1 3	2_0 4	2_1 5	2_2 6
0 0 0 0 0				0		P	
0 0 0 1 1				1	A	Q	
0 0 1 0 2				2	B	R	
0 0 1 1 3				3	C	S	
0 1 0 0 4				4	D	T	
0 1 0 1 5				5	E	U	
0 1 1 0 6		SYN		6	F	V	
0 1 1 1 7				7	G	W	
1 0 0 0 8				8	H	X	
1 0 0 1 9				9	I	Y	i
1 0 1 0 10					J	Z	
1 0 1 1 11					K		
1 1 0 0 12					L		
1 1 0 1 13					M		
1 1 1 0 14					N		
1 1 1 1 15					O		

(b) Standard bit sequence. The bit sequence shall be least significant bit first to most significant bit, that is, in terms of the standard ATIS code b1 through b7 in ascending (consecutive) order.

(c) Standard character structure. The character structure shall consist of eight bits (seven bits plus one character parity bit) having equal time intervals. This requirement corresponds to the standard for a synchronous data communication system.

(d) Character parity. The character parity bit shall be transmitted and shall follow the most significant bit, b7, of the character to which it applies.

(e) Standard sense of character parity. The sense of character parity shall be odd over the eight bits, i.e., an odd number of "1" (marking) bits per character.

PART 95—CITIZENS RADIO SERVICES

5. Part 95 is amended to add the following:

§ ------ Automatic transmitter identification.

(a) A transmission system the purpose of which is to automatically identify the transmission of particular stations.

(b) The system is alphanumeric and provides for the transmission of the station call sign, binary coded in the American Standard Code for Information Inter-change (ASCII), which is transmitted automatically at the beginning and end of each transmission, or at intervals of approximately thirty seconds in the case of longer transmissions, at a rate of 100 bauds.

§ ------ Applicability.

The requirements of this Subpart are applicable to transmitters which are placed in service after (one year after final rules are adopted) for operation in the Citizens Radio Service on frequencies in the bands between 26.960 and 27.540 MHz.

§ ------ ATIS identifiers.

(a) The ATIS identifier shall be the station call sign preceded by "SYN" and shall be followed by "i" except as provided in subparagraph (c) of this section.

(b) The ATIS identifier shall be included in each transmitter subject to this subpart.

(c) At the point of manufacture each transmitter capable of operating between 26.960 MHz and 27.540 MHz shall be equipped with an ATIS identifier which shall be the serial number of the transmitter. After issuance of a station license, the station licensee shall have a first or second class commercial radio telephone licensee or the manufacturer encode the station call sign into the ATIS device.

§ ------ Supplementary information for type acceptance.

After (after adoption of final rules) an application for type acceptance of each type of transmitter fitted with ATIS, as required by this Subpart, shall include that information required by Section 2.983(h), 2.989(i) and 2.995(b) of the Commission's Rules.

§ ------ Transmission of identification.

(a) The ATIS identifier shall be automatically transmitted at the beginning and conclusion of each transmission and, in the case where a transmission is of more than thirty seconds duration, once each thirty seconds, ±10 seconds.

(b) The binary (ATIS) information shall be applied to the carrier as modulation by audio frequency shift keying (AFSK) of 85 Hz above and below of the center frequency of 1200 Hz. The information "O" (low) and "1" (high) shall be applied in such a manner the "O" is the lower frequency and "1" is the higher frequency.

(c) The ATIS identifier shall be transmitted at a modulation level of 50%, ±10%.

(d) The ATIS identifier shall be transmitted at a rate of 100 bauds.

(e) The frequency of the tone oscillator shall not vary more than 85 ±1Hz from the center frequency of 1200 Hz.

§ ------ ATIS as an integral part of the transmitter.

(a) The ATIS shall be incorporated into and made an intergral part of each transmitter installed pursuant to this Subpart. The ATIS shall be installed in each transmitter by the manufacturer of the transmitter in the case of a Class D station and shall be designed in such a manner that the transmitter will not function unless an encoded ATIS device is installed and operating.

(b) The timing, programming and encoding functions of the ATIS shall be incorporated into the transmitter so as to prohibit adjustment, change disabling of these functions once initially established in accordance with (a) above.

§ ------ Technical standards applicable to ATIS identifiers.

The following technical standards shall be employed in formation of each of the characters of the ATIS identifier:

(a) Standard ATIS code. Each of the characters of the ATIS identifier shall be formed from the following code:

Bits b7 b6 b5 / b4 b3 b2 b1 / COLUMN / ROW	0_0 0	0_1 1	1_0 2	1_1 3	2_0 4	2_1 5	2_2 6
0 0 0 0 0				0		P	
0 0 0 1 1				1	A	Q	
0 0 1 0 2				2	B	R	
0 0 1 1 3				3	C	S	
0 1 0 0 4				4	D	T	
0 1 0 1 5				5	E	U	
0 1 1 0 6		SYN		6	F	V	
0 1 1 1 7				7	G	W	
1 0 0 0 8				8	H	X	
1 0 0 1 9				9	I	Y	i
1 0 1 0 10					J	Z	
1 0 1 1 11					K		
1 1 0 0 12					L		
1 1 0 1 13					M		
1 1 1 0 14					N		
1 1 1 1 15					O		

(b) Standard bit sequence. The bit sequence shall be least significant bit first to most significant bit, that is, in terms of the standard ATIS code b1 through b7 in ascending (consecutive order).

(c) Standard character structure. The character structure shall consist of eight bits (seven bits plus one character parity bit) having equal time intervals. This requirement corresponds to the standard for a synchronous data communication system.

(d) Character parity. The character parity bit shall be transmitted and shall follow the most significant bit, b7, of the character to which it applies.

(e) Standard sense of character parity. The sense of character parity shall be odd over the eight bits, i.e., an odd number of "1" (marking) bits per character.

§ ------ Responsibility of licensee.

The station licensee shall be responsible for all transmissions which occur with the transmission of an ATIS identifier assigned to such licensee.

[FR Doc.75-4601 Filed 2-20-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 75-118]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Interest Rate Adjustments

Correction

In FR Doc. 75-4177 appearing at page 6870 in the issue for Friday, February 14, 1975, make the following changes:

1. On page 6871, in the third paragraph of the middle column, in the 4th line, the word "dates" should read "rates".

2. On page 6871, in the 4th paragraph of the middle column, in the 9th line, the word "st" should read "set".

3. On page 6873, amendatory paragraph 1. should be changed to read as follows: "Section 541.14 is amended by revising paragraphs (a), (b), (c)(4), redesignating (c)(5) and (c)(6) as (c)(6) and (c)(7), and by adding a new (c)(5) as follows. Paragraph (c)(4) is carried here for purposes of clarity."

4. In § 545.6-2 (c)(2)(v), between the 3rd line which begins "this section***" and the 4th line which begins "rate on such***" insert the following: "rate decreases, the contract interest".

5. In § 545.6-2 (c)(2)(x)(A)(4), the word now reading "effcted" should be changed to read "effected".

6. In § 545.6-2 (c)(2)(x)(A)(8), the word now reading "prpaid" should be changed to read "prepaid".

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. RM74-20]

FILING OF RATE SCHEDULES

Proposed Revisions Under the Federal Power Act

FEBRUARY 14, 1975.

1. Pursuant to 5 U.S.C. 553 and Sections 205, 206, 304, and 309 of the Federal Power Act (49 Stat. 851, 852, 855, 856, 858, 859; 16 U.S.C. 824d, 824e, 825e, 825h), the Commission hereby gives notice that it is proposing to amend its Regulations under the Federal Power Act to require the submission of rate design information by public utilities as a part of their filings of initial rate schedules under § 35.12 of the Regulations and their filings of rate schedule changes under § 35.13. The proposed revisions would become effective 30 days following their promulgation.

2. The revised regulations herein are to be submitted for the proposal contained in the Commission's notice of proposed rulemaking, dated April 26, 1974.

3. As the Commission noted in its Notice of Proposed Rulemaking, and as several parties have indicated in their written comments, a prime consideration for the evaluation of proposed and existing rate structures is the cost of service. The revised regulations proposed herein elicit certain cost information and data to enable a more thorough evaluation of the form and substance of those rate structures under the jurisdiction of this Commission. The proposed regulations, as revised, would require to be submitted as part of an initial rate schedule filing a summary cost analysis together with a complete explanation of the method used in arriving at the cost of service allocated to the sales and services for which the rate or charge is proposed and the data underlying such allocation. For rate increases, a summary cost analysis to justify cost based rate designs and to justify the blocking of energy or demand charges would be required.

4. As originally noticed we proposed identical language to amend §§ 35.12(b)(5-8) and 35.13(b)(5-8). This renotice proposes instead to revise § 35.12 by amending only § 35.12(b)(5) with new language and to delete the existing Statement P under § 35.13(b)(4)(iii) and substituting therefore a new Statement P under that Section which will incorporate generally with modification the language originally proposed to be included in §§ 35.12(b)(5-8) and 35.13(b)(5-8).

5. To effect these changes, the following is proposed:

Sections 35.12 and 35.13 of the Commission's Regulations are proposed to be amended as follows:

A new § 35.12(b)(5) will be added immediately following § 35.12(b)(4), to read as follows:

§ 35.12 Filing of initial rate schedules.

* * * * * *

(b) * * *

(5) In support of the design of the proposed rate, the filing public utility shall submit the same material required to be furnished pursuant to § 35.13(b)(4)(iii) Statement P. In addition, the public utility shall also submit a summary cost analysis, together with a complete explanation as to the method used in arriving at the cost of service allocated to the sales and service for which the rate or charge is proposed, and showing the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(a) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show the cost of service related to such special facilities.

(b) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the

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proposed rate schedule and the Kwh delivered from the filing public utility's supply system.

(c) Computations showing the demand responsibility of the service, and explaining the considerations upon which such responsibility was determined (e.g., coincident or non-coincident peak demands, etc.).

Delete existing Statement P under § 35.13(b)(4)(iii) and substitute therefor the following:

§ 35.13 Filing of changes in rate schedules.

• • • • • •

(b) • • •
(4) • • •

Statement P—In support of the design of the proposed rate, the filing public utility shall submit the following material:

(1) A narrative statement describing and justifying the objectives of the design by the proffered rate. If the purpose of the rate design is to reflect costs, the narrative should state how that objective is achieved, and should be accompanied by a summary cost analysis that would justify the rate design. If the rate design is not intended to reflect costs (whether fully distributed, incremental or other) a statement should be furnished justifying the departure from cost-based rates.

(2) Where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the cost allocation determinants supporting such charges, an explanation shall be submitted setting forth the economic or other considerations which warrant such departure. The information should include, but need not be limited to, the following:

(a) For rate schedules so structured, where the individual rates for the demand, energy, and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for the differences.

(b) For rate schedules so structured, where the rates being charged contain more than one demand or energy block, a detailed explanation shall be submitted indicating the rationale for the blocking and the considerations upon which such blocking is based, together with adequate cost support for the specific blocking.

6. Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than March 3, 1975, any views, comments, or suggestions in writing concerning all or part of the proposed revisions set forth herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters proposed herein. An original and 14 conformed copies of any comments shall be filed on the Secretary of the Commission. Submittals to the Commission shall indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal shall be addressed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

By direction of the Commission.

[FR Doc.75-4744 Filed 2-20-75;8:45 am]

RENEGOTIATION BOARD

[32 CFR Part 1480]

AVAILABILITY OF RECORDS

Implementation Regulations

The Renegotiation Board is considering amendments to its regulations on control and availability of records, 32 CFR Part 1480, to ensure effective implementation of the recent Freedom of Information Act amendments ((5 U.S.C. 552), as amended by Pub. L. 93-502, November 21, 1974).

The Board's proposed changes include a provision which would make available any reasonably segregable portion of a document otherwise exempt.

The proposed changes provide that copies of a current index of Board documents made available for public inspection pursuant to 32 CFR 1480.4 and 1480.5 shall be provided upon request at a cost not to exceed the direct cost of duplication. The Board has determined that publication of such an index on a quarterly or other basis is unnecessary and impracticable.

The Board's present regulations state that a request must be for an "identifiable" record. The proposed changes eliminate that requirement; records requested to be disclosed under the proposed regulations shall be "reasonably described." Thus each request ought to describe the record to the extent possible, including the subject matter of the record, its approximate date, and the names or titles of the persons by whom it was prepared or to whom it was addressed.

The proposed changes outline the procedures for requesting documents and for appealing from initial denials. In addition, the proposals outline Board procedures for acting on requests and set time limits for Board action. Basically an initial determination must be made within ten days after receipt of a request for records and a subsequent determination, if necessary, must be made within twenty days after receipt of an appeal from an initial denial of a request. Where unusual circumstances exist, either of these time limits may be extended by not more than ten days in the aggregate.

The proposed changes also include the preparation and substance of an annual report on the Freedom of Information Act activities of the Board which shall be submitted to the Congress.

The Board's proposed changes eliminate charges for monitoring inspections by a requester, eliminate charges for time spent in deleting exempt material and revise charges for search and duplication to reflect direct costs only in accordance with section 1(b)(2) of Pub. L. 93-502, 88 Stat. 1561.

In order to protect the public from incurring unexpected costs, the proposed rules provide that where fees in excess of $25 are anticipated, and the requester has not indicated his willingness to accept these costs, the request will not be deemed received until the requester is notified of the anticipated costs and agrees to bear them. Such notification will be given as quickly as possible, and in any event a notification giving the best estimate then available shall be transmitted within 5 working days.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should be submitted in triplicate to the Office of General Counsel, Renegotiation Board, Washington, D.C. 20446. All communications received on or before March 17, 1975 will be considered before final action is taken on the amendments. No public hearing will be held. The proposal contained in this notice may be changed in light of comments received.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 2000 M Street NW., Washington, D.C.

Dated: February 18, 1975.

REX M. MATTINGLY,
Acting Chairman.

PART 1480—AVAILABILITY AND CONTROL OF RECORDS

1. In § 1480.2, paragraph (a) and (d) are revised to read as follows:

§ 1480.2 Statutory provisions and Executive Orders.

(a) *Freedom of information.* The regulations in this part implement the provisions of section 552 of title 5, United States Code (section 3 of the Administrative Procedure Act as amended by Pub. L. No. 90-21, approved June 5, 1967 (81 Stat. 54) and by Pub. L. 93-502, approved November 21, 1974 (88 Stat. 1561)).

• • • • • •

(d) *Classified information.* Records of the Board are subject to the restrictions on disclosure of classified information as provided in Executive Order 11652, dated March 8, 1972 (37 FR 5209, March 10, 1972).

• • • • • •

§ 1480.3 [Amended]

2. Section 1480.3 is amended by deleting "10501" following the words Executive Order and inserting "11652" therein.

3. In § 1480.5 paragraph (b) is added and paragraph (d) is amended by adding two sentences to read as set forth below:

§ 1480.5 Public inspection of records; index.

• • • • • •

(b) *Records containing both available and unavailable information.*—Any reasonably segregable portion of a record otherwise exempt from disclosure requirements under 5 U.S.C. § 552 shall be made available unless such portion is readily available from another source and the other source is made known to the person desiring the record. A reasonably segregable portion of a record is such portion that is not inextricably intertwined with facts that are exempt under 1480.9 or with policymaking processes.

• • • • • •

(d) • • • Publication of such index or indexes has been determined by the Board to be unnecessary and impracticable. Upon request, the Board shall provide copies of its index or indexes at a cost not to exceed the direct cost of duplication.

• • • • • •

4. Section 1480.6 is revised to read as follows:

§ 1480.6 Production of reasonably described records.

(a) *In general.* (1) Subject to the exemption provisions of § 1480.9, upon request made as provided in § 1480.7 the Board will make available for inspection and copying any record not published or made available for public inspection and copying pursuant to the provisions of § 1480.4 or § 1480.5.

(2) A document is "reasonably described" when the request specifies the title or subject matter of the record, the approximate date of the record sought to be made available, and the names or titles of the persons by whom it was prepared or to whom it was addressed.

(3) This part applies only to records or categories of records which exist at the time the request for the information is made. The Board is not required to compile or procure a record solely for the purpose of making it available under this part.

(b) *Referrals to other agencies.* (1) When the Board receives a request to make available a record which is the exclusive concern of another agency of the Government (see § 1451.23 of this subchapter), the Board will refer the request to such other agency and will notify the person making the request of such referral. This paragraph specifically includes all requests for records containing classified information (see § 1480.2 (d) and § 1480.9(a)(1) of this part).

(2) When the Board receives a request to make aavilable a record which is of concern to more than one agency of the Government, the Board will retain and act upon the request if the Board is one of the agencies concerned and if its interest in the record is paramount; otherwise, the Board will refer the request to the agency having the paramount interest and will notify the person making the request of such referral (see § 1480.7).

5. Section 1480.7 is revised to read as follows:

§ 1480.7 Procedure for obtaining access to records; time limits; responsibility.

(a) *In general.* (1) Each person desiring access to a reasonably described record pursuant to §§ 1480.4, 1480.5, or 1480.6 must submit a written request for the record; such request must indicate that it is being made pursuant to the Freedom of Information Act and the envelope in which the request is sent must be prominently marked with the letters "FOIA." If a copy of a particular record is desired instead of an inspection thereof, the written request shall so state.

(2) All requests, including requests for documents located at regional boards, must be addressed to the Public Information Officer, Renegotiation Board, Washington, D.C. 20446.

(b) *Receipt of requests.* If the requirements of paragraph (a) of this section are not met, the ten-day time limit described in paragraph (c) of this section will not begin to run until the request has been received by the Public Information Office.

(c) *Initial determination.* An initial determination as to whether to release a record requested pursuant to § 1480.6 shall be made within ten days (excepting Saturdays, Sundays, and legal public holidays) after the request is received in accordance with paragraphs (a) and (b) of this section except that this time limit may be extended by up to ten working days in accordance with paragraph (e) of this section. The person making the request will be notified promptly of such determination. If such determination is to release the requested record, such record shall be made promptly available. If such determination is not to release the record in whole or in part, the person making the request shall, at the same time he is notified of such determination, be notified of (a) the reason for the determination; and (b) the right of such person to appeal the determination within the Board.

(d) *Appeal procedures.* (1) Any person who has been given an initial determination in accordance with paragraph (c) of this section that a requested record will not be disclosed, may appeal to the Board for a reconsideration of the determination.

(2) Each such application for reconsideration shall be made by letter addressed to and filed with the Office of General Counsel, Renegotiation Board, Washington, D.C. 20446, within twenty days after the date of the initial determination. Such application for reconsideration shall include all information and arguments relied upon by the person making the application and shall indicate that it is an appeal by the person making the application and shall indicate that it is an appeal from a denial of a request made under the Freedom of Information Act. The envelope in which the application is sent shall be prominently marked with the letters "FOIA." If these requirements are not met, the twenty-day time limit in subparagraph (3) below will not begin to run until the application has been identified as an appeal under the Freedom of Information Act and has been received by the Office of General Counsel.

(3) A determination with respect to any appeal made pursuant to this paragraph will be made within twenty days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such appeal except that this time limit may be extended by up to ten working days in accordance with paragraph (e).

(4) The decision by the General Counsel as to the availability of the record is administratively final. The decision by the General Counsel not to disclose a record under this part is considered to be a withholding by the Board for the purposes of section 552(a)(3) of title 5, United States Code.

(e) *Extensions of time.* (1) In unusual circumstances as specified in this paragraph, the time limits prescribed in either §§ 1480.7(c) or 1480.7(d)(3) may be extended by not more than ten days in the aggregate. In such a case written notice to the person making the request is required setting forth the reasons for such extension and the date on which a determination is expected to be dispatched.

(2) As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (iii) the need for consultation which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(f) *Responsibility.* The authority to administer this part is delegated to the Director, Office of Administration with respect to initial determinations and to the General Counsel with respect to appeals therefrom, or in the absence of either officer, to his deputy.

6. In § 1480.9 paragraphs (a)(1) and (a)(7) are revised to read as follows:

§ 1480.9 Exemptions.

(a) • • •

(1) Records specifically authorized under criteria established by Executive Order 11652, dated March 8, 1972, as amended (37 FR 5209, March 10, 1972),

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to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to Executive Order 11652 (see § 1480.2(d) and § 1480.6 (b)(1)).

. . . . . .

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings (ii) deprive a person of a right to a fair trial or an impartial adjudication (iii) constitute an unwarranted invasion of personal privacy (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source (v) disclose investigative techniques and procedures or (vi) endanger the life or physical safety of law enforcement personnel.

7. Section 1480.12 is revised to read as follows:

§ 1480.12 Copies of records; fees or charges.

(a) Upon request, the Board will furnish a copy or copies of any record made available pursuant to this part, except records published in the FEDERAL REGISTER and offered for sale by the Superintendent of Documents, Government Printing Office (see § 1480.4).

(b) *Fees.* The following specific fees shall be applicable with respect to services rendered to members of the public under this part:

(1) The charge for duplication or photocopy will be fifteen (15) cents per page.

(2) The charge for search of Renegotiation Board records by clerical personnel will be at the rate of $5.00 per hour.

(3) The charge for search of Renegotiation Board records by professional personnel will be at the rate of $9.00 per hour.

(4) The charge for authentication of each record as a true copy will be $2.50.

(5) Computer costs shall be assessed in accordance with actual costs incurred by the Board. A computer cost estimate shall be furnished to the requester at the time the request is granted, if the cost estimate exceeds $25.00.

(c) *Other charges.* When a response to a request requires services or materials other than the common ones described in paragraphs (b)(1) through (b)(5) of this section, the direct cost of such services or materials may be charged, but only if the requester has been notified of such cost before it is incurred.

(d) *Records located elsewhere than at Board headquarters.* If records requested under this part are stored elsewhere than the headquarters of the Renegotiation Board at 2000 M Street, NW, Washington, D.C., the actual costs of transportation of people or records as is required to process the request at headquarters will be added to the search costs.

(e) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will be not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requester the opportunity to confer with Board personnel with the object of reformulating the request so as to meet his needs at lower cost.

(f) *Advance deposit.* (1) Where the anticipated fee chargeable under this section exceeds $25, an advance deposit of 25 percent of the anticipated fee or $25, whichever is greater, may be required.

(2) Where a requester has previously failed to pay a fee under this section, an advance deposit of the full amount of the anticipated fee may be required. In such cases, a request will not be deemed to be received until receipt of full payment.

(g) *Individual inspection and copying.* Persons may inspect and copy records by their own means in the principal office of the Board without charge except for any search charges payable pursuant to this section.

(h) *Remittance of fees.* Remittances shall be made payable to the order of the Renegotiation Board and mailed to the Renegotiation Board, Attention: Director, Office of Administration, Washington, D.C. 20446. The Board will assume no responsibility for cash which is lost in the mail.

(i) *Waiver of fee.* The Board shall waive any fee or charges prescribed in this part in any instance in which the Board, in its discretion, determines such waiver to primarily benefit the general public. There shall be no charge for the making or authentication of copies of records required for use by other agencies of the Government.

8. Part 1480 is revised by adding a new § 1480.13 to read as follows:

§ 1480.13 Freedom of information report.

(a) On or before March 1 of each calendar year, the Board shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate. The report shall include the following:

(1) The number of determinations made by the Board not to comply with requests for records made under § 1480.7 (c) and the reasons for each such determination.

(2) The number of appeals made pursuant to § 1480.7(d), the result of such appeals, and the reasons for the action upon each appeal that results in a denial of information.

(3) The names and titles or positions of each person responsible for denial of records and the number of instances of participation of each.

(4) The results of each proceeding conducted pursuant to subsection (a)(4)(F) of 5 U.S.C. section 552, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.'

(5) A copy of every rule made by the Board regarding 5 U.S.C. section 552.

(6) A copy of the fee schedule and the total amount of fees collected by the Board for making records available.

(7) The cost of administering the Freedom of Information Act.

(8) Such other information as indicates effort to administer fully the Freedom of Information Act.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

[FR Doc.75-4796 Filed 2-18-75;3:45 pm]

TENNESSEE VALLEY AUTHORITY

[18 CFR Ch. II]

FEES FOR SEARCH AND DULPICATION OF RECORDS

Notice of Proposed Rulemaking

The Tennessee Valley Authority (TVA) is considering amendments to its regulations concerning fees for the search and duplication of TVA records requested pursuant to the Freedom of Information Act, 5 U.S.C. section 552.

The current fee regulations concerning records search and duplication are found in § 301.1(e) of Part 301 of Title 18 of the Code of Federal Regulations, and provide for the recovery of the direct or incremental cost to TVA for searching, compiling, copying, transporting, or otherwise preparing or furnishing the records. Recent amendments to the Freedom of Information Act provide for publication of uniform fee schedules limited to reasonable standard charges to recover the direct costs of search and duplication. The proposed regulation so provides.

At this time, charges for files search and duplication are proposed to be made only for clerical time involved, and no charge is proposed for supervisory time. If it develops that significant amounts of supervisory time are being required in the search and duplication process, the regulations may be amended to provide for charges therefor.

TVA also publishes and sells to the public at nominal cost various materials concerning its activities and other matters within its statutory responsibilities, and also provides for the sale of other materials, such as maps prepared by other agencies, at prices prescribed by such agencies. Such services are not performed under the Freedom of Information Act. For the convenience of the public, reference to the availability of such publications and materials is contained in the first sentence of § 301.1(e). The providing of such services is not affected by the proposed rulemaking.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Director of Information, Tennessee Valley Authority, Knoxville, Tennessee 37902. All communications received on or before February 28, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated. The proposal contained in this notice may be changed in light of the comments received.

Comments received will be available for examination in the Director of Information's Office, Room 333, New Sprankle Building, 500 Union Avenue, Knoxville, Tennessee 37902.

This revision is proposed under the authority of 16 U.S.C. §§ 831–831dd and Pub. L. 93–502.

Dated: February 14, 1975.

LYNN SEEBER,
General Manager.

PART 301—PROCEDURES

Part 301 of Title 18 is amended by adding the following new section.

§ 301.2 Schedule of fees.

(a) *Basis.* Except as otherwise provided in subsection (c) of this section, TVA records which are available for public inspection under § 301.1 are made available upon payment of uniform fees which will approximately cover the direct costs to TVA of searching for, compiling, transporting, and copying the records.

(b) *Fees.* The following fees are applicable:

(1) *Time charges.* For time spent searching files, compiling requested material from files, and making any requested copies the charge is $4.15 per hour.

(2) *Duplication charges.* For reproduction of requested material which consists of sheets no larger than 8½ by 14 inches, the charge is ten cents per page. For reproduction of other materials, the charge is the direct cost of photostat or other means necessarily used for duplication.

(3) *Other charges.* Where a response to a request requires services or materials (including personnel) other than the common ones described in paragraphs (1) and (2) of this section, the charge is the direct cost of such services and materials to TVA, but only if the requester has been notified of such cost before it is incurred, or if the request contains a statement that all costs are acceptable.

(c) *Waiver or reduction of fees.* (1) No time charge is made with respect to any request for records requiring less than four (4) hours' time for searching and reproducing documents.

(2) If it is determined by TVA that all material requested is exempt from disclosure under § 301.1 of this part, and TVA accordingly declines to furnish all such material, no fees shall be charged. TVA may waive or reduce fees otherwise chargeable under this section upon its determination that waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

[FR Doc.75-4830 Filed 2-20-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 5]

PAYROLL REPORTING REQUIREMENTS FOR TRUCK OWNER-OPERATORS

Labor Standards Concerning Contracts for Federally Financed and Assisted Construction

The Department of Labor on September 13, 1961, announced that the labor standards provisions of the Davis-Bacon and Related Acts would not be applied to bona fide truck owner-operators who are independent contractors until it could devise a practicable way to report wage rates for such bona fide owner-operators. Contractors performing work subject to the Davis-Bacon and Related Acts were not required to report on their payrolls more than the operator's name and the words "owner-operator."

It has come to the attention of the Department of Labor that the predetermined prevailing rates for truck drivers have not in all cases been paid to individuals, under the guise that they were bona fide independent contractors for whom the payroll information requirements had been waived.

The Secretary of Labor, in a letter of July 10, 1974, announced that the policy enunciated by the Department's 1961 letter would be rescinded, and made clear that in the future the wage rates for truck owner-operators would be treated for wage determination and enforcement purposes under the applicable stautes no differently from any other classifications of laborers and mechanics subject to the Davis-Bacon and Related Acts to insure labor standards protections provided by the statutes.

This Department considers it essential to amend its regulations to make clear what will be required of the agencies and of contractors and subcontractors affected, if uniformity is to be achieved as contemplated by Reorganization Plan No. 14 of 1950.

The purpose of this proposal, therefore, is to present for comment payroll reporting requirements with respect to truck owner-operators. Because of the practical problems of reporting wage rates and hours worked for those individuals who are bona fide independent contractors, it is proposed that payroll reporting requirements will continue to be waived for such individuals. However, the proposed regulation sets forth factors which would be considered in determining whether a truck owner-operator is in fact an independent contractor. This proposal would be effective as to new contracts entered into 120 days after its final publication. It shall have no effect on existing contracts or on contracts for which bids have already been opened or negotiations concluded within 120 days after its final publication.

To assure that any final implementing regulations will take into account the practical problems which may be encountered by procurement agencies and contractors, and will be drafted with the benefit of the experience of affected agencies and organizations representing construction laborers and mechanics and construction contractors, the Department solicits detailed comments and suggestions so that it may best preserve their interests and at the same time protect the interests of laborers and mechanics affected.

Interested persons should submit comments on or before April 7, 1975, to the Administrator, Wage and Hour Division, 14th and Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, it is proposed to add a new § 5.16 to Part 5 of Title 29 of the Code of Federal Regulations as follows:

§ 5.16 Payroll reporting requirements for truck owner-operators.

All truck owner-operators working on the site are laborers and mechanics subject to the Davis-Bacon and Related Acts. However, because of practical considerations where such owner-operators are in fact bona fide independent contractors, the payroll reporting requirements contained in § 5.5(a)(3) above are modified for such independent owner-operators as follows: With respect to truck owner-operators who are bona fide independent contractors, contractors and subcontractors shall include on their payrolls the name of the truck owner-operator and the notation "truck owner-operator—independent contractor." No further information need be included on the payrolls. The contractor or subcontractor shall make available on request a copy of his contract with any truck owner-operator. However, the actual relationship rather than the relationship stated in the contract shall control where they differ. Factors which will be considered in determining whether an owner-operator is a bona fide independent contractor include, but are not necessarily limited to, the amount of investment by the owner-operator in facilities and equipment, and whether the contractor or subcontractor shares a financial interest with the owner-operator in the truck or incurs some or all of the truck's operating expenses; whether the services in question are an integral part of the business of the contractor or subcontractor; the nature and degree of control retained or exercised by the contractor or subcontractor over the owner-operator; the degree of independent initiative, judgment, and foresight in open-market competition with others required for success of the owner-operator's alleged independent operation; whether the owner-operator holds himself/herself out to the general public as being in business for himself/herself; and

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whether there are clear opportunities for profit and loss to the owner-operator.

Signed at Washington, D.C., this 14th day of February 1975.

BETTY SOUTHARD MURPHY,
Administrator,
Wage and Hour Division.

[FR Doc.75-4759 Filed 2-20-75;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1952]

CONNECTICUT PLAN SUPPLEMENTS

Proposed Approval

1. Background. Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, a notice was published in the FEDERAL REGISTER of the approval of the Connecticut plan and of the adoption of Subpart X of Part 1952 containing the decision (39 FR 1012). On September 16, 1974, the State of Connecticut submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953). The supplements consist of the Governor's Executive Order Number Twenty-Seven and revision of Connecticut's Target Industries Program.

2. Issues. The Governor's Executive Order Number Twenty-Seven is in response to the State commitment under the requirements of 29 CFR 1952.303(e) of the State's developmental schedule to establish a State agency safety program which covers employees of State departments and agencies. The Executive Order outlines a comprehensive safety and health program applicable to State employees and places various safety and health responsibilities upon the head of each State agency and department. Accordingly, this directive implements the Connecticut Occupational Safety and Health Act wherein public employees, both State and municipal, are already protected by the same standards, inspections, citations, discrimination procedures, recordkeeping and all remaining features of the Connecticut Act, as employees in the private sector, by that Act's definition of "employer" (Connecticut General Statutes, Chapter 571, Public Act 73-379 as amended by Public Act 74-137, sec. 31-367(d)) which term includes "the State and any political subdivision thereof".

Additionally, based upon a survey which covers the first full year of recordkeeping under the Federal Act, Connecticut has revised its Target Industries Program to focus attention on those industries in Connecticut with high rates of job-related injuries. These include; concrete work, roofing and sheet metal work, lumber and wood products, iron and steel industries and concrete products. The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) has reviewed the supplements and hereby gives notice that their approval is in issue before him.

3. Location of the supplements for inspection and copying. A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 18 Oliver Street, Fifth Floor, Boston, Massachusetts 02110; and Department of Labor, 200 Folly Brook Blvd., Wethersfield, Connecticut 06109.

4. Public participation. Interested persons are hereby given until March 24, 1975, in which to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements, by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this approval and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart X of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C., this 18th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-4758 Filed 2-20-75;8:45 am]

[29 CFR Part 1910]

[Docket No. OSHA-37]

HEARING ON PROPOSED INORGANIC ARSENIC STANDARD

Change of Location

On January 21, 1975, a notice of proposed rulemaking on inorganic arsenic was published in the FEDERAL REGISTER, (40 FR 3392). The notice stated in Part VII, *Public Participation*, page 3399, column 1, that an informal public hearing will be held at the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., beginning on April 8, 1975, at 9:30 a.m. E.D.T.

The location for this hearing has been changed to the Department of Commerce Auditorium, 14th Street and Constitution Avenue, NW., Washington, D.C. The hearing date and time remain unchanged.

Written data, views, and arguments concerning the proposal may be mailed to the Docket Officer, Docket OSH-37, Occupational Safety and Health Administration, Room 260, 1726 M Street, NW., Washington, D.C. 20210. Such data, views, and arguments will be available for public inspection and copying at the above address.

Persons desiring to appear at the hearing must file a notice of intention to appear on or before March 17, 1975, with Ms. N. Hucke, OSHA Committee Management Office, Docket OSH-37, 1726 M Street NW., Room 200, U.S. Department of Labor, Washington, D.C. 20210 (Phone: 202/961-2248 or 2487). The notice must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which he will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific provisions of the proposal that will be addressed;

(5) A brief statement of the position that will be taken with respect to each provision addressed; and

(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

Any questions concerning the hearing or the change in location should be directed to N. Hucke, OSHA Committee Management Office.

Signed at Washington, D.C. this 12th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-4757 Filed 2-20-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

TREASURY DEPARTMENT

OFFICE OF FOREIGN ASSETS CONTROL

Statement of Organization; Amendments

The Statement of Organization of the Office of Foreign Assets Control required to be published pursuant to 5 U.S.C. 552 (a)(1)(A), is being amended to reflect changes since its last publication. As amended, the Statement reads:

Office of Foreign Assets Control Statement of Organization

The Office of Foreign Assets Control is established under Treasury Department Order No. 128 of December 14, 1950, as amended. The Office of Foreign Assets Control is headed by a Director who reports to the Assistant Secretary (Enforcement, Operations and Tariff Affairs).

The Office administers controls over the assets in the United States of, and financial transactions by, North Korea, North Viet-Nam, Cuba, and their nationals for the purpose of preventing transactions which would be inimical to the interests of the United States. Similar controls which applied to the People's Republic of China have been removed under general licenses authorizing all transactions except with respect to Chinese property in the United States which was blocked as of May 6, 1971. Controls are also administered over the assets remaining blocked under World War II controls of Czechoslovakia, East Germany, Estonia, Latvia, Lithuania, and their nationals, and with respect to certain scheduled securities. In addition, the Office administers the Transactions Control Regulations which prohibit persons in the United States from engaging in certain transactions involving the shipment of certain strategic merchandise from foreign countries to Russia or other Communist countries unless licensed. A general license authorizes such transactions from certain countries upon specified conditions.

The above controls are administered through a system of licenses, rulings and other documents (see 31 CFR Ch. V) pursuant to powers of the President under section 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder. The Director of the Office of Foreign Assets Control has been delegated power to exercise and perform all authority, duties and functions which the Secretary of the Treasury is authorized or required to exercise or perform under sections 3 and 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder.

The Office also administers import and financial controls with respect to Rhodesia (see 31 CFR Part 530) pursuant to Executive Orders Nos. 11322 and 11419 of 1967 and 1968 respectively, which implement United Nations Resolutions calling for an embargo against Rhodesia.

The Office of Foreign Assets Control is represented in the field by the Federal Reserve Bank of New York. Authority to take final licensing action on certain applications for specific licenses authorizing certain types of transactions prohibited by the Regulations, is delegated to the Foreign Assets Control Division, Federal Reserve Bank of New York, subject to policies and procedures prescribed by the Office of Foreign Assets Control.

The public may in general secure any information or make submittals, requests, or petitions with respect to any Foreign Assets Control matters by communicating through correspondence or by telephone or by coming in person or sending a representative either to the central office in Washington or to the Federal Reserve Bank of New York.

Correspondence with the central office should be directed to the Office of Foreign Assets Control, United States Treasury Department, Washington, D.C. 20220. Personal inquiries to the central office should be made to the Office of Foreign Assets Control, 1331 G St., NW., Washington, D.C. All correspondence or inquiries to the Federal Reserve Bank of New York should be addressed as follows: Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.75-4856 Filed 2-20-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that the DIA Scientific Advisory Committee Panel Meeting which was previously scheduled for Friday, 7 March 1975 as announced in the Federal Register on 10 February 1975 has been rescheduled and will be held at the Pentagon on Friday, 14 March 1975.

The entire meeting commencing at 0830 hours is devoted to the discussion of classified information as defined in section (b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to conduct a study of specialized intelligence data requirements and U.S. ability to meet these requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 18, 1975.

[FR Doc.75-4751 Filed 2-20-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON SPECIFICATIONS AND STANDARDS IMPROVEMENT

Notice of Cancellation of Advisory Committee Meeting

The DOD Committee Management Officer has determined that the notice of meeting published in the FEDERAL REGISTER on 10 February 1975 was not timely and in accordance with provisions of Public Law 92-463. Consequently, the meeting of the Defense Science Board Task Force on Specifications and Standards Improvements scheduled for 21-22 February is cancelled.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 18, 1975.

[FR Doc.75-4750 Filed 2-20-75;8:45 am]

DEFENSE SCIENCE BOARD ON EXPORT OF U.S. TECHNOLOGY

Advisory Committee Meeting

A special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 13 March 1975 in the Pentagon, Washington, D.C. The subcommittee meeting on this date will be concerned with Instrumentation.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

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In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92–463 are concerned.

Dated: February 18, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75–4794 Filed 2–20–75;8:45 am]

DEFENSE SCIENCE BOARD ON "EXPORT OF U.S. TECHNOLOGY: IMPLICATIONS TO U.S. DEFENSE"

Advisory Committee Meeting

The jet engine subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 18 March 1975 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. Defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92–463 are concerned.

Dated: February 18, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75–4795 Filed 2–20–75;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES V. NORRIS INDUSTRIES

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Central District of California in Civil Action No. 73–1036, United States of America v. Norris Industries, Inc. The complaint in this case alleges that the acquisition of Pressed Steel Tank Company by Norris Industries substantially lessened competition in the markets for various types of high pressure cylinders and shells. The proposed judgment requires Norris to divest certain assets which it acquired in the merger and enjoins it from acquiring any company for ten years engaged in the manufacture of these cylinders and shells. Public comment is invited on or before April 22, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Hugh Morrison, Chief, Special Trial Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: February 18, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

ATTORNEYS FOR THE PLAINTIFF

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UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA

[Civil Action No. 73–1036 WPG]

UNITED STATES OF AMERICA, PLAINTIFF, V. NORRIS INDUSTRIES, INC., DEFENDANT

Stipulation. It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

Dated: February 18, 1975.

For Plaintiff:

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BADDIA J. RASHID,
ROBERT J. LUDWIG,
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RONALD J. SILVERMAN,
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UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

[Civil Action No. 73–1036 WPG]

UNITED STATES OF AMERICA, Plaintiff
v.
NORRIS INDUSTRIES, INC., Defendant

Final Judgment. Plaintiff, United States of America, having filed its complaint herein on May 9, 1973, and its amended complaint herein on June 25, 1974, and defendant Norris Industries having appeared by its attorneys and having filed its answers to said complaint and amended complaint, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue or fact or law herein, and upon the consent of the parties hereto, it is hereby, *ordered, adjudged, and decreed:*

I.

This Court has jurisdiction of the subject matter herein and of the parties hereto. The complaint states a claim upon which relief may be granted under section 7 of the Act of Congress of October 15, 1914, as amended, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," commonly known as the Clayton Act. Entry of this Judgment is in the public interest.

II.

As used in this Final Judgment:

(A) "Norris" means defendant Norris Industries, Inc.;

(B) "PST" means Pressed Steel Tank Company, Inc., and any person owned or controlled directly or indirectly by Norris that in connection with the divestiture of PST Plant 1 succeeds to the business or assets of PST other than PST Plant 1;

(C) "PST Plant 1" means all real and personal property (except for accounts receivable on conditional sales contracts and leases), business, manufacturing and shipping facilities and operations of PST located at 1445 South 66th Street, Milwaukee, Wisconsin, and related to the manufacture and sale of the products there manufactured; all technical data owned or controlled by PST relating to the manufacture and sale of any product manufactured by PST Plant 1 on the date of completion of the divestiture ordered by subsection (A), section IV of this Final Judgment; and the names Pressed Steel Tank Company, Inc., PST and all other trade names and trademarks owned or controlled by PST on the date of completion of the divestiture ordered by section IV(A) of this Final Judgment, except any such names that (a) do not relate to the sale of any product manufactured by PST Plant 1 on the date of completion of such divestiture, and (b) have not been utilized by PST in the sale of high pressure compressed gas cylinders more than ninety (90) days prior to the expiration of plaintiff's right to object to a proposed plan

for such divestiture or the Court's consent to such a proposed plan pursuant to section IV(C) of this Final Judgment;

(D) "Person" means any individual, corporation, partnership, association, firm or other legal entity;

(E) "High-pressure compressed gas cylinders" means seamless, one-piece compressed gas cylinders made according to Department of Transportation standards which hold compressed and liquefiable gases at service pressures of 900 pounds per square inch ("p.s.i."), and above and includes carbon dioxide cylinders, round bottom cylinders, and industrial cylinders;

(F) "Industrial cylinders" means high-pressure compressed gas cylinders, excluding round-bottom cylinders, made for service pressures of 2000 p.s.i. and above and with capacities of 650 cubic inches to 4100 cubic inches;

(G) "Carbon dioxide cylinders" means high-pressure compressed gas cylinders made to hold carbon dioxide at a service pressure of 1800 p.s.i. and with capacities of 2400 cubic inches or less;

(H) "Round-bottom cylinders" means high-pressure compressed gas cylinders with rounded or ellipsoidal bottoms, made for service pressures of 1800 p.s.i. and above and with capacities of less than 1600 cubic inches;

(I) "Acetylene cylinder shells" means empty cylindrical metal containers or their components which are used in making acetylene cylinders;

(J) "Acetylene cylinders" means acetylene cylinder shells containing a porous filler and acetone;

(K) "Accumulator shells" means pressure vessels used in making high-pressure bladder type accumulators (those with operating pressures of 1000 p.s.i. and above);

(L) "Technical data" means all written know-how, technology, production manuals, drawings, patents and patent applications of PST; and

(M) "PST technical data" means all know-how, technology, drawings, patents and patent applications of PST relating to the manufacture of industrial cylinders by PST other than at Plant 1 on the effective date of this Final Judgment existing in writing on that date, and one or more production manuals describing the equipment and processes used by PST in such manufacture on that date.

III.

The provisions of this Final Judgment applicable to Norris shall apply also to each of its subsidiaries, successors and assigns, and their officers, directors, agents and employees and to those persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall not apply to any person who acquires any of the assets divested pursuant to such Final Judgment.

IV.

(A) Norris is ordered and directed to divest all of its interest, direct and indirect, in either

(1) PST Plant 1 within eighteen months from the date of entry of this Final Judgment; or

(2) PST within three years from the date of entry of this Final Judgment.

Said divestiture shall not be made by means of an exchange offer or distribution to Norris shareholders.

(B) The divestiture ordered by this Final Judgment shall be of a single viable, going business, and Norris shall not take any action, including but not limited to the disposition of any assets of PST, which would impair or impede such viability or Norris' ability to accomplish such divestiture.

(C) Norris shall submit in writing to plaintiff the complete details of any proposed divestiture plan intended to implement the provisions of subsection (A) of this Section IV. Plaintiff shall have thirty (30) days from the date of first receipt of a proposed divestiture plan in which to request additional information from Norris, which shall have ten (10) days from the receipt of such request to advise plaintiff the extent to which such information is unavailable and twenty (20) days to furnish in writing such information to the extent it is available. Plaintiff shall have thirty (30) days following the date of receipt of the requested additional information, or following the date of receipt of a written statement from Norris that such information is not available, in which to object in writing to the proposed divestiture plan. If plaintiff objects to the proposed divestiture plan, it shall not be consummated unless plaintiff withdraws its objection the Court gives its consent to the plan. If no request is made for additional information, plaintiff shall advise defendant in writing no later than thirty (30) days after the receipt of the proposed divestiture plan whether it has any objections to the proposed divestiture plan.

(D) The time periods set forth in subsection (A) of this Section IV shall be tolled from the date plaintiff first receives in writing from Norris the details of any divestiture plan up to and including the date Norris receives written notification of plaintiff's final decision on such divestiture proposal.

(E) Nothing in this Final Judgment shall prohibit Norris from accepting and enforcing a *bona fide* lien, mortgage or other form of security interest, whether by agreement or judgment, on the assets to be divested pursuant to this Final Judgment, to secure full payment of the price at which such assets are sold.

(F) Should Norris reacquire any of the assets divested pursuant to this Final Judgment, Norris is ordered to divest such reacquired assets in accordance with the provisions of this Final Judgment within one (1) year from the date of such reacquisition.

(G) Defendant shall promptly take steps to advise prospective purchasers of the availability of the assets required to be divested by this Final Judgment, and shall furnish to all *bona fide* prospective purchasers on an equal and non-discriminatory basis all necessary information, including business records, regarding the assets to be divested and shall permit such prospective purchasers to make such inspection as may reasonably be necessary for such purpose, provided that defendant may schedule any such inspection in such a manner as not unduly to interfere with its business operations.

V.

If the divestiture required by this Final Judgment has not been completed within three (3) years from the date of entry of this Final Judgment plus any additional time provided for in subsection (D) of Section IV, the Court, upon application by plaintiff, shall appoint a trustee, who shall have full authority to manage and to dispose of PST after opportunity of the parties to be heard. The costs and expenses of such trustee required to accomplish divestiture are to be at the expense of Norris.

VI.

(A) In the event PST Plant 1 is divested pursuant to this Final Judgment, the purchaser thereof may, at any time within six (6) months from the completion of the divestiture, request PST technical data from Norris, and Norris shall as promptly as possible supply such technical data at a cost not exceeding the cost of reproducing such data to the extent it already exists in writing, and at a cost not exceeding the cost of preparing such data to the extent it does not already exist in writing. Norris shall, for a period of thirty (30) months following the completion of such divestiture, at the purchaser's request clarify or explain such PST technical data or make reasonable efforts to supplement such PST technical data with additional technical data of PST (whether or not existing in writing on the effective date of this Final Judgment), at a cost not exceeding the cost of such clarifying, explaining or supplementing, to the end of attempting to assist the purchaser to manufacture the industrial cylinders manufactured by PST other than at Plant 1 on the effective date of this Final Judgment, provided that nothing herein shall make Norris a guarantor of the purchaser's ability to manufacture such industrial cylinders by use of such technical data or otherwise.

(B) In the event PST Plant 1 is divested pursuant to this Final Judgment, Norris may retain non-exclusive, royalty-free, licenses with the unrestricted right to sublicense, under any patent or patent applications of PST relating to the manufacture of any product produced by PST other than at PST Plant 1 on the date of completion of divestiture of PST Plant 1, together with copies of, and an unrestricted proprietary interest in, all technical data relating to the manufacture of such products.

VII.

No officer, director, agent or employee of Norris shall at the same time be an officer, director or employee of the purchaser of any of the assets divested pursuant to this Final Judgment.

VIII.

Norris is enjoined and restrained, for a period of ten (10) years from the effective date of this Final Judgment from acquiring without the prior consent of the plaintiff any equity interest in or evidence of indebtedness (other than indebtedness arising from the sale of goods or services in the ordinary course of business) of any company engaged in the manufacture of high pressure compressed gas cylinders, acetylene cylinders, acetylene cylinder shells or accumulator shells or any of the capital assets of any such company that are or have been used in the manufacture of any such products.

IX.

Beginning six (6) months after the date of entry of this Final Judgment, and continuing every six (6) months until the divestiture ordered by this Final Judgment has been completed or until the appointment of a trustee pursuant to this Final Judgment, Norris shall furnish a written report to plaintiff setting forth the steps it has taken to accomplish the divestiture required by said Final Judgment.

X.

For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege:

(A) Any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Norris, made to its principal office, be permitted (1) access during the regular office hours of Norris, to inspect and copy

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any and all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Norris, relating to any of the subject matter contained in this Final Judgment, and (2) subject to the reasonable convenience of Norris, and without restraint or interference from it, to interview officers or employees of Norris, who may have counsel present, regarding such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, Norris shall submit such reports in writing with respect to the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

XI.

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

UNITED STATES DISTRICT JUDGE.

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

[Civil Action No. 73-1036 WPG]

UNITED STATES OF AMERICA, PLAINTIFF V. NORRIS INDUSTRIES, INC., DEFENDANT

Proposed Consent Decree

Competitive impact statement. Pursuant to section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

On May 7, 1973, the Department of Justice filed a civil antitrust suit alleging that the acquisition of Pressed Steel Tank Company, Inc. ("PST") by Norris Industries, Inc. ("Norris") violated section 7 of the Clayton Act. The original complaint alleged that the acquisition would eliminate competition generally, and between Norris and PST, in the production and sale of acetylene cylinders, acetylene cylinder shells, high-pressure compressed gas cylinders, carbon dioxide cylinders, round-bottom cylinders and industrial cylinders, and would increase concentration in these product markets. The amended complaint added "accumulator shells" as a line of commerce wherein competition was allegedly lessened by the acquisition.

Compressed gas cylinders are metal containers used to store and transport compressed and liquefiable gases such as oxygen, argon, nitrogen, carbon dioxide, acetylene and medical and refrigerant gases. High-pressure compressed gas cylinders hold gas at pressures about 900 p.s.i. There are three basic types of high-pressure compressed gas cylinders: carbon dioxide cylinders, round-bottom cylinders and industrial cylinders.

Acetylene cylinders, an additional cylinder mentioned in the complaint, are sold to vendors of acetylene gas who fill the cylinders with gas. Acetylene gas, among other uses, is used as a heat source in devices which cut, remove and shape metal. Because of the explosive nature of acetylene gas, a special cylinder is required to contain it. An acetylene cylinder consists of an acetylene cylinder shell to which a porous filling and acetone solvent have been added.

High-pressure bladder type accumulators are used in fluid power systems to store hydraulic energy, absorb shock, compensate for changes in fluid pressure or volume, dispense fluids and for other purposes. Applications of these accumulators include use in hydraulic presses, on machine tools, in drilling operations and in pumping installations. High-pressure bladder type accumulators are composed of an accumulator shell into which a rubber bladder is inserted. Compressible gas is contained within the bladder, separated from the fluid in the system which usually operates at pressures of 1000 p.s.i. and above. As fluid is pumped into the accumulator the gas is compressed in the bladder, thus storing hydraulic energy in the accumulator.

At the time Norris acquired PST, Norris ranked fourth among the six producers of high-pressure compressed gas cylinders in the United States. It ranked third among the manufacturers of carbon dioxide cylinders, second among the manufacturers of round-bottom cylinders and fourth among he manufacturers of industrial cylinders. Norris was also the second largest of only two manufacturers of acetylene cylinder shells, and the third largest of only three sellers of acetylene cylinders in 1970. Norris was the second largest of six manufacturers of accumulator shells in 1970.

In 1970, when Norris acquired all of the shares of the capital stock of PST, PST ranked second among the six producers of high-pressure compressed gas cylinders in the United States. It ranked fourth among the manufacturers of carbon dioxide cylinders, first among the manufacturers of round-bottom cylinders and second among the manufacturers of industrial cylinders. At that time PST was the nation's largest manufacturer of acetylene cylinder shells and of accumulator shells.

Prior to the acquisition, Norris and PST engaged in substantial competition in the manufacture and sale of high-pressure compressed gas cylinders. In 1970 PST accounted for approximately 25.8 percent of total shipments of high-pressure compressed gas cylinders and Norris accounted for approximately 8.2 percent, for a combined total of 34 percent. At that time, Norris accounted for approximately 17.6 percent, and PST approximately 10.9 percent of total shipments of carbon dioxide cylinders, for a combined total of 28.5 percent. In the market for round-bottom cylinders Norris accounted for approximately 31.1 percent of total shipments and PST approximately 66.8 percent, for a combined total of 97.9 percent, and in the market for industrial cylinders, Norris accounted for approximately 1.4 percent and PST approximately 30.4 percent of total 1970 shipments. At the time of the acquisition Norris and PST were the only manufacturers of acetylene cylinder shells in the United States. In the market for accumulator shells in 1970, Norris accounted for approximately 34.4 percent of total shipments and PST accounted for approximately 47.5 percent.

In industrial cylinders, unlike the other products alleged in the complaint, the case primarily involved a lessening of potential competition. Norris had been unsuccessfully attempting to enter this highly concentrated market in which PST held a large market share. The complaint sought divestiture by Norris of all of the stock or assets of PST.

PST operates two manufacturing plants, both in Milwaukee, Wisconsin. Plant one, built in 1902, is used to manufacture all relevant product lines except industrial cylinders and accumulator shells. The plant has no room for expansion. Plant two is used to manufacture industrial cylinders, a product line in which Norris had no substantial production prior to the acquisition. A small dollar volume of accumulator shells was manufactured in plant one prior to 1969 and thereafter they were manufactured in plant two. Each plant uses different machinery and production processes and is therefore not equipped to produce cylinders made by the other plant.

The proposed consent decree provides a combination of measures to dispel the anticompetitive effects alleged by the complaint. First, Norris is required to divest either plant one, the larger of PST's two plants, within eighteen months, or all of PST including both plants within three years. Second, if Norris divests PST plant one, it will provide the purchaser of the plant with the technology and know-how involved in making industrial cylinders. Third, if the required divestiture has not been completed within three years, the Court, upon application of the United States, shall appoint a trustee to carry out the divestiture, at the expense of Norris. Fourth, Norris is enjoined for a period of ten years from acquiring, without the consent of the Justice Department, any company engaged in manufacturing any products covered by the complaint. These measures should serve to increase competition and reduce industry concentration.

As noted above, the prayer for relief in this case sought divestiture of all of the stock or assets acquired from PST. The proposed settlement would permit Norris to retain PST plant two, if it promptly sells plant one; otherwise, it must divest all of PST.

The alternative to the proposed consent decree considered by the Antitrust Division of the Department of Justice was a full trial on the merits in order to attempt to obtain complete divestiture by Norris of PST. The Antitrust Division determined that the additional relief which might be obtained at trial did not justify the commitment of manpower and additional delay in obtaining relief. Here competition could be promptly restored in those major lines of commerce where Norris and PST previously were direct competitors, and important technology and know-how in manufacturing industrial cylinders would be made available to the purchaser of plant one. This transfer of technology will enhance the position of a purchaser of plant one as a potential entrant into the industrial cylinder market. An important factor in this settlement was the relatively small dollar volume of sales here involved. In the year of the acquisition, PST had sales of industrial cylinders of less than $6 million.

Although PST moved production of accumulator shells from plant one to plant two in 1969, it later discontinued production of these shells some time after the acquisition. Since the acquisition, an additional firm has entered the industry and become a major supplier of these shells.

Many general considerations are involved in every enforcement decision. Here, for example, an appraisal of the time and effort that would be required for a trial on the merits was obviously a factor. Also, the proof of a potential competition case, such as is involved in industrial cylinders, is significantly more difficult than for a case involving existing competition. Moreover, Norris' past inability to successfully manufacture industrial cylinders compounded these problems and was a factor in gauging the likelihood of success on this part of the case.

In evaluating the relative benefits to competition of the relief here proposed and

that which might be obtained at trial were complete divestiture ordered, we ultimately must judge the relative effectiveness of two potential competitors. With this settlement, the purchaser of plant one would be a potential competitor in industrial cylinders. On the other hand, if divestiture of all of PST were ordered at trial, the divested company would be the actual competitor in industrial cylinders and Norris would return to its pre-acquisition status as a potential entrant. Norris had tried to enter this market, and not succeeded as of the date of the acquisition. The Antitrust Division evaluates Norris as a more likely entrant than a new owner of PST plant one, but the Division does not believe that this difference in competitive impact is sufficiently significant to justify the resource allocations and risks involved in trial. Of far greater competitive significance is the prompt restoration of PST as a competitor in those lines of commerce where it and Norris were direct and substantial competitors prior to the acquisition, which the proposed Judgment would achieve.

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent decree not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

The proposed Final Judgment is subject to a stipulation by and between the United States and the Defendant, which provides that the United States may withdraw its consent to the proposed Final Judgment until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed Judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the *Antitrust Procedures and Penalties Act*, any persons believing that the proposed Judgment should be modified may for a 60 day period submit written comments to the United States Department of Justice, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

No materials and documents of the type described in section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)) were considered in formulating this Proposed Judgment.

Dated: February 18, 1975.

FRANK N. BENTKOVER,
RONALD J. SILVERMAN,
Attorneys, Department of Justice.

[FR Doc.75-4761 Filed 2-20-75;8:45 am]

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix I) that the fifth meeting of the Federal Advisory Committee on False Identification will be held at 10:00 a.m., Thursday, March 13, 1975, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenues, NW., Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state and local levels and to recommend measures to prevent the criminal use of false identification and the obtaining of fraudulent identification documents.

At the fifth meeting the Committee's five Task Forces will continue to examine the scope of the false identification problem in the following areas: Government payments, commercial transactions, fugitives, Federal identification documents, and state and local identification documents. Each area will be reviewed with emphasis on: (1) the number of cases in which member agencies or organizations are victimized by false identification; (2) the dollar impact of using false identification; (3) social and other costs of the criminal use of false identification; (4) false identification techniques; and (5) user and victim profiles. The meeting, open to the public, will adjourn at approximately 3:30 p.m.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 402 Federal Triangle Building, 315 9th Street, NW., Washington, D.C. 20530; telephone: area code 202-739-2745. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 402, Federal Triangle Building.

JOHN C. KEENEY,
Acting Assistant Attorney General.

[FR Doc.75-4714 Filed 2-20-75;8:45 am]

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on January 17, 1975, G. D. Searle & Company, Searle Parkway and Niles Avenue, Skokie, Illinois 60076, made application to the Drug Enforcement Administration to be registered as an Importer of Diphenoxylate, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Diphenoxylate in bulk may, on or before March 24, 1974 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the applicaiton (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position of those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 12, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-4803 Filed 2-20-75;8:45 am]

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given as to the specific location of the meeting of the Law Enforcement/Private Security Relationship Study Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration. As previously announced, the meeting will take place on Friday, March 7, 1975. The specific location will be Room 2109, Hilton International Hotel at O'Hare International Airport, Chicago, Illinois. The meeting will begin at 9:30 AM.

Difficulties were encountered in scheduling this meeting and arranging for meeting facilities. To provide sufficiently advanced notice of this meeting, the initial notice had to be published without including the specific meeting location.

For further information, please contact: Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. (202) 386-3317.

GERALD YAMADA,
Attorney-Advisor
Office of General Counsel.

[FR Doc.75-4891 Filed 2-20-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

KODIAK, ALASKA

Nominations of Lands; Notice of Hearing

Notice is hereby given that pursuant to 43 U.S.C. 2653.7, a public hearing will be held on March 17, 1975, beginning at 1 p.m., in the Kodiak Borough Assembly Conference Room at Kodiak, Alaska, for the purpose of obtaining public comment on the nomination of lands near Kodiak by the Natives of Kodiak, Inc. under provisions of the Alaska Native Claims Settlement Act.

The hearing will be open to the public, and any interested person may make

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an oral statement or file a written statement. Requests to give oral statements should be made to the Bureau of Land Management representative at the public hearing, and written statements may be submitted by April 2, 1975, to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska, 99501.

Additional public hearings required under the aforementioned authority shall be scheduled in Juneau and Sitka, with locations and dates to be announced.

JENS C. JENSEN,
Acting State Director, Alaska.

[FR Doc.75-4710 Filed 2-20-75;8:45 am]

[Colorado 22344]

WESTERN SLOPE GAS CO.

Notice of Pipeline Application

FEBRUARY 12, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right of way for a four-inch natural gas gathering pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 S., R. 101 W.,
Sections 30 and 31.
T. 3 S., R. 102 W.,
Section 25, all in Rio Blanco County, Colorado

The pipeline will connect the Fuelco Rope Canyon 5-31C FED and 7-31C FED natural gas wells to applicant's West Douglas to Grand Junction Transmission Line. The purpose of the project is to enable applicant to meet the increasing demands for adequate supplies of natural gas in the Grand Junction, Colorado, market area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-4712 Filed 2-20-75;8:45 am]

[NM 24512]

NEW MEXICO

Notice of Application

FEBRUARY 14, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 6 inch natural gas pipeline and a 46.25 acre compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 32 E.
Sec. 5, SW¼NW¼, W½SW¼;
Sec. 6, S½NE¼, S½SE¼;
Sec. 8, W½W½;
Sec. 17, W½W½;
Sec. 20, W½NW¼.

This pipeline will convey natural gas across 4.08 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, 1717 West Second Street, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-4774 Filed 2-20-75;8:45 am]

[Int. Des. 75-]

OUTER CONTINENTAL SHELF OFFSHORE SOUTHERN CALIFORNIA

Availability of Draft Environmental Impact Statement; Public Hearing Regarding Possible Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 297 tracts of submerged lands on the Outer Continental Shelf offshore southern California.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main public libraries in various coastal cities in the sale area.

In accordance with 43 CFR 3301.4, a public hearing will be held in the Los Angeles area in May, 1975, for the purpose of receiving comments and suggestions relating to the possible lease sale. The exact location and dates of this hearing will be announced at a later date.

Review comments on the draft environmental statement will be accepted by the Department until May 23, 1975. These comments should be addressed to the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, at the above listed address.

After a public hearing is held and comments have been received and analyzed a final environmental statement will be prepared.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: February 3, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4930 Filed 2-20-75;8:45 am]

[Wyoming 49454]

WYOMING

Notice of Application

FEBRUARY 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 13 N., R. 92 W.,
Sec. 5, E½NE¼, SW¼NE¼, and W½SE¼;
Sec. 8, W½NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, E½NE¼, SW¼NE¼, E½SW¼, NW¼SE¼, and lot 8;
Sec. 19, lots 5, and 6.
T. 14 N., R. 92 W.,
Sec. 4, SW¼NW¼, and W½SW¼;
Sec. 5, lot 5, and SE¼NE¼;
Sec. 9, W½W½;
Sec. 16, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 21, NE¼NW¼, and W½W½;
Sec. 28, W½W½;
Sec. 29, E½SE¼;
Sec. 32, E½E½.
T. 15 N., R. 92 W.,
Sec. 6, lots 9, 10, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, SW¼NW¼, and W½SW¼;
Sec. 17, N½NW¼, SE¼NW¼, and E½SW¼;
Sec. 20, E½NW¼, SW¼NE¼, and W½SE¼;
Sec. 29, W½NE¼, N½SE¼, and SE¼SE¼;
Sec. 32, E½E½.
T. 16 N., R. 92 W.,
Sec. 30, lot 8;
Sec. 31, lots 5, 6, 7, and E½SW¼.
T. 12 N., R. 93 W.,
Sec. 3, lot 1, SE¼NE¼, and NE¼SE¼.
T. 13 N., R. 93 W.,
Sec. 24, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, N½NW¼, and SW¼NW¼;
Sec. 26, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, NE¼NW¼, S½NW¼, and W½SW¼.

T. 16 N., R. 93 W.,
Sec. 11, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, SE¼SW¼, and W½SE¼;
Sec. 15, N½NE¼;
Sec. 22, N½NE¼;
Sec. 23, N½N½, and SE¼NE¼;
Sec. 24, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 25, W½NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.

The pipeline will be a part of the Barrel Springs Gathering System in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-4711 Filed 2-20-75;8:45 am]

Office of the Secretary

[INT FES 75-33]

E-65 SYSTEM PROJECT IMPROVEMENTS, CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on a Pub. L. 984, Small Reclamation Projects Loan Application, by the Central Nebraska Public Power and Irrigation District, proposing a water supply project for the purpose of storing and furnishing supplemental irrigation water to water-deficient areas of E-65 project lands located in Gosper and Phelps Counties, Nebraska.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 Telephone (202) 343-4991

Director of Design and Construction, Attention: Code 203, Room 1010 E&R Center, Denver Federal Center Denver, Colorado 80225 Telephone (303) 234-2050

Office of the Regional Director, Bureau of Reclamation Lower Missouri Region Building 20, Denver Federal Center Denver, Colorado 80225 Telephone (303) 234-4441

Planning Officer, Nebraska Reclamation Office Bureau of Reclamation P.O. Box 1607 Grand Island, Nebraska 68801 Telephone (308) 382-3669

Single copies of the final statement may be obtained upon request to the Commissioner of Reclamation, the Regional Director, or the Planning Officer, Nebraska Reclamation Office. Please refer to the statement number above.

Dated: February 18, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4797 Filed 2-20-75;8:45 am]

[INT DES 75-7]

SAN FELIPE DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply project for the purpose of furnishing supplemental municipal and irrigation water supplies to water-deficient portions of Santa Clara and San Benito Counties, south of San Francisco Bay, California. The environmental statement concerns the effects of construction of tunnels and conduits with associated pumping plants and regulating reservoirs to deliver some 200,000 acre-feet of water per year (by the year 2020) from Central Valley Project supplies conveyed through and diverted from the Sacramento-San Joaquin Delta to areas of the two specified Counties. Written comments may be submitted to the Regional Director (address below) within 45 days of the date of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4792.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: February 19, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4868 Filed 2-20-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A146]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Howard Wapello

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall May 7-25 and June 3 and killing frost September 21 and 23, 1974, in Howard County; and excessive rainfal May 4 through June 21; drought July 6-30; abnormally cloudy, cool weather August 1 through September 20; hailstorm in Blakesburg area on August 13; and killing frost September 20 and October 2, 1974, in Wapello County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 14th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4812 Filed 2-20-75;8:45 am]

[Notice of Designation Number A145]

NORTH DAKOTA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in North Dakota:

LaMoure

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 1 to July 31 and hail, wind, and a tornado on August 19, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified

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borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 14th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4813 Filed 2-20-75;8:45 am]

[Notice of Designation Number A139]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Dakota:

Hand Potter

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 15 through November 8, 1974, in Hand County and April 1 through September 30, 1974, in Potter County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 14th day of February 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4814 Filed 2-20-75;8:45 am]

[Notice of Designation Number A143]

WYOMING

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Wyoming:

Crook Weston
Niobrara

The Secretary has found that this need exists as a result of a natural disaster consisting of drought January 1 to November 1, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of former Governor Stanley K. Hathaway that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 11, 1975, for physical losses and November 11, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 14th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4815 Filed 2-20-75;8:45 am]

Forest Service

LATOUCHE ISLAND TIMBER SALE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Latouche Island Timber Sale, Report Number USDA-FS-DES(Adm)R-10-75-02.

This environmental statement concerns a proposed timber sale involving the harvesting of 2.780 million board feet of timber.

This draft environmental statement was transmitted to the CEQ on February 11, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250.

U.S. Department of Agriculture
Forest Service—Alaska Region
Federal Building
Juneau, Alaska 99802

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage, Alaska 99503.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage, Alaska 99503. Comments must be received by April 14, 1975 in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester, Alaska Region.

FEBRUARY 11, 1975.

[FR Doc.75-4696 Filed 2-20-75;8:45 am]

ROGUE PLANNING UNIT, SISKIYOU NATIONAL FOREST, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Rogue Planning Unit, Siskiyou National Forest, Oregon. USDA-FS-DES-(Adm)-74-8.

The environmental statement concerns a proposed land use management plan for the Rogue Planning Unit, Siskiyou National Forest, in Coos and Curry Counties, Oregon. The proposed plan applies to a 27,000-acre roadless area.

This final environmental statement was transmitted to CEQ on February 12, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3231
12th Street and Independence Avenue, SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Siskiyou National Forest
1504 N.W. 6th Street
Grants Pass, Oregon 97526

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor William P. Ronayne, 1504 NW. 6th Street, Grants Pass, Oregon 97526.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

ROBERT R. TYRREL,
Director, Planning, Programing and Budgeting.

FEBRUARY 12, 1975.

[FR Doc.75-4697 Filed 2-20-75;8:45 am]

MANAGEMENT OF FAIRVIEW, PUDDIN ROCK AND CANTON-STEELHEAD ROADLESS AREAS UMPQUA NATIONAL FOREST, OREGON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the management of Fairview, Puddin Rock and Canton-Steelhead Roadless Areas, Umpqua National Forest, Oregon. USDA-FS-R-6-DES-(Adm)-75-09.

The environmental statement concerns a proposal for management direction of three roadless areas within the Umpqua National Forest, Douglas County, State of Oregon.

This draft environmental statement was transmitted to CEQ on February 14, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.
Umpqua National Forest, Federal Office Building, Roseburg, Oregon 97470.

A limited number of single copies are available upon request to Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470. Comments must be received by April 25, 1975, in order to be considered in the preparation of the final environmental statement.

KENT T. CHURCHILL,
Acting Forest Supervisor,
Umpqua National Forest.

FEBRUARY 14, 1975.

[FR Doc.75-4770 Filed 2-20-75;8:45 am]

SAN JUAN NATIONAL FOREST GRAZING ADVISORY BOARD; MONTEZUMA SECTION

Cancellation of Meeting

As reestablishment of the grazing board is still pending, the meeting of the Montezuma Section of the San Juan National Forest Grazing Advisory Board scheduled for February 12, 1975, was cancelled on January 20, 1975, and will not be held.

JOHN R. COOLEY,
Acting Forest Supervisor.

FEBRUARY 11, 1975.

[FR Doc.75-4771 Filed 2-20-75;8:45 am]

SAN JUAN NATIONAL FOREST GRAZING ADVISORY BOARD; SAN JUAN SECTION

Cancellation of Meeting

As reestablishment of the grazing board is still pending, the meeting of the San Juan Section of the San Juan National Forest Grazing Advisory Board scheduled for February 13, 1975, was cancelled on January 20, 1975, and will not be held.

JOHN R. COOLEY,
Acting Forest Supervisor.

FEBRUARY 11, 1975.

[FR Doc.75-4772 Filed 2-20-75;8:45 am]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from Colorado-Ute Electric Association, Inc., Box 1149, Montrose, Colorado 81401. The statement covers approximately 16.5 miles of new 115 kV transmission line from Basalt, Eagle County, Colorado, to Aspen, Pitkin County, Colorado; the upgrading of an existing parallel 69 kV line to 115 kV to provide loop service from Basalt to Aspen, Colorado; the installation of terminal facilities for both lines at the existing Basalt Substation and a 3.5 mile 115 kV tap line from the proposed Basalt to Aspen loop transmission system to a 115-24.9 kV substation in the Snowmass-at-Aspen area. It will also cover 42 miles of 115 kV transmission line from Bayfield, LaPlata County, Colorado to Pagosa, Archuleta County, Colorado; terminal facilities at the existing Bayfield Substation and a new 115-69 kV Pagosa Substation.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Final Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before March 24, 1975 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 11th day of February, 1975.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.75-4816 Filed 2-20-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

STATE COASTAL ZONE MANAGEMENT PROGRAMS

Necessity of Cooperation Between Federal and State Agencies in Development

The attention of Federal agencies is invited to the fact that certain provisions of the Coastal Zone Management Act of 1972 (86 Stat. 1280), hereafter the Act) require that, before the Secretary of Commerce (by delegation, the Administrator, National Oceanic and Atmospheric Administration, hereafter the Administrator) can approve a state's coastal zone management program, he must determine, among other things, that there has been:

the opportunity of full participation (in the development of a program) by relevant Federal agencies (section 306(c)(1):

and that;

the views of Federal agencies principally affected by such program have been adequately considered (section 307(b)).

The Administrator has determined that the Federal agencies listed below are "relevant" to any state coastal zone management program, and shortly will issue regulations which will require any state agency or other entity responsible

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for the development of a coastal zone management program to work with the appropriate office(s) of each of these Federal agencies in the development of its program.

Department of Agriculture
Department of Commerce
Council on Environmental Quality
Department of Defense
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Transportation
Environmental Protection Agency
Energy Research and Development Administration
Nuclear Regulatory Commission
Federal Energy Administration
Federal Power Commission
General Services Administration

However, it is possible that a given state program may involve the interests of one or more Federal agencies not listed. Therefore, in order to insure that no such agencies are overlooked in the development of any state program, there are listed below the coastal states (and their individual state agencies) which have received grants, as authorized by section 305 of the Act, for the purpose of developing coastal zone management programs. Should any Federal agency not appearing on the above list believe that its interests would be "relevant" to any of these developing state programs, or be "principally affected" by any of them, that Federal agency should so inform the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Attention: Office of Coastal Zone Management). Upon receipt of this information, the Administrator shall inform each state agency of the name and contact office of any Federal agency not listed above which has interests which are relevant to, or could be principally affected by, that state agency's coastal zone management program; and he shall instruct that state agency to work with such Federal agency in the development of the state program.

Alabama:
Alabama Development Office
State Office Building
Montgomery, Alabama 36104

Alaska:
Division of Marine and Coastal Zone Management
Department of Environmental Conservation
Pouch 0
Juneau, Alaska 99801

California:
California Coastal Zone Conservation Commission
1540 Market Street
San Francisco, California 94102

Connecticut:
Department of Environmental Protection
State Office Building
Hartford, Connecticut 06115

Delaware:
Executive Department
Delaware State Planning Office
Thomas Collins Building
Dover, Delaware 19901

Florida:
Coastal Coordinating Council
309 Office Plaza Drive
Tallahassee, Florida 32301

Georgia:
Georgia Office of Planning and Budget
Room 613
Trinity-Washington Building
Atlanta, Georgia 30334

Hawaii:
Department of Planning and Economic Development
P.O. Box 2359
Honolulu, Hawaii 96804

Illinois:
Illinois Department of Conservation
605 State Office Building
400 South Spring Street
Springfield, Illinois 62706

Louisiana:
Louisiana State Planning Office
P.O. Box 44425
Baton Rouge, Louisiana 70804

Maine:
State Planning Office
184 State Street
Augusta, Maine 04330

Maryland:
Maryland Department of Natural Resources
Water Resources Administration
Tawes State Office Building
Annapolis, Maryland 21401

Massachusetts:
Executive Office of Environmental Affairs
Commonwealth of Massachusetts
18 Tremont Street
Boston, Massachusetts 02108

Michigan:
Michigan Department of Natural Resources
Stevens T. Mason Building
Lansing, Michigan 48926

Minnesota:
State Planning Agency
Capitol Square Building
St. Paul, Minnesota 55101

Mississippi:
Mississippi Marine Resources Council
P.O. Box 497
Long Beach, Mississippi 39560

New Hampshire:
Office of Comprehensive Planning
State House Annex
Concord, New Hampshire 03301

New Jersey:
New Jersey Department of Environmental Protection
John Fitch Plaza
P.O. Box 1889
Trenton, New Jersey 08625

New York:
New York State Office of Planning Services
488 Broadway
Albany, New York 12207

North Carolina:
North Carolina Department of Natural and Economic Resources
116 West Jones Street
Raleigh, North Carolina 27611

Ohio:
Ohio Department of Natural Resources
Fountain Square, Building E
1952 Belcher Drive
Columbus, Ohio 43224

Oregon:
Department of Land Conservation and Development
240 Cottage Street, S.E.
Salem, Oregon 97310

Pennsylvania:
Department of Environmental Resources
P.O. Box 1467
Harrisburg, Pennsylvania 17120

Puerto Rico:
Department of Natural Resources
P.O. Box 5887
Puerta de Tierra
San Juan, Puerto Rico 00906

Rhode Island:
Rhode Island Department of Administration
Rhode Island State House—Room 118
Providence, Rhode Island 02903

South Carolina:
South Carolina Coastal Zone Planning and Management Council
P.O. Box 12559
Charleston, South Carolina 29412

Texas:
Texas General Land Office
1700 North Congress
Austin, Texas 78711

Virgin Islands:
Virgin Islands Planning Office
Office of the Governor
P.O. Box 2606
St. Thomas, Virgin Islands 00801

Virginia:
Virginia Division of State Planning and Community Affairs
Commerce and Resources Section
Office of Environmental Resources
1010 James Madison Building
109 Governor Street
Richmond, Virginia 23219

Washington:
Washington State Department of Ecology
Olympia, Washington 98504

Wisconsin:
Department of Administration
One West Wilson
Madison, Wisconsin 53711

The immediately foregoing list of states and state agencies includes all of the coastal states subject to the Act except Indiana and the territories of Guam and Samoa. The Administrator has received no application for a development grant from any of these. When he receives such an application, he shall publish a notice of receipt of such application in the FEDERAL REGISTER; and shall solicit an expression of interest in such application by Federal agencies not listed above.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-4638 Filed 2-20-75;8:45 am]

Office of the Secretary

[DOO 25-4B; Amdt. 3]

OFFICE OF MINORITY BUSINESS ENTERPRISE

Authority and Organization

This order, effective February 4, 1975, further amends the material appearing at 38 FR 27430 of October 3, 1973; 38 FR 27431 of October 3, 1973; and 39 FR 26768 of July 23, 1974.

Department Organization Order 25-4B, dated August 30, 1973 is hereby further amended as follows:

1. SECTION 3. *Office of the Director.* Paragraph .07 is added to read as follows:

.07 The Indian Office shall be jointly responsible, with the Regional Directors, for coordinating, developing, monitoring and evaluating all OMBE programs and activities related to American Indians.

2. SEC. 5. *National Programs Division.* Delete paragraph .10.

3. SEC. 6. *Field Structure.* a. The opening paragraph is revised to read as follows:

The principal field structure of OMBE shall consist of regional offices ("OMBE Regional Offices"), located in New York, Washington, D.C., Atlanta, Chicago, Dallas, and San Francisco. Except as provided in (a) and (b) of this paragraph and in subparagraph .01(b) of this section, each Regional Office shall direct the support and evaluation of OMBE contracts and grants, and the mobilization of public and private resources in support of the minority enterprise program over a prescribed multi-State region, as depicted in Exhibit 2 of this Order. The Regional Offices shall not be responsible for the support and evaluation of:

(a) Those contracts and grants affecting the program in more than one region, which shall be the responsibility of the National Programs Division; and

(b) Experiment and Demonstration projects, which shall be the responsibility of the Program Research and Development Staff.

b. Paragraph .01 is revised to read as follows:

.01(a) The *Regional Directors in New York, Chicago, Washington, D.C., Atlanta, Dallas and San Francisco* shall be responsible for effectively implementing the OMBE program in their respective OMBE regions. Each Regional Director shall report directly to the OMBE Director on all activities and developments in the region, represent OMBE in meetings and conferences, and make speeches and statements through the media to promote the OMBE program. He shall be responsible for the management practices and procedures of the Regional Office, the support and evaluation of all OMBE contracts and grants assigned to the region, and recommendations on renewal or nonrenewal of existing contracts, and funding of new contract proposals.

(b) In addition to the functions and responsibilities described in subparagraph (a) of this paragraph, the *Regional Director in Chicago*, through the National Franchising Center, shall be responsible for planning, directing and coordinating all activities related to OMBE's nationwide franchising program, and shall be the Contracting Officer's Technical Representative for all contracts and grants related to the franchising program.

c. Paragraph .04 is revised to read as follows:

.04 The *Project Support and Evaluation Staff* shall be headed by a Senior Project Officer and composed of several project officers. The number of project officers shall depend on the number of OMBE contractors in the Region. This staff shall be responsible for the support and evaluation of all OMBE contracts assigned to a Region.

d. Delete subparagraphs .04 (a) and (b).

4. The organization chart Exhibit 1, attached to this amendment supersedes the organization chart dated August 30, 1973. A copy of the Organization chart is attached to the original of this document on file in the Office of the Federal Register.

Effective date: February 4, 1975.

ALEX M. ARMENDARIS,
Director, Office of Minority Business Enterprise.

Approved:
GUY W. CHAMBERLAIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-4725 Filed 2-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EPDA TEACHERS FOR INDIAN CHILDREN AND BILINGUAL EDUCATION TRAINING PROGRAMS

Closing Date for Receipt of Applications

Pursuant to the authority contained in section 501(b) and 532 of the Higher Education Act of 1965 as amended (20 U.S.C. 1091(b) and 1119a), notice is hereby given that the U.S. Commissioner of Education has established a closing date for receipt of applications for the renewal of presently funded projects in the Teachers for Indian Children Program and the Bilingual Education Training Program. Because the appropriation available for these programs is quite limited, only a small number of the currently funded projects will be renewed and applications for support of new projects will not be accepted.

In reviewing applications for continuation projects to be awarded in Fiscal Year 1975, the Commissioner will utilize the review criteria set forth in 45 CFR 100a.26, and will evaluate the extent to which the applicant is meeting the objectives set forth in the previously approved work statement and the extent to which the applicant is fulfilling the funding criteria published in the FEDERAL REGISTER for April 4, 1974 (pp. 12273-12276), on which such projects were approved and supported. (A copy of these criteria are attached as an appendix to this notice, for the information of eligible applicants.)

In order to be assured of consideration, applications must be received by the U.S. Office of Education Application Control Center on or before March 31, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.506 (for the Bilingual Education Training Program) or 13.546 (for the Teachers for Indian Children Program). An application sent by mail will be deemed to have been received on time:

(1) If the application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) If the application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Educational Systems Development, Bureau of Occupational and Adult Education, Office of Education, Room 3032, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to these programs are the Office of Education General Provisions Regulations (45 CFR Part 100a), and the regulations for the Education Profession's Development Program (45 CFR Part 174).

(Catalog of Federal Domestic Assistance Numbers 13.506 and 13.546 Educational Personnel Training Grants—Bilingual Education Training, and Teachers for Indian Children)

Dated: February 9, 1975.

T. H. BELL,
Commissioner of Education.

APPENDIX

A. *The criteria used during FY 74 for the funding of applications under the Bilingual Education Training Program were as follows.*—1. The extent to which the program or project will result in educational personnel better prepared to teach children of limited English-speaking ability or educational personnel better prepared to train such teachers;

2. The extent to which the program or project will increase the capability of an institution to train educational personnel in bilingual education;

3. The extent to which the training of personnel under the program or project is coordinated with, or supportive of, projects funded under the Bilingual Education Program authorized by Title VII of the Elementary and Secondary Education Act of 1965 or with projects of the type that may be supported under that program;

4. The extent to which the proposed program or project is directed toward the educational personnel needs of a particular school or school district serving children of limited English-speaking ability;

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5. The extent to which the teaching techniques and methods proposed for trained educational personnel are effective for bilingual education;

6. Under 45 CFR 100a.26(b)(8)(ii): the extent to which the proposed program includes effective procedures for evaluating the impact of the program or project in terms of the number and effectiveness of teachers serving in bilingual education programs; and

7. The extent to which the trainees are or will be trained to be literate in and able to teach in the non-English language involved.

(20 U.S.C. 1091(b) and 1119)

B. *The criteria used during FY 74 for the funding of applications under the Teachers for Indian Children Program were as follows*—1. The extent to which the proposed program or project (a) is directed toward the educational personnel needs of schools serving Indian children on a particular reservation, and (b) is designed to meet the special educational needs of such children;

2. The extent to which the applicant has, for the purposes of the program or project, established effective communication with the schools which are likely to employ persons trained under such program or project and with the Indian communities whose children are attending such schools, and has consulted with such schools, and such communities in the formulation of the proposal;

3. The number and percentage of Indians to be trained in the program or project;

4. The extent to which the proposal includes provisions for practicum or work experience;

5. Under 45 CFR 100a.26(b)(8)(ii): the extent to which the proposal includes effective procedures for evaluating the impact of the program or project in terms of the number of and effectiveness of teachers serving in target schools and in terms of meeting the needs of the students attending such schools;

6. The degree to which the training will involve educational approaches which take into account the culture and heritage of Indian children; and

7. The degree to which the training program focuses on approaches, methods and techniques which are pertinent to the education of Indian children.

(20 U.S.C. 1119a)

[FR Doc.75-4791 Filed 2-20-75;8:45 am]

Federal Council on the Aging

Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (P.L. 93-29), for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given, pursuant to P.L. 92-463 that the Council will hold a regular meeting on March 13, 14 and 15, 1975. On March 13, 1975, the meeting will be in Room 4549 Donohoe Building, 400 Sixth Street SW., Washington, D.C. from 9:30 a.m. to 5 p.m. Agenda (a.m.): status of studies and other mandated activities of the FCA, briefing on Employees Retirement Income Security Act of 1974 by a Department of Labor official; (p.m.): briefing on national income support policy for the elderly, James B. Cardwell, Commissioner of Social Security Administration, DHEW and a representative from the Office of Planning and Evaluation, DHEW. March 14, 9 a.m. to 5 p.m., Room 4549 Donohoe Building, agenda: an invited panel of experts to discuss Federal strategy to assist the frail elderly. March 15, 9 a.m. to 3 p.m., Channel Inn, 650 Water Street SW., Washington, D.C. agenda: implementation of Council priority issues and approval of Annual Report of the Council to the President.

This meeting open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

FEBRUARY 13, 1975.

[FR Doc.75-4745 Filed 2-20-75;8:45 am]

Food and Drug Administration

[GRASP 5G0047]

BEATRICE FOODS CO., INC.

Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 75-3116 appearing at page 5180 in the issue for Wednesday, February 4, 1975 change the comments date from April 17, 1975 to April 7, 1975.

National Institutes of Health

CLINICAL TRIALS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart and Lung Institute, April 1-2, 1975, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on April 1, 1975, to discuss an administrative report. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 1, 1975 from 9:30 a.m. to adjournment, for the review, discussion and evaluation, of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Samuel M. Schwartz, Associate Director for Review, Division of Extramural Affairs, NHLI, Westwood Building, Room 655A, phone (301) 496-7351 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health).

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

FEBRUARY 11, 1975.

[FR Doc.75-4709 Filed 2-20-75;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, April 25 and 26, 1975, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9 a.m. to p.m. on April 25 and 9 a.m. to 11 a.m. on April 26 to discuss the work of the Laboratory of Cell Biology, the Laboratory of Chemical Pharmacology and the Section on Experimental Atherosclerosis, National Heart and Lung Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 4 p.m. to adjournment on April 25 and from 11 a.m. to adjournment on April 26 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Board members. Substantive information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLI, NIH Building 10, Room 7N214, phone (301) 496-2116.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

FEBRUARY 10, 1975.

[FR Doc.75-4708 Filed 2-20-75;8:45 am]

DIET, NUTRITION AND CANCER PROGRAM ADVISORY COMMITTEE

Notice of Establishment

The Director, National Institutes of Health, announces the establishment on

January 22, 1975, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Diet, Nutrition and Cancer Program Advisory Committee

Purpose: The Committee provides to the Director, NCI, advice concerning the need to formulate and make available to the public the best scientific recommendation for diets and nutrition appropriate to prevent cancer in healthy individuals, and to improve the cure, long-term management and rehabilitation of the cancer patient. The Committee will terminate on January 22, 1977.

R. W. LAMONT-HAVERS, M.D.,
Acting Director,
National Institutes of Health.

FEBRUARY 12, 1975.

[FR Doc.75-4707 Filed 2-20-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[Docket No. N-75-262]

TRAINING FOR STATE AND LOCAL AGENCIES

Notice of Conference

Pursuant to delegation of authority (35 FR 6877 (1970)) with respect to the administration of fair housing under Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, and HUD recognition of substantially equivalent State and local laws (24 CFR, Part 115; 37 FR 16540 (8-16-72)), notice is hereby given of a training conference for staff members of State and local fair housing agencies. The conference will convene on Monday, March 10, 1975, at 8:30 a.m. in the HUD-West Training Center, 3001 South Federal Boulevard, Denver, Colorado 80236 and extend through Friday, March 14, 1975.

The purpose of the training is to provide information on Title VIII and on the procedures developed under provisions of Title VIII to assure achievement of the fair housing objectives of Title VIII. Information will be provided on Title VIII requirements regarding the issuance by HUD of recognition of State and local fair housing laws that provide fair housing rights and remedies substantially equivalent to the rights and remedies provided in Title VIII. The conference is designed to provide an overview and working knowledge of HUD's regulations on substantially equivalent State and local fair housing laws. The training will also focus on current relations between HUD and the State and local agencies.

Persons eligible to participate in the training conference are members of the fair housing compliance enforcement staffs of State and local agencies in States and local governmental units that have fair housing laws or ordinances. Participation will be limited to 40 persons. Eligibility lists will close on February 28, 1975.

For further information concerning HUD's provision of lodging and meals call, Fair Housing, Toll Free WATS Line: (800) 424-8590.

THOMAS O. JENKINS,
Acting Assistant Secretary for Equal Opportunity.

FEBRUARY 14, 1975.

[FR Doc.75-4762 Filed 2-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[OGD 75-51]

INTERNATIONAL VOYAGE LOAD LINES

Chedabucto Bay, Canada; New Interpretations Regarding Certain Voyages

The purpose of this notice is to inform the public of certain new interpretations of the International Convention on Load Lines, 1966, by the Government of Canada with regard to coastal voyages to or from the Chedabucto Bay area.

The Secretary-General of the Inter-Governmental Maritime Consultative Organization has informed all Contracting Governments to the International Convention on Load Lines, 1966 of the following information received from the Government of Canada:

The Government of Canada, taking cognizance of Article 11(2) of the International Load Line Convention, 1966, regards Chedabucto Bay and the Strait of Canso to the Canso Causeway as a port standing on the boundary line between the North Atlantic Winter Seasonal Zone II and the North Atlantic Winter Seasonal Area as defined in Regulation 46(1)(b) and 46(2) respectively in Annex II of the International Load Line Convention, 1966.

Article 11(2) of the International Convention on Load Lines, 1966 states:

A port standing on the boundary line between two zones or areas shall be regarded as within the zone or area from or into which the ship arrives or departs.

Therefore, vessels over 328 feet in length will no longer be considered to be passing through the North Atlantic Winter Seasonal Zone II when sailing directly to or from the Chedabucto Bay area to or from the North Atlantic Winter Seasonal area. The effective dates for loading to the applicable Load Line for vessels over 328 feet in length on these North American coastal voyages are changed accordingly. These vessels may now load to the Summer Load Line from 16 February through 15 December and must not exceed the Winter Load Line from 16 December through 15 February as indicated in Regulation 46(2) of the International Convention on Load Lines, 1966 and 46 CFR 42.30-5(b).

Dated: February 18, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.75-4756 Filed 2-20-75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

ELIGIBLE PROPERTY IN WHEELING, WEST VIRGINIA

Public Information Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on March 6, 1975, 7:30 p.m., a public information meeting will be held in the Wheeling City Council Chambers, 2nd floor, City County Building, 1600 Chapline Street, Wheeling, West Virginia, so that representatives of national, State, and local units of government, and representatives of public and private organizations, and interested citizens can receive information and express their views on a proposed undertaking of the Economic Development Administration, U.S. Department of Commerce that will have an adverse effect upon a property eligible for inclusion in the National Register of Historic Places. The proposed undertaking is the construction of a municipal auditorium in Wheeling, West Virginia. The eligible property is the B&O Railroad Freight Station and Train Shed.

A summary of the agenda of the public information meeting follows:

I. Explanation of the procedures and purpose of the meeting by representatives of the Executive Director of the Advisory Council.

II. Explanation of the project by representatives of the Economic Development Administration, U.S. Department of Commerce.

III. Statement by the West Virginia State Historic Preservation Officer on the project.

IV. Statements from the public on the project.

Speakers will be permitted to present their views on the project and should limit their statements to approximately five minutes. Statements should be limited to the undertaking, its effects on historic and cultural properties, and alternate courses of action. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005 (202-254-3380).

Dated: February 19, 1975.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.75-4906 Filed 2-20-75;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket 27153]

HONOLULU-VANCOUVER ROUTE PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the *Honolulu-Vancouver Route Proceeding*, Docket 27153, will be held on April 29, 1975, at 10 a.m. (local time) in the Imperial Suite, Ilikai Hotel, 1777 Ala Moana Boulevard, Honolulu, Hawaii, before Associate Chief Administrative Law Judge Ross I. Newmann.

Notice is further given that any person, other than a party of record, may appear at this session and present factual evidence which is relevant to the issues in accordance with Rule 14 of the Board's rules of practice. All such participants will be heard at the beginning of the hearing and will be followed by the State of Hawaii, Aloha Airlines, Hawaiian Airlines, Northwest Airlines, United Air Lines, Western Air Lines, and the Bureau of Operating Rights.

For details of the issues involved in this proceeding, interested persons are referred to the Board's Order 74–11–33 dated November 6, 1974, instituting this proceeding; the Prehearing Conference Report served on December 24, 1974; the Supplemental Prehearing Conference Report served on January 14, 1975; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 14, 1975.

[SEAL] ROSS I. NEWMANN,
Associate Chief Administrative Law Judge.

[FR Doc.75–4798 Filed 2–20–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 15, 1975, at the Airport Marina Hotel, 8601 Lincoln Boulevard (Pompino Room), Los Angeles, California 90045.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is to discuss activities of each subcommittee and to be briefed on upcoming open meeting in Salinas and Sacramento.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4781 Filed 2–20–75;8:45 am]

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the California State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 4, 1975, at the Saint Francis Hotel, at Union Square (Elizabethe Room—Second Floor/Tower Section) San Francisco, California 94119.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this press conference is to release Asian American Report, "A Case of Mistaken Identity."

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4790 Filed 2–20–75;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 5, 1975, 25 Community Drive, Maine Teachers Association, Augusta, Maine 04330.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is a follow-up to SAC's report on the Maine Indian project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4782 Filed 2–20–75;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on March 13, 1975, Social Security Building, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss follow-up on published reports, plan for 1975 major activities, and identify potential SAC members.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4783 Filed 2–20–75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. on March 13, 1975, in the Detroit Heritage Hotel, Grand Circus Park, Detroit, Michigan 48226.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) Review results of Feb. 20 informal open meeting in Livonia; (2) Plan place and date for next such meeting dealing with the Housing and Community Development Act of 1974; (3) Finally approve Advisory Committee meeting procedures; (4) Discuss Advisory Committee membership.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4788 Filed 2–20–75;8:45 am]

NEVADA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nevada State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 27, 1975, at the Holiday Inn, 3740 Las Vegas Boulevard, Las Vegas, Nevada 89101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is to discuss draft of State Advisory Committee report on Nevada's parole system.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4784 Filed 2–20–75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 11, 1975, at the College of Medicine and Dentistry, 100 Bergen Street, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss the status report on CETA project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4785 Filed 2–20–75;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 15, 1975, Neil House, 41 S. High Street, Columbus, Ohio.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to discuss the education subcommittee project-release of Ohio Prison Study and the Revenue Sharing project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4786 Filed 2–20–75;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. on March 18, 1975, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02906.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to Committee's report "minorities and Women: Practice vs Promise" and other new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4787 Filed 2–20–75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Texas State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for February 23, 1975, a notice of which was previously published on page 5575 in the FEDERAL REGISTER on Thursday, February 6, 1975 (FR Doc. 75–3464) has been cancelled.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4780 Filed 2–20–75;8:45 am]

WASHINGTON STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on March 22, 1975, at the Olympic Hotel, Fourth and Seneca Streets, Queens Room, Seattle, Washington 98111.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–4789 Filed 2–20–75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Correction

In FR Doc. 75–4231, appearing on page 6816 in the issue for Friday, February 14, 1975, the sixth line which begins "service the position • • •" is out of place and should be moved to appear below the seventh line which begins "executive assignment • • •".

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from February 10 through February 14, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (April 7, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Palomar Planning Unit, Cleveland National Forest, San Diego and Riverside Counties, Calif., February 10: The statement refers to the 124,000 acre Palomar Mountain Planning Unit of the Cleveland National Forest. The plan proposes designation of 36,629 acres of National Forest lands as special interest area—(scenic), encompassing two roadless

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areas, a complete fuel modification program for the entire unit, acquisition of 5,315 acres privately owned lands and 1,828 acres BLM land, and nondevelopment status on all slopes over 50%. Adverse impacts include increased litter and fire risk as a result of additional people engaged in back country activity. (ELR Order No. 50190.)

Final

Mountain Home Unit, Boise National Forest, Elmore County, Idaho, February 10: The statement refers to a proposed land use plan for the 443,946 acre Mountain Home Planning Unit of the Boise National Forest. The unit has been divided into five management areas, which are divided into management units. Management will be for timber, range, recreation, wildlife, and wilderness and backcountry values. There are 124,760 acres of inventoried roadless areas within the unit. Of these, 38,600 acres will remain undeveloped. The remainder may be developed as the need arises (two volumes). Comments made by: EPA, DOI, and State agencies and concerned citizens. (ELR Order No. 50195.)

Timber Management Plan, Chippewa National Forest, Beltrami, Cass, and Itasca Counties, Minn., February 13: The statement refers to the proposed timber management plan for the Chippewa National Forest. The plan period will extend from July 1, 1974 through June 30, 1982. The plan outlines an annual potential harvest of 86.6 MMBF of pulpwood, sawtimber, and other products. This harvest would consist of 8,200 acres of regeneration cuts and 5,900 acres of intermediate cuts. The impacts from herbicide use and road construction under the plan will be discussed in separate impact statements. This statement discusses the plan's impacts upon wildlife, recreational uses, and soil quality (145 pages). Comments made by: COE, DOI, DOT, EPA, GLRC, and State agencies, national organizations, corporations, and concerned citizens. (ELR Order No. 50211.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Tombigbee Units 2 and 3, several counties, Ala., February 10: The statement refers to the request for insured and guaranteed loan funds from REA for $295,000,000 to construct Alabama Electric Cooperative's addition of two 233MW (gross output) coal fired steam generator units and approximately 157 miles of 230 kV transmission lines and acquire related coal leases. Adverse impacts include soil erosion and visual intrusion from the transmission facilities and effects associated with burning coal. (ELR Order No. 50189.)

230 kV Transmission Lines, Boone to Lamar, several counties, Colo., February 13: The statement concerns the loan application by Colorado-Ute Electric Association, Inc., for construction of approximately 98 miles of 230 kV transmission line between Boone and Lamar, Colorado. The project also includes a 2.5 section of 115 kV tie lines between the Boone substation and the existing Midway-LaJunta 115 kV line, and a 13-mile 115 kV tie line between the proposed Lamar Substation and the existing South Lamar Substation. The major adverse impact will be the intrusion of the transmission facilities upon the landscape. (ELR Order No. 50216.)

SOIL CONSERVATION SERVICE

Draft

Anderson River Watershed, several counties, Ind., February 11: The statement concerns a project for watershed protection, flood prevention, municipal and industrial water supply, and recreaton in Crawford, Dubois, Perry, and Spencer Counties, Ind. The project will inundate 12.1 miles of perenial warm water stream fishery and 8.5 miles of intermittent feeder streams and 297 acres of land. Over 1,200 acres cropland and forest will be replaced by dam, emergency spillway, and permanent pool areas (102 pages). (ELR Order No. 50203.)

Mantachie, Bogue Fala, and Bogue Ecuba Watershed, Itawamba, Lee, and Monroe Counties, Miss., February 10: The statement concerns a project for watershed protection, flood prevention, and recreation for Mantachie, Bogue Fala, and Bogue Ecuba Creeks Watershed. The project will utilize conservation land treatment, 12 floodwater retarding structures, and two multiple purpose structures. Nine hundred eighty three acres will be inundated and another 225 acres subject to seasonal flooding. Temporary construction disruption and lowered water quality will result. (ELR Order No. 50187.)

Shuqualak Creek Watershed Project, Noxubee, and Kemper Counties, Miss., February 10: Proposed is a project for watershed protection and flood prevention in Noxubee and Kemper Counties, Miss., There will be about 67 acres of land cleared for sediment pools, the dam and spillway areas, and along the channel work rights-of-way. There will be a loss of agricultural production due to the inundation of 919 acres of farm land, and there will be a loss of 153 acres of wildlife habitat on lands to be in the sediment pools. Temporary water and air pollution will result during construction. (ELR Order No. 50188.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Ave., SW., Washington, D.C. 20314, 202–693–7168.

Draft

Aubrey Lake, Supplement, Cooke County, February 10: The statement is a draft supplement to a final eis filed with CEQ March 4, 1974. The proposed action is the construction of Aubrey Lake for water supply, recreation, fish and wildlife. The project will require acquisition of approximately 42,000 acres and will inundate 90 miles of stream. Historical sites and archeological sites will be adversely affected, and families will be displaced. (Fort Worth District). (ELR Order No. 50185).

Jekyll Island Beach Erosion, Supplement, Glynn County, Ga., February 10: The statement is a revised draft prepared to supplement the draft eis filed with CEQ August 10, 1973. The proposed action consists of restoration and periodic nourishment of 27,000 feet of ocean beach and construction of a 1,000 foot rubblestone terminal groin for beach erosion control and hurricane protection. Adverse impacts include temporarily increased water turbidity and disruption of benthic, plankton, and nekton communities during construction (Savannah District). (ELR Order No. 50184.)

Chincoteague Harbor of Refuge, Maintenance Dredging, Accomack County, Va., February 10: Proposed is the maintennance dredging of Chincoteague Harbor of Refuge, Va. The estimated 8,000 cubic yards of shoaled material will be deposited in an upland diked disposal area adjacent to the harbor. The action will remove resident benthic organisms inhabiting the dredged areas (15 pages). (ELR Order No. 50201.)

Draft

St. Johns Bayou and New Madrid Floodway, New Madrid, Scott and Mississippi Counties, Mo., February 10: The statement concerns a plan for flood control and drainage to urban and rural areas in New Madrid, Scott, and Mississippi Counties, Mo. Three pumping stations will be constructed and a total of 81 miles of channels enlarged by excavating from one side. A total of 4,900 acres will be flooded annually. Adverse impacts include deteriorated water quality, the clearing of 7,000 acres of woodlands, and elimination of a significant element of stream bank cover (Memphis District). (ELR Order No. 50193.)

Final

Haines Small Boat Harbor, Alaska, February 13: The project involves the construction of a rubblemound breakwater and the dredging of an entrance channel. The project will expand the present moorage of the Haines Small Boat Harbor for resident and transient fishing vessels, pleasure craft, and commercial vessels. There will be adverse impact to marine biota from dredging operations (Anchorage District). Comments made by: DOI, DOC, EPA, USDA, DOT, and State agencies. (ELR Order No. 50217.)

NAVY

DEPARTMENT OF DEFENSE

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant, Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202–697–0892.

Final

Norfolk Naval Station, Va., February 11: Proposed is the improvement and addition of naval ship berthing spaces at the station. Approximately 1,850,000 cu. yds. of spoil will be dredged; several additional piers will be constructed. There will be adverse impact from dredging. Comments made by: EPA, DOI, USCG, DOC, COE, DOD, and Commonwealth of Virginia. (ELR Order No. 50202.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Final

Northwest Sewage Facility, Houston, Tex., February 12: Proposed is the granting of Federal funds to the City of Houston for the enlargement of wastewater treatment facilities at the Northwest Wastewater Treatment Facility Site from the existing 4 mgd. capacity to 12 mgd. The enlarged plant will provide secondary biological treatment capable of serving the 1990 estimated population of 90,000 persons. Sludge will be conveyed to the Northwest Regional Sludge Treatment Plant where it will be processed for use as fertilizer. Adverse impacts of the action include increases in noise levels and occasional odors. Comments made by: COE, DOT, USDA, HEW, HUD, DOI, and State agencies. (ELR Order No. 50209.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Sts. NW., Washington, D.C. 20405, 202–343–4161.

Draft

Soviet Embassy Complex, District of Columbia, February 14: Proposed is the construction of the five-building Soviet Embassy Complex on a 12.5-acre site in the Glover Park Neighborhood of Northwest Washington, D.C. The project is part of a bilateral agreement between the United States and U.S.S.R. providing for the reciprocal exchange of 85-year leasehold interests for embassy sites in both Washington and Moscow. Construction and associated disruption are expected to occur continuously over a 32-month period. (ELR Order No. 50219.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202–755–6295.

Draft

Downtown East Urban Renewal, Reading, Berks County, Pa., February 11: The statement concerns an urban renewal project in 44.53 acres of the central business district of Reading, Pennsylvania. The project includes destruction of 292 structures and construction of new residential and commercial buildings. A 2-story shopping mall and parking structures are planned. Seventy-nine families and 132 businesses will be displaced. (ELR Order No. 50205.)

Final

Cedar—Riverside New Community, Minneapolis, Hennepin County, Minn., February 10: Proposed is the approval of Stage 11 housing in the New Community of Cedar—Riverside. HUD has guaranteed loans up to $24 million for the development. The new community will occupy 100 acres within a 336 acre Urban Renewal Area of Minneapolis. Adverse impacts include increased air and noise pollution, and increased generation of solid waste. Comments made by: DOC, DOI, HEW, DOT, COE, AHP, AEC, EPA, and State and local agencies and concerned citizens. (ELR Order No. 50199.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Sport Hunting of Migratory Birds, Regulations, February 10: The statement concerns a proposal recommending that annual regulations continue to be issued permitting and regulating the sport hunting of migratory birds throughout the United States. The proposal protects the birds from indiscriminate hunting. Adverse impacts include annual reductions in populations, occasional killing of endangered and other non-target species, littering, and some destruction of vegetation. (ELR Order No. 50196.)

Final

Featherstone National Wildlife Refuge, Prince William County, Va., February 10: The proposed project is the acquisition of 313 acres known as the Featherstone Marsh to be established as the Weatherstone National Wildlife Refuge. Management on the Refuge would be restricted to retaining the natural integrity of the marsh and upland areas. Principal adverse impact of the proposal would be removal of the land from potential private use and development (76 pages). Comments made by: USDA, DOI, EPA, and one State agency. (ELR Order No. 50197.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, NRC, Washington, D.C. 20545, 301–973–7373.

Draft

Davis-Besse Nuclear Power Station, 2 and 3, Ottawa County, Ohio, February 14: The proposed action is the issuance of construction permits to the Toledo Edison Company for the construction of the Davis-Besse Nuclear Power Station Units 2 and 3. The station will employ identical pressurized-water reactors to produce 2,772 megawatts thermal (MWt) each. A steam turbine generator will use this heat to provide about 906 MWe (net) of electric power capacity. A cooling tower will be constructed which will obtain water from and discharge it to Lake Erie. The project will require the change of about 100 acres from agricultural to industrial use. (ELR Order No. 50218.)

Washington Nuclear Projects 3 and 5, Grays Harbor County, Wash., February 12: The proposed action is the issuance of construction permits to the Washington Public Power Supply System for the construction of Washington Nuclear Projects 3 and 5. The station will employ a pressurized water reactor to produce up to 3800 megawatts thermal (MWt) and a steam turbine generator will use this heat to provide 1240 MWe (net) of electrical power capacity. Water for cooling will be obtained from and discharged to the Chehalis River. Twelve thousand feet of transmission line will also be constructed. The project will require the disturbance of about 300 acres of the 2,170-acre forested site. (ELR Order No. 50208.)

Final

Sequoyah Uranium Hexafluoride Plant, Sequoyah County, Okla., February 13: The statement refers to the continuation of Source Material License SUB–1010, held by the Kerr-McGee Corp., authorizing the operation of a uranium hexafluoride manufacturing facility in Sequoyah County, close to the confluence of the Illinois and Arkansas Rivers. The plant produces high purity uranium hexafluoride using uranium concentrates as the starting material. It is designed to produce 5,000 tons of uranium annually. Comments made by: AHP, USDA, COE, HEW, HUD, DOI, DOT, EPA, FPC, and State agencies. (ELR Order No. 50212.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

Draft

SR 525, Swamp Creek Interchange to SR 99, Snohomish County, Wash., February 13: Proposed is the construction of a 3.2-mile segment of the Swamp Creek Interchange (I–5, I–405) to SR 99 where it will connect with existing SR 525 westerly. The highway will be a 4-lane controlled-access facility and will have a significant impact on community growth. The project will displace 42 families. (ELR Order No. 50210.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 119-Appalachian Corridor G, Kentucky and West Virginia, February 10: The statement refers to the proposed improvement of a segment of US 119 in Pike County, Kentucky and Mingo County, West Virginia, within Appalachian Corridor G. The project will extend from the Harmey Street Bridge in South Williamson, Kentucky, to Route 14 near Goatman, West Virginia, a distance of approximately 2.45 miles. Nine businesses, 83 families, and 1 non-profit organization will be displaced. Coal seams of marketable value may be opened due to construction cuts. (ELR Order No. 50192.)

SR 54, Owensboro, Daviess County, Ky., February 13: Proposed is the widening of a 1.1 mile segment of SR 54-Leitchfield Road to four lanes. The project runs from the Owensboro Beltline (SR 212) to Twelth Street east of the existing alignment. Adverse impacts include displacement of ten families and construction disruptions (111 pages). (ELR Order No. 50213.)

SR 9 By-pass, Keene, Cheshire County, N.H., February 10: Proposed is the construction of a 2.8 mile, 2-lane section of New Hampshire Route 9 By-pass from SR 12 By-pass to approximately 1,700 feet east of the junction of SR 9 and SR 10. Plans for future expansion to four lanes are included. Acquisition of 185 acres of land, including nine residences and one busines and 2.0 acres of park land, is required for the project. A 4(f) statement is included. (ELR Order No. 50198.)

SR 242, Powers Highway, Coos County, Oreg., February 13: Proposed is the reconstruction of segments of SR 242, Powers Highway, from Powers to the Coos Bay-Roseburg Highway, a distance of 18 miles. The eastern alternative utilizes the present highway corridor and the western alternative, the quicker, more direct path of the two, would utilize an abandoned railroad right-of-way and would require bridge structures. The number of displacements depends upon the alternative chosen. (ELR Order No. 50214.)

I–205, to Portland, Oreg., Oregon and Washington: Proposed is the construction of a 9.2-mile section of I–205 from the Lewis and Clark Highway in Clark County Washington to SE Foster Road in Multnomah County/Portland, Oregon. The project is the uncompleted part of 36 miles of I–205; the right-of-way has largely been acquired and cleared. Two bridges and a fill are required to cross Columbia River. A 4(f) statement is included. Eleven businesses and 24 housing units remain to be cleared. (ELR Order No. 50215.)

Final

M 99 (Logan Street), Lansing, Ingham County, Mich., February 10: Proposed is the reconstruction of 1.8 miles of Logan Street, from Victor Street to Kalamazoo Street, in Lansing. A small amount of section 4(f) land will be acquired from Riverside Park; several families will be displaced. Comments made by: CEQ, DOI, USDA, EPA, USCG, and DOT. (ELR Order No. 50194.)

Yazoo City Bypass, U.S. 49W, Yazoo County, Miss., February 10: The project consists of relocating approximately 3.8 miles of U.S. 49W from its junction with Mississippi Highway No. 3 in a southeasterly direction to a junction with Miss. Highway No. 16, Highway No. 49E, and U.S. 49. The project directly affects the town of Yazoo City in that it will provide a bypass route to the south of that city. Adverse impacts are increased air, noise, and water pollution due to construction, and the displacement of 19 families and one business (95 pages). Comments made by: DOI, EPA, HUD, USDA, and State agencies. (ELR Order No. 50200.)

U.S. 29 Improvement, Rockingham and Caswell Counties, N.C., February 11: Proposed is the improvement of a 7.4 mile segment of U.S. 29 from the U.S. 29–SR 1767 interchange in Rockingham County through Caswell County to the Virginia State Line. The project would widen U.S. 29 to two 24-foot roadways separated by a 68 foot median and would require 200 acres of woodlands and farm land for right-of-way. Twelve families and three businesses will be displaced (41 pages). Comments made by: USDA, COE, EPA, FPC, GSA, HUD, DOI, and State agencies. (ELR Order No. 50206.)

U.S. COAST GUARD

Draft

Gulf LORAN–C Project, February 10: The statement concerns the expansion of the LORAN–C (Long Range Aid to Navigation) coverage to include the harbors, estuaries, and the Coastal Confluence Zone of the Gulf of Mexico. This expansion of coverage will

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require the construction and operation of three transmitting stations at Malone, Florida, Grangeville, Louisiana, and Raymondville, Texas. Adverse impacts include the conversion of forest to pastureland at the Grangeville site and construction disruption. (ELR Order No. 50186.)

Final

Prince William Sound Vessel Traffic System, Alaska, February 11: Proposed is the development of a vessel traffic system for Prince William Sound. Included in the proposal is the construction of a control center, and housing for 45 Coast Guard personnel and their dependents. The traffic system is designed to lessen the probability of tanker casualties with resulting spills of crude oil when the Valdez crude oil loading terminal becomes operational (73 pages). Comments made by: EPA, COE, USDA, DOI, DOT, and State and local agencies. (ELR Order No. 50204.)

New York Vessel Traffic System, several counties, New York, February 10: The statement refers to a proposed system which will cover the geographic areas comprising the Port of New York, the Hudson River to Albany, and Long Island Sound to the west of Block Island, Rhode Island. The system will consist of a combination of vessel traffic system levels which will include VHF/FM communications, radar surveillance, a Traffic Separation System, and a Vessel Movement Reporting System. Radar and communication sites, and a vessel traffic operations center will be constructed. There will be adverse impact from construction disruption (108 pages). Comments made by: DOC, COE, DOD, HEW, DOI, DOT, EPA, and State and local agencies. (ELR Order No. 50191.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-4752 Filed 2-20-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19902; FCC 75-144]

AM BROADCAST STATIONS

One-Hour Sign On Time Advancement

In the matter of amendment of Part 73 of the Commission's rules to provide a one-hour advancement in the sign-on times of daytime AM broadcast stations to recoup the morning hour lost by the enactment of year-round daylight saving time.

1. In accordance with Public Law 93-434, approved October 5, 1974, and effective October 27, 1974, most of the nation will observe "standard" (non-advanced) time through 2 a.m. Sunday, February 23, 1975, after which daylight saving (advanced) time will be observed through the last Sunday of October 1975. Absent further action by Congress, most areas under U.S. jurisdiction will, effective 2 a.m. Sunday, April 27, 1975, revert to the "6 and 6" formula provided by the Uniform Time Act of 1966; i.e., the observance of non-advanced time between the last Sunday of October and the last Sunday of April, and the observance of advanced time during the remaining six months of the year.

2. Thus, in 1975 (and perhaps for this year alone), the onset of advanced time will occur two months prior to the traditional last Sunday in April. In our order of October 8, 1974, in this proceeding (FCC 74-1086; 49 FCC 2d 89), we recognized that ". . . between February 23 and April 27, 1975, when most of the country again returns to daylight saving time, daytime stations will suffer varying (but diminishing) degrees of hardship." This will occur because substantial portions of their audiences will have departed for work or school prior to local sunrise, particularly during the last six days of February, when licensed sign-on times are comparatively late. For this reason, we indicated our intention, barring unforeseen circumstances, to reinstate the benefits of the earlier emergency orders[1] during this two-month period and, in addition, to incorporate whatever further pre-sunrise operating benefits could, in the meantime, be negotiated internationally.[2] We find the public interest will be served by implementing this intention.

3. Authority for the adoption of this order is contained in Public Laws 93-182 and 93-434, and in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Because of the urgent need for the interim adjustments herein ordered and because we interpret PL 93-182 as permitting these adjustments to be made without regard to hearing rights which might otherwise be asserted by co-channel fulltime stations under section 316 of the Communications Act, we find that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is not required.

4. Accordingly, *It is ordered*, That effective February 23, 1975, the temporary pre-sunrise operating benefits available to class II and class III daytime stations under the emergency orders adopted in this proceeding on December 18, 1973 (FCC 73-1324), and February 6, 1974 (FCC 74-135), are reinstated through Sunday, April 27, 1975, at which time all AM stations shall revert to their licensed and/or authorized PSA modes of operation as provided in §§ 73.87 and 73.99 of the Commission's rules.

5. *It is further ordered*, That daytime stations assigned to the *Bahamian I-A clear channel* (1540 kHz) MAY, between February 23 and April 27, 1975, and without regard to whatever privileges they already hold under pre-sunrise service authorizations (PSA's) issued by the Commission, operate for one hour immediately preceding local sunrise at the power levels specified in Appendix A.

6. *It is further ordered*, That daytime stations assigned to Canadian I-B clear channels MAY, during said two-month period and without regard to whatever privileges they already hold under PSA's issued by the Commission, operate for one hour immediately preceding local sunrise at the power levels specified in Appendix B.

7. *It is further ordered*, That daytime stations assigned to Canadian I-A clear channels MAY, during said two-month period, operate for one hour immediately preceding local sunrise at the power levels specified in Appendix C.

8. *It is further ordered*, That any temporary pre-sunrise operation undertaken pursuant to this Order shall not commence earlier than 6 a.m. local time, shall be appropriately logged, and a description of the method used to reduce power to the level specified herein shall be entered in the maintenance log.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: February 4, 1975.

Released: February 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A

The following stations may operate with the powers indicated, delivered to their daytime or critical hours antenna systems, as appropriate:

1540 kHz

WCOX—Camden, Ala	19
WANL—Lineville, Ala	18
KZRK—Ozark, Ark	50
KPOL—Los Angeles, Calif	50
KJOA—Jackson, Ga	11
WOGA—Sylvester, Ga	7
WSMI—Litchfield, Ill	50
WBNL—Booneville, Ind	50
WLOI—La Porte, Ind	50
KNEX—McPherson, Kans	50
KLKC—Parsons, Kans	50
WKCB—Hindman, Ky	19
KCTO—Columbia, La	50
KGLA—Gretna, La	35
WDON—Wheaton, Md	50
WSWG—Greenwood, Miss	50
KBXM—Kennett, Mo	50
WKXR—Exeter, NH	50
WYRD—East Syracuse, N.Y	50
WKYK—Burnsville, N.C	19
WRPL—Charlotte, N.C	15
WIFM—Elkin, N.C	20
WBCO—Bucyrus, Ohio	50
WNRE—Circleville, Ohio	21
WABQ—Cleveland, Ohio	50
WNIO—Niles, Ohio	50
WBTC—Uhrichsville, Ohio	50
KZEL—Eugene, Oreg	50
WRCP—Philadelphia, Pa	50
WPTS—Pittston, Pa	50
WPME—Punxsutawney, Pa	50
WADK—Newport, R.I	50
WKKR—Pickens, S.C	17
WMLR—Hohenwald, Tenn	47
WJJT—Jellico, Tenn	32
WBRY—Woodbury, Tenn	39
KBUY—Fort Worth, Tex	50
KGBC—Galveston, Tex	50
KEDA—San Antonio, Tex	50
WRGM—Richmond, Va	7
KBES—Bellevue, Wash	50
WTKM—Hartford, Wis	50

[1] In general terms, those orders provided a minimum of one hour of additional operation during the pre-sunrise period, with a power of at least 50 watts, except where precluded by international agreement.

[2] Two international agreements bearing on this situation have been implemented since our adoption of the October 8, 1974 Order in this proceeding: a permanent agreement, reached September 4, 1974, with the Commonwealth of The Bahamas respecting the pre-sunrise operation of U.S. class II daytimers assigned to the Bahamian I-A clear channel 1540 kHz; and a temporary agreement reached January 22, 1975, with Canada respecting the pre-sunrise operation of U.S. daytimers assigned to frequencies on which Canada holds I-A and I-B clear channel priorities.

APPENDIX B

The following stations may operate with the powers indicated, delivered to their daytime or critical hours antenna systems, as appropriate:

640 kHz

WOI—Ames, Iowa	50
WHLO—Akron, Ohio	302
WNAD—Norman, Okla	50

940 kHz

WINE—Brookfield, Conn	13.2
WLQH—Chiefland, Fla	30
WMIX—Mount Vernon, Ill	6.4
WCND—Shelbyville, Ky	13.4
WIDG—Saint Ignace, Mich	0
WJOR—South Haven, Mich	[1] 3.8
WCPC—Houston, Miss	27
KSWM—Aurora, Mi	28
WCIT—Lima, Ohio	10
WNAL—Nelsonville, Ohio	19.5
WESA—Charleroi, Pa	8.4
WGRP—Greenville, Pa	0
WECO—Wartburg, Tenn	27.7
KTON—Belton, Tex	5.22
KATQ—Texarkana, Tex	12.45
WNRG—Grundy, Va	20
WEOO—Smithfield, Va	17.4
WFAW—Fort Atkinson, Wis	4
WCSW—Shell Lake, Wis	3.5

1070 kHz

KILR—Estherville, Iowa	68
WKMB—Stirling, N.J	4.6
WKDR—Plattsburgh, N.Y	4.5
WSCP—Sandy Creek-Pulaski, N.Y	2.5
WHPE—High Point, N.C	6.7
WHYZ—Greenville, S.C	19
WCIR—Beckley, W. Va	4.3

1130 kHz

WPUL—Bartow, Fla	50
WNJR—Gainesville, Ga	50
KKSI—Mount Pleasant, Iowa	50
KIEY—Wellington, Kans	50
KBLR—Bolivar, Mo	50
WPYB—Benson, N.C	50
WCBX—Eden, N.C	50
KBMR—Bismarck, N. Dak	39
WASP—Brownsville, Pa	50
WEEO—Waynesboro, Pa	50
WPUB—Camden, S.C	50
WAMG—Gallatin, Tenn	50
WDTM—Selmer, Tenn	50
KWBY—Edna, Tex	50
KBGH—Memphis, Tex	50
WRRL—Rainelle, W. Va	50

1550 kHz

WMOO—Mobile, Ala	188
WEXT—West Hartford, Conn	2.9
WRHC—Coral Gables, Fla	85
WOGO—New Smyrna Beach, Fla	84
WYOU—Tampa, Fla	79
WTHB—Augusta, Ga	12.1
WYNX—Smyrna, Ga	13.2
WJIL—Jacksonville, Ill	18.8
WCSJ—Morris, Ill	12.8
KIWA—Sheldon, Iowa	12.4
KNIC—Winfield, Kans	50.5
WGKR—Greensburg, Ky	5.95
WIRV—Irvine, Ky	3.7
WMSK—Morganfield, Ky	7.5
WLUX—Baton Rouge, La	14
WSER—Elkton, Md	1.08
WNTN—Newton, Mass	2.0
WSHN—Fremont, Mich	[1] 2.07
WSAO—Senatobia, Miss	18.5
KGMO—Cape Girardeau, Mo	40
KLFJ—Springfield, Mo	21.2

[1] May operate if Michigan adopts emergency daylight saving time from February 23 through April 27, 1975.

KICS—Hastings, Neb	43.6
WCGR—Canadanigua, N.Y	0
WKOT—Kingston, N.Y	1.9
WBVM—Utica, N.Y	0.0
WGNL—Greenville, N.C	9.0
WYNA—Raleigh, N.C	6.6
WTYN—Tryon, N.C	7.0
WPGD—Winston-Salem, N.C	6.2
KQWB—Fargo, N. Dak	7.2
WDLR—Delaware, Ohio	21
KMAD—Madill, Okla	21
KXOJ—Sapulpa, Okla	41
WLOA—Braddock, Pa	0.7
WTTC—Towanda, Pa	1.4
WKYE—Bristol, Tenn	4.6
WPTN—Cookeville, Tenn	5.3
WOKI—Oak Ridge, Tenn	5.5
WTBP—Parsons, Tenn	9.0
WPJD—Soddy-Daisy, Tenn	7.2
KWBC—Navasota, Tex	6.2
WKBA—Vinton, Va	2.3
WVAB—Virginia Beach, Va	8.4
WXVA—Charlestown, W. Va	0.9
WMIR—Lake Geneva, Wis	1.0
WMAD—Madison, Wis	0.8
WEVR—River Falls, Wis	2.3

APPENDIX C

The following stations may operate with the powers indicated, delivered to their daytime or critical hours antenna systems, as appropriate:

540 kHz

KVIP—Redding, Calif	56
KWMT—Ft. Dodge, Iowa	59
WDMV—Pocomoke City, Md	26
WLIX—Islip, N.Y	15
WETC—Wendell-Zebulon, N.C	109
WARO—Cannonsburg, Pa	173
WYNN—Florence, S.C	57
WDXN—Clarksville, Tenn	33
KDLT—Delta, Utah	113
WRIC—Richlands, Va	21
WYLO—Jackson, Wis	121

690 kHz

WVOK—Birmingham, Ala	63
KBBA—Benton, Ark	155
KAPI—Pueblo, Colo	159
WADS—Ansonia, Conn	74
KTCR—Minneapolis, Minn	7.5
KSTL—Saint Louis, Mo	32
KEYR—Tarrytown, Nebr	26
KRCO—Prineville, Oreg	18
KUSD—Vermillion, S. Dak	49
KZEY—Tyler, Tex	500
WZAP—Bristol, Va	22
WNNT—Warsaw, Va	25
WELD—Fisher, W. Va	13
WAGO—Oshkosh, Wis	54

740 kHz

WBAM—Montgomery, Ala	500
KBIG—Avalon, Calif	500
WSBR—Boca Raton, Fla	500
WVLN—Olney, Ill	20
KBOE—Oskaloosa, Iowa	40
WNOP—Newport, Ky	23
WCAS—Cambridge, Mass	9
KBAB—Carlsbad, N. Mex	26
WGSM—Huntington, N.Y	61
WMBL—Morehead City, N.C	23
WPAQ—Mount Airy, N.C	16
WVCH—Chester, Pa	69
WBAW—Barnwell, S.C	57
WIRJ—Humboldt, Tenn	41
WJIG—Tullahoma, Tenn	28
WMBG—Williamsburg, Va	18
WBOO—Baraboo, Wis	500

860 kHz

WHRT—Hartselle, Ala	60
WAMI—Opp, Ala	168
KOSE—Osceola, Ark	61
KWRF—Warren, Ark	176
WAZE—Clearwater, Fla	500
WKKO—Cocoa, Fla	463
WXAP—Atlanta, Ga	59
KWFC—Muscatine, Iowa	31
WSON—Henderson, Ky	22
WAYE—Baltimore, Md	196
WSBS—Great Barrington, Mass	10
KNUJ—New Ulm, Minn	15
KARS—Belen, N. Mex	250
WFMO—Fairmont, N.C	52
WSTH—Taylorsville, N.C	28
KSHA—Medford, Oreg	28
WAMO—Pittsburgh, Pa	0
WTEL—Philadelphia, Pa	160
WLBG—Laurens, S.C	47
WUCR—Sparta, Tenn	33
KFST—Fort Stockton, Tex	250
KPAN—Hereford, Tex	250
KSFA—Nacogdoches, Tex	489
KWHO—Salt Lake City, Utah	62
WEVA—Emporia, Va	33
WOAY—Oak Hill, W. Va	27
WNOV—Milwaukee, Wis	15

990 kHz

WEIS—Centre, Ala	54
WWWF—Fayette, Ala	80
WTCB—Flomaton, Ala	187
KTYD—Santa Barbara, Calif	280
KRKS—Denver, Colo	94
WNTY—Southington, Conn	5.7
WDWD—Dawson, Ga	115
WGML—Hinesville, Ga	115
WCAZ—Cartage, Ill	30
KAYL—Storm Lake, Iowa	23
KRSL—Russell, Kans	123
WNNR—New Orleans, La	250
KRIH—Rayville, La	213
WCRM—Clare, Mich	[1] 35
WABO—Waynesboro, Miss	173
KRMO—Monett, Mo	105
WEEB—Southern Pines, N.C	39
WBTE—Windsor, N.C	42
WJEH—Gallipolis, Ohio	10
WTIG—Massillon, Ohio	250
KRKT—Albany, Oreg	12
WVSC—Somerset, Pa	23
WLKW—Providence, R.I	500
WAKN—Aiken, S.C	57
KWAM—Memphis, Tenn	108
KAML—Kenedy-Karnes City, Tex	95
KDYL—Tooele, Utah	65
WNRV—Narrows-Pearisburg, Va	17
WANT—Richmond, Va	20
WNNO—Wisconsin Dells, Wis	17

1010 kHz

KIQI—San Francisco, Calif	9
WCNU—Crestview, Fla	197
WBIX—Jacksonville Beach, Fla	500
WINQ—Tampa, Fla	500
WGUN—Atlanta, Ga	57
KSMN—Mason City, Iowa	21
KIND—Independence, Kans	153
KDLA—De Ridder, La	491
WKQT—Garyville, La	342
WSID—Baltimore, Md	17
WITL—Lansing, Mich	[1] 18.5
WMIN—Maplewood, Minn	6
KCHI—Chillicothe, Mo	60
KXEN—Festus-St. Louis, Mo	500
WCNL—Newport, N.H	5
WABZ—Albemarle, N.C	334
WFGW—Black Mountain, N.C	204
WELS—Kinston, N.C	45
WIOI—New Boston, Ohio	11
WUDO—Lewisburg, Pa	8
WHIN—Gallatin, Tenn	28
WORM—Savannah, Tenn	52

[1] May operate if Michigan adopts emergency daylight saving time from February 23 through April 27, 1975.

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KAWA—Waco-Marlin, Tex	500
WMEV—Marion, Va	19
WPMH—Portsmouth, Va	279
WCST—Berkeley Springs, W. Va	11
WSPT—Stevens Point, Wis	10
1580 kHz	
WEYY—Talladega, Ala	62
KFDF—Van Buren, Ark	135
KDDF—Van Buren, Ark	135
KWIP—Merced, Calif	179
KPIK—Colorado Springs, Colo	89
WSBP—Chattahoochee, Fla	163
WGTW—Mount Dora, Fla	404
WCCF—Punta Gorda, Fla	343
WKIG—Glennville, Ga	93
WYYZ—Jasper, Ga	40
WKUN—Monroe, Ga	49
WFVR—Aurora, Ill	42
WDON—DuQuoin, Ill	28
WBBA—Pittsfield, Ill	38
WCCR—Urbana, Ill	12
KCHA—Charles City, Iowa	19
KWNT—Davenport, Iowa	23
WAXU—Georgetown, Ky	160
WMTL—Leitchfield, Ky	18
WPKY—Princeton, Ky	27
KLUV—Haynesville, La	236
WPGC—Morningside, Md	13
WRBJ—St. Johns, Mich	[1] 5
KDOM—Windom, Minn	21
WAMY—Amory, Miss	75
WLBS—Centreville, Miss	250
WORV—Hattiesburg, Miss	229
WESY—Leland, Miss	137
WPMP—Pascagoula-Moss Point, Miss	238
KTGR—Columbia, Mo	49
KESM—El Dorado Springs, Mo	114
KNIM—Maryville, Mo	52
KAMI—Cozad, Neb	53
WRDI—Hammonton, N.J	16
WCRV—Washington, N.J	12
KZIA—Albuquerque, N. M	192
WSUF—Patchogue, N.Y	14
WZKY—Albermarle, N.C	34
WVKO—Columbus, Ohio	0
KLTR—Blackwell, Okla	222
WHEX—Columbia, Pa	11
WEND—Ebensburg, Pa	7
WANB—Waynesburg, Pa	8
WORG—Orangeburg, S.C	46
WBBR—Travelers Rest, S.C	29
WSKT—Knoxville, Tenn	20
WHHM—Henderson, Tenn	52
WLIJ—Shelbyville, Tenn	35
KGAF—Gainesville, Tex	250
KKAL—Denver City, Tex	250
KIRT—Mission, Tex	500
KTLU—Rusk, Tex	479
KWED—Seguin, Tex	110
KBYP—Shamrock, Tex	250
WILA—Danville, Va	26
WPUV—Pulaski, Va	18
WTTN—Watertown, Wis	18

[1] May operate if Michigan adopts emergency daylight saving time from February 23 through April 27, 1975.

[FR Doc.75-4604 Filed 2-20-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FOODSERVICE ADVISORY COMMITTEE

Notice of Charter Amendment

This notice is given to advise of a change in the name of the Foodservice Advisory Committee. The charter of the Foodservice Advisory Committee was published on August 21, 1974 (39 FR 30196). The new name for this Committee will be the Food Industry Advisory Committee.

The charter published August 21, 1974, is hereby amended, effective immediately, to substitute "Food Industry Advisory Committee" for "Foodservice Advisory Committee" wherever the latter phrase appears. The charter is not amended in any other respect.

Issued at Washington, D.C. on February 18, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-4808 Filed 2-20-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-7490, et al.]

AMOCO PRODUCTION CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 10, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-7490 C 1-20-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Northern Natural Gas Co., Drinkard Field, Lea County, N. Mex.	[1] 55.1337	14.65
G-16878 C 10-1-73	The Superior Oil Co., (operator) et al., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., North Buffalo Field, Harper County, Okla.	[2] 21.315	14.65
G-16878 C 2-20-73	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[2] 18.7775	14.65
G-17015 D 1-13-75	Texaco, Inc. (operator) et al., P.O. Box 2420, Tulsa, Okla. 74102.	Cimarron Transmission Co., Southwest Enville Field, Love County, Okla.	(3)	-------
C169-803 D 1-16-75	Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	Uneconomical	-------
C172-822 C 1-9-75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., East Harmon Area, Ellis County, Okla.	[4] 61.5785	14.65
C175-367 C 1-13-75	Pennzoil Co.	El Paso Natural Gas Co., Westfall A No. 1 Well, Eddy County, N. Mex.	[5] [6] 73.526	14 73
Filing Code: C175-408 (C169-438) F 11-11-74	American Petrofina Co., of Texas (operator) et al., (successor to J. C. Barnes, Jr. et al. and River Corp.), P.O. Box 2159, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Aledo Field, Custer and Dewey Counties, Okla.	[7] 22.96	14.65
C175-410 A 1-13-75	Devon Corp., 3300 Liberty Tower, Oklahoma City, Okla. 73102.	Texas Eastern Transmission Corp., Hospital Bayou Field, Lafourche Parish, La.	[8] [9] 65.0	15.025
C175-411 A 1-13-75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Texas Gas Transmission Corp., Eugene Island Block 217, offshore Louisiana	[9] 52.53	15.025
C175-412 A 1-13-75	Devon Corp.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La.	[9] 62.21	15.025
C175-413 (C164-789) B 1-8-75	Harry C. Boggs, P.O. Box 198, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Spencer Field, Ronne County, W. Va.	Uneconomical	-------
C175-414 B 1-10-75	Ted R. Stalder, 2223 Westheimer, Houston, Tex. 77006.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Coldspring Field, San Jacinto County, Tex.	Depleted	-------
C175-416 A 1-15-75	Appalachian Exploration & Development, Inc., P.O. Box 628, Charleston, W. Va. 25322.	Cabot Corp., Pocahontas Land Corporation D-1 Well, McDowell County, W. Va.	[10] [12] 62.0 [11] 61.0	14.73 14.73
C175-417 (CS71-51) F 1-13-75	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Mountain Fuel Supply Co., South Baggs Area, Moffat County, Colo., and Carbon County, Wyo.	[13] [14] 16.0 [13] [14] 16.24	15.025 15.025
C175-418 A 1-16-75	Tenneco Exploration, Ltd., 3000 One Shell Plaza, Houston, Tex. 77002.	Tenneco Oil Co., Ship Shoal Block 183, offshore Louisiana.	[15] 55.13	15.025
C175-419 A 1-16-75	Tenneco Oil Co., 3000 One Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Ship Shoal Block 183, offshore Louisiana.	[15] 55.13	15.025
C175-420 A 1-20-75	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	United Gas Pipe Line Co., Garden City Field, St. Mary Parish, La.	26.9875	15.025
C175-421 B 1-13-75	Chesapeake Bay Gas Co., Ltd., 321 Mid American Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Ozona Southwest (Strawn) Field, Crockett County, Tex.	[16]	-------
C175-422 (C166-779) F 1-15-75	William C. Russell (successor to R & G Drilling Co., Inc.), 175 Broadway, New York, N.Y. 10019.	El Paso Natural Gas Co., Blanco Mesa Verde-Largo Chacra Fields, San Juan County, N. Mex.	[17] 68.0	15.025
C175-423 A 1-20-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Lirette Field, Terrebonne Parish, La.	[18] 62.0	15.025
C175-426 A 1-22-75	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 149, Ship Shoal Area, offshore Louisiana.	[9] 52.0214	15.025

[1] Subject to upward and downward Btu adjustment; estimated upward adjustment is 3.3632 cents per Mcf.
[2] Subject to upward and downward Btu adjustment.
[3] Certain properties have expired or been released.
[4] Subject to upward and downward Btu adjustment; includes estimated upward adjustment of 6.9876 cents per Mcf.
[5] Subject to upward and downward Btu adjustment; estimated upward adjustment is 0.147 cent per Mcf.
[6] Applicant is willing to accept a certificate in accordance with opinion No. 699.
[7] Subject to upward Btu adjustment; estimated adjustment is 3.1675 cents per Mcf.
[8] Subject to upward and downward Btu adjustment; estimated upward adjustment is 1.63 cents per Mcf.
[9] Includes 7.0 cents per Mcf tax reimbursement and 3.19 cents per Mcf upward Btu adjustment.
[10] Rate for gas after Jan. 1, 1975.
[11] Rate for gas to Jan. 1, 1975.
[12] Subject to downward Btu adjustment.
[13] Rate for gas in Colorado.
[14] Rate for gas in Wyoming.
[15] Subject to upward and downward Btu adjustment; estimated upward adjustment is 2.6 cents per Mcf. The contract rate is 80.0 cents per Mcf.
[16] Small volumes of gas make project unprofitable.
[17] Includes 12.75 cents per Mcf upward Btu adjustment.

[FR Doc.75-4537 Filed 2-20-75;8:45 am]

[Docket No. E-9261]

BUCKEYE POWER, INC.

Notice of Tariff Change

FEBRUARY 14, 1975.

Take notice that Buckeye Power, Inc., on February 10, 1975, tendered for filing proposed changes in its FPC Rate Schedules Nos. 3 through 30, inclusive. The proposed changes would increase revenues from jurisdictional sales and service by $5,190,636 based on the 12 month period ending March 31, 1975. The proposed changes would also change the method of determining billing demand from non-coincidental peak demand to coincidental peak demand.

Buckeye states that the primary reason for the proposed rate increase is to produce equity capital for Buckeye to be used to complete its second generating unit now under construction and to provide for additional capital expenditures for environmental protection facilities and to provide for additional generating capacity to meet its future requirements.

The proposed effective date is April 1, 1975.

Copies of the filing were served upon Buckeye Power, Inc.'s 28 member-owners which constitute its jurisdictional customers and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4727 Filed 2-20-75;8:45 am]

[Docket No. CI75-438]

COLEVE

Notice of Application

FEBRUARY 14, 1975.

Take notice that on January 27, 1975, Coleve, a Joint Venture composed of Columbia Gas Development Corporation and Energy Ventures, Inc., 2500 First City National Bank Building, Houston, Texas 77002, filed in Docket No. CI75-438

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an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act and § 2.75 of the Commission's rules of practice and procedure to authorize Applicant to sell natural gas from eight tracts in federal waters offshore Louisiana to Columbia Gas Transmission Corporation. Under the terms of the Gas Purchase and Sales Agreement dated January 23, 1975, the gas would be sold from certain acreage in the Federal Domain offshore Louisiana, specifically in Blocks 479, North half of West Cameron Block 507, 485, 531, and 642, West Cameron Area; Blocks 370 and 371, East Cameron Area; and Block 267, South Marsh Island Area at the initial rate of $1.44 per Mcf, together with the 2.0 cents per Mcf annual escalations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before March 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4728 Filed 2-20-75;8:45 am]

[Docket No. RP75-46]

EASTERN SHORE NATURAL GAS CO.

Tender of Demand Charge Adjustment and Request for Waiver of Regulations

FEBRUARY 14, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 24, 1974, tendered for filing revised and original tariff sheets to its FPC Gas Tariff, Original Volume No. 1, as follows:

Third Revised Sheet No. 7
Second Revised Sheet No. 9D
First Revised Sheet No. 32B
Original Sheet No. 34L
Original Sheet No. 34M

Eastern Shore states that the purposes of this filing are (1) to provide for demand charge adjustments under its curtailment plan, and (2) to set forth the procedures for reimbursement of Eastern Shore through changes in its commodity charges for the demand charge credits granted to customers.

Eastern Shore states that the proposed revisions are in the public interest because its customers will not be required to pay demand charges for that portion of contract demand not supplied by reason of gas shortage curtailment, and Eastern Shore will not be precluded from earning its cost of service. Eastern Shore further states that the operation of the proposed tariff changes will not result in any increase in Eastern Shore's annual revenues.

Eastern Shore requests waiver of the thirty-day notice provisions of the Natural Gas Act and the Commission's rules and regulations in order that the proposed tariff sheets may become effective as of January 1, 1975.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State commissions.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4729 Filed 2-20-75;8:45 am]

[Docket No. RP75-42-1]

EL PASO NATURAL GAS CO.

Order Granting Petition for Emergency Relief and Granting Intervention

FEBRUARY 14, 1975.

By letter filed December 16, 1974, Paul Lime Plant, Inc. (Paul Lime) requested emergency relief from the curtailment imposed upon it by El Paso Natural Gas Company (El Paso) for a period of 60 days commencing December 11, 1974. Paul Lime has requested that it be permitted to utilize 3,800 Mcf per day for that period after which it will have installed alternate fuel facilities enabling it to pay back the gas consumed during the emergency period.

Paul Lime is a direct industrial customer of El Paso located near Douglas, Arizona, which utilizes gas for space heating in company houses and offices and in three gas fired kilns that are used in the production of calcium oxide. Paul Lime asserts that its product, calcium oxide, is an essential reagent in the production of copper concentrates by producing mines in southern Arizona and New Mexico. Consequently, Paul Lime states that gas curtailments to its plant would result in probable layoffs not only of its own employees, which number 48, but also copper workers in the southwest who number in excess of 10,000.

Paul Lime requires the emergency volumes for Priority 3 use, but following the 60 day period gas will not be required for Priority 3 consumption and Paul Lime will thus be able to effectuate a payback. Paul Lime further indicates that it will minimize gas usage during the emergency period by operating only two of the three kilns.

To initiate emergency service, and pending our disposition of Paul Lime's petition herein, El Paso, at Paul Lime's request, began emergency gas service on December 11, 1974. By telegram to the Commission dated December 16, 1974, El Paso indicated no problems in rendering the requested service.

On February 5, 1975, Pacific Gas & Electric Company (PG & E) filed a petition to intervene in the instant proceeding and claimed sufficient interest in the proceeding by virtue of its status as a customer of El Paso. However, PG & E neither opposed the petition herein nor requested formal hearing thereon.

Because of the temporary nature of the emergency herein and because of Paul Lime's expeditious installation of alternate fuel facilities, allowing full paybacks of Priority 3 volumes, we will grant the petition for the relief requested.

Finally, on February 10, 1975, the Commission received a communication from Paul Lime indicating that delivery of certain equipment to be utilized in the changeover from gas to alternate fuel had not been timely delivered and that it would need an additional 30 days of emergency relief with delivery volumes of 2,400 Mcf per day required for Priority 3 use. For good cause shown the Commission will grant the requested extension of emergency relief service.

The Commission finds. (1) Good cause exists to permit emergency gas service from El Paso to Paul Lime for the period requested in the latter's petition for emergency relief.

(2) Good cause exists to permit an extension of emergency gas service from El Paso to Paul Lime for a period not to exceed 30 days from the date of termination of the original emergency service period.

(3) The participation of PG & E may be in the public interest.

The Commission orders. (A) The emergency service of gas deliveries in the amount of 3,800 Mcf per day for Priority 3 use from El Paso to Paul Lime for the 60 day period commencing December 11, 1974, is hereby authorized, subject to payback.

(B) The emergency service from El Paso to Paul Lime shall be continued for a period not to exceed 30 days beyond the termination date of the emergency period authorized in Paragraph (A) above, subject to payback. The volumes of Priority 3 gas to be delivered during the extended period shall be 2,400 Mcf per day.

(C) PG & E is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters directly affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order

of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4730 Filed 2-20-75;8:45 am]

[Docket No. CP74-192]

FLORIDA GAS TRANSMISSION CO.

Order Setting Pre-Hearing Conference, Prescribing Procedures, and Granting Interventions

FEBRUARY 10, 1975.

On January 24, 1974, Florida Gas Transmission Company (Florida), filed in Docket No. CP74-192 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and pipeline system totaling approximately 881.8 miles and extending through the states of Louisiana, Mississippi, Alabama, and Florida and for a certificate of public convenience and necessity authorizing the construction and operation of certain additional facilities on Florida's 30-inch loop which parallels said 24-inch system to allow Florida to convert the 24-inch system from natural gas service to a petroleum products pipeline.

In order to complete its 30-inch system which loops its existing and original 24-inch system, Florida seeks authorization to construct and connect an additional 68.28 miles of pipeline. The proposed construction consists of:

30-inch mainline

10.48 miles in Louisiana.
6.80 miles in Alabama.
23.96 miles in Florida.

26-inch mainline

9.93 miles in Florida.

Laterals

5.90 miles of 20-inch line in Florida.
11.21 miles of 4½-inch line in Florida.

Florida also seeks authorization to install three compressor stations in Florida, as follows:

1. A 3,165 horsepower compressor to be relocated from Station No. 5, Chambers County, Texas, to Station No. 16A, Putnam County, Florida;
2. A 3,165 horsepower compressor to be relocated from Station 8, East Baton Rouge Parish, Louisiana, to Station No. 17A, Lake County, Florida; and,
3. A new 3,800 horsepower compressor to be installed at Station 21, Palm Beach County, Florida.

The proposed construction is estimated to cost $21,497,000.

The proposed abandonment, upon completion of the new facilities, consists of 881.8 miles of pipeline and related facilities to its original 24-inch system extending from a point near Zachary in East Baton Rouge Parish, Louisiana to Fort Lauderdale, Florida. The proposed abandonment consists of:

24-inch mainline

82.3 miles in Louisiana.
82.5 miles in Mississippi.
72.6 miles in Alabama.
444.5 miles in Florida.

20-inch mainline

98.4 miles in Florida.

18-inch mainline

101.5 miles in Florida.

As of June 30, 1976, the projected date of abandonment, the original cost and depreciated original cost of said facilities are estimated to be $73,318,268 and $31,558,022, respectively.

Florida states that if the requested construction and abandonment authorizations are granted, the abandoned facilities will be sold to an unidentified affiliated company at depreciated original cost, for conversion to a petroleum products pipeline with an initial daily capacity for transporting 220,000 barrels of such products as gasoline, jet fuel, kerosene, and No. 2 fuel oil.

Florida states that the delivery capacity of its 30-inch system with the proposed facilities will be approximately equal to the deliverability from connected gas reserves at the time of the proposed conversion and will exceed its firm requirements. Florida further states that the proposed conversion of the 24-inch system to a petroleum products pipeline represents the least threat to the ecology and environment in supplying petroleum products to the State of Florida.

The application by Florida was noticed on February 7, 1974, with protests or petitions to intervene due by March 1, 1974. Notice of intervention was filed by the Florida Public Service Commission. Timely petitions to intervene were filed by the following:

City Gas Company of Florida [1]
Florida Power & Light Company
Florida Power Corporation
Florida Public Utilities Company
Gainesville Gas Company
Maule-Industries, Inc.[1]
Murphy Oil Corporation
Peoples Gas System, Inc.
Port Everglades Authority
Port Everglades Towing, Inc.
Southern Gas Company
Standard Oil Company
Sun Oil Company

The cites of Fort Pierce, Gainesville, Homestead, Kissimmee, Lakeland, Sebring, Starke, and Tallahassee jointly submitted a timely request for a ten day extension of time to determine whether they should petition to intervene. On March 12, 1974, these cities submitted a joint petition to intervene, protesting the proposed abandonment and specifically requesting a formal hearing.

Petitions to intervene were filed out-of-time by the following parties:

Florida Audubon Society, Inc.
Gardinier, Inc.

[1] These petitions specifically requested a formal hearing.

Governor of Florida
Izaak Walton League, Florida Division
Tenneco Oil Company

In addition, the Gulf Coast Regional Conservation Committee of the Sierra Club filed a timely protest and the Delta Chapter of the Sierra Club filed a protest after expiration of the time prescribed.

We believe that a formal hearing should be convened to develop a complete record in this proceeding. Such proceeding should develop, inter alia, a record regarding:

1. Florida's indicated reduction in average daily delivery capacity by about 69,000 Mcf;
2. Gas pipeline safety, operating flexibility and the cost of future capacity increases;
3. The propriety and/or necessity of gas customers paying for any new construction, all necessitated by the proposed sale and conversion of certain facilities to products transportation;
4. The full cost of the proposed products pipeline, including necessary conversion costs, as compared to the full cost of a new such pipeline, in order to determine the propriety of the sale to an affiliated company at depreciated original cost of a jurisdictional facility for conversion to a non-jurisdictional use;
5. The effect of the proposal on the quality of the human environment; and,
6. The propriety of conveying natural gas pipeline right-of-way for purposes other than natural gas transmission service, under section 7(h) of the Natural Gas Act.
7. The effect on the instant proposal with and without the continued transportation service being rendered by Florida for Sun Oil Company, pursuant to Docket Nos. G-9262, et al. and CP65-393. These proceedings authorized the transportation of up to 340,000 MMBTU per day from Sun Oil. The contract for 140,000 MMBTU's is due to expire in June, 1979 and the contract for the remaining 200,000 MMBTU's is due to expire in June, 1988.

The Commission finds. (1) It is necessary and appropriate that the proceeding in Docket No. CP74-192 be set for formal public hearing.

(2) A pre-hearing conference should be convened, at which may be discussed in addition to the matters set forth in § 1.8 of the rules of practice and procedure, any requests for clarification of the facts presented by the application which may be necessary for evaluation of the environmental impact of the proposed project.

The Commission orders. (A) Florida Gas Transmission Company, and all supporting interveners, shall file testimony and exhibits comprising their cases in chief on or before March 12, 1975.

(B) A pre-hearing conference is to be convened on March 19, 1975, at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426

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to discuss procedural issues and clarification as noted in this order.

(C) A formal hearing shall be convened in the proceeding in Docket No. CP74–192 in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426 on April 1, 1975 at 10 a.m. (e.d.t.). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

(D) If necessary, the record of these proceedings shall remain open until the submission of the Commission Staff's final environmental impact statement, and no initial decision shall be issued by the Administrative Law Judge until inclusion of the environmental impact statement in the record and cross-examination thereon.

(E) The above-mentioned interveners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4731 Filed 2–20–75;8:45 am]

[Docket No. G–3727]

GETTY OIL CO.

Notice of Petition To Amend

FEBRUARY 14, 1975.

Take notice that on January 30, 1975, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. G–3727 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) pursuant to the terms of a gas purchase agreement dated November 7, 1974, between Petitioner and Transco, said agreement having resulted from the agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G–2730, et al., all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection. Petitioner also requests permission to withdraw its application for permission and approval to abandon the sale to Transco filed in the subject docket on February 4, 1971.

Petitioner was issued a certificate of public convenience and necessity in the subject docket authorizing the sale of gas to Transco from certain acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas. On February 4, 1971, Petitioner filed for permission and approval to abandon sales to Transco from the subject acreage. Said application was consolidated with similar applications in Docket No. G–2730, et al., and was granted by the order accompanying Opinion No. 655 in Docket No. G–2730, et al. (49 FPC 738). On November 21, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. Transcontinental Gas Pipe Line Corporation v. FPC, 488 F.2d 1325 (D.C. Cir. 1973).

Petitioner states that on November 7, 1974, it entered into a new contract which supersedes the contract certificated in Docket No. G–3727 and which, among other things, sets forth volumes committed to Transco and provides for sales to continue until the gas reserves committed thereunder have been delivered. Said new contract is to become effective as of the date of Commission approval of the proposed settlement agreement in the proceeding in Docket No. G–2730.

Petitioner requests that, in the event the Commission approves the revised settlement proposal, the Commission contemporaneously issue an order amending Petitioners certificate issued in Docket No. G–3727 so as to authorize Petitioner to perform all acts and obligations provided for under the contract dated November 7, 1974.

Any person desiring to be heard or to make any protest with reference to said petition to amend and said request for withdrawal of application for permission and approval to abandon should on or before March 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4732 Filed 2–20–75;8:45 am]

[Dockets Nos. CI64–385, CI64–1124]

GRAMPIAN CO., LTD. AND RUTH PHILLIPS BISIKER

Notice of Petitions To Amend

FEBRUARY 14, 1975.

Take notice that on February 3, 1975, Grampian Company, Limited and Ruth Phillips Bisiker (Petitioners), c/o Cecil L. Smith, 1407 Main Street, Suite 1407, Dallas, Texas 75202, filed in Docket Nos. CI64–385 and CI64–1124, respectively, petitions to amend the orders issuing certificates of public convenience and necessity in said dockets pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) pursuant to the terms of separate gas purchase agreements dated November 7, 1974, between Petitioners and Transco, said agreements having resulted from the settlement agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G–2730, et al., all as more fully set forth in the petitions to amend, which are on file with the Commission and open to public inspection. Petitioners also request permission to withdraw their applications for abandonment of sale to Transco filed in the subject dockets on March 1, 1971.

Petitioners were authorized by orders issuing certificates of public convenience and necessity in the subject dockets to sell gas to Transco from acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas. Petitioners filed applications for permission and approval to abandon said sales on March 1, 1971, also in the instant dockets. Said requests, along with other similar abandonment applications, were granted by the order issuing Opinion No. 655 in Docket No. G–2730, et al. (49 FPC 738). On November 21, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. Transcontinental Gas Pipe Line Corporation v. FPC, 488 FPC 1325 (D.C. Cir. 1973).

Petitioners state that, as a result of settlement negotiations, they have entered into new contracts with Transco which provide, inter alia, for various volumes, to be delivered to Transco during certain periods, which are different from the volumes committed under the contracts pursuant to which sales were certificated in Docket No. G–3287 [sic] and further provide for such sales to continue as set forth in said contracts until all of the gas reserves committed to Transco thereunder have been delivered. Petitioners further state that said contracts will become effective the date of Commission approval of the proposed settlement.

Petitioners, accordingly, request that in the event the Commission approves the settlement in Docket No. G–2730 the Commission contemporaneously issue orders amending the certificates of public convenience and necessity issued in Docket Nos. CI64–385 and CI64–1124 so as to authorize Petitioners to perform all acts and obligations provided for under the November 7, 1974, contracts with Transco.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before March 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4733 Filed 2–20–75;8:45 am]

[Docket No. E–9046]

MONTAUP ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Increase in Rates, Granting Waiver of Notice Requirements, and Establishing Procedures

FEBRUARY 14, 1975.

On January 17, 1975, Montaup Electric Company (Montaup) tendered for filing, amendments to a rate schedule for service to the Narragansett Electric Company (Narragansett). The amendments, originally filed on October 1, 1974, were rejected as being contractually barred by the Mobile-Sierra doctrine[1] by Commission Order dated December 18, 1974 in the above-referenced docket. Montaup states that in the event its application for rehearing on the Mobile-Sierra issue is denied the above-mentioned rate schedule will nevertheless terminate on April 30, 1975, pursuant to contractual notice dated October 29, 1974. Montaup requests an effective date of May 1, 1975. Montaup further requests an 18 day suspension of the proposed rates to have the revised rate for service to Narragansett made effective subject to refund on May 19, 1975, the same date the rates to other customers filed in this proceeding will become effective subject to refund. Montaup further states that it has added a supplement to its rate schedule for service to Narragansett expressly permitting changes in rates by unilateral filing in accordance with section 205 of the Federal Power Act.

Notice of the filing was issued on January 28, 1975, with protests and petitions to intervene due on or before February 5, 1975.

Upon review of the instant filing we find that proper notice of termination of the above-mentioned contract was given to Narragansett by letter dated October 29, 1974, and that said contract will thereby terminate as of April 30, 1975. We also find that the issues raised in the present filing indicate that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, and in recognition of Montaup's request herein, we shall grant waiver of the ninety day notice requirements of § 35.3(a) of the Commission's Regulations and accept the proposal for filing as of January 17, 1975. Additionally, we shall suspend the proposal for 18 days from Montaup's proposed effective date of May 1, 1975, until May 19, 1975, to coincide with the effective date of the other documents filed in the above docket.

Pursuant to our findings stated above and in recognition of our treatment of the issue herein presented, we will deem Montaup's application for rehearing (filed January 17, 1975) withdrawn, as requested by Montaup.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Montaup's revised rate schedule be suspended as hereinafter provided.

(2) Good cause exists to grant Montaup's motion for waiver of the notice requirements of the Commission's regulations.

The Commission orders. (A) Pending a hearing and a decision therein, Montaup's proposed changes in its rates and charges to Narragansett tendered January 17, 1975, are accepted for filing as of January 17, 1975, and suspended for 18 days from the May 1, 1975 proposed effective date, and the use therefore deferred until May 19, 1975, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations, and the regulations under the Federal Power Act (18 CFR Chapter I) a public hearing shall be held concerning the lawfulness of Montaup's proposed rates changes as to Narragansett, in Docket No. E–9046. The hearing herein ordered shall be consolidated with the hearing ordered on December 18, 1974 in this docket, and Paragraphs (C) and (D) of that order which established procedural dates are incorporated herein.

(C) Montaup's application for rehearing, filed January 17, 1975, is hereby deemed withdrawn.

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(E) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4735 Filed 2–20–75;8:45 am]

[Docket No. CP74–64]

MOUNTAIN FUEL SUPPLY CO.

Notice of Amendment to Application

FEBRUARY 14, 1975.

Take notice that on February 6, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84111, filed in Docket No. CP74–64 an amendment to its application filed in the subject docket pursuant to section 7(c) of the Natural Gas Act by which amendment Applicant proposes to sell to and exchange natural gas with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), from an enlarged producing area, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By its application[1] filed in the subject docket on September 6, 1973, Applicant requests, inter alia, certificate authorization for the sale of natural gas to and the exchange of natural gas with CIG. The source of gas for said sale and exchange, as stated in the application, is from the Spearhead Ranch Well No. 1, Converse County, Wyoming. Applicant states that in anticipation of future natural gas development in Converse County it has enlarged the dedicated area under its sale and exchange agreement with CIG to include an additional 54 sections in the Anadarko-Fox area of Converse County.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene, in accordance with the Commission's rules. Persons who have heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4736 Filed 2–20–75;8:45 am]

[Docket No. RI75–109]

MURPHY OIL CORP.

Hearing and Rate Change

FEBRUARY 7, 1975.

Order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly dis-

[1] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[1] Notice of the application was published in the FEDERAL REGISTER on September 27, 1973 (38 FR 26973).

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criminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI75-109..	Murphy Oil Corp.....	24	17	Northwest Pipeline Corp., (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	$129,914	1-10-75	.....	6-22-74	22.5	1 35.7	

*Unless otherwise stated, the pressure base is 15.025 lb/in²a. 1 Plus applicable tax and Btu adjustment.

The proposed rate increase of Murphy, pursuant to an area rate clause, is from 22.5 cents to 35.7 cents per Mcf, the rate ceiling in Rocky Mountain established by Opinion No. 699–H for gas sold under contracts dated after October 1, 1968, from wells commenced prior to January 1, 1973. We shall suspend the proposed rate increase for one day from the date it would otherwise become effective under Opinion No. 699–H pending determination as to whether the Rocky Mountain ceiling in Opinion No. 699–H is applicable to the subject sales.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699–H, issued December 4, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699–H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75–4518 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availability clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, including Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4519 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availability clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, including Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4520 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availability clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, including Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4521 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availability clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, including Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4522 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availability clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, including Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4523 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availability clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, including Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4524 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availability clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, including Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4525 Filed 2–20–75;8:45 am]

[Docket No. E–9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised

Commission Staff Counsel do not believe, in making a recommendation for relicensing of the Chippewa Project No. 108, that we necessarily preclude the submission of further data by the Band and those Federal agencies recommending recapture which would support such a recommendation. But based upon the record as developed in this proceeding, in the absence of further evidence, we do not believe that recapture would satisfy the criteria established in Section 10(a) of the Act.

Northern States and the Staff each responded to the petition to reopen, with Northern States strenuously objecting and the Staff agreeing with the petitioners' request. Northern States argued (1) that Agriculture and the Interior have failed to identify, "in even the most rudimentary" manner, the evidence that requires reopening of the proceeding, and they have thereby failed to meet the requirements of § 1.33(a) of our rules; (2) that Agriculture and Interior have failed to demonstrate why their proposed evidence was not introduced at the hearing, even though they have had many years of notice (at least from July 17, 1969, when the Commission issued Order No. 384, concerning the content of Federal takeover recommendations) as to what is required; and (3) that reopening the record now will result in an "incalculable delay," given the requirements of the National Environmental Policy Act, among other things, thereby increasing Northern States' expenditures of time, money, and resources and resulting, Northern States says, in a deprivation of due process. Northern States points out that our denial of the Agriculture and Interior request will not, in any event, deprive those Departments of the opportunity to present their management plan to the Congress, and it is there, Northern States says, that the ultimate judgment as to Federal takeover will be made.

For its part, the Staff stated that it did not object to reopening, because the proposed management plan could be of assistance to the Commission, and later the Congress, in resolving the issues here involved. The Staff expressed certain misgivings—concerning the amount of time required, and concerning the position of the Lac Courte Oreilles Band—and stated that the Commission is not "required" to reopen this record. But, in light of the Commission's responsibility to insure a complete record, the Staff stated its view to be that a decision to reopen would be "fully justified."

On the basis of the foregoing filings, the Administrative Law Judge denied the petition on January 9, 1975, but he certified the question to us for our consideration and disposition. His denial, based upon his balancing of the public interest and the entitlement of all parties to the elements of fair play, is based upon the failure of the petitioners to give "any hint" as to the contents of the proposed plan; the limitations apparently imposed by the Lac Courte Oreilles Band in connection with its agreement to participate with the Forest Service in preparing the study; and the absence of any showing as to the materiality of the proposed evidence. The Administrative Law Judge states his agreement with the Staff view that the evidence already presented in the case is "exhaustive".

We grant the petition to reopen the record. We do so notwithstanding our agreement with much of the argument presented by Northern States, and with much of the reasoning of the Administrative Law Judge. And we do so notwithstanding our dismay at the timing and content of the Agriculture-Interior petition. Each has had notice of Northern States' application for a new license since August 1971; each has long since recommended to us that the United States should take over the project (1968 in the case of Agriculture, 1972 in the case of Interior); and each participated in the hearings in this proceeding in 1973 and 1974. Yet seven months after the hearings were concluded and the record closed, with briefing substantially completed, the Departments have asked, in effect, that we call a complete halt. Our dismay is compounded by the singular lack of detail concerning the proposed new evidence. It is clear that no deference whatsoever has been paid to our rules.

Recognizing the fact that we are here dealing with a case of first impression, following the enactment of Pub. L. 90–451, 82 Stat. 616, i.e., one in which both Departments have proposed Federal takeover in an administrative hearing reflecting the requirement of FPC Order No. 384, we believe they should have the opportunity to present evidence in further support of their takeover position. They contend, and we are willing to accept, for purposes of this order, that existing evidence in support of Federal takeover may be deficient. While the record in the case is not yet before us, the briefs of the parties are, and an examination of those briefs suggests that existing evidence concerning Federal takeover is lacking at least in specificity. In any event, we think the existing record cannot be described as "exhaustive", so long as it does not contain a management plan of the kind these parties apparently seek to present. We cannot risk excluding the proposed evidence.

We stress the first impression characteristics of this case and in doing so, we would remind both Departments that in future instances, we expect adherence to the Commission's rules. Fairness to all parties and the orderly disposition of Commission proceedings demands observance of Commission rules by all interests, Federal departments, state agencies, Indian groups, license applicants and others. In this instance, Northern States points out that if we deny the petition, the Departments will be able, thereafter, to present their proposed management plan to the Congress. We concede that that would probably be the case. This is so because, if we were ultimately to recommend Federal takeover, that recommendation would be submitted to the Congress under section 7(c) of the Federal Power Act; if we were instead to issue a new license, then a two-year stay and notification to the Congress would follow under section 14(b). But we are unwilling to undertake to reach either of these conclusions, notwithstanding the likelihood of our being second-guessed, in the absence of as full a record before us as may be reasonable and possible. The Congress deserve more from us than a decision based on evidence that is apparently, even if arguably, incomplete.

We will, thus, order reopening, but we cannot accede to an indefinite delay. We shall select the shortest interval contained in the Departments' petition, and will, therefore, require that the Land Use and Resource Management Plan be filed with us and with the parties no later than eight months from the date of this order, with hearings thereon to commence as soon thereafter as the Presiding Administrative Law Judge may determine, but in no event later than 30 days following the date of filing of the Plan.

The Commission finds. Good cause exists to reopen the record in this proceeding, in order that a Land Use and Resource Management Plan, relating to Federal takeover of Project No. 108, may be introduced into evidence, with an opportunity afforded for cross-examination thereon.

The Commission orders. (A) The Joint Petition filed on December 6, 1974, by the Secretaries of Agriculture and the Interior is granted, and the record in this proceeding is reopened so that a Land Use and Resource Management Plan may be introduced into evidence.

(B) Such plan shall be filed with us and served upon the parties to this proceeding no later than 8 months from the date of issuance of this order.

(C) Following the filing of such plan, the Presiding Administrative Law Judge shall arrange for such further hearings, and such further briefing, as may in his judgment be appropriate, with hearings commencing no later than 30 days following the date of filing of the plan.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4739 Filed 2-20-75;8:45 am]

[Docket No. CI75-466]

TENNECO OIL CO. AND TENNESSEE GAS PIPELINE CO.

Extension of Procedural Dates

FEBRUARY 13, 1975.

On February 12, 1975, Tenneco Oil Company, Tennessee Gas Pipeline Company, a division of Tenneco, Inc., filed a motion to extend the procedural dates fixed by order issued February 7, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of company testimony and documentary evidence, February 21, 1975.
Hearing, March 3, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4740 Filed 2-20-75;8:45 am]

[Docket No. RP75-13]

TENNESSEE GAS PIPELINE CO.

Proposed Revisions in Rate Increase

FEBRUARY 14, 1975.

Take notice that on February 12, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing revised tariff sheets in Docket No. RP75–13. The proposed effective date of the revised tariff sheets is March 15, 1975.

Tennessee states that the purpose of the revised tariff sheets is to revise the rates currently under suspension in this docket to (1) reflect the elimination of non-certificated facilities as required by the Commission's order of October 11, 1974, in this proceeding; (2) reflect the current cost of gas shown in Tennessee's PGA increase in Docket No. RP73–114 which became effective January 1, 1975; and (3) revise the projected sales volumes to reflect the current gas supply curtailment on Tennessee's system. In the event the Commission declines to accept these revised tariff sheets, Tennessee also tendered alternate revised tariff sheets which it states reflect only the adjustments for non-certificated facilities and current cost of gas. The alternate revised tariff sheets are also proposed to be effective on March 15, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4741 Filed 2-20-75;8:45 am]

[Docket Nos. RP74–24, RP75–35, RP75–36, RP75–43, RP75–50, RP75–45]

TENNESSEE GAS PIPELINE CO., ET AL.

Order Denying Motions, Construing Motions as Complaints, Consolidating Complaints and Setting Date and Procedures for Formal Hearing

FEBRUARY 14, 1975.

In the matter of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., Consolidated Edison Company of New York, Inc., *Complainant*, v. Tennessee Gas Pipeline Company, *Respondent*, Orange and Rockland Utilities, Inc., *Complainant*, v. Tennessee Gas Pipeline Company, *Respondent*, Knoxville Utilities Board, et al., and Tennessee Public Service Commission, *Complainants*, v. Tennessee Gas Pipeline Company, *Respondent*, Pennsylvania Gas and Water Company, *Complainant*, v. Tennessee Gas Pipeline Company, *Respondent;* investigation of revised curtailment level on the system of Tennessee Gas Pipeline Company.

On November 19, 1974, Consolidated Edison Company of New York, Inc. (Con Ed); on November 22, 1974, Orange and Rockland Utilities, Inc. (O&R); on December 23, 1974, Knoxville Utilities Board, et al.; and Tennessee Public Service Commission (Knoxville, et al.); and on January 3, 1975, Pennsylvania Gas and Water Company (Penn Gas), (all hereinafter styled Complainants) filed complaints in Docket Nos. RP75–35, RP75–36, RP75–43, and RP75–50, respectively, under section 5(a) of the Natural Gas Act against Tennessee Gas Pipeline Company's (TGP) operation of its curtailment plan. By order issued December 24, we initiated an investigation in Docket No. RP75–45 into the causes of the increased level of curtailment recently imposed by TGP on its system. By motion filed January 17, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) a customer on TGP's system seeks to expand the investigation to include, inter alia, a review of curtailment plan and its implementation that are presently in effect on TGP's system. By motion filed January 24, 1975, General Motors Corporation (GM), an intervenor in the curtailment proceeding in Docket No. RP74–24, seeks to reopen the record in that proceeding and to direct TGP to reinstate end-use volumes discussed therein.

Complainants Con Ed and O&R allege that as a result of TGP's establishment of its seasonal entitlements and continued assurances that additional curtailments would not be required, both companies accelerated their curtailment during the summer season in order to have greater flexibility in September and October. The entitlement period was established originally as April 1, 1974, through October 31, 1974, however because of the alleged effects of Hurricane Carmen, TGP established new Contract Period Quantity Entitlements (CPQE) on September 23, 1974, for the 39-day period from September 23, 1974 to October 31, 1974. Con Ed and O&R contend that the new CPQE's discriminate against them by not taking into account accelerated curtailments during the summer season.

TGP's response to Con Ed and O&R is that the curtailment plan approved in Docket No. RP74–24 gives them the right to change the CPQE's and the applicable period whenever circumstances warrant and that the practicalities of the situation do not permit TGP to credit these customers for their accelerated summer curtailments.

Knoxville et al argues that the December 16, 1974, 13 percent curtailment is completely opposite to TGP's repeated assurances that its gas supply would be adequate to meet all presently certificated requirements. Knoxville et al. contends that the suddenness of the new curtailment did not give it sufficient lead time to acquire alternate fuels.

Penn Gas contends that the end-use data that TGP utilized in implementing its December 16, 1974, curtailment consists of unverified information submitted unilaterally by TGP's customers which, according to Penn Gas, is unreliable and has been discriminately applied by TGP. In addition, Penn Gas requested interim relief with respect to the allocations presented in its petition to the extent that TGP be required to utilize the end-use data shown in Exhibit 2 in the proceeding in Docket No. RP74–24, as revised, consistent with the volumetric limitations imposed in Docket No. CP73–115 or curtail Penn Gas on the basis of corrected end-use data.

TGP in its answer to Penn Gas' complaint filed January 30, 1975, submits that it had to utilize end-use profile data reflecting annual design volumes which were submitted to TGP in response to TGP's letter of October 10, 1974, to its customers requesting their end-use estimates, in order to comply with the Commission's Opinion No. 712 issued November 26, 1974, which directed TGP to impose annual volumetric limitations on all of its customers at the level of its CP73–115 annual system capacity design volumes.

These complaints present issues involving the propriety of TGP's implementation of its curtailment plan that require determination on the basis of an evidentiary record. Additionally, the issues raised in the complaints contain common questions of law and fact that should be heard and decided in a consolidated proceeding.

Penn Gas' request for interim relief is based upon its allegation that TGP is erroneously implementing its curtailment

[1] Commissioner Moody, dissenting, will have a separate statement to be filed later.

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plan. That allegation will become an issue in the consolidated proceeding hereinafter instituted. Therefore, we will deny Penn Gas' request for interim relief, since the grant of that request will prejudge the issue involved in the hearing hereinafter instituted.

In addition Alabama-Tennessee's motion to expand the scope of the investigation in Docket No. RP75–45 and GM's motion to reopen the curtailment proceeding raise questions of law and fact, that more properly relate to Complainant's allegations as to the questions of gas supply allocation than to the captioned proceedings under which such motions were filed. Therefore, we will deny Alabama-Tennessee's motion to expand the scope of the investigation and we will deny GM's motion to reopen the curtailment proceeding. However, due to the nature of the allegations made in those motions already noted, we will construe those motions as complaints filed under section 5(a) of the Act and will consolidate them with the hereinabove-mentioned complaints and set the entire matter for formal hearing.

The Commission finds. (1) Good cause exists for denying Alabama-Tennessee's motion to expand the scope of the proceeding in Docket No. RP75–45, for denying GM's motion to reopen the proceeding in Docket No. RP74–24 and for construing these motions as complaints all as hereinbefore mentioned and hereinafter ordered.

(2) Good cause exists for consolidating all the hereinbefore described complaints and setting these complaints for formal hearing and establishing the procedures for that hearing, as hereinafter ordered.

(3) Good cause exists for denying Penn Gas' request for interim relief.

The Commission orders. (A) The motion to expand the scope of the proceeding in Docket No. RP75–45 filed by Alabama-Tennessee is denied.

(B) The motion of GM to reopen the proceeding in Docket No. RP74–24 is denied.

(C) Penn Gas' request for interim relief is denied.

(D) The motions of Alabama-Tennessee and GM are construed as complaints pursuant to section 5(a) of the Natural Gas Act and are hereby consolidated, along with the complaints of Con Ed, O&R, Knoxville, et al., and Penn Gas for purposes of hearing and decision.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on March 25, 1975, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on the issues raised in the complaints consolidated herein for purposes of hearing and decision.

(F) The direct case of all complainants supporting their complaints shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before March 11, 1975.

(G) The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure and shall establish procedures not herein set for the determination of this consolidated proceeding.

(H) Notice of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 7, 1975, in accordance with the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4742 Filed 2–20–75;8:45 am]

[Docket No. RP74–37–11]

UNITED GAS PIPE LINE CO.

Extension of Time

FEBRUARY 13, 1975.

On February 11, 1975, Mississippi Chemical Corporation filed a motion to extend the date for filing briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued December 27, 1974 in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing briefs opposing exceptions in the above matter is extended to and including February 24, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4743 Filed 2–20–75;8:45 am]

GENERAL ACCOUNTING OFFICE

HOUSEHOLD GOODS CARRIERS

Approval of Report Proposal

Notice is hereby given that the General Accounting Office (GAO) has withdrawn its denial of clearance of a proposal by the Interstate Commerce Commission to require household goods carriers to file a new annual performance report. GAO's decision is made in the light of information developed subsequent to our initial decision.

The requirement and data to be included in the report are specified in 49 CFR 1056.7(b). Respondents are 2,500 household goods carriers.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–4817 Filed 2–20–75;8:45 am]

REGULATORY REPORTS REVIEW

Extension of Comment Deadline

This notice supplements our FEDERAL REGISTER notice of January 31, 1975, inviting comments from all interested persons, organizations, public interest groups, and affected businesses on the Federal Trade Commission's Corporate Patterns Report Forms S, 1 and 2. Notice is hereby given that the deadline for the receipt of comments has been extended from February 18, 1975, to March 4, 1975. The comments should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 02548.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–4863 Filed 2–20–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921–143]

TAPERED ROLLER BEARINGS AND CERTAIN COMPONENTS THEREOF FROM JAPAN

Statement of Reasons for Negative Determination of Commissioner Minchew

JANUARY 23, 1975.

In the investigation of Tapered Roller Bearings from Japan, AA1921–143, I have made a negative determination because I feel that all parts of the statutory criteria which would be necessary for an affirmative finding are not met.

Section 201(a) of the Antidumping Act of 1921 states—

(a) Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. . . .

The "foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value" (LFTV) portion of the statute was established by the U.S. Treasury Department with respect to tapered roller bearings from Japan for the period July–December 1973. The U.S. Tariff Commission (now the U.S. International Trade Commission) received advice to this effect from the U.S. Treasury Department on September 4, 1974, and the Commission instituted investigation No. AA1921–142 on September 11, 1974. On October 23, 1974, the Commission received an additional communication from the U.S. Treasury Department which served as the basis for terminating investigation No. AA1921–142. On October 24, 1974, the Commission instituted a new investigation, AA1921–143, on the basis of the aforementioned clarification from the U.S. Treasury Department.[1]

The "is being or is likely to be injured" part of the statute is not met, in my opinion, because what I would consider normal tests for injury are not met. The domestic tapered roller bearing industry (domestic industry) was operating at near capacity and was unable to meet increased demands which existed in the U.S. market in that period. The domestic industry experienced increased sales in every year from 1970 to 1973, which encompasses the dumping period. The domestic industry increased its prices consistently throughout the period 1970 to 1973. In addition, the export sales of the domestic industry as a proportion of total sales increased during 1973. For me, it is not possible to establish that an industry which has the above-mentioned characteristics is being or is likely to be injured by reason of imports sold at LTFV.

The "by reason of the importation of such merchandise" section of the statute, at this point in my determination, does not have to be considered because I have not found injury or the likelihood of injury. However, had injury or the likelihood of injury been found, I do not think that I could have established the causal relationship between the injury or likelihood of injury and the sales of imports at LTFV. It is clear to me that whatever injury which might be alleged by the smaller domestic producers was due more to their competitive disadvantage against the dominant domestic producer than it was to sales at LTFV.

By Order of The Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75–2690 Filed 1–28–75;8:45 am]

[1] I had opposed the institution of a new investigation on October 24, 1974, because I felt the communication from the U.S. Treasury Department was not new advice but simply a clarification of its advice of September 4, 1974, and consequently I felt the Commission more properly should have proceeded with its original investigation, AA1921–142. My views did not prevail, and a majority of the Commission interpreted the new communication from the U.S. Treasury Department as new advice and the basis for the new investigation, AA1921–143.

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 14, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received: the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

CIVIL SERVICE COMMISSION

Experimental Field Test of Pay Survey Methodology, single-time, different typs of industries, Strasser, A., 395–3880.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency Program Evaluation Summary Sheet, DCPA 744–3, single-time, local civil preparedness officials, National Security Division, 395–4734.

DEPARTMENT OF THE ARMY (EXCLUDING OFFICE OF CIVIL DEFENSE)

Industrialized Buildings Production Project Data, CERL 111A, CERL 111B, CERL 111C, CERL 111D, CERL 111E, CERL 111F, single-time, industrialized building manufacturers and architects, National Security Division, 395–4734.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, NIE Product Information Guidelines, NIE 100, single-time, colleges and universities, Human Resources Division, 395–3532.

Health Resources Administration, Health Data and Information Dissemination Survey—Phase I, HRAOPEL0102, single-time, health and health-related professionals, Reese, B. F., 395–5630.

Center for Disease Control, Development of the Role of the Health Department as Coordinator of Occupational Health Programs, CDC 0127, single-time, manufacturing and services, Ellett, C. A., 395–6172.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Statement of Work-Rep 197—Motorist Survey, single-time, motorists, Strasser, A., 395–3880.

REVISIONS

CIVIL SERVICE COMMISSION

Mid-Level Data Sheet, CSC 1056, on occasion, applicants for Federal jobs, Caywood, D. P., 395–3443.

ENVIRONMENTAL PROTECTION AGENCY

Community Health and Environmental Studies: Respiratory Diseases, on occasion, individuals, Natural Resources Division, 395–6827.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Bureau of Standards:
Survey on the Impact of Mechanical Properties of Metals Programs at NBS, single-time, Evinger, S. K., 395–3648.
Synthetic Polymer Fire Accident Case Study, NBS 782, on occasion, Evinger, S. K., 395–3648.

Impacts and Needs in Molecular Polymer Characterization, single-time, Evinger, S. K., 395–3648.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration:
. . . Agricultural Aircraft Operations and the Application for . . . Agricultural Aircraft Operator Certificate (Regulations), on occasion, Evinger, S. K., 395–3648.
Federal Aviation Regulations Part 141—Pilot Schools—Records Retention Requirements, FAR 141, on occasion, Evinger, S. K., 395–3648.
Application for Crew Member Certificate, FAA 8060–6, on occasion, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–4779 Filed 2–20–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 18, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

ATOMIC ENERGY COMMISSION

Distribution and Evaluation of Public Service Announcements, single-time, public service directors, Lowry, R. L., 395–3772.

UNITED STATES TARIFF COMMISSION

Preliminary Inquiry 337–L–80—Angolan Robusta Coffee, single-time, roasters and/or importer–sellers of Angolan Coffee, Evinger, S. K., 395–3648.

U.S. CIVIL SERVICE COMMISSION

Civil Service Competitor Survey, single-time, Individuals Taking Civil Service tests, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Breast Cancer and Reserpine Preliminary case control study, OS–NIH–CA–23, single-time, Screenees and Physicians, Hall, George, 395–4697.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of information sources: Visual Disorders and Disabilities, OS–NIH–EY–3, single-time, State, Federal and Private Agencies, Hall, George, 395–4697.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Report Form for the Central Catalog of Volunteer Produced Books—Braille, Large Type, Tape Recorded, OE-401, Other (See SF-83). Volunteer Transcribers for the Blind, Caywood, D. P., 395-3443.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Marketable Phosphate Rock, 6-1250-M, Monthly, Producers of Marketable Phosphate Rock, Weiner, N., 395-4890.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Capacity to Produce Asphalt and Forecast of Availability of Paving Asphalt and Road Oil, 61329-X, single-time, Suppliers of paving asphalt and road oil, Weiner, N., 395-4890.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration Underground Mine Ventilation Plan, Annually, underground metal and nonmetal mine operators, Ellett, C. A., 395-6172.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Hunter Contact Card (Waterfowl), 3-1823, Annually, waterfowl hunters, Planchon, P., 395-3898.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4902 Filed 2-20-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENGINEERING MATERIALS

Notice of Revision

This notice is to announce revision in the structure of the Advisory Panel for Engineering Materials. The changes described below are reflected in the panel's modified charter. Copies of the charter addendum, like the initial charter, have been forwarded to the Library of Congress for public inspection and filed with the standing committees of Congress having legislative jurisdiction of the National Science Foundation.

The Advisory Panel for Engineering Materials was established on December 31, 1973, to advise the Engineering Materials Program. However, since that time, the program has been merged into the Metallurgy and Materials Section and the panel now provides advice to the Metallurgy and Materials Section. Members of this panel shall be selected from the community of research scientists in Metallurgy and Materials. Accordingly, the name of the Advisory Panel for Engineering Materials shall be changed to the Advisory Panel for Metallurgy and Materials, effective immediately.

H. GUYFORD STEVER,
Director.

[FR Doc.75-4801 Filed 2-20-75;8:45 am]

ADVISORY PANEL FOR ENGINEERING CHEMISTRY AND ENERGETICS

Notice of Meeting

There will be an open meeting of the Advisory Panel for Engineering Chemistry and Energetics held at 9:30 a.m. in room 511 on March 10 and room 517 on March 11, 1975. The Panel was established January 2, 1973, and functions in accordance with the Federal Advisory Committee Act (P.L. 92-463). The purpose of this Panel is to provide advice and recommendations concerning support for research in engineering chemistry and energetics.

During the March 10 session, the full Panel will meet to discuss general program matters and then will adjourn to assemble in four subgroups. (Room numbers will be announced at the meeting.) Each subgroup will be concerned with one of the four programs in the Engineering Chemistry and Energetics Section: Chemical Processes; Thermodynamics and Mass Transfer; Heat Transfer; and Plasma Dynamics and Nuclear Engineering. The subgroups will discuss the current funding, areas which should be de-emphasized, and new areas in need of attention as they relate to each respective program.

On March 11 the full Panel will reassemble in room 517 to: discuss balance of support activities among the several programs in the Section; review administrative procedures as affecting grantees; and discuss post grant evaluation.

Any persons wishing to attend this open meeting should contact Dr. Charles E. Huckaba, Head, Engineering Chemistry and Energetics Section, Rm. 324, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5867, before March 7. Dr. Huckaba may also be contacted for further information about this Panel.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, MAO, Rm. 720-K, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 18, 1975.

[FR Doc.75-4800 Filed 2-20-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON CO. (INDIAN POINT, UNIT NO. 3)

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations 10 CFR Part 50, Appendix D, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the operation of Indian Point Nuclear Generating Plant, Unit No. 3 by Consolidated Edison Company of New York, Inc., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The Final Environmental Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

The notice of availability of the Draft Environmental Statement for the Indian Point Nuclear Generating Plant, Unit No. 3 and request for comments from interested persons was published in the FEDERAL REGISTER on October 23, 1973 (38 FR 29243). The comments received from Federal, State, local agencies and interested members of the public have been included as Appendix I to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG 75/002, Volume I and NUREG 75/003, Volume II) may be obtained at current prices by writing to the National Technical Information Service, Springfield, Virginia 22161.

Dated at Rockville, Maryland this 18th day of February 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1 Division of Reactor Licensing.

[FR Doc.75-4853 Filed 2-20-75;8:45 am]

[Docket No. STN 50-535]

GENERAL ATOMIC CO.

Receipt of Standard Safety Analysis Report

General Atomic Company, in response to Option No. 1 of the policy statement of the Nuclear Regulatory Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants", issued March 5, 1973, and pursuant to Appendix O to 10 CFR, Part 50, has filed with the Commission a five-volume document entitled "GASSAR-6 General Atomic Standard Safety Analysis Report", which was docketed on February 5, 1975. The tendered application for GASSAR-6 was received on August 23, 1974. Following a preliminary review for completeness, the application was rejected on November 6, 1974, for lack of sufficient information. General Atomic Company submitted a revised Standard Safety Analysis Report on January 20, 1975, and the application was found to be acceptable for docketing. Docket No. STN 50-535 has been assigned to GAS

SAR-6 and should be referenced in any correspondence relating thereto.

GASSAR-6 has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. GASSAR-6 describes and analyzes a high-temperature gas-cooled reactor nuclear steam supply system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a rated core thermal power level of 3000 megawatts.

When its review of GASSAR-6 is complete, the Commission's staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, GASSAR-6 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

All interested persons who desire to submit written comments for consideration by the staff and ACRS during their review of GASSAR-6 should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by April 22, 1975.

A copy of the GASSAR-6 Standard Safety Analysis Report is available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. 20555. When available, the Safety Evaluation Report and the ACRS report will be made available for inspection by the public at the Commission's Public Document Room.

Dated at Bethesda, Maryland, this 12th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Division of Reactor Licensing.

[FR Doc.75-4447 Filed 2-20-75;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 5 and 3 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric & Gas Company, Delmarva Power & Light Company, and Atlantic City Electric Company which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. These amendments are effective as of date of issuance.

The amendments permit a decrease in the discharge pressure of the High Pressure Service Water pumps.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to these actions, see (1) the application for amendments dated December 3, 1974, (2) Amendments Nos. 5 and 3 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 6 and 3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 East Market Street, York, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 12th day of February, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-4718 Filed 2-20-75;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation which revised Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the R. E. Ginna Nuclear Power Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1974, (2) Amendment No. 5 to License No. DPR-18, with Change No. 14, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 13th day of February 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-4719 Filed 2-20-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Bylaws

The bylaws of the Pennsylvania Avenue Development Corporation, amended January 28, 1975, are as follows:

ARTICLE I

TITLE AND OFFICE

Section 1. *Title*—The name of the Corporation is the Pennsylvania Avenue Development Corporation.

Section 2. *Office*—The office of the Corporation shall be in the city of Washington, District of Columbia.

ARTICLE II

ESTABLISHMENT

Section 1. *Creation*—The Corporation, a wholly owned instrumentality of the United States subject to the Government Corporation Control Act (31 U.S.C. 841 *et seq.*), was established by the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871 *et seq.*, 86 Stat. 1266), as amended, hereinafter refered to as "the Act".

Section 2. *Purposes*—The purposes for which this Corporation was established are those stated and promulgated by Congress in the Act.

ARTICLE III

BOARD OF DIRECTORS

Section 1. *Powers and responsibilities*—The business, property and affairs of the Corporation shall be managed and controlled by the Board of Directors, and all powers specified in the Act are vested in them. The Board may, at its discretion and as hereinafter provided, delegate authority necessary to carry on the ordinary operations of the Corporation to officers and staff of the Corporation.

Section 2. *Composition; number; selection; terms of office*—The Board of Directors shall be comprised of fifteen voting members and eight non-voting members. The powers and management

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of the Corporation shall reside with the fifteen voting members, and the procedures of the Board shall be determined by them.

The fifteen voting members shall include the seven government agency representatives specified in Subsection 3(c) of the Act (or, their designees), and eight individuals meeting the qualifications of that Subsection, appointed by the President of the United States from private life, at least four of whom shall be residents and registered voters of the District of Columbia.

The Chairman and Vice Chairman shall be designated by the President of the United States from among those members appointed from private life.

Upon his appointment, the Chairman shall invite the eight representatives designated in Subsection 3(g) of the Act to serve as non-voting members of the Board of Directors.

Each member of the Board of Directors appointed from private life shall serve a term of six years from the expiration of his predecessor's term; except that the terms of the Directors first taking office shall begin on October 27, 1972 and shall expire, as designated at the time of appointment. A Director may continue to serve until his successor has qualified.

A Director, appointed from private life wishing to resign shall submit a letter of resignation to the President of the United States, and his resignation shall become effective upon the date of the President's acceptance thereof.

A Director, appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed, shall serve for the remainder of such term.

Section 3. *Meetings*—The Board of Directors shall meet and keep its records at the office of the Corporation.

Meetings of the Board of Directors shall be held at the call of the Chairman, but not less often than once every three months. The Chairman shall also call a meeting at the written request of any five voting members.

The Chairman shall direct the Secretary to give the members of the Board notice of each meeting, either personally, or by mail, or by telegram, stating the time, the place and the agenda for the meeting. Notice by telephone shall be personal notice. Any Director may waive in writing, notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of that meeting. Notice, in whatever form, shall be given so that a Director will have received it five working days prior to the time of the meeting.

Unless otherwise limited by the notice thereof, any and all Corporation business may be transacted at any meeting.

The Chairman shall preside at meetings of the Board of Directors, or the Vice Chairman in the absence of the Chairman. In the event of the absence of both the Chairman and the Vice Chairman, the Directors present at the meeting shall designate a Presiding Officer.

Section 4. *Quorum*—The presence of any eight voting Directors at a meeting of the Board shall constitute a quorum for the transaction of business. The act of a majority of the voting Directors at any meeting at which there is a quorum shall be an act of the Board of Directors. If there shall be less than a quorum at any meeting, a majority of the voting Directors present may adjourn the meeting until such time as a quorum can practically and reasonably be obtained.

Section 5. *Directors serving in stead*—Each member of the Board of Directors specified in paragraphs (1) through (7) of Subsection 3(c) of the Act, if unable to serve in person, may designate another official from his agency or department to serve on the Board in his stead. Such designation will be effected by a letter of appointment to the Chairman from the Director specified in the Act. A Director appointed to serve in stead shall serve as the voting Director of the represented agency until the Chairman receives written notice from the appointing official, or his successor, that the appointment is rescinded. The Chairman shall cause notice of appointments of Directors to serve in stead to be published in the Federal Register.

Section 6. *Vote by proxy*—Voting members of the Board of Directors unable to attend a meeting may vote by proxy on resolutions which have been printed in the agenda in advance for the meeting.

A Director unable to attend a meeting of the Board may submit a vote to be cast by the Presiding Officer by means of a written signed statement of his vote and the resolution to which it pertains together with any statement bearing on the matter the Director wishes to have read. The proxy vote shall be submitted to the Chairman with a separate signed copy to the Secretary, to be received not later than the close of business of the day prior to date fixed for the meeting.

The Presiding Officer shall cast proxy votes received by the Chairman in the following manner: (1) upon the close of discussion on a resolution for which there has been submitted one or more valid proxy votes, the Presiding Officer shall announce that he holds proxy vote(s) from named Director(s), and shall read any explanatory statements submitted by the Director(s) voting by proxy; (2) the Presiding Officer shall take the vote of the Directors present and then declare the proxy votes in hand. The Secretary shall orally verify the validity of the votes submitted to be cast by proxy, and shall record them with the votes cast by the Directors present on the resolution.

Proxy votes shall not be utilized to effect the presence of a quorum.

Section 7. *Compensation of Directors*—Members of the Board of Directors shall be compensated in the manner provided in Section 3 of the Act.

Section 8. *Approval of annual budget*—Upon completion by the staff of a draft annual budget request, the Chairman shall call a meeting of the Board of Directors for its review and consideration. Upon approval by the Board of the draft budget request, it may be submitted to the Office of Management and Budget.

ARTICLE VI

OFFICERS

Section 1. *General provisions*—The corporate officers of the Corporation shall consist of a President, an Executive Director, two Assistant Directors, a Secretary (who shall be appointed by the Chairman from among the staff of the Corporation), and such other officers as the Board of Directors may from time to time appoint.

Any corporate officer elected or appointed by the Board of Directors may be removed at any time, with or without cause, by the affirmative vote of a majority of the Board of Directors.

Section 2. *Powers and duties of the President*—The Chairman of the Board of Directors shall be the President and chief executive officer of the Corporation and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation. The President shall see that all resolutions and policies of the Board are carried into effect, and shall have power to execute contracts, leases, agreements, and other documents necessary for the operation of the Corporation.

Section 3. *Appointment of certain officers*—The Board of Directors shall appoint an Executive Director and two Assistant Directors, who may be appointed and compensated without regard to the provisions of Title 5 of the United States Code governing appointments in the competitive service and Chapter 51 and subchapter IV of Chapter 53 of Title 5 of the United States Code.

Between meetings of the Board of Directors the Chairman may make appointments to the foregoing positions, when they become vacant by resignation or otherwise. However, the Chairman shall move to have such interim appointments confirmed at the next meeting of the Board. The Chairman shall have power to increase or decrease the salaries of the officers appointed under this section.

Section 4. *Powers and duties of the Executive Director*—The Executive Director shall be the chief of the Corporation's staff and shall have general powers of supervision and management over the administration of the Corporation. The Executive Director shall have power to: execute contracts, agreements, and other documents necessary for planning and design work and for ordinary operations of the Corporation; hire staff (including temporary or intermittent experts and consultants); procure space, equipment, supplies; and, obtain interagency and commercial support services. He shall: direct and manage the day-to-day operations and work of the Corporation; and, supervise planning and development activities of the Corporation in accordance with the development plan and resolutions of the Board of Directors. He shall also perform such other duties and exercise such powers as the President and Board of Directors may prescribe.

Section 5. *Powers and duties of the Assistant Director/Legal*—The Assistant Director/Legal shall be the General Counsel of the Corporation, advising the Board of Directors and the staff on all legal matters effecting the functioning of the Corporation. He shall: coordinate with the Department of Justice in assuring that the interests of the Corporation are represented in any litigation arising from its authorities or actions; and advise the Board of Directors and the staff of statutory or regulatory requirements, and assure compliance therewith. He shall: prepare or review all contracts, agreements or other documents of a legal nature; prepare or review all draft legislation, regulations, official notices and other legal publications; and, perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

Section 6. *Powers and duties of the Assistant Director/Finance*—The Assistant Director/Finance shall advise the Board of Directors and the officers of the Corporation on economic and financial matters, and guide the formulation of economic and financial policy for development activities. He shall contract for and coordinate the work of consultants and prepare or review proposals, studies, plans, and agreements relating to financing and economic development. He shall act as the treasurer of the Corporation, and shall have charge of the custody, safekeeping and disbursements of all development funds of the Corporation; designate qualified persons to authorize disbursements of development funds; be responsible for documents relating to development financing of the Corporation, including borrowing from the United States Treasury, commercial banks and others; have authority to collect all non-appropriated monies due the Corporation, to receipt therefore and to deposit same for the account of the Corporation; and, work and maintain liaison with appropriate committees of Congress and executive agencies on matters relating to appropriations, financing and the corporation's budget. He shall also perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

Section 7. *Powers and duties of the Secretary*—The Secretary, to be appointed by the Chairman from among the Corporation's staff, shall give notice of all meetings of the Board of Directors and record and keep the minutes thereof; keep in safe custody the seal of the Corporation, and shall affix the same to any instrument requiring it. When so affixed, the seal shall be attested by the signature of the Secretary. The Secretary shall also perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

ARTICLE VII

ANNUAL REPORT

The Executive Director shall prepare annually a comprehensive and detailed report of the Corporation's operations, activities, and accomplishments for the review of the Board of Directors. Upon approval by the Board, the Chairman shall transmit the report in January of each year to the President of the United States and to the Congress.

ARTICLE VIII

SEAL

The Corporation may adopt a corporate seal which shall have the name of the Corporation and year of incorporation printed upon it. The seal may be used by causing it or a facsimile thereof to be impressed, affixed, or reproduced.

ARTICLE IX

AMENDMENTS

These bylaws may be altered, amended, or repealed by the Board of Directors at any meeting, if notice of the proposed alteration, amendment, or repeal is contained in the notice of the meeting.

By the Board of Directors.

E. R. QUESADA,
Chairman.

FEBRUARY 14, 1975.

[FR Doc.75-4720 Filed 2-20-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Notice of Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings on March 6 and 7, 1975, at 500 North Capitol Street, Washington, D.C. 20549, in Room 776, beginning at 9:00 A.M. and on April 10 and 11, 1975 in Dallas, Texas.

The summarized agenda for the March meeting is as follows:

Completion of discussion of written comments received in response to the Committee's Preliminary Statement (Securities Exchange Act Release No. 11131, December 11, 1974).

The summarized agenda for and the location of the April meeting will be published in the FEDERAL REGISTER approximately fifteen days prior to the meeting.

Further information may be obtained by writing Andrew F. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-4880 Filed 2-20-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License 02/02-0295]

BT CAPITAL CORP.

Notice of Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that BT Capital Corporation (BT), 600 Third Avenue, New York, New York 10016, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004(b) of the SBA rules and regulations governing small business investment companies (13 CFR 107.1004 (1975)), for an exemption from the provisions of the conflict of interest regulations.

The exemption, if granted, will permit BT to purchase for $101,428 the Notes and Warrants of Century Glove, Inc. (Century), a wholly owned subsidiary of Amadac Industries, Inc. (Amadac). Two directors and stockholders of BT are also directors and shareholders of Amadac. These individuals are considered to be "Associates" of the Licensee, as defined by § 107.3 of the regulations. This transaction, therefore, will require an exemption pursuant to § 107.1004(b)(1) of the regulations.

The application contains the following information:

1. Century, a manufacturer of industrial gloves, has its main office in Newark, New Jersey, and has plants in Newark, New Jersey and Lyerly, Georgia.

2. BT will purchase Century's Subordinated Note, and warrants to purchase Century's common stock. Century has certain repurchase rights concerning the warrants. BT will also purchase warrants for stock of Amadac. These warrants, when exercised, will represent .46 percent of Amadac's stock outstanding.

3. Messrs. Burton I. Koffman and Alan V. Iselin own 8½ percent and 5 percent, respectively, of BT's common stock. Messrs. Koffman and Iselin are directors of BT and Amadac. Mr. Koffman and members of his family and certain corporations which they control own a substantial equity interest in Amadac. Mr. Iselin is the Chairman of the Board of Amadac.

Notice is hereby given that any person may, no later than March 10, 1975, submit written comments on the proposed transaction to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

Dated: February 7, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4721 Filed 2-20-75;8:45 am]

[License No. 02/02-0310]

NIS CAPITAL CORP.

Notice of Issuance of License To Operate as a Small Business Investment Company

On January 9, 1975, a notice was published in the FEDERAL REGISTER (40 FR 1798) stating that NIS Capital Corp., 34 South Broadway, White Plains, New York 10601, had filed an application with the Small Business Administration (SBA), pursuant to Section 107.102 of the Rules and Regulations governing

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small business investment companies (13 CFR 107.102 (1974)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business January 24, 1975, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-0310 to NIS Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: February 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4722 Filed 2-20-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

UNEMPLOYMENT BENEFITS

Notice of Extensions

I, as Secretary of Labor, have determined that there was a National "on" indicator for the week ending on February 8, 1975, which is applicable to every State, and an Extended Benefit Period therefore will commence with the week beginning on February 23, 1975 in all States in which an Extended Benefit Period is not already in effect. This determination was made under the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708.

Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator for the week ending on February 8, 1975, and a Federal Supplemental Benefit Period therefore will commence with the week beginning on February 23, 1975 in all States in which a Federal Supplemental Benefit Period is not already in effect. This determination was made under the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869.

In accordance with these determinations Federal-State Extended Benefits will be payable during the Extended Benefit Period in all States, including the District of Columbia and the Commonwealth of Puerto Rico, and Federal Supplemental Benefits also will be payable during the Federal Supplemental Benefit Period in every State which has entered into an Agreement with the Secretary of Labor of the United States pursuant to the Emergency Unemployment Compensation Act of 1974.

Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment (seasonally adjusted) for all States equalled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period will commence in every State, in which an Extended Benefit Period is not already in effect, with the third week following the week for which there was an "on" indicator. During an Extended Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits, after they have exhausted their rights to regular unemployment benefits under State laws and the Federal unemployment compensation programs for government employees and for ex-servicemen and ex-servicewomen.

There have been three consecutive calendar months in which the rate of insured unemployment (seasonally adjusted) for all States equalled or exceeded 4.5 per centum. The rate was 4.5 per centum for November 1974, 5.2 per centum for December 1974, and 5.9 per centum for January 1975. Accordingly, there was a National "on" indicator for the first week of February 1975, which ended on February 8, 1975.

The same National "on" indicator is effective to commence a Federal Supplemental Benefit Period in all States in accordance with the Emergency Unemployment Compensation Act of 1974. During a Federal Supplemental Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal Supplemental Benefits, after they have exhausted their rights to regular unemployment benefits and their rights to Federal-State Extended Benefits (or are not eligible for such extended benefits because of the ending of their eligibility periods) under State laws and the Federal unemployment compensation programs for government employees and for ex-servicemen and ex-servicewomen. However, Federal Supplemental Benefits are payable in a State only with respect to weeks of unemployment which begin after the week in which the State enters into an Agreement with the Secretary of Labor of the United States under the Emergency Unemployment Compensation Act of 1974.

An Extended Benefit Period in any State will last for a minimum period of 13 weeks, and will end with the third week after the week for which there is both a State and a National "off" indicator in accordance with the State's unemployment compensation law and the Federal-State Extended Unemployment Compensation Act of 1970.

A Federal Supplemental Benefit Period in any State will last for a minimum period of 26 weeks, and will end on the same date as the Extended Benefit Period ends in the State if it has been in effect for 26 or more weeks.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in any State, or who wish to inquire about their rights under those programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 19th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4855 Filed 2-20-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 703]

ASSIGNMENT OF HEARINGS

FEBRUARY 18, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 21, 1975.

MC-F 12343, National Machinery Haulers, Inc.—Purchase—Larry L. Fenner Transport, Inc., now assigned February 27, 1975 at Omaha, Nebr., is postponed indefinitely.

MC 140504, National Machinery Haulers, Inc., now assigned February 27, 1975, at Omaha, Nebr., is postponed indefinitely.

MC 4405 Sub 512, Dealers Transit, Inc., now being assigned May 12, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135164 Sub 18, Morwall Trucking, Inc., now being assigned May 12, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8507, Harry Schreiber, Schreiber Freight Carriers, Inc., Schreiber Freight Lines, Inc., W-P Truck Lines Inc., Gerald S. Lesher, and Dorothy H. Loughman, dba, Waynesburg-Pittsburgh Local Express—Investigation of Operations and Revocation of Certificates, now being assigned May 13, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 8501, Short Freight Lines, Inc., and Van Haaren Specialized Carriers, Inc.,—Investigation and Revocation of Certificates—now assigned March 4, 1975 at Lansing, Mich., will be held in Room 215, Federal Building, 325 Allegan St.

MC 138896 Sub 6, Ajax Transfer Company, now assigned March 3, 1975 at St. Paul, Minn., will be held in Room 584 Circuit Court, Federal Building, 316 N. Robert St.

MC 41432 Sub 143, East Texas Motor Freight Lines, Inc., MC 48958 Sub 121, Illinois-California Express, Inc., MC 108461 Sub 122, Whitfield Transportation, Inc., now assigned March 10, 1975, at Salt Lake City, Utah, is postponed to April 7, 1975 (1 wk) at Salt Lake City, Utah.

MC 1263 Sub 18, McCarty Truck Line, now assigned March 10, 1975 at Lincoln, Nebr., will be held in Room 228, Federal Building and Courthouse, 129 N. 10th St.

MC-C-8461, Akers Motor Lines, Inc.—Investigation and Revocation of Certificates—now assigned March 6, 1975 at Atlanta, Ga., is Cancelled.

MC 136987 Sub 10, Remington Freight Lines, Inc. now being assigned April 2, 1975, at Chicago, Ill. in a hearing room to be later designated.

MC 107496 Sub 958, Ruan Transport Corp., now being assigned March 27, 1975 (2 days) at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Bldg. 219 S. Dearborn St.

MC 139979, American Colloid Carrier Corporation, now assigned March 21, 1975 at Kansas City, Mo., is postponed to April 1, 1975 (4 days) at Kansas City, Mo.

MC 112601 Sub 160, Transport Service Co., now assigned April 2, 1975 at Chicago, Ill., is cancelled and transferred to Modified Procedure.

MC 116763 Sub 284, Carl Subler Trucking, Inc., now assigned February 21, 1975, at Chicago, Ill., is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4822 Filed 2-20-75;8:45 am]

[AB 6 (Sub-No. 8); AB 7 (Sub-No. 5);
Finance Docket No. 27217]

BURLINGTON NORTHERN INC., AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Certain Operation and Trackage Rights

In the matter of Burlington Northern Inc., abandonment between Wrenshall, Carlton County, Minnesota and Superior, Douglas County, Wisconsin; Chicago, Milwaukee, St. Paul and Pacific Railroad Company, abandonment of operation and trackage rights between Hinckley, Pine County, Minnesota, and Carlton, Carlton County, Minnesota, also between Carlton, Carlton County, Minnesota, and West Duluth Junction, St. Louis County, Minnesota; Chicago, Milwaukee, St. Paul and Pacific Railroad Company—trackage rights—Burlington Northern Inc., between Hinckley Minnesota, and Superior, Wisconsin, and between Boylston, Wisconsin and Cloquet, Minnesota.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Douglas County, Wis. and St. Louis, Pine, and Carlton Counties, Minn., on or before March 5, 1975, and certify to the Commission that this has been accomplished.

And it is furthered ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of February, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 6 (Sub-No. 8)]

BURLINGTON NORTHERN INC., ABANDONMENT BETWEEN WRENSHALL, CARLTON COUNTY, MINNESOTA AND SUPERIOR, DOUGLAS COUNTY, WISCONSIN

[AB 7 (Sub-No. 5)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT OF OPERATION AND TRACKAGE RIGHTS BETWEEN HINCKLEY, PINE COUNTY, MINNESOTA, AND CARLTON, CARLTON COUNTY, MINNESOTA, ALSO BETWEEN CARLTON, CARLTON COUNTY, MINNESOTA, AND WEST DULUTH JUNCTION, ST. LOUIS COUNTY, MINNESOTA

[FINANCE DOCKET No. 27217]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—TRACKAGE RIGHTS—BURLINGTON NORTHERN INC., BETWEEN HINCKLEY, MINNESOTA, AND SUPERIOR, WISCONSIN, AND BETWEEN BOYLSTON, WISCONSIN AND CLOQUET, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated February 12, 1975, it has been determined that (1) The proposed abandonment by Burlington Northern (BN) between Wrenshall, Minn., and Superior, Wis., a distance of 14.50 miles, (2) the proposed abandonment of trackage rights and operations by the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company (Milwaukee Road) between Hinckley and Carlton, Minn., a distance of 55.86 miles, and between Carlton and West Duluth Junction, Minn., a distance of 15.36 miles, and between Wrenshall, Minn. and Superior, Wis., a distance of 14.50 miles, and (3) the application by Milwaukee Road to acquire trackage rights over and joint use of certain lines of BN between Hinckley, Minn. and Superior, Wis. (via Boylston), a distance of 64.14 miles and between Boylston, Wis. and Cloquet, Minn. (via Carlton), a distance of 26.53 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that, inasmuch as all affected traffic will be diverted to alternate rail lines, there will be no significant effect on the area's rail transportation system. Furthermore, no diversion of traffic from rail to motor carrier transportation will occur, and there will be no significant impact on land use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2066.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 20, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-4819 Filed 2-20-75;8:45 am]

[No. MC-139207]

McNABB-WADSWORTH TRUCKING CO.

Contract Carrier Application

FEBRUARY 19, 1975.

At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 6th day of February, 1975.

It appearing, That by application filed October 9, 1973, as published in the FEDERAL REGISTER, Harold F. McNabb and J.D. Wadsworth, Jr., a partnership, doing business as McNabb-Wadsworth Trucking Company, of Kingsport, Tenn., sought a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of glass and glass products, from Kingsport and Greenland, Tenn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, under contract with ASG Industries, Inc., of Kingsport, Tenn.; and that, after McNabb-Wadsworth Trucking Company was substituted as applicant by order of July 9, 1974, of Commissioner Gresham, applicant seeks, as shown by its initial verified statement, to transport crated glass and glass products, not exceeding 108 inches in height, over irregular routes, from Kingsport and Greenland to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and its commercial zone;

It further appearing, That the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestant A. J. Metler Hauling & Rigging, Inc., a motor common carrier, has submitted a verified statement in opposition to the application; and that applicant has filed a rebuttal argument by counsel;

It further appearing, That applicant holds no permanent authority from this Commission; that it is engaged in intrastate dump truck operations, transporting sand and gravel within an 80-mile vicinity of Kingsport, and presently serves shipper in contract carrier service in the transportation of the commodities involved herein under temporary authority; that it has main offices and terminal facilities at Kingsport, operates a fleet of 19 dump trucks in its sand and gravel operations, and has a fleet of 6 tractors and 7 trailers available to provide the service proposed herein, with planned increases of 6 additional open top trailers for use in that service; that it is willing to assign all of its over-the-road tractors and trailers to the use of the supporting shipper and proposes to return equipment to its terminal through transportation of exempt commodities and trip-leasing to authorized carriers; and that applicant submitted financial data;

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It further appearing, That the supporting shipper, ASG Industries, Inc., manufactures glass products which are primarily used in residential and commercial construction; that its facilities pertinent herein are located at Kingsport and Greenland; that it submitted volume data to respective States, such data actually consisting of minimum volumes of traffic shipped, so as to minimize any disclosures which would betray trade secrets as to specific volume of sales to any city or customer; that shipper also submitted a list of cities to which it has made shipments or will make shipments; that plant expansions and additions have increased ASG's efficiency and sales capacity and shipper expects to maintain its projected annual growth of approximately 15 percent for the next several years; that, accordingly, it anticipates a substantial increase in volume of glass products from the facilities involved herein; that shipper has received satisfactory service from protestant Metler in the transportation of "uncrated glass products exceeding 108 inches in height," which are transported by Metler's specially designed lowboy sling-pack trailers, equipment not used by applicant; that shipper's glass is loaded and unloaded by crane, requiring open top trailers; that it avers that existing carriers have not been able to meet shipper's needs; and that it supports applicant in its amended application for common carrier authority;

It further appearing, That protestant Metler is a motor common carrier authorized, as here pertinent, to transport flat glass from points in Hawkins County (embracing Greenland) and Kingsport, to the destination area involved herein; that it also holds common carrier authority to transport (1) uncrated flat glass, (2) crated flat glass which, because of size or weight, requires the use of special equipment, and (3) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities authorized in (1) and (2) above, from Nashville to points in the Eastern United States; that protestant maintains office and terminal facilities at Knoxville, as well as a small terminal facility at Kingsport; that it submitted an equipment list; that it offers a complete heavy hauler and specialized service; that protestant suggested to applicant that imposition of a restriction against transportation of the crated commodities exceeding 108 inches in height would protect Metler's interest and still permit applicant to handle the supporting shipper's traffic; and that Metler indicates that should the suggested restriction be accepted by the Commission, it would withdraw its opposition to the contract carrier application;

It further appearing, That protestant Metler has specially designed glass trailers with a double drop-frame construction and specially engineered and designed supports for handling uncrated glass of all sizes and crated glass of extremely large dimensions, particularly exceeding 108 inches in height; that it is important to Metler that it retain flat glass traffic handled for ASG on these units, since they are so uniquely designed for the transportation of flat glass that they cannot easily accommodate any back-haul traffic of other types of lading; that during August, September, and October 1973, protestant transported 83 shipments of flat glass totaling 3.32 million pounds and generating $50,141 in revenue for the supporting shipper from and to points in all of the six States involved herein; that it provided a list of shipments as to respective States and projected traffic for a period of a complete year based upon the three month totals, yielding 332 shipments weighing 13.3 million pounds and amounting to $200,565 in revenue; and that in view of applicant's decision to seek common carrier authority in lieu of contract carrier authority, protestant requests that any authority granted herein be restricted to the transportation of traffic originating at Kingsport and Greenland in order to protect Metler's flat glass authority from Nashville, fearing diversion of traffic if applicant is able to interline with other carriers holding authority from Nashville to the two origin points;

It further appearing, That in rebuttal applicant avers that the Commission has consistently resisted encumbering grants of authority with restrictions against joinder or interline unless a protestant specifically demonstrates that it would be materially and adversely affected by such service, and Metler has not established such an effect; and that it has not been shown that an interline from Nashville to the origin points herein is operationally feasible or desirable;

It further appearing, That the evidence of record indicates that there has been a prima facie showing of need for the proposed service; that the sole remaining protestant seeks only to have certain restrictions imposed, (1) the restriction regarding a maximum height of 108 inches for the commodities, and (2) a restriction to the transportation of traffic originating at the two origins; that protestant's interest which it avers will be protected by imposition of restriction (2) above is limited to (a) uncrated flat glass, (b) crated flat glass which, because of size or weight, requires the use of special equipment, and (c) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities in (a) or (b); and that in view of the commodity descriptions, the fact that protestant presented no data regarding specific traffic from Nashville, and the entire circumstances of this proceeding, we believe that a restriction to the transportation of traffic originating at the two origin points is not warranted by the evidence;

It further appearing, That while the restriction against transportation of commodities in excess of 108 inches in height is of the type generally not favored, we believe that the restriction should be imposed herein; that, further, since applicant originally sought to serve a particular shipper, we believe that the origin point herein should be the shipper's facility (which will still allow interlining on shipper's premises with its permission); and that, since it is possible that other parties which have relied upon the notice of the application as published (seeking contract carrier authority) may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to intervene in this proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced;

And it further appearing, That the evidence of record in support of the application warrants the grant of authority set forth below and establishes that applicant is fit, willing, and able, financially and otherwise, to conduct the operation authorized;

Wherefore, and good cause appearing therefor:

We find, That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of crated glass and crated glass products, not exceeding 108 inches in height, from the facilities of ASG Industries, Inc., at Kingsport and at Greenland, Tenn., to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and points in its commercial zone; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate certificate should be granted, subject to the condition in the second succeeding paragraph in this order; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, a certificate be issued to applicant authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner

described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4821 Filed 2-20-75;8:45 am]

[Ex Parte No. 293 (Sub-No. 5)]

REVIEW OF THE UNITED STATES RAILWAY ASSOCIATION'S PRELIMINARY SYSTEM PLAN RAIL SERVICES PLANNING OFFICE HEARINGS

Notice of Public Hearing

Pursuant to section 207(a)(2) of the Regional Rail Reorganization Act of 1973, notice is hereby given that the Rail Services Planning Office will conduct hearings on the Preliminary System Plan of the United States Railway Association:

It is therefore ordered, That (1) The following dates and hearing sites are established together with the local contact coordinator who will receive requested appearance times at the respective hearings:

MONDAY, MARCH 17—FRIDAY, MARCH 21, 1975

Albany, New York. Hearing Room A, at the New Legislative Office Building, South Swan and State Streets, Albany, New York.

Contact: Marjorie Maxwell, c/o ICC Office, 518 New Federal Building, Maiden Lane and Broadway, Albany, New York 12207 Phone: 518-472-2273.

Buffalo, New York. John Lord O'Brian Hall, University of Buffalo, Amherst Campus, Amherst, New York.

Contact: Anne Siler, c/o ICC Office, 612 Federal Building, 111 West Huron Street, Buffalo, New York 14203, Phone: 716-842-2008.

Hartford, Connecticut. Rooms 148 and 149, State Department of Transportation Building, 24 Wolcott Hill Road, Wethersfield, Connecticut.

Contact: Diane Seavey, c/o ICC Office, 324 U.S. Post Office, 135 High Street, Hartford, Connecticut 06101, Phone: 203-244-2560.

Trenton, New Jersey. Labor and Industry Building, Room 1203, John Fitch Plaza, Trenton, New Jersey 08625.

Contact: Elizabeth Guttenberger, c/o ICC Office, 204 Carroll Building, 428 East State Street, Trenton, New Jersey 08608, Phone: 609-599-3511.

Harrisburg, Pennsylvania. Holiday Inn Town, 2nd and Chestnut Streets, Harrisburg, Pennsylvania.

Contact: Sandra R. Diehl, c/o ICC Office, 278 Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, Phone: 717-782-4437.

Pittsburgh, Pennsylvania. Courtroom #2, 8th Floor, U.S. Post Office and Courthouse Building, 7th and Grant Streets, Pittsburgh, Pennsylvania.

Contact: Henrietta S. Vlasic, c/o ICC Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, Phone: 412-644-2929.

Columbus, Ohio. Ohio Departments Building, 65 South Front Street, Columbus, Ohio.

Contact: Mary A. White, c/o ICC Office, 221 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215, Phone: 614-469-5620.

Lansing, Michigan. City Council Chambers, Lansing City Hall, Capitol and Michigan Streets, Lansing, Michigan.

Contact: Mary Brown, c/o ICC Office, 225 Federal Building, 325 West Allegan Street, Lansing, Michigan 48933, Phone: 517-372-1910.

Indianapolis, Indiana. Indiana Convention and Exposition Center, 100 South Capitol Avenue, Indianapolis, Indiana.

Contact: Frances Sterling, c/o ICC Office, Century Building, 8th Floor, 36 South Pennsylvania Street, Indianapolis, Indiana 46204, Phone: 317-269-7701.

Springfield, Illinois, Hotel St. Nicholas, 4th and Jefferson Streets, Springfield, Illinois.

CONTACT: Janice Livingston, c/o ICC Office, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701 Phone 217-525-4075

TUESDAY, MARCH 18—FRIDAY, MARCH 21, 1975

Boston, Massachusetts. Minnehan Auditorium, Massachusetts Division of Employment Security and Government Center, Causeway Street, Boston, Massachusetts.

Contact: Elaine Spencer, c/o ICC Office, 150 Causeway Street, Room 501, Boston, Massachusetts 02114 Phone: 617-223-2372

MONDAY, MARCH 17—WEDNESDAY, MARCH 19, 1975

Montpelier, Vermont. Auditorium Pavilion Office Building, Montpelier, Vermont

Contact: Carol Perry, c/o ICC Office, 87 State Street, Room 303, Montpelier, Vermont 05602 Phone: 802-223-8435

Providence, Rhode Island. Hearing Room, 2nd Floor, Division of Public Utilities and Carriers, 160 Weybosset Street, Providence, Rhode Island

Contact: Josephine M. Long, c/o ICC Office, 187 Westminster Street, Room 402, Providence, Rhode Island 02903 Phone: 401-528-4306

Salisbury, Maryland. Auditorium, Delmarva Power and Light Company, Route 13 and Naylor Mill Road, Salisbury, Maryland.

Contact: Essie Cooper, Rail Services Planning Office, ICC, 12th and Constitution Avenue, NW., Washington, D.C. 20423 Phone: 202-254-3294

Washington, D.C. Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423

Contact: Essie Cooper, Rail Services Planning Office, ICC, 12th and Constitution Avenue, NW., Washington, D.C. 20423 Phone: 202-254-3294

Charleston, West Virginia. Rooms A and B, 2nd Floor, State Office Building, 1900 Washington Street E., Charleston, West Virginia

Contact: Margaret C. Thompson, c/o ICC Office, 3108 Federal Building, 500 Quarrier Street, Charleston, West Virginia 25301 Phone: 304-343-6181 Ext. 354 or 355

Chicago, Illinois. Everett McKinley Dirksen Building, Courtroom 2503, 219 South Dearborn Street, Chicago, Illinois

Contact: Nancy Clawson, c/o ICC Office, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, Illinois 60604 Phone: 312-353-7275

FRIDAY, MARCH 21, 1975

Green Bay, Wisconsin. Room 201, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin

Contact: Gail Dougherty, c/o ICC Office, 135 West Wells Street, Room 807, Milwaukee, Wisconsin 53203 Phone: 414-224-3183

MONDAY, MARCH 24—WEDNESDAY, MARCH 26, 1975

Syracuse, New York. Onondaga County War Memorial Auditorium, 515 Montgomery Street, Syracuse New York

Contact: Eleanor Ivanoff, c/o ICC Office, O'Donnell Building, Room 104, 301 Erie Boulevard W, Syracuse, New York Phone: 315-473-3440

Scranton, Pennsylvania. U.S. Naval Reserve Center (Wilkes-Barre/Scranton Airport) Spruce Street, Avoca, Pennsylvania

Contact: Mildred A. McDonough, c/o ICC Office, 309 U.S. Post Office, North Washington Avenue and Linden Street, Scranton, Pennsylvania 18503 Phone: 717-344-7111 Ext. 324

Akron, Ohio. Akron Public Library, 55 South Main Street, Akron, Ohio

Contact: Carolyn E. Halloran, c/o ICC Office, 181 Federal Building, 1240 East 9th Street, Cleveland, Ohio 44199 Phone: 216-522-4000

Erie, Pennsylvania. Federal Building and Courthouse, Courtroom A, 2nd Floor, 6th and State Street, Erie, Pennsylvania

Contact: Henrietta S. Vlasic, c/o ICC Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222 Phone: 412-644-2929

Fort Wayne, Indiana. Room 265, Federal Building, 1300 S. Harrison Street, Fort Wayne, Indiana

Contact: Cassandra Forbes, c/o ICC Office, 345 West Wayne Street, Room 204, Fort Wayne, Indiana 46802 Phone: 219-422-6131

(2) Pursuant to section 205(d)(2) of the Regional Rail Reorganization Act of 1973, attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other interested parties in the preparation of their testimony on the Preliminary System Plan. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

(3) The following uniform rules, procedures, and practices for the hearings are established:

(a) Pursuant to section 207(a)(2) of the Regional Rail Reorganization Act of 1973 only testimony relevant to the United States Railway Association's Preliminary System Plan will be received.

(b) Oral testimony will be limited to fifteen minutes.

(c) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Part (1) of this notice.

(d) Prospective witnesses will be asked to provide: their name, address, telephone number, business association, if any, the general areas of the Preliminary System Plan to which their testimony will pertain, and the date and time when they wish to appear. This information will be relayed to an outreach attorney from the Office of Public Counsel. If prospective witnesses need the assistance of an outreach attorney, they should so inform the contact coordinator.

(e) The outreach attorney assigned to the hearing city will schedule all witnesses and either the attorney or the local

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contact coordinator will notify prospective witnesses of confirmed hearing appearance times. The outreach attorney will attempt to accommodate prospective witnesses who appear at the hearing without a prescheduled appearance time.

(f) In order to facilitate the creation of a comprehensive and well-organized record, the outreach attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(g) All written material for the record should be submitted on 8½ x 11 paper in six copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, NW., Washington, D.C. 20036. Statements sent to the Office should arrive no later than March 28, 1975, and should indicate the hearing site most convenient to the witness' home or place of business. Since the Office has a very short time for review of the testimony, statements received after March 28, 1975, will be made a part of the record but may not be reviewed by the Office.

(h) Witnesses with common interests are urged to make joint submissions. In order to prevent unnecessary duplication in the record, written statements which essentially correspond to oral presentations will not be received by the outreach attorneys at the hearing.

(i) The proceeding is legislative, not judicial in nature. It is designed to elicit public views on the Association's Preliminary System Plan. Witnesses will not be required to testify under oath nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(j) In order to insure that the public is fully informed of the contents of the Preliminary System Plan and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room, provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceeding. Where court room facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(k) Hearings will commence and end on the days specified in Part (1) of this notice.

(l) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10 p.m. Additional evening sessions may be scheduled at the discretion of the outreach attorney and the hearing officer.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4820 Filed 2-20-75;8:45 am]

[Notice No. 234]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 21, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 13, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75649. By order of February 10, 1975 the Motor Carrier Board approved the transfer to Metro Express, Inc., Wilmington, Del., of the operating rights in Certificate No. MC-136452 issued September 19, 1972 to Slaughter Beverage Transportation, Inc., Smyrna, Del., authorizing the transportation of various commodities from and to specified points and areas in New York, New Jersey, Pennsylvania, Maryland and Delaware. Francis P. Desmond, 115 East 5th St., Chester, Pa. 19013, attorney for applicants.

No. MC-FC-75650. By order entered 2.10.75 the Motor Carrier Board approved the transfer to W. E. Atwood Truck Service, Inc., Readville, Mass., of the operating rights set forth in Certificate No. MC 15123, issued January 10, 1974, to Walter E. Atwood, doing business as W. E. Atwood Truck Service, Readville, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Boston, Mass., and West Acton, Mass., over specified routes, serving all intermediate points; between West Acton, Mass., and Fitchburg, Mass., over specified routes, serving all intermediate points; and between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 15 miles of Boston. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-75653. By order entered 2.11.75 the Motor Carrier Board approved the transfer to C. W. Keith Transfer & Warehouse Co., a corporation, Phoenix, Arizona, of Certificate of Registration No. MC 56664 (Sub-No. 2), issued August 4, 1965, to C. W. Keith, (Charles W. Keith, Executor), doing business as C. W. Keith Transfer & Warehouse Co., Phoenix, Arizona, evidencing a right to engage in transportation in interstate or foreign commerce, of various specified commodities, between points in Arizona. Charles R. Hallam, 3550 N. Central Ave., Phoenix, Ariz. 85012, attorney for applicants.

No. MC-FC-75660. By order of February 11, 1975 the Motor Carrier Board approved the transfer to Paul Henry Air Freight, Inc., Hagerstown, Md., of the operating rights in Certificates No. MC-125616, MC-125616 (Sub-No. 1), MC-125616 (Sub-No. 2), MC 125616 (Sub-No. 3), MC 125616 (Sub-No. 4), MC 125616 (Sub-No. 5), MC 125616 (Sub-No. 7) and MC 138568 issued February 13, 1964, February 11, 1966, August 24, 1967, August 8, 1968, February 12, 1971, January 17, 1973, August 22, 1974 and June 28, 1974 respectively to W. Paul Henry, Hagerstown, Md., authorizing the transportation of general commodities, with exceptions, between specified points in Maryland, Virginia, Pennsylvania and West Virginia and passengers and their baggage, in special operations, between specified areas in Maryland, Pennsylvania, and West Virginia, on the one hand, and, on the other, specified points in Maryland and Virginia. Peter A. Greene, 1625 K St., NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4827 Filed 2-20-75;8:45 am]

[Notice No. 235]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 21, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75690. By application filed February 7, 1975, PARAMOUNT DISTRIBUTION MOTOR TRANSPORTATION, INC., doing business as PARAMOUNT DISTRIBUTION, 74 New York Ave., Framingham, MA 01701, seeks temporary authority to lease the operating rights of HOWE AND COMPANY, INC., Two New York Ave., Framingham, MA 01701, under section 210a(b). The transfer to PARAMOUNT DISTRIBUTION MOTOR TRANSPORTATION, INC., doing business as PARAMOUNT DISTRIBUTION, of the operating rights of HOWE AND COMPANY, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4828 Filed 2-20-75;8:45 am]

[Rule 19, Ex Parte 241; Exemption 91]

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a) and 2(b). (See Exception)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Railroad Company
Reporting marks: AWP
Bangor and Aroostook Railroad Company
Reporting marks: BAR
Burlington Northern Inc.
Reporting marks: BN-CBQ-GN-NP-SPS
Central Vermont Railway, Inc.
Reporting marks: CV-CVC
Duluth, Winnipeg and Pacific Railway
Reporting marks: DWP
Erie Lackawanna Railway Company
(Thomas F. Patton and Ralph S. Tyler, Jr., Trustees)
Reporting marks: DL&W-EL-ERIE [1]
Illinois Central Gulf Railroad Company
Reporting marks: ICG-CLG-GMO-IC
The Kansas City Southern Railway Company
Reporting marks: KCS-LA
Lehigh Valley Railroad Company
(Robert C. Haldeman, Trustee)
Reporting marks: LV
Maine Central Railroad Company
Reporting marks: MEC
Norfolk and Western Railway Company
Reporting marks: N&W-NKP-WAB
St. Louis Southwestern Railway Company
Reporting marks: SSW
Southern Pacific Transportation Company
Reporting marks: SP
The Western Pacific Railroad Company
Reporting marks: WP
The Western Railway of Alabama
Reporting marks: WA

[1] Addition.

Effective: February 14, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 11, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-4824 Filed 2-20-75;8:45 am]

[Rule 19, Ex Parte 241; Exemption 91]

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the United States railroads own numerous plain 50-ft. boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the United States railroads, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exception)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Railroad Company
Reporting Marks: AWP
Bangor and Aroostook Railroad Company
Reporting Marks: BAR
Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP-SPS [1]
Central Vermont Railway, Inc.
Reporting Marks: CV-CVC
Duluth, Winnipeg and Pacific Railway
Reporting Marks: DWP
Illinois Central Gulf Railroad Company
Reporting Marks: ICG-CLG-GMO-IC
The Kansas City Southern Railway Company
Reporting Marks: KCS-LA
Lehigh Valley Railroad Company
(Robert C. Haldeman, Trustee)
Reporting Marks: LV
Maine Central Railroad Company
Reporting Marks: MEC
Norfolk and Western Railway Company
Reporting Marks: N&W-NKP-WAB [1]
St. Louis Southwestern Railway Company
Reporting Marks: SSW
Southern Pacific Transportation Company
Reporting Marks: SP
The Western Pacific Railroad Company
Reporting Marks: WP
The Western Railway of Alabama
Reporting Marks: WA

[1] Addition.

Effective February 11, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 7, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-4823 Filed 2-20-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 18, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42944—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd., (No. 12), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, The Philippines, Taiwan, Malaysia, Indonesia, and The Republic of Singapore, and rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4826 Filed 2-20-75;8:45 am]

[Notice No. 25]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

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Temporary authority application	Final action or certificate or permit	Date of action
Woodland Truck Line, Inc., MC–297 Sub 4	MC–297 Sub 5	Nov. 7, 1974
Weyerhaeuser Co., WC–417 Sub 22	WC–417 Sub 23	Jan. 16, 1975
Pacific Intermountain Express, Inc., MC–730 Sub 350	MC–730 Sub 356	Oct. 22, 1974
Pacific Intermountain Express, Inc., MC–730 Sub 353	MC–730 Sub 365	Oct. 24, 1974
Pacific Intermountain Express, Inc., MC–730 Sub 359	MC–730 Sub 362	Nov. 11, 1974
Greyhound Lines, Inc., MC–1515 Sub 186	MC–1515 Sub 187	Aug. 7, 1974
Peake Transport Service, Inc., MC–1641 Sub 100	MC–1641 Sub 99	Dec. 31, 1974
The Arrow Lines, Inc., MC–1934 Sub 33	MC–1934 Sub 34	July 3, 1974
Economy Movers, Inc., MC–5227 Sub 4	MC–5227 Sub 6	Sept. 24, 1974
Talon, Inc., MC–5470 Sub 72	MC–5470 Sub 70	July 12, 1974
Talon, Inc., MC–5470 Sub 78	MC–5470 Sub 81	Apr. 10, 1974
J. J. Minnehan, Inc., MC–6607 Sub 15	MC–6607 Sub 12	July 17, 1974
DBA, Super M Foods Delivery, MC–7832 Sub 24	MC–7832 Sub 16	July 27, 1973
Ilickin Motor Line, Inc., MC–18535 Sub 55	MC–18535 Sub 56	Nov. 29, 1974
E. R. Jarrell, MC–19917 Sub 2	MC–19917 Sub 3	May 7, 1974
Behnken Truck Service, Inc., MC–19945 Sub 37	MC–19945 Sub 38	May 9, 1974
Behnken Truck Service, Inc., MC–19945 Sub 41	MC–19945 Sub 39	Oct. 8, 1974
Marathon Freight Lines, Inc., MC–20641 Sub 9	MC–20641 Sub 10	Nov. 29, 1974
Trans-American Van Service, Inc., MC–22254 Sub 69	MC–22254 Sub 70	Oct. 10, 1974
Clay Hyder Trucking Lines, Inc., MC–25798 Sub 245	MC–25798 Sub 248	Sept. 26, 1974
Clay Hyder Trucking Lines, Inc., MC–25798 Sub 246	MC–25798 Sub 249	Do.
DBA, The Waggoners, MC–26396 Sub 66	MC–26396 Sub 103	Dec. 30, 1974
DBA, The Waggoners, MC–26396 Sub 71	MC–26396 Sub 78	July 9, 1974
Mishak Truck Line, Inc., MC–27500 Sub 10	MC–27500 Sub 5	May 10, 1974
All-American, Inc., MC–29120 Sub 166	MC–29120 Sub 171	Aug. 7, 1974
Krobbin Refrigerated Express, Inc., MC–30844 Sub 483	MC–30844 Sub 374	May 29, 1974
Shipley Transfer, Inc., MC–30887 Sub 199	MC–30887 Sub 200	July 10, 1974
Shipley Transfer, Inc., MC–30887 Sub 202	MC–30887 Sub 203	Nov. 13, 1974
IML Freight, Inc., MC–33641 Sub 108	MC–33641 Sub 109	June 12, 1974
Norman Hills, MC–34087 Sub 5	MC–34087 Sub 5	Sept. 27, 1974
Glenn McClendon Trucking Co., Inc., MC–52704 Sub 97	MC–52704 Sub 99	Nov. 8, 1974
Provisioners Frozen Express, Inc., MC–117589 Sub 19, 21	MC–117589 Sub 22	Dec. 27, 1972
Interstate Contract Carrier Corp., MC–134599 Sub 22	MC–134599 Sub 25	Sept. 13, 1974
Tri-State Air Freight, Inc., MC–135407	MC–135407 Sub 1	Nov. 26, 1974
Gopher Valley Trucking, MC–139124	MC–139124 Sub 1	Jan. 15, 1975

[1] In notice No. 23, published Jan. 20, 1975, the temporary authority number and the corresponding permanent authority number for Interstate Contract Carrier Corp. were transposed. The notice should read as follows:

Interstate Contract Carrier Corp., MC–134599 Sub 22	MC–134599 Sub 25	Sept. 13, 1974

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75–4825 Filed 2–20–75;8:45 am]

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federal register

FRIDAY, FEBRUARY 21, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 36

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V40-36 FEB 21 75

XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following the Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 306 following Secretary of Labor's fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Illinois	IL75–2041

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AM–448	Aug. 20, 1971
AQ–4060	Jan. 25, 1974
AQ–4082	Mar. 1, 1974
Arizona:	
AR–1009	Aug. 9, 1974
Florida:	
AR–4026	Aug. 30, 1974
AR–4039	Sept. 13, 1974
Kansas:	
KS75–4051; KS75–4052; KS75–4053	Feb. 7, 1975
Louisiana:	
LA75–4033	Jan. 24, 1975
Massachusetts:	
MA75–2002; MA75–2004; MA75–2005; MA75–2006; MA75–2007; MA75–2008; MA75–2010; MA75–2011; MA75–2012; MA75–2013	Jan. 17, 1975
Michigan:	
AR–3102; AR–3106; AR–3108; AR–3109; AR–3111; AR–3112; AR–3113; AR–3114; AR–3116; AR–3117; AR–3120; AR–3121; AR–3122	Aug. 16, 1974
AR–3150	Oct. 4, 1974
AR–3148	Oct. 11, 1974
AR–3164; AR–3165	Oct. 18, 1974
Mississippi:	
MS75–1020	Feb. 7, 1975
Nebraska:	
AR–59	Oct. 11, 1974
Nevada:	
NV75–5005	Jan. 24, 1975
New Hampshire:	
AR–3142; AR–3143; AR–3144; AR–3145	Sept. 27, 1974
New York:	
AR–2101	Dec. 27, 1974
Ohio:	
AR–3042	Aug. 23, 1974
Oklahoma:	
OK75–4049; OK75–4050	Feb. 7, 1975
Tennessee:	
AO–4061	Jan. 25, 1974
Texas:	
TX75–4012	Jan. 17, 1975
TX75–4024; TX75–4025	Jan. 24, 1975

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decision being superseded.

Florida:	
AQ–4055 (FL75–1024)	Jan. 25, 1974
Idaho:	
AR–1046 (ID75–5024)	Nov. 15, 1974
Indiana:	
AR–3123 (IN75–2037); AR–3124 (IN75–2038); AR–3125 (IN75–2039)	Aug. 23, 1974
IN75–2014 (IN75–2046); IN 75–2021 (IN75–2045)	Jan. 24, 1975
Minnesota:	
AR–3167(MN75–2042)	Nov. 8, 1974
Montana:	
MT75–5018(MT75–5029)	Feb. 7, 1975
New York:	
AQ–2120(NY75–3016)	May 17, 1974
Pennsylvania:	
AQ–2050(PA75–3017)	Feb. 15, 1974
AR–2008(PA75–3018)	July 26, 1974
South Carolina:	
AQ–4029(SC75–1021)	Nov. 9, 1973
Utah:	
AR–1040(UT75–5026)	Oct. 4, 1974
Washington:	
WA75–5006(WA75–5025)	Jan. 31, 1975
Wyoming:	
AR–1004(WY75–5026)	July 26, 1974

Signed at Washington, D.C., this 14th day of February 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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DECISION NO. IL75–2041

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.
CEMENT MASONS: (Cont'd)					
DeWitt Co:(Southern ½ of County including Clinton)	$8.85	.125	.275		
Remainder of DeWitt County	8.48	.10			
Remainder of Moultrie & Shelby Cos	8.50	.30	.35		.02
Remainder of Christian County	8.28	.30			.025
Northern ½ of Piatt County	9.275	.30			
ELECTRICIANS:					
Macon & Christian Cos; DeWitt Co: (Twps. of Wapella, Barnett, Clinton, Texas, Creek & Nixon); Piatt Co: (Goose Creek, Willow Branch, Cerro Gordo, Bement & Unity); Shelby Co:(Twps. of Tuscarora, Penn, Flat Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Moccasin, Cold Spring, Lakewood, Clarksburg, Moultrie, Dry Point & Holland);Moultrie Co:(Twps. of Dora, Lovington, Marrowbone & Sullivan at the Illinois Masonic Home & Farm in East Nelson	9.54	.30	17+.25		.42
Remainder of Moultrie & Shelby Cos	9.15	.30	17+.20		.22
Remainder of DeWitt County	9.00	.30	17+.25		.22
Remainder of Piatt County	9.40	.30	17+.20		.42
IRONWORKERS:					
Moultrie; Piatt; DeWitt(Eastern ½ of Co;) Macon(East of Decatur), Shelby(Eastern ½ of County) Christian; DeWitt(Western ½ of Co.) Macon(Remainder of Co.), Shelby(Western ½ of Co.)	8.70	.40	.60		.08
LATHERS:					
Macon & DeWitt Counties	8.90	.45	.60		.05
Christian County	8.95	.325			
Piatt County	8.40	.30	.20		.01
PAINTERS: BRIDGE, TANK & TOWER	8.64	.30			
MACHINERY PAINTERS:		.325	.25		
Macon & Shelby Counties	8.55		.25		
Christian County	8.50	.25	.30	.35	
DeWitt County	8.25	.45			.35
Piatt County	9.10	.45	.30		

NEW DECISION

STATE: Illinois

COUNTIES: Christian, DeWitt, Macon, Moultrie, Piatt & Shelby

DECISION NUMBER: IL75–2041

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.
ASBESTOS WORKERS	$10.48	.45	.62		
BOILERMAKERS:					
DeWitt County	8.55	.40	.65		.01
Christian; Macon; Moultrie; Piatt; Shelby Counties	9.15	.60	1.00		.01
BRICKLAYERS & STONEMASONS:					
Christian County	8.50		.25	.35	
DeWitt County	8.25	.45	.30		.02
Piatt County	8.925	.30			.005
Macon; Moultrie & Shelby Counties	9.20	.325	.25		
CARPENTERS:					
Carpenters; Soft Floor Layers; Millwrights & Piledrivermen Shelby Co; Remainder of Moultrie Co; Christian Co:(Millersville, Rosamond, Radford & Pana & Vic.)	8.40	.45	.30		.02
Carpenters & Soft Floor Layers	8.90	.45	.30		.02
Millwrights & Piledrivermen					
Remainder of Christian County: Carpenters, Piledrivermen & Soft Floor Layers	6.90	.40	.30		
Millwrights	7.40	.40	.30		
DeWitt County					
Carpenters & Soft Floor Layers	8.47	.35	.40		.02
Millwrights & Piledrivermen	8.72	.35	.40		.02
Macon Co; Moultrie Co:(Sethany, Okaw River, Lovington, Williamsburg, Lake City & All Areas north & East of Co.), Piatt Co:(Allerton Park, Bement & All Areas South Thereof					
Carpenters; Piledrivermen & Soft Floor Layers	8.90	.325	.375		.02
Millwrights	9.21	.325	.375		.02
Remainder of Piatt County					
Carpenters & Soft Floor Layers	8.815	.30	.60		.08
Millwrights & Piledrivermen	9.165	.30	.60		.08
CEMENT MASONS:					
Macon Co; Christian Co:(Northern Part-South to a line Running East & West established North of Humphrey & including Stonington); Shelby Co:(Northern part including Howaqua); Moultrie Co:(Northeastern part Including Lovington); Piatt Co:(Southern portion)					

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DECISION NO. IL75-2041

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Macon Co; Christian Co:(Northern part-South to a line running East & West established North of Humphrey & including Stonington); Shelby Co:(Northern part including Moweaqua) Moultrie Co:(Northeastern part including Lovington) Platt Co:(Southern portion) DeWitt Co:(Southern ½ including Clinton)	$9.07	.325	.225		.01
Remainder of Moultrie & Shelby Cos	7.45				
Southern ½ of Christian County	8.28	.30	.35		.01
Northern ½ of Platt County	8.715	.30			.025
Remainder of DeWitt County	9.60				.01
PLUMBERS & STEAMFITTERS:					
Macon; DeWitt; Moultrie; Christian (Twps. of Pana, Assumption & Radford) Platt:(West of Rt. #105)	9.26	.35	.50		.11
Shelby Co; Platt Co:(East of Rt. #105)	7.95	.30	.50		.12
Remainder of Christian County	7.96	.30	.55		
ROOFERS:					
Macon; Shelby; Moultrie; DeWitt Co:(Southern ½ of Co., including Clinton) Christian Co:(Twps. of Assumption, Pinkle, Dollville, Mt. Auburn, Millersville, Oshbornville, Owaneca, Pana, Radford, Rosamond, Stonington, Velma, Vandervilla, Willeys)	8.58	.20	.20		
Platt County					
Composition	7.93	.25	.10		.02
Slate & Tile	8.18	.25	.10		.02
SHEET METAL WORKERS:					
Macon; Christian; DeWitt Counties	8.25	.35	.40		.03
Moultrie; Platt; Shelby Counties	8.925	.375	.30		.02
SPRINKLER FITTERS	9.40	.50	.70		.08

Welder- Receive rate prescribed for craft performing operation to which welding is incidental.

LABORERS: IL75-2041 P. 4

MACON COUNTY & THE WESTERN ½ OF MOULTRIE COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMMON LABORERS	$7.35	.25	.30		.035
SEMI-SKILLED	7.55	.25	.30		.035
SKILLED	7.70	.25	.30		.035

CHRISTIAN COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMMON LABORERS	$6.39	.30	.30		.035
SEMI-SKILLED	6.59	.30	.30		.035
SKILLED	6.74	.30	.30		.035

CLASSIFICATIONS

COMMON LABORERS: All sewer workers plus depth pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters Tenders, Cleaning Lumber; Cofferdam workers plus depth pay,Deck Hand, Dredge Hand and shore laborer; Dispatchers; Driving of Stakes, Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagman; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Janitors; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers Planting of Trees; Removal of Trees; Rip Rap Men; Rod and Chairmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading Explosives; Unloading and Carrying Lath; Unloading and Carrying of re-bars; Wrecking, Dismantling Building, Wallmen and Housemovers; Wrecking Laborers; Writer of Scale Tickets;

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw; Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar men; Mason Tenders; Mortar Mixer Operators; Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials; On Concrete Paving, Placing, Cutting and Typing of Reinforcing; Signal Man on Crane Tank Cleaning Tunnel Helpers in free air; Vibrator Operators

SKILLED: Air Tamping Hammerman; Caisson Workers Plus Depth; Concrete Burning Machine Operator; Concrete Saw Operator; Corning Machine Operator; Gunnite Nozzle Men; Jackhammer and Drill Operators; Laborers handling masterplate or similar materials; Laborers Tending Masons with hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer Leadman on sewer work Luteman; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or temporary plant; Screenman on Asphalt Pavers; Steel Form Setters - Street and Highway; Welders, Cutters, Burners, and Torchmen

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LABORERS: IL75-2041 P. 5

PLATT & SHELBY COS: & ALL AREAS EAST OF RT. #21 IN MOULTRIE COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMMON LABORERS	$7.30	.30	.30		.035
SEMI-SKILLED	7.50	.30	.30		.035
SKILLED	7.65	.30	.30		.035

DEWITT COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMMON LABORERS	$6.70	.30	.30		.035
SEMI-SKILLED	6.90	.30	.30		.035
SKILLED	7.05	.30	.30		.035

CLASSIFICATIONS

COMMON LABORERS: All sewer workers plus depth pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters Tenders, Cleaning Lumber; Cofferdam workers plus depth pay,Deck Hand, Dredge Hand and shore laborer; Dispatchers; Driving of Stakes, Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagman; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Janitors; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers Planting of Trees; Removal of Trees; Rip Rap Men; Rod and Chairmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading Explosives; Unloading and Carrying Lath; Unloading and Carrying of re-bars; Wrecking, Dismantling Building, Wallmen and Housemovers; Wrecking Laborers; Writer of Scale Tickets;

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw; Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar men; Mason Tenders; Mortar Mixer Operators; Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials; On Concrete Paving, Placing, Cutting and Typing of Reinforcing; Signal Man on Crane Tank Cleaning Tunnel Helpers in free air; Vibrator Operators

SKILLED: Air Tamping Hammerman; Caisson Workers Plus Depth; Concrete Burning Machine Operator; Concrete Saw Operator; Corning Machine Operator; Gunnite Nozzle Men; Jackhammer and Drill Operators; Laborers handling masterplate or similar materials; Laborers Tending Masons with hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer Leadman on sewer work Luteman; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or temporary plant; Screenman on Asphalt Pavers; Steel Form Setters - Street and Highway; Welders, Cutters, Burners, and Torchmen

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MOULTRIE COUNTY

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$8.575	.30	.50		.05
CLASS II	8.475	.30	.50		.05
CLASS III	8.30	.30	.50		.05
CLASS IV	6.55	.30	.50		.05

CLASSIFICATIONS

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Derricks, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tourmamixer, 2 drums machine or 2 cage hoists, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Crane, Caterpull, Tractor operating scoops, Bulldozer, Push tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 1LS capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Asco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point Systen

CLASS IV: Power Sub-Grader, Bull Float, Form grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 200 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on paint pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Raspers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

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MACON; PIATT; SHELBY; CHRISTIAN & DEWITT COS.

ILLINOIS-5-HEO-1-2-3

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$8.05	.30	.40		.05
CLASS II	7.25	.30	.40		.05
CLASS III	6.85	.30	.40		.05

CLASS I
Asphalt screed man, Asrco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clam shells, C.M.E. & similar type autograde formless paver, autograge placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth auger or boring machines, elevating graders engineers on dredge, gravel processing machines, high lift or fork lifts, hoist w/two or more drums or two or more loading locomotives, (all) mechanics, motor graders or auto patrols, operators or leverman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tampers, tractors, sideboom trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II
Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch trucks, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete spreading machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratry compactor well drill machines, scissors hoist.

CLASS III
Air compressors*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,*, concrete mixers (except plant, paver, tower) firemen, genrators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power form graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size or type) truck crane oiler & driver 1(man) water pumps*, welding machines (one 300 amp. or over*)*welding machines*
*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

CLASSIFICATIONS

GROUP I
Drivers on 2 axle trucks hauling less than 9 ton, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site; Fork lifts up to 6,000 lbs. capacity.

GROUP II
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTE:
a.- Per Week Per Employee.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AM-448 - Mod. #1 ((36 FR 16359 - August 20, 1971) Blount, Jefferson, Saint Clair, Shelby, & Talladega Counties, Alabama	/				
Change:					
Laborers	$2.10				
Truck drivers	2.10				
DECISION #AQ-4060 - Mod. #1 (39 FR 3376 - January 25, 1974) Baldwin, Conecuh, Mobile, & Washington Counties, Alabama					
Change:					
Laborers:					
Unskilled	$2.10				
Truck drivers	2.10				
DECISION #AQ-4082 - Mod. #1 (39 FR 8100 - March 1, 1974) Montgomery County, Alabama					
Change:					
Laborers:					
Laborers	$2.10				
Truck drivers	2.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1009 - Mod. #5 (39 FR 28781 - August 9, 1974) Maricopa County, Arizona					
Omit:					
Plumbers: (Phoenix Area) Utility Mechanics (For installation of metallic or non-metallic piping or conduits used in water mains, storm sewers, sanitary sewers, invasion piping and culvert piping) (Installation of gas distribution piping for Public Utility Companies); Lawn Sprinkler Mechanics (Pipe layers fountain and equipment installation, service and maintenance landscaping and nurseryman); Swimming Pool Mechanics (Swimming pool piping of any mode or method or material service and repair, pipe excavation, installation of equipment); (Plumbing Service Mechanics (Plumbing repair and service in single family and multiple single family dwellings. Modernizing and remodeling); (Refrigeration and Air Conditioning Mechanics (Installation, service, maintenance and repair of air conditioning, refrigeration of 5 ton and under on single-family dwellings and multiple-single family dwellings and heating systems).	$ 6.73	.65			.02

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DECISION #AR-1009 - Mod. #5 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Add:					
Plumbers: (Phoenix Area) Utility Mechanics (For installation of metallic or non-metallic piping or conduits used in water mains, storm sewers, sanitary sewers, invasion piping and culvert piping) (Installation of gas distribution piping for Public Utility Companies); Lawn Sprinkler Mechanics (Pipe layers fountain and equipment installation, service and maintenance landscaping and nurseryman); Swimming Pool Mechanics (Swimming pool piping of any mode or method or material service and repair, pipe excavation, installation of equipment); Residential Plumbing Service Work including repair and service of the plumbing in single family dwellings and multiple single family dwellings; Refrigeration and Air Conditioning Mechanics (Installation, service, maintenance and repair of air conditioning, refrigeration of 5 ton and under on single-family dwellings and multiple single family dwelling and heating syatems)	$ 6.73	.65			.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AR-4026 - Mod. #3 (39 FR 31791 - August 30, 1974) Alachua County, Florida					
Change: Description of Work to Read: Building and Heavy Construction (excluding single family homes and garden type apartments up to and including 4 stories, and excluding Sewer and Water Line Construction.					
DECISION # AR-4039 - Mod. # 2 (39 FR 33197 - September 13, 1974) Lake, Orange, Osceola and Seminole Counties, Florida					
Change: Power Equipment Operators:					
Roller	$2.10				
Truck Driver	2.10				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #KS75-4051 - Mod. #1 (40 FR 6056 - February 7, 1975) Allen, Anderson, Atchison, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Doniphan, Elk, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Kingman, Labette, Linn, Lyon, Marion, Marshall, McPherson, Montgomery, Morris, Nemaha, Neosho, Osage, Ottawa, Pottawatomie, Rano, Republic, Riley, Saline, Sumner, Wabaunsee, Washington, Wilson and Woodson Counties, Kansas						
Change: Description of Work to Read: Highway and Water and Sewer Line Construction						
DECISION #KS75-4052 - Mod. #1 (40 FR 6057 - February 7, 1975) Sedgwick County, Kansas						
Change: Description of Work to Read: Highway and Water and Sewer Line Construction						
DECISION #KS75-4053 - Mod. #1 (40 FR 6058 - February 7, 1975) Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Meade, Mitchell, Morton, Ness, Norton, Osborne, Pawnee, Phillips, Pratt, Rawlins, Rice, Rooks, Rush, Russell, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace and Wichita Counties, Kansas						
Add: Description of Work: Highway and Water and Sewer Line Construction						

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4033 - Mod. #2 (40 FR 3898 - January 24, 1975) Statewide Louisiana					
Change: Electricians:					
Cable splicers:					
Zone 4	$9.30	.25	1%		
Line Construction:					
Zone 4:					
Linemen & equipment operators	9.05	.25	1%		
Cable splicers	9.30	.25	1%		
Groundmen	50%JR	.25	1%		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2002 - Mod #1 (40 FR 3095 - January 17, 1975) Barnstable County, Massachusetts					
Change:					
Laborers (Building)					
Laborers; Carpenter; tenders; Cement finisher tenders; Wrecking laborers	$ 7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain Saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders;					
Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers: (Heavy and Highway)					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Plumbers:					
Remainder of County	9.15	.61	.81		.15
Sheet Metal Workers	9.30	.45	.45		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2004 - Mod. #1 (40 FR 3103 - January 17, 1975) Bristol County, Massachusetts					
Change:					
Electricians: Residential Easton	$ 6.00	.35	5%		3%
Laborers (Building):					
Laborers; Carpenter tenders; cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavment breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blaster; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers: (Heavy and Highway)					
Laborers:					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Plumbers & Steamfitters: Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Seekonk, Somerset, S. Dartmouth, Swansea & Westport	9.15	.61	.81		.15
Sheet Metal Workers: Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, New Bedford N. Dartmouth, Rehoboth, Seekonk, Somerset, Swansea, & Westport	9.30	.45	.45		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2005 - Mod. #1 (40 FR 3107 - January 17, 1975) Essex County, Massachusetts					
Change:					
Electricians:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport Rowley, Salisbury & West Newbury	$ 9.63	.35	1%+.20		.02
Laborers (Building)					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortr mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers (Heavy and Highway)					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Plumbers:					
Andover, Georgetown, Groveland, Lawrence, Methuen, and North Andover	9.14	.53	.50		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2006 - Mod. #1 (40 FR 3112 - January 17, 1975) Franklin County, Massachusetts					
Change:					
Carpenters & Soft floor layers: Monroe & Monroe Bridge	$ 8.085	.40	.50		.04
Electricians:					
Remainder of County	9.76	.45	1%+.20		.01
Elevator constructors	9.025	.145	.29	3%+a	.02
Elevator constructors helpers	70%JR	.145	.29	3%+a	.02
Elevator constructors helpers (Prob.)	50%JR				
Laborers (Building)					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders					
Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Ram mers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					
Laborers; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers (Heavy and Highway)					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Plumbers and Steamfitters:					
Remainder of County	9.55	.50	.50		.02
Sheet Metal Workers	8.81	.75	.97		.02
Ironworkers: Structural Ornamental and Reinforcing	9.11	.55	1.40		.09

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2007 - Mod. #1 (40 FR 3116 - January 17, 1975) Hampden County, Massachusetts					
Change: Chester, Holyoke, & that portion of Chicopee Township North of the following line: McKinstry Avenue from the Connecticut River to Gratten Street, South on Gratten to Lafayette Street east on Lafayette to York Street; north on York to McKinistry; east on McKinistry to Crasby Road & projected to the Westover Air Force fence & that area north of Westover field	$ 9.76	.45	1%+.20		.01
Elevator constructors	9.025	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Ironworkers, Structural, Ornamental and Reinforcing	9.11	.55	1.40		.09
Laborers (Building) Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers, Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew: Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2007 - Mod #1 (cont'd)					
Laborers (Heavy and Highway) Class I	$ 7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Plumbers	9.39	.57	.75	6	.01
Sheet Metal Workers	8.81	.75	.97		.02
DECISION #MA75-2008 - Mod. #1 (40 FR 3121 - January 17, 1975) Hampshire County, Massachusetts					
Change: Electricians: Remainder of County	9.76	.45	1%+.20		.01
Elevator Constructors	9.025	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (prob.)	50%JR				
Laborers (Building) Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Ashpalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work and boring crew: Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.87	.50	.45		.10
Driller	7.87	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2008 - Mod. #1 (cont'd)					
Laborers (Heavy and Highway) Class I	$ 7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Plumbers and Steamfitters: Remainder of County	9.55	.50	.50		.02
Sheet Metal Workers	8.81	.75	.97		.02
Ironworkers; Structural, Ornamental and Reinforcing	9.11	.45	1.40		.01
DECISION #MA75-2010 - Mod. #1 (40 FR 3129 - January 17, 1975) Norfolk County, Massachusetts					
Change: Carpenters: Bellingham, Franklin, Medfield, Medway & Mills	$ 8.93	.60	.50		.07
Cement masons; Brookline & Milton	9.62	.70	.40		.05
Electricians: Residential Avon, Holbrook, Randolph & Stoughton	6.00	.35	5%		.5%
Laborers (Building) Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills, Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Motor mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2010 - Mod. #1 (Cont'd)					
Laborers (Cont'd) Open air caisson; Cylindrical work & boring crew: Laborer; Top man	$ 7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers: (Heavy and Highway) Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
DECISION#MA75-2011 - Mod. #1 (40 FR 3133 - January 17, 1975) Plymouth County, Massachusetts					
Change: Electricians: Residential Remainder of County	6.00	.35	5%		.5%
Laborers (Building) Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Lassr beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew: Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2011 - Mod. #1 (CONT'D)					
Laborers: (Heavy and Highway)					
Class I	$ 7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10
Plumbers:					
Marion, Mattapoisett, Rochester & Wareham	$ 9.15	.61	.81		.15
Sheet Metal Workers:					
Marion, Mattapoisett, Rochester & Wareham	9.30	.45	.45		
DECISION #MA75-2012 - Mod. #1 (40 FR 3137 - January 17, 1975) Suffolk County, Massachusetts					
Change:					
Cement masons	9.62	.70	.40		.05
Laborers (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew;					
Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers: (Heavy and Highway)					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class IV	7.75	.50	.45		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #MA75-2013 - Mod. #1 (40 FR 3141 - January 17, 1975) Worcester County, Massachusetts					
Change:					
Carpenters; Soft floor layers: Berlin, Bolton, Clinton, Northboro, Southboro and Westboro	$ 9.15	.60	.50		.07
Hopedale, Mendon, Milford, Upton and W. Upton	8.93	.60	.50		.07
Elevator constructors	9.07	.445	.29	3%+b+c	.02
Elevator constructors helpers	70%JR	.445	.29	3%+b+c	.02
Elevator constructors helpers prob.	50%JR				
Laborers (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.00	.50	.45		.10
Jackhammer op.; Pavment breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.25	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	7.50	.50	.45		.10
Blasters; Powdermen	7.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew;					
Laborer; Top man	7.00	.50	.45		.10
Helper	7.12	.50	.45		.10
Bottom men	7.75	.50	.45		.10
Driller	7.87	.50	.45		.10
Laborers: (heavy and Highway)					
Class I	7.00	.50	.45		.10
Class II	7.25	.50	.45		.10
Class III	7.50	.50	.45		.10
Class Iv	7.75	.50	.45		.10

DECISION NO. AR-3102 - Mod. #4
(39 FR 29784 - August 16, 1974)
Allegan County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION #AR-3102 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boon and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

MODIFICATIONS P. 19

DECISION NO. AR-3106 - Mod. #4
(39 FR 29797 - August 16, 1974)
Calhoun County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

MODIFICATIONS P. 20

DECISION NO. AR-3106 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boon and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

MODIFICATIONS P. 21

DECISION #AR-3108 - Mod. #4
(39 FR 29803 - August 16, 1974)
Emmet County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

MODIFICATIONS P. 22

DECISION #AR-3108 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boon and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

DECISION #AR-3109 - Mod. #3
(39 FR 29807 - August 16, 1974)
Genesee, Lapeer and Shiawassee
Counties, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION #AR-3109 - Mod. #3 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Job Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

DECISION #AR-3111 - Mod. #4
(39 FR 29814 - August 16, 1974)
Grand Traverse and Leelenau
Counties, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION #AR-3111 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boon and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

MODIFICATIONS P. 27

DECISION #AR-3112 - Mod. #4
(39 FR 29817 - August 16, 1974)
Huron County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

MODIFICATIONS P. 28

DECISION #AR-3112 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Job Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

MODIFICATIONS P. 29

DECISION #AR-3113 - Mod. #4
(39 FR 29820 - August 16, 1974)
Ingham County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

MODIFICATIONS P. 30

DECISION #AR-3113 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Job Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

XUM 75 12 BET 9301 V XUM

DECISION #AR-3114 - Mod. #3
(39 FR 29823 - August 16, 1974)
Kalamazoo County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION #AR-3114 - Mod. #3 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boon and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

DECISION #AR-3116 - Mod. #3
(39 FR 29830 - August 16, 1974)
Mason County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION #AR-3116 - Mod. #3 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boon and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

XUM 57 12 BMT 93104 V XUM

MODIFICATIONS P. 35

DECISION #AR-3117 - Mod. #4
(39 FR 29833 - August 16, 1974)
Muskegon and Oceana Counties, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

MODIFICATIONS P. 36

DECISION #AR-3117 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boom and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

MODIFICATIONS P. 37

DECISION #AR-3120 - Mod. #3
(39 FR 29843 - August 16, 1974)
Washtenaw County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.0485	.55	.65	10%	.05
CLASS B	9.8212	.55	.65	10%	.05
CLASS C	9.5939	.55	.65	10%	.05
CLASS D	9.3667	.55	.65	10%	.05
CLASS E	8.4498	.55	.65	10%	.05
CLASS F	7.8258	.55	.65	10%	.05

CLASSIFICATIONS

CLASS A Engineer when operating crane with boom and jib or leads 220' or longer

CLASS B Engineer when operating crane with boom and jib or leads 140' or longer, up to 220'

CLASS C Regular crane operator

CLASS D Regular Engineer

CLASS E Engineer when operating compressor or welding machine

CLASS F Fireman; oiler

MODIFICATIONS P. 38

DECISION #AR-3120 - Mod. #3 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Jcb Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

XUM 57 12 BET 93104 XUM

DECISION #AR-3121 - Mod. #3
(39 FR 29846 - August 16, 1974)
Wayne, Oakland and Macomb,
Counties, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.085	.55	.65	10%	.05
CLASS B	9.821	.55	.65	10%	.05
CLASS C	9.593	.55	.65	10%	.05
CLASS D	9.366	.55	.65	10%	.05
CLASS E	8.498	.55	.65	10%	.05
CLASS F	7.825	.55	.65	10%	.05

CLASSIFICATIONS

CLASS A Engineer when operating crane with boom and jib or leads 220' or longer

CLASS B Engineer when operating crane with boom and jib or leads 140' or longer, up to 220'

CLASS C Regular crane operator

CLASS D Regular Engineer

CLASS E Engineer when operating compressor or welding machine

CLASS F Fireman; oiler

DECISION #AR-3121 - Mod. #3 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Job Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

DECISION #AR-3122 - Mod. #4
(39 FR 29850 - August 16, 1974)
Charlevoix County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick; scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION #AR-3122 - Mod. #4 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boon and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

DECISION #AR-3148 - Mod. #1
(39 FR 36754 - October 11, 1974)
Saginaw and Tuscola Counties, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION #AR-3148 - Mod. #1 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Job Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

DECISION NO. AR-3150 - Mod. #1
(39 FR 36759 - October 4, 1974)
Alcona, Alpena, Montmorency, Oscoda, and Presque Isle Counties, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION NO. AR-3150 - Mod. #1 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Job Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

MODIFICATIONS P. 47

DECISION NO. AR-3164 - Mod. #1
(39 FR 37338 - October 18, 1974)
Berrien County, Michigan

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

MODIFICATIONS P. 48

DECISION NO. AR-3164 - Mod. #1 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boom and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

MODIFICATIONS P. 49

DECISION #AR-3165 - Mod. #2
(39 FR 37341 - October 18, 1974)
St. Clair and Sanilac Counties, Michigan

Change:

POWER EQUIPMENT OPERATORS (St. Clair County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.0485	.55	.65	10%	.05
CLASS B	9.8212	.55	.65	10%	.05
CLASS C	9.5939	.55	.65	10%	.05
CLASS D	9.3667	.55	.65	10%	.05
CLASS E	8.1498	.55	.65	10%	.05
CLASS F	7.8258	.55	.65	10%	.05

CLASSIFICATIONS

CLASS A Engineer when operating crane with boom and jib or leads 220' or longer

CLASS B Engineer when operating crane with boom and jib or leads 140' or longer, up to 220'

CLASS C Regular crane operator

CLASS D Regular Engineer

CLASS E Engineer when operating compressor or welding machine

CLASS F Fireman; oiler

MODIFICATIONS P. 50

DECISION #AR-3165 - Mod. #2 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Sanilac County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

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DECISION #AR-3165 - Mod. #2 (Cont'd)

Change:

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

CLASSIFICATIONS

CLASS A Engineer when operating combination of boom and jib 220' or longer

CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)

CLASS C Crane Operator; Job Mechanic

CLASS D Hoisting operator

CLASS E Compressor operator

CLASS F Fireman; oiler

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MS75-1020 - Mod.#1 (40 FR 5906 - February 7, 1975) Forrest County, Mississippi					
Change:					
Carpenters	$7.00				
Laborers	2.98				
DECISION NO AR-59 - Mod. #4 (39 FR 36705 - October 11, 1974) Douglas, Sarpy, Cass, Washington and that portion of Saunders County east of Highway #109 in Nebraska					
CHANGE:					
Carpenters:					
Carpenters	$7.73	.35	.30	.40	.03
Piledrivermen	7.855	.35	.30	.40	.03
Cement finishers	7.98	.35	.30		
POWER EQUIPMENT OPERATORS:					
Group V	7.21	.35	.30		
Group VI	7.43	.35	.30		
Group VII	7.60	.35	.30		
Group VIII	7.77	.35	.30		
DECISION #NV75-5005 - Mod. #1 (40 FR 3918 - January 24, 1975) Nevada Test Site Including Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3143 - Mod. #2 (39 FR 35024 - September 27, 1974) Merrimack County, New Hampshire					
Change:					
Ironworkers; Structural, Ornamental and Reinforcing	$ 8.65	.55	.90		.02
DECISION #AR-3144 - Mod. #2 (39 FR 35024 - September 27, 1974) Rockingham County, New Hampshire					
Change:					
Ironworkers; Structural , Ornamental and Reinforcing	8.65	.55	.90		.02
DECISION #AR-3145 - Mod. #2 (39 FR 35024 - September 27, 1974) Strafford County, New Hampshire					
Change:					
Ironworkers; Structural, Ornamental and Reinforcing	8.65	.55	.90		.02
DECISION #AR-3142 - Mod. #2 (39 FR 35201 - September 27, 1974) Hillsboro County, New Hampshire					
Change:					
Ironworkers; Structural, Ornamental and Reinforcing	8.65	.55	.90		.02
Laborers, Heavy and Highway					
Laborers and Pipelayer	4.75	.40	.40		.05
Air Tool Operators; Wagon Drillers; Concrete Vibrators and Scalers	5.00	.40	.40		.05
Blasters; Powdermen	5.25	.40	.40		.05

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO AR-2101 - Mod. #2 (39 FR 44925 - December 27, 1974) Bronx, Kings, Queens, New York and Richmond Counties, New York					
Change:					
Electricians	$10.86	u	1%+a	v+b	1%

FOOTNOTES:
a. Employer contributes $6.00 per day to an annuity fund.
b. Holidays A through F; Election Day; Employees Birthday.
v. Employer contributes 5.7% per hour to a vacation fund.
u. Employer contributes 7% per hour to a combined Health, Welfare and Pension fund.

DECISION #AR-3042 - Mod. #1 (39 FR 30790 - August 23, 1974) Mahoning County, Ohio					
Change:					
Electricians:					
Remainder of County	$10.26	.40	5%		3/10%
DECISION NO OK75-4049 Mod. #1 (40 FR 6112 - February 7, 1975) Oklahoma, Cleveland, Canadian, Lincoln, McClain, Pottawatomie and Seminole Counties, Oklahoma					
CHANGE:					
Plumbers	$8.70	.55	.50		.10
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	7.45	.40			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION NO. OK75-4050 Mod. #1 (40 FR 6115 - February 7, 1975) Tulsa and Creek Counties, Oklahoma					
Change: TRUCK DRIVERS:					
Group 1	$6.73				
Group 2	6.78				
Group 3	6.88				
Group 5	6.88				
Omit: TRUCK DRIVERS:					
Group 4	5.53				
Classification Definition: Group IV - Truck Drivers helper					
ADD: TRUCK DRIVERS:					
Group 4	6.88				
Classification Definition: Group IV - Ready mix concrete truck drivers	6.88				
DECISION #AQ-4061 - Mod. #1 (39 FR 3426 - January 25, 1974) Cheatham, Davidson, Dickson, Lawrence, Marshall, Maury, Robertson, Rutherford, Sumner, Trousdale, Williamson and Wilson Counties, Tennessee					
Change: Laborers:					
Laborers	$2.10				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4012 - Mod. #1 (40 FR 3175 - January 17, 1975) Jefferson & Orange Counties, Texas					
Change: Bricklayers & stonemasons	$9.36	.275	.30		.04
DECISION #TX75-4024 - Mod. #1 (49 FR 3931 - January 24, 1975) El Paso County, Texas					
Change: Asbestos workers	7.08	.50	.27(a)		.03
Footnote: a-Includes $0.07 contribution to Occupational Health Fund					
DECISION #TX75-4025 - Mod. #2 (40 FR 3933 - January 24, 1975) Galveston & Harris Counties, Texas					
Change: Plasterers: Galveston County	8.00	.37	.30		.05

STATE: Florida COUNTY: See below*
DECISION NUMBER: FL75-1024 DATE: Date of Publication
Supersedes Decision No. AQ-4055 dated January 25, 1974 39 FR 3388
DESCRIPTION OF WORK: Building Construction, (exclusing single family homes and garden type apartments up to and including 4 stories).

*Counties: Escambia, Okaloosa, Santa Rosa and Walton.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.70	.395	.75	a	.02
Boilermakers	7.13	.40	.70		.01
Bricklayers:					
Bricklayers & Stonemasons	7.55				
Marble masons	7.55				
Terrazzo workers & Tile setters	7.55				
Carpenters:					
Carpenters	7.15	.30			.01
Millwrights	7.24	.30	.30		
Piledriverman	7.40	.30			.01
Soft floor layers	7.15				.01
Cement masons	6.62				
Electricians:					
Electricians	7.85	.30	1%		½ of 1%
Cable splicers	8.10	.30	1%		½ of 1%
Elevator constructors	6.72	.145	.17	2%+c+d	.005
Elevator constructors' helpers	70%JR	.145	.17	2%+c+d	.005
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	5.36		.15	e	
Ironworkers:					
Structural, ornamental & Reinforcing	7.13	.28	.25		.01
Lathers	5.75				
Line Construction:					
Linemen; Heavy Equipment opr.	7.15	.25	1%		½ of 1%
Painters, Commercial:					
Brush roller, paperhanger	3.90				
Spray	4.25				
Plasterers	4.375				.01
Plumbers & Steamfitters:					
Walton Co. E. of Hwy. 331 exclud. DeFuniak Springs	6.50	.30	.35	f	.02
Remaining Counties & Walton Co., W of Hwy. 331 incl. DeFuniak Springs	8.45	.30	.35	g	.04
Sheet metal workers	7.29	.40	.40		.01
Sprinkler fitters	8.41	.30	.50		.07
Terrazzo workers helpers	4.58	.28	.25		
Tile setters' helpers	4.58	.28	.25		
Truck Drivers:					
Up to but not including 1½ tons	5.04	.28	.25		
1½ tons up to but not including 5 tons	5.51	.28	.25		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
5 tons & over	6.55	.28	.25		
Mechanics	7.12	.28	.25		
Helpers (Mechanics)	5.29	.28	.25		
Welders - receive rate prescribed for craft performing operation to which welding is incidential.					

FOOTNOTES:

a. Holidays: Labor Day & Mardi Gras Day - provided employee work at least one day out of the three workdays prior to the paid holidays, and the first work day after the paid holidays.

b. Employer contribution of $35.00 per year.

c. Holidays: A through F

d. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

e. Holiday : F

f. Three paid holidays: D,E, and F.

g. Holidays: A,B,C,D,E,F, Easter Day and Christmas Eve.

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers: Construction laborers, carpenters' tenders, bldg. wreckers	$3.25	.10				
Ninety lb. hammer, gunnite, pressure conc. worker nozzleman, gunmen, acid or creosote workers, (work performed over 100' high except on inside wall to wall scaffolding)	3.50	.10				
Form setter on streets, roads, & highways; burners for demolition or concrete; runways and courts	3.75	.10				
Blasting & powderman; cofferdam and tunnel workers underground; caissons	4.25	.10				
Air tool operators, asphalt raker & tamper; conc. or clay pipe layers & wipers, masons tenders, plasterers tenders, conc. worker, track laborers, (including preparation of track bed), roofer's helpers, single conveyors, kettleman, well point workers, power buggy oper., building of scaffolding and staging for masons and plasterers	3.35	.10				

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
HEAVY EQUIPMENT: Heavy Duty Mechanic, Crane, Shovel, Derrick Operator (2 or more drums), Dragline, Pile Driver Operator, Hoist Operator (2 or more drums), Trenching Machines, Cable Ways, Excavators, Front End Loader, Backhoe, Rubber Tired Backhoe, Dredges, Leverman, Welders, Mounted Rotary Drill Machines Cherry Pickers, Side Boom Tractors, Paving Machines, Motor Patrol, Pumpcrete Machines, Gradalls, Johnson Mixers, Hydro-lift trucks, All Batch plant and Header House Operators, Panel Board (Ready-Mix), Hydro Hammers on Demolition Work, Concrete Plants, Asphalt Plants, Helicopter pilots and concrete paving trains	$7.16	.28	.25			
MEDIUM EQUIPMENT: Dozer Scraper, Turnapull, One Drum Hoist, Self-Propelled Rollers, Construction Elevators; Locomotive Engineer, Elevating Grader Tractors with Power Control Attachments, Winch Truck, Tar Boats, Mixers, Asphalt Spreaders, Drilling machines, Form Graders, Asphalt Distributors, Forklift, well-point systems, Subgraders, Finishing machines, Motorized Compactors, Magnobiles and Push Carts	6.90	.28	.25			
LIGHT EQUIPMENT: Light Plants, Generators, Welding Machines, Air compressors, pumps, conveyors, Motor Boats under 30 ft., Tow Tractors and Pile Driver Hammer (Diesel, Gas, Air or Electric)	6.41	.28	.25			
Fuel Truck Oilers, Fireman Brakeman, Outboard Motor Boats, Truck Crane Oiler and Mechanic Helpers	5.76	.28	.25			
Oilers (crawler), Deck Hand and Oiler Cherry Picker	5.50	.28	.25			

SUPERSEDEAS DECISION

STATE: Idaho COUNTIES: Statewide
DECISION NUMBER: ID75-5024 DATE: Date of Publication
Supersedes Decision No. AR-1046 dated November 15, 1974, in 39 FR 40410
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS: Benewah, Bonner, Boundary, Clearwater, Northern half of Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$9.70	.44	.75		
Remainder of Counties and Southern half of Idaho	8.71	.50	.82		
BOILERMAKERS	7.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons: Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	7.40	.25			
Bingham (South half), Bannock, Bear Lake, Caribou, Franklin, Oneida, Power Counties	8.75	.30	.50		
Ada; Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	7.40	.40	.30		
Idaho, Clearwater, Latah, Lewis, Nez Perce Counties	9.16		.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.00				
CARPENTERS: Benewah, Bonner, Boundary, Clearwater, Idaho (North of the Northern boundary of Township 29 North), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties Carpenters	8.34	.50	.55		.045
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	8.49	.50	.55		.045
Shingler (wood and composition)	8.54	.50	.55		.045
Carpenters (burned, charred, creosoted or similarly treated material); Boom Man	8.59	.50	.55		.045
Millwrights and Machine Erector	8.84	.50	.55		.045
Piledriver (creosoted material)	8.74	.50	.55		.045

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd) Remainder of Counties and Idaho County (South of the Northern boundary of Township 29 North) Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	7.62	.42	.30	.40	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	7.79	.42	.30	.40	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	7.91	.42	.30	.40	.10
CEMENT MASONS: Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos. Cement Masons	8.23	.45	.60		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	8.38	.45	.60		.04
Remainder of Counties and Idaho County (South of 46th Parallel) Cement Masons	7.40	.40	.30	.20	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	7.60	.40	.35	.25	.10
ELECTRICIANS: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties Electricians	8.05	.35	1% + .40		.02
Cable Splicers	8.45	.35	1% + .40		.02
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties Electricians	8.48	.40	1%+.25		1%
Cable Splicers	9.328	.40	1%+.25		1%
Remaining Counties Electricians-Technicians	8.50	.40	1% + .25		1%
Cable Splicers	9.35	.40	1% + .25		1%

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington and Idaho County (South of the 46th Parallel)	$ 6.55				
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	8.88	.45			
MARBLE SETTERS:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	8.65	.30			
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties	7.40	.25			
PAINTERS:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lembi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, Twin Falla Counties	6.31	.25	.10		
Brush; Perfatapers					
Structural Steel: Swing Stage; Spray	6.76	.25	.10		
Ada, Adams, Boise, Elmore, (except Mt. Home AFB), Gem, Gooding. (Western 1/3 of County incl. Bliss), Owyhee, Idaho (South of the 46th Parallel), Valley, Washington Counties					
Brush; Paperhangers; Drywall Tapers	7.26	.25	.25		.02
Steel; Sign Painters	7.36	.25	.25		.02
Bazooka Operator	7.46	.25	.25		.02
Spray; Sandblasting; Toxic and Chemical Material	7.73	.25	.25		.02
Elmore (Mt. Home AFB)					
Brush; Paperhangers; Drywall Tapers	8.26	.25	.25		.02
Structural Steel; Sign Painters	8.36	.25	.25		.02
Spray Gun; Sandblasting; Pot Tenders; Application of toxic material	8.73	.25	.25		.02
Bazooka Operator	8.46	.25	.25		.02

ID75-5024 P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	8.975	.445	.29	2% + a	
Elevator Constructors	70%JR	.445	.29	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Remainder of Counties and Idaho County (South of 46th Parallel)	7.50	.395	.26	2% + a	
Elevator Constructors	70%JR	.395	.26	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Bonner, Boundary, Kootenai, Shoshone Counties	6.345	.25		b	
Benewah, Clearwater, Idaho (North of 46th Parallel), Latah, Lewis, Nez Perce Counties	6.27	.25	.25	.28 + b	
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley, Washington Counties	6.14	.25	.30	.23	
IRONWORKERS (Ornamental-Structural-Reinforcing)					
Adams, (North of the Weiser-Gibbonsville Line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis (North of the Weiser-Gibbonsville Line), Nez Perce, Shoshone, Valley, (North of the Weiser-Gibbonsville Line), Washington (North of the Weiser-Gibbonsville Line) Counties	9.15	.48	.80		.05
Remaining Counties and Adams, Lembi, Valley, Washington Cos. South of the Weiser-Gibbonsville Line	8.54	.50	.75		.02

ID75-5024 P. 6

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
Clearwater, Idaho (North of the 46th parallel), Latah, Lewis, Nez Perce, Counties	$8.25				
Roofers; Kettlemen; Waterproofers	9.95	.37	.50	.50	
SHEET METAL WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	7.28	.32	.24		.02
Remaining Counties	8.01	.32	.30		.04
SOFT FLOOR LAYERS:					
Bannock, Bear Lake, Bingham, (South from a line running east and west thru northern limits of Blackfoot Incl. ARC Test Site), Blaine, Butte (South from a line running east and west thru northern limits of the ARC Test Site), Bonneville (South from a line running east and west thru northern limits of Blackfoot), Camas, Caribou, Cassia, Clark, Franklin, Fremont, Gooding, Jefferson, (that portion containing ARC Test Site), Jerome, Lembi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties	6.70	.50	.70		.08
SPRINKLER FITTERS	9.40				
TERRAZZO WORKERS and TILE SETTERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	6.25	.40	.30		
Bannock, Bear Lake, Bingham, (Southern half), Caribou, Franklin, Oneida, Power Counties	7.95	.30	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	8.75				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	7.40	.25			.01

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	$ 8.46	.31	.60		.02
Brush					
Spray; Steel; Steam Cleaning; Sandblasting; over 10' handle)	8.71	.31	.60		.02
Finish Drywall Tapers	8.81	.31	.60		.02
Swing Stage and over 30 feet high					
Bituminastic; Sand Blast, Bridges; Towers; Stacks; Steeples; Tanks on legs	8.86	.31	.60		.02
Electric, TV and Radio Transmission Towers	9.21	.31	.60		.02
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	8.88	.45	.20	.20	
Remaining Counties	7.50	.32	.20		
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties	9.60	.33	.85	.60	.10
Remaining Counties and Idaho County (South of the 46th Parallel)	8.79	.37	.40		.10
ROOFERS:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton Counties	8.00		.20		
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho (South of the 46th Parallel), Lembi, Owyhee, Payette, Valley and Washington Counties	7.40	.33	.20		
Roofers working with coal tar and pitch products	8.90	.33	.20		
Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties	7.59	.40	.25		.01
Roofers	8.59	.40	.25		.01
Roofers working with pitch products					

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	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (AREA 1) (Beneah, Bonner, Boundary, Clearwater, Kootenai, Idaho, Latah, Lewis, Nez Perce and Shoshone Counties)					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%
LINE CONSTRUCTION (AREA 2) (Remaining Counties)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	5.66	.35	1%		3/4%
Equipment Operators	6.85	.35	1%		3/4%
Lineman	7.52	.35	1%		3/4%
Cable Splicer	8.272	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility, Street lighting when performed for an operating utility or municipality					
Groundman	5.45	.35	1%		3/4%
Equipment Operator	6.39	.35	1%		3/4%
Lineman	7.10	.35	1%		3/4%

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	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS' and TILE SETTERS' HELPERS					
Beneah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Terrazzo and Tile Setters' Helpers	$6.10				
Finisher Helper	6.55				

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; D-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service to vacation plan. Six Paid Holidays: A through F.
b. All employees who have been employed for a period of one year after the effective data of this agreement shall have two weeks vacation with pay. All employees with 10 years continuous service shall receive three weeks' vacation with pay.

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POWER EQUIPMENT OPERATORS - (Area 1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(Beneah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	ZONE 1&2*	ZONE 3*			
Group 1	$7.50	$8.00	$8.45	.65	.75	.03
Group 2	7.80	8.30	8.75	.65	.75	.03
Group 3	8.35	8.85	9.30	.65	.75	.03
Group 4	8.50	9.00	9.45	.65	.75	.03
Group 5	8.65	9.15	9.60	.65	.75	.03
Group 6	8.90	9.40	9.85	.65	.75	.03
Group 7	9.15	9.65	10.10	.65	.75	.03

*ZONE 1: Within a 15 mile radius from the City center of the following Cities: Coeur d' Alene and Lewiston, Idaho; and Spokane, Washington.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS-(AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	$7.05	.50	.55		.10
Group 2	7.21	.50	.55		.10
Group 3	7.53	.50	.55		.10
Group 4	7.84	.50	.55		.10
Group 5	8.01	.50	.55		.10
Group 6	8.19	.50	.55		.10
Group 7	8.60	.50	.55		.10
Group 8	8.83	.50	.55		.10
Group 9	9.06	.50	.55		.10
Group 10	9.30	.50	.55		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (AREA 1) (Beneah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)					
Group 1	$ 6.85	.45	.65		.02
Group 2	7.00	.45	.65		.02
Group 3	7.10	.45	.65		.02
Group 4	7.15	.45	.65		.02
Group 5	7.25	.45	.65		.02
Group 6	7.30	.45	.65		.02
Group 7	7.50	.45	.65		.02
Group 8	6.90	.45	.65		.02
Group 9:					
Class A	6.95	.45	.65		.02
Class B	7.35	.45	.65		.02
Class C	7.40	.45	.65		.02
Class D					
LABORERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	5.97	.45	.45	.20	.10
Group 2	6.07	.45	.45	.20	.10
Group 3	6.17	.45	.45	.20	.10
Group 4	6.27	.45	.45	.20	.10
Group 5	6.32	.45	.45	.20	.10
Group 6	6.57	.45	.45	.20	.10
Group 7	6.82	.45	.45	.20	.10
UNDERGROUND WORK					
Group 8	6.12	.45	.45	.20	.10
Group 9	6.27	.45	.45	.20	.10
Group 10	6.57	.45	.45	.20	.10

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TRUCK DRIVERS - (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.
	$				
Group 1	$ 7.60	.82	.65		
Group 2	7.65	.82	.65		
Group 3	7.70	.82	.65		
Group 4	7.80	.82	.65		
Group 5	8.00	.82	.65		
Group 6	8.05	.82	.65		
Group 7	8.10	.82	.65		
Group 8	8.15	.82	.65		
Group 9	8.25	.82	.65		
Group 10	8.30	.82	.65		
Group 11	8.60	.82	.65		
Group 12	8.75	.82	.65		
Group 13	8.90	.82	.65		
Group 14	9.05	.82	.65		
TRUCK DRIVERS - (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	6.80	.55	.55	.15	.10
Group 2	6.86	.55	.55	.15	.10
Group 3	6.92	.55	.55	.15	.10
Group 4	6.98	.55	.55	.15	.10
Group 5	7.03	.55	.55	.15	.10
Group 6	7.24	.55	.55	.15	.10
Group 7	7.30	.55	.55	.15	.10
Group 8	7.36	.55	.55	.15	.10
Group 9	7.47	.55	.55	.15	.10
Group 10	7.53	.55	.55	.15	.10
Group 11	7.59	.55	.55	.15	.10
Group 12	7.65	.55	.55	.15	.10
Group 13:					
Class A	7.13	.55	.55	.15	.10
Class B	7.24	.55	.55	.15	.10
Class C	7.47	.55	.55	.15	.10
Class D	7.65	.55	.55	.15	.10
Class E	7.76	.55	.55	.15	.10
Class F	7.88	.55	.55	.15	.10
Class G	8.21	.55	.55	.15	.10
Class H	8.44	.55	.55	.15	.10
Class I	8.67	.55	.55	.15	.10
Group 14	8.09	.55	.55	.15	.10

LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, Wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flo-crete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drills with 3½ inch piston or larger and Out-of-the-hole Drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
- Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and Nipper
- Class B: Brakeman, Dumpman
- Class C: Miner and Nozzleman for concrete and Laser Beam Operator on tunnels
- Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers, Sloper, Clearing and Grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car), Watchman, Heater Tender; Stake Jumper, Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - salvage; Landscaper; Tool Room Man; Janitor

LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunite Nozzleman Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline Powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - Airport Paving; Gunman (Gunite); Manhole Setter; Hand Guided Machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (Highway Curb and Gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills.

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bullgang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers, Vibrator (on 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: A-frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel, or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixer-mobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (Grout or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (With crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - Over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 2: Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (cement), Bolt Threader Machine Operator, Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or Mulching (regardless of motive power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Head Chainman, Hoist - single drum, Hydraulic Monitor Operator - skid mounted, Oiler (single piece of equipment), Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs), Battery Tunnel Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (self-propelled), Hoist - 2 or more drums or Tower Hoist, Hydralift - Fork Lift and similar (when hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Rodman, Road Roller (regardless of motive power).

Group 4: Boring Machine (Earth or Rock) Quarrymaster - Joy - Tractor mounted, Drills: Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and similar Machines - (up to and including 4 yards) - (Rubber-tired), Grout Pump, Hydra-hammer, Instrument Man, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

Group 5: Concrete Plant Operator, Concrete Road Paver (Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (diesel electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines - under 1 yard, Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber-tired, Sub Grader, Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled, Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Drilling Equipment (Bit under 8 inches) (Robbins Reverse Circulation and similar), Front End and Overhead Loaders and similar Machines-(over 4 yards to and including 7 yards), Koehring Scooper, Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines (1 yard to and including 3½ yards), Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (over 1,000 tons), Trimmer Machine Operator, Tournapulls - Euclid and similar - to and including 40 yards

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 7: Cableway Operator, Continuous Excavator (Barber Greene WL-50), Cranes - over 50 ton, Dredges, Drilling Equipment (Bit 8 inches and over) (Robbins Reverse Circulation and similar), Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and similar Machines - (over 7 yards), Power Shovels and Draglines over 3-½ yards, Quad type Tractors with all attachments, Tournapulls - Euclid and similar - over 40 yards to and including 50 yards, Multiple Scraper Units.

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclids and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclids and similar - over 100 yards

TRUCK DRIVERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer);(Helper and Swamper; Leverperson loading (trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubbertired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit mixers and trucks hauling concrete (over 3 yards to 6 yards); Water tank truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2 Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons), Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2; Flat bed - 2 axle and pickup hauling material; Water tank truck (1,800 gallons and under); Fork lift (3,000 and under)

Group 3: Flat bed - 3 axle, fuel truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man haul (Shuttle truck or bus)

Group 4: Transit mix truck - 3 yds. and under; Warehouseman; Truck helpers; Slurry or concrete pumping truck

Group 5: Flat bed using power takeoff; Water tank truck (over 1,800 - 4,000 gallons); Semi-trailer - Low boy - up to 96,000 lbs. GVW, Bulk cement tanker - up to 96,000 lbs. GVW; Fork lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit mix truck, over 3 yds. - 6 yds.

Group 7: Water tank truck - over 4,000 gallons; Fuel truck - over 1,000 gallons; Distributor or spreader truck

Group 8: Transit mix truck - over 6 yds. - 8 yds.; Dumptora; Field Tireman; Serviceman

Group 9: Transit mix truck - over 8 yds. - 10 yds.; Snow Plow (Truck Mounted)

Group 10: Low boy - 96,000 lbs. GVW and over; Bulk cement tanker - 96,000 lbs. GVW and over

Group 11: Transit mix truck - over 10 yds.

Group 12: Turnarocker and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 13:
Truck - side, end and bottom dump
Class A: 6 yds. and under
Class B: Over 6 yds. - including 12 yds.
Class C: Over 12 yds. - including 20 yds.
Class D: Over 20 yds. - including 30 yds.
Class E: Over 30 yds. - including 40 yds.
Class F: Over 40 yds. - including 50 yds.
Class G: Over 50 yds. - including 75 yds.
Class H: Over 75 yds. - including 100 yds.
Class I: Over 100 yds.

Group 14: Truck mechanic

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO: IN75-2037
Supersedes Decision No. AR-3123, dated August 23, 1971, in 39 FR 30739
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

IND-HH-2-1

COUNTIES: ADAMS, ALLEN, DEKALB, ELKHART, HUNTINGTON, KOSCIUSKO, WELLS, LAGRANGE, MARSHALL, NOBLE, STARK, STUEBEN & WHITLEY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters:					
Starke County	$ 9.76	.50	.57		.05
Remainder of Counties	9.01	.47	.40		.05
Cement Masons:					
Starke County	8.62	.45	.70		.03
Marshall County	8.35	.40	.50		.01
Wells County	7.85	.40			
Elkhart, Kosciusko & LaGrange Counties	8.73		.30		.02
Remainder of Counties	7.90	.40			
Ironworkers:					
Elkhart, Kosciusko, Marshall, Starke Counties & Western ½ of LaGrange Co.	8.70	.55	.65		.01
Remainder of Counties	9.70	.55	.55		.01
Painters:					
Adams, Allen DeKalb, Huntington, Wells (North of Bluffton) LaGrange, Noble, Stueben & Whitley Counties:					
Brush & Roller	7.49	.32	.25		.07
Spray	8.49	.32	.25		.07
Elkhart, Kosciusko & Marshall Counties					
Brush, Roller & Spray	7.63		.20		
Starke County					
Brush & Roller	4.80				
Spray	6.05				
Remainder of Wells County					
Brush, Roller & Spray	4.35				

IN75-2037 P. 2

REMAINDER OF ZONE I

IND-5-LAB-S&T

LABORERS: TUNNEL & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 6.25	.35	.30		.07
GROUP II	6.40	.35	.30		.07
GROUP III	6.40	.35	.30		.07
GROUP IV	6.55	.35	.30		.07
GROUP V					
FREE AIR TUNNEL & CAISSON					
A.	7.33	.35	.30		.07
B.	6.83	.35	.30		.07
C.	6.73	.35	.30		.07
D.	6.63	.35	.30		.07

CLASSIFICATIONS

GROUP I: Top Laborers
GROUP II: Well Point Lead Man
GROUP III: Jackhammer & Air Tool Operators
GROUP IV: Pipelayer
GROUP V:
FREE AIR TUNNEL & CAISSON:
A. Miners or Header Men
B. Muckers & Tunnel Laborers
C. Bottom Men & Concrete Men
D. Topmen

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Pull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

IN75-2037 P. 3

STARKE COUNTY

INDIANA-6-LAB-1-S&T AREA 1A

LABORERS BUILDING, SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 6.65	.35	.35		.07
GROUP B	6.85	.35	.35		.07
GROUP C	6.95	.35	.35		.07
GROUP D	7.65	.35	.35		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

IN75-2037 P. 4

STARKE COUNTY

INDIANA-3-PEO-BS&T

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building, Sewer & Tunnel Construction					
GROUP I	$9.80	.50	.70		.05
GROUP II	9.30	.50	.70		.05
GROUP III	7.90	.50	.70		.05
GROUP IV	6.95	.50	.70		.05

CLASSIFICATIONS

GROUP I
Mechanic (with truck $1.00 per hour more) asphalt plant, autograde, batch plant, benoto (requires two engineers) boiler & throttle valve, caisson rigs central redi-mix plant combination tugger hoist & air compressors, compressor, & throttle, concrete breaker (truck mounted), concrete conveyor concrete paver over 27E cu. ft. concrete paver 27E cu. ft. and under, concrete tower, cranes all, cranes, tower derricks, all derricks, traveling, forklift - lull type, forklift - 10 ton and over, hoists, one,two and three drum hoists, two tugger one floor, hydraulic boom truck locomotives, all, piledrivers and skid rig, pit machines, pre-stress machine pump cretes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor

GROUP II
Asphalt spreader, boilers, bulldozers combination backhoe front endloader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines highlift shovels or front endloader, hoists, automatic, cowboy drilling machines, hoists, all elevators, hoists, tugger single drum motor patrol, post hole digger, rollers, all, scoops - tractor drawn stone crushers, tournapull, winch trucks

GROUP III
Concrete mixer (two bags and over), conveyor, portable, steam generators, tractors, farm & similar type, air compressor, forklift trucks, generators, pumps (1to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

GROUP IV
Heaters, mechanical, oilers switchmen

REMAINDER OF COUNTIES

IND-6-PEO-T&S

POWER EQUIPMENT OPERATORS: TUNNEL & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.37	.40	.30		.05
GROUP 2	8.70	.40	.30		.05
GROUP 3	8.65	.40	.30		.05
GROUP 4	8.55	.40	.30		.05
GROUP 5	8.50	.40	.30		.05
GROUP 6	8.45	.40	.30		.05
GROUP 7	8.40	.40	.30		.05
GROUP 8	8.35	.40	.30		.05
GROUP 9	8.15	.40	.30		.05
GROUP 10	8.10	.40	.30		.05
GROUP 11	7.95	.40	.30		.05
GROUP 12	7.67	.40	.30		.05
GROUP 13	7.62	.40	.30		.05
GROUP 14	7.57	.40	.30		.05
GROUP 15	7.47	.40	.30		.05
GROUP 16	7.42	.40	.30		.05
GROUP 17	7.32	.40	.30		.05
GROUP 18	7.17	.40	.30		.05

CLASSIFICATIONS

GROUP 1: Helicopter
GROUP 2: Concrete Mixer (Dual Drum)
GROUP 3: Caisson Drilling Machine, Clamshell, Crane, Derrick, Dragline, Dredge, Pile-Driver, Shovel, Tower Crane, Backhoe
GROUP 4: Ditching & Trenching Machine(over 24") Hoist, Tournapull(or similar), Tractor Shovel
GROUP 5: Crane-Electric Overhead, Dinky Engine in Tunnel, Forklift, Locomotive, Tractor W/Winch
GROUP 6: Angle Dozer, Bulldozer, Pushdozer, Auto Patrol, Backfiller, Boom Cat, Concrete Pump, Ditching & Trenching Machine, Elevators(when used to hoist material) Mechanic on Job Site, Scoop Tractor(farm type) Backhoe over 3/8 yd
GROUP 7: Concrete Mixer (21 cu. ft. or over)
GROUP 8: Rollers on Stone, Blacktop or Brick
GROUP 9: Ross Carrier, Tractor(Farm w/attachments), Boatman
GROUP 10: Power Blade
GROUP 11: Well Point System, Throttle Valve
GROUP 12: Fireman
GROUP 13: Rollers on Earth
GROUP 14: Air Compressor(2 or 1 over 200'), Pumps(2,3 or 4) Tractor, Welding Mach.(2,3 or 4)
GROUP 15: Track Jack
GROUP 16: Truck Crane Driver
GROUP 17: Concrete Mixer (under 21 cu. ft.) Conveyor
GROUP 18: Air Compressor(Less than 200 ft) Pump over (over 2") Welding Machine, Oilers & Greasers

ELKHART, KOSCIUSKO, LA GRANGE, MARSHALL, NOBLE COUNTIES

IND-7-PEO-BST

POWER EQUIPMENT OPERATORS: Building, Sewer & Tunnel Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.52	.50	.70	.20	.05
GROUP II	8.16	.50	.70	.20	.05
GROUP III	7.58	.50	.70	.20	.05
GROUP IV	7.00	.50	.70	.20	.05

CLASSIFICATIONS

GROUP I
All Power Cranes, Truck Cranes, Locomotive Cranes, LeTourneau Tournapulls, Shovels, Draglines, Derricks, Pile Drivers, Highlifts, Tractors w/Side Boom or "A" Frame, Forklifts 18' 6" in Height or Over, Motor Patrols, Combination backhoe & Loader, Mechanic

GROUP II
All Bulldozers, Scoops, Push Cats, Concrete Mixers of more than 21 cu. ft. capacity, Locomotives, Rollers, Stone Crushers, Sand & Gravel Loaders, Fork Lifts under 18' 6", Air Compressors - 600 cu. ft. & over, Combination of Gasoline or Diesel driven Welding Machine & Compressor, Engineers operating Throttle Valve with Boiler and Compressor for PileDriving, Concrete Pumps, Trench Machines excluding Ditch Witches, Cableways & all 2 or more drums

GROUP III
Truck Winches w/A Frame & Power Winches Tractors-Farm Type, Drills & Conveyors, Small rubber tire end loaders ½ cu. yd. & under

GROUP IV
Gin Poles, Sasgen Derricks & Similar Hoists, Firemen, Oilers, One Drum Hoist Single Drum Tugger Hoist, Automatic Hoist, Elevators

ELKHART, KOSCIUSKO, LA GRANGE, MARSHALL, NOBLE, STARKE COUNTIES

IND. - 13 - PEO 2-3

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 8.00	.40	.50		.05
GROUP II	7.55	.40	.50		.05
GROUP III	7.12	.40	.50		.05
GROUP IV	6.31	.40	.50		.05

CLASSIFICATIONS

GROUP I Auto patrol, backhoe (on farm type tractor over 50 H. P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), key-stone (Skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface, heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame

GROUP II Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, Sheep foot roller (self propelled), Tamper - multiple vibrating - asphalt, waterbound macadam, bituminous macadam, brick surface trench machine (24" and under), welder

GROUP III Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.), Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve & compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)

GROUP IV Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractaire, tractor (below 50 H.P.), truck crane oiler driver, water pump, welding machine

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

TRUCK DRIVERS: IN75-2037 P. 9 49-HH-IND-TD-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.16	a16.00	a17.00		
GROUP B	7.11	a16.00	a17.00		
GROUP C	7.06	a16.00	a17.00		
GROUP D	7.01	a16.00	a17.00		
GROUP E	6.96	a16.00	a17.00		
GROUP F	6.91	a16.00	a17.00		
GROUP G	6.86	a16.00	a17.00		
GROUP H	6.81	a16.00	a17.00		
GROUP I	6.76	a16.00	a17.00		
GROUP J	6.71	a16.00	a17.00		
GROUP K	6.66	a16.00	a17.00		
GROUP L	6.56	a16.00	a17.00		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (3Z) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3Z) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

HEAVY & HIGHWAY CONST

REMAINDER OF COUNTIES IN75-2037 P. 10

POWER EQUIPMENT OPERATORS IND-12-PEO-2-3 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.30	.30	.30		.05
GROUP II	7.85	.30	.30		.05
GROUP III	7.42	.30	.30		.05
GROUP IV	6.61	.30	.30		.05

CLASSIFICATIONS

GROUP I

Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bull-dozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an intergral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), Keystone (skimmer scoop), locomotive oper., mucking machine panel board concrete plant (central mix type), paver - Hetherington piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self propelled widner, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame

GROUP II

Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull-float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull -float, gunnite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder

GROUP III

Assistant plant engineer, concrete finishing machine, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widnener (Apsco or similar type)

REMAINDER OF COUNTIES (continued)

GROUP IV

Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces or minor equipment, otuboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.R.), track crane oiler - driver, water pump, welding machine

XUM 57 12 BET 93104 XUM

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO: IN75-2038
Supersedes Decision No. AR-3124, dated August 23, 1974 in 39 FR 30744
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

IND-HH-7-2

COUNTIES: BENTON, CARROLL, CASS, CLINTON, FULTON, HOWARD, JASPER, MIAMI, NEWTON, PULASKI, TIPPECANOE, TIPTON, WABASH & WHITE	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters:					
Jasper & Newton Counties	$ 9.76	.50	.57		.05
Remainder of Counties	9.01	.47	.40		.05
Cement Masons:					
Tipton County	7.87	.40	.35		
Wabash County	7.85	.40			
Cass, Fulton & Miami Counties	6.35	.15			.01
Remainder of Counties	7.60	.40	.30		
Ironworkers:					
Wabash County	9.70	.55	.55		.01
Fulton & Pulaski Counties	8.70	.55	.65		.01
Newton County & Northern ½ of Jasper Co.	9.90	.50	.60		.05
Howard & Tipton Cos. & Eastern 1/3 of Clinton County	9.65	.55	.80		.05
Southern ½ of Jasper Co., Western 2/3 of Clinton County & Remainder of Counties	8.99	.55	.75		.02
Painters:					
Cass Fulton & White Counties:					
Brush	6.00				
Spray	7.25				
Benton, Clinton, Jasper & Tippecanoe Cos.					
Brush	7.25				
Spray	10.52				
Howard, Miami & Tipton Counties:					
Brush	7.25		.40		
Spray	8.00		.40		
Newton County:					
Brush & Roller	8.65	.32	.35		.02
Spray	9.40	.32	.35		.02
Pulaski County:					
Brush & Roller	4.80				
Spray	6.05				
Wabash County:					
Brush & Roller	6.76	.32	.25		.05
Spray	7.76	.32	.25		.05

CARROLL, CASS, CLINTON, HOWARD, MIAMI, TIPPECANOE, TIPTON AND WABASH COUNTIES

IND-LC-AREA 1

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

NOTICES

BENTON, FULTON, JASPER, NEWTON, PULASKI AND WHITE COUNTIES

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

HEAVY & HIGHWAY CONST

REMAINDER OF COUNTIES

POWER EQUIPMENT OPERATORS

IND-12-PEO-2-3 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.30	.30	.30		.05
GROUP II	7.85	.30	.30		.05
GROUP III	7.42	.30	.30		.05
GROUP IV	6.61	.30	.30		.05

CLASSIFICATIONS

GROUP I
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an intergral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), Keystone (skimmer scoop), locomotive oper., mucking machine panel board concrete plant (central mix type), paver - Bethrington piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self propelled widner, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame

GROUP II
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull-float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull -float, gunnite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder

GROUP III
Assistant plant engineer, concrete finishing machine, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apco or similar type)

NOTICES

REMAINDER OF COUNTIES (continued)

GROUP IV
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechancial heater, oper., two pieces or minor equipment, otuboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.R.), truck crane oiler - driver, water pump, welding machine

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Eull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

FULTON, JASPER, NEWTON AND PULASKI COUNTIES

IN75-2038 P. 6
IND. - 13 - PEO 2-3

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 8.00	.40	.50		.05
GROUP II	7.55	.40	.50		.05
GROUP III	7.12	.40	.50		.05
GROUP IV	6.31	.40	.50		.05

CLASSIFICATIONS

GROUP I Auto patrol, backhoe (on farm type tractor over 50 H. P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), key-stone (Skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface, heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame
GROUP II Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, Sheep foot roller (self propelled), Tamper - multiple vibrating - asphalt, waterbound macadam, bituminous macadam, brick surface trench machine (24" and under), welder
GROUP III Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.), Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve & compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Asco or similar type)
GROUP IV Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), sub-grader, tractaire, tractor (below 50 H.P.), truck crane oiler driver, water pump, welding machine

IN75-2038 P. 7
IND-14-PEO T&S

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 8.95	.40	.40		.05
GROUP 2	8.10	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.80	.40	.40		.05

CLASSIFICATIONS

GROUP 1
Air compressor (pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) dredge, Elevators (when hoisting material or tool) Forklift (machinery) Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired, Spreader-tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine (C.M.I. or similar Tower Crane, Tractor W/backhoe (over ½ yard) Welder
GROUP 2
A-Frame truck, Batcher Plant (automatic dry batch) Bending Machine-Power Driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer (21 cu. ft. or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine (less than 18") Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller, Asphalt Stone & Sub Base, Sheeptstone Roller Self-Propelled, Shop Mule Spreader or Base Paver-Self Propelled, Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor W/Backhoe (½ yard & under) Tractor-High Lift-Farm-Type, Tractor-Industrial Type Tractor w/winch, Well Points, Winch truck
GROUP 3
Air Compressor (210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jack-Hydraulic-Power Driven, Minor Equip. Op. Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type Truck Crane Driver
GROUP 4
Air Compressors (less than 210 cu. ft.) Concrete Mixer (under 21. cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

TRUCK DRIVERS: IN75-2038 P. 8 49-HH-IND-TD-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.16	a16.00	a17.00		
GROUP B	7.11	a16.00	a17.00		
GROUP C	7.06	a16.00	a17.00		
GROUP D	7.01	a16.00	a17.00		
GROUP E	6.96	a16.00	a17.00		
GROUP F	6.91	a16.00	a17.00		
GROUP G	6.86	a16.00	a17.00		
GROUP H	6.81	a16.00	a17.00		
GROUP I	6.76	a16.00	a17.00		
GROUP J	6.71	a16.00	a17.00		
GROUP K	6.66	a16.00	a17.00		
GROUP L	6.56	a16.00	a17.00		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckecs
GROUP B-Acey Wagons to and including 3 Buckets
GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle
GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch
GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle
GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)
GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (34E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)
GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (34E) Batches or less-Grease & Naintenace Trucks servicing Single Axle Trucks
GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders
GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

XUM 57 42 BET 9301 V XUM

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO: IN75-2039
Supersedes Decision No. AR-3125, dated August 23, 1974 in 39 FR 30748
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

IND-HH-Z-3

COUNTIES: BLACKFORD, DELAWARE, FAYETTE, GRANT, HAMILTON, HANCOCK, HENRY, JAY, JOHNSON, MADISON, MARION, RANDOLPH, RUSH, SHELBY, UNION & WAYNE	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters:					
Rush & Shelby Counties	$ 8.88	.35	.35		.05
Remainder of Counties	9.01	.47	.40		.05
Cement Masons:					
Grant, Blackford, Jay, Delaware & Randolph Counties	7.85	.40			
Shelby County	8.30				
Fayette, Rush, Union & Wayne Counties	8.00	.40			
Marion & Johnson Cos., Southern ½ of Hamilton Co., & Western ½ of Hancock Co.	7.76				
Henry & Madison Cos., Northern ½ of Hamilton Co., & Eastern ½ of Hancock Co.	7.87	.40	.35	—	
Ironworkers:					
Fayette, Jay, Randolph, Union & Wayne Cos.	9.51	.55	.65		.02
Blackford & Grant Cos., & NE Cor. of Delaware County	8.80	.50	.75		.01
Marion County	9.60	.55	.80		.05
SW 2/3 of Delaware Co. & Remainder of Cos.	9.65	.55	.80		.05
Painters:					
Fayette, Henry, Randolph, Rush, Union & Wayne Counties:					
Brush	6.25				
Spray	7.25				
Hamilton, Hancock, Johnson, Marion & Shelby Counties					
Brush & Roller	8.10	.20	.20		
Spray	8.90	.20	.20		
Remainder of Counties:					
Brush	7.25		.40		
Spray	8.00		.40		

IN75-2039 P. 2

HEAVY & HIGHWAY CONST

POWER EQUIPMENT OPERATORS

IND-12-PEO-2-3 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.30	.30	.30		.05
GROUP II	7.85	.30	.30		.05
GROUP III	7.42	.30	.30		.05
GROUP IV	6.61	.30	.30		.05

CLASSIFICATIONS

GROUP I
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an intergral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), Keystone (skimmer scoop), locomotive oper., mucking machine panel board concrete plant (central mix type), paver - Hetherington piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self propelled widner, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame

GROUP II
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull-float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull-float, gunnite machine, head gresser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder

GROUP III
Assistant plant engineer, concrete finishing machine, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)

IN75-2039 P. 3

IND-12-PEO-2-3 2 of 2

GROUP IV
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces or minor equipment, otuboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.R.), track crane oiler - driver, water pump, welding machine

MARION AND SHELBY COUNTIES

IND-4-LAB-S&T

LABORERS: SEWER & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$5.45	.18	.25		.07
CLASS 2	5.65	.18	.25		.07
CLASS 3	5.85	.18	.25		.07
CLASS 4					
FREE AIR TUNNEL WORK					
A.	6.25	.18	.25		.07
B.	5.75	.18	.25		.07
C.	5.65	.18	.25		.07
D.	5.55	.18	.25		.07

CLASSIFICATIONS

CLASS 1: Common Laborers
CLASS 2: Jackhammer, Drill, Air Spades, Air Tampers & Vibrators, Operators of mechanical equipment (which replaces Wheelbarrows & Buggies), Chipping & Cutting Hammers, Laborers in Ditches deeper than 6 feet not sheeted or sloped
CLASS 3: Sewer Pipe Layers
CLASS 4:
FREE AIR TUNNEL WORK:
A. Miner or Header Man
B. Muckers & Tunnel Laborers
C. Bottom Men & Concrete Men
D. Top Men

IN75-2039 P. 4

IND-LC-AREA 1

REMAINDER OF COUNTIES

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile Layers, Transverse & Longitudinal Hand Bull Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

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IND-LC-AREA 2

JAY COUNTY LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%	a	.5%
Class "B"	6.28	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.26	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.92	.35	1%	a	.5%
Without Winch	4.33	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.04	.35	1%	a	.5%
After 12 Months	4.82	.35	1%	a	.5%
CALUMET AREA					
Linemen	8.26	.35	1%	a	.5%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%	a	.5%
Class "B"	6.34	.35	1%	a	.5%
Senior Groundman Truck Driver With Winch	5.37	.35	1%	a	.5%
Groundman Truck Driver:					
With Winch	4.99	.35	1%	a	.5%
Without Winch	4.40	.35	1%	a	.5%
Groundman:					
0 to 12 Months	4.14	.35	1%	a	.5%
After 12 Months	4.94	.35	1%	a	.5%

FOOTNOTE:
a. 3 Paid Holidays: Thanksgiving Day, Christmas Day and New Year's Day, provided employee has been on payroll for a period of 30 working days prior to the holiday and works the work days immediately preceding and following the holiday.

BLACKFORD AND JAY COUNTIES

IND-6-PEO-T&S

POWER EQUIPMENT OPERATORS:
TUNNEL & SEWER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.37	.40	.30		.05
GROUP 2	8.70	.40	.30		.05
GROUP 3	8.65	.40	.30		.05
GROUP 4	8.55	.40	.30		.05
GROUP 5	8.50	.40	.30		.05
GROUP 6	8.45	.40	.30		.05
GROUP 7	8.40	.40	.30		.05
GROUP 8	8.35	.40	.30		.05
GROUP 9	8.15	.40	.30		.05
GROUP 10	8.10	.40	.30		.05
GROUP 11	7.95	.40	.30		.05
GROUP 12	7.67	.40	.30		.05
GROUP 13	7.62	.40	.30		.05
GROUP 14	7.57	.40	.30		.05
GROUP 15	7.47	.40	.30		.05
GROUP 16	7.42	.40	.30		.05
GROUP 17	7.32	.40	.30		.05
GROUP 18	7.17	.40	.30		.05

CLASSIFICATIONS

GROUP 1: Helicopter
GROUP 2: Concrete Mixer (Dual Drum)
GROUP 3: Caisson Drilling Machine, Clamshell, Crane, Derrick, Dragline, Dredge, Pile-Driver, Shovel, Tower Crane, Backhoe
GROUP 4: Ditching & Trenching Machine(over 24") Hoist, Tournapull(or similar), Tractor Shovel
GROUP 5: Crane-Electric Overhead, Dinky Engine in Tunnel, Forklift, Locomotive, Tractor W/Winch
GROUP 6: Angle Dozer, Bulldozer, Pushdozer, Auto Patrol, Backfiller, Boom Cat, Concrete Pump, Ditching & Trenching Machine, Elevators(when used to hoist material) Mechanic on Job Site, Scoop Tractor(farm type) Backhoe over 3/8 yd
GROUP 7: Concrete Mixer (21 cu. ft. or over)
GROUP 8: Rollers on Stone, Blacktop or Brick
GROUP 9: Ross Carrier, Tractor(Farm w/attachments), Boatman
GROUP 10: Power Blade
GROUP 11: Well Point System, Throttle Valve
GROUP 12: Fireman
GROUP 13: Rollers on Earth
GROUP 14: Air Compressor(2 or 1 over 200'), Pumps(2,3 or 4) Tractor, Welding Mach.(2,3 or 4)
GROUP 15: Track Jack
GROUP 16: Truck Crane Driver
GROUP 17: Concrete Mixer (under 21 cu. ft.) Conveyor
GROUP 18: Air Compressor(Less than 200 ft) Pump over (over 2") Welding Machine, Oilers & Greasers

REMAINDER OF COUNTIES

IND-14-PEO T&S

POWER EQUIPMENT OPERATORS:
TUNNEL AND SEWER CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 8.95	.40	.40		.05
GROUP 2	8.10	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.80	.40	.40		.05

CLASSIFICATIONS

GROUP 1
Air compressor (pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) dredge, Elevators (when hoisting material or tool) Forklift (machinery)Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired, Spreader, tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine (C.M.I. or similar Tower Crane, Tractor W/backhoe (over ½ yard) Welder

GROUP 2
A-Frame truck, Batcher Plant (automatic dry batch) Bending Machine-Power Driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer (21 cu. ft. or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18")Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller, Asphalt Stone & Sub Base, Sheeptstone Roller Self-Propelled, Shop Mule Spreader or Base Paver-Self Propelled, Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor W/Backhoe (½ yard & under) Tractor-High Lift-Farm-Type, Tractor-Industrial Type Tractor w/Winch, Well Points, Winch truck

GROUP 3
Air Compressor (210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jack-Hydraulic-Power Driven, Miner Equip. Op. Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type Truck Crane Driver

GROUP 4
Air Compressors (less than 210 cu. ft.) Concrete Mixer (under 21. cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

TRUCK DRIVERS:

49-HH-IND-TD-2-3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	37.16	a16.00	a17.00		
GROUP B	7.11	a16.00	a17.00		
GROUP C	7.06	a16.00	a17.00		
GROUP D	7.01	a16.00	a17.00		
GROUP E	6.96	a16.00	a17.00		
GROUP F	6.91	a16.00	a17.00		
GROUP G	6.86	a16.00	a17.00		
GROUP H	6.81	a16.00	a17.00		
GROUP I	6.76	a16.00	a17.00		
GROUP J	6.71	a16.00	a17.00		
GROUP K	6.66	a16.00	a17.00		
GROUP L	6.56	a16.00	a17.00		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets
GROUP B-Acey Wagons to and including 3 Buckets
GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tandem Axle
GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Rug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch
GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under
GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Rug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle
GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)
GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (3E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks
GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)
GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks
GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders
GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: INDIANA
DECISION NUMBER: IN75-2045
Supersedes Decision No. IN75-2021 dated February 7, 1975 in 40 FR 6030
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Delaware
DATE: Date of Publication

1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.00	.30	.20		.02
Boilermakers	9.05	.50	.80		.01
Bricklayers:					
Bricklayers & Stonemasons	7.75	.35	.10		
Marble Masons	7.75	.35	.10		
Tile Setters	7.50	.35	.10		
Carpenters:					
Carpenters & Soft Floor Layers	7.95	.40	.20		.05
Millwrights	8.25	.40	.20		.05
Piledrivermen	8.15	.40	.20		.05
Cement Masons	7.85	.40			
Electricians	8.90	.30	7%+.30		.2%
Elevator Constructors:					
Elevator Constructors	9.095	.445	.29	3%+a&b	.02
Helpers	6.37	.445	.29	3%+a&b	.02
Helpers (Prob.)	4.55				
Glaziers	9.89				
Ironworkers:					
Northeastern 1/3 of County	8.80	.50	.75		.01
Southern 2/3 of County	8.75	.55	.55		.05
Lathers	8.15		.25		.01
Leadburners	9.25	.35		o	.01
Painters:					
Brush	7.25		.40		
Spray	8.00		.40		
Plasterers	7.75	.40			.01
Plumbers	9.28	.40	.35		.10
Roofers	6.75	.25	.10		
Sheet Metal Workers	8.53	.40	.40		.02
Sprinkler Fitters	9.40	.50	.70		.08
Steamfitters	8.23	.30	.35		.05
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

IND-LC-AREA 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
LINE CONSTRUCTION						
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

INDIANA-15-LAB AREA I

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 5.95	.35	.30		.07
GROUP B	6.15	.35	.30		.07
GROUP C	6.25	.35	.30		.07
GROUP D	6.95	.35	.30		.07

CLASSIFICATIONS

GROUP A: Building and Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders

GROUP B: Asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackson and sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and non-metallic) motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and non-metallic)

GROUP C: Plaster tenders, Mortar mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

GROUP D: Dynamite Men

INDIANA-11-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 9.15	.40	.40		.05
GROUP 2	8.30	.40	.40		.05
GROUP 3	7.45	.40	.40		.05
GROUP 4	6.75	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material ur tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Ross type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/Winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less than 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

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IND-7-TD-1

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.20	a10.50	a10.00	b	
GROUP 2	6.25	a10.50	a10.00	b	
GROUP 3	6.30	a10.50	a10.00	b	
GROUP 4	6.35	a10.50	a10.00		
GROUP 5	6.40	a10.50	a10.00	b	
GROUP 6	6.45	a10.50	a10.00	b	
GROUP 7	6.55	a10.50	a10.00	b	
GROUP 8	6.60	a10.50	a10.00	b	
GROUP 9	6.65	a10.50	a10.00		
GROUP 10	6.70	a10.50	a10.00	b	
GROUP 11	6.85	a10.50	a10.00	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTONTES:
a. Per week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

SUPERSEDEAS DECISION

STATE: Indiana
DECISION NUMBER: IN75-2046
COUNTIES: See Below *
DATE: Date of Publication
Supersedes Decisions No. IN75-2014, dated January 24, 1975 in 40 FR 3892

DESCRIPTION OF WORK: Heavy and Highway Construction

*Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Fountain, Franklin, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Scott, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, Washington, Knox

IND-H H - Z-4-5-6

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters:					
Bartholomew (Camp Atterbury) Boone, Clay, Fountain, Hendricks, Montgomery, Morgan (North of the White River) Owen (North of the White River), Parke, Putnam, Vermillion, Vigo & Warren	$ 9.01	.47	.40		.05
Remainder of Counties	8.88	.35	.35		.05
Cement Masons					
Crawford, Dubois, Perry, Posey, Spencer, Vanderburgh, & Warrick	8.12	.40	.20	—	
Greene County	7.35	.30	.20		
Daviess, Knox, Gibson, Martin & Pike	7.45	.40			
Fountain, Montgomery, Warren and Northern ½ of Boone County	7.60	.40	.30		
Hendricks, Southern ½ of Boone and Northern ½ of Morgan	7.76				
Monroe Southern ½ of Morgan and Southern ½ of Owen	7.80				
Bartholomew & Brown	8.30				
Decatur & Franklin	7.80				
Clark, Floyd and Harrison	8.78	.40			
Dearborn, Ohio, Ripley and Switzerland	6.50				
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott and Washington	8.10				
Vermillion, Vigo, Clay, Parke, Putnam and the extreme Western Part of Owen	7.20	.45	.25		
Sullivan	8.50	.30	.50		.01

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Ironworkers:					
Dubois, Gibson, Perry, Pike, Posey Spencer, Vanderburgh and Warrick	$ 8.15	.25	.25		
Montgomery Co. and N. W. ¼ of Boone, Fountain & Warren	8.99	.55	.75		.02
Clay Daviess, Greene, Knox, Parke, Putnam, Sullivan, Vermillion and Vigo and N. W. 1/6 of Lawrence	9.35	.55	1.30		
Western ½ of Martin	8.15	.25	.25		
Bartholomew, Brown, Monroe and N.E. 1/6 of Lawrence & Western 1/2 of Decatur, Hendricks, Morgan, Owen S. East ½ of Boone	9.65	.55	.80		.05
Dearborn, Franklin, Ohio Ripley, Switzerland and E. ½ of Decatur	8.895	.55	.85		.02
Eastern ½ of Martin, Southern ½ of Jackson, Southern ½ of Jennings S. 2/3 of Lawrence, Crawford, Clark, Floyd, Harrison, Jefferson, Orange, Scott and Washington	9.50	.55	.65		.04
Painters:					
Fountain, Montgomery, Putnam and Warren:					
Brush	7.25				
Spray	10.52				
Sullivan and Vigo:					
Brush and roller	7.30				
Spray	8.30				
Boone and Hendricks:					
Brush and roller	8.10	.20	.20		
Spray	8.90	.20	.20		
Greene, Morgan, Owen, Brown and Monroe:					
Brush and roller	7.15			.20	
Spray	8.15			.20	
Vermillion and Parke:					
Brush	7.45				
Roller	8.45				
Spray	8.95				
Clay:					
Brush	6.25				
Spray	8.37				
Daviess, Gibson and Knox:					
Brush	6.65				
Spray and sandblasting	7.65				
Bartholomew, Decatur, Jackson and					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
Jennings:					
Brush and roller, steel	8.05				
Spray	9.05				
Clark, Floyd, Harrison, Jefferson, Scott, Crawford and Washington:					
Brush	7.59	.25	.10		.03
Spray	8.04	.25	.10		.03
Dearborn, Ohio, Ripley and Switzerland					
Brush and roller	7.40				
Spray	7.90				
Lawrence, Martin and Orange					
Brush	6.00				
Spray	7.00				
DuBois, Perry, Spencer, Vanderburgh and Warrick					
Brush	8.50	.45	.30		
Spray	9.25	.45	.30		

IND-1-LAB-2-3

LABORERS: HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$5.90	.35	.35		.07
CLASS II	6.05	.35	.35		.07
CLASS III	7.70	.35	.35		.07

CLASSIFICATIONS

CLASS I: Unskilled Laborers
CLASS II: Asphalt Lutemen, Asphalt Raker Men, Batch Truck Dumpers, Cement Handlers (Bulk or Bag) Concrete Puddlers, Hand Blade Operator, Power Tools and power Equipment Side Rail Setters (for sidewalks, side ditches, radii & pavements), Spreader Box Tenders, Tile-Layers, Transverse & Longitudinal Hand Full Floatmen, Wagon Drill Operator, Chain Saws, Concrete Rubbers, Concrete Saws (Manually Operated)
CLASS III: Dynamite and Powdermen

FOUNTAIN, WARREN AND VERMILLION COUNTIES

LINE CONSTRUCTION-INDIANA Area IV - A

LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Linemen - Groundman Equipment Operator (all crawler type equipment larger than D-4	$ 8.77	.30	1%+.30		.5%	
Groundman - truck driver with winch	7.21	.30	1%+.30		.5%	
Groundman - truck driver without winch	6.74	.30	1%+.30		.5%	
Groundman	6.40	.30	1%+.30		.5%	

IND-LC-AREA 1

REMAINDER OF COUNTIES

LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Linemen and Technician	$8.18	.35	1%		.5%	
Heavy Equipment Operator "A"	7.77	.35	1%		.5%	
Heavy Equipment Operator "B"	6.40	.35	1%		.5%	
Powderman and Equipment Mechanic	6.25	.35	1%		.5%	
Senior Groundman Truck Driver W/Winch	5.35	.35	1%		.5%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.5%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.5%	
Senior Groundman After 5 Years	5.13	.35	1%		.5%	
Senior Groundman after 12 Months	4.99	.35	1%		.5%	
Groundman 0-12 Months	4.23	.35	1%		.5%	

CRAWFORD, DUBOIS, GIBSON, PERRY, PIKE, POSEY, SPENCER, VANDERBURGH & WARRICK COUNTIES

IND-LC-AREA III

LINE CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINEMEN & CABLE SPLICER	$ 9.25	.30	1%		
DIGGING MACHINE OPERATOR	9.25	.30	1%		
GROUNDMAN	7.89	.30	1%		
TRUCK DRIVERS:					
WITH WINCH	8.60	.30	1%		
WITHOUT WINCH	8.20	.30	1%		

BOONE, CLAY, DAVIESS, FOUNTAIN, GREENE, HENDRICKS, KNOX, MONROE, MONTGOMERY, MORGAN, OWEN, PARKE, PUTNAM, SULLIVAN, VERMILLION, VIGO AND WARREN COUNTIES

Ind-1-PEO 1 of 2

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.10	.30	.50		.05
GROUP 2	7.65	.30	.50		.05
GROUP 3	7.22	.30	.50		.05
GROUP 4	6.41	.30	.50		.05

CLASSIFICATIONS

GROUP 1: Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (RR), Bituminous mixer, Bituminous paver, Bituminous plant engineer, Bulldozer, Caisson drilling machine (crane mounted), C.M.I. machine auto-grade, Concrete mixer (21 cu. ft. or over), Core drilling machine, Crane or derrick with any attachments (incl. clamshell, dragline, shovel, backhoe, etc.), Dredge operator, Drilling machine (on which the drill is an integral part), Elevating grader euclid loader, Formless paver, Gradall, Gravel processing machine, Operator of guard rail post driver, High lift shovel (1½ yds. and over), Keystone (skimmer scoop, locomotive, operators, mucking machine, panel board concrete plant (central mix type), Pacer-Hetherington, Piledriver-skid crawler, Road pacing mixer, Rock crusher, Roller-asphalt, Waterbound macadam, Bituminous macadam, Brick surface, Roller with dozer blade, self-propelled widener, Surface heater and planer, Tandem push cat, Tournapull, or similar type equipment, Tournapull tandem, tractor (boom or winch), Tractor (push), Trench machine (over 24") Tug boat operator, Well drilling machine, Winch truck with A-frame

GROUP 2: Backfiller, Backhoe on farm type tractor with less than 50 H.P., Bull float, Concrete pump, Concrete mesh depressor (independently operated), Concrete spreader (power driven), Excavating loader (portable), Finishing machine (who supervises 1 or more greasers on a greaser and a helper), Mechanic, Multiple tamping machine (RR), P.C.C. concrete belt placer, Pull grader-power control, Ross carrier, Sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, Waterbound macadam, Bituminous macadam, Brick surface, Trench machine (24" and under), Welder

GROUP 3: Assistant plant engineer, Concrete finishing machine, Concrete mixer (less than 21 cu. ft.), Curb machine, Farm tractor (including farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), Fireman (on boiler), Greaser, Hoist (one drum), Jersey spreader or base paver, Operator (3 to 5 pieces of minor equipment), Paving breaker, Power broom (self-propelled), Roller (earth and sub-base material), Slurry seal machine (RR), Tamper-multiple vibrating-earth and sub-base material, Throttle valve, Throttle valve and compressor or clever brooks type combination, Throttle valve and fireman combination on horizontal or upright boiler, Tractaire with drill, Tractor (50 H.P. or over), Well point system, Widener (Apsco or similar type)

GROUP 4: Air compressor, Assistant to engineer, Automatic dry batch plant, Bituminous distributor, Bituminous patching tamper, Broom and belt machine, Coleman type screen conveyor (portable), Deck hand, Digger post hole (power driven), Ulrich spreader, Form grader, Form tamper (motor driven), Generator, Hetherington driver, Hetherington helper, Mechanics helper, Mechanical heater, Operator, 2 pieces of minor equipment outboard or inboard motor boat, Power curing spraying machine, Power saw concrete (power driven), Pull Broom (power type), Seaman tiller, Straw blower, Stripping machine, paint (motor driven), Subgrader, Tractaire, Tractor below (50 H.P.), Truck crane oiler-driven, Water pump, Welding machine

BOONE, CLAY, DAVIESS, FOUNTAIN, GREENE, HENDRICKS, KNOX, MONTGOMERY, MORGAN, OWEN, PARKE, PUTNAM, SULLIVAN, VERMILLION, VIGO, WARREN & MONROE	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.55	.40	.50		.06
GROUP II	9.45	.40	.50		.06
GROUP III	9.25	.40	.50		.06
GROUP IV	7.00	.40	.50		.06

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 1¼S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Bank Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Seamless Paver, Weir Point System Hydra Ax, Hesco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

GROUP IV Mixers 1¼S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw. Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Track Jack, Mud Jack, Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Deck Hands

Cranes with booms from 1¼9 ft. to 199 ft. including jib. receive additional $.75 per hour
Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

REMAINDER OF COUNTIES POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.30	.30	.30		.05
GROUP 2	7.85	.30	.30		.05
GROUP 3	7.42	.30	.30		.05
GROUP 4	6.61	.30	.30		.05

CLASSIFICATIONS

GROUP 1: Auto patrol, Backhoe (on farm type tractor over 50 H.P.), Ballast regulator (RR), Bituminous mixer, Bituminous paver, Bituminous plant engineer, Bulldozer, Caisson Drilling machine (crane mounted), C.M.I. machine auto-grade, Concrete mixer (21 cu. ft. or over), Core drilling machine, Crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.), Dredge operator, Drilling machine (on which the drill is an integral part), Elevating grader, Euclid loader, Formless paver, Gradall, Gravel processing machine, Operator of guard rail post driver, high lift shovel (1½ yds. and over), Keystone (skimmer scoop, locomotive, operators, mucking machine, panel board concrete plant (central mix type), Pacer-Hetherington, Piledriver-skid crawler, Road pacing mixer, Rock crusher, Roller-asphalt, Waterbound macadam, Bituminous macadam, Brick surface, Roller with dozer blade, Self-propelled widener, Surface heater and planer, Tandem push cat, Tournapull, or similar type equipment, Tournapull tandem, Tractor (boom or winch), Tractor (push), Trench machine (over 24"), Tug boat operator, Well drilling machine, Winch truck with A-frame

GROUP 2: Backfiller, Backhoe on farm type tractor with less than 50 H.P., Bull float, Concrete pump, Concrete mesh depresser (independently operated), Concrete spreader (power driven), Excavation loader (portable), Finishing machine (who supervises 2 or more greasers or a greaser and a helper), Mechanic, Multiple tamping machine (RR), P. C. C. Concrete belt placer, Pull grader-power control, Ross carrier, Sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, Waterbound macadam, Bituminous macadam, and bull float, Gunite machine, Head greaser (who supervises 2 or more greasers or a greaser and a helper), Mechanic, multiple tamping machine (RR), Brick surface, Trench machine (24" and under), Welder

GROUP 3: Assistant plant engineer, Concrete finishing machine, Concrete mixer (less than 21 cu. ft.), Curb machine, Farm tractor (incl. farm tractor with all attachments except backhoe, and incl. highlift end loaders of 1 cu. yd. capacity and less), Fireman (on boiler), Greaser, Hoist, (one drum), Jersey spreader or base paver, Operator (3 to 5 pieces of minor equipment), Paving breaker, Power broom (self-propelled), Roller (earth and subbase material), Slurry seal machine, Spike machine (RR), Tamper - multiple vibrating - earth and subbase material, Throttle valve, Throttle vale and compressor or clever Brooks type combination, Throttle valve and fireman combination on horizontal or upright boiler, Tractaire with drill, Tractor (50 H.P. or over), Well point system, Widener (Apsco or similar type)

REMAINDER OF COUNTIES

GROUP 4: Air compressor, Assistant to Engineer, Automatic dry batch plant, Bituminous Distributor, Bituminous patching tamper, broom and belt machine, Coleman type screen, Conveyor (portable), Deck hand, Digger post hole (power driven), Ulrich spreader, Form grader, Form tamper (motor driven), Generator, Hetherington driver, Hetherington heater, Operator, two pieces of minor equipment, outboard or in board motor boat, power curing spraying machine, power saw - concrete (power driven), Pull broom (power type), Seaman tiller, Straw blower, Stripping machine, Paint (motor driven), Subgrader, Tractaire, Tractor (below 50 H.P.), Track crane oiler - driver, Water pump, Welding machine

TRUCK DRIVERS: MN75-2046 P. 11	49-HH-IND-TD-2-3				
	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.16	a16.00	a17.00		
GROUP B	7.11	a16.00	a17.00		
GROUP C	7.06	a16.00	a17.00		
GROUP D	7.01	a16.00	a17.00		
GROUP E	6.96	a16.00	a17.00		
GROUP F	6.91	a16.00	a17.00		
GROUP G	6.86	a16.00	a17.00		
GROUP H	6.81	a16.00	a17.00		
GROUP I	6.76	a16.00	a17.00		
GROUP J	6.71	a16.00	a17.00		
GROUP K	6.66	a16.00	a17.00		
GROUP L	6.56	a16.00	a17.00		

CLASSIFICATIONS

GROUP A-Acey Wagons over 3 Buckets

GROUP B-Acey Wagons to and including 3 Buckets

GROUP C-Tandem-tandem Semi-Trucks-Truck Mechanics-Heavy Equipment Type Water Wagon over 5,000 Gallons-Tri-Axle Trucks pulling Tilt-Top Trailers- Low Boys, Tandem-tander. Axle

GROUP D-Tri-Axle Trucks-Tandem Semi-Trucks-Equipment not self loaded or pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons, or similar equipment over 12 cu. yd.-Tandem Axle Trucks pulling Tilt-Top Trailers-Low Boys, Tandem Axle-Tri-Axle Batch

GROUP E-Tandem "Dog-Legs" Trucks-Semi-Water Trucks-Sprinkler Trucks-Heavy Equipment Type Water Wagons 5,000 Gallons & Under

GROUP F-Truck Mounted Pavement Breakers-Tandem Trucks over 15 Ton Payload-Single Axle Semi-Trucks-Farm Tractors hauling material-Equipment not self loaded or Pusher loaded such as Koehring or similar Dumpster, Track Truck, Euclid Bottom Dump and Hug Bottom Dump, Tournatrailers, Tournarockers, Athey Wagons or similar equipment 12 cubic yds. & under-Mixer Trucks, All Types-Single Axle Trucks pulling Tilt-Top Trailer Lowboys, Single Axle

GROUP G-Tandem Axle Fuel Trucks-Tandem Axle Water Trucks-Bituminous Distributor (one man)

GROUP H-Single Axle Dog-Legs-Tandem Trucks or Dog-Legs-Winch Trucks or A Frames used for Transportation-Batch Trucks Wet or Dry over 3 (3E) Batches-Grease and Maintenance Truck Servicing Tandem Axle Trucks

GROUP I-Single Axle Fuel Trucks-Single Axle Water Trucks-Bituminous Distributors, (two man)

GROUP J-Single Axle Straight Trucks-Batch Trucks, Wet or Dry 3 (3E) Batches or less-Grease & Maintenace Trucks servicing Single Axle Trucks

GROUP K-Helpers, Greasers, Tire Men, Batch Board Tenders

GROUP L-Pick-Up Trucks

FOOTNOTE: a-PER WEEK PER EMPLOYEE

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: St. Louis

DECISION NUMBER: MN75-2042 DATE: Date of Publication

Supersedes AR-3167, dated November 8, 1974, in 39 FR 39709

DESCRIPTION OF WORK: Building (Including Residential), Construction

DECISION NO. MN75-2042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.15	.30	.25		
BOILERMAKERS	7.80	.30	.85		.02
BOILERMAKERS' HELPERS	7.55	.30	.85		.02
BRICKLAYERS & STONEMASONS:					
All that part of the County, south of line between Townships 54 & 55 to 2 miles north of Cotton	8.62	.30	.25	.50	
Northern ½ of County	8.575	.30		.50	
CARPENTERS:					
Cities of Ash, Lake, Crane, Lake, Kabetogama & Kinmount	7.75	.30			
Cities of Alborn, Arnold, Bartlett, Birch, Brookston, Canyon, Clinton, Culver, Duluth, Floodwood, Gowan, Island, Kelsey, Lakewood, Meadowlands, Munger, Palmers, Payne, Prosit, Shaw & Taft					
Carpenters; Piledrivermen; Soft Floor Layers	8.35	.30		.30	
Millwrights	8.57	.30		.30	
Cities of Allen, Aurora, Babbitt, Biwabik, Britt, Buyck, Casco, Central Lakes, Cook, Cusson, Ely, Embarrass, Eveleth, Florenton, Forbes, Forsman, Gilbert, Hoyt Lakes, Idington, Iron Junction, Makinen, McComber, Mesaba, Mountain, Iron, Ridge, Sax, Sherman Corners, Sherwood, Skibo, Soudan, Tower, Virginia, Wahlsten, Winton, Zim					
Carpenters & Soft Floor Layers	7.89	.30		.30	
Millwrights	9.17				
Cities of Bengal, Bear Lake, Buhl, Chisholm, Gheen, Greaney, Hibbing, Kelly Lake, Nett Lake, Orr, Riley, Side Lake, Silica & Tovola					
Carpenters & Soft Floor Layers	7.89	.30		.30	
CEMENT MASONS:					
City of Duluth	8.595	.30			
Northern Portion of County, North of the White Face River	8.50	.25			
ELECTRICIANS:					
All of the southerly part of Co. bounded on the North by the north line of Kelsey Township extended east & west	$8.89	4%	4%	11%	1½%
Northern Part of County, bounded on the south by the south line of Ellsburg Township extended east & west	8.89	4%	4%	11%	1½%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	8.50	.445	.29	3%+a	.02
Helpers	70%JR	.445	.29	3%+a	.02
Helpers (Prob.)	50%JR				
GLAZIERS	7.95	.30		b	
IRONWORKERS	8.95	.30	.55	.10	
LABORERS (Building; Residential)					
South of T-55N, incluoing the City of Duluth					
Common Laborer & Flagman	7.10	.25	.15	.25	
Mortar mixer, Carpenter Tender, Mason Tender, Jackhammer & Vibrator Operator, Power Buggy Opr., Concrete Buster, Nozzleman on Concrete Pump, Burning Torch-Demolition	7.20	.25	.15	.25	
Plasterer Tenders	7.32	.25	.15	.25	
North of T-55N					
Common Laborer	7.15	.20	.15		
Carpenter Tender, Mason Tender, Mortar Mixer, Bricklayer Tender, Jackhammer	7.25	.20	.15		
Pipehandler(water, gas, cast-iron & non-metallic)	7.40	.20	.15		
LATHERS	8.75	.25			
MARBLE SETTERS	7.585	.455	.23	.56	
MARBLE & TILE SETTERS HELPERS	7.69	.37			
PAINTERS:					
Western & Eastern Part of County Brush & Roller	8.26	.30	.20		.05
Paperhangers-Spray-Struc. Steel	8.50	.30	.20		.05
Eastern Boundary of Buhl & Little Fork to Canadian border, thence passing thru east boundary of Sooner to East Boundary of Deer River to north boundary of Hill					

DECISION NO. MN75-2042

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS (CONT'D)					
City to south Boundary Meadowlands					
Brush; Paperhangers; Tapers	$8.40				
Spray; Steel(Brush); Sandblasting	9.50				
PLASTERERS:					
Northern portion of County, north of the White Face River	8.50	.25			
Portion of County, south & east of the White Face River	8.40	.25			
PLUMBERS & STEAMFITTERS:					
Northern ½ of County	8.07	.32	.56	1.00	.05
Southern ½ of County	7.86	.30	.45	1.00	.05
ROOFERS:					
Northern ½ of County	6.53	.32	.40	.40	
Southern ½ of County	7.93	.30	.10	.85	
SHEET METAL WORKERS:					
Northern ½ of County	8.44	.42	.50		
Southern ½ of County	8.54	.30	.30		
SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS	8.46	.30	.25	—	—
TILE SETTERS	8.59	.37	.50		

Welders-receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES: a-Employer contributes 4% B.H.R. for over 5 years service & 2% B.H.R. for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays; A through F

b. 2 Week Vacation

LABORERS

MINN-14-LAB ZONE 2

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.93	.25	.15	.25	
GROUP II	7.03	.25	.15	.25	
GROUP III	7.18	.25	.15	.25	
GROUP IV	7.23	.25	.15	.25	
GROUP V	7.28	.25	.15	.25	
GROUP VI	7.33	.25	.15	.25	
GROUP VII	7.43	.25	.15	.25	
GROUP VIII	7.53	.25	.15	.25	

GROUP I
Unskilled Laborer; Laborer wrecking and demolition; Bricklayer Tender; Drill Runner Helper; Lanscape Gardner; Sod Layer and Nurseryman; Pipe Handler (water, gas or cast iron) Salamander Heater and Blower Tender; Stone Mason Tender

GROUP II
Bituminous Shoveler; Bottom Man (sewer, water or gas trench) Cement Handler (bulk or bag) Cement Coverman (batch truck) Chain Saw Man; Compaction Equipment (hand operated) Concrete Mixer Operator (1 bag capacity) Concrete Shoveler, Tamper and Puddler (paving) Concrete Vibrator Operator; Conduit Layer (without wiring) Dumper (wagon truck) Form Setter (Municipal type curb and sidewalk) Form Setter (paving) Jackhammer man paving buster; Kettleman (bituminous or lead) Mortar Mixer; Power Buggy Operator; Joint Sawer; Tunnel Laborer(atmospheric pressure)

GROUP III
Bituminous Tamper; Cofferdam Work Caisson Work

GROUP IV
Drill Runner (Heavy, including churn drill)

GROUP V
Bituminous Raker, Floater and Utility Man; Pipelayer (sewer, water, gas) Leadman

GROUP VI
Nozzleman

GROUP VII
Powderman

GROUP VIII
Tunnel Miner

ZONE 2

SITE PREPARATION, EXCAVATION AND INCIDENTIAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CARPENTERS	$8.33	.25		.30		
PILEDRIVERMEN	8.33	.25		.30		
CEMENT MASONS	8.88	.30				

NOTICES

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.40	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.93	.35	.25		
CLASS 9	8.85	.35	.25		
CLASS 10	8.58	.35	.25		
CLASS 11	8.30	.35	.25		
CLASS 12	7.85	.35	.25		

CLASSIFICATIONS

CLASS 1 Helicopter Operators (Hoisting material)
CLASS 2 Truck & Crawler Cranes with 200' of boom & over incl. jib
CLASS 3 Truck & Crawler Cranes with 150' of boom up to & not incl. 200' of Boom incl. jib.
CLASS 4 Traveling Tower Crane
CLASS 5 Master Mechanic
CLASS 6 Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Opr., Overhead Crane Opr., (inside building perimeter); Truck & Crawler Cranes up to 150' of boom incl. jib.
CLASS 7 Air compressor Opr., Pump Opr., &/or Conveyer, 2 or more machinics; oist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaco Type Machine Opr.
CLASS 8 Fork Lift Operator
CLASS 9 Boom truck operator; Concrete mixer opr., Drill rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for elevator cylinder on building construction; Front end loader opr., Hoist Engineer (1 Drum); Power Plant Engineer (100 KWH & over); Straddle carrier Opr., Tractor Opr. (Over D-2) Well Point Pump Opr.
CLASS 10 Concrete batch plant operator; Gunnite opr., Tractor opr. (D-2 or similar size & front end loader opr., up to ½ cu. yd.)
CLASS 11 Air compressor opr., pump &/or Conveyor operator, Fireman, Temporary Heat; Brakeman; Pick up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 12 Mechanic Space Heater (Temporary heat) Oiler or Greaser

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

MINN-75-PEO-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$12.35	.35	.25		
GROUP 2	9.06	.35	.25		
GROUP 3	8.80	.35	.25		
GROUP 4	8.67	.35	.25		
GROUP 5	8.58	.35	.25		
GROUP 6	7.90	.35	.25		
GROUP 7	7.60	.35	.25		

GROUP 1
Helicopter Pilot

GROUP 2
Crane with over 135' Boom, Excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds & over Mfg. rated capacity

GROUP 3
Cableway Op., Concrete Mixer, Stationary Plant over 3½E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Trenching earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Screener., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling SoilStabilizer

GROUP 5
Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Pavin Breaker or Tamping Machines Op., (power driver, Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Berling Machine Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op. 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Camper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power take-off, Trenching Machine Op., (sewer, water, gass) Turnapull Op., (or similar type) Well Point Installation, Dismatling or Repair Mechanic

GROUP 6
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motar Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H.P. with power take-off

GROUP 7
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

NOTICES

MTRR-62-TD-1-2-3

BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
GROUP I	$ 7.75	.35	.30		
GROUP II	7.45	.35	.30		
GROUP III	7.35	.35	.30		
GROUP IV	7.15	.35	.30		

CLASSIFICATIONS

GROUP I Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck

GROUP II Tri-Axle (incl. 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP III Bituminous Distributor Driver; Bituminous Distributor (1 Man Operation); Tandem Axle

GROUP IV Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster & Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer, Slurry Operator; Single Axle Trucks

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Cascade, Flathead, Glacier, Hill, Missoula, Sanders and Valley

DECISION NUMBER: MT75-5029 DATE: Date of Publication

Supersedes Decision No. MT75-5018 dated February 7, 1975, in 40 FR 6092

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.78	.44	.75		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS:					
Flathead, Missoula and Sanders Counties	7.10	.30	.25		
Cascade and Glacier Counties	8.25	.25	.30	.30	
Hill and Valley Counties	8.45				
CARPENTERS:					
Hill County					
Carpenters	6.36	.30	.45		.02
Valley County					
Carpenters	6.00	.30	.45		.02
Piledrivermen	6.25	.30	.45		.02
Millwrights	6.50	.30	.45		.02
Cascade and Glacier Counties					
Carpenters	7.17	.40	.55		.02
Piledrivermen; Saw Filers; Sawmen	7.42	.40	.55		.02
Millwrights	7.67	.40	.55		.02
Flathead and Sanders (Northern area including the City of Thompson Falls) Counties					
Carpenters	6.61	.40	.55		.02
Sawmen; Filers; Piledriver; Carpenters working burned, charred, creosoted or similarly treated material	6.81	.40	.55		.02
Millwrights & machine erectors	6.96	.40	.55		.02
Missoula and Sanders (remaining area) Counties					
Carpenters	6.32	.30	.45		.02
Millwrights; Piledriver; Power saw; Saw Filer	6.57	.30	.45		.02
CEMENT MASONS:					
Cascade, Hill and Valley Counties	7.35	.40			
Glacier, Flathead and Sanders (Northern area, excluding the City of Plains) Counties	6.95	.37			
Sanders (remaining area) County	7.60	.40	.25		
Missoula County	7.60	.40	.25		
ELECTRICIANS:					
Cascade and Glacier Counties					
Electricians	$ 8.38	.32	1%		1/2%
Cable Splicers	8.63	.32	1%		1/2%
Flathead, Missoula and Sanders Counties					
Electricians	7.55	.20	1%		1/2%
Cable Splicers	7.95	.20	1%		1/2%
Hill County					
Electricians	7.50		1%		1/2%
Valley County					
Electricians	7.65	.20	1%		1/2%
ELEVATOR CONSTRUCTORS	7.76	.44$	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44$	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Reinforcing; Ornamental; Structural					
Glacier, Flathead, Missoula and Sanders Counties	9.15	.58	.90		.05
Cascade, Hill and Valley Counties	8.51	.50	.75		.05
MARBLE MASONS:					
Flathead, Missoula and Sanders Counties	7.10	.30	.25		
Hill and Valley Counties	7.45				
Cascade and Glacier Counties	7.95	.25			
PAINTERS:					
Sanders County					
Brush and Spray	7.10	.34	.30		.04
Cascade, Glacier and Valley Cos.					
Brush	6.60	.34	.30		
Paperhanger	6.85	.34	.30		
Brush on steel	7.10	.34	.30		
Spraying; Sandblasting	8.85	.34	.30		
PLASTERERS:					
Glacier, Flathead and Sanders (north of the City of Plains) Cos.	6.45	.20			
Missoula and Sanders (remaining area) Counties	7.85	.40	.25		
Cascade and Hill Counties	7.95	.25			
PLUMBERS:					
Cascade, Glacier, Hill and Valley Counties	7.75	.35	.60		1%
Flathead, Missoula and Sanders Counties	8.73	.35	.50		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Flathead, Missoula and Sanders Counties	$ 6.10				
Cascade, Glacier, Hill and Valley Counties	7.05				
SHEET METAL WORKERS:					
Flathead, Missoula and Sanders Counties	8.01	.32	.20		.04
Cascade, Glacier and Hill Counties	7.76	.32	.25		.04
Valley County	7.95	.37	.20		.04
SPRINKLER FITTERS	8.00	.50	.70		.08
TERRAZZO AND TILE SETTERS:					
Flathead, Missoula and Sanders Counties	7.10	.30	.25		
Cascade and Glacier Counties	6.50	.30	.30		

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Flathead and that area of Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	$ 6.08	.425	.315		.03
Group 2	6.25	.425	.315		.03
Group 3	6.42	.425	.315		.03
Hill and Valley Counties					
Group 1	5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03
Missoula and Sanders (Southern area) Counties					
Group 1	6.255	.425	.315		.03
Group 2	6.505	.425	.315		.03
Group 3	6.655	.425	.315		.03
Cascade and Glacier Counties					
Group 1	6.22	.425	.315		.03
Group 2	6.47	.425	.315		.03
Group 3	6.57	.425	.315		.03
Group 4	6.62	.425	.315		.03
Group 5	6.72	.425	.315		.03
Group 6	6.97	.425	.315		.03
Group 7	6.82	.425	.315		.03

LABORERS

Flathead and that area of Sanders County lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete; Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer, Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic), Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); gunite nozzleman; barco tamper

Hill and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2-1/2 inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

LABORERS (Cont'd)

Missoula and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

Cascade and Glacier Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Place, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler, Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

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MT75-5029 P. 7

Cascade, Glacier and Hill Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg derrick and guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.64	.45	.45		.13	
SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.	7.51	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib	7.35	.45	.45		.13	
QUAD CAT	7.32	.45	.45		.13	
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.13	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on euclid loader	7.21	.45	.45		.13	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.13	
AUTOMATIC FINEGRADER, Curries and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single	7.15	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
MIXERMOBILE	$7.11	.45	.45		.13	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted and punch	7.05	.45	.45		.13	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on construction job site; Gradall; Heavy duty drills, all types, Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain logger or similar type machine; Mucking machine; Pavement breaker, Emsco and similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to and incl. 3 yds.; Shovels, incl. all attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments incl. track-type front-end loaders up to and incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant, 1 and 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pull operator	7.02	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$6.92	.45	.45		.13	
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.13	
HOIST, SINGLE DRUM	6.81	.45	.45		.13	
A-FRAME TRUCK CRANE, winch truck and similar	6.80	.45	.45		.13	
CEMENT SILO; Form grader	6.79	.45	.45		.13	
HYDRO TAMPER	6.77	.45	.45		.13	
CHAIN BUCKET; Chip or gravel spreader, self-propelled; Conveyor loader, over 42" belt	6.72	.45	.45		.13	
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.13	
BROOM, self-propelled	6.67	.45	.45		.13	
CONCRETE MIXER, 3 bags and under; Firemen	6.61	.45	.45		.13	
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	6.60	.45	.45		.13	
RETORT OPERATOR	6.57	.45	.45		.13	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50HP engine; Hot plant oiler, 100 tons per hr. and over; Oiler driver, rubber-tired crane	6.56	.45	.45		.13	
PUMPMAN	6.55	.45	.45		.13	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	6.52	.45	.45		.13	

MT75-5029 P. 10

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
SHOVEL, OILER, 3 yds. and under	$6.51	.45	.45		.13	
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler	6.48	.45	.45		.13	
CONCRETE BATCH PLANT, 3 and 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.13	
CONCRETE PUMP	7.80	.45	.45		.13	
CRANE 81' to 130' BOOM	7.50	.45	.45		.13	
CRANE 131' to 150' BOOM	7.55	.45	.45		.13	
CRANE 151' BOOM AND OVER	7.60	.45	.45		.13	
MECHANIC AND/OR WELDER	7.12	.45	.45		.13	
WHIRLEY CRANE OILER	6.85	.45	.45		.13	

Missoula and Valley Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Pinegrade, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03
Conveyor loader Operator up to and incl 42" belt	7.47	.45	.45	.10	.03
Conveyor loader Operator over 42" belt	7.59	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$7.47	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.22	.45	.45	.10	.03
Concrete Pump	8.22	.45	.45	.10	.03
Crane, to and incl. 80' boom	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03
Industrial Locomotive all classes	7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$7.89	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar type	8.47	.45	.45	.10	.03
Rayco Giant	8.47	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil Paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix Paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yds.	8.31	.45	.45	.10	.03
Scraper, DW 15, 20, 21, and similar type if power unit is not used	7.89	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem engine	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yd to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03

Flathead and Sanders County

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrader, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03
Conveyor Loader, up to and incl. 42" belt	7.47	.45	.45	.10	.03
Conveyor Loader, over 42 inch belt	7.59	.45	.45	.10	.03
Crane, to and incl. 80' boom with jib	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, Single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Industrial Locomotive all classes	$7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03
Mucking Machine	7.89	.45	.45	.10	.03
Oiler-Driver, Rubber Tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than shovels and cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco & similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar types	8.41	.45	.45	.10	.03
Radiator Repairman	7.70	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, Over 15 yds.	8.31	.45	.45	.10	.03

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$7.89	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem or 3 engined	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yds. to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders, up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu.yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03
Yo-Yo Cat, both ends	8.09	.45	.45	.10	.03

MT75-5029 P. 19

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	$7.05	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.13	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.21	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.29	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	6.98	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	6.80	.50	.40		
Over 3 Batch to and incl. 5 Batch	6.93	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.09	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.25	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	6.90	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	6.80	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.00	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS:					
7 cu. yds. or less	6.80	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	6.93	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.00	.50	.40		

MT75-5029 P. 20

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.23	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	7.41	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	7.47	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	7.53	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	6.93	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.29	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	7.54	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	6.98	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	6.05	.50	.40		
Over 3 tons Factory rating	6.40	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	7.34	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.15	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.05	.50	.40		
POWER BROOM	6.89	.50	.40		

MT75-5029 P. 21

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$6.80	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.09	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.29	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	7.35	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	7.43	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.05	.50	.40		
TRUCK MECHANIC	7.54	.50	.40		

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTY: BRONX, KINGS, NEW YORK, QUEENS and RICHMOND

DECISION NO. NY-75-3016

DATE: DATE OF PUBLICATION

Supersedeas Decision No. AQ-2120 dated May 17, 1974 in 39 FR 17670

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to an including 4 stories.

R-3-24-31-43-New York-1-C

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.45	13.7%	9%	12%	
Boilermakers	10.57	5%	5%+10%	7%	.02
Bricklayers	9.40	.78	2.92	.30	
Carpenters:					
Carpenters, soft floor layers	9.86	.95	1.63	.55	.02
Millwrights	9.86	.95	1.63	.55	.02
Piledrivermen	9.86	.95	1.63	.55	.02
Cement masons	9.35	1.005	1.005+.90	1.00	.01
Electricians and linemen	10.86	L	1%+m	5.7%+b	1%
Elevator constructors	9.52	.445	.29+m	c+d	.02
Elevator constructors' helpers	7.14	.445	.29+m	c+d	.02
Elevator constructors' helpers (prob.)	4.76				
Elevator constructors modernization	8.75	.445	.29+m	c+d	.02
Elevator constructors modernization helpers	6.56	.445	.29+m	c+d	.02
Elevator constructors repair	7.90	.445	.29+m	c+e	.02
Elevator constructors repair's helpers	5.92	.445	.29+m	c+e	.02
Glaziers	9.10	.66	.46+1.20	.365	.03
Ironworkers:					
Structural	10.00	1.00	2.40	1.20+i	.04
Ornamental finisher	8.40	.63	.70+1.335	.76	.03
Reinforcing	9.10	.785	1.10+.665	.75	.01
Laborers:					
Asphalt rakers	8.45	1.05	.95	p	
Asphalt tampers	8.25	1.05	.95	p	
Asphalt laborers	8.23	1.05	.95	p	
Cement concrete workers	7.45	.70½	.90½		
Laborers	7.90	1.21	1.31		
Mason tenders	8.30	.687	.795+.50		
Plasters' tenders (Kings)	8.05	1.60		.80	
Plasters' helpers (Queens)	7.05	1.25		1.00	
Plasters' helpers (NY-Bronx-Richmond)	7.85	.95	.50		
Lathers, metallic	9.10	.785	.665+1.10	.75	.01
Lead burners	9.25	.35		g	.01
Marble setters:					
Carvers	7.95	.63+.15	.66+.28	f	
Cutters, setters	7.80	.63+.15	.66+.28	f	
Sawyers, rubbers, polishers	7.57	.61+.15	.61+.26	f	
Crane Op. & Derrickman	7.33	.59+.15	.63+.25	f	
Helpers	7.33	.59+.15	.63+.25	f	

NY-75-3016 P. 2

R-3-24-31-43-New York-1-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush	$ 8.00	.60	.52+h	.24	
Spray, spray gun and scafford work	9.71	.60	.52+h	.24	
Plasterers:					
Kings	8.05	.95		1.40	.01
Queens	8.10	1.00	.40	1.00	.01
Bronx-NY-Richmond	8.25	.85	.60	.90	.01
Plumbers:					
Manhattan and Bronx	9.25	1.07	1.86	.72	.06
Kings-Queens	9.36	.65	1.19+j	.89	.11
Richmond	9.55	.60	1.93	1.02	.25
Roofers:					
Composition, damp & waterproofers	8.84	7%+5%	2.20	.63	
Sheet metal workers	11.17	5.97	.927	.387	.02
Sprinkler fitters	8.655	7%+1.55	.13%	10%	.05
Steamfitters	8.655	7%+1.55	.13%	10%	.05
Stonemasons	9.75	.50	1.00		
Terrazzo workers	9.00	1.23	1.68		
Terrazzo workers' helpers	7.43	.925	.475		
Terrazzo workers, machine operator	7.68	.925	.475		
Tile setters	8.25	.60	1.95		
Tile setters' helpers	7.58	.50	1.27		
Truck Drivers:					
Ready-mix concrete, sand, gravel and asphalt	8.02	.73½	1.58½	n+o	
Euclids and turnapull operator	8.075	.73½	1.23½+.10	n+o	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

NY75-3016 P. 3

R-3-24-31-43-New York-1-C

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $6.00 per day to an Annuity & Security Benefit Fund.

b. Holidays: A through F; Election Day; Employee's Birthday.

c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks.

e. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years but less than 15 years receive 3 weeks, 15 or more years receive 4 weeks.

f. PAID HOLIDAYS: ST. Patricks Day.

g. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and regular scheduled work days immediately preceding and following the holiday.

h. $3.50 per day contribution for each man to a special annuity fund.

i. Paid Holidays New Year's Day & Xmas Day providing the employee works a full half day preceding or following the holiday.

j. Employee contributes $.857 per hour to an additional security benefit fund.

k. Employer contributes $.43 per hour to a Security Benefit Fund.

l. Employer contributes 7% per hour to a combined Health, Welfare and Pension Fund.

m. Employer contributes $8.00 per day to an Annuity Fund.

n. Holidays: A through F, Lincolns Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remainding word day during such calendar week.

o. For each 15 days within the contract year an employee will receive one days vacation with pay, with a maximum vacation of three weeks per year.

p. Holidays: B, C, D & E, Election, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.

NY75-3016 P. 4

NY-1-FEO-1-E

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Double drum hoist	$10.41	5%	5%+a	.70 +b	.02	
Stone derrick, cranes, cherry picker	10.27	5%	5%+a	.70 +b	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work), paint spraying, sand blasting, and all equipment used for hoisting material	8.86	5%	5%+a	.70 +b	.02	
Cranes: All types - crawler or truck						
100' to 149' boom	10.76	5%	5%+a	.70 +b	.02	
150' to 249' boom	11.01	5%	5%+a	.70 +b	.02	
250' to 349' boom	11.26	5%	5%+a	.70 +b	.02	
350' to 450' boom	11.76	5%	5%+a	.70 +b	.02	
Steel Erection:						
Three drum derricks	10.64	5%	5%+a	.70 +b	.02	
Cranes, 2 drum derricks, cherry pickers	10.27	5%	5%+a	.70 +b	.02	
Compressors, welding machines	9.32	5%	5%+a	.70 +b	.02	

FOOTNOTES:

a. Employer contributes $.90 per hour to an annuity fund.

b. Paid Holidays: New Year s Day; Lincoln's Birthday; Washington s Birthday; Good Friday (Iron League only); Dedoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

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SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: 75-PA-3017
SUPERSEDEAS DECISION NO.: AQ-2050, dated February 15, 1974, in 39 FR5938.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Schuylkill
DATE: Date of Publication

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.61	.42	.30	f	.01
Boilermakers	10.20	.65	1.00		.01
Bricklayers & Stonemasons	8.10	.35	.75		
Carpenters	8.13	.25	.35		.02
Cement masons	8.10	.35	.75		
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne, Washington Twps., Pottsville, Schuylkill Haven:					
Electricians	9.19	.33	1%		.03
Pine Grove Twps.	8.31	.25	1%		1/2 of 1%
Remainder of County	9.30	.25	2%+.20		.05
Glaziers	8.14	.35	.10		.01
Ironworkers	8.29	.47	1.03		.01
Laborers:					
Unskilled Laborers & Window Cleaners	5.50	.25	.25	—	
Operator of Jackhammer, Paving breaking, & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operators, cofferdam (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal & power buggies	5.60	.25	.25		
Lathers	7.25	.15			.01
Leadburners	9.25	.35		a	.01
Line construction:					
Linemen, heavy equipment operator	9.50	.20	1%		
Groundman, truck driver	6.74	.20	1%		
Groundman	6.49	.20	1%		
Marble setters & terrazzo workers	8.10	.35	.75		
Millwrights	9.18	.25	.35		.02
Painters:					
Commercial and Industrial					
Brush	5.10				
Steel	5.95				
Spray	5.85				
Piledrivermen	9.92	1.28	.90	e	.07
Plasterers	8.10	.35	.75		
Plumbers & Steamfitters	8.51	.35	.50		.06

75-PA-3017 P. 2

54-PA-1- 0 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Roofers:					
Barry Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Frally, Hegins, Hubley, Kline, New Castle, North Union, Porter, Hahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn:					
Composition	$8.25	.50	.40		
Remainder of County:					
Composition, damp waterproofing	8.725	.375	.10	d	
slate, tile & asbestos	9.175	.375	.10	d	
Precast slab	9.525	.375	.10	d	
Sheet metal workers	8.97	.55	.40		.04
Soft floor layers	7.79	.25	.35		.02
Sprinkler fitters	9.60	.50	.70		.08
Tile setters	7.10	.35	.75		
Truck drivers	6.23	b	c		
Welder - rate for craft.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

b. Employer contributes $58.37 per month to Health and Welfare fund.
c. Employer contributes $43.34 per month to Pension Fund.
d. Paid Holiday: C

e. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veterans Day and Thanksgiving Day.

NOTICES

75-PA-3017-P. 3

PA-22-HEO-1-A 1 of 2

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.44	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

75-PA-3017 P. 4 2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21B and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and dock hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

NOTICES

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Luzerne
DECISION NO.: PA-75-3018 DATE: Date of Publication
Supersedeas Decision No. AR-2008 dated July 25, 1974, in 39 FR 27406.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

40-PA-1- V 1 of 4

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.00	.50	.35		.01
Boilermakers	10.20	.65	1.00		.01
Bricklayers and Stonemasons					
Avoca, Exeter, & Pittston	8.30	.20		c	
Hazleton, Berwick & Freeland:					
Commercial	8.30	.35	.50		
Nescopeek, Hollenback & Salem Twps.	8.25	.30	.50		
Remainder of County	9.15	.35	.50		
Carpenters:					
Hazleton and Freeland:					
Commercial & Industrial	7.65	.25	.25		.02
Remainder of County	8.60	.25	.35		.02
Cement Masons:					
Pittston, Yatesville, Laflin, Exeter Wyoming, Duryea & Avoca	8.40	.40	.40	—	
Hazleton and Freeland	8.075				
Remainder of County	9.20				
Electricians (Hazleton)					
Commercial	9.12	.35	1¾+.25	f	k
Remainder of County	9.15	.30	1¾+.35	.35	.005
Elevator Constructors	9.04	.445	.29	3¼+a+b	.02
Elevator Constructors' helpers	6.33	.445	.29	3¼+a+b	.02
Elevator Constructors' helpers (Prob)	4.52				
Glaziers	8.25	.35	.40		
Ironworkers:					
Structural and Ornamental	9.85	.64	1.06		.10
Reinforcing	9.75	.64	1.06		.10
Laborers (Hazleton)	6.23	.25	.35		
Mason Tenders including Scaffold Builders	6.63	.25	.35		
Pneumatic, electrical & mechanical tool operators, 2" pumps-non metallic pipelaying and making joint clay, terra cotta, ironstone vitrified concrete, handling of burning torches asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist	6.33	.25	.35		

PA-75-3018 P. 2

40-PA-1- V 2 of 4

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plasterers tenders, blasters, and wagon drill operators	$6.48	.25	.35		
Laborers: Remainder of County					
Unskilled laborers	7.17	.25	.35		
Semi skilled laborers, Pneumatic and other mechanical tool ops; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelayer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	7.37	.25	.35		
Plasterers tenders, blaster, wagon drill ops.	7.49	.25	.35		
Mason tenders & scaffold builders	7.57	.25	.35		
Lathers:					
Pittston, Avoca, Dupont & Duryea	8.79		.10		.01
Remainder of County	9.08		.15		.01
Leadburners	9.25	.35		e	.01
Line Construction:					
Linemen, Dynamiteman, Heavy equipment operator	9.50	.20	1%		
Groundman	6.46	.20	1%		
Groundman - truck driver	6.74	.20	1%		
Marble setters:					
Pittston	8.15	.20			
Hazleton	7.80	.35	.50		
Remainder of County	8.82				
Millwrights	9.18	.25	.35		.02
Painters:					
Pittston:					
Commercial Brush	6.20		.25		
Industrial Brush	6.99		.25		
Remainder of County					
Brush	7.25	.30	.30		.05
Tapers	7.51	.30	.30		.05
Hazardous	8.51	.30	.30		.05
Piledrivermen	9.92	1.28	.90	g	.07

75-PA-3018 P. 3

40-PA-1- V 3 of 4

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plasterers:					
Hazleton	$7.05				
Pittston, Yatesville, Laflin, Exeter, Wyoming, Duryea and Avoca	7.85	.40	.40		
Remainder of County	8.25				
Plumbers:					
Pittston	7.77	.35	.75		.06
Hazleton:					
Commercial	8.16	.30	.25		
Wilkes Barre	9.54	.35	.75		.03
Roofers, composition & Kettlemen	8.25	.50	.40		
Sheet metal workers	8.97	.55	.40		.04
Soft floor layers	7.79	.25	.35		.02
Sprinkler fitters	9.60	.50	.70		.08
Steamfitters:					
Wilkes Barre	9.29	.35	.30		.04
Pittston	7.77	.35	.70		.06
Hazleton	8.16	.30	.25		
Truck Drivers; Pittston:					
Truck Drivers:					
Class I					
Helper, Stake Body Truck (single axle Dumpster)	6.57				
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.64				
Class III					
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	7.13				
Remainder of County:					
Pickups service dump and flat incl. z license	7.32	h	j		

75-PA-3018 P. 4

40-PA-1- V 4 of 4

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers (CONT'D)					
All trucks over z license	$7.37	h	j		
Fork lifts, tow motors, front and pneumatic tired loaders	7.33	h	j		

Welder receive rate for craft

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day- F- Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Paid Holiday: July 4th.

d. Employer contributes $1.50 per hour to health and welfare and pension fund.

e. Eight(8) paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

f. Paid Holidays: July 4th and Labor Day, Thanksgiving Day.

g. Paid Holidays: Washington's Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day; and Thanksgiving Day.

h. $41.00 per month for employees who have worked 60 hours or more during the month.

j. $25.00 per month to employee employed for over 13 weeks.

k. Employer shall contribute .12 per day per employee.

75-PA-3018 P. 5

PA-22-PEO-1-A 1 of 2

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.44	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

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GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machins to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: SC75-1021 DATE: Date of Publication
Supersedes Decision No. AO-4029 dated November 9, 1973 in 38 FR 31153.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Charleston, Berkeley & Dorchester	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Conditioning	4.25				
Bricklayers	5.65				
Carpenters	4.62				
Carpet Layers	3.88				
Cement Masons	3.75				
Drywall Finishers	4.50				
Drywall hangers	4.25				
Electricians	4.57				
Form Setters	4.00				
Insulation Installers	3.20				
Ironworkers	3.88				
Laborers:					
Laborers	2.75				
Mason tenders	2.75				
Mortar Mixers	3.50				
Painters	3.96				
Plumbers	4.94				
Roofers	4.00				
Sheet Metal Workers	4.90				
Soft Floor Layers	4.50				
Tile Setters	4.00				
Truck Drivers	2.75				
Power Equipment Operators:					
Asphalt Finishers	2.95				
Asphalt paving Machine	4.63				
Backhoe	3.75				
Bulldozers	5.24				
Forklift	3.25				
Grader	4.25				
Loaders	2.76				
Mechanic	3.40				
Pan Operator	4.00				

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SUPERSEDEAS DECISION

STATE: Utah
DECISION NUMBER: UT75-5026
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. AR-1040 dated October 4, 1974, in 39 FR 35940
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

UT75-5026 P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.06	.50	.87		
BOILERMAKERS	7.95	.65	1.00	.50	.02
BRICKLAYERS	8.81	.36	.42		.07
CARPENTERS:					
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.61	.45	.55	.25	.03
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.36	.45	.55	.25	.03
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.485	.45	.55	.25	.03
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.61	.45	.55	.25	.03
Saw filers; Saw operators and Carpenters handling creosote materials:					
Zone 1	7.735	.45	.55	.25	.03
Zone 2	8.485	.45	.55	.25	.03
Zone 3	8.61	.45	.55	.25	.03
Zone 4	8.735	.45	.55	.25	.03
Millwrights (All Zones)	7.86	.45	.55	.25	.03
CEMENT MASONS:					
Cement Masons	7.38	.45	.55	.25	
Machine operator; Mastic floor materials; Swing scaffold; Swing stage	7.505	.45	.55	.25	
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	$7.96	.21	.20		.02
ELECTRICIANS:					
Zone 1: Cache-Davis Counties (north of 41st Parallel)-Weber County:					
Electricians	9.50	.40	1%+.25		8/10%
Cable Splicers	9.75	.40	1%+.25		8/10%
Zone 2: Box Elder County (east of 112.5° longitude)-Morgan County:					
Electricians:	10.00	.40	1%+.25		8/10%
Cable Splicers	10.25	.40	1%+.25		8/10%
Zone 3: Box Elder County (west of 112.5° longitude)-Rich County:					
Electricians	11.50	.40	1%+.25		8/10%
Cable Splicers	11.75	.40	1%+.25		8/10%
In the above areas on any job or project not exceeding $35,000 electrical, labor and material including, Zone 1 rates shall apply.					
Zone 1: That portion of Davis Co. lying South of the 41st Parallel; all of Salt Lake Co.; that portion of Utah County lying north of the 40th Parallel; and the northeast corner of Tooele Co. beginning at a point where the township line between Township 3 South and Township 4 South, Salt Lake Base Meridian intersects the east boundary line of Tooele Co. and thence west along said township line to the southwest corner of Section 32, Township 3 South, Range 4 West, Salt Lake Base Meridian, thence north to the northwest corner of Section 17 of said Township 3 South, Range 4 West, then west to Longitude 112°30', thence north along the line of Longitude 112°30' to the north line of Tooele County					

UT75-5026 P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd).					
AREA A - Ten miles either direction (east or west) from Interstate Highway 15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel.					
Electricians	$ 9.50	.40	1%+.25		8/10%
Cable Splicers	9.75	.40	1%+.25		8/10%
AREA B - The balance of Zone 1 that lies in Davis, Salt Lake and Utah Counties.					
Electricians	10.00	.40	1%+.25		8/10%
Cable Splicers	10.25	.40	1%+.25		8/10%
AREA C - That portion of Zone 1 that lies in Tooele County.					
Electricians	11.00	.40	1%+.25		8/10%
Cable Splicers	11.25	.40	1%+.25		8/10%
Zone 2: Remainder Counties and all portions of Counties not included in Zone 1.					
Electricians	12.25	.40	1%+.25		8/10%
Cable Splicers	12.50	.40	1%+.25		8/10%
ELEVATOR CONSTRUCTORS	8.05	.445	.29	3%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Weber and Davis (North of the 41st Parallel) Counties	6.65	.245		.515	
Davis (South of the 41st Parallel) and Remaining Counties	7.05	.21		.74	
IRONWORKERS:					
Ornamental-Reinforcing-Fence Erector-Structural	8.50	.50	.75		.05
LATHERS	7.04	.45	.50		.01
MARBLE SETTERS	6.05			.25	
PAINTERS:					
Area North of 41st Parallel:					
Brush; Roller; Raper	6.62	.21	.18		.02
Spray; Sandblast; Steeple Jack	6.87	.21	.18		.02
Spray (swing stage); Sandblaster (swing stage)	7.12	.21	.18		.02

UT75-5026 P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Remaining part of State:					
Brush; Roller	$6.62	.21	.18		.02
Brush (swing stage); Brush, (steel and bridge); Spray, Sandblaster; Steeple Jack; Wall covering hanger	6.87	.21	.18		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	7.12	.21	.18		.02
PILEDRIVERMEN:					
Bridge, Wharf and Dock Carpenters; Riggers, Boom Men	9.88	.45	.55	.25	.03
PLASTERERS	7.96	.45	.55		.01
PLUMBERS; Pipefitters:					
Zone 1 - 15 mile radius from center of each City, namely Salt Lake City, Ogden and Provo	8.65	.51	.75		.04
Zone 2 - Zone 1 plus 15 miles	8.95	.51	.75		.04
Zone 3 - Zone 2 plus 15 miles	9.30	.51	.75		.04
Zone 4 - Zone 3 plus 35 miles	10.65	.51	.75		.04
Zone 5 - All areas beyond Zone 4	11.15	.51	.75		.04
REFRIGERATION & AIR CONDITIONING:					
50 tons or over:					
Zone 1 - 15 mile radius from center of each city, namely Salt Lake City, Ogden and Provo	7.65	.36	.50		.04
Zone 2 - Zone 1 plus 15 miles	7.95	.36	.50		.04
Zone 3 - Zone 2 plus 15 miles	8.30	.36	.50		.04
Zone 4 - All areas beyond Zone 3	9.15	.36	.50		.04
Under 50 tons:					
All Zones	6.60	.36	.50		.04
ROOFERS	7.40	.20	.15		
SHEET METAL WORKERS	8.19	.38	.40		.04
SOFT FLOOR LAYERS	7.65	.21	.12		
SPRINKLER FITTERS	8.65	.50	.70		.08
TERRAZZO WORKERS	7.30			.25	
TILE SETTERS	7.30			.25	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays.

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
LABORERS*	AREA 1	AREA 2				
Group 1	$ 6.005	$ 7.005	.25	.25	.30	.04
Group 2	6.13	7.13	.25	.25	.30	.04
Group 3	6.255	7.255	.25	.25	.30	.04
Group 4	6.38	7.38	.25	.25	.30	.04
Group 5	6.73	7.73	.25	.25	.30	.04
Group 6	7.23	8.23	.25	.25	.30	.04
LABORERS** (Tunnel and Shaft Work)						
Group 1	6.13	7.13	.25	.25	.30	.04
Group 2	6.23	7.23	.25	.25	.30	.04
Group 3	6.33	7.33	.25	.25	.30	.04
Group 4	6.43	7.43	.25	.25	.30	.04
Group 5	6.73	7.73	.25	.25	.30	.04
POWER EQUIPMENT OPERATORS***						
Group 1	6.81	7.81	.59	1.075	.60	.10
Group 2	7.09	8.09	.59	1.075	.60	.10
Group 3	7.44	8.44	.59	1.075	.60	.10
Group 4	7.62	8.62	.59	1.075	.60	.10
Group 5	7.73	8.73	.59	1.075	.60	.10
Group 6	8.19	9.19	.59	1.075	.60	.10
Group 7	8.34	9.34	.59	1.075	.60	.10
Group 7-A	8.45	9.45	.59	1.075	.60	.10
Group 8	8.75	9.75	.59	1.075	.60	.10
Group 8-A	8.81	9.81	.59	1.075	.60	.10
Group 9	8.87	9.87	.59	1.075	.60	.10
Group 10	9.03	10.03	.59	1.075	.60	.10
Group 11	9.47	10.47	.59	1.075	.60	.10
Group 11-A	10.43	11.43	.59	1.075	.60	.10
Group 11-B	10.88	11.88	.59	1.075	.60	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Piledriving)****					
Group 1-A	$ 7.83	.57	.725	.55	.10
Group 1-B	8.13	.57	.725	.55	.10
Group 1-C	8.27	.57	.725	.55	.10
Group 2-A	8.84	.57	.725	.55	.10
Group 2-B	9.03	.57	.725	.55	.10
Group 3	9.30	.57	.725	.55	.10
Group 3-A	9.65	.57	.725	.55	.10
Group 4	10.15	.57	.725	.55	.10
Group 5	10.28	.57	.725	.55	.10
Power Equipment Operators (Steel Erection)*****					
Group 1	8.23	.57	.725	.55	.10
Group 2	8.58	.57	.725	.55	.10
Group 3	9.49	.57	.725	.55	.10
Group 4	9.62	.57	.725	.55	.10
Group 4-A	9.88	.57	.725	.55	.10
Group 5	10.32	.57	.725	.55	.10
Group 6	10.69	.57	.725	.55	.10
LINE CONSTRUCTION:					
Lineman	7.51	.35	1%		3/4%
Cable splicers	8.26	.35	1%		3/4%
Line equipment operators	6.77	.35	1%		3/4%
Groundman	5.59	.35	1%		3/4%
Line equipment mechanic; Line equipment serviceman	6.66	.35	1%		3/4%

* LABORERS

GROUP I: Boxman; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing and Grading; Cleaning of equipment and parts in connection with concrete; Concrete Crew; Dock-hand and Cleaning Man; Fence Erector and Installer (includes installation and erection of fences, guard rails, median rails, reference post, guide post, and right-of-way markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Op. (whether by power or hand); Group Pump Op.; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking and Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader and Weighman; Stake Jumper; Stripping and Cleaning of steel and pans; Tool Dispatcher and Checker (full time); Unloading and packing of reinforcing steel rods and mesh

GROUP II: Air-track Helper; Asphalt Rakers and Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving and highway); Pipe Wrapper; Pot Tender and Joint Maker; Rollers; Screen and Clean-up Man; Signal and Dumpman on Concrete Construction; Tunnel and Belt Man

GROUP III: Barko Vibratory Roller and similar type compacting machines; Concrete Cutting Torch; Hand and Chain Saw Op. (Bucking and Falling Timbers); High Pressure Water Nozzleman; J Tampers and similar type tampers; Jackhammer and Pavement Breaker; Mortar and Grout Mixer; Multi-plate Installer; Op. of pneumatic and electric tools and compressors and concrete saw; Op. of Power-Type Form Cleaner and Oiling Machine; Pipelayer; Powderman Helper; Power Type Buggies; Pumpcrete Op.; Refinery Tank and Vessel Cleaners; Sand-Blasters; Sandblaster Pot Tender; Vibrator Op.; Work of all type using cutting torches and tools needed in wrecking; Laser Beam Operator

GROUP IV: Air-track and Core Diamond Drillers; Drill Mechanic (on job site); High Scaler operating jackhammer or breaker; Main Vibratorn and similar types 70 lbs.; Multiple Side Boom Driller; Wagon Driller

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman;
GROUP VI: Powderman

** TUNNEL AND SHAFT WORK

GROUP I: Underground Laborers

GROUP II: Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler

GROUP III: Nipper; Screedman; Vibrator; Tapman

GROUP IV: Cutting Machine Op.; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader and Tuggers; Steelman; Timberman

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman

*** POWER EQUIPMENT OPERATORS

GROUP 1: Chainman; Rodman

GROUP 2: Asphalt Plant Fireman; Brakeman - Locomotive; Elevator Operator; Oiler, Boxman; Rear Chainman; Fireman; Hydraulic Monitor; Material Loader or Conveyor; Partsman - Field; Gradesetter; Repairman Helper - Field

GROUP 3: Air Compressor Operator: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - Multiple Purpose; Front End Loador up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps

GROUP 5: Air Compressor Operator (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Esnco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)

GROUP 6: A-Frame Truck & Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals), Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine

GROUP 7: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Dock Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Oper.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High Lift (40 ft. or similar); Roller Operator or self-propelled compactor

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POWER EQUIPMENT OPERATORS (Cont'd)

GROUP 7A: Side Boom Operator; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)

GROUP 8: Do-Mor Loader and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant . Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)

GROUP 8A: Heavy Duty Repairman or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar

GROUP 9: Combination Mixer & Compressor (Gunnite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling and moving of equipment there shall be additional Operator Engineer)

GROUP 10: Highline Cableway Operator (Signalman required); Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10, 20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)

GROUP 11: Automatic Concrete Slip Form Paver (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. and over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors, Tower Cranes Mobile

GROUP 11A: Multi-Purpose Earth Moving Machines (two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels and Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)

GROUP 11B: Operator of Helicopter (when used in erection work)

POWER EQUIPMENT OPERATORS
(Piledriving)****

Group 1-A: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-B: Compressor Operator (electrically, gas or diesel powered, etc.)

Group 1-C: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting materials only)

Group 2-B: Compressor Operator (2 to 6) (electrically, gas or diesel powered); Generator Op. (electrically, gas or diesel driven, 100 KW; Pump Operator (2 to 6); Welding Machine Operator (2 to 6) (gas or diesel powered)

Group 3: "A" Frames; Deck Engineer; Fork Lift Operator; Self-propelled Boom Type Lifting Device

Group 3-A: Heavy Duty Repairman and/or welder

Group 4: Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Pile-driving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to and including 1 cubic yard rating; Truck Crane Operator (up to and including 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam flash boiler, pump or compressor attached); Operator of steam powered crawler or universal type driver (Raymond or similar type); Truck Crane Op.) over 25 tons); (Hoisting material or performing Piledriving work)

POWER EQUIPMENT OPERATORS
(Steel Erection)*****

Group 1: Assistant to Engineer (Oiler)

Group 2: Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driver (100 KW)

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman; Welder

POWER EQUIPMENT OPERATORS (Cont'd)
(Steel Erection)

Group 5: "A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons MRC or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Chief of Party

Group 6: Crawler Cranes and Truck Cranes (over 15 tons MRC); Derricks (2 operators required when swing engine remote from hoist); Universal Liebher and Tower Cranes (and similar types) (In the erection, dismantling and moving of equipment, there shall be an additional operating engineer); Two or more Drum Hoists; Highline Cableway; Tower Cranes

TRUCK DRIVERS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA I	AREA II				
DUMP TRUCKS - Water Level Capacity (Bottom, end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers and Dumpcrete)						
Less than 8 yds.	$ 7.10	$ 8.10	.50	.40	.45	.10
8 yds. & less than 14 yds.	7.25	8.25	.50	.40	.45	.10
14 yds. & less than 35 yds.	7.40	8.40	.50	.40	.45	.10
35 yds. & less than 55 yds.	7.60	8.60	.50	.40	.45	.10
55 yds. & less than 75 yds.	7.80	8.80	.50	.40	.45	.10
75 yds. & less than 95 yds.	8.00	9.00	.50	.40	.45	.10
95 yds. & less than 105 yds.	8.20	9.20	.50	.40	.45	.10
Over 105 yds.	8.32	9.32	.50	.40	.45	.10
When doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25c per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25c per hour for the third (3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50c per hour for operating such equipment.						
FLAT RACK TRUCKS, BULK Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity);						
Pickup	6.925	7.925	.50	.40	.45	.10
Less than 10 tons	7.00	8.00	.50	.40	.45	.10
10 tons and less than 15 tons	7.15	8.15	.50	.40	.45	.10
15 tons and less than 20 tons	7.25	8.25	.50	.40	.45	.10
20 tons and over	7.40	8.40	.50	.40	.45	.10

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA I	AREA II				
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frame are in use.						
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4-1/2 yds. capacity and less	$ 7.125	$ 8.125	.50	.40	.45	.10
Over 4-1/2 yds. capacity to and including 6-1/2 yds.	7.225	8.225	.50	.40	.45	.10
Over 6-1/2 yds.	7.325	8.325	.50	.40	.45	.10
Concrete Pumping Trucks	7.325	8.325	.50	.40	.45	.10
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 Gallons	6.975	7.975	.50	.40	.45	.10
1200 Gallons to 2500 Gallons	7.10	8.10	.50	.40	.45	.10
2500 Gallons to 4000 Gallons	7.25	8.25	.50	.40	.45	.10
4000 Gallons to 6000 Gallons	7.55	8.55	.50	.40	.45	.10
6000 Gallons to less than 10,000 Gallons	7.80	8.80	.50	.40	.45	.10
10,000 Gallons to less than 15,000 Gallons	8.05	9.05	.50	.40	.45	.10
15,000 Gallons to less than 20,000 Gallons	8.30	9.30	.50	.40	.45	.10
20,000 Gallons to less than 25,000 Gallons	8.55	9.55	.50	.40	.45	.10
Over 25,000 Gallons	8.80	9.80	.50	.40	.45	.10
Whenever two water tanks are pulled, driver will receive 25c per hour in addition to the combined water gallonage rates						
Oil Spreader Operator (on single man operation where boot man is not required)	7.80	8.80	.50	.40	.45	.10

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
CONSTRUCTION JOB SERVICEMEN:	AREA 1	AREA II				
Telescopic Manlift Truck	$ 7.30	$ 8.30	.50	.40	.45	.10
Fork Lift (under 6 tons) and Straddle Truck	7.30	8.30	.50	.40	.45	.10
Truck Driver Helper	6.875	7.875	.50	.40	.45	.10
Chauffeurs	6.875	7.875	.50	.40	.45	.10
Bunkers and Truck Loaders	7.00	8.00	.50	.40	.45	.10
Warehousemen (Counter Clerk)	7.05	8.05	.50	.40	.45	.10
Warehousemen	6.925	7.925	.50	.40	.45	.10
Washers, Greasers and Tiremen	7.075	8.075	.50	.40	.45	.10
Gas Station Attendants	6.925	7.925	.50	.40	.45	.10
Fork Lift (Over 6 tons)	7.40	8.40	.50	.40	.45	.10
Teamster Mechanic	8.11	9.11	.50	.40	.45	.10
Teamster Mechanic Helper	7.86	8.86	.50	.40	.45	.10
Teamster Welder	8.11	9.11	.50	.40	.45	.10
Teamster Driving Two Horses	7.875	8.875	.50	.40	.45	.10
Teamster Driving three or more Horses	7.975	8.975	.50	.40	.45	.10
Sweeper or Vacuum Truck	7.25	8.25	.50	.40	.45	.10

Power Equipment Operators and Truck Drivers

AREA 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the northerly line of township 36S, thence easterly along the northerly lines of township 36S to the northeast corner of township 36S, range 17W;
Thence northerly to the N.W. corner of township 35S, range 16W;
Thence easterly to the N.E. corner of township 35S, range 16W;
Thence northerly to the N.W. corner of township 31S, range 15W;
Thence easterly to the N.E. corner of township 31S, range 15W;
Thence northerly to the N.W. corner of township 26S, range 14W;
Thence easterly to the N.E. corner of township 26S, range 14W;
Thence northerly to the N.W. corner of township 25S, range 13W;
Thence easterly to the N.E. corner of township 25S, range 13W;
Thence northerly to the N.W. corner of township 24S, range 12W;
Thence easterly to the N.E. corner of township 24S, range 12W;
Thence northerly to the N.W. corner of township 19S, range 11W;
Thence easterly to the N.E. corner of township 19S, range 11W;
Thence northerly to the N.W. corner of township 17S, range 10W;
Thence easterly to the N.E. corner of township 17S, range 10W;
Thence northerly to the N.W. corner of township 16S, range 9W;
Thence easterly to the N.E. corner of township 16S, range 9W;
Thence northerly to the N.W. corner of township 15S, range 8W;
Thence easterly to the N.E. corner of township 15S, range 8W;
Thence northerly to the S.W. corner of township 7S, range 7W;
Thence westerly to the S.W. corner of township 7S, range 10W;
Thence northerly crossing the Salt Lake Base Line to the N.W. corner of township 6N, range 10W;
Thence easterly to the N.W. corner of township 6N, range 8W;
Thence northerly to the N.W. corner of township 12N, range 8W;
Thence easterly to the N.E. corner of township 12N, range 8W;
Thence northerly along the westerly line of range 7W to the Utah-Idaho Border
Thence easterly along the Utah-Idaho Border crossing the Salt Lake Meridian to the intersection of the Utah-Idaho-Wyoming Borders
Thence southerly along the Utah-Wyoming Border
Thence easterly along the Utah-Wyoming Border to the easterly line of range 11E;
Thence southerly along the east line of range 11E, crossing the Salt Lake Base Line to the N.E. corner of township 4S, range 11E;
Thence easterly to the N.W. corner of township 4S, range 18E;
Thence northerly to the N.W. corner of township 1S, range 18E;
Thence easterly along the Salt Lake Base Line to the N.E. corner of township 1S, range 24E;
Thence southerly to the N.E. corner of township 3S, range 24E;
Thence easterly along the northern line of township 3S to the Utah-Colorado border;
Thence southerly along the Utah-Colorado Border, to the southerly line of township 6S;
Thence westerly to the N.E. corner of township 7S, range 23E;
Thence southerly to the S.E. corner of township 7S, range 23E;
Thence westerly to the S.W. corner of township 7S, range 20E;

Power Equipment Operators and Truck Drivers

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 8S, range 19E;
Thence westerly to the S.E. corner of township 8S, range 16E;
Thence southerly to the S.E. corner of township 11S, range 16E;
Thence westerly to the S.E. corner of township 11S, range 14E;
Thence southerly to the S.E. corner of township 16S, range 14E;
Thence westerly to the S.E. corner of township 16S, range 12E;
Thence southerly to the S.E. corner of township 20S, range 12E;
Thence westerly to the S.E. corner of township 20S, range 8E;
Thence southerly to the S.E. corner of township 21S, range 8E;
Thence westerly to the S.E. corner of township 21S, range 6E;
Thence southerly to the S.E. corner of township 23S, range 6E;
Thence westerly to the S.E. corner of township 23S, range 5E;
Thence southerly to the N.E. corner of township 27S, range 5E;
Thence easterly to the N.E. corner of township 27S, range 7E;
Thence southerly to the S.E. corner of township 30S, range 7E;
Thence westerly to the S.E. corner of township 30S, range 4E;
Thence southerly to the S.E. corner of township 31S, range 4E;
Thence westerly to the S.W. corner of township 31S, range 4E;
Thence southerly to the S.E. corner of township 35S, range 3E;
Thence westerly to the S.W. corner of township 35S, range 3E;
Thence southerly to the S.E. corner of township 37S, range 2E;
Thence westerly to the S.W. corner of township 37S, range 2E;
Thence southerly to the S.E. corner of township 39S, range 1E;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39S, range 2W;
Thence southerly to the S.E. corner of township 41S, range 2W;
Thence westerly to the S.E. corner of township 41S, range 4W;
Thence southerly along the easterly line of range 4W, to the Utah-Arizona Border;
Thence westerly along the Utah-Arizona Border to the S.W. corner of Utah;
Thence northerly along the Utah-Nevada Border to the point of beginning;
Commencing at the intersection of the Utah-Colorado Border and the southerly line of township 34S,
Thence westerly to the S.W. corner of township 34S, range 21E;
Thence northerly to the S.W. corner of township 29S, range 21E;
Thence westerly to the S.W. corner of township 29S, range 19E;
Thence northerly to the N.W. corner of township 23S, range 19E;
Thence easterly to the N.W. corner of township 23S, range 22E;
Thence northerly to the N.W. corner of township 21S, range 22E;
Thence easterly to the N.E. corner of township 21S, range 24E;

AREA 2: All areas not included within Area 1 as defined above.

LABORERS

AREA 1: That area of Utah within 45 road miles of the County seats excluding Daggett County.

AREA 2: That area in Utah beyond 45 miles of the County Seats including Daggett County.

SUPERSEDEAS DECISION

WA75-5025 P. 2

STATE: Washington
DECISION NUMBER: WA75-5025
Supersedes Decision No. WA75-5006 dated January 31, 1975, in 40 FR 4860
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$10.11	.51	.75		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.85	.35	.60		.06
Remaining Counties	9.70	.44	.75		
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	8.66	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.79	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	9.00	.45	.45		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	7.25	.50	.50		.02
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Skagit (including Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	9.10	.45	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	$7.89	.50	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	8.04	.50	.55		.045
Shingler (wood or composition)	8.09	.50	.55		.045
Boom Men; Carpenters (creosoted material)	8.14	.50	.55		.045
Piledriver (creosoted material)	8.29	.50	.55		.045
Millwright and Machine Erector	8.39	.50	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters	8.15	.50	.60	.20	.02
Carpenters on creosoted material	8.25	.50	.60	.20	.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	8.28	.50	.60	.20	.02
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	8.65	.50	.60	.20	.02
Acoustical Workers	8.31	.50	.60	.20	.02
Boommen	8.35	.50	.60	.20	.02
Drywall Applicators	8.15	.50	.60	.20	.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Manhole builders; Acoustical applicators	7.79	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.89	.55	.65	.35	.03
Floor layers; Floor finishers; Stationary power-saw operator	7.94	.55	.65	.35	.03
Boomman	7.99	.55	.65	.35	.03
Millwrights; Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicator	7.24	.55	.40	.35	.03

WA75-5025 P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$7.83	.45	.60		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion) San Juan, Skagit, Snohomish, and Whatcom Counties	8.32	.55	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	7.20	.40	.50		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.55	.35	1%+.40		.02
Cable Splicers	9.41	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	9.45	.25	1%+.40		.03
Cable Splicers	10.395	.25	1%+.40		.03
Clark, Klickitat and Skamania Cos.					
Electricians	9.60	.45	1%+.40		.02
Cable Splicers	10.35	.45	1%+.40		.02

WA75-5025 P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Cowlitz and Wahkiakum Counties					
Electricians	$8.86	.25	1%	5%	.02
Cable Splicers	9.75	.25	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Cos.					
Electricians	8.92	.45	1%+.45	.36	.04
Cable Splicers	9.81	.45	1%+.45	.36	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.93	.45	1%+.40		.01
Cable Splicers	9.82	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Elevator Constructors	8.975	.445	.29	3%+a	
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Wakima Cos.					
Elevator Constructors	9.275	.445	.29	3%+a	
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Adams (Northern Eastern half), Lincoln (Eastern half), Pend Oerille, Spokane, and Stevens Counties	$6.80	.31	.35	.48	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	6.51	.25	.35	.40	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (Western half) and Okanogan Cos.	6.57	.21	.15	.36	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	9.15	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	8.90	.48	.80		.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	$8.66	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.79	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	9.00	.45	.45	—	.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Sakgit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.10	.45	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion) Skamania, and Wahkiakum Counties)	7.17	.55			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo workers; topping for cement finishers and mortar mixers)	$7.05	.60	.80		.07
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Brush	8.46	.31	.60		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	8.71	.31	.60		.02
Swing Stage work or high rate (over 30')	8.81	.31	.60	—	.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	8.86	.31	.60		.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Brush	7.77	.35	.45	.30	.03
Spray; High towers, ground to 100'	8.02	.35	.45	.30	.03
High work over 100'; High towers, ground to 300'	8.27	.35	.45	.30	.03
High towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Tapers	7.81	.40	.40	.50	.06
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.75	.40	.45		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	8.00	.40	.45		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.95	.31	.45		.02
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	8.20	.31	.45		.02
Swing Stage over 30' high	8.30	.31	.45		.02
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	8.35	.31	.45		.02
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.48	.40			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	6.80	.40			
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	8.41	.45	.70		.04
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.30	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	7.35	.45	.65		.02

WA75-5022 P. 10

	Basic Hourly Rates	Fringe Benefits Payments		
		H&W	Pensions	Vacation	App. Tr.
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	$7.64 7.45	.50	.30		.01
Asotin, and Garfield Counties					
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties					
Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	7.35	.20	.30		
Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties					
Roofers; Waterproofers	8.45	.30	.20		
Slate and Tile Roofers	8.70	.30	.20		
Clark and Skamania Counties					
Roofers	7.80	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		.10
Handling of irritating material (coal, tar or epoxy) in confined area	8.55	.45	.75		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	9.95	.32	.50		
Clallam, Jefferson, Kitsap and Mason Counties	8.16	.37	.785	.47	.02
Clark and Skamania Counties	7.73	.48	.34	.31	.02
Island, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.20	.37	.765	.47	.02
King County	9.53	.47	.50		.02
Island and Snohomish Counties	7.90	.32	.40		.03
Whatcom, Skagit and San Juan Cos.	8.56	.62	.785		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and south of 48°30' N. Lat.) Counties	$9.61	.58	.95	.75	.06
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.) Ferry (except area drawn from Creston in Lincoln County Northward to the Canadian Border), Kittitas (south of 47° 15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' W. Lat.) Counties	10.11	.33	.85	.62	.10
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line)Cos.	9.60	.33	.85	.60	.10
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line.	9.37	.70	1.00		.08

WA75-5025 P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	$7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	7.95	.35	.40		
Benton, Franklin, and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.65	.40	.25	.07
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.75	.55	.35		.04
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	7.84	.35	.35	.25	
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.	7.25	.50	.50		
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$6.68	.25	.25	.46	
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	
Clallam, Island, Jefferson, Lewis San Juan, Skagit, and Whatcom Counties	7.62	.36	.60		.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.485	.45	.45	c	.05
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Yakima and Kittitas Counties	7.02	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Cos.	10.13	.50	.70		.07
Remainder of Counties	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	7.95	.35	.40		
Benton, Franklin, and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40		.25
Clallam, Island, Jefferson, King, Kitsap, Skagit, (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.75	.55	.35		
Grant County and that portion of Adams County including the City of Othello	7.35	.40			

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*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%

LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.55	.40	.55		.02
Group 2	6.70	.40	.55		.02
Group 3	6.80	.40	.55		.02
Group 4	6.85	.40	.55		.02
Group 5	6.90	.40	.55		.02
Group 6	6.95	.40	.55		.02
Group 7	7.00	.40	.55		.02
Group 8	7.20	.40	.55		
Group 9:					
Class A	6.60	.40	.55		.02
Class B	6.65	.40	.55		.02
Class C	7.05	.40	.55		.02
Class D	7.10	.40	.55		.02

LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County)					
Group 1	6.85	.55	.65		.03
Group 2	6.95	.55	.65		.03
Group 3	7.00	.55	.65		.03
Group 4	7.05	.55	.65		.03
Group 5	7.10	.55	.65		.03
Group 6	7.15	.55	.65		.03
Group 7	7.20	.55	.65		.03
Group 8	6.90	.55	.65		.03
Group 9	6.95	.55	.65		.03
Group 10	7.05	.55	.65		.03
Group 11	7.15	.55	.65		.03
Group 12	7.20	.55	.65		.03
Group 13	7.30	.55	.65		

LABORERS (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)					
Group 1	6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07

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LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.60	.55	.65		.03
Group 2	6.70	.55	.65		.03
Group 3	6.75	.55	.65		.03
Group 4	6.80	.55	.65		.03
Group 5	6.85	.55	.65		.03
Group 6	6.90	.55	.65		.03
Group 7	6.95	.55	.65		.03
Group 8:					
Class A	6.65	.55	.65		.03
Class B	6.70	.55	.65		.03
Class C	6.80	.55	.65		.03
Class D	6.90	.55	.65		.03
Class E	6.95	.55	.65		.03
Class F	7.05	.55	.65		.03

POWER EQUIPMENT OPERATORS (AREA 1) (All counties & portions of Counties East of the 120th Meridian)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
Group 1	$7.50	$8.00	$8.45	.65	.75		.03
Group 2	7.80	8.30	8.75	.65	.75		.03
Group 3	8.35	8.85	9.30	.65	.75		.03
Group 4	8.50	9.00	9.45	.65	.75		.03
Group 5	8.65	9.15	9.60	.65	.75		.03
Group 6	8.90	9.40	9.85	.65	.75		.03
Group 7	9.15	9.65	10.00	.65	.75		.03

*ZONE 1: Within a 15 mile radius from the City center of the following cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named cities.
*ZONE 3: Over a 45 mile radius from the center of the above named cities.

POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$8.32	.60	.65		.08
Group 2	8.42	.60	.65		.08
Group 3	8.53	.60	.65		.08
Group 4	8.58	.60	.65		.08
Group 5	8.60	.60	.65		.08
Group 6	8.65	.60	.65		.08
Group 7	8.66	.60	.65		.08
Group 8	8.70	.60	.65		.08
Group 9	8.72	.60	.65		.08
Group 10	8.85	.60	.65		.08
Group 11	8.88	.60	.65		.08
Group 12	8.91	.60	.65		.08
Group 13	8.96	.60	.65		.08
Group 14	8.98	.60	.65		.08
Group 15	9.00	.60	.65		.08
Group 16	9.03	.60	.65		.08
Group 17	9.06	.60	.65		.08
Group 18	9.10	.60	.65		.08
Group 19	9.17	.60	.65		.08
Group 20	9.18	.60	.65		.08
Group 21	9.23	.60	.65		.08
Group 22	9.28	.60	.65		.08
Group 23	9.50	.60	.65		.08
Group 24	9.54	.60	.65		.08
Group 25	9.59	.60	.65		.08
Group 26	9.67	.60	.65		.08
Group 27	9.89	.60	.65		.08
Group 28	10.09	.60	.65		.08
Group 29	10.20	.60	.65		.08
Group 30	10.22	.60	.65		.08
Group 31	10.50	.60	.65		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	$7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07
Group 4	7.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 2) (All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern Portion of Pacific County) and all of Kittitas and Yakima Counties					
Group 4	$8.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	8.40	.55	.85	.35	.05
Group 1A	9.06	.55	.85	.35	.05
Group 2	8.04	.55	.85	.35	.05
Group 3	7.80	.55	.85	.35	.05
Group 4	7.54	.55	.85	.35	.05
TRUCK DRIVERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	7.60	.82	.65		
Group 2	7.65	.82	.65		
Group 3	7.70	.82	.65		
Group 4	7.80	.82	.65		
Group 5	8.00	.82	.65		
Group 6	8.05	.82	.65		
Group 7	8.10	.82	.65		
Group 8	8.15	.82	.65		
Group 9	8.25	.82	.65		
Group 10	8.30	.82	.65		
Group 11	8.60	.82	.65		
Group 12	8.75	.82	.65		
Group 13	8.90	.82	.65		
Group 14	9.05	.82	.65		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	$7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.54	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
TRUCK DRIVERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Snake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman, Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher; Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3" inch piston or larger and out-of-the-hole drills with 4! inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (preasure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vib-Vibrators, Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high presaure air and water on concrete and rock, sandblast, gunnite, shot-crete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brusher Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Change-house man or Dry Shack Men; Choker Setters; Clean Up Laborers; Concrete Laborers; Crusher Feeders; Culvert, hand labor; Curing, concrete; Demolition, Wrecking, and Moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading Spotters; Material yard man (including electrical); Pittsburgh Chipper Operator or similar types; Powderman Helper; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Skipmen; Signalmen; Slopers, Spraymen; Stake Chaser-Stake Setter-Grade Checker; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman-Crusher (aggregate when used)

LABORERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same); applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete rock, etc.): Concrete Power Buggy-man; Demolition and wrecking charred materials; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or mixers of all materials of an irritating natufe (including cement and lime); Manhole Builders; Power Tool Operator, includes but not limited to: Chipping Guns, Dry Pack Machine, Jackhammer, Paving Breakers, Post Hole Digger, (air, gas, or electric); Tampers, Vibrating Screed, Vibrators (less than 4" in diameter); Ribbon Setter, head; Rip Rap Man (head), hand olaced; Sand Blasting (wet); Sewer Timbermen; Timber Buckers and Fallers, Brush Cutters (power saw); Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (under - ground)

Group 3: Asphalt Rakers; Bit Grinder ; Concrete Saw Operator; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Gunite Nozzleman; High Scalers, Strippers and Drills (covers work in swinging stages, chairs, or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or aloping and stripping); Powdermen; Power Saw Operators (bucking and falling merchantable logs); Pumpcrete Nozzlemen; Sandblasting (dry); Sewer Pipe Layers; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator, Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster, Welder; Laser Beam (pipe Laying)

Group 4: Tunnel Miners; Tunnel Powderman; Laser Beam (Tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, Faller and Bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Faller and Bucker (hand); Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Power Buggy Tampers (multiple and self-propelled)

LABORERS (AREA 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more-gas, deisel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-porpelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor-(farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Elevating Belt-type Loader (Euclid, Barber Green, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing Pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (Heavy Duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, and Concrete and pump crete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarpids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case, and similar type 60 h.p. and under)

Group 18: Dull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Pawing Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scarpers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 30: Cranes (Crawler, Truck type, Floating, Locomotive, Whirley, either 5 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant Conveyor Operator; Crusher Feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts Man (tool room); Pump (under 4 inches); Railroad Equipment (Brakeman and Switch Man); Self-propelled Scaffolding Operator (on job site)

Group 2: Auger Oiler; Blade Operator (pulled type); Combination Guardrail Machines Oiler; Crane (Truck crane oiler - driver 25 ton capacity or over; and Fireman, all equipment: and A-Frame Truck, single drum: and Tugger or Coffin type Hoist); Drill Helper; Floating Equipment Boatman; Fork Lift or Lumber Stacker Operator (on construction job site); Grade Checker; Grade Oiler (required to check grade); Helicopter Radioman (ground); Repairman Helper (H.D.); Roller Operator (grading of base rock - not asphalt); Shovel Fireman; Tar Pot Fireman (including power agitated); Temporary Heating Plant Operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom Operator (self-propelled - on construction job site); Compressor Operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor Operator, Mixer Box - CTB, Dry Batch, etc., Cement Hog, Concrete Saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork Lift (Ross Carrier, on construction job site); Hydraulic Pipe Press Operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad Equipment (Motorman and Ballast Jack Tamper); Seeder Machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping Machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Asphalt Screed Operator; Compactor (self-propelled - including Vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete Screed Operator; Concrete Mixer (single drum under five bag capacity); Floating Equipment Fireman; Fork Lift (over 5 tons); Helicopter Hoist Operator; Hydra Hammer or similar; Locomotive (under 40 tons); Lull Hi-lift Operator; Oiler (service, greaser); Pavement Breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt Extrusion Machine; Chip Spreading Machine; Compactor (Wagner Pactor or similar type - without blade); Concrete Batch Plant quality control; Concrete (Power Jumbo Operator - Setting Slip Forms etc., in tunnels); Concrete (Slip Form Pumps - power driven Hydraulic Lifting Device for concrete forms); Crane (Hoist - single drum and Elevator Operator); Lime Spreading Machine; Pulva Mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor Operator (Rubber-tired 50 h.p. flywheel and under); Trenching Machine (maximum digging capacity 3 feet depth)

Group 6: Asphalt Paver; Asphalt Burner and Reconditioner (any type); Concrete Pavement Grinder and/or Grooving Machine Operator (riding type); Concrete (Cast-in-place Pipe Laying Machine and Maginnis Internal Full Slab Vibrator Operator); Concrete Finishing Machine (Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type); Concrete Curb Machine (mechanical berm, curb and/or gutter); Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Finishing Machine; Concrete Spreader; Loaders (rubber-tired, 2½ cu. yards and under); Rock Spreaders, self-propelled

Group 7: Asphalt Plant Operator (any type); Asphalt Roller Operator (any mix); Beltcrete Operator; Concrete, Cement Pump (Fuller-Kenyon and similar); Concrete Grouting Machine; Concrete Mixer (single drum, five bag capacity and over); Crane (A-frame Truck double drum, and Boom Truck); Drill (Churn drill and Earth boring machine); Hydraulic Backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating Grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad Equipment (Ballast regulator, Ballast Tamper multi-purpose, Track Liner, Tie Spacer, Shuttle Car, Locomotive - 40 ton and over)

Group 8: Concrete Batch Plant and/or Wet Mix Operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment generator, shovel, dragline, clamshell, backhoe, skooper, etc.); Generator Operator; Loader (belt loaders, Kolman and Ko Cal types)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 9: Boring Machine; Bulldozer; Clearing Equipment (including Log Skidders, Chippers, Incinerators, and Stump Splitters); Compactor, with blade; Concrete Cooling Machine; Cranes (Chicago Boom and similar types, Lift Slab Machine, Boom type Lifting Device - 5 ton capacity or less, and Cherry Picker or similar type crane - Hoist - 5 ton capacity or less); Crusher Plant Operator; Drill Cat; Drill Doctor (including Bit Grinder); Grizzley Operator; Guardrail Punch Operator; Guardrail Auger Operator; Hammer Operator; Heater and Planer Operator (surface); Hydraulic Backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine Tool; Mechanic (H.D.); Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Side-boom Cats; Stationary Drag Scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching Machine (maximum digging capacity over 3 feet depth)

Group 10: Barge Operator (self-unloading); Bulldozer (twin engine-TC 12 and similar); Cable-plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired-Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack Operator (elevating barges)

Group 11: Concrete Mixer Mobile Operator; Concrete Breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail Machine Combination (i.e., Puncher, Auger, etc.); Mucking Machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade Operator; Concrete Batch Plant and/or Wet Mix (3 or more units); Hoist Operator (two or more drums); Loader (elevating - Athey and similar type); Piledrivet Operator (not crane type); Reinforced Tank Banding Machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper: and Self-loading, Paddle wheel, Auger type: and Twin engine: and Scraper with push-pull attachments); Shield Operator (tunnel)

Group 13: Backfilling Machine; Blade Operator, finish; Blade Operator (externally controlled by electronic, mechanical hydraulic means); Blade Operator (multi-engine); Cableway (up to 25 tons); Concrete Paving Road Mixer; Crane (over 25 ton to and including 40 ton); Derrick (under 100 tons); Floating Equipment Piledriver; Floating Clamshell (under 3 cu. yds.); Floating Crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (Stiffleg, Guy Derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock Hound Operator

Group 16: Auto Grader or "Trimmer" Operator; Bulldozer (Tandem, Quadnine and similar type); Cableway (25 tons and over); Concrete Slip Form Paver (automatic); Concrete Canal Line Operator; Crane (over 40 tons and including 100 tons); Floating Clamshell (3 cu. yds. and over); Floating Crane (Derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with Tandem Scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator (under 750 cu. yds. per hour); Whirley (80 tons and under)

Group 17: Canal Trimmer; Crane (over 100 tons to and including, 200 tons); Floating Crane (Derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

Group 18: Band Wagons (in conjunction with wheel excavator; Crane (over 200 tons); Floating Crane (150 tons but less than 250 tons); Wheel Excavator (over 705 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating Crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1 and 2)
(DREDGING)

Group Descriptions for Areas 1 and 2 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS(AREA 3)
(DREDGING)

Group Descriptions for Area 3 Covering Statewide Washington

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechenic, and Machinist) and Mate.

Group 3: Tenderman (Boatman, attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit Mixers and trucks hauling concrete (over 3 yds. to 6 yds.); Water tank truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, and and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup truck, Escort or Pilot Car; Swampers; Warahouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawegon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump trucks - side, end.and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water Wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle carrier (used in loading, unloading and transporting or materials on job site); Oil Distributor Driver or Leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: Over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.05 per hour)

SUPERSEDEAS DECISION

WY75-5028 p.2

STATE: Wyoming COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte

DECISION NUMBER: WY75-5028 DATE: Date of Publication

Supersedes Decision No. AR-1004 dated July 26, 1974, in 39 FR 27415

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W.	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.06	.50	.87		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons;					
Goshen, Laramie & Platte Counties	8.60				
Converse, Natrona & Niobrara Cos.	7.52				
CARPENTERS:					
Carpenters	7.50	.35	.30	.20	.10
Piledrivermen	7.75	.35	.30	.20	.10
CEMENT MASONS:					
Cement masons	7.05				
Working with composition material; Scaffold, swinging stage or temporary platform over 8' high; Operator of power machines	7.30				
Working on scaffold, swing stage or temporary platform over 20' high	7.55				
ELECTRICIANS:					
Goshen, Laramie, Niobrara and Platte Counties					
Electricians	8.53	.42	1%		4/10%
Cable splicers	8.78	.42	1%		4/10%
Converse and Natrona Counties					
Electricians	8.39	.42	1%		4/10%
ELEVATOR CONSTRUCTORS	8.63	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS					
Structural; Ornamental; Reinforcing	8.40	.50	.75		.15
MARBLE, TILE & TERRAZZO WORKERS					
Converse, Natrona & Niobrara Cos.	8.60				
MILLWRIGHTS	7.24	.45	.40	.40	.04
PAINTERS:					
Converse, Natrona & Niobrara Cos.					
Painters, Brush; Drywall tapers	6.31		.15		
Steel	6.81		.15		
Spray	7.06		.15		
Sandblasters	7.66		.15		
Goshen, Laramie & Platte Counties					
Painters, brush	5.00				
PLUMBERS; Steamfitters:					
Goshen, Laramie & Platte Counties					
Zone 1 (10 miles radius from Cheyenne P. O.)	$ 6.92	.50	.35	1.00	.15
Zone 2 (10 miles radius beyond Zone 1)	7.67	.50	.35	1.00	.15
Zone 3 (15 miles radius beyond Zone 2)	8.44	.50	.35	1.00	.15
Zone 4 (Jurisdiction beyond Zone 3)	9.51	.50	.35	1.00	.15
Zone 5 (Footnote "b")					
General Contracts $700,000.00 or less	6.92	.50	.35	1.00	.15
General Contracts over $700,000.00	7.42	.50	.35	1.00	.15
PLUMBERS; Steamfitters:					
Converse, Natrona & Niobrara Cos.					
Zone 1 (10 miles radius from P. O. in Casper)	7.56	.40	.50	.80	.09
Zone 2 (10 miles radius beyond Zone 1)	7.96	.40	.50	.80	.09
Zone 3 (20 miles radius beyond Zone 2)	8.36	.40	.50	.80	.09
Zone 4 (40 miles beyond Zone 3)	9.16	.40	.50	.80	.09
Zone 5 (Jurisdiction beyond Zone 4)	9.66	.40	.50	.80	.09
ROOFERS	7.71				
SHEET METAL WORKERS					
Converse, Natrona & Niobrara Cos.	7.41	.27	.50		.02
SHEET METAL WORKERS:					
Goshen, Laramie & Platte Counties	7.66	.37	.10		.02
SPRINKLER FITTERS	8.65	.50	.70		.08

WELDER: Rigger: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Springs within a 5-mile radius from the Post Office of each of the above Cities.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (BUILDING CONSTRUCTION)					
Group 1:	$ 4.55	.28	.10		
Group 2:	4.77	.28	.10		
Group 3:	4.83	.28	.10		
Group 4:	5.05	.28	.10		
Group 5:	5.05	.28	.10		
Group 6:	5.30	.28	.10		
Group 7:	5.14	.28	.10		
Group 8:	5.03	.28	.10		
Group 9:	4.87	.28	.10		
LABORERS (HEAVY CONSTRUCTION)					
Group 1:	4.09				
Group 2:	4.19				
Group 3:	4.34				
Group 4:	4.59				
Group 5:	4.57				
Group 5A:	4.41				
Group 5B:	4.84				
Group 5C:	4.68				
HEAVY CONSTRUCTION					
Carpenters	6.08				
Cement Masons	6.04				
Ironworkers, structural	5.25				
Ironworkers, reinforcing	4.18				
Painters, brush and spray	5.18				

LABORERS (Building Construction)

Group 1: Axeman and hand faller; Concrete worker(wet or dry)(curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Riprap man; Sandblaster pot tender; Signelman, grade, concrete, etc.; Sissaerman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

LABORERS (Heavy Construction)

Group 1: Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer(including the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right-of-way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker

Group 4: Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting

Group 5: Tunnel and Underground Work: Brakeman; Swamper; Vibrator man

Group 5A: Bull gang; Dumpman; Mucker; Trackman

Group 5B: Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers

Group 5C: Chucktender; Topman; Toplander

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY CONSTRUCTION					
POWER EQUIPMENT OPERATORS					
Group 1	$5.51	.19	.30		.01
Group 2	5.56	.19	.30		.01
Group 3	5.61	.19	.30		.01
Group 4	5.65	.19	.30		.01
Group 5	5.68	.19	.30		.01
Group 6	5.73	.19	.30		.01
Group 7	5.77	.19	.30		.01
Group 8	5.79	.19	.30		.01
Group 9	5.90	.19	.30		.01
Group 10	5.96	.19	.30		.01
Group 11	5.98	.19	.30		.01
Group 12	6.16	.19	.30		.01
Group 13	6.20	.19	.30		.01
Group 14	6.27	.19	.30		.01
Group 15	6.33	.19	.30		.01
Group 16	6.50	.19	.30		.01
Group 17	6.84	.19	.30		.01

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helpers; Crusher Oiler; Oiler, Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (Welder or Heavy Duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (Farm, Crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1-1/2 cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, Well Points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or plant operator; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1-1/2 cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3-1/2 yards, all attachments;

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachment shall not include disking, pulling or rollers, and similar unskilled actions), Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman, Mechanics, Machine Doctors, Welders and Helpers; Heavy duty mechanic machine doctor

Group 15: Cableway Operators; Mixer Dual Drum, Cranes, (Whirley, Gantry, Stiffleg, overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, All Truck Mounted Cranes, (manufacturer's rating) 3-1/2 yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

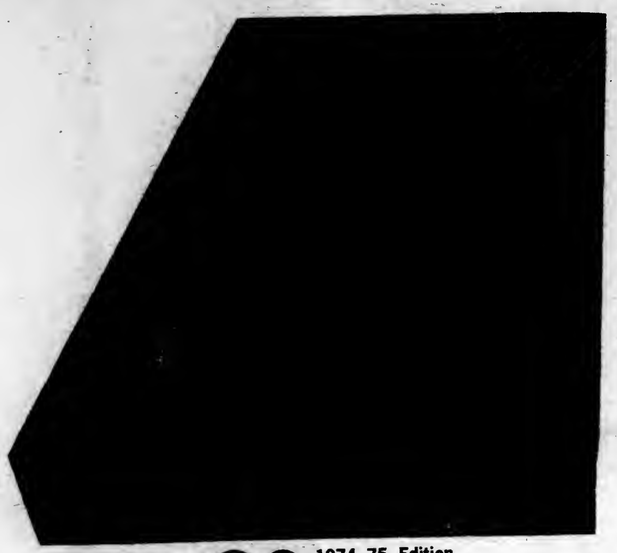
HEAVY CONSTRUCTION)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1 DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$ 5.39				
GROUP 2 FIELD MECHANICS	5.34				
GROUP 3 DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	5.34				
GROUP 4 DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	5.29				
GROUP 5 DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	5.24				
GROUP 6 DUMP (Water level capacity box), 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	5.14				
GROUP 7 LOWBOY and Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	5.14				
GROUP 8 HELPERS - FIELD (Welders, Mechanics etc.)	4.90				
GROUP 9 OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	4.84				

HEAVY CONSTRUCTION

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 10 OVER 3600 gals. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	$ 4.74				
GROUP 11 OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.64				
GROUP 12 DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.54				
GROUP 13 DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service, Greasemen, Tiremen, Servicemen and helpers	4.39				
GROUP 14 PILOT CAR DRIVERS; Pick-up	4.34				

[FR Doc.75-4623 Filed 2-20-75;8:45 am]



an invaluable reference tool

1974–75 Edition

This official guidebook provides useful information about U.S. Government agencies, including:

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- Listings of key officials
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February 24, 1975—Pages 7893–8060

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX: COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE; 1975 CROP

The county listed below is hereby deleted from the above-titled appendix to 7 CFR Part 401, which was published in the FEDERAL REGISTER on December 2, 1974 (39 FR 41723–41724), which were designated for soybean crop insurance for the 1975 crop year pursuant to the authority contained in 7 CFR 401.101.

ALABAMA

Talladega

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON, *Manager.*

[FR Doc.75-4865 Filed 2-21-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

The county listed below is hereby deleted from the above-titled appendix to 7 CFR Part 401, which was published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19446), which were designated for cotton crop insurance for the 1975 crop year pursuant to the authority contained in 7 CFR 401.101.

ALABAMA

Talladega

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON, *Manager.*

[FR Doc.75-4866 Filed 2-21-75;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Amdt. 4]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Payments of Assessments

This amendment clarifies the designated handler's responibility to pay assessments by deleting the proviso that a producer may pay assessments on his potatoes on behalf of the designated handler.

Notice was published in the January 15, 1975, FEDERAL REGISTER (40 FR 2697) regarding the proposal to amend § 1207.512 *Designated handler*, which was recommended by the National Potato Promotion Board on December 3, 1974. The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207). The plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

The notice afforded interested persons an opportunity to file written comments not later than January 31, 1975. None was filed.

The existing section provides the producer may elect to pay the assessment on his potatoes on behalf of the designated handler. This was an accommodation to the handler but in no way relieved him of the responsibility under any circumstances.

Although the rules and regulations specify the designated handler is responsible for payment, a number of handlers have chosen to interpret this producer option as relieving the handler of this responsibility. To remove any possible doubt, this amendment deletes the applicable proviso which permitted this option.

After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that this amendment will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that potatoes are (1) now being handled which should be covered by the amended rule; (2) such a change was recommended by the National Potato Promotion Board on December 3, 1974; (3) information regarding this rule change was published in the FEDERAL REGISTER on January 15, 1975; and (4) compliance with this amendment will not require any special preparation on the part of handlers subject thereto which cannot be completed on or before the effective date hereof.

The amendment is as follows:

In paragraphs (b) and (c) of § 1207.512 *Designated handler*, the following provisos are deleted:

In § 1207.512(b), the following proviso is deleted: "*Provided*, That such producer-handler may elect to pay the assessments on his potatoes on behalf of the designated handler."

In § 1207.512(c), the following proviso is deleted: "*Provided*, That the producer may elect to pay the assessment on his potatoes on behalf of the designated handler."

(7 U.S.C. 2611–2627; 84 Stat. 2041)

Dated: February 19, 1975, to become effective February 28, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-4917 Filed 2-21-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

PART 9—PUBLIC RECORDS

Implementation of the Freedom of Information Act

Notice is hereby given of the adoption on February 19, 1975 of amendmtnts to the Nuclear Regulatory Commission's regulations in Title 10, Chapter I, Code of Federal Regulations, Parts 2, "Rules of Practice", and 9, "Public Records". The amendments reflect certain provisions contained in the 1974 amendments to the Freedom of Information Act, Pub. L. 93–502, enacted November 21, 1974, and effective February 19, 1975. On January 15, 1975 the Atomic Energy Commission published proposed amendments to Part 9 to revise its schedule of fees for producing copies of records (40 FR 2714). Subsequently, in accordance with the Energy Reorganization Act of 1974, Pub. L. 93–438, the Nuclear Regulatory Commission (NRC) was established on January 19, 1975. The NRC assumed the licensing and related regulatory functions of the former Atomic Energy Commission. No comments were received on the proposed rule published on January 15, 1975.

The amendments set forth below establish procedures to be followed by persons seeking records from the NRC and the actions to be taken by the NRC with respect to such requests. The amendments provide that copies of records may be requested in person at the NRC Public Document Room and that written requests for copies of records shall be addressed to the Director, Office of Administration. If the Director, Office of Administration, determines that a request for records should be denied in whole or in part, that determination may be appealed to the Executive Director for Operations, who will make a decision whether or not

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to uphold the initial determination. For advisory committees, boards, panels, and offices reporting to the Commission, and the Office of the Executive Legal Director, the initial determination on a request for records shall be made by the head of such board, panel, or office, or the Advisory Committee Management Officer, as appropriate, rather than the Director, Office of Administration. An appeal of an adverse determination shall be made to the Commission instead of the Executive Director for Operations.

In conformity with the recent Freedom of Information Act amendments, the amendments set forth below provide for specified time limits within which Commission action, both initially and on appeal, must be accomplished. The Commission's regulations also are amended to correspond to the Freedom of Information Act amendments with respect to those records which are exempt from disclosure.

The amendments provide a schedule of fees to be charged for the production of records which reflect only the direct cost of the services provided. The charges for searching for requested records are lower than those which were published by the Atomic Energy Commission for comment on January 15, 1975 (40 FR 2714). The charge for record searches by clerical and administrative employees has been reduced from $5.70 per hour to $5.00 per hour, and the charge for searches by professional or supervisory employees has been reduced from $16.00 per hour to $12.00 per hour.

The amendments also make certain minor conforming changes in Part 9 required by the Energy Reorganization Act to reflect the establishment of the Nuclear Regulatory Commission on January 19, 1975.

Because the amendments relate to agency organization, practice, and procedure, or conform to the requirements of the Freedom of Information Act amendments of November 21, 1974, or the Energy Reorganization Act of 1974, the Commission has found that notice of proposed rule making and public procedure thereon are unnecessary, and good cause exists for making the amendments effective without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of Title 5 of the United States Code, as amended by Pub. L. 93-502, November 21, 1974, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2 and 9 are published as a document subject to codification.

1. The term "AEC" is changed to "NRC" in § 2.790 and paragraphs (a) (1) and (a) (8) are revised to read as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) • • •

(1) Records (1) which are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and (ii) which are in fact properly classified pursuant to such Executive order;

• • • • •

(8) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel; or

• • • • •

2. Paragraph (d) of § 2.790 is amended by substituting "§ 9.12" for "§ 9.10".

3. The term "AEC" is changed to "NRC" wherever it appears in 10 CFR Part 9.

§ 9.1 [Amended]

4. In § 9.1 and Appendix A, the term "Atomic Energy Commission" is changed to "Nuclear Regulatory Commission".

5. In § 9.2(a), the words "the agency established by the Atomic Energy Act of 1954, as amended", are changed to "the Nuclear Regulatory Commission, established by the Energy Reorganization Act of 1974".

6. In § 9.2(c), the words "section 21 of the Atomic Energy Act of 1954, as amended", are changed to "section 201 of the Energy Reorganization Act of 1974".

7. In § 9.2, paragraph (d) is revised, paragraph (e) is redesignated paragraph (f) and new paragraphs (e) and (g) are added to read as follows:

§ 9.2 Definitions.

As used in this part:

• • • • •

(d) "Government agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(e) "Office", unless otherwise indicated, means all offices and divisions of the NRC reporting to or through the Executive Director for Operations, except for the Office of the Executive Legal Director.

• • • • •

(g) "Working days" mean Monday through Friday, except legal holidays.

§ 9.3 [Removed]

8. Section 9.3 is deleted.

9. Paragraphs (b) and (c) of § 9.5 are redesignated as paragraphs (c) and (d) respectively, a new paragraph (b) is added, and paragraphs (a) (1) and (7) are revised to read as follows:

§ 9.5 Exemptions.

(a) The following types of records are exempt from public disclosure under § 9.4:

(1) Records (i) which are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and (ii) which are in fact properly classified pursuant to such Executive order.

• • • • •

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

• • • • •

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this section.

• • • • •

10. Section 9.7 is revised to read as follows:

§ 9.7 Publicly available records.

(a) The NRC Public Document Room is located at 1717 H Street, NW., Washington, D.C., and is open between 8:30 a.m. and 5:00 p.m. on Monday through Friday, except legal holidays. The following records or documents are available at the NRC Public Document Room for public inspection and copying:

(1) Final opinions including concurring and dissenting opinions as well as orders of the NRC made in the adjudication of cases;

(2) Statements of policy and interpretations which have been adopted by the NRC and have not been published in the FEDERAL REGISTER;

(3) A record of the final votes of each member of the Commission in every proceeding;

(4) Nuclear Regulatory Commission rules and regulations;

(5) Nuclear Regulatory Commission Manual and instructions to NRC personnel that affect any member of the public;

(6) Current indexes of the foregoing records issued, adopted or promulgated after July 4, 1967.

(b) The NRC will publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of the indexes or supplements thereto, specified in paragraph (a) (6) of this section, unless it determines by order published in the FEDERAL REGISTER that publication would be unnecessary and impracticable, in which case the NRC will provide copies of such indexes on request at a cost not to exceed the direct cost of reproduction as provided in § 9.14.

11. Sections 9.8, 9.9, and 9.10 are revoked and new §§ 9.8, 9.9, 9.10, 9.11, 9.12, 9.13, 9.14, 9.15, and 9.16 are added to read as follows:

§ 9.8 Requests for records.

(a) Copies of records may be requested in person at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Written requests for copies of records shall be addressed to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The request shall clearly state on the envelope and in the letter that it is a "Freedom of Information Act Request". A request that is not so marked will be deemed not to have been received by the NRC until it is actually received by the Director, Office of Administration.

(b) All requests for copies of records must reasonably describe the record sought in sufficient detail to permit the identification of the requested record. Where possible, specific information regarding dates, titles, docket numbers, file designations, and other information which may help identify the records should be supplied by the requester. If a request does not reasonably describe the record sought in sufficient detail to permit its identification, the requester will be so informed by the Director, Office of Administration, or his designee, within 10 working days after receipt of the request and requested to submit additional information regarding the request or to meet with appropriate NRC personnel in order to clarify the request.

(c) If the record for which a request is made has been reasonably described pursuant to paragraph (b) of this section and is available in the NRC Public Document Room, the requester will be informed within 10 working days after receipt of the request by the Director, Office of Administration, or his designee, of the time and place where the record will be made available, and the estimated cost for furnishing copies of the record. In order to obtain copies of records in the most expeditious manner, a person may request copies of records in person at the NRC Public Document Room, or may open an account at the Public Document Room with the private firm contractually responsible for reproducing copies of NRC records.

(d) Requested records which have been reasonably described pursuant to paragraph (b) of this section but which are located at places other than the NRC Public Document Room or NRC headquarters may, at the discretion of the NRC, be made available for inspection and copying at such other locations within 10 working days after receipt of the request. For example, contracting officers may authorize an NRC contractor to disclose records in its possession at the contractor's facility or, if the record is in the possession of a subcontractor, at a subcontractor's facility. To the extent applicable, the charges specified in § 9.14 for locating and reproducing copies of records shall be applied to records made available pursuant to this paragraph.

(e) A request for a record which is not available in the NRC Public Document Room shall be promptly forwarded by the Director, Office of Administration, or his designee, to the head of the office primarily concerned with the records requested. The Director, Office of Administration, or his designee will maintain, and the Executive Legal Director or his designee will be furnished, a copy of each request referred to another office, together with the following information: (1) the date the request was received; (2) the office to which it was referred; and (3) the date on which it was referred.

§ 9.9 Initial determination.

(a) If, after consultation with the Executive Legal Director or his designee, the head of the office to which a request has been referred finds that the record sought is exempt from production or disclosure, but that its production or disclosure is not contrary to the public interest and will not adversely affect the rights of any person, the head of the responsible office will authorize the production or disclosure of the record, and will notify the requester within 10 working days after receipt of the request that the records will be promptly made available.

(b) Except as provided in § 9.15, if the head of the office to which a request has been referred finds that a request should be denied in whole or in part, he will submit such finding to the Director, Office of Administration, in sufficient time to comply with the time limits set forth in this paragraph for a response by the Director. The Director, Office of Administration, will, after consultation with the Executive Legal Director or his designee, make an independent determination whether to comply with or deny the request. If the Director, Office of Administration, determines that the record sought is exempt from production or disclosure pursuant to § 9.5(a), and its production or disclosure is contrary to the public interest or will adversely affect the rights of any person, the Director, Office of Administration, will notify the requester in the manner provided in § 9.10 within 10 working days after receipt of the request.

(c) The 10 working day period for response to a request for records provided in paragraphs (a) and (b) of this section may be extended for unusual circumstances as provided in § 9.13.

(d) In exceptional circumstances where it does not appear possible to complete action on the request within the maximum 20 working day limit as provided in § 9.13, the Director, Office of Administration may seek an agreement with the requester for a specific extension of time in which to act upon the request. Any such agreement shall be confirmed in writing.

(e) If the head of the office to which a request has been referred or the Director, Office of Administration, does not respond to a request within the 10 working day period, or within such extended period as provided in this Part, the requester may treat such delay as a denial of the request and immediately appeal to the Executive Director for Operations as provided in § 9.11(a) or to a district court as provided in § 9.11(c).

§ 9.10 Form and content of responses.

(a) When a requested record has been identified and is available, the head of the office to which a request has been referred or the Director, Office of Administration, will promptly furnish the record or notify the requester as to where and when the record will be available for inspection and copying. The notification will also advise the requester of any applicable fees under § 9.14.

(b) A reply denying a request for a record will be in writing signed by the Director, Office of Administration, and will include:

(1) The reason fr the denial;

(2) A reference to the specific exemption under the Freedom of Information Act and the Commission's regulations authorizing the withholding of the record;

(3) The name and title or position of each person responsible for the denial of the request, including the head of the office recommending denial of the request; and

(4) A statement that the denial may be appealed within 30 days from the receipt thereof to the Executive Director for Operations.

(c) A copy of each letter granting or denying requested records will be maintained by or furnished to the Director, Office of Administration, or his designee.

§ 9.11 Appeal from initial determination.

(a) Except as provided in § 9.15, a requester may within 30 days of receipt of a notice of denial of the request for records pursuant to this Part appeal such denial to the Executive Director for Operations. The appeal shall be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall clearly state on the envelope and in the letter that it is an "Appeal from Initial FOIA Decision".

(b) Except as provided in § 9.13, the Executive Director for Operations will make a determination with respect to any appeal pursuant to this section within 20 working days after the receipt of such appeal.

(c) If on appeal the denial of the request for records is upheld in whole or in part, the Executive Director for Operations will notify the person making such request of the denial, including the exemption relied upon, a brief explanation of how the exemption applies to the records withheld, and the reasons for asserting the exemption. The requester shall be informed that the denial is a

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final agency action and that judicial review is available in a district court of the United States in the district in which the requester resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(d) Copies of all appeals and written determinations on appeal will be furnished by the Executive Director for Operations, or his designee, to the Director, Office of Administration, or his designee.

§ 9.12 Production or disclosure of exempt records.

(a) Records of the kind specified in § 9.5(a) shall not be produced or disclosed by NRC personnel, or NRC contractors who have possession of such records, except in accordance with this Part or §§ 2.744 and 2.790 of this chapter.

(b) NRC personnel and NRC contractors from whom a record exempt from disclosure is sought shall follow the procedure specified below:

(1) If an exempt record is sought from NRC personnel, the request or subpoena shall promptly be forwarded to the Director, Office of Administration, who shall process the request as provided in this Part or take such other action as may be appropriate.

(2) If an exempt record is sought from an NRC contractor, the request or subpoena shall promptly be forwarded to the NRC contracting officer administering the contract who will then follow the procedure specified in paragraph (b)(1) of this section.

(3) NRC personnel or NRC contractors who are required by a subpoena to produce or disclose a record of the types included in § 9.5(a) shall appear in response thereto and shall respectfully decline to produce or disclose the record described, basing refusal on this paragraph, unless production or disclosure has been authorized pursuant to this Part.

§ 9.13 Extension of time for response.

(a) In unusual circumstances specified in paragraph (b) of this section, the time limits prescribed in § 9.9 or § 9.11 may be extended by not more than 10 working days by written notice to the person making such request, setting forth the reasons for such extension and the date on which a determination is expected to be dispatched.

(b) For purposes of this section, "unusual circumstances" means:

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the NRC having substantial subject-matter interest therein.

(c) Any extension of time limits prescribed in §§ 9.9 and 9.11 may not exceed a combined total of 10 working days per request.

§ 9.14 Charges for production of records.

(a) Requests for the reproduction of records at the NRC Public Document Room located in Washington, D.C. will be honored upon payment of the following charges:

(1) Sizes up to 8½ x 14 inches made on office copying machines—$0.08 per page copy. Larger sizes—$0.08 for each 8½ x 14 inch unit or fraction thereof per page copy. Microfiche—8½ x 11 inches—$0.15 per page copy.

(2) The charge for reproducing records other than those specified above will be computed on the basis of NRC's direct costs.

(3) The charges for requests made through the mails will be the same as paragraph (a) (1) and (2) of this section except that shipping or mailing costs shall be added. If the amount of any mailed-in order is less than $2.00, excluding the shipping or mailing costs, the customer shall be charged a minimum of $2.00 plus costs of shipping or mailing.

(b) Requests for copies of records to be reproduced and furnished by the NRC at locations other than the NRC Public Document Room located in Washington, D.C., will be honored at the following charges:

(1) Sizes up to 8½ x 14 inches made on office copying machines—$0.10 per page copy. Larger sizes—$0.10 for each 8½ x 14 inch unit or fraction thereof per page copy.

The charge for reproducing records other than those specified above will be computed on the basis of NRC's direct costs.

(3) If a request is for records not located in the NRC Public Document Room, a charge of $5.00 per hour will be made for searching for the requested records by clerical or administrative employees and a charge of $12.00 per hour for searching by professional or supervisory employees. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure, are found. Fractional parts of an hour will be charged on a pro rata basis for search functions, except that no charge will be made for manual searching if it takes one hour or less to complete.

(4) When a computer search is necessary in order to fulfill a request, the computer search charge will be the actual direct cost of the computer search.

(5) Unless the request specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit, a request that is expected to involve assessed fees in excess of $25.00 shall be accompanied by a deposit equal to the estimated costs of responding to the request. For requests involving anticipated costs of reproduction and search which are in excess of $25.00, the NRC will so advise the requester, and the request will not be deemed to have been received until a deposit equal to the estimated costs is received or the requester has agreed to bear the anticipated costs. Fees may be required to be paid in full prior to the issuance of the requested records.

(6) Refunds of unused deposits or additional billings will be made to adjust the anticipated cost to the actual cost.

(c) In compliance with the Federal Advisory Committee Act, transcripts of testimony in NRC proceedings, which are transcribed by a reporting firm under contract with the NRC, may be purchased directly from the reporting firm at the cost of reproduction as provided for in the contract with the reporting firm, or may be purchased from the NRC at the cost of reproduction as provided in paragraphs (a) and (b) of this section.

(d) Material which has been copyrighted will not be reproduced in violation of the copyright laws.

(e) The Director, Office of Administration, or his designee, or the Executive Director for Operations on appeal, will waive or reduce any fee required by this section upon a determination that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 9.15 Committees, boards, panels, and offices reporting to the Commission.

(a) For boards, panels, and offices reporting directly to the Commission, and the Office of the Executive Legal Director, the initial determination on a request for records required by § 9.9 shall be made by the head of such board, panel, or office, or his designee, instead of the Director, Office of Administration, and an appeal of an adverse determination shall be made to the Commission instead of the Executive Director for Operations. Any denial of a request shall be signed by the head of the board, panel, or office making the initial determination and shall contain the information specified in § 9.10 except that the response will note that any appeal shall be to the Commission.

(b) The Advisory Committee Management Officer shall make the initial determination required by § 9.9 on requests for records of advisory committees established pursuant to Part 7 of this chapter, including the Advisory Committee on Reactor Safeguards, and an appeal of an adverse determination shall be to the Commission. Any denial of a request will be signed by the Advisory Committee Management Officer and will contain the information specified in § 9.10 except that the response will note that any appeal shall be to the Commission.

(c) The head of boards, panels, and offices reporting directly to the Commission, and the Advisory Committee Management Officers for advisory committees established pursuant to Part 7 of this chapter, will make the initial determination required by paragraphs (a) and (b) of this section only after consultation with the Office of the General Counsel.

§ 9.16 Annual Report to Congress.

(a) On or before March 1 of each calendar year, the Director, Office of Administration, will submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report will include—

(1) the number of determinations made by the NRC not to comply with requests for records made to the NRC under this Part and the reasons for each such determination;

(2) the number of appeals made by persons under § 9.11, the results of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by the NRC regarding this Part;

(6) a copy of the fee schedule and the total amount of fees collected by the NRC for making records available under this Part; and

(7) such other information as indicates efforts to administer fully the provisions of 5 U.S.C. 552.

(b) A copy of each report to the Congress made pursuant to paragraph (a) of this section will be made available for public inspection and copying in the NRC Public Document Room.

12. In Appendix A the words "Director, Division of Classification", are amended to read "Director, Office of Administration", and the words "General Manager or Director of Regulation, as appropriate", are amended to read "Executive Director for Operations" wherever they appear.

13. In paragraph 1.c. of Appendix A, the words "§ 9.9 of the AEC regulations (10 CFR 9.9)" are amended to read "§ 9.14 of the NRC regulations (10 CFR 9.14)".

14. Paragraph 2.d. of Appendix A is amended to read as follows:

(d) In the event the Director, Office of Administration, or the Classification Review Committee in the case of submission to it under a or b above, determines that the information is unclassified but the information appears to be of the type exempt from public disclosure as set forth in § 9.5 of the NRC regulations (10 CFR 9.5), the requester shall be so notified in writing as provided in § 9.10 (b) of this chapter.

15. In paragraph 3 of Appendix A, the phrase "which remain in effect in accordance with the Energy Reorganization Act of 1974", is added after the phrase "Atomic Energy Act".

16. In paragraph 6 of Appendix A, the word "longstanding" is deleted, and the phrase "atomic energy field" is changed to "nuclear energy field".

Effective Date: These amendments become effective on February 24, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); Pub. L. 93-502, 88 Stat. 1561 (5 U.S.C. 552))

Dated at Washington, D.C. this 19th day of February 1975.

For the Nuclear Regulatory Commission.

JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc.75-4957 Filed 2-21-75;8:45 a.m.]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 23—STATEMENTS OF BUSINESS INTERESTS OF DIRECTORS AND PRINCIPAL OFFICERS OF NATIONAL BANKS

Delay in Effective Date

The Comptroller of the Currency is amending the regulation governing statements of business interests of directors and principal officers of national banks 12 CFR Part 23, 39 FR 41735, December 2, 1974; 40 FR 6200, February 10, 1975). The amendment extends the effective date of the regulation to May 1, 1975, and is issued for the purpose of affording additional time for reconsideration of certain provisions.

Since this amendment merely delays the effective date, it is hereby determined that further proposed rulemaking and public participation procedures are not in the public interest. Accordingly, Part 23 of 12 CFR is amended as follows:

1. In § 23.3, the second sentence is revised to read as follows:

§ 23.3 Filing of statement.

* * * The director or principal officer shall complete and file Forms CC-9030-29 with the designated bank within 30 days after becoming a director or principal officer or by May 1, 1975, whichever is later. * * *

2. In § 23.1, paragraph (a) is revised to read as follows:

§ 23.1 Authority and scope.

(a) This part is issued by the Comptroller of the Currency pursuant to sections 161, 481, 1818, and 1820 of Title 12 of the United States Code. This part requires the filing of a Statement of Interest, Form CC-9030-29, by directors and principal officers of national banks. An initial statement must be filed by May 1, 1975, or within 30 days after attaining the position of director or principal officer of a national bank, whichever is later.

* * * * * *

3. The effective date is revised to read as follows:

Effective date. This part becomes effective on May 1, 1975.

Effective date. This amendment becomes effective on February 24, 1975.

Dated: February 18, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-4964 Filed 2-21-75;8:45 am]

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Implementation of 1974 Amendments to the Freedom of Information Act

The purpose of these revisions is to implement the 1974 Amendments to the Freedom of Information Act (5 U.S.C. 552). The amended regulations will (1) provide specific time limits for making a determination as to the availability of requested information (2) clearly identify the official[s] responsible for any initial or final denial of a request for information and (3) revise the Committee's Rules with regard to exemption (1) of the Freedom of Information Act.

Additionally, on January 27, 1975 there was published in the FEDERAL REGISTER (40 FR 4022) a notice of proposed rulemaking with regard to a proposed fee schedule applicable to all constituent units of the Committee. The Committee has considered all aspects of the proposed fee schedule and the proposed fee schedule is hereby adopted with the following change: addition of a provision for the waiver of search and duplication charges of less than $2. The new fee schedule is incorporated herein as § 271.4(f) of the revised Rules Regarding Availability of Information.

In order to accomplish these revisions and to otherwise update the Rules Regarding Availability of Information, §§ 271.4 and 271.6 are amended, effective February 19, 1975, in the following respects:

(1) Section 271.4 is amended by the modification of paragraph (c) and the addition of new paragraphs (d), (e) and (f) to read as follows:

§ 271.4 Records available to the public on request.

* * * * * *

(c) *Obtaining access to records.* Any person requesting access to records of the Committee shall submit such request in writing to the Secretary of the Committee. In any case in which the records requested, or copies thereof, are available at a Federal Reserve Bank, the Secretary of the Committee may so advise the person requesting access to the records. Every request for access to records of the Committee shall state the full name and address of the person requesting them and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty. The Secretary of the Committee shall determine within ten working days after receipt of a request for access to records of the Committee whether to comply with such request; and he shall immedi-

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ately notify the requesting party of his decision, of the reasons therefor, and of the right of the requesting party to appeal to the Committee any refusal to make available the requested records of the Committee.

(d) *Appeal of denial of access to records of the Committee.* Any person who is denied access to the records of the Committee, properly requested in accordance with paragraph (c) of this section, may file, with the Secretary of the Committee, within ten days of notification of such denial, a written request for review of such denial. The Committee, or such member or members of the Committee may designate (pursuant to § 272.4(c) of its Rules of Procedure) shall make a determination with respect to any such appeal within 20 working days of its receipt, and shall immediately notify the appealing party of the decision on the appeal and of the right to seek court review of any decision which upholds, in whole or in part, the refusal of the Secretary of the Committee to make available the requested records.

(e) *Extension of time requirements in unusual circumstances.* In unusual circumstances as provided in 5 U.S.C. 552 (a)(6)(b), the time limitation imposed upon the Secretary of the Committee or the Committee or its designated representative(s) in paragraphs (c) and (d) of this section may be extended by written notice to the requesting party for a period of time not to exceed a total of ten working days.

(f) *Fee schedule.* A person requesting access to or copies of particular records shall pay the costs of searching and copying such records at the rate of $10 per hour for searching and 10 cents per standard page for copying. With respect to information obtainable only by processing through a computer or other information systems program, a person requesting such information shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the information requested. Detailed schedules of such charges are available upon request from the Secretary of the Committee. Documents may be furnished without charge or at a reduced charge where the Secretary of the Committee or such person as he may designate determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public, or where total charges are less than $2.

(2) Section 271.6 is amended by the deletion of the concluding sentence in that section and the revision of paragraph (a) to read as follows:

§ 271.6 Information not disclosed.

* * * * *

(a) is exempted from disclosure by statute or is specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and is in fact properly classified pursuant to such executive order.

(3) The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments (except for § 271.4(f)) because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Federal Open Market Committee, February 19, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-4887 Filed 2-21-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 1]

PART 102—DISCLOSURE OF INFORMATION

Document Search Fee Schedules

On January 17, 1975, there was published in the FEDERAL REGISTER (40 FR 3014) a notice of proposed rulemaking to amend the Small Business Administration Regulation which, among other things, implements the Freedom of Information Act, 5 U.S.C. 552, in order to give effect to certain provisions contained in the 1974 Freedom of Information Act Amendments, Pub. L. 93-502, enacted November 21, 1974, and effective February 19, 1975.

The amendment establishes the schedule of fees for document search and duplication, and other information services. It reflects the Agency determination that the periodic publication and distribution of the public index required by the Act is unnecessary and impracticable. It also adds the District of Columbia to the provision setting forth the jurisdictions available for judicial review of agency refusals to disclose; adds a provision establishing administrative deadlines for determining requests for information and records, and appeals of agency denials of such requests, as well as requiring the identification of persons responsible for such denials; and adds a provision requiring the disclosure of portions of records segregable from nondisclosable portions.

Agency regulations already cover other requirements of the 1974 Amendments, e.g., the extent to which requests must describe agency records and the circumstances under which fees will be waived in the public interest.

Interested persons were given 30 days in which to submit written comments or suggestions regarding the proposed amendment. Since more has been received, the proposed amendment is adopted without change, except for minor technical corrections, as set forth below, and is effective February 19, 1975, to conform to the effective date of Pub. L. 93-502.

Dated: February 19, 1975.

THOMAS S. KLEPPE,
Administrator.

Chapter I, Part 102, Title 13 of the Code of Federal Regulations is hereby amended as follows:

1. By adding new paragraphs (k) and (l) to § 102.3 as follows:

§ 102.3 Information and records available to the public and exempt from disclosure.

* * * * *

(k) *Disclosure of segregable portions of records.* If a record contains both disclosable and nondisclosable information, any reasonably segregable portion of such record shall be provided to the requester after deletion of the nondisclosable portions.

(l) *Public Index of SBA materials.* The Public Index providing identifying information for the public as to matters issued, adopted, and promulgated by the Agency is available for inspection and copying. The Agency has determined that periodic publication and distribution is unnecessary and impracticable as permitted by the Freedom of Information Act.

2. By adding a new paragraph (f) to § 102.4 as follows:

§ 102.4 Public access to information and records.

* * * * *

(f) *Written requests under the Freedom of Information Act.*

(1) *Time limitations.* If a request for information and records is made in writing, it shall be considered a request under the Act and a determination whether, or the extent to which, the Agency will comply with the request shall be made within 10 working days after receipt of the request by the Agency. In unusual circumstances the Act permits an extension of up to 10 days if the Agency gives written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be sent. As defined in the Act, "unusual circumstances" means:

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Agency having substantial subject-matter interest therein.

(2) *Notice of denial of request.* A denial of a request or any part thereof under this paragraph must be in writing, and must advise the requester of a right to appeal to the Assistant Administrator for Congressional and Public Affairs, Small Business Administration, Washington, D.C. 20416, by letter or other written communication containing a description of the information requested, the name and place of employment of the SBA official or employee who denied

the request, the reason, if any, given for the denial, and such other pertinent facts as the requester deems appropriate. The notice of denial must also contain the names and titles or positions of each person responsible for the denial of the request.

3. By amending paragraphs (a) and (e) of § 102.5 to read as follows:

§ 102.5 Administrative appeal of refusal to disclose.

(a) *Who may appeal.* Any person whose request for information or records has been denied may submit a written appeal to the Agency. A failure by the Agency to act on a request within the time limit imposed by § 102.4(f) of this part shall be deemed a denial for purposes of appeal.

* * * * *

(e) *Agency decision.* (1) *Who decides.* Final Agency decisions on appeals from refusals to disclose information or records shall be made by the Assistant Administrator for Congressional and Public Affairs, who shall promptly review each appeal and provide appellant and other interested parties, if any, with a written notice of the decision.

(2) *Notice of decision.* If the decision upholds the refusal to disclose, the notice shall set forth the exemptions from disclosure under the Freedom of Information Act which form the basis of the decision. The notice shall also advise that judicial review is available on complaint to the district court of the United States in the district in which the appellant resides, or has his principal place of business, or in which the Agency records are located, or in the District of Columbia.

(3) *Time limitations.* The decision on the appeal to determine whether, or the extent to which, the Agency will comply with the request for information or records shall be made within 20 working days after receipt of such appeal. In unusual circumstances as defined in § 102.4 (f)(1) of this part, an extension of up to 10 days, less any time used under the extension permitted by § 102.4(f)(1), is authorized, if the Agency sends written notice to the requester setting forth the reasons for the extension and the date on which the decision is expected to be sent.

4. By amending § 102.6 to read as follows:

§ 102.6 Fees.

(a) *Basis.* Fees for document search and duplication relating to records and information requested under the Freedom of Information Act are set to recover direct costs involved. Fees for compilations or complying with requests for information not currently in identifiable form or existence, are based on the Federal User Charge Statute, 31 U.S.C. 483a and may include direct and indirect costs. No fee shall be charged for time spent in resolving legal or policy issues, or where the request for information or records is denied, or where the requested information or records are not found. A document search includes time spent searching within documents and files of documents to determine which parts thereof are subject to or exempt from public disclosure.

(b) *Method of payment.* Fees may be paid in cash, by personal check, or by other form of remittance suitable to SBA. Payment shall normally be due at the time the service is rendered. However, where extensive record searches or compilations are involved and the fee will, in the opinion of the Agency, probably exceed $100.00, the person requesting the service shall pay whatever is estimated by SBA to be appropriate before any search or compilation is undertaken. Fees paid in advance shall be held in suspense pending completion of the search or compilation and adjusted when final charges have been determined.

(c) *Prices.* (1) The charge for duplication will be ten (10) cents per page.

(2) The charge for search of SBA records and duplication by clerical personnel will be at the rate of $5.00 per hour.

(3) The charge for search of SBA records by professional and managerial personnel will be at the rate of $9.00 per hour.

(4) For information which has to be compiled the charge will include the cost of employees' time, cost of computer runs or other equipment use based upon the types of computer and other equipment and the time they are utilized, the cost of supplies and materials necessary to produce the requested records, and overhead expense. It is not practicable to establish fixed-prices for such services. Since there is no obligation on the part of the Agency to compile records or data, requests for compilations must be reasonable and not unduly interfere with normal SBA operations or program activities.

(5) Persons may inspect and copy documents by their own means in the SBA facilities without charge except for search or compilation charges which may be otherwise payable.

(d) *Waiver of Fees.* Fees will be waived when less than $5.00 or when it is in the public interest to do so. Such a waiver will be in the public interest, for example, when in the determination of the Agency the request will not impose an undue burden or expense upon it *and* the request is (1) from another Government organization, Federal, State or local; (2) for the purpose of obtaining information primarily for the benefit of the general public rather than for the primary benefit of the requester, as will be the case with certain requests from news media and from organizations engaged in a nonprofit activity designed for public safety, health, welfare, or education; (3) from employees and former employees seeking information from their own personnel records; (4) from or on behalf of the defending party in connection with a proceeding against such party by the Federal Government; and (5) from a low-income person and the fee would impose a financial hardship.

[FR Doc.75-4945 Filed 2-21-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-6-AD; Amdt. 39-2096]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/727/737 Series Airplanes

Cracks have been discovered in certain control cable pulleys on Boeing Model 707, 727, and 737 series airplanes that could result in degradation of the affected control systems. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement of Arvan Inc. control cable pulleys MS 20220-3 and -4 (color black only) which are installed on Boeing Model 707, 727, and 737 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Boeing Model 707, 727, and 737 series airplanes, as listed in Boeing Alert Service Bulletins 3204 (707), 727-27-155, and 737-27-1073, or later FAA approved revisions, with Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) (Boeing Part Number BACP30P8 and BACP30P9), certificated in all categories. Compliance required as indicated.

A. To detect cracks in Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) accomplish the following:

1. Within the next 25 hours time in service from the effective date of this AD, unless already accomplished, inspect the control cable pulleys which are located in the critical areas of the airplane in accordance with Boeing Alert Service Bulletins 3204 (707), 727-27-155, and 737-27-1073, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The critical areas are defined in the above Boeing Alert Service Bulletins.

2. If crack(s) are found, replace the pulleys in accordance with the above Boeing Alert Service Bulletins, before further flight.

B. Replace all Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) as follows:

1. Within 100 hours time in service from the effective date of this AD, unless already accomplished, replace those pulleys located in the critical areas defined in Boeing Alert Service Bulletins 3204 (707), 727-27-155, and 737-27-1073 or later FAA approved revisions.

2. Replace all other affected pulleys within 600 hours from the effective date of this AD, unless already accomplished.

NOTE.—The affected parts were not available from the manufacturer prior to August 1974.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

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All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective February 24, 1975.

(Secs. 313(a), 601, 603, Fedreal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Seattle, Washington on February 7, 1975.

C. B. WALK, Jr.,
Director,
Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-4948 Filed 2-24-75;8:45 am]

[Docket No. 75-GL-2; Amdt 39-2101]

PART 39—AIRWORTHINESS DIRECTIVES

Goodyear Main Wheel Assembly

Some operators have reported inservice failures of DC-10-30 and DC-10-40 main landing gear wheel bolts. There has been an incident of a fatigue-type failure, on a single wheel, of three (3) MS 21250-10060 bolts used to attach the wheel halves of the Goodyear main wheel assembly P/N's 500757-1 and -2. These wheels are typically used on, but their use is not limited to, McDonnell-Douglas Aircraft Company DC-10-30 and DC-10-40 series aircraft. Failure of these bolts could result in a wheel failure, thereby causing an unsafe condition during takeoff or landing of the aircraft. This Airworthiness Directive is being issued to require inspection of the wheel half attaching bolts of the Goodyear wheel assembly P/N's 500757-1 and -2.

The compliance time for the initial inspection herein prescribed as the next tire change or wheel re-assembly, has been established by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the Airworthiness Directive with a minimum burden. To prescribe the initial inspection required by this Airworthiness Directive under the usual notice and public procedures followed by the agency with the time period the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this Airworthiness Directive. This could provide certain operators insufficient time to schedule airplanes for compliance with the Airworthiness Directive. Therefore, accomplishment of the initial inspection required by this Airworthiness Directive, within the time the agency has determined is necessary, renders strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable. Accordingly, this amendment becomes effective thirty (30) days after publication in the FEDERAL REGISTER; however, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this Airworthiness Directive. Communications should identify the Docket Number and be submitted in duplicate to the Director, Great Lakes Region, Attention: Regional Counsel, Airworthiness Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received before the effective date will be considered by the Administrator, and the Airworthiness Directive may be changed in the light of comments received. All comments will be available both before and after the effective date in the Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the Airworthiness Directive before it becomes effective, in the event amendment is determined to be appropriate.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GOODYEAR AEROSPACE CORPORATION. Applies to main wheel assemblies P/N's 500757-1 and -2 typically used on, but their use is not limited to, McDonnell-Douglas Aircraft Company DC-10-30 and DC-10-40 series aircraft.

Compliance is required at the next tire change or wheel re-assembly after the effective date of this Airworthiness Directive, unless already accomplished, and thereafter at each tire change or wheel re-assembly or during replacement of any wheel half attaching bolts in a tire/wheel assembly. New wheels or spare wheel assemblies with previously magnetic-particle inspected bolts are exempt only from the initial inspection.

To prevent failures of the MS 21250-10060 bolts attaching the wheel halves, accomplish the following:

(a) Perform magnetic-particle inspection for cracks of all wheel-half attaching bolts, paying particular attention to the radius under the bolt head and to the threads. Replace cracked bolts and those having stripped, crossed or damaged threads. No reworking of wheel bolts is permitted. Defective bolts shall be scrapped.

This amendment becomes effective February 28, 1975.

Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on February 14, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-4844 Filed 2-21-75;8:45 am]

[Airspace Docket No. 74-GL-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 1060 of the FEDERAL REGISTER dated January 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Deckerville, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective April 24, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on February 10, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

DECKERVILLE, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Lamont Airport (Latitude 43°34'35" N., Longitude 82°39'10" W.); within 3 miles each side of the 076° bearing from the airport, extending from the 5.5-mile radius area to 8.5 miles east of the airport; within 3 miles each side of the 285° bearing from the airport, extending from the 5.5 mile radius area to 8.5 miles west of the airport.

[FR Doc.75-4846 Filed 2-21-75;8:45 am]

[Airspace Docket No. 74-GL-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Pages 1059 and 1060 of the FEDERAL REGISTER dated January 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jacksonville, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective April 24, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on February 10, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

JACKSONVILLE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Jacksonville Municipal Airport (Latitude 39°48'30" N., Longitude 90°14'15" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 5 mile radius area to 8 miles northwest of the airport; and within 3 miles each side of the 136° bearing from the airport, extending from the 5 mile radius area to 6 miles southeast of the airport.

[FR Doc.75-4845 Filed 2-21-75;8:45 am]

[Airspace Docket No. 74-GL-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 1060 of the FEDERAL REGISTER dated January 6, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at New Castle, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., April 24, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 [49 U.S.C. 1348]; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois on February 10, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

NEW CASTLE, INDIANA

That airspace extending upward from 700 feet above the surface within 5 mile radius of the New Castle-Henry County Municipal, Sky Castle Airport (Latitude 39°52'35" N., Longitude 85°19'35" W.); within 3 miles each side of the 110° bearing from the airport, extending from the airport to 8 miles east.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

[FR Doc.75-4847 Filed 2-23-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF AIR FORCE RECORDS

This revision establishes procedures to permit more rapid access to releasable information, outlines new policy on determining what is releasable under the Freedom of Information Act, as amended, and completely changes the previous version of this part.

Part 806, Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

Sec.
806.1 Purpose.
806.3 Types of requests covered by this part.
806.5 Special release procedures for certain types of records.
806.6 Definitions.
806.7 Responsibilities.
806.9 Requirements for annual report.
806.11 Actions after the effective date of this part.
806.13 Documentation.
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Subpart B—Policies Governing Disclosure of Records

806.17 Basic policies on disclosure.
806.19 Specific policies on disclosure.
806.21 Schedule of fees for searching and duplication under the Freedom of Information Act.
806.23 Records that may be withheld from disclosure.
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Subpart C—Disclosure and Denial Authorities

806.27 Disclosure authorities.
806.29 Disclosure authority for specialized requests.
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806.33 Responsibilities of disclosure and denial authorities.

Subpart D—Processing Requests for Records

806.35 Use of functional address indicator.
806.37 Responsibilities of the Freedom of Information Manager.
806.39 Responsibilities of the DAD.
806.41 Processing procedures.
806.43 Notice of administrative extension.
806.45 Expedited handling required.

Subpart E—How the Public Submits Requests for Records

806.47 Identifying material requested.
806.49 Addressing requests.
806.51 Where to send requests.
806.53 Where to address requests for records of military personnel.
806.55 Where to address requests for Air Force technical, supply, and engineering publications and data.

Subpart F—Appeals From Denials to Make Records Available

806.57 Filing an appeal.

AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552.

Subpart A—General Information

§ 806.1 Purpose.

This part outlines policy and procedure on the disclosure of records, establishes mandatory time limits, and explains how members of the public may inspect or obtain copies of Air Force records, under the Freedom of Information Act (5 U.S.C. 552, as amended by Pub. L. 93-502). It implements Part 286 of this title. It applies to all Air Force activities. In case of a conflict, this part takes precedence over any existing Air Force directive dealing in whole or in part with the disclosure of records.

§ 806.3 Types of requests covered by this part.

(a) This part governs the disclosure of records to the general public, including military and civilian personnel who are acting as private citizens.

(b) In addition to the general procedures outlined in this part, some records are subject to specialized or limited disclosure procedures, such as those listed in § 806.5.

§ 806.5 Special release procedures for certain types of records.

Type of specialized request:	*Governing directive*
Accident/incident investigation and reports.	AFR 127-4.
Background, criminal and counterintelligence reports of investigation.	Pt. 952 of this chapter.
Civilian personnel records.	Federal personnel manual, ch. 294, and AF supplement.
Classified records	DOD ISPR 5200.-1R/AFR 205-1.
Collateral investigations of aircraft and missile accidents.	AFR 110-14.
Computer system descriptions, programs and related documentation.	AFM 171-9.
Inspector General investigation.	AFR 120-3.
Drug/alcohol abuse programs documentation.	AFR 30-2.
Inspection reports	AFR 123-1.
Litigation	Pt. 840 of this chapter.
Medical records	AFR 168-4.
Military personnel records.	Pt. 806a of this chapter.
News media	AFR 190-12.
Procurement information reports.	Pts. 1-39 of this title.
Release of test results on commercial equipment.	AFR 80-24.
Unclassified records of trial after courts-martial.	AFM 111-1.

§ 806.6 Definitions.

(a) *Denial authority.* Anyone having the authority to deny the disclosure of records requested by the public.

(b) *Determination.* The decision either to grant or deny a request from the public for records.

(c) *Disclosure.* The act of making a record available for inspection or of providing a copy of the record to the public when requested.

(d) *Disclosure authority.* Anyone having the authority to disclose records requested by the public.

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(e) *Freedom of Information Manager.* The person responsible for managing the Freedom of Information Program at each level.

(f) *Functional address indicator DADF.* DADF is the indicator to identify all forms of communications pertaining to requests under the Freedom of Information Act (see AFM 10-6, Air Force Standard Functional Address Symbol System).

(g) *Partial denial.* A determination that any portion of a requested record be withheld.

(h) *Records.* For the purpose of this part, "records" are defined as all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data in them (44 U.S.C. 3301). This definition should be used as a guide.

(1) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, and so forth, whatever their historical value as "evidence."

(2) Records are not limited to permanent or historical documents; they include contemporaneous ones as well.

(3) Formulae, designs, drawings, research data, computer programs, technical data packages, etc. are not considered "records" within the Congressional intent of 5 U.S.C. 552. Because of development costs, utilization, or value, these items are considered property, not preserved for information value or as evidence of agency functions, but as exploitable resources to be utilized in the best interest of all the public.

(i) Requests for copies of such material shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of such property.

(ii) Requests to inspect such material to determine its content for informational purposes shall normally be granted, however, unless inspection is inconsistent with the obligation to protect the property value of the material as, for example, may be true for certain formulae.

§ 806.7 Responsibilities.

In carrying out the objectives and requirements of the Freedom of Information Act, as amended, the responsibilities in paragraphs (a) through (g) of this section are assigned:

(a) *Administrative Assistant to the Secretary of the Air Force (SAF/AA).* Overall responsibility within the Air Force for implementation of and compliance with the Act. Responsible for final decisions of appeals (see § 806.75).

(b) *Director of Administration (HQ USAF/DA).* Responsible for administrating and supervising the policies and procedures prescribed within this part; for submitting the annual report; and for developing an Air Force program of instruction on the Freedom of Information Act.

(c) *Commanders of major commands and separate operating agencies of the Air Force.* Responsible for implementing this part within their commands and agencies.

(d) *FOI Managers (DAD) at all levels of the Air Force.* Overall responsibility for controlling and processing all requests for records; for obtaining recommended determinations from the office of primary responsibility (OPR) for the records requested; for collecting fees; and for submitting required reports.

(e) *Disclosure and denial authority.* Their responsibilities are set forth in § 806.33 of this part.

(f) *Office of primary responsibility for the requested record.* Responsible for providing the requested record and for assisting the disclosure authority in making a determination within prescribed 10-day time limit.

(g) *The office designated by the FOI Manager to process requests.* Responsible for control and suspense of requests and promptly making records available within the prescribed 10-day time limit.

§ 806.9 Requirements for annual report.

The DAD at each major command and separate operating agency of the Air Force and HQ USAF/DADP must furnish an annual report on Freedom of Information Act activities during the calendar year. The report control symbol is DD-PA(A)1365. The report must be submitted to HQ USAF/DAD on or before January 15 of each year. The report must include:

(a) The number of requests processed under this part.

(b) The number of determinations made not to comply with requests for records made under this part and the reasons for each such determination.

(c) The names and titles or positions of each person responsible for the denial of records requested under this part, and the number of instances of participation for each.

(d) The total amount of fees collected for making records available under this part.

(e) A copy of each command supplement or other instructions issued to implement this part.

(f) All information that indicates efforts to instruct and educate personnel and to administer fully the Freedom of Information Act.

(g) Such data on the costs of processing requests under this part as can reasonably be ascertained or estimated.

(h) Any problems incurred in implementing this part and any solutions for those problems.

§ 806.11 Actions after the effective date of this part.

Any requests for records or administrative appeals still pending in the Air Force on February 19, 1975 (the effective date), will become subject to this part.

§ 806.13 Documentation.

Dispose of documentation prescribed by this part in accordance with AFM 12-50, Disposition of Air Force Documentation.

§ 806.15 Programs of instruction.

HQ USAF/DAD will establish programs of instruction on the provisions and requirements of this part for all officials and employees who contribute to the implementation of the Freedom of Information Act.

Subpart B—Policies Governing Disclosure of Records

§ 806.17 Basic policies on disclosure.

(a) It is the policy of the Department of Defense and the Air Force to make available to the public the maximum amount of information and records concerning their operations and activities.

(b) This basic policy is subject to the necessary exemptions recognized in 5 U.S.C. 552(b); that is, certain records may need to be withheld from public disclosure, as explained in § 806.23. However, even when such nondisclosure is so authorized, the request for disclosure may be granted at the sole discretion of the Air Force, if no significant and legitimate Governmental purpose is served by withholding them.

(c) Determination that a record should be withheld must not be influenced by the possibility that its release might suggest administrative error or inefficiency or might otherwise embarrass the Air Force or an official of the Air Force.

(d) A request for a record is considered satisfied when one copy is provided, which may be reproduced by the requester.

§ 806.19 Specific policies on disclosure.

(a) Any reasonably described material in the possession of the Air Force that qualifies as a "record" (as defined in § 806.6(h)) and is not exempt from disclosure under § 806.23, should be made available upon written request from any person.

(b) To be considered reasonably described, the record must already exist at the time of the request; that is, there is no obligation to create a record to satisfy a request for information. However, if the information exists in the form of several records at so many different locations that gathering the information would involve excessive administrative costs, the requester should be referred to the sources at those locations.

(c) A requester must be reasonably specific in identifying each record he would like made available. The Air Force is not required to permit the requester to browse through entire files or large series of records to find a record he may then identify. The Air Force must make a reasonable effort to locate any records requested.

(1) A request for a specific record should not be denied solely because the record is maintained by computer.

(2) The request may be denied only by an official designated in § 806.29 as explained in Subpart C of this part. (Other

Air Force directives may also contain specific procedures for release or denial of records (§ 806.5 of this part).)

(d) Under 5 U.S.C. 552(a)(4(A)) and 31 U.S.C. 483a, requesters are charged the reasonable standard costs to the Air Force for searching and duplication.

(1) Charges are determined as explained in § 806.21.

(2) No charge is made to the public for the use of an established reading room or reference library.

(3) The fee shall not include the cost of determining whether the record is exempt from disclosure under § 806.23 or whether it would serve a significant and legitimate Governmental purpose to withhold the record.

(e) Official requests for records received directly from foreign governments, their representatives, or international commands may be answered only by offices holding delegation of disclosure authority letters as described in AFR 200-9, Disclosure of Classified Military Information to Foreign Government and International Organizations. Other Air Force recipients must send such correspondence to the foreign disclosure policy office within their major command or to HQ USAF/CVAFI.

§ 806.21 Schedule of fees for searching and duplication under the Freedom of Information Act.

(a) *Publications, forms and reports:*

(1) *Shelf stock of printed or microfiche medium.* Requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage.

Minimum fee, per request	$2.00
Plus:	
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05

(Examples: Cost of 20 forms, $3.00 ($2.00 plus five cents per page); cost of a printed publication with 100 pages, $3.00 ($2.00 plus one cent per page); cost of a microfiche publication consisting of 10 fiche, $2.60 ($2.00 plus six cents per fiche)

(2) *Office copy reproduction (when shelf stock is not available).*

Minimum charge up to six reproduced pages	$2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10

(3) *Duplication of other issuances.*

Minimum charge up to six pages	$2.00
Each additional page	.05

(b) *Search fees.*

Clerical search, per hour	$6.50
Minimum charge	3.50
Professional search (includes computer programer time and review to determine whether a record comes within the scope of a request), per hour	13.00
Minimum charge	10.00

NOTE.—Computer service charges are to be based on the actual computer configuration used and based only on direct costs for the use of the central processing unit, plus input/output devices, plus memory capacity.

(c) *Exceptions.* No fee should ordinarily be charged if the requester is an indigent; if the fee amounts to less than $3.00; if the record is not located; or if the record is determined to be exempt from disclosure.

(1) In general, charges may be waived in the public interest when:

(i) The recipient of the benefits is engaged in nonprofit activity designed for public safety, health or welfare;

(ii) Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

(iii) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(2) A refusal to waive charges by the official responsible for the initial decision on the request may be appealed to the Secretary of the Air Force or his designee for final approval.

(d) *Collections.* (1) Fees will ordinarily be collected in advance of rendering the service. In some instances, it may be more practical to collect the fees at the time the service or property is conveyed to the recipient, but only when the request specifically states that whatever cost involved will be acceptable, or acceptable up to a specified limit that will cover the anticipated cost.

(2) Collection of scheduled fees will normally be deposited to Miscellaneous Receipts of the Treasury.

(3) Search fees are assessable even when no records responsive to the request (or no records not exempt from disclosure) are found, provided the requester is advised of this requirement, at the time the estimated charges are presented to the requester for approval and he agrees to incur the cost of search.

§ 806.23 Records that may be withheld from disclosure.

Records or portions of records which fall in one or more of the exemptions listed in § 806.23(a) through § 806.23(i) are exempt from disclosure to the public. Nevertheless, any request for such a record will not be denied unless it is also determined that a significant and legitimate Government purpose would be served by exercising the exemption. If only a portion of the record is determined to be exempt, the rest of the record must be disclosed (see § 806.25).

(a) Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations.

(b) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of the Air Force, if their release to the public would substantially hinder the effective performance of a significant function of the Air Force.

(1) Operating rules, guidelines and manuals for Air Force investigators, inspectors, auditors, or examiners, and certain schedules or methods of operation which would reveal:

(i) Negotiating and bargaining techniques.

(ii) Bargaining limitations and positions.

(iii) Inspection schedules and methods.

(iv) Audit schedules and methods.

(2) Personnel and other administrative matters such as examination questions and answers used in training courses or in the determination of qualifications of candidates for employment, entrance to duty, advancement, or promotions.

(c) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive Orders or regulations authorized by, or in implementation of, a statute.

(1) Trade, technical, and financial information provided in confidence by businesses.

(2) National Security Agency information.

(3) Any records containing information relating to inventions which are the subject of patent applications on which the Patent Secrecy Orders have been issued.

(4) The Privacy Act of 1974 (5 U.S.C. 552a).

(5) Restricted data and formerly restricted data.

(d) Those containing trade secrets or commercial or financial information which the Air Force receives from a person with the understanding that it will be retained on a privileged or confidential basis in accordance with customary handling of such records. Such records are those the disclosure of which would cause substantial harm to the competitive position of the person providing the information; impair the Government's ability to obtain necessary information in the future; or impair some other legitimate Government interest. Examples include records which contain:

(1) Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence, or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(2) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures if offered and received in confidence from a contractor or potential contractor.

(3) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(4) Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they cover trade secrets or commercial or financial information normally considered confidential or privileged or because they are essential to an effective inspection, investigation, or audit.

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(5) Data provided in confidence by private employers in connection with locality wage surveys which are used to fix and adjust pay schedules applicable to prevailing rate employees within the Air Force.

(e) Except as provided in §§ 806.23(e)(2) through 806.23(e)(5), internal communications within and among agencies and components.

(1) Examples include:

(i) Staff papers containing staff advice, opinions, or suggestions.

(ii) Information received or generated by the Air Force preliminary to a decision or action, including draft versions of documents, where premature disclosures would interfere with the orderly conduct of Government. (Preliminary or draft documents received from other Governmental organizations are not Air Force records and may not be released by the Air Force without the agreement of the organization).

(iii) Advice, suggestions, or reports prepared on behalf of the Air Force by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by the Air Force to obtain advice and recommendations, or by individual consultants.

(iv) Those portions of Air Force evaluations of contractors and their products which contain recommendations or advice by Government employees about the contractor or product.

(v) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(vi) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(vii) Reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Air Force.

(2) If any such intra- or inter-agency record, or reasonably segregable portion of such record would routinely be made available through the discovery process in the course of litigation with the Air Force, that is, the process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the Air Force in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(3) Intra- or inter-agency memorandums or letters which are factual, or those reasonably segregable portions which are factual, are routinely made available through discovery and should, therefore, be made available to a requester unless the factual material is otherwise exempt from release.

(4) A direction or order from a superior to a subordinate, though contained in internal communication, is generally not withholdable from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(5) An internal communication concerning a decision which subsequently has been made a matter of public record should normally be made available to a requester when it furnishes the best support, explanation, or rationale for the decision.

(f) Information in personnel and medical files, as well as information in similar files that if disclosed to a member of the public would result in a clearly unwarranted invasion of personal privacy.

(1) Examples of files similar to personnel and medical files include:

(i) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military, or industrial, for security clearances or for access to particularly sensitive classified information.

(ii) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of personal privacy, consideration should be given to the stated or assumed purpose of the request. When determining whether a release is clearly unwarranted, the public interest in satisfying this purpose must be balanced against the sensitivity of the privacy interest being threatened.

(3) When the only basis for withholding information is protection of the personal privacy of an individual who is the subject of the record, the information should not be withheld from him or from his designated legal representative. A clearly unwarranted invasion of the privacy of others appearing in that record may, however, constitute a basis for deleting reasonably segregable portions of the record even when providing it to the subject of the record.

(4) An individual's personnel, medical, or similar files may be withheld from him or from his designated legal representative only to the extent consistent with the Privacy Act of 1974 (5 U.S.C. 552a), after its effective date of September 27, 1975.

(g) Those investigative records compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of Executive Orders, or regulations validly adopted pursuant to law.

(1) But only to the extent that their release would:

(i) Interfere with enforcement proceedings;

(ii) Deprive a person of the right to a fair trial or an impartial adjudication;

(iii) Constitute an unwarranted invasion of personal privacy;

(iv) Disclose the identity of a confidential source;

(v) Disclose confidential information furnished only from a confidential source obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(vi) Disclose investigative techniques and procedures not already in the public domain and requiring protection against public disclosure to insure their effectiveness;

(vii) Endanger the life or physical safety of law enforcement personnel.

(2) Examples include:

(i) Statements of witnesses, and other material developed during the course of the investigation, and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(ii) The identity of firms or individuals suspended from contracting with the Air Force or being investigated for alleged irregularities when no indictment has been obtained nor any civil action filed against them by the United States.

(iii) Information obtained in confidence (expressed or implied) in the course of a criminal investigation by a criminal law enforcement agency or office within the Air Force or a lawful national security intelligence investigation conducted by an authorized agency or office within the Air Force for the purpose of obtaining affirmative or counter intelligence information or background investigation or eligibility for access to classified information.

(3) The right of individual litigants to investigative records currently available by law is not diminished.

(4) When the subject of an investigative record is the requester of that record, it may be withheld after September 27, 1975, only in accordance with regulations implementing the Privacy Act of 1974 (5 U.S.C. 552a). After September 27, 1975, the effective date of the Privacy Act of 1974, the identity of the source of information obtained in confidence may be withheld in accordance with an implied or express promise of confidentiality given prior to that date and in accordance with an express promise of confidentiality after that date. Information from which the confidential source can be deduced may also be withheld.

(h) Those contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(i) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 806.25 Partial denial.

Exempt portions of a requested record should be deleted and the remaining reasonable segregable portions should be disclosed to the requester. If the meaning of the nonexempt portions is distorted by the deletions, or if the nonexempt portions indirectly reveal the exempt portions of the record, those nonexempt portions which result in the distortion or revelation do not need to be disclosed.

(a) Here, reasonable segregation means segregating the record by the portions that were separately evaluated under a system for designating exempt portions at the time the record was originated. (To illustrate, see how certain paragraphs in DOD ISPR 5200.1R have been designated as classified information.)

(b) Each deletion shall be fully justified in writing. If any part of a requested record is withheld it is considered a partial denial, and § 806.31 (b) and (c) apply.

Subpart C—Disclosure and Denial Authorities

§ 806.27 Disclosure authorities.

The authority to disclose records of a routine nature, such as standard publications, photographs and local reports, may be delegated to a lower level than indicated in § 806.27 (a) and (b) of this part. This level, however, must be high enough to insure that releases are made by a responsible authority and according to the policy outlined in this part.

(a) Except for the types of records listed in § 806.29, or as specifically authorized by other Air Force directives, the following officials in § 806.27(a) (1) and (2) have authority to disclose records:

(1) Chiefs of offices at directorate or higher level at HQ USAF.

(2) Commanders at major commands or separate operating agency of the Air Force. This authority may be delegated to directorate or comparable level at major command headquarters and to the level of installation, wing or comparable commanders.

(b) The officers and officials listed in § 806.29 have authority to disclose or deny the specific types of records cited, if appropriate under this part.

§ 806.29 Disclosure authority for specialized requests.

Specialized type of record	*Who is the disclosure authority*
For use in litigation	The Judge Advocate General, or other authority listed in Part 840 of this title.
Records of trial after courts-martial	The Judge Advocate General, or other authority listed in AFR 111–2.
Medical records	The director, base medical service, or a designated medical officer, subject to the requirements of AFM 168–4.
Inspector General report of investigation	As outlined in AFR 120–3.
Inspection reports	As outlined in AFR 123–1.
Primary accident/incident investigations (excludes ground/explosive accidents).	As outlined in AFR 127–4.
Collateral accident investigation reports of investigations.	As outlined in AFR 110–14.
AF Office of Special Investigation reports of investigations.	As outlined in Part 952 of this title.
Classified records	The original classifier or the office currently responsible for the classification of the subject matter pursuant to DOD ISPR 5200.1R

§ 806.31 Denial authorities.

The authority to deny the disclosure of records to the public will not be delegated to a lower level than specified in paragraph (a) of this section unless approved by SAF/AA. Such request will be forwarded to HQ USAF/DA.

(a) Only the following officials or their designee have the authority to deny the release of records:

(1) Deputy chief of staff and chiefs of comparable offices or higher level at HQ USAF.

(2) Commanders of major commands or of separate operating agencies of the Air Force.

(b) These denial authorities will, however, consult with the Staff Judge Advocate before making a determination to deny, or partially deny, a request for disclosure of records.

§ 806.33 Responsibilities of disclosure and denial authorities.

(a) The officials who have been designated as disclosure and denial authorities (see §§ 806.27 and 806.31) will:

(1) Consider that a request is received by the Air Force when it is received by the DAD responsible for processing such requests; also within 10 days after its receipt (except Saturdays, Sundays, and legal public holidays), determine whether or not to comply with the request. Failure to make a determination within the time limits permits the requester to seek imediate judicial action.

(2) Immediately notify the person making the request of this determination. If this determination is adverse, notify the requester of the reason and of the right to appeal. (See § 806.57 for the appeal procedure.)

(3) The official who denies a request must send a copy of the denial to HQ USAF/JACL, Washington, D.C. 20314, together with a copy of the incoming request. The notice of denial must state the name and title or position of the official who denied the release.

(4) In unusual circumstances, as outlined in § 806.43, notify the requester that the processing will require an administrative extension of up to 10 workdays (except Saturdays, Sundays, and legal holidays).

(5) Make a timely determination on whether to approve or deny a request. If the determination cannot be met within the time limits, notify the next highest command in writing, signed by proper authority, and explain the reason for noncomplying within the time limit. Send an information copy of this notification to HQ USAF/JACL and DAD, Washington, D.C. 20330, together with a copy of the request.

Subpart D—Processing Requests for Records

§ 806.35 Use of functional address indicator.

The functional address indicator DADF will be used throughout the Air Force to designate the office responsible for processing all Freedom of Information requests for records from the public.

§ 806.37 Responsibilities of the Freedom of Information Manager.

Documentation management officers and documentation managers at all levels of the Air Force are designated as Freedom of Information Managers. The Freedom of Information Manager has the overall responsibility for the processing of all requests for records.

§ 806.39 Responsibilities of the DAD.

Within each activity, the DAD is the office of responsibility for processing requests for records. As such, it will:

(a) Be the focal point for:

(1) Receiving and processing requests for records, as explained in § 806.41.

(2) Providing facilities and services for inspecting, copying, and furnishing extra copies of records.

(3) Collecting fees and charges, if appropriate. Charge for publications and forms and for searching and duplicating records according to § 806.21. If a request is received for a publication that AFR O-serie indicates is on sale at the Government Printing Office, inform the requester that:

(i) A copy will be provided for him at the prevailing rate, if he desires; but

(ii) He may be able to purchase the document at a lower price from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) Make available to the general public, the reference use of master publication libraries established under AFR 5–31, Publications Libraries and Individual Publications Sets. Do not charge for the use of normal library research services.

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(1) If the document requested is a departmental publication that has been marked "FOR OFFICIAL USE ONLY" in accordance with AFR 12-31, Use and Protection of "For Official Use only" Information, transfer the request to HQ USAF/DADF for a response under the policies outlined in this part (especially § 806.43(c) for guidance).

(2) If the document requested is a departmental publication that has not been marked "FOR OFFICIAL USE ONLY," make it available promptly, without review.

(3) If the publication contains copyrighted material, it may be made available for public inspection, but because the sale or copying of such publications may be restricted, refer the request to OPR for processing under AFR 110-8, Inventions, Patents, Copyright, and Trademarks.

(c) Establish coordination and local working agreements between administrative reference libraries and other functional areas that maintain technical, professional, and specialized types of documentation.

(d) Notify the requester that the request cannot be satisfied if the record is not reasonably described. Request that, if possible, the requester send further identification. This kind of notification is not considered a denial under § 806.23.

(e) Send requests promptly and directly to other Government agencies if the requested record is in their possession. Notify the requester of the referral. If the request is for copies of material primarily concerning a member of the Congress or a Congressional committee, refer the requester to the member of the committee involved.

§ 806.41 Processing procedures.

When a request is received for disclosure of records under the Freedom of Information Act, DAD will:

(a) Record the date and time the request was received and assign a suspense date to the request.

(b) Acknowledge receipt of request if 10 or more workdays have elapsed between the postmark date of the request and the date received, or where unusual problems are readily apparent. Acknowledgment of routine requests is not necessary.

(c) Refer the request to the office that has possession of the record and any other office that should be consulted (for example, the Staff Judge Advocate) in determining whether to disclose the record to deny the request.

(d) Notify the information officer, if the request asks for records that contain potentially newsworthy material or if the request is received from a representative of the news media.

(e) If the records have been retired to a record center (or other repository), take the action outlined in AFM 12-50, chapter 9, and in the attachments to that directive, Disposition of Air Force Documentation.

(f) Consult with higher headquarters or other activities that have an interest in the requested material (or ask the office of primary responsibility to do this). For example, if the document is one that the Air Force received, it may be proper to consult the originator; conversely, if the Air Force originated the document, it may be proper to consult the recipient in determining whether it should be released.

(g) If the disclosure authority determines that the Air Force may make the material available, take one of the actions in § 806.41(g) (1) and (2).

(1) If the requester asked to inspect the record, tell him where and when it may be inspected. Inform him of the amount of the fee, if one is to be charged under § 806.21.

(2) If the requester asked for a copy of the record, inform him of the fee required under § 806.21 and explain that DAD will furnish the copy upon payment. If the request is urgent, he may be given the copy before payment.

(h) If the disclosure authority is not authorized by § 806.27 to deny the request, DAD should send the proposed denial directly to the proper denial authority for decision; it will include the case file and a statement of reasons for not disclosing the requested material. This referral must be given the highest priority action, because the denial authority must make this determination within the prescribed time limits.

(i) The denial authority makes the determination to disclose or deny the request for records within the prescribed time limitations.

§ 806.43 Notice of administrative extension.

In unusual circumstances, the FOI Manager has the authority to authorize an administrative extension of the time limit for processing a request by giving written notice to the requester, explaining the reason for the extension, and the date on which a notice of determination is expected to be dispatched. The notice will not specify a date that would be an extension of more than 10 workdays (except Saturdays, Sundays, and legal public holidays). Copies of this written notice must be sent to the next highest command with information copies to HQ USAF/JACL, Washington, D.C. 20314, and USAF/DAD, Washington, D.C. 20330. Unusual circumstances means:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the installation processing the request.

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(c) The need for consultation, which must be conducted with all practicable speed.

(1) With another agency having a substantial interest in the determination of the request, or

(2) Among two or more geographically separated installations of the Air Force having substantial subject matter interest therein.

§ 806.45 Expedited handling required.

The Air Force will give highest priority at each echelon to the handling of any request from a member of the public to inspect or copy records. Each Air Force office should make every effort to avoid creating procedural obstacles and compensate for internal Air Force organizational problems, for example, when a reorganization (or transfer of function) contributes to an improperly directed request. Specifically:

(a) If an office received an improperly directed request for records, it must notify the proper DADF office immediately and ask for instructions on how to refer the request.

(b) All Air Force personnel must make every reasonable effort to assist requesters in directing requests for records to the proper authorities (see AFR 11-25, Communications with and Service to the Public).

Subpart E—How the Public Submits Requests for Records

§ 806.47 Identifying material requested.

Requests to inspect or obtain copies of records will be made in writing. The request should contain at least the information in paragraphs (a) through (d) of this section.

(a) An identification as complete as possible of the desired material, including (if known) its title, description, its number, date, and the issuing authority.

(b) If the request concerns a matter of official record about civilian or military personnel, the request must identify the person as follows: first name, middle name or initial, and surname; date and place of birth; and social security account number (or Air Force service number), if known.

(c) A statement as to whether the requester wishes to inspect the record or obtain a copy of it.

(d) If the request is for information which is part of a military service record, the request may be submitted on a Standard Form 180, Request Pertaining to Military Records. Any agency may furnish copies of the SF 180 to the public to facilitate an unofficial inquiry, or may direct a nongovernmental organization to the Superintendent of Documents to purchase quantities of the form.

§ 806.49 Addressing requests.

To expedite processing, requesters should address their requests as shown in § 806.51 of this part. In addressing correspondence concerning their request for records to any Air Force activity, requesters should use the functional address indicator DADF (DADF is the standard Air Force-wide symbol to identify a request for records under the Freedom of Information Act). The mandatory time limit does not begin until the request is received by the proper DADF responsible for processing the request.

§ 806.51 Where to send requests.

Nature of request	*Address the request to*
For the matters of official record, for use in litigation.	HQ USAF/JACL (thru HQ USAF/DADF) Washington, D.C. 20330; or thru DADF at the activity where the record is located.
For matters of record concerning civilian employees currently employed by the Air Force.	The civilian personnel officer (thru DADF) of base or activity where the civilian is employed.
For matters of record concerning civilian employees no longer employed by the Federal service.	National Personnel Records Center, GSA (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118.
For matters of record concerning members and former members of the Air Force, Air Force Reserve or Air National Guard.	See § 806.53 of this part on where to address these inquiries.
For standard publications (that is, regulations, etc., as defined in AFM 5-1, Air Force Publications Management Program).	The DADF at nearest Air Force installation, except: for the District of Columbia, to HQ USAF/DADF, Washington, D.C. 20330; and for remainder of the Metropolitan Washington, D.C. area, to HQ COMD/DADF, Bolling AFB, Washington, D.C. 20332.
For Air Force technical, supply and engineering publications and data.	See § 806.53 of this part.
For major command standard (that is, administrative) publications.	The DADF at the major command headquarters.
For reports of investigation compiled by the Air Force Office of Special Investigations.	HQ AFOSI/DADF, Forrestal Building, Washington, D.C. 20314.
For audiovisual materials (still photographs, motion pictures, and audio recordings) held at USAF depositories.	HQ USAF (SAF/OIPL) thru AF/DADF, Washington, D.C. 20330.
For other records, where the location of the record is known.	The DADF where the record is located.
For other records, where the location is not known.	HQ USAF/DADF, Washington, D.C. 20330.

§ 806.53 Where to address requests for records of military personnel.

NOTE: Records of members and former members of the Air Force are maintained in different locations, depending on the member's current status. Address requests for such records to the address indicated in this section.

Present military status	Present/past military rank	Proper address
On extended active duty	A commissioned officer, or warrant officer.	Organization of assignment, if known; otherwise, to: AFMPC/DPMDRO (DADF), Randolph Air Force Base, Tex. 78148.
Do	An airman	Organization of assignment, if known; otherwise, to: AFMPC/DPMDRA (DADF), Randolph Air Force Base, Tex. 78148.
A member of the Air Force Reserve, not on extended active duty.	A commissioned officer or warrant officer or airman.	ARPC/DADF, 3800 York St., Denver, Colo. 80205.
A member of the Air National Guard, not on extended active duty.	A commissioned officer, or warrant officer.	Do.
Do	An airman	Adjutant General of of the State (or District of Columbia or Commonwealth of Puerto Rico).
Retired for temporary disability	A commissioned officer or warrant officer.	AFMPC/DPMDRO(DADF), Randolph Air Force Base, Tex. 78148.
Do	An airman	AFMPC/DPMDRA(DADF), Randolph Air Force Base, Tex. 78148.
Retired with pay	A general officer	AFMPC/DPMDRO(DADF), Randolph Air Force Base, Tex. 78148.
Do	Other than a general officer	National Personnel Records Center (Military Personnel Records) 9700 Page Blvd., St. Louis, Mo. 63132.
Former member, no longer has an Air Force affiliation.	A commissioned officer, warrant officer, or airman.	Do.
Unknown	Unknown	AFMPC/DPMDRM(DADF), Randolph Air Force Base, Tex. 78148.

§ 806.55 Where to address requests for Air Force technical, supply, and engineering publications and data.

Type of publication	*Proper address*
Air Force Technical Orders (TO's). If the specific TO number is unknown, describe the desired TO, including the name of the equipment, manufacturer, model, serial, part number, and any other identifying information on the particular equipment.	Oklahoma City ALC(DADF), Tinker Air Force Base, Oklahoma 73145; or the prime ALC for the specific TO, if known.
Air Force Technical Reports (TR's), when specific source is unknown.	NTIS, 5285 Port Royal Road, Springfield, Virginia 22151 (Exception: for DDC users, to: DDC, Cameron Station, Alexandria, Virginia 22314.)
USAF and DOD Federal Supply Catalogs and related catalog publications indexed in USAF 8-2A-1.	AFLC/DADF, Wright-Patterson Air Force Base, Ohio 45433.

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Type of publication	*Proper address*
Cataloging Handbooks (H2–1, H2–2, H2–3, etc.) and Federal manuals for supply cataloging (M1–1, M1–2, M1–3, etc.), and Master Cross Reference Indexes, CRL–1 and CRL–2.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.
Engineering drawing and associated lists	AFLC(DADP), Wright-Patterson Air Force Base, Ohio 45433.
Armed Services Procurement Regulations (ASPR's) and Air Force supplements to ASPR's.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.
AF publications pertaining to automated data systems. Specifications, standards, military handbooks, etc. Indexed in the DOD Index of Specifications and Standards (DODISS).	AF/DSDC(DADP), Gunter AFS, Alabama, 36114. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120.
The index to DOD–ISS above (including part 1, alphabetical listing, and part 2, numerical listing).	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Subpart F—Appeals From Denials To Make Records Available

§ 806.57 Filing an appeal.

(a) When a request to copy or inspect a record has been denied, the requester may appeal the denial, separately in writing, to the Office of the Secretary of the Air Force, within 45 days of denial.

(1) A requester will not be considered to have exhausted his administrative remedies within the Department of the Air Force unless such an appeal has been filed and a secretarial decision made on that appeal. That decision is the final Air Force action on the request (see exception in paragraph (a) (2) of this section).

(2) The requester will also be deemed to have exhausted his administrative remedies within the Air Force, if the Air Force fails to comply with the time limits prescribed in this part.

(b) The requester should address the appeal to the Office of the Secretary of the Air Force and send it through the denial authority who denied the request. (For example, if HQ AFLC denied the request, the requester should send the appeal to the Office of the Secretary of the Air Force through Commander, AFLC, Wright-Patterson Air Force Base, Ohio 45433.) The appeal should outline the requester's arguments and reasons for submitting the appeal. The appeal may not be made in person, except at the discretion of the Secretary of the Air Force.

(c) The denial authority will send the appeal to HQ USAF/JACL promptly for processing, together with a copy of the requested record. (If the requested record is too bulky to send, describe it sufficiently to permit a proper determination on the request.) If the initial time limit was extended, give the number of additional days used in making the determination. HQ USAF/JACL will either release the requested record or forward the appeal to the Office of the Secretary, SAF/AA, for final determination.

(d) Within 20 workdays (except Saturdays, Sundays, and legal holidays) after the appeal is received by the Office of the Secretary of the Air Force, a determination will be made on that appeal.

(1) If the denial is upheld, in whole or in part, the Secretary's office will notify the requester of that determination, explain the reasons for the denial, and inform the requester of his right to a judicial review of that determination, upon complaint to the District Court of the United States in one of the following places: in the district where the requester resides; in the district where the requester's principal business is located; in the district where the Air Force records are situated; or in the District of Columbia.

(2) If the appeal is granted, OASF will advise the requester in writing.

(3) If the final denial is based in whole or part on a security classification, the requester will be advised of his optional right to seek declassification of the record by the Interagency Classification Review Committee in lieu of immediate judicial review.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonial, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-4860 Filed 2-21-75;8:45 am]

SUBCHAPTER E—SECURITY

PART 851—PROTECTION OF USAF RESOURCES

This revision designates command authority; esatblishes authority concerning vehicle inspections; provides pilferage control guidance; designates standard warning signs; and provides additional information to update and to clarify the part.

Part 851, Subchapter E of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Background and Terminology

Sec.
851.1 Purpose.
851.3 Definitions.
851.5 Program applicability.
851.7 Command authority and responsibility.
851.9 Legal requirements.

Subpart B—Resource Protection: Aids and Equipment

851.11 Concept of protection.
851.13 Controlled areas.
851.15 Entrances to controlled areas.
851.17 Requirements for display of warning signs.
851.19 Specifications of warning signs.

Subpart C—Resource Protection: Entry and Internal Controls

Sec.
851.21 Base entry policy.
851.23 Installation patrols.
851.25 Inspection of motor vehicles entering or leaving an Air Force installation.
851.27 Pilferage control.
851.29 Prevention of pilferage and vandalism.

AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

Subpart A—Background and Terminology

§ 851.1 Purpose.

This part outlines the basic objectives, concepts, and components of the USAF Resource Protection Program. It provides for a base resource protection plan and establishes a general policy for resource protection. It applies to USAF units at all levels of command.

§ 851.3 Definitions.

(a) *Aerospace operational resources.* USAF weapons systems, combat support systems, and nuclear weapons required for general and limited war operations (see attachment 1, AFM 207–1, Doctrine and Requirements for Security of Air Force Weapons System, for complete explanation).

(b) *Armed.* Bearing a firearm.

(c) *Central depository.* An on-base facility where armed personnel are on duty at all times, top rovide close and continuing supervision of containers used to temporarily store funds.

(d) *Classes of munitions.* See AFM 127–100, Explosive Safety Manual.

(e) *Controlled area.* Any specifically designated building, area or structure, containing USAF resources which are lucrative targets for theft, compromise or destruction and to which entry must be limited in order to provide more than routine protection.

(f) *Deviation.* A temporary condition where existing facilities, equipment, manpower, or procedures do not meet the standards prescribed by this part.

(g) *Duress alarm system.* A mechanical or electronic device which enables personnel on duty to alert an agency, usually security police, for the purpose of obtaining immediate assistance without arousing suspicion.

(h) *Exception.* A permanent condition where existing facilities, equipment, manpower, or procedures do not meet the standards prescribed by this part.

(i) *Firearm.* A firearm is any weapon including starter guns, which will or may, readily be converted to expel a projectile through a barrel by the action of an explosive; the frame, or receiver of any such weapon; and any firearm muffler or silencing device. This definition includes individual crew-served, and aircraft armament weapons, as well as pyrotechnic flare guns.

(j) *Firearms storage facility.* A structure approved by the installation commander for the storage of more than ten firearms.

(k) *Fund activity.* Any activity or function approved by the installation commander to handle Government funds. Branches, or subactivities of main functions (such as BX branches, club annexes, and bowling lanes), are considered separate fund activities.

(l) *Fund container.* Any receptacle which contains Government funds; this includes vaults, safes, cash boxes, or security containers.

(m) *Fund custodian.* The person designated to accept and discharge the responsibility of managing and supervising the fund activity.

(n) *Government funds.* Funds under the control of Air Force personnel that include, without being limited to, revenues and funds of the United States or any of its officers, agents, or employees.

(1) All appropriated, nonappropriated and other Government funds or negotiable instruments, under the control of Air Force personnel are considered under the purview of this part.

(2) Funds are primarily considered monies (that is, coins and currency). U.S. Postal Service stamp stocks, blank money orders, Government pay checks, and negotiable instruments (checks) marked payable to the United States Treasury or stamped "For Deposit Only," need not be counted when total amounts of funds are tallied for storage or escort purposes.

(o) *Inspection.* An analysis conducted for the purpose of establishing, planning, programming and insuring continuing compliance with protection standards.

(p) *Installation/base commander.* The designated military member responsible for the protection of USAF resources located within his area of jurisdiction.

(q) *Intrusion detection equipment (IDE).* A combination of compatible mechanical or electronic components, primarily designed and assembled to detect and annunciate an unauthorized entry or attempted entry into a protected area.

(r) *J–SIIDS.* Joint Service Interior Intrusion Detection Systems.

(s) *Major command.* Here, the term major command (or MAJCOM) also refers to a separate operating agency.

(t) *Night depository.* Fund storage container constructed as an adjunct to the base banking facility. This term includes night depositories constructed as a part of accounting and finance offices.

(u) *Nonnuclear munitions.* A general term applying to the nonnuclear explosives. It also refers to the filler of an explosive item. Incendiary materials, which are contained in some rocket motors and which will burn but will not explode are excluded from the criteria established by this part.

(v) *Nonnuclear munitions storage area.* A designated area set aside for the storage of nonnuclear munitions. Where nonnuclear munitions are stored within nuclear storage areas, the provisions of AFMs 207–1 and 207–10, System Security Standard—Nuclear Weapons in Storage, Surface Movement and Logics Transport Status, will apply.

(w) *Nonnuclear munitions storage facility.* Any structure or location, except a designated storage area where nonnuclear munitions are regularly stored or stockpiled. Procedures for the establishment of munitions storage facilities and restrictions on explosive classes and quantities to be located therein are contained in AFM 127–100.

(x) *Personal firearm.* Privately owned firearm.

(y) *Protection.* The physical actions, aids and facilities required to safeguard USAF resources from loss, unauthorized penetration, damage or destruction.

(z) *Security police forces.* Air Force military security police personnel (AFSC 81XX/811XX/812XX) and all Department of the Air Force (DAF) civilians, contract civilians, Air Force military augmenters and foreign nationals civilian personnel who have been designated by proper authority to perform guard or police duties, within the meaning of Article 7b, Uniform Code of Military Justice, and paragraph 19a, Manual of Courts Martial 1969, revised.

(aa) *USAF physical resources.* All property, equipment, facilities and materials, classified or unclassified, within the jurisdiction, administration or custody of the United States Air Force and its units, exclusive of those aerospace operational resources described in AFR/AFM 207–1.

§ 851.5 Program applicability.

(a) *Application of program.* In the broadest sense, this program is designed to protect Air Force resources. However, it applies to non-Air Force activities tenant on Air Force installations, except where otherwise specified in inter-service support agreements or other written agreements.

(b) *Air National Guard or Air Reserve Forces.* (1) This program applies to Air National Guard (ANG) and Air Reserve Forces (ARF) bases or installations or facilities located on lands owned, leased, or otherwise under U.S. Air Force jurisdiction.

(2) Air National Guard or Air Reserve units located on lands under the jurisdiction of other services, will be guided by other services' directives on circulation procedures and posting of boundaries, which implement Department of Defense Directive 5200.8.

(3) Any Air National Guard or Air Reserve Force unit which is not located on land owned or leased by (or otherwise under the jurisdiction of) the USAF or another service, should refer to state statutes for authority to establish regulations and procedures for the protection of their resources. These directives will follow the policy and intent of this part as closely as possible. Requirements for fencing and posting may be modified by Headquarters Air National Guard and Air Reserve Forces.

(c) *Air Force units tenant to other services.* When negotiating an agreement, each Air Force tenant unit (including ANG and ARF units) on another service's installation will include as much of this part as possible. However, Air Force tenant units will comply with the terms of host-nation or service agreements.

§ 851.7 Command authority and responsibility.

The command responsibility for protection of physical resources carries with it the authority to promulgate directives necessary to accomplish this responsibility.

(a) Under Section 21 of the Internal Security Act of 1950, 64 Stat. 1005 (50 U.S.C. 797), any directive promulgated by the commander of a military installation or facility (including a directive which authorizes entry to or exit from a military installation) is legally enforceable against all persons, whether or not those persons are subject to the UCMJ.

(b) DOD Directive 5200.8 which implements 50 U.S.C. 797, delegates the authority to promulgate such directives to the commander of any major command, numbered air force, air division, wing, group or installation. Any directive promulgated by a properly designated Air Force commander is enforceable against persons subject to the UCMJ who are under that commander's jurisdiction.

(c) Although 18 U.S.C. 1382 does not specifically pertain to the protection of USAF physical resources, this law makes it a criminal act for any person to reenter an installation after being removed from it (or ordered not to reenter it) by the installation commander, or by his designee, acting on his specific instructions (Part 809a of this chapter).

§ 851.9 Legal requirements.

To have legal effect, any directive or regulation pertaining to the protection of USAF physical resources must meet the requirements in paragraphs (a) through (d) of this section.

(a) Any regulation that implements 50 U.S.C. 797 and DOD Directive 5200.8, must:

(1) Be promulgated by commanders designated by the Secretary of Defense in paragraph III.C, DOD Directive 5200.8;

(2) State specifically that the directive is issued pursuant to the Internal Security Act of 1950 (50 U.S.C. 797) and pertains to one of the subjects listed in that act;

(3) Clearly describe, locate and identify the controlled area(s) or property, and state that entrance into that area or property without the installation commander's consent is prohibited.

(4) Be posted in a conspicuous, appropriate place (for example, at the gates of the installation or at the entrance to the controlled area).

(5) Outside the United States and its possessions, a commander's authority is derived from bilateral agreements between the United States and countries concerned.

(b) Any regulation that applies only to persons who are subject to the UCMJ:

(1) Should be promulgated by an Air Force commander, as defined in paragraph III.C, DOD Directive 5200.8 (preferably, by the installation commander who is responsible for the security of the entire installation, although it is enforceable when issued by any commander who is responsible for the USAF physical resources in the area).

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(2) Must clearly describe, locate, and identify the controlled area or property, and state clearly that entrance into, or use of, the controlled area is prohibited, without the consent of the commander who issued the order.

(3) Must require each controlled area to be clearly posted and the regulation be publicized to insure that all military personnel know of its existence.

(c) The installation commander (or his designee) must issue the order in writing to remove persons from the installation and direct them not to reenter (Part 809a of this chapter).

(d) Any regulation that is intended to apply to persons in an oversea area who are not subject to the UCMJ must be consistent with any formal U.S. agreement with the host nation. When a criminal offense is a violation in which the U.S. has extra-territorial jurisdiction, U.S. Federal authorities may prosecute a non-U.S. citizen offender.

Subpart B—Resource Protection: Aids and Equipment

§ 851.11 Concept of protection.

The physical protection of USAF resources encompasses measures designed to develop habits and attitudes in Air Force personnel that will enhance resource protection, by providing a reasonably secure environment, and by eliminating potential weaknesses in our protective posture.

(a) The installation commander must use a systems approach in the analysis of physical protection requirements to insure that all elements of the resource protection program are integrated and complement each other. For example, protective lighting is a greater deterrent when the lighted area is also under surveillance or observation; likewise, an alarm system is effective only when there is a force available to respond to it. Similarly, barriers are more effective when they are patrolled and observed.

(b) The installation commander must also consider the cost of physical protection safeguards and weigh those costs against other factors, such as sensitivity, criticality, vulnerability, location, and mission of the installation, facility or resource.

(c) The type of loek to be used in protecting resources must also be planned carefully. High security padlocks and hasps must be used to protect certain sensitive resources (such as firearms, munitions, etc.).

(1) Padlocks that meet military specification MIL-P-17802 are available as medium security locks for use to secure pilferable items of significant value.

(2) Locks listed under FSN 5340-664-1323 are low security locks. Since they afford only a small degree of protection, they should never be used to secure pilferable items or articles of significant value.

§ 851.13 Controlled areas.

The establishment of controlled areas in an installation improves the total base security posture by providing security in depth and developing the security consciousness of personnel. Although an increase in security measures may cause some slowdown in operations and some inconvenience to other personnel, the use of controlled areas assists in matching protection requirements with local needs.

(a) The installation commander is authorized to establish a controlled area in order to regulate entrance to that area; he is also authorized to apply appropriate methods and degrees of control to protect Air Force physical resources from loss, theft, damage, destruction, compromise, or other hazard.

(1) A controlled area may be established in an area designated under AFR or AFM 207-1 as a restricted area, and vice-versa.

(2) When an area is to be controlled for a temporary period, the commander will specify the precise period (in days, weeks, or months). If the directive refers to an area to be permanently controlled, it will clearly specify the limits and boundaries, and the boundaries must be posted and clearly defined.

(b) Visitor control and surveillance of personnel in a controlled area requires security consciousness on the part of the personnel working in the area. In especially sensitive areas, security police personnel may be provided for entry control.

(c) The designation controlled area carriers as much of a legal and moral restriction as any physical barrier. Unless physical barriers are specifically required, the actual control may depend entirely on the security consciousness of the personnel in the designated area.

(d) Parking areas for privately owned vehicles will be established outside of controlled areas to the greatest extent consistent with operational necessity.

§ 851.15 Entrances to controlled areas.

(a) Entrances should be kept to a minimum necessary for safety, efficiency and operational control. Where required, adequate physical safeguards (such as fences, gates, and window bars) must be installed to deny entry of unauthorized persons into a controlled area.

(b) Except when a sign would tend to advertise a concealed area, controlled area signs must be posted in conspicuous and appropriate places, such as ordinary entrances, or approaches to these areas, and on perimeter fences or boundaries to the area. (These procedures will be discussed in more detail; see §§ 851.17 and 851.19)

§ 851.17 Requirements for display of warning signs.

Warning signs will be displayed at each entrance to the installation, around the perimeter of the installation, at each entrance to a controlled area, around the perimeter of each controlled area, and displayed in such a manner that they can be easily read by persons approaching on foot or in a vehicle. The rules in paragraphs (a) and (b) of this section apply.

(a) *Controlled areas.* Maximum spacing between signs will not normally exceed 100 yards. Deviation may be necessary when the sign would obstruct the path of most likely approach.

(b) *Base perimeters.* The commander will be guided by local statutes which govern the posting of lands. However, strategic locations such as roads that dead-end on a perimeter fence, etc., will always be posted: When the perimeter is adjacent to a populated area, the signs will not be placed more than 100 yards apart.

§ 851.19 Specifications of warning signs.

(a) The most commonly used signs are designated as AF Forms, to facilitate their posting in areas or on installations. The forms will be mounted on aluminum, sheet metal, or wood backing.

(1) The following figure depicts the design and wording for installation warning signs:

WARNING

U.S. AIR FORCE INSTALLATION

IT IS UNLAWFUL TO ENTER THIS AREA WITHOUT PERMISSION OF THE INSTALLATION COMMANDER

(SEC. 21 INTERNAL SECURITY ACT OF 1950; 50 U.S.C. 797)

WHILE ON THIS INSTALLATION ALL PERSONNEL AND THE PROPERTY UNDER THEIR CONTROL ARE SUBJECT TO SEARCH

For controlled area signs, the phrase "CONTROLLED AREA," is substituted for "U.S. AIR FORCE INSTALLATION." The background of the signs is white with the word "WARNING" in bright red. All other letters are in Air Force blue.

(2) When a sensitive program or classified material is involved, and there is a restriction on photography, a separate sign will be locally fabricated and posted in conjunction with the basic warning sign. These signs will include the wording "PHOTOGRAPHY IS PROHIBITED." The letters will be in Air Force blue on a white background. Proportionate lettering of the size used in the basic warning sign will be used.

(b) If military working dog teams are used inside or around the posted area, AF Forms 2529, Military Working Dog Notice, will be affixed directly below the basic warning sign.

(c) In a foreign country, or in CONUS, wherever the ethnic origin of the local populace indicates it would be advisable, signs will be bilingual. The signs will conform to the laws and regulations of the foreign country.

(1) Variation in wording is authorized with approval of overseas major commands, based on nation-to-nation agreements, status of forces agreements, local laws, etc.

(2) In an area where there is a high degree of illiteracy, a commonly accepted danger or warning symbol will be posted on the signs.

(3) These signs will be locally fabricated or procured and should, to the extent possible, conform with color and design of the basic sign facings.

(d) Size and use for the AF Forms are:

(1) AF Form 2523, Installation Warning Sign, (2 ftx1 ft); used to post area boundaries.

(2) AF Form 2524, Installation Warning Sign, (4 ftx2 ft); used to post personnel and vehicle entry points.

(3) AF Form 2525, Controlled Area Sign (2 ft x 1 ft); used to post area boundaries and buildings.

(4) AF Form 2526, Controlled Area Sign (4 ft x 2 ft); used to post personnel and vehicle entry points.

(e) Any sign that is already in use on December 21, 1973, which differs in size or color, but which conforms basically to the required language, will continue to be used until it becomes unserviceable.

Subpart C—Resource Protection: Entry and Internal Controls

§ 851.21 Base entry policy.

(a) The installation commander will determine the degree of control required over personnel entering or leaving the installation (that is, checking identification credentials, registering visitors, etc.).

(1) As a basic policy, he should avoid placing any unnecessary restrictions against personnel visiting the installation, since a system of complex time-consuming entry controls at perimeter gates serves few useful purposes. However, under certain conditions and circumstances, a complete lack of entry controls can have a detrimental effect on security of the installation.

(2) In determining the stringency of the controls to be used, the commander will consider the local environment; the security priority assigned operational resources and the threat thereto (see AFM and AFR 207-1); pilferage problems and base features that might present significant hazards to public safety.

(3) These policies are not intended to infringe upon normal domestic or social activities of families residing on the base, or hamper or preclude private visits, or hinder public visits during officially sanctioned events. Nevertheless, more stringent controls are required during emergency operations.

(b) The minimum controls in paragraphs (b)(1) through (b)(6) of this section should be applied at every Air Force installation.

(1) The installation must be fenced around the perimeter (See AFM 86-2, Standard Facility Requirements).

(2) The installation must be posted with warning signs at all perimeter gates and along the perimeter fenceline.

(3) The installation must be patrolled internally by security police forces (see § 851.23).

(4) If the installation meets at least one of the characteristics in paragraphs (b)(4)(i) through (b)(4)(iv) of this section, security police personnel must man the base perimeter entry points (gates) when the gates are open for public use.

(i) Routinely possesses or supports on-base aerospace operational resources of security priority A or B as explained in AFR/AFM 207-1.

(ii) Has excessive or serious pilferage problems.

(iii) Is confronted by a highly significant and unique security threat.

(iv) Has features or activities that are significant public safety hazards, when adequate protection cannot be afforded by controlled areas.

(5) If the installation requires security police manning of perimeter entry points, it will operate only the minimum number of perimeter entry gates required for operational needs. Each special purpose gate will be opened, manned, and secured (locked) by trained contractor or owner-user personnel. All non-essential gates will be closed during periods of low volume traffic.

(6) If the installation does not meet the characteristics of paragraph (b)(4) of this section, the main gate must be manned by information-security police on a 24-hour basis. All non-essential gates will be closed during low volume traffic.

§ 851.23 Installation patrol.

The base protection program includes installation patrols as well as patrols authorized in weapons system security (207 series) directives, to respond to incidents immediately as they occur, and to provide some deterrence to criminal activity.

(a) The number of patrols required depends on local circumstances and on the size of the installation, but generally, each installation will have at least one 24-hour per day patrol.

(b) More may be needed, depending on the off-base housing area traffic control requirements, or the need to protect high value or essential resources that are pilferable. The major command will determine the necessity for base patrols at small detachments or sites.

§ 851.25 Inspection of motor vehicles entering or leaving an Air Force installation.

A commander may direct the inspection of any vehicle entering or departing an installation under his jurisdiction, whether the owner or operator is military or civilian.

(a) Vehicles to be inspected will be selected on an impersonal basis, using an arbitrary formula—such as "every other car." That is, individual cars should not be singled out for inspection unless there is reason to believe that a specific vehicle may be carrying contraband items.

(b) The refusal by the owner or driver to submit to this inspection on entering an installation is legal cause to deny the vehicle entry. Physical force may not be used to enter a vehicle when permission to inspect has been denied. However, the commander may detain the vehicle and deny exit until the individual complies, or he may deny future on-base driving privileges, including cancellation of base entry for any vehicle owned or operated by the individual.

(c) If the installation commander has reasons to believe Government property is contained in the vehicle without proper authority, which cannot otherwise be recovered, he may, after consultation with the nearest U.S. Attorney, cause the locked compartments to be forced open.

§ 851.27 Pilferage control.

(a) *Use of term.* Pilferage involves the deliberate taking of property through circumvention of human controls and physical security measures for personal gain. (Like the terms steal, theft, larceny, it implies taking without authority, any quantity of material, or any item of monetary value. For example, items most often pilfered include tools, small arms and ammunitions, bulk explosives, food stuffs, clothing, medical supplies, radios, flashlights and batteries, fuels of all kind, and other small, easily concealed items.) Pilferage can be reduced and controlled through implementation of logical and well planned protection techniques, which should be used particularly for sensitive or high value items.

(b) *Responsibilities.* (1) The installation commander has overall responsibility for the reduction or elimination of pilfering.

(2) The owning organization is accountable and responsible for resources within that unit. Adequate controls and safeguards must be provided by the unit commander to insure protection of property.

(3) The Chief of Security Police will assist in providing protective recommendations to reduce and control susceptibility to pilferage of the total facility.

(c) *Conditions conducive to pilferage.* (1) While there are numerous factors which contribute to, or are conducive to pilferage, the primary factors fall within two categories: inadequate physical security measures and inadequate or insufficient utilization of human resources in the areas of management, training, discipline, responsibility, etc.

(2) Of the two categories, the physical security aids are the more tangible and more easily corrected. The human resource factors are more susceptible to breakdown, fluctuation, inadequacy and neglect.

(i) Management or top supervisory personnel must implement a proper plan of organization and adequate methods to measure safeguard procedures. They must also control and insure accuracy and reliability of accounting procedures and encourage strict compliance with prescribed policies.

(ii) Intermediate supervisors and other personnel must help to protect pilferable resources. For example, frequent, unannounced inspections, including an accounting and inventory of records, help to prevent pilferage. Also, the opportunity to pilfer should be reduced by making sure that personnel who have access to stock records do not also have unmonitored access to merchandise.

§ 851.29 Prevention of pilferage and vandalism.

In a base or housing area where there is a high level of pilferage or vandalism, the commander may supplement normal security police patrols in one or more of the ways in paragraphs (a) through (f) of this section.

(a) Stakeouts by security police personnel.

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(b) Use of unmarked Government vehicles by security police.
(c) Foot patrol(s) by security police.
(d) Patrol by military working dog teams.
(e) Use of TDY security police.
(f) Refer to Army Air Force Exchange Service (AAFES) Manual 16–1, for additional guidance on preventing shoplifting and pilferage from base exchange and commissaries.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-4961 Filed 2-21-75;8:45 am]

SUBCHAPTER I—MILITARY PERSONNEL

PART 888e—DISPOSITION OF CONSCIENTIOUS OBJECTORS

Miscellaneous Amendments

These amendments to Part 888e eliminate separate treatment on non-EAD Reserves and incorporate the various guidance into appropriate sections throughout the part; add the requirement that members who have departed their duty station for PCS reassignment must submit their application at next duty station; amplify and clarify actions required of the servicing CBPO; require the investigating officer, if available, to be a JAC officer; clarify the instructions to the investigating officer; revise the flow of applications; require applicant to comply with active duty or transfer orders in effect at the time of his application or subsequently issued and received; clarify status of applicants on flying status; and update to make other minor changes to the part.

Part 888e, Subchapter I of Chapter VII of title 32 of the Code of Federal Regulations is amended as follows:

1. Part 888e, Table of Contents, is amended by removing Subpart F and all sections in Subpart F and by revising the title of § 888e.20 to read "Actions required of the servicing CBPO.".

§ 888e.2 [Amended]

2. Section 888e.2 is amended by substituting "October 18, 1971" for "May 1, 1970" and by substituting "February 28, 1974" for "October 18, 1971".

3. Section 888e.12 is amended by revising to read as follows:

§ 888e.12 Required information.

(a) A member of the Air Force who seeks either separation or assignment to noncombatant duties by reason of conscientious objection will submit an application therefor through his unit commander to the CBPO Special Actions unit. Members of the Air National Guard of the United States (ANGUS) not on extended active duty (EAD) will submit their applications to their immediate commander. Members of the U.S. Air Force Reserve (USAFR) not on EAD will submit their applications to their immediate commander who will request assistance of the nearest CRPO/CBPO. The applicant will indicate whether he is seeking a discharge or assignment to noncombatant duties and will include the items in paragraph (a) (1) through (4) of this section.

(1) The personal information required in paragraph (b) of this section.

(2) Any other items which the applicant desires to submit in support of his case.

(3) Applicants for 1–A–0 status will not be processed unless accompanied by a voluntary request for separation in accordance with AFR 36–12, Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force (officers), or AFM 39–10, Separation Upon Expiration of Term of Service for Convenience of Government, Minority, Dependency and Hardship (airmen). Non-EAD members will prepare their requests for voluntary separation in accordance with AFM 35–3, Air Reserve Forces Personnel Administration (USA FR officers and airmen); ANGR 36–05, Officer Personnel Administrative Discharge of Commissioned Officers and Warrant Officers of the Air National Guard of the U.S. (ANGUS officers); or ANGR 39–10, Enlisted Personnel Separation (ANGUS airmen). Such requests by the applicant will be submitted by letter in the format prescribed in § 888e.38. The request will be signed and dated by the applicant and made a part of the application prior to forwarding to the commander exercising special court-martial jurisdiction.

(4) Application for discharge will be submitted under AFM 35–3, AFR 36–12, AFM 39–10, ANGR 36–05, or ANGR 39–10, as appropriate. Applications for discharge or noncombatant duty will be prepared in accordance with the applicable directive cited in this paragraph with the additional data required by this part attached or indorsed. Applications will be submitted to the unit commander in a sufficient number of copies so that two copies can be forwarded to AFMPC/DPMAKO (officers), AFMPC/DPMAKE (airmen), Randolph Air Force Base, Texas 78148.

NOTE.—Members desiring to file an application under this part, who have departed their duty station for PCS reassignment, are required to submit their application at their next duty station.

(b) Each person seeking release from active service from the Air Force or assignment to noncombatant duties, as a conscientious objector, will provide the information indicated in paragraph (b) (1) through (4) of this section as the minimum required for consideration of his request. This in no way bars the Air Force from requiring such additional information as is desired. The individual may submit such other information as desired.

(1) General information concerning applicant:
(i) Full name.
(ii) Social Security account number.
(iii) Selective Service number.
(iv) Service address.
(v) Permanent home address.
(vi) Name and address of each school and college attended (after age 16), dates of attendance, and the type of school (public, church, military, commercial, etc).
(vii) A chronological list of all occupations, positions, jobs, or types of work, other than as a student in school or college (after age 16) whether for monetary compensation or not. Include the type of work, name of employer, address of employer, and the from/to date for each position or job held.
(viii) All former addresses (after age 16) and dates of residence at those addresses.
(ix) Parents' names and addresses. Indicate whether they are living or deceased.
(x) The religious denomination or sect of both parents.
(xi) Was application made to the Selective Service System (local board) for classification as a conscientious objector prior to entry into the Air Force?
(A) To which local board?
(B) What decision was made by the Board, if known?
(xii) When the applicant has served less than 180 days in the military service, a statement by him as to whether he is willing to perform work under the Selective Service civilian work program for conscientious objectors, if discharged as a conscientious objector. Also, a statement of the applicant as to whether he consents to the issuance of an order for such work by his local Selective Service Board.

(2) Training and belief:
(i) A description of the nature of the belief which requires the applicant to seek separation from the military service or assignment to noncombatant training and duty for reasons of conscience.
(ii) An explanation as to how his beliefs changed or developed, to include an explanation as to what factors (how, when, and from whom or from what source training received and belief acquired) caused the change in or development of conscientious objection beliefs.
(iii) An explanation as to when these beliefs became incompatible with military service, and why.
(iv) An explanation as to the circumstances, if any, under which the applicant believes in the use of force, and to what extent, under any forseeable circumstances.
(v) An explanation as to how the applicant's daily life style has changed as a result of his beliefs and what future actions he plans to continue to support his beliefs.
(vi) An explanation as to what in applicant's opinion most conspicuously demonstrates the consistency and depth of his beliefs which gave rise to his claim.

(3) Participation in organizations:
(i) Information as to whether applicant has ever been a member of any military organization or establishment before entering upon his present term of service. If so, the name and address of such organization will be given together with reasons why he became a member.

(ii) A statement as to whether applicant is a member of a religious sect or organization. If so, the statement will show the following:
(A) The name of the sect and the name and location of its governing body or head, if known.
(B) When, where, and how the applicant became a member of said sect or organization.
(C) The name and location of any church, congregation, or meeting which the applicant customarily attends, and the extent of the applicant's active participation therein.
(D) The name, title, and present address of the pastor or leader of such church, congregation, or meeting.
(E) A description of the creed or official statements, if any, and if they are known to him, of said religious sect or organization in relation to participation in war.
(iii) A description of applicant's relationships with and activities in all organizations with which he is or has been affiliated, other than military, political, or labor organizations.
(4) References: Any additional information, such as letters of reference or official statements of organizations to which the applicant belongs or refers in his application, that the applicant desires to be considered by the authority reviewing his application. The burden is on the applicant to obtain and forward such information.

§ 888e.14 [Amended]

4. Section 888e.14(b) is amended by substituting "AFMPC/DPMAKO (officers) or AFMPC/DPMAKE (airmen), Randolph Air Force Base, Texas 78148" for "AFMPC".

5. Section 888e.14 is amended by revising the NOTE to read as follows:

NOTE: In cases of non-EAD applicants, ANGUS members will be supported by their CBPO. USAFR members will be assisted by the CRPO/CBPO nearest to the applicant. The assisting CRPO/CBPO (a CRPO whenever possible) will accomplish the actions in this section and § 888e.20.

6. Section 888e.20 is amended by revising to read as follows:

§ 888e.20 Actions required of the servicing CBPO.

The servicing CBPO will:
(a) Screen the applicant's Field Record Group and contact other appropriate offices for any information which may be supportive of or cast doubt upon the member's sincerity. This information will immediately be forwarded to the servicing CRPO/CBPO for inclusion in the applicant's file and for consideration by the investigating officer.
(b) Schedule the applicant for interviews with the chaplain and psychiatrist. The applicant will be personally interviewed by a chaplain who will submit a written opinion as to the nature and basis of the applicant's claim and as to the applicant's sincerity and depth of conviction. The chaplain's report must include the reasons for his conclusions but will not make any recommendations for approval or disapproval of the application. The applicant will also be interviewed by a psychiatrist who will submit a written report of psychiatric evaluation. This evaluation will also indicate the presence or absence of any psychiatric disorder which would warrant treatment or disposition through medical channels, or any character or personality disorder which would warrant appropriate administrative action. The report will not make any recommendations for approval or disapproval of the application. A medical officer may make this evaluation if a psychiatrist is not reasonably available.
(c) The information developed in the screening, the chaplain's opinion, and the psychiatric evaluation will become part of the case file furnished to the investigating officer. If the applicant refuses to participate or is uncooperative or unresponsive in the course of the interview, this fact will be included in the comments given by the chaplain and psychiatrist or medical officer.

7. Section 888e.22 is amended by revising the introductory text, note, and paragraph (a) to read as follows:

§ 888e.22 Appointment of investigating officer.

The commander exercising special court-martial jurisdiction over the applicant (major commands (MAJCOMs) and separate operating agencies (SOAs) for assigned non-EAD reservists) will appoint a judge advocate, if available, to investigate the applicant's claim. If the applicant is a commissioned officer, the investigating officer must be senior in both temporary and permanent grades to the applicant, unless the investigating officer is a judge advocate (JA).

NOTE: JAG mobilization augmentees and JAG area representatives may be used as investigating officers for applications submitted by non-EAD USAFR personnel and processed through ARPC.

(a) Upon appointment, the investigating officer will review this part.

* * * * *

§ 888e.24 [Amended]

8. Section 888e.25(f) is amended by removing the phrase "commander who appointed the investigating officer," and by substituting "servicing CBPO/DPMQS" and by adding at the end of the paragraph the sentence "The case file will include a statement by the investigating officer, or a copy of a receipt from the applicant, showing the date on which the copy of the report was delivered to the applicant.".

9. Section 888e.26 is amended by revising to read as follows:

§ 888e.26 Forwarding of application.

Fifteen days after the date the applicant was provided his copy of the record (§ 888e.24(f) or upon receipt of his rebuttal, whichever is sooner, the CRPO/CBPO (DPMQS) will promptly forward the record case to the local staff judge advocate (SJA) for review for procedural compliance with the part. If necessary, the SJA may return the case through the servicing CRPO/CBPO to the investigating officer for further investigation. When the record is complete, the SJA will forward it to the commander who appointed the investigating officer. The appointing commander will forward the case, including his recommended disposition and reasoning, direct to the applicant's MAJCOM of assignment. In cases of non-EAD ANGUS applicants, the servicing CRPO/CBPO will promptly forward the case through command channels to NGB/DPM, Washington, D.C. 20310. In cases of non-EAD USAFR applicants, the servicing CRPO/CBPO will promptly forward the case to the MAJCOM or SOA to which the applicant is assigned. After a review for legal sufficiency by the SJA, the MAJCOM/SOA of assignment will forward the case, including their recommendations and reasons, in at least two copies, direct to AFMPC/DPMAKE (airmen) or AFMPC/DPMAKO (officers), Randolph Air Force Base, Texas 78148.

§ 888e.32 [Amended]

10. Section 888e.32 is amended by removing "AFMPC" and substituting "HQ USAF" and by removing the sentence "However, members desiring to file application who are on orders for reassignment are required to submit applications at their next permanent duty station," and substituting the sentence "The applicant will be required to comply with active duty or transfer orders in effect at the time of his application or subsequently issued and received." and by adding at the end of the section the sentence "For applicants on flying status, see AFM 35–13, Flying Status, Aeronautical Ratings, Designations and Parachute Jump Status, for appropriate suspension action.".

§ 888e.34 [Amended]

11. Section 888e.34 is amended by removing the phrase "with entry in personnel records and discharge papers that the reason for separation is conscientious objection" from the first sentence and by adding "AFM 35–3 (USAFR members), ANGR 36–05 (ANGUS officers), ANGR 39–10 (ANGUS airmen)" following the phrase "pertinent provisions of" in the second sentence.

§ 888e.38 [Amended]

12. Section 888e.38 is amended by removing the phrases "paragraph 3–8r," and "paragraph 16m,".

13. Section 888e.42 is amended by revising to read as follows:

§ 888e.42 DD Form 214.

If a member is discharged from EAD as a conscientious objector, DD Form 214, Report of Separation from Active Duty, items 9c and 10, will be completed as indicated in paragraphs (a) and (b) of this section.
(a) Item 9c.
(1) Officers—AFR 36–12.
(2) Airmen—AFM 39–10.
(b) Item 10. Enter Code "2" for airmen.

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§ 888e.44 [Amended]

14. Section 888e.44 is amended by adding "AFM 35-3, ANGR 36-05, ANGR 39-10," after the phrase "the standards established in".

§ 888e.50 [Amended]

15. Section 888e.50 is amended by changing "SSS" to read "SS" and by removing the last sentence in the text, which begins with "He will request the SSS * * *".

Subpart F—[Revoked]

16. Subpart F is revoked and the information contained therein is being incorporated into the appropriate sections throughout this part.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-4859 Filed 2-21-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Reorganization of Office of Plans and Policy

In the matter of editorial amendment of Part 0 of the Commission's Rules to reflect a reorganization of the Office of Plans and Policy.

1. The increasing frequency of international conferences and the upcoming 1979 WARC require that the Commission's operations involving participation in these conferences be improved. The amendment adopted herein assigns responsibility to the Office of Plans and Policy for periodically advising the Commission of current and future participation in international conferences.

2. The amendment adopted herein pertains to agency organization. The prior notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. *In view of the foregoing, it is ordered,* Effective February 12, 1975, that Part 0 of the rules and regulations is amended as set forth below.

Adopted: January 29, 1975.

Released: February 18, 1975.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] R. D. LICHTWARDT,
Acting Executive Director.

Section 0.21(h) is revised to read as follows:

§ 0.21 Functions of the office.

* * * * *

(h) To coordinate the development and presentation of Commission views and position papers regarding both domestic and international communications policy, participate in interagency and international discussions and conferences, as may be authorized and approved by the Commission, and periodically advise the Commission of current and future participation in international conferences.

* * * * *

[FR Doc.75-4861 Filed 2-21-75;8:45 am]

[FCC 75-199]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority

In the matter of amendment of Part 0 of the Commission's rules and regulations Concerning Delegations of Authority to the Chief, Cable Television Bureau.

1. The Commission has completed its review of the delegations of authority to the Chief, Cable Television Bureau, and has concluded that an expansion of the present delegations contained in § 0.289 of the Commission's Rules is in order. To accomplish this, present and new delegations of authority are being incorporated into a new § 0.288. The new delegations will allow routine cable applications and petitions, and those not presenting novel questions of law or policy, to be processed at staff level in accordance with established policy and precedent unless, in the opinion of the staff, a particular matter warrants referral to the Commission. These delegations should reduce the Commission's workload of routine cases, allowing more time to be spent on the larger issues of policy, and will aid the Cable Television Bureau in expediting the processing of pending cases and thereby reducing its backlog.

2. In general, the new delegations grant the Chief, Cable Television Bureau new authority with respect to procedural matters, consistent with that granted the other bureaus of the Commission, and new authority with respect to substantive case processing, where Commission policy has been clearly established.

3. Despite the extent of the changes herein ordered, the internal handling of petitions for reconsideration and applications for review will not vary from present practice. Specifically, petitions for reconsideration, filed pursuant to section 405 of the Communications Act, will continue to be acted on by the Commission *en banc* or by the "designated authority" within the Commission, whichever is appropriate, whereas all properly filed applications for review will, in accordance with section 5(d) of the Communications Act, continue to be referred to the Commission *en banc*. Persons aggrieved by actions taken at any level within the Commission are thus assured that their right of access to the full Commission is in no way affected by the ordered changes.

4. Since these amendments are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. For the same reason, these amendments will be made effective immediately.

Authority for the rule amendments adopted herein is contained in sections 2, 3, 4(i) and (j), 5(b) and (d), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That, effective February 28, 1975, Part 0 of the Commission's Rules and Regulations is amended as set forth below.

Adopted: February 12, 1975.

Released: February 24, 1975.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. A new § 0.288 is added as follows:

§ 0.288 Authority Delegated.

The Chief, Cable Television Bureau, is delegated authority to act upon applications, petitions, requests, and other matters, which are not in hearing status, as follows:

(a) To extend or shorten, for good cause shown, the time required to: comply with Commission orders; file briefs and comments with respect to rulemaking; file responses to official correspondence; effectuate a transfer of control or assignment of a license or other authorization; file pleadings, briefs, comments, and all other papers, including papers related to waiver requests, applications not designated for hearing, and matters which are to be decided by the Commission, such as applications for review of actions taken by the Chief, Cable Television Bureau, and including situations in which the filing date was initially specified by the Commission; comply with technical requirements specified in authorization orders and rules or releases of the Commission; file financial, statistical and other statements and annual reports;

(b) To initiate official correspondence where appropriate;

(c) To act on requests for withdrawal of papers in accordance with § 1.8 of this chapter;

(d) To dismiss applications, as provided in §§ 76.20 and 78.21 of this chapter, or those which are not timely filed under the Commission's rules, not acceptable under the Commission's rules, or clearly moot;

(e) To dismiss premature requests for waiver of the Commission's rules;

(f) To dismiss, as repetitious, any petitions for reconsideration of a Commission Order which disposed of a petition for reconsideration and which did not reverse, change, or modify the original order;

(g) To dismiss or deny petitions for rulemaking which are repetitive or moot or which, for other reasons, plainly do not warrant consideration by the Commission;

(h) To modify or set aside on his own motion any action taken pursuant to delegated authority, in accordance with § 1.113 of this chapter;

(i) To include conditions in permits, certificates, licenses, and other authorizations granted pursuant to this section, beyond the specific requirements of the rules when necessary to carry out the purpose of those rules and to delete conditions imposed which have been rendered moot;

(j) To impose conditions on any authorization granted pursuant to this section, making such grant subject, where applicable, to the outcome of any pending court action or Commission proceeding which may affect the holder's qualifications;

(k) To issue corrected authorizations and to cancel certificates, licenses, construction permits, or other authorizations when such correction or cancellation would not be of a consequential nature;

(l) To issue rulings and interpretations concerning complaints arising under section 315 of the Communications Act and §§ 76.205 and 76.209 of this chapter;

(m) To act on the following applications for authorizations in the Cable Television Relay Service, in coordination with the Broadcast Bureau, if such applications comply fully with the requirements of the Communications Act, the provisions of Part 78 of this chapter, and Commission policy and standards; if no mutually exclusive application has been filed; and if no petition to deny or other substantial objection to the application has been filed:

(1) Applications for construction permits for new stations;

(2) Applications for licenses to cover construction permits;

(3) Applications for modification, assignment, transfer of control, or renewal;

(4) Applications for asignment or transfer of control filed pursuant to § 78.35(b) of this chapter;

(n) To designate for hearing, upon appropriate issues, mutually exclusive applications for authorization in the Cable Television Relay Service;

(o) To give written consent to applicants who request authority to make minor changes in existing transfers of control or assignment of licenses in the Cable Television Relay Service, and to grant requests for waiver of §§ 78.53 and 78.55 of this chapter;

(p) To act on requests for special temporary authority in the Cable Television Service and for temporary authority for special operations (in coordination with the Broadcast Bureau) in the Cable Television Relay Service, when such requests are either unopposed or present extraordinary circumstances requiring immediate action;

(q) To deny petitions for waiver or other special relief concerning the network program exclusivity provisions of §§ 76.91 and 76.93 of this chapter where denial is consistent with established Commission policy;

(r) To dismiss or deny objections to applications for cerificates of compliance, where dismissal or denial is consistent with established Commission policy;

(s) To deny applications for certificates of compliance which request a waiver of the signal carriage provisions of §§ 76.59, 76.61, or 76.63 of this chapter, and which are clearly inconsistent with established Commission policy;

(t) To act on applications for certificates of compliance which:

(1) conform to applicable rules and regulations, or whose disposition is governed by established Commission policy;

(2) seek waiver of a rule within one or more of the following categories:

(i) franchise-holding requirement of § 76.31(a) of this chapter, where there is no franchising authority;

(ii) franchise requirements of § 76.31 (a)(1) and (a)(4) of this chapter, where the cable system will operate within the confines of a military reservation and the franchise was awarded under federal procurement regulations;

(iii) franchise fee limitations of § 76.31 (b) of this chapter;

(iv) number and location of designated access cablecasting channels and facilities that must be provided, pursuant to § 76.251 of this chapter;

(v) carriage of full network stations, pursuant to §§ 76.59(b)(1), 76.61(b)(1), or 76.63(a) (as it refers to § 76.61(b)(1)) of this chapter;

(vi) carriage of the non-network programming of a network station in lieu of carriage of an independent station, pursuant to §§ 76.59(b)(2), 76.61(b)(2), or 76.63(a) (as it refers to § 76.61(b)(2)) of this chapter;

(vii) ratification of cable television operations and services that commenced prior to March 31, 1972 in unincorporated areas of counties without proper authorization.

§ 0.289 [Deleted]

2. Section 0.289 is deleted.

[FR Doc.75-4862 Filed 2-21-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 7—PUBLIC AVAILABILITY OF INFORMATION

By notice of proposed rulemaking published in the FEDERAL REGISTER on January 22, 1975 (40 FR 3456), the Department of Transportation proposed revised rules governing the public availability of information. The revised regulations implement the Freedom of Information Act, 5 USC 552, as amended by Public Law 93-502, 88 Stat. 1565.

Comments were submitted by the Center for Auto Safety ("the Center") Washington, D.C., which requests numerous changes to the proposed regulations. The comments are discussed seriatim.

Section 7.3 *Policy.* The Center requests the first sentence be continued to include:

That any applicable exemptions to the Act be waived whenever possible; that any doubt with respect to an information request be resolved in favor of granting the request; and that all fees under the Act be waived whenever granting the request in any way benefits the public interest rather than a commercial interest.

The Department does not agree that the proposed "clarification" is necessary. The expressed policy is to permit the public full access to all information with three reasonable exceptions (national interest, protection of private rights and efficient conduct of public business). The comment concerning fees will be considered below.

Section 7.15 *Records containing both available and unavailable information.* This section is modified, as requested by the Center, to delete superfluous language.

Section 7.21 *Initial determinations.* The Center requests the word "immediately" be defined to mean "same day". The language of this section is similar to that of section 552(a)(6)(A)(i) of the amended Act which does not define "immediately." In the absence of definition in the Act, "immediately" is used in its commonly accepted sense, *i.e.*, "without delay".

Section 7.25 *Extension.* The Center requests "immediate" notification of extension be given to a requester. This is not required by section 552(a)(6)(B) of the amended Act, and inclusion in the implementing regulation would not serve any useful purpose.

The Center also requests subsection (c) be amended to state consultations with the Department of Justice are not grounds for extension. The three subsections contain the sole grounds for extension. It is not necessary to itemize all circumstances which are *not* grounds for extension.

Section 7.41 *Applicability.* The Center seeks amendment of subsection (a)(3) to exempt only instructions to negotiators during the course of negotiations. We believe the Center misunderstands the purpose of this section. It serves as guidance to the public as to the general types of information available. The identification of certain materials in subsection (a)(3) as not available is for the convenience of the public.

Section 7.43 *Access to materials and index.* The Center requests subsection (b) be deleted because it would make indexes unavailable from the Department if they are published commerically. The "material" referred to in subsection (b) does not include "indexes" which are required by the amended Act to be made available.

Section 7.53 *Public availability of records.* The Center requests that "must" be replaced by "should" wherever the former term appears. These regulations are designed to assure timely handling of all requests for information made un-

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der the Act, and, to that end, it is necessary to require specific identification of those requests. We believe the identification requirement is reasonable and will enhance timely consideration. Any request not made in accordance with the regulations will be handled in as expeditious a manner as is possible. The Center's contention that misaddressed requests could be "hand delivered" to the appropriate office within an hour after receipt ignores the reality of mail room operations in which a great volume of mail is received daily. Also, the Center ignores the possibility that a request for information maintained by one office, as defined in the Appendices to this part, may be addressed to a different office or facility. The Center further seeks modification of subsection (d) which requires description of requested records "to the extent possible". Obviously this phrase means "to the extent the requester finds possible". The identifying information serves to ensure expeditious handling of requests, and is not intended to be a ground for delay. The Center also asks that search fees not be charged if a requested document does not exist in agency files. The Congress has expressed its intent that direct costs of services provided under the Act be charged, unless the agency determines that "waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public" (§ 552(a)(4)(A)). Although it is not expected that requested documents will not be found, retention of this subsection will serve to deter overly broad "fishing expeditions" for records which may not exist. This is particularly true since the Department seeks to find even those requested documents which may not be identified clearly.

Section 7.55 *Request for records of concern to more than one Government organization.* The Center objects to this section because the matter of extension of time is considered in § 7.25. This section merely informs the public that other agencies or governments will be consulted if requested records are of concern to them. The consultation process must be conducted within the time limits established by §§ 7.21, 7.23 and, if appropriate, 7.25.

Section 7.69 *Trade secrets and commercial or financial information that is privileged or confidential.* The Center requests subparagraph (a)(2) concerning employee statements of financial interest be deleted because such statements are not properly within this exemption and availability of these records would be of public benefit to assure the absence of conflicts of interest. We agree that the exemption in this section is inappropriate, and properly should appear in § 7.73, *Protection of personal privacy.* We disagree, however, that an employee's financial status should be open to public inspection. Conflicts of interest are prohibited by Chapter 11, Title 18 United States Code, violation of which is a criminal offense. The Center's comments on subsection (b) are directed to the possibility that it "could be interpreted more broadly than contemplated by the Act". It is obvious that the provisions of the Act limit the scope and effect of implementing regulations, and this need not be stated.

The Freedom of Information Clearinghouse ("the Clearinghouse") Washington, D.C., filed comments dated February 10, postmarked February 11, and received on the afternoon of February 12, 1975. Although these comments are late-filed, they have been considered. To the extent the comments of the Clearinghouse are similar to those submitted by the Center, they will not be discussed again.

The Clearinghouse requests sections 7.21 and 7.81(a) be modified to require full itemization and indexing to correlate claimed exemptions with specific portions of records withheld from disclosure. Such a requirement is not reasonable at the administrative stage of proceedings under the Act. The written statement required by these sections will inform the requester of the reasons for denial of the request, and will do so with reference to the specific exemption or exemptions involved.

Section 7.71 *Intragovernmental exchanges.* We agree with the Center's recommendation that reference to advisory committee records be deleted in subsection (a).

Section 7.75 *Investigatory files compiled for law enforcement purposes.* The Center requests that "only" be inserted to modify "to the extent" in subsection (a). This is unnecessary because the scope of the regulation cannot be greater than that of the Act. The Center also requests that the first sentence in subsection (b) include language relating its term to those in subsection (a). This, too, is unnecessary for the same reason.

Section 7.81 *General.* The comments of the Center are similar to those made with respect to section 7.53. The time limits established by the Act and subpart C of this part are not affected.

Section 7.95. *Fee schedule.* The Center urges waiver of all fees with respect to "all requests by individual citizens, and particularly by non-profit, tax-exempt public interest, charitable or educational organizations . . . in the public interest." We believe that provisions of section 7.97(c) properly set forth the guidelines for waiver of fees, while implementing the intent of the Congress that the direct cost of making documents available normally be borne by the requester. The Center's request that no charge be made if the total fee is less than 15 dollars similarly must be denied. The Center also requests the fee for duplication of the first page (§ 7.95(b)) be reduced to five cents, the fee for additional pages. The first page fee of 25 cents includes the direct cost of employee time to travel to and from the document reproduction facility, a cost not incurred for additional page duplication.

The United States Department of the Treasury notes the reference to the payee in section § 7.93 should be the "Treasury of the United States". This change is reflected in the regulation adopted.

No other substantive changes were made. No changes are made at this time to Appendices A–H.

Part 7 of Subtitle A of Title 49, Code of Federal Regulations, is revised as follows:

Subpart A—Applicability and Policy

Sec.
7.1 Applicability.
7.3 Policy.
7.5 Definitions.

Subpart B—General

7.11 Administration of part.
7.13 Deletion of identifying detail.
7.15 Records containing both available and unavailable information.
7.17 Protection of records.

Subpart C—Time Limits

7.21 Initial determination.
7.23 Final determination.
7.25 Extension.

Subpart D—Publication in Federal Register

7.31 Applicability.
7.33 Publication required.

Subpart E—Availability of Opinions, Orders, Staff Manuals, Statement of Policy, and Interpretations: Indexes

7.41 Applicability.
7.43 Access to materials and index.
7.45 Indexes of public materials.
7.47 Copies.

Subpart F—Availability of Reasonably Described Records

7.51 Applicability.
7.53 Public availability of records.
7.55 Request for records of concern to more than one Government organization.

Subpart G—Exemptions

7.61 Applicability.
7.63 Records relating to matters that are required by Executive Order to be kept secret.
7.65 Records related solely to internal personnel rules and practices.
7.67 Records exempted from disclosure by statute.
7.69 Trade secrets and commercial or financial information that is privileged or confidential.
7.71 Intragovernmental exchanges.
7.73 Protection of personal privacy.
7.75 Investigatory records compiled for law enforcement purposes.
7.77 Reports of financial institutions.
7.79 Geological and geophysical information.

Subpart H—Procedures for Reconsidering Decisions Not To Disclose Records

7.81 General.

Subpart I—Fees

7.91 General.
7.93 Payment of fees.
7.95 Fee schedule.
7.97 Services performed without charge or at a reduced charge.
7.99 Transcripts.
7.101 Alternate sources of information.

Appendix A—Office of the Secretary.
Appendix B—United States Coast Guard.
Appendix C—Federal Aviation Administration.
Appendix D—Federal Highway Administration.
Appendix E—Federal Railroad Administration.
Appendix F—St. Lawrence Seaway Development Corporation.
Appendix G—Urban Mass Transportation Administration.
Appendix H—National Highway Traffic Safety Administration.

AUTHORITY: 5 USC 552; Pub. L. 93-502, 88 Stat. 1565; 31 USC 438; 49 USC 1657.

Subpart A—Applicability and Policy

§ 7.1 Applicability.

(a) This part implements section 552 of Title 5, United States Code, and prescribes rules governing the availability to the public of the records of the Department of Transportation.

(b) Subpart G of this part describes the records that are not required to be disclosed under this part.

(c) Appendices A through H to this part:

(1) Describe the places and times at which records will be available for inspection and copying;

(2) Define the kinds of records located at each facility;

(3) Contain the indexes to such records; and

(4) Identify the officials having authority to deny requests for disclosure of records under this part.

(d) The Director of Public Affairs may amend Appendix A to this part to reflect any changes in the items covered by that appendix. The head of the operating administration concerned may amend the appendix applicable to that Administration to reflect any changes in the items covered by that appendix.

(e) This part applies only to records that exist at the time the request for the information is made. The Department is not required to compile or procure a record solely for the purpose of making it available under this part.

(f) Indexes are maintained to reflect all records subject to this part, and are available for public inspection and copying as provided in Appendices A through H to this part.

§ 7.3 Policy.

In implementing section 552 of Title 5, United States Code, it is the policy of the Department of Transportation to make information within the Department available to the public to the greatest extent possible in keeping with the spirit of that section. Therefore, all records of the Department, except those that the Department specifically determines must not be disclosed in the national interest, for the protection of private rights, or for the efficient conduct of public business to the extent permitted by the Freedom of Information Act, are declared to be available for public inspection and copying as provided in this part. Each officer and employee of the Department is directed to cooperate to this end and to make records available to the public promptly and to the fullest extent consistent with this policy. A record may not be withheld from the public solely because its release might suggest administrative error or embarrass an officer or employee of the Department.

§ 7.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

"Department" means the Department of Transportation, including the Office of the Secretary and the following operating administrations:

(a) The Coast Guard.

(b) The Federal Aviation Administration.

(c) The Federal Highway Administration.

(d) The Federal Railroad Administration.

(e) The National Highway Traffic Safety Administration.

(g) The St. Lawrence Seaway Development Corporation.

"He" includes she.

"Includes" means "includes but is not limited to."

"May" is used in a permissive sense to state authority or permission to do the act prescribed.

"Record" includes any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

Subpart B—General

§ 7.11 Administration of part.

Except as provided in Subpart H of this part, authority to administer this part in connection with the records in the Office of the Secretary is delegated to the Director of Public Affairs. Authority to administer this part in connection with records in each operating administration is delegated to the head of that administration. The head of any operating administration may redelegate to officers of that administration the authority to administer this part in connection with defined groups of records. However, the head of an operating administration may redelegate his duties under Subpart H of this part only to his deputy and to not more than one other officer who reports directly to the head and who is located at the headquarters of that administration.

§ 7.13 Deletion of identifying detail.

Whenever it is determined to be necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details are deleted from any record covered by this part that is published or made available for inspection. A full explanation of the justification for the deletion is attached to the copy of the record published or made available for inspection.

§ 7.15 Records containing both available and unavailable information.

If a record contains information that the Department determines cannot be disclosed under this part, but also contains information that can be disclosed, the latter information will be provided for public inspection and copying.

§ 7.17 Protection of records.

(a) No person may, without permission, remove any record made available to him for inspection or copying under this part, from the place where it is made available. In addition, no person may steal, alter, mutilate, obliterate, or destroy, in whole or in part, such a record.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

Whoever * * * steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record * * * or thing of value of the United States or of any department or agency thereof * * * shall be fined not more than $10,000 or imprisoned not more than 10 years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year or both. * * *

Section 2071 of Title 18 of the United States Code provides, in pertinent part, as follows:

Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited * * * in any public office, or with any * * * public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both.

Subpart C—Time Limits

§ 7.21 Initial determination.

(a) An initial determination as to whether to release a record requested pursuant to Subpart F shall be made within ten days (excepting Saturdays, Sundays, and legal public holidays) after the request is received in accordance with paragraph (a) of § 7.53 except that this time limit may be extended by up to ten working days in accordance with § 7.25. The person making the request will be notified immediately of such determination. If such determination is to release the requested record, such record shall be made promptly available. If such determination is not to release the record, the person making the request shall, at the same time he is notified of such determination, be notified of (1) the reason for the determination; (2) the right of such person to appeal the determination; and (3) the names and titles or positions of each person responsible for the denial of the request.

§ 7.23 Final determination.

A determination with respect to any appeal made pursuant to § 7.81 shall be made within twenty days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such appeal except that this time limit may be extended by up to ten working days in accordance with § 7.25. The person making the request will be notified immediately of such determination, pursuant to § 7.81.

§ 7.25 Extension.

In unusual circumstances as specified in this section, the time limits prescribed in §§ 7.21 and 7.23, may be extended by written notice to the person making a request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice shall not specify a

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date that would result in a cumulative extension of more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

Subpart D—Publication in Federal Register

§ 7.31 Applicability.

This subpart implements section 552 (a) (1) of Title 5, United States Code, and prescribes rules governing the publication in the FEDERAL REGISTER of the following:

(a) Descriptions of the organization of the Department, including its operating administrations and the established places at which, the officers from whom, and the methods by which, the public (1) may secure information; and (2) make submittals or requests or obtain decisions.

(b) Statements of the general course and methods by which the Department's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability adopted by the Department.

(e) Each amendment, or repeal of any material listed in paragraphs (a) through (d) of this section.

§ 7.33 Publication required.

(a) *General.* All material described in section 7.31 is published in the FEDERAL REGISTER. For the purposes of this paragraph, material that is reasonably available to the class of persons affected by it is considered to be published in the FEDERAL REGISTER if it has been incorporated by reference therein with the approval of the Director of the Federal Register.

(b) *Effect of nonpublication.* Except to the extent that a person has actual and timely notice of the terms thereof, no person may in any manner be required to resort to, or be adversely affected by, any procedure or matter required to be published in the FEDERAL REGISTER but not so published.

Subpart E—Availability of Opinions, Orders, Staff Manuals, Statements of Policy, and Interpretations: Indexes

§ 7.41 Applicability.

(a) This subpart implements section 552(a) (2) of Title 5, United States Code. It prescribes the rules governing the availability, for public inspection and copying, of the following:

(1) Any final opinion (including a concurring or dissenting opinion) or order made in the adjudication of a case.

(2) Any policy or interpretation that has been adopted under the authority of the Department, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(3) Any administrative staff manual or instruction to staff that affects any member of the public, including the prescribing of any standard, procedure, or policy that, when implemented, requires or limits any action of any member of the public or prescribes the manner of performance of any activity by any member of the public. However this does not include staff manuals or instructions to staff concerning internal operating rules, practices, guidelines and procedures for Departmental inspectors, investigators, examiners, auditors and negotiators, the release of which would substantially impair the effective performance of their duties. Indexes of the materials listed in this paragraph are maintained, as specified in Appendices A–H to this part.

(b) Any material listed in paragraph (a) of this section that is not made available for public inspection and copying, or that is not indexed as required by § 7.45, may not be cited, relied on, or used as precedent by the Department to adversely affect any member of the public unless the person against whom it is cited, relied on, or used has had actual and timely notice of that material.

(c) This subpart does not apply to material that is published in the FEDERAL REGISTER or is covered by Subpart G of this part.

§ 7.43 Access to materials and index.

(a) Except as provided in paragraph (b) of this section, material listed in § 7.41(a) is available for inspection and copying by any member of the public at document inspection facilities of the Department. The index of material available at each facility is published in the FEDERAL REGISTER quarterly and is also located at the facility. Information as to the kinds of materials available at each facility may be obtained from the facility or the headquarters of the operating administration of which it is a part.

(b) The material listed in § 7.41(a) that is published and offered for sale is indexed but is not required to be kept available for public inspection. Whenever practicable, however, it will be made available for public inspection at any document inspection facility maintained by the Office of the Secretary or an operating administration, whichever is concerned.

§ 7.45 Indexes of public materials.

The index of material subject to public inspection and copying under this subpart covers all material issued, adopted, or promulgated after July 4, 1967. However, earlier material may be included in the index to the extent practicable. Each index contains instructions on how to use it.

§ 7.47 Copies.

Copies of any material covered by this subpart that is not published and offered for sale may be ordered, upon payment of the appropriate fee, from the office indicated in § 7.53. Copies are certified upon request and payment of the prescribed fee.

Subpart F—Availability of Reasonably Described Records

§ 7.51 Applicability.

This subpart implements section 552 (a) (3) of Title 5, United States Code, and prescribes the regulations governing public inspection and copying of reasonably described records. It does not apply, however, to material that is covered by Subpart D of this part, records determined under Subpart G of this part not to be available, and material that is offered for sale by the Government Printing Office.

§ 7.53 Public availability of records.

(a) Each person desiring access to a record covered by this subpart must comply with the following provisions:

(1) A written request must be made for the record.

(2) Such request must indicate that it is being made under the Freedom of Information Act.

(3) The envelope in which the request is sent must be prominently marked with the letters "FOIA".

(4) The request must be addressed to the appropriate office as set forth in paragraph (c) of this section.

(b) If the requirements of paragraph (a) of this section are not met, the ten day time limit described in § 7.21 will not begin to run until the request has been identified by an employee of the Department as a request under the Freedom of Information Act and has been received by the office to which it should have been originally sent.

(c) Each person desiring access to a record covered by this subpart that is located in the Office of the Secretary, or to obtain a copy of such a record, must make a written request to the Director of Public Affairs, 400 Seventh Street, SW., Washington, D.C. 20590. Each person desiring access to a record covered by this subpart that is located in an operating administration, or to obtain a copy of such a record, must make a written request to that administration at the address set forth in the appendix applicable to that administration. If the person making the request does not know where in the Department the record is located, he may make inquiry of the Director of Public Affairs as to its location.

(d) Each request should describe the particular record to the extent possible. The request should specify the subject matter of the record, the date when it was made, the place where it was made and the person or office that made it. If the description is insufficient, the officer handling the request will notify the person making the request and, to the extent possible, indicate the additional data required.

(e) Each record made available under this subpart is available for inspection and copying during regular working hours at the place where it is located or, upon reasonable notice, at the document inspection facilities of the Office of the Secretary or each administration as set forth in the appendix applicable to that office or administration. Original records may be copied but may not be released from custody. Upon payment of the appropriate fee, copies will be mailed to the requester.

(f) Except for services performed without charge or at a reduced charge pursuant to section 7.97, each request for a search of records or for a copy of a record should be accompanied by the fee prescribed in the applicable fee schedule. When the fee is not readily ascertainable without examination of the records, the officer or employee receiving the request will furnish an estimate of the fee to the person making the request or the fee may be collected after the records are made available. If a search is necessary the fee for a search is charged, regardless of whether it is successful.

(g) Notwithstanding paragraphs (a) through (f) of this section, informational material, such as press releases, pamphlets, and other material of that nature that is ordinarily made available to the public as a part of any information program of the Government is available upon oral or written request. There is no fee for individual copies of that material as long as it is in supply. In addition, the Department will continue to respond, without charge, to routine oral or written inquiries that do not involve the furnishing of records.

§ 7.55 Request for records of concern to more than one Government organization.

(a) If the release of a record covered by this subpart would be of concern to both this Department and another Federal agency, the record will be made available only after consultation with the other interested agency.

(b) If the release of a record covered by this subpart would be of concern to both this Department and a State or local government, or a foreign government, the record will be made available by the Department only after consultation with the other interested State or local government or foreign government.

Subpart G—Exemptions

§ 7.61 Applicability.

This subpart implements section 552 (b) of Title 5, United States Code which exempts certain records from public inspection under section 552(a). The Department will, however, release a record authorized to be withheld under §§ 7.65 through 7.79 unless it determines that the release of that record would be inconsistent with a purpose of the section concerned. Examples given in §§ 7.65 through 7.79 of records included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the exemption.

§ 7.63 Records relating to matters that are required by Executive Order to be kept secret.

Records relating to matters that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy include those within the scope of the following, and any further amendment of any of them, but only to the extent that the records are in fact properly classified pursuant to such Executive Order:

(a) Executive Order 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972).

(b) Executive Order 10865 of February,[1] 1950 (3 CFR 1949–1953 Comp., p. 398); and

(c) Executive Order 10104 of February [1], 1950 (3 CFR 1949–1953 Comp., p. 298).

These records may not be made available for public inspection.

§ 7.65 Records related solely to internal personnel rules and practices.

(a) Records related solely to internal personnel rules and practices that are within the statutory exemption include memoranda pertaining to personnel matters such as staffing policies and policies and procedures for the hiring, training, promotion, demotion, and discharge of employees, and management plans, records, or proposals related to labor-management relationships.

(b) The purpose of this section is to authorize the protection of any record related to internal personnel rules and practices dealing with the relations between the Department and its employees.

§ 7.67 Records exempted from disclosure by statute.

(a) Records relating to matters that are specifically exempted by statute from disclosure include those covered by the following:

(1) Section 1905 of Title 18, United States Code, protecting trade secrets, processes, and certain economic and other data obtained by examination or investigation, or from reports.

(2) Revised Statutes section 4448, as amended (46 U.S.C. 234) protecting the source of reports of defects and imperfections of vessels.

(3) Revised Statutes section 4551, as amended (46 U.S.C. 643) protecting the names, address, and next of kin of merchant seamen and entries made in records pertaining to merchant seamen.

(4) Public Law 86–660, as amended (23 U.S.C. 313 (note) protecting information in the register of persons whose license to operate a motor vehicle has been denied, terminated, or suspended.

(5) Section 106 of Public Law 89–564 (23 U.S.C. 313 (note)) so far as it relates to identification of individuals in reports on highway traffic accidents.

(6) Section 902(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(f)) relating to information obtained by examining the accounts, records, or memoranda of an air carrier.

(7) Section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481) so far as it relates to the secrecy of acts and proceedings when requested on grounds of national defense.

(8) Section 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1504) relating to the withholding, upon request, of information obtained under that Act.

(b) The purpose of this section is to preserve the effectiveness of statutes of the kind listed in paragraph (a) of this section, in accordance with their terms.

§ 7.69 Trade secrets and commercial or financial information that is privileged or confidential.

(a) Trade secrets and commercial or financial information that is privileged and for which confidentiality is requested by the person possessing such privilege are within the statutory exemption. This includes the following:

(1) Commercial or financial information not customarily released to the public, furnished and accepted in confidence.

(2) Commercial, technical, and financial information furnished by any person in connection with an application for a loan or a loan guarantee.

(3) Commercial or financial information customarily subjected to an attorney-client or similar evidentiary privilege.

(4) Materials in which the Department has a property right such as designs, drawings, and other data and reports acquired in connection with any research project, inside or outside of the Department, or any grant or contract.

(5) Business records of the Alaska Railroad of the kind which are ordinarily treated by railroads as confidential.

(b) The purpose of this section is to authorize the protection of trade secrets and commercial or financial records that are customarily privileged or are appropriately given to the Department in confidence. It assures the confidentiality of trade secrets and commercial or financial information obtained by the Department through questionnaires and required reports to the extent that the information would not customarily be made public by the person from whom it was obtained. In any case in which the Department has obligated itself not to disclose trade secrets and commercial or financial information it receives, this section indicates the Department's intention to honor that obligation to the extent permitted by law. In addition, this section recognizes that certain materials, such as research data and materials, formulae, designs, and architectural drawings, have significance not as records but as items of property acquired, in many cases, at public expense. In any case in

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which similar proprietary material in private hands would be held in confidence, material covered by this section may be held in confidence.

§ 7.71 Intragovernmental exchanges.

(a) Any record prepared by a Government officer or employee (including those prepared by a consultant) for internal Governmennt use is within the statutory exemption to the extent that it contains—

(1) Opinions, advice, deliberations, or recommendations made in the course of developing official action by the Government, but not actually made a part of that official action, or

(2) Information concerning any pending proceeding or similar matter including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) This section has two distinct purposes. One is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the Government and to afford this protection both before and after any action is taken. This judicially recognized privilege of protection against disclosure in litigation or elsewhere is intended to assure that these resources will be fully and readily available to those officials upon whom the responsibility rests to take official and final Departmental action. However, the action itself, any memoranda made part of that action, and the facts on which it is based are not within this protection. The other purpose is to protect against the premature disclosure of material that is in the development stage if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public.

(c) Examples of records covered by this section include minutes, to the extent they contain matter described in paragraph (a) of this section; staff papers containing advice, opinions, suggestions, or exchanges of views, preliminary to final agency decision or action; budgetary planning and programing information; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged preparatory to anticipated legal proceedings; material intended for public release at a specified future time, if premature disclosure would be detrimental to orderly processes of the Department; records of inspections, investigations, and surveys pertaining to internal management of the Department; and matters that would not be routinely disclosed under disclosure procedures in litigation and which are likely to be the subject of litigation. However, if such a record also contains factual information, that information must be made available under section 7.15, unless the facts are so inextricably intertwined with deliberative or policy-making processes, that they cannot be separated without disclosing those processes.

§ 7.73 Protection of personal privacy.

(a) Any of the following personnel, medical, or similar records is within the statutory exemption if its disclosure would harm the individual concerned or be a clearly unwarranted invasion of his personal privacy:

(1) Personnel and background records personal to any officer or employee of the Department, or other person, including his home address.

(2) Statements of financial interests furnished by employees of the Department.

(3) Medical histories and medical records concerning individuals, including applicants for licenses.

(4) Any other detailed record containing personal information identifiable with a particular person.

(b) The purpose of this section is to provide a proper balance between the protection of personal privacy and the preservation of the public's right to Departmental information by authorizing the protection of information that, if released, might unjustifiably invade an individual's personal privacy.

§ 7.75 Investigatory records compiled for law enforcement purposes.

(a) Records compiled by the Department for law enforcement purposes, including the enforcement of the regulations of the Department, are within the statutory exemption to the extent that production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

(b) The purpose of this section is to protect from disclosure the law enforcement files of the Department, including files prepared in connection with related litigation and adjudicative proceedings. It includes the enforcement not only of criminal statutes but all kinds of laws.

§ 7.77 Reports of financial institutions.

Any material contained in or related to any examination, operating, or condition report prepared by, on behalf of, or for the use of, any agency responsible for the regulation or supervision of financial institutions is within the statutory exemption.

§ 7.79 Geological and geophysical information.

Any geological or geophysical information and data (including maps) concerning wells is within the statutory exemption.

Subpart H—Procedures for Reconsidering Decisions Not To Disclose Records

§ 7.81 General.

(a) Each officer or employee of the Department who, upon a request by a number of the public for a record under this part, makes a determination that the record is not to be disclosed, will give a written statement of his reasons for that determination to the person making the request; and indicate the name and title or position of each person responsible for the denial of such request, and the availability of an appeal within the Department.

(b) Any person to whom a record has not been made available within the time limits established by Subpart C and any person who has been given a determination pursuant to paragraph (a) of this section, that a record he has requested will not be disclosed, may apply to the head of the operating administration concerned, or in the case of the Office of the Secretary, to the General Counsel of the Department, for reconsideration of the request. Any person on whose request an initial determination has not been made within the time limits established by Subpart C may consider his request denied and may appeal this denial either administratively or judicially. A determination that a record will not be disclosed is not administratively final for the purposes of judicial review unless it was made by the head of the operating administration concerned (or his designee), or the General Counsel, as the case may be, unless the applicable time limit has passed without a determination of the appeal having been made. Upon a determination that an appeal will be denied, the requester shall be informed in writing of the reasons for the determination, and the names and titles or positions of each person responsible for the determination, and that the determination may be appealed to the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the records are located, or in the District of Columbia.

(c) Each application for reconsideration must be made in writing within sixty days from the date of receipt of the original denial and must include all information and arguments relied upon by the person making the request. Such application must indicate that it is an appeal from a denial of a request made under the Freedom of Information Act. The envelope in which the application is sent must be prominently marked with the letters "FOIA". If these requirements are not met, the twenty day time limit described in § 7.23 will not begin to run until the application has been identified by an employee of the Department as an application under the Freedom of Information Act and has been received by the appropriate office.

(d) Whenever the head of the operating administration concerned, or the General Counsel, as the case may be, determines it to be necessary, he may require the person making the request to furnish additional information, or proof of factual allegations, and may order other proceedings appropriate in the circumstances. The decision of the head of the operating administration concerned, or the General Counsel, as the case may be, as to the availability of the record is administratively final.

(e) The decision by the head of the operating administration concerned, or the General Counsel, as the case may be, not to disclose a record under this part is considered to be a withholding by the Secretary for the purposes of section 552 (a)(3) of title 5, United States Code.

(f) Any final decision by the head of an operating administration or his delegee identified in Appendices B through H of this part, not to disclose a record under this part is subject to concurrence by the General Counsel.

Subpart I—Fees

§ 7.91 General.

(a) This subpart prescribes fees for services performed for the public under Subparts E and F of this part by the Department of Transportation.

(b) This subpart does not apply to any special study, special statistical compilation, table or other record requested under section 9(n) of the Department of Transportation Act. The fee for the performance of such a service is the actual cost of the work involved in compiling the record. All moneys received by the Department in payment of the cost of the work are deposited in a separate account administered under the direction of the Secretary, and may be used for the ordinary expenses incidental to the work.

§ 7.93 Payment of fees.

The fees prescribed in this subpart may be paid by check, draft, or postal money order, payable to the Treasury of the United States. Except as provided in section 7.53(f), the fees are payable in advance.

§ 7.95 Fee schedule.

(a) Except as provided in paragraph (j) of this section search for a record under Subpart F of this part, when required, including making it available for inspection	$2.00
(b) Copies of documents by photocopy or similar method: Each page not larger than 11 x 17 inches:	
First page	.25
Each additional page	.05
(c) Copies of documents by typewriter, each page	2.00
(d) Certified copies of documents:	
(1) With Department of Transportation seal	3.00
(2) True copy, without seal	1.00
(e) Photographs:	
(1) Black and White print (from negative)	1.25
(2) Black and White print (from print)	3.15
(3) Color print (from negative)	3.50
(4) Color print (from print)	6.25
(f) Duplicate data tapes—each reel of tape or fraction thereof. The applicant must furnish the necessary number of blank magnetic tapes. The tapes must be compatible for use in the supplier's computer system, ½ inch wide and 2,400 feet long, and must be capable of recording data at a density of 556 or 800 characters per inch. Unless otherwise designated, the tapes will be recorded at 556 CPI density. The Department of Transportation is not responsible for damaged tape. However, if the applicant furnishes a replacement for a damaged tape, the duplication process is completed at no additional charge.	36.00
(g) Microreproduction fees are as follows:	
(1) Microfilm copies, each 100-foot roll or less	3.75
(2) Microfiche copies, each standard size sheet (4" x 6", containing up to 65 frames)	.15
(h) Data processed record, each 1,000 lines or fraction thereof	1.00
(i) Preprinted materials, shelf stock, on color standard sizes: (1) Each page (exluding blanks)	.06
(j) Other records: The fee for a copy of a record not described in paragraphs (b) through (i) of this section will be supplied on request. The amount of that fee will be the cost of producing and handling.	
(k) The fee for a search and copy of any record where the cost will obviously be more than $2 will be determined in accordance with the policy of the Freedom of Information Act.	

§ 7.97 Services performed without charge or at a reduced charge.

(a) No fee is charged for time spent in preparing correspondence related to a request and in making determinations pursuant to § 7.81.

(b) No fee is charged for documents furnished in response to:

(1) A request from an employee or former employee of the Department for copies of personnel records of the employee;

(2) A request from a member of Congress for his official use;

(3) A request from a State, territory, U.S. possession, county or municipal government, or an agency thereof;

(4) A request from a court that will serve as a substitute for the personal court appearance of an officer or employee of the Department;

(5) A request from a foreign government or an agency thereof, or an international organization.

(c) Documents will be furnished without charge or at a reduced charge, if the Director of Public Affairs, or the head of the operating administration concerned, as the case may be, determines that waiver or reduction of the fee is in the public interest, because furnishing the information can be considered as primarily benefiting the general public. Examples of requests that may fall within this paragraph are reasonable requests from groups engaged in a nonprofit activity designed for the public safety, health, or welfare; schools; and students engaged in study in the field of transportation.

§ 7.99 Transcripts.

Transcripts of hearings and oral argument are available for inspection. Where transcripts are prepared by a nongovernment contractor, and the contract permits the Department to handle the reproduction of further copies, the provisions of Subpart I apply. Where the contract for transcription services reserves the sales privilege to the reporting service, any duplicate copies should be purchased directly from the reporting service.

§ 7.101 Alternate sources of information.

In the interest of making documents of general interest publicly available at as reasonable a cost as possible, alternate sources are arranged whenever practicable. In appropriate instances, material that is published and offered for sale may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; the Commerce Department's National Technical Information Service (NTIS), Springfield, Va. 22151; the National Audio-Visual Center, National Archives and Records Service, General Services Administration, Washington, D.C. 20405; or the Consumer Product Information Coordinating Center, General Services Administration, Washington, D.C. 20407.

Effective date. This amendment is effective February 19, 1975.

Issued in Washington, D.C., on February 19, 1975.

JOHN W. BARNUM,
Undersecretary.

[FR Doc.75-4857 Filed 2-21-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2nd Rev. S.O. 1112-A]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of February 1975.

Upon further consideration of Second Revised Service Order No. 1112 (39 FR 22269, 43632), and good cause appearing therefor:

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It is ordered, That § 1033.1112 *Service Order No. 1112*, (Railroad operating regulations for freight car movement) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., February 18, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4916 Filed 2-21-75;8:45 am]

[S.O. 1170-A]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Movement of Privately Owned Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of February 1975.

Upon further consideration of Service Order No. 1170 (39 FR 3827, 32137), and good cause appearing therefor:

It is ordered, That § 1033.1170 *Service Order No. 1170*, (Railroad operating regulations for movement of privately owned freight cars) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), 17 (2))

It is further ordered, That this order shall become effective at 11:59 p.m., February 18, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4915 Filed 2-21-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-478]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	Monterey	Seaside, city of	Feb. 13, 1975. Emergency	June 7, 1974		
Idaho	Bonneville	Ucon, city of	do			
Illinois	Livingston	Pontiac, city of	do	Mar. 8, 1974		
Indiana	Johnson	Edinburg, town of	do	Feb. 1, 1974		
Michigan	Saginaw	Thomas, township of	do			
Mississippi	Amite	Gloster, town of	do	June 7, 1974		
Missouri	Jackson	Levasy, city of	do	Dec. 20, 1974		
New Mexico	Santa Fe	Santa Fe, city of	do			
Oklahoma	Grant	Jefferson, town of	do	Nov. 22, 1974		
Pennsylvania	Susquehanna	Great Bend, township of	do			
Do	Warren	Limestone, township of	do	Dec. 27, 1974		
Do	Montgomery	Upper Hanover, township of	do	Nov. 22, 1974		
Texas	Harris, Waller, Fort Bend.	Katy, city of	do	June 28, 1974		
Vermont	Orleans	Derby, town of	do	Dec. 13, 1974		
West Virginia	Harrison	Bridgeport, city of	do	July 19, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 6, 1975.

J. ROBERT HUNTER, *Acting Federal Insurance Administrator.*

[FR Doc.75-4766 Filed 2-21-75;8:45 am]

[Docket No. FI-479]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alabama	Talladega	Sylacauga, city of	Feb. 18, 1975. Emergency	Nov. 22, 1974		
Arizona	Coconino	Unincorporated areas	do			
Do	Maricopa	Tolleson, city of	do	Apr. 12, 1974		
California	Solano	Vacaville, city of	do	May 17, 1974		
Florida	Lake	Clermont, city of	do	May 31, 1974		
Illinois	Winnebago	Cherry Valley, village of	do	Mar. 1, 1974		
Do	Kane	Sleepy Hollow, village of	do	Apr. 12, 1974		
Do	Cook	Westhaven, village of	do	Apr. 5, 1974		
Do	do	Worth, village of	do	do		
Indiana	Washington	Fredericksburg, town of	do	Dec. 17, 1973		
Michigan	Saginaw	Bridgeport, township of	do	Feb. 8, 1974		
Mississippi	Montgomery	Winona, city of	do	Aug. 23, 1974		
New Jersey	Middlesex	Helmetta, borough of	do	June 28, 1974		
New York	Onondaga	Elbridge, village of	do	May 31, 1974		
Do	Ontario	Geneva, city of	do	May 17, 1974		
North Carolina	Buncombe	Woodfin, town of	do			
Oklahoma	Major	Fairview, city of	do	May 24, 1974		
Oregon	Douglas	Glendale, city of	do	Dec. 28, 1973		
Pennsylvania	Adams	Bendersville, borough of	do			
Do	Beaver	Industry, borough of	do	Feb. 8, 1974		
Do	Fayette	Perryopolis, borough of	do			
Tennessee	Dyer	Unincorporated areas	do			
West Virginia	Nicholas	Summersville, town of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 10, 1975.

J. ROBERT HUNTER, *Acting Federal Insurance Administrator.*

[FR Doc.75-4767 Filed 2-21-75;8:45 am]

[Docket No. FI-480]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Florida	Suwannee	Unincorporated areas	Feb. 14, 1975. Emergency			
Illinois	Cook	Thornton, village of	do	Apr. 5, 1974		
Do	De Kalb	Kirkland, village of	do	May 31, 1974		
Do	Cook	Kenilworth, village of	do	June 14, 1974		
Indiana	Lake	Hobart, city of	do	Apr. 12, 1974		
Do	Madison	Chesterfield, town of	do	Dec. 17, 1974		
Louisiana	Bossier Parish	Unincorporated areas	do			
Maine	Cumberland	Yarmouth, town of	do	Mar. 1, 1974		
Mississippi	Chickasaw	Houston, city of	do	June 28, 1974		
Missouri	Taney	Hollister, city of	do	June 7, 1974		
Do	Pemiscot	Hayti, city of	do	Apr. 12, 1974		
New York	Oneida	Sherrill, city of	do	Mar. 8, 1974		
North Carolina	Scotland	Laurinburg, city of	do	Jan. 9, 1974		
Do	Hoke	Raeford, city of	do	Dec. 20, 1974		
North Dakota	Burleigh	Bismarck, city of	do	Nov. 8, 1974		
Ohio	Preble	Eaton, city of	do	May 31, 1974		
Ohio	Licking	Heath, city of	do	Feb. 15, 1974		
Oregon	Crook	Unincorporated areas	do			
Tennessee	Sumner	Portland, city of	do	May 24, 1974		
Do	McNairy	Selmer, city of	do	Apr. 5, 1974		
Vermont	Windsor	Ludlow, village of	Oct. 11, 1974. Emergency			
Washington	Okanogan	Brewster, town of	Feb. 14, 1975. Emergency			
Do	Adams	Ritzville, city of	do	June 14, 1974		
Do	Whatcom	Sumas, city of	do	June 21, 1974		
West Virginia	Jefferson	Shepherdstown, town of	do	Feb. 1, 1974		
Wisconsin	Sheboygan	Plymouth, city of	do	Nov. 1, 1974		
Do	Calumet	Hilbert, village of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 10, 1975.

J. ROBERT HUNTER, *Acting Federal Insurance Administrator.*

[FR Doc.75-4768 Filed 2-21-75;8:45 am]

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[Docket No. FI-481]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Illinois	Cook	Bellwood, village of	Feb. 18, 1975, Emergency	June 7, 1974		
Do.	Rock Island	Andalusia, village of	do.	Mar. 15, 1974		
Missouri	Nodaway	Hopkins, city of	do.	do.		
New Mexico	Lincoln	Ruidoso Downs, village of	do.	May 31, 1974		
Ohio	Summit	Akron, city of	do.	Mar. 15, 1974		
Pennsylvania	Huntingdon	Spruce Creek, township of	do.	Dec. 20, 1974		
South Dakota	Moody	Trent, town of	do.	Dec. 6, 1974		
Tennessee	Loudon	Philadelphia, city of	do.	Mar. 8, 1974		
Washington	Thurston	Tenino, town of	do.			
West Virginia	Harrison	Salem, city of	do.	Nov. 15, 1974		
Do.	Greenbrier	Lewisburg, city of	do.			
Wisconsin	Wood	Marshfield, city of	do.			
Do.	Outagamie	Seymour, city of	do.	Nov. 29, 1974		
Do.	Waukesha	Mukwonago, village of	do.			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 11, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4769 Filed 2-21-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Miscellaneous Changes

This regulation amend Part 105-61 to conform with recent changes to the Freedom of Information Act; requires researchers to check personal belongings before entering research rooms; provides that records which are available on microfilm will not be copied by other means as long as a legible copy can be made from the microfilm; and authorizes the Archivist of the United States to issue supplemental rules and procedures concerning the location and hours of use of records, fees for reproduction, and related services, and restrictions on the use of records.

The table of contents for Part 105-61 is amended by adding or revising the following entries:

Sec.
105-61.000 General.
105-61.000-1 Scope.
105-61.000-2 Authority for issuance.
105-61.102 Research room rules.
105-61.102-1 Registration.
105-61.102-2 Researcher's responsibility for records.
105-61.102-3 Prevention of damage to records.
105-61.102-4 Removal or mutilation of records.
105-61.102-5 Conduct.
105-61.102-6 Keeping records in order.
105-61.103 Access to unclassified records.
105-61.103-1 Archives.
105-61.103-2 FRC records.
105-61.103-3 Records of defunct agencies.
105-61.104 Access to national security information.
105-61.104-1 Declassification responsibility. Order 11652.
105-61.104-2 Public requests for review of national security information.
105-61.104-3 Access to records that remain classified.
105-61.108-1 Authority.
105-61.108-2 Fees and procedures.
105-61.203 Review of national security classified donated historical materials under Executive Order 11652.
105-61.203-1 Mandatory review of White House classified materials.
105-61.203-2 Mandatory review of agency classified material.

1. Section 105-61.000 is revised as follows:

§ 105-61.000 General.

§ 105-61.000-1 Scope.

This part prescribes rules and procedures governing the public use of records and donated historical materials in the custody of the National Archives and Records Service (NARS) but does not apply to current operating records of the Service. This part also prescribes rules and procedures governing the public use of certain facilities of the Service.

§ 105-61.000-2 Authority for issuance.

The rules and procedures included in subparts 105-61.1 through 105-61.3 are issued by the Administrator of General Services. The Archivist of the United States is authorized to issue supplemental rules and procedures concerning restrictions on the use of records in subparts 105-61.53 and 105-61.54; on fees for reproduction and related services in subpart 105-61.52; and on the location of records and hours of use in subpart 105-61.51.

2. Section 105-61.001-7 is revised as follows:

§ 105-61.001-7 Federal records centers.

"Federal records centers" includes the Washington National Records Center, National Personnel Records Center, and the Federal records centers and Federal archives and records centers listed in §§ 105-61.5101-6 and 105-61.5101-7.

Subpart 105-61.1—Public Use of Archives and FRC Records

1. Section 105-61.101 is amended as follows:

§ 105-61.101 Availability of records.

§ 105-61.101-1 General.

• • • • •

(d) A director will require that researchers under the age of 16 years be accompanied by an adult researcher who agrees in writing to be present when the records are used and to be responsible for compliance with the research room rules set forth in § 105-61.102. The director may make exceptions to the above requirement under certain circumstances.

(e) Requests received in the normal course of reference service are not considered requests made under the Freedom of Information Act (5 U.S.C. 552). Requests under the act must follow the procedure set forth in § 105-61.103 or § 105-61.104.

§ 105-61.101-2 Location of records and hours of use.

(a) A prospective researcher should first ascertain the location of the records desired. Inquiries may be addressed to the Archivist of the United States, Washington, DC 20408.

(b) The locations and hours of duty (expressed in local time) of depositories administered by the National Archives and Records Service are shown in § 105-61.5101.

(c) Except for Federal holidays and other times specified by the Archivist, records will be made available according to the schedule set forth in § 105-61.5101.

(d) In addition to the times specified in § 105-61.5101, records may be made available at such other times as are authorized by a director.

2. Section 105-61.102 is redesignated as § 105-61.103 and revised as follows:

§ 105-61.103 Access to unclassified records.

§ 105-61.103-1 Archives.

(a) *Restrictions.* The use of archives is subject to the restrictions prescribed by statute or Executive Order, or those restrictions specified in writing in accordance with 44 U.S.C. 2104 by the agency from which the records were transferred. The restrictions are published in the "Guide to the National Archives of the United States," which is hereby incorporated by reference, and supplemented by restriction statements approved by the Archivist of the United States and set forth in Subparts 105-61.53 and 105-61.54. The Guide is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The Guide may also be consulted at the NARS research facilities set forth in § 105-61.5101 and the GSA Business Service Center reading rooms set forth in § 105-60.303. NARS makes available any reasonably segregable portion of a record after the restricted portion has been deleted.

(b) *Freedom of Information Act requests.* Requests for access to unclassified archives under the Freedom of Information Act shall reasonably describe the records requested, shall be made in writing to the director of the appropriate NARS depository listed in § 105-61.5101 or to the Assistant Archivist for the National Archives, and shall clearly indicate that the request is being made under the act. Within 10 workdays after receiving a request for unrestricted records NARS makes them available. When restricted records are requested, NARS consults with the agency from which the records were transferred, when appropriate, to determine which exemption in 5 U.S.C. 552b, if any, justifies continuing the restrictions and makes a determination within 10 workdays unless consultation with the transferring agency requires an extension not to exceed 10 additional workdays. If an extension is required, NARS notifies the requester within 10 workdays from receipt of the request.

(c) *Denials and appeals.* Denials under the Freedom of Information Act of access to archives are made by the appropriate director of a Federal records center or a Presidential library or by the Assistant Archivist for the National Archives, who, within 10 workdays, notifies the requester of the reasons for denial and of the procedures for appeal. Appeals from denials may be made in writing to the Deputy Archivist of the United States, General Services Administration (ND), Washington, DC 20408. The Deputy Archivist consults with the agency specifying the restriction, when appropriate, and makes a determination within 20 workdays after the date of receipt of the appeal. If an extension is required, the Deputy Archivist notifies the requester within 20 workdays from receipt of the request. Time extensions will not exceed 10 workdays in the aggregate: either solely in the initial or in the appellate stage, or divided between them. If the determination is adverse in whole or in part, the Deputy Archivist notifies the requester of his right to judicial review.

§ 105-61.103-2 FRC records.

Requests for access to records on deposit in Federal records centers shall be addressed directly to the appropriate agency or to the FRC director at the address shown in § 105-61.5101. The use of FRC records is subject to access rules prescribed by the agency from which the records were transferred. When the agency's rules permit, NARS makes FRC records available to requesters. When access is precluded by these rules and restrictions, the FRC director will refer to the responsible agency the requests and any appeals for access, including those made under the Freedom of Information Act.

§ 105-61.103-3 Records of defunct agencies.

Access to archives and FRC records received from agencies which have ceased to exist without a successor in function are handled in accordance with § 105-61.103-1.

3. Section 105-61.103 is redesignated as § 105-61.102 and revised to read as follows:

§ 105-61.102 Research room rules.

§ 105-61.102-1 Registration.

Researchers shall register each day they enter a research room, furnishing the information specified on the registration form.

§ 105-61.102-2 Researcher's responsibility for records.

The research room attendant may limit the quantity of records to be delivered at one time to a researcher. When requested, researchers shall acknowledge receipt of records by signature. A researcher is responsible for all records delivered to him until he returns them. When a researcher has completed his use of records, he shall return them to the research room attendant. When requested, researchers shall return records as much as 10 minutes before closing time. Before leaving a research room, even for a short time, a researcher shall notify the research room attendant and place all records in their proper containers.

§ 105-61.102-3 Prevention of damage to records.

The researcher shall exercise all possible care to prevent damage to records. Records shall not be used at a desk where there is a container of liquid or where a fountain pen is being used. Records shall not be leaned on, written on, folded anew, traced, fastened with paper clips or rubber bands, or handled in any way likely to cause damage. The use of records of exceptional value or in fragile condition shall be subject to any conditions specified by the research room attendant.

§ 105-61.102-3 Removal or mutilation of records.

Researchers may not remove records from a research room. The removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (18 U.S.C. 2071). At the discretion of the research room attendant or Federal Protective Officer on duty, researchers may be required to check personal belongings, including briefcases, folders, coats, newspapers, or containers of any kind before entering a research room; and upon leaving, researchers shall present for examination any article that could contain records. To ensure that records are not unlawfully removed or mutilated, a director may issue and post at the entrance of a research room instructions supplementing the rules in this § 105-61.102.

§ 105-61.102-5 Conduct.

Researchers are subject to the provisions of Subpart 101-19.3, Conduct on Federal Property. Eating in a research room is prohibited. Smoking is prohibited except in designated smoking areas. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use typewriters, sound recording devices, or photocopying equipment shall work in areas designated by the research room attendant.

§ 105-61.102-6 Keeping records in order.

A researcher must keep unbound records in the order in which they are delivered to him. Records appearing to be in disorder should not be rearranged by a researcher, but should be referred to the research room attendant. Normally, a researcher will not be allowed to remove records from more than one container at a time.

4. Section 105-61.104 is revised as follows:

§ 105-61.104 Access to national security information.

Public access to national security information and material is governed by Executive Order 11652, of March 8, 1972; the implementing National Security Council (NSC) Directive Governing the Classification, Downgrading, Declassification, and Safeguarding of National Se-

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curity Information of May 17, 1972; and the Freedom of Information Act (5 U.S.C. 552).

§ 105–61.104–1 Declassification responsibility.

(a) *Records less than 30 years old.* Determinations to declassify national security information and materials less than 30 years old are the responsibility of the agency that classified the information unless that agency has authorized NARS to make such determinations.

(b) *Records more than 30 years old.* Determinations to declassify or to grant or deny access to national security information and materials more than 30 years old are the responsibility of NARS unless the head of the agency that classified the information personally certifies in writing that the information must remain classified.

(c) *Presidential records.* Determinations to declassify or to grant or deny access to national security information or materials classified by a President, his White House staff, or special committees or commissions appointed by him, are the responsibility of NARS and are made after consultation with the agencies having primary subject-matter interest (see § 105–61.203 for provisions relating to classified Presidential donated historical materials).

§ 105–61.104–2 Public requests for review of national security information.

(a) *General.* All requests for access to national security information and material in the custody of NARS should reasonably describe the records desired, be addressed in writing to the director of the appropriate NARS depository listed in § 105–61.5101 or to the Assistant Archivist for the National Archives, and clearly indicate that the request is being made under the Freedom of Information Act. NARS makes available any reasonably segregable portion of a record after national security information has been deleted.

(b) *Determinations made by other agencies.* When the agency which classified the information is responsible for declassification determinations, NARS notifies the requester of the agency with declassification authority and forwards any declassification requests received by NARS to the classifying agency. The agency makes the determination and notifies both NARS and the requester. If declassification is denied, the agency notifies the requester of his right of appeal.

(c) *Determinations made by NARS.* When NARS is responsible for declassification and access determinations, NARS reviews the records requested; consults with the agency which classified the records or with agencies having primary subject-matter interest if so required by the classifying agency or Executive Order 11652; and makes a determination within 10 workdays unless consultation with another agency requires an extension not to exceed 10 additional workdays. If an extension is required, NARS notifies the requester within 10 workdays from receipt of the request. If declassification or access is denied, NARS notifies the requester of his rights of appeal (1) in accordance with § 105–61.103–1(c), (2) to the Interagency Review Committee under the provisions of Executive Order 11652.

(d) *Declassified records.* When records have been declassified and are not otherwise restricted from release under § 105–61.103, members of the public may use or order reproductions of the records in accordance with this Part 105–61.

§ 105–61.104–3 Access to records that remain classified.

(a) Sections 6 and 12 of Executive Order 11652 and Section VI B of the implementing NSC Directive provide that persons outside the Executive Branch engaged in historical research projects may be authorized access to classified information and material provided that the head of the originating department determines that the project and the granting of the access conform to the requirements of the Executive Order and the NSC Directive, and that the researcher agrees to adequately safeguard the information and material received.

(b) Any person desiring permission to examine such material in the custody of NARS shall, sufficiently in advance, submit to the Archivist of the United States:

(1) A completed application;

(2) Personal history data on appropriate forms that will be furnished; and

(3) A set of fingerprints.

NARS refers applications to agencies having responsibility for the related programs. Records can be made available for examination only after each responsible agency has authorized the Archivist to make them available.

(c) The requirement for submission of a fingerprint set or of personal history data may be waived for an applicant who has previously furnished those items.

(d) To guard against the possibility of unauthorized access to restricted records, a director may issue and post in research rooms instructions supplementing the research room rules provided in § 105–61.102.

5. Section 105–61.105 is revised as follows:

§ 105–61.105 Copying services.

The copying of records will be done by personnel of the National Archives and Records Service with equipment belonging to the Service. NARS reserves the right to make a duplicate, at NARS expense, of any material copied. Such duplicates may be used by the Service to make additional copies for other researchers. Directors may permit individual researchers to use their own copying equipment when such use will not harm the records, will not disturb other researchers, and will not require the use of facilities or space other than that provided to all researchers. In order to preserve the original records, records which are available on microfilm will not be copied by other means as long as a legible copy (electrostat, photograph, or microfilm) can be made from the microfilm.

6. Section 105–61.106–1 is revised as follows:

§ 105–61.106–1 About records.

Upon request, overall information pertaining to holdings or about specific records will be furnished, provided that the time required to furnish the information is not excessive, and provided that the information is not restricted (see §§ 105–61.103 and 105–61.104). When so specified by a director, requests shall be made on prescribed forms.

7. Section 105–61.108 is revised as follows:

§ 105–61.108 Fees.

§ 105–61.108–1 Authority.

44 U.S.C. 2112c authorizes the charging of a fee, not in excess of 10 percent more than the costs or expenses, for making or authenticating copies or reproductions of materials transferred to the Admininistrator's custody. Under 44 U.S.C. 2307 the Chairman, National Archives Trust Fund Board, is authorized to prepare and publish special works and collections of sources and to prepare, duplicate, edit, and release historical photographic materials and sound recordings and sell those publications and releases at a price that will cover their cost, plus 10 percent.

§ 105–61.108–2. Fees and procedures.

The schedule of fees charged under this section for reproductions, exemptions from the fees charged, and procedures for the collection of such fees are issued by the Archivist of the United States and are set forth in subpart 105–61.52.

Subpart 105–61.2 is revised as follows:

Subpart 105–61.2—Public Use of Donated Historical Materials

§ 105–61.201 General.

The use of donated historical materials (as defined in § 105–61.001–4) is governed by the provisions of subpart 105–61.1, except that §§ 105–61.202 and 105–61.203 shall apply in lieu of §§ 105–61.103 and 105–61.104.

§ 105–61.202 Restrictions.

The public use of donated historical materials is subject to restrictions on their use and availability as stated in writing by the donors or depositors of such materials and other restrictions imposed by statute. (Researchers are encouraged to confer with directors on any question of literary property right.) In addition, use is subject to all conditions specified by the Archivist of the United States for purposes of archival preservation.

§ 105–61.203 Review of national security classified donated historical materials under Executive Order 11652.

§ 105–61.203–1 Mandatory review of White House classified materials.

Requests for declassification review of material classified by a President, his White House staff, or special committees or commissions appointed by him shall be made in writing to the director of the appropriate Presidential library. Except when donor restrictions preclude granting access, NARS consults with the agencies having primary subject-matter interest, determines whether the material may be declassified, and notifies the requester of this determination within 30 calendar days. If an extension is required, NARS notifies the requester within 30 calendar days of receipt of the request. If the material is declassified, it becomes available subject to the provisions of this Part 105–61. If the request is denied, the library director informs the requester of his right to appeal the denial to the National Archives Review Committee. The requester may also appeal to the National Archives Review Committee if he receives no notification of action from NARS within 60 calendar days. The National Archives Review Committee, which is composed of the Deputy Archivist of the United States (Chairman), the Assistant Archivist for Presidential Libraries, and the Assistant Archivist for the National Archives, acknowledges receipt of the appeal, determines within 30 calendar days whether the material may be declassified, and notifies the requester of the determination. If the appeal is denied, the Committee notifies the requester of his right of appeal to the Interagency Classification Review Committee.

§ 105–61.203–2 Mandatory review of agency classified material.

Requests for declassification review of agency classified material are directed to the director of the appropriate Presidential library. Except when donor restrictions preclude granting access, NARS forwards the material to the originating agency for review. The originating agency determines within 30 calendar days whether the material may be declassified and notifies the requester and NARS of the determination or the reason further time is necessary to make the determination. If the material is declassified, it becomes available subject to the provisions of this Part 105–61. If the request is denied or if no answer is received after 60 calendar days, the requester may appeal to the Departmental Committee of the originating agency as provided in section 7(B) of Executive Order 11652 and Part III of the National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972).

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective on February 24, 1975.

Dated: February 19, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–4965 Filed 2–21–75;8:45 am]

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Fees for Reproduction Services; Location of Records and Hours of Use

On January 22, 1975, there was published in the FEDERAL REGISTER (40 FR 3474) a notice of proposed rulemaking with proposed amendments to Chapter 105 of title 41 for the purpose of publishing a uniform schedule of fees and for revising the location of records and hours of use. Interested persons were given 30 days in which to submit comments regarding the proposed regulations.

No comments were received. Editorial corrections are made as follows:

1. The hours in paragraph (a) of § 105–61.5101–6 are changed to read 7:30 a.m. to 4 p.m.;

2. The hours in paragraph (b) of § 105–61.5101–7 are changed to read 8 a.m. to 4:30 p.m.;

3. The zip codes in paragraphs (e) and (g) of 105–61.5101–7 have been changed to read 60629 and 76115, respectively;

4. The column headings in paragraph (e) of § 105–61.5206 are changed to read 35mm, 16mm, and 16mm from 35mm.

Accordingly, with these corrections, the proposed amendments are adopted as set forth below.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 105–61.000–2)

Effective date. These subparts are effective February 24, 1975.

Dated: February 20, 1975.

JAMES B. RHOADS,
Archivist of the United States.

The table of contents for Part 105–61 is amended by adding or revising the following entries:

Subpart 105–61.4—105–61.50 (Reserved)

Subpart 105–61.51—Location of Records and Hours of Use

105–61.5100	Scope of subpart.
105–61.5101	Location of records and hours of use.
105–61.5101–1	National Archives Building.
105–61.5101–2	[Reserved]
105–61.5101–3	Presidential libraries.
105–61.5101–4	Washington National Records Center.
105–61.5101–5	National Personnel Records Center.
105–61.5101–6	Federal records centers.
105–61.5101–7	Federal archives and records centers.

Subpart 105–61.52 Fees

105–61.5201	Applicability.
105–61.5202	Exclusions.
105–61.5203	Color reproductions.
105–61.5204	Copy negatives.
105–61.5205	Mail orders.
105–61.5206	Fee schedule.
105–61.5207	Payment of fees.
105–61.5208	Effective date.

Subpart 105–61.48 is redesignated as Subpart 105–61.51 and revised as follows:

Subpart 105–61.51—Location of Records and Hours of Use

§ 105–61.5100 Scope of subpart.

This subpart illustrates exhibits previously referred to in this part.

§ 105–61.5101 Location of records and hours of use.

§ 105–61.5101–1 National Archives Building.

The National Archives Building, Eighth and Pennsylvania Avenue, NW., Washington, DC 20408. Hours: For the Central Research Room and Microfilm Research Room, 8:45 a.m. to 10 p.m., Monday through Friday, and 8:45 a.m. to 5:15 p.m. on Saturday. For other research rooms, 8:45 a.m. to 5 p.m., Monday through Friday. Records to be used on Friday after 5 p.m. or on Saturday must be requested by 3 p.m. Friday. Records to be used after 5 p.m., Monday through Thursday, must be requested by 4 p.m. of the day on which they are used.

§ 105–61.5101–2 [Reserved]

§ 105–61.5101–3 Presidential libraries.

(a) Herbert Hoover Library, South Downey Street, West Branch, IA 52358. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(b) Franklin D. Roosevelt Library, Albany Post Road, Hyde Park, NY 12538. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(c) Harry S. Truman Library, Highway 24 at Delaware Street, Independence, MO 64050. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(d) Dwight D. Eisenhower Library, South East Fourth Street, Abilene, KS 67410. Hours: 9 a.m. to 5 p.m., Monday through Friday.

(e) John F. Kennedy Library, 380 Trapelo Road, Waltham, MA 02154. Hours: 8:30 a.m. to 5 p.m., Monday through Friday.

(f) Lyndon B. Johnson Library, 2313 Red River, Austin, TX 78705. Hours: 9 a.m. to 5 p.m., Monday through Friday.

§ 105–61.5101–4 Washington National Records Center.

Washington National Records Center, 4205 Suitland Road, Suitland, MD. Mailing address: General Services Administration, Washington National Records Center, Washington, DC 20409. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

§ 105–61.5101–5 National Personnel Records Center.

(a) National Personnel Records Center (military personnel records), 9700 Page Boulevard, St. Louis, MO 63132. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

(b) National Personnel Records Center (civilian personnel records), 111 Winnebago Street, St. Louis, MO 63118.

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Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

§ 105–61.5101–6 Federal records centers.

(a) Naval Supply Depot, Building 308, Mechanicsburg, PA 17055. Hours: 7:30 a.m. to 4:00 p.m., Monday through Friday.

(b) 2400 West Dorothy Lane, Dayton, OH 45439. Hours: 7:30 a.m. to 4 p.m., Monday through Friday.

§ 105–61.5101–7 Federal archives and records centers.

(a) 380 Trapelo Road, Waltham, MA 02154. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(b) Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(c) 5000 Wissahickon Avenue, Philadelphia, PA 19144. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(d) 1557 St. Joseph Avenue, East Point, GA 30044. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(e) 7358 South Pulaski Road, Chicago, IL 60629. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(f) 2306 East Bannister Road, Kansas City, MO 64131. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(g) 4900 Hemphill Street, Fort Worth, TX 76115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(h) Building 48, Denver Federal Center, Denver, CO 80225. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(i) 1000 Commodore Drive, San Bruno, CA 94066. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(j) 24000 Avila Road, Laguna Niguel, CA 92677. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

(k) 6125 Sand Point Way, Seattle, WA 98115. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

New Subpart 105–61.52 is added as follows:

Subpart 105–61.52—Fees

§ 105–61.5201 Applicability.

(a) Except as otherwise provided in this section, fees for the reproduction of archives, donated historical materials, and records filed with the Office of the Federal Register are as set forth in § 105–61.5206.

(b) The fees set forth in § 105–61.5206 apply to reproductions of FRC records, except when NARS and the agency that transferred the records have agreed to apply that agency's fee schedule.

(c) The following categories are excluded from the fees set forth in § 105–61.5206.

(1) National Archives publications, including microfilm publications. Prices of publications are available from the Publications Sales Branch (NEPS), National Archives (GSA), Washington, DC 20408.

(2) Audiovisual materials sold by the National Audiovisual Center. Prices for these materials are available from the Distribution Branch (NACD), National Audiovisual Center (GSA), Washington, DC 20409.

(3) Historical photographs and sound recordings that are sold at prices listed in the General Information and Select Audiovisual Records leaflets available from the Publications Sales Branch (NEPS), National Archives (GSA), Washington, DC 20408.

(4) Census schedules (1790–1890). Reproduction of a census entry (i.e., a family unit or household)—$2.

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—$2.

(6) Passenger lists more than 75 years old—$2.

(7) Orders requiring additional expense to meet unusual customer specifications such as the use of special techniques to make a photographic copy more legible than the original document, or unusual format or background requirement for negative microfilm. Fees for these orders are computed for each order.

§ 105–61.5202 Exclusions.

No fee is charged for reproduction or authentication in the following instances:

(a) Documents furnished to other elements of the Federal Government. However, a fee may be charged if the appropriate director determines that the service cannot be performed without reimbursement.

(b) When the purpose is to disseminate information about the activities of GSA to the general public through press, radio, television, and newsreel representatives;

(c) When the reproduction is to furnish the donor of a document or other gift with a copy of the original;

(d) When the reproduction is for individuals or associations having official voluntary or cooperative relations with GSA in its work;

(e) When the reproduction is for a foreign, State, or local government or an international agency and furnishing it without charge is an appropriate courtesy;

(f) When furnishing the service free conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees;

(g) When the reproduction of not more than one copy of the document is required to obtain from the Government financial benefits to which the requesting person may be entitled (e.g., veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government);

(h) When the reproduction of not more than one copy of the transcript of a hearing or other formal proceeding involving security requirements for Federal employment is requested by a person directly concerned in the hearing or proceeding; and

(i) When the reproduction of not more than one copy of a document is for a person who has been required to furnish a personal document (e.g., birth certificate and retention by an agency of the Government).

§ 105–61.5203 Color reproductions.

Color reproductions are furnished to the public and the Government only on a fee basis.

§ 105–61.5204 Copy negatives.

Requests for photographs of materials for which no copy negative is on file are handled as follows:

(a) The cost of the negative shall be charged to the customer; except in cases where NARS wishes to retain the negative for its own use.

(b) When no fee is charged the negative becomes the property of NARS. When a fee is charged the negative becomes the property of the customer.

§ 105–61.5205 Mail orders.

The following fees apply only when reproductions are ordered by mail:

(a) Except for those processes showing a higher minimum in section 105–61.5206, a minimum fee of $2 per order is charged for reproductions ordered by mail.

(b) No additional fee is charged for postage and handling when reproductions are sent by surface mail at the lowest rate to domestic addresses.

(c) When a customer requests that reproductions be sent to a foreign address or requests airmail or priority shipment or special postal service to domestic addresses, the order is subject to a shipping fee in addition to the cost of the reproductions. The shipping fee is computed as a percentage of the cost of the items ordered plus a special shipping or postal service fee using the schedule in paragraph (d) or (e). However, no additional charge is made when the special shipping fee is less than $1.

(d) The following special shipping fees are computed as a percentage of the fee for the item ordered:

Type of reproduction	Shipping fee: Foreign surface or expedited domestic mail or freight or express	Shipping fee: Foreign airmail
	Percent	*Percent*
Electrostat	5	10
Photostat	10	20
Diazo	10	20
Copy negative	1	2
Slides (2" x 2")	2	4
Photographic prints (larger than 8" x 10")	10	20
Sound tapes	5	10
Motion pictures	3	6
Microfilm	3	6
Photographic prints (8" x 10" or smaller)	4	8

(e) The following fees for special postal service apply when the service is requested by the customer:

Insured mail	$0.40
Certified mail	.30
Return receipt	.15
Registered mail	.95

When packages are sent registered mail, both the shipping fee and the special postal service fee are charged since the U.S. Postal Service charges the airmail rate for registered mail.

§ 105–61.5206 Fee schedule.

(a) Authentication			$2.00
(b) Still photography (minimum order, $2):			
(1) Copy negatives (black and white):			
4 by 5 inches			2.10
8 by 10 inches			3.25
(2) Aerial prints (black and white):			
10 by 10 inches or smaller, contact			2.00
10 by 10 inches enlargement			3.00
14 by 14 inches			4.00
18 by 18 inches and 20 by 24 inches			5.00
27 by 28 inches			6.00
40 by 41 inches			12.00
(3) Photographic prints (includes prints from microfilm):			
	B. & W.	Color	
8 by 10 inches or smaller	$2.55	$8.25	
11 by 14 inches	3.20	15.00	
16 by 20 inches	5.25	25.00	
20 by 24 inches		37.00	
22 by 28 inches	7.50		
24 by 30 inches		58.50	
30 by 40 inches	9.80	90.00	
Sepia, add	3.50		
(4) Slides and transparencies:			
Black and white:			
2 by 2 inches from existing negative			1.10
Additional fee when negative must be made			2.10
Color:			
2 by 2 inches duplicate			.75
2 by 2 inches from opaque original			1.50
4 by 5 inches			5.75
8 by 10 inches			10.00
(5) Photostat (up to 17 by 23 inches)			1.50
(6) Diazo (per foot)			.45
(7) Drymounting (per square foot)			1.00

(c) Microfilm:	16 mm	16 mm from 35 mm
(1) Negative (per frame; minimum order, $10)	$0.10	$0.10
(2) Positive (per foot; minimum, $6 per roll)	.08	.09

(d) Electrostatic copying	
(1) Paper to paper (up to 8½ by 14 inches):	
Mail order (minimum order, $2)	.15
In research rooms	.10
(2) Microfilm to paper:	
From negative (Copyflo, minimum order, $10 per foot)	1.25
From positive (per frame):	
When work is done by customer (up to 8½ by 14 inches per frame)	.15
When work is done by NARS (minimum order, $2):	
Nonconsecutive frames or first of consecutive frame, any size	.75
Consecutive or duplicate frames-	
Up to 8½ by 14 inches	.25
11 by 17 inches	.35
18 by 24 inches	.45

(e) Motion pictures (minimum order, $24):	35 mm	16 mm	16 mm from 35 mm
(1) Basic fee per band or reel	$8.50	$7.00	$7.00
(2) Added fee per foot-			
Master positive	.05	.04	.06
Duplicate negative	.10	.06	.08
Projection print	.04	.03	.05
Composite, add	.015	.015	.03

(f) Sound recordings:	
Reel to reel or cassette, fee based on length of master 7½ ips, 7 inch reel:	
300 feet (7½ min)	2.50
600 feet (15 min)	4.10
900 feet (22½ min)	6.10
1,200 feet (30 min)	7.55
1,800 feet (45 min)	9.55
2,400 (60 min 10½ inch reel)	14.25
(g) Machine-readable records:	
Tape to tape (per reel)	75.00
Card to card (per card; minimum order $10)	.02
Computer processing (per hour; minimum order $25)	200.00

(h) Technical services:	Regular	Overtime[1]
(1) Projectionist (per hour)	$11.25	$15.50
(2) Photographer or other (per hour)	10.00	13.05

(i) *Unlisted processes.* Fees for reproduction work indicated in this section 105 or for processes not listed are computed upon request.

§ 105–61.5207 Payment of fees.

Fees may be paid in cash or by check or money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order or check drawn in U.S. dollars on a bank in the United States or one of its territories or possessions. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Accounts more than 90 days overdue are subject to late charges of 12 percent per year. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval. When special billing forms are not submitted with the order or are completed by NARS there is an added $5 service charge.

§ 105–61.5208 Effective date.

The fees in § 105–61.5206 are effective beginning February 19, 1975, and ending on June 30, 1975. Orders received after June 30, 1975, will be subject to the fees in effect at that time.

[FR Doc.75–4966 Filed 2–21–75;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1005—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Interim Regulations

In order to implement the Freedom of Information Act amendments to make information more accessible to the public, the Community Services Administration is publishing interim rules which will replace current regulations found in 45 CFR 1005, Inspection and Copying of Records; Rules for Compliance with Public Information Act.

Part 1005 of Chapter X of Title 45 of the Code of Federal Regulations is revoked.

Interested persons are invited to submit written comments, additional recommendations or objections regarding these interim rules to the General Counsel, Community Services Administration, 1200—19th Street, NW., Washington, D.C. 20506, on or before March 24, 1975.

The provisions of this Part are effective immediately on an interim basis pending the receipt of comments and issuance of final regulations.

Dated: February 20, 1975.

BERT A. GALLEGOS,
Director.

Sec.
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1005.10 Form and Records of Denial.
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AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1005.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions and other records of the Community Services Administration pursuant to the Freedom of Information Act (5 U.S.C. 552), as amended.

§ 1005.2 Policy.

It is the policy of the Community Services Administration pursuant to section 635 of the Community Services Act of 1974 (42 U.S.C. 2977) and the Freedom of Information Act, as amended (5 U.S.C. 552) to encourage the widest possible distribution of information concerning programs administered by the Community Services Administration under the Community Services Act.

§ 1005.3 Definition of terms used in this part.

(a) "CSA"—the Community Services Administration

(b) "Records"—includes books, papers, maps, photographs, or other documentary materials, regardless of physical form, made or received by CSA in connection with the transaction of public business and preserved as evidence of governmental organizations, functions, policies, decisions, procedures, operations, or other activities, or because of the informational value of data contained therein, but does not include books, magazines or other materials acquired solely for library purposes and available through any officially designated library of CSA and does not include anaylses, computations, or compilations of information not extant at the time of the request.

(c) "Request"—a letter or other written communication seeking records under the Freedom of Information Act.

(d) "Person"—includes a corporation or organization as well as an individual.

§ 1005.4 Location and use of CSA records.

(a) *Central records room—CSA Headquarters.* The Community Services Administration maintains a central records room at its headquarters, 1200-19th Street, NW., Room 213, Washington, D.C. 20506 which is under the supervision of the records officer and is open during regular business hours of CSA for the convenience of members of the public in inspecting or copying materials and records.

(b) *CSA Regional Offices.* (1) CSA has ten Regional Offices. Although it may not always be feasible to set aside records rooms in Regional Offices for the exclusive or primary use of the public, every reasonable effort will be made to ac-

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commodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The records officer of each Regional Office is designated to receive and handle requests submitted pursuant to this part.

(2) CSA regional offices are in the following locations and cover CSA activities in the states indicated:

Region I (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island) J. P. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands), 26 Federal Plaza, 32nd Floor, New York, N.Y. 10007.

Region III (Pennsylvania, Delaware, Maryland, West Virginia, and Virginia), U.S. Customshouse, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (North Carolina, Tennessee, Kentucky, South Carolina, Georgia, Alabama, Mississippi, and Florida), 730 Peachtree Street, NE., Atlanta, Georgia 30308.

Region V (Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio), 300 South Wacker Drive, 24th Floor, Chicago, Ill. 60606.

Region VI (New Mexico, Oklahoma, Arkansas, Texas, and Louisiana), 1100 Commerce Street, Dallas, Texas 75202.

Region VII (Nebraska, Iowa, Kansas, and Missouri) 911 Walnut Street, Kansas City, Mo. 64106.

Region VIII (Montana, North Dakota, South Dakota, Wyoming, Utah, and Colorado), Federal Building, 1961 Stout Street, Denver, Colo. 80202.

Region IX (California, Nevada, Arizona, Hawaii, Guam, and Pacific Trust Territories), 100 McAllister Street, San Francisco, California 94102.

Region X (Alaska, Washington, Oregon, and Idaho), Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington, 98101.

(c) *Use of records rooms.* (1) Any person who wishes to inspect or copy opinions, interpretations, staff manuals, or other materials regularly maintained in a records room may secure access to those materials by presenting himself at one of the addresses indicated during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities as described in paragraph (b) of this section.

(2) The records rooms are also available to any person to inspect and copy records which are not regularly maintained in the records room. To obtain this type of record, a person should present his request identifying the record to the records officer. It will often be impossible, however, to produce these records, or copies of them on very short notice. Accordingly, a member of the public who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by phone or letter, addressing the request to the records officer of the facility he desires to use. Persons seeking records by phone will be advised by the records officer or his designee whether a written request would be advisable to aid in the identification and expeditious handling of the records sought. Persons making such requests should address them to the "Records Officer" of either the Headquarters address or one of the regional office addresses listed in paragraph (a) and (b) of this section and should identify the records sought in the manner provided in § 1005.5 of this part. They should also indicate whether there is any specific date on which they would like to use the records room facilities. The records officer will advise the requester as promptly as possible but in any event within ten working days, whether the records sought will be available on the date requested. If access to the records sought is denied, the denial shall be communicated to the requester as set forth in § 1005.10.

§ 1005.5 Responsibilities of the requester.

(a) *Identification of records.* (1) In order for CSA to locate records and make them available, it is necessary that it be able to identify the specific records sought. Persons wishing to inspect or secure copies of records should, therefore, seek to identify them as fully and accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the records officer receiving the request will endeavor to assist the persons seeking the records in filling in necessary details. In most cases, however, persons seeking records will find that time taken in trying to identify materials in the beginning is well worth their while in enabling CSA to respond promptly to their request.

(2) Among the kinds of information which a person seeking a record should try to provide in order to permit identification of a record are the following:

(i) the specific event or action, if any or if known to which the record refers;

(ii) the unit or program of CSA which may be responsible for or may have produced the record, such as Community Action Programs, or the Economic Development Program;

(iii) the date of the record or the date or period to which it refers or relates, if known;

(iv) the type of record, such as an application, a contract, or a grant, or a report;

(v) personnel of CSA who may have prepared or have knowledge of the record;

(vi) citations to newspapers or publications which are known to have referred to the record.

(b) *Securing copies of records by mail.* (1) A person desiring to secure copies of records by mail should write to the "Records Officer" at the CSA Headquarters or "Records Officer" at the appropriate regional office, (see § 1005.4(a) and (b) for address listings).

(2) Records relating to any local community action program will generally be located in the regional office serving the State in which the program is being operated; records relating to the Economic Development program will very commonly be located at the Headquarters office. If the person making the request is uncertain whether the record is located in a particular office, he should write to the Records Officer in the Headquarters Office. The request should identify the records of which copies are sought as provided in paragraph (a) of this section.

(3) A request need not be in any particular format, except that it (i) must be in writing, (ii) must describe the records sought with sufficient specificity to permit identification, (iii) should be clearly identified both on the envelope and in the letter as a Freedom of Information Act or FOIA request, (iv) should specify willingness to pay fees, if any, (see § 1005.8 (b)), and should include the name, address, and, if possible, phone number of the requester.

§ 1005.6 Statutory exemptions.

(a) The provisions of U.S.C. section 552 which require that agencies make their records available to public inspection and copying do not apply to matters which are:

(1)(a) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (b) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physica lsafety of law enforcement personnel;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

(b) Of the various exemptions set forth in § 1005.6(a) of this section those considered most likely to be applicable to records of CSA are listed in § 1005.6(a) (3), (4), (5), (6), and (7). These generally pertain to: records setting forth such internal personnel rules and practices as instructions to staff on inspection or contract negotiation tactics; records, including records of commercial and financial data, which contain information which is subject to some established or generally recognized privilege or is otherwise confidential because of the circumstances under which it was acquired; records in the form of

communications by which officials or staff of CSA or another agency undertake to advise one another of their views on proposed official actions; records concerning the personal or family affairs of employees, prospective employees, or participants in programs which CSA assists or is responsible for; and records, including inspection reports, which CSA compiles and maintains for use in connection with pending or prospective enforcement proceedings. CSA will invoke these exceptions as sparingly as possible, consistent with its obligation to administer the laws for which it is responsible fairly and effectively, and its obligation to assure that the governmental powers and facilities available to it for collecting and maintaining information relating to the private needs, problems or affairs of the families and individuals are not used for other than their intended official purpose. Furthermore, 5 U.S.C. 552(b) has been amended by Pub. L. 93-502 to provide: "Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection."

§ 1005.7 Records of other agencies.

In any case where a request is determined to relate to records which are of paramount concern to another agency, the CSA will forward the request to that agency. The person making the request will be promptly notified of this action. For purposes of this section, records produced by or for another agency which pertain to program powers exercised by it under delegation or agreement from CSA will, subject to any interagency understanding covering specific records or classes of records, be treated as of paramount concern to that other agency.

§ 1005.8 Fees.

(a) *Waiver of fees.* To the extent practicable, the policy noted in § 1005.2 will be applied under this part so as to permit requests for inspection or copies of records to be met without cost, or at required cost to the requester. Fees will be charged, however, in the case of requests which involve a burden on staff or facilities significantly in excess of that normally accepted by CSA in handling routine requests for information. In determining what fee will be charged, CSA will consider only direct costs of identifying, locating, and copying records. CSA will not charge any fees for normal search for records not found. If extraordinary efforts to find records are to be made, CSA will first consult with the requester. CSA will not charge requester for records denied under § 1005.10. If a request is partially denied, CSA will charge requester only for search for those documents wholly or partially furnished to requester, nor will CSA charge requester for the costs of segregating portions of documents partially denied to requester.

(b) *Agreement to pay fees.* (1) A request should state that the requester will promptly pay applicable fees. In his request, the requester may either:

(i) Agree to pay all fees up to a specified limit; or

(ii) Indicate that he wishes to be advised of the estimated fees.

(2) If the requester elects alternative (b)(1)(ii) of this section or if he places a limit on the fees which is less than their estimated amount, the notice whether the request is granted or denied will be furnished as provided for under § 1005.10 and § 1005.11, but no records will be furnished to the requester until he has been notified of their estimated cost and has agreed to pay it, except that if the estimated cost is ten dollars or less and requester has not specifically set a limit of less than that amount, the records will be sent to him without awaiting his agreement to pay the fee. Estimates of fees will be communicated to the requester as soon as possible, but in any event within ten working days of the receipt of the request, so that the furnishing of requested information is not unnecessarily delayed. If the requester is unwilling to pay the estimated cost, he may reduce the volume of copies requested so as to reduce the fee to an amount he is willing to pay.

(c) *Payment of fees in advance.* (1) Under some circumstances payment of fees in advance may be required. In this event the requester will be notified as soon as possible, but in any event within ten working days of the receipt of the request, so that unnecessary delay in the furnishing of requested information may be avoided. Payment of the whole of the estimated fee will be required in advance of the furnishing of any information if the requester has previously failed to pay any previous fee due to CSA for the furnishing of information under these regulations.

(2) A deposit of 25 percent of the estimated fees will be reqired if these fees are in excess of $50.00.

(d) *Remittances.* Remittances shall be in the form of either a certified personal check or bank draft drawn on a bank in the United States or a postal money order. Remittances shall be made payable to the Treasurer of the United States and mailed to Controller, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

(e) *Fee Schedule.* (1) Following is the fee schedule for reproduction available under the Freedom of Information Act (5 U.S.C. 552), as amended:

(i) *Search of records.* Four (4) dollars per hour when the search is conducted by a clerical employee; seven (7) dollars per hour when the search is conducted by a professional employee. There will be no charge for searches for less than 1 hour.

(ii) *Duplication of records.* Records will be duplicated at a rate of $.15 per page for all copying.

(iii) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories, the Records Officer is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Community Services Administration regulations. Services performed that are not required under the Freedom of Information Act such as formal certification of records as true copies may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes depending upon the services performed.

(2) If records requested under this part are stored elsewhere than the Headquarters, or regional offices, the special costs of returning such records to these offices for review will be added to the search costs.

§ 1005.9 Officials authorized to grant or deny requests for records or copies of records.

The Records Officer shall be responsible for advising CSA officials and staff as to their obligations under this part; he shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of this part by and within CSA. In pursuance of this objective, the Records Officer shall require other officials of CSA to clear with him prior to denying requests or prior to granting requests for categories of documents which he determines may present special or unusual problems. At his discretion, he may himself grant or deny a request. Subject to this authority each Assistant Director, the General Counsel, the Executive Secretary and the Special Assistant to the Director, heads of Headquarters offices or divisions, and the regional directors may grant or deny requests under this part which pertain to their areas of responsibility.

§ 1005.10 Form and Records of Denial.

A decision to grant or deny a request must be made within 10 working days. Under unusual circumstances (as defined by 5 U.S.C. 552(a)(6)), CSA may extend this period for an additional 10 working days by written notice to the requester setting forth these circumstances and the date upon which a determination is expected. No request for inspection or copying of records under this part which the requester has put in writing shall be denied except in writing. All such denials shall cite the reasons therefor and shall include notice that the person whose request has been denied or partially denied may initiate an appeal by filing a request for review as provided for under § 1005.11. Written denials shall for purposes of this part, be treated as opinions, and shall be maintained and indexed accordingly.

§ 1005.11 Administrative Review of Denials.

(a) Any person whose written request has been denied or partially denied may appeal the denial by writing to the Director of CSA within 30 days of the denial. An appeal shall be in writing and shall include a copy of the original request, the denial, and any written argument the requester wishes to make.

(b) The Director may determine the appeal himself or designate the Deputy Director, an Assistant Director, Deputy Assistant Director or Associate Director to do so, but if he makes such a designation, the designee's determination shall be the agency's final decision. There will ordinarily be no hearing on appeal.

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(c) The appeal shall be determined within 20 working days of its receipt, however, this period may be extended for up to 10 additional working days under unusual circumstances under the same procedures set forth in § 1005.10, provided that an extension has not previously been taken under that section.

(d) The determination of the Director or his designee shall be in writing and should contain an explanation responsive to the arguments advanced. The determination shall be promptly communicated to the requester and shall constitute final CSA action on the appeal. All such determinations shall be treated as opinions under this part in the same manner as denials described in § 1005.10.

(e) Any determination to deny an appeal shall include written notice to the requester of his right to prompt judicial review thereof under 5 U.S.C. 552 (a) (4).

[FR Doc.75-5031 Filed 1-21-75;10:20 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEDUCTION FOR CERTAIN PAYMENTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 27, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702 (d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 27, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 250 and 7805 of the Internal Revenue Code of 1954 (84 Stat. 1341, 68A Stat. 917; 26 U.S.C. 250, 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) to the amendments made to the Internal Revenue Code of 1954 by section 901 of the Rail Passenger Service Act (84 Stat. 1341), relating to the deduction for certain payments made to the National Railroad Passenger Corporation. Under the Act, in order to be relieved of the requirement of providing intercity rail passenger service, a railroad must, under a contract entered into under section 401 (a) of the Act, pay a set amount to the National Railroad Passenger Corporation ("the Passenger Corporation") which in exchange assumes the entire responsibility of the railroad to provide intercity rail passenger service. The railroad may then deduct the amount of these payments made to the Passenger Corporation if the railroad does not, except in limited circumstances, receive any stock of the Passenger Corporation in exchange for these payments. The deduction is subject to subsequent disallowance if the railroad acquires any stock of the Passenger Corporation at any time prior to the expiration of 36 months after the last payment is made under the contract to the Passenger Corporation.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations to section 901 of the Rail Passenger Service Act (84 Stat. 1341), the regulations are hereby amended by inserting the following new sections immediately after § 1.249–1:

§ 1.250 Statutory provisions; certain payments to the National Railroad Passenger Corporation.

SEC. 250. *Certain payments to the National Railroad Passenger Corporation*—(a) *General rule.*—If—(1) any corporation which is a common carrier by railroad (as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3))) makes a payment in cash, rail passenger equipment, or services to the National Railroad Passenger Corporation (hereinafter in this section referred to as the Passenger Corporation) pursuant to a contract entered into under section 401(a) of the Rail Passenger Service Act, and

(2) no stock in the Passenger Corporation is issued at any time to such corporation in connection with any contract entered into under such section 401(a) then the amount of such payment shall (subject to subsection (c)) be allowed as a deduction for the taxable year in which it is made.

(b) *When payment is made.*—Under regulations prescribed by the Secretary or his delegate, a payment in rail passenger equipment shall be treated as made when title to the equipment is transferred, and a payment in services shall be treated as made when the services are rendered.

(c) *Effect of certain subsequent acquisitions of stock.*—(1) *Disallowance of deductions.*—If any deduction has been allowed under subsection (a) to a corporation and such corporation (or a successor corporation) acquires any stock in the Passenger Corporation (other than in a transaction described in section 374 or 381) before the close of the 36-month period which begins with the day on which the last payment is made to the Passenger Corporation pursuant to the contract entered into under such section 401(a), then such deduction shall be disallowed (as of the close of the taxable year for which it was allowed under subsection (a)).

(2) *Collection of deficiency.*—If any deduction is disallowed by reason of paragraph (1), then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such a disallowance, include one year following the date on which the person acquiring the stock which results in the disallowance (in accordance with regulations prescribed by the Secretary or his delegate) notifies the Secretary or his delegate of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(d) *Members of controlled group.*—Under regulation prescribed by the Secretary or his delegate, if a corporation is a member of a controlled group of corporations (within the meaning of section 1563), subsections (a)(2) and (c) shall be applied by treating all members of such controlled group as one corporation.

[Sec. 250 as added by sec. 901, Rail Passenger Service Act (84 Stat. 1341)]

§ 1.250–1 Deducation for certain payments to the National Railroad Passenger Corporation.

(a) *General rule*—(1) *Allowance of deduction.* The amount of a payment described in subparagraph (2) of this paragraph made to the National Railroad Passenger Corporation (hereafter called the "Passenger Corporation") by a corporation which is a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), shall be allowed as a deduction for the taxable year in which the payment is made. However, in accordance with paragraph (b) of this section, no deduction shall be allowed for the payment if the Passenger Corporation issues stock to the common carrier by railroad in connection with a contract described in subparagraph (2)(i) of this paragraph. A payment described in subparagraph (2)(i) of this paragraph which is not deductible under section 250 and this section may not be deducted under any other section of

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the Code or these regulations. See paragraph (c) of this section for the rules relating to when certain payments are treated as made to the Passenger Corporation. See paragraph (d) of this section for the rules relating to the disallowance of the deduction if certain subsequent acquisitions of stock of the Passenger Corporation occur. See paragraph (e) of this section for the rules relating to treatment of all members of a controlled group as one corporation. This section applies only with respect to taxable years ending after October 30, 1970.

(2) *Payments eligible for deduction*—(i) *In general.* The deduction allowed by this section shall be allowed with respect to payments made in cash, rail passenger equipment, or services to the Passenger Corporation pursuant to a contract entered into under section 401 (a) of the Rail Passenger Service Act (84 Stat. 1334). The amount of the payments shall be the amounts provided under the contract between the Passenger Corporation and the common carrier by railroad.

(ii) *Rail passenger equipment.* For purposes of this section the term "rail passenger equipment" means depreciable tangible personal property used incident to the furnishing of rail passenger service. Such term does not include track, roadbed, real property or buildings.

(iii) For purposes of this section, the term "services" means the performance of activities for the benefit of the Passenger Corporation and includes the furnishing of the use of equipment or facilities to the Passenger Corporation where title to the equipment or facilities is not transferred to the Passenger Corporation. A grant of the use of track or roadbed shall be treated as the furnishing of services.

(3) *Special rules for payment in equipment and services*—(i) *Realization of income.* In the case of a payment to the Passenger Corporation in the form of equipment or services, the common carrier shall be treated as satisfying a fixed obligation with equipment or services and may, therefore, realize taxable income or a loss as a result of the payment. This rule may be illustrated by the following two examples:

Example (1). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of $500,000 to the Passenger Corporation and satisfied that obligation with equipment having an adjusted basis to the carrier of $200,000, the common carrier would realize $300,000 as a gain from the satisfaction of its obligation which would be taxable to the common carrier. To the extent provided in section 1245 and the regulations thereunder, the gain would be taxed as ordinary income. Thus, the common carrier would be allowed a deduction of $500,000 for the payment made to the Passenger Corporation and would include in income the amount of $300,000 as a capital gain or ordinary income, as the case may be, arising from satisfaction of its fixed obligation by transfer of the equipment.

Example (2). If a common carrier had a fixed obligation under a section 401(a) contract to make a payment of $500,000 to the Passenger Corporation and satisfied that obligation by providing to the Passenger Corporation services consisting of the use of a passenger train over a specified route on a specified schedule for a period of one year, the common carrier would realize $500,000 of income from the satisfaction of its obligation, to be reduced by its costs and expenses incurred in rendering these services in determining taxable income. Thus, the common carrier would be allowed a deduction of $500,000 for the payment made to the Passenger Corporation and would include in taxable income arising from the satisfaction of its fixed obligation by the performance of services an amount equal to $500,000 reduced by such costs and expenses.

(b) *Stock issued in connection with the contract.* No deduction shall be allowed under this section with respect to a payment in cash, rail passenger equipment, or services to the Passenger Corporation if, in connection with a contract described in paragraph (a)(2)(i) of this section, stock of the Passenger Corporation is issued to the common carrier making such payment. Under section 401(a)(2) of the Rail Passenger Service Act, a common carrier which enters into a contract with the Passenger Corporation receives common stock of the Passenger Corporation unless it waives all rights to receive the stock in exchange for the payments it makes under the contract. For this reason, no deduction shall be allowed under this section with respect to the payments unless the common carrier waives all rights to receive the stock in exchange for the payments.

(c) *Determination of time of payment in equipment and services*—(1) *Equipment.* A payment in rail passenger equipment shall be treated as made when title to the equipment is transferred to the Passenger Corporation or for its benefit.

(2) *Services.* A payment in services shall be treated as made when the services are rendered to the Passenger Corporation or for its benefit.

(d) *Effect of certain subsequent acquisitions of stock*—(1) *Disallowance of deduction*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, a deduction which has been allowed under this section to a common carrier shall be disallowed if the corporation, or a successor corporation as defined in subparagraph (2) of this paragraph, acquires any stock of the Passenger Corporation before the close of the 36-month period commencing on the day on which the last payment under the contract described in paragraph (a)(2)(i) of this section is made. The disallowance of the deduction shall be effective as of the close of the taxable year for which it was claimed under this section. An amended income tax return shall be filed by the common carrier, or successor corporation, for that year disclosing the acquisition of the stock and disallowance of the deduction, and additional tax, if any, for the year shall be paid. See subparagraph (3) of this paragraph for rules relating to the assessment and collection of a deficiency from such disallowance.

(ii) *Exceptions.* The rules of subdivision (i) of this subparagraph shall not apply if stock in the Passenger Corporation is acquired in a corporate acquisition to which section 381 and the regulations thereunder apply or in a railroad reorganization to which section 374 and the regulations thereunder apply.

(2) *Successor corporation.* For purposes of subparagraph (1) of this paragraph, the term "successor corporation" means any corporation which acquires assets of the common carrier having a fair market value in excess of one-half the fair market value of all the assets of the common carrier held immediately before the acquisition, where 50 percent or more of one or more classes of voting stock of the corporation is owned, directly or indirectly, at the time of the acquisition by one or more persons who, at any time during the taxable year or years that the common carrier was allowed a deduction under this section, owned, directly or indirectly, 50 percent or more of one or more classes of the voting stock of the common carrier. For purposes of this subparagraph, a person will be considered to own indirectly 50 percent or more of a class of the voting stock of a corporation if the person owns 50 percent or more of a class of the voting stock of another corporation which owns 50 percent or more of a class of the voting stock of the corporation.

(3) *Collection of deficiency.* If a deduction is disallowed under subparagraph (1) of this paragraph, the periods of limitation provided in sections 6501 and 6502 for the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from the disallowance of the deduction, be extended to one year after the date on which the common carrier or successor corporation, which acquired the stock of the Passenger Corporation files an amended income tax return in accordance with paragraph (d)(1)(i) of this section. Such assessment and collection may be made notwithstanding any rule of law which otherwise would prevent such assessment and collection.

(e) *Members of controlled group.* For purposes of paragraphs (b) and (d) of this section, all members of a controlled group of corporations, as defined in section 1563 and the regulations thereunder, shall be treated as one corporation. Thus, no deduction for a payment shall be allowed to any member of a controlled group if any other member of the controlled group receives stock in the Passenger Corporation in exchange for the payment in connection with a contract described in paragraph (a)(2) of this section.

[FR Doc.75-4929 Filed 2-21-75;8:45 am]

[26 CFR Part 601]

PROPOSED PROCEDURAL RULES WITH RESPECT TO PUBLIC INSPECTION OF CERTAIN RULINGS AND DETERMINATION LETTTERS

Notice of Public Hearing on Proposed Rules

Proposed amendments to the Statement of Procedural Rules (26 CFR Part 601), relating to the public inspection of certain rulings and determination letters, appear in the FEDERAL REGISTER for Tuesday, December 10, 1974 (39 FR 43087).

A public hearing on the provisions of such proposed amendments will be held on March 25, 1975, beginning at 10 a.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935.

Under such § 601.601(a)(3), persons who have submitted written comments within the time prescribed in the notice containing the proposed amendments, and who desire to present oral comments at the hearing on such proposed amendments, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 17, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing at the above address by March 20, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on March 24, 1975, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-4927 Filed 2-21-75;8:45 am]

Office of the Secretary

[31 CFR Part 51]

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Discrimination; Compliance Procedures

Correction

In FR Doc. 75-3289 appearing on page 5370 in the issue for Wednesday, February 5, 1975, the following corrections are to be made:

1. In the second line of the text immediately following § 51.32(f)(1)(ii)(D), the second word now reading "payment" should read "repayment."

2. The last line of § 51.32(f)(2)(ii) now reading "-ination of this section or the Act; and" should read "-ination provision of this section or the Act; and."

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 16]

INJURIOUS WILDLIFE

Proposed Importation Requirements

This notice contains the second proposed rulemaking for a revision and restructuring of Part 16, Injurious Wildlife, of Subchapter B of Chapter I of this title.

The first proposal was published in the FEDERAL REGISTER on December 20, 1973 (38 FR 34970). A draft environmental impact statement (EIS) on the first proposal was made available to the public by notice in the FEDERAL REGISTER on June 5, 1974 (39 FR 19969). The public comment period was extended to July 29, 1974, upon the release of the draft EIS, and was extended again, to September 13, 1974, by a notice in the FEDERAL REGISTER (39 FR 2744; July 31, 1974). A series of four hearings were held in August 1974 to gather further public comments on both the EIS and the first proposal.

THE SECOND PROPOSAL

The public commentary received at the hearings and by mail raised some serious problems, which were resolved by redrafting portions of the first proposal. Since the cumulative effect of these revisions amounts to a significant modification of the first proposal, the Service has decided to issue a second proposal. This will give all segments of the public a chance to comment on the manner in which the serious problems referred to above were resolved. The background of the first proposal, a summary of the public comments, and the second proposal are set forth below:

BACKGROUND

In general, 18 U.S.C. 42 authorizes the Secretary to prescribe by regulation those wild mammals, wild birds, fish, mollusks, crustaceans, amphibians, and reptiles or the offspring or eggs of any of the foregoing (hereinafter "wildlife"), which are injurious to human beings, to the interests of agriculture, horticulture, forestry, wildlife, or to the wildlife resources of the United States (hereinafter "the named interests"). Subject to certain statutory exceptions, such proscribed wildlife may not be imported into the United States, except as permitted by the Secretary for zoological educational, medical, or scientific purposes.

Current information shows that injury caused to the named interests by imported wildlife is more widespread and serious than previously believed. Present ecological and other knowledge, including an awareness of the large and growing volume of imported live wildlife, demonstrate that a thorough regulation of such importations is necessary to protect the named interests from additional injury. Recent examples exist of injury caused to the named interests and to similar interests in other countries by imported wildlife. Control and eradication programs for west or 'exotic" species are costly, frequently unsuccessful and are curative rather than preventative in nature.

FIRST PROPOSAL

In general, the first proposal included a determination based on scientific evidence presently available that all wildlife is or would be injurious to one or more of the named interests at some time or place when imported into the United States. The proposal prohibited the importation of such live wildlife, except as allowed by the Secretary under a permit for scientific, educational, zoological, or medical purposes. However, the proposal also recognized that the risk of injury to the named interests posed by some "low risk" species or genera of wildlife was so slight as to justify a determination that importation thereof could be allowed without a permit. In fact, the findings indicated that most species of marine fishes were "low risk."

The proposal, therefore, established a list of wildlife which the Secretary had determined posed little risk of injury to the named interests. This proposal did not apply to wildlife designated as "low risk." All wildlife not designated as "low risk" was identified by exclusion as injurious and could be imported only pursuant to a permit for scientific, educational, medical, or zoological purposes. A permit, which could be issued when the Secretary found there had been a proper showing of responsibility and continued protection of the named interests, was required prior to the importation of such injurious wildlife.

Problems relating to potentially harmful marine fish importations were substantially different in character from those regarding their freshwater counterparts. In the latter case the primary concern was possible harm to the wildlife or the wildlife resources of the United States caused by escapes or deliberate introductions as the threat to humans was greater with marine species. In the case of marine fishes whose total estimated number is about 11,700 species, accidental or deliberate introductions resulting in the establishment of a species were believed to be uncommon due to the biology of the species and unenclosed nature of the marine habitat. On the other hand, venomous (stinging) marine forms greatly outnumber those occurring in fresh water, and some of the more potentially dangerous species have been and were now readily available to the home aquarist. Biting or attacking marine fishes (sharks, morays, giant seabasses), are limited by their size and the occasional small species available to the aquarium hobbyist were not considered to be of potential danger. Since most species of marine fishes were found to be "low risk," the list of marine fishes identified all species as "low risk," except those genera listed.

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The list contained in the proposal was subject to continued review and modification as data accumulated concerning the degree of risk posed by either listed or unlisted species.

Further, this proposal would have simplified the enforcement of these regulations by requiring the pre-clearance and issuance of permits for all injurious wildlife.

It was pointed out that *Psittacine* birds were excluded from the proposal by the statute and, therefore, importation of the monk parakeet (*Myiopsitta monachus*) was not regulated in spite of its known danger to the named interests.

PUBLIC COMMENTS ON THE FIRST PROPOSAL

In early August 1974 a series of four hearings were held in Washington, D.C., Miami, Kansas City and San Francisco on the proposal and the environmental impact statement. The public comment period for the published regulations and the EIS was scheduled to end July 29. In response to public requests, the period was extended 45 days to September 13. At that time a 5-man team was brought together from various field stations through the country to review all the public comments, analyze them and summarize them.

The proposal drew 4,315 individual responses. 2,743 (64%) of these offered unqualified support and 399 additional respondents qualified their support in some minor degree; collectively these 3,142 (73%) responses bore 2,304 additional endorsing signatures. A total of 1,105 responses bearing 2,705 additional signatures opposed, and 106 responses with 15 additional signatures were irrelevant.

A petition protesting the proposal, primarily on legal grounds, was widely distributed, resulting in 13,737 signatures (not included in individual response count above). This petition, however cited as a premise for its opposition, an incorrect implication that the proposed regulation would control the acquisition and possession of pets in general, including domestic cats and dogs.

The 4,315 individual responses were recorded in the following categories:

Government (State and Federal)	41
Research (medical and university)	106
Zoo and aquaria	295
Pet industry	86
Conservation organizations	42
Special interest groups	268
General public	3,441
(Irrelevant responses omitted in above)	36
	4,315

DESCRIPTION OF THE SECOND PROPOSAL

The second proposal is the same as the first proposal in its basic approach, but the list of "low risk" wildlife has been modified, the permit provisions have been revised and clarified, and certain other changes have been made.

In general, the proposal has been revised, wherever possible and consistent with the law, to alleviate unnecessary adverse effects. Following is a listing of the problems raised by the public commentary, and a brief description of what has been done to deal with them. Problems have been grouped according to the various segments of the public that responded.

GOVERNMENT

1. Several States expressed concern for their exotic game programs. *Response:* The second proposal allows for the grant of permits for importation of any species for scientific research. Importation for stocking would be permitted only for low-risk species.

2. Some States objected to the gerbil being on the low-risk list because it is considered a risk for becoming established in the Southwest. Certain States have laws prohibiting its importation. *Response:* The gerbil has been deleted from the revised list of low-risk mammals.

3. Regulations would prohibit importation of Pacific oyster "seed" for commercial use in Oregon and Washington. *Response:* The second proposal incorporates National Marine Fisheries Service recommendations that Pacific oyster seed be permitted from specific locations under State certification.

RESEARCH

1. Medical research fears regulations will make it impossible for import brokers and dealers to stay in business. This will affect availability and will increase cost of monkeys (and other laboratory animals) used for research. *Response:* Dealers will be eligible for import permits to supply responsible parties doing medical research or scientific studies.

2. Researchers objected to the Fish and Wildlife Service (FWS) reviewing and judging research proposals as a prerequisite for issuing an import permit. *Response:* FWS will review primarily to satisfy requirement that the permittee be responsible and that the proposed use is in keeping with the statute.

3. University and museum collectors are concerned that permits will be required for specifically named species in advance of collecting expeditions. Since it is impossible to anticipate all the animals that might be encountered, this does not offer needed flexibility. *Response:* Permits can list broad classifications of animals (such as entire families) provided applicant can demonstrate responsibility.

4. Permit requirements are so burdensome that they would hopelessly obstruct primate research. *Response:* Long-term, multi-transaction permits which require minimum reporting will be available for laboratories.

ZOOS AND AQUARIA

1. Virtually every letter from this group objected to increased administrative work that will result because of permit requirements. Many requested exemptions. *Response:* The Lacey Act does not provide for blanket exemption of zoos. Permit application and reporting procedures were modified to reduce the necessary paperwork.

2. Permit requirement for each importation is too burdensome and could never be accomplished. *Response:* The second proposal clarifies the availability of long-term, multitransaction permits for a variety of species to be issued to zoos, aquaria, research facilities, etc.

3. Many pointed out difficulties that would arise if transfer of animals between zoos required advance permission of the Director, FWS. *Response:* The second proposal permits exchange of injurious animals between permit holders without additional authorization.

4. Many professional biologists and zoologists begin interest in their profession as result of a herpetology hobby. We should not close the door to serious amateurs. *Response:* The serious and responsible hobbyist will be eligible for permits under the more detailed definition of "zoological" purposes.

5. Need to clarify interstate shipment restrictions. *Response:* The second proposal clarifies the prohibition on imports and shipments. Interstate shipments are not affected, except shipments between noncontinental parts of the United States (island ecosystems such as Hawaii and Puerto Rico) and the continental United States.

PET INDUSTRY

Challenged the legality of using a "low-risk" listing of animals importable without restriction rather than a listing of high-risk animals that can be imported only by permit. *Response:* Careful review by the Department of Interior, Solicitor's Office resulted in the opinion that Congress' intent in enacting the Lacey Act does not prohibit the use of a "low-risk" system. Therefore, no change was made in the second proposal in this regard.

CONSERVATION ORGANIZATIONS

1. Proposed list of low-risk fish is too lengthy. *Response:* The lists as originally proposed, with the public comments fully reviewed by panels of the most knowledgeable experts available. The lists have been modified and every species appearing on the final "low-risk" list is supported by scientific rationale.

2. Question the definition of "low risk" marine fishes by exclusion from a list of harmful species. *Response:* Specialists met and reviewed the fish lists and indicated a straight "low-risk" list was impractical. The National Marine Fisheries Service is studying feasibility of preparing a "low-risk" list, but for the present, the exclusionary route is retained in the second proposal.

OTHER SEGMENTS OF THE PUBLIC

1. Game bird breeders, falconers, amateur herpetologists, aquarists, and cage bird fanciers complained that regulations would interfere with pursuit of their hobby. *Response:* Eligibility requirements for scientific, educational, medical or zoological permits have been more clearly defined to show that responsible persons who qualify in these categories can obtain import permits for certain species not on the low-risk list.

2. Various exotic animal breeders argued that the regulations would end their contribution to preservation of endangered species. Animal husbandry techniques developed by such breeders have made it possible to sustain captive populations of endangered animals, thereby reducing chances of complete extinction. *Response:* Serious and responsible animal breeders will be eligible for import permits under more detailed definition of "zoological" and "scientific" purposes.

GENERAL COMMENTS

1. Many opponents and proponents of the new regulations criticized the low-risk list of animals; some because it was not complete and others because it was too inclusive. *Response:* FWS has met with experts from the pet industry, zoos, conservation organizations, professional organizations and specialists from the Smithsonian Institution to refine the original low-risk lists.

2. Many comments objected to exemptions for Federal agencies and pointed out that harmful introductions have been intentionally made by Government agencies. *Response:* Exemption is specified in the Lacey Act.

3. There was frequent criticism that the regulations do not cover Psittacine birds (parrots and parakeets). *Response:* Exemption is specified in the Lacey Act. Interior recognizes the hazards posed by Psittacines.

4. Misinterpretation of control over interstate movement of wildlife was common. *Response:* The second proposal clarifies the prohibition on imports and shipments. Generally, interstate shipments are not affected, except shipments between noncontinental parts of the United States (island ecosystems such as Hawaii and Puerto Rico) and the continental United States.

5. Mass confusion will result because of back-log of permit requests. *Response:* A transition period will be provided to allow processing of permit requests before the proposal becomes effective.

The proposal has been revised as indicated above. It is intended that § 16.22 in Subpart C (Permits) will become effective approximately six months prior to the balance of the regulation. This will give all affected persons an opportunity to obtain permits prior to the effective date of the "low-risk" list, and the corresponding prohibition on the importation and shipment of injurious wildlife (everything not on the "low-risk" list).

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to: the Director (FWS/LE), Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. All relevant comments received on or before April 10, 1975 will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments will not be provided. Comments received and the draft Environmental Impact Statement will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C. This notice of proposed rulemaking is issued under the authority of 18 U.S.C. 42.

Dated: February 13, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is proposed to revise Part 16 of 50 CFR Chapter I, Subchapter B to read as follows:

PART 16—INJURIOUS WILDLIFE

Subpart A—Introduction

Sec.
16.1 Purpose of regulations.
16.2 Scope of regulations.

Subpart B—Designation of Injurious Wildlife

16.11 Injurious wildlife.
16.12 Low risk wildlife list.
16.13 Amendments to the list of low risk wildlife.

Subpart C—Permits

16.21 General permit requirement.
16.22 Injurious wildlife permits.

Subpart D—Additional Restrictions and Exemptions

16.31 Importation of live or dead fish of the family Salmonidae.
16.32 Importation by Federal agencies.
16.33 Psittacine birds.
16.34 Importation of Pacific oysters.
16.35 Importation of brine shrimp eggs.

AUTHORITY: Lacey Act, 74 Stat. 754 (18 U.S.C. 42(a)(1)).

Subpart A—Introduction

§ 16.1 Purpose of regulations.

The regulations contained in this part identify those species, genera and families of live wildlife which have been determined to pose a low risk of injury to human beings, to the interest of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. All other species of live wildlife or the eggs thereof, and dead fish or eggs of salmonids of the fish family *Salmonidae* are prescribed as injurious or possibly injurious to those interests. Procedures and criteria for issuance of permits for importation and shipment of injurious wildlife and for public participation in the amendment of the list of low risk wildlife are provided. The regulations for this part implement the Lacey Act (18 U.S.C. 42).

§ 16.2 Scope of regulations.

(a) The regulations in this part apply to all importations of live injurious wildlife or the eggs thereof, except Psittacine birds, but including dead fish or eggs of salmonids of the fish family Salmonidae, Pacific oysters, and brine shrimp eggs, into the United States, and to all shipments of such wildlife between certain parts of the United States (see § 16.21). These regulations are in addition to any other regulations governing the importation of wildlife, including without being limited to, the requirements to import all wildlife through designated ports of entry (Part 14), or the prohibitions relating to endangered or threatened species (Part 17), marine mammals (Part 18), migratory birds (Part 21), or wildlife taken, transported, or sold in violation of foreign law (Part 14). See those parts, or other appropriate statutes and regulations, for specific information.

(b) The regulations and permit system established for importation of Bald and Golden Eagles, marine mammals, migratory birds, and endangered wildlife are supplemented by the regulations of this part in order to avoid a multiple permit system. To the extent that importation is prohibited by this part, except under permit, the requirements and criteria of this part must be complied with, in addition to other provisions of Subchapter B. Therefore, to the extent the importation is also controlled by the regulations relating to marine mammals, Bald and Golden Eagles, migratory birds or endangered species, the permit applicant must provide the information and meet the criteria of those regulations as well as of this part, if the wildlife is injurious to the named interests.

(c) These regulations are also in addition to any State or local laws which prohibit activities involving injurious wildlife, including, without limitation, importation, transportation, sale and possession.

Subpart B—Designation of Injurious Wildlife

§ 16.11 Injurious wildlife.

After reviewing scientific and other data available to him, the Secretary hereby prescribes and determines that, with the exception of Psittacine birds and those species listed in § 16.12 of this subpart, all live wildlife or the eggs thereof, as well as the dead fish or eggs of salmonids of the fish family *Salmonidae*, are or could be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States if or when imported or shipped contrary to § 16.21.

§ 16.12 Low risk wildlife list.

After reviewing scientific and other data available to him, it has been determined that the wildlife listed below are not injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States.

LIST OF LOW RISK WILDLIFE ELIGIBLE FOR IMPORTATION WITHOUT PERMIT

Unless specifically noted, ORDER and FAMILY names are shown for convenience of classification and taxonomic arrangement only. It should be noted that several States or United States Territories have regulations on importation of wildlife. Local regulations that are more restrictive will take precedence over these regulations. The identity of the wildlife in these lists is established by scientific name. The scientific names used herein are those generally accepted at the time of publication. Common names are provided for convenience only and have no legal, official, or technical standing.

MOLLUSKS[1]

Venerupis (Prototheca) japonica, Manila Clam
Pinctada sp., Pearl Oyster
Ostrea edulis, European Flat Oyster
Crassostrea angulata, Portuguese Oyster
Crassostrea commercialis, Australian Oyster
Crassostrea rivularis, Suma Oyster
Mya arenaria, Soft Clam
Haliotis discus hanni, Abalone
Chione fluctifraga, Chione Clam
Tapes semidecussata, Japanese Little-neck Clam
Family CYPRAEIDAE Cowries (All species)

[1] See § 16.34 for special rules on *Crassostrea gigos*, Pacific oyster.

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CRUSTACEANS [1]

Pandalus sp., Northern Shrimp
Panulirus interruptus, Pacific Spring Lobster
Panulirus argus, Atlantic Spiney Lobster
Homarus americanus, American Lobster
Paralithodes spp., King Crab
Chionoecetes spp., Tanner Crab and Queen Crab
Cancer magister, Dungeness Crab
Petrolisthes cinctipes, Porcelain Crab
Porcellana longicornis, Porcelain Crab
Hemigrapsus nudus, Purple Shore Crab
Callinectes sapidus, Blue Crab
Fugettia producta, Smooth or Kelp Crab
Oregonia gracilis, Decorator Crab
Loxorhynchus crispatus, Masking Crab
Scyra acutifrons, Masking Crab
Pachygrapsus crassipes, Rock Crab
Xiphosura (=*Limulus*) *polyphemus*, Horseshoe Crab
Alpheus clamator, Pistol Shrimp
Stenopus hispidus, Coral Banded Shrimp

FRESHWATER FISH

Order Dipteriformes
Fam. Lepidosirenidae
Lipidosiren
Order Polypteriformes
Fam. Polypteridae
Calamoichthys
Polypterus
Order Osteoglossiformes
Fam. Pantodonitidae
Pantodon
Fam. Notopteridae
Notopterus
Xenomystus
Order Mormyriformes
Fam. Mormyridae
Boulengeromyrus
Campylomormyrus
Genyomyrus
Gnathonemus
Heteromormyrus
Hippopotamyrus
Hyperopisus
Ichthys
Marcusenius
Mormyrodes
Mormyrops
Mormyrus
Ozymormyrus
Paramyomyrus
Petrocephalus
Phagrus
Solenomormyrus
Stomatorhinus
Order Gonorynchiformes
Fam. Kneriidae
Kneria
Fam. Phractolaemidae
Phractolaemus
Order Cypriniformes
Fam. Characidae
Abramites
Acuticurimata
Alestes
Alestopetersius
Anoptichthys
Anostomus
Apareiodon
Aphyocharax
Aphyocheirodon
Aphyodite
Apteronotus
Argyropleura
Arnoldichthus
Axelrodia
Bario
Bathethiops
Boehlkia
Brittanichthys
Bryconalestes
Brycon americus
Bryconemericus
Casnocrepus
Carlia
Carnegiella
Ceratobranchia
Chalceus
Characidium
Charax
Cheirodon
Cheirodontops
Chilodus
Compsura
Copeina
Copella
Corynopoma
Creagrutus
Creatochanes
Crenuchus
Ctenobrycon
Curimata
Curimatopsis
Deuterodon
Diapoma
Distichodus affinis
D. sexfasciatus
Eigenmannia
Elacocharax
Entomolepis
Epicyrtus
Ephippicharax
Fowlerina
Gasteropelecus
Geisleria
Gephyrocharax
Glandulocauda
Gnathocharax
Gnathodolus
Gymnocorymbus
Gymnorhamphichthys
Gymnotus
Hasemania
Hemibrycon
Hemigrammalestes
Hemigrammus
Hemiodopsis
Hemiodus
Hollandichthys
Holobrycon
Hyphessobrycon
Hypopomus
Hysteronotus
Iguanodectes
Iotabrycon
Jobertina
Klausewitzia
Knodus
Ladigesia
Laemolyta
Landonia
Lepidarchus
Leporinus
Leptagoniates
Lonchogenys
Markiana
Megalamphodus
Meisneis
Micralestes
Microbrycon
Microcaecilus
Micropenys
Microschemobrycon
Mimagoniates
Moenkhausia
Monotocheirodon
Myleus
Mylossoma
Nannaethiops
Nannobrycon
Nannocharax
Nannostomus
Nematobrycon
Nematopoma
Neolebias
Odontosternarchus
Odontostilbe
Oedemognathus
Orthosternarchus
Othonocheirodon
Paracheirodon
Paracobasis
Paragoniates
Parastremma
Parodon
Pedalibrycon
Petersius
Petitella
Phenacobrycon
Phenacogaster
Phenacogrammus
Phenagoniates
Phoxinopsis
Piabucina
Piabucus
Plethodectes
Poecilobrycon
Poecilocharax
Poptella
Porotergus
Prionobrama
Pristella
Prochilodus
Pseudochalceus
Pseudocheirodon
Pseudocorynopoma
Pterobrycon
Pyrrhulina
Rabdolichops
Rachoviscus
Rhamphichthys
Rhoadsia
Roeboides
Saccoderma
Steatogenys
Sternarchella
Sternarchogiton
Sternarchorhamphus
Sternarchorhynchus
Sternarchus
Sternopygus
Stethoprion
Stevardia
Tateichthys
Tetragonopterus
Thayeria
Thoracocharax
Triportheus
Tylobranchus
Tyttocharax
Ubidia
Uramara
Xenagoniates

Fam. Cyprinidae
Aphyocypris
Balantiocheilus
Barbus anemus
(same taxonomists classify species listed here in Genus Barbus in nominal barb genera Barbodes, Copoeta and Puntius)
B. arulius
B. binotatus
B. callipterus
B. camptacanthus
B. chola
B. conchonius
B. cumingi
B. dorsimaculatus
B. dunckeri
B. everetti
B. fasciatus
B. fasciolatus
B. filamentosus
B. gambiensis
B. gelius
B. halei
B. hexazona
B. holotaenia
B. hulstaerti
B. kerstenі
B. lateristriga
B. lineatus
B. lineomaculatus
B. melanampyx
B. nigrofasciatus
B. oligolepis
B. palutinosus
B. partipentazona
B. pentazona
B. phutunio
B. puckelli
B. roloffi
B. sachsi
B. schwanenfeldi
B. semifasciolatus
B. somphongsi
B. stigma
B. stigmatopygus
B. stoliczkanus
B. terio
B. tetrarupagus
B. tetrazona
B. ticto
B. titteya
B. trispilos
B. unitaeniatus
B. usumbarae
B. vittatus
B. viviparus
B. wohlerti
Barilius
Beirabarbus
Brachydanio
Carassius auratus
Crossocheilus apogon
Cyclocheilichthys
Cyprinus carpio
Danio
Eirmotus
Epalzeorhynchus
Esomus
Hampala
Hemigrammocypris
Horadandya
Labauca
Labeo bicolor
L. erythrurus
L. munensis
L. variegatus
Luciosoma
Morulius
Osteocheilus vittatus
Oxygaster
Puntiopites
Rasbora
Rasborichthys
Tanichthys

Fam. Gyrinocheilidae
Gyrinocheilus

Fam. Homalopteridae
Gastromyzon
Homaloptera

Fam. Cobitidae
Acanthophthalmus
Acanthopsis
Botia
Cobitis
Lepidocephalus

Order Siluriformes
Fam. Bagridae
Chrysichthys
Gephyroglanis
Leiocassis
Mystus
Parauchenoglanis

Fam. Siluridae
Kryptopterus

Fam. Schilbeidae
Eutropiellus
Schilbe
Parailia
Physailia

Fam. Pangasiidae
Pangasius

Fam. Amphiliidae
Phractura

Fam. Chacidae
Chaca

Fam. Mochokidae
Synodontis

[1] See § 16.35 for special rules on *Artemia salina*, brine shrimp.

Fam. Doradidae
Acanthodoras
Agamyxis
Amblydoras
Anadoras
Apuredoras
Astrodoras
Autanadoras
Centrochir
Centrodoras
Doras
Franciscodoras
Hoplodoras
Hypodoras
Leptodoras
Magalodoras
Nemadoras
Opsodoras
Orinocodoras
Oxydoras
Platydoras
Pseudodoras
Scorpiodoras
Trachydoras

Fam. Auchenipteridae
Centromochlus
Trachycorystes

Fam. Aspredinidae
Agmus
Amaralia
Aspredinichthus
Aspredo
Bunocephalichthys
Bunocephalus
Chamaigenes
Dysichthys
Erustichthys
Hoplomyzon
Pelacara
Plastiras
Platystacus
Pterobunocephalus
Xiliphius

Fam. Pimelodidae
Acentronichthys
Heptapterus
Microglanis
Pimelodella
Pseudopimelodus

Fam. Ageneiosidae
Ageneiosus

Fam. Helogenidae
Helogenes

Fam. Callichthyidae
Brochis
Callichthys
Corydoras
Dianema
Hoplosternum littorale
H. thoracatum

Fam. Loricariidae
Chaetostoma
Cochliodon
Farlowella
Hassar
Hemiancistrus
Hypoptopoma
Hypostomus (includes *Plecostomus*)
Lasiancistrus
Leptoancistrus
Loricaria
Otocinclus
Oxyloricaria
Panaque
Pseudancistrus
Pterygoplichthys
Spatuloricaria
Stoniella
Sturisoma
Xenocara

Fam. Astroblepidae
Arges
Astroblepus
Cyclopium

Order Atheriniformes
Fam. Belonidae
Potamorrhaphis

Fam. Exocoetidae
Dermogenys
Hemirhamphodon
Zenarchopterus

Fam. Oryziatidae
Oryzias

Fam. Cyprinodontidae
Aphanius
Aphyoplatys
Aphyosemion
Aplocheilichthys
Aplocheilus
Austrofundulus
Callopanchax (includes *Roloffia*)
Campellolebias
Cualac
Cubanichthys
Cynolebias
Cynopanchax
Cynopoecilus
Epiplatys
Fundulopanchax
Fundulosoma
Garmanella
Hylopanchax
Hypsopanchax
Jordanella
Lamprichthys
Leptolucania
Lucania (includes *Chriopeops*)
Micropanchax
Nothobranchius
Pachypanchax
Procatopus
Pseudoepiplatys
Pterolebias
Rachovia
Rivulus
Simpsonichthys
Trigonectes
Valencia

Fam. Goodeidae
Girardinichthys
Goodea
Hubbsina
Lermichthys
Neotoca
Ollentodon

Fam. Anablepidae
Anableps

Fam. Poeciliidae
Alfaro
Brachyrnaphis
Carhubbsia
Cnesterodon
Girardinus
Glaridichthys
Heterandria
Neoheterandria
Pallichthys
Phalloceros
Phalloptychus
Phallotorynus
Poecilia
(incl. Lebistes, Limia, Mollienesia & Micropoecilia)
Poeciliopsis
Poecilistes
Priapella
Priapichthys
Pseudoxiphophorus
Quintana
Tomeurus
Xenodexia
Xiphophorus

Fam. Atherinidae
Alepidomus
Bedotia
Melanotaenia
Nemotocentris
Rhadnocentrus
Telmatherina
Pseudomugil

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Order Gasterosteiformes
Fam. Indostomidae
Indostomus
Fam. Syngnathidae
Dorychthys
Microphis
Nerophis
Syngnathus
Order Perciformes
Fam. Centrarchidae
Elassoma
Enneacanthus (incl. *Mesogonistius*)
Fam. Centropomidae
Chanda
Gymnochanda
Fam. Kuhliidae
Nannoperca
Fam. Monodactylidae
Monodactylus
Fam. Toxotidae
Toxotes
Fam. Scatophagidae
Scatophagus
Selenotoca
Fam. Badidae
Badis
Fam. Nandidae
Acharnes
Afronandus
Monocirrhus
Nandus
Polycentropsis
Polycentrus
Pomanotus
Pristilepis
Fam. Cichlidae
Aequidens
Acarichthys
Acaronia
Apistogramma
Apistogrammoides
Aulonocara
Biotodoma
Biotoecus
Chaetobranchopsis
Chaetobranchus
Chilotilapia
Chromidotilapia
Chuco
Cichlasoma
Coremat odus
Crenicara
Cyathochromis
Cyathopharynx
Cynotilapia
Cyphotilapia
Eretmodus
Etroplus
Geophagus
Haplochromis except *H. compressiceps*
Hemichromis
Hemihaplochromis
Hemitilapia
Herotilapia
Hoplotilapia
Iodotropheus
Julidochromis
Labeotropheus
Labidochromis
Lamprologus
Lepotilapia
Lethrinops
Limnochromis
Limnotilapia
Lobochilotes
Macropleurodus
Melanochromis
Nannacara
Nanochromis
Neetroplus
Pelmatochromis
Pelvicachromis
Petrochromis
Petrotilapia
Pseudotropheus
Pterophyllum
Steatocranus
Symphysodon
Teleogramma
Telmatochromis
Tropheus
Xenotilapia
Uaru
Fam. Eleotridae
Butis
Carassiops
Eleotris
Dormitator
Mogurnda
Ophiocara
Hypseleotris
Fam. Gobiidae
Bathygobius
Brachygobius
Evorthodus
Gobiopterus
Scartelaos
Stigmatogobius
Fam. Anabantidae
Ctenopoma
Fam. Belontiidae
Belontia
Betta
Colisa
Ctenops
Macropodus
Malpuletta
Sphaerichthys
Trichogaster
Trichopsis
Fam. Helostomatidae
Helostoma
Fam. Luciocephalidae
Luciocephalus
Fam. Mastacembelidae
Bdellorhynchus
Caecomastacembelus
Macrognathus
Mastacembelus
Pararhynchobdella
Order Pleuronectiformes
Fam. Soleidae
Achirus
Trinectes
Order Tetraodontiformes
Fam. Tetraodontidae
Carinotetraodon
Colomesus
Tetraodon cutcutia
T. fluviatilis
T. palembangensis
T. schoutendni

MARINE FISH

All marine fishes are included on this list of low risk wildlife, except the ones named below.

Order RAJIFORMES
Family DASYATIDAE
Dasyatis spp., Common Stingrays
Himantura spp., Longspine Stingrays
Pastinachus spp.
Taenitura spp., Oval Stingrays
Urolophus spp., Round Stingrays
Order BATOIDEI
Family TORPEDINIDAE, Electric Rays, (All species)
Order SILURIFORMES
Family PLOTOSIDAE
Plotosus, Coral Catfishes
Order BATRACHOIDIFORMES
Family BATRACHOIDIDAE
Daector spp., Stinging toadfishes
Thalassophryne spp., Stinging toad fishes
Order SCORPAENIFORMES
Family SCORPAENIDAE
Brachirus spp., Lesser Lionfishes
Inimicus spp., Dragonhead scorpions
Pterois spp., Lionfishes
Synanceja spp., Stonefishes
Order PERCIFORMES
Family TRACHINIDAE
Trachinus spp., Weeverfishes

AMPHIBIANS

Family LEPTODACTYLIDAE
Ceratophrys calcarata, Horned Frog
Family PIPIDAE
Hymenochirus spp., Dwarf Clawed Frogs

REPTILES

Family EMYDIDAE
Cuora spp., Oriental Box Turtle
Malayemys subtrijuga, Snail-eating Turtle
Family TESTUDINIDAE, Tortoises (all species except following)
EXCEPT: *Testudo elephantopus*, Galapago Tortoise
Testudo radiata, Madagascar Radiated Tortoise
Family AGAMIDAE
Uromastix spp., Spiny-tail Agamas
Family CHAMAELEONIDAE, Chamaeleons (all species)
Family CORDYLIDAE
Cordylus spp., Spiny-tail Lizards, African Rock Lizards
Platysaurus spp., Spiny-tail Lizards, African Rock Lizards
Family GEKKONIDAE, Geckos (all species except following)
EXCEPT: *Gekko* spp.
Eublepharis spp.
Pheiuma spp.
Thecod actylus spp.
Family IGUANIDAE
Basiliscus spp., Basilisk; Water Lizard
Iguana iguana, Common Iguana
Family SCINCIDAE
Egernia bungana, Blue-tongued Skink
Tiliqua spp., Stump-tailed Skinks
Trachydosaurus spp., Shingle-back Skinks
Family TEIIDAE
Ameiva ameiva, Blue Ameiva
Ameiva undulata, Green Ameiva
Cnemidophorus lemniscatus, Rainbow Lizard
Dracaena guianensis, Caiman Lizard
Tupinambis spp., Tegu Lizards
Family BOIDAE (all species except following)
EXCEPT: *Epicrates* spp.
Family COLUBRIDAE
Acrochordis javanicus, Elephant Trunk Snake
Erpeton tentaculatum, Tentacle Snake
Drymarchon corias, Indigo Snake
Boiga dendrophila
Elaphe taeniura, Chinese Rat Snake
Gonyosoma oxycephalum, Red-tail Rat Snake
Spilotes pullatus, Tiger Rat Snake

BIRDS

Family PHASIANIDAE
Colinus virginianus, Bobwhite Quail
Alectoris graeca (incl. *A. chukar*), Chukar Partridge
Perdix perdix, Hungarian (Gray) Partridge
Coturnix coturnix, Japanese Quail
Excalfactoria (=*Coturnix*) *chinensis*, Painted Quail
Phasianus colchicus, Ring-necked Pheasant

Family COLUMBIDAE
Columba livia, Rock Dove
Streptopelia decaocto (=*S. "risoria"*), Barbary Dove; Ring-necked Dove
Geopelia cuneata, Diamond Dove
Family TIMALIIDAE
Leiothrix argentauris, Silver-eared Mesia
Leiothrix lutea, Pekin Robin, Nightingale Thrush
Family ESTRILDIDAE
Pytilia melba, Melbe Finch
Pytilia afra, Orange-winged Melba
Pytilia phoenicoptera, Aurora Finch
Lagonosticta senegala, Fire Finch
Lagonosticta rubricata, Blue-billed Fire Finch
Lagonosticta rhodoparcia, Jameson's Fire Finch
Uraeginthus angolensis, Blue-breasted Cordon Bleu
Uraeginthus bengalus, Cordon Bleu
Estrilda caerulescens, Lavender Finch
Estrilda melpoda, Orange-cheeked Waxbill
Estrilda troglodytes, Red-eared Waxbill
Amandava amandava, Strawberry Finch
Amandava formosa, Green Avadavat
Amandava subflava, Golden-breasted Waxbill
Aegintha temporalis, Sydney Waxbill
Emblema picta, Painted Finch
Emblema bella, Fire-tailed Finch
Emblema oculata, Red-eared Fire-tailed Finch
Emblema guttata, Diamond Sparrow
Oreostruthus fuliginosus, Crimson-sided Mountain Finch
Neochmia phaethon, Blood Finch
Neochmia ruficauda, Star Finch
Poephila guttata, Zebra Finch
Phophila bichenovii, Owl Finch
Poephila personata, Masked Grassfinch
Poephila acuticauda, Long-tailed Grassfinch
Poephila cincta, Parson Finch
Erythrura hyperythra, Green-tailed Parrot Finch
Erythrura tricolor, Tri-colored Parrot Finch
Erythrura trichroa, Tri-colored Parrot Finch
Erythrura psittacea, Red-headed Parrot Finch
Erythrura cyaneovirens, Fiji Red-headed Parrot Finch
Chloebia gouldiae, Gouldian Finch
Aidemosyne modesta, Cherry (Plum-headed) Finch
Lonchura striata, Society Finch
Amandina fasciata, Cut-throat Finch
Family PLOCEIDAE
Vidua chalybeata, Combassou
Vidua funerea, Black Indigo Bird
Vidua wilsoni, Whydah
Vidua hypocherina, Resplendent Whydah
Vidua fischeri, Fishcher's Whydah
Vidua macroura, Pintail Whydah
Vidua regia, Shaft-tail Whydah
Vidua paradisaea, Paradise Whydah
Vidua orientalis, Broad-tailed Whydah
Anomalospiza imberbis, Cuckoo-Weaver
Family FRINGILLIDAE
Serinus leucopygius, Grey Singing Finch
Carduelis carduelis, European Goldfinch
Family THRAUPIDAE
Buthraupis montana, Hooded Mountain Tanager

MAMMALS

Family TACHYGLOSSIDAE (All species)
Family ORNITHORHYNCHIDAE (All species)
Family CYNOCEPHALIDAE (All species)
Family MYRMECOPHAGIDAE (All species)
Family BRADYPODIDAE (All species)
Family MANIDAE (All species)
Family LEPORIDAE
Lepus americanus, Snowshoe Hare
Family CRICETIDAE
Mesocricetus auratus, Golden Hamster
Family MURIDAE
Rattus rattus (laboratory varieties), Black (Roof) Rat
Rattus norvegicus (Laboratory strains), Norway Rat
Mus musculus (laboratory strains), House Mouse
Family CAVIIDAE
Cavia porcellus, Guinea Pig
Family PROCYONIDAE
Nasua nasua, Coatimundi
Family ORYCTEROPODIDAE (All species)
Family ELEPHANTIDAE (All species)
Family EQUIDAE
Equus burchelli, Burchell's Zebra
Family TAPIRIDAE
Tapirus indicus, Asiatic Tapir
Family RHINOCEROTIDAE
Diceros bicornis, African Black Rhinoceros
Ceratotherium simum, White (Square-lipped) Rhinoceros
Family CAMELIDAE
Camelus dromedarius, Dromedary Camel
Family HIPPOPOTAMIDAE
Hippopotamus amphibius, Hippopotamus
Choeropsis liberiensis, Pygmy Hippopotamus
Family GIRAFFIDAE
Giraffa camelopardalis, Giraffe
Okapia johnstoni, Okapi

§ 16.13 Amendments to the list of low risk wildlife.

(a) The list of wildlife (§ 16.12) may be amended from time to time as additional data becomes available which demonstrate that a family, genus or species should be added to or removed from the list.

(b) The Director shall receive and maintain data regarding injurious wildlife. Notice of any proposed amendments of the list of low risk wildlife for any purpose will be published in the FEDERAL REGISTER, which notice shall give interested persons not less than 30 days to submit written comments and suggestions.

(c) At any time any person may submit a request for a review of any particular listed or nonlisted wildlife. Such requests must be dated and in writing, and should be submitted to the Director. The request must contain the following information:

(1) Name and address of the person making the request;

(2) Association, organization, or business, if any, represented by the person making the request;

(3) Designation of the particular family, genus or species in question by scientific name and, where available, by common name;

(4) Complete narrative explanation of the request for review;

(5) Scientific, commercial, or other data believed to support the request; and

(6) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to submit information on the status of the taxonomic group under review in such form or manner as may be specified. After consideration of these comments the Director will publish in the FEDERAL REGISTER either a notice of proposed rulemaking regarding the change to be made, or a notice indicating that no change will be proposed at that time.

Subpart C—Permits

§ 16.21 General permit requirement.

Except under a valid permit issued pursuant to § 16.22, or as otherwise provided in Subpart D of this Part, no person shall—

(a) Import any injurious wildlife as designated in section 16.11, into the United States;

(b) ship any injurious wildlife, as designated in section 16.11 between the continental United States (including the District of Columbia) and the non-continental portions of the United States, including Hawaii, Puerto Rico, Guam, American Samoa and the Virgin Islands, or between any such non-continental portions of the United States.

Example 1. A zoo imports a lion into Puerto Rico. This, is a violation of § 16.21(a) unless the zoo has a permit, since Puerto Rico is defined as part of the United States.

Example 2. A game bird breeder ships a Golden Pheasant from Indiana to New York. This is not a violation since the shipment was within the continental United States.

Example 3. The same game bird breeder now ships a Golden Pheasant from Indiana to Hawaii. Without a permit, this is a violation, since it is a shipment between the continental United States and a non-continental part of the United States.

Example 4. An animal dealer in Hawaii ships a tiger to a zoo in Guam. This is in violation, unless a permit has been issued, since it is a shipment between two non-continental portions of the United States.

§ 16.22 Injurious wildlife permits.

Upon receipt of a complete application the Director may, in accordance with the issuance criteria of this section, issue a permit authorizing importations or shipments prohibited in § 16.21 for zoological, educational, medical, or scientific purposes. Such permits may authorize a single importation or shipment, a series of importations or shipments, or importations or shipments over a specific period of time. Such permits may specifically designate the wildlife authorized to be imported or shipped, or may designate

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larger taxonomic groups, such as genera or families, from which wildlife may be imported or shipped.

(a) *Application requirements.* Applications for permits to import or ship injurious wildlife for such purposes must be submitted to the Director by the person who wishes to engage in the activity for which a permit is required by § 16.21. Each application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species, number, age and sex (if applicable) of the wildlife to be covered by the permit, or, where this information is inappropriate due to the large number of separate species involved, a listing of the taxonomic groups, by family or genus.

(2) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation of zoological, educational, medical, or scientific purposes;

(3) A description and the address of the institution or other facility where the wildlife will be used or maintained, with a complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

The description must indicate the maximum numbers of individuals of each family, genus or species named in the application which can be safely accommodated in the facilities, taking into account probable ages, sex ratios, and behavioral characteristics of the wildlife;

(4) A full statement as to what precautions the importer or shipper plans to take to insure that importation, shipment and holding of the wildlife will not result in injury to human beings, the interests of agriculture, horticulture, forestry, wildlife, or wildlife resources of the United States, or uncontrollable exposure of these interests to parasites, pathogens or other pests;

(5) A brief resume of the technical expertise available to the applicant, and any experience the applicant or his personnel have had for transporting and maintaining in captivity the species to be imported or shipped or closely related species.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider the following factors:

(1) The degree of threat of injury to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States presented by such importation or shipment;

(2) Whether the wildlife to be imported or shipped will be used for, or sold or otherwise transferred directly by an animal dealer to a person who will use the wildlife for zoological, educational, medical, or scientific purposes; in considering this criterion the following definitions will apply:

"Educational purpose" means the use of wildlife for teaching or demonstrating the concepts of an academic discipline relating to animals, such as biology, zoology, anthropology or wildlife management in a regular curriculum or laboratory program through an educational institution or facility.

"Medical purpose" means the use of wildlife for medical or pharmaceutical research, for the production of vaccines or tissues to be used in the preparation of medicines or for laboratory tests, by a bona fide medical institution, clinic, laboratory or researcher, and includes the use of such wildlife to establish captive-bred colonies for such purposes.

"Scientific purpose" means the use of wildlife for (i) scientific research by a bona fide scientific institution, clinic, laboratory or researcher, and includes the use of such wildlife to establish captive-bred colonies for such purpose; (ii) scientific research related to wildlife management programs or aquaculture carried out by or under the auspices of State or local governments, but not including release of animals to the wild.

"Zoological purpose" means the use of wildlife for (i) public display by bona fide zoological institutions, and (ii) developing propagation and animal husbandry technology for maintaining captive strains of wildlife.

(3) Whether the facilities for transportation and holding the wildlife in captivity are adequately designed and constructed top revent escape;

(4) Whether the applicant by reason of his knowledge, experience, and facilities can reasonably be expected to provide adequate protection to the interests of human beings, agriculture, horticulture, forestry, wildlife, and wildlife resources, and is aware of and can act responsibly regarding the dangers to these interests posed by such wildlife.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, every permit issued under this section shall be subject to the following special conditions:

(1) Each permittee shall keep complete records of the importation, shipment, transfer, birth of progeny or death of wildlife imported or shipped under authority of any such permit and a report summarizing such records shall be submitted in writing to the Director within 30 days after the end of each one-year period for which the permit is held, or if the permit is for less than one year, within 30 days after the expiration date of the permit; the records, and the summary report, shall show the following data for the reporting period:

(i) the number of each species, genus, or family (use the taxonomic category designated in the application) imported or shipped;

(ii) the number of progeny born to such wildlife;

(iii) the number of such wildlife or their progeny transferred, the dates of such transfers, and the name and address of the transferee;

(iv) the death or escape of such wildlife or their progeny, including dates of death or escape.

(2) All injurious wildlife possessed under permit and all progeny thereof, must be confined in the facilities and on the premises authorized in the permit;

(3) No injurious wildlife, imported or shipped under permit, or any eggs or progeny thereof, may be released to the wild, nor may be sold, donated, traded, loaned, or transferred to any other person unless such person has a like permit issued under this section, which permit is valid at the time of the transfer.

(4) Permittees must notify the Director by letter, telephone, or telegraph within 24 hours following the escape of any wildlife or their progeny possessed under the authority of a permit, and must file a complete report of the facts regarding the escape within 10 days of the notification of the Director. The report must contain, in addition to the factual description of the escape, a summary of attempts to recapture the wildlife, and steps taken to assure no further escapes;

(d) *Tenure of permits.* The tenure of permits to import or ship injurious wildlife shall be designated on the face of the permit, but in any case shall be not more than two years from the date of issue.

Subpart D—Additional Restrictions and Exemptions

§ 16.31 Importation of live or dead fish of the family Salmonidae.

(a) *General restriction.* Except as otherwise provided in this section, no person shall import any live or dead fish or eggs of salmonids of the fish family Salmonidae unless such importations are by direct shipment, accompanied by a certification that the importation is free of the protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The certification shall be signed by a designated official acceptable to the Director as being qualified in fish pathology.

(b) *Certificate.* The certificate required by paragraph (a) of this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of fish or eggs is free from these two diseases by the methods outlined in Fish Disease eLaflet 9 (which may be obtained from the Director) and will contain (1) the date and port of export in the country of origin and the anticipated United States date of arrival and port of entry, (2) surface or air carrier and flight number, or vessel name or number, (3) bill of lading number or airway bill number, and (4) the handwritten signature, in ink, of the authorized certifying officer, and may be substantially in the following form:

I, _____ approved by the Secretary of the U.S. Department of the Interior, through the Director of the U.S. Fish and Wildlife Service, on _____, as a certifying official for _____, as required by Title 50, CFR 16.31(a) do hereby certify, using the methodology described in Fish Disease Leaflet (FDL–9, July 1968), that this shipment of _____ of dead or live fish or fish eggs to be shipped under _____ is free of the protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease."

The shipment is scheduled to depart _____ on _____, via _____ with anticipated arrival at the port of _____ U.S.A., on _____.

_____

_____

(c) *Processed or prepared items.* Nothing in this section shall restrict the importation of salmonids of the fish family Salmonidae when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicema or so-called "Egtved disease," have been killed.

(d) *Oceanic fishermen.* Nothing in this section shall restrict the importation of salmonids of the fish family Salmonidae when such fish or eggs were taken on the high seas and imported directly into the United States without being landed or transhipped to or through any other country.

(e) *Wild caught fish from Canada and Mexico.* Nothing in this section shall restrict the importation of Salmonids of the fish family Salmonidae when such fish or eggs were caught in the wild in Canadian or Mexican waters and imported directly into the United States without being transhipped to or through any other country.

§ 16.32 Importation by Federal agencies.

Nothing in this part shall restrict the importation and transportation, without a permit, of any live wildlife by Federal agencies solely for their own use.

§ 16.33 Psittacine birds.

Nothing in this part shall restrict the importation and transportation without a permit, of birds of the family Psittacidae (parrots, macaws, cocatoos, parakeets, lories, lovebirds, etc.), the importation of which is governed by U.S. Public Health Service regulations under 42 CFR Parts 71 and 72 and U.S. Department of Agriculture regulations under 9 CFR Part 92.

§ 16.34 Importation of Pacific oysters.

(a) *General restriction.* Except as otherwise provided in this section, no person shall import any live seed oyster of the species *Crassostrea gigas* (Pacific oysters).

(b) *Certification as disease-free.* Live seed oysters of the species *Crassostrea gigas* (Pacific oysters) may be imported under the following conditions:

(1) The oysters have been commercially cultivated under controlled conditions designed to eliminate pest and parasite organisms;

(2) The oysters are imported directly into the States of Washington or California;

(3) The oysters are inspected and certified as acceptable regarding the introduction of pests and parasites by authorized inspectors of the States of Washington or California.

§ 16.35 Importation of brine shrimp eggs.

(a) *General restriction.* Except as otherwise provided in this section, no person shall import any eggs of the species *Artemia salina.* (brine shrimp).

(b) Eggs of the species *Artemia salina.* (brine shrimp) may be imported if the following conditions are met:

(1) The eggs were taken from the wild in Canada;

(2) Notwithstanding the exception to the declaration requirement in § 14.62 (a)(3), a Declaration for Importation of Fish or Wildlife (form 3–177) is filed as required in § 14.61.

[FR Doc.75-4831 Filed 2-21-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1131]

[Docket No. AO–271–A20]

MILK IN THE CENTRAL ARIZONA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Ramada Inn, 3801 E. Van Buren, Phoenix, Arizona, beginning at 9:30 a.m. (local time) on March 12, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arizona marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

NOTICE OF HEARING—CENTRAL ARIZONA

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY UNITED DAIRYMAN OF ARIZONA

PROPOSAL NO. 1

Revise paragraphs (b), (c), and (d)(3) of § 1131.7 as follows:

§ 1131.7 Pool plant.

* * * * *

(b) Any plant which ships fluid milk products, except filled milk, approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period September through November or 20 percent in the current month during the period December through August to a plant specified in paragraph (a) of this section: *Provided,* That if a plant qualifies in each of the months September through November in the manner prescribed in this section such plant shall upon written application to the market administrator on or before November 30 following such compliance be designated as a pool plant until the end of the folowing August.

(c) A milk plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by health authorities having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1131.18 which has 50 percent or more of its member producers' (as defined in § 1131.12 but including milk transferred from its own plant pursuant to this paragraph) milk received at the pool plants of other handlers. Milk received by such cooperative, in a truck owned or under contract to the cooperative, from a pool plant and transferred in such truck to another pool plant for the account of the cooperative shall be considered a receipt at the cooperative's plant and a transfer from such plant.

(d) * * *

(3) Any plant qualified pursuant to paragraph (b) of this section for any portion of the period December through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

PROPOSAL NO. 2

Revise paragraph (c) of § 1131.9 as follows:

§ 1131.9 Handler.

* * * * *

(c) A cooperative association with respect to the milk of producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

* * * * *

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PROPOSED BY SAFEWAY STORES, INCORPORATED

PROPOSAL NO. 3

Add paragraph (d)(4) to § 1131.7 as follows:

§ 1131.7 Pool plant.

• • • • • •

(d) • • •

(4) Any plant fully regulated by another State or Federal order with purpose and terms essentially similar to those in this Part, and which disposes of less than 2 percent of its total volume of Class I milk, except filled milk, in the Central Arizona marketing area, and the Secretary determines that such exemption shall not conflict with the purpose of the Act is exempted from this Part.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 4

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2617 North 24th Street, Phoenix, Arizona 85008, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on February 19, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75–4918 Filed 2–21–75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 11]

DEVICES AND SUBSTANCES FOR USE ON HORSES AT CERTAIN HORSE SHOWS

Proposed Prohibitions

Correction

In FR Doc. 75–4338 appearing at page 6978 of the issue for Tuesday, February 18, 1975:

1. In the third column on page 6978, in the 22nd line "house being sored" should read "horse being sored"; and in the 38th line "or soring" should read "of soring."

2. At the bottom of the first column on page 6979, in numbered paragraph 3, which describes amendments to § 11.1 (t)(1)(iv), in the seventh line "above hoof" should read "above the hoof"; and in the eighth line "fetlock of any horse" should read "fetlock on any horse."

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–GL–6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Detroit Lakes, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 26, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public instrument approach procedure has been developed for the Detroit Lakes Municipal Airport, Detroit Lakes, Minnesota. Accordingly, it is necessary to alter the Detroit Lakes transition area to adequately protect the aircraft executing the new approach.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is revised to read:

DETROIT LAKES, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Detroit Lakes Municipal Airport (Latitude 46°49'34" N., Longitude 95°53'06" W.); within 3 miles each side of the Detroit Lakes VOR 315° radial extending from the 5-mile radius area to 7½ miles northwest of the VOR; within 3 miles each side of the 145° radial extending from the 5-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Detroit Lakes VOR 315° radial extending from the VOR to 18½ miles northwest; within 4½ miles southwest and 9½ miles northeast of the VOR 145° radial extending from the VOR to 18½ miles southeast, excluding that portion which overlies the Fargo, North Dakota transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Des Plaines, Illinois on February 3, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75–4848 Filed 2–21–75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75–RM–3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations which would alter the transition area at Wolf Point, Montana.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colorado 80207. All communications received on or before March 26, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The location description of the Wolf Point, Mont. NDB has been changed and the public instrument approach procedure to Wolf Point, Mont. International Airport has been revised. It is necessary to alter controlled airspace to protect arriving/departing aircraft at Wolf Point International Airport.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (40 FR 441) the description of the Wolf Point, Mont. transition area is revised to read:

WOLF POINT, MONT.

That airspace extending upward from 700' above the surface within an 8.5-mile radius of the Wolf Point, Mont. NDB (latitude 48°06'16" N., longitude 105°36'05" W.); and that airspace extending upward from 1200' above the surface within a 12-mile radius of the Wolf Point NDB; and within 4.5 miles north and 9.5 miles south of the 294° bearing from the Wolf Point NDB extending from the 12-mile radius area to 18.5 miles northwest of the NDB, excluding that portion that overlies the Glasgow, Mont. transition area.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on February 20, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.75–4849 Filed 2–21–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20360; RM–2342]

FM BROADCAST STATIONS IN CALIFORNIA

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Palm Springs, California), Docket No. 20360, RM–2342.

1. *Petitioner, Proposal and Comments.* Petition for rule making filed March 11, 1974, by KPSI Radio Corporation, licensee of AM Station KPSI (Class IV), Palm Springs, California, proposes to assign Channel 265A to Palm Springs as a second FM channel assignment.

2. *Demographic Data.* (a) Palm Springs is situated 110 miles east of Los Angeles and 87 miles north of the United States-Mexico boundary. It is part of the Upper Coachella Valley in Riverside County.

(b) *Population* (1970 Census). Palm Springs (20,936); Riverside County (459,074).

(c) *Present Aural Services.* AM Stations: KCMJ (Class II, unlimited time); KDES (Class III, unlimited time); KPSI (Class IV, unlimited time) licensed to petitioner; FM Station KDES–FM (Channel 284). All of these stations are licensed to serve Palm Springs. Also, Cathedral City, located 6.5 miles southeast of Palm Springs, is assigned Channel 276A (KWXY–FM).

(d) *Tourist Trade.* Palm Springs is a popular tourist center in Southern California.

(e) *Growth.* Palm Springs has increased in population from 13,468 (1960 Census) to 20,936 (1970 Census). The projected growth of the Coachella Valley area is from 87,000 (1970) to 180,000 (1980) (according to the petitioner). Taxable sales have increased from $42,865,000 (1960) to $120,759,000 (1972). Other indicators of growth that show the region has expanded substantially in the last decade include: electrical connections, bank deposits, airport passenger boardings, telephones, building permits, water connections, and assessed valuations.

3. *Mileage Separations.* Channel 265A may be assigned without affecting any of the existing FM assignments.

4. *Preclusions.* The assignment of Channel 265A to Palm Springs will cause significant preclusion to co-Channel 265A in the following cities, none of which has AM stations or FM assignments: Beaumont, 5,484; Riverside County, 459,074 (1970 Census)
Desert Hot Springs, 2,738; Riverside County
San Jacinto, 4,385; Riverside County
Yucca Valley, 3, 893; San Bernardino County, 684,072

Lesser preclusions with respect to land area and population occur on Channels 263, 266 and 267 without affecting cities with populations greater than 2,500 persons and with no AM or FM assignments. According to information provided by petitioner's engineering firm, three channels are available for assignment to the areas precluded on co-Channel 265A. These are Channels 272A, 280A, and 292A. However, Channel 272A has been assigned to Apple Valley, California, and therefore has been rendered unusable to the precluded area. Although Channels 280A and 292A are usable at the precluded locations at present, a petition has been filed recently to assign Channel 280A to Lake Arrowhead, California (RM–2414) which, if granted, will prohibit its use at the precluded locations. Thus only Channel 292A would be available for future assignment.

5. Since this proposed assignment is within 199 miles of the United States-Mexico border, concurrence by the United Mexican States is being requested.

6. Petitioner asserts that if Channel 265A is assigned to Palm Springs it will apply for a construction permit and if granted will promptly build an FM station.

7. The proposed assignment of Channel 265A would result in an intermixture of classes of channels in Palm Springs. As stated in *Yakima, Washington*, 42 F.C.C. 2d 548 at 550 (1973), our position concerning intermixture is as follows:

• • • [w]e adhere to [non] intermixture to the extent possible but • • • to continue to do so with the FM assignments becoming scarce in some areas would be a vain effort aimed at equality and parity of service inconsistent with more important public interest • • • considerations. Cf. *Henderson, Kentucky*, 9 F.C.C. 2d 805 (1967).

8. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) as follows:

City	Channel No.	
	Present	Proposed
Palm Springs, Calif.....	284	284, 265A

9. The Commission's authority to institute rule making proceedings; showings required, cut-off procedures, and filing requirements are contained below and are incorporated herein.

10. Interested parties may file comments on or before April 11, 1975, and reply comments on or before April 30, 1975.

Adopted: February 14, 1975.

Released: February 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal discussed in the Notice of Proposed Rule Making to which this Appendix is attached. In initial comments, proponent(s) will be expected to answer whatever questions are presented in the Notice. The proponent(s) of the proposed assignment(s) is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the

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Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 75-4884 Filed 2-21-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20121; RM-2252 etc.]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fairfield, Ia.; Mayville, N.D.: Eldon, Mo.; Crete, Nebr., Hurricane, W. Va.; Patterson, N.Y.; Sauk Centre, Minn.; Appomattox, Va.; Warren, Ark.; Gatesville, Tex.; *Batesville, Ind.*; and Otsego, Michigan), Docket No. 20121, RM-2252, RM-2339, RM-2301, RM-2352, RM-2309, RM-2355, RM-2310, RM-2366, RM-2311, *RM-2367*, RM-2321, RM-2373.

Adopted: Feb. 12, 1975; Released: February 18, 1975.

1. The Request for Supplemental Information herein concerns the proposed amendment of Section 73.202(b) of the Commission's Rules, the Table of FM Assignments, with respect to Batesville, Indiana. In response to the Notice of Proposed Rule Making, adopted July 24, 1974 (39 Fed. Reg. 28444), a counterproposal to assign a different FM channel to Batesville was filed by Mid America Radio, Inc., licensee of FM Station WXTZ, Indianapolis, Indiana (WXTZ). The counterproposal raised a number of issues which cannot be resolved without additional information.

2. The proposal by Batesville Broadcasting Company seeks assignment of Channel 276A to Batesville, Indiana. The channel could be assigned there if the transmitter site were to be located 2.5 miles west (nearest point) or within eight miles southwest of the community. One of the limiting factors is the distance separation from Channel 277 occupied by Station WXTZ at Indianapolis.

3. The counterproposal by WXTZ proposes assignment of Channel 280A to Batesville. However, the transmitter site would have to be located some six miles south of the community. WXTZ asserts that, if the Batesville proposal were to be adopted, it would preclude WXTZ from moving its transmitter the necessary distance toward Indianapolis to permit it to serve its city of license in a manner contemplated by the Commission; that the existing transmitter location has created a marginally sufficient signal over the center of the city where there is an area of interference; and that its only realistic option is to move the transmitter. It alleges that in 1972 when WXTZ received a permit to change its transmitter site (BPH-7867), it was thought that WXTZ's proposed 70 dBu contour would cover the entire city limits of Indianapolis, but that it discovered a short time ago that this 70 dBu contour did not fully cover the revised Indianapolis city limits which were expanded virtually to coincide with the entire Marion County.

4. Batesville Broadcasting urges rejection of WXTZ's counterproposal to assign Channel 280A to Batesville. It contends that Channel 276A would allow use of a transmitter site closer to Batesville which is more economically feasible and readily accessible. Batesville Broadcasting argues that WXTZ wants a greater protection by preventing a Batesville station from operating on the adjacent channel, and that WXTZ has failed to provide support for its claim of interference in Indianapolis.

5. WXTZ's present transmitter site is located some 10 to 12 miles north from the center of the city. The station operates with 13.2 kilowatts and 850 feet HAAT and the predicted signal level at the aforementioned distances is greater than 60 dBu. It is therefore difficult to perceive that WXTZ provides marginal service to the center of Indianapolis. In any event, FM stations are assigned on the basis of distance separation to other stations and assignments, and the stations are expected to provide a 70 dBu signal over the entire principal community to be served. It appears that the Indianapolis city limits were recently extended to include greater area, most of Marion County, and WXTZ argues that it should be allowed to comply with that provision of the rules. However, it is noted that there are rural areas within the extended Indianapolis city limits. Thus we need to know the actual population [1] residing in the area within the Indianapolis city limits and beyond the present 70 dBu contour. Further we need information as to the areas and population within its present and proposed 60 dBu contours.

6. As to Batesville, the information as to areas and population within the 60 dBu contours for the proposed Channel 276A and for the suggested Channel 280A operation should be supplied. In addition, the information as to whether or not there are terrain obstructions between the two sites and Batesville should be included.

7. Interested parties may file such comments on or before April 11, 1975, and reply comments on or before April 30, 1975. All submissions by parties to this proceeding, or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: February 12, 1975.

Released: February 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-4883 Filed 2-21-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20359; RM-2334]

FM BROADCAST STATIONS IN IDAHO

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Jerome, Idaho), Docket No. 20359, RM-2334.

1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with respect to the petition of the KART Broadcasting Co., Inc., licensee of AM Station KART and FM Station WFMA (currently operating on Channel 224A Jerome, Idaho), proposing the substitution of Channel 275 for 224A at Jerome, Idaho.

2. Jerome (pop. 4,183) [1] is the seat of Jerome County (pop. 10,253). It is located approximately 12 miles north of Twin Falls, Idaho, in the south central portion of the State and 50 miles north of the Idaho-Nevada boundary. Petitioner relates that the Jerome area has grown considerably in the last few years due to the addition of a Tupperware plant and a Moore Business Form plant.

3. Currently Jerome is served by one AM station, KART (Class IV), and one FM station, KFMA (Channel 224A), both licensed to petitioner. The latter station, which commenced operation in August 1970, operates with 3 kW effective radiated power. Petitioner states that with such facilities its 1mV/m signal fails to reach various communities in its vicinity on which it must partly rely for revenues in order to operate the station. Moreover, according to petitioner, its Class IV AM station is unable to provide nighttime aural service to surrounding towns, many of which are without local radio service.

4. Petitioner avers that a construction permit has been granted for the use of Channel 243 at nearby Twin Falls and that two applications for construction permits are pending for the use of Channel 239, the other channel assigned to Twin Falls. It is of the view that when the two Twin Falls Class C stations are on the air they will serve the Jerome area and that petitioner, operating on a Class A facility, will not be able to be competitive with them. For this reason, petitioner urges that Class C Channel 275 be substituted for Channel 224A at Jerome and that its license be modified to specify operation on Channel 275. (In this connection it is noted that the Commission's policy against intermixture of classes of channels applies to channels assigned to the same community.)

5. With respect to the technical feasibility of the proposed assignment, the substitution may be made without affecting any of the other FM assignments presently occupied.

6. The preclusion study submitted by petitioner indicates that significant preclusion, in terms of affected land area, will occur on the co-channel and all six adjacent channels, because there are few existing assignments in the area. The Commission's staff analysis concurs with petitioner's appraisal that there are a substantial number of FM channels readily available for assignment to possible future locations throughout the precluded area. Presently there are eight unoccupied assignments in the area precluded from using Channel 275, two unoccupied assignments within the affected area for Channel 276A and nine unoccupied assignments in the Channel 274 affected area.

7. Our *Policy to Govern Requests for Additional FM Assignments*, 8 F.C.C. 2d 79 (1967) provides that requests for wide-coverage Class B or Class C channels in places where a Class A channel is or could be assigned (particularly relatively small communities), should include a showing as to the extent of unserved and underserved areas if the request is based on the need for a large facility to serve such areas. We are of the view that the instant request falls within the purview of this policy. Consistent therewith, petitioner has furnished a showing based upon *Roanoke Rapids* criteria [2] which alleges that 993 persons in an area of 832 square miles would receive a first FM service and 2,164 persons in an area of 814 square miles would receive a second FM service if the proposed assignment were made. However, it appears that these data may be faulty because the statute mileage scale utilized to illustrate the predicted coverage contours is inaccurate. Moreover, since it appears that the predicted coverage contours are determined on the basis of terrain averaged over each of eight radials, petitioner should submit the terrain profiles and the antenna height above average terrain of such radials in the form of a supplemental report to the Commission in addition to submitting a corrected *Roanoke Rapids* showing.

8. Since petitioner is requesting a modification of its license, it is unnecessary to issue an order to show cause under the provisions of Section 316 of the Communications Act of 1934, as amended, in the event that the Commission finds it in the public interest to make the requested substitution of channels at Jerome.

9. Accordingly, in view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 (b)(6) of the Commission's Rules and Regulations, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Jerome, Idaho	224A	275

10. *Showings required.* Comments are invited on the proposal discussed above. Petitioner is expected to answer whatever issues are raised in this Notice. Failure to do so may result in a denial of the request.

11. *Cut-off procedures.* The following procedures will govern consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 11, 1975, and reply comments on or before April 30, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen (14) copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: February 12, 1975.

Released: February 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-4885 Filed 2-21-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5570, 34-11238, 35-18806, IC-8668]

CONSOLIDATED FINANCIAL STATEMENTS

Extension of Time for Comments

In consideration of a request by interested persons, the period for comment on the proposal in Securities Act Release No. 5548 [1] (40 FR 1078) for amendment of Rule 4-02(e) of Regulation S-X (17 CFR 210.4-02(e)) is extended to March 14, 1975 from February 14, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 12, 1975.

[FR Doc.75-4607 Filed 2-21-75;8:45 am]

[17 CFR Part 240]

[Release Nos. 33-5567, 34-11231, 35-18805, 39-380, IC-8665; File No. 4-178]

"GOING PRIVATE" TRANSACTIONS BY PUBLIC COMPANIES OR THEIR AFFILIATES

Notice of Public Investigatory and Rulemaking Proceedings

The Securities and Exchange Commission announced today that it has ordered a public investigatory and rulemaking proceeding, including public hearings, to ascertain facts, conditions, practices and other matters relating to so-called "going private" transactions by public companies or their affiliates. It invites both oral and written comments from interested persons regarding proposed rules dealing with, as well as various specific inquiries related to, such transactions in light of the statutory purposes underlying the Federal securities laws, particularly the Securities Exchange Act of 1934 ("Exchange Act"). The purpose of this investigatory and rulemaking proceeding is to develop a factual basis for determining whether it is necessary or appropriate in the public interest or for the protection of investors for the Commission to adopt one

[1] Determination should not be made on the basis of equally-distributed population.

[2] Population figures are from the 1970 U.S. Census unless otherwise specified.

[3] *Roanoke Rapids-Goldsboro, North Carolina*, 9 F.C.C. 2d 672 (1967).

[1] Securities Act Release No. 5548, Securities Exchange Act Release No. 11132, Public Utility Holding Company Act Release No. 18705, Investment Company Act Release No. 8612 (December 11, 1974) [40 F.R. 1078].

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or more rules under the Exchange Act[1] based in whole, in part, or on some combination of the rules proposed herein and/or to recommend further legislation to the Congress in this area.

In announcing this proceeding, the Commission does not wish its position to be misunderstood. The phenomenon of "going private" is important and raises significant questions of investor protection which should be thoroughly explored. It is for that reason that the proceeding has been ordered. The Commission, however, has reached no conclusions with respect to the proposed rules. They are included to provide a framework for the hearing and the comments. Other suggestions will be welcomed.

During the pendency of this proceeding, the Commission's staff will process filings, the Commission will initiate and its staff will conduct enforcement proceedings where appropriate, and the staff will respond to "no-action", interpretative, and exemptive requests regarding so-called "going private" transactions. These rule proposals are in no way intended to limit the present applicability of existing provisions of the Federal securities laws and the rules and regulations promulgated thereunder relating to "going private" transactions.

In addition to rules dealing with the "going private" phenomenon, the staff is currently preparing for submission to the Commission proposed rules dealing with issuer tender offers in general.

[1] Section 13(e) of the Exchange Act provides that it shall be unlawful for an issuer which has a class of equity securities registered pursuant to section 12 of the Exchange Act or which is a closed-end investment company registered under the Investment Company Act of 1940 to purchase any equity security issued by it if such purchase is in contravention of such rules and regulations as the Commission, in the public interest or for the protection of investors, may adopt to define acts and practices which are fraudulent, deceptive, or manipulative, and to prescribe means reasonably designed to prevent such acts and practices.

Section 14(e) of the Exchange Act provides that the Commission shall, by rules and regulations, define and prescribe means reasonably designed to prevent fraudulent, deceptive or manipulative acts or practices in connection with any tender offer or request or invitation for tenders, or any solicitation of security holders in opposition to or in favor of such offer, request or invitation.

Section 14(a) of the Exchange Act grants the Commission authority to prescribe rules and regulations in the public interest or for the protection of investors with respect to the solicitation of any proxy or consent or authorization with respect to any security (other than an exempted security) registered pursuant to Section 12 of the Exchange Act.

Section 14(c) of the Exchange Act grants authority to the Commission to prescribe rules and regulations with respect to filings with the Commission and transmittals to security holders of information substantially equivalent to the information which would be required to be transmitted if a solicitation were made, unless proxies, consents, or authorizations with respect to a security registered pursuant to Section 12 are solicited by or on behalf of the management of the issuer from the holders of record of such security in accordance with the rules and regulations prescribed under subsection 14(a).

Section 10(b) of the Exchange Act provides that it shall be unlawful for any person to use or employ, in connection with the purchase or sale of any security, any manipulative or deceptive device or contrivance in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Section 3(b) of the Exchange Act gives the Commission authority to define technical, trade and accounting terms and Section 23(a) of the Exchange Act grants the Commission authority to make such rules and regulations as may be necessary for the execution of the functions vested in the Commission by the Exchange Act.

Background

There is presently no definition of a "going private transaction" under the Federal Securities laws. One possibility would be to define a "going private transaction" to include any transaction or series of transactions engaged in by an issuer or its affiliate, which would, if successful, permit the issuer to cease filing reports under the Exchange Act.[2] Another possibility would be to define the term to include any transaction by an issuer or its affiliate which might directly or indirectly result in the issuer being able to cease filing reports under the Exchange Act or which might result in a significant impairment in the liquidity of the trading market in its equity securities.

A "going private" transaction may involve the use of one or more corporate devices. For example, the issuer may make an offer to purchase all equity securities outstanding for cash or other securities by means of a request or invitation for tenders. The management of the issuer and its majority security holders often choose to retain ownership of their shares. Minority security holders are faced with the choice of tendering and receiving the consideration offered or remaining a security holder. If the offer is accepted by enough security holders, non-tendering security holders may find that whatever liquidity existed in the trading market for the issuer's securities has been severely undermined or has disappeared entirely. Moreover, those security holders may lose the protections of sections 13, 14 and 16 of the Exchange Act if the issuer becomes eligible for and seeks termination of its registration under section 12. Further, in the case of issuers having a duty to file reports pursuant to section 15(d), that duty may be suspended.

Other issuers may determine that an offer to purchase is unsatisfactory since a security holder can remain a security holder by non-action. In those circumstances an issuer may split its securities in reverse (for example, offering one new share for 50 outstanding shares) which may require the approval of, and the solicitation of proxies from, security holders depending upon the applicable law. The terms of such reverse splits generally are designed to ensure that smaller security holders receive only fractions of a whole share; as part of the procedure, the issuer does not issue fractional shares but instead purchases old shares, or distributes cash in lieu of any fractions which would have been issuable. Security holders must sell their old shares or their newly received fractional interests or "round up" by purchasing enough fractional shares to be entitled to receive one new share. The rounding up process usually requires a substantial new investment. Moreover, if the issuer has offered a price higher than current market for the old shares, a security holder desiring to round up will probably have to match that price. Thus, a security holder must sell out or make another substantial investment. Not only is the substantial investment a disincentive to rounding up, but also the security holder must contend with a probable lack of liquidity in the new shares and the possibility that the issuer will be eligible to cease filing reports under the Exchange Act.

Furthermore, under the law of many states the controlling persons of a corporation can initiate or effect a merger into a "shell" corporation also owned by them, requiring all security holders to take cash or a newly created debt security. Such a transaction may require the approval of, and the solicitation of proxies from, security holders depending upon the applicable law. The resulting corporation buys the going concern and minority security holders are forced to take cash or the newly created debt security, or in some states, may exercise dissenters' rights and elect to receive an amount determined by an independent appraisal. Under many state statutes, however, questions have been raised as to whether the procedures involved and the tests of fairness developed adequately protect minority security holders.

On September 9, 1974 the Commission announced a Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers, and Acquisitions by Foreign and Domestic Persons (File No. 4-175).[3] One of the specific inquiries of that proceeding was:

> Whether the Commission should adopt a schedule of disclosure items pursuant to subsection 13(e) of the Exchange Act for issuers making tender offers for their own securities, including when issuers attempt to "go private" and cease reporting under the Exchange Act.

The Commission's staff received conflicting oral testimony and written comments from interested persons during such proceeding. Moreover, the Commission has received a number of letters from shareholders expressing concern about the fairness of so-called "going private" transactions, and from members of the investment community expressing concern about the impact of such transactions on the confidence of investors in the market place. As set forth in Section 2 of the Exchange Act:

> Transactions in securities * * * are affected with a national public interest which makes it necessary to provide for regulation and control of such transactions and of practices and matters related thereto, including transactions by officers, directors, and principal securities holders, * * * to impose requirements necessary to make such regulation and control reasonably complete and effective in order to * * * insure the maintenance of fair and honest markets * * *.

Based on the foregoing, it appears that it may be necessary or appropriate for the Commission to adopt general or specific substantive provisions in addition to disclosure requirements relating to some or all "going private" transactions.

Proposed Rules

Based in part on the Commission's consideration of the record developed during this investigatory and rulemaking proceeding, the Commission may adopt or propose for comment one or more rules under the Exchange Act and/or may recommend further legislation to the Congress in this area. For the purposes of this proceeding, comments and testimony are requested to focus on the rules which are proposed below.

PROPOSED RULE 13E–3A

This proposed rule would make certain purchases of an issuer's equity securities, and certain solicitations of proxies in connection therewith, by the issuer or its affiliates, as defined, unlawful unless the issuer or its affiliate complies with specific disclosure and substantive provisions. The rule is designed to protect investors, particularly the interests of minority security holders, in "going private" transactions. For the purpose of the rule, "going private" transaction—which is referred to as a "Rule 13e–3 transaction"—means any one of a number of specified types of transactions, which if engaged in by an issuer or its affiliate, might directly or indirectly result in, or be part of a plan which might result in any one of a number of specified effects. The types of transactions covered by the proposed rule include: (A) a purchase of any equity security; (B) a cash tender offer, an exchange offer, or any other tender offer for or request or invitation for tenders of any equity security; or (C) a solicitation of any proxy, consent or authorization of a holder of any equity security in connection with any merger, consolidation, or similar business transaction between an issuer (or its subsidiaries) and its affiliate; a sale of substantially all of the assets of an issuer to its affiliate; or a reverse split of any equity security involving the purchase of fractional shares. The types of effects covered by the proposed rule include: (A) causing a class of equity securities to be subject to delisting from a national securities exchange; (B) causing a class of equity securities to be eligible for termination of registration pursuant to Section 12(g)(4) of the Exchange Act; (C) causing an issuer to be eligible for suspension of reporting obligations pursuant to Section 15(d) of the Exchange Act as at the beginning of the next fiscal year of the issuer; or (D) causing a class of equity securities which is authorized to be quoted in an inter-dealer quotation system of a registered national securities association to cease to be so authorized.

The proposed rule would require the mailing of certain specified information to all holders of record and all known beneficial owners of the affected class of equity securities and would provide for a twenty day "waiting period" during which a Rule 13e–3 transaction could not be effected. The requisite information would include, among other things, the source of funds for the transaction, the purposes of the transaction and intentions with respect to the future conduct of the business, background information regarding affiliates, an opinion of counsel respecting the legality of the transaction, certain financial information, recent acquisitions of securities, dividend and market price information, and a summary of an evaluation by two qualified independent persons of the consideration to be offered to the security holders of the affected class of securities who are not affiliates of the issuer.

The proposed rule would also require that the consideration offered to such security holders shall constitute fair value as determined in good faith by the issuer or its affiliate, and shall be no lower than the consideration recommended jointly by two qualified independent persons. In making their recommendations, such persons would be required to consider, among other factors, the value of the assets and earning power of the issuer. Such persons would each be required to have reasonable grounds to believe, and believe, after reasonable investigation, that their jointly recommended consideration constituted fair value to the security holders of the affected class who are not affiliates. In addition, they would be required to submit to the issuer a written report and opinion based thereon regarding the fairness of the recommended consideration to the non-affiliated security holders, setting forth the procedures followed, the basis for and method of arriving at the recommended consideration and any limitation imposed by the issuer or affiliate on the scope of their investigation.

If the Rule 13e–3 transaction takes the form of a cash tender offer or exchange offer, the solicited security holders would be provided with unlimited withdrawal rights at any time prior to acceptance for purchase, pro rata rights during a twenty day "waiting period" and the right to be treated equally with respect to any increase in the offered consideration. Any purchase within sixty days after the expiration of a tender offer shall be deemed to be part of that tender offer. And in those cases where an issuer would no longer be required to file reports pursuant to sections 12 or 15(d) of the Exchange Act, the rule would provide for a twenty day "take out" period during which all remaining security holders would have an additional opportunity to tender or exchange their securities for the same consideration offered in the Rule 13e–3 transaction.

The proposed rule would not be applicable to transactions by companies registered under the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940, nor would it be applicable to redemptions, calls and other similar transactions involving a purchase of an equity security by an issuer pursuant to specific provisions set forth in the instrument(s) creating or governing that class of equity securities.

PROPOSED RULE 13E–3B

As an alternative to certain of the substantive provisions of the foregoing proposed rule, the Commission is also publishing for comment another form of substantive regulation—denominated as Rule 13e–3B for the purposes of this proceeding. Proposed Rule 13e–3B, if adopted, would also include some or all of the disclosure and tender offer requirements set forth in proposed Rule 13e–3A. To avoid repetition, proposed Rule 13e–3B does not include such specific requirements.

Proposed Rule 13e–3B would apply to any transactions by an issuer which has a class of equity securities registered under Section 12 of the Exchange Act or which files reports under Section 15(d) of the Exchange Act, or by an affiliate, as defined, involving the purchase, directly or indirectly, of any equity security of the issuer which would result or was intended to result in any one of the following consequences: (1) compelling a security holder of the issuer to terminate his equity interest in the issuer; (2) reducing, directly or indirectly, by 25 percent or more, of the amount of any class of equity security of the issuer outstanding prior to the transaction and held beneficially by persons other than the issuer and its affiliates; (3) causing a class of equity securities of the issuer to be subject to delisting from a national securities exchange; (4) causing a class of equity securities of the issuer to be eligible for termination of registration pursuant to section 12(g)(4) of the Exchange Act; (5) causing an issuer to be eligible for suspension of reporting obligations pursuant to section 15(d) of the Exchange Act as at the beginning of the next fiscal year of the issuer; or (6)

[2] An issuer is obligated to file periodic reports under the Exchange Act if the issuer: (i) has a class of securities listed on a national securities exchange pursuant to section 12(b) of the Exchange Act; or (ii) has a class of equity securities held of record by 500 persons and has at least $1,000,000 in assets pursuant to section 12(g) of the Exchange Act; or (iii) has made a registered public offering of securities under the Securities Act of 1933 and has at least 300 shareholders of record pursuant to section 15(d) of the Exchange Act. An issuer is no longer obligated to file periodic reports under the Exchange Act if it delists all of its securities and is not subject to section 12(g) of the Exchange Act or if it has less than 300 shareholders of record and complies with section 12(g)(4) or section 15(d), and Rule 15d–6 (17 CFR 240.15d–6) thereunder, of the Exchange Act.

[3] Release No. 33–5526 (Sept. 9, 1974) (39 FR 33835) as amended by Release No. 33–5538 (Nov. 5, 1974) (39 FR 41223).

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causing a class of the issuer's equity securities authorized to be quoted in an inter-dealer quotation system of a national securities association to cease to be so authorized.

When any such consequences would or are intended to occur, the proposed rule would require that the terms of the transaction, including any consideration to be paid to any security holder, be fair, and, in the case of a transaction by the issuer, that a valid business purpose for the transaction exist. The proposed rule is intended to provide the Commission with sufficient flexibility to deal with any type of transaction by an issuer or its affiliates which, if effected, would have the same consequences.

Proposed Rule 13e–3B would provide the same exceptions as proposed Rule 13e–3A. In addition, transactions exclusively among affiliates of the issuer would be exempt, since neither minority security holders nor the issuer would be involved.

ADDITIONAL INQUIRIES

In addition to the specific issues raised by the proposed rules, the Commission requests written comments and testimony concerning the following general areas:

A. Whether the proposed rules should apply to purchases by an issuer or affiliate of the equity securities of the issuer which have consequences in addition to those specified in the rules?

B. Inasmuch as "going private" transactions may involve conflicts of interests, and the terms of such transactions may not be based upon arm's length bargaining, should additional steps be taken to protect investors in such transactions?

C. With respect to evaluations, such as appraisals, in connection with "going private" transactions, should specific requirements be adopted relating to:

(1) Additional bases for an evaluation, such as an allocation of post-transaction benefits or other relevant values; or

(2) Qualifications, methods of selection and standards of independence relating to persons making such evaluations?

D. Should a rule be adopted to require expressly specific disclosure of budgets, internal projections and future plans of an issuer or its affiliates in connection with "going private" transactions?

E. Assuming a vote of security holders is involved in a "going private" transaction, should a rule be adopted to require affiliates to vote their securities with the majority of, or in proportion to, the votes of security holders who are not affiliates?

F. Should a rule be adopted requiring a vote of security holders in connection with all "going private" transactions?

G. In view of the proposed requirements regarding fairness, is it necessary to require, in addition, that there be a neutralization of the vote of affiliates of the issuer?

H. In lieu of the 25% standard in paragraph (b)(2) of the proposed Rule 13e–3B, should a sliding scale be used with regard to reductions in the number of shares outstanding such as for different types of sizes of issuers?

I. Should commissions or other remunerations paid or given, directly or indirectly, for soliciting proxies or sales of securities be prohibited or limited in some or all types of "going private" transactions?

J. Should the Commission adopt rules relating to "going private" transactions involving closed-end investment companies registered under the Investment Company Act of 1940?

K. Should other types of transactions be specifically exempted in whole or in part from the proposed rules, and in regard thereto, should the time elapsed between the most recent public offering of securities and the proposed transaction be considered as a relevant factor?

L. Should a rule be adopted containing a general exemptive provision and, if so, what standards should be included therein?

PROCEDURES

Any interested person wishing to submit a written statement of views or suggestions concerning additional topics or inquiries relating to "going private" transactions which should be examined during the course of the proceeding is invited to submit such a statement by March 15, 1975. In addition, any interested person wishing to submit specific written comments concerning the inquiries set forth herein and the proposed rules attached hereto is invited to do so at any time prior to the close of the record of this proceeding. All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should be captioned with File No. 4–173. All such communications will be made part of the record of the proceeding and will be available for public inspection.

The public hearings are tentatively scheduled to commence during April, 1975 at the Commission's offices in Washington, D.C. At a later date, the Commission will issue another order designating the specific date, time and place and procedures for the hearings.

This public investigatory and rulemaking proceeding has been ordered by the Commission pursuant to section 21(a) of the Exchange Act and Rule 4(b) (17 CFR 201.4(b)) of the Commission's rules of practice. Attached hereto are proposed Rules 13e–A and 13e–3B, which are proposed pursuant to sections 3(b), 10(b), 13(e), 14(a), 14(c), 14(e), and 23(a) of the Exchange Act.

(Secs. 3(b), 10(b), 14(a), 14(c), 21(a), 23(a), 48 Stat. 882, 891, 895, 899, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5(a), 78 Stat. 569; secs. 2, 3, 82 Stat. 454, 455; secs. 2, 5, 84 Stat. 1497; 15 U.S.C. c(b), j(b), m(e), n(a), n(c), n(e), v(a), w(a))

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

FEBRUARY 6, 1975.

The proposed rules are as follows:

§ 240.13e–3[A] Unlawful issuer repurchases.

(a) *Definitions.* For purposes of the rule, the following definitions shall apply:

(1) *Affiliate.* An "affiliate" of an issuer is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such issuer.

(2) *Class of Equity Securities.* The term "class of equity securities" shall include any security convertible or exchangeable into, or any warrant or right to subscribe to or purchase any security of such class.

(3) *Executive Officer.* The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy-making functions for the issuer.

(4) *Purchase.* A "purchase" means any acquisition for value or any contract to buy, purchase or acquire, including any "short form" merger and any purchase of fractional shares in connection with a reverse split.

(5) *Rule 13e–3 Transaction.* A "Rule 13e–3 transaction" is any transaction described in paragraph (a)(5)(i) of this section which, directly or indirectly, might have any of the effects or is part of a plan which might have any of the effects described in paragraph (a)(5)(ii) of this section.

(i) *Types of Transactions.* (A) a purchase of any equity security;

(B) a cash tender offer, an exchange offer, or any other tender offer for or request or invitation for tenders of any equity security; or

(C) a solicitation of any proxy, consent or authorization of a holder of any equity security in connection with any merger, consolidation or similar business combination transaction between an issuer (or its subsidiaries) and its affiliate; a sale of substantially all of the assets of an issuer to its affiliate; or a reverse split of any equity security involving the purchase of fractional shares.

(ii) *Effects of Transaction.* (A) causing a class of equity securities to be subject to delisting from a national securities exchange;

(B) causing a class of equity securities to be eligible for termination of registration pursuant to section 12(g)(4) of the Act;

(C) causing an issuer to be eligible for suspension of reporting obligations pursuant to section 15(d) of the Act as at the beginning of the next fiscal year of the issuer; or

(D) causing a class of equity securities which is authorized to be quoted in an inter-dealer quotation system of a registered national securities association to cease to be so authorized.

(b) *Scope of the Rule.* It shall be unlawful for any issuer, or any affiliate of such issuer at the commencement of a Rule 13e–3 transaction, to engage in a Rule 13e–3 transaction with respect to a class of equity securities of such issuer unless such issuer or affiliate complies with all of the conditions set forth in paragraph (c) of this section.

NOTE.—A person who is not an affiliate of the issuer at the commencement of such person's tender offer for the equity securities of the issuer will not become an affiliate of that issuer for purposes of this rule prior to the termination of that tender offer.

(c) *Conditions to be Met.* A Rule 13e–3 transaction shall be unlawful unless all the following conditions are met:

(1) The issuer or affiliate shall send the following information in accordance with the provisions of any applicable federal, state or other law, but in no event later than 20 days prior to any purchase or any vote, consent or authorization, to each person who was a record holder as of a date not more than 30 days prior to the date of mailing and to each person known to such issuer or affiliate to have been as of such record date a beneficial owner of the class of equity securities subject to the Rule 13e–3 transaction:

(i) The title of the class of equity securities to which the transaction relates;

(ii) If the Rule 13e–3 transaction is to be effected by an affiliate, (A) the identity of the affiliate; (B) the identity of any executive officer; (C) the principal business, occupation or employment of each person identified in (A) or (B) for the last 5 years, including the name and principal business of the organization with which such employment was carried on, and (D) the date(s), nature of conviction, name and location of court and penalty or other disposition of any conviction in a criminal proceeding (excluding traffic violations or similar misdemeanors) during the 5 years for each such person;

(iii) The source and amount of funds or other consideration to be used in making the purchases; and if any part of the purchase price or the proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained, describe the terms of the transaction and the identity of the parties thereto;

(iv) The purpose or purposes of the proposed transaction, including but not limited to any plans or proposals to liquidate the issuer, to sell its assets or merge it with any other person, or to make any other material change in its management, business or corporate structure;

(v) Any contracts, arrangements, or understandings involving the issuer or affiliate with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and describing the material provisions thereof;

(vi) The identity of all persons and classes of persons employed, retained or to be compensated by the issuer or affiliate or by any person on behalf of the issuer or affiliate to make solicitations or recommendations to security holders in connection with a Rule 13e–3 transaction and the terms of such employment, retainer or arrangement for compensation;

(vii) A description of the effect of the proposed transaction on the issuer, its affiliates and non-affiliated security holders of the class of equity securities, and a description of the terms or arrangements of the proposed transaction relating to any security holder which are not identical to those relating to other security holders;

(viii) An opinion of counsel respecting the legality of the transaction under the law of the state or other jurisdiction under the laws of which the issuer was organized;

(ix) A statement of the intentions of executive officers, directors and affiliates of the person effecting the Rule 13e–3 transaction as to whether they will or will not tender or sell or vote securities of the issuer owned or held by them or vote securities with respect to which they hold proxies and the reasons therefor;

(x) The two year audited financial statements required to be filed with the issuer's most recent annual report under Sections 13 and 15(d) of the Act, together with a balance sheet as of the last day of the most recent period subsequent to the end of the last fiscal year for which a quarterly report was required to be filed pursuant to the Act, and statements of income, retained earnings and changes in financial position for the period then ended and for the corresponding period of the preceding fiscal year;

(xi) Pro forma data showing the effect of the proposed transaction on (A) the issuer's most recent balance sheet furnished pursuant to paragraph (c)(1)(x) of this section; (B) the issuer's statement of income for the last fiscal year or the 12 month period prior to the date of the balance sheet referred to in (A) above; (C) book value per share as of the date of the balance sheet referred to in (A) above; and (D) the ratio of earnings to fixed charges for the period referred to in (B) above;

(xii) The frequency and amount of any dividends with respect to such class of equity securities during the last two years, any restrictions on the issuer's ability to pay dividends and any plan or intention to declare a dividend or to alter the dividend policy of the issuer in the future;

(xiii) The amount of the issuer's equity securities beneficially owned as of the most recent practicable date by any executive officer, director or affiliate of the issuer, or any pension, profit sharing or similar plan of the issuer or affiliate; the aggregate amount of the issuer's equity securities purchased directly or indirectly during the preceding two years, if any, and the aggregate dollar amounts paid for such securities by the issuer, any executive officer, director or affiliate and any pension or profit sharing or similar plan of the issuer or affiliate; and the number of securities purchased and the price per share paid during the last 60 days by each such person.

(xiv) A general description of the federal tax consequences of the proposed transaction to the issuer and its security holders;

(xv) If there is an established market for such class of equity securities, the high and low sale prices of such securities (or in the case of trading in the over-the-counter market, or in the absence of trading on an exchange during a particular period, the range of representative high and low bid and asked quotations) for each quarterly period within the past two years and the nature of the market and source of the quotations. If the securities are traded on one or more exchanges, the name of the principal exchange should be given. If there is no established trading market excluding limited or sporadic quotations, it should be so stated;

(xvi) The offering price per share, subject to appropriate adjustments, the aggregate proceeds received by the issuer and the proceeds received by each affiliate of the issuer, if securities of the class were offered to the public by the issuer or affiliates during the five years preceding the date of the proposed transaction;

(xvii) A fair and adequate summary of the reports, opinions and the joint recommendation required by paragraph (c)(2) of this section; the method of selection of the persons giving such recommendation and opinions, any material relationship between such person or its affiliates which then exists or is mutually understood to be contemplated or which has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship;

(xviii) A reasonably itemized statement of all expenses incurred or estimated to be incurred in connection with a proposed Rule 13e–3 transaction, including but not limited to filing fees, legal, accounting and appraisal fees, solicitation expenses, and printing costs.

(xix) A fair and adequate summary of any appraisal obtained by or for the issuer or its affiliate regarding the issuer, its material assets, or securities within the last two years.

(xx) Such additional material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not materially misleading.

(2) The consideration for the equity securities to be purchased shall constitute fair value to the security holders of such class of the issuer who are not affiliates as determined in good faith by the issuer or its affiliate, and shall be no lower than that recommended jointly by two qualified independent persons. Such persons, in recommending the consideration, shall consider, among other factors, the value of the assets and earning power of the issuer. They shall each:

(i) after reasonable investigation, have reasonable grounds to believe, and

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believe, that their jointly recommended consideration constitutes fair value to the security holders of the issuer of such class who are not affiliates; and

(ii) submit to the issuer a written report and an opinion based thereon regarding the fairness of the recommended consideration to security holders of the issuer of such class who are not affiliates, setting forth the procedures followed, the basis for and the method of arriving at the recommended consideration, and any limitation imposed by the issuer or affiliate on the scope of the investigation; such report and opinion shall be available for inspection and copying by any interested equity security holder of the issuer at the executive offices of the issuer during its regular business hours.

(3) If an issuer or affiliate engages in a Rule 13e–3 transaction involving a cash tender offer, an exchange offer or any other tender offer for or request or invitation for tenders of any equity security:

(i) the issuer or affiliate shall file with the Commission eight copies of any written offer or request or invitation for tenders which shall contain the information required by paragraph (c)(1) of this section and any additional solicitation material at the time any copies of the offer or request or invitation for tenders are first sent to holders of the equity securities, but in no event later than 20 days prior to any purchase pursuant to such offer, request or invitation;

(ii) if any material change occurs in the information filed pursuant to paragraph (c)(4)(i) of this section, eight copies of an amendment shall promptly be filed with the Commission to reflect such change;

(iii) securities deposited pursuant to a tender offer subject to this subparagraph may be withdrawn by or on behalf of a tendering security holder at any time prior to the acceptance for purchase of such securities by the issuer or affiliate;

(iv) if more securities are deposited during the twenty days between the day on which the offer is first sent to security holders and the first day on which securities may be accepted for purchase than the issuer or affiliate is bound or willing to accept for purchase, any securities accepted for purchase shall be accepted on a pro rata basis as nearly as is practicable disregarding fractional shares;

(v) if the consideration offered to security holders in a tender offer subject to this subparagraph is increased, the increased consideration shall be paid for all securities accepted for purchase in the Rule 13e–3 transaction regardless of whether such securities were accepted prior to the increase in consideration;

(vi) any purchase by the issuer or affiliate within sixty days subsequent to the expiration of a tender offer subject to this subparagraph shall be deemed to be made pursuant to such tender offer;

(vii) If the consummation of such a transaction results in one of the effects described in paragraph (a)(5)(ii)(B) or (C) of this section or results in the effect described in paragraph (a)(5)(ii)(A) of this section *and* the issuer is not subject to section 12 or 15(d) of the Act, the issuer or its affiliate within 30 days after such consummation must:

(A) notify any remaining holder of equity securities of that class regarding the result and effect of the transaction; and

(B) offer to purchase the securities held by each remaining security holder for the same consideration paid in the Rule 13e–3 transaction for a period of at least 20 days following the day the notice required by this subparagraph is sent to each remaining security holder.

(d) *Exceptions.* This rule shall not apply to:

(1) transactions by a holding company registered under the Public Utility Holding Company Act of 1935:

(2) transactions by an investment company registered under the Investment Company Act of 1940; or

(3) redemptions, calls or other similar purchases of an equity security by an issuer pursuant to specific provisions set forth in the instrument(s) creating or governing that class of equity securities.

§ 240.13e–3[B] Unlawful issuer repurchases.

NOTE.—This rule is proposed in conjunction with and includes paragraphs (c)(1) and (c)(3) of Proposed Rule 13e–3A but those paragraphs are omitted to avoid repetition.

(a) It shall be unlawful, as a fraudulent, deceptive or manipulative act or practice, for any issuer which has a class of equity securities registered under Section 12 of the Act or which files reports pursuant to Section 15(d) of the Act (the "issuer") or any person controlling, controlled by or under common control with the issuer (an "affiliate"), to enter into any transaction involving a purchase, directly or indirectly, of any equity security of the issuer which does have, or is intended to have, any of the effects described in paragraph (b) hereof unless:

(1) if such transaction is entered into by the issuer, such issuer has a valid business purpose for doing so; and

(2) the terms of such transaction, including any consideration to be paid to any security holder, are fair.

(b) Paragraph (a) of this section shall apply to any transaction which has, or is intended to have, any of the following effects:

(1) compelling any security holder of the issuer to terminate his equity interest in the issuer;

(2) reducing, directly or indirectly, by 25 percent or more; the amount of any class of equity securities of the issuer outstanding prior to the transaction and held beneficially by persons other than the issuer and its affiliates;

(3) causing a class of equity securities of the issuer to be subject to delisting from a national securities exchange;

(4) causing a class of equity securities of the issuer to be eligible for termination of registration pursuant to section 12(g)(4) of the Act;

(5) causing the issuer to be eligible for suspension of reporting obligations pursuant to section 15(d) of the Act as at the beginning of the next fiscal year of the issuer; or

(6) causing a class of equity securities of the issuer which is authorized to be quoted in an inter-dealer quotation system of a registered national securities association to cease to be so authorized.

(c) paragraph (a) hereof shall not apply to:

(1) transactions between or among affiliates of the issuer not involving the issuer or any security holder of the issuer other than an affiliate;

(2) any transaction involving a purchase of a security for which specific provisions have been made in any instrument creating or governing that security;

(3) transactions by a holding company registered under the Public Utility Holding Company Act of 1935; or

(4) transactions by an investment company registered under the Investment Company Act of 1940.

[FR Doc.75–4610 Filed 2–21–75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL

Notice of Closed Meetings

FEBRUARY 15, 1975.

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, a closed meeting of the Art Advisory Panel will be held on March 11 and 12, 1975 beginning at 9:30 a.m. in Room 3313 Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of market value appraisals of works of art involved in Federal income, estate or gift tax returns. This involves the discussion of confidential material in individual tax returns. A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75–4928 Filed 2–21–75;8:45 am]

PRIVATE SCHOOLS

Proposed Revenue Procedure

Correction

In FR Doc.75–4391 appearing at page 6991 of the issue for Tuesday, February 18, 1975, Sec. 4.1(c) of the proposed revenue procedure, now reading "Facility and administrative staff" should read "Faculty and administrative staff".

DEPATMENT OF DEFENSE

Department of the Army

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting.

Name of committee. Board of Visitors, United States Military Academy.

Dates of meeting. April 29–May 1, 1975.

Place of meeting. West Point, New York and Washington, D.C.

Time—At West Point. 1000–1700, April 30.
At Washington. 1300–1700, May 1.

Proposed agenda. Inquiry into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods and other matters relating to the Military Academy that the Board decides to consider.

Pursuant to section 10(d), P. L. 92–463, the following portions of the Board's meeting are closed to the public for the reasons cited hereunder.

The Superintendent's Presentation to the Board, 1015–1100, April 30
The Commandant's Briefing of the Board, 1315–1530, April 30.
The Executive Session of the Board, 1300–1700, May 1

The above noted portions of the Board's meeting will be concerned with matters listed in 5 U.S.C., section 552b (2) and (6), and discussions at these meetings will require an exchange of opinions which, if written, would fall within 5 U.S.C., section 552(b)(5).

For the Board of Visitors.

EDWIN V. SUTHERLAND,
Colonel, USA, Executive Secretary, Board of Visitors.

[FR Doc.75–4841 Filed 2–21–75;8:45 am]

DEPARTMENT OF JUSTICE

PRICE BROTHERS CO.

Proposed Consent Judgment in Action to Enjoin Discharge of Pollutants

Correction

In FR Doc. 75–3760, appearing on page 6377 of the issue for Tuesday, February 11, 1975, the penultimate line of the second paragraph is missing. This line should read "*United States* v. *Price Brothers Com-*".

Law Enforcement Assistance Administration

DEFENSIBLE SPACE COMMITTEE

Meeting

Notice is hereby given that the Defensible Space Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet Friday, March 14, 1975. The meeting will take place at 9:30 a.m. in the 13th Floor Conference Room at the LEAA Central Office Building, 633 Indiana Avenue, NW, Washington, D.C.

Further discussion will be held on the concept of Defensible Space as it relates to private security.

The meeting will be open to the public.

For further information, please contact Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531 (202) 386–3317.

GERALD YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75–4892 Filed 2–21–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 49642]

WYOMING

Notice of Application

FEBRUARY 14, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), McCulloch Gas Processing Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 73 W.,
Sec. 3, S½NW¼.

The pipeline will convey natural gas within the Jamison-Prong Field to a natural gas processing plant in sec. 3, T. 51 N., R. 73 W., 6th P.M., Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–4842 Filed 2–21–75;8:45 am]

[Wyoming 49650]

WYOMING

Notice of Application

FEBRUARY 14, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Phillips Petroleum Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 69 W.,
Sec. 20, S½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 21, SW¼SW¼;
Sec. 25, SE¼NW¼;
Sec. 26, N½SW¼;
Sec. 27, S½NE¼ and NE¼SE¼.

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The pipeline will be an extension of the system installed to gather natural gas for the applicant's extraction plant near Douglas, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-4843 Filed 2-21-75;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER, VICKSBURG NATIONAL MILITARY PARK, MISS.

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes Order No. 1 dated March 26, 1963, and published in 28 FR 4679 on May 9, 1963. (National Park Service Order No. 77 (38 FR 7478, as amended; Southeast Region Order No. 5 (37 FR 7721), as amended).

Dated: January 7, 1975.

DANIEL E. LEE,
Superintendent, Vicksburg National Military Park.

[FR Doc.75-4901 Filed 2-21-75;8:45 am]

[Order No. 1; Amdt. 1]

CHIEF HISTORIAN, ET AL.

Delegation of Authority

In re: Chickamauga and Chattanooga National Military Park, Fort Oglethorpe, Georgia 30742.

Order No. 1 published in the FEDERAL REGISTER November 29, 1972 (37 FR 25245) is amended as follows:

SEC. 2. *Chief Historian.* The Chief Historian may issue field purchase orders (SF-44) not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 3. *Unit Manager, Lookout Mountain.* The Unit Manager, Lookout Mountain, may issue field purchase orders (SF-44) not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 4. *Chief Park Ranger.* The Chief Ranger may issue field purchase orders (SF-44) not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 5. *Maintenance Supervisor.* The Maintenance Supervisor may issue field purchase orders (SF-44) not in excess of $500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 6. *Redelegation.* The authority delegated in this Order No. 1, as amended, may not be redelegated.

(National Park Service Order No. 77 (38 FR 7478), as amended, Southeast Region Order No. 5, (37 FR 7721) as amended)

Dated: September 19, 1974.

DONALD K. GUTTON,
Superintendent.

[FR Doc.75-4900 Filed 2-21-75;8:45 am]

Office of the Secretary

[INT DES 75-6]

PROPOSED INJURIOUS WILDLIFE IMPORTATION REGULATIONS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the Proposed Injurious Wildlife Importation Regulations, and invites written comments on or before April 10, 1975.

The proposal, which appears in the proposed rules section of this FEDERAL REGISTER, establishes lists of wildlife species that pose a low risk of injury to human beings, the interests of agriculture, horticulture, forestry, or to wildlife or wildlife resources when imported into the United States, and prescribes that importation of any other animals would be injurious to these interests. Injurious species may be imported only under permit.

Copies of the draft statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service, Office of Environmental Coordination, Department of the Interior, 18th & C Streets, N.W., Room 2246, Washington, D.C. 20240.
U.S. Fish and Wildlife Service, Suite 500, 1612 K Street, N.W., Washington, D.C. 20240.
U.S. Fish and Wildlife Service, Regional Office, 730 N.E. Pacific Street, Portland, Oregon 97208.
U.S. Fish and Wildlife Service, Regional Office, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87102.
U.S. Fish and Wildlife Service, Regional Office, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.
U.S. Fish and Wildlife Service, Regional Office, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329.
U.S. Fish and Wildlife Service, Regional Office, U.S. Post Office and Courthouse, Boston, Massachusetts 02109.
U.S. Fish and Wildlife Service, Regional Office, 10597 West Sixth Avenue, Lakewood, Colorado 80215.
U.S. Fish and Wildlife Service, Alaska Area Office, 813 "D" Street, Anchorage, Alaska 99501.

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the statement should be addressed to the Director (FWS/MNB), Fish and Wildlife Service, Washington, D.C. 20240. Please refer to the statement number above.

Because this is a second draft environmental statement relating to these regulations, necessitated by revision of the original proposal, extensive coordination has already taken place. Therefore the comment period of 45 days will not be extended.

Dated: February 18, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4832 Filed 2-21-75;8:45 am]

NATIONAL PETROLEUM COUNCIL COMMITTEE ON EMERGENCY PREPAREDNESS

Subcommittee Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Coordinating Subcommittee of the Committee on Emergency Preparedness of the National Petroleum Council will meet on March 10, 1975, in Room 3580 of the Exxon Building, Houston, Texas at 9 a.m.

The agenda includes the following items:

1. Review and discuss outline of Subcommittee assignments.
2. Review and discuss progress of individual assignments.
3. Discuss any other matters pertinent to the assignment of the Subcommittee.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ms. Fran Hanavan, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C., telephone 343-2904.

Dated: February 19, 1975.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4904 Filed 2-21-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on March 11, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: February 20, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-4961 Filed 2-21-75;8:45 am]

Farmers Home Administration

[Designation Number A142]

KANSAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Kansas:

Allen Douglas

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought June 20 to August 20, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of former Governor Robert B. Docking that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 11, 1975, for physical losses and November 11, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of February 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-4920 Filed 2-21-75;8:45 am]

Soil Conservation Service

[Floodwater Retarding Structure No. 38]

LOWER PLUM CREEK WATERSHED, TEX.

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Floodwater Retarding Structure No. 38, Lower Plum Creek Watershed, Hays and Caldwell Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include single purpose floodwater retarding structure No. 38.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken before March 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4837 Filed 2-21-75;8:45 am]

PINE RUN WATERSHED PROJECT, PENN.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Pine Run Watershed Project, Montgomery County, Pennsylvania, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-PA.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, two floodwater retarding structures and a program of nonstructural measures. Land treatment measures to be installed on approximately 1500 acres include diversions, debris basins, subsurface drains and grassed waterways or outlets. The nonstructural program includes a flood insurance program and the implementation and enforcement of land use and flood plain management ordinances within the authority of the sponsoring local governmental unit.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108.

Comments concerning the proposed action or requests for additional information should be addressed to Benny Martin, State Conservationist, Soil Conservation Service, Box 985, Federal Square Station, Harrisburg, Pennsylvania 17108.

Comments must be received on or before April 15, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 13, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4838 Filed 2-21-75;8:45 am]

SHUQUALAK CREEK WATERSHED PROJECT, MISS.

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the

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Shuqualak Creek Watershed Project, Noxubee and Kemper Counties, Mississippi, USDA–SCS–EIS–WS–(ADM)–75–3–(D)–MS.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, two floodwater retarding structures and channel work. The channel work consists of 5.2 miles of work on manmade ditches or previously modified channels. It will involve 2.1 miles of channel enlargement and 3.1 miles of channel alignment on channels with ephemeral flow characteristics to provide improved water management on the flood plain which is 72 percent agricultural cropland and grassland.

A limited supply of the draft EIS is available at the following locations:

Soil Conservation Service, USDA
P.O. Box 610, Jackson, Mississippi 39205.

Room 490, Milner Building, 310 S. Lamar Street, Jackson, Mississippi.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. L. Heard, State Conservationist, P.O. Box 610, Jackson, Mississippi 39205.

Comments must be received on or before April 11, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 12, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4840 Filed 2-21-75;8:45 am]

SPRING CANYON WATERSHED PROJECT, WYO.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Spring Canyon Watershed Project, Goshen County, Wyoming, USDA–SCS–ES–WS–(ADM)–74–31–F.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, one floodwater retarding structure, two grade stabilization structures, and 2,150 feet of reservoir outlet pipeline.

The Final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA
Room 3110, Federal Bldg., 100 East B Street, Casper, Wyoming 82601.

P.O. Box 2440, Casper, Wyoming 82601.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: February 12, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-4839 Filed 2-21-75;8:45 am]

Office of the Secretary

COOPERATIVE FORESTRY RESEARCH ADVISORY COMMITTEE

Intent of Establishment

Notice is hereby given that the Secretary of Agriculture will establish a Cooperative Forestry Research Advisory Committee for the purpose of advising the Secretary and other officials on all aspects of the administration of the Cooperative Forestry Research Program (also known as the McIntire-Stennis Program) established by Pub. L. 87-788. The Secretary has determined that establishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The Chairman of this committee will be the Assistant Secretary for Conservation, Research, and Education, U.S. Department of Agriculture, Washington, D.C. 20250.

This committee will report directly to the Secretary. The committee will meet annually at the call of the Chairman and will terminate two years from the date of its establishment.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463). Views and comments of interested persons shall be made in writing and must be received by the Assistant Secretary for Conservation, Research, and Education on or before February 25, 1975, to be certain of consideration.

All written submissions made pursuant to this notice will be available for public inspection at the Office of the Assistant Secretary for Conservation, Research, and Education during regular business hours (7 CFR 1.27 (b)).

Dated: February 19, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.75-4919 Filed 2-21-75;8:45 am]

NATIONAL RICE ADVISORY COMMITTEE

Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the National Rice Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for rice, production, adjustment, and stabilization programs, and other matters relating to this commodity. The Secretary has determined that renewal of this committee is in the public interest in connection with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Pub. L. 92-463.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

FEBRUARY 14, 1975.

[FR Doc.75-4864 Filed 2-21-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CORNELL UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00381-33-46040. Applicant: Cornell University, Section of Genetics, Development & Physiology, New York State College of Agricultural Sciences, Plant Sciences, Ithaca, N.Y. 14850. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used for research involving various aspects of ultrastructural studies in different organisms.

The main areas of research will be the following:

1. Fine structure of cytoplasmic microfilaments in enlongating plants cells, and of P-protein in the sieve elements of phloem;

2. Fate of DNA in differentiating and mature sieve elements;

3. Alterations in chloroplast membranes during cold acclimation of spinach plants;

4. Comparative ultrastructure studies of the ascospore in the wild type and mutant strains of the fungus, Neurospora crassa.

The article will be used for educational purposes in the following courses:

(1) Electron microscopy for Biologists—an introductory course in electron microscopy that will include most conventional techniques and the principle of an electron microscope.

(2) Advanced Electron Microscopy for Biologists—a course aimed to familiarize students with advanced techniques, such as freeze-fracturing, autoradiography at the EM level, cytochemistry, high resolution electron microscopy, and nucleic acid visualization, and

(3) Problem Course in Electron Microscopy—an advanced course for which the above two courses are a prerequisite.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74-00045-33-46040 which was denied without prejudice to resubmission on December 13, 1973 for information deficiencies. In reply to Question 8 in this submission the applicant alleges that the foreign article provides the following specifications that are pertinent to his intended purposes and are not possessed by the most closely comparable domestic instrument or apparatus:

(1) Routine resolution of better than 5 Angstroms;

(2) Low beam current without undue loss of image brightness (which the applicant states is preferred for high resolution electron microscopy because high beam currents can deteriorate the fine architecture of macromolecules and render them useless for high resolution work);

(3) Specimen pump-down time of 6 seconds;

(4) Multiple grid specimen holder, necessary because several specimen grids will be examined by one operator;

(5) Maximum number of photographic frames at one time without any reduction in frame size, and capability to accept more than one camera at a time for greater photographic productivity (capacity);

(6) Fast and simple alignment of the illuminating systems; and

(7) Availability of good service.

At the time the article was ordered, two domestically manufactured electron microscopes were available, the Model ETEM-101 (a relatively simple, low resolution instrument (10Å), manufactured by Elektros Incorporated, and the Model EMU-4C, supplied by the Adam David Company.

The Department of Health, Education, and Welfare (HEW) advises in its memoranda dated June 14 and December 17, 1974, that the Model EMU-4C electron microscope is the most closely comparable domestic instrument. HEW further advises that the applicant provides no pertinent specification within the meaning of § 701.2(n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) HEW advises that the EMU-4C and the article guarantee equal resolution, viz, 5 Angstroms.

(2) The EMU-4C provides a high intensity grid cap for greater illumination and contrast at high resolution as well as equivalent resolution and illumination to that of the article. We note that at equal illumination specimen damage is equal. Accordingly, HEW advises that low beam current is not established as a pertinent feature.

(3) HEW advises that the specimen change time is a convenience and therefore, is not pertinent.

(4) The EMU-4C has a multiple grid specimen holder.

(5) The specifications for the article attached to this docket states that all 3 cameras can be used in any sequence without breaking the vacuum giving a total load of 106 exposures. The applicant states he ordered the article with the plate camera only. Accordingly, any advantages that might be conferred by 35 and 70 millimeter cameras cannot be considered in our determination of scientific equivalency in accordance with §§ 701.2(d) and 701.6(a)(3) of the regulations. Moreover, HEW advises that the photographic capacity of the article is a convenience and not pertinent.

(6) HEW advises that the fast and simple alignment of the illuminating systems of the article is a convenience and therefore, not pertinent.

(7) HEW also advises that the availability of good service is a convenience and thus, not pertinent.

For the foregoing reasons, we find that the Model EMU-4C electron microscope is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-4893 Filed 2-21-75;8:45 am]

LAFAYETTE COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00103-33-46040. Applicant: Lafayette College, Easton, Pa. 18042. ARTICLE: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of Article: The article is intended to be used in two major areas of research: host-parasite interrelationships and interactions; cytological effects of exposure to various agents, e.g., herbicides, in both animals and plants. Normal and pathologic invertebrate tissues will be studied with particular emphasis upon developmental stages of parasites and upon the tissues of their host. Another area of study concerns the ultrastructural pathology of the gerbil testis and epididymis after administration of antifertility drugs. A botanical study concerns the fine structure of plant cell organelles treated with herbicides. The article will also be used for educational purposes in the following courses:

General Physiology, Advanced Genetics, Microbiology, Biology of Vascular Plants, Parasitology, Developmental Biology, Independent Study, Thesis (Honors).

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reason: This application is a resubmission of Docket Number 74-00307-33-46040 which was denied without prejudice to resubmission on May 22, 1974 for informational deficiencies. In reply to Question 8 in this submission the applicant alleges the following specifications are pertinent to his intended purposes and are not possessed by the most closely comparable domestic instrument or apparatus:

(1) The image remains centered throughout the magnification range with no further adjustments than changes in beam intensity. This feature includes permitting magnification changes without a polepiece change.

(2) A single condenser lens that yields a resolution of better an 3.4Å. The single condenser lens system, with fewer controls than a double condenser system, offers the great advantage of simplicity of operation for the inexperienced and permits speedy column alignment.

(3) Availability of a eucentric goniometer stage. The goniometer stage allows a full 360° vertical axis and ±60° horizontal rotation while the image remains centered. This stage makes stereophotography without image displacement possible.

(4) A specimen airlock chamber mechanism in which it is almost impossible to jam the specimen holder.

(5) Use of three cameras without breaking the vacuum by simply using a selector switch.

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(6) Capacity for accommodating a TV unit for teaching purposes:

(7) Liquid nitrogen anticontamination cold trap, which is important in the examination of biological or other inherentiy "dirty" specimens.

(8) A single unit that occupies just over 11 square feet. At the time the article was ordered, two domestically manufactured electron microscopes were available, the model ETEM 101, a relatively simple, low resolution instrument (10Å) manufactured by Elektros Incorporated, and the Model EMU-4C, supplied by the Adam David Company.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated December 16, 1974, that the Model EMU-4C electron microscope is the most closely comparable domestic instrument. HEW further advises that the applicant provides no pertinent specification within the meaning of § 701.2 (n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) The article provides a magnification range of 1500 to 200,000X without a pole-piece change. The EMU-4C provides a magnification range of 1400 to 240,000X without a pole-piece change. HEW advises that a pole-piece change is not involved for equal magnification range; and, in any event, the magnification capability of the article, including the image-centering requirements, is a convenience and, therefore, is not pertinent within the meaning of § 701.2(n) of the regulations.

(2) The EMU-4C provides the option of either a double condenser lens system or a single condenser lens system. Both the EMU-4C and the article provide equivalent guaranteed resolution (5Å). Moreover, HEW advises that this feature is a convenience and, thus, is not pertinent.

(3) The eucentric goniometer stage was not ordered by the applicant with the foreign article. According to §§ 701.2 (d) and 701.6(a) (3) of the regulations, it cannot be considered in the determination of scientific equivalency.

(4) HEW advises that the operation of the specimen airlock chamber of the article is a non-pertinent convenience.

(5) The foreign article was ordered with a plate camera system only. The EMU-4C is available with a plate camera system. Since no additional camera was ordered with the article, the possible use of 3 cameras cannot be considered in the determination of scientific equivalency according to §§ 701.2(d) and 701.6(a) (3) of the regulations. HEW advises that this feature is a non-pertinent convenience.

(6) The TV unit for the article was not ordered with the article and therefore cannot be considered in our determination of scientific equivalency according to §§ 701.2(d) and 701.6(a) (3) of the regulations.

(7) The EMU-4C provides a built in liquid nitrogen anti-contamination device. Moreover, HEW advises that the feature is a non-pertinent convenience.

(8) HEW advises that the smaller space requirement of the foreign article is a non-pertinent convenience.

For the foregoing reasons, we find that the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4895 Filed 2-21-75;8:45 am]

LAMONT-DOHERTY GEOLOGICAL OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00143-56-17500. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Palisades, New York 10964. Article: Recording Current Meters Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of Article: The articles will be used to measure the flow of water near the ocean bottom at a point near the Continental Shelf break in the Ross Sea, Antarctica.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a self-contained instrument which provides the capabilities for recording current speed and direction, water temperature, conductivity (salinity) and internally recording the appropriate data on magnetic tape.

The National Oceanic and Atmospheric Administration (NOAA) advised in its memorandum dated December 23, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. NOAA also advised that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4896 Filed 2-21-75;8:45 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00169-01-86300. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Rheovibron Dynamic Viscoelastometer, DDV-II-C. Manufacturer: Toyo Measuring Instruments Ltd., Japan. Intended use of article: The article is intended to be used in studies of the dynamic viscoelastic response of polymeric biomaterials over a wide temperature range at several fixed frequencies. The article will also be used in the course Chemical Engineering 1067, Polymer Science Laboratory to give graduate students and qualified under-graduates first-hand experience in the synthesis and mechanical characterization of polymeric materials and to introduce them to more commonly used instruments of industrial polymer laboratories.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides capabilities for subjecting high polymer specimens to tensile vibrations at frequencies up to 110 Hertz and for measuring the real and imaginary components of Young's Modules. The National Bureau of Standards (NBS) advises in its memorandum dated January 31, 1975 that the capabilities described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Eductional and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4898 Filed 2-21-75;8:45 am]

UNIVERSITY OF HAWAII AT HILO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and

the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00113-33-46040. Applicant: University of Hawaii at Hilo, P.O. Box 1357, Hilo, Hawaii 96720. Article: Electron Microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used to train students (undergraduate) in the techniques of electron microscopy, to familiarize them with the appearance of biological structures at the ultrastructural level, and to enable them to attempt limited research projects in collaboration with members of the faculty as a part of their training. The organisms to be studied are of marine origin obtainable in Hilo Bay, that will include both normal and pathological specimens.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August, 1973).

Reasons: This application is a resubmission of Docket Number 74-00232-33-46040 which was denied without prejudice to resubmission on April 19, 1974 for informational deficiencies. The applicant requires an electron microscope which is suitable for the instruction of undergraduates in basic electron microscopy including correlation of identical fields and structures as seen in the light microscope. The foreign article is a relatively simple, medium resolution electron microscope providing 7 Angstroms (Å) point-to-point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications at 140-60,000x with 140 to 1000x in the normal microscope range which permits an overlap of light and electron-microscopy. The article is also designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming.

Domestic instruments available at the time the initial application was received were the Model EMU-4C, supplied by Adam David Company and the Model ETEM-101 manufactured by Elektros Incorporated. The Model EMU-4C is a relatively complex instrument designed for the use of an experienced operator which provides low distortion magnifications at 500X and higher. The Model ETEM-101 is a relatively simple low resolution instrument (10Å point to point). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 9, 1975 that for the applicant's intended uses (1) a 60 KV accelerating voltage for adequate illumination (2) a maximum overlap of the optical (microscope) range (140X magnification) and (3) simplicity and ease of operation are pertinent. HEW also advises that the Model EMU-4C is too complex for the applicant's educational purposes. In addition, HEW advises that the Model ETEM-101 does not provide an equal overlap of the optical magnification range (140X magnification micrographs) or 60 KV accelerating voltage.

We, therefore, find that neither the Model EMU-4C nor the Model ETEM-101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the initial application was received by Customs.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4894 Filed 2-21-75;8:45 am]

UNIVERSITY OF MIAMI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00108-01-07500. Applicant: Rosentiel School of Marine & Atmospheric Science, University of Miami, 10 Rickenbacker Causeway, Miami, Florida 33149. Article: Microcalorimeter. Manufacturer: Techneurop, Canada. Intended use of article: The article is intended to be used to measure the heats of mixing and dilution of electrolyte solutions to the required precision and accuracy (1 cal mol^{-1}).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities of making direct measurements of heats of mixing (when the amounts of the two solutions being mixed are approximately equal) and of making heat measurements over a continuous range of compositions. The National Bureau of Standards (NBS) advises in its memorandum dated January 21, 1975 that the capabilities described above are pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic calorimeter of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4897 Filed 2-21-75;8:45 am]

UNIVERSITY OF WASHINGTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00170-55-02000. Applicant: University of Washington, Studies in Marine Hydrodynamics, Department of Oceanography, Seattle, Washington 98195. Article: Oceanic Hot Film Anemometer Probe. Manufacturer: Canadian Thin Films Ltd., Canada. Intended use of Article: The article will be used in conjunction with an electronic constant temperature system to study the process of momentum exchange near the density interface of a salt wedge estuary. The objectives to be pursued in the course of these investigations will include determination of the fine scale structure of the turbulent velocity fluctuations, as well as their correlations and their spatial distribution with respect to the density interface.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides resistance to corrosion in seawater. The National Bureau of Standards (NBS) advises in its memorandum dated January 29, 1975 that the capability described above is pertinent to the applicant's intended studies which are to be conducted in a chemically corrosive environment (due to the presence of seawater). NBS further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.75-4899 Filed 2-21-75;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Chemical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. NIOSH is proposing to develop criteria documents and recommended occupational health standards on the following substances:

1. Acetylene.
2. Chlorine.
3. Ethylene Dichloride.
4. Fluorine.
5. Formaldehyde.
6. Hydrogen Fluoride.
7. Isopropanol.
8. Methanol.
9. Parathion (ethyl).
10. Phenol.
11. Phosgene.
12. Phosphine.
13. Phosphoric Acid.
14. Phosphorus.
15. Tetrachloroethylene.
16. 1,1,1-Trichloroethane.

Each criteria document will include among other items an evaluation of available information relative to the areas listed below.

Any person having information or data in any of the areas listed below, or in other areas considered relevant to the establishment of a safe and healthful occupational environment involving these substances is requested to submit such information, with accompanying documentation to Acting Director, Office of Research and Standards Development, NIOSH, 5600 Fishers Lane, Rockville, MD 20852 within 90 days.

1. Establishment of safe occupational environment levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biological systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical agents and methodology for measuring levels of exposure to physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning these substances will be available for public inspection after the development of the respective criteria document.

Dated: February 18, 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75-4715 Filed 2-21-75;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on March 12-14, 1975, at 9 a.m. local time, at the Sheraton-National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by educational institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective State, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by Pub. L. 92-318.

The meeting shall be open to the public from 9-11 a.m. and from 3-5 p.m. on March 12, and from 9 a.m.-12 noon on March 13 for presentations by representations of nationally recognized and State agencies which have petitions for recognition pending before the Committee, and for consideration of policy items pertaining to accreditation and institutional eligibility.

Under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and clauses (4) and (6) of subsection (b) of section 552 of Title 5 of the United States Code, the meeting will be closed to the public from 11 a.m.-3 p.m., March 12, and from 1 p.m., March 13 to 2:30 p.m. March 14. Closure of the meeting is to allow a free and frank discussion of the pending petitions for recognition and for renewal of recognition by accrediting and State approval agencies. These petitions typically contain financial information about institutions that has been given in confidence and the Committee, in order to evaluate the performance of the petitioning agencies, may wish to discuss such information. In addition, the petitions may occasionally contain information about the activities of individuals which the Committee believes should be discussed, as they relate to the performance of petitioning agencies, and which, in the judgment of the Committee and the Commissioner, would, if publicly disclosed, result in a clearly unwarranted invasion of the personal privacy of such individuals. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552 (b)(4) and (6). A discussion of the petitioner and the working papers necessarily ranges back and forth from exempt and nonexempt materials, and the exempt portion cannot be separated out during the Committee's deliberation. Records shall be kept of all Committee proceedings, and these will be available in the offices of the Accreditation and Institutional Eligibility Staff, Rooms 4068 and 4069, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

Signed at Washington, D.C. on February 10, 1975.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.75-4888 Filed 2-21-75;8:45 am]

CALIFORNIA

Approval of Application for Title I Audit Appeal

Notice is hereby given that, pursuant to the notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of California and it has met the jurisdictional requirements of section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of November 3, 1966, through June 30, 1970, by the State Education Agency. The amount involved in the subject audit appeal is $27,988.

The prehearing conference will be held at 10:30 a.m. on March 11, 1975, in Room 4173, 400 Maryland Avenue SW., Washington, D.C. 20202.

Section 7 (c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before March 3, 1975.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

Dated: February 12, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-4850 Filed 2-21-75;8:45 am]

tablishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of November 3, 1966, through June 30, 1970, by the State Education Agency. The amount involved in the subject audit appeal is $27,988.

The prehearing conference will be held at 10:30 a.m. on March 11, 1975, in Room 4173, 400 Maryland Avenue SW., Washington, D.C. 20202.

Section 7 (c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before March 3, 1975.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

Dated: February 12, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-4851 Filed 2-20-75;8:45 am]

TEXAS

Approval of Application for Title I Audit Appeal

Notice is hereby given that, pursuant to the notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of Texas and it has met the jurisdictional requirements of section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of January 1, 1967, through August 31, 1970, by the State Education Agency. The amount involved in the subject audit appeal is $88,848.

The prehearing conference will be held at 10:30 a.m. on March 27, 1975, in Room 4173, 400 Maryland Avenue SW., Washington, D.C. 20202.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before March 17, 1975.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

Dated: February 12, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-4850 Filed 2-21-75;8:45 am]

GUARANTEED STUDENT LOAN PROGRAM

Interpretation Regarding Default Claims

Notice is hereby given of an interpretation of section 430(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1080(a)), as it pertains to loans which have been made under the Federal Insured Student Loan Program (FISLP) by institutions of higher education and vocational schools. Because a large number of interested parties, including students, educational institutions, banks and other financial institutions and lenders, might be affected by this interpretation, and because there has apparently been some uncertainty among such parties prior to now regarding the proper interpretation of section 430(a), it is believed that this interpretation should be promptly and broadly disseminated and that publication of this notice in the FEDERAL REGISTER will be a useful means of promoting such dissemination.

The question at issue is: What "amount of loss" will be reimbursed by the Office of Education on default claims properly filed by eligible lenders holding valid loans made by an educational institution, in cases in which either (i) there is an unpaid refund owed by the institution to the student borrower (or to an assignee of the student) or (ii) the student borrower has not been able to complete the academic training for which he obtained the loan, due to the financial failure of the educational institution leading to a termination of the course of study in which the student was enrolled.

Section 430(a) provides that, upon the default of a student borrower on a loan made under the FISL Program, the holder of the loan may file a default claim on such loan with the Office of Education and the holder shall be reimbursed for the amount of its loss on such loan. Section 430(a) further states that the amount of the loss shall be deemed to be the amount of the unpaid balance of the principal and interest on the loan, but does not indicate further what legal effect is to be given to defenses or offsets against the loan which would be available to the student borrower. We have consistently viewed the purpose of the program to be to insure the lender against defaults on the part of the student (e.g., his inability to make payments), rather than against defenses which the student has against the loan (e.g., fraud in the making of the loan or a failure of consideration). Consequently, section 430(a) is interpreted to mean that (i), if, as illustrated in statements (1) and (2) below, the unpaid refund is properly considered a payment by the student on the loan, the default claim will be reduced by any amount included therein which is attributable to such refund; and (ii) the termination of the course of study due to the financial failure of the educational institution results in a failure of consideration on the agreement, including the FISLP loan, between the students and the institution, and establishes a defense on the part of the student as to his obligation to repay which is good against the educational institution and, because the loan is not a negotiable instrument, against any subsequent holder of the loan.

The following statements illustrate how this interpretation applies to various fact situations:

1. If the educational institution which made the loan is the holder of the loan at the time of the default, the reimbursement on the default claim will be reduced by any amount included therein which is attributable to an unpaid refund owed to the student by that institution.

(20 U.S.C. 1080(a))

2. If the holder of the loan at the time of the default is an eligible lender other than the educational institution which made the loan, the reimbursement on the default claim will be reduced by any amount included therein which is attributable to an unpaid refund which had become due prior to the date on which the educational institution transferred the loan and proper notice of such transfer was given to the student.

(20 U.S.C. 1080(a))

3. If the holder of the loan at the time of the default is an eligible lender other than the educational institution which made the loan, the reimbursement on the default claim will *not* be reduced to take account of an unpaid refund which became due after the date on which the institution transferred the loan and the student was given proper notification of the transfer.

(20 U.S.C. 1080(a))

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4. If a student is unable to complete the academic session for which he obtained the loan because the educational institution has failed financially leading to a termination of the course of study in which the student was enrolled, and if that educational institution is the holder of the loan at the time of the termination, the reimbursement on the institution's default claim will not be a greater proportion of the total loan than the proportion of the academic session which the student was able to complete. complete.

(20 U.S.C. 1080(a))

5. If a student is unable to complete the academic session for which he obtained the loan, because the educational institution has failed financially leading to a termination of the course of study in which the student was enrolled, and if the holder of the loan at the time of the termination is an eligible lender other than the educational institution, the reimbursement on the holder's default claim will not be a greater proportion of the total loan than the proportion of the academic session which the student was able to complete.

(20 U.S.C. 1080(a)).

As noted above, there has apparently been some uncertainty among interested parties as to the proper interpretation of section 430(a), particularly with respect to the situation covered by statement (5) of the illustration set forth herein. Thus, it is possible that lenders have relied in good faith upon an assumption that the statute would be interpreted differently as it applies to this situation. Consequently, in the exercise of his authority under section 432(a)(6) of the Higher Education Act (20 U.S.C. 1082 (a)(6)), the Commissioner has determined that the interests of the program would be best served if statement (5) of this interpretation is implemented only as to loans which are transferred by an educational institution to another eligible lender after February 21, 1975. For loans which have been transferred by an educational institution to an eligible lender (who is not affiliated with or controlled by such educational institution) prior to the date of this Notice, the holder of a valid loan will be reimbursed for the full unpaid balance of a properly filed default claim.

Statements (1), (2), (3) and (4) of this interpretation will be implemented as to all loans, irrespective of the date on which the loan was made or transferred.

It is the intention of the Commissioner and the Secretary of Health, Education, and Welfare to publish, as soon as practicable, regulations which will be consistent with this interpretation and will provide rules and procedures regarding its implementation.

(20 U.S.C. 1080(a) and 1082(a)(6))

Dated: February 21, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-5053 Filed 2-21-75;10:31 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D-75-307]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to the Community Planning and Development Programs; Nomenclature Changes

To conform to the Housing and Community Development Act of 1974 (Title I of Pub. L. 93-383) the Department is reorganizing its Area Offices to facilitate and improve administration of various programs, particularly those involving Community Planning and Development and Housing Production and Mortgage Credit. In each Area Office the Operations Division is being abolished and its functions with regard to Community Planning and Development programs and functions (except environmental) will now be performed by a new Community Planning and Development Division. In addition, certain other organizational changes are being effected. This reorganization becomes effective upon publication.

Because certain Area Offices have not yet completed the necessary managerial and operating changes, titles and positions existing prior to reorganization are being retained during the transitional period, with all the duties, powers, and authority heretofore conferred upon those positions.

There was published, at 40 FR 6953, Feb. 18, 1975, Redelegation of Authority, a revision of 24 CFR, Part 200, Subpart D, with respect to the programs administered by the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner (Federal Housing Administration).

Accordingly, the Redelegations of Authority listed below are changed as follows.

1. In the Redelegation of Authority at 35 FR 15408-09 dated October 2, 1970. Change "Metropolitan Planning and Development," lines 2 and 3 of the heading, to "Community Planning and Development."

a. In section A.III, Change "Assistant Secretary for Metropolitan Planning and Development," lines 6, 7 and 8 to "Assistant Secretary for Community Planning and Development."

b. In section A.V.1., Change "Assistant Regional Administrator for Metropolitan Planning and Development," lines 2-4, to "Assistant Regional Administrator for Community Planning and Development."

c. In section A.V.2., Change "Assistant Secretary or Deputy Assistant Secretary for Metropolitan Planning and Development and Assistant Regional Administrator for Metropolitan Planning and Development," lines 10, 11, 12, 14, 15 and 16, to "Assistant Secretary or Deputy Assistant Secretary for Community Planning and Development," and "Assistant Regional Administrator for Community Planning and Development."

d. In section B., Change "Assistant Regional Administrator for Metropolitan Planning and Development," lines 1-4 to "Assistant Regional Administrator for Community Planning and Development."

e. In section C.1., Change "Assistant Regional Administrator for Community Planning and Management," lines 1-3 to "Assistant Regional Administrator for Community Planning and Development."

f. In section C.2., Change "Assistant Secretary or Deputy Assistant Secretary for Community Planning and Management," and "Assistant Regional Administrator for Community Planning and Management," lines 9, 10, 11, 14, 15, and 16 to "Assistant Secretary or Deputy Assistant Secretary for Community Planning and Development," and "Assistant Regional Administrator for Community Planning and Development."

g. In section D., Change "Director and Deputy Director, Operations Division" in lines 6 and 7 to "Director and Deputy Director, Community Planning and Development Division."

h. In section E., Change "Assistant Regional Administrator for Community Planning and Management," lines 1-3 to "Assistant Regional Administrator for Community Planning and Development."

2. In the Redelegation of Authority at 39 FR 5352-3 dated February 13, 1974:

a. In section B. Change "Director and Deputy Director, Operations Division and Assistant Directors," lines 1, 2, 3, and 5, 6, 7 to "Director and Deputy Director, Community Planning and Development Division."

b. In section C.1., Change "Assistant Regional Administrator for Community Planning and Management," lines 1, 2, and 3 to "Assistant Regional Administrator for Community Planning and Development."

3. In the Redelegation of Authority at 35 FR 16102, 16103, 16104 dated October 14, 1970:

a. In section B., Change "Assistant Regional Administrator(s) for Renewal Assistance and Assistant Regional Administrator for Renewal and Housing Management," lines 1-9, to "Assistant Regional Administrators and Assistant Regional Administrator for Community Planning and Development."

b. In section D., Change "Director and Deputy Director, Production Division," lines 1-4, to "Director and Deputy Director, Community Planning and Development Division."

c. In section E., Change "Program Manager," lines 1-3 to "Director and Deputy Director, Community Planning and Development Division."

d. In section F., Change "Director and Deputy Directors, Production Division and Program Manager," lines 1, 2, and 3, and lines 5, 6, and 7, to "Director and Deputy Director, Community Planning and Development Division."

e. In section G., Change "Relocation Representative(s)," lines 2 and 3 to "Relocation Specialist(s)."

4. In the Redelegation of Authority at 37 FR 5712 dated March 18, 1972:

a. In section A.2., Change "Area Operations Division Director and Deputy Director," lines 1, 2, and 3 to "Director and Deputy Director, Community Planning and Development Division."

b. In section E., Change "Assistant Regional Administrator for Community Development," lines 2, 3, and 4 to "Assistant Regional Administrator for Community Planning and Development."

5. In the Redelegation of Authority at 37 FR 5072, dated March 9, 1972:

a. In section B., Change "Assistant Regional Administrator for Community Development," lines 2 and 3 and 5, 6 and 7 to "Assistant Regional Administrator for Community Planning and Development."

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This delegation of authority is effective on February 24, 1975.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.75-4924 Filed 2-21-75;8:45 am]

Federal Disaster Assistance Administration

[FDAA-457-DR; Docket No. NFD-250]

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 15, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms and flooding beginning about January 31, 1975, is of sufficient severity and magnitude to wararnt a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Texas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Texas to have been adversely affected by this declared major disaster:

The County of:

Nacogdoches

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: February 18, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-4925 Filed 2-21-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX 75-9; Notice 1]

MARMON MOTOR CO.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Marmon Motor Company of Dallas, Texas, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Marmon manufactured 574 trucks in 1974. It requests an exemption from Standard No. 121 until October 1, 1975. While it is in a position to conform with the standard on the effective date of March 1, 1975, an unexpected decline in sales in late 1974 and early 1975 has left Marmon with a substantial inventory of parts that cannot be used on trucks that comply with Standard No. 121. It estimates that 7 months will be needed to use these parts in production, and it will produce conforming vehicles thereafter. Marmon has over $116,000 invested in parts which are "totally redundant," and over $75,000 in rear axles which "may be reworked to compliance." The company's net profit in 1974 was $162,705 and it anticipates a net loss in 1975 of $112,091 even assuming the exemption is granted.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Marmon Motor Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date: March 6, 1975.
Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on: February 18, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-5020 Filed 2-20-75;5:04 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 25204]

IU INTERNATIONAL CORP., ET AL.

Oral Argument

In the matter of IU International Corporation, IU Forwarding, Inc., and Airborne Freight Corporation.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on March 19, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Dated at Washington, D.C., February 19, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-4922 Filed 2-21-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

STATE ADVISORY COMMITTEES

Renewal

Pursuant to the authority of the Civil Rights Act of 1957 (42 USC 1975), as amended and the Federal Advisory Committee Act of 1972 (Pub. L. 92-463) and Office of Management and Budget Circular A-63 of March 1974, the Chairman of the Commission has determined that the renewal of the 50 State Advisory Committees and the District of Columbia Advisory Committee is in the public interest in connection with the performance of duties imposed on the Commission by law. The Committees are:

Alabama	Montana
Alaska	Nebraska
Arizona	New Hampshire
Arkansas	New Jersey
California	New Mexico
Colorado	New York
Connecticut	Nevada
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennslyvania
Illinois	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
Mississippi	Wyoming
Missouri	

The purposes and objectives of the State Advisory Committees, hereinafter referred to as the Committees, are declared to be to advise the United States Commission on Civil Rights, hereinafter referred to as the Commission, on matters pertaining to denials of the equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice, in the individual States, and to aid the Commission in its statutory ob-

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ligation to serve as a national clearinghouse for civil rights information.

The Commission has established regional offices and directs that the regional offices shall be responsible for providing support services to the Committees. The directors of the regional offices shall be responsible to carry out the obligations and fulfill the responsibilities provided by the Federal Advisory Committee Act of 1972. The directors may delegate the day-to-day responsibilities and duties as appropriate.

The Committees shall be responsible for:

(a) advising the Commission in writing of any knowledge of information it has of any alleged deprivation of the right to vote and to have the vote counted, by reason of color, race, religion, sex, or national origin, or that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination;

(b) advising the Commission concerning legal developments constituting a denial of equal protection of the laws under the Constitution, and as to the effect of the laws and policies of the Federal Government with respect of equal protection of the laws;

(c) advising the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress;

(d) receiving reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the Committees;

(e) initiating and forwarding advice and recommendations to the Commission upon matters which the Committees have studied;

(f) assisting the Commission in its clearinghouse function and in other matters in which the Commission shall request the assistance of the Committees; and

(g) attending, as observers, any public hearing or conference which the Commission may hold within the State.

The Committee shall meet periodically, as necessary to carry out duly authorized functions.

The Committees shall exist for a period not to exceed two years from the date of the filing of this charter at an estimated annual cost of $1,350,000.

Copies of the Committees' Charters have been filed with the appropriate committees of Congress, the Office of Management and Budget, and the Library of Congress. Inquiries or comments may be addressed to the Advisory Committee Management Officer, Mr. Isaiah T. Creswell, Jr., Office of Field Operations, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Room 600, Washington, D.C. 20425.

ARTHUR S. FLEMMING,
U.S. Commission on Civil Rights.

FEBRUARY 18, 1975.

[FR Doc.75-4907 Filed 2-21-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 336-5; OPP-32000/192]

RECEIPT OF APPLICATIONS FOR PESTITCIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before April 25, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternative available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 25, 1975.

Dated: February 18, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/192)

EPA File Symbol 2749-GEG. Aceto Chemical Co., Inc., Agr. Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. BANDIT 2EC INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 22.5%; Xylene 45.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 2749-GOA. Aceto Chemical Co., Inc., Agr. Chem. Div. ALACHLOR TECHNICAL HERBICIDE. Active Ingredients: Alachlor (2-Chloro-2,6-diethyl-N-methoxymethyl) acetanilide) 97%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 2749-GOI. Aceto Chemical Co., Inc., Agr. Chem. Div. PROMETRYNE TECHNICAL HERBICIDE. Active Ingredients: Prometryne (2,4-bis(isopropylamino)-6-methylmercapto-S-triazine) 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 2749-RIO. Aceto Chemical Co., Inc., Agr. Chem. Div. CARBOFURAN 10G INSECTICIDE. Active Ingredients: Carbofuran (2,3-Dihydro-2,2-Dimethyl-7-Benzofuranyl Methylcarbamate) 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 2749-UNN. Aceto Chemical Co., Inc., Agr. Chem. Div. AMETRYNE TECHNICAL HERBICIDE. Active Ingredients: Ametryne (2-ethylamino-4-isopropylamino-6-methylthio-S-triazine) 95%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 32427-EE. Allied Services, Div. of Allied Equities Corp., 765 Landess Ave., Milpitas CA 95035. ALLIED SERVICES CHLORATE—BORATE I—1.3. Active Ingredients: Sodium chlorate 10.2%; Sodium metaborate, anhydrous 13.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 32427-EG. Allied Services, Div. of Allied Equities Corp., 765 Landess Ave., Milpitas CA 95035. ALLIED SERVICES CHLORATE—BORATE 2—.95 Active Ingredients: Sodium chlorate 19.7%; Sodium metaborate, anhydrous 9.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 255-RUT. American Flouride Corp., 17 Huntington Place, New Rochelle NY 10801. ROACH REPELLENT CONCENTRATE EMULSIFIABLE. Active Ingredients: Petroleum Distillate, N-Octyl Bicycloheptene Dicarboximide, 2-Hydroxyethyl N-Octyl Sulfide 90%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 5481-RIN. Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023: EDB-85. Active Ingredients: Ethylene dibromide 84.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 5181-RIR. Amvac Chem. Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. FUM-A-CIDE 30. Active Ingredients: Ethylene dibromide 36%; Chloropicrin 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 8612-IG. B & G Co., PO Box 20372, Dallas TX 75220. B & G CYTHION 57 EMULSIFIABLE CONCENTRATE. Active Ingredients: 0,0-Dimethyl Phosphorodithioate of Diethyl Mercaptosuccinate 57.0%; Xylene 38.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 19760-RE. Cardinal Chemical Co., 257 Duchess Turnpike, Poughkeepsie NY 12603. CARDINAL MALATHION ULV CONCENTRATE INSECTICIDE. Active Ingredients: Malathion 95.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 36147-E. Dadom Chemical Corp., 250 Delawanna Ave., Clifton NJ 07014. "TOUGH—SPA" SWIMMING POOL ALGABCIDE. Active Ingredients: Alkyl (C14 95%, C12 3%, C16 2%) Dimethyl Benzyl Ammonium Chloride Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 464-448. The Dow Chemical Co., PO Box 1706, Midland MI 48640. DOW LORSBAN 4E INSECTICIDE. Active Ingredients: Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 40.7%; Aromatic petroleum derivative solvent 22.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 3040-UN. Edco Chemical Co., Inc., 1048 Key Rd., PO Box 5877, Columbia SC 29202. EDCO SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 40%; Ethanol 8%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 1941-IN. Elco Manufacturing Co., 111 Third St., Pittsburgh PA 15215. ELCO VEGETATION KILLER EC. Active Ingredients: 2,4-bis (isopropylamino) 6-methoxy-s-triazine 1.5%; Petroleum distilate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Symbol 1941-TO. Elco Manufacturing Co., 111 Third St., Pittsburgh PA 15215. ELCO VEGETATION KILLER-15. Active Ingredients: 2,4-bis (isopropylamino)-6-methoxy-s-triazine 1.5%; Petroleum distillate 94.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 7368-GU. Georgia-Pacific, 2425 Malt Ave., Los Angeles CA 90040. GEORGIA-PACIFIC CALCIUM HYPOCHLORITE TABLETS. Active Ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 2311-RR. Haag Laboratories, Inc., 14010 S. Seeley, Blue Island IL 60406. QAT 1000. Active Ingredients: n-Alkyl 60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12188-G. Holder's Pest Control Co., 5617 Southwest Freeway, Houston TX 77027. HOLDER'S ROACH & ANT SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 12188-U. Holder's Pest Control Co., 5617 Southwest Freeway, Houston TX 77027. HOLDER'S PYRENONE-DIAZINON LIQUID. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%, Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 4822-RUG. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON J-81 HOSPITAL CLEANER—GERMICIDAL. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 4.375%; Octyl decyl dimethyl ammonium chloride 2.187%; Dioctyl dimethyl ammonium chloride 1.094%; Didecyl dimethyl ammonium chloride 1.094%; Tetra sodium ethylenediamine tetraacetate 3.600%; Isopropyl alcohol 1.750%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 2342-LG. Kerr-McGee Chemical Corp., Oklahoma City OK 73125. FASCO METHOMYL BAIT-2 INSECTICIDE. Active Ingredients: Methomyl (S-methyl-N-[(methylcarbamoyl)oxy] thioacetimidate) 2.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 34130-G. Leahchem Industries, Inc., PO Box 5504, Titusville FL 32760. LEACHEM INDUSTRIES, INC. KILLTEX-G-2 CONCENTRATE ROACH & ANT LIQUID SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro 2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 98.736%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 1021-RGUR. McLaughlin Gormley King Co., 8810 Tenth Ave., N, Minneapolis MN 55427. D-TRANS INTERMEDIATE 2051. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 7.28%; Piperonyl butoxide, technical 36.37%; Petroleum distillate 19.99%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 2831-UO. Napasco International, P.O. Box 1219, Thibodaux LA 70301. MINTEX AEROSOL QUAT REFRESHER & SURFACE SPRAY DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.25%; Essential oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 4389-TU. Pacific Chemical, Div. of Pace National Corp., 2500 7th Ave., S. Kirkland WA 98033. CHEMPROCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10290-EI. Professional Chemical Co., Inc., 4517 Yale, Houston TX 77018. DEEP SOUTH SNAKE KILL. Active Ingredients: Chlorinated Camphene 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 572-EOI. Rockland Chemical Co., Inc., Passaic Ave., West Caldwell NJ 07006. ROCKLAND LAWN WEED KILLER "B". Active Ingredients: Butoxy propyl ester of 2,4-dichlorophenoxy acetic acid 16.35%; Butoxy propyl ester of Silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 7.86%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 572-EOO. Rockland Chemical Co., Inc., PO Box 204, Caldwell NJ 07006. ROCKLAND PROFESSIONAL DIAZINON 14G. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 3743-GUA. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kinstree SC 29556. ROYAL BRAND 34.6% NEMAGON GRANULES. Active Ingredients: 1,2-Dibromo-3-Chloropropane 32.8%; Related Compounds 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 9115-E. Sun-Ray Chemical Co., Industrial Maintenance Products Div., 119 West Jackson, Phoenix, AZ 85003. SUN-RAY CHEMICAL COMPANY HTX GRANULAR GERMICIDAL—CLEANER. Active Ingredients: n-alkyl (C14, C12, C16) dimethyl benzyl ammonium chlorides 3.20%. Method of Support: Application proceeds under 2 (c) of interim policy. PM31

EPA File Symbol 998-REE. Superior Chemical Products, Inc., 3942 Frankford Ave., Philadelphia PA 19124. SUPRO-65 (TOTAL RELEASE AEROSOL CAN). Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 6.5%; Related compounds 0.5%; Petroleum distillates 4.0%; Xylene 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 8727-0. Wright Chemical Corp., 1319 W. Wabansia, Chicago IL 60622. WRICO TSL. Active Ingredients: Sodium Dimethyldithiocarbamate 15%; Nabam (Disodium Ethylene Bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 5427-LO. Wright Chemical Corp., 1319 W. Wabansia, Chicago IL 60622. WRICO TLR SLIMICIDE. Active Ingredients: Sodium Dimethyldithiocarbamate 27.6%; Sodium 2-Mercaptobenzothiazole 2.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

REPUBLISHED ITEM

The following item represents a correction to the list of Applications Received published in the FEDERAL REGISTER February 10, 1975 (40 FR 6227).

EPA File Symbol 192-RRL. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL ROSE AND FLOWER DUST. Active Ingredients: . . . 1,1-Bis (p-chlorophenyl)-2,2,2-trichloroethanol 3.00%. . . . Originally published as 1,1-Bis (p-chlorophenyl)-2,2-trichloroethanol.

[FR Doc.75-4932 Filed 2-21-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 741]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 18, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Tranmission Services (Part 21 of the Rules).

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by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

February 18, 1975.

21117–CD–P–75 City of Brookings Telephone Department (KAL878) C.P. to change antenna system and replace transmitter operating on 152.69 MHz. located at Grain Terminal Building corner 2nd Avenue and Front Street, Brookings, South Dakota.

21117–CD–P–75 Kidd's Communications, Inc. (KMA257) C.P. for additional facilities to operate on 152.15 MHz. at Location #10: 1813 H Street, Bakersfield, California.

21119–CD–P–(3)–75 Airsignal International, Inc. (KIF650) C.P. for additional facilities to operate on 35.58 MHz. at Loc. #2: 2323 Tyler Road, Shades Mtn., Birmingham, Alabama; same facilities at Loc. #3: 0.25 mi. S. of Wilson Rd. on top of Red Mtn., Birmingham, Alabama; same facilities at Loc. #4: Red Mtn. Ridge, Birmingham, Alabama.

21120–CD–P–75 Answerite Professional Telephone Service (KTR989) C.P. to relocate facilities operating on 152.06 MHz. to be located at 800 N. A1A Hwy., Indialantic, Florida.

21121–CD–P–75 Answerite Professional Telephone Service (KUC869) C.P. to relocate facilities operating on 152.24 MHz. to be located at 800 N. A1A Hwy, Indialantic, Florida.

21122–CD–P–75 WJBC Communications Corporation (KRM966) C.P. for additional facilities to operate on 158.70 MHz. to be located at Watterson Towers South, Normal, Illinois.

21123–CD–P–75 Edward J. Hughes d/b/a Professional Answering Service (NEW) C.P. for a new 1-way station to operate on 158.70 MHz. to be located at 336 Mt. Hope Avenue, Bangor, Maine.

21124–CD–P–75 New England Telephone and Telegraph Company (KCA669) C.P. to relocate facilities and change antenna system operating on 454.575 MHz. located at Asnebumskit Mountain 9000' ESE of Paxton, Massachusetts.

21125–CD–AL–(2)–75 Public Telephone Corporation Consent to Transfer of Control from Public Telephone Corporation, TRANSFEROR to Indiana Telephone Corporation, TRANSFEREE. Stations: KSJ803, Batesville, Indiana; KSJ804, Greensburg, Indiana.

20379–CD–P–(1)–75 (KKG415) South Central Bell Telephone Company, Shreveport, Louisiana. Amend to change proposed 454.500 and 454.650 MHz. facilities to 454.425 and 454.475 MHz. Also add frequencies 454.525, 454.575 and 454.625 MHz. at site described as 2.5 Miles Northwest of Haughton, Louisiana. All other particulars are to remain as reported on PN #720 dated September 23, 1974.

RURAL RADIO

60261–CR–P–75 The Mountain States Telephone and Telegraph Company (NEW) C.P. for a new rural subscriber station to operate on 459.40 MHz. to be located 9.2 miles northwest of Casper, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2669–CF–P–75 American Telephone and Telegraph Company (KSV32) 3.8 Miles North of Chiefland, Florida. Lat. 29 31 50 N.-Long. 82 49 26 W. C.P. to add frequency 3970V MHz toward Gulf Hammock, Florida on azimuth 159 degrees/28 minutes.

2670–CF–P–75 Same (KSV33) 1.1 Miles NE of Gulf Hammock, Florida. Lat. 29 15 41 N.-Long. 82 42 32 W. C.P. to add frequency 4010V MHz toward Chiefland, Florida on azimuth 339 degrees/31 minutes; add 4010H MHz toward Dunnellon, Florida on azimuth 138 degrees/00 minutes.

2671–CF–P–75 Same (KSV34) 2.7 Miles South of Dunnellon, Florida. Lat. 2900 30 N.-Long. 82 27 00 W. C.P. to add frequency 3970H MHz toward Gulf Hammock, Florida on azimuth 318 degrees/08 minutes; add 3970V MHz toward Floral City, Florida on azimuth 161 degrees/45 minutes.

2672–CF–P–75 Same (KSV35) 3.6 Miles SW of Floral City, Florida. Lat. 28 42 48 N.—Long. 82 20 23 W. C.P. to add frequency 4010V MHz toward Dunnellon, Florida on azimuth 341 degrees/49 minutes; add 4010V MHz toward Dade City, Florida on azimuth 157 degrees/15 minutes.

2673–CF–P–75 Same (KSV36) 1.8 Miles North of Dade, Florida. Lat. 28 24 33 N.—Long. 82 11 44 W. C.P. to add frequency 3970V MHz toward Floral City, Florida on azimuth 337 degrees/20 minutes; add 3970V MHz toward Polk City, Florida on azimuth 109 degrees/48 minutes.

2686–CF–MP–75 Michigan Bell Telephone Company (KQA43) 1.3 Miles East and 1.3 Miles North of Potterville, Michigan. Lat. 42 38 44 N.—Long. 84 42 28 W. Mod. Permit to change polarization from Horizontal to Vertical on frequencies 3770, 3850, 3930 MHz; from Vertical to Horizontal on 3750 and 3830 MHz toward Lansing, Michigan on azimuth 51 degrees/47 minutes.

2687–CF–P–75 Same (KQM36) 221 N. Washington Street, Lansing, Michigan. Lat. 42 44 08 N.—Long. 84 33 09 W. Mod. Permit to change polarization from Horizontal to Vertical on frequencies 3730, 3810, and 3890 MHz; from Vertical to Horizontal on 3710 and 3790 MHz toward Potterville, Michigan on azimuth 231 degrees/54 minutes.

CORRECTION:

American Telephone and Telegraph Company. The List of Renewal Applications filed by the above named company, Public Notice dated December 2, 1974, should have included KSH90—Watertown Junction, Wisconsin. File Number: 8992–CF–R–75.

2479–CF–P–75 Southwestern Bell Telephone Company (KRR60) 11.5 Miles NE of Russellville off Highway 124, Arkansas. Lat. 35 24 09 N.—Long. 92 59 39 W. C.P. to change antenna system and location; correct emission designator and relocate passive reflector on frequencies 6241.7V and 10835.0V MHz toward Petit Jean, Arkansas via Russellville Passive Reflector.

2558–CF–R–75 The Bell Telephone Company of Pennsylvania. (KOC47) Location within the territory of the Grantee. Renewal of Radio Station License (Developmental) expiring March 11, 1975. Term: March 11, 1975 to March 11, 1976.

2648–CF–P–75 The Mountain States Telephone and Telegraph Company (KPQ57) 103 North Durbin Street, Casper, Wyoming. Lat. 42 51 01 N.—Long. 106 19 17 W. C.P. to add frequencies 3930V and 4010V MHz toward Casper Junction, Wyoming on azimuth 182 degrees/31 minutes.

2650–CF–P–75 Same (WAY20) 2.8 Miles SSE of Casper, Wyoming. Lat. 42 46 17 N.—Long. 106 19 34 W. C.P. to add frequencies 3690V and 3970V MHz toward Casper, Wyoming an azimuth 02 degrees/31 minutes.

2663–CF–P–75 American Telephone and Telegraph Company (KIL27) 3.5 Miles South of Hillsboro, North Carolina. Lat. 36 01 32 N.—Long. 79 07 15 W. C.P. to add frequency 4170H MHz toward Browns Summit, North Carolina on azimuth 291 degrees/37 minutes.

2664–CF–P–75 Same (KIL28) 0.5 Mile SW of Westover, North Carolina. Lat. 35 47 17 N.-Long. 78 43 35 W. C.P. to add frequency 3730V MHz toward Raleigh, North Carolina on azimuth 97 degrees/32 minutes; add 3730H MHz toward Hillsboro, North Carolina on azimuth 306 degrees/37 minutes.

2665–CF–P–75 Same (KJE58) 121 W. Morgan Street, Raleigh, North Carolina, Lat. 35 46-44 N.-Long. 78 38 30 W. C.P. to add frequency 4010V MHz toward Westover, North Carolina on azimuth 277 degrees/35 minutes.

2666–CF–P–75 Same (KID63) 51 Ivy Street, Atlanta, Georgia. Lat. 33 45 21 N.-Long. 84 23 10 W. C.P. to add frequency 3750H MHz toward Sawnee Mountain, Georgia on azimuth 21 degrees/31 minutes.

2667–CF–P–75 Same (KID64) Sawnee Mountain, 2.0 Miles NW of Cummings, Georgia. Lat. 34 14 18 N.-Long. 84 09 25 W. C.P. to add frequency 3710H MHz toward Atlanta, Georgia on azimuth 201 degrees/30 minutes.

2668–CF–P–75 Same (KJC99) 7.5 Miles North of Polk City, Florida. Lat. 28 17 30 N.-Long. 81 50 07 W. C.P. to add frequency 4010V MHz toward Dade City, Florida on azimuth 289 degrees/58 minutes.

[FR Doc.75–4886 Filed 2–21–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI75–110]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes, and Allowing Changes To Become Effective Subject to Refund [1]

FEBRUARY 14, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI75–110..	Marathon Oil Co.	24	16	El Paso Natural Gas Co. (San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	$1,953	1–15–75		7–15–75	[1] [2] 26.3730	[1] [2] 27.1374	
	do	25	21	do	3,669	1–15–75		7–15–75	[1] [2] 26.3420	[1] [2] 27.0615	
	do	55	16	do	569	1–15–75		7–15–75	[1] [2] 26.3240	[1] [2] 27.1291	
	do	90	7	Southern Union Gathering Co. (San Juan County, N. Mex.) (Rocky Mountain Area).	3,297	1–15–75		7–15–75	[1] [2] 26.3420	[1] [2] 27.0615	
	do	92	6	do	9,686	1–15–75		7–15–75	[1] [2] 26.3240	[1] [2] 27.1291	
	do	96	12	El Paso Natural Gas Co. (San Juan County, N. Mex.) (Rocky Mountain Area).	319	1–15–75		7–15–75	[1] [2] 26.3730	[1] [2] 27.1374	
	do	[4] 126	21	Northwest Pipeline Corp. (San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	123	1–15–75		7–15–75	[1] [2] 26.3730	[1] [2] 27.1374	
	do	[4] 127		do	123	1–15–75		7–15–75	[1] [2] 26.3240	[1] [2] 27.1291	
	do			do	58	1–15–75		7–15–75	[1] [2] 26.3420	[1] [2] 27.0615	
	do			do	1,874	1–15–75		7–15–75	[1] [2] 26.3420	[1] [2] 27.0615	
	do			do	7	1–15–75		7–15–75	[1] [2] 26.3731	[1] [2] 27.1374	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Subject to Btu adjustment pursuant to opinion No. 658, applicable to wells completed prior to June 1, 1970.
[2] Last filed rate as reflected in Commission order issued June 7, 1974 in docket No. RI74–89.
[3] Includes tax component of 2.15674 cents for New Mexico School District No. 5.
[4] Rate schedule established by Commission order issued Dec. 31, 1974 in Docket No. G–4547 et al., Atlantic Richfield Co. et al.
[5] Includes tax component of 2.0868 cents for New Mexico School District No. 53.
[6] Includes tax component of 2.1484 cents for New Mexico School District No. 6.

The proposed rate increases of Marathon exceed the applicable area ceiling rate established in Opinion No. 658, and are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699–H, issued December 4, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699–H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75–4734 Filed 2–21–75;8:45 am]

[FPC Form No. 16; Docket No. R–472]

REPORT OF SUPPLY AND REQUIREMENTS

Notice of Conference

FEBRUARY 12, 1975.

Pursuant to the agreement reached at the public meeting held on November 18, 1974, in the above-entitled proceeding, notice is hereby given that a meeting of the Staffs of the Federal Power Commission, Federal Energy Administration, and National Association of Regulatory Utility Commissioners will be held on February 24, 1975, at 10 a.m. at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, Room No. 6200. The purpose of this meeting is to formulate expanded data collection forms, which will be noticed by this Commission in a new rulemaking proceeding. The expanded forms will be used to obtain needed curtailment information to aid each agency in meeting its responsibilities to alleviate the adverse effects caused by natural gas curtailments.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–5027 Filed 2–21–75;10:21 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Order Approving Acquisition

American Bancorporation, Inc., St. Paul, Minnesota, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, to acquire all of the voting shares of Glasser-American Mortgage Company ("GAMC"), Englewood Cliffs, New Jersey, a proposed new company that would engage in the activities of a mortgage banker, including originating, selling, and servicing mortgage loans for its own account or for the accounts of others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 39912). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the fourth largest banking organization in Minnesota, controls five banks with aggregate deposits of $325 million, representing 2.6 percent of the total deposits in commercial banks in the State.[1] Applicant also engages in such nonbanking activities as personal property leasing, commercial finance, and insurance activities.

GAMC will operate out of an office in Englewood Cliffs, New Jersey, and will primarily serve the metropolitan New York market.[2] Competing in that market are 115 commercial banking organizations, at least 50 thrift institutions, and over 70 other firms which engage in the origination of mortgages. It would appear that no significant existing or future competition would be eliminated upon approval of the application. Moreover, entry by Applicant on a de novo basis into this field should produce benefits to the public by adding an additional competitor that offers this specialized service.

In its consideration of this application, the Board has examined a covenant not to compete contained in an employment

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through November 30, 1974.

[2] The metropolitan New York market includes New York City, all of Nassau, Putnam, Rockland, and Westchester Counties and western Suffolk County in New York, northern Bergen County, and eastern Hudson County in New Jersey, and part of Fairfield County in Connecticut.

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agreement between GAMC and its proposed chief executive. The Board finds that the provisions of this covenant are reasonable in scope, duration, and geographic area, and are consistent with the public interest.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the condition set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority.

By order of the Board of Governors,[1] effective February 12, 1975.[2]

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4889 Filed 2-21-75;8:45 am]

FIRST NATIONAL BANCORPORATION, INC.

Proposed Acquisition

The First National Bancorporation, Inc., Denver, Colorado, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire certain of the assets of The Grand Valley Agency, Grand Junction, Colorado. The proposed acquisition would be made directly by First Denver Insurance Agency, Inc., applicant's wholly-owned subsidiary. Notice of the application was published on November 20, 1974 in The Daily Sentinel, a newspaper circulated in Grand Junction, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life insurance and credit accident and health insurance in Grand Junction, Colorado at rates established by the State of Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 18, 1975.

Board of Governors of the Federal Reserve System, February 13, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4890 Filed 2-21-75;8:45 am]

[1] Voting for this action: Governor Sheehan, Bucher, Holland, and Coldwell. Voting against this action: Vice Chairman Mitchell. Absent and not voting: Chairman Burns and Governor Wallich.

[2] Dissenting Statement of Governor Mitchell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or the Federal Reserve Bank of Minneapolis.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[75-9]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON GENERAL AVIATION TECHNOLOGY

Meeting

The NASA Research and Technology Advisory Council Panel on General Aviation Technology will meet on March 12-14, 1975, at the NASA Ames Research Center, Moffett Field, California 94035. The meeting will be held in Conference Room 217 of Building 200. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 30 persons. All visitors must report to the Ames Research Center Receptionist in Building 200.

The NASA Research and Technology Advisory Council Panel on General Aviation Technology serves in an advisory capacity only. The current Chairman is Mr. John W. Olcott. There are 13 members. The following list sets forth the approved agenda and schedule for the March 12-14, 1975 meeting of the Panel on General Aviation Technology. For further information, please contact Mr. Roger L. Winblade, Area Code 202 755-2399.

MAR. 12, 1975

Time	Topic
9 a.m.	Welcoming remarks. (Purpose: to officially welcome the members of the General Aviation Technology Panel to their first meeting at the Ames Research Center.)
9.20 a.m.	Chairman's report. (Purpose: To summarize action taken at the Nov. 7-8, 1974, meeting of the Research and Technology Advisory Council and to describe the industry input to the NASA authorization hearings.)
10 a.m.	Report of the Executive Secretary. (Purpose: To brief the Panel on developments since the last meeting including policy, program and organizational changes, status and content of the fiscal year 1976 budget, fiscal year 1977 and beyond program initiatives, and NASA actions on past Panel recommendations.)
1 p.m.	Quiet, clean general aviation turbofan engine (QCGAT) program description. (Purpose: To obtain Panel review and recommendations on NASA program in technology development for QCGAT.)
1:30 p.m.	Report on piston engine emissions workshop. (Purpose: To provide the Panel a summary of the results of NASA, FAA, EPA, and industry workshop on emission reduction.)
2 p.m.	Hydrogen injection program description. (Purpose: To provide Panel with current status and plans for demonstrating the feasibility of the hydrogen injection concept on aircraft engines.)
2:15 p.m.	Langley Research Center status report. (Purpose: To brief the Panel on progress and accomplishments in the general aviation programs at the Langley Research Center since the last meeting.)
3:30 p.m.	Business jet noise measurement. (Purpose: To brief the Panel on the current status of the joint NASA/industry program to document business jet noise abatement effectiveness.)
4 p.m.	Flight Research Center status report. (Purpose: To brief the Panel on progress and accomplishments in the general aviation programs at Flight Research Center since the last meeting.)
4:15 p.m.	Panel summary. (Purpose: To provide an opportunity for comments and clarification of information presented during the day.)

MAR. 13, 1975

Time	Topic
8:30 a.m.	Avionics. (Purpose: To brief Panel on current status and progress of the Ames Research Center program in integrated avionics and to propose guidelines for a workshop in the avionics area.)
9:30 a.m.	Report on cooling drag reduction workshop. (Purpose: To provide the Panel with a summary of the results of the NASA/industry workshop on engine cooling drag reduction.)
10 a.m.	Airfoil optimization. (Purpose: To brief the Panel on the current status, progress and plans for the Ames Research Center program in computerized optimization of airfoils.)
10:45 a.m.	Stall/spin avoidance program description. (Purpose: To provide the Panel with a description of the current status, progress and plans for the Ames Research Center program in stall/spin avoidance.)
11:30 a.m.	Pilot training and simulation. (Purpose: to obtain Panel comments and recommendations on possible future NASA efforts in the general aviation pilot training and simulation area.)
1 p.m.	Tour of facility. (Purpose: To provide the Panel with the opportunity to observe and discuss the most prominent facilities available for use in conducting general aviation related research at the Ames Research Center.)
3 p.m.	System and configuration study efforts. (Purpose: To provide the Panel with a description of the accomplishments, capabilities and plans in system studies area at the Ames Research Center.)
4 p.m.	Panel summary. (Purpose: To provide an opportunity for comments and clarification of information presented during the day.)

MAR. 14, 1975

8:30 a.m.	Member reports and recommendations. (Purpose: To review meeting presentations and to develop final Panel recommendations.)
12 Noon	Adjournment.

BOYD C. MYERS,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

FEBRUARY 18, 1975.

[FR Doc.75-4869 Filed 2-21-75;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Meeting

FEBRUARY 18, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on March 20 and 21, 1975.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee, Management Officer.

[FR Doc.75-4921 Filed 2-21-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT 3)

Hearing for Presentation of Data

The Atomic Safety and Licensing Board, in accordance with the Rules of Practice of the Commission, has inquired and determined the convenience and availability of the parties for the convening of a session of the proceeding for the presentation of data related to stipulation signed by all the parties.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission,[1] that a public session of this proceeding shall convene at 2 p.m. on Monday, March 24, 1975 in the Regency Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, New York 10520, for the purpose of presentation of data related to the stipulation signed by all parties.

Issued: February 18, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-4854 Filed 2-21-75;8:45 am]

[1] The Nuclear Regulatory Commission is the successor organization to the Atomic Energy Commission as provided by legislation enacted by the Congress in Pub. L. 93-438.

NATIONAL SCIENCE FOUNDATION

INTERAGENCY TASK FORCE ON INADVERTENT MODIFICATION OF THE STRATOSPHERE (IMOS)

Meeting

The Federal Interagency Task Force on Inadvertent Modification of the Stratosphere (IMOS) will hold a public meeting on February 27, 1975, from 9 a.m. to 4:30 p.m. in room 5104 at the New Executive Office Building, 726 Jackson Place, (17th Street and Pennsylvania Avenue) NW, Washington, D.C. This Task Force was recently established by the Council on Environmental Quality and the Federal Council for Science and Technology. Its first task will be to study the possible relationship of Freons (fluorochlorohydrocarbons) to future reductions in the ozone content of the stratosphere. The Task Force will prepare a public report in about four months which will (1) summarize atmospheric, medical, and ecological information on the subject, (2) evaluate possible economic impacts and alternatives available to the industry, (3) define potentially applicable authorities under which Federal actions can be taken, and (4) outline the proposed Federal program to resolve the issues.

The Task Force is comprised solely of Federal employees and officers and does not fall under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463). However, the public is invited to attend this meeting as observers. Any persons wishing to attend this open meeting should contact either of the co-chairmen: Ms. Carroll Leslie Pegler, Science and Technology Policy Office, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550, telephone 202/632-7477; or Dr. Warren R. Muir, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006, telephone 202/382-6854. Requests for information about this Task Force and/or the report of the IMOS should also be addressed to Ms. Pegler or Dr. Muir.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 18, 1975.

[FR Doc.75-4903 Filed 2-21-75;8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 19, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

OTHER AGENCIES

Appraisal of Impact of Help Communities Help Themselves Program, single-time, community leaders in drug abuse prevention, Human Resources Division, 395–3532

DEPARTMENT OF AGRICULTURE

Forest Service, Survey of Forest Brushfield Projects in the Northwest, single-time, forestry organizations in Northwest, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of the Census, Longitudinal Manpower Survey Control Card, Questionnaire Activity Record, Dear Friend Letter, Office Induction Form, and Sampling Questionnaire, LMS–1, LMS–2, LMS–3, LMS–9, LMS–20, LMS–21, on occasion participants in manpower administration CETA program, Strasser, A., 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Survey of Physicians on Perception of Prescription Drug Advertising, FDABD 1227, on occasion, physicians, Human Resources Division, 395–3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Multiple-Frame White Corn Survey, annually, white corn growers, Lowry, R. L., 395–3772.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Application, Acceptance, and Reference Reports for French-U.S. Exchange of Scientists, NSF 573, on occasion, exchange scientists, Evinger, S. K., 395–3648.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Field Seed Stocks Survey, annually, seed dealers, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–4980 Filed 2–21–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5615]

AMERICAN ELECTRIC POWER COMPANY, INC.

Proposal To Issue and Sell Common Stock by Negotiation

FEBRUARY 14, 1975.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York, 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to issue and sell up to 10,000,000 additional shares of its common stock, $6.50 par value ("stock") through a negotiated offering. AEP publicly announced its plans to sell the stock on January 28, 1975, and plans to consummate the sale prior to April 30, 1975, thus exempting the sale from the competitive bidding requirements of Rule 50 under the Act (Holding Company Act Release No. 18646).

Proceeds of the sale of the stock will be used by AEP to repay short-term borrowings and to make investments in its subsidiary companies through capital contributions or purchase of the subsidiaries' common stock. It is expected that at the time of the sale of the stock AEP will have outstanding short-term unsecured indebtedness in an aggregate amount not exceeding $150,000,000.

Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 11, 1975, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4876 Filed 2–21–75;8:45 am]

[File No. 500–1]

BEKLAND RESOURCES CORP.

Suspension of Trading

FEBRUARY 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bekland Resources Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:45 p.m. (e.s.t.) on February 12, 1975 through midnight (e.s.t.) on February 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4870 Filed 2–21–75;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4871 Filed 2–21–75;8:45 am]

[File No. 81–144]

GULF & WESTERN INTERNATIONAL N.V.

Application and Opportunity for Hearing

FEBRUARY 12, 1975.

Notice is hereby given that Gulf & Western International N.V. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commission") which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under section 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

(1) Applicant, a Netherland Antilles corporation, is a wholly-owned subsidiary of Gulf & Western Industries, Inc. ("G&W"), a diversified company with numerous subsidiaries. Applicant operates as an overseas financing vehicle for G&W and its subsidiaries.

(2) In 1968, Applicant issued $50 million, principal amount of 5 percent Guaranteed Sinking Fund Debentures due 1988 (the "Debentures").

(3) The Debentures are convertible into shares of G&W common stock and all obligations of Applicant under the Debentures, including the obligation to pay principal and interest, are fully guaranteed by G&W.

(4) Since Applicant's Debentures were listed on the New York Stock Exchange in 1968, there has hardly been any trading in the Debentures.

(5) The Debentures are listed on the New York Stock Exchange and are registered pursuant to section 12(b) of the 1934 Act.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 13 of the 1934 Act because the Debentures are registered with both the New York Stock Exchange and the Commission.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that a trading market in its Debentures is unlikely to become sufficiently significant; and that since the Debentures are guaranteed by and convertible into common stock of G&W, it is the reports of G&W filed pursuant to Section 13 of the 1934 Act and not those of Applicant in which Debenture holders and investors would be primarily interested.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than March 10, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4877 Filed 2–21–75;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–4872 Filed 2–21–75;8:45 am]

[70–5619]

SOUTHERN COMPANY AND SOUTHERN SERVICES, INC.

Proposal To Place Lien; Exception From Competitive Bidding

FEBRUARY 14, 1975.

Notice is hereby given that the Southern Company ("Southern"), Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and Southern Services, Inc. ("SSI"), a wholly-owned non-utility subsidiary, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

SSI, which conducts business as a service company for the Southern system, maintains its offices in a building in Birmingham, Alabama. Construction costs of the building were financed through indebtedness incurred pursuant to Commission authorization. (See Holding Company Act Release No. 17780, November 27, 1972). The currently outstanding principal amount of such indebtedness is $11,640,000. In order to prepay this indebtedness, SSI proposes to place a first mortgage on its office building to secure a loan for $12,000,000.

It is proposed that the mortgage loan will be for a term of 35 years, will bear interest at 9¾ percent per annum, and will be payable in equal annual installments of $1,210,800. SSI will have the option to prepay the loan at any time at the principal amount thereof plus a 10 percent premium if prepaid in years one through five, 7 percent in years six through ten, 3 percent in year eleven, and thereafter at a premium declining at the rate of ½ of 1 percent each year to a minimum of 1 percent if prepayment is made in the fifteenth year or thereafter. It is expected that the proposed arrangements will afford the mortgage lender a right of first refusal to provide permanent financing for any expansion of the office building.

The application-declaration states that SSI solicited proposals from other lenders, including an insurance company, four mortgage bankers and two

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realtors. The various financial institutions were invited to develop both mortgage and sale/leaseback proposals. In all, seven mortgage and eleven sale/leaseback proposals were received and evaluated by SSI. On the basis of various relevant factors, the applicants-declarants have determined that the proposal herein set forth is the most economical and advantageous to Southern and SSI. Accordingly, SSI requests that the proposed transaction be excepted from the competitive bidding requirements of Rule 50 pursuant to clause (a)(5) thereof inas much as the proposed transaction does not lend itself as a practical matter to competitive bidding, and because the procedures employed by SSI in soliciting competitive proposals assured the maintenance of competitive conditions.

As an inducement for the proposed loan to SSI, Southern proposes to unconditionally guarantee the performance by SSI with respect to SSI's obligations under the mortgage.

The fees, commissions and expenses incurred and to be incurred in connection with the proposed transactions will aggregate $199,000, which includes a $120,000 commission payable to Brooks, Harvey & Co., Inc., an associate of Morgan Stanley & Co. Incorporated, to obtain a loan committment upon the terms hereinbefore described. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 11, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be addressed personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-4878 Filed 2-21-75;8:45 am]

[70-5620]

SOUTHERN ELECTRIC GENERATING CO.

Proposal To Issue and Sell Notes to Banks

FEBRUARY 14, 1975.

Notice is hereby given that Southern Electric Generating Company ("SEGCO"), P.O. Box 2641, Birmingham, Alabama 35291, a public-utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

SEGCO proposes to issue and sell short-term notes to banks from time to time on or prior to December 31, 1975, in an aggregate amount outstanding at any one time or not in excess of $10,000,000. The notes to banks will be dated on the date of borrowing, will mature in not more than nine months, will bear interest at a rate per annum not to exceed 125 percent of the prime rate in effect at the lending bank, and will be prepayable, in whole or in part, without penalty or premium. The names of the lending banks, the maximum amount to be borrowed from each, and a statement regarding compensating balances are to be furnished by amendment.

It is stated that the proceeds from the bank notes will be used by SEGCO to reimburse its treasury for expenditures in connection with the financing of certain pollution control facilities, to pay at maturity from time to time outstanding bank notes incurred for such purpose, and for other corporate purposes. It is further stated that, unless otherwise authorized by the Commission, any bank notes of SEGCO outstanding after December 31, 1975, will be reduced to an amount equal to or less than the 5 percent exemption provided by section 6(b) of the Act from the proceeds of the sale of pollution control revenue bonds (See File No. 70-5534.).

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $5,000. It is represented that the proposed bank notes are subject to the jurisdiction of the Alabama Public Service Commission, the State commission of the State in which SEGCO is organized and doing business; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-4879 Filed 2-21-75;8:45 am]

[File No. 500-1]

SPEED EQUIPMENT WORLDS OF AMERICA, INC.

Suspension of Trading

FEBRUARY 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Speed Equipment Worlds of America, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:30 p.m. (e.s.t.) on February 11, 1975, through midnight (e.s.t.) on February 20, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-4873 Filed 2-21-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-4874 Filed 2-21-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 16, 1975 through February 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-4875 Filed 2-21-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Change in Starting Time of Meeting

The March 4, 1975, meeting of the Standards Advisory Committee on Coke Oven Emissions, announced in the FEDERAL REGISTER on Friday, February 7, 1975, (40 FR 5829) will begin at 9 a.m. instead of 10 a.m. as originally announced.

This change was agreed to by the Committee at a public meeting on February 12, 1975, in order to provide more time for public presentations which are scheduled for that day.

In all other respects, the details of the February 7, 1975, Notice of Meeting remain the same. Any questions may be addressed to: Ms. Jeanne Ferrone, U.S. Department of Labor, Committee Management Office, 1726 M Street, NW, Room 200, Washington, D.C. 20210. Phone: (202) 961-3181.

Signed in Washington, D.C. this 18th day of February 1975.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.75-4905 Filed 2-21-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 704]

ASSIGNMENT OF HEARINGS

FEBRUARY 19, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 116519 Sub 22, Frederick Transport Limited, application dismissed.

MC 73165 Sub 350, Eagle Motor Lines, Inc., application dismissed.

MC-C-8501, Short Freight Lines, Inc. and Van Haaren Specialized Carriers, Inc.—Investigation and Revocation of Certificates, now assigned March 4, 1975, at Lansing, Mich., postponed indefinitely.

MC 139508, Air Brook Limousine, Inc., now being assigned April 9, 1975 (2 days) at Newark, N.J. in a hearing room to be designated later.

MC 107012 Sub 196, North American Van Lines, Inc., now being assigned April 10, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133931 Sub 4, M. Pollon, Inc., dba Marine Guard Service, now being assigned April 23, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117940 Sub 143, Nationwide Carriers, Inc., now being assigned May 14, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 72243 Sub 44, The Aetna Freight Lines, Inc., now being assigned May 14, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139089, Freeport Transport, Incorporated, now being assigned May 14, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139913, Foster's Freight, Inc., now being assigned May 19, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 8436, Connecticut Limousine Service, Inc., v. Hyman Levine dba Hy's Livery Service, now being assigned April 15, 1975 (2 days) at Hartford, Connecticut, in a hearing room to be designated later.

F.D. 27773, Missouri Pacific Railroad Company—Merger—The Texas and Pacific Railway Company and Chicago & Eastern Illinois Railroad Company and F.D. 27774, Missouri Pacific Railroad Company-Securities now being assigned April 15, 1975, at St. Louis, Mo. in a room to be later designated.

MC-C-8416, H. J. Moran, dba Singing River Motor Freight—Investigation and Revocation of Certificate of Registration, now being assigned April 16, 1975 (2 days) at Jackson, Miss.; in a hearing room to be designated later.

MC 115300 Sub 2, Charles Simmons, Sr., dba Hilton Head Truck Lines, now being assigned April 21, 1975 (1 wk) at Columbia, South Carolina, in a hearing room to be designated later.

MC 130247 Colpitts Travel Agency of Rhode Island, now being assigned April 15, 1975, at Providence, Rhode Island, in a hearing room to be later designated.

I & S No. M-28239, Restructured LTL Rates, January 1975, Central & Southern Territory, now assigned March 4, 1975, at Washington, D.C., is postponed to March 25, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 129291 Sub 8, McDaniel Motor Express, Inc., now being assigned April 21, 1975 (1 week) at Columbus, Ohio; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4909 Filed 2-21-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 13, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 6, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 114019 (Sub-No. E387), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, between those points in Michigan on and south of a line beginning at Lake Michigan and extending along Michigan Highway 21 to junction Michigan Highway 66, thence along Michigan Highway 66 to the Illinois-Michigan State line on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Hamilton, Ohio.

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No. MC 114019 (Sub-No. E388), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, meat products* and *meat by-products*, and *frozen edible articles distributed by meat packinghouses* as described in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packinghouse Products*, 46 M.C.C. 23, from points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts to Bismarck, Salt Lake City, Utah, and points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E389), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products*, between points in Wisconsin and Iowa on the one hand, and, on the other, Sparrows Point and Baltimore, Maryland, New York, and points within 30 miles thereof, points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, points in West Virginia and points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to its junction with Pennsylvania Highway 53, thence Pennsylvania Highway 53 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line. Restriction: The authority above is restricted to the transportation of the commodities described therein when moving from, to or between paper or paper products, manufacturing plants or warehouses, or other facilities of such plants, and when moving from, to or between warehouses, and wholesale, retail or chain outlets of food business houses, or when moving from, to or between food processing plants, or warehouses or other facilities or such plants. The purpose of this filing is to eliminate the gateways of Gary, Indiana, and Hamilton, Ohio.

No. MC 114019 (Sub-No. E391), filed, May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, between Sparrows Point and Baltimore, Maryland, New York, New York and points within 30 miles of New York, New York, points in those parts of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pennsylvania, points in West Virginia on and south of U.S. Highway 50, and points in Pennsylvania on and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Missouri on, west and south of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with U.S. Highway 24, thence over U.S. Highway 24 to the Kansas-Missouri State line. (2) Between Sparrows Point and Baltimore, Maryland, New York, New York, and points within 30 miles of New York, New York, points in those parts of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pennsylvania, points in West Virginia and those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 11, thence over U.S. Highway 11 to its junction with U.S. Highway 6, thence over U.S. Highway 6 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in Minnesota. Restriction: The authority in (1) and (2) above is restricted to the transportation of the commodities described therein when moving from, to or between paper or paper products, manufacturing plants or warehouses, or other facilities of such plants, and when moving from, to or between warehouses, and wholesale, retail or chain outlets of food business houses, or when moving from, to or between food processing plants, or warehouses or other facilities or such plants. The purpose of this filing is to eliminate the gateways of Hamilton, Ohio, and Muscatine, Iowa.

No. MC 114019 (Sub-No. E392), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard* and *pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or resin base), *conduits, creosote in packages, eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos* or *felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar* or *cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos,* and *coal tar paint, roofing paper, paving joints, cement pipe* containing *asbestos fiber, roofing pitch, asphalt paving planks asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos* and *asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives*.

(A) From Sparrows Point and Baltimore, Maryland, New York, and points within 30 miles of New York, points in those parts of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17 along New York Highway 17 to the New York-Pennsylvania State line, points in Pennsylvania, and those in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 14 to junction with U.S. Highway 21, thence along U.S. Highway 21 to points in Wisconsin and Iowa. (B) from Sparrows Point and Baltimore, New York, and points within 30 miles of New York, points in those parts of New Jersey, Delaware and Maryland which are located within 30 miles of Philadelphia, Pennsylvania, points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to its junction with New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21.

Thence along New York Highway 21 to junction New York Highway 17, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in Pennsylvania on, north and east of a line beginning at the Pennsylvania-Ohio State line, and extending along Pennsylvania Highway 65 to its junction with U.S. Highway 30, thence over U.S. Highway 30 to its junction with Interstate Highway 76, thence over Interstate Highway 76 to its junction with Pennsylvania Highway 326, thence over Pennsylvania Highway 326 to the Pennsylvania-Maryland State line, to points in Illinois on, and north and west of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 80 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to the Illinois-Michigan State line, and those points in Missouri on, north and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 66 to its junction with Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Whiting, Indiana.

No. MC 114019 (Sub-No. E393), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, from Glen Falls, N.Y., to points in Illinois, Indiana, the Lower Peninsula of Michigan, Wisconsin, Iowa, Minnesota, Missouri, Nebraska, Kansas, those points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Spring Grove, Pa., and East Liverpool, Ohio.

No. MC 114019 (Sub-No. E394), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale or retail food business houses*, and in connection therewith equipment materials and supplies used in the conduct of such business, from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in those parts of New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, points in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 14 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, and in Pennsylvania, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Gary, Ind.

No. MC 114019 (Sub-No. E395), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in tank vehicles), from the facilities of Sterling, Colorado Beef Packers at or near Sterling, Colo., and the facilities of American Beef Packers, Inc., at or near Fort Morgan, Colo., to (a) those points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 104 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with U.S. Highway 16, thence along U.S. Highway 16 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, (b) those points in Kentucky on and east of Interstate Highway 65, (c) points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Illinois-Indiana State line, and (d) Bowling Green, Ky., and Nashville, Tenn. The purpose of this filing is to eliminate the gateways of Hammond and Jeffersonville, Ind., and Union City, Ohio.

No. MC 114019 (Sub-No. E397), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and closures therefor and accessories therefor, and paper cartons* used in the packing and shipping of glass articles from Richmond, Ind., to points in Douglas, Franklin, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans., and Cass, Clay, Henry, Jackson, Johnson, Lafayette, Pettis, Ray, and Saline Counties, Mo., which are within 88 miles of Kansas City, Mo. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 114019 (Sub-No. E398), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in tank vehicles, and hides, in mechanically refrigerated vehicles, from Mason City, Iowa to Cincinnati, Ohio and those points in Kentucky on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC 114019 (Sub-No. E399), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Coffeyville, Kans., to points in Maine, New Hampshire, Vermont, Delaware (except Wilmington), Maryland (except points on and west of U.S. Highway 15), points in West Virginia and Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Pittsburgh and West Alexander, Pa.

No. MC 114019 (Sub-No. E403), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics, dry*, in containers, from Delaware City, Kentucky Highway 55 to the junction of U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, and those in Ohio on, south, and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 25 to the junction of Ohio Highway 29, thence along Ohio Highway 29 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC 114019 (Sub-No. E403), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics, dry*, in containers, from Delaware City,

No. MC 114019 (Sub-No. E405), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics, dry*, in containers, from Delaware City,

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Delaware, to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of the facilities of Owens-Illinois Glass Company, at or near Gas City, Indiana.

No. MC 114019 (Sub-No. E406), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and *accessories* therefore, and *paper cartons* used in the packing or shipping of glass containers, from Winchester, Indiana, to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, and points in that part of Iowa on and north of a line beginning at the Illinois-Iowa State line, and extending along Iowa Highway 22 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of the facilities of Anchor Hocking Glass Corporation at or near Gurnee, Illinois.

No. MC 114019 (Sub-No. E422), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard and pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or resin base), *conduits, creosote* in packages, *eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos* or *felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar* or *cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos*, and *coal tar paint, roofing paper, paving joints, cement pipe containing asbestos fiber, roofing pitch, asphalt paving planks, asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos* and *asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives*, from those points in Ohio on and south of U.S. Highway 40, to points in Wisconsin, the Upper Peninsula of Michigan, points in that part of Missouri on, north, and west of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 19 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, points in that part of Illinois north and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 24, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 114019 (Sub-No. E423), filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and liquid commodities in bulk, between those points in Ohio south of U.S. Highway 40, on the one hand, and, on the other, Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Wheeling, West Virginia.

No. MC 114019 (Sub-No. E424), filed June 5, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 148, thence along Ohio Highway 148 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 556, thence along Ohio Highway 556 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction unnumbered highway to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Wheeling, West Virginia, and Akron, Ohio.

No. MC 114211 (Sub-No. E620), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in Iowa on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along Oklahoma Highway 34 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment a special handling, and further restricted against the transportation of commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, and Beatrice, Nebraska, and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E621), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in Wyoming, on the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line extending along Interstate 35 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Minnesota-South Dakota State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and further restriction against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Nassau, Minnesota.

No. MC 114211 (Sub-No. E622), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, from points in Illinois, to points in that part of Nevada on and west of a line beginning at the Oregon-Nevada State line extending along U.S. Highway 95 to junction Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line, to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along Wyoming Highway 116 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Idaho-Montana State line and to points in that part of California on and north of a line beginning at the Pacific Ocean extending along Interstate Highway 80 to the California-Nevada State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E623), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery* and *contractors' equipment* and *supplies*, from points in Illinois, to points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along Wyoming Highway 116 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Idaho-Montana State line, points in that part of California on and north of a line beginning at the Pacific Ocean extending along Interstate Highway 80 to the California-Nevada State line, points in that part of Nevada on and west of a line beginning at the Oregon-Nevada State line extending along U.S. Highway 95 to junction Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E624), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from points in that part of Wyoming on, north and west of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming Highway 450 to junction Wyoming Highway 387, thence along Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 287, thence along Wyoming Highway 287 to junction Interstate Highway 80, thence along Interstate 80 to Wyoming 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line to points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to the Missouri-Arkansas State line and to points in Indiana, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling restricted against the transportation of those commodities and described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska, and Ft. Dodge and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E625), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in that part of Wyoming on and west of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction Wyoming Highway 120, thence along Wyoming 120 to the Wyoming-Montana State line, on the one hand, and, on the other, points in Illinois and points in that part of Iowa on and east of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 237, thence along Iowa Highway 237 to junction Iowa Highway 60, thence along Iowa Highway 60 to the Minnesota-Iowa State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E626), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in Wyoming, on the one hand, and, on the other, points in Illinois and points in that part of Iowa on and south of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska, and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E627), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment and except commodities described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459) from points in that part of Kansas on and south of a line beginning at the Kansas-Missouri State line extending along Kansas Highway 116 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, to points in that part of Oregon on and south of a line beginning at the Pacific Ocean extending along Oregon Highway 42 to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Oregon Highway 66, thence along Oregon Highway 66 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 140 thence along Oregon Highway 140 to junction Oregon Highway 39 thence along Oregon Highway 39 to the Oregon-California State line, to points in that part of California on and west of a line beginning at the Oregon-California State line extending along California Highway 139 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 395.

Thence along U.S. Highway 395 to the California-Nevada State line, to points in that part of Nevada on and west of a line beginning at the Nevada-California State line extending along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, to points in that part of Arizona on and west of a line beginning at the Nevada-Arizona State line extending along U.S. Highway 93 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, and to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 21 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 180, thence along U.S. Highway 180 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Claremore, Oklahoma.

No. MC 114211 (Sub-No. E628), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving* and *finishing machinery, equipment, parts*, and *accessories* and *attachments* (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in Mercer

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Extension-Oil Field Commodities, 74 M.C.C. 459, from points in Idaho, Oregon, Washington and Montana to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 280 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-South Carolina State line, to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along Interstate Highway 10 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 26, thence along Alabama Highway 26 to the Alabama-Georgia State line, to points in that part of North Carolina on and south of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 76 to Wilmington, to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 301 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, and to points in Florida. The purpose of this filing is to eliminate the gateway of Canton, South Dakota, Claremore, Oklahoma, and points in Kansas.

No. MC 114211 (Sub-No. E629), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between points in that part of Iowa on, north and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Missouri-Kansas line extending along Kansas State Highway 96 to junction U.S. Highway 160, thence along U.S. Highway 160, to junction U.S. Highway 54, thence along U.S. Highway 54 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Beatrice, Nebraska.

No. MC 114211 (Sub-No. E630), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* and *fittings* and *accessories*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along Nebraska Highway 61 to the Kansas-Nebraska State line, to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 69, to junction U.S. Highway 59, thence along U.S. Highway 59, to junction Oklahoma Highway 10, thence along Oklahoma Highway 10 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and points in that part of Arkansas on and east of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 27 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 19, thence along Arkansas Highway 19 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E631), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural shredders, agricultural sprayers, scalpers, row shields, corn cribs*, (knocked down), and *attachments* and *parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, from points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150, to junction Iowa Highway 149, thence along Iowa Highway 149, to junction U.S. Highway 63, thence along U.S. Highway 63, to junction U.S. Highway 34, thence along U.S. Highway 34, to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in Pennsylvania, New York (except Kings, Queens, Nassau and Suffolk Counties), and points in that part of Ohio on and east of a line beginning at Cleveland, Ohio extending along Ohio Highway 14 to junction U.S. Highway 62, thence along U.S. Highway 62, to junction Ohio Highway 45, thence along Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 7, thence along Ohio Highway 7, to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Oelwein, Iowa.

Mo. MC 114211 (Sub-No. E632), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Kansas on and south of a line beginning at the Kansas-Oklahoma State line extending along Kansas Highway 179 to junction Kansas Highway 14, thence along Highway 14 to junction Kansas Highway 61, thence along Kansas Highway 61, to junction U.S. Highway 50, thence along U.S. Highway 50, to junction U.S. Highway 56, thence along U.S. Highway 50–56, to junction Kansas Highway 99, thence along Kansas Highway 99, to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 59, thence along U.S. Highway 59, to Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebraska, and points in Iowa.

No. MC 114211 (Sub-No. E633), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 385 to the Colorado-Nebraska State line, to points in Illinois, Missouri, Indiana, Ohio, Michigan, points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35, to the Kansas-Oklahoma State line, points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along Interstate Highway 35 to junction U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277, to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 35, thence along Interstate 35 to the United States-Canada Boundary line, with no transportation for compensation on return except as otherwise authorized. Restriction: Restricted against the transportation of commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling and further restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebraska.

No. MC 114211 (Sub-No. E642), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which because of size or weight requires the use of special equipment, between Grand View, Mo., on the one hand, and, on the other, points in North Dakota, Minnesota, and points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 45, thence along U.S. 45 to junction Illinois Highway 6, thence along Illinois Highway 6 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E643), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* for agricultural implements, the transportation of which, because of size or weight, requires special equipment, from Lincoln, Nebr., to points in Wisconsin, Illinois, Indiana, Ohio, Michigan; to points in that part of Minnesota on and north of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line; and to points in that part of Missouri on, south, and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction Missouri Highway 139, thence along Missouri Highway 139 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 5, thence along Missouri Highway 5 north to the Iowa-Missouri State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E644), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements and parts* for agricultural implements, from Maize, Kans., to points in that part of North Dakota on, north, and east of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 1 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line; to points in that part of Minnesota on, north, and east of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Minnesota-Wisconsin State line; to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 16 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis.; and to points in that part of Michigan on and north of a line beginning at Charlevoix, Mich., extending along Michigan Highway 32 to Alpena, Mich. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E645), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts therefor*, between Lincoln, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Oklahoma, and points in that part of South Dakota on, north, and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line; and points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Illinois State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E646), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* for agricultural implements, from Tonkawa, Okla., to points in Minnesota, Wisconsin, Michigan; points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 18, thence along Illinois Highway 18 to the Illinois-Indiana State line; and points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Okla.

No. MC 114211 (Sub-No. E647), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Baxter Springs, Kans., to points in that part of North Dakota on and north of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 2 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Canada International Boundary line; to points in that part of Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 2 to the Minnesota-North Dakota State line; to points in that part of Wisconsin on and north of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 2 to the Wisconsin-Minnesota State line; and to points in that part of Michigan on and north of a line beginning at Sault Ste. Marie, Mich., extending along U.S. Highway 2 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. Highway 41, thence along U.S. Highway

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41 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E648), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with farm tractors, and *parts thereof*, from Green Isle, Minn., to points in Washington, Oregon, California, Nevada, Idaho; to points in that part of Montana on, north, and west of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line; to points in that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line extending along Colorado Highway 789 to junction U.S. Highway 6/24, thence along U.S. Highway 6/24 to junction U.S. Highway 6/24 to junction U.S. Highway 6/50, thence along U.S. Highway 6/50 to the Utah-Colorado State line; to points in that part of Wyoming on and west of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 87 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line; to points in that part of Utah on and west of a line beginning at the Colorado-Utah State line extending along U.S. Highway 50 to junction Utah Highway 128, thence along Utah Highway 128 to junction U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line; and to points in that part of Arizona on, west, and south of a line beginning at the Arizona State line extending along U.S. Highway 163 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Arizona Highway 264, thence along Arizona Highway 264 to the Arizona-New Mexico State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E649), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which because of size or weight, requires the use of special equipment, from Green Isle, Minn., to points in Louisiana, and to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line (except Las Cruces, Deming, and Lordsburg); to points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 60 to junction Interstate Highway 27, thence along Interstate Highway 27 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Texas-Oklahoma State line (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso); to points in that part of Mississippi on and west of a line beginning at the Arkansas-Mississippi State line extending along Mississippi Highway 1 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 14, thence along Mississippi Highway 14 to junction U.S. Highway 49W, thence along U.S. Highway 49W to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line; and to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line extending along U.S. Highway 71 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in Iowa; Beatrice and Tulsa, Okla.

No. MC 114211 (Sub-No. E669), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, between Maize, Kans., on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E670), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements, the transportation of which, because of size or weight, requires special equipment, from Grand View, Mo., to points in that part of Texas on and west of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 180 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 163, thence along Texas Highway 163 to junction U.S. Highway 90, thence along U.S. Highway 90 to Del Rio, Tex., and to points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada Boundary line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E671), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities the transportation of which because of size or weight requires the use of special equipment), from Independence, Mo., to points in that part of Texas on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 60 to the Texas-New Mexico State line (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa and El Paso), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Tulsa, Okla., and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E672), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Grand View, Mo., to points in North Dakota, Minnesota, and to points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along

Interstate Highway 90 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction South Dakota Highway 87, thence along South Dakota Highway 87 to the South Dakota-Nebraska State line, and to points in that part of Wisconsin on, north and west of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 18 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Des Moines and Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E673), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from Armstrong, Iowa, to points in Oklahoma, and points in that part of Kansas on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction Kansas Highway 20, thence along Kansas Highway 20 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 63, thence along Kansas Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E754), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* therefor when moving incidental to and in the same vehicle with said commodities (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Commodities*, 74 M.C.C. 459 from Valley, Nebraska, to points in Louisiana, Florida, to points in that part of North Carolina on and south of a line beginning at the South Carolina-North Carolina State line extending along Interstate Highway 95 to junction North Carolina Highway 41, thence along North Carolina Highway 41 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 70, thence along U.S. Highway 70 to Cherry Point, to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 78 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Interstate Highway 95, thence along Highway 95 to the South Carolina-North Carolina State line, to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 72 to junction Alternate U.S. Highway 72.

Thence along Alternate U.S. Highway 72 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 67, thence along Alabama Highway 67 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line, to points in that part of Mississippi on and south of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 72 to the Mississippi-Alabama State line, to points in that part of Arkansas on and south of a line beginning at the Tennessee-Arkansas State line extending along U.S. Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Oklahoma State line, and to points in that part of Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 64 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice, Nebraska and Claremare, Oklahoma.

No. MC 114211 (Sub-No. E907), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, tractor attachments, and parts of tractors and tractor attachments when moving in mixed loads with commodities specified above, between the port of entry at El Paso. Tex., on the one hand, and, on the other, points in Minnesota, Iowa, and Illinois, restricted to the transportation of commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans., and points in Iowa.

No. MC 114211 (Sub-No. E910), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), equipment designed for use in conjunction with farm tractors, and parts thereof, from points in Wyoming to points in that part of Minnesota on and south of a line beginning at the Minnesota-Canada International Boundary line, thence along Minnesota Highway 72 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-South Dakota State line, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-Wisconsin State line, and to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 2 to the Wisconsin-Michigan State line, and to points in that part of Michigan on and east of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 2 to Lake Michigan, with no transportation for compensation on return except as otherwise authorized restricted against the transportation of commodities, the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nassau, Minn., Fargo, N. Dak., and points in South Dakota.

No. MC 114211 (Sub-No. E920), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing equipment*, from points in Arizona to points in Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Canton, S. Dak., and Minneapolis, Minn.

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No. MC 114211 (Sub-No. E980), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Manchester, Iowa, to points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, Martin City, Mo., and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E1015), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Armstrong, Iowa to points in New Mexico and Texas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E1043), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from Thief River Falls, Minn., to points in Massachusetts and Connecticut. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1044), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery and contractors' equipment and supplies*, from Thief River Falls, Minn., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E1046), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Barnesville, Minn., to points in Colorado, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateways of points in Iowa, Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E1055), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: **Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Armstrong, Iowa to points in New York. The purpose of this filing is to eliminate the gateway of the plant-site of the Stinar Corporation located at or near Minneapolis, Minn.**

No. MC 115322 (Sub-No. E31), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to points in Louisiana, Mississippi (except points in Tunica, Tate, De Soto, Marshall, Union, Prentiss, Tishomingo, Alcorn, Tippah, and Benton Counties), and Alabama (except those points on and in an area bounded by a line beginning at the Alabama-Mississippi State line at U.S. Highway 72, thence along U.S. Highway 72 and Alternate 72, to Town Creek, Ala., thence north along Alabama Highway 101 to U.S. Highway 72, thence along U.S. Highway 72 to Interstate Highway 65, thence along Interstate Highway 65 to the Tennessee-Alabama State line, thence west and south along the Alabama State line to points of beginning. The purpose of this filing is to eliminate the gateway of South Carolina.

No. MC 115322 (Sub-No. E38), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined in the Appendix to the report in *Modification of Permits-Packinghouse Products*, 48 M.C.C. 628, in vehicles equipped with mechanical refrigeration, from points in Tennessee on and west of Interstate Highway 75 to Wilmington, Del., Baltimore, Md., North Bergen, Newark, Hoboken, and Jersey City, N.J., New York and Brooklyn, N.Y., Philadelphia, Pa., Richmond, Norfolk, and Smithfield, Va. The purpose of this filing is to eliminate the gateway of Clinton, N.C.

No. MC 115322 (Sub-No. E39), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Alabama (except points in Lauderdale, Colbert, Lawrence, Limestone, Madison, Jackson, De Kalb, Marshall, Morgan, and Franklin Counties), to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC 115322 (Sub-No. E46), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen vegetables*, from points in Florida on and south of Florida Highway 40 to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC 115322 (Sub-No. E68), filed May 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Eastport, N.Y., to points in South Carolina (except points on and east of South Carolina Highway 41). The purpose of this filing is to eliminate the gateway of Tennessee (except Nashville).

No. MC 117344 (Sub-No. E21), filed May 26, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except coal spray oil), in bulk, in tank vehicles, from points in Kentucky on and east of U.S. Highway 27 and on and north of State Route 32 within 100 miles of Cincinnati, Ohio, to points in Kentucky west of a line beginning at Elizabethtown and extending west along U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State line (except those in Jefferson County, Ky.). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 119702 (Sub-No. E3) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER January 27, 1975. Applicant: STAHLY CARTAGE CO., P.O. Box 486, Edwardsville, Ill. 62025. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* which are petroleum products, in bulk, in tank vehicles, from the facilities of Illinois Road Contractors, Inc., in Pike County, Ill., to points in Michigan and Wisconsin (except anhydrous ammonia, from such

plant sites to points in Wisconsin). The purpose of this filing is to eliminate the gateway of the facilities of Agrico Chemical Co., near Pekin, Ill. The purpose of this correction is to correct the "E" number, previously published as E5.

No. MC 126489 (Sub-No. E1), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Dry feed ingredients* (except salt and salt products and except cotton seed products), from points in Texas on and east of U.S. Highway 83 to points in Nebraska, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kans.

No. MC 126489 (Sub-No. E6), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients* (except salt and salt products, cotton seed products, and urea), from points in Texas on and north of Interstate Highway 40, to points in Mississippi on or north of a line beginning at the Arkansas-Mississippi State line, thence along Mississippi Highway 6 to Tupelo, Miss., thence along Mississippi Highway 78 to the Mississippi-Alabama State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Witchita, Kans., and Van Buren, Ark.

No. MC 126489 (Sub-No. E8), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and salt products, cotton seed products, and urea), from points in Dallam, Sherman, Hansford, Ochiltree, and Lipscomb Counties, Tex., to points in that part of Missouri on and south of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 67 to intersection with Missouri Highway 72, thence along Missouri Highway 72 to the Missouri-Illinois State line and to points in Mississippi (except Washington and Adams Counties, Miss.), with no transportation for compensation on return unless otherwise authorized. The purpose of this filing is to eliminate the gateways of Wichita, Kans., and Van Buren, Ark.

No. MC 126489 (Sub-No. E10), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients* (except salt and urea), from Carthage, Mo., to points in Louisiana (except Caddo and Bossier Counties, La.), with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E15), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients* (except salt and urea), from Carthage, Mo., to points in New Mexico and Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E17), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients*, except salt and urea, from Wichita, Kans., to points in Louisiana and Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E18), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and dry feed ingredients*, except salt and urea, from McPherson, Kans., to points in Louisiana and Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 126489 (Sub-No. E19), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTERS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic feed and feed ingredients*, except salt and urea, from Kansas City, Kans., to points in Louisiana (except Caddo and Bossier Parishes, La.), points in Mississippi and points in Eddy, Luna, and Hidalgo Counties, N. Mex., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4911 Filed 2-21-75;8:45 am]

[No. MC-19157 (Sub-No. 17)]

McCORMACK'S HIGHWAY TRANSPORTATION, INC.

Extension of Direct Authority

Order. At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 11th day of February 1975.

It appearing, that by application filed February 2, 1973, as amended, and as published in the Federal Register of March 8, 1973, McCormack's Highway Transportation, Inc., of Schenectady, N.Y., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of radioactive material, new and spent, radioactive source, special nuclear and by-product materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment, restricted against the transportation of commodities in bulk, in tank vehicles, between points in Rowan County, Ky., and Barnwell County, S.C., on the one hand, and, on the other, points in 27 States and the District of Columbia;

It further appearing, that by order entered July 22, 1974, the Commission, Review Board Number 3, granted applicant a 5-year limited term certificate authorizing the transportation (1) of radioactive waste materials, from points in 27 States and the District of Columbia to points in Rowan County, Ky., and specified facilities in Barnwell County, S.C., and (2) of empty radioactive material shipping containers, from the above-described destination points to points in 27 States and the District of Columbia, subject to a condition;

It further appearing, that on September 16, 1974, protestant Tri-State Motor Transit Company, filed a petition for reconsideration of the Review Board's grant to the extent it authorizes service from and to points in Barnwell County, S.C., and moves that the proceeding be set for oral hearing, and applicant filed a reply thereto on September 20, 1974;

It further appearing, that by petition filed September 16, 1974, applicant requests modification of the grant of authority made so as to change the designation of a portion of the involved area from "points in Rowan County, Ky." to "points in Fleming County, Ky." inasmuch as the radioactive burial facility from and to which applicant seeks authority actually lies in Fleming County, Ky., approximately 1 mile from the

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Rowan County line, and protestant filed a reply thereto on October 8, 1974; and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration on the present record, solely for the limited purposes set forth below.

It is further ordered, That the said order entered herein on July 22, 1974, to the extent it is inconsistent with the result reached herein, be, and it is hereby, vacated and set aside.

It further appearing, that the evidence submitted in support of the application establishes a need for applicant's service; that there is sufficient evidence of traffic moving from and to the disposal facilities of Nuclear Engineering Company, Inc.; that the involved burial site is located in a rural area difficult to fix in location and susceptible of error; that inasmuch as the evidence establishes that the involved burial site is the only radioactive disposal facility in Kentucky, present protestants were not misled by the presentation of applicant's evidence; that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority as modified and as described in this order, a notice of the authority as modified will be published in the FEDERAL REGISTER and issuance of a certificate withheld for a period of 30 days from the date of such publication, during which period any proper party in interest not presently a party to this proceeding may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced; and that the evidence submitted in the form of verified statements in support of the application amply warrants the grant of authority set forth below; and good cause appearing therefor:

We find on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of radioactive waste material (except in bulk, in tank vehicles) from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia to the disposal facilities of Nuclear Engineering Company, Inc., in Fleming County, Ky., and to the disposal facilities of Chem-Nuclear Systems, Inc., in Red Oak Township, Barnwell County, S.C., and (2) of empty radioactive material shipping containers from the destination points described in (1) above to points in the origin territory specified in (1) above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that the grant of authority herein and applicant's existing authority which it duplicates shall be construed as conferring only a single operating right; that a certificate authorizing such operation should be granted, subject to the condition that it shall be limited in point of time to a period expiring 5 years from the effective date thereof and subject to the condition described in the immediately preceding appearing paragraph; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Enviromental Policy Act of 1969; and that the application in all other respects should be denied.

It is further ordered, That said application and petition for modification except to the extent granted herein, be, and they are hereby, denied.

It is further ordered, That protestant's petition for reconsideration be, and it is hereby, denied, for the reason that the findings of Review Board Number 3, except to the extent vacated and modified herein, are in accordance with the evidence and applicable law.

It is further ordered, That upon compliance by applicant with the requirements of Sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above, subject to prior publication in the Federal Register of a notice of the authority actually granted by this order.

It is further ordered, That unless compliance is made by applicant with the requirements of Sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4914 Filed 2-21-75;8:45 am]

[No. MC-139207]

McNABB-WADSWORTH TRUCKING CO.

Contract Carrier Application

Order. At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 6th day of February 1975.

It appearing, that by application filed October 9, 1973, as published in the FEDERAL REGISTER, Harold F. McNabb and J. D. Wadsworth, Jr., a partnership, doing business as McNabb-Wadsworth Trucking Company, of Kingsport, Tenn., sought a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of glass and glass products, from Kingsport and Greenland, Tenn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, under contract with ASG Industries, Inc., of Kingsport, Tenn.; and that, after McNabb-Wadsworth Trucking Company was substituted as applicant by order of July 9, 1974, of Commissioner Gresham, applicant seeks, as shown by its initial verified statement, to transport crated glass and glass products, not exceeding 108 inches in height, over irregular routes, from Kingsport and Greenland to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and its commercial zone;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestant A. J. Metler Hauling & Rigging, Inc., a motor common carrier, has submitted a verified statement in opposition to the application; and that applicant has filed a rebuttal argument by counsel;

It further appearing, that applicant holds no permanent authority from this Commission; that it is engaged in intrastate dump truck operations, transporting sand and gravel within an 80-mile vicinity of Kingsport, and presently serves shipper in contract carrier service in the transportation of the commodities involved herein under temporary authority; that it has main offices and terminal facilities at Kingsport, operates a fleet of 19 dump trucks in its sand and gravel operations, and has a fleet of 6 tractors and 7 trailers available to provide the service proposed herein, with planned increases of 6 additional open top trailers for use in that service; that it is willing to assign all of its over-the-road tractors and trailers to the use of the supporting shipper and proposes to return equipment to its terminal through transportation of exempt commodities and trip-leasing to authorized carriers; and that applicant submitted financial data;

It further appearing, that the supporting shipper, ASG Industries, Inc., manufactures glass products which are primarily used in residential and commercial construction; that its facilities pertinent herein are located at Kingsport and Greenland; that it submitted volume data to respective States, such data actually consisting of minimum volumes of traffic shipped, so as to minimize any disclosures which would betray trade secrets as to specific volume of sales to any city or customer; that shipper also submitted a list of cities to which it has made shipments or will make shipments; that plant expansions and additions have increased ASG's efficiency and sales capacity and shipper expects to maintain its projected annual growth of approximately 15 percent for the next several years; that, accordingly, it anticipates a substantial increase in volume of glass products from the facilities involved herein; that shipper has received satisfactory service from protestant Metler in the transportation of "uncrated glass products exceeding 108 inches in height," which are transported by Metler's specially designed lowboy sling-pack trailers, equipment not used by applicant; that shipper's glass is loaded and unloaded by crane, requiring open top trailers; that it avers that existing carriers have not been able to meet shipper's needs; and that it supports applicant in its amended application for common carrier authority;

It further appearing, that protestant Metler is a motor common carrier authorized, as here pertinent, to transport flat glass from points in Hawkins County (embracing Greenland) and Kingsport, to the destination area involved herein; that it also holds common carrier authority to transport (1) uncrated flat glass, (2) crated flat glass whichc, because of size or weight, requires the use of special equipment, and (3) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities authorized in (1) and (2) above, from Nashville to points in the Eastern United States; that protestant maintains office and terminal facilities at Knoxville, as well as a small terminal facility at Kingsport; that it submitted an equipment list; that it offers a complete heavy hauler and specialized service; that protestant suggested to applicant that imposition of a restriction against transportation of the crated commodities exceeding 108 inches in height would protect Metler's interest and still permit applicant to handle the supporting shipper's traffic; and that Metler indicates that should the suggested restriction be accepted by the Commission, it would withdraw its opposition to the contract carrier application;

If further appearing, that protestant Metler has specially designed glass trailers with a double drop-frame construction and specially engineered and designed supports for handling unerated glass of all sizes and crated glass of extremely large dimensions, particularly exceeding 108 inches in height; that it is important to Metler that it retain flat glass traffic handled for ASG on these units, since they are so uniquely designed for the transportation of flat glass that they cannot easily accommodate any back-haul traffic of other types of lading; that during August, September, and October 1973, protestant transported 83 shipments of flat glass totaling 3,32 million pounds and generating $50,141 in revenue for the supporting shipper from and to points in all of the six States involved herein; that it provided a list of shipments as to respective States and projected traffic for a period of a complete year based upon the three month totals, yielding 332 shipments weighing 13.3 million pounds and amounting to $200,565 in revenue; and that in view of applicant's decision to seek common carrier authority in lieu of contract carrier authority, protestant requests that any authority granted herein be restricted to the transportation of traffic originating at Kingsport and Greenland in order to protect Metler's flat glass authority from Nashville, fearing diversion of traffic if applicant is able to interline with other carriers holding authority from Nashville to the two origin points;

It further appearing, that in rebuttal applicant avers that the Commission has consistently resisted encumbering grants of authority with restrictions against joinder or interline unless a protestant specifically demonstrates that it would be materially and adversely affected by such service, and Metler has not established such an effect; and that it has not been shown that an interline from Nashville to the origin points herein is operationally feasible or desirable;

It further appearing, that the evidence of record indicates that there has been a prima facie showing of need for the proposed service; that the sole remaining protestant seeks only to have certain restrictions imposed, (1) the restriction regarding a maximum height of 108 inches for the commodities, and (2) a restriction to the transportation of traffic originating at the two origins; that protestant's interest which it avers will be protected by imposition of restriction (2) above is limited to (a) uncrated flat glass, (b) crated flat glass which, because of size or weight, requires the use of special equipment, and (c) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities in (a) or (b); and that in view of the commodity descriptions, the fact that protestant presented no data regarding specific traffic from Nashville, and the entire circumstances of this proceeding, we believe that a restriction to the transportation of traffic originating at the two origin points is not warranted by the evidence;

It further appearing, that while the restriction against transportation of commodities in excess of 108 inches in height is of the type generally not favored, we believe that the restriction should be imposed herein; that, further, since applicant originally sought to serve a particular shipper, we believe that the origin point herein should be the shipper's facility (which will still allow interlining on shipper's premises with its permission); and that, since it is possible that other parties which have relied upon the notice of the application as published (seeking contract carrier authority) may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to intervene in this proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced;

And it further appearing, that the evidence of record in support of the application warrants the grant of authority set forth below and establishes that applicant is fit, willing, and able, financially and otherwise, to conduct the operation authorized;

Wherefore, and good cause appearing therefor:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of crated glass and crated glass products, not exceeding 108 inches in height, from the facilities of ASG Industries, Inc., at Kingsport and at Greenland, Tenn., to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and points in its commercial zone; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate certificate should be granted, subject to the condition in the second succeeding paragraph in this order; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, a certificate be issued to applicant authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4913 Filed 2-21-75;8:45 am]

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[Notice 236]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 24, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 17, 1975. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75576. By order of February 11, 1975, the Motor Carrier Board approved the transfer to Neal R. Wentling and Dorothy E. Wentling, a partnership, doing business as Leaman Trucking Company, 125 East Cumberland Street, Lebanon, Pa. 17042 of the operating rights in Certificate No. MC–84801 issued July 28, 1950, to Mary M. Leaman, same address, Lebanon, Pa., authorizing the transportation of manufactured or fabricated iron and steel articles, other than machinery, from Lebanon, Pa., to Baltimore, Md., Washington, D.C., points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points in New Jersey north of the northern boundaries of Burlington and Monmouth Counties, N.J., and fertilizer and spray materials, from Baltimore, Md., to Lebanon, Pa.

No. MC–FC–75521. By order entered February 11, 1975, the Motor Carrier Board approved the transfer to Robin Express, Inc., Long Island City, N.Y., of the operating rights set forth in Permit No. MC–127536 (Sub-No. 2), issued January 9, 1967, to Rolinthony Trucking, Inc., Astoria, N.Y., authorizing the transportation of cutlery, flatware, kitchen utensils and component parts thereof, (other than gold or silverplated), between points in the New York, N.Y., Commercial Zone as defined by the Commission, on the one hand, and, on the other, the plant site of Regent-Sheffield, Ltd., at East Farmingdale, N.Y., limited to a transportation service to be performed under a continuing contract, or contracts with Regent-Sheffield, Ltd., of East Farmingdale, N.Y. Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, attorney for applicants.

No. MC–FC–75652. By order of February 11, 1975, the Motor Carrier Board approved the transfer to Jack T. Tucker, Texas City, Texas, of Certificate of Registration, No. MC–121457 (Sub-No. 1) issued July 23, 1964 to Carter Swint, doing business as Carter Swint Company, Houston, Texas, evidencing a right to engage in transportation in interstate commerce as described in specialized motor carrier's permanent Certificate of Convenience and Necessity No. 5537, Docket No. 9620, issued November 8, 1974 by the Railroad Commission of Texas. Joe G. Fender, 802 Houston, 1st Savings Bldg., Houston, Texas 77002, attorney for applicants.

No. MC–FC–75656. By order entered February 11, 1975 the Motor Carrier Board approved the transfer to Capitol City Riggers, Inc., Morristown, Ind., of Certificate of Registration No. MC–120596 (Sub-No. 1), issued January 8, 1964, to Cardinal Realty & Investments, Inc., Indianapolis, Ind., evidencing a right to engage in transportation in interstate or foreign commerce of heavy machinery, contractors' equipment, tanks, boilers, smokestacks, requiring special equipment and rigging, between points in Indiana. Richard E. Aikman, Jr., 1200 Merchants Bank Bldg., Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–75662. By order of February 13, 1975, the Motor Carrier Board approved the transfer to William H. Kles, Jr., Easton, Pa., of the operating rights in Certificate No. MC–62324 issued January 14, 1963 to W. Harold Kles, doing business as Harry M. Kles, Easton, Pa., authorizing the transportation of various commodities from, to and between specified points and areas in Pennsylvania, New Jersey, and New York. Thomas P. Stitt, 46 South Fourth St., Easton, Pa., 18042, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4910 Filed 2-21-75;8:45 am]

[No. MC–119265 (Sub-No. 3)]

YELLOW CAB, INC.

Extension of Rolling Mill Rolls Permit

Order. At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 5th day of February 1975.

It appearing, that by application filed August 13, 1973, as amended,[1] Yellow Cab, Inc., of Lima, Ohio, seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of rolling mill rolls, and equipment, materials, and supplies used in the manufacture thereof (except commodities in bulk and commodities requiring special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Illinois, Michigan, Pennsylvania, New York, and Kentucky, under a continuing contract or contracts with Teledyne Ohio Steel, of Lima, Ohio, and (2) of molds, subassemblies, and equipment, materials, and supplies used in the manufacture of molds and sub-assemblies (except commodities in bulk and commodities requiring special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Kentucky, Illinois, Wisconsin, and Pennsylvania, under a continuing contract or contracts with Rawls Division—National Standard Company, restricted in (1) and (2) above to the transportation on any one vehicle at one time of shipments weighing in the aggregate not more than 14,000 pounds from one consignor at one location to one consignee at one location;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestants Lattavo Bros., Inc., Associated Truck Lines, Inc., Interstate Motor Freight System, J Miller Express, Inc., separately, and Jones Transfer Company and W & W Express, Inc., jointly, all motor common carriers, have filed verified statements in opposition to the application; and that applicant and shipper Teledyne have filed statements and applicant also filed argument in rebuttal;

It further appearing, that applicant, as particularly pertinent, is a motor contract carrier performing an express parcel service similar to that sought herein for two other shippers; that applicant proposes to perform an emergency or expedited service involving direct delivery with no stopoffs and no consolidation of shippers' freight with other freight; that it would perform this service on a 7-day-a-week, 24-hour-a-day basis on 15 minutes notice, and, if required, will deliver a commodity outbound from Lima, wait while service is performed on the item, and redeliver to Lima; that it operates 17 pieces of equipment including 3 taxi cabs, 8 station wagons, 3 pick-up trucks, 1 van truck, and 2 small straight trucks; and that it has submitted safety and financial data;

It further appearing, that Teledyne and Rawls, the supporting shippers herein, both express a need for an emergency type service involving almost immediate response to calls for service (within 1 hour for Teledyne and 15 minutes for Rawls), direct service from origin to destination on a 7-day-a-week, 24-hour-a-day basis in small vehicles; that both shippers feel that common carriers cannot or will not provide this service and have conducted the operations described herein in private carriage; and that both shippers will continue to use the services of existing common carriers for their normal transportation needs;

It further appearing, that Teledyne, of Lima, is a manufacturer of rolling mill rolls utilized by the aluminum and steel industry; that it needs an expedited inbound transportation service for various

[1] Applicant amended its application in its initial verified statement restrictively except insofar as it seeks authority to move subassemblies for a named shipper. This portion of the amendment broadens the application and will be discussed infra.

items such as replacement parts for its machines, reinforcing rods, refractories, and alloys when equipment breaks down or supplies run low to avoid costly plant shutdowns which in the past have lasted two or three days when shipper had to rely upon the services of motor common carriers; that shipper also must be capable of providing an emergency type service for its customers, involving either the shipment of new rolling mills outbound, or the pickup of a rolling mill at an aluminum or steel mill for reworking at its Lima facilities and return to the customer; that shipper has indicated representative points and annual emergency tonnage inbound and outbound for the traffic involved; and that normally Teledyne ships its products in truckload quantities, but occasionally, to meet a customer's urgent need it must be able to provide the service described herein;

It further appearing, that Rawls at its plant at Lima produces equipment used in the manufacture and retreading of tires, and production of wire mill equipment, which it sells to tire manufacturers, retread shops and its sister divisions; that Rawls needs an emergency type service for inbound and outbound shipments of the commodities sought; that for example, it makes expedited shipments outbound to its sister divisions to insure continued production, or sometimes must ship various parts to machine shops to be reworked and returned for assembly into a finished product, or on occasion picks up items at customer plants for repair at Lima and reshipment to the customer, in which case Rawls requires the driver to wait at its Lima facilities while the particular item is reworked; and that while Rawls does not indicate the exact volume moving in such service, it does state that such shipments may vary between 1 pound and 20,000 pounds in a 6-month period with an average shipment weighing 200 pounds;

It further appearing, that protestant Associated holds authority to transport general commodities (with the usual exceptions) between numerous points in Illinois, Indiana, Michigan, Ohio, and western Pennsylvania, and to and from Louisville, Ky., over a network of regular routes; that it maintains a terminal at Lima and operates 1,347 pieces of power equipment and 2,424 trailers of various sizes and types; that it submits a list of shipments involving the sought commodities transported for both supporting shippers within the scope of this application (except for a shipment for Teledyne to an Indiana point) in January and February 1974, from which it derived a total of $800.37 in revenue; that it anticipates diversion of such traffic if this application is granted; that Associated offers an exclusive use type service which entitles shipper to individual use of a trailer, and expeditious movement to destination; that it points out that neither shipper has ever used this type of "express" service and questions the need for such service; and that it states it knows of no emergency temporary or temporary authority granted for such service within the 7 months preceding its verified statement;

It further appearing, that protestant J. Miller represents that it can transport the commodities sought in part (1) of the application between Lima, on the one hand, and, on the other, points in western Pennsylvania and western New York, and Ashland, Ky., and those commodities sought to be transported for Rawls, between Lima, on the one hand, and, on the other, points in western Pennsylvania and Ashland; that it operates 129 flat-bed or lowboy trailers which it maintains are suitable for transporting the involved traffic; that its nearest terminals would be at Cleveland and Ironton, Ohio, 150 or more miles from Lima; that protestant now transports traffic of the type involved herein and argues that normal traffic which it moves for Teledyne would be subject to diversion by a grant of the sought authority; that protestant believes that the emphasis by applicant and shippers on the "emergency" service is a mere make-weight argument to bolster the application; and that protestant argues that shippers have submitted insufficient evidence of a need for service;

It further appearing, that protestant Interstate is authorized to transport principally general commodities over regular routes between numerous points in the States sought by combining various grants of authority and observing gateways; that it operates a large fleet of equipment and maintains a terminal at Lima; and that it offers an expedited, direct, single line service to those points it is authorized to serve, but does not indicate that it would wait while an item was being repaired or its hours of operation;

It further appearing, that protestant Jones is authorized to transport general commodities over regular routes primarily between Cleveland, Ohio, and Flint, Mich.; that in connection with W & W, which it operates under temporary authority from this Commission, it can serve all points in Ohio and numerous points in Michigan by observing a Toledo, Ohio gateway; that protestants maintain several terminals in northern Ohio, none of which is in proximity to Lima, and together operate over 1,000 trailers; and that protestants argue that an emergency service not offered by common carriers is not required and that the amount of traffic involved does not warrant the grant of authority to another competitor;

It further appearing, that protestant Lattavo, by tacking its own authority at Cleveland with that acquired from Crown Cartage & Storage Company, can transport general commodities, with the usual exceptions, between Lima, on the one hand, and, on the other, points in western Pennsylvania, and also, as pertinent, iron and steel articles, contractors' and builders' supplies and equipment and building and construction materials (except commodities in bulk), between Lima, on the one hand, and, on the other, specified points in western Pennsylvania; that it operates a large fleet of equipment; that its nearest terminal is located over 100 miles from Lima at Canton, Ohio; that protestant does not show it normally offers the type of service proposed by applicant, but questions applicant's intention and ability to perform such a service because of the wide area sought and the high 14,000 pound weight restriction; and that protestant states that despite regular solicitation on its part, neither shipper has called upon it for service;

It further appearing, that applicant filed a rebuttal statement and argument in which it maintains that the service proposed is specially tailored to meet both shippers' distinct needs which common carriers are unable to satisfy; that it has in fact provided this service for other shippers, and that it does not desire to compete with common carriers and owns no tractor-trailer units; and that Teledyne filed a rebuttal statement in which it argued that because of the emergency nature of the shipments involved it is impossible to project accurately tonnages or customer locations, but that there has been a need for a specialized, expedited, express service for small volumes which common carriers have not provided;

It further appearing, that we believe applicant and shippers' evidence is sufficient to establish a prima facie case, cf. *Twin City Freight, Inc.* v. *United States*, 360 F. Supp. 709, 712–713 (D. Minn. 1972); and that inasmuch as applicant will serve only a limited number of persons (shippers) and here will provide service within one hour of a call from either shipper, 7 days-a-week, 24 hours-a-day, will wait at the destination for a return shipment of the same item, and will otherwise perform a personalized service in small vehicles designed to meet the distinct needs of the shippers for an expedited, emergency or express service, the service proposed is contract carriage under the second alternative criterion of section 203(a)(15) of the Interstate Commerce Act;

It further appearing, that considering the evidence in light of the criteria of section 209(b) of the Act reveals: (1) that applicant would be serving only four shippers, an acceptable showing under the first criterion; (2) that the demand for the involved service, although not regular or scheduled, exists and appears to be reasonably consistent, compare *Steere Tank Lines, Inc., Extension—Potash*, 113 M.C.C. 118 (1971); that such service is highly personalized, and distinctly different from the normal freight service provided by common carriers; (3) that since the service proposed is designed to replace an undesirable private carriage operation, since protestants have not transported any of the emergency traffic involved, and since those protestants presently participating in shippers' normal traffic movements will continue to do so according to shippers' sworn testimony, the protestants should not be seriously adversely affected and should suffer no diversion of traffic currently enjoyed; (4) that, because it is not now handling any of the

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involved traffic, a denial of the authority sought would not have an adverse effect on applicant, but a denial would deprive shipper of a valuable service, which is designed to meet its distinct transportation needs and which service is not or cannot be provided by protestants, either individually or collectively, because of limited territorial authority or because of the nature of the services they offer; and (5) that shipper's changing requirements do not appear to be a significant factor herein;

It further appearing, that although the application as published in the FEDERAL REGISTER indicates that concerning Rawls Division-National Standard Company applicant originally sought authority to transport only molds and equipment, materials and supplies used in the manufacture thereof (except commodities in bulk and commodities requiring special equipment), applicant actually seeks authority by the amendment in its initial verified statement, and the evidence of record submitted by Rawls demonstrates a need for applicant to transport sub-assemblies and equipment, materials, and supplies used in the manufacture thereof (with exceptions); and that accordingly, the grant of authority should be so framed;

It further appearing, that a weight restriction of 14,000 pounds would not serve to protect existing authorized carriers to any major extent, would be difficult to enforce, and would serve solely to make the operations of applicant more difficult and therefore less efficient; that the Commission has in the past deleted such restriction from grants of authority, finding it to be administratively undesirable because it serves only the negative purpose of limiting the efficiency of a carrier's operations, compare No. MC-119285 (Sub-No. 2). *Yellow Cab, Inc., Petition for Modification of Permit* (not printed), decided by Review Board Number 2 on February 22, 1974; and that such a restriction will not be imposed herein;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority, actually granted will be published in the FEDERAL REGISTER; and that issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced;

And it further appearing, that otherwise a balancing of the evidence under the statutory criteria demonstrates that the benefits of the proposed service to shipper clearly outweigh any adverse effects, real or potential, which protestants might suffer; and that the evidence warrants the grant of authority set forth below which has been phrased to conform with current Commission practice, and establishes that applicant is fit, willing, and able, financially and otherwise, to conduct the operation authorized;

Wherefore, and good cause appearing therefor:

We find, that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of rolling mill rolls, and equipment, materials and supplies used in the manufacture thereof (except commodities in bulk and commodities the transportation of which requires special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Illinois, Michigan, Pennsylvania, New York, and Kentucky, under a continuing contract or contracts with Teledyne Ohio Steel, of Lima, Ohio, and (2) (a) of molds, (b) of sub-assemblies, and (c) of equipment, materials, and supplies used in the manufacture of molds and of sub-assemblies (except commodities in bulk and commodities the transportation of which requires special equipment), between Lima, Ohio, on the one hand, and, on the other, points in Michigan, Indiana, Kentucky, Illinois, Wisconsin, and Pennsylvania, under a continuing contract or contracts with Rawls Division—National Standard Company, of Lima, Ohio, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate permit should be issued subject to the condition described in the second succeeding paragraph in this order; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act, with the Commission's rules and regulations thereunder, and with the requirements established in *Contracts of Contract Carriers*, 1 M.C.C. 628 (49 CFR Part 1053), within the time specified in the next succeeding paragraph, a permit be issued to applicant authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4912 Filed 2-21-75;8:45 am]

federal register

MONDAY, FEBRUARY 24, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 37

PART II

DEPARTMENT OF THE TREASURY

Monetary Offices

FOREIGN EXCHANGE TRANSACTIONS, TRANSFERS OF CREDIT AND EXPORT OF COIN AND CURRENCY

Reporting Forms

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Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT AND EXPORT OF COIN AND CURRENCY

Reporting Forms

This amendment is issued pursuant to the authority conferred in Title II of Pub. L. 93–110, 87 Stat. 352, 31 U.S.C. 1141–1143, and section 2 of the Emergency Banking Act of 1933, as amended, 12 U.S.C. 95a. Notice of the proposed rulemaking was published in the FEDERAL REGISTER (39 FR 23080) on June 27, 1974. The proposed amendments prescribed supplemental reporting requirements relating to foreign currency transactions by large U.S. enterprises and their foreign affiliates to provide additional data on the nature and source of flows of mobile capital. The Department also published on June 27, 1974, notice of proposed reporting forms which would implement the supplemental reporting requirements. A number of comments were received following publication and have been given consideration.

This amendment adds new §§ 128.35 and 128.36 to Part 128, which prescribe proposed report forms for nonbanking firms. The proposed report forms for banks were prescribed by an amendment to Part 128 published in the FEDERAL REGISTER (39 FR 36962) on October 16, 1974.

Significant revisions to the proposed nonbanking report forms and instructions were made in response to public comment received on the published proposals. These were as follows: (1) the inclusion in both forms of a broader range of asset and liability items because the limitation of reported assets and liabilities to liquid items only, as initially proposed, would seriously misrepresent companies' true position in the specified foreign currencies; (2) the inclusion of intercompany account items denominated in the specified currencies because these are an important part of overall positions in the currencies; (3) the provision for monthly reporting of estimated data on report Form FC–3 where it is impracticable to provide final accounting data on a monthly basis, provided that final data based on the accounting records as of the end of the calendar quarter is reported quarterly on Form FC–3a; (4) the provision for quarterly reporting on Form FC–4 by foreign branches and subsidiaries of firms in the United States, instead of monthly reporting as initially proposed; (5) the addition of the Italian lira to the foreign currencies to be reported; (6) the addition of U.S. dollars to the currencies to be reported on Form FC–4; and (7) clarification of a number of the definitions and instructions.

1. The heading for Subpart C of Part 128 of Title 31 of the Code of Federal Regulations is amended by adding new §§ 128.35 and 128.36, reading as follows:

Sec.

128.35 Foreign Currency Form FC–3/3a: Monthly and/or quarterly report of assets, liabilities, and positions in specified foreign currencies of firms in the United States.

128.36 Foreign Currency Form FC–4: Quarterly consolidated report of assets, liabilities, and positions in specified currencies of foreign branches and subsidiaries of firms in the United States.

2. Subpart C of Part 128 of Title 31 of the Code of Federal Regulations is amended by adding §§ 128.35 and 128.36, reading as follows:

§ 128.35 Foreign Currency Form FC–3/3a: Monthly and/or quarterly report of assets, liabilities, and positions in specified foreign currencies of firms in the United States.

On this form nonbanking business concerns and nonprofit institutions in the United States are required to report monthly and/or quarterly to the Federal Reserve Bank of New York their assets, liabilities, and positions in the foreign currencies specified on the form, as of the last day of business of the month and/or calendar quarter.

§ 128.36 Foreign Currency Form FC–4: Quarterly consolidated report of assets, liabilities, and positions in specified currencies of foreign branches and subsidiaries of firms in the United States.

On this report form, nonbanking firms and nonprofit institutions in the United States are required to report quarterly to the Federal Reserve Bank of New York the consolidated assets, liabilities, and positions of their foreign branches and majority-owned foreign partnerships and subsidiaries in the currencies specified on the form as of the last day of business of the calendar quarter.

Dated: February 14, 1975.

[SEAL] JOHN A. BUSHNELL,
Acting Assistant Secretary.

[FR Doc.75–4642 Filed 2–21–75;8:45 am]

DEPARTMENT OF THE TREASURY

Monetary Offices

TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT AND EXPORT OF COINS AND CURRENCY

Reporting Forms

Notice is hereby given of the adoption by the Department of the Treasury of Foreign Currency Forms FC–3/3a and FC–4, specimens of which, together with instructions, are annexed hereto. These forms implement the reporting requirements for nonbanking institutions found in Title II of Pub. L. 93–110 (87 Stat. 352). These forms have been prescribed by and should be associated with the amendments of 31 CFR Part 128 (FR Doc. 75–4642), published by the Department of the Treasury in this issue of the FEDERAL REGISTER.

Dated: February 14, 1975.

[SEAL] JOHN A. BUSHNELL,
Acting Assistant Secretary.

Data reported on this form will be held in confidence.
(See Part I, Section A, of the instructions.)

Foreign Currency Form FC-3/3a
Department of the Treasury
Office of the Assistant Secretary for International Affairs
February 1975

(Place an "x" in appropriate boxes)
The Report is:
☐ FC-3 Monthly
☐ FC-3a Quarterly

The Data are:
☐ Estimated.
☐ Final

Monthly and/or Quarterly Report to Federal Reserve Bank of New York

Monthly and/or Quarterly Report of Assets, Liabilities, and Positions in Specified Foreign Currencies of Firms in the United States
(Amounts outstanding in millions of foreign currency units as of close of business on the last business day of the month/calendar quarter)

Form Approved
OMB No. 48-R0522

Name of reporting firm

As of: _____ (Date)

Currencies *	Code	Assets: Liquid Assets (1)	Assets: Short-Term Trade Receivables (2)	Assets: Other Assets (3)	Liabilities: Short-Term Debt (4)	Liabilities: Short-Term Trade Payables (5)	Liabilities: Other Liabilities (6)	Forward Exchange: Bought (7)	Forward Exchange: Sold (8)	Net Overall Position (9)
		billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions
Belgian francs	80050									
Canadian dollars	80150									
Dutch guilders	80200									
French francs	80250									
German marks	80300									
Italian lire	80350									
Japanese yen	80400									
Swiss francs	80450									
United Kingdom pounds	80500									
_____										
_____										
_____										
_____										
Total (for arithmetic check purposes only)	88888									
	82000									

Number of branches, partnerships, and subsidiaries included in report: _____.

☐ Check if list of branches, partnerships, and subsidiaries is unchanged from preceding report.

* Additional currencies may be specified by the Treasury as conditions require.

Remarks (attach additional sheets if necessary):

_____
Official Signature

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FOREIGN CURRENCY FORM FC–3/3a

PART I—GENERAL INSTRUCTIONS

A. Introduction. This report form is designed to provide monthly data and/or final quarterly data on assets, liabilities, and forward positions denominated in specified foreign currencies of nonbanking business concerns and non-profit institutions located in the United States. Amounts to be reported on this form are the outstanding amounts of liquid assets, short-term trade receivables, other assets, short-term debt, short-term trade payables, other liabilities, outstanding forward exchange contracts bought and sold, and the net overall positions in the currencies specified, as of the close of business on the last business day of the month on Form FC–3, or the last business day of the calendar quarter on Form FC–3a. *Intercompany accounts, including claims on, and liabilities to, foreign branches, partnerships, and subsidiaries, should be included;* if the reporter is the U.S. branch or subsidiary of a foreign nonbanking company, claims on and liabilities to the foreign parent and its branches and subsidiaries should also be included.

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

Form FC–3 should be submitted on a final basis for all months of the quarter if practicable, and the box in the upper left-hand corner of the form indicating final data should be marked. When Form FC–3 is thus submitted on a final basis for the month-end which coincides with a calendar quarter-end, a separate filing on Form FC–3a for that date is not required.

If monthly reporting on a final basis is not practicable, Form FC–3 should be submitted on an estimated basis for all months of the quarter to the extent that final data are not available, and the box indicating estimated data should be marked. When Form FC–3 is thus submitted on an estimated basis for the month-end which coincides with a calendar quarter-end, final data based on accounting records as of the end of the calendar quarter are to be reported on Form FC–3a, and the box indicating final data should be marked.

Data reported on this form will be treated as confidential by the Department of the Treasury and the Federal Reserve Bank of New York acting as the fiscal agent of the Treasury. The data reported by individual firms will not be published or otherwise disclosed. Aggregate data derived from reports on this form may be published or otherwise disclosed in a manner which will not reveal the amounts reported by any individual reporting firm.

B. Who must report. All nonbanking business concerns and nonprofit institutions located in the United States, whether sole proprietorships, partnerships, or corporations, including the U.S. branches and subsidiaries of foreign nonbanking concerns, which for their own account have assets, liabilities, or forward positions denominated in specified foreign currencies, as defined in these instructions, are required to report on this form. Bank holding companies which have filed with the Board of Governors of the Federal Reserve System under Section 4 (c) (12) of the Bank Holding Company Act, 12 U.S.C. 1843(c) (12), an irrevocable declaration that they will cease to be a bank holding company, or have received an exemption under Section 4(d) of the Act, 12 U.S.C. 1843(d), are required to file on this form.

The reports of a U.S. parent nonbanking firm having branches, partnerships, or subsidiaries in the United States should include the reportable items of all domestic branches, partnerships, and subsidiaries normally included in the reporter's consolidated financial statements. Reportable items of domestic branches, partnerships or subsidiaries not normally included in the reporter's consolidated financial statements should either be included in the report of the parent or reported separately.

EXCEPTION: Reportable items of nonbanking business concerns that are subsidiaries of banks or bank holding companies should be submitted on Forms FC–1 and FC–1a, which are applicable to banks.

C. Exemptions. A report on Form FC–3 as of any month-end need not be filed for a specified currency if the dollar equivalent value of *each* of the categories stated in the column headings (e.g., liquid assets, other assets, etc.) for that currency is less than $1 million. If, however, the dollar equivalent value of *any* of the categories denominated in a specified currency is $1 million or more, the entire line for that currency must be reported.

The reporter need not include in the consolidation on Form FC–3 as of any month-end the data of a domestic branch, partnership, or subsidiary for a specified currency if the U.S. dollar equivalent value of each of the categories for that currency held by that branch, partnership, or subsidiary is less than $200 thousand. If, however, the dollar equivalent value of *any* of the categories for a particular branch, partnership, or subsidiary denominated in a specified currency is $200 thousand or more, the entire line for that currency must be included in the reporter's consolidation.

Dollar equivalent values, for purposes of the exemption, are to be calculated using exchange rates prevailing as of the close of business on the day to which this report applies.

A report on Form FC–3a as of any quarter-end need not be filed if the reporter was not required to file a report on Form FC–3 for any specified currency for the final month in the calendar quarter; however, if Form FC–3 was not filed due to nonreportable *estimated* data and subsequently final data are found to be reportable, Form FC–3a should be submitted.

D. Filing of reports. Reports of nonbanking firms and nonprofit institutions should be filed with the Federal Reserve Bank of New York. Reports on Form FC–3 should be submitted not later than one month following the last calendar day of the month reported and on Form FC–3a not later than 45 days following the last day of the calendar quarter reported.

Forms should be mailed to:

Balance of Payments Division
International Research Department
Federal Reserve Bank of New York
33 Liberty Street
New York, New York 10045

NOTE.—Attach to the initial report a list of the names of the domestic branches, partnerships, and subsidiaries whose reportable items are included. Subsequent reports should be checked in the box provided to indicate that the list is unchanged from the preceding report or be accompanied by a list of the names of branches, partnerships, and subsidiaries added or deleted. In addition, attach to the initial report a list of the domestic branches, partnerships, or subsidiaries filing separate reports. If in a subsequent report, such separate related reporters are consolidated in your report, please annotate the applicable additions and deletions list to that effect.

E. Definitions—1. *United States.* The term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, the Virgin Islands, and Wake Island.

2. *Specified currencies.* "Specified currencies" are defined as the currencies specified on this form and such other currencies as may be prescribed, from time to time, in separate communications by the Department of the Treasury. "Specified foreign currencies" are specified currencies other than the U.S. dollar.

3. *Liquid assets.* "Liquid assets" are defined as currency, demand deposits, and all time deposits and certificates of deposit without regard to maturity, wherever held; assets payable on demand; and negotiable and other readily transferable commercial and financial instruments due from any obligor which mature in one year or less from the date to which this report applies.

4. *Short-term.* "Short-term" is defined for the purposes of this report as one year or less from the date to which the report applies, regardless of original maturity.

5. *Spot foreign exchange contracts.* "Spot foreign exchange contracts" are defined as outstanding purchases or sales of foreign exchange, including swaps, to be credited or charged to the account of the reporter within the number of business days regarded by the reporter as representing spot transactions.

6. *Outstanding forward exchange contracts.* "Outstanding forward exchange contracts" are defined as the amounts of foreign exchange which the reporter has contracted to receive or deliver at some future date, other than spot exchange. Forward purchases and sales include foreign exchange which the contract requires to be received or delivered in more than the number of business days regarded by the reporter as representing spot purchases or sales.

F. Rounding. All data entries should be rounded to the nearest million foreign currency units. Currencies of which the equivalent of $1 million is less than 1 million units (the United Kingdom pound, for example) should be rounded to one or zero as appropriate for reporting purposes. Amounts rounded to zero in these instances should be footnoted, giving the actual amount in thousands of foreign currency units.

PART II—SPECIFIC INSTRUCTIONS RELATING TO PARTICULAR COLUMNS ON FORM FC–3/3a

(1) *Liquid assets.* Report in this column the gross amount of liquid assets held, regardless of where held, denominated in the specified currencies. Include, for example, currency, demand deposits, all time deposits and certificates of deposit without regard to maturity, and negotiable and other readily transferable commercial and financial instruments, including obligations issued by foreign central, provincial, and municipal governments and their instrumentalities, which mature in one year or less from the date to which this report applies (such assets are to be reported without regard to the place of custody of the instruments). Include intercompany claims (such as notes, loans, and advances) on foreign branches, partnerships, and subsidiaries, or on foreign parents and their branches and subsidiaries, repayable on demand to the reporter, and loans to other parties repayable on demand to the reporter. Include under this heading unsettled spot foreign exchange purchase contracts if booked or recorded. Exclude other loans, trade receivables or other accounts receivable, and unaccepted trade drafts.

(2) *Short-term trade receivables.* Report in this column all outstanding trade credits and accounts and notes receivable (including intercompany trade receivables) denominated in the specified currencies due in one year or less from the date to which this report applies, regardless of original maturity.

Exclude receivables and installment paper which have been sold or discounted (including those sold with recourse to the reporter) before maturity.

(3) *Other assets.* Report in this column all current assets (including intercompany claims) other than liquid assets and short-term trade receivables, and financial assets maturing in more than one year from the date to which this report applies, denominated in the specified currencies. Include inventories, prepayments, long-term trade receivables, and long-term intercompany claims. Include stocks, bonds, and other securities, valued in accordance with the reporter's customary accounting practices. Exclude fixed assets (plant and equipment).

(4) *Short-term debt.* Report in this column the gross amount of the reporter's current liabilities (including intercompany liabilities, other than short-term trade payables, denominated in the specified currencies. Include, for example, bank loans and notes, overdrafts, finance drafts, obligations payable on demand, and other short-term borrowings due in one year or less from the date to which this report applies. Include as well the current portion of long-term debt and unsettled spot foreign exchange sales contracts if booked or recorded. Exclude other loans, trade payables, accrued expenses, and other accounts payable.

(5) *Short-term trade payables.* Report in this column all outstanding trade liabilities and accounts and notes (including intercompany trade payables) denominated in the specified currencies due and payable in one year or less from the date to which this report applies, regardless of original maturity.

(6) *Other liabilities.* Report in this column all financial liabilities (including intercompany liabilities) other than short-term debt and short-term trade payables. Include long-term trade payables, accrued expenses when calculated in the normal accounting cycle, and liabilities maturing in more than one year from the date to which this report applies. Exclude capitalized leases for plant and equipment.

(7) *Forward exchange bought.* Report in this column the gross amount of outstanding forward exchange contracts calling for the delivery of the specified currency to the reporter.

(8) *Forward exchange sold.* Report in this column the gross amount of outstanding forward exchange contracts calling for the delivery of the specified currency by the reporter.

(9) *Net overall position.* Report in this column the sum of the amounts reported in each specified currency in columns (1), (2), (3), and (7), less the sum of the amounts reported in the specified currency in columns (4), (5), (6), and (8). If the result of the foregoing computations is negative, so indicate by enclosing the figure in parentheses. Reporters showing large amounts in this column may wish to explain briefly in a footnote in the Remarks section.

Enter opposite *Total (for arithmetic check purposes only)* the arithmetic total of the digits appearing in each column.

In the space provided on the form, the reporter should show the number of domestic branches, partnerships, and subsidiaries included in the report.

PART III—RELATIONSHIP TO TREASURY FOREIGN EXCHANGE FORMS

Amounts reportable on this form differ in several respects from amounts reportable on Treasury Foreign Exchange Forms C–1/2 and C–3:

1. All financial assets and liabilities denominated in the specified currencies are to be reported, including those representing liabilities to, and claims on, persons in the United States. The amounts reportable on Treasury Foreign Exchange Forms C–1/2 and C–3 are limited to liabilities to, and claims on, foreigners. Similarly, amounts reportable on Treasury Foreign Exchange Form S–4 are limited to foreign debit and credit balances.

2. Forms C–1/2 and C–3 *exclude* intercompany claims and liabilities, whereas Form FC–3 *includes* such claims and liabilities.

3. All financial assets and liabilities denominated in the specified currencies appearing on your books and records are to be reported, *including* those held for collection by banks in the United States. The amounts reportable on Forms C–1/2 and C–3 *exclude* accounts, notes, and drafts held for collection by banks in the United States.

4. Assets and liabilities are classified on this form on the basis of time remaining to maturity. Amounts reportable on Forms C–1/2 and C–3 are classified on the basis of original maturity.

5. Outstanding purchases and sales of spot and forward exchange in the specified currencies are reportable on this form but are not reported on the Treasury Foreign Exchange Forms.

6. This form requires that assets and liabilities be classified by currency rather than by country. The amounts reportable on Forms C–1/2 and C–3 are classified by country of domicile of the foreigner.

7. Prepayments are included in "other assets" and "other liabilities" on Form FC–3 and FC–4, whereas payments made in advance of delivery of goods contracted for are reported as "short-term" liabilities to and claims on "foreigners" on Forms C–1/2.

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Data reported on this form will be held in confidence.
(See Part I, Section A, of the instructions.)

Foreign Currency Form FC-4
Department of the Treasury
Office of the Assistant Secretary
for International Affairs
February 1975

Quarterly Report to Federal Reserve Bank of New York

Quarterly Consolidated Report of Assets, Liabilities, and Positions in Specified Currencies of Foreign Branches and Subsidiaries of Firms in the United States
(Amounts outstanding in millions of currency units as of close of business on the last business day of the calendar quarter)

Form Approved
OMB No. 48-R0520

Name of reporting firm

As of: _____ (Date)

Currencies *	Code	Assets: Liquid Assets (1)	Assets: Short-Term Trade Receivables (2)	Assets: Other Assets (3)	Liabilities: Short-Term Debt (4)	Liabilities: Short-Term Trade Payables (5)	Liabilities: Other Liabilities (6)	Forward Exchange: Bought (7)	Forward Exchange: Sold (8)	Net Overall Position (9)
		billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions
Belgian francs held or owed by:										
Offices located in Belgium	80051									
Offices located elsewhere	80052									
Canadian dollars held or owed by:										
Offices located in Canada	80151									
Offices located elsewhere	80152									
Dutch guilders held or owed by:										
Offices located in the Netherlands	80201									
Offices located elsewhere	80202									
French francs held or owed by:										
Offices located in France	80251									
Offices located elsewhere	80252									
German marks held or owed by:										
Offices located in Germany	80301									
Offices located elsewhere	80302									
Italian lire held or owed by:										
Offices located in Italy	80351									
Offices located elsewhere	80352									
Japanese yen held or owed by:										
Offices located in Japan	80401									
Offices located elsewhere	80402									
Swiss francs held or owed by:										
Offices located in Switzerland	80451									
Offices located elsewhere	80452									
United Kingdom pounds held or owed by:										
Offices located in the United Kingdom	80501									
Offices located elsewhere	80502									
United States dollars held or owed by offices located outside the United States	81000									
_____										
_____										
_____										
_____										
Total (for arithmetic check purposes only)	88888									

82000

Number of branches, partnerships, and subsidiaries included in report: _____.

☐ Check if list of branches, partnerships, and subsidiaries is unchanged from preceding report.

* Additional currencies may be specified by the Treasury as conditions require.

Remarks (attach additional sheets if necessary):

Official Signature

FOREIGN CURRENCY FORM FC-4

PART I—GENERAL INSTRUCTIONS

A. *Introduction.* This report form is designed to provide quarterly data on assets, liabilities, and forward positions denominated in specified currencies of foreign branches and majority-owned foreign partnerships and subsidiaries of nonbanking business concerns and nonprofit institutions located in the United States. Amounts to be reported on this form are the outstanding amounts of liquid assets, short-term trade receivables, other assets, short-term debt, short-term trade payables, other liabilities, outstanding forward exchange contracts bought and sold, and the net overall positions in the currencies specified, as of the close of business on the last business day of the calendar quarter. *Intercompany accounts, including claims on and liabilities to the U.S. parent and its domestic and foreign branches, partnerships, and subsidiaries should be included, as well as claims on and liabilities to any foreign parent of the U.S. parent, and any branches and subsidiaries of such a foreign parent.*

Reports on this form are required by law. The relevant Treasury Regulations are published in the Code of Federal Regulations, Title 31, Part 128.

Data reported on this form will be treated as confidential by the Department of the Treasury and the Federal Reserve Bank of New York acting as the fiscal agent of the Treasury. The data reported by individual firms will not be published or otherwise disclosed. Aggregate data derived from reports on this form may be published or otherwise disclosed in a manner which will not reveal the amounts reported by any individual reporting firm.

B. *Who must report.* All nonbanking business concerns and nonprofit institutions located in the United States, whether sole proprietorship, partnerships, or corporations, including the U.S. branches and subsidiaries of foreign nonbanking concerns, which have branches or majority-owned partnerships or subsidiaries located abroad which for their own account have assets, liabilities, or forward positions in specified foreign currencies, as defined in these instructions, are required to submit a consolidated report on this form covering the reportable items of all such foreign branches, partnerships and subsidiaries. Bank holding companies which have filed with the Board of Governors of the Federal Reserve System under Section 4(c)(12) of the Bank Holding Company Act, 12 U.S.C. 1843(c)(12), an irrevocable declaration that they will cease to be a bank holding company, or have received an exemption under Section 4(d) or the Act, 12 U.S.C. 1843(d), are required to file on this form.

Reports must be filed with respect to foreign partnerships or subsidiaries in which the majority ownership is held by an affiliated group of United States firms. In such cases, the reports should be filed by the United States firm which holds the largest percentage of the shares held by United States firms. If the United States firms hold equal shares, the reports should be filed by one of the United States firms by agreement among them.

EXCEPTION: Reportable items of the foreign branches, partnerships and subsidiaries of nonbanking business concerns that are subsidiaries of banks or bank holding companies in the United States should be submitted on Forms FC-2 and FC-2a, which are applicable to banks.

C. *Exemptions.* A report as of the end of any calendar quarter need not be filed with respect to a foreign branch, partnership or subsidiary for a specified foreign currency if the dollar equivalent value of *each* of the categories stated in the column headings (e.g., liquid assets, other assets, etc.) for that currency is less than $1 million. If, however, the dollar equivalent value of *any* of the categories denominated in a specified currency other than the U.S. dollar is $1 million or more, the entire line for that currency must be reported. Dollar equivalent values, for purposes of the exemption, are to be calculated using exchange rates prevailing as of the close of business on the day to which this report applies.

A report as of any quarter-end need not be filed with respect to a foreign branch, partnership or subsidiary holding only a U.S. dollar position and no reportable position in the specified foreign currencies.

D. *Filing of reports.* Reports should be filed quarterly with the Federal Reserve Bank of New York, not later than 45 days following the last day of the calendar quarter reported.

Forms should be mailed to:

Balance of Payments Division
International Research Department
Federal Reserve Bank of New York
33 Liberty Street
New York, New York 10045

NOTE.—Attach to the initial report a list of the names and countries of the foreign branches, partnerships, and subsidiaries whose reportable items are included. Subsequent reports should be checked in the box provided to indicate that the list is unchanged from the preceding report or should be accompanied by a list of the names and countries of branches, partnerships and subsidiaries added or deleted.

E. *Definitions*—1. *United States.* The term "United States" shall mean the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the following: American Samoa, the Canal Zone, Guam, Midway Island, the Virgin Islands, and Wake Island.

2. *Specified currencies.* "Specified currencies" are defined as currencies specified on this form and such other currencies as may be prescribed, from time to time, in separate communications by the Department of the Treasury. "Specified foreign currencies" are specified currencies other than the U.S. dollar.

3. *Majority-owned foreign partnerships.* "Majority-owned foreign partnerships" are defined as partnerships organized under the laws of a foreign country in which one or more nonbanking business concerns and nonprofit institutions in the United States directly or indirectly, own more than 50 percent profit interest.

4. *Majority-owned foreign subsidiaries.* "Majority-owned foreign subsidiaries" are defined as foreign corporations in which one or more nonbanking business concerns and nonprofit institutions located in the United States, directly or indirectly, own stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of all classes of stock.

5. *Liquid assets.* "Liquid assets" are defined as currency, demand deposits, all time deposits and certificates of deposits without regard to maturity, wherever held; assets payable on demand; and negotiable and other readily transferable commercial and financial instruments due from any obligor which mature in one year or less from the date to which this report applies.

6. *Short-term.* "Short-term" is defined for the purposes of this report as one year or less from the date to which the report applies, regardless of original maturity.

7. *Spot foreign exchange contracts.* "Spot foreign exchange contracts" are defined as outstanding purchases or sales of foreign exchange, including swaps, to be credited or charged to the account of your reportable foreign branches, partnerships and subsidiaries, within the number of business days regarded by the reportable unit as representing spot transactions.

8. *Outstanding forward exchange contracts.* "Outstanding forward exchange contracts" are defined as foreign exchange which your reportable foreign branches and majority-owned partnerships and subsidiaries have contracted to receive or deliver at some future date, other than spot exchange. Forward purchases and sales include foreign exchange which the contract requires to be received or delivered in more than the number of business days regarded by your reportable foreign branches, partnerships, and subsidiaries as representing spot purchases or sales.

F. *Rounding.* All data entries should be rounded to the nearest million currency units. Currencies of which the equivalent of $1 million is less than 1 million units (the United Kingdom pound, for example) should be rounded to one or zero as appropriate for reporting purposes. Amounts rounded to zero in these instances should be footnoted, giving the actual amount in thousands of foreign currency units.

PART II—SPECIFIC INSTRUCTIONS RELATING TO PARTICULAR COLUMNS ON FORM FC-4

(1) *Liquid assets.* Report in this column the consolidated gross amount of liquid assets held by your reportable foreign branches, partnerships, and subsidiaries, regardless of where held, denominated in the specified currencies. Include, for example, currency, demand deposits, all time deposits and certificates of deposit without regard to maturity, and negotiable and other readily transferable commercial and financial instruments, including obligations issued by central provincial, or municipal governments and their instrumentalities, which mature in one year or less from the date to which this report applies (such assets are to be reported without regard to the place of custody of the instruments). Include intercompany claims (such as notes, loans, and advances) on the U.S. parent and its foreign branches, partnerships, and subsidiaries, or on foreign parents of the U.S. parent and their branches and subsidiaries, repayable on demand to your reportable foreign branches, partnerships, and subsidiaries, and loans to other parties repayable on demand to your reportable foreign branches, partnerships, and subsidiaries. Include under this heading unsettled spot foreign exchange purchase contracts if booked or recorded. Exclude other loans, trade receivables or other accounts receivable, and unaccepted trade drafts.

(2) *Short-term trade receivables.* Report in this column all outstanding trade credits and accounts and notes receivable (including intercompany trade receivables) denominated in the specified currencies due to your reportable foreign branches, partnerships and subsidiaries in one year or less from the date to which this report applies, regardless of original maturity. Exclude receivables and installment paper which have been sold or discounted (including those sold with resource to your reportable foreign branches, partnerships, and subsidiaries) before maturity.

(3) *Other assets.* Report in this column all current assets (including intercompany claims) other than liquid assets and short-term trade receivables, and financial assets maturing in more than one year from the date to which this report applies, denominated in the specified currencies. Include inventories, prepayments, long-term trade receivables, and long-term intercompany claims. Include stocks, bonds and other securities, valued in accordance with custom-

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ary accounting practices of your reportable foreign branches, partnerships, and subsidiaries. Exclude fixed assets (plant and equipment).

(4) *Short-term debt.* Report in this column the consolidated gross amount of current liabilities (including intercompany liabilities), other than short-term trade payables, of your reportable foreign branches, partnerships, and subsidiaries denominated in the specified currencies. Include, for example, bank loans and notes, overdrafts, finance drafts, obligations payable on demand, and other short-term borrowings due in one year or less from the date to which this report applies. Include as well the current portion of long-term debt and unsettled spot foreign exchange sales contracts if booked or recorded. Exclude other loans, trade payables, accrued expenses, and other accounts payable.

(5) *Short-term trade payables.* Report here all outstanding trade liabilities and accounts and notes (including intercompany trade payables) denominated in the specified currencies due and payable by your reportable foreign branches, partnerships, and subsidiaries in one year or less from the date to which this report applies, regardless of original maturity.

(6) *Other liabilities.* Report in this column all financial liabilities (including intercompany liabilities) of your reportable foreign branches, partnerships, and subsidiaries other than short-term debt and short-term trade payables. Include long-term trade payables, accrued expenses when calculated in the normal accounting cycle, and liabilities maturing in more than one year from the date to which this report applies. Exclude capitalized leases for plant and equipment.

(7) *Forward exchange bought.* Report in this column the consolidated gross amount of outstanding forward exchange contracts calling for the delivery of the specified currency to your reportable foreign branches, partnerships and subsidiaries.

(8) *Forward exchange sold.* Report in this column the consolidated gross amount of outstanding forward exchange contracts calling for the delivery of the specified currency by your reportable foreign branches, partnerships, and subsidiaries.

(9) *Net overall position.* Report in this column the sum of the amounts reported in each specified currency in columns (1), (2), (3), and (7), less the sum of the amounts reported in the specified currency in columns (4), (5), (6), and (8). If the result of the foregoing computations is negative, so indicate by enclosing the figure in parentheses. Reporters showing large amounts in this column may wish to explain briefly in a footnote in the Remarks section.

Enter opposite *Total (for arithmetic check purposes only)* the arithmetic total of the digits appearing in each column.

In the space provided on the form, the reporter should show the number of foreign branches, partnerships, and subsidiaries included in the report.

Data reported on this form will be held in confidence.
(See Part I, Section A, of the Instructions.)

Foreign Currency Form FC-4
Department of the Treasury
Office of the Assistant Secretary
for International Affairs
December 1974

Quarterly Report to Federal Reserve Bank of New York

Quarterly Consolidated Report of Assets, Liabilities, and Positions in Specified Currencies of Foreign Branches and Subsidiaries of Firms in the United States
(Amounts outstanding in millions of currency units as of close of business on the last business day of the calendar quarter)

Form Approved
OMB No. 48-R0520

Name of reporting firm

As of: _____ (Date)

Currencies *	Code	Assets: Liquid Assets (1) billions	Assets: Liquid Assets (1) millions	Assets: Short-Term Trade Receivables (2) billions	Assets: Short-Term Trade Receivables (2) millions	Assets: Other Assets (3) billions	Assets: Other Assets (3) millions	Liabilities: Short-Term Debt (4) billions	Liabilities: Short-Term Debt (4) millions	Liabilities: Short-Term Trade Payables (5) billions	Liabilities: Short-Term Trade Payables (5) millions	Liabilities: Other Liabilities (6) billions	Liabilities: Other Liabilities (6) millions	Forward Exchange: Bought (7) billions	Forward Exchange: Bought (7) millions	Forward Exchange: Sold (8) billions	Forward Exchange: Sold (8) millions	Net Overall Position (9) billions	Net Overall Position (9) millions
Belgium francs held or owed by:																			
Offices located in Belgium	80051																		
Offices located elsewhere	80052																		
Canadian dollars held or owed by:																			
Offices located in Canada	80151																		
Offices located elsewhere	80152																		
Dutch guilders held or owed by:																			
Offices located in the Netherlands	80201																		
Offices located elsewhere	80202																		
French francs held or owed by:																			
Offices located in France	80251																		
Offices located elsewhere	80252																		
German marks held or owed by:																			
Offices located in Germany	80301																		
Offices located elsewhere	80302																		
Italian lire held or owed by:																			
Offices located in Italy	80351																		
Offices located elsewhere	80352																		
Japanese yen held or owed by:																			
Offices located in Japan	80401																		
Offices located elsewhere	80402																		
Swiss francs held or owed by:																			
Offices located in Switzerland	80451																		
Offices located elsewhere	80452																		
United Kingdom pounds held or owed by:																			
Offices located in the United Kingdom	80501																		
Offices located elsewhere	80502																		
United States dollars held or owed by offices located outside the United States	81000																		
_____																			
_____																			
_____																			
_____																			
Total (for arithmetic check purposes only)	88888																		

82900

Number of branches, partnerships, and subsidiaries included in report: _____.

☐ Check if list of branches, partnerships, and subsidiaries is unchanged from preceding report.

* Additional currencies may be specified by the Treasury as conditions require.

Remarks (attach additional sheets if necessary):

_____
Official Signature

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Data reported on this form will be held in confidence.
(See Part I, Section A, of the instructions.)

Foreign Currency Form FC-3/3a
Department of the Treasury
Office of the Assistant Secretary
for International Affairs
December 1974

(Place an "X" in appropriate boxes)
The Report is:
☐ FC-3 Monthly
☐ FC-3a Quarterly

The Data are:
☐ Estimated.
☐ Final

Monthly and/or Quarterly Report to Federal Reserve Bank of New York

Monthly and/or Quarterly Report of Assets, Liabilities, and Positions in Specified Foreign Currencies of Firms in the United States
(Amounts outstanding in millions of foreign currency units as of close of business on the last business day of the month/calendar quarter)

Form Approved
OMB No. 48-R0532

As of: _____ (Date)

Name of reporting firm

Currencies *	Code	Assets: Liquid Assets (1)	Assets: Short-Term Trade Receivables (2)	Assets: Other Assets (3)	Liabilities: Short-Term Debt (4)	Liabilities: Short-Term Trade Payables (5)	Liabilities: Other Liabilities (6)	Forward Exchange: Bought (7)	Forward Exchange: Sold (8)	Net Overall Position (9)
		billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions	billions / millions
Belgian francs	80050									
Canadian dollars	80150									
Dutch guilders	80200									
French francs	80250									
German marks	80300									
Italian lire	80350									
Japanese yen	80400									
Swiss francs	80450									
United Kingdom pounds	80500									
_____										
_____										
_____										
_____										
Total (for arithmetic check purposes only)	88888									

82000

Number of branches, partnerships, and subsidiaries included in report: _____.

☐ Check if list of branches, partnerships, and subsidiaries is unchanged from preceding report.

* Additional currencies may be specified by the Treasury as conditions require.

Remarks (attach additional sheets if necessary):

_____ Official Signature

[FR Doc.75-4685 Filed 2-21-75;8:45 am]

federal register

MONDAY, FEBRUARY 24, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 37

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

FERROALLOYS MANUFACTURING POINT SOURCE CATEGORY

Interim Effluent Limitations and Guidelines, and Proposed Pretreatment Standards

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V40-37 FEB 24 75 XUM

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 334–7]

PART 424—FERROALLOYS MANUFACTURING POINT SOURCE CATEGORY

Interim Regulations

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On February 22, 1974, EPA promulgated a regulation adding Part 424 to Chapter 40 of the Code of Federal Regulations (39 FR 6806). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the ferroalloy manufacturing point source category. The regulation set forth below will amend 40 CFR Part 424—ferroalloy manufacturing point source category by adding thereto effluent limitations and guidelines for existing sources for the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G) pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Simultaneously, the Agency is publishing in proposed form standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

Regulations for uncovered (open) calcium carbide furnaces have been promulgated under Part 415, inorganic chemicals manufacturing point source category (39 FR 9612), and the regulation herein is intended to be complementary to that for inorganic chemicals.

(a) *Legal Authority.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G) of the ferroalloy manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishmen of pretreatment standrards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) *Summary and Basis of Proposed Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources*—(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air and solid waste were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) *Summary of conclusions with respect to the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F), and the electrolytic chromium subcategory (Subpart G), of the ferroalloy manufacturing point source category*—(i) *Categorization.* For purposes of establishing effluent limitations and standards of performance, the calcium carbide and electrolytic ferroalloys segments of the ferroalloys industry were divided into subcategories on the basis of water uses, waste control technologies, and wastewater constituents. The subcategories are: covered calcium carbide furnaces with wet air pollution control devices (Subpart D); other calcium carbide furnaces (Subpart E); electrolytic manganese products (Subpart F); and electrolytic chromium (Subpart G).

This method of subcategorization permits a discharge for those covered calcium carbide furnaces controlled for air pollution with wet systems and is not excessively permissive to those furnaces which are controlled with dry systems or which have no discharge of process waste water.

Subcategorization of the electrolytic ferroalloys segment is based largely upon the wastewater constituents present and the treatment necessary for the removal of those constituents.

(ii) *Waste characteristics.* The known significant pollutants contained in waste water from calcium carbide manufacture are suspended solids, with cyanide also present in the waste waters from covered furnaces. The pollutants present in waste waters resulting from the manufacture of electrolytic ferroalloys are suspended solids and ammonia. Manganese is found to some extent in the wastes from all electrolytic products, while chromium is found only in the wastes resulting from chromium production. Additionally, the wastewaters from calcium carbide or electrolytic ferroalloys production may be highly acidic or alkaline.

While other pollutants, such as dissolved solids, iron, aluminum, zinc, chloride, copper, etc., sometimes may be present in the process waste waters, effluent limitations were not developed for these constituents because (i) they are discharged intermittently and in small quantities, (ii) they are effectively removed from the effluent by the application of waste water control and treatment technology required for the removal of process waste water constituents which are the subject of effluent limitations, (iii) there is insufficient data available upon which to base effluent limitations, or (iv) the known methods for their removal from waste water are prohibitively expensive at this time.

(iii) *Origin of waste water pollutants.*—(1) *Covered calcium carbide furnaces with wet air pollution control devices subcategory.* Wet air cleaning devices collect particulates from furnace gases by gas scrubbing. In the covered type of furnace, the off-gases contain about 70% carbon monoxide and smaller quantities of cyanide. Waste water from these sources, therefore, contains large quantities of suspended solids and smaller quantities of cyanide. Since some of the particulate matter trapped in the gas is lime from the smelting process, the waste water is at a high pH.

(2) *Other calcium carbide furnaces subcategory.* Air pollution control in this category may be by baghouses in conjunction with evaporative cooling, or nonexistent, and little water pollution potential exists, except as runoff or leachate from the landfilled particulate if the furnace gases are cleaned.

(3) *Electrolytic manganese products subcategory.* All three electrolytic ferroalloys are produced by very similar processes. The process generally involves leaching the metal from ores, ferroalloys or slag from ferroalloy production, purification of the leach solution, platting of the product and final product preparation. Ammonia is used in the production of electrolytic manganese and chromium, but not for that of manganese dioxide. Although there are other differences between the processes, they are of limited importance insofar as the raw waste is concerned and the similarities are more striking than the differences.

Water is used extensively, both for preparation of the electrolyte and for washing the finished metal. Some small quantity of electrolyte may be present in the wastewaters, and some plants hydraulically transport leach and other filter residues to tailings ponds. Electrolytic manganese plants appear to have two waste streams—one is a highly concentrated stream and the other is (relatively) dilute. The first stream, hereinafter referred to as strong electrolytic manganese wastes, derives from the hydraulic transport of filter residues to tailings ponds and also contains the small quantity of electrolyte solution which is spilled or dumped. As a result, wastewaters may contain several thousand mg/l of suspended solids, manganese and ammonia, and may also be at a low pH. The second waste stream is fairly dilute and will be hereafter called the weak electrolytic manganese wastes. This derives from product washing and other miscellaneous water uses. This waste stream, although the flow may be considerable, only contains a few hundred mg/l of suspended solids, manganese and ammonia.

The manganese dioxide plant surveyed had one waste stream, which was generally comparable to the weak electrolytic manganese wastes, except that the suspended solids concentrations were higher and the ammonia concentration lower.

(4) *Electrolytic chromium subcategory.* As in the electrolytic manganese products subcategory, water is used extensively and the resulting wastewaters contain several thousand mg/l of chromium, suspended solids and ammonia and are at a low pH. Because of process economics, hexavalent chromium is reduced to trivalent chromium as an integral part of the process and only very small quantities appear in the wastewater. Manganese also appears in appreciable quantities.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

(1) *Treatment in the covered calcium carbide furnaces with wet air pollution control devices subcategory.* Control and treatment techniques consist of physical/chemical treatment to remove suspended solids, destroy cyanide and lower the pH. Cyanide destruction can be accomplished by alkaline chlorination, followed by neutralization and clarification in settling ponds (or lagoons), in clarifiers or in sand or multi-media filters. Settling ponds and clarifiers, when well designed and operated, are capable of producing effluent levels of 25 mg/l suspended solids, independent of influent concentrations. Sand filters (when well designed and operated) are capable of reducing the suspended solids effluent concentrations to 10 mg/l. In all types of clarification equipment, proper operation is important, since (for example) excessive solids buildup in a lagoon can reduce the detention time and thereby reduce the quantity of solids which are removed.

Cyanide destruction can be accomplished by alkaline chlorination, although other methods such as oxidation or ozonation may be used depending on the design of the water treatment system. Alkaline chlorination can reduce the effluent cyanide concentration to about 0.2 mg/l.

The best practicable control technology currently available has been determined to be use of a clarifier flocculator and chemical treatment, the latter by alkaline chlorination and neutralization. The best available control technology economically achievable consists of the use of best practicable control technology currently available, plus use of sand or multi-media filters. The best available demonstrated control technology, processes, operating methods, or other alternatives for new sources consists of recirculation of scrubber waste water, and treatment of blowdown by best available control technology economically achievable.

(2) *Treatment in the other calcium carbide furnaces subcategory.* Use of a fabric filter or baghouse for air cleaning reduces waste water discharge to zero. This subcategory is presently achieving no discharge of process waste water. The best practicable control technology currently available, the best available control technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives for new sources consists of the use of dry dust collection devices.

(3) *Treatment in the electrolytic manganese products subcategory.* Treatment at the present time is largely by settling lagoons, although oxidation or evaporation ponds are also used. Control and treatment techniques available consist of physical/chemical treatment to remove suspended solids, manganese and ammonia, and neutralize the acidity. Manganese removal is facilitated by raising the pH of the wastewater to 9.5 or higher, at which point the manganese is precipitated. Clarification-flocculation will then remove both suspended solids and manganese. Ammonia removal may be accomplished by either stripping or breakpoint chlorination. Choice of the particular method depends largely upon concentrations and volume to be treated. Relatively dilute wastewaters may be more economically treated by chlorinating, while with small quantities of stronger wastes steam stripping (and the recovery of ammonia which may be used in the process) may be preferable. Although ammonia can be destroyed by bi-

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ological treatment, the cost of this method (and also for steam stripping of the weak wastes) appears to make it unfeasible economically for this subcategory at this time. After treatment for manganese or ammonia, the wastewater should be neutralized to render it suitable for discharge.

The best practicable control technology currently available for the weak electrolytic manganese wastewater stream has been determined to be use of alkaline precipitation of manganese, clarification-flocculation and neutralization for discharge: and for the strong electrolytic manganese wastewater stream, complete recirculation after clarification. Best practicable control technology currently available for electrolytic manganese dioxide has been determined to be the same treatment as for the weak electrolytic manganese wastes. The best available control technology economically achievable for electrolytic manganese wastes consists of the use of best practicable control technology currently available, plus partial recirculation of treated wastewater, plus breakpoint chlorination of the portion to be discharged. Best available control technology economically achievable for electrolytic manganese dioxide wastes has been determined to be the same as for the weak electrolytic manganese wastes. Best available demonstrated control technology, processes, operating methods, or other alternatives for new sources producing electrolytic manganese consists of the limitation, through design, of the quantity of wastewater discharged, mechanical transport of filter residues and the use of best practicable control technology currently available and breakpoint chlorination. The best available demonstrated control technology, processes, operating methods, or other alternatives for new sources for electrolytic manganese dioxide wastes has been determined to be the same as for best available control technology economically achievable.

(4) *Treatment in the electrolytic chromium subcategory.* Techniques are identical to those for electrolytic manganese products, with the exception that chromium, in addition to manganese, must be removed. Removal of chromium is facilitated at about pH 8.0.

The best practicable control technology currently available has been determined to be alkaline precipitation of chromium and manganese, clarification-flocculation, breakpoint chlorination and neutralization. The best available control technology economically achievable consists of the use of best practicable control technology currently available, plus partial recirculation of treated wastewater. The best available demonstrated control technology, processes, operating methods, or other alternatives for new sources consists of the limitation, through design, of the quantity of wastewater discharged, mechanical transport of filter residues and the use of best practicable control technology currently available.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be premanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* In the calcium carbide segment, only the plants within Subpart D will incur any costs in meeting the proposed limitations. All plants within Subpart E are presently achieving zero discharge and therefore will not be impacted by that limitation.

It is estimated that the cost of meeting the best practicable control technology currently available limitations will cost less than $10,000 for the covered calcium carbide subcategory. The unit price of pollution control is estimated at a maximum of $0.19 per metric ton. Additional annual costs are estimated to be $0.02 per metric ton for Subpart D. For 1983, it is estimated that additional pollution control costs will total about $168,000 in investment for Subpart D, or a maximum of $0.88 per metric ton. Additional annual costs will amount to a maximum of $0.26 per metric ton.

The use of best practicable control technology for the electrolytic manganese products subcategory will cost the industry about 1.8 percent of the sales price of this commodity. Investment costs per ton are estimated at $29.79 for electrolytic manganese and $23.40 for electrolytic manganese dioxide. Annual costs are estimated at $12.42 per ton for electrolytic manganese and $9.75 per ton for manganese dioxide. The investment cost for the electrolytic chromium subcategory is estimated to be $90.71 per ton and the total annual cost $37.81 per ton. Although the annual cost per ton for chromium is high, it represents less than 1 percent of the sales price of this metal.

The cost of the application of the best available technology economically achievable is estimated to be an additional $8.51 per ton for electrolytic manganese and $7.11 per ton for manganese dioxide for investment costs. The additional annual costs are estimated at $3.55 per ton for electrolytic manganese and $2.97 for manganese dioxide. The additional investment and annual costs per ton for electrolytic chromium are estimated to be $8.96 and $3.74 respectively. These costs will be borne to the greatest degree by older, isolated plants, i.e., those plants which do not have another electrolytic or similar process with which the wastes could be combined to achieve overall cost reductions.

(vi) *Energy requirements and non-water quality environmental impacts.* Energy requirements for operation of water pollution control systems are estimated to be less than 0.1 percent of the power required for the production of calcium carbide.

For the electrolytic ferroalloys segment, the energy requirements are estimated to be less than 1 percent of the production power requirements for the electrolytic manganese products subcategory and less than 2 percent for the electrolytic chromium subcategory.

(vii) *Economic impact analysis.* The general conclusion of the economic impact analysis is that the guidelines will have little economic impact on the industries in question. Estimated incremental capital costs for both BPCTCA and BATEA compliance amount to less than 1 percent of 1973 net earnings for each of these industries in question while combined incremental operating costs per ton of product will be less than three percent of current selling prices in each case. All of the firms operating in these industries are large, financially strong enterprises well able to respond to the guidelines without danger to their basic stability and growth. It should be noted in this connection that the demand for ferroalloys is derived from the demand for other products in which they constitute relatively minor inputs. Furthermore, there are no close substitutes in most cases, except for calcium carbide. Consequently, the elasticity of demand for these products is relatively low, indicating that the modest cost increases generated by compliance with the guidelines can be passed on without significant consequences in terms of reduced demand and employment. Since the ferroalloys in question are relatively minor inputs to their consumer industries, it also follows that insignificant internal and external impacts are to be anticipated for the consumer industries.

No plant closures or reductions in production and employment are anticipated.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Calcium Carbide Segment of the Ferroalloy Manufacturing Point Source Category" and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Electrolytic Ferroalloys Segment of the Ferroalloy Manufacturing Point Source Category" detail the analysis undertaken in support of the interim final regulation set forth herein and are available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of these reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Documents will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the ferroalloys manufacturing category. All participating agencies have been informed of project developments. Initial drafts of the Development Documents was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Ohio River Valley Water Sanitation Commission; (4) New England Interstate Water Pollution Control Commission; (5) Delaware River Basin Commission; (6) Conservation Foundation; (7) Businessmen for the Public Interest; (8) Environmental Defense Fund, Inc.; (9) Natural Resources Defense Council; (10) The American Society of Civil Engineers; (11) Water Pollution Control Federation; (12) National Wildlife Federation; (13) The American Society of Mechanical Engineers; (14) the Manufacturing Chemists Association; and (15) The Ferroalloys Association.

The following responded with comments: the Delaware River Basin Commission, the Manufacturing Chemists Association, the New York State Department of Environmental Conservation, the Illinois Environmental Protection Agency, the Michigan Department of Environmental Resources, Foote Mineral Company, Kerr-McGee Corporation, Union Carbide Corporation and the Ferroalloys Association.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

1. The industry requested that calcium carbide be placed within the ferroalloy industry (rather than the inorganic chemicals industry) for regulation. It was also requested that the standards be written on the basis of pollutant per megawatt hour of furnace power consumption, rather than pollutant per ton of product.

Since the manufacturing process characteristics are similar for ferroalloys and calcium carbide production, those calcium carbide furnaces not included in the inorganic chemicals effluent guidelines have been included in the ferroalloys manufacturing category for the issuance of effluent limitations. Open (uncovered) furnaces are regulated in the inorganic chemicals guidelines and duplication would be pointless. There is a limited justification for expressing the limitations on the basis of furnace power (i.e., megawatt-hours) rather than on production tonnage. Furnace power was used as the basis for the first group of ferroalloy regulations because this was simpler and more consistent within the categories than was tonnage. Power consumption can also be related to production of a specific alloy, so that by knowing power usage, tonnages of the various alloys can be calculated. Within the calcium carbide sector, however, power usage is a relatively uniform 2.9 mwhr/kkg (2.6 mwhr/ton), whereas in the alloy segment power usage may range from 2.6 mwhr/kkg (2.4 mwhr/ton) for ferromanganese to 15.4 mwhr/kkg (14.0 mwhr/ton) for silicon metal. Because of this relatively constant power usage and the lack of other than very generalized data regarding power usage for calcium carbide production, while specific data is available regarding tonnage, production tonnage is presently the better basis for the limitations.

2. It was remarked that the effluent limitations as presented in the contractor's report for covered carbide furnaces are more stringent than the effluent limitations promulgated for covered ferroalloy furnaces contained in Subpart B of this regulation. It was also noted that the covered carbide subcategory would require no discharge for new sources whereas Subpart B does permit some discharge.

That the limitations are more stringent for covered carbide furnaces than for covered ferroalloy furnaces is based upon the respective water uses for the two types. Water use per megawatt-hour for the only calcium carbide plant presently discharging was found to be approximately one-third that of ferroalloy furnaces with similar scrubbers. Although some consideration was given to including covered carbide furnaces within the scope of Subpart B, this would allow higher levels of pollutant discharge than would a separate standard. The proposed new source standard for covered carbide furnaces has been revised to allow for discharge of treated blowdown from scrubber recirculation systems, since some plants may not be able to utilize the carbon monoxide content of the furnace off-gas for the fuel value without using wet gas cleaning methods and may be unable to evaporate the wastewater.

3. It was noted that although ammonia and sulfate were included in a list of pollutant parameters for electrolytic ferroalloys, no limits had been set for these in the contractor's draft report. One person suggested that aluminum be deleted as a parameter.

Although ammonia was not limited in the contractor's suggested guidelines, the standards do limit this parameter. Waste data and information relating to treatment are included in the Development Document. No limitation will be placed on sulfate, since the cost of removal would be prohibitive for this industry at this time. Additionally, no limits are proposed for either aluminum or iron. Aluminum is present in large quantities only from electrolytic manganese dioxide production and survey data indicates that it precipitates with the suspended solids and reaches an acceptable level in the discharge. Iron is present in discharges from all three products. However, iron precipitates most readily at or above pH 8.0, indicating that treatment for manganese and/or chromium removal will also control iron.

4. Some commenters criticized the contractor's attempt to apply the effluent concentrations attainable for metals in steel mill pickling rinse waters as a basis for the guidelines for electrolytic wastes. It was pointed out that the two wastes are not comparable, since pickling rinse water is relatively dilute and electrolytic wastes are fairly concentrated.

It is agreed that the two wastes are not totally comparable, and the report and guidelines have been rewritten to reflect this.

5. Concern was expressed about the small difference between the contractor's suggested 1977 and 1983 electrolytic ferroalloy limitations when compared to the very large difference in costs. One person noted that his plant would be spending $6/lb of manganese removed for 1977, but fifty times that ($318/lb Mn removed) for 1983.

The costs presented in the contractor's report were based upon actual plant data and may have been either insufficiently or overly inclusive of items relevant to water pollution control and treatment. Costs for the treatment models have

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been estimated and it is thought that the cost data, as presented in the revised report, is more reflective of actual costs which would be incurred for treatment at isolated plants. Based on the revised cost data and guidelines, treatment for the 1983 standards will remove approximately half the dischargeable 1977 load at a total cost one-third higher than for the 1977 standards. The 1983 removal cost would be about 6¢ per pound of manganese removed.

6. It was thought that the discharge levels suggested in the contractor's report for electrolytic plants for dissolved chromium and dissolved manganese (3.0 and 1.5 mg/l, respectively) were too high to meet water quality standards.

Water quality standards are not a basis for effluent guidelines, which are based on economic and technological achievability. The Act contemplates that additional treatment may be necessary to meet water quality standards on some particular stream segments. For purposes of establishing a national standard, EPA has confined itself to essentially conventional treatment, which for chromium can reduce concentrations to below 0.5 mg/l as total chromium. Manganese can be removed to low levels by various methods, most of which are primarily applicable to the low inlet concentrations found at water treatment plants. Precipitation by lime addition and pH adjustment can reduce effluents to less than 5.0 mg/l as total manganese.

7. It was requested that the 1977 standards for electrolytic manganese be based upon the best plant.

The 1977 standards are to be based on the average of the best plants, also taking into account economic and other factors that impact on actual achievability. The standards for 1983 are to be based on the best available technology economically achievable. Although the best plant in each subcategory was discharging at lower rates than the flow on which the standards for 1983 were formulated, it is the opinion of the Agency that these low levels could not be achieved across-the-board by this industry without economic dislocations and therefore, are not economically achievable.

Moreover, Plant B, which had the lowest discharge from electrolytic manganese production, is only 6 years old. This plant was designed to minimize waste discharge. During a visit by EPA, plant personnel noted that they could probably not meet or even come close to their present conditions if their plant were some years older (as are Plants A and C). Plant D, a new plant, is presently discharging from their chromium operation at about 2 percent of the rate of Plant A, again reflecting differences due to age (and to some extent, geographical location).

8. Electrolytic industry commenters stated that the data is inadequate, incomplete and does not support the standards recommended by the contractor.

Internal review revealed some deficiencies within the document and further testing was performed and additional data collected. It is now believed that the data base is as adequate and complete as possible and is supportive of the suggested standards.

9. One commenter mentioned that in his experience, lime neutralization does not precipitate manganese readily or in significant quantities from dilute solutions.

Although simple neutralization, i.e., to a pH around 7.0, does not appreciably remove manganese, a pH of 9.5 or greater will cause the dissolved manganese to form as manganese hydroxide and precipitate. Additionally the manganese level suggested is more easily attainable if the wastes are not diluted prior to treatment with wastes from other operations.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v *Train et. al.* (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than December 30, 1974. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower Waterside Mall, 401 M Street, S.W., Washington D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 26, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with this interim final regulation.

In consideration of the foregoing, 40 CFR Part 424 is hereby amended by adding Subparts D, E, F, and G as set forth below.

Dated: February 10, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart D—Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices Subcategory

Sec.

424.40 Applicability; description of the covered calcium carbide furnaces with wet air pollution control devices subcategory.
424.41 Specialized definitions.
424.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
424.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart E—Other Calcium Carbide Furnaces Subcategory

Sec.

424.50 Applicability; description of the other calcium carbide furnaces subcategory.
424.51 Specialized definitions.
424.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
424.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart F—Electrolytic Manganese Products Subcategory

Sec.

424.60 Applicability; description of the electrolytic manganese products subcategory.
424.61 Specialized definitions.
424.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
424.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart G—Electrolytic Chromium Subcategory

Sec.

424.70 Applicability; description of the electrolytic chromium subcategory.
424.71 Specialized definitions.
424.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
424.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

AUTHORITY: Secs. 301, 304(b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92–500.

Subpart D—Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices Subcategory

§ 424.40 Applicability; description of the covered calcium carbide furnaces with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium carbide in covered electric furnaces which use wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, 'wet' baghouse, etc. This subcategory does not include noncontact cooling water or those furnaces which utilize dry dust collection techniques, such as dry baghouses.

§ 424.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 424.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.22	0.11
Total Cyanide	0.0056	0.0028
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.22	0.11
Total Cyanide	0.0056	0.0028
pH	Within the range 6.0 to 9.0.	

§ 424.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.380	0.190
Total Cyanide	0.0056	0.0028
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.380	0.190
Total Cyanide	0.0056	0.0028
pH	Within the range 6.0 to 9.0.	

Subpart E—Other Calcium Carbide Furnaces Subcategory

§ 424.50 Applicability; description of the other calcium carbide furnaces subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of calcium carbide in those covered furnaces which do not utilize wet air pollution control methods. Covered calcium carbide furnaces using wet air pollution control devices are regulated in Subpart D. Open (uncovered) calcium carbide furnaces are regulated in Part 415, inorganic chemicals manufacturing point source category (39 FR 9612).

§ 424.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 424.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guide-

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lines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process waste water pollutants to navigable waters.

§ 424.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to naviagable waters.

Subpart F—Electrolytic Manganese Products Subcategory

§ 424.60 Applicability; description of the electrolytic manganese products subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of electrolytic manganese products such as electrolytic manganese metal or electrolytic manganese dioxide.

§ 424.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 424.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disaprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	6.778	3.389
Manganese	2.771	1.356
Ammonia-N	40.667	20.334
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	6.778	3.389
Manganese	2.771	1.356
Ammonia-N	40.667	20.334
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese dioxide after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	1.762	0.881
Manganese	0.705	0.352
Ammonia-N	10.574	5.287
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	1.762	0.881
Manganese	0.705	0.352
Ammonia-N	10.574	5.287
pH	Within the range 6.0 to 9.0.	

§ 424.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	3.389	1.695
Manganese	0.678	0.339
Ammonia-N	6.778	3.389
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	3.389	1.695
Manganese	0.678	0.339
Ammonia-N	6.778	3.389
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese dioxide after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
TSS	0.881	0.441
Manganese	0.176	0.088
Ammonia-N	1.762	0.881
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.881	0.441
Manganese	0.176	0.088
Ammonia-N	1.762	0.881
pH	Within the range 6.0 to 9.0.	

Subpart G—Electrolytic Chromium Subcategory

§ 424.70 Applicability; description of the electrolytic chromium subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of chromium metal by the electrolytic process. They are not applicable to discharges resulting from the manufacture of chromium metal by aluminothermic or other methods.

§ 424.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 424.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	5.276	2.638
Manganese	2.111	1.055
Chromium	0.106	0.053
Ammonia-N	10.553	5.276
pH	Within the range of 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	5.276	2.638
Manganese	2.111	1.055
Chromium	0.106	0.053
Ammonia-N	10.553	5.276
pH	Within the range 6.0 to 9.0.	

§ 424.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	2.649	1.324
Manganese	0.530	0.265
Chromium	0.053	0.027
Ammonia-N	5.297	2.649
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	2.649	1.324
Manganese	0.530	0.265
Chromium	0.053	0.027
Ammonia-N	5.297	2.649
pH	Within the range 6.0 to 9.0.	

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 424]

[FRL 334-8]

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Performance and Pretreatment Standards for New Sources

Notice is hereby given that standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On February 22, 1974, EPA promulgated a regulation adding Part 424 to Chapter 40 of the Code of Federal Regulations (39 FR 6806). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the ferroalloys manufacturing point source category. The regulation proposed below will amend 40 CFR 424—ferroalloy manufacturing point source category by adding §§ 424.44, 424.45 and 424.46 to the covered calcium carbide furnances with wet air pollution control devices subcategory (Subpart D), §§ 424.54, 424.55 and 424.56 to the other calcium carbide furnaces subcategory (Subpart E), §§ 424.64, and 424.65 and 424.66 to the electrolytic manganese products subcategory (Subpart F) and §§ 424.74, 424.75 and 424.76 to the electrolytic chromium subcategory (Subpart G) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating iterim final regulations which establish the above listed subparts.

(a) *Legal Authority.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624), a list of 27 source categories, including the ferroalloys manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G) of the ferroalloy manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 424.46, 424.56, 424.66, and 424.76, proposed below provide pretreatment standards for new sources within the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G) of the ferroalloy manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 424.44, 424.54, 424.64 and 424.74 proposed below provide pretreatment standards for existing sources within the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G) of the ferroalloy manufacturing point source category.

(b) *Summary and Basis of Proposed Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the covered calcium carbide furnaces with wet air pollution control devices subcategory (Subpart D), the other calcium carbide furnaces subcategory (Subpart E), the electrolytic manganese products subcategory (Subpart F) and the electrolytic chromium subcategory (Subpart G) which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 424.44, 424.54, 424.64 and 424.74 of the regulation proposed below are intended to implement that portion of section 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Calcium Carbide Segment of the Ferroalloy Manufacturing Point Source Category" and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Electrolytic Ferroalloys Segment of the Ferroalloy Manufacturing Point Source Category" detail the analysis undertaken in support of the regulation being proposed herein and are available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of these reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated, revised copies of the Development Documents will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the covered calcium carbide furnaces with wet air pollution control devices subcategory, the other calcium carbide furnaces subcategory, the electrolytic manganese products subcategory, and the electrolytic chromium subcategory being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmenti Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 26, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: February 10, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Subpart D—Covered Calcium Carbide Furnaces With Wet Air Pollution Control Devices Subcategory

Part 424 is proposed to be amended as follows:

Subpart D is amended by adding §§ 424.44, 425.45 and 424.46 as fololws:

§ 424.44 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the covered calcium carbide furnaces with wet air pollution control devices subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section , 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
Cyanide	0.5 mg/l.

§ 424.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.040	0.020
Total Cyanide	0.001	0.0005
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.040	0.020
Total Cyanide	0.001	0.0005
pH	Within the range 6.0 to 9.0.	

§ 424.46 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the covered calcium carbide furnaces with wet air pollution control devices subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
Cyanide	0.5 mg/1.

Subpart E—Other Calcium Carbide Furnaces Subcategory

Subpart E is amended by adding §§ 424.54, 424.55 and 424.56 as follows:

§ 424.54 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the other calcium carbide furnaces subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.

§ 424.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 424.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source

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within the other calcium carbide furnaces subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.

Subpart F—Electrolytic Manganese Products Subcategory

Subpart F is amended by adding §§ 424.64, 424.65 and 424.66 as follows:

§ 424.64 Pretreatment standards for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the electrolytic manganese products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart producing electrolytic manganese:

Pollutant or Pollutant Property	Pretreatment Standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Manganese	2.711	1.356
Ammonia-N	40.667	20.334
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product		
Manganese	2.711	1.356
Ammonia-N	40.667	20.334
TSS	No limitation	
pH	No limitation	

(b) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart producing electrolytic manganese dioxide:

Pollutant or Pollutant Property	Pretreatment Standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Manganese	0.705	0.352
Ammonia-N	10.574	5.287
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product		
Manganese	0.705	0.352
Ammonia-N	10.574	5.287
TSS	No limitation	
pH	No limitation	

§ 424.65 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart producing electrolytic manganese:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	1.481	0.740
Manganese	0.296	0.148
Ammonia-N	2.961	1.481
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	1.481	0.740
Manganese	0.296	0.148
Ammonia-N	2.961	1.481
pH	Within the range 6.0 to 9.0.	

(b) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart producing electrolytic manganese dioxide:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.881	0.441
Manganese	0.176	0.088
Ammonia-N	1.762	0.881
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
TSS	0.881	0.441
Manganese	0.176	0.088
Ammonia-N	1.762	0.881
pH	Within the range 6.0 to 9.0.	

§ 424.66 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the electrolytic manganese products subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply.

(a) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart producing electrolytic manganese:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Manganese	2.711	1.356
Ammonia-N	40.667	20.334
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product		
Manganese	2.711	1.356
Ammonia-N	40.667	20.334
TSS	No limitation	
pH	No limitation	

(b) The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment

works by a new source subject to the provisions of this subpart producing electrolytic manganese dioxide:

Pollutant or Pollutant Property	Pretreatment Standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Manganese	0.705	0.352
Ammonia-N	10.574	5.287
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product		
Manganese	0.705	0.352
Ammonia-N	10.574	5.287
TSS	No limitation	
pH	No limitation	

Subpart G—Electrolytic Chromium Subcategory

Subpart G is amended by adding §§ 424.74, 424.75 and 424.76 as follows:

§ 424.74 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the electrolytic chromium subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Manganese	2.111	1.055
Chromium	0.106	0.053
Ammonia-N	10.553	5.276
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product		
Manganese	2.111	1.055
Chromium	0.106	0.053
Ammonia-N	10.553	5.276
TSS	No limitation	
pH	No limitation	

§ 424.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
TSS	0.834	0.417
Manganese	0.167	0.083
Chromium	0.017	0.008
Ammonia-N	1.668	0.834
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb. of product		
TSS	0.834	0.417
Manganese	0.167	0.083
Chromium	0.017	0.008
Ammonia-N	1.668	0.834
pH	Within the range 6.0 to 9.0.	

§ 424.76 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the electrolytic chromium subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR Part 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or Pollutant Property	Pretreatment Standards	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Manganese	2.111	1.055
Chromium	0.106	0.053
Ammonia-N	10.553	5.276
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of product		
Manganese	2.111	1.055
Chromium	0.106	0.053
Ammonia-N	10.553	5.276
TSS	No limitation	
pH	No limitation	

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PART IV

FEDERAL ENERGY ADMINISTRATION

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for March, 1975

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FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for March, 1975

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in March, 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the impact of available fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Forms 23 and 23A submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil to be delivered to the utilities listed during the month of March, 1975. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level for March. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47 Washington, D.C. 20461.

Adjustments have been made in the allocation to certain utilities to reflect necessary corrections in the delivery levels authorized in previous months. It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of March to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. Thus, the timely submission of these forms will be a necessary prerequisite to receiving future allocations.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., February 18, 1975.

DAVID G. WILSON,
Acting General Counsel.

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APPENDIX

	RECOMMENDED FEO BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	1,847,000			1,847,000
AMERADA HESS CORP		68.0	1,255,960	
TAD JONES CO (GULF)		21.0	387,870	
WYATT INC (EXXON)		10.0	184,700	
H N HARTWELL&SON INC		1.0	18,470	
UNITED ILLUMINATING CO	744,000			744,000
TEXACO		87.0	647,280	
WYATT INC (EXXON)		13.0	96,720	
MAINE				
BANGOR HYDRO ELEC. CO.	32,381			32,381
SPRAGUE		100.0	32,381	
CENTRAL MAINE POWER CO.	238,000			238,000
TEXACO		100.0	238,000	
MAINE PUBLIC SERVICE CO.	2,976			2,976
DEAD RIV.CO.(SPRAGUE)		100.0	2,976	
MASSACHUSETTS				
BOSTON EDISON CO.	1,326,000			1,326,000
WHITE FUEL (TEXACO)		46.0	609,960	
EXXON		42.0	556,920	
SPRAGUE		12.0	159,120	
BRAINTREE ELEC. LT. DEPT.	16,729			16,729
CK SMITH(GOLD.EAGLE)		100.0	16,729	
E.UTIL.ASSOC.(MONTAUP&BLACKS	168,000			168,000
TEXACO		100.0	168,000	
FITCHBURG GAS & EL.	22,000			22,000
NORTHEAST PETROLEUM		100.0	22,000	
HOLYOKE GAS AND ELECTRIC	23,058			23,058
WYATT INC (EXXON)		100.0	23,058	
NEW ENG. ELEC	1,136,000			1,136,000
ASIATIC PETRO CORP		60.0	681,600	
GOLD.EAGLE		39.9	453,264	
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NEW ENG. G & E	650,000			650,000
NEW ENGLAND PETRO		84.8	551,200	
WHITE FUEL(TEXACO)		15.2	98,800	
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	104,844			104,844
QUINCY OIL CO (EXXON		100.0	104,844	
NEW HAMPSHIRE				
PUB SER OF N.H.	311,000			311,000
SPRAGUE		26.3	81,793	
CONOCO		73.7	229,207	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	1,250,280			1,250,280
AMERADA HESS CORP		100.0	1,250,280	
CONSOL EDISON OF NY	3,803,000			3,803,000
NEW ENGLAND PETRO		45.5	1,730,365	
EXXON		20.8	791,024	
AMERADA HESS CORP		22.3	848,069	
TEXACO		11.4	433,542	
FREEPORT, VILLAGE OF	21,600			21,600
BURNS BROS O.(NEPCO)		100.0	21,600	
LONG ISLAND LIGHT CO.	1,637,000			1,637,000
NEW ENGLAND PETRO		100.0	1,637,000	
NIAGARA MOHAWK POWER CO.	444,076			444,076
NEW ENGLAND PETRO		100.0	444,076	
ORANGE & ROCKLAND UTILITIES	1,113,076			1,113,076
NEW ENGLAND PETRO		31.6	351,732	
HOWARD FUEL CORP		68.4	761,344	

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ROCHESTER GAS & ELECTRIC	130,148			130,148
ALLIED O		29.7	38,654	
MONOCO OIL COMPANY		70.3	91,494	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	7,050			7,050
CK SMITH		100.0	7,050	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	547,000			547,000
STEUART PETROLEUM CO		22.0	120,340	
TEXACO		5.0	27,350	
GULF		8.0	43,760	
CONOCO		65.0	355,550	
DOVER, CITY OF	30,952			30,952
TEXACO		100.0	30,952	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	775,000			775,000
ASIATIC PETRO CORP		79.0	612,250	
STEUART PETROLEUM CO		21.0	162,750	
MARYLAND				
BALTIMORE GAS & ELECTRIC	975,243			975,243
AMERADA HESS CORP		52.7	513,953	
EXXON		47.3	461,290	
NEW JERSEY				
ATLANTIC CITY ELECTRIC COMPA	374,935			374,935
AMERADA HESS CORP		60.0	224,961	
CONOCO		40.0	149,974	
GPU INTEGRATED SYSTEM	349,470			349,470
AMERADA HESS CORP		94.0	328,502	
SWANN OIL INC		5.0	17,474	
SHIPLEY-HUMBLE		1.0	3,495	

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PUBLIC SERVICE ELECTRIC	1,233,000			1,233,000
AMERADA HESS CORP		78.0	961,740	
EXXON		22.0	271,260	
VINELAND,CITY OF ELEC.	69,700			69,700
BRITISH PETROLEUM		100.0	69,700	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	122,269			122,269
PHILADELPHIA ELECTRIC CO.	1,526,500			1,526,500
ARCO		28.5	435,053	
AMERADA HESS CORP		21.5	328,198	
GULF		9.0	137,385	
NEW ENGLAND PETRO		2.1	32,057	
TEXACO		24.0	366,360	
CONOCO		14.9	227,449	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	0			0
FLORIDA P & L	2,108,000			2,108,000
EXXON		15.0	316,200	
BELCHER OIL(EXXON)		85.0	1,791,800	
FLORIDA POWER CORPORATION	1,360,100			1,360,100
EXXON		60.0	816,060	
AMERADA HESS CORP		40.0	544,040	
FORT PIERCE, CITY OF	49,800			49,800
NEW ENGLAND PETRO		100.0	49,800	
GAINESVILLE, CITY OF	105,980			105,980
EASTERN SEABOARD		100.0	105,980	
GULF POWER CO.	12,300			12,300
BAKER SERVICE(EXXON)		100.0	12,300	

JACKSONVILLE ELEC. AUTH.	599,272			599,272
VEN FUEL INC		82.6	494,999	
AMERADA HESS CORP		8.7	52,137	
NEW ENGLAND PETRO		8.7	52,137	
KEY WEST UTILITIES	60,000			60,000
STD.OIL-KY		100.0	60,000	
LAKE WORTH UTIL AUTHORITY	0			0
LAKELAND LIGHT & WTR DEPT	133,000			133,000
BELCHER(STD.OIL-KY)		100.0	133,000	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	362,872			362,872
NEW ENGLAND PETRO		100.0	362,872	
SEBRING UTILITIES COMM.	9,697			9,697
UNION OIL OF CA		100.0	9,697	
TALLAHASSEE, CITY OF	120,324			120,324
UNION OIL OF CA		100.0	120,324	
TAMPA ELECTRIC CO.	234,800			234,800
WESTERN (NEW ENG PET		100.0	234,800	
VERO BEACH MUNICIPAL POWER	39,922			39,922
BELCHER OIL(EXXON)		100.0	39,922	
GEORGIA				
GEORGIA POWER COMPANY	82,344			82,344
NEW ENGLAND PETRO		100.0	82,344	
SAVANNAH ELECTRIC & POWER CO	225,700			225,700
COLONIAL OIL(EXXON)		100.0	225,700	
MISSISSIPPI				
MISSISSIPPI POWER CO.	68,370			68,370
ERGON(INTL TRADING)		45.0	30,767	
BAKER SERVICE(EXXON)		55.0	37,604	

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SOUTH MISSISSIPPI ELEC	52,776			52,776
SOUTHLND OIL		83.0	43,804	
AMERADA HESS CORP		17.0	8,972	
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA ELEC & GAS CO	147,619			147,619
EXXON		100.0	147,619	
S.CAROLINA PUB SERV AUTH	5,960			5,960
AMERADA HESS CORP		100.0	5,960	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,824,600			1,824,600
EXXON		56.0	1,021,776	
AMERADA HESS CORP		19.7	359,446	
AMOCO		24.3	443,378	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	181,124			181,124
LOGICON INC (SHELL)		80.0	144,899	
E L BRIDE(TEXACO)		20.0	36,225	
JONESBORO WATER AND LIGHT PL	0			0
COLORADO				
CT&U, S.COLO PWR DIV.	0			0
KANSAS				
CENTRAL KANSAS PWR	6,300			6,300
GR.PLS(CRA-FARMLAND)		100.0	6,300	

CHANUTE,CITY OF	1,093			1,093
MID AMER.REFINING		100.0	1,093	
CLAY CENTER LT&WTR	75			75
CARTER WTR		100.0	75	
COFFEYVILLE LT & PWR	0			0
CT&U, WESTERN PWR DIV	43,740			43,740
AMOCO		73.0	31,930	
NORTH AMER PETRO		23.0	10,060	
CARTER WTR		4.0	1,750	
KANSAS GAS & ELEC	0			0
KANSAS POWER & LIGHT	100,000			100,000
PHILLIPS PETROLEUM		46.1	46,100	
GR.PLS		38.4	38,400	
NTL COOP REFINERY		15.5	15,500	
LARNED WTR & ELEC	261			261
CARTER WTR		100.0	261	
MCPHERSON BD OF PUB UTIL	1,000			1,000
NTL COOP REFINERY		100.0	1,000	
OTTAWA WTR & LT	210			210
CARTER WTR(AMOCO)		100.0	210	
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C	29,000			29,000
FALCO		66.7	19,343	
ATLAS(PENNZOIL)		33.3	9,657	
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	2,289,000			2,289,000
MURPHY OIL CORP		30.0	686,700	
TAUBER OIL CO		20.5	469,245	
SHELL		21.3	487,557	
EXXON		12.9	295,281	
GULF		9.5	217,455	
ERGON INC (EXXON)		3.8	86,982	
E L BRIDE(OKC REF.)		1.7	38,913	
REESE OIL(SUN OIL)		.3	6,867	

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SOUTHWESTERN ELECTRIC POWER	8,000			8,000
FALCO		100.0	8,000	
MISSISSIPPI				
CLARKSDALE WTR & LT	0			0
YAZOO CITY PUB SERV	2,142			2,142
SOUTHLND OIL(HOWELL)		100.0	2,142	
MISSOURI				
EMPIRE DIST ELEC	4,078			4,078
E L BRIDE		100.0	4,078	
ST JOSEPH LT & PWR	3,400			3,400
E L BRIDE		100.0	3,400	
OKLAHOMA				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	9,639			9,639
MCPHERSON BROS		100.0	9,639	
TEXAS				
GULF STATES UTILITIES	330,000			330,000
COASTAL STATES MKTG		37.5	123,750	
TENNECO		16.1	53,130	
LAJET		4.0	13,200	
EXXON		20.1	66,330	
SOUTH HAMPTON CO		22.3	73,590	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	9,571			9,571
TESORO		100.0	9,571	
BRAZOS ELEC COOP	0			0
BRYAN, CITY OF	4,800			4,800
PETROLEUM T&T(3 RIVE		100.0	4,800	

DALLAS POWER &LT.	1,667			1,667
WINSTON REF CO		18.2	303	
KERR MCGEE OIL CO		18.9	315	
J&W REFINING		47.2	787	
BEE OIL&REFINING		15.6	260	
GARLAND,CITY OF	33,333			33,333
PRIDE REFINERY INC		74.7	24,900	
DELTA REFINING CO		25.3	8,433	
HOUSTON LIGHT & PWR	0			0
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUB SERV	7,648			7,648
TESORO		100.0	7,648	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	11,532			11,532
LA GLORIA OIL&GAS CO		31.1	3,586	
J&W REFINING		49.0	5,651	
KERR MCGEE		19.9	2,295	
WEST TEXAS UTIL	109,600			109,600
PRIDE REFINING INC		100.0	109,600	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS				
COMMONWEALTH EDISON CO.	380,000			380,000
ALLIED O.		98.0	372,400	
CLARK OIL&REF.CORP		2.0	7,600	
ILLINOIS POWER CO	55,000			55,000
ALLIED O.		100.0	55,000	

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MISSOURI				
UNION ELECTRIC	87,700			87,700
APEX OIL CO		100.0	87,700	
WISCONSIN				
SUPERIOR WTR & LT	10,715			10,715
MURPHY OIL CORP		100.0	10,715	
WISCONSIN ELEC PWR	2,381			2,381
INDUST FUEL&ASPHALT		100.0	2,381	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	5,444			5,444
MCMILLAN OIL CO		100.0	5,444	
INTERSTATE POWER	44,278			44,278
NORTHWESTERN REF		100.0	44,278	
LAMONI MUNIC	0			0
MINNESOTA				
AUSTIN UTILITIES	3,000			3,000
NORTHWESTERN REF		48.3	1,449	
GUSTAFSON OIL CO		33.0	990	
W H BARBER		18.7	561	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	1,317			1,317
E L BRIDE		100.0	1,317	
MINNESOTA PWR & LT	30,700			30,700
MURPHY OIL		100.0	30,700	
NORTHERN STATES PWR	12,000			12,000
E L BRIDE(TEXACO,WC)		100.0	12,000	

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OWATONNA MUN UTIL	9,016			9,016
NORTHWESTERN REF		60.0	5,410	
GUSTAFSON OIL CO		40.0	3,606	
WORTHINGTON, CITY OF	8,716			8,716
ALLIED O.		100.0	8,716	
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	28,119			28,119
FARMLAND INDUSTRIES		100.0	28,119	
FAIRBURY LT & WTR	4,000			4,000
CARTER WTR(TEXACO)		100.0	4,000	
GRAND ISLAND ELEC	28,208			28,208
E L BRIDE		100.0	28,208	
HASTINGS UTILITIES DEPT	2,051			2,051
CARTER WTR		100.0	2,051	
LINCOLN ELECTRIC SYSTEM	3,300			3,300
E.L. BRIDE CO		100.0	3,300	
NEBRASKA PUBLIC POWER DISTRI	24,750			24,750
PANHANDLE COOP ASSOC		100.0	24,750	
OMAHA PUB PWR DIST	8,818			8,818
MILDER OIL CO		100.0	8,818	
WISCONSIN				
LAKE SUPERIOR DIST PWR	22,800			22,800
DOME PETROLEUM		100.0	22,800	

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LT & WTR	706			706
CRYSTAL REFINING CO		100.0	706	

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CONSUMERS POWER	698,915			698,915
CONSUMERS PWR-CRUDE		54.0	377,414	
LAKESIDE REFINING CO		14.0	97,848	
OSCEOLA REFINING CO		8.0	55,913	
TOTAL LEONARD INC		4.0	27,957	
MURPHY MI.DIV.AMOCO		6.0	41,935	
ENTERPRISE OIL CO		6.0	41,935	
BORON OIL(STANDARD)		3.0	20,967	
INDUST FUEL&ASPHALT		2.0	13,978	
RUPP OIL COMPANY		2.0	13,978	
GLADIEUX REF		1.0	6,989	
DETROIT EDISON CO.	309,064			309,064
SUN OIL LTD		70.0	216,345	
CANADIAN FUEL MKTRS		9.9	30,597	
ENTERPRISE OIL CO		4.8	14,835	
PETRO PRODUCTS		5.4	16,689	
MARATHON OIL		9.9	30,597	
GRAND HAVEN BD PUB	3,317			3,317
OSCEOLA REF		100.0	3,317	
HILLSDALE BD OF PUB WORKS	1,664			1,664
LEWIS(GLADIEUX REF)		100.0	1,664	
OHIO				
CLEVELAND ELEC ILLUMIN	254,095			254,095
ALLIED O.(ASHLAND)		100.0	254,095	
TOLEDO EDISON	0			0
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	27,900			27,900
ALLIED O.(NEPCO)		100.0	27,900	

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA				
ARIZONA PUBLIC SERVICE CO.	332,475			332,475
UNION OIL OF CAL		63.0	209,459	
PACIFIC SOUTHWEST		16.5	54,858	
SAN JOAQUIN REF		16.5	54,858	
BASIN FUELS		4.0	13,299	

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SALT RIVER PROJECT	99,000			99,000
TESORO		12.4	12,276	
DOUGLAS OIL CO		2.8	2,772	
GUSTAFSON OIL CO		.9	891	
MACMILLAN		17.0	16,830	
POWERINE OIL CO		18.1	17,919	
LITTLE AMERICA		19.7	19,503	
SAN JOAQUIN REF		29.1	28,809	
TUCSON GAS & ELEC	237,958			237,958
GOLDEN GATE PETRO		22.0	52,351	
NAVAJO REFINING		5.0	11,898	
TOSCO		43.0	102,322	
UNION OIL OF CA		25.0	59,490	
HOLLAND OIL(TOSCO)		5.0	11,898	
CALIFORNIA				
BURBANK CITY PUBLIC SER.	84,600			84,600
CARSON(GOLD,EAGLE)		100.0	84,600	
GLENDALE PUBLIC SERVICES	87,000			87,000
POWERINE OIL CO		100.0	87,000	
IMPERIAL IRRIGATION DISTR	32,200			32,200
CRESCENT REF&O(GULF)		100.0	32,200	
LOS ANGELES DEPT OF WATER &	1,567,000			1,567,000
ARCO		59.8	937,066	
EDGINGTON OIL CO		20.9	327,503	
PETROBAY		7.6	119,092	
NEWHALL REFINING CO		5.0	78,350	
SAN JOAQUIN REF		3.5	54,845	
POWERINE OIL CO		3.2	50,144	
PACIFIC GAS & ELECTRIC CO	3,066,800			3,066,800
ARCO		71.3	2,186,628	
UNION OIL OF CA		4.7	144,140	
PHILLIPS PETROLEUM		24.0	736,032	

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PASADENA POWER CO.	99,995			99,995
GOLD.EAGLE		100.0	99,995	
SAN DIEGO GAS & ELECTRIC CO.	964,000			964,000
UNION OIL OF CA		29.8	287,272	
MIRI		16.2	156,168	
EDGINGTON OIL CO		21.3	205,332	
TESORO		32.7	315,228	
SOUTHERN CALIF EDISON	8,429,000			8,429,000
STD.OIL-CAL		50.1	2,218,929	
TEXACO		9.7	429,613	
ARCO		7.8	345,462	
EXXON		20.4	903,516	
PACIFIC RESOURCES		6.8	301,172	
MACMILLAN R.F.OIL		3.0	132,870	
CONOCO		2.2	97,438	
COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	58,007			58,007
PLATEAU INC		20.1	11,659	
REF.CORP		43.5	25,233	
CONOCO		36.4	21,115	
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	139,830			139,830
GUSTAFSON OIL CO		54.0	75,508	
HUSKY OIL COMPANY		46.0	64,322	
SIERRA PACIFIC POWER	157,483			157,483
GOLDEN GATE PETRO		100.0	157,483	

NEW MEXICO				
PLAINS ELEC GEN & TRANSM	2,047			2,047
PLATEAU INC		97.8	2,002	
CARIBOU 4 CORNERS		2.2	45	
PUB SERV NEW MEXICO	16,021			16,021
PLATEAU INC		39.8	6,376	
SHELL		26.4	4,230	
THRIFTWAY		5.4	865	
NAVAJO REFINING		24.1	3,861	
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PACIFIC POWER & LIGHT CO	204			204
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SOUTHERN UNION		74.5	62,655	
TESORO		25.5	21,446	
UTAH				
UTAH POWER &LIGHT CO.	22,000			22,000
BLACKLINE ASPH.SALES		100.0	22,000	
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	134,650			134,650
ROSSO INC		1.0	1,347	
PACIFIC NORTHERN		16.0	21,544	
HOME OIL CO		2.0	2,693	
SOUTH CENTER OIL		16.5	22,217	
LILYBLAD		8.5	11,445	
CASCADE		8.0	10,772	
OLDS OLYMPIC		4.0	5,386	
SHELL		44.0	59,246	

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SEATTLE DEPT OF LI	74,400			74,400
SHELL		100.0	74,400	
TACOMA DEPT OF PUBLIC UTILIT	0			0

10. ASCC

ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPANY	669,446			669,446
STD.OIL-CA		100.0	669,446	
HILO ELEC LT	23,245			23,245
STD.OIL-CA		100.0	23,245	
KAUAI ELECTRIC	14,400			14,400
STD.OIL--CA		100.0	14,400	
MAUI ELECTRIC	22,961			22,961
STD.OIL-CA		100.0	22,961	

11. NOT OTHERWISE CLASSIFIED

UNK				
GUAM PWR AUTH	86,477			86,477
U.S.NAVY		100.0	86,477	
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COMMONWEALTH OIL		50.0	871,261	
PUERTO RICO SUN OIL		30.0	522,757	
CARIBBEAN GULF REF		20.0	348,504	
ST CROIX, V.I. WTR PWR	53,339			53,339
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ST THOMAS, V.I. WTR PWR	39,542			39,542
AMERADA HESS CORP		100.0	39,542	

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TUESDAY, FEBRUARY 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 38

Pages 8061–8161

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 3—The President

CHAPTER V—EXECUTIVE OFFICE OF THE PRESIDENT

PART 101—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

Freedom of Information Regulations

Correction

In FR Doc. 75-4777 appearing at page 7346 in the issue of Wednesday, February 19, 1975, the paragraphs appearing on page 7346 immediately under the heading "Executive Office of the President" are codified to read as follows:

Sec.
101.1 Executive Office of the President.
101.2 Office of Management and Budget.
101.3 Council on Wage and Price Stability.
101.4 National Security Council.

§ 101.1 Executive Office of the President.

Until further regulations are promulgated, the remainder of the entities within the Executive Office of the President, to the extent that 5 U.S.C. 552 is applicable, shall follow the procedures set forth in the regulations applicable to the Office of Management and Budget (5 CFR Ch. III). Requests for information from these other entities should be submitted directly to such entity.

§ 101.2 Office of Management and Budget.

Freedom of Information regulations for the Office of Management and Budget appear at 5 CFR Ch. III.

§ 101.3 Council on Wage and Price Stability.

Freedom of Information regulations for the Council on Wage and Price Stability appear at 6 CFR Ch. VII.

§ 101.4 National Security Council.

Freedom of Information regulations for the National Security Council appear at 32 CFR Ch. XXI.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Economic Affairs is excepted under Schedule C.

Effective on February 25, 1975, § 213.3314(a)(11) is amended as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(11) Two Special Assistants to the Assistant Secretary for Economic Affairs.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5007 Filed 2-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Special Assistant to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) is excepted under Schedule C.

Effective on February 25, 1975, § 213.3305(a)(61) is added as set out below.

§ 213.3305 Department of the Treasury.

(a) Office of the Secretary. • • •

• • • • •

(61) One Special Assistant to the Assistant Secretary (Enforcement, Operations, and Trade Affairs).

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5008 Filed 2-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182(a) is amended to show that authority in § 213.3182(a)(1) is revoked and that one position of Director of Performing Arts and Public Media Programs for the Arts is excepted until June 30, 1976, under Schedule A.

Effective February 25, 1975, § 213.3182(a)(1) is revoked and §213.3182(a)(29) is added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) [Reserved].

• • • • •

(29) Until June 30, 1976, one Director of Performing Arts and Public Media Programs.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5011 Filed 2-24-75;8:45 am]

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

Freedom of Information Regulations

Subpart A, General Provisions of Part 294 is being revised in its entirety to conform with several important amendments to 5 U.S.C. 552, Pub. L. 93-502, the Freedom of Information Act.

The revised Subpart A is set out below:

Subpart A—General Provisions

Sec.
294.101 Purpose.
294.102 Definitions.
294.103 General policy.
294.104 Information available—Indexes of certain records.
294.105 Places where information may be obtained.
294.106 Procedures for obtaining information.
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294.108 Appeal of a denial of information.
294.109 Custody of information; subpenas.
294.110 Deceased employees.

AUTHORITY: 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92-502.

Subpart A—General Provisions

§ 294.101 Purpose.

The purpose of this part is to set forth the basic policies of the Commission in regard to the availability or disclosure of information in the possession of or controlled by the Commission.

§ 294.102 Definitions.

In this part:

(a) "Information" means books, papers, manuals, records, photographs, and other documentary materials, regardless of physical forms or characteristics, made in or received by or under the control of the Commission in pursuance of law or in connection with the discharge of official business;

(b) "Information available to the public" means information, including reasonably segregable nonexempt portions of information that may lawfully be withheld, which, on request may be examined and copied, or of which copies

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may be obtained in accordance with this part by the public regardless of interest and without specific justification; and

(c) "Disclose or disclosure" means making information available, on request, for examination and copying, or furnishing a copy of the information.

§ 294.103 General policy.

(a) When the Commission receives requests for information under section 552 of Title 5, United States Code, it will provide or disclose the requested information promptly, subject only to the following conditions:

(1) The request reasonably describes the information sought.

(2) The request is filed according to the procedures specified in § 294.106 below.

(3) Any applicable fees for records search, copying, printed matter, or computer services have been paid or waived as specified in § 294.107 below.

(4) The requested material is not subject to one of the exemptions in section 552(b) of Title 5, United States Code.

(b) If the requested information is subject to one of the exemptions, the Commission may disclose it or may not, depending on the nature of the information. However, the Commission will not ordinarily disclose the following exempt materials:

(1) Material specifically authorized by an Executive Order to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to criteria in such an Executive Order;

(2) Material related solely to the internal personnel rules and practices of the Commission;

(3) Material specifically exempted from disclosure by statute;

(4) Commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memoranda or letters which would not be available by law to a party in litigation with the Commission;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (except that such files will be disclosed to the individuals to whom they pertain as specified in § 294.703 of this part); or

(7) Investigation records (except that such records will be disclosed to the individuals to whom they pertain under the conditions specified in § 294.601 of this part).

(c) If part of the requested information is exempt from disclosure and part is not, the Commission will disclose reasonably segregable portions of the material after deleting exempt portions.

§ 294.104 Information available—indexes of certain records.

(a) Indexes of materials published and offered for sale or available for public inspection and copying shall be maintained and revised at least quarterly.

(b) A copy of this index is available at cost from:

Office of Public Affairs, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

Indexing of these materials is for the convenience of the public and does not constitute a determination that all of the materials listed are within the category of those required to be indexed by 5 U.S.C. 552(a)(2).

§ 294.105 Places where information may be obtained.

(a) A request for information which the requester believes located in the Commission headquarters in Washington, D.C., should be addressed to the director of the bureau or the chief of the office indicated in the list in paragraph (b) of this section. The address for all such requests is:

U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

(b) The following lists the bureaus and offices of the Commission in Washington, D.C., and their principal areas of responsibility:

Bureau or office:	*Subject matter*
Director, Bureau of Policies and Standards.	Personnel management policies, pay policies, position classification standards, qualification standards, personnel management research, development of examinations.
Director, Bureau of Recruiting and Examining.	Civil service examinations, procedures for referring individuals to agencies for selection, selection and placement in civil service positions.
Director, Bureau of Executive Manpower.	Executive staffing, recruiting, apportionment of executive positions, approval of qualifications and planning for executive manpower needs.
Director, Bureau of Personnel Investigations.	Background investigations of Federal employees and applicants for Federal employment.
Director, Bureau of Training...	Job related training, training information and training available to Government employees.
Director, Bureau of Retirement, Insurance and Occupational Health.	Civil Service retirement system, group life insurance, and health benefits programs for Federal employees and development of Government-wide occupational health programs.
Director, Bureau of Manpower Information Systems.	Government-wide statistical personnel information, personnel reports and forms.
Director, Bureau of Personnel Management Evaluation.	Evaluation of personnel management in agencies and employee position classification appeals.
Director, Bureau of Intergovernmental Personnel Programs.	Grants to State and local governments, intergovernmental assignments, and other improvements to State and local government personnel systems.
Director, Federal Employees Appeals Authority.	Basic appeals: adverse action, reduction in force, termination of employment during the probationary period under specified circumstances, and suitability for Federal employment.
Director, Office of Federal Equal Employment Opportunity.	Selection and advancement within the Federal service without regard to race, religion, color, national origin, sex, or age.
Director, Office of Labor Management Relations.	Technical information and policy guidance concerning management and employee unions in the Federal service.

(c) A request for information located in a regional office, area office, or post of duty of the Commission should be addressed to the Director, U.S. Civil Service Commission Regional Office, at the appropriate address indicated in the following list:

1340 Spring Street NW., Atlanta, Georgia 30309.
John W. McCormack Post Office and Courthouse; Boston, Massachusetts 02109.
Federal Office Building, 29th Floor, 230 South Dearborn Street, Chicago, Illinois 60604.
1100 Commerce Street, Dallas, Texas 75202.
Denver Federal Center, Building 20, Denver, Colorado 80225.
New Federal Building, 26 Federal Plaza, New York, New York 10007.
William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.
1256 Federal Building, 1520 Market Street, St. Louis, Missouri 63103.
Federal Building, Box 36010, 450 Golden Gate Avenue, San Francisco, California 94102.
Federal Office Building, 26th Floor, 915 Second Avenue, Seattle, Washington 98174.

(d) If a request for information is made to a Commission office that does not have possession of the information, that office will forward the request to the appropriate office and will notify the requester that it has done so. However, for purposes of application of the time limits in section 552 of Title 5, United States Code, the request will not be considered to be received until it arrives in the office having possession of the requested information.

(e) Information, and the office to be contacted for such information, published and offered for sale, or available to the public for examining and copying, for the convenience of the public or pursuant to section 552, Title 5, United States Code, subsection (a), paragraph (2) is found in the Commission's index required by that paragraph.

(f) A request for information on a subject matter not specifically referred to in this paragraph or in the index, should be directed to:

Office of Public Affairs, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

§ 294.106 Procedures for obtaining information.

(a) A request for information under section 552 of Title 5, United States Code, may be made personally or in writing. Such requests may be made by letter as indicated above in § 294.105 or in person at an address indicated above during business hours on a regular business day.

(b) Each request for information under section 552 of Title 5, United States Code, should be clearly and prominently identified by means of a legend on the first page, such as "Freedom of Information Request." In addition, if sent by mail or otherwise submitted in an envelope or other cover, it should be clearly and prominently marked to show, "FOI" or "Freedom of Information" on the envelope, or some variation of this legend.

(c) A request under this part should reasonably describe the information being requested by a brief description containing a name, number, date as applicable, subject, title of publication or description, sufficient to enable the information to be identified and located. Requests for information contained in personnel records from persons other than the individual to whom the record pertains will be judged in accordance with § 294.103(b)(6).

(1) Requests for information from Official Personnel Folders and similar files must contain: name, date of birth, Social Security Account Number, agency where employed, and, if not presently employed, approximate dates of the most recent Federal employment. If presently employed, requests should be directed to the employing agency.

(2) Requests for information from investigatory files must contain: name, date and place of birth, and Social Security Account Number.

(3) Requests for information concerning the results of examinations should include name, date of birth, Social Security Account Number, identification number, and date, place, and time of examination.

(d) If a request is for materials that have been published and are offered for sale, e.g., by the Superintendent of Documents, the requester will be advised of the appropriate office in the Commission where the materials may be reviewed and the location where the materials may be purchased.

(e) The Commission shall make a determination to disclose or deny the requested information within ten working days after receipt of the request (excluding Saturdays, Sundays, and holidays) and shall notify the requester immediately of its determination and the fees involved, if any, prescribed by § 294.107.

§ 294.107 Service charges for information.

(a) Reasonable quantities of information that have been printed or otherwise reproduced by the Commission for the purpose of making it available to the public without charge, shall be furnished to a member of the public free of charge.

(b) Information other than that described in paragraph (a) of this section may be subject to a fair and equitable fee when it is made available to the public. The fee shall be paid by check or money order made payable to the Treasurer of the United States.

(c) Schedule of Fees. When a request is made for information under section 552 of title 5, United States Code, the Commission will charge a fee for searching and duplicating such information. The fees charged shall be as follows:

Photocopies, per page	$0.10
Printed material, per 25 pages or fraction thereof	.25
Manual records search, per hour	5.00
Automated records search:	
Programing, per hour	14.00
Keypunching, per hour	8.75
Computer time, per hour	65.00
Duplication, per hour	47.00

(d) Unless the request specifically states that whatever cost is involved will be acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that can reasonably be expected to involve assessed fees in excess of $5.00 will be deemed not received until the requester, after prompt notification of the anticipated cost of the request, agrees to bear it.

(e) When the anticipated fees exceed $50.00, a deposit of 20 percent of the amount must be made within 30 days after the requester has been advised that the anticipated fees exceed this amount. The request will be deemed not received until the deposit is received.

(f) Charges will be assessed in cases of unproductive or unsuccessful searches unless waived by the appropriate Commission official. Services performed that are not required under the Freedom of Information Act such as formal certification of records as true copies may be subject to charges under the Federal User Charge Statute (31 U.S.C. 483a) or other applicable statutes depending upon the services performed.

§ 294.108 Appeal of a denial of information.

(a) In the event of a difference concerning the availability or disclosure of information between a member of the public and an employee of the Commission or an employee of another agency with custody of information controlled by the Commission and authority to deny disclosure of such information, the requester may ask for reconsideration of the denial. The request shall be addressed to the Assistant Executive Director, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, within ten working days after the requester receives notification of the denial. The Assistant Executive Director shall notify the requester of the decision within 20 working days (excluding Saturdays, Sundays, and holidays) after receipt of the request for reconsideration. The request to the Assistant Executive Director is the only administrative appeal within the Commission. The decision on appeal exhausts the administrative remedies within the Commission. If the Assistant Executive Director upholds in whole or in part the denial of the request for records, the written notice shall inform the person making the request of the provisions for judicial review of that determination.

§ 294.109 Custody of information; subpenas.

(a) The Executive Assistant to the Commissioners has official custody of the official records of the Commission. A subpena or other judicial order for an official record from the Commission should be served on the:

Executive Assistant to the Commissioners, 1900 E Street NW., Washington, D.C. 20415.

(b) If a subpena or other judicial order for an official record is served on an employee of the Commission other than the Executive Assistant to the Commissioners, the employee shall immediately inform the General Counsel of the Commission who shall advise the employee accordingly.

(c)(1) If a subpena or other judicial order for information contained in an Official Personnel Folder in the physical custody of a Government agency other than the Commission is served on a Government employee responsible for the Folder, he shall disclose such information as is allowed under this part. However, he should retain custody of the information and, as necessary, request permission of counsel or the court to furnish a certified copy for inclusion in the court record.

(2) In an unusual situation or a situation in which information not available under this part is sought, the Government employee who received the subpena shall immediately forward it and the Official Personnel Folder containing the information sought to the:

General Counsel, U.S. Civil Service Commission, Washington, D.C. 20415.

When this is done, the Government employee shall inform the person who applied for the subpena that the subpena and the information sought have been sent to the Commission pursuant to this subparagraph and, if necessary, request a postponement of the scheduled appearance.

§ 294.110 Deceased employees.

A right under this part to the disclosure of, and to control the disclosure of, information personal to an employee, former employee, annuitant, or applicant passes after his death to the executor or administrator of his estate, or in the absence of an executor or administrator, to his next of kin.

Public comment is invited on the above provisions and will be considered by the Commission if received no later than March 21, 1975. Comments should be submitted in writing to the Assistant Executive Director, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Notwithstanding the foregoing, these provisions become effec-

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tive February 19, 1975 and shall remain in effect until and unless revised by the Commission.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 75-5006 Filed 2-24-75; 8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS, FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Increase in Expenses for the 1974–75 Season

This document authorizes an increase of $9,928 in the Industry Committee expenses during the 1974–75 season (April 1, 1974, through March 31, 1975) under Marketing Order No. 926. Said increase changes the seasonal committee budget from $139,183 to $149,111 with no change in the related rate of assessment on handlers of Tokay grapes.

On January 29, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 4315) regarding proposed amendment of the committee expenses for the period April 1, 1974, through March 31, 1975, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons 20 days to submit written data, views, or arguments pertaining to the proposal. None were submitted. After consideration of all relevant matter presented, including the proposal set forth in said notice which was submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is *hereby ordered* That the provisions of paragraph (a) of § 926.214 (39 FR 33306) be amended to read as follows:

§ 926.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1974, through March 31, 1975, will amount to $149,111.

* * * * *

It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the Industry Committee has incurred expenses in excess of those previously thought likely to be incurred, (2) it is essential that the determination of expenses, as specified therein, be issued immediately so that said committee can meet its obligations and perform its duties and functions during the current fiscal period in accordance with the provisions of said marketing agreement and order, and (3) the increase in expenses, as set forth herein, will not result in an increase in the rate of assessment for handlers as heretofore fixed by the Secretary (39 FR 33306).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 20, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 75-4997 Filed 2-24-75; 8:45 am]

[Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions; Minimum Quality Requirements

This regulation changes minimum quality requirements for imported onions.

Notice of rulemaking regarding a proposed amendment of § 9c0.113 Onion import regulation, was published in the January 16, 1975, FEDERAL REGISTER (40 FR 2819). This regulation is effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1).

The notice afforded interested persons an opportunity to file written data, views or arguments in regard thereto not later than February 3, 1975. None was filed.

Under section 8e, whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.113 (39 FR 26290), became effective July 16, 1974, and sets forth similar grade, size, quality and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Malheur County, Oregon.

Grade, size, quality, and maturity requirements become effective for the period March 10 through May 11, 1975 (39 FR 45208) under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. Imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 17 and the changes are necessary to bring import regulations into line with domestic regulations covering South Texas onions.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions comply with the grade, size, quality and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 959, as amended (7 CFR Part 959) regulating the handling of onions grown in designated counties of South Texas. This regulation is subject to further amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section 8e of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the January 16, 1975, FEDERAL REGISTER (40 FR 2819), and such notice is determined to be reasonable.

Regulation, as amended. Section 980.113 Onion import regulation (39 FR 26290), is hereby revised to read as follows:

§ 980.113 Onion import regulation.

Pursuant to Section 8e of the act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 17, 1975, and continuing through May 11, 1975, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements. (1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. onion standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) Condition. Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity. Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine. Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service. The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) Inspection and official inspection certificates. (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance Notice
All Texas points..	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4091 or 4661).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1414, Nogales, Ariz. 85621 (Phone 602-287-2962).	Do.
All California points.	D. F. Thompson, 784 South Central Ave., Room 206, Los Angeles, Calif. 90021 (Phone 213-688-5704).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5426, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3087).	1 day.
All Puerto Rico points.	Darrell McNeal, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-759-2280 or 4116).	2 days.
New York City..	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans....	Anthony Gennaro, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-527-6741 or 6742).	Do.
Miami.....	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136 (Phone 305-324-6111 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (Phone 813-294-3311, Extension 33 and 813-294-2089).	Do.
All other points..	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-3870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) Reconditioning prior to importation. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality and maturity being made effective for onions grown in South Texas.

(i) Definitions. For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3965–51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable United States Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: February 14, 1975 to become effective March 17, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-4996 Filed 2-24-75;8:46 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[No. 75–155]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Freedom of Information; Release of Records and Information

Summary. The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

1. *Present regulations.* Part 505 of the General Regulations contains regulations adopted in June, 1967, implementing the Freedom of Information Act ("FOIA"), 5 U.S.C. 552.

2. *Reason for changing the regulations.* Part 505 is being amended to implement recent amendments to 5 U.S.C. 552 contained in Pub. L. 93–502.

3. *Final regulations.* The principal changes in Part 505 are contained in § 505.4(f) which provides time limitations and procedures for handling requests for information and records under the FOIA, and in § 505.4(g) which provides time limitations and procedures for processing administrative appeals from the denial of such requests. The changes are described in the preamble.

Also described in the preamble is Board Resolution No. 75–15 which proposed the amendment of § 505.4(e) of the general regulations, revising the schedule of fees which may be charged under the FOIA.

As stated above, pursuant to Pub. L. 93–502 which amended 5 U.S.C. 552, and Board Resolution No. 75–15, dated January 15, 1975, the Board is amending certain portions of Part 505 of its general regulations (12 CFR Part 505).

Section 505.1 *Basis and scope* is not changed.

Certain editorial and technical changes have been made in §§ 505.2 *Definitions* and 505.3 *Published information.* A new paragraph (d) to § 505.3 has been added to describe the "Annotated Manual of Statutes and Regulations", and former paragraphs (d) and (e) of that section have been redesignated as (e) and (f), respectively.

Section 505.4 *Access to records,* contains the most significant changes occasioned by Pub. L. 93–502. Paragraph (a), (b), and (c) remain unchanged, except for the deletion of references to § 505.5 (see explanation below). The final three sentences of the former paragraph (d) of § 505.4 (which has been reentitled "Request for records and other information"), relating to fees under the FOIA, have been incorporated in amended form in a new paragraph (e).

As previously indicated, with respect to paragraph (e), the Board, by Resolution No. 75–15 dated January 7, 1975, proposed an amendment in its fee schedule. Notice of proposed rule making was

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duly published in the FEDERAL REGISTER on January 15, 1975 (40 FR 2715) with an invitation for interested persons to submit written comments by January 30, 1975. Upon consideration of all relevant material, the Board has determined to adopt paragraph (e) substantially as proposed. As amended, the new fee schedule provides for the furnishing of cost estimates in certain cases; the search fee has been increased from $5 to $10 per hour; and advance deposits are authorized in certain cases. The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive fees of $3 or less and to waive in whole or part fees when the imposition of such fees would impose an unnecessary hardship on the person making the request or when such waiver would serve the public interest.

The Board has not at this time attempted to provide a fee schedule for supplying records and information from computer and other information systems programs. When the Board accumulates experience in the processing of such requests, a more definitive fee schedule for such services will be proposed.

Paragraph (f) of § 505.4 provides for the initial determination of FOIA requests by the Board's General Counsel. As described therein, a request must, in the absence of "unusual circumstances" as defined in paragraph (i) of § 505.4, be granted or denied within 10 days (excluding Saturdays, Sunday, and legal holidays) after its receipt by the Secretary or Assistant Secretary to the Board. Notification of the initial denial of requests for access to information or records shall include a statement of the reasons therefor and shall advise the person making the request of the right to an administrative appeal under paragraph (g).

Paragraph (g) of § 505.4 replaces former § 505.8 and establishes a method for appeals to the Board, or to a designated Member thereof, from an adverse initial determination under paragraph (f). The appeal must be taken within 30 calendar days from the date of written notification of such denial, and must be determined within 20 working days, except in unusual circumstances.

Under paragraph (h) of § 505.4, the Board may, in cases where an action has been filed for judicial review of an initial denial, (1) continue to process an appeal therefrom under paragraph (g), or (2) if the person making the request has not appealed under paragraph (g), initiate and process an appeal.

Paragraph (i) of § 505.4 sets forth the "unusual circumstances" described in Pub. L. 93–502, upon which the time periods referred to in paragraphs (f) and (g) of said section may be extended for a total of 10 working days in the aggregate; provided, however, that the person requesting access to records or information is notified of (1) such circumstances, and (2) the date on which the initial determination shall be made or the administrative appeal decided.

Under paragraph (j) of § 505.4, the time limitations for the making of initial determinations and appeals therefrom shall commence when the request or appeal is actually received by the Secretary to the Board.

Former § 505.5 *Deferment of availability of certain information* provided for the deferment of the availability of certain information. Since the provisions of that section do not conform with the time limitations imposed by Pub. L. 93–502, it has been deleted, and § 505.6 *Information not disclosed* has been redesignated § 505.5.

Paragraph (a) of the latter section is amended in two respects: subparagraph (4) of paragraph (a) is amended to reflect the more restrictive limitations upon the exemption from disclosure of investigative files contained in 5 U.S.C. 552(b)(7), as amended by Pub. L. 93–502. Also, a sentence is added at the end of the paragraph (a) to make clear that in responding to requests for records of the Board, portions of which are exempt from disclosure, the non-exempt material, if reasonably segregable, shall be furnished to the person making the request.

Paragraph (b) of § 505.5 (which formerly was part of § 505.6) has been amended to provide that copies of regular examination reports of each insured institution, and affiliates examined in connection with such examinations (including holding companies and service corporations), are routinely made available by the Board's Supervisory Agent at the appropriate Federal Home Loan Bank, to the institution examined; and that reports of examination and other information relating to State-chartered insured institutions and affiliates are also made available, upon request, to State regulatory authorities.

Paragraph (c) of said section was also amended to permit unpublished information to be released under delegated authority as well as under the procedure provided in § 505.4; however, the "proper interest" test as a condition to the release of information has been deleted since it is inconsistent with the provisions of 5 U.S.C. 552.

Section 505.7 *Subpoenas*, without other change, has been redesignated § 505.6. The provision of appeals formerly contained in § 505.8 has been superseded by the administrative appeals provisions of § 505.4(g) and, therefore, § 505.8 has been deleted.

Accordingly, the FHLBB amends §§ 505.2, 505.3, and 505.4; amends and redesignates § 505.6 as § 505.5; redesignates without change § 505.7 as § 505.6; and deletes former §§ 505.5 and 505.8. Part 505 of the general regulations reads as set forth below, effective February 19, 1975.

Since the above-described amendments are either required by the amendments to 5 U.S.C. 552(a) and (b), effected by Pub. L. 93–502, are for the purpose of clarification, or relate to rules of procedure or practice, the Board hereby finds that (except as indicated above as to the proposed amendment to § 505.4 (e)) notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since Pub. L. 93–502, which said amendments are designed to implement, becomes effective on February 19, 1975, publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would therefore be impracticable, unnecessary or contrary to the public interest.

Sec.
505.1 Basis and scope.
505.2 Definitions.
505.3 Published information.
505.4 Access to records.
505.5 Information not disclosed.
505.6 Subpoenas.

AUTHORITY: 5 U.S.C. 552: sec. 17, 47 Stat. 736, as amended, sec. 5, 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended; 12 U.S.C. 1437, 1464, 1725; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.

§ 505.1 Basis and scope.

This Part is issued by the Federal Home Loan Bank Board pursuant to the requirement of section 552 of Title 5 of the United States Code, that every Federal agency shall publish in the Federal Register for the guidance of the public descriptions of the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions.

§ 505.2 Definitions.

As used in this Part 505:

(a) *Information of the Board.* The term "information of the Board" means all information coming into the possession of the Board or of any Member thereof, of the Federal Savings and Loan Insurance Corporation, or of any Federal Home Loan Bank or of any officer, employee, or agent of the Board or of the Federal Savings and Loan Insurance Corporation or of any Federal Home Loan Bank in the performance of duties for or on behalf of the Board, whether located at the offices of the Board or of a Federal Home Loan Bank, or elsewhere, including any examination report or related information in connection with examinations made by examiners selected, approved, or appointed by the Board.

(b) *Records of the Board.* The term "records of the Board" means rules, statements, opinions, orders, memoranda, interpretations, letters, reports, accounts, and other papers that contain information of the Board.

(c) *Member institution.* The term "member institution" means an institution which is a member of a Federal Home Loan Bank.

(d) *Person.* The term "person" includes any individual, firm, corporation, organization, or other entity.

§ 505.3 Published information.

(a) FEDERAL REGISTER. As required by sections 552 and 553 of Title 5 of the United States Code, and subject to the provisions of § 505.5 of this Part, the Board publishes in the FEDERAL REGISTER for the guidance of the public, in addition to this Part:

(1) Descriptions of its central and field organization;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Board;

(5) Every amendment, revision, or repeal of the foregoing; and

(6) General notices of proposed rulemaking.

(b) *Annual report.* The Board's Annual Report to Congress, made pursuant to section 17(b) of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1437 (b)), which is published after its submission to Congress, covers the operations of the Federal Home Loan Bank System, the Federal Savings and Loan Insurance Corporation and the Federal Savings and Loan System.

(c) *Federal Home Loan Bank Board Journal.* In the Federal Home Loan Bank Board Journal, which is issued monthly, the Board publishes brief summaries of economic and statistical information; special articles on subjects of economic interest; brief summaries of regulations, statements of general policy, and interpretations of general policy, and interpretations of general interest to the public; notices of actions by the Board on certain types of applications, such as applications for membership in the Federal Home Loan Bank System; and a directory which includes a listing of new insured members of the Federal Home Loan Bank System, new Federal associations, and new branch offices of Federal associations.

(d) *Annotated Manual of Statutes and Regulations.* The Board publishes the Annotated Manual of Statutes and Regulations which contains: (1) The statutes under which the Board operates; (2) the regulations, rulings, and statements of policy promulgated by the Board; (3) interpretative memoranda of the Office of Examinations and Supervision; (4) digests of opinions rendered by the Office of General Counsel; and (5) other statutory and regulatory material relating to the Board's operations. The Annotated Manual is regularly supplemented to provide current changes in the aforementioned categories. Each member institution is given a free copy of the Manual and it is available from the Superintendent of Documents to the general public on a subscription basis.

(e) *Other published information.* From time to time, the Board issues statements to the press regarding particular dividend and credit actions, regulatory actions, statements of policy, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, among which is an annual compilation of statistics relating to the savings and loan industry called the "Combined Financial Statements".

(f) *Access to publications.* The publications referred to in paragraphs (b), (c), (d), and (e) of this section may be examined and, if available, copies may be obtained at the offices of the Board at the times and address set forth in paragraph (d) of § 505.4 of this Part.

§ 505.4 Access to records.

(a) *General rule.* All records of the Board are made available to any person for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in § 505.5 of this Part. It is the policy of the Board to disclose its records to the public, even though such records may, in the Board's discretion, be exempted from disclosure by section 552 of Title 5 of the United States Code or by § 505.5 of this Part, wherever such disclosure can be made without resulting in injury to a public or private interest intended to be protected by the foregoing statute or in a significant interference with the statutory responsibilities of the Board and the national interest. Requests for information which can be produced only by processing through an information system program especially designed for that purpose are not regarded as requests for identifiable records that must be disclosed pursuant to section 552 of Title 5 of the United States Code; but it is the policy of the Board to make such information available if it is not otherwise exempt from disclosure, provided that the retrieval or production of such information does not unduly burden or interfere with the functioning of the Board.

(b) *Opinions, order, statements of policy, interpretations, and staff manuals and instructions.* Subject to the provisions of § 505.5 of this Part, the Board makes available for inspection and copying (1) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases; (2) statements of policy and interpretations adopted by the Board that are not published in the Federal Register; and (3) administrative staff manuals and instructions to staff that affect any member of the public. However, to the extent required to prevent a clearly unwarranted invasion of personal privacy, the Board may delete identifying details in any material of the kinds abovedescribed; and in each such case the justification for such deletion will be fully explained in writing. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public as to any material described in this paragraph which is issued, adopted, or promulgated after July 4, 1967.

(c) *Other records.* Subject to the provisions of § 505.5 of this Part, a record of the final votes of each member of the Board in any proceeding of the Board is available for public inspection.

(d) *Requests for records and other information.* Available records and other information of the Board subject to this section may be inspected or copied during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board, 320 First Street NW, Washington, D.C. 20552. Any person requesting access to, or copying of, such records or other information shall submit such request in writing to the Secretary to the Board. The request shall state the full name and address of the person and a description of the records or other information sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible request should be submitted in advance of the date inspection or copying is desired, preferably by mail.

(e) *Fees for providing copies of records.* (1) A person requesting access to or copies of particular records shall pay the cost of searching or copying such records at the rate of $10 per hour for searching and 10 cents per page for copying. Unless a requester states in his initial request that he will pay all costs regardless of amount, he shall be notified as soon as possible if there is reason to believe that the cost for obtaining access to and/or copies of such records will exceed $50. If such notice is given, the time limitations contained elsewhere in this Part shall not commence until the requester agrees in writing to pay such cost. The Secretary is authorized to require an advance deposit whenever in his judgment such a deposit is necessary to insure that the Board will receive adequate reimbursement of its costs. If such a deposit is required, the time limitations contained elsewhere in this Part shall not commence until the deposit is paid.

(2) The Secretary or an Assistant Secretary designated by the Secretary is authorized either to waive such payment in instances in which total charges are less than $3 or to wave in full or in part such fees when unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(3) With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested and the Director, Information Systems Division, or such person or persons as he may designate, with the concurrence of the Director, Office of Economic Research, or such person or persons as he may designate, is authorized to determine the cost of such retrieval and production, and to waive such payment in instances in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(f) *Initial determination.* (1) The General Counsel, or his designee, shall determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt by the Secretary to the Board of a written request for records or other information of the Board whether, or the extent to which, the Board will comply with such request.

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(2) Upon determination by the General Counsel, or his designee, with respect to a request for records or other information of the Board, the Secretary shall immediately send written notification to the person making the request. If the request is denied, in whole or in part, said notification shall include the reasons therefor and shall advise such person that such determination is not a final agency action and of the right to appeal therefrom under paragraph (g) of this section.

(g) *Appeal procedure.* (1) In the event of any denial under paragraph (f), the person making the request may, within 30 calendar days of the date of written notification thereof, appeal from said denial by written application, stating the grounds therefor, to the Secretary to the Board at the address set forth in § 505.4(d).

(2) The Board, or such Member thereof as it may designate, shall make its determination with respect to the appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of said application by the Secretary. If on appeal the denial of the request for records is upheld, in whole or in part, the Secretary shall promptly notify the applicant in writing of such determination and of the provisions for judicial review thereof under 5 U.S.C. 552(a)(4).

(h) *Appeal during pendency of action for judicial review.* If a suit is filed in a district court of the United States under 5 U.S.C. 552(a)(4) in any case in which an initial adverse determination, in whole or in part, has been issued, regardless of whether or not the suit is premature, (1) the Board, or designated Member thereof, may continue to process any appeal therefrom under paragraph (g) of this section, or (2) if the person making the request has not appealed under said paragraph (g), the Board, or designed Member thereof, may initiate and process an appeal from such determination.

(i) *Time extension in unusual circumstances.* In unusual circumstances as provided in this paragraph, the time limitations prescribed in paragraphs (f) or (g) of this section may be extended for not more than ten additional working days by written notice to the person making the request setting forth the reasons for such extension and the date on which a determination of the request or appeal is expected to be dispatched. As used herein, "unusual circumstances" means:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation with another agency having substantial interest in the determination of the request or the appeal, or among two or more components of the Board having substantial subject-matter interest therein.

(j) *Time limitations.* All time limitations established pursuant to this section with respect to initial determinations and appeals therefrom shall begin as of the time that a written request for records or other information of the Board, or the appeal from such determination, is actually received by the Secretary to the Board.

§ 505.5 Information not disclosed.

(a) *General rule.* Except as otherwise provided in this Part, or as may be specifically authorized by the Board, information of the Board that has not been published in accordance with § 505.3 of this Part and is not available to the public through other sources will not be made available to the public or otherwise disclosed if such information is—

(1) Exempt from disclosure by statute or executive order;

(2) Contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of, the Board or a Federal Home Loan Bank, relating to the affairs of any member institution or affiliate thereof, or any other person engaged in, or proposing to engage in, the savings and loan business;

(3) Privileged or related to the business, personal, or financial affairs of any person and is furnished in confidence;

(4) Contained in investigatory files compiled for law enforcement purposes, including, but not limited to, information relating to matters involving: (i) the issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966 (Pub. L. 89-695); (ii) the termination of insurance under section 407 of the National Housing Act, as amended (12 U.S.C. 1730); (iii) the termination of membership in a Federal Home Loan Bank pursuant to section 6 (i) of the Federal Home Loan Bank Act (12 U.S.C. 1426); (iv) appointments of conservators and receivers under section 5(d) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464), and section 406 of the National Housing Act, as amended (12 U.S.C. 1729); (v) the application of section 408 of the National Housing Act (12 U.S.C. 1730a) to holding companies; and (vi) the granting or revocation of any approval, permission, or authority; except to the extent required under the provisions of 5 U.S.C. 552(b)(7);

(5) Related solely to the internal personnel rules or other internal practices of the Board;

(6) Contained in personnel, medical, and similar files (including financial files), the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or

(7) Contained in interagency and intra-agency memoranda or letters that would not be routinely available by law to a private party in litigation with the Board, including but not limited to memoranda, reports, and other documents prepared by the Board's staff, or by the staffs of the Federal Home Loan Banks acting as agents of the Board, and records of deliberations and discussions at meetings of the Board or of the Board's staff.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt from disclosure under this section.

(b) *Information available to insured institutions and to State and Federal agencies.* A copy of each report of the regular examination of each insured institution or affiliate is made available by the Board's Supervisory Agent at the appropirate Federal Home Loan Bank to the institution examined. Reports of examination and other information relating to State-chartered insured institutions and affiliates are made available, upon request, by the Director of the Board's Office of Examinations and Supervision to the State governmental authority having general supervision of such State-chartered insured institutions. Reports of examination and other information may be made available by the Board to other agencies of the United States or a State for use where necessary in the performance of their official duties. All reports or other information made available pursuant to this paragraph shall remain the property of the Board and, except as otherwise provided in this Part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information except published statistical material that would not disclose the identity of any individual or corporation.

(c) *Prohibition against disclosure.* Except as authorized by this Part or otherwise by the Board, no officer, employee, or agent of the Board or of any Federal Home Loan Bank shall disclose or permit the disclosure of any unpublished information of the Board to anyone (other than an officer, employee, or agent of the Board or of a Federal Home Loan Bank properly entitled to such information for the performance of his official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect, examine, or copy such information or copy thereof, or otherwise. Notwithstanding the foregoing, unpublished economic, statistical, or similar information or unpublished information regarding interpretations by the Board of statutory or regulatory provisions may be disclosed, orally or in writing, by any officer, employee, or agent of the Board or of any Federal Home Loan Bank, acting in his capacity as agent of the Board, subject, however, to the restrictions stated in § 505.5 of this Part.

§ 505.6 Subpoenas.

(a) *Advice by person served.* If any person, whether or not an officer or employee of the Board or of a Federal Home Loan Bank, has information of the Board that may not be disclosed under this Part and in connection therewith is served with a subpeona, order, or other

process requiring his personal attendance as a witness or the production of documents or information in any proceeding, he shall promptly advise the Board of such service and of all relevant facts, including the documents and information requested and any facts which may be of assistance to the Board in determining whether such documents or information should be made available; and he shall take action at the appropriate time to advise the court or tribunal which issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules.

(b) *Appearance by person served.* Except as the Board has authorized disclosure of the relevant information, or except as authorized by law, any person who has information of the Board that may not be disclosed under this Part and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce such information or give any testimony with respect thereto, basing his refusal upon this Part. If, notwithstanding, the court or other body orders the disclosure of such information or the giving of such testimony, the person having such information of the Board shall continue respectfully to decline to produce such information and shall promptly report the facts to the Board for such action as the Board may deem appropriate.

Dated: February 19, 1975.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-4982 Filed 2-24-75;8:45 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 702—RESERVES

Full and Fair Disclosure Required

On pages 33244-33245 of the September 16, 1974, edition of the FEDERAL REGISTER (39 FR 33244-33245) there was published a proposal to rescind § 702.3 of Part 702 (12 CFR 702.3) and in lieu thereof add a new § 702.3. The purpose of the proposal is to update Part 702 in view of the accounting principles and standards which became effective January 1, 1975.

Interested persons were given until November 10, 1974, to submit written comments, suggestions, or objections regarding the proposed amendment. As a result of the comments, the following changes have been made:

1. *Paragraph (a).* Delete the language "a creditor, or" after the word "union" and before the word "the." Add the language, ", or, at the discretion of the board of directors, a creditor" after the word "Administration" and before the word "in."

2. *Paragraph (b)(1).* Delete the "s" on the word "unions" and add the language "financial statements" after the word "union" and before the word "shall." Delete the language "during a dividend period" and in lieu thereof add the language "for the period concerned."

3. *Paragraph (c)(1).* Delete the language "at the close of each dividend period" after the word "income" and before the word "to" and in lieu thereof add the language "before the payment of each dividend".

4. *Paragraph (c)(2).* Delete the language "at the end of each dividend period and" after the word "made" and before the word "prior." Add the language "or posting" after the word "distribution" and before the word "of", the language "to the accounts of all members" after the word "dividend" and before the word "so", and the language ", where applicable" after the word "including" and before the word "any."

5. *Paragraph (c)(3)(i).* Delete the word "All."

6. *Paragraph (c)(3)(ii).* Delete the language "remaining after the statutory transfer of gross income to the regular reserve account" after the word "deficits" and before the word "shall." Delete the period after the number "702.1" and add the language "of this Part."

7. *Paragraph (d).* Delete the "s" on the word "presents."

8. *Paragraph (e).* Delete the period after the first sentence and add the language "in amounts which are in excess of the statutory requirements of section 116 of the Federal Credit Union Act but are required under subsection (c)(3)(ii) of this section." Delete the last sentence and in lieu thereof add "Such application shall set forth the justification for the requested waiver and shall be addressed to the appropriate Regional Director."

Accordingly, with the above changes and additions, the proposed § 702.3 is adopted as set forth below.

Effective date: January 1, 1975.

HERMAN NICKERSON, JR.,
Administrator.

JANUARY 2, 1975.

§ 702.3 Full and fair disclosure required.

(a) "Full and fair disclosure" is the level of disclosure which a prudent person would provide to a member of a Federal credit union, the National Credit Union Administration, or, at the discretion of the board of directors, a creditor in order to fairly inform any or all of them of the financial condition and the results of operations of the credit union.

(b)(1) Federal credit union financial statements shall provide for full and fair disclosure of all assets, liabilities, and members' equity, including such valuation allowance accounts as may be necessary to present fairly the financial position; and all income and expenses necessary to present fairly the results of operations for the period concerned.

(2) Full and fair disclosure will further be accomplished by (i) selecting one of the accounting bases provided for in the Accounting Manual for Federal Credit Unions which shall be either the modified cash basis or the accrual basis of accounting, and by (ii) use of appropriate financial statements described in the Accounting Manual for Federal Credit Unions, or financial statements of equivalent format.

(c)(1) The maintenance of a valuation allowance for loan losses shall not eliminate the requirement for transferring a percentage of gross income before the payment of each dividend to the regular reserve as required by section 116 of the Federal Credit Union Act.

(2) As a minimum, adjustments to the valuation allowance for loan losses shall be made prior to the distribution or posting of any dividend to the accounts of all the members so that the valuation allowance established fairly presents the value of loans and anticipated losses resulting from (i) uncollectable loans and notes and contracts receivable, including, where applicable, any uncollectable accrued interest receivable thereon, (ii) assets acquired in liquidation of loans, and (iii) loans purchased from other credit unions.

(3)(i) Adjustments to the valuation allowance for loan losses will be recorded in the expense account "Provision for Loan Losses."

(ii) Whenever additions to the valuation allowance for loan losses cause a deficit in the regular reserve account, such deficits shall be transferred first to undivided earnings and, if this shall cause a deficit in undivided earnings, then to other segregations of undivided earnings that may exist, exclusive of the Special Reserve for Losses, should such be required by the Administrator in accordance with § 702.1 of this Part. These amounts are eligible for return to undivided earnings as provided for in the Accounting Manual for Federal Credit Unions.

(iii) Dividends shall not exceed the amount available for that purpose after provisions have been made for the statutory transfer to the regular reserve account and the removal of any deficit in the regular reserve account.

(d) The Statement of Financial Condition, when presented to members, creditors, or to the National Credit Union Administration, shall contain a dual declaration by the treasurer and by the president, or in the absence of the president, by any other officer designated by the board of directors of the reporting credit union to make such declaration, that the report and related financial statements are true and correct to the best of their knowledge and belief and present fairly the financial position and the results of operations for the period covered.

(e) Upon written application by the board of directors of a Federal credit union, the Administrator may waive, in whole or in part, the requirement for the maintenance of the valuation allowance for loan losses in amounts which are in excess of the statutory requirements of section 116 of the Federal Credit Union Act but are required under paragraph (c)(2)(ii) of this section. Such applica-

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tion shall set forth the justification for the requested waiver and shall be addressed to the appropriate Regional Director.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1014 (12 U.S.C. 1789))

[FR Doc.75-4969 Filed 2-24-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12660; Amdt. 39-2110]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1803 (39 FR 10426), AD 74-7-3, to make that airworthiness directive (AD) applicable to Dowty Rotol type (c) R245/4-40-4.5/13 and (c) R259/4-40-4.5/17 propellers, to revise the requirements of paragraph (c) of that AD, and to incorporate into the AD certain other clarifying revisions was published in the FEDERAL REGISTER on May 21, 1974 (39 FR 17862).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No objections were received. However, the Air Transport Association of America (ATA), by letter dated June 20, 1974, while agreeing with the intent of the proposal, requested that the comment period for the proposal be extended from June 20, 1974, to July 15, 1974, to provide the commentator sufficient time to determine the availability and delivery dates of parts to establish the feasibility of complying with the proposed amendment. Based on the ATA request the FAA has reevaluated the parts availability status with reference to the proposed amendment and has determined that a sufficient number of parts are available and that delivery schedules are adequate for compliance with the amended AD. Therefore, the amendment is adopted herein as proposed.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1803 (39 FR 10426), AD 74-7-3, is amended as follows:

1. By amending the applicability statement and the introductory language of the AD to read as follows:

DOWTY ROTOL—Applies to Dowty Rotol type (c) R 209/4-40-4.5/2, (c) R 245/4-40-4.5/13, and (c) R 259/4-40-4.5/17 propellers installed on, but not necessarily limited to, Nihon Model YS-11 and YS-11A Series airplanes and Convair Models 600[240D], 640[340D], and 640[440D] Series airplanes equipped with Rolls-Royce Dart Model 542 Series engines.

Compliance is required as indicated.

To prevent possible propeller failure resulting from cracking of full width case hardened rollers in the bottom (C.F.) race of the propeller blade bearings, accomplish the following:

• • • • • •

2. By amending the introductory language of paragraph (b) of the AD, the first sentence of paragraph (c) of the AD, and paragraph (d) of the AD by inserting between the date, "December 20, 1972," and the phrase "or an FAA-approved equivalent", the following phrase: "for type (c) R 209/4-40-4.5/2 propellers; Dowty Rotol Service Bulletin No. 61-542-9, dated June 21, 1973, for type (c) R 245/4-40-4.5/13 and (c) R259/4-40-4.5/17 propellers;"

3. By amending the second sentence of paragraph (c) of the AD to read as follows:

• • • • • •

(c) • • • If ten or more rollers are found to be broken or if the preload is found to be less than .0035 inches, before further flight, remove the associated propeller blade, blade retaining bolt, and bearing assembly from service, mark them in a manner that will prevent their further use, and replace them with serviceable parts of the same part number or FAA-approved equivalents.

This amendment is effective March 27, 1975.

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Issued in Washington, D.C. on February 18, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.75-4949 Filed 2-24-75;8:45 am]

[Airspace Docket No. 74-SO-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On December 30, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 45045) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate several temporary restricted areas in the vicinity of Fayetteville, Wilmington, Beaufort, and Washington, N.C., to contain a joint military training exercise Solid Shield 75. The exercise would extend from May 25, 1975, through June 6, 1975. Those areas encompassing airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received. A representative of the North Carolina Department of Natural and Economic Resources commented that the State's Division of Forest Resources aircraft must operate within the temporary restricted areas during the exercise for forest fire detection and suppression. He therefore suggested that all agencies concerned meet to establish mutually acceptable operating procedures. As a result, a meeting of representatives from the Atlantic Command and the North Carolina Division of Forest Resources was held and procedures for coordinating their use of the airspace were developed.

Subsequent to publication of the NPRM, it was noticed that in a few instances coordinates defining boundaries of adjoining or overlying areas varied from one another by at most a few hundred yards. These variations have been corrected so that the boundary descriptions now coincide with adjoining areas. Furthermore, in R-5309A the boundary has been defined as an 8.5-mile radius arc centered on Stalling Field to provide additional maneuvering area for civil aircraft using that field. This results in a reduction in R-5309A. As these corrections are minor matters upon which the public would have no particular desire to comment, further notice and public procedure thereon are unnecessary and they have been incorporated in this rule.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

In § 71.151 (40 FR 343) the following temporary restricted areas are included for the duration of their time of designation from 0001 e.d.t., May 25, 1975, through 2359 e.d.t., June 6, 1975.

1. R-5309H Solid Shield 75, N.C.
2. R-5309I Solid Shield 75, N.C.
3. R-5309J Solid Shield 75, N.C.
4. R-5309K Solid Shield 75, N.C.
5. R-5309L Solid Shield 75, N.C.
6. R-5309M Solid Shield 75, N.C.

In § 73.53 (40 FR 687) the following temporary restricted areas are added:

1. R-5309A SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°14'45" N., Long. 77°30'00" W.; to Lat. 34°57'30" N., Long. 77°02'00" W.; thence southwest along the boundary of R-5306B, C, and D to Lat. 34°42'00" N., Long. 77°17'30" W.; thence counterclockwise along connecting arcs of 8.5-mile radius circles centered on the New River MCAS (Lat. 34°42'25" N., Long. 77°26'35" W.) and the Albert J. Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.) to Lat. 34°55'30" N., Long. 77°42'00" W.; to Lat. 34°56'00" N., Long. 77°48'30" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.; thence counterclockwise along an 8.5-mile radius arc centered on Stalling Field (Lat. 35°19'36" N., Long. 77°37'02" W.) to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

2. R-5309B SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°56'00" N., Long. 77°48'30" W.; to Lat. 34°55'30" N., Long. 77°42'00" W.; thence clockwise along an arc of 8.5-mile radius centered on Albert J. Ellis Airport (Lat. 34°49'49" N., Long. 77°36'42" W.) to Lat. 34°49'50" N., Long. 77°27'45" W.; to Lat. 34°33'00" N., Long. 77°46'30" W.; to Lat. 34°33'30" N., Long. 77°49'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to point of beginning.

Designated altitudes. 5,000 feet MSL to 10,000 feet MSL, May 25-May 29, 1975, inclusive, and surface to 10,000 feet MSL, May 30-June 6, 1975, inclusive.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

3. R-5309C SOLID SHIELD 75, N.C.

Boundaries: Beginning at lat. 34°49'50" N., Long. 77°27'45" W.; thence clockwise along an arc of 8.5-mile radius centered on the New River MCAS (Lat. 34°42'25" N., Long. 77°26'35" W.) to Lat. 34°42'00" N., Long. 77°17'30" W.; thence south and east along R-5306D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; thence counterclockwise along a 13-nautical mile radius arc centered on the Wilmington VORTAC (Lat. 34°21'05" N., Long. 77°52'29" W.) to Lat. 34°33'00" N., Long. 77°46'30" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

4. R-5309D SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°22'00" N., Long. 78°31'30" W.; to Lat. 35°20'30" N., Long. 78°10'00" W.; thence counterclockwise along a 10-nautical mile radius arc centered on Seymour Johnson AFB (Lat. 35°20'20" N., Long 77°57'50" W.) to Lat. 35°10'30" N., Long. 77°59'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 35°02'00" N., Long. 78°40'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

J. Ellis Airport (Lat. 34°49'49" N., Long 77°36'42" W.) to Lat. 34°49'50" N., Long. 77°27'45" W.; to Lat. 34°33'00" N., Long. 77°46'30" W.; to Lat. 34°33'30" N., Long. 77°49'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to point of beginning.

Designated altitudes. 5,000 feet MSL to 10,000 feet MSL, May 25-May 29, 1975, inclusive, and surface to 10,000 feet MSL, May 30-June 6, 1975, inclusive.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

3. R-5309C SOLID SHIELD 75, N.C.

Boundaries: Beginning at lat. 34°49'50" N., Long. 77°27'45" W.; thence clockwise along an arc of 8.5-mile radius centered on the New River MCAS (Lat. 34°42'25" N., Long. 77°26'35" W.) to Lat. 34°42'00" N., Long. 77°17'30" W.; thence south and east along R-5306D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; thence counterclockwise along a 13-nautical mile radius arc centered on the Wilmington VORTAC (Lat. 34°21'05" N., Long. 77°52'29" W.) to Lat. 34°33'00" N., Long. 77°46'30" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

4. R-5309D SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°22'00" N., Long. 78°31'30" W.; to Lat. 35°20'30" N., Long. 78°10'00" W.; thence counterclockwise along a 10-nautical mile radius arc centered on Seymour Johnson AFB (Lat. 35°20'20" N., Long 77°57'50" W.) to Lat. 35°10'30" N., Long. 77°59'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 35°02'00" N., Long. 78°40'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

5. R-5309E SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°53'45" N., Long. 78°42'00" W.; to Lat. 34°49'20" N., Long. 78°07'20" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°24'00" N., Long. 78°42'30" W.; to Lat. 34°50'30" N., Long. 78°46'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

6. R-5309F SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°24'00" N., Long. 78°42'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°09'30" N., Long 78°34'30" W.; to Lat. 34°10'00" N., Long 78°41'00" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

7. R-5309G SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°57'30" N., Long. 77°02'00" W.; to Lat. 34°43'30" N., Long 76°47'30" W.; to Lat. 34°42'00" N., Long. 76°54'45" W.; to Lat. 43°51'00" N., Long. 77°05'30" W.; to Lat. 34°49'30" N., Long. 77°10'00" W.; to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

8. R-5309H SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 34°43'30" N., Long. 76°47'30" W.; to Lat. 34°38'15" N., Long. 76°42'00" W.; thence west along a line 3-nautical miles from and parallel to the shore line to Lat. 34°37'30" N., Long. 76°56'-00" W.; thence north and east along R-5306C and B to point of beginning.

Designated altitudes. 1,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

9. R-5309I SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°04'30" N., Long. 76°04'30" W.; to Lat. 35°00'30" N., Long. 76°00'30" W.; thence south and west along a line 3-nautical miles from and parallel to the shoreline to Lat. 34°38'15" N., Long. 76°42'00" W.; to Lat. 34°43'30" N., Long. 76°47'30" W.; thence east and north along R-5306B and A to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

10. R-5309J SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°16'10" N., Long. 79°14'00" W.; to Lat. 35°18'10" N., Long. 79°02'30" W.; to Lat. 35°10'30" N., Long. 79°02'30" W.; thence west along R-5311A to Lat. 35°12'30" N., Long. 79°14'00" W.; to point of beginning.

Designated altitudes. Surface to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

11. R-5309K SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°18'10" N., Long. 79°02'30" W.; to Lat. 35°22'00" N., Long 78°31'30" W.; to Lat. 35°20'30" N., Long. 78°10'00" W.; thence counterclockwise along a 10-nautical mile radius arc centred on Seymour Johnson AFB (Lat. 35°20'-20" N., Long. 77°57'50" W.), to Lat. 35°10'-30" N., Long. 77°59'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°09'30" N., Long. 78°34'30" W.; to Lat. 34°10'00" N., Long. 78°41'00" W.; to Lat. 34°50'30" N., Long. 78°46'00" W.; thence clockwise along a 10-nautical mile radius arc centered on Fayetteville Municipal Airport (Lat. 34°59'-35" N., Long. 78°52'50" W.;) to Lat. 35°00'-00" N., Long. 79°05'00" W.; to Lat. 35°02'55" N., Long. 79°05'40" W.; thence north and west along R-531A to Lat. 35°10'30" N., Long. 79°02'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 1359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

12. R-5309L SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°10'30" N., Long. 77°59'00" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 34°16'00" N., Long. 77°45'30" W.; to Lat. 34°09'00" N., Long. 78°20'00" W.; to Lat. 34°09'30" N., Long. 78°34'30" W.; to Lat. 34°24'00" N., Long. 78°24'00" W.; to Lat. 34°57'30" N., Long. 78°02'30" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2350 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

13. R-5309M SOLID SHIELD 75, N.C.

Boundaries: Beginning at Lat. 35°32'30" N., Long. 77°09'00" W.; to Lat. 35°23'00" N., Long. 76°34'30" W.; thence southwest along R-5306A, B, C, D and E to Lat. 34°30'20" N., Long. 77°15'50" W.; thence southwesterly along a line 3-nautical miles from and parallel to the shoreline to Lat. 34°18'00" N., Long. 77°37'30" W.; to Lat. 34°16'00" N., Long. 77°-45'30" W.; to Lat. 34°51'30" N., Long. 77°52'00" W.; to Lat. 35°12'15" N., Long. 77°35'00" W.; thence counterclockwise along an 8.5-mile radius arc centered on Stalling Field (Lat. 35°19'36" N., Long. 77°37'02" W.) to Lat. 35°20'00" N., Long. 77°28'00" W.; to point of beginning.

Designated altitudes. 10,000 feet MSL to FL 180.

Time of designation. Continuous, 0001 e.d.t. May 25 to 2359 e.d.t. June 6, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. United States Atlantic Command, Norfolk, Va.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 19, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.75-4950 Filed 2-24-75;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 14316; Amdt 95-257]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

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As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective March 27, 1975, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes*—United States is amended to delete:

From; to; and MEA

Gulfport, Miss., VOR; *2,500—MCA Rom INT, northeast-bound, **1,500—MOCA; Rom INT, Miss.; **1,800.
Dog INT, Miss., *1,400—MOCA; Gulfport, Miss., VOR; *2,300.
Brookley, Ala., VOR; Burbank INT, Ala.; 2,000.
Columbus, Miss., VOR; *3,000—MRA; *Beaverton INT, Ala.; 2,200.
Greenville, Miss., VOR; *1,700—MOCA; Jackson, Miss., VOR; *2,000.
Holly Springs, Miss., VOR; *1,900—MOCA; Tupelo, Miss., VOR; *2,500.
McComb, Miss., VOR; *1,800—MOCA; Mobile, Ala., VOR; *2,300.
Int. 228 M rad Tuscaloosa, Ala., VOR & 150 M rad Columbus, Miss.; VOR; *1,600—MOCA; Columbus, Miss., VOR; *2,000.
Saugatuck, Mich., VOR; Traverse City, Mich., VORTAC; 18,000; MAA—45,000.
Gar INT, Alas. (Control 1400); *2,000—MOCA; Anchorage Oceanic Control, East Boundary; *3,000.
Naknek River, Alas., LF/RBN; Gar INT, Alas. (Via Control 1,400); 2,000.
Naknek River, Alas., LF/RBN; Herring INT, Alas. (Via Control 1,401); 3,000.

Section 95.1001 *Direct routes*—United States is amended by adding:

Hattiesburg, Miss., VOR; Jackson, Miss., VOR; 2,000.
New Orleans, La., VORTAC; Natchez, Miss., VOR; 18,000; MAA—30,000.
Natchez, Miss., VOR; Monroe, La., VORTAC; 18,000; MAA—30,000.
New Orleans, La., VORTAC; Monroeville, Ala., VOR; 18,000; MAA—30,000.
Anchorage Oceanic Control Bdry., *2,000—MOCA; Garrs INT, Alas. (Control 1,400); *3,000.
Garrs INT, Alas., *2,000—MOCA: King Salmon, Alas., LOM (Control 1,400); *3,000.
Herry INT, Alas., *2,000—MOCA; King Salmon, Alas., LOM (Control 1,401); *3,000.
San Angelo, Tex., VOR Lometa, Tex., VOR; 4,000.
Abilene, Tex., VOR; Lometa, Tex., VOR; 4,000.

Section 95.6011 *VOR Federal Airway 11* is amended by adding:

Dyersburg, Tenn., VOR; Via West alter.; Cunningham, Ky., VOR; Via West alter.; 2,000.

Section 95.6013 *VOR Federal Airway 13* is amended to read in part:

From; to; and MEA

Jetty INT, Tex., Via West alter.; Corpus Christi, Tex., VOR; Via West alter.; 2,000.
Newry INT, Minn., *2,700—MOCA; Hope INT, Minn.; *3,000.

Section 95.6014 *VOR Federal Airway 14* is amended to read in part:

Vicky, Mo. VOR; Via South alter.; St. Louis, Mo., VOR; Via South alter.; 2,800.

Section 95.6020 *VOR Federal Airway 20* is amended to read in part:

Mobile, Ala. VOR; Via South alter.; Monroeville, Ala., VOR; Via South alter.; 2,000.

Section 95.6047 *VOR Federal Airway 47* is amended by adding:

Little Rock, Ark. VOR; *2,000—MOCA; Walnut Ridge, Ark., VOR; *4,000.
Walnut Ridge, Ark., VOR; Malden, Mo., VOR; 2,000.
Malden, Mo., VOR; Cunningham, Ky., VOR; 2,500.
Cunningham, Ky., VOR; Weston INT, Ky., 2,600.
Weston INT, Ky; Evansville, Ind., VOR; 2,100.

Section 95.6056 *VOR Federal Airway 56* is amended to read in part:

Midway INT, Ala., Via South alter.; *1,900—MOCA; Columbus, Ga., VOR; Via South alter.; *2,400.

Section 95.6063 *VOR Federal Airway 63* is amended to read in part:

Stevens Point, Wis., VOR; Wausau, Wis., VOR; 3,000.
Wausau, Wis., VOR; Rhinelander, Wis., VOR; 3,600.

Section 95.6070 *VOR Federal Airway 70* is amended to read in part:

Monroeville, Ala., VOR; Rutledge INT, Ala.; 2,000.
Rutledge INT, Ala.; *1,800—MOCA; Crenshaw INT, Ala.; *2,500.
Crenshaw INT, Ala.; *1,900—MOCA; Banks INT, Ala.; *2,400.

Section 95.6079 *VOR Federal Airway 79* is deleted.

Section 95.6123 *VOR Federal Airway 123* is amended to read in part:

From; to; and MEA

Mitch INT, Md., Swan Point INT, Md., 3,000.

Section 95.6163 *VOR Federal Airway 163* is amended to read in part:

Jetty INT, Tex., Via W. alter.; Corpus Christi, Via W. alter.; 2,000.

Section 95.6175 *VOR Federal Airway 175* is amended by adding:

Alexandria, Minn., VOR; Park Rapids, Minn., VOR; 3,000.
Park Rapids, Minn., VOR.; Bemidji, Minn., VOR; 3,400.
Bemidji, Minn., VOR; *2,500—MOCA; Roseau, Minn., VOR; *3,100.

Section 95.6178 *VOR Federal Airway 178* is amended by adding:

Farmington, Mo., VOR; *2,400—MOCA; Cape Girardeau, Mo., VOR; *3,000.
Cape Girardeau, Mo., VOR; Cunningham, Ky., VOR; 2,300.
Farmington, Mo., VOR; Via N alter.; Cunningham, Ky., VOR; Via N alter.; 3,500.
Farmington, Mo., VOR; Via S alter.; *2,400—MOCA; Cunningham, Ky., VOR; Via S alter.; *3,000.

Section 95.6178 *VOR Federal Airway 178* is amended to delete:

Farmington, Mo., yOR; *2,800—MOCA; Cunningham, Ky., VOR; *3,000.
Farmington, Mo., VOR; Via S alter.; *2,400—MOCA; Cache INT, Ill., Via S alter.; *2,000.
Cache INT, Ill., Via S alter.; Cunningham, Ky., VOR; Via S alter.; 2,400.

Section 95.6191 *VOR Federal Airway 191* is amended to read in part:

Oshkosh, Wis., VOR; Church INT, Wis.; 3,000.

Section 95.6216 *VOR Federal Airway 216* is amended to read in part:

O'Dell INT, Neb.; Pawnee City, Neb., VOR; 3,300.

Section 95.6254 *VOR Federal Airway 254* is deleted.

Section 95.6433 *VOR Federal Airway 433* is amended to read in part:

Mitch INT, Md.; Swan Point INT, Md.; 3,000.

Section 95.6454 *VOR Federal Airway 454* is amended by adding:

Brookley, Ala., VOR; Monroeville, Ala., VOR; 2,000.

Section 95.6454 *VOR Federal Airway 454* is amended to read in part:

Monroeville, Ala., VOR; Rutledge INT, Ala.; 2,000.
Rutledge INT, Ala., *1,800—MOCA; Crenshaw INT, Ala.; *2,500.
Crenshaw INT, Ala., *1,900—MOCA; Columbus, Ga., VOR; *2,400.

Section 95.6456 *VOR Federal Airway 456* is amended to read in part:

Tanner. INT, Alas., *1,300—MOCA; King Salmon, Alas., VOR; *3,000.

Section 95.6500 *VOR Federal Airway 500* is amended to read in part:

*Richfield INT, Ida., *2,500—MOCA Richfield INT, Westbound; Bear Trap INT, Ida.; 9,500.

Section 95.7079 *Jet Route No. 79* is amended by adding:

From; to; MEA; and MAA

Wilmington, N.C., VORTAC; Haw, N.C., VORTAC; 18,000; 45,000.
Haw, N.C., VORTAC; Norfolk, Va., VORTAC; 18,000; 45,000.

Section 95.7079 *Jet Route No. 79* is amended to delete:

Wilmington, N.C., VORTAC; Norfolk, Va., VORTAC; 18,000; 45,000.

Section 95.7183 *Jet Route No. 183* is added to read:

Bimini, Bh., RBN; Haw, N.C., VOR; 25,000; 45,000.

Section 95.7190 *Jet Route No. 190* is added to read:

Nassau, Bh., RBN; Haw, N.C., VOR; 25,000; 45,000.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C. on February 19, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-4952 Filed 2-24-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-896, Amdt. 26]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. February 18, 1975.

On January 17, 1975, by ER-896 (Docket 26899), 40 FR 3578, the Board amended Part 288 of its Economic Regulations (14 CFR Part 288) by making final certain changes in the minimum rates for foreign and overseas air transportation services performed by air carriers for the Department of Defense. However, the actual text of the amendments to § 288.7(a), both as proposed [1] and as finally adopted, inadvertently eliminated provisions relating to matters which were not under consideration in this proceeding, to wit, the minimum rates for intra-Alaskan services performed with piston aircraft.

Accordingly, the complete text of § 288.7(a), as amended by ER-896, is hereby corrected to read as follows:

[1] EDR-278, 39 FR 27694.

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemption granted by this part that the level of compensation for transportation provided shall not be uneconomically low. In the absence of specific Board approval, the compensation for such services shall not be less than the following:

(a) For charter service in foreign and overseas transportation, in transportation between the 48 contiguous States, on the one hand, and Alaska or Hawaii, on the other hand, and in transportation within Alaska, other than specified in paragraph (c) of this section:

(1) Performed with turbine-powered aircraft:

Amended rates effective January 17, 1975

Aircraft type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible rates [1]		Mixed passenger-cargo rates, per revenue plane-mile [1] [2]	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	One way
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*
Regular turbojets	2.848	5.119	10.966	16.504	2.848	12.641		
Passengers-pallets:								
165 and 0							4.609	8.446
117 and 3							4.407	7.743
105 and 4							4.448	7.566
93 and 5							4.295	7.389
81 and 6							4.345	7.213
69 and 7							4.269	6.946
51 and 9							4.212	6.753
0 and 13							4.603	6.924
DC-8-61/63F	[3] 2.848	[3] 5.119	[3] 10.966	[3] 16.504	[3] 2.848	[3] 12.641		
Passengers-pallets:								
219 and 0							6.237	11.211
159 and 3							5.880	10.174
65 and 12							5.241	8.550
47 and 13							5.214	8.239
0 and 18							4.935	7.427
B-727 Pacific Inter-Island [4]	4.023	7.084	20.556	40.907	4.023	24.667		
Passengers-pallets:								
105 and 0							4.224	8.066
81 and 2							4.006	7.773
50 and 5							3.950	7.609
46 and 4							3.930	7.672
0 and 7							3.700	7.363
B-727 All other [4]	4.613	8.810	23.363	46.492	4.613	28.035		
Passengers-pallets:								
105 and 0							4.844	9.251
81 and 2							4.578	8.881
50 and 5							4.509	8.780
46 and 4							4.485	8.755
0 and 7							4.205	8.309

[1] Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of the performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of $75 per seat charged on each segment. If a flight is converted with less than 10 days, notice, the one-way rates shall apply to each leg of the converted sound trip.

[2] For the Coral Sea variable mixed operation the conversion charge shall be $397 per cargo pallet in lieu of a seat charge.

[3] Also applies to wide-bodied (B-747, DC-10, and L-1011) equipment.

[4] Shall also apply to the L-382/L-100-10/30/30 and CV-500 aircraft.

(2) Performed with piston aircraft:

Type of service:	Rates within Alaska (Cents)
Passenger, per passenger-mile:	
Round trip	2.80
One way	5.46
Cargo, per ton-mile:	
Round trip	13.10
One way	26.20
Convertible:	
Passenger leg, per passenger-mile	2.80
Cargo leg, per ton-mile	15.80
Mixed passenger-cargo:	
Round trip mile, for following aircraft and number of seats installed at request of DOD:	
DC-7CF, L-1049/O/E/G/H,L-1649A/F:	(Dollars)
0 to 2	[1] 2.36
1 to 47	[2] 2.55
48 to 59	2.57
60 to 71	2.63
72 to 85	2.68
86 to 92	2.72
93 and over	2.74

[1] All-cargo rate applicable on flights designated as all-cargo where limited services for the personnel who may be carried are required under the DOD contract.

[2] Rate applicable on flights designated as mixed where full passenger services are required under the DOD contract.

Provided, That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further*, That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight of that aircraft to DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services: *Provided, however*, That effective January 17, 1975, the total minimum compensation pursuant to the rates set forth in subparagraph (1) above for (i) services performed with regular jet, wide-bodied jet and DC-8F-61/63 aircraft, (ii) Pacific interisland services

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performed with B–727 aircraft, and (iii) all other services performed with B–727 aircraft shall be increased by surcharges of 1.30 percent, 1.68 percent and 1.59 percent respectively.[1]

* * * * *

Effective: January 17, 1975.

Adopted: January 17, 1975.

Dated: February 18, 1975.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75–4923 Filed 2–24–75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2591]

PART 13—PROHIBITED TRADE PRACTICES

Hair Encore and James D. Wilson

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170–34 Cosmetic or beautifying; 13.170–30 Durability or permanence; § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* 13.533–10 Corrective advertising; 13.533–20 Disclosures. Subpart—Misrepresenting oneself and goods—Goods: § 13.1525 *Comparative data or merits;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1692 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

[Cease and desist order, Hair Encore, Inc., t/a Hair Encore, et al., Columbia, S.C., Docket C–2591, Nov. 1, 1974.]

In the Matter of Hair Encore, Inc., a Corporation, Doing Business as Hair Encore, and James D. Wilson, Sr., Individually and as an Officer of Said Corporation

Consent order requiring a Columbia, S.C., promoter of a cosmetic hair replacement system, among other things to cease failing to disclose the medical risks—i.e., discomfort and pain, risk of irritation, infection and skin disease, and permanent scarring of the scalp—involved in its system and to give customers a three-day cooling-off period within which to cancel their contract. Further, 15 percent of respondents' advertising must include disclosures as to the possible deleterious side effects to be encountered.

The Decision and Order, including further order requiring report of compliance therewith, is as follows.[2]

It is ordered That respondents Hair Encore, Inc., a corporation, doing business as Hair Encore or any other trade name or names, its successors and assigns, and James D. Wilson, Sr., individually and as an officer of said corporation (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of any hair replacement product or process involving surgical implants (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a)(1) of the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, teeth, and fingernails and has the following characteristics of natural hair:

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair; and

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

2. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered That respondents, in advertising and in all oral sales presentations, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of prolene (or any substitute) sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of prolene (or any substitute) sutures in the scalp, and by virtue of the prolene (or any substitute) sutures remaining in the scalp, there is a high probability of discomfort and pain, and a risk of infection, skin disease and scarring.

3. The System has been in use for too short a period of time to determine to a reasonable medical certainty the extent or seriousness of the above-described side effects, or whether there are other side effects.

4. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in Subparagraph Two of this Paragraph, and such care may involve additional costs for medications and assistance.

5. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures. *Provided, however,* that in advertisements which consist of less than ten column inches in newspapers or periodicals, and in radio or television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Attention: This application involves surgery whereby permanent sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician (this statement is required by Order of the Federal Trade Commission).

No less than 15 percent of such advertisement shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered That respondents provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this order, Subparagraphs One through Five, thereof, and that respondents require that such prospectives purchasers, subsequent to receipt of such disclosure sheet, consult with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents regarding the nature of the surgery to be done, the probabilities of discomfort and pain, and risks of infection, skin disease, and scarring.

It is further ordered That no contract for application of respondent's System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents, or after the day on which said contract for application of the System was executed, whichever day is later, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician or after the day on which said contract for application of the System was executed, whichever day is later.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician, or after the day on which said contract for application of the System was executed, whichever day is later.

4. Respondents shall obtain from each purchaser a certificate signed by the physician who was consulted as required by this order, such certificate specifying that the said physician has explained to the purchaser the nature of the surgery to be done, and has advised him of the probabilities of discomfort and pain, and risks of infection, skin disease and scarring, and specifying the date and approximate time of the consultation; and respondents shall retain all such certificates for three years.

It is further ordered That respondents, in connection with the advertising, offering for sale, sale, or distribution of the System, serve a copy of this Order upon each present and every future licensee or franchisee, and upon each physician participating in application of respondents' System, and obtain written acknowledgement of the receipt thereof; and that respondents obtain from each present and future licensee or franchisee an agreement in writing (1) to abide by the terms of this Order, and (2) to cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this Order. Respondents shall retain such acknowledgements and agreements for so long as such persons or firms continue to participate in the application or sale of respondents' System.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order; *Provided* that if said respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That respondents forthwith distribute a copy of this order to each of their operating divsions, offices, department or affiliated corporation.

It is further ordered That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale or distribution of respondents' System or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of said order from each such person.

It is further ordered That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Nov. 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–4939 Filed 2–24–75;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Correction

In FR Doc. 75–3411, appearing on page 5498, in the issue for Thursday, February 6, 1975, make the following corrections:

1. On page 5500, in the first column, in § 618.3(b)(2), in the third line, insert the word "before" between the words "ending" and "January."

2. On page 5500, in the third column, in § 618.10(b), in the seventh line, the word "on" should read "or".

3. On page 5501, in the first column, in § 618.11(b), in the second line, insert a comma between the words "apply" and "where".

4. On page 5502, in the first column, in § 618.18 (a)(1), in the second line, the word "off" in quotation marks should read "on".

5. On page 5502, in the first column, in § 618.18(a)(2), in the second line, the word "tindicator" should read "indicator".

PART 619—SPECIAL UNEMPLOYMENT ASSISTANCE

Implementation

Correction

In FR Doc. 75–3410, appearing on page 5502, in the issue for Thursday, February 6, 1975, make the following corrections:

1. On page 5504, in the first column, in § 619.4(b), in the penultimate sentence, the word "an" should read "and".

2. On page 5506, § 619.13(1) should read as set out below:

"(1) Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of SUA shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (Employment Security Manual, Part V, section 7510 et seq.)."

3. On page 5506, in the second column, § 619.15(a) should read as set out below:

"(a) A Special Unemployment Assistance Period shall begin in an area of a State on the first day of the third calendar week after the week for which there is an "on" indicator in the area, and shall terminate with the last day of the third calendar week after the first week for which there is an "off" indicator in the area."

4. On page 5506, in the third column, in § 619.18(a)(2), in the fifth line, insert a comma between the words "determination" and "and".

5. On page 5506, in the third column, in § 619.18(c), in the thirteenth line, the word "abount" should read "about".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Office of Management and Finance

APPENDIX

CFR Correction

In FR Doc. 73–10233 (39 FR 13581; May 23, 1973) Administrative Division Memo No. 398 and its Supplements Nos. 2 and 3 were revoked. These items, however, were inadvertently included in the 28 CFR volume revised as of July 1, 1974, on pages 27 through 29 and should be deleted.

[1] The surcharge provisions for services performed with B–727 aircraft will be applied to all other common-rated aircraft types.

[2] Copies of the Complaint, Decision and Order, filed with the original document.

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations; Further Extension of Time for Submission of X-rays

Correction

In FR Doc. 75–1897, appearing at page 3294 in the issue for Tuesday, January 21, 1975, the third line of the fourth paragraph now reading "1975" should be changed to read "1974".

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

Administrative Regulations

Notice of Proposed Rule Making was published in the FEDERAL REGISTER on July 24, 1974 at 39 FR 27086, setting forth the proposed regulations governing the administration of State Vocational Education Programs under the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241 through 1393f.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on September 20, 1974 in Washington, D.C., on the proposed regulations. In addition, interested persons were invited to submit written comments, suggestions or objections regarding the proposed regulations.

The following comments were submitted to the Office of Education.

1. *Comment.* A statement was received by a representative of the Women's Legal Defense Fund, Inc., Human Rights for Women, the National Committee on Household Employment, and the Women's Rights Project of the Center for Law and Social Policy. This statement sets forth in detail proposed language to modify a number of provisions to ensure both a wider range of vocational training alternatives for women and to prohibit sex discrimination in such programs. The thrust of the statement concerns the interrelationship of the sex discrimination prohibition in Title IX of the Education Amendments of 1972 and the regulations issued thereunder. The commenters express their position that 45 CFR 100b.262(b) is not sufficiently explicit about the means which must be employed by State administrators to eliminate sex-based discrimination. They suggest that the textual language of the operative sections of part 102 should reflect the phraseology "on a basis which does not discriminate as to sex."

Response. The General Education Provisions Regulations, particularly § 100b.262(b), coupled with the proposed regulations in 45 CFR Part 86 which effectuate Title IX of the Education Amendments of 1972, provide that no persons in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. The scope of Part 86 and 100b has a direct application to Part 102—State Programs. To repeat these mandates in every operative section of Part 102 would defeat the express purposes of the General Education Provisions Regulations, which is to publish in one place regulations which affect the various education programs generally.

The numerous directives promulgated in proposed 45 CFR Part 86 also are incorporated by reference into all applicable provisions of Part 102.

The commenters have also requested certain substantive changes to be reflected in Part 102. However, section 503 of the Education Amendments of 1972 prohibits the inclusion of any rules or interpretations in the Federal regulations unless such rules or interpretations are based on some legal or statutory authority. This provision precludes expanding the membership of State advisory councils in § 102.22 to include at least one person with special knowledge, experience, or qualifications with respect to the special educational problems and needs of women in vocational education.

The commenters have also suggested that § 102.4(b) should be amended to strike out "fireman" and substitute "firefighters"; similiarly, § 102.24 should be amended to strike "chairman" and substitute "chairperson". These suggestions have been adopted and the regulations have been changed to reflect these changes.

2. *Comment.* A commenter suggested incorporating language into Part 102 which would insure a more effective coordination of activities between programs under the Comprehensive Employment Training Act (CETA) and programs under the Vocational Education Act.

The justification for this position stems from the close similarity of both the purpose and the target populations indicated in the CETA and Vocational Education Act. Furthermore, the commenter maintains that the addition of coordination requirements in the Vocational Education regulations would avoid duplication of effort.

Response. The proposed rules do provide for coordination between vocational education agencies, manpower units and other State public employment offices. The authority appears in § 102.40 which requires that: "The State plan shall provide for cooperative arrangements with the public employment service system in the State * * *" The employment offices will make available to the State board and local educational agencies occupational information regarding reasonable present and future prospects of employment in the community and elsewhere * * *" Since this provision addresses itself to the issue of cooperative arrangements, no modifications, additions or deletions in the language of Part 102 are necessary.

3. *Comment.* A commenter suggested that notifications of public meetings be published in local newspapers in advance of such hearings.

Response. Pursuant to § 102.24, State advisory councils must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning vocational education. Additionally, § 102.31 (e) requires reasonable notice and reasonable opportunity for a public hearing prior to the submission of a State plan to the Commissioner. As long as the means utilized are reasonably calculated to place the public on notice, the final decision will be at the discretion of the State board or State advisory council. No legal or statutory basis exists to require the public notice to be in local newspapers. No change has been made in the proposed regulations.

4. *Comment.* A commenter suggested that institutions which prepare faculty for vocational education programs at the secondary, technical, and community college levels should have a representative on the State advisory councils.

Response. Since the membership of the State advisory council is specified in the legislation, no statutory or legal basis exists to expand the specified membership. Although there will be no change in the proposed regulation, the States have the prerogative of enumerating additional qualifications for membership of other persons on the State advisory councils.

5. *Comment.* A commenter suggested that some reference should be made in Subpart C of the State plan provisions to the review as required by Part III of OMB Circular A–95.

Response. Part II of OMB Circular A–95 is reflected in the General Edueation Provisions Regulations. Therefore, the reference to OMB Circulars are not included in each set of program regulations. No change has been made in these proposed regulations.

6. *Comment.* A commenter suggested that the membership of State advisory councils include at least one person with special knowledge, experience and understanding of the needs of women workers and of the need for training women in non-traditional occupations.

Response. As previously explained in the responses to comment 1 and comment 4, due to a lack of statutory or legal basis, no substantive change can be made in the proposed regulations to expand the membership of the State advisory councils.

7. *Comment.* A commenter suggested that the requirements of section 102(b)(3) of the Act as amended to be changed to the extent of deleting the monthly dollar limitations. Additionally, this commenter postulated a new ratio to complement the existing formula under section 181(b)(1) of Part 4 of the Act.

Response. The Cranston Amendment in section 421 of the General Education Provisions Act (20 U.S.C. 1231) prohibits any funds appropriated to carry out any

applicable programs to be allotted, apportioned, allocated, or otherwise distributed in any manner or by any method different from that specified in the law authorizing the appropriation. Accordingly no change has been made in the regulations.

Other changes. The provisions relating to noncommingling of funds from Federal sources with State or local funds were deleted from the proposed revised regulations since these requirements were clearly delineated in the Vocational Education Act of 1963, as amended, and repetition of the provisions seemed unnecessary. However, since some confusion has arisen due to the deletion of these provisions and in order to prevent any additional confusion and to emphasize the importance of these requirements, the same sections, §§ 102.67, 102.80 and 102.102, will be restored.

The general contracting provision in § 102.5 is changed in order to be consistent with the Act. However, contracting is not limited to private vocational training institutions and may include public or non-public agencies or institutions.

Typographical corrections have been made. The reference to § 102.160 in § 102.31(f)(ii) has been deleted since there is no longer a § 102.160. The duplication of § 102.38 in the proposed rules has been deleted in this publication. The provision in § 102.72(b) on review of applications has been changed to read: "State research coordination unit or the State advisory council", rather than "State research coordination unit of the State advisory council."

Changes required by Public Law 93–380. The Education Amendments of 1974, Pub. L. 93–380 require the following changes: The purpose and scope provision in § 102.1 is amended to include bilingual vocational training pursuant to section 194 of Part J of the Act as amended by section 841 of Pub. L. 93–380. The definitional section in § 102.3 is amended to include the statutory definition of "postsecondary educational institution" and "vocational training". Programs for disadvantaged or handicapped persons under § 102.6 are amended to include persons of limited English-speaking ability. The membership of State advisory councils in § 102.22 is amended so that it may also include persons representing school systems with large concentrations of students who are persons of limited English-speaking ability. Also, the allocation of funds to Part B purposes in § 102.51 is amended to include persons of limited English-speaking ability.

Since the Education Amendments of 1974 make only technical changes in relation to the State plan portion of the Vocational Education Act, these corresponding technical changes have been incorporated into the regulations at this time. Since these technical changes are required by the Act and are non-discretionary in nature, opportunity for public comment thereon would appear to be unnecessary. However, section 122(a)(4)(C) of the Vocational Education Act, as added by section 841(a)(5)(A) of Pub. L. 93–380 requires that the funding to the States for the purpose of vocational education programs for students of limited English-speaking ability be carried out in coordination with bilingual education programs under Title VII of the Elementary and Secondary Education Act of 1965, and bilingual adult education programs under section 306(a)(1) of the Adult Education Act. A clarification of the statutory reference, if deemed to be necessary, will be made in the forthcoming publication of amendments to Part 102 regulations for State Vocational Education Programs.

Procedure for submitting general application and annual program plan. Section 434(b) of the General Education Provisions Act, as added by section 511 of the Education Amendments of 1974 (Pub. L. 93–380), provides a new procedure in lieu of submitting State plans for State administered programs. Section 434(b), which became effective July 1, 1974, requires any State which wishes to participate in any applicable program in which Federal funds are made available to local educational agencies through or under the supervision of the State educational agency (as in Vocational Education), to maintain on file with the Commissioner a general application. Such general application must include five assurances stipulated in section 434(b)(1)(A), including an assurance that the State will submit an annual program plan to the Commissioner. The annual program plan must be prepared and administered in a manner consistent with the Specific State plan requirements of the appropriate applicable statutes affecting the program for which the annual program plan is applicable.

Since this new procedure is only applicable to Federal programs operated through, or under the supervision of, the State educational agency, those State boards for vocational education which are separate from the State educational agency are not covered by the provisions of section 434(b). However, in a State with a separate vocational board, if funds are transferred to the State educational agency for operation or supervision of a program, such funds would have to be included in the section 434(b) application of the State educational agency.

Regulations implementing section 434(b) and instructions will be issued by the Commissioner as soon as possible. Since section 434(b) did not revoke statutory references to State plans, this publication of Final Regulations retains such references. However, States are advised that the new procedures are effective for fiscal year 1975.

After consideration of all comments, the Commissioner hereby adopts the proposed regulations which were published in the FEDERAL REGISTER on July 24, 1974 with the changes noted above.

Effective date: Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Nos. 13.493–495; 13.498–503; Vocational Education-Basic Grants to States, Consumer and Homemaking, Cooperative Education, Research, Special Needs, State Advisory Councils, Work Study and Innovation.)

Dated: January 20, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 18, 1975.

CASPAR WEINBERGER,
Secretary of Health, Education, and Welfare.

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AUTHORITY: Secs. 101–191 of Pub. L. 90–576, 82 Stat. 1064–1091; as amended (20 U.S.C. 1241 to 1391), unless otherwise noted.

Subpart A—General

§ 102.1 Purpose and scope.

(a) *Purpose.* The regulations in this part implement the Vocational Education Act of 1963, as amended, which provides for Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

(20 U.S.C. 1241)

(b) *Scope.* The regulations in this part cover general provisions under part A of the Act; allotments to States for vocational education programs under part B; research, training, experimental, developmental, and pilot programs, and dissemination activities under section 131 (b) of part C; exemplary programs and projects under section 142(d) of part D; consumer and homemaking education programs under part F; cooperative vocational education programs under part G; and work-study programs for vocational education students under part H.

(20 U.S.C. 1241–1244, 1247–1305, 1341–1374)

(c) *Other regulations.* The regulations in Part 103 are applicable to grants and contracts by the Commissioner for research, training, and related programs in vocational education pursuant to section 131(a) of part C of the Act, exemplary programs and projects in vocational education pursuant to section 142(c) of part D, curriculum development in vocational and technical education pursuant to part I and bilingual vocational training pursuant to section 194(a) of Part J.

(20 U.S.C. 1281(a), 1302(c), 1391)

§ 102.3 Definitions.

"Act" means the Vocational Education Act of 1963, as amended, 20 U.S.C. 1241–1391.

(20 U.S.C. 1241, note)

"Adult vocational education" means vocational education which is designed to provide training or retraining to insure stability or advancement in employment of persons who have already entered the labor market and who are either employed or seeking employment.

(20 U.S.C. 1262(a) (2), (3))

"Ancillary services and activities" means services and activities necessary to assure quality in vocational education and consumer and homemaking education programs provided for under the Act, the regulations in this part, and the State plan. Such services and activities may include the following:

(a) State administration and leadership as provided for in the State plan pursuant to § 102.35;

(b) Administration and supervision of instructional programs at the local level, including vocational education programs, as provided for in § 102.4(g);

(c) Evaluation of programs under the State plan, as provided for in § 102.36;

(d) Training of teachers and other program personnel as provided for in §§ 102.9 and 102.36(b);

(e) Special demonstration and experimental programs;

(f) Development of curricula and instructional materials; and

(g) Research related to any of the services and activities above.

(20 U.S.C. 1262(a)(5))

"Area vocational education school" means any public school or public institution which falls in any one of the following categories:

(a) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or

(b) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market; or

(c) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(d) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State board, leading to immediate employment but not necessarily leading to a baccalaureate degree.

An "area vocational education school" shall be available to all residents of the State or an area of the State designated and approved by the State board. In the case of a technical or vocational school described in subparagraph (c) of this paragraph or a division of a junior college or community college or university described in subparagraph (d) of this paragraph, such school must admit as regular students both persons who have completed high school and persons who have left high school.

(20 U.S.C. 1248(2))

"Consumer and homemaking education" means education designed to help individuals and families improve home environments and the quality of personal and family life, and includes instruction in food and nutrition, child development, clothing, housing, family relations, and management of resources with emphasis on selection, use, and care of goods and services, budgeting, and other consumer responsibilities.

(20 U.S.C. 1341)

"Cooperative vocational education program" means a cooperative work-study program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by the alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative vocational education work-study program.

(20 U.S.C. 1248(1), 1355)

"Disadvantaged persons" means persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in vocational education or consumer and homemaking programs designed for persons without such handicaps, and who for that reason require specially designed educational programs or related services. The term includes persons whose needs for such programs or services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or mentally handicapped persons (as defined in this section) unless such persons also suffer from the handicaps described in this paragraph.

(20 U.S.C. 1262(a)(4)(A))

"Employment" means lawful work in a recognized or new or emerging occupation.

(20 U.S.C. 1248(1), 1263(a)(6)(A))

"Funds", unless otherwise specified, means any funds available for expenditure under the State plan, whether derived from Federal allotments under the Act or State or local appropriations or other non-Federal sources. (See § 102.121 for further explanation.)

"Gainful employment" means employment for which persons normally receive in cash or in kind a wage, salary, fee, or profit. This term includes employment in sheltered workshops for handicapped persons.

(20 U.S.C. 1248(1))

"Handicapped persons" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason of their handicapping condition cannot succeed in a vocational or consumer and homemaking education program designed for persons without such handicaps, and who for that reason require special educational assistance or a modified vocational or consumer and homemaking education program.

(20 U.S.C. 1262(a)(4)(B))

"Industrial arts education programs" means those education programs (a) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about the technical, consumer, occupational, recreational, organizational, managerial, social, historical, and cultural aspects of industry and technology including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes which provide opportunities for creativity and problem solving, assisting individuals in the making of informed and meaningful occupational choices; and (b) which the Commissioner has determined, pursuant to § 102.4(b)(5), will accomplish or facilitate one or more of the purposes of the first sentence of section 108(1) of the Act.

(20 U.S.C. 1248(1))

"Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency (such as a junior or community college or State-operated area vocational school) having administrative control and direction of a vocational education program. In this part, anything modified by the adjective "local" pertains to a "local educational agency" herein defined.

(20 U.S.C. 1248(9))

"Occupational field" means a group of recognized and new and emerging occupations having substantial similarities common to all occupations in the group, e.g., similarity in the work performed; similarity in the abilities and knowledge required of the worker for successful job performance; similarity in the tools, machines, instruments, and other equipment used; and similarity in the basic materials worked on or with. The term is applied, in the case of Federal participation in the construction of an area vocational school, to determine whether a department of a certain type of high school, or a department or division of a junior college, community college, or university provides "vocational education in no less than five different occupational fields." (See the above definition of "Area vocational education school.") The purpose is to assure that such schools will have offerings that will afford prospective students of varying interests a reasonably broad choice of the type of occupation for which they are to be trained. Determinations of what is an "occupational field" will be made in the light of this purpose.

(20 U.S.C. 1248(2) (B) and (D))

"Postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated or left elementary school.

(20 U.S.C. 1248(15))

"Postsecondary vocational education" means vocational education which is designed primarily for youth or adults who have completed or left high school and who are available for an organized program of study in preparation for entering the labor market. Such education may be provided in schools or institutions such as business or trade schools, technical institutions, or other technical or vocational schools; and departments of colleges and universities, junior or community colleges, and other schools offering vocational education, particularly technical education, beyond grade 12. The term shall not be limited to vocational education at the level beyond grade 12 if the vocational education needs of the persons to be served, particularly high school dropouts, require vocational education at a lower grade level. Anything modified by the adjective "postsecondary" pertains to postsecondary vocational education as herein defined.

(20 U.S.C. 1248(10), 1262(a) (1), (2))

"Recognized occupation" or "new and emerging occupation" means a lawful occupation that has been identified or is identifiable by employers, employee groups and governmental and nongovernmental agencies and institutions concerned with the definition and classification of occupations.

(20 U.S.C. 1263(a)(6)(A))

"School facilities" means the facilities of an area vocational education school, including:

(a) Instructional and auxiliary rooms and space necessary to operate a program of vocational instruction at normal capacity (in accordance with the State plan and the laws and customs of the State), such as classrooms, libraries, laboratories, workshops, cafeterias, office space, and utility space. This would not include facilities intended primarily for events for which admission is to be charged to the public such as single-pur-

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pose auditoriums, indoor arenas, or outdoor stadiums.

(b) Initial equipment of the school facilities described in subparagraph (a) of this paragraph, such as all necessary building fixtures and utilities, furnishings (including conventional classroom and office furniture), and instructional equipment.

(c) In connection with the erection of new or the expansion of existing facilities, initial equipment shall include only that equipment which must be placed in the proposed facility to accommodate the type of instruction or other vocational education purpose for which the facility is designed.

(d) In connection with the acquisition, remodeling, and alteration of existing facilities, initial equipment also may include equipment installed to replace obsolete or worn-out equipment. Any reimbursement for salvage or trade-in value of any such equipment shall be deducted in computing the cost of such replacement equipment to be included in the construction costs of a proposed project.

(e) Interests, whether in fee, leasehold, or otherwise, in land on which such facilities are to be constructed.

(20 U.S.C. 1248 (3), (4))

"State" means a State of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1266(7))

"State board" means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State, and designated pursuant to § 120.32.

(20 U.S.C. 1248(5))

"State plan" means that plan submitted by a State board pursuant to the Act and the regulations in this part in order to be eligible to receive Federal funds allotted to the State. Such plan shall include both long-range and annual program plans pursuant to §§ 102.33 and 102.34.

(20 U.S.C. 1263)

"State research coordination unit" means a unit in a State agency or institution designated by the State board in its State plan pursuant to § 102.71 as the coordination unit for vocational education research and personnel training programs; developmental, experimental, or pilot programs; and dissemination activities in vocational education, including those programs supported with funds under section 131(b) of the Act.

(20 U.S.C. 1261(b))

"Vocational education" means programs, services, or activities related to vocational or technical training or retraining provided under the Act, the regulations in this part, and the State plan. In this part, anything modified by the adjective "vocational" pertains to "vocational education" as herein defined. Such programs, services, and activities shall include:

(a) Vocational instruction meeting the standards and requirements of § 102.4;

(b) Vocational guidance and counseling meeting the standards and requirements of § 102.8; and

(c) Training of teachers and other vocational education personnel meeting the standards and requirements of § 102.9.

(20 U.S.C. 1248(1))

(d) Consumer and homemaking education meeting the standards and requirements of § 102.4.

(20 U.S.C. 1341)

"Vocational training" means training or retraining which is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment which the Commissioner determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as, or preparing to become, instructors in a vocational training program; travel of students and vocational training personnel while engaged in a training program, and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

(20 U.S.C. 1248 (14))

§ 102.4 Vocational instruction.

(a) *Arrangements for instruction.* (1) Vocational instruction shall be provided either under public supervision or control meeting the criteria of subparagraph (2) of this paragraph, or under contract with the State board or local educational agency as provided for in § 102.5.

(2) To be under "public supervision and control," a school or class must be organized and operated under the direction of the State board or a local educational agency responsible for expenditure of public school funds for vocational education in the State.

(20 U.S.C. 1248(1))

(b) *Objective of instruction.* (1) Vocational instruction shall be designed to—

(i) Prepare individuals for gainful employment, including volunteer firefighters, as semiskilled or skilled workers or technicians or semiprofessionals in recognized occupations and in new or emerging occupations, or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs, or

(iii) Assist individuals in the making of informed and meaningful occupational choices, or

(iv) Achieve any combination of the above objectives.

(20 U.S.C. 1248(1), 1263(a)(18))

(2) Vocational instruction with the objective specified in subparagraph (1)(i) of this paragraph shall include:

(i) Instruction related to the occupation or occupations for which the students are in training; that is, instruction which is designed upon its completion to fit individuals for employment in a specific occupation or a cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instructions shall include classroom related academic and technical instruction and field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience, and may be provided either to—

(20 U.S.C. 1248(1))

(a) Those preparing to enter an occupation upon the completion of the instruction, or

(20 U.S.C. 1262(a)(1) and (2))

(b) Those who have already entered an occupation but desire to upgrade or update their occupational skills and knowledge in order to achieve stability or advancement in employment.

(20 U.S.C. 1262(a)(3))

(ii) Instruction necessary for vocational students to benefit from instruction described in subdivision (i) of this subparagraph; that is, remedial or other instruction which is designed to enable individuals to profit from instruction related to the occupation or occupations for which they are being trained by correcting whatever educational deficiencies or handicaps prevent them from benefiting from such instruction.

(20 U.S.C. 1262(a)(4)(A), (B))

(3) Pretechnical vocational instruction with the objective specified in subparagraph (1)(ii) of this paragraph shall include instruction of the type described in subparagraph (2) of this paragraph, except that such instruction need not be designed to fit individuals for employment in a specific occupation, but must be primarily designed to prepare individuals for enrollment in advanced or highly skilled postsecondary and technical education programs having the objective specified in subparagraphs (1)(i) of this paragraph. It shall not include instruction which is primarily designed to prepare individuals for higher education, or for professional training of the type described in paragraph (c)(2) of this section, and which is only incidentally designed for individuals preparing for technical education.

(20 U.S.C. 1262(a)(4)(A), (B))

(4) Prevocational instruction with the objective specified in subparagraph (1)(iii) of this paragraph shall include instruction designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations.

(20 U.S.C. 1248(1))

(5) Industrial arts education instructional programs with the objectives specified in subparagraph (1) of this paragraph shall be designed to:

(i) Assist individuals in the making of informed and meaningful occupational choices. In order to accomplish or facilitate this purpose, such programs shall:

(a) Provide occupational information and instruction pertaining to a broad range of occupations, including training requisites, working conditions, salaries or wages, and other relevant information;

(b) Provide exploratory experiences in shops, laboratories, and observations in business or industry to acquaint students with jobs in the occupations included in this purpose;

(c) Provide guidance and counseling for students enrolled in the industrial arts program under § 102.4(b)(5) of this part to assist them in making informed and meaningful choices in selected occupational fields; and

(d) Employ industrial arts teachers who have qualifications as provided in the State plan pursuant to § 102.36; or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs. In order to accomplish or facilitate this purpose, such programs shall:

(a) Provide individuals with occupational information and exploratory experience for enrollment in such programs;

(b) Provide occupational information and exploratory experiences directly related to current practices in industry; and

(c) Be conducted in an institution approved by the State Board of Vocational Education and by industrial arts teachers and guidance and counseling personnel who have qualifications as provided in the State plan pursuant to § 102.36.

(6) Instruction for volunteer firefighters with objectives specified in paragraph (b)(1)(i) of this section, whether or not such firefighters are paid for services performed, shall include instruction of the type described in subparagraph (2) of this paragraph.

(20 U.S.C. 1248(1))

(c) *Nonetigible instruction*—(1) *General.* Funds under the Act shall not be available for instruction in general education subjects unless such subjects have objectives specified in paragraph (b) of this section. However, a program of vocational instruction under the State plan may be supplemented with such other general education subjects supported with funds from other sources as may be necessary to develop a well-rounded individual.

(20 U.S.C. 1262, 1263(a)(18))

(2) *Professional.* Funds under the Act shall not be available for instruction which is designed to fit individuals for employment in recognized occupations which are generally considered to be professional or as requiring a baccalaureate or higher degree. The Commissioner has determined and specified the following as examples of occupations which are generally considered professional or as requiring a baccalaureate or higher degree, and are therefore excluded from those occupations for which instruction may be provided:

Accountants and auditors.
Actors and actresses.
Architects, artists, and sculptors.
Athletes, professional.
Authors, editors, and reporters.
Clergymen.
Engineers, professional.
Lawyers.
Librarians, archivists, and curators.
Life scientists, including agronomists, biologists, and psychologists.
Mathematicians.
Medical and health professions, including physicians, surgeons, dentists, osteopaths, veterinarians, pharmacists, and professional nurses.
Musicians.
Physical scientists, including chemists, physicists, and astronomers.
Social and welfare workers.
Social scientists, including economists, historians, political scientists, and sociologists.
Teachers and other educators.

The above is not intended to exclude from vocational instruction those semiprofessional, technical, or other occupations which are related to those listed, but which do not themselves require a baccalaureate degree.

(20 U.S.C. 1248(1))

(d) *Access to vocational instruction offered.* (1) In determining which individuals shall have access to programs of vocational instruction offered within the State, consideration will be given to all individuals residing in the State. If it is not economically or administratively feasible to provide each type of program in all areas and communities of the State served by a local educational agency, individuals residing in an area or community served by one local educational agency shall be permitted to enroll, in accordance with policies and procedures established by the State board or the local educational agencies involved, in a program of instruction offered by another local educational agency, so long as—

(i) The local educational agency serving the area or community in which the individual resides does not offer a reasonably comparable type of program.

(ii) Facilities are reasonably available for additional enrollees in the program offered by the receiving local educational agency.

(2) To the extent that facilities are available, each type of program of vocational instruction offered by the State board shall be made available to all individuals residing in the State, and each program of instruction offered by a local educational agency shall be made available to all individuals residing in the district or community served by the local educational agency offering such instruction. The fact that an individual resides in a certain attendance area within such district or community shall not preclude his access to a program of instruction available to other individuals residing in other attendance areas within the district or community, if access to a reasonably comparable program is not otherwise available to him.

(20 U.S.C. 1241, 1261, 1263(a)(4), (5), (6), (11))

(e) *Content of vocational instruction.* The content of vocational instruction shall be developed and conducted in accordance with the following standards to assure soundness and quality in such instruction:

(1) The program of instruction shall be based on a consideration of the skills, attitudes, and knowledge required to achieve the occupational or other objective of such instruction, and includes a planned sequence of those essentials of education or experience (or both) deemed necessary for the individual to achieve such objective.

(2) The program of instruction shall be developed and conducted in consultation with employers and other individuals or groups of individuals (such as local advisory committees) having skills in and substantive knowledge of the occupations or the occupational fields included in the instruction.

(3) The program of instruction shall include the most up-to-date knowledge, attitudes, and skills necessary for competencies required to meet the occupational or other objective of such instruction.

(20 U.S.C. 1263(a)(6)(F)(i))

(4) The program of instruction shall be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the occupational or other objective of the instruction.

(20 U.S.C. 1263(a)(6)(F)(iii))

(5) The program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, apprenticeship, or other occupational experience which (i) is appropriate to the occupational or other objective of the instruction, (ii) is of sufficient duration to develop competencies necessary for the student to achieve such objective, and (iii) is supervised, directed or coordinated by persons qualified under the State plan. (See §§ 102.3, 102.96 through 102.104, and 102.141 relating to cooperative vocational education programs).

(20 U.S.C. 1248(1), 1263(a)(6)(F)(iii), 1263(a)(7), (18))

(f) *Adequate facilities and materials for instruction.* Classrooms, libraries, shops, laboratories, and other facilities

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(including instructional equipment, supplies, teaching aids, and other materials) shall be adequate in supply and quality to meet the occupational or other objectives of the vocational instruction offered. If the State board or local educational agency cannot provide such facilities and materials, but they are available in a business, industrial, service, or other establishment, vocational instruction may be provided in such establishments provided that such instruction meets the standards and requirements of the Act, the regulations of this part, and the State plan. For provisions governing the use of funds for construction of area vocational education school facilities, see § 102.3 "area vocational education school" and "school facilities," and also § 102.135.

(20 U.S.C. 1243(1), 1262(a)(8), 1263(a) (6)(F), (20))

(g) *Teachers and supervisors.* The vocational instruction shall be conducted and supervised by teachers, teacher aides, supervisors, and other supporting personnel as provided in § 102.38. To the extent necessary to provide for a sufficient supply of teachers, teacher aides, supervisors, and other supporting personnel in the State, the program of instruction shall be accompanied by a teacher-training program as provided for in §§ 102.9 and 102.38(b).

(20 U.S.C. 1263(a)(7))

(h) *Vocational guidance and counseling.* The program of instruction shall provide for vocational guidance and counseling personnel and services sufficient to enable such a program to achieve and continue to meet its objectives and the standards and requirements of this section. See § 102.8 for provisions relating to the use of funds for guidance and counseling programs.

(20 U.S.C. 1263(a) (7), (8))

(i) *Vocational youth organizations.* The program of instruction may include activities of vocational education youth organizations which are an integral part of the vocational instruction offered and which are supervised by vocational education personnel.

(20 U.S.C. 1262(a))

(j) *Industrial arts youth organizations.* Industrial arts education programs may provide for students to participate in club activities as an integral part of the instruction which are offered as indicated by § 102.4 and which are supervised by industrial arts personnel.

(20 U.S.C. 1243(1))

(k) *Evaluation.* Evaluation of the results of the program of instruction shall be made periodically on the State level by the State board and the State advisory council and continuously on the local level with the results being used for necessary change or improvement in the program through experimentation, curriculum development, training of vocational educational personnel, or other means. See § 102.36 for specific provisions relating to program evaluation.

(20 U.S.C. 1244(b)(1)(C), 1262(a)(8), 1263 (a)(6)(A))

§ 102.5 Vocational instruction under contract.

(a) *General.* Arrangements may be made for the provision of any portion of the program of instruction on an individual or group basis by private vocational training institutions through a written contract with a State board or a local educational agency. Such contract shall describe the portion of instruction to be provided by such institution and incorporate the standards and requirements of vocational instruction set forth in the regulations in this part and the State plan. Such a contract shall be entered into only upon a determination by the State board or local educational agency of satisfactory assurance that:

(1) The contract is in accordance with State or local law; and

(2) The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of funds available under the State plan. Such contract shall be reviewed at least annually by the parties concerned.

(20 U.S.C. 1243(1), 1262(a)(7))

(b) *Arrangements with private postsecondary vocational training institutions.* (1) Postsecondary vocational instruction provided in other than public institutions may be provided only through arrangements with private postsecondary vocational training institutions entered into pursuant to paragraph (a) of this section where the State board or local educational agency determines that such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public agencies or institutions.

(20 U.S.C. 1262(a)(7))

(2) For purposes of this paragraph, a "private postsecondary vocational training institution" means a private business or trade school, or technical institution or other technical vocational school providing postsecondary education in any State which meets the requirements set forth in subparagraphs (A) through (D) of section 108(11) of the Act. A list of such institutions meeting the requirements of this subparagraph may be obtained upon request from the Division of Vocational and Technical Education, Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1243(a)(11))

§ 102.6 Vocational education for disadvantaged or handicapped persons or persons of limited English-speaking ability.

(a) Vocational education for disadvantaged or handicapped persons, or persons of limited English-speaking ability, supported with funds under section 102 (a) or (b) of the Act shall include special educational programs and services designed to enable disadvantaged or handicapped persons, or persons of limited English-speaking ability, to achieve vocational education objectives that would otherwise be beyond their reach as a result of their handicapping condition. These programs and services may take the form of modifications of regular programs, special educational services which are supplementary to regular programs, or special vocational education programs designed only for disadvantaged or handicapped persons, or persons of limited English-speaking ability. Examples of such special educational programs and services include the following: Special instructional programs or prevocational orientation programs where necessary, remedial instruction, guidance, counseling and testing services, employability skills training, communications skills training, special transportation facilities and services, special educational equipment, services, and devices, and reader and interpreter services.

(20 U.S.C. 1243(1), 1262(a)(4))

(b) Funds available for vocational education for disadvantaged or handicapped persons, or persons of limited English-speaking ability may not be used to provide food, lodging, medical and dental services and other services which may be necessary for students enrolled in such programs but which are not directly related to the provision of vocational education to such students. However, the State board or local educational agency conducting such programs shall encourage the provision of such services through arrangements with other agencies responsible for such services. (See § 102.40 (b) and (c) relating to cooperative arrangements.)

(20 U.S.C. 1243(1), 1262(a)(4))

(c) To the extent feasible, disadvantaged or handicapped persons, or persons of limited English-speaking ability, shall be enrolled in vocational education programs designed for persons without their handicapping condition. Educational services required to enable them to benefit from such programs may take the form of modifications of such programs or of supplementary special educational services. In either case, funds available for vocational education for disadvantaged or handicapped persons, or persons of limited English-speaking ability, may be used to pay that part of such additional cost of the program modifications or supplementary special education services as is reasonably attributable to disadvantaged or handicapped persons or persons of limited English-speaking ability.

(20 U.S.C. 1262(a)(4))

(d) If certain disadvantaged or handicapped persons, or persons of limited English-speaking ability, cannot benefit from regular vocational education programs to any extent, even with modifications thereto or with the provisions of supplementary special educational services, then these persons shall be provided with special programs of vocational instruction which meet the standards and requirements of all vocational education programs set forth in § 102.4 and which, in addition, include such special instructional devices and techniques and such supplementary special educational services as are necessary to enable those persons to achieve their vocational objective. In these cases, funds available for vocational education for the disadvantaged or the handicapped, or persons of limited English-speaking ability, may be used to pay that part of the total cost of the instructional program and supplementary special educational services that are reasonably attributable to the vocational education of disadvantaged or handicapped persons or persons of limited English-speaking ability.

(20 U.S.C. 1262(a)(4))

(e) Vocational education programs and services for disadvantaged or handicapped persons, or persons of limited English-speaking ability, shall be planned, developed, established, administered, and evaluated by State boards and local educational agencies in consultation with advisory committees which include representtives of such persons; and in cooperating with other public or private agencies, organizations, and institutions having responsibility for the education of disadvantaged or handicapped persons, or persons of limited English-speaking ability, in the area or community served by such programs or services, such as community agencies, vocational rehabilitation agencies, special education departments of State and local educational agencies, and other agencies, organizations, and institutions, public or private, concerned with the problems of such persons. (See § 102.40 (b) and (c) relating to cooperative arrangements).

(20 U.S.C. 1244(b)(1)(C), 1263(a)(6)(F)(1))

§ 102.7 Participation of students in private nonprofit schools.

The participation of students enrolled in private nonprofit schools in vocational education programs or projects under part B supported with funds allotted under section 102(b) and under parts D and G of the Act (see §§ 102.66, 102.79, and 102.101) shall be in accordance with the following requirements:

(a) Each program and project carried out under part B supported with funds allotted under section 102(b) and under parts D and G of the Act shall be designed to include, to the extent consistent with the number of students enrolled in private nonprofit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such students. Such services may be provided through such arrangements as dual enrollment, educational radio and television, or mobile or portable equipment, and may include professional and subprofessional services.

(b) The vocational education needs of students enrolled in private nonprofit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project, and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students, on a basis comparable to that used in providing such vocational education services to students enrolled in public schools. Each application submitted by the local educational agency to the State board shall indicate the number of students enrolled in private nonprofit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(20 U.S.C. 1263(a)(6)(F))

(c) Public school personnel may be made available on other than public school premises only to the extent necessary to provide vocational education services required by the students for whose needs such services were designed, and only when such services are not normally provided at the private school. The State board or local educational agency providing such vocational education services to students in private nonprofit schools shall maintain administrative control and direction over such services, and each application from a local educational agency providing such services shall so provide. Vocational education services provided with Federal funds shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by students enrolled in private schools.

(20 U.S.C. 1243(1), 1263(a)(2); Lemon v. Kurzman, 403 U.S. 602, 91 S. Ct. 2105 (1971))

(d) Any program or project to be carried out on public premises and involving joint participation by students enrolled in private nonprofit schools and students enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

(20 U.S.C. 1247, 1263(a)(16))

§ 102.8 Vocational guidance and counseling.

(a) State boards and local educational agencies conducting programs of instruction shall provide such vocational guidance and counseling services as are required by such instruction pursuant to § 102.4(h). Such vocational guidance and counseling services shall be designed to (1) identify and encourage the enrollment of individuals needing vocational education, (2) provide the individuals with information necessary to make meaningful and informed occupational choices, (3) assist them while pursuing a program of vocational instruction, (4) aid them in vocational placement, and (5) conduct follow-up procedures to determine the effectiveness of the vocational instruction and guidance and counseling program.

(b) The State board shall make provision for an adequate guidance and counseling supervisory staff to (1) develop, secure, and distribute occupational information, (2) provide consultative services concerning the vocational aspects of guidance, and (3) give leadership to the promotion and supervision of better vocational guidance and counseling services at the local level. In carrying out these responsibilities, the State board shall utilize the resources of the State employment service pursuant to the cooperative arrangements provided for in § 102.40(a).

(20 U.S.C. 1243(1), 1263(a) (5), (7), (8))

§ 102.9 Training of personnel.

(a) *General.* The State board shall provide for such training (both preservice and inservice) as is necessary to provide qualified personnel meeting the requirements of the State plan pursuant to § 102.38. Such training shall be sufficient to provide an adequate supply of qualified teachers and other personnel, including those capable of meeting the special educational needs of disadvantaged and handicapped persons in the State.

(b) *Arrangements for training of personnel.* (1) Training of personnel pursuant to paragraph (a) of this section may be provided either by (i) the State board or (ii) public or private agencies or institutions.

(2) When such training is provided by an agency or institution other than the State board, the State board shall enter into cooperatively developed written agreements with such agency or institution. These agreements shall describe the training program developed by the State board in cooperation with such agency or institution, and the policies and procedures which the State board and the agency or institution agree to utilize in evaluating the effectiveness of the programs so described.

(c) *Eligibility of enrollees.* Training of personnel pursuant to paragraph (a) of this section shall be offered only to persons who are teaching or are preparing to teach vocational education students or consumer and homemaking students or who are undertaking or are preparing to undertake other professional or semiprofessional duties and responsibilities in connection with vocational education programs or consumer and homemaking programs under the State plan to whom such education would be useful professionally.

(20 U.S.C. 1262(a)(3), 1263(a)(7))

§ 102.10 Cross reference to General Provisions Regulation.

Assistance provided under this part is subject to applicable provisions con-

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tained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1221c(b)(1), 1241-1391)

Subpart B—State Advisory Council

§ 102.21 Establishment and certification.

(a) *Establishment.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected (including election by the State legislature), by such board, and which shall be separate and independent from the State board.

(b) *Appointment by State board.* In order for the appointment power to be vested in the State board pursuant to paragraph (a) of this section, a majority of its members must be individuals elected by the State legislature or directly by the eligible voters of the State or of the districts which the individuals represent or by the State legislature.

(20 U.S.C. 1244(b)(1))

(c) *Certification.* The Governor of each State establishing an advisory council appointed by the Governor or the State board in each State establishing an advisory council appointed by the State board pursuant to paragraph (a) of this section shall certify to the Commissioner the establishment and membership of such advisory council not less than 90 days prior to the beginning of any fiscal year ending after June 30, 1969.

(20 U.S.C. 1244(b)(2))

§ 102.22 Membership.

The membership of the State advisory council shall exclude members of the State board, the State director of vocational education, and State board staff, and shall include:

(a) At least one person familiar with the vocational needs and problems of management and labor in the State and at least one person representing State industrial and economic development agencies;

(b) At least one person representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training;

(c) At least one person familiar with the administration of State and local vocational education programs, and at least one person having special knowledge, experience, or qualifications with respect to vocational education and who is not involved in the administration of State or local vocational education programs;

(d) At least one person familiar with programs of technical and vocational education, including programs in comprehensive secondary schools;

(e) At least one person representative of local educational agencies, and at least one person representative of school boards;

(f) At least one person representative of manpower and vocational education agencies in the State and the Comprehensive Area Manpower Planning System of the State;

(g) At least one person representing school sytems with large concentrations of academically, socially, economically, and culturally disadvantaged students, and students who are persons of limited English-speaking ability;

(h) At least one person with special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons; and

(i) Persons representative of the general public, of whom at least one shall be representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding categories.

(20 U.S.C. 1244(b)(1)(A)(i)-(ix); H. Rep. No. 1938, 90th Cong. 2d Sess., p. 44 (last para.))

§ 102.23 Functions and responsibilities.

The State advisory council shall—

(a) Advise the State board on the development of the State plan, including the preparation of long-range and annual program plans pursuant to §§ 102.33 and 102.34, and prepare and submit pursuant to § 102.31(e)(2) a statement describing its consultation with the State board on its State plan;

(b) Advise the State board on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part;

(c) Evaluate vocational education programs, services, and activities under the State plan, and publish and distribute the results thereof;

(d) Prepare and submit through the State board to the Commissioner and to the National Advisory Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (1) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan required by §§ 102.33 and 102.34, and (2) recommends such changes as may be warranted by the evaluations; and

(20 U.S.C. 1244(b)(1)(B), (C), (D))

(e) Prepare and submit to the Commissioner within 60 days after his acceptance of certification submitted pursuant to § 102.21(c) an annual budget covering the proposed expenditures of the State advisory council and its staff for the following fiscal year.

(20 U.S.C. 1244(d))

(f) Perform with respect to the programs carried out under part B of Title X of the Higher Education Act of 1965 (Occupational Education Programs) functions identical with or analogous to those stated in paragraphs (a)-(d) of this section.

(20 U.S.C. 1244(c))

§ 102.24 Meetings and rules.

Each State advisory council shall meet within 30 days after certification, as provided in § 102.21(c), has been accepted by the Commissioner and select from among its membership a chairperson. The time, place, and manner of meeting shall be as provided by the rules of the State advisory council. Such rules shall provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning vocational education.

(20 U.S.C. 1244(b)(3))

§ 102.25 Staff.

Each State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable the council to carry out its functions described in § 102.23 and to contract for such services as may be necessary to enable it to carry out its evaluation functions. Such personnel shall not include members of the State board, and shall be subject only to the supervision and direction of the State advisory council with respect to all services performed by them for the council.

(20 U.S.C. 1244(b)(4))

§ 102.26 Compensation.

Members of the State advisory council and its staff, while serving on the business of the council, may receive subsistence, travel allowances, and compensation n accordance with State law, regulations ,and practices applicable to persons performing comparable duties and services.

(20 U.S.C. 1244(d))

Subpart C—State Plan Provisions

General

§ 102.31 State plan.

(a) *General.* Any State desiring to receive funds for any fiscal year under the Act shall submit to the Commissioner, in accordance with such forms as may be furnished by him, a State plan which meets the requirements of the Act and the regulations in this part. Such plan shall be a detailed description of the State's programs, services, and activities under the Act, and shall include the policies and operating procedures which the State board will implement in order to maintain, extend, and improve existing programs and develop new programs in furtherance of the purposes of the Act. Such procedures shall assure that funds allotted to the State under the Act will be expended only for programs, services, and activities related either to vocational education for gainful employment or consumer and homemaking education. For specific State plan requirements under the Act:

(1) Regarding all programs, services, and activities under the Act, see §§ 102.31 through 102.46;

(2) Regarding programs, services, and activities under each of the parts of the Act, see §§ 102.51 through 102.113; and

(3) Regarding Federal financial participation, see appropriate sections in subpart D of this part.

(20 U.S.C. 1241, 1263(a))

(b) *Format.* The State plan shall be composed of three parts:

(1) The administrative plan provisions required in this subpart, which are set forth in the initial State plan and thereafter amended only as necessary to conform with the requirements of the Act, the regulations in this part and applicable State law, rules and regulations;

(2) The long-range program plan provided for in § 102.33, which shall be revised annually and submitted with the annual program plan;

(3) The annual program plan provided for in § 102.34, which shall be submitted each year at such time as the Commissioner shall specify.

(20 U.S.C. 1269(a)(3)-(6))

(c) *Amendment*—(1) *Administrative plan provisions.* The administration of vocational education programs under the State plan must be kept in conformity with the administrative plan provisions. Whenever there is any material change in the content or administration of such program, or in pertinent State Law, or in the organization, policies, and operations of the State board affecting the programs under the plan, the administrative plan provisions shall be appropriately amended by the State board after consultation with the State advisory council, and such amendment shall be submitted to the Commissioner.

(2) *Long-range program plan.* Changes in estimates of present and projected vocational education needs and vocational education objectives set forth in the long-range program plan shall be submitted each year as a part of the annual revision of such plan.

(3) *Annual program plan.* Minor deviations in actual allocations of funds from specific amounts estimated for allocation among programs, services, and activities described in the annual program plan submitted pursuant to § 102.34 shall not constitute such a change in the State plan as to require amendment of the annual program plan in order to be in conformity with Federal requirements if otherwise made in accordance with the Act, the regulations in this part, and other provisions of the State plan. Such minor deviations and the reasons therefor (such as, for example, a change in the total amount of funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State board.

(20 U.S.C. 1263(a)(3)-(6))

(d) *Certification of State plan*—(1) *Certification by State board.* The annual State plan and any amendments thereto required by paragraph (c) of this section shall include as an attachment a certificate of the officer of the State board authorized to submit the State plan to the effect that the plan or amendment has been adopted by the State board and that the plan or plan as amended will constitute the basis for operation and administration of the vocational education program in which Federal financial participation will be made.

(2) *Certification by State Attorney General.* The State plan and any amendment thereto required by paragraph (c) of this section shall also include as an attachment a certificate by the State's Attorney General, or other official designated in accordance with State law to advise the State board on legal matters, to the effect that the State board named in the plan is the State board which has authority under State law to submit the State plan and to administer or supervise the administration of the vocational education programs described therein as the sole agency responsible for the administration of the plan; and that all the plan provisions with respect to the use of funds under the Act can be carried out by the State.

(20 U.S.C. 1263(a))

(e) *Prerequisites for submission of State plan*—(1) *General.* The State plan or any amendment thereto required by paragraph (c) of this section shall be submitted to the Commissioner only if the State board has—

(i) Prepared the State plan or amendments thereto in consultation with the State advisory council pursuant to subparagraph (2) of this paragraph;

(ii) Given reasonable notice and afforded reasonable opportunity for a public hearing as described pursuant to subparagraph (3) of this paragraph; and

(iii) Implemented policies and procedures with regard to public information described pursuant to subparagraph (4) of this paragraph.

(2) *Consultation with State advisory council.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement of the State advisory council certifying that the State plan or amendment was prepared in consultation with the council.

(20 U.S.C. 1244(b)(1)(B), 1263(a)(1))

(3) *Public hearing.* The State plan for each fiscal year and any amendment thereto required by paragraph (c) of this section shall be accompanied by a statement describing the method by which, and the extent to which, reasonable notice and opportunity for a hearing was offered by the State board prior to the adoption of such plan or amendment, including a description of how and to whom notice of public hearings was given, the manner in which such hearings were conducted, and the results of such hearings.

(4) *Public information.* The State plan shall describe the policies and procedures established by the State board for the purpose of making reasonably available to the public copies of the approved State plan described in paragraph (b) of this section, and amendments thereto, and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of the State plan.

(20 U.S.C. 1263(a)(1), (3))

(f) *Approval by Commissioner.* (1) The Commissioner will not approve a State plan or amendment thereto until he has:

(i) Examined each of its provisions;

(ii) Made specific findings, on the basis of reports submitted to him pursuant to § 102.159 and such other reports and information available to him, that each of its provisions complies with the applicable State plan requirements set forth in the Act and the regulations in this part; and

(iii) Determined that its provisions are set forth in sufficient detail to insure that such provisions will be carried out.

(2) After reviewing the State plan or amendment pursuant to subparagraph (1) of this paragraph, the Commissioner shall notify the State board of the granting or withholding of approval in each such case. No final action with respect to a State plan or amendment, other than that of approval, will be taken by the Commissioner unless he first notifies the State board of his proposed action and in connection therewith affords a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements.

(20 U.S.C. 1263 (a) and (c) (1), (2))

§ 102.32 State board.

(a) *Designation or creation.* Any State desiring to receive Federal funds under the Act shall designate or create by State law a State board which is the sole State agency responsible for the administration of vocational education, or for the supervision of the administration thereof by local educational agencies, in the State. The State plan shall identify the State board so designated or created and the executive officer thereof.

(20 U.S.C. 1243(3))

(b) *Authority.* The State plan shall set forth the authority of the State board designated or created pursuant to paragraph (a) of this section and shall set forth the State board's authority under State law to submit the State plan and administer the program contained therein. If local educational agencies have any authority for the administration of State plan programs, the State plan shall also indicate the basis for such authority and for the authority of the State board to supervise such administration. Copies of, or citations to, all pertinent laws and interpretations of laws by appropriate State officials or courts shall be included as a part of the State plan.

(20 U.S.C. 1263(a)(2))

§ 102.33 Long-range program plan.

The State plan shall include a long-range program plan (or, as appropriate, a supplement to or revision of a previously submitted long-range plan) for vocational education in the State. Such plan shall:

(a) Extend over a 5-year period beginning with the fiscal year for which the plan is submitted;

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(b) Describe the present and projected vocational education needs of the State; and

(c) Set forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State.

(20 U.S.C. 1263(a)(4))

§ 102.34 Annual program plan.

The State plan shall also include an annual program plan as an explanation and justification of the activities that carry out the objectives of the first year of the long-range plan. The annual program plan shall describe:

(a) The content of vocational education programs, services, and activities to be carried out during the year for which Federal funds are sought (whether or not supported with Federal funds under the Act);

(b) The allocation of Federal and State vocational education funds to the programs, services, and activities referred to in paragraph (a) of this section;

(c) How and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan referred to in § 102.33;

(d) How and to what extent the allocations of Federal funds by the State will take into consideration the criteria set forth in §§ 102.53 through 102.57; and

(e) The extent to which consideration was given to the findings and recommendations of (1) the most recent evaluation report of the State advisory council and (2) such other evaluation reports and studies as may be applicable.

(20 U.S.C. 1263(a)(5))

§ 102.35 State administration and leadership.

(a) *Adequate State board staff.* The State board shall provide for a State staff sufficiently qualified by education and experience and in sufficient numbers to enable the State board to plan, develop, administer, supervise, and evaluate vocational education programs, services, and activities under the State plan to the extent necessary to assure quality in all education programs which are realistic in terms of actual or anticipated employment opportunities and suited to the needs, interests, and abilities of those being trained. Particular consideration shall be given to staff qualifications for leadership in programs, services, and activities for disadvantaged or handicapped persons, or persons of limited English-speaking ability, depressed areas, research and training, exemplary programs and projects, consumer and homemaking, cooperative vocational education, curriculum development, and work-study.

(b) *Organization of State board staff.* The State plan shall describe the organizational structure of the State board staff, including a description of its units, the functions assigned to each unit, the number of professional personnel assigned to each unit, and the relationships among the units within the State board staff and with other State agencies and institutions responsible for conducting programs of vocational and technical education. The titles of all State officials who are to have authority in the administration and supervision of the programs, services, and activities shall be given in the State plan. This description shall be sufficient to enable the Commissioner to find that the State board has an adequate staff to provide requisite administration and supervision of the federally aided vocational education programs. The plan shall provide for a full-time State director or a full-time executive officer who shall have no substantial duties outside the vocational education program.

(20 U.S.C. 1262 (a)(8), (b))

§ 102.36 Program evaluation.

(a) The State board shall be responsible for assuring that State and local programs, services, and activities carried out under the State plan will be periodically evaluated with sufficient extensiveness and frequency to enable the State board to effectively carry out its functions under the State plan and fulfill the purposes of the Act.

(b) In carrying out its evaluation responsibilities pursuant to paragraph (a) of this section, the State board shall consider and may utilize the evaluations made by the State advisory council pursuant to § 102.23(c), and such additional evaluations conducted or arranged by the State board and each local educational agency as may be required to carry out such responsibilities. The results of such periodic evaluations shall be described in the annual report submitted by the State board and may provide the basis for the State board's comments on the State evaluation report submitted by the State advisory council pursuant to § 102.159.

(c) The State plan shall describe the State's program for evaluating State and local programs, services, and activities carried out under the State plan. This description shall include:

(1) The agencies and institutions (in addition to the State advisory council pursuant to § 102.23(c)) responsible for making periodic evaluations;

(2) The frequency with which each of the agencies and institutions referred to in subparagraph (1) of this paragraph will make periodic evaluations of the various programs, services, and activities under the State plan carried out at both the State and local levels; and

(3) The procedures which the State will follow, or which it will require local educational agencies to follow, in conducting periodic evaluations, including an outline of the types of evaluations planned and of the criteria to be utilized in evaluating the effectiveness of programs, services, and activities under the State plan supported with funds from any of the allotments under the Act.

(20 U.S.C. 1263(a)(5), (6))

§ 102.38 Qualifications of personnel.

(a) *Minimum qualifications.* The State plan shall set forth the minimum qualifications for teachers, teacher trainers, supervisors, directors, and all other personnel (including teacher aides) having responsibilities for vocational education and consumer and homemaking education in the State regardless of whether there is to be Federal financial participation in their salaries. Such qualifications shall contain standards of experience and education and other requirements which are reasonable in relation to the duties to be performed, including recent experience and association with the groups of persons to be served such as disadvantaged persons. Provision shall be made for personnel having unique and relevant experiences in lieu of formal degrees and certifications requiring such degrees.

(b) *Improvement of qualifications.* The State plan shall set forth the State board's policies and procedures which have been developed to improve the qualifications of personnel referred to in paragraph (a) of this section to insure that the personnel needs for programs, services, and activities under the State plan are met. The State plan shall describe the methods by which the State board makes arrangements for preservice and inservice training of personnel meeting the requirements of § 102.9.

(c) *Modification of personnel standards.* The State plan shall set forth the State board's policies and procedures for reviewing and modifying personnel qualification standards to insure that such qualification standards continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan. Such modifications shall include those deemed necessary for the employment of personnel necessary to carry out research, experimental, developmental, demonstration, or pilot programs, or exemplary programs or projects.

(20 U.S.C. 1263(a)(7))

§ 102.40 Cooperative arrangements.

(a) *With State employment service.* The State plan shall provide for cooperative arrangements with the public employment service system in the State. Such arrangements shall be approved by the State board and by the State head of such system, and a copy of the agreement between the State board and the State head of such system providing for such arrangements shall be submitted as a part of the State plan. Under such cooperative arrangements:

(1) The employment offices will make available to the State board and local educational agencies occupational information regarding reasonable present and future prospects of employment in the community and elsewhere. The State plan shall provide how such information, along with all other pertinent information available, will be considered by the State board or local educational agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained and in providing such training.

(2) Guidance and counseling personnel of the State board and local educational

agencies working through the cooperative arrangement will make available to the local public employment offices information regarding the occupational qualifications of persons having completed or completing vocational edueation courses in schools. The State plan shall provide how such information will be considered in the occupational guidance and placement of such persons.

(b) *With State agencies responsible for education of handicapped persons.* The State plan shall provide for cooperative arrangements with the State special education agency, the State vocational rehabilitation agency, or other State agencies having responsibilities for the education of handicapped persons in the State. Such cooperative arrangements shall provide for—

(1) The joint development of a comprehensive plan for the vocational education of handicapped persons in the State which shall provide the basis for the provisions in the State plan relating to vocational education of handicapped persons; and

(2) Coordination of activities of the State board and the other State agencies in the development and administration of the State plan to the extent that handicapped persons are affected, such as, for example, in the review of applications for funds for programs or projects providing benefits to handicapped persons. Copies of agreements between the State board and other agencies providing for the arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(c) *With other agencies, organizations, and institutions.* The State plan shall provide that in the development of vocational education programs, services, and activities there may be, in addition to the cooperative arrangements referred to in paragraphs (a) and (b) of this section, cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, model city, business, labor, and community action organizations. Copies of agreements between the State board and other agencies, organizations, and institutions, providing for such arrangements described herein shall be submitted when executed by the State board for filing with the State plan.

(d) *With other States.* In order to provide all individuals with ready access to suitable vocational education of high quality with offerings which have been developed in light of actual or anticipated opportunities for employement, the State plan may provide that the State enter into a cooperative arrangement with one or more other States for the conduct and administration of programs, services, and activities under the State plan. The State plan shall describe the policies and procedures of the State for approval of and participation in such arrangements. Copies of all such cooperative agreements (including joint fiscal arrangements, if any) shall be submitted when executed by the State board of each participating State to the U.S. Office of Education for filing with the State plan.

(20 U.S.C. 1248(1), 1263(a)(8), (9))

§ 102.41 Effective use of program results and experience.

The State plan shall provide that, in planning, developing, and carrying out programs, services, and activities under any part of the Act, effective use will be made of the results and experience of other programs and projects assisted under other parts of the Act, both through allotments to the State under the regulations in this part and its State plan, and through direct grants and contracts by the Commissioner under the regulations in 45 CFR Part 103. The State plan shall also describe the policies and procedures to be followed by the State board in assuring such effective use.

(20 U.S.C. 1263(a)(10))

§ 102.42 State fiscal and accounting procedures.

The State plan shall describe the fiscal control and fund accounting procedures which are in accordance with applicable State and local laws, rules, and regulations and which will assure proper disbursement of and accounting for Federal funds paid to the State under each program included in this part, funds paid by the State to participating local educational agencies and other organizations, agencies, and institutions, and all matching funds.

(20 U.S.C. 1263(a)(12), 17))

§ 102.43 Opportunity for hearing on local applications.

The State plan shall provide that any local educational agency dissatisfied with final action with respect to any application for funds under the Act shall be given reasonable notice and opportunity for a hearing before a board or official designated by the State board for this purpose and specified in the State plan. The State plan shall describe the procedures for affording local educational agencies reasonable notice and opportunity for a hearing, for conducting such hearing, for providing a written record of the hearing, and for informing local educational agencies in writing of the decisions and reasons therefor.

(20 U.S.C. 1263(a)(13))

§ 102.45 Economically depressed or high unemployment areas.

(a) In determining which areas and communities of the State are "economically depressed areas," "economically depressed communities," or "areas of high unemployment" for the purposes of §§ 102.55(b), 102.70(a)(2), and 102.92(c), the State board may rely upon the determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161). Information on such areas may be obtained from thte Economic Development Administration, Department of Commerce, Washington, D.C. 20230, or from its regional offices.

(b) If the State board determines that the use of such determinations by the Secretary of Commerce is impracticable or undesirable with respect to its State either because the areas so designated are too large in size or too few or many in number, the State board may designate such other areas or communities in the State of smaller size (such as local school district or school attendance areas therein, urban renewal areas, or model city areas) which, on the basis of the most recent information available to it, meet either of the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of unemployment is at least 6 percent; or

(2) The median family income in the area is not more than 40 percent of the national median.

(c) The State plan shall describe—

(1) The manner in which the State board determines which areas or communities in the State will be designated as economically depressed or high unemployment areas or communities in terms of—

(i) The size or composition of the area to be designated, and

(ii) The criteria to be used by the State board in designating such areas in terms of such factors as the unemployment rate, median family income or other indices of economic depression; and

(2) The sources of information on unemployment rates, median family income, and other indices of economic depression, and the frequency with which this information is updated.

(20 U.S.C. 1263 (a), (b) and 1341(d))

§ 102.46 Areas of high concentration of unemployed youth or school dropouts.

(a) In determining which areas of the State are "areas of high concentration of youth unemployment or school dropouts" for the purpose of §§ 102.65, 102.97(a), and 102.111(a), the State board, on the basis of the most recent information available to it, shall designate areas of the State (including local school districts or school attendance areas therein, urban renewal areas, or model city areas) which meet the following criteria (or more strict criteria as the State board may deem appropriate):

(1) The current rate of youth unemployment in the area is at least 12 percent.

(2) The current school dropout rate in the area is in excess of the overall State school dropout rate. For the purpose of this section, the term "school dropout" refers to a student who leaves an elementary or secondary school before graduation from secondary school or completion of a program of studies and without transferring to another school.

(b) The State plan shall describe—

(1) The manner in which the State board determines which areas in the State will be designated as areas of high concentrations of youth unemployment and school dropouts in terms of—

(i) The size or composition of the area to be designated, and

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(ii) The criteria used by the State board in designating such areas in terms of such factors as rate of youth unemployment or school dropout rate;

(2) The method of computing the overall State school dropout rate and the school dropout rates in the areas to be designated and the sources of information used in computing such rates; and

(3) The sources of information on youth unemployment dates, the age to be designated and the sources of information, and the frequency with which this information is updated.

(20 U.S.C. 1263(a) (6)(C), (16))

STATE VOCATIONAL EDUCATION PROGRAMS

§ 102.51 Allocation of funds to part B purposes.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B (sections 121–124 of the Act) may be used for vocational education programs, services, and activities for the following groups of persons:

(1) Persons in high school;

(2) Persons who have completed or left high school and who are available for study in preparation for entering the labor market;

(3) Persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment (other than persons receiving training allowances under the Manpower Development and Training Act of 1962 (42 U.S.C. 2571–2628) or the Trade Expansion Act of 1962 (19 U.S.C. 1801–1991));

(4) Disadvantaged persons;

(5) Handicapped persons; and

(6) Persons of limited English-speaking ability.

(b) The programs, services, and activities referred to in paragraph (a) of this section include:

(1) Programs of vocational education, as defined in § 102.3, including:

(i) Vocational instruction as provided in § 102.4;

(ii) Vocational guidance and counseling designed to aid vocational education students in the selection of, and preparation for, employment in all vocational areas, as provided for in § 102.8; and

(iii) Vocational education through arrangements with private postsecondary vocational training institutions, as provided for in § 102.5(b);

(2) Construction of area vocational education schools, as defined in § 102.3; and

(3) Ancillary services and activities to assure quality in all vocational education programs described in subparagraph (1) of this paragraph, as defined in § 102.3.

(20 U.S.C. 1262(a))

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are applicable to State vocational education programs, services, and activities described in paragraphs (a) and (b) of this section. In addition, paragraph (d) of this section and §§ 102.52 through 102.60 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(d) The State plan shall set forth in detail the policies and procedures to be followed by the State board in allocating part B funds in its annual program plan among the programs, services, and activities specified in paragraph (b) of this section, and among the population groups specified in paragraph (a) of this section which are to be served by each of these programs, services, and activities. These policies and procedures shall:

(1) Assure compliance with the percentage requirements specified in § 102.59;

(2) Include the policies and procedures to be followed by the State board and local educational agencies in identifying disadvantaged persons in terms of such factors as those in § 102.3;

(3) Include the policies and procedures to be followed by the State board and local educational agencies in identifying handicapped persons of the various types specified in § 102.3;

(4) Assure that due consideration will be given to the current and projected manpower needs and job opportunities existing in the State; and

(5) Assure that due consideration will be given to the relative vocational education needs of each of the population groups specified in paragraph (a) of this section, particularly disadvantaged or handicapped persons, or persons of limited English-speaking ability.

(20 U.S.C. 1263(a))

§ 102.52 Allocation of funds among local educational agencies.

(a) The State board shall allocate funds allotted to it under part B of the Act among local educational agencies for the purposes specified in § 102.51 in such a manner as to:

(1) Fulfill (i) the statewide matching requirements of § 102.133, (ii) the maintenance-of-effort requirement of § 102.58, and (iii) the reasonable tax effort requirement of § 102.57; and

(2) Maintain compatibility with (i) the long-range objectives set forth in the long-range program plan pursuant to § 102.33, and (ii) the estimated allocation of funds to program purposes made pursuant to § 102.51 and set forth in the annual program plan pursuant to § 102.34.

(b) No funds made available to States under the Act shall be allocated among local educational agencies by matching local expenditures at a percentage ratio uniform throughout the State or by any other method which fails to take into consideration the criteria for allocation of funds set forth in §§ 102.53 through 102.56.

(c) The State plan shall describe in detail the policies and procedures by which the State board determines how the funds allotted to it under part B of the Act will be allocated among the local educational agencies of the State. This description shall include:

(1) An outline of the procedures by which local applications submitted by local educational agencies pursuant to § 102.60 will be processed, reviewed, and acted upon by the State board;

(2) A statement of any criteria, other than the criteria for allocation of funds set forth in the State plan pursuant to §§ 102.53 through 102.56, which the State board will use in determining the relative priorities of local applications for the purpose of allocating funds; and

(3) A description of the method by which the State board will use the criteria set forth in the State plan pursuant to subparagraph (2) of this paragraph and §§ 102.53 through 102.56, including an explanation of how it will weigh their relative importance in reaching allocation decisions.

(20 U.S.C. 1262, 1263(a))

§ 102.53 Manpower needs and job opportunities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to information regarding current and projected manpower needs and job opportunities, particularly new and emerging manpower needs and opportunities on the local, State, and national levels.

(b) In complying with paragraph (a) of this section, the State board shall give particular consideration to those vocational education programs which are best designed to (1) fulfill current or projected manpower needs in existing occupations at the local level by preparing students for current or projected job opportunities in such occupations, or (2) fulfill new and emerging manpower needs at the local, State, and national levels by preparing students for new and emerging job opportunities at such levels.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities, on the local, State, and national levels;

(2) What use will be made of the information on manpower needs and job opportunities in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36;

(4) What use will be made of information obtained through cooperative arrangements entered into pursuant to § 102.40; and

(5) What other information will be relied upon in identifying manpower needs and job opportunities, how it will be obtained, and how often it will be updated.

(20 U.S.C. 1263(a)(6)(A)(8))

§ 102.54 Differences in vocational education needs.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the relative vocational education needs of all the

population groups referred to in § 102.51 (a) in all geographic areas and communities in the State, particularly disadvantaged or handicapped persons, or persons of limited English-speaking ability, and unemployed youth.

(20 U.S.C. 1263(a)(6)(B))

(b) In weighing the relative vocational education needs of the State's various population groups, the State board shall give particular consideration to additional financial burdens (other than those which are to be considered pursuant to § 102.56(b)) which may be placed upon certain local educational agencies by the necessity of providing vocational education students, particularly disadvantaged or handicapped students, and students with limited English-speaking ability, with special education programs and services such as compensatory or bilingual education, which are not needed in areas or communities served by other local educational agencies in the State.

(20 U.S.C. 1263(a)(6)(C), (E), (G))

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board will identify the vocational education needs, including the need for special education programs and services referred to in paragraph (b) of this section, which must be met by each local educational agency in the State;

(2) What use will be made of the information on vocational education needs in the long-range program plan submitted pursuant to § 102.33;

(3) What use will be made of the results of the periodic evaluations referred to in § 102.36; and

(4) What other information will be relied upon in identifying vocational education needs, how it will be obtained, and how often it will be updated.

(20 U.S.C. 1263(a)(6))

§ 102.55 Relative ability to provide resources.

(a) In allocating funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall give due consideration to their relative ability to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies.

(b) In determining the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section, local educational agencies serving areas which the State board has designated as economically depressed or high unemployment areas pursuant to § 102.45 shall be given priority over local educational agencies not serving such areas. Within these two classes of local educational agencies, relative ability to provide such resources may be determined by comparing the wealth of the areas or communities served by each of these agencies in relation to the number of students each is educating (see paragraph (c) of this section), or by comparing the per capita incomes of the areas served by each local educational agency, or by some similar measure which the State board considers fair and equitable to all local educational agencies concerned.

(c) If the State board compares the "wealth per student" of local educational agencies in order to determine their relative ability to provide the resources referred to in paragraph (a) of this section, local wealth may be measured by reference to the equalized assessed value of taxable property in the area served by the agency, or the total taxable income of residents in the area served by the agency, or by any similar method which reasonably measures a local educational agency's ability to provide such resources. "Wealth per student" may then be determined by dividing the figure representing the wealth of the local educational agency by the total number of students that agency educates.

(d) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of their ability to provide the resources referred to in paragraph (a) of this section;

(2) What information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

(20 U.S.C. 1263(a)(6))

§ 102.56 Relative costs of programs, services, and activities.

(a) In allocating funds among local educational agencies, the State board shall give due consideration to the cost of the programs, services, and activities these local educational agencies provide which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies.

(b) In determining the relative priority of local educational agencies in terms of costs of education, the State board shall give primary consideration to:

(1) Differences in the cost to local educational agencies of materials and services, such as construction or equipment costs or teachers' salaries, which are due to variations in price and wage levels or other economic conditions existing in the areas served by the local educational agencies; and

(2) Differences in the amount of excess costs accruing to local educational agencies because of the need for supplying special services (other than those necessary to meet the special vocational education needs of certain population groups, such as disadvantaged or handicapped persons or persons of limited English-speaking ability, to be considered pursuant to § 102.54), such as bus transportation for students, or unusual and excessive maintenance costs for outdated buildings and facilities, which are not usually part of the cost of education provided by other local educational agencies in the State.

(c) The State plan shall describe in detail the method by which the State board will give due consideration to the criterion set forth in paragraph (a) of this section in allocating funds among local educational agencies. This description shall include an explanation of:

(1) How the State board determines the relative priority of local educational agencies in terms of costs of education;

(2) What kind of information is to be relied upon in making this determination; and

(3) What the sources of this information are and how often it is updated.

(20 U.S.C. 1263(a)(6))

§ 102.57 Reasonable tax effort.

(a) In apportioning funds among local educational agencies supported in whole or in part with local tax revenues, the State board shall assure that no local educational agency which is making a reasonable tax effort, as determined pursuant to paragraphs (b) and (c) of this section, will be denied funds for establishing new vocational education programs solely because it is unable to pay the non-Federal share of the cost of such programs.

(b) For purposes of this section, the tax effort of a local educational agency shall be represented by the ratio between the total annual local tax revenues available to the local area or community served by the agency and the total wealth of such area or community (calculated on the basis of the equalized assessed value of real property, income, or similar measures, as appropriate). In computing local tax effort each State may use whatever means, including reference to an existing tax effort index, it considers fair and equitable to all local educational agencies in the State.

(c) A local educational agency's tax effort may be considered reasonable whenever it is at least equal to the average local tax effort in the State. The average local tax effort in the State shall be represented by the ratio between total annual local tax revenues in the State and total aggregate wealth in the State. However, in States where local educational agencies have been divided into different legal clasifications with different taxing authorities, the State may choose to determine the reasonableness of a local educational agency's tax effort by comparing it with the average tax effort of local educational agencies of the same legal class rather than with the overall average local tax effort in the State.

(d) The State plan shall describe in detail the manner in which the State board assures that paragraph (a) of this section will be complied with in allocating funds among local educational agencies. This description shall include a statement of—

(1) How local tax effort and how each of the factors used in computing local

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tax effort (e.g., local revenues and local wealth) are measured;

(2) How often the data concerning local revenues and local wealth are updated, or, in the case of States which compile and rely upon a tax effort index, how often the index is updated;

(3) The level of local tax effort which the State board shall consider reasonable and which meets the minimum requirement in the first sentence of paragraph (c) of this section; and

(4) Whether the reasonableness of local tax effort is to be determined by comparing it with the average local tax effort in the State or with the average tax effort of local educational agencies in the same legal class.

(20 U.S.C. 1263(a)(6)(G))

§ 102.58 Maintenance of effort.

(a) The State plan shall provide assurance that Federal funds made available under part B of the Act will not supplant State or local funds, but will be so used as to supplement and, to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for all of the purposes set forth in section 122(a) of the Act, and for each of the purposes set forth in section 122(a)(2), section 122(a)(4)(A), and section 122(a)(4)(B) of the Act, so that all persons in all communities of the State will as soon as possible have ready access to vocational education suited to their needs, interests, and ability to benefit therefrom.

(b) The State plan shall also provide that no payments of Federal funds under the Act will be made in any fiscal year to any local educational agency unless the State board finds that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year. For the purpose of this paragraph, "combined fiscal effort" means total expenditures of State and local funds with respect to the provision of vocational education by the local educational agency. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in a second preceding fiscal year unless the expenditure for vocational education and ancillary services and activities from State and local funds in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in combined fiscal effort for any fiscal year by more than 5 percent will disqualify a local educational agency unless the local educational agency is able to demonstrate to the satisfaction of the State board that such a reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the local educational agency and that the fiscal effort of the local educational agency does not otherwise indicate a diminished fiscal effort. Such unusual circumstances may include in the first preceding fiscal year unforeseen decreases in revenues due to the removal of a large segment of property from the tax rolls or other causes, or transfers to, or combinations with, other local educational agencies of responsibility for the conduct of some or all vocational education activities or services; or, in the second preceding fiscal year, contributions of large sums of money from outside sources on a short-term basis, or unusually large amounts of funds expended for such long-term purposes as the construction and acquisition of school facilities or the acquisition of equipment.

(20 U.S.C. 1263(a)(11))

§ 102.59 Percentage requirements with respect to uses of Federal funds.

(a) *Application of percentage requirements.* The State plan shall provide that allocations of Federal funds pursuant to § 102.52 shall comply with the following requirements with respect to the use of Federal funds:

(1) *Vocational education for disadvantaged persons.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for vocational education for disadvantaged persons.

(2) *Postsecondary vocational education.* At least 15 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act, or 25 percent of that portion of the State's allotment which is in excess of its base allotment, whichever is greater, shall be used only for postsecondary vocational education.

(3) *Vocational education for handicapped persons.* At least 10 percent of the total allotment for any fiscal year to a State of funds appropriated under section 102(a) of the Act shall be used only for vocational education for handicapped persons.

(20 U.S.C. 1262(c)(1)-(3))

(b) *Definition of base allotment.* As used in this section, the term "base allotment" means the sum of the allotments to a State for fiscal year 1969 from sums appropriated under (1) section 102(a) of the Vocational Education Act of 1963 before its amendment by the Vocational Education Amendments of 1968 (20 U.S.C. 35–35n), (2) the Smith-Hughes Act (20 U.S.C. 11–15, 16–28), (3) the Vocational Education Act of 1946 (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg), and (4) the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands (20 U.S.C. 31–33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667).

(20 U.S.C. 1262(c)(4))

(c) *Waiver of percentage requirements.* The percentage requirements in subparagraphs (1) and (2) of paragraph (a) of this section may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirements impose a hardship or are impractical in their application with respect to that State. Such a finding will be made only upon the request of the State submitted through its State board as a part of its annual program plan or amendment thereto.

(20 U.S.C. 1262(c)(1), (2))

(d) *Vocational education meeting more than one percentage requirement.* If an expenditure for vocational education falls within more than one of the categories for which there is a percentage requirement, the total amount of the expenditure may be counted as an expenditure for vocational education in one of the categories, or prorated to each of the categories in any manner which the State board deems reasonable and proper so long as the aggregate amount prorated to the categories in which the expenditure falls does not exceed the total amount of the expenditure.

(20 U.S.C. 1262(c))

§ 102.60 Content of local applications.

(a) Applications from local educational agencies shall include the following:

(1) A description of the proposed programs, services, and activities (including evaluation activities) for which funds under the State plan are being requested;

(2) A justification of the amount of Federal and State funds requested, and information on the amounts and sources of other funds available for the programs, services, and activities;

(3) Information indicating that the application has been developed in consultation with the educational training resources available in the area to be served by the applicant local educational agency;

(4) Information indicating that the programs, services, and activities proposed in the application will make substantial progress toward preparing the persons to be served for a career;

(5) A plan, extending 5 years from the date of the application, for meeting the vocational education needs of potential students in the area or community to be served by the local educational agency, which plan shall be related to the comprehensive area manpower plan, if any, in that area; and

(6) Information indicating the means by which the programs, services, and activities proposed in the application will make substantial progress toward meeting the needs set forth in the application pursuant to subparagraph (5) of this paragraph.

(b) The application shall also contain such other information as may be required by the State board in determining allocations of funds pursuant to §§ 102.51 and 102.52, and in determining whether the programs, services, and activities proposed therein will otherwise meet all other applicable requirements in the Act,

the regulations in this part, and the State plan.

(c) The State plan shall describe in detail the information which the State board will require local applications to contain in order to meet the requirements of paragraphs (a) and (b) of this section.

(20 U.S.C. 1263(a)(6)(F))

VOCATIONAL EDUCATION PROGRAMS FOR THE DISADVANTAGED

§ 102.64 State plan provisions—general.

Funds appropriated under section 102(b) of the Act and allotted to States for the purpose of section 122(a)(4)(A) of the Act may be used only for vocational education programs for disadvantaged persons. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to vocational education programs for the disadvantaged assisted with funds under section 102(b) of the Act. In addition, §§ 102.65 through 102.67 require inclusion in the State plan of certain provisions specifically applicable to such programs for the disadvantaged.

(20 U.S.C. 1242(b), 1263(a)(4)(A))

§ 102.65 Areas of allocation.

The State plan shall provide that allotments made to the State from sums appropriated under section 102(b) of the Act will be allocated within the State to vocational education programs for disadvantaged persons located in areas of the State with a high concentration of youth unemployment or school dropouts, as determined pursuant to § 102.46.

(20 U.S.C. 1263(a)(6)(C), (16))

§ 102.66 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed in vocational education programs or projects for disadvantaged persons approved and funded under section 102(b) of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements of § 102.7.

(20 U.S.C. 1263(a)(16))

§ 102.67 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed in vocational education programs or projects for disadvantaged persons approved and funded under section 102(b) of the Act which assure that funds from Federal sources used to accommodate students in nonprofit private schools pursuant to § 102.66 will not be commingling with State or local funds so as to lose their identity as funds from Federal sources. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be establish which assure that expenditures of such funds can be separately identified from other expenditures.

(20 U.S.C. 1263(a)(16))

VOCATIONAL EDUCATION RESEARCH AND PERSONNEL TRAINING

§ 102.70 State plan provisions—general.

(a) Funds available to the State board pursuant to section 131(b) of part C of the Act shall be used for the establishment and operation of the State research coordination unit; and for making grants to any college, university, local educational agency, or other public or nonprofit private agency or institution, and entering into contracts with any private agency, organization, or institution, for—

(1) Vocational education research and personnel training programs;

(2) Developmental, experimental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly disadvantaged youths in economically depressed communities as determined pursuant to § 102.45; and

(3) The dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, such as those reported in products of the Educational Resources Information Center (ERIC) and related agencies.

(20 U.S.C. 1261(b))

(b) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to programs and activities assisted with Federal funds under section 131(b) of the Act. In addition §§ 102.71 through 102.73 require the inclusion in the State plan of certain provisions specifically applicable to such programs and activities.

(20 U.S.C. 1263(a)(4)-(6))

§ 102.71 State research coordination unit.

(a) The State plan shall provide for the establishment or designation in the State of a State research coordination unit. The State plan shall indicate the name of the unit and shall describe its staff, organization, and functions with respect to vocational education research and personnel training programs, developmental, experimental, or pilot programs, and dissemination activities.

(b) In describing the organization of the unit the State plan shall indicate the place of the unit in the organizational structure of the State government and the relationship of the unit with other State board units and other State agencies and institutions responsible for conducting programs of vocational educational research and dissemination. When the functions of the research coordination unit are carried out by an agency or institution other than the State board, the State plan shall provide for cooperatively developed written agreements between the State board and the agency or institution which is carrying out such functions.

(20 U.S.C. 1281(b), 1263(a)(4)-(6), (9))

§ 102.72 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be followed in submitting applications to the State board for grants and contracts under part C of the Act. Such policies and procedures will assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts which have been recommended by the State research coordination unit or the State advisory council. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(2) Adequacy and competence of personnel designated to carry out the program or project;

(3) Adequacy of facilities;

(4) Reasonableness of cost estimates;

(5) Expected potential of the proposed program or project being made a part of the regular vocational education program; and

(6) The expected potential for utilizing the results of the proposed program or project in exemplary or regular vocational education programs.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the

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approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

(20 U.S.C. 1281(b), 1263(a) (6)(A)–(D) and (12))

§ 102.73 Notification to Commissioner.

(a) The State plan shall provide that within 15 days after the State board's approval of a grant or contract, the State board shall forward 3 copies of the approved proposal for which the grant or contract was made to the Commissioner via the appropriate regional office. The following information shall be attached to each copy submitted: (a) Amount of Federal funds under section 131(b), other Federal vocational funds, and State/local funds obligated for the project and (b) fiscal year to which the obligation is charged.

(b) The State board shall submit three copies of the final report for each completed project funded under section 131 (b) to the appropriate regional office and, upon approval, the regional office shall forward two copies to the Commissioner.

(20 U.S.C. 1263(a) (6), (12), (17))

§ 102.74 Coordination procedures.

The State board shall submit to the Commissioner two copies of a semi-annual Research Activity Report and a copy to the appropriate regional office on or before July 15 and January 15 of each year. This report shall contain the following information: (1) titles of projects funded during the previous six months, name of principal investigator and institution, start and end dates of projects and the amount of Federal/State and local funds; (2) identification of projects completed during the previous six months that may have significance for the Commissioner or other States; (3) identification of other significant research-related activities during the previous six months; and (4) identification of major research and development projects or activities planned for the next six months.

(20 U.S.C. 1263(a) (6), (12), (17))

EXEMPLARY PROGRAMS AND PROJECTS

§ 102.76 State plan provisions—general.

(a) In order to stimulate, through Federal financial support new ways to create a bridge between school and earning a living for young people who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies, funds available to the State board pursuant to section 142(d) of part D of the Act may be used for making grants or contracts to develop, establish, and operate exemplary and innovative occupational programs or projects which are designed to broaden occupational aspirations and opportunities for youths, particularly disadvantaged youths, and to serve as models for use in vocational education programs.

(20 U.S.C. 1901, 1302(d))

Such programs or projects may, among others, include—

(1) Those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

(2) Programs or projects for students providing educational experiences through work during the school year or in the summer;

(3) Programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

(4) Programs or projects designed to broaden or improve vocational education curriculums;

(5) Exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this part, including manpower agencies and industry;

(6) Programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

(7) Programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

(20 U.S.C. 1303(a) (2) (A)–(G))

(b) Grants for such programs or projects may be made to local educational agencies, or other public or nonprofit private agencies, organizations, or institutions; and contracts for such programs and projects may be entered into with public or private agencies, organizations, or institutions, including business and industrial concerns.

(20 U.S.C. 1302(d))

(c) The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to exemplary programs and projects in vocational education assisted with funds under section 142(d) of the Act. In addition, §§ 102.77 through 102.81 require the inclusion in the State plan of certain provisions specifically applicable to such programs and projects.

(20 U.S.C. 1303(b) (2))

(d) No financial assistance may be given under part D of the Act to any program or project for a period exceeding three years.

(20 U.S.C. 1305)

§ 102.77 Application procedures.

(a) *Submittal of applications.* The State plan shall describe the policies and procedures to be required by the State board in submitting applications to it for grants and contracts under part D of the Act for exemplary programs and projects meeting the requirements of §§ 102.78 through 102.80. Such policies and procedures shall assure that—

(1) Applications will describe the nature, duration, purpose, and plan of the project, the use to be made of the results in regular programs of vocational education, the qualifications of the personnel staff who will be responsible for the program or project, a justification of the amount of grant or contract funds requested, the portion of the cost (if any) to be borne by the applicant, and such other pertinent information as the State board may require; and

(2) Applications will be executed and submitted to the State board by an individual authorized to act for the applicant.

(b) *Review of applications.* The State plan shall describe the policies and procedures to be used by the State board in reviewing applications for grants and contracts. Such policies and procedures shall assure that the applications will be reviewed in terms of such pertinent factors as—

(1) Impact on meeting vocational education needs of disadvantaged youth;

(2) Impact on reducing youth unemployment;

(3) Extent to which the project promotes cooperation between public education and manpower agencies;

(4) Relevance to priority areas in vocational education specified in the long-range program plan and to vocational education programs, services, and activities described in the annual plan;

(5) Adequacy and competence of personnel designated to carry out the program or project;

(6) Adequacy of facilities;

(7) Reasonableness of cost estimates;

(8) Expected potential of the proposed program or project being made a part of the regular vocational education program;

(9) Extent to which the project is of sufficient scope and duration to make a significant contribution to vocational education; and

(10) Adequacy of project evaluation plans.

(c) *Action on applications.* The State plan shall describe the policies and procedures to be followed by the State board in acting on applications. Such policies and procedures shall assure that the State board will—

(1) Either (i) approve the application in whole or in part, (ii) disapprove the application, or (iii) defer action on the application for such reasons as lack of funds or a need for further evaluation;

(2) Provide that any deferral or disapproval of an application will not preclude its reconsideration or resubmission;

(3) Notify the applicant in writing of the disposition of the application; and

(4) Include, in the award letter for any State board grant or contract award, the approved budget and grant or contract award conditions which the applicant will accept in accordance with State law.

(20 U.S.C. 1263(a), 1302(d))

§ 102.78 Coordination with other programs.

The State plan shall provide that grants or contracts for exemplary programs or projects under part D of the Act will be made only if the State board determines, on the basis of information in the application, that effective procedures will be followed by grantees and contractors to assure that the planning, development, and operation of such programs and projects are coordinated with other programs and projects carried out under grants or contracts pursuant to this part and with other publicly and privately operated programs having the same or similar purpose as such programs or projects, such as those supported under titles I and III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. Ch. 24).

(20 U.S.C. 1303(b) (1) (A))

§ 102.79 Participation of students in private nonprofit schools.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program or project is designed to meet, provision has been made for the participation of such students in accordance with the requirements in § 102.7.

(20 U.S.C. 1303(b) (1) (B))

§ 102.80 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed with respect to grants or contracts for exemplary programs or projects approved and funded under part D of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank accounts for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

(20 U.S.C. 1303(b) (1) (c))

§ 102.81 Notification to Commissioner.

(a) The State plan shall provide that within fifteen days after the State board's approval of a grant or contract, the State board shall forward three copies of the approved proposal for which the grant or contract was made to the Commissioner via the appropriate regional office. The following information shall be attached to each copy submitted: (1) Amount of Federal funds under section 142(d), other Federal vocational funds, and State/local funds obligated for the project and (2) fiscal year to which the obligation is charged.

(b) The State board shall submit three copies of the final report for each completed project funded under section 142(d) to the appropriate regional office and, upon approval, the original office shall forward two copies to the Commissioner.

(20 U.S.C. 1263(a) (6) and (17))

CONSUMER AND HOMEMAKING EDUCATION

§ 102.91 State plan provisions—general.

Funds allotted to the States for the purpose of part F of the Act may be used for consumer and homemaking programs, and for ancillary services and activities to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to consumer and homemaking education programs assisted under part F of the Act. In addition, §§ 102.92 and 102.93 require the inclusion in the State plan of certain provisions specifically applicable to such programs.

(20 U.S.C. 1341)

§ 102.92 Procedures for establishing and operating consumer and homemaking programs.

The State plan shall describe the policies and procedures to be followed by the State for the establishing and operating of consumer and homemaking programs which meet the requirements in § 102.93 and which are administered either directly by the State board or by local educational agencies pursuant to applications approved by the State board. Such description shall include:

(a) The procedures to be followed by the State board in initiating and undertaking consumer and homemaking programs over which it will have direct administrative responsibility;

(b) The procedures to be followed by the State board in receiving, reviewing, and acting upon local applications for allocation of funds to such programs; and

(c) An assurance that at least one-third of the Federal funds allotted to the State under part F of the Act shall be used for consumer and homemaking programs in economically depressed areas or areas with high rates of unemployment, as determined pursuant to § 102.45.

(20 U.S.C. 1341)

§ 102.93 Requirements.

The State plan shall provide that the State board will approve a consumer and homemaking program only if it meets the following requirements:

(a) The program will encourage greater consideration to the social and cultural conditions and needs, especially in economically depressed areas;

(b) The program will encourage preparation for professional leadership in home economics and consumer education;

(c) The program will be designed for youth and adults who have entered or are preparing to enter the work of the home;

(d) The program will be designed to prepare such youth and adults for the role of homemaker or to contribute to their employability in the dual role of homemaker and wage earner; and

(e) The program will include consumer education as an integral part thereof, including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase.

(20 U.S.C. 1341)

§ 102.94 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36 and teacher training pursuant to § 102.36(b), the State plan shall describe its procedures for providing or making arrangements for the provision of the other ancillary services and activities necessary to assure quality in all consumer and homemaking education programs, such as curriculum development, research, special demonstration and experimental programs, development of instructional materials, and provision of equipment.

(20 U.S.C. 1341)

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

§ 102.96 State plan provisions—general.

In order to prepare young people for employment through (a) providing meaningful work experience combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes, (b) removing the artificial barriers which separate work and education, and (c) involving educators with employers, creating interaction whereby the needs and problems of both are made known, thereby making it possible for occupational curricula to be revised to reflect current needs in various occupations, funds allotted to the States for the purpose of part G of the Act may be used for the expansion of cooperative vocational education programs, and for ancillary services and activities which are necessary to assure quality in such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to cooperative vocational education programs assisted under part G of the Act. In addition, the State board shall include provisions in its State plan for the establishment of cooperative vocational education programs through local educational agencies, with participation of public and private employers, as required by §§ 102.97 through 102.104.

(20 U.S.C. 1351, 1353)

§ 102.97 Approval of cooperative vocational education programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving applications for the development and operation of cooperative vocational education programs submitted by local educational agencies which meet the requirements of § 102.98. Such description shall—

(a) Set forth the principles for determining the priority to be accorded applications from local educational agencies for cooperative vocational education programs, with preference being given to applications submitted by local educational

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agencies serving areas of high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of programs in the order determined by the application of such principles.

(20 U.S.C. 1353)

§ 102.98 Requirements of cooperative vocational educational programs.

The State plan shall provide that the State board will approve a cooperative vocational education program only if it meets the following requirements:

(a) *Purpose.* The program meets the definition of a cooperative vocational education program in § 102.3, and will be administered by the local educational agency with the participation of public or private employers providing on-the-job training opportunities that would not otherwise be available.

(b) *On-the-job training standards.* The program provides on-the-job training that (1) is related to existing career opportunities susceptible of promotion and advancement, (2) does not displace other workers who perform such work, (3) employs and compensates student-learners in conformity with Federal, State, and local laws and regulations and in a manner not resulting in exploitation of the student-learner for private gain; and (4) is conducted in accordance with written training agreements between local educational agencies and employers, copies of which shall be submitted to the State for filing with the local application.

(c) *Other requirements.* The program will be carried out in a manner consistent with the provisions set forth in the State plan pursuant to §§ 102.99 through 102.104.

(20 U.S.C. 1353)

§ 102.99 Identification of jobs.

The State plan shall provide that cooperative vocational education programs will be approved only if the State board determines, on the basis of information in local applications, that necessary procedures have been established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs.

(20 U.S.C. 1353(a)(2))

§ 102.100 Additional costs to employers and students.

(a) *Additional costs to employers.* The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in determining the added costs to employers for on-the-job training of students, and shall identify the categories of eligible costs for reimbursement to employers. Such policies and procedures shall be designed to assure—

(1) That the payment of added employer costs will be made only when it is apparent that, without such reimbursement, employers will not be able to provide quality on-the-job training;

(2) That such added employer costs will include only that part of the compensation of students which represents the difference between the compensation to be paid and the fair dollar value of services rendered by the student, as determined by the negotiation between local educational agencies and employers;

(3) That such added employer costs will not include the cost of construction of facilities, purchases of equipment, and other capital costs which would inure to the benefit of employers; and

(4) That such added employer costs shall be set forth in training agreements required by § 102.98(b)(4), identifying and justifying the cost factors applied, the amount of funds to be paid, and the duration of reimbursement.

(b) *Costs to students.* The State plan shall set forth policies and procedures which the State board will require local educational agencies with approved vocational education programs to follow in reimbursing students or paying on behalf of students unusual costs resulting from their participation in a cooperative vocational education program. The State plan shall also identify such costs, and shall specify when and under what circumstances payments for such costs will be made either to the student as reimbusement or directly to a vendor as payment for goods and services. Such policies and procedures will be designed to assure that payments will be made only for those costs which—

(1) Are not usually required of students preparing for the field of employment for which cooperative vocational education is being provided, such as, special tools, equipment and clothing, transportation, and safety and other protective devices; and

(2) Do not have the effect of underwriting personal obligations and expenses which students in similar circumstances are usually expected to assume.

(20 U.S.C. 1351, 1353)

§ 102.101 Participation of students in nonprofit private schools.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which such a program is designed to meet, provision has been made for the participation of such students in accordance with the requirements of § 102.7.

(20 U.S.C. 1353(a)(8))

§ 102.102 Noncommingling of funds.

The State plan shall set forth the policies and procedures to be followed in cooperative vocational education programs approved and funded under part G of the Act which assure that funds from Federal sources will not be commingled with State or local funds so as to lose their identity as such. In developing such policies and procedures, it shall not be necessary to require separate bank account for funds from Federal sources, so long as accounting methods will be established which assure that expenditures of such funds can be separately identified from other expenditures.

(20 U.S.C. 1343(a)(7))

§ 102.103 Evaluation and follow-up procedures.

The State plan shall set forth the policies and procedures which the State board will require local educational agencies with approved cooperative vocational education programs to follow in providing for continuous supervision and evaluation of on-the-job training programs and for follow-up of students who have participated in such programs.

(20 U.S.C. 1353(a)(6))

§ 102.104 Ancillary services and activities.

In addition to the general provisions in the State plan with regard to State administration and leadership pursuant to § 102.35, program evaluation pursuant to § 102.36, and teacher training pursuant to § 102.38(b), the State plan shall describe its procedures for providing or making arrangements for the provisions of other ancillary services necessary to assure quality in all cooperative vocational education programs, such as preservice and inservice training of teacher coordinators and development of instructional materials.

(20 U.S.C. 1353(a)(4))

WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

§ 102.110 State plan provisions—general.

Funds allotted to the States for the purpose of part H of the Act may be used for work-study programs for vocational education students, and for the development and administration of that part of the State plan applicable to such programs. The State plan requirements set forth in §§ 102.31 through 102.46 are also applicable to the vocational education work-study program assisted with Federal funds under part H of the Act. In addition, §§ 102.111 through 102.113 require inclusion in the State plan of certain provisions specifically applicable to such programs.

(20 U.S.C. 1372(a))

§ 102.111 Policies and procedures for approval of work-study programs.

The State plan shall describe the policies and procedures to be followed by the State board in receiving, reviewing, and approving work-study programs submitted by local educational agencies which meet the requirements of § 102.112. Such description shall:

(a) Set forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, giving preference to applications submitted by local educational agencies serving communities with high concentrations of youth unemployment or school dropouts, as determined pursuant to § 102.46; and

(b) Provide, insofar as financial resources are available, for the undertaking of such programs in the order determined by the application of such principles.

(20 U.S.C. 1372(a)(3))

§ 102.112 Requirements of work-study programs.

The State plan shall provide that the State board will approve a work-study program only if it meets the following requirements:

(a) *Administration.* The work-study program will be administered by the local educational agency and made reasonably available (to the extent of available funds) to all qualified youths in the area served by such agency who are able to meet the requirements in paragraph (b) of this section.

(20 U.S.C. 1372(a)(1), (b)(1))

(b) *Eligible students.* Employment under the work-study program will be furnished only to a student who (1) has been accepted for enrollment or, if he is already enrolled, is in good standing and in full-time attendance in a program which meets the standards prescribed by the State board and the local educational agency for vocational education programs under the Act; (2) is in need of the earnings from such employment to commence or continue his vocational education program; and (3) is at least 15 years of age and less than 21 years of age at the date of the commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in his school program while employed under the work-study program.

(20 U.S.C. 1372(b)(2))

(c) *Limitation on hours and compensation.* (1) No student will be employed during an academic year or its equivalent for more than fifteen hours in any week during which classes in which he is enrolled are in session. The compensation for such employment will not exceed $45 in any calendar month or $350 in any calendar academic year or its equivalent. However, in the case of a student attending a school which is not within reasonable commuting distance from his home, his compensation may not exceed $60 in any month or $500 per academic year or its equivalent. For the purposes of this paragraph, "academic year" means a period of nine months (exclusive of the summer term) interrupted by the equivalent of one month of vacation.

(2) A student attending a class on a full-time basis in the summer school term shall be limited to fifteen hours of employment per week and the monthly compensation of $45 or $60 as described in subparagraph (1) of this paragraph. If the student is not attending classes during the summer, there is no limitation upon his hours of employment or the amount of compensation which he may earn. The total of his summer earnings shall not be limited by, or have the effect of limiting the compensation paid to him for the academic year pursuant to subparagraph (1) of this paragraph.

(20 U.S.C. 1372(b)(3))

(d) *Employment for public agency or institution.* Employment under work-study programs will be for the local educational agency or for some other public agency or institution (Federal, State, or local) pursuant to a written arrangement between the local educational agency and such other agency or institution, and work so performed will be adequately supervised and coordinated and will not supplant present employees of such agency or institution who ordinarily perform such work. In those instances where employment under work-study programs is for a Federal agency or institution, the written arrangement between the local educational agency and the Federal agency or institution will state that students so employed are not Federal employees for any purpose.

(20 U.S.C. 1372(b)(4), 1374)

(e) *Maintenance of effort.* In each fiscal year during which a work-study program remains in effect, the local educational agency will expend for employment of its students (whether or not in employment eligible for assistance under this section) an amount in State or local funds that is at least equal to the average annual expenditure for work-study programs of a similar nature during the three fiscal years preceding the fiscal year in which the work-study program of such local educational agency was approved.

(20 U.S.C. 1372(b)(5))

§ 102.113 Use of funds for State plan development and administration.

The State plan shall provide that the amount of Federal funds used to pay the cost of developing those provisions in the State plan applicable to work-study programs and the cost of administering such provisions after their approval by the Commissioner will not exceed one percent of the State's allotment under part H of the Act for vocational work-study programs, or $10,000, whichever is greater.

(20 U.S.C. 1372(a)(2), 1373(a))

Subpart D—Federal Financial Participation

GENERAL

§ 102.121 Application of Federal requirements.

Federal funds may be used to share only in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet such requirements. As used in these regulations, phrases such as "expenditures may be made under the plan * * *" or "funds may be expended * * *" mean that the Federal allotments are available for payment of the Federal share thereof during the applicable period.

(20 U.S.C. 1263)

§ 102.132 Federal share of expenditures under State plan.

The Federal share of expenditures incurred for the following purposes under the State plan and payable to the States from their allotments shall not exceed—

(a) Fifty percent of State and local expenditures for State vocational education programs under part B of the Act except that the Federal share shall be:

(20 U.S.C. 1264(a))

(1) One hundred percent for programs for the disadvantaged in areas of high concentration of youth unemployment and school dropouts under part B of the Act and financed with funds under section 102(b) of the Act; and

(20 U.S.C. 1264(a)(1))

(2) One hundred percent for all programs under part B of the Act undertaken in the Trust Territory of the Pacific Islands and in American Samoa;

(20 U.S.C. 1264(a)(2))

(b) Seventy-five percent of expenditures for State research coordination units under part C of the Act;

(20 U.S.C. 1281(b)(1))

(c) Ninety percent of expenditures for vocational education research and personnel training programs, developmental, experimental, and pilot programs, and dissemination activities under part C of the Act;

(20 U.S.C. 1281(b)(2))

(d) One hundred percent of expenditures for exemplary programs and projects under part D of the Act;

(20 U.S.C. 1302(d))

(e) Fifty percent of expenditures for consumer and homemaking programs under part F of the Act except that the Federal share shall be 90 percent for such programs in economically depressed or high unemployment areas, as determined pursuant to § 102.45;

(20 U.S.C. 1341(c))

(f) One hundred percent of expenditures for cooperative vocational education programs under part G of the Act; and

(20 U.S.C. 1354)

(g) Eighty percent of expenditures for vocational work-study programs under part H of the Act.

(20 U.S.C. 1373(a))

§ 102.133 Non-Federal share of expenditures under State plan.

(a) *Amount.* The non-Federal share of State and local expenditures under the State plan shall be the difference between the Federal share meeting the requirements of § 102.132 and the total expenditures for the purposes for which the Federal share is paid.

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(b) *Statewide application.* The non-Federal share of expenditures under the State plan may be on a statewide basis. It is not necessary that Federal funds be matched by non-Federal funds for each school, class, program, or activity or, in the case of funds allotted under part B, for each of the purposes in section 122(a) of the Act. Only the total expenditures from each allotment to the State (or portion thereof subject to the same Federal share percentage limitation) will be considered in determining the required non-Federal share of such expenditures.

(c) *Federal conditions and requirements.* The non-Federal share of expenditures under the State plan shall be made only for programs, services, and activities which meet all of the conditions and requirements of the Act, the regulations in this part, and the State plan. This means that every school, class, program, or activity supported in whole or in part by non-Federal funds required to match Federal funds must meet the same conditions and requirements as those supported by Federal funds.

§ 102.135 Allowable expenditures for construction of area vocational education schools.

(a) Funds appropriated under section 102(a) of the Act and allotted to States for the purposes of part B of the Act may be used for the construction of area vocational education schools undertaken by the State board, or by local educational agencies with the approval of the State board. There can be no Federal financial participation in any expenditures for construction of such school facilities prior to the approval of such construction by the State board except expenditures for the acquisition of land pursuant to subparagraph (3) of this paragraph and expenditures for architectural, engineering, and inspection services pursuant to subparagraph (5) of this paragraph. Such funds may be used for expenditures in the following categories:

(1) Erection of new buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3;

(2) Acquisition, expansion, alteration, and remodeling (as distinguished from the maintenance and repair) of existing buildings to the extent they will include such school facilities and initial equipment as defined in § 102.3;

(3) Acquisition, within one year prior to approval of construction by the State board, of the fee, leasehold, or other interest in land on which there is to be construction of new buildings or expansion of existing buildings;

(4) Site grading and improvement of land on which there is to be construction of new buildings and expansion of existing buildings; and

(5) Architectural, engineering, and inspection services rendered subsequent to the date of site selection.

(b) For the purposes of paragraph (a) of this section, "acquisition" includes all expenses (other than interest and carrying charges on bonds) related to the acquisition of land or school facilities (from sources other than the State board or local educational agency) if such expenses constitute an actual disbursement or transfer of public funds in accordance with usual procedures generally applicable to all State and local agencies and institutions.

(20 U.S.C. 1248 (3) and (4), 1262(a)(5))

§ 102.136 Allowable expenditures for vocational education for disadvantaged persons.

Funds appropriated under section 102 (b) of the Act and allotted to States for the purpose of section 122(a)(4)(A) of the Act may be applied only to expenditures that are reasonably attributable to vocational education programs for disadvantaged persons.

(20 U.S.C. 1262(a)(4))

§ 102.137 Allowable expenditures for research and training programs.

Funds appropriated under section 102 (a) of the Act and allotted to the States for use by State boards for the purposes of part C of the Act may be applied only to expenditures that are reasonably attributable to the establishment and operation of State research coordination units, and to programs or projects for which grants or contracts as described in § 102.70(a) are made.

(20 U.S.C. 1281(b))

§ 102.138 Allowable expenditures for exemplary programs and projects.

Funds appropriated under section 142 of the Act and allotted to States for use by State boards for the purposes of part D of the Act may be applied only to expenditures that are reasonably attributable to the exemplary programs or projects for which grants or contracts as described in § 102.76(a) are made.

(20 U.S.C. 1302(d))

§ 102.140 Allowable expenditures for consumer and homemaking education.

Funds appropriated and allotted to States under part F of the Act may be applied only to expenditures that are reasonably attributable to consumer and homemaking programs, and ancillary services and activities necessary to assure quality in such programs.

(20 U.S.C. 1341(a))

§ 102.141 Allowable expenditures for cooperative vocational education.

Funds appropriated and allotted to States under part G of the Act may be applied only to expenditures in categories such as the following which are reasonably attributable to cooperative vocational education programs and ancillary services and activities necessary to assure quality in such programs:

(a) [Reserved]

(b) Reimbursement of employers for necessary added costs incurred by them in providing cooperative work experience to vocational education students as provided for in § 102.100(a); and

(c) Payment of unusual expenses incurred by students as a result of their enrollment in a cooperative vocational education program as provided for in § 102.100(b).

(20 U.S.C. 1352(a), 1353(a))

§ 102.142 Allowable expenditures for vocational work-study programs.

Funds appropriated and allotted to States under part H of the Act for work-study programs for vocational education students may be applied only to the following categories of expenditures:

(a) Compensation of students employed in work-study programs;

(b) Expenditures reasonably attributable to—

(1) Development of those provisions in the State plan applicable to vocational work-study programs pursuant to §§ 102.110 through 102.113 which are incurred before the effective date of such provisions; and

(2) Administration of those provisions in the State plan applicable to work-study programs.

(20 U.S.C. 1371–1373)

§ 102.143 Allowable expenditures for State planning, administration, and evaluation.

Funds appropriated and paid to States under section 102(c) of the Act may be used only for the development and administration of State plans under all parts of the Act pursuant to subpart C of this part, the activities of State advisory councils pursuant to subpart B of this part, the evaluation of programs, services, and activities under the State plan pursuant to § 102.36, and dissemination of the results of such evaluations. Such funds may be applied to expenditures which are reasonably attributable to such activities.

(20 U.S.C. 1262(b))

§ 102.145 Allowable expenditures under more than one State allotment.

The availability of funds appropriated and allotted under one part or section of the Act for a particular purpose or for a particular category of expenditures shall not preclude the use of funds appropriated and allotted under other parts or sections of the Act for the same purpose or category of expenditure: *Provided*, That all of the conditions and requirements applicable to the use of funds appropriated and allotted under all such parts and sections of the Act are met.

(20 U.S.C. 1262, 1263(a))

Subpart E—Payments and Reports

§ 102.151 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file in the Office of Education a State plan (including the long-range and annual program plan for the fiscal year of the allotment from which payment is to be made) which was adopted by the State board after consultation with the State advisory council and approved by the Commissioner;

(20 U.S.C. 1268, 1264)

(b) The State has certified to the Commissioner the establishment and membership of a State advisory council pursuant to § 102.21(c); and

(20 U.S.C. 1244(b)(2))

(c) Total State and local expenditures for "vocational education" (as defined in § 102.3) in that State for the preceding fiscal year were not less than total State and local expenditures for vocational education in the second preceding fiscal year. Total State and local expenditures for vocational education in the preceding fiscal year shall not be deemed to be reduced from those in the second preceding fiscal year unless the per-student expenditure for vocational education within the State in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent.

(20 U.S.C. 1263(a)(11), 1264(c))

§ 102.152 Withholding of payments.

Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board, determines on the basis of information available to him that (a) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (b) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State board that no further payments will be made to the State until he is satisfied that the State has complied with such requirements. At his discretion, the Commissioner may notify the State board that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements.

(20 U.S.C. 1263(c)(2))

§ 102.153 Payment to State advisory council.

Upon his approval of the budget submitted by the State advisory council pursuant to § 102.23(e), the Commissioner will pay the amount requested by the State advisory council in its approved budget: *Provided*, That such amount does not exceed the maximum entitlement of the State advisory council determined pursuant to section 104(c) of the Act and applicable appropriation acts.

(20 U.S.C. 1242(c), 1244(d), 1264(b))

§ 102.156 Transfer of allotments.

(a) Any portion of the amount allotted to any State for any fiscal year from funds appropriated under section 102(a) of the Act for the purposes of part B or part C of the Act which the Commissioner determines will not be required for such purposes in the period during which such allotment is available may, upon the approval of the Commissioner pursuant to paragraph (c) of this section, be transferred to or combined with one or more of the other allotments to the State for the same fiscal year under the Act. The amount so transferred is subject to the same conditions and requirements as the allotment to which it is transferred, and is no longer subject to the conditions and requirements as the allotment from which it was transferred. Thus, any reference in this part to "funds allotted under the Act" refers also to transferred funds included as a part of an allotment under the Act.

(b) A State board desiring to transfer funds from its allotment of funds appropriated under section 102(a) of the Act to another allotment under the Act shall submit as part of its annual State plan or amendment thereto a request for such a transfer. Such request shall indicate how the annual plan will be affected by the transfer and will provide information to permit application of the following criteria:

(1) The need for the funds to be transferred is substantially greater for the purpose of the allotment to which the transfer will be made than for the purposes of part B or part C of the Act, as the case may be;

(2) The transfer will permit a use of funds for a purpose or in a manner which would not be permitted under part B or part C of the Act;

(3) The funds to be transferred will be used effectively for the purpose of the allotment to which they are to be transferred; and

(4) The transfer of funds will result in the most effective use of such funds.

(c) The Commissioner will approve the State board's request for transfer of funds if he is satisfied that the transfer will meet the criteria set forth in paragraph (b) of this section; otherwise, he will disapprove such request. Such approval or disapproval will be based on information submitted by the State board with its request pursuant to paragraph (b) of this section, or on any other estimates, reports, and information available to the Commissioner which have been submitted by the State board or obtained by the Commissioner through independent investigation.

(20 U.S.C. 1243(c), 1263(a) (5), (6), (12), (17))

§ 102.157 Reallotment.

(a) (1) Any amount of any State's allotment under any part of the Act except part D which the Commissioner determines is not required for carrying out the State's plan under that part and which has not been transferred to another allotment within the State pursuant to § 102.156 will be available for reallotment to other States on such dates as the Commissioner may fix for the purpose for which the amount was originally allotted.

(2) Any amount of any State's allotment under parts B and F of the Act which the State is required by §§ 102.59 and 102.92(c) to expend for a particular purpose (i.e., vocational education for disadvantaged persons, vocational education for handicapped persons, postsecondary vocational education, or consumer and homemaking education in economically depressed and high unemployment areas) and which the Commissioner determines will not be expended for such purpose shall be available for reallotment to other States only for such purpose.

(3) The amount of any reallotment pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to be part of the State's allotment for such fiscal year. Thus, any reference in this part to "funds allotted under the Act" refers also to reallotted funds included as a part of an allotment under the Act.

(b) Any determination by the Commissioner pursuant to paragraph (a) of this section will be made on the basis of (1) a certified statement submitted by the State affirming that the State does not require the full amount of one or more of its original allotment(s) to carry out its plan, (2) reports and information acquired by the Commissioner either from the State or from independent investigation indicating that the State does not require the full amount of one or more of its original allotment(s), or (3) both. Within a reasonable time prior to the date fixed for reallotment of funds, the Commissioner will notify the State of his determination affecting the State's allotment(s) and either modify the amount certified for payment to the State or, if payment has already been made, direct the State to return to the United States whatever amount the Commissioner determines the State does not need.

(c) Reallotments will be made to other States in proportion to their original allotment for the fiscal year in which the original allotment was made; except that, subject to the provisions in paragraph (d) of this section, such reallotments to such other States will be reduced to the extent which the Commissioner estimates such State needs and will be able to use under its plan without delay for such fiscal year. The total of such reductions will then be reallotted among those States not suffering such a reduction in proportion to their original allotment except to the extent specified in the preceding sentence, and then reallotted as many times as necessary to exhaust such amount. Such estimate by the Commissioner will be made on the basis of (1) the certified statement submitted by the State pursuant to paragraph (b) of this section affirming that the State does not require the full amount of its original allotment to carry out its plan, (2) a request for reallotment by the State and its supporting certified statement indicating the amount of additional funds it needs and will be able to use effectively to carry out its plan, (3) reports and information acquired by the Commissioner either from the State board or from independent investigation, or (4) any or all of the above. Within a reasonable time before the date fixed for reallotment, the Commissioner will notify the State of the amount of reallotted funds (if any) the State shall receive.

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(b) Any State which the Commissioner has determined, either on the basis of certified statements from the State or from other reports or information available to him, (1) does not require the full amount of its orignial allotment to carry out its plan, or (2) does not need or will not be able to use effectively the full amount of its proportionate share of funds to be reallotted, may, on or before the date fixed for reallotment, request that the Commissioner reconsider his determination affecting the original allotment or anticipated reallotment to such State, and submit with its request additional supporting information and data. If the Commissioner's determination is based in whole or in part on certified statements submitted by the State itself, the State may submit to the Commissioner an amendment to such certification on or before the date fixed for reallotment. The Commissioner, in making his reallotment of funds to the States, will take into consideration all such amendments and additional information furnished by the State with its request for reconsideration of the Commissioner's determination. All decisions made by the Commissioner regarding the reallotment of funds are final once reallotment is made.

(20 U.S.C. 1243(c), 1341(a)(2), 1352(b)(2), 1271(b)(2))

§ 102.159 Annual evaluation report.

(a) The State board shall submit to the Commissioner and the National Advisory Council on or before October 1 of each year an annual evaluation report prepared by the State advisory council pursuant to § 102.23(c) in accordance with procedures established by the Commissioner. This report shall contain (1) the results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out under the State plan in the year under review in meeting the program objectives set forth in the long-range and annual program plans required by §§ 102.33 and 102.34; and (2) such recommended changes in the content and administration of the State's programs, services, and activities as may be deemed by the State advisory council to be warranted by its evaluation results.

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. These comments may include, among other matters, the results of evaluations by the State board, local educational agencies, and other agencies and institutions of programs, services, and activities under the State plan which support, supplement, or differ with the evaluation results of the State advisory council.

(20 U.S.C. 1244(b)(1)(D))

§ 102.161 Final reports of programs or projects.

The State board shall submit to the Commissioner copies of final reports of programs or projects conducted by grantees or contractors under parts C and D of the Act.

(20 U.S.C. 1263(a)(17))

[FR Doc.75-4984 Filed 2-24-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 75-1; General Order 22; Amdt. 5]

PART 503—PUBLIC INFORMATION

Correction

In FR Doc. 4616, appearing on page 7311 in the issue of Wednesday, February 19, 1975, the following material, inadvertently omitted from the text of the document, should appear immediately below the signature:

1. Section 503.1 is revoked in its entirety and is hereby superseded by a new § 503.1, which reads as follows:

§ 503.1 Statement of policy.

(a) The Chairman of the Federal Maritime Commission is responsible for the effective administration of the provisions of Pub. L. 89-487, as amended. The Chairman shall carry out this responsibility through the program and the officials as hereinafter provided in this Part.

(b) In addition, the Chairman, pursuant to his responsibility hereby directs that every effort be expended to facilitate the maximum expedited service to the public with respect to the obtaining of information and records. Accordingly, members of the public may make requests for information, records, decisions or submittals in accordance with the provisions of § 503.31 of this Part.

2. Section 503.22 is amended by the addition of the following sentence at the end thereof:

§ 503.22 Current Index.

• • • Publication of such indices has been determined by the Commission to be unnecessary and impracticable. The indices shall, nonetheless, be provided to any member of the public at a cost not in excess of the direct cost of duplication of any such index upon request therefor made in accordance with Subpart D of this part.

3. Section 503.31 is hereby revoked and is superseded by new § 503.31, reading as follows:

§ 503.31 Identification of records.

A member of the public who requests permission to inspect, copy or be provided with any records described in §§ 503.11, 503.21, 503.24 and 503.25 of this part shall:

(a) Reasonably describe the record or records sought; and

(b) Submit such request in writing to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Any such request shall be clearly marked on the exterior with the letters FOIA.

§ 503.32 [Amended]

4. Section 503.32 is hereby amended by deletion in the first paragraph of the words "• • • in person or in writing at the Public Reference Room • • •" and substituting therefor the following language: "• • • in writing addressed to the Office of the Secretary • • •."

5. Section 503.33 is amended by deletion of the first two sentences thereof and the substitution therefor of the following language:

§ 503.33 Other records available upon written request.

Any written request to the Office of the Secretary, Federal Maritime Commission, Washington, D.C. 20573, for records listed in paragraphs (a) through (e), inclusive, of this section shall identify the record as provided in section 503.31. The Secretary shall evaluate each request in conjunction with the official having responsibility for the subject matter area, and the General Counsel, and the Secretary shall determine whether or not to grant the request in accordance with the provisions of § 503.34. • • •

• • • • • •

6. Section 503.34 is hereby revoked and superseded by the following new § 503.34:

§ 503.34 Procedures on requests for documents.

(a) Determination of compliance with requests for document.

(1) Upon request by any member of the public for documents, made in accordance with the rules of this part, the Commission's Secretary or his delegate in his absence, shall determine whether or not such request shall be granted.

(2) Except as provided in paragraph (c) of this section, such determination shall be made by the Secretary within ten (10) days (excluding Saturdays, Sundays and legal public holidays) after receipt of any such request.

(3) The Secretary shall immediately notify the party making such request of the determination made, the reasons therefor, and, in the case of a denial of such request, shall notify the party of his right to appeal that determination to the Chairman.

(b) Appeals from adverse determination (denial of request).

(1) Any party whose request for documents or other information pursuant to this part has been denied in whole or in part by the Secretary may appeal such determination. Any such appeal shall be addressed to: Chairman, Federal Maritime Commission, Washington, D.C. 20573, and shall be submitted within a reasonable time following receipt by the party of notification of the initial denial by the Secretary in the case of a total denial of the request or within a reasonable time following receipt of any of the records requested in the case of a partial denial. In no case shall an appeal be filed later than ten (10) working days following receipt of notification of denial or receipt of a part of the records requested.

(2) Upon appeal from any denial or partial denial of a request for documents by the Secretary, the Chairman of the Federal Maritime Commission or the Chairman's specific delegate in his absence, shall make a determination with respect to that appeal within twenty (20) days (excepting Saturdays, Sundays and legal public holidays) after receipt of such appeal, except as provided in paragraph (c) of this section. If, on appeal, the denial is upheld, either in whole or in part, the Chairman shall so notify the party submitting the appeal and shall notify such person of the provisions of paragraph 4 of subsection (a) of the FOIA (Pub. L. 93-502, 88 Stat. 1561-1562, November 21, 1974) regarding judicial review of such determination upholding the denial. Notification shall also include the statement that the determination is that of the Chairman of the Federal Maritime Commission and the name of the Chairman.

(c) *Exception to time limitation.* In unusual circumstances as specified in this paragraph, the time limits prescribed with respect to initial actions or actions on appeal may be extended by written notice from the Secretary of the Commission to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(d) *Effect of failure by Commission to meet the time limitation.* Failure by the Commission either to deny or grant any request for documents within the time limits prescribed by FOIA (5 U.S.C. 552, as amended) and these regulations shall be deemed to be an exhaustion of the administrative remedies available to the person making the request.

§ 503.35 Exceptions to availability of records.

7. Section 503.35 is hereby amended by the deletion of paragraphs (a) and (g) and the substitution of new paragraphs (a) and (g), reading as follows:

• • • • • •

(a) Records specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and which are in fact properly classified pursuant to such Executive Order. Records to which this provision applies shall be deemed by the Commission to have been properly classified. This exception may apply to records in the custody of the Commission which have been transmitted to the Commission by another agency which has designated the record as nonpublic under Executive Order.

• • • • • •

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by any agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel. Any record, portions of which are exempt under the provisions of this section, will be provided to any person requesting such record after the exempt portion or portions thereof have been deleted, provided such nonexempt portion or portions are reasonably segregable.

8. A new § 503.36 entitled *Commission Report of Actions* is hereby promulgated following § 503.35 and reading as follows:

§ 503.36 Commission report of actions.

On or before March 1 of each calendar year, the Federal Maritime Commission shall submit a report of its activities with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and to the President of the Senate. This report shall include—

(a) The number of determinations made by the Federal Maritime Commission not to comply with requests for records made to the agency under the provisions of this part and the reasons for each such determination.

(b) The number of appeals made by persons under such provisions, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(c) The names and titles or positions of each person responsible for the denial of records requested under the provisions of this Part and the number of instances of participation for each.

(d) The results of each proceeding conducted pursuant to subsection (a)(4)(F) of FOIA, as amended November 21, 1974, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(e) A copy of every rule made by the Commission implementing the provisions of the FOIA, as amended November 21, 1974.

(f) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section.

(g) Such other information as indicates efforts to administer fully the provisions of the FOIA, as amended.

9. Subpart E—*Fees* is amended by the addition of a new paragraph (g) to § 503.43 and is republished in its entirety as follows:

Subpart E—Fees

§ 503.41 Policy and services available.

Pursuant to policies established b ythe Congress, the Government's costs for special services furnished to individuals or firms who request such service are to be recovered by the payment of fees (Act of Aug. 31, 1951—5 U.S.C. 140). Upon written request directed to the Federal Maritime Commission pursuant to the FOIA as amended and as implemented by the provisions of this part, there are available upon payment of the fees hereinafter prescribed, with respect to documents subject to inspection, services as follows:

(a) Copying records/documents.

(b) Certification of copies of documents.

(c) Records search.

(d) Subscriptions to publications of the Commission.

(e) Transcripts of hearings.

§ 503.42 Payment of fees and charges.

The fees charged for special services may be paid by check, draft, or postal money order, payable to the Federal Maritime Commission, except for charges for transcript of hearings. Fees for transcript of hearings are payable to the firm providing the services.

§ 503.43 Fees for services.

The basic fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If copy is to be transmitted by registered, certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(a) The copying of records and documents will be available at the rate of 30 cents per page (one side) by the Xerox process, limited to size 8¼" x 14" or smaller.

(b) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $2.00 for each such certification.

(c) To the extent that time can be made available, records and information search will be performed for reimbursement at the following rates:

(1) By clerical personnel at a rate of $4.50 per person per hour.

(2) By professional personnel at an actual hourly cost basis to be established prior to search.

(3) No charge for records' search will be imposed for the first one-half hour.

(d) Annual subscriptions for which there are regular mailing lists are available at the charges indicated below for calendar year terms. Subscriptions for periods of

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less than a full calendar year will be prorated on a quartely basis. No provision is made for refund upon cancellation of subscription by a purchaser.

(1) Orders, notices, rulings, and decisions (initial and final) issued by Administrative Law Judges and by the Commission in all formal docketed proceedings before the Federal Maritime Commission are available at an annual subscription rate of $30.

(2) Final decisions (only) issued by the Commission in all formal docketed proceedings before the Commission are available at an annual subscription rate of $10.

(3) General orders of the Commission, including all proposed and final rules, are available at an annual subscription rate of $2 (initial annual subscription will entitle the purchaser to a complete set of current General Orders issued to date).

(4) *Exceptions.* No charge will be made by the Commission for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Commission. No charge will be made for single copies of Commission publications individually requested in person or by mail. In addition a subscription to Commission mailing lists will be entered without charge when one of the following conditions is present:

(i) The furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization.

(ii) The recipient is another governmental agency, Federal, State, or local, concerned with the domestic or foreign commerce by water of the United States or, having a legitimate interest in the proceedings and activities of the Commission.

(iii) The recipient is a college or university.

(iv) The recipient does not fall into paragraphs (d)(4) (i), (ii), or (iii) of this section, but is determined by the Commission to be appropriate in the interest of its program.

(e) Transcripts of testimony and of oral argument are furnished by a non-governmental contractor, and may be purchased directly from the reporting firm.

(f) The Commission publication entitled "Automobile Manufacturers' Measurements" is available on a fiscal year subscription basis, including any supplements issued during the fiscal year in which purchased, for a fee of $5.00.

(g) Upon a determination by the Commission that waiver or reduction of the fees prescribed in this section is in the public interest because the information furnished has been determined to be of primary benefit to the general public, such information shall be furnished without charge or at a reduced charge in the discretion of the Commission.

Notice and public procedure on these amendments are deemed to be unnecessary and impracticable, with the exception of the amendments to and republication of Subpart E—Fees, since these amendments merely conform to the requirements of the Freedom of Information Act amendments of November 21, 1974. Comments with respect to Subpart E, if any, shall be submitted to the Secretary, Federal Maritime Commission, not later than January 27, 1975.

Title 49—Transportation

CHAPTER IX—UNITED STATES RAILWAY ASSOCIATION

PART 901—ORGANIZATION, RULE-MAKING, AND PUBLIC INFORMATION

Organization and Functions

The purpose of this new part 901 is to describe the organization of the United States Railway Association, the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions. It also describes the general course and method by which its functions are channeled and determined and its rules of procedure for obtaining public information. It further sets forth tentative fees for copies of documents obtained by persons through the public information process.

The Association is an incorporated non-profit association established by the Regional Rail Reorganization Act of 1973. It is organized with a Board of Directors, a Chairman, a President, a General Counsel, and 7 Vice Presidents. Their functions are described in this part.

The Association is not generally subject to the Administrative Procedure Act (5 U.S.C. 531 *et seq.*) but, pursuant to Public Law 93–502 (88 Stat. 561), section 552 of Title 5, U.S. Code does apply to it. Under that section, the Association is required to publish in the FEDERAL REGISTER a description of those items described in the first paragraph of this document. Although it is, therefore, not subject to the rule-making proceedures of section 553, Title 5, United States Code, it will, nevertheless, as it considers appropriate, publish notices of proposed rule-making in the FEDERAL REGISTER, invite and consider comments thereon, and will keep public dockets.

Matters regarding public information requests, and the maintenance of a Public Reading Room, are within the jurisdiction of the Vice President for Public and Governmental Affairs. Requests for documents are made through his office, as described in the part, and all initial denials of requests are made by him. A right of appeal of a denial to the President has been provided, with specified procedures.

Due to the early date prescribed in Public Law 93–502 for the publication of information regarding fees for copies of documents furnished as a result of requests under the new part, it has not been possible for the Association to issue a separate notice of proposed rule-making on that subject. For this reason, the fees for copying described in § 901.4(g), while in line with those prevailing in other agencies, are tentative in nature. Interested persons are invited to comment on the reasonableness or adequacy of the fees to the Office of the General Counsel, USRA, Room 2222, 2100 Second Street, SW, Washington, D.C. 20595. Comments received by March 24, 1975, will be considered by the Association in determining whether to make changes in the fee schedules. Copies of all written comments received will be available for examination by interested persons in the Office of the General Counsel, both before and after the closing date. The fees may be changed in the light of the comments received.

In consideration of the foregoing, Chapter IX of Title 49 of the Code of Federal Regulations is amended by adding the following new Part 901, thereto, effective February 19, 1975.

This Part 901 is issued under the authority of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236, 87 Stat. 985) and Public Law 93–502 (88 Stat. 1561).

Issued in Washington, D.C. on February 19, 1975.

EDWARD G. JORDAN,
President.

Sec.
901.1 Purpose.
901.2 Status and organization of the Association.
901.3 Rule-making procedures.
901.4 Public availability of information.

AUTHORITY: Regional Rail Reorganization Act of 1973 (Pub. L. 93.236, 87 Stat. 985; Pub. L. 93–502, 88 Stat. 1561).

§ 901.1 Purpose.

This part describes the organization of the Association, and its procedures for providing public access to information.

§ 901.2 Status and organization of the Association.

(a) The United States Railway Association is an incorporated non-profit association established by the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236; 87 Stat. 985; 45 U.S.C. 701, *et seq.*). To the extent not inconsistent with that Act, it is subject to the District of Columbia Non-profit Corporation Act (D.C. Code 29–10001, *et. seq.*) and its status is that of a government corporation of the District of Columbia.

(b) The Association is organized as follows:

(1) The Board of Directors directs and manages the affairs of the Association.

(2) The Chairman presides over the Board of Directors, and is the chief executive officer; he is assisted by the Vice President, Secretary, who performs corporate secretary functions and provides direct staff support to the Chairman, and by the Vice President for Congressional Affairs, who is responsible for Federal legislative matters.

(3) The President is the chief operating officer.

(4) The General Counsel is the chief legal officer.

(5) The Vice President for Administration is the principal officer for personnel, procurement, administration and support services, budget, accounting and audit, and management systems.

(6) The Vice President for Review and Evaluation is the principal officer for liaison with officials of bankrupt railroads, for evaluating the practical implications of the Association's system plans and its loan and assistance programs and for assessing the condition of the railroads in the northeast/midwest region.

(7) The Vice President for Public and Governmental Affairs is the principal officer for communications with the general public, the news media, Federal, State and local governmental agencies, and other interested groups.

(8) The Vice President for Financial Planning is the principal officer for financial issues, such as valuation of the assets and securities of the reorganized railroads; projection of their revenues, costs and profits; assessment of their financial needs and possible sources of financing; and consideration of loan and financial assistance applications.

(9) The Vice President for Operations and Facilities Planning is the principal officer for development of the systems plans for restructuring the rail system of the northeast/midwest regions, including the collection and development of needed data; development of appropriate route options, operating and revenue alternatives, and capital needs; and assessment of the planned systems' impact on communities, competition, service, freight and passenger operations, energy consumption and the environment.

(10) The Vice President for Manpower Planning is the principal officer for consideration of manpower issues, such as the planned systems' manpower requirements and how to reach appropriate levels; and manpower policies, methods and criteria for the planned system and for determining protected employees' benefits.

§ 901.3 Rule-making procedures.

(a) The Association is not subject to the rule-making procedural requirements of section 553 of Title 5, United States Code. The Association will, nevertheless, as it considers appropriate, publish notices of proposed rule-making in the FEDERAL REGISTER; invite and consider comments and requests for extension of time; and keep public dockets. It will also publish its procedural rules, substantive rules, general policies, and general interpretations in the FEDERAL REGISTER. When a notice of proposed rule-making is issued, the specific applicable procedures will be described in the notice.

(b) The Association will publish in the FEDERAL REGISTER a notice of the receipt of each application for a loan under section 211 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721) and of each request for discontinuance or abandonment authorization under section 304(f) of that Act (45 U.S.C. 744 (f)).

§ 901.4 Public availability of information.

(a) Subject to appeal to the President as provided in this section, the Vice President for Public and Governmental Affairs is responsible for administering this section.

(b) Docketed material, so designated in a public notice, is available for inspection and copying in the General Counsel's Office upon written request to the Docket Clerk in that office. Copies of docketed material may be ordered by submitting a written request to the Docket Clerk, Office of the General Counsel, United States Railway Association, 2100 Second Street, SW, Washington, D.C. 20595 and paying the required fee.

(c) Available informational material that the Association considers to be of wide public interest will be kept in the Public Reading Room where members of the public may inspect and copy it. All other available documents may be inspected and copied upon written request to the Information Assistant, Office of the Vice President for Public and Governmental Affairs, United States Railway Association, 2100 Second Street, SW, Washington, D.C. 20595. Copies of those documents may be ordered by submitting a written request to the Information Assistant at that address and paying the required fee.

(d) No such request for inspection or a copy of a document shall be denied except upon the written decision of the Vice President for Public and Governmental Affairs that:

(1) The request may properly be denied under the Freedom of Information Act; and

(2) Another law, private rights, or the public interest clearly requires the denial.

Each denial decision will set forth the reasons therefor and describes the appeal from that decision that is available to the requester.

(e) A decision denying access to a document may be appealed to the President by filing with his office a written notice of appeal, within 30 days after the date of the denial under paragraph (d) of this section, specifying the relevant facts and the basis for the appeal. If the President denies the appeal, the denial shall set forth the reasons therefor and describe the rights of judicial appeal available to the requester.

(f) Requested documents shall be made available, or a written decision denying the request furnished, within 10 working days after the date the request is received. An appeal to the President shall be decided within 20 working days after the date the notice of appeal is filed. The time may be extended in unusual cases but for not more than a total of 10 working days. Saturdays, Sundays and Federal Holidays are not considered to be working days.

(g) The fee for photocopies of documents ordered from the Association shall be $0.25 for the first page and $0.05 for each additional page for each document. The fee for copies of material requiring other methods of reproduction is the cost of reproduction and handling. The fee for routine searches for documents is $2. The fee for searches requiring longer than 30 minutes and for other non-routine services is the actual cost. Fees are payable only in cash or by check or money order payable to the United States Railway Association. Fees may be waived or reduced at the discretion of the Vice President for Public and Governmental Affairs, if he considers it to be in the public interest because furnishing the information will benefit the general public.

(h) The final opinions, orders, statements of policy, interpretations, manuals and instruction that will be available for inspection and copying include:

(1) The Preliminary System Plan (available on and after February 26, 1974), including the USRA studies cited in that Plan; and

(2) USRA Orders in abandonment authorization proceedings pursuant to Section 304(f) of the Regional Rail Reorganization Act of 1973, and an index thereto.

[FR Doc.75–5006 Filed 2–24–75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Miscellaneous Amendments

On December 23, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (Vol. 39, No. 247) to amend Part 280, Title 50, Code of Federal Regulations, which are regulations governing the eastern Pacific yellowfin tuna fishery. Interested persons were given the opportunity to participate through a public hearing held at San Diego on January 10, 1975, and through submission of written comments.

Although the proposed rulemaking did not suggest a change in the distribution of the overall small boat allocation between the small purse seiners and the bait and jig boats, comments were invited from the industry or interested persons on changes to the present distribution of the allotment to vessels under 400 short tons carrying capacity. Comments varied greatly between those representing the seiners and those supporting bait boats as to what each group should be allocated in 1975 out of the 6700 tons available. Seiner advocates insisted they should receive 4400 tons in 1975 (3900 tons received in 1974), while the bait boats should receive only 2300 tons (2800 tons received in 1974). The bait boat spokesman, on the other hand, indicated bait boats were fully justified in receiving 3,500 tons in 1975 and that anything less than 3350 tons, a 50–50 split, would be unacceptable.

In 1974 the small boat allocations were adjusted and, since then, the bait boat segment has experienced a small net increase in carrying capacity, due to new vessels coming into that fleet. In the same time span, the carrying capacity of the small purse seine fleet declined. However the capacity of now inactive

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vessels that have operated on the seiner allotment, and could do so again nearly matches that decline. The factor of capacity changes alone must be modified by other considerations in allotting tonnages. Otherwise a static or declining category would eventually receive but little tonnage allocation and it should not be made to suffer because of a growing category that is aware of the overall tonnage restriction available to both. If changes in the allotment to seiners and bait boats were made on capacity changes alone, then bait boats would be granted an increase and the small seiners would be allotted an equal amount less. However, in addition to the modification of the capacity factor mentioned above, it is recognized that bait boats can land yellowfin exclusively, up to 50 percent of capacity, whereas seiners are limited to an incidental catch of yellowfin. Furthermore, bait boats leave the yellowfin fishery and fish for albacore while the seiners do not. Taking these factors into consideration, the tonnage allotments for the two categories will remain as they were in 1974, namely:

(1) Purse seiners of 400 short tons carrying capacity and less: 3900 short tons.

(2) Bait and jig boats: 2800 short tons.

The incidental catch limitation for the two groups during the period each is accumulating its allotment remains as in 1974, namely:

(1) Purse seiners 301–400 short tons carrying capacity: 40 percent by round weight.

(2) Purse seiners 300 short tons carrying capacity or less: 60 percent by round weight.

(3) Bait and jib boats: 50 percent of each vessel's established short ton carrying capacity.

The proposed rulemaking added a proviso to the "last free trip" rules of § 280.7(a)(1) which would authorize the Service Director, upon publication of notice in the FEDERAL REGISTER, to require certain fishing vessels at sea to return to home port or port of departure. Industry objected to the amendment on the ground that it was premature in its anticipation of a decision not yet made by the Commission. Further industry testimony was to the effect that requiring a vessel at sea to return to its home port or port of departure, rather than to a port decided upon by the managing owner of the vessel, is unreasonable and arbitrary and may result in severe economic loss.

As stated in the notice of proposed rulemaking and further explained at the public hearing, the Commission's Resolution for 1975 recognized the need to further evaluate the age composition of the catch and related matters at a special meeting of the Commission presently scheduled for March 3, 1975. A purpose of this meeting will be the receipt by the Contracting Governments to the Convention of a recommendation for emergency measures from the Director of Investigations, if he considers that the yellowfin tuna stocks would be seriously damaged by fishing at the level of the agreed upon quota. For these reasons, we cannot agree with industry testimony that the proposed amendment is premature.

Any such emergency measure accepted by the Contracting Governments pursuant to the Convention must be implemented. Such implementation must be prompt if it is to have the conservation effect intended. The amendment gives the Service Director authority to do so as to the most restrictive measures the Commission could recommend, but also notes that "other, less restrictive, measures may be specified." It is not the intention of the National Marine Fisheries Service to deprive a vessel of the options which are expected to be available in the event of an emergency measure (options similar to those available during the closed season), unless such action is clearly necessary to implement the emergency measure. These options would include (1) inspection in any available inspection port in accordance with § 280.7(f); (2) continuing to fish inside the regulatory area subject to the incidental catch limitations of § 280.7(b); or (3) proceeding directly to waters outside the regulatory area to continue fishing freely for yellowfin tuna, subject to the applicable provisions of § 280.7 (d) and (e).[1] For the foregoing reasons, the amendment to § 280.7(a)(1) is adopted as changed.

In respect to the proposed amendment of § 280.7(h) to require the express permission of the Regional Director prior to the sale or delivery in a foreign country of fish caught in the Pacific Ocean, the comments received were uniformly opposed to the amendment on the dual grounds that the limits of the Regional Director's authority are not spelled out and that the proposal is not necessary to the yellowfin tuna conservation program. As stated in the notice of proposed rulemaking and further explained at the public hearing, the purpose of the proposed amendment was to better control the unloading in a foreign country of yellowfin tuna taken in excess of closed season restrictions. The present requirement of advance notice of such unloadings has not proven adequate in this regard, both because of the inability to take effective enforcement action when the Regional Director learns of the unloading after the fact, and because of certain diplomatic difficulties encountered in inspecting unloadings from U.S. vessels in certain foreign ports. On the basis of objections received, however, we have decided that further diplomatic and other efforts should be explored before adoption of the amendment. These efforts have already been initiated, and final action on the proposed amendment of § 280.7(h) is hereby deferred. Further comment from interested persons is solicited and any such comment received by the Regional Director on or before April 11, 1975, will be considered.

If an amendment is later adopted, it will specify that the Regional Director's authority to deny permission to unload, to direct the unloadings at a different port, or to set such other conditions as are necessary to insure compliance with the yellowfin tuna conservation regulations, is limited to those situations in which an agent of the National Marine Fisheries Service cannot, for diplomatic or manpower reasons, conduct an inspection of the unloading at the time or place or under the conditions specified in the request for permission of the Regional Director. Comment on this aspect of the proposed amendment would be appreciated.

Following the public hearing, industry representatives requested that the regulations be amended to take account of the recent seizures of the U.S. tuna vessels by a foreign government. We are in agreement that is such seizures continue, U.S. vessels could, unless the regulations are amended, be disqualified from the "last free trip" provisions of § 280.7(a). Disqualification under these circumstances would not be in aid of the conservation recommendations of the Commission. For these reasons, a new paragraph (a)(3) is added to § 280.7, to read as follows:

§ 280.7 Closed season restrictions applicable to fishing vessels.

(a) • • •

(3) Any vessel which, solely by reason of seizure or other enforcement activity of a foreign government against such vessel, is unable to reach the port of its choice prior to the closure of the yellowfin fishing season shall be allowed, subject to written approval by, and under conditions set by, the Regional Director, to proceed to another port for the purpose of unloading and still qualify for the one additional unrestricted fishing voyage, subject to the restrictions of paragraphs (a) (1) and (2) above except for the in-port requirement.

As stated in the amendment, qualification for the one additional unrestricted fishing voyage under § 280.7(a)(3) is dependent upon the written approval of the Regional Director, and such approval will not be given without satisfactory proof that the terms of § 280.7(a)(3) have been met. If given, such approval is subject to the conditions attached thereto by the Regional Director. In addition to other conditions that may be necessary in aid of enforcement of Part 280, one of the conditions will be that the vessel shall not engage in fishing activity between the time it is no longer subject to the seizure or other enforcement activity of a foreign government, and the time the vessel reaches its original port of choice (or the port decided upon by the Regional Director).

Because the described amendment cannot have the effect intended unless it is put into effect before closure of the open season for yellowfin tuna fishing, the National Marine Fisheries Service finds that publication in accordance with normal rulemaking is impracticable and that good cause exists for making the amendment effective less than 30 days from publication. Added paragraph (a)(3) to § 280.7 is, therefore, effective on February 25, 1975.

[1] On the basis of industry's comments we have added to the proposed amendment the option of returning to such other port as may be designated by the Regional Director.

No objections were made to proposed amendments numbered (in the notice of proposed rulemaking) 1: § 280.1(p); 2: § 280.6(b); 4: § 280.7(a)(1); 5: § 280.7(b)(3); 6: § 280.7(d)(1); and 7: § 280.7(f)(1). Upon further consideration, these amendment are adopted as proposed.

The following technical and conforming amendments are also adopted:

(1) In § 280.7(a)(1), "1974" is amended to read "1975" and "1973" is amended to read "1974";

(2) In § 280.7(d), "1974" is amended to read "1975";

(3) In § 280.6(b), "1974" is amended to read "1975";

(4) In § 280.12(b), "personnel" is amended to read "personal"; and

(5) In § 280.14 "—who has duly—" is amended to read "who has been duly—".

(6) In § 280.1(g), "1974" is amended to read "1975".

The foregoing amendments are effective on February 25, 1975.

The amendments are issued under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(c)), as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Issued at Washington, D.C., and dated February 21, 1975.

ROBERT W. SCHONING,
Director.

In consideration of the foregoing, the regulations are amended to read as follows:

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limits.
280.4 Open season.
280.5 Closed season.
280.6 Open season restrictions applicable to fishing vessels.
280.7 Closed season restrictions applicable to fishing vessels.
280.8 Emergency action by Service Director.
280.9 Restrictions applicable to cargo vessels.
280.10 Restrictions applicable to purchasers.
280.11 Recordkeeping and written reports.
280.12 Persons and vessels exempted.
280.13 National Oceanic and Atmospheric Administration employees designated as enforcement agents.
280.14 State officers designated as enforcement agents.

AUTHORITY: 64 Stat. 777, as amended, 16 U.S.C. 951, as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 FR 15627).

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be understood to mean:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, California.

(e) *Service director.* The Director of the National Maritime Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) *Regional director.* The Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California, telephone number, area code, 213, 548–2575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south altitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south altitude intersects the coast. Except that for 1975 only, the area encompassed by a line drawn starting at 110° west longitude and 3° north latitude extending east along 3° north latitude to 95° west longitude; thence south along 95° west longitude to 3° south latitude; thence east along 3° south latitude to 90° west longitude; thence south along 90° west longitude to 10° south latitude; thence west along 10° south latitude to 100° west longitude; thence north along 110° west longitude to 3° north latitude shall be excluded from the regulatory area to encourage exploratory fishing.

(h) *Yellowfin tuna.* No other fishes except the species *Thunnus* ALBACARES.

(i) *Mingled species.* (1) Any species of billfish or shark; and (2) No other species of the family Scombridae except: Skipjack (*Genus Euthynnus*), bigeye (*Thunnus obesus*), bluefin (*Thunnus thynnus*), albacore (*Thunnus alalunga*), or bonito (*Sarda chiliensis*).

(j) *Fishing vessel.* All watercraft subject to the jurisdiction of the United States which are used for catching or processing fish, except purse seine skiffs.

(k) *Fishing voyage.* The period between the date a fishing vessel departs from any port to carry out fishing operations and the date such vessel unloads any of its catch or the date such vessel returns to any port for the express purpose of receiving an inspection by a designated agent of the National Marine Fisheries Service.

(l) *Cargo vessel.* All watercraft which are used for transporting fish or fish products, except fishing vessels.

(m) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(n) *Open season.* The time during which yellowfin tuna may lawfully be captured without limitation by any fishing vessel operating within the regulatory area.

(o) *Closed season.* The time during which yellowfin tuna may not be captured in the regulatory area, except in limited quantities as an incident to fishing for species with which yellowfin may be mingled.

(p) *Port facility in the Americas.* All port facilities in North, South and Central America, including all the Caribbean ports, but excluding ports in Argentina, Brazil and Uruguay.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a precsribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna when landed with one or more of the following fishes usually caught mingled with yellowfin tuna, that are taken on a fishing trip bugun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels

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which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the FEDERAL REGISTER. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours on the first day of January and terminate at 0001 hours on a date to be announced as provided in § 280.5. Time in hours shall refer to local time in the area affected.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed the yellowfin fishing season should close and will promptly notify the Service Director of such date. The Service Director shall then announce the season closure date thus established by publication of a notice in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

§ 280.6 Open season restrictions applicable to fishing vessels.

(a) During the open yellowfin tuna season, every fishing vessel operating within the regulatory area shall transmit once each calendar week a message between 0900 and 2400 hours local California time. The message shall be transmitted directly to the Director of Investigations through the shore representative of the fishing vessel and shall state: the name of the reporting vessel and the tonnage by species of fish aboard. The above reporting procedure shall go into effect on a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER.

(b) During the open yellowfish tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 1600 Greenwich Mean Time (G.m.t.) and 1800 G.m.t. This requirement will also apply, for 1975 only, to every fishing vessel operating in the area described in the second sentence of paragraph (g) of § 280.1. The message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as this date (give date)". regulatory area at this date (give date)".

§ 280.7 Closed season restrictions applicable to fishing vessels.

Except as otherwise provided in this section, after notice has been published in the FEDERAL REGISTER announcing closure of the yellowfin season, it shall be unlawful for any person or fishing vessel to land yellowfin tuna captured from within the regulatory area in any port or place until the season reopens on the following January 1.

NOTE: The amount of yellowfin tuna that may be legally landed by a vessel subject to a specified percent incidental catch rate of yellowfin tuna based upon the round weight of the total catch is determined by the following formula:

$$\text{Quantity of legal yellowfin tuna} = \frac{\text{(Quantity of mingled species) times (Specified incidental catch rate in percent)}}{\text{(100 percent) minus (Specified incidental catch rate in percent)}}$$

For example, if the incidental catch rate of yellowfin tuna is 15 percent, then:

$$\text{Quantity of legal yellowfin tuna} = \frac{\text{(Quantity of mingled species) times (15)}}{85}$$

(a) Any fishing vessel which has departed port to engage in tuna fishing, prior to the date of closure of the yellowfin season, may continue to capture yellowfin tuna within the regulatory area without restriction until the fishing voyage has been completed.

(1) In addition, for 1975, only, any fishing vessel which is in port at the closure and has either (i) completed a voyage in the regulatory area during the 1975 open season or (ii) completed a voyage in the regulatory area during 1974 will be allowed one additional unrestricted fishing voyage provided that departure is made within 30 days thereafter: *Provided, however,* That if the Director of Investigations, as a result of emergency measures adopted at a special meeting of the Commission, notifies the Contracting Government to the Convention that further unrestricted fishing for yellowfin tuna shall cease, or that other measures must be taken to protect the stocks, every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations provided in § 280.7(b), shall return directly without delay to its home port, port of departure, or such other port as may be designated by the Regional Director to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. This requirement shall take effect upon publication of notice in the FEDERAL REGISTER by the Service Director, or on a date to be specified in such notice. Any vessel failing to comply with the above requirements shall be restricted to the incidental catch limitations of § 280.7(b) for its entire fishing voyage; vessels in port on the effective date of such notice will not be allowed an additional unrestricted fishing voyage, but shall be subject to the incidental catch limitations of § 280.7(b). Other, less restrictive measures may be specified, in the manner provided above, as necessary to implement the notification from the Director of Investigations. A vessel which is in the Atlantic Ocean or the Caribbean Sea at the closure shall, for the purposes of this paragraph (a) (1) of § 280.7 only, be considered to be "in port".

(2) For the purpose of the above, departure refers to the date a vessel leaves port prepared to carry out fishing operations. A stopover at a single intermediate port, not exceeding 48 hours, may, however, be made to meet deficiencies in outfitting, supplying, fueling, provisioning or manning needs for a fishing voyage. Remaining in excess of 48 hours shall constitute a new fishing voyage corresponding to the delayed departure date.

(3) Any vessel which, solely by reason of seizure or other enforcement activity of a foreign government against such vessel, is unable to reach the port of its choice prior to the closure of the yellowfin fishing season shall be allowed, subject to written approval by, and under conditions set by, the Regional Director, to proceed to another port for the purpose of unloading and still qualify for the one additional unrestricted fishing voyage, subject to the restrictions of paragraphs (a)(1) and (2) of this section except for the in-port requirement.

(b) Any fishing vessel which departs port on a fishing voyage after closure of the yellowfin season, except as provided in paragraph (a) of this section, may land yellowfin tuna captured from within the regulatory area in limited quantities as provided in paragraphs (b)(1) to (3) of this section as an incident to fishing for species with which yellowfin may be mingled. The Service Director may, however, through publication of a notice in the FEDERAL REGISTER adjust the incidental catch limitations to assure that the special allotments designated for vessels of 400 short tons carrying capacity or less are not underutilized and the 15 percent overall incidental catch for the entire tuna fleet is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided in (b)(1) to (b)(3) of this section shall be subject to seizure and forfeiture pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

(1) Purse seiners over 400 short tons carrying capacity may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 15 percent by round weight of its total catch.

(2) Purse seiners of 400 short tons carrying capacity or less may land in any U.S. port yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any vessel of 301–400 short tons carrying capacity be permitted to land yellowfin tuna in excess of 40 percent by round weight of its total catch: *Provided however,* That any vessel of 301–400 short tons carrying capacity which is on a fishing voyage longer than 70 days may land 20 percent yellowfin tuna by round weight of its established short ton carrying capacity. Nor shall any purse seiner of 300 short tons carrying capacity or less be permitted to land yellowfin tuna in excess of 60 percent by round weight of its total catch: *Provided however,* That any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity. That local wet fish seiners may accumulate the 60 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of one calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 400 short tons carrying capacity or less reaches 3900 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(3) Bait and jig boats may land in any U.S. port yellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its short ton carrying capacity once established in accordance with paragraph (b)(4) of this section. When the catch of yellowfin tuna by bait and jig boats collectively reaches 2800 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. During the period of the closed season that bait and jig boats are fishing for their allotments, all such boats must notify the Regional Director when they depart port on a fishing voyage. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(4) The short ton capacity of vessels will be determined from tables prepared by the Commission which relate carrying capacity to registered tonnages and from official unloading records available to the National Marine Fisheries Service.

(i) Managing Owners of purse seine vessels of 400 short tons carrying capacity or less will be notified by registered mail that their vessel is in this category and is subject to the provisions of paragraph (b)(2) of this section.

(ii) Except as provided below for bait and jig boats, managing owners not receiving notification by registered mail can assume that their vessel is over 400 short tons carrying capacity and is subject to the provisions of (b)(1) of this section.

(iii) To qualify for the bait and jig boat yellowfin allocation, managing owners of such vessels shall supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information will be used by the Regional Director to establish the short ton carrying capacity of each vessel. Failure to comply shall result in each such vessel being limited to 15 percent yellowfin tuna by round weight of its total catch. This 15 percent limitation shall remain in effect until the aforesaid documentation is furnished by the vessel's managing owner.

(5) The tonnage limitations specified in (b)(2) and (3) of this section may be adjusted upward or downward. Any such adjustment will be based upon the estimated use of the incidental catch allowances, and shall be apportioned as determined by the Service Director. Announcement of such adjustment shall be made by publication of a notice in the FEDERAL REGISTER by the Service Director.

(c) Any fishing vessel operating within the regulatory area which began its fishing voyage during the closed season and is restricted to the catch limitations as provided in paragraph (b) of this section shall be subject to such limitation regardless of its arrival date in port. In addition, any vessel so restricted which discharges some but not all of its catch, shall be subject to the same restrictions upon completion of its next fishing voyage.

(1) Any fishing vessel having incidentally caught yellowfin tuna aboard may, however, begin fishing on January 1 for yellowfin tuna without restriction, provided such vessels are made available for inspection during the period December 27 through December 31. A request for the designation of an inspection port shall be made to the Regional Director on or before December 23. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing incidentally caught yellowfin tuna and the same will be noted in the vessel's log. Fish in the wells at the time of inspection shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, regardless of the date of unloading. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of any unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service. Inspected vessels shall not be allowed to leave port to resume fishing activities until 0001 hours, January 1.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(d) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry, and the tonnage by species aboard. For 1975 only, the area described in the second sentence of paragraph (g), § 280.1, is considered to be outside the regulatory area.

(1) In addition, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 1600 Greenwich Mean Time (G.m.t.) and 1800 G.m.t. This message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean but outside the regulatory area as of this date (give date)". Any vessel failing to receive acknowledgement from Coast Guard San Francisco, must transmit the same message on the following day. Should the vessel fail to receive acknowledgement within three consecutive days, the vessel's radio equipment shall be considered inoperative and the vessel shall return directly to port without delay to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service.

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(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(e) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall proceed without delay to waters outside the regulatory area and upon reentering the regulatory area shall proceed directly to port without delay.

(1) If a vessel must, however, make an emergency port call, it shall proceed directly to port without delay and shall notify the Regional Director, not less than 48 hours prior to arrival, giving the name of the port to be entered. If the vessel elects to resume fishing outside the regulatory area, it must follow the procedures required in paragraph (d) of this section and shall proceed without delay directly to waters outside the regulatory area.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(f) Any fishing vessel which on the same voyage operates within and outside the regulatory area shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, unless such vessel is made available for inspection as provided in this paragraph.

(1) Any fishing vessel electing to change fishing areas, without having that portion of its catch taken outside the regulatory area restricted to such incidental catch limitations, shall request inspection services from the Regional Director. Vessels within the regulatory area shall report not less than 48 hours prior to electing to leave the area, stating their intention and requesting the designation of an inspection port. Vessels outside the area shall report within 24 hours before returning to the regulatory area, stating their intention, requesting the designation of an inspection port, and giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed directly without delay to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing fish captured within or outside the regulatory area as appropriate, and the same will be noted in the vessel's log. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(g) All fishing vessels, except vessels proceeding directly to Puerto Rico or to any other U.S. port for unloading, shall notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. In addition, all fishing vessels, except vessels without fish aboard, shall notify the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. Each report shall include the name of the reporting vessel, the tonnage by species of fish aboard and whether the fish were caught in or outside the regulatory area in Pacific waters or from Atlantic waters. Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage, regardless of its arrival date in port.

(h) All fishing vessels shall notify the Regional Director not less than 48 hours prior to any sale or delivery in a foreign country, of fish caught in the Pacific Ocean from within or outside the regulatory area. Such reports shall include the tonnage by species unloaded and whether such fish were caught in or out of the regulatory area.

(i) All fishing vessels shall notify the Regional Director not less than 48 hours prior to transferring fish caught in the Pacific Ocean from within or outside the regulatory area to another vessel for the purpose of transshipment. Such reports shall include the date and place of unloading, name and destination of the oncarrying vessel, tonnage by species of fish transferred and whether the transferred fish were caught in or outside the regulatory area.

(j) All fishing vessels that are permanently based in a foreign country, which elect to participate in the allocation provisions for vessels of 400 tons carrying capacity or less, shall (1) unload in a U.S. port after each voyage begun during the closed season, or (2) transship all fish taken on such voyages to a U.S. port in accordance with paragraph (i) of this section. Any vessel failing to follow the procedures of this paragraph shall be limited to an incidental rate of yellowfin tuna not to exceed 15 percent by round weight of its total catch.

(k) All reports required in paragraphs (d) to (i) of this section, except messages transmitted directly to Coast Guard Radio San Francisco, shall be telephoned to area code 714, telephone number, 233-5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

(l) Any vessel sighted inside the regulatory area while reporting its position as outside the regulatory area shall return to port for inspection or to a U.S. port for unloading within ten days after receipt by the owner of the vessel or his agent of a certified letter from the Regional Director advising him of such sighting.

§ 280.8 Emergency action by service director.

If during the closed yellowfin season, the Service Director finds that the provisions relating to the fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are met, he shall announce such findings through publication of a notice in the FEDERAL REGISTER and immediately thereafter:

(a) Every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations as provided in § 280.7(b) which is claimed to have been captured outside the regulatory area, but in the Pacific Ocean, shall return directly without delay to its home port or port of departure to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. Any vessel failing to comply with the above requirements, shall be restricted to the incidental catch limitations set forth in § 280.7(b) for its entire fishing voyage.

(b) Any fishing vessel which has operated in the regulatory area at any time during the calendar year and which departs on any fishing voyage within the Pacific Ocean after the notice described in this section is published in the FEDERAL REGISTER, shall be restricted to the incidental catch limitations as provided in § 280.7(b).

§ 280.9 Restrictions applicable to cargo vessels.

(a) Any fishing vessel shall be deemed to have completed a fishing voyage whenever any part of its catch is transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of 46 U.S.C. 261, no foreign-flag vessel, whether documented as cargo vessel or otherwise, is permitted to land in part of the United States any fish or fish products taken on board such vessel on the high seas.

(c) The transfer of fish from a fishing vessel to a cargo vessel while in a foreign country or in waters over which each country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed yellowfin tuna season, no fishing vessel shall transfer on the high seas any part of its catch to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, transport to the United States, fish transferred from fishing vessels on the high seas during the closed yellowfin tuna season. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of fish received, but it shall contain restrictions as the Regional Director shall determine to be necessary to achieve compliance with the regulations in this part and the objectives of the yellowfin tuna conservation program.

(f) Any cargo vessel seeking permission to land in a port of the United States a cargo of round tuna (that is, tuna that has not been gilled, gutted, or beheaded) any part of which was received ex-vessel through a port facility in the Americas shall provide to the nearest Customs Office as a prerequisite to obtaining such permission from Customs the following information with respect to the part of such cargo received ex-vessel through a port facility in the Americas:

(1) Name, official number, and flag of each fishing vessel (including, for purposes of this paragraph, any foreign flag fishing vessel) from which was received any tuna that is aboard the cargo vessel at the time the aforesaid permission to land is sought;

(2) Date and location of such receipt of tuna; and

(3) Certification from the master of each such fishing vessel setting forth, as to tuna received by the cargo vessel:

(i) Tonnage by species of tuna caught inside the regulatory area;

(ii) Tonnage by species of tuna caught in waters west of the regulatory area to the meridian of 150° west longitude;

(iii) Tonnage by species of tuna caught in other waters; and

(iv) As to each category, the dates of the fishing voyages on which the tuna were caught.

(g) Any cargo of round tuna for which permission to land in a port of the United States is sought by a cargo vessel shall be accompanied by a bill of lading indicating whether the tuna was received ex-vessel through a port facility (and, if so, from what vessels and what ports) or by other named means, such as from freezer or other storage facilities, and such bill of lading shall be provided to Customs at the time permission to land is sought.

(h) Any cargo vessel failing to provide the documentation required by paragraph (f) and (g) of this section shall be denied permission to land in a port of the United States undocumented lots of round tuna: *Provided, however,* That a cargo vessel may land undocumented lots of round tuna if there has first been posted with the Regional Director a bond in form and with surety satisfactory to the Regional Director, and in the minimum penal sum of $500 per ton of undocumented tuna desired to be landed, conditional to furnishing the documentation within 60 days of landing a cargo of undocumented round tuna.

(i) Any person who knowingly lands or permits the landing of round tuna from a cargo vessel in violation of paragraph (f) or (g) of this section, or who knowingly provides false information with respect to the requirements of paragraph (f) or (g) of this section, shall, as well as the cargo of tuna, be subject to the penalties provided in the Tuna Conventions Act of 1950 (16 U.S.C. 951-961).

§ 280.10 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section, it shall be unlawful for any person knowingly to receive, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized and forfeited pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951-956).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the National Marine Fisheries Service (Account No. 14X6875 (17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seized any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be processed against under applicable Federal laws or regulations.

§ 280.11 Recordkeeping and written reports.

(a) The master or other person in charge of a tuna vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall throughout the open and closed yellowfin tuna fishing seasons:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. The record and bridge log maintained at the request of the Commission shall be sufficient to comply with this paragraph provided the items of information specified herein are fully and accurately entered in such log.

(2) Furnish on form obtainable from the Regional Director, following the sale or delivery of a catch of fish made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of departure, and a listing separately by species of the round weight quantities (pounds or short tons) of fish sold or delivered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weighout slip, settlement sheet, or similar record issued by the fish dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. In addition, any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such sale and delivery reports shall be delivered or mailed to the Regional Director within 72 hours after weighout has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

§ 280.12 Persons and vessels exempted.

Nothing contained in § 280.2 to § 280.11 shall apply to:

(a) Any person or vessel authorized by the Commission, the Service Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.13 National Oceanic and Atmospheric Administration Employees designated as enforcement agents.

Any employee of the National Oceanic and Atmospheric Administration duly appointed and authorized to enforce Federal laws and regulations administered by the National Oceanic and Atmospheric Administration is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951-961).

§ 280.14 State Officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Service Director or his delegate with the consent of the Government concerned is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Convention Act of 1950, as amended (16 U.S.C. 951-961).

[FR Doc. 75-5065 Filed 2-24-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Correction of Notice of Proposed Placement of Chlordiazepoxide, Diazepam, Oxazepam, Chlorazepate, Flurazepam and Clonazepam in Schedule IV

A notice was published in the FEDERAL REGISTER on Monday, January 27, 1975 (40 FR 4016) proposing that Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513) be amended to include chlordiazepoxide (Librium®), diazepam (Valium®), oxazepam (Serax®), clorazepate (Tranxene®), flurazepam (Dalmane®), and clonazepam (Clonopin).

The notice listed four findings as the basis for the above proposed rulemaking, and finding No. 4 appeared as follows:

4. Abuse of chlordiazepoxide, diazepam, oxazepam, clorazepate, and clonazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Inadvertently omitted from that finding was flurazepam, and the January 27, 1975 notice is hereby amended, with respect to finding No. 4, to read as follows:

4. Abuse of chlordiazepoxide, diazepam, oxazepam, clorazepate, flurazepam, and clonazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

In addition, the January 27, 1975 notice, as published, erroneously characterized Clonopin as being a registered trademark. Clonopin, the trade name for clonazepam, is not a trademark registered with the United States Patent Office, and the January 27, 1975 notice is further amended to be consistent with this fact.

These amendments are effective February 25, 1975. In all other respects, the notice of proposed rulemaking of January 27, 1975 remains unchanged.

Dated: February 19, 1975.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-4992 Filed 2-24-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR EXPOSURE TO INORGANIC ARSENIC

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-1727 appearing at page 3392 in the issue for Tuesday, January 21, 1975 and corrected at page 6515 in the issue for Wednesday, February 12, 1975, make the following changes:

1. On page 3402 § 1910.93r(o)(1)(v) the fifth paragraph in the second column should read as follows:

(v) Emergency procedures as required by paragraph (i) of this section; and

2. On page 3403, § 1910.93r(t) (the first full paragraph in the second column) should read as follows:

(t) *Effective date.* This standard shall become effective 30 days following publication of the final standard in the FEDERAL REGISTER.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 175, 176]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM, COLLEGE WORK-STUDY PROGRAM, AND NATIONAL DIRECT STUDENT LOAN PROGRAM

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-4401, appearing at page 7100 in the issue for Wednesday, February 19, 1975, on page 7101, in the second column, in the second paragraph, the eighth line reading, "contribution figures for that initial im-", should read "stitutions in preparing their institutional".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-8]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways southeast of Atlanta, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 27, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Dublin, Ga., VORTAC is being relocated approximately 15 miles east-northeast of its present location to Lat. 32°33'38" N., Long. 82°50'00" W. Proposed airway realignments via the relocated Dublin VORTAC are as follows:

1. V-5 and V-51 from Alma, Ga., via Dublin, Ga.; to Athens, Ga.

2. V-154 from Macon, Ga., via Dublin, Ga.; intersection of Dublin 121°T (122°M) and Savannah, Ga., 279°T (280°M) radials; to Savannah. The proposed dogleg is to provide segregation between en route airway flights and an off-airway military training area.

3. V-70N is presently aligned in part from Eufaula, Ala., via Macon, Ga., and Dublin, Ga., to Oconee, Ga., Intersection. This airway would no longer be required east of Macon, since V-154 as proposed herein could be used. V-70N between Eufaula and Macon would be renumbered as V-323 to preserve route identifier continuity between Eufaula and Atlanta.

4. V-179 from Dublin, Ga., to intersection of Dublin 312°T (313°M) and Atlanta, Ga., 116°T (116°M) radials.

5. V-267 from Jacksonville, Fla., via intersection of Jacksonville 334°T (334°M) and Dublin, Ga., 151°T (152°M) radials; Dublin; to Athens, Ga.

Relocation of Dublin as proposed herein is part of the Atlanta terminal master navigation plan which would establish as normal inbound clearance limits four VORTACs spaced around Atlanta. Traffic from the northeast would be cleared to Lanier, Ga., from the southeast to the relocated Dublin, from the southwest to LaGrange, Ga., and from the northwest to Rome, Ga. Original plans called for traffic from the southeast to be cleared to Sinclair, Ga.; however, the relocated Dublin could be used for landing and over traffic thereby eliminating the requirement for a new VORTAC at Sinclair.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 19, 1975.

F. L. CUNNINGHAM,
Acting Chief, Aerospace and Air Traffic Rules Division.

[FR Doc.75-4961 Filed 2-24-75;8:45 am]

Federal Highway Administration

[23 CFR Part 740]

[Docket No. 75-4]

RELOCATION ASSISTANCE

Proposed Definition of Displaced Person

By this notice the Federal Highway Administration (FHWA) is proposing to amend its regulations in 23 CFR Part 740. The current regulations provide that in order to be eligible to receive the relocation benefits of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, a person must be occupying real property at the time of initiation of the negotiations to acquire the real property for a Federal or federally assisted project, or must have received a written notice of an intent to acquire. In either case the real property must subseqently be acquired.

These regulations were intended to allow a person to establish his initial eligibility for relocation benefits and move out relatively early in the acquisition process. This makes relocation easier and avoids hardships that can result from forcing a person to remain in occupancy until the date of acquisition in order to be eligible for the benefits.

Therefore, persons can move and establish initial eligibility for benefits after initiation of negotiations but before acquisition.

In some cases after such persons have moved, new persons have occupied the real property, prior to acquisition. Current regulations do not allow relocation benefits to be provided to persons who move onto real property after the initiation of negotiations for acquisition of that real property.

The recent decision in Audrey Tullock v. State Highway Commission of Missouri, F. 2d (8th Cir., Dec. 23, 1974) held that persons occupying real property after initiation of negotiations for the property and who move as the result of acquisition for a Federal or federally assisted project are entitled to certain benefits of the Uniform Act.

This proposed amendment would remove the restrictions contained in current regulations and incorporate the holding of Tullock case in FHWA regulations, primarily through amending the definition of "displaced person" in 23 CFR 740.3(c).

This proposed amendment would continue to allow persons to move and establish initial eligibility after initiation of negotiations, and would provide, in addition, that subsequent occupants of the real property, in occupancy at the time of acquisition, would also qualify as displaced persons. Persons who occupy the real property after the initiation of negotiations would be entitled to the benefits of sections 202 and 205 of the Uniform Act, including the availability of replacement housing. Such persons could not qualify for the replacement housing payment provided by sections 203 and 204 of the Uniform Act since both those sections require a period of occupancy prior to initiation of negotiations.

It also would be possible to avoid the problem presented in the Tullock case by defining "displaced person" narrowly and limiting relocation benefits to those persons in occupancy at the time of acquisition. This would prevent persons from moving and establishing initial eligibility early in the acquisition process.

All interested persons are invited to submit their comments on this proposed amendment to Part 740. Two written copies of the comments should be sent to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75-4, 400-7th Street, SW., Washington, D.C. 20590. All comments received by close of business on March 14, 1975, will be considered in formulating the final amendment.

In consideration of the foregoing it is proposed to amend Part 740 of title 23 of the Code of Federal Regulations by revising §§ 740.3(c), 740.32(b), and 740.52 (a)(1) to read as follows:

§ 740.3 Definitions.

• • • • • •

(c) Displaced person means any person

(1) Who:

(i) Is in occupancy of real property at the initiation of negotiations for the acquisition of the real property in whole or in part which property is subsequently acquired, or

(ii) Is in occupancy of real property at the time he is given a written notice by the State that it is their intent to acquire the real property by a given date, and the property is subsequently acquired, and

(iii) Moves from the real property or moves his personal property from the real property subsequent to the earliest date established in paragraph (c)(1)(i) or (ii) of this section.

(2) Who is in occupancy of real property at the time of acquisition of the real property and who subsequently moves from the real property.

(3) Moves after a written order of the acquiring agency to vacate even though the property is not acquired.

• • • • • •

§ 740.32 Relocation assistance advisory services.

• • • • • •

(b) Relocation assistance advisory service shall be offered to:

(1) All displaced persons described in § 740.3(c).

(2) All persons occupying property immediately adjacent to the real property acquired, when the State determines that such person or persons are caused substantial economic injury because of the acquisition.

(3) All persons who, because of the acquisition of real property used for a business or farm operation move from other real property used for a dwelling, or move their personal property from such other real property.

• • • • • •

§ 740.52 Moving and related expenses payments—general provisions for all relocated individuals, families, businesses, and farms.

(a) *General.* (1) Any displaced person described in § 740.3(c) is eligible to receive payment for the reasonable expenses of moving his personal property.

• • • • • •

Issued on February 18, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-4943 Filed 2-24-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

GASOLINE

Proposed Review of Markup on Retail Sales To Reflect Increased Non-Product Costs

The Federal Energy Administration hereby gives notice of a proposal to review the amount which may be added to the retail selling price of gasoline to reflect increased non-product costs under the Mandatory Petroleum Price Regulations, in order to determine whether or to what extent some modification of that amount may now be appropriate. This Notice is issued, in part, in response to a petition for rulemaking which has been received by FEA, and written comments by interested persons are solicited in this matter.

Under 10 CFR 212.93(a), retailers of gasoline are permitted to charge a price which is their weighted average lawful price for gasoline on May 15, 1973, plus an amount which reflects a dollar-for-dollar pass through of the increased cost of gasoline since May 15, 1973. In addition, under 10 CFR 212.93(b)(1)(i), adopted effective January 15, 1974, all retailers of special products, including gasoline, are permitted to add one cent per gallon to the price otherwise permitted to be charged in retail sales of gasoline, to reflect increases in non-product costs. This provision respecting prices to reflect increased non-product costs was modified, effective March 1, 1974, in 10 CFR 212.93(b)(1)(ii) to permit an additional increase in the retail price of gasoline of two cents per gallon, to reflect further non-product cost increases to retailers of gasoline resulting from reduced supplies of gasoline. This amendment recognized that supply restrictions resulted in an increase in non-product costs per gallon, since retailers'

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costs of doing business, other than their cost of product, had to be met through increased per unit margins on smaller sales volumes.

Parallel provisions of the price regulations applicable to retailers of gasoline by refiners through company owned and operated stations also permit price increases of up to three cents per gallon at the retail level to reflect increased non-product costs (10 CFR 212.87(c)(4)). A refiner which increases prices under this provision to reflect increased non-product costs is, however, subject to a profit margin limitation (10 CFR 212.82(d)).

Although gasoline sales volumes have generally increased since last March, the non-product costs of gasoline retailers have also increased. In view of the fact, however, that ample supplies of gasoline are now generally available, the FEA believes that it is appropriate at this time to review the question of the size of the increment which should be allowed in the retail price of gasoline to reflect increases in the retail seller's non-product costs (e.g., wages, utilities, taxes, insurance, etc.) which are being incurred. The FEA therefore solicits written comment, and particularly financial and economic data, which would support either maintenance of the three cent increment presently allowed or an upward or downward adjustment in the amount permitted to be added to the retail price of gasoline to reflect non-product cost increases.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to this matter to Executive Communications, Federal Energy Administration, Box CE, Washington, D.C. 20461

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Mandatory Petroleum Price Regulations: Retail Gasoline Markup." Fifteen copies should be submitted. All comments received by March 21, 1975, and all relevant information, will be considered by the Federal Energy Administration before final action is taken on any amendment relating to this matter.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The FEA does not propose to conduct a hearing for oral presentation of views at this time. After receipt of written comments, they will be evaluated and a tentative decision will be made on the basis of those comments as to whether and to what extent a regulation amendment appears appropriate. Should a decision be made that a modification of the present regulation authorizing a three cent increase to cover non-product cost increases appears to be appropriate, a public hearing on the proposed change will be held prior to issuance of a regulation amendment.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments on this proposal.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275, E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 20, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Section 212.87 is amended to revise paragraph (c)(4)(ii) to read as follows:

§ 212.87 Increased non-product costs.

• • • • • •

(c) • • •
(4) • • •

(ii) Allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to the provisions of this part (including the foregoing paragraph (b)(4)(i) of this section) by an amount not in excess of __ cents per gallon with respect to retail sales; and

• • • • • •

2. Section 212.93 is amended to revise paragraph (b)(1)(ii) to read as follows:

§ 212.93 Price rule.

• • • • • •

(b) • • •
(1) • • •

(ii) Beginning with _____, 1975, in retail sales of gasoline, a seller may charge __ cents per gallon of gasoline in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect non-product costs increases per gallon of gasoline.

[FR Doc.75-4981 Filed 2-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release Nos. 33-5566, IC-8662, File No. S7-550]

INVESTMENT COMPANY ADVERTISING

Notice of Proposed Rulemaking

On November 4, 1974, the Securities and Exchange Commission announced the adoption of amendments to Rule 134 [17 CFR 230.134, 15 U.S.C. 77(a) et seq.] under the Securities Act of 1933 (the "Act") relating to investment company advertising (Securities Act Release No. 5536, Investment Company Act Release No. 8568, published in the FEDERAL REGISTER for November 12, 1974, 39 FR 39868). Since that time it has come to the Commission's attention that the application of the amended Rule may discriminate against certain investment companies making a continuous offering of redeemable securities but taking the form of unit investment trusts. This result was not intended. Therefore, the Commission proposes to amend the Rule to make it applicable to such unit trusts' securities. The present Rule also may discourage the use of small advertisements in certain cases by requiring a special legend in 12 point type calling attention to the prospectus. The Commission proposes to shorten the required legend and to permit more flexibility with respect to its type size and style. In addition, the Commission reported a "no-action" position of the Division of Investment Management Regulation which would permit the use of the legend in the modified form proposed while the amendment is pending. The Commission also proposes to amend the Rule to permit greater use of descriptive material and pictorial illustrations which are appropriate for inclusion in the company's prospectus.

(1) *The Open-End Requirement.* The 1974 amendments allow certain material to be included in Rule 134 Communications for the first time.[1] However, only "open-end investment companies"[2] which are defined in Section 5 of the Investment Company Act as "management investment companies" may take advantage of these provisions of the Rule. Read literally, one effect of this requirement is to discriminate between variable annuities which take the form of open-end companies and those which take the form of unit investment trusts. Those which are open-end companies may include the new materials in their ads, while those which are unit investment trusts may not. The Commission did not intend the Rule to have this effect. Therefore, it proposes to amend paragraph (a)(3)(iii) of the Rule by substituting "investment companies which issue redeemable securities" for "open-end investment companies."

(2) *The Legend Requirement.* The 1974 amendments require that a legend

[1] This new material includes, (A) a description of such company's investment objectives and policies, services, and method of operation; (B) identification of the company's principal officers; (C) the year of incorporation or organization or period of existence of the company, its investment adviser, or both; (D) the company's aggregate net asset value as of the most recent practicable date; (E) the aggregate net asset value as of the most recent practicable date of all registered investment companies under the management of the company's investment adviser; and (F) any pictorial illustration contained in the company's prospectus and not involving performance figures.

[2] The Rule states that "an open-end investment company whose registration statement under this [Securities] Act is effective and whose securities are the subject of a continuous offering pursuant to such registration statement" may include the materials listed in items (A)-(F) of paragraph (3)(a) in its advertisements.

focusing attention on the prospectus be included in investment company advertisements in 12 point boldface type containing any of the material permitted by new clauses (A)-(F) of paragraph (a)(3)(iii) of the Rule.

To permit greater utilization of Rule 134 Communications, the Commission proposes to amend the Rule (1) to substitute a relative size requirement for the "12 point boldface" provision; and (2) to shorten the wording of the legend. The Commission has also published a staff "no-action" position which would permit the use of the modified legend while this Rule proposal is pending for comment. The letter also contains the staff's view that the legend, as proposed to be modified, is required in all Rule 134 Communications containing materials described in the enumerated items notwithstanding earlier staff interpretations and no-action positions permitting the inclusion of certain materials in such communications prior to the adoption of the 1974 amendments.

(3) *Descriptive Material.* In addition, subparagraph (G) which the Commission now proposes to add to the Rule would permit a discussion or explanation of inflation or other economic conditions; the characteristics of various retirement programs which may be funded through mutual fund shares; or of specific goals to which such an investment could be directed. However, such material may not directly or indirectly relate to past performance or imply achievement of investment objectives and, of course, would be subject generally to the antifraud provisions of the federal securities laws. This amendment should also enable advertisers to include such material in illustrations and attention-getting headlines. The staff has not taken a "no-action" position with respect to the inclusion of such descriptive material in Rule 134 Communications. Therefore, its inclusion in Rule 134 Communications should await the disposition of this Rule proposal.

(4) *Pictorial Illustrations.* The 1974 amendments permit Rule 134 Communications to include "any pictorial illustration contained in the company's prospectus and not involving performance figures." The staff has taken the position that pictorial illustrations that could be contained in an effective prospectus may be included in advertisements which otherwise qualify under Rule 134 (a)(3)(iii). The Commission now proposes to amend item (F) of the Rule to conform to this view. As revised, it would permit any pictorial illustration which is appropriate for inclusion in the company's prospectus and does not involve performance figures to be included in a Rule 134 Communication.

Rule 134 would be amended pursuant to sections 2(10)(b) and 19(a) of the Act [15 U.S.C. 77b(10)(b), 77s(a)].[3]

Commission action. I. The Securities and Exchange Commission, pursuant to authority in sections 2(10)(b) and 19(a) of the Securities Act of 1933, proposes to amend paragraph (a)(3)(iii) of § 230.134 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

§ 230.134 Communications not deemed a prospectus.

(a) • • •
(3) • • •

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under that Act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics, and a general description of an investment company including its general attributes, methods of operation and services offered: *Provided,* That such description is not inconsistent with the operation of the particular investment company for which more specific information is being given, identification of the company's investment adviser, any logo, corporate symbol or trademark of the company or its investment adviser, and any graphic design or device or an attention-getting headline, not involving performance figures, designed to direct the reader's attention to textual material included in the communication pursuant to other provisions of this section; and, with respect to an investment company issuing redeemable securities whose registration statement under this Act is effective and whose securities are the subject of a continuous offering pursuant to such registration statement, (A) a description of such company's investment objectives and policies, services, and method of operation; (B) identification of the company's principal officers; (C) the year of incorporation or organization or period of existence of the company, its investment adviser, or both; (D) the company's aggregate net asset value as of the most recent practicable date; (E) the aggregate net asset value as of the most recent practicable date of all registered investment companies under the management of the company's investment adviser; (F) any pictorial illustration which is appropriate for inclusion in the company's prospectus and not involving performance figures; and (G) descriptive material relating to economic conditions, or to retirement plans or other goals to which an investment in the company could be directed, but not directly or indirectly relating to past performance or implying achievement of investment objectives; Provided, That if any material permitted by clauses (A) through (G) is included, such communication shall also contain either (1) the following legend set in a size type at least as large as, and of a style different from, but at least as prominent as, that used in the major portion of the advertisement:

A prospectus containing more complete information about (Name of Company) including all charges and expenses may be obtained from your securities dealer or from (Name and Address of Distributor). Read it carefully before you invest. Send no money.

or (2) a coupon which the reader may mail to receive a prospectus, with the following legend set in a size type at least as large as, and of a style different from, but at least as prominent as, that used in the major portion of the advertisement:

A prospectus containing more complete information about (Name of Company), including all charges and expenses will be sent upon receipt of this coupon. Read it carefully before you invest. Send no money.

For purposes of clause (B) of this section (a)(3)(iii), "principal officers" means the president, secretary, treasurer, any vice-president in charge of a principal business function and any other person who performs similar policy making functions for the company on a regular basis.

In the case of two or more registered investment companies having the same investment adviser or principal underwriter, the same information described in this paragraph (a)(3)(iii) may be included as to each such company in a joint communication on the same basis as it is permitted in communications dealing with individual companies under this paragraph (a)(3)(iii).

Interested persons are requested to submit their views and comments on the above proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washingtgon, D.C. 20549, no later than March 27, 1975. All material should be designated "Proposal to Amend Rule 134" File No. S7-550.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

FEBRUARY 6, 1975.

[FR Doc.75-5086 Filed 2-24-75;8:45 am]

[3] Section 2(10) defines "prospectus" as "any prospectus, notice, circular, advertisement, letter, or communication, written or by radio or television, which offers any security for sale or confirms the sale of any security; except that • • •

(b) a notice, circular, advertisement, letter, or communication in respect of a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Commission by rules or regulations deemed necessary or appropriate in the public interest and for the protection of investors, and subject to such terms and conditions as may be prescribed therein, may permit.

Section 19(a) gives the Commission authority, among other things, to make such rules and regulations as may be necessary to carry out the provisions of the Act.

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/21]

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Public Meeting

The Northwest Atlantic Fisheries Advisory Committee will hold a public meeting on March 13, 1975, at 10 a.m., in room 1112 of the John F. Kennedy Federal Office Building, Boston, Mass.

The purpose of the meeting is to discuss preparations being made for the Annual Meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF), and to discuss the results of the meeting of the ICNAF enforcement committee which will have met in the first week of March.

Limited seating is available for public attendance and participation. Inquiries may be directed to Mr. William L. Sullivan at the U.S. Department of State, Washington, D.C., telephone 202/632-0853.

WILLIAM L. SULLIVAN,
Coordinator of Oceans and Fisheries Affairs, U.S. Dept. of State.

FEBRUARY 20, 1975.

[FR Doc.75-4968 Filed 2-24-75;8:45 am]

[CM-5/201]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10 a.m. on Friday, March 14, 1975, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The agenda of the meeting will include consideration of topics to be discussed at the eighth session of the United Nations Commission on International Trade Law, and reports on the Inter-American Specialized Conference on Private International Law. The Committee will also discuss recognition and enforcement of foreign judgments and, if time permits, hear a report on the first meeting of the Hague Conference's Special Commission on Marital Property.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to March 14, 1975, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107. All non-government attendees at the meeting should use the C street entrance to the building.

Date: February 18, 1975.

ROBERT H. DALTON,
Executive Director.

[FR Doc. 75-4942 Filed 2-24-75; 8:45 am]

DEPARTMENT OF THE TREASURY

Monetary Offices

[General Exemption No. 2]

FOREIGN PORTFOLIO INVESTMENT STUDY

Selective Reporting by Certain Issuers

Paragraph II.A.1.a of the General Instructions[1] requires the filing of Form FPI-1 by any United States issuer having total consolidated assets of more than $20 million if it is a nonbanking organization and more than $50 million if it is a banking organization. The term "United States issuer" is broadly defined by Paragraph III.a., 2, 3, and 4. as well as the foregoing paragraph of the Instructions, and includes, among others, local governments and their agencies and instrumentalities, nonprofit organizations, cooperatives, associations of various types, partnerships, and joint ventures issuing any evidence of ownership, participation, or indebtedness as described in the Instructions. Certain issuers required to report on Form FPI-1 under the foregoing criteria may not have made any public distribution of securities, may have little foreign investment, and may incur considerable unnecessary trouble and expense if Form FPI-1 is routinely required of them.

Accordingly, certain issuers are hereby exempted from the reporting category "Routine large issuer reporters" described in Paragraph II.A.1.a. and permitted to file in accordance with the criteria specified in Paragraph II.A.1.b. as follows:

1. Local governments and their agencies and instrumentalities, nonprofit institutions, educational and religious institutions, mutual savings and loan associations, and cooperatives, are required to file Form FPI-1 only if they meet the criteria of Paragraph II.A.1.b.

2. Noncorporate organizations, including joint ventures, partnerships, associations, and groups of persons, which have no outstanding publicly distributed or traded securities of any kind, are required to report only if they meet the criteria of Paragraph II.A.1.b.

Example 1. Three United States individuals form a joint venture to construct and lease a large shopping mall. The joint venture has taken out several large bank loans, all from United States lenders. Consolidated assets of the joint venture total $30 million so that, but for this exemption, it would constitute a "Routine large issuer reporter" under Par. II.A.1.a.(1). In accordance with this exemption, the joint venture need not file Form FPI-1 because it does not meet the selective reporting criteria of Par. II.A.1.b.

Example 2. Three United States oil companies form a joint venture to exploit an offshore field. The joint venture has taken out a bank loan from a United States lender. Total consolidated assets of the joint venture are $100 million. The joint venture is not required to file a report on Form FPI-1 because it does not meet the criteria of Par. II.A.1.b.

Example 3. Same facts as Example 2 except that the joint venture has publicly advertised and sold fractional undivided interests in oil and gas. The exemption does not apply and the joint venture is required to file Form FPI-1 in accordance with Par. II.A.1.a.

The Project expressly reserves the right to hereafter require the filing of Form FPI-1, either in whole or in part, by any issuer exempted herein if it learns of foreign ownership of such issuer through Form FPI-2 filed by holders of record or otherwise requires such information for purposes of the Survey.

Dated: February 19, 1975.

FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4986 Filed 2-24-75;8:45 am]

[General Exemption No. 2]

FOREIGN PORTFOLIO INVESTMENT STUDY

Individuals as "United States Issuers"

The definition of "United States person" in Par. III. 3. of the General Instructions includes individuals. Accordingly, it would be possible for an individual—for example, one who has outstanding personal indebtedness—to be a "United States issuer" (Par. III. 4.) subject to the reporting requirements of Par. II.A.1. However, it was not the intent of the Treasury to include individuals among issuers subject to the reporting requirements. Accordingly, individuals are hereby exempted from the reporting obligations applicable to issuers under Par. II.A.1.

Dated: February 19, 1975.

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4986 Filed 2-24-75;8:45 am]

[General Interpretation No. 1]

FOREIGN PORTFOLIO INVESTMENT STUDY

General Partnership Interests

The term "United States issuer" as defined and described in Paragraph III. 2., 3., and 4. and II. A. 1. of the General Instructions includes "partnerships." The Project has received inquiries as to whether general partnership interests must be reported on Form FPI-1. The General Instructions specifically mention only the reporting of limited partnership interests (General Instructions, Paragraph B.1.d.). In view of the Project, a general partnership interest does not constitute portfolio investment for purposes of the Regulations and General Instructions even if such a general partnership interest constitutes less than a 10 percent ownership interest in the firm. Partnerships nonetheless constitute issuers of such general partnership interests as well as any limited partnership interests or debt obligations of the partnership.

The effect of this interpretation is that a partnership which is a selective reporter under the provisions of Paragraph II. A.1.b. of the General Instructions[1] and which has no foreign ownership except of a general partnership interest is not required to file a report on Form FPI-1.

Example 1. A professional partnership has 52 general partners, four of which are foreign persons; no limited partners; and several bank loans outstanding, none of which is from a foreign lender. The partnership need not file Form FPI-1 because it has no foreign portfolio investment under Par. II.A.1.b.

However, if a partnership has evidence of foreign portfolio investment in it, for example, in the form of limited partnership interests or ownership of its debt obligations, it is required to file Form FPI-1 in accordance with Par. II.A.1.b. Its report on Form FPI-1 must then include a description of its general partnership interests, as well as the limited partnership interests and debt obligations, as part of the description of its equity and debt structure in the appropriate items in the body of Form FPI-1.

Example 2. A partnership has 12 general partners, one of which is a foreign person. The partnership also has three limited partners, all of which are foreign persons, as well as several bank loans, all extended by United States lenders. The partnership is required to file Form FPI-1 in accordance with Par. II.A.1.b. on account of the foreign portfolio investment in the limited partnership interests. Such foreign portfolio investment must be reported on Schedule A of Form FPI-1. However, the foreign-held general partnership interest should not be reported on Schedule A, but both the general partnership interests and the debt obligations should be included in the overall description of the reporter's capital structure in the body of Form FPI-1.

No opinion is expressed as to whether general partnership interests constitute direct investment for purposes of the parallel study being conducted by the Department of Commerce.

Dated: February 19, 1975.

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4987 Filed 2-24-75;8:45 am]

[General Interpretation No. 2]

FOREIGN PORTFOLIO INVESTMENT STUDY

Reporting of Trusts on Form FPI-2

The General Instructions contain several provisions governing the reporting of trusts on Form FPI-2 by holders of record. Paragraph II.A.2.[1] provides that holders of record who must report as trustees holding investments for foreign persons include trustees acting for a revocable trust where the trustor is a foreign person. In addition, Paragraph II.B. 2.c. provides for the following exclusion from Form FPI-2:

Certain United States trusts. Assets of a revocable or irrevocable personal inter vivos or testamentary trust, where the trustor is a United States person, even if a beneficiary is a foreign person; or of an irrevocable personal inter vivos or testamentary trust, even if the trustor is a foreign person, should not be reported.

It was and remains the intent of the Treasury that the net effect of these two provisions be that only revocable trusts established by a foreign trustor be reported by holders of record on Form FPI-2.

However, Paragraph II.A.2.b.(3) and section 129.12(b)(3) of the Regulations create the erroneous impression that such trusts need not be reported if the beneficiary is a foreign person who does not have full control of the management of the assets of the trust. It has been determined that these provisions are gratuitous and misleading and should be ignored by reporters in filing Form FPI-2. The nationality or right of control of a beneficiary have no bearing on the reportability of a trust. The sole reporting criterion is that a trust be established in the United States by a foreign person who retains a right of revocation, regardless of the identity of any beneficiary.

Dated: February 19, 1975.

[SEAL] FREDERICK CUTLER,
Project Manager.

[FR Doc.75-4988 Filed 2-24-75;8:45 am]

DEPARTMENT OF DEFENSE

DEFENSE CIVIL PREPAREDNESS AGENCY

REGIONAL DIRECTORS AND DIRECTOR OF STAFF COLLEGE

Delegation of Authority

REFERENCES: (a) Delegation of Authority published at 29 FR 11852-11853, August 19, 1964; (b) Delegation of Authority published at 36 FR 12318, June 30, 1971, (c) Delegation of Authority published at 38 FR 17853, July 5, 1973.

1. The following amendments to reference (a) as amended by references (b) and (c) are hereby approved:

a. Paragraph (h), Section 4, Regional Directors is hereby revised to read as follows:

(h) Procurement of supplies and services other than personal for civil defense purposes not in excess of $10,000 per order from governmental or nongovernmental sources. Established Government sources shall be utilized to the maximum extent possible in the procurement of supplies and services.

b. Section 5. The Director of the Staff College is hereby revised to read as follows:

Section 5. The Director of the Staff college or, in his absence, the person acting for him, is authorized to:

(a) Procure supplies or services not in excess of $10,000 per order.

(b) Issue orders to GSA, not to exceed $10,000 per job order, for minor facility services, maintenance and modifications identified as reimbursable under GSA regulations.

(c) Procure supplies and services available from GSA, Federal Supply Service, Government Depots as appropriate, or from Federal Supply Service contracts, not in excess of $10,000 per order.

(d) Issue U.S. Government Bills of Lading not to exceed $2,500 per order.

(e) Approve invitational travel to persons serving without compensation whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with assigned civil defense activities.

This amendment to the Delegations of Authority shall be effective March 1, 1975.

JOHN E. DAVIS,
Director, Defense Civil Preparedness Agency.

[FR Doc.75-4934 Filed 2-24-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "SPECIFICATIONS AND STANDARDS IMPROVEMENT"

Notice of Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92-463, effective January 5, 1973, notice

[1] Hereinafter all Paragraph references are to the General Instructions unless otherwise specified.

[1] See General Exemption No. 2 (40 FR 8112) regarding selective reporting by certain issuers including partnerships.

[1] All paragraph references are to the General Instructions unless otherwise specified.

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is hereby given that the Defense Science Board Task Force on "Specifications and Standards Improvement" will meet in open session on Thursday and Friday 20–21 March 1975 in Room 1E801, the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to provide an evaluation of current DOD Specifications and Standards and the related DOD organization, system and procedures to serve as a basis for DOD policy decisions to reduce costs in systems/equipment design and acquisition.

At this meeting, the Task Force will evaluate the impact on acquisition costs of Military Specification MIL–D–1000, Drawings, Engineering and Associated Lists; review environmental and reliability specifications with a view toward consolidation and removing specification tiering; discuss, critique and offer alternatives to the DOD feedback process as it pertains to specifications and standards; discuss and recommend actions aimed at the tailoring of specifications; discuss specification relationships between prime and subcontractors, and discuss and review other pertinent and related subjects as may come before the group.

Due to the limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address listed below by March 14, 1975. Notice should include information with respect to interest and degree of participation.

Mr. Lester Fox, Director
Defense Material Specifications
and Standards Office
Cameron Station
Alexandria, Virginia 22314

Telephone inquiries may also be made to Mr. Fox at (202) 274–7061.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 20, 1975.

[FR Doc.75–4960 Filed 2–24–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

EL PASO COAL GASIFICATION PROJECT

Public Hearings on Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the El Paso Coal Gasification Project. That statement (INT DES 74–77) was made available to the public on July 16, 1974.

The draft environmental statement deals with the proposed construction and operation of a development gasifier and mine project, two commercial coal gasification complexes, and the mine, all of which would be located about 35 miles southwest of Farmington, New Mexico, on the Navajo Indian Reservation. The first complex, capable of producing 288 million cubic feet per day (MMCF/D) of substitute pipeline gas would be operational in 1978. The two complexes, with a total production capacity of 785 MMCF/D would be operational in 1981. Pending completion of contractual arrangements, water for the project will be supplied from the Bureau of Reclamation's Navajo Reservoir.

A public hearing will be held in Window Rock, Arizona, at the Window Rock Civic Center from 10 a.m. until noon, from 1:30 p.m. to 5 p.m. and from 7 p.m. to 10 p.m. on March 25 and 26, 1975, and in Farmington, New Mexico, at the City Council Meeting Room, from 10 a.m. until noon, from 1:30 p.m. to 5 p.m. and from 7 p.m. to 10 p.m. on March 27, 1975, to receive views and comments relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of ten (10) minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letters or telephone requests whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order, and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 5 p.m., March 21, 1975, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Each organization or individual desiring to present a statement at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, Utah 84111, telephone (801) 524–5592, and announce the intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing, should be received by April 3, 1975, for inclusion in the hearing record.

Dated: February 19, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75–4944 Filed 2–24–75;8:45 am]

Fish and Wildlife Service

MARINE MAMMALS

Issuance of Permit

On November 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 38915–16) that an application had been filed with the Fish and Wildlife Service by Dr. Francis H. Fay, Associate Professor of Marine Science, Institute of Marine Science, University of Alaska, Fairbanks, Alaska, for a permit to take Pacific walruses, to purchase parts of walruses taken by Eskimos for subsistence, and to salvage parts from walruses found dead.

Notice is hereby given that on February 10, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit to Dr. Francis H. Fay, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: February 20, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–4967 Filed 2–24–75;8:45 am]

Geological Survey

PLATFORMS, STRUCTURES AND ASSOCIATED EQUIPMENT

Revision of OCS Order No. 8, Gulf of Mexico Area

Correction

In FR Doc. 75–1792, appearing at page 3220 in the issue for Tuesday, January 21, 1975, and corrected at page 5545, in the issue for Thursday, February 6, 1975, the headings should read as set forth above.

FISH CREEK BASIN, ALASKA

Power Site Cancellation 330

Correction

In FR Doc. 75–3860, appearing at page 6517 in the issue for Wednesday, February 12, 1975, the headings should read as set forth above.

APPLEGATE RIVER, OREGON

Power Site Cancellation 325

Correction

In FR Doc. 75–3851, appearing at page 6517 in the issue for Wednesday, February 12, 1975, make the following correction. In the third column of page 6517, the last line of the description for the Willamette Meridian, should read: "Sec. 33, W½W½NE¼."

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., c.s.t., March 14, 1975, at the Indiana Dunes National Lakeshore Building, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Public Law 89–761 to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman)
Mrs. Anna R. Carlson
Mr. Harry W. Frey
Mrs. Ione F. Harrington
Mr. John A. Hillenbrand II
Mr. Harold G. Rudd
Mr. John R. Schnurlein
Mr. William L. Staehle (Secretarial Consultant)

Matters to be discussed at this meeting include:

1. Status of construction of West Beach and Bailly Homestead.
2. Status of land acquisition.
3. Status of Environmental Impact Statements for Indiana Dunes National Lakeshore.
4. Discussion of development plans for Indiana Dunes National Lakeshore.
5. Storm erosion effects on Lakeshore revetment during winter 1974–75.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139–A, Chesterton, Indiana 46304, telephone area code 219, 926–7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12 (Kemil Road), Chesterton, Indiana.

Dated: February 11, 1975.

MERRILL D. BEAL,
Regional Director, Midwest Region, National Park Service.

[FR Doc.75–4946 Filed 2–4–75;8:45 am]

CUYAHOGA MASTER PLAN

Notice of Intent

Notice is hereby given that the process to develop a master plan for Cuyahoga Valley National Recreation Area will begin on Monday, March 31, 1975, at 7:30 p.m. with a workshop at Boston Elementary School, 1930 Bronson Avenue, Peninsula, Ohio. This will be the the first of a series of workshops to provide for public involvement and citizen participation in the planning process.

Times, dates and locations of subsequent workshops on the initial phase of the master plan will be well publicized through advance announcements in news media and through direct contact with interested individuals and organizations. At least one workshop will be held in Cleveland, Ohio, and at least one in Akron, Ohio. Concurrent with the workshops will be a series of consultations between members of the Cuyahoga Master Planning Team and appropriate Federal, State and local government officials.

The initial phase of the master plan will be a Planning Directive. Its purpose will be to establish a clear understanding of the scope and magnitude of the study, analyze planning needs, identify resources available to the planners and review the work to date. The workshops will provide an opportunity for public suggestions, ideas and comments prior to the start of work on the plan itself.

It is the intention of the National Park Service to continue to seek public input during subsequent stages of planning, and when completed to submit the draft master plan to the public for further review through public meetings for which advance notice will be given.

Any one wanting additional information on the workshops and/or the status of the planning process should contact William C. Birdsell, General Superintendent, Ohio Group, P.O. Box 327, Chillicothe, Ohio 45601.

Dated: February 18, 1975.

MERRIL D. BEAL,
Regional Director, National Park Service.

[FR Doc.75–5160 Filed 2–24–75;10:01 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH PEACHES GROWN IN GEORGIA

Findings and Determination With Respect to the Continuation in Effect of the Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER (39 FR 43562) that a referendum would be conducted among the growers who, during the period January 1, 1974, through October 31, 1974 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 10 to January 24, 1975, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: February 19, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–4962 Filed 2–24–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDIANA UNIVERSITY ET AL.

Notice of Application for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before March 17, 1975.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00322–33–46040. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, Indiana 47401. Article: Electron Microscope, Model EM 201C and Plate Camera. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for investigation of cytoplasmic contents and cell surface specializations in plastic thin sections of nerve cells. Studies will be carried out to obtain precise quantitative data concerning the (i) geometric relationships between neurofilaments and adjacent structure and (ii) the dimensions of gaps separating cell membranes at various sites. Maturational and experimental studies have the objective of obtaining similarly precise data in order to understand basic mechanism of intracellular transport and cell surface adhesion and interaction. Application received by Commissioner of Customs: January 15, 1975.

Docket Number: 75–00324–00–46040. Applicant: Dartmouth Medical School, Dartmouth College, Hanover, New Hampshire 03755. Article C7–2200–A3–A1 Camera; and C72389–A17–05 Film Magazines (3). Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used as a replacement to a worn-out camera in an electron microscope which is being used for studying many aspects of human experimental disease, including the growth and structure of cancer cells, the morphologic appearance of diseases of the peripheral nerves, and the ultrastructure of various renal, liver and lung diseases. Application received by

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Commissioner of Customs: January 20, 1975.

Docket Number: 75–00325–33–90000. Applicant: University of Cincinnati, Cincinnati General Hospital, 234 Goodman Street, Cincinnati, Ohio 45267. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a clinical, education, and research tool. Clinical utilization entails diagnostic evaluation of neurologic, otologic, and ophthalmologic disorders. The article will also be used in the study of cerebral trauma including an indepth study of the problems of chronic subdural hematomas. In addition, post-traumatic hydrocephalus including its serial development and progression is to be evaluated. The article is to also be included in the curriculum of the teaching of neuro-diagnosis to Radiology, Neurology, and Neurosurgery residents, as well as medical students. Application received by Commissioner of Customs: January 20, 1975.

Docket Number: 75–00326–33–90000. Applicant: Vanderbilt Hospital, 21st and Garland Avenues, Nashville, Tennessee 37232. Article: EMI Scanner System with Tape Storage Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the investigation of patients with symptoms suggesting cerebrovascular accidents, brain damage from other causes, intracranial tumors, intracranial abscesses, and other cerebral disorders. The results of these studies will be compared with conventional diagnostic studies, such as skull films, air and radiopaque contrast studies, and isotopic studies. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75–00327–33–36200. Applicant: Cardeza Foundation for Hematologic Research, Jefferson Medical College of Jefferson University, 1015 Walnut Street, Philadelphia, Pa. 19107. Article: Platelet Aggregometer. Manufacturer: Cambridge University, United Kingdom. Intended use of article: The article is intended to be used for the study of the aggregation and change in shape of blood platelets over a wide range of temperatures. These studies will help elucidate the mechanisms whereby platelets aggregate to help stop bleeding or to cause thrombosis which is often fatal in certain pathological conditions. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75–00328–88–46040. Applicant: U.S. Geological Survey, National Center, Stop 959, Reston, Virginia 22092. Article: Electron Microscope, Model JEM 200B and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the microstructure of geologic materials (both terrestrial and extraterrestrial origin) and appropriate synthetic analogs. These materials include natural silicates, oxides, sulphides, and other inorganic compounds and possibly natural organic materials which occur within inorganic aggregates. The materials are to be studied as single phases or as polyphase aggregates. The experiments to be carried out for the purpose of investigating the properties and phenomena of geologic materials are as follows: (1) characterization of large areas of microstructure using bright field imaging, and (2) characterization of defect structures (dislocation, stacking faults, precipitates, twins, antiphase domains) by dark field and bright field imaging techniques and selected area electron diffraction. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75–00329–33–90000. Applicant: Scripps Memorial Hospital, P.O. Box 28, 9888 Genesee Avenue, La Jolla, CA 92037. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is a diagnostic device which combines conventional X-Ray with an integrated computer to produce a visual, differentiated image of the interior of a human skull. The computer analyzes the relative absorption of X-Rays as they pass through the skull, the brain and other tissues and organizes the data into a visually presentable form which may be studied and interpreted by a properly trained physician/radiologist. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75–00330–33–90000. Applicant: University of Utah Medical Center, 50 North Medical Drive, Salt Lake City, Utah 84132. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as part of the basic education of medical students, interns and residents with particular importance in the residency training programs of radiology, neurosurgery, neurology, ophthalmology, and psychiatry. The article will also be used for computer assisted tomographic examination of the brain in studies of neurological disorders such as subdural, epidural and intracerebral hematoma. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75–00331–33–90000. Applicant: Duke University Medical Center, Department of Radiology, Durham, N.C. 27710. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is being evaluated to determine its impact on related procedures such as arteriograms, pneumoencephalograms, and brain scans as well as its impact on total patient care. In addition, it will be used in an ongoing comparative evaluation of its accuracy as opposed to that of presently used invasive procedures. The article will also be used to train residents in radiology, neurology, and neurosurgery; physicians and X-ray technicians. Application received by Commissioner of Customs: January 20, 1975.

Docket number: 75–00332–33–90000. Applicant: C. S. Wilson Memorial Hospital (Chandler Leasing Div., Pepsico Corp.), 33–57 Harrison Street, Johnson City, New York 13790. Article: EMI Scanner System with Magnet Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of Article: The article will be used for the diagnosis of brain disease in humans. The article will also be used in the graduate training of physicians. Application received by Commissioner of Customs: January 20, 1974.

Docket number: 75–00335–33–46500. Applicant: National Cancer Institute, Frederick Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Article: Ultramicrotone, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, either tumor cells passaged in vivo or in tissue culture, with normal cell controls, or preparations of microorganisms or purified virions. The experiments to be carried out will involve immunoelectronmicroscopy using ferritin-tagged antisera to see if antibody made to virions or microorganisms will react with tumor cell surfaces. Application received by Commissioner of Customs: January 22, 1975.

Docket number: 75–00336–33–46500. Applicant: Veterans Administration Hospital, West Spring Street, West Haven, Connecticut 06516. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare virus infected tissues and monolayer cell cultures for electron microscopic examination to determine the presence of certain latent viruses. The tissue and cells to be studied will be derived from naturally and experimentally infected animals. Application received by Commissioner of Customs: January 22, 1975.

Docket number: 75–00337–33–46500. Applicant: UCLA School of Medicine, 710 Westwood Plaza, Los Angeles, California 90024. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin sections of tissues obtained from mice, cats, and monkeys, principally from the caudate nucleus, substantia nigra and other midbrain structures. The experiments to be conducted include examining the ultrastructure of specific brain areas using electron microscopy to detect structural modifications produced by various pharmacologic agents. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00338–33–46500. Applicant: University of Wisconsin Medical School, Department of Pathology, 470 North Charter Street, Madison, Wisconsin 53706. Article: Uultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly mammalian tissues derived from experimental animals, which exhibit both normal and pathological structures. The experiments to be conducted concern mainly the ultrastructural alterations in certain cells and tissues (such as brain, liver, and kidney) following intoxication by various heavy metals, e.g. mercury, lead and cadmium. The article will

also be used for educational purposes in the following courses: 704–993 Heavy Metals and Biological System and 704–990 Pathology Research. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00340–01–40600. Applicant: University of California, San Diego, Receiving Department, Bldg. 509, La Jolla, California 92037. Article: Isotope Micromass Model 602C, with digital printer, inlet option C6. Manufacturer: VG-Micromass Ltd., United Kingdom. Intended use of article: The article is intended to be used for the determination of the abundance of stable isotopes of oxygen (O^{18} and O^{16}), carbon (C^{13} and C^{12}), and nitrogen (N^{15} and N^{14}) in very small samples for paleoclimatic and diagenetic research of deep-sea sediments. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00341–33–02300. Applicant: National Institute of Environmental Health, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: TCV 691 Temperature Control Unit. Manufacturer: EKEG Electronic Co., Ltd., Canada. Intended use of article: The article is intended to be used for studies of the effects of noise on hearing sensitivity using the in vivo guinea pig ear. The article will be used to stabilize the body temperature of the animal during the experiment. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00342–33–90000. Applicant: Saint Joseph Hospital, 1100 West Steward Drive, Orange, California 92668. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the study of neurological and neurosurgical disorders in all age groups. The objectives will be to have an accurate followup of patients after tumor surgery, patients with hydrocephalus, infants with hydrocephalus and porencephaly, and to study the effects of ventricular shunting over a period of years. The article will also be used to instruct radiologists, neurosurgeons and neurologists in the diagnosis of diseases of the brain and the meninges. Application received by Commissioner of Customs: January 22, 1975.

Docket Number: 75–00343–33–46040. Applicant: Florida Department of Natural Resources, Marine Research Laboratory, 100 Eighth Avenue, SE., St. Petersburg, Florida 33701. Article: Electron Microscope, Model HS–9–1. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used to investigate the ultrastructure of Florida's Red Tide organism, *Gymnodinium breve*, and the effects of the Red Tide toxin on tissues and blood of fishes and invertebrates. The fine structure investigation of *G. breve* will include field specimens of VS cultured specimens, light quality studies on cultured material, cells in log growth phase VS stationary growth phase, determine possibility of endosymbionts, and characterize amphiesma. Application received by Commissioner of Customs: January 22, 1975.

Docket number: 75–00344–33–46500. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, Georgia 30902. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to obtain ultrathin sections of both hard (calcified) and soft tissues for viewing with an electron microscope. Some of the hard tissue research being conducted involves limb regeneration in animals inflicted with lathyrism. In addition, studies will be conducted in growth cartilage and other mineralized connective tissues. Soft tissue research will involve fine structure studies of secretory cells and effects of X-irradiation on salivary glands and small intestinal epithelium. The article will also be used to prepare material for presentation to dental students in ANMD 511, Cell Structure and Function, a course given to familiarize the freshman student with new concepts and techniques in the study of cellular structure and function. Application received by Commissioner of Customs: January 23, 1975.

Docket number: 75–00345–33–46040. Applicant: University of Southern California, School of Medicine, Department of Anatomy, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Electron Microscope, Model JEM 100C and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for transmission electron microscopic examination of biological materials. The studies will center on investigations of cell surfaces, the coatings of cell surfaces, the attachment mechanisms between adjacent cells in various tissues, and the filamentous systems within cells which underlie the support of those cells. The article will also be used in analysis of regenerating muscles and the study of attachment mechanisms between adjacent heart muscle cells. Application received by Commissioner of Customs: January 23, 1975.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–4979 Filed 2–24–75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG–15), "Computer Systems Security," will hold a meeting from 10 a.m. to 4 p.m. on Tuesday, April 1, 1975, in Room B–163, Building 222, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to prepare draft guidelines in four areas of computer systems security: information management; internal systems security; teleprocessing and remote access; and security requirements and metrics.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301–921–3861).

Dated: February 20, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75–4998 Filed 2–24–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2811; Docket No. FDC–D–230; NDA 2–811]

CHARCONIC GONADOTROPIN

Follow-Up Notice and Opportunity for Hearing; Correction

Correction

In FR Doc. 75–3890, appearing at page 6523 in the issue for Wednesday, February 12, 1975, correcting FR Doc. 74–28409 appearing at page 42397 in the issue for Thursday, December 5, 1974, capital letters were incorrectly omitted from a portion of the text. Paragraph 3. in FR Doc. 75–3890 should read as follows:

3. (a) On Page 42402 for the sixth line of the second paragraph in the first column, the type size for the sentence which begins, "HCG has no known effect * * *" and continues through the rest of that paragraph and the next, is changed to all capital letters so that the affected text reads as follows:

"* * * HCG HAS NO KNOWN EFFECT ON FAT MOBILIZATION, APPETITE OR SENSE OF HUNGER, OR BODY FAT DISTRIBUTION.

INDICATIONS

HCG HAS NOT BEEN DEMONSRATED TO BE EFFECTIVE ADJUNCTIVE THERAPY IN THE TREATMENT OF OBESITY. THERE IS NO SUBSTANTIAL EVIDENCE THAT IT INCREASES WEIGHT LOSS BEYOND THAT RESULTING FROM CALORIC RESTRICTION, THAT IT CAUSES A MORE ATTRACTIVE OR "NORMAL" DISTRIBUTION OF FAT, OR THAT IT DECREASES THE HUNGER AND DISCOMFORT ASSOCIATED WITH CALORIE RESTRICTED DIETS."

(b) The type size for the last complete paragraph of the third column is changed to all capital letters so that the affected text reads as follows:

"HCG HAS NOT BEEN DEMONSTRATED TO BE EFFECTIVE ADJUNCTIVE THERAPY IN THE TREATMENT OF OBESITY. THERE IS NO SUBSTANTIAL EVIDENCE THAT IT INCREASES WEIGHT LOSS BEYOND THAT RESULTING FROM CALORIC RESTRICTION, THAT IT CAUSES

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MORE ATTRACTIVE OR 'NORMAL' DISTRIBUTION OF FAT, OR THAT IT DECREASES THE HUNGER AND DISCOMFORT ASSOCIATED WITH CALORIE-RESTRICTED DIETS."

[GRASP 5G0046]

ROGERS DELINTED COTTONSEED CO. AND TEXAS A AND M UNIVERSITY

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 FCR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0046) has been filed by Rogers Delinted Cottonseed Co., P.O. Box 1340, Waco, TX 76703 and Texas A and M University, College Station, TX 77843 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that glandless cottonseed kernels (Cot-N-Nuts) as an agricultural product when consumed as an edible nut are generally recognized as safe (GRAS).

Preliminary review of this petition by the Food and Drug Administration has concluded that GRAS or food additive consideration of this product must be based upon scientific procedures, as defined in the FEDERAL REGISTER of September 23, 1974 (39 FR 34194).

Interested persons may, on or before April 28, 1975, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: February 14, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75–4956 Filed 2–24–75;8:45 am]

Office of Education

THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act Pub. L. 92–463 that the next meeting of the National Advisory Council on Extension and Continuing Education will be held March 13–14, 1975, in the Independence Room at the Washington Hilton Hotel, 1919 Connecticut Avenue NW., Washington, D.C. The meetings will begin at 9 a.m. on both days.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89–329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President and to the Secretary of Health, Education and Welfare on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

This meeting of the Council will be open to the public. The agenda will consist of the following:

1. Preparation of final report and recommendations of the Council's Evaluation of Title I of the Higher Education Act of 1965, as requested by Congress in the Education Amendments of 1972 (sec. 103). This report will be submitted to the appropriate Committees of the Senate and House on March 31, 1975.

2. Preparation of the Ninth Annual Report of the Council to the President, containing recommendations dealing with Title I of the Higher Education Act of 1965, policies affecting extension and continuing education, and the status of adult part-time students. This report is also scheduled to be submitted on March 31, 1975.

All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street, NW., Washington, D.C.

LLOYD H. DAVIS,
Executive Director.

FEBRUARY 19, 1975.

[FR Doc.75–4940 Filed 2–24–75;8:45 am]

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the next meeting of the Advisory Council on Developing Institutions will be held March 12, 1975, from 10 a.m. to 3:30 p.m. in Room 2328, Regional Office Building 3, 7th & D Streets, SW, Washington, DC.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92–463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under Section 304(a) of that Title.

The meeting of the Council shall be open to the public. The meeting will be devoted entirely to the next Annual Report of the Council.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 4682, ROB, 7th & D Streets, SW.

Signed at Washington, D.C. on February 20, 1975.

PRESTON VALIEN,
Director of College and University Unit.

[FR Doc.75–5159 Filed 2–24–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27035; Order 75–2–80]

WAGNER AVIATION LIMITED

Renewal Request; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of February, 1975.

By application filed September 19, 1974, Wagner Aviation Limited (Wagner) requests renewal, for a period of five years, of its foreign air carrier permit [1] authorizing it to engage in scheduled foreign air transportation with respect to persons, property and mail between Kingston, Ontario, Canada and Syracuse, New York.[2] The carrier also seeks a foreign air carrier permit to engage in charter foreign air transportation with respect to persons and their accompanying baggage, and planeload charter foreign air transportation with respect to property, between any point in Canada and any point within the United States, utilizing "small aircraft" pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the governments of the United States and Canada. Upon issuance of the charter permit, Wagner requests that the foreign air carrier permit issued to it pursuant to Order 70–2–128, approved February 27, 1970, be canceled.[3]

In support of its request the applicant states, *inter alia*, that: since May 1971, it has operated 40 round trips per month over its scheduled route; it is well established as the only carrier operating between Kingston and the United States; passenger traffic now averages 285 per month, and freight has now reached 30,000 pounds per month; and Wagner has recently received authority from the Canadian Transportation Committee to operate a domestic service to run in conjunction with the Kingston-Syracuse run, connecting Ottawa with Kingston. As of March 31, 1974, the carrier had assets of $196,312 and in the first quarter of 1974, earned a net profit of $2,173 on revenues of $45,267. The applicant further states that it has had no major accidents nor tariff violations.

With respect to the request of the carrier for renewal of its permit authorizing scheduled transportation for a period of

[1] Issued pursuant to Order 71–1–110, approved January 22, 1971.

[2] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] That permit authorized Wagner to engage in foreign air transportation on a casual, occasional, and infrequent basis, and to conduct off-route charter trips pursuant to Part 212 of the Board's Economic Regulations.

five years, we tentatively find that there have been no intervening circumstances affecting the carrier's ability to perform since the Board originally found Wagner to be fit, willing, and able properly to perform the foreign air transportation authorized pursuant to Order 71–1–110 which would warrant a different finding at this time. Accordingly, we tentatively find and conclude that renewal of the subject foreign air carrier permit, in the form attached hereto as Appendix A,[4] for a period of five years, would be in the public interest.

In regard to Wagner's request for a permit authorizing charter operations with small aircraft,[5] we note that the permits issued pursuant to Orders 70–2–128 and 71–1–110 grant Wagner the authority to perform charter flights using aircraft with a maximum authorized take-off weight of 12,500 pounds or less. Each permit contains a condition making it "subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation • • • that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties." Upon consideration of the Nonscheduled Air Service Agreement, and in light of section 1102 of the Act which requires the Board to exercise its duties consistent with any obligation assumed by the United States in any agreement between the United States and a foreign country, the Board proposes to issue to Wagner a new foreign air carrier permit containing authority limited to that authorized by the charter bilateral, and subject to the conditions of the Agreement and the Exchanges of Notes attached thereto. The proposed issuance of this permit will facilitate the prompt implementation of the terms of the new charter bilateral agreement, and is consistent with action we have taken with respect to other Canadian carriers. In addition, considering the applicant's successful operations under its existing permits and our previous findings in this respect, we tentatively find and conclude that Wagner remains fit, willing, and able properly to perform the charter services authorized in the proposed permit and to conform to the Act and the rules and regulations issued thereunder. Accordingly, the Board tentatively finds and concludes that it is in the public interest to issue to Wagner a foreign air carrier permit, in the form attached hereto as Appendix B, authorizing charter flights with small aircraft.

We also tentatively find and conclude that it is in the public interest to cancel the foreign air carrier permit issued to Wagner pursuant to Order 70–2–128, ap-

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act: renewing and amending the foreign air carrier permit heretofore issued to Wagner Aviation Limited by Order 71–1–110, approved January 22, 1971, in the form attached hereto as Appendix A[6]; issuing to Wagner Aviation Limited a foreign air carrier permit, in the form attached hereto as Appendix B, authorizing charter operations with small aircraft in foreign air transportation; and canceling the foreign air carrier permit issued to Wagner Aviation Limited pursuant to Order 70–2–128, approved February 27, 1970;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions stated herein and issuing the said permits shall, within 30 days after the date of adoption of this order, file with the Board and serve on the persons named in paragraph 5 below a statement of objections specifying the part or parts of the tentative findings or conclusions objected to and stating the specific grounds of any such objections, supported by statistical data and other materials and evidence relied upon to support the statement of objections; [7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Wagner Aviation Limited and the Ambassador of Canada.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75–4995 Filed 2–24–75;8:45 am]

[4] Since the authority to operate charter trips with small aircraft will be included in a separate charter permit, no provision is included in the proposed scheduled foreign air transportation permit to authorize Wagner to engage in charter trips pursuant to Part 212 of the Board's Economic Regulations. Additionally, the renewed permit will be amended to include certain standard conditions that have been recently employed in scheduled permits. See, e.g., Arrow Aviation, Ltd., Order 75–1–49.

[5] In the Nonscheduled Air Service Agreement, small aircraft are defined as aircraft which are not large aircraft. Large aircraft are aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized take-off weight on wheels greater than 35,000 pounds.

[6] Appendices A and B are filed as part of the original document.

[7] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[Docket 22859; Order 75–2–78]

AMERICAN AIRLINES, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of February, 1975.

By tariff revisions issued on January 22 and marked to become effective February 21, 1975, American Airlines, Inc. (American) proposes, *inter alia,* to increase the pivot weight [1] of its Type D container and minimum charges between Honolulu and St. Louis in both directions. The pivot weight would be raised from 437 to 512 pounds. The carrier asserts that this change was previously "approved" for Type D containers on other segments of its system.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

As American states, the typical pivot weight for Type D containers in its Mainland markets is 512 pounds, and we find no fault with that aspect of the proposal. We believe, however, that the minimum charges for the above weight are excessive. The charges proposed are above industry-average costs of carrying air freight in those containers for the distance involved, including a full return on investment and reflecting recent average increases in fuel- and nonfuel-related capacity costs.

Therefore, upon consideration of the foregoing and all other relevant factors, the Board finds that the proposal should be suspended.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. Pending hearing and decision by the Board, the increased charges and the changes in the pivot weight from Honolulu/Hilo to St. Louis on 9th Revised Page 79 and from St. Louis to Honolulu/Hilo on 7th Revised Page 92 of Tariff C.A.B. No. 227, issued by Airline Tariff Publishing Company, Agent, are suspended, and their use deferred to and including May 21, 1975 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[1] The pivot weight is the maximum net weight in pounds of the container allowable at the charge per container shown in the tariff.

[2] Inasmuch as the pivot weight and minimum charges are integral parts of the proposal, it is necessary to suspend both parts if one of them is to be suspended.

[FR Doc.75–4993 Filed 4–24–75;8:45 am]

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CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Notice of Public Availability of Report of Activities

Pursuant to section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and OMB Circular A-63 of March 27, 1974, the Committee on Private Voluntary Agency Eligibility has prepared a report on its activities during calendar year 1974.

The report is available for public inspection and copying at the following location:

U.S. Civil Service Commission, Office of Management Analysis and Audits, Room 7558, 1900 E Street NW., Washington, D.C. 20415.

DONALD J. BIGLIN,
Advisory Committee Management Officer, U.S. Civil Service Commission.

[FR Doc.75-5017 Filed 2-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant Deputy Administrator, Programs, Office of the Deputy Administrator, Programs, Office of the Administrator, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5012 Filed 2-12-75;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Director for Environmental Quality, Directorate for Environmental Quality, Office of the Assistant Secretary of Defense (Health and Environment), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5013 Filed 2-24-75;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Environmental Quality), Office of the Deputy Assistant Secretary (Environmental Quality), Office of the Assistant Secretary of Defense (Health and Environment), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5009 Filed 2-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Outdoor Recreation, Assistant Secretary—Fish and Wildlife and Parks.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5010 Filed 2-24-75;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, New York Field Office, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5015 Filed 2-24-75;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of Vice President for Financing.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-5014 Filed 2-24-75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, April 2, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information, which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-5016 Filed 2-24-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

FEBRUARY 20, 1975.

On March 15, 1967, the United States Government concluded a comprehensive bilateral agreement with the Government of the Polish People's Republic concerning exports of cotton textiles and cotton textile products from Poland to the United States. On February 24, 1970, the two Governments exchanged notes amending and extending the bilateral agreement of March 15, 1967. The agreement was further amended and extended by exchange of notes dated January 22, 1974. Among the provisions of the agreement, as amended and extended, are those applying specific export limitations to Categories 19, 34, 36, 41, 42, 43, 49, 50, 60 and 62 for the final agreement year beginning March 1, 1975.

Accordingly, there is published below a letter of February 20, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Poland, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning March 1, 1975 and extending through February 29, 1976, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of March 15, 1967, as amended, between the Governments of the United States and the Polish People's Republic, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective March 1, 1975 and for the twelve-month period extending through February 29, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Categories 19, 34, 36, 41, 42, 43, 49, 50, 60 and 62, produced or manufactured in the Polish People's Republic, in excess of the following twelve-month levels of restraint:

Category	12-month level of restraint	
19	Square yards	1,050,000
34	units	118,548
36	do	152,174
41	dozen	87,089
42	do	72,574
43	do	145,148
49	do	45,231
50	do	58,999
60	do	10,104
62	pounds	228,261

In carrying out this directive, entries of cotton textile products in the above categories, produced or manufactured in the Polish People's Republic and exported to the United States from the Polish People's Republic prior to March 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period March 1, 1974 through February 28, 1975. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 15, 1967, as amended, between the Governments of the United States and the Polish People's Republic, which provide, in part, that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than five percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton textiles and cotton textile products from the Polish People's Republic, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-5018 Filed 2-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FIFRA Docket No. 245, et al.; (FRL 336-4)]

SCIENCE PRODUCTS CO., ET AL., REGISTRANTS

Cancellation of Hearing

Take notice that the Hearing in the proceeding under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 5 U.S.C. 136 et seq.) dealing with the proposed cancellation of a number of registrations dealing with the product BNOA, which had been scheduled to commence at 10 a.m. on March 18, 1975 (40 CFR 1737), has been postponed indefinitely to a date subsequently to be published.

As a result, the proposed discussion of a date for the commencement of hearings dealing with the product NABAC, which was to be held at the outset of the March 18, 1975 hearing, is also postponed.

FREDERICK W. DENNISTON,
Administrative Law Judge.

FEBRUARY 19, 1975.

[FR Doc.75-4983 Filed 2-24-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 75-158]

QUARTERLY INDEX

Determination and Order

FEBRUARY 19, 1975.

The Federal Home Loan Bank Board is required by 5 U.S.C. 552(a)(2), as amended, to publish either a quarterly index to those items specified in 5 U.S.C. 552(a), or an order in the FEDERAL REGISTER that such publication is unnecessary and impracticable. Although the Board has maintained such an index since July 4, 1967, public use of the index has been minimal. The Board publishes periodic, generally monthly, supplements to its Annotated Manual of Statutes and Regulations, which contain the statutes governing and relating to operations of the Board, its regulations, rulings, and statements of policy, as well as interpretative memoranda of the Office of Examinations and Supervision, and digests of opinions rendered by the Office of the General Counsel. A copy of said Manual and Supplements is furnished to each member institution and copies thereof are also available for purchase from the Superintendent of Documents. The orders contained in said index refer in brief to Board actions as to member institutions and other entities supervised, regulated or examined by the Board, and contain little of precedential value.

The Federal Home Loan Bank Board hereby determines and orders that the publication of said index is unnecessary and impractical in that it does not materially assist the public and, in addition, such publication imposes a financial burden on the Board. The Board therefore hereby directs the Secretary to the Board to publish this Order in the FEDERAL REGISTER in accordance with the above-cited provisions of 5 U.S.C. 552(a)(2) and, in accordance with said provisions, that a copy of said index will nonetheless be provided, upon request, at a cost not to exceed the direct cost of duplication at the rate per page specified in § 505.4(e) or the Board's General Regulations.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.75-4983 Filed 2-24-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-4]

DEPARTMENT OF DEFENSE ET AL.

Notice of Filing of Complaint

In the matter of Department of Defense and Military Sealift Command v. Matson Navigation Co., Inc.

Notice is hereby given that a complaint filed by Department of Defense and Military Sealift Command against Matson Navigation Co., Inc. was served February 19, 1975. The complaint alleges violations of section 18(a) of the Shipping Act, 1916 and requests relief under section 4 of the Intercoastal Shipping Act, 1933 in connection with Matson's failure to file appropriate military class rates applying between the U.S. West Coast and Hawaii.

Hearing in this matter shall commence on or before August 19, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4991 Filed 2-24-75;8:45 am]

EASTERN FREIGHT FORWARDER, INC., ET AL.

Applicants for Independent Ocean Freight Forwarder Licenses

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the director, Bureau of Certification and Licensing. Federal

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Maritime Commission, Washington, D.C. 20573.

Eastern Freight Forwarders, Inc., 7581 N.W. 77th Terrace, Miami, Florida 33166.

Officers

Phyllis Somberg, President.
Jack Bahl, Secretary/Treasurer.
Sybil Pratt, Officer (Inactive).

Seaport Shipping and Forwarding, Inc., 1746 East Adams Street, Jacksonville, Florida 32202.

Officers

Frank M. Walters, President.
Richard C. Harrill, Vice President.
David A. Weintraub, Secretary/Treasurer.

Stack Port Services, Robert S. Stack d.b.a., 515 Independent Road, Oakland, California 94621.

Horizon Forwarding, Earl E. Egan, Jr. and Ronald J. Will d.b.a., 4809 Feliciana Drive, New Orleans, Louisiana 70126.

International Activities Corporation of Chicago, P.O. Box 66235, O'Hare A.M.F., Illinois 60666.

Officers

Walter A. Ciszak, President.
Stephen L. Meyers, Vice President/Secretary.
Hugh Polanco, Vice President/Treasurer.

Lawrence M. Parry, Jr., P.O. Box 11133, Chattanooga, Tennessee 37401.

Texana Marine Agency, Louis Edwin Palmer d.b.a., 717 9th Avenue N., Texas City, Texas 77590.

Officers

Louis E. Palmer, President.
James M. Sudela, Vice President.
Janis K. Venegas, Secretary.

H. A. & J. L. Wood, Inc., Pembina, North Dakota 58271.

Officers

John L. Wood, President/Treasurer.
Harry A. Wood, Vice President.
Laverne M. Wood, Secretary.

Lennard DaCosta Webb, Jamaica Import & Export Co., 141 N. E. 3rd Avenue—Room 205, Miami, Florida 33132.

By the Federal Maritime Commission.

Dated: February 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4990 Filed 2-24-75;8:45 am]

[INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 1403]

EDWARD MOSQUERA

Order of Revocation

On February 10, 1975, the Federal Maritime Commission received notification that Edward Mosquera, 163 Leverett Avenue, Great Hills, L.I., New York 10308 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1403 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1403 be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1403 of Edward Mosquera be and is hereby revoked effective February 10, 1975, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Edward Mosquera.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-4989 Filed 2-24-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8999; E-9000; E-9001]

ORANGE AND ROCKLAND UTILITIES, INC. AND ROCKLAND ELECTRIC CO.

Conference

FEBRUARY 19, 1975.

Take notice that on Thursday, March 6, 1975, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m. in Room 8402 of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Orange & Rockland's and Rockland Electric's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5106 Filed 2-24-75;8:45 am]

FEDERAL RESERVE SYSTEM

D. H. BALDWIN CO.

Order Approving Acquisition of Computer Congenerics Corporation of Colorado

D. H. Baldwin Company, Cincinnati, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage in a joint venture with Computer Congenerics Corporation, Oklahoma City, Oklahoma ("Oklahoma Company"). The joint venture would be carried out through Computer Congenerics Corporation of Colorado, Denver, Colorado ("Colorado Company") which would engage in bookkeeping and data processing services for the internal operations of Applicant and its subsidiaries and storing and processing other banking, financial, or related data, including performing payroll, accounts receivable or payable, or billing services for others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(8)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 41586). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls 11 banks in Colorado with aggregate deposits of $559.3 million, representing approximately 8.4 percent of the total deposits in commercial banks in Colorado, and is the fourth largest commercial banking organization in the State.[1] Applicant also controls nonbanking subsidiaries engaged principally in insurance underwriting, savings and loan, and leasing activities. Applicant is also engaged in the manufacture and marketing of musical instruments and electronic components. Applicant presently has a data processing division, De-Co, which provides computer services for Applicant, its subsidiaries and their customers.

Colorado Company is presently a wholly-owned subsidiary of Oklahoma Company with offices in Denver and Grand Junction. Oklahoma Company was organized in 1969 with Oklahoma as its principal place of business, but has since expanded its operations throughout Oklahoma and into Texas and Colorado. Oklahoma Company specializes in providing data processing services to financial institutions and in exploration data processing services to oil and gas companies.

As part of this proposal, Applicant has already contributed certain computer systems in Denver and Grand Junction; Oklahoma Company has contributed software and personnel and both Applicant and Oklahoma Company have contributed equal sums for the initial capitalization. Under the terms of the preincorporation agreement, the contributions by Applicant are considered loans pending Board consideration of the proposal. Due to the acquisition within the past twelve months of nine banking subsidiaries by Applicant and the resulting increased demand for expanded data processing services for the newly acquired banks and for Applicant's other subsidiaries, De-Co, Applicant's data processing division, is unable to meet Applicant's present data processing requirements. The formation of this joint venture will enable Applicant more efficiently and economically to meet its data processing requirements and those of its subsidiaries than would the acquisition of equipment and the development of the necessary services by De-Co. After consummation of the proposal, De-Co will continue to provide data processing services to Applicant and its larger subsidiaries while Colorado Company will provide data processing services to Applicant's smaller subsidiaries and the correspondent customers of Applicant's lead bank.

[1] All banking data are as of June 30, 1974 and reflect holding company formations and acquisitions approved by the Board through January 1, 1975.

While both De-Co and Oklahoma Company offer similar data processing services to financial institutions, consummation of the proposal would not eliminate any significant existing competition as Oklahoma Company provided computer services to only three financial institutions in Colorado. On the other hand, Oklahoma Company's contribution of software packages and personnel to Colorado Company will enable Colorado Company to immediately become a more competitive influence in the market than either De-Co or Oklahoma Company has been.

It is the Board's opinion, on the basis of the above and other facts of record, that the proposed acquisition would not have an adverse effect on actual competition. Furthermore, it does not appear that consummation of the proposal would eliminate any real probability of competition developing between De-Co and Oklahoma Company in view of the considerable effort and expense, particularly personnel expense, that De-Co would have to undertake to become a strong competitor in this field. Moreover, Oklahoma Company's lack of customer contacts in Colorado, as well as the fact that a considerable percentage of the market for these services has become "captive" to existing Colorado bank holding companies, indicates the improbability of Oklahoma Company becoming a significant competitor in the market. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on actual or potential competition in any relevant area.

There is no evidence in the record in this case indicating that consummation of the present proposal to engage in a joint venture would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse elects.

The Board finds that the proposed joint venture would result in public benefits in terms of increased and improved services. In addition, the joint venture would expend the quality, quantity, and efficiency of the services presently offered by both De-Co and Oklahoma Company in Colorado.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modifications or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 12, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4935 Filed 2-24-75;8:45 am]

EDWARDSVILLE BANK-SHARES, INC.

Order Approving Action To Become a Bank Holding Company and Engage in Credit Life, Health and Accident Insurance Sales

Pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1) and § 225.3(a) of Regulation Y (12 CFR 225.3(a)), Edwardsville Bank-Shares, Inc., Edwardsville, Kansas ("Applicant"), has applied for prior approval to become a bank holding company through the acquisition of 88 percent of the voting shares of The Edwardsville State Bank, Edwardsville, Kansas ("Bank"). Concurrently, Applicant has applied pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y for prior approval to engage directly as The Steffey Agency ("Agency") in the sale of credit life and credit accident and health insurance, previously conducted by an affiliated local agency.

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under provisions of §§ 265.2(f)(22) and (32) of the rules regarding delegation of authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the application to the Kansas State Bank Commissioner. The Commissioner offered no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on January 15, 1975 (40 FR 2765), providing an opportunity for interested persons to submit comments and views with respect to the proposal. Time for filing comments and views has expired and none has been received.

This Reserve Bank has considered the application to become a bank holding company in light of the factors set forth in section 3(c) of the Act. Inasmuch as the proposal to form a bank holding company by acquisition of shares of Bank constitutes a corporate reorganization, consummation of the proposal would eliminate neither existing nor potential competition, nor does it appear that there would be any adverse effects on other-banks in the trade area. Bank (mid-year 1974 deposits: $3.8 million) is the only bank in Edwardsville and one of the smallest of the 131 commercial banks in the Kansas City market area. Acquisition of Bank would result in no immediate change in banking services available in the relevant market.

The financial and managerial resources and future prospects of Applicant, which are dependent on those of Bank and Agency, are considered generally satisfactory and consistent with approval. The debt to be assumed and incurred by Applicant as a result of the proposal appears to be serviceable from the income to be derived from Bank and Agency without having an adverse effect on the financial condition of either Applicant or Bank. Accordingly, banking factors are regarded as being consistent with approval. Consummation of the transaction would have no immediate effect on the area's banking convenience and needs; however, such considerations are consistent with approval of the application to acquire Bank. It is the Reserve Bank's judgment that consummation of the transaction would be in the public interest and that the application should be approved.

Applicant proposes to engage in the sale of credit life and credit accident and health insurance and will conduct its business from the premises of Bank in Edwardsville, Kansas. Since only Agency will be offering this type of insurance in Edwardsville, it will provide a convenient source of insurance agency services to Bank's customers. There is no evidence in the record indicating that consummation of the proposal and operation of Agency would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

The Reserve Bank, therefore, finds that the public interest factors set forth in section 4(c)(8) of the Act are favorable, and the application to engage in certain credit-related insurance sales in Edwardsville, Kansas, should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction involving acquisition of shares of Bank should not be consummated before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor Agency shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the authority of the Board of Governors to

[2] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Governor Sheehan.

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require reports by, and make examinations of, holding companies and their subsidiaries and to require such modifications or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the regulations and orders issued thereunder or to prevent evasion thereof.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

FEBRUARY 11, 1975.

[FR Doc.75-4938 Filed 2-24-75;8:45 am]

SUN BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Sun Banks of Florida, Inc., Orlando, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of Peoples Bank of Broward County, Tamarac, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. This Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Florida, controls thirty-seven banks with aggregate deposits of $1.44 billion, representing 6.32 percent of deposits in all commercial banks in the State. (All banking data are as of June 30, 1974, and reflect acquisitions and formations approved through December 31, 1974). Acquisition of Bank, with deposits of $12.8 million, would increase Applicant's share of State deposits by less than one percent, and would not result in a significant increase in the concentration of banking resources in Florida.

Bank is the 32nd largest of 48 banks in the relevant banking market (approximated by North Broward County) holding 0.8 of total deposits in the market. Seven of Florida's ten largest multi-bank holding companies, including Applicant, are represented in the relevant market. Applicant has two banking subsidiaries in the market and ranks as the eighth largest banking organization therein with aggregate deposits of $76.2 million, representing 4.8 percent of total market deposits. It does not appear that consummation of the proposed transaction would have a significant adverse effect on competition in view of the large number of banks in the market, Bank's small market share, and the close relationship that has existed for several years between Bank and Applicant's two subsidiaries in the market. On the basis of the facts herein, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank appear generally satisfactory and are consistent with approval.

While there is no evidence that the banking needs of the community are not being served, Applicant plans to initiate new services at Bank, including the ALL-IN-ONE ten-services plan presently available to customers of Applicant's other banking subsidiaries, and trust services which would be available to Bank's customers through Applicant's lead bank. In addition, affiliation with Applicant will provide Bank with access to loan participations and will also provide Bank internal assistance with data processing, auditing, marketing, personel administration and training, and tax guidance. Accordingly, considerations relating to convenience and needs of the community to be served lend some weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective February 13, 1975.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.75-4937 Filed 2-24-75;8:45 am]

TRUSTEES OF DARTMOUTH COLLEGE

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

The Trustees of Dartmouth College, Hanover, New Hampshire ("Applicant"), a registered bank holding company within the meaning of the Bank Holding Company Act with respect to Dartmouth National Bank of Hanover, Hanover, New Hampshire ("Bank"), have applied to the Board of Governors, pursuant to section 4(d) of the Act (12 U.S.C. 1843(d)), for an exemption from the prohibitions of section 4 of the Act (relating to nonbanking activities of, and acquisitions by a bank holding company).

Notice of receipt of the application, affording opportunity for interested persons to submit comments and views with respect to this application, has been duly published (39 FR 26946). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of Time Share Corporation, Hanover, New Hampshire, and The Cyphernetics Corporation, Ann Arbor, Michigan, in light of the factors set forth in section 4(d) of the Act.

Section 4(d) of the Act provides that, to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to a bank holding company that controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

Applicant is a degree-granting institution of higher learning with a student body in excess of 4,000. Applicant engages in numerous activities incidental to its primary educational efforts, including the ownership of real estate, operation of a fine arts center, and the investing of endowment funds. Applicant is also engaged in the academic and commercial application of data processing, including time-sharing and "software" sales.[1] In addition, Applicant is the owner of an inn and approximately 53 percent of the total outstanding shares of Hanover Water Works Company, Hanover, New Hampshire, a public utility.

Applicant was a charter subscriber to Bank at the time of Bank's organization in 1865. With deposits of approximately $16 million as of December 31, 1973, Bank is the third largest of nine banks in the relevant market (approximated by Grafton County) and holds about 21 percent of the aggregate deposits in commercial banks in that market and about 1 percent of the total deposits in the State. Bank appears to be in generally satisfactory condition, its management capable, and its prospects good. On the basis of the record, the Board finds Applicant's long association with Bank has not had adverse effects on the condition of Bank or the communities served by it.

In its consideration of the subject request for an exemption under section 4(d) of the Act, the Board notes that Time Share Corporation, Hanover, New Hampshire, and the Cyphernetics Corporation, Ann Arbor, Michigan (referred to herein as "Protestants") have objected to approval of the request. In general, the

[1] Kiewit Computer Center (Kiewit) is a division of the college that is used primarily for educational purposes but also sells excess computer time and Dartmouth Time-Share System (DTSS) is a subsidiary of Applicant which develops and sells computer "software."

Protestants' reason for urging disapproval of the request can be summarized as follows: (1) Applicant's competitive advantage in the sale of excess computer time is unfairly gained because of Applicant's involvement with Bank; (2) Applicant's extensive real estate holdings (which resulted from a large grant of land during colonial times) has created an unfair advantage because time-share users in the real estate field who are customers of Bank are likely to use Applicant's time-share services; and (3) Applicant violated the Bank Holding Company Act by expanding its computer activities without the prior approval of the Board and the type of data processing activities engaged in by Applicant are not permissible under section 4(c)(8) of the Act and § 225.4(a)(8) of the Board's Regulation Y.

Initially, it should be noted that it appears that a review of the financial data submitted by Applicant does not indicate that Applicant has been significantly involved in the commercial sale of excess computer time. Since the Kiewit Computer Center is a division of the school and is not a separate corporation, no separate financial data on Kiewit is available. However, a review of the billings for fiscal year ending June 30, 1973, reveals that only 17.7 percent of all computer time-share users were "off-campus" users. Furthermore, only 2.8 percent of the total billings were attributed to commercial use. The remaining off-campus billings were attributed to other education institutions, with the exception of 1.1 percent which was attributed to government use. In terms of income, the revenue received from commercial customers amounted to only about $60,000 for the above period. Moreover, of particular relevance to the inquiry herein is the fact that Applicant recently adopted a policy, effective January 1, 1975, terminating all commercial use of the Kiewit center except for uses of a "demonstration" nature which can be of value in the development of computer technology. Thus, it appears that the commercial use of the Kiewit Computer Center has not been significant in the past and will decrease even further in the future.

Much the same conclusion can be drawn with respect to the competitive position of Applicant's subsidiary (DTSS) in the market for the sale of computer "software." In fiscal years 1973 and 1974, DTSS had operating deficits of $69,949 and $227,145, respectively. In 1973 and 1974, total revenues amounted to $30,000 and $142,500, respectively, while operating expenses amounted to $99,949 and $371,000, respectively. On the basis of the foregoing, it does not appear that Applicant occupies a significant position in the market for the sale of computer "software."

Turning now to the first two objections offered by Protestants, the Board does not believe that Protestants have demonstrated that Applicant possesses a distinctive competitive advantage in the areas of time-sharing of computer time and "software" sales because of Applicant's involvement with Bank. In general, as noted above, Protestants argue that Applicant has some sort of competitive advantage because Bank's customers may also purchase time-sharing services from Applicant and real estate developers that are customers of Bank are also likely to use Applicant's time sharing services because Applicant is a large real estate holder. The record before the Board does not support Protestants' allegations.

As noted above, Applicant does operate a computation center in conjunction with its college curriculum. As a by-product of this effort, Applicant has also engaged through the years in the sale of excess computer time and in the development and sale of software. While Applicant may serve customers in these product lines who are also customers of Bank, it has not been shown that Bank has engaged in any illegal "tie-in" arrangements that would be in violation of section 106(b) of the Act, which generally prohibits any bank from tieing the providing of credit or of any service with the condition or requirement that a customer also purchase some additional service from the bank, the bank's parent holding company, or any of that holding company's subsidiaries. Accordingly, the mere fact that customers of Bank may choose to purchase services from Applicant does not appear to justify the conclusion that Applicant has abused its relationship with Bank or that it is not entitled to an exemption under criteria set forth in section 4(d) of the Act.

Protestants' third contention is that Applicant has violated the Act by engaging in impermissible computer activities and by engaging in such activities without prior approval of the Board. With respect to this contention, it appears that Applicant's time-sharing activities have been continuously engaged in since before June 30, 1968, and is, therefore, indefinitely "grandfathered" under the provisions of section 4(a)(2) of the Act. Similarly, with respect to the development and sale of "software", it appears from the record that Applicant engaged in this activity to a limited extent prior to June 30, 1968, increased the activity after that date, and has been engaged in the development and sale of "software" since prior to December 31, 1970 (the date of the 1970 Amendments to the Act) and is, therefore, entitled to engage in such activity at least until December 31, 1980, under the provisions of section 4(a)(2) of the Act. Accordingly, since the data processing activities of Applicant are "grandfathered" under the Act, the Board finds that no violation of the Act arises even though such activities may not be permissible under section 4(c)(8) of the Act and § 225.4(a)(8) of the Board's Regulation Y. The Board concludes, therefore, that the third contention of Protestants is not sufficient to warrant denial of Applicant's request for an exemption.

On the basis of the entire record, the Board concludes that the business relationship between Applicant and Bank has existed for more than a century without adversely affecting the bank or communities involved. It also appears unlikely that Bank's powers to grant to deny credit would be influenced by a desire to further Applicant's other interests. Granting an exemption to Applicant would not be substantially at variance with the purposes of the Act nor adverse to the public interest, and an exemption is warranted under the provisions of section 4(d) of the Act. Accordingly, an exemption pursuant to section 4(d) of the Act is hereby granted subject to the condition that this determination may be revoked if the facts upon which it is based change in any material respect. Further, the provision of any credit, property, or service by the Applicant or any subsidiary thereof shall not be subject to any condition which would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970. The determination herein is subject to the Board's authority to require modification or termination of the activities of Applicant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[2] effective February 12, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4936 Filed 2-24-75;8:45 am]

VALLEY VIEW BANCSHARES, INC.

Acquisition of Bank

Valley View Bancshares, Inc., Overland Park, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 24.99 percent of the voting shares of Industrial Bancshares, Inc., Kansas City, Kansas, a bank holding company proposed to be formed through the acquisition of Industrial State Bank, also located in Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Notice of this application was previously published in the FEDERAL REGISTER on December 31, 1974 (39 FR 45330 (1974)).

Valley View Bancshares, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to indirectly acquire voting shares of the insurance agency business of Industrial State Bank ("Bank"), which business is presently being conducted at the offices of Bank in Kansas City, Kansas. Notice of that application was published on February 13, 1975 in The Kansas City Times, a newspaper circulated in Kansas City, Missouri.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Governor Sheehan.

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Applicant states that the proposed subsidiary would engage in the activity of acting as an insurance agent for the sale of credit-related insurance issued in connection with extensions of credit by Industrial State Bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 19, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-4955 Filed 2-24-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-265]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-30 issued to Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) which revised Technical Specifications for operation of the Quad Cities Nuclear Power Station Unit 2 located in Rock Island County, Illinois. The amendment is effective as of its date of issuance.

The amendment incorporates a design feature change by specifying the number of fuel assemblies (724) without reference to the fuel rod array in a fuel assembly, and authorizes loading of 8 x 8 fuel assemblies into the reactor. This amendment is a portion of the proposed amendment noticed in the FEDERAL REGISTER on January 7, 1975 (40 FR 1291). No request for a hearing or petition for leave to intervene has been filed in connection with the Notice of Proposed Issuance of Amendment. The remaining changes necessary to complete the proposed amendment to authorize operation of Quad Cities Unit 2 with the 8 x 8 fuel are still under consideration.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1974 and supplement thereto dated December 20, 1974, (2) Amendment No. 8 to License No. DPR-30, with Change No. 23, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Moline Public Library at 504—17th Street, Moline, Illinois 61265. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 13th day of February, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-4953 Filed 2-24-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located near Camp Pendleton, San Diego County, California. The amendment is effective as of its date of issuance.

The amendment revises portions of Section 5 of the Environmental Technical Specifications to reflect a change in Southern California Edison Company's corporate organization.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 20, 1974 and (2) Amendment No. 9 to Provisional Operating License No. DPR-13, with any attachments. These items are available for public inspection at the Commission's Public Document Room, 1717 H St., NW, Washington, D.C., and in the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of Amendment No. 9 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 14th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch 1, Division of Reactor Licensing.

[FR Doc.75-4954 Filed 2-24-75;8:45 am]

ATOMIC SAFETY AND LICENSING BOARD

Establishment of Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

NEW YORK STATE ELECTRIC AND GAS CORP.
(Somerset Power Project, Nuclear Units 1 and 2)
Docket No. P-507-A

This action is in reference to a FEDERAL REGISTER notice entitled "Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters", which was published by the Commission in the above matter (40 FR 2463) on January 13, 1975.

The Members of the Board are:

Marshall E. Miller, Esq., Chairman
John M. Frysiak, Esq., Member
Sidney G. Kingsley, Esq., Member

The address of all of the above is:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

It is so ordered.

Dated at Bethesda, Maryland this 19th day of February 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-4958 Filed 2-24-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

FEDERAL COMMITTEE ON ECOLOGICAL RESERVES

Charter

On November 15, 1974, the charter of the Federal Committee on Ecological Reserves was formally adopted. This interagency committee has been established to provide the leadership for a coherent national program on ecological reserves. Successor to the Federal Committee on Research National Areas, the Committee is concerned with research natural areas and other Federal scientific reserves. Its membership is comprised of representatives from 19 Federal agencies and its Chairman is Dr. Jerry F. Franklin, Program Director, Ecosystem Analysis Program, National Science Foundation. The charter is being published in the FEDERAL REGISTER for public information.

CHARTER OF THE FEDERAL COMMITTEE ON ECOLOGICAL RESERVES

Attainment of national environmental and land use goals depends on the continued progress of ecological and environmental sciences in the United States. Critical to the health of these sciences is an adequate system of field research sites encompassing the array of terrestrial, freshwater, and marine ecosystems and both the strictly reserved Research Natural Areas and experimental areas for basic and applied research in ecology and on environmental and management problems, the baseline control areas for appraising the effects of action programs, and the gene pool reservoirs for many ordinary as well as rare and endangered organisms.

Substantial contributions have already been made to a national system of ecological reserves by a multitude of Federal, State, Academic and private efforts. Over 400 Research Natural Areas have been established on Federal lands alone and this committee's predecessor (Federal Committee on Research Natural Areas) did outstanding work in stimulating, coordinating, and publicizing the federal agency activities. Substantial numbers of experimental sites have developed on either a formal or *ad hoc* basis (Experimental Forests and Ranges of USDA, National Environmental Research Parks of AEC, biological field stations, and IBP Biome research sites, for example).

Today there is clearly a critical need for leadership in planning and coordinating these activities. A coherent national plan is needed so that the numbers and kinds of areas needed for an adequate system of ecological reserves are identified. Relevant activities in the numerous Federal agencies need to be coordinated both within the Federal establishment and with State and private endeavors. Emphasis on comprehensive land planning and environmental impact assessment makes the activity and need for leadership urgent. Planners need responsible and coordinated information on what sites require protection as critical scientific facilities.

For these reasons creation of a permanent Federal Committee on Ecological Reserves is considered essential. It is to provide the leadership for a coherent national program on ecological reserves which can come only at the Federal level. The responsibilities of agencies to lands and natural area programs under their jurisdiction remain unchanged; management of lands and execution of programs remain their domain. The Committee's purpose is to supplement and assist agencies in fulfilling their missions as well as to provide an overall Federal focus.

It is important to realize that the goal of this program is not simply provision of areas for research. The objectives are in fact, contributions to national environmental goals as stated in NEPA, better land planning, and improved resource management.

The Committee will be concerned with *Ecological Reserves* which are those areas dedicated primarily or exclusively to scientific research and education on ecological and environmental problems including: *Research Natural Areas*, where natural processes are allowed to dominate and any management is to preserve a given ecosystem or feature; and *Experimental Ecological Areas*, where various kinds of experiments or management practices can be carried out and studied on wildland and associated aquatic ecosystems in order to provide new scientific knowledge of those systems or as a demonstration.

GENERAL OBJECTIVES OF COMMITTEE

The board objectives of the Federal Committee on Ecological Reserves are:

1. To insure creation and maintenance of an adequate national system of natural and experimental areas for environmental and ecological research including identification, designation, and protection of the essential areas. Included here are major responsibility for working with Federal land agencies on those system components which are Federal lands and leadership and encouragement with regard to components in state, local and private lands.

2. To insure development of permanent data retrieval systems on the location of the areas and the ecological and environmental data available for each to service: (a) the research and development community who need such areas; (b) the land planning agencies at Federal, state and local levels; and (c) decision makers and agencies in the environmental area.

3. To encourage development of research programs, particularly, collection of baseline ecological and environmental data on these key national research sites and their use for long-term monitoring.

4. To encourage a broad array of educational uses of ecological reserves of types and intensities compatible with the other objectives and functions of a specific reserve.

5. To lead in developing the structures for coordinating Federal activities with those of State and local governments and academic groups and private organizations concerned with scientific reserves and experimental areas.

IMMEDIATE TASKS OF THE FEDERAL COMMITTEE

(Completion within 1 year)

1. To update and issue a revised version of the "Directory of Research Natural Areas on Federal Lands."

2. To encourage the adoption of the standard policy statement on establishment and management of Federal Research Natural Areas, prepared by the previous Federal Committee on Research Natural Areas, by the participating Federal agencies.

3. To develop a formal mechanism for review of Federal properties declared excess by the holding agency prior to disposal action by GSA for their value as field research sites; further, when properties are found to be of critical value for ecological and environmental research to recommend appropriate transfers to Federal, State or local agencies for the designation and protection of such sites.

4. To advise and participate actively, when possible, in the pending The Institute of Ecology national study of experimental research sites (including biological field stations, experimental forests and ranges, etc.).

5. Pending development of a comprehensive national plan on Research Natural Areas needs, to identify, on an interim basis and using extant classifications, the most critical gaps in existing Research National Areas, and to advise appropriate Federal agencies of these outstanding needs and encourage them to fill them.

6. Prepare a compilation of the authorities, legislative and regulatory, under which Federal agencies establish ecological reserves.

INTERMEDIATE RANGE TASKS OF THE FEDERAL COMMITTEE

(Completion within 1 to 5 years)

1. To see that a more adequate classification of the natural environments or ecosystems of the United States is developed to serve as a basis for identifying field research site needs, this system to include both biotic and physical elements.

2. To lead in the preparation of a comprehensive plan for a National System of Ecological Reserves including Research Natural Areas and Experimental Areas. This plan is to build in substantial measure upon past and current studies including the National Park Service theme studies and to identify extant areas which are appropriate components of a national system and gaps which remain to be filled through identification and designation of new areas. This plan is to be structured in the context of an overall classification of the natural environments or ecosystems of the United States and identification of how many natural and experimental areas are needed in each ecosystem.

3. To stimulate, as necessary, the completion of a comprehensive computerized inventory and register of Research Natural Areas in the United States. This effort has been partially carried out by various groups but needs to be brought together and completed. Identification of the appropriate "home" and mechanism for this effort should be possible by mid-1974 as analysis of the IBP Conservation of Ecosystems efforts become available.

4. Develop the mechanism, and advertise it, for providing information on critical research areas to land planning groups at all levels; this task is related to but separate from development of the computerized inventory.

5. Develop the appropriate structure for involving State and local governments and private organizations, and academic and governmental scientists, in the deliberations of the Federal Committee. Several possibilities exist and must be evaluated including a separate but related committee, an advisory committee, membership in the Federal Committee, etc. The key objectives here are, communication and coordination, and ultimately agreement on a coherent effort, between various governmental levels and between expert scientists and the administrators. Whatever mechanisms which will accomplish this are the ones we want.

6. Obtain or stimulate financing for monitoring and baseline research needed at the field research sites to insure their value in long-range environmental programs.

7. Develop standard policy statement providing guidelines and criteria for Federal Experimental Ecological Areas and encourage its adoption by the participating Federal agencies.

MEMBERSHIP

Agricultural Research Service, USDA
Atomic Energy Commission
Bureau of Land Management, USDI
Bureau of Outdoor Recreation, USDI
Cooperative State Research Service, USDA
Council on Environmental Quality
Department of Defense

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Department of Transportation
Environmental Protection Agency
Fish and Wildlife Service, USDI
Forest Service, USDA
General Services Administration
Geological Survey, USDI
National Oceanic and Atmospheric Administration, USDC
National Park Service, USDI
National Science Foundation
Office of Land Use and Water Planning, USDI
Smithsonian Institution
Soil Conservation Service, USDA

JERRY F. FRANKLIN,
Chairman.

[FR Doc.75-4926 Filed 2-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

FEBRUARY 18, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 19, 1975 through February 28, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Secretary.

[FR Doc.75-4973 Filed 2-24-75;8:45 am]

[File No. 500-1]

EXECUTIVE SECURITIES CORP.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Executive Securities Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (est) on February 14, 1975 through midnight (est) on February 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4974 Filed 2-24-75;8:45 am]

[Rel. No. 8675]

ELT INC. AND B.S.F. CO.

Notice of Application Pursuant to Section 17(b) of the Investment Company Act of 1940 and Rule 17d-1 Promulgated Under Section 17(d) Thereof

FEBRUARY 14, 1974.

Notice is hereby given the ELT, Inc., 498 North Kings Highway, Cherry Hill, New Jersey 08034, ("ELT") a Pennsylvania corporation, and B.S.F. Company, 25100 La Loma Drive, Los Altos Hills, California 94022, ("B.S.F."), a registered under the Investment Company Act of 1940 ("Act") as a closed-end non-diversified management investment company (hereinafter collectively referred to as "Applicants"), have filed an application on January 9, 1975 and amendments on January 23, 1975, and February 4, 1975, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act a proposed merger of B.S.F. into ELT, and pursuant to Rule 17d-1 promulgated tions of Section 17(a) of the Act a order permitting certain transactions incident to the proposed merger. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

As of December 31, 1974, ELT, which is engaged in the manufacture and sale of certain goods such as incandescent and negative-glow lamps and lighting products, processed metal products, and disposable plastic products, and which also holds an interest in Baltimore Paint and Chemical Corporation, owned of record and beneficially 385,277 shares of B.S.F. common stock, representing approximately 52.9 percent of B.S.F.'s total outstanding shares. Consequently, Applicants are affiliated persons as defined in Section 2(a)(3) of the Act.

In addition, of the five directors on the ELT and B.S.F. Boards of Directors, three are common to both companies and certain of the ELT and B.S.F. officers and directors hold shares of one or both companies.

B.S.F., which has been registered under the Act since 1962, has approximately 950 shareholders of record. Its shares are listed on the American Stock Exchange, but trading in such shares has been suspended since 1968. Although B.S.F. shareholders, on December 8, 1972, approved a proposal to change the nature of B.S.F.'s business so that it would cease to be an investment company, this was not accomplished due to management's inability to locate investments which would qualify both as investments of the type required to change the nature of B.S.F.'s business and as investments which would otherwise be suitable as businesses to be operated by B.S.F.

The Board of Directors of B.S.F. have now approved a Plan and Agreement of Merger ("Agreement") which provides for the merger of B.S.F. into ELT. The Agreement has also been approved by the Board of Directors of ELT. Upon the effective date of the merger, each outstanding share of B.S.F. common stock issued and outstanding on such date (exclusive of treasury shares and shares owned by ELT, which will be cancelled) will be converted into one share of ELT common stock.

The decision to implement an exchange ratio of one share of ELT for each share of B.S.F. was made after consideration of an appraisal report, dated November 24, 1974, prepared by Duff, Anderson & Clark, Inc. ("Duff Anderson"), acting on behalf of ELT, and concurred in by Bacon, Whipple & Co., ("Bacon Whipple") acting on behalf of B.S.F. Applicants state that neither appraiser has any affiliation or previous business dealings with ELT or B.S.F. The fee charged by Duff Anderson for its services is estimated at $40,000; the fee of Bacon, Whipple is estimated at $10,000. If the merger is consummated, ELT will pay the fees of both appraisers; otherwise, each party will pay the fees of their respective appraiser.

In determining the proposed exchange ratio, consideration was given by Duff Anderson to (1) the reasonableness of the current market price of ELT common stock relative to that company's present status and longer-term outlook and (2) the market or fair value of B.S.F.'s assets. Duff Anderson determined that ELT's common stock is reasonably priced in the current market and that the value of B.S.F.'s total net assets, reported as $5,685,000 in B.S.F.'s November 1, 1974 balance sheet should be adjusted by a reduction of $139,000 to reflect brokerage expense of trading listed securities, thin markets in two over-the-counter securities and uncertainties concerning a third security. Based on the market price of ELT stock on November 1, 1974, and the aforementioned adjusted value of B.S.F.'s assets, Duff Anderson recommended that the exchange ratio be established at 99.8 percent of a share of ELT for each share of B.S.F. Bacon Whipple affirmed that the exchange ratio is fair and reasonable. The Boards of Directors of Applicants, believing that the .2% difference in the proposed exchange did not justify the administrative cost associated with payment for fractional shares, decided that the exchange should take place on the basis of one share of ELT for one share of B.S.F.

Subsequently, the management of Applicants requested that Duff Anderson reexamine its appraisal report and Bacon Whipple reexamine its affirmation, principally because of a change in circumstances regarding South Bay Corporation, a closed-end investment company in which B.S.F. holds 79,180 shares. The increasing likelihood of South Bay's dissolution, pursuant to a court settlement, made it apparent that the valuation of South Bay's shares used in the original appraisal report was too low.

In a letter dated January 21, 1975, Duff Anderson revised the valuation figures of ELT and B.S.F. concluding that the value of a share of ELT would equal 97.5 percent of the adjusted net asset value of a B.S.F. share. Nevertheless, Duff Anderson stated that one for one exchange ratio was still fair and equitable. Bacon Whipple concurred with the Duff Anderson statement.

A subsequent letter from Duff Anderson, dated February 3, 1975, stated that, based on January 30 market prices, ELT common stock's market price of 8⅛ would result in a token discount for those B.S.F. shareholders exchanging their shares since the adjusted net asset value of a B.S.F. share (based on B.S.F.'s December 31 portfolio with January 30 prices for its marketable securities) was $8.14. Again, Bacon Whipple concurred in Duff Anderson's conclusion that a one-for-one exchange is fair and equitable.

Applicants have received a ruling from the Internal Revenue Service to the effect that no gain or loss for Federal income tax purposes will be recognized by ELT, B.S.F., ELT shareholders, or B.S.F. shareholders who participate in the merger. The basis of ELT shares received by former B.S.F. shareholders who participate in the merger will be the same as the basis of the B.S.F. shares exchanged by them for ELT shares.

The Boards of Directors of ELT and B.S.F. have each voted to recommend the merger to their shareholders and intend to call separate special meetings of the shareholders of the two companies to be held for the purpose of voting on the proposed merger.

John J. Harvey, Chairman of the Board of Directors of ELT and President, Treasurer and Director of B.S.F., beneficially owns 6.2 percent of the outstanding shares of B.S.F. and 3.1 percent of the outstanding shares of ELT. Peter R. Harvey, President and Director of ELT and Director of B.S.F. owns 8.3 percent of the outstanding shares of ELT and 4.1 percent of the outstanding shares of B.S.F. The B.S.F. shares owned by all officers and directors of B.S.F. represent approximately 12 percent of the total outstanding. The ELT shares owned by all officers and directors of ELT, represent approximately 13 percent of the total outstanding. In addition, aside from Peter R. Harvey, John J. Harvey and Bert M. Kleinman (who is also a director of both Applicants), one officer-director of ELT owns B.S.F. shares and two directors of B.S.F. (one of whom is also an officer) own shares of ELT.

Each of the aforementioned directors and officers of ELT and B.S.F. intends to vote his respective ELT and B.S.F. shares in favor of the merger and to exchange any B.S.F. shares held by him for ELT shares upon consummation of the merger. If the merger is effectuated, ELT will have outstanding 2,236,527 shares, of which Peter R. Harvey will own 187,380 shares, or approximately 8.3 percent of the total outstanding; John J. Harvey will own 103,001 shares, or approximately 4.6 percent; and all officers and directors of both ELT and B.S.F. will own 337,724 shares, or approximately 15 percent.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such affiliated person, to sell to, or purchase from, such investment company any security or property unless the Commission, upon application pursuant to Section 17(b) of the Act, grants an exemption from the provisions of Section 17(a) after finding that the terms of the proposed transaction are fair and reasonable, do not involve overreaching on the part of any person concerned, and are consistent with the general purposes of the Act. The purchase of the assets of B.S.F. by ELT is a transaction subject to the provisions of Section 17(a) of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act. The actions of the aforementioned officers and directors of B.S.F. and ELT in voting on the merger and exchanging B.S.F. shares for ELT shares upon its consummation may be deemed to constitute a joint arrangement between them and B.S.F. and thus, subjects their action to the provisions of Section 17(d) and Rule 17d-1.

Applicants state that the proposed terms of the merger, including the consideration to be paid or received upon its consummation, are reasonable and fair and do not involve overreaching on the part of any person concerned. The ratio provides a premium over the bid price for B.S.F. shares which B.S.F. shareholders could not expect to achieve by market sales of their shares. ELT, whose financial condition is fairly tight due to sizable short-term and long-term debt, will benefit through the merger because of balance sheet improvements produced by ELT's acquisition of B.S.F.'s liquid assets. Although the proposed ratio involves a discount from estimated adjusted net assets value for B.S.F. shares as of December 31, 1974, Applicants submit that the discount is slight. Moreover, Applicants state that the merger will cause a dilution of ELT's earnings per share and net tangible book values per share which will benefit the B.S.F. shareholders and disadvantage the ELT shareholders. Applicants contend that the projected discount from B.S.F.'s adjusted net asset value is justified, and that any change in the proposed ratio to eliminate the discount would be unduly disadvantageous to the ELT shareholders.

Applicants further allege that the proposed merger would not involve overreaching on the part of any affiliated person of B.S.F. and that all such persons who will participate in the merger as shareholders of B.S.F. will participate on the same basis as all other B.S.F. shareholders.

Notice is further given that any interested person may, not later than March 6, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following March 6, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-4976 Filed 2-24-75;8:45 am]

NATIONAL ENVIRONMENTAL CONTROLS, INC.

Suspension of Trading

FEBRUARY 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Environmental Controls, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:00 noon (est) on February 14, 1975

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through midnight (est) on February 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4975 Filed 2-24-75;8:45 am]

[Rel. No. 8672]

WESTERN/AMERICA FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 14, 1975.

Notice is hereby given that Western/America Fund, Inc., 2403 Financial Center, Seattle, Washington 98161 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a diversified open-end management investment company, filed an application on November 21, 1974, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Washington corporation, registered under the Act by filing its Notification of Registration on Form N-8A on April 30, 1969, under the name "Fund of the West, Inc."

On September 19, 1974, at a special meeting of Applicant's shareholders, a resolution was adopted by more than two-thirds of the outstanding voting securities to dissolve the corporation by voluntary act pursuant to Title 23A, Revised Code of Washington. Applicant states that pursuant to the action by shareholders all of Applicant's assets have been distributed in cash to its shareholders in cancellation of Applicant's outstanding shares.

Applicant further states that it no longer has any shareholders; that it does not engage nor propose to engage in any investment company or other activity; and that it has filed its Statement of Intent to Dissolve as required by the Revised Code of Washington.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company, has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 12, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-4978 Filed 2-24-75;8:45 am]

[Rel. No. 8671]

WASHINGTON INVESTMENT NETWORK, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 14, 1975.

Notice is hereby given that Washington Investment Network, Inc., 2030 M St., NW., Suite 602, Washington, D.C. 20036 ("Applicant") originally registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, filed an application on November 29, 1974, pursuant to Section 6(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that pursuant to a Plan of Complete Liquidation and Dissolution ("Plan") adopted by shareholders on July 31, 1974, Applicant converted to a closed-end company, and ceased the redemption of its shares.

Between August and November 1974, Applicant completed the liquidation of its remaining securities holdings and paid its ascertainable liabilities. On November 1, 1974, The United Missouri Bank of Kansas City, Applicant's custodian, and now Agent for Stockholders pursuant to the Plan, commenced distribution of Applicant's assets to its shareholders. Applicant further states that it will file final income and franchise tax returns, and thereafter, the appropriate Certificate of Dissolution.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 12, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-4977 Filed 2-24-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

PHILADELPHIA DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Philadelphia District Advisory Council will meet at 9:30 a.m., Eastern Daylight Time, Wednesday, March 19, 1975, at the Host Inn, 4751 Lindle Road, Harrisburg, Pennsylvania to discuss such business as may be presented by members and the staff of the Small Business Administration and others attending. For further information, call or write, William B. Patterson, Small Business Administration, Suite 400 East Lobby, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004, (215) 597-3201.

Dated: February 14, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-4970 Filed 2-24-75;8:45 am]

WICHITA DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration, Wichita District Advisory Council, will meet at 9:00 a.m., Central Daylight Time, Wednesday, March 19, 1975, in the Wichita Area Chamber of Commerce, Conference Room, Wichita, Kansas, to discuss such business as may be presented by members and the staff of the Small Business Administration and others attending. For further information, call or write, Clayton Hunter, Small Business Administration, 120 South Market Street, Wichita, Kansas 67202, (316) 267-6566.

Dated: February 18, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-4971 Filed 2-24-75;8:45 am]

[License No. 01/01-5273]

MASSACHUSETTS VENTURE CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Massachusetts Venture Capital Corporation (licensee), 141 Milk Street, Boston, Massachusetts 02109, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA) an application for exemption from the provisions of 13 CFR 107.1004 (1974).

Licensee proposes to invest $150,000 in Geneva Printing and Publishing, Inc. (Geneva), a small business concern located in Boston, Massachusetts.

The proposed financing comes within the purview of the cited regulation by virtue of the fact that Mr. Charles T. Grigsby, President of the licensee, is also one-third owner of Lee Grigsby Associates, which owns 90 percent of Geneva's outstanding stock.

Notice is hereby given that any person may, not later than March 12, 1975, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Notice is further given that any time after such date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

A copy of this notice shall be published in a local newspaper in Boston, Massachusetts.

Dated: February 14, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4972 Filed 2-24-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

FEBRUARY 14, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 29079 (Sub-No. 73G) (Partial Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 20, 1975, and republished, as corrected, in part this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 704 Southern Building, 15th & H Streets NW., Washington, D.C. 20005.

NOTE.—The purposes of this republication are to correct the commodity description in (A) to read as follows: *Iron, steel and iron and steel products, dies, and die parts, die models, hand jigs, tools, patterns and templates* when moving in connection with dies; and correct the territorial description in (D) to read as follows: between Anaconda Wire and Cable Company plantsite near LaGrange, Ky. and North American Rockwell Corporation plantsite and warehouse near Winchester, Ky., on the one hand, and, on the other points in Washington and Greene Counties, Pa. and points in West Virginia north of U.S. Highway 40. The rest of the notice remains as originally published.

No. MC 43670 (Sub-No. 6G) (Partial Correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of January 28, 1975, and republished, in part, as corrected, this issue. Applicant: DELCHER BROTHERS STORAGE COMPANY, a corporation, 262 Riverside Avenue, Jacksonville, Fla. 32201. Applicant's representative: Sheldon Silverman, 1819 H Street NW., Washington, D.C. 20006.

NOTE.—The purpose of this republication is to add the following authority omitted in the original publication: (10) between points in California on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and those in the part of Texas east of Interstate Highway 45 from Galveston to Dallas, points east of U.S. Highway 75 from Dallas to the Oklahoma State Boundary line, points in that part of Oklahoma east of U.S. Highway 75 from Texas to the Kansas State Boundary line, points in Kansas east of Interstate Highway 35 from the Oklahoma State Boundary line to Topeka, and east of U.S. Highway 75 from Topeka to the Nebraska State Boundary line, and points in Iowa east of Interstate Highway 35 from Missouri to the Minnesota State Boundary line. The purpose of this filing is to eliminate the gateway at Florida. The rest of the notice remains as previously published.

No. MC 59247 (Sub-No. 6G) (Amendment), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 14, 1974, and republished, in part as amended, this issue. Applicant: LINDEN MOTOR FREIGHT CO., INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: William Biederman, 280 Broadway, New York, N.Y. 10007.

NOTE.—The purpose of this partial republication is to amend the territorial description in (4) to read as follows: Between Philadelphia, Pa. on the one hand, and, on the other, points in New Jersey north of a line between Phillipsburg and Asbury Park, N.J. The rest of the notice remains as previously published.

No. MC 109172 (Sub-No. 11G), filed June 4, 1974. Applicant: NATIONAL TRANSFER, INC., 4100 East Marginal Way South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction materials, and building materials* between points in Washington; on and east of a line extending north and south through the Cascade Tunnel, on the one hand, and, on the other, points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, Oreg., and (2) *commodities the transportation of which because of size* or weight requires the use of special *equipment*, between points in that part of Washington east of the western boundaries of Oklahoma, Chelan, Kittitas, Yakima and Klickitat Counties, Wash., on the one hand, and, on the other, points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg. The purpose of this filing is to eliminate the gateway of Seattle, Wash.

No. MC 113855 (Sub-No. 293G) (Amendment), filed June 4, 1974, published in the FEDERAL REGISTER issue of January 27, 1975, and republished as

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amended, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted in (2) above to commodities transported on trailers, (a) between points in New York, on the one hand, and, on the other, points in Colorado*, Idaho**, Illinois*, Iowa*, Kansas*, Minnesota*, Montana*, North Dakota*, Nebraska*, Nevada**, Oregon**, South Dakota*, Washington**, and Wyoming*, and (b) between points in Connecticut, District of Columbia, Delaware, Indiana, Kentucky, Massachusetts, Maryland, North Carolina, New Jersey, Ohio, Rhode Island, Virginia, and West Virginia, on the one hand, and, on the other, points in Idaho**, Iowa*, Kansas*, Minnesota*, Montana*, North Dakota*, Nebraska*, Nevada**, Oregon**, South Dakota*, Washington**, and Wyoming* (except between points in Ohio and Indiana, on the one hand, and, on the other, points in South Dakota). (Except that the above noted restrictions shall not apply between points in Indiana, on the one hand, and, on the other, points in Montana, North Dakota, Nebraska, and Wyoming, and between points in Ohio, on the one hand, and, on the other, points in Kansas.) The purpose of this filing in I (a) and (b) is to eliminate the gateways at Scranton, Pa.; Elgin, Ill.; Utah and South Dakota.

(c) Between points in Pennsylvania, on the one hand, and, on the other, points in Idaho**, Iowa, Kansas, Minnesota, Montana, North Dakota, Nebraska, Neveda**, Oregon**, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at Elgin, Ill.; points in South Dakota; and Utah. (d) between points in Michigan, on the one hand, and, on the other, points in Idaho**, Minnesota, North Dakota, Nebraska, Oregon**, Washington** and Wyoming and (e) between points in Illinois, on the one hand, and, on the other, points in Idaho**, Iowa, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, and Wyoming. The purpose of this filing in I (d) and (e) is to eliminate the gateways at Davenport, Iowa; South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Utah; Montana; and Wyoming; (f) between points in Iowa, on the one hand, and, on the other, points in Idaho**, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Utah; Montana; and Wyoming. (g) between points in Missouri, on the one hand, and, on the other, points in Connecticut*, District of Columbia*, Delaware*, Idaho**, Massachusetts*, Maryland*, Minnesota, Montana, North Dakota, New Jersey*, New York*, Nevada**, Oregon**, Rhode Island*, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Utah; Montana; and Wyoming. (h) Between points in Wisconsin, on the one hand, and, on the other, points in Idaho**, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, and Wyoming. The purpose of this filing is to eliminate the gateways at South Dakota and points in Minnesota within 50 miles of Sioux Falls, S. Dak.; Montana; Wyoming; and Utah. (i) between points in Minnesota, on the one hand, and, on the other, points in California, Idaho**, Montana, North Dakota, Nevada**, Oregon**, South Dakota, Utah, Washington** and Wyoming. The purpose of this filing is to eliminate the gateways at points in Southern Minnesota, South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Utah; Montana; and Wyoming. (j) between points in South Dakota, on the one hand, and, on the other, points in California, Idaho**, Nevada**, Oregon** and Washington**. The purpose of this filing is to eliminate the gateways at points in Nebraska; Utah; Montana; and Wyoming. (k) between points in Nebraska, on the one hand, and, on the other, points in Idaho**, Illinois, Iowa, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Washington**, Wisconsin and Wyoming. The purpose of this filing is to eliminate the gateways at points in Utah; South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Montana; Wyoming; and Southern Minnesota. (l) between points in North Dakota, on the one hand, and, on the other, points in California**, Idaho**, Montana, Nevada**, Oregon**, Utah, Washington**, and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota; Utah; Montana; and Wyoming.

(m) Between points in Kansas, on the one hand, and, on the other, points in California, Idaho**, Illinois, Iowa, Minnesota, Montana, North Dakota, Nevada**, Oregon**, Utah, Washington**, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; southern Minnesota; Utah; Montana; and Wyoming. (n) between points in Colorado, on the one hand, and, on the other, points in California**, Connecticut*, Delaware*, Idaho**, Illinois, Indiana**, Iowa, Kentucky*, Massachusetts*, Maryland*, Minnesota, Montana, North Carolina*, North Dakota, New Jersey*, Nebraska, Nevada**, Ohio, Oregon**, Pennsylvania, Rhode Island*, Virginia*, West Virginia*, Washington**, Wyoming and the District of Columbia*. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Nebraska; Davenport, Iowa; Elgin, Ill.; Scranton and Allentown, Pa. (o) from points in Idaho, Nevada, Oregon, and Washington, to points in Maine**, Vermont** and New Hampshire**. The purpose of this filing is to eliminate the gateway at points in Utah.

(p) (except such aircraft, aircraft parts, aircraft engines, missiles, missile parts, missile propelling parts, missile engines, self-propelled street sweepers, tension wire stringing equipment, truck concrete mixers, trenching machines, lift trucks, front end shovel loaders, trucks, automobiles, buses, trailers, and machinery and equipment used in the maintenance, servicing, repair and operation of airplanes as may, because of size or weight, require the use of special equipment or special handling), from points in Oregon and Washington, to points in Mississippi** and Tennessee**.

The purpose of this filing is to eliminate the gateway at points in California.

Restrictions: (1) * in I (a) through and including (p) against the transportation of boats and iron and steel articles as applicable. (2) * * in (a) through and including (p) against the transportation of boats, as applicable. (3) Service to and from Illinois in (a), (b), (c), (m) and (n) above is restricted to the following described portion of Illinois: Points on that part of Illinois on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. (4) Service to and from Iowa in (a), (b), (c), and (e) above is restricted to the following described portion of Iowa: Points in that part of Iowa on, west and north of a line beginning on the Iowa-Missouri State Boundary line at or near Lineville, Iowa, on U.S. Highway 65, thence northerly along U.S. Highway 65 to Des Moines, Iowa, thence easterly along U.S. Highway 6 to the Iowa-Illinois State Boundary line at or near Davenport, Iowa.

(5) Service to and from the following portion of Iowa in (k) above is restricted to heavy machinery and other contractor's materials, supplies and equipment which because of size or weight requires the use of special equipment and self-propelled machinery each weighing 15,000 lbs. or more (restricted to commodities which are transported on trailers): Points in that part of Iowa south and west of a line beginning at the Iowa-Illinois State Boundary line at or near Davenport, Iowa, along U.S. Highway 6, thence westerly along U.S. Highway 6 to Des Moines, Iowa, thence north along U.S. Highway 65 to the Iowa-Minnesota State Boundary line north of Northwood, Iowa.

II. *Road construction machinery and equipment*, as described in Appendix VIII to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *lift trunks* in flat bed trailers only, between points in Idaho, Oregon and Washington, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia and South Carolina, restricted to the transportation of so called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association* v. *Rowe Transfer*, 64 M.C.C. 229. The purpose of this filing is to eliminate the gateways at points in the Minneapolis-St. Paul, Minn. Commercial Zone and points within 15 miles thereof.

III. *Road construction machinery and equipment*, as described in Appendix VIII to the Report in *Descriptions in* Motor Carrier Certificates, 61 M.C.C. 209, and *lift trucks* in flat bed trailers only, between points in Minnesota, Montana, North Dakota, South Dakota, Wisconsin and Wyoming on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, South Carolina and Tennessee, restricted to the transportation of so called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association* v. *Rowe Transfer* 64 M.C.C. 229. The purpose of this filing is to eliminate the gateways at points in South Dakota and points in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak.; Minneapolis-St. Paul, Minn. Commercial Zone and points within 15 miles thereof.

IV. *New construction, road-building, earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors* (not including truck-tractors), and *pipelayers* and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, *generators, internal combustion engines, and generators and engines combined* (except aircraft and missile engines), and *accessories, attachments, and parts* of or for the above-specified equipment and machinery, which because of size or weight requires the use of special equipment, and *such of the foregoing commodities* not requiring the use of special equipment which are self-propelled articles weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, from points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Maryland, Minnesota, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and Wisconsin, to points in Arizona. The purpose of this filing is to eliminate the gateways at Allentown and Scranton, Pa.; Elgin, Ill. and Davenport, Iowa.

NOTE.—The purpose of this republication is to amend the authority originally requested.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1977 (Sub-No. E1) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER January 23, 1975. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe, Denver, Colo. 80216. Applicant's representative: Ira E. Neal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Denver, Colo., on the one hand, and, on the other, Salt Lake City, Utah. The purpose of this filing is to eliminate the gateway of Montrose, Colo. The purpose of this correction is to correct the MC number, previously published as No. MC 1197.

No. MC 2368 (Sub-No. E34), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland on and east of Interstate Highway 95 to points in West Virginia on and west of a line beginning at the Kentucky-West Virginia State line and extending along Interstate Highway 64 to junction Interstate Highway 77, thence south along Interstate Highway 77 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E35), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 15, thence along U.S. Highway 15 to North Carolina Highway 87, thence along North Carolina Highway 87 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, to points in West Virginia on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E40), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Delaware, to points in Tennessee (except Memphis), South Carolina, North Carolina on and west of Interstate Highway 95, and West Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding west along U.S. Highway 60 to junction Interstate Highway 64 at Charleston, West Virginia, thence west along Interstate Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E43), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Washington, D.C., to points in North Carolina, South Carolina, Georgia, Kentucky, and West Virginia on and south and west of a line beginning at the West Virginia-Kentucky State line and proceeding east along Interstate Highway 64 to junction Interstate Highway 77, thence along Interstate Highway 77 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E44), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Washington, D.C., to points in Tennessee. The purpose of this filing is to eliminate the gateway of King George County, Virginia.

No. MC 2368 (Sub-No. E45), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as

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a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Tennessee (except Chattanooga), to points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and proceeding north along Interstate Highway 83 to Harrisburg, Pa. to junction Interstate Highway 81, thence north along Interstate Highway 81 to the Pennsylvania-New York State line and the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E46), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Tennessee (except Chattanooga), and points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding west along U.S. Highway 60 at Charleston, W. Va., to junction Interstate Highway 64, thence along Interstate Highway 64 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 2368 (Sub-No. E47), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chicago, Illinois, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, and points in Virginia on and south and east of a line beginning at the Virginia-North Carolina State line and proceeding north along Interstate Highway 85 to Petersburg, Virginia to junction U.S. Highway 1, thence north along U.S. Highway 1 to Fredericksburg, Virginia to junction Virginia Highway 3, thence east along Virginia Highway 3 to its termination at the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E48), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360, to the Virginia Shore of the Chesapeake Bay at Reedville, Virginia to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E49), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in, on, and east and north of a line beginning at the Virginia-Maryland State line and proceeding south along U.S. Highway 15 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in South Carolina on and south of Interstate Highway 26. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E50), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on and north and west of a line beginning at the Virginia-West Virginia State line and proceeding east along Interstate Highway 64 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia State line, on the one hand, and, on the other, points in Virginia on and east and north of a line beginning at the Virginia-North Carolina State line and proceeding north along Interstate Highway 95 to junction U.S. Highway 33, thence east along U.S. Highway 33 to its termination at the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E51), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on and west of Interstate Highway 81, on the one hand, and, on the other, points in Virginia bounded by a line beginning at the Virginia-North Carolina State line and extending north along U.S. Highway 258 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Chesapeake Bay to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of origin, and Northampton and Accomack Counties, Virginia. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E52), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in, on, and south of a line beginning at the Virginia-West Virginia State line and proceeding east along Virginia Highway 311 to junction U.S. Highway 460 at Roanoke, Virginia, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E53), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Ward W. Johnson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on and bounded by a line beginning at the Virginia-North Carolina State line and extending north along U.S. Highway 301 to U.S. Highway 1 at Richmond, Virginia, thence along U.S. Highway 1 to Virginia Highway 3, thence along Virginia Highway 3 to the Chesapeake Bay, thence along the Chesapeake Bay to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to points of origin, to points in West Virginia on and west of a line beginning at the West Virginia on and west of a line beginning at the West Virginia-Kentucky State line and extending east along Interstate Highway 64 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Virginia Highway 12 near Ada, Virginia, thence west along Virginia Highway 12 to junction U.S. Highway 460, thence along U.S. Highway 460 to U.S. Highway 52, thence south along U.S. Highway 52 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Virginia.

No. MC 2368 (Sub-No. E82), filed June 4, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Marshall Dragen, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal*

oils, in bulk, in tank vehicles, from the District of Columbia to points in Louisiana. The purpose of this filing is to eliminate the gateway of Portsmouth, Virginia.

No. MC 2368 (Sub-No. E87), filed June 4, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Virginia 23204. Applicant's representative: Marshall Kragen, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Crozet, Virginia to points in Louisiana and Florida. The purpose of this filing is to eliminate the gateway of Portsmouth, Virginia.

No. MC 14702 (Sub-No. E4), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between points in West Virginia on and east of U.S. Highway 19 beginning at the Pennsylvania-West Virginia State line on U.S. Highway 19, south to junction U.S. Highway 33, thence along U.S. Highway 33 east to junction U.S. Highway 219, thence along U.S. Highway 219 south to Marlington, W. Va. thence along West Virginia Highway 39 southeast to Virginia State line on the one hand, and, on the other, points in Ohio on and north of U.S. Highway 224, beginning at the Pennsylvania-Ohio State line, thence west to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E10), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery and machinery parts* (except commodities in bulk and those requiring special equipment), between points in West Virginia on and south of U.S. Highway 33 from the Ohio-West Virginia State line to the Virginia State line, on the one hand, and, on the other, points in the Pennsylvania Counties of Crawford, Erie, Mercer, and Venango, and Buffalo, N.Y.; between points in Virginia from the West Virginia-Virginia State line on and south of U.S. Highway 33 to junction of Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to Chesapeake Bay, and those points in the Virginia Counties of Accomack, King George, Lancaster, Northampton, Northumberland, Richmond, and Westmoreland, on the one hand, and, on the other, points in the Pennsylvania Counties of Crawford, Erie, Lawrence, Mercer, and Venango, and Buffalo, N.Y.; and between Baltimore, Md., on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 19 south from Erie, Pa., to junction Pennsylvania Highway 158, thence along Pennsylvania Highway 158 to junction Pennsylvania Highway 18, thence along Pennsylvania Highway 18 to New Castle, Pa., to junction U.S. Highway 224, thence along U.S. Highway 224 west to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E11), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery and machinery parts* (except commodities requiring special equipment and commodities in bulk), between all points in West Virginia except those points in the West Virginia Counties of Grant, Hardy, Hampshire, Mineral, and Morgan; points in Virginia located on, south, and west of U.S. Highway 250 beginning at the West Virginia-Virginia State line east to junction of Interstate Highway 81, thence along Interstate Highway 81 south of junction U.S. Highway 60, thence along U.S. Highway 60 south to junction U.S. Highway 29, thence along U.S. Highway 29 south to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina State line, on the one hand, and, on the other, Rochester, N.Y. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E26), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural frame steel, and metals and metal grading, lathe, mesh, panels, and partitions* (except commodities which because of size or weight require the use of special equipment and except commodities in bulk), between Niles, Warren, Girard, McDonald, and Youngstown, Ohio, on the one hand, and, on the other, points in Nebraska and Council Bluffs, Iowa. The purpose of this filing is to eliminate the gateways of Warren, Ohio, and Vienna, W. Va.

No. MC 14702 (Sub-No. E39), filed June 4, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight, requires the use of special equipment and except in bulk), (1) between points in Tennessee located on and between the following routes west of U.S. Highway 25E beginning at the Kentucky-Tennessee State line south to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina State line and east of U.S. Highway 127 beginning at the Kentucky-Tennessee State line, thence south of the Tennessee-Georgia State line, on the one hand, and, on the other, points in New York on, east, and north of New York Highway 14, south from Lake Ontario to junction of U.S. Highway 20, thence along U.S. Highway 20 east to junction New York Highway 7, thence along New York Highway 7 east to the New York-Vermont State line; (2) between points in Tennessee on, east, and south of U.S. Highway 23 from the Virginia-Tennessee State line south to junction U.S. Highway 11W, thence southeast along U.S. Highway 11W to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction Tennessee Highway 32, thence south along Tennessee Highway 32 south to the Tennessee-North Carolina State line, on the one hand, and, on the other, Rochester, N.Y.; (3) between points in Tennessee on and east of U.S. Highway 25E from the Kentucky-Tennessee State line south to junction Tennessee Highway 32, thence along Tennessee Highway 32 to the Tennessee-North Carolina State line, on the one hand, and, on the other, points in New York on, east, and north of New York Highway 18 south from Lake Ontario to Rochester, N.Y., thence along New York Highway 104 east from Rochester, N.Y., to junction New York Highway 38, thence along New York Highway 38 south to junction U.S. Highway 5, thence along U.S. Highway 5 east to junction New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line;

(4) between points in Tennessee on and west of Tennessee Highway 56 south from the Kentucky-Tennessee State line to the Tennessee-Alabama State line and Cookeville, Tenn., on the one hand, and, on the other, points in Massachusetts on and north of U.S. Highway 20 from the New York-Massachusetts State line east to Boston, Mass., and Massachusetts Bay, Maine, New Hampshire, and Vermont; (5) between Chattanooga, Tenn., on the one hand, and, on the other, points in Massachusetts on, north, and west of U.S. Highway 20 from the New York-Massachusetts State line to junction Massachusetts Highway 112, thence along Massachusetts Highway 112 north to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 east to junction U.S. Highway 5, thence along U.S. Highway 5 north to the Massachusetts-Vermont State line, points in Maine, Vermont, and New Hampshire; and (6) between points in Tennessee on and west of Interstate Highway 75, south from the Kentucky-Tennessee State line to Knoxville, Tenn., thence along Tennessee Highway 129 south to the Tennessee-North Carolina

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State line to junction Interstate Highway other, points in Vermont on and north of U.S. Highway 4 from the New York-Vermont State line to the Vermont-New Hampshire State line, points in New Hampshire on and north of U.S. Highway 4 from the Vermont-New Hampshire State line to junction Interstate Highway 89, thence along Interstate Highway 89 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line, points in Maine on and north of New Hampshire 9 from the New Hampshire-Vermont State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of the plant site of the Alcan Aluminum Corp., at or near Fairmont, W. Va., and the plant site of the Alcan Aluminum Corp., at or near Oswego, N.Y.

No. MC 82063 (Sub-No. E2), filed June 4, 1974. Applicant: KLIPSCH HAULING CO., 112 North Fourth Street, St. Louis, Missouri, 63102. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid printers ink*, in bulk, in tank vehicles, from points in the St. Louis, Missouri-East St. Louis, Illinois, Commercial Zone, to points in Kansas, Nebraska, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Oklahoma, Louisiana, Indiana, Ohio, Colorado, North Dakota, South Dakota, Wyoming, those points in Texas on and south of a line beginning at the Oklahoma-Texas State line, thence Texas Highway 83 to junction U.S. Highway 70, thence U.S. Highway 84 to the Texas-New Mexico State line; those points in Alabama on and south of a line beginning at the Mississippi-Alabama State line, and extending along Alabama Highway 56 to junction U.S. Highway 43, U.S. Highway 43 to junction Interstate Highway 65, Interstate Highway 65 to junction Alabama Highway 21, Alabama Highway 21 to the Alabama-Florida State line, those points in Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along Mississippi Highway 8 to junction U.S. Highway 61, U.S. Highway 61 to junction Mississippi Highway 12, Mississippi Highway 12 to junction U.S. Highway 49, U.S. Highway 49 to junction Interstate Highway 20, Interstate Highway 20 to junction Mississippi Highway 18, Mississippi Highway 18 to junction Mississippi Highway 15, Mississippi Highway 15 to junction to U.S. Highway 84, U.S. Highway 84 to junction U.S. Highway 45, and U.S. Highway 45 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of the facilities of General Printing Ink Corp., at or near Overland, Missouri, at North Kansas City, Missouri, and at Pine Bluff, Arkansas.

No. MC 83539 (Sub-No. E15), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and *parts* of such commodities when moving in connection therewith (except aircraft and missiles, and parts thereof), between points in that part of Indiana in and north of Posey, Vanderburgh, Gibson, Pike, Daviess, Greene, Monroe, Brown, Bartholomew, Decatur, and Franklin Counties, Ind., on the one hand, and, on the other, points in that part of South Carolina in, south, and east of York, Chester, Fairfield, Newberry, Saluda, and Edgefield, S.C. (points in Kentucky, Tennessee, North Carolina, and Georgia)*; (2) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (restricted against the transportation of steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks, and self-propelled building construction and moving machinery, from Benton Harbor, Mich., to points in Montana, North Dakota, South Dakota, and Wyoming)*, between points in Delaware, on the one hand, and, on the other, points in that part of Colorado in and west of Logan, Washington, Lincoln, Crowley, Otero, and Los Animas, Colo. (points in Wyoming and Pennsylvania)*; and (3) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, or handling, and *parts* thereof when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special equipment, between points in that part of Alabama on and north of U.S. Highway 80, on the one hand, and, on the other, points in that part of New Jersey in and north of Gloucester and Atlantic Counties, N.J. (points in Tennessee, Virginia, and Pennsylvania)*.

The operations authorized in (1) and (3) above are restricted against the stringing and/or picking up of pipe in connection with the construction and dismantling of main or trunk pipelines between points in Louisiana, Mississippi, and North Carolina. The operations authorized in (1) and (2) above are restricted against the stringing or picking up of pipe along pipelines. The operations authorized in (1) above are restricted against the transportation of heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, between points in Illinois, on the one hand, and, on the other, points in Mississippi, Louisiana, and that part of Arkansas on U.S. Highway 61. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 83539 (Sub-No. E18), filed May 31, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in that part of West Virginia in and north of Cabell, Putnam, Kanawha, Clay, Nicholas, Webster, Randolph, and Pemdleton Counties, W. Va., on the one hand, and, on the other, points in that part of Alabama in and north of Sumter, Marengo, Dallas, Autauga, Elmore, Tallapoosa, and Lee Counties, Ala. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 83539 (Sub-No. E64), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Rhode Island, on the one hand, and, on the other, points in that part of New Hampshire west and north of U.S. Highway 125. The purpose of this filing is to eliminate the gateway of Worcester, Mass., and points within 25 miles of Worcester.

No. MC 83539 (Sub-No. E65), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers); (a) between points in Idaho, on the one hand, and, on the other, points in North Carolina (points in Nebraska, Kansas, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (b) between points in Idaho, on the one hand, and, on the other, points in Virginia (points in Utah and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (c) between points in Iowa, on the one hand, and, on the other, points in Washington (points in Montana and South Dakota)*; and (d) between points in Michigan, on the one hand, and, on the other, points in Washington (points in Montana)*; and (II) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, parts, tools, and supplies moving in connection therewith (restricted to commodities which are transported on trailers); (a) between points in Mississippi, on the one hand, and, on the other, points in Virginia (points in Tennessee)*; (b) between points in Nebraska, on the one hand, and, on the other, points in North Dakota (points in South Dakota)*; and (c) between points

in Nebraska, on the one hand, and, on the other, points in Texas (points in Kansas)*. The operations authorized in (I)(a) and (c) and (II)(b) and (c) above are restricted against the transportation of any shipment which (a) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Iowa, Kansas, or Missouri, or (2) originates at any point in Iowa, Kansas, or Missouri and which is destined to St. Louis or Kansas City, Mo. The purpose of this filing is to eliminate the gateways, indicated by asterisks above.

No. MC 106920 (Sub-No. E5) (correction), filed June 4, 1974, published in the FEDERAL REGISTER, January 30, 1975. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 420, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk*, processed or unprocessed, from points in Missouri to points in Indiana on and east of a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 69 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio. The purpose of this correction is to clarify the territorial description.

No. MC 106920 (Sub-No. E13), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk*, processed and unprocessed, from points in Minnesota to points in Pennsylvania, North Carolina, South Carolina, Maryland, Massachusetts, New York, Delaware, Connecticut, Rhode Island, West Virginia, Virginia, New Jersey, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E16), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLanchlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products*, as classified under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, from Elmira, N.Y., to those points in Florida south of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 90 to junction Florida Highway 247, thence along Florida Highway 247 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 75, thence along Florida Highway 247 junction Interstate Highway 4, thence along Interstate Highway 4 to junction U.S. Highway 92, thence along U.S. Highway 92 to junction Florida Highway 542, thence along Florida Highway 542 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E31), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., 805 McLachlen Bank Bldg., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream, and buttermilk* (except concentrated whole milk and concentrated skim milk), in bulk, in tank vehicles, from points in Wisconsin north of a line beginning at the Minnesota-Wisconsin State line and extending along Wisconsin Highway 35 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Lake Michigan, to points in Mississippi east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E46), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, except sweet cream and milk, processed and unprocessed, from points in Arkansas, west of a line beginning at the Arkansas-Texas State line and extending along U.S. Highway 67 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas Highway 125, thence along Arkansas Highway 125 to the Arkansas-Missouri State line to points in West Virginia (except points in West Virginia on and north of U.S. Highway 50). The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E73), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from points in the Upper Peninsula of Michigan on and east of a line beginning at Lake Superior and extending along U.S. Highway 41 to junction U.S. Highway 2, thence along U.S. Highway 2 to Thompson, Mich., to points in Mississippi. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E105), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 27, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 49 M.C.C. 628, from points in Missouri on and north of a line beginning at the Illinois-Missouri State line and extending along Missouri Highway 51 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 21, thence along Missouri Highway 21 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107403 (Sub-No. E468) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER, January 29, 1975. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except fly ash) in bulk, in vehicles specially designed for the transportation of dry bulk commodities, from points in Ohio within 150 miles of Monongahela, Pa., to points in Indiana, Michigan, Kentucky, those

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points in Pennsylvania east of U.S. Highway 220 which are not within 150 miles of Monongahela, Pa., and those points in West Virginia which are not within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of those points in the counties of Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne, Ohio, which are within 150 miles of Monongahela, Pa. The purpose of this correction is to clarify the origin and destination descriptions.

No. MC 107515 (Sub-No. E34), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Luling, Tex., to points in Connecticut, Delaware, Massachusetts, New Jersey, Maryland, and the District of Columbia; points in Virginia on and east of U.S. Highway 15; points in Pennsylvania on and east of U.S. Highway 219; and points in New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 110525 (Sub-No. E310) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 7, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in Massachusetts to points in Florida. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Greensboro, N.C. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E391) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 5, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petro-chemicals and derivatives of coal tar), in bulk, in tank vehicles, from points in New Jersey to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Ironton, Ohio. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E392) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 5, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Louisiana. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E395) (Correction) filed May 8, 1974, published in the FEDERAL REGISTER, June 5, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Mississippi. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E420) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER, June 10, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of petroleum or bituminous products), in bulk, in tank vehicles, from points in New York to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to correct the exception.

No. MC 110525 (Sub-No. E516), (Correction), filed May 20, 1974, published in the FEDERAL REGISTER, August 13, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in Connecticut, restricted against the transportation of liquid latex from Akron, Ohio. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y. The purpose of this correction is to correct the restriction.

No. MC 110525 (Sub-No. E1240) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, December 2, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Coal tar products*, (1) from the District of Columbia and points in Delaware and Maryland to points in Connecticut, that part of New Jersey on and north of New Jersey Highway 70, and points in the New York, N.Y., Commercial Zone, as defined in the New York, N.Y., Commercial Zone, 1 M.C.C. 665. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include a portion in (C) (1) above which was omitted in the previous publication. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E351), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, fibre board, wallboard, pulpboard, and strawboard, tin roofing caps, roofing cement, metal clamps, roof coating, creosote, metal fasteners, building or roofing felts, asbestos or felt paper roofing material, nails, asphaltum and coal tar paint, building and roofing paper, roofing pitch, composition roofing, asphalt siding, shingles, sheathing*, and *tin straps*, from Lockland, Ohio, to Baltimore, Md., and those points in Maryland east of the Intercoastal Waterway and points in Delaware, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Sunbury, Pa.

No. MC 114019 (Sub-No. E352), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from points in Hancock County, W. Va., to those points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 164, thence along Illinois Highway 164 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateways of Lansing, Ohio, and St. Marys, W. Va.

No. MC 114019 (Sub-No. E400), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products as described* in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Des Moines, Iowa, to those points in Pennsylvania north and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 219, thence

U.S. Highway 219 to the Pennsylvania-Maryland State line, West Virginia, those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 20 to junction Ohio Highway 120, then U.S. Highway 40 to the West Virginia-Ohio State line, and Columbus, Mansfield, Massillon, Akron, Canton, Wooster, Ashland, Galion, Lima, Findlay, Toledo, Sandusky, Lorain, Elyria, Aven, Cleveland, Marion, and Bryan, Ohio. The purpose of this filing is to eliminate the gateway of Definance, Ohio.

No. MC 114019 (Snb-No. E401), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60609. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery business houses, from Cincinnati, Ohio to points in that part of Illinois on and south of U.S. Highway 40. The purpose of this filing is to elliminate the gateway of Jeffersonville, Ind.

No. MC 114211 (Sub-No. E634), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment*, and *supplies*, each weighing 15,000 pounds or more and *related machinery tools, parts* and *supplies* moving in connection therewith, between points in that part of Illinois on, south, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E635), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories*, and *attachments*, between Springfield, Illinois, on the one hand, and, on the other, points in Washington, Oregon, Nevada, Idaho, Montana, North Dakota, and South Dakota. Also portions of California, Utah, Wyoming, Minnesota, points in that part of California, on and north of a line beginning at the California-Arizona State line extending along Interstate Highway 10 Highway 74, thence along California Highway 74, to junction California Highway 74, thence along California Highway 74, to junction California Highway 71, thence along California Highway 71, to junction California Highway 79, thence along California Highway 79 to junction Interstate Highway 8, thence along Interstate Highway 8 to San Diego, California points in that part of Utah on and west of a line beginning at the Wyoming-Utah State line extending along U.S. Highway 189 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Arizona-Utah State line, points in that part of Wyoming on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 25 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Utah-Wyoming State line, and points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to the United States-Canada Boundary line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak., and points in Iowa.

No. MC 114211 (Sub-No. E636), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from McAllen, Tex., to points in Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, and to points in that part of Maryland on and north of a line beginning at the Maryland-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 219, thence along U.S. Highway 219, to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and points, in Kansas.

No. MC 114211 (Sub-No. E639), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* therefore when moving incidental to and in the same vehicle with said commodities (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459) from Lincoln, Nebr., to points in Florida, Louisiana, and to points in that part of North Carolina on and south of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 74, to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70 to Cherry Point, to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 123 to junction U.S. Highway 29, thence along U.S. Highway 29 to the South Carolina-North Carolina State line, to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along Georgia Highway 48 to junction U.S. Highway 27, thence along U.S. Highway 27, to junction Georgia Highway 140, thence along Georgia Highway 140, to junction U.S. Highway 411, thence along U.S. Highway 411, to junction U.S. Highway 76, thence along U.S. Highway 76 to the Georgia-South Carolina State line, to points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 72 to junction Alabama Highway 117.

Thence along Alabama Highway 117 to the Alabama-Georgia State line, to points in that part of Mississippi on and south of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 72 to the Mississippi-Alabama State line, to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line extending along Interstate Highway 40 to the Arkansas-Tennessee State line, to points in that part of Oklahoma on, east and south of a line beginning at the Texas State line extending along H. E. Bailey Turnpike to junction Oklahoma Highway 7, thence along Oklahoma Highway 7, to junction Oklahoma Highway 1, thence along Oklahoma Highway 1, to junction Oklahoma Highway 99, thence along Oklahoma Highway 99, to junction Interstate Highway 44, thence along Interstate Highway 44, to junction Muskogee Turnpike, thence along Muskogee Turnpike to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line, to points in that part of New Mexico on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 62-180 to the New Mexico-Texas State line, and to points in that part of Tennessee on and south of a line beginning at the Arkansas-Tennessee State line extending along Interstate Highway 40 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Tennessee-Mississippi State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr. and Claremore, Okla.

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No. MC 114211 (Sub-No. E640), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm commodities and farm machinery*, between Baxter Springs, Kans., on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Nebraska-Iowa State line extending along Iowa Highway 183 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 31, thence along Iowa Highway 31 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E641), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Clay Center, Kans., to points in Minnesota, Wisconsin, Illinois, Indiana, Ohio, and to points in that part of Missouri on and north of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 275 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line to points in that part of Texas on and south of a line beginning at the Louisiana-Texas State line extending along Interstate Highway 20 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 180, thence along U.S. Highway 180 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E756), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *implements*, from Madison, S. Dak., to points in Texas, and to points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 36 to the Indiana-Ohio State line, to points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line, to points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line, and to points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, restricted against commodities, the transportation of which, because of size or weight, require the use of special equipment or special handling, and restricted against movement of oil field movements. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E758), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicants representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with farm tractors, *parts thereof* in mixed loads with such commodities, from Valley, Nebr., to points in Washington; to points in that part of Oregon on and north of a line beginning at the Oregon-Washington State line extending along Oregon Highway 11 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 74, thence along Oregon Highway 74 to junction Oregon Highway 206, thence along Oregon Highway 206 to junction Oregon Highway 19, thence along Oregon Highway 19 to junction Oregon Highway 218, thence along Oregon Highway 218 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Oregon Highway 242, thence along Oregon Highway 242 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 199, thence along U.S. Highway 199 to the Oregon-California State line; to points in that part of Idaho on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 12 west to the Idaho-Washington State line; to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line; to points in that part of North Dakota on and north of a line beginning at the North Dakota-Minnesota State line extending along Interstate Highway 94 to the North Dakota-Montana State line; and to points in that part of Minnesota on and north of a line beginning at the Minnesota-North Dakota State line extending along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 north to the United States-Canada International Boundary line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nassau, Minn., Fargo, N. Dak., and points in South Dakota.

No. MC 114211 (Sub-No. E759), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between Perry, Okla., on the one hand, and, on the other, points in Colorado, South Dakota, Nebraska, Minnesota, Iowa, and Illinois. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E760), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments, between Durant, Okla., on the one hand, and, on the other, points in Minnesota, South Dakota, North Dakota, Washington, Montana; points in that part of Oregon on and north of a line beginning at the Idaho-Oregon State line extending along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 140, thence along Oregon Highway 140 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line; points in that part of Idaho on and north of a line beginning at the Wyoming-Idaho State line extending along U.S. Highway 20 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Idaho Highway 41, thence along Idaho Highway 41 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Idaho Highway 324, thence along Idaho Highway 324 to junction Idaho Highway 28, thence along Idaho Highway 28 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Idaho-Oregon State line; points in that part of Wyoming on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line; and points in that part of Wisconsin on and north of a line beginning at Sheboygan, Wis., extending along Wisconsin Highway 23 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to junction Wisconsin Highway 71, thence along Wisconsin Highway 71 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of points in Kansas and Canton, S. Dak.

No. MC 114211 (Sub-No. E761), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* (designed for use in conjunction with farm tractors), and *parts* in mixed loads with such commodities, from Madison, S. Dak., to points in Washington, Oregon, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, District of Columbia; to points in that part of California on and northwest of a line beginning at San Diego, Calif., extending along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction U.S. Highway 50, thence along U.S. Highway 50 to the California-Nevada State line; to points in that part of Nevada on and west of a line beginning at the California-Nevada State line extending along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.H. Highway 95, thence along U.S. Highway 95 to the Nevada-Oregon State line; to points in that part of Idaho on and northwest of a line beginning at the Oregon-Idaho State line extending along U.S. Highway 95 to junction Idaho Highway 55, thence along Idaho Highway 55 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction Interstate Highway 15, thence along Interstate Highway 15 to the Idaho-Montana State line; to points in that part of Montana on the northwest of a line beginning at the Idaho-Montana State line extending along Montana Highway 43 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Interstate Highway 94, thence along Interstate Highway 94 to the Montana-North Dakota State line; to points in that part of North Dakota on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 94 to junction U.S. Highway 83.

Thence along U.S. Highway 83 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line; to points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 169, thence along Minnesota Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 61, thence along U.S. Highway 61 to the United States-Canada International Boundary line; to points in that part of Michigan on and north of a line beginning at the Lake Michigan extending along U.S. Highway 31 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction Interstate Highway 75 Temp., thence along Interstate Highway 75 Temp. to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to junction Michigan Highway 142, thence along Michigan Highway 142 to Lake Huron; to points in that part of New York on and east of a line beginning at the Lake Erie, extending along Interstate Highway 20 to junction New York Highway 249, thence along New York Highway 249 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line.

To points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 220 to the Maryland-West Virginia State line; to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 220 to the Virginia-North Carolina State line; to points in that part of West Virginia on and east of a line beginning at the Maryland-West Virginia State line extending along U.S. Highway 220 to the West Virginia-Virginia State line; to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 220 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line; to points in that part of South Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 221 to the South Carolina-Georgia State line; to points in that part of Georgia on and east of a line beginning at the South Carolina-Georgia State line extending along U.S. Highway 221 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Georgia-Florida State line; and to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line extending along U.S. Highway 221 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 361, thence along Florida Highway 361 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and Fargo, N. Dak.

No. MC 114211 (Sub-No. E762), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Valley, Nebr., to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 25 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 95, thence along Wisconsin Highway 95 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 141, thence along U.S. Highway 141 to Manitowoc, Wis., restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., Council Bluffs, Iowa, and Minneapolis, Minn.

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No. MC 114211 (Sub-No. E763), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Road building equipment (except commodities which because of size or weight, require the use of special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, from Madison, S. Dak., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina; to points in that part of North Carolina on and south of a line beginning at Beaufort, N.C., extending along U.S. Highway 70 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 27, thence along North Carolina Highway 27 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 70, thence along U.S. Highway 70 west to the North Carolina-Tennessee State line; to points in that part of Tennessee on and south of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 70 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the Tennessee-Missouri State line; and to points in that part of Oklahoma on and southeast of a line beginning at the Oklahoma-Missouri State line extending along U.S. Highway 66 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E764), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Springfield, Mo., to points in North Dakota, South Dakota, Minnesota; and to points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along Wisconsin Highway 27 to junction Wisconsin Highway 171, thence along Wisconsin Highway 171 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Wisconsin Highway 173 thence along Wisconsin Highway 173 to junction Wisconsin Highway 54, thence along Wisconson Highway 54 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 66, thence along Wisconsin Highway 66 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to Marinette, Wis. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E765), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from Lincoln, Nebraska, to points in Wisconsin, and to points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Minnesota Highway 92, thence along Minnesota Highway 92 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada boundary line, to points in that part of Illinois on and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line, to points in that part of Indiana on and east of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 64 to junction U.S. Highway 41, thence along Indiana Highway 41 to junction Indiana Highway 68, thence along Indiana Highway 68, to junction Indiana Highway 61, thence along Indiana Highway 61 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E766), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: KENNETH R. NELSON (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Lincoln, Nebraska, to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Pennsylvania, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E767), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Independence, Mo., to points in North Dakota, Minnesota; to points in that part of South Dakota on and north of a line beginning at the Minnesota-South Dakota State line extending along Interstate Highway 90 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction South Dakota Highway 87, thence along South Dakota Highway 87 to the South Dakota-Nebraska State line; and to points in that part of Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 18 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 11, thence along Wisconsin Highway 11 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Des Moines and Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E768), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which because of size or weight, requires the use of special equipment, and except commodities described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459), from Great Bend, Kans., to points in Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, District of Columbia, Kentucky, New Jersey; to points in that part of Oklahoma on, south, and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line; and to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line extending along Arkansas Highway 68 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 101, thence along Highway 101 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Claremore, Okla., and Beatrice, Nebr.

No. MC 114211 (Sub-No. E769), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts thereof* when moving in mixed loads with agricultural implements (except commodities the transportation of which because of size or weight require the use of special equipment), from Lincoln, Nebr., to points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 60 to junction Texas Highway 86, thence along Texas Highway 86 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 east to the Texas-Oklahoma State line (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso). The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Tulsa, Okla.

No. MC 114211 (Sub-No. E770), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, the transportation of which, because of size or weight, requires special equipment, from Springfield, Missouri, to points in North Dakota, and to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along Wisconsin Highway 25 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, to points in that part of South Dakota on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 212 to the South Dakota-Minnesota State line, to points in that part of Montana on and north of a line beginning at the Montana-Idaho State line extending along Montana Highway 324 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Montana Highway 41, thence along Montana Highway 41 to junction U.S. Highway 10.

Thence along U.S. Highway 10 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line, to points in that part of Idaho on and north of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 28, thence along Idaho Highway 28 to junction Idaho Highway 324, thence along Idaho Highway 324 to the Idaho-Montana State line, to points in that part of Washington on and northwest of a line beginning at the Washington-Oregon State line extending along Washington State Highway 11 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho State line, and to points in that part of Oregon on and northwest of a line beginning at the Oregon-California State line extending along U.S. Highway 199 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, then along Oregon Highway 126 to junction Oregon State Highway 242, thence along Oregon State Highway 242 to junction Oregon Highway 126, thence along Oregon State Highway 126 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Highway 11, thence along Oregon State Highway 11 to the Oregon-Washington State line. The purpose of this filing is to eliminate the gateway of points in Iowa and Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E771), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Great Bend, Kansas, to points in Minnesota, Wisconsin, Indiana, Michigan, Ohio, and to points in that part of Illinois on, north and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 127, thence along Illinois Highway 127 to the Illinois-Kentucky State line, and to points in that part of Missouri on and north of a line beginning at the Iowa-Missouri State line extending along Missouri Highway 13 to junction Missouri Highway 6, thence along Missouri Highway 6, to junction U.S. Highway 65, thence along U.S. Highway 65, to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebraska.

No. MC 114211 (Sub-No. E775), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Lincoln, Nebr., on the one hand, and, on the other, points in North Dakota; points in that part of Minnesota on and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 68, thence along Minnesota Highway 68 to the Minnesota-South Dakota State line; and points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line extending along Illinois Highway 127 to junction Illinois Highway 16, thence along Highway 16 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E776), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except in each instance, commodities which because of size or weight, require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Grandview, Mo., to points in Florida, Louisiana, Arizona, California; to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along Alabama Highway 10 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction County Highway 70, thence along County Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Georgia State line; to points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line extending along U.S. Highway 82 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Mississippi Highway 19, thence along Mississippi Highway 19 to the Mississippi-Alabama State line; to points in that part of Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Arkansas

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Highway 24, thence along Arkansas Highway 24 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line.

To points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 144, thence along Oklahoma Highway 144 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line; to points in that part of New Mexico on and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 66 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Arizona State line; and to points in that part of Nevada on and south of a line beginning at the Nevada-Utah State line extending along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateways of Martin City, Mo., and Claremore, Okla.

No. MC 114211 (Sub-No. E777), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which because of size or weight, requires the use of special equipment), from Baxter Springs, Kans., to points in Texas (except Dallas, Ft. Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E778), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between Independence, Mo., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Martin City, Mo.

No. MC 114211 (Sub-No. E779), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Farm machinery and parts thereof, from Lincoln, Nebr., to points in Wisconsin, Michigan, Ohio, Indiana, Illinois; Illinois to points in that part of Missouri on, south, and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction Missouri Highway 139, thence along Missouri Highway 139 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Iowa-Missouri State line; and to points in that part of Minnesota on and north of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5004 Filed 2-24-75;8:45 am]

[Notice No. 705]

ASSIGNMENT OF HEARINGS

FEBRUARY 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 25, 1975.

MC 138276 Sub 2, J & G Transport Ltd., now assigned February 19, 1975 at Olympia, Wash., is postponed indefinitely.

MC-F-12194, F-B Truck Line Company—Purchase—Dalzell Corporation and MC 125433 Sub 50, F-B Truck Line Company, now assigned February 24, 1975, at San Francisco, Calif., is cancelled and application dismissed.

MC-F-12187, Hunt Transportation, Inc.—Investigation of control—Jack's Machinery Transportation Corporation, now assigned February 27, 1975 at Omaha, Nebr., is cancelled.

MC 126266 Sub 8, Dudley Boat & Trailer Transportation, Inc., Extension—Oregon and Washington, now assigned March 3, 1975, at Olympia, Washington is transferred to Room 2586, Federal Building, 915 2nd Ave., Seattle, Wash., same date.

MC 56640 Sub 32, Delta Lines, Inc., now assigned March 3, 1975, at Carson City, Nevada, is postponed to April 14, 1975 (2 wk) at Carson City, Nevada, in a hearing room to be later designated.

MC 95084 Sub 106, Hove Truck Line, now assigned April 4, 1975, at Omaha, Nebr., is postponed indefinitely.

MC 1263 Sub 18, McCarty Truck Line, Inc., now assigned March 10, 1975 at Lincoln, Nebr. is postponed to April 7, 1975, at Lincoln, Nebr., in a hearing room to be later designated.

MC 110683 Sub 99, Smith's Transfer Corporation, now being assigned April 21, 1975 (1 wk), at Indianapolis, Ind., in a hearing room to be designated later.

MC 44735 Sub 13, Klasick Truck Line, Inc., continued hearing now assigned March 19, 1975, at Kansas City, Mo. is postponed to March 20, 1975, at Kansas City, Mo. in Room 609, Federal Building, 911 Walnut St.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 75-4999 Filed 2-24-75;8:45 am]

[Notice No. 238]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 25, 1975.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 27, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75322. By order entered 2.14.75 Division 3, acting as an Appellate Division, approved the transfer to National Mehl Tours, Inc., Springfield, Ill., of License No. MC-12543, issued by the Commission September 9, 1969, to Travel Systems International, Ltd., doing business as Vanderbilt Better Tours, Oak Brook, Ill., authorizing operations at Chicago, Ill., as a broker in connection with the transportation by motor vehicle of passengers and their baggage between all points in the United States (except Alaska and Hawaii). Harold M. Olsen, 712 South Second St., Springfield, Ill. 62704, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5001 Filed 2-24-75;8:45 am]

[Notice No. 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 14, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4587 (Sub-No. 15TA), filed February 10, 1975. Applicant: BURGESS & COOK, INC., P.O. Box 458, 21 N. 2nd Street, Fernandina Beach, Fla. 32034. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethelene* and *Polystyrene Plastic Products* (except in bulk), from the warehouse facilities utilized by Mobil Chemical Company Plastics Division, at or near Conyers, Ga., to points in Florida, for 180 days. Supporting shipper: Mobil Chemical Company, Plastics Division, P.O. Box 71, Covington, Ga. 30209. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC-38227 (Sub-No. 8TA), filed February 7, 1975. Applicant: CRUTCHER TRANSFER LINE, INC., 600 Marrett Avenue, Louisville, Ky. 40208. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Campbellsville, Ky., and its commercial zone, and Louisville, Ky., serving no intermediate points, via Campbellsville over U.S. Highway 68 to Greensburg; thence over Ky. Highway 61 to Elizabethtown, Ky.; thence over I-65 to Louisville, Ky., for 180 days. Supporting shippers: G. W. Hugues, Purchasing Manager, USM Corporation, Parker-Kalon Division, Roberts Road, Campbellsville, Ky. 42718. Richard E. Ogden, Traffic Manager, Ingersoll-Rand Company, Campbellsville, Ky. 42718. W. P. Compton, Assistant Traffic Manager, Union Underwear Company, Inc., Campbellsville, Ky. 42718. Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 52574 (Sub-No. 49TA), filed February 10, 1975. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from East Hartford, Conn., to Edison, N.J., for 180 days. Supporting shipper: Gourmet Bakers, Inc., P.O. Box B, Edison, N.J. 08817. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 107496 (Sub-No. 989TA), filed January 30, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (in bulk, in tank vehicles), from Omaha, Nebr., to points in Indiana and Illinois, for 180 days. Supporting shipper: Stauffer Chemical Co., Westport, Conn. 06880. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109708 (Sub-No. 60TA), filed February 4, 1975. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., P.O. Box 966, State Highway 70, East Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, 17th Floor, CNA Bldg., P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus products* (in bulk, in tank vehicles), from points in Florida to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississppi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, South Dakota, North Dakota, Nebraska, and California; (2) *Alcoholic beverages* (in bulk, in tank vehicles), from Miami and Ft. Pierce, Fla., to points in California, there is no environmental impact involved in this application, for 180 days. Supporting shippers: Hiram Walker & Sons, Inc., Foot of Eduumd Street, Peoria, Ill. 61601. Sun-Pac Foods, Inc., P.O. Drawer T, Longwood, Fla. 32750. Indian River Processors, Inc., P.O. Box 1297, Vero Beach, Fla. 32960. Alcoma Packing Company, Inc., P.O. Box 231, Lake Wales, Fla. 33853. Caulkins Indiantown Citrus Co., P.O. Box 458, Indiantown, Fla., 33456. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, BOP Palm Coast II Bldg., Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 109708 (Sub-No. 61TA), filed February 10, 1975. Applicant: INDIAN RIVER TRANSPORT CO., doing business as P.O. Box 966, State Highway 70, East at West 14th Street, Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, 17th Floor, CNA Bldg., P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, (in bulk, in tank vehicles), from Ft. Pierce and Miami, Fla., to Burlingame, Calif., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., Foot of Edmund Street, Peoria, Ill., 61601. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Bldg., Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 112520 (Sub-No. 297) (Correction), filed January 27, 1975, published in the FEDERAL REGISTER issue of February 12, 1975, and republished as corrected this issue. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Opelika, Ala., to points in North Carolina, for 180 days. Supporting shipper: Reliance Gas Corporation, P.O. Box 42, Columbus, Ga. 31902. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West

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Bay Street, Jacksonville, Fla. 32202. The purpose of this republication is to add the Sub number.

No. MC 117574 (Sub-No. 259TA), filed February 7, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cranes, crane attachments and accessories, and parts of such commodities, and, materials and supplies used in the construction thereof*, between the plant and warehouse facilities of the Grove Manufacturing Co., Division of Walter Kidde, in Horry County, S.C., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Grove Manufacturing Company, P.O. Box 21, Shady Grove, Pa. 17256. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 71708.

No. MC 117574 (Sub-No. 263TA), filed February 11, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Diamond International Corp., Passadumkeag, Maine, to points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Diamond International Corporation, 733 Third Avenue, New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 123544 (Sub-No. 7TA), filed February 10, 1975. Applicant: BERTSCH TRUCKING, INC., Hillsboro, N. Dak. 58045. Applicant's representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements and parts thereof*, from ports of entry on the United States-Canada boundary line at or near Neche and Pembina, N. Dak., and Noyes, Minn., to points in Mississippi, for 180 days. Supporting Shipper: Versatile Manufacturing, Ltd., 1260 Clarence, Winnipeg, Manitoba, Canada. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 129034 (Sub-No. 8TA), filed February 3, 1975. Applicant: LOOMIS COURIER SERVICE, INC. 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: John L. Glovka, 808 Burlway Road, Burlingame, Calif. 94010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters, commercial documents, business records, accounting and audit media and data processing media*, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in Barron, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, La Crosse, Pepin, Pierce, Polk, St. Croix, Trempealeau, and Washburn Counties, Wis., under contract with Banks or Banking Institutions, for 180 days. Supporting shippers: Federal Reserve Bank of Minneapolis, 250 Marquette Avenue, Minneapolis, Minn. 55480. First Computer Corporation, P.O. Box 3603, St. Paul, Minn. 55165. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 133646 (Sub-No. 16TA) (Correction), filed January 22, 1975, published in the FEDERAL REGISTER issue of February 12, 1975, and republished as corrected this issue. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., P.O. Box 404, Billings, Mont. 59103. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar beet pellets* (in bulk), from Minn-Dak Farmers Cooperative at or near Wahpeton, N. Dak., and the Red River Valley Cooperative, Inc., at or near Hillsboro, N. Dak., to Minneapolis, Minn., and points within its Commercial Zone, for 180 days. Supporting shippers: Minn-Dak Farmers Cooperative, Wahpeton, N. Dak. 58075. The Red River Valley Cooperative, Inc., Box 43, Hillsboro, N. Dak. 58045. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

NOTE.—The purpose of this republication is to add the destination points, which was omitted in the previous publication.

No. MC 133922 (Sub-No. 9TA), filed February 10, 1975. Applicant: WILLIAM H. NAGEL, doing business as JENKINS AND NAGEL TRUCKING CO., Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soya flour and soya flour products*, from Remington, Ind., to points in the United States (except Alaska and Hawaii), restricted to a contract or continuing contract with Griffith Food Products, for 180 days. Supporting shipper: Griffith Laboratories, Inc., doing business as Griffith Food Products, 1415 W. 37th Street, Chicago, Ill. 60609. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 134319 (Sub-No. 5TA), filed January 31, 1975. Applicant: BRAFLADT TRANSPORT COMPANY, 501 North Broadway, P.O. Box 1065, Dimmitt, Tex. 79027. Applicant's representative: John C. Sims, 1607 Broadway, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* using tank type vehicles, from the plantsite and storage facilities of Beker Industries Corporation, at or near Carlsbad, N. Mex., to points in Texas, Arizona, Oklahoma, Colorado, California, and Louisiana (restricted to those movements originating at the plantsite of Beker Industries Corporation, at or near Carlsbad, N. Mex.), for 180 days. Supporting shipper: Beker Industries Corporation, 124 West Putnam Avenue, Greenwich, Conn. 06830. Send Protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135364 (Sub-No. 22TA), filed February 6, 1975. Applicant: MORWALL TRUCKING, INC., R.D. No. 3—Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18444. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Jessup, Pa., to Los Angeles and Richmond, Calif., Denver, Colo., Atlanta, Ga., Chicago, Ill., Indianapolis, Ind., Boston, Mass., Detroit, Mich., Minneapolis, Minn., St. Louis, Mo., Nashua, N.H., Metuchen, N.J., New York City, and New York Piers and Wharves, N.Y., Sparks, Nev. Cincinnati, Cleveland, Columbus, and Dayton, Ohio; Charleston, S.C., Memphis, Tenn., Corpus Christi, Dallas, Fort Worth, Houston, and Waco, Tex., *and materials, supplies, and equipment used in the manufacture and distribution of printed matter*, from Plainfield, N.J., and points in Massachusetts, Michigan, Maine, New Hampshire, and New York, to Jessup, Pa., for 180 days. Supporting shipper: Eureka Security Printing Company, Inc., 101 Church Street, Jessup, Pa., 18434. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 136678 (Sub-No. 1TA), filed February 10, 1975. Applicant: ALABAMA-TENNESSEE EXPRESS, INC., 440 Finley Avenue, West, Birmingham, Ala. 35204. Applicant's representative: Robert S. Richard, 57 Adams Avenue, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Chattanooga, Tenn., and its commercial zone and Birmingham, Ala., and its commercial zone, over Interstate Highway 59 and also over U.S. Highway 11, serving no intermediate points. (2) Between Birmingham, Ala., and its commercial zone, and Leeds, Ala., over U.S. Highway 78, serving all intermediate points. (3) Between Birmingham, Ala., and its commercial zone, and Pelham, Ala., over U.S. Highway 31 and also over Interstate Highway 65, serving all intermediate points on both routes.

NOTE.—Applicant intends and seeks authority to tack together the authority described in the above three paragraphs, and applicant intends and seeks authority to interline with other common carriers at Birmingham, Ala., and Chattanooga, Tenn., for 180 days.

Supporting shippers: There are approximately 82 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 139391 (Sub-No. 2TA), filed February 11, 1975. Applicant: G. & H. TRANSPORTATION CO., INC., P.O. Box 157, Widener, Ark. 72394. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and Periodicals*, from the plantsite of Holiday Press at Olive Branch, Miss., to Phoenix, Ariz., Burbank, Los Angeles, Oakland, Sacramento, San Bernardino, San Diego, San Francisco, and Westminister, Calif., Denver, Colo., Albuquerque and Deming, N. Mex., Tulsa and Oklahoma City, Okla., Portland, Oreg., Dallas, Tex., and Seattle, Wash., for 180 days. Supporting shipper: Select Magazines, Inc., 229 Park Ave. South, New York, N.Y. 10003. Send protests to: William H. Land Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139495 (Sub-No. 32TA), filed February 6, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines and related advertising matter* (except in bulk, in tank vehicles), from Elkhart, Indiana, to points in Tennessee, Kentucky, Illinois, Wisconsin, Missouri, Arkansas, Louisiana, Kansas, Oklahoma and Texas, for 180 days. Supporting shipper: Michigan Wines Limited Inc., 1919 Middlebury Street, P.O. Box 57, Elkhart, Ind. 46514. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139843 (Sub-No. 1TA), filed February 7, 1975. Applicant: VERNON G. SAWYER, P.O. Box 847, Bastrop, La. 71220. Applicant's representative: Paul Caplinger, P.O. Box 7114, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* (except in bulk, in tank vehicles), from the plantsite and storage facilities of Pellets, Inc., at Mer Rouge, La., to points in Arkansas, Alabama, Mississippi, Texas, Oklahoma, and Georgia, for 180 days. Supporting shipper: Pellets, Inc., P.O. Box 261, Mer Rouge, La. 71261. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139945 (Sub-No. 2TA) (Correction), filed January 21, 1975, published in the FEDERAL REGISTER issue of February 10, 1975, and republished as corrected this issue. Applicant: ARNOLD M. TWEEDIE, doing business as PRODUCE TRANSPORT, Route 202, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Lewiston, Maine, under contract with Twin City Fruit & Produce, Lewiston, Maine, for 180 days. Supporting shipper: Twin City Fruit & Produce, 31 Oxford Street, Lewiston, Maine 04240. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04111. The purpose of this republication is to correct the Sub number.

No. MC 140569 TA (Correction) filed January 21, 1975, published in the FEDERAL REGISTER issue of February 4, 1975, and republished as corrected this issue. Applicant: ROGERS TRUCKING, INC., P.O. Box 27 (Ky. Hwy. 61), Columbia, Ky. 42728. Applicant's representative: Ben K. Wilmot, Lancaster Street, Stanford, Ky. 40484. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood, spent, ground or unground*, loose, in truckload shipments, from points in Allen, Green, Jefferson, Pulaski, and Wayne Counties, Ky., to Seymour, Ind., Evanston, Ind., and commercial zones of each destination point, for 180 days. Supporting shippers: Herman W. Edlin, Traffic Mgr.; Gamble Brothers, Inc., Traffic Manager, 4601 Allmond Ave., Louisville, Ky. 40221. Rexford D. Kelley, Off. & Traffic Mgr., Greensburg Mfg. Company, Greensburg, Ky. 42743. Send protests to: R. W. Schmelter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202. The purpose of this rehabilitation is to correct the docket number.

No. MC 140627 (Sub-No. 1TA), filed February 7, 1975. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., Cedar Rapids, Iowa 52403. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, recreational vehicles and machines, accessories, parts, and materials, equipment, and supplies* (except commodities in bulk), between the facilities of Kawasaki Motors Corp., U.S.A., located in the commercial zone of Lincoln, Nebr., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Kawasaki Motors Corp., 1062 McGaw Avenue, Santa Ana, Calif. 92705. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140626 (Sub-No. 1TA), filed February 7, 1975. Applicant: DALE E. NICHOLSON, Glendale Street, Potosi, Mo. 63664. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, sometimes referred to as fluxstone, used in the steel industry blast furnaces, increases endurance of furnaces and assists in the control of pollution, various size stone is used, from the plantsite of Valley Minerals Product Company, Bonne Terre, Mo., to Granite City, Ill., no transportation of products on return trip, for 180 days. Supporting shipper: Valley Mineral Products Corporation, 915 Olive Street, St. Louis, Mo. 63101. Send protests to: J. P. Werthamann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140628 (Sub-No. 1TA), filed February 3, 1975. Applicant: CHARLES R. PALS, doing business as PALS CARTAGE, 31 W. 168th Street, South Holland, Ill. 60473. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Door and made up window units*, not boxed & shipped in trailers that are set up to handle glass and made up window units, that are not boxed, from the plantsite of Dekker Brish Millwork, Dolton, Ill., to points in Indiana west of Route 31 and North of Route 24; also two points in Wisconsin (Namely Twin Lakes & Silver Lakes) which are west of route 41, south of route 50 & east of route 12, for 180 days. Supporting shipper: Howard L. Dekker, Secretary, Dekker-Brish Millwork Co., 14901 S. Indiana Avenue, Dolton, Ill. 60419. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

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APPLICATION OF PASSENGERS

No. MC 133048 (Sub-No. 3TA) (Correction), filed December 31, 1974, published in the FEDERAL REGISTER issue of January 17, 1975, and republished as corrected this issue. Applicant: JAMES D. KINNEY AND B. R. LINDSEY, doing business as PIONEER TRANSIT LINES, 234 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: James D. Kinney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and express and newspapers in the same vehicle with passengers, between Medicine Bow, Wyo., and Laramie, Wyo., via U.S. 30, serving all intermediate points.

NOTE.—Applicant intends to tack at Medicine Bow, Wyo., with Pioneer Transit Lines Docket No. 133048 Sub 2, and interline at Laramie, Wyo., with Colorado Motorway, Inc., MC-96903; Gray hound Lines, Inc. MC-1515; and American Bus Lines, Inc. MC-26426, for 180 days. Supporting shippers: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 100 East B St., Casper, Wyo. 82601. The purpose of this republication is to state the correct docket number.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5002 Filed 2-24-75;8:45 am]

[Notice No. 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 19, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 6461 (Sub-No. 15 TA), filed February 14, 1975. Applicant: B-LINE TRANSPORT CO., INC., 7100 East Broadway, Spokane, Wash. 99206. Applicant's representative: Max Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrate residuals*, in bulk, in dump trucks and containers, from Kellogg and Smelterville, Idaho to points in Spokane County, Stevens County and Pend Oreille County, Wash., for 180 days. Supporting shipper: The Bunker Hill Company, P.O. Box 29, Kellogg, Idaho 83837. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 15859 (Sub-No. 8 TA), filed February 14, 1975. Applicant: THE HINE LINE, 247 Emmett Street, Newark, N.J. 07114. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces therof*, between Tupelo, Miss., on the one hand, and, on the other, points in Texas, Louisiana, Wisconsin, Pennsylvania, New York, New Jersey, Illinois, Minnesota, Massachusetts, Maine, Maryland, Indiana, Kentucky and Tennessee, for 180 days. Supporting Shipper: Dietrich Hide Corporation, 225 Broadway, New York, N.Y. 10007. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 22195 (Sub-No. 159 TA), filed February 10, 1975. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from Dickinson, N. Dak., to points in Minnesota, for 180 days. Supporting shipper: Northland Oil & Refining Company, P.O. Box 1246, Dickinson, N. Dak. 58601. Kenneth L. Thomas, President. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 22195 (Sub-No. 160 TA), filed February 12, 1975. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st and Grange Ave., Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (in bulk, in tank vehicles), from Ports of Entry on the United States-Canada boundary line in North Dakota and Minnesota, to points in North Dakota and Minnesota, for 180 days. Supporting shipper: Cominco-American, Inc., 818 West Riverside, Spokane, Wash. 99201. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 61403 (Sub-No. 231TA), filed February 11, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solvents* (in bulk, in tank vehicles), from Smithfield, Ky., to Brownwood (Brown County), Tex. (2) *Scrap solvents* (in bulk, in tank vehicles), from Brownwood (Brown County), Tex., to Smithfield, Ky., for 180 days. Supporting shipper: Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, Minn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 71459 (Sub-No. 47 TA), filed February 11, 1975. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Martin J. Rosen, Esq., 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Questa, New Mexico and Albuquerque, N. Mex., serving all intermediate points and the off-route points of; Espanola, N. Mex., the facility of the Amalia Lumber Company located 8 miles east and north of Costilla, N. Mex., the facilities of the Chad Land Company, located approximately 2½ miles east of the junction of U.S. Highway 64 and New Mexico Highway 38; the facility of the Angel Fire Construction Company, located approximately 3 miles east of the junction of U.S. Highway 64 and New Mexico Highway 38; and the facilities of the Angel Fire Ski Resort and Country Club, located approximately 4½ miles east to the junction of U.S. Highway 64 and New Mexico Highway 38, from Questa, over New Mexico State Highway 38 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to its junction with New Mexico Highway 68, thence over New Mexico Highway 68 to its junction with U.S. Highway 84, thence over U.S. Highway 84 to its junction with U.S. Highway 85, thence over U.S. Highway 85, thence over U.S. Highway 85 to Albuquerque, New Mexico, and return over the same route. Applicant requests the right to serve the commercial zones of all points. Carrier intends to tack requested authority with existing authority at Questa and Taos, N. Mex., Carrier intends to interline with other carriers at

Albuquerque, Santa Fe and Taos. Supporting shippers: There are approximately 41 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 106674 (Sub-No. 158 TA), filed February 11, 1975. Applicant: SCHILLI MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (in bulk, in tank vehicles), from points in Arkansas, Louisiana, Mississippi, on the one hand, and, on the other, points in Illinois, Indiana and Ohio, for 180 days. Supporting shipper: Willight Chemicals, Inc., Box 254, Drew, Miss. 38737. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 107002 (Sub-No. 467 TA), filed February 6, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205, Applicant's representative; John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, (in bulk, in tank vehicles), from Pensacola, Fla., to Belle Chasse, La., for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107010 (Sub-No. 53TA), filed February 13, 1975. Applicant: BULK CARRIERS, INC., Box 423, Aubrun, Nebr. 68305. Applicant's representative: Patrick E. Quinn, Box 82028, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, bagged, fom points in Richardson County, Nebr., to points in Iowa, Texas, Kansas, Missouri, Illinois, Tennessee, Arkansas, Colorado, North Dakota, South Dakota, Minnesota, Wisconsin and Oklahoma, for 180 days. Supporting shipper: Don Wenz, Plant Manager, The Pillsbury Company, 5th & Morton, Box 586, Falls City, Nebr. 68355. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg. & Court House, Lincoln, Nebr. 68508.

No. MC 108676 (Sub-No. 77 TA), filed February 12, 1975. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Ghicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refuse trailers, and refuse trailer chassis and material and supplies and parts of such commodities*, from Northumberland, Penn., to points in Mississippi, South Carolina, Michigan, Ohio, New York, Pennsylvania, Tennessee, Texas, Nebraska, New Jersey, and Massachusetts, for 180 days. Supporting shipper: Dempster Dumpster Systems, Division of Carrier Corporation, Springdale & North Central, Knoxville, Tenn. 37917. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 U.DS. Court House, Nashville, Tenn. 37203.

No. MC 111729 (Sub-No. 515 TA), filed February 13, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, test kits and nuclear instruments*, (a) between North Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia, (b) between Dallas and Lubbock, Tex., on the one hand, and, on the other, points in New Mexico, for 180 days. Supporting shipper: Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111812 (Sub-No. 512 TA) (Correction), filed January 21, 1975, published in the FEDERAL REGISTER issue of February 4, 1975, and republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags*, envelopes, packets or pouches, or wrappers flat, folded flat or in rolls, requiring separation into individual units, with or without compliment of bag ties, from Sioux Falls, S. Dak., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper: American Western Corporation, 1500 M Avenue, Sioux Falls, S. Dak. 57104. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501. The purpose of this republication is to add the origin and destination points, which were omitted in the previous publication.

No. MC 117068 (Sub-No. 35TA) (Correction), filed December 5, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as corrected this issue. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer spreaders, lift trucks, front-end loaders, and solid waste compactors* (restricted against the transportation of self-propelled vehicles each weighing 15,000 lbs. or more) on flat-bed trailers and with winch-equipped tractors from the plants and other facilities of TCI, Inc., located at Benson, Minn., and Yankton, S. Dak., to points in Alabama, Arizona, California, Delaware, Florida, Georgia, Indiana, Louisiana, Maine, Maryland, New York, Michigan, Mississippi, New Jersey, North Carolina, Pennsylvania, Texas, Virginia, Utah, and Washington; and (2) *materials and supplies* used in the manufacture of the above-named commodities (except commodities in bulk) on return movements. Supporting shipper: TCI, Inc., W. Hwy. 12, Benson, Minn. 56215. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Court House, 110 S. 14th St., Minneapolis, Minn. 55401.

No. MC 123233 (Sub-No. 54 TA), filed February 14, 1975. Applicant: PROVOST CARTAGE INC., 7887 Grenache, Ville d'Anjou, Quebec, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquor*, (in bulk, in tank vehicles), from Baltimore, Dundalk, and Relay, Md., to the Port of Entry on the International Boundary Line, between the United States and Canada, located at or near Detroit, Mich., restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce, for 180 days. Supporting shipper: Joseph E. Seagram & Sons, Inc., 800 Third Ave., New York, N.Y. 10022. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 124211 (Sub-No. 257 TA), filed February 12, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

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(1) *Motorcycles, recreational vehicles and machine accessories and parts,* and (2) *equipment materials and supplies* used in the manufacture, distribution, or sale of the commodities named in (1) above, for 180 days. Supporting shipper: Kawasaki Motors Corp., U.S.A., 1062 McGaw Avenue, Santa Ana, Calif. 92705. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 125474 (Sub-No. 45 TA), filed February 3, 1975. Applicant: BULK HAULERS, INC., P.O. Box 3601, Wilmington, N.C. 28401. Applicant's representative: Ralph Simmons (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contaminated ethylene glycol*, (in bulk, in tank vehicles), between the plantsite of Fiber Industries, Inc., at or near Darlington, S.C., on the one hand, and, on the other, the plantsite of Fiber Industries, Inc., in or near Fiberton, N.C., for 180 days. Supporting shipper: Celanese Corporation, 1211 Avenue of the Americas, New York, N.Y. 10036. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 133095 (Sub-No. 72 TA), filed February 12, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, frozen meats and cured meats*, from Fort Worth, Dallas, and Paris, Tex., and Little Rock, Ark., to Landover, Md.; Newark, N.J.; New York, N.Y.; and Boston, Mass., for 180 days. Supporting shipper: Texas International Packers, Inc., 601 West Center St., Paris, Tex. 75460. Send protests to: H. C. Morrison, Sr., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133123 (Sub-No. 7 TA), filed February 10, 1975. Applicant: RUJAC TRUCKING CORP., 1133 Avenue of the Americas, Room 3210, New York, N.Y. 10009. Applicant's representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods, and bicycles*, from points in the New York, N.Y., Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the exempt zone), and Port Elizabeth and Port Newark, N.J., to points in that part of New Jersey south of New Jersey Highway 33 (except Atlantic City, N.J.), and points in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line, and extending southerly and easterly along the western boundaries of Susquehanna, Wyo., Luzerne, Schuylkill, Berks, and Montgomery Counties, Pa., and the commercial zone of Philadelphia, Pa., with no transportation for compensation on return, except as otherwise authorized, for 180 days. Supporting shipper: Matsushita Electric Corporation of America, Herbert Cadel, General Manager, 50 Meadowlands Parkway, Secaucus, N.J. 07094. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133922 (Sub-No. 8TA), filed February 7, 1975. Applicant: JENKINS AND NAGEL TRUCKING CO., Box 98, Wolcott, Ind., 47995. Applicant's representative: Alki Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cereal and dairy products*, between Chicago Heights and Decatur, Ill., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), under a continuing contract or contracts with Dry Milk Products, Inc., for 180 days. Supporting shipper: Dry Milk Products, Inc., 1301 West 22nd Street, Oak Brook, Ill. 60521. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 134145 (Sub-No. 58TA), filed February 14, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Hwy. 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Three wheeled utility truck*, self-propelled, weighing less than 1,500 pounds, from Roseau, Minn., to Houston, Dallas, and Arlington, Tex., Plainview, N.Y., Grove City and North Royalton, Ohio, New Kensington and Bethlehem, Penn., Bordentown, N.J., and Falmouth, Mass., for 180 days. Supporting shipper: Polaris, Division of Textron, Inc., Roseau, Minn. 56751. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 134182 (Sub-No. 29TA) (Correction), filed February 4, 1975, published in the FEDERAL REGISTER issue of February 18, 1975, and republished as corrected this issue. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as, ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Bldg., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, with *metal closures*, from the plantsites of Brockway Glass Company at Muskogee, Okla., Keer Glass Company at San Springs, Okla., and Obear-Nestor Glass Company at East St. Louis, Ill. to the plantsite of Milk Producers Marketing Company at Lawrence, Kans., restricted to the transportation of shipments originating at and destined to the above named points; and (2) *fruit juices, fruit punches, and fruit flavored drinks*, from the plantsite of Milk Producers Marketing Company at Lawrence, Kans., to points in Arkansas, Colorado, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wyoming, restricted to the transportation of shipments originating at the above named origin point, for 180 days. Supporting shipper: A. E. Staley Manufacturing Company, 220 Eldorado St., Decatur, Ill. 62525. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603. The purpose of this republication is to correct the name of the applicant.

No. MC 134454 (Sub-No. 7TA), filed February 10, 1975. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second St., Dayton, Ohio 45401. Applicant's representative: Paul F. Beery, 8 East Broad St., 9th Floor, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete pressure pipe and fittings thereto*, for the account of Price Brothers Company, from the site of Price Brothers Company in Dutchess County, N.Y., to Jefferson County, Ky. (except the Louisville, Ky., Commercial Zone), for 180 days. Supporting shipper: Price Brothers Company, 367 West Second St., Dayton, Ohio 45401. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514 B FOB, 550 Main St., Cincinnati, Ohio 45202.

No. MC 134992 (Sub-No. 113TA), filed February 12, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor furniture, in cartons*, from North Little Rock, Ark., to points in California. Supporting shipper: Arkco Manufacturing Company, Inc., 1312 East 8th St., North Little Rock, Ark. 72114. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135884 (Sub-No. 6TA), filed February 13, 1975. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, Oreg. 97810. Applicant's representative: Lawrence V. Smart, Jr., 219 Northwest 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Clark and Walla Walla Counties, Wash., and Linn County, Oreg. to points in Minnesota, Colorado, Texas, Illinois, Pennsylvania, Georgia, Massachusetts,

California, Wisconsin, New Jersey, Oregon, Washington, and Nebraska, for 180 days. Supporting shipper: Harris Pine Mills, Main Office, Drawer 1168, Pendleton, Oreg. 97801. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136375 (Sub-No. 5TA), filed February 11, 1975. Applicant: DONCO CARRIERS, INC., 1001 South Rockwell, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: William L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories and materials and supplies* used in the manufacture and for assembly of bicycle parts and bicycle accessories, between the plantsite of Raleigh Industries of America, Inc., Enid, Oklahoma, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Oklahoma), restricted on shipments originating at Enid, Okla., to truckload shipments which require three or more stops in transit and one final stop for off loading of the commodities described therein, for 180 days. Supporting shipper: Raleigh Ind., of America, Inc., Douglas M. Martin, T. M. U.S. 64 & Raleigh St., Enid, Okla. 73701. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240, Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 139323 (Sub-No. 2 TA), filed February 10, 1975. Applicant: KARS TRANSPORT, INC., 666 Northwest 20th Street, Miami, Fla. 33178. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 Northwest 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (excluding household goods, as defined by the Commission, Class A and B explosives, articles of unusual value, articles in bulk and articles which, by reason of size or weight require unusual handling), between points in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having an immediate, prior or subsequent movement by rail or water, for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., Suite 208, 5255 Northwest 87th Avenue, Miami, Fla. 33178.

No. MC 139468 (Sub-No. 5 TA), filed February 7, 1975. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 14628 Hempstead Highway, Houston, Tex. 77040. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings and related parts and equipment*, from the plantsite of National Steel Products Company, Inc., at or near Terre Haute, Ind., to points in Illinois, Wisconsin, Minnesota, Missouri, Iowa, Nebraska, North Dakota, South Dakota, Oklahoma, Kansas, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, California, Nevada, Idaho, Oregon, Washington, Kentucky, West Virginia, and Virginia, under a continuing contract with National Steel Products Company, Inc., for 180 days. Supporting shipper: National Steel Products Company, Inc., P.O. Box 40490, Houston, Tex. 77040. Send protests to: John F. Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 140567 (Sub-No. 1 TA), filed February 5, 1975. Applicant: EDWARD L. NORTHINGTON, doing business as ED NORTHINGTON TRUCKING, P.O. Box 51, Gattman, Miss. 38844. Applicant's representative: John A. Crawford, 700 Petroleum Bldg., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, crushed stone, and riprap stone*, in dump trucks or trailers, from points in Colbert, Franklin, Fayette, Shelby, Bibb, and Jefferson Counties, Ala., to all points in Mississippi, for 180 days. Supporting shippers: Pennebaker Ready Mix Concrete, Inc., P.O. Box 562, West Point, Miss. 39773. Philips Contracting Company, Inc., P.O. Box 2069, Columbus, Miss. 39701. Mississippi Aggregate Co., Inc., 1504 North Mills St., Jackson, Miss. 39205. United Cement Company, P.O. Box 185, Artesia, Miss. 39736. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 140597 (Sub-No. 1 TA), filed February 14, 1975. Applicant: DON'S TOWING SERVICE, 723 Earle Street, Mullan, Idaho 83846. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles*, in truck-away service, between points in Shoshone County, Idaho, and Mineral County, Mont. on the one hand, and, on the other, points in Shoshone County, Idaho, Mineral County, and Missoula, Mont., and Spokane, Wash., for 180 days. Supporting shippers: Nalley's Fine Foods, 4120 East Broadway, Spokane, Wash. 99220. Ringsby-United, N. 1001 Havana, Spokane, Wash. 99220. Roundup Co., 11016 E. Jackson, Spokane, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 915 Second Avenue, Seattle, Wash. 98174.

No. MC 140602 (Sub-No. 1TA), filed February 11, 1975. Applicant: GORDON PAUL, P.O. Box 545, Ottawa, Kans. 66067. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mine site and/or storage facilities of Lamb Coal Company, located approximately 5 miles east of Altoona, Kans., to St. Joseph, Mo., and the site and/or storage facilities of Thomas Hill Generating Plant, located approximately 7 miles east and 4 miles north of Moberly, Mo., for 180 days. Supporting shipper: Lamb Coal Co., P.O. Box 157, Thayer, Kans. 66776. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 140613 (Sub-No. 1TA), filed February 10, 1975. Applicant: HAROLD ABBAS, doing business as ABBAS TRUCKING, P.O. Box 98A, Dakota City, Iowa 50529. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and scrapped vehicles, implements, machinery, and parts*, from points in Iowa (except Woodbury County, Iowa), to Fon du Lac, Wis., Minneapolis and St. Paul, Minn., Chicago, South Beloit, and Alton, Ill., and St. Louis and Kansas City, Mo., under a continuing contract or contracts with Dennis Steib, doing business as Tri-Pak Auto Crushers, for 180 days. Supporting shipper: Dennis Steib, doing business as Tri-Pak Auto Crushers, Route 3, Fort Dodge, Iowa 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140640 (Sub-No. 1 TA), filed February 11, 1975. Applicant: ROGER W. ANDERSON, 114 Sunset Avenue, Lodi, Wis. 53555. Applicant's representative: Rolfe E. Hanson, 121 West Doty St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Martinsville (Springfield Township) Dane County, Wis., to Brooklyn, N.Y., for 180 days. Supporting shipper: Clarence Busse Livestock, First St., Prairie du Sac, Wis. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140642 TA, filed February 10, 1975. Applicant: DONALD D. RAY, doing business as DON RAY DRIVE-AWAY COMPANY, 304 North Thirteenth, Decatur, Ind. 46733. Applicant's representative: Jay M. DeVoss, 155 South Second St., Decatur, Ind. 46733. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured motor homes (recreational vehicles), and multiple passenger vehicles (converted motor homes), or in parts thereof*, from points in Decatur, Adams

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County, Ind., and Quincy, Branch County, Mich., on the one hand, to points in the Continental United States of America on the other hand, for 180 days. Supporting shippers: Jamboree Industries of Indiana, Inc., 1420 West Patterson St., Decatur, Ind. 46733. Tioga Industries of Indiana, Inc., 1420 West Patterson St., Decatur, Ind. 46733. Southwind of Michigan, Inc., U.S. Hwy. 12 East, Quincy, Mich. Pace-Arrow of Indiana, Inc., 1410 W. Patterson, Decatur, Ind. 46733. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 140643 TA, filed February 11, 1975. Applicant: HOWARD N. CHILD, doing business as EIGHT BALL LINE TRUCKING, 2717 Goodrick Avenue, Richmond, Calif. 94804. Applicant's representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Mineral wool*, from LaMirada and Union City, Calif., to points in Arizona, Idaho, Montana, New Mexico, Oregon, Utah, Washington, Wyoming, and Nevada, for 180 days. Supporting shipper: Certain-Teed Products, Inc., P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5003 Filed 2-24-75;8:45 am]

[Notice No. 237]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 25, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75693. By application filed February 10, 1975, CURTIS TRANSPORTS, INC., 161 Laurie Circle, Jackson, TN 38301, seeks authority to temporarily lease the operating rights of SOUTHERN FORWARDING COMPANY, 728 Alston, Memphis, TN 38106, under section 210a(b). The transfer to CURTIS TRANSPORTS, INC., of the operating rights of SOUTHERN FORWARDING COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5000 Filed 2-24-75;8:45 am]

[Ex Parte No. 293; Sub-No. 4]

ACQUISITIONS OF RAIL PROPERTIES

Consideration by the Commission Under Interstate Commerce Act and Request for Necessary and Appropriate Information; Proposal by U.S. Railway Association in Preliminary System Plan

Section 206(d)(3) of the Regional Rail Reorganization Act of 1973 requires that the Interstate Commerce Commission make the following determination: that each acquisition of rail properties by a profitable railroad operating in the region which is proposed by the United States Railway Association in its preliminary system plan "will be in full accord and comply with the provisions and standards of section 5 of Part I of the Interstate Commerce Act." The Commission's determinations must be completed within 90 days of release of the preliminary system plan, presently scheduled for February 26, 1975.

In compliance with the statutory plan and timetable for processing acquisitions of rail properties by profitable carriers as established by the Regional Rail Reorganization Act, the Commission's consideration of the proposals will be on an informal, expedited basis, without application or hearing. Use will be made of currently available resources within the Commission, including annual reports and other materials filed by the railroads themselves.

Consideration will be given in reaching each determination to numerous factors, including: the anticipated effect of each acquisition, and all acquisitions cumulatively, upon the continuation of adequate rail service to the public, the potential effect upon other railroads of each and all acquisitions, the propriety of fixed charges arising from each acquisition, and the impact of the acquisitions, individually and cumulatively, upon the availability of competitive rail service.

To assure an adequate data base for thorough consideration of each proposed acquisition, information with respect to and comments on each such proposal are requested from all interested persons, including but not limited to the United States Railway Association, railroads involved in or affected by proposed acquisitions, Amtrak, concerned State, regional, and local organizations, and shippers served by the rail properties involved, and the Commission's Rail Services Planning Office. Such materials should be filed with the Secretary of the Commission on or before March 28, 1975. Upon receipt of the preliminary system plan by the Commission, each acquisition proposed therein will be given a numerical designation, which will be published in the FEDERAL REGISTER, and all comments and information should be filed with reference thereto. It is requested that separate statements be filed for each individual proposed acquisition.

In particular, information should be submitted with respect to the following matters:

(1) The value of the rail properties proposed to be acquired or an estimate of such value, with supporting information on the method used to determine value.

(2) The compensation to be paid by the profitable railroad operating in the region in exchange for the rail properties to be acquired or the amount of compensation offered by the profitable carrier for such properties or an estimate of the compensation to be paid.

(3) The present uses or purposes of the rail properties proposed to be acquired, and the proposed uses or purposes of such properties under ownership of the profitable railroad, if different.

(4) The classes of service presently, and performed, such as passenger, commuter or inter-city), freight, express, switching, etc., and the kind of motive power used and to be used.

(5) Each station on the rail properties proposed to be acquired and its distance from a designated initial point.

(6) Those points located on a rail line proposed to be acquired which are presently served by a railroad other than the railroad in reorganization from which the rail properties would be acquired and the name of such other railroad or railroads.

(7) The railroads with which rail properties proposed to be acquired connect and the location, nature, and condition of those connections.

(8) Rail properties, other than lines, in the territory adjacent to the rail properties proposed to be acquired which are similar or comparable to those rail properties and the distance between such properties.

(9) Industry or industries existing in the area of the rail properties proposed to be acquired and their probable future growth and performance and reasons therefor.

(10) Whether a rail line proposed to be acquired has been or is presently operated for direct profit from rail operations or for the advantage of any other industry or business.

(11) If a rail line proposed to be acquired may become an extension, a branch, a connecting track, or a cutoff, the extent to which that line is expected to be directly profitable in itself and the extent to which acquisition of that line is expected to be justified by its effect on the business of other existing lines of the profitable carrier to whom it may be offered.

(12) If a rail line proposed to be acquired is presently and will remain or may become a connecting link between existing railroads, the kind and volume of traffic, expressed in tons or carloads, that is currently and will be interchanged and economies that are and would be thereby affected.

(13) If a rail line proposed to be acquired is or may become such a connecting link, the manner in which and carriers by which interchange traffic is currently and is proposed to be transported.

(14) Any agreement, tentative or otherwise, with existing railroads covering operation, interchange of traffic, division of rates, or trackage rights in connection with a rail line proposed to be acquired or any such agreements which could or should be undertaken.

(15) Whether any aid, gift, grant of right-of-way, or other donation has been promised or proposed in connection with the proposed acquisition of rail properties; if so, state specifically the nature, amount, and value of such promised donations.

(16) Detailed information as to traffic handled by or upon the rail properties proposed to be acquired, for the most extensive period available, including:

(a) Traffic volume by line, by station, and by industry, including overhead traffic and traffic originating on and destined for industries on the line, broken down by carload, by ton, and by commodity.

(b) Traffic densities per mile for a line.

(c) Cars handled by yard, terminal, and similar facilities on a daily, weekly, and annual basis.

(d) Frequency of service offered.

(e) Projections as to future changes in the above-requested data.

(17) Detailed information as to the directional flows of traffic presently handled by or on the rail properties proposed to be acquired and the relationship of those flows to the traffic patterns of the railroad from which the properties would be acquired, the profitable railroad operating in the region to which the properties may be offered, and of the region as a whole.

(18) Detailed information as to the potential for diversion of traffic from the rail properties proposed to be acquired and from other rail lines and facilities to the rail properties proposed to be acquired as a result of the proposed acquisition.

(19) Detailed cost and revenue figures for the rail properties proposed to be acquired, for the most extensive period available, including:

(a) Gross revenues derived from the traffic handled which is attributable to to a particular property.

(b) Operating expenses attributable to a particular property.

(c) Net revenue (or loss) attributable to a particular property, in total and by carload.

(d) Net railway operating income attributable to a particular property.

(e) Projections as to future changes in the above-requested data, if the proposed acquisition occurs and if such an acquisition is not completed.

(20) Information as to the effect of the proposed acquisition of rail properties upon the continued provision of adequate rail service to the public and upon the improvement of such rail service.

(21) Information as to the effect upon the public interest and upon other profitable railroads operating in the region of the proposed acquisitions of rail properties, including the specific effect on the profitability of those profitable railroads and the potential for diversion of traffic from those profitable railroads and from other railroads in reorganization.

(22) Information as to the effect of the proposed acquisition of rail properties upon the continued existence and quality of competition in the provision of rail service in the region.

(23) Information as to the economies in operation and improvements in efficiency which may result from the proposed acquisition of rail properties.

(24) Information as to the general benefits to be achieved through each proposed acquisition of rail properties and through the total acquisition proposal.

(25) Information as to the actual effect of the proposed acquisition of rail properties upon the viability, profitability, and operations of the Consolidated Rail Corporation.

Notice of the intent of the Interstate Commerce Commission to consider the acquisitions of rail properties proposed by the United States Railway Association and to request information from interested parties with regard thereto shall be given to: the United States Railway Association, the Rail Services Planning Office, Amtrak, all Class I and Class II railroads operating in the region, the Governors of all States located within the region, the Public Utility Commissions of all of the States located within the region, the Departments of Transportation of all of the States located within the region.

Dated: February 18, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5182 Filed 2-24-75;10:56 am]

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federal register

TUESDAY, FEBRUARY 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 38

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

CRITICAL HEALTH MANPOWER SHORTAGE AREAS

Designations and Withdrawals

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

CRITICAL HEALTH MANPOWER SHORTAGE AREAS

Designations and Withdrawals

Section 329(b) of the Public Health Service Act, as amended by the Emergency Health Personnel Act Amendments of 1972 (Pub. L. 92-585), provides that the Secretary of Health, Education, and Welfare shall designate those areas which he determines have critical health manpower shortages and thus would be areas eligible for assignment of National Health Service Corps personnel. On October 23, 1974, a list of areas was so designated in the FEDERAL REGISTER (39 FR 37756).

The purpose of this notice is, first, to update the list of such areas by adding to such previously published list areas of the United States which the Secretary has now determined meet the criteria for such designation. Further, this notice sets forth and clarifies the procedures utilized by the Secretary in making such a designation. In addition, notice is also given that the designation of certain areas (specified separately below) as shortage areas will be withdrawn effective May 27, 1975.

With respect to the designation of areas, § 23.5(b) of the regulations governing the National Health Service Corps program (42 CFR Part 23) provides that in determining whether an area has a critical health manpower shortage the Secretary shall take into account, where applicable, the following factors:

(1) health resource statistics; (2) health status indicators; (3) accessibility of health care services in the community and the ability of the community to obtain those services on a timely basis; and (4) other socioeconomic, demographic, and environmental factors of community life affecting the ability to procure such services.

In applying the first and third of the above referred to factors, the Secretary adopted the specific measures listed below and requested the appropriate areawide comprehensive health planning agencies or State comprehensive health planning agencies to identify those areas within their respective jurisdictions which met or exceeded those measures:

(a) *For critical medical shortage areas* (physician and physician extenders): (1) If the area in question consists of a group of census tracts within a city it must have (i) a primary care physician-to-population ratio of less than 1 to 4,000, (ii) no neighborhood health center, (iii) no organized hospital outpatient department within 10 miles of the center of the area, and (iv) a primary care physician-to-population ratio of less than 1 to 3,000 within the entire county in which the shortage area is located; (2) If the area in question is a group of census tracts within a county (not located in a tracted city) it must have (i) a primary care physician-to-population ratio of less than 1 to 4,000, (ii) no neighborhood health center, (iii) no organized hospital outpatient department within 20 miles of the center of the area, and (iv) a primary care physician-to-population ratio of less than 1 to 3,000 within the entire county in which the shortage area is located; (3) If the area in question is made up of one or more minor civil divisions or census county divisions within an untracted county (or counties), it must have (i) a primary care physician-to-population ratio of less than 1 to 4,000 within the boundaries of the shortage area itself and (ii) a primary care physician-to-population ratio of less than 1 to 3,000 within the entire county in which the shortage area is located; (4) If the area in question is an entire county, it must have a primary care physician-to-population ratio of less than 1 to 4,000.

In making the above determinations, primary care physicians are defined to include: (1) in metropolitan areas, physicians in general or family practice, internal medicine and pediatrics; and (2) in non-metropolitan areas, physicians in general or family practice, internal medicine, pediatrics, obstetrics and gynecology, and general surgery; *provided, however*, that those physicians spend 50 percent or more of their time in the practice of primary care. Further, interns, residents, and physicians employed by the Federal Government are not included in making such determinations.

(b) *For critical dental shortage areas:* (A) If the area in question consists of an entire county, a minor civil division or a census county division or a group of census tracts within a county, the overall dentist-to-population ratio (including general and specialty practice dentists) in the county within which the area is located must be less than 1 to 5,000. (B) If the area in question consists of a group of census tracts within a city, the overall dentist-to-population ratio within that city must be less than 1 to 5,000.

In making the above determinations, only dentists spending 50 percent or more of their time giving direct patient care are counted and dentists employed by the Federal Government are not included.

After reviewing the areas identified by the health planning agencies, and also taking into account health status indicators as well as socioeconomic, demographic, and environmental factors affecting the community's ability to procure health services, the Secretary has designated the following areas (counties, or specified parts of counties) as having critical medical and/or dental shortages:

ALABAMA

Critical Medical Shortage Areas

Bibb
Blount
Bullock
Calhoun—the Piedmont medical service area
Chambers—the Lafayette medical service area
Chilton
Choctaw
Cleburne
Colbert—the Cherokee Census County Division
Conecuh
Coosa
Covington—the Florala medical service area
Dale
Dekalb—the Census County Divisions of Crossville, Fyffe, Geraldine-Rainsville and Sylvania
Escambia—the Flomaton medical service area
Fayette
Franklin—the Red Bay Census County Division
Geneva
Henry
Hale
Jackson—the Census County Divisions of Bridgeport, Long Island and Stevenson
Jefferson—the Morris-Warrier medical service area
Lawrence
Limestone—the Salem-Elkmont Census County Division
Lowndes
Marion
Mason
Marshall—the Guntherville medical service area
Perry
Pickens
Randolph—the Wadley medical service area
Randolph—the Wedowee medical service area
Russell
Washington
St. Clair
Wilcox
Shelby
Winston—the Addison Census County Division

Critical Dental Shortage Areas

Bibb
Blount
Bullock
Butler
Chambers
Cherokee
Chilton
Choctaw
Clay
Cleburne
Conecuh
Coosa
Crenshaw
Dale
Dekalb
Fayette
Franklin
Geneva
Greene
Hale
Jackson
Lamar
Lawrence
Macon
Marengo
Perry
Pickens
Randolph
Russell
Sumter
Talladega
Washington
Wilcox
Winston—the Addison Census County Division

ALASKA

The entire State of Alaska, except for the Anchorage and Fairbanks Divisions, has been designated as a critical medical shortage area.

ARIZONA

Critical Medical Shortage Areas

Apache
Cochise—the Benson medical service area
Cochise—the town of Bowie
Cochise—the town of San Simon
Maricopa—the Gila Bend medical service area
Navajo
Pima—the town of Marana

Critical Dental Shortage Areas

Apache
Pima—the town of Marana

ARKANSAS

Critical Medical Shortage Areas

Ashley—Eastern half—the townships of Banner, Bayou, Beech Creek, Boarhouse, De Bastrop, Montrose, Portland, Prairie, Union and Wilmot
Calhoun
Chicot
Cleveland
Crawford
Crittenden
Desha
Franklin
Fulton
Jefferson—Northeast quadrant—the townships of Bogy, Dudley Lake, Dunnington, Plum Bayou and Roberts
Johnson
Lafayette
Lee
Lincoln
Logan
Madison
Montgomery
Nevada
Newton
Perry
Poinsett
Prairie
Scott
Searcy

ARKANSAS—Continued

Union
Quachitas
} the Smackover medical service area
Van Buren
Washington—the Lincoln medical service area
Washington—the Winslow medical service area
Woodruff

Critical Dental Shortage Areas

Ashely—eastern half
Clay
Cleveland
Crawford
Cross
Fulton
Grant
Greene
Jefferson—northeast quadrant
Johnson
Lafayette
Lee
Lincoln
Logan
Marion
Monroe
Montgomery
Nevada
Newton
Perry
Phillips
Prairie
Scott
Searcy
Sharp
St. Francis
Stone
Van Buren
Woodruff

CALIFORNIA

Critical Medical Shortage Areas

Alpine
Inyo
Mono
} the Tri-County Indian Health Project area
Contra Costa—the Brentwood medical service area
Glenn—the Orland Census County Division
Humboldt—the North Central Census County Division
Imperial
Kern—the Lamont, Arvin, and Greenfield medical service area
Kern—the Mojave medical service area
Merced—the Livingston medical service area
Modoc—Adin-Lookout, Alturas, and Surprise Valley Census County Divisions
Monterey—the town of Seaside
Monterey—the Soledad Hospital District
Riverside—the Idyllwild Census County Division
Riverside—Morongo Indian Reservation area
San Bernardino—the Baker medical service area
San Bernardino—the Morongo Basin medical service area
San Bernardino—the Victorville medical service area
San Benito
Sierra—the Downieville medical service area
Siskiyou—Etna and Fort Jones Census County Divisions
Siskiyou—Happy Camp Census County Division
Siskiyou
Modoc
} the Tule Lake/Butte Valley medical service area
Solano—the Dixon medical service area
Solano—the Vacaville medical service area
Sonoma—the Cloverdale-Geyserville medical service areas
Sonoma—the Guerneville medical service area
Yuba—the Yuba Foothills Census County Division

Critical Dental Shortage Areas

Alpine
Inyo
Mono
} the Tri-County Indian Health Project area
Riverside—the Idyllwild Census County Division
Riverside—Morongo Indian Reservation area
San Bernadino—the Victorville medical service area

COLORADO

Critical Medical Shortage Areas

Archuleta—the Pagosa Spring medical service area
Bent
Custer—the Westcliffe medical service area
Dolores—the Dove Creek medical service area
Fremont
Huerfano—the Walsenburg medical service area
Lincoln—Northern Portion
Elbert—Eastern Portion
} the Limon medical service area
Logan—the Sterling medical service area
Otero—the Rocky Ford medical service area
Park—the Fairplay medical service area
Rio Blanco—the Rangley medical service area
Saguache
Yuma—the Yuma medical service area
Washington

Critical Dental Shortage Areas

Bent
Crowley
Phillips
Saguache
Washington

CONNECTICUT

Critical Medical Shortage Areas

Hartford—the Enfield medical service area

Critical Dental Shortage Areas

None

DELAWARE

Critical Medical Shortage Areas

New Castle—Wilmington Census Tracts Nos. 1, 8, 9, 17, 20, 154, 155, 156

Critical Dental Shortage Areas

None

FLORIDA

Critical Medical Shortage Areas

Baker
Bay
Bradford
Collier—the Immokalee medical service area
Dixie
Okeechobee
Gilchrist
Osceola
Franklin
Palm Beach—the Belle Glade medical service area including Pahokee and South Bay
Gadsden
Glades
Pasco
Holmes
Seminole
Jackson
Suwanee
Jefferson
Wakulla
Liberty
Washington
Madison
Martin
Okaloosa

Critical Dental Shortage Areas

Baker
Lafayette
Citrus
Levy
Collier—the Immokalee dental service area
Liberty
Madison
Dixie
Nassau
Flagler
Osceola
Franklin
Palm Beach
Gadsden
Pasco
Glades
Polk—the Frostproof medical service area
Gulf
Hardee
Union
Holmes
Wakulla
Jackson
Walton

GEORGIA

Critical Medical Shortage Areas

Atkinson
Long
Brantley
Grady
Bryan
McIntosh
Crawford
Mitchell
Dawson
Stewart
Webster
} 2-county area
Dooly
Talbot
Early
Taliafero
Effingham
Warren
Lee

GEORGIA—Continued

Critical Dental Shortage Areas

Atkinson
Lee
Berrien
Long
Brantley
Macon
Brooks
McIntosh
Bryan
Miller
Calhoun
Mitchell
Crawford
Seminole
Cook
Stewart
Webster
} 2-county area
Decatur
Talbot
Dooly
Taylor
Early
Turner
Fannin
Union
Grady
Worth
Irwin
Lanier

IDAHO

Critical Medical Shortage Areas

Bannock—the Downey medical service area
Owyhee

Critical Dental Shortage Areas

None

ILLINOIS

Critical Dental Shortage Areas

Alexander
Edwards
Fulton—the Avon medical service area
Hardin
Johnson
Lake—the Round Lake medical service area
Mercer
Wayne
Pulaski

Critical Dental Shortage Areas

Fulton—the Avon medical service area
Gallatin
Pulaski
Mercer
Wayne

INDIANA

Critical Medical Shortage Areas

Brown
Pike
Clinton
Posey
Crawford
Rush
Franklin
Shelby
Jennings
Spencer
Ohio
Switzerland
Owen
Union

Critical Dental Shortage Areas

Dearborn
Dubois
Jackson—Western Portion—including the townships of Brownstown, Carr, Driftwood, Grassy Fork, Hamilton, Owen, Pershing, Salt Creek and Washington
Ohio
Shelby
Owen
Starke
Pike
Union
Rush

IOWA

Critical Medical Shortage Areas

Butler
Lyon
Tama

Critical Dental Shortage Areas

Adams
Louisa
Butler
Mills
Clarke
Monona
Fremont
Tama
Guthrie
Warren
Harrison

KANSAS

Critical Medical Shortage Areas

Cherokee
Gray
Elk
Jackson
Jefferson—the Valley Falls medical service area
Linn
Meade
Miami—the community of Louisburg
Nemaha
Phillips

XUM
V40138
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XUM

KANSAS—Continued

Reno—the community of Haven
Rush — Wichita
Woodson

Critical Dental Shortage Areas

Brown — Jewell
Chase — Lane
Coffey — Linn
Comanche — Osage
Elk — Osborne
Greeley — Stanton
Geary — Wabaunsee
Haskell — Wallace

KENTUCKY

Critical Medical Shortage Areas

Ballard — Carter
Bath — Crittenden
Breathitt — Cumberland
Bullitt — Edmonson
Butler — Elliott
Carlisle — Estill

Floyd—Wheelwright Census County Division

Gallatin — Menifee
Greenup — Metcalf
Hancock — Ohio
Henry — Owen
Jackson — Owsley
Jessamine — Pendleton
Knott — Powell
Lee — Robertson
Leslie — Rockcastle
Lewis — Russell
Lincoln — Todd
Lyon — Trimble
McCreary — Webster
Magoffin — Wolfe
Martin

Knott, Perry — the Dice-Dwarf/Emmalena medical service area

Pike—the medical service area of Long Fork, Dorton and Robinson Creek Census County Divisions
Pike—Millard Census County Division
Pike—Phelps Census County Division
Pike—Fedscreek Census County Division

Critical Dental Shortage Areas

Ballard — Laurel
Bath — Leslie
Bracken — Letcher
Breathitt — Lewis
Breckinridge — Lincoln
Bullitt — Livingston
Butler — Logan
Carlisle — McCreary
Carter — Magoffin
Casey — Martin
Clay — Meade
Edmonson — Ohio
Elliott — Oldham
Estill — Pendleton
Grant — Perry
Grayson — Pike
Greenup — Powell
Hancock — Spencer
Hardin — Todd
Jackson — Trigg
Jessamine — Trimble
Johnson — Webster
Knott — Wolfe
LaRue

LOUISIANA

Critical Medical Shortage Areas

Assumption — Bossier
Bienville — DeSoto
Evangeline—the town of Basile
Grant — Livingston
Natchitoches—the town of Marthaville
St. Bernard — St. John
St. Helena — St. Martin

LOUISIANA—Continued

Vermilion—the town of Gueydan
West Baton Rouge — West Feliciana
West Carroll

Critical Dental Shortage Areas

Bienville — Madison
Bossier — Plaquemines
Caldwell — Pointe Coupee
Cameron — Red River
Catahoula — Sabine
Claiborne — St. Helena
DeSoto — Tensas
East Carroll — Vernon
East Feliciana — West Carroll
Franklin — West Feliciana
Grant — Winn
Jackson

MAINE

Critical Medical Shortage Areas

Aroostook—the Island Falls medical service area

Critical Dental Shortage Areas

Washington

MARYLAND

Critical Medical Shortage Areas

Garrett

Critical Dental Shortage Areas

None

MICHIGAN

Critical Medical Shortage Areas

Alcona — Barry
Cass, St. Joseph, Van Buren — the Dowagiac medical service area
Clinton — the Dowagiac medical service area
Eaton
Luce—the Newberry medical service area
Mackinac—Mackinac Island
Montmorency
Roscommon

Critical Dental Shortage Areas

Missaukee — Ontonagon
Montmorency

MINNESOTA

Critical Medical Shortage Areas

Cass — Roseau
Marshall — Sibley
St. Louis, Aitkin, Carlton, Itasca — the Floodwood medical service area

Critical Dental Shortage Areas

Marshall
St. Louis, Aitkin, Carlton, Itasca — the Floodwood dental service area
Traverse

MISSISSIPPI

Critical Medical Shortage Areas

Amite
Bolivar—the Rosedale medical service area
Calhoun
Clarke—the Shubuta medical service area
Clarke—the Quitman medical service area
DeSoto — Itawamba
Holmes — Kemper
Lamar—the Lumberton medical service area
Lawrence—the New Hebron medical service area
Marshall
Oktibbeha—District 3, Choctaw—District 2, Clay—District 5, Webster—District 4, Pontotoc — the Maben medical service area
Rankin

MISSISSIPPI—Continued

Sharkey, Issaquena, Humphreys—western portion, Warren—northern portion, Washington—southern portion, Yazoo—northwest portion, Smith, Tallahatchie — the Sharkey-Issaquena medical service area
Tippah—the Walnut medical service area
Tunica

Critical Dental Shortage Areas

Amite — Montgomery
Calhoun — Neshoba
Carroll — Newton
Claiborne — Noxubee
Clarke — Perry
DeSoto — Pontotoc
Greene — Quitman
Holmes — Rankin
Humphreys — Sharkey
Itawamba — Smith
Jasper — Stone
Kemper — Tallahatchie
Lamar — Tippah
Lawrence — Tunica
Leake — Walthall
Madison — Webster
Marshall — Yalobusha
Monroe

MISSOURI

Critical Medical Shortage Areas

Carter — McDonald
Clark — Mercer
Dallas — New Madrid
Hickory — Platte
Knox — Shannon

Critical Dental Shortage Areas

Bollinger — Mercer
Caldwell — Mississippi
Carter — Moniteau
Chariton — Ozark
Clark — Pemiscot
Dallas — Platte
Hickory — Scotland
Holt — Shannon
Knox — Stoddard
Maries — Stone
McDonald — Sullivan

MONTANA

Critical Medical Shortage Areas

Big Horn
Chouteau—the Fort Benton medical service area
Daniels—the Scobey medical service area
Fallon — Garfield
Liberty—the Chester medical service area
Mineral—the Superior medical service area
Musselshell
Prairie—the Terry medical service area
Roosevelt—the Poplar medical service area
Toole—the Shelby medical service area
Wheatland, Golden Valley — 2-county area

Critical Dental Shortage Areas

Big Horn — Garfield
Fallon — Roosevelt

NEBRASKA

Critical Medical Shortage Areas

Arthur — Blaine
Banner — Clay
Custer—the Arnold medical service area
Fillmore — Gosper
Frontier — Grant
Hayes, Hitchcock — 2-county area
Hooker, Cherry — the Mullen medical service area
Keya Paha — Loup
Logan — McPherson

NEBRASKA—Continued

Sheridan—the Rushville medical service area
Sherman — Thomas
Sioux — Wheeler

Critical Dental Shortage Areas

Arthur — Clay
Banner — Grant
Blaine
Hayes, Hitchcock — 2-county area
Keya Paha — Sioux
Logan — Thomas
Loup — Thurston
McPherson — Wheeler

NEVADA

Critical Medical Shortage Areas

Elko—the Wells medical service area
Eureka
Humboldt—northern section
Mineral, Esmeralda — 2-county area

Critical Dental Shortage Areas

Eureka — Lincoln
Lander
Mineral, Esmeralda — 2-county area
Nye — Pershing

NEW HAMPSHIRE

Critical Medical Shortage Areas

Coos—the Gorham medical service area

Critical Dental Shortage Areas

None

NEW MEXICO

Critical Medical Shortage Areas

Dona Ana—the Hatch medical service area
Guadalupe — Harding
Lincoln—the Garrizozo medical service area
Mora — San Miguel
Rio Arriba — Taos
Sandoval — Torrance

Critical Dental Shortage Areas

Catron — Rio Arriba
De Baca — Sandoval
Grant — San Miguel
Guadalupe — Sierra
Harding — Socorro
Hidalgo — Taos
Mora — Torrance
Quay — Valencia

NEW YORK

Critical Medical Shortage Areas

Cayuga—the Aurora medical service area
Greene
Herkimer—the West Winfield medical service area
Madison, Chenango — the Hamilton medical service area
Oneida—the Boonville medical service area
Orleans—the Albion medical service area
Wyoming, Cattaraugus, Allegheny — the Arcade medical service area

Critical Dental Shortage Areas

Cattaraugus—the Salamanca dental service area

NORTH CAROLINA

Critical Medical Shortage Areas

Alleghany — Gates
Anson — Graham
Bertie — Granville
Bladen — Greene
Camden — Hertford
Caswell — Hoke
Clay — Hyde
Dare — Jones

NORTH CAROLINA—Continued

Madison—the Hot Springs medical service area
Northampton — Perquimans
Pamlico — Person
Pasquotank — Randolph
Pender — Richmond
Robeson—Pembroke Township
Robeson—Red Springs Township
Robeson—St. Paul's Township
Rockingham, Stokes — the Madison medical service area
Rowan—Western portion
Stokes — Washington
Tyrrell — Wilkes
Union — Yadkin
Warren

Critical Dental Shortage Areas

Alexander — Granville
Alleghany — Graham
Anson — Greene
Ashe — Halifax
Avery — Harnett
Beaufort — Hertford
Bertie — Hoke
Bladen — Hyde
Brunswick — Johnston
Caldwell — Jones
Camden — Macon
Caswell — Madison
Cherokee — Montgomery
Clay — Northhampton
Columbus — Pamlico
Currituck — Pender
Dare — Perquimans
Davidson — Person
Duplin — Randolph
Edgecombe — Richmond
Franklin — Robeson
Gaston — Rockingham
Gates

Rowan—Western portion

Rutherford — Union
Sampson — Warren
Scotland — Washington
Stanly — Yadkin
Stokes — Yancey
Tyrrell

NORTH DAKOTA

Critical Medical Shortage Areas

Billings — Logan
Burke — McKenzie
Cavalier — Oliver
Dunn — Pembina
Golden Valley — Sargent
Grant — Sheridan
Griggs — Slope
Hettinger — Steele
Lamoure

Ward—the Des Lacs Census County Division
Ward—the Kenmare medical service area

Critical Dental Shortage Areas

Billings — Golden Valley
Eddy — Grant
Emmons
Griggs, Steele — 2-county area
Hettinger — Oliver
Logan — Rolette
McHenry — Sargent
McIntosh — Sioux
McKenzie — Slope
Nelson

OHIO

Critical Medical Shortage Areas

Brown — Clermont
Jackson—the Oak Hill medical service area
Mahoning—Smith Township

OHIO—Continued

Medina—the Medina medical service area
Pike — Vinton
Putnam — Warren

Critical Dental Shortage Areas

Adams — Clermont
Brown — Harrison
Mahoning—Smith Township
Monroe — Pike
Noble — Vinton
Perry — Warren

OKLAHOMA

Critical Medical Service Areas

Beaver—the Beaver medical service area
Choctaw — Delaware
Cimarron — Dewey
Jefferson—the Ringling medical service area
Johnston — Noble
Le Flore — Okmulgee
McCurtain — Osage
Murray — Sequoyah
Woods—the Alva medical service area

Critical Dental Shortage Areas

Adair — Johnston
Atoka — Le Flore
Beaver — Love
Coal — McCurtain
Creek — McIntosh
Delaware — Nowata
Dewey — Osage
Haskell — Wagoner

OREGON

Critical Medical Service Areas

Curry — Gilliam
Jackson—Northeast section
Morrow
Union—the Elgin medical service area
Wheeler

Critical Dental Shortage Areas

Klamath

PENNSYLVANIA

Critical Medical Shortage Areas

Armstrong—the Cowansville medical service area
Butler—Northeast portion
Cambria—Northern portion
Cameron, Potter — the Austin/Emporium medical service area
Delaware—City of Chester—census tracts 4048 through 4060
Indiana—Northern portion
Pike
Potter, Allegheny, McKean — the Shinglehouse medical service area
Potter, Tioga — the Galeton medical service area
Washington—the Burgettstown medical service area
Wayne

Critical Dental Shortage Areas

Indiana—Northern portion

PUERTO RICO

Critical Medical Shortage Areas

Barranquitas (Municipio)
Las Marias (Municipio)
Maricao (Municipio)

Critical Dental Shortage Areas

Anasco (Municipio)
Barranquitas (Municipio)
Cabo Roso (Municipio)
Hormigueros (Municipio)
Maricao (Municipio)
Mayaguez (Municipio)

XUM
V 40 38 FEB 25 75
XUM

SOUTH CAROLINA

Critical Medical Shortage Areas

Abbeville, Anderson } the Iva medical service area
Allendale
Berkeley
Calhoun
Cherokee
Chester
Dorchester
Fairfield
Jasper
Lancaster
Laurens
Lee
McCormick
Saluda
Union

Critical Dental Shortage Areas

Abbeville, Anderson } the Iva dental service area
Allendale
Beaufort
Berkeley
Calhoun
Cherokee
Chesterfield
Clarendon
Colleton
Dillon
Edgefield
Fairfield
Jasper
Lancaster
Laurens
Lee
Marion
Marlboro
Saluda
Union
Williamsburg

SOUTH DAKOTA

Critical Medical Shortage Areas

Aurora
Bennett
Buffalo
Campbell
Clark
Corson
Custer
Deuel
Dewey
Douglas
Edmunds
Faulk
Haakon—the Philip medical service area
Hamlin
Hanson
Harding
Hyde
Jones
McPherson
Meade
Mellette
Moody
Roberts
Sanborn
Shannon
Stanley
Sully
Todd
Union
Washabaugh
Ziebach

Critical Dental Shortage Areas

Aurora
Buffalo
Campbell
Charles Mix
Clark
Corson
Custer
Deuel
Dewey
Douglas
Edmunds
Faulk
Gregory
Haakon
Hamlin
Hand
Harding
Jones
Lyman
McCook
Marshall
Mellette
Moody
Roberts
Sanborn
Shannon
Spink
Sully
Todd
Union
Washabaugh
Ziebach

TENNESSEE

Critical Medical Shortage Areas

Campbell—the Jacksboro medical service area
Carroll
Cheatham
Cocke
Crockett
Decatur
Fayette
Fentress—the Jamestown medical service area
Giles
Grainger
Grundy
Hancock
Hardeman
Hawkins
Haywood
Hickman
Johnson
Lauderdale
Loudon
McNairy
Macon
Meigs
Moore
Morgan
Perry

TENNESSEE—Continued

Putnam—the Monterey medical service area
Rhea
Roane
Scott
Stewart
Trousdale
Union
Wayne
White
Williamson
Wilson

Critical Dental Shortage Areas

Bledsoe
Campbell
Carter
Carroll
Cheatham
Claiborne
Clay
Cocke
Crockett
Cumberland
Decatur
DeKalb
Fayette
Giles
Grainger
Grundy
Hancock
Hardeman
Hawkins
Hickman
Jackson
Lake
Macon
Meigs
Morgan
Overton
Perry
Pickett
Robertson
Scott
Smith
Stewart
Trousdale
Unicoi
Union
Van Buren
Wayne
White

TEXAS

Critical Medical Shortage Areas

Armstrong—the Claude medical service area
Atascosa
Bandera
Briscoe
Cameron, Willacy } the Harlingen/Raymondsville medical service area
Carson
Dickens
Gaines
Gonzales
Frio
Hidalgo—the Elsa-Edcouch-La Villa medical service area
Hudspeth
Jim Hogg
Kent
King
Kinney
Lipscomb
Maverick
Newton
Oldham
Randall
Roberts
San Jacinto
Shelby
Sherman
Starr
Stonewall
Terrell
Ward
Yoakum
Zapata

Critical Dental Shortage Areas

Armstrong
Atascosa
Bandera
Briscoe
Carson
Castro
Frio
Hall
Hansford
Hidalgo
Hudspeth
Jim Hogg
Maverick—the Eagle Pass dental service area
Newton
Oldham
Parmer
Randall
Roberts
Shelby
Sherman
Somervell
Starr
Trinity
Willacy

UTAH

Critical Medical Shortage Areas

Daggett
Emery—the Castle Dale/Huntingdon medical service area
Emery—the Green River medical service area
Garfield, Piute } 2-county area
Millard—the Fillmore medical service area
Rich
San Juan—the Blanding medical service area
Tooele

Critical Dental Shortage Areas

None

VERMONT

Critical Medical Shortage Areas

Caledonia—the Hardwick medical service area
Essex—the Island Pond medical service area

Critical Dental Shortage Areas

None

VIRGINIA

Critical Medical Shortage Areas

Accomack
Amherst
Augusta—the Craigsville medical service area
Bedford
Bland
Botetourt—the Fincastle/Amsterdam medical service area
Buchanan
Campbell
Buckingham
Charlotte—The Drake's Branch medical service area
Chesapeake City
Dickenson
Craig
Floyd
Cumberland
Fluvanna
Grayson—the independence medical service area
Isle of Wight
Nansemond
Lee
Russell
Smyth, Tazewell, Washington } the Saltville medical service area
Southampton—the Capron medical service area
Surry
Virginia Beach—the boroughs of Pungo and Blackwater

Critical Dental Shortage Areas

Amherst
Craig
Bedford
Floyd
Buchanan
Nansemond
Campbell
Southampton
Chesapeake City

WASHINGTON

Critical Medical Shortage Areas

Adams—the Ritzville medical service area
Clallam—the Forks medical service area
Ferry
Grant—the Grand Coulee medical service area
Grays Harbor—the McCleary-Elma medical service area
Kittitas—the Cle Elum medical service area
Okanogan—the Twisp medical service area
Skamania
Snohomish—the Darrington medical service area
Stevens—the Chewelah medical service area

Critical Dental Shortage Areas

Mason—the Union dental service area
Okanogan—the Twisp dental service area

WEST VIRGINIA

Critical Medical Shortage Areas

Boone
Cabell—excluding the Huntington urban area
Calhoun
Clay
Doddridge
Fayette—excluding the Kanawha district
Gilmer
Grant—the Mt. Storm medical service area
Hampshire—the Bloomery, Cacapon, Gore and Sherman Minor Civil Divisions
Hardy
Kanawha—except Charleston
Lewis
Lincoln
Logan—excluding the Logan-Man medical service area

WEST VIRGINIA—Continued

McDowell—the War medical service area
Marshall—Cameron District
Mercer—excluding the Bluefield/Princeton area
Mineral—the Frankfort and Cabin Run Minor Civil Divisions
Mingo—excluding the Williamson district
Monongalia—the Blacksville medical service area
Monroe
Nicholas—the Grant, Hamilton, Jefferson, Summerville, and Wilderness Minor Civil Divisions
Pendleton
Pleasants—the Grant, Jefferson, Lafayette, McKim, and Union Minor Civil Divisions
Pocahontas—the Edray, Huntersville and Little Levels Minor Civil Divisions
Preston
Putnam
Randolph, Upshur, Webster } the Middlefork/Hacker Valley medical service area
Ritchie
Taylor
Summers
Tucker
Tyler—the Centreville, Ellsworth, McElroy, Meade and Union Minor Civil Divisions
Wayne
Wyoming
Wirt

Critical Dental Shortage Areas

Barbour
Clay
Boone
Doddridge
Calhoun
Fayette—excluding the Kanawha District
Gilmer
Kanawha—excluding Charleston
Lincoln
McDowell
Logan
Mercer—excluding the Bluefield/Princeton area
Mingo—excluding the Williamson district
Monongalia—the Blacksville dental service area
Monroe
Nicholas—the Beaver and Kentucky Minor Civil Divisions
Pleasants—the Grant, Jefferson, Lafayette, McKim, and Union Minor Civil Divisions
Putnam
Taylor
Ritchie
Tucker
Summers
Tyler—the Centreville, Ellsworth, McElroy, Meade and Union Minor Civil Divisions
Wayne
Wyoming
Webster

WISCONSIN

Critical Medical Shortage Areas

Ashland—the Mellen medical service area
Bayfield
Buffalo—Western portion
Crawford, Richland, Vernon } the Kickapoo River Valley medical service area
Florence
Iron
Forest
Lafayette
Iowa
Manitowoc—the Reedsville medical service
Marathon—the Athens medical service area
Menominee
Price—Central and Southern portions
Rusk
Vernon—Western portion

Critical Dental Shortage Areas

Adams
Burnett
Bayfield
Calumet
Crawford, Richland, Vernon } the Kickapoo River dental service area
Florence
Marquette
Jackson
Menominee
Lafayette

WYOMING

Critical Medical Shortage Areas

Crook
Niobrara—the Lusk medical service area
Sweetwater—the Green River medical service area

Critical Dental Shortage Areas

Campbell
Crook

With respect to the withdrawal of designation of an area as a critical health manpower shortage area, § 23.5 (d) of the regulations governing the National Health Service Corps program (42 CFR Part 23) provides that the Secretary may withdraw such designation upon his determination that there has been a substantial change in the circumstances within the area upon which the previous designation was made. The determination having been made in each case either that there has been such a substantial change or that the previous designation was the result of the use of incorrect data concerning the circumstances in the area, 90 days after this publication the designation of the following areas (counties, or specified parts of counties) will be withdrawn:

ARKANSAS

Critical Medical Shortage Areas

Clay
Monroe
Cross
Phillips
Grant
Sharp
Greene
St. Francis
Marion
Stone

CALIFORNIA

Critical Medical Shortage Areas

Sacramento—the Isleton medical service area

GUAM

Critical Dental Shortage Areas

Agana

ILLINOIS

Critical Medical Shortage Areas

Gallatin

INDIANA

Critical Dental Shortage Areas

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Date: February 18, 1975.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.75-4941 Filed 2-24-75;8:45 am]

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Federal Employees Pay Council; to be held in Washington, D.C. on 3–5–75. 4482; 1–30–75

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presidential documents

Title 3—The President

PROCLAMATION 4352

Red Cross Month, 1975

By the President of the United States of America

A Proclamation

Since the first settlement on these shores, we Americans have worked together voluntarily to conquer problems and to care for one another in time of adversity. This neighbor-helping-neighbor approach is still with us today and is exemplified by an organization that has become known as the Good Neighbor—the American National Red Cross.

We can all be grateful that the Red Cross is here in time of need. When disasters occur, this Good Neighbor responds with quick and openhanded assistance to help the injured and homeless. When the need is blood, the Red Cross provides this precious fluid from volunteer donors to more than half of this nation's medical facilities. This Good Neighbor, through its first aid and water safety training programs, arms us with the knowledge and skill to save our own and the lives of others. Veterans and members of the military services, often separated far from their loved ones, also turn to the Red Cross for help in time of personal crisis.

The American Red Cross, governed both nationally and in our communities by boards made up of volunteers, is dependent upon each one of us for its existence. It is financed primarily by voluntary contributions and its services are made available largely through the work of volunteers.

Traditionally, March is Red Cross Month. During that month, more than half of the 3,100 Red Cross chapters will be asking Americans to be Good Neighbors by making contributions. In communities where the Red Cross is in partnership with United Way, these chapters will be asking us to lend our time and skills as volunteers in one of their many service programs.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, and Honorary Chairman of the American National Red Cross, do hereby designate March, 1975, as Red Cross Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-5207 Filed 2-24-75;2:27 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER XIV—FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

PART 2401—AVAILABILITY OF OFFICIAL INFORMATION

Freedom of Information

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended November 21, 1974 (Pub. L. 93–502), which requires each agency to establish procedures applicable to disclosure of public information, the Federal Labor Relations Council and Federal Service Impasses Panel have amended Chapter XIV of Title 5 of the Code of Federal Regulations by amending Part 2401 to read as set forth below.

This amended Part 2401 contains the Council's and Panel's rules concerning the availability of information relating to the Council or the Panel or within their custody, and establishes the procedures and costs for obtaining information.

In accordance with the November 21, 1974, Freedom of Information Act Amendments, a proposed revision of § 2401.7 of Part 2401 specifying a uniform schedule of fees to be effective February 19, 1975, was published in the FEDERAL REGISTER on January 10, 1975 (40 FR 2214), for comment. In the amended rules set forth below, the proposed § 2401.7 has been revised and redesignated as § 2401.10.

By the Federal Labor Relations Council.

ROBERT E. HAMPTON,
Chairman.

By the Federal Service Impasses Panel.

JACOB SEIDENBERG,
Chairman.

The amended Part 2401 reads as follows:

Sec.
2401.1 Purpose and scope.
2401.2 Delegation of authority.
2401.3 Information policy.
2401.4 Procedure for obtaining information.
2401.5 Identification of information requested.
2401.6 Time limits for processing requests.
2401.7 Appeal from denial of request.
2401.8 Extension of time limits.
2401.9 Effect of failure to meet time limits.
2401.10 Fees.
2401.11 Compliance with subpoenas.
2401.12 Annual report.

AUTHORITY: The provisions of this Part 2401 issued under 5 U.S.C. 552, as amended; E.O. 11491, as amended, 3 CFR 264 (1974).

§ 2401.1 Purpose and scope.

This part contains the regulations of the Federal Labor Relations Council and the Federal Service Impasses Panel providing for public access to information from the Council or the Panel. These regulations implement the Freedom of Information Act, 5 U.S.C. 552, as amended by Pub. L. 93–502, November 21, 1974, and the policy of the Council and the Panel to disseminate information on matters of interest to the public and to disclose to members of the public on request such information contained in records insofar as is compatible with the discharge of their responsibilities, consistent with applicable law.

§ 2401.2 Delegation of authority.

(a) *Federal Labor Relations Council.* The General Council of the Federal Labor Relations Council (or person acting in his stead) is delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization.

(b) *Federal Service Impasses Panel.* The Executive Secretary of the Federal Service Impasses Panel (or person acting in his stead) is delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization.

§ 2401.3 Information policy.

(a) *Federal Labor Relations Council.*—(1) It is the policy of the Federal Labor Relations Council to make available for public inspection and copying final decisions and orders of the Federal Labor Relations Council, statements of policy and interpretations which have been adopted by the Council and are not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect a member of the public. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) It is the policy of the Federal Labor Relations Council to make promptly available for public inspection and copying, upon request by any person, other records where the request reasonably describes such records and otherwise conforms with the rules provided herein.

(b) *Federal Service Impasses Panel.*—(1) It is the policy of the Federal Service Impasses Panel to make available for public inspection and copying authorizations and directions by the Federal Service Impasses Panel of third-party factfinding and arbitration, final decisions and orders of the Panel, statements of policy and interpretations which have been adopted by the Panel and are not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect a member of the public. To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted and, in each case, the justification for the deletion shall be fully explained in writing.

(2) It is the policy of the Federal Service Impasses Panel to make promptly available for public inspection and copying, upon request by any person, other records where the request reasonably describes such records and otherwise conforms with the rules provided herein.

(c) The Council or the Panel may decline to disclose any matters exempted from the disclosure requirements in 5 U.S.C. 552(b), particularly those that are: (1) (i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive Order; (2) related solely to internal personnel rules and practices of the Council or the Panel; (3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (5) interagency and intra-agency memoranda or letters; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

(d) Any person may examine and copy such document of record of the Council

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or Panel under conditions prescribed by the General Counsel of the Council or the Executive Secretary of the Panel, as the case may be, at reasonable times during normal working hours so long as it does not interfere with the efficient operations of either the Council or the Panel.

(e) The Council and the Panel shall maintain and make available for public inspection and copying the current indexes and supplements thereto which are required by 5 U.S.C. 552(a)(2).

§ 2401.4 Procedure for obtaining information.

(a) *Federal Labor Relations Council.* Any person who desires to inspect or copy any records, documents or other information of the Council covered by this part shall submit a written request to that effect to the General Counsel, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415.

(b) *Federal Service Impasses Panel.* Any person who desires to inspect or copy any records, documents or other information of the Panel covered by this part shall submit a written request to that effect to the Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, D.C. 20415.

(c) All requests under this part should be clearly and prominently identified as a request for information under the Freedom of Information Act and, if submitted by mail or otherwise submitted in an envelope or other cover, should be clearly identified as such on the envelope or other cover. If a request does not comply with the provisions of this paragraph, it shall not be deemed received by the Federal Labor Relations Council or the Federal Service Impasses Panel until the time it is actually received by the General Counsel or the Executive Secretary, as the case may be.

§ 2401.5 Identification of information requested.

(a) Each request under this part should reasonably describe the records being sought, in a way that they can be identified and located. A request should include all pertinent details that will help identify the records sought.

(b) If the description is insufficient, the officer processing the request will so notify the person making the request and indicate the additional information needed. Every reasonable effort shall be made to assist in the identification and location of the record sought.

(c) Upon receipt of a request for records, the General Counsel of the Council or the Executive Secretary of the Panel, as the case may be, shall enter it in a public log. The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to paragraphs (b) and (c) of § 2401.6, the date(s) any records are subsequently furnished, the number of staff-hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

§ 2401.6 Time limits for processing requests.

(a) All time limits established pursuant to this section shall begin as of the time at which a request for records is logged in by the officer processing the request pursuant to paragraph (c) of § 2401.5. An oral request for records shall not begin any time requirement. A written request for records sent to an office of the Council or the Panel other than the one having authority to grant or deny access to the records shall be redirected immediately to the appropriate officer for processing, and the time shall begin upon its being logged in as required by paragraph (c) of § 2401.5.

(b) Except as provided in § 2401.8, the General Counsel of the Council or the Executive Secretary of the Panel, as the case may be, shall, within ten (10) working days following receipt of the request, respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

(1) If all the records requested have been located and a final determination has been made with respect to disclosure of all of the records requested, the response shall so state.

(2) If all of the records have not been located or a final determination has not been made with respect to disclosure of all the records requested, the response shall state the extent to which the records involved shall be disclosed pursuant to the rules established in this part.

(3) If the request is expected to involve an assessed fee in excess of $25.00, the response shall specify or estimate the fee involved and shall require prepayment before the records are made available.

(4) Whenever possible, the response relating to a request for records that involves a fee of less than $25.00, shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the Council or the Panel.

(c) If any request for records is denied in whole or in part, the response required by paragraph (b) of this section shall notify the requester of the denial. Such denial shall specify the reason therefor and also advise that, in case of denial by the General Counsel of the Council, the denial may be appealed to the Executive Director of the Council (or person acting in his stead) as specified in paragraph (a)(1) of § 2401.7, or, in case of denial by the Executive Secretary of the Panel, the denial may be appealed to the Chairman of the Federal Service Impasses Panel (or person acting in his stead) as specified in paragraph (b)(1) of § 2401.7.

§ 2401.7 Appeal from denial of request.

(a) *Federal Labor Relations Council.*—(1) Whenever any request for records is denied by the General Counsel, a written appeal may be filed with the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415, within 30 days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial.

(2) A determination on the appeal shall be made within 20 working days from the time of receipt of the appeal, except as provided in § 2401.8. If on appeal the denial of the request for records is upheld in whole or in part, the Executive Director shall notify the requester of the reasons therefor, and shall advise the requester of the provisions for judicial review under 5 U.S.C. 552(a)(4).

(b) *Federal Service Impasses Panel.*—(1) Whenever any request for records is denied by the Executive Secretary, a written appeal may be filed with the Chairman, Federal Service Impasses Panel, 1900 E Street NW., Washington, D.C. 20415, within 30 days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial.

(2) A determination on the appeal shall be made within 20 working days from the time of receipt of the appeal, except as provided in § 2401.8. If on appeal the denial of the request for records is upheld in whole or in part, the Chairman shall notify the requester of the reasons therefor, and shall advise the requester of the provisions for judicial review under 5 U.S.C. 552(a)(4).

§ 2401.8 Extension of time limits.

In unusual circumstances as specified in this section, the time limits prescribed with respect to initial determinations or determinations on appeal may be extended by written notice from the officer handling the request (either initial or on appeal) to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in a total extension of more than ten (10) working days. As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

§ 2401.9 Effect of failure to meet time limits.

Failure by the Council or the Panel to either deny or grant any request under this part within the time limits prescribed by the Freedom of Information Act (5 U.S.C. 552, as amended) and these regulations shall be deemed to be an exhaustion of the administrative remedies available to the person making this request.

§ 2401.10 Fees.

(a) The following fees shall be charged for disclosure of any record pursuant to this part.

(1) *Copying of records.* Ten cents per copy of each page.

(2) *Clerical searches.* $1.25 for each one-quarter hour spent by clerical personnel searching for and producing a requested record, including time spent copying any record.

(3) *Nonclerical searches.* $2.50 for each one-quarter hour spent by professional or managerial personnel searching for and producing a requested record, including time spent copying any record.

(4) *Forwarding material to destination.* Postage, insurance, and special fees will be charged on an actual cost basis.

(b) Requests by parties for copies of transcripts of hearings shall be made to the official hearing reporter.

(c) No charge shall be made for the time spent in resolving legal or policy issues or in examining records for the purpose of deleting nondisclosable portions thereof.

(d) All charges may be waved or reduced whenever it is in the public interest to do so.

(e) Payment of fees shall be made by check or money order payable to the U.S. Treasury.

§ 2401.11 Compliance with subpoenas.

No member of the Council or the Panel, or other officer or employee of the Council or the Panel, shall produce or present any files, documents, reports, memoranda, or records of the Council or the Panel or testify in behalf of any party to any cause pending in any arbitration or in any court or before the Council or the Panel, or any other board, commission, or administrative agency of the United States, territory, or the District of Columbia with respect to any information, facts, or other matter to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda, or records of the Council or the Panel, whether in answer to a subpoena, subpoena duces tecum, or otherwise, without the written consent of the Council or the Panel, as the case may be. Whenever any subpoena, the purpose for which is to adduce testimony or require the production of records as described above, shall have been served on any member or other officer or employee of the Council or the Panel, he will, unless otherwise expressly directed by the Council or the Panel, as the case may be, move pursuant to the applicable procedure to have such subpoena invalidated on the ground that the evidence sought is privileged against disclosure by this rule.

§ 2401.12 Annual report.

On or before March 1 of each calendar year, the Executive Director of the Council shall submit a report of the activities of the Council and the Panel with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include for such calendar year all information required by 5 U.S.C. 552(d) and such other information as indicates the efforts of the Council and Panel to administer fully the provisions of the Freedom of Information Act, as amended.

[FR Doc.75-5156 Filed 2-25-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Revised Free and Restricted Percentages for the 1974–75 Fiscal Year

Notice of a proposal to revise the free and restricted percentages applicable to filberts grown in Oregon and Washington was published in the FEDERAL REGISTER on January 28, 1975 (40 FR 4151). The free and restricted percentages of 61 percent and 39 percent, respectively, established November 29, 1974 (39 FR 41510), would be revised to 65 percent and 35 percent, respectively. These revised percentages would apply to filberts grown in the 1974–75 fiscal year, beginning August 1, 1974.

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The revised percentages would be established under § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The Filbert Control Board, at a November 12, 1974, meeting estimated the total production of filberts for 1974 at 7,000 tons, of which 6,164 tons would be merchantable and the free and restricted percentages currently effective were established on the basis of those estimates. The Board, at a January 16, 1975, meeting revised its estimate of total production downward to 6,500 tons, of which an estimated 5,720 tons would be merchantable. The Board also increased its previous estimate of carryover not subject to regulation on August 1, 1974, from 1,629 tons to 1,695 tons. The downward revision in the production estimate makes necessary an increase in the free percentage in order to make available the same quantity of inshell filberts as were made available by the percentages established on November 29, 1974.

The revised percentages are based upon the following estimates for the 1974–75 fiscal year:

Inshell supply:

		Tons
(1)	Total production	6,500
(2)	Less substandard, etc	780
(3)	Total merchantable production	5,720
(4)	Carryover Aug. 1, 1974, subject to regulation	306
(5)	Total merchantable supply (item 3 plus item 4)	6,026

Inshell requirements:

		Tons
(6)	Trade demand	5,200
(7)	Carryover July 31, 1975	400
(8)	Total	5,600
(9)	Less carryover Aug. 1, 1974, not subject to regulation	1,695
(10)	Inshell requirements	3,905

Percentages:

(11)	Free percentage (item 10 divided by item 5)	65
(12)	Restricted percentage (100 percent minus 65 percent)	35

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that to revise the free and restricted percentages for the 1974–75 fiscal year applicable to filberts grown in Oregon and Washington, to 65 percent and 35 percent, respectively, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during that fiscal year; (2) the current fiscal year began on August 1, 1974, and the percentages established by this action will automatically apply to all such filberts beginning with that date; and (3) no useful purpose would be served by delaying this action.

Therefore, the free and restricted percentages established for merchantable filberts during the 1974–75 fiscal year and set forth in § 982.224 of Subpart—Free and Restricted Percentages are revised to read as follows:

§ 982.224 Free and restricted percentages for merchantable filberts during the 1974–75 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1974:

Free percentage	65
Restricted percentage	35

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 21, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75–5142 Filed 2–25–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–NW–2–AD; Amendment 39–2105]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

There has been a failure of the wiring to the No. 2 engine fuel shutoff valve on a Boeing model 737 airplane which caused an unwanted fuel valve closure and engine shutdown due to fuel starvation during the takeoff roll. The takeoff was aborted. The wires adjacent to the fuel valve had chafed against each other wearing the insulation sufficiently to bare the metal conductors and shorting to each other, causing power to be shunted to the closing coil of the fuel shutoff valve actuator motor. A survey made of several other 737 operators revealed a significant number of cases of wire insulation in a chafed condition along with some worn clamps holding the wire bundles. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to provide the necessary inspections and modifications to ensure normal operation of the engine fuel shutoff valves and the fuel manifold crossfeed valve.

A situation exists that requires immediate adoption of this regulation and, therefore, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13687), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all model 737 series airplanes, certificated in all categories. Compliance required as indicated.

(1) Within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, inspect the engine fuel shutoff and crossfeed valve wire bundles for chafing in accordance with Boeing Service Bulletin No. 737–28–1022, dated December 20, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(2) If wire or wire insulation chafing or clamp damage is found, replace and modify the wiring and replace the wiring harness clamps in accordance with Boeing Service Bulletin No. 737–28–1022, dated December 20, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(3) Within the next 1000 hours' time in service after the effective date of this AD, for airplanes with no wire or wire insulation chafing or clamp damage, replace and modify the wiring and replace the wiring harness clamps in accordance with Boeing Service Bulletin No. 737–28–1022, dated December 20, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacture's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 24, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington on February 18, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75–5048 Filed 2–25–75;8:45 am]

[Docket No. 75–EA–2; Amdt. 39–2102]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 62–1–1, applicable to Fairchild Hiller F–27 and FH–227 type airplanes.

The purpose of this amendment is to insert in the AD an alternative method of computing the life limit on the subject part in terms of cycles. Presently the computation is premised on hours in service.

Since this amendment is an alternative method of compliance, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697], § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 62–1–1 by adding, "or 20,000 cycles of operation of the chemical drier (two cycles for each takeoff and landing sequence of the aircraft)." after the words and figures, "4300 hours' time in service."

This amendment is effective February 26, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on February 14, 1975.

JAMES BISPO,
Acting Director, Eastern Region.

[FR Doc.75–5051 Filed 2–25–75;8:45 am]

[Airworthiness Docket No. 74–WE–49–AD; Amdt. 39–2104]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed L–1011–385–1 Series Airplanes

Amendment 39–2049 (39 FR 43621), AD 74–26–06, requires a functional check and modification of the Engine Shutoff Control Panel Assembly, P/N 1520324 or P/N 1580810, installed on Lockheed L–1011–385–1 series airplanes. After issuing Amendment 39–2049, due to later reported service experience, the agency determined that several Engine Shutoff Control Panel Assemblies, P/N 1520324 or P/N 1580810, of the later improved configuration, exempted from repair by AD 74–26–06, have failed in the same manner as those previously required to be modified. Therefore, the AD is being revised and rewritten in its entirety to require repair of those assembly configurations not previously covered by the AD, in accordance with the manufacturer's service document, Revision 1, to Lockheed Service Bulletin 093–26–010. Also, the functional test of paragraph (1) now required per the AD is being deleted.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2049 (39 FR 43621), AD 74–26–06, is amended as follows:

LOCKHEED-CALIFORNIA. Applies to all L–1011–385–1 Series Airplanes certificated in all categories, incorporating Engine Shutoff Control Panel Assemblies, P/N 1520324 or P/N 1580810, all configurations.

Compliance required as indicated, unless already accomplished.

To provide protection in the event of an unknown incipient failure condition in the housing of the fire pull handle assembly, P/N 1520324 or P/N 1580810, accomplish the following:

(1) Within 600 hours time in service after the effective date of this AD, as amended,

(a) Modify the Control Panel Assembly, 152034 or P/N 1580810, accomplish the P/N 152034 or P/N 1580810, in accordance 093–26–010, dated November 21, 1974, revised February 11, 1975 or later FAA-approved revisions.

(b) Re-identify all modified Control Panel Assemblies in accordance with Part 3B of Lockheed Service Bulletin 093–26–010, dated November 21, 1974, revised February 11, 1975, or later FAA-approved revisions.

(2) Equivalent repairs or modifications may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

NOTE.—Those engine shutoff control panel assemblies marked as P/N 1604009 or P/N 1605009 are in compliance with this AD.

This amendment to AD 74–26–06 becomes effective March 4, 1975.

(Secs. 313(a), 601 and 603 of Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on February 18, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–5049 Filed 2–25–75;8:45 am]

Title 29—Labor

CHAPTER XII—FEDERAL MEDIATION AND CONCILIATION SERVICE

PART 1401—PUBLIC INFORMATION

Procedures and Cost for Obtaining Information

On January 28, 1975, there was published in the FEDERAL REGISTER (40 CFR 4155) a notice of proposed rule-making to amend Part 1401 with respect to the procedures and costs for obtaining information. The proposed amendment created Subpart A dealing with the policy and procedure to be followed when information is requested in response to subpoenas. Subpart B would establish the policy, procedures and costs for the disclosure of information. Interested persons were given until February 14, 1975 in which to submit comments, data or arguments regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These FMCS regulations are effective February 19, 1975.

Approved: February 19, 1975.

W. J. USERY, JR.,
National Director.

Part 1401 is revised to read as follows:

Subpart A—Information or Testimony in Response to Subpoenas

Sec.
1401.1 Purpose and scope.
1401.2 Production of records or testimony by FMCS employees.
1401.3 Procedure in the event of a demand for production disclosure or testimony.

Subpart B—Production or Disclosure of Information

Sec.
1401.20 Purpose and scope.
1401.21 Information policy.
1401.22 Partial disclosure of records.
1401.23 Preparation of new records.
1401.24 Notices of dispute are disclosable.
1401.30 Applicability of procedures.
1401.31 Filing a request for records.
1401.32 Description of information requested.
1401.33 Logging of written requests.
1401.34 Time for processing requests.
1401.35 Appeals from denials of request.
1401.36 Fees—duplication cost and search.
1401.37 Annual report.

AUTHORITY: Sec. 202, 61 Stat. 153, as amended; 29 U.S.C. 172; Pub. L. 90–23, 81 Stat. 54–56 as amended by Pub. L. 93–502, 88 Stat. 1561–1565 (5 U.S.C. 552).

Subpart A—Information in Response to Subpoenas

§ 1401.1 Purpose and scope.

This subpart contains the regulations of the Service concerning procedures to be followed when a subpoena, order, or other demand of a court or other authority is issued for the production or disclosure of (a) any material contained in the files of the Service; (b) any information relating to material contained in the files of the Service; or (c) any information or material acquired by any person as a part of the performance of his official duties or because of his official status, while such person was an employee of the Service.

§ 1401.2 Production of records or testimony by FMCS employees.

(a) Public policy and the successful effectuation of the Federal Mediation and Conciliation Service's mission require that commissioners and employees maintain a reputation for impartiality and integrity. Labor and management or other interested parties participating in mediation efforts must have the assurance and confidence that information disclosed to commissioners and other employees of the Service will not subsequently be divulged, voluntarily or because of compulsion, unless authorized by the Director of the Service.

(b) No officer, employee, or other person officially connected in any capacity with the Service, currently or formerly, shall, in response to a subpoena, subpoena duces tecum, or other judicial or administrative order, produce any material contained in the files of the Service, disclose any information acquired as part of the performance of his official duties or because of his official status, or testify on behalf of any party to any matter pending in any judicial, arbitral or administrative proceeding, without the prior approval of the Director.

§ 1401.3 Procedure in the event of a demand for production, disclosure or testimony.

(a) Any request for records of the Service, whether it be by letter, by subpoena duces tecum or by any other written demand, shall be handled pursuant to the procedures established in Subpart B. of this part, and shall comply with the rules governing public disclosure.

(b) Whenever any subpoena or subpoena duces tecum calling for production of records or testimony as described above shall have been served upon any officer, employee or other person as noted in § 1401.2(b), he will, unless notified otherwise appear in answer thereto, and unless otherwise expressly directed by the Director, respectfully decline to produce or present such records or to give such testimony, by reason of the prohibitions of this section, and shall state that the production of the record(s) involved will be handled by the procedures established in this part.

Subpart B—Production or Disclosure of Information

§ 1401.20 Purpose and scope.

This subpart contains the regulations of the Federal Mediation and Conciliation Service providing for public access to information from records of the Service. These regulations implement the Freedom of Information Act, 5 U.S.C. 552, as amended by Pub. L. 93–502, and the policy of the FMCS to disseminate information on matters of interest to the public and to disclose to members of the public on request such information contained in records in its custody insofar as is compatible with the discharge of its responsibilities and the principle of confidentiality of dispute resolution by third party neutrals, consistent with applicable law.

§ 1401.21 Information policy.

(a) Except for matters specifically excluded by subsection 552(b) of Title 5, United States Code, or other applicable statute, all documents and records maintained by this agency or within the custody thereof shall be available to the public upon request filed in accordance with these regulations. To the extent permitted by other laws, the Service also will make available records which it is authorized to withhold under 5 U.S.C. 552(b) whenever it determines that such disclosure is in the public interest.

(b) Any document released for inspection under the provisions of this part may be manually copied by the requesting party. The Service shall provide facilities for copying such documents at reasonable times during normal working hours so long as it does not interfere with the efficient operation of the agency.

(c) The Service will also publish and maintain a current index, revised quarterly, providing identifying information for the public as to statements of policy and interpretation adopted by the agency and still in force but not published in the FEDERAL REGISTER, and administrative staff manuals and instructions to staff that affect a member of the public. The Service will also maintain on file all material published by the Service in the FEDERAL REGISTER and currently in effect.

(d) Records or documents prepared by the Service for routine public distribution, e.g., pamphlets, speeches, and educational or training materials, shall be furnished free of charge upon request to the Office of Information, Federal Mediation and Conciliation Service, 14th Street and Constitution Avenue, NW., Washington, D.C. 20427, as long as the supply lasts. The provisions of § 1401.36 shall not be applicable to such requests except when the supply of such material is exhausted and it is necessary to reproduce individual copies upon specific request.

(e) All existing FMCS records are subject to routine destruction according to standard record retention schedules.

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§ 1401.22 Partial disclosure of records.

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the remaining record will be disclosed unless the two are so inextricably intertwined that it is not feasible to separate them or release of the disclosable information would compromise or impinge upon the nondisclosable portion of the record.

§ 1401.23 Preparation of new records.

(a) The Freedom of Information Act and the provisions of this part apply only to existing records that are reasonably described in a request filed with the Federal Mediation and Conciliation Service pursuant to the procedures established in §§ 1401.31–1401.34.

(b) The Director may, in his discretion, prepare new records in order to respond to a request for information when he concludes that it is in the public interest and promotes the objectives of the Labor-Management Relations Act, 1947, as amended.

§ 1401.24 Notices of dispute are disclosable.

Written notices of disputes received by the Service pursuant to sections 8(d)(3), 8(d)(A) and 8(d)(B) of the Labor-Management Relations Act, 1947, as amended, are not exempt from disclosure. Parties at interest have the right to receive certified copies of any such notice of dispute upon written request to the regional director of the region in which the notice is filed.

§ 1401.30 Applicability of procedures.

Requests for inspection or copying of information from records in the custody of the FMCS which are reasonably identifiable and available under the provisions of this part shall be made and acted upon as provided in the following sections of this subpart. The prescribed procedure shall be followed in all cases where access is sought to official records pursuant to the provisions of the Freedom of Information Act, except with respect to records for which a less formal disclosure procedure is provided specifically in this part.

§ 1401.31 Filing a request for records.

(a) Any person who desires to inspect or copy any record covered by this part shall submit a written request to that effect to the appropriate office of FMCS which has custody of the record. Standard forms for making a request are not required.

(1) If the records are kept in Washington, D.C., the request shall be directed to the Director of the office, as specified in paragraph (b).

(2) If the records are kept in a field office, the request shall be directed to the office of the regional Director of the region within which the field office maintains custody of such records, as specified in paragraph (c).

(3) If the person making the request does not know where the record is located, he may direct his request to the Director of Administration, FMCS, listed in paragraph (b), below.

(b) The Washington, D.C. offices of FMCS referred to in paragraph (a)(1) of this section, located at 14th Street and Constitution Avenue, NW., Washington, D.C., 20427, are as follows:

(1) Office of the National Director (202) 961–3501.
(2) Office of the General Counsel (202) 961–3714.
(3) Office of Mediation Services (202) 961–3505.
(4) Office of Arbitration Services (202) 961–3513.
(5) Office of Administration (202) 961–3566.
(6) Office of Technical Services (202) 961–3553.
(7) Office of Information (202) 961–3518.

(c) The regional Directors' office referred to in paragraph (a)(2) of this section are:

Region 1—Room 2937, Federal Building, 26 Federal Plaza, New York, N.Y. 10007; (212) 264–1000.

Region 2—Room 401, Mall Building, Fourth and Chestnut Streets, Philadelphia, Pa. 19106; (215) 597–7680.

Region 3—Suite 400, 1422 West Peachtree Street, NW., Atlanta, Ga. 30309; (404) 526–2473.

Region 4—Room 1525, Superior Building, 815 Superior Avenue, NE., Cleveland, Ohio 44114; (216) 522–4800.

Region 5—Room 1402, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, Ill. 60604; (312) 353–7350.

Region 6—Room 3266, Federal Building, 1520 Market Street, St. Louis, Mo. 63103; (314) 622–4591.

Region 7—Room 13471, New Federal Office Building, 450 Golden Gate Avenue, P.O. Box 36007, San Francisco, Calif. 94102; (415) 556–4670.

§ 1401.32 Description of information requested.

(a) Each request should reasonably describe the records being sought, in a way that they can be identified and located. A request should include all pertinent details that will help identify the records sought.

(b) If the description is insufficient, the officer processing the request will so notify the person making the request and indicate the additional information needed. Every reasonable effort shall be made to assist in the identification and location of the records sought.

§ 1401.33 Logging of written requests.

(a) All requests for records should be clearly and prominently identified as a request for information under the Freedom of Information Act, and if submitted by mail or otherwise submitted in an envelope or other cover, should be clearly and prominently identified as such on the envelope or other cover.

(b) Upon receipt of a request for records, the officer processing the request shall enter it in a public log. The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to § 1401.34 (b) and (d), the date(s) any records are subsequently furnished, the number of staff hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

§ 1401.34 Time for processing requests.

(a) All time limitations established pursuant to this section shall begin as of the time at which a request for records is logged in by the officer processing the request pursuant to § 1401.33(b). An oral request for records shall not begin any time requirement. A written request for records sent to an office of FMCS other than the one having authority to grant or deny access to the records shall be redirected immediately to the appropriate officer for processing, and the time shall begin upon its being logged in there in accordance with § 1401.33(b).

(b) The officer passing upon the request for records shall, within ten (10) working days following receipt of the request, respond in writing to the requester, determining whether, or the extent to which, the agency shall comply with the request.

(1) If all of the records requested have been located and a final determination has been made with respect to disclosure of all of the records requested, the response shall so state.

(2) If all of the records have not been located or a final determination has not been made with respect to disclosure of all the records requested, the response shall state the extent to which the records involved shall be disclosed pursuant to the rules established in this part.

(3) If the request is expected to involve an assessed fee in excess of $50.00, the response shall specify or estimate the fee involved and shall require prepayment before the records are made available.

(4) Whenever possible, the response relating to a request for records that involves a fee of less than $50.00, shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter, consistent with other obligations of the agency.

(c) In the following circumstances, the time for passing upon the request may be extended for up to an additional 10 working days by written notice to the person making the request, setting forth the reasons for such extension and the time within which a determination is expected to be made:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(d) If any request for records is denied in whole or in part, the response required by paragraph (b) of this section shall notify the requester of the denial. Such denial shall specify the reason therefor and also advise that the denial may be appealed to the Office of Deputy National Director of the agency as specified in § 1401.35.

§ 1401.35 Appeals from denials of request.

(a) Whenever any request for records is denied, a written appeal may be filed with the Deputy National Director, FMCS, Washington, D.C. 20427, within 30 days after the requester receives notification that the request has been denied or after the requester receives any records being made available, in the event of partial denial. The appeal shall state the grounds for appeal, including any supporting statements or arguments.

(b) Final action on the appeal shall be taken within 20 working days from the time of receipt of the appeal. Where novel and complicated questions have been raised or unusual difficulties have been encountered, the Deputy National Director may extend the time for final action up to an additional 10 days, depending upon whether there had been an extension pursuant to subsection 1401.34(c) at the initial stage. In such cases, the applicant shall be notified in writing of the reasons for the extension of time and the approximate date on which a final response will be forthcoming.

(c) If on appeal the denial of the request for records is upheld in whole or in part, the Deputy National Director shall notify the applicant of the reasons therefor, and shall advise the requester of the provisions for judicial review under 5 U.S.C. 552(a)(4) and (6).

§ 1401.36 Fees—duplication cost and search.

(a) Unless waived in accordance with paragraph (d) of this section, the following schedule of fees shall be imposed for the production and copying of any record pursuant to this part.

(1) *Copy of records.* Twenty ($0.20) cents per copy per page.

(2) *Clerical searches.* $1.25 for each one-quarter hour or fraction thereof spent in excess of the first quarter-hour in searching for or producing a requested record, including time spent copying any record.

(3) *Nonclerical searches.* $3.50 for each one-quarter hour spent by professional or managerial personnel searching for or producing a requested record, including time spent copying any record.

(4) *Certification or authentication of records.* $2.00 per certification or authentication.

(5) *Forwarding material to destination.* Postage, insurance, and special fees will be charged on an actual cost basis.

(b) Rule of construction: In providing the foregoing fee schedule pursuant to the provisions of 5 U.S.C. 552(a)(3), it is the intent of this section to apply 29 U.S.C. 9(b) and the user charge statute (31 U.S.C. 483(a)) to cover those situations where the agency is performing for a requester services which are not required under the Freedom of Information Act.

(c) No fee shall be charged if a record requested is not found or for any record that is totally exempt from disclosure.

(d) The officer processing the request for records may, in his discretion, waive or reduce fees otherwise applicable under paragraph (a) of this section for services in producing and copying record information under the following circumstances:

(1) Where inability to pay is demonstrated and it is clear that a significant public interest would be served by providing the service free of charge.

(2) Where it is in the public interest because furnishing the information can be considered primarily as benefiting the general public.

(3) In making a determination of the broad public interest involved, the officer shall weigh the agency resources involved against the likely benefit to the public.

(e) Payment of fees: Payment shall be made by check or money order payable to "Federal Mediation and Conciliation Service," and shall be sent to the Director of the Office of Administration, FMCS, 14th and Constitution Avenue NW., Washington, D.C. 20427.

§ 1401.37 Annual report.

(a) The Office of the National Director shall annually, within 60 days following the close of each calendar year, prepare a report covering each of the categories of records to be maintained in accordance with 5 U.S.C. 552(d) for such calendar year and shall forthwith submit the same to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress.

[FR Doc.75–5034 Filed 2–25–75;8:45 am]

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1610—AVAILABILITY OF RECORDS

Subpart A—Production or Disclosure Under 5 U.S.C. 552

The Equal Employment Opportunity Commission, by vote taken at a duly constituted meeting, has amended its procedural regulations concerning disclosure of information under the Freedom of Information Act (5 U.S.C. section 552), Pub. L. 90–23, as amended by Pub. L. 93–502. The revised regulations provide that certain records will be made available at district offices, that certain types of records will be routinely released, that records which are requested must be "reasonably described," that the General Counsel will render a determination within 10 working days on all requests for records which are not available in the Commission reading areas or not published and made available for sale, unless conditions for an extension are present, and that determinations and appeals will be rendered by the Commission with 20 days of receipt by the Chairman. The revised regulations also require that the General Counsel keep a Freedom of Information file of requests and dispositions and that he make a report to the Congress on the Commission's Freedom of Information Act activities as required by 5 U.S.C. 552(d). Finally, the regulations were amended to reflect that all 32 district offices of the Commission shall have public reading areas, and to indicate the addresses of litigation centers and regional offices.

The fee schedule was published in proposed form in 40 FR 3011 on Friday, January 17, 1975, as § 1610.17(a). Although the Commission invited the public to make comment, it received none. Section 1610.17(a) is published herein in final form and without change as § 1610.15(a).

Accordingly, Subpart A of Part 1610 of Title 29 of the Code of Federal Regulations is hereby revised, effective February 19, 1975, to read as follows:

Subpart A—Production or Disclosure Under 5 U.S.C. 552

Sec.
1610.1 Definitions.
1610.2 Statutory requirements.
1610.3 Purpose and scope.
1610.4 Public reference facilities and current index.
1610.5 Request for records.
1610.6 Records of other agencies.
1610.7 Where to make request; form.
1610.8 Authority to determine.
1610.9 Prompt response.
1610.10 Responses: Form and content.
1610.11 Appeals to the Commission from initial denials.
1610.13 Maintenance of files.
1610.14 Waiver of user charges.
1610.15 Schedule of fees and method of payment for services rendered.
1610.16 Payment of fees.
1610.17 Exemptions.
1610.18 Information to be disclosed.
1610.19 Deletion of exempted matters.
1610.20 Annual report.
1610.21 Other Commission Offices.

AUTHORITY: Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e–12(a), 5 U.S.C. § 552, as amended by Pub. L. 93–502; for § 1610.15, non search or copy portions are issued under 31 U.S.C. 483a.

Subpart A—Production or Disclosure Under 5 U.S.C. 552

§ 1610.1 Definitions.

(a) "Title VII" refers to Title VII of the Civil Rights Act of 1964, as amended by Pub. L. 92–261, 42 U.S.C. (Supp. II) 2000e et seq.

(b) "Commission" refers to the Equal Employment Opportunity Commission.

(c) "Freedom of Information Act" refers to 5 U.S.C. 552 (Pub. L. 90–23 as amended by Pub. L. 93–502).

§ 1610.2 Statutory requirements.

5 U.S.C. 552(a)(3) requires each Agency, upon request for reasonably described records made in accordance with published rules stating the time, place, fees, if any, and procedure to be followed, to make such records promptly available to any person. 5 U.S.C. 552(b) exempts specified classes of records from the public access requirements of 5 U.S.C. 552(a) and permits them to be withheld.

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§ 1610.3 Purpose and scope.

This subpart contains the regulations of the Equal Employment Opportunity Commission implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all organizational units within the Commission. Official records of the Commission made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public only as prescribed by this subpart. Officers and employees of the Commmisdon may continue to furnish to the public, informally and without compliance with the procedures prescribed herein, information and records which prior to the enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties. To the extent that it is not prohibited by other laws, the Commission also will make available records which it is authorized to withhold under 5 U.S.C. 552 whenever it determines that such disclosure is in the public interest.

§ 1610.4 Public reference facilities and current index.

(a) The Commission will maintain in a public reading area located in the Commission's library at 2401 E Street NW., Washington, D.C. 20506, the materials which are required by 5 U.S.C. 552(a)(2) and 552(a)(5) to be made available for public inspection and copying. The Commission will maintain and make available for public inspection and copying in this public reading area a current index providing identifying information for the public as to any matter which is issued, adopted, or promulgated after July 4, 1967, and which is required to be indexed by 5 U.S.C. 552(a)(2). The Commission in its discretion may, however, include precedential materials issued, adopted, or promulgated prior to July 4, 1967. The Commission will also maintain on file in this public reading area all material published by the Commission in the FEDERAL REGISTER and currently in effect.

(b) Each district office listed in paragraph (c) shall maintain a public reading room or area which shall contain a copy of:

(1) The Commission's notices and regulatory amendments which are not yet or have never been published in the Code of Federal Regulations,

(2) The Commission's annual reports,

(3) The Commission's Compliance Manual,

(4) Blank forms relating to the Commission's procedures as they affect the public,

(5) The Commission's Orders (agency directives), and

(6) "CCH Equal Employment Opportunity Commission Decisions" (1973) and Employment Practices Guide (vol. 1), both published by Commerce Clearing House, Inc.

(c) The Commission's District Offices are:

1. Atlanta District Office, Citizens' Trust Building, 10th Floor, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.
2. Birmingham District Office, 2121—8th Avenue, North, Room 824, Birmingham, Alabama 35203.
3. Charlotte District Offices, 411 North Tryon Street, 2nd Floor, Charlotte, North Carolina 28202.
4. Jackson District Office, 208 West Capitol Street, 2nd Floor, Jackson, Mississippi 39201.
5. Memphis District Office, The Dermon Building, Suite 1004, 46 North Third Street, Memphis, Tennessee 38103.
6. Miami District Office, Biscayne Terrace Hotel, 10th Floor, 340 Biscayne Boulevard, Miami, Florida 33132.
7. Chicago District Office, Federal Building, Room 234, 536 South Clark Street, Chicago, Illinois 60605.
8. Cincinnati District Office, Federal Building, Room 8525, 550 Main Street, Cincinnati, Ohio 45202.
9. Cleveland District Office, Engineers' Building, Room 402, 1365 Ontario Street, Cleveland, Ohio 44114.
10. Detroit District Office, Michigan Building, Suite 600, 220 Bagley Avenue, Detroit, Michigan 48226.
11. Indianapolis District Office, Federal Building, U.S. Courthouse, 46 East Ohio Street, Room 456, Indianapolis, Indiana 46204.
12. Milwaukee District Office, Veterans Administration Building, 342 North Water Street, 6th Floor, Milwaukee, Wisconsin 53202.
13. Albuquerque District Office, National Building, Suite 1717, 505 Marquette Avenue, N.W., Albuquerque, New Mexico 87101.
14. Dallas District Office, 400-A Lancaster-Kelst Shopping Center, Suite 10, Dallas, Texas 75216.
15. Houston District Office, Federal Building, Room 1161, 2320 La Branch, Houston, Texas 77004.
16. New Orleans District Office, Masonic Temple Building, Room 1711, 333 St. Charles Avenue, New Orleans, Louisiana 70130.
17. San Antonio District Office, 301 Broadway, Suite 200, San Antonio, Texas 78205.
18. Kansas City District Office, 911 Walnut Street, Room 500, Kansas City, Missouri 64106.
19. St. Louis District Office, Locust Building, Room 917, 1015 Locust Street, St. Louis, Missouri 63101.
20. Boston District Office, 150 Causeway Street, Boston, Massachusetts 02114.
21. Buffalo District Office, One West Genesee Street, Room 1020, Buffalo, New York 14202.
22. New York District Office, 90 Church Street, 15th Floor, New York, New York 10007.
23. Newark District Office, 9 Clinton Street, 2nd Floor, Newark, New Jersey 07102.
24. Baltimore District Office, The Rotunda, Room 201, 711 West 40th Street, Baltimore, Maryland 21211.
25. Philadelphia District Office, 219 North Broad Street, 2nd Floor, Philadelphia, Pennsylvania 19107.
26. Pittsburgh District Office, Federal Building, Room 2038A, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
27. Washington District Office, 1717 H Street, N.W., Suite 409, Washington, D.C. 20006.
28. Denver District Office, Ross Building, 6th Floor, 1726 Champa Street, Denver, Colorado 80202.
29. Los Angeles District Office, 1543 West Olympic Boulevard, Suite 240, Los Angeles, California 90015.
30. Phoenix District Office, Greater Arizona Savings Building, 112 North Central Avenue, Suite 601, Phoenix, Arizona 85004.
31. San Francisco District Office, 1095 Market Street, Room 701, San Francisco, California 94103.
32. Seattle District Office, Time Square Building, 4th Floor, 414 Olive Way, Seattle, Washington 98101.

§ 1610.5 Request for records.

(a) A written request for inspection or copying of a record of the Commission may be presented in person or by mail to the Commission employee designated in § 1610.7. Requests must be presented during business hours on any workday.

(b) Each request must contain information which reasonably describes the records sought and, when known, should contain a name, date, subject matter and location for the record requested in order to permit the record to be promptly located.

(c) Where a request is not considered reasonably descriptive or requires the production of voluminous records, or necessitates the utilization of a considerable number of work hours to the detriment of the business of the Commission, the Commission may require the person making the request or such person's agent to confer with a Commission representative in order to attempt to verify the scope of the request and; if possible, narrow such request.

(d) When a requested record has been identified and is available, the person who made the request will be notified (1) when and where the record will be made available and (2) the cost assessed for processing the request. Fees for the processing of requests will be made in accordance with the schedule set forth in § 1610.15. Checks shall be made payable to the Treasurer of the United States.

§ 1610.6 Records of other agencies.

Request for records that originated in another Agency and are in the custody of the Commission, will be referred to that Agency for processing, and the person submitting the request shall be so notified. The decision made by that Agency with respect to such records will be honored by the Commission.

§ 1610.7 Where to make request; form.

(a) A request for any material in a district reading room or area as set forth by § 1610.4(b) or a request for existing statistical data, which is not confidential, relating to the case processing of the district office shall be submitted to the district director in charge of such reading room or area at the appropriate address listed in § 1610.4(c).

(b) A district director is authorized to grant a request as to those matters described in paragraph (a). A district director, when granting a request, will do so within 10 working days of its receipt. A district director is not authorized to deny a request, but shall, if he or she believes that good reason exists for not disclosing the data requested, immediately refer the matter to the General Counsel.

(c) A request for any record which is not available under paragraph (a) shall be submitted in writing to the General Counsel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

(d) A request must be clearly and prominently identified as a request for information under the Freedom of Information Act. If submitted by mail or otherwise submitted under any cover, the envelope or other cover must be similarly identified.

(e) When a request is one which by nature should properly be directed to the General Counsel, such request shall not be deemed to have been received by the Commission until the time it is actually received by the General Counsel.

(f) Any Commission official who receives a written Freedom of Information request, unless it be a district director who fills the request, shall promptly forward it to the General Counsel. Any Commission official who receives an oral request under the Freedom of Information Act shall inform the person making the request that it must be in writing and also inform such person of the provisions of this subpart.

§ 1610.8 Authority to determine.

The General Counsel, when receiving a request pursuant to these regulations, shall grant or deny each such request. The decision of the General Counsel shall be final, subject only to administrative review as provided in § 1610.11 of this subpart.

§ 1610.9 Prompt response.

(a) The General Counsel shall either grant or deny a request for records within 10 working days after receipt of the request unless additional time is required for one of the following reasons:

(1) It is necessary to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) It is necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) It is necessary to consult with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(b) When additional time is required for one of the reasons stated in paragraph (a), the General Counsel or his designee shall acknowledge receipt of the request within the 10-day period and include a brief notation of the reason for the delay and an indication of the date on which it is expected that a determination as to disclosure will be forthcoming. An extended deadline adopted for one of the reasons set forth above may not exceed 10 additional working days.

§ 1610.10 Responses: form and content.

(a) When a requested record has been identified and is available, the General Counsel shall notify the person making the request as to where and when the record is available for inspection or that copies will be available. The notification shall also advise the person making the request of any assessed fees under § 1610.15 hereof.

(b) A reply denying a written request for a record shall be in writing signed by the General Counsel and shall include:

(1) His name and title;

(i) A reference to the specific exemption under the Freedom of Information Act authorizing the withholding of the record, to the extent consistent with the purpose of the exemption, and a brief explanation of how the exemption applies to the record withheld or (ii) a statement that, after diligent effort, existing requested records have not been found or have not been adequately examined during the time allowed under § 1610.9(a), and that the denial will be reconsidered as soon as the search or examination is complete; (iii) a statement that the denial may be appealed to the Commission within 30 days of receipt of the denial or partial denial.

(c) If a requested record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of, the person making the request shall be so notified.

§ 1610.11 Appeals to the Commission from initial denials.

(a) When the General Counsel has denied a request for records in whole or in part, the person making the request may, within 30 days of its receipt, appeal the denial to the Commission. The appeal must be in writing addressed to the Chairman, 2401 E Street, NW., Washington, D.C. 20506 and clearly labeled as a Freedom of Information Act appeal.

(b) The Commission will act upon the appeal within 20 working days of its receipt, and more rapidly if practicable. If the decision is in favor of the person making the request, the decision shall order records promptly made available to the person making the request. The Commission may extend the 20 day period in which to render an appeal for that period of time which could have been claimed and consumed by the General Counsel under § 1610.9 but which was either not claimed or consumed in making the initial determination.

(c) The Commission's action on an appeal shall be in writing signed by the Chairman of the Commission. A denial in whole or in part of a request on appeal shall set forth the exemption relied on, a brief explanation of how the exemption applies to the records withheld and the reasons for asserting it, if different from that described by the General Counsel under § 1610.10, and that the person making the request may, if dissatisfied with the decision on appeal, file a civil action in the district in which the person resides or has his principal place of business, in the district where the records reside, or in the District of Columbia.

(d) No personal appearance, oral argument or hearing will ordinarily be permitted in connection with an appeal to the Commission.

(e) On appeal, the Commission may reduce any fees previously assessed.

§ 1610.13 Maintenance of files.

(a) The General Counsel shall maintain files containing all material required to be retained by or furnished to him under this subpart. The material shall be filed by individual request, indexed according to the exemptions asserted, and, to the extent feasible, indexed according to the type of records requested.

(b) The General Counsel shall also maintain a file open to the public, which shall contain copies of all grants or denials of appeals by the Commission. The material shall be indexed as stated in paragraph (a).

§ 1610.14 Waiver of user charges.

(a) Except as provided in paragraph (b) the General Counsel shall assess fees for the search and, if necessary, duplication of records requested. He shall also have authority to furnish documents without charge, or at a reduced charge, where he determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(b) District directors are hereby authorized to collect fees for duplication of records which are available in the district office reading rooms or otherwise made available at the district office. District directors are hereby authorized to duplicate such records without charge, or at a reduced charge in accordance with the criteria of paragraph (a).

§ 1610.15 Schedule of fees and method of payment for services rendered.

(a) Except as otherwise provided, the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) Searching for records, per hour or fraction thereof	$3.60
(2) Other facilitative services and index assistance minimum charge	3.60
(3) Copies made by Xerox or otherwise (per page) (maximum of 10 copies)	.05
(4) Attestation of each record as a true copy	.75
(5) Certification of each record as a true copy, under the seal of the agency	1.00
(6) For each signed statement of negative result of search for record	1.00

(b) While the fees charged for services and copying will in no event exceed those as specified in paragraph (a), the Commission reserves the right to limit the number of copies that will be provided of any document or to require that special arrangements for copying be made in the case of records or requests presenting unusual problems of reproduction or handling.

§ 1610.16 Payment of fees.

(a) Unless a person making a request under the Freedom of Information Act states that he or she will bear all assessed fees levied by the Commission in

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searching for and, where applicable, reproducing requested data, said person will be held liable for assessed fees not to exceed $50.00. A request which the Commission expects to exceed $50.00 and which does not state acceptance of responsibility for all assessed fees will not be deemed to have been received until the person making the request is promptly advised of the anticipated fees and agrees to bear them.

(b) A search fee will be assessable notwithstanding that no records responsive to the request or that no records not exempt from disclosure are found.

(c) Fees must be paid in full prior to issuance of requested copies of records. The Commission will inform the person making the request of the exact amount of the assessed fees at the time of granting or denying the request.

§ 1610.17 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in 552(b). These categories include such matters as national defense and foreign policy information, investigatory files, internal procedures and communications, materials exempted from disclosure by other statutes, information given in confidence, and matters involving personal privacy.

(b) Section 706(b) of Title VII provides that the Commission shall not make public charges which have been filed. It also provides that (subsequent to the filing of a charge, an investigation, and a finding that there is reasonable cause to believe that the charge is true) nothing said or done during and as a part of the Commission's endeavors to eliminate any alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion may be made public by the Commission without the written consent of the parties concerned; nor may it be used as evidence in a subsequent proceeding. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of section 706(b) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than 1 year.

(c) Section 709 of Title VII authorizes the Commission to conduct investigations of charges filed under § 706, engage in cooperative efforts with State and local agencies charged with the administration of State or local fair employment practices laws, and issue regulations concerning reports and record-keeping. Section (e) of section 709 provides that it shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under section 709 prior to the institution of any proceeding under the Act involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of section 709(e) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than 1 year.

(d) Special disclosure rules apply to the case files for charging parties, aggrieved persons on whose behalf a charge has been filed, and entities against whom charges have been filed. The special disclosure rules are available in the public reading areas of the Commission. Under sections 706 and 709, case files involved in the administrative process of the Commission are not available to the public.

(e) Each executed statistical reporting form required under Part 1602 of this Chapter, such as Employer Information Report EEO–1, etc., relating to a particular employer is exempt from disclosure to the public prior to the institution of a proceeding under Title VII involving information from such form.

(f) The medical, financial, and personnel files of employees of the Commission are exempt from disclosure to the public.

§ 1610.18 Information to be disclosed.

The Commission will provide information to the public in the following matters:

(a) The Commission will make available for inspection and copying some tabulations of aggregate industry, area, and other statistics derived from the Commission's reporting programs authorized by section 709(c) of Title VII where such tabulations have been previously compiled by the Commission and are available in documentary form, to the extent that such tabulations do not consist of aggregate data from less than three responding entities, and do not reveal the identity of an individual or the dominant entity in a particular industry or area in any manner.

(b) All blank forms utilized by the Commission.

(c) All signed contracts, final bids on all signed contracts, and agreements between the Commission and State or local agencies charged with the administration of State or local fair employment practices laws.

(d) All final reports which do not utilize statutorily confidential material in discernible individual form.

(e) All agency correspondence to members of the public, Members of Congress, or other persons not government employees or special government employees, except for matters the making public of which would constitute an invasion of privacy.

(f) All administrative staff manuals and instructions to Staff that affect a member of the public unless the materials are promptly published and copies offered for sale.

(g) All final votes of each Commissioner for every Commission meeting, except for votes pertaining to the filing of suit against respondents until such time as litigation is actually commenced.

§ 1610.19 Deletion of exempted matters.

Where requested records contain matters which are exempted under 5 U.S.C. 552(b) but which matters are reasonably segregable from the remainder of the records, they shall be disclosed by the Commission with deletions. To each such record the Commission shall attach a written justification for making deletions. A single such justification shall suffice for deletions made in a group of similar or related records.

§ 1610.20 Annual report.

The General Counsel shall, on or before March 1, 1975, and annually thereafter, submit a Freedom of Information Act report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate. The report shall include those matters required by 5 U.S.C. 552(d).

§ 1610.21 Other Commission Offices.

(a) The Commission's litigation centers (other than at headquarters) are:

1. Atlanta Regional Litigation Center, 1389 Peachtree Street, NE., Atlanta, Georgia 30309.
2. Chicago Regional Litigation Center, 536 South Clark Street, Room 1012, Chicago, Illinois 60605.
3. Denver Regional Litigation Center, Rio Grande Building, 6th Floor, 1531 Stout Street, Denver, Colorado 80202.
4. Philadelphia Regional Litigation Center, 127 North Fourth Street, 3rd Floor, Philadelphia, Pennsylvania 19106.
5. San Francisco Regional Litigation Center, Fox Plaza, Suite 1010, 1390 Market Street, San Francisco, California 94102.

(b) The Commission's regional offices are:

1. Atlanta Regional Office, Citizens' Trust Building, Suite 1150, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303 (covers Atlanta, Birmingham, Charlotte, Jackson, Memphis, and Miami District Offices).
2. Chicago Regional Office, 600 South Michigan Avenue, Room 611, Chicago, Illinois 60605 (covers Chicago, Cincinnati, Cleveland, Detroit, Indianapolis, and Milwaukee District Offices).
3. Dallas Regional Office, 1100 Commerce Street, Room 5A4, Dallas, Texas 75202, (covers Albuquerque, Dallas, Houston, New Orleans, and San Antonio District Offices).
4. Kansas City Regional Office, 601 East 12th Street, Room 113, Kansas City, Missouri 64106 (covers Kansas City and St. Louis District Offices).
5. New York Regional Office, 26 Federal Plaza, Room 1615, New York, New York 10007 (covers Boston, Buffalo, New York, and Newark District Offices).
6. Philadelphia Regional Office, 127 North 4th Street, 3rd Floor, Philadelphia, Pennsylvania 19106 (covers Baltimore, Philadelphia, Pittsburgh, and Washington District Offices).
7. San Francisco Regional Office, 300 Montgomery Street, Suite 740, San Francisco, California 94104 (covers Denver, Los Angeles, Phoenix, San Francisco and Seattle District Offices).

Signed at Washington, D.C. this 20th day of February 1975.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.75-5103 Filed 2-25-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-231]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Drawbridges in Oregon Where Constant Attendance Is Not Required; Clarification

At the request of the Burlington Northern Railroad and the Spokane, Portland and Seattle Railroad Company, the regulations governing the operation of their drawbridges contained in § 117.740(a)(10) are being rewritten to clarify points of potential confusion. Specifically, the word "commercial" is inserted after "authorized" to identify the type of fishing period meant, and the words, "in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon)," are inserted in lieu of, "as established by the Oregon and Washington State Department of Fisheries."

As this change is editorial in nature and does not change any of the conditions in § 117.740(a)(10), notice of proposed rule making and public procedure are omitted. This change shall become effective in less than 30 days from date of publication in the FEDERAL REGISTER.

For the sake of clarification § 117.759b(f)(10), published in the FEDERAL REGISTER of September 13, 1974 (39 FR 32986) is modified to read as follows:

§ 117.759b Drawbridges in the State of Oregon where constant attendance is not required.

* * * * * *

(f) * * *

(10) Burlington Northern, Inc. (Spokane, Portland, and Seattle Railway Company) railroad bridges across the John Day River near Astoria, Blind Slough and the Clatskanie River near Clatskanie. The draws shall open on signal if at least one-hours notice is given. However, the draws shall open promptly on signal from four hours before to four hours after each day's authorized commercial fishing period in the Columbia River Fishery below Bonneville Dam to the jetties at the mouth of the Columbia River as established by the Columbia River Compact (Washington State Department of Fisheries and the Fish Commission of Oregon).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on February 26, 1975.

Dated: February 20, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-5091 Filed 2-25-75;8:45 am]

[CGD 74-87]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Longboat Pass, Florida

This amendment changes the regulations for the Longboat Pass bridge between Longboat Key and Anna Maria Key near Bradenton Beach, Florida to require that the draw open on signal from 6 a.m. to 6 p.m. and open on signal if at least 3 hours notice if given from 6 p.m. to 6 a.m. This amendment was circulated as a public notice dated April 29, 1974 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CG 74-87) on April 26, 1974 (39 FR 14724). Eight responses were received, one supported the proposal and one had no objection thereto. One response supported the proposal but recommended more restrictive periods, however the periods proposed appear adequate and this recommendation is not considered valid at this time. One response supported the proposal, but recommended that the time during which the draw would open on signal be changed to sunrise to sunset. While this recommendation has merit, it is the Coast Guard's position that the proposed regulations provide for the reasonable needs of navigation. Two responses took no position on the proposal. These two were not considered on the grounds that they were too vague. Two responses objected to the proposal, mainly on the grounds that the construction of a new channel with jetties exiting from Longboat Pass to the Gulf of Mexico may take place in the future, thus increasing the use of this channel. The Corps of Engineers is considering dredging such a channel but has no firm commitments at this time. The Coast Guard will continue to monitor the operation of the Longboat Pass drawbridge. If further changes in the regulations appear necessary, such action will be taken at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (1)(3-c) immediately after paragraph (1)(3-b) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * *

(1) *Waterways discharging into Gulf of Mexico east of Mississippi River.*

* * * * * *

(3-c) Longboat Pass bridge between Longboat Key and Anna Maria Key near Bradenton Beach, Fla. From 6 a.m. to 6 p.m. the draw shall open on signal. From 6 p.m. to 6 a.m., the draw shall open on signal if at least 3 hours notice is given.

* * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 31, 1975.

Dated: February 20, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine, Environment and Systems.

[FR Doc.75-5092 Filed 2-25-75;8:45 am]

[CGD 75-045]

PART 127—SECURITY ZONES

Termination

The security zone at Buttermilk Channel, New York established February 2, 1975 by the Captain of the Port of New York, as published on February 6, 1975 (40 FR 5508) was terminated on February 5, 1975.

§ 127.316 [Deleted]

In consideration of the foregoing Part 127 of Title 33 of the Code of Federal Regulations is amended by revoking § 127.316.

(50 U.S.C. 191; 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment was effective on February 5, 1975.

Dated: February 19, 1975.

W. E. CALDWELL,
Acting Chief, Office of Marine, Environment and Systems.

[FR Doc.75-5093 Filed 2-25-75;8:45 am]

SUBCHAPTER N—ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

[CGD 73-177R]

PART 144—LIFESAVING APPLIANCES

Unmanned Platforms

The purpose of these amendments to the regulations concerning life saving appliances on unmanned platforms is to require certain life saving equipment to be readily accessible any time persons are on the platform. Present regulations in 33 CFR Subpart 144.10 require lifesaving equipment only when crews are working continuously for 24-hours.

The Coast Guard proposed these amendments in the January 8, 1974 issue of the FEDERAL REGISTER (39 FR 1360). It was also proposed to delete the word "supervisor" and add the words "person in charge" in 33 CFR 144.01-30, in reference to the person in custody of the first aid kit on each manned platform, and to revise the citation of authority for 33 CFR Part 144.

The proposal resulted from an explosion and fire on the *CHAMBERS and KENNEDY* offshore platform and fire on the *M/V CARRYBACK* in the Gulf of

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Mexico on May 28, 1970. Adequate lifesaving equipment was not provided on the platform, and the standby vessel, manned and moored to the platform, could provide no assistance because it was engulfed in flames. As a result, there were 9 deaths: five workmen on the platform, and four men on board the vessel.

Most written comments received on the proposal expressed concern for theft and pilferage of the lifesaving equipment if they were required to be permanently stowed on the platform. This concern resulted from a misinterpretation of the proposal. The intent was only to require lifesaving equipment for each person on the unmanned platform. As a result of the comments, the requirements have been rewritten for clarification.

One commenter suggested that the lifesaving equipment be required to be reflectorized. Although this comment has merit, the Coast Guard decided not to adopt the suggestion at this time because a research and development project is being conducted to review all visual distress aids. Upon completion of the project, the Coast Guard will propose regulations that are considered neeessary.

Another commenter suggested that life preservers should be allowed to be stowed on a manned vessel that remains alongside the platform when persons are on the platform. This suggestion was not adopted by the Coast Guard. The intent of the change is to prevent another casualty similar to the *CHAMBERS and KENNEDY/M/V CARRYBACK*, in which the lifesaving equipment was not readily accessible on the platform but was on the attending vessel that was afire.

The second commenter also suggested adding a new paragraph to § 144.10–1 to read as follows: "Unmanned platforms designed to house a single borehole completion and small multi-well platforms are excepted from the requirements of paragraphs (a) and (b) and, in lieu thereof, all personnel are required to wear at all times while on the platform an approved life preserver (Type 1 PFD) or a work vest (Type V PFD)." Since this amendment was not in the proposal, and is a substantive addition, it is not being adopted at this time. After further study and analysis to determine its contribution to safety of life, the Coast Guard, if it accepts the change, will propose the amendment in the FEDERAL REGISTER.

In consideration of the foregoing, the proposed regulations are hereby adopted subject to the clarification discussed above. As adopted, Part 144 of Title 33, of the Code of Federal Regulations, is amended as follows:

1. By revising the citation of authority of Part 144 to read as follows:

AUTHORITY: Sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

§ 144.01–30 [Amended]

2. By amending § 144.01–30 by striking the word "supervisor" and inserting the words "person in charge" in place thereof.

3. By revising Subpart 144.10 to read as follows:

Subpart 144.10—Unmanned Platforms

Sec.
144.10–1 Lifesaving equipment.
144.10–10 Other lifesaving equipment.

Subpart 144.10—Unmanned Platforms

§ 144.10–1 Lifesaving equipment.

(a) Except as allowed in paragraph (b) of this section, no person may be on an unmanned platform unless the following lifesaving equipment is readily accessible on the platform:

(1) A life preserver or a Type I—Personal flotation device, listed in Table 1, for each person.

TABLE 1 LIFE PRESERVERS AND EQUIVALENT PERFORMANCE FLOTATION DEVICES

Devices marked	*Equivalent to performance type marked*
160.002 Life preserver...	Type I—Personal flotation device.
160.003 Life preserver...	Type I—Personal flotation device.
160.004 Life preserver...	Type I—Personal flotation device.
160.005 Life preserver...	Type I—Personal flotation device.
160.055 Life preserver...	Type I—Personal flotation device.

(2) A ring life buoy with an attached floating electric water light constructed and marked in accordance with 46 CFR Subpart 161.010, or a Type IV—Personal flotation device, listed in Table 2, with the same attachment, for every two persons, but no more than 4 devices are required.

TABLE 2 RING LIFE BUOYS AND EQUIVALENT PERFORMANCE FLOTATION DEVICES

Devices marked	*Equivalent to performance type marked*
160.009 Ring life buoy...	Type IV—Personal flotation device.
160.050 Ring life buoy...	Type IV—Personal flotation device.

(b) The ring life buoys required in paragraph (a)(2) of this section may be kept on a manned vessel that remains alongside the platform if there is no available space to keep them on the platform.

§ 144.10–10 Other lifesaving equipment.

Any lifesaving equipment on an unmanned platform that is not required in § 144.10–1 must meet the standards contained in Subpart 144.01 of this Part.

(Sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date. These amendments become effective on March 28, 1975.

Dated: February 20, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.75–5094 Filed 2–25–75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 126—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES SPECIAL PROGRAMS AND PROJECTS

Financial Assistance to Local Educational Agencies

Notice of proposed rule making was published in the FEDERAL REGISTER on August 13, 1974 (39 FR 28997) which set forth regulations and guidelines for financial assistance to local educational agencies for special programs and projects under section 306 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b). Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92–318), a public hearing was held on September 30, 1974, in Washington, D.C. However, no comments were received on the proposed regulations and guidelines. One written comment was received and considered as outlined below.

1. *Summary of comments. Comment.* Sections 126.4(b) and 126.8(a)(2) of the regulations and Part 3 of the guidelines should specify the utilization of newspaper general notices as the means to assure participation of persons broadly representative of the cultural and educational resources of the area to be served, and in dissemination to foster the attention and understanding of special audiences and of the general public.

Response. Because of the nature of the innovative and experimental programs funded under section 306 of the Act, local educational agencies are permitted and encouraged to exercise discretion in designing programs. To specify the means of assuring the proper participation in, and the dissemination of the projects would be unduly restricting the exemplary and innovative nature of the projects. No change was made to the regulations or guidelines.

2. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations and guidelines have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto should become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(20 U.S.C. 844b)

(Catalog of Federal Domestic Assistance Program No. 13.516, Preschool, Elementary and Secondary Education—Special Programs and Projects (Title III, Section 306))

Dated: January 23, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 14, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new Part 126 reading as follows:

PART 126—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING—SPECIAL PROGRAMS AND PROJECTS

Sec.
126.1 Applicability.
126.2 Definitions.
126.3 Program purpose and availability of funds.
126.4 Applications for grants.
126.5 Maintenance of fiscal effort.
126.6 Participation by private school children.
126.7 Projects for handicapped children.
126.8 Criteria for review of project applications.
126.9 Review of project proposals by State educational agency.
126.10 Grants involving construction.

AUTHORITY: Secs. 301–309 of Pub. L. 89–10, as amended by Sec. 131(a)(1) of Pub. L. 91–230, 84 Stat. 130–140 (20 U.S.C. 841–847a), unless otherwise noted.

§ 126.1 Applicability.

(a) The provisions contained in this part are applicable to grants to local educational agencies for planning and establishing special programs and projects, supplementary educational centers and services and guidance, counseling, and testing programs pursuant to Section 306 of title III of the Elementary and Secondary Education Act of 1965. Regulations applicable to grants to States pursuant to title III of the Act are contained in part 118 of this title.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (General Provisions for Office of Education Programs) relating to fiscal, administrative, property management and other matters.

(20 U.S.C. 844b)

§ 126.2 Definitions.

As used in this part:

"Act" means the Elementary and Secondary Education Act of 1965, Pub. L. 89–10, as amended.

"Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental asphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

(20 U.S.C. 843(b)(3), 844b(b))

"Construction" means (a) the erection of new or the expansion of existing structures, and the acquisition and installation of equipment therefor; (b) the acquisition of existing structures not owned by the agency making application for assistance under the Act; (c) the remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (d) a combination of any two or more of the foregoing.

(20 U.S.C. 844b, 881(b))

"Cultural and educational resources" includes State educational agencies, institutions of higher education, private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

(20 U.S.C. 844(a), 844b)

"Dissemination" means communications with people about the operation and outcomes of demonstrations of exemplary practices in education in order to facilitate the adoption and replication of tested educational innovations in the host school system and other school systems in the State.

(20 U.S.C. 843(c)(3), 844b)

"Exemplary," as applied to an educational program, project, service, or activity means one designed to serve as a model for a regular school program.

(20 U.S.C. 843(b)(2), 844b)

"Handicapped children" means those children who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired and who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(20 U.S.C. 844b(b))

"Innovative," as applied to an educational program, project, service, or activity means one utilizing new or improved ideas, practices, or techniques.

(20 U.S.C. 843(b)(3), 844b)

"Local educational agency" or "local education agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a State operated school for the deaf, blind, mentally retarded, emotionally disturbed or crippled. "Service Function" as used in this paragraph means an educational service which is performed by a legal entity—such as an intermediate agency—whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools, rather than a service which is performed by a cultural or educational resource.

(20 U.S.C. 844b, 881(f))

"Private school" means a nonprofit school which is operated or controlled by other than a public authority, and which complies with State compulsory school attendance laws or is otherwise recognized or accredited by some procedure customarily used in the State as having curricula similar to that required of comparable public schools.

(20 U.S.C. 843(b)(4), 844(b)(2)(B), 844b, 845(f))

"Seriously emotionally disturbed children" means (a) Those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(1) An inability to learn that which cannot be explained by intellectual, sensory, or health factors;

(2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(3) Inappropriate types of behavior or feelings under normal circumstances;

(4) General pervasive mood of unhappiness or depression; and/or

(5) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

(b) This term does not include those children who are socially maladjusted.

(20 U.S.C. 843(b)(3), 844b(b))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 844b, 881(k))

"Testing," in relation to activities undertaken pursuant to section 303(b)(4) of the Act means the use of tests which measure abilities from which aptitudes for an individual's educational or career development may be validly inferred.

(20 U.S.C. 843(b)(4), 844a(b)(1)(B)(i), 844b)

§ 126.3 Program purpose and availability of funds.

(a) *Amounts not available to the State.* From the amount allotted to any State under section 302 of the Act for any fiscal year which is (1) not available to that State under a State plan fully or partially approved by the Commissioner pursuant to section 305 of the Act, or which is (2) not available to that State because there is no approved State

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plan, the Commissioner may make grants to local educational agencies in such State for programs, or projects (including programs or projects for handicapped children) which meet the purposes and requirements of section 306 of the Act and the regulations in this part.

(b) *Amounts not required by the State.* The amount of any State's allotment under title III of the Act for any fiscal year which the Commissioner determines will not be required by such State for the period for which that amount is available shall be available for grants pursuant to section 306 of the Act in such State. If the Commissioner further determines that such amount is not needed in such State for grants pursuant to section 306 of the Act, that amount may, in the Commissioner's discretion, either be used for grants pursuant to section 306 of the Act in other States or reallotted to other States pursuant to section 302(c) of the Act. Grants from allotments made pursuant to this paragraph may be made during the fiscal year of the original allotment and the succeeding fiscal year.

(20 U.S.C. 842 (c) and (d), 844b, 845)

§ 126.4 Applications for grants.

A local educational agency shall file an application which, in addition to meeting the requirements contained in Subpart A of this Chapter (General Provisions for Office of Education Programs), shall contain or have attached thereto:

(a) A description of a program or project for carrying out one or more of the purposes described in section 303 of the Act (including, in the case of an application submitted by a local educational agency located in a State which has a State plan approved under section 305 of the Act, a description of how the project holds promise of making a substantial contribution to the solution of critical educational problems common to all or several States);

(b) A description of the policies and procedures which assure that in the planning of the project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served, including persons representative of the interests of potential beneficiaries;

(c) An assurance that the services for which funds under section 306 of the Act are sought will be administered by or under the supervision of the applicant;

(d) A description of (1) such methods of administration as are necessary for the proper and efficient operation of the project, (2) such fiscal control and accounting procedures as are necessary to assure proper disbursement of, and accounting for, Federal funds paid to the local educational agency under section 306 of the Act, and (3) the program accountability procedures to be used in the assurance of performance quality during the project period through the implementation of procedures and techniques such as: community involvement, technical assistance, needs assessment, change strategies, management systems, performance objectives, performance budgeting, performance contracting for services, staff development, comprehensive evaluation, program audit and cost-effectiveness analysis.

(e) A description of the policies and procedures to assure that Federal funds made available under section 306 of the Act for a specified budget period will be so used to supplement and, to the extent practical, increase the level of funds that would be in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303 of the Act, and in no case supplant such funds;

(f) A description of how the program or project will provide for the genuine and meaningful participation of private school children as required by § 126.6; and

(g) A description of the facilities available for the project and the use to which they will be put. If the project will involve construction or leasing of facilities, the proposal shall specify how such activity is consistent with, and why it is necessary to, the efficient operation of the proposed educational program.

(20 U.S.C. 843, 844, 844a, 844b)

§ 126.5 Maintenance of fiscal effort.

No payments shall be made to a local educational agency under section 306 of the Act unless the Commissioner finds that the combined fiscal effort of such agency and the State in which it is located with respect to the provision of free public elementary and secondary education by that agency for the fiscal year preceding the fiscal year for which assistance is sought under such section was not less than such combined fiscal effort for that purpose for the second fiscal year preceding the fiscal year for which such assistance is sought. For the purposes of this section, combined fiscal effort shall be deemed to be maintained if current expenditures per pupil for elementary and secondary education of a local educational agency from State and local funds (determined on either an aggregate or a per pupil basis) for such preceding fiscal year equal or exceed such expenditures for such second preceding fiscal year. In the event of a decrease of current expenditures (determined on both an aggregate and a per pupil basis), the Commissioner will determine whether the maintenance of effort requirements have been fulfilled based upon consideration of the causes for such decrease (including such factors as changes in the value or availability of economic resources (tax bases) from which such expenditures are funded beyond the control of State or local authorities).

(20 U.S.C. 844b, 845(e))

§ 126.6 Participation by private school children.

(a) In each project approved under section 306 of the Act, provision shall be made for the effective participation in the project, on an equitable basis, of children enrolled in private schools in the areas to be served whose educational needs are of the type which the project is designed to meet. The number of such children to be served, in relation to the total number of such children with educational needs of the type the project is designed to meet shall be consistent with the number of public school children to be served, in relation to the total number of public school children in the area served with educational needs of the type the project is designed to meet.

(b) Whenever practicable, educational services shall be provided to private school children on publicly controlled premises. Any project to be carried out in public facilities and involving joint participation by children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid the separation of participating children by school enrollment or religious affiliation.

(c) Provisions for serving private school children shall not include: (1) The payment of salaries to teachers or other employees of private schools except for services performed outside regular hours of duty and under public supervision and control, (2) financing of the existing level of instruction in private schools, (3) the placement of equipment on private school premises other than portable or mobile equipment which is capable of being removed from the premises each day and is used solely for title III purposes, (4) the construction of facilities for private schools; or (5) the use of funds for religious worship or instruction.

(d) Every project application submitted by a local educational agency under § 126.4 shall describe how the local educational agency will fulfill the requirements of paragraphs (a), (b), and (c) of this section. This description shall contain information indicating: (1) The number of private schools in the area to be served by the project and the number of children enrolled in such schools in the grades to be served by the project and the number of such children who have the needs to be served by the project; (2) the existence of any factors which limit the appropriateness of the project for private school children; (3) the manner in which and the extent to which representatives of private school children participated in the development of the project proposal (including participation in the determinations required under paragraph (d) (2) of this section); (4) the provisions which have been made for effective liaison with representatives of private school children in regard to operation and review of the project; (5) the places at which and methods by which private school children will be served in accordance with the requirements of paragraphs (b) and (c) of this section; and (6) the differences, if any, in the kind and extent of services to be provided private school children as compared with those to be provided public school children, and the reasons for such differences. Services provided to children on private school premises must not inure to the benefit or enrichment of the institution.

(20 U.S.C. 844(b)(2)(B), 844b, 845(f)(1), 885)

§ 126.7 Projects for handicapped children.

The Commissioner shall, on the basis of reviews of project proposals submitted for approval, ensure that 15 percent of the funds granted under section 306 of the Act in any fiscal year will be used for projects which are designed to demonstrate solutions to critical problems in the education of handicapped children, by meeting their special educational needs.

(20 U.S.C. 844b(b))

§ 126.8 Criteria for review of project applications.

In addition to the factors set forth in § 100a.26 of this chapter, the criteria to be applied by the Commissioner in reviewing project applications from local educational agencies shall be the extent to which there is/are:

(a) Documentation that in the planning of the project there has been, and in the operation and evaluation of the project there will be:

(1) Utilization of the best available talents and resources and;

(2) Participation of teachers, students, parents, school administrative personnel, private nonprofit school representatives, and other persons including those with low income, broadly representative of the cultural and educational resources of the area to be served;

(b) Evidence that the project is designed to demonstrate solutions to critical educational needs as identified and described by the applicant and will substantially increase the educational opportunities of children in the area to be served;

(c) Provisions for the development of concepts, practices, and techniques which can be adapted or adopted elsewhere;

(d) Promising concepts or practices recognized as unique, original, innovative or exemplary;

(e) Evidence that the project activities will facilitate the achievement of performance objectives;

(f) An awareness of information concerning similar programs, relevant research findings, and views of recognized experts;

(g) Provisions for budgeted expenditures for adequate and appropriate facilities, equipment, and materials which make a direct contribution to facilitating the achievement of the stated objectives; and

(h) An evaluation which in addition to meeting the requirements of § 100a.26 (b)(8)(ii) of this chapter, will provide evidence of the extent to which performance of the participants is improved.

(i) Additional criteria, in the form of the national priorities, may be published in the FEDERAL REGISTER from time to time.

(20 U.S.C. 844, 844b) (Sen. Report No. 91-634, 91st Cong. 2d Sess. p. 28 (1970))

§ 126.9 Review of project applications by State educational agency.

(a) The Commissioner shall not approve a project application from a local educational agency unless the application has first been submitted to the appropriate State educational agency for review and recommendation, by qualified personnel, with respect to the action to be taken by the Commissioner regarding the disposition of the proposal.

(b) Applications involving the handicapped shall be submitted to the appropriate State educational agency personnel responsible for education of handicapped children for review and recommendations.

(c) In order to afford State educational agencies a reasonable opportunity to review and make recommendations, the Commissioner will not take final action with regard to any project application until 30 days after the applicable closing date established for the filing of project applications by a local educational agency as published in the FEDERAL REGISTER unless the State educational agency agrees to a shorter review period.

(20 U.S.C. 844b)

§ 126.10 Grants involving construction.

(a) *General provisions.* (1) An application, submitted under section 306 of the Act by local educational agencies for programs or projects which involve construction, may be approved by the Commissioner only if it meets the applicable requirements of Subchapter A of this chapter (General Provisions for Office of Education Programs), in addition to the other applicable requirements of this part. (2) The applicant must provide satisfactory assurances required by section 304(a)(4) of the Act such as that upon completion of the construction, title to the facilities will be in and retained by a State or local educational agency, and the building will be operated and used for the educational and related purposes for which it was constructed for a period of not less than 20 years.

(20 U.S.C. 844(a)(4), 844b, 847)

(b) *Recovery of payments.* If within 20 years after the completion of any construction undertaken pursuant to a grant under section 306 of the Act (1) the owner of the facility shall cease to be a State or local educational agency, or (2) the facility shall cease to be used for the educational and related purposes for which it was constructed, the United States shall be entitled to recover all or a portion of the Federal funds used to pay for such construction, in accordance with the provisions of section 308 of the Act.

(20 U.S.C. 844b, 847)

GUIDELINES, TITLE III, ELEMENTARY AND SECONDARY EDUCATION ACT, SECTION 306, SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING—SPECIAL PROGRAMS AND PROJECTS

CHAPTER I—INTRODUCTION

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CHAPTER I—INTRODUCTION

PART 1—GUIDELINES

1.1 *Scope of guidelines.* (a) These guidelines are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Elementary and Secondary Education Act, Title III, section 306. The legal requirements include the Act itself (20 U.S.C. 841-847a) and the regulations (45 CFR 126). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 844b, 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 306 of the Act (20 U.S.C. 844b) and the guideline affects § 126.1 of the regulations (45 CFR 126.1) the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 844b); (45 CFR 126.1). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

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CHAPTER II—GENERAL INFORMATION FOR THE APPLICANT

PART 1—PROGRAM INFORMATION

1.1 *National priorities.* Periodically, the Office of Education will establish and publish in the FEDERAL REGISTER a number of national priorities to guide local education agencies in their development of projects. In determining these priorities, the Office will consult such agencies as other Federal Departments, State departments of education, local education agencies, institutions of higher education, educational policy groups, and representatives of various minority groups. Some States may wish to suggest priorities among these national areas of concern to better serve the particular interests of the State as well as to focus on national needs.

(20 U.S.C. 843, 844b); (45 CFR 126.3, 126.8)

1.2 *Planning considerations.* (a) Persons broadly representative of the cultural and educational resources of the area, including parents and youth, should participate in planning, implementing, and evaluating these programs. Parents of children in the projects may also be directly served by project activities, such as by an instructional program related to that of their children.

(20 U.S.C. 844(a), 844(b); (45 CFR 126.4(b), 126.8(a) (2))

(b) Stress the primary purpose of this program is to test the appropriateness of specific solutions to critical national educational needs, each project may choose to focus its resources on a limited number of students rather than try to serve directly all students who might benefit from the project.

(20 U.S.C. 844b(a)); (45 CFR 126.3)

1.3 *Length of project period.* Projects are generally supported for periods ranging from 1 to 3 years. The determination of the funding period will be based upon such considerations as whether the proposed project falls in the development or replication phase of educational innovation, whether a given school system and community are considered generally receptive or resistant to change and the availability of annual appropriations.

(20 U.S.C. 844b); (45 CFR 126.3)

PART 2—APPLICATION PROCESS

2.1 *Federal and State Title III support.* Local education agencies intending to submit a proposal for possible funding under title III of the Act should make a choice between submitting it to the State education agency under the State plan program of title III or to the Office of Education for consideration under title III, section 306. This procedure does not preclude the possibility of joint funding of a project under both title III programs, in which case separate projects proposed to the Office of Education and the State education agency would represent different segments of a comprehensive local educational plan.

(20 U.S.C. 841–47); (45 CFR 126.1, 126.2)

2.2 *State education agency review.* (a) Each State is asked to (1) provide to the Commissioner comments and recommendations on projects submitted from that State, and (2) rank in priority order the most promising projects for support.

(b) The local educational agency should submit projects involving the education of handicapped children to the State Director of Special Education for review, and his recommendations conveyed to the Commissioner, together with the recommendations of other State agency staff.

(20 U.S.C. 844b); (45 CFR 126.9)

2.3 *Final approval.* During the review of the application by the U.S. Commissioner one or more representatives of the U.S. Office of Education (U.S.O.E.) may make a site visit to a local education agency whose application has been tentatively selected. During that visit, the U.S.O.E. representatives will meet the local education agency personnel and project planners to review project planning and development or installation strategies. Final selection and funding will be based upon the application review and the findings of the site visit.

(20 U.S.C. 844, 844b); (45 CFR 126.8)

CHAPTER III—PROGRAM DESIGN AND MANAGEMENT

PART 1—MANAGEMENT PROCESS

1.1 *Effective program management.* The development of a project in a local education agency provides the opportunity to apply modern management processes. The local education agency should first be firmly committed to the development and utilization of an effective management system. Such a system is appropriate regardless of the size or nature of the project, be it limited in scope and requiring a relatively low level of support or be it comprehensive and requiring a large expenditure of funds. From a management viewpoint, it is advisable in many instances that the project be viewed as a subsystem within the total school system, serving a well-defined target area and requiring identified resources from the local education agency at specified points during the project's schedule of operation.

1.2 *Selection of the project director.* (a) The project director, i.e., the educational manager, should be experienced in acting as an educational change agent, in stimulating people to get things done, in making decisions, in evaluating educational programs, and in using outside resources to strengthen the school's capability to solve educational problems.

(b) The project director should also possess managerial skills which will enable him to identify systematically the various functions and/or tasks comprising the project. Borrowing from or employing a systems-analysis approach, he should take the following steps.

(1) Identify the problem.
(2) Analyze the problem.
(3) Consider alternate solutions.
(4) Determine strategy.
(5) Implement the project.
(6) Evaluate the project.

(c) Within the scope of overall school policy, the project director has the task of establishing both the framework and the methodology for planning and organizing, installing and operating, communicating, and evaluating the project. These functions, which are described in detail below, comprise only one way to categorize a management system. Each project director should determine the management system best suited to his project and the one that will enable him to act successfully as the chief coordinator of project activities. Efforts to identify a suitable candidate for the position of project director should be initiated during the planning phase before submission of the application in order that the person may be hired as soon as its approval is announced.

1.3 *Management functions of the project director*—(a) *Planning and organizing.* (1) An initial concern of the project director is the analysis of the problem. The purpose of the analysis of the problem is the development of clear and appropriate objectives which state what should be accomplished and the performance criteria which will be used to measure attainment of the objectives. Section 2.2 (a) (4) of Part 2 of this Chapter on Performance Objectives explains their essential elements.

(2) After the initial needs assessment has been conducted and objectives have been established, the project director and project planners should determine what components and activities will be needed to accomplish the objectives of the project. Various management tools can help the project director plan a strategy and build an organization for an effective program. Some of the management tools currently used in business, industry, and education are Program Evaluation and Review Techniques (PERT), Critical Path Method (CPM), and Line of Balance (LOB). Charts showing work-breakdown structures, work-flow networks, staff-line relationships, time lines (with milestone events identified), and monthly rate of expenditures can help planners analyze all the constituent parts of a project. These management products also serve as effective communication media for all personnel involved in the planning process.

(b) *Installing and operating.* (1) The effective installation of an innovative project depends in large measure on the quality of the planning. When planning is well done, the objectives and the procedures and management processes for meeting those objectives are clearly delineated. The project director's task then becomes that of installing and operating according to the plans and of providing management decisions to keep the program moving toward its stated objectives on schedule and within cost limitation. One of the critical tasks of the project director is staffing the positions provided for by the organization structure. Management activities include appraising and selecting candidates for positions and providing necessary training for personnel. Project directors should determine the policies and procedures they expect to follow for recruiting, selecting, training, and promoting project staff members.

(2) One of the major causes of operational delays is the lack of proper facilities (housing and equipment) at the time they are needed. Lead times must be charted carefully for the delivery and availability of each major item. The execution of the policies and procedures to install and/or modify the facilities should begin at the earliest practical date, and plans should be made for facilities to house the project adequately.

(3) Timely decision-making and clear delegation of decision-making authority are other critical elements. The local education agency should clearly establish the extent of management authority which has been delegated to the project director and procedures to insure that the project director maintains sufficient authority to manage the project effectively. The project director should also establish procedures through which he can take prompt corrective action when problems arise in project operation.

(c) *Communicating.* (1) The control of an operating program depends on timely, relevant, and valid feedback of information so that problems can be readily identified, alternate solutions considered, and decisions made and implemented. Project directors should establish an effective internal communication system so that timely feedback information is reported by and to project staff, regular school staff, and the project community council. The information-feedback system should be a process by which information about past and present performances is used to influence future performance. The communication system should also be linked to procedures for utilizing the information.

(2) Various reporting formats should be developed to provide the project director and

staff with information relating to the performance objectives, activity and event sequences, and schedules and costs. The reports may be needed on a daily, weekly, monthly, quarterly, or yearly basis. They should be designed to show present status, problem areas, and the permissible deviation limits. In addition to an internal communication system, the project director should determine what types of dissemination techniques should be used to inform the larger public of the project's achievements. For additional information, see Part 3 of this chapter on Dissemination.

(d) *Evaluating.* The project director is responsible for insuring that an adequate evaluation design has been developed for each project component and for the overall project and that provisions have been made for timely feedback of evaluation findings to appropriate personnel. An evaluation of the project is necessary to determine how well each component and the entire project function within the established framework of time, cost, and performance objectives. Section 2.2(a)(5) of Part 2 of this Chapter below on Evaluation Design explains in detail the elements involved. In addition, § 2.2 (a) (6) of Part 2 of this Chapter on the Educational Program Audit explains the essential elements of the audit and its relationship to the evaluation.

(20 U.S.C. 844a(b)(2)(b), 844b); (45 CFR 126.4(g), 126.10)

PART 2—MANAGEMENT AND ACCOUNTABILITY

2.1 *An accountability model.* (a) Effective management should enable project planners to design and implement goals and activities based on careful needs assessment and to determine the results achieved among all project participants. Accountability, therefore, depends upon good management.

(b) This section describes a quality control (accountability) model which will enable local education agencies to design and implement projects having specified goals and the means to determine their achievement. Eleven factors have been identified in this model as worthy of consideration in its implementation: community involvement, technical assistance, assessment of needs, performance objectives, evaluation design, educational program audit, staff development, change strategies, performance contracting, performance budgeting, and cost effectiveness.

2.2 *Particularly relevant factors.* (a) Of the eleven accountability factors, those considered particularly relevant to the development and implementation of an effective management system are as follows:

(1) *Community involvement*—(i) *Introduction.* The Commissioner recommends that representatives of all segments of the community be involved in the planning, development, operation, and evaluation of projects and that a formal community council consisting of these representatives be established for each project. The development of an effective structure of involvement will require extensive and careful planning on the part of each district. No single model is appropriate for all districts, and these guidelines do not propose a specific model. The Commissioner invites the establishment of channels of communication between the chairman of the community council and the Office of Education program officer regarding any aspects of the project's development and operation.

(ii) *General community participation.* Recognition of the competence and interest of a variety of groups both within and outside of the schools in planning and operating project activities should result in programs which can best meet the needs of the target population and sustain the interest and support of the community. The degree to which applicants develop an effective structure of broadly based participation will be an important determinant in the ultimate success or failure of their section 306 projects. Special emphasis should be given to plans for the participation of students and youth. Encouraging youth to originate and carry out ideas for increasing their role and participation in school and community activities and giving them opportunities to share responsibility with adults and to work with their peers and adults in a variety of relationships should reduce student alienation from the schools.

(iii) *Community council*—(a) *Formation.* It is recommended that a formal community council be formed for each Title III, section 306 project and that it include representatives from each of the following groups in the percent of the total as indicated:

(1) Appropriate school staff—both in the central administrative office and within the selected target schools (25 percent);

(2) Students and youth from the potential target population, and other students and youth considered to have relevant knowledge (25 percent); and

(3) Parents and other residents of the target area community, including representatives of nonprofit private schools and other persons broadly representative of the cultural, educational, business and government resources of the area to be served (50 percent).

(b) *Membership.* Additional council members may be drawn from among the following:

(1) Community groups such as social agencies, religious institutions, youth organizations, local community action groups, business and labor organizations, and municipal government offices;

(2) Other Federal or State programs such as the Model Cities Program of the Department of Housing and Urban Development, the Manpower Training Program of the Department of Labor, and the Head Start, Follow Through, and Bilingual Education Programs of the Department of Health, Education, and Welfare;

(3) Colleges and universities; and

(4) Business and industry.

(c) *Council size and organization.* While the community council must be large enough to represent several groups and interests, care should be taken to keep the membership limited enough for efficient operation. A single council will best serve the needs of the project in some cases, particularly small school systems, but other patterns of organization may be necessary to allow direct participation by larger numbers of people than is possible with a single council structure. For example, an advisory council may be designated for each target school, allowing participation at the grass roots level in the planning and operation of project activities for particular schools. In turn the central council, composed of one or more representatives elected by each of the target school councils, should be established to coordinate the project for all schools.

(d) *Selection of members.* When a school district decides to develop an application, it should form an ad hoc community council on a volunteer or appointive basis. Council officers should be selected by the council members. Such a group should then be appropriately modified, expanded, or established through more formal selection procedures as the project is developed. One approach to council formation would be to request that groups of administrators, teachers, parents, and students select their own representatives according to procedures which they determine. Although time consuming, holding formal elections within the community and the schools may be of great value both for the experience gained by those who plan and conduct the elections and for the widespread awareness of the project which will result.

(e) *Definition of roles.* The roles of the community councils in project planning and activities may vary substantially and should be defined in writing in order that there be a clear understanding of the council members' functions and roles and the extent of their decision-making authority in such areas as the identification of the target population and the assessment of the needs of that population, the determination of project priorities, the writing and review of all applications to be submitted, the selection of project personnel, recommendations for program changes once the project is underway, and evaluation of the operation and results of the project. The early establishment of precise, written guidelines concerning the relationship of the council to those with legal responsibility for the schools, and open discussion and dissemination of these relationships will help to avoid the misunderstandings and conflicts which commonly result from a lack of clear definition of roles and responsibilities.

(f) *Council functions.* Care should be taken to assure that the community councils have specific and meaningful functions during all stages of project development and operation. The designation of these functions should be arrived at through open discussion between the school district staff responsible for project development and the council members. Each council should play an active part in planning and implementing the project rather than serving merely to certify or approve what has already been decided or accomplished, and each representative should be recognized for the unique contributions and resources he can bring to the project. The following list is suggestive of the possible variety and scope of community council functions and responsibilities:

(1) Assistance in program planning, including the identification of the target population, the assessment of needs, and the selection of project activities and priorities. The application should be developed with the expectation that program ideas will emerge from a current examination and analysis of the local problem by a broadly representative planning group;

(2) Participation in the establishment of criteria for the selection of project personnel and the interviewing and screening of prospective staff members;

(3) Recruitment of volunteers and assistance in the mobilization of community resources;

(4) Assistance in staff development programs for project staff, school personnel, and community representatives;

(5) Assistance in program evaluation activities;

(6) Service as a channel for complaints and suggestions for program improvements;

(7) Assistance in the dissemination of information about the project throughout the community; and

(8) Coordination of the project with the entire local education agency, with other community groups, with professional organizations, and with public and private agencies.

(iv) *Other approaches to community participation—Introduction.* Each school district should also develop other channels of community involvement as part of the total section 306 program effort. The following illustrations encompass only a few of the wide variety of potential innovations which might be included as actual project components to be supported financially with project funds

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or which might be coordinated with and supportive of other project activities.

(a) *Student involvement*—(1) Because a major factor cited by students for their disenchantment with school is disinterest in a curriculum which they view as boring and irrelevant, many programs should focus on curriculum modification. Efforts to restructure curriculum focus on content and methodology, and these range from the redesign of existing courses and traditional subjects to the introduction of entirely new curriculum areas. Among some of the more promising recent curriculum efforts are those in which students have had a major voice and have occupied a joint role as both the objects and the agents of an improved instructional program. In some instances, students are serving as advisers to teachers and department heads responsible for curriculum revision; while in others, working closely with teachers as resource persons, students themselves have developed and conducted complete courses, selected the materials and instructors, and arranged for speakers and outside consultants to assist them.

(2) Student advisory roles to school faculties, administrators, and boards of education should be an integral part of all section 306 projects. They give students a greater understanding of the complexities of school operations and an opportunity to identify, study, and discuss school problems, make recommendations, and help to implement solutions. As part of their responsibilities, such youth advisers should report their activities through various school media and thus help to create a better informed and more concerned student body.

(3) Additional opportunities for student participation in school and community-related experiences can be provided through work-study programs. In addition to local businesses and industries, project planners should consider community agencies, municipal government offices, and the schools themselves as potential placement sources for student training, work experience, and part-time paid positions. Within the schools, students should serve as classroom and library aides, tutors to other students, assistants in the operation of school stores and after-school and evening study groups or recreation centers, and apprentices in the building maintenance, food, clerical, and audio-visual supportive services.

(b) *Involvement of parents and other adult community residents.* (1) Parents and other adult residents of the community should similarly be given opportunities for program participation in addition to their representation on the community council. Many of the roles suggested for students—participating in curriculum development and serving as advisers and consultants to teachers, administrators, and school boards, and disseminating their activities to the community—are equally appropriate for all adults, while other activities are suited uniquely to the interests and resources of parents.

(2) Interaction between parents and project staff—in homes, classrooms, and elsewhere—can help parents learn how they may best support and influence their children's education by reinforcing the goals of the program. Such interaction, accomplished through home visits, orientation sessions, workshops, and other methods, assists the project staff in becoming more responsive to the needs and goals of the parents and community and in becoming more able to translate their goals into project activities.

(3) Instructional activities should be open to parent observers at reasonable and convenient times, and parents should be encouraged to observe classes periodically during the school year. Some activities might be conducted in the evening so that parents who work during the day may have an opportunity to observe the project in operation. Parental involvement should also take the form of educational programs designed to familiarize parents with the school curriculum or with specific project activities and to instruct them in the use of materials and techniques by which they might supplement and reinforce their children's classroom instruction at home.

(4) Paraprofessional roles for parents and other adults serve to provide additional job opportunities within a project target area and to strengthen rapport between the schools and community. Most important, however, are the direct benefits to students, since community residents employed as paraprofessions may be highly effective in communicating with students. Appropriate functions for paraprofessionals in projects may include services to both students and parents, such as handling attendance and health problems, interpreting the school program to the community, encouraging increased parental visits to the schools and participation in school activities, helping parents to find community and agency resource assistance in solving family problems, assisting classroom teachers, counseling and tutoring students, and organizing and supervising field trips and other school day and after-school activities.

(2) *Technical assistance*—(i) *Introduction.* "Technical assistance" for the purposes of this discussion is the use of other resources than those of the applicant to provide expertise in such areas as planning, developing, managing, operating, evaluating, and disseminating information. The use of such outside resources in these areas is a local decision; the use of technical assistance in conducting an educational audit of the project is extremely important. The purpose of the use of outside resources is to help the local education agency strengthen its capabilities to achieve the performance objectives stated in its proposed project.

(ii) *Resources for technical assistance.* Technical assistance may be provided by industry, business, labor, private and nonprivate organizations, colleges and universities, service clubs, community service groups, regional educational laboratories, research and development centers, State education agencies, other local education agencies, the U.S. Office of Education, other Federal agencies, employment bureaus, and other groups or organizations with the needed expertise. Because of their familiarity with improved techniques of management and quality control, business and industrial resources may be particularly helpful to local education agencies in improving their program management operations.

(iii) *Determining the need for technical assistance.* (a) The assessment of local education agency resources for the development and implementation of an educational program is a continuous and essential responsibility of program planners. The skill with which the program planners determine where technical assistance is needed and who will be selected to provide it is as important as the contribution of a technical assistance agency.

(b) The needs assessment, for example, may indicate that special efforts beyond the capability of the local school system should be made by an outside group in areas such as the following: improving the instructional program, strengthening the school management system, strengthening the staff's ability to write measurable and relevant objectives, and developing effective instruments and evaluation designs for programs. In clarifying the areas where technical assistance is needed, the local education agency should define each problem, state the performance objectives to be achieved, and describe the general scope of the work involved. Once this is done for each problem, the local education agency will be able to determine more effectively the priorities among the various problem areas and separate those which will require outside technical assistance from those which can be handled through the use of local resources.

(iv) *Contract for technical assistance.* (a) Local education agencies seeking to secure technical assistance often find it advisable to arrange for services to be provided under a performance contract. Through the development of performance specifications, the local education agency introduces another aspect of accountability into project management. Emphasis, as the term "performance contracting" implies, is placed upon the goals attained, output—rather than solely on the procedures used, inputs. Performance contracts can be developed using noncompetitive or competitive procedures. As in any contracts made by the local educational agency, these contracts must comply with State and local contracting requirements.

(b) Using noncompetitive procedures, the local education agency selects the specific consultant or agency directly. Depending on the scope of work needed, a request for technical assistance may take the form of a letter to a consultant or agency which states the local education agency's requirements. The written agreements between the local education agency and consultant or agency regarding the local education agency's requirements and the work of the consultant or agency and his fee become the performance contract.

(c) A more detailed formal contract may be preferred in securing services of outside individuals or agencies. Such a contract between the local education agency and the contractee should incorporate the essential elements described in section 2.2(a)(2)(iv) (d) of this Part and Chapter concerning Request for Proposals. Examples of formal contracting without the use of competitive bidding might include educational program audit or inservice training by an institution of higher education.

(d) If the scope of work is extensive, as is more typical with the utilization of a technical assistance agency, the local agency invites bids by competitive procedures through a Request for Proposals (RFP). The Request for Proposals states in a more formal way (1) the local education agency requirements, and (2) the manner in which the local education agency wants the proposals or bids submitted by the various technical assistance agencies.

(v) *Selecting technical assistance.* (a) Local education agencies should insure that any technical assistance obtained is furnished by reputable contractors. When a local education agency is considering a particular technical assistance group, the agency should request the names of previous clients and contact their representatives to gain an assessment of the organization's past performance in similar tasks. Moreover, program planners should examine the capabilities of prospective technical assistance groups in terms of the following:

(1) Evidence of staff expertise in the job area (résumés should provide specific information concerning the background and experience of personnel assigned to the contract work). The technical assistance agency should indicate the availability of those personnel, giving evidence of staff stability, experience, and performance which would tend to insure successful completion of the contract terms and conditions; and

(2) Evidence of cost effectiveness in terms of the end products and services provided.

(b) The local education agency should also give consideration to the following:

(i) *Degree to which the technical assistance agency proposes to involve the people to be affected by its services.* All too often the acceptability of the agency's services is jeopardized by the isolation of the technical assistance specialists from the persons who will implement their ideas and recommendations. Technical assistance personnel should be provided with adequate information about the school system, and the project should have sufficient time to study the problems before recommendations are made;

(2) *Degree to which the technical assistance group proposes to adapt its program to meet local needs.* A pitfall to avoid is adoption of a "ready-made" program which has worked in another location. Representatives of the technical assistance group should indicate that they will carefully examine local conditions and modify the program as necessary; and

(3) *Degree to which the local education agency will retain supervision over project activities.* If the technical assistance group is going to contribute heavily to the direction and operation of one or more component activities, the local education agency shall maintain ultimate decision-making control over the project. Essential initial considerations are the qualifications established for the selection of the project director and the development of a plan for building in staff capability to assume complete responsibility for project operation.

(3) *Assessment of needs*—(i) *Preparation.* A prerequisite to the conduct of a local needs assessment is an assessment by the school district of its resource capability to perform that function. Provision should be made to assure the availability of adequate resources within the local district; or consideration should be given to obtaining outside assistance within existing constraints of time, funds, and personnel available.

(ii) *Assessment as a continuing process.* The assessment of needs is a continuing process which is vital to several stages of the planning and operation of a project. Because the application must reflect a careful analysis of needs for the proposed program, an initial needs assessment should be conducted prior to its submission. In those districts selected for title III, section 306 support, there will undoubtedly be a need for continuous examination and interpretation of existing information concerning the target group or educational issue. Whatever the procedures and approaches adopted by the local district in its investigation of the target group or issue, the assessment of needs should result in information which enables project planners to develop relevant program activities and priorities demonstrating a direct relationship between the identified causes of the problem and its proposed cures. Provision for a continuous assessment of needs, and procedures for the implementation of program modifications shown to be appropriate as a result of continuous needs assessment, should be incorporated into the ongoing project. The assessment of needs should be viewed as a dynamic process, as critical to the operational stages of the project as to the initial planning of it.

(iii) *Related resources.* Several resources will be available to the planning group in carrying out its work. One of the first tasks of the group might be an examination of existing programs, research, and literature pertinent to the target group or educational issue under consideration.

(iv) *Local studies.* The planning committee should identify and review relevant information on the local situation. The status of local needs assessments will, of course, vary substantially in individual districts, depending on the target group or issue upon which the proposed project will focus. Most districts have considerable data which, with some updating and expansion, can serve as the basis for planning a project focusing, for example, in the area of reading. While districts have access to adequate information from national research and studies concerning disadvantaged client groups, they may lack sufficient data concerning the needs of the disadvantaged children in their community. Still other districts, which may choose to design a project dealing with more recently recognized problems such as ecological education or student dissent may find that the existing data on these topics are inadequate and inconsistent, since awareness of these concerns at the national level has only recently emerged. Current information regarding the local situation may therefore be almost nonexistent. For those areas where information is unavailable locally, a survey sample may provide valuable insights into the nature and scope of the problem.

(v) *Interpretation of information.* The following suggestions may be helpful to those districts in the process of reviewing and interpreting information gathered previously and to those districts which will conduct new surveys and studies during the planning period:

(a) *Distinction between causes and symptoms.* Particular care should be taken to assure that surveys provide the information necessary to distinguish between the causes and symptoms of a problem.

(b) *Sources of information.* Surveys based on as broad a sampling of opinion as possible are needed. Since information compiled only from the viewpoint of teachers, administrators, or other school district personnel may have too limited a perspective to serve as the basis for planning a comprehensive program, local studies should also include the views of community representatives and agencies, parents, students and client group members or former members where appropriate. Any discrepancies in viewpoint revealed through a broad sampling may themselves be important indicators of the nature of the problem and should be known to the project planners.

(c) *Selection of interviewers.* Care should be taken to assure that, where appropriate, personal interviews are conducted by those to whom the various groups being questioned will respond most openly and that those being interviewed are assured that the information they give is confidential.

(4) *Performance objectives*—(i) *Need for measurable objectives.* Accountability for project accomplishments rests heavily on the degree to which such accomplishments can be validly measured. But the adequacy of the measurement process in turn depends upon project planners' skill in determining and framing project objectives. Too often, objectives are stated in loose, general language with the result that their meaning is subject to a variety of interpretations. A clear statement of objectives identifying specific types of performances to be measured is therefore an essential task facing project planners.

(ii) *Types of performance objectives.* Performance objectives in an educational program are precise statements of anticipated project goals in terms of behaviors, outcomes, or material items which can be validly measured. For purposes of project planning, performance objectives should be considered for three distinct areas of program design—*operational products, instructional or operational processes,* and *management processes.* Product refers to a behavior—cognitive, affective, or psychomotor—or a material item such as a curriculum guide or a list of available vocational opportunities for a work-study program. Process is the means by which a product or series of products is obtained.

(iii) *Elements of an objective.* In approaching the development of performance objectives, program planners should consider the following five elements for an adequately defined performance objective.

(a) Identification of the individual or group that will perform the desired behavior is the first step in developing a performance objective.

(b) Identification of the behavior to be demonstrated or product to be developed is the second essential element. The behavior should be described as precisely as possible as an action or a product that can be observed.

(c) The primary conditions under which the performance is expected to be measured is a third consideration. Conditions might include restrictions placed upon the project participant during the performance of specified behaviors, such as the time imposed on a student in a test-taking situation. Conversely, conditions might refer to supporting services which would be available as resources to assist in the attainment of the anticipated behavior or product.

(d) A fourth element is the minimum level of acceptable performance. This step is critical and poses many problems for program planners. Not only is there an element of risk involved in predicting what a program will accomplish, but there is need for considerable care in: (a) Establishing the performance standard through an analysis of past experience or research data, and (b) determining and collecting baseline data (data on existing status of performance or programs). Without adequate baseline data, predictions become trial-and-error guesswork.

(e) Closely related to the establishment of a minimum level of acceptable performance is the means or instrument which will be used to measure the expected performance or terminal behavior, the fifth essential element of a performance objective.

(5) *Evaluation design*—(i) *The quality of the design.* A comprehensive evaluation design through which the school system can assess the degree to which the project objectives have been achieved should be developed as an integral part of an overall program design. The purpose of the evaluation is to determine how well each component and the entire project function within the established framework of time, cost, and objectives. If well planned and operated, the evaluation system should result in information which communicates clearly whether the standards of performance specified in the objectives have been met to a degree greater than, equal to, or less than the predetermined standards and why. The task of designing the evaluation plan is both complex and multifaceted. Each component and the total project will entail the evaluation of product, operational process, and management process goals.

(ii) *Staffing needs.* As one of his primary management responsibilities, the project director should oversee the design and implementation of the evaluation plan. Many districts will find it necessary to hire consultants or to seek the help of an outside technical assistance group for the planning, installation, or operation of the evaluation system, particularly if the program requires newly developed instruments or techniques.

(iii) *Nonpublic school participants.* Careful consideration should also be given to the evaluation of these areas as they apply to the nonpublic school participants. The evaluation design should identify those objectives that pertain to them, particularly if they differ from those formulated for public school participants.

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(iv) *Elements of the evaluation plan.* Five important elements to include in an evaluation design are as follows:

(*a*) *Performance objectives.* The development of the evaluation design is linked to development of performance objectives. If performance objectives have been developed properly both for product outcomes and for operational and management processes, a major part of the task has been accomplished; the expected behaviors, the measurement instruments, the conditions of measurement, and the minimum levels of acceptable performance will have been specified within the objectives. Following a careful review of the objectives to verify that each one contains the minimum essential elements, those persons responsible for designing the evaluation should assist the project planners in strengthening any objectives which require greater specificity, refinement, or the addition of omitted elements.

(*b*) *Measurement instruments and techniques.* (*1*) The evaluation instrument for each objective should be identified and described briefly. Standardized tests, questionnaires, rating scales, interviews, observation schedules, and interest inventories may be among the instruments selected. It is of critical importance that the instruments be matched as closely as possible to the objectives and that the validity and reliability of each instrument have been ascertained prior to its use. If new instruments are to be developed, a plan for their design and pretesting should be included.

(*2*) The baseline data requirements should be considered as the instruments are selected, since the validity of the evaluation process may be affected if the appropriate prerequisite data on the target population are not secured or available at the beginning of the program. Baseline data on ability and achievement levels, socioeconomic status, attitudes, and other characteristics of project participants will be needed in most cases for accurate measurement of the attainment of project performance objectives. The process of establishing baseline data is a task of some magnitude and requires skill on the part of the project planners. Questions of appropriateness to objectives, recency of collection, sensitivity or responsiveness to short-term change, reliability and objectivity of data, and comparability of data-gathering situations are some of the considerations which program planners should take into account as they design their evaluation.

(*3*) In the case of process evaluation, program planners should consider at least the following three approaches toward establishing a standard against which operational and management processes can be measured: Does the process exist? Is the process the most effective one known as compared with the best practice, determined by recognized authorities? Is the process more effective than similar processes used in other school system projects or operations?

(*4*) The evaluation techniques should also be specified clearly. Those who design the evaluation should determine whether traditional pre-test and post-test techniques should be used to measure some of the objectives, for example, and if so, on what basis the scores and ratings will be evaluated.

(*c*) *Data collection procedures.* The plan for the collection of evaluation data should cover a specified period of time and should include the complete evaluation schedule, the target populations to be measured, those responsible for arranging and administering the measurements, and any conditions of measurement not specified in the objectives. Procedures for the selection and training of testers, observers, or interviewers should be described. Charts and diagrams may prove to be helpful tools in the planning and organization of data collection procedures.

(*d*) *Data analysis techniques.* The data analysis techniques to be used by the project evaluator should be specified and described in the evaluation plan. In addition to indicating the statistical tests which will be applied and the types of comparisons and correlations to be drawn, the plan should reflect adjustments for such considerations as possible differential effects of program treatments, the bases for assumed equivalencies among groups, and pertinent external factors which might affect program results.

(*e*) *Data analysis presentation.* (*1*) The evaluator should outline his procedures for presenting the results of data analysis to project personnel, specifying the schedule, format, and recipients of his reports; and

(*2*) The project director should see that a plan is included for the dissemination of the results of project evaluation to the staff and the community. This plan also should include a schedule and should identify the individuals and groups who will receive information, the form in which it will be presented, and the staff members responsible for the presentations. As the project planners develop such a plan, they should consider the U.S.O.E. reporting requirements, the degree to which the procedures will provide a feedback system to enable appropriate program modifications based on the evaluation results, and the critical importance of providing the local community, particularly the community council and those affected by project activities, with timely information about the status of the program.

(*v*) *Problems in evaluation design.* As in other areas of project management, project planners are exposed to a number of pitfalls in developing an evaluation system. Previous experiences indicate that project planners should devote special efforts to overcoming or avoiding the following problems:

(*a*) *Fitting objectives to available instruments.* Project planners may find themselves designing program objectives around evaluation instruments which are well known and/or easily accessible. As a consequence of limited exposure to different kinds of evaluation techniques and scarcity of locally developed instruments, planners may find that types and amounts of baseline data are limited. Confronted with such a situation, planners are constrained from establishing specific performance objectives based upon an analysis of needs assessment data. Project planners should make every effort to develop or identify a broad and appropriate set of instruments rather than reject the objectives as unmeasurable or partly measurable.

(*b*) *Sensitivity of instruments.* Evaluation instruments should also meet certain conditions. Undoubtedly, one of the most critical conditions is sensitivity to incremental change. Project planners should give attention to the evaluation instrument's responsiveness to short-term changes. In some instances, product and process objectives may be evaluated satisfactorily on a yearly basis. In others, evaluation techniques may require more frequent application. Still another evaluation plan may be warranted when interim products are expected, such as the development of an instrument to identify potential low achievers within the first 3 months of project operation or changes in teacher skills as a result of a training program lasting several weeks.

(*c*) *Feasibility of instrument usage.* A number of problems relate to the issue of instrument feasibility, but many can be avoided if project planners give attention to the development of a comprehensive evaluation design. Timing is one fundamental consideration. If an instrument needs to be developed locally, a time allowance should be made for determining its validity and reliability before it is utilized in project evaluation. Attention should also be paid to the spacing of evaluation measures and to the time consumed in the administration of the instrument by staff members with evaluation responsibilities.

(vi) *Evaluation design summary chart.* This display of the evaluation design in chart form will serve several useful purposes. It will readily pinpoint critical evaluation dates for both the evaluator and the project director. In addition, it will facilitate a review of the comprehensiveness of the design. The chart would also be of substantial value to an educational auditor in developing his audit plan. It would normally be completed jointly by the project director and project evaluator.

(*6*) *Educational program audit*—(i) *Introduction.* The educational program audit is suggested as a means to validate the evaluation of an educational project. It is an external review conducted by qualified outside technical personnel who are not directly involved in the planning or operation of the project. The audit is designed to assess the appropriateness of evaluation procedures for determining the effectiveness of program operation and management, and to verify the results of the evaluation of an educational program. Assuming that the evaluation is complete, relevant, and valid and that it includes procedures for assessing product, process, and program management, an educational audit will not often report to the local administrators any outcomes which they do not already know. Instead, the audit will provide an added measure of objectivity for the conclusions reached through the evaluation process. The audit may also identify weaknesses in the evaluation procedures and offer ideas for correcting such weaknesses in succeeding phases of the project.

(ii) *Considerations in employing educational program auditors.* The local educational agency should take into account the following considerations in employing an educational program auditor:

(*a*) *Independence of operation.* The educational auditor should be completely independent of the direction or operation of the program or system to be audited. An educational program auditor should not have been involved in providing outside technical assistance in one or more of the following areas: designing the project, planning the project, operating any component of the project, preparing or providing materials or equipment for the project, managing the project, and conducting the evaluation of the project. These should not preclude his preaudit services, i.e., an examination of the evaluation design to determine whether it provides the means for an adequate audit of the project and the development of an audit plan.

(*b*) *Proximity to project or site to be audited.* To save time and money, the audit agency should be geographically based within a reasonable distance from the site of the project to be audited.

(*c*) *Submission of audit reports.* The educational program auditor should prepare reports on the status of the project for the local education agency.

(*d*) *Qualifications and record of acceptable performance.* The audit agency should provide a team of two or more persons to perform the professional audit tasks and give evidence of their acceptable performance in the application of the following: Measurement and evaluation techniques, educational research design and/or evaluation, evaluation of management systems, development and validation of tests and

measuring instruments, analysis of educational data, and processing and presentation of data relating to educational problems. Such audit should be comprehensive in dealing with the various aspects of a school system. In addition, the audit team should demonstrate expertise in the substantive area with which the project is concerned, for example, reading, early childhood education, special education, etc. This expertise may be represented by an individual who works with the team on a consultant basis.

(*c*) *Organizational capability.* The agent should give evidence of staff expertise and organizational capability which would tend to insure successful completion of contract terms and conditions.

(*f*) *Budget for educational audit.* The budget for the outside auditing agency should be determined by the time devoted to the task, the nature of the work to be accomplished, and the amount budgeted for project evaluation. Evaluation costs in general might approximate 10 percent of the total budget, and those for the educational audit about 2 percent of the total budget. It is suggested that the total costs of evaluation and the educational audit in general would therefore approximate 12 percent of the total budget.

(*g*) *Time frame.* The amount of time spent on the audit will, of course, depend on the size, scope, and complexity of the project. As far as possible, the auditor should be employed before the project begins operation.

(iii) *Suggested educational auditing procedures.* The following are steps which are recommended for establishing an effective audit process:

(*a*) Soon after an application is approved, the applicant should contact and establish liaison with one or more prospective educational auditors. The Office of Education does not recommend specific agencies for any type of outside technical assistance, but it may suggest upon request several agencies or individuals who have had experience in educational auditing, or review the qualifications of potential auditors to determine if they meet the criteria referred to previously. When the district has tentatively selected an auditor, arrangements should be made for services to be provided by the auditor during the developmental period.

(*b*) As the first of his activities during the developmental period, the auditor should familiarize himself thoroughly with the intent and policies of the title III, section 306 program and with the proposed objectives and project activities which the applicant presented in the application. The local district should provide a number of documents to the auditor early in the developmental period, including the title III, section 306, regulations and guidelines, the approved application, and any evaluative comments or recommendations for the further development of the program provided by the Office of Education.

(*c*) The major function of the auditor during the initial stages of the project is his conduct of a preaudit, i.e., an examination of the proposed evaluation system to determine whether it provides a basis for an adequate educational audit of the project. The auditor should determine, for example, whether measurable performance objectives exist for product and process in all components, whether the baseline data, the types of instruments to be used, and the quantity of evaluation data to be collected are adequate and whether instruments and procedures are included for the evaluation of product, operational process, and management process objectives.

(*d*) While the preaudit is being conducted, the auditor will work closely with the prospective project evaluator as well as with the project director and his staff. The auditor should be given draft materials for the operational plan as they are developed and copies of specific evaluation instruments as they are selected or designed.

(*e*) In making his critique of the proposed evaluation design, the auditor should be careful to maintain objectivity and detachment, lest he later find himself in the position of auditing his own work. Designing or modifying the evaluation system is *not* the function of the auditor. Should the auditor note discrepancies between the project objectives and the proposed instruments or procedures for evaluating them, he should communicate these discrepancies to the local education agency and suggest various alternative methods of correcting them. The selection of a specific corrective action should always be a local decision if more than one action is possible.

(*f*) The audit plan and a performance contract for the operational period also should be developed during the developmental period.

(*g*) The importance of the local school district in providing the auditor with project evaluation documents at scheduled times throughout the project period cannot be overemphasized. Prior to his on-site visits, the auditor should have adequate time for a detailed analysis of the evaluation document, formulation of questions to be raised with the project director and the evaluator, and determination of the specific sampling to be conducted during the visit. In turn, the local education agency will need time to arrange and confirm with the auditor his on-site visit schedule.

(*h*) It is clear that the auditor cannot possibly examine all of the project evaluative data. The auditor will work largely from tabulations, data analyses, and written interpretations and summaries of the evaluation; but the local education agency should retain the complete raw data collected, including tests, questionnaires, interview sheets, rating sheets, observation schedules, material products, videotapes, and films. These should be available for the auditor's inspection at any time during the contract period. In addition to providing the auditor with the evaluation reports, the local education agency should submit to him a description of the data analysis techniques and procedures used by the project evaluator, any recommendations for revisions of the evaluation design which have been proposed as a result of a particular phase of the evaluation cycle, and any recommendations for program modification which have been suggested as a result of the evaluation.

(iv) *Audit critiques of evaluation design and procedures.* As he makes his periodic critiques of the project's evaluation design and procedures, the auditor should consider questions such as the following for each major section of the evaluation system:

(*a*) *Selection of instruments.* (*1*) Did the range of instruments match the range of objectives?

(*2*) Were the instruments valid, i.e., did they measure the actual behavior intended by the objectives?

(*3*) Were measures used for both pre- and post-testing suitable for such repetition?

(*b*) *Data collection procedures.* (*1*) Were the measures applied under the physical conditions required by the instruments?

(*2*) Were the testers, observers, or interviewers appropriately selected according to the requirements of the instruments?

(*3*) Did the testers, observers, or interviewers receive appropriate training?

(*4*) Was the measurement schedule followed?

(*c*) *Data analysis procedures.* (*1*) Was there an adequate basis for any statistical difference among groups?

(*2*) Were differential effects of the program treatment taken into consideration?

(*3*) Was the formula or source given for the statistical tests which were applied?

(*4*) Did the data meet the prerequisites for the statistical tests used?

(*5*) Was consideration given to important external factors which might have affected program results?

(*d*) *Data analysis presentation.* (*1*) Did the evaluator present the data in a clear form?

(*2*) Were statistical conclusions stated in language appropriate for the intended audience?

(*3*) Were the conclusions communicated promptly to the appropriate persons?

(*4*) Did the conclusions focus on areas of primary importance for program decision making?

(v) *Audit site visits.* (*a*) The auditor's review of the written documents prior to his visit will establish a framework for the scope and emphases of his on-site work, which will consist largely of spot checking and sampling what has been reported in the documents. The critique of the evaluation reports is an important preliminary activity, but it is only through the on-site visits that the auditor can actually verify the results of the evaluation and assess the appropriateness of the evaluation procedures.

(*b*) The sampling conducted by the auditor during his visits may include the following: Observation of evaluation procedures, such as the administration of tests or interviews being conducted; observation of project activities and process; study of management; interviewing of parents, teachers, or project staff members; spot checking of written tests, questionnaires, interview sheets, rating sheets, and observation schedules; and review of material products, such as curriculum units or student projects.

(*c*) If either the sampling or the written documents reveal major departures from the evaluation design or discrepancies such as the complete absence of data, incomplete data, or inconsistencies, the auditor may wish to review the complete evaluation information collected for program activities and retained by the local education agency for such a review. Discussion with the evaluator and the project director may also assist the auditor in determining whether his observations of discrepancies or departures are accurate.

(*d*) Before concluding his on-site visit, the auditor should discuss any findings of major discrepancies with the project director and, if deemed appropriate, the superintendent of schools so that procedures for their correction and for appropriate followup activities by the auditor can be established as soon as possible. If, for example, some phase of the evaluation had not been completed on schedule and, therefore, could not be audited, the auditor might plan to audit that phase at a later date. Or if the procedures for some phase of the evaluation are to be modified substantially, a reaudit of that phase might be appropriate at some time prior to the next regularly scheduled complete audit.

(vi) *Audit Reports.* The major task of the auditor after he completes his on-site visit is the preparation of the audit report, which should include the following content areas:

(*a*) Introductory comments describing those aspects of the evaluation system with which his report will be concerned, in order that there be no ambiguity regarding the deliberateness of his treatment of the scope and depth of the evaluation;

(*b*) General comments concerning the quality of the project evaluation and the

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comparative findings of the project evaluation and the audit;

(c) A detailed critique of the product, process, and management evaluation conducted for each component, based on an assessment of the instruments used, data collection procedures, data analysis techniques, and data analysis presentation;

(d) A description of the auditor's on-site findings and their correlation with the evaluator's data and reports, on a component-by-component basis, summary of consistencies and discrepancies, and interpretation of the discrepancies;

(e) Recommendations for revisions in the evaluation design, including a rationale for each recommendation. Since the auditor's objectivity can be maintained only if the selection of a specific action is a local decision, he should provide general rather than specific recommendations, posing several alternative actions or possible sources of assistance to the local education agency in correcting deficiencies; and

(f) Confirmation or questioning of the need for program modifications which have been proposed as a result of project evaluation. The audit report should be written initially as a draft document, to be presented to and discussed with the project director and evaluator prior to its formal submission to the local board of education and the superintendent. Provisions for a meeting to discuss the draft audit report will enable both the auditor and the project director and evaluator to raise final questions concerning its content, accuracy, and completeness and can serve as the occasion for a review of the entire educational audit process and the degree to which both the local education agency and the auditor have fulfilled their contract responsibilities.

(vii) *Grantee's response.* The superintendent should respond in writing to the auditor upon receipt of each report, stating his agreement or disagreement with the report findings, his reactions to the auditor's recommendations and his plan for their implementation or rationale for choosing not to implement them.

(b) *Factors receiving lesser emphasis.* The remaining five accountability factors as listed in § 2.1 of this part have received lesser emphasis in the implementation of the model. A brief description of each of these follows:

(i) *Staff development.* The determination of the nature and extent of staff development needed for the successful implementation of the acccountability concept at the local, State, and Federal level, and the design and conduct of indicated development activities.

(ii) *Change strategies.* The development of effective strategies for systemic change in the educational enterprise and the incorporation of the strategies in project operations.

(iii) *Performance contracting.* The arrangement for technical assistance in project operations through contracts which condition compensation upon the accomplishment of specified performance objectives.

(iv) *Performance budgeting.* The allocation of fiscal resources in accordance with project objectives to be realized, rather than by objects or functions to be supported.

(v) *Cost effectiveness.* The analysis of unit results obtained in relation to unit resources consumed under alternative approaches to project operations, as a determinant in continued project planning.

(20 U.S.C. 844(a) (1), (2), and (6), 844b); (45 CFR 126.4(b))

PART 3—DISSEMINATION

3.1 *Importance of dissemination.* (a) Another important factor in effective program design and management is dissemination, the communications process that provides for the continuous two-way flow of information necessary to achieve maximum effectiveness in the planning, operation, and evaluation of project activities. The major goal of this process, when it is concerned with demonstration projects, is to develop an awareness of and interest in the project, and if the program proves effective, to stimulate support for the program and continuation and adoption of the program beyond the period of Federal funding.

(b) Dissemination is an important element in any title III, section 306 project, since the purpose of title III, according to section 301(a) of the Act, is "the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs." If these model programs are to be replicated and adapted across the Nation, there must be mechanisms provided to effectively disseminate their results. Of even greater importance to the success of each project, however, will be its efforts to gain local community awareness and support so that successful practices will be institutionalized after Federal funding has ceased.

3.2 *Linkage of evaluation and dissemination.* (a) A formal linkage between evaluation and dissemination efforts should be developed and maintained throughout the life of the project. Evaluation findings should be continuously disseminated within the project area to promote understanding, support, development, and adoption of the project. These findings are a major source of dissemination information, but they are usually couched in technical language and need to be interpreted and presented in a manner designed to foster the attention and understanding of special audiences and of the general public. Planning for evaluation should, therefore, be accompanied by planning for dissemination of the resulting information. Without this type of linkage, the result often is an abundance of highly technical data which cannot be interpreted meaningfully. When a project has operated for a sufficient period of time to demonstrate some degree of success (perhaps two years), plans should be developed for the wider dissemination of project results in order to facilitate its replication in other localities with similar needs.

3.3 *Planning for dissemination of results.* As the project begins to demonstrate sufficient success in the achievement of its objectives, a dissemination plan aimed at developing awareness of its successful practices and products should be formulated. The plan should include provisions for the following critical elements:

(a) Dissemination objectives stated in measurable terms, which are related to project objectives;

(b) Audience analysis to determine which groups should receive the information, what their information needs are, and the most effective strategies for reaching them;

(c) Determination of the most effective methods and media for disseminating information to a variety of audiences;

(d) Schedule of dissemination activities;

(e) System for receiving and using feedback from various audiences.

3.4 *Relationship with the Office of Education.* (a) Each grantee may disseminate information about project activities, progress, and evaluation findings in the project area. The grantee should also keep the State education agency and the Office of Education informed about the status of the project, so that these agencies can meet their responsibilities for dissemination.

(b) The Office of Education is responsible for national dissemination of title III, section 306 projects. To fulfill its responsibility, the Office is heavily dependent on information and materials transmitted by each project. The Office recommends that each grantee submit two copies of printed materials disseminated by the project and one copy of audiovisual materials produced by the project. Printed materials include curriculum materials, teacher guides, newsletters, brochures, and other printed matter. Audiovisual materials include films, filmstrips, slides, and videotapes. All materials, together with a statement of the purpose and extent of distribution, should be sent to the Office of Education program officer.

(20 U.S.C. 843(c), 844b)

[FR Doc.75-5135 Filed 2-25-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-182; Docket No. 19658]

PART 1—PRACTICE AND PROCEDURE

PART 13—COMMERCIAL RADIO OPERATORS

Fee Schedule and Commercial Radio Operator Licenses

1. On January 15, 1975, the Commission adopted a report and order (40 FR 3851) in the above-entitled matter which revised the Commission's entire schedule of fees effective March 1, 1975.[1] In that Report and Order the Commission also took note of the fact that it had suspended collection of the cable television and broadcast annual fees for the period between March 29, 1974 and the effective date of the revised schedule in view of the substantial questions raised by the opinion of the Supreme Court in "National Cable Television Association, Inc. v. United States," 415 U.S. 336 (1974). It announced that it would reassess those fees in accord with the principles used in the new fee schedule. We have now completed our recalculation of the fees to be imposed using the same method employed in the report and order, but with the budget for fiscal year 1973 as the cost base.

CABLE TELEVISION ANNUAL AUTHORIZATION FEE

2. The cable television annual authorization fee for 1973 and 1974, recalculated in the manner described above, is six cents per subscriber. Cable television systems will be required to submit the fee for both years to the Commission on or before August 1, 1975.

BROADCAST ANNUAL LICENSE FEE

3. The broadcast annual license fee applicable to the period covered by the suspension has also been recalculated using the same procedure employed in the report and order adopted January 15. Starting April 1, 1975, the first date following the effective date of the rules upon which any annual fees are due, all stations whose annual fees are due on that date or thereafter will pay a fee for the preceding twelve months, using a multiplier of 6.7 times the applicable spot rate for aural stations and 3.4 for television

[1] FCC 75-32, 40 FR 3844 (1975).

stations applicable to those months ending December 31, 1974, and a multiplier of 8.5 for aural stations and 4.25 for television stations for those months in the year period commencing January 1, 1975.

4. Payments are also due on August 1, 1975 covering past payments which were suspended. These were payments from April 1, 1974 to February 1, 1975. These are calculated as follows: For every station whose payments were due prior to February 1, 1975, the fee will be the applicable multiplier (6.7 or 3.4) times the spot rate for all months covered by the suspended payment. For stations whose payments would have been due on February 1, 1975 if not for the suspension, the fee will be apportioned using a multiplier of 6.7 or 3.4 for all months except January; for January the multiplier will be 8.5 or 4.25 for aural or television.

5. The applicable spot rate is the following: For all fees due on or after March 1, 1975 for the preceding twelve months, the applicable rate card is that in effect on the June 1st prior to payment. For all fees due August 1, 1975 covering previously suspended payments, i.e., those payments which would have been due through February 1, 1975, the applicable rate card is the same rate card which would have been used if the fee had not been suspended and had been paid on the original due date.

CHANGES REQUIRED IN THE PRIOR REPORT AND ORDER

6. In the revised schedule adopted on January 15, Note 1 to § 1.1111(a)(5) stated that gross revenues used to determine grant fees for assignments and transfers would be determined by taking the average of the annual gross revenue figures reported on line 19 of FCC Form 324 for the respective station(s) for the three full calendar years immediately preceding the date of the consummation of the assignment and transfer. We believe, however, that it is desirable for parties contemplating a sale to be able to calculate the fee in advance. Therefore, we are revising the note to indicate that the relevant years for determining the gross revenue figure will be those three calendar years immediately preceding the filing date, rather than the date of consummation. When the grant of an application filed early in the year is ready for approval in the same year prior to the filing of a Form 324 for the immediately preceding year, procedures will be developed for obtaining the gross revenue figure for this preceding year from the applicant prior to final approval of the grant.

7. We are amending the Commission's rules by adding the following language at the end of § 13.71:

EXCEPT for alien restricted radio-telephone operator permit applications, which must be submitted to Federal Communications Commission, Washington, D.C. 20554.

This provision is part of the rules presently and was inadvertently deleted in the further notice and the prior report and order in the docket, but is now included.

8. Two changes are necessary in the Common Carrier portion of the revised fee schedule. Paragraph 1.1113(i) of the schedule included a fee for applications for certification of priority of leased intercity private line service in emergency situations. The fee was originally proposed when the first notice of proposed rule making in this proceeding was adopted in December 1972. In view of changed circumstances with respect to the priority system and the interests of the Commission and the entire government in establishing an integrated emergency communications system, we have concluded that this fee should be abolished.

9. The footnote applicable to the method for calculating gross revenue as a basis for the fee charged for tariff filings referred to a form which is not required of all common carriers subject to this provision. It is therefore necessary to amend this footnote so as to make it applicable to all common carriers filing tariffs with the Commission.

10. The word "certification" as it appears in the parenthetical note following § 1.1120(a)(2) is revised to "registration." The Field Operations Bureau requires registration by users of industrial heating equipment under Part 18 rather than certification. The revision is, therefore, necessary.

11. One change is necessary in the Safety and Special Radio Services portion of the revised fee schedule. Section 1.1115(c)(9) was revised by an order released on August 8, 1974 (FCC 74-814, 48 F.C.C. 2d 350) to exempt applications for emergency position indicating radiobeacon (EPIRB) stations from application fees. The exemption was inadvertently deleted from the prior report and order, but is now included.

12. The amendments adopted herein will be effective as of March 31, 1975.

13. Authority for the adoption of the amendments herein is contained in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and Title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a.

14. Accordingly, *it is ordered*, That effective March 31, 1975, Parts 1 and 13 of the Commission's rules and regulations are amended as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: February 11, 1975.

Released: February 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 1 and 13 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

In § 1.1102, new paragraphs (e)(2)–(5), Note 1 following (e)(5), and a new (f)(2) are added to read as follows:

§ 1.1102 Payment of fees.

* * * * * * *

(e) * * *

(2) Each broadcast station shall pay an annual license fee to the Commission for the period April 1, 1973–February 28, 1975. The fee applicable to the period after December 31, 1974 shall be the fee prescribed in §1.1111(a)(5) of this chapter. The fee applicable to the period April 1, 1973–December 31, 1974 is as follows:

(i) For AM and FM stations: The annual license fee will be a payment equal to 6.7 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.00.

(ii) For television broadcast stations: The annual license fee will be a payment equal to 3.4 times the station's highest "30-second" spot announcement rate, but in no event shall the annual fee be less than $100.00.

(3) Fees applicable to any twelve-month period ending on or before February 1, 1975 must be submitted on or before August 1, 1975. Fees applicable to any twelve-month period ending after February 1, 1975 must be submitted on or before the anniversary date of the expiration date of the station's license as provided above.

(4) For broadcast stations submitting a fee on August 1, 1975 applicable to the period April 1, 1973–April 1, 1974 or June 1, 1973–June 1, 1974, the rate card on which the fee will be based is that of June 1, 1973. For broadcast stations submitting a fee on August 1, 1975 applicable to the period August 1, 1973–August 1, 1974, October 1, 1973–October 1, 1974, December 1, 1973–December 1, 1974 or February 1, 1974–February 1, 1975, the rate card on which the fee will be based is that of June 1, 1974.

(5) For broadcast stations paying an annual license fee applicable in part to a portion of calendar year 1974 and in part to a portion of calendar year 1975, the broadcast annual license fee will be prorated between the annual fee prescribed in paragraph (e)(2) of this section and the annual fee prescribed in § 1.1111(a)(6) of this chapter. A station's annual license fee will be computed by taking the number of months from the anniversary date to December 31, 1974, divided by 12, times the full year annual fee which is required by paragraph (e)(2) of this section, and adding to that the fee computed by taking the number of months from January 1, 1975 to the anniversary date, divided by 12 times the full year annual fee which is required by §1.1111(a)(6) of this chapter.

NOTE.—Example: AM station X has a license expiration date on October 1, Station X's highest single "one-minute" spot announcement rate is $10 as of June 1, 1974 and $20 as of June 1, 1975. Station X is required to pay an annual fee for the period October 1, 1973–October 1, 1974 on August 1, 1975 and an annual fee for the period October 1, 1974–October 1, 1975 on October 1, 1975. The fee due on August 1, 1975 will be $67.00. This is calculated by multiplying 6.7, the fee multiplier specified in paragraph

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(a)(2) above, times $10.00 the highest single "one minute" spot announcement rate as it appears on the applicable rate card, that of June 1, 1974. The fee due on October 1, 1975 is $161.00. To calculate this fee it is necessary to prorate the fee based on the portion of the twelve-month fee payment period during calendar year 1974 and that during calendar year 1975. The number of months from October 1, 1974 to December 31, 1974 is 3. The first step in calculating the fee is to multiply $\frac{3}{12} \times 6.7 \times \$20$, the portion of calendar year 1974 covered by the fee ($\frac{3}{12}$) times the applicable fee multiplier (6.7), times the spot rate ($20 here as the June 1, 1975 rate card is used). This portion of the fee is $33.50. Next it is necessary to multiply $\frac{9}{12} \times 8.5 \times \$20$, the portion of calendar year 1975 covered by the fee ($\frac{9}{12}$) times the fee multiplier from section 1.1111(a)(8) (8.5), times the spot rate. This portion of the fee is $127.50. The annual fee equals the sum of the two amounts $33.50 and $127.50 or $161.00.

(f) • • •

(2) Each CATV system shall pay an annual authorization fee to the Commission for calendar years 1973 and 1974 to be submitted on or before August 1, 1975. The fee for each system shall be equal to the number of subscribers times 6 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter.

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2. In § 1.1111, Note 1 following paragraph (a)(5) is revised to read as follows:

§ 1.1111 Schedule of fees for Radio Broadcast Services.

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NOTE 1.—Gross revenue will be determined by taking the average of the annual gross revenue figures appearing on line 19 of FCC Form 324 for the respective station(s) for the three years immediately preceding the date of filing the application for the assignment or transfer. Procedures will be initiated to obtain the gross revenue figure for the immediately preceding year in any case in which a grant may be approved prior to the filing of the Form 324.

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3. In § 1.1113, paragraph 1.1113(l) and Footnote 14 are revised to read as follows:

§ 1.1113 Schedule of fees for Common Carrier Services.

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COMMON CARRIER NONRADIO APPLICATIONS

Sec. 214 application for construction or acquisition of landline domestic cable or waveguide.[14]	$60	$3 per route mile.
Sec. 214 application to establish or supplement domestic facilities by installation or acquisition of carrier equipment on wire, cable, waveguide, or radio routes.[15]	$15	$4.50 per 100 equivalent 4 kHz channel miles authorized.[11 13]
Sec. 214 application to lease channels from other carriers for domestic use [16]	$15	$3.50 per 100 equivalent 4 kHz channel miles authorized.[11 13]
Sec. 214 application to lease satellite transponder for domestic use (per transponder).	$25	None.
Sec. 214 application for overseas cable construction	$600	$30 per route mile (nautical).
Sec. 214 application to establish or supplement international facilities by installation or acquisition of carrier equipment on overseas cable or radio routes (except satellite) or to acquire such facilities on a capital basis other than ownership.	$30	$6 per 100 3 kHz channel miles authorized.[13]
Sec. 214 application to lease channels on overseas cable or radio routes (except satellites).	$30	$3.50 per 100 equivalent 3 kHz channel miles authorized.[13]
Sec. 214 application to lease circuits to interconnect international circuits:		
Circuits outside of the United States	$15	None.
Circuits within the United States or territories	$15	$3.50 per 100 equivalent 3 kHz channel miles authorized.[13]
Sec. 214 application to install carrier equipment to establish international channels of communication at an earth station.	$60	One-third of 1 percent of of equipment and installation cost as set forth in application.
Sec. 214 application to establish and provide international channels of communication via satellite.	$150	None.
Sec. 214 application to acquire satellite channels for international use	$30	$12 per equivalent 4 kHz channel.[13]
Cable landing license	$120	None.
Sec. 214 application to discontinue, reduce or impair service to the public:		
Telegraph offices and public coast stations [17]	$15	Do.
All other	$60	Do.
Interlocking directorate applications	$30	Do.
Sec. 221 applications	$30	Do.
All other common carrier nonradio applications	$15	Do.

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[13] Total operating revenues of filing carrier and its communications common carrier subsidiaries for the previous calendar year. The fees for tariff filings made by one carrier solely on behalf of another carrier shall be based on the total operating revenues of the carrier for which the filing is made.

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4. In § 1.1115, paragraph (c)(9) is revised to read as follows:

§ 1.1115. Schedule of fees for the Safety and Special Radio Services.

• • • • • •

(c) • • •

(9) Applications for licenses for aircraft stations to operate with only an emergency locator transmitter (ELT); or an application for only an emergency position indicating radio-beacon (EPIRB) station; or an application for modification of a ship station license to include authority for operation of an EPIRB.

5. In § 1.1120, paragraph (a)(2) is revised to read as follows:

§ 1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

• • • • • •

(a) • • •

(2) Application for certification of equipment operating under Part 18.[1] (No fee required for registration for use of industrial heating equipment on Form 724 in accordance with § 18.116 of the Commission's rules) ---------- 150

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6. In § 13.71, paragraph (b) is revised to read as follows:

§ 13.71 Issue of duplicate or replacement licenses.

• • • • • •

(b) The holder of any license or permit whose name is legally changed may make application for a replacement document to indicate the new legal name by submitting a properly executed application accompanied by the license or permit affected. If the authorization is of the diploma form, the application should be submitted to the office where it was issued. If the authorization is of the card form (Restricted Radiotelephone Operator Permit) it should be submitted to the Federal Communications Commission, Gettysburg, Pa. 17325, except for alien restricted radiotelephone operator permit applications, which must be submitted to Federal Communications Commission, Washington, D.C. 20554.

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[FR Doc.75-5112 Filed 2-25-75;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Docket No. OPS-26; Amdt. 192-17]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Qualification of Pipe Transported by Railroad; Correction

FR Doc. 75-3792, published at page 8345 in the issue dated Tuesday, February 11, 1975, is corrected by changing the word "entered" to read "entitled" in the amended item 4 of section II.A of Appendix A to Part 192.

Issued in Washington, D.C., on February 20, 1975.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.75-5140 Filed 2-25-75;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-18; Notice 8]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Non-Passenger-Car Tires

This notice changes the effective date schedule of Standard No. 119, *New pneumatic tires for motor vehicles other than passenger cars*, 49 CFR 571.119, to permit a delay of 2 days in the implementation of the labeling scheme.

Firestone Tire and Rubber Company has petitioned for rulemaking to delay the effective date of Standard No. 119 from March 1, 1975, to March 3, 1975, to permit a transition to the new labeling scheme on a non-workday. The present March 1, 1975, date would require interruption of work on Friday or Saturday to effect changes to the tire molds, while a March 3, 1975, date will permit those changes to be made on Sunday, March 2, 1975.

While the NHTSA does not encourage requests for delays of labeling requirements, it concludes that the short delay requested in this case will not have a significant adverse effect on motor vehicle safety and that the change will aid in the orderly implementation of the standard. The effective date of Standard No. 119 as a whole remains March 1, 1975, and tires may be marked according to the requirements on that date. However, compliance with the labeling requirements of S6.5, *Tire Marking*, will be optional during the first 2 days of March, and conformity with S6.5 will first be required on March 3, 1975.

Because of the imminence of the effective date of the standard, and because this change in an effective date involves a minor relaxation of a rule that will not have a significant effect on motor vehicle safety, the National Highway Traffic Safety Administration finds, for good cause shown, that notice and public procedure thereon are impracticable and unnecessary.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on February 24, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-5197 Filed 2-24-75;2:07 pm]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-267]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits; Nevada

In the FEDERAL REGISTER issued May 17, 1974, (39 FR 17678), prototype per unit cost schedules were published pursuant to section 15(5) of the United States Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Reno Insuring Office and the San Francisco Area Office indicates a prototype per unit cost schedule should be established for the following Nevada prototype cost areas; Elko, Fallon and Gardnerville.

Written data, views or statements may be filed with the appropriate HUD Area Office. The offices were listed in our publication of May 17, 1974. Accordingly, 24 CFR Part 275 is amended as follows:

The new prototype per unit costs for Elko, Fallon and Gardnerville, Nevada are to be added to page 17742 as shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule.

(Sec. 7(d) of Dept. of HUD Act, U.S.C. 3535 (d)).

Effective date. This amendment is effective February 26, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary-Commissioner.

Prototype per unit cost schedule—Region IX

	Number of bedrooms						
	0	1	2	3	4	5	6
Elko, Nev.:							
Detached and semidetached			19,150	22,400	26,800	29,700	31,100
Row dwellings							
Walk-up							
Elevator-structure							
Fallon, Nev.:							
Detached and semidetached			19,150	22,400	26,800	29,700	31,100
Row dwellings							
Walk-up							
Elevator-structure							
Gardnerville, Nev.:							
Detached and semidetached			17,650	20,700	24,800	27,400	28,700
Row dwellings							
Walk-up							
Elevator-structure							

[FR Doc.75-5074 Filed 2-25-75;8:45 am]

[Docket No. R-75-267]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits; Tennessee

In the FEDERAL REGISTER issued May 17, 1974, (39 FR 17678), prototype per unit cost schedules were published pursuant to section 15(5) of the United States Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Knoxille Area Office indicates that certain prototype costs for Chattanooga, Tennessee published May 17, 1974, should be revised.

Written data, views or statements may be filed with the appropriate HUD Area Office. The offices were listed in our publication of May 17, 1974. Accordingly, 24 CFR Part 275 is amended as follows:

1. On page 17704 delete the existing prototype costs for Chattanooga and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule.

(Sec. 7(d) of Dept. of HUD Act, U.S.C. 3535 (d)).

Effective date. This amendment is effective February 26, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary-Commissioner.

Prototype per unit cost schedule—Region IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Chattanooga, Tenn.:							
Detached and semidetached							
Row dwellings							
Walk-up	8,550	10,200	13,700	16,200	18,550	20,750	21,900
Elevator-structure	12,200	13,350	19,250				

[FR Doc.75-5075 Filed 2-25-75;8:45 am]

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INSURED MULTIFAMILY HOUSING—MANAGEMENT AND MORTGAGE SERVICING

[Docket No. R-75-314]

PART 403—LOCAL RENT CONTROL

Interim Rule

The Department of Housing and Urban Development (HUD) has received numerous inquiries relating to the jurisdiction of local rent control boards over FHA projects. This has become an area of great concern to the Department, because it has been determined that local rent control is a significant factor in causing owners of FHA projects, especially subsidized projects, to default on their mortgage payments. The defaults are leading to a substantial number of mortgage insurance claims by mortgagees upon HUD and to the withdrawal from the nation's housing stock of an increasing number of units for low income families. Since HUD already regulates, pursuant to the National Housing Act, the maximum permissible rents that an owner of a project financed by a mortgage insured by HUD may charge, and since each mortgage insurance claim typically requires the expenditure of several millions of dollars by the Department, HUD has an overriding interest to

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preempt state and local actions which contribute to such claims. Moreover, with respect to HUD-owned projects, they are property of the United States Government, and therefore not subject to local regulation.

It is for these reasons that the Department is adding to Chapter IV of Title 24 a new Part 403, "Local Rent Control," that formally sets forth HUD's position on local rent control of FHA projects. The rule essentially provides that the Department shall assert exclusive jurisdiction over the maximum rentals for unsubsidized projects with mortgages insured or held by HUD only when it deems that its economic interest in the project is jeopardized by the decision of the local rent control authority (or by a delay in making a decision). However, the Department has exclusive jurisdiction over the rents of all subsidized projects with mortgages insured or held by HUD and all HUD-owned projects. The rule also specifies procedures for handling cases where the local rent control board approves a lower maximum rent level than HUD does.

This regulation is being adopted as an interim rule to be effective upon publication, because the Department considers it vital to avoid further mortgage insurance claims caused by local rent control restrictions. However, the Department invites interested persons to submit data, views, and suggestions with respect to this rule and is providing 60 days in lieu of the usual 30 days in which to file comments. All relevant material received on or before April 25, 1975, will be considered before a final rule is adopted. Filings should refer to the above Docket number and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410. Copies of the comments submitted will be available during business hours at the above address for examination by interested persons.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability is available for inspection at the above address.

Title 24, Chapter IV is amended by adding Part 403 to read as follows:

Subpart A—Unsubsidized Insured Projects

Sec.
403.1 Applicability.
403.2 Rental charges.
403.3 Procedures.

Subpart B—Subsidized Insured Projects

403.5 Applicability.
403.6 Rental charges.
403.7 Procedures.

Subpart C—HUD-Owned Projects

403.8 Rental charges.
403.9 Procedures.

AUTHORITY: Sec. 7(d) of the HUD Act (42 U.S.C. 3535(d); Sec. 211, 52 Stat. 23, as amended (12 U.S.C. 1715b).

Subpart A—Unsubsidized Insured Projects

§ 403.1 Applicability.

This subpart applies to all projects with mortgages insured or held by HUD, except those to which Subpart B applies.

§ 403.2 Rental charges.

The Department will generally not interfere in the regulation by local rent control boards of rents of unsubsidized projects with mortgages insured or held by HUD. However, HUD will assert exclusive jurisdiction over the regulation of the rents of such a project when the delay or decision of a local rent control authority jeopardizes the Department's economic interest in the project.

§ 403.3 Procedures.

(a) The local HUD office shall process a mortgagor's request for approval of increases in the maximum permissible rents pursuant to Part 401 of this Chapter and HUD Handbook 4350.1, "Insured Project Servicing Handbook," without regard to the existence or terms of a local rent control ordinance. The mortgagor should simultaneously submit a similar request to the local rent control board following the requirements of the local jurisdiction.

(b) The mortgagor is responsible for informing the local HUD office, if the rents for the project approved by the local board are lower than those approved by HUD, or if the board fails to act within a period of thirty (30) days following the filing of the application. The mortgagor shall furnish the local HUD office any financial data that was supplied to the local board, but not previously furnished to HUD, along with the reasons why he believes that HUD's economic interest in the project is jeopardized by the local board.

(c) Upon reviewing all the information submitted by the mortgagor, the local HUD office shall promptly send a written report to the Office of Loan Management (HUD Central Office) and a copy to the Regional Office, if it deems the delay or decision of the local rent control board jeopardizes the Department's economic interest in the project and the local board will not modify its position to the satisfaction of the local HUD office.

(d) The Office of Loan Management shall promptly review the local HUD office's report and make a recommendation to the Office of General Counsel if it thinks that legal action in the matter is desirable. Such action will be determined independently of any action taken by the mortgagor.

Subpart B—Subsidized Insured Projects

§ 403.5 Applicability.

This Subpart applies to all projects with mortgages insured or held by HUD, which receive a subsidy in the form of: (a) Interest reduction payments pursuant to section 236 of the National Housing Act; (b) below-market interest rates pursuant to section 221(d)(3) and (5) of the National Housing Act; (c) rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965; (d) direct loans at below-market interest rates pursuant to section 202 of the Housing Act of 1959; and (e) housing assistance payments pursuant to section 8 of the United States Housing Act of 1937.

§ 403.6 Rental charges.

The Department finds that it is in the national interest to assert exclusive jurisdiction over the regulation of the rents of subsidized projects with mortgages which it insures or holds. Therefore, the Department has determined to preempt the entire field of rent regulation by local rent control boards acting pursuant to state or local law as applied to subsidized projects with mortgages which are insured or held by HUD.

§ 403.7 Procedures.

(a) The mortgagor shall be responsible for notifying the local HUD office whenever a local rent control board takes any action to prevent the mortgagor from implementing a HUD-approved rent increase.

(b) Upon receiving such notification, the local HUD office shall promptly convey the Department's position on this subject, as reflected in this Subpart, to the local rent control board. If the local rent control board then fails to approve the rent schedule approved by HUD, the local HUD office shall promptly notify the Office of General Counsel, the Office of Loan Management, and the Regional Office.

Subpart C—HUD-Owned Projects

§ 403.8 Rental charges.

The Department has exclusive jurisdiction over the rents of all projects which it owns, irrespective of the existence or the terms of any local rent control ordinance.

§ 403.9 Procedures.

Whenever a local rent control board takes any action to prevent the Department from implementing a rent increase, the local HUD office shall promptly convey the Department's position on this subject to the local rent control board. If the local rent control board then fails to approve the rent schedule instituted by HUD, the local HUD office shall promptly notify the Office of General Counsel, the Office of Loan Management, and the Regional Office.

Effective date. This amendment is effective February 26, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-5073 Filed 2-24-75;12:16 pm]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—RECORDS

PART 286—AVAILABILITY TO THE PUBLIC OF DEPARTMENT OF DEFENSE INFORMATION

Procedure and Requirements

The Deputy Secretary of Defense has approved the following revision to Part 286. This Part 286 provides overall guidance to Department of Defense components on how they should respond to requests from the public for records under the Freedom of Information Act, as amended. It also describes the procedures which must be followed by the public in requesting records under this Part.

In view of inadequate time to obtain public comments on these rules prior to their adoption, public comment is solicited before April 18, 1975 for consideration in connection with any further revision of this Part that may be accomplished in the near future.

Part 286 is revised to read as follows:

Sec.
286.1 Purpose.
286.2 Cancellation.
286.3 Applicability and scope.
286.4 Policy.
286.5 Availability of records.
286.6 Exemptions.
286.7 Responsibilities.
286.8 Implementation.
286.9 Effective date.
286.10 Uniform agency fees for search and duplication under the Freedom of Information Act Amendments, Pub. L. 93-502.
286.11 Inspection and copying of opinions, orders and manuals.
286.12 Identification and marking "for official use only."
286.13 Release procedures.
286.14 Judicial action.
286.15 Reporting requirement.
286.16 Release and authentication of copies of official records.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

§ 286.1 Purpose.

This Part: (a) Implements the Freedom of Information Act by describing:

(1) The kinds of records that must be made available to the public and the procedures which shall be used in making them available by providing an opportunity to inspect and copy them at convenient locations, with current indices (§ 286.11), and by providing copies.

(2) The kinds of records which need not be made available to the public.

(b) Prescribes uniform policy for the identification and marking of records which need not be made public through the use of the term "for official use only" (FOUO). This designation will be used to identify records not to be released to the public for reasons other than security classification under DoD Directive 5200.1 and DoD Regulation 5200.1-R (32 CFR 159) or under Pub. L. 86-36 (50 U.S.C. 402 note) (National Security Information Exemption); 35 U.S.C. 181-188 (Patent Secrecy); or 42 U.S.C. 2161 (Restricted and Formerly Restricted Data); and the procedures for release and authentication or certification of official records requested by other governmental bodies, whether executive, legislative, judicial, or regulatory, in making official determinations (§ 286.16).

(c) Provides procedures for review of denials of requests for records to preclude unnecessary or unauthorized withholding, and for responding to court actions taken to compel release of records.

§ 286.2 Cancellation.

DoD Directive 5015.1 (17 FR 7183 and 23 FR 4519) is hereby cancelled.

§ 286.3 Applicability and scope.

This Part applies to the Office of the Secretary of Defense (including the organization of the Joint Chiefs of Staff), the military departments, and all other Department of Defense agencies, each hereinafter referred to singularly as a component and collectively as components, and governs all records of the Department of Defense. It provides specifically for making records available to the general public when requested under 5 U.S.C. 552, as amended by Pub. L. 93-502. Requests from members of Congress are governed by DoD Directive 5400.4, "Provision of Information to Congress," February 20, 1971,[1] from the General Accounting Office by DoD Directive 7650.1, "General Accounting Office," Comprehensive Audits, July 9, 1958,[1] and from other agencies and the courts by § 286.16. Receipt of service of process is determined by 32 CFR 257. National Security Agency official records and information are exempt from the provisions of this Part in accordance with Pub. L. 86-36 (50 U.S.C. 402 note) (National Security Information Exemption).

§ 286.4 Policy.

(a) It is the policy of the Department of Defense to make available to the public the maximum amount of information concerning its operations and activities. Exceptions to the general requirement for disclosure shall be made in accordance with the exemptions set forth in § 286.6 and the release procedures prescribed in § 286.13.

(b) A record exempt from public disclosure under the exemptions set forth in § 286.6 should, nevertheless, be made available to the public when its disclosure is not inconsistent with statutory requirements (see § 286.6(c)(3)), with security classification requirement (32 CFR 159), or with other requirements of law, and when a component official charged with this responsibility determines that no significant and legitimate governmental purpose would be served by withholding the record. A determination of whether a significant and legitimate governmental purpose is served by withholding a record under the provisions of § 286.6 is within the discretion of the responsible officials within the component, as designated in accordance with § 286.7.

(c) A record may be withheld from the public only as authorized by the Freedom of Information Act, this Part, and other implementing regulations issued pursuant to this Part. The possibility that release of a record may cause embarrassment by suggesting administrative error or inefficiency may *not* be considered in determining whether it should be released (DoD Directive 5230.13, "Public Information Principles," October 23, 1973[1]).

[1] Filed as part of original. Copies available at U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120, Attn: Code 300.

§ 286.5 Availability of records.

(a) Subject to the exemptions set forth in § 286.6 and the procedural requirements of § 286.13, a record of a component shall be made available in response to a request from any person under the authority of 5 U.S.C. 552, as amended by Pub. L. 93-502. Other requests for information, including some kinds of records, may be answered promptly in accordance with other established procedures and requirements available to requesters in particular categories (e.g., component personnel seeking access to their personal records), but a request identified as being made pursuant to 5 U.S.C. 552, as amended by Pub. L. 93-502, even by requesters in these particular categories, shall be processed in accordance with this Part. Records which are published in the FEDERAL REGISTER in accordance with 40 FR 4911 or made available for inspection and copying in a library, reading room, or other facility (§ 286.11) should, where practicable, also be copied and forwarded by the component to those who request copies. Requesters may, however, be directed to an established source from which members of the public may obtain the record sought (e.g., the Government Printing Office).

(b) In determining whether documentary material qualifies as a "record" consideration should be given to the Act of July 7, 1943, ch. 192, sec. 1 (44 U.S.C. 3301) (Records Disposal), which defines the word "records" for records disposal purposes as follows:

"Records include all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included."

(1) Records are not limited to permanent or historical documents but include current documents as well.

(2) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(3) The items listed in § 286.5(b) that are maintained in computers, as well as audiovisual documentary material, are not excluded from the provisions of this Part.

(4) Formulae, designs, drawings, research data, computer programs, technical data packages, and so forth, are not considered "records" within the Congressional intent of 5 U.S.C. 552, as amended by Pub. L. 93-502. Because of

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development costs, utilization, or value, these items are considered exploitable resources to be utilized in the best interest of all the public and not preserved for informational value nor as evidence of agency functions. Requests for copies of such material shall be evaluated in accordance with policies expressly directed to the appropriate dissemination or use of these resources. Requests to inspect this material to determine its content for informational purposes shall normally be granted, unless inspection is inconsistent with the obligation to protect the property value of the material, as, for example, may be true for certain formulae, or is inconsistent with another significant and legitimate governmental purpose.

(c) A request for a record will be granted if:

(1) The requester reasonably describes in writing the record sought. This requires sufficient particularity in the description to enable the component to locate the requested record with reasonable effort. The component may require the requester to complete a form to facilitate efforts to locate a record not otherwise reasonably described.

(2) The requester is willing and able to pay the cost associated with searching for and duplicating the record sought, as determined by § 286.10. Costs attributable to determining the applicability of an exemption under § 286.6 or whether a significant and legitimate governmental purpose would be served by withholding the record shall not be included in the computation of costs chargeable to the requester. Charges shall be waived in whole or part in accordance with § 286.10 when it is determined by a component that release of a requested record primarily benefits the general public and is, therefore, in the public interest.

(3) The requester complies with reasonable requirements set forth in the regulations of each component regarding the time, place, and procedure for obtaining a copy of the record.

(d) A record must exist at the time of the request to be considered subject to this Part. A record that is maintained by computer normally is deemed to exist for this purpose only if retrievable in approximately the form requested without substantial reprogramming. There is no obligation to "create" or compile a record for the purpose of satisfying a request for information. When the information requested exists in the form of several records at several locations the applicant should be referred to these sources if gathering the information would be burdensome.

(e) When the record requested was originated by another agency or component, the request normally shall be referred promptly and directly to that agency or component for disposition, and the requester shall be notified of that referral.

(1) Coordination prior to transfer of a request for a record is recommended to insure that there is no valid basis for an exception to this normal procedure.

(2) The component which receives the request for a record originated by another component or agency may respond directly to that request pursuant to an agreement with the originator.

(3) Requests referred from other components or agencies for the records of a component shall be answered in accordance with the time limits applicable to direct requests from the public, and begin to run upon receipt of the referral.

(f) The originating component shall, whenever feasible, consult with other agencies or components having a significant interest in the content of a requested record before determining whether to make it available to the requester.

(g) Each component shall avoid creating artificial procedural obstacles when internal Department of Defense organizational questions arise, particularly where reorganization or transfer of functions contributes to an improperly directed request. Defense Department personnel shall make reasonable efforts to assist private persons in directing requests for information to the appropriate authorities.

(1) This assistance shall include advice to the public in framing requests, either in regulations implementing this Part or on a case-by-case basis, so as to minimize the burden on the public and on the component. When literal compliance with a request for a determinable category of voluminous records would be impracticable within any reasonable time, the component should advise the requester of the need to describe more reasonably and particularly the scope or nature of the request. Orderly procedures shall be established to facilitate a determination by the requester of the records of particular interest. Screening records (i.e., locating the requested records by searching and examining a large group of records among which the requested record is located) and transporting records for screening purposes may constitute a search cost payable by the requester, in advance, along with costs of duplication in accordance with § 286.10.

(2) Exempt portions of a record should be deleted by a component and the remaining reasonably segregable portions of the record released to the requester when the meaning of these portions is not distorted and it can be reasonably assumed that a skillful and knowledgeable person could not reconstruct the exempt information. A system of designating exempt portions at the time a record is originated provides a basis for reasonable segregation, although the continuing validity of the exemption must be reevaluated in response to the request. Paragraph marking of information which is required by DoD Directive 5200.1 and DoD Regulation 5200.1–R (32 CFR 159) is an example of such a system and a paragraph so marked may be considered to be a reasonably segregated portion of a record. Reevaluation of the continuing validity of an exemption may be accomplished on the basis of such segregable portions of a record rather than on the basis of individual sentences, phrases and words.

§ 286.6 Exemptions.

(a) Records which otherwise would have to be published or made available in the FEDERAL REGISTER (40 FR 4911), in a library or reading room (§ 286.11), or in response to a request for a record under § 286.5 may be withheld from public disclosure if they come within a specific exemption.

(b) Deletion or modification in this section of provisions contained in the earlier version of this Part is not necessarily indicative of any change in policy or position regarding the applicability of any exemption. An exempted record or reasonably segregable portion of a record, however, should be made available upon the request of any member of the public when, in the judgment of the releasing component or higher authority, no significant and legitimate governmental purpose would be served by withholding it under an applicable exemption. Consistency with a statutory requirement (e.g., 18 U.S.C. 1905 (Confidential Trade Information); DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1–R, "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159)), or other requirement of law constitutes a significant and legitimate governmental purpose.

(c) The following types of records may be withheld in whole or part from public disclosure unless otherwise prescribed by law:

(1) Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by Executive Order and implemented by regulations, such as DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1–R "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159).

(2) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or to the internal practices of a component if their release to the public would substantially hinder the effective performance of a significant function of the Department of Defense. Examples include:

(i) Operating rules, guidelines and manuals for Department of Defense investigators, inspectors, auditors, or examiners.

(ii) Certain schedules or methods of operation which would reveal:

(A) Negotiating and bargaining techniques.

(B) Bargaining limitations and positions.

(C) Inspection schedules and methods.

(D) Audit schedules and methods.

(iii) Personnel and other administrative matters such as examination questions and answers used in training

courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement, or promotion.

(3) Those containing information which statutes authorize or require be withheld from the public. The authorization or requirement may be found in the terms of the statute itself or in Executive Orders or regulations authorized by, or in implementation of, a statute. Examples include:

(i) 18 U.S.C. 1905 (Confidential Trade Information)—For trade, technical, and financial information provided in confidence by businesses.

(ii) Pub. L. 86–36 (50 U.S.C. 402 note) (National Security Information Exemption)—National Security Agency information.

(iii) 35 U.S.C. 181–188 (Patent Secrecy)—Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued.

(iv) 42 U.S.C. 2161 (Restricted and Formerly Restricted Data)—Restricted Data and Formerly Restricted Data.

(4) Those containing trade secrets or commercial or financial information which a component receives from a person with the understanding that it will be retained on a privileged or confidential basis in accordance with customary handling of such records. Such records are those the disclosure of which would cause substantial harm to the competitive position of the person providing the information; impair the Government's ability to obtain necessary information in the future; or impair some other legitimate governmental interest. Examples include records which contain:

(i) Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(ii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, if offered and received in confidence from a contractor or potential contractor.

(iii) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(iv) Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they cover trade secrets or commercial or financial information normally considered confidential or privileged or because they are essential to an effective inspection, investigation, or audit.

(v) Data provided in confidence by private employers in connection with locality wage surveys which are used to fix and adjust pay schedules applicable to prevailing rate employees within the Department of Defense.

(5) Except as provided in (ii) through (v) internal communications within and among agencies (as defined in 5 U.S.C. 551 (Section 2 of the Administrative Procedure Act). and components.

(i) Examples include:

(A) Staff papers containing staff advice, opinions, or suggestions.

(B) Information received or generated by a component preliminary to a decision or action, including draft versions of documents, where premature disclosure would interfere with the orderly conduct of government. (Preliminary or draft documents received from other governmental organizations are not Department of Defense records and may not be released by component without the agreement of the organization.)

(C) Advice, suggestions, or reports prepared on behalf of the Department of Defense by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations, or by individual consultants.

(D) Those portions of component evaluations of contractors and their products which contain recommendations or advice by government employees about the contractor or product.

(E) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(F) Records which are exchanged among agency personnel or within and among components or agencies preparing for anticipated legal proceedings before any Federal, State, or military court or before any regulatory body.

(G) Reports of inspections, audits, investigations or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of Defense or one of its components.

(ii) If any such intra- or inter-agency record, or reasonably segregable portion of such record would routinely be made available through the discovery process in the course of litigation with the agency (i.e., the process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing), then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(iii) Intra- or inter-agency memorandums or letters which are factual, or those reasonably segregable portions which are factual, are routinely made available through discovery, and should, therefore, be made available to a requester unless the factual material is otherwise exempt from release under § 286.6(b).

(iv) A direction or order from a superior to a subordinate, though contained in an internal communication, generally cannot be withheld from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(v) An internal communication concerning a decision which subsequently has been made a matter of public record should normally be made available to a requester when it furnishes the best support, explanation, or rationale for the decision.

(6) Information in personnel and medical files, as well as information in similar files, that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(i) Examples of files similar to personnel and medical files include:

(A) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, civilian, military or industrial, for security clearances, or for access to particularly sensitive classified information.

(B) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(ii) In determining whether the release of information would result in a "clearly unwarranted invasion of personal privacy," consideration should be given to the stated or assumed purpose of the request. When determining whether a release is "clearly unwarranted," the public interest in satisfying this purpose must be balanced against the sensitivity of the privacy interest being threatened.

(iii) When the only basis for withholding information is protection of the personal privacy of an individual who is the subject of the record, the information should not be withheld from him or from his designated legal representative. A clearly unwarranted invasion of the privacy of others appearing in that record may, however, constitute a basis for deleting reasonably segregable portions of the record even when providing it to the subject of the record.

(iv) An individual's personnel, medical, or similar file may be withheld from him or from his designated legal representative only to the extent consistent with 5 U.S.C. 552a (The Privacy Act of 1974—Effective on September 27, 1975).

(7) Those investigative records compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of Executive Orders, or regulations validly adopted pursuant to law,

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(i) But only to the extent that their release would:

(A) Interfere with enforcement proceedings;

(B) Deprive a person of the right to a fair trial or an impartial adjudication;

(C) Constitute an unwarranted invasion of personal privacy;

(D) Disclose the identity of a confidential source;

(E) Disclose confidential information furnished only from a confidential source obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(F) Disclose investigative techniques and procedures not already in the public domain and requiring protection against public disclosure to insure their effectiveness;

(G) Endanger the life or physical safety of law enforcement personnel.

(ii) Examples include:

(A) Statements of witnesses and other material developed during the course of the investigation and all materials prepared in connection with related government litigation or adjudicative proceedings.

(B) The identity of firms or individuals suspended from contracting with the Department of Defense or being investigated for alleged irregularities when no indictment has been obtained nor any civil action filed against them by the United States.

(C) Information obtained in confidence, express or implied, in the course of: (1) a criminal investigation by a criminal law enforcement agency or office within a component; or (2) a lawful national security intelligence investigation conducted by an authorized agency or office within a component for the purpose of obtaining: (i) affirmative or counterintelligence information, or (ii) background investigation information needed to determine suitability for employment or eligibility for access to classified information.

(iii) The right of individual litigants to investigative records currently available by law is not diminished.

(iv) When the subject of an investigative record is the requester of that record, it may be withheld after September 27, 1975, only in accordance with regulations implementing 5 U.S.C. 552a (The Privacy Act of 1974—Effective on September 27, 1975). After September 27, 1975, the effective date of 5 U.S.C. 552a (The Privacy Act of 1974), the identity of the source of information obtained in confidence may be withheld in accordance with an implied or express promise of confidentiality given prior to that date and in accordance with an express promise of confidentiality after that date. Information from which the confidential source can be deduced may also be withheld.

(8) Those contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 286.7 Responsibilities.

(a) The head of each component shall be responsible for:

(1) Establishing procedures governing actions on initial and appealed requests for records under this Part.

(2) Establishing procedures in accordance with DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1-R, "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159), to insure that all holders of copies of records classified by the component are notified when reviewed has resulted in their declassification.

(3) Issuing implementing regulations that clearly identify those officials responsible for responding to requests under this Part for records which are under the jurisdiction of the component.

(4) Insuring cooperation with the Assistant Secretary of Defense (Public Affairs) (ASD(PA)) in fulfilling his responsibilities for monitoring the implementation of this Part.

(5) Designating an office or official as the principal point of contact and coordination with the ASD(PA).

(6) Advising the ASD(PA) of cases of public interest, particularly those on appeal, when the issues raised are unusual, precedent setting, matters of disagreement among components, of concern to other agencies outside the Department of Defense, or otherwise requiring special attention or guidance.

(7) Advising the ASD(PA) concurrent with the denial of a request or an appeal when circumstances suggest a news media interest.

(8) Preparing and submitting reports in accordance with § 286.15.

(9) Establishing, in coordination with the ASD(PA), programs of instruction on the provisions and requirements of this Part for officials and employees who contribute to the component's implementation of the Freedom of Information Act.

(10) Responding to the corrective action recommended by the Civil Service Commission for arbitrary or capricious withholding of records requested pursuant to 5 U.S.C. 552, as amended by Pub. L. 93-502 by officers or employees of the component.

(b) The Assistant Secretary of Defense (Public Affairs) shall:

(1) Direct and administer the Department of Defense Freedom of Information Program through a Deputy Assistant Secretary and a Directorate for Freedom of Information, which are hereby designated and established in accordance with DoD Directive 5400.10, "OSD/OJCS Implementation of the Freedom of Information Program," February 19, 1975, 40 FR 7242.

(2) Accomplish program overview, in cooperation with the Assistant Secretary of Defense (Comptroller) and the General Counsel, to insure coordinated guidance to components and to provide the means of assessing the overall conduct of the Department's Freedom of Information Program.

(3) Provide Department-wide policy guidance to components as pertains to the overall conduct of the Department's Freedom of Information Program.

(4) Act upon information provided by components as specified in § 286.7(a)(6).

(5) Direct surveys and studies to facilitate implementation of this Part and activities related to the Freedom of Information Program.

(6) Develop a block of instructions on the provisions and requirements of this Part and 5 U.S.C. 552, as amended by Pub. L. 93-502 for inclusion in the curriculum of the Defense Information School.

(7) Evaluate the Freedom of Information education programs of components.

(8) Confer with the head of a component on the desirability of reconsidering a final decision to deny a record when that decision becomes a matter of special concern because it involves an issue of great public interest or DoD-wide consequence.

(9) Forward a composite annual report to Congress in accordance with § 286.15.

(10) Modify or supplement, with the concurrence on the General Counsel and the ASD(C), any of §§ 286.10–286.16 to this Part in a manner consistent with the policies set forth in this Part after such coordination with the military departments and Defense agencies as may be appropriate.

(11) Prepare implementing provisions for the Office of the Secretary of Defense, including the organization of the Joint Chiefs of Staff.

(c) The General Counsel of the Department of Defense shall insure uniformity in the legal position and interpretation of this Part by all DoD components and coordination with the Department of Justice, as necessary, on all final denials of requests for records under this Part that are likely to lead to litigation.

§ 286.8 Implementation.

(a) Each component of the Department of Defense shall issue and publish in the FEDERAL REGISTER regulations to implement 5 U.S.C. 552, as amended by Pub. L. 93-502, unless subject to the implementing regulations of another component. The implementing regulations of Defense agencies may incorporate this Part by reference as their substantive requirements, and limit their separate publications to a description of component responsibilities and procedures. Processing of requests for the records of Headquarters of Unified, Specified and Subordinate Unified Commands shall be processed under the administrative directives of the military departments indicated in DoD Directive 5100.3, "Support of the Headquarters of Unified, Specified, and Subordinate Unified Commands," March 16, 1967, (32 FR 5569) Any substantive inconsistencies between this Part and component regulations

shall be reconciled within ninety days of the effective date of this Part.

(1) By mutual agreement, facilities for the examination and copying of documents and records may be shared by more than one component if the public is not unduly inconvenienced by such an arrangement.

(2) When the provisions of this Part, related DoD issuances, or component regulations do not provide guidance adequate to insure consistency among the components in determining the disposition of requests for particular types of records, the matter shall be brought to the attention of the ASD(PA) with a request for supplementary guidance. Consistency does not preclude the ad hoc release of an individual record generally considered exempt from disclosure, when no significant or legitimate governmental purpose would be served by withholding it.

(b) Two copies of implementing regulations shall be submitted to the General Counsel of the Department of Defense no later than March 1, 1975.

§ 286.9 Effective date.

This Part is effective February 19, 1975. Public comments and recommendations received on or before April 18, 1975, however, will be considered in determining the need for modification of this Part, in conjunction with the reconciliation between component regulations and this Part.

§ 286.10 Uniform agency fees for search and duplication under the Freedom of Information Act Amendments—Pub. L. 93-502.

Introduction.—This section describes fees for search and duplication. It is not intended to substitute for any schedule of fees or a policy of not to charge a fee established in connection with the issuance of publications or other materials in the routine course of business of a component.

SCHEDULE OF FEES

DUPLICATION

Publications, Forms and Reports. Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request plus	$2.00
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05
(Examples: Cost of 20 forms, $3; cost of a printed publication with 100 pages, $3; cost of a microfiche publication consisting of 10 fiche, $2.60)	

OFFICE COPY REPRODUCTION WHEN SHELF STOCK IS NOT AVAILABLE

Minimum charge up to six reproduced pages	2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10

OTHER ISSUANCES

Minimum charge up to six pages	2.00
Each additional page	.05

SEARCH

Clerical search, per hour	5.50
Minimum charge	2.75
Professional search (includes computer programer time and review to determine whether a record comes within the scope of a request) per hour	11.00
Minimum charge	5.50

Computer service charges. Computer service charges will be based on actual computer configuration used and be based on direct costs only of the Central Processing Unit, plus Input/Output Devices, plus Memory Capacity. Transportation costs of records and personnel arising from searches for requesting reports will be charged at actual cost.

Audiovisual documentary material. Service charges for audiovisual documentary materials will include clerical and professional search fees as listed above as well as the direct costs of reproducing the photography or tape and shipping or mailing charges. Audiovisual materials provided a requester under provisions of this Part need not be in reproducible format or quality.

Waiver of fees. (a) In general, charges shall be waived or reduced when it is determined that release of a requested record primarily benefits the general public and, therefore, is in the public interest. Examples of common situations in which such a determination may be made include:

(1) The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare;

(2) Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

(3) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity;

(4) The request emanates from a representative of the public information media seeking a reasonable number of records.

(b) A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the component or his designee for purposes of final appeal.

Collections. (a) Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to specified limit that covers anticipated costs.

(b) Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

(c) Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval and he agrees to incur the cost of search.

§ 286.11 Inspection and copying of opinions, orders, and manuals.

(a) Subject to the exemptions set forth in § 286.6 of this Part, each component shall make available for public inspection and copying in an appropriate facility or facilities in accordance with rules published in the FEDERAL REGISTER the following materials, unless such materials are published and copies offered for sale:

(1) All final opinions (including concurring and dissenting opinions) and orders in adjudications (as defined in 5 U.S.C. 551 (section 2 of the Administrative Procedure Act) that may be cited, used, or relied upon as precendents in future adjudications.

(2) Statements of policy and interpretations of less than general applicability affecting the public but not published in the FEDERAL REGISTER.

(3) Administrative staff manuals and instructions, or portions thereof, which establish Department of Defense policy or interpretations of policy that affect a member of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the agency. Examples of manuals and instructions not normally made available are:

(i) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(ii) Operations and maintenance maanuals and technical information concerning munitions, equipment, systems, and foreign intelligence operations.

(b) The cost to the component of copying any such opinion, order, or statement of policy or interpretation shall be imposed on the person requesting the copy in accordance with § 286.11.

(c) When feasible, all material that is published in the FEDERAL REGISTER should be made available for inspection and copying along with any available index of that published material, in the same facility or facilities provided for inspection and copying of opinions, orders and manuals.

(d) Identifying details which if revealed would create a clearly unwarranted invasion of personal privacy may be deleted from any final opinion, order, statement of policy, interpretation, staff manual, or instruction, made available for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing. However, a component may publish in the FEDERAL REGISTER a description of the basis upon which it will de-

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lete identifying details of particular types of documents in order to avoid clearly unwarranted invasions of privacy. In appropriate cases the component may refer to this description rather than write a separate justification for the deletion.

(e) Each component shall maintain, on a current basis, in each facility provided for inspection and copying, an index of material issued, adopted, or promulgated after July 4, 1967, which is made available or published under paragraph (a).

(1) The index should be arranged topically or by descriptive words, so that members of the public may be able to locate final opinions, orders, statements of policy, interpretations, staff manuals, or instructions by subject, rather than by case name or by numbering system. Case name and numbering arrangements may, however, also be included in the index for purposes of component convenience.

(2) Each component shall promptly publish quarterly or more frequently and distribute (by sale or otherwise) copies of each such index or supplement thereto unless it publishes an order in the FEDERAL REGISTER containing a determination that publication is unnecessary and impracticable. A copy of any index or supplement not published shall be provided to a requester at a cost which does not exceed the direct cost of duplication.

(f) No order, opinion, statement of policy, interpretation, staff manual, or instruction issued, promulgated, or adopted after July 4, 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as precedent against any member of the public unless he has actual and timely notice of its terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before July 4, 1967, it need not be indexed but must be made available in accordance with § 286.5.

(g) In determining whether an order, opinion, statement of policy, interpretation, staff manual or instruction is likely to be used or relied upon as precedent, the primary test shall be whether it is intended to provide binding guidance for decisions or evaluations by subordinates or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issues are presented.

§ 286.12 Identification and marking "for official use only".

(a) Records which are not classified under DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1–R, "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159), but which at the time of their origination are authorized by 5 U.S.C. 552, as amended by Pub. L. 93–502, to be withheld from general public disclosure under § 286.6 of this Part, and which for a significant and legitimate governmental purpose should not be given general circulation shall be considered as being "for official use only" (FOUO). No other record may be considered as being "for official use only."

(b) A record that is considered "for official use only" may be marked "for official use only" when such marking is deemed necessary or desirable to ensure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter normally falling within the exemptions of § 286.6, such as personnel and medical files, bids, proposals, and the like, which are covered by rules and regulations specifying what may be released publicly, do not require the "FOUO" marking unless handled under circumstances where marking is desirable to ensure protection of the information involved.

(1) The marking, if otherwise proper under this Part, may be applied to information or material which has been declassified.

(2) The marking may not be employed as a less stringent security designation under conditions where classification under DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1–R, "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159), is not warranted.

(3) Information contained in a technical document for which a determination has been made that a distribution statement under DoD Directive 5200.20, "Distribution Statements (Other Than Security) on Technical Documents," September 24, 1970,[1] is appropriate shall not be marked "FOUO."

(c) Material which is considered as being "for official use only" must be safeguarded from general disclosure irrespective of whether the material is physically marked with the term "for official use only."

(d) Whenever necessary to assure proper understanding, or appropriate as a means of facilitating segregation of exempt information in a lengthy record, individual paragraphs which contain FOUO information shall be marked "for official use only." In classified documents, this marking should be applied only to paragraphs which contain FOUO information and do not contain classified information.

(e) Instructions regarding marking, safeguarding, and transmitting FOUO materials are set forth in DoD Instruction 5025.9, "Control and Protection of FOR OFFICIAL USE ONLY Information," February 1, 1968.

§ 286.13 Release procedures.

(a) The policy of the Department of Defense is to make the maximum amount of information available to the public. Therefore, when a person requests in writing that a record be made available to him under the Freedom of Information Act that request may be denied only upon determination that:

(1) The record is subject to one or more of the exemptions set forth in § 286.6, and a significant and legitimate governmental purpose is served by withholding it.

(2) Release of the record is inconsistent with a statutory requirement or other requirement of law.

(3) The record cannot be found because it has not been described with sufficient particularity to enable the component to locate it with a reasonable amount of effort.

(4) The applicant has unreasonably failed to comply with the procedural requirements (including the payment of any required fee) imposed by the implementing regulations of the component concerned. When personally identifiable information in a record is requested by the subject of the record, for example, notarization of the request may be required.

(b) The initial determination of whether to make a record available upon request may be made at any suitable level and by any suitable official designated by the component in published regulations for the type of record sought. The marking or absence of the marking "for official use only" does not relieve the designated official of his responsibility to review the requested record for the purpose of determining whether an exemption under § 286.6 is applicable.

(c) The official designated by a component to make initial determinations, if not a public affairs officer, should consult with public affairs officers to familiarize himself with subject matter considered to be newsworthy, and advise them of all requests from news media representatives. In addition, he should inform public affairs officers in advance whenever he intends to release a record containing potentially newsworthy material or to withhold any record when it is likely that the withholding action will be publicly challenged.

(d) Initial determinations on whether to release a record shall:

(1) Normally be made and the decision reported to the requester within ten (10) working days of the date a request is received by the official designated to respond for the type of record sought, providing the requester indicates a willingness to reimburse the component for any search and duplication costs incurred in providing the record. If the willingness of the requester to reimburse the component for any required search and duplication costs is not expressed in the request, resolution of this issue is appropriate before the time for responding begins to run when these costs are likely to be substantial.

(2) When the request is addressed to another official in the component or to the wrong agency or component, it shall normally be forwarded promptly to the designated responsible official, of the appropriate agency or component, with the period for response commencing upon his receipt.

(3) When a decision is made to release a record, it should be forwarded promptly to the requester upon receipt of any required payment for search and duplication. Alternatively, the requester may be directed to an established source from which members of the public may obtain the record sought (e.g., the U.S. Government Printing Office).

(4) When a request is received for a record which:

(i) Was obtained by the Defense Component from a non-U.S. Government source; or

(ii) Contains *information* obtained by the Defense component from non-U.S. Government source; and, because of the source and the nature of the records or information, there is reason to believe that the source of the information or record may object to release and may have an enforceable right to prevent release, prompt notification of intended release shall be given to the source. Release shall normally be withheld until the source has a reasonable time to comment on the proposed release. Comments received shall be considered in determining the releasability of the document. When the source advises that it is seeking a restraining order or other court action to prevent release, release will normally not be made pending the outcome of the court action.

(5) In all cases where the time for response may become an issue, the official responsible for replying should acknowledge to the requester the date of the receipt of the request for purposes of determining time limits.

(6) If additional time is needed in unusual circumstances to respond the component should acknowledge the request in writing within the ten (10) day period, briefly cite one of the unusual circumstances requiring delay, and indicate the anticipated date for substantive response which may not exceed ten (10) additional working days. Unusual circumstances that may justify delay are:

(i) The requested record is located in whole or part at places other than the office processing the request.

(ii) The request requires the collection and coordination of a substantial number of records.

(iii) Consultation is required with other components or agencies having substantial interest in the subject matter of the requested records to determine whether the records requested in whole or part are exempt from disclosure under § 286.6 or should be released as a matter of discretion.

(e) The extension of time for responding to an initial request must be approved on a case by case basis by the final appellate authority for the component or in accordance with regulations of the component which establish guidance governing the circumstances in which such extensions may be granted.

(f) When a request for a record or records is denied in whole or part the designated official who has made that determination shall explain to the requester in writing (with at least one additional copy) the basis for the determination and of the opportunity and procedures for appealing that determination to a higher final authority within the component.

(1) Inability to process any part of the request within the specified time should be explained to the requester, with notification that he may treat this delay as an initial denial with a right to appeal, that he may agree to await a substantive response by an anticipated date. It should be made clear that any such agreement does not prejudice the right of the requester to appeal the initial decision after it is made.

(2) The explanation of the substantive basis for a denial shall include both specific citation of the statutory exemption applied pursuant to § 286.6 and a discussion of the significant and legitimate governmental purpose served by invoking an exemption. Reference to the marking "for official use only" on the requested record does not constitute a proper citation or explanation of the basis for invoking an exemption.

(3) The name and title or position of the official responsible for the denial shall be included in the written response to the requester.

(4) When the initial denial is based in whole or part on a security classification pursuant to § 286.6(c)(1) or § 286.6(c)(3), the explanation shall include a summary of the paragraph or paragraphs contained in DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1–R, "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159), or other authoritative classification guidance which set forth the criteria or rationale for the current classification of the requested record, along with the reasons that demonstrate the logical relationship between the content of the requested record and the summarized criteria or rationale.

(5) Copies of all initial denials shall be maintained by each component in a form suitable for rapid retrieval, periodic statistical compilation, and management evaluation.

(g) If the official designated by the component to make initial determinations on requests for records declines to provide a record because he considers it exempt, and its withholding justified for a significant and legitimate governmental purpose, that decision may be appealed by the requester in writing to the head of the component having jurisdiction over the record or his designee for this purpose, along with a copy of the letter denying the initial request. Such appeals should contain the basis for disagreement with the initial refusal. In addition, the component may impose a reasonable time limit of not less than forty (40) days for filing an appeal.

(h) Final determination on appeals shall normally be made within twenty (20) working days of the receipt of the appeal by the official designated to make the decision. Misdirected appeals will be forwarded promptly to the proper appellate authority with the period for response commencing upon his receipt. If additional time is needed to decide the appeal because of unusual circumstances, as described in paragraph (d), the final determination may be delayed for the number of working days, not to exceed ten (10), which were not utilized as additional time for responding to the initial request.

(i) Final refusal to provide a requested record must be made in writing by the head of the component having jurisdiction over it, or by his designee for that purpose. Such a refusal shall be made in accordance with appeal procedures prescribed in regulations that shall include, as a minimum, the following elements:

(1) The basis for the refusal shall be explained to the requester, in writing, both with regard to the applicable statutory exemption invoked pursuant to § 286.6 and the significant and legitimate government purpose served by its withholding. More particularly:

(i) When the final refusal is based in whole or part on a security classification, pursuant to § 286.6(c)(1) or § 286.6(c)(3):

(A) The explanation shall include a determination that the record meets the cited criteria and rationale of DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1–R, "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159), or other authoritative classification guidance, and that this determination is based on a declassification review, with an explanation of why that review confirmed the continuing validity of the security classification.

(B) The requester shall be advised of his optional right to seek review by the Interagency Classification Review Committee of a final denial by the head of a component or his designee on the basis of continued security classification. This review is in accordance with Executive Order 11652, March 8, 1972, and is in lieu of immediate judicial review.

(ii) The written final denial shall include the name and title or position of the official responsible for the denial and of the provision for judicial review of the denial as set forth in § 286.14.

(2) Final refusal ordinarily should not be made without prior consultation with the Office of the General Counsel of the Department of Defense when there is reason to believe that the requester will file a complaint in a U.S. District Court to force release of the refused record.

(3) Copies of all final denial letters shall be maintained by each component in a central repository. Whenever a complaint is filed in a U.S. District Court to force release of a record, a copy of the final denial letter from the component shall be forwarded to the General Counsel of the Department of Defense, together with a copy of the requester's complaint, and followed by such portions of the litigation report prepared by the

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component for the Department of Justice as may be necessary to understand the legal basis for the denial.

(4) When the refusal to provide the record is based in whole or part on a security classification, pursuant to § 286.6(c)(1) or § 286.6(c)(3), the litigation report shall include an affidavit from the head of the component or his designee for this purpose, explaining in as much detail as national security interests permit the basis under applicable statute, executive order and regulations for the current security classification of the requested record.

(j) The costs of searching for and duplicating a requested record must be paid or waived in accordance with § 286.10. The time limits for responding to requests begin to run upon receipt from the requester of clear evidence of willingness to pay any anticipated search and duplication costs under the schedule of fees set forth in § 286.10 for providing the requested record. The record need not be forwarded until actual receipt of payment.

(k) The time limits for responding to requests for records are, in summary, and subject to the conditions set forth in the previous paragraphs, as follows:

(1) Initial Responses—Ten (10) working days.

(2) Appeals for Denial—Twenty (20) working days.

(3) Extension of time available under certain circumstances for either the initial or final determination, but not both—ten (10) working days.

§ 286.14 Judicial action.

(a) A requester has exhausted his administrative remedy after he has been refused a record by the head of a component or his designee or when the component fails to respond to his request within any of the time limits set forth in § 286.13. The requester may then seek an order from a United States District Court (1) in the district in which he resides or has his principal place of business; (2) in the district in which the record is situated to produce the record; or (3) in U.S. District Court for the District of Columbia.

(b) The burden is on the component to justify its refusal to produce the record, and its justification will be evaluated *de novo* by the district court, which may examine any requested record in camera to determine whether the denial of the record, in whole or part, is justified under 5 U.S.C. 552, as amended by Pub. L. 93–502.

(c) The United States must answer or otherwise plead to the complaint within thirty days. Consideration of such cases by both trial courts and courts of appeal will be expedited in every way; except as to cases the court considers of greater importance.

(d) A court may retain jurisdiction and allow a component additional time to complete its review of records to determine their availability to the requester when the component demonstrates due diligence in exceptional circumstances.

(e) If the court orders production of a record and the responsible official designated in accordance with § 286.7 refuses to produce it, the court has statutory authority to punish the official whose decision and order govern the determination of whether to release the record. In addition, the court may assess against the United States reasonable attorney fees and other litigation costs when the requester has substantially prevailed. In such situations the court may also issue a written finding that the circumstances of withholding raise a question of whether agency personnel have acted arbitrarily or capriciously and the Civil Service Commission must determine whether disciplinary action against responsible agency officials, or employees is warranted.

§ 286.15 Reporting requirement.

(a) Each component shall prepare an annual report for the preceding calendar year on its implementation of 5 U.S.C. 552, as amended by Pub. L. 93–502, of this Part.

(b) Six copies of the annual report shall be furnished to the ASD(PA) on or before February 1 of each year for transmittal to the Speaker of the House of Representatives and to the President of the Senate.

(c) The annual report shall contain the following:

(1) The number and reasons for initial denial of records requested from the component.

(2) The number of appeals from initial denials and the disposition of each such appeal; with the reasons for any final denial of records requested from the component.

(3) The names and titles or positions of each person primarily responsible for an initial denial or for a final denial on appeal of a request for a record under 5 U.S.C. 552, as amended by Pub. L. 93–502, and the number of such denials by each such person.

(4) The results of any disciplinary proceeding, including an explanation of a decision not to discipline, that was initiated against an officer or employee because a court determined that a record requested from the component was arbitrarily or capriciously withheld.

(5) A copy of current component regulation implementing 5 U.S.C. 552, as amended by Pub. L. 93–502, and this Part.

(6) A copy of the component fee schedule for search and duplication of requested records, and the total amount collected for this purpose, as accurately as reasonably can be determined.

(7) A brief description of every court case brought against the component to force it to release or withhold a record requested under 5 U.S.C. 552, as amended by Pub. L. 93–502, including the status of the case; whether attorney fees have been awarded to the private party; and whether the court found that the circumstances of withholding raised questions of arbitrary and capricious personnel conduct.

(8) A description of all efforts undertaken by the component or by personnel of the component to instruct and educate employees or the public on the requirements of 5 U.S.C. 552, as amended by Pub. L. 93–502, and this Part.

(9) Such data on the costs of processing requests under 5 U.S.C. 552, as amended by Pub. L. 93–502, as can reasonably be ascertained or estimated.

(10) Any other information that demonstrates efforts by the component to implement 5 U.S.C. 552, as amended by Pub. L. 93–502, including problems with the implementation and any proposed solutions for those problems.

(11) This reporting requirement is assigned Report Control Symbol DD–PA (A) 1365.

§ 286.16 Release and authentication of copies of official records.

(a) Records available to a person requesting them under § 286.5 of this Part shall be authenticated with an appropriate seal whenever necessary to fulfill an official governmental or other legal function.

(b) Subject to the provisions of DoD Directive 5200.1, "DoD Information Security Program," June 1, 1972, and DoD Regulation 5200.1–R, "DoD Information Security Program Regulation," November 15, 1973 (32 CFR 159); applicable to classified information, records exempt from release under § 286.6 to a person requesting them may, nevertheless, be authenticated on request and released in accordance with component regulations to local, state, or other Federal governmental bodies, whether legislative, executive, administrative, or judicial, as follows:

(1) To the courts; whenever ordered as appropriate to the proper administration of justice.

(2) To the Congress; in accordance with DoD Directive 5400.4, "Provision of Information to Congress," February 20, 1971.[1]

(3) To local and state legislative bodies; in accordance with the determination of the head of the component or his designee.

(4) To other Federal agencies, both executive and administrative, as determined by the head of the agency or his designee, as consistent with efficient administration and in accordance with law, including 5 U.S.C. 552a (The Privacy Act of 1974), which becomes effective on September 27, 1975.

(5) To local and state executive and administrative agencies as determined by the head of the component or his designee.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD Comptroller.

FEBRUARY 24, 1975.

[FR Doc.75–5181 Filed 5–25–75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 373—SPECIAL LICENSING PROCEDURES

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Distribution and Export Licenses

DELETION OF DOLLAR-VALUE LIMITATION ON DISTRIBUTION LICENSES

Applicants for Distribution Licenses (§ 373.3) have been required to indicate dollar values for the commodities they intended to ship during the validity period of the license. Modifications to the procedure and computerized accounting for shipments have diminished the need for these value estimates. Consequently, values need not be shown on future applications for Distribution Licenses.

ESTABLISHMENT OF SPECIAL REQUIREMENTS FOR MACHINE TOOLS AND/OR NUMERICAL CONTROLS

The *Export Administration Regulations* are revised to require certain essential information relating to performance characteristics of machine tools and/or numerical controls (Export Control Commodity Nos. 71510 and 7295) on applications for licenses for export to Country Groups Q, W, or Y. Previously, the issuance of an export license has often been delayed pending receipt of this information.

PARTS, COMPONENTS, AND MATERIALS IN FOREIGN-MADE END PRODUCTS

The *Export Administration Regulations* (§ 376.12) state that the use abroad of U.S.-origin parts and components in the manufacture or production of foreign-made end products is subject to the export control laws of the United States. Prior written authorization from the Office of Export Administration to use U.S.-origin parts and components in the manufacture or production of a foreign-made end product that is to be exported from the country of manufacture has not been required when the end product, if it were of U.S. origin, could be exported from the United States to the new country of destination under General License *G-DEST*.

The *Export Administration Regulations* are now revised to indicate that prior written authorization from the Office of Export Administration is not required when *either* the U.S.-origin parts and components, *or* the foreign-made end product if it were of U.S.-origin, could be exported from the United States to the new country of destination under General License *G-DEST*.

1. Accordingly, the Export Administration Regulations (15 CFR Part 373) are amended by deleting and reserving paragraph (d)(3)(ii)(e) and revising paragraphs (d)(3)(ii)(*g*), (h)(1) and (k) to read as follows:

§ 373.3 Distribution license.

• • • • •

(d) • • •
(3) • • •
(ii) • • •
(*e*) [Reserved]

• • • • •

(*g*) Leave blank the space entitled "Quantity To Be Shipped," "Export Control Commodity No. and Processing No.," "Unit Price," and "Total Price."

• • • • •

(h) *Export Clearance*—(1) Value of shipments. There is no value limitation on shipments under a valid distribution license. The value of each shipment must be shown on the Shipper's Export Declaration.

• • • • •

(k) *Amendment of License*—If the exporter desires to add a new consignee, he should file a Form DIB–678P or FC–1143 together with Form IA–763, Request for and Notice of Amendment Action (see Supplement S–4 for facsimile of form) in accordance with the provisions of § 372.11. If the new consignee is a foreign government agency, a Form DIB–678P or FC–1143 need not be submitted, but this fact must be entered in the "Amend License to Read as Follows" space on the Form IA–763. An amendment request to extend the validity period of an existing Distribution License shall be submitted on Form IA–763, every other renewal period, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previously submitted comprehensive narrative statement remain the same, except (enter the word "none", or specify the changes).

In addition, any new consignees added to the license must be documented by submitting a Form DIB–678P or FC–1143. The extended validity period will be of two-year duration unless a one-year period is specifically requested. In those years when renewal by Form IA–763 will not be allowed, a complete new application must be submitted in accordance with the provisions of § 373.3(d)(3).

• • • • •

2. Accordingly, the Export Administration Regulations (15 CFR Part 376) are amended by adding new § 376.11 to read as follows:

§ 376.11 Machine tools and/or numerical controls.

An application for a license to export or reexport machine tools and/or numerical controls (Export Control Commodity Numbers 71510 and 7295) to Country Groups Q, W, and Y shall include the following information as applicable:

(a) *Machine tools*—(1) Name and model number;

(2) Type;

(3) The number of continuous path controlled axes;

(4) The number of machine axes that can be simultaneously controlled in a contouring mode regardless of the number of axes that are simultaneously controlled by the control system;

(5) The number of positioning axes;

(6) The slide travel for each axis (X, Y, Z, U, V, W, R, or Other);

(7) The guaranteed no load positioning accuracy of each slide over total travel (X, Y, Z, U, V, W, R, or Other);

(8) The spindle horsepower;

(9) The maximum variable controlled feedrate;

(10) The rapid traverse rate; and

(11) The number of working spindles.

(b) *Control systems*—(1) Name and model number;

(2) Specify whether CNC (Computerized Numerical Control);

(3) Specify whether completely hardwired;

(4) Specify read only memory;

(5) Specify number of simultaneously controlled contouring axes and Interpolation (Linear and/or Circular);

(6) Specify number of simultaneously controlled contouring axes that can be optionally procured with this control system and Interpolation (Linear and/or Circular);

(7) The number of positioning axes;

(8) Specify the minimum programable increment for each axis;

(9) Specify tape reader speed in characters per second;

(10) Specify whether buffered storage;

(11) Specify incorporation of interface for direct computer input;

(12) Describe any software to be supplied as part of the transaction; and

(13) Describe optional accessories that are to be included as part of the subject control system.

3. Accordingly, the Export Administration Regulations (15 CFR Part 376) are amended by revising the Note in § 376.12 to read as follows:

§ 376.12 Parts, components, and materials in foreign-made end products.

• • • • •

NOTE.—Consistent with the provisions of § 374.2, regarding permissive reexports, prior written authorization is *not* required from the Office of Export Administration for the incorporation abroad of U.S.-origin parts and components in a foreign-made end product that will be exported to another country, *provided* that either the U.S.-origin parts and components, or the end product if it were of United States origin, could be exported from the United States to the new country of destination under General License *G-DEST*.

Effective date: The above actions are effective February 21, 1975.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.75–5132 Filed 2–25–75;8:45 am]

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Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

[ADM 7900.2 CHGE 2]

PART 105–60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS

GSA Regulations Pursuant to "Freedom of Information Act"

The following is an extensive revision of existing General Services Administration regulations pertaining to the Freedom of Information Act primarily to implement the Freedom of Information Act Amendments of 1974, and to make other changes.

Part 105–60 is revised as follows:

Sec.
105–60.000 Scope of part.

Subpart 105–60.1—General Provisions

105–60.101 Purpose.
105–60.102 Application.
105–60.103 Definitions.
105–60.104 Policy.
105–60.104–1 Availability of records and other informational materials.
105–60.104–2 Exemptions.
105–60.105 Congressional information.
105–60.106 Records of other agencies.
105–60.107 Records involved in litigation or other judicial process.
105–60.108 Inconsistent issuances of GSA superseded.

Subpart 105–60.2—Publication of General Agency Information and Rules in the Federal Register

105–60.201 Published information and rules.
105–60.202 Published materials available for sale to the public.
105–60.203 Effect of failure to publish.
105–60.204 Coordination of publication.
105–60.205 Incorporation by reference.

Subpart 105–60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

105–60.301 General.
105–60.302 Available materials.
105–60.303 Rules for public inspection and copying.
105–60.304 Deletion of identifying details.
105–60.305 Index.
105–60.306 Effect of failure to make informational materials available.
105–60.307 Fees.
105–60.307–1 Scope of section.
105–60.307–2 Record material available without charge.
105–60.307–3 Copy of GSA records available at a fee.
105–60.307–4 Exemptions from fee.
105–60.307–5 Searches.
105–60.307–6 Prepayment of fees over $25.
105–60.307–7 Form of payment.
105–60.307–8 Fee schedule.

Subpart 105–60.4—Described Records

105–60.401 General.
105–60.402 Procedures for making records available.
105–60.402–1 Submission of requests for described records.
105–60.402–2 Review of requests.
105–60.402–3 Approval of requests.
105–60.403 Denial of request for records.
105–60.404 Appeal within GSA.
105–60.405 Extension of time limits.
105–60.406 Exhaustion of administrative remedies.
105–60.407 Judicial relief available to the public.
105–60.408 Disciplinary action against employees for "arbitrary or capricious" denial.
105–60.409 Contempt for noncompliance.

Subpart 105–60.5—Exemptions

105–60.501 General.
105–60.502 Categories of records exempt from disclosure under 5 U.S.C. 552.
105–60.503 Executive privilege exemption.

Subpart 105–60.6—Subpoenas or Other Legal Demands for Records and Authentication of Copies of Records

105–60.601 Service of subpoena or other legal demand.
105–60.601–1 GSA records.
105–60.601–2 Records transferred to the National Archives and Records Service.
105–60.602 Compliance with subpoena or other legal demand.
105–60.603 Authentication and attestation of copies.

Subpart 105–60.7—Annual Report

105–60.701 Time and requirements.

AUTHORITY: The provisions of this Part 105–60 are issued under section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 552 (Pub. L. 90–23, as amended by Pub. L. 93–502).

§ 105–60.000 Scope of part.

This part sets forth policies and procedures concerning the disclosure and availability to the public of records and information held by GSA with respect to: (a) Agency organization, functions, decisionmaking channels, and rules and regulations of general applicability, (b) agency final opinions and orders, including policy statements and staff manuals, (c) operational and other appropriate agency records, and (d) agency proceedings. The part also covers exemptions from disclosure of such materials, procedures for the guidance of the public in obtaining information and inspecting records, service or subpoena or other legal demand with respect to records, and authentication and attestation of record copies.

Subpart 105–60.1—General Provisions

§ 105–60.101 Purpose.

This Part 105–60 implements the provisions of 5 U.S.C. 552 (Pub. L. 90–23, which codified Pub. L. 89–487, popularly known as the "Freedom of Information Act," which amended section 3 of the Administrative Procedure Act, formerly 5 U.S.C. 1002 (1964 ed.); and Pub. L. 93–502, popularly known as the "Freedom of Information Act Amendments of 1974"). This part prescribes procedures under which the public may obtain information and inspect records of GSA.

§ 105–60.102 Application.

This Part 105–60 applies to all records and informational materials generated, developed, or held by GSA which come within the purview of 5 U.S.C. 552, as amended.

§ 105–60.103 Definitions.

For purposes of this Part 105–60, the following terms have the meanings ascribed to them in this section.

(a) *Records.* The term "records" means all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics made or received by GSA in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of GSA or because of the informational value of data contained therein. The term does not include:

(1) Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents; or

(2) Objects or articles, such as structures, furniture, paintings, sculpture, models, vehicles, or equipment; or

(3) Donated historical materials (as defined in § 105–61.001.4) accepted by GSA from a source other than an agency of the United States Government in accordance with the provisions of 44 U.S.C. 2107.

(b) *Availability.* The term "availability" signifies the right of the public to obtain information, purchase materials, and inspect and copy records and other pertinent information.

(c) *Reasonably described.* The term "reasonably described," when applied to a requested record, means identifying it to the extent that it will permit the location of the particular document with a reasonable effort.

(d) *Requester.* The term "requester" means any party who submits a written request for records pursuant to this part.

(e) *Agency.* The term "agency," as defined in section 552(e) of title 5, United States Code, includes any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

§ 105–60.104 Policy.

§ 105–60.104–1 Availability of records.

GSA records are available to the greatest extent possible in keeping with the spirit and intent of the Freedom of Information Act and will be furnished promptly to any member of the public upon request addressed to the office designated in § 105–60.402–1 at such fees as are specified in § 105–60.307. The person making the request need not have a particular interest in the subject matter, nor must he provide justification for the request. The requirement of 5 U.S.C. 552 that records be available to the public refers only to records in being at the time the request for them is made. The Freedom of Information Act imposes no

obligation to compile a record in response to a request, although where it is not burdensome to do so, GSA will endeavor to compile such requested information.

§ 105–60.104–2 Exemptions.

Requests for GSA records may be denied if disclosure is exempted under the provisions of 5 U.S.C. 552, as outlined in Subpart 105–60.5 or precluded by executive privilege (see § 105–60.503). Except when a record is classified or when disclosure would violate any other Federal statute, the authority to withhold a record from disclosure is permissive rather than mandatory. The authority for nondisclosure will not be invoked unless there is a compelling reason to do so. In the absence of such compelling reason, records and other information will be disclosed although otherwise subject to exemption.

§ 105–60.105 Congressional information.

Nothing in this Part 105–60 authorizes withholding information from the Congress except when executive privilege is invoked by the President. (See § 105–60.503.)

§ 105–60.106 Records of other agencies.

(a) *Other agencies' records managed and administered by GSA.* The availability of records of other agencies located in the National Archives of the United States and Federal Records Centers are governed by Part 105–61 (Public Use of Records, Donated Historical Materials, and Facilities in the National Archives and Records Service).

(b) *Current records of other agencies.* If a request is submitted to GSA to make available current records which are the primary responsibility of another agency, GSA will refer the request to the agency concerned for appropriate action. GSA will advise the requester that the request has been forwarded to the responsible agency.

§ 105–60.107 Records involved in litigation or other judicial process.

Where there is reason to believe that any records requested may be involved in litigation or other judicial process in which the United States is a party, including discovery procedures pursuant to the Federal Rules of Civil Procedure or Federal Rules of Criminal Procedure, the request shall be referred to appropriate legal counsel for immediate coordination with the Department of Justice.

§ 105–60.108 Inconsistent issuances of GSA superseded.

Any policies and procedures in any GSA issuance which are inconsistent with the policies and procedures set forth in this Part 105–60 are superseded to the extent of that inconsistency.

Subpart 105–60.2—Publication of General Agency Information and Rules in the Federal Register

§ 105–60.201 Published information and rules.

In accordance with 5 U.S.C. 552(a)(1), there are separately stated and currently published, or from time to time will be published, in the Federal Register, for the guidance of the public, the following general information concerning GSA:

(a) Description of the organization of the Central Office and regional offices and the established places at which, the employees from whom, and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions.

(b) Statements of the general course and method by which GSA functions are channeled and determined, including the nature and requirements of all formal and informal procedures available.

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations.

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by GSA.

(e) Each amendment, revision, or repeal of the materials described in this § 105–60.201.

§ 105–60.202 Published materials available for sale to the public.

Substantive rules of general applicability adopted by GSA as authorized by law which are published in the Federal Register and which are also available for sale to the public comprise the Federal Procurement Regulations, the General Services Administration Procurement Regulations, the Federal Property Management Regulations, regulations of the Office of Federal Management Policy, GSA, regulations of the Office of Preparedness, GSA, and the General Services Administration Property Management Regulations. These series of regulations are codified in titles 32, 32A, 34, and 41 of the Code of Federal Regulations and are also published in looseleaf volume form. The looseleaf version of the Federal Procurement Regulations is available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, at prices established by that office. In addition, all of these regulations are available for sale by the Superintendent of Documents in (a) daily FEDERAL REGISTER form, and (b) in Code of Federal Regulations form, at prices established by that office.

§ 105–60.203 Effect of failure to publish.

5 U.S.C. 552(a)(1) provides that, except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the FEDERAL REGISTER and not so published. (See § 105–60.201.)

§ 105–60.204 Coordination of publication.

Coordination of GSA materials required to be published in the FEDERAL REGISTER in accordance with § 105–60.201 is accomplished by the Office of Administration, GSA.

§ 105–60.205 Incorporation by reference.

When deemed appropriate, matter covered by § 105–60.205 which is reasonably available to the class of persons affected thereby may be incorporated by reference in the FEDERAL REGISTER in accordance with standards prescribed from time to time by the Director of the FEDERAL REGISTER. (See 1 CFR Part 51; 37 FR 23614, November 4, 1972.)

Subpart 105–60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

§ 105–60.301 General.

GSA makes available for public inspection and copying the materials described in 5 U.S.C. 552(a)(2), which are enumerated in § 105–60.302, and an index of those materials as described in § 105–60.305, at convenient locations and times. Central Office materials are situated in Washington, D.C.; some are also available at GSA regional offices. Each regional office has the materials of its region. All locations provide public reading rooms for the inspection and copying of documents. Reasonable copying services are furnished at fees specified in § 105–60.307.

§ 105–60.302 Available materials.

GSA materials which are available under this Subpart 105–60.3 are as follows:

(a) Final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases.

(b) Those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER.

(c) Administrative staff manuals and instructions to staff that affect a member of the public; unless such materials are promptly published and copies offered for sale. (Any materials published and offered for sale will also be available in each reading room.)

§ 105–60.303 Rules for public inspection and copying.

(a) *Locations.* Reading rooms containing the materials available for public inspection and copying, described in § 105–60.302, are located in the following places:

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CENTRAL OFFICE

(GSA Headquarters), Washington, D.C., Telephone: 202-343-4283.	General Services Administration, 18th & F Sts. NW, Library (Room 1033), Washington, D.C. 20405.

REGION 1.

Boston, Massachusetts, (Comprising the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont). Telephone: 617-223-2868.	Business Service Center, General Services Administration, John W. McCormack Building, Post Office & Courthouse, Boston, Mass. 02109.

REGION 2

New York, New York, (Comprising the States of New Jersey, New York, the Commonwealth of Puerto Rico and the Virgin Islands). Telephone: 212-264-1234.	Business Service Center, General Services Administration, 26 Federal Plaza, New York, N.Y. 10007.

REGION 3

Washington, D.C. (Comprising the District of Columbia and the States of Maryland, Virginia, West Virginia, Pennsylvania and Delaware). Telephone: 202-963-4147.	Business Service Center, General Services Administration, Seventh and D Sts. SW., Washington, D.C. 20407.

REGION 4

Atlanta, Georgia (Comprising the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee). Telephone: 404-526-5661.	Business Service Center, General Services Administration, 1776 Peachtree Street, NW., Atlanta, GA 30309.

REGION 5

Chicago, Illinois (Comprising the States of Illinois, Indiana, Michigan, Ohio, Minnesota, and Wisconsin). Telephone: 312-353-5386.	Business Service Center, General Services Administration, 230 South Dearborn Street, Chicago, IL 60604.

REGION 6

Kansas City, Missouri (Comprising the States of Iowa, Kansas, Missouri, and Nebraska). Telephone: 816-926-7203.	Business Service Center, General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131.

REGION 7

Fort Worth, Texas (Comprising the States of Arkansas, Louisiana, New Mexico, Texas, and Oklahoma). Telephone: 817-334-3284.	Business Service Center, General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.

REGION 8

Denver, Colorado (Comprising the States of Colorado, North Dakota, South Dakota, Montana, Utah, and Wyoming). Telephone: 303-324-2216.	Business Service Center, General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225.

REGION 9

San Francisco, California (Comprising the States of Hawaii, California, Nevada, and Arizona). Telephone: 415-556-0677.	Business Service Center, General Services Administration, 525 Market Street, San Francisco, CA 94105.

REGION 10

Seattle, Washington (Comprising the States of Alaska, Idaho, Oregon, and Washington). Telephone: 206-442-5556.	Business Service Center, General Services Administration, 440 Federal Building, 915 Second Avenue, Seattle, WA 98174.

(b) *Time.* The reading rooms will be open to the public during the established hours of business.

(c) *Copying.* GSA will furnish reasonable copying services at fees specified in § 105-60.307. The fees will be posted at each reading room. In suitable circumstances, a member of the public may receive authorization to copy materials himself, under such procedures as the authorizing official, i.e., the Director of Information in the Central Office or the Regional Director of Business Affairs in the Regional Offices, may determine.

(d) *Reading Room rules*—(1) *Age.* Permission to inspect materials will not be given to a person under 16 years of age unless accompanied by an adult who agrees to remain with the minor while the materials are in use.

(2) *Handling of materials.* The unlawful removal or mutilation of materials is forbidden by law and is punishable by fine or imprisonment or both. When requested by a reading room attendant, a person inspecting materials must present for examination any briefcase, notebook, package, envelope, book, or other article that could contain GSA informational materials.

(3) *Reproduction Services.* The GSA Central Office Library or the Regional Business Service Centers will furnish reasonable reproduction services of materials available.

§ 105-60.304 Deletion of identifying details.

To the extent required to prevent a clearly unwarranted invasion of personal privacy, GSA may delete identifying details when making available or publishing an opinion, statement of policy, interpretation, or staff manual or instruction. However, the justification for each deletion will be explained fully in writing, and will require the concurrence of appropriate legal counsel. A copy of the justification will be attached to the material containing the deletion and a copy also will be furnished to the appropriate Regional Director of Business Affairs and the Director of Information (ALI).

§ 105-60.305 Index.

GSA will maintain and make available for public inspection and copying current indexes arranged by subject matter providing identifying information for the public regarding any matter issued, adopted, or promulgated after July 4, 1967, and described in § 105-60.302. GSA will publish quarterly and make available copies of each index or supplements thereto. The index will be maintained for public inspection in each reading room.

§ 105-60.306 Effect of failure to make informational materials available.

Materials available pursuant to § 105-60.302 that effect a member of the public may be relied upon, used, or cited as precedent by GSA against any private party only if (a) they have been indexed and either made available or published as required by 5 U.S.C. 552(a)(2), or (b) the private party has actual and timely notice of their terms.

§ 105-60.307 Fees.

§ 105-60.307-1 Scope of section.

This section sets forth policies and procedures to be followed in the assessment and collection of fees from a requester for the search and reproduction of GSA records.

§ 105-60.307-2 Record material available without charge.

Each GSA reading room provides a rack displaying GSA records available to the public in that region. Normally, material related to bids (excluding construction plans and specifications) and any material displayed on the rack may be obtained without charge upon request.

§ 105-60.307-3 Copy of GSA records available at a fee.

One copy of GSA records not available free of charge will be provided at a fee as provided in § 105-60.307-8. A reasonable number of additional copies will be provided for the applicable fee where reproduction services are not readily obtainable from private commercial sources.

§ 105-60.307-4 Exemptions from fee.

When the Director of Information or Regional Director of Business Affairs handling the request for GSA records determines that at least one of the following conditions exists, he shall waive the fee requirement and provide one copy of the GSA records without charge to the requester:

(a) When the incremental cost of collecting the fee would be an unduly large part of or an amount greater than the fee;

(b) When the reproduction is for a foreign, state, or local Government or international agency and furnishing it without charge is an appropriate courtesy; or

(c) When furnishing the records without charge conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former employees.

§ 105-60.307-5 Searches.

(a) The time spent in the following activities may be computed in determining "search time" subject to applicable fees as provided in § 105-60.307-8:

(1) Time spent in trying to locate GSA records which come within the scope of the request;

(2) Time spent either in transporting a necessary agency searcher to a place of record storage or in transporting records to the location of a necessary agency searcher (GSA must document in writing the necessity of transporting either the searcher or the records); and

(3) Direct costs involving the use of computer time to locate and extract requested records.

(b) The time spent in the following activities may not be computed in determining search time subject to applicable fees as provided in § 105-60.307-8:

(1) Time spent in examining a requested record for the purpose of determining whether an exemption can and should be asserted;

(2) Time spent in deleting exempt matter being withheld from records to be made available;

(3) Time spent in monitoring a requester's inspection of agency records made available to him; and

(4) Time spent in operating reproduction facilities.

§ 105-60.307-6 Prepayment of fees over $25.

(a) When the Director of Information or Regional Director of Business Affairs handling a request for GSA records determines that the anticipated total fee (search and reproduction) is likely to exceed $25, he shall notify the requester that he must prepay the anticipated fee prior to GSA's making the records available. GSA will remit the excess paid by the requester or bill the requester for an additional amount according to variations between the final fee charged and the amount prepaid.

(b) When a GSA official notifies a requester of the necessity of prepayment as provided in paragraph (a) of this subsection, the official also shall notify the requester that the computation of the applicable time limits for GSA's response to an initial request for records or an appeal will be suspended from the mailing date of the notification until the receipt of the prepayment.

§ 105-60.307-7 Form of payment.

Payment shall be by check or money order payable to the General Services Administration and shall be addressed to the official designated by GSA in correspondence with the requester or to the Director of Information for requests directed to the central office or to the Regional Director of Business Affairs for regional requests.

§ 105-60.307-8 Fee schedule.

In computing applicable fees, GSA will consider only the following costs in providing the requested records.

(a) *Reproduction fees.* (1) The fee for reproducing copies of GSA records (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be $0.10 per page.

(2) The fee for reproducing copies of GSA records over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

(b) *Search fees.* (1) The standard search fee shall be $4 per hour or fraction thereof beyond the initial half hour used to locate the requested records.

(2) When professional staff must be used to search for the requested records because clerical staff would be unable to locate them, the search fee shall be $8 per hour or fraction thereof beyond the initial half hour used to locate the requested records.

(3) When the search includes non-personnel expenditures to locate and extract requested records, such as computer time or transportation expenses, the applicable fee shall be the direct cost to GSA.

Subpart 105-60.4—Described Records

§ 105-60.401 General.

(a) Except for records made available pursuant to Subparts 105-60.2 and 105-60.3, GSA shall promptly make records available to a requester pursuant to a request which reasonably describes such records unless GSA invokes an exemption pursuant to § 104-60.104-2. Although the burden of reasonable description of the records rests with the requester, GSA will assist in identification to the extent practicable. Where requested records may be involved in litigation or other judicial proceedings in which the United States is a party, the procedures set forth under § 105-60.107 shall be followed.

(b) Upon receipt of a request which does not reasonably describe the records requested, GSA may contact the requester to seek a more specific description. The 10 day time limit set forth in § 105-60.402-2 will not start until a request reasonably describing the records is received in the office of the appropriate official identified in § 105-60.402-1.

§ 105-60.402 Procedures for making records available.

This section sets forth initial procedures for making records available when they are requested. These procedures do not apply to records of other agencies that have been transferred to the National Archives and Records Service in accordance with the Federal Records Act of 1950 (44 U.S.C. 2103 and 3103). The procedures on availability of these records are governed by Part 105-61.

§ 105-60.402-1 Submission of requests for described records.

(a) For records located in the GSA Central Office, requests shall be submitted in writing, to the Director of Information, General Services Administration, Washington, D.C. 20405. For records located in the GSA Regional Offices, requests shall be submitted to the Regional Director of Business Affairs for the relevant region, at the address listed in § 105-60.303(a). Requests should bear the legend, "FREEDOM OF INFORMATION REQUEST," prominently marked on both the face of the request letter and the envelope. The 10 day time limit for agency determinations set forth in 105-60.402-2 shall not start until a request is received in the office of the appropriate official identified in this paragraph. Misdirected requests shall be forwarded promptly to the appropriate official identified in this paragraph.

(b) The Director of Information shall respond to questions concerning the proper office to which Freedom of Information requests should be addressed.

§ 105-60.402-2 Review of requests.

(a) Upon receipt of a request for information, the Director of Information, for the Central Office, Washington, D.C., or the Regional Director for Business Affairs for a regional office, will forward the request to the GSA office which has custody of the record.

(b) Upon any request for records made pursuant to § 105-60.201, § 105-60.302, and § 105-60.401, the office having custody of the records shall determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) after receipt of any such request in the office of the appropriate official identified in § 105-60.402-1 whether to comply with the request. If the request is approved, an official of the office having custody of the record shall promptly notify the requester.

§ 105-60.402-3 Approval of requests.

When a request is approved, records will be made available promptly in accordance with the terms of the request. Copies may be furnished or the records may be inspected at the reading rooms, as provided in § 105-60.303, or at such other places as the Director of Information or the Regional Director of Business Affairs shall prescribe.

§ 105-60.403 Denial of request for records.

(a) Each of the following officials within GSA, or any official acting for him, shall have the authority to make initial denials of requests for disclosure of records within his custody, and shall, in accordance with 5 U.S.C. 552(a)(6)(C), be the responsible official for denials of records made under this Part 105-60.

(1) Central Office:

The Administrator
The Deputy Administrator
The Assistant Administrator
The Associate Administrator, Office of Federal Management Policy
The Director of Civil Rights
The Chairman, GSA Board of Contract Appeals
The Director of Audits
The Special Assistant to the Administrator for Stockpile Disposal
The Special Assistant to the Administrator for Coordination of John F. Kennedy Library

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Director Office of Preparedness
Assistant Administrator for Administration
General Counsel
Commissioner, Public Building Service
Commissioner, Federal Supply Service
Commissioner, ADTS
Archivist of the United States

(2) Region Offices:

Regional Administrator

(b) If a request is denied, the appropriate official listed in paragraph (a) shall advise the requester within 10 days (excepting Saturdays, Sundays, and legal public holidays) of receipt of the request by the official specified in § 105–60.402–1 and furnish written reasons for the denial. The denial will (1) describe briefly the record or records requested, (2) state the legal basis for nondisclosure pursuant to Subpart 105–60.5, (3) state the name and titles or positions of the official responsible for the denial of such request, and (4) state the requester's appeal rights.

(c) In the event GSA cannot locate requested records the appropriate official specified in (a) above will inform the requester (1) that the agency has determined at the present time to deny the request because the records have not yet been found or examined, but (2) that the agency will review the request within a specified number of days, when the search or examination is expected to be complete. The denial letter will state the name and title or position of the official responsible for the denial of such request. In such event, the requester may file an agency appeal immediately, pursuant to § 105–60.404.

(d) To assure uniformity of determinations on information requested, the Director of Information shall be furnished a copy of each denial letter and the corresponding request.

§ 105–60.404 Appeal within GSA.

(a) A requester denied access, in whole or in part, to GSA records may appeal that decision within GSA. All appeals should be addressed to the Director of Information, General Services Administration, Washington, DC 20405, regardless of whether the denial being appealed was made by a central office official or a regional administrator.

(b) An appeal must be received in the Office of the Director of Information no later than thirty calendar days after receipt by the requester of the initial denial of access in the case of a total denial, or thirty calendar days after receipt by the requester of records made available in the case of a partial denial.

(c) An appeal must be in writing and should contain a brief statement of the reasons why the records should be released, and enclose copies of the initial request and denial. The appeal letter should bear the legend, "FREEDOM OF INFORMATION APPEAL," conspicuously marked on both the face of the appeal letter and on the envelope. GSA has twenty days (excepting Saturdays, Sundays and legal public holidays) after the receipt of an appeal to make a determination with respect to such appeal. The twenty day time limit shall not begin to run until the appeal is received in the Office of the Director of Information. Misdirected appeals should be promptly forwarded to that office.

(d) Upon receipt of an appeal, the Director of Information will consult with the official who made the initial denial and other appropriate central office and regional officials to consider the appeal. If the Director of Information, in consultation with these officials, determines that the appeal should be granted, he or such other agency official, as is appropriate, shall so notify the requester, and make the records available to him in accordance with § 105–60.402–3.

(e) If the Director of Information, in consultation with appropriate GSA officials, recommends that the appeal should be denied, he then shall arrange with the Office of General Counsel for consultation with appropriate officials of the Department of Justice. After consulting with the Department of Justice, the Director of Information will submit the appeal file to the Deputy Administrator for final administrative determination.

(f) The Deputy Administrator shall be the deciding official on all appeals except in those cases in which the initial denial was made by the Administrator or the Deputy Administrator. If the Deputy Administrator made the initial denial, the Administrator shall be the deciding official on appeal. If the Administrator made the initial denial, there shall be no right of appeal within GSA. In the absence of the Deputy Administrator, the Administrator will be the deciding official on all appeals.

(g) If an appeal is filed in response to a tentative denial pending location and/or examination of records, as described in § 105–60.403(c), GSA will continue to search for and/or examine the requested records and will issue a response immediately upon completion of the search and/or examination. Such action in no way suspends the time for GSA's response to the requester's appeal which GSA will continue to process regardless of the response under this subsection.

(h) If a requester files suit pending an agency appeal, GSA nonetheless will continue to process the appeal, and will furnish a response within the twenty day time limit set out in paragraph (c) above.

(i) If, on appeal, the denial of the request for records is in whole or in part upheld, the Deputy Administrator will promptly furnish his ruling in writing to the requester within the twenty day time limit set out in paragraph (c), above. The notification letter shall contain: (1) A brief description of the record or records requested; (2) a statement of the legal basis for nondisclosure; (3) a statement of the name and title or position of the official or officials responsible for the denial of the initial request as described in § 105–60.403(a) and the denial of the appeal as described in paragraph (f) above; and (4) a statement of the requester's rights of judicial review.

§ 105–60.405 Extension of time limits.

In unusual circumstances as specified in this section, the time limits prescribed in § 105–60.402–2 and § 105–60.404(c) may be extended by the Director of Information. GSA will provide written notice to the requester setting forth the reasons for such extension and the date on which a determination is expected. Such notice will specify no date that would result in an extension of more than ten work days. In unusual circumstances, the Director of Information may authorize more than one extension, divided between the initial request stage, described in § 105–60.404, but in no event will the combined periods of extension exceed ten work days. As used in this subsection, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

§ 105–60.406 Exhaustion of administrative remedies.

Any person making a request to GSA for records under § 105–60.201, § 105–60.302, or § 105–60.401 shall be deemed to have exhausted his administrative remedies with respect to the request if the agency fails to comply with the applicable time limit provisions set forth in §§ 105–60.402–2 and 105–60.404.

§ 105–60.407 Judicial relief available to the public.

(a) Upon denial of a requester's appeal by the Deputy Administrator, the requester may file a complaint in a district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4)(B).

(b) The Administrator of GSA will be the named defendant in any action filed under this Part 105–60.

§ 105–60.408 Disciplinary action against employees for "arbitrary or capricious" denial.

Pursuant to 5 U.S.C. 552(a)(4)(F), whenever the district court, described in § 105–60.407, orders the production of any GSA records improperly withheld from the complainant and assesses against the United States reasonable

attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether GSA personnel acted arbitrarily or capriciously with respect to the withholding, the Civil Service Commission is required to initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who primarily was responsible for the withholding. The Civil Service Commission, after investigation and consideration of the evidence submitted, submits its findings and recommendations to the Administrator of General Services and sends copies of the findings and recommendations to the officer or employee or his representative. The law requires the Administrator to take any corrective action which the Civil Service Commission recommends.

§ 105–60.409 Contempt for noncompliance.

In the event of noncompliance by GSA with an order of a district court pursuant to § 105–60.407, the district court may punish for contempt the GSA employee responsible for the noncompliance, pursuant to 5 U.S.C. 552(a)(4)(G).

Subpart 105–60.5—Exemptions

§ 105–60.501 General.

The exemptions enumerated in 5 U.S.C. 552(b), under which the provisions for availability of records and informational materials will not apply, are general in nature. GSA will decide each case on its merits in accordance with the GSA policy expressed in § 105–60.104.

§ 105–60.502 Categories of records exempt from disclosure under 5 U.S.C. 552.

5 U.S.C. 552(b) provides that the requirements of the statute do not apply to matters that are:

(a) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are, in fact, properly classified pursuant to such Executive Order.

(b) Related solely to the internal personnel rules and practices of an agency.

(c) Specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy;

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical safety of law enforcement personnel.

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting the record after deletion of the portions which are exempt under this section.

§ 105–60.503 Executive privilege exemption.

Where application of the executive privilege exemption is desired, the matter shall be forwarded to the Administrator for consideration. If the request for information is Congressional, only the President may invoke the exemption. Presidential approval is not necessarily required if the request for information is in connection with judicial or adjudicatory proceedings or otherwise. In connection with judicial proceedings, the response shall be coordinated with the Department of Justice.

Subpart 105–60.6—Subpoenas or Other Legal Demands for Records and Authentication of Copies of Records

§ 105–60.601 Service of subpoena or other legal demand.

§ 105–60.601–1 GSA records.

(a) A subpoena duces tecum or other legal demand for the production of records held by GSA should be addressed to the appropriate Regional Director of Business Affairs or Regional Administrator with respect to regional records; to the Director of Information, General Services Administration, Washington, DC 20405, with respect to Central Office records; or to the Administrator of General Services.

(b) The General Counsel, Deputy General Counsels, Assistant General Counsels, and, with respect to records in a GSA regional office, the Regional Counsel are authorized to accept services of a subpoena duces tecum or other legal demand on behalf of the officials designated in paragraph (a) of this section.

(c) When such a subpoena or demand is served on any officer or employee of GSA other than as provided in paragraphs (a) and (b) of this section, unless otherwise directed by the Administrator, he shall decline respectfully to produce such records on the ground that he is without authority under this Subpart 105–60.6 to do so.

§ 105–60.601–2 Records transferred to the National Archives and Records Service.

(a) Access to records transferred to a Federal Records Center (§ 105–61.001–3) is controlled by the instructions and restrictions imposed on GSA by the Federal agency which transferred the records to the Federal Records Center. Accordingly, a subpoena duces tecum or other legal demand for the production of these records will be honored by GSA if no restrictions have been imposed by the transferring agency. On the other hand, where restrictions have been imposed by the transferring Federal agency, the authority issuing the subpoena or other legal demand will be notified of that fact and be requested to take up the matter further with the transferring agency since GSA must decline to release the records. The subpoena or other legal demand for these records may be served only on the Administrator of General Services, the Archivist of the United States, the General Counsel, a Regional Administrator or a Regional Counsel, as appropriate, or the manager of the Federal Records Center in which the records are stored. Any such demands will be reported to the agency whose records are involved.

(b) A subpoena duces tecum or other legal demand for the production of records designated as "archives" or "donated historical materials" administered by the National Archives and Records Service (§§ 105–61.001–2 and 105–61.001–4) may be served only on the Administrator of General Services, the Archivist of the United States, the General Counsel, or the appropriate Assistant Archivist or, as appropriate, on a Regional Administrator, a Regional Counsel, a manager of a Federal Records Center, or a Director of a Presidential Library.

(c) When such a subpoena or demand is served on any officer or employee of GSA other than as provided in paragraphs (a) and (b) of this § 105–60.601–2, he shall, unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he is without authority under this Subpart 105–60.6 to do so.

§ 105–60.602 Compliance with subpoena or other legal demand.

(a) Officials served with subpoenas will comply with the subpoena or demand insofar as it is practicable by submitting authenticated copies of the records. Original records should be provided only if necessary.

(b) The served official or the Administrator of General Services may determine that such demanded records will be denied. In the event of a determination to deny, the served official should seek the assistance of legal counsel.

§ 105–60.603 Authentication and attestation of copies.

The Head of the Service or Staff Office having the records, the General

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Counsel, Deputy General Counsels, and Assistant General Counsels, or if the records are in a GSA regional office, the Regional Administrator, the Head of the Regional Service or Staff Office concerned, and the Regional Counsel, are authorized to authenticate and attest, for and in the name of the Administrator of General Services, copies of reproductions of the records. Appropriate fees will be charged for such copies or reproductions. (See § 105–60.307.) With respect to records transferred to the National Archives and Records Service, authentication and attestation and fee procedures set forth in Subpart 105–61.52 will be followed.

Subpart 105–60.7—Annual Report

§ 105–60.701 Time and requirements.

On or before March 1 of each calendar year, GSA shall submit to the Speaker of the House of Representatives and President of the Senate, for referral to the appropriate committees of the Congress a report on GSA's implementation of 5 U.S.C. 552 which covers the preceding calendar year. Procedures for preparation of this Freedom of Information Annual Report are in GSA Order ADM 1035.

Effective date: This regulation is effective February 19, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

FEBRUARY 21, 1975.

[FR Doc.75–5319 Filed 2–25–75;10:07 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED DRIED BEANS (OTHER THAN PORK AND BEANS)

Proposed Grade Standards

Notice is given that the United States Department of Agriculture is considering a revision of the United States Standards for Grades of Canned Dried Beans (7 CFR, 52.411–52.424). These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such services.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than April 15, 1975 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

Statement of consideration leading to the proposed revision of the standards.

The Department, on its own initiative, proposes to revise the U.S. Standards for Grades of Canned Dried Beans.

The U.S. Standards for Grades of Canned Dried Beans were first published to become effective January 10, 1934. Since 1934, the standards were revised only once—October 24, 1947. Since 1947, no major changes have been made in the standards.

The major portion of canned dried beans packed today, consists largely of canned pork and beans—which are popular among consumers. The current U.S. Standards for Grades of Canned Dried Beans include many types and styles other than pork and beans; thus, the standards do not adequately cover the attributes of canned pork and beans.

During an informal survey, conducted early in 1974, the Department received comments from two large processors of canned dried beans, indicating that a revision of the U.S. standards is desirable at this time.

Proposed changes are as follows:

(1) Remove canned pork and beans from the U.S. Standards for Grades of Canned Dried Beans. Canned pork and beans shall be considered under a separate proposal.

(2) Rewords the product description to provide for the addition of "safe and suitable" optional ingredients.

(3) Broadens the classifications of types and styles of canned dried beans, to include, pinto beans, pink beans, black beans, yelloweye beans, and garbanzos; and beans packed in highly seasoned sauces.

(4) Introduces a washed drained weight procedure and a recommended minimum washed drained weight that may be used to establish the amount of dried beans that should be present in a given container.

(5) Provides new criteria for the factors of similar varietal characteristics, consistency, flavor, color, and defects.

At the present time, the U.S. Standards for Grades of Canned Dried Beans are the only Federal standards that have been promulgated specifically for this product. In the absence of other Federal standards, the Department concludes that this proposal to revise the U.S. standards would provide useful criteria for the voluntary use of both producers and consumers. The proposed revision is as follows:

Sec.

52.411 Product description.
52.412 Types.
52.413 Styles.
52.414 Grades.
52.415 Recommended fill of container.
52.416 Recommended minimum washed drained weight.
52.417 Sample unit size.
52.418 Determining the grade.
52.419 Determining the rating of the factors which are scored.
52.420 Color.
52.421 Absence of defects.
52.422 Character.
52.423 Determining the grade of a lot.
52.424 Score sheet for canned dried beans.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 52.411 Product description.

Canned dried beans is the product prepared from dry mature beans or peas used for canning; but not including soybeans (Soja Max) and sweet peas or early peas (Pisum sativum); and with a packing medium or sauce consisting of water and any other safe and suitable ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. Pork or pork fat may be used as an optional ingredient. The product is prepared by washing, soaking, blanching, cooking, baking, or other processing. It is packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.412 Types.

(a) White beans.
(b) Lima beans.
(c) Red beans.
(d) Pinto beans.
(e) Pink beans.
(f) Garbanzos or chick-peas.
(g) Black beans.
(h) Yelloweye beans.
(i) Black-eye peas or field peas.
(j) Beans of other colors or types (except soybeans, sweet peas, and early peas).

§ 52.413 Styles.

(a) "In tomato sauce" means packed in tomato pulp or a similar tomato product; with or without any other safe and suitable ingredients. The sauce may be highly seasoned.

(b) "In sweetened sauce" means packed with nutritive carbohydrate sweetening ingredients; with or without any other safe and suitable ingredients. The sauce may be highly seasoned .

(c) "In sweetened brine" means packed in water, with salt and nutritive carbohydrate sweetening ingredients; with or without any other safe and suitable ingredients.

(d) "In brine" means packed in water, with salt; with or without any other safe and suitable ingredients.

§ 52.414 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned dried beans that have the following attributes:

(1) Practically similar varietal characteristics;

(2) At least a reasonably good consistency for the styles of "In tomato sauce" and "In sweetened sauce";

(3) Practically free from defects;

(4) Good character;

(5) Good flavor;

(6) Score at least 17 points for color; and

(7) Total not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of canned dried beans that have at least the following attributes:

(1) Reasonably similar varietal characteristics;

(2) Reasonably good consistency for the styles of "In tomato sauce" and "In sweetened sauce";

(3) Reasonably free from defects;

(4) Reasonably good character;

(5) Reasonably good flavor;

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(6) Reasonably good color; and

(7) Total not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned dried beans that fail to meet the requirements of U.S. Grade B.

§ 52.415 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned dried beans be filled as full as practicable without impairment of quality and that the beans and packing medium shall occupy not less than 90 percent of the total capacity of the container. Total capacity of the container means the maximum weight of distilled water at 20 degrees C. (68 degrees Fahrenheit) which the scaled container will hold.

§ 52.416 Recommended minimum washed drained weight.

(a) *General.* The minimum washed drained weight recommendations of this section are not incorporated in the grades of the finished product, since washed drained weight, as such, is not a factor of quality for the purposes of these grades. It is recommended that the ratio of net weight to washed drained weight be not more than 1.65:1 (sample average).

(b) *Procedure.* The washed drained weight of canned dried beans is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (square openings 0.0937 inch (2.3 mm), ±3 percent) so as to distribute the product evenly, rinsing any remaining product from the container and adding same to the sieve. Immerse the sieve and the contents in water at 20 degrees C. (68 degrees Fahrenheit) ±10 percent. Agitate the sieve with a vigorous swirling motion for a period of 1 minute; breaking up clumps to free any sauce adhering to the beans. Withdraw the sieve and contents from the water and immerse momentarily twice in succession. Incline the sieve to an angle of approximately 17–20° to facilitate drainage, and allow to drain for 2 minutes. The washed drained weight is the weight of the sieve, beans and optional ingredient(s) such as pork or pork fat, less the weight of the wet sieve. A sieve 8 inches in diameter is used for the No. 2 size can (307 x 409) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than No. 2 size can.

(c) *Determination.* The net weight to washed drained weight ratio is determined as follows:

$$\frac{\text{Net Weight of Contents}}{\text{Washed Drained Weight of Product}} = \text{Net Weight to washed drained weight ratio}$$

§ 52.417 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.418 Determining the grade.

(a) *General.* The grade of canned dried beans is determined by considering, in addition to the requirements of the respective grade, the following factors:

(b) *Factors not rated by score points.*

(1) Similar varietal characteristics;

(2) Consistency; and

(3) Flavor and odor.

(c) Factors rated by score points. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

Factors:	Points
Color	20
Absence of defects	40
Character	40
Total score	100

(d) *Definitions.*—(1) Similar varietal characteristics.

(i) "Contrasting varieties" means dried beans of the same type or of other types that are of a noticeably different color, size, or shape from the dried beans of the predominating variety (such as red beans in white beans).

(ii) "Varieties that blend" means dried beans of the same type or of other types that are similar in color, size, or shape to the dried beans of the predominating variety (such as pea beans with small white beans).

(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of varieties that blend.

(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape, color, general characteristics, and that there may be present not more than 1 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend.

(2) Consistency. The factor of consistency is not a requirement for the styles of "In sweetened brine" or "In brine".

(i) "Reasonably good consistency" means that, the sauce is reasonably smooth and may be slightly grainy or slightly lumpy; the product may have a thick consistency but is not compacted in the bottom of the container and when emptied on a flat surface has practically no separation of liquid; or, the product may have a thin consistency with separation of liquid but it shall not be watery.

(3) "Good flavor" means that the product has a good, normal flavor and odor, characteristic of the style of pack, and is free from objectionable flavors and objectionable odors of any kind.

(4) "Reasonably good flavor" means that the product may be lacking in good flavor and odor, but is characteristic of the style of pack, and is free from objectionable flavors and objectionable odors of any kind.

§ 52.419 Determining the rating of the factors which are scored.

The essential variations within each factor which are scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.420 Color.

(a) *(A) classification.* Canned dried beans that have a good color may be given a score of 18 to 20 points. "Good color" means that the beans have a color that is bright and reasonably uniform, typical of the type of canned dried beans; and that the surrounding sauce or brine has a color typical of the style of pack.

(b) *(B) classification.* Canned dried beans that have a reasonably good color may be given a score of 16 or 17 points. Canned dried beans that score 16 points for color shall not be graded above "U.S. Grade B" (or "U.S. Extra Standard"), regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the beans have a color that is fairly uniform, typical of the type of canned dried beans; may be dull but not off color; and that the surrounding sauce or brine has a color typical of the style of pack.

(c) *(SStd.) classification.* Canned dried beans that fail to meet the requirements of Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.421 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skins, broken and mashed units, and blemished and seriously blemished units.

(b) *Definitions.*—(1) A "unit" means two cotyledons and a skin, or portions thereof, whether or not attached or combined as a whole bean. A single skin or pieces of loose skin aggregating the equivalent of a whole skin will be considered as one-third of a unit. A cotyledon or portions of cotyledons aggregating the equivalent of a cotyledon will be considered as one-third of a unit.

(2) "Loose skin" means a skin or portions of a skin which have become separated wholly from the cotyledons.

(3) "Broken unit" means a cotyledon or portions of a cotyledon which have become separated from a unit.

(4) "Mashed unit" means a unit that is crushed or flattened to the extent that its appearance is seriously affected.

(5) "Blemished unit" means a bean that is spotted or discolored or otherwise blemished to such an extent that its appearance or edibility is materially affected. Beans that have a characteristic darkening around the hilum are not considered blemished units.

(6) "Seriously blemished unit" means a beam affected by discoloration, insect or similar type injury, or otherwise defective to such an extent that its appearance or edibility is seriously affected.

(7) "Extraneous vegetable material" means vegetable material common to the bean plant or plants that is harmless upon eating and includes but is not limited to, peas (Pisum sativum), lentils (Lens culinaris), cereal grains, and corn.

(c) *(A) classification.* Canned dried beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that the canned dried beans comply with the requirements in Table I.

(d) *(B) classification.* Canned dried beans that are reasonably free from defects may be given a score of 32 to 35 points. Canned dried beans that fall into this classification shall not be graded above "U.S. Grade B" (or "U.S. Extra Standard"), regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned dried beans comply with the requirements in Table II.

(e) *(SStd) classification.* Canned dried beans that fail to meet requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Allowances for defects in canned dried beans*
(A) Classification

Defect	Maximum amount of defects permitted in a sample unit—by weight	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed.	4 percent	
Blemished and seriously blemished.	8 percent	
Seriously blemished	2 percent	
Extraneous vegetable material.	No limit	1 piece per 50 ozs. net weight.

TABLE II.—*Allowances for defects in canned dried beans*
(B) Classification

Defect	Maximum amount of defects permitted in a sample unit—by weight	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed.	8 percent	
Blemished and seriously blemished.	6 percent	
Seriously blemished	4 percent	
Extraneous vegetable material.	No limit	1 piece per 50 ozs. net weight.

§ 52.422 Character.

(a) *General.* The factor of character refers to the degree of freedom from hard units, mushy units, units with tough skins; and the overall texture of the product.

(b) *(A) classification.* Canned dried beans that have a good character may be given a score of 36 to 40 points. "Good character means that the beans have a good, typical texture, that may be slightly soft or slightly firm; and that the skins are tender.

(c) *(B) classification.* Canned dried beans that have a reasonably good character may be given a score of 32 to 35 points. Canned dried beans that fall into this classification shall not be graded above "U.S. Grade B" (or "U.S. Extra Standard"), regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the beans have a reasonably good, typical texture, that the beans may be firm or soft but not hard or mushy; and that the skins may be slightly tough.

(d) *(SStd) classification.* Canned dried beans that fail to meet the requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.423 Determining the grade of a lot.

The grade of a lot of canned dried beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.424 Score sheet for Canned Dried Beans.

Container size			
Container code or identification			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Type			
Style of pack			

Factors		Score points	
Color	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[2] 0–15
Absence of defects	40	(A)	36–40
		(B)	[3] 32–35
		(SStd)	[2] 0–31
Character	40	(A)	36–40
		(B)	[3] 32–35
		(SStd)	[2] 0–31
Total score	100		
Consistency		Reasonably good; substandard.[3]	
Flavor		Good; Reasonably good.	
Similar varietal characteristics.		Practically; reasonably.	
Grade			

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.
[3] Not applicable for the styles of "In sweetened brine" and "In brine".

Dated: February 20, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-5076 Filed 2-25-75;8:45 am]

[7 CFR Part 52]

CANNED PORK AND BEANS

Proposed Grade Standards

Notice is given that the United States Department of Agriculture is considering a proposal to establish United States Standards for Grades of Canned Pork and Beans (7 CFR, 52.6441–52.6452). These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

All persons who desire to submit written views, data, arguments for consideration in connection with the proposed U.S. standards should file the same in duplicate, not later than April 15, 1975 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

Statement of consideration leading to the proposed standards. The Department, on its own initiative, proposes to establish U.S. Standards for Grades of Canned Pork and Beans.

Canned pork and beans (and other canned dried beans) are currently graded under the U.S. Standards for Grades of Canned Dried Beans which were published in the FEDERAL REGISTER to become effective October 24, 1947. Canned pork and beans—which are popular among consumers—comprise a major portion of the canned dried bean pack today. The current U.S. Standards for Grades of Canned Dried Beans include many different types and styles of the product; thus, the characteristics of canned pork and beans are not evaluated equitably.

Recently, the Department received comments from two large processors of canned pork and beans, indicating that U.S. Standards for Grades of Canned Pork and Beans are desirable at this time.

This proposal contains the following provisions:

1) Introduces separate U.S. Standards for Grades of Canned Pork and Beans.

2) Permits the addition of "safe and suitable" optional ingredients.

3) Establishes the bean to sauce ratio, absence of defects, and character as market quality levels of the product which are rated by score points; color, flavor, odor, and similar varietal characteristics are prerequisites (non-scoring factors).

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4) Offers the bean to sauce ratio as an objective guide to determine the quantity of bean ingredient present in a given container.

At the present time, the U.S. Standards for Grades of Canned Dried Beans are the only Federal standards that have been promulgated for canned pork and beans. In the absence of other Federal standards, the Department concludes that this proposal to establish U.S. Standards for Grades of Canned Pork and Beans (separate from canned dried beans) would provide useful criteria for the voluntary use of both producers and consumers.

The proposed standards are as follows:

Sec.
52.6441 Product description.
52.6442 Types.
52.6443 Grades.
52.6444 Recommended fill of container.
52.6445 Sample unit size.
52.6446 Determining the grade.
52.6447 Determining the rating for the factors which are scored.
52.6448 Bean to sauce ratio.
52.6449 Absence of defects.
52.6450 Character.
52.6451 Determining the grade of a lot.
52.6452 Score sheet for canned pork and beans.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 52.6441 Product description.

Canned pork and beans (canned dried white beans with pork) is the product prepared from dry mature white beans of the species Phaseolus vulgaris L., with pork or pork fat; and with a packing medium or sauce consisting of water, tomato products, and any other safe and suitable ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. The product is prepared by washing, soaking, blanching, or other processing. It is packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.6442 Types.

(a) Pea beans (The type as grown in the Great Lakes region known also as Navy beans).

(b) Small white beans (The type as grown in the Pacific coast region, not including Tepary beans).

(c) Flat small white beans (The type as grown in northern Idaho).

(d) Great northern beans.

(e) Other types of white beans (except white lima beans).

§ 52.6443 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned pork and beans that have the following provisions:

(1) Practically similar varietal characteristics;

(2) At least a reasonably good bean to sauce ratio;

(3) Practically free from defects;

(4) Good character;

(5) Good flavor;

(6) Good color; and

(7) Total not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of canned pork and beans that have at least the following attributes:

(1) Reasonably similar varietal characteristics;

(2) Reasonably good bean to sauce ratio;

(3) Reasonably free from defects;

(4) Reasonably good character;

(5) Good flavor;

(6) Reasonably good color; and

(7) Total not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned pork and beans that fail to meet the requirements of U.S. Grade B.

§ 52.6444 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned pork and beans be filled as full as practicable without impairment of quality and that the beans and sauce shall occupy not less than 90 percent of the total capacity of the container. Total capacity of the container means the maximum weight of distilled water at 20 degrees C. (68 degrees Fahrenheit) which the sealed container will hold.

§ 52.6445 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.6446 Determining the grade.

(a) *General.* The grades of canned pork and beans may be determined by considering, in addition to the requirements of the respective grade, the following factors:

(b) *Factors not rated by score points.*

(1) Similar varietal characteristics;

(2) Color; and

(3) Flavor and odor.

(c) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Bean to sauce ratio	20
Absence of defects	40
Character	40
Total score	100

(d) *Definitions.*—(1) Similar varietal characteristics.

(i) "Contrasting varieties" means varieties of dried beans other than those specified in § 52.6442 (such as red beans).

(ii) "Varieties that blend" means one or more of the varieties of dried beans specified in § 52.6442 other than the predominating variety of white beans (such as pea beans with small white beans).

(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend.

(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape, color, general characteristics, and there may be present not more than 1 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend.

(2) "Good color" means that the beans have a color that is bright and reasonably uniform; and that the surrounding sauce is reasonably bright and has the distinguishing color characteristics of the addition of tomato products.

(3) "Reasonably good color" means that the beans have a color that is fairly uniform, that may be slightly dull but not off color; and that the surrounding sauce may be dull but not off color and may be lacking in the distinguishing color characteristics of the addition of tomato products.

(4) "Good flavor" means that the product has a good, normal flavor and odor, and is free from objectionable flavors and objectionable odors of any kind; and that the flavor of the sauce is distinct and characteristic of the ingredients.

(5) "Reasonably good flavor" means that the product may be lacking in good flavor and odor, but is free from objectionable flavors and objectionable odors of any kind; and that the flavor of the sauce may be weak.

§ 52.6447 Determining the rating of the factors which are scored.

The essential variations within each factor which are scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.6448 Bean to sauce ratio.

(a) *General.* The bean to sauce ratio requirements of this section are based upon the weight of the bean and pork or pork fat ingredients, exclusive of any surrounding sauce, and is determined on the finished product by using the washed drained weight procedure specified in this section.

(b) *Procedure.* The washed drained weight of canned pork and beans is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing eight meshes to the inch (square openings 0.0937 inch (2.3 mm), ±3 percent) so as to distribute the product evenly, rinsing any remaining product from the container and adding same to the sieve. Immerse the sieve and the contents in water at 20 degrees C. (68 degrees Farenheit) ±10 percent. Agitate the sieve with a vigorous swirling motion for a period of 1 minute, breaking up clumps to free any sauce adhering to the beans. Withdraw the sieve and contents from the water and immerse momentarily twice in succession. Incline the sieve to an angle of approximately 17–20° to facilitate drainage, and allow to drain for 2 minutes. The washed drained weight is the weight of the sieve and beans and pork, less the weight of the wet sieve. A sieve 8 inches in diameter is used for the No. 2 size can (307 x 409) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2 size can.

(c) *Determination.* The bean to sauce ratio is determined as follows:

$$\text{Bean to Sauce Ratio} = \frac{\text{Weight of Sauce} = \text{Net Weight of Contents} - \text{Washed Drained Weight of Beans}}{\text{Washed Drained Weight of Beans}}$$
$$\text{Weight of Sauce}$$

(d) *(A) classification.* Canned pork and beans that have a good bean to sauce ratio may be given a score of 18 to 20 points. "Good bean to sauce ratio" means that the bean to sauce ratio of the finished product meets the requirements of Table I.

(e) *(B) classification.* Canned pork and beans that have a reasonably good bean to sauce ratio may be given a score of 16 to 17 points. "Reasonably good bean to sauce ratio" means that the bean sauce ratio of the finished product meets the requirements of Table I.

(f) *(SStd) classification.* Canned pork and beans that fail to meet the requirements of Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Bean to sauce ratio in canned pork and beans*

Sample unit	Sample average		
	(A) Classification		
Minimum	1.45:1	Minimum	1.55:1
Maximum	1.75:1	Maximum	1.65:1
	(B) Classification		
Minimum	No limit	Minimum	1.40:1
Maximum	do.	Maximum	1.80:1

§ 52.6449 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skins, broken and mashed units, and blemished and seriously blemished units.

(b) *Definitions.* (1) A "unit" means two cotyledons and a skin, or portions thereof, whether or not attached or combined as a whole bean. A single whole skin or pieces of loose skin aggregating the equivalent of a whole skin will be considered as one-third of a unit. A cotyledon or portions of cotyledons aggregating the equivalent of a cotyledon will be considered as one-third of a unit.

(2) "Loose skin" means a skin or portions of a skin which have become separated wholly from the cotyledons.

(3) "Broken unit" means a cotyledon or portions of a cotyledon which have become separated from a unit.

(4) "Mashed unit" means a bean that is crushed or flattened to the extent that its appearance is seriously affected.

(5) "Blemished unit" means a bean that is spotted or discolored or otherwise defective to such an extent that its appearance or edibility is materially affected. Beans that have a characteristic darkening around the hilum are not considered blemished units.

(6) "Seriously blemished unit" means a bean affected by discoloration, insect or similar type injury, or otherwise defective to such an extent that its appearance or edibility is seriously affected.

(7) "Extraneous vegetable material" means vegetable material common to the bean plant or other plants that is harmless upon eating and includes but is not limited to, peas (Pisum sativum), lentils (Lens culinaris), field peas (Vigna sinensis), corn and cereal grains.

(c) *(A) classification.* Canned pork and beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that canned pork and beans comply with the requirements in Table II.

(d) *(B) classification.* Canned pork and beans that are reasonably free from defects may be given a score of 32 to 35 points. Canned pork and beans that fall into this classification shall not be graded above "U.S. Grade B" (or "U.S. Extra Standard"), regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned pork and beans comply with the requirements in Table III.

(e) *(SStd) classification.* Canned pork and beans that fail to meet the requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6450 Character.

(a) *General.* The factor of character refers to the degree of freedom from hard units, mushy units, units with tough skins, and from granulation; and to the overall palatability and texture of the beans and sauce.

(b) *(A) classification.* Canned pork and beans that have a good character may be given a score of 36 to 40 points. "Good character" means that the beans have a good, typical texture, that may be slightly granular or slightly firm; that the skins are tender; and that the sauce is smooth and is neither grainy nor lumpy.

(c) *(B) classification.* Canned pork and beans that have a reasonably good character may be given a score of 32 to 35 points. Canned pork and beans that fall into this classification shall not be graded above "U.S. Grade B" (or "U.S. Extra Standard"), regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the beans have a reasonably good, typical texture, that the beans may be firm or soft but not hard or mushy; that the skins may be slightly tough; that the beans may be granular; and that the sauce is reasonably smooth and may be slightly grainy, or slightly lumpy.

TABLE II.—*Allowances for defects in canned pork and beans*

(A) Classification

Defect	Maximum amount of defects permitted in a sample unit—by weight	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed.	4 percent	
Blemished and seriously blemished.	3 percent	
Seriously blemished	2 percent	
Extraneous vegetable material.	No limit	1 piece per 80 ozs. net weight.

TABLE III.—*Allowances for defects in canned pork and beans*

(B) Classification

Defect	Maximum amount of defects permitted in a sample unit—by weight	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed.	8 percent	
Blemished and seriously blemished.	6 percent	
Seriously blemished	4 percent	
Extraneous vegetable material.	No limit	1 piece per 20 ozs. net weight.

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(d) *(Substd.) classification.* Canned pork and beans that fail to meet the requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6451 Determining the grade of a lot.

The grade of a lot of canned pork and beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.6452 Score sheet for Canned Pork and Beans.

Container size			
Container code or identification			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Type			
Washed drained weight			
Factors		**Score points**	
Beans to sauce ratio	20	(A)	18-20
		(B)	16-17
		(Substd.)	[1] 0-15
Absence of defects	40	(A)	36-40
		(B)	[1] 32-35
		(Substd.)	[1] 0-31
Character	40	(A)	36-40
		(B)	[1] 32-35
		(Substd.)	[1] 0-31
Total score	100		
Color	Good; Reasonably good.		
Flavor	Good; Reasonably good.		
Similar Varietal Characteristics	Practically; Reasonably.		
Grade			

[1] Indicates limiting rule within classification.

Dated: February 20, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-5077 Filed 2-25-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1817]

[FmHA Instruction 440.]

UNSATISFACTORY PERFORMANCE OR IMPROPER ACTION BY PERSONS DEALING WITH APPLICANTS, BORROWERS, AND GRANTEES

Proposed Debarment Regulation

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the amendment of Subchapter A, General Regulations, Chapter XVIII, Title 7, Code of Federal Regulations, by adding a new Part 1817, "Unsatisfactory Performance or Improper Action by Persons Dealing with Farmers Home Administration Applicants, Borrowers and Grantees." This new regulation, when it becomes effective, will replace the present regulation, Subpart J of Part 1822, and will prescribe the action to be taken by the FmHA when there is need for administrative action against any person or any representative or affiliate thereof in any program administered by FmHA.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250, on or before April 28, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.).

As proposed, the new Part 1817 reads as follows:

PART 1817—UNSATISFACTORY PERFORMANCE OR IMPROPER ACTION BY PERSONS DEALING WITH FARMERS HOME ADMINISTRATION APPLICANTS, BORROWERS, AND GRANTEES

Sec.
1817.1 General.
1817.2 Sanctions.
1817.3 Grounds for debarment.
1817.4 Procedure for debarment and temporary suspension.
1817.5 Suspension and debarment lists.

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301, Sec. 10, Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

§ 1817.1 General.

(a) *Purpose.* This Part prescribes the action to be taken by the Farmers Home Administration (FmHA) when there is need for administrative action against any person, or any representative or affiliate thereof in connection with any program administered by FmHA. FmHA debarment deals with third party contractors rather than Government contractors. Any action to be taken under this regulation is to be corrective or for the protection of the public interest.

(b) *Definitions.* (1) Person: An individual, unincorporated association, trust, corporation, partnership, or other entity, such as purchaser, builder, contractor, dealer, realtor, broker, packager, salesman, escrow agent, sales agent, lender, holder, engineer, architect, inspector, or attorney, or any representative, affiliate or successor in interest thereof.

(2) Affiliates: Persons are affiliates of each other when directly or indirectly one person controls or has the power to control another or when a third party controls or has the power to control both.

(3) FmHA: Farmers Home Administration.

(4) OGC: The Office of the General Counsel performing legal services for the FmHA.

(5) List Officer: The Deputy Administrator—Financial and Administrative Operations, or any person designated by the Administrator of FmHA to compile and maintain a list of persons suspended and debarred by the Agency.

(6) FmHA Representative: The State Director or a qualified individual designated by the State Director to preside over a meeting under these regulations.

(7) Days: This refers to calendar days.

(8) Filing: An item is filed when it is delivered in hand.

(c) *Notices.* All notices to be sent to a person in accordance with these regulations will be sent by certified mail, return receipt requested.

§ 1817.2 Sanctions.

Debarment and temporary suspension are drastic actions which may severely affect the economic well being of the persons debarred or suspended. They shall not be based upon an unsupported accusation. In assessing whether adequate evidence exists for invoking this procedure, consideration should be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, as well as to the inference which may be properly drawn from the existence or absence of affirmative facts.

(a) *Debarment.* Debarment is the exclusion from participation in FmHA programs for a reasonable period of time commensurate with the seriousness of the person's offense or failure, or the inadequacy of his performance. Debarment may be imposed by the State Director, for a specified period of time, generally not to exceed 3 years, except in more serious cases. Debarment may also be imposed for a short, indefinite period of time, pending correction of the conditions which led to the debarment.

(b) *Temporary suspension.* Temporary suspension is the disqualification from FmHA programs for a temporary period of time in conjunction with debarment proceedings. Temporary suspension may be imposed only in cases where immediate action is necessary to protect the interests of FmHA and its program borrowers or grantees by the State Director, pending the debarment determination and based on adequate evidence supporting at least one of the grounds listed under § 1817.3. When a debarment determination adverse to the person is appealed, temporary suspension is automatic.

§ 1817.3 Grounds for debarment.

(a) A person may be debarred if any of the following have occurred within a reasonable period of time prior to institution of debarment proceedings:

(1) Serious or repetitive violation of any of the provisions of any laws administered by FmHA or any regulation issued thereunder.

(2) Serious or repetitive failure to perform obligations or carry out representations or warranties made to FmHA or to any borrower or grantee under any program administered by FmHA.

(3) Acts of misconduct where a lack of business integrity directly affecting responsibility to participate in FmHA programs is indicated, including but not limited to false misrepresentation, embezzlement, theft, forgery, bribery, falsification of records, and receiving stolen property.

(4) Conviction of one of the following criminal offenses:

(i) One involving any statute authorizing a program administered by FmHA, or

(ii) As an incident to obtaining or attempting to obtain a private or a public contract, or subcontract thereunder, or in the performance of such contract or subcontract, or

(iii) Under the Organized Crime Control Act of 1970, or

(iv) Where a lack of business integrity directly affecting responsibility to participate in FmHA programs is indicated, including but not limited to false misrepresentation, embezzlement, theft, forgery, bribery, falsification or destruction of records, and receiving of stolen property, or

(v) Under the Federal Antitrust Statutes arising out of the submission of bids or proposals.

(5) The lack of the right to do business or practice at his profession in the jurisdiction where the contractual services are to be performed.

§ 1817.4 Procedure for debarment and temporary suspension.

(a) *Notice.* (1) When a matter subject to action under § 1817.3 arises, the County Supervisor, assisted by the District Director, will obtain as much relevant, factual information about the specific problem as is feasible and will forward such information to the State Director. The State Director may proceed on this information or on information revealed by an audit or investigation, or by a complaint or information from any source.

(2) Debarment proceedings may not commence and notice of proposed debarment or temporary suspension may not be issued without the approval of OGC. In addition, debarment proceedings involving loans or grants under Parts 1823 and 1842 of this Chapter will be reviewed and concurred in by the Administrator of FmHA before notice is given under this part.

(3) Notice shall be provided to the person and its known concerned affiliates against whom debarment is proposed in writing and signed by the State Director, and shall include all of the following elements:

(i) That debarment is proposed and that debarment is an exclusion from participation in all FmHA programs and may last as long as 3 years or may be permanent.

(ii) The scope thereof as to affiliates.

(iii) One or more of the grounds specified in § 1817.3.

(iv) A short, plain statement of the reasons for the proposed debarment.

(v) A statement that the person has a right to a meeting at which all charges may be rebutted, if requested in an answer filed with the State Director within 20 days, following receipt of the notice.

(vi) That the answer may contain additional factual statements, legal arguments, and any other writings deemed relevant to the person.

(vii) Whether or not a temporary suspension has been imposed pending a determination and in cases of temporary suspension, that a suspension is a temporary disqualification from participation in FmHA programs.

(viii) The date of the commencement of any such temporary suspension, which date may not be before the receipt of the notice.

(ix) That after 20 days following the receipt of the notice by the person, of no meeting has been requested, the debarment determination will be made by the State Director, after due consideration of such information as may be available to him.

(x) Citation of these regulations.

(b) *Answer.*—(1) Filing: The answer shall be filed with the State Director within 20 days of receipt of the notice.

(2) Contents: The answer shall contain a short and plain statement of facts which constitute ground of defense and shall admit or deny averments on which FmHA relies, unless the person is without knowledge, in which case the answer shall so state. The answer shall contain a request for a meeting with an FmHA representative if such a meeting is desired. The answer may contain additional factual statements, legal arguments, and any other writing deemed relevant by the person.

(3) Effect of failure to deny averments or submit an answer: Averments on the notice are admitted when not denied in an answer.

(4) Extension of time: The State Director, for good cause shown, may grant a timely request for an extension of time to file an answer.

(c) Meeting. (1) Request for meeting: Any person who has been notified of a proposed debarment is entitled to a meeting with an FmHA representative at which all charges may be rebutted, if requested in an answer filed with the State Director within 20 days following receipt of the notice.

(2) Time and place: The meeting shall be scheduled and shall be held promptly after receipt of the answer. The State Director, in setting the time and place for the meeting shall give consideration to the convenience of the person.

(3) Notice: The State Director shall promptly notify the parties of the time and place of the meeting.

(4) Procedure: The meeting will be an informal proceeding at which the person will be given an opportunity to rebut the charges. The person may be represented by counsel. The proceeding will not, however, be a formal hearing and will not include presentation of evidence by FmHA.

(5) Evidence: Technical rules of evidence shall not apply.

(6) Record: The record of a debarment proceeding shall include any notices and orders, the answer, any written evidence in the possession of the government or adduced by the person, and a synopsis of any oral evidence presented at the meeting. The synopsis will be prepared by FmHA and be submitted to the person for his approval and any noted exceptions.

(7) Prior adjudication: If a person has been a party to an action in a court involving any issue or issues involved in the proceeding, or if a person has been debarred by another Federal agency and such debarment involves any issue or issues involved in the proceeding, evidence of such a court holding or Federal agency debarment determination may be made a part of the record.

(8) Failure to appear: If any party to the proceeding, after being duly notified, fails to appear at the meeting without reasonable cause, he shall be deemed to have waived the right to a meeting.

(d) *Debarment determination.*—(1) Meeting held: Within 10 days after the meeting, the State Director, upon the basis of and after due consideration of the record and any other information he happens to possess, shall make a debarment determination.

(2) Meeting waived: If no meeting has been requested, the State Director, after 20 days following receipt of the notice by the person, on the basis of and after due consideration of the information he possesses, including any written rebuttal, shall make a debarment determination.

(3) Proof required: Any debarment determination in the proceeding shall be supported by and in accordance with the reliable, probative, and substantial evidence in the possession of FmHA.

(4) Prior adjudication: If a person has been a party to an action in a court involving any issue or issues involved in the proceeding, or if a person has been debarred by another Federal agency and such debarment involves any issue or issues involved in the proceeding, the State Director may accept the decision of the court or other Federal agency as to the issue or issues decided by it.

(5) Effective date: A person will be debarred upon issuance of the notice of debarment determination by the State Director.

(e) *Notice of debarment determination.*—(1) Notice of the debarment determination may not be issued without the approval of OGC.

(2) Notice of the debarment determination shall be provided to the persons affected in writing and signed by the State Director.

(3) In cases of an adverse debarment determination, the notice shall include all of the following elements:

(i) That debarment has been imposed.

(ii) The scope thereof as to affiliates.

(iii) The period of time for which debarment is imposed.

(iv) One or more of the grounds specified in § 1817.3 on which the debarment is based.

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(v) That the debarment determination may be appealed to the USDA Board of Contract Appeals.

(vi) That appeals must be filed within 30 days of the issuance of the notice of the debarment determination and in accordance with the rules of the USDA Board of Contract Appeals as found in 7 CFR 2400. All communications shall be directed to the Executive Secretary, Board of Contract Appeals, U.S. Department of Agriculture, Washington, D.C. 20250.

(vii) That a copy of any notice of appeal to the Board must be filed concurrently with the FmHA State Director.

(viii) That if the debarment determination is appealed, the person will be in a status of temporary suspension until final decision by the Board.

(4) In cases of a favorable debarment determination, the notice shall indicate:

(i) That debarment will not be imposed.

(ii) In cases where a temporary suspension has been imposed, that the suspension has been lifted.

(f) *Appeals.* Appeals may be taken from an adverse debarment determination within 30 days of the issuance of the notice of such determination, unless an extension is granted by the State Director for good cause. The manner of filing appeals and the procedure on appeal shall be governed by the rules of the Board of Contract Appeals. See 7 CFR 2400. A copy of the notice of appeal required by the Board shall be forwarded concurrently to the State Director. No appeal may be taken to the Board of Contract Appeals from any temporary suspension imposed under these regulations.

(g) *Recision and reinstatement.*—(1) A person debarred under this regulation for one year or more may request reinstatement any time after 6 months have passed from the final determination as indicated by:

(i) The issuance of the notice of debarment determination by the State Director if no appeal is taken or,

(ii) Decision of the appeal by the USDA Board of Contract Appeals.

(2) A person debarred under this regulation for less than 1 year may request reinstatement at any time after the final determination.

(3) The State Director will review the request. In reaching a decision to reinstate, the State Director must be satisfied that the original wrongful act has been righted and is not likely to recur and also be persuaded by the assurance of the person in writing that the person understands the requirements of all applicable statutes and regulations, and that he will compy with them in the future.

§ 1817.5 Suspension and debarment lists.

(a) Temporary suspension. When a person is temporarily suspended either pending debarment or pending appeal, the State Director shall notify the List Officer. The List Officer will keep a list of all persons temporarily suspended under these regulations, and will distribute copies of the list to all FmHA State Directors and to the Administrator. The list of persons temporarily suspended shall not be released to any person or agency outside FmHA.

(b) *Debarment.* (1) When a person is debarred after a final decision by the USDA Board of Contract Appeals or, in cases where no appeal is taken, when the time allowed for appeal has passed, the State Director shall notify the List Officer of the debarment. The List Officer will keep a list of all persons debarred under those regulations, and will distribute copies of the list to the Administrator and to all FmHA State Directors, District Directors, and County Supervisors.

(2) The List Officer shall coordinate the debarment list with similar lists compiled by other Federal agencies by informing such agencies of additions and deletions on the debarment list and obtaining the lists of the other agencies. Such lists are obtained for informational purposes only and are not of themselves grounds for suspension or debarment by FmHA.

Dated: February 20, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-5145 Filed 2-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

NUTRITION LABELING OF FRESH FRUITS AND FRESH VEGETABLES

Notice of Proposed Rule Making

The Commissioner of Food and Drugs issued an order, published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32786), temporarily exempting fresh fruits and fresh vegetables from the nutrition labeling provisions under § 1.17 (21 CFR 1.17) pending further rule making. The exemption was occasioned by a need for consideration of three separate factors:

I. Labeling of fresh fruits and fresh vegetables: Section 1.17, which establishes rules for the labeling of food with regard to nutritional value, was promulgated primarily with prepackaged food in mind. As published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6951), § 1.17 envisions a food packaged and labeled in retail-sized units by the manufacturer, packer, or distributor. Moreover, § 1.8d (21 CFR 1.8d) provides that labeling required by § 1.17 must appear either on the principal display panel or on the information panel of the retail food package. However, fresh fruits and fresh vegetables are frequently not packaged in retail-sized units by the grower or distributor, and indeed are often retailed from open bins that have no principal display panel, information panel, or any other labeling.

The Commissioner has concluded that, in view of the nature of existing retail marketing practices for fresh fruits and fresh vegetables, it would be unreasonable to impose on fresh produce the provision of § 1.17 that any nutrition claim or information included in advertising by a manufacturer, packer, or distributor requires that nutrition information, in conformity with § 1.17, appear on the label of the food sold at retail. Accordingly, the Commissioner proposes that nutrition labeling, in conformity with § 1.17, be required for fresh fruits and fresh vegetables only as a part of each article of labeling which includes any nutrition claim or information. For example, if a placard over a bin of oranges in a retail food store or a "give-away" leaflet next to the bin states that oranges are "high in vitamin C," the placard or leaflet would be required also to include full nutrition labeling in conformity with § 1.17. If the labeling which provides the nutrition claim or information is a package, then the format requirements of § 1.8d would apply, i.e., the nutrition information would be required to be included either on the principal display panel or on the information panel, in the manner required by that section for all other packaged foods.

When a grower, packer or distributor of fresh fruits or fresh vegetables includes a nutrition claim or other nutrition information in his advertising but no labeling concerning nutrition is provided at the point of retail sale, the Commissioner proposes that nutrition labeling not be required on fresh fruits or fresh vegetables. Should such advertising be false or misleading in any respect, the Food and Drug Administration would seek regulatory action by the Federal Trade Commission. Thus, under this proposal it would simply be necessary for a grower, packer, distributor or retailer to assure, whenever he provides any retail labeling for fresh fruits or fresh vegetables which includes any nutrition claim or information, that the labeling include the full nutrition information required by § 1.17 and, if the labeling is a package, that the format requirements of § 1.8d be obeyed.

II. Applicability of section 405 of the Federal Food, Drug, and Cosmetic Act: The Commissioner concluded at the time of the November 28, 1973 order, which temporarily exempted fresh fruits and fresh vegetables from § 1.17 pending further rule making, that it would not be proper to subject fresh produce to the nutrition labeling regulation without articulation of the applicability of section 405 of the act (21 U.S.C. 345). Section 405 provides that, "The Secretary shall promulgate regulations exempting from any labeling requirement of this Act (1) small open containers of fresh fruits and fresh vegetables . . ."

Section 405 of the act, by its own terms, was intended to exempt small open containers of fresh fruits and fresh vegetables from the labeling "requirements" of the act. Clearly, Congress did not feel that it was necessary for an

open bin of a fresh fruit or fresh vegetable place of business of the packer or distributor, or to state the quantity of contents, or to state the name of the fruit or vegetable, all of which, in the absence of section 406 (or in the absence of an applicable exemption promulgated by the Commissioner within the scope of his discretion, e.g., §§ 1.1c(a)(1) and 1.10a(b)(21 CFR 1.1c(a)(1) and 1.10a(b)), would be required on small open containers of fresh produce, as on any other food, by sections 403(e), (g)(2) and (i)(1) of the act (21 U.S.C. 343(e), (g)(2) and (i)(1)); section 403(e) of the act also provides for exempting "small packages" from stating the quantity of contents. However, the Commissioner concludes that Congress did not intend to allow labeling voluntarily employed by a seller to be false or misleading or otherwise in violation of labeling prohibitions of the act.

This construction of the statute was first articulated by the Commissioner of Food and Drugs shortly after promulgation of the act, and it has stood unchanged since 1938. See § 1.10a(c) (21 CFR 1.10a(c)), which implements section 405 of the act. This regulation was first promulgated in the FEDERAL REGISTER of December 28, 1938 (3 FR 3161, 3165).

Thus, no one is required to provide nutrition information in labeling of fresh fruits and fresh vegetables. However, if someone chooses to provide such information, it is the Commissioner's conclusion that if the information is false or misleading, the fresh produce so labeled must be deemed to be misbranded pursuant to section 403(a) of the act (21 U.S.C. 343(a)), which provides that a food shall be deemed to be misbranded if its labeling is false or misleading in any particular, and that section 405 of the act provides no immunity. The Commissioner further concludes that when any nutrition claim or information is included in the labeling of a fresh fruit or fresh vegetable, the failure to provide full information about the nutritional value of the food, as required by § 1.17, would cause the food to be deemed to be misbranded within the meaning of section 403(a) of the act, pursuant to section 201(n) of the act (21 U.S.C. 321(n)), which provides that if an article is alleged to be misbranded because the labeling is misleading then there shall be taken into account not only representations made but also the extent to which the labeling fails to reveal facts material in the light of such representations. Section 1.17 sets forth the material facts which must be provided to avoid misbranding pursuant to sections 403(a) and 201(n) of the act whenever any nutrition claim or information is included in the labeling.

III. Compliance criteria regarding accuracy of claims concerning nutrient content: The Commissioner is aware that representatives of the fresh fruit and fresh vegetable industry objected to § 1.17 at the time of its promulgation on the grounds that the compliance criteria were unnecessarily and unreasonably restrictive. Section 1.17(e) requires that the nutrient value of a composite of 12 subsamples, i.e., consumer units, taken 1 from each of 12 different randomly chosen shipping cases of a food containing naturally occurring nutrients must equal at least 80 percent of the nutrient value declared on the label. The representatives of the fresh fruit and fresh vegetable industry complained that this was too restrictive, in that the natural and uncontrollable variation of nutrient content of fresh produce at time of harvest is allegedly so considerable that any reasonable declaration of nutrient value would be subject to more than a 20 percent variation.

The Commissioner is not at all certain that this complaint is valid. The milk industry and the canned food industry must contend with variations in nutrient content of raw produce, and yet experience with nutrition labeling of milk products and of canned foods, as discussed in this preamble, indicates that the compliance criteria in § 1.17 are reasonable.

It should be noted that, not only is there a 20 percent allowance below the labeled value in the compliance criteria of § 1.17 for naturally occurring nutrients, but also compliance is based on the average of 12 consumer units, such averages being considerably less variable than individual unit values. In addition, § 1.17 requires that the nutrient content be declared in increments of 2 percent up to and including 10 percent of the U.S. RDA, in increments of 5 percent above 10 percent and up to and including 50 percent of the U.S. RDA, and in increments of 10 percent above 50 percent of the U.S. RDA. Thus, variability leading to a range of values between two permitted labeling increments is of no consequence since the lower incremental value is automatically the choice for labeling. The latitude encompassed in these provisions is fully illustrated in "Compliance Procedures for Nutrition Labeling" (Ref. 1).

The milk industry must contend with considerable natural variation in the nutrient content of raw milk, and yet through a joint effort by its trade associations, i.e., the Milk Industry Foundation (MIF), the American Dry Milk Institute, and the Evaporated Milk Association (EMA) this industry has developed reliable data for the nutrition labeling of milk products. For example, EMA has conducted a nutrient test program involving products from different industry members, geographical areas and time periods, and also different methods of analysis. Despite inclusion of all of these sources of variation, the program data readily permitted determination of nutrient values for label declaration within the compliance criteria of § 1.17. The results of the EMA program are summarized in "Nutrition Labeling—They Said It Couldn't be Done" (Ref. 2).

A somewhat different industry-effort was carried out by a task force sponsored by MIF. In this program, the task force carefully researched the existing scientific literature and demonstrated sufficient existing data and sufficient consistency of reported nutrient values to permit derivation of nutrition labeling values for various milk products (Ref. 2). The MIF subsequently produced an instructional manual for nutrition labeling of milk and milk products (Ref. 3). More recent efforts of the MIF have involved a nutrient test program for cottage cheese and yogurt. Again the nutrient test data readily permitted determination of nutrient levels for label declaration satisfying the compliance criteria of § 1.17, and a supplement for these products has been added to the MIF labeling manual.

As examples of other industry efforts to develop reliable data for nutrition labeling, two studies by the National Canners Association can be cited: "Determination of Nutritional Changes in Canned Whole Kernel Corn As a Result of Varietal and Processing Changes" (Ref. 4), and "Nutritive Value of Canned Tomato Juice" (Ref. 5). The corn study data of 1971 indicate a noticeable change in the content of vitamin A and iron when compared to earlier analyses conducted in 1942–1943. Other portions of these data demonstrate consistence with the compliance procedures of § 1.17 when evaluating nutritional variation due to growing areas and different processing methods. The tomato juice study, which reported on nutrient content of the 1969 production, evidenced some regional differences in nutrient levels for vitamin A and ascorbic acid (vitamin C) but likewise shows that the variability is within the compliance requirements of § 1.17.

The fresh fruit and fresh vegetable industry could similarly pursue such research. Perhaps members of the industry can secure the cooperation of State university schools of agriculture and agriculture experiment stations in reviewing existing literature and conducting analyses with regard to nutrient value of fresh produce. Trade associations might assist in procuring such assistance and in pooling available data.

The Commissioner will cooperate with any reasonable industry-sponsored program genuinely designed to determine expeditiously reliable nutrient information needed for nutrition labeling. For example, as published in the FEDERAL REGISTER of August 24, 1973 (38 FR 22791), the Commissioner stayed the initial effective date of § 1.17 for certain milk and cottage cheese products, in view of the milk industry program to develop nutrient data.

The Commissioner recognizes, however, that the fresh produce industry must contend with an additional variable, i.e., nutrient loss in fresh produce during shipment to points of retail sale and interim storage. It appears that such loss may be considerable, but subject to substantial variation depending upon the type and age of the product, as well as care in handling the product during shipment and storage. In the paper, "The Influence of Storage, Transportation and

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Marketing Conditions on the Composition and Nutritional Values," prepared by Dr. P. H. Heinze of the U.S. Department of Agriculture for presentation at the American Medical Association Symposium on Nutritional Qualities of Fresh Fruits and Vegetables, November 9, 1972 (Ref. 7), some of the contributing factors to loss of vitamin and mineral content of fresh fruits and vegetables are discussed along with various methods for minimizing and controlling such losses. Dr. Heinze's paper indicates that, although there are losses in nutritive value of fresh fruits and vegetables during storage, transportation, and marketing, such losses are not likely to be great if (1) care is taken to keep physical damage at a minimum, (2) the time between harvesting and receipt by the consumer is not prolonged, and (3) the temperature and humidity conditions are kept near optimum for the commodity. The existence of a potentially wide variation of nutrient values based upon different conditions of shipment and storage demonstrates the need for determining that claims for nutrient values at the time of purchase are supportable by reliable data. Limited information concerning such nutrient loss is found in "Agriculture Handbook No. 8" (U.S. Department of Agriculture) (Ref. 6) with regard to specific fruits and vegetables. For example, the handbook states in Appendix B that after several months of storage, apples lose approximately one-half of their original vitamin C (ascorbic acid) content and that the vitamin C (ascorbic acid) content of individual potatoes has been reported to vary from 50–100 milligrams in freshly dug, immature potatoes to less than 10 milligrams in potatoes stored for periods of many months.

The Commissioner will entertain any reasonable comment requesting amendment of the compliance criteria now in § 1.17 as they would apply to fresh produce. This proposed regulation makes no change in the existing compliance criteria in § 1.17; it is simply a proposal designed to elicit useful public comment and does not represent a final decision with regard to the compliance criteria that should be employed for fresh fruits and fresh vegetables. However, as discussed above, other industries using raw agricultural commodities have been able to comply with § 1.17. It therefore appears to the Commissioner that those who wish to make nutrient claims for fresh fruits and fresh vegetables may likewise be able to make nutrient claims within the limits of accuracy now set forth in § 1.17, if they are willing to make a reasonable effort to determine the nutrient value commonly provided by such fresh produce at the point of retail sale.

The Commissioner advises that any proposal simply to use nutrient values for fresh produce set forth in "Agriculture Handbook No. 8" (U.S. Department of Agriculture) (Ref. 6) without further corroboration, would not appear to be justifiable. The handbook attests to its own inadequacies, as can be noted when reviewing the introductory and background portions of the publication. The figures given are not necessarily arithmetic means of all acceptable analyses for each nutrient, nor do they necessarily represent the same number of analyses. Some are weighted figures that have taken into account variables such as variety, stage of maturity, seasonal and geographic differences as well as analytical differences. They do not necessarily take into account the nutrient loss during shipment and storage noted above. Therefore, although the handbook data represent essentially average nutrient levels for particular foods, these levels have been developed, where possible, to represent general nutrient levels on a country-wide, yearround basis with no indication of the extent of variability or of the sources of variability involved in arriving at the average value given. Thus, it is not known what statistical validity is associated with each tabled value. Furthermore, it appears that some of the data in the handbook are more than 20 years old, and that changes in varieties of produce, methods of handling and processing, and in analytical methods may well make certain of these values inappropriate at present. Because of these considerations, the U.S. Department of Agriculture, with Food and Drug Administration support, has recently initiated the development of an automated nutrient data bank which may ultimately lead to the replacement of Handbook No. 8. This data bank will include information as to sample sizes and extent and sources of variation, thus permitting assessment of statistical validity, as well as encouraging updating of the recorded data as warranted.

No one has a right to engage in false or misleading labeling concerning the value of his food products simply because he finds it difficult or impractical or expensive to determine the truth about their value. If a packer or distributor cannot make accurate labeling claims about the nutrient levels in his fresh produce, then the law requires that he make no such nutrient claims at all. This requirement of accuracy applies to any labeling claim, but it is particularly pertinent with regard to nutrient claims, upon which a consumer may be expected to rely in attempting to select the most helpful foods for his diet. Now that the canned food industry is beginning to provide accurate label information about the nutrient value of canned fruits and vegetables, it would be unconscionable for the Commissioner to allow fresh produce to be sold with nutrient claims which are without valid support but which may make the fresh produce appear to be of greater nutrient value than competing canned articles, while in fact, because of nutrient losses encountered in shipment and storage of fresh produce, the nutrient value of canned produce in the retail store may be equal to or greater than that of fresh produce.

A copy of each of the following documents, to which reference is made in this preamble, will be available for public inspection in the office of the Hearing Clerk, Food and Drug Administration, as a part of the record in this rule making proceeding:

1. "Compliance Procedures for Nutrition Labeling," prepared by the Division of Mathematics, Bureau of Foods, Food and Drug Administration.

2. "Nutrition Labeling—They Said It Couldn't be Done," paper presented by Howard R. Roberts, Ph.D., Food and Drug Administration, at Joint FDA-Industry Seminar, March 14, 1974.

3. "MIF Labeling Manual," Milk Industry Foundation, Washington, D.C.

4. "Determination of Nutritional Changes in Canned Whole Kernel Corn as a Result of Varietal and Processing Changes," National Canners Association.

5. "Nutritive Value of Canned Tomato Juice," National Canners Association.

6. "Composition of Foods, Agriculture Handbook No. 8," Agricultural Research Service, U.S. Department of Agriculture, revised December 1963.

7. "The Influence of Storage, Transportation and Marketing Conditions on the Composition and Nutritional Values," paper presented by Dr. P. H. Heinze, Nutritional Program Staff, Agricultural Research Service, U.S. Department of Agriculture, at the Symposium on Nutritional Qualities of Fresh Fruits and Vegetables sponsored by the American Medical Association and held in San Diego, CA, November 9, 1972.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041, 1047, 1055; 21 U.S.C. 321(n), 343(a), 371(a)), and under the authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 1.17 by revoking paragraph (h)(10) and by adding a new paragraph (j) to read as follows:

§ 1.17 Food; nutrition labeling.

* * * * * *

(h) * * *

(10) [Revoked]

* * * * * *

(j) Fresh fruits and fresh vegetables are subject to this section with the following limitations:

(1) The declaration of nutrition information as provided in paragraph (c) of this section is required to appear only as a part of each article of labeling which includes any nutrition claim or information. If the labeling is a package, the requirements of § 1.8d apply.

(2) The information required by paragraph (c) of this section shall be set forth in the manner required by that paragraph, except that the information referred to in paragraph (c)(2) of this section is not required.

Interested persons may, on or before April 28, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be

seen in the above office during working hours, Monday through Friday.

Dated: February 7, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-4867 Filed 2-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-4-AD]

CESSNA MODEL 337 SERIES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Cessna Model 337 modified in accordance with Robertson Aircraft Corporation STC SA1627WE. There have been reported icing problems with the Robertson extended pitot tube that could result in loss of airspeed indication in certain icing conditions. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the pitot tube in accordance with FAA approved Robertson Aircraft Corporation instructions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before April 1, 1975 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

CESSNA: Applies to the following Model 337 modified in accordance with Robertson Aircraft Corporation STC SA1627WE, certificated in all categories.

337-0058	337-0566
337-0063	337-0577
337-0124	337-0685
337-0205	337-0695
337-0220	337-0726
337-0291	337-0728
337-0305	337-0732
337-0327	337-0741
337-0382	337-0817
337-0443	337-0822
337-0502	337-0836
337-0540	337-0880
337-0549	337-0882
337-0896	337-1082
337-0916	337-1091
337-0925	337-1108
337-0929	337-1118
337-0938	337-1124
337-0942	337-1139
337-0946	337-1154
337-0947	337-1159
337-0959	337-1162
337-0963	337-1175
337-0970	337-1177
T337-0977	337-1180
T337-0992	337-1192
337-0996	337-1210
337-1019	337-1232
T337-1036	337-1258
337-1044	337-1262
337-1052	337-1274
T337-1062	337-1276
337-1072	337-1303
337-1073	337-1307
337-1079	

Compliance required as indicated unless already accomplished.

To prevent possible loss of the pitot system accomplish the following:

Unless already accomplished, within the next 100 hours of operation after the effective date of this AD, rework the extended pitot tube by installation of Robertson Kit No. 14-118-100 in accordance with Robertson modification instructions No. 14-118-10 dated January 23, 1975, or later FAA approved revisions.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington, February 18, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc. 75-5050 Filed 2-25-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-1]

TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Oswego, N.Y., Transition Area (40 FR 561) and designate a Cranberry Lake, N.Y., Transition Area.

There is a requirement to designate several areas of uncontrolled airspace in northwest New York State as 1200-foot floor transition area airspace to provide additional flexibility in routing aircraft via direct and radar vector routes in the enroute system. There are three irregular-shaped areas east of Watertown, N.Y., which it is proposed to designate as the Cranberry Lake, N.Y., 1200-foot floor transition area. There are several small irregular-shaped areas of uncontrolled airspace west of Watertown which it is proposed to include in the Oswego, N.Y., 1200-foot floor Transition Area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before March 28, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Oswego, N.Y., proposes the airspace action hereinafter set forth:

1. Amend Part 71, Federal Aviation Regulations so as to designate the Cranberry Lake, N.Y., 1200-foot floor Transition Area as follows:

CRANBERRY LAKE, NEW YORK

That airspace extending upward from 1200 feet above the surface beginning at the Saranac Lake, N.Y. VOR, thence southeast via the Saranac Lake VOR 134° radial to its point of intersection with the Burlington, Vermont VORTAC 215° radial; thence southwest along the Burlington, Vermont VOR TAC 206° radial to its point of intersection with the Watertown, N.Y. VORTAC 123° radial; thence northwest along the Watertown VORTAC 123° radial to the Watertown VORTAC; thence northeast along the Watertown VORTAC 038° radial to its point of intersection with the Saranac Lake VOR 311° radial; thence southeast along the Saranac Lake VOR 311° radial to Saranac Lake VOR excluding the airspace in Canada.

2. Amend Part 71, Federal Aviation Regulations by deleting the description of the Oswego, N.Y., 1200-foot floor Transition Area and by substituting the following in lieu thereof:

OSWEGO, NEW YORK

That airspace extending upward from 1200 feet above the surface beginning at latitude 43°24'00" N., longitude 76°45'00" W., to latitude 43°24'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 77°50'00" W.; to latitude 43°20'00" N., longitude 78°00'00" W.; thence north along longitude 78°00'00" W. to the U.S./Canadian border, thence east along the U.S./Canadian border to longitude 75°00'00" W.; thence to latitude 43°32'00 N., longitude 76°23'0" W.; to latitude 43°24'00" N., longitude 76°40'00" W.; to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on February 12, 1975.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.75-5052 Filed 2-25-75;8:45 am]

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[14 CFR Part 91]

[Docket No. 14317; Notice No. 75-5]

CIVIL SUBSONIC TURBOJET ENGINE-POWERED AIRPLANES: NOISE RETROFIT REQUIREMENTS

Proposed Regulations Submitted to the FAA by the Environmental Protection Agency

This notice of proposed rule making contains proposed regulations submitted by the Environmental Protection Agency (EPA) to the Federal Aviation Administration (FAA), pursuant to section 611 (c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). Section 611 (c)(1) of the Federal Aviation Act of 1958 provides that EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare. That section also provides that the FAA "shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking." This notice is published pursuant to this provision of law.

The EPA proposals contained herein would amend Part 91 of the Federal Aviation Regulations to require civil subsonic turbojet engine-powered airplanes to comply with the noise standards of Part 36 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24. Comments on the overall environmental aspects of the proposed rules are specifically invited. All communications received by the FAA on or before April 4, 1975, will be considered by the FAA Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons. EPA has also indicated that information copies of public comments may be sent to: Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-571) U.S. Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Virginia 20460.

Pursuant to section 611(c) of the Federal Aviation Act of 1958, the FAA will hold one or more hearings with respect to the proposals contained in this notice. A separate notice of hearing will be published in the FEDERAL REGISTER in the near future. As required by section 611(c), these hearings will be held no later than 60 days after publication of this document in the FEDERAL REGISTER.

The following EPA opinions, conclusions, and proposed regulatory language are published verbatim as received by the FAA on January 28, 1975.

EPA Proposal to FAA. Under the requirements of section 7(a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234), the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973). Under section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is also required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement of aircraft noise through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the FEDERAL REGISTER on February 19, 1974 (39 FR 6112) a notice of public comment period containing a synopsis of the proposed rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare.

The proposed rules and the type of control which each rule would implement are as follows:

Flight procedures noise control

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum altitudes.

Source noise control

(4) Retrofit/fleet noise level.
(5) Supersonic civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

Airport operations noise control

(9) Airport goals, mechanisms and processes by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposed rule, identified as the retrofit portion of item (4) above, is one of the five whose purpose is to implement engineering noise control at the source. As proposed herein the EPA believes that the rule, if adopted, would control and reduce the noise of civil subsonic turbojet engine-powered airplanes to levels as low as is consistent with available safe technological capability without imposing unreasonable economic burdens on the users of those airplanes.

A. *Regulatory background.* (1) Part 36, "Noise Standards: Aircraft Type Certification," became effective December 1, 1969 (34 FR 18355), prescribing noise measurement, noise evaluation, and noise levels for the type certification, and changes to those certificates, for subsonic transport category airplanes, and for subsonic turbojet engine-powered airplanes regardless of category.

(2) Part 36, "Noise Standards: Aircraft Type Certification" was subsequently amended on October 26, 1973 (38 FR 29574), to require new production subsonic transport category and subsonic turbojet engine powered airplanes regardless of category to comply with the noise requirements of Part 36 irrespective of the date of the type certification.

(3) Advance notice of proposed rulemaking 70-44, "Civil Airplane Noise Reduction Retrofit Requirements," published on November 4, 1970 (35 FR 16980), proposed the retrofit of existing subsonic turbojet engine powered airplanes. This proposal has not been adopted as a final rule.

(4) Advance notice of proposed rulemaking 73-3, "Civil Airplane Fleet Noise (FNL) Requirements," published on January 30, 1973 (38 FR 2769), proposed the establishment of an interim upper limit on the cumulative noise levels of each fleet operator. Under the FNL concept there would then be a phased progressive reduction of those noise levels in accordance with a logarithmic equation until July 1978, when every airplane would be required to meet the noise standards of Appendix C of Part 36. Although the FAA was of the opinion that the FNL concept is considered to be the most appropriate course to follow within current technological capabilities, it expressly stated in the notice that the FNL concept did not imply a rejection of the retrofit program.

(5) After considering the comments in response to the foregoing ANPRM 73-3, NPRM 74-14—"Civil Aircraft Fleet Noise Requirements" was published on March 27, 1974 (39 FR 11302). Under the proposal civil subsonic turbojet engine-powered airplanes with maximum weights of 75,000 pounds or more would be required to conform to Part 36—"Noise Standards: Aircraft Type and Airworthiness Certification". As distinguished from the former ANPRM 73-3, Notice 74-14 would not utilize a logarithmic equation for the determination of fleet noise levels and would apply to all civil subsonic turbojet engine-powered airplanes having standard airworthiness certificates, weighing 75,000 pounds or more, and operated under Parts 91, 121, 123, 129 and 135. Although the FAA preferred that environmental problems affecting international civil aviation be resolved by ICAO, it did not believe that foreign registered aircraft should be excluded from a fleet noise level rule pending the development of appropriate international standards. Accordingly, as proposed, the rule was made applicable to foreign aircraft while operating in the U.S., except in the case of overflights.

B. *References.* In the development of this proposed rule, the EPA conducted its own studies and evaluated several pertinent studies made by other Federal agencies and private contractors. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue, SW., Washington, D.C. 20590, or the EPA Office of Noise Control Programs, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460. Copies of these studies prepared by Government Agencies are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(1) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in Compliance with Pub. L. 92-574, Senate Committee on Public Works, Serial No. 93-8, August 1973.

(2) "Operations Analysis Including Monitoring, Enforcement, Safety, and Cost", Report of Task Group 2, EPA NTID 73.3, July 27, 1973.

(3) "Impact Characterization of Noise Including Implications of Identifying and Achieving Levels of Cumulative Noise Exposure", Report of Task Group 3, EPA NTID 73.4, July 27, 1973.

(4) "Noise Source Abatement Technology and Cost Analysis Including Retrofitting", Report of Task Group 4, EPA NTID 73.5, July 27, 1973."

(5) "Review and Analysis of Present and Planned FAA Noise Regulatory Actions and Their Consequences Regarding Aircraft and Airport Operation", Report of Task Group 5, EPA NTID 73.6, July 27, 1973.

(6) "Public Health and Welfare Criteria for Noise", EPA Technical Document 550/9-73-002, July 27, 1973.

(7) "Standard Noise/Performance Data for Retrofit Studies" Letter from R. E. Russel (Boeing) to R. P. Skully, FAA, dated December 21, 1973.

(8) "727 Noise Retrofit Feasibility, Volume III: Upper Goal Flight Testing and Summary", Final Report FAA-RD-72-40, III, January 1973.

(9) "Refan Design Presentation", NASA Contract NA53-16814, Douglas Aircraft Co., January 16, 1974.

(10) "Aircraft Noise Reduction Technology", Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, March 30, 1973.

(11) "Allocating the Costs of Alleviating Subsonic Jet Aircraft Noise", Special Report, Institute of Transportation and Traffic Engineering, University of California, Berkeley, February 1967.

(12) "Airline Industry Financial Analysis with Respect to Aircraft Noise Retrofit Programs", OST-ONA 73-1, January 1973.

(13) "Impact of the New Large Jets on the U.S. Air Transport System, 1970-1975", CAB, October 1973.

(14) "Noise Standards for Civil Subsonic Turbojet Engine-Powered Airplanes (Retrofit and Fleet Noise Level)", EPA Project Report, December 16, 1974.

C. *Introduction.* As applied to aircraft, source noise control is the application of basic design principles or special hardware to the engine/airframe combination to minimize the generation and radiation of noise. The technology of source noise control is time-dependent in that it is based upon the results of current, available, and future technology.

Current technology includes "shelf item" hardware and commonly known techniques and procedures that have been used effectively by some manufacturers. Available technology represents the results of research and development that have not been put into common practice but are available for implementation. Some performance testing may still be necessary, but reliability and effectiveness have been demonstrated in the laboratory and on model and full scale tests. Future technology represents the results of research now in progress that have not been fully tested but the results to date indicate high potential to a reasonable degree of confidence.

There is no doubt that the most effective use of technology to achieve maximum noise control is the design and development of new aircraft types. Applications of basic design principles and acoustical treatment for the control of noise can be exploited optimally when they can be integrated into the overall aircraft/engine design. Admittedly, modifications such as retrofit hardware are the least efficient use of that technology. The EPA believes that regulations for the control of aircraft noise should be constructed to be equally responsive to all technology, i.e., current, available and future, and to the extent practicable, be made applicable to all aircraft, i.e., existing, new production of an older type design, and new production aircraft of a new type design.

At the present time, there is a choice between two possible technical retrofits for noise reduction. One is known as "Quiet Nacelles" with "SAM", a sound absorbing material technology and the other is known as "Refan", a replacement of selected fan and turbine components within the engine, as well as nacelles with SAM. The Quite Nacelle technology is current for JT8D engines and available for JT3D engines, while the Refan technology may be available in the near future.

The noise proposals set forth in NPRM 74-14 only apply to available and current technology, i.e., Quiet Nacelles with SAM. Applications of future technology, i.e., Refan technology, would not be required unless subsequent amendments are adopted. Therefore, the EPA has advised the FAA that although it supports the proposals set forth in NPRM 74-14, some modifications would be necessary to bring significant relief to the public exposed to the airplanes covered by the proposed rule.

This new notice of proposed rule making is based upon the requirements proposed in NPRM 74-14 as modified by the recommendations submitted by the EPA pursuant to the mandates of section 611 of the Federal Aviation Act. Initially, it should be noted that these modified proposals apply to all civil subsonic turbojet engine-powered airplanes, regardless of weight, certificated in the standard airworthiness category. As proposed herein, they would also apply to foreign registered airplanes, operated within the U.S., except those engaged in overflights. However, since the retrofit requirements contained in this proposal reflect current and available SAM technology only, the EPA believes that the concept of a fleet noise level (FNL) similar to that proposed in NPRM 73-3 should also be considered to apply the benefits of future technology, such as a Refan, Core Engine, or Quiet Engine retrofit. The EPA accordingly is proposing a FNL rule to the FAA which would provide information that would be of assistance once future technology is determined to be current and available, in determining how and when such future technology should be applied to existing fleets.

The NASA Refan program directed to the JT8D powered airplanes indicates that a Refan retrofit for those airplanes may be practicable and perhaps superior to Quiet Nacelles in terms of lower noise levels as well as performance benefits. If so, a careful consideration should be given to a further retrofit or double retrofit program for those JT8D engine propelled airplanes previously retrofitted with Quiet Nacelles. The NASA Refan program, however, will not be completed before June of 1975, and even then additional performance and airworthiness testing will be required before the results of that program can be categorized as available technology.

The Air Transport Association (ATA) has stated in its comments to NPRM 74-14 that if any technology is to be applied to an existing machine as complex as a transport airplane, it should be fully developed, its effects should be known, the cost should be determinable, and the environmental improvement should be sufficient to justify the expenditure. The EPA shares this concern. Therefore, pending the results of the NASA Refan program the EPA has advised the FAA that it will withhold the submission of any proposal to implement the Refan retrofit of turbojet engine-powered airplanes. Should the results of that program indicate that Refan retrofit is practicable, economically reasonable, and will provide meaningful relief, the EPA will then submit a recommendation proposing to adjust Fleet Noise Level (FNL) requirements consistent with the noise level reductions available from Refan or other programs.

As previously stated, the EPA strongly supports the noise reduction requirements proposed by the FAA in NPRM 74-14. Therefore, to the extent that those standards are included herein it appears unnecessary to repeat the detailed justification set forth in that NPRM in support of those requirements. However, the principal differences between that NPRM and this proposed rule in regard to its applicability and the required installation of engine/nacelles listed by an operator are discussed herein under separate headings.

D. *Applicability.* As proposed in NPRM 74-14 the noise reduction requirements

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would apply to airplanes having a maximum weight of 75,000 pounds or more. The EPA believes that all turbojet engine-powered airplanes having a maximum weight of less than 75,000 pounds that do not meet the noise levels prescribed in Part 36, are capable of meeting those levels by applications of various retrofit or reengine options. Since all newly produced airplanes of that type must comply after January 1, 1975 with the noise levels prescribed in Part 36 (§§ 21.183(e) and 36.1(d) of the Federal Aviation Regulations, there appears to be no valid justification to permit those airplanes in the existing fleets to be operated indefinitely at their present noise levels. Therefore, as proposed herein, § 91.301 would apply the noise requirements of the proposed subpart E to all civil subsonic turbojet engine-powered airplanes regardless of weight.

For the reasons stated in NPRM 74–14, this proposal would also apply to all foreign civil airplanes when operating in the U.S. except when engaged in overflights. Since such overflights would not involve a takeoff or landing at an airport in the U.S., there is no need to include them in this proposal. The rule as proposed herein would also except airplanes not having standard airworthiness certificates such as those airplanes having an experimental, provisional, or restricted airworthiness certificate. As stated in NPRM 74–14, the FAA has not determined that a retrofit to Part 36 noise levels for those airplanes would be technologically practicable at this time.

E. *Installation of engine/nacelles.* As distinguished from NPRM 74–14, § 91.305 (c) of this proposal would require the scheduled installation of each engine/nacelle on operational airplanes of the operator, if he lists such engine/nacelles as part of his "on-the-shelf" inventory. The EPA believes that a proper noise reduction for each airplane is not achieved until all of the engine/nacelles for that airplane are retrofitted. Therefore, proposed § 91.305(a)(2) would also require the operator, after June 30, 1976, to have at least one-half of the modified engine/nacelles for those airplanes listed by the operator in its aircraft record or operations specifications. But under the proposed § 91.305(c) the remaining engine/nacelles stored in its warehouse, for example, could not be included as part of the required number, unless a schedule is established and maintained for the installation of those engine/nacelles on operational airplanes at the next periodic inspection that will permit their installation.

As drafted, the provisions of the proposed § 91.305(c) permit the Administrator to authorize the installation at a time other than that specified in the operator's schedule upon demonstration to the Administrator that compliance with the schedule would adversely affect the safety of the airplane involved due to such intermix problems as unbalanced weight, thrust, drag, etc.

F. *Compliance dates.* As proposed herein the compliance dates are the same as those proposed in NPRM 74–14. Comments received in response to that NPRM contained estimates for the lead time to deliver retrofit kits for the various U.S. manufactured airplanes which ranged from 9 to 12 months for the B–747 airplane, and 10 months for the B–727 airplane. For the DC–8, however, one commentator estimated 30 months.

In response to previous comments regarding the availability of retrofit hardware, an investigation was conducted by the FAA and it was determined that retrofit designs are either available, or are being flight tested for the many types of airplanes covered by this and previous retrofit proposals. Research and development done to date has demonstrated that the basic concepts of noise suppression of turbofan engines are valid acoustically, and materials and fabrication technologies can be developed to translate these concepts into hardware that could provide an economically reasonable and a technologically practicable means of significantly reducing the noise generated by most currently certificated turbofan engine-powered airplanes. The FAA believes that if all persons (manufacturers and operators) make a determined effort to comply with the retrofit of the airplanes covered by this proposal it can be accomplished within the compliance dates specified. The FAA is aware that this proposal includes the relatively few pure turbojet engine-powered airplanes currently in service. Since no acoustic modification exists for these engines, reengineing may be required to achieve conformance with the noise levels proposed herein by July, 1978. However, based upon the rate which these airplanes are being retired from service by U.S. operators it appears that few, if any, would remain in service in the U.S. by that date.

Retrofit technology is available for all other transports and most of the business jets. The remainder of the business jets as subsequently discussed under the retrofit technology (G), could be in compliance with Part 36 noise levels by July 1, 1978, by implementation of one of the reengine options.

As proposed in this notice, all airplanes covered by the proposal, (including those airplanes operated by air taxi operators, air travel clubs, and by persons in the furtherance of a business under Part 91) would be required to be in compliance with the Part 36 noise standards not later than July 1, 1978. However, since the air carriers (U.S. and foreign) operate most of the flights of the airplanes covered by this proposal, those operations far exceed operations by other persons in terms of community noise exposure nationwide. For that reason, the intermediate compliance date for one phase of the retrofit was retained in this proposal for airplanes having a maximum weight of 75,000 pounds or more and operated by the holder of a certificate under Parts 121 or 129 of the Federal Aviation Regulations.

G. *Current and available retrofit technology.* In May 1967, NASA contracted with the McDonnell Douglas Corporation and the Boeing Company to investigate nacelle noise control modifications for operational Douglas and Boeing transports powered by JT3D turbofan engines. The NASA program successfully demonstrated by flight tests in 1969, conceptual feasibility of nacelle modifications for controlling both approach and takeoff noise of JT3D propelled aircraft.

In June 1971, the FAA initiated a nacelle noise control project directed to retrofit of the current fleet of narrow body aircraft. This project extended the NASA program to include research and development of takeoff and approach noise control for both JT3D and JT8D propelled aircraft. The purpose of this project was to provide test data to assist in determining whether certain classes of turbofan propelled airplanes in the current fleet could be modified for meaningful noise reduction in a feasible manner. The research and development work was directed to providing acoustical treatment for engines/nacelles which would permit compliance with specified noise reduction goals and which would be flight weight, flight worthy, and capable of being certificated.

The FAA project was implemented by means of three separate contracts with appropriate airframe manufacturers. A task force consisting of representatives from the research and development, regulatory, and airworthiness services of the FAA was also established to monitor the progress of those contractors and to insure that a judgment of the feasibility of noise abatement retrofit modifications was based upon production hardware that would not compromise safety.

The results of the foregoing FAA nacelle retrofit project produced flight performance and cost data for 707, DC–8, 727, 737, and DC–9 type airplanes equipped with acoustical treatment which would permit compliance with the FAR 36 noise levels. The acoustical treatment investigated included sound absorption material (SAM) and a combination of SAM and a jet noise reducer (JNR). It was found that the least complex system consisting of SAM would enable the airplanes to achieve the FAR 36 noise levels or lower in some cases. It was also found that the more complex systems consisting of SAM+JNR have the capability of decreasing the noise to levels appreciably lower than those required by FAR 36.

Quiet Nacelles containing SAM have a negligible effect on aircraft performance and provide a practicable means for the older narrow bodied transport type airplanes to comply with FAR 36. There appears to be no appreciable degradation in field length requirements and direct operating costs but possibly a small loss in range for the airplanes so modified. However, there would be a meaningful reduction in airport community noise exposure; mainly for approach operations for JT8D propelled aircraft and for both takeoff and approach operations for JT3D propelled aircraft.

It was found that quiet nacelles containing SAM+JNR, in addition to costing more per shipset, would introduce substantial degradation in performance. The performance losses, however, are not necessarily irreversible. Uprating the airframe for loading and the engine for thrust (e.g., JT8D–9 to JT8D–15) will increase the range and reduce the required field length to values approaching those of the baseline production version. Quiet Nacelles with SAM are current and available technology for the Boeing family of JT3D and JT8D propelled airplanes. For the B–727 and B–737 airplanes, the treatment is minimal; the noise reduction benefits are negligible for sideline and takeoff but significant on approach, and the costs and performance losses are so modest that it is unreasonable not to include such treatment on all new aircraft. For B–707 airplanes, the treatment is more extensive: the noise reduction benefits are substantial at all three measuring positions but especially dominant at approach; the performance losses are small; and the costs are significant but not necessarily unreasonable from a cost-effectiveness viewpoint.

Quiet Nacelles with SAM are also current and available for the Douglas family of JT3D and JT8D propelled airplanes. The QN technology is current and available state of the art and the first nacelles or retrofit kits for those airplanes covered by this proposal could be delivered about six months after the effective date of a retrofit regulation.

With respect to those airplanes covered by this proposal which have a maximum weight less than 75,000 pounds, approximately 20 percent of those airplanes (the Falcon 20 and Cessna Citation) are powered by moderate bypass ratio turbofan engines certificated in accordance with the noise requirements of Part 36. The remaining 80 percent are powered by turbojet or very low bypass ratio turbofan engines with noise characteristics similar to that of the straight turbojet. The Gulfstream 2, the largest airplane in this class, has a takeoff and sideline noise level in excess of the FAR 36 requirements. However, Grumman, in concert with Rolls Royce, has defined a program to develop a noise suppression kit for that airplane utilizing hardware developed for the F28 and BAC111 which will meet the FAR 36 requirements.

The rest of the airplanes in the General Aviation fleet are powered by small (3000 to 3500 lbs. thrust) turbojet engines which are extremely compact engines. Since small engines are less tolerant of disturbances to the basic thermodynamic cycle, small size in itself can be a problem with regard to the application of sound absorption materials (SAM) in the engine nacelle. There are, however, reengine options available for the airplanes that will permit compliance with the FAR 36 requirements before the June 30, 1978, compliance date proposed herein.

For those airplanes that are marginally shy of meeting the FAR 36 requirements (Learjet, for example), a modified exhaust nozzle may be all that is necessary to meet the current standard. Such a program is being conducted with the potential to certify the Learjet to the FAR 36 noise requirement with a redesigned exhaust nozzle.

H. *Cost/Effectiveness of Retrofit.* As stated in the preamble to NPRM 74–14 an economic analysis of the cost impact of a retrofit on the collective operators indicates that it is economically reasonable, although individual operators may consider the costs to be financially burdensome. With respect to those airplanes covered by this proposal that are operated by U.S. and foreign air carriers the FAA has noted that the Civil Aeronautics Board generally allows fare adjustments in the domestic air carrier industry to reflect increases in operating costs. This adjustment would undoubtedly include the impact of retrofit as it affects the individual carriers. Fare adjustments to reflect increases in the operating costs for U.S. or foreign flag carriers should be made in a similar manner by the International Air Transport Association (IATA). Other means of financing may be considered.

For both JT8D and JT3D airplanes, the investment cost would be approximately 648 million dollars. Based upon the projected 1980 fleet of its members, the ATA estimates the cost of a SAM retrofit to be in excess of one-half billion dollars, including $27,674,000 for increased fuel costs and $2,420,000 for increased maintenance costs for the B–707 airplanes. (Comments of the ATA to NPRM 74–14.) The IATA estimates the modifications to cost approximately one million dollars for each 4 engine turbojet airplane, and roughly $250,000 for each two and three engine turbojet airplane. It estimates the total cost for all its world wide members to be approximately 1.5 billion dollars. (Policy Statement on Noise Retrofit, IATA).

EPA estimated that the cost of modifying the jet fleet of airplanes having a weight of less than 75,000 pounds to comply with FAR 36 levels is approximately 0.3 billion dollars.

Implementation of the retrofit options of Quiet Nacelles to the JT3D and JT8D fleet would effect a substantial decrease in the impact of noise on people. Based upon the noise impact methodology of Reference 14, the EPA estimates that the equivalent number of persons exposed to a Day-Night Level (Ldn) of 75 dB will be over 800,000 fewer people, nationally. This estimate includes, in addition to Quiet Nacelles, the combined effects of the introduction of new quieter aircraft into the fleet and the use of a two-segment approach procedure.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by adding a new Subpart E to read as follows:

Subpart E—Noise Requirements

Sec.
91.301 Applicability.
91.303 Relation to Part 36.
91.305 Interim noise requirements: subsonic turbojet engine-powered airplanes having a maximum weight of 75,000 pounds or more.
91.307 Noise requirements: all subsonic turbojet engine-powered airplanes.

Subpart E—Noise Requirements

§ 91.301 Applicability.

This subpart prescribes noise requirements for the operation within the United States of any civil subsonic turbojet engine-powered airplane having

(a) A U.S. registration certificate and a standard category airworthiness certificate; or

(b) A foreign registration certificate and lands or takes off in the United States in the conduct of an operation for which a U.S. registered airplane is required to have a standard category airworthiness certificate.

§ 91.303 Relation to Part 36.

Unless otherwise specified, all references in this subpart to the requirements of Part 36 of this chapter, include the noise levels of Appendix C of that Part, as effective on December 1, 1969, notwithstanding the provisions of that part excepting certain aircraft from those noise levels and notwithstanding the tradeoff provisions of that part.

§ 91.305 Interim noise requirements: subsonic turbojet engine-powered airplanes having a maximum weight of 75,000 pounds or more.

(a) *U.S. air carriers and commercial operators.* After June 30, 1976, no person holding a certificate under the provisions of Part 121 of this chapter may operate, under that certificate, an airplane covered by this subpart having a maximum weight of 75,000 pounds or more, unless—

(1) That airplane meets the requirements of Part 36 of this chapter; or

(2) The certificate holder has demonstrated to the Administrator that at least one-half of the engine/nacelles for all the airplanes covered by this subpart having a maximum weight of 75,000 pounds or more and listed by the certificate holder in its aircraft record or operations specifications, as the case may be, are of a design that permits those aircraft types to meet the requirements of Part 36 if the engine/nacelles were deployed in a full set.

(b) *Foreign air carriers.* After June 30, 1976, no foreign air carrier holding operations specifications under the provisions of Part 129 of this chapter may operate, under those operations specifications, any airplane covered by this subpart having a maximum weight of 75,000 pounds or more unless—

(1) That airplane meets the requirements of Part 36 of this chapter; or

(2) The air carrier has demonstrated compliance with the requirements of paragraph (a)(2) of this section.

(c) *Installation of engine/nacelles.* Each person authorized to operate an airplane under the provisions of paragraph (a)(2) of this section shall establish and maintain a schedule for the installation of the engine/nacelles required by that paragraph on airplanes listed in its aircraft record or operations specifications, as the case may be. Unless

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otherwise authorized by the Administrator for reasons of safety, such as unbalanced weight, thrust, or drag, each installation shall be scheduled to be performed at the first periodic inspection of the airplane at which the ground time is adequate to perform the installation.

§ 91.307 Noise requirements; all subsonic turbojet engine-powered airplanes.

After June 30, 1978, no person may operate any airplane covered by this subpart unless that airplane meets the requirements of Part 36 of this chapter.

(Secs. 313(a) 601, 603, and 611, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, 1423, 1424, and 1431 as amended by the Noise Control Act of 1972 (Pub. L. 92-574); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C. on February 20, 1975.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR Doc.75-5096 Filed 2-25-75;8:45 am]

[14 CFR Parts 121 and 129]

[Docket No. 14318; Notice No. 75-6]

FLEET NOISE LEVEL REQUIREMENTS

Proposed Regulations Submitted to the FAA by the Environmental Protection Agency

This notice of proposed rule making contains proposed regulations submitted by the Environmental Protection Agency (EPA) to the Federal Aviation Administration (FAA), pursuant to section 611 (c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). Section 611(c)(1) of the Federal Aviation Act of 1958 provides that EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare. That section also provides that the FAA "shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking." This notice is published pursuant to this provision of law.

The EPA proposals contained herein would amend Parts 121 and 129 of the Federal Aviation Regulations to require initial and annual reporting of noise data and operational information required to establish each operator's Fleet Noise Levels.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24. Comments on the overall environmental aspects of the proposed rules are specifically invited. All communications received by the FAA on or before April 28, 1975, will be considered by the FAA Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons. EPA has also indicated that information copies of public comments may be sent to: Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-571) U.S. Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, Virginia 20460.

Pursuant to section 611(c) of the Federal Aviation Act of 1958, the FAA will hold one or more hearings with respect to the proposals contained in this notice. A separate notice of hearing will be published in the FEDERAL REGISTER in the near future. As required by section 611 (c), these hearings will be held no later than 60 days after publication of this document in the FEDERAL REGISTER.

The following EPA opinions, conclusions, and proposed regulatory language are published verbatim as received by the FAA on January 28, 1975.

EPA Proposal to FAA. Under the requirements of section 7(a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234), the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973). Under section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is also required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement of aircraft noise through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the FEDERAL REGISTER on February 19, 1974 (39 FR 6112) a notice of public comment period containing a synopsis of the proposed rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare.

The proposed rules and the type of control which each rule would implement are as follows:

Flight procedures noise control

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum Altitudes.

Source noise control

(4) Retrofit/fleet nois level.
(5) Supersonic civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

Airport operations noise control

(9) Airport goals, mechanisms and processes by which noise exposure of communities around airports can be limited to level consistent with public health and welfare requirements.

This proposed rule, identified as the Fleet Noise Level portion of item (4) above, is one of the five whose purpose is to monitor and assess the fleet operator's implementation of operational control and/or engineering noise control at the source. As proposed herein the EPA believes that the rule, if adopted, will encourage control and reduction of civil airplane fleet noise to levels as low as is consistent with available safe technological capability without imposing unreasonable economic burdens on the users of those airplanes.

A. *Regulatory Background.* (1) Part 36, "Noise Standards: Aircraft Type Certification", became effective December 1, 1969 (34 FR 18355), prescribing noise measurement, noise evaluation, and noise levels for the type certification, and changes to those certificates, for subsonic transport category airplanes, and for subsonic turbojet engine-powered airplanes regardless of category.

(2) Part 36, "Noise Standards: Aircraft Type Certification" was subsequently amended on October 26, 1973 (38 FR 29574), to require new production subsonic transport category and subsonic turbojet engine-powered airplanes regardless of category to comply with the noise requirements of Part 36 irrespective of the date of the type certification.

(3) Advance Notice of Proposed Rulemaking 70-44, "Civil Airplane Noise Reduction Retrofit Requirements", published on November 4, 1970 (35 FR 16980), proposed the retrofit of existing subsonic turbojet engine-powered airplanes. This proposal has not been adopted as a final rule.

(4) Advance Notice of Proposed Rulemaking 73-3, "Civil Airplane Fleet Noise (FNL) Requirements", published on January 30, 1973 (38 FR 2769), proposed the establishment of an interim upper limit on the cumulative noise levels of each fleet operator. Under the FNL concept there would then be a phased progressive reduction of those noise levels in accordance with a logarithmic equation until July, 1978, when every airplane would be required to meet the noise standards of Appendix C of Part 36. Although the FAA was of the opinion that the FNL concept was considered to be the most appropirate course to follow within current technological capabilities, it expressly stated in the notice that the FNL concept did not imply a rejection of the retrofit program.

(5) After considering the comments in response to the foregoing ANPRM 73-3, the FAA issued NPRM 74-14 "Civil Aircraft Fleet Noise Requirements" on March 27, 1974 (39 FR 11302). Under that proposal civil subsonic turbojet engine-powered airplanes with maximum weights of 75,000 pounds or more would be required to conform to Part 36—"Noise Standards: Aircraft Type and Airworthiness Certification". As distinguished from the former ANPRM 73-3, NPRM 74-14 would not utilize a logarithmic equation for the determination of fleet noise levels. It would apply to all civil subsonic turbojet engine-powered airplanes having standard airworthiness certificates, weighing 75,000 pounds or more, and operated under Parts 91, 121, 123, 129 and 135. Although the FAA preferred that environmental problems affecting international civil aviation be resolved by ICAO, it did not believe that foreign registered aircraft should be excluded from a fleet noise level rule pending the development of appropriate international standards. Accordingly, as proposed, the rule was made applicable to foreign aircraft while operating in the U.S., except in the case of overflights.

B. *References.* In the development of this proposed rule, the EPA conducted its own studies and evaluated several pertinent studies made by other Federal agencies and private contractors. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue, SW., Washington, D.C. 20590, or the EPA Office of Noise Control Programs, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460. Copies of these studies prepared by Government Agencies are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(1) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environment Protection Agency in Compliance with Pub. L. 92-574, Senate Committee on Public Works, Serial No. 93-8. August 1973.
(2) "Operations Analysis Including Monitoring, Enforcement, Safety, and Cost", Report of Task Group 2, EPA NTID 73.3, July 27, 1973.
(3) "Impact Characterization of Noise Including Implications of Identifying and Achieving Levels of Cumulative Noise Exposure", Report of Task Group 3, EPA NTID 73.4, July 27, 1973.
(4) "Noise Source Abatement Technology and Cost Analysis Including Retrofitting", Report of Task Group 4, EPA NTID 73.5, July 27, 1973.
(5) "Review and Analysis of Present and Planned FAA Noise Regulatory Actions and Their Consequences Regarding Aircraft and Airport Operation", Report of Task Group 5, EPA NTID 73.6, July 27, 1973.
(6) "Public Health and Welfare Criteria for Noise", EPA Technical Document 550/9-73-002, July 27, 1973.
(7) "Standard Noise/Performance Data for Retrofit Studies", Letter from R. E. Russel (Boeing) to R. P. Skully, FAA, dated December 21, 1973.
(8) "727 Noise Retrofit Feasibility, Volume III: Upper Goal Flight Testing and Summary", Final Report FAA-RD-72-40, III, January 1973.
(9) "Refan Design Presentation", NASA Contract NAS3-16814, Douglas Aircraft Co., January 16, 1974.
(10) "Aircraft Noise Reduction Technology", Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, March 30, 1973.
(11) "Allocating the Costs of Alleviating Subsonic Jet Aircraft Noise", Special Report, Institute of Transportation and Traffic Engineering, University of California, Berkeley, February 1967.
(12) "Airline Industry Financial Analysis with Respect to Aircraft Noise Retrofit Programs", OST-ONA 73-1, January 1973.
(13) "Impact of the New Large Jets on the U.S. Air Transport System, 1970-1975", CAB, October 1973.
(14) "Noise Standards for Civil Subsonic Turbojet Engine-Powered Airplanes (Retrofit and Fleet Noise Level)", EPA Project Report, December 16, 1974.

C. *Introduction.* The Fleet Noise Level (FNL) concept was initially proposed by the FAA in ANPRM 73-3 described in paragraph (4), above, of the regulatory background. As proposed in that notice, the FNL concept is based upon the principle that a meaningful single-number evaluator (figure-of-merit) of the noise generated by a fleet of airplanes could be expressed by the logarithmic average of the product of the noise level of each type of airplane and the number of operations performed by that type of airplane over a representative period of time. The EPA studies leading to the EPA report to Congress on aircraft and airport noise (Ref. 1, above), which included a study of FAA regulatory actions, made the following conclusion in regard to the concept and structure of the FNL:

> The concept and structure of the FNL proposal appears adequate to effectively exploit the current technology (nacelle retrofit) and to allow and encourage the near future technology (refan retrofit) to contribute as it becomes operable, and to encourage the phaseout of existing aircraft by the introduction of new wide-body and other quiet aircraft. In addition, the FNL concept would periodically provide a great deal of useful information to the Government on air-carrier fleet size, mix, and utilization.

Although the principle and concept are sound, the FAA's proposal for the use of this concept in the noise control rule proposed in ANPRM 73-3 met with considerable opposition, and it was subsequently reissued in a modified form as a new notice of proposed rule making (NPRM 74-14). That NPRM required either the retrofit of operational aircraft which do not meet the requirements of Part 36 with current and available noise control technology, or the retirement of those aircraft from fleet operations. In a separate rule making action the EPA has recommended the adoption of the retrofit proposals made by the FAA, but recommends that the provisions of the retrofit proposal be extended to all turbojet engine-powered airplanes.

The EPA believes that the concept and principle of deriving a quantitative noise figure-of-merit for fleet operations such as FNL, as originally proposed by the FAA, is good, and can be modified as a reporting requirement that may be used to provide the operator, the Government, and the public with a mechanism for evaluating and adjusting fleet composition and utilization to achieve lower individual and overall FNLs.

D. *Applicability.* The original FAA proposal met with some opposition because, among other things, it was applicable only to air-carriers engaging in interstate air commerce. Therefore, although it applied to United States domestic air carrier fleets, it did not apply to overseas operations of domestic air carriers, intrastate operators, or to operations into and out of the United States by foreign air carriers. To correct that deficiency the rule as proposed herein would apply to all U.S. and foreign air carriers conducting operations within, into, or out of the United States. Moreover, it would apply to commercial operators such as contract carriers and intrastate commerce carriers conducting operations under Part 121. As proposed the rule would apply to all civil subsonic turbojet engine-powered airplanes regardless of weight, and to future supersonic airplanes, i.e., those airplanes for which an application for a type certificate is made after August 6, 1970. This date would not include the present Concorde or TU-144 supersonic airplanes for which an environmental noise impact assessment would be required under a separate rule making action recommended by the EPA. In addition, the proposed rule would not include fleets operated by air taxi operators, travel clubs, or persons operating an aircraft as an incident to their business. Application to those fleet operations is believed to be impractical and unwarranted at this time.

E. *Purpose.* The air-carrier fleets are the primary cause of the noise impact areas in the vicinity of the approximately 400 major air-carrier airports in the United States. Separate rulemaking action related to retrofit of airplanes in these fleets, if promulgated as a rule, will insure implementation of current noise control technology on the existing air-carrier fleet. After such action, however, there are no plans for implementation of future technology as it becomes current and available. Therefore, the EPA believes that a noise level, using a single-number figure-of-merit denoted as FNL, should be established for each air carrier. This FNL would offer the public, the Government and the operators a convenient method of monitoring the relative noise output of each fleet. In addition, it would provide a uniform method of determining whether the fleet operators were taking advantage of current and available noise reduction options.

Although the EPA believes that the establishment of a FNL would also provide a regulatory mechanism, if necessary, for lowering noise levels whenever future technology becomes current and available, this proposal only requires the reporting of the actual FNLs, of those operators covered by the proposal. Should it appear necessary to establish a mandatory FNL it would, of course, be accomplished by separate rulemaking actions if the FAA finds that sufficient technology options are available to achieve a particular level and those options are technologically practicable and economically reasonable.

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F. *Methodology.* The logarithmic average formula used in the FNL computation weights the noise from each airplane approximately as the human ear responds (in the same manner, for example, as the Ldn methodology recommended by the EPA for cumulative noise exposure). The noisiest airplanes are given the most emphasis by the formula, clearly indicating which airplanes produce the greatest noise impact and which need the most noise control. All of the information required for the formula (noise levels of each airplane type and their number of operations) is routinely available. The noise levels of all airplanes involved are available from the FAA Advisory Circular AC 36-1, or in the case of future airplanes will be available as a result of Part 36 noise certification. The yearly operations of all air carrier and commercial operators are also available since they are routinely provided to the FAA and/or the CAB by these operators. It is not anticipated that any additional information or data acquisition will be necessary under this proposal. Although the computation of the FNL of each operator will be necessary, it can be readily accomplished by the operators concerned by using a scientific desk or pocket calculator or slide rule.

The proposed rule would also require the airlines and operators covered by the rule to provide their FNLs for publication in the Federal Register each calendar year. This publication would also include the relative difference between the actual FNL and the FNL that would result if the airplanes complied with the FAR 36 noise levels. It is this difference that would be the true figure-of-merit by which all airlines could be compared.

The foregoing establishment of a FNL is simple and imposes no undue burden upon the operators covered by this proposal. The EPA believes that establishing FNLs on an annual average basis is more appropriate and administratively far more practicable than the original FAA proposal of ninety day evaluation periods. Additionally, the reported FNLs could easily constitute a concise noise assessment for current or proposed operational changes by one or more operators.

In consideration of the foregoing, it is proposed to amend Parts 121 and 129 of the Federal Aviation Regulations as follows:

1. By amending Part 121, by adding a new subpart X and Appendix G to read as follows:

Subpart X—Fleet Noise Levels (FNL)

Sec.
121.801 Applicability.
121.803 Inspection authority.
121.805 Relation to Part 36.
121.807 Weight limits: operating limitations.
121.809 Noise level data and information.
121.811 Procedure for determining initial FNL values.
121.813 Annual reporting requirements.
121.815 Annual publication of FNLs.
Appendix G—Fleet noise level calculations.

Subpart X—Fleet Noise Level Requirements

§ 121.801 Applicability.

(a) This subpart prescribes noise data and information reporting requirements effective on and after January 1, 1976, for the operation within the United States of any civil subsonic or future supersonic turbojet engine-powered airplane by each certificate holder covered by § 121.1.

(b) As used in this subpart, a future supersonic turbojet engine-powered airplane means an airplane of that type for which an application for a type certificate or an amendment thereto, is made after August 6, 1970.

§ 121.803 Inspection authority.

Each certificate holder shall allow the Administrator at any time or place, to make any inspections of records, data, and facilities necessary to determine continuing compliance with this subpart. All required records and data shall be maintained in current status by the operator for this purpose at his business office or operations base.

§ 121.805 Relation to Part 36.

(a) Unless otherwise specified, all references in this subpart to the requirements of Part 36 of this chapter, include the noise levels of Appendix C of that Part, as effective on December 1, 1969, notwithstanding the tradeoff provisions of that part.

(b) All data and information submitted under this subpart for the purpose of establishing sideline, takeoff, and approach noise levels of individual airplane types must be adequate to show equivalence with §§ 36.3, 36.5, 36.101, 36.103, 36.1501, 36.1581, C36.1, C36.3, C36.7, and C36.9 of Part 36 of this chapter. The noise levels for a particular airplane type are determined by the Administrator in accordance with those sections.

§ 121.807 Weight limits: operating limitations.

Any weight, less than maximum weight or design landing weight, that is used in determining the sideline, takeoff, or approach noise, respectively, for any airplane under this subpart must be established as an operating limitation for that airplane. The noise levels associated with weights less than maximum, not determined in accordance with Part 36 of this chapter, shall be approved by the Administrator.

§ 121.809 Noise level data and information.

(a) Except as provided in paragraph (b) of this section, no certificate holder may operate an airplane covered by this subpart unless he has submitted to the Administrator:

(1) The total number of takeoffs and approaches conducted by him during the 12 months preceding January 1, 1976;

(2) All data and information necessary to determine the sideline, takeoff, and approach noise levels of each airplane covered by this subpart and operated by him during the 12 months preceding January 1, 1976; and

(3) Based upon the data and information in subparagraphs (1) and (2) of this section, the sideline, takeoff, and approach FNLs computed under Appendix G of this part, that were generated by that operator for the 12 month period described in paragraph (b) of this section.

(b) A person who is issued an operating certificate on or after January 1, 1976, shall submit the data and information required in paragraph (a) of this section for operations conducted within the 12 months immediately after the date on which that certificate was issued.

§ 121.811 Procedure for determining initial FNL values.

(a) For the information of all interested persons, the initial set of sideline, takeoff and approach FNLs computed by each certificate holder under § 121.809 (b)(3) and concurred in by the Administrator are published in the FEDERAL REGISTER as soon as practicable after receipt thereof by the Administrator.

(b) If an operator is unable to establish a representative sideline, takeoff, or approach FNL, an FNL that the Administrator determines is reasonable and representative of that certificate holder's experience is published in the FEDERAL REGISTER as the FNL for that certificate holder.

(c) Each determination made by the Administrator under paragraph (b) of this section becomes effective 60 days after publication thereof in the FEDERAL REGISTER unless the operator petitions the Administrator personally to reconsider that determination. The petition must be accompanied by all data and information upon which the reconsideration is based.

(d) Unless otherwise notified by the Administrator, whenever a petition for reconsideration of a FNL is made under paragraph (c) of this section, the effective date of that FNL is postponed pending the disposition thereof by the Administrator.

(e) After consideration of all relevant material presented in the petition, the Administrator republishes any changes in the FNL that he finds reasonable and representative for that certificate holder, or notifies the certificate holder of the denial.

(f) Unless otherwise notified by the Administrator, each FNL for which an operator has requested a reconsideration under this section shall become effective 30 days after the date that the change is published in the FEDERAL REGISTER, or the certificate holder is notified of the denial.

§ 121.813 Annual reporting requirements.

Each certificate holder shall prepare a report containing the data and information required in § 121.809 for each calendar year in which he conducts operations under this Part. It shall be submitted to the Administrator within 60 days after the last day of the calendar year covered by the report.

§ 121.815 Annual publication of FNLs.

Within thirty days after receipt of the annual data and information required in § 121.813, a notice of the Fleet Noise Levels appropriate to each certificate holder is published in the FEDERAL REGISTER for the information of all interested persons. The notice includes the name of each certificate holder, his most recently reported FNLs and the relative differences between his actual FNLs and the FNLs that could be achieved if the noise levels of his airplane were equal to those required by Part 36 of this chapter for airplanes having corresponding weights.

APPENDIX G—FLEET NOISE LEVEL CALCULATIONS

SECTION 1. *General.* This Appendix contains the methods of calculating the sideline, takeoff, and approach fleet noise levels (FNL) of an operator's fleet under Subpart X of this Part.

SEC. 2. *Mean Logarithmic Equation.* The following mean logarithmic equation shall be used:

$$FNL = 10 \log \frac{\sum_{j=1}^{n} (Nj) \text{ ant } (Lj/10)}{\sum_{j=1}^{n} (Nj)}$$

where:
FNL = Fleet Noise Level, in units of dB.
Nj = Number of operations for airplane type j.
Lj = Noise level of airplane type j at a Part 36 measuring point, determined as specified in § 121.805, in units of EPNdB.

Three Fleet Noise Levels are computed using the above formula; one for each of the three (sideline, takeoff, and approach) noise levels, Lj, for each aircraft type.

2. By amending Part 129 by adding new sections and an appendix to that Part prescribing the same FNL requirements proposed in section 1, above, for those operations conducted by each foreign air carrier to or from an airport located within the United States.

(Secs. 313(a), 601, 603, 604, 607, and 611 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, 1423, 1424, 1427, and 1431); sec. 2(b)(2) and 6(c) of the Department of Transportation Act (49 U.S.C. 1651 (b)(2) and 1655(c)).)

Issued in Washington, D.C. on February 20, 1975.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR Doc.75-5097 Filed 2-25-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

SOUTH CAROLINA

Proposed Supplements to Approved Plan; Correction

The document concerning proposed supplements to the South Carolina Plan under Subpart C of Part 1952 of Chapter XVII of Title 29 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Thursday, January 23, 1975, at 40 FR 3606, is corrected by changing the address of the State designee, the South Carolina Department of Labor, from 1710 Gervais Street, Columbia, South Carolina 29201, to 3600 Forest Drive, Fourth floor, Columbia, South Carolina 29204.

The mailing address of the South Carolina Department of Labor remains Post Office Box 11329, Columbia, South Carolina 29211.

Signed at Washington, D.C. this 20th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-5061 Filed 2-25-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

(FRL 336-8)

INDIANA IMPLEMENTATION PLAN

Proposed Revision

On May 31, 1972 (37 FR 10864), pursuant to section 110 of the Clean Air Act, 42 U.S.C. 1857c5, the Administrator approved, with specific exceptions, the implementation plan submitted by the State of Indiana for attainment of the national ambient air quality standards.

On September 26, 1974 (39 FR 34563), the Administrator disapproved the legal authority of selected States having previsions in their State codes which would deny the public free access to all emission data collected by any State agency. The State of Indiana was included in those States that were disapproved.

On October 10, 1974, the State of Indiana submitted a plan revision to the Regional Administrator. The revision specifically excludes "effluent or emission data" from those records which will be considered, treated, or protected as confidential by the technical secretary of the Indiana Air Pollution Control Board. The purpose of this notice is to announce receipt of this plan revision and to invite public comment.

Copies of this plan revision submitted by the State of Indiana are available for public inspection during regular business hours at the EPA Regional Office, Region V, Federal Building, 230 South Dearborn, Chicago, Illinois 60604 and the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting comments in triplicate to the Division of Stationary Source Enforcement, Washington, D.C. Attention: Mr. Barry Russell. All comments received on or before March 28, 1975 will be considered.

(42 U.S.C. sec. 1857C-5(a))

Dated: February 20, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-5025 Filed 2-25-75;8:45 am]

[40 CFR Part 52]

[FRL 336-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards, and on September 22, 1972, in the FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a part of the Kansas Implementation Plan.

The State of Kansas submitted to the Environmental Protection Agency compliance schedules as variances and enforcement orders to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6 and 40 CFR 51.7(d)(2). 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval and disapproval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4, 51.6, and 51.7(d) (2) and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date."

The following schedules are amendments to previously proposed compliance schedules: Clay Center Dehydrating Company, Clay Center; Colorado Interstate Gas Company, Lakin; Predonia Dehydrating & Milling Company, Fredonia; Mid-America Dairymen, Sabetha; North Central Foundry, Inc., Enterprise; Satanta District Hospital, Satanta; U.S.D. #256, Moran; U.S.D. 457, Garden City; Western Alfalfa Corporation, Lowe; Certain-Teed Products, Kansas City; C. K. Products Company, Inc., Salina; Northern Natural Gas, Holcomb; Owens-Corning Fiberglas Corp., Kansas City; Rodney Milling Company, Topeka; U.S.D. #415, Hiawatha; U.S.D. #506, Altamont; Buffalo Industry, Inc., Garden City; Central Non-Ferrous, Inc., Fort Scott; Mesa Petroleum Company, Ulysses; National Gypsum Company (Gold Bond Products), Medicine Lodge; C. K. Processing Company, Manhattan; Western Alfalfa, Belle Plaine; Western Alfalfa, Garden City; Western Alfalfa, Larned; Western Alfalfa, Oxford; Western Alfalfa, Peterson; Coffeyville Memorial Hospital, Coffeyville; Bayer Construction Company,

V 40 39 FEB 26 75 XUM

Manhattan, and Greenwood County Hospital, Greenwood.

The schedules proposed to be disapproved in this notice fail to meet the requirements of 40 CFR 51.15(b)(1), in that the compliance schedules extend beyond the attainment date in the State Implementation Plan. The schedule for Western Iron & Foundry Company, Wichita, is disapproved as not being expeditious.

In the indication of proposed approval and disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri 64108. The compliance schedules proposed to be approved or disapproved, and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, Washington, D.C.; and the Kansas State Department of Health and Environment, Forbes Air Force Base, Building 740, Topeka, Kansas.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII Office at the above address. All comments submitted by March 28, 1975, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

This proposed rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.

Dated: February 12, 1975.

CHARLES V. WRIGHT,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart R—Kansas

1. In § 52.876, the tables in paragraph (c)(1) and (c)(2) are amended by adding the following:

§ 52.876 Compliance schedules.

(c) • • •

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
• • • •					
Clay Center Dehydrating Co., alfalfa dehydrator.	Clay Center	28-19-20	Oct. 4, 1974	Immediately	July 1, 1975
Colorado Interstate Gas Co., safety flare.	Lakin	28-19-45	do	do	Nov. 15, 1974
Fredonia Dehydrating & Milling Co., alfalfa dehydrator.	Fredonia	28-19-20	do	do	July 1, 1975
Greenwood County Hospital, incinerator.	Eureka	28-19-40	do	do	June 1, 1975
Mid-America Dairymen, spray dryers No. 1 & No. 2.	Sabetha	28-19-20	do	do	Nov. 1, 1974
Minneola District Hospital, incinerator.	Minneola	28-19-40 28-19-41	do	do	Oct. 1, 1974
U.S.D. No. 457:					
Friend Elementary, incinerator	Garden City	28-19-40	do	do	July 1, 1975
Jenny Barker Elementary, incinerator.	do	28-19-40	do	do	Do.
Lincoln Elementary, incinerator	do	28-19-40	do	do	Do.
Pierceville-Plymell Elementary, incinerator.	do	28-19-40	do	do	Do.
Theoni Elementary, incinerator	do	28-19-40	do	do	Do.
Valentine Elementary, incinerator.	do	28-19-40	do	do	Do.
U.S.D. No. 256, Marmaton Valley High, incinerator.	Moran	28-19-40	do	do	Jan. 1, 1975
North Central Foundry, Inc., Gray Iron Foundry cupola.	Enterprise	28-19-20	do	do	Dec. 31, 1974
Satanta District Hospital, incinerator.	Satanta	28-19-40 28-19-41	do	do	July 1, 1975
Scott County Hospital, incinerator	Scott City	28-19-40 28-19-41	do	do	Apr. 30, 1975
Sherwin-Williams Co., ozide calciner exhaust.	Coffeyville	28-19-50A	do	do	July 31, 1975
Western Alfalfa Corp., alfalfa dehydrading plant.	Lowe	28-19-20	do	do	Do.
Certain-Teed Products Corp., K-2 Furnace Plan "A".	Kansas City	28-19-20	Nov. 22, 1974	do	Do.
C. K. Products Co., Inc., alfalfa dehydrator.	Salina	28-19-20	do	do	July 1, 1975
H. B. H. Rock Co., Inc., secondary crushing and screening.	Burlington	28-19-20	do	do	July 31, 1975
Northern Natural Gas Co., flare pit	Holcomb	28-19-45	do	do	Mar. 1, 1975
Owens-Corning Fiberglas Corp., No. 70 glass furnace.	Kansas City	28-19-20 28-19-50	do	do	Do.

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
• • • •					
U.S.D. No. 415:					
Fairview Elementary, open burning.	Hiawatha	28-19-45	do	do	July 31, 1975
Hiawatha Elementary, open burning.	do	28-19-45	do	do	Do.
Hiawatha High School, open burning.	do	28-19-45	do	do	Do.
Reserve Elementary, open burning.	do	28-19-45	do	do	Do.
Robinson Elementary, open burning.	do	28-19-45	do	do	Do.
Robinson Jr. High, open burning	do	28-19-45	do	do	Do.
U.S.D. No. 506:					
Altamont Grade School, open burning.	Altamont	28-19-45	do	do	Do.
Fairview Grade School, open burning.	do	28-19-45	do	do	Do.
Bartlett Grade School, open burning.	do	28-19-45	do	do	Do.
Ellis Grade School, open burning	do	28-19-45	do	do	Do.
Edna Grade School, open burning	do	28-19-45	do	do	Do.
Angola Grade School, open burning.	do	28-19-45	do	do	Do.
Mound Valley Grade School, open burning.	do	28-19-45	do	do	Do.
Dennis Grade School, open burning.	do	28-19-45	do	do	Do.
Meadow View Grade School, open burning.	do	28-19-45	do	do	Do.
Rodney Milling Co.:					
Wheat cleaning suction filter "D".	Topeka	28-19-50	do	do	Apr. 30, 1975
Milo mill suction	do	28-19-50	do	do	June 30, 1975
Yates Center Quarries, primary crushing and screening.	Iola	28-19-20	do	do	Mar. 28, 1975
Monarch Cement Co., kilns No. 1 and 2.	Humboldt	28-19-20	Mar. 22, 1974	do	June 1, 1974
Owens-Corning Fiberglas:					
J-5 oven	Kansas City	28-19-20	Mar. 18, 1974	do	Do.
J-6 oven	do	28-19-20	do	do	Do.
K-3 oven	do	28-19-20	do	do	Apr. 1, 1975
K-4 oven	do	28-19-20	do	do	Do.
Alfalfa, Inc.:					
Rotary dryer feed cyclone	Sublette	28-19-50	Feb. 14, 1974	do	Mar. 1, 1974
Hammer mill feed cyclone	do	28-19-50	do	do	Do.
Meal bin vent	do	28-19-50	do	do	Do.
Bohm Grain Co., grain cleaner	Osborne	28-19-20	do	do	Aug. 1, 1974
Smith Center Co-Op Mill & Elevator, elevator leg cyclone.	Smith Center	28-19-50	do	do	Mar. 11, 1974
Wade Agricultural Products, primary crusher and screening.	LaCygne	28-19-20	Jan. 14, 1974	do	Sept. 1, 1974
Buffalo Industry, Inc., cupola	Garden City	28-19-20	Apr. 25, 1974	do	July 31, 1975
Cargill, Inc., railcar unloading	Wichita	28-19-20	June 4, 1974	do	July 1, 1975
Central Non-Ferrous, Inc., chlorination process.	Fort Scott	28-19-20	May 30, 1974	do	June 1, 1975
Hi-Plains Cooperative Association, grain elevator.	Colby	28-19-50A	June 21, 1974	do	Mar. 1, 1975
Mesa Petroleum Co., safety relief flare	Ulysses	28-19-45	May 2, 1974	do	July 31, 1975
National Gypsum Co. (Gold Bond products), rotary calciners No. 1 and No. 2.	Medicine Lodge	28-19-20	June 21, 1974	do	June 1, 1975
Smith Center Co-Op Mill & elevator, grain elevator.	Smith Center	28-19-50	do	do	Mar. 1, 1975
McPherson County Highway Department, hot mix asphalt plant.	McPherson	28-19-20	Sept. 19, 1974	do	Nov. 1, 1974
A. G. Sherwood Construction Co., hot mix asphalt plant.	Independence	28-19-50A	do	do	Do.
Archer Daniels Midland Co., grain dryer transfer.	Fredonia	28-19-50A	do	do	Apr. 28, 1975
Cargill Salt Department, rotary salt dryer.	Hutchinson	28-19-50	do	do	Mar. 1, 1975
C. K. Processing Co., alfalfa dehydrator.	Manhattan	28-19-20	Oct. 8, 1974	do	July 31, 1975
Sherwin-Williams Chemicals, zinc oxide dryer.	Coffeyville	28-19-50B	do	do	May 1, 1975
Westhoff Bros. Asphalt & Sand Co., wet washer dust collector.	Great Bend	28-19-50A	do	do	Dec. 1, 1974
C. E. Industrial Group, incinerator	Concordia	28-19-50B	Mar. 18, 1974	do	May 24, 1974
Gorham Farmers Coop Association, grain cleaner.	Gorham	28-19-20	Jan. 22, 1974	do	Aug. 1, 1974
Jamestown Cooperative:					
Cyclone dust collector	Jamestown	28-19-50	do	do	Mar. 1, 1974
Receiving pit	do	28-19-50	do	do	Do.
Mid-America Pipeline, flaring system	Conway	28-19-47C	do	do	June 1, 1974
Ulysses Cooperative Oil & Supply Co., hammer mill.	Ulysses	28-19-50	Feb. 7, 1974	do	Apr. 1, 1974
Udall Farmers Union Co-op Association, grain cleaner.	Udall	28-19-20	Feb. 21, 1974	do	Sept. 1, 1974
Western Alfalfa, alfalfa dehydrator	Belle Plaine	28-19-20	Feb. 5, 1974	do	July 31, 1975
Do	Garden City	28-19-20	do	do	Do.
Do	Larned	28-19-20	do	do	Do.
Do	Oxford	28-19-20	do	do	Do.
Do	Peterson	28-19-20	do	do	Do.
Coffeyville Memorial Hospital, incinerator.	Coffeyville	28-19-40	Mar. 18, 1974	do	Oct. 1, 1974
Bayer Construction Co., rock crusher No. 1.	Manhattan	28-19-20	Aug. 15, 1974	do	Sept. 1, 1974

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Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Certain-Teed Products Corp.:					
K-0 precipitator	Kansas City	28-19-30	Aug. 26, 1974	do	Dec. 31, 1974
K-6 forming	do	28-19-20	Mar. 18, 1974	do	July 31, 1975
K-0 furnace	do	28-19-20	Oct. 4, 1973	do	Dec. 1, 1974
K-1, K-5, K-6, K-7 furnaces	do	28-19-20	May 13, 1974	do	July 31, 1975
K-5 forming	do	28-19-20	do	do	Do.
K-1 coring	do	28-19-20	do	do	Do.
K-2 coring	do	28-19-20	do	do	Do.
Collingwood Grain, Inc., elevator headhouse.	Hutchinson	28-19-50	Aug. 15, 1974	do	Mar. 15, 1975
Collingwood Grain, Inc., ebst elevator headhouse.	Copeland	28-19-50	Feb. 14, 1974	do	Mar. 1, 1974
Garvey Elevators, Inc.:					
Grain cleaner	Wichita	28-19-20	June 19, 1974	do	Oct. 1, 1974
Conveying system	do	28-19-20	do	do	Do.
County Hospital No. 5, incinerator	Harper	28-19-41B	July 9, 1974	do	Sept. 1, 1974
Jayhawker Towers Apartments, incinerator.	Lawrence	28-19-41	Sept. 5, 1974	do	Nov. 1, 1974
Service Iron Foundry, Inc., cupola	Wichita	28-19-20 28-19-50	Aug. 15, 1974	do	Mar. 1, 1975
Sylvia Cooperative Association, grain cleaner.	Sylvia	28-19-20	Aug. 26, 1974	do	Nov. 1, 1974

(2) The compliance schedules identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

KANSAS

Source	Location	Regulation involved	Date adopted
Kansas City Power & Light, coal transfer house	LaCygne	28-19-50	Nov. 22, 1974
Pence Food Center, incinerator	Chanute	28-19-40	Do.
Rodney Milling Co.:			
"A" house gallery and tunnel system	Topeka	28-19-50	Do.
"B" & "C" house gallery	do	28-19-50	Do.
Western Alfalfa Corp., alfalfa dehydrator	Deerfield	28-19-20	Do.
Do	Tice	28-19-20	Do.
Pence Food Center, incinerator	Humboldt	28-19-40	Do.
Sherwin-Williams Chemicals, Ozark P.M. Mill	Coffeyville	28-19-50B	Oct. 8, 1974
Continental Grain Co., rail car loading	Hutchinson	28-19-50	Aug. 15, 1974
Far-Mar-Co, Inc., headhouse cyclones	Topeka	28-19-50	Sept. 5, 1974
Do	Hutchinson	28-19-50	Aug. 15, 1974
Western Iron & Foundry, cupola	Wichita	28-19-20A	Oct. 4, 1974
		28-19-50A	

[FR Doc.75-4931 Filed 2-25-75;8:45 am]

[40 CFR Part 52]

[FRL 337-6]

COMMONWEALTH OF MASSACHUSETTS

Approval and Promulgation of State Implementation Plans

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR 52, the Administrator approved with exceptions the Massachusetts Implementation Plan for attainment of national ambient air quality standards. Included in this approval were the Regulations for the Control of Air Pollution in the six Massachusetts Air Pollution Control Districts. Regulation 50—Variances thereof, as originally submitted was disapproved by EPA on July 16, 1973 (38 FR 18879) and EPA substituted a new regulation for it, 40 CFR 52.1131, (38 FR 18880). On November 14, 1974 the Massachusetts Governor, Francis W. Sargent, submitted for EPA approval a proposed revision to Regulation 50. This new revision is to take the the place of that promulgated by the Environmental Protection Agency. The Administrator hereby issues this notice setting forth the Massachusetts submittal as proposed rulemaking and advises the public that comments may be submitted as to whether it meets the requirements of section 110(a)(2)(A-H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Prior to this amendment, a variance for one year could be granted freely, or upon application, to any person as deemed necessary for the public good or to allay hardships.

The proposed change would list specific criteria which must be met by the applicant, before the variance could be granted for the period prescribed by the Federal law.

The amended variance regulation would require the applicant to have made good faith efforts to comply with the Regulations prior to the variance petition. Variances may then be granted under this proposal if the department finds that (a) compliance or enforcement of the regulation is impractical due to lack of technology, (b) compliance is impossible due to unavoidable delays in obtaining control equipment, (c) compliance is interfered with due to acts of nature, or (d) when the benefits anticipated would be substantially outweighed by the cost to the applicant and to the public and granting the variance would not have a significantly deleterious effect on public health. Variances granted may not extend beyond May 31, 1975 and are subject to approval by the Administrator of EPA.

Copies of the Massachusetts submission are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 2113, Boston, Massachusetts 02203; the Commonwealth of Massachusetts, Department of Public Health, Division of Environmental Health, Bureau of Air Quality Control, Room 320, 600 Washington Street, Boston, Massachusetts 02111; Board of Health Office, Pittsfield, Massachusetts, Central Massachusetts Air Pollution Control District, 75B Grove Street, Worcester, Massachusetts; Merrimack Valley Air Pollution Control District, Tewksbury State Hospital, Regional Health Office, Tewksbury, Massachusetts, Pioneer Valley Air Pollution Control District, 1414 State Street, Springfield, Massachusetts; Southeastern Massachusetts Air Pollution Control District, Southeast Regional Health Office, Lakeville State Hospital, Lakeville, Massachusetts; and the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region I, J.F.K. Federal Bldg, Room 2113, Boston, Massachusetts 02203. Relevant comments received within 30 days of this notice will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. Comments received will be available during normal working hours at the Region I office. All relevant matter presented shall be evaluated and the agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

Authority: Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: February 18, 1975.

JOHN A. S. MCGLENNON,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.75-5021 Filed 2-25-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

CRUDE OIL RUNS FOR OLD OIL ALLOCATION PROGRAM

Inclusion of Canadian Plant Condensate

The Federal Energy Administration hereby gives notice of a proposal to amend Part 211, Chapter II of Title 10, Code of Federal Regulations to permit inclusion of plant condensate imported from Canada in a refiner's crude oil runs to stills for purposes of the old oil allocation program. The plant condensate so imported is a natural gas liquid produced in Canadian gas processing plants.

Because Canadian plant condensate is not currently considered crude oil for purposes of calculating the volume of a refiner's crude oil runs to stills under the old oil allocation program, its price is effectively raised relative to imported crude oil which receives entitlements under the program when processed by a refiner. As a consequence of the present treatment of Canadian plant condensate under the program, nominations by United States refiners for purchases of the product have fallen significantly due to its higher effective cost. FEA has been advised that the volumes of unsold condensate will necessarily result in curtailments in the operations of Canadian gas plants, since the unsold volumes will within a short period of time exceed the capacity of their storage facilities. Furthermore, curtailments in the operations of Canadian gas plants will also cause a substantial decrease in Canadian natural gas production for export. FEA did not intend the structure of the program to have the effect of reducing deliveries of natural gas, which is already in short supply, with the resulting adverse impact on the regions of the United States which are dependent on Canadian natural gas.

For these reasons, FEA proposes to amend its regulations to provide that Canadian plant condensate constitutes an eligible component of a refiner's crude oil runs to stills for purposes of the old oil allocation program. Under the proposed amendment to § 211.67, the volume of a refiner's crude oil runs to stills would be increased by the volume of plant condensate imported from Canada which is processed by that refiner. In addition, a definition of "plant condensate" would be added in § 211.62. Plant condensate is defined as a natural gas liquid composed of mostly pentanes and heavier hydrocarbons, recovered and separated as a liquid at gas inlet separators or scrubbers in processing plants or field facilities and which is not suitable for blending with natural gasoline or refinery gasoline.

The proposed amendment, if adopted, would be effective with respect to volumes of Canadian plant condensate included in refiners' crude runs in the month of February 1975 and subsequent months.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

A public hearing on this proceeding will be held beginning at 9:30 a.m. on March 12, 1975, Room 3000, FEA, 12th and Pennsylvania Avenue, NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 p.m., e.s.t., March 5, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through March 11, 1975.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., March 7, 1975 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.s.t., March 11, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.s.t., March 10, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, FEA, Room 3400, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box CH, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to the FEA, Executive Communications, with the designation "Canadian Plant Condensate". Fifteen copies should be submitted. All comments received by March 10, 1975 and all other relevant information will be considered by the FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C. on February 21, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

1. Section 211.62 is amended by adding a definition for "plant condensate" in the appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

• • • • • •

"Plant condensate" means a natural gas plant product, mostly pentanes and heavier hydrocarbons, recovered and separated as a liquid at gas inlet separators or scrubbers in processing plants or field facilities and which is not suitable for blending with natural gasoline or refinery gasoline.

• • • • • •

2. Section 211.67 is amended by adding a new paragraph (d)(3) to read as follows:

§ 211.67 Allocation of Old Oil.

• • • • • •

(d) *Adjustments to volume of crude oil runs to stills.*

• • • • • •

(3) The volume of a refiner's crude oil runs to stills in a particular month for purposes of calculating its old oil supply ratio and the adjusted national old oil supply ratio shall include the total number of barrels of plant condensate imported from Canada which is utilized in that month as an input to distillation

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units by a refiner, measured in accordance with the Bureau of Mines Form 6–1300–M.

[FR Doc.75–5157 Filed 2–24–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Parts 2, 91, 93, 95]

[Docket 20120]

CITIZENS RADIO SERVICE

Operating Rules for Class D Stations; Extending Time To File Reply Comments

1. Special Industrial Radio Service Association, Inc. (SIRSA) requests an extension of time until March 14, 1975, within which to file reply comments in the captioned matter. The closing date for reply comments is February 15, 1975.

2. The request is predicated on the inability of the parties to study nearly 400 pages of comments, background data and economic issues and effectively address the issues raised within the short time allotted by the notice of proposed rule making.

3. E. F. Johnson Company opposes any extension for filing reply comments. E. F. Johnson contends that sufficient time in which to file replies is automatically provided since, under the rules, where the reply filing date falls on a holiday or weekend (as here) replies may be filed up to and including the next business day. In this case that would be February 18, 1975. It further points to common issues of this proceeding and those of the Class E Citizens radio proposal in Docket 19759. It asserts that the Class E matter is scheduled for a Commission discussion during the week of March 2, 1975, and an extension beyond the filing period would deprive the Commission of the opportunity of simultaneously considering Dockets 20120 and 19759.

4. It appears that E. F. Johnson misunderstands the nature of the March meeting before the Commission. This meeting on the Class E Citizens proposal is scheduled to be a staff report on the status of the proceeding and a discussion applicable to policy formulation. It is not intended to be decisional in scope.

5. We believe a showing of good cause has been made for a grant of SIRSA's request for an extension of time in which to file reply comments. Since the additional time to prepare replies will not materially affect the interests of other known parties and should not unduly delay the Commission's action on the instant proposal, the request for extension of time in which to file reply comments will be granted.

6. Accordingly, *it is ordered*, Pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, that the date for filing reply comments in the above-entitled proceeding is extended to and including March 14, 1975.

Adopted: February 14, 1975.

Released: February 19, 1975.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.75–5113 Filed 2–25–75;8:45 am]

[47 CFR Part 31]

[Docket No. 20188; RM–2259]

UNIFORM SYSTEM OF ACCOUNTS

Class A and B Telephone Companies; Extension of Time

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method.

1. The Commission has received by letter dated February 6, 1975, a copy of a January 21, 1975, letter from the New York Public Service Commission (New York Commission), the original of which the Commission has not received, requesting reconsideration of an order adopted on December 3, 1974, by the Chief, Common Carrier Bureau, granting in part, and denying in part, the New York Commission's October 25, 1974, request for an extension of time for the filing of comments in this proceeding. In its letter of October 25, the New York Commission requested that the time for filing comments in this proceeding be extended from January 20, 1975, to May 20, 1975. The Wisconsin Public Service Commission, in a letter dated November 22, 1974, also requested an extension of time for filing comments to May 20, 1975. In an order adopted on December 3 and released on December 5, 1974, by the Chief, Common Carrier Bureau, the time for filing comments and reply comments in this proceeding was extended from January 20 and March 20, 1975, respectively, to February 20 and April 21, 1975. In an Order adopted on January 8 and released on January 10, 1975, by the Chief, Common Carrier Bureau, a request dated December 23, 1974, by the NARUC Subcommittee of Staff Experts on Accounting (NARUC Subcommittee) for an extension of time to May 20, 1975, was denied except to the extent that it was granted, in part, by the Order adopted on December 3, 1974.

2. In its letter of January 21, 1975, the New York Commission reiterates the position stated in its earlier letter, viz., that the time for filing comments in this proceeding, even with the extension of time granted in our December 3, 1974, Order, does not allow sufficient time for its staff to make the examination it feels is necessary of the New York Telephone Company's engineering procedures for implementing Equal Life Group (ELG) depreciation. This matter was addressed in both our December 3, 1974, and January 8, 1975, orders, and there is nothing additional in this regard offered in the New York Commission's January 21, 1975, request to warrant a further extension of the time for filing comments in this proceeding. However, we have been advised that the American Telephone and Telegraph Company is planning on making a presentation to the NARUC Sub-Committee in early March with regard to the subcommittee's concern regarding potential difficulties in verifying ELG depreciation rate data should the procedures be accepted by this Commission and made a part of our accounting Rules. To the extent, therefore, that certain additional material or information in this matter may be made available to members of the NARUC Subcommittee at that time, a further extension of time for filing comments in this proceeding beyond the date of the subcommitte's meeting appears justified in order to provide additional time for review of such data.

3. Accordingly, *it is ordered*, Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing comments in the above captioned proceeding is hereby further extended to March 24, 1975, and the time for filing reply comments is hereby further extended to May 26, 1975. In granting this further extension of time, we believe sufficient time has been made available to all interested persons within which to file their comments. We, therefore, urge all interested persons to take appropriate steps to file their comments within the time periods established in this proceeding.

Adopted: February 13, 1975.

Released: February 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.75–5114 Filed 2–25–75;8:45 am]

[47 CFR Part 73]

[Docket No. 20358; RM–2266]

FM BROADCAST STATIONS, TENNESSEE

Table of Assignments

1. On October 3, 1973, Sam C. Phillips (Phillips) filed a petition proposing the assignment of FM Channel 232A to Germantown, Tennessee. Germantown (population 3,474),[1] incorporated in 1912, is located in Shelby County (population 722,014) on U.S. Highway 72, adjacent to the eastern city limits of Memphis, Tennessee, and is a part of the Memphis Urbanized Area. Channel 232A could be assigned to Germantown in conformance with the Commission's minimum mileage separation rule and without affecting any other FM assignment in the FM Table of Assignments. Germantown has no local broadcast transmission service.

2. In support of the petition, Phillips submitted information and data with respect to Germantown, e.g. population, education, industry, employment and income, the form of government, and facilities. In addition, Phillips submitted statements from 35 Germantown city officials, civic leaders, business and professional men, and average residents regarding the growth of the community and the need for a first local transmission service. The petitioner also submitted population density and growth figures from a 1973 study report by Allen and Hoshall, consulting engineers, Memphis. This report indicates that Germantown's population has increased 214.7 percent between 1960 and 1970 (from 1,104 to 3,474 population). Germantown is located within the service contours of many Memphis stations. However, Phillips states that Germantown has a separate economic viability and public community interest that can be aided by assignment of the facility requested.

3. The petitioner avers that the proposed assignment would cause no preclusions on the six adjacent channels. However, we are told that assignment of Channel 232A would be precluded in a roughly rectangular area, approximately 48 miles in an east-west direction and approximately 22 miles in a north-south direction including within it the city of Memphis. However, the channel cannot be utilized as a Memphis assignment because of the large area covered by Memphis. Phillips indicates that the proposed assignment operating with a transmitter site in the vicinity of Germantown would serve more than one-half of this precluded area. A staff study shows that West Memphis, Arkansas (population 25,892) with only a daytime-only station (KSUD) is located in the preclusion area. Since the proposed assignment would foreclose its usage at West Memphis, petitioner should indicate whether any other channels are available for assignment there.

4. We believe that petitioner has made a sufficient public interest showing to warrant issuance of a notice of proposed rule making.

5. Accordingly, pursuant to authority contained in sections 4(i), 303 and 307 (b) and 5(d) (1) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's rules and regulations, it is proposed to amend § 73.202 (b) of the Commission's rules and regulations, the FM Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Germantown, Tenn.		232A

6. *Showings required.* Comments are invited on the proposal discussed and set forth above. The proponent of the proposed assignment is expected to file comments that are responsive to all questions raised by this Notice. The proponent should also restate his present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

7. *Cut-off procedure.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 11, 1975, and reply comments on or before April 30, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments must be served on the petitioner. Reply comments must be served on the person(s) who filed the comments to which the reply is directed.

9. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: February 12, 1975.

Released: February 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–5117 Filed 2–25–75;8:45 am]

[47 CFR Part 73]

TELEVISION BROADCAST STATIONS IN CALIFORNIA

[Docket No. 20361, RM–2408]

Table of Assignments

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration the petition for rule making filed by the Associates for Creative Enterprise in Media (ACE Media) requesting the amendment of § 73.606(b) of the Commission's rules and regulations, proposing the assignment of Channel 35 to Salinas-Monterey, California. Presently assigned to Salinas-Monterey are Channels 8, 46, *56 and 67.

2. Salinas (pop. 58,896)[1] is the largest city in Monterey County (pop. 250,071). Monterey (pop. 26,302) is the third largest city in that county. Neighboring communities, including Seaside (pop. 35,935), Pacific Grove (pop. 13,505) and Carmel-by-the-Sea (pop. 4,525), comprise the Salinas-Monterey standard metropolitan statistical area (pop. 139,163).

3. Currently the Salinas-Monterey area is served by two local commercial television stations—KMST, Channel 46, a CBS affiliate, and KSBW, Channel 8, an NBC affiliate. (An application for use of Channel 67 is pending (BPET–464).) Additional direct broadcast commercial service is offered to part of the area by KNTV, Channel 11, San Jose, an ABC affiliate. Television translator Station K56AA, operated by the Monterey County Office of Education, uses Channel *56 to rebroadcast signals originated by KTEH, Channel *54, San Jose. Supplemental indirect service is provided by KGSC–TV, Channel 36, San Jose, which operates translator Station K29AB, Salinas-Monterey. Other services are provided by CATV systems which import signals from San Francisco, Oakland, San Jose, and other localities. Two local newspapers are available to Salinas-Monterey residents.

4. Petitioner has compiled a program typology by surveying and monitoring stations for certain hours during a thirty-day period. The results demonstrate that during approximately 68 percent of the aggregate of those hours viewers watched network or syndicated entertainment. Petitioner emphasized in its analysis that minority group oriented programming, provided by one station, comprised only 0.14 percent of the total viewing hours. It was also noted that 21 percent of the Salinas-Monterey residents were Spanish speaking or Spanish surname individuals and 20.45 percent of the contiguous community of Seaside are listed as Black. Petitioner cited these figures to support its allegation that there is a deficiency of minority-oriented programming and expressed an intent to serve the needs of minority groups.

5. Petitioner states that it intends to apply for a construction permit if the proposed assignment is made and if granted, will promptly begin to construct a station.

6. With respect to the technical feasibility of the proposed assignment, existing TV assignments will not be affected. However, opposition is noted by the Continental Urban TV Corporation, licensee of Station KGSC–TV, Channel 36, San Jose, California. It complains that its translator station, K29AB, serving part of the Salinas-Monterey area, will be unable to effectively operate due to interference to reception of the signal of its primary station caused by the proposed assignment of Channel 35 to the Salinas-Monterey area.

[1] All population figures are from the 1970 U.S. Census, unless otherwise indicated.

[1] All population figures are from the 1970 Census unless otherwise specified.

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7. Alleged interference to the operation of translator stations is of relatively minor consequence in considering TV channel assignments. It is Commission policy, as expressed in § 74.702(c)(3) of the Commission's rules and regulations, that ". . . [c]hanges in the Television Table of Assignments (§ 73.606(b) of this chapter) may be made without regard to existing or proposed television broadcast translator stations. . .". Thus, new assignments of TV channels may be made irrespective of interference to an existing translator station, with the translator operator having the burden of making necessary adjustments. In the present case, operation of the proposed Channel 35 at Salinas-Monterey (if the channel is assigned as proposed) would have the potential of serving an area of 15,000 square miles, while the translator in that community can serve only a limited area. In connection with the alleged interference to reception by the translator of the signal of its parent station, the extent of such interference, if it occurs, could not be determined until such time as a transmitter for the use of the proposed Channel 35 assignment is made known. Various methods do exist for correcting interference problems in many cases.

8. In view of the above, and pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is Proposed to Amend § 73.606(b) of the Commission's rules and regulations, the TV Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Salinas-Monterey, Calif.....	8+, 46−, *56, 67−	8+, 35−, 46−, *56, 67−

9. *Showings required.* Comments are invited on the proposal discussed above. In initial comments, proponent will be expected to answer whatever questions are presented herein. The proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

10. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

11. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments on or before April 11, 1975, and reply comments on or before April 30, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

12. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

13. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

Adopted: February 14, 1975.

Released: February 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-5115 Filed 2-25-75;8:45 am]

[47 CFR—Part 73]

[Docket No. 20357 RM-2379]

TELEVISION BROADCAST STATIONS, WASHINGTON

Table of Assignments

1. Notice of proposed rule making is hereby given concerning proposed amendment of § 73.606(b) of the Commission's rules and regulations, the Television Table of Assignments, to delete Channel 24 from Bellingham, Washington, and reassign it to Anacortes, Washington.

2. Anacortes (pop. 7,701),[1] located in northwest Washington on Fidalgo Island, is the second largest city in Skagit County (pop. 52,381). We are told that it is an important seaport, handling commercial and ferry traffic from Vancouver Island (British Columbia) and that it has a firm industrial base consisting of petroleum refining, fisheries and lumber and plywood manufacture. The petitioner, Ceorl Corporation, indicates that economy of Skagit County will be enhanced in the near future due to recent zoning and planning approval for a new nuclear plant and the zoning of 120 acres of land for industrial purposes with the hope that it will become a new industrial park.

3. Bellingham (pop. 39,375) from which the petitioner proposes to delete Channel 24, is located eighteen miles north-northeast of Anacortes. The petitioner states that it intends to locate its antenna on Erie Mountain in Anacortes and, from that location, provide service to the western portion of Skagit County (which would include the communities of Mt. Vernon, pop. 8,804; Burlington, pop. 3,133; and Sedro-Wooley, pop. 4,593) and San Juan (pop. 3,856) and Island (pop. 27,011) counties. The petitioner avers that the eastern portion of Skagit County, which it does not propose to serve, is timberland, mountainous and sparsely populated. Although not stated, it appears that the proposed assignment would also provide service to Bellingham.

4. The petitioner states that the more than 65,000 persons who would be served by the proposed assignment are presently within the Grade A contour of only one television station (KVOS-TV, Bellingham) and are on the fringe of Grade B contours of three commercial television stations (KOMO-TV, KING-TV, Seattle; KSTW, Tacoma) and an educational station (KCTS-TV), Seattle). It further states that this proposal is in the public interest because it would provide a first local television service. It should be noted that deletion of Channel 24 from Bellingham would still leave Bellingham with two unoccupied television assignments, one commercial and one noncommercial educational, as well as operating Station KVOS-TV. As such it would appear that the petitioner has made a sufficient public interest showing to merit further consideration of its proposal in a rule making proceeding.

5. Anacortes is located within 250 miles of the U.S.-Canadian border. Therefore, under the Canadian-United States Television Agreement, the proposed amendment requires the consent of the Canadian government. This consent has been obtained.

6. Accordingly, pursuant to authority contained in sections 4(i), 303 and 307(b) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.606(b) of the Commission's rules, the Television Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Anacortes, Wash.....		24
Bellingham, Wash.....	12+, 24, *34, 64	12+, *34, 64

[1] All population figures are from the 1970 U.S. Census.

7. *Showings required.* Comments are invited on the proposals discussed and set forth above. The proponent of the proposed assignment is expected to file comments even if it only resubmits or incorporates by reference its former pleadings. The proponent should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

8. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d).)

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed after that date, they will not be considered in connection with the decision herein.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 11, 1975, and reply comments on or before April 30, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments must be served on the petitioner. Reply comments must be served on the person(s) who filed the comments to which the reply is directed.

10. In accordance with the provisions of § 1.419 of the rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

Adopted: February 12, 1975.

Released: February 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-5116 Filed 2-25-75;8:45 am]

[47 CFR Parts 81, 83]

[Docket No. 20355]

CLASS II PUBLIC COAST STATION

Ship to Shore Communications

In the matter of amendment of Parts 81 and 83 of the Commission's rules to provide for a Class II Public Coast Station in the vicinity of Agana, Guam.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. This proposal is being issued as a result of an application for a Class II Public Coast Station at Agana, Guam, from the Marianas Telephone Company. The petitioner's application, in effect, requests that the Commission's rules be amended so as to make available for assignment a pair of frequencies for public ship-shore communications in the vicinity of Agana, Guam.

3. The applicant states that there is presently no public ship-shore communications available in the vicinity of Guam and that such service is urgently needed in the area as the nearest U.S. authorized Class II Public Coast Station is located in Honolulu, Hawaii, which cannot serve the needs of the local boating public.

4. It is proposed that the coast station carrier frequency 2506 kHz and the ship carrier frequency 2009 kHz be assigned for Class II Public Coast service at Agana, Guam.

5. It is believed that the proposed rule amendment would provide for more effective utilization of maritime frequencies in the public interest in that it would make a frequency pair available for direct service to an area which apparently is not now adequately served under the present frequency plan.

6. The proposed amendment, as set forth below, is issued pursuant to the authority contained in sections 4(i) and 303(c), (d), (f), and (r) of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 1, 1975, and reply comments on or before April 11, 1975. Section 1.419 of the rules requires the original and fourteen (14) copies of comments or reply comments to be filed. Comments and reply comments received in response to this notice of proposed rule making will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: February 11, 1975.

Released: February 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

A. The table in § 81.306(b) is amended by the addition of the following new location and frequencies before the entry for Boston, Massachusetts:

§ 81.306 Frequencies available below 27.5 MHz.

• • • • •

Agana, Guam.....	2,506	.....	5	2,009 5

• • • • •

B. The Table in § 83.354(b) is amended by the addition of the following new location and frequencies before the entry for Boston, Massachusetts.

§ 83.354 Frequencies below 5000 kHz for public correspondence.

• • • • •

Agana, Guam.....	2,009	.....	5	2,506 5

• • • • •

[FR Doc.75-5118 Filed 2-25-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Fiscal Service

BUREAU OF THE PUBLIC DEBT

Public Notice of Closing of the Chicago Office

Public notice is hereby given that all functions of the Chicago Office of the Bureau of the Public Debt, located at 536 South Clark Street, Chicago, Illinois, have been transferred to the Bureau's Savings Bonds Operations Office at Parkersburg, West Virginia. Its address is: Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101. The Chicago Office will be officially closed as of February 28, 1975.

Dated: February 21, 1975.

H. J. HINTGEN,
Commissioner of the Public Debt.

[FR Doc.75-5095 Filed 2-25-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON NAVAL SURFACE WARFARE

Meeting

A Defense Science Board Task Force on "Naval Surface Warfare" will meet in closed session on March 24-25, 1975 at the Pentagon, Arlington, Virginia.

The mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering regarding the adequacy and directions of U.S. programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations.

The Task Force will concentrate first on U.S. programs in tactical surface surveillance, targeting, command and control, and weaponry for surface engagement to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that the Task Force meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 21, 1975.

[FR Doc.75-5067 Filed 2-25-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92-463, notice is hereby given that the Defense Science Board Task Force on "Training Technology" will meet in open session on 17 March 1975 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current effectiveness of DoD programs and management in the R&D area of Training Technology to serve as the basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

At this meeting, a presentation will be given by Mr. Ray Fox and others of the National Security Industrial Association, on Industry Views on Training Technology.

Due to limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address listed below by March 13, 1975. Notices should include information with respect to interest and degree of participation.

Lt. Col. Henry L. Taylor, Executive Secretary, DSB Task Force on Training Technology, ODDR&E, Room 3D129, Pentagon, Washington, D.C. 20301.

Telephone inquiries may also be made to Lt. Col. Taylor at (202) 695-9777.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

FEBRUARY 24, 1975.

[FR Doc.75-5179 Filed 2-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

[INT DES 75-2]

Bureau of Indian Affairs

CROW RESERVATION AND CEDED AREA

Coal Development; Availability of Draft Environmental Statement

The date for receiving comments on the Department of the Interior's environmental programmatic statement which projects the anticipated environmental impacts of coal development on the Crow Reservation and Ceded Area has been extended to March 31, 1975.

The notice of availability appearing in Volume 40, Number 14 of the FEDERAL REGISTER dated January 21, 1975 established the closing date of March 10, 1975 for receipt of comments.

Dated: February 21, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-5100 Filed 2-25-75;8:45 am]

CROW INDIAN RESERVATION DRAFT ENVIRONMENTAL STATEMENT

Revision of Public Hearing Date on Projected Coal Development

The public hearing for receiving public comments regarding the Department of the Interior's Draft Programmatic Environmental Statement has been changed to 10 a.m. March 26, 1975 at the Crow Tribal Headquarters, Crow Agency, Montana.

The notice of public hearing setting the initial hearing date of February 26, 1975 appeared in Volume 40, Number 14 of the FEDERAL REGISTER dated January 21, 1975.

Dated: February 21, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-5101 Filed 2-25-75;8:45 am]

Bureau of Land Management

[M-30915]

MONTANA

Application

FEBRUARY 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Montana-Dakota Utilities Company has applied for a 4 inch natural gas pipeline right of way across the following lands:

PRINCIPAL MERIDIAN, MONTANA

T. 2 N., R. 45 E.,
Sec. 34, NE¼NE¼.

This pipeline will convey natural gas across 0.299 miles of national resource lands in Custer County, Montana.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and address to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

DONALD W. WIRTH,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5046 Filed 2-25-75;8:45 am]

[NM 24520]

NEW MEXICO

Application

FEBRUARY 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a dehydration site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 25 S., R. 29 E.,
Sec. 25, NE¼NW¼.

This 5-acre site is necessary to maintain and operate natural gas pipeline on national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5045 Filed 2-25-75;8:45 am]

[NM 24518, 24519, 24564, 24566]

NEW MEXICO

Notice of Applications

FEBRUARY 18, 1975.

Notice is hereby given that, pursuant to section 28 of the Mieral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 23 S., R. 26 E.,
Sec. 20, NE¼NE¼, S½NE¼.
T. 20 S., R. 28 E.,
Sec. 15 SW¼NE¼, SE¼SW¼, W½SE¼.
T. 21 S., R. 29 E.
Sec. 5, lots 10, 11, 12, 14, 15;
Sec. 6, lot 9.
T. 19 S., R. 34 E.,
Sec. 8, SE¼NE¼;
Sec. 9, S½N½.

These pipelines will convey natural gas across 3.358 miles of national resource lands in Eddy and Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5044 Filed 2-25-75;8:45 am]

Fish and Wildlife Service

WATERFOWL ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name: Waterfowl Advisory Committee.
Date: March 16, 1975.
Place: Ballroom 3, Pittsburgh Hilton Hotel, Gateway Center, Pittsburgh, Pennsylvania 15230.
Time: 4 p.m.
Purpose of meeting: The Committee will discuss selected waterfowl management issues, including shooting hours.

This meeting will be open to the public. Persons wishing to attend should notify the Director, United States Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202-343-8827. Statements of interested persons other than Committee members must be filed in writing with the Director before or after the meeting. To the extent time permits, the chairman of the meeting will accept brief oral statements from the public at the close of the Committee's agenda providing such statements are also submitted in writing before or after the meeting.

LYNN A. GREENWALT,
Director, United States Fish and Wildlife Service.

FEBRUARY 21, 1975.

[FR Doc.75-5104 Filed 2-25-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M75-83]

BELL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Bell Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 4 and No. 5 mines, Arjay, Kentucky.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways. Petitioner's alternate method is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water, snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

5. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturers brakes.
(b) Engine or Jacobs brakes.
(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained. Where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 26, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

FEBRUARY 19, 1975.

[FR Doc.75-5043 Filed 2-25-75;8:45 am]

[Docket No. M 74-130]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. Section 861(c) (1970), Island Creek Coal Company has filed a petition[1] to modify the application of 30 CFR 75.1405 to its Providence Mine located in Providence, Kentucky, and the following mines located in Madisonville, Kentucky:

Crescent Mine
No. 9 Mine
Hamilton #1 Mine
Ohio #11 Mine
Hamilton #2 Mine

30 CFR 75.1405 provides:

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V 40 I 39 FEB 26 75 XUM

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970. Petitioner seeks to amend its petition as follows:

1. All statements made in Petitioner's original petition for modification filed April 17, 1974, and all statements made in Petitioner's amended petition filed August 23, 1974, with the Office of Hearings and Appeals are hereby reaffirmed and restated, as if recited verbatim herein.

2. Petitioner states that the alternate type of coupling device noted in its amended petition is a semi-automatic type coupler consisting of frame-mounted metal coupling devices with a bar mechanism for placement of the coupling pin which allows the operator to couple and uncouple the cars without positioning himself between cars. The bar mechanism has the further capability of being locked in the open position to allow the operator to maneuver a battery tractor into coupling position while remaining in the tractor seat. The particular design of the coupler allows coupling to be perfected without complications or danger to any person even at a wide angle from the center point and also allows considerable movement (not found in automatic-type couplers) necessary to compensate for unlevel track and mine floor, curves, and off-track operation. There will be no necessity of manual movement of coupling parts, other than the external bar-lever apparatus. (See attached drawing.)[2]

3. Petitioner states that the alternate type of coupling system will at all times guarantee no less than the same measure of protection afforded the miners at the subject mines by application of the mandatory standard, and because of the specific circumstances encountered in the subject mines will actually provide a greater measure of protection than the mandatory standard.

4. Petitioner further states that the use of automatic coupling devices in the subject mines would create safety hazards which are a factor in neither the currently used coupling system nor in the alternate system hereinabove mentioned.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 28, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-5042 Filed 2-25-75;8:45 am]

[2] The original petition was published in 39 FR 8673 on May 29, 1974.

[2] The drawing referred to as attached to the petition will be available for inspection at the address mentioned in the last paragraph of the notice.

Office of Hearings and Appeals

[Docket No. 75-85]

YOUGHIOGHENY AND OHIO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Youghiogheny and Ohio Coal Company has filed a petition to modify the application of 30 CFR 75.1701 to its Nelms No. 1 Mine, Martins Ferry, Ohio.

30 CFR 75.1701 provides:

Whenever any working place approaches within 50 feet of abandoned areas in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within 200 feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled a distance of at least 20 feet in advance of the working face of such working place and shall be continually maintained to a distance of at least 10 feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing working face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled not more than 8 feet apart in the rib of such working place to a distance of at least 20 feet and at an angle of 45 degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of miners in such place.

1. Petitioner's alternate method calls for drilling 35-foot deep holes at a 30 degree angle to the rib at intervals of 20 feet.

2. The alternate method provides certain safety advantages over the application of the mandatory safety standard. Whereas test holes required by § 75.1701 assure protection to a point 14.14 feet from the gob-side rib and 6.41 feet in advance of where the face will be when the cut is completed, the alternative test holes assure protection 17.5 feet from the gob-side rib and 10.31 feet in advance of where a 20-foot continuous miner cut will be completed.

3. The proposed alternate method will at all times provide no less than the same measure of protection afforded by the application of the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition for furnish comments on or before March 28, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

FEBRUARY 19, 1975.

[FR Doc.75-5032 Filed 2-25-75;8:45 am.]

Office of the Secretary

NATIONAL PETROLEUM COUNCIL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Industrial Task Group of the Committee on Energy Conservation will meet on March 13, 1975, in the offices of the National Petroleum Council, 1625 K Street NW., Washington, D.C., starting at 9:30 a.m. The agenda includes the following items:

1. Review task group members' progress on the Phase II report on energy conservation.
2. Discuss the Coordinating Subcommittee's/Consumer Task Group's input regarding Phase II.
3. Discuss any other matters pertinent to the overall assignment of the Task Group.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedure.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343-7976.

Dated: February 21, 1975.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-5141 Filed 2-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL PEANUT ADVISORY COMMITTEE

Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the National Peanut Advisory Committee for the purpose of advising the Secretary and other officials on domestic and export requirements for peanuts, production adjustments, and stabilization programs, and other matters relating to this commodity. The Secretary has determined that renewal of this committee is in the public interest in connection with the duties imposed on the Department by law.

The chairman of this committee is the Assistant Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Washington, D.C. 20250.

This notice is given in compliance with Pub. L. 92-463.

Signed at Washington, D.C. on February 21, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.75-5078 Filed 2-25-75;8:45 am]

PROPOSED RICE ACT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Agricultural Stabilization and Conservation Service, Department of Agriculture, has prepared a draft environmental statement on the proposed Rice Act. While the draft environmental statement was prepared in connection with H.R. 15263 which failed of passage in the 93rd Congress, it is also applicable to H.R. 201 introduced in the new Congress. The proposed legislation would provide authority for a program relating to the production and marketing of rice for the 1975 through 1977 crops.

The impact of this commodity on the environment is limited and the proposed program is not anticipated to substantially change the effect. There are, however, some environmental effects associated with the crop that are inescapable under any type of agricultural commodity program. This commodity is almost totally grown on irrigated farms and as with other crops, fertilizers, herbicides, pesticides, etc., are a necessary part of production practices.

The draft statement was filed with the CEQ on December 11, 1974. Copies of the statement are being forwarded to all State Clearinghouses in the major Rice Producing States of Arkansas, California, Louisiana, Mississippi and Texas, various conservation and environmental organizations and Federal agencies as outlined in the CEQ guidelines. Copies of the statement are available for inspection during regular working hours at USDA, Agricultural Stabilization and Conservation Service, Room 4702-South Building, 14th & Independence Avenue, SW., Washington, D.C. 20250, and at the State office for the Agricultural Stabilization and Conservation Service in each State. A limited number of single copies are available upon request to the Washington, D.C. office.

Comments concerning the proposed action should be addressed to the Director, Cotton, Rice, and Oilseeds Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

Any substantive comments received on this draft environmental statement before final action on the legislation will be forwarded to the appropriate congressional committee(s).

Signed at Washington, D.C. on February 19, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-5079 Filed 2-25-75;8:45 am]

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 A.M., April 16-17, 1975, in Room 104-A, Administration Bldg., U.S. Department of Agriculture, Washington, D.C.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of funds for fiscal year 1976. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone 202-447-2301.

Dated: February 18, 1975.

R. L. LOVVORN,
Administrator.

[FR Doc.75-5080 Filed 2-25-75;8:45 am]

Farmers Home Administration

[Designation Number A147]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Buena Vista	Mitchell
Cherokee	O'Brien
Chickasaw	Osceola
Clay	Plymouth
Lyon	Sioux

The Secretary has found that this need exists as a result of natural disasters consisting of a blizzard January 10 through 12, 1975, in all counties except Chickasaw County which had drought May 5 through June 23, 1974, excessive rainfall July 6 through July 30, 1974, and a killing frost September 22, 1974; and Mitchell County which had a killing frost September 3, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 21, 1975, for physical losses and November 19, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C. this 21st day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-5143 Filed 2-25-75; 8:45 am]

[Designation Number A144]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas:

Hunt Reagan

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 20 to August 26, 1974, excessive rainfall August 27 to December 12, 1974, and severe insect damage caused by the adverse weather conditions August 26 to December 12, 1974, in Hunt County and drought September 30, 1973, to September 15, 1974, and excessive rainfall September 15 to October 30, 1974, in Reagan County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 11, 1975, for physical losses and November 11, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 20th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-5144 Filed 2-25-75;8:45 am]

Forest Service

ROCK CREEK ADVISORY COMMITTEE

Notice of Meeting

The Rock Creek Advisory Committee will meet at 7 p.m. on March 18, 1975. Meeting place will be in Drummond, Montana in the Catholic Church basement.

The purpose of this meeting is to continue Committee review of the planning processes and review and critique of management options in Upper Rock Rock Creek.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written

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statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: February 12, 1975.

ROBERT W. DAMON,
Forest Supervisor,
Deerlodge National Forest.

[FR Doc.75-5047 Filed 2-25-75;8:45 am]

EXPERT PANEL ON NITRITES AND NITROSAMINES

Meeting and Agenda

Notice is hereby given of a meeting of the Expert Panel on Nitrites and Nitrosamines to be held in Room 218A (Conference Room), Administration Building, 14th and Independence Avenue, SW., Washington, D.C., March 28, 1975, at 9:30 a.m. This is the sixth scheduled meeting of the Panel.

There will be no formal agenda for the Panel meeting. The Panel will continue developing recommendations with respect to nitrite use for submittal to the Secretary of Agriculture. Discussions will be primarily limited to Panel participation; however, where appropriate, public comment and questions will be solicited during the course of the meeting.

The meeting will be open to the public and under the direction of the Panel Chairman or his designee. Written statements may be filed with the Panel before or after the meeting. Any member of the public who wishes to attend or who has further questions should contact the Issuance Coordination Staff, Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 4905, South Agriculture Building, Washington, D.C. 20250, Area Code (202) 447-6189. Any person who wishes to file a statement may send such statement to the Issuance Coordination Staff at the above address.

Dated: February 20, 1975.

HARRY C. MUSSMAN,
Executive Secretary.

[FR Doc.75-5061 Filed 2-25-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SS SANTA ROSA

Invitation for Bids for Sale for Operation or for Scrapping

Notice is hereby given that pursuant to the provisions of section 1105 of the Merchant Marine Act, 1936, as amended, the Maritime Administration has issued Invitation for Bids No. PD-X-994, dated February 25, 1975, inviting sealed bids for the purchase of the SS Santa Rosa, Official No. 276598, located at the James River, Virginia, Reserve Fleet.

The SS Santa Rosa is a P2-S2-11A twin kingpost steam screw passenger and freight vessel built in 1958 by Newport News Shipbuilding and Dry Deck Company. The ship is of 11,353 gross registered tons, 540.3' registered length, 64.1' in breadth, 29.5' in depth and with a draft of 27' 2".

The Maritime Administration is inviting sealed bids from citizens and noncitizens of the United States. The ship may be purchased for operation in permissible world trade or for scrapping within the United States or in a friendly foreign country.

The ship is offered for sale on an "as is, where is" basis under the terms and conditions set forth in the Invitation.

No published minimum acceptable bid price is placed on this ship. The Contract of Sale to be given in connection therewith shall be executed within 45 days from the date of award of the ship to the Buyer. The Buyer shall pay to the Maritime Administration, in cash, or certified or cashier's check made payable to "Maritime Adm.-Commerce", concurrently with the execution of the contract, the full purchase price of the ship, if purchased for cash, or an amount not less than twenty-five (25) percent of the purchase price of the ship, if purchased under mortgage terms.

A ten (10) percent bid deposit is required with each bid.

The Maritime Administration reserves the right to reject any and all bids received.

Each bid for operation is to be accompanied by a suitably detailed outline of the proposed operation of the ship, together with sufficient detail concerning the financial resources of the bidder to enable the Maritime Administration to determine the ability of the bidder to consummate the transaction and operate the ship in the manner contemplated.

Bids will be received until 2:15 p.m., Eastern Daylight Time, March 27, 1975, and public opening will be held at that time on that date at the offices of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C. 20230.

Any person, firm or corporation desiring to submit bids pursuant to the foregoing notice may obtain copies of the Invitation for Bids No. PD-X-994 by writing to Burt Kyle, Director, Office of Domestic Shipping, Maritime Administration, Room 6616, Commerce Building, Washington, D.C. 20230, or if calling in person may pick up same in Room 6628, Department of Commerce, Washington, D.C.

Dated: February 20, 1975.

By Order of the Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-5146 Filed 2-25-75;8:45 am]

National Oceanic and Atmospheric Administration

AQUARIUM SYSTEMS INC.

Withdrawal of Permit Application for Marine Mammals

On October 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 36882), that an application had been filed with the National Marine Fisheries Service by the Aquarium Systems Inc., 1450 East 289 Street, Wickliffe, Ohio 44092 and the Aquarium of Niagara Falls, New York, for a permit to take two (2) California sea lions (*Zalophus californianus*), for the purpose of public display at the Aquarium of Niagara Falls, New York.

Notice is hereby given that the Aquarium Systems Inc. and the Aquarium of Niagara Falls have requested to withdraw the application, and that the request to withdraw was acknowledged and accepted without prejudice by the National Marine Fisheries Service on November 27, 1974.

Dated: February 18, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-5130 Filed 2-25-75;8:45 am]

BROOKFIELD ZOO

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Brookfield Zoo, Chicago Zoological Park, Brookfield, Illinois 60513, to take one (1) Atlantic bottlenose dolphin (*Tursiops truncatus*) for the purpose of public display.

The bottlenosed dolphin will be taken by a professional collector from the Gulf of Mexico, either in coastal waters of the State of Florida or coastal waters of the State of Mississippi, by means of standard shallow water net techniques. The dolphin is intended to be taken during 1975.

The dolphin will be maintained and displayed, along with three other dolphins, in an enclosed pool measuring 100 feet long, 25 feet wide and up to 18 feet deep, with a capacity of 190,000 gallons of water.

Care and maintenance is provided by a staff of five senior staff members, with from six to thirteen years experience, and a staff veterinarian.

The arrangements and facilities for transporting and maintaining the marine mammal requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammal involved.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before March 28, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 20, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-5122 Filed 2-25-75;8:45 am]

LAFAYETTE PARK ZOO

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Lafayette Park Zoo, 3500 Granby Street, Norfolk, Virginia 23508, to take one (1) California sea lion (*Zalophus californianus*) for the purpose of public display.

The Applicant requests a permit in order to retain a female California sea lion, which was found stranded in a coastal area of Norfolk, Virginia on October 8, 1974, and was placed into the care of the Applicant by local officials for the purpose of nursing it back to health, in accordance with the provisions of section 109 of the Marine Mammal Protection Act. In the opinion of the Applicant this sea lion could not survive in the wild.

This sea lion will be maintained, along with three other sea lions currently held at the Lafayette Park Zoo, in a facility with a pool 4½ feet deep, 41 feet wide, 55 feet long, and a 65,000 gallon capacity.

James L. Bousquet, the superintendent of the Zoo, has had considerable experience with marine mammals. He has worked with seals at Lodi, California; Fresno, California; San Francisco, California; and Providence, Rhode Island. The Zoo also has a full-time zoologist on the staff, and a veterinarian who is available on call.

The Lafayette Park Zoo is a municipal zoo which hosts an estimated 350,000 persons annually.

The arrangements and facilities for maintaining the marine mammal requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the California sea lion.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before March 28, 1975 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 6, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management National Marine Fisheries Service.

[FR Doc.75-5125 Filed 2-25-75;8:45 am]

MARINE MAMMALS

Notice of Fish Import Certifications From Iceland, Ireland, and France

Regulations established in accordance with the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407, (published in 39 FR 32117 on September 5, 1974) provide that a nation may make certification regarding vessels fishing under its flag in order to permit importation into the United States of certain of its fish and fishery products.

The Director, National Marine Fisheries Service, has received and accepted certifications from the Governments of Iceland, Ireland, and France that vessels fishing under their flags are fishing in conformance with U.S. regulations regarding the taking of marine mammals incidental to commercial fishing operations.

Copies of certifications are on file and available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: February 28, 1975.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.75-5131 Filed 2-25-75;8:45 am]

OHIO STATE UNIV.

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Dr. Tony J. Peterle, Chairman, Department of Zoology, College of Biological Sciences, The Ohio State University, 1735 Neil Avenue, Columbus, Ohio 43210, to import tissues of the following cetacean species for the purpose of scientific research.

Fin whale	*Balaenoptera physalus.*
Sei whale	*Balaenoptera borealis.*
Minke whale	*Balaenoptera acutorostrata.*
Humpback whale	*Megaptera novaeangliae.*
Right whale	*Eubalaena australis.*
Sperm whale	*Physeter catadon.*
Common dolphin	*Delphinus delphis.*
Common dolphin	*Delphinus sp.*
Bottlenosed dolphin.	*Tursiops truncatus.*
Striped dolphin	*Stenella coeruleoalba.*
Risso's dolphin	*Grampus griseus.*
Ganges dolphin	*Platanista gangetica.*
Franciscana dolphin.	*Pontoporia blainvillei.*
Amazon dolphin	*Inia geoffrensis.*
Finless dolphin	*Neomeris phocaenoides.*
Dall's porpoise	*Phocoenoides dalli.*
True's porpoise	*Phocoenoides truei.*

The Applicant requests a permit to import these samples for research on the level of pollutants found in the marine ecosystem. The samples are of brain blubber, muscle, liver, endocrine glands and bone. From each a sample part of the tissue will be immediately analyzed while the remainder will be preserved for future study. The techniques of analyses include gas and thin-layer chromotography, atomic absorption spectrometry and mass spectrometry. The specimen materials were previously collected by Dr. George Pilleri, of the Brain Anatomy Institute, Bern, Switzerland, in the course of his work at various locations throughout the world. The Applicant states that no live animals are to be imported for this research.

The Applicant has been advised that a separate application for a permit under the Endangered Species Act of 1973 is necessary for specimens of species subject to that legislation.

Documents submitted in connection with the above applications are available

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for review at the following locations: Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and the Office of the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235 on or before March 28, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 13, 1975.

WALTER KIRKNESS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-5129 Filed 2-25-75;8:45 am]

PORTLAND ZOOLOGICAL GARDENS

Receipt of Application for a Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Portland Zoological Gardens, 4055 S.W. Canyon Road, Portland, Oregon 97221, to take up to ten (10) Pacific harbor seals (*Phoca vitulina richardii*) for the purpose of public display.

The applicant proposes to take up to ten harbor seal pups and maintain them as part of the zoo's display. The animals to be taken are principally those reported by the Oregon Game Department or other government agency as abandoned. The applicant states that mature animals are not to be taken.

The seals will be held in the zoo's nursery area while the zoo's seal pool is being renovated. The nursery includes two indoor enclosures of 175 square feet each with adequate pool facilities and two adjacent outdoor areas of 700 square feet each. The renovated seal pool will measure 55 feet in diameter and 8 feet in depth with a capacity of about 50,000 gallons.

The Portland Zoo is operated by the city of Portland and is visited by some two-thirds of a million people a year. A nominal admission fee is charged.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review at the following locations: Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before March 28, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 12, 1975.

WALTER KIRKNESS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-5124 Filed 2-25-75;8:45 am]

MORRO BAY AQUARIUM

Receipt of Application for a Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Morro Bay Aquarium, 595 Embarcadero, Morro Bay, California 93442, to take two (2) California sea lions (*Zalophus californianus*) and two (2) Pacific harbor seals (*Phoca vitulina richardii*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the California Channel Islands. The animals will be collected during the period of November to April.

The Pacific harbor seals will be taken in the Morro Bay area by the applicant.

The animals will be maintained in three tanks which measure 16 feet long by 10 feet wide by six feet deep, 12 feet long by 10 feet wide by 4 feet deep and ten feet long by 10 feet wide by 2½ feet deep, respectively. Two of the tanks are equipped with haul-out platforms and each tank is supplied with 47,000 gallons of sea water every day.

The display is open seven days a week and is visited by over 20,000 people a year. The Morro Bay Aquarium is a profit making corporation. School groups regularly visit the facility. Mr. Dean Tyler, Curator, has ten years experience in displaying marine mammals. Veterinary services are available, if needed, by a local veterinarian.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before March 26, 1975, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 6, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management National Marine Fisheries Service.

[FR Doc.75-5126 Filed 2-25-75;8:45 am]

NAVAL UNDERSEA CENTER

Modification of Permit

Notice is hereby given that, pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Naval Undersea Center, Biosystems Research Department, on March 5, 1974, as modified on July 8, 1974 (39 FR 24932) and on August 2, 1974 (39 FR 27933), is further modified, by means of modification No. 4, in the following manner:

The Period of validity of the Permit is extended from June 30, 1975, to December 31, 1975.

This modification is effective on February 26, 1975.

The permit as modified is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90732.

Dated: February 11, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-5128 Filed 2-25-75;8:45 am]

SAN DIEGO ZOOLOGICAL GARDEN

Receipt of Application for a Public Display Permit

Notice is hereby given that the following applicant has applied in due form to take and import marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112, to take and import four (4) Southern sea lions (*Otaria bryonia*) for the purpose of public display.

The southern sea lions are requested to supplement a pair of this species already on exhibit. The applicant intends to establish a reproductive group of this species similar to that found in the wild in hopes of increasing the chances of the animals reproducing in captivity.

The sea lions are to be captured by a professional collector in the vicinity of Lima, Peru. The animals will be transported to the United States via a commercial airline which has previous experience in transporting sea lions.

A fresh water pool of 165,000 gallon capacity and a large haul out area will house the animals. The water is changed every other day and the pool is flushed and hosed clean three times a week. A staff of five veterinarians is available for animal health care maintenance.

The San Diego Zoo is a nonprofit corporation. Over 3 million visitors a year are recorded. The zoo employs on its staff, teachers who work with the local schools and universities in utilizing the Zoo's displays.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application, have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731 and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 on or before March 28, 1975. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this Notice in support of this application are summaries based upon information supplied by the Applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: February 18, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Service.

[FR Doc.75-5123 Filed 2-25-75;8:45 am]

SEA WORLD

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Public Display Permit issued to Sea World, Incorporated, San Diego, California 92109, on September 27, 1974, is modified, by means of Modification No. 1, in the following manner:

A special condition is added to the Permit, stating that the authorized marine mammals are to be taken by Sea World personnel, under the supervision of qualified individuals identified in the application, or other such individuals as are approved by the Director.

This modification is effective on February 26, 1975.

The Permit, as modified, is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 6, 1975.

JACK W. GEHRINGER,
National Marine Fisheries Service.

[FR Doc.75-5127 Filed 2-25-75;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Public Meeting

The Census Advisory Committee on Population Statistics will convene on April 4, 1975 at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The agenda for the meeting is: (1) The statistical system planning process; (2) Current commuting data from the Annual Housing Survey supplement; (3) Data for statistical areas—current vs. 1970 Standard Metropolitan Statistical Area boundaries, urban townships, and larger minimum size of urban areas; (4) Current status of 1980 Census planning; (5) Follow-on survey after the 1980 Census; (6) Research on ethnic identification, income, voting, relationship, and the counting of Indians; and (7) Subnational population projections.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Dr. Paul C. Glick, Senior Demographer, Population Division, Bureau of the Census, Room 2011, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7030.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-5109 Filed 2-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

COAL MINE HEALTH RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Director, Center for Disease Control announces the meeting date and other required information for the following National Advisory body of the National Institute for Occupational Safety and Health which is scheduled to assemble during the month of March 1975.

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Committee name	Date/Time/Place	Type of meeting and/or contact person
Coal Mine Health Research Advisory Committee.	March 20, 1975, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—9 a.m. to 4 p.m. Closed—remainder of meeting. Contact: Dr. Jack Butler, NIOSH, room 2-30 Park Bldg., 5600 Fishers Lane, Rockville, Md. 20852.

Purpose: The Committee is charged with advising the Secretary, Department of Health, Education, and Welfare on matters involving or relating to coal mine health research, including grants and contracts for such research.

Agenda: From 9 a.m. to 4 p.m. on March 20, the Committee will be open for discussion of current status of the autopsy program, background of computer-assisted chest x-ray readings, project site visit report on computer chest x-ray analysis, program plans in mining research, second-round medical examinations of coal miners, and current activities of NIOSH research programs. From 4 p.m. through the end of the meeting, the Committee will review research grant applications and will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Pub. L. 92-463, section 10 (d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: February 18, 1975.

DAVID J. SENCER,
Director, Center for Disease Control.

[FR Doc.75-4947 Filed 2-25-75;8:45 am]

Food and Drug Administration

[FAP 4B2989]

E. I. DUPONT DE NEMOURS & CO., INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2989) has been filed by E. I. DuPont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898, proposing that § 121.2555 *Perfluorocarbon resins* (21 CFR 121.2555) be amended to provide for safe use of lithium polysilicate as a component of perfluorocarbon resins intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 19, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-5070 Filed 2-25-75;8:45 am]

[DESI 740; Docket No. FDC-D-664; NDA 4-038, etc.]

ESTROGENS FOR ORAL OR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Amended Notice

A notice (DESI 740) was published in the FEDERAL REGISTER of September 26, 1973 (38 FR 26824), concerning, among other things, the labeling conditions for certain estrogens for oral or parenteral use. These products are used in patients with deficiency of estrogen or other disease conditions.

A notice was published in the FEDERAL REGISTER of February 5, 1975 (40 FR 5351) amending § 310.501 to set forth the conditions for approval and safe and effective use of 25 mg. tablets of diethylstilbestrol (DES) as an oral postcoital contraceptive. That notice requires that these 25 mg. tablets be specially packaged and accompanied by a patient leaflet fully explaining the use of the product. There are no other dosage forms or strengths of any drug product, including those referred to in the notice of September 26, 1973 (DESI 740), approved for this use.

In order to discourage use for postcoital contraception of dosage strengths of DES other than the specially packaged 25 mg. tablets which are accompanied by the patient leaflet, the Director of the Bureau of Drugs concludes that labeling for such other strengths should state that the product should not be used for postcoital contraception. This notice announces that conclusion.

Therefore, paragraph B.2. Labeling conditions, appearing in the notice of September 26, 1973, is hereby amended to read as follows:

2. Labeling conditions. The labeling conditions are the same as those described in the notice of November 10, 1971, with the following exceptions:

a. The probably effective and possibly effective indications are no longer allowable.

b. Labels and labeling for products containing diethylstilbestrol, diethylstilbestrol diphosphate, or diethylstilbestrol dipropionate shall include the following statement in block capital letters: THIS DRUG PRODUCT SHOULD NOT BE USED AS A POSTCOITAL CONTRACEPTIVE.

In the case of the physician's package insert, the statement shall appear before the description of the drug. In the case of container and carton labels, the statement shall appear in a prominent, conspicuous location. Complete labeling guidelines are available on request.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Director, Bureau of Drugs (21 CFR 2.121).

Dated: February 19, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-5071 Filed 2-25-75;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on March 7, 1975 at the Lyndon B. Johnson Library, Austin, Texas.

The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

This meeting will be open to the public except for the closed session. The tentative agenda includes:

9:15	Convene open session.
9:15–10:15	Director's remarks: Fiscal year 1975 status. Fiscal year 1976 budget and program.
10:15–10:30	Reviews of NIE management.
10:30–11:30	Fiscal year 1977 planning issues.
11:30–12:30	Luncheon.
12:30–2	Congressional reauthorization and consideration of Fiscal year 1976 appropriation (end of open session).
2–3	Executive session.
3	Adjourn.

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any

time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least five days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Ms. Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, Office of Planning and Management, National Institute of Education, Washington, D.C. 20208, 202-254-7900.

Dated: February 21, 1975.

EMERSON J. ELLIOTT,
Acting Director, National Institute of Education.

[FR Doc.75-5064 Filed 2-25-75;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: National Professional Standards Review Council Ad Hoc Subcommittee on Physician Reimbursement for Review

Date and Time: March 31, 1975 (9 a.m. to 12 noon)

Place: Room 5051, DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of Meeting: The Ad Hoc Subcommittee on Physician Reimbursement for Review was established to assist the National Professional Standards Review Council in the area of reimbursement of physicians by PSROs for medical care review. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include a discussion of issues relevant to the reimbursement of physicians by PSROs for medical care review.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: February 18, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75-5134 Filed 2-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket Nos. 14318 and 14317; Reference Notice Nos. 75-6 & 75-5]

FLEET NOISE LEVEL AND CIVIL SUBSONIC TURBOJET ENGINE POWERED AIRPLANES: NOISE RETROFIT REQUIREMENTS

Public Hearings

The Federal Aviation Administration will hold public hearings March 18 and 19, and April 17 and 18, 1975, on two proposed amendments to the Federal Aviation Regulations (14 CFR Chapter 1) submitted to the FAA by the Environmental Protection Agency (EPA) under section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the substance and issues raised in the proposals contained in Notice 75-6, "Fleet Noise Level Requirements" (40 FR 8222; February 26, 1975) and Notice 75-5, "Civil Subsonic Turbojet Engine Powered Airplanes" (40 FR 8218; February 26, 1975).

These hearings will be conducted in the Auditorium on the 3rd Floor of the Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C., convening at 9 a.m. each day, according to the following schedule:

March 18 and 19—"Civil Subsonic Turbojet Engine Powered Airplanes: Noise Retrofit Requirements"; Notice No. 75-5 (40 FR 8218; 1975; Docket No. 14317).

April 17 and 18—"Fleet Noise Level Requirements"; Notice No. 75-6 (40 FR 8222; 1975; Docket No. 14318).

In the event that the response to this notice exceeds the time allotted to the hearing on the "Noise Retrofit Requirements," that hearing will be continued to March 20, 1975, in the FAA Auditorium.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At each hearing, FAA spokesmen will make a brief opening statement regarding the proposals contained in the respective notices. Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective proposals. Written statements should be submitted in duplicate and will be made a part of the regulatory docket of each proposed amendment. Persons wishing to make oral statements at one or both of the hearings must notify the FAA as to which proceeding and the date they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard should be addressed: "Attention: Presiding Officer, Public Hearing on Notice No. 75-(5 or 6, as may be appropriate), Office of the Chief Counsel, Rules Docket, AGC-24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591."

In addition to material presented for the purpose of the hearings, persons not participating in the hearings are invited to submit relevant written comments to the regulatory docket established for each notice of proposed rule making. As stated in those notices, such written comments should identify the notice or docket number and be submitted in duplicate to: Office of the Chief Counsel, Rules Docket, AGC-24, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. The closing date for submitting written comments is announced in the respective notices of proposed rule making. All comments will be available for examination in the FAA Rules Docket both before and after the closing date for comments.

Notice No. 75-5 and Notice No. 75-6 were issued by the FAA in accordance with section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). Each notice contains proposed regulations submitted to the FAA by EPA to provide such control and abatement of aircraft noise as EPA determines is necessary to protect the public health and welfare. The notices present EPA's analysis of the background of the respective proposals and contain the material that is the subject of the public hearing. While all relevant comments are of interest, the FAA specifically invites

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relevant statements or comments concerning the following:

(a) Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

(b) The views and positions of other Federal, State, and interstate agencies.

(c) Whether the proposed regulations would be consistent with the highest degree of safety in air commerce and air transportation in the public interest.

(d) Whether the proposed regulations would be—

(1) Economically reasonable;

(2) Technologically practicable; and

(3) Appropriate for the particular types of aircraft, aircraft engines, appliance or certificate to which they would apply.

(e) The extent to which the proposed regulations would contribute to providing protection to the public health and welfare and to carrying out the other purposes of section 611 of the Federal Aviation Act of 1958, as amended.

(f) The overall environmental impacts of the proposed regulations (including environmental factors other than noise).

Before taking further action under section 611(c) of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearings and all relevant written statements and comments submitted and made part of the regulatory dockets. The specific terms and substance of proposals contained in the respective notices may be changed in the light of those statements and comments presented.

Transcripts of the hearings will be made and anyone may purchase copies of each from the reporter. A transcript of the hearings will be available for examination in the respective rule dockets.

AUTHORITY: Secs. 313(a), 601, 603, 604, 605, and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1349 (a) and (c), 1354(a), 1421, 1423, 1424, 1425, and 1431(c)), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c), and 44 U.S.C. 1506).

Issued in Washington, D.C., on February 21, 1975.

CHARLES R. FOSTER,
Director,
Office of Environmental Quality.

[FR Doc.75-5095 Filed 2-25-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26310]

ACCEPTANCE AND CARRIAGE OF LIVE ANIMALS IN DOMESTIC AIR FREIGHT TRANSPORTATION

Prehearing Conference

Notice is hereby given that a second prehearing conference in the above-captioned proceeding will be convened on April 8, 1975 at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. 20428 with the undersigned presiding.

The Bureau of Economics will serve four copies of the following documents on the Administrative Law Judge and one copy thereof on each person named in the service list of the preliminary prehearing conference report served in this proceeding on July 11, 1974, on or before March 17, 1975.

1. *Proposed statement of issues.* (a) *The Statutory issues.*

Refer to Orders 74-1-79, January 14, 1974; 74-5-66, May 10, 1974; 74-7-26, July 5, 1974 and Appendix A, preliminary prehearing conference report served July 11, 1974.

(b) *The Sub-issues.*

Sub-issues must be concisely stated and grouped under the following functional classifications:

(i) Acceptance.
(ii) Packaging.
(iii) Documentation.
(iv) Health certification.
(v) Care and handling.
(vi) Priority of shipment.
(vii) Flight environment.
(viii) Pickup and delivery.
(ix) Embargoes.

2. *Proposed stipulations.* The Bureau of Economics will summarize, by each functional classification set forth in paragraph 1(b) preceding, all understandings reached by the various Working Groups with respect to narrowing and resolving the several issues, the drafting of proposed tariff rules, and the development of a mutually agreeable request for information and evidence.

3. *Request for information and evidence.* The Bureau of Economics will prepare a request for information and evidence by functional classification as set forth in paragraph 1(b) preceding.

4. *Tentative statement of position.*

5. *Proposed procedural dates.* The carrier parties and the intervenors may respond to the Bureau's submissions pursuant to paragraphs 1, 2, 3, 4, and 5, on or before March 31, 1975. The parties will serve four copies of their responses on the Administrative Law Judge and one copy on each person named in the service list of the preliminary prehearing conference report. Responses to the Bureau's material submitted by the various parties will be restricted to matters on which there is substantial disagreement with the Bureau and each response will be cross-referenced to the precise Bureau submission in question.

Dated at Washington, D.C., February 21, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-5137 Filed 2-25-75;8:45 am]

[Docket 27530; Order 75-2-88]

AEROPERU

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of February, 1975.

AeroPeru (Empresa de Transportes Aero del Peru) is the holder of a foreign air carrier permit, issued pursuant to Order 74-7-121,[1] which authorizes it to perform foreign air transportation with respect to persons, property, and mail, over a route between: (1) a point or points in Peru; the intermediate points Guayaquil and Quito, Ecuador; Bogota and Cali, Colombia; Panama City, Panama; Caracas, Venezuela; and Miami, Florida; and the terminal point Montreal, Canada; and (2) a point or points in Peru; the intermediate points Guayaquil, Ecuador; and Mexico City, Mexico; and the terminal point Los Angeles, California; and to engage in charter trips subject to Part 212 of the Board's Economic Regulations. This permit, issued pursuant to the Air Transport Services Agreement between the Government of the United States and the Government of Peru, enables AeroPeru to operate to the United States with whatever number of frequencies and combination of authorized points it desires, utilizing whatever type aircraft it alone chooses.

The Government of Peru has issued operating permits to the United States-designated carrier (Braniff Airways, Inc.) authorizing scheduled air services between specified points in the United States and Lima, via named intermediate points and beyond Lima to named points. Frequencies, itineraries and equipment are all specified. Should the carrier wish to implement any changes in its operations, it must obtain the prior approval of the aeronautical authorities of Peru.

On April 3, 1974 the Government of Peru canceled the U.S.-designated carrier's operating permit, which was due to expire in June 1975, under the terms of a Decree which provided for the cancellation of all operating permits whose terms had exceeded three years. Braniff was advised by the Peruvian authorities that renewal of its operating permit would be contingent upon the existence of real reciprocity, defined as an equivalence in the number of frequencies operated by the U.S. carrier and AeroPeru or, in the event this situation did not exist, upon the U.S. carrier providing effective compensation, either in the form of payments of 20 percent of its receipts on certain sectors or in the form of technical or other assistance.

In May 1974 the U.S.-designated carrier applied to the aeronautical authorities of Peru for authority to operate two additional frequencies to that country. When the Government of Peru indicated that it would not approve the U.S. carrier's application, the United States Government noted its objections and requested the Peruvian authorities to reconsider their decision pending consultations. The Peruvian authorities declined to do so, in clear violation of the Air Transport Services Agreement.[2]

[1] Approved by the President on July 25, 1974 (Docket 26600).

[2] The Air Transport Services Agreement between the United States and Peru provides that:

"1. The two Governments find themselves in agreement that under the terms of the Air Transport Agreement the responsibility for the determination of the appropriate capacity, frequency, and type of aircraft used over agreed routes, consonant with the terms of the Agreement, rests in the first instance with the designated airlines. In light of the requirement of Peruvian legislation with regard to the filing of schedules, it is agreed that each Government may require the airlines designated by the other Government to submit schedules, for information purposes only, thirty days prior to the proposed entry into effect of such schedules.

2. Neither Government will delay nor deny the entry into effect of proposed schedules."

On October 22, 1974 the Government of Peru issued the U.S. carrier a new operating permit with an expiration date of February 28, 1975. The permit reduced the number of flights permitted the U.S. carrier between the United States and Peru and beyond and required the carrier to adhere to a prescribed itinerary on those flights which it could continue to operate. Further restrictions were placed on the number of flights that the carrier might operate to individual points along the route. The U.S. carrier's services between Lima, La Paz and Asuncion; Lima, La Paz and Buenos Aires; Lima, La Paz and Santiago and between Lima, Sao Paulo and Rio de Janeiro were authorized provisionally for a period of 45 days, on the grounds that they were not contemplated in the Route Annex of the U.S.-Peru Air Transport Services Agreement, thus further reducing the U.S. carrier's operation beyond Peru to one flight per week. The U.S. carrier was given 45 days, or until January 7, 1975, to comply with the terms of the new permit. Subsequently, this period was extended to January 31, 1975.

Representatives of the Government of Peru and the Government of the United States met for consultations in Lima November 11–15, 1974, and January 8–24, 1975. During the talks the U.S. representatives made clear the United States Government's view that the restrictions the Government of Peru had unilaterally imposed on the U.S. carrier constituted a violation of the Agreement. They urged that the two delegations explore bilateral solutions to the civil aviation problems between the two countries. These talks were unsuccessful. Inter-carrier discussions were similarly unproductive. Beginning February 1, 1975 the U.S.-designated carrier conducted its reduced operations pursuant to the terms of its new permit. Services were continued in order to minimize the impact upon the traveling public of curtailed services and did not constitute acceptance by the United States of the actions taken by the Government of Peru.

The U.S.-Peru Air Transport Services Agreement grants the U.S. carrier rights to freely operate services beyond Peru. In the route definition "and beyond Peru to points in Chile and Bolivia or beyond," Chile and Bolivia are named to provide an indication of the direction in which the beyond traffic might flow. The listing of these two countries does not impose the requirement that they be served, in the order listed, nor does it imply that only Chile and/or Bolivia may be served on any flight beyond Peru. Since it is not mandatory to serve points in Chile or Bolivia, flights may serve points beyond Chile or Bolivia.

Upon consideration of these matters, the Board finds that the Government of Peru has taken unilateral restrictive action against the U.S.-designated carrier's operations, over the objection of the United States Government, which has significantly impaired, limited and denied operating rights in a manner inconsistent with and in violation of the United States-Peru Air Transport Services Agreement. The underlying foundation for the grant of a foreign air carrier permit to AeroPeru rests upon the faithful adherence to the terms of the United States-Peru Air Transport Services Agreement, *i.e.*, the grant to U.S. carriers of the rights exchanged and provided for in that Agreement. Since Peru has denied these rights to the U.S. carrier designated under the Agreement, Braniff Airways, the Board finds that the foundation for the grant of a permit to AeroPeru no longer exists. Accordingly, the Board tentatively finds that cancellation of the foreign air carrier permit held by AeroPeru would be in the public interest.

Accordingly, *it is ordered* That: 1. All interested persons are hereby directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and which would, subject to the approval of the President, cancel the foreign air carrier permit held by AeroPeru (Empresa de Transportes Aero del Peru) (Order 74-7-121);

2. Any interested perhon having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 20 days of service of this order. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon AeroPeru and the Ambassador of Peru in Washington, D.C.

This order will be published in the FEDERAL REGISTER, and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75-5138 Filed 2-25-75;8:45 am]

[Docket 22659; Order 75-2-86]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of February, 1975.

By tariff revisions filed January 24, and marked to become effective February 23, 1975, Pan American World Airways, Inc. (Pan American) proposes, *inter alia*, to increase certain joint general commodity bulk rates between Fairbanks and various U.S. Mainland cities between 18 and 39 percent.

In support of the proposal, Pan American states, *inter alia*, it is filing the increased joint rates in order to incorporate the various local rate increases that were filed by Pan American and/or its interline partners; the rates were constructed over the gateways of New York, Seattle, and Portland, and the lowest rate obtained was selected; other than the 9 percent increase filed effective April 15, 1974, the current rates have been in effect since 1956 and 1958, except for the 100-pound rates, which were reduced May 7, 1961, and Pan American's revenue from the pro rata share of these joint rates will be $8,680, or less than 1 percent of its total Alaskan revenue.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposals or to permit them to become effective pending investigation.

The Board has reviewed the instant proposals in the light of industry-average costs of carrying air freight (including taxes and a full return on investment and reflecting recent cost increases) and finds that many of the proposed significantly increased rates (those indicated in Appendix A) are higher than costs.

With respect to Pan American's assertion that its share of the joint rates are unduly low, the carrier's share would seem to depend upon interline agreements with other carriers and that is not in issue in the proposals. In view of the foregoing and all other relevant factors, the Board concludes that the rates indicated above as above costs should be suspended. This action would be consistent with our suspension (on the ground that they exceeded industry-average costs) of joint rates proposed between points on the Mainland, on the one hand, and those in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, on the other (Orders 74-4-76, 74-6-89, 74-9-26, and 74-9-59).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. Pending hearing and decision by the Board, the increased rates described in Appendix A hereto are suspended and their use deferred to and including May 23, 1975, unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

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APPENDIX A

TARIFF C.A.B. NO. 57, ISSUED BY AIR TARIFFS CORPORATION, AGENT

All increased rates from/to Fairbanks, Alaska in Table No. 10, on 1st Revised Page 37.

AIR CARRIERS PATICIPATING IN RATES SUSPENDED ABOVE:

AIR WEST (Huges Air Corp. d/b/a Air West).
ALLEGHENY AIRLINES, INC.
AMERICAN AIRLINES, INC.
BRANIFF AIRWAYS, INC.
DELTA AIR LINES, INC.
EASTERN AIR LINES, INC.
NATIONAL AIRLINES, INC.
NORTHWEST AIRLINES, INC.
(Also operating as Northwest Orient Airlines)
PAN AMERICAN WORLD AIRWAYS, INC.
PIEDMONT AVIATION, INC.
SOUTHERN AIRWAYS, INC.
THE FLYING TIGER LINE INC.
TRANS WORLD AIRLINES, INC.
UNITED AIR LINES, INC.
WESTERN AIR LINES, INC.

[FR Doc.75-5139 Filed 2-25-75;8:45 am]

[Docket 27454, Docket 23080-2, Order 75-2-38]

AIR NEW ENGLAND, INC.

Temporary Priority and Nonpriority Domestic Service Mail Rates—Phase 2

Correction

In FR Doc. 75-4102 appearing at page 6704 in the issue for Thursday, February 13, 1975, the following statement should appear at the beginning of the text: "Issued under delegated authority February 7, 1975".

[Docket 25280, Order 75-2-39, Agreement C.A.B. 24942]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Correction

In FR Doc. 75-4101 appearing at page 6704 in the issue for Thursday, February 13, 1975, the following statement should appear at the beginning of the text: "Issued under delegated authority February 10, 1975".

[Docket 26487; Order 75-2-3]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Order Fixing Temporary Rate and Order To Show Cause

Correction

In FR Doc. 75-3970 appearing at page 6704 in the issue of Thursday, February 13, 1975, in footnote 1 the fourth line from the bottom, the figure now reading, "18.86" should read, "13.36".

ENVIRONMENTAL PROTECTION AGENCY

[FRL 337-4]

NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 93-463, notice is hereby given that the National Air Pollution Manpower Development Advisory Committee meeting will be held March 14 and 15, 1975 in Las Vegas, Nevada and will begin 9 a.m. The March 14 meeting will be held in the Conference Room of the National Environmental Research Center, 944 East Harmon Street, Las Vegas, Nevada 89114. On March 15 the meeting will convene in the Nevada Room of the Royal Inn, 305 Convention Center Drive, Las Vegas, Nevada.

This is the regular quarterly meeting of the Advisory Committee. Primarily the meeting will be devoted to Committee review of the status of the fellowships, training grants, and direct training programs and the impact of the current trends and changes in these areas.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact: Mr. Ronnie E. Townsend, Executive Secretary, National Air Pollution Manpower Development Advisory Committee, Research Triangle Park, North Carolina, (919) 549-8411, extension 2482.

Dated: February 20, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-5024 Filed 2-25-75;8:45 am]

[FRL 335-7]

WATER POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Pub. L. 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for 26 of the source categories.

The Administrator, after evaluating available information, has determined that paint formulating and printing ink formulating are additional categories of point sources which meet the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

LIST OF CATEGORIES OF SOURCES

29. Paint formulating.
30. Printing ink formulating.

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: February 12, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-4836 Filed 2-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-183]

BROADCAST ANNUAL FEES

Procedure for Payment

FEBRUARY 14, 1975.

This public notice sets forth the procedure for payment of the recalculated broadcast annual fees that the Commission outlined in paragraph 10 of the Report and Order released January 20, 1975 (FCC 75-32). Broadcast annual fees were suspended March 29, 1974 pending the Commission's adoption of a new basis for calculation of broadcast annual fees to be paid in place of the broadcast annual fees that would have been due April 1, June 1, August 1, October 1, December 1, 1974, and February 1, 1975. By adoption of the Second Report and Order on February 11, 1975 (FCC 75-182), the Commission has now established the basis for recalculation of broadcast annual fees for the six dates mentioned herein. Therefore, each station will pay a recalculated broadcast annual fee, and such payment will be made on or before August 1, 1975.

On or about July 10, 1975, each station will receive a special notice from the Commission setting forth the particular formula for computation of its respective recalculated broadcast annual fee that will be due and payable on August 1, 1975.

Action by the Commission February 11, 1975. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn, and Robinson.

FEDERAL COMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-5111 Filed 2-25-75;8:45 am]

[FCC 75R-61 Docket Nos. 20219, 20220; File Nos. BPH-8660; BPH-8663]

MELVIN PULLEY AND H & G. C. INC.

Construction Permits

In re Applications of Melvin Pulley, tr/as Philadelphia Broadcasting Co. Philadelphia, Mississippi and H & G. C., Inc. Philadelphia, Mississippi for construction permits.

By the Review Board. 1. Melvin Pulley, tr/as Philadelphia Broadcasting Company (Pulley) requests the addition of an ascertainment issue against its competitor, H & G. C., Inc. (H & G. C.) urging that there are a number of deficiencies in the latter applicant's ascertainment

showing.[2] Q. and A. 6 and 7 of the *Primer*[3] detail the efforts which must be made to learn what community problems exist in areas which an applicant will serve outside its principal community, and it is petitioner's argument that H & G. C.'s efforts were inadequate because it has conducted no survey of community leaders and the general public outside the city limits of Philadelphia. This contention will be rejected. The *Primer* affords an applicant wide latitude as to how he ascertains community problems in outlying areas, and since several of the community leaders interviewed by H & G. C. hold positions in organizations having to do with the entire county in which Philadelphia is located, rather than Philadelphia exclusively, more is not required. Furthermore, it is clear that Philadelphia is the only large community in the entire county, the other "communities" referred to in the petition being extremely small.

2. Pulley's attack on the "mechanics" employed in H & G. C.'s community leader survey is not well taken. The affidavit attached to H & G. C.'s opposition makes it clear that the surveys were conducted by principals or management level employees, as required by the "Primer."[4] The Board can find nothing objectionable in the fact that when H & G. C. submitted an amended showing on the ascertainment of community needs, some of the community leaders listed in its original showing were repeated. The May 2, 1974 amendment does not assert that these interviews were newly made.

3. Pulley questions its opponent's survey of the general public because some of the interviews were made by a person who was then an employee of Station WHOC, Philadelphia,[4] and was not listed as a prospective employee of the FM station. It is clear from the opposition that this person was a prospective employee of the FM station. The fact that she has left WHOC and is no longer a prospective employee of H & G. C. does not render that portion of the survey conducted by her invalid. "Itawamba County Broadcasting, Inc.," et al, 46 FCC 2d 60, 29 RR 2d 1154 (1974); "Western Television Co.," FCC 2d, 32 RR 2d 350 (1974).

4. Petitioner's argument that H & G C has failed to consult leaders of significant groups in the community raises a more serious problem. H & G C's demographic data reveals that various types of industry constitute a significant segment of the economic activity of Philadelphia and the county in which it is situated and that the largest labor force and income group in the county is composed of industrial workers. Yet, it is asserted, no leaders of employee groups have been interviewed. H & G C responds, as it did in reply to a pre-designation inquiry from the Commission, that the industry in that area is not unionized so that there are no union leaders to consult, although it does show, by an amendment, that it interviewed three officers of unions of employees in two non-industrial activities. H & G C also, by amendment, supplements its survey to show that in December 1974, officers or managers of a number of industries in the area were interviewed. Viewing H & G C's showing in terms of Question and Answer 13(a) of the Primer,[5] the Board must conclude that there may be deficiencies which require the addition of an issue. The Commission states as follows in its answer to Question 13(a):

> . . . Groups with the greatest problems may be the least organized and have the fewest recognized spokesmen. Therefore, additional efforts may be necessary to identify their leaders so as to establish a dialogue with such groups and better ascertain their problems.

H & G C cannot satisfy the obligation imposed on it by the *Primer*, as it attempted to in its latest amendment, by interviewing persons in management positions in the various industrial concerns in its service area. The survey still lacks contacts with leaders among the employees of any of these organizations. By H & G C's own demographic showing, these persons constitute a significant groups, and by failing to interview representatives of this group, its ascertainment efforts are fatally defective, necessitating the specification of an issue. "Voice of Dixie, Inc.," 45 FCC 2d 1027, 29 RR 2d 1127, reconsideration denied 47 FCC 2d 526, 30 RR 2d 851 (1974); "Folkways Broadcasting Company, Inc.," 48 FCC 2d 723, RR 2d (1974).

5. While H & G C has made some effort to correlate its ascertained needs with its proposed programming, it has apparently failed to do this in a way to satisfy the requirements of the "Primer," and, therefore, petitioner's contention that this is an additional reason for specifying an ascertainment issue is correct. When H & G C revised its *Suburban* showing in an amendment filed May 2, 1974, it listed a series of programs, with their broadcast times, but failed to state which programs would treat which ascertained needs or problems. Responding to the instant petition to enlarge, one part of the most recent amendment attempts to correct this deficiency but fails to do so. The "Primer,"[6] in Question and Answer 29, provides that an applicant "should give the description, and anticipated time segment, duration and frequency of broadcast of the program, or program series, and the community problem or problems to be treated by it." The Board is able to identify four and one-half hours per week of programming purportedly designed to deal with specific problems, but of this total, all but one hour and fifteen minutes is directed to providing "more spiritual guidance" which was one of twenty-one needs and problems identified in H & G C's survey. Although several other programs, with the problems they will treat, are listed, no time segment and frequency can be found; in that category are the "Woman's Club Program" (which will be for 15 minutes once or twice a month), the Representative G. V. Montgomery program, and the "State College Program." The one hour and fifteen minutes a week that is regularly scheduled will deal with six or seven of the twenty-one ascertained problems. Thus, an issue must be added on this ground as well as that referred to in paragraph 4, *supra*. See "Southeast Arkansas Radio, Inc.," 47 FCC 2d 835, 30 RR 2d 769 (1974); "Azalea Corp.," 38 FCC 2d 95, 25 RR 2d 975 (1972).

6. Accordingly, *it is ordered*, That the motion to enlarge issues, filed on December 11, 1974, by Melvin Pulley, tr/as Philadelphia Broadcasting Company IS GRANTED, and that the issues herein are enlarged by addition of the following:

> To determine the efforts made by H & G.C., Inc. to ascertain the problems of the community to be served and the means by which the applicant proposes to meet these problems.

7. *It is further ordered*, That the burdens of proceeding and proof under the issue added herein SHALL BE on H & G C., Inc.

Adopted: February 12, 1975.

Released: February 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-5119 Filed 2-25-75;8:45 am]

[FCC 75R-71; Docket Nos. 20219, 20220; File Nos. BPH-8660, BPH-8663]

MELVIN PULLEY AND H & G. C. INC.

Construction Permits

In re Applications of Melvin Pulley, tr/as Philadelphia Broadcasting Co., Philadelphia, Mississippi, and H & G. C., Inc., Philadelphia, Mississippi. For construction permits.

By the Review Board, Board Member Zias absent.

1. Before the Board for consideration are a motion and further motion to enlarge issues, filed December 4 and 11, 1974, respectively, by H & G. C., Inc. (H & G. C.), seeking inter alia, the addition of financial qualifications, misrepresentation, "Suburban," Rule 1.65 and site availability/misrepresentation issues, against Melvin Pulley tr/as Philadelphia Broadcasting Co. (Pulley).[1]

2. With respect to the first request, it is the Board's view that H & G. C.'s allegations fail to raise a substantial question as to Pulley's financial qualifications. Thus, although less than half of

[1] The pleadings before the Board are: (a) Pulley's motion to enlarge, filed December 11, 1974; (b) the Broadcast Bureau's comments, filed on December 26, 1974; and (c) an opposition filed by H & G. C. on January 2, 1975.

[2] *Primer on Ascertainment of Community Problems of Broadcast Applicants*, 27 FCC 2d 650, 658.

[3] *Ibid.*, p. 663.

[4] The president of H & G. C. is the licensee of WHOC.

[5] *Ibid*, p. 666.

[6] *Ibid*, p. 675.

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the amount of savings relied upon in Pulley's application is now available,[2] the applicant has acquired a bank loan commitment, which is sufficient in amount to cover this reduction and provide a surplus of funds over and above the amount required for the construction and operation of its proposal.[3] In this connection, H & G. C.'s contentions concerning the availability of the $50,000 bank loan from the People's Bank of Mississippi must be rejected. As noted by the Bureau, the bank letter, although stating at one point that the bank "would consider most favorably" a $50,000 commitment, provides the information called for by Form 301, including the amount of the loan, terms of repayment, interest rate, collateral required, as well as specifics concerning a moratorium on principal and interest. In view of this documentation and petitioner's failure to allege any extrinsic facts which would cast doubt on the reliability of the letter,[4] there is no basis for assuming that Pulley does not have reasonable assurance of the availability of its proposed loan.

3. In light of Pulley's failure to amend its application to reflect the reduction in available funds in savings [5] upon which it initially proposed to rely and the pendency of its Quitman application, referred to above, the Board will add a Rule 1.65 issue. Contrary to Pulley's argument, the critical consideration is not whether the applicant actually continued to have available the aggregate amount of funds represented to the Commission, but, whether the applicant kept the Commission timely informed of significant changes in its financial proposal. "Cf. St. Cross Broadcasting, Inc.," 39 FCC 2d 514, 26 RR 2d 941 (1973). Thus, although the applicant represented in its November 1, 1973, Quitman application that it had $25,000 rather than $50,000 in savings, it did not report this substantial change in this proceeding, nor did it inform the Commission of its acquisition of a $50,000 bank loan commitment until two months later on January 30, 1974. More important, however, is the applicant's failure to amend its application to reflect its application for a FM facility in Quitman, particularly in light of the fact that Pulley amended its application in other respects on four occasions subsequent to filing the Quitman application. As a related matter, the Board will deny the request for a misrepresentation issue. Petitioner's allegation that Pulley misrepresented the amount of savings it possessed at the time it filed the instant application is totally without foundation and, as such, must be regarded as speculation and surmise.

4. H & G C's allegations also serve to raise a substantial question as to whether Pulley complied with the requirements of the Commission's "Primer on the Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971), in four major respects. First, the applicant's demographic showing does not appear to be sufficiently specific with respect to organizations, activities or other factors which would readily distinguish Philadelphia from any other community.[6] The applicant's generality of description, coupled with Pulley's inaccurate use of population figures derived from the U.S. Census,[7] which is the only specified source of demographic information, cast sufficient doubt upon Pulley's assessment of its proposed community of license to draw its "Suburban" efforts into question. See "Media, Inc.," 41 FCC 2d 30, 27 RR 2d 1077 (1973), pet. for rev. den. FCC 74-767, released July 16, 1974. In any event, even assuming that Pulley's demographic study were a sufficiently precise reflection of its community, it appears that the applicant has failed to survey leaders of significant population groupings. Thus, it is of critical importance that although Pulley stresses the significance of industry and agriculture within its proposed service area, it has not interviewed leaders of these concededly important groups. [8] As a related matter, Pulley has not shown that a significant number of its community leader surveys were in fact made with leaders who are representative of the significant groups comprising the community. For example, a consultation with a secretary employed by one of the major industrial firms in Philadelphia cannot be regarded as an adequate subsitute for an interview with a management-level representative of the significant employers in the city. Finally, as noted by H & G C and the Bureau, there is no indication as to who conducted Pulley's survey of the general public, as required by the "Primer." Accordingly, a "Suburban" issue will be added.

5. In the Board's view, H & G C has raised substantial questions as to the availability of Pulley's proposed antenna site and the representations of the applicant with respect to the site. The petitioner has submitted an affidavit executed by an engineer describing the precise coordinate description of the proposed site and an affidavit of owners of land, which matches that description, who state that they have signed no option, nor granted an easement to anyone for a radio antenna tower installation on their land. Pulley's response does not serve to counter these affidavits. We first note that, although an applicant need not have a binding agreement or absolute assurance of the availability of a site, it must show reasonable assurance of availability, rather than mere possibility that the site will be available.[10] Given this standard, Pulley's argument that the narrow language employed in the landowners' affidavit does not foreclose the possibility of other types of agreement, such as an oral option, clearly does not constitute an appropriate showing. A misrepresentation issue will also be added. The specification of a site is an implied representation that an applicant has obtained reasonable assurance that the site will be available, and a total failure to inquire as to actual availability is inconsistent with such a representation.[11] Here, Pulley has failed to allege that it approached the owners of the land which is apparently proposed as an antenna site,[12] let alone received reasonable assurance that the owners would be favorably disposed toward entering into some form of agreement.

[1] Other related pleadings before the Board for consideration are: (a) Broadcast Bureau's comments on motion to enlarge issues, filed December 18, 1974; (b) opposition, filed January 3, 1975, by Pulley; (c) reply, filed January 15, 1975, by H & G C and (d) Broadcast Bureau's comments on further motion to enlarge issues, filed December 26, 1974.

[2] In its application, filed October 15, 1973, Pulley stated that it had $50,000 in savings available to it; two weeks later, on November 1, 1973, the applicant indicated that it had $25,000 in savings in its Quitman, Mississippi, FM application. Now, in an attachment to its opposition, Pulley indicates that it has approximately $17,000 in savings.

[3] The reduction in savings to some $17,000 does not affect Pulley's financial capability to construct and operate both its instant proposal and its proposal for Quitman, Mississippi. Thus, relying on this reduced amount of savings, the applicant will, nevertheless, have available funds in the approximate amount of $122,000 to meet total costs of some $130,000 for the two proposals.

[4] Compare *REO General, Inc.*, 48 FCC 2d 397, 30 RR 2d 1691 (1974) in which corroborating testimony of an officer of the proposed institution indicated that a bank letter was no more than an "expression of interest." Also compare *Parkell Broadcasting, Inc.*, Mimeo No. 45507, —— FCC 2d ——, released January 27, 1975.

[5] Pulley's argument that the reduction in savings actually represents reinvestment of funds is unsubstantiated. In any event, assuming that Pulley were to reply on these reinvestment funds, the applicant would be required to show the value and liquidity of the newly-purchased assets.

[6] Rather, Pulley states in its ascertainment showing that . . . "Significant groups are relatively few, particularly in the light of the limited population [approximately 7000] of Philadelphia . . .".

[7] According to H & G C's unrebutted allegations, Pulley erred in describing the racial breakdown of its community by as much as nearly 6 percent with respect to the black population and 8 percent with respect to Indian population.

[8] See *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 2d 1127 (1974), recon. den., 47 FCC 2d 526, 30 RR 2d 851 (1974); *A. V. Bamford*, ---- FCC 2d ----, 31 RR 2d 790 (1974).

[9] In contrast, H & G C has not shown that women and student leaders comprise significant groups within the community. See Q. and A. 10 of the *Primer, supra*.

[10] See *William F. Wallace*, —— FCC 2d ——, 32 RR 2d 105 (1974); *Marvin C. Hanz*, 21 FCC 2d 420, 18 RR 2d 310 (1970); *El Camino Broadcasting Corp.*, 12 FCC 2d 25, 12 RR 2d 720 (1968).

[11] See *Lake Erie Broadcasting Co.*, 31 FCC 2d 45, 22 RR 2d 647 (1971); *Marbro Broadcasting Co.*, 4 FCC 2d 290, 8 RR 2d 51 (1966).

[12] In this connection, we note that Pulley has not attempted to precisely describe the site it is proposing; thus, the applicant argues both that the landowners approached by H & G C might be willing to enter into negotiations, but that, in any event, another adjacent landowner has indicated that he would be willing to sell property to Pulley in the event it were granted a construction permit. However, this latter argument is based on an affidavit executed by Pulley, rather than the landowner

6. Finally, H & G C's request for an issue which is contingent upon the addition of misrepresentation and abuse of process issues against Pulley in the Quitman, Mississippi proceeding will be denied, since the Board has recently denied the requests in the Quitman proceeding which are the basis of the instant requests. See *A. C. Elliot, Jr.*, FCC 75R-41, released January 28, 1975, and FCC 75R-48, released February 10, 1975.

7. Accordingly, *it is ordered*, That the motion to enlarge issues and the further motion to enlarge issues, filed December 4 and 11, 1974, by H & G C., Inc. ARE GRANTED to the extent indicated herein, and ARE DENIED in all other respects.

8. *It is further ordered*, That the issues in this proceeding ARE ENLARGED to include the following:

1. To determine whether Melvin Pulley tr/as Philadelphia Broadcasting Company has failed to comply with the provisions of Section 1.65 of the Commission's Rules by not reporting substantial changes in its liquid assets and interests in other broadcast applications, and if so, to determine the effect of such noncompliance on the applicant's basic or comparative qualifications to be a Commission licensee.

2. To determine whether Melvin Pulley tr/as Philadelphia Broadcasting Company has ascertained the needs and interests of its proposed service area.

3. To determine whether Melvin Pulley tr/as Philadelphia Broadcasting Company has reasonable assurance of the availability of its proposed transmitter site.

4. To determine whether Melvin Pulley tr/as Philadelphia Broadcasting Company made a willful misrepresentation to the Commission by proposing a site without having made adequate inquiries as to its availability, and, if so, the effect upon that applicant's basic and/or comparative qualifications to be a broadcast licensee.

9. *It is further ordered*, That the burden of proceeding with the introduction of evidence under issues 1 and 4 shall be on H & G C, Inc.; that the burden of proceeding with the introduction of evidence under Issues 2 and 3 shall be on Melvin Pulley, tr/as Philadelphia Broadcasting Company; and the burden of proof under all issues shall be on Melvin Pulley, tr/as Philadelphia Broadcasting Company.

Adopted: February 18, 1975.

Released: February 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-5120 Filed 2-25-75;8:45 am]

[FCC 75-181; Docket No. 18875]

OVERSEAS COMMUNICATION

Further Notice of Inquiry

1. By notice of inquiry, released June 16, 1970, the Commission instituted formal proceedings to inquire into the policy to be followed in future licensing of facilities for overseas communications. (FCC Docket No. 18875). This proceeding primarily concerned the development of a policy with respect to the nature and timing of additional facilities to be used in the now current decade for communications between the United States and overseas points. It was anticipated that the enunciation of a licensing policy covering a future period would reduce uncertainty and establish a firm basis for planning communication facilities. On June 25, 1971, the Commission issued a Statement of Policy and Guidelines for Overseas Communications, 30 F.C.C. 2d 571, in which a policy was delineated regarding the future licensing of transatlantic facilities for the 1971-80 decade.[1]

2. At the outset, we note that the pace of technological progress in overseas communications has increased rapidly in recent years with indications of extensive further development. Specifically, we note significant improvements in long distance submarine cables as well as technological advances in satellite communications and the increasing necessity not only for insuring that the totality of facilities is adequate, but also for achieving the combination of facilities that will best serve the public interest. With the increasing complexity of communications systems and the continuing growth in communication requirements including new services, a requirement exists for continuing Commission review of relevant information for the purpose of establishing and refining where necessary principles and guidelines under which planning and implementation of needed communication facilities may proceed on a timely basis. Therefore, it appears necessary and desirable to reopen Docket No. 18875 in order to initiate further inquiry into this subject. We recognize that the United States carriers in cooperation with their foreign correspondents and Comsat, with its responsibilities in INTELSAT, are continually reviewing the adequacy of existing facilities and the desirability and need to supplement and replace such facilities. However, the Commission has the responsibility and obligations to establish sound policies and guidelines based upon public interest requirements to insure that a well planned, coordinated, reliable and efficient telecommunications system is available to the public at reasonable rates. In carrying out our responsibilities regarding international communications we are keenly mindful of the fact that the United States is a party of interest in a broad community of many countries that also have concerns and responsibilities with regard to international communication systems which provide services among countries. It is therefore imperative that the Commission develop, adopt and review its policies regarding facilities required to serve U.S. needs in light of the international nature of such facilities and do so after full consideration of all factors involved and in consultation with the responsible entities in other countries.

3. We anticipate this proceeding to be an evolving process, looking toward the continuing refinement of the Commission's principles and guidelines for future facilities planning. The specific purpose of the present Notice of Inquiry is to obtain necessary information and data and solicit comments and/or recommendations concerning those factors which should be addressed and studied in order to refine and more precisely formulate these principles and guidelines. We have chosen to focus our efforts initially on the transatlantic route because of the high concentration of traffic and consequent large investments in facilities now serving and required in the future to serve the important North American-European communications requirements. However, principles and guidelines for the transatlantic route should be beneficial in formulating policies applicable to other regions.

4. The initial phase of this further inquiry will be concerned primarily with the collection of information concerning the future requirements for telecommunications in the North Atlantic, a review of existing and authorized facilities, and a discussion and analysis of those factors which should be considered in establishing principles and guidelines for the planning and implementation of future facilities. This process will include discussion, submission of written information, studies, reports, and written comments. We plan in particular to conduct a series of meetings open to all United States interested parties for the purpose of identifying, discussing and analyzing information on service requirements and alternative means for meeting such requirements. We also envision a requirement to consult from time to time with interested foreign entities for the purpose of exchanging information and discussing those factors deemed necessary in formulating our policies. In this regard we note that similar meetings have been held in the past with European and Canadian authorities, with the most recent conference held in Munich in October 1974. Such meetings have been very useful and are required for the Commission to carry out its regulatory responsibilities. In addition, by keeping each other advised of future needs and seeking to develop mutual understanding of the basic principles governing fulfillment of those

[1] The Commission in this statement of policy and guidelines set forth the following criteria for formulating planning requirements in the 1971-80 decade.

(a) The public interest requires that we promote the continued development of both cable and satellite technologies and their most effective and timely applications to meet future requirements for international communications services;

(b) The public interest also requires that we authorize the most modern and effective facilities available via both cable and satellite technology with due regard for efficiency, economy, diversity and redundancy.

(c) The public interest and due regard for the concerns of the Administrations which operate the foreign end of cables require that care should be taken to minimize the need for imposing artificial formulae to govern the distribution of traffic among available media;

(d) The public interest requires that the economies available from each advance in technology be reflected in charges for service.

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needs, we believe further meetings can play a significant role in ensuring that planning both in the United States and in the other countries concerned will result in the establishment of adequate and economic facilities on a timely basis.

5. We expect to focus, but not limit our inquiry on the general topics of traffic requirements; methods of traffic forecasting; reliability of service; service standards; timing, size, and proper mix of the types of facilities foreseen to be available. We also plan to review the state of the technology, expected service life of facilities, service outages associated with both cable and satellite facilities, and cost studies and comparison of those types of facilities envisioned to be available in the late 1970's and early 1980's.

6. In order to insure a timely and orderly commencement of this Inquiry we hereby give notice to all interested parties of a meeting to be held at the Commission office in Washington, D.C. on March 11, 1975 at 10 a.m., for the purpose of discussing in more detail the subject matter of the Inquiry and to decide upon the most appropriate means of obtaining the necessary data. Any party desiring to participate in this phase of the Inquiry should file notice to that effect with the Commission no later than March 6, 1975. In addition, although the scheduled meeting is open to the public, we request that those planning to attend notify the Chief, Common Carrier Bureau of the Commission by March 6, 1975. It should be noted that this proceeding is not a rule making proceeding and will not directly result in changes in, or addition to, Commission Rules and Regulations. However, as indicated above, it is anticipated that one or more Statements of Policy will be issued, and the proceeding may also lead to proposals for modification of the Commission's rules and regulations. During the course of the Inquiry, we will provide all interested parties at appropriate times the opportunity to file written positions concerning the matters involved. We also emphasize that this Inquiry will not specifically consider individual applications for particular facilities.

7. Authority for the initiation of the Inquiry is contained in sections 4(i), 214, and 413 of the Communications Act of 1934, as amended, and section 201(c) of the Communications Satellite Act of 1962.

Adopted: February 12, 1975.

Released: February 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-5121 Filed 2-25-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

GREAT WESTERN FINANCIAL CORP.

Permission To Purchase Certain Assets of Six Rivers Savings and Loan Association

FEBRUARY 21, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Great Western Financial Corporation, Beverly Hills, California, a unitary savings and loan holding company, for approval of acquisition of certain assets of the Six Rivers Savings and Loan Association, Eureka, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(3)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, by Great Western Savings and Loan Association, an insured subsidiary of Great Western Financial, said acquisition to be effected by the assumption of savings accounts and other liabilities and the payment of cash for certain specified assets. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before March 28, 1975.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-5105 Filed 2-25-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-94-2]

ARKANSAS LOUISIANA GAS CO.

Order Denying Petition

FEBRUARY 13, 1975.

On December 16, 1974, Riceland Foods, Inc. (Riceland), filed a Petition for Extraordinary Relief from the operation of the currently effective curtailment plan of Arkansas Louisiana Gas Company (Arkla). Riceland is an industrial customer of Arkla which operates two soybean processing plants in Stuttgart and Helena, Arkansas. It alleges that the daily gas requirements at these two plants are 5,750 Mcf and 4,250 Mcf, respectively, and that the gas is used primarily in the processing of soybeans into soybean meal and vegetable oils. Riceland asserts in its petition that relief from curtailment by Arkla is necessary to forestall shutdowns at the plant which would result in employee layoffs and the possibility of loss of foreign and domestic markets because of lack of reliability in production and processing.

Specifically, Riceland requests that all its gas requirements at both plants be placed in Priority 2 of Arkla's curtailment plan until such time as Riceland is able to complete installation of alternate fuel capabilities at each plant. Installation of the necessary facilities at the Stuttgart plant is scheduled for completion in December, 1975 while the Helena plant should have its equipment in place and operational by November, 1975. Currently, a major portion of Riceland's gas requirements are classified as Priority 4 volumes.[1]

On January 29, 1975 Arkla filed a response to Riceland's petition as well as a petition to intervene in the proceeding. In the response, Arkla took no position regarding the merits of Riceland's petition but submitted data indicating Riceland's requested volumes were in excess of service agreement volumes and that only a portion of Riceland's daily requirements might be subjected to curtailment for a total of 15 days during the current winter heating season. There was no indication that Arkla was curtailing Riceland at the time of Arkla's response. Indeed, neither did Riceland in its petition indicate that it is currently being curtailed.

Arkla's filing indicated that Riceland's total entitlements for both plants on a peak day are 7,180 Mcf of which 2,430 is categorized as Priority 2 gas. This amount is the quantity Riceland uses for soybean drying processes. The remaining volumes, 4,750 Mcf per day, is that amount Riceland uses for boiler fuel in both plants and is consequently classified in Priority 4. In addition, the average daily usage at both plants during the three year base period utilized by Arkla, which ended in September of 1971, totalled 5,465 Mcf.

It is clear that Priority 5 curtailments will not affect the Riceland operation at all this winter. It is also readily apparent that Priority 4 curtailments will not be excessive since, as pointed out above, Arkla has projected only 15 days of curtailment this winter in that category. There is no indication in Arkla's filing if curtailment in Priority 4 in those days will be total, but the Commission is of the opinion that even if that was the case, relief would still not be warranted. In addition, there is absolutely no information in Arkla's filing which indicates any Priority 2 curtailments this winter.

As a result of Arkla's data submission, we find that Riceland's Priority 2 volumes are in no danger of being presently curtailed and its Priority 4 volumes may only be subject to intermittent curtailment. In such a situation, however, there would be no loss of property such as spoilage of soybeans. In view of this, the Commission believes that Riceland is not subjected to undue risks and that the present filing is premature and should be rejected without prejudice. Consequently if curtailments on Arkla's system reach the point where Riceland believes it is entitled to relief, it is free to so plead at a later date before this Commission.

Finally, Arkla has requested intervention in the instant docket. Because of its status as the supplier of natural gas to Riceland, Arkla's participation herein may be in the public interest, and thus we will grant intervention.

The Commission finds. (1) Riceland's petition for extraordinary relief is prematurely submitted because it is not currently suffering curtailment of volumes from Arkla.

(2) The participation of Arkla in this proceeding may be in the public interest.

[1] Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1500 Mcf per day, where alternate fuel capabilities can meet such requirements (see Opinion No. 642-A).

The Commission orders. (A) Riceland's petition for extraordinary relief is hereby denied without prejudice.

(B) The petitioner hereinabove set forth is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5035 Filed 2-25-75;8:45 am]

[Docket No. RP75-32]

ARKANSAS LOUISIANA GAS CO.

Accepting for Filing and Suspending Tendered Tariff Sheet, Granting Request for Waiver, Providing for Hearing, Granting Interventions and Establishing Procedures

FEBRUARY 13, 1975.

On November 5, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing an amended Rate Schedule XT-17, which schedule is applicable solely to transportation of gas by Arkla for Reynolds Metals Company (Reynolds).[1] The proposed amendments would increase the rate charged for the transportation service rendered as well as modify certain conditions of such service. Arkla requested that the proposed changes be permitted to become effective as of January 1, 1975.

By letter dated December 31, 1974, the Commission Secretary, by direction of the Commission, rejected Arkla's filing because it was "inconsistent with § 154.22 of the Commission's regulations, which requires prior issuance of a certificate covering the proposed changes of service." The letter added that such rejection was without prejudice to Arkla's right to file a rate increase for service under Rate Schedule XT-17 either under existing terms and conditions of service or under modified conditions of service after such modifications have received certificate authorization.

On January 14, 1975, Arkla tendered for filing a revised tariff sheet[2] which would increase the rate for transportation service for Reynolds from 4.5 cents per Mcf to 18.95 cents per Mcf. This filing is based on existing terms and conditions of service, and proposes only to increase the rate to Reynolds. Based on volumes transported during the 12 months ended October 31, 1974, the proposed rate would increase annual revenues from such service from $273,877 to $1,153,326. Consistent with its earlier filing, Arkla requests that the proposed rate be permitted to become effective as of January 1, 1975.

In support of the proposed 18.95 cents per Mcf rate, Arkla states that Arkla and Reynolds "intended that whatever rate is approved by the Commission for the 5-year period beginning January 1, 1975, will remain constant for the full 5 years." Accordingly, Arkla contends, in order to derive a compensatory rate, it was necessary to take into account not only the current cost of service but also the fact that the rate will remain fixed for five years. Therefore, the proposed revised tariff sheet included in Arkla's filing "projects the actual cost to the median year 1977 to get a flat rate to be effective over the full five years."[3] Such projection was made on the assumption that Arkla's cost to provide the transportation service will increase by ten percent annually for the years 1976 and 1977.

Notice of Arkla's January 14, 1975, filing was issued on January 24, 1975, with comments, protests, or petitions to intervene due on or before February 10, 1975. In response to such notice, Reynolds Metals Company (Reynolds) timely filed a Petition to Intervene in this proceeding. Good cause appearing, said petition shall be granted, as hereinafter ordered.

As noted above, Arkla has requested that the proposed increase be permitted to become effective as of January 1, 1975. Accordingly, Arkla asks that the Commission waive its 30-day prior notice requirement for rate increase filings.[4] In support of this request, Arkla states that the rate proposed in its January 14, 1975, filing is the same rate the Company proposed in its November 5, 1974, filing, which was noticed by the Commission on November 18, 1974. Therefore, Arkla concludes, because the public was notified of this rate increase almost two months ago,[5] the purpose of the 30-day notice requirement has been served.

We find that good cause does exist to waive § 154.22 of the Commission's Regulations. However, for the reasons stated below, we find that the proposed rate should be suspended for five months from January 1, 1975, to become effective June 1, 1975.

Based on our review of Arkla's proposed rate increase, including the documents, information and studies submitted therewith as required by the Commission's Regulations, we find that the requested increase may be excessive or otherwise unlawful under the Natural Gas Act. Accordingly, the proposed increase shall be accepted for filing, as hereinafter conditioned, suspended for the full statutory period, and set for hearing.

We note that Arkla has included in the tariff sheet proposed herein approximately $9,885,000 of Construction Work in Progress (CWIP) as a rate base item. While there is currently pending a proposed rulemaking which, if adopted, would permit inclusion in rate base of certain amounts expended for CWIP,[6] our presently-existing regulations specifically exclude from rate base plant in process of construction.[7] Therefore, we shall permit said amounts for CWIP to be included in Arkla's filing; *provided, however,* That if the facilities presently represented by such CWIP amounts are not in service on the date the proposed rates take effect, subject to refund, Arkla shall file substitute tariff sheets including rates which reflect only those facilities which are in service as of that date.

The Commission finds. (1) First Revised Sheet No. 5 of Arkla's FPC Gas Tariff, First Revised Volume No. 2, tendered by Arkla on January 14, 1975, should be accepted for filing as hereinafter conditioned, and suspended as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Arkla's FPC Gas Tariff, as proposed to be amended in Docket No. RP75-32.

(3) Good cause exists to grant Arkla's request for waiver of § 154.22 of the Commission's Regulations, as discussed hereinabove.

(4) Participation of Reynolds Metals Company in this proceeding may be in the public interest, provided that such participation is limited as hereinafter ordered.

The Commission orders. (A) The tariff sheet proffered by Arkla in Docket No. RP75-32 is accepted for filing and suspended for the full statutory period of five months until June 1, 1975, or until such times as it is made effective in the manner provided by the Natural Gas Act, subject to refund; *Provided, however,* That Arkla shall file substitute tariff sheets to become effective June 1, 1975, reflecting exclusion of the CWIP costs included in its proposed rates which are associated with facilities which have not been placed in service as of June 1, 1975.

[1] As amended, Rate Schedule XT-17 consists of First Revised Sheet Nos. 2 through 21 and Original Sheet Nos. 21-A, 21-B, and 21-C of Arkla's FPC Gas Tariff, Original Volume No. 2. These proposed tariff sheets are a complete restatement of the contract between the parties reflecting amendments to said contract made July 1, 1974.

[2] First Revised Sheet No. 5, superseding Original Sheet No. 5 of Arkla's FPC Gas Tariff, First Revised Volume No. 2.

[3] "Statement of the Nature, Reasons and Basis for the Proposed Change", at page 5.

[4] See § 154.22 of the Commission's Regulations.

[5] As Arkla correctly states, no comments, protests or petitions to intervene have been filed in response to the November 18, 1974, notice. However, as previously noted, Reynolds Metals Company timely filed a Petition to Intervene in response to the notice or Arkla's January 14, 1975, filing.

[6] See "Notice of Proposed Rulemaking", issued November 15, 1974, in Docket No. RM 75-13.

[7] See § 154.63(f) (Schedule C-1) of the Commission's Regulations.

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(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's Rules and Regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed in Arkla's January 14, 1975 filing.

(C) On or before April 15, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before April 29, 1975. Company rebuttal shall be served May 13, 1975. Cross-examination of the evidence shall commence on May 28, 1975, at 10 a.m., EDT in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(D) Arkla's request for waiver of § 154.22 of the Commission's Regulations is hereby granted.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's Rules and Regulations.

(F) Reynolds Metals Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5033 Filed 2-25-75;8:45 am]

[Docket No. E-9254]

BOSTON EDISON CO.

Rate Schedule Filing

FEBRUARY 13, 1975.

Take notice that on February 3, 1975, Boston Edison Company (Edison) tendered for filing an initial rate schedule between itself and the Electric Light Department of Cambridge, Massachusetts (Cambridge). The rate schedule sets forth the payment provisions for Cambridge's use of Edison's Substation #509. Edison requests that the Commission allow the rate schedule to become effective as of March 1, 1975, the date upon which support payments by Cambridge will commence.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before February 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5039 Filed 2-25-75;8:45 am]

[Docket No. RP74-82]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

FEBRUARY 13, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on January 31, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1.

The revised tariff sheet, proposed to be effective March 3, 1975, reflects an increase in the overall level of Columbia's rates to provide additional annual revenue of $6,500,317. Such increase is necessary to reflect the inclusion in rate base of the actual balance in Account 166 (Advance Payments for Gas) as of December 31, 1974, adjusted to include an additional advance payment to British Petroleum Oil Corporation of $55 million.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5040 Filed 2-25-75;8:45 am]

[Docket No. RP75-47-3]

COLUMBIA GAS TRANSMISSION CORP. (WEST OHIO GAS COMPANY AND THE OHIO PUBLIC UTILITIES COMMISSION)

Order Denying Relief, Denying Motion To Dismiss, Permitting Interventions, and Establishing Hearing Procedures

FEBRUARY 12, 1975.

On December 27, 1974, as supplemented January 7, 1975, Teledyne Ohio Steel (Teledyne), Lima, Ohio, filed a petition, pursuant to § 1.7(b) of the Commission's rules of practice and procedure, seeking relief from the currently effective curtailment procedures of Columbia Gas Transmission Corporation (Columbia Transmission) and an emergency priority allocation of natural gas to become effective as soon as possible and to remain in effect until June 1, 1975. Teledyne requests the following emergency priority allocation of natural gas: December, 1974—86,104 Mcf; January, 1975—98,608 Mcf; February, 1975—103,074 Mcf; March, 1975—112,050 Mcf; April, 1975—89,475 Mcf; and May, 1975—82,388 Mcf.

In support of its petition for a grant of extraordinary relief Teledyne states that it is engaged in manufacturing rolls for rolling mills in the steel and nonferrous industries and sells its product to more than 150 plants located throughout the United States. At its Lima facility it operates approximately 100 or more gas furnaces in the production of rolling mill rolls. Such production requires a continuous process, including the heat treating operation, for a period of time ranging up to four and one-half weeks. Teledyne asserts that it has no realistic alternate fuel supply available for most of the furnaces now utilizing natural gas. It claims to have made expenditures in excess of $1,000,000 since 1970 for the purchase of new, more efficient gas utilization equipment and to have renovated all remaining furnaces for more efficient operation with resulting decreased gas consumption.

Teledyne purchases its natural gas supply from West Ohio Gas Company (West Ohio), whose principal supplier is Columbia Transmission. West Ohio notified Teledyne that effective December 20, 1974, it would sustain a fifty percent curtailment of its natural gas allocation, a level of curtailment at which Teledyne claims that it cannot continue operations.

On December 18, 1974, Teledyne requested an emergency priority allocation of natural gas from the Public Utilities Commission of Ohio, but no action has been taken upon that request.

Pursuant to Notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before January 25, 1975. Timely petitions for leave to intervene were filed by the Columbia Gas Distribution Companies,[1] General Motors Corporation, The Dayton Power and Light Company, and West Ohio. The Ohio Public Utilities Commission filed a timely notice of intervention,

and Columbia Transmission filed a timely petition for leave to intervene, motion for dismissal and/or request for hearing.

In its pleading which includes a motion to dismiss, Columbia Transmission urges that this Commission is not the appropriate forum for adjudicating a request for special relief by an indirect customer of an interstate pipeline such as Teledyne, and that Teledyne has not exhausted its administrative remedy before the Public Utilities Commission of Ohio.

In a telegram dated December 31, 1974, West, Ohio, Teledyne's distributor, requested leave to intervene herein in support of Teledyne's petition for special relief, and the Ohio Public Utilities Commission has filed a notice of intervention in regard to that petition in order to participate in any proceeding before this Commission. In these circumstances, we deem it appropriate to construe West Ohio's telegram as a request for extraordinary relief on behalf of Teledyne, thus rendering invalid Columbia Transmission's lack of jurisdiction argument. The Commission staff already has requested West Ohio to furnish the additional information required of distributors by Commission Order No. 467-C as well as to conform its aforementioned petition to certain formal requirements of the Commission's Rules of Practice and Procedure. In addition, we request the Ohio Commission, which has shown a desire for active participation in this matter, to direct West Ohio to provide immediately the information referenced in the deficiency telegrams that were sent some time ago by our Staff.

We believe that the factual and legal issues raised by the above-mentioned pleadings require development in an evidentiary hearing. Accordingly, we shall schedule an expedited hearing in this matter. In view of the lack of relevant data with which to evaluate the instant request for immediate extraordinary relief for Teledyne, we must deny the request for such an emergency allocation of natural gas until the necessary factual data are filed.

The Commission finds. (1) Good cause exists to deny without prejudice Teledyne's request for an immediate emergency priority allocation of natural gas, all as set forth above.

(2) Good cause exists to set for public hearing the matters raised by Teledyne's petition for relief from natural gas curtailment and for an emergency priority allocation of natural gas filed December 27, 1974, as supplemented January 7, 1975.

(3) Good cause exists to construe the notice and petition to intervene filed by the Ohio Public Utilities Commission and West Ohio, respectively, as petitions for extraordinary relief filed under § 1.7(b) of our rules and regulations on behalf of Teledyne.

(4) Since West Ohio, Teledyne's natural gas distributor supplier, has requested intervention in support of Teledyne's petition for extraordinary relief, the principal basis for Columbia Transmission's motion for dismissal has been removed; and, accordingly, the motion for dismissal should be denied, and its alternate request for hearing should be granted, as hereinafter ordered.

(5) The participation of the abovenamed petitioners in this proceeding may be in the public interest.

The Commission orders. (A) Teledyne's request for an immediate emergency priority allocation of natural gas filed on December 27, 1974, as supplemented January 7, 1975, as a part of its petition for extraordinary relief is hereby denied without prejudice.

(B) The notice of intervention by the Ohio Public Utilities Commission and the petition to intervene by West Ohio are hereby construed as petitions for extraordinary relief filed under § 1.7(b) of our rules and regulations on behalf of Teledyne.

(C) Columbia Transmission's motion for dismissal is hereby denied; and its alternative request for hearing is hereby granted.

(D) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on March 6, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, to determine the issue of whether or not extraordinary relief should be granted to Teledyne as requested.

(E) All parties, including intervenors and Staff, will file their direct evidence and testimony on or before February 25, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Natural Gas Act, the Commission's Rules and Regulations, and the terms of this order.

(G) The aforementioned petitioners for intervention shall be permitted to intervene in this proceeding, subject to the Commission's rules and regulations; *Provided, however,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding and *Provided, further,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5030 Filed 2-25-75;8:45 am]

[Docket No. RP75-14]

CONSOLIDATED GAS SUPPLY CORP.

Petition for Rehearing

FEBRUARY 12, 1975.

On September 9, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing certain "Pro Forma" tariff sheets which would permit Consolidated to include in rate base amounts expended for construction work in progress (CWIP). Such treatment would be accorded to any gas supply or gas supply—related project exceeding $10 million in cost and requiring a construction period of more than twelve months. Acceptance by the Commission of Consolidated's proposal would permit the Company to recover in its current rates the cost of capital associated with such construction work. Consolidated does not seek to make the proposed tariff sheets effective prior to approval by the Commission, but requests that a hearing be convened as soon as possible to consider the proposed sheets.

By order issued December 13, 1974, the Commission rejected Consolidated's September 9, 1974, filing because it found such filing to be premature "in light of the 'Proposed Rulemaking' issued in Docket No. RM75-13."[1] This rejection was without prejudice to Consolidated's right to file data, views, comments or suggestions concerning said "Proposed Rulemaking", and without prejudice to Consolidated's right to file such new tariff sheets, if any, as may be appropriate after the Commission has acted on said "Proposed Rulemaking".

On January 13, 1975, Consolidated filed a Petition for Rehearing of the aforementioned December 13, 1974, order. In support of its petition, Consolidated reiterates its contention expressed in the September 9, 1974, filing that "the public interest would be served by undelayed hearing and implementation of Consolidated's pro forma tariff sheets." Consolidated further contends that the Commission had no authority to reject Consolidated's filing as "premature". Finally, Consolidated asserts that the Commission's December 13, 1974, order "makes no finding that Consolidated has failed to meet the procedural requirements of filing . . ." which finding, Consolidated contends, is a prerequisite to summary rejection of a filing by this Commission. For the reasons stated below, we find that Consolidated's contentions are without merit.

The Commission's currently-existing Regulations specifically exclude from rate base plant in process of construction.[2] However, as noted in the December 13, 1974, order in this docket, a "Proposed Rulemaking" is currently pending[3] which, if adopted, would permit in-

[1] Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc., and Columbia Gas of West Virginia, Inc.

[1] *Consolidated Gas Supply Corporation*, Docket No. RP75-14, order issued December 13, 1974, at page 2.

[2] See Section 154.63(f) (Statement C) (Schedule C-1).

[3] See "Notice of Proposed Rulemaking" issued November 14, 1974, in Docket No. RM75-13.

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clusion in rate base of certain amounts expended for CWIP. It is in this context that we found Consolidated's September 9, 1974, filing to be "premature". Our rejection of such filing was, therefore, based on the premise that the sole purpose of Consolidated's filing was to effectuate a result which is now specifically proscribed by our Regulations. Our authority to reject a proposed filing which contravenes our Regulations is clear.[4] We conclude, therefore, that the Commission acted well within its discretion in rejecting Consolidated's filing. Accordingly, we shall deny Consolidated's Petition for Rehearing.

The Commission finds. Consolidated's Petition for Rehearing filed on January 13, 1975, raises no facts or principles of law which would provide an appropriate basis for modification of the Commission's order of December 13, 1974.

The Commission orders. (A) Consolidated's Petition for Rehearing filed January 13, 1975, is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5041 Filed 2-25-75;8:45 am]

[Docket Nos. RP72-150 (Rate Design), RP73-104, RP73-109 and RP74-57; RP73-109 and RP74-95]

EL PASO NATURAL GAS CO.

Consolidating Proceedings and Extending Procedural Dates

FEBRUARY 13, 1975.

On May 12, 1973, the El Paso Natural Gas Company ("El Paso") tendered for filing copies of Twelfth Revised Sheet No. 10 as part of its FPC Gas Tariff, First Revised Volume No. 3. This filing was assigned Docket No. RP73-109 and constituted a rate increase for El Paso's Northwest Division System customers. On November 25, 1973, El Paso placed these rates into effect subject to refund. By court order, El Paso was divested of the Northwest Division System properties as of January 31, 1974, when it was replaced by the newly-formed Northwest Pipeline Corporation ("Northwest"), an independent pipeline company. Northwest's first proposed rate increase was filed on May 31, 1974, and was allowed to become effective as of December 1, 1974, subject to refund. The January 31, 1974 divestiture effectively divided the refund obligations in Docket No. RP73-109. El Paso's obligation extends from November 25, 1973 through January 31, 1974. Northwest's obligation extends from February 1, 1974, through November 30, 1974.

El Paso's current rate increase proceedings are pending in Docket Nos. RP72-150 (Rate Design), RP73-104, and RP74-57. Northwest's current rate increase proceedings are pending in Docket No. RP74-95.

By joint motion of January 7, 1975, El Paso and Northwest suggest that their respective locked-in periods in Docket No. RP73-109 be consolidated with their respective current rate increase proceedings. Movants emphasize that they do not seek consolidation of El Paso's rate cases with Northwest's rate cases.

Only Staff has filed an answer (out of time) to the joint motion for consolidation of El Paso and Northwest. Staff does not object in substance to the proposed consolidation but conditions its concurrence therewith upon approval by the Commission of an extension of the presently established procedural data in Docket No. RP74-95[1] in order to allow Staff and Northwest time to prepare their respective cases. Finding Staff's request to be reasonable, we will order that the presently established procedural dates be extended, as provided in Ordering Paragraph (C), below, subject to review by the Commission in the event of alleged inconvenience or hardship to the parties concerned.

The Commission finds. (1) Good cause exists to allow staff to file out of time its answer to the joint motion for consolidation filed by El Paso and Northwest.

(2) Good cause exists to consolidate proceedings for purposes of hearing and disposition as provided in Ordering Paragraph (B), below.

(3) Good cause exists to extend the presently established procedural dates in Docket No. RP74-95, as hereinafter provided.

The Commission orders. (A) Permission is granted Staff to file out of time its answer to the joint motion to consolidate proceedings filed by El Paso and Northwest on January 7, 1975.

(B) The following proceedings are hereby consolidated for purposes of hearing and disposition:

(1) That portion of Docket No. RP73-109 which involves consideration of El Paso's refund obligations during the locked-in period from November 25, 1973 through January 31, 1974 with the proceedings in Docket Nos. RP72-150, RP73-104 and RP74-57;

(2) That portion of Docket No. RP73-109 which involves consideration of Northwest's refund obligations during the locked-in period from February 1, 1974 through November 30, 1974, with the proceedings in Docket No. RP74-95.

(C) The procedural dates established in Docket No. RP74-95, now consolidated with Docket No. RP73-109 as provided above, are hereby modified as follows:

April 4, 1975—Northwest's submission of Case-in-Chief.
May 30, 1975—Service of Staff's testimony.
June 13, 1975—Service of Intervenor's testimony.
June 27, 1975—Service of Company's testimony.
July 11, 1975—Hearing.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5037 Filed 2-25-75;8:45 am]

[Docket Nos. G-4769, et al., AR-64-1, et al. and AR61-1, et al.]

EL PASO NATURAL GAS CO.

Report of Refunds Due

FEBRUARY 13, 1975.

Take notice that on November 15, 1974, El Paso Natural Gas Company (El Paso) tendered for filing and acceptance its report of intended disposition of producer-refunds received in compliance with ordering paragraph (E) of the Commission's order denying petition for special relief from refund obligations issued March 18, 1974, as implemented by the Commission's letter order to Phillips Petroleum Company (Phillips) dated September 18, 1974, at Docket No. AR64-1, and ordering paragraph (K) (1) of the Commission's order implementing opinion Nos. 468 and 468-A issued August 9, 1968, at Docket No. AR61-1.

El Paso states the instant report pertains to producer-supplier refunds received and retained by El Paso, aggregating $41,457,426.54, applicable to gas purchased by El Paso for resale in its interstate system. Such aggregate refund amount results from refunds received by El Paso on October 3, 1974, from Phillips in the amount of $41,449,099.97 and other producer refund amounts received by El Paso since January 1, 1973, in the total amount of $8,326.57 and retained pending flow through. El Paso's intended disposition of such amount is consistent with El Paso's obligation to flow through refunds received from its producer-suppliers to its jurisdictional customers, pursuant to the stipulation and agreement dated as of November 1, 1963, approved by Commission order issued December 4, 1963, at Docket Nos. G-4769, et al. Additionally, included in said report is the intended disposition of refunds to certain of El Paso's direct industrial customers whose sales agreements are keyed to the refund obligations to El Paso's jurisdictional customers subject to said Stipulation and Agreement.

El Paso states that it intends to flow through the jurisdictional amount of $35,973,534.85 of such refunds to individual jurisdictional customers in accordance with Article IV of the said Stipulation and Agreement dated as of November 1, 1963. Likewise, El Paso intends to flow through the non-jurisdictional keyed portion thereof, aggregating $2,580,006.68, to its non-jurisdictional keyed customers, who, by contractual agreements are treated in like manner as those foregoing jurisdictional customers

[4] See, for example, *Municipal Lights Boards of Reading and Wakefield, Massachusetts F.P.C.*, 450 F.2d 1341 (D.C. Cir. 1971), *cert. denied* 406 U.S. 969; *Mississippi River Fuel Corp. v. F.P.C.*, 202 F.2d 809 (CA3, 1953), *cert. dismissed*, 345 U.S. 968; 18 CFR § 1.14 (a) (2).

[1] The presently established procedural dates are those listed in our October 30, 1974, Notice of Extension of Procedural Dates in Docket No. RP74-95.

under the said Stipulation and Agreement. El Paso will retain the remaining non-jurisdictional amount of $2,903,885.01. Additionally, El Paso will flow through interest accrued on the jurisdiction and non-jurisdictional keyed amount of $8,326.57 of refunds received and retained pending flowthrough in accordance with the Commission's Opinion Nos. 468 and 468-A.

El Paso states copies of the filing were the subject refund amounts to those customers entitled thereto on January 31, 1975, or immediately thereafter, upon receiving Commission approval of the instant report.

El Paso states copies of the filing were served on all of El Paso's interstate transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before February 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5029 Filed 2-25-75;8:45 am]

[Docket Nos. RP74-75 and RP74-80]

NORTHERN NATURAL GAS CO.

Order Consolidating Proceedings

FEBRUARY 13, 1975.

On January 15, 1975, Commission staff filed a motion in the above-referenced dockets in which Staff requests the Commission to sever the advance payments issues under consideration in Docket No. RP74-75 therefrom and consolidate them with the Docket No. RP74-80 proceeding, and to extend the presently established procedural dates in Docket No. RP74-80.

Docket No. RP74-75 was created by Commission order of March 22, 1974, in Docket Nos. RP71-107 (Phase II) and RP72-127. The March 22, 1974, order was issued in response to Northern's January 23, 1974, filing of proposed revised tariff sheets, said sheets having been filed pursuant to the Commission's order of January 4, 1974, which approved a settlement in the Docket Nos. RP71-107, RP72-127 proceedings, subject to certain conditions. The order of March 22, 1974, accepted and effectuated without suspension the bulk of Northern's January 23, 1974, filing, excepting only selected advance payments, a list of which was marked Appendix A and attached to the order. With respect to these advances, the Commission accepted them for filing, suspending the use thereof for one day until December 28, 1973, and set the matter for hearing.

Docket No. RP74-75 was subsequently enlarged by Commission order issued May 20, 1974, in Docket No. RP74-80. Said order provided that the hearing on the advance payments authorized in the March 22, 1974, order would also include consideration of cost-of-service treatment for post October 7, 1969, leases in the Hugoton-Anadarko area.[1]

Northern's currently proposed rate increases are pending in Docket No. RP74-80. Revised tariff sheets were filed April 11, 1974, and, by order of May 20, 1974, were suspended until October 27, 1974, becoming effective as of that date by order issued November 12, 1974. Our order of May 20, 1974, further provided that Northern would not be allowed to extend its authority to track advance payments[2] beyond the effective date of the rates proposed in Docket No. RP74-80. Northern's subsequent application for rehearing on that point was denied.

Staff proposes that we sever the advance payments issues from Docket No. RP74-75, and consolidate them with the Docket No. RP74-80 rate proceedings, leaving only the Hugoton-Anadarko issue for consideration in Docket No. RP74-75. No party to either proceeding has filed timely opposition to Staff's proposal. We are of the opinion that the suggested consolidation will serve to expedite these proceedings. We find a likelihood that common principles of law and issues of fact will be raised between the challenged advances in Docket No. RP74-75 and rate base considerations in Docket No. RP74-80.

Staff further requests that we extend the procedural dates in Docket No. RP74-80 that we established by notice issued September 25, 1974. We have already issued notice on January 21, 1975, that, in view of Staff's motion of January 15, 1975, in these proceedings, the procedural dates in Docket Nos. RP74-75 and RP74-80 have been deferred pending further action by the Commission. Finding the extension suggested by Staff to be reasonable, we shall adopt them. We note that the procedural dates established below apply only to Docket No. RP74-80.

The Commission finds. (1) Good cause exists to sever the advance payments issues from Docket No. RP74-75 and consolidate said issues with the proceedings now pending in Docket No. RP74-80.

(2) Good cause exists to extend the presently established procedural dates in Docket No. RP74-80, as hereinafter provided.

[1] The Hugoton-Anadarko issue had been reserved from the January 4, 1974, order approving the rate settlement in Docket No. RP71-107, et al.

[2] This authority was granted Northern by our order of January 4, 1974, approving the settlement in the Docket Nos. RP71-107, et al., proceeding.

The Commission orders. (A) Pursuant to § 1.20(b) of the Regulations of the Commission, the advance payments issues assigned to Docket No. RP74-75 by our order of March 22, 1974, are hereby severed therefrom and consolidated with the proceedings now pending in Docket No. RP74-80, for purposes of hearing and decision.

(B) The procedural dates established by notice issued September 25, 1974, in Docket No. RP74-80 are hereby modified as follows:

March 24, 1975—Service of Staff's Testimony.
April 7, 1975—Service of Intervenor's Testimony.
May 5, 1975—Service of Company's Rebuttal.
May 20, 1975—Hearing.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5036 Filed 2-25-75;8:45 am]

[Docket No. RP74-102]

NORTHERN NATURAL GAS CO.

Proposed Stipulation and Agreement

FEBRUARY 14, 1975.

Take notice that Presiding Administrative Law Judge William Jensen, on January 30, 1975 certified to the Commission for action a proposed settlement agreement filed by Northern Natural Gas Company (Northern) in the above-mentioned docket on December 6, 1974. On January 17, 1975, Northern filed pro forma tariff sheets with the Presiding Judge reflecting the settlement agreement. The proceeding involves modifications proposed by Northern to its approved curtailment plan (48 FPC 669), as previously modified (48 FPC 1149).

The proposed settlement agreement consists of the following proposals:

1. Paragraph 9.2 of Northern's Gas Tariff, Third Revised Volume No. 1 will be revised to provide that:

a. On any day during the billing months of October through March, i.e. September 27 through March 26, EG plant sales would be subject to 100% curtailment.

b. On any day during the billing months of April through September, i.e. March 27 through September 26 referred to as Summer Period, EG plant sales are subject to curtailment as follows:

(1) During 1975, EG plant sales will be subject to curtailment down to 60 percent of the billing group contract demand.

(2) During 1976, EG plant sales will be subject to curtailment down to 30 percent of billing group contract demand.

(3) Commencing September 27, 1976, and thereafter, all EG plant sales will be subject to complete curtailment.

2. Northern will promptly file an application with the Federal Power Commission to establish contract demands for the communities comprising the so-called Argus System served by the Peoples Natural Gas Division of Northern.

3. Pipelines will be curtailed in accordance with the presently effective Paragraph 9.3 of Northern's tariff.

4. Paragraph 9.5 will be amended to provide that an "EG Plant Sale" means

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gas used by a Gas Utility itself in, or resold by a Gas Utility to, an electrical generation plant, with total fuel input requirements of more than 200 Mcf per day, or equivalent.

a. New Paragraph 9.51 provides that EG Plants meeting the following conditions will be curtailed in accordance with the provisions of paragraph 9.52 and 9.53:

(1) Maximum day requirements of 3,000 Mcf per day or less;

(2) Lack of electric interconnection facilities capable of providing electric power service for the current total electric system requirements; and a contract with another electric utility for purchase of its current base load system requirements.

b. New Paragraph 9.52 provides that EG Plants meeting the requirements of paragraph 9.51 shall use due diligence to reduce their natural gas requirements and, in any event, after September 1, 1977, shall be subject to year-round curtailment under the provisions of paragraph 9.2. Before September 1, 1977, said EG plants shall be curtailed under the provisions of paragraph 9.2 during the winter period and paragraph 9.4 during the summer period.

c. New Paragraph 9.53 provides that if any EG Plant listed in paragraph 9.51 uses natural gas on any day in excess of 3,000 Mcf or exceeds in any year the annual sales listed in paragraph 9.51 for such plant, it shall thereafter be subject to year-round curtailments under the provisions of paragraph 9.2.

d. New Paragraph 9.54 provides that each EG Plant listed in paragraph 9.51 shall within seven months of the effective date of paragraph 9.5 and each six months thereafter, submit in writing to the Secretary of the Federal Power Commission, with copies to Northern and the Gas Utility, the following information:

(1) Maximum day usage of natural gas during the preceding six-month period;

(2) Amount of electricity purchased during the preceding six-month period;

(3) Description and quantification of the steps taken to reduce gas usage during the preceding six-month period.

5. The penalty charge for CD–1 and PL–1 unauthorized overrun gas taken up to the larger of 3 percent of the Contract Demand or 50 Mcf will be increased from $2.00 per Mcf to $5.00 per Mcf.

6. Clarkson Memorial Hospital, served by the Metropolitan Utilities District of Omaha, Nebraska, shall be exempt from the curtailment provisions of paragraph 9 due to the unique circumstances under which gas is now being rendered to that facility.

Initial comments on the proposed settlement agreement may be filed with the Commission on or before March 5, 1975. Reply comments may be filed on or before March 20, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–5028 Filed 2–25–75;8:45 am]

[Docket No. RP75–30]

UNITED GAS PIPE LINE CO.

Late Intervention

FEBRUARY 13, 1975.

On November 4, 1974, the United Gas Pipe Line (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. United's Filing was noticed by the Commission on November 8, 1974, with protests and petitions to intervene due on or before November 25, 1974.

An untimely petition to intervene was filed by the United Municipal Distributors Group on January 20, 1975.

Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–5038 Filed 2–25–75;8:45 am]

[Docket No. RI74–194]

KWB OIL PROPERTY MANAGEMENT INC.

Notice Reconvening Hearing

FEBRUARY 20, 1975.

Take notice that the hearing indefinitely postponed by the Presiding Administrative Law Judge on September 19, 1974, shall reconvene on February 26, 1975, at 10:00 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–5222 Filed 2–25–75;8:45 am]

FEDERAL RESERVE SYSTEM

AMERIBANC, INC.

Order Approving Acquisition of Bank

Ameribanc, Inc., St. Joseph, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 84 percent or more of the voting shares of Bank of Higginsville, Higginsville, Missouri ("Bank").

Notice of this application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourteenth largest banking organization in Missouri, controls four subsidiary banks with aggregate deposits of about $144 million, representing approximately 1 percent of total commercial bank deposits in Missouri.[1] Acquisition of Bank, with deposits of about $15.4 million, would increase Applicant's share of commercial bank deposits by approximately 0.1 of one percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank is the third largest of seven banks in the relevant banking market,[2] and controls approximately 19.3 per cent of market deposits. Applicant's closest subsidiary bank is located approximately 99 road miles northeast of Higginsville. No significant competition exists between Bank and any of Applicant's bank or nonbank subsidiaries. Moreover, it is unlikely that significant future competition will develop in view of the distances involved and Missouri's restrictive branching laws. Prospects for *de novo* entry do not appear favorable due to the only moderate growth of the market and a low deposits per banking office ratio. On the basis of the record, it appears that consummation of the proposed acquisition would have no significant adverse effects upon existing or potential competition within the market.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are all regarded as satisfactory and consistent with approval. Affiliation with Applicant would result in some expansion of Bank's services. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective February 18, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–5107 Filed 2–25–75;8:45 am]

[1] All banking data are as of June 30, 1974.

[2] The relevant banking market is approximated by Lafayette County excluding the northeast and northwest corners.

[3] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governors Mitchell and Coldwell.

WYOMING BANCORPORATION

Order Approving Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Bank of Wyoming, Hanna, Wyoming ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Wyoming and controls 16 subsidiary banks with aggregate deposits of $236.2 million, representing approximately 18 percent of the total commercial bank deposits in the State.[1] Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase the concentration of banking resources in the State.

Bank will be the only bank in Hanna, a community located in southeastern Wyoming with a population of approximately 460 persons according to the 1970 census, and will compete in a banking market approximated by Carbon County. Applicant's nearest subsidiary bank, located 40 miles west of Hanna, is the largest of three banks operating in the relevant banking market and has total deposits of $37 million, representing approximately 56 per cent of total commercial bank deposits in the market. The two other banks presently in the market, one located 40 miles west and the other 40 miles south of Hanna, control 36 and 8 per cent, respectively, of the total market deposits. Since the proposal involves the establishment of a *de novo* bank, no existing or potential competition between any of Applicant's existing subsidiary banks and Bank would be eliminated and no immediate increase in the concentration of banking resources would result in the relevant market. Accordingly, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to the banking factors are consistent with approval of the application. The proposed new bank would provide a new and convenient source of banking services to the residents of the Hanna area who presently must travel 40 miles to obtain any banking services. The recent growth experienced by Carbon County, and particularly in the Hanna area, has produced a strong demand for all types of loans. Upon consummation herein, Bank, with Applicant's assistance, would provide mobile home financing, mortgage lending, and other consumer lending services to Hanna residents. Applicant would also assist Bank internally with investments, training of personnel, advertising, operations and accounting guidance, audits, and master blanket bond insurance coverage. Accordingly, considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Bank of Wyoming, Hanna, Wyoming, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective February 18, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75–5108 Filed 2–25–75;8:45 am]

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board as of December 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governors Mitchell and Coldwell.

FEDERAL TRADE COMMISSION

PUBLIC INVESTIGATION OF COMPLIANCE BY FRANCHISORS WITH LAWS ADMINISTERED BY THE COMMISSION

Requirements for Submission of Special Reports

On October 2, 1973, the Commission issued its final order and opinion in Docket 8884—Chock Full O'Nuts Corporation, Inc. (38 FR 29317), holding that a franchisor of sit-down counter service restaurants which required its franchisees to purchase products manufactured by the franchisor, or by the franchisor from others, was engaged in per se violations of the Federal Trade Commission Act, absent affirmative proof by the franchisor that such purchase restrictions are "necessary to ensure the quality of its products, or that no less restrictive means than the tie-in may be used to ensure such quality." With respect to some products, the franchisor convinced the Commission that such purchase restrictions were so necessary; with respect to other products, the franchisor failed to adduce convincing proof that its purchase restrictions were necessary.

Subsequent to the aforementioned decision, the Commission's Bureau of Competition has continued to receive numerous complaints of alleged tie-ins, exclusive dealing arrangements and coercive practices by franchisors, primarily in the fast food market.

Notice is hereby given that the Federal Trade Commission has approved, adopted, and entered of record the following resolution requiring certain franchisors of drive-in, carry out, or restaurant-type retail food establishments, to file Special Reports in order for the Commission to determine whether the franchisors have brought their franchise operations into compliance with the Commission's decision in the Chock Full O'Nuts case.

RESOLUTION DIRECTING USE OF COMPULSORY PROCESS IN A PUBLIC INVESTIGATION OF COMPLIANCE BY FRANCHISORS WITH LAWS ADMINISTERED BY THE COMMISSION

Whereas, the Federal Trade Commission has the authority under section 6 of the Federal Trade Commission Act to investigate the business practices of any person, partnership, or corporation engaged in, or whose business affects, commerce and its relation to other persons, partnerships, and corporations engaged in, or whose business affects, such commerce to file written special reports with the Commission, in such form as the Commission may prescribe, as to their business practices and relation to other persons, partnerships and corporations, and

Whereas, it appears to the Federal Trade Commission that it is in the public interest to conduct a survey for the purpose of determining whether franchisors who sell goods and/or services to their franchisees or who approve the sales of goods and/or services to their franchisees by others are complying with section 5 of the Federal Trade Commission Act, section 3 of the Clayton Act or any other statute administered by the Federal Trade Commission;

Now, therefore, it is hereby resolved that the Federal Trade Commission, in the exercise of the power vested in it by law, and pursuant to its published procedures and rules of practice, and with the aid of any and all compulsory processes available to it; forthwith proceed to conduct an investigation of such franchisors who sell goods and/or services to their franchisees or who approve the sale of goods and/or services to their franchisees by others as may be designated by the Commission for the reasons and purposes stated herein.

Dated: January 15, 1975.

By direction of the Commission dated February 18, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75–5066 Filed 2–25–75;8:45 am]

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

EXPANSION ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel to the National Counsel on the Arts will be held on March 13, 14, 15, 1975 from 9:00 a.m.–5:30 p.m. each day, in the 1st floor conference room of the Shoreham Building, 805 15th Street, NW, Washington, D.C.

A portion of this meeting will be open to the public on March 15 from 12:30 p.m. to 5:30 p.m. on a space available basis. Accommodations are limited. During the open session, policy and planning will be discussed.

The remaining sessions of this meeting on March 13, 14, and March 15 from 9 a.m.–12:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-5084 Filed 2-25-75;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Change in Time of Open Session

In reference to the February 14 issue of the FEDERAL REGISTER, page 6833, the open session of the Public Media Advisory Panel meeting to the National Council on the Arts has been changed from March 4—2 p.m.–5:30 p.m. and March 5—9 a.m.–5:30 p.m. to one open session on March 3 from 9 a.m.–5:30 p.m.

Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-5082 Filed 2-25-75;8:45 am]

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held on March 13, 14, 15, 1975 from 9:30 a.m.–5 p.m. each day except March 13 which will extend to 6 p.m. This meeting will meet in the Fairfax Hotel, 2100 Massachusetts Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on March 13 from 9:30 a.m.–12 p.m. on a space available basis. Accommodations are limited. During the open session, there will be a report on Resolutions of November 1974 meeting; report on Regional subpanel meeting; report on New Directions subpanel meeting; and, FY 1977-78 Federal-State Guidelines.

The remaining sessions of this meeting on March 13 from 12 p.m.–6 p.m., March 14, and 15 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-5083 Filed 2-25-75;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that closed meetings of the Visual Arts Advisory Panel to the National Council on the Arts will be held on March 14, 1975 from 9 a.m.–5 p.m. in the 11th floor Visual Arts conference room, 2401 E Street, NW. Washington, D.C.; March 17, 1975 from 9 a.m.–5 p.m. in the 10th floor conference room, 806 15th Street, Washington, D.C.; March 19, 1975, March 22, 23, 1975, and April 1, 1975 from 10 a.m.–5 p.m. in the 10th floor conference room, 806 15th Street, Washington, D.C.; March 24, 25, 26, 1975 from 10 a.m.–5 p.m. in the 1st floor conference room, 806 15th Street, Washington, D.C.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, these meetings, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to these meetings can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-5085 Filed 2-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-6]

BATTELLE MEMORIAL INSTITUTE

Intent to Issue Order Authorizing Dismantling of Facility

By application dated September 13, 1974, Battelle Memorial Institute requested authorization to dismantle the Battelle Research Reactor in accordance with its dismantling plan.

The Commission has reviewed the application in accordance with the provisions of the Commission's regulations and has found that the dismantling and disposal of component parts will be accomplished in accordance with the regulations in 10 CFR Chapter I, and the application, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the Safety Evaluation by the Division of Reactor Licensing which is being issued concurrently with this notice.

Accordingly, an appropriate order will be issued after March 13, 1975 authorizing Battelle Memorial Institute to dismantle the Battelle Research Reactor covered by Facility License No. R-4, as amended.

Dated at Bethesda, Maryland, this 18th day of February, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-5054 Filed 2-25-75;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO.

Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Lacey Township, Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment permits lowering the main steamline isolation valve low main steamline pressure closure set point.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 26, 1974, (2) Amendment No. 7 to License No. DPR-16 with Change No. 23, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 14th day of February, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-5055 Filed 2-25-75;8:45 am]

[Docket Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC CO. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 & 2)

Schedule for Special Prehearing Conference

In accordance with the rules or practice of the Commission,[1] a special prehearing conference in the above proceeding will be held on March 25, 1975, at 10 a.m., local time, in the Arlington Elementary School, Arlington, Oregon 97812.

Matters to be taken up at the conference include identification and simplification of the issues; outstanding petitions for intervention; the need for discovery and the time required for it, and establishment of schedules for further action in the proceeding.

Members of the public are welcome to attend the prehearing conference. However, there will be no evidence presented nor will there be opportunity for individuals to make oral or written statements by way of limited appearance. Such statements will be received at the evidentiary hearing to be scheduled at a later date.

It is so ordered.

Dated at Bethesda, Maryland this 21st day of February 1975.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.75-5057 Filed 2-25-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO.

Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego, California. The amendment is effective as of its date of issuance.

This amendment authorizes an increase of the core average burnup for Cycle 4 and succeeding cores from 19,000 MWD/MTM to 21,000 MWD/MTM.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated December 4, 1974, (2) Amendment No. 10 to License No. DPR-13, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of February 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-5058 Filed 2-25-75;8:45 am]

[Docket Nos. 50-327 and 50-328]

TENNESSEE VALLEY AUTHORITY AND SEQUOYAH NUCLEAR PLANT, UNITS 1 AND 2

Issuance of Amendments to Provisional Construction Permits and Availability of Initial Decision

Notice is hereby given that pursuant to an Agreement of the Parties presented to the Atomic Safety and Licensing Board during the evidentiary hearing held July 1, 1974 and July 30–31, 1974 in Chattanooga, Tennessee, the Nuclear Regulatory Commission has issued Amendment No. 2 to Provisional Construction Permit No. CPPR-72 and Amendment No. 2 to Provisional Construction Permit No. CPPR-73 issued to the Tennessee Valley Authority for construction of the Sequoyah Nuclear Plant, Units 1 and 2, located in Hamilton County, Tennessee. The Agreement modifies the construction permits to include certain conditions for the protection of the environment. This Agreement was noted in the Initial Decision issued by the Atomic Safety and Licensing Board on December 2, 1974. The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decisions or actions taken by the Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

A copy of the Initial Decision dated December 2, 1974, Amendment No. 2 to

[1] The Nuclear Regulatory Commission is the successor organization to the Atomic Energy Commission as provided by legislation enacted by the Congress in Pub. L. 93-438.

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Provisional Construction Permit No. CPPR–72, Amendment No. 2 to Provisional Construction Permit No. CPPR–73, the Agreement of the Parties, and the Tennessee Valley Authority's Final Environmental Statement are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and in the Chattanooga Public Library, 601 McCalley Street, Chattanooga, Tennessee 37403.

The above noted documents are also being made available at the Office of Urban and Federal Affairs, Suite 1025, Andrew Jackson State Office Building, Nashville, Tennessee, 37219; the Chattanooga Area Regional Council of Governments, 423 James Building, 735 Broad Street, Chattanooga, Tennessee 37402; and the Office of Urban and Federal Affairs, 321 Seventh Avenue, North, Nashville, Tennessee 37219.

The Nuclear Regulatory Commission has found that the provisions of these amendments comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I and has concluded that the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

The record developed in the public hearing in the above captioned matter modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Sequoyah Nuclear Plant, Units 1 and 2, prepared by the Tennessee Valley Authority. Pursuant to the provisions of § 51.52(b)(3) of 10 CFR Part 51, the Final Environmental Statement is deemed modified to the extent that the conditions relating to environmental matters contained in the Agreement of the Parties presented in the hearing record and noted in the Initial Decision are different from those contained in the Final Environmental Statement issued February 1974. As required by § 51.52(b)(3) of 10 CFR Part 51, a copy of the Initial Decision and the Agreement of the Parties which modified the Final Environmental Statement, have been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons in accordance with § 51.26(c) of 10 CFR Part 51.

Single copies of the Initial Decision, Amendment No. 2 to Provisional Construction Permit No. CPPR–72, Amendment No. 2 to Provisional Construction Permit No. CPPR–73, the Final Environmental Statement and the Agreement of the Parties may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of February 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2–2, Division of Reactor Licensing.

[FR Doc.75–5059 Filed 2–25–75;8:45 am]

[Docket No. 50–186]

UNIVERSITY OF MISSOURI—COLUMBIA

Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. R–103 issued to University of Missouri ("the licensee") which revised Technical Specifications for operation of the University of Missouri Research Reactor (MURR), located in Columbia, Missouri. The amendment is effective as of its date of issuance.

The amendment increases the maximum allowable fuel burnup from 99 megawatt days (MWD) for the UA1, intermetallic fuel to 150 megawatt days (MWD) per element. It also increases the allowable time between inspections of fuel elements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated October 21, 1974, and Supplement dated November 20, 1974, (2) Amendment No. 3 to License No. R–103, with Change No. 11 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 14th day of February, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–5056 Filed 2–25–75;8:45 am]

[Docket No. 50–513A]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated February 13, 1975, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 28, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity Nuclear Reactor Regulation.

APPENDIX A

WASHINGTON PUBLIC POWER SUPPLY SYSTEM
NUCLEAR PROJECT NO. 4
NRC DOCKET NO. 50–513A
DEPARTMENT OF JUSTICE FILE NO. 60–415–114

FEBRUARY 13, 1975.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

The Washington Public Power Supply System (WPPSS), a power generating agency, has applied for a construction permit and operating license for a utilization facility to be known as WPPSS Nuclear Project No. 4 (WPPSS No. 4) at its site on the Hanford Reservation in Benton County, Washington. Operation is scheduled for 1982. The facility will have a nominal capacity of 1,250,000 kilowatts.

WPPSS will be entitled to all of the output of WPPSS No. 4. This output will be offered to 104 systems in the Pacific Northwest, of which 29 are municipalities, 28 are public utility districts and 47 are cooperatives, all are statutory preference customers of the Bonneville Power Administration (Bonneville). No other entities have expressed a desire to acquire a portion of the output of WPPSS No. 4.

Applicant. WPPSS is a municipal corporation and a joint operating agency of the State of Washington. Its membership, which is established by Washington State law, is made up of eighteen operating public utility districts in the State of Washington and the Cities of Richland, Seattle, and Tacoma, Washington. The management and control of WPPSS is vested in a Board of Directors consisting of representatives of each of the public utility districts and the cities.

WPPSS presently operates the Packwood Lake Hydroelectric Project in Lewis County, Washington, and the Hanford Electric Generating Project of the Energy Research and Development Administration's reactor near Richland, Washington. WPPSS previously applied to your predecessor commission for licenses with respect to WPPSS Nuclear Projects Nos. 1 and 2. The Department of Justice advised the Atomic Energy Commission that it need not conduct an antitrust hearing with respect to those projects. We have recently advised the Nuclear Regulatory Commission that it need not conduct an antitrust hearing with respect to an application by WPPSS for WPPSS Nuclear Project No. 3. WPPSS also anticipates acquiring a 15 per cent ownership interest in the Skagit Nuclear Project now being planned by the Puget Sound Power & Light Company.

Interconnection and Coordination with Others. The Pacific Northwest is an area where there is a high degree of coordination and cooperation between utilities involved in the generation and transmission of electrical power.

The dominant factor in the area in terms of energy transmission is Bonneville; it has over 12,000 miles of transmission facilities in the Pacific Northwest representing about 80 per cent of the bulk power transmission capacity in that region. Bonneville is generally described as the leading force promoting coordination and joint planning with respect to electrical power. Bonneville markets power to 149 customers, including the 104 preference customers which may elect to participate in WPPSS No. 4.

In the Pacific Northwest, five private utilities, 110 publically-owned agencies, WPPSS and Bonneville have formed the Joint Power Planning Council to coordinate planning for existing and future thermal and hydroelectric resources for the region. The area includes the States of Washington, Oregon, and portions of northern California, Idaho and Montana. The Joint Power Planning Council has developed the Hydro Thermal Power Program plan for power generation to meet the area's anticipated load growth.

The major portion of power supply for the Pacific Northwest has historically been from hydroelectric generating sources. Most of the hydroelectric projects were built by the federal government as part of the Columbia River Power System. However, in recent years, the region has turned to thermal generation for its base-load resources since virtually all the hydropower sites have been developed.

Results of Antitrust Review. With one exception, our study of this application did not indicate any antitrust problem. The only matter requiring exploration pertained to allegations that the City of Tacoma, Washington, one of the possible 104 participants, was refusing to wheel power from Bonneville to five utilities who were, at one time, served by Tacoma. These five utilities are members of the Pierce County Cooperative Power Association (PCCPA). Many of the details concerning this controversy were presented to the United States Senate Committee on Appropriations on H.R. 8947, Public Works for Water and Power Development and Atomic Energy Commission Appropriations, Fiscal Year 1974, 93rd Congress, 1st Session, Part 6, at pages 7,175–7,194.

Negotiations between the PCCPA group and Tacoma for transmission service from Bonneville to the PCCPA group have now been concluded, and since July 1, 1974, power from Bonneville has been wheeled over Tacoma facilities to the PCCPA group in accordance with an agreement between them. This agreement is subject to approval by the Tacoma City Council. On the assumption that the Tacoma City Council will approve the transmission agreement in the near future, we conclude that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.75–4959 Filed 2–25–75;8:45 am]

[Docket Nos. 50–440, 50–441]

CLEVELAND ELECTRIC ILLUMINATING (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Modification of Order To Show Cause

FEBRUARY 18, 1975.

Before the Atomic Safety and Licensing Board.

I. By Order dated January 20, 1975, the Cleveland Electric Illuminating Company, the Duquesne Light Company, the Ohio Edison Company, the Pennsylvania Power Company, and the Toledo Edison Company ("the licensees") were ordered to:

(a) Show cause why all work activities under the LWA, issued by the Director of Regulation on October 21, 1974 and supplemented on November 8, 1975, should not be suspended pending completion of the Nuclear Regulatory Commission's (NRC) review and evaluation of the environmental and site suitability considerations raised by the licensees' proposed permanent dewatering system described in Amendement 22 to the licensees' Preliminary Safety Analysis report (PSAR); and

(b) Immediately suspended all LWA work activities pending further order.

II. On February 4, 1975, the licensees filed an Answer to Order to Show Cause. In their Answer, and other documents submitted to the NRC Staff,[1] and in technical presentations at meetings with the NRC Staff,[2] that licensees have identified work activities, previously authorized under the LWA that would not affect either the ultimate cost benefit balance for the environmental review for the facility as provided in the National Environmental Policy Act of 1969, as amended, or the availability of one of several satisfactory alternatives to the dewatering system.[3] These submittals also provided an evaluation of the environmental impacts to be expected from the proposed dewatering system. This information was not available when the Acting Director issued his January 20, 1975, Order to Show Cause. In view of the information submitted by the licensees and the NRC Staff's review and evaluation of this information, the Acting Director for the Office of Nuclear Reactor Regulation has determined that the public health, safety or interest does not require that all work activities under the LWA remain suspended. Based on a worst case analysis of potential environmental impacts, the Acting Director has determined that the suspension of those LWA construction activities, other than those activities which may effect the selection of a satisfactory alternative to the dewatering system, be withdrawn and authority for the continued performance of those work activities be reinstated.

III. Attachment A to the January 20, 1975, Order specified the LWA work activities which were suspended. This Modification of Order withdraws the suspension of the following work activities as enumerated in Attachment A to the Order to Show Cause:

1. Preparation of the site for construction of the facility, including 1a through 1h.
2. Installation of temporary construction support facilities, including 2a through 2g.
4. Construction of service facilities, including 4a through 4m.
5. Construction of the structures, systems and components which are not subject to the provisions of Appendix B to 10 CFR Part 50, including 5a and 5f only.

IV. The basis for withdrawing the suspension on these activities is that the construction activities involved would require minimum disturbance of the existing ground surface (in most cases excavation would be limited in depth to about 5 feet below the existing ground surface) and that these activities are not directly related to safety-related structures, systems or components. None of the enumerated activities affect the final disposition of the proposed dewatering system nor will their completion, in turn, affect the final resolution of proposed design changes or the imposition of possible alternative designs or systems.

Furthermore, based on a worst case analysis, none of the environmental impacts discussed in the Order to Show Cause and the affidavit of Lewis G. Hulman attached to the NRC Staff's Motion to Supplement the "Commission's Staff's Motion to Reopen the Record on Environmental and Site Suitability Matters" would change the ultimate conclusion of the benefit-cost balance originally struck in the Final Environmental Statement for the Perry Nuclear Power Plant, Units 1 and 2.

V. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, the Regulations in 10 CFR Parts 2 and 50, and the Order to Show Cause of January 20, 1976, addressed to the licensees, it is hereby determined that: The public health, interest or safety does not require the continued suspension of the work activities under the LWA unrelated to the selection of a

[1] These documents were submitted by the licensees on January 17, 29 and 31, 1975. Copies of these documents are on file in the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and the Nuclear Regulatory Commission's local Public Document Room, Perry Public Library, 3553 Main Street, Perry, Ohio 44081.

[2] These meetings were held at the NRC Staff offices in Bethesda, Maryland on January 10, 21 and 22, 1975.

[3] The Director has also considered information in a letter from Robert F. Koblenzer, East Ohio Gas Co., to Ralph A. Maselli, Public Utilities Commission of Ohio, which alleged that submission by the licensees to the NRC regarding a 16-inch natural gas line endangered by the suspension of work activities at the Perry site were incorrect. This information, if determined to be correct after review, would not effect issuance of this Modification of Order to Show Cause.

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satisfactory alternative to the dewatering system; these activities are specified in section III of this Modification of Order to Show Cause.

And it is hereby ordered, That: Effective this date the Order to Show Cause of January 20, 1975, is modified to delete the suspension of work activities specified in Section III of this Modification of Order to Show Cause. All other provisions of said Order to Show Cause shall remain in full force and effect.

Dated at Bethesda, Maryland this 18th day of February, 1975.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-5186 Filed 2-25-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 20, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical reporting service, seeding rate survey, single-time, farms, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Directory of Child Advocacy Programs and Projects, OS-11-75, single-time, local and State governments and private non-profit organizations, Caywood, D. P., 395-3443.

National Institute of Education, Factors Relating to Achievement/Aspirations of Urban Community College Students Form, NIE 101, single-time, social science students in urban community colleges, Planchon, P., 395-3898.

Office of Education: College and University Libraries, Fall 1975, 2300-5, other (see SF-83), college and university libraries, Planchon, P., 395-3898.

Residence and Migration of College Students, Fall 1975, annually, colleges and universities, Planchon, P., 395-3898.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Demand Experiment Third Periodic Survey Questionnaires, single-time, EHAP participants in Phoenix and Pittsburgh, Community and Veterans Affairs Division, 395-3832.

Federal Disaster Assistance Administration, Inspector's Environmental Information, HUD 484.2, on occasion, Federal inspector on disaster projects, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Cumulative Quarterly Progress Report—Aging, OS-19-74, quarterly, grantee agency, Reese, B. F., 395-5630.

Office of Education: Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1975, OE 2300-4, annually, colleges and universities, Planchon, P., 395-3898.

Employees in Institutions of Higher Education 1974-75, OE2300-3, annually, colleges and universities, Planchon, P., 395-3898.

Upper Division and Post-Baccalaureate Enrollment by Degree Field, OE2300-2.5, annually, colleges and universities, Planchon, P., 395-3898.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Seed Inquiries—Shippers, annually, seed cleaners and chippers, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Opening Fall Enrollment, 1974—Higher Education General Information Survey (HEGIS), 2300-2.3, annually, colleges and universities, Planchon, P., 395-3898.

Degrees and Other Formal Awards Conferred 65-June 30, 1966 (Higher Education Annual Information), 2300-21, annually, colleges and universities, Planchon, P., 395-3898.

DEPARTMENT OF THE TREASURY

Bureau of Customs:

Warehouse Withdrawal for Consumption Premit—Duty Paid, 7505A, on occasion, Evinger, S. K., 395-3648.

Declaration of Foreign Repairs to Vessel or Aircraft, CF-3415, on occasion, Evinger, S. K., 395-3648.

Certificate of Origin, CF3229, on occasion, Evinger, S. K., 395-3648.

Inward Manifest of Baggage Car, 7533-A, on occasion, Evinger, S. K., 395-3648.

Order to Release Merchandise on Order of the Warehouse Proprietor, 7505B, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-5191 Filed 2-25-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 21, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census, May 1975 Survey of Adult Education, CPS-1, CPS-643, single-time, households in May 1975 CPS National Sample, Planchon, P., 395-3898.

DEPARTMENT OF TRANPORTATION

Federal Highway Administration, Pilot CBD Pedestrian RTOR Questionnaire, single-time, individuals, Strasser, A., 395-3880.

Departmental and Other Pilot Right-Turn-On Red Driver Attitude Survey, single-time, persons renewing drivers license, Strasser, A., 395-3880.

National Highway Traffic Safety Administration, National Survey of Automobile Purchasing Behavior, single-time, households, Strasser, A., 395-3880.

Departmental and Other Work Shop/Seminar Requirements Study Mail Survey Questionnaire, single-time, State/local government nationally, Strasser, A., 395-3880.

National Highway Traffic Safety Administration, General Requirements of the Federal Motor Vehicle Safety Standards as Applicable to Motorcycles, HS-336, single-time, importers of nonconforming motorcycles, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census, Annual Survey of Oil and Gas, MA 13K, annually, operators and lessees of oil and gas field properties, Weiner, N., 395-4890.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service Monthly and Annual Naval Stores Inquires, 13-4, monthly, naval stores processors, Evinger, S. K., 395-3648.

DEPARTMENT OF HOUSIG AND URBAN DEVELOPMENT

Housing Management, Application for Cash Settlement—Multifamily Mortgage, FHA 1752, on occasion, Evinger, S. K., 395-3648.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Notice of Property Transfer and Application for Insurance Benefits, FHA 1025, on occasion, Evinger, S. K., 395-3648.

Housing Management, Title I Property Improvement Financial Statement, FHA 142, on occasion, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-5268 Filed 2-25-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2431]

CHARTER INVESTMENT CO. INC.

Filing of Application Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 14, 1975.

In the matter of Charter Investment Company Inc., c/o Burton Spraker, 2000 First Maryland Building, 25 South Charles Street, Baltimore, Maryland 21201.

Notice is hereby given that Charter Investment Company Incorporated ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end diversified management investment company, filed an application on October 25, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Maryland corporation on November 5, 1973. It filed its Notification of Registration on Form N-8A under the Act and a Registration Statement under the Securities Act of 1933 ("Securities Act"), on November 5, 1973. Applicant's Securities Act Registration Statement never became effective, and on September 23, 1974, the Commission consented to its withdrawal.

Applicant represents that due to unfavorable market conditions it never commenced operations as an investment company, and that it is not engaged in any investment company activity nor does it propose to engage in any investment company activity.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 12, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-5087 Filed 2-25-75;8:45 am]

[70-5531]

NATIONAL FUEL GAS CO.

Note to Parent Holding Company

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020, National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301.

Notice is hereby given that National Fuel Gas Company ("National Fuel Gas"), a registered holding company, and National Fuel Gas Distribution Corporation ("Distribution Corp.") and National Fuel Gas Supply Corporation ("Supply Corp."), its non-utility subsidiary companies, have filed with this Commission a post-effective amendment to its previously amended application-declaration in this proceeding pursuant to sections 6(a), 6(b), 7, 9(a), 9(c), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 thereunder regarding the following proposed transactions. All interested persons are referred to said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

On October 22, 1974, National Fuel Gas extended an emergency credit to Supply Corp. in the amount of $3,500,000. The funds advanced by National Fuel Gas were derived from a special $3,500,000 dividend paid by Distribution Corp. Prior thereto, on September 30, 1974, the Commission approved proposals in this proceeding of Distribution Corp. and Supply Corp. to issue long-term notes in the aggregate amounts of $14,000,000 and $6,000,000, respectively, to National Fuel Gas (see Holding Company Act Release No. 18583).

In order to comply with Rule 45(b)(3), the applicants-declarants now propose to resolve the extension of credit to Supply Corp. by amending the terms of the authorization given in this filing. Accordingly, they propose to consummate a two-step transaction by which (1) $3,500,000 principal amount of the note issued by Distribution Corp. to National Fuel Gas will be cancelled and a contribution of capital in like amount from National Fuel Gas to Distribution Corp. made and, (2) Supply Corp. will issue its note in the principal amount of $3,500,000 to National Fuel Gas.

The proposed transactions will have the effect of converting the $3,500,000 non-interest bearing emergency credit to Supply Corp. into long-term debt. By cancelling an equivalent amount of long-term debt from Distribution Corp. to National Fuel Gas, the $20,000,000 overall subsidiary indebtedness to National Fuel Gas heretofore authorized will remain unchanged.

The note to be issued by Supply Corp. will mature, bear interest and contain other terms identical to those of the equivalent note of Distribution Corp. to be cancelled. The note issued by Supply Corp. will bear interest from October 22, 1974, the date of the emergency extension of credit. To reflect this, no accrued interest will be payable to National Fuel Gas by Distribution Corp. on the $3,500,000 note to be cancelled.

The fees, commissions and expenses to be paid or incurred in connection with the proposed transactions will total $1,650, which includes legal fees of $1,500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 19, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the previously amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment to the previously amended application-declaration may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem

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appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, By the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-5088 Filed 2-25-75;8:45 am]

[70-5621]

PENNSYLVANIA ELECTRIC CO.

Issue and Sale of Cumulative Preferred Stock at Competitive Bidding

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell for cash, subject to the competitive bidding requirements of Rule 50 under the Act, up to 350,000 additional shares of its cumulative preferred stock, percent Series J ("new preferred stock"). Terms of the new preferred stock will include a mandatory redemption provision commencing on April 1, 1976, to retire annually 5 percent of the number of shares of the new preferred stock that are originally issued at $100 per share, plus accrued dividends to the redemption date on April 1 of each year. This mandatory redemption provision is designed to retire all the new preferred stock by April 1, 1995. Terms of the new preferred stock will also provide that Penelec shall not refund the new preferred stock by the issuance of debt securities at a lower interest cost or other preferred stock at a lower dividend cost within five years of the issuance of the new preferred stock.

The dividend rate and the optional redemption prices will be determined by the competitive bidding. The bidding procedure will require that (1) the price per share (and the price at which each share shall be initially offered by the underwriters to the public) shall be $100, which is the par value of the new preferred stock, (2) the dividend rate for the new preferred stock be specified by such bids and be a multiple of 1/25th of 1 percent and (3) the underwriting commission per share to be paid by Penelec to the successful bidders be specified in the bids. The bidding procedure will not establish a minimum or maximum dividend rate or commission within which bids may be submitted.

The entire proceeds to be realized from the sale of the new preferred stock will be used to pay a portion of Penelec's short-term bank loans expected to be outstanding at the date of sale or to reimburse Penelec's treasury for previous expenditures therefrom for construction purposes. Penelec expects to have approximately $67,115,000 of bank loans outstanding immediately prior to the date of sale of the new preferred stock.

Fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 14, 1975, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-5089 Filed 2-25-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONCERNING VOLUNTARY AGREEMENT AND PROGRAM TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Notice of Proposed Agreement

After consultations with representatives of the petroleum industry and other members of the public, pursuant to section 708(a) of the Defense Production Act, the Federal Energy Administration in cooperation with the Department of State has developed a proposed voluntary agreement and program to facilitate participation by U.S. oil companies in the International Energy Program. Copies of the proposed agreement and program are available in the Office of General Counsel, Federal Energy Administration, in Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. Prior to recommending this agreement to the Administrator of General Services for his approval as required by law, FEA would like to receive written data, views and arguments from the public concerning the proposed agreement.

Such views should be submitted no later than 4:30 e.d.s.t. on Tuesday, March 4, 1975. Fifteen copies of these comments should be submitted to Executive Communications, Box CI, Room 3309, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

This accelerated timetable is undertaken in order to facilitate the efforts of the United States and other consuming nations in connection with the Agreement on International Energy Program. Further procedures under the Defense Production Act require approval of the Attorney General of any request to enter into such an agreement and the official making the request (the Administrator of General Services) must consult with the Attorney General and the Chairman of the Federal Trade Commission not less than ten days before any such request. This will provide additional opportunity for public comment.

All comments received, including comments in response to this Notice, together with the proposed agreement and any proposed modifications will be available in Room 3400, Federal Energy Administration, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. Additional background information and material will also be available.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

FEBRUARY 25, 1975.

[FR Doc.75-5335 Filed 2-25-75;12:36 pm]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Meeting

Pursuant to section 10 (a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, March 13, from 9 a.m.–4:30 p.m.; Friday, March 14, 1975, from 9 a.m.–12 Noon in Room B-102 (A, B, C, D,), Conference Level, U.S. Department of Labor, 14th & Constitution Avenue, NW., Washington, D.C.

The Agenda for the meeting on the 13th will include:

1. Report of Subcommittee on AGC Proposed Master Training Plan for the Construction Industry.
2. Reports of Subcommittee on 29 CFR Parts 5 & 5a—Trainee and Apprenticeship.
3. Status of 29 CFR Part 29—Labor Standards for the Registration of Apprenticeship Programs (proposed rulemaking).
4. 29 CFR Part 30—Equal Employment Opportunity in Apprenticeship—Discussion of Problems.
5. Overview of Bureau of Apprenticeship and Training Operations.

The Agenda for the meeting on March 14, 1975, will include completion of recommendations of New Initiatives in Apprenticeship.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, MA, U.S. Dept. of Labor, 601 D St. NW. (Rm. 5434), Washington, D.C. 20213.

Signed at Washington, D.C. this 19th day of February 1975.

BEN BURDETSKY,
Acting Assistant Secretary for Manpower.

[FR Doc.75-5060 Filed 2-25-75;8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S. C. App. I), notice is hereby given that the Standards Advisory Committee on Hazardous Materials Labeling, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will hold its sixth meeting on March 18 and 19, 1975. The location of the meeting is Conference Room B, Departmental Auditorium, Constitution Avenue and 14th Street, NW., Washington, D.C. The meeting will begin at 10 a.m. on the 18th and 9 a.m. on the 19th and will be open to the public.

The proposed agenda for this meeting calls for the full Committee to begin its consideration of Subgroup working papers on classification of hazardous materials and on safety data sheets. Agenda items are subject to change as priorities dictate.

Any member of the public wishing to submit written presentations or recommendations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer at least seven days prior to the meeting date. These statements will be submitted to the Committee members and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons if time permits. Anyone desiring to make an oral presentation should submit a written request to the Committee Management Officer at least seven days before the meeting. The request must have the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. These requests will be submitted to the Chairman for his consideration.

All materials which have been submitted to or developed by the Committee, as well as the official record of all Committee proceedings, are available for public inspection and copying at the Committee Management Office. Any copying will be done at the cost of 20¢ per page. However, no arrangement will be made to supply Committee materials to the public at any meeting site.

Any questions concerning Committee activities or requests of copies of Committee materials should be addressed to:

Nancy L. Hucke, Committee Management Officer, Occupational Safety and Health Administration, 1726 M Street, NW., Room 200, Washington, D.C. 20210, Phone: 202/961-2248, 3181.

Signed at Washington, D.C. this 20th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-5062 Filed 2-25-75;8:45 am]

Office of the Secretary

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Certain States

The heads of the State employment security agencies of the States of Florida, Indiana, and Maryland have determined that there was a State "on" indicator in their respective States for the week ending on January 18, 1975, and an Extended Benefit Period therefore commenced in each of those States with the week beginning on February 2, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in each of the States of Florida, Indiana, and Maryland for the week ending on January 18, 1975, and a Federal Supplemental Benefit Period therefore commenced in each of those States with the week beginning on February 2, 1975.

A program for the payment of Federal-State Extended Benefits in Florida, Indiana, and Maryland is contained in those States' unemployment compensation laws in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. During an Extended Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits, after they have exhausted their rights to regular unemployment benefits.

In addition, the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869, provides further rights to unemployment benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted their rights to regular unemployment benefits and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States such as Florida, Indiana, and Maryland, which have entered into an agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period or a Federal Supplemental Benefit Period is the thirteenth week for a State "on" indicator and is the first week following the three-month period for a National "on" indicator. An Extended Benefit Period or a Period will last for a period of at least 13 tually begins with the third week following the week for which there is an "on" indicator. An Extended Benefit Period will last for a period of at least 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period or a Federal Supplemental Benefit Period occurs when the rate of insured unemployment

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in a State is less than 4.0 percentum for a 13-week period, and when the rate of insured unemployment nationally is less than 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period or Federal Supplemental Benefit Period actually ends with the third week after the week for which there is an "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the States of Florida, Indiana, or Maryland, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 19th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-5068 Filed 2-25-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 239]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 26, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 18, 1975. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75557. By order of February 12, 1975, the Motor Carrier Board approved the transfer to Terminal Transportation Company, a corporation, Philadelphia, Pa., of the operating rights in Certificate No. MC 136773 issued May 13, 1974, to S.T.S. Motor Freight, Inc., Stratford, N.J., authorizing the transportation of general commodities, with the usual exceptions, between points in the Philadelphia, Pa., Commercial Zone as defined by the Commission, on the one hand, and, on the other, Vineland, Millville, Minotola, Landisville, Newfield, Clayton, Glassboro, Malaga, Woodbury, Runnemede, Bridgeton, Pitman, Ions, and Franklinville, N.J. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, and Mervin J. Hartman, 1100 Western Saving Fund Building, Philadelphia, Pa. 19107, Attorneys for applicants.

No. MC-FC-75661. By order of February 13, 1975 the Motor Carrier Board approved the transfer to Wesley A. Costa, doing business as Costa Trucking Company, North Brunswick, N.J., of the operating rights in Permit No. MC 136370 (Sub-No. 2) issued February 2, 1973 to Shore Fruit, Inc., East Brunswick, N.J., authorizing the transportation of bananas and agricultural commodities exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from the facilities of United Fruit Co. at Albany, N.Y., and Baltimore, Md., to points in Bronx County, N.Y. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, Representative for applicants.

No. MC-FC-75668. By order entered February 13, 1975, the Motor Carrier Board approved the transfer to Arctic-Air Transport, Inc., Fremont, Wis., of the operating rights set forth in Certificates Nos. MC 119816, MC 119816 (Sub-No. 1), MC 119816 (Sub-No. 2), MC 119816 (Sub-No. 3), MC 119816 (Sub-No. 4), MC 119816 (Sub-No. 5), and MC 119816 (Sub-No. 6), issued by the Commission December 23, 1960, December 12, 1962, September 1, 1966, November 30, 1964, January 17, 1969, January 24, 1967, and July 30, 1968, to Fleetline, Inc., West St. Paul, Minn., authorizing the transportation of meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and materials, supplies, and equipment used in the manufacture and distribution of the commodities specified above, eggs, poultry, from, to, or between points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, North Dakota, South Dakota, and Iowa; general commodities, between Newport, Minn., on the one hand, and, on the other, Minneapolis and St. Paul, Minn.; and wood charcoal and charcoal briquettes, from Marquette, Mich., to specified points in Wisconsin. Robert P. Sack, 33 E. Wentworth, Room 220, West St. Paul, Minn. 55118, practitioner for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5152 Filed 2-25-75;8:45 am]

[Notice No. 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 21, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed by March 28, 1975.

Successively filed letter-notices of the same carrier under the Commission's revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 692) (Cancels Deviation Nos. 671 and 674), GREYHOUND LINES, INC. (Eastern Division), P.O. Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed February 6, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Fayetteville, N.C., over Interstate Highway 95 to junction U.S. Highway 17 south of Hardeeville, S.C., with the following access routes: (a) From Florence, S.C., over U.S. Highway 52 to junction Interstate Highway 95, (b) From Florence, S.C., over U.S. Highway 76 to junction Interstate Highway 95, (c) From Sumter, S.C., over U.S. Highway 378 to junction Interstate Highway 95, (d) From Sumter, S.C., over U.S. Highway 521 to junction Interstate Highway 95, (e) From Manning, S.C., over U.S. Highway 521 to junction Interstate Highway 95, (f) From Manning, S.C., over U.S. Highway 301 to junction Interstate Highway 95, (g) From Summerton, S.C., over access highway to junction Interstate Highway 95, (h) From junction Interstate Highway 26 and U.S. Highway 15 over Interstate Highway 26 to junction Interstate Highway 95, (i) From St. George, S.C., over U.S. Highway 78 to junction Interstate Highway 95, (j) From Walterboro, S.C., over South Carolina Highway 64 to junction Interstate Highway 95, (k) From Walterboro, S.C., over South Carolina Highway 63 to junction Interstate Highway 95.

(l) From Yemassee, S.C., over South Carolina Highway 68 to junction Interstate Highway 95, (m) From Pocotaligo, S.C., over U.S. Highway 17 to junction Interstate Highway 95, (n) From Ridgeland, S.C., over U.S. Highway 17 to junction Interstate Highway 95, north of Ridgeland, S.C., and (o) From Ridgeland, S.C., over U.S. Highway 17 to junction

Interstate Highway 95, south of Ridgeland, S.C., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Fayetteville, N.C., over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 52 at Society Hill, S.C., thence over U.S. Highway 52 to junction U.S. Highway 76 at Florence, S.C., thence over U.S. Highway 76 to Sumter, S.C., thence over U.S. Highway 521 to junction U.S. Highway 301 at Manning, S.C., thence over U.S. Highway 301 to junction U.S. Highway 15 at Summerton, S.C., thence over U.S. Highway 15 to Walterboro, S.C., thence over Alternate U.S. Highway 17 to Pocotaligo, S.C., thence over U.S. Highway 17 to junction Interstate Highway 95 near Hardeeville, S.C., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5133 Filed 2-25-75;8:45 am]

[Notice No. 7]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 21, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 84), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed February 11, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 35 to junction U.S. Highway 54 near Wichita, Kans., thence over U.S. Highway 54 to Tucumcari, N. Mex., thence over Interstate Highway 40 (using segments of U.S. Highway 66 where Interstate Highway 40 is not completed) to Kingman, Ariz., thence over U.S. Highway 93 to Las Vegas, Nev., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 24 to junction U.S. Highway 281, thence over U.S. Highway 281 to Smith Center, Kans., thence over U.S. Highway 36 to Denver, Colo., thence over U.S. Highway 40 to Heber, Utah, thence over U.S. Highway 189 to Provo, Utah, thence over U.S. Highway 91 to Las Vegas, Nev., and return over the same route.

No. MC 89723 (Deviation No. 33), MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, Mo. 63103, filed February 14, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Texas Farm Road 2004 and Texas Highway 288, over Texas Farm Road 2004 to junction Texas Highway 6 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Texas Farm Road 2004 and Texas Highway 288 over Texas Highway 288 to Angleton, Tex., thence over Texas Highway 35 to Alvin, Tex., thence over Texas Highway 6 to junction Texas Farm Road 2004, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5154 Filed 2-25-75;8:45 am]

[Notice No. 706]

Assignment of Hearings

FEBRUARY 21, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 26, 1975.

MC 128007 Sub 61, Hofer, Inc., now assigned February 26, 1975, at Kansas City, Mo., hearing is cancelled and application dismissed.

FF-C-53, Down-East Shippers, Inc., Bay State Shippers, Inc., and Trailer Train, Inc.—Investigation of Operations, now assigned February 25, 1975, at Boston, Mass., is cancelled.

MC-F-12336; Atl, Inc.—Purchase—Associated Truck Lines, Inc., now being assigned preconference hearing on April 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126714 Sub 3, Southwest Delivery Co., Inc.—Seattle—Portland, now assigned March 11, 1975 at Seattle, Wash. will be held in Room 2886 28th Floor, Federal Bldg. 915 2nd Ave.

MC 53965 Sub 95, Graves Truck Line, Inc., now assigned March 18, 1975 at Denver, Colo., will be held in Room B-230 New Custom House, 721 19th St.

MC 118520 Sub 10, Alaska Truck Transport, Inc., now asigned March 25, 1975 at Seattle, Wash., will be held in Room 2886, Federal Bldg., 915 2nd Ave.

MC-F-12368, Harry Schreiber, Schreiber Freight Carriers, Inc., Schreiber Freight Lines, Inc., W-P Truck Lines, Inc., and Gerald S. Lesher—Investigation of Control—Dorothy H. Loughman, DBA as Waynesburg-Pittsburgh Local Express, now being assigned May 3, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 31389 Sub 184, McLean Trucking Company, now being assigned April 2, 1975 (2 days) at Lexington, Ky., in a hearing room to be designated later.

MC 139946, B & L Express, Inc., now being assigned April 7, 1975 (1 week), at Lexington, Ky., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5150 Filed 2-25-75;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 21, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIER OF PROPERTY

No. MC-F-12440. Authority sought for purchase by M & M TRANSPORTATION COMPANY, 186 Alewife Brook Parkway, Cambridge, MA 02138, of a portion of the operating rights and property of NELSON FREIGHTWAYS, INC., 47 East St., P.O. Box 356, Rockville, CT 06066, and for acquisition by QUALPECO

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SERVICES, INC., 750 Third Ave., New York, NY 10017, of control of such rights and property through the purchase. Applicants' attorneys: John A. Vuono, and William A. Gray, both of 2310 Grant Bldg., Pittsburgh, PA 15219 and James E. Wilson, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave., & 13th St., N.W., Washington, DC 20004. Operating rights sought to be transferred: *General commodities*, except explosives, poles frozen foods, frozen foodstuffs, dairy products as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, imitation liquid milk and cream, and chocolate candies, as a *common carrier* over regular routes, between Bridgeport, N.J., and Washington, D.C., between Chester, Pa., and Washington, D.C., serving certain specified points in Delaware, Maryland, and Virginia, with restriction; *general commodities*, except those of unusual value, livestock, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, frozen foods, frozen foodstuffs, dairy products as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, imitation liquid milk and cream, and chocolate candies, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points in Maine and New Hampshire. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5148 Filed 2-25-75;8:45 am]

[Ex Parte No. MC 28 (Sub-No. 3)]

SPECIAL OR CHARTERED PARTY SERVICE

FEBRUARY 20, 1975.

At the request of Robert E. Goldstein, representative for several motor bus operators in the New York-New Jersey area, the time for filing initial statements in the above-entitled proceeding has been extended from February 26, 1975, to March 28, 1975, and reply statements from March 28, 1975, to April 28, 1975.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5149 Filed 2-25-75;8:45 am]

[Notice 691]

ASSIGNMENT OF HEARINGS

Correction

In FR Doc. 75-3596 appearing at pages 5832-5950 in the issue of Friday, February 7, 1975 the first and third entries should read as follows:

MC 72243 Sub 42, The Aetna Freight Lines, Inc., now being assigned April 1, 1975 (1 day), at Birmingham, Alabama, in a hearing room to be designated later.

MC 72243 Sub 39, The Aetna Freight Lines, Inc., now being assigned April 7, 1975 (1 wk.), at Birmingham, Alabama, in a hearing room to be designated later.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER-NOTICES

Notice

FEBRUARY 18, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 104887 (Sub-No. E1), filed June 3, 1974. Applicant: AMERICAN VAN & STORAGE, INC., 2125 N.W. 1st Ct., Miami, Fla. 33127. Applicant's representative: Earle J. Lerette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in the counties of Armstrong, Carson, Collinsworth, Dallam, Deafsmith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipcombe, Moore, Ochitree, Old Ham, Potter, Randall, Roberts, Wherman, and Wheeler, Tex., on the one hand, and, on the other, points in those portions of Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi south of a line beginning at the Delaware-Pennsylvania State line and extending along U.S. Highway 13 to junction Maryland Highway 413, thence along Maryland Highway 413 to the Chesapeake Bay near Gusfield, Md., thence across the Chesapeake Bay to U.S. Highway 360 near Reedville, Va., thence along U.S. Highway 360 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 460 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 115, thence along North Carolina Highway 115 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 123, thence along U.S. Highway 123 to junction U.S. Highway 23.

Thence along U.S. Highway 23 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Alabama Highway 53, thence along Alabama Highway 53 to junction Alabama Highway 145, thence along Alabama Highway 145 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 8, thence along Alabama Highway 8 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction Alabama Highway 96, thence along Alabama Highway 96 to junction Alabama Highway 594, thence along Alabama Highway 594 to junction Mississippi Highway 63, thence along Mississippi Highway 63 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Mississippi Highway 26, thence along Mississppi Highway 26 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi State line at the Gulf of Mexico (Florida)*; (2) between points in El Paso County, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, Washington, D.C., and those portions of New York, Pennsylvania, West Virginia, Kentucky, Tennessee, Alabama, and Mississippi east of a line beginning at the Lake Ontario-New York Coast line and extending south along New York Highway 57 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 14-A, thence along New York Highway 14-A to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 19, thence along New York Highway 19 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to junction Pennsylvania Highway 144, thence along 144 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to junction U.S. Highway 322.

Thence along U.S. Highway 322 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to junction U.S. Highway 219, thence

along U.S. Highway 219 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 81, thence along Pennsylvania Highway 81 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 292, thence along Kentucky Highway 292 to junction Kentucky Highway 40, thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction Tennessee Highway 61 near Graveston, Tenn., thence west along Tennessee Highway 61 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 11.

Thence along U.S. Highway 11 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 231 in Alabama, thence along U.S. Highway 231 to junction Alabama Highway 26, thence along Alabama Highway 26 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction Alabama Highway 96, thence along Alabama Highway 96 to junction Alabama Highway 594, thence along Alabama Highway 594 to junction Mississippi Highway 63, thence along Mississippi Highway 63 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Mississippi Highway 26, thence along Mississippi Highway 26 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi State line at the Gulf of Mexico (Florida)*; (3) between points in the counties of Brewster, Crane, Culberson, Ector, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, Washington, D.C., and those portions of New York, Pennsylvania, Maryland, West Virginia, Kentucky, Tennessee, Georgia, and Alabama east of a line beginning at the U.S.-Canada International Boundary line and extending south along New York Highway 30, thence along New York Highway 30 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 3, thence along New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 12, thence along New York Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 13.

Thence along New York Highway 13 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 328, thence along New York Highway 328 to junction U.S. Highway 15 in Pennsylvania, thence along U.S. Highway 15 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60 in West Virginia, thence along U.S. Highway 60 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction West Virginia Highway 3, thence west along West Virginia Highway 3 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 25-E near Middlesboro, Ky., thence along U.S. Highway 25-E to junction Tennessee Highway 33, thence along Tennessee Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 75 near Ooltewah, Tenn., thence along Interstate Highway 75 to junction Georgia Highway 53, thence along Georgia Highway 53 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction Alabama Highway 21.

Thence along Alabama Highway 21 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to termination at Mobile Bay, Mobile, Ala. (Florida)*; (4) between those points in the counties of Edwards, Kinney, Maverick, Real, and Val Verde, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, D.C., West Virginia, and those portions of Michigan, Indiana, Ohio, Kentucky, Tennessee, and Alabama east of a line beginning at Sault St. Marie, Mich., and extending south along interstate Highway 75 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 113, thence along Michigan Highway 113 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 66, thence along Michigan Highway 66 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction Michigan Highway 66, thence south along Michigan Highway 66 to junction Interstate Highway 80.

Thence along Interstate Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Ohio Highway 29, thence west along Ohio Highway 29 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 227, thence along Indiana Highway 227 to junction Ohio Highway 177, thence along Ohio Highway 177 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 62, thence along Indiana Highway 62 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence long Tennessee Highway 53 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway Alternate 72, thence along U.S. Highway Alternate 72 to junction U.S.

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Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 22 near Clanton, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 43, thence along U.S. Highway 43 to termination at Mobile, Ala. (Florida)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114211 (Sub-No. E737), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery and contractors' equipment and supplies*, from Green Island, Minn., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of Stinar Corporation located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E738), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from Green Isle, Minn., to points in Louisiana, and to points in that part of California on and south of a line beginning at the California-Nevada State line extending along California Highway 178 to junction California Highway 127, thence along California Highway 127 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 137, thence along California Highway 137 to junction California Highway 41, thence along California Highway 41 to junction California Highway 46, thence along California Highway 46 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 1, thence along California Highway 1 to Santa Cruz, Calif., to points in that part of Nevada on and south of a line beginning at the Nevada-Arizona State line extending along U.S. Highway 93 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 16, thence along Nevada Highway 16 to junction Nevada Highway 52, thence along Nevada Highway 52 to the California-Nevada State line, to points in that part of Arizona on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line, to points in that part of New Mexico on and south of a line beginning at the Texas-Oklahoma State line extending along New Mexico Highway 102 to junction New Mexico Highway 65.

Thence along New Mexico Highway 65 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line to points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line extending along U.S. Highway 62 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 88, thence along Oklahoma Highway 88 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 15, thence along Oklahoma Highway 15 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line, to points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line extending along U.S. Highway 62 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 130, thence along Arkansas Highway 130 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, to points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line extending along U.S. Highway 49 to junction U.S. Highway 61.

Thence along U.S. Highway 61 to junction U.S. Highway 49 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 14, thence along Mississippi Highway 14 to the Mississippi-Alabama State line, to points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along Alabama Highway 32 to junction Alabama Highway 17, thence along Alabama Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 97, thence along Alabama Highway 97 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line, and to points in that part of Florida on and west of a line beginning at the Florida-Alabama State line extending along U.S. Highway 231 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 98, thence along U.S. Highway 98 to St. Teresa, Fla. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E739), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from Clay Center, Kans., to points in Iowa. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E740), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, (except commodities the transportation of which because of size or weight requires the use of special equipment), from Maize, Kans., to points in that part of Texas on and south of a line beginning at the U.S.-Mexico Boundary line extending along U.S. Highway 377 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line (excluding Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E741), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof (except commodities the transportation of which, because of size or weight requires the use of special equipment), from Great Bend, Kans., to points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Texas Highway 85, thence along Texas Highway 85 to junction U.S. Highway 277, thence along U.S. Highway 277 to U.S.-Mexico Boundary line (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa and El Paso). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E742), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, (except commodities the transportation of which because of size or weight requires the use of special equipment), from Clay Center, Kans., to points in that part of Texas on and south of a line beginning at the Arkansas-Texas State line extending along U.S. Highway 82 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 218, thence along Texas Highway 218 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 80, thence along U.S. Highway 80 to McNary, Tex., (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E743), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from Green Isle, Minn., to points in that part of South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line, and to points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line, and to points in Wyoming. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in South Dakota.

No. MC 114211 (Sub-No. E744), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof (except commodities the transportation of which because of size or weight requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Maize, Kans., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, Kentucky, South Carolina, North Carolina, Virginia, New Jersey, West Virginia, and to points in that part of Washington on and west of a line beginning at the Washington-Oregon State line extending along U.S. Highway 97 to the United States-Canada Boundary line, to points in that part of Oregon on and west of a line beginning at the Oregon-California State line extending along U.S. Highway 97 to the Oregon-Washington State line, to points in that part of California on and west of a line beginning at the California-Arizona State line extending along Interstate Highway 10 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 99, thence along California Highway 99 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 97, thence along U.S. Highway 97 to the California-Oregon State line, and to points in that part of Oklahoma on and southeast of a line beginning at the Oklahoma-Arkansas State line extending along Oklahoma Highway 20 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Indian National Turnpike, thence along Indian National Turnpike to Junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E745), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight, requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Perry, Okla., to points in Washington, Oregon, California, Nevada, Idaho, Montana, North Dakota, Minnesota, Wisconsin, Arkansas, Louisiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, New Jersey; to points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Missouri State line extending along U.S. Highway 66 to junction Oklahoma Highway 88, thence along Oklahoma Highway 88 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line; to points in that part of Iowa on and north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 275, to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line; to points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 16 to junction South Dakota Highway 37.

Thence along South Dakota Highway 37 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Wyoming State line; to points in that part of Wyoming on and north of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Wyoming Highway 387, thence along Wyoming Highway 387 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 20/26, thence along U.S. Highway 20/26 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 530, thence along Wyoming Highway 530 to the Wyoming-Utah State line; to points in that part of Utah on and west of a line beginning at the Utah-Wyoming State line extending along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 33, thence along Utah Highway 33 to junction U.S. Highway 6/50, thence along U.S. Highway 6/50 to junction Utah Highway 10, thence along Utah Highway 10 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line; and to points in that part of Arizona on and west of a line beginning at the Utah-Arizona State line extending along U.S. Highway 89 to junction U.S. Highway 66/180, thence along U.S. Highway 66/180 to junction Arizona Highway 87, thence along Arizona Highway 87 to junction Arizona Highway 188, thence along Arizona Highway 188 to junction Arizona Highway 88, thence along Arizona High-

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way 88 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arizona-New Mexico State line. The purpose of this filing is to eliminate the gateway of Claremore, Okla.

No. MC 114211 (Sub-No. E746), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, from Springfield, Ill., to points in California, Arizona, New Mexico; to points in that part of Oregon on and west of a line beginning at the Oregon-California State line extending along U.S. Highway 97 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Oregon Highway 126, thence along Oregon Highway 126 to junction Oregon Highway 22, thence along Oregon Highway 22 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 30, thence along U.S. Highway 30 to Kelso, Wash.; to points in that part of Nevada on and southwest of a line beginning at the Nevada-Utah State line extending along U.S. Highway 6 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 49, thence along Nevada Highway 49 to junction Nevada Highway 81, thence along Nevada Highway 81 to the California-Nevada State line; to points in that part of Utah on and south of a line beginning at the Utah-Colorado State line extending along U.S. Highway 6 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 26, thence along Utah Highway 26 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Nevada State line; to points in that part of Colorado on and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 160 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line; and to points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Arkansas State line extending along U.S. Highway 70 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction Oklahoma Highway 18, thence along Oklahoma Highway 18 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E747), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between Streator, Ill., on the one hand, and, on the other, points in South Dakota; points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 60 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 7, thence along Minnesota Highway 7 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line; points in that part of Iowa on and west of a line beginning at the Nebraska-Iowa State line extending along Iowa Highway 10 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 60, thence along Iowa Highway 60 to the Iowa-Minnesota State line; points in that part of Nebraska on and northwest of a line beginning at the Colorado-Nebraska State line extending along Nebraska Highway 19 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; and points in that part of Colorado on and west of a line beginning at the Nebraska-Colorado State line extending along Colorado Highway 113 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E748), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts* for the above-described commodities in mixed loads with such commodities limited to commodities utilized as road building equipment, from Perry, Okla., to points in that part of Oregon on and north of a line beginning at the Washington-Oregon State line extending along U.S. Highway 395/730 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 26, thence along U.S. Highway 26 to Cannon Beach Jct., Oreg.; to points in that part of Washington on and north of a line beginning at the Montana-Washington State line extending along U.S. Highway 12 to the Washington-Oregon State line; to points in that part of Idaho on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 12 to the Washington-Idaho State line; to points in that part of Montana on and north of a line beginning at the South Dakota-Montana State line extending along Interstate Highway 94 to Junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 91, thence U.S. Highway 91 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Montana State line; to points in that part of North Dakota on and north of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to the Montana-North Dakota State line; and to points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line extending along Interstate Highway 94 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of points in Kansas, and that part of the Fargo, N. Dak., commercial zone, located in Moorhead, Minn.

No. MC 114211 (Sub-No. E749), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Grandview, Mo., to points in Washington; to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 25 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Kewaunee, Ill.; to points in that part of North Dakota on and north of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 12 to the Montana-North Dakota State line; to points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 12 to the North Dakota-South Dakota State line; to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line extending along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Montana Highway 43, thence along Montana Highway 43 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Montana State line; to points in that part of Idaho on and north of a line beginning at the Idaho-Montana State line extending along U.S. Highway 12 to junction Idaho Highway 13, thence along Idaho Highway 13 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho State line; and to points in that part of Oregon on and northwest of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 42, thence along Oregon Highway 42 to Coquille, Oreg. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E750), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Road building equipment (except in each instance, commodities which because of size or weight, require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Deerfield, Ill., to points in Arizona, New Mexico; and to points in that part of Oklahoma on and southwest of a line beginning at the Arkansas-Oklahoma State line extending along Interstate Highway 40 to junction Muskogee Turnpike, then along Muskogee Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line; to points in that part of Colorado on and south of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 50 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Colorado-New Mexico State line; to points in that part of Utah on and southwest of a line beginning at the Arizona-Utah State line extending along U.S. Highway 91 to junction Utah Highway 56, thence along Utah Highway 56 to the Utah-Nevada State line; to points in that part of Nevada on and southwest of a line beginning at the Utah-Nevada State line extending along Nevada Highway 26 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Nevada-California State line; to points in that part of California on and west of a line beginning at the Nevada-California State line extending along U.S. Highway 395 to junction California Highway 299, thence along California Highway 299 to junction California Highway 139, thence along California Highway 139 to the California-Oregon State line; and to points in that part of Oregon on and south of a line beginning at the California-Oregon State line extending along Oregon Highway 39 to junction Oregon Highway 140, thence along Oregon Highway 140 to junction Oregon Highway 66, thence along Oregon Highway 66 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 199, thence along U.S. Highway 199 to the California-Oregon State line. The purpose of this filing is to eliminate the gateways of points in Kansas, and Claremore, Okla.

No. MC 114211 (Sub-No. E751), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between Streator, Ill., on the one hand, and, on the other, points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E753), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractors attachments*, and *parts* of tractors and tractor attachments when moving in mixed loads with commodities specified above, between Deerfield, Ill., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Utah, Arizona, New Mexico, Alaska; points in that part of Idaho on and west-south-east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 95 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Idaho-Montana State line; points in that part of Wyoming on and southwest of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-Colorado State line; points in that part of Colorado on, west, and south of a line beginning at the Wyoming-Colorado State line extending along U.S. Highway 85 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nebraska State line; points in that part of Nebraska on and south of a line beginning at the Colorado-Nebraska State line extending along U.S. Highway 6 to junction U.S. Highway 83.

Thence along U.S. Highway 83 to the Nebraska-Kansas State line; points in that part of Kansas on and southwest of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 83 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Kansas-Oklahoma State line; points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 69 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line; and points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Texas Highway 49, thence along Texas Highway 49 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Gulf of Mexico, restricted to the transportation of commodities originating at or destined to Topeka, Kans., except commodities in foreign commerce. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E780), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Independence, Mo., to points in Washington; to points in that part of North Dakota on and northwest of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line, thence along the North Dakota-South Dakota State line to junction U.S.

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Highway 12, thence along U.S. Highway 12 to the North Dakota-Minnesota State line; to points in that part of South Dakota on and north of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-North State line; to points in that part of Wisconsin on and north of a line beginning at Kewaunee, Wis., extending along Wisconsin Highway 29 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to the Wisconsin-Minnesota State line; to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line extending along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line; to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along U.S. Highway 12 to the Idaho-Washington State line; and to points in that part of Oregon on and northwest of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 38, thence along Oregon Highway 38 to junction U.S. Highway 101, thence along U.S. Highway 101 to Coquille Pt., Oreg. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E781), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which because of size or weight, requires special equipment, between Independence, Mo., on the one hand, and, on the other, points in North Dakota, Minnesota, and points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 167 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 45, Iowa-Illinois Statel ine extending along thence along U.S. Highway 45 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E782), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* for agricultural implements, the transportation of which, because of size or weight, requires special equipment, between Independence, Mo., on the one hand, and, on the other, points in South Dakota; points in that part of Colorado on and northwest of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 24 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Colorado State line; points in that part of Kansas on and north of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 24 to junction U.S. Highway 383, thence along U.S. Highway 383 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line; and points in that part of Iowa on and west of a line beginning at the South Dakota-Iowa State line extending along U.S. Highway 75 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E783), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Richardton N. Dak., on the one hand, and, the other, points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to the Nebraska-Kansas State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in South Dakota.

No. MC 114211 (Sub-No. E784), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery and contractors' equipment*, from Mitchell, S. Dak., to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Virginia, Maryland, Delaware, District of Columbia, and New Jersey, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E785), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making and contractors' equipment*, from Madison, S. Dak., to points in Virginia, Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, Connecticut, Rhode Island, New York, Massachusetts, Vermont, New Hampshire, and Maine, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E786), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Richardton N. Dak., on the one hand, and, the other, points in that part of Nebraska on and east of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to the Nebraska-Kansas State line, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in South Dakota.

No. MC 114211 (Sub-No. E787), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery and contractors' equipment*, from Mitchell, S. Dak., to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Virginia, Maryland, Delaware, District of Columbia, and New Jersey, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites, and experimental farms of Deere and Company. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E788), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Richardton, N. Dak., to points in Arkansas, Louisiana, Mississippi, Alabama, Florida; to points in that part of South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 76 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to Myrtle Beach, S.C.; to points in that part of Georgia on and south of a line beginning at the North Carolina-Georgia State line extending along Georgia Highway 11 to junction U.S. Highway 76, thence along U.S. Highway 76 to the Georgia-South Carolina State line; to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junciton U.S. Highway 451, thence along U.S. Highway 431 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Tennessee-Georgia State line; and to points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 75 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction Bailey Turnpike, thence along Bailey Turnpike to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of points in Iowa; Beatrice and Nebraska City, Nebr.; and Claremore, Okla.

No. MC 114211 (Sub-No. E789), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with farm tractors, *parts thereof*, the transportation of which, because of size or weight, requires special equipment, from Springfield, Mo., to points in Washington; to points in that part of Minnesota on and northwest of a line beginning a the North Dakota-Minnesota State line extending along U.S. Highway 10 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the U.S.-Canada International Boundary line; to points in that part of North Dakota on, north, and west of a line beginning at the Minnesota-North Dakota State line extending along Interstate Highway 94 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line; to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line; to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along U.S. Highway 12 to the Washington-Idaho State line; and to points in that part of Oregon on and northwest of a line beginning at the Washington-Oregon State line extending along Oregon Highway 11 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 5, thence along Interstate Highway 5 to junction U.S. Highway 199, thence along U.S. Highway 199 to the Oregon-California State line. The purpose of this filing is to eliminate the gateways of points in Iowa, and Fargo, N. Dakota.

No. MC 114211 (Sub-No. E790), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between Richardton, N. Dak., on the one hand, and, on the other, points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 19, thence along Oklahoma Highway 19 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, and points in that part of Kansas on and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 81 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Iowa and Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E791), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Springfield, Mo., on the one hand, and, on the other, points in Minnesota, North Dakota, and points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 114211 (Sub-No. E792), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from Mitchell, S. Dak., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, West Virginia, Indiana, Ohio, Michigan; to points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line extending along Interstate Highway 55 to junction Interstate Highway 12, thence along Interstate Highway 12 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 333, thence along Louisiana Highway 333 to the Gulf of Mexico; to points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 45 to junction Natchez Trace National Parkway, thence along the Natchez Trace National Parkway to junction Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Louisiana State line; to points in that part of Tennessee on and east of a line beginning at the Tennessee-Missouri State line extending along Tennessee Highway 79 to junction Tennessee Highway 78, thence along Tennessee Highway 78 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Missouri State line; to points in that part of Missouri on and east of a line beginning at the Missouri-Illinois State line extending along Missouri Highway 146 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Missouri Highway 84, thence along Missouri Highway 84 to the Missouri-Tennessee State line.

To points in that part of Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending

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along Illinois Highway 26 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 146, thence along Illinois Highway 146 to the Illinois-Missouri State line; to points in that part of Wisconsin on and northeast of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 14 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Wisconsin-Illinois State line; to points in that part of Minnesota on and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 71 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction Minnesota Highway 286, thence along Minnesota Highway 286 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E793), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof (except commodities requiring special equipment), between Richardton, N. Dak., on the one hand, and, on the other, points in that part of South Dakota on and east of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 81 to junction South Dakota Highway 23, thence along South Dakota Highway 23 to junction South Dakota Highway 15, thence along South Dakota Highway 15 to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway of Nassau, Minn.

No. MC 114211 (Sub-No. E796), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery and contractors' equipment and supplies*, from points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wyoming-South Dakota State line, to points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E797), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Illinois, to points in Arizona, New Mexico, to points in that part of Nevada on and southwest of a line beginning at the Nevada-Arizona State line extending along U.S. Highway 91 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line and to points in that part of California on and southwest of a line beginning at the California-Nevada State line extending along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 128, thence along California Highway 128 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 116, thence along California Highway 116 to California Highway 1 to Jenner, Calif. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E798), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except in each instance, commodities which because of size or weight requires special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Kansas State line and to points in that part of California on and south of a line beginning at the California-Nevada State line extending along Interstate Highway 80 to San Francisco, Calif., points in that part of Utah on and south of a line beginning at the Nevada-Utah State line extending along U.S. Highway 50 to junction Utah Highway 26, thence along Utah Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Utah Highway 46, thence along Utah Highway 46 to the Utah-Colorado State line, points in that part of Nevada on and south of a line beginning at the California-Nevada State line extending along Interstate Highway 80 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line. The purpose of this filing is to eliminate the gateways of points in Kansas and Claremore, Okla.

No. MC 114211 (Sub-No. E799), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled tractors, road-making machinery and contractors' equipment and supplies* each weighing 15,000 pounds or more, (2) *tractors, road-making machinery and contractors' equipment and supplies* which because of size or weight require special equipment, between points in that part of Illinois on a line beginning at the Indiana-Illinois State line extending along Interstate Highway 74 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 36 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Oklahoma-Missouri State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 114211 (Sub-No. E800), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight requires the use of special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), between points in Illinois, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 75 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Interstate Highway 37, thence along Interstate Highway 37 to and ending at Corpus Christi, Tex., points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Missouri State line extending along Interstate Highway 44 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E803), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 34 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, to points in that part of California on and north of a line beginning at the United States-Mexico Boundary line extending along U.S. Highway 395 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line, to points in that part of Utah on and west of a line beginning at the Idaho-Utah State line extending along U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 215, thence along Interstate Highway 215 to junction Interstate Highway 15, thence along Interstate Highway 15 to the California-Nevada State line extending along Interstate Highway 15 to the Arizona-Nevada State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E804), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery* and *contractor's equipment* and *supplies*, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, to points in that part of Utah on and west of a line beginning at the Idaho-Utah State line extending along U.S. Highway 91 to junction U.S. Highway 89, thence along U.S. Highway 89 to Interstate Highway 215, thence along Interstate 215 to junction Interstate 15, thence along Interstate 15 to the Arizona-Utah State line; points in that part of Nevada on and north of a line beginning at the California-Nevada State line extending along U.S. 91 Interstate 15 to the Nevada-Utah State line; points in that part of California on and north of a line at the United States-Mexico Boundary line extending along U.S. Highway 395 to junction Interstate 15, thence along Interstate Highway 15 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E805), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* from points in Iowa, to points in that part of Texas on, west and north of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 84, thence along U.S. Highway 84 to U.S. 67, thence along U.S. 67 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca, Texas, with no transportation for compensation on return, except as otherwise authorized, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E806), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, between points in Illinois, on the one hand, and, in the other, points in South Dakota, restricted against operations in foreign commerce. The purpose of this filing is to eliminate the gateway of Garner, Iowa.

No. MC 114211 (Sub-No. E807), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, to points in Kansas. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E808), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts therefor* (except in each instance, commodities which because of size or weight require the use of special equipment and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Iowa to points in that part of New Mexico on and west of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line; to points in that part of Arizona on and south of a line beginning at the New Mexico-Arizona State line, extending along Interstate Highway 40 to the Arizona-California State line; and to points in that part of California on and south of a line beginning at the Arizona-California State line extending along Interstate Highway 40 to the junction of California Highway 58, thence along California Highway 58 to the junction of California Highway 99, thence along California Highway 99 to the junction of California Highway 166, thence along California Highway 166 to Santa Maria, Calif., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Omaha and Beatrice, Nebr., and Claremore, Okla.

No. MC 114211 (Sub-No. E809), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, from points in California, to points in that part of Illinois north and east of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 20 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 64,

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thence along Illinois Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Indiana-Illinois State line, points in that part of Indiana on, north, and east of a line from the Illinois-Indiana State line extending along Indiana Highway 10 to junction Indiana Highway 110, thence along Indiana Highway 110 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction U.S. Highway 31, thence along U.S. Highway 31 to Indiana Highway 114, thence along Indiana Highway 114 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 27/33, thence along U.S. Highway 27/33 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line, points in that part of Ohio north and east of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 33 to the Ohio-West Virginia State line, points in that part of West Virginia north and east of a line beginning at the Ohio-West Virginia State line, extending along U.S. Highway 33 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction Interstate Highway 64/U.S. Highway 60, thence along Interstate Highway 65/U.S. Highway 60 to the West Virginia-Virginia State line, and to points in Michigan, Wisconsin, the District of Columbia, Maine, Vermont, New Hampshire, and Rhode Island, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Canton, S. Dak., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E810), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from points in that part of Minnesota on, west, and north of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line to points in Missouri. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC 114211 (Sub-No. E811), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas, and petroleum and their products, and by-products), and fittings and accessories therefor when moving with such pipe, from points in that part of Missouri north of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 24/40 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line, to points in Arizona, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E812), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on, north, and east of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 4, thence Iowa Highway 4 to the Minnesota-Iowa State line, to points in that part of Colorado on and northwest of a line beginning at the Wyoming-Colorado State line extending along Colorado Highway 13 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Beatrice, Nebr.

No. MC 114211 (Sub-No. E813), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (2) *equipment* designed for use in conjunction with tractors, (3) *attachments* for the above-described commodities, and (4) *parts* of the commodities in (1) through (3) above, in mixed loads with such commodities, from points in that part of Minnesota on and south of a line beginning at the United States-Canada International Boundary line, to points in Washington, Oregon, Idaho, to points in that part of California on and north of a line beginning at the Nevada-California State line extending along Interstate Highway 40 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Pacific Ocean, to points in that part of Nevada on and north of a line beginning at the Utah-Nevada State line extending along New Mexico Highway 30 to junction U.S. Highway 40, thence along U.S. Highway 40 to west junction Nevada Highway 21, thence along Nevada 21 south to junction Nevada Highway 91, thence along Nevada Highway 91 west to junction New Mexico Highway 23, thence along New Mexico Highway 23 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 31, thence along Nevada Highway 31 to the California-Nevada State line; to points in that part of Montana on and north of a line beginning at the Montana-North Dakota State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 west to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 89, thence along U.S. Highway 80 to the Washington-Montana State line, with no transportation of compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E814), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, other than hand and parts thereof when transported with such agricultural machinery and implements as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (except those requiring the use of special equipment), from Corpus Christi, Tex., to points in Michigan, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations and further restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Plymouth and Beatrice, Nebr.

No. MC 114211 (Sub-No. E815), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements*, and parts, the transportation of which, because of size or weight, requires special equipment, from points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line extending along Missouri Highway 5 to

junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 41, thence along Missouri Highway 41 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Missouri State line; to points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 63 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 101, thence along Wisconsin Highway 101 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E1017), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers*, from Mitchell, S. Dak., to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1034), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 204, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between Madison, S. Dak., on the one hand, and, on the other, points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E1038), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 204, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from Thief River Falls, Minn., to points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E1039), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Armstrong, Iowa, to points in Texas. The purpose of this filing is to eliminate the gateway of Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E1040), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Thief River Falls, Minn., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corp., located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E1042), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled sweepers*, from Thief River Falls, Minn., to points in New York, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1047), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Thief River Falls, Minn., to points in Colorado, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Iowa, Beatrice & Nebraska City, Nebr.

No. MC 114211 (Sub-No. E1057), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from Green Isle, Minn., to points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

No. MC 114211 (Sub-No. E1062), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery and contractors' equipment and supplies*, from Barnesville, Minn., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E1063), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers* from Barnesville, Minn., to points in Massachusetts and Connecticut. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1064), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled sweepers*, from Barnesville, Minn., to points in New York, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware and Virginia. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E1085), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled rollers* from Madison, South Dakota to points in Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E1086), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, except commodities the transportation of which because of size or weight requires the use of special equipment, from Madison, South Dakota to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minnesota and Nassau, Minnesota.

No. MC 114211 (Sub-No. E1087), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery* and *parts* thereof, except commodities the transportation of which because of size or weight requires the use of special equipment, from Mitchell, South Dakota to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minnesota and Nassau, Minnesota.

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No. MC 114211 (Sub-No. E1091), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* between Great Bend, Kansas on the one hand, and, on the other points in Iowa. The purpose of this filing is to eliminate the gateway of Beatrice and Nebraska City, Nebraska.

No. MC 114211 (Sub-No. E1092), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies* and *self-propelled sweepers* from Madison, South Dakota to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E1097), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving*, and *finishing machinery, equipment, parts, accessories*, and *attachments*, between Streator, Illinois on the one hand, and, on the other, points in Wyoming restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Canton, South Dakota.

No. MC 114211 (Sub-No. E1114), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Canton, Ill., on the one hand, and, on the other, points in Nebraska and South Dakota, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling, and restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, and Omaha, Nebr.

No. MC 114211 (Sub-No. E1122), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between Enid, Okla., on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr.

No. MC 114211 (Sub-No. E1126), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery, and contractors' equipment and supplies*, from Pueblo, Colo., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 114211 (Sub-No. E1152), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, between Enid, Okla., on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, and Colorado. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E1068), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, except commodities the transportation of which because of size or weight, requires the use of special equipment or special handling, from Barnesville, Minn., to points in Nebraska and Wyoming. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in South Dakota.

No. MC 114211 (Sub-No. E1074), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Green Island, Minn., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 117344 (Sub-No. E37), filed May 22, 1974. Applicant: THE MAXWELL CO., 10380 Evensdale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 W. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, stains, varnishes, and plastics*, in bulk, in tank vehicles, from Dayton, Ohio, to points in Alabama, Arkansas; those in Georgia on and south of a line beginning at Columbus, Georgia, and extending east along U.S. Highway 280 to its junction with Georgia Highway 26, thence east along Georgia Highway 26 to Perry, Ga., thence southeast along U.S. Highway 341 to Brunswick, Illinois on and south of U.S. Highway 460 (except points in the St. Louis, Mo.-St. Louis., Ill., commercial zone as defined by the Commission), Kansas, Louisiana, Mississippi, Oklahoma, those in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending south along U.S. Highway 431 to its junction with U.S. Highway 41, thence southeast along U.S. Highway 41 to junction Tennessee Highway 56, thence south along Tennessee Highway 56 to the Tennessee-Alabama State line, and Texas, restricted against the transportation of dry chemicals to points in Ohio, and points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, Tex. The purpose of this filing is to eliminate the gateway of the facilities of the Polymers & Chemical Division of W. R. Grace & Co., at Owensboro, Ky.

No. MC 117344 (Sub-No. E39), filed May 22, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 W. Broad St., Cincinnati, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, except commodities the transportation of which because of size or weight, requires the use of special equipment or special handling, from Barnesville, Minn., to points in Nebraska and Wyoming. The purpose of this filing is to eliminate the gateways of Nassau, Minn., and points in South Dakota.

No. MC 114211 (Sub-No. E1074), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Green Island, Minn., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation located at or near Minneapolis, Minn.

No. MC 117344 (Sub-No. E37), filed May 22, 1974. Applicant: THE MAXWELL CO., 10380 Evensdale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 W. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, stains, varnishes, and plastics*, in bulk, in tank vehicles, from Dayton, Ohio, to points in Alabama, Arkansas; those in Georgia on and south of a line beginning at Columbus, Georgia, and extending east along U.S. Highway 280 to its junction with Georgia Highway 26, thence east along Georgia Highway 26 to Perry, Ga., thence southeast along U.S. Highway 341 to Brunswick, Illinois on and south of U.S. Highway 460 (except points in the St. Louis, Mo.-St. Louis., Ill., commercial zone as defined by the Commission), Kansas, Louisiana, Mississippi, Oklahoma, those in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending south along U.S. Highway 431 to its junction with U.S. Highway 41, thence southeast along U.S. Highway 41 to junction Tennessee Highway 56, thence south along Tennessee Highway 56 to the Tennessee-Alabama State line, and Texas, restricted against the transportation of dry chemicals to points in Ohio, and points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, Tex. The purpose of this filing is to eliminate the gateway of the facilities of the Polymers & Chemical Division of W. R. Grace & Co., at Owensboro, Ky.

No. MC 117344 (Sub-No. E39), filed May 22, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 W. Broad St., Cincinnati, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Jacksonville, Ill., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Cincinnati and Columbus, Ohio.

No. MC 116915 (Sub-No. E6), filed June 3, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 1125 Sweeney Street, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H. Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well and mine machinery, pipe and supplies made of aluminum, and equipment, materials and supplies* (except in bulk), used in the manufacture and processing of the foregoing commodities (1) between points in Illinois on and south of U.S. Highway 50, points in Indiana on and south of U.S. Highway 150, points in Kentucky on and west of Interstate Highway 65 and points in Tennessee on and west of U.S. Highway 231 and on and east of Tennessee Highway 22, on the one hand, and, on the other, points in Connecticut, New York, New Jersey and Pennsylvania, (2) between points in Illinois on and south of U.S. Highway 50, on the one hand, and, on the other, points in North Carolina and South Carolina, (3) between points in Indiana on and south of Indiana Highway 26, on the one hand,

and, on the other, points in Florida, and (4) between points in Indiana on and south of Indiana Highway 18, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of Hawesville, Ky.

No. MC 117344 (Sub-No. E35) filed June 2, 1974. Applicant: MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetables oils* in bulk, in tank vehicles, (a) from points in Illinois (except Chicago, Decatur and Bloomington); and Kentucky (except Louisville) to points in Connecticut, Massachusetts and Rhode Island (b) from Indiana (except Indianapolis) to points in Connecticut and Rhode Island, and (2) *soybean oil* from Chicago, Decatur and Bloomington, Illinois, and Louisville, Kentucky to points in Connecticut, Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Cincinnati and Columbus, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PRINTING INK AND PAINT FORMULATING POINT SOURCE CATEGORIES

Effluent Guidelines and Standards

V40-39 FEB 26 75 XUM

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 446]

[FRL 335-8]

EFFLUENT LIMITATIONS AND GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES

Paint Formulating Point Source Category

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). The regulation proposed below will cover the oil-base paint subcategory (Subpart A) and the water-base paint subcategory (Subpart B) of the paint formulating point source category pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

(a) Legal authority. (1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301 (b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the oil-base paint subcategory (Subpart A) and the water-base paint subcategory (Subpart B) of the paint formulating point source category.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the oil-base paint subcategory (Subpart A) and the water-base paint subcategory (Subpart B) of the paint formulating point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 446.16 and 446.26, proposed below, provide pretreatment standards for new sources within the oil-base paint subcategory (Subpart A), and the water-base paint subcategory (Subpart B) of the paint formulating point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources.

(1) General methodology.

The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 446.16 and 446.26 below amend § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the oil-base paint subcategory (Subpart A), and the water-base paint

subcategory (Subpart B), of the paint formulating point source category.

(i) Categorization. For the purpose of studying waste treatment and effluent limitations, the paint formulating category was divided into two discrete subcategories, primarily based upon the differences in the waste water treatability as described in the Development Document for the paint and printing ink point source categories. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

The industry produces paints, varnishes and lacquers, which consist of film-forming binders (resins or drying oils) dissolved in volatile solvents or dispersed in water. In addition, all paint and most lacquers contain pigments and extenders (calcium carbonate, clays and silicates). The industry also produces such products as putty, caulking compounds, sealants, paint and varnish removers, and thinners. The paint formulating category was broken into two subcategories, oil-base and water-base paints. Subpart A, oil-base paints, includes all of the above items that use oil as the major carrier vehicle. Subpart B, water-base paints, includes all of the above items that use water as the major carrier vehicle.

(ii) Waste characteristics. The significant pollutant parameters in waste waters resulting from the paint formulating category include five-day biochemical oxygen demand (BOD5), total suspended solids (TSS), pH, and selected metals. There are possibly other pollutants to be found in paint wastes but as they are intermittent each plant should be treated on a case-by-case basis.

Effluent limitations guidelines and standards of performance are established below to control each of the above pollutants.

(iii) Origin of waste water pollutants. The origin of waste water pollutants in the paint formulating category is principally from cleanup of mixing and milling equipment. Minor sources are from cleanup of product and raw material spills, and from leaking product transfer equipment in both oil- and water-base paint production.

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Oil-base paints—Best practicable control technology currently available for the oil-base paint subcategory is no discharge of waste water pollutants to navigable waters. The most commonly employed system to achieve this standard includes redistillation and reuse of solvents, improved maintenance to prevent product leaks, utilization of dry or minimum water use floor cleanup procedures and closed loop tub washing systems with excess solids being landfilled.

Water-base paints—Best practicable control technology currently available for the water-base paint subcategory is no discharge of waste water pollutants to navigable waters. The most commonly employed treatment systems to achieve these standards are the use of closed loop washing machines with sludge sent to a landfill, improved maintenance to prevent product leaks and the utilization of dry or minimum water use floor cleanup procedures. Some small plants may conserve wash water and drum the entire flow for subsequent disposal by a scavenger company. At least one small paint manufacturer has programmed production methods to use all wash water in subsequent product batches.

Solid waste control must be considered. Solid residue and sludge are potential problems because of the need for periodic disposal. Solid waste must be handled properly to assure that no landfill or associated problems develop. Best practicable control technology and best available control technology, as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) Cost estimates for control of waste water pollutants.

It is estimated that the treatment technology required to achieve no discharge of waste water pollutants would increase paint costs in a range from $0.006 to $0.017 per gallon depending on the methods used to meet the requirements and the size of the producing unit.

(vi) Energy requirements and non-water quality environmental impacts.

There should be no significant impact caused by these discharge limitations on energy requirements, noise, air pollution or radiation pollution. There would be an increased need to dispose of waste sludge in landfills.

(vii) Economic impact analysis.

The proposed guidelines are expected to have a significant impact on certain segments of the paint industry. As many as 88 plant closures are possible in 1977 as a result of the guidelines, primarily in the very small plant categories (less than $33,000 gal/yr of final product). These closures would represent 44 percent of the estimated 199 plants which are currently discharging directly to surface water, or 5.4 percent of all plants in the industry. The threatened plants account for 10.6 percent of production from all existing direct discharge plants or 1.7 percent of total industry production. Approximately 2400 employees would be affected by closure, but it is not expected that they would be regionally concentrated and most closures would occur in large cities where they would have little effect on the city economic base.

The predicted closures would be concentrated among plants which produce primarily industrial finishes, with a lesser number occurring in trade sales and none expected in allied products.

Possible closures as a direct result of effluent control costs will occur in the paint industry as a result of the required new investment which is a high (up to 44%) percentage of current fixed investment, and annual costs which are a substantial (up to 1.5%) percentage of sales (in the case of very small plants exceeding profit before taxes as a percent of sales). Both factors combine to reduce profitability on the threatened plants such as to cast serious doubts on their access to capital markets; and in the case of some very small plants, the increase in annual costs will be greater than their current profit before taxes.

The threatened plants are neither sufficiently large nor numerous to be able to pass forward their increased costs in a highly price-competitive market. Therefore, no general price increases are expected in the paint industry as a result of the proposed guidelines.

Considerable data discrepancy exists between the cost study performed by the EPA National Field Investigation Center (Denver) and the economic analysis performed by Arthur D. Little, Inc., particularly on the subject of the existing number of directly discharging paint and ink plants. The ADL data, derived from recent trade association surveys, indicate the existence of 199 plants and 46 ink plants which are currently directly discharging their process effluent to surface waters. The NFIC data, drawn from EPA permit program data, show only 27 paint plants and 8 ink plants as direct dischargers. Plant closures predicted herein are based on the ADL data, though efforts are continuing to resolve this discrepancy.

New source performance standards and new source pretreatment standards are not expected to deter or otherwise influence industry growth other than possibly to further an existing industry trend toward a declining number of very small plants. No other secondary effects are expected.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint and Printing Ink Formulating Point Source Categories"

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details the analysis undertaken in support of the regulation being proposed herein and will be made available for inspection in the EPA Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports will be made available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint and Printing Ink Formulating Point Source Categories" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) The pollutants presently discharged into the Nation's waterways by manufacturers of paint and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly sections IV, V, VI, IX, X, and XI);

(2) The anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly section VIII); and

(3) Options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the Paint and Allied Products and the Printing Ink Industries" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which paint manufacturing plants are located, and international trade. In addition, the Development Document describes, in section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 100 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents will be made available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the paint formulating category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) National Paint and Coatings Association; (4) U.S. Department of the Treasury; (5) Government of Guam and Government of Samoa Trust Territories of the Pacific Islands; (6) Puerto Rico; (7) The Conservation Foundation; (8) American Society of Mechanical Engineers; (9) Hudson River Sloop Restoration, Inc.; (10) Conservation Foundation; (11) Businessmen for the Public Interest; (12) Environmental Defense Fund, Inc.; (13) Natural Resources Defense Council; (14) American Society of Civil Engineers; (15) National Wildlife Federation; (16) Water Pollution Control Federation; (17) Ohio River Valley Sanitation Commission; (18) New England Interstate Water Pollution Control Commission; (19) Delaware River Basin Commission; (20) U.S. Department of Health, Education, and Welfare; (21) U.S. Department of Commerce; (22) U.S. Department of Agriculture; (23) Water Resources Council; (24) U.S. Department of the Interior; (25) Federation of Societies for Paint Technology; (26) East Bay Municipal Utilities District; (27) Midland Division—Dexter Corporation; (28) Celanese Coatings Company; (29) Reliance Universal; (30) Benjamin Moore & Company; (31) Sherwin Williams Company; (32) E. I. Dupont De Nemours; (33) PPG Industries; (34) DeSoto, Inc.; (35) Kohler McLister Paint Company; (36) Porter Paints Company; (37) Morwear Paint Company; (38) Wellco Chemical Company and (39) Permutit Corporation.

The following responded with comments: New York State Department of Environmental Conservation; Delaware River Basin Commission; Benjamin Moore and Company; Glidden Durkee Company; Minnesota Pollution Control Agency; Colorado Department of Health; U.S. Water Resources Council; Westvaco; National Paint and Coatings Association; Federation of Societies for Paint Technology; Sherwin-Williams Company; U.S. Department of Agriculture; Reliance Universal Inc.; Delaware Department of Natural Resources; E. I. du Pont de Nemours & Company; North Carolina Department of Natural and Economic Resources and the California State Water Resources Board.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A commenter stated that the requirement of no discharge of waste water pollutants to navigable waters was beyond the authority of the law at this time.

The requirement does not go beyond the intent of the law as, in the surveys made by the EPA, at least 44 plants of varying sizes and ages were found that did not discharge process waste waters. These plants included manufacturers of both oil-base and water-base paints. There is at least one commercial washing system on the market that discharges only sludge from the system. There were other cases of modified systems and total wash water reuse systems that discharge no process waste waters.

As there was sufficient demonstration that the technology to control process waste waters was available and in use, there was no choice but to pick no discharge of process waste waters to surface waters. This was determined to meet the statutory criteria for the best practicable control technology currently available.

(2) Others commented that the economic impact would be so great that many small paint plants would be forced out of business.

The information available to the Agency indicates that in the paint formulating industry, a very small number of direct dischargers have applied for NPDES permits, which indicates a minimal economic impact. However, the Agency's economic contractor has indicated that there are a large number of direct dischargers and that the economic impact to the smaller producers would be severe. These results are contradictory and need to be clarified. The Agency solicits information from the industry concerning number of direct dischargers and economic impact so that the guidelines might be properly adjusted to account for any adverse economic impacts.

(3) Of major concern to several commenters was the problem of disposal of the large quantities of sludge to landfills as many local agencies are severely restricting what can be placed in landfills.

As the requirements for air and water pollution control are increased, the residual solids will increase. Where possible, these residuals should be recycled or reclaimed. Incineration and secure landfills are considered environmentally adequate for disposal of these types of wastes. Ink and paint manufacturers concerned with adequate land disposal may have to seek out or cause the creation of adequate, secure disposal sites.

(4) Several comments were received which claimed the "no discharge" limitations would restrict their option to leave a municipal system and discharge to a water course. The reasoning was that the municipal systems were increasing their discharge fees and becoming unduly restrictive in what they would accept.

The comment that this degree of control removed the option to leave a municipal system and discharge to a navigable water course is not considered valid since methods for achieving "no discharge" have been demonstrated.

(5) There were a considerable number of comments where the reviewer completely agreed with the guidelines.

(6) Several commenters expressed the fear that setting a limitation of "no discharge" to surface waters would encourage municipalities to forbid discharge of paint wastes to publicly owned plants.

The setting of a limitation of no discharge of paint wastes to surface waters is not meant to encourage municipalities to prohibit paint manufacturers from discharging their wastes to publicly owned plants. With proper pretreatment, as described in the Development Document, paint wastes are compatible with municipal treatment system and will not cause the municipality to exceed its permit conditions.

(7) Several commenters stated that a zero discharge limit would be technologically difficult to meet as the recycle cleaning systems described in the development document would require occasional discharges due to buildup of salts and rinse waters in the cleaning solution which would make the cleaning solution unusable.

The Agency's current data base does not support an occasional cleaning solution discharge. The Agency solicits information from the industry concerning the need for this discharge, the volumes involved, its raw waste constituents, and the quality of the discharge after treatment.

(8) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received by March 28, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: February 12, 1975.

JOHN QUARLES,
Acting Administrator.

PART 446—PAINT FORMULATION POINT SOURCE CATEGORY

Subpart A—Oil-Base Paint Subcategory

Sec.
446.10 Applicability; description of the oil-base paint subcategory.
446.11 Specialized definitions.
446.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
446.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
446.14 [Reserved.]
446.15 Standards of performance for new sources.
446.16 Pretreatment standards for new sources.

Subpart B—Water-Base Paint Subcategory

446.20 Applicability; description of the water-base paint subcategory.
446.21 Specialized definitions.
446.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
446.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
446.24 [Reserved.]
446.25 Standards of performance for new sources.
446.26 Pretreatment standards for new sources.

Subpart A—Oil-Base Paint Subcategory

§ 446.10 Applicability; description of the oil-base paint subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of oil-base paint. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 446.11 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 446.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such

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as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.14 [Reserved]

§ 446.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the oil-base paint subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 446.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart B—Water-Base Paint Subcategory

§ 446.20 Applicability; description of the water-base paint subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of water-base paint: When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 446.21 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 446.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.24 [Reserved]

§ 446.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 446.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the water-base paint subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 446.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants be correspondingly reduced in stringency for that pollutant."

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[40 CFR Part 447]

[FRL 336-1]

EFFLUENT LIMITATIONS AND GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES

Printing Ink Formulating Point Source Category

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). The regulation proposed below will cover the oil-base ink subcategory (Subpart A) and the water-base ink subcategory (Subpart B) pursuant to sections 301, 304 (b) and (c), 306 (b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

(a) Legal authority. (1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the oil-base ink subcategory (Subpart A) and the water-base ink subcategory (Subpart B) of the printing ink formulating point source category.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the oil-base ink subcategory (Subpart A) and the water-base ink subcategory (Subpart B) of the printing ink formulating point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 447.16, and 447.26, proposed below, provide pretreatment standards for new sources within the oil-base ink subcategory (Subpart A), and the water-base ink subcategory (Subpart B), of the printing ink formulating point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and basis of proposed effluent limitations guidelines for existing source and standards of performance and pretreatment standards for new sources.

(1) General methodology.

The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed

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herein apply to new sources, §§ 447.16, and 447.26 below amend § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the oil-base ink subcategory (Subpart A), and the water-base ink subcategory (Subpart B), of the printing ink formulating point source category.

(i) Categorization. For the purpose of studying waste treatment and effluent limitations, the printing ink formulating category was divided into two discrete subcategories, primarily based upon the differences in the waste water treatability as described in the Development Document for the Paint and Printing Ink point source categories. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

This category covers plants that formulate either oil or water-base printing inks. The major components include drying oils, resins, varnish, pigments and many specialty additives. The ink formulating category was broken into two subcategories, oil-base and water-base inks. Subpart A, oil-base inks, use oil or solvent as the major carrier vehicle while Subpart B, water-base inks, use water as the major carrier vehicle.

(ii) Waste characteristics. The significant pollutant parameters in waste waters resulting from the ink formulating category include five-day biochemical oxygen demand (BOD5), total suspended solids (TSS), pH, and selected metals. There are possibly other pollutants to be found in ink wastes at intermittent periods and these should be treated on a case-by-case basis.

Effluent limitations guidelines and standards of performance are established below to control each of the above parameters.

(iii) Origin of waste water pollutants. The origin of waste water pollutants in the ink formulating category is principally from the cleanup of mixing and milling equipment. Minor sources are from cleanup of product and raw material spills, and from leaking product transfer equipment in both oil and water-base ink production.

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Oil base inks—Best practicable control technology currently available for the oil-base ink subcategory is no discharge of waste water pollutants to navigable waters. The most commonly employed system to achieve this standard includes redistillation and reuse of solvents, improved maintenance to prevent product leaks, utilization of dry or minimum water use floor cleanup procedures and closed loop tub washing systems with excess solids being landfilled.

Water-base inks—Best practicable control technology currently available for the water-base ink subcategory is no discharge of waste water pollutants to navigable waters. The most commonly employed treatment systems to achieve these standards are the use of closed loop washing machines with sludge sent to a landfill, improved maintenance to prevent product leaks and the utilization of dry or minimum water use floor cleanup procedures. Some small plants may conserve wash water and drum the entire flow for subsequent disposal by a scavenger company.

Solid waste control must be considered. Solid residue and sludge are potential problems because of the need for periodic disposal. Solid waste must be handled properly to assure that no landfill or associated problems develop. Best practicable control technology, and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) Cost estimates for control of waste water pollutants. It is estimated that this control technology will increase the cost of printing ink in a range of from $0.001 to 0.003 per pound depending on the method used to meet the requirements and the size of the producing unit.

(vi) Energy requirements and non-water quality environmental impacts. There should be no significant impact caused by these discharge limitations on energy requirements on noise, air pollution or radiation pollution. There would be an increase in the need to dispose of waste sludge in landfills.

(vii) Economic impact analysis. The proposed guidelines are not expected to have any significant impact on the printing ink industry. Assuming that increased costs for effluent control are completely absorbed out of cash flow, return on investment for affected plants should remain in an acceptable range (7.5–8.8 percent) and no plant closures or production cutbacks are anticipated.

Moreover, the printing ink industry has the added security that demand for printing ink is relatively inelastic, since ink is a raw material for the printing industry and rarely represents a significant portion of the cost of the finished printed product. Therefore, increased costs could be passed forward if the ink industry chose to do so; and a price increase of only 0.6 percent would cover the increased costs for 41 of the 46 plants which are expected to incur increased costs. However, historically the printing ink industry has shown a resistance to passing forward such cost increases and it is expected that no general price increases will occur.

No adverse impacts are expected on production, employment, international trade or industry growth as a result of the proposed guidelines.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint and Printing Ink Formulating Point Source Categories" details the analysis undertaken in support of the regulation being proposed herein and will be made available for inspection in the EPA Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation will be made available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Paint and Printing Ink Formulating Point Source Categories" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) The pollutants presently discharged into the Nation's waterways by manufacturers of ink and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly sections IV, V, VI, IX, X, and XI);

(2) The anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly section VIII); and

(3) Options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for the Paint and Allied Products and the Printing Ink Industries" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which ink manufacturing plants are located, and international trade. In addition, the Development Document describes, in section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 100 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish this material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents will be made available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia, 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the developent of effluent limitations, guidelines and standards proposed for the printing ink formulating category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) National Association of Printing Ink Manufacturers; (4) U.S. Department of the Treasury; (5) Government of Guam and Government of Samoa Trust Territories of the Pacific Island; (6) Puerto Rico; (7) The Conservation Foundation; (8) American Society of Mechanical Engineers; (9) Hudson River Sloop Restoration, Inc.; (10) Conservation Foundation; (11) Businessmen for the Public Interest; (12) Environmental Defense Fund, Inc.; (13) Natural Resources Defense Council; (14) American Society of Civil Engineers; (15) National Wildlife Federation; (16) Water Pollution Control Federation; (17) Ohio River Valley Sanitation Commission; (18) New England Interstate Water Pollution Control Commission; (19) Delaware River Basin Commission; (20) U.S. Department of Health, Education, and Welfare; (21) U.S. Department of Commerce; (22) U.S. Department of Agriculture; (23) Water Resources Council; (24) U.S. Department of the Interior; (25) Inmont Corporation; (26) East Bay Municipal Utilities District; (27) Sun Chemical Corporation; (28) Borden Company; (29) Welico Chemical Company and (30) Cities Service.

The following responded with comments: New York Department of Environmental Conservation; Delaware River Basin Commission; Minnesota Water Pollution Control Agency; Colorado Department of Health; U.S. Water Resources Council; U.S. Department of Agriculture; Delaware Department of Natural Resources; North Carolina Department of Natural and Economic Resources; California State Water Resources Board; Sun Chemical Corporation; Inmont Corporation and the National Association of Printing Ink Manufacturers.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) Several commenters were concerned that the no discharge provision would be used by municipal governments to stop the discharge of printing ink manufacturing wastes into municipal sewers, even though the printing ink manufacturers have historically discharged to municipal systems.

If municipalities apply equitably the EPA regulations on pretreatment standards (40 CFR 128), there should be no major impact on ink makers.

(2) Of major concern to several commenters was the problem of disposal of the large quantities of sludge to landfills as many local agencies are severely restricting substances that can be placed in landfills.

As the requirements for air and water pollution control are increased, the residual solids will increase. Where possible, these residuals should be recycled or reclaimed. Incineration and secure landfills are considered environmentally adequate for disposal of these types of wastes. Ink and paint manufacturers concerned with adequate land disposal may have to seek out or cause the creation of adequate, secure disposal sites.

(3) Most of the reviewers agreed with the guidelines.

(4) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

All comments received by March 28, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: February 12, 1975.

JOHN QUARLES,
Acting Administrator.

PART 447—PRINTING INK FORMULATION POINT SOURCE CATEGORY

Subpart A—Oil-Base Ink Subcategory

Sec.

447.10 Applicability; description of the oil-base ink subcategory.
447.11 Specialized definitions.
447.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
447.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

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Sec.
447.14 [Reserved.]
447.15 Standards of performance for new sources.
447.16 Pretreatment standards for new sources.

Subpart B—Water-Base Ink Subcategory

447.20 Applicability; description of the water-base ink subcategory.
447.21 Specialized definitions.
447.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
447.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
447.24 [Reserved.]
447.25 Standards of performance for new sources.
447.26 Pretreatment standards for new sources.

Subpart A—Oil-Base Ink Subcategory

§ 447.10 Applicability; description of the oil-base ink subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of oil-base printing ink. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered in each subcategory.

§ 447.11 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 447.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.14 [Reserved]

§ 447.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the oil-base ink subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 447.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart B—Water-Base Ink Subcategory

§ 447.20 Applicability; description of the water-base ink subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of water-base ink. When a plant is subject to effluent limitations covering more than one subcategory the discharge limitation shall be the aggregate of the limitations applicable to the total production covered in each subcategory.

§ 447.21 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 447.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.24 [Reserved]

§ 447.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 447.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the water-base ink subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 447.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

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PART III

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES

Codification of Requirements

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

[49 CFR Part 609]

[Docket No. 74-03, Notice 1]

ELDERLY AND HANDICAPPED TRANSPORTATION SERVICES

Codification of Requirements

The Urban Mass Transportation Administration (UMTA) is considering issuing regulations to codify existing requirements and establish new requirements related to transportation services for the elderly and the handicapped.

Section 16(a) of the Urban Mass Transportation Act of 1964, as amended, states that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services. This section further directs that special efforts be made in the planning and design of mass transportation facilities and services to ensure the availability of transportation which can be effectively utilized by elderly and handicapped persons. Section 165(b) of the Federal-Aid Highway Act of 1973, as amended, extends the mandate of section 16 to mass transportation projects funded under the Federal-aid highway programs of title 23, United States Code.

THE ELDERLY AND HANDICAPPED PUBLIC

Dimensions. At the time of the 1970 Census there were 20,066,000 people in the United States age 65 and over, of whom 56 percent live in urbanized areas (50,000 population). The per capita income of the elderly tends to be above the level for persons under age 65, although the proportion of elderly below the poverty threshhold is higher than that of the population as a whole. Approximately 7 million of the elderly, or just over one-third, are handicapped to a degree such that the use of mass transportation services is difficult or impossible. The aging are generally concentrated in older neighborhoods of cities, in special retirement developments or communities, and in regions with warm climates. Like most of the general population, the elderly make the overwhelming majority of trips by car, as either drivers or passengers. On the other hand, there are large segments of the elderly population that are either rural or urban poor, and a large number that do not have access to private transportation.

Roughly, 6,340,000 persons under the age of 65 suffered from handicaps that would cause them difficulties in using mass transit systems, taking into account non-institutionalized handicapped persons with chronic visual and hearing impairments, those using mobility aids such as walkers, wheelchairs, crutches and canes, and those with other special mobility limitations, aids and acute conditions. Together with the one-third of the elderly who also suffer from handicaps, the total estimate of the transit-dysfunctional handicapped is 13,370,000 as of the 1970 Census.

The total population that is elderly or handicapped, with no double-counting, was estimated at 26,506,000 in 1970. Of this total, approximately 14.8 million persons live in urbanized areas. Unlike the elderly, the handicapped are widely dispersed throughout the population. The latest information available indicates that the number of able-bodied elderly and the number of handicapped (elderly and non-elderly) are approximately equal. The majority of persons who are handicapped suffer from some mobility limitation short of using crutches, wheelchairs or walkers (8,800,000), have visual impairments (1,970,000), or have acute conditions (e.g., broken legs) (490,000). There are estimated to be 430,000 persons who use a wheelchair, 410,000 persons who use a walker, and 330,000 deaf persons. (Unless otherwise specified, all statistics are drawn from the U.S. Department of Transportation's 1973 study entitled "The Handicapped and Elderly Market for Urban Mass Transit.")

Travel barriers. Not all of the elderly or the handicapped experience significant mobility limitation. An affluent, able-bodied, elderly driver, for example, has transportation experiences and needs quite different from that of either a handicapped nondriver of limited financial resources or an able-bodied poor elderly person in an automobile-oriented area. To the degree to which the elderly and/or handicapped have transportation difficulties, however, they tend to cluster around these areas: (1) Cost of obtaining service; (2) availability of service; and (3) physical demands made on passengers by the design of transportation facilities and equipment. Section 5 of the Urban Mass Transportation Act of 1964, as amended, mandates a one-half fare or less at non-peak hours for the elderly and handicapped on mass transportation systems receiving UMTA operating assistance. UMTA is implementing the half-fare requirement through the grant process. See 40 FR 2537.

This proposed rule deals primarily with the service and hardware aspects of the public transportation for the elderly and the handicapped. First, this proposed rule would require local transportation planners and operating officials to identify the travel requirements of elderly and handicapped persons and to develop specific plans and programs to meet these requirements. It would further condition the approval of grants for capital assistance on the development and implementation of such plans and programs. Second, the proposed regulations would prescribe design standards for mass transportation equipment and facilities in order to diminish the impediments to their use by persons with physical impairments.

The proposed rule. Persons who had the opportunity to review and comment on the original draft proposed rule that was discussed at public meetings in November 1974 will notice several substantial changes that have been made in response to comments from elderly and handicapped groups, transit planners, transit operators, governmental agencies and manufacturers of transit equipment.

First, every effort has been made to make it clear that the persons who are special beneficiaries of the statutes mandating service to the elderly and handicapped are members of the general public and an important potential market for transit service. Much of the terminology that the elderly and handicapped users indicated that they found offensive has been eliminated, and the regulation recast in the language of equipment features rather than characteristics of elderly or handicapped users. The requirements for special attention to their specific needs in planning and programming have been retained because the governing statutes require "special efforts" and because of the need for administrative control.

Second, a number of the requirements have been restated as performance rather than design standards, in response to user, operator and manufacturer comments indicating reservations with respect to the wisdom, safety and usefulness of some of the proposed rules and the fact that some of the features intended to confer a benefit on some handicapped users were viewed as creating a potential hazard for other handicapped users. Mandatory arm rests, for example, were deleted for this reason. The inclusion and specific design of many features has therefore been left to local option, with a requirement that the issues involved be discussed at the public hearings on the grant application.

Third, the effective dates of the requirements have been accelerated so that the main body of the requirements will be effective either 30 days after final publication of the regulations or within the next fiscal year's funding cycle. Specific effective dates for accessibility requirements in the proposed regulation denote features that are beyond the present state of the art or are now commercially unavailable and thus will require product development, tooling or retooling.

Planning. The elderly and handicapped form an important segment of the potential market for mass transportation services. Very little is known, however, about their actual mobility requirements and options, which will vary depending on their income, degree of personal independence, proximity to existing transit, access to automobiles, attitude towards public transportation and/or special services and a variety of other highly individual factors. Because of these individual factors, it may be fallacious to use perceived mobility need as a surrogate for estimates of potential transit use. The purpose of the planning requirement in this proposed regulations is to ensure that careful thought and study is given to the issue at the local level in view of the great variety among urban areas and the varying stages of development of transit service within those areas.

Subpart B requires the immediate commencement of unified planning work

program elements leading to the development of a regional plan for meeting the transportation needs of elderly and handicapped persons. UMTA grantees of planning assistance have already been instructed to be prepared to meet this requirement beginning with the 1975–76 planning cycle. Effective October 1, 1976, the five-year transportation improvement programs and plans (which are a precondition to the receipt of UMTA capital assistance) must include an element designed to analyze and meet the transportation needs of elderly and handicapped persons. The annual element of the program will be reviewed by the Urban Mass Transportation Administrator.

Capital assistance. The capital assistance application procedures of Subpart C are designed to ensure that the programs planned under Subpart B will be implemented. Prior to October 1, 1976, each capital grant application must incorporate assurances that the planning is under development and that the other requirements of this part are being met. After October 1, 1976, the capital grant application must either incorporate specific requests for funding parts of the program required by Subpart B or must indicate when such requests will be forthcoming. Since the program itself will be available to UMTA representatives through the unified work program, it will not be necessary to include it in every capital grant application. The specific design of accessibility features that are left to local option must be discussed at the public hearing on the capital grant application.

1. *Fixed facilities.* Section 609.15 requires that stations, terminals, buildings or other facilities designed, constructed or altered after the effective date of these regulations will be controlled by the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1–1961," the so-called ANSI standards. The definitions, waiver and exception provisions of this section are consistent with those adopted by the General Services Administration. These standards will apply not only to facilities intended for use by the public but also to other buildings in which handicapped persons may be employed as a result of the inclusion of accessibility features.

In addition to the ANSI standards, UMTA is proposing standards with respect to features that are unique to transit facilities: passenger pick-up and drop-off facilities ("kiss and ride"), fare collection systems, passenger information systems, and boarding platforms. All of these requirements are designed to be consistent with the ANSI standards, and are within the existing technical state of the art.

2. *Transit Vehicles.* The premise of this proposed regulation is that standard transit equipment designed to serve the general public ought to be made physically accessible to the maximum extent feasible to elderly and handicapped users who have a level of personal mobility and independence such that their use of public transportation, were accessibility features provided, would be a reasonable expectation. As indicated earlier in this preamble, roughly half of the population specifically benefitted by these rules consists of the essentially able-bodied elderly, who tend to suffer to some degree from the ailments statistically correlated with aging—visual impairment, hearing impairment, general physical weakness and personal insecurity. In a substantial number of the elderly, these difficulties have progressed to the point where they may pose a hindrance if not an absolute obstacle to transit use. Many of the proposed regulations are intended to provide interior design features that will make transit use easier for these users by easing the physical demands that the vehicle makes on the passenger. All transit vehicles purchased with funds from grants made after the effective date of these regulations will therefore be required to have padded interior handrails and stanchions, slip-resistant floor surfaces, priority seating arrangements, improved interior lighting, vehicle destination signs that are designed and located for maximum visibility, public address systems, barrier-free fare collection arrangements, improved door control mechanisms and an additional retractable lower step to minimize passenger difficulty in entering the vehicle. Some of this equipment is not currently available commercially. UMTA welcomes comment in particular on the appropriate effective dates for redesigned door control mechanisms, retractable lower steps and destination signs in view of the product development process that would be required. UMTA would also welcome comment on the effect of these requirements on current commuter rail technology.

The regulations differentiate between vehicle types for reasons that are partly technological, partly practical. The requirements for step-entry vehicles are made applicable to vehicles of a length in excess of 22 feet, which includes both full-sized standard transit vehicles and minibuses but not small specialized vans for which many of the requirements are inappropriate.

The regulations further differentiate between vehicles that do not require a passenger to make an unassisted level change in boarding the vehicle and those that do so require. Rapid rail facilities and other grade-separated systems such as personal rapid transit, for example, are built so that the passenger platform is at the same approximate height as the entrance to the vehicle, making it possible for a passenger to roll or walk into the car. UMTA proposes to require in § 609.17 that all such vehicles and their related facilities should be accessible to passengers in wheelchairs, that the interface between the vehicle and the platform should be as close as is technologically feasible in order to facilitate access, and that the interior of the vehicle should be designed to accommodate and secure the wheelchair. No proven wheelchair securement device is available commercially at the present time; UMTA welcomes comment on an appropriate effective date for this requirement.

Some transit modes—e.g., buses, light rail, commuter rail—operate at grade, typically in the stream of ordinary street traffic, and require the passenger to step up into the vehicle from the street or curb. The design of these vehicles assumes that the prospective passenger can make such a change in level unassisted, and with sufficient speed and dexterity to allow for a more or less steady flow of passengers making similar movements on and off the vehicle. The current generation of bus and trolley standard transit equipment does not contemplate a mechanical device to assist passengers in changing levels. Although there are some such devices in use on equipment designed especially for service to the handicapped, there is no device presently developed and proven reliable for use in a standard forty-foot urban transit bus or light rail vehicle. The proposed regulations would therefore require the development of a new stairwell on these vehicles with an initial step height from the ground of no more than 8 inches (the current bus requires the passenger to step up 15 inches), and tread depth of at least 10 inches. We invite comment on an appropriate implementation date for this requirement, which should be of great assistance to the entire class of elderly and handicapped users as well as the able-bodied members of the general public. The interior of the vehicles will be subject to the design standards of § 609.19.

A major UMTA research and development effort to design a new generation of transit equipment may be on the verge of providing a solution to the level-changing problem on at-grade vehicles. The three Transbus prototypes, currently undergoing operational demonstrations in major urban centers, are each equipped with level-changing devices—ramps in the case of the Rohr and AM General models, a lift in the case of the GM model. Most importantly from the point of view of the great majority of elderly and handicapped users who can negotiate steps but who find the steps on the current bus uncomfortably steep, the Transbus will have a lower floor and a two-step rather than three-step entry.

The Urban Mass Transportation Administrator has recently issued a policy statement on Transbus which indicates that UMTA will develop a performance specification based on the prototypes, and that if no unforeseen problems develop the performance specification will require a low-floor bus plus a ramp or lift device to accommodate wheelchair users. UMTA is currently exploring the development of such a device for future inclusion on the new generation of light rail vehicles developed also under its R&D program. Interior design features intended to facilitate use of the equipment by elderly and handicapped passengers will of course also be required. The completion of Transbus prototype testing is currently scheduled for August 1975; the performance specification will be developed concurrently, and the first of the new buses should be in revenue

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service by late 1977 or early 1978. The UMTA decision to proceed with a performance specification rather than a detailed design specification has accelerated significantly the anticipated availability of the Transbus.

In addition to this effort, UMTA has also recently announced the award of a study contract to determine the optimum specific characteristics of a small bus used in transit service. The study will focus special attention on the contribution that such vehicles can make toward meeting the needs of the elderly and handicapped persons.

Contacts with parties prior to notice. UMTA issued a notice of meeting in the November 12, 1974 FEDERAL REGISTER, inviting interested parties to review and comment on a tentative draft regulation at informal hearings held November 25, 26, and 27 at the U.S. Department of Transportation headquarters in Washington, D.C. The hearings were held in order to solicit constructive comments from elderly and handicapped persons, operators of mass transportation systems, and manufacturers of mass transit equipment prior to UMTA's formulation of the proposed rule.

Statements made at these hearings by representatives of elderly and handicapped users favored all measures that would eliminate physical barriers to mass transportation systems, particularly for the wheelchair user. The concept of a totally separate transportation system for the elderly and handicapped in lieu of accessibility features on standard equipment was opposed by these representatives because they felt that such a system would segregate the users from the rest of the public and could obviate efforts directed toward full accessibility.

Representatives of the transit operators emphasized the need for flexibility at the local level in determining the appropriate service for the elderly and handicapped public within each urbanized area. The specific suggestions of the transit operators were submitted to UMTA on December 20, 1974 by the American Public Transit Association in the form of a completely re-drafted proposed regulation.

The manufacturers who attended these preliminary hearings stressed the need for performance standards rather than design specifications to permit maximum flexibility and creativity in producing equipment modifications for elderly and handicapped persons. Most representatives were optimistic about being able to produce the necessary hardware to satisfy the transportation needs of the elderly and handicapped, assuming adequate lead-time for designing new equipment and re-tooling production lines.

The opinions and suggestions presented at the hearings and submitted to UMTA in the subsequent comment period have been carefully considered in the vision of this proposed regulation.

Public comments and regional public hearings. UMTA welcomes comments on the proposed rule, particularly written comments that suggest specific ways in which the regulations may be improved. Interested parties are invited to participate in the making of the rule by submitting to UMTA such written data, views, or arguments as they may desire. Communications should identify the regulatory docket (No. 74–03) and be submitted to the following address: Urban Mass Transportation Administration, Office of the Chief Counsel, Docket No. 74–03, Room 9320, 400 7th Street SW., Washington, D.C. 20590. All written communications received on or before April 30, 1975, will be considered by the Urban Mass Transportation Administrator before action is taken on the proposed rule. The proposed rule contained in this notice may be changed as a result of comments received. All comments submitted will be available, both before and after the closing date for comment in the Office of the Chief Counsel for examination by interested parties.

In order to increase the opportunity for comments which can be used to evaluate and improve the proposed rule, UMTA will hold six public hearings during the public comment period. The hearings will be held on the following schedule in the indicated cities:

Monday, April 7, 1975—Los Angeles, California
Wednesday, April 9, 1975—Denver, Colorado
Friday, April 11, 1975—Chicago, Illinois
Tuesday, April 15, 1975—St. Petersburg, Florida
Thursday, April 17, 1975—Boston, Massachusetts
Tuesday, April 22, 1975—Washington, D.C.

Exact locations will be published in the FEDERAL REGISTER no later than March 7, 1975, and also in local daily newspapers at least 30 days before the hearing and again within 10 days before the hearing. Each hearing will have a daytime session beginning at 9:30 a.m. and an evening session beginning at 7:30 p.m.

The hearings will be informal in nature and will be conducted by a senior UMTA official representing the Administrator. At each hearing an UMTA spokesman will make a brief opening statement. Since the hearings will not be of the evidentiary or judicial type, there will be no cross-examination of those persons presenting statements. However, interested persons wishing to make rebuttal statements may do so in the same order as the initial statements were made.

All interested persons are invited to attend the hearings, and each such person is invited to present oral or written statements concerning the proposed rule at one of the hearings. Persons making oral statements are strongly encouraged to submit the substance of their remarks in written form either at the hearing or by mail to the Office of the Chief Counsel, Docket No. 74–03 (see address above) in time to arrive on or before April 30, 1975.

The sequence of speakers at each hearing will be based on the order of registration. Persons who wish to ensure an opportunity to speak should register in advance of the hearing by notifying UMTA of the date, city, session (daytime or evening), and amount of time requested. Such requests for advance registration must be made by mail to the Office of the Chief Counsel, Docket 74–03 (see address above).

If a very large number of persons request an opportunity to speak at a given hearing, UMTA reserves the right to restrict the length of time allowed for each oral statement in order to give the maximum number of persons the opportunity to be heard.

This amendment to title 49, Code of Federal Regulations, is proposed under the authority of sections 5 and 16, Urban Mass Transportation Act of 1964, as amended (49 U.S.C. §§ 1604, 1612); section 165(b), Federal-Aid Highway Act of 1973, as amended (23 U.S.C. § 142nt.); section 504, Rehabilitation Act of 1973 (29 U.S.C. § 794); and 49 CFR § 1.50. Section 315 of the Department of Transportation and Related Agencies Appropriations Bill of 1975, although not part of UHTA's permanent and substantive statutory authority, provides an additional basis for these regulations.

In consideration of the foregoing, it is proposed to amend chapter VI of title 49 of the Code of Federal Regulations by adding a new part 609 as set forth below.

Issued on February 21, 1975.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

PART 609—ELDERLY AND HANDICAPPED

Subpart A—General

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609.3 Definitions.
609.5 Applicability.
609.7 Waiver.

Subpart B—Requirements for Transportation Planning

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609.11 Transportation planning in nonurbanized areas.

Subpart C—Requirements for Capital Assistance Projects

609.13 Applications for capital assistance.
609.15 Fixed facilities.
609.17 Level-entry vehicles.
609.19 Step-entry vehicles.

Subpart D—Requirements for Formula Apportionment Projects

609.21 Capital projects receiving formula assistance.
609.23 Reduced fare.

AUTHORITY: Sec. 5 and 16, Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604, 1612); sec. 165(b), Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142nt.); section 504, Rehabilitation Act of 1973 (29 U.S.C. 794); 49 CFR 1.50.

Subpart A—General

§ 609.1 Purpose.

The purpose of this part is to establish formally the requirements of the Urban Mass Transportation Administration (UMTA) on the subject of transportation services for elderly and handicapped persons.

§ 609.3 Definitions.

As used herein:

"Elderly person" means any individual age 65 or over.

"Handicapped person" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-bound and those with semiambulatory capabilities, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

"Level-entry vehicle" means any vehicle which does not require the passenger to negotiate a step or steps, or to use a level-change mechanism such as a lift or ramp, in order to board and exit.

"Step-entry vehicle" means any vehicle which requires the passenger to negotiate a step or steps, or to use a level-change mechanism such as a lift or ramp, in order to board and exit.

§ 609.5 Applicability.

(a) This part, which applies only to projects approved by the Urban Mass Transportation Administrator after the part's effective date, applies to all transit planning, capital assistance, and operating assistance projects receiving Federal financial assistance under sections 3, 5, or 9 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, or 1607a), and all projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, and (3) section 147 of the Federal-Aid Highway Act of 1973, as amended. Subpart C (Requirements for Capital Assistance Projects) expressly applies to capital assistance projects receiving Federal financial assistance under any of the above statutes.

(b) Unless otherwise noted, this part is effective 30 days after publication of the final regulation in the FEDERAL REGISTER. Where a requirement in this part includes a specific effective date, such requirement applies to facilities and equipment in projects approved by the Urban Mass Transportation Administrator after such effective date.

§ 609.7 Waiver.

The requirements set forth in this part may be modified or waived on a case-by-case basis upon application to the Urban Mass Transportation Administrator if the Administrator determines that such waiver or modification is clearly necessary and is consistent with the intent of the laws cited under "Authority." Any request for waiver of any provision of these regulations must be presented for comment at the public hearing required prior to submission of a project application to UMTA.

Subpart B—Requirements for Transportation Planning

§ 609.9 Transportation planning in urbanized areas.

(a) The requirements in this section apply to transit planning for all urbanized areas. General requirements for transportation planning in urbanized areas have been published in a joint Federal Highway Administration-UMTA notice of proposed rulemaking at 39 FR 39660.

(b) All unified work programs for planning which include funding requests for UMTA planning assistance shall include work items for the metropolitan planning organization with the participation of public transportation agencies of the region, sufficient to develop or maintain a regional plan and program for meeting the transportation needs of elderly and handicapped persons. The regional implementation plan and schedule shall provide for an annual review of unmet needs by representatives of health, welfare, comprehensive planning, and transportation agencies of the region.

(c) Transportation improvement programs and transportation plans submitted to UMTA on or after October 1, 1976, shall include an element designed to meet the transportation needs of elderly and handicapped persons. At a minimum this element of these programs and plans shall include:

(1) An identification of the elderly and handicapped persons within the urbanized area, their location in relation to regular route transit services, and the type and approximate number of trips projected to be taken on public transportation (purpose, time of day, origins and destinations);

(2) A description of the public and private resources presently devoted to meeting the transportation needs of the elderly and handicapped persons in the urbanized area;

(3) A description of the public and private transportation services currently in the urbanized area and the degree to which they contribute to meeting the transportation needs of elderly and handicapped persons; and, if all the public transportation needs of elderly and handicapped persons are not being met by those services, an explanation of the nature of and reasons for the deficiency.

(4) A range of alternative service improvements for meeting the transportation needs of elderly and handicapped persons, and the justification for selecting a specific alternative from among those available. The selected alternative may draw on more than one method of service improvement.

(d) The elderly and handicapped portion of the annual element of the transportation improvement program is subject to the approval of the Urban Mass Transportation Administrator.

§ 609.11 Transportation planning in nonurbanized areas.

Effective October 1, 1976, in nonurbanized areas planning equivalent to that required by § 609.9 must be accomplished on an appropriate scale before a capital assistance project can be approved for that area.

Subpart C—Requirements for Capital Assistance Projects

§ 609.13 Applications for capital assistance.

(a) Before October 1, 1976, each application for capital assistance shall provide an assurance that:

(1) A definite plan and program for meeting the transportation needs of the elderly and handicapped persons is under development or completed pursuant to §§ 609.9 and 609.11.

(2) All valid alternatives for meeting the transportation needs of elderly and handicapped persons have been or will be evaluated in the development of the plan and program.

(3) The provisions in the project for elderly and handicapped persons, and the relationship of this project to the plan and program required by §§ 609.9 and 609.11, have been explained at the public hearing required during the application process. When the application involves new rolling stock, details on the features of that equipment, including stanchion and handrail configurations, fare collection equipment, and priority seating arrangements that particularly serve elderly and handicapped persons shall be presented at the public hearing. Persons desiring to comment on that explanation at the public hearing must be heard. Evidence of the applicant's response to such comments shall be included in the application.

(4) All facilities and equipment contained in the project will meet the applicable requirements of this part.

(b) After October 1, 1976, each application for capital assistance shall provide an assurance that:

(1) A definite plan and program for meeting the transportation needs of the elderly and handicapped has been developed pursuant to §§ 609.9 and 609.11.

(2) All valid alternatives have been evaluated in the development of the proposed plan and program;

(3) The application requests funding for those projects or items accorded current implementation priority under the plan and program required by §§ 609.9 and 609.11. If the application does not include all such projects or items, the application must include a justification satisfactory to the Urban Mass Transportation Administrator and a proposed schedule for submission of appropriate applications.

(4) The provisions in the project for elderly and handicapped persons, and the relationship of this project to the plan and program required by §§ 609.9 and 609.11, have been explained at the

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public hearing required during the application process. When the application involves new rolling stock, details on the features of that equipment, including stanchion and handrail configurations, fare collection equipment, and priority seating arrangements that particularly serve elderly and handicapped persons shall be presented at the public hearing. Persons desiring to comment on that explanation at the public hearing must be heard. Evidence of the applicant's response to such comments shall be included in the application.

(5) All facilities and equipment contained in the project will meet the applicable requirement of this part.

§ 609.15 Fixed facilities.

(a) Except as otherwise provided in paragraph (b) of this section, every fixed facility—including every station, terminal, building, or other facility—designed, constructed, or altered after the effective date of this part, which either will require that such fixed facility be accessible to the public or may result in the employment therein of physically handicapped persons, shall be designed, constructed, or altered in accordance with (1) the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1—1961," approved by the American Standards Association, Inc. (subsequently changed to American National Standards Institute, Inc.) [ANSI], and (2) the additional standards of paragraph (d) of this section.

(b) The standards established in paragraph (a) of this section do not apply to:

(1) The design, construction, or alteration of any portion of a fixed facility which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(2) The alteration of an existing fixed facility if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installation or improvements to accommodate the physically handicapped;

(3) The alteration of an existing fixed facility, or of such portions thereof, to which application of the standards is not structurally possible; and

(4) The construction or alteration of a fixed facility for which bids have already been solicited or plans and specifications have been completed or substantially completed after the effective date of this part.

(c) The final project application for any project that includes the design, construction, or alteration of a fixed facility subject to paragraph (a) of this section shall contain one of the following: (1) An assurance that the standards of paragraph (a) of this section will be adhered to in the design, construction, or alteration of such facility; (2) a request for a finding that the project is within one of the exceptions set out in paragraph (b) of this section, with appropriate supporting material; or (3) a request for waiver of the standards of paragraph (a) of this section. In any case in which a waiver or exception is requested, the grounds therefor shall be presented and discussed at the public hearing on the proposed project; any person seeking to comment thereon shall be heard and his comments responded to on the record of the public hearing.

(d) In addition to the ANSI standards of paragraph (a) of this section, the following standards apply to fixed facilities covered by that paragraph.

(1) Passenger pick-up and drop-off facilities: Stations with automobile passenger pick-up and drop-off facilities shall provide at least one stopping area identified for the use of handicapped persons. This stopping area shall have minimum dimensions of 12 feet wide and 22 feet long, and shall be located as near as possible to the station entrance(s) and exit(s) accessible to handicapped persons.

(2) Fare collection systems: The fare vending system shall be designed so as not to prevent effective utilization of the transportation system by passengers with physical impairments. Each fare control area shall include at least one entrance with a clear opening of at least 36 inches when open for the use of persons who use mobility aids.

(3) Information systems: Passenger waiting and boarding areas in major, enclosed stations shall have both public address and visual announcement systems for announcing transit information, including vehicle arrival, departure, destination, and route designation.

(4) Boarding platforms: All boarding platform edges bordering a drop-off or other dangerous condition shall be marked with a warning device consisting of a strip of floor material differing in color and texture from the remaining floor surface. The design of boarding platforms for level-entry vehicles shall be coordinated with the vehicle design in order that the difference in elevation between platform and vehicle doorway not exceed 1.5 inches and the horizontal gap between platform and vehicle doorway not exceed 2 inches.

§ 609.17 Level-entry vehicles.

(a) New level-entry vehicles shall be accessible to elderly and handicapped persons and shall conform to the standards of this section.

(b) Entrances and exits: (1) Vehicle entrances and exits shall have a clear opening of at least 36 inches. If the entire system is not fully accessible, entrances and exits to fully accessible vehicles shall be identified on the vehicle exterior as accessible to handicapped persons. Vehicle doors shall open automatically and shall be equipped with devices which prevent vehicle motion when the door is open, prevent door closure on any person or object in the doorway, and prevent door opening when the vehicle is in motion. Warning signals shall be provided to alert elderly and handicapped passengers of closing doors.

(2) The design of level-entry vehicles shall be coordinated with the boarding platform design in order that the difference in elevation between platform and vehicle doorway not exceed 1.5 inches and the horizontal gap between platform and doorway not exceed 2 inches.

(c) Priority seating signs: Each vehicle shall contain clearly legible sign(s) which mark specific seats to be made available to elderly and handicapped persons when they are present. The proposed location of the signs and seats shall be presented at the hearing required by § 609.13(b)(4).

(d) Wheelchair securement devices and travel clearance: (1) Effective January 1, 1976, at least one wheelchair securement device shall be provided inside the vehicle, as near as possible to the entrance(s) accessible to handicapped persons. The device(s) shall be located so that the secured wheelchair does not impede the mobility of the nonhandicapped passenger.

(2) Sufficient travel clearance shall be provided to enable the wheelchair user to reach the securement position with minimal movements and manipulation of the wheelchair.

(3) The securement device shall be operable by the wheelchair user and shall be attached to the vehicle structure with integrity comparable to that of seat mounting.

(4) The wheelchair securement device is not required for a level-entry vehicle which is operated on a system which has fewer than two wheelchair-accessible stations.

(e) Interior handrails and stanchions: Padded handrails and stanchions shall be sufficient to permit safe boarding, onboard circulation, seating assistance, and unboarding by passengers with physical impairments.

(f) Floor surface: All floors shall have slip-resistant surfaces.

(g) Lighting: The interior of the vehicle shall average between 15 and 30 footcandles of illumination measured at 36 inches above the floor, except that when the vehicle has an open operator's position, the level of illumination shall not exceed 8 footcandles.

(h) Public address system: Vehicles shall be equipped with a public address system audible throughout the vehicle.

(i) Destination and route signs: (1) This paragraph is effective January 1, 1976.

(2) Each vehicle or train shall have a sign on the front of the vehicle or train exterior. The sign shall include the route designation or destination or both in characters 6 inches high.

(3) Each vehicle or train shall have a sign on the boarding side of the vehicle or train exterior. This sign shall include the route designation or destination or both in characters at least 4 inches high.

§ 609.19 Step-entry vehicles.

(a) The requirements of this section apply to all new step-entry vehicles with a length of at least 22 feet.

(b) Entrances and exits: (1) Vehicles shall be equipped with device(s) which prevent vehicle motion when the door is open, prevent door closure on any person or object in the doorway, and prevent door opening when the vehicle is in motion.

(2) Effective January 1, 1976, the maximum height of each step from street level to vehicle floor level shall be uniform and no more than 8 inches; the depth of tread of each step shall be uniform and at least 10 inches. The step surfaces of retractable steps shall be designed to resist the collection of snow, slush, and dirt.

(c) Fare collection: Vehicle fare collection arrangements shall be designed so as not to prevent effective utilization of the vehicle by passengers with physical impairments.

(d) Priority seating signs: Each vehicle shall contain clearly legible sign(s) which mark specific seats to be made available to elderly and handicapped persons when they are present. The proposed location of the signs and seats shall be presented at the hearing required by § 609.13(b)(4).

(e) Interior handrails and stanchions: Padded handrails and stanchions shall be sufficient to permit safe boarding, fare collection, on-board circulation, seating assistance, and unboarding by passengers with physical impairments.

(f) Floor and step surfaces: All floors and steps shall have slip-resistant surfaces.

(g) Lighting: (1) The interior of the vehicle shall average between 15 and 30 footcandles of illumination measured at 36 inches above the floor, except in the immediate vicinity of the vehicle operator's position where the level of illumination shall not exceed 8 footcandles.

(2) Stairwells shall have between 2 and 5 footcandles of illumination measured on the step tread.

(3) The vehicle shall have light(s) which provide 2 to 5 footcandles of illumination measured on the road, sidewalk, or platform 2 feet away from the vehicle's entrance and exit in a horizontal direction.

(h) Public address system: Vehicles shall be equipped with public address systems audible inside and outside the vehicle.

(i) Destination and route signs: (1) This paragraph is effective January 1, 1976.

(2) Each vehicle shall have an illuminated sign on the front of the vehicle exterior. The sign shall include the route designation or destination or both in characters 6 inches high.

(3) Each vehicle shall have illuminated signs on the boarding side and rear of the vehicle exterior. These signs shall include the route designation or destination or both in characters at least 4 inches high.

(4) Illuminated signs shall be free of extraneous light.

Subpart D—Requirements for Formula Apportionment Projects

§ 609.21 Capital projects receiving formula assistance.

Sections 609.15 through 609.21 apply to all construction and other capital assistance projects receiving Federal financial assistance under section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604).

§ 609.23 Reduced fare.

Applicants for Federal financial assistance under section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), must, as a condition to receiving such assistance, give satisfactory assurances, in such manner and form as may be required by the Urban Mass Transportation Administrator and in accordance with such terms and conditions as the Urban Mass Transportation Administrator may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment of the project financed with assistance under this section will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 409—COST ACCOUNTING STANDARD

Depreciation of Tangible Capital Assets

Correction

In FR Doc. 75-2626 appearing at page 4259, in the issue for Wednesday, January 29, 1975, make the following corrections:

1. In § 409.50(i) change the word "group" appearing in the third line to "groups."

2. In § 409.50(j)(1) change the reference in the seventh line from "(h) (2) and (3)" to "(j) (2) and (3)."

3. In § 409.60(f), change the word "manual" which appears in the fourteenth line to read "annual".

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 341]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Feb. 28–Mar. 6, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.641 Navel Orange Regulation 341.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week steps from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues slower. Prices f.o.b. averaged $3.75 per carton on a reported sales volume of 1,110 carlots last week, compared with an average f.o.b. price of $3.69 per carton and sales of 1,366 carlots a week earlier. Track and rolling supplies at 627 cars were up 18 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 28, 1975, through March 6, 1975, are hereby fixed as follows:

(i) District 1: 1,218,000 cartons;

(ii) District 2: 182,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: February 26, 1975.

CHARLES R. BRADDER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-5488 Filed 2-26-75;12:08 pm]

[Grapefruit Reg. 75, Amdt. 4; Tangerine Reg. 46, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Handling

Amendment 4 to Regulation 75 lowers the minimum diameter requirement applicable to domestic shipments of pink seedless grapefruit to $3\frac{2}{16}$ inches on February 24, 1975. Amendment 6 to Regulation 46 lowers the minimum diameter re-

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quirement applicable to domestic shipments of tangerines to 2¾6 inches on February 24, 1975. The specification of such lower minimum diameter requirements for Florida pink seedless grapefruit and tangerines is necessary to satisfy the current and prospective demand for such fruit. The amended regulations recognize the size distribution of much of the pink seedless grapefruit and tangerines remaining for fresh shipment.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to grapefruit and tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for fresh pink seedless grapefruit and tangerines by domestic market outlets. The less restrictive size requirement for pink seedless grapefruit is consistent with the remaining supply of and current and prospective demand for such grapefruit by fresh market outlets. Fresh shipments of Florida grapefruit for the season through February 16, 1975, totaled 16,748 carlots, and there were an estimated 10,252 carlots remaining for shipment. The lower minimum diameter requirement specified for shipments of tangerines is necessary to satisfy the demand for such fruit during the period of seasonally reduced supply. For the season through February 16, 1975, fresh shipments of Florida tangerines totaled 4,042 carlots and there were 58 carlots estimated to be remaining for fresh shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of pink seedless grapefruit and tangerines grown in Florida.

Order. 1. In § 905.556 (Grapefruit Reg. 75; 39 FR 32976, 37186, 40745, 42899) the provisions of paragraph (b)(4) are amended to read as follows:

§ 905.556 Grapefruit Regulation 75.

* * * * *

(b) * * *

(4) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which are of a size smaller than 3⅛ inches in diameter, or any pink seedless grapefruit which are of a size smaller than 3⅜6 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameters shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

2. § 905.557 (Tangerine Reg. 46; 39 FR 32976; 37186, 40745, 41239, 42899, 44735) the provisions of paragraph (b) (2) are amended to read as follows:

§ 905.557 Tangerine Regulation 46.

* * * * *

(b) * * *

(2) Any tangerines, grown in the production area, which are of a size smaller than 2²⁄16 inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: February 24, 1975, to become effective February 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-5189 Filed 2-26-75;8:45 am]

[Grapefruit Reg. 15—Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Limitation of Handling

This amendment lowers the minimum diameter requirement applicable to imported pink seedless grapefruit to 3⅜ inches on February 24, 1975. The requirement is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation fixes the same size requirement on imported pink seedless grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

Order. In § 944.111 (Grapefruit Regulation 15; 39 FR 33306, 37188) the provisions of paragraph (a) are amended to read as follows:

§ 944.111 Grapefruit Regulation 15.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3¹⁵⁄16 inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.); and

(3) Seedless grapefruit other than pink seedless grapefruit shall be of a size not smaller than 3⅜6 inches in diameter, and pink seedless grapefruit shall be of a size not smaller than 3⅝6 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum sizes shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirement for imports of pink seedless grapefruit as is applicable under amended Grapefruit Regulation 75 (§ 905.556) to the shipment of pink seedless grapefruit grown in Florida; and (c) this amendment lowers requirements for the importation of pink seedless grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: February 24, 1975, to become effective February 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-5190 Filed 2-26-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

Correction

In FR Doc. 75-4237 appearing on page 6766 in the issue for Friday, February 14, 1975, make the following change; in the authority cite after § 73.1a, in the last line now reading "28464, * * * 19141.)" the "FA" should read "FR".

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-150]

PART 523—MEMBERS OF BANKS

Liquidity Requirements

FEBRUARY 13, 1975.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of increasing the overall liquidity requirement of each Federal Home Loan Bank member from 5 percent to 5½ percent of its liquidity base and of increasing each member's short-term liquidity requirement from 1 percent to 1½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective April 1, 1975:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 5½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 1½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since members' recent reports to the Board show a substantial increase in cash flow, making funds more available for lending and for other purposes, the Board determines that it is prudent to increase members' liquidity requirements without the delay that would result if notice and public procedure were provided with respect to this amendment. Therefore, the Board hereby finds that notice and public procedure as to this amendment are impracticable and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48, Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-5264 Filed 2-26-75;8:45 am]

[No. 75-149]

PART 523—MEMBERS OF BANKS

Definitions Relating to Liquidity

FEBRUARY 13, 1975.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Regulations prior to present amendments.* Obligations of the United States having a remaining period to maturity of not exceeding 7 years (also an exception of ½ of 1 percent of the liquidity base as to longer term obligations) may be counted as liquid assets. Both obligations of the United States and specified Federal agency obligations having a remaining period to maturity of not exceeding 18 months may be counted as short-term liquid assets.

II. *Regulatory changes proposed in Board Resolution No. 74-1050, dated October 9, 1974 (39 FR 41263).* (1) Reduce from 7 to 5 years the permissible maximum maturity of United States obligations which are includable as liquid assets;

(2) Delete the ½ of 1 percent exception as to United States obligations having a remaining maturity exceeding 7 years; and

(3) Reduce from 18 to 12 months the permissible maximum maturity of United States and specified Federal agency obligations which are includable as short-term liquid assets.

A 6-month phase-in period was proposed as to these changes.

III. *Final regulations.* (1) Same as the proposed regulations, except that the phase-in period as to long term liquid assets is changed from 6 to 24 months. The proposal's 6-month phase-in period as to short-term liquid assets is retained.

(2) Additional liberalizing changes permitting the following investments to be counted for liquidity purposes:

(a) Any liquid asset type investment which is subject to a repurchase agreement (prior to this resolution, the regulations as to repurchase agreements were applicable to only obligations of the United States, specified Federal agency obligations, time deposits and municipal obligations);

(b) Certain project notes of public housing authorities which are guaranteed by the United States (such project notes did not qualify under the regulations prior to this resolution because the notes are not "rated" in the market); and

(c) Non-negotiable certificates of deposit having a remaining period to maturity of not exceeding 90 days (the regulations prior to this resolution were applicable only to certain negotiable CDs and notice-type time deposits).

(3) Technical changes.

(a) Delete obsolete language in definition of "liquid assets".

(b) Increase from $20,000 to $40,000 the amount specified in § 523.10(g)(4)(i)(b) (12 CFR 523.10(g)(4)(i)(b)) as to certificates of deposit and Federal funds.

IV. *Reasons for changing the regulations.* (1) Require that regulatory liquidity be invested in assets having minimum fluctuation in market value because of their short remaining maturities.

(2) Liberalize the laundry list of types of investments which can be counted for liquidity.

(3) Up-date the regulations, particularly as to the new statute increasing FDIC-insurance per account to $40,000.

By Resolution No. 74-1050, dated October 9, 1974, the Board proposed to amend Part 523 of the regulations for the Federal Home Loan Bank System (12 CFR Part 523) by revising certain portions of §§ 523.10 (g) and (h), relating to investments which qualify as liquid assets or as short-term liquid assets, for the principal purposes of (1) reducing from 7 to 5 years the permissible maturity of United States obligations which are includable as liquid assets, (2) deleting the general authority to include as liquid assets a certain amount of United States obligations having a maturity of more than 7 years, and (3) reducing from 18 to 12 months the permissible maturity of obligations of the United States, and agencies and instrumentalities thereof, which are includable as short-term liquid assets. The preamble in this proposal stated that the Board intended to delay the effective date of any final regulation regarding these matters for at least 6 months to reduce difficulties in complying with the changes. The Board also proposed to remove the obsolete distinction, presently in § 523.10(g), as to the definition of "liquid assets" before and after January 1, 1972.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on November 26, 1974 (39 FR 41263–41264), with an Invitation for interested persons to submit written comments by December 31, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend certain portions of the regulations regarding liquidity. Accordingly, the Board hereby amends said Part 523 by (1) revising certain portions of §§ 523.10 (g) and (h) to read as set forth below and (2) adding a new § 523.10(i), immediately following § 523.10(h), to read as set forth below, effective April 1, 1975.

One type of change effected by this resolution concerns the remaining period to maturity of certain obligations of the United States and certain agencies of the United States which are counted as regulatory liquidity.

Prior to the changes effected as to "liquid assets" by this resolution, § 523.10 (g)(2) provided in substance that an unpledged obligation of the United States could be counted as a "liquid asset" if its remaining period to maturity did not

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exceed 7 years or if the obligation qualified under the regulatory exception providing that a member could include as liquid assets an amount equal to one-half of one percent of the average daily balance of the member's liquidity base for the preceding calendar month obligations of the United States having a remaining period to maturity of more than 7 years. This resolution reduces from 7 to 5 years this remaining period to maturity and deletes the above one-half-of-one-percent exception. However, it is noted that although the proposal indicated that there would be a 6-month phase-in time, this resolution provides for a two-year phase-in time as to these changes (see new § 523.10(i)). This means that, beginning on April 1, 1975 all new purchases for liquidity purposes of obligations of the United States or certain agencies or instrumentalities thereof are restricted to such obligations having remaining maturities of not more than 5 years. Further, beginning on April 1, 1977, the regulatory requirement regarding the remaining period to maturity as to both obligations of the United States and obligations of certain agencies or instrumentalities of the United States will be the same, i.e. 5 years.

Prior to the changes effected as to "short-term liquid assets" by this resolution, § 523.10(h)(2) provided in substance that an unpledged obligation of the United States or of certain agencies of the United States could be counted as a "short-term liquid asset" if its remaining period to maturity did not exceed 18 months. This resolution reduces from 18 to 12 months this remaining period to maturity. The proposal indicated, and this resolution provides, for a six-month phase-in time as to this change (see new § 523.10(i)).

A second type of change effected by this resolution concerns the addition of several items to the laundry list of investments which qualify for regulatory liquidity. No such liberalizing changes were contained in the proposal. This resolution adds the following investments to the investments which may be counted for liquidity purposes:

(a) Any asset which is subject to a repurchase agreement if the asset would be counted were there no loan and repurchase agreement as to the asset. This change applies at this time to Federal funds and bankers' acceptances. Other types of liquidity-qualified investments were covered prior to this resolution and this resolution makes no change as to such investments.

(b) Obligations issued by a public housing agency if the obligations have the full faith and credit of the United States pledged pursuant to sections 1421a(c) or 1437i(a) of Title 42 of the United States Code. These obligations are general obligations of a political subdivision of a State. However, such obligations did not qualify for liquidity prior to this resolution because the market does not "rate" securities guaranteed by the United States and general obligations of a State or a political subdivision thereof qualified for liquidity under the prior regulations only if the obligations were rated by a nationally recognized investment rating service in the four highest grades.

(c) Certain non-negotiable certificates of deposit having a remaining period to maturity of not exceeding 90 days. The regulations prior to this resolution permitted the counting for liquidity purposes of certain negotiable time deposits and certain time deposits which could be withdrawn only after giving not more than 90 days notice to withdraw.

The third type of change effected by this resolution concerns the following two technical matters:

(a) Prior to this resolution, § 523.10(g) contained a distinction as to the definition of "liquid assets" before and after January 1, 1972. The present amendments remove this distinction because the distinction is obsolete.

(b) Prior to this resolution, § 523.10(g)(4)(i)(b) contained the figure $20,000, relating to the maximum amount of a time deposit in the same bank, which was the statutory limit as to FDIC insurance of the same account in the same bank. Recent legislation increased from $20,000 to $40,000 the FDIC insurance limit. This chance conforms the regulations to the new statutory provision.

Section 523.10 (g) and (h) are amended and (i) is added as follows:

§ 523.10 Definitions.

For the purposes of this section, §§ 523.11 and 523.12:

* * * * *

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement):

* * * * *

(2) Except (i) as the Board may otherwise direct in a specific case or (ii) pursuant to the provisions of paragraph (i) of this section, obligations of the United States having a remaining period to maturity of not more than 5 years;

(3) Obligations issued, or fully guaranteed as to principal and interest, by the following agencies or instrumentalities of the United States and having a remaining period to maturity of not more than 5 years:

* * * * *

(4) Time deposits in an insured bank including loans of Federal funds to an insured bank which is a member of the Federal Reserve System, if:

(i) The total of all time deposits, including loans of Federal funds of the same member, in the same bank does not exceed the greater of (a) one-fourth of 1 percent of the total deposits of such bank (calculated on the basis of total deposits of such bank as shown by its last published statement of condition preceding the date each time deposit is made or acquired by a member), or (b) $40,000;

* * * * *

(iii) Except for loans of Federal funds, such deposits are (a) negotiable and have remaining periods to maturity of not more than 1 year, (b) not negotiable and have remaining periods to maturity of not more than 90 days, or (c) not withdrawable without notice and the notice periods do not exceed 90 days; and

* * * * *

(6) General obligations of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

(i) Such obligations are either (a) rated, at the time acquired by a member, in one of the four highest grades as shown by the most recently published rating made of such obligations by a nationally recognized investment rating service or (b) issued by a public housing agency and have the full faith and credit of the United States pledged pursuant to section 1421a(c) or section 1437i(a) of Title 42 of the United States Code, as amended; and

* * * * *

(h) The term "short-term liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement):

* * * * *

(2) Obligations of the types specified in paragraphs (g)(2) and (g)(3) of this section either (i) having a remaining period to maturity of not more than 12 months or (ii) are qualified as short-term liquid assets under paragraph (i) of this section.

(3) Time deposits, including loans of Federal funds which qualify as liquid assets pursuant to the provisions of paragraph (g)(4) of this section and, except for such loans of Federal funds, are (i) negotiable and have remaining periods to maturity of not more than 6 months, (ii) not negotiable and have remaining periods to maturity of not more than 90 days or (iii) not withdrawable without notice and the notice periods do not exceed 90 days;

(4) Bankers' acceptances specified in paragraph (g)(5) of this section having a remaining period to maturity of not more than 6 months; and

(5) General obligations of the types specified in paragraph (g)(6)(i)(b) of this section having a remaining period to maturity of not more than 6 months.

(i) Before April 1, 1977, an investment which is continuously held by a member and which is counted as a liquid asset at the close of business on March 31, 1975 continues to count as a liquid asset notwithstanding and without regard to the maximum remaining period to maturity specified in paragraph (g) of this section. Before October 1, 1975 an investment which is continuously held by a member and which is counted as a short-term liquid asset at the close of business on March 31, 1975 continues

to count as a short-term liquid asset notwithstanding and without regard to the maximum remaining period to maturity specified in paragraph (h) of this section.

(Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr., *Assistant Secretary.*

[FR Doc.75-5263 Filed 2-26-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Definition of Small Business Primarily Engaged in Raising Livestock; Disaster Financial Assistance

On April 25, 1974, there was published in the FEDERAL REGISTER (39 FR 14615) a notice that the Small Business Administration proposed to establish a definition of a small business livestock producer for the purpose of obtaining a disaster loan under section 7(b)(4) of the Small Business Act. Such section provides for loans to persons who are engaged in the business of raising livestock (including but not limited to cattle, hogs, and poultry) and who suffer substantial economic injury as a result of animal disease. The proposal was that such a concern would be considered small if its annual receipts do not exceed $250,000.

Interested parties were given until May 10, 1974, to comment on the proposal.

On the basis of all information available, we have determined to adopt the proposal, subject, however, to a language change clarifying that the definition includes only producers of livestock for human consumption. Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new § 121.3–10(k) to read as follows:

§ 121.3–10 Definition of Small Business for SBA loans.

* * * * *

(k) *Agricultural production (livestock).* Any concern (except custom beef cattle feedlots) primarily engaged in raising livestock for human consumption such as cattle, hogs, sheep, goats, poultry of all kinds, and animal specialties such as horses, rabbits, bees, or fish in captivity, and which, as a result of animal disease, has suffered substantial economic injury due to its inability to market such livestock (or the product of such livestock) for human consumption, is classified as small for the purpose of receiving a disaster loan under section 7(b)(4) of the Small Business Act if its annual receipts do not exceed $250,000.

Effective date. February 27, 1975.

Dated: February 11, 1975.

(Catalog of Federal Domestic Assistance Program No. 59.010, Product Disaster Loans)

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75-5261 Filed 2-26-75;8:45 am]

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 301—ESTABLISHMENT AND ORGANIZATION

PART 308—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

Grant and Loan Program

Parts 301 and 308 of Chapter III of Title 13 of the Code of Federal Regulations are hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

1. Section 301.42 is amended by amending paragraphs (a) and (b)(1) to read as follows:

§ 301.42 Economic Development Regional Offices.

(a) Regional Offices cooperate with and assist local areas in organizing for economic development; provide economic development informational services covering all programs, Federal and otherwise; assist in obtaining field surveys of local area problems through staff or through contract; cooperate with local area and other economic development representatives in the development or modifications of Overall Economic Development Programs (OEDP); review those OEDP submitted for approval and take appropriate action in accordance with prescribed agency policies and procedures; review applications for public works projects; review applications for industrial and commercial assistance, for technical assistance, including administrative grants, and take appropriate final action in accordance with Agency policies, rules, regulations, and procedures and within the authority specifically delegated by the Assistant Secretary; review financial assistance project reports of processing offices, submitting analyses and recommendations for action to the Agency's Washington Office; develop and comment upon proposals for training projects within the area served by the Regional Office; and provide for official liaison channels with State economic development agencies, district and redevelopment area economic development organizations, and regional or local offices of other Federal agencies located within the same areas, particularly those with related programs.

(b) Organization structure: (1) The Regional Director, who reports to and is under the supervision and direction of the Assistant Secretary, directs the program and is responsible for the conduct of all activities of the Regional Office.

* * * * *

§ 308.23 [Amended]

2. Section 308.23 is amended by deleting paragraph (b) in its entirety and redesignating paragraph (c) as "(b)".

AUTHORITY: (Sec. 701, Pub. L. 89–136 (August 26, 1965); (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10–4, April 1, 1970 (35 FR 5970))

Effective date. This amendment becomes effective on February 24, 1975.

Dated: February 18, 1975.

D. JEFF CAHILL, *Acting Assistant Secretary for Economic Development.*

[FR Doc 75-5185 Filed 2-26-75;8:45 am]

CHAPTER V—REGIONAL ACTION PLANNING COMMISSIONS

PART 570—REGIONAL EXCESS PROPERTY PROGRAM

Administration Procedures

On December 16, 1974, there were published in the FEDERAL REGISTER (36 FR 43534) regulations and procedures for the administration of the regional excess property program authorized to be carried out by the Federal Cochairmen of the Regional Action Planning Commissions established pursuant to title V of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3182 et seq.).

The purpose of the regulations was to implement the provisions of section 514 of the Act so as to authorize the Federal Cochairmen to acquire and dispose of excess Federal property for the purpose of economic development.

The regulations apply only to those States or parts of States included within economic development regions established pursuant to title V of the Act.

Although the regulations were effective upon issuance on December 16, opportunity was afforded interested persons to comment by January 16, 1975. Section 570.8(b) as originally drafted authorized the Federal Cochairman and the regional commission property officer to screen excess property, but was not explicit on their authority to acquire such property. As a result of comments received, section 570.8(b) is revised to make clear that the Federal Cochairman and the regional commission property officer are authorized to acquire excess property under this program through signing the requisite General Services Administration documents. A new section 570.8(c) is added to

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authorize persons, in addition to the Federal Cochairman and the regional commission property officer, to screen property. The former Paragraph 570.8(c) is redesignated 570.8(d).

The revised paragraphs are adopted, effective immediately, as set forth below.

§ 570.8 Procedures.

. . . . .

(b) Only the Federal Cochairman or the Regional Commission Property Officer will be authorized under this regulation to sign the Report of Excess Personal Property, Standard Form 120 and the Transfer Order, Excess Personal Property, Standard Form 122 for the Regional Commission.

A new paragraph 570.8(c) is added as follows:

(c) Only the following persons will be authorized to screen excess property for acquisition: the Federal Cochairman, the Regional Commission Property Officer, and such additional screening officers as may be designated by the Federal Cochairman and approved by the GSA.

The former paragraph 570.8(c) is redesignated 570.8(d).

Dated: February 11, 1975.

DANIEL GARBERN,
Special Assistant to the Secretary of Commerce for Regional Economic Coordination.

[FR Doc.75-5273 Filed 2-26-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-5-AD; Amendment 39-2107]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Boeing Models

There have been several reports of broken and separated door mounted emergency escape slide latch release cables occurring on Boeing Model 727-200 series airplanes that could result in ensuing inability to deploy escape slide and open emergency exit doors. Investigation revealed cause of cable failure attributed to corrosion. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement of carbon steel cable assemblies in accordance with prescribed Boeing Service Bulletin instructions on all Boeing Model 727-200 series airplanes, and Boeing Model 727-100, Serial Numbers 18877, 18878, 18879, 19281 and 19279 only.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 727-200 series airplanes certificated in all categories, and Boeing Model 727-100, Serial Numbers 18877, 18878, 18879, 19281 and 19279 only. Compliance required as indicated.

To prevent escape slide latch cable failure and ensuing inability to open emergency exit and deploy escape slide, accomplish the following:

A. Within 25 hours time in service after effective date of this AD, unless already accomplished, inspect door mounted escape slide latch cable at both entry and service doors (4 doors). If corrosion or breakage is found, replace prior to further flight with a carbon steel assembly of the same type design and reinspect at intervals not to exceed 500 hours time inservice, or replace with corrosion resistant assembly, per Boeing Alert Service Bulletin 727-25-223, or later FAA approved revisions, or replace in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. By September 1, 1975, unless already accomplished, replace carbon steel cable assembly with corrosion resistant assembly per Boeing Alert Service Bulletin 727-25-223, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 25, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington on February 19, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-5162 Filed 2-26-75;8:45 am]

[Docket No. 75-CE-3-AD; Amdt. 39-2100]

PART 39—AIRWORTHINESS DIRECTIVES

King Radio Corporation Model KCS-55 Pictorial Navigation System

There has been a report of an incident in which a King Radio Corporation Model KCS-55 Pictorial Navigation System malfunctioned during flight. Specifically, this malfunction caused the loss of heading reference. Loss of this heading information would require the pilot to depend on the standby compass for maintaining a heading and the turn and bank gyro along with a clock to make turns, thereby making it very difficult for him to navigate during IFR conditions. Since the condition described herein is likely to exist or develop in other pictorial navigation systems of the same design, an Airworthiness Directive (AD) is being issued requiring either appropriate placarding and operational limitations prohibiting the use of the King Model KCS-55 Pictorial Navigation System for primary heading or IFR flight, or in the alternative, replacement of the King Models KI 525 indicator and KG 102 gyro-configurations on all King Model KCS-55 pictorial navigation systems with modified units identified herein as Mod 1 and Mod 6 respectively.

Since these conditions may exist or develop on other aircraft of the same type design, expeditious adoption of this amendment is required in the interest of safety. Consequently, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

KING RADIO CORPORATION. Applies to Model KCS-55 Pictorial Navigation System (magnetic stabilized compass) units, specifically the Gyro Model KG-102 ( ), Part Number 060-0011-0, Serial Numbers 1000 to 1999 and all serial numbers preceded by the letter "P" and Indicator Models KI-525 ( ), Part Number 066-3029-00/01, Serial Numbers 1000 to 1999 and all serial numbers preceded by the letter "P". The Model KCS-55 systems may be installed on various types of aircraft.

Compliance: Required as indicated, unless already accomplished.

A) Within the next 25 hours' time in service after the effective date of this AD, check the aircraft compass system installed or the aircraft permanent maintenance record to determine if the KCS-55 pictorial navigation system is installed on the aircraft.

B) If, as a result of determination required in Paragraph A of this AD, a KCS-55 pictorial navigation system is installed, check the indicator KI-525 ( ) to determine if the serial number falls within those noted in the applicability statement and if the unit has been modified and identified as Mod 1. Also, check the KG 102 gyro and determine if the serial number falls within those noted in the applicability statement and that the unit has been modified and identified as Mod 6. If both units are so identified with the modification number, make an appropriate entry in the aircraft records indicating compliance with this AD.

C) If as a result of the determinations required by Paragraphs A and B of this AD unmodified KCS-55 Pictorial Navigation System units are installed, prior to further flight, install a placard on the instrument panel in clear view of the pilot which indicates: "KCS-55 PICTORIAL NAVIGATION SYSTEM IS NOT TO BE USED FOR PRIMARY HEADING OR IFR FLIGHT IF IT IS SOLE GYROSCOPIC HEADING SOURCE" and operate the aircraft in accordance with this limitation.

D) On or before November 15, 1975, replace any KCS-55 pictorial navigation system units which fall within the Part Number and Serial Number designations set forth in the applicability statement with modified units which are identified in accordance with King Alert Service Bulletins KI 525-1 and KC 102-6 dated January 2, 1975, or subsequent revisions, as Mod 1 and Mod 6 respectively. When this paragraph has been complied with, Paragraph C of this AD is no longer applicable.

E) Any alternative means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective February 28, 1975.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 c)))

Issued in Kansas City, Missouri, on February 14, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-5161 Filed 2-26-75;8:45 am]

[Airspace Docket No. 74-WA-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

On January 6, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 1060) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-37 from Erie, Pa., to Ash, Ontario, Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

§ 71.123 [Amended]

Section 71.123 (40 FR 307) the description of V-37 is amended as follows:

In V-37 "Toronto, Ont., Canada." is deleted and "To Ash, Ont., Canada." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5163 Filed 2-26-75;8:45 am]

[Airspace Docket No. 75-WA-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct the subordinate information associated with the description of the CLAMS reporting point (Kenai, Alaska 216° to 217°). The present description, (Lat. 59°53'27" N., Long. 152°16'23" W.) is correct as published.

Since reporting point descriptions and associated information are minor matters in which the public is not particularly interested, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

§ 71.211 [Amended]

§ 71.211 (40 FR 634, 39 FR 35129) is amended as follows: in CLAMS "Kenai, Alaska 216° radials" is deleted and "Kenai, Alaska 217° radials" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5164 Filed 2-26-75;8:45 am]

[Airspace Docket No. 74-SO-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone and Transition Area

On January 24, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 3784) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Christiansted, St. Croix, V.I., control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (40 FR 354) the Christiansted, St. Croix, V.I., control zone is amended to read as follows:

CHRISTIANSTED, ST. CROIX, V.I.

Within a 5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

§ 71.181 [Amended]

In § 71.181 (40 FR 441) the Christiansted, St. Croix, V.I., transition area is amended to read as follows:

CHRISTIANSTED, ST. CROIX, V.I.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (lat. 17°42'13" N., long. 64°47'54" W.); within 3 miles each side of St. Croix VOR 068° radial, extending from the 8.5-mile radius area to 8.5 miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles south and 4.5 miles north of the ILS localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5165 Filed 2-26-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[75-40]

PART 153—ANTIDUMPING

Television Receiving Sets, Monochrome and Color, From Japan; Correction

On February 13, 1975, a notice of modification of a dumping finding to exclude television receiving sets, monochrome and color, produced and sold by Sony Corporation of Japan, was published in the FEDERAL REGISTER. (40 FR 6647).

That portion of the notice of February 13, 1975, amending § 153.43 of the Customs Regulations to show the exclusion of television sets produced and sold by Sony Corporation from the finding of dumping omits the Treasury Decision citation to the modification. This omission is corrected by the insertion of the citation "75-40" under the heading "Modified by ----------".

Dated: February 21, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-5198 Filed 2-26-75;8:45 am]

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PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period January 1974 through December 1974 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

Month:	*Net amount of bounty per 2,240 lb of sugar content*
January 1974	None.
February 1974	Do.
March 1974	Do.
April 1974	Do.
May 1974	Do.
June 1974	Do.
July 1974	Do.
August 1974	Do.
September 1974	Do.
October 1974	Do.
November 1974	Do.
December 1974	Do.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. No additional duties on the above-described commodities, imported directly or indirectly from that country, shall be assessed and collected under section 303, Tariff Act of 1930 (19 U.S.C. 1303).

§ 159.74 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)), under "Australia—Sugar content of certain articles," is amended (1) by deleting therefrom the reference to T.D. 73-98 and (2) by adding a reference to this Treasury Decision. As amended, the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		73-277	New rate.
		74-133	Do.
		75-54	Do.

(R.S. 251, as amended; secs. 303, 624, 46 Stat. 687, 759; (19 U.S.C. 66, 1303, 1624).)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: February 20, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-5199 Filed 2-26-75;8:45 am]

CHAPTER II—U.S. INTERNATIONAL TRADE COMMISSION

Subpart C—Availability of Information to the Public Pursuant to 5 U.S.C. 552, as Amended by Public Law 93-502

PART 201—RULES OF GENERAL APPLICATION

Availability of Information

These amendments to Title 19, Part 201 of the Code of Federal Regulations adds a new subpart C thereto, and deletes § 201.5 of subpart B and incorporates the substance thereof as § 201.21 of new subpart C. The purpose of these amendments is to implement 5 U.S.C. 552 (the Freedom of Information Act), as amended by Pub. L. 93-502, and is made pursuant thereto.

Subpart C, § 201.20, entitled *Fees*, was the subject of a Notice of Proposed Rulemaking published January 13, 1975 (40 FR 2452), as an amendment to Part 201, subpart B of Title 19, Code of Federal Regulations; it is now instead promulgated, after consideration of comments received, in § 201.20 as part of this amendment.

Subpart C—Availability of Information to the Public Pursuant to 5 U.S.C. 552, as Amended by Public Law 93-502

Sec.
201.17 Procedures for requesting access to records.
201.18 Denial of requests for records.
201.19 Appeals from denial of requests.
201.20 Fees.
201.21 Availability of specific records.

AUTHORITY: 5 U.S.C. 552, Pub. L. 93-502.

§ 201.17 Procedures for requesting access to records.

(a) A request for any information or record shall be addressed to the Secretary, United States International Trade Commission, Washington, D.C. 20436 and shall indicate clearly both on the envelope and in the letter that it is a Freedom of Information Act request.

(b) Any request shall reasonably describe the requested record to facilitate location of the record.

(c) Any request for transcripts of hearings shall be addressed to the official hearing reporter, the name and address of which can be obtained from the Secretary. A copy of such request shall at the same time be forwarded to the Secretary.

(d) A day-to-day, composite record shall be kept by the Secretary of each request with the disposition thereof.

§ 201.18 Denial of requests for records.

Written requests for inspection or copying of records shall be denied only by the Secretary or Acting Secretary. Denials of written requests shall be in writing, shall specify the reason therefor, and shall advise the person requesting of the right to appeal to the Commission. Oral requests may be dealt with orally, but if the requester is dissatisfied he shall be asked to put the request in writing.

§ 201.19 Appeals from denial of requests.

(a) An appeal from a denial of a request shall be made to the Commission and addressed to the Chairman, United States International Trade Commission, Washington, D.C. 20436. Any appeal shall clearly indicate in the letter that it is a Freedom of Information Act appeal. An appeal may be made after denial or whenever compliance with a request has not been forthcoming within ten days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such request, unless an extension notice in writing with the reasons therefor has been provided the person making the request.

(b) An appeal will be decided within twenty days (excepting Saturdays, Sundays, and legal holidays) unless an extension, noticed in writing with the reasons therefor, has been provided the person making the request. Notice of the decision on appeal and the reasons therefor will be made promptly after a decision.

(c) The extensions of time mentioned in paragraphs (a) and (b) of this section shall be made only for one or more of the following reasons:

(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are requested in a single communication; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject-matter interest therein.

(d) The extensions of time mentioned in paragraphs (a) and (b) of this section shall not exceed ten working days in the aggregate.

§ 201.20 Fees.

(a) Search for records—$10.00 per hour for actual time spent; provided that no charge will be made for any search of only one-half hour or less.

(b) Reproduction, duplication, or copying of records by the Commission—10 cents per page; provided, however, that no charge will be made when the total amount does not exceed 50 cents.

(c) Unless a request for information specifically states that whatever cost is involved is acceptable, or acceptable up to a specified limit that covers anticipated costs, a request that is expected to involve assessed fees in excess of $15.00 will not be deemed to have been received until the requester is advised of the anticipated costs and agrees to bear such costs.

(d) The Secretary shall waive the payment of fees under this section if he determines that waiver is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

§ 201.21 Availability of specific records.

(a) *Records available.* The following information, on request to the Secretary of the Commission, is available for public inspection and copying: (A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; (B) those statements of policy and interpretations which have been adopted by the agency; and (C) administrative staff manuals and instructions to staff that affect a member of the public.

Available information includes, but is not limited to: (1) Applications, petitions, and other formal documents filed with the Commission, (2) notices to the public concerning Commission matters, (3) transcripts of testimony taken and exhibits submitted at hearings, (4) reports to the President, to either or both Houses of Congress, or to Committees of Congress, release of which has been authorized by the President or the legislative body concerned, (5) reports and other documents issued for general distribution.

(b) *Records not available.* Information specifically exempted from disclosure by 5 U.S.C. 552(b), including reports to the President, to either or both Houses of Congress, or to Committees of Congress, the release of which has not been authorized by the President or the legislative body concerned, and confidential business data as defined in 18 U.S.C. 1905 and 19 CFR 201.06 are not available to the public.

Effective date: These amendments shall be effective on February 19, 1975.

By order of the Commission.

Issued: February 24, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-5276 Filed 2-26-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD, FOOD PRODUCTS AND DRUGS

Reinstatement of the Regulations Pertaining to Diethylstilbestrol for Use in Cattle and Sheep

On January 24, 1974, the United States Court of Appeals for the District of Columbia Circuit handed down its decisions holding that the action of the Food and Drug Administration in withdrawing approval of the new animal drug applications (NADA's) for diethylstilbestrol (DES) for use in feed and implants in cattle and sheep was invalid. *Chemetron Corporation et al.* v. *United States Department of Health, Education, and Welfare*, 495 F.2d 995 (D.C. Cir. 1974); *Hess & Clark, Division of Rhodia, Inc.* v. *Food and Drug Administration*, 495 F.2d 975 (D.C. Cir. 1974). These decisions have the effect of reinstating the regulations for such uses.

By an order published in the FEDERAL REGISTER of December 9, 1972 (37 FR 26307), the Commissioner revoked regulations pertaining to the use of DES in feeds pursuant to section 512(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(i)).

An order revoking regulations for use of DES in implant form was published in the FEDERAL REGISTER of May 3, 1973 (38 FR 10926).

The purpose of this order is to publish the regulations which were reinstated by the court as they were prior to the December 9, 1972 and May 3, 1973 orders.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 121—FOOD ADDITIVES

1. Section 121.208(d) is amended by revising Table 6 to read as follows:

§ 121.208 Chlortetracycline.

* * * * * *

(d) * * *

TABLE 6.—*Chlortetracycline in cattle feed*

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. Chlortetracycline	70			For feed-lot beef cattle.	Aid in prevention of liver abscesses.
a. Chlortetracycline	70	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.
2. Chlortetracycline	70			For beef cattle up to 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	70	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.
3. Chlortetracycline	100			For beef cattle over 700 pounds in weight.	Aid in reduction of bacterial diarrhea; aid in prevention of foot rot.
a. Chlortetracycline	100	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.
4. Chlortetracycline	350			For beef cattle; not to be administered within 48 hours of slaughter.	Aid in prevention of bacterial pneumonia and shipping fever (hemorrhagic septicemia); aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex).
a. Chlortetracycline	350	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.
5. Chlortetracycline	350			For beef cattle up to 700 pounds in weight; not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	350	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.
6. Chlortetracycline	500			For beef cattle 700-1,000 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	500	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.
7. Chlortetracycline	750			For beef cattle 1,000-1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	750	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.
8. Chlortetracycline	0.5 (mg. per pound of body weight per day);			For beef cattle over 1,500 pounds in weight. Not to be administered within 48 hours of slaughter.	Aid in prevention of anaplasmosis.
a. Chlortetracycline	0.5 (mg. per pound of body weight per day);	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.

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Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
9. Chlortetracycline	5.0 (milligrams per pound of body weight per day).			For beef cattle; feed for 60 days; for use in the carrier state only; not to be fed within 10 days of slaughter. Labeling shall include a statement that a positive complement-fixation test at conclusion of a 60-day feeding period does not necessarily establish that anaplasmosis carrier state is still active. To positively establish that the carrier state has been eliminated, inject blood from a suspected carrier into a splenectomized (susceptible) calf.	Aid in the elimination of the carrier state of anaplasmosis.
10. Chlortetracycline	0.5 mg. per pound of body weight per day.			For calves up to 250 pounds in weight; in milk replacers or starter feeds.	Aid in the prevention of bacterial diarrhea.
11. Chlortetracycline	350	Sulfamethazine	350	For beef cattle; feed for 28 days; withdraw 7 days prior to slaughter.	Aid in the maintenance of weight gains in the presence of respiratory disease such as shipping fever.

* * * * *

2. Section 121.241 is reinstated to read as follows:

§ 121.241 Diethylstilbestrol.

Diethylstilbestrol (3, 4-bis (*p*-hydroxyphenyl)-3-hexene) may be safely used in feed for animals raised for food production when incorporated therein in accordance with the following conditions:

(a) Permitted uses of diethylstilbestrol alone and with certain other additives are described in tabular form in this section, and these tables are to be read as follows:

(1) The numbered line items establish the required limitations and indications for use of the principal ingredient as the additive alone, or with an additional ingredient added for increased effectiveness.

(2) The lettered line items establish the required limitations and indications for use of secondary ingredients that may be added to the indicated principal ingredient. Where principal and secondary ingredients have been mixed, the applicable limitations and indications for use from both the numbered items and lettered items apply. If duplicate limitations occur, these may be appropriately combined.

(3) Permitted combinations of principal ingredient and secondary ingredients are individually listed. Unless specifically provided for by the regulations, the principal ingredient may not be mixed with two or more secondary ingredients.

(4) Where cross-references specify a particular table and item number of another section, use of only the principal ingredient of the numbered item is authorized thereby.

(5) The term "principal ingredient" as used in this section refers to the additive named in the title of this section and is not intended to imply that the ingredient is of a greater value than any other additive named in this section.

(b) It is used or intended for use as follows:

TABLE 1.—*Diethylstilbestrol in feed*

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day				
1. Diethylstilbestrol.	10			For beef cattle; feed 10 mg. per head in not less than 1 pound of feed; withdraw 7 days before slaughter; do not feed to breeding or dairy animals.	Fattening of beef cattle.
a. 1.	10	Chlortetracycline.	70-750 mg. per head per day; 0.5 mg. per pound of body weight for animals over 1,500 pounds.	§ 121.208(d), table 6, items 1-8.	§ 121.208(d), table 6, items 1-8.
b. 1.	10	Oxytetracycline.	78-80 mg. per head per day.	§ 121.251(d), table 2, item 1.	§ 121.251(d), table 2, item 1.

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
c. 1.	10	Bacitracin	35-70 mg. per head	As zinc bacitracin	Growth promotion and feed efficiency.
d. 1.	10	Bacitracin	70-250	§ 121.252, table 3, items 1 or 2.	Reduction in the number of liver condemnations due to abscesses in feedlot beef cattle.
2. Diethylstilbestrol.	2			For sheep; withdraw 7 days before slaughter; do not feed to breeding animals.	Fattening of sheep.

(c) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall contain, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the concentration or strength of the additive or additives contained therein.

(3) Adequate directions and warnings for use.

(d) No residue of the additive shall be present in any edible portion of such animal after slaughter or in any food yielded by or derived from the living animal as determined by methods of examination prescribed in this section.

(e) The method of examination prescribed for the quantitative determination of estrogenic activity is the method of E. J. Umberger, G. H. Gass, and J. M. Curtis published in Endocrinology, volume 63, page 806 (1958).

(f) The method of examination prescribed for the qualitative identification of estrogenic activity as diethylstilbestrol is as follows:

(1) (i) Extract the diethylstilbestrol with alkali from a suitably prepared sample of fat dissolved in isooctane; or

(ii) Extract the diethylstilbestrol with ethyl alcohol from lean meat or liver, followed by hydrolysis of the alcohol extractive with dilute hydrochloric acid.

(2) Either of the solutions of diethylstilbestrol described in paragraph (f) (1) of this section is next extracted with chloroform, and the chloroform extract is washed with 10 percent sodium carbonate to remove strongly acidic substances.

(3) The chloroform extractive of diethylstilbestrol is then extracted with 1 percent sodium hydroxide, and the resulting solution is acidified.

(4) The hormone is reextracted from the acidified solution with chloroform. If the solution is colored, the extraction procedures may be repeated.

(5) The chloroform is evaporated and the remaining residue is dissolved in a suitable volume of methyl alcohol for identification of the diethylstilbestrol, as follows:

(i) Impregnate Whatman No. 1 filter paper with a solution of 40 percent formamide in methyl alcohol, blot it lightly, and dry for 5 minutes.

(ii) Spot an aliquot of the methyl alcohol solution on the paper.

(iii) Similarly, spot an aliquot of a methyl alcohol solution of Reference Standard diethylstilbestrol for identification comparison.

(iv) Place the paper in a chromatographic tank and develop, using the continuous ascending technique, either with the solvent system heptane:toluene::1:4 for 2.5 hours, or the solvent system cyclohexene:cyclohenzanol::98:2 for 45 minutes.

(v) Remove the paper from the tank and, while still wet, irradiate it with ultraviolet light from a 15-watt germicidal lamp for 1 minute.

(vi) Observe fluorescence through a black-light viewing apparatus.

3. Section 121.251(d) is amended in Table 2 by reinstating subitem a. As revised Table 2 reads as follows:

§ 121.251 Oxytetracycline.

* * * * *

(d) * * *

TABLE 2.—*Oxytetracycline in cattle feed*

Principal ingredient	Mg. per head per day	Combined with—	Mg. per head per day	Limitations	Indications for use
1. Oxtetracycline	75-80			For beef cattle weighing over 400 lb.; as the monoalkyl (C_7-C_{12}) trimethyl ammonium salt of oxytetracycline.	Reduction of the incidence and severity of liver abscesses.
a. Oxytetracycline	75-80	Diethylstilbestrol	10	§ 121.241(b), item 1.	Fattening of beef cattle.

* * * *

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4. Section 121.252(d) is amended in Table 3 by reinstating subitem a under item 2. As revised Table 3 reads as follows:

TABLE 3.—*Bacitracin methylene disalicylate in cattle feed*

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
	Mg. per head per day		*Mg. per head per day*		
1. Bacitracin	70			For feedlot beef cattle: administer continuously throughout the feeding period: as bacitracin methylene disalicylate.	Reduction in the number of liver condemnations due to abscesses in feedlot beef cattle.
2. Bacitracin	250			For feedlot beef cattle: administer continuously for 5 days then discontinue for subsequent 25 days, repeat the pattern during the feeding period: as bacitracin methylene disalicylate.	Do.
a. 1 or 2		Diethylstilbestrol	10	§121.241(b), table 1, item 1 (when used in accordance with item 2, diethylstilbestrol should be continued throughout the subsequent 25-day period).	Fattening of beef cattle.

PART 131—INTERPRETATIVE STATEMENTS REGARDING WARNINGS ON VETERINARY DRUGS FOR OVER-THE-COUNTER SALE

5. Section 131.20 is amended by reinstating alphabetically the entry "Diethylstilbestrol in Animal Feeds" and its warning statement as follows:

§ 131.20 Drugs for veterinary use; recommended warning and caution statements.

* * * * *

DIETHYLSTILBESTROL IN ANIMAL FEEDS

Warning—Discontinue use at least 7 days before slaughtering animals for food to eliminate the drug from the food.

* * * * *

6. Section 131.21 is amended by reinstating alphabetically the entry "Diethylstilbestrol for sheep" and its warning statement as follows:

§ 131.21 Drugs for veterinary use; warning and caution statements required by regulations.

* * * * *

DIETHYLSTILBESTROL FOR SHEEP. (See § 144.26(b)(38) of this chapter.)

Warning—Discontinue use 7 days before the treated animals are slaughtered for human consumption.

* * * * *

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

7. Section 135b.3 is reinstated to read as follows:

§ 135b.3 Diethylstilbestrol.

(a) *Chemical name.* 3,4-bis(*p*-Hydroxyphenyl)-3-hexene.

(b) *Sponsor.* See code No. 019 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.26 of this chapter.

(d) *Conditions of use.* It is used as follows:

For implantation

Mg. per dose	Limitations	Indications for use
Diethylstilbestrol. 3	For lambs as a subcutaneous ear implantation: not for use in breeding animals; implantation should be made at the start of the feeding period or approximately 70 days before marketing; implant one 3-mg. pellet per animal.	Increase rate of gain and improve feed efficiency.

8. Section 135b.6 is reinstated to read as follows:

§ 135b.6 Testosterone and diethylstilbestrol in combination.

(a) *Chemical names.* (1) Diethylstilbestrol: 3,4-bis,(*p*-Hydroxyphenyl)-3-hexene.
(2) Testosterone: 17beta-Hydroxyandrost-4-en-3-one.
(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.
(c) *Related tolerances.* See § 135g.26 and § 135g.53 of this chapter.
(d) *Conditions of use.* It is used as follows:

For implantation

Ingredient	Amount	Ingredient	Amount	Limitations	Indications for use
Testosterone	120 mg. per dose.	Diethylstilbestrol.	24 mg. per dose.	For beef cattle as subcutaneous ear implantation: one dose per animal: may be repeated after 60 days: do not use within 21 days of slaughter: may be administered to cattle being fed diethylstilbestrol in accordance with table 1, item 1, of § 121.241(b) of this chapter.	Stimulation of growth and of rate of finishing of beef cattle.

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

9. In part 135e, § 135e.18 is reinstated to read as follows:

§ 135e.18 Diethylstilbestrol.

(a) *Chemical name.* 3,4-Bis(*p*-hydroxyphenyl-3-hexene.

(b) *Specifications.* Complies with U.S.P. XVII.

(c) *Approvals.* In dry premix, levels of 2 grams (0.44 percent) and 10 grams (2.2 percent) of diethylstilbestrol per pound have been granted, and, in liquid premix, levels of 20 grams (4.4 percent) and 40 grams (8.8 percent) of diethylstilbestrol per pound have been granted for use in manufacturing finished feeds within the currently approved use levels of 5–20 milligrams per head per day; for sponsor see code No. 014 in § 135.501(c) of this chapter.

(d) *Assay limits.* Finished feed containing below 0.00022 percent diethylstilbestrol must have not less than 80 percent nor more than 120 percent of labeled amount. Finished feed containing over 0.00022 percent diethylstilbestrol must have not less than 85 percent nor more than 115 percent of labeled amount.

(e) *Special considerations.* Maximum level of diethylstilbestrol permitted in concentrate for cattle is 0.0044 percent.

(f) *Related tolerances.* See § 121.1118 of this chapter.

(g) *Conditions of use.* It is used as follows:

Amount	Limitations	Indications for use
5–20 mg. per head per day.	For beef cattle: in dry feed at 5–20 mg. per head in not less than 1 pound of feed; withdraw 7 days before slaughter; do not feed to breeding or dairy animals; feed not more than 10 mg. per head per day to animals under 750 pounds body weight.	Fattening of beef cattle.

PART 135g—TOLERANCES FOR RESIDUES FOR NEW ANIMAL DRUGS IN FOOD

10. Section 135g.26 is reinstated to read as follows:

§ 135g.26 Diethylstilbestrol.

(a) No residues of diethylstilbestrol may be found in the uncooked edible tissues of beef cattle and sheep after slaughter or in any food yielded by or derived from the living animal.

(b) The method of examination prescribed for the quantitative determination of estrogenic activity is the method of E. J. Umberger, G. H. Gass, and J. M. Curtis published in "Endocrinology," volume 63, page 808 (1958).

(c) The method of examination prescribed for the qualitative identification of estrogenic activity as diethylstilbestrol is as follows:

(1) (i) Extract the diethylstilbestrol with alkali from a suitably prepared sample of fat dissolved in isooctane; or

(ii) Extract the diethylstilbestrol with ethyl alcohol from lean meat or liver, followed by hydrolysis of the alcohol extractive with dilute hydrochloric acid.

(2) Either of the solutions of diethylstilbestrol described in paragraph (c)(1) of this section is next extracted with chloroform, and the chloroform extract is washed with 10 percent sodium carbonate to remove strongly acidic substances.

(3) The chloroform extractive of diethylstilbestrol is then extracted with 1 percent sodium hydroxide, and the resulting solution is acidified.

(4) The hormone is reextracted from the acidified solution with chloroform. If the solution is colored, the extraction procedures may be repeated.

(5) The chloroform is evaporated and the remaining residue is dissolved in a suitable volume of methyl alcohol for identification of the diethylstilbestrol, as follows:

(i) Impregnate Whatman No. 1 filter paper with a solution of 40 percent formamide in methyl alcohol, blot it lightly, and dry for 5 minutes.

(ii) Spot an aliquot of the methyl alcohol solution on the paper.

(iii) Similarly, spot an aliquot of methyl alcohol solution of Reference Standard diethylstilbestrol for identification comparison.

(iv) Place the paper in a chromatographic tank and develop, using the continuous ascending technique, either with the solvent system heptane: toluene::1:4 for 2.5 hours, or the solvent system cyclohexene:cyclohexanol::98:2 for 45 minutes.

(v) Remove the paper from the tank and, while still wet, irradiate it with ultraviolet light from a 15-watt germicidal lamp for 1 minute.

(vi) Observe fluorescence through a black-light viewing apparatus.

11. Section 135g.53 is reinstated to read as follows:

§ 135g.53 Testosterone.

(a) No residues of testosterone may be found in the uncooked edible tissues of beef cattle.

(b) The method of examination prescribed for the quantitative determination of testosterone is as follows: Prepare an extract of the tissues as described in § 135g.28(b) (1) and (2) and bioassay the extractive in an ethyl alcohol vehicle by inunction of the day-old chick's comb by the method published in "Methods in Hormone Research," New York, Academic Press, volume II, page 286 (1962).

PART 144—EXEMPTIONS FROM CERTIFICATION REQUIREMENTS FOR ANTIBIOTIC DRUGS FOR VETERINARY USE

12. In Part 144, § 144.26 is amended by reinstating paragraph (b) (26) and (38) and by revising paragraph (b) (28) and (52) to read as follows:

§ 144.26 Antibiotic drugs bearing or containing new animal drugs subject to the provisions of section 512(n) of the act.

* * * * *

(b) * * *

(26) (i) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 135.13b of this chapter.

(ii) It is also intended for the prevention or treatment of the diseases specified in paragraph (b)(25) of this section, it contains diethylstilbestrol in the amount and under the conditions set forth in subdivision (i) of this subparagraph, and it contains the antibiotic in the amount specified in paragraph (c)(25) of this section.

* * * * *

(28) It is a medicated feed for beef cattle containing bacitracin methylene disalicylate with or without diethylstilbestrol in the amounts and for the purposes specified in § 121.252 of this chapter and its labeling bears adequate directions and warnings for such use.

* * * * *

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 7 days before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate

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information of the kind required for Form FD–1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 135.-13b of this chapter.

• • • • •

(52) It is a cattle feed containing zinc bacitracin, with or without diethylstilbestrol, in the amounts and for the purposes indicated in § 121.225 or § 121.241 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That if such feed contains diethylstilbestrol it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800 and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 135.13b of this chapter.

• • • • •

Effective date. This order shall be effective February 27, 1975.

(Sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b).)

Dated: February 20, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75–5069 Filed 2–26–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–482]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • • •

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	Riverside	San Jacinto, city of	Nov. 5, 1971, Emergency. Sept. 28, 1973, Regular. Mar. 26, 1975, Suspension.	Sept. 28, 1973		
Florida	Brevard	Titusville, city of	Mar. 12, 1971, Emergency. June 16, 1972, Regular. Mar. 26, 1975, Suspension.	June 16, 1972		
Iowa	Clayton	McGregor, town of	Apr. 9, 1971, Emergency. Jan. 21, 1972, Regular. Mar. 26, 1975, Suspension.	Jan. 10, 1972		
Kansas	Shawnee	Topeka, city of	August 7, 1970, Emergency. Oct. 22, 1971, Regular. Mar. 26, 1975, Suspension.	Oct. 23, 1971		
Missouri	Jefferson	De Soto, city of	Feb. 19, 1971, Emergency. May 26, 1972, Regular. Mar. 26, 1975, Suspension.	May 26, 1972		
Missouri	Phelps	Newburg, city of	Apr. 9, 1971, Emergency. Apr. 28, 1972, Regular. Mar 26, 1975, Suspension.	Apr. 28, 1972		
North Carolina	Macon	Franklin, town of	Sept. 18, 1970, Emergency. Feb. 19, 1971, Regular. Mar. 26, 1975, Suspension.	Feb. 23, 1971		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 21, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–5102 Filed 2–26–75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Insurance Rate Map; Correction

On June 5, 1970, in 35 FR 8733, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps and Flood Insurance Rate Maps were available for public inspection. This list included Hilo, Hawaii and vicinity, as an eligible community and included Map No. I 15 001 1900 05 through I 15 001 1900 09 which designates the Special Flood Hazard Areas and elevations and zones for flood insurance in the above mentioned city.

It has been determined by the Federal Insurance Administration, after a technical review of the above map in view of additional recently acquired flood information, that a revision of the above map is in order. Accordingly, effective January 16, 1975, Flood Insurance Rate Map No. I 15 001 1900 05 through I 15 001 1900 09 is hereby amended. This action has the effect of converting the original designations of Zones AO to Zone D. By changing the Zone designation of Zone AO to Zone D, flood insurance is optional for property within Zone D, and, therefore, can be obtained if desired.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: February 11, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–5291 Filed 2–26–75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS

PART 221—IRRIGATION OPERATION AND MAINTENANCE CHARGES

Basic and Other Water Charges on the Fort Hall Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 787 of the FEDERAL REGISTER of January 3, 1975 (40 FR 2), there was published a notice of intention to modify 25 CFR 221.32 by changing the basic rates for annual operation and maintenance assessments on the Fort Hall Project for calendar year 1975 and subsequent years.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. During this period one protest was received from the Fort Hall Water Users Association and answered after due consideration. It was determined that sufficient justification exists for modifying the rate for basic and other water charges on the Fort Hall Irrigation Project. The proposed regulations are hereby adopted without change and are set forth below.

The modified § 221.32 shall become effective on March 31, 1975.

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions of the Acts of March 1, 1907, (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribe of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1975 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall project:	
Basic rate	$11.50
(2) Michaud division, Fort Hall project:	
Basic rate	15.50
Additional rate for sprinkler irrigation when pressure is supplied by the project	5.00
(3) Minor units, Fort Hall Reservation:	
Basic rate	9.25

(b) In addition to the foregoing charges, there shall be collected a minimum charge of $5 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

FRANCIS BRISCOE,
Area Director.

FEBRUARY 21, 1975.

[FR Doc.75–5260 Filed 2–26–75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Corrections

In the FEDERAL REGISTER of February 12, 1975, at page 6498, there was published a rule making document which amended 31 CFR Part 223, governing surety companies doing business with the United States. Several editorial corrections must, however, be made to those amendments for purposes of clarity and exactness.

1. In § 223.1 delete the comma after the word "insurers", in the last line of the section, and insert a comma after the word "of", in the last line of the section.

2. In § 223.3 the hyphenated word "certifi-icate", in the second and third lines from the bottom of the section, is misspelled and should have the "i" either before or after the hyphen deleted.

3. In § 223.16 the paragraph beginning with "Prior to adoption . . ." and ending with ". . . been requested and approved." should be deleted.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

FEBRUARY 21, 1975.

[FR Doc.75–5192 Filed 2–26–75;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RELEASE OF INFORMATION AND RECORDS FROM ARMY FILES

The Department of the Army is amending its regulation concerning the release of information and records from Army files. It is the Army's implementation of 5 USC 552b, commonly referred to as the Freedom of Information (FOI) Act.

The revision was developed to implement the amendments to 5 USC 552, since the revision established by this document merely implements the above amendments, and is noncontroversial, notice, public procedure, and delayed effective date are not prerequisites to this promulgation.

Part 518 of 32 CFR is revised as set forth below:

GENERAL

Sec.
518.1 Purpose.
518.2 Explanation of term "records".

PROCEDURES

518.3 General policies.
518.4 Scope.
518.5 Requests for Army records.
518.6 Examination and reproduction of records.
518.7 Use of expeditious communications.
518.8 Responsibilities of officials receiving initial requests.
518.9 Initial denial authorities (IDA).
518.10 Responsibilities of IDA.
518.11 Release of records to specified members of the public.
518.12 Release to Congress.
518.13 Litigation, tort claims and contract disputes.
518.14 Exemptions.
518.15 Annual reporting requirements.
518.16 Information published in the FEDERAL REGISTER or made available for public inspection and copying.
518.17 Officials to whom requests for information may be directed.
518.18 Preservation of personal privacy of members of Army.
518.19 Schedule of fees for search and duplication under The Freedom of Information Act Amendments PL 93–502.

AUTHORITY: The provisions of the Part 518 issued under sec. 3012, 70A Stat. 157, (10 U.S.C. 3012); sec. 3, 60 Stat. 238, (5 U.S.C. 552), unless otherwise noted.

§ 518.1 Purpose.

This part 518 prescribes policies and procedures for releasing outside of the Department of the Army information contained in Army records.

§ 518.2 Explanation of term "records".

(a) For the purpose of this part 518, the following explanation of "record" is taken from 44 U.S.C. 3301 (formerly 44 U.S.C. 366)

• • • all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal Law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informal value of data in them.

(b) The term "records" does not include objects or articles such as structures, furniture, paintings, sculptures,

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three-dimensional models, vehicles, and equipment.

§ 518.3 General policies.

(a) Department of the Army policy is that the prompt maximum release will be made of Army records. Access to and copies of identifiable Army records which are requested in writing will be furnished, unless exempted from the requirement of disclosure by 5 U.S.C. 552 (the Freedom of Information Act) as described in § 518.14.

(1) Any reasonably segregable portion of a requested record will be furnished after deletion of the portions which are exempted from disclosure, for example, deletion of names or identity to preserve personal privacy, deletion or removal of properly classified portions, or deletion/exclusion of information from a non-Army agency (e.g., FBI data).

(2) Unless otherwise directed by the Initial Denial Authority (IDA) concerned, the action command or office receiving a request will release any exempted records in its possession, or reasonably available, which originated within or were prepared by that command or office, or any subordinate element thereof (other than records containing national security information or information whose nondisclosure is required by statute), if no legitimate purpose exists for withholding it.

(3) The Initial Denial Authorities will release exempted records and documents in their designated specialization areas (§ 518.9), other than national security information or information whose nondisclosure is required by statute, if no legitimate purpose exists for withholding it.

(4) No official other than those cited in (a)(2) and (3) of this section and the Secretary of the Army may release exempted information.

(5) No official other than the IDA and the Secretary of the Army may deny a request for Army records.

(b) All requests for records will be acted upon fairly and completely within the following time periods, as specified in 5 U.S.C. 552(a)(6):

(1) The action command or office must respond to any request within 10 days (excepting Saturdays, Sundays, and legal public holidays) after it has been received by the office having the records, notifying the requester in writing of its determination. (See § 518.7 for a list of officials in the Department of the Army to whom requests for specified categories of records must be directed.) That office will date/time-stamp each request upon receipt. The action command or office will establish such other procedures as required to assure that each case receives priority treatment during all phases of its processing.

(2) If the request is totally or partially denied by an IDA, the requester will be notified of the basis for the denial, the name and titles or positions of each person responsible for the denial of his request, and of his right to appeal to the Secretary of the Army (see § 518.10). (Normally the person responsible for denial will be the IDA, that is, the head of the staff agency or command specified in § 518.9.)

(3) The Department of the Army must respond to any appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the Office of the Secretary of the Army. If the initial denial of the request is upheld, in whole or in part, the requester will be notified of the provisions for judicial review of the denial under 5 U.S.C. 522(a)(6).

(4) In unusual circumstances, as set forth below, the time limits in either (b)(1) or (3) of this section may be extended by not more than an additional 10 working days by written notice to the requester (see 518.8). This notice must be sent within the time limits in (b)(1) or (3) of this section and will specify the reason for the extension and the date on which a determination is expected to be dispatched. The extension may be invoked only once during consideration of a request, either during the initial consideration period or during consideration of an appeal, but not both. Extension of the time limit during the initial consideration period may be invoked only by the responsible IDA, after coordination with the Army General Counsel. The unusual circumstances are:

(i) When there is a need to search for and collect the requested records from offices that are widely separated from the office processing the request; or,

(ii) When there is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single request; or,

(iii) When there is a need for consultation with another agency having a substantial interest in the determination of the request, or among two or more widely separated elements of the Department of the Army having substantial subject matter interest.

(c) The fact that a record from Army files may reveal or suggest errors or inefficiency will not be a basis for withholding it from the public.

(d) Whenever it appears that possible public/press interest may be generated as a result of any release or denial action, appeal or court review, Freedom of Information Act cases will be discussed with the Chief of Information or field command/organization Information Officer to insure public affairs awareness of the issues to obtain advice and recommendations concerning such matters and their impact upon the Army. Point of contact for the Chief of Information is the Office for the Freedom of Information, DAIO–FOI, AUTOVON 22–74122 or Area Code 202, 697–4122.

(e) Records releasable by commands subordinate to HQDA may also be released by the HQDA agency primarily concerned.

§ 518.4 Scope.

This regulation applies to written requests received from any source outside the Department of the Army. It does not preclude release of records to agencies or individuals in the Federal Government whose official work and duties require access to the records concerned. Section 518.11 provides specific procedures for release of personal information to governmental organizations outside DOD. Except for information falling within the scope of 21 U.S.C. 1175 and 42 U.S.C. 4582 (see Cir. 600–85), requests for Army records will be denied only on the grounds authorized in this regulation, The Armed Services Procurement Regulation, and the Federal Personnel Manual, notwithstanding any limitations contained in other regulations. The following regulations set forth additional procedures for the release of certain records or information.

(a) Inspector General reports—AR 20–1.
(b) Claims reports—AR 27–20.
(c) Patents, inventions and copyrights—AR 27–60.
(d) U.S. General Accounting Office audits—AR 36–20.
(e) Litigation: release of information and appearance of witnesses—AR 27–40.
(f) Medical records—AR 40–2, AR 40–22, AR 40–400, AR 40–403, and DA Circular 600–85.
(g) Technical reports—AR 70–31.
(h) Aircraft accident investigations—AR 95–1, AR 95–5, and AR 20–1.
(i) Criminal investigation activities—AR 195–2.
(j) Military Police files—AR 190–2, AR 190–37, AR 190–45 and AR 635–50.
(k) Medical records and files in records centers—AR 340–1.
(l) Disciplinary actions—AR 340–19.
(m) Army information, general policies on release—AR 360–5.
(n) Foreign nationals, release of information to—AR 380–10.
(o) US Army Intelligence investigative files—AR 381–130, AR 381–45, and AR 381–46.
(p) Safety reports and records—AR 385–40.
(q) Alcohol and/or drug abuse records—DA Cir 600–85 (to be published; see DA msg DTG 3619512 Feb 74).
(r) Military personnel records—AR 640–10.
(s) Civilian personnel records—CPRs 296–31, 700, 752–1, 771, M1, Federal Personnel Manual Chapters 293, 294 and 339, and AR 230–2.
(t) National Security classified information—DOD 5200.1–R and AR 380–5.
(u) Procurement matters—Armed Services Procurement Regulation (ASPR) and Army Procurement Procedure (APP).
(v) Safeguarding "For Official Use Only" information—AR 340–16.

§ 518.5 Requests for Army records.

(a) A request for Army records will be deemed to have been received, under the Freedom of Information Act, only if such a request:

(1) Indicates in writing, expressly or implicitly, that records are being requested under the Freedom of Information Act, and

(2) Reasonably describes the records, and

(3) Is made in accordance with requirements of this regulation, concerning the time, place to address, fees, and procedures to be followed. (See Appendix B for list of officials to whom requests for specified categories of records must be directed. See § 518.8 with regard to the requirement that a requester pay, or agree to pay, in advance, all fees

assessed, incident to processing of his request.)

(b) There is no obligation to create a record to satisfy a request for information. When the information requested must be released but exists in the form of several records at several locations, the applicant will be referred to those sources if gathering the information would be so burdensome as to interfere materially with the operations of the Army.

(c) If the requested record originated outside the Department of the Army, the request will be returned to the requester, advising him to send it to the appropriate agency, if he desires, and providing him with the name or title, address, and other appropriate information regarding such agency. An information copy of the request and the letter of referral will be forwarded promptly to the agency that may expect the request. A person who requests a copy of material primarily concerning a member of Congress or a Congressional Committee, or a copy of a transcript of testimony given before a Congressional Committee, will be advised to direct his request to the member or committee concerned.

§ 518.6 Examination and reproduction of records.

(a) Authority to release records includes authority to permit their examination. When authority to examine records is granted, the examination normally will be permitted at the place where the papers are maintained or stored, during regular business hours, and under such circumstances and procedures as are deemed appropriate by the custodian.

(b) Original and record copies of Army records will not be released. Copies will be furnished instead. A charge will be imposed in accordance with 518.19 for conducting a search and preparing copies of records. This charge may be imposed even where the search has been unsuccessful or unproductive.

§ 518.7 Use of expeditious communications.

The time limits imposed by 5 U.S.C. 552(a)(6) (see § 518.3) require that all personnel involved in processing a request from the public for records handle the case without delay. The use of telephone, priority message, facsimile transmission, or other expeditious means of communication is authorized for this purpose.

§ 518.8 Responsibilities of officials receiving initial requests.

(a) If a request has been misdirected by the requester, the following actions, as appropriate, will be taken as quickly as possible within the mandatory time limits:

(1) If the request is of proper concern to another Army element, it will be marked conspicuously on the forwarding envelope FREEDOM OF INFORMATION REQUEST and hand-carried or forwarded to that element by the most expeditious means. A notice of the referral will be furnished the requester. If feasible advance information concerning the request will be telephoned to the element receiving the referral. Upon receipt, that element will notify the requester that his request has been received by the proper authority and the 10-day initial period required by law commenced on date of receipt.

(2) If the request is of proper concern of an agency outside the Army, it will be returned to the requester, advising him to refer it to the appropriate agency if he desires; and providing him with the name or title, address, and other appropriate information regarding such agency. An information copy of the request and the letter of referral will be forwarded promptly to the agency that may expect the request.

(3) If the information requested is a combination of Army material and one or more identifiable sources other than Army, the Army portions will be reviewed and acted upon; if practicable, the other portions will be referred to the originating agencies. Within the time limits imposed, the requester will be provided with releasable Army information, if any, and advised where to obtain release of the non-Army material.

(b) When a request is received by the proper official to whom such category of requests must be directed (see § 518.17), that official will commence processing the request, in accordance with this regulation and take one of the following actions:

(1) Unless the request specifically states that the requester will pay whatever cost is involved in processing the request, the official will estimate the total amount of fees expected to be assessed for processing the request (see § 518.19), and, if such estimate is $10.00 or more, will promptly notify the requester, in writing, of the estimate. Such notification will advise the requester that he must submit payment in advance to cover the amount of the estimate; that the time limit specified in § 518.3 will not begin to run until payment is received; and that should the final amount of fees assessed at the completion of the processing of his request be greater or less than the estimate, an additional fee will be assessed or reimbursement made, as appropriate; or

(2) If the request specifically states that the requesters will pay whatever cost is involved in processing the request, or if the total amount of fees expected to be assessed for processing the request (see § 519.19) is less than $10.00, the official will immediately commence processing of the request in accordance with this regulation.

(c) If a request conforms with the requirements of § 518.5, the action command or office receiving the request will, within 10 working days after receipt of the request, notify the requester in writing of favorable action on his request if:

(1) The requested record does not fall under one or more exemptions in § 518.14; or

(2) The requested record originated within or was prepared by such command or office, or any subordinate element thereof is in its possession or reasonably available, and no legitimate purpose exists for withholding it, even though such record may fall within one or more exemptions in § 518.14 (other than records containing national security information or information whose nondisclosure is required by statute). Favorable action may consist of forwarding a copy of the requested record if the provisions of § 518.19 authorize release without fees or if payment of fees has already been made; or forwarding a notice of the availability of the record and the amount of fees due, upon receipt of which, the documents will be furnished promptly. (This notification will be made within the 10 working day period even if preparing the requested record for examination or dispatch will require a period of time longer than ten working days. In such case, the notification will include the date on which the requested record is expected to be ready for examination or dispatch. Such notification will serve to satisfy the requirement for a determination within 10 working days, and no extension of the time limit will be necessary.)

(d) If in the judgment of the reviewing official, the request involves a record which falls under one or more of the exemptions cited in § 518.14, and that official either is not authorized to release the record, or determines that a legitimate purpose exists for withholding it, he will:

(1) At the earliest possible moment, telephone or otherwise promptly notify the responsible IDA specified in § 518.9 to alert him of an impending referral of the request, and to discuss the case and mutual arrangements to expedite action, e.g., to assure availability to the IDA of copies of the requested documents, the means of transmitting the case, and related matters.

(2) Mark the forwarding envelope FREEDOM OF INFORMATION REQUEST conspicuously, and forward the request to the IDA immediately, providing a citation of the appropriate exemption and stating the reasons release is or is not recommended. He will include copies of the requested documents if deemed necessary during telephonic coordination of the case. He will also include his opinion whether a legitimate purpose exists for withholding the information.

(3) Advise the requester in writing within 5 working days, that his request has been forwarded to a higher authority for action and direct reply. The name or title and address of both the forwarding and the highre official will be provided so that the requester may communicate with either party. This notification will neither state nor imply release or denial, as denial decisions will be made and communicated solely by the IDA.

(e) If a request conforms with the requirements of § 518.5, but the requested record is not available, the requester will be notified within 10 working days after receipt of the request. If there is an explanation for the records, nonavail-

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ability, e.g., destroyed pursuant to approved records disposition standards or not located after thorough search, this information will be included in the reply. In all cases of negative replies of this nature, an information copy of the request and reply will be forwarded promptly to HQDA (DAAG–AMR), WASH DC 20314.

(f) If a request conforms with the requirements of § 518.5, but the official receiving the request estimates that it will require more than 10 working days to arrive at a determination regarding the request, he will, in addition to commencing processing of the request, immediately contact the responsible IDA who, after consultation with the Army General Counsel, may authorize the official to invoke the 10 working day extension period or direct other appropriate action.

(g) All Freedom of Information Act requests from representatives of the press or other mass communications media will be directed to the appropriate command/organization information officer. Information officers receiving requests for records and documents will coordinate with appropriate officials, in accordance with guidances provided in this Part 518, to determine releasability of the information. In the event the documents requested fall under one or more of the exemptions, direct communication will be established with the Chief of Information, Public Information Division, AUTOVON 22–75662 or Area Code 202, 697–5662 for referral of the request to appropriate IDA.

§ 518.9 Initial denial authorities (IDA).

(a) *General responsibilities.* The officials indicated in paragraph (b) of this section are designated as the sole Initial Denial Authorities of the Department of the Army. Each IDA is responsible for acting on referrals received from officials under the provisions of § 518.8 and on requests received directly by his agency when he is the official to whom such requests must be directed (see § 518.17); for maintaining data and submitting information to TAG for the annual report described in § 518.15; and for other matters covered in this Part 518. Each IDA will appoint a single point of contact to represent him in all matters covered in this Part 518. This does not preclude the designation of additional individuals to handle FOIA actions when an IDA has responsibility for more than one area of specialization. The names, offices, and telephone numbers of the individual appointed as single points of contact will be furnished The Adjutant General (ATTN: DAAG–AMR–S), Forrestal Building, Washington, D.C. 20314.

(b) *Assigned areas of authority.* The IDA are assigned authority in the areas of specialization listed below, to act on referral from officials under § 518.8, and on requests sent directly to them. They will coordinate all matters relating to the release of exempted information which have public affairs aspects with the Chief of Information or with the appropriate information officer in accordance with AR 10–5 and AR 360–5. In cases where the information requested (exempted or otherwise) is related to actual or potential litigation against the United States, the release will be coordinated with The Judge Advocate General (Litigation Division, HQDA (DAJA–LT), AUTOVON 22–51644 or Area Code 202, 695–1644); see 516.13.

(1) The Adjutant General is authorized to act on:

(i) Requests for personnel and medical records of retired, separated, or Reserve component military personnel. Requests for medical records of former military personnel, not covered by AR 340–1, will be coordinated with The Surgeon General.

(ii) Requests for national security classified records. As necessary, The Adjutant General will coordinate with the agency having cognizance over the subject matter.

(iii) In requests involving both national security records and records falling under another exemption listed in § 518.14, The Adjutant General will coordinate national security information aspects as indicated in (ii) above. He will coordinate information also falling under another exemption with the appropriate officials specified below. The Adjutant General is responsible for consolidating the data and for insuring that a coordinated action is completed at the initial denial level.

(2) Commanding General, United States Army Military Personnel Center (MILPERCEN) is authorized to act on requests for records relating to active duty military personnel matters, including military personnel files, ADP records and data, case summaries, letters of instructions to boards, and other military personnel administration records.

(3) The Surgeon General is authorized to act on requests involving medical records of active duty military personnel, dependents, and any person given a physical examination or who has received treatment at Army medical facilities and medical research and development matters.

(4) The Deputy Chief of Staff for Personnel is authorized to act on requests involving civilian personnel records and behavioral science matters, and military police reports, except for DA Forms 3975 (Military Police Report) and 3946 (Military Police Traffic Accident Investigation Report).

(5) The Inspector General and Auditor General is authorized to act on requests involving Inspector General reports in accordance with AR 20–1, aircraft safety investigations, and audits and reports prepared by the Army Audit Agency.

(6) The Chief of Chaplains is authorized to act on requests involving ecclesiastical rites performed by Army Chaplains and privileged communications related to the clergy.

(7) The Chief of Engineer authorized to act on requests involving civil works as defined in § 518.17, military construction matters, engineer procurement, and ecology matters.

(8) Commanding General, United States Army Criminal Investigation Command is authorized to act on all requests involving criminal investigation records (to include military police reports which are part of criminal investigation reports) and investigations in progress.

(9) Commanding Officer, United States Army Intelligence Agency is authorized to act on all requests involving US Army intelligence investigative files.

(10) The Comptroller of the Army is authorized to act on all requests for finance and accounting records.

(11) Commanding General, United States Army Materiel Command is authorized to act on all requests involving procurement records within that command.

(12) The Judge Advocate General is authorized to act on all other requests including requests for data from DA Forms 3975 (Military Police Report) and 3946 (Military Police Traffic Accident Investigation Report). He is also authorized to act on requests within the purview of (1) through (11) above in cases involving litigation in which the United States has an interest.

(c) *Exceptions.* (1) IDA may release excepted records described in § 518.14(b) through (i) in accordance with § 518.3, unless nondisclosure is required by statute. Material exempted under § 518.14 may not be released under this paragraph, but must be declassified before release in accordance with the provisions of Department of Defense Regulation 5200.1–R and AR 380–5.

(2) Denial or approval by IDAs of the release of exempted records in response to requests from mass communications media representatives will be forwarded to the Chief of Information (DAFO–PHD) for transmittal to the requester within statutory time limits.

§ 518.10 Responsibilities of IDA.

(a) *Referral from other elements of DA.* Where a request has been referred to an IDA under provisions of § 518.8, he will:

(1) Immediately determine whether the request should be granted or denied, in whole or in part, accomplishing coordination, as necessary, on a personal contact basis. In arriving at this determination, he will apply the following guidance:

(i) Any reasonably segregable portion of a requested record will be furnished after deletion of the portions which are exempted from disclosure; and

(ii) Any exempted record or reasonably segregable portion thereof (other than portions containing national security information, information whose nondisclosure is required by statute, or information relating to matters in litigation), will be released if no legitimate purpose exists for withholding it.

(2) If the determination is favorable, the IDA will notify the requester in the manner described in § 518.8. Such notification must be made within 10 working days after receipt of the request by the official to whom it was properly directed. In those cases when the IDA is able to

make a decision without the documents, the custodian will be directed to release the documents promptly to the requester.

(3) If the decision is unfavorable, in whole or in part, the IDA will:

(i) So advise the requester in writing within the same 10-day time period (see (a)(2) of this section), furnishing the reason for the denial, with reference to appropriate exemption set forth in § 518.14, citing the specific subparagraph of 5 USC 522(b); providing the name and title or position of the denial authority; and informing him of his right to appeal directly to the Secretary of the Army (ATTN: General Counsel).

(ii) Forward an advance information copy of the request and the denial to the Office of the General Counsel, Office of the Secretary of the Army.

(iii) Maintain, or be able to obtain and provide to the General Counsel within 48 hours, all pertinent material including copies of the requested documents.

(iv) Assist the Army General Counsel during his processing of any appeal from the denial.

(b) *Initial requests.* When a request is received initially by an IDA who is the official to whom requests for such records must be directed (see § 518.17), he will process the request in accordance with the procedures in §§ 518.8 and 518.10 above.

(c) *Time limitations on responses.* As indicated in § 518.3 above, the Freedom of Information Act imposes strict time limits on responses to requests. In acting upon requests, the IDA will apply the following procedures, as appropriate.

(1) During initial telephone coordination with elements receiving the request, the IDA will:

(i) Obtain all information concerning the request necessary to begin an immediate review from sources available to him, if possible, while awaiting referral.

(ii) Otherwise, will insure that documents are forwarded with the request by the fastest possible means.

(2) During review, he will insure that the case is handled on the highest priority basis, with an action officer effecting coordination on a personal contact, hand-carry basis.

(3) The IDA may invoke the extension period only in circumstances specified in the statute (§ 518.3 (4) above) and only where an extension is deemed essential. The Army General Counsel will be consulted before invoking the extension period. When invoked, the minimum number of days will be used since every day of the extension expended during the initial review will be unavailable to the final appellate authority.

(4) In those cases when a determination cannot be made within the prescribed time limit, or where a record cannot be found, the IDA may:

(i) Contact the requester by telephone or other expeditious means,

(ii) Explain to him why the request cannot be handled within the statutory time limit, and

(iii) Inform him that he may treat this as an initial denial with a right to appeal, or that he may agree to await a substantive response by an anticipated date. If a voluntary extension is agreed upon, it will be formally documented by the IDA in written correspondence. The IDA must advise the requester, both during any informal oral discussions and in writing, that the further extension is entirely voluntary, that his agreement constitutes a waiver of the statutory time period, and that it does not prejudice his right to appeal the initial decision after it is made.

(d) *Denial based on national defense or foreign policy.* Records denied in the interests of national defense or foreign policy (5 U.S.C. 552(b)(1)) must in fact be properly classified. The letter of denial will consequently cite the specific provision of Executive Order 11652 and DOD Regulation 5200.1–R relied upon as authority for classification of the records.

§ 518.11 Release of records to specified members of the public.

Even though the following records are exempt from disclosure to the general public, they will be released on request to the individuals specified below, within the mandatory time limits prescribed in § 518.3.

(a) *Medical records.* The following information will be released by commanders/chiefs of medical treatment facilities ((a)(1) through (9) of this section) or records centers ((a)(4) through (9) of this section).

(1) Information on the condition of sick and injured patients will be released to the relatives of such patients, in order to allay their anxiety.

(2) Information that the patient's condition has reached a critical stage will be released to the nearest known relative, or to the person designated by the patient to be informed in case of an emergency.

(3) Information that a diagnosis of psychosis has been made will be released to the nearest known relative or to the person designated by the patient.

(4) Information will be released to local officials concerning births, deaths, and cases of communicable diseases when such reports are required by pertinent local laws.

(5) Medical records relating to present or former military personnel, dependents, civilian employees, or patients in a medical treatment facility of the Department of the Army are the proper and direct concern of the individual to whom they pertain. Copies of extracts from the medical record will be released to the individual concerned upon his request or to his representative designated in writing unless, in the opinion of his attending physician, it could be injurious to his physical or mental health. In the event he has been adjudged insane or is dead, the records are the proper and direct concern of the next of kin or patient's legal representative and will be released to the patient's next of kin or patient's legal representative on written request. If the information might prove injurious to the health of the patient, the information will not be released to him; it will be released only to his next of kin, legal representative, or physician assuming responsibility for the patient's treatment.

(6) Copies of medical records may be furnished to a Federal or State hospital or penal institution when the individual to whom they pertain is a patient or an inmate therein. If the patient or his legal representative consents, the medical records of the patient will be released to a civilian physician.

(7) Copies of medical records or information from the records may be furnished to authorized representatives of the National Academy of Sciences, National Research Council, or other accredited agency, when they are engaged in cooperative studies undertaken at the specific request of, or with the consent of, The Surgeon General of the Army, except for information falling within the scope of 21 U.S.C. 1175 (drug) and 42 U.S.C. 4582 (alcohol) (see DA Cir. 600–85).

(8) In connection with the collection of claims in favor of the Government, pertinent portions of an injured party's medical records may be furnished to the staff judge advocate or legal officer of the command for release to the tort-feasor's insurer; if appropriate, even though the injured party does not consent.

(9) Information released to third persons under the provisions of (a) (5), (6), and (7) of this section will be accompanied by a statement that the information is released upon condition that it will not be disclosed to other persons, except in accordance with the accepted limitations which relate to privileged communications between doctor and patient.

(b) *Military personnel records.* Military personnel records will be safeguarded and released by the custodian in accordance with the following:

(1) The Department of the Army is required by statute to provide certain information relating to the service of an individual (statement of military service) to that individual or his legal representative. (Sec 601 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended; 50 U.S.C. App. 581.)

(2) Papers relating to applications for designation of beneficiaries under and allotments in payment of premiums of National Service Life Insurance or Servicemen's Group Life Insurance are the proper and direct concern of the applicant insured, and will be released to him. In the event of insanity or death of the insured, the beneficiaries designated in the policies, or the next of kin, are considered to have direct and proper concern in these records, and the records will be released to them.

(3) Copies of Army documents recording the death of a member of the military service, a dependent, or a civilian employee will be released to his next of kin, his life insurance carrier, and his legal representative. Requests for information or records by individuals acting in a representative capacity on behalf of another individual will include evi-

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dence in writing of the requester's representative capacity. In cases where the release of the requested information is limited to the individuals concerned, the records may be released to other individuals or organizations upon presentation of evidence in writing of the consent of the individual concerned.

(4) Papers relating to the pay and allowances or allotments of a member or former member of the military service will be released to the individual to whom they pertain, his authorized representative, or in the case of deceased personnel, the next of kin or legal representative.

(c) *Civilian personnel records.* Civilian personnel officers having custody of papers relating to the pay and allowances or allotments of current or former civilian employees will release them to the individual to whom they pertain, his authorized representative, and, in the case of deceased employees, the next of kin or legal representative. Authority to release civilian personnel records does not include authority to release statements of witnesses, medical records, or other reports or documents pertaining to compensation for injuries or death of an Army civilian employee (para 1-4, Chapter 339, Federal Personnel Manual). Such information will be released only by appropriate officials designated in § 518.9.

§ 518.12 Release to Congress.

(a) *Congressional requests.* Requests by members of Congress (or staffs of Congressional committees) for inspection or copies of official records will be handled as follows:

(1) *National security classified records.* Applicable provisions of DOD 5200.1-R and AR 380-5 will be followed.

(2) *Civilian personnel records.* Members of Congress may examine official personnel folders in accordance with applicable instructions governing the release of disciplinary action information (FPM 294.7 and AR 340-19).

(3) *Information pertaining to disciplinary action.* See AR 340-19.

(4) *Military personnel records.* Information from these records will not be released except by authority of HQDA. Custodians will refer all requests from Members of Congress (or staffs of Congressional committees) directly and promptly to the Chief of Legislative Liaison, Department of the Army, Washington, DC 20310.

(5) *Criminal investigation records.* See US Army Criminal Investigation Command CIDR 195-16.

(6) *Other exempt records.* Requests for all other categories of information exempted from mandatory release under 518.14 will be referred by commanders/chiefs to the Chief of Legislative Liaison, Department of the Army, Washington, DC 20310, by the most expeditious means. Referrals will include a copy of the material requested and, as appropriate, recommendations concerning its release or denial.

(7) *All other records.* All other information will be furnished promptly by the commander/chief having custody of the records.

(b) *Notification of releases to Congress.* Commanders/chiefs will notify the Chief of Legislative Liaison, Department of the Army, of all releases of information to Members of Congress or staffs of Congressional committees. Exceptions may be made in routine cases by organizations which in the normal course of business are required to provide information to Congress.

§ 518.13 Litigation, tort claims and contract disputes.

Release of information or records under this paragraph is subject to the time limitations prescribed in § 518.3 and to the requirements to advise the requester of the reasons for non-release or referral.

(a) *Litigation.* (1) Each request for a record which relates to pending litigation involving the United States will be referred to the staff judge advocate or legal officer of the command who, in turn, will promptly communicate the substance of the request and contents of the record requested to the Litigation Division, Office of the Judge Advocate General. (Mailing Address: HQDA (DAJA-LT), Washington, DC 20310, AUTOVON 225-1644 or area code 202-695-1644.)

(2) Whenever information is released under the provisions of Part 518 for use in litigation involving the United States, the official responsible for investigative reports (para 2-4, AR 27-40) will be advised of such release so that he may include a notation in any investigative report he may be required to submit pursuant to Chapter 2, AR 27-40.

(3) A request for information or records normally exempted, e.g., personnel and medical records, for use in litigation to which the United States is not a party, may be releasable to the judge or court concerned. Such requests will be referred to the local staff judge advocate or legal officer for coordination with the Litigation Division, OTJAG. Mailing address: HQDA (DAJA-LT), Washington, DC 20310, AUTOVON 225-1644 or area code 202-695-1644.

(b) *Tort claims.* (1) Each request from a claimant or his attorney for a record, including requests listed in §§ 518.5 and 518.11, which relates to a pending administrative tort claim that has been filed against the Army, will be referred promptly to the claims approving or settlement authority with monetary jurisdiction over the pending claim (AR 27-20). If the request concerns an incident in which a claim is pending but in which a larger potential claim exists that has not yet been filed, the authority with monetary jurisdiction over the potential claim will receive the request.

(2) If no administrative tort claim has been filed, and the request is made by a potential claimant or his attorney under circumstances clearly indicating that he desires to obtain a record for use in connection with the filing of such a claim, the request will be referred to the authority named in (b) (1) of this section. That authority, when subordinate, will in turn, communicate promptly the substance of the request and the contents of the record to Chief, US Army Claims Service, Fort George G. Meade, MD 20755 (AUTOVON 923-7800; commercial: area code 301-677-7860).

(3) HDA officials listed in § 518.9 (1) through (11) who receive such requests will refer them directly to Chief, US Army Claims Service, and will advise requester of the referral and the basis for it.

(4) The Chief, US Army Claims Service will process the request in accordance with this regulation and paragraph 1-6, AR 27-20.

(c) *Contract disputes.* Each request for a record which relates to a potential contract dispute or a dispute that has not reached "final decision" by the contracting officer shall be treated as a request for "procurement records" and not as "litigation", except that the officials listed in §§ 518.8, 518.9 and 518.11 shall consider the impact of release upon the potential dispute procedures and may consult with The Judge Advocate General, TTN: JAAJ-CAD, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041, AUTOVON 289-2460 or area code 202-756-2460. Each request for a record which relates to a pending contract appeal to the Armed Services Board of Contract Appeals, or to a "final decision" that is still subject to appeal (i.e., 90 days have not lapsed after receipt of the "final decision" by the contractor), shall be treated as a request involving a contract dispute and will be referred to The Judge Advocate General, JAAJ-CAD.

§ 518.14 Exemptions.

The following categories of records are exempt under 5 U.S.C. 552(b) from mandatory release:

(a) Those properly classified in the interests of national security pursuant to DOD 5200.1-R and AR 380-5 (5 USC 552(b)(1)).

(b) Those containing rules, regulations, orders, manuals, directives, and instructions which provide only internal guidance to DOD personnel (5 USC 522(b)(2)). Examples are:

(1) Operating rules, guidelines, and manuals for investigators, inspectors, auditors, and examiners, and schedules or methods involved.

(2) Negotiating and bargaining techniques, positions, and limitations.

(3) Personnel and other administrative matters, such as examination questions and answers used in training courses or in the determination of the qualification of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information which statutes authorize or require to be withheld from the public (5 U.S.C. 552(b)(3)). Examples are:

(1) Trade and financial information provided in confidence by business (18 U.S.C. 1905).

(2) Technical data, including such data regarding munitions (50 U.S.C. 2623 and 22 U.S.C. 1934).

(3) National Security Agency information (50 U.S.C. 402).

(4) Information relating to inventions which are the subject of patent applications on which patent Secrecy Orders have been issued (35 U.S.C. 181-188).

(5) Records of drug abuse/patients (21 U.S.C. 1175, 42 U.S.C. 4582).

(d) Those containing trade secrets or commercial or financial information which was received with the understanding that it will be retained on a privileged or confidential basis in accordance with customary handling of such records (5 U.S.C. 552 (b) (4)). Such records include those which contain:

(1) Information customarily considered privileged or confidential under the rules of evidence in Federal courts, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(2) Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(3) Statistical data and commercial or financial information concerning contract performance, income, profits, losses and expenditures, if offered and received in confidence from a contractor or potential contractor.

(4) Personal statements given in the course of inspections, investigations, or audits, where such statements are received in confidence from the individual and retained in confidence because they cover trade secrets or commercial or financial information normally considered confidential or privileged, or because they are essential to an effective inspection or audit and could not otherwise be obtained.

(e) Except as provided in paragraph (e) (2) through (5) below, internal communications within and among agencies and commands (5 U.S.C. 552(b)(5)).

(1) Examples include:

(i) Staff papers containing staff advice, opinions, or suggestions.

(ii) Information received or generated by a command or office preliminary to a decision or action, including draft versions of documents, where premature disclosure would interfere with the authorized purpose for which the records were created.

(iii) Advice, suggestions, or reports prepared on behalf of the Army by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a command or office to obtain advice and recommendations, or by individual consultants.

(iv) Those portions of Army evaluations of contractors and their products which contain recommendations or advice by government employees about the contractor or product.

(v) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(vi) Records which are exchanged among command or office personnel or within and among the military services, commands, or offices preparing for anticipated legal proceedings before any federal, state or military court or before any regulatory body.

(vii) Reports of inspections, legal opinions, audits, investigations, or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of the Army or one of its commands or offices.

(2) If any such intra- or inter-agency record, or reasonable segregable portion of such record would routinely be made available through the discovery process (the process by which litigants obtain information relevant to a case prior to a trial or hearing) in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would only be made available through the discovery process by special order of the court based on the particular needs of a litigant balanced against the interests of the Army in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(3) Factual records or segregable portions of intra- or inter-agency memorandums or letters are routinely made available through discovery, and should, therefore, be made available to a requester unless the factual material is otherwise exempt from release under § 518.14.

(4) A direction or order from a superior to a subordinate, though contained in an internal communication, is generally not withholdable from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters that would compromise the decision-making process.

(5) An internal communication concerning an event or decision which has subsequently been made a matter of public record, or was among officers or employees (or members of the armed forces) who no longer are actively employed by the Department of Defense or its components, should normally be made available to a requester, unless it is determined that because of special circumstances release would prejudice the current decision-making process.

(f) Information in personnel, medical, and similar files which, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy (5 U.S.C. 552(b)(6)). (When the sole and exclusive basis for withholding information from an individual is the protection of his own personal privacy, the information will not be withheld from him or from his designated legal representative. The requester may be required to furnish reasonable and appropriate identification.)

(1) Examples of files similar to medical and personnel files are those:

(i) Compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of civilian, military, or industrial individuals for security clearances.

(ii) Containing reports, records, and other material pertaining to individual cases in which administrative action may be taken.

(2) In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given in cases involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alledged misconduct, and the degree to which the individual's privacy has already been invaded by any investigation or proceedings which have taken place. For example, after completion of appellate review, unclassified records of court-martial proceedings should always be made available, since they represent a record of proceedings open to the public in which the relevant conduct of the member has been fully explored. (Records of court-martial proceedings may be made available at an earlier stage if to do so, in the judgment of The Judge Advocate General, would not adversely affect the appellate process.)

(3) Requests for access to, or release of, records of court-martial proceedings of general courts-martial or special courts-martial involving a bad conduct discharge, prior to completion of appellate review, should be processed in accordance with § 518.17.

(4) This guidance does not preclude the furnishing of records of trial to an accused.

(g) Investigatory files compiled for the purpose of enforcing civil, criminal, or military law (5 U.S.C. 552(b)(7)), including Executive Orders or regulations validly adopted pursuant to law, but only to the extent that release of such records would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion of personal privacy (subject to limitation set forth in § 518.14 above);

(4) Disclose the identity of a confidential source;

(5) Disclose confidential information furnished by a confidential source, but only in the instance of records compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(6) Disclose nonroutine investigative techniques and procedures, or

(7) Endanger the life or physical safety of law enforcement personnel. This exemption includes statements of witnesses and other material based on the information developed during the course of the investigation and all materials prepared in connection with related Government litigation and adjudicative proceedings, to the extent such materials fall within one or more of the categories described above. The term "national security" as used above, includes military

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security, national defense, and foreign policy. The term "intelligence" as used above, includes positive intelligence-gathering activities, counter-intelligence activities, and background security investigations by Government units which have authority to conduct such functions. Any rights conferred by existing law or regulation upon specified persons or classes of persons to obtain access to investigatory records are not hereby diminished.

(h) Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions (5 U.S.C. 552(b)(8)).

(i) Documents containing geological and geophysical information and data (including maps) concerning wells (5 U.S.C. 552(b)(9)).

§ 518.15 Annual reporting requirements.

(a) 5 U.S..C 552(d) requires that each agency will submit to the Congress on or before 1 March annually, a report covering the preceding calendar year's actions under the Act. The Adjutant General is responsible for compilation and submission of the report (Reports Control Symbol DD-PA (A) 1635). The Adjutant General will forward the report through the Chief of Staff, US Army, for transmittal to the Secretary of the Army not later than 20 January of each calendar year. An information copy of the report will be furnished to the Chief of Public Information and the General Counsel.

(b) The Initial Denial Authorities will submit feeder information covering the preceding calendar year to The Adjutant General, ATTN: DAAG-AMR, on or before 10 January annually as follows:

(1) An entry for each denial indicating in columnar form, the source of the request, the subject of the request, the basis for denial expressed by appropriate exemption number under 5 U.S.C. 552, and the name and title (or position) of the official responsible for the denial. Normally, the official responsible for denial will be the IDA, i.e., the commander or head of agency specified in 518.9.

(2) A copy of all internal rules or issuances made by the IDA regarding 5 U.S.C. 552.

(3) Data on costs to administer the FOIA.

(4) Any other information indicating efforts to faithfully administer 5 U.S.C. 552.

(c) The Army General Counsel will provide The Adjutant General on or before 10 January annually, data for the preceding calendar year on the number of appeals made as the results of denials, the result of such appeals, the reason for the action on each appeal that resulted in maintenance of the denial, and the name and title (or position) of the official responsible for the maintenance of the denial.

(d) The Comptroller of the Army will provide The Adjutant General on or before 10 January annually, the total amount of fees collected during the preceding calendar year under FOIA.

§ 518.16 Information published in the Federal Register or made available for public inspection and copying.

(a) Information published in the FEDERAL REGISTER.

(1) 5 U.S.C. 552 requires that certain information concerning the Army be made available for the use of the general public through publication in the FEDERAL REGISTER. Pursuant to these provisions, this regulation and other selected publications, together with every change, revision, or rescission thereto, are published in the FEDERAL REGISTER. The following information is made available to the public through publication in the FEDERAL REGISTER:

(i) An outline of the central and field organization of the Army, and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests and obtain decisions.

(ii) The procedures, both formal and informal, by which the Army conducts its business with the public.

(iii) Rules of procedure which must be followed, forms to be completed, sources from which these forms may be obtained, and instructions on the scope and content of any papers, reports, or examinations required to be submitted pursuant to such rules of procedure.

(iv) Statements of general policy and substantive rules of general applicability affecting the public.

(2) No member of the general public will be required to resort to, or be adversely affected by, any matter that is required to be published in the FEDERAL REGISTER, and not so published, unless he has actual and timely notice of the information contained therein.

(b) Information available for public inspection and copying.

(1) Subject to the exemptions set forth in § 518.8 of the body of this regulation, the following categories of information will be made available for public inspection and copying:

(i) Final opinions (including concurring and dissenting opinions) and orders in adjudications that may be used, cited, or relied upon as precedent in future adjudications.

(ii) Statements of policy and interpretations of less than general applicability which affect the public, but are not published in the FEDERAL REGISTER.

(iii) Administrative staff manuals and instructions, or portions thereof, prescribing Army policies that are determinative of the rights of members of the public, unless these documents are published and offered for sale. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of the Army. Examples of manuals and instructions not normally made available are:

(*a*) Those issued for audit and inspection purposes or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(*b*) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(iv) Any materials that are published in the FEDERAL REGISTER pursuant to paragraph (a) above.

(2) The following are illustrative of the information that will normally be made available for public inspection and copying:

(i) Army regulations, special regulations, general orders, Department of the Army circulars, Department of the Army pamphlets, the Army Procurement Procedure, and the Armed Services Procurement Regulation.

(ii) Final decisions by boards of review created under the Uniform Code of Military Justice, decisions of the Armed Services Board of Contract Appeals, and decisions of the Army Contract Adjustment Board.

(iii) Any final rules, orders, and opinions in the adjudication of cases of general public interest which may be cited as precedents.

(3) Except for the material specified in (5) below, any material described in this paragraph is available for public inspection and copying in the Army Library, Room 1A518, the Pentagon, Washington, DC 20310, which is open from 8:30 a.m. to 5 p.m. Monday through Friday.

(4) The Army Library maintains an index system by subject matter to the materials available. The following are examples of the type of index that will be maintained for public reference.

(i) An index of administrative publications (DA Pam 310-1). This pamphlet includes a topical index to Department of the Army Regulations, special Regulations, circulars, pamphlets, and general orders.

(ii) An index to all materials published in the FEDERAL REGISTER in accordance with paragraph 1 of this appendix.

(iii) An index to Court-Martial Reports.

(iv) An index to the Armed Services Procurement Regulation. This index can also be used for reference to the Army Procurement Procedure, which follows an identical paragraph numbering system.

(v) An index to the decisions of the Armed Services Board of Contract Appeals.

(vi) An index to the decisions of the Army Contract Adjustment Board issued after 4 July, 1967.

(vii) The Army Library maintains a master list of all available indexes and will assist members of the general public in their use of these indexes.

(5) Final decisions by boards of review created under the Uniform Code of Military Justice are available for public inspection and copying at the US Army Judiciary, Office of The Judge Advocate General, 5611 Columbia Pike, Washington, DC 20315. An index to all final decisions of boards of review issued after 4 July 1967 is also available at this facility.

(6) The cost of copying any documentary materials made available pursuant to this paragraph will be imposed in accordance with AR 37-30.

(7) Identifying details, which if revealed would be a clearly unwarranted invasion of privacy, may be deleted from a final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. However, in every case, the justification for deletion must be fully explained in writing.

(8) No material described in paragraph (a) above, issued, promulgated, or adopted after 4 July 1967, which is not indexed and made available for public inspection and copying may be relied upon, used, or cited as precedent against any member of the public unless such person has actual or timely notice of its terms. If the material described in paragraph (a) above was issued, promulgated, or adopted before 4 July 1967, it need not be indexed, but must be made available for inspection and copying in accordance with this paragraph.

§ 518.17 Officials to whom requests for information may be directed.

(a) The 10-day limit prescribed for review of initial requests under the Freedom of Information Act (5 U.S.C. 552(a)(6)) begins only when all of the following conditions have been satisfied:

(1) The request must be in writing and must reasonably describe the record requested;

(2) The requester must pay, or agree to pay in advance, all fees assessed incident to processing of his request, as prescribed by § 518.8;

(3) The request must be received by the appropriate official designated in this appendix.

(b) To insure a prompt response in recognition of the request as an FOIA action, the request should be made with specific reference to the Freedom of Information Act. Both the letter of request and the envelope in which the request is sent should be conspicuously marked with the words "FREEDOM OF INFORMATION ACT REQUEST".

(c) Public requesters should follow the guidance in this appendix carefully and direct requests to the office that possesses the record desired. If it is not clear to whom to send a request, information as to the proper official may be obtained from HQDA (DAAG-AMR-S), Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20314, or by telephoning Area Code 202 693-7830, or 202 693-1847.

(d) Current publications and records of Army field commands, installations, and organizations.

(1) The request must be directed to a specific office of the command, installation, or organization as indicated below:

File categories	*Specific official*
(i) Finance and fiscal	Comptroller/Finance Officer.
(ii) Legal	Staff Judge Advocate/Legal Officer.
(iii) Intelligence and security	Intelligence Officer.
(iv) Military police	Provost Marshal.
(v) Military personnel	Adjutant/Administrative Officer.
(vi) Civilian personnel	Civilian Personnel Officer.
(vii) Medical	MEDDAC/MEDIEN Commander.
(viii) Training and education	Operations and Training Officer.
(ix) Communications	Signal Officer.
(x) Transportation	Transportation Officer.
(xi) Research and development	Research and Development Officer.
(xii) Logistics	Quartermaster/Ordnance/Supply Officers.
(xiii) Facilities	Engineer.
(xiv) All other	Records Management Officer.

(2) A more detailed listing of all files categories maintained in Army offices is given in 16 regulations of the AR 340-18 series.

(3) If it is not clear to whom to send a request for current records of a specific Army field command, installation, or organization, the Installation/Organization Information Officer may be contacted for assistance in locating the office to which the request may be directed.

(e) Department of the Army publications.

(1) The Government Printing Office has many Army publications for sale. Request should be directed to:

Superintendent of Documents
Government Printing Office
Washington, DC 20402

(2) There are about 1,000 Government publication depository libraries (Title 44, U.S.C. Code) throughout the US which have copies of many Army publications available for use on site. A list of these libraries may be obtained from the Superintendent of Documents at the above address. Requesters are urged to use these facilities.

(3) Requests for reproduced copies of obsoleted, rescinded, or other noncurrent Army publications must be directed to:

Director
Washington National Records Center
General Services Administration
Washington, DC 20409

(4) Requests for administrative and training publications (Army Regulations, Field Manuals, Department of the Army Pamphlets, etc.) must be directed to:

Commander
US Army AG Publications Center
2800 Eastern Blvd
Baltimore, MD 21220
(301-962-7201)

(5) Requests for technical and supply publications (Technical Manuals, Modification Work Orders, Supply Catalogs, etc.) must be directed to:

Commander
US Army AG Publications Center
1655 Woodson Road
St. Louis, MO 63114
(314-268-7300)

(6) Requests for Department of the Army publications or indexes not available above must be directed to:

HQDA (DAAG-PAS-I)
Forrestal Building
1000 Independence Ave., SW
Washington, DC 20314

Telephone inquiries to DAAG-PAS-I should be directed to Area Code 202 693-7842 or 693-7840.

(f) Military personnel records. Requests for military personnel records or information must be directed as follows:

(1) Army Reserve personnel not on active duty and retired personnel (except Retired Regular Army General Officers) Commander, US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132 (314 268-7600).

(2) Former Army officer personnel discharged or deceased subsequent to 1 July 1917 and former Army enlisted personnel discharged or deceased subsequent to 1 November 1912—Director, National Personnel Records Center, GSA, 9700 Page Boulevard, St. Louis, MO 63132.

(3) Army personnel separated prior to dates specified in (2) above—Director, Military Archives Division, Office of National Archives, NARS, GSA, Washington, DC 20408.

(4) Army National Guard personnel. Officers—Chief, National Guard Bureau. Enlisted personnel—Adjutant General of the appropriate State.

(5) Military personnel on active duty—HQDA (DAPC-PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325-9060), if involving commissioned or warrant officer personnel (including retired Regular Army General Officers); and to the Commander, US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429 (317 542-3111), if involving enlisted personnel.

(g) Medical records.

(1) Requests for medical records of nonactive duty military personnel must be directed to the same addresses as indicated in paragraph (f) (1) through (4).

(2) Requests for medical records involving military personnel on active duty must be sent to the medical treatment facility where they are maintained. If the medical facility is not known, a request for locater service will be directed to HQDA (DAPC-PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325-9060), if involving commissioned or warrant officer personnel; or to Commander, US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46429 (317 542-3111) if involving enlisted personnel.

(3) Requests for the medical records of civilian employees and all dependents must be directed to the medical treatment facility where maintained. If the records have been retired, requests will be addressed to the Director, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118.

(h) Legal records.

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(1) Requests involving records of trial by court-martial.

(i) General courts-martial records and those special courts-martial records where a bad conduct discharge has been approved by the convening authority must be directed to The Judge Advocate General, JAAJ–CC, Nassif Building, Falls Church, VA 22041 (202 756–1888), if the record of trial has been forwarded for appellate review. If the record has not been forwarded for appellate review, requests for such records must be directed to the staff judge advocate of the command which has jurisdiction over the case. The Initial Denial Authority for those requests is the Judge Advocate General, JAAJ–CC, and they will be processed in accordance with § 518.8.

(ii) The records of trial of special courts-martial which do not involve a bad conduct discharge are retained for 10 years after completion of the case. Requests for such records of trials must be directed as follows:

(*a*) Up to 3 years after completion of the case. Requests must be directed to the staff judge advocate of the headquarters where the case was reviewed.

(*b*) From 3 to 10 years after completion of the case. Requests must be directed to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132. After 10 years, the only evidence of a special court-martial conviction is the special court-martial order maintained in the individual's permanent records. Request for such orders involving individuals currently on active duty must be directed to HQDA (DAPC–PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325–9060), for commissioned and warrant officer personnel and to the Commander, US Army Enlisted Records Center, Fort Benjamin Harrison, IN 46249 (317 542–3111) for enlisted personnel. If the individual is no longer on active duty, the request must be directed to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132. If the individual retired from service and is still living, or is a member of the Army Reserve, refer the request to address in paragraph (f)(1).

(iii) The records of trial of summary courts-martial are destroyed 1 year after action of the appropriate supervisory authority. Until that time, requests for such records of trial must be directed to the appropriate staff judge advocate at the installation where the court-martial was conducted. After 1 year, the only evidence of a summary court-martial conviction is the summary court-martial order maintained in the individual's permanent records. Requests for such orders involving individuals currently on active duty must be directed to HQDA (DAPC–PAR), 200 Stovall Street, Alexandria, VA 22332 (202 325–9060) for commissioned and warrant officer personnel and to the Commander, US Army Enlisted Records Center, Fort Benjamin Harrison IN 46249 (317 542–3111) for enlisted personnel. If the individual is no longer on active duty, the request must be directed to the National Personnel Records Center (Military Records), 9700 Page Boulevard, St. Louis, MO 63132. If the individual retired from service and is still living, or is a member of the Army Reserve, refer the request to address in paragraph (f)(1).

(iv) Requests submitted under a(2) and (3) above will be processed in accordance with § 518.8. The Initial Denial Authority is The Judge Advocate General (DAJA–CL), Washington, DC 20310 (202 695–5468).

(2) Requests involving the administrative settlement of claims—Chief, US Army Claims Service, Fort George G. Meade, MD 20755, (301 677–7860).

(3) Requests involving debarred or suspended contractors—HQDA (DAJA–ZC), Washington, DC 20310 (202 697–4769).

(4) All other requests involving legal matters (other than requests for records maintained by the staff judge advocate of a specific command, installation, or organization (see (d)(1)(iii)) —HQDA (DAJA–AL), Washington, DC 20310 (202 695–3614).

(i) Civil Works program. Requests involving records relating to construction, operation, and maintenance for improvement of rivers, harbors, and waterways for navigation, flood control, and related purposes, including shore protection work of the Department of the Army, must be directed to the appropriate division or district office of the Corps of Engineers. If such office is not known, information as to the proper office may be obtained from HQDA (DAEN–GCK), Forrestal Bldg., Washington, DC 20314 (202 693–7070).

(j) Civilian personnel records. Requests involving personnel records of civilian employees other than those pertaining to former employees must be directed to the installation at which the individual is employed. Requests involving personnel records of former civilian employees must be directed to the Director, National Personnel Records Center, GSA, 111 Winnebago Street, St. Louis, MO 63118.

(k) Procurement matters. Requests for material relating to procurement activities must be directed to the contracting officer concerned or, if not feasible, to the appropriate procuring activity. If the contracting officer or procuring activity is not known, inquiries as to the proper location should be directed as follows:

(1) Concerning Army Materiel Command procurement—Commander, US Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22333.

(2) Concerning Engineer procurement—HQDA (DAEN–GCK), Forrestal Building, Washington, D.C. 20314 (202–693–7070).

(3) Concerning all other procurement— HQDA. (DAJA–PL), Washington, DC 20310 (202 696–6209).

(l) Criminal investigation files. Requests involving criminal investigation files will be directed to the Commander, US Army Criminal Investigation Command, ATTN: CIJA, Second and R Streets, SW., Washington, DC 20318 (Telephone 693–0371 or 693–1695). Only the Commanding General, USACIDC, is authorized to release any CIDC-originated criminal investigation file.

(m) Personnel security investigation files. Requests involving personnel security investigative files will be directed to the Commander, US Army Intelligence Agency, ATTN: MIIA–PS–D, Fort Meade, MD 20756.

(n) Army records in Government records depositories.

(1) Noncurrent Army records are in the National Archives of the United States, Washington, DC 20408, in Federal Records Centers of the General Services Administration and in other records depositories. Requesters must write directly to the heads of these depositories for copies of such records.

(2) A list of the pertinent records depositories is published in Appendix A, AR 340–1. Selected records depositories of frequent interest to requesters are listed below.

Location: US Army Reserve Components Personnel and Administration Center, 9700 Page Blvd., St. Louis, MO 63132.

Description of files maintained: Individual Official Military Personnel Folders of members of the USAR and retired officers (including retired reserve general officers); warrant officers, and enlisted personnel.

Individual Military Personnel Records Jackets (field "201" files) of members of the Individual Ready Reserve, Standby Reserve, and Retired Reserve.

Morning reports and personnel rosters for the last 3 years.

Reserve unit attendance files dating generally from 1951.

Administrative responsibility. The Adjutant General is responsible for the custody and administration of files maintained at the US Army Reserve Components Personnel and Administration Center.

Location. National Personnel Records Center (Military Records) 9700 Page Blvd., St. Louis, MO 63132.

Description of files maintained. Individual official military personnel records of completely separated Army personnel including deceased personnel.

Morning reports and personnel rosters over 3 years old.

Clinical, consultation service, out-patient, and dental records of active military personnel, retired military personnel and members of Reserve components on active duty for training not held by US Army medical facilities. These files were received prior to 1974.

Files of Army field commands. Retired files of elements of Army field commands (except Corps of Engineers field offices) and of decentralized elements of Headquarters, Department of the Army offices, dated generally 1951 through 1963.

Separated non-Federal National Guard 201 files.

Administrative responsibility. The Administrator of General Services is responsible for the custody and administration of files in the National Personnel Records Center.

Location. Washington National Records Center: Address for shipments mailed: Washington, DC 20409. Address for shipments by common carrier: 4205 Suitland Road, Suitland, MD 20409.

Description of files maintained. Records of activities. Records of activities in the District of Columbia, Maryland, Virginia, and West Virginia, dated generally 1955 through the present.

Offices of Headquarters, Department of the Army. Files of Headquarters, Department of the Army Offices located at seat of Government, exclusive of specialized files otherwise provided for in this appendix. These files are dated generally 1939 and later.

Army field commands and special Army activities in the field. These files are dated generally 1940 through 1950 and 1964 and later.

Administrative responsibility. The Administrator of General Services is responsible for the custody and administration of these files.

(o) Other requests. Information as to the proper location for directing requests involving records of the Department of the Army, not otherwise provided for in this appendix, may be obtained from HQDA (DAAG–AMR–S), Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20314, or be telephoning Area Code 202 693–1847, or 693–7830.

§ 518.18 Preservation of personal privacy of members of the Army.

(a) It is Department of the Army policy to safeguard the personal privacy of its present and former members. This policy shall be a prime consideration in the development and administration of personnel practices and procedures.

(b) Access to personal information from personnel, medical, or similar files relating to present and former members of the US Army will be limited to those organizations and individuals requiring such information to conduct the business of the Department of the Army or other elements of the Department of Defense; the business of other Federal, State or local agencies (including the legislative and judicial branches of government at all levels); and in such other instances where release is clearly required by the national interest.

(c) Military personnel and civilian employees of the Army may not release or otherwise disclose personal information from personnel, medical, or similar files relating to present and former members of the Army to nongovernmental organizations or individuals, whether commercial, nonprofit, or other, without previously obtaining the written consent of the individual concerned, except as specified in this regulation. Among the kinds of information which may not be released to nongovernmental organizations or individuals without the consent of the individual concerned are:

(1) Lists or compilations containing the names, addresses, or military occupational specialty identifications of present or former members of the Army (see AR 600–20 for additional restrictions on the release of rosters and lists; however, also see paragraph (d) below for guidance on release of addresses).

(2) Data from medical records, except as provided in AR 340–1 and this regulation.

(3) Aptitude test scores

(4) Similar information of a personal nature.

(d) The following guidelines are provided for use in considering requests for the address of an individual member or former member of the Army who is identified or named by the requester:

(1) Duty station address (military unit of assignment), unless classified, of a specified individual member will be furnished in response to any requests. A fee for the service may be charged in accordance with the schedule of charges in § 518.19, subject to the exemptions from charges prescribed therein.

(2) Requests for the home address of an individual will be considered to fall under the exemption from mandatory disclosure provided in § 518.14 of this regulation and 5 U.S.C. 552(b)(6). Such requests will be handled to accordance with § 518.8. Requests from auditors involving home address will be handled in accordance with AR 600–15 and 5 U.S.C. 552(a)(6).

(e) Unauthorized release (that is, release contrary to the provisions of this regulation) to private organizations or individuals of personal information from personnel, medical, or similar files relating to present and former members without the written consent of the individual concerned shall be considered a clearly unwarranted invasion of his personal privacy within the meaning of 5 U.S.C. 552(b)(6), as implemented by this regulation.

(f) Commanders will establish procedures to assure that all personnel who have access to military personnel records or names and addresses of service members (especially those members being separated from active service) are periodically informed that information from these records, lists of names and addresses, or individual home addresses (except as provided by (d)(2)) will not be released to unauthorized sources. Commanders will also assure that all allegations of unauthorized release are examined and, when appropriate, will direct that an investigation be made.

(g) The restrictions on access to personal information set forth in this regulation shall not be applicable to the individual concerned, to his properly authorized legal representatives, or to his next of kin whenever he is incapable for reasons of physical or mental health of governing his own affairs.

(h) To insure the privacy and confidentiality of communications concerning or between military personnel and members of the Congress of the United States, a member's personnel file shall not be coded, annotated, or otherwise marked to indicate that congressional interest has been generated by the member exercising his rights under 10 U.S.C. 1034 or expressed on his behalf.

(i) Voluntary release of data.

(1) Procedures may be developed by which individual members and former members of the Army may volunteer to authorize release of personal information for purposes of benefit to the members or former members concerned or to the national interest. Such purposes may include, but are not limited to, assistance to separating members in their transition to civilian life; other promotion of the welfare of Army personnel; cooperation in scholarly research efforts in the national interest; and other efforts by nongovernmental agencies to further the national interest.

(2) The written consent of the individuals concerned must be obtained prior to any such release of personal information to a nongovernmental agency. Development of procedures to obtain releases should be limited by the costs and resources involved in establishing and executing them, weighed against the anticipated benefits to the members or former members of the Army or to the national interest.

§ 518.19 Schedule of fees for search and duplication under the Freedom of Information Act Amendments Pub. L. 93–502.

Pursuant to the provisions of 5 U.S.C. 552, the following is the schedule of fees for search and duplication services rendered to the public by components of the Department of Defense except when those services are excluded or excepted as stated hereafter. The schedule of fees will become effective 19 February 1975.

SCHEDULE OF FEES DUPLICATION

PUBLICATION, FORMS AND REPORTS

Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request	$2.00
Plus	
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05

Examples: Cost of 20 forms, $3; cost of a printed publication consisting of 10 fiche, $2.60.

OFFICE COPY REPRODUCTION (WHEN SHELF STOCK IS NOT AVAILABLE)

Minimum charge up to six reproduced pages	2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10

OTHER ISSUANCES

Minimum charge up to six pages	2.00
Each additional page	.05

SEARCH

Clerical search, per hour	6.50
Minimum charge	3.50

V 40 40 FEB 27 75 XUM

Professional search (includes computer programmer time), per hour ------ 13.00
Minimum charge ---------- 10.00

Computer Service charges will be based on actual computer configuration used and be based on direct cost only of the Central Processing Unit plus Input/Output Devices plus Memory Capacity.

EXCEPTIONS

(a) In general, charges may be waived when:

(1) The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health or welfare;

(2) Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program.

(3) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

(b) A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the head of the DOD component or his designee for purposes of final approval.

COLLECTIONS

(a) Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to a specified limit that covers anticipated costs. In the absence of such an agreement to pay required anticipated costs, the time for responding to a request begins to run upon receipt of payment.

(b) Collection of scheduled fees and charges will normally be deposited in Miscellaneous Receipts of the Treasury.

(c) Search fees are assessable even when no records responsive to the requests, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval.

(AR 340-17, 25 June 1973) (sec. 3012, 70A Stat. 157, (10 U.S.C. 3012); sec. 3, 60 Stat. 238, (5 U.S.C. 552).)

Dated: January 24, 1975.

For the Adjutant General:

R. W. HAMPTON,
Colonel, AGC, Director of Administrative Management.

[FR Doc.75-5248 Filed 2-26-75;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 889—DESERTION AND UNAUTHORIZED ABSENTEEISM

Miscellaneous Amendments

These amendments to Part 889 add the requirement for notification of returned AWOL/DFR members at earliest possible date; include information concerning entitlement of eligible dependents to BAQ allowances; change title of "Report of Inquiry" to "Unit Commander's Inquiry"; add further guidance when member is under suspended sentence to punitive discharge; delete requirement for Personal Affairs Section of CBPO to counsel member concerning SGLI coverage; add guidance concerning the return of absentees and deserters to military control; and make other minor changes to update the part.

Part 889, Subchapter I of Chapter VII of title 32 of the Code of Federal Regulations is amended as follows:

1. Part 889 is amended by adding § 889.3a as follows:

§ 889.3a Return to military control.

This return may be effected as indicated in paragraphs (a- and (b) of this section.

(a) *Within the jurisdiction of the United States.* Absentees and deserters will be received at any military installation which is manned by active duty personnel. Immediate action will be taken to transfer an individual to the nearest installation of his branch of service having facilities to process absentees and deserters.

(b) *Outside the jurisdiction of the United States.* Military attaches or mission chiefs in foreign countries will not accept the offer of a deserter or absentee to return to military control unless the United States is directly responsible for the presence of the individual in the country where assistance is requested.

(1) Normally, such deserters and absentees will be advised and assisted to report, at their own expense, to an appropriate U.S. military installation within the United States or overseas.

(2) Unless they are citizens of the country in which assistance is requested, absentees and deserters will be reported to the appropriate authorities of such foreign country with a view toward deportation.

(3) If the individual departs the foreign country or is deported, the military attache or mission chief will make arrangements, if possible, when such departure is known, to have the individual taken into custody upon his arrival within a territory where the U.S. military officers have authority to apprehend.

2. Section 889.6 is amended by adding paragraph (d) as follows:

§ 889.6 Deserter information system.

* * * * *

(d) Notification of returned AWOL/DFR members must be furnished to AFMPC/DPMAKE at the very earliest possible date in order to clear the NCIC files of the wanted notice. This is necessary to preclude apprehension of member after discharge has been effected. In the event a member is apprehended after discharge has been effected, such an incident could result in extreme embarrassment to the Air Force and other agencies concerned.

3. Section 889.7 paragraphs (a) (2) (ii) and (c) (ii) are amended by adding notes, (b) is revised, (d) and (e) are added as follows:

§ 889.7 Amplification of actions required.

* * * * *

(a) * * *
(2) * * *
(ii) * * *

NOTE.—At the time the commander notifies next of kin, the dependent (or his fiduciary or custodian), of the member's unauthorized absence, he shall advise the dependent, on behalf of whom BAQ may be claimed, of the right to apply for payment of BAQ, of the conditions under which payment may be made, and to whom to apply. If the member is in pay grade E-4 (four years or less service and below, advise the dependent that temporary financial relief can be provided if required, when the sponsor remains absent for more than 29 consecutive days. Such assistance is limited to the amount of BAQ to which the sponsor would be entitled as a member with dependents, for a maximum of two consecutive 30-day periods, providing the sponsor remains absent during the entire period. Advise the dependent to contact the Accounting and Finance Officer (APO) which services the sponsor. Application must be made within three months after the commencement of the member's absence (Pub. L. 93-64, 87 Stat. 147).

* * * * *

(b) *Unit commander's inquiry.* The losing unit commander will prepare the inquiry, based on actions he has taken, and will include information as to whether member was pending administrative discharge or court-martial action prior to AWOL. Include duty status prior to AWOL. If leave, furnish leave address, or if reassigned, furnish gaining unit and delay en route leave address. If member has previously been AWOL/DFR, include dates and what disposition action was taken in each offense. The inquiry (original and copies) will be submitted to CBPO for distribution.

* * * * *

(c) * * *
(11) * * *

NOTE.—When the Field Record Group is not available, information required to complete DD Form 553 must be requested by message from AFMPC/DPMDRA, Randolph Air Force Base, Texas, with information copy to AFMPC/DPMAKE.

(d) *Status.* On the 31st, 60th, 90th, 120th, 150th, and 180th day of continued absence, unit commander will confirm status to AFMPC/DPMAKE, MAJCOM, and servicing CBPO (include any new information received relative to member's absence and actions taken toward his location and return to military control). On the 31st and 60th day include input from security police. Additional DD Forms 553 should be dispatched if information from the inquiry warrants.

(e) *Consolidation of Absentee's Field Record Group.* Member's Field Record Group will be withdrawn from active files and charge or reference sheet placed in the file to indicate where the record is filed and the date it was relocated. The record will be held and controlled by the servicing CBPO of unit of assignment and filed in a separate and safe location to preclude loss and permit filing action until the 180th day of continued absence (airmen) or as directed by the Secretary of the Air Force (officers). AF Forms 2098, correspondence relating to absence, and other applicable documents will be placed in the member's record pending disposition upon return to duty status or as directed by higher headquarters.

4. Section 889.8 is amended by revising paragraph (b) to read as follows:

§ 889.8 Transfer from civilian to military jurisdiction.

* * * * *

(b) The commander of the unit to which the individual was assigned prior to his unauthorized absence is responsible for completing the required action when report of arrest is received. Actions as outlined in AFM 39-12, Separation of Unsuitability, Unfitness or Misconduct; Resignation or Request for Discharge for the Good of the Service, and Procedures for the Rehabilitation Program, paragraph 2-23, apply when an absentee is serving a sentence to confinement imposed by a civil court. Actions as described in AFM 39-12, paragraph 2-32, apply when an absentee is reported to be in civil confinement and is not available for immediate return to military control. The commander is also responsible for lodging a detainer with civil authorities, and preparing AF Form 2098 to reflect the changed status. If member is under suspended sentence to punitive discharge which has been affirmed, General Court-Martial (GCM) authority should make a determination as to whether to:

(1) Vacate the suspension and execute the discharge; or

(2) Have member returned to military control for disposition of AWOL/DFR, or any other pending charges (see AFM 39-12, chapter 2).

§ 889.9 [Amended]

5. Section 889.9(g) is revoked.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.75-5247 Filed 2-26-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Michigan

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.440 governing the use, administration and navigation of the St. Marys Falls Canal and Locks is hereby amended with respect to paragraph (v) to permit transit of vessels of a length up to 767 feet through the MacArthur Lock for the period from date of publication in the FEDERAL REGISTER through April 5, 1975.

Section 207.440(v) provides for a limit on the size vessels that will be permitted to transit the MacArthur Lock chamber, and also specifies the type deck equipment required on certain transiting vessels as follows:

(v) The maximum overall dimensions of vessels that will be permitted to transit MacArthur Lock are 730 feet in length and 75 feet in width. Further, any vessel of greater length than 660 feet must be equipped with deck winches adequate to safely control the vessel in the lock under all conditions including that of power failure.

For a number of years the Department of the Army, acting through the Chief of Engineers has worked as the lead agency with other Federal agencies, state agencies, industry organizations and others in conducting an Extended Navigation Season Demonstration Program on the Great Lakes. A major element of Corps of Engineers participation has been to provide for lockage through the St. Marys Falls Locks during a period extending beyond the normal navigation season which is from 1 April to mid-December. Due to improved fleet operation techniques, increased structural stability of vessels and favorable weather, it has been possible to sail without interruption to date this winter.

A private fleet of eight vessels has been dedicated to continue operations throughout the winter provided the Government will continue to provide passage through the locks at the St. Marys Falls Canal. Two of the ships involved in the program are 767 ft. long and six others are less than 730 ft. long.

In the past this fleet has been accommodated at the Poc Lock chamber which is presently authorized to transit vessels up to 1,000 ft. in length. The Poc Lock must be closed for repairs from March 1, 1975 through April 6, 1975 to assure that it will be in condition for full operation during the spring through fall months. The only other lock in the St. Marys Falls complex capable of handling ships of the necessary draft is the MacArthur Lock whose chamber is 80 ft. wide by 870 ft. long measured from the upper gate to the lower downstream gate. However, the above cited 33 CFR 207.440(v), restricts the maximum size vessel in the MacArthur chamber to 730 ft. in length.

Maintenance of a channel through the ice is dependent in large measure on the number of vessels plying the channel and the vessel horsepower. As traffic declines, maintenance becomes progressively more difficult. The number of low horsepower vessels that can move is directly correlated to the number of high horsepower vessels available to lead the traffic. In the eight vessel dedicated fleet, only the two 767 ft. vessels are of sufficient horsepower to lead the traffic, so that it becomes essential to the continuation of the Demonstration Program that special arrangements be made to transit the 767 ft. vessels through the MacArthur chamber.

Since this amendment is only for a limited duration and is necessary to permit uninterrupted operation of the St. Marys Falls Canal Lock, notice of proposed rulemaking and public procedures thereto are considered unnecessary and impractical. Accordingly, the Department of the Army, acting through the Corps of Engineers is publishing the following amendment to 33 CFR 297.440.

Section 207.440 is amended by revising paragraph (v).

§ 207.440 St. Marys Falls Canal and Locks, Michigan; use, administration, and navigation.

* * * * *

(v) The maximum overall dimensions of vessels that will be permitted to transit MacArthur Lock are 730 feet in length and 75 feet in width; provided, however, that subject to a final decision by the Lock Master, vessels having an overall length up to a maximum of 767 feet will be permitted to transit the MacArthur Lock during the period 22 February 1975 through 5 April 1975 using special procedures to be posted at the lock. Further, any vessel of greater length than 660 feet must be equipped with deck winches adequate to safely control the vessel in the lock under all conditions including that of power failure.

[Regs., February 25, 1975] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.75-5398 Filed 2-26-75;9:08 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

SHIPPING AND NAVIGATION

Revision of Navigation Regulations: Engine-Revolution and Rudder-Angle Indicators, Side Wall Transits, Advance Radio Information

This document revises three Parts of Title 35 dealing with navigation in the Panama Canal and other waters of the Canal Zone.

The Panama Canal Company has found that, over the years, a contributing cause of many marine accidents and incidents nearly resulting in accidents in the Canal has been the failure of vessels to have properly operating engine-revolution and rudder-angle indicators so located as to be readily visible to pilots. The problem is most serious with regard to vessels with beams in excess of 80 feet, which pilots must necessarily conn during the critical portions of the transit from the wings of the bridge. Many of these large ships have indicators only in the wheelhouse. This revision will require all vessels over 150 feet in length to have the aforementioned indicators installed in the wheelhouse and vessels over 80 feet in beam to have them installed both in wheelhouse and on each bridge wing.

Current regulations permit small vessels of up to 125 feet in length to be handled through the Canal Locks with their own lines instead of towing locomotive cables. Experience has shown that some towboats of up to 150 feet in length are of sufficiently heavy construction and fendering to permit this same method of handling. This revision would thus allow such vessels to be handled in the locks with their own lines.

Vessels approaching the Panama Canal are required to report by radio, among other things, their estimated draft upon arrival. To insure that these reports are

V 40 N 40 FEB 27 75 XUM

uniform, this revision would specify that the draft figures reported be for Tropical Fresh Water.

The text of the amendments is set forth below.

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

1. In Part 103, § 103.10 is revised to read as follows:

§ 103.10 Engine-revolution and rudder angle indicators.

(a) All vessels in excess of 150 feet in length shall be equipped with properly operating rudder-angle and engine-revolution indicators in the wheelhouse so located and illuminated as to be readily visible to a pilot.

(b) All vessels with beams in excess of 80 feet shall be equipped with properly operating rudder-angle and engine-revolution indicators in the wheelhouse and on each bridge wing so located and illuminated as to be readily visible to a pilot.

PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

2. In Part 109, § 109.7 is amended by revising paragraph (a) (1) to read as follows:

§ 109.7 Passing through locks; use of towing locomotives and ship's engines.

(a) • • •

(1) A small vessel up to 125 feet in length and a towboat up to 150 feet in length may be handled with their own manila, hemp or synthetic lines along the wall if their structure and fendering will permit their landing against the wall.

• • • • • •

PART 123—RADIO COMMUNICATION

3. In Part 123, § 123.4 is amended to by revising paragraph (a) to read as follows:

§ 123.4 Same; information required.

(a) • • • CHARLIE—Estimated draft upon arrival, in feet and inches, fore and aft, in Tropical Fresh Water. • • •

• • • • • •

Effective Date. These amendments become effective on February 15, 1975.

[2 C.Z.C. § 1331, 76A Stat. 46; 35 CFR 3.1 (a) (1).]

Dated: February 13, 1975.

HOWARD H. CALLAWAY,
Secretary of the Army.

[FR Doc.75-5170 Filed 2-26-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER VI—AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

PART 603—FREEDOM OF INFORMATION ACT

Pursuant to recent amendments of section 552 of Title 5, United States Code, known as the Freedom of Information Act, the American Revolution Bicentennial Administration hereby adopts the following regulations effective upon publication in the FEDERAL REGISTER. Notwithstanding that the regulations are effective on February 27, 1975, due to the need for implementation of the amendments to the Freedom of Information Act which became effective on February 19, 1975, interested persons may submit written comments to the American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276, no later than March 31, 1975. All comments received in this manner will be evaluated and acted upon in the same manner as if this document were a proposal.

On February 3, 1975, the Administration published proposed regulations concerning schedule of fees and method of payment for services rendered (§ 603.105) for document search and duplication in response to requests under the above Act. Comments on such proposal were requested on or before March 5, 1975.

Chapter VI is amended by adding new Part 603 as follows:

Sec.
603.100 Purpose and scope.
603.101 Information policy.
603.102 Procedure for obtaining information.
603.103 Processing requests.
603.104 Publication of Current Indices.

AUTHORITY: Freedom of Information Act (5 U.S.C. 552), as amended, 88 Stat. 1561.

§ 603.100 Purpose and scope.

The purpose of the provisions of this Part is to provide procedures to implement the Freedom of Information Act, Title 5, United States Code, section 552, as amended November 21, 1974 (Pub. L. 93-502).

§ 603.101 Information policy.

Section 552 of Title 5, United States Code, as amended November 21, 1974, by Pub. L. 93-502 requires that upon request therefor, made in accordance with published rules and procedures, reasonably described agency records be promptly made available. Subsection (b) of section 552 exempts several categories of records from the general requirements but does not require the withholding from inspection or copying of all records which may fall within the categories exempted. Accordingly, no request to inspect or for copies of a record shall be denied unless the Deputy Administrator shall determine (a) that the record falls within one or more of the categories exempted and (b) either that disclosure is prohibited by statute or Executive Order or that sound ground exists which requires the invocation of the exemption.

§ 603.102 Procedure for obtaining information.

(a) All persons or organizations requesting any record of the Administration (or in the custody thereof) shall submit such request in writing to the Deputy Administrator, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276.

(b) All such requests shall be clearly and prominently marked, both on the envelope and on the face of the request, with the legend "Freedom of Information Request."

(c) If a request does not comply with the provisions of the preceding subparagraphs, it shall not be deemed received by the Administration until the time it is actually received by the Deputy Administrator of an improperly marked or addressed request, the requestor shall be notified of the date on which the time period set forth in 5 U.S.C. 552(a)6(A)(i) commenced to run.

§ 603.103 Processing requests.

(a) The Deputy Administrator shall respond promptly to all requests to examine or for copies of records which are submitted in accordance with this regulation.

(b) A request that is expected to involve assessed fees in excess of $25.00 will not be deemed to have been received until the requestor is advised of the anticipated cost and agrees to bear it.

(c) A determination by the Deputy Administrator shall be made within 10 days (expecting Saturdays, Sundays and legal public holidays) after receipt of any such request whether to comply with such request and he shall immediately notify the person making such request of such determination and the reasons therefor, and the right of such person to appeal to the Administrator of the American Revolution Bicentennial Administration any adverse determination.

(d) Whenever any request to examine or for a copy of any record is denied by the Deputy Administrator in whole or in part, an appeal may be filed with the Administrator within 30 days (excepting Saturdays, Sundays and legal public holidays) after the requestor receives notification that the request has been denied.

(e) Appeals shall be in writing and shall be clearly and prominently marked both on the envelope and on the face of the appeal "Freedom of Information Appeal." On receipt by the Administrator of an improperly marked or addressed appeal, the appellant shall be notified of the date on which the time period set forth in 5 U.S.C. 552(a)6(A)(ii) commenced to run.

(f) A determination by the Administrator with respect to any appeal shall be made within 20 days (excepting Saturdays, Sundays and legal public holidays) after receipt of such appeal. If on appeal, the denial of the request for records is in whole or in part upheld, the Administrator shall notify the person making such request of the provisions for judicial review of that determination pursuant to the Freedom of Information Act.

(g) In unusual circumstances as specified herein, the time limit prescribed in § 603.103 (c) and (f) may be extended by written notice to the person making a request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. While more than one extension can be invoked, no such notice shall specify a date that would result in an extension

for more than 10 working days in the aggregate.

(h) As used herein, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of a particular request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which should be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the Administration having substantial subject-matter interest therein.

§ 603.104 Publication of current indices.

The American Revolution Bicentennial Administration has determined that periodic publication in the FEDERAL REGISTER of current indexes of any matter issued, adopted or promulgated after 1967 would be unnecessary and impractical due to the limited function and duration of the ARBA which terminates on June 30, 1977, or on the date of a final report to Congress, whichever is sooner.

JOHN W. WARNER,
Administrator.

FEBRUARY 21, 1975.

[FR Doc.75-5289 Filed 2-26-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 339-1]

PART 35—STATE AND LOCAL ASSISTANCE

Amendment to Final Construction Grant Regulations

The Environmental Protection Agency hereby amends regulations published February 11, 1974 (39 FR 5252), as amended, for the program of construction grants for waste treatment works to include an additional allotment of sums previously withheld from allotment, in compliance with the decision of the U.S. Supreme Court in *Russell E. Train vs. City of New York*, No. 73-1377, February 18, 1975. In that case, the court affirmed a lower court decision requiring the allotment of certain sums which were authorized for construction grants but which had been withheld pursuant to Presidential directive. The withheld sums amounted to $3 billion for each of the Fiscal Years 1973, 1974 and 1975.

By amendments published February 5, 1975 (40 FR 5363), the Environmental Protection Agency made an allotment of $4 billion from withheld sums. This amount represented a substantial portion of sums withheld from Fiscal Year 1973 and 1974 allotments. The amendments below revise the latest allotment to a total of $9 billion, which represents all sums previously withheld from allotments for Fiscal Years 1973, 1974 and 1975. Thus, all $18 billion authorized by section 207 of the Federal Water Pollution Control Act, as amended, has been allotted among the States on the basis of the allotment formulae applicable to the authorized sums.

Sections 35.910-3 and 35.910-4 of the regulations, as amended, set forth the basis for and amounts of construction grant sums allotted among the States for Fiscal Years 1973, 1974 and 1975. The amendment below adds a § 35.910-5 setting forth similar information concerning the $9 billion herein allotted.

Two-thirds of the funds hereby allotted represent sums which were withheld from previous allotments for Fiscal Years 1973 and 1974. Therefore, these funds—$6 billion—are allotted on the basis of Table III of House Public Works Committee Print No. 92-50, which was used as the basis for the Fiscal Year 1973 and 1974 allotments. The remaining one-third of the funds hereby allotted represent sums which were withheld from the allotment for Fiscal Year 1975. Therefore, these funds—$3 billion—are allotted on the basis of the requirements of Pub. L. 93-243 (that is, based 50 percent on the ratios of Table I and 50 percent on the ratios of Table II of House Public Works Committee Print No. 92-28), which was used as the basis for the Fiscal Year 1975 allotments, adjusted to reflect differences arising from the application of the statutory formula to the total authorized $7 billion. (Such adjustments were required only for North Dakota and South Dakota).

The sums hereby allotted are available for obligation immediately and will remain available to each State through September 30, 1977, in order to make them available for approximately the same period of time originally contemplated by the statute. The cut-off date of September 30, 1977, was chosen in order to rationalize the reallotment requirements of the regulations with the end of the fiscal year newly established by title V of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Funds remaining unobligated at the end of this allotment period will be reallotted by the Administrator pursuant to § 35.910-2 of the regulations. Projects initially funded from this additional allotment will be subject to requirements for study of alternative waste management techniques and application of best practicable waste treatment technology and, as appropriate, provision for reclamation or recycling, consistent with the intent of section 201 (g)(2).

This amendment also reflects the fact that no reallotment of Fiscal Year 1973 funds was necessary after June 30, 1974, inasmuch as each State fully exhausted its Fiscal Year 1973 allotment on or before that date.

Effective date. This amendment shall be effective on February 27, 1975, in order to comply with the order of Judge Oliver Gasch of the U.S. District Court for the District of Columbia, affirmed by the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. Supreme Court, that certain previously "impounded" sums of construction grant funds be immediately allotted.

Dated: February 24, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 35 is amended as follows:

§ 35.910 [Amended]

Paragraph (d) of § 35.910-3, which was added by amendment dated February 5, 1975 (40 FR 5363), continues in effect, and reads as follows:

(d) No reallotment of sums allotted for Fiscal Year 1973 was made after June 30, 1974, inasmuch as each State had fully exhausted its Fiscal Year 1973 allotment on or before June 30, 1974, in accordance with section 205(b) of the Act.

§ 35.910-5, which was added by amendment dated February 5, 1975 (40 FR 5363), is amended to read as follows:

§ 35.910-5 Additional allotments of previously withheld sums.

(a) Effective immediately, a total sum of $9 billion is allotted from sums authorized, but initially unallotted, for Fiscal Years 1973, 1974 and 1975. This additional allotment shall be available for obligation through September 30, 1977, before reallotment of unobligated sums pursuant to § 35.910-2.

(b) Two-thirds of the sum hereby allotted ($6 billion) represents the initially unallotted portion of the amounts authorized for Fiscal Years 1973 and 1974. Therefore, the portion of the additional allotments derived from this sum were computed by applying the percentages set forth in § 35.910-3(b) to the total sums authorized for Fiscal Years 1973 and 1974 ($11 billion) and subtracting the previously allotted sums, set forth in § 35.910-3(c).

(c) One-third of the sum hereby allotted ($3 billion) represents the initially unallotted portion of the amounts authorized for Fiscal Year 1975. Therefore, the portion of the additional allotments derived from this sum were computed in a three-step process: first, by applying the percentages set forth in § 35.910-4(b) to the total sums authorized for Fiscal Year 1975 ($7 billion); then, by making adjustments necessary to assure that no State's allotment of such sums fell below its Fiscal Year 1972 allotment, pursuant to Pub. L. 93-243; and, finally, by subtracting the previously allotted sums set forth in § 35.910-4(c).

(d) Based upon the computations set forth in paragraphs (b) and (c) of this section, the total additional sums hereby allotted to the States are as follows:

Alabama	$43,975,950
Alaska	25,250,500
Arizona	18,833,450
Arkansas	30,822,700
California	945,776,800
Colorado	43,113,300
Connecticut	155,091,800

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Delaware	56,394,900
District of Columbia	72,492,000
Florida	345,870,100
Georgia	117,772,800
Hawaii	51,903,300
Idaho	19,219,100
Illinois	571,698,400
Indiana	251,631,800
Iowa	100,044,900
Kansas	53,794,200
Kentucky	90,430,800
Louisiana	71,712,250
Maine	78,495,200
Maryland	297,705,300
Massachusetts	295,809,100
Michigan	625,991,900
Minnesota	172,024,500
Mississippi	38,735,200
Missouri	157,471,200
Montana	12,378,200
Nebraska	38,539,500
Nevada	31,839,800
New Hampshire	77,199,350
New Jersey	660,830,500
New Mexico	15,054,900
New York	1,046,103,500
North Carolina	101,345,000
North Dakota	2,802,000
Ohio	497,227,400
Oklahoma	64,298,700
Oregon	77,582,900
Pennsylvania	498,984,900
Rhode Island	45,599,600
South Carolina	82,341,900
South Dakota	5,888,000
Tennessee	107,351,400
Texas	174,969,850
Utah	21,376,500
Vermont	22,506,600
Virginia	251,809,000
Washington	103,915,600
West Virginia	59,419,900
Wisconsin	145,327,400
Wyoming	2,930,650
Guam	6,399,200
Puerto Rico	84,910,500
Virgin Islands	7,794,800
American Samoa	738,200
Trust Territory of Pacific	2,672,800
Total	$9,000,000,000

[FR Doc.75-5288 Filed 2-26-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on February 27, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuges.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Sport fishing on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the areas designated by signs as open to fishing. These open areas comprising 8,800 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, T in Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1975, thru December 31, 1975, in areas designated on Map I and III; and from March 15, 1975 thru September 30, 1975, daylight only, in areas designated on Map II; except bank fishing is permitted from the Wolf Creek Road and State Highway 148 Causeway, during daylight hours from January 1, 1975 thru December 31, 1975. *Boat fishing* only is permitted between Wolf Creek Road west to the closed portion boundary line (Carterville Road) from January 1, 1975 thru December 31, 1975.

(2) The use of boats and motors is permitted, except that use of a boat with a motor larger than ten (10) horsepower is prohibited on Devils Kitchen Lake and on Little Grassy Lake.

(3) Snagging for carp, buffalo, freshwater drum, paddle fish, bowfin, gar and carpsucker is permitted 400 yards downstream from the Crab Orchard Lake Spillway. Fishermen are limited to one (1) pole and line device, with no more than two (2) hooks, which must measure at least ½-inch from hook tip to shank.

(4) Jug fishing in the closed portion of the refuge as shown on Map II, east of Wolf Creek Road is authorized from March 15 thru September 30. Jugs may be left in the lake overnight. Personnel *are not* authorized in the area during the hours of darkness. Jug fishing in the open portion of the refuge as shown on Map I, west of the boundary (Carterville Road) is authorized both day and night. Between May 26, 1975 and September 1, 1975 jug fishing is authorized from sunset to sunrise. Jugs must be removed from the lake at sunrise during this period. In the area from Wolf Creek Road west to the closed portion of the refuge boundary (Carterville Road) jug fishing is permitted from January 1, 1975 thru December 31, 1975.

(5) Floating trot lines are not allowed in the open portion of the refuge west of the boundary (Carterville Road) during the hours of daylight from May 26, 1975 thru September 1, 1975.

(6) Fishing in designated ponds in the closed portion of the refuge is authorized from March 15, 1975 thru September 30, 1975 during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through December 31, 1975.

WAYNE D. ADAMS,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

FEBRUARY 19, 1975.

[FR Doc.75-5256 Filed 2-26-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

SEPARATE LIMITATION ON FOREIGN TAX CREDIT IN CASE OF DIVIDENDS FROM A DISC OR FORMER DISC

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 31, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 31, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) to section 904(f) of the Internal Revenue Code of 1954, as amended by section 502(b)(2) of the Revenue Act of 1971 (85 Stat. 549), relating to the separate limitation on the foreign tax credit in the case of certain dividends received from a DISC or former DISC. The amendments apply for taxable years ending after December 31, 1971.

Section 901(d) of the Code, as amended by section 502(b)(1) of the Act, provides that dividends from a DISC or former DISC (section 904(f) dividends) are treated as dividends from a foreign corporation for purposes of the foreign tax credit to the extent that the dividends are treated as income from foreign sources under the source rules of sections 861 to 863 of the Code. Sections 861(a)(2)(D) and 862(a)(2) provide that such dividends are from foreign sources to the extent they are attributable to certain qualified export receipts described in section 993(a)(1). The general impact of these amendments is to permit a shareholder of a DISC or former DISC a foreign tax credit for the foreign income taxes paid, accrued, or deemed to be paid under section 902 of the Code, by the shareholder with respect to such dividends.

Section 904(f)(1) provided that, in determining the limitation upon such credit under section 904, the limitation is to be determined separately with respect to such dividends and separately with respect to other income. Section 904(f)(3) provides that the overall limitation under section 904(a)(2) is not to apply with respect to the dividends, and section 904(f)(5) provides that the per-country limitation under section 904(a)(1) is to be applied to the aggregate of all such dividends from a DISC or former DISC. Section 1.902-4 of the Income Tax Regulations now provides that a DISC or former DISC shall not be treated as a less developed country corporation for purposes of section 902. Thus, the dividends here involved are required to be grossed up under section 78 of the Code.

An analysis of the statutory changes reveals that the same substantive result as was intended can be accomplished more simply by determining the separate limitation on these dividends in the same manner as the overall limitation under section 904(a)(2). In this way the separate limitation will be applied to the aggregate of the dividends from sources without the United States without going through the charade of treating the aggregate of the dividends and the applicable gross-up under section 78 as being derived from a fictional foreign country and the foreign income taxes as being paid or deemed paid to a fictional foreign country. Accordingly, the proposed amendments included in this document are modeled generally after the Income Tax Regulations under § 1.904-4 relating to section 904(f) interest, except for necessary changes required because of determining the separate limitation on the section 904(f) dividends in the same manner as the overall limitation.

The proposed amendments provide a definition of the types of income included as section 904(f) dividends, general rules for the carryback and carryforward of unused foreign tax with respect to section 904(f) dividends, and examples illustrating the application of the principles of the new provisions. It is also made clear that any carryback under section 904(d) of any unused foreign tax with respect to such dividends may not be carried to a taxable year ending on or before December 31, 1971. A number of technical amendments are also made in § 1.904-4, relating to separate limitation on section 904(f) interest. Also, a technical amendment of § 1.902-3 is provided in order to correct an inadvertent deletion made by T.D. 7294, as published in the FEDERAL REGISTER for November 30, 1973 (38 FR 33073).

In view of the foregoing considerations, the Income Tax Regulations are hereby amended as set forth below.

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.78-1 is amended by revising paragraph (f) to read as follows:

§ 1.78-1 Dividends received from certain foreign corporations by certain domestic corporations choosing the foreign tax credit.

* * * * *

(f) *Illustrations.* The application of section may be illustrated by the examples provided in § 1.902-3, § 1.904-5, § 1.960-3, § 1.960-4, and § 1.963-4.

Par. 2. Section 1.902-3 is amended by revising paragraph (a)(1) to read as follows:

§ 1.902-3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

(a) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* If a domestic shareholder (meaning for purposes of section 902 a domestic corporation owning at least 10 percent of the voting stock of a foreign corporation, such foreign corporation for purposes of section 902 being referred to as a first-tier corporation) receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations prescribed in paragraphs (a)(4) through (8) of this section, the foreign income taxes deemed, in accordance with paragraphs (a)(2) and (3) of this section, to be paid by such

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domestic shareholder for such year. For purposes of this section, § 1.902–4, and § 1.902–5, the term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States. For purposes of this section and § 1.902–4, a DISC or former DISC shall be treated as if it were a foreign corporation, but only with respect to dividends from the DISC or former DISC to the extent such dividends are treated under sections 861 (a) (2) (D) and 862(a) (2) as income from sources without the United States. For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901–3.

• • • • •

Par. 3. Section 1.904 is amended by revising the heading of paragraph (f) of section 904, by revising paragraph (1) of section 904(f), by revising paragraph (3) of section 904(f), by adding new paragraph (5) to section 904(f), and by revising the historical note, as follows:

§ 1.904 Statutory provisions; limitation on credit.

Sec. 904 *Limitation on credit.* • • •

(f) *Application of section in case of certain interest income and dividends from a DISC or former DISC*—(1) *In general.* The provisions of subsections (a), (c), (d), and (e) of this section shall be applied separately with respect to each of the following items of income—

(A) The interest income described in paragraph (2),

(B) Dividends from a DISC or former DISC (as defined in section 992(a)) to the extent such dividends are treated as income from sources without the United States, and

(C) Income other than the interest income described in paragraph (2) and dividends described in subparagraph (b).

• • • • •

(3) *Overall limitation not to apply.* The limitation provided by subsection (a)(2) shall not apply with respect to the interest income described in paragraph (2) or to dividends described in paragraph (1)(B). The Secretary or his delegate shall by regulations prescribe the manner of application of subsection (e) with respect to cases in which the limitation provided by subsection (a)(2) applies with respect to income described in paragraph (1) (B) and (C).

• • • • •

(5) *DISC dividends aggregated for purposes of per-country limitation.* In the case of a taxpayer who for the taxable year has dividends described in paragraph (1)(B) from more than one corporation, the limitation provided by subsection (a)(1) shall be applied with respect to the aggregate of such dividends.

• • • • •

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Pub. L. 86–780, 74 Stat. 1010); secs. 10 and 12(b)(2), Rev. Act 1962 (76 Stat. 1002, 1031); sec. 234(b)(8), Rev. Act 1964 (76 Stat. 116); sec. 106(c), Foreign Investors Tax Act 1966 (80 Stat. 1570); sec. 506(b), Tax Reform Act 1969 (83 Stat. 635); sec. 502(b)(2), (3), and (4), Rev. Act 1971 (85 Stat. 549)]

Par. 4. Section 1.904–1 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 1.904–1 Limitation on credit for foreign taxes.

(a) *Per-country limitation*—(1) *General.* In the case of any taxpayer who does not elect the overall limitation under section 904(a)(2), the amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the per-country limitation prescribed in section 904(a)(1). Such limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid or accrued other than by reason section 904(d)) to each foreign country or possession of the United States shall not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of the per-country limitation when the taxpayer has derived section 904(f) interest or section 904(f) dividends, see § 1.904–4 or § 1.904–5.

• • • • •

(b) *Overall limitation*—(1) *General.* In the case of any taxpayer who elects the overall limitation provided by section 904(a)(2), the total credit for taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) shall not exceed that proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For special rules regarding the application of the overall limitation when the taxpayer has derived section 904(f) interest or section 904(f) dividends, see § 1.904–4 or § 1.904–5.

• • • • •

Par. 5. Section 1.904–2 is amended by revising paragraph (a) to read as follows:

§ 1.904–2 Carryback and carryover of unused foreign tax.

(a) *Credit for foreign tax carryback or carryover.* A taxpayer who chooses to claim a credit under section 901 for a taxable year is allowed a credit under that section not only for taxes otherwise allowable as a credit but also for taxes deemed paid or accrued in that year as a result of a carryback or carryover of an unused foreign tax under section 904(d). However, the taxes so deemed paid or accrued shall not be allowed as a deduction under section 164(a). The following paragraphs of this section provide rules for the computation of carryovers and carrybacks under section 904(d). For special rules regarding the application of section 904(d) and this section in the case of taxes paid or accrued with respect to section 904(f) interest see section 904(f) and § 1.904–4. For special rules regarding the application of section 904(d) and this section in the case of taxes paid, accrued, or deemed to be paid with respect to section 904(f) dividends see section 904(f) and § 1.904–5.

• • • • •

Par. 6. Section 1.904–3 is amended by revising paragraph (e) to read as follows:

§ 1.904–3 Carryback and carryover of unused foreign tax by husband and wife.

• • • • •

(e) *Amounts carried from or through a joint return year to or through a separate return year.* It is necessary to allocate to each spouse his share of an unused foreign tax or excess limitation for any taxable year for which the spouses filed a joint return if—

(1) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried thereto from a taxable year for which they filed a joint return;

(2) The husband and wife file separate returns for the current taxable year and an unused foreign tax is carried to such taxable year from a year for which they filed separate returns but is first carried through a year for which they filed a joint return; or

(3) The husband and wife file a joint return for the current taxable year and an unused foreign tax is carried from a taxable year for which they filed joint returns but is first carried through a year for which they filed separate returns.

In such cases, the separate carryback or carryover of each spouse to the current taxable year shall be computed in the manner described in § 1.904–2 but with the modifications set forth in paragraph (f) of this section. Where applicable, appropriate adjustments shall be made to take into account the fact that, for any taxable year involved in the computation of the carryback or the carryover, either spouse has interest income described in section 904(f)(2) with respect to which the provisions of section 904(f) and § 1.904–4 apply, or dividends described in section 904(f)(1)(B) with respect to which the provisions of section 904(f) and § 1.904–5 apply.

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Par. 7. Section 1.904–4 is amended by revising the heading and paragraph (a)(1), by redesignating subparagraphs (3), (4), and (5) of paragraph (a) as subparagraphs (4), (5), and (6), by adding a new subparagraph (3) to paragraph (a), by revising paragraph (d)(1), by revising the introductory material in examples (5) and (6) in paragraph (e)(1)(iv), by revising paragraph (e)(2)(i)(b), and by revising the introductory material in example (3) in paragraph (e)(2)(iii), as follows:

§ 1.904–4 Separate limitation for section 904(f) interest.

(a) *Separate limitation*—(1) *In general.* (i) For taxable years beginning after October 16, 1962, but only with respect to interest resulting from transactions consummated after April 2, 1962, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(*a*) Section 904(f) interest (as defined in paragraph (a)(2) of this section), and

(*b*) Other income (as defined in paragraph (a)(3) of this section).

(ii) The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and paragraph (d) of § 1.904–1 for the election of the overall limitation upon the amount of the foreign tax credit.

(iii) If the taxpayer has not elected the overall limitation, the per-country limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the other income, and a separate limitation computed in the same manner shall be applied separately with respect to his taxable income from sources within that country or possession which is attributable to the section 904(f) interest.

(iv) If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied with respect to all of the taxpayer's taxable income from sources without the United States which is attributable to the other income, and, in addition, a separate limitation computed in the same manner as the per-country limitation prescribed in section 904(a)(1) shall be applied separately with respect to the taxpayer's taxable income from sources within each foreign country or possession of the United States which is attributable to the section 904(f) interest from sources within that country or possession.

(v) For purposes of this subparagraph, the separate limitation with respect to section 904(f) interest from sources within a foreign country or possession of the United States shall be applied only to the taxes paid or accrued to such country or possession with respect to such interest, and the separate limitation with respect to other income, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the other income which is taken into account for purposes of such separate limitation.

(vi) In no case may the overall limitation prescribed in section 904(a)(2) be applied with respect to section 904(f) interest or with respect to foreign income taxes paid or accrued with respect to such interest.

(vii) For special rules for determining the separate limitation for section 904(f) dividends, which is determined independently of the separate limitation for section 904(f) interest, see § 1.904–5.

• • • • •

(3) *Other income defined.* For purposes of this section, other income is all income of the taxpayer for the taxable year other than section 904(f) interest (as defined in paragraph (a)(2) of this section) and other than section 904(f) dividends (as defined in section 904(f)(1)(B) and § 1.904–5(a)(2)).

• • • • •

(d) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) interest*—(1) *Modifications in use of § 1.904–2.* For purposes of applying the provisions of § 1.904–2 in conjunction with this section, and except as otherwise provided in paragraph (e) of this section—

(i) *Unused foreign tax.* The term "unused foreign tax", when used with respect to section 904(f) interest for any taxable year, means, with respect to a particular foreign country or possession of the United States, the excess of—

(*a*) The income, war profits, and excess profits taxes paid or accrued in such year to such foreign country or possession with respect to such interest, as determined under subparagraph (2) of this paragraph, over

(*b*) The separate limitation for such year with respect to such interest.

Any unused foreign tax for such year with respect to other income shall be determined under § 1.904–2(b)(2) (i) or (ii), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(i).

(ii) *Tax deemed paid or accrued.* The amount of an unused foreign tax for any taxable year with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2 shall be equal to the smaller of—

(*a*) The portion of such unused foreign tax which, under paragraph (b) of § 1.904–2, is carried to such other taxable year, or

(*b*) Any excess limitation for such other taxable year with respect to such unused foreign tax.

The amount of an unused foreign tax for any taxable year with respect to other income which is deemed paid or accrued in such other taxable year shall be determined under § 1.904–2(c) (1) or (2), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(ii).

(iii) *Excess limitation.* The excess limitation for any taxable year (hereinafter called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) interest, in the case of a particular foreign country or possession of the United States, for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year in the case of that foreign country or possession with respect to section 904(f) interest exceeds the sum of—

(*a*) The income, war profits, and excess profits taxes actually paid or accrued to such foreign country or possession in the excess limitation year with respect to section 904(f) interest, and

(*b*) The portion of the unused foreign tax with respect to section 904(f) interest, in the case of such foreign country or possession for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year under paragraph (b)(ii) of this section.

The excess limitation for such excess limitation year with respect to other income shall be determined under § 1.904–2(c), (1)(ii) or (2)(ii), whichever applies, without taking into account any amounts used in applying the preceding provisions of this paragraph (b)(iii).

(iv) *Modification of restrictions on carrybacks and carryovers.* Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904–2(c), but subject to the limitations of this section—

(*a*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(*b*) An unused foreign tax with respect to section 904(f) interest for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(*c*) An unused foreign tax for any taxable year with respect to other income may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) interest applies, if the same limitation applies for both of such taxable years with respect to other income.

(v) *Separation of limitations.* In applying this subparagraph—

(*a*) No portion of an unused foreign tax with respect to section 904(f) interest for any taxable year may reduce the excess limitation for any other taxable year with respect to other income,

(*b*) No portion of an unused foreign tax for any taxable year with respect to other income may reduce the excess limitation for any other taxable year with respect to section 904(f) interest, and

(*c*) If an unused foreign tax with respect to section 904(f) interest for any

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taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this subdivision (v) may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1963, 1964, and 1965, in each of which years it chooses the benefits of section 901. For 1965 D has an unused foreign tax of $100 with respect to section 904(f) interest. For 1963 D has an excess limitation of $200, but only with respect to other income. Since the unused foreign tax for 1965 consists only of income taxes imposed on section 904(f) interest and an excess limitation does not exist with respect to such taxes for 1963, the unused foreign tax for 1965 shall not be deemed paid or accrued under section 904(d) in 1963.

* * * * *

(e) *Transitional rules for carrybacks and carryovers with respect to pre-1962 years*—(1) *Carrybacks to years before Revenue Act of 1962.* * * *

(iv) * * *

Example (5). N, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. N chooses the benefits of section 901 for each of the taxable years set forth below and for 1962 elects the overall limitation, which, with the Commissioner's consent, is revoked for 1966. N has section 904(f) interest only from foreign country X for the years involved. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to other income, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d) is as follows:

* * * * *

Example (6). B, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962. For each of the taxable years set forth below, B chooses the benefits of section 901 and elects the overall limitation. B has section 904(f) interest only from foreign country X for the years indicated. Based upon the taxes actually paid to foreign countries X and Y for each of the taxable years with respect to other income, and the taxes paid to country X with respect to section 904(f) interest, the unused foreign tax deemed paid under section 904(d), is as follows, after taking into account the prohibition provided in subdivision (iii) of this subparagraph against the apportionment of the unused foreign tax for 1964:

* * * * *

(2) *Carryover to years after Revenue Act of 1962.* (i) * * *

(b) With respect to other income, an amount which bears the same ratio to the amount of such taxes deemed paid or accrued in the later year as the amount of the foreign income taxes paid or accrued to such country or possession for the later year with respect to other income bears to the total amount of the foreign income taxes paid or accrued to such country or possession for such later year.

* * * * *

(iii) * * *

Example (3). C, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1962 and chooses the benefits of section 901 for each of the taxable years set forth below. For 1962, C uses the per-country limitation and in 1963 elects the overall limitation. C's only section 904(f) interest income for the years indicated is from foreign country X. Based upon the taxes actually paid for each of the taxable years with respect to other income, and the taxes paid to country X with respect to the section 904(f) interest, no unused foreign tax is deemed paid under section 904(d), determined as follows:

* * * * *

Par. 8. The following new section is added immediately after § 1.904–4:

§ 1.904–5 Separate limitation for section 904(f) dividends.

(a) *Separate limitation*—(1) *In general.* (i) For taxable years ending after December 31, 1971, the provisions of subsections (a), (c), (d), and (e) of section 904 shall be applied separately with respect to the taxpayer's income consisting of—

(A) Section 904(f) dividends (as defined in section 904(f)(1)(B) and paragraph (a)(2) of this section), and

(B) Other income (as defined in paragraph (a)(3) of this section).

(ii) The provisions of section 904(f) and this section do not alter the rules provided by section 904(b) and § 1.904–1(d) for the election of the overall limitation upon the amount of the foreign tax credit.

(iii) If the taxpayer has not elected the overall limitation, the per-country limitation prescribed in section 904(a)(1) which is applicable to any foreign country or possession of the United States shall be applied separately with respect to the taxpayer's taxable income from sources within that country or possession which is attributable to the other income, and a separate limitation computed in the same manner as the overall limitation prescribed in section 904(a)(2) shall be applied separately with respect to the taxpayer's entire taxable income from sources without the United States which is attributable to section 904(f) dividends.

(iv) If the taxpayer has elected the overall limitation prescribed in section 904(a)(2), such limitation shall be applied separately with respect to all of the taxpayer's taxable income from sources without the United States which is attributable to other income, and, in addition, a separate limitation computed in the same manner shall be applied separately with respect to the taxpayer's entire taxable income from sources without the United States which is attributable to section 904(f) dividends.

(v) For purposes of this paragraph, the separate limitation with respect to section 904(f) dividends from sources without the United States shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to such dividends, and the separate limitation with respect to other income, whether the per-country or overall limitation, shall be applied only with respect to the foreign income taxes paid or accrued (including those deemed to have been paid or accrued other than by reason of section 904(d)) with respect to the other income which is taken into account for purposes of such limitation. In the case of a taxpayer who for the taxable year has section 904(f) dividends from more than one corporation, the separate limitation shall be applied with respect to the aggregate of such dividends.

(vi) In no case may the per-country limitation prescribed in section 904(a)(1) be applied with respect to section 904(f) dividends or with respect to foreign income taxes paid, accrued, or deemed to have been paid with respect to such dividends.

(vii) For special rules for determining the separate limitation for section 904(f) interest, which is determined independently of the separate limitation for section 904(f) dividends, see § 1.904–4.

(2) *Section 904(f) dividends defined.* For purposes of this section, section 904(f) dividends shall be all income of the taxpayer for the taxable year consisting of dividends from a DISC or former DISC (as defined in section 992(a)(1) or (3)), as the case may be) to the extent such dividends are treated under sections 861(a)(2)(D) and 862(a)(2), and the regulations thereunder, as income from sources without the United States.

(3) *Other income.* For purposes of this section, other income is all income of the taxpayer for the taxable year other than section 904(f) dividends (as defined in paragraph (a)(2) of this section) and other than section 904(f) interest (as defined in section 904(f)(2) and § 1.904–4(a)(2)).

(b) *General rules for carryback and carryover of unused foreign tax applicable to section 904(f) dividends*—(1) *Modification in use of § 1.904–2.* For purposes of applying the provisions of § 1.904–2 in conjunction with this section, and except as otherwise provided in paragraph (b)(3) of this section—

(i) *Unused foreign tax.* The term "unused foreign tax", when used with respect to section 904(f) dividends for any taxable year, means the excess of—

(A) The income, war profits, and excess profits taxes paid or accrued (or deemed paid or accrued other than by reason of section 904(d)), as determined under paragraph (b)(2) of this section, in such year to all foreign countries and possessions of the United States with respect to such dividends, over

(B) The separate limitation for such year with respect to such dividends.

Any unused foreign tax for such year with respect to other income shall be determined under § 1.904–2(b)(2) (i) or (ii), whichever applies, without taking into account any amounts used in applying (A) and (B) of paragraph (b)(1).

(ii) *Tax deemed paid or accrued.* The amount of an unused foreign tax for any taxable year with respect to section 904(f) dividends which shall be deemed paid or accrued in any other taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2 shall be equal to the smaller of—

(A) the portion of such unused foreign tax which, under paragraph (b) of § 1.904–2, is carried to such taxable year, or

(B) Any excess limitation for such other taxable year with respect to such unused foreign tax.

The amount of an unused foreign tax for any taxable year with respect to other income which is deemed paid or accrued in such other taxable year shall be determined under § 1.904–2(c)(1)(ii) or (2)(ii), whichever applies, without taking into account any amounts used in applying (A), (B), and (C) of this paragraph (b)(iii).

(iii) *Excess limitation.* The excess limitation for any taxable year (hereinafter called the "excess limitation year") applicable to an unused foreign tax with respect to section 904(f) dividends for another taxable year (hereinafter called the "year of origin") shall be the amount, if any, by which the limitation for the excess limitation year with respect to section 904(f) dividends exceeds the sum of—

(A) The income, war profits, and excess profits taxes actually paid or accrued to all foreign countries and possessions of the United States in the excess limitation year with respect to section 904(f) dividends,

(B) The income, war profits, and excess profits taxes deemed paid or accrued other than by reason of section 904(d) in such year to all foreign countries and possessions of the United States with respect to section 904(f) dividends, and

(C) The portion of the unused foreign tax with respect to section 904(f) dividends, for any taxable year earlier than the year of origin, which is absorbed as taxes deemed paid or accrued in the excess limitation year.

The excess limitation for such excess limitation year with respect to other income shall be determined under § 1.904–2(c)(1)(ii) or (2)(ii), whichever applies, without taking into acount any amounts used in applying (A), (B), and (C) of this paragraph (b)(iii).

(iv) *Modification of restrictions on carrybacks and carryovers.* Notwithstanding section 904(e)(2) and subparagraphs (1)(iii) and (2)(iii) of § 1.904–2(c), but subject to the limitations of this subparagraph—

(A) An unused foreign tax with respect to section 904(f) dividends for any taxable year may be deemed paid in another taxable year for which the overall limitation provided in section 904(a)(2) applies, even though the taxable year from which such tax is carried is a taxable year for which the per-country limitation provided in section 904(a)(1) applies,

(B) An unused foreign tax with respect to section 904(f) dividends for any taxable year may be deemed paid or accrued in another taxable year for which the per-country limitation provided in section 904(a)(1) applies, even though the taxable year from which such tax is carried is a taxable year for which the overall limitation provided in section 904(a)(2) applies, and

(C) An unused foreign tax for any taxable year with respect to other income may be deemed paid or accrued in another taxable year for which the separate limitation with respect to section 904(f) dividends applies, if the same limitation applies for both of such taxable years with respect to other income.

(v) *Separation of limitations.* In applying this paragraph—

(A) No portion of an unused foreign tax with respect to section 904(f) dividends for any taxable year may reduce the excess limitation for any other taxable year with respect to other income,

(B) No portion of an unused foreign tax for any taxable year with respect to other income may reduce the excess limitation for any other taxable year with respect to section 904(f) dividends, and

(C) If an unused foreign tax with respect to section 904(f) dividends for any taxable year is not deemed paid or accrued in another taxable year to which such unused foreign tax may be carried under paragraph (b) of § 1.904–2, such other taxable year is to be counted as one of the years to which such unused foreign tax may be carried.

The application of this paragraph (v) may be illustrated by the following example:

Example. Domestic corporation D, a calendar year taxpayer, does not elect the overall limitation for 1973, 1974, and 1975, in each of which years it chooses the benefits of section 901. For 1975, D has an unused foreign tax of $100 with respect to section 904(f) dividends. For 1973, D has an excess limitation of $200, but only with respect to other income. Since the unused foreign tax for 1975 consists only of income taxes paid, accrued, or deemed paid with respect to section 904(f) dividends and an excess limitation does not exist for 1973 with respect to section 904(f) dividends, the unused foreign tax for 1975 may not be deemed paid or accrued in 1973 under section 904(d).

(2) *Amount of taxes with respect to section 904(f) dividends*—(i) *In general.* Except as provided in paragraph (b)(2)(ii) of this section, the amount of taxes paid or accrued with respect to section 904(f) dividends includes primarily the amount of foreign income taxes which a shareholder of a DISC or former DISC is deemed to have paid under section 902(a) on receipt of section 904(f) dividends from the accumulated profits of such corporation. Thus, it includes the portion determined under section 902(a) of the income, war profits, or excess profits taxes paid, or deemed under section 902(b) to be paid, by the DISC or former DISC to any foreign country or possession of the United States on or with respect to the accumulated profits of such corporation from which the section 904(f) dividends are paid, or deemed paid under section 995(b)(1)(D) or (E) or section 995(c). See § 1.995–1(b) for amounts treated as being received for purposes of this subdivision. However, it also includes foreign income taxes, if any, actually paid or accrued to any foreign country or possession of the United States by the shareholder with respect to section 904(f) dividends from such corporation.

(ii) *Taxes not specifically allocable to dividends.* If a taxpayer has paid or accrued for a taxable year an amount of foreign income taxes with respect to income which consists only in part of section 904(f) dividends, but such taxes cannot be specifically allocated to the section 904(f) dividends, the amount of such taxes which is to be taken into account for purposes of paragraph (b)(2)(i) of this section is that amount which bears the same ratio to the total of such foreign income taxes as the net section 904(f) dividends bear to the total net amount of such income. For purposes of such apportionment the net section 904(f) dividends and the total net income are to be determined by deducting any credits, expenses, losses, and other deductions which are properly allocable to the gross amount of such income under the law of the foreign country or possession of the United States to which the foreign income taxes have been paid or accrued. If the taxpayer determines that because of the facts and circumstances in a particular case the application of the two preceding sentences does not result in a proper allocation of the foreign income taxes to the section 904(f) dividends, he may make such other reasonable allocation as will, in the opinion of the district director, more clearly reflect the proper allocation of the foreign income taxes to the section 904(f) dividends. For purposes of this section, the term "foreign income taxes" means income, war profits, and excess profits, taxes and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(3) *Transitional rules for carrybacks and carryovers with respect to pre-1971 years*—(i) *Carryovers to years ending after December 31, 1971.* Where, under the provisions of section 904(d), taxes paid, accrued, or deemed to be paid to any foreign country or possession of the United States in any taxable year ending on or before December 31, 1971, are deemed paid or accrued in one or more taxable years ending after December 31, 1971, no amount of such taxes shall be deemed paid or accrued in any such taxable year with respect to section 904(f) dividends.

(ii) *Carrybacks to years ending on or before December 31, 1971.* In applying the provisions of section 904(d) and § 1.904–2(b) to taxes paid, accrued, or deemed to be paid to any foreign country

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or possession of the United States with respect to section 904(f) dividends in any taxable year ending after December 31, 1971, the terms "second preceding taxable year" and "first preceding taxable year" do not include any taxable year ending on or before December 31, 1971. Thus, no portion of the unused foreign tax with respect to section 904(f) dividends, as determined under paragraph (b)(1)(i) of this section, for any taxable year ending after December 31, 1971, shall be absorbed as taxes deemed paid or accrued in any taxable year ending on or before December 31, 1971.

(c) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Domestic corporation M, a calendar year taxpayer to which the per-country limitation under section 904(a)(1) applies, in 1973 receives a dividend of $50,000 from corporation N, which is a DISC, and a dividend of $150,000 from corporation P, which is a DISC. Under § 1.902-4(a), both N and P are treated as foreign corporations which are not less developed country corporations. Of the dividend from N, $40,000 is a section 904(f) dividend under paragraph (a)(2) of this section; and of the dividend from P, $140,000 is a section 904(f) dividend. In addition, M receives $30,000 of section 904(f) interest (as defined in § 1.904-4(a)(2)) from sources in foreign country X and $300,000 of other income, consisting of $100,000 from sources in country X and $200,000 from sources in foreign country Y. M has no other income (or loss) from sources without the United States in 1973 and has total taxable income from all sources of $2 million. M pays income taxes for 1973 to country X of $8,000 with respect to section 904(f) interest and $35,000 with respect to other income, and $100,000 income tax to country Y. It is assumed that the foreign income taxes deemed paid by M under section 902(a)(1), with respect to the section 904(f) dividends from N are $10,000 and that the foreign income taxes deemed paid by M under section 902(a)(1) with respect to the section 904(f) dividends from P are $35,000. Thus, the total foreign income taxes paid or deemed to be paid by M for 1973 amount to $183,000. M's U.S. tax (before foreign tax credit) is assumed to be $960,000. Based upon such assumptions, M's foreign tax credit limitation under section 904, and the tax allowable as a credit, are determined as follows for 1973:

(i) Separate limitation with respect to sec. 904(f) dividends:	
Sec. 904(f) dividends from N	$40,000
Gross-up under sec. 78	10,000
Total	50,000
Sec. 904(f) dividends from P	140,000
Gross-up under sec. 78	35,000
Total	175,000
Numerator of limiting fraction	225,000
Limitation ($960,000 x $225,000/$2,000,000)	108,000
(ii) Separate limitation under § 1.904-4 with respect to sec. 904(f) interest from sources in country X:	
$960,000 x $30,000/$2,000,000	14,400
(iii) Limitation under sec. 904(a)(1) with respect to other income:	
Country X ($960,000 x $100,000/$2,000,000)	48,000
Country Y ($960,000 x $200,000/$2,000,000)	96,000
(iv) Summary of allowable credit:	
Foreign income taxes with respect to sec. 904(f) dividends ($45,000 taxes but not to exceed limitation of $108,000)	45,000
Foreign income tax with respect to sec. 904(f) interest ($3,000 tax but not to exceed limitation of $14,400)	3,000
Country X tax on other income ($35,000 tax but not to exceed limitation of $48,000)	35,000
Country Y tax on other income ($100,000 tax but not to exceed limitation of $96,000)	96,000
Total allowable credit	$179,000

Example (2). The facts are the same as in example (1) except that M elects the overall limitation under section 904(a)(2) for 1973. Based upon such assumptions, M's foreign tax credit limitation under section 904, and the tax allowable as a credit, are determined as follows for 1973:

(i) Separate limitation with respect to sec. 904(f) dividends:	
Sec. 904(f) dividends from N	$40,000
Gross-up under sec. 78	10,000
Total	50,000
Sec. 904(f) dividends from P	140,000
Gross-up under sec. 78	35,000
Total	175,000
Numerator of limiting fraction	225,000
Limitation ($960,000 x $225,000/$2,000,000)	108,000
(ii) Separate limitation under § 1.904-4 with respect to sec. 904(f) interest from sources in country X:	
$960,000 x $30,000/$2,000,000	14,400
(iii) Limitation under sec. 904(a)(2) with regard to other income:	
($960,000 x $300,000/$2,000,000	144,000
(iv) Summary of allowable credit:	
Foreign income taxes with respect to sec. 904(f) dividends ($45,000 taxes but not to exceed limitation of $108,000)	45,000
Foreign income tax with respect to sec. 904(f) interest ($3,000 tax but not to exceed limitation of $14,000)	3,000
Foreign income tax on other income ($135,000 taxes but not to exceed limitation of $144,000)	135,000
Total allowable credit	183,000

Example (3). Domestic corporation M, a calendar year taxpayer using the cash receipts and disbursements method of accounting, pays foreign income taxes for the first time in 1970. For each of the taxable years set forth below M chooses the benefits of section 901 and elects the overall limitation under section 904(a)(2). M has section 904(f) dividends only from DISC corporations N and P for each of the years 1972 to 1975. Based upon the taxes deemed paid under section 902(a)(1) with respect to section 904(f) dividends for each of the years involved, and the foreign income taxes paid with respect to the other income from sources without the United States, the unused foreign tax deemed paid under section 904(d) is as follows:

Taxable years	1970	1971	1972	1973	1974	1975
Sec. 904(f) dividends from:						
Corporation N			30	100	80	90
Corporation P			40		60	80
Taxes deemed paid under sec. 902(a)(1) with respect to dividends from:						
Corporation N			20	110	90	100
Corporation P			10		10	90
Total sec. 904(f) dividends (including sec. 78 gross-up)			100	210	240	360
Separate limitation with respect to sec. 904(f) dividends			50	105	120	180
Overall limitation with respect to other income	250	350	450	245	630	800
Taxes actually paid with respect to other income	260	310	460	240	650	800
Unused foreign tax with respect to:						
Sec. 904(f) dividends				5		10
Other income	10		10		20	
Excess limitation with respect to:						
Sec. 904(f) dividends			20		20	
Other income		40		5		20
Unused foreign tax absorbed as taxes deemed paid under sec. 904(d) with respect to:						
Sec. 904(f) dividends and carried:						
From 1973				5		
From 1975					10	
Other income and carried:						
From 1970		10				
From 1972		10				
From 1974					5	15

[FR Doc.75-5091 Filed 2-26-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 59]

EGGS AND EGG PRODUCTS

Proposed Inspection Exemptions

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the regulations governing the inspection of eggs and egg products (7 CFR Part 59) under authority contained in the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056).

Statement of Considerations. The Egg Products Inspection Act authorizes the Secretary to exempt the sale of eggs by any poultry producer from his own flocks directly to a household consumer. Current regulations under the Act limit such sales to those occurring at the site of production or on a door-to-door retail route. Amendments being proposed would broaden this exemption to include the sale of eggs by producers from their own flocks directly to household consumers at an established place of business away from the site of production, provided such outlets are owned and managed by the producer and provided further that such eggs move directly from the producer to the retail premises. Experience in administering the producer exemption granted under the Act indicates that this broadening of the exemption is reasonable in that it would tend to mitigate certain economic losses incurred by some producers by providing them more flexibility in the sale of their eggs without posing any health problems sought to be resolved by the Act. The broadened exemption will, of course, be continuously reviewed to assure that it does not result in conditions which are inconsistent with the policy of the Act.

Another proposed amendment would provide that the exempted product described above which is sold away from the site of production or away from the premises of the packing plant could not contain more loss or leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs.

These amendments being proposed supersede other proposed amendments published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1709) to amend the opening text and § 59.100(c) of 7 CFR Part 59.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than April 1, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

In § 59.100, the opening text and paragraph (c) would be revised to read as follows:

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a)(1) and (2) of the Act and the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided*, That as to paragraphs (c) through (f) of this section, the exemptions do not apply to restricted eggs when prohibited by State or local law: *And provided further*, That the sale of "hard-cooked shell eggs" or "peeled hard-cooked shell eggs" prepared from checks is subject to the conditions for exemption in paragraphs (c), (d), and (f) of this section: *And provided further*, That the conditions for exemption and provisions of these regulations are met:

* * * * *

(c) The sale at the site of production, on a door-to-door retail route, or at an established place of business away from the site of production, by a poultry producer of eggs from his own flock's production directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs: *Provided*, That each such sale of restricted eggs shall be limited to no more than 30 dozen eggs; *And provided further*, (1) That eggs sold directly to consumers at an established place of business away from the site of production be moved directly from the producer to such place of business; (2) That such business away from the site of production be owned and managed by the producer; and (3) That such eggs which are sold on a door-to-door route or at an established place of business away from the site of production shall contain no more loss and/or leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs.

Issued at Washington, D.C., this 24th day of February, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.75-5275 Filed 2-26-75;8:45 am]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Revision of Administrative Rules and Regulations

Notice is hereby given of a proposal to revise § 984.437 of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480). Section 984.437 specifies a method for proposing names of additional candidates to be included on grower's nomination ballots. The ballots are used to propose names of additional grower candidates for nomination to the Walnut Marketing Board. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984; 39 FR 35327; 35999), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended marketing agreement and order (hereinafter referred to collectively as the "order"), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Walnut Marketing Board.

The order was amended October 1, 1974. The amendment revised, among other things, the grower representation on the Walnut Marketing Board and established two grower districts covering the production area relatively equal in respect to walnut acreage and production. District 1 encompasses the States of Oregon and Washington and the counties in the State of California that lie north of a line drawn on the southern boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties. District 2 consists of all other walnut producing counties in the State of California south of that boundary line.

Before the October 1974 amendment of the order, grower representation on the Board from California was treated as one group, and grower representation from Oregon-Washington as another group. Hence, the two geographic areas (California and Oregon-Washington) specified in the current provisions of § 984.437 are not the same as the geographic areas comprising the two grower districts established by the recent order amendment. The proposed revision of § 984.437 recognizes this change.

The amendment of the order also provided a grower position for either California independent growers or cooperative growers, depending upon the volume of walnuts handled by independent or cooperative handlers in California during a specified period. The proposed revision of § 984.437 also provides a method for proposing additional candidates for this position when it is assigned to independent growers.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 10, 1975. All written submissions made pursuant to this notice should be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to revise § 984.437 of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480) to read as follows:

§ 984.437 Methods for proposing names of additional candidates to be included on walnut growers' nomination ballots.

(a) Whenever the grower member position specified in § 984.35(a)(4) is assigned to California growers who marketed their walnuts through independent handlers in California, any ten or more such growers who marketed an aggregate of 500 or more tons of walnuts through those handlers during the marketing year preceding the year in which Board nominations are held, may petition the Board to include on the nomination ballot the name of an eligible candidate to fill this position, and the name of an eligible candidate to serve as his alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

(b) Any ten or more growers eligible to serve in the grower member position specified in § 984.35(a)(5) and who marketed an aggregate of 500 or more tons of walnuts as provided in subparagraph (5) during the marketing year preceding the year in which Board nominations are held, may petition the

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Board to include on the nomination ballot the name of an eligible candidate to fill this position and the name of an eligible candidate to serve as his alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

(c) Any ten or more growers eligible to serve in the grower member position specified in §2984.35(a)(6) and who marketed an aggregate of 500 or more tons of walnuts as provided in subparagraph (6) during the marketing year preceding the year in which Board nominations are held, may petition the Board to include on the nomination ballot the name of an eligible candidate to fill this position, and the name of an eligible candidate to serve as his alternate. The names of the eligible candidates proposed pursuant to this paragraph shall be included on the ballot together with the names of any incumbents who are willing to continue serving on the Board.

(d) Petitions made pursuant to paragraphs (a), (b), and (c) of this section shall be on forms supplied by the Board and filed no later than April 1 of the nomination year.

Dated: February 24, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-5188 Filed 2-26-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT BUTTERS

Standard of Identity Revision

Notice is given that the National Preservers Association (NPA), 64 Perimeter Center East, Atlanta, GA 30346, has filed a petition proposing to amend the standard of identity for fruit butter (21 CFR 29.1).

The proposed amendment would be patterned after the recent amendments of the standards for fruit jellies and jams. The principal changes would be: (1) Removal of the proportionality limitations on the use of sweeteners other than sugar; (2) provision for the use of "safe and suitable" ingredients set out simply as classes instead of the present limiting "recipe" listing; and (3) a requirement for label declaration of optional ingredients. Further, the option to add antifoaming agents and pectin is proposed. All interested persons are invited to comment on the proposal by April 28, 1975.

The NPA urges promulgation of its proposal and states that it is a natural sequel to the amendments to the standards for fruit jellies (21 CFR 29.2) and preserves, jams (21 CFR 29.3) published in the FEDERAL REGISTER of August 28, 1974 (39 FR 31304). The grounds in support of the proposal are similar to those set out in the NPA petition to amend the jellies and jams standards. That petition is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, as are the issues of the FEDERAL REGISTER carrying the proposal (November 14, 1973; 38 FR 31450) and the subsequent order ruling on that proposal (August 28, 1974; 39 FR 31304). Arguments supporting the proposal and the order ruling on the proposal to amend the fruit jellies and jams standards (21 CFR 29.2, 29.3), and thereby applicable to this petition, include the following:

1. Alternative procedures such as freeze concentration or use of partial vacuums produce as good a product or, in most cases, a superior product to that obtained by using heat to achieve concentration.

2. The provision for essence recovery, its concentration, and its return to the fruit butters reflects current industry practice.

3. In view of recent technological innovations, a larger number of corn sweeteners providing a wide range of sweetness is now available. Consumer tastes for less sweet preserves and, on the other hand, a desire for a more economical approach to all levels of sweetness in preserves may now be met.

4. The use of antifoaming agents during concentration would not alter the taste or physical characteristics of the food.

5. The provision for the use of "safe and suitable" optional ingredients, instead of the traditional specific listing of ingredients, would allow for ready adoption of new technological developments as they occur, without the burdensome procedure for amending the standard.

The proposed changes from the existing fruit butter standard are:

1. To delete the 25 percent limitation on the use of certain sweeteners. The present standard limits the use of corn sweeteners to no more than 25 percent of the total sweetening ingredients used.

2. To permit corn sweeteners with a minimum D.E. (dextrose equivalent) of 20 that would conform with those listed in 21 CFR Part 26. The present standard specifies a minimum dextrose equivalent of 40 for corn sweeteners.

3. To provide for the use of safe and suitable nutritive carbohydrate sweeteners, acidifying agents, preservatives, pectin, and antifoaming agents, except those derived from animal fats. The present standard specifies by name only certain ingredients in these classes, but it does not list pectin or any antifoaming agents.

4. To require the declaration of all optional ingredients on the label with the two following exceptions:

a. Other than in the case of dried (evaporated) fruit, the name(s) of the fruit or fruits used, which shall be declared as such, may be declared without specifying the particular form of the fruit or fruits used.

b. If sugar or invert sugar is used the term "sugar" may be used; and if the nutritive sweetener is derived from corn, the term "corn sweetener" may be used.

5. To provide for (a) essence recovery and its return to the fruit butters and (b) the use of techniques other than heat to effect concentration, i.e., freeze concentration or drawing a partial vacuum so as to cause vaporization without the application of heat.

The Commissioner is aware that chemical textbooks and scientific dictionaries differ in their definition of the term "carbohydrate." However, for purposes of clarification, he wishes to state that mannitol and sorbitol are sugar alcohols and are not considered to be "carbohydrates."

It should be noted that the proposal would eliminate the optional substitution of fruit juice for sweetening ingredient. The present standard specifies that not less than 5 parts by weight of fruit ingredient shall be used for each two parts by weight of sweetening ingredient, except that the sweetening ingredient is not required when fruit juice is used in a quantity not less than one-half the weight of the fruit ingredient. However, the Commissioner has been advised that those packers who use fruit juice continue to use a sweetening ingredient.

It should be further noted that the petitioner's proposed § 29.1(e)(2)(i) sets out certain labeling requirements applicable to different forms of fruits. However, the petitioner appears to have inadvertently omitted to carry over the need to specify how the use of a dried (evaporated) fruit shall be declared. Therefore, the Commissioner proposes, on his own initiative, that the language in paragraph (g)(6) in the present standard be retained and incorporated into the petitioner's proposed paragraph (e)(2)(i).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to revise § 29.1, incorporating both NPA's and the Commissioner's proposal, to read as follows:

§ 29.1 Fruit butter; identity; label statement of optional ingredients.

(a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semisolid foods each of which is made from a mixture of one or a permitted combination of the optional fruit ingredients specified in paragraph (b) of this section and one or any combination of the optional ingredients specified in paragraph (c) of this section, which meets the specifications in paragraph (d) of this section, and which is labeled in accordance with paragraph (e) of this section. Such mixture is concentrated with or without heat. The volatile flavoring materials or essence from such mixture may be captured during concentration, separately concentrated, and added back to any such mixture, together with any concentrated essence accompanying any optional fruit ingredient.

(b)(1) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Factor referred to in paragraph (d)(2) of this section

Name of fruit:	
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

(2) The permitted combinations are of two, three, four, and five of the fruit ingredients specified in paragraph (b)(1) of this section; the weight of each is not less than one-fifth of the weight of the combination. Each such fruit ingredient in any such combination is an optional ingredient.

(c) The following safe and suitable optional ingredients may be used:

(1) Nutritive carbohydrate sweeteners.
(2) Spice.
(3) Flavoring (other than artificial flavoring).
(4) Salt.
(5) Acidifying agents.
(6) Fruit juice or diluted fruit juice or concentrated fruit juice, in a quantity not less than one-half the weight of the optional fruit ingredient.
(7) Preservatives.
(8) Antifoaming agents except those derived from animal fats.
(9) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit ingredient.

(d) For the purposes of this section:

(1) The mixture referred to in paragraph (a) of this section shall contain not less than five parts by weight of the fruit ingredient as measured in accordance with paragraph (d)(2) of this section to each two parts by weight of nutritive carbohydrate sweetener as measured in accordance with paragraph (d)(4) of this section.

(2) Any requirement with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: (i) Determine the percent of soluble solids in the optional fruit ingredient by the method for soluble solids referred to in paragraph (d)(3) of this section; (ii) multiply the percent so found by the weight of such fruit ingredient; (iii) divide the result by 100; (iv) subtract from the quotient the weight of any nutritive sweetener solids or other added solids; and (v) multiply the remainder by the factor for such ingredient prescribed in paragraph (b)(1) of this section. The result is the weight of the optional fruit ingredient.

(3) The soluble solids content of the finished fruit butter is not less than 43 percent, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, p. 371, sec. 22.019, under "Soluble Solids (by Refractometer) in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Official First Action," except that no correction is made for water-insoluble solids.

(4) The weight of any nutritive carbohydrate sweetener means the weight of the solids of such ingredient.

(5) The weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient, paragraph (c)(6) from a fruit specified in paragraph (b)(1) of this section is the weight of such juice, as determined by the method prescribed in paragraph (d)(2) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed., 1970, p. 526, sec. 31.011, under "Solids by Means of Refractometer—Official Final Action"; the weight of diluted concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(e)(1) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(i) In case the fruit butter is made from a single fruit ingredient, the name is "Butter," preceded by the name whereby such fruit is designated in paragraph (b)(1) of this section.

(ii) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter," preceded by the words "Mixed fruit" or by the names whereby such fruits are designated in paragraph (b)(1) of this section, in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(2) Each of the optional ingredients specified in paragraphs (b) and (c) of this section shall be declared on the label as required by the applicable sections of Part 1 of this chapter, except that:

(i) Other than in the case of dried (evaporated) fruit the name(s) of the fruit or fruits used may be declared without specifying the particular form of the fruit or fruits used. When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from," as the case may be, followed by the word "evaporated" or "dried," followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "evaporated" or "dried," shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(ii) If sugar or invert sugar is the sweetener used, the term "sugar" may be used, and if the sweetener used is derived from corn the term "corn sweetener" may be used.

Interested persons may, on or before April 28, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 20, 1975.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.75-5327 Filed 2-26-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-12]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the vertical extent of V-70 between Vienna, Ga., and Allendale, S.C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 31, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would establish the upper vertical limit of V-70 between Vienna and Allendale at 9,000 feet MSL to provide airspace for an operational training area to be used by flights originating from Beaufort, S.C., MCAS. Only six aircraft transited this segment of V-70 on the 1974 IFR peak day. The proposed action would promote safety by segregating the area to be used by en route airway aircraft from the area to be used by military training aircraft.

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This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 21, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-5166 Filed 2-26-75;8:45 am]

[Airspace Docket No. 75-SW-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the transition area at Baton Rouge, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 31, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the Baton Rouge, La., transition area is amended to read:

BATON ROUGE, LA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport; within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest; within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the Baton Rouge 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport and within a 5-mile radius of the False River Airpark (latitude 30°42'55" N., longitude 91°28'43" W.); within 2 miles each side of the 325° radial of the Baton Rouge VORTAC extending from the 5-mile radius area of the False River Airpark to the northwest ILS localizer extension.

Alteration of the transition area will provide controlled airspace for the proposed VOR/DME A instrument approach procedure.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on February 18, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-5167 Filed 2-26-75;8:45 am]

[Airspace Docket No. 75-SW-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate the Russellville, Ark., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 31, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

RUSSELLVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 7.5-statute-mile radius of Russellville Municipal Airport, Russellville, Ark. (latitude 35°15'34" N., longitude 93°05'38" W.); and within 3.5 statute miles each side of 186°T (180°M) bearing from Russellville NDB (latitude 35°15'34" N., longitude 93°05'40" W.), extending from the 7.5-mile-radius area to 11.5 statute miles south of the NDB; excluding that portion which overlies the Morrilton, Ark., transition area.

The proposed transition area will provide controlled airspace for instrument approach and departure procedures at the Russellville Municipal Airport.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Forth Worth, TX., on February 13, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-5168 Filed 2-26-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 337-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Approval of Compliance Schedules

Section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan. On August 15, 1974 (39 FR 29357), the Administrator approved the resubmitted Kentucky plan with the exception of its alternate control strategy provision. The Administrator's original approval of the Kentucky plan on May 31, 1972 (39 FR 10842), had been vacated by the U.S. Circuit Court of Appeals for the Sixth Circuit on June 28, 1973.

On April 23, 1974, pursuant to 40 CFR 51.6 and 51.15, the Commonwealth of Kentucky submitted for the Agency's approval a number of individually negotiated compliance schedules. The purpose of this notice is to offer those schedules as proposed rulemaking and to solicit public comment on them.

Each of the proposed compliance schedules identified below establishes a date by which an air pollution source must attain compliance with an emission limitation or other regulation of the State implementation plan. This date is indicated in the table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table does not list these, the actual schedules do. The notation "Immediately" under the heading "Effective Date" means that the schedule will become Federally enforceable immediately upon its approval by the Administrator.

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

Division of Air Pollution, Department for Natural Resources and Environmental Protection, 311 East Main Street, Frankfort, Kentucky 40601.

Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

In addition, the schedules for sources located in Jefferson County may be inspected at the office of the Jefferson County Air Pollution Control District, 400 Reynolds Building, 2500 South Third Street, Louisville, Kentucky 40208.

Each schedule was adopted by the Department for Natural Resources and Environmental Protection, Commonwealth of Kentucky, after notice and public hearing, and was submitted to the Agency in accordance with the procedural requirements of 40 CFR 51.4. Each also satisfies the substantive requirements of 40 CFR 51.6 and 51.15 pertaining to plan revisions and compliance schedules respectively. In addition, each schedule has been determined to be consistent with the control strategies of the resubmitted Kentucky implementation plan. Several of these schedules replace schedules previously adopted by the State and published as proposed rulemaking in the FEDERAL REGISTER.

An evaluation of any of the schedules may be obtained by consulting personnel of the Agency's Region IV Air Programs Office at the Atlanta address given above.

Interested persons are encouraged to submit written comments on the proposed schedules. To be considered, comments must be received on or before March 28, 1975, and should be directed to John Eagles of the Agency's Region IV Air Programs Office at the Atlanta address given above. After carefully weighing relevant comments and all other available information in the light of requirements set forth in section 110 (a) of the Clean Air Act and in the implementing regulations of 40 CFR Part 51, the Administrator will take approval/disapproval action on the proposed Kentucky compliance schedules listed below.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: February 14, 1975.

JACK E. RAVAN,
Regional Administrator, Region IV.

It is proposed to amend Part 52 of Chapter I, Title 40, Code of Federal Regulations as follows:

Subpart S—Kentucky

§ 52.920 [Amended]

1. Section 52.920 is amended by inserting the date April 23 [1974] in proper chronological order in paragraph (c)(2).

2. Section 52.927 is amended by inserting new lines in the tables of paragraph (c) as follows:

§ 52.927 Compliance schedules.

* * * * * * *

(c) * * *

KENTUCKY

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
W. H. Sandusky & Son, Inc.:					
Dust drag and truck load	Adair	AP-3	June 8, 1973	Immediately	June 15, 1973
Haul road	do	AP-3	do	do	Jan. 1, 1974
Modern Fold-Wood:					
Master division incinerator	Allen	AP-3	Dec. 15, 1973	do	Nov. 1, 1973
Dust collection system	do	AP-3	do	do	Sept. 1, 1974
McMurtrey Ready Mix—Bowling Green Plant, silo	Barren	AP-3	June 13, 1973	do	June 1, 1973
McMurtrey Ready Mix—Glasgow Plant:					
Silo	do	AP-3	June 12, 1973	do	June 30, 1973
Batch discharge	do	AP-3	do	do	July 27, 1973
J. R. Hoe & Son Inc., cupola	Bell	AP-3	June 6, 1973	do	Dec. 31, 1973
Kentucky Utilities Co., Pineville Stadium Plant, boilers	do	AP-3	June 13, 1973	do	Apr. 1, 1975
Cline Brick Co., Nos. 1 and 2 kilns	Boyd	AP-9	June 15, 1973	do	Oct. 1, 1974
General Concrete Co., concrete batch Plant	do	AP-3	June 8, 1973	do	Aug. 1, 1973
The Hyland Co., feed mill	do	AP-3	June 12, 1973	do	Oct. 1, 1973
Mansbach Metal Co.:					
Shredder	do	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
2 Aluminum sweat furnaces	do	AP-3	do	do	Dec. 15, 1974
Block burner	do	AP-3	do	do	Do.
Railroad car incinerator	do	AP-3	do	do	Jan. 30, 1974
Haul roads	do	AP-3	do	do	Aug. 20, 1973
Mansbach Metal Co., yard area	do	AP-3	do	do	Aug. 15, 1974
Stevens Concrete Co., Inc.:					
Silo vrul	Boyle	AP-3	July 26, 1973	do	Dec. 5, 1973
Do	do	AP-3	do	do	Do.
Batch loadouts	do	AP-3	do	do	Sept. 5, 1973
Do	do	AP-3	do	do	Do.
Stockpile	do	AP-3	do	do	Do.
Haul roads	do	AP-3	do	do	Do.
Precast Concrete Sales Service					
Vent	Bullitt	AP-3	June 15, 1973	do	Dec. 20, 1973
Fan exhaust	do	AP-3	do	do	July 10, 1973
Aggregate haul roads	do	AP-3	do	do	Apr. 5, 1973
O. Ames Co., teeper	Caldwell	AP-3	do	do	Nov. 1, 1973
W.R. Grace & Co., Construction Products Division:					
Vermiculite experimental furnace	Campbell	AP-3	June 6, 1973	do	Nov. 15, 1973
Perlite experimental furnace	do	AP-3	do	do	July 1, 1973
Vermiculite experimental furnace (model 12 Ib.	do	AP-3	do	do	Nov. 15, 1973
Geo Wiedemann Brewing Co.:					
Grain collection cyclone exhaust	Campbell	AP-3	June 15, 1973	do	Feb. 18, 1974
Deena Products Co.:					
Buffing discharge	Carlisle	AP-3	Dec. 20, 1973	do	June 15, 1974
7 spray booths without filters	do	AP-3	do	do	Do.
General Refractories Co., Tunnel kilns and downdraft kilns	Carter	AP-9	June 6, 1973	do	Nov. 1, 1974
Casey Ready Mix, ready mix plant	Casey	AP-3	June 8, 1973	do	June 25, 1973
Watson Lumber Co., sawmill operation	do	AP-3	Nov. 13, 1973	do	Apr. 30, 1974
Concrete Mix Co., silo stack	Christian	AP-3	June 6, 1973	do	May 15, 1973
R. C. Owens Co.:					
Dust collector	do	AP-3	June 15, 1973	do	Jan. 31, 1974
Woodfired boiler	do	AP-3	do	do	Do.
East Kentucky Rural Electric Cooperative Corp., Dale facility:					
Unit No. 4	Clark	AP-3	do	do	April 9, 1975
Unit No. 1	do	AP-3	do	do	Feb. 1, 1974
		AP-4			
Unit No. 2	do	AP-3	do	do	Nov. 1, 1974
		AP-4			
Unit No. 3	do	AP-3	do	do	Apr. 9, 1975
W. R. Grace and Co., Dewey and Almy Chemical Division, Polufibron Division, Battery, separator ovens	Daviess	AP-3	June 13, 1973	do	Do.
Green River Steel Division/Jessup Steel Co.:					
Acid pickling	do	AP-3	Feb. 15, 1974	do	Aug. 1, 1974
Traveling machine grinder	do	AP-3	do	do	Do.
2 electric are furnaces	do	AP-3	do	do	Mar. 31, 1975
Hot scarling operation	do	AP-3	do	do	Mar. 15, 1975
Ready-Mix Concrete Co., concrete batch plant	do	AP-3	June 6, 1973	do	June 1, 1973
Whitehall Furniture, Inc.:					
Cyclone dust wood chip collection	do	AP-3	Dec. 20, 1973	do	July 31, 1974
Spray booth	do	AP-3	do	do	Apr. 30, 1974
Smyth Lumber Co.:					
Bark incinerator	Estill	AP-3	Dec. 19, 1973	do	Nov. 1, 1973
Planning mill blower	do	AP-3	do	do	May 1, 1974
Bluegrass Art Cast, Inc., precast concrete plant	Fayette	AP-3	June 6, 1973	do	June 1, 1973
R. J. Reynolds Tobacco Co.:					
Stacks Nos. 59 and 60	do	AP-3	May 29, 1973	do	Oct. 1, 1973
Stacks Nos. 1-39 and 61	do	AP-3	do	do	Nov. 1, 1974
R. J. Reynolds Tobacco Co.:					
Pneumatic conveying	do	AP-3	do	do	Oct. 1, 1973
Separator exhaust	do	AP-3	do	do	Nov. 1, 1974
Exhaust from tangential separator	do	AP-3	do	do	Oct. 1, 1973
Schenley Distillers, Inc., boiler	do	AP-3	June 15, 1973	do	Dec. 1, 1974
Standard Products Co.:					
Curing oven exhaust	do	AP-3	Dec. 28, 1973	do	Dec. 2, 1974
Cooling exhaust	do	AP-3	do	do	Do.
Fume exhaust	do	AP-3	do	do	Do.
Thompson-King-Tate, ready mix concrete plant	do	AP-3	July 8, 1973	do	July 15, 1973

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Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Curtis Lumber Co., sawmill	Fleming	AP-3	June 15, 1973	do	June 4, 1973
Island Creek Coal Co., Prince Plant heat dryer.	Floyd	AP-3	do	do	May 1, 1974
Horn & Goin Co., Ready mix concrete plant.	Franklin	AP-3	do	do	June 15, 1973
Ashby Veneer & Lumber Co., wood waste incinerator.	Fulton	AP-3	Aug. 5, 1973	do	Sept. 15, 1973
Carborundum Co., Graphite Products Division:					
No. 1 and 2 baking furnace	do	AP-3, 4, 5, 6	June 15, 1973	do	Aug. 1, 1974
Mixing processing	do	AP-3	do	do	Jan. 1, 1975
No. 11 graphitizing furnace	do	AP-3, 4, 6	do	do	Apr. 9, 1975
Bell City Pottery Co., bake ovens	Graves	AP-9	Nov. 15, 1973	do	Aug. 15, 1974
Miro Industries Inc.:					
Cement silo vent	do	AP-3	Dec. 27, 1973	do	Jan. 31, 1974
Do	do	AP-3	do	do	Do.
Do	do	AP-3	do	do	Do.
Grayson County Ready Mix, Inc., concrete batch plant.	Grayson	AP-3	June 8, 1973	do	June 15, 1973
Ashland Milling Co., Inc., feed mill	Greenup	AP-3	June 14, 1973	do	Dec. 30, 1973
C & 1 Ready Mix Concrete, concrete batch plant.	Harlan	AP-3	June 6, 1973	do	May 14, 1973
Cynthiana Ready Mix, Inc., concrete batch plant.	Harrison	AP-3	June 13, 1973	do	July 1, 1973
Community Methodist Hospital, incinerator.	Henderson	AP-3	June 15, 1973	do	Nov. 1, 1973
Scott Lumber Co., Inc., boiler (wood-fired).	do	AP-3	June 13, 1973	do	June 1, 1974
Smithfield Milling Co.:					
Receiving bin	Henry	AP-3	June 15, 1973	do	June 30, 1973
Duct from vents	do	AP-3	do	do	July 30, 1974
Hickman County Feed Mill, feed mill	Hickman	AP-3	do	do	July 4, 1973
Department of Health, District No. 1 TB Hospital:					
Incinerator	Hopkins	AP-3	June 6, 1973	do	Sept. 1, 1974
Boilers	do	AP-3	do	do	Jan. 1, 1975
McWhorter Stave Co.:					
Sawdust from headsaw exhausted onto pile.	Jackson	AP-3	Sept. 28, 1973	do	Sept. 1, 1973
Log and stave yard	do	AP-3	do	do	July 18, 1973
American Saw & Tool:					
Plating system	Jefferson	3.2.4, 3.2.2	Feb. 12, 1973	do	Dec. 30, 1974
Degreaser	do	5.5.2	do	do	Do.
Metal pickling	do	3.2.2	do	do	Do.
Surface treating	do	3.2.4	do	do	Do.
American Synthetic Rubber Corp.:					
Rubber manufacturing	do	5.5.2	Feb. 12, 1973	do	Aug. 30, 1973
Solvent storage	do	5.0	Feb. 21, 1973	do	Do.
Flare stack	do	5.5.2, 3.2.2	Feb. 12, 1973	do	Do.
Smovo Oil Co., gasoline storage tank	Jefferson	5.0.2	May 20, 1973	do	Aug. 1, 1973
Anderson Wood Products Co.:					
Wood manufacturing equipment	do	3.1	Jan. 9, 1974	do	Apr. 19, 1975
Cyclone collector wood-waste fired boilers.	do	3.2	do	do	Do.
Ashland Chemical Co.:					
Truck and drum loading of hydrocarbons.	do	5.0, 5.1, 5.5	do	do	Feb. 15, 1974
Transfer and handling organic materials.	do	5.1.2	May 9, 1973	do	Nov. 30, 1973
Ashland Oil Co., Southern Region, branded marketing storage tanks.	do	5.0.2	Mar. 14, 1973	do	Mar. 15, 1975
Bulknap, Inc., boiler plant	do	3.1	May 9, 1973	do	Sept. 1, 1974
Blatz Paint Co., paint production	do	5.5.2	Feb. 6, 1973	do	Apr. 19, 1975
Boone Box Co., gas-oil boilers, wood manufacturing equipment, paper manufacturing equipment.	do	3.1, 3.2	Jan. 9, 1974	do	Mar. 15, 1974
Boyles Galvanizing, chromic-acid tank	do	3.2	Feb. 6, 1973	do	Dec. 12, 1972
Brown-Forman Distillers Corp., Howard Street Plant, boilers.	do	3.1.1, 3.3, 4.0.1	Feb. 12, 1973	do	Apr. 19, 1975
B. J. Distributors, Inc., aggregate drying.	do	3.2.2	do	do	Feb. 28, 1973
Campbell Tobacco Rehandling, tobacco manufacturing equipment.	do	8.1	Feb. 19, 1974	do	Apr. 2, 1975
Catalyst Division/Chemetron Corp., chemical processing equipment.	do	7.0	May 9, 1973	do	Jan. 15, 1974
Celanese Coating Co., Devoe Paint Division, paint production.	do	5.5.2, 5.5.3	Feb. 6, 1973	do	Dec. 31, 1973
Celanese Coating Co., Technical Center, paint production.	do	5.5.2, 3.2.2	Mar. 14, 1973	do	Mar. 16, 1973
Celanese Piping System, grinder cyclones.	do	3.2.2	Feb. 19, 1974	do	July 1, 1974
Chevron Asphalt Co., volatile organic storage tanks.	do	5.0.1	Apr. 10, 1973	do	Jan. 1, 1975
William Cissell Manufacturing Co., paint spray booths and degreasers.	do	5.5.3, 5.5.4	May 9, 1973	do	July 1, 1974
Corhart Refractories Co., electric arc furnace refractory products.	do	3.2.4, 9.1	Feb. 12, 1973	do	Apr. 1, 1975
Corhart Refractories Co., West Plant, refractory products.	do	3.2.2	Feb. 21, 1973	do	Mar. 31, 1975
Conco, Inc., paint spray booths, paint bake oven.	do	5.5	Jan. 9, 1974	do	Jan. 31, 1975
Container Corp. of America:					
Paper corrugating	do	3.2.1	Oct. 10, 1973	do	Nov. 1, 1974
Boilers	do	3.1, 4.0	do	do	Do.
Continental Pipeline Co., gasoline storage.	do	5.0.2	June 20, 1973	do	Mar. 31, 1973
Dawson Lumber Co., raw wood mills	do	3.2.2	Sept. 12, 1973	do	Jan. 15, 1975
Dellart Paint & Varnish Co., paint manufacturing.	do	5.5.2	Mar. 14, 1973	do	Apr. 19, 1975
DMI Inc., dry milk processing equipment.	do	3.2.1	Oct. 10, 1973	do	Oct. 31, 1974
George E. Eady Co., rotary dryer	do	3.2, 3.3	May 9, 1973	do	Jan. 15, 1974

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
The Early & Daniel, Co., Inc., grain storage and handling.	do	3.2, 3.3	do	do	Apr. 1, 1975
Eaton Corp., paint dip tank spray booths.	do	5.5.2	Nov. 15, 1973	do	Jan. 30, 1974
Exxon Co. (Humble Oil), storage	do	5.0	Feb. 12, 1973	do	Jan. 25, 1973
Federal Chemical Co., Starks Bldg., fertilizer production.	do	3.2.2, 8.0, 8.1	Feb. 12, 1973	do	Jan. 30, 1974
Federal Sign & Signal Corp., paint spray booth.	do	3.2.1, 3.2.2	Dec. 12, 1973	do	Apr. 1, 1975
Fifer Corp., concrete batch plant	do	3.2	Aug. 8, 1973	do	Do.
Gardsman Chemical Coating, Inc., Louisville Division, coating manufacturing.	do	5.5.2	Mar. 14, 1973	do	Dec. 1, 1974
General Shale Products Corp., brick products.	do	3.2.2, 3.3	Feb. 12, 1973	do	Jan. 20, 1974
Globe-Union Inc., battery manufacturings.	do	3.2.2, 3.2.4, 5.5	May 9, 1973	do	Nov. 1, 1974
Gold Proof Elevator, grain processing	do	3.2.2	Feb. 12, 1973	do	Jan. 20, 1974
Harshaw Chemical Co., pigment manufacturing.	do	3.2.2, 3.2.4, 3.3, 4.2	do	do	June 1, 1973
Hillerich and Bradsby Co., wood waste incinerator.	do	3.2	Feb. 21, 1973	do	Apr. 19, 1975
Hy-Klas Paints Inc., paint products	do	5.5.2	Feb. 12, 1973	do	Dec. 30, 1974
Ideal Wood Products, wood working machines.	do	3.2.2	Sept. 12, 1973	do	July 26, 1974
Illinois Central Gulf Railroad, sand handling.	do	3.2.2	Feb. 19, 1974	do	Oct. 15, 1974
Inmont Corp., ink manufacturing	do	5.0.2, 5.1, 5.5.2	Mar. 14, 1973	do	Sept. 1, 1973
Jefferson Concrete Co., concrete batching.	do	3.2.2	Feb. 12, 1973	do	May 15, 1973
The Jefferson Wood Working Co., wood working equipment.	do	5.5.2	do	do	Apr. 19, 1975
Jelleo Coal & Chemical Co., lacquer products.	do	5.5.2	Feb. 21, 1973	do	Nov. 1, 1974
Kelly Tech. Coating Inc.:					
Paint Products	do	5.5.2	Feb. 12, 1973	do	Dec. 31, 1974
Solvent storage	do	5.0	do	do	Do.
Kentucky By-Products Corp.:					
Finish products	do	3.2	June 20, 1973	do	Dec. 9, 1973
Rotary dry	do	3.2	do	do	Apr. 19, 1975
Kister Lumber Co.:					
Mill working	do	5.5.2	Nov. 15, 1973	do	Apr. 17, 1975
Paint spray booth	do	3.2	do	do	Do.
Kurfees Coating Inc., paint manufacturers.	do	5.5.2	Feb. 12, 1973	do	June 30, 1974
Lewis Seed Co., Inc., grain handling	do	3.2.2	Mar. 14, 1973	do	Dec. 28, 1973
Lisco Fabrication, Inc., concrete manufacturing equipment, asbestos sheet and pipe manufacturing.	do	3.2	Jan. 9, 1974	do	Apr. 1, 1975
Logan Co.:					
Iron cupola	do	6.0.1	June 20, 1973	do	Sept. 4, 1973
Castings	do	3.2.2	do	do	Do.
Louisville Builders Supply Co., concrete brick plant.	do	3.2.2	May 9, 1973	do	Aug. 31, 1973
Louisville Chair, Co., Inc., boiler	do	3.1.1, 3.1.3	Mar. 14, 1973	do	Jan. 30, 1974
Louisville Cooperage Co., boiler	do	3.2	June 20, 1973	do	Feb. 28, 1975
Louisville Varnish Co., Floyd and Eastern Parkway Plant, paint manufactures.	do	5.5.1	Feb. 12, 1973	do	Oct. 31, 1973
Louisville Varnish Co., 1400 Maple St. Plant, paint manufactures.	do	5.5.2	do	do	Dec. 31, 1974
Edward H. Marcus Paint Co., Inc., paint manufactures.	do	5.5.2	Mar. 14, 1973	do	Apr. 19, 1975
Marshall Supply Co.:					
2 cyclones	do	3.2	Nov. 15, 1973	do	June 1, 1974
Coal fired boiler	do	3.1, 4.0	do	do	Do.
Martin Marietta Aggregates, Cedar Creek Plant, quarry.	do	3.2.2, 3.3	Feb. 12, 1973	do	Mar. 31, 1973
Mobile Chemical Co., paint manufactures.	do	5.5.2	do	do	Apr. 19, 1975
Murray Co., Inc., Asphalt Plant-Anchorage, asphalt plant.	do	3.2.2	do	do	Mar. 1, 1973
Murphy Oil Corp., organic storage	do	5.0.2	June 20, 1973	do	Do.
National Distiller Products Co., Sunny Brook Plant, coal fired boilers.	do	3.1, 4.0	Oct. 10, 1973	do	Apr. 1, 1975
National Distiller Products Co., Hill & Hill Plant, coal fired boiler.	do	3.1, 4.0	do	do	Do.
North American Fertilizer Co., fertilizer products.	do	3.2.2, 3.3	Feb. 12, 1973	do	Dec. 10, 1973
Ohio Falls, Inc., boiler	do	3.1.1, 3.3, 3.0.1	do	do	Apr. 19, 1973
Old Fitzgerald Distillery, Inc., Fitzgerald Rd., Station D, boiler plant.	do	3.1.1, 3.1.3, 4.0.1	do	do	Do.
Payne & Hager, Inc., spray paint booth	do	5.5.2	do	do	Do.
Peerless Division of Dover:					
Paint spray booth	do	5.5	Nov. 23, 1973	do	Do.
Hot air dryers	do	5.5	do	do	Do.
Proform, Inc., mold line	do	5.5.2	Feb. 19, 1974	do	Apr. 15, 1975
Progress Paint Co., Inc., paint manufacturers.	do	5.5.2	Feb. 12, 1973	do	Dec. 31, 1974
Ralston Purina, Chow Division:					
Grain handling	do	3.2.2	do	do	Jan. 30, 1974
Grain drying	do	3.3	do	do	Do.
Reynolds Metals Co., Plant No. 15, Al manufacturers.	do	3.2.2	do	do	Aug. 1, 1973
Ryan Industries Inc., spray paint booth	do	5.5.2	do	do	Apr. 19, 1975

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Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Seabolt & Associates, industrial laundry.	do	3.2.2	do	do	Feb. 28, 1973
St. Anthony Hospital, boiler plant	do	3.1.1, 3.3, 4.0.1	do	do	Jan. 15, 1974
St. Regis Paper Co., printing press	do	5.5.2, 5.5.4	do	do	Oct. 19, 1973
H. J. Schelrich Co., wood working	do	3.2.2	July 11, 1973	do	Apr. 19, 1975
Schmutz Manufacturing Co., Inc., sand handling.	do	3.2.2	Feb. 19, 1974	do	Apr. 7, 1975
Shamrock Corp. of Kentucklana, portable concrete batch plants.	do	3.2.1, 3.2.2	Dec. 12, 1973	do	Mar. 1, 1974
Shamrock Corp. of Ky., 2 portable concrete batch plants.	do	3.2.2	Mar. 13, 1974	do	June 1, 1974
Shell Oil Co., Gasoline storage and loading facilities.	do	5.0, 5.1	Jan. 9, 1974	do	Do.
Shenley Distillers, Inc., coal fired boilers.	do	3.1.3, 4.0.1	do	do	Apr. 19, 1975
Southern Baptist Theological Seminary, boiler.	do	3.2	June 20, 1973	do	Oct. 1, 1974
Stiglitz Corp. Inc., spray paint booth	do	5.5.2	Feb. 12, 1973	do	Apr. 1, 1975
Stratton & Terstegge Co.:					
Paint spray booths	do	5.5.1	Mar. 13, 1974	do	July 1, 1974
Paint bake oven	do	5.5.2	do	do	Do.
Suburban Concrete Co.:					
Concrete batch	do	3.2.2	Apr. 10, 1973	do	Sept. 30, 1974
Millers Lane plant concrete batch	do	3.2.2, 3.3	Apr. 23, 1973	do	Do.
Sun Oil Co., organic storage	do	5.0	June 20, 1973	do	July 30, 1974
Sunshine Biscuits, Inc	do	3.3.2	Feb. 12, 1973	do	Jan. 30, 1974
Texaco Inc., truck loading facility	do	5.1.1	Sept. 12, 1973	do	Apr. 1, 1975
Texas Gas Transmission Co., Jeffersontown Compressor Station, natural gas compressing.	do	3.2.2	Feb. 12, 1973	do	Mar. 31, 1973
Tube Turns:					
Metal Pickling	do	3.2.2, 3.2.4	do	do	Apr. 19, 1975
Paint Spray Booth	do	5.5.2	do	do	Do.
United Casket Co., Inc., paint spray booths.	do	5.5.2	Mar. 13, 1974	do	July 1, 1974
Universal Container Corp., wood waste incinerator.	do	3.0	Nov. 15, 1973	do	Apr. 19, 1975
Vogt Bros. Products:					
Paint spray booth	do	3.1, 5.5	June 20, 1973	do	Do.
Baking kiln	do	3.1	do	do	Do.
Degreaser, boiler	do	4.0	do	do	Do.
Vulcan Hart Corp., sand handling	do	3.2.2	Feb. 19, 1974	do	Apr. 1, 1975
White Oak Cooperage Co., wood manufacturing equipment.	do	3.2	Aug. 8, 1973	do	Jan. 18, 1974
Independence Foundry:					
Cupola	Kenton	AP-3, AP-6	June 6, 1973	do	Oct. 1, 1974
Coke Oven	do	AP-3	do	do	Do.
Kleane Foundry Co., Inc., cupola	do	AP-3	do	do	July 19, 1974
Standard Oil Co., petroleum terminal	do	AP-5	June 11, 1973	do	Oct. 1, 1974
Knox Concrete Product, Inc.:					
Cement silo vent	Knox	AP-3	June 15, 1973	do	Dec. 30, 1973
Batch discharge	do	AP-3	do	do	Do.
Haul road	do	AP-3	do	do	Do.
Aggregate handling	do	AP-3	do	do	Do.
Arthur Thompson Lumber Co., sawmill.	LaRue	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
Chaney Lumber Co., Inc.:					
Teepee burner	Laurel	AP-3	June 15, 1973	do	June 1, 1973
Debarker	do	AP-3	do	do	Sept. 1, 1973
Haul roads	do	AP-3	do	do	June 1, 1973
Cumberland Forest Products Co., Inc.:					
Log yard and transportation area	do	AP-3	Nov. 15, 1973	do	Sept. 1, 1973
Sander and jointer	do	AP-3	do	do	Feb. 28, 1974
Debarker	do	AP-3	do	do	Oct. 30, 1973
Louisa Supply Co., Inc., feed plant	Lawrence	AP-3	June 12, 1973	do	May 1, 1973
Beth Elkhorn Corp., Mine No. 22, thermal dryer.	Letcher	AP-3	June 13, 1973	do	Apr. 29, 1974
The Auburn Mills Inc.:					
Grain handling	Logan	AP-3	Oct. 1, 1973	do	Apr. 9, 1975
Grain dryer	do	AP-3	do	do	Apr. 4, 1975
Lewisberg Pallet Co., pallet mill	do	AP-3	June 12, 1973	do	June 1, 1973
Portec, Inc., 2 coal fired boilers	McCracken	AP-3, AP-4	Feb. 15, 1974	do	Nov. 15, 1973
Aluminum Service Corp., haze from furnace wells.	McLean	AP-3	June 12, 1973	do	Apr. 1, 1975
Berea College:					
Boiler	Madison	AP-3	June 8, 1973	do	Aug. 1, 1974
Wood working facility	do	AP-3	do	do	Jan. 31, 1974
Eastern Kentucky University, 4 boilers	do	AP-3	June 15, 1973	do	Apr. 1, 1975
Gro-Green Sales Co.:					
Transfer point	Marion	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
Cyclone exit	do	AP-3	do	do	Oct. 30, 1974
Lebanon Oak Flooring Co.:					
Boilers A and B	do	AP-3	June 13, 1973	do	Apr. 9, 1975
Wood working machine	do	AP-3	do	do	Dec. 31, 1974
Air Products & Chemicals	Marshall	AP-4	June 15, 1973	do	July 1, 1978
Kentucky Utilities Co., Brown Power Station:					
Units 1 and 2	Mercer	AP-3	June 13, 1973	do	Jan. 1, 1975
Units 1, 2, and 3	do	AP-4	do	do	Sept. 30, 1973
Bartley & Bartely Lumber Co.:					
Tepee	Metcalfe	AP-3	June 15, 1973	do	May 1, 1974
Haul road and debarker	do	AP-3	do	do	May 15, 1973
Roy Anderson Lumber Co.:					
Haul road and debarker	Monroe	AP-3	June 12, 1973	do	July 1, 1973
Tepee incinerator	do	AP-3	do	do	May 1, 1974
Frederick & May Lumber Co., Tepee burner.	Morgan	AP-3	June 13, 1973	do	Mar. 1, 1974
Jessup Sawmilling Co.:					
Yard and haul roads	Muhlenberg	AP-3	Nov. 15, 1973	do	Do.
Debarker	do	AP-3	do	do	Do.
Chipper and handling equipment	do	AP-3	do	do	Do.

Source	Location (county)	Regulation involved	Date of adoption	Effective	Final compliance date
Kentucky Utilities Co., Green River Station:					
Units 1 and 2	Muhlenberg	AP-3, AP-4	June 13, 1973	do	Apr. 1, 1975
Unit 3	do	AP-3	do	do	Dec. 14, 1973
Unit 4	do	AP-3	do	do	Apr. 7, 1975
James B. Beam Distilling Co.:					
Grain mill	Nelson	AP-3	Oct. 12, 1973	do	Jan. 1, 1974
Dryer	do	AP-3	do	do	Apr. 8, 1975
Willett Distilling Co., Inc.:					
3 boilers	Nelson	AP-3, AP-4	June 14, 1973	do	Apr. 9, 1975
Dust collectors	do	AP-3	do	do	Do.
Fort Hartford Stone Co.:					
Primary crusher	Ohio	AP-3	Mar. 8, 1974	do	July 15, 1974
Secondary crusher	do	AP-3	do	do	Do.
Haul road	do	AP-3	do	do	Jan. 18, 1974
Peabody Coal Co., Ken Mine boiler	do	AP-3, AP-4	July 2, 1973	do	Oct. 15, 1974
Peabody Coal Co., Riverview Mine:					
Haul Roads	do	AP-3	do	do	June 1, 1973
Boiler	do	AP-3, AP-4	do	do	Mar. 1, 1974
Home Lumber Co. Inc., concrete batch plant.	Perry	AP-3	June 15, 1973	do	June 1, 1973
Kentland Elkhorn Coal Co., Feds Creek Plant:					
Boiler	Pike	AP-3	do	do	Apr. 9, 1975
Therma dryer	do	AP-3	do	do	Do.
Pikeville Ready Mix, Inc., ready mix operation.	do	AP-3	June 13, 1973	do	Dec. 1, 1973
Kentucky Frame & Lumber Co.:					
Teepee incinerator	Pulaski	AP-3	June 15, 1973	do	Aug. 1, 1973
Cyclone	do	AP-3	do	do	Jan. 31, 1974
Boiler	do	AP-3	do	do	Sept. 1, 1974
Somerset Refinery, Inc.:					
Water drawn from gasoline accumulator.	do	AP-9	Dec. 28, 1973	do	June 1, 1974
Treating of No. 1 fuel oil and kerosene.	do	AP-5, AP-9	do	do	Do.
S. T. Proctor Lumber Co.:					
Ready mix operators	Rockcastle	AP-3	June 15, 1973	do	Apr. 15, 1974
Truck loadout	do	AP-3	do	do	Aug. 15, 1973
Aggregate	do	AP-3	do	do	June 1, 1973
R. L. Wells Lumber Co., Inc., sawmill	Rowan	AP-3	do	do	June 10, 1973
American Concrete Pumping Co., Inc., concrete plant.	Russell	AP-3	June 13, 1973	do	Mar. 14, 1974
W. H. Sandusky & Son, Inc.:					
Dust drag and truck load	do	AP-3	June 6, 1973	do	June 15, 1973
Haul Road	do	AP-3	do	do	Jan. 1, 1974
Gro-Green Chemical Co., Inc.:					
Tower	Shelby	AP-3	Dec. 28, 1973	do	Sept. 1, 1974
Loadout (1)	do	AP-3	do	do	Do.
Loadout (2)	do	AP-3	do	do	Do.
Cyclone Exit	do	AP-3	do	do	Oct. 30, 1974
Ohio Valley Aluminum Co., Inc., 2 secondary reclamation furnaces.	do	AP-3	June 12, 1973	do	Feb. 1, 1974
The Kendall Co., Polyken Plant:					
Cyclone collector adhesive plant No. 3.	Simpson	AP-3	Dec. 28, 1973	do	Oct. 1, 1974
Mix mill exhaust adhesive plant Nos. 1 and 2.	do	AP-3	do	do	Do.
Mix mill exhaust fan	do	AP-3	do	do	Do.
Simpson County Lumber Co., sawmill operation.	do	AP-3	June 15, 1973	do	June 1, 1973
Cadiz Milling Co., milling operation	Trigg	AP-3	June 12, 1973	do	Nov. 1, 1974
Morris E. Duncan Sawmill:					
Sawdust blowpipe discharge	Union	AP-3	Dec. 20, 1973	do	July 16, 1974
Open Burning of slabs, strips	do	AP-3	do	do	Oct. 11, 1973
Yard and roads	do	AP-3	do	do	Nov. 1, 1973
Union County Grain Co.:					
Cyclone exit	do	AP-3	Oct. 1, 1973	do	July 30, 1974
Truck dump grain loading	do	AP-3	do	do	May 31, 1973
Truck loadout	do	AP-3	do	do	Do.
Grain dryer	do	AP-3	do	do	Apr. 1, 1975
Murphy Concrete Co., Inc., concrete batching operation.	Warren	AP-3	July 2, 1973	do	Dec. 31, 1973
McCutchen & Pyles Lumber Co.:					
Sawdust pile	Wayne	AP-3	May 29, 1973	do	July 15, 1973
Yard	do	AP-3	do	do	June 1, 1973
Wayne Lumber Co., sawmill No. 1	do	AP-3	Dec. 20, 1973	do	Do.
U.S. Steel Corp., thermal dryers	Whitely	AP-3	Oct. 22, 1973	do	Apr. 9, 1975
Kentucky Utilities Co., Tyrone Power Station, thermal dryers.	Woodford	AP-3	June 13, 1973	do	June 15, 1974

[FR Doc.75-5026 Filed 2-26-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM–5/22]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session April 2, 1975, at the Department of State in Conference Room 1107 from 10 a.m. to 4 p.m. The purpose of this open meeting will be to discuss three topics:

(a) The forthcoming meeting of the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Subcommittees on Reprographic Reproduction, which will be held in Washington, D.C., June 16–21, 1975;

(b) US–USSR Copyright Relations; and,

(c) Report on the Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite which was held in Brussels May 6–21, 1974.

Most of this meeting will be devoted to the subject of reprographic reproduction (agenda item (a)).

As background information, the meeting of the UNESCO/WIPO Subcommittees was arranged by the Berne Copyright Convention Executive Committee of WIPO and the Universal Copyright Convention (UCC) Intergovernmental Copyright Committee of UNESCO at Paris in 1973. At that time it was decided that the question of reprographic reproduction (i.e., facsimile reproduction by photocopying, xerox, etc.) of copyrighted works should be studied jointly by these two subcommittees to develop possible solutions to a problem that has considerable importance to both users (educators and librarians) and owners (publishers and authors) worldwide. The United States has a special interest in finding solutions to this problem because a large number of U.S. publications are reprographically copied abroad. Furthermore, the U.S. probably has more methods of reproduction and legal copyright problems arising from these reproductions than any other country in the world.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to April 2, 1975, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Damon V. LaBrie, Office of Business Practices, Department of State; the telephone number is area code 202, 632–0307. All non-government attendees at the meeting should use the C Street entrance to the building.

Dated: February 20, 1975.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc.75–5171 Filed 2–26–75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY NOTES OF SERIES L–1976

Redesignation as 5⅞ Percent Per Annum

FEBRUARY 20, 1975.

The Secretary of the Treasury announced on February 19, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 5–75, dated February 12, 1975, will be 5⅞ percent per annum. Accordingly, the notes are hereby redesignated 5⅞ percent Treasury Notes of Series L–1976. Interest on the notes will be payable at the rate of 5⅞ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75–5194 Filed 2–26–75;8:45 am]

TREASURY NOTES OF SERIES F–1977

Redesignation as 6 Percent Per Annum

FEBRUARY 20, 1975.

The Secretary of the Treasury announced on February 19, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 6–75, dated February 12, 1975, will be 6 percent per annum. Accordingly, the notes are hereby redesignated 6 percent Treasury Notes of Series F–1977. Interest on the notes will be payable at the rate of 6 percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75–5195 Filed 2–26–75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92–463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 24 and 25 March 1975 in Room 9W67, National Center Building #1, 2511 Jefferson Davis Highway, Arlington, Virginia. The session will commence at 9 a.m. each day.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use by the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

The planned agenda includes presentation and discussion of the following topics:

1. Survey accomplished by Military Services regarding acquisition, inventory, and use of off-the-shelf test equipment and facilities.
2. Acquisition and application of test equipment by the industrial users.
3. Total volumes of test equipment and spare parts provided to DoD and industry.
4. Suitability of above data for committee objectives and functions.
5. Future meeting schedule, work assignments, and other matters as may arise.

The meeting is open to the public. Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. John A. Mittino, Acting Director, Weapons Support Systems, OASD (I&L) WS, Room 2A318, Washington, D.C.

Dated: February 24, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75–5180 Filed 2–26–75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"

Advisory Committee Meeting

A Defense Science Board Task Force on "Training Technology" will meet in closed session on March 18–19, 1975 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

At this meeting, the Task Force will review long range plans and force structures which may be affected by Training Technology, in order to provide a basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirement of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

Dated: February 24, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75–5178 Filed 2–26–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Comments on 1975 Proposed Aggregate Production Quotas for Schedule I and II Controlled Substances; Establishment of an Interim 1975 Aggregate Production Quota for Methylphenidate.

Correction

In FR Doc. 75–4234 appearing at page 6791 in the issue for Friday, February 14, 1975, change the heading to read as set forth above.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CASWELL, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a)(6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973 issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92nd Congress; 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 26, 1974, his Final Decision determining the eligibility of the unlisted Native village of Caswell, said decision appearing in 39 FR 7467.

The decision was appealed by the State of Alaska, Department of Natural Resources; the Sierra Club, Alaska Chapter; the Matanuska-Susitna Borough; the Alaska Wildlife Federation & Sportsmen's Council, Inc.; and Philip R. Holdsworth.

Upon agreement of "Compromise and Settlement and Stipulations for Entry of Order" at a conference held September 18 and 19, at Anchorage, Alaska, the unlisted village of Caswell had withdrawn its application for certification as an eligible village pursuant to section 11(b)(3) of the Act.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board then notified the Director, Juneau Area Office, Bureau of Indian Affairs, by an "Order" dated October 21, 1974 dismissing the appeals that his final decision certifying the unlisted Native village of Caswell as eligible for benefits pursuant to section 11(b)(3), 43 U.S.C. 1610(b)(3) of the Act, shall become not eligible to receive land benefits under section 14(a), 43 U.S.C. 1613(a), and be properly published in the FEDERAL REGISTER upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs to certify the unlisted Native village of Caswell as ineligible for benefits under the Alaska Native Claims Settlement Act, said Director hereby certifies the unlisted Native village of Caswell to be ineligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Caswell a certification of ineligibility.

CLARENCE ANTIOQUIA,
Area Director.

FEBRUARY 13, 1975.

[FR Doc.75–5257 Filed 2–26–75;8:45 am]

MONTANA CREEK, ALASKA

Ineligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by Subpart 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92d Congress; 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 22, 1974, his Final Decision determining the eligibility of the unlisted Native village of Montana Creek, said decision appearing in 39 FR 6745 (1974).

The decision was appealed by the Matanuska-Susitna Borough; the State of Alaska, Department of Natural Resources; the Sierra Club, Alaska Chapter; Philip R. Holdsworth; and the Alaska Wildlife Federation & Sportsmen's Council, Inc.

Upon agreement of "Compromise and Settlement and Stipulations for Entry of Order" at a conference held on September 18 & 19, 1974, at Anchorage, Alaska, the unlisted Native village of Montana Creek had withdrawn its application for certification as an eligible village pursuant to section 11(b)(3) of the Alaska Native Claims Settlement Act.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, then notified the Director, Juneau Area Office, Bureau of Indian Affairs, by an "Order" dated October 21, 1974, dismissing the appeals that his Final Decision certifying the unlisted Native village of Montana Creek as eligible for benefits pursuant to section 11(b)(3), 43 U.S.C. section 1610(b)(3) of the Act shall become *not* eligible to receive land benefits under section 14(a), 43 U.S.C. sections 1613(a), and be properly published in the FEDERAL REGISTER upon the personal approval of the Secretary of the Interior.

In accordance with the Ad Hoc Board's decision, approved on November 1, 1974, by the Secretary of the Interior, Rogers C. B. Morton and by telegram dated September 16, 1974, from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the unlisted Native village of Montana Creek as *not* eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies that the unlisted Native village of Montana Creek is *not* eligible for benefits under said Act, said decision being not further appealable, therefore issues to the unlisted Native village of Montana Creek a Certification of Ineligibility.

CLARENCE ANTIOQUIA,
Director.

FEBRUARY 13, 1975.

[FR Doc.75–5256 Filed 2–26–75;8:45 am]

SAULT SAINTE MARIE TRIBE OF CHIPPEWA INDIANS

Establishment of Reservation

FEBRUARY 20, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that under the authority of section 7 of the Act of June

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18, 1934 (48 Stat. 984), which was delegated by the Secretary to the Commissioner in 230 DM 1, the hereinafter described tract of land, located in Chippewa County, Michigan, and acquired by purchase under the provisions of section 5 of said act, is proclaimed to be an Indian reservation, effective December 13, 1974, for the use and benefit of the Sault Sainte Marie Tribe of Chippewa Indians.

SW¼SW¼ section 7, Township 47 North, Range 2 East, Michigan meridian, containing 40 acres, more or less, subject to valid existing rights-of-way of record.

Establishment of this land as a reservation enables the Sault Sainte Marie Tribe of Chippewa Indians to formally organize under section 16 of said act.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-5259 Filed 2-26-75;8:45 am]

Bureau of Land Management

[C-0126472]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 19, 1975.

Notice of a United States Forest Service application C-0126472 for withdrawal and reservation of land for public recreation sites was published as F.R. Doc. No. 65-12676, on page 14691 of the issue for Thursday, November 25, 1965. The applicant agency has canceled its application insofar as it affects the following described lands.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 N., R. 73 W.,
Sec. 24: E½NE¼SW¼ and portions of MS #18330A lying within W½NE¼SW¼ and NW¼SW¼.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2310, such lands will be relieved of the segregative effect of the above-mentioned application 30 days from the date of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-5252 Filed 2-26-75;8:45 am]

[Nev-051742]

NEVADA

Proposed Withdrawal of a Portion of the Sheldon Antelope Range from Mineral Entry

The Bureau of Land Management has filed a request to withdraw the Federally owned lands and interest in the lands described below from location under the mining laws. 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws. The lands involved are now withdrawn and reserved from appropriation under the public land laws as the Charles Sheldon Antelope Range by Executive Order 7522 of December 21, 1936.

The proposed withdrawal of these lands, and corollary segregative effect, are designed to maintain mineral values status quo pending completion and evaluation of a mineral survey of the Range. The recognized wilderness values will be protected and the President and Congress will be afforded adequate opportunity to make reasonable determinations between wilderness and other resource values. The President asked Congress in his December 4, 1974 wilderness message to delay action on wilderness designations on this Range until a minerals inventory is completed.

The segregation effected by the notation of this application on the public land records will terminate one year after receipt by the Secretary of the Interior of a mineral evaluation report if the Secretary fails to act on the withdrawal application within that year. Notice of any such termination will be published in the FEDERAL REGISTER.

On or before March 31, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502. The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

After receipt of the mineral report, the authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

If the Secretary makes a determination on the application within the time specified above, it will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

All Federally owned lands and interests in the lands within:

Secs. 1-3, inclusive;
Secs. 10-15, inclusive;
Secs. 19-36, inclusive.
T. 46 N., R. 22 E.,
Secs. 1-18, inclusive;
Secs. 22-27, inclusive;
Secs. 34-36, inclusive.
T. 47 N., R. 22 E.,
Secs. 13-36, inclusive.
T. 43 N., R. 23 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 23 E.,
Secs. 1-36, inclusive.
T. 45 N., R. 23 E.
Secs. 1-36, inclusive.
T. 46 N., R. 23 E.,
Secs. 1-36, inclusive.
T. 47 N., R. 23 E.,
Secs. 13-36, inclusive.
T. 46 N., R. 23½ E., (unsurveyed)
Secs. 1 and 2, all;
Secs. 11-14, inclusive;
Secs. 23-26, inclusive;
Secs. 35 and 36, all.
T. 47 N., R. 23½ E., (unsurveyed)
Secs. 23-26, inclusive;
Secs. 35 and 36, all.
T. 43 N., R. 24 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 24 E.,
Secs. 1-36, inclusive.
T. 45 N., R. 24 E.,
Secs. 1-36, inclusive.
T. 45½ N., R. 24 E.,
Secs. 31-36, inclusive.
T. 46 N., R. 24 E., (partially unsurveyed)
Secs. 1-36, inclusive.
T. 47 N., R. 24 E., (unsurveyed)
Secs. 19-36, inclusive.
T. 43 N., R. 24½ E.,
Secs. 1 and 2, all;
Secs. 11-14, inclusive;
Secs. 23-26, inclusive;
Secs. 35 and 36, all.
T. 44 N., R. 24½ E.,
Secs. 1 and 2, all;
Secs. 11-14, inclusive;
Secs. 23-26, inclusive;
Secs. 35 and 36.
T. 43 N., R. 25 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 25 E.,
Secs. 1-36, inclusive.
T. 45 N., R. 25 E. (partially unsurveyed),
Sec. 1, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 2-11, inclusive;
Sec. 12, W½;
Sec. 13, NE¼NW¼, W½W½;
Secs. 14-22, inclusive;
Sec. 23, N½, N½SW¼, NW¼SE¼;
Secs. 27-34, inclusive;
Sec. 35. SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 36, NE¼, S½NW¼, S½.
T. 45½ N., R. 25 E. (unsurveyed),
Sec. 25, SW¼SW¼;
Secs. 26-35, inclusive;
Sec. 36, W½NW¼, S½.
T. 46 N., R. 25 E. (partially unsurveyed),
Secs. 1-25, inclusive;
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 27, N½NE¼, SE¼NE¼, W½;
Secs. 28-33, inclusive;
Sec. 34, W½;
Sec. 35, N½NE¼;
Sec. 36, NE¼, N½NW¼, SE¼NW¼.
T. 47 N., R. 25 E. (unsurveyed),
Secs. 19-36, inclusive.
T. 43 N., R. 26 E.,
Secs. 1-36, inclusive.
T. 44 N., R. 26 E. (unsurveyed),
Secs. 1-36, inclusive.
T. 45 N., R. 26 E. (partially unsurveyed),
Sec. 6, N½SW¼, N½S½SW¼, N½SE¼, NW¼SW¼SE¼;
Sec. 21, SE¼SW¼, S½SE¼;
Sec. 22, S½S½;
Sec. 23, S½S½;
Sec. 24, S½S½;
Secs. 25-28, inclusive;
Sec. 29, E½, E½W½;
Sec. 30, S½SW¼;
Secs. 31-36, inclusive.
T. 46 N., R. 26 E. (partially unsurveyed),
Secs. 1-12, inclusive;
Sec. 13, N½, SW¼, NW¼SE¼;
Sec. 14, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 15, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 16-21, inclusive;
Sec. 22, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 28, NE¼NE¼, W½NE¼, NW¼, N½SW¼;
Secs. 29 and 30, all;
Sec. 31, N½, NW¼SW¼;
Sec. 32, N½NE¼, NW¼.
T. 47 N., R. 26 E. (unsurveyed),
Secs. 19-36, inclusive.
T. 46 N., R. 27 E. (partially unsurveyed),
Sec. 1, NW¼, N½SW¼;
Secs. 2 and 3, all;
Sec. 4, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
Secs. 5-7, inclusive;
Sec. 8, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 10, all;
Sec. 11, N½NW¼, SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, SW¼NE¼, NW¼, NE¼SW¼, W½SW¼;
Sec. 16, E½SE¼;
Sec. 18, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 21, NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 28, N½NW¼, SE¼NW¼.
T. 47 N., R. 27 E.,
Secs. 19-24, inclusive;
Sec. 25, W½NE¼, W½;
Secs. 26-35, inclusive;
Sec. 36, NW¼NW¼, W½SW¼.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.75-5253 Filed 2-26-75;8:45 am]

[NM 24526, 24565, 24567, 24568, 24569, 24570, 24571, and 24572]

NEW MEXICO

Notice of Applications

FEBRUARY 19, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eight 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 8 W.
Sec. 26, NW¼NE¼.
T. 29 N., R. 8 W.
Sec. 12, SW¼NW¼.
T. 30 N., R. 8 W.
Sec. 14, Lot 16;
Sec. 21, NE¼SE¼;
Sec. 22, S½NW¼, NW¼SW¼;
Sec. 23, NW¼NW¼ and S½NW¼.
T. 30 N., R. 9 W.
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NW¼;
Sec. 17, NE¼.
T. 26 N., R. 12 W.
Sec. 14, SW¼NW¼ and N½SW¼.

These pipelines will convey natural gas across 1.587 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-5254 Filed 2-26-75;8:45 am]

UTAH POWER AND LIGHT CO.

Coal Lease Application; Preference Right

FEBRUARY 21, 1975.

Notice is hereby given that pursuant to 43 CFR Part 23 and National Environmental Policy Act of 1969, the Bureau of Land Management will be proceeding with the preparation of a Technical Examination/Environmental Analysis on Delcoal, Inc. and W. L. Rasmussen Estate applications for Preference Right Coal Leases (assigned to Utah Power and Light Company for future action on the preference right leases) located 15 miles southwest of Escalante, Utah, northern Kaiparowits Plateau, containing 18,325 acres in T. 36 S., R. 2 E.; T. 37 S., R. 2 E.; T. 37 S., R. 3 E.; and T. 38 S., R. 3 E., SLBM.

Public input of possible impacts on the environment and other resource values in the area resulting from exploration and development of these leases and measures to mitigate possible impacts are invited. Input will be used to help assess possible impacts and formulate stipulations to be included in the lease terms.

Interested persons are invited to express their interests and views to the Kanab District Manager, Bureau of Land Management, 320 North First East, Kanab, Utah 84741 by May 15, 1975.

Notice of a public meeting will be announced at a later date.

M. S. JENSEN,
District Manager.

[FR Doc.75-5255 Filed 2-26-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BOULDER LAKE COUNTRY ESTATES SUBDIVISION POWER LINE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Boulder Lake Country Estates Subdivision Power Line, Bridger-Teton National Forest, Wyoming. The Forest Service report number is USDA-FS-FES (Adm) R4-74-10.

The purpose of the project is to provide a secondary underground electrical power line (14,400 volts) extending from existing lines to service the Boulder Lake Country Estates Subdivision (containing 120 acres) being part of Homestead Entry Survey No. 159 of T33N, R107W, Sublette County, Wyoming.

This environmental statement is concerned only with that portion of the proposal which involves National Forest lands. Specifically, the National Forest lands involved in this proposal include: the SW¼ and N½ of Section 9, the NW¼, NW¼ of section 10, and the SW¼, SW¼ of section 3 T33N, R107W, 6th P.M., Sublette County, Wyoming.

The proposed line crosses lands of the United States of America administered by the Bridger-Teton National Forest, and will be approximately 11,705 feet in length. The line will be constructed with motorized equipment which plows a trench, lays the cable, and then covers the line in one simultaneous operation. No actual use of surface areas is contemplated.

The proposed route of the power line crosses a portion of the National Forest which has been designated as part of Sweeney-Fayette-Soda Lakes Roadless Area #50. This Roadless Area contains 23,090 acres. Approximately 6,700 feet of the proposed line would be located in this roadless area.

Although some of the area involved in this project is in an inventoried Roadless Area, several developments and activities exist in the vicinity.

This final environmental statement was transmitted to CEQ on February 20, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Bridger-Teton National Forest
Forest Service Building
Jackson, Wyoming 83001

District Forest Ranger
Pinedale Ranger District
Box 220
Pinedale, Wyoming 82941

A limited number of single copies are available upon request to Forest Supervisor Charles T. Coston, Bridger-Teton National Forest, Forest Service Building, Jackson, Wyoming 83001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: February 20, 1975.

VERN HAMRE,
Regional Forester.

[FR Doc.75-5242 Filed 2-26-75;8:45 am]

CLARK NATIONAL FOREST, MISSOURI

Proposed Management Direction for the Cedar Creek Purchase Unit; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Proposed Management Direction for the Cedar Creek Purchase Unit of the Clark National Forest, National Forests in Missouri, USDA-FS-R9-FES-(Adm)-74-5.

The environmental statement concerns the environmental effects of proposed management direction for the Cedar Creek Purchase Unit in Boone and Callaway Counties, Clark National Forest, National Forests in Missouri.

This final environmental statement was transmitted to CEQ on February 21, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

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XUM

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203
USDA, Forest Service
National Forests in Missouri
Rolla, Missouri 65401

A limited number of single copies are available upon request to Forest Supervisor, National Forests in Missouri, Rolla, Missouri 65401.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

JOHN R. CASTLES,
Acting Regional Forester, Eastern Region.

FEBRUARY 21, 1975.

[FR Doc.75-5240 Filed 2-26-75;8:45 am]

CHATTOOGA RIVER UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft Environmental Statement for the Chattooga River Unit Plan, Chattahoochee, Nantahala and Sumter National Forests, USDA–FS–R8–DES (ADM.)—75–14.

The action proposed is a 10-year management program for the Chattooga Unit. The Unit Plan concerns multiple use management of National Forest land and the interrelationships that exist between it and private land. The Unit contains 178,000 acres which fall into three states (Georgia, North and South Carolina), and three National Forests (Chattahoochee, Nantahala and Sumter). There are approximately 73,400 acres of private land in the Unit as well as a National Wild and Scenic River and proposed Eastern Wilderness.

This draft Environmental Statement was transmitted to CEQ on February 20, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW.
Washington, DC 20250
USDA, Forest Service
1720 Peachtree St., NW., Rm. 804
Atlanta, GA 30309
USDA, Forest Service
Tallulah Ranger District
Clayton, GA 30525
USDA, Forest Service
Highland Ranger District
Highlands, NC 28741
USDA, Forest Service
Andrew Pickens Ranger District
Walhalla, SC 29691

A limited number of single copies are available upon request to Forest Supervisor W. Pat Thomas, Chattahoochee-Oconee NFs, P.O. Box 1437, Gainesville, GA 30501.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor W. Pat Thomas, Chattahoochee-Oconee NFs, P.O. Box 1437, Gainesville, GA 30501. Comments must be received by April 21, 1975 in order to be considered in the preparation of the final Environmental Statement.

Dated: February 20, 1975.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.75-5241 Filed 2-26-75;8:45 am]

GIFFORD PINCHOT NATIONAL FOREST, WASHINGTON

Timber Management Plan; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the 10-Year Timber Management Plan, Gifford Pinchot National Forest, Washington. USDA–FS–R6–FES(Adm)–74–6.

The environmental statement concerns carrying out the revised timber management plan for the next ten years on the Gifford Pinchot National Forest, State of Washington.

This final environmental statement was transmitted to CEQ on February 21, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250
USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oregon 97204
Gifford Pinchot National Forest
500 West 12th Street
Vancouver, Washington 98660

A limited number of single copies are available upon request to Regional Forester, T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor, Spencer T. Moore, 500 West 12th Street, Vancouver, Washington 98660.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Region 6.

FEBRUARY 21, 1975.

[FR Doc.75-5244 Filed 2-26-75;8:45 am]

HERBICIDE USE ON NATIONAL FORESTS OF ALASKA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on Herbicide Use on National Forests in Alaska, USDA–DES–R10–75–03.

This environmental statement concerns herbicide use on road, railroad, airfield, and powerline rights-of-way on the Tongass and Chugach National Forests in Alaska.

This draft environmental statement was transmitted to the CEQ on February 20, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250
USDA, Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99802
Forest Supervisor, Chatham Area
Tongass National Forest
Lloyd Center Building
Sitka, Alaska 99835
Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901
Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833
Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

A limited number of single copies are available upon request to Regional Forester C. A. Yates, U.S. Forest Service, Federal Office Building, Juneau, Alaska 99802.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester C. A. Yates, U.S. Forest Service, Federal Office Building, Juneau, Alaska 99802. Comments must be received by April 21, 1975 in order to be considered in the preparation of the final environmental statement.

Dated: February 20, 1975.

C. A. YATES,
Regional Forester, Alaska Region.

[FR Doc.75-5243 Filed 2-26-75;8:45 am]

Soil Conservation Service

UPPER BRUSHY CREEK WATERSHED, TEXAS

Floodwater Retarding Structure No. 31; Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Brushy Creek Watershed Floodwater Retarding Structure No. 31, located in Williamson County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include single purpose floodwater retarding structure No. 31.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
First National Bank Building
Temple, Texas 76501

No administrative action on implementation of the proposal will be taken until March 14, 1975.

Dated: February 18, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-5245 Filed 2-26-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 9A(73)-5]

COMPAGNIE GABONAISE d'AFFRETEMENT AERIEN (AFFRETAIR)

Order Denying Export Privileges for an Indefinite Period

In the matter of Compagnie Gabonaise d'Affretement Aerien (Affretair) B.P. 484 Libreville Republic of Gabon, Respondent.

By an Order effective October 21, 1974, (39 F.R. 39486) the Director, Office of Export Administration, Bureau of East-West Trade, Domestic and International Business Administration, United States Department of Commerce, denied the U.S. export privileges of the respondent for 60 days. The action was found reasonably necessary to protect the public interest and until final deposition of the investigation based upon evidence supporting a reasonable belief that: In October 1972, Export License No. 016075 was issued authorizing the sale and export of a U.S.-origin Douglas DC–8 55F "Jet Trader" aircraft, Serial Number 45821 to the Compagnie Gabonaise d'Affretement Aerien (Affretair), Libreville, Republic of Gabon. Prior to the issuance of the export license, written assurances were received from the General Manager of Affretair to the effect that the aircraft would not be utilized in any traffic with Southern Rhodesia or in any activity contravening the United Nations sanctions against that territory. In the sixth report of the Security Council Committee Established in Pursuance of Resolution 253 (1968) Concerning the Question of Southern Rhodesia, dated January 9, 1974, from Pages 96 to 128, there is cataloged and documented a series of activities which support the conclusion that the aircraft was being used regularly in Rhodesian trade, despite the assurances to the contrary, and is continuously involved in transactions clearly violative of both UN sanctions against Southern Rhodesia and the export regulations of the United States.

The Director, Compliance Division, Office of Export Administration, has applied to the Hearing Commissioner for an order against the above-named respondent indefinitely denying all United States export privileges. The basis for the application is the failure of the respondent to answer interrogatories duly issued in the furtherance of the investigation; pursuant to § 388.6 of the Export Administration Regulations (hereinafter, the export regulations). Section 388.15 of the export regulations provides that failure to answer interrogatories within 20 days of their service upon a respondent may result, without prior notice, in the denial of export privileges.

The Hearing Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with a recommendation that the application be granted. On the basis of the Hearing Commissioner's submission and the supporting evidence, I find that: Relevant and material interrogatories and a request to furnish documents were properly served on the Director of the respondent company on October 9, 1974. Answers to the interrogatories and requested documents have not been provided, without good cause having been shown.

It is, therefore, ordered. I. All outstanding validated export licenses concerned with or affecting any transaction in which the respondent has any interest, direct or indirect, are hereby revoked and are ordered to be returned forthwith to the Office of Export Administration.

II. The respondent, its successors or assigns, partners, representatives, agents and employees are hereby denied the privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of such denial of export privileges, participation prohibited in any such transaction either in the United States or abroad shall include participation directly or indirectly, in any manner or capacity:

A. As a party or as a representative of a party to any validated export license application;

B. In the preparation or filing of any export license application or reexport authorization, or any document to be submitted therewith;

C. In the obtaining or using of any validated or general export license or other export control document;

D. In the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported from the United States;

E. In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also, to his agents and employees and to any successor, and to any persons, firm, corporation, partnership or other business organization with which the respondent now or hereafter may be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

A. Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or related party;

B. Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in, any transaction which may involve the respondent or related party in any exportation, reexportation, transshipment, or diversion of any commodity

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or technical data exported or to be exported from the United States or which is otherwise subject to the Export Administration regulations.

V. A copy of this order shall be served on respondent.

VI. This order shall remain in effect until the respondent provides responsive answers, written information, and documents, in response to the interrogatories heretofore served upon it, or gives adequate reasons for not doing so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

VII. In accordance with the provisions of § 388.15 of the export regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Hearing Commissioner at Washington, D.C. at the earliest convenient date.

VIII. This order shall become effective on: February 19, 1975.

Dated: February 19, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-5246 Filed 2-26-75;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Tuesday, April 8, 1975 at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Report on the licensing procedures subcommittee meeting of January 28, 1975.
(4) Report on the work programs, dealing with safeguards, foreign availability, performance characteristics and licensing procedures.
(5) Nomination and election of a new Chairman.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, January 10, 1975).

Dated: February 24, 1975.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for East-West Trade, Department of Commerce.

[FR Doc.75-5269 Filed 2-26-75;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Performance Characteristics and Performance Measurements Subcommittee of the Computer Systems Technical Advisory Committee will be held Tuesday, April 1, 1975 at 1:30 p.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Report of work objectives and goals of the subcommittee.
(4) Continuation of work programs dealing with the performance of system peripherals, particularly disc files.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be

kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al. v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, January 10, 1975).

Dated: February 24, 1975.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for East-West Trade, Department of Commerce.

[FR Doc.75-5271 Filed 2-26-75;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held Tuesday, April 1, 1975, at 9 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Determination of work programs relating to evaluation of technology transfer in computer systems exports.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All Committee members have appropriate security clearances.

Minutes of the open portion of the meeting will be available upon written request addressed to the Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2243, January 10, 1975).

Dated: February 24, 1975.

RAUER H. MEYER,
Acting Deputy Assistant Secretary for East-West Trade, Department of Commerce.

[FR Doc.75-5270 Filed 2-26-75;8:45 am]

Office of the Secretary

CTAB PANEL ON SULFUR OXIDE CONTROL TECHNOLOGY

Meeting Cancellation

This is to announce that the planned meeting of the CTAB Panel on Sulfur Oxide Control Technology which was scheduled, on a contingency basis, for March 6 and 7, 1975, in the Main Commerce Building, Washington, D.C., will not be held. The meeting was announced on page 5175 of the February 4, 1975 issue of the FEDERAL REGISTER. The meetings announced on the same page of the FEDERAL REGISTER for March 10 and 11, 1975, are not affected by this announcement.

Dated: February 24, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-5274 Filed 2-26-75;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Renewal

The Telecommunications Equipment Technical Advisory Committee was established on April 5, 1973 by the Secretary of Commerce pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1) (Supp. III, 1973).

The Committee will terminate not later than April 4, 1975 unless extended by the Secretary of Commerce for two additional years. As required by section 5(c)(4) of the Export Administration Act, committee members have been consulted with regard to continuance of the committee. A substantial segment has responded and recommended that the charter for this committee be extended for two additional years. Upon renewal, it will continue, as initially chartered, to perform the advisory functions set forth in the Export Administration Act of 1969, as amended. The Committee advises and assists with respect to questions involving technical matters, world-wide availability and utilization of production and technology and licensing procedures which may affect the level of export controls applicable to telecommunications, including technical data related thereto, that are subject to U.S. and multilateral (COCOM) controls.

The Committee has been active during the past two years and presented to the Department a formal report dated April 1974. The technical findings and recommendations in the report have been of substantial value, not only to the Department, but also to other agencies, including the Departments of State and Defense, and are being utilized in formulating the U.S. Government's position with regard to international negotiations on

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continuing or modifying existing international export controls over commodities within the purview of the committee.

Inasmuch as there is considerable technical input from industry, the information and recommendations could not be obtained as effectively from other sources within the Department, from other advisory committees of the Department, or from another Federal agency.

The Committee will continue as initially chartered with not more than 20 members from industry and government who are appointed by the Assistant Secretary for Domestic and International Business. The activities of the Committee will be conducted in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management effective May 1, 1974 and section 5(c) of the Export Administration Act of 1969, as amended, (50 U.S.C. App. 2404(c) (Supp. III, 1973).

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress on March 14, 1975.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Charles C. Swanson, Director, Operations Divisions, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone, 202/967–4196.

Dated: February 24, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75–5272 Filed 2–26–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat 770–776) the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary, Department of Health, Education, and Welfare, on February 10, 1975, with the concurrence of the Office of Management and Budget Committee Management Secretariat of the following advisory committee:

Designation. Minority Advisory Committee, ADAMHA

Purpose. The Minority Advisory Committee, ADAMHA, shall advise the Secretary and the Administrator, ADAMHA, on policy, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and make recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee will function in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), National Institute on Drug Abuse (NIDA), and National Institute of Mental Health (NIMH).

Responsibilities. 1. To develop and sustain communication linkages with minority caucuses, organizations, institutions, and communities; and to obtain their views on research, manpower, and service for treatment and rehabilitation programs relative to alcohol, drug abuse, and mental health issues and problems of minority groups.

2. To interpret the alcohol, drug abuse, and mental health needs and issues of minority groups to ADAMHA.

3. To propose and recommend possible creative use of grants, contracts, demonstration projects, and other resources available to ADAMHA as effective means for increasing program knowledge concerning the special needs of minority groups.

4. To advise on manpower matters as related to minority communities, and to make recommendations for achieving increased training of minorities in the fields of alcoholism, drug abuse, and mental health.

5. To advise the Administrator, ADAMHA, on issues of mutual concern to the Administrator and the Institutes.

Authority for this committee will expire February 10, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: February 21, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–5183 Filed 2–26–75;8:45 am]

Office of the Secretary

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on March 14 and 15, 1975, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. The meeting will convene at 9 a.m. both days and will be open to the public, subject to the limitations of available space.

The agenda will include presentation of statements from Federal agencies with an interest in fetal research and further discussion of the legislative mandate of the Commission regarding research on the fetus. There will be a review of formal statements on the ethical issues with regard to this same issue presented by consultants to the Commission, and time permitting, discussion of other issues identified in the charter.

Requests for information should be directed to Ms. Anne Ballard (301–496–7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: February 20, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75–5184 Filed 2–26–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75–036]

PROPOSED U.S. COAST GUARD ACADEMY EXPANSION

Release and Availability of Draft Environmental Impact Statement

The Coast Guard announced in the FEDERAL REGISTER of September 5, 1974, the ongoing preparation of a draft Environmental Impact Statement concerning the location, construction, and operation of the U.S. Coast Guard's New London Station, Research and Development Center, and support facilities in New London, Connecticut. Now, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and other Acts and regulations, the Coast Guard has prepared and released such a draft Environmental Impact Statement.

A limited supply of copies of the draft statement is available at the following location to fill single copy requests: Staff Legal Office, U.S. Coast Guard Academy, New London, Connecticut 06320. In addition, copies are available for public inspection at the U.S. Coast Guard Academy Library, Connecticut College Library, University of Connecticut Library, the Connecticut State Library in Hartford and public libraries in New London, Groton, Ledyard, Waterford, and Norwich, Connecticut, and Fishers Island and Riverhead, New York.

Copies of the draft Environmental Impact Statement have been sent for comment to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts of this or similar projects. Comments concerning the proposed action or requests for additional information should be addressed to Captain John Crowley, Chairman, Environmental Impact Study Group, U.S. Coast Guard Academy, New London, Connecticut 06320. Such comments must be received on or before April 16, 1975, in order to be considered in the preparation of the final Environmental Impact Statement.

Oral and written comments may also be provided at a public hearing on the Draft Statement to be held at Dimick Hall, U.S. Coast Guard Academy, New London, Connecticut, at 7 p.m., on April 2, 1975.

Dated: February 20, 1975.

W. E. CALDWELL,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75–5193 Filed 2–26–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26603]

AIRLIFT INTERNATIONAL, INC.

Increased Container Rates; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of February, 1975.

By tariff revisions issued January 27 and marked to become effective February 26, 1975, Airlift International, Inc. (Airlift) proposes to increase local container rates and charges applicable to general commodities between points in the United States, on the one hand, and San Juan, on the other, by between 4 and 18 percent.

In support of its proposal, Airlift asserts, inter alia, that the proposed increases are intended to establish rate levels that will partially offset increases in costs, primarily increased fuel costs, while maintaining competitiveness by not exceeding approved rates for American Airlines, Inc. (American); that in U.S.-Puerto Rico operations, based on contractual agreements for fuel, the carrier will experience a 48.1 percent rise in fuel costs per gallon, representing an increase of $971,440 over 1974 fuel costs; that it expects to generate approximately $125,000 in added revenue over the next twelve months, representing a 5.5 percent increase in total revenue; and that the added revenue will recover only 12.8 percent of the projected cost increase. Furthermore, the carrier asserts that it is currently suffering losses in this market and, even with the proposed increases, it would experience a loss for the year ending September 30, 1975.

All of the proposed rates and charges are revisions to rates and charges under investigation in *Puerto Rico/Virgin Islands Freight Rates*, Docket 26603, and, accordingly, are within the scope of that proceeding. The issue before the Board is whether to suspend the proposal or to permit it to become effective pending final decision in the investigation.

The Board has reviewed Airlift's proposed rates in the light of industry-average costs of carrying air freight (including a full return on investment),[1] and finds a limited number of the proposed rates and charges exceed costs: rates and charges for Types A, B, and B–2 containers between Dallas and Houston, on the one hand, and San Juan, on the other, and for Type D containers between Chicago, Cleveland, and Detroit, on the one hand, and San Juan, on the other. In view of this and upon consideration of all other relevant factors, the Board concludes that the latter rates should be suspended.

It is true, as Airlift alleges, that the rates proposed in a number of markets are equal to American's. Airlift's rates would, however, exceed industry-average costs, based upon its own shortest-authorized route mileages in some of those markets, while American's are below costs, based upon its own shortest-authorized mileages. For example, in the Dallas-San Juan market, Airlift is authorized to operate via Miami, involving a distance of about 2,166 miles, while American's shortest-authorized route is via Washington, D.C., a distance of approximately 2,751 miles.

Our conclusion to suspend these rates, pending investigation, is consistent with our decision in the Domestic Passenger-Fare Investigation, Phase 9 (Fare Structure), Docket 21866–9, affirmed on reconsideration in Order 74–12–109, December 27, 1974.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates and charges described in Appendix A hereto are suspended and their use deferred to and including May 26, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A

TARIFF C.A.B. NO. 4, ISSUED BY AIRLIFT INTERNATIONAL, INC.

On 20th Revised Page 24:

Between San Juan and Dallas and Houston, the increased rates and charges for Types A–1 and A–2 containers.

On 15 Revised Page 24–B: Between San Juan and Chicago, Cleveland, and Detroit, the increased rates and charges for Type D containers; and between San Juan and Dallas and Houston, the increased rates and charges on Types B and B–2 containers.

[FR Doc.75–5277 Filed 2–26–75;8:45 am]

[1] These cover industry-average online and interline noncapacity costs (which include transfers from one plane to another) plus online capacity costs. These costs have been adjusted for recent increases in unit operating costs, through the period January–September 1974. Although the foregoing costs essentially cover airline operations between the 50 states, we believe that they may be considered reasonable approximations of costs between the Mainland and San Juan for the purpose of resolving the suspension issue, pending our decision in Docket 26603.

[Docket 25280; Agreement C.A.B. 24843; Order 75–2–68]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

Issued under delegated authority February 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 18th meeting of the Joint Specific Commodity Rates Board held in San Diego on October 14–17, 1974 and has been assigned the above C.A.B. agreement number.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structures applicable on the North Atlantic, North/Central Pacific and South Pacific market areas. Revisions in the North Atlantic and North/Central Pacific areas are outlined in Attachments I and II hereto, reflect reductions from the otherwise applicable general cargo rates and will be approved. Revisions in the South Pacific area are outlined in Attachments III and IV hereto. We will approve those revisions outlined in Attachment III since they all represent deletions of rates judged by the carriers to be no longer necessary. However, revisions detailed in Attachment IV reflect the general 5 percent fuel-related increase in South Pacific rates disapproved by the Board in Order 74–12–23 of December 6, 1974 and will be disapproved consistent with that order.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.14:

1. It is not found that Agreement C.A.B. 24843, except those revisions detailed in Attachment IV hereto, is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered;

2. It is found that Agreement C.A.B. 24843 to the extent detailed in Attachment IV hereto is adverse to the public interest and in violation of the Act:

Accordingly, *it is ordered*, That: 1. Agreement C.A.B. 24843, except those revisions detailed in Attachment IV hereto, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing;

2. With respect to the North/Central Pacific market area, specific commodity rates established pursuant to Resolution 590 with any United States point as an origin or destination, shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages at levels no greater than those established for the more distant point, and that all specified commodity rates shall be in compliance with Order 74–11–153; and

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3. Those revisions detailed in Attachment IV hereto be and hereby are disapproved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

AGREEMENT CAB 24843

NORTH ATLANTIC

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
Rates Added Under Existing Commodity Descriptions			
0670	75	5,000	New York to Oslo.
	75	5,000	New York to Stockholm.
1433	118	100	Miami to Bergen.
	109	500	
	104	1,000	
	116	100	Miami to Copenhagen.
	106	500	
	100	1,000	
	118	100	Miami to Gothenburg.
	109	500	
	104	1,000	
	124	100	Miami to Helsinki.
	114	500	
	108	1,000	
	117	100	Miami to Malmo.
	108	500	
	103	1,000	
	122	100	Miami to Oslo.
	112	500	
	106	1,000	
	122	100	Miami to Stockholm.
	112	500	
	106	1,000	
1471	109	200	Miami to Bergen.
	105	500	
	102	1,000	
	106	200	Miami to Copenhagen.
	103	500	
	98	1,000	
	109	200	Miami to Gothenburg.
	105	500	
	102	1,000	
	114	200	Miami to Helsinki.
	110	500	
	106	1,000	
	108	200	Miami to Malmo.
	105	500	
	100	1,000	
	112	200	Miami to Oslo.
	108	500	
	105	1,000	
	112	200	Miami to Stockholm.
	108	500	
	105	1,000	
[1] 1475	250	100	Abidjan to New York.
	175	500	
	134	100	Paris to New York.
	122	500	
[1] 3060	214	500	Johannesburg to New York.
[1] 3909	299	500	New York to Johannesburg.
[1] 4314	352	1,000	New York to Mauritius.
[1] 4483	86	1,000	New York to Belgrade.
[1] 8708	80	1,000	Paris to New York.
[1] 8502	78	1,000	Nice to New York.
[1] 6750	273	500	Johannesburg to New York.
[1] 6833	283	500	Do.
7046	285	100	New York to Nairobi.
	260	200	
	238	500	
7103	113	100	Warsaw to New York.
7107	113	100	New York to/from Warsaw.
	77	300	
7119	54	1,000	Belfast to New York.
	57	1,000	Birmingham to New York.
	59	1,000	Bristol to/from New York.
	59	1,000	Cardiff to/from New York.
	59	1,000	Edinburgh to/from New York.
	57	1,000	Glasgow to New York.
	59	1,000	Leeds to/from New York.
	57	1,000	London to New York.
	57	1,000	Manchester to New York.
	59	1,000	Newcastle to/from New York.
9206	257	300	Johannesburg to New York.
9516	166	1,000	Addis Ababa to New York.
	233	100	Blantyre to New York.
	142	100	Warsaw to New York.
	116	300	
9993	137	300	Monrovia to New York.
	238	500	Nairobi to New York.
Rates changed under existing commodity descriptions			
[1] 0670	57	5,000	New York to Amsterdam.
	57	5,000	New York to Brussels.
	60	5,000	New York to Frankfurt.
	57	5,000	New York to Paris.
	62	5,000	New York to Vienna.
	60	5,000	New York to Zurich.
[2a] 1063	85	2,000	New York to Shannon.
[4] 4416	105	200	Bergen to/from New York.
	100	500	
	98	1,000	
	105	200	Kristiansand to/from New York.
	100	500	
	98	1,000	
	105	200	New York to/from Oslo.
	100	500	
	98	1,000	
	105	200	New York to/from Stavanger.
	100	500	
	98	1,000	
[1] 7103	114	100	Bergen to New York.
	111	100	Copenhagen to New York.
	114	100	Gothenburg to New York.
	117	100	Oslo to New York.
	117	100	Stockholm to New York.
[1] 7107	107	100	Amsterdam to/from New York.
	71	300	
	107	100	Barcelona to/from New York.
	71	300	
	102	100	Belfast to/from New York.
	65	300	
	114	100	Belgrade to/from New York.
	78	300	
	114	100	Bergen to/from New York.
	78	300	
	113	100	Berlin to/from New York.
	76	300	
	111	100	Bremen to/from New York.
	75	300	
	107	100	Brussels to/from New York.
	71	300	
	106	100	Cardiff to/from New York.
	70	300	
	107	100	Cologne to/from New York.
	71	300	
	111	100	Copenhagen to/from New York
	75	300	
	102	100	Dublin to/from New York.
	65	300	
	100	100	Frankfurt to/from New York.
	75	300	
	105	100	Glasgow to/from New York.
	67	300	
	114	100	Gothenburg to/from New York.
	78	300	
	111	100	Hamburg to/from New York.
	75	300	
	111	100	Hanover to/from New York.
	75	300	
	120	100	Helsinki to/from New York.
	83	300	
	112	100	Innsbruck to/from New York.
	76	300	
	122	100	Istanbul to/from New York.
	84	300	
	118	100	Kristiansand to/from New York.
	81	300	
	112	100	Linz to/from New York.
	76	300	
	105	100	Lisbon to/from New York.
	67	300	
	105	100	London to/from New York.
	67	300	
	107	100	Luxembourg to/from New York.
	71	300	
	107	100	Madrid to/from New York.
	71	300	
	113	100	Malmo to/from New York.
	77	300	
	105	100	Manchester to/from New York.
	67	300	
	111	100	Milan to/from New York.
	75	300	
	112	100	Munich to/from New York.
	76	300	
	111	100	Nice to/from New York.
	75	300	
	112	100	Nuremberg to/from New York.
	76	300	
	118	100	Oslo to/from New York.
	81	300	
	107	100	Paris to/from New York.
	71	300	
	112	100	Prague to/from New York.
	76	300	
	113	100	Rome to/from New York.
	77	300	
	101	100	Shannon to/from New York.
	64	300	
	118	100	Stavanger to/from New York.
	81	300	
	118	100	Stockholm to/from New York.
	81	300	
	111	100	Stuttgart to/from New York.
	75	300	
	113	100	Vienna to/from New York.
	77	300	
	113	100	Zagreb to/from New York.
	77	300	
	111	100	Zurich to/from New York.
	75	300	
[1] 7119	60	1,400	Amsterdam to/from New York.
	60	1,000	Barcelona to/from New York.
	54	1,000	New York to Belfast.
	65	1,000	Belgrade to/from New York.
	65	1,000	Bergen to/from New York.
	63	1,000	Berlin to/from New York.
	57	1,000	New York to Birmingham.
	62	1,000	Bremen to/from New York.
	60	1,000	Brussels to/from New York.
	60	1,000	Cologne to/from New York.
	62	1,000	Copenhagen to/from New York.
	54	1,000	Dublin to/from New York.
	62	1,000	Frankfurt to/from New York.
	57	1,000	New York to Glasgow.
	65	1,000	Gothenburg to/from New York.
	62	1,000	Hamburg to/from New York.

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
	62	1,000	Hanover to/from New York.
	71	1,000	Helsinki to/from New York.
	57	1,000	Lisbon to/from New York.
	57	1,000	New York to London.
	60	1,000	Luxembourg to/from New York.
	62	1,000	Lyon to/from New York.
	60	1,000	Madrid to/from New York.
	64	1,000	Malmo to/from New York.
	57	1,000	New York to Manchester.
	62	1,000	Milan to/from New York.
	63	1,000	Munich to/from New York.
	62	1,000	Nice to/from New York.
	63	1,000	Nuremberg to/from New York.
	67	1,000	Oslo to/from New York.
	60	1,000	Paris to/from New York.
	64	1,000	Rome to/from New York.
	53	1,000	Shannon to/from New York.
	67	1,000	Stavanger to/from New York.
	67	1,000	Stockholm to/from New York.
	62	1,000	Stuttgart to/from New York.
	131	1,000	New York to Tel Aviv.
	64	1,000	Vienna to/from New York.
	64	1,000	Zagreb to/from New York.
	62	1,000	Zurich to/from New York.
[1] 8227	146	200	Tel Aviv to New York.
[1] 8502	100	500	New York to Amsterdam.
	90	1,000	Amsterdam.
	100	500	New York to Brussels.
	90	1,000	Brussels.
	100	500	New York to Paris.
	90	1,000	Paris.
[1] 9993	180	500	Kinshasha to New York.
[1] 9995	187	45	New York to Stockholm.

[1] See applicable tariff for commodity descriptions.
[2] Area of application changed to include North Atlantic market area.
[3] Rates increased.
[3a] Expiry extended to Sept. 30, 1975.
[4] Rates decreased.
[5] Certain rates decreased and all expiry dates extended to June 30, 1975.
[6] Expiry date removed.

IATA commodity item No. [1]	Minimum weight, kilograms	Market
Rates for the following commodity items have been deleted		
1295	100	Lyon to New York.
	300	
	100	Nice to New York.
	300	
	100	Paris to New York.
	200	
3404	500	Oslo to New York.
4204	1,000	New York to Ankara.
	1,000	New York to Istanbul.
6828	300	New York to Copenhagen.
	500	
9227	500	Stockholm to New York.
	1,000	
9678	100	New York to Oslo.
	500	
9918	1,000	Copenhagen to New York.
9997	100	Stockholm to New York.
	300	
	500	

[1] See applicable tariff for commodity descriptions.

IATA commodity item No.	Description	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
New specific commodity descriptions and Rates				
7033	Insulated paper for transformers	124	500	New York to Istanbul.
		114	1,000	
9476	Components of pens and pencils	105	200	New York to Dublin.
		104	200	New York to Shannon.

NEW OR CHANGED SPECIFIC COMMODITY DESCRIPTIONS

IATA commodity item No.	Description
4952	Airless spray gun.

AGREEMENT CAB 24843

NORTH/CENTRAL PACIFIC

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
Rates added under existing commodity descriptions			
0007N	96	200	Los Angeles to Okinawa.
1024	230	100	Jakarta to Los Angeles.
9975	219	100	Guam to Okinawa.
9976	219	100	Okinawa to Guam.
9991	302	100	New York to Delhi.

[1] See applicable tariff for commodity descriptions.

IATA commodity item No. [1]	Specific commodity rate: Minimum charge	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
4123	$1,299	175	725	St. Louis to Hong Kong.
	2,013	175	1,150	
	2,151	175	1,229	
	2,475	175	1,414	
	2,630	175	1,497	

[1] See applicable tariff for commodity descriptions.

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight, kilograms	Market
Rates changed under existing commodity descriptions			
[2] 1000	Between the Western Hemisphere and the Pacific.		
[3] 9975	193	100	Chicago to Okinawa.
	170	100	Honolulu to Okinawa.
	186	100	Los Angeles to Okinawa.
	195	100	New York to Okinawa.

[1] See applicable tariff for commodity descriptions.
[2] Rates changed to expire June 30, 1975. Allows carriage of live animals other than monkeys and primates at the applicable general cargo rate provided that rates with minimum weights over 200 kgs. will not apply.
[3] Effective date changed from July 15, 1975 to Jan. 20, 1975.

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IATA commodity item No.	Description	Specific Commodity Rate: Minimum charge	Cents per kilogram	Minimum weight, kilograms	Market
	New specific commodity descriptions and rates				
2211	Yarn, thread and/or fibers natural and synthetic; cloth, exclusively in bales, bolts, or pieces, not further processed or manufactured; clothing and footwear; textile manufactures; namely articles or material made principally of textiles.	$877	177	780	Hong Kong/Taipei to Chicago.
		1,152	177	945	
		1,572	177	1,280	
		----------	183	1,500	Hong Kong to Chicago.
		2,122	177	1,650	Hong Kong /Taipei to Chicago.
		2,076	177	1,650	
		2,489	177	2,000	
		761	153	760	Hong Kong/Taipei to Los Angeles.
		999	153	945	Portland/San Francisco/Seattle.
		1,369	153	1,260	
		----------	159	1,500	Hong Kong to Los Angeles/Portland/San Francisco/Seattle.
		1,839	153	1,650	Hong Kong/Taipei to Los Angeles/Portland/San Francisco/Seattle.
		1,799	153	1,650	
		2,360	153	2,000	
		920	185	760	Hong Kong/Taipei to New York.
		1,298	185	945	
		1,618	185	1,260	
		----------	192	1,500	Hong Kong to New York.
		2,175	185	1,650	Hong Kong/Taipei to New York.
		2,225	185	1,650	
		2,610	185	2,000	
		----------	183	1,200	Taipei to Chicago, Taipei to Los Angeles/Portland/San Francisco/Seattle.
		----------	159	1,200	
		----------	192	1,200	Taipei to New York.

AGREEMENT CAB 21813

SOUTH PACIFIC

IATA commodity item No. [1]	Specific commodity rate, minimum weight, kilograms	Market
	Rates for the following commodity items have been deleted	
3963	200	Los Angeles to Auckland.
4010	45	Do.
4123	45	Do.
4201	100	Do.
6001	45	Do.
8397	45	Do.
	100	Los Angeles to Melbourne.
	100	Los Angeles to Sydney.

[1] See applicable tariff for commodity descriptions.

AGREEMENT CAB 21813

SOUTH PACIFIC

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Minimum weight, kilograms	Market
	Rates added under existing commodity descriptions		
[3] 0315	98	45	Tongatabu to Honolulu.
1024	126	300	Nandi to Los Angeles.
[3] 1439	168	45	Honolulu to Auckland.
1485	116	1,400	Auckland to Los Angeles.
4375	325	500	Sydney to New York.
8397	360	100	Los Angeles to Auckland.
	Rate extended under existing commodity description		
0785	75	1,000	Nandi to Los Angeles.
	Rates changed under existing commodity descriptions		
[4] 0003	77	1,000	Los Angeles to Papeete.
[4] 0007	145	1,000	Los Angeles to Auckland.
	134	1,000	Los Angeles to Noumea.

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Minimum weight, kilograms	Market
	Between the Western Hemisphere and the Pacific		
[4] 1000	360	100	Los Angeles to Auckland.
[3] 4010	340	500	
[3] 4123	360	100	Los Angeles to Auckland.
	392	100	Los Angeles to Melbourne.
	384	100	Los Angeles to Sydney.
[3] 1201	392	100	Los Angeles to Melbourne.
	354	100	Los Angeles to Noumea.
	384	100	Los Angeles to Sydney.
[3] 4311	392	100	Los Angeles to Melbourne.
	384	100	Los Angeles to Sydney.
[3] 4401	360	100	Los Angeles to Auckland.
[3] 8701	398	100	Los Angeles to Melbourne.
	365	100	Los Angeles to Noumea.
	354	500	
	390	100	Los Angeles to Sydney.
[3] 6001	360	100	Los Angeles to Auckland.
	398	100	Los Angeles to Melbourne.
	390	100	Los Angeles to Sydney.
[3] 8207	360	500	Los Angeles to Auckland.
	389	500	Los Angeles to Sydney.
[3] 8280	417	100	Los Angeles to Melbourne.
	410	100	Los Angeles to Sydney.
[3] 8550	398	100	Los Angeles to Melbourne.
	390	100	Los Angeles to Sydney.

[1] See applicable tariff for commodity descriptions.
[2] Area of application changed to include the Pacific market area.
[3] Rates increased.
[4] Rates changed to expire June 30, 1975. Allows carriage of live animals other than monkeys or primates at the applicable general cargo rate provided that rates with minimum weights over 200 kgs. will not apply.

IATA commodity item No. [1]	Description	Specific commodity rate: Cents per kilogram	Minimum weight, kilograms	Market
	New specific commodity description and rate			
4183	Outboard motor parts	235	300	Honolulu to Auckland.

[1] See applicable tariff for commodity descriptions.

[FR Doc.75-4994 Filed 2-26-75;8:45 am]

[Order 75-2-22, Docket 25705]

NORTH CENTRAL AIRLINES, INC.

Application for Realignment of Route 86; Order Amending Certificate

Correction

In FR Doc. 75-3667 appearing at page 6219 in the issue for Monday, February 10, 1975, makes the following changes, footnotes 14, 27 should read as set forth below:

14. Omaha-Grand Rapids, 2240; Omaha-Lansing, 1510; Omaha-Muskegon, 470; Omaha-Saginaw, 1320; Omaha-South Bend, 1860. See Order 74-7-63, Appendix B.

27. We will, however, eliminate the requirement that South Bend-New York flights serve a second intermediate point in addition to Milwaukee. Since North Central will have unrestricted authority between South Bend and Milwaukee and between Milwaukee and New York, the imposition of an additional stop requirement on flights serving both South Bend and New York over Milwaukee would be anomalous and obviously, is unnecessary. See n. 20, *supra*.

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Extension of Press Conference to the Los Angeles Area

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the press conference of the California State Advisory Committee (SAC) to this Commission announced in the FEDERAL REGISTER, p. 7700 on February 21, 1975 is hereby amended to extend to the Los Angeles area. The Conference will convene at 10 a.m. on March 4, 1975, at Union Square (Elizabethe Room—second floor/Tower Section), San Francisco, California 94119 and at 12 noon on March 4, 1975 at the Press Club, 600 North Vermont Avenue, Los Angeles, California 90004.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this press conference is to release Asian American Report, "A Case of Mistaken Identity."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-5354 Filed 2-25-75;2:22 pm]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on March 14, 1975, at 9 a.m. in the New Executive Office Building, Room 2010, 726 Jackson Place, NW., Washington, D.C. 20036.

The purpose of the meeting will be to discuss the issues that will be included in the May Interim Report and such other business as may be presented by the members.

The meeting will be open to the public. Since meeting space is limited, interested persons wishing to attend should telephone (202) 254-7803 before close of business March 12, 1975.

Dated: February 24, 1975.

BRUCE PALMER, JR.,
Executive Director.

[FR Doc.75-5196 Filed 2-26-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 338-6]

AMCHEM PRODUCTS, INC.

Establishment of Temporary Tolerances

Amchem Products, Inc., Ambler, PA 19002, submitted a petition (PP 5G1597) requesting establishment of temporary tolerances of 0.1 part per million for negligible residues of bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) in or on the grain, green forage, and straw of wheat, and in the meat, fat, and meat by-products of cattle, goats, hogs, horses, and sheep.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Amchem Products, Inc. name.

This temporary tolerance expires February 24, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: February 24, 1975.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-5289 Filed 2-26-75;8:45 am]

[FRL 338-2; OPP-260101]

AMERICAN CYANAMID CO., ET AL.

Filing of Petitions Regarding Pesticide Chemicals

Petitions proposing the establishment of pesticide tolerances (40 CFR 180) in or on certain raw agricultural commodities have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act (FFDCA). The petitioners and proposals are:

PP 5F1589. American Cyanamid Co., PO Box 400, Princeton NJ 08540. Proposes establishment of a tolerance for combined residues of the fungicide thiophanate-methyl [dimethyl[(1,2-phenylene)bis(iminocarbonothioyl)] bis [carbamate]] and its metabolite methyl 2-benzimidazole carbamate in or on bananas at 1 part per million, of which not more than 0.2 part per million (negligible residue) shall be present in the pulp after the peel is removed. Proposed analytical method for determining residues is an uitra-violet spectrophotometric procedure. PM21.

PP 5F1578. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. Proposes establishment of a tolerance for combined residues of the insecticide acephate (O,S-dimethyl acetic phosphoramidothioate) and its cholinesterase-inhibiting metabolite (O,S-dimethyl phosphoramidothioate) in or on celery at 10 parts per million; sweet peppers at 4 parts per million; beans (succulent form, including pods) at 3 parts per million; and dry beans at 1 part per million. Proposed analytical method for determining residues is a gas chromatographic procedure with a thermionic detector. PM16.

PP 5F1588. Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. Proposes establishment of a tolerance for negligible residues of the herbicide profluralin (N-cyclopropylmethyl) - a,a,a - trifluoro - 2,6 - dinitro - N-propyl-p-toluidine) in or on sunflower seeds and safflower seeds at 0.1 part per million. Propose analytical method for determining residues is a gas chromatographic procedure with electron capture detection. PM24

XUM V 40 40 FEB 27 75 XUM

PP 5F1582. Miller Chemical & Fertilizer Corp., PO Box 333, Hanover PA 17331. Proposes establishment of a tolerance for residues of the insecticide Tetraethyl Pyrophosphate in or on alfalfa grown for seed at 0.01 part per million. Proposed analytical method for determining residues is a gas chromatographic procedure using a cesium bromide thermionic detector. PM16

Dated: February 21, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-5175 Filed 2-26-75;8:45 am]

[FRL 338-1; OPP-261001]

CIBA-GEIGY CORP.

Filing of Food Additive Petition

CIBA-GEIGY Corp., PO Box 11422, Greensboro NC 27409, has filed a petition (FAP 5H5074) proposing the issuance of a regulation and establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-s-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-s-triazine and 2,4-diamino-6-chloro-s-triazine in potable water at 0.01 part per million. Notice of this filing is given pursuant to the provisions of section 409(b) of the Federal Food, Drug, and Cosmetic Act.

Dated: February 21, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-5176 Filed 2-26-75;8:45 am]

[FRL 337-2; OPP-32000/193 & 194]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before April 28, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 28, 1975.

Dated: February 18, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP-32000/193]

EPA File Symbol 11515-AN. ABC Chemical Corp., 17000 W. Eight Mile Rd., Southfield MI 48075. ABC CHEMICAL CORPORATION SUPER FOG CONCENTRATE. Active Ingredients: Pyrethrins 3.00%; Piperonyl Butoxide, Technical 6.00%; N-octyl bicycloheptene dicarboximide 10.000%; Petroleum Distillates 81.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 5481-RIE. Amvac Chemical Corp., 4100 E. Wash. Blvd., Los Angeles CA 90023. FUM-A-CIDE 30-D. Active Ingredients: 1,3-Dichloropropene, 1,2-dichloropropane and related chlorinated hydrocarbons 70%; Chloropicrin 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 5481-RIG. Amvac Chemical Corp. FUM-A-CIDE 15-D. Active Ingredients 1,3-Dichloropropene, 1,2-dichloropropane and related chlorinated hydrocarbons 85%; Chloropicrin 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 5481-RTO. Amvac Chemical Corp. FUM-A-CIDE 54-45. Active Ingredients: Ethylene dibromide 54%; Trichloronitromethane 45%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 7476-GA. Chem-Pak Co., PO Box 757, S. Miami FL 33143. C TOMATO DUST INSECTICIDE-FUNGICIDE. Active Ingredients: Manganese Ethylene Bisdithiocarbamate (Manganese as Metallic 0.33%) 2.00%; Zineb (Zinc Ethylene Bis Dithiocarbamate-Total Zinc as Metallic 0.70%) 4.00%; 1-Naphthyl N-methylcarbamate 4.00%; 0,0-diethyl 0-(2-isopropyl-4-methyl - 6 - pyrimidinyl) thiophosphate 1.00%; Sulfur 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 7476-GI. Chem-Pak Co. C FLORIDA TOMATO AND VEGETABLE SPRAY FUNGICIDE WITH INSECTICIDE. Active Ingredients: Maneb (Manganese Ethylene Bisdithiocarbamate) 12.0%; Zineb (Zinc Ethylene Bis Dithiocarbamate) 12.0%; 1-Naphthyl N-methylcarbamate 8.0%; 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) thiophosphate 4.0% Sulfur 9.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 7478-GT. Chem-Pak Co. C FLORIDA VEGETABLE DUST FUNGICIDE WITH INSECTICIDE. Active Ingredients: Maneb (Manganese Ethylene Bisdithiocarbamate-Manganese as Metallic 0.33%) 2.00%; Zineb (Zinc Ethylene Bis Dithiocarbamate-Total Zinc as Metallic 0.70%) 4.00%; 1-Naphthyl N-methylcarbamate 4.00%; 0,0-diethyl 0-(2-isopropyl-4-methyl - 6 - pyrimidinyl) thiophosphate 1.00%; Sulphur 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 33275-E. Crystalab, Inc., 612 Capitol Ave., Hartford CT 06106. CRYSTALAB HUMIDIFIER WATER TREATMENT II. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 2398-L. Commerce Drug Co., Inc., Div. Del Laboratories, Inc., 565 Broad Hollow Rd., Farmingdale NY 11735. BARC LIQUID II. Active Ingredients: Pyrethrins 0.165%; Piperonyl butoxide, technical 2.000%; Isobornyl Thiocyanoacetate 1.640%; Related Compounds 0.360%; Petroleum Distillate 5.035%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.), 7056 Dupont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE (For Use on Oranges, Lemons, Grapefruit & Tangelos in the State of Calif.). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co., (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Turf in the State of Florida). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Mint). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Sorghum). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Tomato). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Apples in Areas East of the Rocky Mountains). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA Reg. No. 352-370. E. I. du Pont de Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE (For Use on Carrots in the States of Ariz & Calif.). Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 10155-ER. Globe Chemicals, Inc., PO Box 3484, Toledo OH 43607. ALGAELENE. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1021-RGUE. McLaughlin Gormley King Co., 6310 10th Ave. N., Minneapolis MN 55427. MGK REPELLENT INTERMEDIATE 2052. Active Ingredients: N,N-diethyl-m-toluamide 44.70%; Other isomers 2.36%; N-octyl bicycloheptene dicarboximide 8.82%; 2,3:4, 5-bis(2-butylene) tetrahydro-2-furaldehyde 5.38%; Petroleum distillate 39.42%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 10290-EA. Professional Chemical Co., Inc., 4517 Yale, Houston TX 77018. DEEP SOUTH PUFFY POWDER. Active Ingredients: Carbaryl 1-naphthyl methylcarbamate 5%. Method of Support: terim policy. PM12

EPA File Symbol 148-RENL. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. METHOXYCHLOR 2 LB. EMULSIFIABLE CONCENTRATE. Active Ingredients: Technical Methoxychlor 25%; Aromatic Petroleum Derivative Solvent 71%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 7992-RA. TNT Chemicals, Inc., 7301 NW 77th St., Miami FL 33166. TRULY NOLEN TREATMENT TNT GUARANTEED TO KILL RESISTANT ROACH AND AND KILLER WITH RESIDUAL ACTION. Active Ingredients: d-trans Allethirn (allyl homolog of Cinerin I) 0.030%; 2,2-Dichlorovinyl dimethyl phosphate 0.279%; Related Compounds 0.021%; 2-(1-methylethoxy) phenol methylcarbate 0.500%; Essential Oils 0.075%; Petroleum Distillates 88.595%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

APPLICATIONS RECEIVED [OPP-32000/194]

EPA File Symbol 2749-UNR. Aceto Chemical Co., Inc., Ag. Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. BROMOXYNIL PLUS BROADLEAF HERBICIDE. Active Ingredients: Octanoic acid ester of bromoxynil (3,5 - dibromo - 4 - hydroxybenzonitrile) 30.7%; Butoxyethanol ester of 2-methyl-4-chlorophenoxyacetic acid 33.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 1020-REA. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. ETHEX ETHION - 4E MITICIDE - INSECTICIDE EMULSIBLE CONCENTRATE. Active Ingredients: Ethion (0,0,0',0-tetraethyl S,S' - methylene bisphosphorodithioate) 46.5%; Xylene 45.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 36332-R. Chemtool, Inc., 6115 Lou Ave., Crystal Lake IL 60014. CHEMTOOL 770. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylenedichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 11556-LN. Cutter Animal Health Laboratories, Div. Bayvet Corp., PO Box 390, Shawnee KS 66201. MY PAL TICK AND FLEA DAB-ON. Active Ingredients: (propoxur)o - Isopropoxyphenyl methylcarbamate 1%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 34761-RN. Ecolo-G Enterprises Ltd., Industrial Park Bldg. No. 5, West Haverstraw NY 10993. ECOLO-G ULV MOSQUITO ADULTICIDING CONCENTRATE #525. Active Ingredients: Pyrethrins 5%; Piperonyl Butoxide, Technical 25%; Mineral Oil 70%. Method of Support: Application proceeds under 2(c). of interim policy. PM17

EPA File Symbol 34761-RG. Ecolo-G Enterprises Ltd., Industrial Park Bldg. No. 5, West Haverstraw NY 10993. ECOLO-G INDUSTRIAL INSECTICIDE PRESSURIZED SPRAY. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 7.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34761-G. Ecolo-G Enterprises Ltd., Indnstrial Bldg. No. 5, West Haverstraw NY 10993. ECOLOGY ROACH & ANT SPRAY. Active Ingredients: 0,0-Diethyl 0-(2-isopropyl - 6 - methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 93.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 2437-RT. Elkhorn Chemical Co., Inc., One Elko Lane, Elkhorn WI 53121. ELKO ALL PURPOSE SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 2437-RA. Elkhorn Chemical Co., Inc. ELKO ACID SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 2437-RL. Elkhorn Chemical Co., Inc. ELKO SANISCRUB. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11497-RG. Enviro Chem Corp., PO Box 29113, 11262 Leo Lane, Dallas TX 75229. BIO MATE RESIDUAL INSECTICIDE. Active Ingredients: Ronnel (0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate) 2.0%; N-Octyl bicycloheptene dicarboximide 0.2%; Pyrethrins 0.06%; Technical Piperonyl Butoxide 0.12%; Petroleum Distillates 97.62%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 10155-EN. Globe Chemicals, Inc., PO Box 3484, Toledo OH 43607. TOWERCIDE 400. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5145-RT. Horning Safety Products Co., 1180 W. 28th St., Indianapolis IN 46211. HORNING'S POOL ALGAECIDE CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5145-RI. Horning Safety Products Co., 1180 W. 28th St., Indianapolis IN 46211. HORNING'S POOL ALGAECIDE F-25. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 12.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 8169-I. Hunter Products Co., 8603 Botts Lane, San Antonio TX 78286. HUNTER TOTAL RELEASE INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Hydrocarbons 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 32460-L. Hydrology Laboratories, Inc., PO Box 714, Smithtown NY 11787. STEP 1 SUPERCHLORINATOR FOR SWIMMING POOLS. Active Ingredients: 1,3-dichloro-5,5-dimethylhydantoin 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 33431-E. Interchem Inc., 3516 N. 14th St., St. Louis MO 63107. CONTROL SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (60% C14, 25% C12, 15% C16) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 1480-L. Mackall's Products Co., 1907 N. Chico Ave., So. El Monte CA 91733. MACKALL'S NO MORE FLEAS. Active Ingredients: Amorphous Silica Gel 95.3%; Ammonium Fluosilicate 4.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 35895-R. Memphis Pool Supply Co., 2762 Getwell Rd., Memphis TN 38116. POOL BARON'S RESCUE ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 3488-LR. Schall Chemical Inc., PO Box 662, Monte Vista CO 81144. METHOXYCHLOR INSECTICIDE EMULSIFIABLE CONC. Active Ingredients: Methoxychlor Technical 24%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 201-GIN. Shell Chemical Co., 1025 Conn. Ave., NW, Suite 200, Washington, DC 20036. Active Ingredients: 2-(4-chloro-6-ethylamino-s-triazin-2-ylamino)-2-methylpropionitrile 26.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

[FR Doc.75-5022 Filed 2-26-75;8:45 am]

[FRL 336-7]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 8:30 a.m., March 18, 1975. The meeting will be held in Room 1101, Waterside Mall West Tower, 401 M Street, SW, Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes reports on the activities of other Committees of the Science Advisory Board, a

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discussion of parameters relevant to mutagenicity screening, the considered use of scientific information in developing public policy, and member items of interest. In addition, reports will be delivered by two study panels of the Committee addressing: (a) Scientific issues relevant to Agency policy on sulfates in the atmosphere, and (b) a review of the Community Health and Environmental Surveillance System (CHESS) program. It is anticipated that the Committee will consider what advisory recommendations should be offered to the Agency based on consideration of these reports.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive Committee (202) 755-0263.

Dated: February 21, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-5290 Filed 2-26-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PUBLIC SYMPOSIUM REGARDING THE IMPACT OF PROPOSED ACCELERATION IN OCS LEASING

Cancellation of Meeting

The Public Symposium regarding outer continental shelf leasing which was scheduled for March 4 & 5, 1975, at 9 a.m., Room 8544, Federal Building, 300 North Los Angeles Street, Los Angeles, California has been cancelled. A notice of meeting was published in the issue of February 12, 1975 (40 FR 6536).

Issued at Washington, D.C. on February 25, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-5355 Filed 2-26-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket Nos. 73-42, 73-61, 73-69, 74-4]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS v. SEATRAIN INTERNATIONAL S.A.

Order on Submission of Environmental Memoranda

Hearings in the above referenced proceedings have been completed and briefs filed, but no environmental impact issues were raised by the parties nor considered in the course of the proceeding. The matter is otherwise ready for initial decision.

Nonetheless the Commission believes it is required by the National Environmental Policy Act of 1969 (NEPA) to provide an environmental analysis of the subject matter of this proceeding and issue an Environmental Impact Statement therefor. Under section 102(C) of said Act, the Commission is required to:

(C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Commission believes that the nature of this proceeding renders any decision hereon a "major Federal action significantly affecting the quality of the human environment." Consequently the broad scope of environmental factors involved warrant most careful consideration and evaluation before decision making is undertaken. As the presiding Administrative Law Judge is cognizant of NEPA's statutory requirements, it is assumed no Initial Decision will be rendered until such time as the Commission submits an Environmental Impact Statement for his consideration in this proceeding.

Therefore it is ordered, That to aid the Commission in its environmental evaluation, all parties shall submit memoranda to the Commission within 45 days which include their evaluations and positions regarding predictable environmental effects resulting from the eventual resolution of this proceeding. Parties shall consider all alternative decisions in this case and use the above-cited section 102(C) of NEPA as a guide in preparing their environmental memoranda.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-5267 Filed 2-26-75;8:45 am]

PACIFIC COAST—AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Mr. A. H. Eber, Secretary
Pacific Coast-Australasian Tariff Bureau
635 Sacramento Street
San Francisco, California 94111

Agreement 50-30 would modify the Pacific Coast-Australasian Tariff Bureau's basic agreement by adding a new paragraph, I(c), reading as follows:

"I(c). *Additional purpose:* It is an essential term of this Agreement and basic condition of each and every promise or undertaking herein contained that (subject to there being obtained any requisite approval hereof of the Federal Maritime Commission of the United States of America or any other regulatory agency affecting the flag of the carrying vessel) the Member lines agree that, during the term of this agreement, they will use their best endeavors to observe and maintain the conference system of shipping in relation to any outwards cargo shipping from Australia in which they may engage, in the reciprocal trade to that covered by this Agreement. To that end, if at any time during the term of this Agreement two or more member lines are engaged in such reciprocal trade, outwards, from Australia, and there is no current conference Agreement, as defined in Part X of the Australian Trade Practices Act 1974, relative to such trade, then in effect, such member lines will negotiate in good faith for the formation of such an agreement.

By Order of the Federal Maritime Commission.

Dated: February 24, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-5265 Filed 2-26-75;8:45 am]

U.S. GULF/PERU SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by March 19, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Lloyd Strickland, Vice President
Lykes Bros. Steamship Co., Inc.
300 Poydras Street
New Orleans, Louisiana 70130

Agreement No. 10044-2, between Compania Peruana de Vapores (CPV) and Lykes Bros. Steamship Co., Inc., modifies the basic agreement by (1) extending the expiration date of the agreement for a period of two years; (2) adding a new paragraph to Article 6 of the agreement providing that a Line's pool earnings for a given year may be adjusted by excluding therefrom pool earnings resulting from its last sailing of that year to the extent necessary to equalize the earnings of both Lines for that year and any pool earning so excluded will be deemed earned in the next succeeding pool year; and (3) adding an additional paragraph to Article 15 stipulating that for the purpose of pool settlements all sailings made during the calendar year 1975 shall be considered as one period.

By Order of the Federal Maritime Commission.

Dated: February 24, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-5266 Filed 2-26-75;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2146]

ALABAMA POWER CO.

Order Instituting Investigation and Providing for Hearing

FEBRUARY 20, 1975.

On February 10, 1975, the 64-foot high earthfill dam at the Bouldin Dam of the Coosa River Project No. 2146 failed. This failure occurred in the earth dike east of the power plant and resulted in a flow through the dike which was estimated at approximately 50,000 cfs.

The Bouldin Dam obtains its water from a reservoir of the Jordan Project No. 618. Because flows from this reservoir to the Bouldin Dam are not regulated, the failure of the dam resulted in a substantial decrease in the level of the reservoir at the Jordan Project No. 618, adding flows in the river downstream from the dam.

The dam failure occurred at 1:30 a.m. on February 10, 1975. During the morning of February 10, 1975 the Atlanta Regional Engineer and an assistant visited the site. The Head of the Section on Inspections of the Bureau of Power and an assistant plus two engineers from the Atlanta Regional Office visited the dam site last week and met with a Board of Consultants retained by the licensee in connection with the dam failure.

We believe the failure of this dam raises questions about the safety and adequacy of project works subject to our jurisdiction under the terms and conditions of the Federal Power Act (Act) and the conditions of the license for this project, particularly Articles 2, 3, and 4.[1] Section 10(c)[2] of the Act expressly provides:

That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power * * * and shall conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property.

We are therefore ordering a further formal investigation pursuant to the Act into the causes of this dam failure in order to determine the proper remedial actions which should be taken to assure that life, health, and property are adequately protected at this dam and other dams under the control of the licensee. The formal investigation should also determine whether the provisions of this Act or any rule, regulation, or order of the Commission have been violated and, if so, which may have caused or contributed to the dam's failure.

Following the completion of the present Staff field investigation and the formal investigation, an evidentiary hearing pursuant to section 10(c) and 308[3] of the Act shall be held to document and determine the cause of this dam failure and any remedial actions which may be warranted to correct any violations of the Act or any rule, regulation, or order thereunder or to assure that this dam failure or the potential for failure of any other related dams under control of the licensee will not occur or reoccur.

The Commission further finds. It is appropriate and in the public interest for the purposes of administration of the Federal Power Act that a formal investigation and hearing be ordered concerning the failure of the Bouldin Dam of the Coosa River Project No. 2146, any matters related thereto, and the potential for failure of any other related dams under the control of the licensee.

The Commission orders. (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 10, 307, 308, and 309, an investigation and hearing shall be instituted into matters involved and issues presented in this proceeding.

(B) As a part of the investigation, the Commission staff is hereby directed to conduct an examination into the Bouldin Dam failure and the potential for failure of any other related dams under the licensee's control; to obtain such facts and information from the books, records, facilities, and properties of the Alabama Power Company, its parents, affiliates, or subsidiaries as may be necessary or appropriate to conduct this investigation; and to furnish such recommendations as may be necessary or appropriate in light of the investigation.

(C) Alabama Power Co., its parents, affiliates, or subsidiaries, shall cooperate and assist Commission staff in its investigation.

(D) The Commission's Secretary shall issue notice of the time and place of the hearing. The procedure for the hearing shall be prescribed by the Presiding Administrative Law Judge in conformance with the Commission's rules of practice and procedure.

(E) The Commission's Secretary is hereby directed to issue a notice of this investigation and hearing with provision for the filing of protests or petitions to intervene.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5208 Filed 2-26-75;8:45 am]

[Docket No. RP71-131; RP72-61]

ALGONQUIN GAS TRANSMISSION CO.

Extension of Time; Correction

JANUARY 22, 1975.

In the notice of extension of time issued January 17, 1975 and published in the FEDERAL REGISTER on January 31, 1975, 40 FR 4682, Page 4682, Paragraph 2, line 2: Change the word "on" to "opposing."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5209 Filed 2-26-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Extension of Procedural Dates

FEBRUARY 19, 1975.

On February 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 29, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony—March 18, 1975.
Service of Intervenor's Testimony—April 4, 1975.
Service of Company Rebuttal—April 18, 1975.
Hearing—April 29, 1975 (10 a.m.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5211 Filed 2-26-75;8:45 am]

[1] *Alabama Power Company*, Project No. 2146, 18 F.P.C. 265, 270 (1957).
[2] 16 U.S.C. § 803(c).
[3] 16 U.S.C. § 825g(a).

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[Docket No. E-9138]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Filing of Revised Fuel Clause and Supporting Materials

FEBRUARY 20, 1975.

Take notice that on January 20, 1975, Central Illinois Public Service Co. (Central Illinois), tendered for filing copies of a revised fuel clause for substitution in Rate Schedule W-1; and Statement O—Period II (Revised). Also tendered, as supporting material, was Working Paper I which the company describes as a computation of the fuel clause cost per kwh for the months May 1974 through June 1975, based upon the formula contained in the revised fuel clause; and Appendix 1 which the company describes as a comparison of fuel clause billing for Period II to cooperative customers for the fuel clause contained in Rate Schedule W-1 filed November 29, 1974, and for the revised fuel clause which is the subject of this notice.

Central Illinois states that this filing is made pursuant to the Commission order in this docket of December 31, 1974. The company states further that the revised fuel clause conforms with Commission Order No. 517, issued November 13, 1974, in Docket No. R-479 and that its application would produce $3,786 less fuel adjustment revenue than the fuel clause filed November 29, 1974.

The company requests an effective date of January 2, 1975. Central Illinois states further that it does not anticipate any revenues to be collected prior to January 31, 1975, under Rate Schedule W-1, and therefore, requests that the Commission accept the revised fuel clause and terminate the refund obligation imposed by the Commission's order of December 31, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5212 Filed 2-26-75;8:45 am]

[Docket Nos. RP72-142; PGA75-1]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

FEBRUARY 20, 1975.

Take notice that on February 13, 1975, Cities Service Gas Co. (Cities) tendered for filing Substitute Ninth Revised Sheet PGA-1 (issued February 10, 1975) which reflects thereon a current adjustment of 3.50¢ per Mcf and a cumulative adjustment of 9.91¢ per Mcf, to be effective on January 23, 1975.

Cities states that this filing is in conformance with Ordering Paragraph (B) of the Commission's January 22, 1975 order in the above-cited dockets. Cities further states that the above-referred to tariff sheet will be effective for only one day, namely January 23, 1975, after which Substitute Ninth Revised Sheet PGA-1 (issued December 2, 1974) reflecting a current adjustment of 4.29¢ per Mcf and a cumulative adjustment of 10.70¢ per Mcf will be effective on January 24, 1975, after suspension, as provided by the Commission's January 22, 1975 order. According to Cities, of the 10.70¢ per Mcf cumulative adjustment, 0.79¢ per Mcf is being collected subject to possible refund as of January 24, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5214 Filed 2-26-75;8:45 am]

[Docket No. RP75-62]

CITIES SERVICE GAS CO.

Tariff Filing

FEBRUARY 21, 1975.

Take notice that on February 10, 1975, Cities Service Gas Co. (Cities), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. RP75-62 revised Article 13 to its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to Section 4 of the Natural Gas Act, part 154 of the Commission's regulations thereunder, and sections 2.70 and 2.78 of the Commission's general policy and interpretations thereunder (18 CFR 2.70 and 2.78) reflecting revised curtailment categories and establishing curtailment procedures said to be in substantial compliance with those of the Commission, all as more fully set forth in the tariff filing on file with the Commission and open to public inspection.

Cities maintains that during recent periods it has experienced increasingly severe reductions in the gas supply available to its system as a result of the inability of Cities' suppliers to deliver the volumes Cities needs in order to fulfill its customers' needs. Accordingly, although Cities believes that its present curtailment plan has been effective and just and reasonable, the increased curtailment which Cities anticipates will be necessary in the future justifies the substitution of the proposed plan.

Cities states that the priority-of-service categories in its proposed curtailment plan depart from those specified in Order No. 467-B as modified by the Commission's Opinion No. 647-A in United Gas Pipe Line Company, 49 FPC 1211, 1213-14, in certain respects. While Cities has adopted the modification of category (2) to include small industrial customers (up to 3,000 Mcf per month) for the reasons stated by the Commission in Opinion No. 647-A, Cities has subdivided FPC category (2) as set forth in Order No. 467-B into categories (2) and (3) and has shifted large commercial customers using 3,000 Mcf per month or more and industrial feedstock or process requirements from category (2) to a new category (3). Category (3) specified in Order No. 467-B thus becomes category (4) under Cities' curtailment plan.

Additionally, the proposed plan departs from the priority categories of Order No. 467-B by not differentiating between "firm" and "interruptible" service, thus eliminating FPC categories (4) and (5) as separate categories. As a result of these changes, Cities' proposed curtailment plan has eight categories instead of the nine categories of Order No. 467-B.

Cities explains that it subdivides FPC category (2) to differentiate between customers in category (2) which have never been curtailed or required to have alternate fuel capability and hence do not have alternate fuel capability from those customers placed in category (3) which have historically been curtailed and hence do have the requisite alternate fuel capability. The result, says Cities, is that its large commercial and industrial feedstock and process customers are separated out of category (2) and placed in category (3). Cities claims that this result is also dictated by administrative reasons in that there are only about 350 customers with relatively large volumes in Cities' category (3), while there are approximately 1,900 customers with much smaller volumes in Cities' category (2).

Cities further explains that its customers which have heretofore used gas for high priority uses have historically been designated or "firm" customers and those which have low priority uses as "interruptible" customers. Cities concludes that no purpose would be served by distinquishing between "firm" and "interruptible" service.

Cities points out that for categories (1) and (2), its proposed plan utilizes a volumetric limitation of 1,000 Mcf in a peak month as the equivalent for the 50 Mcf on a peak day set forth in Order No. 467-B. Similarly, category (2) in said plan utilizes a volumetric limitation of 3,000 Mcf in a peak month rather than 300 Mcf per day reflected in Opinion No. 647-A. Cities claims the 3,000 Mcf per month limitation in its categories (2) and (3) is appropriate because Cities' tariff has historically provided for a different classification of commercial and industrial sales of less than 3,000 Mcf per month from those of more than 3,000 Mcf per month.

Cities' proposed curtailment plan provides that all customers served under the various rate schedules in Cities' tariff and all customers served under direct sale contracts are subject to curtailment under the plan. Cities state that allocation will be made by curtailing the lowest priority category (category (8)) and successively to each higher priority category, until the total volume available has been allocated. Each customer will then be notified, with as much advance notice as possible, of the quantity of gas which he is entitled to receive under such allocation and the curtailment period during which it will apply.

While Cities anticipates that it will be able generally to utilize its system and storage flexibility so that required gas supply curtailment can be accomplished by allocation over a month or period of months under the allocation procedure described above, the plan also provides for curtailment for a period of a day or several consecutive days under the same allocation procedures when such curtailment is required for operating reasons when customers' total requirements exceed capacity or to meet short-term gas supply conditions.

The curtailment plan also contains a provision for emergency relief as required by Orders Nos. 467-A, 467-B and 467-C, including payback provisions. Further, Cities states that its proposed plan prescribes an unauthorized-overrun penalty of 115 Mcf of gas, applicable alike to jurisdictional and direct customers.

Cities requests an effective date coincident with the beginning of the expected summer curtailment season of June 23, 1975, for its filing and requests waiver of the 60-day notice provision required by section 154.22 of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before March 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5213 Filed 2-26-75;8:45 am]

[Project No. 553]

CITY OF SEATTLE

Application for Change in Land Rights

FEBRUARY 19, 1975.

Public Notice is hereby given that application for approval of Change in Land Rights was filed December 23, 1974 under the Federal Power Act (16 U.S.C. 791a-825r) by the City of Seattle (Correspondence to: Mr. Gordon Vickery, Superintendent of Lighting, The City of Seattle, Department of Lighting, 1015 Third Avenue, Seattle, Washington 98104) for Skagit River Project No. 553 located in Whatcom County, Washington near the Towns of Newhalem and Diablo on the Skagit River, partly on lands of the United States (The Skagit River Project No. 553 boundary is entirely surrounded by the Ross Lake National Recreation Area).

Applicant seeks Commission approval of the issuance of a permit to the State of Washington which would allow for the construction of a microwave terminal building and the installation of radio transmitter equipment within the project boundary. The proposed microwave terminal building would be a 16 x 19 foot concrete block building with a 10 foot diameter circular microwave antenna and three radio antennas mounted on the roof and would be located within the Gorge Development Boundary of Project No. 553. The site would be connected by underground cable to an existing State Highway Department Newhalem Maintenance Building (outside the project boundary) which would house a control console.

The proposed radio transmission equipment would be installed in the City of Seattle's existing radio transmitter building near Ross Dam within the Ross Development boundary of Project No. 553. Should the existing radio tower prove to be inadequate, a new 20 foot steel webbed self-supporting tower would be erected adjacent to the existing tower.

These proposed facilities are a part of the State Planned Skagit Valley Communications System to provide radio communication service along Sign Route 20 from Mount Vernon, Washington to the vicinity of Granite Creek near Ross Dam. The system will be a joint system for use by the Washington State Patrol and the Department of Highways, with growth potential for use by other governmental agencies such as the National Park Service and the County Sheriff's Department.

Any person desiring to be heard or to make protest with reference to said application should on or before April 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5227 Filed 2-26-75;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Further Extension of Procedural Dates

FEBRUARY 20, 1975.

On February 12, 1975, Colorado Interstate Gas Co., a division of Colorado Interstate Corporation filed a motion to extend the procedural dates fixed by order issued May 1, 1974, as most recently modified by notice issued January 8, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony—April 18, 1975.
Service of Company Rebuttal—May 2, 1975.
Hearing—May 13, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5215 Filed 2-26-75;8:45 am]

[Docket No. RP75-8]

COMMERCIAL PIPELINE COMPANY, INC.

Order Granting Motion To Terminate Proceedings and Making Proposed Rates Effective Without Refund Obligation

FEBRUARY 21, 1975.

By order issued September 13, 1974, in this docket, the Commission accepted for filing, suspended for one day until September 16, 1974, and set for hearing Commercial Pipeline Company, Inc.'s (Commercial) proposed rate increase tendered on July 31, 1974.

Commercial's filing was noticed on August 16, 1974, with September 3, 1974 established as the deadline for the filing of comments, protests, or petitions to intervene. No comments, protests or petitions to intervene were filed in this proceeding.

On December 16, 1974, Staff Counsel filed a motion to terminate the docket in this proceeding. Staff Counsel stated that recent submittals of data by Commercial reviewed by the Commission Staff indicate that the requested rate relief has

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been justified. Staff Counsel's Motion To Terminate Docket was noticed on December 20, 1974. No protests, comments, or answers have been filed pursuant to Staff Counsel's motion.

Upon further evaluation of Commercial's tendered filing, this Commission is of the opinion that the proposed rates are just and reasonable. We shall therefore, grant Staff Counsel's motion to terminate this docket and provide that Commercial's proposed rate be made effective without refund obligation as of September 16, 1974.

The Commission finds. It is in the public interest that Staff's motion of December 16, 1974 be granted and that Commercial's proposed rates be made effective as of September 16, 1974 without refund obligation as hereinafter ordered and conditioned.

The Commission orders. (A) Staff Counsel's December 16, 1974, Motion To Terminate this proceeding is hereby granted and Commercial's proposed rates are hereby made effective as of September 16, 1974, without refund obligation. (B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5217 Filed 2-26-75;8:45 am]

[Docket Nos. RP69-19; et al., RP65-59; RP61-13; et al.]

CONSOLIDATED GAS SUPPLY CORP.

Report of Refunds

FEBRUARY 20, 1975.

Take notice that on July 5, 1974, Consolidated Gas Supply Corp. filed with this Commission, a report of refunds made to its jurisdictional customers. The refunds amount to $2,268,562 and reflect supplier refunds pursuant to Commission order issued May 9, 1974, directing Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation to refund certain amounts to Consolidated.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5216 Filed 2-26-75;8:45 am]

DAYTON POWER AND LIGHT CO.

[Docket No. E-9216]

Order Accepting for Filing and Suspending Proposed Rate Increase, Allowing Interventions, Denying Motion To Reject, and Establishing Procedures

FEBRUARY 19, 1975.

On January 15, 1975, Dayton Power and Light Co. (Dayton) tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1 [1] for service to municipal customers for resale. In addition, Dayton filed a fuel adjustment clause purporting to conform with Commission Order No. 517.

Notice of the filing was issued on January 21, 1975 with comments and petitions to intervene due on or before February 3, 1975. Timely petitions to intervene were received from certain of Dayton's municipal customers.[2] The Cities petition to intervene also contained a request that the Commission reject the filing. On February 13, 1975, Dayton filed an answer to the pleadings of the Cities and the Villages, opposing the request for rejection.

Dayton filed the changes in its tariff pursuant to section 205 of the Federal Power Act. The supporting material is in the form of a Period I, actual data for the twelve months ended April 30, 1974, and a Period II, projected data for twelve months ending December 31, 1975. Based on estimates of billing for Period II, the changes will increase Dayton's wholesale revenue by $1,756,930 (24.2 percent). In addition, under the new tariff Dayton would bill under a three energy block system rather than the current five block system. No change would be made in the KVA demand steps. The base for the tax adjustment clause would be changed to December 31, 1974. As noted above the fuel clause in the filing is in purported conformance with Opinion No. 517.

The Cities base their request for rejection on the alleged meagerness of Dayton's filing and an allegation that Volume II [3] of the filing was never served on Dayton's customers. With regard to the Cities' first point, such an allegation does not meet the standards for the rejection of a filing as set out in *Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *F.P.C.*, 450 F. 2d 1341, 1345-46, 146 U.S. App. D.C. 294, 298-99, *cert. den.* 405 U.S. 989 (1971), where the Court stated that rejection of a filing is proper in the "clear case of a filing that patently is either deficient in form or a substantive nullity." Our review of Dayton's filing reveals that it complies with the applicable regulations related to filing proposed rate increases. There is no need "for calling on Dayton to put its papers in proper form and order." *Municipal Light Boards, supra,* at 1346. Nor can Dayton's filing be considered a patent, substantive nullity. Rather, the Cities allegations of meagerness go to the issue of whether Dayton can sustain its burden of proof in the hearings we herein order pursuant to section 205 of the Federal Power Act. Arguments on the sufficiency of the support should be saved for those proceedings. With regard to the Cities' second point, we note that our regulations, 18 CFR 35.2(d) do not require that Dayton mail the documents contained in Volume II to their customers until a customer makes a request for the material. Moreover, Dayton states in its answer filed on February 13, 1975 that it has now mailed Volume II to its customers. Accordingly, we cannot accept the Cities second point as an adequate basis for rejection.

However, our review of the proposed changes indicate that the proposed changes may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful within the meaning of the Federal Power Act. Accordingly, we will accept Dayton's filing, suspend it for thirty days, and allow the proposed rates to become effective subject to refund. Furthermore, we shall order a hearing to be held on the lawfulness of Dayton's proposed changes in its FPC Tariff.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308 and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in Dayton's FPC Electric Service Tariff, Original Volume No. 1 as proposed to be amended herein. (2) Good cause exists to accept for filing and suspend Dayton's proposed revised tariff sheets for thirty days, to become effective March 31, 1975, subject to refund. (3) Good cause exists and it would be in the public interest to permit the intervention of the above named parties. (4) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

The Commission orders. (A) The Cities' request for rejection of Dayton's filing is denied. (B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on July 29, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rate charges and conditions of service contained in Dayton's FPC Electric Service Tariff, Original Volume No. 1, as

[1] See Appendix A.

[2] One petition on behalf of the Cities of Celina, St. Mary's, and Tipp City, Ohio and the Villages of Arcanum, Eldorado, Jackson Center, Lakeview, Mendon, Minster, New Bremen, Versailles, and Yellow Springs, Ohio (the Cities); separate petitions from each of the following: Villages of Jackson Center, Minster, New Bremen, New Knoxville, and Waynesfield, Ohio (Villages).

[3] Volume II contains the work papers in support of statements A through O, Period II.

proposed to be amended herein. (C) Pending a hearing and final decision thereon, Dayton's proposed revised tariff sheets are hereby accepted for filing, suspended for thirty days and the use thereof deferred until March 31, 1975. (D) On or before June 10, 1975, the Commission Staff shall serve its prepared testimony and exhibits. On or before July 1, 1975, the Intervenor shall serve their testimony and exhibits. On or before July 15, 1975, Dayton shall serve its rebuttal testimony and exhibits. (E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's rules of practice and procedure.

(H) Prior to any rate change under the proposed tax adjustment clause, Dayton shall file, 30 days in advance, appropriate data and calculations showing the basis for the change in rate.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

DAYTON POWER AND LIGHT COMPANY

Designations	*Descriptions*
Fifth Revised Sheets Nos. 4 and 5 under FPC Electric Tariff Original Volume No. 1 (Supersedes 4th Revised Sheets Nos. 4 and 5).	Rate Schedule for Service to Municipals for Resale.
Original Sheet No. 5-A under FPC Electric Tariff Original Volume No. 1.	Continuation of the above (Fuel Adjustment Clause).

[FR Doc.75-5218 Filed 2-26-75;8:45 am]

[Docket No. RP71-15; PGA 75-3]

EAST TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

FEBRUARY 19, 1975.

Take notice that on February 12, 1975, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on March 15, 1975, consisting of the following revised tariff sheets:

Eleventh Revised Sheet No. 4 and Alternate Eleventh Revision Sheet No. 4.

East Tennessee states that the sole purpose of these revised tariff sheets is to adjust East Tennessee's rates pursuant to the PGA provision in section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). East Tennessee further states that Eleventh Revised Sheet No. 4 reflects the rate increase resulting from Tennessee's filing of February 12, 1975, and that East Tennessee's filing of Alternate Eleventh Revised Sheet No. 4 reflects Tennessee's alternate filing of February 12, 1975.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5219 Filed 2-26-75;8:45 am]

[Docket No. RP74-86]

GULF ENERGY & DEVELOPMENT CORP.

Filing of Refund Report

FEBRUARY 19, 1975.

Take notice that on February 11, 1975, Gulf Energy & Development Corp. (Gulf Energy) submitted to the Commission Secretary a report of refunds made to Tennessee Gas Pipeline Company. Gulf Energy states that these refunds have been made with interest at 7 percent per annum pursuant to the Commission "Order Approving Settlement With Condition" issued November 14, 1974. Gulf Energy further states that the refunds were made on December 9, 1974, and reflect the difference between the 11.17¢/Mcf rate proposed and collected by Gulf Energy and the 10.45¢/Mcf rate approved by the settlement order.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-5220 Filed 2-26-75;8:45 am]

[Docket No. RM74-12; Order No. 521-A]

INVESTIGATION OF RATES CHARGED FOR NONJURISDICTIONAL SALES OF NATURAL GAS

Order Denying Stay and Maintaining Non-Public Status of Data Pending Rehearing

FEBRUARY 19, 1975.

On January 9, 1975, we issued Order No. 521, which promulgated a reporting system whereby jurisdictional companies would submit to the Commission information concerning their intrastate sales during a set period of time. On February 10, 1975, we granted rehearing for purposes of further consideration based on the petitions filed by Atlantic Richfield Co., Texaco Inc., and Union Oil Company of California.

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Several of the parties that petitioned for rehearing[1] also requested a stay[2] of the effectiveness of Order No. 521, either until the Commission issues its final order on rehearing or through any period necessary for judicial review. The effect of a stay would be that the information sought by the Commission in Order No. 521 would not be forthcoming. This result is inconsistent with our urgent need for the data, as expressed in Order No. 521, and is, therefore, denied.

Mobil Oil Corp. (Mobil) has requested that we stay the effect of Order No. 521 until ten days after the issuance of any final order on rehearing and Union Oil Company of California has requested that the data filed pursuant to Order No. 521 be kept confidential pending rehearing. One of the reasons expressed by the parties seeking a stay is that the material to be submitted is claimed to be confidential, and we expressly provided in our order that said information would be placed in the public files. This issue is presently being considered by us in our deliberations on rehearing.

Under the provisions of our order, prior to the issuance of our final order on rehearing intrastate rate information filed under the direction of Order No. 521 would be placed in the public files. Such a result would prejudice those companies that chose to comply with the provisions of Order No. 521 and favor those companies that failed to comply pending rehearing. Accordingly, material filed pursuant to Order No. 521 will not be placed by the Commission in the public files until ten days following the issuance of a final order on the petitions on rehearing.[3] Within ten days following the issuance of such order, all reports covering the period during rehearing that have been or should have been filed will be placed in our public files.

The Commission orders. Requests by petitioners for rehearing for a stay of the effect of Order No. 521 pending rehearing and/or judicial review are hereby denied. Information submitted in compliance with Order No. 521 will not be placed in the public files until ten days following the issuance of a final order on the petitions for rehearing.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5228 Filed 2-26-75;8:45 am]

[Docket No. E-9265]

IOWA POWER AND LIGHT CO.

Application

FEBRUARY 20, 1975.

Take notice that on February 14, 1975, Iowa Power and Light Co. (Applicant), filed on application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of 100,000 shares of Cumulative Preferred Stock, par value $100 per share. Applicant also seeks exemption from the competitive bidding requirements of section 34.1a (b) and (c) based upon findings as referred to in section 34.1a(a) (4) of the Commission's rules of practice and procedure.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

Holders of the Cumulative Preferred Stock will be entitled to dividends at a stated rate to be determined prior to issuance when and as declared by the Board of Directors out of funds legally available therefor, on a cumulative basis. The proceeds to the Applicant from the sale of the Cumulative Preferred Stock will exceed $1 million.

The proceeds from the sale of the Cumulative Preferred Stock will be used for refunding of certain obligations consisting of a portion of short-term borrowings aggregating $31,600,000 as of December 31, 1974, and expected to aggregate approximately $40,000,000 at the time of this issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.5221 Filed 2-26-75;8:45 am]

[Docket No. CP75-87]

MOUNTAIN FUEL SUPPLY CO.

Initial Rate Tender

FEBRUARY 19, 1975.

Take notice that on February 11, 1975, Mountan Fuel Supply Co. (Mountain Fuel), tendered for filing copies of its Initial Rate Schedule X-7, with the request that it be made effective as of January 20, 1975, the date of certificate authorization to Mountain Fuel in Docket No. CP75-87. Mountain Fuel requests waiver of the Commission's regulations to allow the requested effective date.

Mountain Fuel explains that the basis of the rates and charges in Initial Rate Schedule X-7 is a Gas Purchase and Exchange Agreement dated June 21, 1974, between Mountain Fuel and Colorado Interstate Gas Company. The company further states that there is no charge for the exchange under this agreement and Mountain Fuel will receive no revenue for the exchange.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[Docket No. CP75-37]

MOUNTAIN FUEL SUPPLY CO.

Initial Rate Tender

FEBRUARY 19, 1975.

Take notice that on February 11, 1975, Mountain Fuel Supply Co. (Mountain Fuel), tendered for filing copies of its Initial Rate Schedule X-6, with the request that it be made effective as of the date of Commission authorization in Docket No. CP75-37.

Mountain Fuel explains that the basis of the rates and charges in Initial Rate Schedule X-6 is a Gas Purchase and Exchange Agreement dated June 20, 1974 between Mountain Fuel and Colorado Interstate Gas Company. The company further states that there is no charge for the exchange under this agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 4, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5224 Filed 2-26-75;8:45 am]

[Docket No. E-8252]

NORTHERN STATES POWER CO. (MINNESOTA)

Order Approving Settlement Proposal

FEBRUARY 21, 1975.

Northern States Power Co. (Northern States) on June 1, 1973, filed an application for a rate increase which would raise the rates of its Minnesota and South Dakota total requirements municipal customers by $1,400,610 on a 1972 test year basis. By our order issued July 30, 1974, we suspended the proposed rates until October 1, 1973, and permitted the intervention of the 14 municipals.

On October 3, 1974, the Presiding Judge certified to us a settlement proposal which would reduce the impact of the proposed rate increase by $302,388. Existing terms and conditions of service would be amended with respect to notice of termination, restrictions on service to certain retail loads, and the availability of firm service power in the event of customer interconnection and operation in parallel with a system other than Northern States' system (subject to a reservation of the Municipals to contest the justness and reasonableness of the amendment). All parties except Commission Staff support the proposal. Staff filed comments objecting only to the proposal's overall rate of return of 8.35 percent (12.8 percent return on equity).

We believe that the record in this present proceeding establishes a zone of reasonableness within which falls the settlement proposal's rate of return. We also believe that the proposed rate of return is appropriate particularly when sufficient weight is given to the effect of the trend of cost of capital in recent years on utility earnings rates, which we recently examined in Consolidated Gas Supply Corporation, Opinion No. 703, Docket RP71-77. Since the settlement proposal provides an appropriate and reasonable resolution of the issues raised in this proceeding, we find that it is in the public interest to approve the proposal.

The Commission finds. Approval of the proposed settlement agreement is just and reasonable in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The proposed settlement agreement between Northen States and its municipal customers certified by the Presiding Judge on October 4, 1974, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days from the date of this order, Northern States shall file with the Commission revised tariff sheets in conformity with the terms of the settlement agreements herein approved.

(C) Within 30 days of the filing of the revised tariff sheets, Northern States shall refund to its customers the difference between the amounts collected since October 1, 1973, under the rates currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7 percent per annum.

(D) Northern States shall file with the Commission, concurrently with the refunds ordered in Paragraph (C), a schedule of such refunds.

(E) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Northern States, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Northern States or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5225 Filed 2-26-75;8:45 am]

[Docket No. RP72-154; PGA 75-4]

NORTHWEST PIPELINE CORP.

Change in Rates Pursuant to Purchased Gas Cost Adjustment

FEBRUARY 20, 1975.

Take notice that Northwest Pipeline Corp. (Northwest), on February 14, 1975, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FPC Gas Tariff, Original Volume No. 1. Northwest states that such change in rates is for the purpose of compensating Northwest for (1) increases in the cost of purchased gas which will become effective on or before March 31, 1975; (2) producer increases for the period June 21, 1974 through March 31, 1975 as provided in Opinion No. 699-H; and (3) interest cost attributable to unrecovered purchased gas cost at the Sumas, Washington import point for the period November 1-17, 1974.

Specifically, Northwest states, the current PGAC adjustment aggregates an increase of .726¢ per therm in all rate schedules contained in Northwest's Original Volume No. 1 Tariff. The annualized increase in Northwest's purchased gas costs aggregates $15,169,272. In addition, Northwest will recover, through a surcharge, the balance of $7,289,959 in its Account 191 as of December 31, 1974, the producer increases allowed under Opinion No. 699-H amounting to $652,250, and an interest cost of $239,000 for the period November 1-17, 1974, in which Northwest was not allowed to track increased purchased gas costs from its Canadian supplier at Sumas, Washington. The proposed change in rates would increase revenues from jurisdictional sales and service by $23,156,659.

Northwest is concurrently filing, pursuant to Commission order issued March 29, 1974 at Docket No. RP74-72, a notice of change in rates applicable to section 13.4, Change in Rates to Reflect Curtailment Credits ("Demand Charge Credits"), contained in its Original Volume No. 1 Tariff. Both the PGAC Adjustment and Demand Charge Credits Adjustment are reflected on the tendered Seventh Revised Sheet No. 10, which is proposed to become effective on April 1, 1975.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH P. PLUMB,
Secretary.

[FR Doc.75-5226 Filed 2-26-75;8:45 am]

[Docket No. E-8953]

SUPERIOR WATER LIGHT & POWER CO.

Further Extension of Procedural Dates

FEBRUARY 19, 1975.

On February 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued December 12, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

[1] In addition to the parties mentioned in the February 10, 1975 order, petitions for rehearing have been filed by Mitchell Energy Corp., Continental Oil Co., Mapco, Inc., Cities Service Oil Co., The California Co., a Division of Chevron Oil Co., Mobil Oil Corp., Exxon Corp., Superior Oil Co., Tenneco Oil Co., TransOcean Oil, Inc., National Association of Regulatory Utility Commissioners (NARUC), and Certain Small Producers (Clark Fuel Producing Co., Robert Mosbacher, *et al.*, Reserve Oil and Gas Co., P. R. Rutherford, P. R. Rutherford, Jr., Michael Rutherford, and Wrightsman Investment Co.).

[2] Requests for a stay were submitted by: Union, Mobil, Exxon, Superior, Atlantic Richfield, Continental, Tenneco, TransOcean, NARUC, and Certain Small Producers.

[3] This order is not in contravention of § 2.72 of our regulations which deals with the availability of data acquired by staff investigation. Our order of August 23, 1974 in Docket No. RM74-24, which modified §2.72, made it clear that that order, Order No. 509, applied only to contested cases where the information sought to be kept confidential was acquired through a staff investigation. Order No. 521 is clearly not a staff investigation, since the material to be submitted by the companies will be filed at the direction of the Commission, nor is it a contested case, since this proceeding was begun by the Commission. Therefore, § 2.72 does not apply to the instant proceeding.

[4] Commissioner Brooke, joined by Commissioner Moody, dissenting, would stay Order No. 521 until ten days after issuance of any final order on rehearing to assure confidentiality of data pending judicial appeal, if any.

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Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony—March. 31, 1975.
Service of Intervenor's Testimony—April 14, 1975.
Service of Company Rebuttal—April 28, 1975.
Hearing—May 12, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5299 Filed 2-26-75;8:45 am]

[Docket Nos. RI75-90, et al.]

TENNECO OIL CO., ET AL.

Hearing on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 13, 1975.

In the Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund issued December 31, 1974, and published in the FEDERAL REGISTER on January 10, 1975 (40 FR 2282):

1. Appendix A, Page 2284, Docket No. RI75-93, Continental Oil Company, change footnote reference "2" to "8".

2. Page 2284, footnote reference 8 change to read "Rate includes applicable tax and is subject to Btu adjustment".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5230 Filed 2-26-75;8:45 am]

[Docket No. RP73-113]

TENNESSEE GAS PIPELINE CO.

Extension of Time

FEBRUARY 19, 1975.

On February 11, 1975, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., filed a motion to extend the date for filing briefs on exceptions to the initial decision of the Presiding Administrative Law Judge issued February 3, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions in the above matter is extended to and including April 4, 1975, and the date for filing briefs opposing exceptions is extended to and including April 24, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5231 Filed 2-26-75;8:45 am]

[Docket No. CI75-239]

TEXAS GAS EXPLORATION CORP. (OPERATOR), ET AL.

Notice of Withdrawal; Correction

FEBRUARY 10, 1975.

Published in the FEDERAL REGISTER on February 12, 1975 (40 FR 6541), please make the following correction to read.

Name of Company to be changed to Texas Gas Exploration Corporation (Operator), et al.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5232 Filed 2-26-75;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Report of Refunds

FEBRUARY 19, 1975.

Take notice that on June 11, 1974, Transcontinental Gas Pipe Line Corp. (Transco) filed herein a statement of refunds which it made to its customers in accordance with the amended settlement agreement approved by the Commission on April 5, 1974, in the above-referenced docket. Transco states the refunds, which are applicable to deliveries of natural gas from August 13, 1973, through March 31, 1974, were made on May 15, 1974.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Transco's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5233 Filed 2-26-75;8:45 am]

[Docket No. RP75-60]

UNITED GAS PIPE LINE CO.

Filing of Tariff Sheets

FEBRUARY 19, 1975.

Take notice that on February 3, 1975, United Gas Pipe Line Company (United) tendered for filing First Revised Sheet Nos. 215 through 227 and 232 of Rate Schedule X-30 (which is a transportation agreement with Louisiana Power & Light Company) to United's FPC Gas Tariff, Original Volume No. 2. United states that these tariff sheets are being filed to: reflect an extension of term to January 1, 1976, and year to year thereafter; establish a rate effective January 1, 1975; and provide for subsequent changes in price as reflected in United's filing made with the Federal Power Commission from time to time.

United further states that the rate reflected on these tariff sheets represents United's Northern Zone jurisdictional cost of service in FPC Docket No. RP74-83. United requests that the information and data included in United's filing in Docket No. RP74-83 be incorporated by reference. According to United, these sheets reflect an annual increase of $193,428 based on the twelve months ending December 31, 1974.

United proposes an effective date of January 1, 1975, for these sheets and states that a copy of this filing and its filing in Docket No. RP74-83 have been sent to Louisiana Power & Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-5234 Filed 2-26-75;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCSHARES OF THE SOUTH, INC.

Acquisition of Bank

Central Bancshares of the South, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Citizens Bank of Tuscaloosa, National Association, Tuscaloosa, Alabama, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 19, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5249 Filed 2-26-75;8:45 am]

TOTAL BANCSHARES CORP.

Formation of Bank Holding Company

Total Bancshares Corp., Miami, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 75 percent of the voting shares of The Americas Bank, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 13, 1975.

Board of Governors of the Federal Reserve System, February 19, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5250 Filed 2-26-75;8:45 am]

WASHINGTON 1ST BANCO, INC.

Formation of Bank Holding Company

Washington 1st Banco, Inc., Washington, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 86 percent or more of the voting shares of The First National Bank of Washington, Washington, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 12, 1975.

Board of Governors of the Federal Reserve System, February 18, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-5251 Filed 2-26-75;8:45 am]

[Regs. G, T, U, and X]

SECURITIES CREDIT TRANSACTIONS

OTC Margin Stock List

Pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) and in accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers," and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks," and in accordance with the criteria specified in § 207.5(d) and (e) of Regulation G, § 220.8(h) and (i) of Regulation T, and § 221.4(d) and (e) of Regulation U, there is set forth below a supplement to the list of stocks traded over-the-counter, current as of February 24, 1975, that the Board of Governors has found that meet the criteria specified above and thus have the degree of national investor interest, the depth, breadth of market, and the availability of information respecting the stock and its issuer to warrant subjecting such stocks to the requirements of Regulations G, T, and U, and Regulation X, 12 CFR Part 224, which makes Regulations G, T, and U applicable to borrowers of securities credit.

It is unlawful for any person to make, or cause to be made, any representation that the inclusion of a security on the OTC Margin Stock List is evidence that the Board has in any way passed upon the merits of, or given approval to, such security or any transaction therein.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this supplement to the list because following such requirements is unnecessary due to the objective character of the criteria for inclusion on the list, specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this supplement to the list, because following such requirements would allow speculators to reap unfair profits and would not aid other persons affected thereby.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Office of Saver and Consumer Affairs pursuant to delegated authority (12 CFR 265.2(h)(1)), effective February 24, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

SUPPLEMENT TO LIST OF OTC MARGIN STOCKS

EFFECTIVE FEBRUARY 24, 1975

ADDITIONS

American Quasar Petroleum Co., no par common; Arlen Property Investors, $1 par shares of beneficial interest; Bentley Laboratories, Inc., $.10 par common; Chatham Manufacturing Co., $1 par common; Christiana Securities Co., $1.25 par common; Foodways National, Inc., $.25 par common; Gilbert Associates, Inc., Class A, nonvoting, $1 par common; Kapok Tree Inns Corp., $.10 par common; LMF Corp., $.40 par common; Magma Power Co., $.10 par common; Mostek Corp., $.10 par common; Statesman Group, Inc., The, $1 par common; Transcontinental Oil Corp., $.10 par common; Universal Instruments Corp., $1.25 par common.

DELETIONS

Albany International Corp., $1.25 par common; American Family Corp., $.10 par common; Anixter Brothers, Inc., $1 par common; Auto-Train Corp., $.20 par common; Best Products Company, Inc., $1 par common; Centronics Data Computer Corp., $.01 par common; Colonial First National Bank, $1 par common; Corometrics Medical Systems, Inc., $.01 par common.

Crutcher Resources Corp., $1 par common; Family Life Insurance Co., Class A, nonvoting, $1 par common; First Mississippi Corp., $1 par common; Funk Seeds International, Inc., $.10 par common; Horace Mann Educators Corp., $1 par common; Interdata, Inc., $.01 par common; Orange-Co, Inc., $.10 par common; Ozite Corp., $1 par common; Saga Corp., $1 par common; Texas Commerce Bancshares, Inc., $4 par common; Weco Development Corp., $.20 par common; Western Company of North America, the, $.30 par common.

NAME CHANGES

From	*To*
Advanced Micro Devices, Inc., $.10 par common.	Advanced Micro Devices, Inc., $.01 par common.
American Bank and Trust Company of Pennsylvania, $1 par common-capital.	American Bank and Trust Company of Pennsylvania, $5 par common-capital.
Bankers Trust of South Carolina, N.A., $10 par common.	Bankers Trust of South Carolina, $10 par common.
Commerce Bancshares, Inc., $10 par common.	Commerce Bancshares, Inc., $5 par common.
FMIC Corp., no par common	United Guaranty Corp., no par common.
Feld Leasing Company, Inc., $.50 par common.	Geico-Feld Corp., $.50 par common.
First National Bank of Maryland, The, $5 par common.	First Maryland Bancorp., $5 par common.
Galbreath First Mortgage Investments, no par shares of beneficial interest.	Nationwide Real Estate Investors, no par shares of beneficial interest.
Geico Corp., $.50 par common	Geico-Feld Corp., $.50 par common.
Northeast Bancorp, Inc., $5 par common	Northeast United Bancorp Inc. of Texas, $5 par common.
Pennsylvania Gas and Water Co., no par common, $10 stated value.	Pennsylvania Enterprises, Inc., no par common, $10 stated value.
Seattle-First National Bank, $10 par common.	Seafirst Corp., $5 par common.
Security New York State Corp., $10 par common.	Security New York State Corp., $5 par common.
United First Florida Banks, Inc., $1 par common.	Flagship Banks, Inc., $1 par common.

[FR Doc.75-5133 Filed 2-21-75;3:48 pm]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-11)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Meeting

The NASA Research and Technology Advisory Council (RTAC) Committee on Materials and Structures will meet on March 25–26, 1975, at NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. The meeting will be held in Room 625. The meeting is open to the public. Admittance will be on a first-come, first-served basis. The available seating capacity of the room is about 50 persons. Arrangements will be made to admit visitors through the receptionist at the conference room.

The NASA RTAC Committee on Materials and Structures serves in an advisory capacity only. In this capacity, the Committee is concerned with materials science, materials engineering, advanced concepts and materials applications, structural design and analysis, and structural loads and dynamics. The current Chairman is Dr. Holt Ashley. There are 12 members. The following list sets forth the approved agenda and schedule for the March 25 and 26, 1975 meeting. For further information, please contact Mr. George C. Deutsch, Area Code 202, 755–3264.

MARCH 25, 1975

Time	Topic
9 a.m.	Chairman's and Executive Secretary's Reports and Review of New Initiatives (Purpose: To approve past meeting minutes, to review results of the November 1974 meeting of the Research and Technology Advisory Council, to discuss recent changes in the NASA organization, and to brief the Committee on proposed new systems technology programs and obtain their comments and recommendations.)
10:15 a.m.	Critical Aerospace Materials (Purpose: A status report will be given to the Committee on studies of 3 members on supply or substitution of alloying materials for aerospace needs. The Committee will recommend possible future action.)
10:45 a.m.	Engine Turbine Materials Properties (Purpose: The Committee will review a report of a study by 3 members and results of a symposium on high temperature properties data on advanced turbine blades and recommend action.)
1 p.m.	"Outlook for Space" Study (Purpose: Two members will report on the status of their participation in the NASA "Outlook for Space" study for Committee comment and recommendations.)
2 p.m.	Shuttle Payload Technology (Purpose: To review the status of recent developments and plans for Shuttle payloads concerned with technology experiments. The Committee will consider recommendations on this subject.)
3 p.m.	Discussion of New Issues (Purpose: The Committee will review and discuss new technology issues identified by NASA and recommend course of action to be taken concerning distribution of research results, NASA workshops and seminars, relative importance of various programs, and improvements to reduction of fuel consumption in aircraft. Other issues will be discussed as may be identified by the members.)

MARCH 26, 1975

Time	Topic
8 a.m.	Continue Discussion of New Issues.
10:15 a.m.	Final Action on Committee Recommendations (Purpose: The Committee will take formal action on recommendations proposed during the meeting.)
11 a.m.	NASA Center Reports (Purpose: NASA Center representatives on the Committee will report on recent progress on materials and structures technology development programs.)
1 p.m.	Members' Reports (Purpose: To present reports of recent accomplishments in research and development programs in members' organizations.)
2:30 p.m.	Plans for Next Meeting (Purpose: To discuss time, place and agenda for next meeting.)
3 p.m.	Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

FEBRUARY 19, 1975.

[FR Doc.75-5280 Filed 2-26-75;8:45 am]

[Notice (75-10)]

NASA SPACE PROGRAM ADVISORY COUNCIL

Meeting

The NASA SPAC Applications Committee will meet on March 13, 1975, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226-A of Federal Office Building 10B, 600 Independence Avenue, SW, Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 9 a.m., on a first come first served basis up to the seating capacity of the room, which can accommodate about 35 persons. The approved agenda for the meeting is noted below:

The NASA SPAC Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently, the Committee comprises 11 members, and a recording secretary, Louis B. C. Fong, who can be contacted for further information at (202) 755–2070.

The following is the approved agenda and schedule for the March 13, 1975, meeting of the SPAC Applications Committee:

Time	Topic
9 a.m.	Chairman's Remarks.
9:30 a.m.	FY 1976 Budget. Implications on the Applications Program.
10:15 a.m.	NASA-HUD Solar Heating and Cooling Demonstration Program. Status of the plan. Response to concerns and questions.
11:15 p.m.	Applications Program Integration Board (APIB) Meeting, February 12–13, 1975 Issues and Questions.
1 p.m.	Earth Resources Survey System Economic Studies Methodology developed. Implications and future plans.
2 p.m.	Satellite Communications-Related Activities Disaster Warning Satellite System. Public Service Consortium and its relation to NASA's role and continuing Satellite Communications Program. Issue of technology transfer as it relates to NASA's program in satellite communications.
3:15 p.m.	Conclusions and Recommendations.
3:45p.m.	Adjournment.

DUWARD L. CROW,
Assistant Administrator for the Office of DOD and Interagency Affairs, National Aeronautics and Space Administration.

FEBRUARY 24, 1975.

[FR Doc.75-5279 Filed 2-26-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Fast Flux Test Facility (FFTF) Subcommittee will hold a meeting on

March 14 and 15, 1975 in Arena #1 and #2 rooms of the Sheraton Inn-Denver Airport, 3535 Quebec Street, Denver, Colorado for the purpose of obtaining information to aid the continuing ACRS review of the project.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

SATURDAY, MARCH 15, 1975—8 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by representatives of the Nuclear Regulatory Commission Staff and the Energy Research and Development Administration and its contractors, and will discuss with these participants matters pertinent to the current status of the FFTF project and related research, the proposed post accident heat removal system, the hypothetical core disruptive accident, development and analytical programs and plans and schedules for future work required to accomplish the objectives for the construction and operation of this facility.

In connection with the above agenda item, the Subcommittee may hold Executive Sessions, not open to the public, at 8 p.m. on March 14, 1975 and at the end of the day on March 15, 1975 to consider matters relating to the above project. These sessions will involve discussion of preliminary views and will consist of an exchange of opinions and recommendations of Subcommittee members and consultants and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than March 7, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents which are on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 10:30 a.m. and 11:30 a.m. on March 15, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 13, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202–634–1371) between 8:15 a.m. and 5 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection on or after March 20, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Documnt Room, 1717 H Street, NW, Washington, D.C. 20555 after June 17, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Manager Officer.

FEBRUARY 24, 1975.

[FR Doc.75-5304 Filed 2-26-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' HYPOTHETICAL CORE DISRUPTIVE ACCIDENT (HCDA) WORKING GROUP

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on HCDA will hold a meeting on March 14, 1975 in Arena #1 and #2 rooms of the Sheraton Inn-Denver Airport, 3535 Quebec Street, Denver, Colorado.

The purpose of the meeting will be to discuss the VENUS and PAD Computer Codes being developed by Argonne National Laboratory and Los Alamos Scientific Laboratory, respectively. The VENUS Code is a two-dimensional, hydrodynamics code for calculating dynamic behavior of an LMFBR core during a super prompt-critical disassembly excursion. The PAD Code is a one-dimensional neutronics - hydrodynamics code which describes the behavior of a fast reactor subjected to a large reactivity addition with an accompanying relatively short period.

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

FRIDAY, MARCH 14, 1975, 9 A.M.–4 P.M.

Presentations will be made on the various aspects of the VENUS and PAD Computer Codes. Discussions with representatives of the Argonne National Laboratory, the Energy Research and Development Administration, the Los Alamos Scientific Laboratory, and the Nuclear Regulatory Commission Staff.

In connection with the above agenda, the Working Group will hold executive sessions prior to, and at the close of, the public session, which will involve a discussion of its preliminary views, and exchange of opinions of the Working Group members, and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Working Group operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than March 7, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents which are on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

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(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group, between the hours of 1:30 p.m. and 3:30 p.m. on March 14, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 12, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202/634-1371) between 8:15 a.m. and 5 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection on or after March 19, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202/547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after June 13, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

FEBRUARY 24, 1975.

[FR Doc.75-5203 Filed 2-26-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO. (MONTICELLO NUCLEAR GENERATING PLANT)

Reconstitution of Atomic Safety and Licensing Board to Rule on Petitions to Intervene

In accordance with a FEDERAL REGISTER notice published on September 3, 1974 (39 FR 31941) an Atomic Safety and Licensing Board was established to rule on petitions and/or requests for leave to intervene in the following proceeding:

NORTHERN STATES POWER CO.
(MONTICELLO NUCLEAR GENERATING PLANT)
Docket No. 50-263
Provisional Operating License
No. DPR-22

Dr. John C. Geyer was designated a member of this Board. Dr. Geyer has retired from the Atomic Safety and Licensing Board Panel and, accordingly, Dr. Richard F. Cole is hereby appointed a member of this Board.

It is so *ordered*.

Dated at Bethesda, Maryland this 21st day of February, 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-5200 Filed 2-26-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.26, "Stand Format and Content of Safety Analysis Reports for Fuel Reprocessing Plants," provides guidance to applicants for construction permits or operating licenses for fuel reprocessing plants on the preparation of Safety Analysis Reports. This guide identifies the type of information needed, the depth of detail required, and the desired standard format to facilitate an orderly review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.26 will, however, be particularly useful in evaluating the need for an early revision if received by April 25, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 3 Regulatory Guides currently being developed include the following:

Control of Stainless Steel Welding for Safety-Related Components of Fuel Reprocessing Plants
Corrosion Testing and Evaluation of Metals for Application in Fuel Reprocessing Plants
Nondestructive Examination of Tubular Products for Use in Fuel Reprocessing and Fuel Fabrication Plants
Control of the Use of Sensitized Stainless Steel for Components of Fuel Reprocessing Plants
Control of Reheat Temperature for the Welding of Low-Alloy Steel for Use in Fuel Cycle Facilities
Welder Qualifications for Welding in Areas of Limited Accessibility of Fuel Reprocessing and of Plutonium Processing and Fuel Fabrication Plants
Nondestructive Examination of Liner Welds in Structures and Components of Fuel Reprocessing Plants
General Design Guide for Process Building Ventilation Systems for Fuel Reprocessing Plants
General Fire Protection Guide for Fuel Reprocessing Plants
Standard Format and Content of Safety Analysis Reports for Plutonium Processing and Fuel Fabrication Plants
Standard Format and Content of License Applications for Commercial Waste Burial Facilities
Quality Assurance for the Design, Construction, and Operation of Fuel Reprocessing Plants
Guide for Design, Construction, and Operation of Ventilation Systems for Plutonium Fuel Manufacturing Plants
Criteria for Siting, Design, and Operation of Plants for the Manufacture of Mixed Oxide Fuels
Protective Coatings (Paints) for the Nuclear Industry
Guide to the Preparation of Emergency Plans for Uranium and Plutonium Processing and Fuel Fabrication Plants
Design Criteria for Spent Fuel Storage Facilities at HTGR Sites
Guide for Design of Irradiated Fuel Receiving and Storage Facilities
Assumptions Used for Evaluating the Consequences of a Criticality Accident in LWR Fuel Fabrication Plants
Selection, Training, and Qualification of Personnel for Fuel Reprocessing Plants
Temporary Storage of High-Level Liquid Waste at Fuel Reprocessing Plants
Assumptions Used for Evaluating the Consequences of a Criticality Accident in Fuel Reprocessing Plants

Assumptions Used for Evaluating the Consequences of a Criticality Accident in Plutonium Processing and Fuel Fabrication Plants
Confinement Structures and Systems for Plutonium Processing and Fuel Fabrication Plants
Emergency Water Systems for Fuel Reprocessing Plants and Plutonium Processing and Fuel Fabrication Plants
Protection Systems for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants
Design Basis Floods for Fuel Reprocessing Plants
Criteria for Gaseous Radioactive Effluent Systems at Fuel Reprocessing Plants
Design Criteria for Decommissioning of Nuclear Fuel Reprocessing Plants
Definition of Radioactive Waste Categories
Codes Applicable to Quality Control and Fabrication of Metallic Structures, Systems, and Components for Fuel Reprocessing Plants
Administrative Controls for Nuclear Fuel Reprocessing Plants
Design Objectives for LWR Spent Fuel Facilities
Design Objectives for LWR Fuel Handling Systems

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 19th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director,
Office of Standards Development.

[FR Doc.75-5204 Filed 2-26-75;8:45 am]

[Docket Nos. 50-500A and 50-501A]

TOLEDO EDISON CO., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated February 14, 1975, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 31, 1975 either (1) by delivery to the NRC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Nuclear Reactor Regulation.

APPENDIX A

FEBRUARY 14, 1975.

DAVIS-BESSE POWER STATION (UNITS 2 & 3), TOLEDO EDISON COMPANY, ET AL., NRC DOCKET NOS. 50-500A AND 50-501A

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

I. The Applicants. Units 2 and 3 of the Davis-Besse Nuclear Power Station will be located at the site of the Davis-Besse Nuclear Power Station, Unit 1, in north-central Ohio on the shore of Lake Erie, approximately 21 miles east of the City of Toledo. Each of the two units will have an output of 906 mw. The units will be jointly owned by the following investor-owned utilities: The Cleveland Electric Illuminating Company (24.47 percent), Duquesne Light Company (13.74 percent), Ohio Edison Company (35.60 percent), Pennsylvania Power Company (6.28 percent), and The Toledo Edison Company (19.91 percent). The total estimated cost of the units at completion will be $1,219 million. Unit 2 is scheduled to go into operation between 1981 and 1982; Unit 3, between 1982 and 1983. The units will be constructed and operated on behalf of the Applicants by The Toledo Edison Company.

Duquesne Light Company ("Duquesne") is an investor-owned integrated electric utility which serves an 800 square mile area in the northwestern part of Pennsylvania which has a population of approximately 1,600,000 people. At present, Duquesne supplies the full bulk power requirements of one municipal electric utility. In 1973, Duquesne's total electric operating revenues were in excess of $241,753,000; the company has a net generating capacity of 2,518 mw.

Ohio Edison Company ("Ohio Edison") is a fully integrated investor-owned utility serving an area approximately 7,400 square miles with a population of approximately 2,337,000 people in central and northeastern Ohio. Ohio Edison's net generating capacity is 3,658 mw; it supplies the full bulk power requirements of 20 municipal electric utilities. In 1973, Ohio Edison and its subsidiaries had electric operating revenues in excess of $383,238,000.

Pennsylvania Power Company ("PPC"), a subsidiary of Ohio Edison, provides electrical service throughout an area of approximately 1,500 square miles in western Pennsylvania which has a population of 324,000 people. PPC supplies the full bulk power requirements of five municipal systems. In 1973, PPC had operating revenues of $53,201,000 and a net generating capacity of 608 mw.

The Cleveland Electric Illuminating Company ("CEI") is a fully integrated investor-owned utility which serves an area in and surrounding the City of Cleveland of approximately 1,700 square miles which has a population of approximately 2,100,000 people. CEI does not provide full or partial requirements wholesale electric service to any municipal or cooperative electric utility. In 1973, CEI had electric operating revenues in excess of $322,931,000 and a net generation capacity of 4,000 mw.

The Toledo Edison Company ("Toledo Edison") is a fully integrated investor-owned electric utility serving an area of 2,500 square miles, including the City of Toledo and territory to the west, south and east thereof, with a population of approximately 719,000 people. Toledo Edison supplies the full bulk power requirements of 15 municipal electric utilities and the partial bulk power requirements of one such system at wholesale. In 1973, Toledo Edison had electric operating revenues of $126,415,000 and a net generating capacity of 1,046 mw.

II. The CAPCO Pool. The Applicants are all members of a five-company power pool, known as CAPCO, which was organized in 1967. CAPCO provides the framework within which the members coordinate their operations, interchange power and share reserves. Generation and associated transmission facilities for the CAPCO members are planned on the basis of the requirements of the pool as a single system. The Davis-Besse Nuclear Power Station, Units 2 and 3, as well as certain other nuclear facilities subject to NRC (formerly AEC) licensing,[1] are nuclear generating units jointly planned and constructed by members of CAPCO to meet these requirements. The CAPCO members serve approximately two million customers within a 14,000 square mile area in northern Ohio and western Pennsylvania.

III. Competitive Considerations. Two of the Applicants, CEI and Toledo Edison, have made three previous applications on which the Department was requested to render antitrust advice: Davis-Besse Unit 1, Beaver Valley, and Perry; the other Applicants here were parties to the latter two applications. The Davis-Besse Unit 1 and Perry applications are presently the subjects of a consolidated proceeding before an NRC Atomic Safety and Licensing Board.

In the course of the Department's inquiries concerning Applicants' activities, we received additional evidence that each of the Applicants has engaged in anticompetitive activities.[2]

At the present time in the electric power industry, all electric utilities have recognized the importance of obtaining access to the lowest cost electric generating facilities and of increasing system reliability, without substantially increasing costs. The principal instruments for achieving these goals have been interconnection, reserve sharing, and other types of coordination with other systems. Such coordinated operation almost invariably also includes the purchase and sale of economy energy and the wheeling of bulk power. While such coordinated operation and development is commonly effectuated through the mechanism of a multi-utility power pool, agreements between individual utilities sometimes provide the basis for some aspects of such coordination. A small utility which is denied the benefits of coordinated operation and development cannot effectively compete with larger systems, which can and do, engage in such activities. There is reason to believe that Applicants have engaged in a continuing course of anticompetitive conduct which forecloses third parties from membership in the CAPCO Pool and from participation in the benefits of coordinated operation and development with pool members. This conduct is discussed below.

A. Access to the CAPCO Pool

As indicated above, the Applicants utilize the CAPCO Pool as a vehicle for coodinated operation and development of bulk power supply. On several occasions, smaller utilities have attempted to seek access to the benefits flowing from Pool membership. These attempts have been uniformly rejected by the Applicants.

In 1968, the Borough of Pitcairn, Pennsylvania, a small municipal electric system, requested of each of the Applicants that it be admitted to membership in the CAPCO Pool. Each of the Applicants, save CEI, expressly refused this request; CEI never responded. Pitcairn has never become a member of CAPCO. In addition, in 1973, the City of

[1] Davis-Besse Nuclear Power Station, Unit 1 ("Davis-Besse Unit 1"), NRC Docket No. 50-356A; Beaver Valley Power Station, Unit 2 ("Beaver Valley"), NRC Docket No. 50-412A; Perry Nuclear Power Plant, Units 1 and 2 ("Perry"), NRC Docket Nos. 50-440A and 50-441A.

[2] This evidence involved certain additional matters which were not known to the Department at the times when it previously rendered antitrust advice with respect to the Applicants or at the time the issues were framed by the Atomic Safety and Licensing Board in the pending Perry proceeding.

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Cleveland sought to become a member of the CAPCO Pool. Duquesne and CEI explicitly refused to allow Cleveland to join the pool. The other applicants did not respond to Cleveland's request. Since unanimous approval of all CAPCO members would be required for a new member to join the Pool, Cleveland's participation was blocked.

These refusals to allow other utilities to join CAPCO clearly have an adverse impact upon the smaller utilities' ability to compete with CAPCO members. Taken together with Applicant's activities outlined below, they represent a foreclosure of any opportunity to engage in coordinated operation and in the joint development of large-scale generating resources.

B. Other Refusals to Engage in Coordinated Operation

Our review has disclosed that when the CAPCO members have been requested to establish interconnections with smaller systems and to engage in coordinated operation with them on a bilateral basis, CAPCO members have generally refused to do so. In view of their collective refusals to allow small systems to obtain interconnection and coordination benefits via CAPCO pool membership, we believe that the Commission should determine whether the CAPCO members in their purported individual actions are in fact extending their boycott of the smaller systems.

Duquesne appears to have frustrated Pitcairn's attempts to engage in coordinated operations with Duquesne over a long period. Pitcairn asserts that prior to 1968, Duquesne refused to sell or exchange bulk power with Pitcairn on terms comparable to those on which Duquesne dealt with larger utilities.

CEI's dealings with smaller utilities raise serious questions as to the extent to which it has foreclosed its direct competitors, the Cities of Painesville and Cleveland, from receiving the benefits of coordinated operation. (Painesville attempted to negotiate an interconnection agreement with CEI for over five years; such an agreement was finally executed on January 13, 1975.[5]) Although CEI never directly refused to allow Painesville to engage in interconnection plus coordinated operation with the Company, CEI's practice of conducting prolonged negotiations had the effect of preventing the timely effectuation of the requested coordination. Similarly, CEI resisted Cleveland's attempts over a number of years to conclude an interconnection agreement comparable to those which CEI maintains with other electric utilities. CEI's course of conduct in these and other respects has had the cumulative effect of significantly weakening the ability of the City to compete with the Company.

C. Other Refusals to Engage in Coordinated Development of Generating Resources

There is evidence that attempts by the Napoleon municipal system to join with Toledo Edison in coordinated development of generating resources, and particularly in the large-scale generating resources which are most economical, were frustrated. The Cleveland municipal system has sought to obtain participation in various of CEI's nuclear generating projects. Although CEI has not flatly refused such participation, there has been a pattern of lengthy negotiation without agreement comparable to the pattern of interconnection discussions.

D. Refusals to Wheel Bulk Power

Each of the CAPCO members is clearly dominant in the ownership of transmission facilities and in the transmission of bulk power in the respective areas in which they do business. Collectively, they are dominant in the transmission of bulk power in their combined service areas. Thus, any smaller utility located within one of these areas must secure access to the Applicant-owned transmission network which surrounds it in order to engage in any meaningful type of coordinated operations or development.

Within the last few years and at the present time, Ohio Edison is alleged to have made unreasonable demands concerning the establishment of four new delivery points pursuant to an Ohio Power Company Ohio Edison contract under which Ohio Power Company transmitted bulk power on behalf of Buckeye Power, Inc. for its member cooperatives; Ohio Edison's practices have reportedly necessitated the construction of substantial transmission facilities at Buckeye's expense.[6]

Two municipal systems (Bryan and Napoleon, Ohio) in Toledo Edison's area have separately alleged that in the period from 1970 through 1972, Toledo Edison repeatedly refused to wheel bulk power which was available to each of these municipal systems from Buckeye. In each case, Toledo Edison had been supplying the municipals with bulk power and the refusal to wheel prevented Buckeye from competing with Toledo Edison for a wholesale customer.

Since 1973 CEI has continually refused to wheel power from the Power Authority of the State of New York to the City of Cleveland. The asserted ground for this refusal has been that the City's access to low-cost government power would enable it to undercut CEI in their retail competition. CEI is now exploring means of acquiring the city system.

E. Territorial Allocation

Toledo Edison and Ohio Power Company have allegedly entered a wholesale territorial allocation agreement which eliminates any competition between the two companies in supplying bulk power to municipal systems for resale.

IV. *Legal Principles.* The types of activities outlined above, including refusals to allow participation by others in CAPCO, refusals to engage in coordinated development with others, and refusals to allow meaningful access to vital facilities, must be considered under the antitrust principle requiring those who control an essential resource to grant access on equal and nondiscriminatory terms to all others engaged in the given business. See, *e.g., United States* v. *Terminal R.R. Ass'n*, 224 U.S. 383 (1912); *Associated Press* v. *United States*, 326 U.S. 1 (1945); *Gamco, Inc.* v. *Providence Fruit & Produce Bldg.*, 194 F. 2d 484 (1st Cir. 1952), *cert. denied* 344 U.S. 817 (1952). As we have indicated in past advice letters, this principle applies to bulk power supply arrangements. *United States* v. *Otter Tail Power Co.*, 331 F. Supp. 54 (D. Minn. 1971), *aff'd* 410 U.S. 366 (1973).

The Applicants' refusals to wheel power, to interconnect and to engage in coordinated operation with smaller utilities raise problems which should be considered in the perspective of their monopoly control of the transmission facilities surrounding the smaller systems of their competitors. Antitrust principles have evolved which place distinct limits upon a supplier's exercise of monopoly power at one level of distribution to adversely affect competition at another level. The District Court in *United States* v. *Otter Tail Power Co., supra*, clearly held that a utility could not use the power derived from a lawful monopoly at the bulk power supply level (in that case a monopoly of subtransmission facilities) to impair competition at the retail level.

V. *Conclusion.* Based upon our review, the Department of Justice concludes that the conduct described above, if supported by evidence to be produced at a hearing, would constitute a situation inconsistent with the antitrust laws. Construction and operation of the Davis-Besse Nuclear Power Station, Units 2 and 3, and marketing of its power output would maintain such an anticompetitive situation. Granting the license applied for without adequate antitrust conditions will generate new opportunities for the Applicants to engage in coordinated operation with each other and will provide them with a new source of relatively low-cost power and energy at the same time they are effectively foreclosing any possibility of their competitors sharing in the benefits of coordinated operation and development. Extensive discussions have been held between Applicants and the Department, but there is no indication that they are willing to remedy the anticompetitive situation which appears to exist. While a number of the allegations of restrictive conduct outlined above are presently being examined by the Commission in the Perry proceeding, others are beyond the presently established scope of that proceeding. Accordingly, the Department of Justice recommends that the Commission hold an antitrust hearing concerning the conduct and policies of each of the Applicants in the respects referred to above.

[FR Doc.75-5202 Filed 2-26-75;8:45 am]

[Docket No. 50-346-A; Docket Nos. 50-440-A, 50-441-A]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO. (DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 AND PERRY PLANT, UNITS 1 AND 2)

Reconstitution of Board

John B. Farmakides, Esq., the designated Chairman of the Atomic Safety and Licensing Board for the above proceeding, shortly will become a member of the Atomic Safety and Licensing Appeal Panel by action of the Commission.

Accordingly, Douglas Rigler, Esq., who is a member of this Board is hereby appointed Chairman. John M. Frysiak, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is hereby appointed the third member of the Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

It is so *ordered*.

Dated at Bethesda, Maryland this 21st day of February 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75-5201 Filed 2-26-75;8:45 am]

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[5] Almost two years ago, CEI informed the Department that an interconnection agreement with Painesville would be executed almost immediately.

[6] In its original working out of the Buckeye arrangement in 1967 Ohio Edison alone among the major Ohio utilities, had refused to wheel Buckeye power, and it became necessary to devise a special purchase and resale arrangement in order to supply the cooperatives in Ohio Edison's area.

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Atomic Power Station, located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment authorizes an extension of the date for the performance of the next control rod drop testing from February 22 to March 22, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 14, 1975, (2) Amendment No. 12 to License No. DPR-3, with Change No. 117 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-5187 Filed 2-26-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 24, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Demonstration Centers for Extension and Continuing Education, OE-402, single-time, accredited institutions of higher education, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Bicentennial Celebration—Horizons on Display, single-time public interest groups, Community and Veterans Affairs Division, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Application for Dependency and Indemnity Compensation or Death Pension by Widow or Child, 21-534, on occasion, veterans' dependents, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Housing Cost Questionnaire (Federal Employees), 680, annually, married male Federal employees in Washington, D.C., Raynsford, R., 395-3814.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Aplication for Federal Assistance (Nonconstruction) Bilingual Vocational Education, OE 3176, annually, LEA's, State boards for vocational education, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Summary Report of Traineeships Awarded Under Short-Term Traineeship Grant (Public Health/Nursing), NIH 1529, on occasion, schools of medicine, dentistry, etc., Lowry, R. L., 395-3772.

Office of Education, Report on College Retention of Former Upward Bound and Talent Search Students, OE 1225, semiannually, college registrars, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

Geological survey:

Report of Operations—Outer Continental Shelf (Oil and Gas), 9-152, monthly, Evinger, S. K., 395-3648.

Request for Well Maximum Production Rate, 9-1867, on occasion, Evinger, S. K., 395-3648.

Pollution Report, 9-1880, on occasion, Evinger, S. K., 395-3648.

Request for Reservoir Mer, 9-1866, on occasion, Evinger, S. K., 395-3648.

Semi-Annual Gas Well Test Report, 9-1870, semiannually, Evinger, S. K., 395-3648.

Quarterly Oil Well Test Report, 9-1869, quarterly, Evinger, S. K., 395-3648.

Well Potential Test Report, 9-1868, on occasion, Evinger, S. K., 395-3648.

Packer Test, 9-1871, annually, Evinger, S. K., 395-3648.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-5371 Filed 2-26-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release 34-11255]

BOSTON, CINCINNATI AND DETROIT STOCK EXCHANGES AND INSTITUTIONAL NETWORKS CORP.

Effective Consolidated Tape Plans

The Securities and Exchange Commission announced that it has sent to the Boston, Cincinnati and Detroit Stock Exchanges and Institutional Networks Corp. a letter declaring effective their respective plans for complying with Rule 17a-15 under the Securities Exchange Act of 1934 (17 CFR 240.17a-15) concerning the consolidated reporting of transactions in "eligible" listed securities. The effectiveness of these plans is subject to each of those entities becoming an "other reporting party" pursuant to the consolidated tape plan filed with the Commission under Rule 17a-15 by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the NASD and declared effective by the Commission as of May 17, 1974.[1] The text of the letter follows:

Boston Stock Exchange,
Cincinnati Stock Exchange,
Detroit Stock Exchange,
Institutional Networks Corporation.

DEAR SIR: The Commission has reviewed your plan submitted pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 and has determined that your assumption of the obligations of an "other reporting party," under the terms of the consolidated tape plan filed by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the NASD declared effective by the Commission as of May 17, 1974 (the "Plan"), will result in the appropriate reporting of your transactions in eligible listed securities, as defined in the Plan, under Rule 17a-15. Therefore, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, the Commission hereby declares your plan effective subject to and upon your signing the necessary agreements with SIAC (the "Processor") to become an "other reporting party" under the Plan.

Sincerely yours,

GEORGE A. FITZSIMMONS,
Secretary.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 49 Stat. 1379, 52 Stat. 1076 (15 U.S.C. 78q., 78w.))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 18, 1975.

[FR Doc.75-5090 Filed 2-26-75;8:45 am]

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[1] Securities Exchange Act Release No. 10787 (May 10, 1974).

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SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on March 20-21, 1975 at 55 Water Street, Twenty-Third Floor, New York, New York. The meeting will commence at 10 a.m. local time on March 20, 1975 and at 9 a.m. local time on March 21, 1975 and will be for the purpose of discussing the FOCUS Report of financial and operational information and reviewing the public comments received as of that date on the Group's Interim Report including a FOCUS Report Revised Discussion Paper. The public comment period will close on March 31, 1975. A limited supply of the Interim Report including a FOCUS Report Revised Discussion Paper is still available and will be provided upon request on a first come-first served basis.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140.)

The Interim Report including a FOCUS Report Revised Discussion Paper, and information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-5169 Filed 2-26-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 12; Rev. 1—Amdt. 3]

ASSOCIATE ADMINISTRATOR FOR FINANCE AND INVESTMENT

Authority Delegation

Delegation of Authority No. 12 (38 FR 13063), as amended (38 FR 16001 and 38 FR 26509), is hereby further amended to update sources of authority and to include certain authorities necessary for the "Nonbank" Lender Program. Delegation of Authority No. 12, Revision 1, now reads as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, there is hereby delegated to the Associate Administrator for Finance and Investment the following Authority:

A. *Financial Assistance Program.* • • •

B. *Lease Guarantee and Surety Bond Programs.* • • •

C. *Participating Lending Institutions Program.* 1. *Eligibility.* To take all necessary actions in connection with determinations of eligibility for lending institutions to participate in SBA lending and financial assistance programs, including the suspension or revocation of such eligibility.

2. *Regulation.* To take all necessary actions in connection with the regulation of lending institutions participating in SBA lending and financial assistance programs, in accordance with the Small Business Act, as amended, and the Regulations thereunder as amended from time to time.

• • • • •

Effective date. February 21, 1975.

Dated: February 25, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-5390 Filed 2-26-75;8:45 am]

[Notice of Disaster Loan Area 1118]

TEXAS

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster following severe storms and flooding beginning on or about January 31, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following county: Nacogdoches and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration, District Office, 505 East Travis Street, P.O. Box 1349, Marshall, Texas 75670.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than April 21, 1975. EIDL applications will not be accepted subsequent to November 21, 1975.

Dated: February 19, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-5262 Filed 2-26-75;8:45 am]

RAILWAY ASSOCIATION

[USRA Docket No. 75-70]

PENN CENTRAL TRANSPORTATION CO.

Proposed Interim Abandonment of a Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company (Olean Branch, Sixteenth St. Track) (Cattaraugus County, New York) ("Penn Central") propose to abandon the Olean Branch, Sixteenth St. Track, a line of railroad in Cattaraugus County, New York, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

"After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal Law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority."

The Olean Branch, Sixteenth St. Track sought to be abandoned extends from Valuation Station 9+15 to Valuation Station 68+20, a distance of 1.1 miles, all in the City of Olean, Cattaraugus County, New York.

There are no stations on the line.

In support of its request, Penn Central asserts that:

(1) The line is in poor condition. Continued use of the line would require considerable restoration and renewal work due to progressive wear and tear.

(2) The Olean School Board seeks to purchase railroad right of way in connection with the construction of a new school.

(3) The volume of traffic has decreased drastically over the past couple of years.

(4) Alternate rail service in the future will be provided by applicant's team track on its mainline through Olean and by a line of the Erie-Lackawanna Railway serving Olean.

(5) The area is amply served by motor common carriers, as well as by private carriers which will also adequately accommodate any demand for freight service in the area.

(6) No passenger service is provided on the line involved.

(7) The line is not operated as a joint facility.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20595, by April 1, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, at the offices of the New York State Department of Transportation, Room 313, 1220 Washington Avenue, Albany, New York, between 8 a.m. and 4 p.m., at the Division Superintendent's Office, Penn Central Transportation Company, Room 204, Penn Central Terminal, 495 Paderewski Drive, Buffalo, New York 14212, at the Division Superintendent's Office, Penn Central Transportation Company, Union Station, 325 East Main Street, Utica, New York, both between 8 a.m. and 5 p.m., Monday through Friday, and at the General Manager's Office, Penn Central Transportation Company, Room 408, 466 Lexington Avenue, New York, New York, between 8:30 a.m. and 5 p.m.

In addition to this publication, Penn Central, shall by March 1, 1975, furnish a copy of this notice and invitation for written submission, to know shippers on the Olean Branch, Sixteenth St. Track, sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along the line, continually during the period from March 1, 1975 to April 1, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of New York, New York Department of Transportation, the Public Service Commission of New York, the Board of Supervisors of Cattaraugus County, the Mayor of the City of Olean, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C., this January 27, 1975.

EDWARD G. JORDAN,
President,
United States Railway Association.

[FR Doc.75-5173 Filed 2-26-75;8:45 am]

[USRA Docket No. 75-69]

PENN CENTRAL TRANSPORTATION CO.

Proposed Interim Abandonment of a Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company (Osseo-Old Road Branch) (Hillsdale County, Michigan) ("Penn Central") propose to abandon the Osseo-Old Road Branch, a line of railroad in Hillsdale County, Michigan, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

"After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority."

The Hillsdale Branch sought to be abandoned extends from milepost 360.7 near Hillsdale, Michigan, to its terminus at milepost 356.4 near Osseo, Michigan, 4.3 miles in Hillsdale County, Michigan.

The line includes the stations of Hillsdale and Osseo, Michigan.

In support of its request, Penn Central asserts that:

(1) The line is not in good condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The City of Hillsdale seeks to purchase the railroad right-of-way for use as a hiking trail.

(3) The line has not handled any traffic since March 1973.

(4) Alternate rail service can be provided by applicant's other rail trackage at Hillsdale, Michigan.

(5) The area is amply served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(6) No passenger service is provided on the line involved.

(7) The line is not operated as a joint facility.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20595, by April 1, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, at the Division Superintendent's Office, Penn Central Station, 501 East Michigan Avenue, Jackson, Michigan, between 8 a.m. and 5 p.m., and at the General Manager's Office, Penn Central Transportation Company, Room 400, Penn Central Station, 2405 West Vernor Highway, Detroit, Michigan, between 8 a.m. and 5 p.m.

In addition to this publication, Penn Central shall, by March 1, 1975, furnish a copy of this notice and invitation for written submission, to known shippers on the Osseo-Old Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along the line, continually during the period from March 1, 1975 to April 1, 1975.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of Michigan, the Chief of the Marketing Division, Michigan Department of Agriculture, the Michigan Department of Transportation, the Public Service Commission of Michigan, the Board Chairman of Hillsdale County, the Major of Hillsdale, the Supervisor of the Village of Osseo, and the Supervisors of Cambrie, Hillsdale, and Jefferson Counties, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television

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broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this January 27, 1975.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.75-5172 Filed 2-26-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 692]

ASSIGNMENT OF HEARINGS

Correction

In FR Doc. 3679 appearing on page 6249 in the issue for Monday, February 10, 1975, the fifth hearing assignment which begins, "MC–F 11787, N.N.C. • • • " should be corrected to read, "MC–F 11787, O.N.C. • • • ".

[Notice No. 707]

ASSIGNMENT OF HEARINGS

FEBRUARY 24, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 116142 Sub-81, M. Bruenger and Co., Inc., now being assigned April 14, 1975 (1 day), at Dallas, Texas, in a hearing room to be designated later.

MC 119789 Sub-216, Caravan Refrigerated Cargo, Inc., now being assigned April 15, 1975 (2 days), at Dallas, Texas, in a hearing room to be designated later.

MC 103993 Sub-835, Morgan Drive-Away, Inc., MC 106398 Sub-710, National Trailer Convoy, Inc., MC 107295 Sub-731, Pre-Fab Transit Co., MC 113459 Sub-88, H. J. Jeffries Truck Lines, Inc.

MC 119774 Sub-80, Eagle Trucking Company, MC 120430 Sub-8, Coastal Transport Co., Inc., now being assigned April 17, 1975 (2 days), at Dallas, Texas, in a hearing room to be designated later.

MC 531 Sub-299, Younger Brothers, Inc., MC 102567 Sub-177, McNair Transport, Inc., MC 107064 Sub-105, Steere Tank Lines, Inc., MC 107403 Sub-899, Matlack, Inc., now being assigned April 21, 1975 (1 week), at Dallas, Texas, in a hearing room to be designated later.

MC 5623 Sub-24, Arrow Trucking Co., MC 108676 Sub-69, A. J. Metler Hauling & Rigging, Inc., MC 113459 Sub-86, H. J. Jeffries Truck Line, Inc., MC 118159 Sub-148, National Refrigerated Transport, Inc., MC 119399 Sub-45, Contract Freighters, Inc., MC 119774 Sub-79, Eagle Trucking Company, MC 123407 Sub-182, Sawyer Transport, Inc. and MC 129032 Sub-12, Tom Inman Trucking, Inc.; now being assigned May 5, 1975 (3 days) at Dallas, Texas, in a hearing room to be designated later.

MC 95876 Sub-152, Anderson Trucking Service, Inc., now being assigned May 7, 1975 (3 days) at Dallas, Texas, in a hearing room to be designated later.

MC 111401 Sub-429, Groendyke Transport, Inc., now being assigned May 12, 1975 (2 days) at Dallas, Texas, in a hearing room to be designated later.

MC 136828 Sub-3, Cox & Shay, Inc., now being assigned May 14, 1975 (3 days) at Dallas, Texas, in a hearing room to be designated later.

MC 128383 Sub-54, Pinto Trucking Service, Inc., now assigned April 24, 1975 at Washington, D.C., is postponed indefinitely.

MC 134494 Sub-7, Wayne Daniel Truck, Inc., now being assigned April 14, 1975 (1 day) at Chicago, Illinois, in a hearing room to be designated later.

MC 139685 Sub-2, Speedway Carriers, Inc., now being assigned April 15, 1975 (2 days) at Chicago, Illinois, in a hearing room to be designated later.

MC 139847 Sub-1, W–W Transportation Co., Inc., now being assigned April 17, 1975 (2 days) at Chicago, Illinois in a hearing room to be designated later.

FF 95 Sub-8, Lifschultz Fast Freight, Inc., now being assigned April 21, 1975 (1 week) at Chicago, Illinois in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5282 Filed 2-26-75;8:45 am]

(NOTICE NO. 16)

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 21, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the Federal Register. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 2202 (Sub-No. 477), filed January 31, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: James W. Conner, P.O. Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Distribution Center of the W. F. Walker Stores, Inc. located at or near Diboll, Tex., as an off-route point.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 25708 (Sub-No. 26), filed February 3, 1975. Applicant: LANEY TANK LINES, INC., P.O. Box 2934, Durham, N.C. 27705. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, between points in York County, S.C., on the one hand, and, on the other, points in North Carolina, South Carolina, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Columbia, S.C.

No. MC 29120 (Sub-No. 190), filed January 27, 1975. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and hides), (1) Between Norfolk and Columbus, Nebr., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations, serving no intermediate points. From Norfolk, Nebr. over U.S. Highway 81 to Columbus, Nebr., and return over the same route and (2) Between junction of North Dakota Highway 3 and Interstate Highway 94 and Fargo, N. Dak., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations, serving no intermediate points: From junction of North Dakota Highway 3 and Interstate Highway 94 over Interstate Highway 94 to Fargo, N. Dak., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Sioux Falls, S. Dak. or Chicago, Ill.

No. MC 41951 (Sub-No. 25), filed January 31, 1975. Applicant: WHEATLEY TRUCKING, INC., Cambridge, Md. 21613. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cartons*, knocked down, flat (except corrugated, in boxes), from Atlanta, Ga., to Cambridge, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44639 (Sub-No. 86), filed January 31, 1975. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Weber City, Va., on the one hand, and, on the other, New York, N.Y. Commercial Zone, Bloomfield, N.J. and Carlstadt, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 72285 (Sub-No. 10) (Amendment), filed November 20, 1974, published in the FEDERAL REGISTER issue of December 19, 1974, and republished as amended, this issue. Applicant: MOTOR TRANSPORT COMPANY, a corporation, 4101 W. Blue Mound Road, Milwaukee, Wis. 53208. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill machine parts*, between the plantsite of Beloit Corporation located at or near Rockton, Ill., on the one hand, and, on the other, points in Outagamie, Brown, Wood, Portage and Winnebago Counties, Wis.

NOTE.—The purpose of this republication is to include Winnebago County. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 89684 (Sub-No. 88), filed December 9, 1974. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* having a prior or subsequent movement by aircraft (except articles or unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between the Rock Springs City-County Airport near Rock Springs, Wyo., and the junction of Wyoming Highway 370 and U.S. Highway 30 (Interstate Highway 80): From the Rock Springs City-County Airport near Rock Springs, Wyo., over Wyoming Highway 370 to junction U.S. Highway 30 (Interstate Highway 80), and return over the same route, serving all intermediate points; (2) Between Hanna, Wyo., and Evanston, Wyo.: From Hanna, Wyo., over Wyoming Highway 72 to junction U.S. Highway 30 (U.S. Highway 287), thence over U.S. Highway 30 (U.S. Highway 287) to junction Interstate Highway 80 (U.S. Highway 30) at or near Walcott, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to Evanston, Wyo., and return over the same route, serving all intermediate points, and serving the following points as off-route points: (a) Mountain View, Wyo.; (b) Jim Bridger Power Plant in Wyoming on Sweetwater County Road 15 approximately 8 miles north of Point of Rocks, Wyo.; (c) the plant of Texasgulf, Inc., in Wyoming approximately 8 miles east of Granger, Wyo., on an unnumbered highway; (d) the plant of Stauffer Chemical Co. at Leefe, Wyo.; (e) the plant of FMC Corp. at Westvaco, Wyo., on Sweetwater County Road 3 approximately 6 miles north of U.S. Highway 30; (f) the plants of Allied Chemical Corp. and Church & Dwight Co. at Alchem, Wyo., on Sweetwater County Road 40 approximately 4 miles north of U.S. Highway 30; and (g) the plant of Stauffer Chemical Corp. at Stauffer, Wyo., on Wyoming Highway 372 approximately 15 miles north of Interstate Highway 80;

(3) Between the junction of Interstate Highway 80 (U.S. Highway 30) and U.S. Highway 187 at or near Rock Springs, Wyo., and Jackson, Wyo.: From the junction of Interstate Highway 80 (U.S. Highway 30) and U.S. Highway 187 at or near Rock Springs, Wyo. over U.S. Highway 187 to Jackson, Wyo., and return over the same route, serving all intermediate points, and serving Daniel, Wyo. as an off-route point; (4) Between the junction of Interstate Highway 80 and U.S. Highway 30 near Little America, Wyo., and Sage, Wyo.: From the junction of Interstate Highway 80 and U.S. Highway 30 near Little America, Wyo. over U.S. Highway 30 to junction U.S. Highway 189 at Diamondville, Wyo., thence over U.S. Highway 189 to junction U.S. Highway 30 at Kemmerer, Wyo., thence over U.S. Highway 30 to Sage, Wyo., and return over the same route, serving all intermediate points, and serving Big Piney, Wyo., as an off-route point; (5) Between the junction of Interstate Highway 80 and U.S. Highway 189 approximately 13 miles east of Evanston, Wyo., and Frontier, Wyo.: From the junction of Interstate Highway 80 and U.S. Highway 189 over U.S. Highway 189 to Frontier, Wyo., and return over the same route, serving all intermediate points, and serving Elkol, Wyo. as an off-route point; and (6) Between Sage, Wyo., and Hoback Junction, Wyo.: From Sage, Wyo. over U.S. Highway 30 (Wyoming Highway 89 and U.S. Highway 89) to Hoback Junction, Wyo., and return over the same route, serving all intermediate points; and (B) serving the Jim Bridger Power Plant in Wyoming on Sweetwater County Road 15, approximately 8 miles north of Point of Rocks, Wyo.; Texasgulf, Inc. plant in Wyoming approximately 8 miles east of Granger, Wyo. on an unnumbered highway; and the Stauffer Chemical Company plant at Leefe, Wyo., as off-route points in connection with applicant's authorized regular route operations in MC–89684 (Sub-No. 52) between the International Airport at Salt Lake City, Utah and Rock Springs, Wyo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rock Springs, Wyo.

No. MC 95920 (Sub-No. 36), filed January 31, 1975. Applicant: SANTRY

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TRUCKING COMPANY, a corporation, 11552 SW Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Olympia, Wash., to points in Missouri; and (2) *supplies, materials, and equipment* used in the manufacture of malt beverages, from points in Missouri, to Olympia, Wash., under a continuing contract or contracts, with Olympia Brewing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 98391 (Sub-No. 2), filed November 4, 1974. Applicant: ROBERT JEKEL AND DAVID JEKEL, a partnership, doing business as JEKEL MOVING & STORAGE CO., 405-36th Street, S.E., Grand Rapids, Mich. 49508. Applicant's representative: Gary Steensma (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Allegan, Barry, Ionia, Kent and Ottawa Counties, Mich., on the one hand, and on the other, points in Michigan.

NOTE.—By instant application applicant seeks to convert its Certificate of Registration No. 98391 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant does not indicate a preference.

No. MC 103993 (Sub-No. 850), filed January 30, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Buildings*, complete, knocked down, or in sections; (b) *building sections and building panels*; (c) *parts and accessories* used in the installation thereof; and (d) *metal prefabricated structural components, and panels*, from points in Doniphan County, Kansas, to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture of buildings and parts thereof (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Doniphan County, Kansas.

NOTE.—Common control was approved by the Commission in MC F 10057. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 106674 (Sub-No. 156), filed February 3, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing supplies and accessories*, from Centralia, Ill., and Columbus and Waterville, Ohio, to the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Plainview, Long Island, N.Y.; (2) *wooden pallets*, from Rosemont, Ill., to the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Plainview, Long Island, N.Y.; (3) *steel*, from Cleveland, Ohio, to the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Plainview, Long Island, N.Y.; (4) *plumbing supplies and accessories*, from the plantsite and warehouse facilities of the Powers Fiat Corporation, located at or near Monroe, Ohio, to points in Connecticut, Delaware, Kansas, Maine, Massachusetts, New Hampshire, Texas, Vermont, and points east of Interstate Highway 81 in New York; and (5) *plumbing supplies and accessories*, from the plantsite and warehouse facilities of the Powers Fiat Corporation, at or near Plainview, Long Island, N.Y., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of traffic either originating at or destined to the plantsites and warehouse facilities of the Powers Fiat Corporation, at Plainview, Long Island, N.Y., or Monroe, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 107882 (Sub-No. 38), filed January 16, 1975. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins*, between Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo, N.Y.; Charlotte, N.C.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Coral Gables, Fla.; Culpeper, Va.; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; El Paso, Tex.; Ft. Knox, Ky.; Helena, Mont.; Houston, Tex.; Jacksonville, Fla.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Calif.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Nashville, Tenn.; New Orleans, La.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Richmond, Va.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Tex.; San Francisco, Calif.; Seattle, Wash.; West Point, N.Y.; and the District of Columbia, under contract with General Services Administration.

NOTE.—Applicant holds common carrier authority in MC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 109540 (Sub-No. 33), filed January 29, 1975. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Rd., Lexington, Ky. 40505. Applicant's representative: George M. Catlett, 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers for air, gas or liquids*, (2) *machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying and moving of air, gas or liquids;* and (3) *parts, attachments and accessories* for use in the installation and operating of the commodities described above, between the site of the plant and warehouse facilities of The Trane Company, located at Lexington, Ky., on the one hand, and, on the other, Newport, Ky., and Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington, or Frankfort, Ky.

No. MC 110525 (Sub-No. 1115), filed January 15, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cleveland, Bedford Heights, Bedford, Ashtabula and Painesville, Ohio, to points in Illinois, Indiana, Michigan, Missouri, Minnesota, Kentucky, New York (except points in the New York, N.Y. Commercial Zone, as defined by the Commission, and points in Monroe and Erie Counties, N.Y.), Wisconsin, Tennessee (except Kingsport and Elizabethton), and (except latex to points in New York, and except liquid rubber preservatives to Louisville, Ky.).

NOTE.—The purpose of this application is to replace a terminating interline. If a hearing is deemed necessary, applicant requests it be held at either Cleveland, Ohio or Washington, D.C.

No. MC 110525 (Sub-No. 1116), filed February 3, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Newington, N.H. to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *reclaimed vinyl compound*, dry, in bulk, in tank vehicles, from Piqua, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111594 (Sub-No. 66), filed January 29, 1975. Applicant: C W TRANSPORT, INC., 610 High St., Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Tenant Company in Maple Grove, Minn., as an off-route point, in connection with carrier's authorized regular route operations to and from the St. Paul-Minneapolis, Minn., Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 111729 (Sub-No. 510), filed February 3, 1975. Applicant: PUROLATOR COURIER, CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading and Wilkes-Barre, Pa., restricted to traffic having an immediately prior or subsequent movement by air; (2) *human blood samples, urine samples and diagnostic reports related thereto*, between Fairfield, Conn., on the one hand, and, on the other, points in Norfolk and Suffolk Counties, Mass., and points in Rhode Island; (3) *radiopharmaceuticals, radioactive drugs, and medical isotopes, and related supplies and accessories*, between Arlington Heights, Ill., on the one hand, and, on the other, points in New Jersey; (4) *replacement parts* for business machines and computers, restricted against the transportation of packages or articles weighing in the aggregate more than 35 pounds from one consignor to one consignee on any one day, between Philadelphia, Pa., on the one hand, and, on the other, Allentown, Pottsville, Reading and Wilkes-Barre, Pa., restricted to traffic having an immediately prior or subsequent movement by air; (5) *automotive parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, from Elmsford, N.Y., to points in Connecticut, New Jersey, and New York.

NOTE.—Applicant holds contract carrier authority in MC 112750 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 112801 (Sub-No. 168), filed January 23, 1975. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Schaumburg, Ill., to points in Indiana, Ohio, Pennsylvania and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113024 (Sub-No. 136), filed January 15, 1975. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Point Highway, Smyrna, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose*, and *materials and supplies* used in the manufacture thereof (except in bulk), between Elmhurst, Ill. and points in Cook County, Ill., on the one hand, and, on the other, points in Essex County, New Jersey, under a continuing contract or contracts with Electric Hose & Rubber Company.

NOTE.—Applicant holds common carrier authority in MC 135046 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 309), filed January 29, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S. E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, and parts and attachments* for agricultural implements, from New Albany, Miss., to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Birmingham, Ala.

No. MC 113855 (Sub-No. 310), filed February 3, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment; and *related machinery parts and related contractor's materials and supplies*, when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight requires special equipment; (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies*, moving in connection therewith, restricted to commodities which are transported in trailers; and (3) *iron and steel, and iron and steel articles*, between points on the International Boundary line between the United States and Canada, located in Washington and Idaho, on the one hand, and, on the other, points in Washington, Oregon and Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 113861 (Sub-No. 62), filed February 3, 1975. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Alabama on and north of U.S. Highway 78.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, or Memphis, Tenn.

No. MC 114273 (Sub-No. 229), filed January 30, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Bldg., 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions, in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Denver, Colo., to points in Illinois, Iowa, Kansas, Kentucky, Missouri, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 387), filed February 3, 1975. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications* and *materials, supplies and equipment* used in the maintenance and operation of printing plants, between the plant site of R. R. Donnelly & Sons Co. at Dwight, Ill., on the one hand, and, on the other, points in New York, West Virginia, Missouri, Pennsylvania, Wisconsin, Michigan, Ohio, Indiana and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 116947 (Sub-No. 37), filed January 24, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over

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irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard and dunnage materials*, between Memphis, Tenn. and Winston-Salem, N.C., under a continuing contract with Jos. Schlitz Brewing Company.

NOTE.—Applicant holds common carrier authority in MC 117666 Sub 2 and 8, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117439 (Sub-No. 48), filed January 27, 1975. Applicant: BULK TRANSPORT, INC., P.O. Box 89, Port Allen, La. 70767. Applicant's representative: Robert I. Comaux (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud*, (in bulk), from Houma, La., to points in Alabama, Florida and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge, or New Orleans, La.

No. MC 117765 (Sub-No. 183), filed February 3, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpeting, floor covering, carpet padding*, and *materials, equipment and supplies* used in the manufacture and installation thereof (except commodities in bulk), from the plantsites and facilities of Sequoyah Industries, Inc., at or near Anadarko and Watonga, Okla., to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia; and (2) *equipment, materials and supplies* used in the manufacture, installation, and distribution of carpeting, floor covering and carpet padding (except commodities in bulk), from points in Georgia, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Pennsylvania, to the plantsites and facilities of Sequoyah Industries, Inc. at or near Anadarko and Watonga, Okla., restricted in (1) and (2) above to traffic originating at or destined to the named plantsites and facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 118130 (Sub-No. 72), filed January 29, 1975. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Forth Worth, Tex. 76115. Applicant's representative: Billy R. Reid, 6108 Sharon Rd., Forth Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet; carpeting or rugs; carpet tile; floor covering; carpet, carpeting tile and floor covering samples; carpet padding and cushion; adhesives and carpeting cement; displays and advertising; and such articles* used in the installation of carpet, carpeting, rugs, and floor covering, from points in Los Angeles County, Calif., to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Forth Worth, Tex. or Los Angeles, Calif.

No. MC 119226 (Sub-No. 91), filed January 30, 1975. Applicant: LIQUID TRANSPORT CORP., a corporation, 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of soybeans, and materials, supplies*, and *ingredients used in the processing thereof* (except chemicals), in bulk, in tank or hopper-type vehicles, between the plant and/or warehouse facilities of Krause Milling Company at or near Logansport, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, Ind., Chicago, Ill. or Washington, D.C.

No. MC 119777 (Sub-No. 317), filed January 27, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: John B. Ratliff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn and corn products*, from Danville, Ill., to points in the United States (except Alaska and Hawaii); and (2) *soya and soya products*, from Danville, Ill., to points in the United States (except Alaska, Hawaii, Indiana, Michigan, and Ohio).

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 126970 Subs 1 and 3, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Danville or Chicago, Ill.

No. MC 119880 (Sub-No. 63), filed January 29, 1975. Applicant: DRUM TRANSPORT, INC., 617 Chicago St., East Peoria, Ill. 61611. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 W. Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Mobile, Ala., New Orleans, La., and Houston, Tex., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 119988 (Sub-No. 75), filed January 29, 1975. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, and materials, equipment and supplies*, used in the manufacture and distribution thereof, between the plantsite of Carla Charcoal, Inc., located near Winnfield, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120659 (Sub-No. 4), filed February 3, 1975. Applicant: BUSH VAN LINES, INC., 1886 Brown Street, Akron, Ohio 44301. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and *commodities* requiring special equipment), between points in Summit County, Ohio, on the one hand, and, on the other, points in Ohio, restricted against the transportation of traffic originating at or destined to Summit County, Ohio, and restricted to service in Summit County, Ohio, for the purpose of interchange traffic only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 120789 (Sub-No. 8), filed January 30, 1975. Applicant: UNIVERSAL TRANSPORT SYSTEM, INC., 2680 Bayshore Frontage Road, Mountain View, Calif. 94040. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building, construction, mining and excavation materials and supplies*, in bulk, in pneumatic, hopper and dump vehicles, between points in Nevada and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123407 (Sub-No. 220), filed February 3, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, lath and stakes*, from the plantsite of Cole Forest Products, Inc., located near Grand Rapids, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Duluth, Minn., or Chicago, Ill.

No. MC 123407 (Sub-No. 221), filed February 3, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Washington, Oregon, Idaho, to points in South Dakota, North Dakota, Minnesota, and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Sioux Falls, S. Dak., or Chicago, Ill.

No. MC 123407 (Sub-No. 222), filed February 3, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material fiberboard, wood fiberboard, gypsum board, and acoustical materials*, from Plainfield, Ill., to points in the United States (except Alaska and Hawaii), (2) *equipment, materials, and supplies* used in the manufacture of items described above, from points in the United States (except Alaska and Hawaii), to Plainfield, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124170 (Sub-No. 50), filed February 3, 1975. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Trenton, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 124221 (Sub-No. 51), filed January 29, 1975. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, in temperature controlled vehicles, from New Orleans, La., Gulfport, Miss., and Mobile, Ala., to Urbana, Ill. (2) *bananas*, from Mobile, Ala., to Urbana, Ill., the operations proposed in, Parts (1) and (2) above are limited to a transportation service to be performed under a continuing contract, or contracts, with J. M. Jones, Inc., or Urbana, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 124813 (Sub-No. 125), filed February 3, 1975. Applicant: UNTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer* and *dry fertilizer materials*, from Tolono, Ill., to points in Iowa; and (2) *dry feed*, from Minneapolis, Minn., to points in Wisconsin in and north of Maintowoc, Calumet, Outagamie, Waupaca, Portage, Wood, Jackson, Trempealeau, and Buffalo Counties.

NOTE.—Applicant holds contract carrier authority in MC 118468 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 125777 (Sub-No. 151), filed January 29, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, between points in Montana, Idaho, Utah, Nevada, Arizona, Wyoming, Colorado, New Mexico, S. Dakota, N. Dakota, Oklahoma, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Texas, Louisiana, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Alabama, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126699 (Sub-No. 4), filed January 31, 1975. Applicant: MOORE VAN AND STORAGE OF WOODLAND, INC., 860 Onstatt Road, P.O. Box 244, Yuba City, Calif. 95991. Applicant's representative: Leigh B. Morris, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in Lake and Mendocino Counties, Calif.; and (2) between points in the above counties, on the one hand, and, on the other, points in Yolo, Sutter, Colusa, Butte, Yuba, and Nevada Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 127185 (Sub-No. 6), filed January 27, 1975. Applicant: GATEWAY TRANSFER CO., INC., 1319 Santa Rita Ave., P.O. Box 526, Laredo, Tex. 78040. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile leaf springs*, from ports of entry on the International Boundary line between the United States and the Republic of Mexico located at or near Eagle Pass, Tex., to the port of entry on the International Boundary line between the United States and the Republic of Mexico, at or near Dolores, Tex., restricted to traffic originating in the Republic of Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., Eagle Pass, Tex., Laredo, Tex., or San Antonio, Tex.

No. MC 127668 (Sub-No. 7), filed February 3, 1975. Applicant: WILLIAM WELCH AND JOHN WELCH, a partnership, doing business as WELCH TRUCKING COMPANY, 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts, skins, hair, tails, switches and bone meal*, (1) from points in Texas and New Mexico, to points in Arizona; (2) between points in Texas; and (3) from points in New Mexico, to points in Texas, under contract with Southwest Hide Co., at Phoenix, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 127840 (Sub-No. 41), filed January 29, 1975. Applicant: MONTGOMERY TANK LINES, INC., P.O. Box 382, 17730 South Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, 127 North Dearborn St., Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water treating compounds* (in bulk), from Frisco, Pa., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128012 (Sub-No. 4), filed January 30, 1975. Applicant: R. E. McCORMACK and D. L. McCORMACK, a partnership, doing business as McCORMACK TRUCK LINES, 2608 Eagle Lane, P.O. Box 74937, Oklahoma City, Okla. 73127. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in California, to points in Oklahoma (except Oklahoma City).

NOTE.—If a hearing is deemd necessary, applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

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No. MC 128273 (Sub-No. 170), filed January 28, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, publications and exempted printed matter*, as described by Section 203(b)(7) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with printed matter and or publications and (2) *materials and supplies* used in maintenance and operation of printing plants, between the plant sites and warehouse facilities of R. R. Donnelley & Sons Company and its subsidiaries at or near Warsaw, Ind., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Indiana).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 128273 (Sub-No. 171), filed January 28, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton St., Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, bicycle parts, bicycle accessories and materials and supplies*, used in the manufacture, assembly and/or distribution of bicycles, bicycle parts and bicycle accessories, between Enid, Okla., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Oklahoma).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 129510 (Sub-No. 10), filed January 27, 1975. Applicant: ENGLUND EQUIPMENT COMPANY, a corporation, 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fittings, conduit*, in barrels or boxes, with or without insulators, *cable terminals, tools*, hand, *plastic or rubber articles* (except expanded, straps, lashing, tying or tightening, with or without metal hooks or fasteners), in packages, *cable assemblies or harness, electrical wiring*, in packages, between Elizabeth and Mount Laurel, N.J.; Montgomeryville and Doylestown, Pa.; Easton and Somerville, Mass.; Naugatuck, Conn.; Orangeburg, S.C.; Atlanta, Ga.; Memphis, Tenn.; Indianapolis, Ind.; Elk Grove Village, Ill.; Iowa City, Iowa,; Reno, Nev.; Los Angeles and Anaheim, Calif., restricted to a transportation service to be performed under a continuing contract or contracts with Thomas Betts Co., a Division of Thomas & Betts Corporation of Elizabeth, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Elizabeth, N.J.

No. MC 133892 (Sub-No. 5), filed January 27, 1975. Applicant: B & W SERVICE, INC., 25 Littlefield Street, Avon, Mass. 02322. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, *and equipment, materials, and supplies*, used in the operation of retail department stores (except liquid commodities, in bulk), between Avon, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, New York, New Jersey, and Pennsylvania, restricted to a transportation service to be performed under a continuing contract or contracts with Child World, Inc. of Avon, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134090 (Sub-No. 3), filed January 29, 1975. Applicant: ALL BEST TRANSFER AND WAREHOUSE, INC., 405 Division Street, Elizabeth, N.J. 07201. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is distributed by a premium stamps redemption center in the redemption of premium stamps, and in connection therewith, (2) *equipment materials and supplies* used in the conduct of such business, between Elizabeth, N.J., on the one hand, and, on the other, Glen Burnie, Md., under a continuing contract or contracts with Top Value Enterprises, Inc., of Dayton, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 134145 (Sub-No. 55), filed January 23, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rte. 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Three wheeled utility truck*, self propelled, weighing less than 1500 pounds, from Roseau, Minn., to Lake Zurick, Ill., Augusta, Ga., Sarasota, and Fort Lauderdale, Fla., Norton, Grove City, and North Royalton, Ohio, Lansing, Mich., Olathe, Kans., Houston, Arlington, and Dallas, Tex., Plainview, N.Y., and New Kensington and Bethlehem, Pa., Bordertown, N.J., and Falmouth, Mass., under a continuing contract or contracts with Polaris, Division of Textron, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, Minn., or Fargo, N. Dak.

No. MC 134145 (Sub-No. 56), filed January 30, 1975. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, computing machine* (except commodities in bulk), from Owatonna, Minn., to Campton, Ky., Mount Clemens and Rochester, Mich., under a continuing contract with Computer Peripherals, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134182 (Sub-No. 30), filed February 3, 1975. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Lawrence, Kans. 66044. Applicant's representative: Lucy K. Bell, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass bottles, with metal closures*, from the plantsites of Brockway Glass Company, at Muskogee, Okla.; Kerr Glass Company, at Sand Springs, Okla.; and Obear-Nestor Glass Company, at East St. Louis, Ill.; to the plantsite of Milk Producers Marketing Company, d/b/a All Star Beverage, at Lawrence, Kans.; and (2) *fruit juices, fruit punches, and fruit flavored drinks*, from the plantsite of Milk Producers Marketing Company, d/b/a All Star Beverage, at Lawrence, Kans., to points in Arkansas, Colorado, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wyoming, restricted in part (1) above, to the transportation of shipments originating at, and destined to, the above-named points, and restricted in part (2) to the transportation of shipments originating at the above-named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134477 (Sub-No. 89), filed January 31, 1975. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, S. Dak., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin, restricted to traffic originating at the plantsite and storage facilities of Huron Dressed Beef, Inc. and destined to states named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 90), filed January 31, 1975. Applicant: SCHANNO

TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, from Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, New Jersey, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Huron Dressed Beef, Inc. and destined to the states named above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134535 (Sub-No. 4), filed January 30, 1975. Applicant: CASALE CONTRACT CARRIERS, INC., 1110 Hamilton Boulevard, South Plainfield, N.J. 07080. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs*, from Avenel, N.J., to Danbury, Fairfield, Farmington, Guilford, Meriden, Milford, New Haven, Norwalk, Norwich, Trumbull and West Haven, Conn., New Castle, Del., Baltimore, Hunt Valley, and Landover, Md., Avon, Everett, Hyannis, and Springfield, Mass., Dover and Nashua, N.H., Bloomfield, N.J., Albany, Bayshore, Baldwin, Buffalo, Corum, Endicott, Garden City, Hicksville, Huntington, Huntington Station, Inwood, Kingston, Lake Grove, Middletown, Mount Vernon, New Rochelle, New York, Pleasantville, Port Chester, Schenectady, Smithtown, Westbury, and White Plains, N.Y., Lancaster, Philadelphia, Pittsburgh, Plymouth Meeting and York, Pa., Dartmouth and Hope, R.I., and the District of Columbia, restricted to a transportation service to be performed under a continuing contract or contracts with World Carpets. If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 134884 (Sub-No. 8), filed January 31, 1975. Applicant: FARWEST FURNITURE TRANSPORT, INC., 6840 112th Ave. SE., Renton, Wash. 98055. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture* between points in Washington, Oregon, and Idaho, on the one hand, and, on the other, points in Colorado, New Mexico, and Arizona; and (2) *new furniture*, uncrated, between points in Washington, Oregon and Idaho, on the one hand, and, on the other, points in Colorado, New Mexico, and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 134922 (Sub-No. 112), filed January 30, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products*, from Guntersville, Ala., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *compounds, materials and supplies* used in the manufacture of the commodities in (1) above, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, to Guntersville, Ala., restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Roak, Ark., or Birmingham, Ala.

No. MC 135840 (Sub-No. 4), filed January 20, 1975. Applicant: S & S ENTERPRISES, INC., 2525 Burlington Avenue, Billings, Mont. 59102. Applicant's representative: Hugh Sweeney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, from the plant of Wy-Mont Beverages, Inc., at Billings, Mont., to the Coca-Cola Bottling Company, at Williston, and Dickinson, N. Dak., and the Coca-Cola Bottling Company of the Black Hills, at Rapid City, S. Dak., under contract with Wy-Mont Beverages, Inc., at Billings, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136283 (Sub-No. 3), filed January 29, 1975. Applicant: DERON INC., 5105 S.E. Brookside Drive, Milwaukie, Oreg. 97206. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from points in Delaware County, Pa., to points on entry on the International Boundary, between the United States and Canada located in Washington and Montana, under a continuing contract with LaSalle Deitch Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 138134 (Sub-No. 5), filed February 3, 1975. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main Street, Keokuk, Iowa 52632. Applicant's representative: Kenneth P. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in metal containers of not less than 2 tons capacity, from Keokuk, Iowa, to points in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, New Jersey, New York, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 138452 (Sub-No. 6), filed January 30, 1975. Applicant: JOSEF T. KRAUS, doing business as JOSEF KRAUS TRUCKING CO., Rt. 2, Box 262-H, Sherwood, Oreg. 97140. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and carpet padding*, between Los Angeles, Calif., on the one hand, and, on the other, Portland, Eugene, and Tualatin, Oreg.; Bellevue, Renton, Kent, Seattle, and Tacoma, Wash.; Boise and Caldwell, Idaho; and Phoenix, Ariz.; under a continuing contract or contracts with Mand Carpet Mills.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 138512 (Sub-No. 9), filed January 27, 1975. Applicant: ROLAND'S TRANSPORTATION SERVICES, INCORPORATED, doing business as WISCONSIN PROVISIONS EXPRESS, 3383 East Layton Avenue, Cudahy, Wis. 53110. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products, and materials, equipment and supplies* used in the manufacture and display of cheese and cheese products (except commodities in bulk), from Logan, Utah, to Rocky Mount, N.C., Greenville, S.C., Toledo, Dayton and Cleveland, Ohio, and Atlanta, Ga., and *rejected shipments*, from said destinations to Logan, Utah, under a continuing contract or contracts with L. D. Schreiber Cheese Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 139123 (Sub-No. 4), filed December 2, 1974. Applicant: GLOUCESTER DISPATCH, INC., Kelly Road, Box 127, Plaistow, N.H. 03865. Applicant's representative: Ignatius C. Goode (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, edible NOI, *doughnut coating dry, icing powder, dessert preparation, wheat flour* (except in bulk), from Hillsdale, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, Texas and Vermont.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or New York, N.Y.

No. MC 139825 (Sub-No. 2), filed January 27, 1975. Applicant: A & B TRACTOR SERVICE, INC., 2428 South Hanna Street, Fort Wayne, Ind. 46803. Applicant's representative: Donald R. Clifford, 116 East Wayne Street, Suite 344, Fort Wayne, Ind. 46802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New Semi-trailers* (except trailers designed to be drawn by passenger automobiles), in initial movements, in tow-away service, from Louisville, Ky., to points in Indiana, Michigan, Illinois, Missouri, Kentucky, Tennessee, Ohio and Pennsylvania; and (2) *new and used semi-trailers* (except trailers designed to be drawn by passenger automobiles), in subsequent and secondary movements, in tow-away service, between points in Indiana, Michigan, Illinois, Missouri, Kentucky, Tennessee, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Wayne, Ind.; Indianapolis, Ind.; or Chicago, Ill.

No. MC 139881 (Sub-No. 1), filed November 25, 1974. Applicant: ROETTELE TRUCKING, a corporation, 14503 Eastbrook, Bellflower, Calif. 90706. Applicant's representative: Lon Roettele (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass tanks, ducting or air handling equipment and sections thereof*, from the plantsite and storage facilities of Century Fiberglass, Inc., at Anaheim or Santa Fe Springs, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming, under a continuing contract or contracts with Century Fiberglass, Inc.; and (2) *fabricated structural steel articles, including distribution chutes, structural supports, frames, conveyors, towers and parts thereof*, from the plantsite and storage facilities of Simpson Industries, Inc., doing business as Allied Engineering Co., located at or near Los Angeles, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming, under a continuing contract or contracts with Simpson Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139893 (Sub-No. 2), filed February 3, 1975. Applicant: THAMES VALLEY BRICK & BUILDING PRODUCTS LIMITED, P.O. Box 314, Chatam, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and stone*, between ports of entry on the Interstate Boundary line between the United States and Canada, at the Niagara, Detroit, and St. Clair Rivers, on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Indiana, Illinois, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 140373 (Sub-No. 2), filed January 31, 1975. Applicant: COOK TRUCKING SERVICE, INC., 305 South Harbor Blvd., Fullerton, Calif. 92632. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and syrups* (in bulk), from Santa Ana, Calif., to points in the Counties of Clark, Nev., and Maricopa, Ariz., under a continuing contract with Holly Sugar Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 140434 (Sub-No. 2), filed January 31, 1975. Applicant: WILLIAM L. ANDERSON, doing business as A-1 TRANSFER SERVICE, 121 West College Street, Jackson, Tenn. 38301. Applicant's representative: Edward G. Grogan, 2020 First National Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by distributors of home products, from Jackson, Tenn., to points in Tennessee west of the Tennessee River, restricted to shipments for residence delivery only, and further restricted to shipments having a prior movement in interstate commerce; and (2) *returned, refused or damaged shipments*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, or Memphis, Tenn.

No. MC 140435 (Sub-No. 2), filed January 15, 1975. Applicant: DENNIS CHUTZ AND WAYNE CHUTZ, a partnership, doing business as D & W TRUCKING COMPANY, P.O. Box 116, Slippery Rock, Pa. 16057. Applicant's representative: Donald E. Cross, 918–16th Street NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Cambria, Somerset, Indiana, Venango, and Clearfield Counties, Pa., to the plant sites of Cleveland Electric Illuminating Company in Ashtabula and Cuyahoga Counties, Ohio, under a continuing contract or contracts with Pengrove Coal Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 140484 (Sub-No. 1), filed Jan. 30, 1975. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, Fort Myers, Fla. 33901. Applicant's representative: Lester A. Coggins, P.O. Box 69, Fort Myers, Fla. 33901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and horticultural commodities, and materials and supplies*, used in the growing, shipping and marketing of agricultural or horticultural commodities (except commodities in bulk), between points in Florida, California, Pennsylvania, Ohio and Michigan, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134443 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 140544 (Sub-No. 2), filed January 30, 1975. Applicant: ARLO R. MILLER AND WILLARD D. NEBEKER, a partnership, doing business as M & N TRUCKING, P.O. Box 267, Afton, Wyo. 83110. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and non-metallic ores*, including but not restricted to phosphate and vanadium ore in bulk, in dump vehicles, (1) between points in Illinois and Sublette Counties, Wyo.; (2) between points in Lincoln and Sublette Counties, Wyo., on the one hand, and, on the other, points in Caribou and Bear Lake Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 140547, filed January 6, 1975. Applicant: EVERGREEN TRUCK BROKER, INC., doing business as NORCAL TRUCK LINES, 1805 Industrial Street, Los Angeles, Calif. 90021. Applicant's representative: George R. LaBissoniere, P.O. Box 88968, Tukwila Branch, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, attachments, accessories and supplies*, from points in Michigan, Indiana, Ohio, Missouri, Texas, New York, California, Wisconsin, Minnesota, Iowa, Colorado, Utah, Nevada and Oregon, to Seattle, Tacoma and Spokane, Wash. and Portland, Oreg., under a continuing contract or contracts with Evergreen Warehouse Distributors, Division of Republic Automotive Parts, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140560, filed January 3, 1975. Applicant: J. REID TRUCKING LTD., 9824 169 Street, Edmonton, Alberta, Canada. Applicant's representative: Jerry Reid (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in California, to port of entry on the International Boundary Line between the United States and Canada at Sweetgrass, Mont.; and (2) *plastic*, in bulk and in sheets and blocks, and *alfalfa pellets*, in bags, (A) from Sweetgrass, Mont., to

points in Montana, Idaho, Nevada, California; and (B) from port of entry on the International Boundary Line between the United States and Canada at Eastport, Idaho, to points in Washington and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 140581, filed January 14, 1975. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Rt. 1, Box 222–A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, (1) From Pell City, Ala., to points in Tennessee, Georgia, Kentucky, Florida and Texas; (2) from points in Tennessee, Georgia, Kentucky and Florida, to Pell City, Ala.; and (3) from points in Texas, Georgia, Florida and Tennessee, and New York, N.Y., Detroit, Mich. and Chicago, Ill., to Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 140588 (Sub-No. 1), filed January 27, 1975. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd., N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md., to points in Georgia and Alabama.

NOTE.—Applicant holds contract carrier authority in MC 133492 Sub 1 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140606, filed January 28, 1975. Applicant: SAV-MOR WRECKER SERVICE, 206 Appleton Street, Memphis, Tenn. 38109. Applicant's representative: James Jernigan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles or trailers* (except house trailers designed to be drawn by passenger automobiles) *and replacement vehicles or trailers of the same type, or types*, using wrecker equipment only, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, Texas and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

PASSENGER APPLICATIONS

No. MC 47495 (Sub-No. 12), filed January 7, 1975. Applicant: MOUNTAIN VIEW COACH LINES, INC., 38 Lafayette Ave., Coxsackie, N.Y. 12051. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Dutchess and Columbia Counties, N.Y., to points in the United States, including Hawaii and Alaska, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Poughkeepsie, N.Y.

No. MC 84728 (Sub-No. 62), filed January 24, 1975. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. 20005. Applicant's representative: Lawrence E. Lindeman, 425—13th Street NW., Suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, by motor common carrier, serving the junction of the Baltimore-Washington Expressway and Maryland Highway 450 and all points on Maryland Highway 450 within one mile of said junction, as an off-route point in connection with carriers authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111422 (Sub-No. 7), filed January 28, 1975. Applicant: O. D. ANDERSON, INC., Rural Delivery No. 3, Conneaut Lake Road, Greenville, Pa. 16125. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTES: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, in charter and special operations, Between Youngstown, Ohio, and Erie, Pa., serving all intermediate points: From Youngstown, Ohio, along U.S. Highway 62 to its junction with Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to its junction with Interstate Highway 90, thence over Interstate Highway 90 to its junction with Interstate Highway 79, thence over Interstate Highway 79 to Erie, Pa., and return over the same route; (B) IRREGULAR ROUTES: (1) *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Erie County, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii; and (2) *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points on the regular route described in part (A) above and the territory served thereby to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Youngstown, Ohio.

BROKER APPLICATIONS

No. MC 130287, filed December 18, 1974. Applicant: JAMES W. VANGEMERT, 2744 Leonard Road NW., Grand Rapids, Mich. 49504. Applicant's representative: Theodore Earl Dunn, 2745 DeHoop Avenue S.W., Wyoming, Mich. 49509. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Grand Rapids, Mich., to sell or offer to sell the transportation of *passengers* as individuals and in groups, *and their baggage*, in bus tours, by combination motor common and air carriers, beginning and ending at points in Kent County, Mich. and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Grand Rapids, or Lansing, Mich.

No. MC 130298, filed February 7, 1975. Applicant: SPECIAL EVENTS TRAVEL, INC., 500 Fifth Avenue, New York, N.Y. 10036. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operations, by motor common carrier bus service, between points in the United States including Alaska and Hawaii, restricted to the transportation of passengers having a prior movement in a foreign country by air or water vessel.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

WATER CARRIER APPLICATION

No. W–1284 (Sub-No. 1), filed January 23, 1975. Applicant: FLORIDA BARGE & FERRY LINE, INC., Suite 200, 200 S.E. First Street, Miami, Fla. 33131. Applicant's representative: Maurice M. Diliberto (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General commodities* in trailers and or containers by tug and barge, between Ports of Miami, Key West, Port Laudania, Port Everglades, and Marathon, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Miami or Key West, Fla.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–5147 Filed 2–26–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter-Notices

FEBRUARY 19, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion,

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alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 10, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 19157 (Sub-No. E2) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER December 9, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Rd., Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, 111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment and parts*, (5) between points in Massachusetts, on the one hand, and, on the other, points in North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Louisiana, West Virginia, Mississippi, Michigan, and Wisconsin, and (29) between points in Vermont, on the one hand, and, on the other, points in Delaware, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Florida, Louisiana, West Virginia, Mississippi, Michigan, Wisconsin, and Alabama. The purpose of this filing is to eliminate the gateway of Schenectady, N.Y. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 21170 (Sub-No. E33), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and feed*, from (1) Arkansas, Kans., to points in that part of Minnesota north and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 62, thence along Minnesota Highway 62 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of Des Moines, Dubuque, and Marshalltown, Iowa.

No. MC 21170 (Sub-No. E35), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in that part of Iowa west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 59 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 10, thence along Iowa Highway 10 to Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 7, thence along Iowa Highway 7 to junction Iowa Highway 314, thence along Iowa Highway 314 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 196, thence along Iowa Highway 196 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 89, thence along Iowa Highway 89 to junction Iowa Highway 210, thence along Iowa Highway 210 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Iowa Highway 163, thence along Iowa Highway 163 to Pella, Iowa, thence northeast on unnumbered highway to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 108, thence along Iowa Highway 108 to junction Iowa Highway 149, thence along Iowa Highway 149 to Martinsburg, Iowa, thence south on unnumbered highway to junction U.S. Highway 34, thence along U.S. Highway 34 to Batavia, Iowa, thence south on unnumbered highways to junction Iowa Highway 16, thence along Iowa Highway 16 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 2, thence east along Iowa Highway 2 to junction unnumbered highway, thence over unnumbered highway to the Iowa-Missouri State line, restricted to traffic originating at Detroit, Mich. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63.

No. MC 21170 (Sub-No. E40), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plant site of Farmland Industries, Inc., at or near Garden City, Kans., to points in that part of Missouri west and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 170, thence along Missouri Highway 170 to junction unnumbered highway, thence north and west on unnumbered highway through Coffey to junction U.S. Highway 69, thence along U.S. Highway 69 to Pattonsburg, thence west on unnumbered highway through Berlin to junction U.S. Highway 169, thence north along U.S. Highway 169 to junction unnumbered highway, thence west on unnumbered highway through Gilford and Barnard to junction U.S. Highway 71, thence north on U.S. Highway 71 to the junction of unnumbered highway at Pumpkin Center, and west along unnumbered highway to junction Missouri Highway 113, thence along Missouri Highway 113 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Missouri Highway 118, thence along Missouri Highway 118 to junction U.S. Highway 159, thence along U.S. Highway 159 to the Missouri-Nebraska State line, restricted to traffic originating at the plant site of Farmland Industries, Inc., at or near Garden City, Kans. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 21170 (Sub-No. E41), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and feed*, from Arkansas City and Atchison, Kans., to Fargo, N. Dak. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E42), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene

R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter and eggs*, from Fargo, N. Dak., to Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E43), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products, and cough drops, and advertising matter*, when shipped therewith, in vehicles equipped with mechanical refrigeration, from the facilities of Luden's, Inc., at or near Reading, Pa., to Fargo, N. Dak., restricted to the transportation of traffic originating at the facilities of Luden's, Inc., at or near Reading, Pa. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E46), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eggs* and *butter*, from Fargo, North Dakota, and Clinton, Joplin, and Webb City, Mo., to Youngstown, Ohio. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E48), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in that part of Kansas on the east of U.S. Highway 81, and in that part of Missouri on and north of U.S. Highway 50 (except Jefferson City), and on the west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E49), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, and hides, restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the plantsite of Cornland Dressed Beef Company, at or near Lexington, Nebr., to points in that part of Minnesota beginning at the Iowa-Minnesota State line and extending along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to the Minnesota-Wisconsin State line and that part of Minnesota beginning at Lake Superior and extending along U.S. Highway 2 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Minnesota Highway 169, thence along Minnesota Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 61, thence along U.S. Highway 61 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of that part of Missouri on and north of U.S. Highway 50 and on and west of U.S. Highway 63.

No. MC 21170 (Sub-No. E54), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from Cozad, Nebraska, to St. Louis, Missouri, restricted (1) to traffic originating at the facilities of Platte Valley Packing Company in Dawson County, Nebraska, and (2) against traffic terminating at points within the Chicago, Illinois, commercial zone. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E55), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* (except frozen foods and commodities in bulk), from points in Brown, Clermont, and Hamilton Counties, Ohio, to points in that part of Iowa west and south of a line beginning at the Illinois-Iowa State line and extending along Iowa Highway 2 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Nebraska State line, restricted to traffic originating at points in Brown, Clermont, and Hamilton Counties, Ohio, and traffic destined to points in Iowa. The purpose of this filing is to eliminate the gateway of Collinsville, Ill.

No. MC 21170 (Sub-No. E56), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cartons and containers* used in the shipping of butter and eggs, from Pittsburgh, Pa., to points in that part of Minnesota west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 76 to junction Minnesota Highway 43, thence along Minnesota Highway 43 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 31462 (Sub-No. E160), filed May 11, 1974. Applicant: PARAMOUNT

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MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 104 to junction U.S. Highway 67, thence along U.S. Highway 67 to Beardstown, thence along Illinois Highway 103 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line, to points in Ohio. The purpose of this filing is to eliminate the gateways of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E415), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 66 to the Texas-Oklahoma State line to junction U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 63, thence along Texas Highway 63 to the Texas-Louisiana State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at Ashland extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateways of points in Okmulgee County, Okla., and Burlington, Iowa, and points within 50 miles thereof.

No. MC 52022 (Sub-No. E1), filed May 23, 1974. Applicant: THE SANTINI BROTHERS INTERNATIONAL MOVERS, 1405 Jerome Avenue, New York, N.Y. 10452. Applicant's representative: Leo A. Santini (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (1) between points in Connecticut, on the one hand, and, on the other, points in Florida, Georgia, and South Carolina (New York, N.Y.)*; (2) between points in Connecticut, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia (points in New York)*; (3) between points in Connecticut, on the one hand, and, on the other, Chicago, Ill., and points within 10 miles thereof (points in New York and Ohio)*; (4) between points in Connecticut, on the one hand, and, on the other, points in Fulton, Hickman, Carlisle, Ballard, McCracken, Marshall, Graves, and Calloway Counties, Ky., Minnesota, Missouri, and Wisconsin (points in New York and Chicago, Ill., and points within 10 miles thereof)*; (5) between points in Delaware, on the one hand, and, on the other, points in Illinois and Michigan (points in New York)*; (6) between points in New Castle County, Del., on the one hand, and, on the other, points in that part of Florida on and south of Florida Highway 60 (New York, N.Y.)*; (7) between points in Delaware, on the one hand, and, on the other, Chicago, Ill., and points within 10 miles thereof (points in New York and Ohio)*; (8) between points in Delaware, on the one hand, and, on the other, points in Maine, Ohio, and Tennessee (points in New Jersey)*; (9) between points in Delaware, on the one hand, and, on the other, points in Minnesota (points in New York and Chicago, Ill., and points within 10 miles thereof)*;

(10) Between points in Delaware, on the one hand, and, on the other, points in Wisconsin and that part of Missouri on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 66 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Missouri State line (Chicago, Ill., and points within 10 miles thereof, and points in New Jersey)*; (11) between points in Delaware, on the one hand, and, on the other, points in New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof)*; (12) between points in Florida, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (New York, N.Y., and Newark, N.J., and points within 25 miles thereof)*; (13) between points in Florida, on the one hand, and, on the other, points in Massachusetts, New Jersey, and Rhode Island (New York, N.Y.)*; (14) between points in Georgia, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (15) between points in Georgia, on the one hand, and, on the other, points in Rhode Island and Massachusetts (New York, N.Y.)*; (16) between points in Illinois, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof)*; (17) between points in Illinois, on the one hand, and, on the other, points in Massachusetts and Rhode Island (points in New York)*; (18) between points in Illinois, on the one hand, and, on the other, points in the District of Columbia (points in New Jersey)*; (19) between Chicago, Ill., and points within 10 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof, and points in Illinois)*;

(20) Between Chicago, Ill., and points within 10 miles thereof, on the one hand, and, on the other, points in Massachusetts and Rhode Island (points in New York and Illinois)*; (21) between Chicago, Ill., and points within 10 miles thereof, on the one hand, and, on the other, points in the District of Columbia (points in New Jersey)*; (22) between points in that part of Indiana within 10 miles of Chicago, Ill., on the one hand, and, on the other, points in New York (points in Illinois); (23) between points in Indiana, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (24) between points in Indiana, on the one hand, and, on the other, points in Massachusetts, New Jersey, and Rhode Island (New York, N.Y.)*; (25) between points in Maine, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 431 (Chicago, Ill., and points within 10 miles thereof, and Newark, N.J., and points within 25 miles thereof)*; (26) between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 431 (Chicago, Ill., and points within 10 miles thereof, and points in New York)*; (27) between points in Maine, on the one hand, and, on the other, points in South Carolina (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (28) between points in Maine, on the one hand, and, on the other, points in Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia (Newark, N.J., and points within 25 miles thereof)*; (29) between points in Maine, on the one hand, and, on the other, points in Minnesota, Missouri, and Wisconsin (Newark, N.J., and points within 25 miles thereof, and Chicago, Ill., and points within 10 miles thereof)*;

(30) Between points in Maryland, on the one hand, and, on the other, points in Minnesota (points in New Jersey, and Chicago, Ill., and points within 10 miles thereof)*; (31) between points in Maryland, on the one hand, and, on the other, points in New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof)*; (32) between points in that part of Maryland on and east of U.S. Highway 220, on the one hand, and, on the other, points in that part of Wisconsin on and north of U.S. Highway 151 (Chicago, Ill., and points within 10 miles thereof, and points in New York and New Jersey)*; (33) between points in Massachusetts, on the one hand, and, on the other, points in Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia (points in New York)*; (34) between points in Massachusetts, on the one hand, and, on the other, points in South Carolina (New York, N.Y.)*; (35) between points in Massachusetts, on the one hand, and, on the other, points in Minnesota, Missouri, and Wisconsin (points in New York, and Chicago, Ill., and points within 10 miles thereof)*; (36) between points in Michigan, on the one hand, and, on the other, points in

New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof)*; (37) between points in Michigan, on the one hand, and, on the other, points in Rhode Island, and the District of Columbia (points in New York)*;

(38) Between points in Minnesota, on the one hand, and, on the other, points in New Hampshire and Vermont (Chicago, Ill., and points within 10 miles thereof)*; (39) between points in Minnesota, on the one hand, and, on the other, points in New Jersey and New York (Chicago, Ill., and points within 10 miles thereof)*; (40) between points in Minnesota, on the one hand, and, on the other, points in Rhode Island (points in New York and Chicago, Ill., and points within 10 miles thereof)*; (41) between points in Minnesota, on the one hand, and, on the other, points in the District of Columbia (points in New Jersey and Chicago, Ill., and points within 10 miles thereof)*; (42) between points in Missouri, on the one hand, and, on the other, points in New Hampshire and Vermont (Newark, N.J., and points within 25 miles thereof, and Chicago, Ill., and points within 10 miles thereof)*; (43) between points in Missouri, on the one hand, and, on the other, points in Rhode Island (points in New York and Chicago, Ill., and points within 40 miles thereof)*; (44) between points in Missouri, on the one hand, and, on the other, points in New Jersey, and New York (Chicago, Ill., and points within 10 miles thereof)*; (45) between points in New Hampshire, on the one hand, and, on the other, points in New Jersey, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and the District of Columbia (Newark, N.J., and points within 25 miles thereof)*; (46) between points in New Hampshire, on the one hand, and, on the other, points in South Carolina (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (47) between points in New Hampshire, on the one hand, and, on the other, points in Wisconsin (Newark, N.J., and points within 25 miles thereof, and Chicago, Ill., and points within 10 miles thereof)*; (48) between points in New Jersey, on the one hand, and, on the other, points in South Carolina (New York, N.Y.)*; (49) between points in New Jersey, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof)*;

(50) Between points in New Jersey, on the one hand, and, on the other, points in Wisconsin (Chicago, Ill., and points within 10 miles thereof)*; (51) between points in New York, on the one hand, and, on the other, points in Wisconsin (Chicago, Ill., and points within 10 miles thereof)*; (52) between points in that part of New York on and east of Interstate Highway 81, on the one hand, and, on the other, points in South Carolina (New York, N.Y.)*; (53) between points in that part of New York on and south of Interstate Highway 84, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof)*; (54) between points in North Carolina, on the one hand, and, on the other, points in Rhode Island (points in New York)*; (55) between points in North Carolina, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof)*; (56) between points in Ohio, on the one hand, and, on the other, points in Rhode Island (points in New York)*; (57) between points in that part of Ohio on and west of U.S. Highway 422, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof)*; (58) between points in Rhode Island, on the one hand, and, on the other, points in Tennessee, Virginia, and West Virginia (points in New York)*; (59) between points in Rhode Island, on the one hand, and, on the other, points in South Carolina (New York, N.Y.)*;

(60) Between points in Rhode Island, on the one hand, and, on the other, points in Wisconsin (points in New York, and Chicago, Ill., and points within 10 miles thereof)*; (61) between points in South Carolina, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles thereof, and New York, N.Y.)*; (62) between points in Tennessee, on the one hand, and, on the other, points in Vermont (Newark, N.J., and points within 25 miles there)*; (63) between points in Vermont, on the one hand, and, on the other, points in Virginia, West Virginia, and the District of Columbia (Newark, N.J., and points within 25 miles thereof)*; (64) between points in Vermont, on the one hand, and, on the other, points in Wisconsin (Chicago, Ill., and points within 10 miles thereof, and Newark, N.J., and points within 25 miles thereof)*; (65) between points in Wisconsin, on the one hand, and, on the other, points in the District of Columbia (points in New York, and Chicago, Ill., and points within 10 miles thereof)*; (66) between points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 85 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Maine and New Hampshire (Perry, Fla., New York, N.Y., and Newark, N.J., and points within 25 miles thereof)*; and (67) between points in that part of Alabama on and south of U.S. Highway 80, on the one hand, and, on the other, points in Rhode Island (Perry, Fla., and New York, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 52709 (Sub-No. E2), filed May 17, 1974. Applicant: RINGSBY UNITED, P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Robert P. Tyler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading); (1) between Omaha, Nebr., on the one hand, and, on the other, points in Kansas (except the counties of Doniphan, Brown, Nemaha, Marshall, Washington, Republic, Jewell, and Smith); and (2) between Des Moines, Iowa, on the one hand, and, on the other, points in Kansas on and west of a line beginning at the Nebraska-Kansas State line and extending south along U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Atchison County, Mo.

No. MC 61403 (Sub-No. E16) (correction), filed May 31, 1974, published in the FEDERAL REGISTER February 4, 1975. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (d) between points in Pennsylvania west of U.S. Highway 219, on the one hand, and, on the other, points in Tennessee south and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 23I to junction Tennessee Highway 99, thence along Tennessee Highway 99 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-Arkansas State line (Kingsport, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to expand the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 61592 (Sub-No. E103), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors and those which because of size or weight, require the use of special equipment), from Baltimore, Md., to points in Illinois on and west of a line beginning at Illinois Highway 37 at Cairo, Ill., and extending along Illinois Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line; and those portions of Iowa on and northwest of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to

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junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line; and points in Kansas, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of the facility used by the Deutz Tractor Corporation at O'Fallon Industrial Park, St. Charles County, Mo., and Columbus, Ohio.

No. MC 66886 (Sub-No. E2), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight, require the use of special equipment, from those points in Oklahoma on and west of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Texas-Oklahoma State line to those points in Alabama on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E3), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from those points in Texas on and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 87 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New Mexico-Texas State line to those points in Alabama on and north of U.S. Highway 78. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E4), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 37, thence along Interstate Highway 37 to the Gulf or Mexico to those points in Kentucky on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E5), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from those points in Nebraska on and north of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Colorado-Nebraska State line to points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E9), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment, except Mercer commodities, between those points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Wyoming State line, on the one hand, and, on the other, those points in Missouri on and east of Interstate Highway 35; between those points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 75 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, those points in Missouri on and east of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 66 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E10), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 283 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Canada International Boundary line to those points in Tennessee on and east of U.S. Highway 45. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E12), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight, require the use of special equipment, from those points in Oklahoma on and west of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Oklahoma-Texas State line to those points in Tennessee on and east of U.S. Highway 45. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E20), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 259 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Texas State line to points in Ohio. The purpose of this filing is to eliminate the gateways of Kansas, and Springfield, Mo.

No. MC 66886 (Sub-No. E22), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in New Mexico on and north of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line to points in Georgia. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC 66886 (Sub-No. E24), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*

which, because of size or weight, require the use of special equipment from those points in Colorado on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6/50 to junction U.S. Highway 6/24, thence along U.S. Highway 6/24 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line to points in Illinois. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E27), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment* which, because of size or weight, require the use of special equipment, from those points in Nebraska on and east of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 92 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line to those points in Illinois on and south of a line beginning at the Missouri-Illinois State line and extending along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateways of Kansas and Springfield, Mo.

No. MC 67200 (Sub-No. E1), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Gardner, Massachusetts, to Hartford, Middletown, New Britain, New Haven, New London, Norwich, and Waterbury, Connecticut; Albany, New York, Poughkeepsie, Schenectady, and Troy, New York, and points on Long Island and those in Westchester County, New York, and Providence, Rhode Island. The purpose of this filing is to eliminate the gateway of Leominster, Rhode Island.

No. MC 67200 (Sub-No. E2), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in those parts of New Jersey and Pennsylvania within 100 miles of Columbus Circle, New York, New York, to points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 67200 (Sub-No. E3), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Gardner, Massachusetts, to points in Fairfield County, Connecticut. The purpose of this filing is to eliminate the gateway of Leominster, Massachusetts, and New Haven, Connecticut.

No. MC 67200 (Sub-No. E4), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in those parts of New Jersey and Pennsylvania within 100 miles of Columbus Circle, New York, New York, to points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 67200 (Sub-No. E5), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings", from points in Maine to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub-No. E6), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings", from points in that part of Maine on and north of a line beginning at Belfast, Maine, extending along Maine Highway 137 to junction Maine Highway 7, thence along Maine Highway 7 to junction Maine Highway 139, thence along Maine Highway 139 to junction Maine Highway 11/100, thence along Maine 11/100 to junction U.S. Highway 201, thence along U.S. Highway 201 to junction Alternate U.S. Highway 201, thence along Alternate U.S. Highway 201 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Maine Highway 5/26, thence along Maine Highway 5/26 to junction U.S. Highway 2, thence along U.S. Highway 2 to the New Hampshire-Maine State line to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub-No. E7), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as separate and distinct service in connection with so-called "household movings", from points in Maine to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts, Turners Falls, Massachusetts, and New York, New York.

No. MC 67200 (Sub-No. E8), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in Pennsylvania and New Jesrey. The purpose of this filing is to eliminate the gateway of Leominster, Massachusetts, New Haven, Connecticut, and New York, New York.

No. MC 67200 (Sub-No. E9), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Gardner, Massachusetts, to points in Maine to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Leominster, Massachusetts, and Providence, Rhode Island.

No. MC 67200 (Sub-No. E10), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings", from points in that part of Maine on and north of a line beginning at Belfast, Maine, extending along Maine Highway 137 to junction Maine Highway 7, thence along Maine Highway 7 to junction Maine Highway 139, thence along Maine Highway 139 to junction Maine Highway 11/100, thence along Maine 11/100 to junction U.S. Highway 201, thence along U.S. Highway 201 to junction Alternate U.S. Highway 201, thence along Alternate U.S. Highway 201 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Maine Highway 5/26, thence along Maine Highway 5/26 to junction U.S. Highway 2, thence along U.S. Highway 2 to the New Hampshire-Maine State line extending along Massachusetts Highway 111 to junction Massachusetts Highway 225, thence along Massachusetts Highway 225 to junction Massachusetts Highway 119, thence along Massachusetts Highway 495, thence along Interstate Highway 495 to junction Massachusetts Highway 111, thence along Massachusetts Highway 111 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to junction Massachusetts Highway 106, thence along Massachusetts Highway 106 to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 25, thence along Massachusetts Highway 25 to Onset, Massachusetts, and points in Barnstable County, Massachusetts, and points in that part of New Hampshire on and east of a line beginning at the New Hampshire-Vermont State line extending along New Hampshire Highway 25 to junction New Hampshire Highway

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3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 127, thence along New Hampshire Highway 127 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to junction New Hampshire Highway 77, thence along New Hampshire Highway 77 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to the New Hampshire-Massachusetts State line. The purpose of this filing is to eliminate the gateway of New York, New York, and Boston, Massachusetts.

No. MC 67200 (Sub-No. E9), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from Philadelphia, Pennsylvania to points in that part of New York on and north of a line beginning at the New York-Massachusetts State line extending along U.S. Highway 90 to junction New York Highway 12, thence along New York Highway 12 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 67200 (Sub-No. E10), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from Philadelphia, Pennsylvania, to points in Aroostook County, Maine. The purpose of this filing is to eliminate the gateway New York, New York, Boston, Massachusetts, and Iviners Falls, New York.

No. MC 67200 (Sub-No. E11), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in New Jersey within 100 miles of Columbus Circle, New York, New York, to points in that part of New York on and north of a line beginning at the New York-Massachusetts State line extending along New York Highway 23 to junction New York Highway 145, thence along New York Highway 145 to junction U.S. Highway 20, thence along U.S. Highway 20 to Buffalo, New York. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 67200 (Sub-No. E12), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings", from points in Connecticut (except points located in Windham Count, Connecticut), to points in that part of New Hampshire on, east and north of a line beginning at the New Hampshire-Vermont State line extending along New Hampshire Highway 25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 127, thence along New Hampshire Highway 127 to junction New Hampshire Highway 114, thence along New Hampshire 114 to junction New Hampshire Highway 77, thence along New Hampshire 77 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to the New Hampshire-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub-No. E13), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, except when transported as a separate and distinct service in connection with so-called "household movings" from points in Connecticut (except points located in Windham and New London Counties), to points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line extending along U.S. Highway 3 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 25, thence along Massachusetts Highway 25 to Onset, Massachusetts, and points in Barnstable County, Massachusetts. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub-No. E14), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included within the description of household goods as defined by the Commission, from points in Connecticut (except points in Fairfield County), to points in New Jersey and Pennsylvania. The purpose of this filing is to eliminate the gateway of New Haven, Connecticut, and New York, N.Y.

No. MC 67200 (Sub-No. E15), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included in the description household goods as defined by the Commission, from points in Connecticut (except points in Fairfield and Windham Counties), to points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateway of New Haven, Connecticut, and New York, N.Y.

No. MC 67200 (Sub-No. E16), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, other than new furniture included in the description of household goods as defined by the Commission, from points in Rhode Island to points in that part of Pennsylvania on and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 70 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateways of Boston, Mass., New Haven, Conn., and New York, N.Y.

No. MC 67200 (Sub-No. E17), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported

as a separate and distinct service in connection with so-called "household movings"), from points in Rhode Island to points in Chittenden, Lamoille, and Franklin Counties, Vt. The purpose of this filing is to eliminate the gateways of Boston, Mass., and Turners Falls, Mass.

No. MC 67200 (Sub-No. E19), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household moving"), from points in that part of New York on and north of a line beginning at the New York-Vermont State line extending along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 197, thence along New York Highway 197 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 30, thence along New York Highway 30 to junction U.S. Highway 12, thence along New York Highway 12 to junction New York Highway 7, thence along New York Highway 7 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Boston and Turners Falls, Mass.

No. MC 67200 (Sub-No. E20), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in Maine to points in Bennington and Windham Counties, Vt. The purposes of this filing is to eliminate the gateways of Boston Mass., and Turners Falls, Mass.

No. MC 67200 (Sub-No. E21), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in Maine to points in New Jersey and points in that part of New York on and south of a line beginning at the St. Lawrence River extending along U.S. Highway 81 to junction New York Highway 12, thence along New York Highway 12 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Boston and Turners Falls, Mass.

No. MC 67200 (Sub-No. E22), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household moving"), from points in that part of New Hampshire on and north of a line beginning at the Maine-New Hampshire State line extending along U.S. Highway 2 to the New Hampshire-Vermont State line, to Bridgeport, Danbury, Hartford, Middletown, New Britain, New Haven, New London, Norwich and Waterbury, Conn.; Jersey City, Passaic, and Paterson, N.J.; New York, Poughkeepsie, N.Y., and points on Long Island and those in Westchester County, N.Y.; and Providence, R.I. The purpose of this filing is to eliminate the gateways of Boston and Leominster, Mass.

No. MC 67200 (Sub-No. E23), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from Gardner, Mass., to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E25), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except when transported as a separate and distinct service in connection with so-called "household movings"), from points in Vermont to points in that part of Massachusetts east of a line beginning at Boston extending along U.S. Highway 90 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Massachusetts-Rhode Island State line, and points in Rhode Island. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 67200 (Sub-No. E29), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from points in New Hampshire to Baltimore, Md., Newport News, and Richmond, Va., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Boston, Mass., and New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E30), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from Gardner, Mass., to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E31), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description household goods, as defined by

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the Commission, from points in Rhode Island to Newport News and Richmond, Va. The purpose of this filing is to eliminate the gateways of Boston, Mass., and New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E33), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped and unboxed, other than new furniture included within the description household goods, as defined by the Commission, from points in Rhode Island (except points in Washington and Newport Counties), to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Boston, Mass., and New Britain and Glastonbury, Conn.

No. MC 67200 (Sub-No. E34), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture included within the description of household goods, as defined by the Commission, from points in Connecticut (except points in Fairfield County and Milford), to Newport News and Richmond, Va. The purpose of this filing is to eliminate the gateways of New Haven and Hartford, Conn.

No. MC 67200 (Sub-No. E35), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT CO., INC., P.O. Box 392, Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, uncrated, unwrapped, and unboxed, other than new furniture within the description of household goods, as defined by the Commission, from points in Connecticut (except points in Fairfield and New Haven Counties), to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of New Haven and Hartford, Conn.

No. MC 83539 (Sub-No. E66), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment (except boats), and parts thereof when moving in connection with such commodities, and (2) Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, parts, tools, and supplies moving in connection therewith, between points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line and extending along Interstate Highway 35 to its junction with the H. E. Bailey Turnpike, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of Utah. Restriction: The service authorized in (1) above is subject to the following restrictions: (1) Heavy machinery parts which are not transported with the machinery of which they are a part or on which they are to be installed, shall not be transported between points in Illinois, on the one hand, and, on the other, points in Mississippi and Louisiana and those in Arkansas on U.S. Highway 61. (2) No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines, and (3) The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Colorado and Wichita, Kans., in and north of Millard, Sanpeti, Carbon, and Uintah Counties.

No. MC 83539 (Sub-No. E68), filed May 30, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, or handling, and *parts* thereof, and (2) *Self-propelled* articles, each weighing 15,000 pounds or more, and *related machinery*, tools, parts, and supplies moving in connection therewith (restricted to commodities which are transported on trailers), between points in that part of Missouri on and west of U.S. Highway 65, on the one hand, and, on the other, points in Louisiana. Restriction: The operations authorized in (1) above are subject to the following restrictions: (1) Carrier shall not transport (1) any shipment which originates at St. Louis or Kansas City, Mo., and which is destined to any point in Missouri, Kansas, or Iowa, and (2) any shipment which originates at any point in Missouri, Kansas, or Iowa, and which is destined to St. Louis, and Kansas City, or (3) cast iron pressure pipe and fittings and accessories therefor when moving with such pipe, from Council Bluffs, Iowa; (2) The carrier shall not engage in the stringing or picking up of pipe along main or trunk pipeline rights of way, other than in the transportation, stringing or picking up of pipe (1) in connection with river crossings of pipelines and (2) in connection with the operation, repair, and maintenance of pipelines; (3) The operations authorized in (2) above are restricted against the transportation of any shipment which (1) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Iowa, Kansas, or Missouri, or (2) originates at any point in Iowa, Kansas, or Missouri and which is destined to St. Louis or Kansas City, Mo. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 83745 (Sub-No. E3), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* generally requiring rigging, special equipment, or specialized handling (except articles requiring special vehicular equipment for over-the-road movements), between points in Butler County, Pa., within 25 miles of Pittsburgh, Pa., on and west of Interstate Highway 79 to points in Ohio (except Mahoning County). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 83745 (Sub-No. E4), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* generally requiring rigging, special equipment, or specialized handling (except articles requiring special vehicular equipment for over-the-road movements), between points in Fayette County, Pa., within 25 miles of Pittsburgh, Pa., on and east of Pennsylvania Highway 51, on the one hand, and, on the other, all points in Ohio. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 95540 (Sub-No. E855), filed January 15, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned dairy products*, in vehicles equipped with mechanical refrigeration, from La Fargeville, Arkport, and Binghamton, New York, to points in Louisiana and those points in Texas, on and south of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 40 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Griffin, Georgia.

No. MC 104887 (Sub-No. E3), filed June 3, 1974. Applicant: AMERICAN VAN AND STORAGE, INC., 2125 N.W. 1st Ct., Miami, Fla. 33127. Applicant's representative: Earle J. Larette (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in the counties of Altascosa, Bandera, Bexar, Comal, Dimmit, Frio, Guadalupe, Karnes LaSalle, McMullen, Medina, Uvalde, Webb, Wilson, Zapata, and Zavala, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, District of Columiba, and those portions of Michigan, Ohio, Kentucky, Tennessee, and Alabama east of a line beginning at Sault St. Marie, Mich., and extending south along Interstate Highway 75 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 113, thence along Michigan Highway 113 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 80.

Thence along Interstate Highway 80 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 66, thence along Ohio Highway 66 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 117, thence along Ohio Highway 117 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 20, thence along Alabama Highway 20 to junction U.S. Highway Alternate 72, thence along U.S. Highway Alternate 72 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65.

Thence along Interstate Highway 65 to junction U.S. Highway 11, thence along U.S. Highway 11, to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Florida-Alabama State line (Florida);* (2) between points in the counties of Aransas, Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces, Refugio, San Patricio, Starr, and Willacy, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and Michigan (except points in the Upper Peninsula of Michigan west of a line beginning at Marquette, Mich., and extending south along U.S. Highway 41 to Escanaba, Mich.), and those portions of Indiana, Kentucky, Tennessee, and Alabama east of a line beginning at Michigan City, Ind., and extending east along U.S. Highway 20 to junction U.S. Highway 35.

Thence along U.S. Highway 35 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 13, thence along Alabama Highway 13 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Florida-Alabama State line (Florida);*

(3) Between points in the counties of Austin, Brazoria, Calhoun, Chambers, Colorado, De Witt, Ft. Bend, Galveston, Goliad, Gonzales, Harris, Jackson, Jefferson, Lavaca, Liberty, Matagorda, Orange, Victoria, Waller, and Wharton, Tex., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, District of Columbia, and those portions of Michigan, Indiana, Kentucky, Tennessee, and Alabama east of a line beginning at Sault Ste. Marie, Mich., and extending along Interstate Highway 75 to Mackinaw City, Mich., thence along the Lake Michigan-Michigan shore line to Muskegon, Mich., to Interstate Highway 96, thence along Interstate Highway 96 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence along Indiana Highway 7 to junction Indiana Highway 256, thence along Indiana Highway 256 to junction Indiana Highway 52.

Thence along Indiana Highway 52 to junction Indiana Highway 356, thence along Indiana Highway 356 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 62, thence along Indiana Highway 62 to junction Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 41 Alternate, thence along U.S. Highway

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41 Alternate to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 202, thence along Alabama Highway 202 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Alabama Highway 55, thence along Alabama Highway 55 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 80 thence along U.S. Highway 80 to junction U.S. Highway 231.

Thence along U.S. Highway 231 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 41, thence along Alabama Highway 42 to its termination at the Alabama-Florida State line (Florida);* and (4) between points in the parishes of Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Quachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll, and Winn, La., on the one hand, and, on the other, points in Vermont, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, District of Columbia, and those portions of Alabama, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia east of a line beginning at the Poultney River in New York and extending south along U.S. Highway 4 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Blue Ridge Parkway, thence along Blue Ridge Parkway to junction North Carolina Highway 16 near Edmonds.

Thence along North Carolina Highway 18 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Capolina Highway 115, thence along North Carolina Highway 115 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction South Carolina Highway 215, thence along South Carolina Highway 215 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 70, thence along Georgia Highway 70 to junction Alabama Highway 30, thence along Alabama Highway 30 to junction Alabama Highway 51, thence along Alabama Highway 51 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Alabama Highway 70, thence along Alabama Highway 70 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Florida State line (Florida).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5283 Filed 2-26-75;8:45 am]

[Notice No. 26]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Anchor Motor Freight, Inc., MC-808 Sub-48	MC-808 Sub-47	June 10, 1974
Carolina Freight Carriers Corp., MC-2253 Sub-62	MC-2253 Sub-63	Apr. 1, 1974
Merrill Transport Co., MC-3252 Subs-79, 80	MC-8282 Sub-81	Apr. 18, 1974
George Transfer and Rigging Co., Inc., MC-8535 Sub-43	MC-8535 Sub-45	Apr. 8, 1974
DBA Mack Transportation Co., MC-10223 Sub-5	MC-10223 Sub-6	Apr. 1, 1974
Deaton, Inc., MC-11207 Sub-230	MC-11207 Sub-231	Mar. 29, 1974
DBA Robinson Truck Lines, MC-16502 Sub-15	MC-16502 Sub-16	Do.
Crouch Bros., Inc., MC-26730 Sub-74	MC-26730 Sub-76	Apr. 23, 1974
Mishak Truck Line, Inc., MC-27500 Sub-5	MC-27500 Sub-6	Apr. 9, 1974
Frank J. Kubiy Transfer, Inc., MC-27754 Sub-17	MC-27754 Sub-18	Apr. 23, 1974
Dallas & Mavis Forwarding Co., Inc., MC-29886 Sub-291	MC-29886 Sub-296	Apr. 1, 1974
Kroblin Refrigerated Xpress, Inc., MC-30844 Sub-457	MC-30844 Sub-459	Mar. 29, 1974
Interstate Motor Freight, System, MC-35628 Sub-347	MC-35628 Sub-348	Apr. 4, 1974
Schneider Transport, Inc., MC-51146 Sub-321	MC-51146 Sub-319	Apr. 22, 1974
Brown Transport Corp., MC-56679 Sub-77	MC-56679 Sub-75	Apr. 8, 1974
Hecht Brothers, Inc., MC-59570 Sub-36	MC-59570 Sub-37	Apr. 2, 1974
Panie Trucking Corp., MC-59640 Sub-34	MC-59640 Sub-36	Apr. 11, 1974
Herman Bros., Inc., MC-61376 Sub-239	MC-61376 Sub-248	Do.
Herman Bros., Inc., MC-61376 Sub-249	MC-61376 Sub-252	Apr. 8, 1974
Spector Freight System, Inc., MC-69116 Sub-145	MC-69116 Sub-146	Apr. 17, 1974
Drake Motor Lines, Inc., MC-70063 Sub-24	MC-70063 Sub-27	Apr. 9, 1974
B. F. Walker, Inc., MC-74321 Sub-68	MC-74321 Sub-65	Do.
Parvin's Transfer, Inc., MC-74942 Sub-3	MC-74942 Sub-4	Apr. 8, 1974
Lemmon Transport Co., Inc., MC-107544 Sub-106	MC-107544 Sub-107	Nov. 14, 1975
Exley Express, Inc., MC-114290 Sub-70	MC-114290 Sub-69	Jan. 15, 1973
DBA Central Transport Co., MC-119489 Sub-28[1]	MC-119489 Sub-29	Feb. 12, 1974
DBA Empire Transport, MC-119567 Sub-12, 13[1]	MC-119567 Sub-14	Mar. 7, 1974
Great Western Trucking Co., Inc., MC-119988 Sub-59	MC-119988 Sub-55	Feb. 15, 1974
DBA Givigliano Transport, MC-133316 Sub-6	MC-133316 Sub-7	Nov. 18, 1974
DBA Givigliano Transport, MC-133316 Sub-8	MC-133316 Sub-9	Do.
Clifford M. Shrock, MC-134084 Sub-1	MC-134084 Sub-2	Jan. 16, 1974
DBA Paul Gransey & Son, MC-136879	MC-136879 Sub-1	Nov. 20, 1974
Wallace Trucking Co., MC-138184	MC-138184 Sub-1	Dec. 18, 1974

[1] In Notice No. 21 (39 FR 41921, Dec. 3, 1974) corresponding permanent authority numbers were incorrectly shown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5151 Filed 2-26-75;8:45 am]

[Notice No. 240]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 27, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 19, 1975. Pursuant to section 17 (8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35462. By order of February 13, 1975, the Motor Carrier Board approved the lease to Jack T. Tucker, Jeffrey Dale Ware and Robert Lee Chandler, a partnership, doing business as Tucker Transportation Co., Ltd., Texas City, Tex., of Certificate of Registration No. MC-121457 (Sub-No. 1) issued July 28, 1964 to Carter Swint, doing business as Carter Swint Company, Houston, Texas, and acquired by Jack T. Tucker, Texas City, Texas, pursuant to MC-FC-75652, evidencing a right to engage in transportation in interstate commerce as described in Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 5537 issued November 8, 1974 by the Railroad Commission of Texas. Joe G. Fender, 802 Houston 1st Savings Bldg., Houston, Texas 77002, attorney for applicants.

No. MC-FC-75582. By order of February 13, 1975, the Motor Carrier Board approved the transfer to Perry W. Bower, Fort Scott, Kans., of the operating rights in Certificates Nos. MC-104415, MC-104415 (Sub-No. 1), and MC-104415 (Sub-No. 2) issued November 12, 1943, May 9, 1945, and November 8, 1950, respectively, to Verne F. Rager, Fort Scott, Kans., authorizing the transportation of feed, livestock, farm machinery and farm machinery parts, binder twine, and building materials, over regular and irregular routes, to and from Kansas City, Mo., and specified points in Kansas and Missouri. Arthur L. Claussen, 900 Merchants National Bank Building, Topeka, Kans. 66612, attorney for applicants.

No. MC-FC-75599. By order of February 18, 1975, the Motor Carrier Board approved the transfer to Dean Smittkamp, doing business as Morris Van Lines, Paris, Ill., of the operating rights in Certificate No. MC-105308 issued May 25, 1962, to Harvey W. Morris, doing business as Morris Van Lines, Paris, Ill., authorizing the transportation of household goods as defined by the Commission, between points in Edgar County, Ill., on the one hand, and, on the other, points in Indiana. Valjean R. Smith, 804 Myers Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-75606. By order of February 18, 1975, the Motor Carrier Board approved the transfer to Echo Freight Lines, Inc., Springfield, Mass., of the Certificate of Registration in No. MC-121074 (Sub-No. 1) issued January 28, 1964, to Jean A. Rainville, doing business as Rainville Trucking, Holyoke, Mass., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Irregular Route Common Carrier Certificate No. 4414 issued February 16, 1961, by the Massachusetts Department of Public Utilities. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-75675. By order of February 18, 1975, the Motor Carrier Board approved the transfer to New England Lumber Transportation, Inc., 22-20 Middlesex Circle, Waltham, Mass., 02154, of the operating rights in Certificates No. MC-108702, MC-108702 (Sub-No. 2), MC-108702 (Sub-No. 3) and MC-108702 (Sub-No. 4) issued November 3, 1949, December 8, 1950, November 17, 1959 and April 4, 1960 respectively to Charles Adamowitch, Groton St., Dunstable, Mass., 01827, authorizing the transportation of various commodities from, to and between specified points and areas in New Hampshire, Vermont, Massachusetts, Maine, Rhode Island, and Connecticut.

No. MC-FC-75681. By order entered February 18, 1975, the Motor Carrier Board approved the transfer to Jones Brothers Trucking, Inc., New Brighton, Minn., of the operating rights set forth in Certificate No. MC-139164, issued by the Commission August 9, 1974, to Nystrom Trucking, St. Paul, Minn., authorizing the transportation of wooden trusses and wooden panels used in conjunction with the erection of wood trusses, from points in Minnesota, to points in Iowa, Wisconsin, North Dakota, South Dakota, and the Upper Peninsula of Michigan. Robert D. Gisvold, 1000 1st Nat'l Bank Bldg., Minneapolis, Minn. 55402, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5281 Filed 2-26-75;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, March 15, 1975, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Maryland
Mrs. Caroline Freeland
Bethesda, Maryland
Mr. Donald Frush
Hagerstown, Maryland
Hon. Vladimir A. Wahbe
Baltimore, Maryland
Mr. Anthony Abar
Annapolis; Maryland
Mr. John C. Lewis
Hamilton, Virginia
Mrs. Dorothy Grotos
Arlington, Virginia
Mr. Burton C. English
Berkley Springs, West Virginia
Mr. Henry W. Miller, Jr.
Paw Paw, West Virginia
Mr. Lorenzo W. Jacobs, Jr.
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Maryland
Mrs. Mary Miltenberger
Cumberland, Maryland
Dr. James H. Gilford
Frederick, Maryland
Dr. Kenneth Bromfield
Frederick, Maryland
Mr. Grant Conway
Brookmont, Maryland
Mr. Edwin F. Wesely
Chevy Chase, Maryland
Mr. John C. Frye
Gapland, Maryland
Mr. Rome F. Schwagel
Keedysville, Maryland
Mr. Justice Douglas
(Special Consultant)

The matters to be discussed at this meeting include:

1. The status of the General Plan; Public Hearing Schedule.
2. Superintendent's Report.
3. Commission Reports.
4. Potomac River Reports.
5. Field Trip to Ferry Hill Inn.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

MANUS J. FISH, JR.,
Director, National Capital Parks.

FEBRUARY 13, 1975.

[FR Doc.75-5421 Filed 2-26-75;10:52 am]

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federal register

THURSDAY, FEBRUARY 27, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 40

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

EMISSION REGULATIONS FOR NEW GASOLINE-FUELED HEAVY DUTY ENGINES

V 40-40 FEB 27 75 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 335–3]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines

The need for a number of technical amendments has been identified. These amendments and corrections are set forth in this publication and are described in the table below.

The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking, public rulemaking procedure, and postponement of effective date in the issuance of these amendments, in that (1) they are designed to correct and clarify the regulations; (2) the changes primarily standardize and improve test and calculation procedures in those areas where the current regulations have been interpreted inconsistently among manufacturers; and (3) to the extent substantive revisions are made they are procedural and do not affect either the stringency of, or the burden of complying with, the standards.

The Agency does, however, wish to call attention to an amendment in § 85.774–5 (a) which adds catalytic converter and thermal reactor characteristics as determinors of engine families. Although not presently used as emission control systems on gasoline-fueled heavy duty engines, the addition of such systems in future model years may increase the amount of testing performed by the manufacturers with the promulgation of this amendment. Accordingly, the Agency will accept comments on the amendment to § 85.774–5(a) which adds catalytic converter and thermal reactor characteristics for a period of thirty days from the date of this publication. If, on the basis of a review of these comments, the Administrator determines that the amendment should be revised, he will publish such notification in the FEDERAL REGISTER on or before March 31, 1975. Comments may be submitted in quadruplicate to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control, Office of Air and Waste Management, Washington, D.C. 20460. Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Since numerous technical amenaments have been made to the subpart since November 15, 1972 recompilation, the entire subpart applicable to gasoline-fueled heavy duty engines is included in this publication of technical amendments.

EXPLANATION OF TECHNICAL AMENDMENT CHANGES

Section	Change	Reason
85.701	Update model year	These technical amendments are applicable to 1974 and later model year gasoline-fueled heavy duty engines and all references to 1973 model year engines have been deleted.
85.702(a)(8)	Update section reference	Do.
85.702(a)(22)	Correct spelling	Error in Feb. 27, 1974, publication.
85.703	Add abbreviations for cubic inch displacement and exhaust gas recirculation.	These abbreviations are commonly used and were not previously included.
85.704(a)(1)	Update section reference	These technical amendments are applicable to 1974 and later model year gasoline-fueled heavy duty engines and all references to 1973 model year engines have been deleted.
85.704(a)(2)	Add provision (2)(v), that the vehicle manufacturer is responsible for supplying engine maintenance instructions to the ultimate purchaser and must obtain Administrator approval for any modifications to these instructions.	Amplifies responsibility of vehicle manufacturers under sec. 85.774–38 to provide maintenance instructions to ultimate purchasers.
85.705	Delete references to sec. 85.773	These technical amendments are applicable to 1974 and later model year gasoline-fueled heavy duty engines and all references to 1973 model year engines have been deleted.
85.774–1	Expand section title to clarify model year covered.	1974 gasoline-fueled heavy duty engine emission standards also apply to later model year engines.
85.774–2(b)	Correct paragraph identification	Error in Nov. 15, 1972, publication.
85.774–5(a)	Adds provisions listing criteria for division into engine families which were formerly included only by reference to subpart A. Also expands subparagraph (a)(2) to explicitly include catalytic converters and thermal reactors.	Permits engine family classification without the need for referring to subpart A. Although not presently used on gasoline-fueled heavy duty engines, catalytic converters, and thermal reactors may be incorporated as heavy duty engine emission standards become more stringent. Since engines with and without such devices can be expected to have significantly different deterioration and emission characteristics, it is appropriate that such engines be classed in engine families on the basis of those characteristics.
85.774–5(b)(2)	Remove reference to "1974" and make it applicable to appropriate model year.	1974 gasoline-fueled heavy duty engine emission standards also apply to later model year engines.
85.774–5(b)(4)	Replace "engine-system combination" with "engine displacement-exhaust emission control system combination".	Clarifies selection criteria.
85.774–5(d)	Remove reference to "1974" and make it applicable to appropriate model year.	1974 gasoline-fueled heavy duty engine emission standards also apply to later model year engines.
85.774–6	Reorganize into logical subgroupings involving scheduled maintenance, routine service, and unscheduled maintenance with added provisions clarifying the type of work permitted in each maintenance category. Emphasize that unscheduled maintenance shall not render the engine unrepresentative.	Clarifies the maintenance provisions.
85.774–6(a)(1)(i)	Change scheduled maintenance on durability engines to require the frequency of such maintenance to be comparable to actual in-use intervals which will be determined by the engine manufacturer, provided maintenance is not performed more frequently than every 375 hours of dynamometer operation.	Less stringent scheduled maintenance criteria is justified in light of data presented to EPA which indicates that the scheduled maintenance interval provision was not comparable to actual in-use maintenance intervals.
85.774–7(d)	Expand to include data reporting procedures; specify time allowed for transmittal of test results.	Clarifies procedures; places a more reasonable requirement on time limit.
85.774–7(g)(2)	Correct reference from paragraph sec. 85.770–10 to sec. 85.774–10.	Error in Nov. 15, 1972 publication.
85.774–7(b)	Add provision to prohibit any unauthorized testing of certification engines.	Unauthorized testing of certification engines has not been allowed in past practice, provision makes such prohibition explicit.
85.774–9(b)	Change "average concentrations" to "average brake-specific emission values".	Error was overlooked in June 28, 1973 amendments.
85.774–9(c)	Clarify engine configuration during testing.	Clarifies the test procedure.
85.774–10	Change section reference from sec. 85.775–10 to sec. 85.774–10.	Error in Jan. 21, 1974, amendments.
85.774–11(a)(2)	Delete provision regarding test speeds other than 2,000 r/min; increase speed tolerance during first 4 seconds of each mode.	Provision is unnecessary since such special test procedures are addressed in sec. 85.774–8; increase is necessary to allow for limitations in existing dynamometer equipment.
85.774–13(a)	Add provision that exact conformance with schematic is not necessary.	Recognizes that other configurations of the required components can produce accurate results.
85.774–13(b)(12)	Correct wording	Error in previous publication.
85.774–14(f)	Specify "during each mode"	Clarifies the test procedure.
85.774–14(k)	Delete provisions concerning automatic marker.	Information is specified elsewhere in this section.
85.774–14(l)	Add the provision that 1-second time intervals be indicated on all recorder charts.	Facilitates the interpretation of recorder charts.
85.774–16	Rewrite and reorganize section to clarify the engine storage and preconditioning requirements prior to testing, the sample probe configuration for dual exhaust systems, the engine warmup operation and the details of hydrocarbon "hangup" test. Define minimum acceptable chart speeds for recording required parameters.	Clarifies the test procedure.

Section	Change	Reason
85.774–17	Rewrite and reorganize section to clarify the chart reading techniques and the method to be followed in converting chart readings to concentration values.	Clarify chart reading technique.
85.774–18(d)	Specify horsepower values to be used during idle and closed throttle modes.	Clarifies calculation technique.
85.774–18(e)	Change paragraph reference letter from c to e.	Error in previous publication.
85.774–28(e)(1)(i)(c)	Add provision specifying additional data to be used in determining the deterioration factors.	Makes provision consistent with criteria specified in sec. 85.774–6(a)(5)(iii); clarifies what test results are to used in the deterioration factor calculation.
85.774–28(c)(1)(ii)	Clarify calculation procedures and the number of significant figures to be used.	Clarifies calculation procedures.
85.774–28(c)(1)(iii)	Clarify procedure for calculation of deterioration factor.	Do.
85.774–28(c)(2)	Specify number of significant figures to be used.	Do.
85.774–28(c)(3)	Change "emissions" to "emission values"; clarify determination of significant figures.	Do.
85.774–29	Adds the provision that test engines shall be within the production tolerance as shown on the engine label prior to the official test. Also clarifies the maintenance and adjustments which may be performed with the advanced approval of the Administrator.	Provision allows test engines to be tested in the condition that they are expected to operate in-use. Clarify test procedure.
85.774–30(a)(2)	Correct spelling. ("covers")	Error in Feb. 27, 1974 amendments.
85.774–30(b)(1)(ii)	Replace "engine-system" with "engine displacement-exhaust emission control system".	Clarifies the provision that certain test engines will represent all engines of the same displacement-exhaust emission control system combination.
85.774–33	Correct error in recompilation and in section references is paragraph (a).	Error in Nov. 15, 1972 publication.
85.774–35(a)(4)(vi)	Change reference to "1974" to "19 "	Makes the label specifications applicable to future model years.
85.774–38(a)	Delete references to "ultimate" when referring to the purchaser.	Engine manufacturers are to supply maintenance instructions to the vehicle manufacturers.
85.774–38(a)(3)	Add provision that the written instructions for the new motor vehicle engine maintenance may include maintenance in addition to that performed on the corresponding durability engine under sec. 85.774–6 (a) and (b)(2) provided the maintenance is reasonable and necessary.	Provides for reasonable and necessary maintenance instructions.

Part 85, Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1974 model year is amended as follows, effective on February 27, 1975. Sections 85.774–5(a)(2)(viii) and (ix) are amended effective March 31, 1975.

Dated: February 12, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines

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AUTHORITY: Secs. 202, 206, 207, 208, 301(a), Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, 1857f–5a, 1857f–6, 1857g(a)).

Subpart H—Emission Regulations for New Gasoline-Fueled Heavy Duty Engines

§ 85.701 General applicability.

The provisions of this subpart are applicable to new gasoline-fueled heavy duty engines beginning with the 1974 model year.

§ 85.702 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of Title II of the Clean Air Act, 42 U.S.C. 1857f-1 through f–7, as amended by Public Law 91–604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

(4) "Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

(5) "Heavy duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds GVW or designed primarily for transportation of persons and having a capacity of more than 12 persons.

(6) "Heavy duty engine" means any engine which the engine manufacturer could reasonably expect to be used for motive power in a heavy duty vehicle.

(7) "System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicle engines.

(8) "Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 85.774–5(a).

(9) "Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

(10) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

(11) "Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

(12) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(13) Zero (0) hours means that point after normal assembly line operations and adjustments and before one additional operating hour has been accumulated.

(14) "Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(15) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

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(16) "Oxides of Nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(17) "Useful life" means a period of use of 5 years or of 50,000 miles of vehicle operation or 1,500 hours of engine operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs.

(18) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(19) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of engine components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

(20) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(21) "Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system.

(22) "Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirement of engine starting.

§ 85.703 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

ASTM—American Society for Testing and Materials.
BHP—Brake horsepower.
BSCO—Brake specific carbon monoxide.
BSHC—Brake specific hydrocarbons.
BSNO$_x$—Brake specific oxides of nitrogen.
C.—Centigrade.
C.F.H.—Cubic feet per hour.
C.F.M.—Cubic feet per minute.
C.I.D.—Cubic inch displacement.
CO_2—Carbon dioxide.
CO—Carbon monoxide.
Conc.—Concentration.
CT—Closed Throttle.
EGR—Exhaust Gas Recirculation.
EP—End point.
F.—Fahrenheit.
FL—Full load.
Gal.—U.S. Gallon(s).
Gm.—Gram(s).
GVW—Gross vehicle weight.
H_2O—Water.
HC—Hydrocarbon(s).
Hg—Mercury.
IBP—Initial boiling point.
Max.—Maximum.
Min.—Minimum.
N_2—Nitrogen.
NDIR—Nondispersive infrared.
NO—Nitric oxide.
NO_2—Nitrogen dioxide.
NO_x—Oxides of nitrogen.
Pb.—Lead.
P.P.M.—Parts per million by volume.
PTA—Part throttle accel.
PTD—Part throttle decel.
R.P.M.—Revolutions per minute.
RVP—Reid vapor pressure.
Sec.—Second(s).
WOT—Wide open throttle.
"—Inches.
°—Degrees.
Σ—Summation.

§ 85.704 General standards: Increase in emissions; unsafe conditions.

(a)(1) Every new motor vehicle engine manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to § 85.774–2 through 85.774–4 and § 85.774–29 through 85.774–34 of this subpart.

(2) No heavy duty vehicle manufacturer shall take any of the action specified in section 203(a)(1) of the Act with respect to any gasoline-fueled heavy duty vehicle which uses an engine which has not been certified as meeting applicable standards. Such manufacturer shall provide to the Administrator prior to the beginning of each model year a statement signed by an authorized representative which includes the following information:

(i) A description of the vehicles which will be produced subject to this section;

(ii) Identification of the engines used in the vehicles;

(iii) Projected sales data on each vehicle engine combination;

(iv) A statement that the engines will not be modified by the vehicle manufacturer or a detailed specification of any changes which will be made. Changes made solely for the purpose of mounting an engine in a vehicle need not be included.

(v) A statement that the engine maintenance instructions supplied by the engine manufacturer in compliance with § 85.774–30 will be furnished to the ultimate purchaser. If these maintenance instructions are modified, a detailed description of the modifications and a justification for each must be provided to the Administrator for review and approval. The Administrator will notify the manufacturer of his determination whether the modified instructions are reasonable and necessary to insure the proper functioning of the emission control system.

(b)(1) Any system installed on or incorporated in a new motor vehicle engine to enable such vehicle to conform to standards imposed by this subpart:

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such engine without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicle engines subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with good engineering practice to ascertain that such test engines will meet the requirements of this section for the useful life of the engine.

§ 85.705 Hearings on certification.

(a)(1) After granting a request for a hearing under § 85.774–3 or 85.774–30, the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing has not been fixed by the Administrator under § 85.774–3 or 85.774–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.774–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under § 85.774–3 or § 85.774–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d)(1) The Presiding Office upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e)(1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial, and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements for representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f)(1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 85.706 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification engines for which testing is required under this subpart. (B) A description of all emission control systems which are installed on or incorporated in each certification engine. (C) A description of all procedures used to test each certification engine. (ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle engine used for certification under this subpart in the form of a separate booklet or other document for each separate engine in which shall be recorded:

(A) In the case where a current production engine is modified for use as a certification engine, a description of the process by which the engine was selected, and of the modifications made, giving specifically the place of modification and the person(s) in charge of modification. In the case where the certification engine is not derived from a current production engine, a general description of the buildup of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and the person(s) in charge of engine assembly. In both cases above, a description of the origin and selection process for the carburetor, distributor, and fuel system, emission control components, and exhaust aftertreatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification engine with respect to its fuel system, emission control components, exhaust aftertreatment device, or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production engines and that either all component and/or engine construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such engines are reasonably likely to be implemented for production engines or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.774–9 through 85.774–18 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test, the number of hours accumulated on the engine when the test began and ended, and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each service accumulation listing both the number of operating hours accumulated and the name of each dynamometer operator.

(D) If used, the record of any devices employed to record the engine RPM, and/or horsepower and/or torque in relationship to engine operating time.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the engine was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the engine during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as accidents involving the engine or dynamometer runaway.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification engine, shall be updated each time the operational status of the engine changes or additional work is done on it, and shall be kept in a designated location.

(3) This paragraph shall apply to the extent practicable to certification testing of engines for the 1975 model year and in full to all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *Provided*, That in every case all the information contained in the hard copy shall be retained.

(b) The manufacturer of any new motor vehicle engine subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such engine relevant to the control of crankcase or exhaust emissions, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers: *Provided*, That any material not translated into the Eng-

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lish language need not be submitted unless specifically requested by the Administrator.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or buildup of such an engine into a certification engine is taking place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and service accumulation, maintenance, and engine storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform in all material respects to the design specification which applied to those engines described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) to inspect and monitor any aspects of such manufacture or assembly and other procedures:

(ii) to inspect and make copies of any such records, documents or designs; and

(iii) to inspect and photograph any part or aspect of any such new motor vehicle engine and component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA enforcement Officer.

(ii) Where engine, or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all during which testing, maintenance, service, accumulation, production or compilation of records, or any other procedure or activity relating to certification testing, to translation of engine designs from the test stage to the production stage, or to engine manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any engine which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate service accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement and General Counsel, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear, will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement and General Counsel.

§ 85.774–1 Emission standards for 1974 and later model year engines.

(a)(1) Exhaust emissions from new gasoline-fueled heavy duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO_2).* 16 grams per brake horsepower hour.

(ii) *Carbon monoxide.* 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (a)(1) of this section refer to a composite sample representing the operating cycle set forth in § 85.774–9 through § 85.774–18 and measured in accordance with those procedures.

(b) [Reserved]

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new motor vehicle engine subject to this subpart.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in § 85.774–9 through § 85.774–18 to ascertain that such test engines meet the requirements of paragraphs (a) and (c) of this section.

§ 85.774–2 Application for certification.

(a) An application for a certificate of conformity to the regulations applicable to any new motor vehicle engine shall be made to the Administrator by the manufacturer and shall be kept current and accurate by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the engines covered by the application and a description of their emission control system and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test engine.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the engines for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed service accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary

to assure that the engines covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

(c) Complete copies of the application, and of any amendments thereto, and all notifications under §§ 85.774–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

§ 85.774–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.774–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed service accumulation procedures, test equipment, or fuel, and incorporation of defeat devices on engines described by the application.

(c) Where any part of an application is rejected the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objection to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

§ 85.774–4 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such engines tested in accordance with the applicable test procedures of this subpart, and in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the engine for extended operation, as well as a record of all pertinent maintenance performed on the test engines.

(b) Emissions data on such engines tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions after 0 hours, and 125 hours of operation.

(c) A description of tests performed to ascertain compliance with the general standards in § 85.774–1 and the data derived from such tests.

(d) A statement that the test engines with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirement of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any engine tested, the engine shall be identified, and all pertinent test data relating thereto shall be supplied.

§ 85.774–5 Test engines.

(a)(1) The engines covered by the application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(3) Engines identical in all the respects listed in subparagraph (2) of this paragraph may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data engines:

(1) Engines will be chosen to be run for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(2) Engines of each engine family will be divided into engine displacement-exhaust emission control system combinations. A projected sales volume will be established for each combination for the applicable model year. One engine of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of engines of that family is represented, or until a maximum of four engines is selected. The engines selected for each combination will be specified by the Administrator as to fuel system.

(3) The Administrator may select a maximum of two additional engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family. In selecting these engines, the Administrator will consider such features as the exhaust emission control system, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, and compression ratio.

(4) If the engines selected in accordance with paragraphs (b)(2) and (3) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(c) Durability data engines:

(1) A durability data engine will be selected by the Administrator to represent each engine-system combination. The engine selected shall be of the displacement with the largest projected sales volume of engines with that exhaust emission control system in that engine family and will be designated by the Administrator as to fuel system.

(2) [Reserved]

(3) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same engine displacement and fuel system as the engine selected for that combination in accordance with the provisions of subparagraph (1) of this paragraph. Notice of an intent to run additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) Any manufacturer whose projected sales of new motor vehicle engines subject to this subpart for the applicable model year is less than 700 engines may request a reduction in the number of test engines determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines will meet the objectives of this procedure.

(e) In lieu of testing an emission data or durability data engine selected under paragraph (b) or (c) of this section and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar engine for which certification has previously been obtained.

(f) For purposes of testing under § 85.774–7(g), the Administrator may require additional emission data engines and durability data engines identical in

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all material respects to engines selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of engines selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one engine, whichever is greater.

§ 85.774–6 Maintenance.

(a) (1) Scheduled maintenance may be performed on durability engines only under the following provisions. (i) Major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation, provided no tuneups are performed after 1375 hours of scheduled dynamometer operation. The maintenance to be performed on the durability engines shall be requested in the application for certification and shall be specified at the same intervals in the maintenance instructions which will be furnished to the ultimate purchaser of the vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 85.702(17)). A scheduled major engine tuneup shall be restricted to items (A) through (L) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(A) Ignition system.

(B) Cold starting enrichment system (includes fast idle speed setting).

(C) Curb idle speed and air/fuel mixture.

(D) Drive belt tension on engine accessories.

(E) Valve lash.

(F) Inlet air and exhaust gas control valves.

(G) Engine bolt torque.

(H) Spark plugs.

(I) Fuel filter and air filter.

(J) Crankcase emission control system.

(K) Fuel evaporative emission control system.

(L) Exhaust gas recirculation system.

(ii) Change of engine oil, and change or service of oil filter will be allowed at the equivalent intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 125-hours of engine operation.

(2) Unscheduled maintenance may be performed on durability engines, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(i) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(ii) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(iv) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(3) [Reserved]

(4) [Reserved]

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning or replacement on durability engines shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, engine stall, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(A).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability engine.

(b) (1) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications to be shown on the engine label (see § 85.774–35(a)(4)(iv)).

(2) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement shall be performed only with the advance approval of the Administrator.

(c) [Reserved]

(d) (1) Complete emission tests (see §§ 85.774–10 through 85.774–27) are required, unless waived by the Administrator, before and after:

(i) Scheduled maintenance approved for durability engines.

(ii) Unscheduled maintenance which may reasonably be expected to affect emissions.

(2) The tests before and after scheduled maintenance, which are performed on durability engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 85.774–28(c)(1)(i)(B).

(3) The idle speed reset and any scheduled maintenance on the emission data engine shall be performed prior to the 125-hour test. The before maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission data engine are waived.

(4) Test data required by this paragraph shall be air posted to the Administrator within 72 hours (or delivered within five working days), along with a complete record of all pertinent maintenance.

(5) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be supplied within three working days. A final engineering report shall be delivered within ten working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(6) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 85.774–4.

(e) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfire, stall).

(f) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components,

(2) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (a)(5)(i) of this section for durability engines or paragraph (b) of this section for emission data engines, or

(3) Unless specifically authorized by the Administrator.

§ 85.774–7 Service accumulation and emission measurements.

The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifold vacuums and the modes as specified in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 r.p.m. (but not in excess of governed speed for governed engines or rated speed for non-governed engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(a) Emission data engines: Each emission data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(b) Durability data engines: Each durability data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Emission measurements, as prescribed, shall be made at zero hours and at each 125-hour interval. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the induction systems.

(c) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(d) (1) The results of each emission test shall be supplied to the Administrator within 72 hours (or delivered within five working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within five working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.774–4. Where the Administrator conducts a test on a durability engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(2) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(e) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide the zero-hour test data to the Administrator and make the engine available for such testing under § 85.774–29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(f) Once a manufacturer begins to operate an emission data or durability data engine, as indicated by compliance with paragraph (e) of this section, he shall continue to run the engine to 125 hours or 1,500 hours, respectively, and the data from the engine will be used in the calculations under § 85.774–19. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(g) (1) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(2) The test procedures (§ 85.774–10 through § 85.774–18) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(h) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

§ 85.774–8 Special test procedures.

The Administrator may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

§ 85.774–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of engines with the standards set forth in § 85.774–1.

(a) The test consists of prescribed sequences of engine operating conditions to be conducted on an engine dynamometer. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train. The test is applicable to engines equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems, or to uncontrolled engines.

(b) The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen during a truck driving pattern in a metropolitan area as simulated on an engine dynamometer. The test consists of two warmup cycles and two hot cycles. The average brake-specific emission values for the warmup cycles and the hot cycles are combined to yield the reported values.

(c) When an engine is tested for exhaust emissions or is operated for durability testing on an engine dynamometer, the fan and optional belt driven accessories will not be installed. Evaporative emission controls need not be connected if data are provided to show that normal operating conditions are maintained in the engine induction system.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component failure or malfunction shall be authorized in accordance with § 85.774–6.

§ 85.774–10 Gasoline specifications.

(a) Fuel having the following specifications will be used by the Administrator in exhaust emission testing. Fuels having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust testing, except that the lead and octane specifications do not apply.

Item	ASTM designation	Leaded	Unleaded
Octane, Research minimum	D1656	100	96.
Pb, (organic), grams/U.S. gallons		1.4 minimum	0.00–0.05.
Distillation range	D86		
IBP, °F		75–95	75–95.
10 percent point, °F		120–135	120–135.
50 percent point, °F		200–230	200–230.
90 percent point, °F		300–325	300–325.
EP, °F (maximum)		415	415.
Sulfur, weight percent, maximum	D1266	0.10	0.10.
Phosphorus, grams/U.S. gallons, maximum		0.01	0.005.
RVP, pound	D323	8.0–9.2	8.0–9.2.
Hydrocarbon composition	D1319		
Olefins, percent, maximum		10	10.
Aromatics, percent, maximum		35	35.
Saturates		Remainder	Remainder.

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FIGURE 1074-1. -- Flow schematic of exhaust gas analysis system employed in Federal facilities.

(b) Component description. The following components shall be used in sampling and analytical systems for testing under the regulations in this subpart. Other types of sampling and analytical systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(1) Flowmeters FL1, FL2, FL3, FL4, and FL5 for indicating the sample flow rate through the analyzers.

(2) Nitric oxide NDIR analyzer.

(3) Carbon monoxide NDIR analyzer.

(4) Carbon dioxide NDIR analyzer.

(5) High-range hydrocarbon NDIR analyzer.

(6) Low-range hydrocarbon NDIR analyzer.

(7) Pressure gauges G1, G2, G3, G4, and G5 for indicating the analyzer sample pressure.

(8) Needle valves N1, N2, N3, N4, and N5 for regulating the sample flow rate to the analyzers.

(9) Drier D1 for removing water vapor from the sample.

(10) Needle valves N6, N7, N8, N9, N10, N11, N12, and N13 for regulating the flow rates of N_2 and span gases to the analyzers.

(11) Ball valves V1, V2, V3, and V4 for directing either sample or span gases to the analyzers.

(12) Needle valves N14, N15, N16, and N17 regulate the sample flow rate through the bypass system.

(13) Flowmeters FL6, FL7, FL8, and FL9 for indicating the flow rate through the bypass system.

(14) Pumps P1, P2, P3, and P4 for forcing the sample through the analyzers.

(15) Filters F1, F2, F3, and F4 for removing contaminants from sample prior N17 for regulating the sample flow rate to analysis.

(16) Ball valves V5, V6, V7, and V8 for directing sample gas to the analyzers or for backflushing the sampling system with air or nitrogen.

(17) Toggle valves V9, V10, V11, V12, and V13 for draining the condensate traps and the refrigerated bath.

(18) Traps T1, T2, T3, and T4 for separating condensed water vapor from the cooled sample gases.

(19) Ball valve V14 for diverting air to the low-range hydrocarbon analyzer during periods of high hydrocarbon concentrations in the exhaust sample.

(20) Needle valve N18 for regulating the air flow to the low-range hydrocarbon analyzer during purge conditions.

(21) Thermometer for indicating the bath temperature.

(22) Refrigerated water-bath for cooling the sample gases.

(23) Sample line for connecting the analysis system to the sample probe.

(24) Sample probe for extracting a sample of the exhaust downstream of the muffler.

(25) Ball valve V15 for directing nitrogen through the sampling system.

§ 85.774–14 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument Operator.

(e) Driver or Operator.

(f) Engine Make—identification number—date of manufacture—number of hours — engine displacement — engine family—idle r.p.m.—number carburetors—number of carburetor venturis.

(g) All pertinent instrument information such as tuning—gain—serial numbers—detector numbers—range.

(h) Barometric pressure, intake air temperature and humidity and, as applicable, the temperature of the air in front of the radiator during the test.

(i) Brake horsepower and fuel consumption during each mode.

(j) Analyzer responses, continuously recorded with zero, span and sample traces identified on each chart.

(k) Intake manifold vacuum and engine r.p.m. continuously recorded on the same chart.

(l) The analyzer recorders and the manifold vacuum-engine r.p.m. recorder shall be provided with automatic markers which indicate one second intervals. Chart paper preprinted with one second intervals may be used in lieu of the automatic markers provided the use of the correct chart speeds is verified on the charts for each test run.

§ 85.774–15 Calibration and instrument checks.

(a) The instrument assembly shall be calibrated at least once every 30 days, using the same flow rate as when sampling exhaust and proceeding as follows:

(1) Tune analyzers.

(2) Zero the analyzers with zero grade air or nitrogen. The allowable zero gas impurity concentrations should not exceed 10 p.p.m. equivalent carbon response, 10 p.p.m. carbon monoxide and 1 p.p.m. nitric oxide. Set the instrument gain to give the desired range. Normal operating ranges are as follows:

Low-range hydrocarbon analyzer.	0–1,000 p.p.m. hexane equivalent.
High-range hydrocarbon analyzer.	0–10,000 p.p.m. hexane equivalent.
CO analyzer	0–10 percent CO.
CO_2 analyzer	0–16 percent CO.
NO analyzer	0–4,000 p.p.m. NO.

Lower operating ranges may be used as required.

(3) Calibrate with the following calibration gases. Flow rates should be set at 10 c.f.h. on the hydrocarbon and nitric oxide analyzers and 5 c.f.h. on the carbon monoxide and carbon dioxide analyzers. The concentrations given indicate nominal concentrations, and actual concentrations should be known to within ±2 percent of true value. Prepurified N_2 is used as the diluent.

Low range HC analyzer—Hexane equivalent [1]	High range HC analyzer—Hexane equivalent	NO analyzer—NO	CO and CO_2 analyzers—Blend of CO and CO_2 containing— CO plus CO_2
p.p.m.	p.p.m.	p.p.m.	Mole percent
100	0	250	0.5
200	1,000	500	1.0
300	1,500	750	2.0
400	2,500	1,000	8.0
600	4,000	1,500	4.0
800	6,000	2,000	6.0
1,000	8,000	2,500	8.0
	10,000	3,000	10.0
		3,500	
		4,000	

[1] The hexane equivalent of propane, when used as the normalizing gas for calibrating nondispersive infrared analyzers, is prescribed to be 0.52 (propane concentration × 0.52=hexane equivalent concentration). Minimum storage temperature of the cylinders shall be 60° F.; minimum use temperature shall be 68° F.

(4) Compare values with previous curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curve for data reduction.

(5) Check response of hydrocarbon analyzer to 100 percent CO_2. If response is greater than 0.5 percent full scale, refill filter cells with 100 percent CO_2 and recheck. Note any remaining response on chart. If response still exceeds 0.5 percent, replace detector.

(6) Check response of hydrocarbon analyzers to nitrogen saturated with water at ambient temperature. Record ambient temperature. If the low-range instrument response exceeds 5 percent of full scale with saturated nitrogen at 75° F., replace the detector. If the high-range response exceeds 0.5 percent of full scale, check detector on low-range instrument, then reject if response exceeds 5 percent of full scale at 75° F.

(b) The following daily instrument check shall be performed, allowing a minimum of 2 hours warmup for infrared analyzers. (Power is normally left on continuously; but, when instruments are not in use, chopper motor is turned off.):

(1) Zero on clean nitrogen introduced at analyzer inlet. Obtain a stable zero on the amplifier meter and recorder. Recheck after test.

(2) Introduce the span gas and set the analyzer gain to match the response to the value indicated by the calibration curve. In order to avoid a correction for sample cell pressure, use the same flow rate as that used to calibrate the analyzer. The span gas should produce a signal from 80 to 100 percent of the full scale response. The concentration of the span gas should be known within ±2 percent of the actual gain. If gain has shifted by more than 3 percent of scale, check tuning. If necessary, check calibration. Recheck after test. Record actual concentrations on chart.

(3) Check nitrogen zero, repeat the procedure in paragraphs (b) (1) and (2) of this section if required.

(4) Check flow rates and pressures.

§ 85.774–16 Dynamometer test run.

(a) (1) Mount test engine on the engine dynamometer.

(2) Start the engine and precondition it by operation over one or more cycles prescribed for service accumulation (§ 85.774–7) or dynamometer operation (§ 85.774–11) until the engine has reached normal operating conditions. The engine shall not be exposed to precipitation or condensation after preconditioning.

(3) The engine shall be turned off and allowed to stand for at least 1 hour, but not more than 2 hours, at an ambient temperature of 60° F to 86° F.

(b) The following steps shall be taken for each test:

(1) Maintain the ambient temperature between 68° F and 86° F.

(2) Calibrate exhaust emission analyzer assembly.

(3) Check the condition of the drier in the nitric oxide analyzer sampling line. Replace the drying agent if necessary.

(4) Insert the sample line at least 2 feet into the tailpipe. When this is not possible, a tailpipe extension should be used. Where dual exhaust tailpipes are employed, a sample probe shall be inserted in each exhaust tailpipe and the two probes shall be connected to form a common sample line. The variation between the two sample probe lengths shall be no greater than four inches. The sample probes shall be inserted in the same manner, made from the same material, and have the same diameter and configuration.

(5) Start cooling system, if it is to be used.

(6) Start the engine and operate within the manufacturer's r.p.m. specifications for off-idle operation.

(b) **Fuels representative of commercial fuels which will be generally available through retail outlets shall be used in service accumulation. For unleaded fuel, the minimum lead content shall be 0.02 grams per U.S. gallon and the minimum phosphorus content shall be 0.002 grams per U.S. gallon. For leaded fuel, the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that engines represented by a test engine will be operated using fuels of different lead content than that prescribed in this paragraph, he may consent in writing to use of a fuel with a different lead content. The octane rating of the fuel used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer.**

§ 85.774–11 Dynamometer operation cycle and equipment.

(a) (1) The following nine-mode cycle shall be followed in dynamometer operation tests of gasoline-fueled heavy duty engines.

Sequence No.	Mode	Manifold vacuum	Time in Mode-Secs.	Cumulative Time-Secs.	Weighting factors
1	Idle	16" HG	70	70	0.232
2	Cruise	10" HG	23	93	.077
3	PTO	16" HG	44	137	.077
4	Cruise	10" HG	23	160	.057
5	PTO	16" HG	17	177	.057
6	Cruise	10" HG	23	200	.077
7	PTO	16" HG	54	254	.077
8	Cruise	10" HG	23	277	.077
9	CT	Idle	23	300	.143

(2) The engine dynamometer shall be operated at a constant speed of 2,000 r.p.m. ±100 r.p.m. (Speed deviations, not to exceed 200 r.p.m., will be allowed during the first four seconds of each mode.)

(3) The idle operating mode shall be carried out at the manufacturer's recommended engine speed. The CT operating mode shall be carried out at the same engine speed as in paragraph (b) (2) of this section.

(4) If the specified manifold vacuum can not be reached during the PTO mode, the engine shall be operated at closed throttle during that mode. If the specified manifold vacuum can not be reached during the FL mode, the engine shall be operated at wide open throttle during that mode.

(b) The following equipment shall be used for dynamometer tests.

(1) An engine dynamometer capable of maintaining constant speed±100 r.p.m. from full throttle to closed throttle motoring.

(2) A chassis-type exhaust system or substantially equivalent exhaust system shall be used.

(3) A radiator typical of that used with the engine in a vehicle, or other means of engine cooling which will maintain the engine operating temperatures at approximately the same temperature as would the radiator, shall be used. An auxiliary fixed speed fan may be used to maintain engine cooling during sustained operation on the dynamometer.

§ 85.774–12 Dynamometer procedure.

An initial 5-minute idle, two warmup cycles, and two hot cycles constitute a complete dynamometer run. Idle modes may be run at the beginning and end of each test, thus eliminating the need to change speed between cycles. One idle mode preceding the first cycle and one following the fourth cycle is sufficient. The results of the first idle shall be used for calculation of the second cycle emissions and the fourth idle results shall be used for calculation of the third cycle emissions.

§ 85.774–13 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* The following (fig. H774–1) is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Since various configurations of the required components can produce accurate results, exact conformance with this schematic is not required.

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(7) Return the engine throttle control to the normal idle position, start sample flow and recorders. A minimum chart speed of 6 inches per minute shall be used.

(8) Run four nine-mode cycles.

(c) Upon completion of the test, purge the sample line with nitrogen to establish a constant hydrocarbon "hangup" level. The hydrocarbon concentration shall drop to 5 percent or less of full scale within 10 seconds and 3 percent or less of full scale within 3 minutes or the test is invalid. Check calibration of exhaust emission instruments. A drift in excess of 2 percent of full scale in the calibration of any one of the exhaust emission analyzers will invalidate the test results.

§ 85.774–17 Chart reading.

The exhaust gas analyzer recorder response always lags the engine's operation because of a variable exhaust system delay and a fixed sample system delay. Therefore, the analyzer responses for each mode may not be located on the charts at a point corresponding to the exact time of the mode. For each warm-up or hot cycle to be evaluated, proceed as follows:

(a) Determine whether the cycle was run in accordance with the procedure specified in § 85.774–11 by observing either chart pips, speed trace, manifold vacuum trace, or concentration traces. The test will be invalidated if there is a deviation by more than:

(1) two seconds from the specified time for the CT mode, or

(2) 0.3 inch Hg during the cruise and PTD modes, or more than 0.2 inch Hg during the PTA and FL modes from the specified mode vacuums during the last ten seconds of a mode, or

(3) 200 r.p.m. during the first four seconds of each mode, or 100 r.p.m. during the remainder of each mode.

(b) Time correlate the hydrocarbon, carbon monoxide, carbon dioxide, and nitric oxide charts. Determine the location on the chart of analyzer response corresponding to each mode. Determine and compensate for trace abnormalities.

(c) Locate the last 3 seconds of the HC, CO, CO_2, and NO traces obtained from the 3 inch, 10 inch, 16 inch, 19 inch and idle modes. Divide this portion of each trace into a minimum of three segments of equal length. Determine the chart reading at the end of each segment to within 0.5 percent of full scale. Convert these readings into concentration values. Determine the average of these values.

(d) The values recorded for the initial idle mode are used for both warmup cycles 1 and 2. The final idle mode values are applied to hot cycles 3 and 4.

(e) Locate the HC, CO, CO_2, and NO closed throttle mode traces. Divide each trace into a minimum of 43 segments of equal length. Determine the chart reading at the end of each segment to within 0.5 percent of full scale. Convert these readings into concentration values. Determine the average of these values.

(f) Direct computer analysis of analyzer output may be utilized provided that the analysis is sufficiently similar to the above procedures to result in comparable data results and the analyzer output is continuously recorded at a chart speed of at least 3 inches per minute with an automatic marker being used to identify the time intervals during which data are accepted by the computer for processing.

§ 85.774–18 Calculations.

The final reported test results shall be derived through the following steps:

(a) Determine total carbon (TC) equivalent concentration in accordance with the following:

$$TC = \%CO_2 + \%CO + (1.8 \times 6)\%HC$$

(b) Calculate the mass emission for HC (HC_{mass}), CO (CO_{mass}), and NO_x ($NO_{x\,mass}$) in grams per hour for each mode as follows:

$$(1)\quad HC_{mass} = 10.8 \times 10^{-4} \times HC_{conc}\,(\text{p.p.m.}) \times \frac{\text{Fuel consumption (gms./hr.)}}{TC}$$

$$(2)\quad CO_{mass} = 2.02 \times CO_{conc}\,(\%) \times \frac{\text{Fuel consumption (gms./hr.)}}{TC}$$

$$(3)\quad NO_{x\,mass} = 3.32 \times 10^{-4} \times NO_{conc}\,(\text{p.p.m.}) \times \frac{\text{Fuel consumption (gms./hr.)}}{TC}$$

(c) Multiply the HC_{mass}, CO_{mass}, and $NO_{x\,mass}$ values for each mode by the appropriate weighting factors.

(d) Multiply the measured brake horsepower values for each mode by the appropriate weighting factors. Horsepower for the idle and closed throttle mode shall be defined as "zero" for calculation purposes. (Negative values are not used.)

(e) Calculate the brake specific emissions for HC, CO, and NO_x for each cycle as follows:

$$(1)\quad BSHC = \frac{\Sigma(HC_{mass} \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

$$(2)\quad BSCO = \frac{\Sigma(CO_{mass} \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

$$(3)\quad BSNO_x = \frac{\Sigma(NO_{x\,mass} \times WF)}{\Sigma(\text{Measured } BHP \times WF)}$$

(f) Average the composite BSHC, BSCO, $BSNO_x$ emissions of the first and second cycles.

(g) Average the composite BSHC, BSCO, and $BSNO_x$ emissions of the third and fourth cycles.

(h) Combine the results of (f) and (g) according to the formula: 0.35 × composite of (f) + 0.65 × composite of (g).

(i) Correct the $BSNO_x$ value for the humidity at test conditions by multiplying by conversion factor "K" where:

$$K = 0.634 + 0.00654H - 0.0000222H^2$$

H = Humidity at test conditions, grain H_2O/lb. dry air.

§§ 85.774–19—85.774–27 [Reserved]

§ 85.774–28 Compliance with emission standards.

(a) The exhaust emission standards in § 85.774–1 apply to the emissions of engines for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(1) Separate emission deterioration factors shall be determined from the emission results of the durability data engines for each engine-system combination. Separate factors shall be established for CO and for the combined emissions of HC and NO_x.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

(A) All emission data from the tests required under § 85.774–7(b), except the zero-hour tests. This shall include the official test results, as determined in § 85.774–29, for all tests conducted on all durability engines of the combination selected under § 85.774–5(c) (including all engines elected to be operated by the manufacturer under § 85.774–5(c)(3)).

(B) All emission data from the tests conducted before and after maintenance provided in § 85.774–6(a)(1)(i).

(C) All emission data from the tests conducted before and after maintenance provided in § 85.774–6(a)(5)(iii) if emission tests were conducted.

(ii) All applicable emission results for (A) HC+NO_x and (B) CO shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines ((A) HC+NO_x and (B) CO), fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1500-hour points on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 85.774–1 or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(iii) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor = Exhaust emissions interpolated to 1500-hours minus the exhaust emissions interpolated to 125-hours.
(Negative deterioration factors shall be considered zero.)

(2) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission data engine.

(3) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(2) of this section rounded to whole numbers in accordance with ASTM E 29–67 for each emission data engine.

(4) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (c)(3) of this section, before any engine in that family will be certified.

§ 85.774–29 Testing by the Administrator.

(a) The Administrator may require that any one or more of the test engines be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b)(1) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards

(2) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer. *And further provided*, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(3)(i) The emission data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the engine label (see § 85.774–35(a)(4)(v) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report the Administrator will determine if the engine shall be used as an emission data engine.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) would cause the emission data engine to fail due to excessive 125-hour emission values or by the application of the appropriate deterioration factor, then the following procedure shall be observed:

(A) The manufacturer may request a retest. Before the retest, the engine may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.774–6. All work on the engine shall be done at such location and under such conditions as the Administrator may prescribe.

(B) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission data engine.

(4) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a) of this section to enable the Administrator to determine whether an emission data engine would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (b)(3)(ii)(A) and (B) of this paragraph. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the engine from the test premises.

§ 85.774–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.706(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the design specifications that applied to those engines described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.702(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.706(c) which concern either the engine certified, or any production engine covered by this certificate, or any production engine which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.706(c) with respect to any such engine may lead to revocation or suspension of this certificate as specified in 40 CFR 85.774–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 85.774–30(c).

(b)(1) The Administrator will determine whether an engine covered by the application complies with applicable standards by observing the following relationships:

(i) A test engine selected under § 85.774–5(b)(2) and (4), shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(ii) A test engine selected under § 85.774–5(b)(3) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(iii) A test engine selected under § 85.774–5(c)(1), shall represent all engines of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the engines belonging to an engine family all of which comply with applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.774–29, data or information derived from any inspection carried out under § 85.706(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.705 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.705, or

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(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 85.774–32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed, or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

(c) (1) Notwithstanding the fact that any certification engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such engine(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.706(c) to any facility or portion thereof which contains any of the following:

(A) The engine, or

(B) Any components used or considered for use in its modification or build up into a certification engine, or

(C) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of an engine described in (C) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.706(c)) in examining any of the items listed in paragraph (c) (1) (iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c) (1) (i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iii), or (c) (1) (iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.706(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c) (1) (iii) or (c) (1) (iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.705 hereof.

(ii) Extend no further than to forbid the introduction into commerce of engines previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b) (3) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.705. If the Administrator finds after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

§ 85.774–31 Separate certification.

Where possible a manufacturer should include in a single application for certification all engines for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test engines and the computation of test results will be determined separately for each application.

§ 85.774–32 Addition of an engine after certification.

(a) If a manufacturer proposes to add to his product line an engine of the same engine-system combination as engines previously certified but which was not described in the application for certification when the test engine(s) representing other engines of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 85.774–34. This notification shall include a full description of the engine to be added.

(b) The Administrator may require the manufacturer to perform such tests on the engine(s) representing the engine to be added which would have been required if the engine had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.774–29, the Administrator determines that the test engine(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test engine(s) does not meet applicable standards, he will proceed under § 85.774–30(b).

§ 85.774–33 Changes to an engine covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production engines in respect to any of the parameters listed in §§ 85.774–5(a) (2) and (3), giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 85.774–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the engine, as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified engines, he will notify the manufacturer in writing. Except as provided in § 85.774–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified engines would not be covered by the certificate then in effect, then the modified engines shall be treated as additions to the product line subject to § 85.774–32.

§ 85.774–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of an engine under § 85.774–32 or a change in an engine under § 85.774–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce engines as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer

to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 85.774–32 (b) and (c), or § 85.774–33 (b) and (c) as appropriate.

(d) Election to produce engines under this section will be deemed to be a consent to recall all engines which the Administrator determines under § 85.774–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 85.774–35 Labeling.

(a) (1) The manufacturer of any heavy duty gasoline-fueled engine subject to the standards prescribed in § 85.744–1 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such engines available for sale to the public and covered by a certificate of conformity under § 85.774–30(a).

(2) The plastic or metal label shall be welded, bonded, or otherwise permanently attached to the engine in a position in which it will be readily visible after installation in the vehicle.

(3) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(4) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(i) The label heading: Engine Exhaust Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Engine displacement (in cubic inches) and engine family identification;

(iv) Date of engine manufacture (month and year);

(v) Engine tuneup specifications and adjustments as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop) and valve lash. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(vi) The statement: "This Engine Conforms to U.S. Environmental Protection Agency Regulations Applicable to 19— Model Year Gasoline-Fueled Heavy Duty Engines."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such engine conforms to any applicable State emission standards for new motor vehicle engines or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle or engine.

(c) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine part.

§ 85.774–36 [Reserved]

§ 85.774–37 Production engines.

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production engines selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These engines shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require. Engines supplied under this paragraph may be required to be mounted in chassis and appropriately equipped for operation on a chassis dynamometer.

(b) Any manufacturer obtaining certification under this subpart shall notify the Administrator, on a quarterly basis, of the number of engines of each engine family-engine displacement-exhaust emission control system-fuel system combination produced for sale in the United States during the preceding quarter.

§ 85.774–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle engine subject to the standards prescribed in § 85.774–1, written instructions for the maintenance and use of the engine by the purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.774–6(a). Scheduled maintenance in addition to that performed on the durability engine under § 85.774–6(a) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1500 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis and/or a mileage basis in addition to the engine service time basis that was followed by the manufacturer under § 85.774–6(a).

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

§ 85.774–39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 85.774–4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.774–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the engine's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

SUGAR PROCESSING POINT SOURCE CATEGORY

Interim and Proposed Effluent Limitations, Guidelines, and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 338–7]

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

Interim Rule

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On January 31, 1974, EPA promulgated a regulation adding Part 409 to Chapter 40 of the Code of Federal Regulations (39 FR 4034). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the sugar processing point source category. The regulation set forth below will amend 40 CFR 409—sugar processing point source category by adding effluent limitations and guidelines for point sources other than publicly owned treatment works, which require the application of the best practicable control technology currently available for existing sources for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), pursuant to sections 301 and 304(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311 and 1314(b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act). Simultaneously, the Agency is publishing in proposed form limitations for existing sources and standards of performance for new sources and pretreatment standards for existing sources and for new sources.

(a) *Legal authority*—(1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report on "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER a regulation is proposed in fulfillment of these requirements.

b) *Summary and Basis of Interim Final Effluent Limitations and Guidelines for Existing Sources and Proposed Effluent Limitations and Guidelines for Existing Sources, Proposed Standards of Performance and Pretreatment Standards for New Sources, and Proposed Pretreatment Standards for Existing Sources*—(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow, and volume of water used in the process employed, the sources of waste and waste waters in the operation, and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations, and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available", "best available technology economically achievable", and the "best available demonstrated control technology, processes, operating methods, or other alternatives". In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw can sugar processing subcategory (Subpart E), the

Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

(i) *Categorization.* For the purpose of establishing effluent limitations guidelines and standards of performance, the raw cane sugar processing segment of the sugar processing category has been divided into five subcategories:

(1) Subpart D—Louisiana raw cane sugar processing subcategory: This subcategory includes those plants located in the State of Louisiana which process sugar cane into a raw sugar product.

(2) Subpart E—Florida and Texas raw cane sugar processing subcategory: This subcategory includes those plants located in the States of Florida and Texas which process sugar cane into a raw sugar product.

(3) Subpart F—Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory: This subcategory includes those plants located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii which process sugar cane into a raw sugar product.

(4) Subpart G. Hawaiian raw cane sugar processing subcategory: This subcategory includes the remaining plants (those not included in Subpart F) located in the State of Hawaii which process sugar cane into a raw sugar product.

(5) Subpart H. Puerto Rican raw cane sugar processing subcategory: This subcategory includes those plants located in the Commonwealth of Puerto Rico which process sugar cane into a raw sugar product.

Factors such as the nature of raw materials, harvesting techniques, land availability, length of the grinding season, climatic variations, size of plants, nature of the soil, process variations, age of plants, and nature of the water supply substantiate and verify this subcategorization.

(ii) *Waste characteristics.* The known significant pollutant properties or constituents of waste waters resulting from the processing of sugar cane into a raw sugar product are biochemical oxygen demand, total suspended solids, and pH. Other parameters considered to be of less significance are chemical oxygen demand, temperature, total dissolved solids, coliform bacteria, and nutrients. These pollutant properties or constituents are present in the waste waters of plants within all subcategories of the raw cane sugar processing segment of the sugar processing category.

(iii) *Origin of waste water pollutants.* Major in-plant water uses resulting in waste water streams include barometric condenser cooling water, filter cake slurry, ash slurries, floor wash, excess condensate, chemical washing and rinsing of evaporators and vacuum pans, and cane wash water. Water of a non-contact nature may result from chemical washing and rinsing of heat exchangers, boiler blowdowns, and noncontact cooling waters such as bearing cooling water.

These various waste water streams are discharged from plants in all of the subcategories of the raw cane sugar processing segment of the sugar processing category, but all streams are not necessarily present at any single plant. In many cases natural gas is burned as fuel, and an ash discharge stream does not exist. The filter cake and ash discharge streams may be handled in dry form, thus eliminating a water discharge. In certain instances where sugar cane is hand cut or where the cane is relatively free of extraneous matter, cane washing is not employed and no cane wash water discharge stream exists.

Pollutants which enter into the discharge streams include: (1) dissolved sugar contributed by (a) the leaching of sugar during the washing of sugar cane, (b) the entrainment of sugar into the vapors of the evaporators and vacuum pans which are condensed in the barometric condensers, and (c) the dissolution of sugar spills during floor washing; and (2) solid matter contributed by the extraneous material which is introduced into the factory with the sugar cane. Solid material enters (a) the cane wash water discharge stream during the washing of sugar cane, (b) the filter cake slurry stream subsequent to clarification and filtration of the juice, and (c) the ash slurry stream if bagasse is burned or fly ash arrestors in the form of wet scrubbing devices are present.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry segment to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Such technologies as sedimentation, filtration, waste stabilization, aeration lagooning, oxidation lagooning, impoundage lagooning, cane wash recirculation, entrainment prevention, dry handling of ash and filter cake, barometric condenser cooling water recirculation, and irrigation have been identified as proven methods of control and treatment of waste waters from the raw cane sugar processing segment of the sugar processing category. These control and treatment technologies are currently practiced and well demonstrated within the industry in all cases.

The following is a discussion of the control and treatment technologies for each subcategory.

(1) *Control and treatment*—Louisiana raw cane sugar processing subcategory. Both in-plant techniques and end-of-pipe methods have been employed by plants of this subcategory to reduce pollutant discharge. Best practicable control technology currently available is to totally retain or dry haul the filter cake and ash discharge streams, practice entrainment prevention techniques to reduce sugar entrainment into barometric condenser cooling water, and provide biological treatment of the cane wash water discharge stream. The technology on which the effluent limitations and guidelines are based involves the retention of the cane wash water stream in an oxidation pond, held until waste stabilization occurs and discharged after the grinding season. Alternative methods of treatment which are applicable and capable of achieving or exceeding the efficiency of treatment specified by the effluent limitations are treatment of the cane wash water stream in an aerated lagoon or recirculation of the cane wash water stream with discharge of the blowdown to an oxidation pond to be held until waste stabilization occurs. All of these methods are being applied in this subcategory at the present time, although the use of aerated lagoons is very limited.

Best available technology economically achievable is the recirculation of the barometric condenser cooling water stream through a cooling device with the blowdown discharged as make-up to the cane wash system. The cane wash water is recirculated with discharge of the blowdown to an oxidation pond where it is held until waste stabilization occurs. Barometric condenser cooling water systems are widely employed within this subcategory; at least fifteen of the thirty-nine cane sugar factories currently operating in Louisiana recycle barometric condenser cooling water through a cooling tower, spray pond, or cooling pond. Recirculation of cane wash water is also widely practiced with at least thirteen of the Louisiana cane sugar factories recirculating cane wash water.

(2) *Control and treatment*—Florida and Texas raw cane sugar processing subcategory. Both in-plant techniques and end-of-ripe methods have been employed by all plants within this subcategory to the extent that no discharge of waste water pollutants to navigable waters is being accomplished. Various methods such as recirculation and reuse techniques, impoundment concepts, irrigation methods, deep-well injection, and discharge to the factory's private canal system are now employed. Limitations for best practicable control technology currently available and best available technology economically achievable are derived on the basis of these current practices.

(3) *Control and treatment*—Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory. Until recently, very little application of waste water treatment has been employed by plants in this subcategory other than those in-plant controls, such as the prevention of sucrose entrainment into barometric condenser cooling water, which maximize the production of a salable product. Historically these plants were built on the cliffs at the Pacific Ocean's edge to enable the fluming of hand harvested sugar cane from the cane fields located above the raw sugar factories. With the labor shortage which occurred subsequent to World War II, mechanical harvesting with bulldozers and push-rakes was implemented for

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reasons of plant economics. With the advent of the current harvesting techniques came a tremendous increase in the percentage of extraneous material (approaching 51 percent) incorporated into the sugar cane entering the factory, bringing about the need for elaborate cane washing equipment to ensure a raw material which is processable in the milling operation.

Currently, considerable research and development is being undertaken in the area of waste water treatment as well as in the area of new harvesting equipment which would leave the bulk of extraneous material in the cane fields. Treatment methods which have been employed within the last two years by those raw sugar factories which form this subcategory are dry hauling of filter cake, dry hauling of ash, screening and disposal of trash, and disposal of rocks which enter the factory with the sugar cane. Bench and pilot-scale studies have been established with regard to the sedimentation of the cane wash waste water stream resulting in the design of a system to handle this discharge stream. This system is expected to be online next year. Also, research and development is being done with regard to a dry cleaning system which would clean sugar cane by means of mechanical shaking, stripping, and air blowing followed by washing with cane juice which would act as a recoverable dry cleaning solution. This dry cleaning system is as yet undemonstrated with much work to be accomplished before it can be considered available technology.

Best practicable control technology currently available is based on the treatment system discussed above which is expected to be installed at one of the cane sugar factories next year. This involves screening and removal of trash, dry hauling of filter cake and ash, entrainment prevention, and primary settling of the cane wash water stream with the aid of polymer addition. Best available technology economically achievable incorporates the currently developing technology of improved harvesting techniques, the addition of a barometric condenser cooling water recirculation system, and the addition of a biological treatment system in the form of an aerated lagoon to treat the discharge stream. These techniques are either currently available or researched to the extent that reliable predictions as to the effect of their application is possible.

(4) *Control and treatment*—Hawaiian raw cane sugar processing subcategory. Both in-plant techniques and end-of-pipe methods have been employed by all plants within this subcategory to the extent that no discharge of waste water pollutants to navigable waters is achieved. Various methods such as recirculation and reuse techniques, impoundment concepts, and irrigation methods are now employed. Limitations for best practicable control technology currently available and best available technology economically achievable are derived on the basis of these current practices.

(5) *Control and treatment*—Puerto Rican raw cane sugar processing subcategory. Current treatment and control practices employed within this subcategory include recirculation of barometric condenser cooling water, dry hauling of filter cake, impoundage of filter cake slurry, ash slurry, and chemical wash and rinse, primary sedimentation of the cane wash discharge stream, waste stabilization, and application of irrigation techniques. The Puerto Rican cane sugar industry is currently in a state of decline with production dropping sharply in the last ten years, and in a state of flux in that consolidation of the industry is taking place and increased reliance is being placed on mechanical rather than hand harvesting. The limited data available indicate that the raw waste loadings associated with this subcategory fall within the range of data available for the Louisiana raw cane sugar processing subcategory. Best practicable control technology currently available and best available technology economically achievable are therefore based upon those recommended for the Louisiana raw cane sugar processing subcategory. These technologies are directly applicable to the Puerto Rican cane sugar processing subcategory and many are in fact currently employed. The application of the Louisiana raw cane sugar processing subcategory effluent limitations and guidelines to the Puerto Rican raw cane sugar processing subcategory is considered to be a conservative approach for the following reasons: (1) irrigation techniques are applicable to certain plants within this subcategory with two of the eleven plants which make up this subcategory currently utilizing this technique; (2) two factories do not employ cane washing thus eliminating a major waste water stream; and (3) mechanical harvesting, while increasing in general practice is not employed exclusively at any factory, while mechanical harvesting is the general practice of all the Louisiana factories. Thus, it can be generalized that the raw waste loadings generated by Puerto Rican factories should be in the lower range of those associated with Louisiana factories. This is in fact substantiated by the available current data relating to Puerto Rican factories.

However, because of the state of flux of the Puerto Rican raw cane sugar industry, the limited data available on which to base raw waste loadings for this subcategory, and because of the economic situation of the plants which form this subcategory, it has been concluded that application of those techniques currently employed by Louisiana factories is a reasonable approach to establishing effluent limitations and guidelines for the Puerto Rican raw cane sugar processing subcategory.

Solid waste control must be considered. Sludges in the form of muds, ashes, or cakes may result from the processing of sugar cane into raw sugar. These may be substantial in volume and contribute to the cost of achieving the recommended effluent limitations and guidelines.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines, 40 CFR Part 241, may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located. It should be noted that there is no evidence that hazardous materials are present in the slurries, sludges, muds, ashes, and cakes which result from the processing of sugar cane into a raw sugar product.

(v) *Cost estimates for control of waste water pollutants.* The capital and total yearly costs (August–1971 dollars) to the raw cane sugar processing segment of the sugar processing category to achieve the interim final best practicable control technology currently available effluent limitations guidelines are estimated to range from between $9.52 and $10.41 million, and $2.98 and $4.06 million, respectively. This estimate is based on an estimation of those control and treatment techniques which must be applied at each individual factory in order that the effluent limitations guidelines be attained. These costs do not include expenses already incurred as a result of pollution abatement facilities already existent at the individual factories.

The additional capital and total yearly costs (August–1971 dollars) to the raw

cane sugar processing segment of the sugar processing category to achieve the proposed best available technology effluent limitations guidelines are estimated to range from between $6.05 and $7.53 million, and $1.02 and $1.33 million, respectively. This estimate does not include those costs associated with attainment of best practicable control technology currently available and is based on an estimation of those control and treatment techniques which must be applied at each individual factory in order that the effluent limitations guidelines be attained. This cost estimate does not include those expenses already incurred as a result of pollution abatement facilities already existent at the individual factories.

These costs are summarized for each individual subcategory in the following table:

COST ESTIMATES ($MM)

Subcategory	BPCTCA	
	Capital	Total yearly
Louisiana raw cane sugar processing.	$1.04 to $1.15.	$0.324 to $0.528.
Florida and Texas raw cane sugar processing.	0	0.
Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing.	$6.60 to $7.28.	$2.32 to $2.94.
Hawaiian raw cane sugar processing.	0	0.
Puerto Rican raw cane sugar processing.	$1.88 to $1.98.	$0.324 to $0.592.
Total	$9.52 to $10.41.	$2.96 to $4.06.

COST ESTIMATES ($MM)

Subcategory	BATEA	
	Capital	Total yearly
Louisiana raw cane sugar processing.	$2.90 to $4.28.	$0.577 to $0.574.
Florida and Texas raw cane sugar processing.	0	0.
Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing.	$1.70	$0.377 to $0.353.
Hawaiian raw cane sugar processing.	0	0.
Puerto Rican raw cane sugar processing.	$1.45	$0.0084.
Total	$6.05 to $7.53.	$1.02 to $1.33.

(vi) *Energy requirements and non-water quality environmental impacts.* Energy. The raw cane sugar processing segment of the sugar processing category is a high energy user in that the production of sugar is basically an evaporative process. Large quantities of energy are required for the production of steam to evaporate the cane juice and for the mechanical harvesting of sugar cane. Many cane sugar factories produce steam in sufficient quantity to maintain the milling operation and boiler house and also produce excess electricity which is sold to commercial utilities. In many cases, the source of this energy is bagasse, a by-product of the production of raw sugar.

It is estimated that less than 0.83 percent additional energy consumption is required of a factory to attain the best practicable control technology currently available and the best available technology economically achievable effluent limitations guidelines for all subcategories with the exception of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory. This subcategory will require less than a 3.32 percent energy increase to achieve interim final and proposed effluent limitations guidelines.

Solid Waste. The removal of extraneous material from the incoming sugar cane presents a solid waste disposal problem. Solid waste in the form of bottom ash, filter cake, muds resulting from the washing of sugar cane, trash, and in certain instances fly ash, are produced in varying quantities during the processing of sugar cane into raw sugar. The costs of solids handling have been factored into the control and treatment costs for all subcategories. It should be noted that these are not hazardous materials and that many technologies exist for the land disposal of these solid wastes.

Air Pollution. Air pollution problems in the form of odors can result from waste water lagooning. This technology is currently employed throughout this industry segment and experience has been that odor problems can be minimized by design and operating techniques. In general, the impact of aesthetic considerations, including odor and noise effects, are minimized by the typical location of sugar factories away from urban areas.

(vii) *Economic impact analysis.* Generally, the costs of compliance for BPCTCA are not expected to significantly affect prices, industry production, employment, or growth. Due to competition from other foreign and domestic sources, it is expected that the costs of pollution control cannot be passed on to the consumer through price increases. As a result, producers will be forced to absorb these costs through reduced profits. Despite this reduction in profitability, no plant closures are anticipated for 1977.

However, seven to twelve plants in Louisiana and Puerto Rico may be expected to close due to the additional costs of meeting the BATEA standards. These plants represent approximately 2.7 to 6.0 percent of current U.S. raw cane sugar production. Approximately 700 to 1800 employees would be affected by these closures. The dislocated employees in Louisiana are expected to have opportunities for reemployment; thus, the community impacts are expected to be minimal. In Puerto Rico, very few opportunities for reemployment are expected to exist. These dislocated employees represent 0.02 to 0.08 percent of the labor force of Puerto Rico. Thus, a small increase in unemployment and some community impacts are anticipated as a result of the mill closures in Puerto Rico. The balance of trade and industry growth effects are expected to be negligible.

The report entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the RAW CANE SUGAR PROCESSING Segment of the Sugar Processing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by this regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the final economic analysis document will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines, and standards for the sugar processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under Section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Hawaiian Sugar Planters' Association; (4) Puerto Rico Sugar Corporation; (5) American-Florida Sugar Cane League; (6) The American Society of Mechanical Engineers; (7) The Conservation Foundation; (8) Businessmen for the Public Interest; (9) Environmental Defense Fund, Inc.; (10) Natural Resources Defense Council; (11) The American Society of Civil Engineers; (12) Water Pollution Control Federation; (13) National Wildlife Federation; (14) Theo. H. Davies and Company Ltd.; and (15) C. Brewer and Company, Ltd.

The following responded with comments:

(1) Effluent Standards and Water Quality Information Advisory Committee; (2) Minnesota Pollution Control Agency; (3) American Sugar Cane League; (4) South Coast Corporation; (5) Louisiana State University; (6) Delaware River Basin Commission; (7) Department of the Interior; (8) Department of Health, Education, and Welfare;

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(9) Hawaiian Sugar Planters' Association; (10) Florida Sugar Cane League, Inc.; (11) United States Water Resources Council; and (12) Rio Grande Valley Sugar Growers, Inc.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) The comment was made that the model factories presented in the draft Development Document project water usages and raw waste loadings which were considerably overstated.

The Agency has reviewed the data which formed the basis of the presentations of the draft Development Document and the data received subsequent to publication of the draft Development Document and has revised the water usages and raw waste loadings for the model factories where appropriate. The related cost estimates have also been modified to represent the model factories.

(2) One commenter stated that experts in the field of oceanography and marine biology clearly indicate that BOD removal prior to open ocean disposal is wasteful of resources in that no benefit is derived from this removal.

Under the Act, it is not necessary that a showing be made regarding the effect of the pollutional discharge upon the quality of the receiving water on a case-by-case basis. Under sections 301, 304(b) and (c), 306(b) and (c), and 307(c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations guidelines are to be based on defined levels of technology which are specified in the Act itself. Nevertheless, effluent limitations derived from water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where technology-based effluent limitations are not stringent enough to provide for the achievement of water quality standards.

(3) The comment was made that because limited data was available from the sugar mills in Puerto Rico, to base recommendations on operations and data related to Louisiana is questionable.

The Agency recognizes that limited data is available on Puerto Rican cane sugar factories. Data was obtained during a sampling program undertaken under the Agency's direction and also all relevant data available was acquired from the University of Puerto Rico. Whereas in the past, hand harvesting of sugar cane prevailed, the recent trend is toward mechanical harvesting techniques similar to those employed in Louisiana. As discussed previously, it can be generalized that raw waste loadings generated by Puerto Rican factories should be in the lower range of those associated with Louisiana factories. This is in fact substantiated by the available current data relating to Puerto Rican factories. However, because of the state of flux of the Puerto Rican raw sugar industry, the limited data available on which to base raw waste loadings for this subcategory, and because of the economic situation of the plants which form this subcategory, it has been concluded that the application of those technologies currently employed by Louisiana factories is a reasonable approach to establishing effluent limitations guidelines for the Puerto Rican raw cane sugar processing subcategory.

The Agency does, however, solicit data with regard to the applicable control and treatment technologies, raw waste loadings, water usages, costs associated with pollution control, and various economic parameters (future selling prices of raw sugar, production costs, profit margins, and cash flows).

(4) A commenter questioned the cost-effectiveness of the treatment system and control technology for Subcategory III, because the cost of treatment is so much greater than Subcategory I.

Subcategory III sugar factories are those located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii. The unique conditions which exist at these sugar factories (i.e., topography, climate, harvesting techniques employed, length of grinding season, and land availability) substantiate separate subcategorization. The cost estimates presented in the Development Document reflect these unique conditions and the economic impact has been assessed based upon the projected cost estimates.

(5) One commenter objected to the Texas sugar cane factory being placed in a subcategory which requires zero discharge, and requested limitations similar to Subcategories I, III, and V.

The information available on the only existing Texas cane sugar factory indicates that this factory is currently attaining the zero discharge limitation through the application of irrigation techniques. Therefore, the zero discharge limitation is substantiated by current operating practices. A new source would have the opportunity of site selection with the application of irrigation techniques expected to be available.

(6) One commenter explained that during rainfall conditions it is possible that overflows from irrigation, impoundment, or cooling canal systems may occur and that no discharge of waste waters is in some cases impracticable, particularly for certain mills located in Hawaii and Florida where rainfall may vary greatly over even small areas of land.

The Agency recognizes that these overflows may occur. Limitations are specified in the regulation which allow for such discharges, providing that impoundage facilities are designed, constructed, and operated to contain all process generated waste waters. There is no data available with regard to such overflow discharges to indicate any distinction between agricultural and process waste water runoff.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train et al.* (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than January 10, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under Section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 31, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein, the Agency will consider petitions for reconsideration of any permits issued in accordance with the interim final regulation.

In consideration of the aforegoing, 40 CFR Part 409 is hereby amended as set forth below.

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

Sec.

409.40 Applicability; description of the Louisiana raw cane sugar processing subcategory.
409.41 Specialized definitions.
409.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

409.50 Applicability; description of the Florida and Texas raw cane sugar processing subcategory.
409.51 Specialized definitions.
409.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

409.60 Applicability; description of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory.
409.61 Specialized definitions.
409.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

409.70 Applicability; description of the Hawaiian raw cane sugar processing subcategory.
409.71 Specialized definitions.
409.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

409.80 Applicability; description of the Puerto Rican raw cane sugar processing subcategory.
409.81 Specialized definitions.
409.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

§ 409.40 Applicability; description of the Louisiana raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories operating in the State of Louisiana.

§ 409.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

§ 409.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributable to the barometric condenser cooling water to that amount of BOD5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	*Effluent Limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane	
BOD5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane	
BOD5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

§ 409.50 Applicability; description of the Florida and Texas raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located in the states of Florida and Texas.

§ 409.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

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§ 409.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

§ 409.60 Applicability; description of the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located on the Hilo-Hamakua Coast of the Island of Hawaii in the State of Hawaii.

§ 409.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

(c) The term "net cane" shall mean that amount of "gross cane" less the weight of extraneous material.

(d) The term "x" shall mean that fraction of the "net cane" harvested by the advanced harvesting systems.

§ 409.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of net cane		
BOD_5	No limitation	
TSS	4.2	2.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/000 lb of net cane		
BOD_5	No limitation	
TSS	4.2	2.1
pH	Within the range 6.0 to 9.0.	

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

§ 409.70 Applicability; description of the Hawaiian raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories, other than those described by Subpart F, located in the State of Hawaii.

§ 409.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 409.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If

such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

§ 409.80 Applicability; description of the Puerto Rican raw cane sugar processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of sugar cane into a raw sugar product for those cane sugar factories located on the Island of Puerto Rico.

§ 409.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) The term "gross cane" shall mean that amount of crop material as harvested, including field trash and other extraneous material.

§ 409.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this Section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations. The BOD_5 limitation is determined by the addition of the net BOD_5 attributable to the barometric condenser cooling water to that amount of BOD_5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD_5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD_5	1.14	0.63
TSS	1.41	0.47
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations. The BOD_5 limitation is determined by the addition of the net BOD_5 attributable to the barometric condenser cooling water to that amount of BOD_5 attributable to the treated process waste water. The TSS limitation is that amount of TSS attributable to the treated process waste water, excluding barometric condenser cooling water.

Effluent characteristic	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane	
BOD_5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane	
BOD_5	0.63.
TSS	0.47.
pH	Within the range 6.0 to 9.0.

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307 (c) and (d) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c) and 1326(c)), 86 Stat. 816 et seq., Pub. L. 92-500.)

[FR Doc.75-5286 Filed 2-26-75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

[FRL 338-8]

SUGAR PROCESSING POINT SOURCE CATEGORY

Effluent Limitations, Guidelines and Standards

Notice is hereby given that effluent limitations for existing sources and standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On January 31, 1974, EPA promulgated a regulation adding Part 409 to Chapter 40 of the Code of Federal Regulations (39 FR 4034). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the sugar processing point source category. The regulation proposed below will amend 40 CFR Part 409—sugar processing point source category by adding §§ 409.43, 409.44, 409.45 and 409.46 to the Louisiana raw cane sugar processing subcategory (Subpart D), §§ 409.53, 409.54, 409.55 and 409.56 to the Florida and Texas raw cane sugar processing subcategory (Subpart E), §§ 409.63, 409.64, 409.65 and 409.66 to the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), §§ 409.73, 409.74, 409.75 and 409.76 to the Hawaiian raw cane sugar processing subcategory (Subpart G), and §§ 409.83, 409.84, 409.85 and 409.86 to the Puerto Rican raw cane sugar processing subcategory (Subpart H), pursuant to sections 301, 304(b) and (c), 306(b) and 307(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) Legal Authority.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, 38 FR 1624) a list of 27 source categories, including the sugar processing category. The regulation proposed herein sets forth the standards of performance applicable to new sources for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 409.46, 409.56, 409.66, 409.76, and 409.86, proposed below, provide pretreatment standards for new sources within the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 409.44, 409.54, 409.64, 409.74, and 409.84 proposed below provide pretreatment standards for existing sources within the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), of the sugar processing point source category.

(b) Summary and Basis of Proposed Effluent Limitations for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources and Pretreatment Standards for Existing Sources.

The general methodology and summary and conclusions are discussed in considerable detail in the preamble of the interim final-regulation for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The regulations proposed herein set forth pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973

(38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 409.44, 409.54, 409.64, 409.74, and 409.84 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations and Guidelines and Proposed New Source Performance Standards for the RAW CANE SUGAR PROCESSING Segment of the Sugar Processing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA, Office of Public Affairs, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the final economic analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the Louisiana raw cane sugar processing subcategory (Subpart D), the Florida and Texas raw cane sugar processing subcategory (Subpart E), the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory (Subpart F), the Hawaiian raw cane sugar processing subcategory (Subpart G), and the Puerto Rican raw cane sugar processing subcategory (Subpart H), being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rule making by submitting written comments in triplicate to the EPA, Office of Public Affairs, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of Sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 31, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend part 409 by adding the following sections:

Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

Sec.

409.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.44 Pretreatment standards for existing sources.
409.45 Standards of performance for new sources.
409.46 Pretreatment standards for new sources.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

409.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.54 Pretreatment standards for existing sources.
409.55 Standards of performance for new sources.
409.56 Pretreatment standards for new sources.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

409.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.64 Pretreatment standards for existing sources.
409.65 Standards of performance for new sources.
409.66 Pretreatment standards for new sources.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

409.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.74 Pretreatment standards for existing sources.
409.75 Standards of performance for new sources.
409.76 Pretreatment standards for new sources.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

409.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.84 Pretreatment standards for existing sources.
409.85 Standards of performance for new sources.
409.86 Pretreatment standards for new sources.

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Subpart D—Louisiana Raw Cane Sugar Processing Subcategory

§ 409.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic:	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—
(Metric units) kg/kkg of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.

§ 409.44 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Louisiana raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation
TSS	Do.
pH	Do.

§ 409.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic:	Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—
(Metric units) kg/kkg of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.

§ 409.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Louisiana raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment Standard
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory

§ 409.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.54 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Florida and Texas raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to Section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.55 Standards of performance for new sources.

Subject to the provisions of paragraph (a) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Florida and Texas raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory

§ 409.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.13 or 1.01 (1−x)+0.0070.
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.13 or 1.01 (1−x)+0.0070.
pH	Within the range 6.0 to 9.0.	

§ 409.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.13 or 1.01 (1−x)+0.0070.
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of net cane		
BOD5	The greater of: 0.22 or 1.52 (1−x)+0.012.	The greater of: 0.11 or 0.76 (1−x)+0.0060.
TSS	The greater of: 0.39 or 3.03 (1−x)+0.021.	The greater of: 0.13 or 1.01 (1−x)+0.0070.
pH	Within the range 6.0 to 9.0.	

§ 409.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	Pretreatment standard
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory

§ 409.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subject to the provisions of paragraph (a) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source sub-

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ject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Hawaiian raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.75 Standards of performance for new sources.

Subject to the provisions of paragraph (a) of this section, the following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

(a) Process waste water pollutants in the overflow may be discharged to navigable waters whenever rainfall events cause an overflow of process waste water from a facility designed, constructed, and operated to contain all process generated waste waters.

§ 409.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Hawaiian raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory

§ 409.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations.

Effluent characteristic:	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range 6.0 to 9.0.

§ 409.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(b) of the Act for a source within the Puerto Rican raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
TSS	Do.
pH	Do.

§ 409.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Any cane sugar factory continuously discharging both barometric condenser cooling water and other process waste waters shall meet the following limitations.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of gross cane		
BOD5	0.10	0.050
TSS	0.24	0.080
pH	Within the range 6.0 to 9.0.	

(b) Any cane sugar factory employing waste stabilization where all or a portion of the waste water discharge is stored for the entire grinding season shall meet the following limitations:

Effluent characteristic:	*Effluent limitations, the total of the daily values for the entire discharge period shall not exceed—*
(Metric units) kg/kkg of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.
(English units) lb/1000 lb of gross cane:	
BOD5	0.050.
TSS	0.080.
pH	Within the range of 6.0 to 9.0.

§ 409.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the Puerto Rican raw cane sugar processing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR Part 128, for existing sources (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standards establish the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
pH	No limitation.
BOD	Do.
TSS	Do.

(Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c) and 316(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (c) and 1326(c)), 86 Stat. 816 et seq., Pub. L. 92-500.)

[FR Doc.75-5287 Filed 2-26-75;8:45 am]

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PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Interim and Proposed Effluent Limitations, Guidelines, and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 338-4]

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Interim Regulations

Notice is hereby given that effluent limitations and guidelines for existing sources set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On March 26, 1974, EPA promulgated a regulation adding Part 421 to Chapter 40 of the Code of Federal Regulations (39 FR 12822). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the nonferrous metals manufacturing point source category. The regulation set forth below will amend 40 CFR 421—Nonferrous metals manufacturing point source category, by adding thereto effluent limitations and guidelines for existing sources for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G) and the primary zinc subcategory (Subpart H) pursuant to sections 301, 304(b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.: Pub. L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form standards of performance for new point sources and pretreatment standards for existing sources and for new sources.

(a) *Legal authority.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304 (b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G) and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The reports or "Development Documents" referred to below provide, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) *Summary and basis of interim final effluent limitations and guidelines for existing sources and proposed standards of performance and pretreatment standards for new sources*—(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category.

(i) *Categorization.* (1) *Subpart D.* Primary copper smelting subcategory: Primary copper smelting is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as manufacturing process, raw materials, products produced, wastes generated, plant size and age, plant location, and air pollution control

supports this conclusion. This subcategory has been defined to include all primary copper smelting operations and does not discern among those smelters which are integrated with mining and/or milling operations or have on-site electrolytic refining operations. One hydrometallurgical primary copper facility, currently under construction, is not considered at this time to be a part of this subcategory, since data are presently insufficient for possible categorization.

(2) *Subpart E.* Primary copper refining subcategory: Primary copper refining is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as manufacturing process, raw materials, products produced, wastes generated, plant size and age, plant location, and air pollution control supports this conclusion. This subcategory has been defined to include all primary copper refining operations, which are not located on-site with a primary copper smelter. Those remaining primary copper refineries, which are located on-site with a primary copper smelter, are considered as a part of the primary copper smelting subcategory. The primary copper refining subcategory is further divided into those facilities geographically located in areas of net evaporation and those facilities geographically located in areas of net precipitation. This differentiation is primarily based on water usage and waste water control and treatment technology as practiced by the currently operating facilities.

(3) *Subpart F.* Secondary copper subcategory: Secondary copper is a single subcategory for the purpose of establishing effluent limitations guidelines and standards of performance: However, five principal waste streams resulting from five distinct water uses within the secondary copper industry have been identified and are subject to individual effluent limitations and standards of performance. These are: (a) Waste water from metal cooling, (b) waste water from slag quenching and granulation, (c) waste water from slag milling and classification, (d) waste water from furnace exhaust scrubbing, and (e) waste water from electrolytic refining operations. Plants using water for metal cooling only will be subject to one series of effluent limitations; plants using water for both metal cooling and slag quenching and granulation will be subject to two series of effluent limitations, etc. The consideration of such factors as raw materials processed, products produced, processes employed, plant age, plant size, air pollution control techniques, and plant location supports the conclusion that effluent limitations should be based on the specific water uses within a plant.

(4) *Subpart G.* Primary lead subcategory: Primary lead is a single subcategory for the purposes of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as manufacturing process, age of plant, plant size, raw materials and products, plant location, and air pollution control techniques supports this conclusion. Plant location is considered to have a bearing on specific limitations and standards for this subcategory. Thus, this subcategory is further divided into those facilities geographically located in areas of net evaporation and those facilities geographically located in areas of net precipitation. One of the currently operating primary lead industry facilities, a primary lead refinery, not located on-site with a primary lead smelter, is not considered as a part of the primary lead subcategory since, due to process, no process waste water (as defined for this subcategory) is produced at this facility.

(5) *Subpart H.* Primary zinc subcategory: Primary zinc is a single subcategory for the purposes of establishing effluent limitations guidelines and standards of performance. The consideration of factors such as processes employed, age and size of plant, plant location, raw materials, waste characteristics, and by-products and ancillary operations supports this conclusion.

(ii) *Waste characteristics.* (1) *Subpart D.* Primary copper smelting subcategory: The pollutants contained in the raw waste water from the facilities of the primary copper smelting subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, arsenic, cadmium, copper, lead, selenium, zinc, and acidity and alkalinity. Raw process waste water from the primary refining of copper, when such an activity is conducted on-site at a primary copper smelter, contains significant quantities of total suspended solids, arsenic, zinc, selenium, copper, and acidity and alkalinity. Raw waste load data have been collected on each process waste stream, and information has been assembled on the treatment procedures required for each waste water effluent.

(2) *Subpart E.* Primary copper refining subcategory: The pollutants contained in the raw waste water from the facilities of the primary copper refining subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, arsenic, zinc, selenium, copper, oil and grease, and acidity and alkalinity.

(3) *Subpart F.* Secondary copper subcategory: The pollutants contained in the raw waste water from the facilities of the secondary copper subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, copper, zinc, oil and grease, and acidity and alkalinity.

(4) *Subpart G.* Primary lead subcategory: The pollutants contained in the raw waste water from the facilities of the primary lead subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, cadmium, lead, zinc, and acidity and alkalinity.

(5) *Subpart H.* Primary zinc subcategory: The pollutants contained in the raw waste water from the facilities of the primary zinc subcategory, and occurring in sufficient quantities to warrant their control and treatment, include total suspended solids, arsenic, cadmium, selenium, zinc, and acidity and alkalinity.

Other pollutants are found in the process waste waters of these five subcategories and include dissolved solids for all subcategories; iron and nickel for the primary copper smelting and refining subcategories; chemical oxygen demand, phosphorus, aluminum, magnesium, and boron for the secondary copper subcategory; bismuth, arsenic, calcium, and magnesium for the primary lead subcategory; and lead, nickel, and copper for the primary zinc subcategory. These pollutants are not considered, at this time, to be significant, primarily due to their concurrent control with the treatment technologies applied to the significant pollutants, to the lack of sufficient data on which to base effluent limitations and standards of performance, to their intermittent discharge and small concentration in the process waste water, or to current economic prohibition of known treatment methods for their removal from waste waters.

(iii) *Origin of waste water pollutants.* (1) *Subpart D.* Primary copper smelting subcategory: Process waste waters evolved from facilities within this subcategory include effluents from slag granulation; acid plant blowdown; fire-refined copper, anode copper, shot copper, and various forms of cathode copper casting (metal cooling); refining operations, when such operations are conducted on-site with a primary copper smelter, such as the disposal of spent electrolyte, electrolytic refinery washing, and slimes recovery; and miscellaneous operations such as dimethylaniline plant blowdown and purge, slurry overflow from dust collection systems and wet fluid-bed roaster charge systems, arsenic plant washdown, as well as general plant washdown, and byproduct scrubbing, as in rhenium recovery from molybdenum roaster offgases. Dissolved metals, such as the salts of cadmium, zinc, copper, arsenic, lead, iron, nickel, and selenium, are found in the highly acidic sulfuric acid plant blowdown and dimethylaniline plant blowdown. Total suspended solids are readily found in the process waste water generated during metal cooling and slag granulation. Arsenic concentrations are extremely high in arsenic plant washdown water.

(2) *Subpart E.* Primary copper refining subcategory: Process waste waters evolved from facilities within this subcategory include effluents from the disposal of spent electrolyte, the direct contact cooling of anode copper and various forms of cathode copper, electrolytic refinery washing, and slimes recovery. Oil and grease, as well as total suspended solids are constituents of the metal casting water generated at these facilities. The dissolved metals of arsenic, zinc, selenium, and copper are primary constituents found in the process waste waters produced in the acidic spent electrolyte and the small volume solutions from slime recovery.

(3) *Subpart F.* Secondary copper subcategory: Process waste waters evolved from facilities within this subcategory

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include effluents from metal cooling, from slag quenching and granulation, from slag milling and classification, from furnace exhaust scrubbing, and from electrolytic refining operations. The pollutants of total suspended solids, oil and grease, and small amounts of metal oxides are found in metal cooling water. Slag granulation and slag milling and classification generate waste waters with high pH values, high levels of total suspended solids, and the heavy metal components of the slags such as soluble amounts of antimony, cadmium, copper, chromium, iron, lead, manganese, nickel, and zinc. Oil and grease is picked up during the wet milling of slag, but is not present in slag granulation water. The large volume of water used to operate wet air scrubbers contains large amounts of total suspended solids, most of which is zinc oxide, and dissolved solids of metals. Waste water from electrolytic operations contains high acid and copper values. Cementation of this effluent reduces the copper concentration, but increases that of iron.

(4) *Subpart G.* Primary lead subcategory: Process waste waters evolved from facilities within this subcategory include effluents from acid plant blowdown; from slag, speiss, and/or dross granulation; and from furnace exhaust scrubbing. The acidic waste effluent of acid plant blowdown contains salts of trace metals such as lead, zinc, cadmium, and to a lesser extent, mercury. Slag granulation water contains total suspended solids and minor quantities of metal oxides. Speiss granulation water contains copper and arsenic. Metal oxides of cadmium, lead, and zinc are primarily found in furnace fume scrubber waste effluents.

(5) *Subpart H.* Primary zinc subcategory: Process waste waters evolved from facilities within this subcategory include effluents from acid plant blowdown; reduction furnace gas cleaning operations; metal casting cooling; cadmium production; auxiliary air pollution control operations; electrolyte purification, wash water, and spills; and preleaching of zinc concentrates. The major waste effluent, acid plant blowdown, contains high levels of sulfates, low pH, and high levels of arsenic, lead, cadmium, selenium, zinc, and, depending upon the zinc concentrates used for processing, mercury. Total suspended solids and zinc appear as constituents of metal cooling water. Cadmium, lead, zinc, and dissolved and suspended solids are collected in waste waters from gas scrubbing and reduction furnace gas cleaning operations.

Storm water runoff at all of the facilities of the above five subcategories is considered as a process waste water only when it commingles with process waste water, as discussed above, or when it is intentionally collected because of pollutant pickup on plant property.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

(1) *Subpart D.* Primary copper smelting subcategory: The best practicable control technology currently available for the process waste water effluents within this subcategory includes the recycle and reuse of this waste water after, as needed, neutralization and settling. This technology is primarily based on both the disposal and reusage sources existing and readily available at the primary copper smelting facilities. The numerous pyrometallurgical processing operations produce hot offgases, which can be used as a disposal source of waste water through thermal consumption, as a cooling media, and as a reusage source of waste water through gas preconditioning prior to hot electrostatic precipitators. Many of the primary copper smelting facilities are physically integrated with mining and/or milling operations. Reusage of process waste water as a part of the influent water requirement to the mill flotation circuit is currently a common practice at many of the integrated primary facilities. The hydrometallurgical leaching operation, if such an operation exists at a primary smelting facility, provides an excellent reusage source of process waste water. Maximization of the recycle of process waste water is achieveable through the use of well-designed and operated cooling towers and/or cooling ponds, both with sufficient retention time for the settling of solids, as needed for recycle. The best practicable control technology currently available for this subcategory also includes, but to a lesser extent, the disposal of process waste water through impoundment and solar evaporation. This technique could be employed as a disposal method for all process waste waters or for just a portion of these waters. A discussion of the best practicable control and treatment technologies applied to specific process waste water sources generated within this subcategory follows:

(a) The best practicable control technology currently available for process waste water generated during slag granulation includes the complete recycle and reuse of this water after treating the effluent, if necessary, to reduce suspended solids by settling and filtration, as well as temperature; conversion from slag granulation to air cooling of slag (i.e., waste dumping); and the impoundment of this source of waste water with disposal by solar evaporation.

(b) The best practicable control technology currently available for the process waste water source of acid plant blowdown includes the complete recycle and reuse of this water after treating, if necessary, to neutralize and settle and the impoundment of this source of waste water with disposal by solar evaporation. Minimization of acid plant blowdown can be achieved by the usage of highly-efficient primary particulate control devices, as well as efficiently operated cooling towers and/or ponds.

(c) The best practicable control technology currently available for process waste water generated during the contact cooling of blister copper, shot copper, anode copper, fire-refined copper, and cathode-shape copper includes the complete recycle and reuse of this water after treating, if necessary, for solids removal and cooling; the use of air cooling for blister copper; and the impoundment of this source of waste water with disposal by solar evaporation.

(d) The best practicable control technology currently available for process waste water generated during the electrolytic refining of copper, if such an operation is conducted on-site with a primary copper smelter, includes, for spent electrolyte, the complete recycle and reuse after copper removal by means of liberator cells, electrowinning cells, and cementation, recovery of nickel values through evaporation, if nickel concentration is sufficient, the sale of spent electrolyte for commercial recovery of nickel sulfate, if nickel concentration warrants, copper sulfate, and black acid, and the impoundment of this source of waste water with disposal by solar evaporation; for electrolytic refining washing, the complete recycle and reuse of this wash water by collection in a holding area, if necessary, and direct reuse as electrolytic makeup water, or recycle as wash water and the impoundment of this source of waste water with disposal by solar evaporation; for slimes recovery waste water, the shipment of the slimes to other off-site locations for recovery of contained elements and the impoundment of this source of waste water with disposal by solar evaporation; and for waste water generated by the usage of nickel sulfate vacuum evaporators, the application of efficient mist eliminators and proper operating and maintenance procedures to minimize or eliminate entrainment, the sale of spent electrolyte to other facilities for nickel sulfate recovery, conversion to open evaporators without a need for barometric condensers, the use of cooling towers, and the impoundment of this source of waste water with disposal by solar evaporation.

(e) The best practicable control technology currently available for process waste water generated by miscellaneous sources at primary copper smelting facilities, if such operations are conducted at the primary copper smelter, include, for dimethylaniline plant blowdown and purge, the complete recycle and reuse of this water after treating, if necessary, to neutralize and settle and the impoundment of this source of waste water with disposal by solar evaporation, and for other miscellaneous sources, as defined for this subcategory, the complete recycle and reuse of all waste water after, if necessary, neutralization, settling, and temperature control and the impoundment of these sources of waste water with disposal by solar evaporation.

(f) The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best practicable control technology currently available for those facilities included in the primary copper smelting subcategory.

(2) *Subpart E.* Primary copper refining subcategory: For facilities geographically located in areas of net evaporation, the best practicable control technology currently available for the process waste water effluents includes the recycle and reuse of this waste water after, as needed, neutralization and settling and disposal through impoundment and solar evaporation. The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

For the remainder of the primary copper refineries of this subcategory not located on-site with a primary copper smelter, but geographically located in an area of net precipitation, the best practicable control technology currently available includes the maximization of recycle and reuse of process waste water to achieve levels of water usage demonstrated by the average of the best of these same facilities. Subsequent liming and settling of the resultant effluent, with concentration values for significant pollutants and pollutant parameters (as considered to be best practicable), results in effluent loadings based upon refined copper production.

A discussion of the best practicable control and treatment practices for specific process waste water sources generated at facilities geographically located in areas of net precipitation follows:

(a) The best practicable control technology currently available for process waste water generated during the contact cooling of anode, fire-refined, and cathode-shape copper includes the reuse or recycle of at least 90 percent of this contact cooling water. The amount of bleed is determined by the capacity of the cooling tower and/or pond and its settling and cooling ability. The discharge of the bleed after treatment for settling suspended solids is considered as best practicable.

(b) The best practicable control technology currently available for spent electrolyte is the removal of contained materials for byproduct recovery, as warranted, and the return to the electrolytic cell or the reuse of the spent electrolyte. This is a current practice within this industry.

(c) The best practicable control technology currently available for those few waste water sources generated during slimes recovery is the discharge of the small flow volumes, but only after neutralization.

(d) The best practicable control technology currently available for electrolytic refinery washing water is the reuse and recycle as either electrolytic make-up or make-up for copper sulfate production.

(e) The best practicable control technology currently available for process waste water generated from the usage of nickel sulfate vacuum evaporators is the elimination of entrainment by the application of efficient mist eliminators and proper operating and maintenance procedures. Conversion to open evaporators or the use of cooling towers also represents best practicable control technology for this large source of process waste water.

The resultant best practicable flow from the above sources of process waste water averages to about 2000 l/kkg (480 gal/ton) of copper. The treatment of this flow of water by liming and settling, considered as the best practicable treatment approach, permits the achievement of the best practicable pollutant characteristic concentrations.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best practicable control technology currently available for those facilities of the primary copper refining subcategory which are geographically located in areas of net evaporation.

The best available technology economically achievable for those remaining facilities of this subcategory, which are geographically located in areas of net precipitation, includes a 90 percent reduction in flow volumes from the 2000 l/kkg (480 gal/ton) best practicable value. This best available value is 200 l/kkg (48 gal/ton).

The allocation of best available components to this composite flow includes 100 l/kkg (24 gal/ton) as bleed from contact cooling; 40 l/kkg (10 gal/ton) from spent electrolyte and electrolytic refinery washing; and 60 l/kkg (14 gal/ton) from slimes recovery. The use of well-designed cooling towers or ponds, and, possibly, the application of side-stream filtration will reduce the bleed from contact cooling for the maintenance of acceptable salt concentrations. Additional waste water can be disposed of by using the heat evolved in cooling either anode or cathode copper as evaporative energy. Conversion of vacuum evaporators to open evaporators, the application of well operated and maintained mist eliminators, or the use of cooling towers, would also be required. The treatment technology of lime and settle, as recommended for the best practicable treatment technology, is also considered as the best available treatment technology.

The best available demonstrated control technology, processes, operating methods, or other alternatives for those primary copper refineries geographically located in areas of net precipitation are identical to the best available technology economically achievable as described above.

(3) *Subpart F.* Secondary copper subcategory: The best practicable control technology currently available for the process waste water effluents generated by the sources of the secondary copper subcategory include the complete recycle and reuse after settling preceded by pH adjustment, if necessary. A discussion of the best practicable control and treatment technology currently available applied to the specific process waste water sources generated within this subcategory follows:

(a) The best practicable control technology currently available for process waste water generated during the contact cooling of copper ingots, anodes, billets, or shot is the complete elimination of water discharge by the recycling and reuse of all waste waters. With the reuse and recycle of water, the need for solids and oil removal would be dictated by plant operational procedures. Removal of solids such as the charcoal used to cover copper alloy ingots and the oxide scale and mold wash from anode casting requires settling and filtration before the water is reused. The pond used for settling will provide cooling. Alternatively, a cooling tower circuit can provide settling capacity. Of the plants within this subcategory, which use water for direct contact cooling of metal, 25 percent recycle this process waste water with no discharge, 22 percent recycle with periodic discharge, and 12 percent recycle with a continuous discharge. The remaining 41 percent of the 37 plants do not recycle any metal casting cooling water.

(b) The best practicable control technology currently available for process waste water generated from the quenching and granulation of copper-rich slags is the elimination of water discharge by the recycle and reuse of waste water after treating this stream to reduce suspended solids by settling and filtration or by air cooling this molten slag after it has been cast into slag pots for subsequent metal recovery by dry processes. When quenching and granulating depleted (waste) slags, the best practicable control technology currently available is the recycle and reuse of this waste water after treatment to reduce suspended solids by settling and filtration. Eleven percent of the 37 copper-alloy producers use water to quench their copper-rich slags; all four of these plants report no discharge of waste water after settling. The remaining 33 plants air cool those copper-rich slags in slag pots. Of the seven unalloyed copper plants, four use water to quench depleted slags; three of these four plants recycle this water after settling.

(c) The best practicable control technology currently available for the process waste water generated during copper-rich slag milling and classifying is the elimination of this discharge by either recycling and reusing all of this water after treatment to reduce solids content by pH adjustment to between eight and nine, if necessary, and settling, followed by filtration or by melt-agglomerating the metal in a blast, cupola, or rotary furnace. In the former technology, lagoons or settling tanks followed by filtration are used to remove solids. The pH is maintained near a value of eight with acid to control the extent of hydrolysis of the basic metal oxides of the slag. Twenty-one secondary copper plants process copper-rich slags, six by wet milling and classifications and the remaining 21 by melt-agglomerating in a

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furnace. Three of the six wet milling operations have no discharge of process waste water, while the other three recycle water and discharge only periodically.

(d) The best practicable control technology currently available for process faste water from furnace exhaust scrubbing is the elimination of this discharge by recycling all of the waste water from this source after pH adjustment to between eight and nine, and removal of solids by settling and filtration or centrifugation. The use of cooling towers may be necessary, depending upon the waste water storage capacity available, the size of the emission control system, and the period of time that it is operated per day. Another alternative to the elimination of this waste water effluent is by conversion to dry air pollution control equipment. Thirteen of the 44 plants use wet air pollution control; of these 13 users, eight recycle all of their water. All of the remaining plants employ dry air pollution controls on furnace offgases.

(e) The best practicable control technology currently available for waste water from electrolytic refining is the elimination of this discharge by treating the bleed or breakdown stream from electrolytic cell operations, so that it is suitable for reuse in other plant processes. The treatment consists of removal of copper by cementation with iron metal, line neutralization to a pH of between eight and nine, and sand filtering this stream to remove solids before discharge into a combined process water reservoir serving other plant water needs. Of the four producers of secondary unalloyed metal, one employs the above technology, one has a market for the spent electrolyte, one treats the electrolyte by cementation and the resulting iron sulfate solution is discharged into a joint treatment plant, and the last one evaporates this solution during metal (i.e., nickel) sulfate recovery. Only one plant is known to recover precious metals on-site, and the small production of process waste water can easily be reused for hot offgas cooling prior to baghouse entrance, or for other plant uses, after, as needed, neutralization and precipitation.

(f) The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best practicable control technology currently available for those facilities included in the secondary copper subcategory.

(4) *Subpart G.* Primary lead subcategory: For those primary lead facilities geographically located in areas of net evaporation, the best practicable control technology currently available includes the recycle and reuse of this waste water after, as needed, neutralization and settling and disposal through impoundment and solar evaporation. The best practicable control technology currently available for storm water runoff which commingles with process waste water (as defined by the regulation) is to discharge that volume of water, after the treatment, if necessary, of neutralization and settling, accountable to the net precipitation during each one month period.

For the remainder of the primary lead facilities of this subcategory, which are geographically located in areas of net precipitation, the best practicable control technology currently available includes the maximization of recycle and reuse of process waste water to achieve levels of water usage demonstrated by the average of the best of the same facilities. Subsequent liming and settling of the resultant effluent, with concentration values of significant pollutants and pollutant parameters (as considered to be best practicable), result in effluent loadings based upon lead bullion production.

A discussion of the best practicable control and treatment practices for specific process waste water sources generated at facilities geographically located in areas of net precipitation follows:

(a) The best practicable control technology currently available for process waste water generated during wet offgas scrubbing is the elimination of this water by complete recycle and reuse. The best practicable control technology currently available for process waste water generated during the granulation of slag is the minimization or complete elimination of this water by various recycle and reuse means. One alternate method of the handling and disposing of slag without the use of water would be by tapping the slag into a pot and then pouring the slag onto the customary slag disposal site. The usage of some slag granulation water as a cooling media for the hot smelter offgases prior to entrance into baghouse is considered as an excellent disposal source for this process waste water. Cascading of process waste water, such as the usage of acid plant blowdown as slag granulation water with a resultant effluent from the slag granulation—acid plant blowdown circuit, is also considered as best practicable control technology currently available.

(b) The best practicable control technology currently available for acid plant blowdown is the treatment of this volume, calculated to be 825 l/kkg (200 gal/ton) as determined from the flow usage within the current industry, by lime and settle. The resultant effluent pollutant parameter concentrations were selected from available data on effluents as contained in documents of record, field analyses, and projected effluent concentrations as described by information submitted by the industry. The combination of neutralization and clarification is required to achieve the best practicable control technology currently available. Clarification alone will reduce only total suspended solids; neutralization without clarification will reduce dissolved metals, but not suspended ones, and will not provide an effluent of satisfactory quality. Neutralization with lime to a pH in the eight to ten range will reduce the concentrations of those metals precipitable as hydroxides, and with properly designed retention facilities will also reduce total suspended solids to below the recommended effluent limitations guideline.

The best available technology economically achievable and the best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best practical control technology currently available for those facilities included in the primary lead subcategory.

(5) *Subpart H.* Primary zinc subcategory: The best practicable control technology currently available for the process waste water generated by the facilities of the primary zinc subcategory is considered to include measures to achieve the reuse and recycle of these waters to minimize discharge, and the treatment of the remaining waste water by liming and settling before discharge. A review of water use practices in various zinc plant systems has shown that in specific cases, some process waste waters are currently being used on a once-through basis; whereas, in other existing plants, the discharge from the same process operation is considerably lower on a unit-product basis by virtue of recycle. Further, various examples of reuse of process waste water (e.g., acid plant blowdown used for cadmium leaching) were also identified. Potential reductions in process waste water volume are given in various proposed plans for decreased discharge of process waste waters.

Internal streams in primary zinc plants vary considerably with differences in plant operations, and no specific list of control measures may be presented for all plants. Those measures that have been identified include:

(a) The minimization of acid plant blowdown by appropriate proper operation of prescrubber gas cleaning facilities to minimize particulate loadings into the wet scrubbers, cooling capacity and provisions for settling in the scrubber liquor recycle circuit, and, possibly, the reuse of the scrubber bleed stream in other plant operations.

(b) The minimization of metal casting cooling water discharge by recycling, possibly including provisions in the circuit for removal of suspended solids, oil and grease, and thermal load.

(c) The exploitation of the evaporative capacity of hot gases or hot metal for in-plant disposal of waste water.

The flow rates of process waste water discharges at the domestic primary zinc plants were inspected to determine the best practicable water usage rate. This value was determined to be 8,350 l/kkg (2,000 gal/ton) and was calculated as the average value of six primary plants.

The end-of-pipe treatment identified as part of the best practicable control technology currently available is the lime and settle treatment. Currently, some form of this treatment is being applied to some portion of process waste water at five of the six plants in this industry. Current lime and settle treatment facilities achieve the concentration of significant pollutant parameters for this subcategory and are considered as best practicable values for the calculation of effluent limitations. Thus these demonstrated levels of concentrations were applied, together with the selected flow value, to derive the recommended effluent limitations based upon the best practicable control technology currently available.

The identification of the best available technology economically achievable is analogous to the best practicable control technology currently available and includes control measures to further minimize the volume of process waste water streams by additional recycle, reuse, and segregation, as well as the application of chemical treatment to achieve controlled precipitation followed by sedimentation. As with the best practicable technology, the current and potential discharges of process waste water were inspected to determine the best available technology flow value. This value was determined to be 5,425 l/kkg (1,300 gal/ton) and was calculated as the average of the five best discharge rates. The same treatment technology pollutant concentrations, as were used in the calculations of the best practicable effluent limitations, were considered as those achievable through the application of the best available technology economically achievable. These concentrations are achievable by means of lime and settle technology. Thus, these levels of concentrations were applied, together with the selected best available technology flow value, to derive the recommended effluent limitations based upon the best available technology economically achievable.

The best available demonstrated control technology, processes, operating methods, or other alternatives are identical to the best available technology economically achievable for the facilities included in the primary zinc subcategory.

Solid waste control must be considered. The treatment technology of lime and settle produces solid waste as an adjunct to its operation. The resulting solids will contain precipitated insoluble metal hydroxides, as well as calcium and magnesium sulfate.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* (1) *Subpart D.* Primary copper smelting subcategory: For the existing facilities in the primary copper smelting subcategory to achieve the level of control of process waste water pollutants, as recommended, would require an approximated total capital cost and annual operating cost of $1,212,000 and $284,000, respectively.

(2) *Subpart E.* Primary copper refining subcategory: For the existing plants of the primary copper refining subcategory to achieve the levels of control of process waste water pollutants recommended for July 1977, the capital cost required will approximate $334,000 and the annual operating cost required will be about $118,000. Incremental control and/or treatment costs of approximately $1,581,000 capital and $805,000 annual operating will be required of three plants to achieve the further reductions in discharge of process waste water pollutants recommended for the best available technology economically achievable effluent limitations of 1983. Therefore, the total estimated capital and annual operating costs for the primary copper refining subcategory are $1,915,000 and $923,000, respectively.

(3) *Subpart F.* Secondary copper subcategory: It has been estimated that for the existing plants within this subcategory to achieve the recommended limitation of no discharge of process waste water pollutants to navigable waters would require a capital cost and annual operating cost of $538,000 and $270,000, respectively. The vast majority of these estimated costs have been allocated to the control of process waste water pollutants at one plant.

(4) *Subpart G.* Primary lead subcategory: For the existing facilities within the primary lead subcategory to achieve the levels of control of process waste water pollutants, as recommended, would require an estimated capital cost and annual operating costs of $1,275,000 and $570,000, respectively, most of which is attributable to additional control and treatment technology required at one plant.

(5) *Subpart H.* Primary zinc subcategory: It has been estimated that for the existing plants in the primary zinc subcategory to achieve the levels of control of process waste water pollutants recommended for July 1, 1977, the capital costs required will approximate $1,515,000 and annual operating costs required will be about $458,000. Incremental control and/or treatment costs of approximately $1,054,000 capital and $450,000 annual operating will be required of two plants to achieve the further reductions in discharge of process waste water pollutants recommended for the best available technology effluent limitations of 1983. Therefore, the total estimated capital and annual operating costs to this industry are $2,569,000 and $908,000, respectively.

(vi) *Energy requirements and non-water quality environmental impacts.* Specific data on energy requirements were not available for the vast majority of the plants surveyed. Electrical energy is consumed in the waste water treatment for the operation of process equipment, such as pumps, blowers, centrifuges, and filters. Mechanical operations totaling 50 horsepower or less would be typical; the required amount of fuel or electricity consumption for treatment of process waste water would be negligible when compared to the total energy consumption in the industries of this category. For the secondary copper subcategory, energy requirements would amount to only 14.9 kwhr/annual kkg (13.5 kwhr/annual ton) (for 7,200 hr/yr and 18,000 kkg (19,800 tons) annual secondary copper production) or $0.15/kkg ($0.14/ton) (at $0.01/kwhr). Similar estimates from one primary zinc producer indicated a power consumption of about 4.3 kwhr/kkg (3.9 kwhr/ton) of zinc production, or $0.04/kkg ($0.04/ton) at $0.01/kwhr.

Solid wastes are generated from the neutralization and settling of the process waste waters of the primary copper, lead, and zinc and the secondary copper industries. The volume of the sludge is principally determined by the desired pH adjustment. One domestic primary zinc plant is currently investigating treatment techniques for its process waste waters. One of the design parameters is solid waste generation. The direct treatment approach of lime and settle is anticipated to produce about 222 kkg (245 tons)/day (41 kkg (45 tons)/day dry weight) of solid waste. This waste will consist mostly of calcium sulfate and magnesium sulfate, as gypsum. Basic research studies on the usage of different flocculents indicate the possible usage of a lower pH and the subsequent generation of about one-third as much sludge. One currently operating lime and settle treatment facility at a primary zinc plant ships its sludge, after solar drying, to one of its lead smelters for zinc recovery in a zinc fuming furnace. A domestic primary copper facility is currently starting up a lime and settle facil-

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ity, which will treat much of the commingled plant effluent. Sludge generation is anticipated to be about 36 kkg (40 tons)/day and will be stored in a nearby site. Generated solid waste from a lime and settle facility at one primary zinc-lead smelting complex will be disposed of by storing in the plant's tailings pond.

(vii) *Economic impact analysis.* The general conclusion of this study is that the guidelines will have little economic impact on the nonferrous metals industry. In primary copper, fourteen of the industry's twenty-two plants already meet the BPCTCA guidelines. Plants already in BPCTCA compliance account, collectively, for 58 percent of total employment in primary copper, 63 percent of total smelter capacity and 70 percent of total refinery capacity. To achieve BPCTCA compliance, incremental capital costs to primary copper producers will reach only about $1.6 million while incremental operating costs will run at about $0.4 million annually (1972 dollars). The increment to operating costs amounts to an increase over base operating costs of less than 0.4 percent or 0.03¢ per pound of metal currently selling for 76¢ per pound. BPCTCA and BATEA are identical for smelters but not for refineries. Hence only three plants, all refineries, will confront additional costs to meet BATEA once the industry has achieved BPCTCA compliance. For these plants, incremental capital costs are estimated at $1.6 million and incremental operating costs at $0.8 million annually. In both BPCTCA and BAT, analysis indicates that cost increments are too modest to imply significant internal or external economic impacts. In particular, it is not expected that primary copper prices will rise as a consequence of BPCTCA and BATEA implementation.

Of the forty-four plants in the secondary copper industry, all but one are already in compliance with the BPCTCA/BATEA guidelines, which are identical. There are several additional plants which will have to make minor waste water treatment adjustments to achieve compliance with the guidelines, but the costs involved are trivial. Hence these plants are treated here as though they were already in compliance. Estimated incremental capital costs for the remaining plant to achieve BPCTCA and BATEA are approximately $0.5 million while incremental operating costs will be about $0.3 million annually. No significant internal or external economic impacts are anticipated. In particular, no increases in secondary copper prices are expected since the market is dominated, in the aggregate, by producers already in compliance with the guidelines.

BPCTCA and BATEA are also identical in primary lead. In this industry, five of the present seven plants are already in compliance with the guidelines. These plants account for 53 percent of the industry's capacity and 70 percent of its total employment. Incremental capital costs for the remaining plants are estimated at $1.3 million while incremental operating costs are about $0.6 million annually. The increment to operating costs represents less than 0.1¢ per pound of refined lead, which currently sells for 24½¢ per pound. Thus no significant internal or external economic impacts are anticipated in this industry.

In primary zinc, three of the seven plants in the industry are already in compliance with the BPCTCA guidelines. Estimated incremental capital costs to achieve compliance for the remaining four plants approximate $1.6 million while incremental operating costs will run about $0.5 million annually. The increment to operating costs is less than half of one percent of 1972 base operating costs for this industry and would add approximately 0.04¢ per pound to the cost of producing zinc. Zinc sells currently for 38 to 40¢ per pound. Accordingly, no significant internal or external economic impacts are anticipated to follow from BPCTCA implementation in this industry.

Achievement of the BPCTCA guidelines would leave only two primary zinc plants not in compliance with BATEA guidelines. Total incremental capital costs to achieve BATEA compliance for these plants is estimated at $1.1 million while incremental operating costs will run to about $0.5 million annually. Approximately 90% of the incremental capital and operating costs will impact on a single plant. Even so, the increment to operating costs adds less than 0.1¢ per pound to the 1972 base operating cost of about 8 to 10¢ per pound. Analysis indicates that, while these costs are not be threatened with closure or curtailment of output. No significant price increases are anticipated.

In conclusion, it should be noted that impact of the incremental capital costs will probably be minimized by project execution over several years. Further, in several cases (e.g., zinc) incremental costs have been estimated on a "worst case" basis in situations in which managements have several less expensive compliance options.

For the industry as a whole, no closures or curtailments in output or employment are anticipated as consequences of guidelines implementation.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Primary Copper Smelting Subcategory and the Primary Copper Refining Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category", "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Secondary Copper Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category," "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Lead Segment of the Nonferrous Metals Manufacturing Point Source Category," and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Zinc Segment of the Nonferrous Metals Manufacturing Point Source Category," detail the analyses undertaken in support of the interim final regulation set forth herein and are available for inspection in the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's advance notice of public review procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of these reports are available. Persons wishing to obtain a copy may write the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Documents will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the nonferrous metals manufacturing category. All participating agencies have been informed of project developments. Initial drafts of the Development Documents were sent to all participants and comments were solicited on those reports. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) The American Society of Mechanical Engineers; (4) The Conservation Foundation; (5) Environmental Defense Fund, Inc.; (6) National Resources Defense Council; (7) The American Society of Civil Engineers; (8) Water Pollution Control Federation; (9) National Wildlife Federation; (10) American Institute of Chemical Engineers; (11) Hudson River Sloop Restoration, Inc.; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of the Interior; (14) U.S. Department of Commerce; (15) Water Resources Commission; (16) Atomic Energy Commission; (17) U.S. Department of Defense; (18) Office of Management and Budget; (19) Aluminum Smelting and Recycling Institute; (20) American Mining Congress; (21) The Aluminum Association; (22) Copper and Brass Fabricators Council; (23) Institute of Printed Circuits; and (24) Master Electroplating Association.

The following responded with comments: United States Water Resources Council; American Mining Congress; New York State Department of Environmental Conservation; Parsons, Behle, and Latimer on behalf of Kennecott Copper Corporation; Anaconda Company; State of Delaware, Department of National Resources and Environmental Control; National Zinc Company, Inc.; American Institute of Chemical Engineers; Fennenore, Craig, Von Ammon and Udall on behalf of Kennecott Copper Corporation (Ray Mines Division); Arizona State Department of Health; U.S. Department of the Interior; St. Joe Minerals Corporation; Texas Water Quality Board; AMAX American Metal Climax, Inc.; and the Bunker Hill Company.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) A common criticism was that hydrometallurgical operations, specifically leaching, should not be considered as part of the copper segment. The commenters felt that the discharges from such hydrometallurgical operations should be regulated as part of the ore mining and milling category.

Leaching operations, as discussed in the contractor's draft report, are not part of the primary copper smelting and refining industry for the purpose of establishing effluent limitations. This source of waste water will be covered by a pending study of the ore mining and dressing industry, from which effluent limitations will be derived.

(2) Several commenters stated that the setting of regulations for waste water effluents from the primary copper smelting and refining industry should be delayed to coincide with pending regulations on ore mining and milling. They indicated that the process flows are cross-connected and abatement systems are common to both types of discharge.

A building block approach is being applied to regulate the mining and milling sources of process waste water and the smelting and refining sources of the copper industry. In developing effluent limitations for the primary copper industry, there has been a full awareness of the existence of the integrated mining and milling operations.

(3) Many commenters felt that the geographical area, specified for Category I in the contractor's report on the primary copper industry and requiring no discharge of process waste water pollutants for facilities in this same area, is water, based upon a state-wide solar evaporation rate, impracticable include (a) near-zero evaporation rates during cold winter weather, (b) large acreage of level impoundment land which is not available in mountainous terrains, (c) current State law stipulates that, after usage, water must not be wasted or interdicted, and (d) nonwater quality problems related with "huge" evaporation ponds.

The development document for the primary copper industry has been rewritten and now places most of its emphasis upon recycle and reuse of process waste water. The primary copper smelter, when integrated with an ore milling or leaching operation, can reuse much of its smelter waste water (and refinery waste water, if a refinery is located on-site) within the milling or leaching processes. The high processing temperatures employed in each pyrometallurgical operation at the primary copper smelters produce high temperature offgases which provide a disposal route for some waste water. Each source of waste water was investigated, and the development document tabulates current and anticipated control and treatment practices for each of these sources. From these tabulations and their discussion in the text of the document, the conclusion regarding no discharge of process waste water pollutants to navigable waters was reached. Thus, impoundment with solar evaporation is only part of the rationale. In specific reference to the four subcomments above, the net evaporation-precipitation rain water discharge provision, contained in the proposed regulation, will alleviate problems associated with near-zero evaporation rates during cold weather; the maximization of recycle and reuse of process waste water will produce a minimum-sized "level" impoundment area, so that mountainous terrain locations are not adversely affected; current State laws prohibiting the "wasting" of water will not be violated since the regulation places its emphasis on reuse and recycle (as shown by the smelter operators of the Southwest); and, finally, nonwater quality problems related to the application of "huge" evaporation ponds to smelter waste water effluents will be minimized since disposal by solar evaporation is only considered as an alternate approach to the achievement of no discharge of process waste water pollutants to navigable waters.

(4) One commenter stated that the contractor's primary copper development document did not encourage treatment, recycle, and reuse of process waste waters from category I (i.e., contractor's nomenclature for copper facilities located in areas of net evaporation).

The rewritten edition of the contractor's document places nearly all of the emphasis on control and treatment practices used within this industry. Methods of recycle and reuse have been tabulated, so that the rationale for the best practicable control technology currently available of effluent segregation, recycle, reuse, and treatment, if needed, supports a no discharge of process waste water pollutants to navigable waters limitation. Impoundment, with solar evaporation, is considered as a disposal means for process waste water pollutants where such factors as land availability, local law, and climate permit such an application as practicable.

(5) Another common criticism was that the contractor's report on primary copper smelting and refining did not provide any recommendations for the problem of storm water runoff.

Special provisions for storm water runoff have been provided in the proposed regulations for all sources in the primary copper smelting subcategory and certain sources in the primary copper refining subcategory.

(6) Several commenters stated that the contractor's report on primary copper did not provide sufficient information to evaluate whether the reduction in effluent volumetric flow rate, required to meet the 1983 recommendations, could be achieved. They also indicated that if a large magnitude of recycle is necessary and if an ore milling operation is part of the smelting complex, there must be further assessment of the effect of process waste water recycle upon the copper recovery values in the flotation process.

For the primary copper refining subcategory, the flow reduction used in the derivation of the 1983 limitations was based upon the flow values discussed in the development document; the usage of once-through contact cooling water will no longer be permitted. For the primary copper smelting subcategory, the ability for integrated sources to reuse process waste water in milling operations is factual. Firm evidence that the copper recovery value of some ores, such as chalcopyrite, will be effected if milling is practiced with "reused" smelter process waste water, even after treatment, must be presented. If such a recovery loss does exist, its economic value must be weighed against environmental gains.

(7) A comment received from several parties was that the contractor's draft documents did not consider the disposal problems of solids and sludges generated by the proposed treatment practices.

Issues of nonwater quality environmental impact, such as sludge generation from lime neutralization, have been addressed in the proposed editions of the development documents. The primary copper, lead, and zinc industries currently use lime treatment. One primary lead-zinc complex is currently in the start-up phase of its new lime treatment plant, which will treat waste water effluents from its mining, milling, electrolytic zinc, and lead smelting operations. This complex plans to impound its sludge in its tailings pond. An electrolytic zinc plant in the Southwest, also operating a lime neutralization facility, currently eliminates some contained moisture from its lime treatment sludge and then ships the "dried" sludge to its lead smelter for recovery of zinc values (the sludge is reported to contain an average of 25 percent zinc). The volume of generated sludge is very small in comparison to the product-type solid wastes (i.e., slags and tailings) produced at these plants. One new lime and settle treatment facility at a domestic copper smelter will produce about 36 kkg (40 tons)/day of sludge which represents about 0.04 percent of the total daily production of solid waste at this plant. The industry is currently performing research on flocculent additives, which should enable neutralization at lower pH and, likewise, a much smaller volume of generated sludge. The EPA is

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aware of land usage and sludge generation; it has found and recommended methods of sludge-value recovery and sludge volume minimization.

(8) One commenter stated that arsenic should be deleted from the list of selected pollutant parameters for the primary lead industry since there is insufficient information available on which to base an effluent limitation for this parameter.

Arsenic has been deleted from the significant pollutant list for the primary lead subcategory. Effluent data regarding arsenic concentrations are insufficient, and it is believed that most of the arsenic present in the lead concentrates proceeds with the contained copper to form speiss.

(9) Two parties submitted a comment stating that the contractor's draft documents for the primary lead industry and the primary zinc industry listed incorrect effluent concentration data for specific pollutant parameters as anticipated from the proposed treatment facility of Plant D. They stated that these incorrect values were used as a prime consideration in the development of the 1983, and to some extent the 1977, effluent limitations. Their comments contained the correct values. These same two commenters also stated that the contractor had used an incorrect process waste water discharge rate for Plant D (400 gpm), and that the correct rate (745 gpm) should be used in the zinc document rationale.

In the case of primary lead, the best available technology has been changed and is now identical to the best practicable technology. The resultant 1983 limitations are identical to the 1977 limitations. This technology is based on best practicable control practices and a composite of data on pollutant concentrations from lime and settle treatment practice. For primary zinc, the incorrect values of both pollutant parameter concentrations and the process waste water discharge rate for Plant D, as used in the contractor's document, have been dismissed and new 1983 limitations have been derived. These new limitations are based on additional reuse, recycle, and segregation of process waste water and the best available treatment technology of lime and settle, identical to that used in the development of the 1977 limitations.

(10) Another common criticism was that the zinc document rationale for the 1983 effluent limitations used the anticipated results of a sulfide precipitation treatment scheme, for possible application at one domestic electrolytic zinc plant, which was not only technically misinterpreted by the contractor, but was also based on basic research, and should, therefore, not be considered as best available technology.

After an EPA review of this specific case, it was found that the contractor had misinterpreted a proposed treatment scheme at one domestic zinc plant. A correct narrative of the possible treatment schemes, which this same facility may use, is contained in the new zinc development document. The technology discussed in this narrative is presented solely for possible application after further industry investigation and is not intended for use as a basis for either the best practicable or the best available technology.

(11) A question was raised concerning the efficacy of lime and settle treatment for the removal of mercury from primary zinc and lead plant wastewaters.

The Agency has determined that no standards for mercury will be promulgated at this time and will continue to evaluate all available information on this pollutant. We therefore solicit any information regarding the importance of mercury as a pollutant from these plants, the feasibility of removal by lime and settle or by other treatment, the economics of such treatment, and other pertinent information which would assist the Agency in making a final decision regarding this matter.

(12) Some commenters felt that the minimum flow requirements for zinc plants, as used by the contractor, should be reevaluated, since the contractor used the lower part of several ranges of water usage, as supplied by the industry. They also stated that by requiring the application of the lowest water usage value, the purity of byproduct sulfuric acid would be impaired.

In calculating the best practicable effluent limitations for the primary zinc subcategory, the average of the indicated range of water usage was used. The water usage value used in the computation of the best available limitations was based upon the lower part of the range. By 1983, the lower values should readily be achievable by the usage of efficient electrostatic precipitators and cooling towers for acid plant blowdown, as well as the maximization of recycle and reuse of other effluents.

(13) Several commenters submitted cost data and stated that the contractor's document on the primary zinc subcategory had serious omissions of substantial cost data.

These cost data have been included in the new development document for the proposed effluent limitations for the primary zinc subcategory.

(14) Two responders felt that large clarification areas would be necessary for the primary lead and zinc plants to comply with the effluent limitations on total suspended solids and that the mountainous terrain of the Coeur d'Alene Mining District would prohibit the construction of such necessary facilities. The commenters stated that special provisions should be given to the one plant (Plant D) in this terrain.

Plant D very recently began operation of a new treatment facility, which uses clarifiers to reduce the suspended solids level. It is well known that clarifiers require minimal land area and much less land than do settling ponds. The facility was designed for an effluent suspended solids level over twice that used as the basis for the suspended solids limitation; however, actual plant experience has shown effluent values well below 25 mg/l. Should any difficulties be encountered in complying with the regulation, because of high flow values counterbalancing the low concentration, the flow might be reduced by recirculation of water to the on-site fertilizer plant or to the ore mining and dressing operation.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in Natural Resources Defense Council v Train et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than January 30, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A–107. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within thirty days of publication of this interim final regulation in the FEDERAL REGISTER will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with the interim final regulation.

In consideration of the foregoing, 40 CFR Part 421 is hereby amended as set forth below.

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 421—NONFERROUS METALS POINT SOURCE CATEGORY

Subpart D—Primary Copper Smelting Subcategory

Sec.
421.40 Applicability; description of the primary copper smelting subcategory economically achievable.
421.41 Specialized definitions.
421.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart E—Primary Copper Refining Subcategory

421.50 Applicability; description of the primary copper refining subcategory.
421.51 Specialized definitions.
421.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart F—Secondary Copper Subcategory

421.60 Applicability; description of the secondary copper subcategory.
421.61 Specialized definitions.
421.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart G—Primary Lead Subcategory

421.70 Applicability; description of the primary lead subcategory.
421.71 Specialized definitions.
421.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart H—Primary Zinc Subcategory

Sec.
421.80 Applicability; description of the primary zinc subcategory.
421.81 Specialized definitions.
421.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Subpart D—Primary Copper Smelting Subcategory

§ 421.40 Applicability; description of the primary copper smelting subcategory.

The provisions of this subpart are applicable to discharges resulting from the primary smelting and refining, when refining is performed on-site with a primary copper smelter, of copper. The primary refining of copper, not performed on-site with a primary copper smelter, is a part of the primary copper refining subcategory. Facilities recovering copper from the ore by hydrometallurgical methods are not a part of this subcategory.

§ 421.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

§ 421.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NDPES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within

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the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

§ 421.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

Subpart E—Primary Copper Refining Subcategory

§ 421.50 Applicability; description of the primary copper refining subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of copper at primary copper refineries not located on-site with a primary copper smelter. Primary copper refineries located on-site with a primary copper smelter are a part of the primary copper smelting subcategory.

§ 421.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

(e) The term "product" shall mean electrolytically refined copper.

(f) The term "net evaporation" shall mean that the evaporation rate exceeds the precipitation rate during a one year period.

(g) The term "net precipitation" shall mean that the precipitation rate exceeds the evaporation rate during a one year period.

§ 421.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can effect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits)

that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharged effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historic area of net evaporation, after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impound is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net precipitation, after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.10	0.05
As	0.04	0.02
Zn	0.02	0.01
Se	0.02	0.01
Cu	0.001	0.0005
Oil and grease	0.04	0.02
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.10	0.05
As	0.04	0.02
Zn	0.02	0.01
Se	0.02	0.01
Cu	0.001	0.0005
Oil and grease	0.04	0.02
pH	Within the range 6.0 to 9.0.	

§ 421.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net evaporation, after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this sec-

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tion, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net precipitation, after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	

Subpart F—Secondary Copper Subcategory

§ 421.60 Applicability; description of the secondary copper subcategory.

The provisions of this subpart are applicable to discharges resulting from the recovery, processing, and remelting of new and used copper scrap and residues to produce copper metal and copper alloys.

§ 421.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

§ 421.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for the month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
Metric units (mg/l)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

§ 421.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process

waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

Subpart G—Primary Lead Subcategory

§ 421.70 Applicability; description of the primary lead subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of lead at primary lead smelters and refineries. Primary lead refineries, not located on-site with a primary lead smelter, are not a part of this subcategory.

§ 421.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) For all impoundments constructed prior to the effective date of this regulation, the term "within the impoundment" when used for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity plus the surface area of the inside and outside slopes of the impoundment dam as well as the surface area between the outside edge of the impoundment dam and any seepage ditch immediately adjacent to the dam upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowances set forth above shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(c) For all impoundments constructed on or after the effective date of this regulation, the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(d) The term "pond water surface area" when used for the purpose of calculating the volume of waste water which may be discharged shall mean the water surface area of the pond created by the impoundment for storage of process waste water at normal operating level. This surface shall in no case be less than one-third of the surface area of the maximum amount of water which could be contained by the impoundment. The normal operating level shall be the average level of the pond during the preceding calendar month.

(e) The term "product" shall mean lead bullion.

(f) The term "net evaporation" shall mean that the evaporation rate exceeds the precipitation rate during a one year period.

(g) The term "net precipitation" shall mean that the precipitation rate exceeds the evaporation rate during a one year period.

§ 421.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net evaporation, after application of the best practicable control technology currently available.

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 10 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic

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Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net precipitation, after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	

§ 421.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart, which is geographically located in an historical area of net evaporation, after application of the best available technology economically achievable:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	

Subpart H—Primary Zinc Subcategory

§ 421.80 Applicability; description of the primary zinc subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of primary zinc by either electrolytic or pyrolytic means.

§ 421.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean zinc metal.

§ 421.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found

to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.42	0.21
As	1.6×10^{-1}	8×10^{-2}
Cd	0.008	0.004
Se	0.08	0.04
Zn	0.08	0.04
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.42	0.21
As	1.6×10^{-1}	8×10^{-2}
Cd	0.008	0.004
Se	0.08	0.04
Zn	0.08	0.04
pH	Within the range 6.0 to 9.0.	

§ 421.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.28	0.14
As	1.1×10^{-1}	5.4×10^{-2}
Cd	5.4×10^{-3}	2.7×10^{-3}
Se	0.054	0.027
Zn	0.054	0.027
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.28	0.14
As	1.1×10^{-1}	5.4×10^{-2}
Cd	5.4×10^{-3}	2.7×10^{-3}
Se	0.054	0.027
Zn	0.054	0.027
pH	Within the range 6.0 to 9.0.	

(Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act as amended, (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 88 Stat. 816 et seq.; Pub. L. 92-500)

[FR Doc.75-5284 Filed 2-26-75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 421]

[FRL-338-5]

NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment

Notice is hereby given that standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On March 26, 1974, EPA promulgated a regulation adding Part 421 to Chapter 40 of the Code of Federal Regulations (39 FR 12822). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the nonferrous metals manufacturing point source category. The regulation proposed below will amend 40 CFR 421—nonferrous metals manufacturing point source category by adding §§ 421.44, 421.45 and 421.46 to the primary copper smelting subcategory (Subpart D), §§ 421.54, 421.55 and 421.56 to the primary copper refining subcategory (Subpart E), §§ 421.64, 421.65 and 421.66 to the secondary copper subcategory (Subpart F), §§ 421.74, 421.75 and 421.76 to the primary lead subcategory (Subpart G) and §§ 421.84, 421.85 and 421.86 to the primary zinc subcategory (Subpart H) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) *Legal Authority.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the nonferrous metals manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 421.46, 421.56, 421.66, 421.76, and 421.86, proposed below, provide pretreatment standards for new sources within the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 421.44, 421.54, 421.64, 421.74 and 421.84 proposed below provide pretreatment standards for existing sources within the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) of the nonferrous metals manufacturing point source category.

(b) *Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the primary copper smelting subcategory (Subpart D), the primary copper refining subcategory (Subpart E), the secondary copper subcategory (Subpart F), the primary lead subcategory (Subpart G), and the primary zinc subcategory (Subpart H) which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatments standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 421.44, 421.54, 421.64, 421.74 and 421.84 of the regulation proposed below are intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Primary Copper Smelting Subcategory and the Primary Copper Refining Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category", "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Secondary Copper Subcategory of the Copper Segment of the Nonferrous Metals Manufacturing Point Source Category", "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Lead Segment of the Nonferrous Metals Manufacturing Point Source Category", and "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Zinc Segment of the Nonferrous Metals Manufacturing Point Source Category", detail the analyses undertaken in support of the regulation being proposed herein and are available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's advance notice of public review procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of these reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

When this regulation is promulgated, revised copies of the Development Documents will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the primary copper smelting subcategory, the primary copper refining subcategory, the secondary copper subcategory, the primary lead subcategory, and the primary zinc subcategory being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307(b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C. A copy of preliminary draft contractor reports, the Development Documents and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before March 31, 1975 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

1. It is proposed to amend Part 421 by adding the following sections to the table of contents:

* * * * *

Subpart D—Primary Copper Smelting Subcategory

* * * * *

Sec.

421.44 Pretreatment standards for existing sources.
421.45 Standards of performance for new sources.
421.46 Pretreatment standards for new sources.

Subpart E—Primary Copper Refining Subcategory

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421.54 Pretreatment standards for existing sources.
421.55 Standards of performance for new sources.
421.56 Pretreatment standards for new sources.

Subpart F—Secondary Copper Subcategory

* * * * *

421.64 Pretreatment standards for existing sources.
421.65 Standards of performance for new sources.
421.66 Pretreatment standards for new sources.

Subpart G—Primary Lead Subcategory

* * * * *

421.74 Pretreatment standards for existing sources.
421.75 Standards of performance for new sources.
421.76 Pretreatment standards for new sources.

Subpart H—Primary Zinc Subcategory

* * * * *

421.84 Pretreatment standards for existing sources.
421.85 Standards of performance for new sources.
421.86 Pretreatment for new sources
421.86 Pretreatment standards for new sources.

2. Subpart D is amended by adding §§ 421.44, 421.45 and 421.46 as follows:

§ 421.44 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary copper smelting subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
As	10 mg/l.
Cu	0.25 mg/l.
Pb	0.5 mg/l.
Cd	0.5 mg/l.
Se	5 mg/l.
Zn	5 mg/l.

§ 421.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Pb	1.0	0.5
Cd	1.0	0.5
Se	10	5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

§ 421.46 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary copper smelting subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
As	10 mg/l.
Cu	0.25 mg/l.
Pb	0.5 mg/l.
Cd	0.5 mg/l.
Se	5 mg/l.
Zn	5 mg/l.

3. Subpart E is amended by adding §§ 421.54, 421.55 and 421.56 as follows:

§ 421.54 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary copper refining subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Oil and grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD_5	No limitation	No limitation.
(English units) lb/1000 lb of product		
Oil and grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD_5	No limitation	No limitation.

§ 421.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source which is geographically located in an historical area of net evaporation, subject to the provisions of this subpart:

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
As	20	10
Cu	0.5	0.25
Se	10	5
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source, which is geographically located in an historical area of net precipitation, subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.01	0.005
As	0.004	0.002
Zn	0.002	0.001
Se	0.002	0.001
Cu	0.0001	0.00005
Oil and grease	0.004	0.002
pH	Within the range 6.0 to 9.0.	

§ 421.56 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary copper refining subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Oil and Grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD_5	No limitation	No limitation.
(English units) lb/1000 lb of product		
Oil and Grease	0.04	0.02.
As	0.04	0.02.
Zn	0.02	0.01.
Se	0.02	0.01.
Cu	0.001	0.0005.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
BOD_5	No limitation	No limitation.

4. Subpart F is amended by adding §§ 421.64, 521.65 and 421.66 as follows:

§ 421.64 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the secondary copper subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cu	0.5	0.25
Zn	10	5
Oil and grease	20	10
pH	Within the range 6.0 to 9.0.	

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
BOD_5	Do.
Oil and grease	100mg/l.
Cu	0.25 mg/l.
Zn	5 mg/l.

§ 421.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Cd	0.0008	0.0004.
Pb	0.0008	0.0004.
Zn	0.008	0.004.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
Cd	0.0008	0.0004.
Pb	0.0008	0.0004.
Zn	0.008	0.004.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

§ 421.66 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the secondary copper subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
BOD_5	Do.
Oil and grease	100 mg/l
Cu	0.25 mg/l.
Zn	5 mg/l.

5. Subpart G is amended by adding §§ 421.74, 421.75 and 421.76 as follows:

§ 421.74 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary lead subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property:	*Pretreatment standard*
TSS	No limitation.
pH	Do.
BOD_5	Do.
Oil and grease	100 mg/l
Cu	0.25 mg/l.
Zn	5 mg/l.

§ 421.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source, which is geographically located in an historical area of net evaporation, subject to the provisions of this subpart:

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(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) A process waste water impoundment which is designed, constructed and operated so as to contain the precipitation from the 25 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located may discharge that volume of process waste water which is equivalent to the volume of precipitation that falls within the impoundment in excess of that attributable to the 25 year, 24 hour rainfall event, when such event occurs.

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and either the evaporation from the pond water surface area for that month, or a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center), whichever is greater.

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (mg/l)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
TSS	50	25
Cd	1.0	0.5
Pb	1.0	0.5
Zn	10	5
pH	Within the range 6.0 to 9.0.	

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source which is geographically located in an historical area of net precipitation, subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	
English units (lb/1000 lb of product)		
TSS	0.042	0.021
Cd	0.0008	0.0004
Pb	0.0008	0.0004
Zn	0.008	0.004
pH	Within the range 6.0 to 9.0.	

§ 421.76 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary lead subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
Cd	0.0008	0.0004.
Pb	0.0008	0.0004.
Zn	0.008	0.004.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
Cd	0.0008	0.0004.
Pb	0.0008	0.0004.
Zn	0.008	0.004.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

6. Subpart H is amended by adding §§ 421.84, 421.85 and 421.86 as follows:

§ 421.84 Pretreatment standard for existing sources.

The pretreatment standard under section 307(b) of the Act for a source within the primary zinc subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be an existing point source subject to section 301 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a point source subject to the provisions of this subpart.

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

§ 421.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
Metric units (kg/kkg of product)		
TSS	0.28	0.14.
As	1.1×10^{-3}	5.4×10^{-4}.
Cd	5.4×10^{-3}	2.7×10^{-3}.
Se	0.054	0.027.
Zn	0.054	0.027.
pH	Within the range 6.0 to 9.0.	
English units (lb/1,000 lb of product)		
TSS	0.28	0.14.
As	1.1×10^{-3}	5.4×10^{-4}.
Cd	5.4×10^{-3}	2.7×10^{-3}.
Se	0.054	0.027.
Zn	0.054	0.027.
pH	Within the range 6.0 to 9.0.	

§ 421.86 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the primary zinc subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.
(English units) lb/1000 lb of product		
As	1.6×10^{-3}	8.0×10^{-4}.
Cd	0.008	0.004.
Se	0.08	0.04.
Zn	0.08	0.04.
TSS	No limitation	No limitation.
pH	No limitation	No limitation.

[FR Doc.75-5285 Filed 2-26-75;8:45 am]

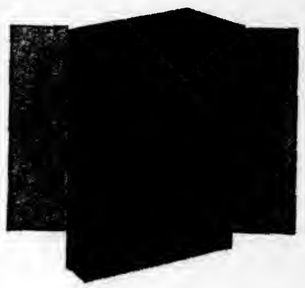
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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 681]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 2–8, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.981 Lemon Regulation 681.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active. Average f.o.b. price was $5.08 per carton the week ended February 22, 1975, compared to $4.97 per carton the previous week. Track and rolling supplies at 148 cars were up 21 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 2, 1975 through March 8, 1975, is hereby fixed at 220,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31; 7 U.S.C. 601–674)

Dated: February 26, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-5557 Filed 2-27-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 720—DESCRIPTION OF OFFICE DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

The Administrator of the National Credit Union Administration considers it necessary to amend Part 720 (12 CFR 720) due to the enactment of the 1974 Freedom of Information Act Amendments, Pub. L. 93–502. Therefore, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C 1789, the Administrator hereby amends Part 720 as set forth below, effective immediately. Technical amendments to other Parts of this Chapter will be forthcoming.

Pub. L. 93–502 amends section 3 of the Administrative Procedure Act (5 U.S.C. 552) to expedite the handling of requests for information from Federal agencies in order to provide more efficient, prompt and full disclosure of information. Areas covered by the amendments include, inter alia, indices, identifiable records and time limits.

Due to the fact that the provisions of Pub. L. 93–502 became effective on February 19, 1975, and require regulatory amendments in conformance with those provisions, and since the amendments are for the benefit of the public in general, the Administrator has determined that notice and public procedure as to these amendments are impracticable, unnecessary, and contrary to the public interest as provided by 5 U.S.C. 553(b); and since publication of such amendments for the 30-day period prior to the effective date of such amendments as provided by 5 U.S.C. 553(d) is not required for the same reasons, the Administrator hereby provides that such amendments shall become effective as previously set forth herein.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1014 (12 U.S.C. 1789))

HERMAN NICKERSON, Jr.,
Administrator.

FEBRUARY 21, 1975.

1. The index to Chapter VII, Title 12 of the Code of Federal Regulations is amended by inserting after "720" and before "Disclosure of official records—Availability of information" the language "Description of office,", by changing the first letter of the words "Disclosure" and "Availability" as they appear therein from upper case to lower case, and by

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adding ", promulgation of regulations" after the word "information".

2. Part 720 of the rules and regulations relating to disclosure of official records and information is amended by deleting the entire Part and by inserting in lieu thereof a new Part 720 to read as follows:

Sec.
720.1 Scope and application.
720.2 Central and Regional Organization.
720.3 Information Made Available to the Public.
720.4 Unpublished, Confidential and Privileged Information.
720.5 Fee Schedule for Document Search and Duplication.
720.6 Requests for Information or Determinations.
720.7 Agency Determination.
720.8 Promulgation of Rules and Regulations.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 720.1 Scope and application.

The rules contained in this Part are promulgated pursuant to the provisions of Subchapter II of Chapter 5 of Title 5, United States Code, the Federal Credit Union Act (12 U.S.C. 1751, *et seq.*) and other applicable laws. In accordance with sections 552(a)(1) of Title 5, United States Code, this Part includes (a) descriptions of the Administration's central and regional offices and the places at which, the employees from whom, and the methods whereby, the public may obtain information or decisions, or make requests, (b) places at which forms and instructions are available, and (c) procedures for the promulgation of regulations. Regulations relating to statements of general policy, rules of procedure, or interpretations of general applicability are contained in other Parts of this Chapter according to subject matter. This part also contains rules relating to types of information available to the public, fee schedules, and determinations on requests by the Administration, as required by section 552 of Title 5, United States Code.

§ 720.2 Central and regional organization.

(a) *General organization.* The National Credit Union Administration (hereinafter referred to as the "Administration") is composed of a National Credit Union Board (hereinafter referred to as the "Board") and an Administrator (hereinafter referred to as the "Administrator"), with a central office in Washington, D.C. and six regional offices. The Board consists of a chairman and one member from each of the Federal credit union regions appointed by the President, by and with the advice and consent of the Senate, for terms of six years. The Board provides advice, counsel, and guidance to the Administrator with respect to matters of policy relating to the activities and functions of the Administration under the Federal Credit Union Act.

(b) *Central Office*—(1) *Administrator.* The Administrator is the chief executive officer of the Administration, appointed by the President, by and with the advice and consent of the Senate, to serve at the pleasure of the President. The Administrator's office is located at 2025 M Street NW., Washington, D.C. 20456. The Administrator is assisted by the following officials who are responsible to him.

(2) *Deputy Administrator.* The Deputy Administrator assists the Administrator in, inter alia, directing and implementing policies relating to the chartering, supervision and examination of all Federal credit unions; administering the Federal Share Insurance Program, including the granting of approval to insure state chartered credit unions; supervision of the Assistant Administrators and Regional Directors; and maintaining relationships with the Executive and Legislative branches of the Government. In the absence of the Administrator, the Deputy Administrator performs the duties and exercises the power of the Administrator.

(3) *Assistant Administrator, Office of Administration.* The Assistant Administrator for Administration is the official custodian of records of the Administration and performs duties relating to budget and fiscal matters, personnel management, direction of general services, coordination of publication services, and is responsible for appellate determinations on requests for information. He is aided by a Deputy Assistant Administrator and Directors of Financial Management, Personnel, Office Services, and Training.

(4) *Assistant Administrator, Office of Examination and Insurance.* The Assistant Administrator for Examination and Insurance performs duties relating to the formulation of standards and procedures for examination and supervision of Federal credit unions, formulation and implementation of procedures for administration of the Federal Share Insurance Program, formulation and implementation, of chartering, insurance and liquidation objectives, and procedures relating to mergers, conversions and divisions of Federal credit unions. He is aided by a Deputy Assistant Administrator and Director of Liquidation and Directors of Chartering and Insurance, and Examination.

(5) *Office of General Counsel.* Generally, the Office of General Counsel has responsibility for all legal matters affecting the Administration. Specifically, the duties of the General Counsel include representing the Administration in litigation and administrative hearings or in assisting attorneys responsible for the conduct of such litigation responsibility for legislative matters, rules and regulations, advising on all matters of law and serving as claims officer with respect to claims arising under the Federal Tort Claims Act. The General Counsel is aided by a Deputy General Counsel and Assistant General Counsels.

(6) *Assistant Administrator, Office of Inspection and Audit.* The Assistant Administrator for Inspection and Audit performs duties relating to operational audits of the field segments of the Administration, measuring effectiveness of Administration policies at the regional and examiner levels, and the responsibilities of the Administration under the Federal Credit Union Act and Civil Service Commission requirements.

(7) *Public Information Office.* The Public Information Officer performs duties relating to the planning and executing of information and public affairs programs, preparation of various publications, development of planned actions and objectives, and providing for the exposure and understanding of credit unions.

(c) *Regional Offices.* (1) There are six Regional Offices of the Administration. The office address and the geographical area covered by each is as follows:

Region No.	Area within region	Office address
I	Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont.	State Street South Building, Room 3E, 1776 Heritage Drive, Boston, Mass. 02171.
II	District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania.	Federal Building, 228 Walnut St., Box 926, Harrisburg, Pa. 17108.
III	Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia.	800 Peachtree Street, Room 500, Atlanta, Ga. 30308.
IV	Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin.	New Federal Building, 234 N. Summit Street, Room 1003, Toledo, Ohio 43604.
V	Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Nebraska, Oklahoma, Texas, Utah, Wyoming.	205 W. Ninth Street, 7th Floor, Austin, Tex. 78701.
VI	Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Arizona.	760 Market Street, Room 809, San Francisco, Calif. 94102.

(2) A Regional Director is in charge of each regional operation. The Regional Director performs such duties as directing the chartering, insurance, examination, and supervision programs, managing regional resources, directing the Administration's programs within the region, maintaining good public relations, operating an Information Service Center, and is responsible for initial determinations on requests for information properly made to the regional office. He is aided by an Assistant Regional Director, a Chief of Supervision and Examination, and a Chief of Chartering, Insurance and Liquidation. In addition, each region is divided into Examiner districts; groups of examiners being subordinate to Supervisory Examiners, who in turn report directly to the Regional Director.

§ 720.3 Information Made Available to the Public.

(a) Except to the extent that the matters set forth herein relate to or contain information which is exempted from the

public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552), or other law, and as set forth in § 720.4, the Administration makes available for public inspection and copying, upon request made in accordance with the provisions of § 720.6, (1) final opinions, including concurring and dissenting opinions, and orders, made in the adjudication of cases, (2) those statements of policy and interpretations which have been adopted by the Administration and are not published in the FEDERAL REGISTER, and (3) Administrative staff manuals and instructions to staff affecting a member of the public, unless the above materials are promptly published and copies offered for sale.

(b) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the Administration may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. In each case the justification for the deletion shall be fully explained in writing.

(c) The Administration also maintains current indices providing identifying information for the public as to any matter referred to in paragraph (a) of this section issued, adopted, or promulgated after July 4, 1967. Manuals relating to general and technical information and research publications are in the "NCUA Publications List", which indicates those items available from the Administration or the Government Printing Office. Additional manuals, booklets and forms prepared by the Administration are listed in the "NCUA Catalog". Statements of policy are maintained in a Directives Control System and listed in the "NCUA Directives Control Index". A master list of Federal credit unions is maintained and available as provided in § 701.17. The Administration has determined that publication of the indices is unnecessary and impractical, but copies of indices will be provided on request at duplication costs and are available for public inspection and copying. The listing of any material in any index is for the convenience of possible users of the materials and does not constitute a determination that all of the items listed will be disclosed or are subject to disclosure.

(d) The materials referred to in paragraph (a) of this section may be relied on, used, or cited as precedent by the Administration against a party provided (1) it has been indexed and either made available or published, or (2) the party has actual and timely notice of the terms thereof.

(e) Except with respect to records made available under this section or published in the FEDERAL REGISTER, or to the extent that records relate to or contain information which is exempt from the public disclosure provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552), or other law, the Administration, upon any request which reasonably describes records and made in accordance with § 720.6, will make such records available to any person who agrees to pay the direct costs of searching and duplication as specified in § 720.5. A reasonable description is one which is sufficient to enable a professional employee of the Administration who is familiar with the subject area of the request to locate the record with a reasonable amount of effort.

§ 720.4 Unpublished, Confidential and Privileged Information.

(a) All records, including files, documents, reports, books and accounts, relating to any credit union, or the internal affairs of the Administration, or any officer, employee, or agent thereof, are confidential and privileged and not subject to disclosure, except as otherwise provided in this Part, if such records are: (1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order; (2) related solely to the internal personnel rules and practices of the Administration; (3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (5) interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Administration; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory records compiled for law enforcement purposes to the extent provided in the Administrative Procedure Act, as amended (5 U.S.C. 552(b)(7)); (8) contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of the Administration; and (9) related to proceedings for cease and desist and suspension or removal orders or for the termination of the insured status of any credit union.

(b) Any reasonably segregable portion of a record will be provided to any person requesting such record after deletion of the portions which are exempt under this section.

§ 720.5 Fee Schedule for Document Search and Duplication.

(a) A fee shall be assessed for the searching and processing of requested documents on the following basis:

Direct cost of: Clerical time, $4.36 per hour; professional time, $11.19 per hour; charge per page of material duplicated, $.25.

Computer costs shall be assessed in accordance with a standard formula based on computer time required. A computer cost formula shall be furnished to the requester at the time the request is granted.

Actual cost of transportation of people or records if required to process the request.

(b) Estimates of fees shall be furnished to the requester prior to initiation of the search for requested material if it appears that the fee will exceed $20 unless the request specifically states that whatever cost is involved will be assumed by the requester. Where advice as to the estimated fee is required, such advice shall be promptly forwarded to the requester upon physical receipt of the request. A request will not be deemed to have been received, for the purpose of computing the time limitations in § 720.7, until the requester is advised that the estimated cost will exceed $20 and the requester agrees to assume such cost. Requesters will be financially liable for any fees assessed up to $20 without preapproved estimate.

(c) If the estimated fees exceed $100, a deposit of 20 per centum of such amount must be made within three days after the requester agrees to proceed with the request at the estimated cost.

(d) Fees shall be assessed even when no records or documents responsive to the request, or no records or documents not exempt from disclosure, are found.

(e) Fees may be waived if the responsible officer in the appropriate Information Center determines that disclosure of the information will be of general benefit to the public. Fees may also be waived if the search is unproductive and the cost is minimal.

§ 720.6 Requests for Information and Determinations.

(a) *Information Centers.* The central office and the regional offices are designated as Information Centers for the Administration. The Deputy Assistant Administrator for Administration is responsible for the operation of the Information Center maintained at the central office. The Regional Director is responsible for the operation of the Information Center in his regional office.

(b) *Certain Publications.* §§ 701.14–701.17 of this Chapter describes certain manuals, booklets and other materials which are available and the places where they may be obtained or inspected and copied.

(c) *Method of Request.*—(1) *Indices.* Requests for the indices referenced in § 720.3(c) should be addressed to the Regional Director exercising authority over the geographical area involved as indicated in § 720.2(c)(1) and at the address stated therein. As a matter of convenience, in appropriate situations, such requests may be addressed to the Deputy Assistant Administrator for Administration, 2025 M Street, NW., Washington, D.C. 20456. The indices provided will indicate whether the central or regional Information Center is the appropriate supplier of the particular items listed.

(2) *Other Records.* Requests for records made under § 720.3(e) should be addressed to the appropriate Regional Director if it is known that the requested records are within his custody. When the location of requested records is not known, or it is known that such records are located in the central office, the request should be addressed to the Deputy Assistant Administrator for Administration at the address stated in subsection (c)(1). Failure to properly address a request may defer the date of receipt by the Administration from

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which the time limitation stated in § 720.7(a)(1) is computed to take account of the time reasonably required to forward the request to the appropriate office or employee.

(3) *Identification of Request.* Requests for information available under § 720.3 should be clearly identified by the requester on the envelope and in the request by using the indicator "FOIA—REQUEST" in order to facilitate processing within the Administration.

(4) *Time.* All requests for information of any type must be made to the Administration during normal business hours.

(5) *Oral requests.* Oral requests may be dealt with orally, but if the requester is dissatisfied with the disposition of such a request, he will be required to submit a written request in accordance with this section.

§ 720.7 Agency Determination.

(a) Upon any request for records published in the FEDERAL REGISTER, or available under § 720.3, the Administration will:

(1) determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and will immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the Assistant Administrator for Administration any adverse determination; and

(2) make a determination with respect to any appeal within 20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the Administration will notify the person making such request of the provisions for judicial review of that determination under 5 U.S.C. 552(a)(4). An appeal must be in writing and filed within 30 days from receipt of the initial determination (in cases of denials of an entire request), or from receipt of any records being made available pursuant to the initial determination (in cases of partial denials). In those cases where a request or appeal is not addressed to the proper official, the time limitations stated above will be computed from the receipt of the request or appeal by the proper official.

(b) In unusual circumstances as specified herein, the time limits prescribed in either paragraph (a)(1) or (a)(2) of this section may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice will specify a date that would result in an extension for more than 10 working days. As used in this subsection, but only to the extent reasonably necessary to the proper processing of the particular request, "unusual circumstances" means:

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) the need for consultation, which will be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(c)(1) In appropriate situations or as indicated in § 720.6, the Regional Directors or the Deputy Assistant Administrator for Administration, or, in their absence, the officer acting in their stead, are responsible for making the initial determination on whether to grant or deny a request for information. Such officials may refer a request to a professional employee of the Administration who is familiar with the subject area of the request. Other members of the Administration's staff may aid the above named officials by providing information, advice, recommending a decision, or implementing a decision, but no employee of the Administration other than the above named officials may make the initial determination. Referral of a request by the official to an employee will not affect the time limitation imposed in paragraph (a)(1) of this section except as provided in § 720.6(c)(2) or unless the request involves an unusual circumstance as provided in paragraph (b) of this section.

(2) The Assistant Administrator for Administration is the official responsible for determining all appeals from initial determinations. In case of his absence, the appropriate officer acting in his stead shall make the appellate determination, unless such officer was responsible for the initial determination, in which case the Deputy Administrator will make the appellate determination.

(3) All appeals should be addressed to the Assistant Administrator for Administration in the central office and should be clearly identified as such on the envelope and in the letter of appeal by using the indicator "FOIA—APPEAL". Failure to properly address an appeal may defer the date of receipt by the Administration from which the time limitation stated in paragraph (a)(2) of this section is computed to take account of the time reasonably required to forward the appeal to the Assistant Administrator.

(d) Any person making a request to the Administration for records published in the FEDERAL REGISTER, or available under § 720.3 shall be deemed to have exhausted his administrative remedies with respect to such request if the Administration fails to comply with the applicable time limit provisions of this section. On complaint filed in the appropriate U.S. District Court, if the Government can show exceptional circumstances exist and that the Administration is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the Administration additional time to complete its review of the records. Upon any determination by the Administration to comply with a request for records, the records will be made promptly available to such person making such request. Any notification of denial of any request for records under this section will set forth the names and titles or positions of each person responsible for such denial of such request.

(e) In those cases where it is necessary to find and examine records before the legality or appropriateness of their disclosure can be determined, and where, after diligent effort, this has not been achieved within the required period, the Administration may advise the person making the request that a determination to presently deny the request has been made because the records have not been found or examined, that this determination will be reconsidered when the search or examination is completed and the time within which completion is expected, but that the person making the request may immediately file an administrative appeal.

§ 720.8 Promulgation of Rules and Regulations.

(a) *Notice.* Except as provided in paragraph (b) of this section or as otherwise excepted by law, general notice of proposed rulemaking, including amendment or repeal, will be published in the FEDERAL REGISTER, and such notice will include (1) either the terms or substance of the proposed rule or a description of the subjects and issues involved, (2) a statement of the time, place, and nature of the public rulemaking procedure, and (3) reference to the authority under which the rule is proposed. Notice shall also be mailed to members of the Board.

(b) *Exceptions.* Any proposed amendment or rule may be adopted by the Administration without compliance with the requirements of this section if it involves any matter relating to Administration management or personnel or to public property, loans, grants, benefits, or contracts, or if persons subject to any such proposed amendment or rule are named and either personally served or otherwise have actual notice thereof in accordance with law, or it grants or recognizes exemptions or relieves restrictions, or which is deemed to apply to interpretive rules, general statements of policy, or rules of Administration organization, procedure, or practice, or when the Administration for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) *Public participation.* Interested persons will be afforded an opportunity to participate in the making of any rule, except as provided in paragraph (b) of this section, or otherwise excepted by law, through the submission of written data, views, or arguments, delivered within the time prescribed in the general

notice, to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. The Administrator may, when deemed appropriate, provide an opportunity for oral presentation. Any interested person may petition for the issuance, amendment, or repeal of any rule by submitting such petition in writing to the Administrator together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted.

(d) *Effective dates.* No rule issued by the Administration shall be effective less than 30 days after publication in the FEDERAL REGISTER except as provided in paragraph (b) of this section, or otherwise excepted by law.

(e) *Amendment and repeal.* The Administration expressly reserves the right to alter, amend or repeal the whole or any part of any rule or regulation.

[FR Doc.75-5353 Filed 2-27-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 1]

PART 102—DISCLOSURE OF INFORMATION

Document Search and Fee Schedule

Correction

In FR Doc. 75-4945 appearing at page 7898 in the issue of Monday, February 24, 1975, in the fourth line of the fourth paragraph of column two on page 7898 "more" should be changed to "none", so that the corrected line reads "amendment. Since none has been re-".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-4-AD; Amdt. 39-2103]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 and 400 Series Airplanes

Certain Cessna 300 and 400 series airplanes are equipped with wing tip fuel tank nose cap mounted strobe lights. Incidents have been reported where wing tip fuel tank nose cap explosions have occurred on these airplanes when the strobe lights are turned on. This condition is attributable to fuel leakage in the wing tip nose cap area and can result in fires and/or serious damage to the wing tip fuel tank. Since this condition is likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued requiring repetitive inspections of the wing tip fuel tank nose area on certain serial numbers of Cessna 300 and 400 Series airplanes for fuel leakage and drain hole obstructions and the correction thereof when necessary.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to the following models and serial numbers of airplanes if equipped with strobe lights installed in the wing fuel tip nose cap: 310, 310A, 310B, 310C, 310D, 310E, 310F, 310G, 310H, E310H, 310I, 310J, 310J-1, 310K, 310L, 310N, T310P—All Serial Numbers 310Q—Serial Numbers 310Q0001 through 310Q0906, 320, 320-1, 320A, 320B, 320C, 320D, 320E, 320F—All Serial Numbers 340—Serial Numbers 340-0001 through 340-0303, 401, 401A and 401B—All Serial Numbers 402, 402A—All Serial Numbers 402B—Serial Numbers 402B0001 through 402B0503, 411 and 411A—All Serial Numbers 414—Serial Numbers 414-0001 through 414-0451, 421 and 421A—All Serial Numbers 421B—Serial Numbers 421B0001 through 421B0502.

Compliance: Required as indicated, unless already accomplished:

To detect fuel seepage into wing tip tank nose cap area from tank forward access panel and prevent explosions in tip tank nose caps due to ignition of fuel and fumes by strobe light arcing, within the next 100-hours' time in service after the effective date of this AD and each 100 hours' time in service thereafter, accomplish the following:

(A) Remove the tip tank nose caps and visually inspect them for evidence of fuel leakage. In the event a fuel leak is found, prior to further flight, replace as necessary the tip tank forward sat-o-seals and panel gaskets.

(B) Visually inspect the nose cap drain/vent hole for obstruction, such as dirt, insects, paint, etc., and prior to further flight remove any obstructions.

(C) Any alternate means of compliance with this AD must be approved by the Chief Engineering and Manufacturing Branch, FAA, Central Region.

Cessna Service Letter ME 73-4, Supplement No. 1, dated November 22, 1974, or later approved revisions, pertains to this problem.

This amendment becomes effective February 28, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on February 14, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-5404 Filed 2-27-75;8:45 am]

[Docket No. 75-WE-I-AD; Amdt. 39-2108]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP660-4 and -4R Auxiliary Power Units (APU)

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on January 21, 1975, and distributed by airmail letter dated January 22, 1975, to all known United States operators or owners of aircraft incorporating AiResearch Model GTCP660-4 and -4R series APU's of specific serial numbers, installed in Boeing B-747 airplanes, unless they had been individually modified to incorporate an improved compressor. The directive imposes a limitation prohibiting inflight operation and requiring an inspection of the APU and APU compartment.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of AiResearch model GTCP660-4 and -4R APU's of specific serial numbers by individual airmail letter dated January 22, 1975. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an Amendment to § 39.13 of Part 39 of the Federal Aviation regulations to make it effective as to all persons.

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model GTCP660-4 and -4R APU's of the following listed serial numbers, installed in Boeing Model B-747 Series airplanes, unless modified to incorporate improved compressor assemblies in accordance with AiResearch Service Bulletin GTCP 660-49-3089, Revision 1, 2, or 3, or later FAA approved revisions: Model GTCP 660-4, S/N's P-37501 through P-37723 inclusive, and GTCP660-4R, S/N's P-101 through P-124 inclusive.

To prevent development of a hazardous condition during flight, accomplish the following:

(a) Prior to further flight, unless already accomplished, operators shall issue instructions to flight crews that the APU is not to be operated in flight. Within 72 hours after receipt of this airmail letter, unless already accomplished, install a placard in full view of the flight crew which reads:

"INFLIGHT OPERATION OF THE APU IS PROHIBITED."

(b) Prior to further flight, unless already accomplished, operators shall issue instructions to determine that damage hazardous to the aircraft has not occurred prior to flight after an automatic shutdown or manual shutdown to correct operating discrepancies of the APU after the completion of a successful APU start has been accomplished. This determination may be made by the following means:

(1) Inspect the APU and APU compartment for damage; or

(2) Inspect the exterior surfaces of the APU compartment for evidence of damage and verify that the APU turbine rotor can be rotated manually from the exhaust tailpipe; or,

(3) Perform the procedures described in Boeing Operations Manual Bulletin No. 75-1, dated January 17, 1975, or later FAA approved revision.

(c) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

This supersedes the AD adopted January 10, 1975, and distributed by individual telegrams dated January 11, 1975.

This AD is effective upon receipt of this airmail letter.

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This amendment is effective March 5, 1975 and was effective upon receipt for all recipients of the airmail letter dated January 22, 1975 which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on February 18, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-5310 Filed 2-27-75;8:45 am]

[Docket No. 75-GL-3; Amdt. 39-2111]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft Corp.; Bellanca Model 8KCAB

Amendment 39-2001 (39 FR 38890), Airworthiness Directive 74-23-04, effective November 7, 1974, requires that the wing ribs of Bellanca 8KCAB aircraft be visually inspected for evidence of fatigue cracks and/or distortion in the rib flange and if cracks, distortion or fabric rivet looseness were found, repair and reinforcement of all ribs per Bellanca Kit #243 must be accomplished. Compliance required that inspection be performed before further flight. If damage to the ribs is found, repair must be effected prior to further flight. If no damage is found, the inspection is to be repeated every twenty-five (25) hours. If repairs are accomplished by installation of Kit #243, the inspections may be discontinued.

Agency policy implemented in October 1974, precludes issuance of a special flight authorization for the ferrying of an aircraft having a condition described in an Airworthiness Directive unless the Airworthiness Directive expressly permits. No provision had been made in Airworthiness Directive 74-23-04 for ferrying aircraft. It is determined that the condition covered by Airworthiness Directive 74-23-04 is of such a nature that issuance of special flight authorizations should be permissible in appropriate instances and with appropriate limitations and restrictions, in accordance with § 21.197 of the Federal Aviation Regulations, for ferrying for repair purposes.

Therefore, the Airworthiness Directive is being amended to provide such a provision.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2001 (39 FR 38890), Airworthiness Directive 74-23-04 is amended by adding the following sentence to the end of Paragraph B of Airworthiness Directive 74-23-04:

A special flight permit per FAR 21.197 may be issued after accomplishment of Paragraph A to allow repairs in accordance with this Airworthiness Directive.

This amendment becomes effective March 6, 1975.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on February 20, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-5307 Filed 2-27-75;8:45 am]

[Docket No. 74-NW-25-AD; Amdt. 39-2113]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100/-200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a leading edge flap logic input to the takeoff aural warning system and a logic which will cause warning lights to flash on the pilots' and flight engineer's panels, which will give the flight crew positive warning when any of the leading edge flap drive motors have not driven to the fully extended position when the trailing edge flaps are extended to a takeoff setting, was published in the FEDERAL REGISTER on December 19, 1974, 39 FR 43849.

Subsequent to issuing the NPRM, an amendment was issued to reduce the 60 day comment period to 50 days and to make public a Boeing design concept made known to the FAA, ATA and ALPA.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from both domestic and foreign operators. Some of these comments appear summarized through such organizations as ATA and AEA and also as comments by individual airlines. A total of 15 commentators responded including one from an interested individual.

A majority of the commentators (9) favored the Boeing design concept with little or no change. Only one commentator urged adoption of the changes which would be required by the original NPRM.

Seven commentators reacted against the requirement of flashing warning/caution lights, whereas one commentator favored such arrangement and another felt it should be considered.

A commentator felt that only the warning horn should be required, another felt the need for only a leading edge/trailing edge flap disagreement light.

Two commentators urged the adoption of the requirement for an airspeed cutout switch to reduce the exposure to nuisance warnings on takeoff. One commentator suggested adding a horn cutout switch to allow the crew to silence the takeoff warning horn should it become necessary.

A substantial group of commentators expressed concern over the reliability of the added wiring and components, mainly as regards nuisance warnings. The FAA shares this concern, and every effort will be made to certificate a system which has a high degree of reliability and immunity to false warnings.

A group of five commentators requested the compliance time be increased to avoid unnecessary downtime.

One commentator suggested that the leading edge flap position pick-up be performed at the actual flap elements. The FAA feels this requirement would be unduly complex due to the large number of individual leading edge flap segments. Also, since the segments are connected via mechanical linkage to the drive motors, no significant gain in reliability can be gained thereby.

A group of commentators, represented by a European consortium of airlines, suggested the installation of a "low-pneumatic pressure warning light to alert flight crew of a primary power loss." The FAA has given careful consideration to this proposal and has decided against requiring this for the following reasons:

(1) Pneumatic pressure will be available to the wing ducts when the engines are running and the pylon bleed air valves are open. If these valves are closed, caution lights on the flight engineer's panel will indicate the condition.

(2) Loss of pressure in the wing ducts will also be indicated by the manifold pressure gauge on the flight engineer's panel.

(3) The warning system which is required by this AD will provide additional safeguards against a takeoff without the leading edge flaps extended.

One commentator suggested that dispatch be permitted with part of the warning system inoperative. A consideration of this proposal is not within the scope of this AD action.

As regards the proposed requirement for flashing warning/caution lights contained in the NPRM, the FAA has determined that there is a substantial opposition to this feature for good cause and it has therefore been removed from consideration.

Although Boeing Service Bulletin 747-27-2110, which was issued at the request of a 747 operator does include an airspeed switch to cut out the input to the takeoff aural warning from the leading edge flap logic when the airplane has accelerated beyond 90 kt's, the FAA believes that a reliable design can obviate the need for this device.

As regards the requests to extend the compliance time from three (3) calendar months as would be required by the NPRM, the FAA has determined that the compliance time can be extended to five (5) calendar months. This determination has been made with due consideration to the level of safety afforded on an interim basis by the mandatory amendment to the operation specifications of U.S. certificated carriers which provides safeguards against all failures to extend the leading edge flaps on takeoff on record. In addition, an Operations Information Alert has been issued recommending that the takeoff flaps be extended prior to leaving the ramp, and that this be confirmed by a qualified ground observer.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Model 747 Series Airplanes, certificated in all categories.

Compliance required as indicated, unless already accomplished. To assure flight crew aural warning and visual indication when the leading edge flaps are not fully extended for takeoff, accomplish the following:

Within five (5) calendar months time after the effective date of this AD, install modifications, in accordance with Boeing Service Bulletin 747-27-2126 dated February 14, 1975, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region to cause:

(a) A takeoff configuration warning horn to sound when the leading edge flaps have not been fully extended, and the #2 thrust lever is advanced to a takeoff setting, and the trailing edge flaps are extended to a takeoff setting, and

(b) A leading edge flap amber caution light to illuminate on the pilots' panel, when any leading edge flap sets are not in the extended position, and the trailing edge flaps are extended to a takeoff setting.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective March 24, 1975.

Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on February 20, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-5309 Filed 2-27-75;8:45 am]

[Docket No. 75-NE-5; Amdt. 39-2114]

PART 39—AIRWORTHINESS DIRECTIVE

General Electric CF700 Turbofan Engines

There has been a contained failure of a General Electric CF700 turbofan engine compound turbine and fan blade, and additional blades have been found cracked on subsequent field inspections due to blade material property variability. Since this condition is likely to exist or develop in other engines of the same model, an airworthiness directive is being issued to require an eddy current type repetitive inspection to detect blade cracks.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL ELECTRIC. Applies to all General Electric CF700-2C, CF700-2D, and CF700-2D-2 turbofan engines having compound turbine and fan blade, Part Number 6002T57P01, with the following serial numbers:

001CY through 994CY
001CZ through 1038CZ
001DA through 999DA
001DB through 999DB
001DC through 999DC
001DE through 999DE
001DF through 999DF
001DG through 999DG
001DH through 999DH
001DI through 999DI
001DJ through 999DJ
001DK through 999DK
001DL through 999DL
001DM through 999DM
001DN through 999DN
001DO through 999DO
001DP through 999DP
001DQ through 999DQ
001DR through 999DR
001DS through 999DS
001DT through 999DT
001DU through 999DU
001DV through 999DV
001DW through 999DW
001DX through 999DX
001DY through 999DY
001DZ through 999DZ

Compliance required as indicated unless already accomplished.

To preclude possible failures of compound turbine and fan blades, perform an eddy current inspection as specified in the Accomplishment Instructions section of General Electric Alert Service Bulletin No. (CF700) A72-124, or (CF700) A72-125 or later FAA approved revisions or a fluorescent-penetrant inspection as specified in General Electric Overhaul Manual SEI-133 Section 72-72-1, in accordance with the following schedule:

a. Compound turbine and fan blades with 1000 or more hours total time in service on the effective date of this AD: Inspect within the next 30 hours time in service and inspect every 400 hours time in service thereafter.

b. Compound turbine and fan blades with less than 1000 hours total time in service on the effective date of this AD: Inspect prior to the accumulation of 1030 hours total time in service and inspect every 400 hours time in service thereafter.

Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the inspection interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment is effective March 12, 1975.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on February 21, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-5313 Filed 2-27-75;8:45 am]

[Docket No. 74-EA-93; Amdt. 39-2106]

PART 39—AIRWORTHINESS DIRECTIVE

Kollsman Instrument Co.

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Kollsman altitude reporting altimeters.

There have been reports that retaining springs within the altimeter, because of failure to conform to type design, caused improper operation of the altimeter. Since this is a deficiency which can exist in other altimeters of similar design, an airworthiness directive is being issued requiring restricted use of an aircraft carrying an affected altimeter and eventual replacement of the altimeter.

Since this is a deficiency which can affect air safety, notice and public procedure hereon are impractical and good cause exists for making the airworthiness directive effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended, as follows:

KOLLSMAN INSTRUMENT COMPANY. Applies to Altitude Reporting Altimeters, Type Number B4545110001 and B4545110011, Serial Numbers 0001 through 0344 inclusive, except Serial Numbers 0014, 0024, 0044, 0045, 0058, 0091, 0094, 0103, 0125, 0133, 0142, 0147, 0159, 0177, 0198, 0204, 0222, 0244, 0245, 0263, 0268, 0271, 0274, 0285, 0290, 0300, 0314, 0315, 0317, 0318, 0324, 0327, 0335, through 0339, 0342, and 0343. To prevent the possibility of altimeter failure or incorrect altitude information, accomplish the following:

(A) Within the next ten hours' time in service after the effective date of this Airworthiness Directive, unless paragraph (B) has already been complied with, install a placard on the instrument panel in clear view of the pilot which states: "Aircraft approved for day VFR Flight Only" and operate the aircraft in accordance with this limitation.

(B) Within 30 days of the effective date of this Airworthiness Directive, replace with an approved replacement part or an altimeter subject to this Airworthiness Directive which has been modified in accordance with Kollsman Instrument Company Service Bulletin No. 264, dated December 13, 1974, or any alternate means of compliance approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(C) Compliance with this Airworthiness Directive is not required if the aircraft has a second sensitive altimeter not subject to this Airworthiness Directive. If that second altimeter fails or is removed, compliance with paragraphs (A) and (B) is required.

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This amendment is effective March 6, 1975, and was effective for all recipients of the telegram, dated December 18, 1974, containing this airworthiness directive.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421, and 1423]; sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on February 20, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75-5315 Filed 2-27-75;8:45 am]

[Docket No. 74-WE-46-AD; Amdt. 39-2112]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-10-10, DC-10-10F, DC-10-30, DC-10-30F and DC-10-40 Airplanes

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amdt. 39-1811, 39 FR 11991, AD 74-08-04, as amended by Amendment 39-2013, 39 FR 40252, by adding a new paragraph 11 to require test circuit improvements in the existing snap-switch cargo door warning circuits in addition to new proximity switch cargo door warning systems with separate indicator lights in the flight deck was published in 39 FR 43090.

Interested persons have been afforded an opportunity to participate in the making of the Amendment. Due consideration has been given to all comments presented in response to the Notice.

Several commentators requested a clarification of paragraphs 2 and 4 in the AD. While not part of the Notice, the FAA agrees, and new paragraphs 2 and 4 are being adopted in the amendment.

Several other commentators requested an extension of the compliance time from 3000 hours to 6000 hours' time in service. The FAA agrees. While the modifications are required, the compliance time may be extended, since the required level of safety is maintained with the present cargo door design when the cargo doors are checked in accordance with paragraph 2.

Two commentators objected to the proposed amendment, since they believe the present cargo door design, which includes the modifications required by AD 74-08-04 and AD 74-12-07, is safe. While it is true the lower cargo doors are safe and greatly improved by the modifications required by the airworthiness directives, the FAA believes there is one area of design, the door warning systems, which should be improved on all DC-10 series airplanes on a mandatory basis. The FAA has concluded that the reliability of the door warning system must be improved.

One commentator requested that paragraph 3 of AD 74-08-04 be deleted on the grounds that the approved procedures in the FAA approved Airplane Flight Manual are sufficient. The FAA disagrees, since there are no directly comparable procedures in the FAA approved Airplane Flight Manual.

Another commentator requested provisions for dispatch of the aircraft. This request is beyond the scope of the NPRM and is under consideration by the FAA.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1811 (39 FR 11991), AD 74-08-04, as amended by Amendment 39-2013 (39 FR 40252), is hereby amended as follows:

a. Replace the existing paragraph 2 with a new paragraph 2, as follows:

2. Prior to each flight a qualified person will:

A. Check each cargo door that has been opened since last checked, for proper security as follows:

(i) Ensure that the cargo restraint curtain, if installed, is in proper position.

(ii) Ensure that no foreign matter is in the exposed door locking mechanisms.

(iii) Ensure that locking mechanisms are in proper positions.

(iv) Ensure proper locking pin placement by visual check through inspection ports;

B. Check each cargo door known not to have been opened since last checked per paragraph 2(A), above,

(i) Ensure that locking mechanisms are in proper positions.

(ii) Ensure proper locking pin placement by visual check through inspection ports; and

C. Ensure all cargo door warning lights are extinguished prior to taxi.

D. Communicate to the flight crew, prior to taxi, that the cargo doors have been checked, closed and locked.

E. Definitions. For the purposes of this paragraph, a qualified person is defined as an individual who has received special training on cargo door latching, and, as listed below, shall be:

(i) Mechanics at stations where such personnel are stationed and available.

(ii) Flight crew member at off-line stations where no other qualified persons are available.

(iii) Ramp supervisor at line stations where no mechanical personnel are stationed or available.

b. Replace the existing paragraph 4 with a new paragraph 4, as follows:

4. Notwithstanding the above, at least one flight crew member for each airplane operation must be indoctrinated in accordance with the FAA approved cargo door training programs for the individual airline or operator.

c. Add a new paragraph 11, as follows:

11. Within the next 6000 hours' time in service, after the effective date of this Amendment 39-2112 to AD 74-08-04, unless already accomplished, modify the existing snap switch cargo door warning systems and install new proximity switch cargo door warning systems in accordance with McDonnell Douglas Service Bulletin 52-109, Revision 1, dated December 12, 1974, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective April 4, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6 (c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on February 19, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-5308 Filed 2-27-75;8:45 am]

[Docket No. 75-NE-8; Amdt. 39-2109]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft Model JT9D Engines

There have been ten instances of No. 3 bearing compartment fires which have spread to the engine gearbox causing fire damage to the engine. In two of these instances, the fires were uncontrolled and had to be put out by the airport fire department upon landing. The fires were initiated by excessive clearance of the No. 3 bearing compartment labyrinth seals. Excessive seal clearance allows high temperature compressor discharge air to enter the No. 3 bearing compartment which may ignite the air/oil mixture in the compartment.

Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require a repetitive measurement of the No. 3 breather tube temperature to ensure that the labyrinth seal clearances are within limits.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Model JT9D-3A, -7, 7H, -7A, -7H, -7F, and -20 turbofan engines.

To prevent possible engine fires due to excessive No. 3 bearing compartment labyrinth seal clearances, measure the No. 3 compartment breather air temperature in accordance with Pratt & Whitney Alert Bulletin No. 4391, dated February 19, 1975, or later FAA approved revision, at the intervals specified below:

1. Prior to the next 300 hours time in service after the effective date of this AD, unless already accomplished.

2. Whenever any of the following major engine sections are removed or replaced:

a. Intermediate case.

b. Rear compressor rotor and stator assembly.

c. Rear compressor drive turbine rotor assembly.

d. Front compressor drive turbine rotor assembly due to blade failure.

e. Turbine exhaust case due to loose or missing tailcone.

f. Diffusor, combustion and first stage turbine nozzle section.

If the measured breather air temperature is above the limit defined by Pratt & Whitney Curve Number 4391, dated February 14, 1975, remove the engine from service prior to further flight.

This amendment become effective March 24, 1975.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Aircraft Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

(Sec. 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Burlington, Massachusetts, on February 19, 1975.

W. E. CROSBY,
Acting Director,
New England Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-5314 Filed 2-27-75;8:45 am]

[Airspace Docket No. 74-SO-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 8, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 16365), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Brooksville, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 9:01 G.m.t., April 24, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

BROOKSVILLE, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hernando County Airport (Lat. 28°57'50" N., Longitude 82°27'30" W.); within 3 miles each side of the 276° bearing from Brooksville RBN (Lat. 28°28'25" N., Longitude 82°27'00" W.), extending from the 6.5-mile radius area to 6.5 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on February 18, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-5316 Filed 2-27-75;8:45 am]

[Airspace Docket No. 74-CE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 41994 of the FEDERAL REGISTER dated December 4, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Sedalia, Missouri, transition area.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 9:01 G.m.t., April 24, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on February 11, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

SEDALIA, MISSOURI

That airspace extending upward from 700 feet above the surface within an eight-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within two miles each side of Whiteman AFB ILS localizer south course, extending from the eight-mile radius area to eight miles south of the OM; within a 6.5 mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°11'00" W.); and within three miles each side of the 010° bearing from Sedalia Memorial Airport, extending from the 6.5 mile radius area to eight miles north of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 93°20'00" W., and the south edge of V12; thence north via longitude 93°30'00" W.; to and east along the south boundary of V4; to and south along longitude 92°31'00" W.; to and west along the south edge of V12; to and southwest along a line eight miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V12 to the point of beginning.

[FR Doc.75-5317 Filed 2-27-75;8:45 am]

[Docket No. 14315; Amdt. No. 957]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $20.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective April 10, 1975.*

Casper, Wyo.—Natrona County Int'l. Arpt., VOR/DME Rwy 21, Amdt. 4.
Casper, Wyo.—Natrona County Int'l. Arpt., VOR Rwy 21, Amdt. 14.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 9L, Amdt. 1, cancelled.
Lancaster, Ohio—Fairfield County Arpt., VOR/DME-A, Orig.
Lodi, Calif.—Linda Arpt., VOR-A, Orig.
Lodi, Calif.—Linda Arpt., VOR Rwy 26, Amdt. 1, cancelled.
Louisville, Ky.—Standiford Field, VOR Rwy 29 (TAC), Amdt. 12.
Mayaguez, P.R.—Mayaguez Arpt., VOR Rwy 8, Amdt. 4.
Tulsa, Okla.—Tulsa Riverside Arpt., VOR/DME Rwy 36L, Amdt. 3.
Tulsa, Okla.—Tulsa Riverside Arpt., VOR Rwy 36L, Amdt. 1.

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• • • *effective February 13, 1975.*

Kinston, N.C.—Stallings Field, VOR/DME Rwy 4, Amdt. 7.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective April 10, 1975.*

Casper, Wyo.—Natrona County Int'l. Arpt., LOC (BC) Rwy 26, Amdt. 13.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC Rwy 9L, Orig.
Louisville, Ky.—Standiford Field, LOC (BC) Rwy 11, Amdt. 2.

• • • *effective February 12, 1975*

Harlingen, Tex.—Harlingen Industrial Airpark, LOC (BC) Rwy 35L, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective April 10, 1975.*

Casper, Wyo.—Natrona County Int'l. Arpt., NDB Rwy 7, Amdt. 10.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., NDB Rwy 9R, Amdt. 7.
Ponape Island, Caroline Islands—Ponape Int'l. Arpt., NDB–A, Amdt. 1.
Vidalia, Ga.—Vidalia Municipal Arpt., NDB Rwy 24, Amdt. 2.

• • • *effective March 13, 1975*

Brownfield, Tex.—Terry County Arpt., NDB Rwy 2, Orig.

• • • *effective February 14, 1975*

Covington, Ky.—Greater Cincinnati Arpt., NDB Rwy 27L, Amdt. 2.

• • • *effective February 13, 1975*

Kinston, N.C.—Stallings Field, NDB Rwy 4, Amdt. 4.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective April 10, 1975.*

Casper, Wyo.—Natrona County Int'l. Arpt., ILS Rwy 7, Amdt. 19.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., ILS Rwy 9R, Amdt. 5.
Kahului, Hawaii—Kahului Arpt., ILS Rwy 2, Amdt. 9.
Trenton, N.J.—Mercer County Arpt., ILS Rwy 6, Amdt. 3.

• • • *effective February 14, 1975*

Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 27L, Amdt. 1.

• • • *effective February 13, 1975*

Kinston, N.C.—Stallings Field, ILS Rwy 4, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective April 10, 1975*

Tulsa, Okla.—Tulsa Riverside Arpt., ASR–1, Amdt. 19, cancelled.

• • • *effective February 14, 1975*

Covington, Ky.—Greater Cincinnati Arpt., RADAR–1, Amdt. 16.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C 552(a)(1))

Issued in Washington, D.C., on February 20, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-5318 Filed 2-27-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 925—STATE COASTAL ZONE MANAGEMENT PROGRAM

Interim Regulations

The Coastal Zone Management Act of 1972 requires, as a condition of the approval of a state's coastal zone management program by the Secretary of Commerce (by delegation, the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce) that, in the development of a state program, there has been "the opportunity of full participation by relevant Federal agencies • • •" (section 306(c)(1); and that the "views of Federal agencies principally affected by such program have been adequately considered" (section 307(b)).

The Act further provides that, in the case of a "serious disagreement between any Federal agency and the state in the development of the program the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences" (section 307(b)).

There are published herewith interim regulations for the implementation of the cited provisions of the Act. Comment on these regulations is invited through March 31, 1975.

Comment should be addressed to the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230. Following the close of the comment period, and after review of comments submitted, the Administrator may amend these regulations so as to reflect such comments. The Administrator shall then publish final regulations in the FEDERAL REGISTER.

Pending the issuance of final regulations, these interim regulations are effective. Over eighty percent of the states eligible for state program development grants have received them. Coordination between federal and state agencies in the development of a state program is an essential part of the development process. Therefore, it is desirable to provide the guidance set forth herein as rapidly as possible. These considerations constitute "good cause," within the meaning of that phrase in 5 U.S.C. 553(d)(3), for making these interim regulations effective pending the issuance of final regulations.

925.1 Authority.
925.2 Definitions.
925.3 Relevant Federal Agencies.
925.4 Federal-State Cooperation.
925.5 Washington Level Coordination of a State Program.
925.6 Mediation of Federal-State Disputes.

AUTHORITY: 86 Stat. 1280, 88 Stat. 1974 (1975).

§ 925.1 Authority.

Section 314 of the Act requires the Secretary to develop such rules and regulations as may be necessary to carry out the provisions of the Act pursuant to 5 U.S.C. 553.

§ 925.2 Definitions.

In these regulations:

(a) "Act" means the Coastal Zone Management Act of 1972, as amended (86 Stat. 1280, 88 Stat. 1974 (1975)).

(b) "Administrator" means the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230;

(c) "OMB" means the Office of Management and Budget within the Executive Office of the President;

(d) "OCZM" means the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration;

(e) "relevant Federal agency" means a Federal agency, the interests of which (1) are "relevant" to a state coastal zone management program within the meaning of Section 306(c)(1) of the Act; and/or (2) are, or could be, "principally affected by" the implementation of a state coastal zone management program within the meaning of section 307(b) of the Act.

(f) "state agency" means a unit, or units, of a state government, or of more than one state governments, responsible for the development of a coastal zone management program; and

(g) "state program" means a state coastal zone management program adopted by a coastal state in accordance with the provisions of the Act and setting forth objectives, policies and standards to guide public and private uses of lands and waters in the coastal zone.

§ 925.3 Relevant Federal agencies.

(a) The Federal agencies which are relevant to a given state program may vary from state program to state program. However, the Administrator has determined that the Federal agencies listed below are relevant to each state program.

Department of Agriculture.
Department of Commerce.
Council on Environmental Quality.
Department of Defense.
Department of Health, Education and Welfare.
Department of Housing and Urban Development.
Department of Interior.
Department of Justice.
Department of Transportation.
Environmental Protection Agency.
Energy Research and Development Administration.
Nuclear Regulatory Commission.
Federal Energy Administration.
Federal Power Commission.
General Services Administration.

The Administrator shall determine, for each state program, any relevant Federal agency in addition to those listed above. He shall provide each state agency with the name, street address and telephone number of the appropriate office of each Federal agency listed above, and of each Federal agency which additionally he determines to be relevant.

(b) Early in the development of its state program, each state agency should contact the office of each relevant Federal agency, listed or determined pursuant to paragraph (a) of this section, for the purpose of arranging for the participation of that Federal agency in the development of the state program. Such Federal agency shall advise the state agency as to procedures to be followed in dealing with the Federal agency in relation to the development of the state program; and the state agency shall comply with these procedures. If any state agency has any question with regard to (1) any aspect of its work with a given Federal agency in the development of its state program, or (2) with regard to the appropriate office of a Federal agency with which it should work, such agency should call or write the Administrator for his advice (ATTN: OCZM).

§ 925.4 Federal-State cooperation.

A state agency and a relevant Federal agency shall establish, and shall maintain throughout the development of the state program, such relationships and communications with one another as will enable each to be fully informed of the other's views in relation to the program as it is developed. A state program is in the development stage until it has been approved. In order to be considered by the Administrator, a state program must contain a list of the Federal agencies with which the state agency has worked in developing the state program, including the names of the principal contacts in each Federal agency, and an entry in regard to each such agency as to its principal views.

§ 925.5 Review and approval of a State program.

(a) The state agency shall submit the state program to the Administrator. The Administrator shall review the program for compliance with the criteria prescribed in section 306 of the Act and the implementing regulations (15 CFR Part 923). If the Administrator determines that the program appears to comply with these criteria, he shall prepare a draft environmental impact statement. He shall send a copy of such statement and a copy of the state program concurrently to, among other persons or entities, each relevant Federal agency for that agency's review and comment.

(b) Each receiving Federal agency, or other person or entity, shall provide its comments, if any, on the state program and/or on the draft environmental impact statement to the Administrator within 45 days of the date upon which each of these documents was received by such agency, or other person or entity.

(c) Paragraphs (a) and (b) of this section shall apply to the initial submission to the Administrator of a state program by a state agency, whether such submission is for preliminary or final approval (as authorized by 15 CFR 923.3 (a) and (b)). If the initial submission by the state agency was for preliminary approval, then, upon receipt of a state program submitted for final approval, the Administrator shall review any new material in such program for compliance with the criteria prescribed in section 306 of the Act and the implementing regulations. If the Administrator determines that such program appears to comply with these criteria, he shall send a copy of any new material in such program to each Federal agency which received a copy of the state program as submitted for preliminary approval for that agency's review and comment. If, in the Administrator's view, a state program submitted for final approval contains substantial changes from the program as initially submitted for preliminary approval, or contains significant new information, the Administrator shall amend or supplement the draft or, final environmental impact statement, as the case may be, pertaining to the state program so as to reflect such changes or new information. He shall consult with the Council on Environmental Quality with respect to the possible need or desirability of recirculating the statement for the appropriate period. Concurrently with his sending any new material to Federal agencies as required above, the Administrator shall send such amended or supplemented environmental impact statement to, among other persons or entities, each such Federal agency. Each receiving Federal agency shall provide its comments, if any, on the new material within 30 days of its receipt of that material. Each receiving Federal agency, or other person or entity, shall provide its comments, if any, on the amended or supplemented environmental impact statement within the number of days prescribed for such comment by the Administrator. The Administrator's instructions in this regard shall reflect his consultation with the Council on Environmental Quality as required above.

(d) After receiving and considering comments on the draft environmental impact statement pertaining to a state program, the Administrator shall prepare a final environmental impact statement pertaining to that program, and shall send a copy of such statement to each relevant Federal agency, and other person or entity, which received a copy of the draft statement for review and comment. Each receiving agency, person or entity shall provide its comments, if any, on the final environmental impact statement within 30 days from the date of its receipt of that statement.

(e) After receiving and considering comments on both the state program and the final environmental impact statement pertaining to that program, the Administrator shall approve or disapprove the state program. He shall publish his decision in this regard in the FEDERAL REGISTER.

(f) This section shall apply to any submission by a state agency which seeks approval of a modification of a state program which already has been approved by the Administrator.

§ 925.6 Mediation of Federal-State disputes.

(a) It is important that, in the development of a state program, the state and Federal agencies involved seek early identification of any point of relatively serious disagreement between them. Whenever such a disagreement is identified, the Federal and state agencies shall inform OCZM in writing, stating the point(s) of disagreement and the reason(s) therefore. Upon being so informed, OCZM shall endeavor, by appropriate means, to reconcile the disagreement.

(b) A disagreement between a state agency and a relevant Federal agency as to a developing state program which persists to that point at which the state and Federal agencies concerned, after having been informally assisted by OCZM as provided above, still are in disagreement, shall be considered a "serious" disagreement for the purposes of section 307(b) of the Act.

(c) Upon becoming informed of such a disagreement, the Administrator shall request from each disagreeing agency a statement of the disagreement, its history—including any efforts made to resolve or reduce it—and the reason(s) for the position(s) taken. After receiving and reviewing the statements, and after receiving and reviewing any additional information which the Administrator shall request from any agency (which information the agency shall provide), the Administrator shall arrive at a recommended resolution of the disagreement, based upon the policies and provisions of the Act. He shall forward his recommendation, and the reason(s) therefor, to the parties to the disagreement for their review and comment. Concurrently, he shall inform OMB in writing of the fact of the disagreement, including necessary background information, and of his recommended resolution. The parties to the disagreement shall comment to the Administrator on his recommendation in writing within 30 days of their individual receipts of that recommendation.

(d) If the parties to the disagreement do not accept the Administrator's recommendation, in whole or in part, the Administrator shall so inform OMB, and shall provide OMB with any additional comment or recommendation(s) which he may have. After considering any comment or additional recommendation(s) of the Administrator, and after considering the comment of the disagreeing parties, OMB shall inform the Administrator that it agrees with his recommendation, or shall propose a different resolution.

(e) The Administrator shall send his recommended resolution, or the recommended resolution of OMB, as the case

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may be, along with the reason(s) therefore, to the agency parties to the disagreement. If the recommended resolution does not resolve the disagreement, the Administrator shall determine the extent to which the inclusion in the state program of the state agency's position in the disagreement would affect his ability to approve the state program. He shall communicate his determination in writing, with the reason(s) therefore, to the parties to the disagreement.

(f) The foregoing does not preclude the simultaneous use of such informal means for the resolution of a serious disagreement as, in the view of the Administrator and/or OMB, may seem appropriate.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-5370 Filed 2-27-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. IA-436, IC-8679, File No. S7-462]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Revised Definition of Term "Advisory Representative" and Limitation of Record-Keeping Requirements for Certain Persons

On December 18, 1972, the Securities and Exchange Commission published notice (Investment Advisers Act Release No. 353; Investment Company Act Release No. 7565 (38 FR 1649 (January 17, 1973))) that it had under consideration the amendment of paragraph (12) of Rule 204-2(a) (17 CFR 275.204-2(a)) and the adoption of new paragraphs (13) and (14) of Rule 204-2(a) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) (Advisers Act")[1] and invited all interested persons to submit their views and comments on the proposals. The Commission has considered all of the comments and suggestions received and has determined to adopt amended paragraph (12) and new paragraph (13) of Rule 204-2(a) in the form set forth below, and to withdraw proposed paragraph (14) of Rule 204-2(a).

The amendments to Rule 204-2(a) are adopted pursuant to the authority granted the Commission in sections 204, 206(4) and 211(a) of the Advisers Act (15 U.S.C. 80b-4, 80b-6(4), 80b-11(a)). Section 204 of the Advisers Act requires every investment adviser (other than one specifically exempted from registration pursuant to section 203(b) (15 U.S.C. 80b-3(b))) to make, keep, and preserve for such periods such records and reports as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 206(4) prohibits any investment adviser from engaging in any act, practice, or course of business which is fraudulent, deceptive or manipulative, and gives the Commission the authority, by rules and regulations, to define and prescribe means reasonably designed to prevent such acts, practices, and courses of business as are fraudulent, deceptive, or manipulative. Section 211(a) gives the Commission authority to make, issue, amend, and rescind such rules and regulations as are necessary or appropriate to the exercise of the functions and powers conferred upon it under the Advisers Act.

[1] That release also announced the proposal of Rule 202-1 (17 CFR 275.202-1) under the Advisers Act [later redesignated as proposed Rule 202-2 (17 CFR 275.202-2)] pertaining to an exemption from the definition of "investment adviser" for persons controlling a registered investment adviser and persons affiliated with such controlling person. The Commission is still considering the comments which were submitted pertaining to proposed Rule 202-2.

AMENDMENT TO PARAGRAPH (12) OF RULE 204-2(A)

Rule 204-2(a) sets forth various record-keeping requirements for investment advisers subject to registration under the Advisers Act. Paragraph (12) of the Rule requires every investment adviser to make and keep true, accurate and current:

> A record of every transaction in a security in which the investment adviser or any advisory representative * * * of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership except (A) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (B) transactions in securities which are direct obligations of the United States.

As originally adopted, paragraph (12) defined "advisory representative" to mean:

> * * * any partner, officer or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended; and any person in a control relationship to the investment adviser who obtains information concerning securities recommendations being made by such investment adviser other than as a regular client of such investment adviser.

One of the purposes of paragraph (12) of the Rule, as stated in Investment Advisers Act Release No. 203 (August 11, 1966) [31 F.R. 10921 (August 17, 1966)] announcing its adoption, is to provide the Commission with information with which to determine whether a rule prohibiting the practice of "scalping" is necessary. "Scalping" is a practice whereby an investment adviser, or any person who obtains information concerning a securities recommendation being made by such investment adviser prior to the dissemination of such information, trades on the anticipated short-run market activity which may ensue from the issuance by the adviser of the securities recommendations. The Supreme Court, in *S.E.C. v. Capital Gains Research Bureau, Inc.* (375 U.S. 180 (1963)), found "scalping" to be a fraudulent and deceptive practice within the meaning of section 206 of the Advisers Act.

In practice, paragraph (12) has itself served as a deterrent to the practice of scalping since it requires all advisory representatives (i.e., persons who may have information concerning advisory recommendations prior to dissemination) to report all of their securities transactions to their affiliated advisory firms on a regular basis. These reports are, moreover, subject to examination by representatives of the Commission. It is necessary and important, therefore, that records of securities transactions be maintained for all persons who obtain information concerning advisory recommendations prior to the issuance and dissemination of such recommendations.

With respect to some investment advisers registered under the Advisers Act which are or may be subsidiaries or controlled companies of other companies, former paragraph (12) of the Rule clearly required the registered adviser to keep records of securities transactions of such controlling persons. These records would not, however, have been required in the case of securities transactions of certain officers or employees of the controlling person, or an affiliate thereof, who may not be deemed to be in "a control relationship to the investment adviser," but who may receive information concerning investment recommendations made by the registered adviser. The Commission believes that the potential for abuse, primarily through the practice of "scalping," by persons in a control relationship with the investment adviser also exists in the case of affiliated persons of the person in a control relationship with the registered adviser. The Commission further believes that this potential for abuse, and the consequent necessity for the recording of securities transactions, exists whether or not a controlling person, or any affiliated person of such controlling person, is itself specifically excluded from the definition of "investment adviser" pursuant to paragraphs (A) through (F) of section 202(a)(11) of the Advisers Act (15 U.S.C. 80b-2(a)(11)) or exempted from registration under the Advisers Act pursuant to section 203(b) of the Advisers Act.

The Commission is aware, however, that certain employees, controlling persons and affiliates of registered investment advisers may obtain information concerning securities recommendations only *after* such information has been effectively disseminated. Since information effectively disseminated to advisory clients and other intended users is no longer suitable as a basis for engaging in scalping, the Commission believes that it is not necessary for an adviser to maintain records of securities transactions of persons who receive information concerning a securities recommendation only contemporaneous with or subsequent to the effective dissemination of such information. The amendment to paragraph (12) and new paragraph (13), as adopted, have been revised to clarify these points.

It has also come to the attention of the Commission that certain controlling persons of investment advisers, affiliated persons of such controlling persons or affiliated persons of such affiliated persons, may receive information concerning advisory recommendations as regular clients of the investment adviser. Records of securities transactions for these persons need be kept only if (1) information concerning advisory recommendations is received by these persons prior to the effective dissemination of the information to the adviser's other advisory clients, or (2) clients of these controlling or affiliated persons are, in fact, the intended users of such information.

Accordingly, the Commission has amended paragraph (12) of Rule 204-2(a) to revise the definition of the term "advisory representative" as underscored below:

> (ii) For purposes of this subparagraph—
> (A) The term "advisory representative" shall mean any partner, officer or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended *prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (1) any person in a control relationship to the investment adviser, (2) any affiliated person of such controlling person, and (3) any affiliated person of such affiliated person.*

NEW PARAGRAPH (13) UNDER RULE 204-2(A)

Under certain circumstances, such as in the case of life insurance companies registered as investment advisers, certain persons whose transactions were formerly required to be recorded under paragraph (12) of the Rule had no connection with the rendering of investment advisory services by the registered adviser. This was the case, for example, for officers of insurance companies who had duties as actuaries or were involved solely in administrative activities in connection with the insurance business of an insurance company registered as an investment adviser.

Accordingly, the Commission has adopted a new paragraph (13) under Rule 204-2(a) which applies only to registered investment advisers who are primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients. In order to provide a guideline for the availability of paragraph (13) for investment advisers, the following has been added to paragraph (13) as item (ii)(C):

> (ii) For purposes of this subparagraph—
> * * * * *
> (C) An investment adviser is "primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is the lesser, the investment adviser derived, on an unconsolidated basis, more than 50% of (1) its total sales and revenues, and (2) its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

It is suggested that, in making this determination, registered investment advisers refer to paragraph (c)(1) and the instructions thereto in Item 1 of Form 10-K under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

The effect of new paragraph (13) is to specify the records to be kept by registered investment advisers primarily engaged in non-advisory businesses. As in the case of Rule 204-2(a)(12), these records include every transaction in a security (except those specifically exempted) in which any partner, officer, director or employee of the adviser has any direct or indirect beneficial ownership. The Rule, however, limits the record-keeping requirements in the case of partners, officers, and directors, as well as employees, to those persons who have some relationship to the investment advisory business performed by the registered investment adviser or who obtain information concerning investment recommendations prior to the effective dissemination of such information.

Thus, the record-keeping requirement of amended paragraph (12) now applicable to employees who are not connected with the advisory function will be applied in new paragraph (13) to partners, officers and directors, as well as employees, of registered investment advisers primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients. New paragraph (13) also adopts the amended portions of paragraph (12) with respect to the revision of the term "advisory representative" as it relates to controlling persons of a registered investment adviser, affiliated persons of such controlling persons, and affiliated persons of such affiliated persons.

A person should be deemed to have obtained "information concerning which securities are being recommended" or "information concerning securities recommendations being made" within the meaning of paragraph (12) and new paragraph (13) when such person learns of the recommendation or of the fact that the adviser is considering a particular security for recommendation.

The Commission is cognizant that the record-keeping provisions of paragraphs (12) and (13) could impose a substantial burden on investment advisers which have many directors, officers and employees and other affiliated persons. The Commission believes, however, that this burden can be considerably reduced if investment advisers implement tight controls on the availability of information concerning recommendations until such information is effectively disseminated.

WITHDRAWAL OF PROPOSED PARAGRAPH (14) UNDER RULE 204-2(A)

Paragraph (14) was proposed in order to define more clearly the concept of control in paragraphs (12) and (13) of Rule 204-2(a), by adopting the definition of control set forth in Section 2(a)(9) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(9)). For ease of reference, this definition has been incorporated into both paragraphs (12) and (13) as item (ii)(B). Accordingly, proposed paragraph (14) of Rule 204-2(a) is hereby withdrawn.

COMMISSION ACTION

The Securities and Exchange Commission, pursuant to authority given it in Sections 204, 206(4) and 211(a) of the Investment Advisers Act of 1940, hereby amends § 275.204-2(a) of Chapter II of Title 17 of the Code of Federal Regulations by revising subparagraph (12) and adding a new subparagraph (13). The amendment starts with subparagraph (12) below; the preliminary language of paragraph (a) of Rule 204-2 has been included only for purposes of readability.

§ 275.204-2 Books and records to be maintained by investment advisers.

(a) Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of the Act) shall make and keep true, accurate and current the following books and records relating to his investment advisory business:

* * * * *

(12)(i) A record of every transaction in a security in which the investment adviser or any advisory representative (as hereinafter defined) of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (A) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (B) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in

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the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(ii) For purposes of this paragraph—

(A) The term "advisory representative" shall mean any partner, officer or director of the investment adviser; any employee who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendations being made by such investment adviser prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (1) any person in a control relationship to the investment adviser, (2) any affiliated person of such controlling person, and (3) any affiliated person of such affiliated person.

(B) "Control" shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

(iii) An investment adviser shall not be deemed to have violated the provisions of paragraph (a)(12) of this section because of his failure to record securities transactions of any advisory representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

(13) (i) Notwithstanding the provisions of paragraph (a)(12) of this section above, where the investment adviser is primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, a record must be maintained of every transaction in a security in which the investment adviser or any advisory representative (as hereinafter defined) of such investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (A) transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and (B) transactions in securities which are direct obligations of the United States. Such record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. Such record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

(ii) For purposes of this paragraph—

(A) The term "advisory representative", when used in connection with a company primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients, shall mean any partner, officer, director, or employee of the investment adviser who makes any recommendation, who participates in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which recommendation shall be made, or who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of such recommendations or of the information concerning such recommendations; and any of the following persons who obtain information concerning securities recommendation being made by such investment adviser prior to the effective dissemination of such recommendations or of the information concerning such recommendations: (1) any person in a control relationship to the investment adviser, (2) any affiliated person of such controlling person, and (3) any affiliated person of such affiliated person.

(B) "Control" shall have the same meaning as that set forth in section 2(a)(9) of the Investment Company Act of 1940, as amended.

(C) An investment adviser is "primarily engaged in a business or businesses other than advising registered investment companies or other advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is lesser, the investment adviser derived, on an unconsolidated basis, more than 50 percent of (1) its total sales and revenues, and (2) its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

(iii) An investment adviser shall not be deemed to have violated the provisions of this paragraph (a)(13) because of his failure to record securities transactions of any advisory representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

(Secs. 204, 206(4), 211(a); Pub. L. 76-768, as amended by Pub. L. 86-750; 54 Stat. 852, 855 as amended by 74 Stat. 886, 887, 888; 15 U.S.C. 80b-4, 80b-6(4), 80b-11(a))

Effective Date. This amendment becomes effective on March 31, 1975.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

FEBRUARY 21, 1975.

[FR Doc.75-5315 Filed 2-27-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

CHANGE REGARDING IMPORTS

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to redelegate the authority delegated to him under section 362 of the Public Health Service Act relating to prohibition of imports into the United States when it is deemed necessary in the interest of public health. The authority was delegated to the Commissioner by the Assistant Secretary for Health by memorandum dated December 6, 1974. The delegation to the Commissioner is not exclusive but rather is in addition to delegations made to other Public Health Service officials.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by adding a new paragraph (c)(4). As revised, paragraph (c) reads as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(c) *Delegations regarding imports.* (1) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials who may request, under section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices, or cosmetics imported, or offered for import, in order to determine whether such articles are in compliance with the act.

(2) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau are authorized to request, under section 360(a) of the Public Health Service Act, from the Secretary of the Treasury samples of electronic products imported or offered for import in order to determine whether such articles are in compliance with the act.

(3) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau may, under section 360B(b) of the Public Health Service Act, exempt persons from issuing a certification as required by section 358(b) of the act, for electronic products imported into the United States for testing, evaluation, demonstrations, or training, which will not be introduced into commerce and upon completion of their function, will be destroyed or exported in accord with Bureau of Customs regulations.

(4) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to exercise all of the functions of the Commissioner of Food and Drugs under section 362 of the Public Health Service Act (42 U.S.C. 265) that relate to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health, and such functions relate to the law enforcement functions of the Food and Drug Administration.

* * * * *

Effective date. This order shall be effective on February 28, 1975.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 24, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-5322 Filed 2-27-75;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

POLYAMIDE-IMIDE RESINS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2956) filed by Phelps Dodge Magnet Wire Corp., Division of Phelps Dodge Industries, Inc., P.O. Box 600, Fort Wayne, IN 46801, published in the FEDERAL REGISTER of September 16, 1974 (39 FR 33251), and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for safe use of polyamide-imide resins as components of articles intended for repeated use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding a new section to Subpart F, as follows:

§ 121.2628 Polyamide-imide resins.

Polyamide-imide resins identified in paragraph (a) of this section may be safely used as components of articles intended for repeated use in contact with food, in accordance with the following prescribed conditions:

(a) Identity: For the purposes of this section the polyamide-imide resins are derived from the condensation reaction of substantially equimolar parts of trimellitic anhydride and *p,p'*-diphenylmethane diisocyanate.

(b) Specifications: Polyamide-imide resins identified in paragraph (a) of this section shall conform to the following specifications (analytical methods for paragraph (b) (2) and (3) of this section are available upon request from the Commissioner of Food and Drugs):

(1) Nitrogen content: not less than 7.80 weight percent and not more than 8.20 weight percent, as determined by the Dumas Nitrogen Determination as set forth in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed., 1970, p. 123, secs. 7.017 to 7.024.[1]

(2) Solution viscosity: not less than 1.550.

(3) Residual monomers, as determined by gas chromatography, in the polyamide-imide resin, heat cured at 600° F for 15 minutes: *p,p'*-diphenylmethane diisocyanate, not more than 100 parts per million; trimellitic anhydride, not more than 500 parts per million.

(c) Extractive limitations are applicable to the polyamide-imide resin in the form of films of 1 mil uniform thickness after coating and heat-curing at 600° F for 15 minutes on stainless steel plates, each having such resin-coated surface area of 100 square inches. The cured-resin film coatings shall be extracted in accordance with the method described in § 121.2526(d)(3), using a plurality of spaced coated stainless steel plates, exposed to the respective food simulating solvents. The resin shall meet the following extractive limitations under the corresponding extraction conditions:

(1) Distilled water at 250° F for 2 hours: Not to exceed 0.01 milligram per square inch.

(2) Three percent acetic acid at 212° F for 2 hours: Not to exceed 0.05 milligram per square inch.

(3) Fifty percent ethyl alcohol at 160° F for 2 hours: Not to exceed 0.03 milligram per square inch.

(4) *n*-Heptane at 150° F for 2 hours: Not to exceed 0.05 milligram per square inch.

(d) In accordance with good manufacturing practice, those food contact articles, having as components the polyamide-imide resins identified in paragraph (a) of this section and intended for repeated use shall be thoroughly cleansed prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time on or before March 31, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective February 28, 1975.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated: February 20, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register, March 20, 1973.

[FR Doc.75-5325 Filed 2-27-75;8:45 am]

[1] Copies may obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 751—JUNKYARD CONTROL AND ACQUISITION

Regulations concerning junkyard control and acquisition are hereby published and will appear in Title 23, Chapter I, Subchapter H of the Code of Federal Regulations as Part 751.

A notice of proposed rulemaking was issued by the Administrator, Federal Highway Administration (FHWA) on September 3, 1974 (39 FR 33010, September 13, 1974). Seventeen comments on the proposed regulations were received, additional comments were received from the Advisory Commission on Intergovernmental Relations (A.C.I.R.) and State Members of the American Association of State Highway and Transportation Officials (AASHTO) pursuant to the clearance process required by Office of Management and Budget Circular A-85 and section 302 of the Highway Beautification Act of 1965, Pub. L. No. 89-295, 79 Stat. 1028. The proposed regulations have been modified in light of some of the comments received and after further consideration of the regulations within FHWA. Section 751.15, dealing with just compensation, has been changed to eliminate the hiatus period, pursuant to the Federal-Aid Highway Amendments of 1974.

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Policy. One commentor stated that it is incumbent upon FHWA to promulgate rules and regulations relative to the junkyard control program which are liberal enough to give every conceivable advantage to the recyclers of solid waste so that the maximum attainable level of recycling can be achieved as quickly as possible. FHWA recognizes the importance of the role that the recycling industry plays in the conservation of our national resources. In support of that role, it is FHWA policy that every effort shall be made to screen an ongoing junkyard business, thus keeping it in operation and enabling it to continue its contribution to the overall effort. FHWA has endeavored to accommodate the spirit and intent of both the National Environmental Policy Act of 1969 and the Highway Beautification Act of 1965.

Definitions. Comments were received from various trade associations to the effect that the regulations did not highlight the practical differences between junkyards, automobile graveyards, business establishments of used auto and truck parts dealers, and scrap processing facilities, and that the definitions should be revised to clarify the distinctions between these different operations. These suggestions have not been adopted. The principal definitions are contained in the Title 23, U.S.C., and all of the foregoing types of operations are subject to control. Thus, while the terms may have definite connotations in trade usage, it is not necessary to distinguish between them for purposes of these regulations.

A comment was received to the effect that "place of business" in the definitions of junkyard and automobile graveyard appears too inclusive, and that it tends to cover operations which should be excluded. This language comes from the law, but the regulations permit application of reasonable judgment as to what actually constitutes a junkyard within the spirit and intent of the law.

Two comments were received which expressed the concern that the regulations would have a seriously adverse effect on antique and classic automobile hobbyists, first by destroying junkyards and thus affecting the source of supply of parts, and second, by requiring large collections of cars to be screened from view. It was suggested that the definition of a junkyard be revised by specifically excluding such collections. This suggestion has not been adopted. The regulations implementing 23 U.S.C. 136 allow sufficient latitude for reasonable judgment as to what actually constitutes a junkyard within the spirit and intent of the law. As to the effect of this program on the source of supply of parts, it is a policy that every effort shall be made to screen an ongoing junkyard business, thus keeping an owner in business. The emphasis on recycling is directed toward getting dead inventory, not valuable stock-in-trade, back into the recycling chain.

One commentor suggested that the definition of "unzoned industrial area" be revised to read "the definition of an unzoned industrial area shall be as determined by agreement between the State termined by agreement between the State and FHWA." We have not adopted this suggestion because it does not conform to the language of the law.

One commentor recommended that the definition of "automobile graveyard" be revised to state that five vehicles, rather than ten, will constitute an automobile graveyard. We have not adopted this recommendation. However, the regulations provide that a State may be more restrictive than the Federal requirements, so a State may adopt its own standards on this matter.

Sanitary landfills. The Environmental Protection Agency (EPA) asked if a landfill is not covered daily, does it then become a dump (junkyard) and thus require screening or other control pursuant to the regulations. The answer to the question is yes.

Another commentor suggested that State regulations and local ordinances should govern in determining what constitutes a sanitary landfill. This suggestion was not adopted because we do not believe the law allows that discretion.

Three comments were received to the effect that the regulations should contain control on open burning, emission of harmful air contaminants, minimum earth coverage of sanitary landfills, and proper drainage and erosion. This is beyond the scope and authority of this program, but is a proper matter for other local, State, and Federal regulations on environmental matters.

The EPA said the statement that sanitary landfills need not be screened may be misleading in that EPA has a policy requiring fences for control of litter from the operation. They recommended a revision to indicate that the installation of screening is not required solely for esthetic purposes. The recommendation has been accommodated by revising the section to read "Sanitary landfills as described herein need not be screened to satisfy requirements of Title 23, U.S.C., but landscaping should be required when * * *."

One commentor asked why it is necessary to landscape a sanitary landfill after operations have ceased since everything would be covered with a layer of earth and there would be nothing left to hide. We point out that although sanitary landfills are specified in 23 U.S.C. 136 as being subject to control under this program, the regulations state that landscaping "should" be required. Thus it is not a mandatory requirement applying in all cases.

Control measures. The Environmental Protection Agency (EPA) recommended clarification of the conditions under which recycling should take place. We have accommodated this recommendation.

The EPA and the Idaho Department of Public Health and Welfare strongly recommended revision of the language encouraging the use of junk or scrap for fish habitats, rip rap, erosion control, etc. The reason stated was that such uses may not be environmentally acceptable. The regulation has been revised to accommodate these comments.

One commentor stated that fencing used to screen a junkyard could become as offensive as the junkyard if not properly maintained, and that the regulations should provide for proper control. It was intended that this matter be covered by the provision requiring a State to establish criteria governing the location, construction, maintenance, and materials used in fencing or other screening.

Several comments were received relative to the requirement that screening must immediately and completely screen a junkyard on a year-round basis. Most comments were to the effect that this is expensive, if not impractical or impossible, if landscape plantings are to be used. This matter has been carefully considered, and the regulation has been revised. The regulation now provides that where screening is utilized, the screen must, upon completion of the screening project, effectively screen the junkyard. This language permits a somewhat greater degree of latitude. Nevertheless, an important point of this regulation is to upgrade and professionalize the use of screening through use of landscape architects and thorough advance planning. We do not believe high screening standards preclude the use of plant materials, in screening, although it is recognized that additional expense is involved. FHWA strongly advocates that the States secure professional assistance if it is not already available on the staff.

Authorizations. One commenter recommended that more latitude be given the States relative to the type of plans to be furnished FHWA. This recommendation has been accepted.

Editorial comments. Numerous editorial revisions and clarifications have been made throughout the regulations, including some reorganization of content. These modifications reflect further discussions within FHWA and public comments received.

The regulations here published will become effective on the date of issuance set forth below.

Issued on February 20, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23 is amended by adding Part 751 as follows:

Sec.
751.1 Purpose.
751.3 Applicability.
751.5 Policy.
751.7 Definitions.
751.9 Effective control.
751.11 Nonconforming junkyards.
751.13 Control measures.
751.15 Just compensation.
751.17 Federal participation.
751.19 Documentation for Federal participation.
751.21 Relocation assistance.
751.23 Concurrent junkyard control and right-of-way projects.
751.25 Programming and authorization.

AUTHORITY: 23 U.S.C. 136 and 315, 42 U.S.C. 4321–4347 and 4601–4655, 23 CFR 1.32, 40 CFR 1.48.

§ 751.1 Purpose.

Pursuant to 23 U.S.C. 136, this Part prescribes Federal Highway Administration (FHWA) policies and procedures rejacent to the Interstate and Federal-aid by the States of junkyards in areas adjacent to the Interstate and Federal-aid primary systems. Nothing in this Part shall be construed to prevent a State from establishing more stringent junkyard control requirements than provided herein.

§ 751.3 Applicability.

The provisions of this Part are applicable to all areas within 1,000 feet of the nearest edge of the right-of-way and visible from the main traveled way of all Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, including toll sections of such highways. This Part does not apply to the Urban System.

§ 751.5 Policy.

In carrying out the purposes of this Part:

(a) Emphasis should be placed on encouraging recycling of scrap and junk where practicable, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.);

(b) Every effort should be made to screen nonconforming junkyards which are to continue as ongoing businesses; and

(c) Nonconforming junkyards should be relocated only as a last resort.

§ 751.7 Definitions.

For purposes of this Part, the following definitions shall apply:

(a) *Junkyard.* (1) A Junkyard is an establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, autowrecking yards, salvage yards, scrap yards, autorecycling yards, used auto parts yards and temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. The definition includes garbage dumps and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.

(2) An Automobile Graveyard is an establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten or more such vehicles will constitute an automobile graveyard.

(3) An Illegal Junkyard is one which was established or is maintained in violation of State law.

(4) A nonconforming Junkyard is one which was lawfully established, but which does not comply with the provisions of State law or State regulations passed at a later date or which later fails to comply with State regulations due to changed conditions. Illegally established junkyards are not nonconforming junkyards.

(b) *Junk.* Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof.

(c) *Main Traveled Way.* The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(d) *Industrial Zones.* Those districts established by zoning authorities as being most appropriate for industry or manufacturing. A zone which simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone. The provisions of volume 7, chapter 6, section 2 of the Federal-Aid Highway Program Manual relative to Outdoor Advertising Control shall apply insofar as industrial zones are concerned.[1]

(e) *Unzoned Industrial Areas.* An area where there is no zoning in effect and which is used primarily for industrial purposes as determined by the State and approved by the FHWA. An unzoned area cannot include areas which may have a rural zoning classification or land uses established by zoning variances or special exceptions.

§ 751.9 Effective control.

(a) In order to provide effective control of junkyards located within 1,000 feet of Interstate and Federal-aid primary highways, the State must:

(1) Require such junkyards located outside of zoned and unzoned industrial areas to be screened or located so as not to be visible from the main traveled way, or be removed from sight.

(2) Require the screening or removal of nonconforming junkyards within a reasonable time, but no later than 5 years after the date the junkyard becomes nonconforming unless Federal funds are not available in adequate amounts to participate in the cost of such screening or removal as provided in 23 U.S.C. 136 (j).

(3) Prohibit the establishment of new junkyards unless they comply with the requirements of paragraph (a) (1) of this section.

(4) Expeditiously require junkyards which are illegally established or maintained to conform to the requirements of paragraph (a) (1) of this section.

(b) Sanitary landfills as described herein need not be screened to satisfy requirements of Title 23, U.S.C., but landscaping should be required when the fill has been completed and operations have ceased, unless the landfill area is to be used for immediate development purposes. A sanitary landfill, for the purposes of this Part, is a method of disposing of refuse on land without creating a nuisance or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

(c) The State shall have laws, rules, and procedures sufficient to provide effective control, to discover illegally established or maintained junkyards shortly after such occurrence, and to cause the compliance or removal of same promptly in accordance with State legal procedures.

§ 751.11 Nonconforming junkyards.

Subject to the provisions of § 751.9 above, the following requirements for the maintenance and continuance of a nonconforming junkyard apply:

(a) The junkyard must have been actually in existence at the time the State law or regulations became effective as distinguished from a contemplated use, except where a permit or similar specific State governmental action was granted for the establishment of a junkyard prior to the effective date of the State law or regulations, and the junkyard owner acted in good faith and expended sums in reliance thereon.

(b) There must be existing property rights in the junkyard or junk affected by the State law or regulation. Abandoned junk and junkyards, worthless junk, and the like are not similarly protected.

(c) If the location of a nonconforming junkyard is changed as a result of a right-of-way taking or for any other reason, it ceases to be a nonconforming junkyard, and shall be treated as a new junkyard at a new location.

(d) The nonconforming junkyard must have been lawful on the effective date of the State law or regulations and must continue to be lawfully maintained.

(e) The nonconforming junkyard may continue as long as it is not extended, enlarged, or changed in use. Once a junkyard has been made conforming, the placement of junk so that it may be seen above or beyond a screen, or otherwise becomes visible, shall be treated the same as the establishment of a new junkyard.

(f) The nonconforming junkyard may continue as long as it is not abandoned, destroyed, or voluntarily discontinued. Each State should develop criteria to define these terms.

§ 751.13 Control measures.

(a) Consistent with the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), recycling of junk and scrap is to be encouraged to the greatest extent practicable in the implementation of the junkyard control program. Recycling should be considered in conjunction with other control measures. To facilitate recycling, junk or scrap

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

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should be moved to an automobile wrecker, or a scrap processor, or put to some other useful purpose.

(b) Every effort shall be made to screen where the junkyard is to continue as an ongoing business. Screening may be accomplished by use of natural objects, landscaping plantings, fences, and other appropriate means, including relocating inventory on site to utilize an existing natural screen or a screenable portion of the site.

(c) Where screening is used, it must, upon completion of the screening project, effectively screen the junkyard from the main traveled way of the highway on a year-round basis, and be compatible with the surroundings. Each State shall establish criteria governing the location, design, construction, maintenance, and materials used in fencing or screening.

(d) A junkyard should be relocated only when other control measures are not feasible. Junkyards should be relocated to a site not visible from the highway or to an industrial area, and should not be relocated to residential, commercial, or other areas where foreseeable environmental problems may develop.

(e) The State may develop and use other methods of operation to carry out the purposes of this directive, subject to prior FHWA approval.

§ 751.15 Just compensation.

(a) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law, which are required to be removed, relocated, or disposed of pursuant to 23 U.S.C. 136.

(b) No rights to compensation accrue until a taking or removal has occurred. The conditions which establish a right to maintain and continue a nonconforming junkyard as provided in § 751.11 must pertain at the time of the taking or removal in order to establish a right to just compensation.

§ 751.17 Federal participation.

(a) Federal funds may participate in 75 percent of the costs of control measures incurred in carrying out the provisions of this Part including necessary studies for particular projects, and the employment of fee landscape architects and other qualified consultants.

(b) Where State control standards are more stringent than Federal control requirements along Interstate and primary highways, the FHWA may approve Federal participation in the costs of applying the State standards on a statewide basis. Where State standards require control of junkyards in zoned or unzoned industrial areas, Federal funds may participate only if such action will make an effective contribution to the character of the area as a whole and the cost is reasonable, but such projects should be deferred until the work in the areas where control is required has progressed well toward completion.

(c) Generally, only costs associated with the acquisition of minimal real property interests, such as easements or temporary rights of entry, necessary to accomplish the purposes of this Part are eligible for Federal participation. The State may request, on a case-by-case basis, participation in costs of other interests beyond the minimum necessary, including fee title.

(d) Federal funds may participate in costs to correct the inadequacies of screening in prior control projects where the inadequacy is due to higher screening standards established in this Part or due to changed conditions.

(e) Federal funds may participate in the costs of moving junk or scrap to a recycling place of business, or in the case of junk with little or no recycling potential, to a site for permanent disposal. In the latter case, reasonable land rehabilitation costs or fees connected with the use of such a disposal site are also eligible. In a case where the acquisition of a permanent disposal site by the State would be the most economical method of disposal, Federal funds may participate in the net cost (cost of acquisition less a credit after disposal) of a site obtained for this purpose.

(f) Federal funds may participate in control measure costs involved in any junkyard lawfully established or maintained under State law which is reclassified from conforming to nonconforming under revised State regulations and policy pursuant to this Part.

(g) Federal funds may participate in the costs of acquisition of a dwelling in exceptional cases where such acquisition is found necessary and in the public interest, and where acquisition of the dwelling can be accomplished without resort to eminent domain.

(h) Federal funds shall not participate in:

(1) Costs associated with the control of illegal junkyards except for removal by State personnel on a force account basis or by contract, or in costs of controlling junkyards established after the effective date of the State's compliance law except where a conforming junkyard later becomes nonconforming due to changed conditions;

(2) Any costs associated with the acquisition of any dwelling or its related buildings if acquired through eminent domain in connection with the junkyard control program;

(3) Costs of acquisition of interests or rights as a measure for prohibition or control of the establishment of future junkyards;

(4) Costs of maintaining screening devices after they have been erected; or

(5) Costs of screening junk which has been or will be removed as a part of a junkyard control project.

§ 751.19 Documenttion for Federal participation.

The following information concerning each eligible junkyard must be available in the States' files to be eligible for Federal participation in the costs thereof:

(a) Satisfactory evidence of ownership of the junk or junkyard or both.

(b) Value or cost documentation (including separate interests if applicable) including proof of obligation or payment of funds.

(c) Evidence that the necessary property interests have passed to the State and that the junk has been screened, relocated, removed or disposed of in accordance with the provisions of this Part.

(d) If a dwelling has been acquired by condemnation, evidence that the costs involved are not included that the costs claim for participation.

§ 751.21 Relocation assistance.

Relocation assistance benefits pursuant to Part 740, 23 CFR are available for:

(a) The actual reasonable moving expenses of the junk, actual direct loss of tangible personal property and actual reasonable expenses in searching for a replacement business or, if the eligibility requirements are met, a payment in lieu of such expenses.

(b) Relocation assistance in locating a replacement business.

(c) Moving costs of personal property from a dwelling and relocation assistance in locating a replacement dwelling, provided the acquisition of the real property used for the business causes a person to vacate a dwelling.

(d) Replacement housing payments if the acquisition of the dwelling is found by FHWA to be necessary for the federally assisted junkyard control project.

§ 751.23 Concurrent junkyard control and right-of-way projects.

The State is encouraged to coordinate junkyard control and highway right-of-way projects. Expenses incurred in furtherance of concurrent projects shall be prorated between projects.

§ 751.25 Programming and authorization.

(a) Junkyard control projects shall be programmed in accordance with the provisions of volume 6, chapter 3, section 2, subsection 2, of the Federal-Aid Highway Program Manual.[1] Such projects may include one or more junkyards.

(b) Authorization to proceed with a junkyard control project may be given when the State submits a written request to FHWA which includes the following:

(1) The zoning and validation of the legal status of each junkyard on the project;

(2) The control measures proposed for each junkyard including, where applicable, information relative to permanent disposal sites to be acquired by the State;

(3) The real property interest to be acquired in order to implement the control measures;

(4) Plans or graphic displays indicating the location of the junkyard relative to the highway, the 1,000 foot control lines, property ownership boundaries, the general location of the junk or scrap material, and any buildings, structures, or improvement involved; and

(5) Where screening is to be utilized, the type of screening, and adequately detailed plans and cross sections, or other adequate graphic displays which illustrate the relationship of the motorist, the screen, and the material to be screened at critical points of view.

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

[FR Doc.75-5301 Filed 2-27-75;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Michigan Plan; Approval of Completed Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 3, 1973, a notice was published in the FEDERAL REGISTER (38 FR 27386) concerning the approval of the Michigan plan and the adoption of Subpart T of Part 1952 containing the decision. Section 1952.263 sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and 29 CFR Part 1902 within three years following commencement of operations under the plan. On October 28, 1974, Michigan submitted a supplement to the plan involving the completion of a development step i.e. the signing of a new interagency agreement. In addition, the State on June 19, 1974, submitted a supplement containing its enabling legislation enacted on June 18, 1974, thereby completing another developmental step. (See Subpart B of 29 CFR Part 1953.)

2. *Issues.* The decision approving the Michigan State plan incorporated several assurances from the State on the development of a revised interagency agreement and on revisions to the legislation as originally submitted to meet the requirements of the Act and 29 CFR Part 1902. These revisions have been made as follows:

(a) Interagency agreement. (1) As stated in the approval decision, the Michigan Departments of Labor and Public Health were to develop a new interagency agreement including (i) a description of the standards-setting jurisdiction of the three commissions created by the legislation, (ii) a description of the procedures for referral of employee complaints between the departments, and (iii) a description of the jurisdiction of the three appeal bodies contained in the proposed legislation.

(2) The new interagency agreement, signed on September 23, 1974, contains a description of the standard-setting responsibilities and the criteria to be used in determining which department and commission has jurisdiction over which standards. It also describes a system of written referrals of employee complaints, petitions for standards, or variance requests and requests for education and training, to the appropriate department with an expedited oral referral system in cases of imminent danger. There is no longer a need to determine the jurisdiction of the three appeal bodies because the enabling legislation as enacted provides for only one Board of Health and Safety Compliance and Appeals (see section 46 of Act 154 of the Michigan Public Acts of 1974). This revision in the legislation brings Michigan's administrative structure closer to the Federal system and is not inconsistent with the flexibility permitted a State in arranging its administrative functions within the requirements of due process and at least as effective operation.

(b) *Revised legislation.* (1) In accordance with the assurances contained in the decision of approval, Michigan's legislation as enacted, contains a substantial number of revisions. Among other items, the legislation, section 41, requires that when an employer or employee petitions the appropriate department within 15 working days of receipt of a citation and proposed penalty, if any, the department has 15 working days to act on the petition. This meets the requirement in the approval decision that the time period between receipt of a citation and the date an appeal may be filed with the appeals body be no more than thirty days. In addition, section 44(3) includes the department in the provision authorizing an appeal to the courts from an adverse decision of the single appeals board.

(2) In order that employers have the right to receive a variance from compliance with a standard on a temporary basis, the legislation, section 27(1), deletes the requirement that an employer must show equivalent protection and provides that he must show he is taking all available steps to protect employees as under the Federal program provisions. With regard to permanent variances, section 24(4) includes a provision on modification or revocation at any time after six months following issuance of the variance.

(3) The department's procedures have been revised as follows: (i) section 29(3) broadens the subpoena power to all inspections and investigations; (ii) the right of employers and employees to accompany inspectors extends to all investigations and inspections under section 29(4); (iii) the prohibition against advance notice and the penalty for giving advance notice under sections 29(5) and 35(8) also apply to inspections and investigations; and (v) the provision on trade secrets, section 63, was revised as required in the approval decision.

(4) The legislation, section 5(3), revises the definition of imminent danger to mirror the Federal language and section 31(1) makes the required change in the conditions for issuing imminent danger orders. Penalty and citation provisions were made applicable to standards, orders, or rules, a provision for notification of failure to abate was added in section 33(4), and a criminal penalty for knowingly making false statements was provided in section 35(7).

(5) Section 69(4) of the enacted legislation provides that occupational safety and health standards adopted or continued in effect under this legislation supersede other occupational safety or health standards promulgated under other State laws. However, where the other standards are applicable to public health or safety, the other agency standards shall have concurrent applicibility with the standards set under this legislation.

(6) The legislation as enacted incorporates a number of revisions strengthening employee protections as follows: (i) the discrimination prohibition in section 65 extends to any person not only employers and also requires the State to notify the complainant of the determination within 90 days; (ii) citations are to be posted at or near the place of the violation under section 33(2); (iii) the inspectors are authorized under section 29(1) to question employees privately; (iv) employees and former employees shall have access to their exposure records under section 61(2), and the health standards, under section 24 (6), shall prescribe appropriate forms of warning and relevant symptoms of exposure with a provision for employees or their representative to observe the monitoring.

(7) The definition of an employee representative in section 4(2) hasc been revised to include not only certified labor organizations but also a member of an organization which as a collective bargaining relationship with the employer but which is not certified, and in the absence of suc horganization, a person designated by affected employees to represent them. In accordance with the approval decision there is no requirement in the legislation that the representative be an employee of the employer at the affected place of employment.

3. *Location of plan and its supplement for inspection and copying.* A copy of the plan and the supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, 230 S. Dearborn Street, Room 3259, Chicago, Illinois 60604; Michigan Department of Labor, Bureau of Safety and Regulation, 2nd Floor, 300 East Michigan Avenue, Lansing, Michigan 48926; Michigan Department of Public Health, Division of Occupational Health, Media Building, 2nd Floor, 3500 North Logan Street, Lansing, Michigan 48114.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary of Labor for Occupational Safety and Health

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(hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that good cause exists for not publishing Michigan's enacted legislation and interagency agreement for public comment because, as detailed in this notice, the legislation and the interagency agreement meet the requirements set out in the approval decision and further public notice and comment is unnecessary.

5. *Decision.* After consideration of the Michigan plan supplements in relation to the requirements of the Act and 29 CFR Part 1902, as well as the provisions in the original approval decision they are hereby approved and incorporated in the plan, under Subpart B of Part 1953. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart T of 29 CFR Part 1952 is amended as set forth below, effective February 28, 1975.

§ 1953.264 is added to read as follows:

§ 1953.264 Completed developmental steps.

(a) In accordance with § 1952.263(a), the Michigan Occupational Safety and Health Act was enacted on June 18, 1974 and is effective January 1, 1975. This legislation, Act 154 of Michigan Public Acts of 1974, was submitted to the Assistant Secretary on June 19, 1974 and approved on February 21, 1975.

(b) In accordance with § 1952.263(f) the Michigan Department of Labor and the Michigan Department of Public Health have entered into a new interagency agreement on September 23, 1974. The agreement was submitted to the Assistant Secretary on October 28, 1974 and approved on February 21, 1975.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1608, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 21st day of February 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-5944 Filed 2-27-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888e—DISPOSITION OF CONSCIENTIOUS OBJECTORS

Miscellaneous Amendments

Correction

In FR Doc. 75-4859 appearing at page 7912, in this issue of Monday, February 24, 1975, on page 7913 in the first line of amendatory paragraph 8, *"888e.25(f)"* should read *"888e.24(f)"*.

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY, AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Appendix B—Research Projects in Vocational Education, Additional Criteria

On October 11, 1974 there was published in the FEDERAL REGISTER at 39 FR 36592, a notice of proposed rule making which set forth additional criteria for selection of applicants for fiscal year 1975 under Part C of the Vocational Education Act, as amended, 20 U.S.C. 1281(a). The additional criteria were set forth in a revision of Appendix B to Part 103. The General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and effective December 6, 1973 are also applicable to these grants.

Interested persons were given thirty days after October 11, 1974 to submit comments, suggestions, or objections to the proposed criteria. Three comments were received. Two comments were received relating to Item F concerning the State Director of Vocational Education review of applications for duplication purposes. One comment strongly supported the statement, and another comment suggested that the applications should be received by the Chief State School Officer. In light of the conflicting opinion, the regulation remains unchanged. The third comment related to Item E(2) which reads "The Commissioner is authorized to support applied studies (curriculum development, demonstrations, or installation projects are not encouraged) to produce information about one or more of the following concerns". The comment indicated that the section in parentheses appeared to be contradictory to the heading. In order to clarify the difference between the word "studies," and the words, "curriculum development," "demonstrations," or "installation projects," the wording within the parentheses has been expanded to read as follows: "(2) The Commissioner is authorized to support applied studies (curriculum development, demonstrations, or installation projects are not encouraged since this priority area requests applications designed to produce information rather than products) to produce information about one or more of the following concerns."

The criteria in Appendix B are revised with the exception noted above as set forth below.

Effective date. The criteria are effective February 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.498; Vocational Education Research)

Dated: January 27, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: February 24, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

APPENDIX B

RESEARCH PROJECTS IN VOCATIONAL EDUCATION—ADDITIONAL CRITERIA FOR THE FISCAL YEAR 1975

In granting of awards from funds available for the program, the Commissioner will give priority to applications which rank high on the basis of the criteria in 45 CFR 100a.26(b) which propose projects in one or more of the priority areas described below. In addition, the Commissioner will give special consideration to programs or projects of national, regional, or interstate significance in the priority areas described below. The results of these projects should improve and extend existing federally supported vocational education programs.

(A) *Administration of Vocational Education at the State Level.* (1) The administrative capability of utilizing information to make decisions about educational programs, short- and long-range, needs to be improved in order to maximize the attainment of vocational education goals. The administrative capability to utilize student supply, manpower demand, cost analysis, student placement and follow-up services, and evaluation information needs to be improved. Administrators need better information to facilitate the improved articulation of vocational, occupational, manpower, and adult education programs across and within various educational programs administered or supported at the State level.

(2) The Commissioner is authorized to support applied studies and development projects that build on existing knowledge to design, develop, and field test comprehensive educational management and information systems that are results-oriented for vocational education at the State level. Projects may focus on one or more of the following activities:

(i) The design of a comprehensive educational management and information system for vocational education or one or more components;

(ii) The development of a comprehensive educational management and information system or one or more of the components;

(iii) The field testing of a comprehensive educational management and information system or one or more of the components.

(B) *Administration of Vocational Education at the Local Level.* (1) To expand vocational education to ensure articulated programs; to improve coordination and cooperation with business, industry, and community organizations; to initiate new programs in emerging occupational areas; to utilize student needs data; to utilize manpower information; and to utilize cost-benefit and similar data require improved needs assessment, planning, and management techniques and skills at the local educational level.

(2) The Commissioner has authority to support applied studies and development projects that address one or more of the following:

(i) The development of alternative administrative strategies for the maximizing of educational program goals of vocational education while utilizing varying levels of resource allocations;

(ii) the design, development, and field testing of a comprehensive educational management and information system or components of such a system at the local level for vocational education which is based on a needs assessment and existing technology;

(iii) based on a needs assessment, the development and field testing of inservice training materials for vocational education administrators along with user guides in order to ensure the transportability of the materials.

(C) *Comprehensive Systems of Guidance, Counseling, Placement, and Follow-Through Services.* (1) Comprehensive systems of guidance, counseling, placement and follow-through services for all youth—both in and out of school—and adults have become increasingly important at the elementary, secondary, and post-secondary levels. The need to articulate such systems with business, industry, other service agencies, and manpower information systems is evident as is the need to ensure such services for minorities and for all youth without sex discrimination.

(2) The Commissioner is authorized to support development projects that address all of the following:

(i) Conceptualization, design, and development of comprehensive systems of guidance, counseling, placement, and follow-through services for all youth and adults at the elementary, secondary, and post-secondary levels;

(ii) utilization of existing tested materials and procedures for implementing and field testing a comprehensive system;

(iii) development of materials for training educational personnel to operate a comprehensive system; and

(iv) development of user guides which help to ensure the transportability of the comprehensive system.

(3) The Commissioner is authorized to support applied studies which produce information concerning (i) career planning and assessing student capabilities for selected populations, (ii) evaluation of intended and unanticipated effects of components of existing systems of guidance, counseling, placement and student follow-through systems, and determining cost and cost-benefits of components of a comprehensive system of guidance, counseling, placement and follow-through services.

(D) *Educational Personnel Serving the Educationally Disadvantaged, Handicapped, and Minorities.* (1) Educational personnel who administer programs, teach, and who serve the educationally disadvantaged, handicapped, and minority populations, need special motivational awareness, and instructional and service-oriented skills in order to assist both young men and women to succeed in vocational awareness, exploration, and preparation programs of their choice, and in their career progression.

(2) The Commissioner is authorized to support applied studies and development projects which produce information, models, and pre- and in-service training materials. These projects should:

(i) Create an awareness on the part of vocational educators and employers of the capabilities of the target populations;

(ii) improve the motivation, instructional, and service skills of vocational educators to improve learning opportunities for the target populations;

(iii) utilize knowledge gained from such groups or organizations such as AMIDS, COP, Teacher Corps, Urban and Rural Programs, and as stipulated in Part F of EPDA; and

(iv) assist in attracting and qualifying persons from all ethnic backgrounds to be involved in vocational education.

(E) *Curriculum, Demonstration, and Installation Studies.* (1) More information is needed regarding: (i) the required curriculum and instructional material for vocational education in open entry-exit situations; (ii) the initiating and implementing of demonstration and innovative activities in vocational education at the local level within a framework that allows for the transportability of the activities; and (iii) the methods of installing tested and demonstrated innovations in other educational settings.

(2) The Commissioner is authorized to support applied studies (Curriculum development, demonstrations, or installation projects are not encouraged since this priority area requests applications designed to produce information rather than products) to produce information about one or more of the following concerns.

(i) The required types of curricula and instructional materials that are needed for vocational education in open entry-exit situations;

(ii) the necessary information, organizational requirements, and administrative arrangements to initiate and operate demonstration activities in order that the innovation will remain when outside sources of funds are no longer available; also, what is required to enable other user groups to understand the nature and effectiveness of the demonstration activity; and

(iii) the information needed regarding successful administrative techniques and other information necessary in installing tested demonstrations in other educational settings.

(20 U.S.C. 1248, 1281-1284)

(F) *Applications.* In order to assure that applications do not duplicate projects already undertaken in the state, the applicants shall send a copy of the application to the State Director of Vocational Education and notify the Commissioner of Education of this action. The State Director should advise the Commissioner of Education of applications considered to be a duplication of other projects in the state.

(20 U.S.C. 1283(a))

(G) Application Review Criteria. Criteria will be utilized by the Federal and non-Federal reviewers in reviewing formally transmitted applications in Fiscal Year 1975. These criteria are consistent with § 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, Volume 38, Number 213, Part III, of November 6, 1973. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the maximum score that can be given to a segment of an application in relation to the criteria. The criteria and maximum weights for each criterion are as follows:

Criteria	Maximum score
(1) *Priority Area*—Application is focused on an announced priority area(s), and further delineates the priority area	15
(2) *Need and Problem*—Application clearly defines the need for the project and delineates the problem rather than symptoms of the problem	15
(3) *Objectives*—The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured	15
(4) *Plan*—The application clearly describes the general design for the proposed project. The procedures specify in detail how each objective will be accomplished, and an adequate project management plan is available. If appropriate, inservice training, evaluation procedures, and dissemination plans are included	20
(5) *Results*—The proposed results or end products are identified and described in terms of transportability to other educational projects or programs	10
(6) *Personnel*—The qualifications and experience of personnel are appropriate for the proposed project	10
(7) *Institutional Commitment*—The application shows reasonable evidence of commitment to provide adequate facilities and equipment, and the application provides documented assurance of support from cooperating institutions and agencies when necessary for project success	5
(8) *Budget*—The estimated cost is reasonable in relation to anticipated results, and the size, scope, and duration of the project are reasonable	10

[FR Doc.75-5370 Filed 2-27-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-442]

PART 1—PRACTICE AND PROCEDURE

Supplemental Technical Information

In the matter of the adoption of a supplemental form (402-S) to FCC Form 402.

1. On November 14, 1973, the Commission adopted a Memorandum Opinion and Order and notice of proposed rule making in Docket 19860 which looks toward the establishment of a separate rule part (Part 94) governing the licensing of private operational-fixed microwave stations in the frequency bands above 952 MHz.

2. Among other things, Part 94 proposed new rules which would require all applicants for new and modified stations to perform a detailed frequency engineering analysis of the interference potential of their stations and to certify that the proposed stations will comply with the proposed protection criteria in relation to existing microwave facilities.

3. In order that an applicant may comply with the provisions as proposed in Part 94, he needs to have readily available the technical information required about existing microwave facilities. The Commission records of microwave station authorizations is the source of the needed data except for the fact that the present FCC Form 402 does not obtain sufficient technical data to implement the proposed interference protection criteria. Supplemental information about each existing, new, or modified microwave station will be required.

4. In order to obtain the required supplemental information, a new form, FCC Form 402-S "Supplemental Technical Information for Microwave Station Authorization in the Safety and Special

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Radio Services" has been adopted. On or about April 1, 1975, copies of the Supplemental Form will be mailed to all private microwave licensees. They will then be required to complete and return this form to the Commission within 90 days. New applications filed with the Commission on Form 402 after August 1, 1975, will not be accepted unless accompanied by a supplemental form.

5. *Therefore, it is ordered,* Pursuant to sections 4(i) and 303(b) of the Communications Act of 1934, as amended, that effective April 1, 1975, FCC Form 402–S is adopted as a supplement to FCC Form 402, and that licensees as well as applicants shall provide the information specified therein in accordance with the schedule outlined in paragraph 4 of this Order.

Adopted: April 18, 1974.

Released: February 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-5349 Filed 2-27-75;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RST-2]

PART 213—TRACK SAFETY STANDARDS

Approval of Supplementary Track Inspection Devices

On January 6, 1975, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER (40 FR 1076) a notice of proposed rulemaking to amend Part 213, Track Safety Standards, by deleting the provision in § 213.233(b) that track inspection devices "approved by the Administrator" may be used to supplement visual inspection. Deletion of this provision does not change in any way the mandatory procedures for, or frequency of, visual track inspections prescribed in § 213.233; it merely removes the present requirement for FRA approval of track inspection devices before these devices may be used to supplement the required visual track inspections.

Interested persons were invited to submit written data, views, or comments by February 17, 1975. One written comment supporting the proposal was received. The proposed amendment is hereby adopted without change as set forth below.

Effective Date: Since this amendment merely deletes a procedural requirement and imposes no additional burden on any person, it is effective March 1, 1975.

(Sec. 202, 84 Stat. 971, 45 USC 431; sec. 1.49 regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C. on February 25, 1975.

ASAPH H. HALL,
Deputy Administrator.

(1) Paragraph (b) of section 213.233 of Title 49 of the Code of Federal Regulations is amended to read as follows:

(b) Each inspection must be made on foot or by riding over the track in a vehicle at a speed that allows the person making the inspection to visually inspect the track structure for compliance with this part. However, mechanical, electrical and other track inspection devices may be used to supplement visual inspection. If a vehicle is used for visual inspection, the speed of the vehicle may not be more than 5 miles per hour when passing over track crossings, highway crossings, or switches.

[FR Doc.75-5375 Filed 2-27-75;8:45 am]

CHAPTER IX—UNITED STATES RAILWAY ASSOCIATION

PART 931—INTERIM DISCONTINUANCE OF SERVICE OR ABANDONMENT OF RAIL LINES

On November 25, 1974 (39 FR 41185), the United States Railway Association (Association) issued a notice of proposed rule making to implement section 304(f) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236), which authorizes the Association to consider discontinuances of service and abandonment of lines by railroads in reorganization during the period preceding the effective date of the final system plan to be issued under that Act. Section 304(f) provides that no railroad in reorganization may discontinue any service or abandon any line of railroad other than in accordance with the Act, unless it is authorized to do so by the Association, and unless no State or local or regional transportation authority reasonably opposes that action, notwithstanding any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

Interested persons have been afforded an opportunity to participate in the rulemaking proceeding as a result of the notice, and due consideration has been given to all comments received in response to the notice.

On the basis of the comments received, it is apparent that clarification of the type of proceeding envisaged by the notice is needed. It is the Association's intention that the proceeding on each application be an informal one, not adversary in nature, with information obtained from materials contained in applications for discontinuance or abandonment, from information available to the Association, and from comments made in the proceedings by interested persons. It is not intended that there will be mandatory cross-servicing of papers and documents, except to the extent required by § 931.13 of the regulation, and except as the Association may require under that section. A FEDERAL REGISTER notice of each application will be filed, and each application will be available in the Office of the General Counsel of the Association for public study and inspection.

As originally proposed, the new part would have required the applicant to file the application only with the Association. Several comments suggested that copies should be served on shippers, transportation authorities, and governmental bodies. The Association agrees, and has modified the part accordingly, that copies of the application should be served on the Governor of each State affected by the application, and on the railroad regulatory commission and department of transportation (if any) of that State. It does not consider it advisable to require service of the application on others. The application will be available for public inspection in the Association's public docket and, locally, through jurisdictional problem in any case in which any such person did not receive service. The Association does reserve the right, however, to require the applicant to serve notice of the application on specified persons, as may be appropriate, such as shippers and receivers, creditors, and labor unions, and to require posting of the notice. It will use this authority where warranted. In addition, the Association will, itself, notify identifiable State, local, and regional transportation authorities, news media, and other interested agencies. Since the Association will notify all news media in this manner, it is not considered necessary to require the applicant to provide for newspaper publication.

A new § 931.14 has been added to require proof of service and posting.

Several comments suggested that § 931.11 be amended to require each application filed to include several additional items of information in addition to those enumerated in the notice. In general, the Association considers that the requirements in the notice would provide sufficient information for the purposes of instituting the proceeding and that additional requirements would, except for certain specific changes discussed below, be redundant and burdensome. It has, however, in response to the comments, made certain changes in several of the requirements and has added a new Subparagraph (22) requiring a statement of the estimated net salvage value of the line, and the basis for that estimate. Other than for editorial changes, these changes are summarized as follows: Subparagraph (9) has been restated to require a showing that all of the shipping and receiving facilities on the line, rather than only the commercial facilities thereon, must be listed, to include not only those in being but those which the applicant is aware of that are being constructed; Subparagraph (12) has been revised to require a statement of the basis for the forecast of freight volume; Subparagraph (15) has been revised to reflect the recent amendments, by the Interstate Commerce Commission, of its "Standards for Determining Rail Service Continuation Subsidies" (January 8, 1975; 40 FR 1624), and to

require a statement of the level to which the service or line would be restored for the purposes of that subparagraph; Subparagraph (16) has been revised to reflect the same amendment by the I.C.C.; and Subparagraph (20) has been revised to require that governmental units having tax liens on a branch and persons having a reversionary interest in branch property be identified as creditors.

Several comments suggested that § 931.13 be amended to allow more than 30 days for the submission of comments on application notices published in the FEDERAL REGISTER. Although the 30 day period stated in the notice was stated as a minimum period, in view of the possible delays in mail and the nature of the proceedings, the minimum period has been extended to 45 days. For similar reasons, § 931.14 has been amended to provide a period of 20, rather than 10, days after the date of publication, for the effective late of decisions and orders issued under the new part.

A few comments suggested that the Association provide a method of appeal from its decisions under the new part. The Association cannot accede to this suggestion since, to be effective, such an appeal would have to be made to a body other than the Association, which the Act would not authorize. It should be noted in this regard that the 20 day period preceding the effective date of any decision or order would provide adequate time for any affected person to request the Association to reconsider any aspect of the case, and for sufficient reason, the Association could stay the decision or order. For these reasons, a provision authorizing the filing of petitions for reconsideration during this period has been added.

The comments of one local governmental body evinced a concern that there was no definition of the term "State, local or regional transportation authority". In view of the many and varied organizations that might so qualify, and the fact that such an organization could exist without the knowledge of the Association, it is not feasible to define that term. In view, however, of the provisions providing for widespread notification of each pending application, it is believed that each such authority will receive appropriate notice and will be able to identify itself to the Association for the purposes of the proceeding.

Several comments regarding proposed § 931.21 stated that the lack of reasonable opposition from a State, local or regional transportation authority should be a threshold question to further consideration of an application, and not a factor to be weighted equally with the other listed criteria. In view of these comments, and to clarify this provision, former paragraph (a) of the section has been divided into two parts. The new paragraph (a) restates the rules relating to opposition by such an authority to make it clear that the standard is not whether the opposition is sound but whether there is a reasonable basis for it. It will be considered reasonable unless it is without substance from a transportation standpoint. Former Subparagraphs (2) through (8) have been restated as a new paragraph (b) to set forth the criteria to be applied in cases in which such an authority does not reasonably oppose the application.

Several comments indicated that the question of discontinuance of service and abandonment of lines pursuant to an application should be clearly distinguished and that the Association go slow in allowing lines to be dismantled The procedure spelled out in the new part clearly distinguishes between the two types of applications (see § 931.11). The Association will be able, in appropriate cases, to impose proper time conditions on any abandonment (see § 931.21 (c)) and can thus control, to the extent necessary, any possible complete removal of the facilities on a line.

A new Subpart D setting forth the provisions applicable to comments on applications has been added. New § 931.31 authorizes any person to file comments on an application and states the method and place of filing. It further provides that all timely received comments will be considered before action is taken on an application. New § 931.32 provides for identification of persons commenting, and states that each comment should contain any information, views, or arguments to support the commenter's position. New § 931.33 provides that each application and all comments made under the part will be available for examination by interested persons during the Association's regular business hours.

Several comments expressed concern regarding the effective date of the new part. Several stated that the part should not be made effective until the publication of the Preliminary System Plan. In view of the imminent publication of that plan this question has become mooted. A few comments suggested delay until the publication of the Final System Plan. This would not be possible as the purpose of section 304(f) of the Act is to provide an "interim" system of controlling discontinuances and abandonments during the period before the Final System Plan.

In addition to the changes discussed above, several changes of an editorial nature have been made in response to the comments.

In consideration of the foregoing, Chapter IX of Title 49 of the Code of Federal Regulations is amended by adding the following new Part 931 thereto, effective February 24, 1975.

(Sec. 304(f), Regional Rail Reorganization Act of 1973 (Pub. L. 93–236, 87 Stat. 985))

Issued in Washington, D.C. on February 19, 1975.

EDWARD G. JORDAN,
President.

Subpart A—General

Sec.
931.1 Purpose and scope.
931.2 Definitions.

Subpart B—Procedures

931.11 Application.
931.12 Verification of application.
931.13 Publication of notice and application.
931.14 Proof of service or posting.
931.15 Issuance of decision and order.

Subpart C—Criteria

931.21 General.

Subpart D—Requirements for Comments Opposing or Supporting Discontinuance or Abandonment

931.31 Filing; place; time.
931.32 Content of comments.
931.33 Availability of application and comments.

AUTHORITY: Sec. 304(f), Regional Rail Reorganization Act of 1973 (Pub. L. 93–236, 87 Stat. 985).

Subpart A—General

§ 931.1 Purpose and scope.

(a) Section 304(f) of the Act provides, in general, that no railroad in reoganization may discontinue service or abandon any line of railroad, other than in accordance with the provisions of sections 304(a) and (b) of the Act, unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provisions of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency or authority.

(b) This part sets forth the Association's procedures and criteria for the exercise of its jurisdiction under section 304(f) of the Act with respect to railroads in reorganization in the region.

§ 931.2 Definitions.

Unless otherwise required by the context, the following definitions apply in this part:

"Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 98–236 (87 Stat. 985).

"Association" means the United States Railway Association.

"Railroad in reorganization" means a railroad that is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable or not subject to reorganization pursuant to the Act as prescribed in section 207 (b) of the Act. For the purpose of this definition, a "bankruptcy proceeding" includes a proceeding pursuant to Section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding.

"Region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, Illinois, and the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in those jurisdictions, as determined by the

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order of the Interstate Commerce Commission issued in Ex Parte 293, dated January 14, 1974.

"State" means any State or the District of Columbia.

Subpart B—Procedures

§ 931.11 Application.

(a) Each application for authorization to discontinue rail service or abandon a line of railroad under this part must contain the following information:

(1) The applicant's name and address;

(2) A statement showing that the applicant is a railroad in reorganization;

(3) The name, title, and post office address of the responsible official of the applicant to whom correspondence in regard to the application should be sent;

(4) The route, stations, active sidings and terminals of the line on which service is proposed to be discontinued or which is proposed to be abandoned, with its total length in miles, naming each county and other political subdivision in which any portion is located;

(5) A scale map of the area in which the line is located showing the line to be abandoned in relation to the other rail lines, and the highways, water routes, and important points surrounding the line, with the subject line and stations thereon shown in clear relief;

(6) A statement as to whether discontinuance of service or abandonment of line is sought, and a summary statement of each of the reasons therefor; and the service, if any, to be continued over the line;

(7) A brief description of the present rail service on the line and of significant changes therein during the last two years;

(8) A description of each joint facility agreement or trackage rights agreement relating to the line;

(9) The location and nature of the shipping and receiving facilities on the line, or which the applicant is aware are being constructed on the line, and the extent to which each is or will be dependent on the line for transportation;

(10) The freight carload and tonnage, by class of traffic, moving over the line for each of the last two calendar years, and that part of the current year for which information is available;

(11) The number of freight cars per mile moved over the line concerned during the last 12 months of service;

(12) A forecast of the freight volume, by class of traffic, to be moved on the line for the two years following the date of the application; and a statement of the basis for the forecast;

(13) A description of passenger service, if any, provided on the line and of the alternate passenger service available;

(14) A description of the bridge or overhead traffic, if any, moving over the line, and alternate routes available;

(15) The avoidable costs of providing the service or maintaining and operating the line determined according to the standards established pursuant to section 205(d)(3) of the Act (as set forth in 49 CFR Part 1125.5; 40 FR 1632, January 8, 1975) for the most recent three months of operation, and, if applicable, the cost of restoring it to service, and a statement of the level to which the service would be restored;

(16) The revenues attributable to the applicant as a result of proving the service or operating the line, determined according to the standards established pursuant to section 205(d)(3) of the Act (as set forth in 49 CFR 1125.4, 40 FR 1632, January 8, 1975);

(17) Separate statements as to the effect of discontinuance of service or abandonment on the applicant's cash flow (excluding any net proceeds of liquidation) and on its net operating income, and an explanation as to the basis of the computations therefor;

(18) A statement as to what efforts have been made to dispose of the line in a manner which will ensure its continued operation, and what, if any, transportation service will remain or may be substituted for that proposed to be discontinued;

(19) A copy of the applicant's latest general balance sheet statement, and a copy of its income account for each of the last two calendar years, and for that part of the current year for which the information is available;

(20) The name and address of each creditor having a lien on the involved line segment, including each governmental unit having a tax lien thereon and each person having a reversionary interest therein;

(21) The minimum capital improvements, and the costs thereof, that would be required if the service were to be continued or the line be continued in operation;

(22) The estimated net salvage value of the line, and a statement of the basis for the estimate;

(23) A statement of the job losses or other employment impact, if any, with respect to the applicant's work force that would be occasioned by the discontinuance or abandonment and the potential steps to be taken by the applicant to minimize the effect thereof; and

(24) A general description of any significant environmental impact of the proposed discontinuance or abandonment.

(b) The applicant shall file the original and two copies of each application required by this section, by mail or in person, with the Association at its office, 2100 Second Street SW., Washington, D.C. 20595. In addition, the applicant shall, at the time the application is filed, serve a copy of it on the Governor, the railroad regulatory commission, and the department of transportation (if any) of each State within which the branch is located, and file a copy, available for public inspection, at its rail office (if any) in each county in which the branch is located.

§ 931.12 Verification of application.

The original of each application submitted under this part must be signed by an officer of the applicant who is familiar with the facts of the case and verified under oath, and must show that the trustee and the court have authorized the filing of the application.

§ 931.13 Publication of notice and application.

(a) The Association will review each application filed under this part, and assign it a docket number.

(b) The Association will publish in the Federal Register a notice describing the application received, and will request written public comments on the proposed abandonment or discontinuance, not less than 45 days after the date of publication.

(c) Whenever it considers it to be appropriate, the Association will require the applicant to send a copy of the actual notice of the proposed discontinuance or abandonment to specified persons, such as shippers and receivers on the line; to creditors holding a lien secured by the property thereon; to each labor union representing employees of the applicant on the line; and to post notice of the application at appropriate places. The Association will notify the State, local and regional transportation authorities, and other interested agencies to the extent considered feasible by the Association, and the news media, in the geographical areas affected.

(d) The Association may request additional information concerning the proposed discontinuance or abandonment from the applicant or any other person, in the form and manner that the Association considers appropriate.

§ 931.14 Proof of service or posting.

In any case in which an applicant is required by this part to serve a copy of the application or to send or post notice thereof, the applicant shall promptly file proof of that service sending, or posting.

§ 931.15 Issuance of decision and order.

Each decision and order issued by the Association under this part will be published in the FEDERAL REGISTER, sent to the appropriate interested persons, and shall provide that it will become effective not earlier than 20 days after the date of publication. The Association will consider applications for reconsideration filed before the specified effective date.

Subpart C—Criteria

§ 931.21 General.

(a) In deciding whether to approve an application for discontinuance of service or abandonment of a railroad line under this part, the Association will first determine whether a State, local or regional transportation authority reasonably opposes the proposed action. The standard that the Association will apply is not whether the opposition is sound but whether there is a reasonable basis for it. The opposition will be considered to be reasonable unless it is without substance from a transportation standpoint.

(b) If a State or local or regional transportation authority does not reasonably oppose the proposed action, the Association will consider—

(1) The applicant's financial status and the financial consequences to the applicant of the proposed action;

(2) Whether there is a reasonable possibility that the line concerned will be included in the Final System plan;

(3) Whether there is a reasonable possibility that the line may be operated under a subsidy that meets the standards set forth in section 304(c)(2) of the Act;

(4) Whether the service covered by the application is essential in character, and whether there are feasible alternatives to that service;

(5) The relationship of the discontinuance or abandonment to the purposes of the Act and the goals of the Final System Plan;

(6) The effect of the proposed action on the applicant's labor force; and

(7) Any other matters that the Association deems relevant.

(c) The Association may condition its authorization of any proposed discontinuance or abandonment in any manner it considers to be consistent with the purposes of the Act. In particular, with respect to employees adversely affected by a proposed discontinuance or abandonment, the Association will impose the conditions customarily imposed by the Interstate Commerce Commission in similar proceedings subject to its jurisdiction under section 1(18)–(20) of the Interstate Commerce Act. An employee protective provision imposed under this Section will not, however, remain effective beyond the effective date of mandatory offers to "protected employees" under section 502(b) of the Act.

Subpart D—Requirements for Comments Opposing or Supporting Discontinuance or Abandonment

§ 931.31 Filing, place; time.

(a) Any person may submit written comments concerning any application for discontinuance of abandonment filed under this part.

(b) Communications should identify the regulatory docket or notice number contained in the Federal Register publication concerning the application and be submitted, in duplicate, to: United States Railway Association, Office of the General Counsel, 2100 Second Street, S.W., Washington, D.C. 20595.

(c) All communications received before the closing date specified in the FEDERAL REGISTER publication of the notice of the application will be considered by the Association before it takes action on the application.

§ 931.32 Content of comments.

(a) Each comment must state the name and address of the person making the comment and his interest in the proceeding.

(b) Each comment should contain any information, views, or arguments known to the commenter to support his position and the reasons why the application should or should not be approved, including material in support or in rebuttal of information in the application.

§ 931.33 Availability of application and comments.

Each application filed under this part and all comments received thereon will be available, both before and after the closing date for comments, in the docket in the Office of the General Counsel, for examination by interested persons, during regular business hours (8:30–5, Monday through Friday).

[FR Doc.75-5367 Filed 2-27-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1123, Amdt. 4]

PART 1033—CAR SERVICE

Northwestern Oklahoma Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1975.

Upon further consideration of Service Order No. 1123 (38 FR 5174, 24902, 25183 and 39 FR 8327 and 32137), and good cause appearing therefor:

It is ordered, That § 1033.1123 *Service Order No. 1123* (Frank W. Pollock, Jr., d/b/a Northwestern Oklahoma Railroad Co., authorized to operate over certain trackage abandoned by Missouri-Kansas-Texas Railroad Company) be, an it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Director.*

[FR Doc.75-5387 Filed 2-27-75;8:45 am]

[S.O. 1126, Amdt. 4]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1975.

Upon further consideration of Service Order No. 1126 (38 FR 6999, 22790; 39 FR 8327, 32137), and good cause appearing therefor:

It is ordered, That § 1033.1126 *Service Order No. 1126* (The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5388 Filed 2-27-75;8:45 am]

[S.O. 1180, Amdt. 2]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of February, 1975.

Upon further consideration of Service Order No. 1180 (39 FR 11891 and 32138), and good cause appearing therefor:

It is ordered, That: § 1033.1180 *Service Order No. 1180* (The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur,

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trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., February 28, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5389 Filed 2-27-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-484]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Volusia	Deland, city of	February 19, 1975. Emergency.	Aug. 2, 1974		
Illinois	Kane	St. Charles, city of	do	Mar. 15, 1974		
Indiana	Howard	Kokomo, city of	do	Dec. 17, 1973		
Do	Huntington	Warren, town of	do	Nov. 23, 1973		
Kentucky	Campbell	Unincorporated areas	do	Dec. 27, 1974		
Louisiana	Lincoln	Ruston, city of	do			
Maryland	Allegany	Westernport, city of	do	Feb. 1, 1974		
Missouri	Wright	Mountain Grove, city of	do	Apr. 5, 1974		
New Jersey	Bergen	Park Ridge, borough of	do	Jan. 23, 1974		
Do	Passaic	Clifton, city of	do	May 31, 1974		
Do	Salem	Mannington, township of	do	Oct. 25, 1974		
Pennsylvania	Mercer	West Middlesex, borough of	do			
Ohio	Wood	Grand Rapids, village of	do	Mar. 1, 1974		
Texas	Colorado	Columbus, city of	do	Feb. 15, 1974		
Washington	Kitsap	Unincorporated areas	do			
Wisconsin	Sauk	Lake Delton, village of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5292 Filed 2-27-75;8:45 am]

[Docket No. FI-485]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Windham	Plainfield, town of	February 20, 1975. Emergency.	Sept. 6, 1974		
Illinois	Cook	Forest View, village of	do	Apr. 5, 1974		
Indiana	Harrison	Mauckport, town of	do	Dec. 7, 1973		
Maryland	Cecil	Charlestown, town of	do	Sept. 20, 1974		
Oklahoma	Jackson	Altus, city of	do	June 28, 1974		
Do	Pawnee	Pawnee, city of	do	Jan. 16, 1974		
Pennsylvania	Beaver	Conway, borough of	do	Feb. 1, 1974		
Do	Allegheny	Fawn, township	do	Nov. 29, 1974		
Do	Fayette	Newell, borough of	do	June 28, 1974		
Do	Butler	Zelienople, borough of	do	June 14, 1974		
South Dakota	Codington	Watertown, city of	do	June 28, 1974		
Texas	Tarrant	Crowley, city of	do			
Do	Dallas and Collins	Richardson, city of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: February 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator

[FR Doc.75-5293 Filed 2-27-75;8:45 am]

[Docket No. FI-486]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Houston	Dothan, city of	February 21, 1975. Emergency.	Dec. 28, 1973		
Do	Baldwin	Daphne, city of	do	June 7, 1974		
Do	Jefferson	Vestavia Hills, city of	do	May 10, 1974		
Do	Coffee	Enterprise, city of	do	July 26, 1974		
California	Los Angeles	El Segundo, city of	do	do		
Connecticut	Litchfield	North Canaan, town of	do	Aug. 30, 1974		
Georgia	Macon	Montezuma, city of	do	Aug. 16, 1974		
Kansas	Barton	Hoisington, city of	do	Feb. 22, 1974		
Kentucky	Campbell	Mentor, city of	do			
Maine	Penobscot	Brewer, city of	do	Mar. 29, 1974		
Massachusetts	Berkshire	Savoy, town of	do			
New Jersey	Sussex	Andover, township of	do	Dec. 20, 1974		
Do	Atlantic	Folsom, borough of	do			
Oklahoma	Dewey	Taloga, town of	do	Nov. 22, 1974		
Pennsylvania	Adams	Franklin, township of	do	Jan. 3, 1975		
Do	Fayette	Washington, township of	do	Dec. 20, 1974		
Do	Allegheny	Heidelburg, borough of	do	Feb. 1, 1974		
Tennessee	Henry	Paris, city of	do	do		
Texas	Atascosa	Pleasanton, city of	do	June 21, 1974		
Virginia	Russell	Honaker, town of	do	May 10, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb, 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: February 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5294 Filed 2-27-75;8:45 am]

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[Docket No. FI-487]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Graysville, city of	February 24, 1975. Emergency.	Dec. 27, 1974		
Arizona	Cochise	Sierra Vista, city of	do	May 10, 1974		
Connecticut	Litchfield	Morris, town of	do			
Idaho	Ada	Kuna, city of	do			
Illinois	DuPage	Burr Ridge, village of	do	Mar. 15, 1974		
Do	Cook	Calumet, city of	do	Apr. 5, 1974		
Do	Hancock	Hamilton, city of	do	Mar. 29, 1974		
Do	Cook	Niles, village of	do	do		
Do	do	Willow Springs, village of	do	Apr. 12, 1974		
Indiana	St. Joseph	Mishawaka, city of	do	Dec. 28, 1973		
Do	Pulaski	Monterey, town of	do	Feb. 1, 1974		
Do	St. Joseph	North Liberty, town of	do	Nov. 30, 1973		
Iowa	Clayton	Clayton, city of	do	Aug. 23, 1974		
Kansas	Johnson	Shawnee, city of	do	June 28, 1974		
Maine	York	Sanford, town of	do	Sept. 13, 1974		
Michigan	Berrien	St. Joseph, township of	do			
Minnesota	Morrison	Lastrup, city of	do	Aug. 9, 1974		
North Carolina	Onslow	Jacksonville, city of	do	May 10, 1974		
North Dakota	Sioux	Fort Yates, city of	do	Mar. 8, 1975		
Ohio	Washington	Lower Salem, Village of	do	Aug. 30, 1974		
Do	Champaign	North Lewisburg, village of	do	Apr. 5, 1974		
Oregon	Malheur	Ontario, city of	do	Nov. 30, 1973		
Utah	Beaver	Milford, city of	do	Aug. 9, 1974		
Virginia	Frederick	Middletown, town of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: February 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5295 Filed 2-27-75;8:45 am]

[Docket No. FI-488]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Poinsett	Harrisburg, City of	February 27, 1975. Emergency.	May 10, 1974		
Do	Faulkner	Mayflower, city of	do	Nov. 28, 1973		
Georgia	Macon	Oglethorpe, city of	do	June 28, 1974		
Do	De Kalb	Pine Lake, city of	do	Apr. 12, 1974		
Illinois	Douglas	Villa Grove, city of	do	May 17, 1974		
Kentucky	Clark	Winchester, city of	do	May 31, 1974		
Maine	Kennebec	Gardiner, city of	do	Feb. 22, 1974		
Maryland	Caroline	Hillsboro, town of	do			
Mississippi	Walthall	Tylertown, town of	do	June 28, 1974		
Missouri	Jackson	Raytown, city of	do			
Nebraska	Thayer	Hebron, city of	do	Jan. 23, 1974		
New Mexico	Socorro	Socorro, city of	do	June 28, 1974		
Ohio	Summit	Cuyahoga Falls, city of	do	Feb. 1, 1974		
Do	Columbiana	Wellsville, city of	do	Jan. 16, 1974		
Tennessee	Clay	Celina, city of	do	June 21, 1974		
Texas	Kimble	Junction, city of	do	Mar. 22, 1974		
Wisconsin	Trempealeau	Blair, city of	do	Dec. 7, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb, 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: February 20, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5296 Filed 2-27-75;8:45 am]

[Docket No. FI-489]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Craighead	Bay, city of	February 26, 1975, Emergency.	Do. Oct. 13, 1974		
California	Orange	Cypress, city of	do	June 7, 1974		
Florida	Clay	Unincorporated areas	do			
Indiana	Lake	East Chicago, city of	do	Apr. 12, 1974		
Kansas	Montgomery	Independence, city of	do	Dec. 17, 1973		
Kentucky	Lincoln	Stanford, city of	do	May 17, 1974		
Do	Bracken	Augusta, city of	do	May 24, 1974		
Do	Harrison	Cynthiana, city of	do	June 7, 1974		
Maryland	Kent	Hawk Hall, town of	do	July 26, 1974		
Do	Harford	Havre De Grace, city of	do	do		
Do	Frederick	Woodsboro, town of	do			
Michigan	Saginaw	Saginaw, city of	do	June 21, 1974		
Do	Allegan	Allegan, city of	do	June 28, 1974		
Nebraska	Cass	Plattsmouth, city of	do	May 10, 1974		
New Hampshire	Hillsborough	Wilton, town of	do	Apr. 5, 1974		
New York	Rensselaer	Troy, city of	do	do		
Do	Dutchess	LaGrange, town of	do			
North Carolina	Wake	Unincorporated areas	do	May 3, 1974		
Ohio	Columbiana	Columbiana, village of	do	Dec. 27, 1974		
Oklahoma	Garvin	Lindsay, city of	do	Jan. 16, 1974		
Do	Payne	Cushing, city of	do	June 14, 1974		
Tennessee	Henderson	Lexington, city of	do	do		
Virginia	Botetourt	Troutville, town of	do			
Do	Surrey	Claremont, town of	do			
Washington	Adams	Unincorporated areas	do			
Wisconsin	Washburn	Birchwood, village of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: February 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-5297 Filed 2-27-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 991]

HANDLING OF HOPS OF DOMESTIC PRODUCTION

Notice of Proposed Salable Quantity and Allotment Percentage for the 1975–76 Marketing Year

Notice is hereby given of a proposal to establish, for the 1975–76 marketing year, beginning August 1, 1975, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those states and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The proposed salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 18, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed salable quantity and allotment percentage are based upon recommendations of the Committee made at their meeting of January 20, 1975, and derive from the following estimates for the marketing year beginning August 1, 1975:

(1) Total domestic consumption of 39,500,000 pounds of hops;

(2) Minus imports of 11,000,000 pounds of hops to result in domestic consumption of U.S. hops of 28,500,000 pounds;

(3) Plus total U.S. exports of 30,000,000 pounds of hops to equal 58,500,000 pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1976 of 5,000,000 pounds;

(5) Plus an adjustment of 6,770,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Thus, the salable quantity during the 1975–76 marketing year would be 60,270,000 pounds.

The proposed salable percentage is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pound additional allotment bases for Fuggle variety hops.

The proposal is as follows:

§ 991.213 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1975.

The allotment percentage during the marketing year beginning August 1, 1975 shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

Dated: February 25, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-5377 Filed 2-27-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 225]

CONSERVATION OF ENDANGERED AND THREATENED SPECIES

Federal/State Cooperation

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by section 6(h) of the Endangered Species Act of 1973 (the "Act"; 87 Stat. 884; 16 U.S.C. 1531–43), Part 225 of Title 50, Chapter II of the Code of Federal Regulations, is proposed.

The purpose of this proposed rulemaking is to formalize procedures governing applications by States for Federal financial assistance under Section 6 of the Act, "Cooperation with the States". This includes criteria for approval of grants-in-aid to the States.

This proposed rulemaking states the policies and procedures of the National Marine Fisheries Service to be followed in the consideration of applications for financial assistance under section 6. At present, the National Marine Fisheries Service has no funds appropriated for this purpose. States having applied for or entered into a Cooperative Agreement with the National Marine Fisheries Service will be notified as soon as such funds become available.

Identical regulations will be published by the U.S. Fish and Wildlife Service in 50 CFR Part 81.

Written comments, views, and objections may be made with respect to these proposed regulations to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before May 2, 1975. Final regulations will be promulgated as soon as possible after the 60-day comment period required by the Act. If any person feels that he may be adversely affected by the proposed regulations, he may file objections thereto and request a public hearing thereon on or before April 14, 1975.

JOSEPH W. SLAVIN,
Acting Director,
National Marine Fisheries Service.

PART 225—FEDERAL/STATE COOPERATION IN THE CONSERVATION OF ENDANGERED AND THREATENED SPECIES

Sec.
225.1 Definitions.
225.2 Cooperation with the States.
225.3 Cooperative Agreement.
225.4 Allocation of funds.
225.5 Information for the Secretary.
225.6 Financial Assistance Award/Project Agreement.
225.7 Availability of funds.
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225.12 Contracts.
225.13 Inspection.
225.14 Comprehensive plan alternative.

AUTHORITY: Endangered Species Act of 1973, sec. 6(h), 87 Stat. 884, 16 U.S.C. 1531–43, Pub. L. 93–205.

§ 225.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Agreements.* Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and containing provisions found in section 6(d)(2) of the Act.

(2) A Financial Assistance Award/Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) *Conserve, conserving, and conservation.* The use of all methods and procedures which are necessary to bring any

endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) *Program.* A State-developed plan for the conservation of all species of fish and wildlife that exist in the wild in that State during any part of their life which are deemed by the Secretary to be endangered or threatened, which include goals, objectives, strategies, actions, and funding necessary to be taken to accomplish the objectives on an individual species basis.

(g) *Secretary.* The Secretary of Commerce or his authorized representatives.

(h) *Species.* This term includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) *State agency.* The State agency or agencies, department, board, commission, or other governmental entity which is responsible for the management and conservation of fish or wildlife resources within a State.

(k) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(l) *Project.* A substantial undertaking to conserve the various endangered or threatened species of fish or wildlife and plants.

(m) *Act.* The Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531–43.

(n) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(o) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

(p) The definitions set forth in Part 217 are incorporated herein by reference unless inconsistent with the definitions as defined above.

§ 225.2 Cooperation with the States.

The Secretary is authorized by the Act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that:

(a) Authority resides in the State agency to conserve resident species of fish and wildlife determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the Act, for all resident species of fish and wildlife in the State which are deemed by the Secretary to be endangered or threatened, and has furnished a copy of such plan and program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife as endangered or threatened.

§ 225.3 Cooperative agreement.

Upon determination by the Secretary that a State program is adequate and active, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Financial Assistance Award or Project Agreement can be approved for endangered or threatened species projects. It must be reconfirmed annually to reflect new laws, species lists, rules or regulations, and programs, and to demonstrate that the program is still active and adequate. Further, such agreement must contain:

(a) The actions that are to be taken by the Secretary and the State;

(b) The benefits that are expected to be derived in connection with the conservation of endangered or threatened species;

(c) The estimated cost of these actions; and

(d) The share of such costs to be borne by the Federal Government and by the States.

§ 225.4 Allocation of funds.

The Secretary shall allocate funds, appropriated for the purpose of carrying out section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of this Act;

(c) The number of federally listed endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

§ 225.5 Information for the secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement pursuant to section 6(c) of the Act.

§ 225.6 Financial Assistance Award/Project Agreement.

Subsequent to the establishment of a Cooperative Agreement pursuant to § 225.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Financial Assistance Award/Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 225.3. The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs. To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that it has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A-95 (as revised). The Financial Assistance Award/Project Agreement will follow approval of the Application for the Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it. The form and content for

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both the Application for Federal Assistance and the Financial Assistance Award/Project Agreement are provided in the Federal Aid Handbook/Manual.

§ 225.7 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Financial Assistance Award/Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 225.8 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Financial Assistance Award/Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 66⅔ percent of the program costs as stated in the agreement; except, the Federal share may be increased to 75 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Federal Management Circular 74–7.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State fish and game departments. Payments shall be made only to the State office or official designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State fish and wildlife agency.

§ 225.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Federal Management Circular 74–7.

§ 225.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service and the Director of the National Marine Fisheries Service.

§ 225.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 225.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Federal Management Circular 74–7. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

§ 225.13 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

§ 225.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Cooperative Financial Assistance Agreement will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the cooperative agreement described in § 225.3.

[FR Doc.75–5502 Filed 2–27–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74–EA–91]

AIRWORTHINESS DIRECTIVE

Canadair Aircraft

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Canadair CL–215–1A10 airplanes.

There has been a report of a deficiency in the wiring of the Firex fire extinguishing system which would cause discharge of the wrong Firex bottle. Since this deficiency can exist in aircraft of similar design, an airworthiness directive is proposed which will require an alteration of the wiring harness.

Interested parties are invited to participate in the making of the proposed rule by submitting written data or views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

All communications received on or before March 31, 1975 will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive, as hereinafter set forth.

CANADAIR.—Applies to Canadair CL–215–1A10 airplanes certificated in all categories.

Compliance required with the next twenty-five hours' time in service after the effective date of this AD unless already accomplished.

To preclude the possibility of incorrect connection being made to the engine Firex bottles, accomplish the following:

Modify the routing of the wire harness to the engine Firex bottles in accordance with Canadair Service Information Circular No. 66–CL–215, Revision A, dated August 13, 1974, or an equivalent modification approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on February 20, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

[FR Doc.75–5311 Filed 2–27–75;8:45 am]

[14 CFR Part 39]

[Docket No. 75–SO–16]

AIRWORTHINESS DIRECTIVES

Grumman Model G–1159 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Grumman Model G–1159 airplanes. During an investigation of an accident involving a G–1159, the longitudal trim was found in full electric nose down position. Although the FAA does not presently feel this was the primary cause of the accident, it may have been one of the contributing factors. Type certification data, which has been substantiated by flight tests, shows that no more than 4.5 degrees of nose down longitudinal trim availability is required at any point in the approved airplane operating envelope. However, the installed electric trim system is capable of driving the longitudinal trim to the 8.5±0.5 degrees nose down position. Since this condition exists on all airplanes of the same type design, the proposed airworthiness directive would require reducing the nose down electric trim authority from 8.5 degrees to 4.5±0.5 degrees on the Grumman G–1159 airplanes.

Interested persons are invited to participate in making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Chief, Engineering and Manufacturing Branch, ASO–210, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before March 30, 1975 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in Room 275 of the Federal Aviation Administration Building, 3400 Whipple Street, East Point, Georgia 30344, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 165(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

GRUMMAN AMERICAN AVIATION CORPORATION.—Applies to Grumman G–1159 airplanes, S/N's 1 thru 156 and S/N 775, certificated in all categories.

Compliance required within the next 800 hours' time in service after the effective date of this AD, or before January 31, 1976, whichever occurs first, unless already accomplished.

To prevent unnecessarily high longitudinal stick forces due to an inadvertant excessive increase of nose down electric trim, reduce the elevator trim nose down authority from 8.5±0.5 degrees to 4.5±0.5 degrees in accordance with Grumman Aircraft Service Change 163 or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Issued in East Point, Georgia on February 20, 1975.

P. M. SWATEK,
Director, Southern Region, ASO–1.

[FR Doc.75–5313 Filed 2–27–75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75–3; Notice 1]

SCHOOL BUSES

Emergency Exit Requirements

This notice proposes to amend 49 CFR 571.217, *Bus Window Retention and Release* (Motor Vehicle Safety Standard No. 217) to specify requirements for emergency doors for school buses. Standard No. 217 was initially published on May 10, 1972 (37 FR 9394), and became effective on September 1, 1973.

Standard No. 217 presently does not require school buses to contain emergency exits. However, it does require that when a school bus contains push-out windows or other emergency exists these exists conform to requirements specified in the standard. This notice would require school buses to contain emergency exits, and would require those exists to meet requirements which differ in some respects from the standard's present requirements. Any school bus emergency exit in addition to those specifically required would be required to meet the requirements presently specified in the standard for emergency exits in buses other than school buses.

The notice proposes that each school bus contain either a single rear emergency door, or two side emergency doors, one located in each side in the rear half of the bus passenger compartment. All emergency doors would be required to open outward. Two side emergency doors are utilized in order that a rollover will not eliminate all available emergency exists.

Release mechanisms for these emergency doors would be required to be operable manually, from both inside and outside the bus, by a single person without the use of special tools or remote controls, and in the event of a vehicle power failure. If a release mechanism becomes unlatched, a continuous audible warning would be required to sound in the driver's compartment and in the vicinity of the door having the unlatched mechanism. At the same time, any condition rendering the release mechanism inoperable, such as a locked mechanism, would prevent the bus engine from being started. The release mechanism for each door would be required to be between 24 and 52 inches from the floor of the bus. Each release mechanism would be required to be operable from inside the bus with an upward vertical force of not more than 40 pounds, which a child passenger should be able to perform. The location requirement and the 40-pound limitation would also apply to the mechanism operable from outside the bus.

Following release of the emergency door, the standard would require the door to be manually extendable by a single person so as to permit passage of a rectangular parallelepiped having the dimensions 48" x 24" x 24", which is intended to provide an exit of sufficient size to permit occupant egress. Emergency exit identification would be required on or above each emergency door on both the inside and outside of the bus. An arrow, indicating the direction the release mechanism must be moved to open the emergency door, would also be required.

In light of the above, it is proposed to amend 49 CFR § 571.217, *Bus window retention and release* (Motor Vehicle Safety Standard No. 217) as follows:

1. S5.2 would be revised by the addition of the following sentence at the end of the paragraph:

"School buses shall provide unobstructed openings for emergency exits which conform to S5.2.3."

2. S5.2.3 would be revised to read:

S5.2.3 *School buses.*

S5.2.3.1 Each school bus shall meet unobstructed openings requirements by providing, at the manufacturer's option, one emergency door in each side in the rear half of the bus passenger compartment, or one rear emergency dor. Each door shall open outward. A rear emergency door shall be hinged on the right side. Any side emergency door shall be hinged on its forward side. Any emergency exit provided in addition to those required by this paragraph shall meet the requirements specified in paragraphs S5.3 through S5.5 for buses other than school buses.

S5.2.3.2 The engine starting system of a school bus shall not operate if any emergency exit is locked or otherwise inoperable from either inside or outside the bus.

3. S5.3.1 and S5.3.2 would be revised by adding "In buses other than school buses," before the text of both paragraphs.

4. A new S5.3.3 would be added to read:

S5.3.3 *School buses.* When tested under the conditions of S6., both before and after the window retention test required by S5.1, each school bus emergency door shall allow manual release of the door by a single person, from both inside and outside the bus passenger compartment, in accordance with paragraph (a) or (b). Each release mechanism shall operate without the use of remote controls or tools, and notwithstanding any failure of the vehicle's power system. When the release mechanism is unlatched and the vehicle ignition is in the "on" position, a continuous warning sound shall be audible in the driver's compartment and in the vicinity of the emergency door having the unlatched mechanism.

(a) For side emergency doors.

(1) *Location of release mechanism:* Within the high access region shown in Figure 3A.

(2) *Type of motion:* Upward from inside the bus; in any direction from outside the bus.

(3) *Magnitude:* Not more than 40 pounds.

(b) For rear emergency doors.

(1) *Location of release mechanism:* Within the high access region shown in Figure 3D.

(2) *Type of motion:* Upward from inside the bus; in any direction from outside the bus.

(3) *Magnitude:* Not more than 40 pounds.

5. S5.4 would be revised by adding a new paragraph S5.4.1 beginning with, "In buses other than school buses," and followed by the text of existing paragraph S5.4, and by adding a new S5.4.2 to read:

S5.4.2 *School buses.* Each school bus emergency door shall, after the release mechanism has been operated, under the conditions of S6., before and after the window retention test required by S5.1, using the force levels specified in S5.3.3, be manually extendable by a single person to a position that provides an opening large enough to permit unobstructed passage of a rectangular parallelepiped 48 inches high, 24 inches wide, and 24 inches deep, keeping the

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longest dimension vertical and the parallelepiped in contact with the floor of the bus at all times.

6. S5.5.1 and S5.5.2 would be revised by adding "In buses other than school buses," before the text of both paragraphs and a new S5.5.3 would be added to read:

S5.5.3 *School buses.* Each school bus emergency door shall have the designation "Emergency Door" in letters at least 2 inches high, of a color that contrasts with its background, located at the top of or directly above the emergency door on both the inside and outside surfaces of the bus. An arrow at least 6 inches in length and at least ¾-inch in width, of a color that contrasts with its background, indicating the direction in which the release mechanism should be operated to open the emergency door, shall be located within 6 inches of the release mechanism on the inside of the door.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 29, 1975.

Proposed effective date: April 1, 1976. This proposed date reflects provisions of Title II of the Motor Vehicle and School Bus Safety Amendments of 1974 (Sec. 202, Public Law 93-492, 88 Stat. 1484, October 27, 1974) requiring that mandated school bus safety standards be published within 15 months of the passage of Title II and made effective not later than nine months following their publication. These statutory provisions remove the otherwise discretionary authority of NHTSA to establish lead times for compliance under the general rulemaking provisions of the National Traffic and Motor Vehicle Safety Act. The NHTSA expects, therefore, that a final rule in this matter will be issued not later than July 1, 1975.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718; sec. 202, Pub. L. 93-492, 88 Stat. 1484, 15 U.S.C. 1392, 1401, 1407; delegations of authority at 49 CFR 1.51 and 50 CFR 501.8.)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-5338 Filed 2-27-75;8:45 am]

[49 CFR Part 571]

[Docket No. 75-2; Notice 01]

SCHOOL BUSES

Rollover Protection

This notice proposes a new motor vehicle safety standard, *School bus rollover protection,* that would establish performance requirements for the structural integrity of the passenger compartment of school buses when subjected to forces encountered in rollovers.

The "Motor Vehicle and Schoolbus Safety Amendments of 1974" mandate the issuance of Federal motor vehicle safety standards for several aspects of school bus performance, including crashworthiness of the vehicle body and frame. Pub. L. 93-492, section 202 (15 U.S.C. 1392(l)(1)(A)). Prior to these amendments, continuing Congressional interest and voluminous mail from the public emphasized the high level of importance that society places on the protection of children from death and injury. The NHTSA has also undertaken research in the crashworthiness of conventional schoolbus bodies (Contract DOT-HS-046-3-694 by Dynamic Sciences).

The crashworthiness testing by Dynamic Sciences was based on a static load test code for school bus body structures (the test code) that was developed by the School Bus Body Manufacturers Association. The test results in that contract indicate that a bus body built in conformity with the test code is capable of sustaining forces of approximately twice the vehicle's unloaded weight, exerted in a downward vertical direction.

In establishing performance requirements, the NHTSA determines what level of performance meets a need for motor vehicle safety, whether that level of performance is reasonable and practicable, and whether the requirement is appropriate for the particular vehicle type. The test code evaluated at Dynamic Sciences specifies that the bus roof withstand a force equal to the vehicle's loaded weight, which is approximately 1½ times the vehicle's unloaded weight. It is the NHTSA's judgment that this level of 1½ times the unloaded weight would establish a minimum performance standard that provides a practicable and reasonable level of school bus rollover protection. To ensure that each bus will be capable of passing these requirements (which have in the past provided nominal design strength to withstand 2 times the unloaded vehicle weight), this proposal would establish a minimum performance requirement of 1½ times vehicle weight.

The costs anticipated to meet this standard would be limited to some additional test expenses in test programs that have already been established and implemented for industry standards applicable to these buses.

The NHTSA tentatively concludes that this requirement is appropriate for all classes of school buses within the definition of "school bus" set out in the 1971 Safety Amendments (15 U.S.C. 1391), which reads:

(14) "Schoolbus" means a passenger motor vehicle which is designed to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools.

This definition includes smaller van-type vehicles than those for which the static test code was developed. The NHTSA concludes, however, based on engineering evaluation of the construction of these smaller vehicles, that their structural integrity is comparable to the chassis-cab-mounted bodies and capable of withstanding the force requirements in this proposal.

Several modifications of the static test code are proposed to simplify certification and compliance testing. The complexity of measuring interior deflection of the body in relation to the original body dimensions is eliminated by measuring only the travel of the force application plate. The plate is specified as flat and rigid, to simplify test equipment requirements for both the manufacturer and any compliance contractor, and to assure that the applied load is evenly distributed over the specified area of the roof. The test procedure provides for an initial force application of 500 pounds that precedes the measured travel of the plate to absorb the initial deformation due to use of a flat rigid surface. The rate of force application has been added to ensure comparability of certification and compliance test results.

The requirement for operability of the emergency exists during and after the application of force is essentially equivalent to the requirement of the static test code that all windows and doors be capable of opening in these circumstances.

The NHTSA expects to promulgate the final rule on school bus rollover protection between June 1, 1975, and August 1, 1975, in satisfaction of the legislative and executive direction that promulgation occur as soon as possible, with implementation no later than 9 months after issuance of the final rule.

In consideration of the foregoing, it is proposed that Part 571 of Chapter V, Title 49 Code of Federal Regulations, be amended by the addition of a new standard, *School bus rollover protection,* to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: April 29, 1975.

Proposed effective date: April 1, 1976.

(Secs. 108, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

§ 571._____ Standard No. _____; School bus rollover protection.

S1. *Scope.* This standard establishes performance requirements for school bus rollover protection.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and the severity of injuries that result from failure of the school bus body structure to withstand forces encountered in rollover crashes.

S3. *Applicability.* This standard applies to school buses.

S4. *Requirements.* When a force equal to 1½ times the unloaded vehicle weight is applied to the roof of the vehicle's body structure through a force application plate as specified in S5., *Test procedures*—

(a) The downward vertical movement of the force at any point on the application plate shall not exceed 5⅛ inches; and

(b) Each emergency exist of the vehicle provided in accordance with Standard No. 217 (§ 571.217) shall be capable of operation as specified in that standard during the full application of the force, and after release of the force.

S5. *Test procedures.* Each vehicle shall be capable of meeting the requirements of S4. when tested in accordance with the procedures set forth below.

S5.1 Place the vehicle on a rigid surface so that the vehicle is entirely supported by means of the vehicle frame. If the vehicle is constructed without a frame, place the vehicle on its body sills.

S5.2 Use a force application plate that is flat and rigid, 36 inches wide, and of a length 20 inches less than the length of the vehicle's roof measured along its longitudinal centerline.

S5.3 Position the force application plate above the vehicle roof so that its rigid surface is horizontal, and so that in the top view its longitudinal centerline coincides with the longitudinal centerline of the vehicle and its rear edge is positioned 10 inches from the rear edge of the vehicle roof.

S5.4 Apply an evenly-distributed vertical force in a downward direction through the force application plate at a rate of not less than 900 and not more than 1,000 pounds per minute until a force of 500 pounds has been applied.

S5.5 Apply additional vertical force in a downward direction through the force application plate at a rate of not less than 900 and not more than 1,000 pounds per minute until the force specified in S4. has been applied, and maintain this application of force.

S5.6 Measure the downward movement of the force application plate which occurred during the application of force in accordance with S5.5, and operate the emergency exits as specified in S4. Return emergency exits to the closed position.

S5.7 Release all downward force applied through the force application plate and operate the emergency exits as specified in S4.

S6. *Test conditions.* The following conditions apply to the requirements specified in S4.

S6.1 *Temperature.* The ambient temperature is any level between 32° F. and 90° F.

S6.2 *Windows and doors.* Vehicle windows, doors, and emergency exists are in the fully-closed position, and latched but not locked.

[FR Doc.75-5337 Filed 2-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20203; RM-1977]

BERNARD A. BALMUTH

Order Extending Time for Filing Reply Comments

In the matter of use of "re-run" material in prime time on network-owned or affiliated television stations in regular network program series; and on-air identification of such material ("S.T.O.P." Petition of Bernard A. Balmuth).

Reply comments in this proceeding are now due February 24, 1975 (initial comments were due by January 27). The Commission has recieved an informal request for additional time to file reply comments, from Mr. Bernard Balmuth, Hollywood, California, the petitioner herein. Citing the difficulty of obtaining the comments filed because of his distant location, Mr. Balmuth asks an additional three weeks, or to and including March 17, 1975.

It appears that good cause is shown for the requested extension, particularly since it will not significantly delay Commission consideration of this matter, and since one of the three national TV networks, opponents of Mr. Balmuth's petition, asked for and recieved additional time in which to file initial comments.

In view of the foregoing, It is ordered, That the time for filing reply comments in this proceeding is extended to and including March 17, 1975.

This action is taken pursuant to delegated authority contained in §0.281 of the Commission's rules.

Adopted: February 19, 1975.

Released: February 21, 1975.

[SEAL] PAUL WILLIAM PUTNEY,
Acting Chief, Broadcast Bureau.

[FR Doc.75-5350 Filed 2-27-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. RM75-19]

END USE RATE SCHEDULES

Utilization and Conservation of Natural Resources

FEBRUARY 20, 1975.

In the notice of rulemaking issued January 8, 1973, in Docket No. R-468, the Commission proposed revisions to the Commission's Regulations under the Natural Gas Act which would occur in §§ 153.4, 154.38(b), 154.39, 156.5 and 157.14, and detailed the revised language under consideration. Included in the notice was proposed amended language to § 154.38(b) of the regulations which would require that certain large volume industrial sales, both present and future, be made under interruptible contracts and rate schedules.

The notice of proposed rulemaking in Docket No. R-468 was specifically related to a notice of proposed policy statement in Docket No. R-467 which concerned the Utilization and Conservation of Natural Resources—Natural Gas. It is our view that this earlier notice did not provide adequate notice of specific proposals which might evolve therefrom, and accordingly, we issue this notice to advise that the Commission now has under consideration a proposal to require that natural gas purchased for ultimate utilization or consumption in various classes of usage be sold under separate pipeline contracts and rate schedules.

The basic authority of the Commission initiate this proposed rulemaking action is the Natural Gas Act as amended, particularly sections 3, 4, 5, 7, 8, 10 and 16 (52 Stat. 822, 823, 824, 825, 826, 830; 56 Stat. and 83 and 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717, b, c, d, f, i, g and o) and the Administrative Procedure Act (5 U.S.C. 553). The responses received will be utilized in the formulation of such rules and policy as may be finally adopted by the Commission.

It does not appear appropriate to continue rate design techniques which

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promote industrial[1] consumption of natural gas. Natural gas is a premium resource which is in short supply and every effort must be made to channel its usage to the higher priority categories of service. At the very least, natural gas consumed for industrial purposes must bear its fair share of the costs.

This notice submits for public comments the Commission's proposal to employ rate techniques designed to eliminate any incentive for pipelines to sell natural gas for ultimate industrial consumption, for distributors to attempt to improve their purchase load factors through the sale of gas for industrial purposes, and for industrial consumers to purchase natural gas for low priority uses when other fuels can be utilized. We invite comments on the methods of determining pipeline rates described herein as well as any other alternatives which the responding parties may consider appropriate.

We are particularly concerned in this time of critical natural gas shortage, when most major interstate pipeline companies are finding it necessary to curtail service to their customers, that substantial amounts of natural gas are still being sold for industrial consumption at rates which understate both the cost and the value of the gas. Much of this gas is purchased from interstate pipelines under two-part rate structures which make it possible for distributors to sell substantial volumes of interruptible gas at prices only slightly above the commodity levels of the two-part rates.

Of particular concern to us is the fact that most gas made available for interruptible industrial purposes is purchased as valley gas under presently effective contract demand rate schedules. This situation makes it difficult to distinguish between gas purchased from the pipeline for resale to residential, commercial, and industrial consumers. Consequently, our efforts to encourage more efficient usage of the nation's natural gas resources through rate design has not been effective. In our Notice of Proposed Rulemaking and Request for Comments issued January 8, 1973, in Docket No. R–468, we solicited comments on the possibility of modifying the availability clause in pipeline rate schedules to differentiate between types of service. Comments on this Notice of Proposed Rulemaking have been received. However, the purpose of this earlier rulemaking was designed more to implement the priorities of service then contemplated in Docket No. R–467 and the resulting comments offer little assistance to us in attempting to arrive at a solution to the underlying problem of the sale of natural gas for industrial purposes at rate levels which encourage the depletion of this resource for uses which can, and should, be served by alternate fuels.

[1] "Industrial" as the term is used in this order shall refer to that service, as defined in § 2.78(c)(3) of the Commission's general rules of practice and procedure. (18 CFR 2.78 (c)(3)).

In our Order No. 431 issued April 15, 1971, in Docket No. R–418, we stated our intent to reexamine existing commodity rate levels and expressed the possibility that commodity-demand rate relationships may be changed in future pipeline rate cases. In Opinion No. 600–A, issued May 9, 1972, in *El Paso Natural Gas Company*, we found that costs should be classified according to the unmodified Seaboard formula and reiterated our intent to carry out a searching reappraisal of cost classification, allocation and rate design techniques. Consistent with our efforts to reduce the incentive for making industrial sales, we stated in our order of April 10, 1973, in *Michigan Wisconsin Pipe Line Company*, Docket No. RP72–118, that the minimum rate design acceptable for settlement purposes shall be unmodified *Seaboard* costs. In a subsequent order of July 18, 1973, in *Natural Gas Pipeline Company of America*, Docket No. RP72–132, we encouraged parties to consider setting the commodity level of pipeline rates on parity with competitive fuel prices. Most recently, in our Opinion No. 671, issued on October 31, 1973, in *United Gas Pipe Line Company*, Docket No. RP72–75, we found that 75 percent of the fixed transmission and storage costs should be assigned to the commodity component of United's rates based upon the current operation of its pipeline system.

It is now apparent that increasing the cost of natural gas to industrial consumers through the limited means of altering the demand-commodity relationship will not drastically reduce industrial gas use under present day circumstances. Availability of alternative fuels is limited and their prices greatly exceed the price of natural gas. Accordingly, the Commission proposes to modify the previously proposed amendment to § 154.38(b) and consider instead a proposal to amend the availability clause under all rate schedules and contracts contained in pipeline tariffs to provide that all sales for resale in interstate commerce be made only in accordance with rate schedules which provide rates based upon end usage of the gas sold; separate rate schedules shall be required for gas sold for resale for (1) nonindustrial purposes, intluding residential and commercial purposes and (2) industrial purposes. Special pipeline services such as transportation and storage services shall be rendered under separate rate schedules.

To implement this proposal, the Commission would, in all pipeline rate cases, make a determination of: (a) the total costs of rendering service; (b) an allocation of costs, where appropriate, between jurisdictional and nonjurisdictional service; such allocation being determined volumetrically, based on average annual day facilities utilization; and (c) the total revenues necessary to recover the pipeline's cost of service, including a fair return on capital, with respect to jurisdictional services rendered. A total rate design would then be established which will produce the revenues necessary to meet the cost of pipeline jurisdictional service, which design would include the following:

(1) Transportation, storage, and other special service rate schedules, including LNG, SNG and other synthetic gas rate schedules, shall be designed to recover all costs allocable thereto on a volumetric basis, plus costs specifically attributable to the rendition of the particular service covered by the rate schedule.

(2) An industrial rate schedule shall be designed to cover all sales for resale for industrial purposes; such industrial rate shall not be less than the sum of (a) the pipeline's average cost of gas purchased from any source under contracts dated after December 31, 1972, and (b) an allocation of fixed and variable costs (other than purchased gas) determined volumetrically, based on average annual day facilities utilization.

(3) Nonindustrial rate schedules covering sales for resale for nonindustrial purposes shall be designed to recover all jurisdictional costs not allocated to the rate schedules described in paragraphs (1) and (2) above. Provided, however, that the nonindustrial rate shall not be less than the average cost of purchase gas under contracts dated prior to January 1, 1973.

In designing rates for individual pipelines, the industrial rate shall be applied systemwide; zoning may be employed to reasonably allocate the remaining costs among other customers where circumstances warrant. Conjunctive billing, or group billing, may be employed where it is necessary to protect high priority loads. Rate schedules and contracts governing sales by a jurisdictional pipeline to a jurisdictional pipeline shall conform to the requirements herein set forth. Purchased gas adjustments shall be made to the appropriate rate schedule in accord with the allocation of purchased gas costs set forth above; e.g., an increase in cost under a producer contract dated after December 31, 1972, shall flow to the industrial rate schedule, and cost increases attributable to gas purchased under producer contracts dated prior thereto shall flow to the nonindustrial rate schedule, except for new gas dedications after December 31, 1972.

In recognition of the hardships which might result if industrial sales decline under the rate pressure exerted by the proposals here under consideration, or if sales estimates prove to be unreliable until experience demonstrating the degree of demand elasticity in the industrial market is acquired, the Commission will consider the use of volume variation adjustment clauses to permit periodic adjustment, between regular rate filings, in pipeline rates so that the pipeline will recover the full cost of service intended at the time overall revenue requirements are determined.

The rationale for these proposals is three-fold: First, we believe it a national energy policy imperative that natural gas should be used efficiently. Where other fuels can be used, they should be used. This goal is unobtainable so long as natural gas is priced substantially below substitutable fuels, for a reference to other fuels will not voluntarily occur. Any attempt to achieve demand reduction through fuel substitution should not,

however, be directed at the residential or commercial user. We believe this market to be relatively price inelastic, with the normal householder and small businessman virtually "locked-in" to natural gas service. The interstate industrial gas market demand, however, has been stimulated, and continues to be stimulated, by gas rates which are totally out of line with prices for alternate fuels and alternate gas supplies in the intrastate market and from supplementary sources, e.g., LNG, SNG and pipeline imports. Here we believe fuel substitution can occur if there is economic reason for the substitution, that is, if natural gas is no longer offered at less than its value. To the extent that industrial gas demand slackens, the natural gas supply of this nation will be conserved for use by householders and businesses, and for essential, nonsubstitutable feedstock and process needs. This too, we believe, is a national imperative.

Second, we believe end use rates can be cost justified so as to allocate limited natural gas resources more efficiently. Industrial consumers characteristically consume natural gas at high average daily rates, and as a consequence accelerate the depletion of our limited natural gas resources. The depletion of existing supplies has made it necessary for pipeline companies to seek new higher priced supplies, including imported liquefied natural gas and various forms of synthetic gas. Although industrial consumption has contributed greatly to the increased costs of gas supply, the costs levied against that consumption have generally been based upon the pipeline's average cost of purchased gas which greatly understates the cost of providing the service. Moreover, the rapid depletion of existing gas supplies has made it necessary to make advance payments, construct additional gas supply facilities, increase the rate of depreciating present facilities and incur substantially higher financing costs. As a result of the pervasive and deepening shortage of natural gas, this Commission has been forced to the basic determination that presently available, presently deliverable natural gas supplies be dedicated, as a matter of priority, to residential and commercial needs on an end use basis.[2] It follows that the costs of the gas set aside to the high-priority market should be allocated to that market and that it is no longer appropriate regulation to assess new gas costs to a market which will benefit the least therefrom. Thus we assign the proposed nonindustrial service the cost of "old" gas and to the proposed industrial service the cost of "new" gas. We recognize also that certain markets are supplied by imported gas. To the extent that domestic gas delivered to those markets is sufficient to meet the nonindustrial loads, the cost of imported gas should be exclusively assigned to the industrial rate schedule. In the event imported gas is needed to serve nonindustrial loads, only that portion required above domestic gas shall be assigned to nonindustrial service. Pipelines are permitted to price their own production at the nationwide rate for wells drilled after or for gas dedicated to the interstate market after January 1, 1973,[3] and the cost of this gas should also be assigned to the industrial rate schedule.

Third, we are mindful that interstate pipelines and their distributor customers have invested substantial capital in the development of natural gas storage as well as in various other forms of peak shaving capacity. We have stated our desire to encourage the development and utilization of storage to the extent it enables the pipelines and the distributors to meet the temperature-sensitive requirements of their market areas. The benefits of storage are generally considered to be far-reaching: (1) storage tends to assure to independent producers a year-round cash flow which makes funds available for further exploration and development; (2) storage reduces the need for more expensive pipeline capacity and makes possible more efficient utilization of existing pipeline facilities; (3) storage benefits the high priority consumers through the availability of natural gas during peak demand periods at the lowest reasonable costs; and (4) storage reduces the requirement for higher priced peak shaving SNG, LNG and other substitutes. It is important that any rate design approach give appropriate consideration to the benefits of storage.

We anticipate that our proposals will result in a relative increase in industrial sales rates, and a relative decline in nonindustrial sales rates. We anticipate further that as "new" gas costs rise, the increase will be assigned in its entirety, to the industrial rate schedule, thus achieving a long-term stabilization of rates to householders and smaller businessmen, and rates to industrial consumers more nearly equating to the incremental costs of gas supplies. We recognize the possibility of some shift in historical revenue patterns, however, there should be no adverse effect to the pipeline on an annual basis since it would continue to recover its jurisdictional cost of service.

We fully recognize that our rate jurisdiction is limited to sales for resale in interstate commerce and does not extend to direct industrial sales. Accordingly, any action taken in this docket will not prescribe the rate at which direct industrial gas sales are made by pipelines, but will exert pressure on the rate at which such direct sales are made. If, however, we delayed or refused to take action because our rate jurisdiction is limited, we would be properly criticized for failing to do all that is within our limited powers in this time of a national fuels crisis.

So also, we know that use of end use rate schedules at the wholesale level does not necessarily mean that retail sales will follow the same configuration. State commissions have it within their power to ignore end use considerations in setting and designing retail rates. We believe, however, that if the wholesale rate structure clearly demonstrates that gas is being sold at wholesale to distribution companies for residential and commercial users at rates far lower than the gas wholesaled for industrial use, state commissions will be encouraged to extend to residential and commercial users in their respective jurisdictions the benefits of our cost determinations. In any event, speculation concerning state commission action, or inaction, cannot be determinative of how this Commission should discharge its responsibilities within the sphere of its jurisdiction.[4] We must do what we can, in the hope and belief that state regulatory agencies share our concern that the rate structure for end use consumption requires radical revision to allocate gas supplies more efficiently and will, in turn, continue to discharge their responsibilities to the public interest.

We concede also, in advance of comments we anticipate, that application of the cost allocation and rate design proposals set forth in this Notice will be difficult, and in the initial stages, will create uncertainties. A determination of the market profile for each pipeline, which is essential to implement end use rate schedules, is not a simple undertaking. We have, however, been faced with this task, as have the pipelines and their customers, in the curtailment cases which have been before us continuously over the past four years. Accordingly, while we acknowledge the difficulty of the task which lies ahead, we know it is not an impossible task. To this end, pipelines in their rate change filings will be required to include in their test period sales estimates a breakdown of sales between the various end use categories and we intend to amend our filing requirements to so provide.

The more difficult problem lies in the manner of implementing end use rate schedules after they have been established. At the time of delivery, neither the distributor nor the pipeline knows to a great degree of certainty to what use the gas will be put. How, then, can a rational decision be made concerning which rate schedule covers the delivery? We are tentatively of the view that the level of deliveries for residential and commercial service may be reasonably estimated in terms of historical delivery levels to this market and that special market requirements can be similarly identified. With the level of deliveries destined for residential, and commercial requirements thus determinable with reasonable certainty, the volumes so ascertained should be billed at the nonindustrial rate, and all excess volumes should be billed at the industrial rate. If this manner of implementation is em-

[2] Order 467, 49 FPC 85 (1973); Order 467–A, 49 FPC 217 (1973); Order 467–B, 49 FPC 83 (1973); affirmed *Pacific Gas and Electric Company, et al.* v. *F.P.C.* — U.S. App. D.C. —, F.2d — (Nos. 73–1358, *et al.*, decided June 26, 1974).

[3] Opinion No. 699–H, issued December 4, 1974, in Docket No. R–389–B.

[4] *Texas Eastern Transmission Corp.* v. *F.P.C.* 470 F.2d 757, 760 (1972).

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ployed, it may be necessary to make adjustments, at the time of and in conjunction with, major pipeline rate increase proceedings, in the end use market profile applicable to the pipeline.

The cost allocation and rate design formulae proposed herein are in accord with applicable law. As the Supreme Court has stated in *Colorado Interstate Gas Company* v. *F.P.C.*, 324 U.S. 581–590 (1945) in regard to the Commission's authority to prescribe cost allocation formulae:

> • • • Congress indeed prescribed no formula for determining how the interstate wholesale business whose rates are regulated, should be segregated from the other phases of the business whose rates are not regulated. • • • When Congress, as here, fails to provide a formula for the Commission to follow, courts are not warranted in rejecting the one which the Commission employs unless it plainly contravenes the statutory scheme of regulation. If Congress had prescribed a formula it would be the duty of the Commission to follow it. But we cannot say that under the Natural Gas Act the Commission can employ only one allocation formula and that the formula must entail a segregation of property. • • • Allocation of costs is not a matter for the slide-rule. It involves judgment on a myriad of facts. It has no claim to an exact science. • • • *Under this Act the appropriateness of the formula employed by the Commission in a given case raises questions of fact, not of law.* (*Underscoring* added.)

Moreover, in approving the *Seaboard* cost allocation formula, the Court in *State Corporation Commission of Kansas* v. *F.P.C.*, 260 F.2d at 710 (8th Cir. 1953; cert. denied 346 U.S. 922 (1954)) clearly expressed its belief that the Commission must be permitted to modify its approach in the future to meet changed circumstances:

> We do not feel that the Commission is bound to follow its past practices if experience and study show that those past practices should be modified. In the subject under discussion we feel it is peculiarly within the Commission's discretion to so alter their application of the demand-commodity approach to the problem of allocation as to reflect what appears to the Commission to be important factors not previously considered.

Immediately following adoption of the *Seaboard* formula the Commission found that *Seaboard* would not apply with rational results where large amounts of unused capacity existed in the pipeline's system and instead prescribed a volumetric allocation based on actual usage.[6]

The rate design formula proposed herein is also sustainable on a legal basis. In *F.P.C.* v. *Natural Gas Pipeline Company*, 315 U.S. 575, at 586 (1942), the Supreme Court described the Commission's rate making authority:

> The Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas. Agencies to whom this legislative power has been delegated are free, within the ambit of their statutory authority, to make the pragmatic adjustments which may be called for by particular circumstances. Once a fair hearing has been given, proper findings made and other statutory requirements satisfied, the courts cannot intervene in the absence of a clear showing that the limits of due process have been overstepped. If the Commission's order, as applied to the facts before it and view in its entirety, produces no arbitrary result, our inquiry is at an end.[6]

After experimentation with one-part rate structures as well as rates based upon the pure peak responsibility method of cost assignment, the Commission, in 1952, decided the *Atlantic-Seaboard* case, 11 FPC 43, 53 (1952), which prescribed the *Seaboard* formula of cost classification, cost allocation and rate design. For a time, the Commission translated the *Seaboard* formula for cost classification and cost allocation into rate design.[7] However, almost immediately, the translation of the formula into rates began to be questioned. The basis for this criticism was that the commodity component of the two-part, demand-commodity rate contained too high a proportion of the pipeline's fixed costs.

Thus, it was alleged that the resultant commodity rate *discouraged* the distributor customers of the pipelines from making industrial boiler fuel sales at rates low enough to compete with alternate fuels[8] thus thwarting efforts by the pipelines' distributors to improve their capacity utilization or load factor by attaching "valley" industrial customers who would use the capacity made available when the low load factor, primarily space heating, customers were not placing large demands on the distributors.

The Commission itself began to echo this criticism of the *Seaboard* formula and to mitigate its practical results began "tilting" the *Seaboard* rates; that is, assigning a portion of the fixed costs normally assignable to the commodity component of the rate to the demand component. The level of a given pipeline's commodity rate was a function of the price of competitive fuels in the pipeline's distributor's market area.[9] The Commission's method of tilting was described by the Court in *Fuels Research Council, Inc.* v. *Federal Power Commission*, 374 F.2d 842 (1967), affirmed Opinion No. 477, 34 FPC 973 (1965) which set rates for Midwestern Gas Transmission Company and Natural Gas Pipeline Company for rates for resale to their respective distributors in the Chicago, Illinois and Gary, Indiana market areas. The Court noted that at the time of the Commission's order then under review, the commodity component of a pipeline's two-part rate to a distributor was used by state commissions as a "floor" for the distributor's industrial resale rates. The Court noted that the State Commissions, in general, would not permit a distributor to sell industrial gas at a rate lower than the commodity component of the distributor's supplier's commodity rate. (*Ibid.* at 850, Footnote 14). The Court then upheld the Commission's rate design in the order under review which based on the pipeline's commodity rate at a level:

> • • • which would ultimately permit the distributors to compete with coal in the industrial boiler fuel market. Once the commodity component level necessary for this purpose was selected, the remaining step was simply to compute the level of the demand component which would insure the recovery of the remainder of the pipelines' total cost of service (*Ibid.* at 850).

In response to the contention of the Coal Association that such a process involved "backward ratemaking" and that "rate designs must be constructed through cost allocations, not by pricing competitive products", the Court responded that the Commission's conclusion that the rates were just and reasonable within the meaning of section 5(a) of the Natural Gas Act finds adequate support in the record.

It is clear that the rate design proposed herein is analogous to the rate design approved in *Fuels Research supra*, in that both formulas take end use and the price of alternate fuels into consideration in designing the pipeline's rates. In *Fuels Research*, the focus was on designing the pipelines' rates used for sales to its distributors so as to enable the distributors in turn, to design industrial retail rates low enough to compete with alternate fuels. In the instant rulemaking, because of the high price, relatively speaking, of alternate fuels, we are attempting to design the pipelines' rates so as to encourage distributors and their state commissions to shift more costs to the industrial customers in light of the gas supply situation and in view of our desire to discontinue the incentives which now exist for sale of industrial gas.

We are aware, of course, that our rate design proposal might be construed by

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[5] *Alabama-Tennessee Natural Gas Company*, 11 FPC 75 (1952), affirmed, *Alabama-Tennessee Natural Gas Company* v. *F.P.C.*, 203 F. 2d 494 (1953).

[6] See also *Federal Power Commission* v. *Hope Natural Gas Co.*, 320 U.S. 591, 600–603 (1944), and dissenting opinions at pages 620–623, 625–628, 645, 652–653, 64 S. Ct. 281, 286–288 and dissenting opinions at pages 297, 298–300, 306, 311–312, 88 L. Ed. 333, dissenting opinions; *Colorado Interstate Gas Co.* v. *Federal Power Commission*, 324 U.S. 581, 589–590, 604–605 (1945) 65 S. Ct. 829, 89 L. Ed. 1206; *Battle Creek Gas Company* v. *Federal Power Commission*, 108 U.S. App. D.C. 209, 281 F. 2d 42, 46 (1960).

[7] *State Corporation Commission of Kansas* v. *F.P.C.*, 206 F.2d 690 (1953), certiorari denied 346 U.S. 922 (1954).

[8] "Is FPC Gas Cost Allocation Equitable?" by Larry Shomaher, *Public Utilities Fortnightly*, Vol. L, No. 10, November 6, 1952, p. 680; "Impact of Cost Allocation on Gas Pricing" by Henry Herz, 58 *Public Utilities Fortnightly* 685 (1956); "The Impact of Cost Allocation upon Future of the Natural Gas Industry" by Hans E. Nissel, 66 *Public Utilities Fortnightly* 512 (1960); Garfield & Lovejoy, Public Utility Economics at 184–185 (1964).

[9] *Midwestern Gas Transmission Company*, 21 FPC 653 (1959); *Natural Gas Pipe Line Company*, 28 FPC 731 (1962); *Southern Natural Gas Company*, 29 FPC 323, at 352–353 (1963); *United Fuel Gas Company, et al.*, 31 FPC 1342, at 1340–1352 (1964); *United Gas Pipe Line Company*, 31 FPC 1180, 1200 (1964); *American Louisiana Pipe Line Company, et al.*, 29 FPC 932 at 944 (1963).

those opposing change as one which conflicts with the holding in *F.P.C.* v. *Hope Natural Gas Company*, 320 U.S. 591, at 616–617 (1944) that the Commission is without power to design rates so as to discourage the industrial use of gas. In *Fuel Research*, however, the Court reconciled *Hope* and its decision when it stated the concept that while the Commission could consider competitive fuel prices in rate design in a Section 5(a) proceeding, it could not consider end use and conservation in such a proceeding. However, by the very act of considering competitive fuel prices for boiler fuel in the distributor's market area and designing the pipeline's rates to permit the distributor to compete with the alternate fuels, the Commission, with Court approval, in *Fuel Research* was looking at the end use of the gas and was attempting to design rates to encourage industrial boiler fuel gas sales which necessarily, by the shifting of costs, acted to discourage residential and small commercial sales by the distributors. It would seem anomalous to say that the Commission cannot now, in the face of a severe natural gas shortage, design rates which would remove the incentives for sales of natural gas for industrial purposes, those same incentives which the Commission itself was responsible for establishing. Clearly, then, the holding of *Hope* that: "The Commission (is) not bound to the use of any single formula or combination of formulas in determining rates" (320 U.S. 591, 602 (1944)) is broad enough to encompass the rate design structure proposed in the instant rulemaking. Moreover, the rationale of *Fuels Research* is clear support for the Commission's proposed rate design.

The rate design proposed herein is not unique. The Commission has approved rate schedules and tariffs filed by natural gas pipelines subject to this Commission's jurisdiction which designate the end-use of the gas to be sold under the schedule.[10]

To implement the proposal described above we propose to amend our present Regulation Under The Natural Gas Act in the following manner:

Section 154.38(b) of Part 154, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, would be amended by adding a new subparagraph (2), by redesignating the present paragraps as (1), and by revising paragraph (d)(4)(ii) to read as follows:

§ 154.38 Composition of rate schedule.

• • • • • •

(b) *Availability.* (1) • • •

(2) All sales for resale in interstate commerce must be made under rate schedules which provide for rates based upon the end use of the gas sold; separate rate schedules are required for natural gas sold for resale for (i) industrial purposes and (ii) nonindustrial purposes (including residential-commercial). Separate rate schedules may be filed to cover special pipeline services such as transportation, storage, irrigation, LNG, SNG, and other synthetic gas services.

• • • • • •

(4) • • •

(ii) The methods of determining changes in cost of gas purchased from producer and pipeline suppliers shall be separately established. Increases in cost of gas purchased from small producers shall be shown separately, and the provisions of Order No. 428 shall apply to these increases. Independent producer rate changes shall be applied to the nonindustrial and industrial rate schedules according to the date of the independent producer contract. Changes associated with contracts dated after December 31, 1972, shall be assigned to the industrial rate schedules. Independent producer changes associated with contracts dated prior to January 1, 1973, shall be assigned to the non-industrial rate schedule except for new gas dedications after December 31, 1972. Company and/or affiliated production shall be treated similarly. Changes in the price of imported volumes shall be assigned exclusively to the nonindustrial rate schedules to the extent domestic gas is insufficient to satisfy the total load served by these rate schedules; the remaining cost of changes in the price of imported volumes shall be assigned exclusively to the industrial rate schedules based upon service for which the gas was purchased.

• • • • • •

§ 154.63 [Amended]

The following Statements and Schedules required by § 154.63(f) would be amended as follows:

In Statement G, Amend first, the paragraph to read:

Statement G—Gas Operating revenues and sales volumes. This statement shall show the operating revenues from sales of gas to the various end use categories of service, and the related volumes of gas and products. Sales and services and related volumes shall be classified between end use categories and between jurisdictional and nonjurisdictional; items which are reflected as credits to cost of service in preparing Statement A, Overall Cost of Service, shall be identified. Statement G shall disclose for both the base and test periods the revenues and sales associated with each end use category of service on a 3 day peak and annual basis. Such disclosure shall be as follows, using supporting schedules as necessary.

In Schedule H(1)–3 Add a new paragraph to read:

The schedule shall clearly indicate the contracts, purchased volumes and prices of gas assigned to the nonindustrial and industrial rate schedules. In the event gas is purchased for service under special rate schedules, e.g., storage, LNG or synthetic gas service, such gas should be clearly identified and designated for the individual service.

In Statement I, Amend the first paragraph to read:

Statement I—Allocation of overall cost of service. This statement shall show with respect to overall cost of service (Statement A); (a) Grouping and allocation of various items of cost and credits to cost of service into functional totals; (b) Allocation among jurisdictional and nonjurisdictional sales and service, such allocation being determined volumetrically based on average annual day facilities utilization and the data used in computing such allocation fatcors.

Delete Schedules I–2 and I–6 and renumber remaining schedules as follows:

Present designation:	New designation
I–3	I–2
I–4	I–3
I–5	I–4
I–7	I–5

In Schedule I(7), Amend the language to read:

Schedule I(7) showing by months, and total thereof, for the 12 months of actual experience, the company's Gas Account, in the form required by the Commission's Annual Report Form No. 2, pages 568 and 569, except that such schedule shall also show the end use of the gas for each of the categories of sales and gas receipts shall be divided based upon whether it is related to nonindustrial or industrial service. In addition, there shall be shown corresponding estimated data, if claimed to be different from actual experience.

In Schedule K–1, Amend the language to read:

Schedule K–1 showing the derivation of each of the increased rates shall be submitted. Such rates shall be established which produce the revenues necessary to meet the cost of pipeline jurisdictional service as derived pursuant to Statement I of this section, which design would include the following:

(1) Transportation, storage, and other special service rate schedules, including LNG, SNG and other synthetic gas rate schedules, shall be designated to recover all costs allocable thereto on a volumetric basis, plus costs specifically attributable to the rendition of the particular service covered by the rate schedule.

(2) An industrial rate schedule shall be designed to cover all sales for resale for industrial purposes; such industrial rate shall be not less than the sum of (a) the pipeline's average cost of gas purchased from any source under contracts dated after December 31, 1972, and (b) an allocation of fixed and variable costs (other than purchased gas) determined volumetrically, based on average annual day facilities utilization.

(3) Nonindustrial rate schedules covering sales for resale for nonindustrial purposes shall be designed to recover all jurisdictional costs not allocated to the rate schedules described in paragraphs (1) and (2) above. Provided, however, that the nonindustrial rate shall not be less than the average cost of purchased gas under contracts dated prior to January 1, 1973.

We offer all proposals set forth in this notice for public comment. We earnestly seek the assistance of all sectors of the economy and federal and state energy, resource and environmental agencies in reaching conclusions on how best to achieve gas conservation and equitable pricing. To the fulfillment of these goals we are firmly and unequivocally dedicated. We seek advice on how to attain these goals at the earliest possible date consistent with fairness and efficiency.

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[10] See Appendix A.

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In order to assist the Commission in this endeavor major Class A and B natural gas pipeline companies (as identified in the Statistics For Interstate Natural Gas Pipeline Companies—1973) shall be considered respondents for purposes of this rulemaking and are specifically directed to submit the information and data showing the potential impact of this rulemaking if implemented on themselves and their customers in the manner set forth in the attached Appendix B. Other pipeline companies may also submit such information in the form prescribed by Appendix B if they so desire.

Any interested person including Commission Staff may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 30, 1975, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, Washington, D.C., during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

[Docket No. RM75-19]

Company	Rate schedule	Description
Alabama-Tennessee Natural Gas Co.	I-1, Interruptible-Industrial Gas Service.	Available to entire system; to schedule G-1 and SG-1 buyers for resale to approved consumers for industrial use.
Cities Service Gas Co.	I Series, Industrial Interruptible Deliveries.	Available to F schedule buyers for resale to any approved large industrial consumer.
	LVS-2, Large Volumes Special Industrial Service.	Available to schedule F-2 buyers for resale to approve large volume power plants only for the purpose of generating electricity and steam for sale for ultimate public consumption.
	C Series, Commercial Interruptible Deliveries.	Available to schedule F buyers for resale to any approved large commercial consumer.
	IRG-I, Irrigation Service.	Available any division ! customers which is a utility executing agreement for a specified maximum daily quantity for current resale for irrigation and other incidental farm purposes and which is receiving natural gas from seller's pipeline system and does not purchase under rate schedule F-1.
El Paso Natural Gas Co.	A Series, Residential Service.	Available to distributors for resale for domestic use.
	B Series, Non-Residential Service.	Available to distributors for all purposes except those covered by A series, D series X-1 and X-7 rate schedules.
	D Series, Irrigation Services.	Available to distributors for resale for use in gas-driven irrigation pumps.
Florida Gas Transmission Co.	I, Preferred Industrial Service.	Available to entire system to G buyers for resale to an approved commercial or industrial consumers.
Northern Natural Gas Co.	ACDS-1, Agriculture Corp Service.	Available to any schedule CD-1 buyer for the specific purpose of drying seed, grain and other crops provided such requirements cannot be met under any other rate schedule.
Northwest Pipeline Corp.	I-1, Interruptible Industrial and Institutional Service.	Available to schedule DS-1 buyers for resale to industrial or an institutional consumers whose requirements exceed 500 therms per day, or to distributors for resale to such institutional and industria consumers.
	'L-5, Pipeline Service-Idaho Interruptible Large Industrial Service.	Available to Southwest Gas Corp. when purchasing under schedule PL-4, for resale to any large industrial consumer. Large industrial consumer is one utilizing volume in excess of 360,000 therms per day
South Georgia Natural Gas Co.	I-1, Interruptible Service.	Available to schedule G-1 buyers for resale to approved commercial or industrial consumers, including buyer as a consumer.
	AC-1, Seasonal Service.	Available to schedule G-1 and G-2 buyers during period May through September for resale to approved consumers for use as prime energy source for air conditioning and ice manufacturing.
Texas Gas Transmission Corp.	I Series, Interruptible Industrial Gas Service.	Available to buyers under firm rate schedules contracting for specific maximum daily volumes for resale to specified industrial consumers.
Transwestern Pipeline Co.	SG-1, Small General Services.	Available in New Mexico, Texas, and Oklahoma for deliveries of not more than 3,000 Mcf of any one to natural gas distribution systems served by seller's pipeline system situated east of seller's Roswell, N. Mex. compressor station for resale to residential or small commercial customers.
	RW-1, Right-of-Way Service.	To all grantors of easements and right-of-way to seller in the Panhandle area of Texas and Oklahoma and to buyers who require service for agricultural or irrigation purposes in the vicinity of seller's pipeline in Texas, Oklahoma, and certain parts of New Mexico.

APPENDIX B—FORMAT FOR PRESENTATION OF POTENTIAL IMPACT

[Docket No. RM75-19]

For purposes of presenting potential impact, the major Class A and B pipeline respondents should supply data in the manner detailed below.

I. Actual revenue data for calendar year 1974 should be used; for purposes of this study such data should be limited to revenues attributable to all services subject to FPC jurisdiction and will be considered representative of the costs associated with these jurisdictional revenues.

II. The costs to be assigned to the industrial and nonindustrial services should be determined as follows:

A. Credit revenues received from services performed under special rate schedules such as those covering transportation, storage, LNG and SNG to the total jurisdictional costs for 1974 as described in I above.

B. Deduct from the remaining cost the following: (1) the product of multiplying actual unit purchased gas cost for calendar year 1974 times jurisdictional sales volumes for that year, and (2) where the pipeline has its own production, either the product of multiplying jurisdictional sales volumes by unit production cost or area/national rate as may be applicable.

C. The remaining cost should then be divided by the sales determined in III-A below to arrive at the approximate unit fixed cost per Mcf.

III. The sales to be assigned to the industrial and nonindustrial services should be determined as follows:

A. From total jurisdictional sales for 1974 deduct sales volumes associated with special rate schedules such as LNG, SNG and with storage volumes where not provided by the buyer's own gas supply.

B. Separate remaining sales between industrial and nonindustrial based upon the end use of the gas.

IV. The rate levels for the industrial and nonindustrial services shall be determined as follows:

A. The industrial rate level shall be determined on a system-wide basis and shall equal the sum of the unit cost per Mcf determined in II-C above and the average cost of gas purchased under contracts dated on and after January 1, 1973.

B. The nonindustrial rate or rates shall recover the remaining jurisdictional costs and shall equal the quotient of these costs divided by the nonindustrial sales determined in III-B above, except where the pipeline's rates in 1974 were collected on a zoned basis in which case the pipeline may design its nonindustrial rate for each zone to reflect zone differentials; provided however, that no nonindustrial rate shall be less than the average cost of gas purchased under contracts dated prior to January 1, 1973. In the event zone rates are employed, the method of determining these rates should be clearly described.

V. Computation of Impact

A. Determine total cost that each jurisdictional customer would have incurred during 1974 had rate levels in IV above been in effect based upon their end use markets.

B. Compare by customer the cost determined above with the actual cost incurred in 1974.

C. Summarize by zone, where appropriate, the comparative costs and show the resulting effect upon zone differentials.

NOTE.—Where pipelines purchase from other pipelines it is contemplated that the purchasing pipelines will provide end use data to their pipeline suppliers consistent with that to be utilized in their own studies and in sufficient time to enable them to make timely responses.

[FR Doc.75-5238 Filed 2-27-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

LAW ENFORCEMENT/PRIVATE SECURITY RELATIONSHIP STUDY COMMITTEE

Meeting

Notice is hereby given of a change in the location of the meeting of the Law Enforcement/Private Security Relationship Study Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration.

As previously announced on page 7691 of the February 21, 1975, issue of the FEDERAL REGISTER, the meeting will take place on Friday, March 7, 1975. However, the location has been changed from the Hilton International Hotel at O'Hare International Airport to the Sheraton-O'Hare Motor Hotel, Rosemont, Illinois. The meeting will begin promptly at 9:30 a.m., and will be open to the public.

For further information, please contact: Irving Slott, Director, Planning Development and Evaluation, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue NW, Washington, D.C. 20531. 202/386-3317.

GERALD YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-5620 Filed 2-27-75;10:16 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During November

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program, for the month of November. This is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in accordance with 40 CFR, part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to Federal Register Notice of June 20, 1974 (39 FR 2216G).

This report is based on actual use data of the M-44 during the report month; whereas, previous reports were based on M-44 use for November 1974 is as of the "emergency" program. This change should give a truer picture of actual field work. The change is appropriate with the November report since the initial permit period was through October 31, 1974. On October 30, 1974, the permit was extended by the Environmental Protection Agency to include the period from November 1, 1974, through October 31, 1975.

M-44 use for November 1974 is as follows:

M-44 Emergency use, November 1974

State	Number of counties	Number of ranches	Number of sheep and goats protected	Number of M-44's used
Arizona	3	10	918	141
California	1	2	1,000	20
Idaho	1	1	878	2
Montana	18	24	17,261	450
New Mexico	7	16	8,678	515
Oklahoma	5	5	1,381	91
Oregon	6	23	2,972	198
Texas	34	139	103,683	1,344
Utah [1]	1	4	494	62
Wyoming	4	20	20,170	307
Total	79	244	157,433	3,169

[1] On Indian reservation in San Juan County.

One or more coyotes were taken with this device on 100 of the 244 emergency areas, but losses were not necessarily halted in each case. During this month, 251 coyotes were taken by this device. Other species taken with the device during this period include 73 foxes, 6 feral dogs, 5 raccoons, 14 skunks, and 5 opossums.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on sheep and goats was conducted by trained Service personnel in accordance with the *Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device For the Control of Depredating Canids*, as it appears in the Federal Register, Volume 39, No. 120—Thursday, June 20, 1974.

Dated: February 21, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-5352 Filed 2-27-75;8:45 am]

National Park Service

ARKANSAS POST NATIONAL MEMORIAL, ARK.

Availability of Environmental Assessment

Pursuant to the National Environmental Policy Act of 1969, the National Park Service, Department of the Interior, has prepared an environmental assessment on a proposed master plan and development concept plan for Arkansas Post National Memorial in Arkansas County, Arkansas.

The environmental assessment considers both legislative and administrative actions. Legislation will be required to adjust the monument boundaries to add 80.51 acres and also to increase the legislative funding ceiling on park development from $525,000 to $2,725,000. Administrative developmental actions proposed include a visitor-administrative facility, roads, parking, trails, a boat landing and dredged channel thereto, two employees residences, utility extensions, and the obliteration and restoration of some existing roads.

The assessment is on file and upon request, available from the Southwest Regional Office, National Park Service, Old Sante Fe Trail, (P.O. Box 728), Santa Fe, New Mexico 87501 and from Arkansas Post National Memorial, Route 1, Box 16, Gillett, Arkansas 72055.

Comments will be received at these offices for a period of thirty (30) days from the date of this notice and will be carefully analyzed prior to implementation of any action.

Dated: January 31, 1975.

JOSEPH C. RUMBURG, JR.,
Regional Director.

[FR Doc.75-5423 Filed 2-27-75;8:45 am]

REHABILITATION OF MALL, WASHINGTON, D.C.

Intent To Prepare a Draft Environmental Impact Statement

This announcement is to provide public information that the National Park Service will prepare a draft environmental statement on the following action: rehabilitation of the Mall, Third

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Street to 14th Street between but not including Madison Drive to Jefferson Drive, and establishment as a demonstration project of fringe parking at Robert F. Kennedy Stadium and a visitor bus shuttle system, Washington, D.C.

If your organization or you need additional information or wish to provide information for consideration during preparation of the statement, please advise the Director, National Capital Parks, 1100 Ohio Drive, SW., Washington, D.C. 20242. Telephone inquiries should go to the Chief, Division of Urban Coordination and Environmental Impact, telephone 202–426–7750.

Dated: February 25, 1975.

MANUS J. FISH, Jr.,
Director,
National Capital Parks.

[FR Doc.75–5422 Filed 2–27–75;8:45 am]

DELAWARE WATER GAP NATIONAL RECREATION AREA, N.J. AND PENN.

Proposed Master Plan and Development Concept Plan; Availability of Environmental Assessment

A public workshop will be held beginning at 10 a.m. on March 29, 1975 in the Monroe County Courthouse, Stroudsburg, Pennsylvania, to elicit the public's views on alternative methods for preservation and use of Delaware Water Gap National Recreation Area.

The purpose of the workshop is to inform the public about the several alternative plans under consideration by the National Park Service and the type of impacts the Service will consider in assessing the relative impacts of each alternative. Those individuals wishing to make oral statements are requested to notify the Superintendent, Delaware Water Gap National Recreation Area, Highway I–80, Columbia, New Jersey 07832, by March 25 of their desire to do so. Written statements may be submitted to that address up to thirty (30) days after the meeting. Questions and suggestions at the meeting will also be welcomed.

Conceptual sketches of the alternatives under consideration with brief narrative descriptions are available for review at National Recreation Area headquarters; Mid-Atlantic Regional Office, 143 South Third Street, Philadelphia, Pennsylvania 19106 or by mail upon request to the Mid-Atlantic Regional Office, Attention: David A. Kimball.

Dated: February 24, 1975.

CHESTER L. BROOKS,
Regional Director.

[FR Doc.75–5503 Filed 2–27–75;8:45 am]

Office of the Secretary

ALASKAN NATURAL GAS TRANSMISSION SYSTEMS

Termination of Memorandum of Understanding for Preparation of Environmental Impact Statement

On May 15, 1974, and on May 20, 1974, respectively, the Secretary of the Interior and the Chairman of the Federal Power Commission signed a Memorandum of Understanding which was published in its entirety in the FEDERAL REGISTER, July 19, 1974, page 26433.

By letter of February 20, 1975, the Secretary of the Interior withdrew from the Memorandum of Understanding. The letter is published in its entirely below:

WILLIAM W. LYONS,
Deputy Under Secretary of Interior.

FEBRUARY 25, 1975.

FEBRUARY 20, 1974.

DEAR JOHN: On May 15, 1974, and May 20, 1974, respectively, the Department of the Interior (Interior) and the Federal Power Commission (FPC) entered into a Memorandum of Understanding (Memorandum) for the preparation of an Alaskan Natural Gas Transportation System Environmental Impact Statement (EIS). At the time it was executed, the Memorandum was predicated upon then existing applications of the Alaska Arcitic Gas Pipeline Company (Arctic Gas) for a Federal right-of-way and a certificate of public convenience and necessity to construct and operate a natural gas pipeline on a Canadian route, and contemplated future applications of the El Paso Alaska Company (El Paso) for a right-of-way and a certificate to construct and operate a pipeline on a competing Alaskan route. While El Paso has now filed an application with the FPC for the applicable certificate, El Paso has not filed any application with Interior for the Federal right-of-way required to enable its use of Federal lands in Alaska. On the contrary El Paso has explicitly stated its intention to refrain from filing any such application with Interior until after the related FPC proceedings are completed.

Interior has made repeated attempts to induce El Paso to file the necessary applications. El Paso has steadfastly refused to do so. Because of El Paso's refusal, and in view of the recent order of the Commission denying Interior's request that El Paso be required to apply, it is evident that Interior will not receive an application from El Paso until after the FPC proceedings are concluded.

Thus, the applications pending before Interior and the FPC are no longer compatible for discussion in a single EIS. In these circumstances, it is obviously impossible to produce a viable joint environmental impact statement. At the same time, Interior has the responsibility to promptly evaluate the application of Arctic Gas in a manner that takes into account its status as a noncompeting applicant for a Federal right-of-way. Faced with this legal and administrative dilemma, we have reluctantly concluded that Interior must withdraw from the Memorandum, effective immediately.

In withdrawing from the Memorandum, it is the intention of Interior to continue to provide to the FPC as much information and assistance for preparing an EIS as is legally and administratively possible. Interior will simultaneously prepare its own EIS for the Canadian route described in the application of Arctic Gas, and will investigate all reasonable alternatives to that route, including the possibility of a pipeline route through central Alaska. Interior will make this EIS freely available to the FPC in their formal hearings and will also supply appropriate witnesses if called upon to do so. In addition, Interior will provide to the FPC any information in its possession concerning Alaska or other relevant areas of the environment.

The FPC should be aware that the lack of an application from El Paso to use Federal lands in Alaska will prevent Interior from making any formal commitment on stipulations or other mitigating measures which might be required for a specific Alaskan route. Since the information supplied by Interior concerning the Alaska route will be general in nature, rather than the result of its own investigation and analysis of a specific proposal, Interior requests that the FPC avoid any implication that Interior has participated in or is bound by any conclusion reached by the FPC on the extent of the impacts involved.

Sincerely,

ROGERS C. B. MORTON,
Secretary of the Interior.

Honorable John N. Nassikas,
Chairman,
U.S. Federal Power Commission,
Washington, D.C. 20426.

[FR Doc.75–5332 Filed 2–27–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation No. A151]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska as a result of natural disasters consisting of:

Dundy—Hailstorms May 9, 10, and 24, 1974, Drought July 30 to November 5, 1974, Freeze September 3, 10, and 11, 1974.
Johnson—Drought June 1 to September 1, 1974, Frost September 3, 4, and 13, 1974.
Lancaster—Drought June 11 to July 30, 1974, Freeze September 3, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 21, 1975, for physical losses and November 20, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–5341 Filed 2–27–75;8:45 am]

[Notice of Designation No. A148]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in three counties in Texas as a result of various adverse weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred.

TEXAS

County	Drought	Hailstorms	Windstorms	Early Freeze	Excessive Rainfall
Castro	Oct. 1, 1973 to Aug. 4, 1974.	May 4 and May 23, 1974, June 2, 1974, Oct. 5, 1974.	June 5 and June 10, 1974.	Oct. 15, 1974	Sept. 1 to Oct. 31, 1974.
Floyd	Oct. 1, 1973 to Aug. 31, 1974.	May 26, 1974; June 1, 2, and 4, 1974.			Sept. 1 to Oct. 31, 1974 (low temperatures).
Hale	Aug. 1, 1973 to Aug. 1, 1974.	May 23 and May 24, 1974; June 1, 2, and 3, 1974.	May 23 and May 24, 1974; June 1, 2, and 3, 1974.		Aug. 2, 1974 to Nov. 31, 1974 (cool).

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 18, 1975, for physical losses and November 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of February 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–5342 Filed 2–27–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF WASHINGTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00152–56–17500. Applicant: Univ. of Washington, Dept. of Oceanography, Seattle, WA 98195, Article: Six (6) Recording Current Meters, Model No. 5. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to study time-dependent velocity and temperature fields in the deep North Pacific. Experiments will involve the continuous detailed monitoring of currents and thermal structure in abyssal Pacific.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant alleges that the article provides the following characteristics which are necessary for the accomplishment of its intended purposes: measurements of current speed, current direction and water temperature, and the capability of being deployed for a minimum of 150 days with a sampling capacity of 20,000 complete sets of observations at 10-minute sample intervals. The National Oceanic and Atmospheric Administration (NOAA) advises in its memorandum dated December 23, 1974, that the article does not provide all of the alleged necessary characteristics. Specifically, NOAA advises that the article actually provides a capacity of only 10,000 sets of observations at 10-minute sample intervals for a duration of 70 days. Therefore, NOAA advises that 150-day deployment with 20,000 complete sets of observations are not pertinent specifications within the meaning of § 701.2(n) of the regulations because these characteristics are not provided by the article. NOAA advises further that the applicant's other alleged requirements are pertinent to the applicant's purposes within the meaning of § 701.2(n).

The most closely comparable domestic instrument is the AMF Vector Averaging Current Meter (VACM) manufactured by AMF Sea-Link Systems. The VACM provides current speed, current direction, and temperature measurement capabilities with internal data recording, as well as the capability of meeting the applicant's stated sampling requirements (contrary to the applicant's statement in Section 8.c.(3) of this application). The difference in cost between the article and domestic VACM cannot be considered a pertinent specification within the meaning of § 701.2(n) of the regulations. Therefore, NOAA advises that the domestic AMF–VACM satisfies all the specifications found by NOAA to be pertinent specifications. For these reasons we find that the domestic manufactured VACM is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–5369 Filed 2–27–75;8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00144–01–07500. Applicant: Yale University, 20 Ashmun Street, New Haven, Connecticut 06520. Article: Differential Scanning Microcalorimeter, Model DACM–1. Manufacturer: V/O "Mashpriborintorg", U.S.S.R. Intended use of article: The article is intended to be used in studying the energetics of a wide variety of thermally-induced processes in substances of biological interest. Included in these processes will be conformational changes, such as the thermal unfolding of transfer ribonucleic acids and proteins; the endothermic association of tubulin to form microtubules; and phase transitions of phospholipids and other components of biological membranes. The general aim of these experiments will be to improve our understanding of the nature of the forces at play in stabilizing important biological structures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 15, 1975 that the superior sensitivity of the article (by at least a factor of 100) is pertinent to the applicant's use in studies of thermally-induced processes in biological substances. HEW also advises that it knows of no commercially available domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75-5368 Filed 2-27-75;8:45 am]

[File No. 22(74)-1]

J. L. INTERNATIONAL G.M.B.H.

Related Party Determination

In the matter of J. L. International G.m.b.H., Heilwigstrasse 87, 2 Hamburg 20, Federal Republic of Germany, Respondent.

An Order effective December 12, 1968, was entered by the Office of Export Administration, Bureau of East-West Trade, Domestic and International Business Administration, Department of Commerce, against Joseph Lewo (also known as Joe Lewo, Joseph Jeuda Levos, Joseph Levo, and Joseph Liebow), as well as J. L. International, Ltd., Montreal, Quebec, Canada, and the related party Canex, Ltd. of the same city, indefinitely denying all privileges of participating, in any manner or capacity, in the exportation of U.S.-origin commodities or technical data. The Order was published in the FEDERAL REGISTER on December 13, 1968, at page 15526.

Section 388.1(b) of the Export Administration Regulations provides, in pertinent part, that:

Any order denying export privileges or excluding persons from practice before the Bureau of East-West Trade may be made applicable not only to persons named therein but also, to the extent necessary to prevent evasion, to other persons with whom such persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

By a letter of December 31, 1974, the respondent, J. L. International G.m.b.H., was notified by the Hearing Commissioner of the issuance of the above-referenced Denial Order. That letter drew the attention of the respondent to Part III of the Denial Order which provides, in pertinent part, that:

Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

Based upon information received by the Bureau of East-West Trade to the effect that the denied party, Joseph Lewo, was currently a co-manager in, and part owner of J. L. International G.m.b.H., the respondent was further notified, in the above-referenced letter that, unless it showed within 20 days that it was no longer or had wholly ceased to be related to Joseph Lewo, a related party determination would issue against it and it would become subject to the prohibitions of the Denial Order of December 12, 1968. The reply received from the respondent having been found grossly inadequate, lacking a basis in evidence, it has been determined that J. L. International G.m.b.H. is a related party to Joseph Lewo and is within the terms of § 388.1(b) of the Export Administration regulations and Part III of the Denial Order issued against him and is, therefore, subject to all of the prohibitions and restrictions of that Order.

The related party, J. L. International G.m.b.H. is notified that if it chooses to contend that the determination which is the subject of this Notice is not justified, it may make application to have the ruling reconsidered or terminated. Such application must be made to the Hearing Commissioner, Bureau of East-West Trade, Department of Commerce, Washington, D.C. 20230.

Dated: February 19, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-5351 Filed 2-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

INSULIN SYRINGES

Public Hearing Regarding Proposed Standards

A public hearing will be held on April 3, 1975 at 10 a.m. in Rm. 1813, FB-8, 200 C St. SW., Washington, DC 20204, to allow all interested persons an opportunity to present data, technical information, and views concerning a Food and Drug Administration proposal to establish a performance standard for insulin syringes.

On March 7, 1974 a meeting was called by the Food and Drug Administration to afford all interested parties an opportunity to comment on ways to eliminate or reduce a problem of potential insulin dosage errors when Regular Insulin is mixed with a modified insulin in insulin syringe systems of varying design. The Bureau of Medical Devices and Diagnostic Products of the Food and Drug Administration, representatives of insulin drug manufacturers, insulin syringe manufacturers, and the American Diabetes Association attended the meeting. Participants at that meeting agreed that a performance standard for syringes was needed, and that such a standard should be developed under the direction of the Food and Drug Administration. Recognition of a problem, i.e., dead space in insulin syringes, lead to the conclusion that with increasing usage of U-100 insulin, precautions should be taken as soon as possible to assure maximum protection to the insulin user. In pediatric cases, and some adult cases, variances in the dosage delivered to the diabetic can be critical.

In the FEDERAL REGISTER of November 15, 1974 (39 FR 40301), the Food and Drug Administration issued two pertinent proposals. One proposed to discontinue certifying all U-90 insulin. The other, in view of the time required to develop a performance standard, proposed that a warning to patients who mix two types of insulin be added to the labeling for syringes. The warning statement, as proposed, reads: *"Warning*—For patients who mix two types of insulin: Do not change: (a) The order of mixing that the physician has prescribed or (b) the model and brand of the syringe or needle, without first consulting your physician. Failure to heed this warning can result in dosage error."

On December 16, 1974 a draft document entitled "FDA-MDS-122-003 Standard for Syringes, Hypodermic Single Use Disposable, Sterile, for Insulin," was completed. Work on a draft standard for Disposable Insulin Syringes began soon after the March 7, 1974 meeting, culminating in a first draft document prepared by the Bureau of Medical Devices and Diagnostic Products, Division of Medical Devices Standards and Research of the Food and Drug Administration. The first draft was forwarded for comment on September 16, 1974 to all insulin syringe manufacturers and other interested persons. Those comments were evaluated and the second draft standard, dated December 16, 1974, covers performance requirements for a sterile insulin syringe assembly, emphasizing legibility of the syringe scale, accurate dispensing of insulin, sterility, and use of notoxic materials. The draft standard is designed to ensure the safety and effectiveness of insulin syringes and to minimize the hazards connected with their use.

The Commissioner of Food and Drugs has concluded that all interested persons should have an opportunity to present data, technical information, and views relative to this draft standard. Therefore, to evaluate, review, and clarify the second draft document prior to preparation of a third draft, those who plan to attend the April 3, 1975 meeting and/or submit written comments should obtain a copy of the second draft by contacting Mr. John Lamb, HFK-300, Bureau of Medical Devices and Diagnostic Products, Division of Medical Device Standards and Research, 5600 Fishers Lane, Rockville, MD 20852, telephone number (301) 443-4166.

To provide time for adequate preparation for the meeting, any written submissions organized in a manner that follows the draft on a paragraph by paragraph basis are requested by March 20, 1975. Other interested persons submitting written data, information, and views for consideration at the meeting should furnish these on or before March 27, 1975. All written submissions shall be forwarded to Mr. Lamb, in triplicate.

Any interested persons who wish to present oral data, technical information, and views at the meeting must so inform Mr. Lamb of that intention, describing which paragraph or sections of the draft he wishes to discuss and the amount of time requested for his preparation, by close of business on March 27, 1975. Mr. Lamb will then promptly inform each person requesting an opportunity to be heard of the time his oral presentation is scheduled to begin and the amount of time to be allocated for the person's presentation. In view of the limitation of time, individuals and organizations with common interests are urged to consolidate or coordinate their presentation. A hearing schedule setting forth the names of the persons making presentations and the time allotted each will be mailed to such persons and a copy will be placed on file in the office of the Hearing Clerk, address below.

Copies of the following materials are on file and available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

1. Minutes—FDA-Industry meeting of March 7, 1974, on problem related to insulin syringes, March 14, 1974.

2. FDA-MDS-XXX-001 Standard for Syringes, Hypodermic Single Use Disposable, Sterile, for Insulin. First draft dated September 12, 1974.

3. FDA-MDS-122-0003 Standard for Syringes, Hypodermic Single Use Disposable, Sterile, for Insulin. Second draft dated December 16, 1974.

A transcript of the meeting and all written data, information, and views submitted in response to this notice of meeting, will be made available for public review in the office of the Hearing Clerk, at the address given above.

Dated: February 24, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-5326 Filed 2-27-75;8:45 am]

PANEL CHAIRMEN FOR BUREAU OF MEDICAL DEVICES AND DIAGNOSTIC PRODUCTS

Notice of Room Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of February 19, 1975 (40 FR 7119), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is given that the meeting of the Panel Chairmen for Bureau of Medical Devices and Diagnostic Products scheduled for March 5, 1975, in Rm. 1409, FB-8, 200 C St. SW., Washington, D.C., is rescheduled to meet in Rm. 4173, HEW-N, 330 Independence Ave. SW., Washington, D.C., at 9 a.m.

Dated: February 24, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-5323 Filed 2-27-75;8:45 am]

TRI/VALLEY GROWERS

Canned Peaches, Canned Pears, and Canned Fruit Cocktail Deviating From Identity Standards; Extension of Temporary Permit for Market Testing

Tri/Valley Growers, 100 California St., San Francisco, CA 94106, has requested and is hereby issued an extension of its permit for market testing of certain canned fruits deviating from their identity standards. Others who wish to carry out similar tests may do so according to provisions set out below.

The original permit was issued to Tri/Valley Growers pursuant to § 10.5 (21 CFR 10.5), to facilitate market testing of foods deviating from the standards of identity promulgated pursuant to sec. 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of the issuance of the permit was published in the FEDERAL REGISTER of October 26, 1973 (38 FR 29630). The permit covered limited interstate marketing tests of canned peaches, canned pears, and canned fruit cocktail that deviate from their respective standards of identity (21 CFR 27.2, 27.20, and 27.40) in that the canned peaches and canned pears are packed in sweetened fruit nectar prepared from the same fruit being packed. The canned fruit cocktail is packed in sweetened peach nectar and pineapple juice. The nectars are prepared in accordance with the stayed identity standard for canned fruit nectars (21 CFR 27.126). The sweetness level for the entire contents of the can is within the 14° to 16° Brix range.

The principal display panel of the labels on the canned peaches and pears bears the statement "in sweetened _____ nectar" (the blank to be filled in with the name of the fruit being packed). In addition, the statement "in peach nectar for more natural flavor" or "in pear nectar for more natural flavor" appears on the label. The label used on the canned fruit cocktail bears the statement "in sweetened peach nectar and pineapple juice" and the statement "in fruit nectar for more natural flavor."

Tri/Valley Growers has submitted a petition, in conjunction with the request for extension of the temporary marketing permit, proposing that the identity standards for canned peaches (21 CFR 27.2), canned apricots (21 CFR 27.10), canned prunes (21 CFR 27.15), canned pears (21 CFR 27.20), canned seedless grapes (21 CFR 27.25), canned cherries (21 CFR 27.30), canned berries (21 CFR 27.35), canned fruit cocktail (21 CFR 27.40), canned plums (21 CFR 27.45), and canned figs (21 CFR 27.70) be amended to provide for fruit nectar(s) as an optional packing medium. The petition also proposes amendment of the definition section for canned fruits and fruit juices (21 CFR 27.1) to include a definition for fruit nectars. The petition is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, for review by interested persons.

The Commissioner concludes that it will be in the interest of consumers to extend the time period for market tests. Pursuant to the proposal published in the FEDERAL REGISTER of December 9, 1972 (37 FR 26340) to amend § 10.5 (21 CFR 10.5), all interested persons may participate in the market tests under the conditions that apply to Tri/Valley Growers, including the labeling requirements and the amount to be distributed (55,000 cases of 24/303 cans of each of peaches and fruit cocktail and 40,000 cases of 24/303 cans of pears). The designated area of distribution does not apply to such interested persons. Any interested person who elects to participate in the extended market test shall notify the Commissioner in writing of that fact, the amount to be distributed, and the area of distribution. Along with such notification, he shall submit the labeling under which the food is to be distributed.

This permit extension, as issued to Tri/Valley Growers and such others who participate in accordance with the provisions set out above, expires either on the effective date of an affirmative order ruling on the Tri/Valley petition, or 30 days after a negative order ruling on the petition, whichever comes first.

Dated: February 20, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-5324 Filed 2-27-75;8:45 am]

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under provisions of Title III, Part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399) and in accordance with 45 CFR 60.8, being redesignated as 45 CFR 153.8.

Any interested person may, pursuant to 45 CFR 60.10, being redesignated as 45 CFR 153.9, within 30 calendar days of this publication, file comments regarding these applications (within 10 calendar days from such date regarding amended applications) with the Chief, Educational Broadcasting Facilities Branch, Division of Technology and Environmental Education, Bureau of School Systems, Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

The Northeastern Pennsylvania ETV Association, Old Boston Road, Pittston, Pennsylvania 18640, File No. 495-T/413AH50024, for the improvement of a noncommercial educational television station on Channel 44, Scranton, Pennsylvania, accepted as of November 25, 1974. Estimated project cost: $731,887. Grant requested: $541,415. Application signed by: George H. Strimel, Jr., President and General Manager.

The Commonwealth of Puerto Rico, Post Office Box 909, Hato Rey, Puerto Rico, File No. 496-T/413AH50055, for the improvement of a noncommercial educational television station on Channel 3, Hato Rey, Puerto Rico,

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accepted as of November 25, 1974. Estimated project cost: $1,312,850. Grant requested: $984,637. Application signed by Mr. Ramon A. Crug, Secretary of Education.

The Community TV Foundation of South Florida, Inc., P.O. Box 610066, North Miami, Florida 33161. File No. 497-T/413AH50008, for the improvement of a noncommercial educational television station on Channel 2, Miami, Florida, accepted as of November 27, 1974. Estimated project cost: $298,060. Grant requested: $223,545. Application signed by: Mr. George Dooley, President.

The Georgia State Board of Education, 1540 Stewart Avenue, S.W., Atlanta, Georgia 30310, File No. 498-T/413AH50017, for the improvement of a noncommercial educational television station on Channel 28, Columbus, Georgia, accepted as of November 27, 1974. Estimated project cost: $798,508. Grant requested: $334,372. Application signed by: Jack P. Nix, State Superintendent of Schools.

The South Carolina Educational Television Commission, P.O. Drawer L, Columbia, S.C. 29250, File No. 499-T/413AH50020, for the further development of the State noncommercial educational broadcast facilities by establishing a comprehensive microwave interconnection system, accepted as of November 27, 1974. Estimated project cost: $646,220. Grant requested: $484,665. Application signed by Mr. Henry J. Cauthen, President.

The Southern Tier ETV Association, Inc., Box 97, 3311 East Main Street, Endwell, New York 13760, File No. 500-T/413AH50022, for the improvement of a noncommercial educational television station on Channel 46, Binghamton, New York, accepted as of November 27, 1974. Estimated project cost: $214,331. Grant requested: $160,748. Application signed by: Mr. Arthur Dees, General Manager.

The WGBY-TV Division of the WGBH Educational Foundation, One Armory Square, Springfield, Massachusetts 01105, File No. 501-T/413AH50050, for the improvement of a noncommercial educational television station on Channel 57, Springfield, Massachusetts, accepted as of November 27, 1974. Estimated project cost: $443,742. Grant requested: $332,806. Application signed by: John T. Caldwell, Jr., General Manager.

The University of Maine (Maine Public Broadcasting Network), Alumni Hall, University of Maine, Orono, Maine 04473, File No. 502-T/413AH50065, for the improvement of a noncommercial educational television State network, accepted as of November 27, 1974. Estimated project cost: $71,200. Grant requested: $53,400. Application signed by: Harry Gordon, Treasurer.

The Northern Michigan University, Marquette, Michigan 49855, File No. 503-T/413AH50007, for the improvement of a noncommercial educational television station on Channel 13, Marquette, Michigan, accepted as of November 29, 1974. Estimated project cost: $399,050. Grant requested: $299,287. Application signed by: Mr. William G. Mitchell, Director, Learning Resources.

The Grand Valley State College, Allendale, Michigan 49401, File No. 504-T/413AH50011, for the improvement of a noncommercial educational television station on Channel 35, Allendale, Michigan, accepted as of November 29, 1974. Estimated project cost: $371,674. Grant requested: $278,755. Application signed by: Ronald Van Steeland, Vice President.

State Board of Education, Acting as Trustees for Radio and Television Service Department (KBGL-TV), Idaho State University, Pocatello, Idaho 83205, File No. 505-T/413AH50014, for the improvement of a noncommercial educational television station on Channel 10, Pocatello, Idaho, accepted as of November 29, 1974. Estimated project cost: $313,965. Grant requested: $234,425. Application signed by: W. O. Witherspoon, Executive Assistant to President.

The Educational Broadcasting Corporation, 304 West 58th Street, New York, New York 10019, File No. 506-T/413AH50018, for the improvement of a noncommercial educational television station on Channel 13, New York, New York, accepted as of November 29, 1974. Estimated project cost: $993,000. Grant requested: $595,800. Application signed by: Mr. Frank Leicht, Vice President and Director of Operations.

Washburn University of Topeka, 17th & College, Topeka, Kansas 66621, File No. 508-T/413AH50027, for the improvement of a noncommercial educational television station on Channel 11, Topeka, Kansas, accepted as of November 29, 1974. Estimated project cost: $107,731. Grant requested: $78,643. Application signed by: John W. Henderson, President.

School District No. 1 in the County and City of Denver and State of Colorado, 414 14th Street, Denver, Colorado 80202, File No. 509-T/413AH50028, for the improvement of noncommercial educational television station on Channel 6, Denver, Colorado, accepted as of November 29, 1974. Estimated project cost: $368,663. Grant requested: $276,497. Application signed by: James C. Pennill, President.

St. Louis Educational Television Commission, 6996 Millbrook Boulevard, St. Louis, Missouri 63130, File No. 510-T/413AH50030, for the establishment of a noncommercial educational television station on Channel 40, St. Louis, Missouri, accepted as of November 29, 1974. Estimated project cost: $652,270. Grant requested: $489,202. Application signed by: Robert C. Glazier, Executive Director.

The School Board of Dade County, 1410 N.E. 2nd Avenue, Miami, Florida 33132, File No. 511-T/413AH50033 for the improvement of a noncommercial educational television station on Channel 17, Miami, Florida, accepted as of November 29, 1974. Estimated project cost: $609,550. Grant requested: $467,162. Application signed by: Mr. E. L. Whigham, Superintendent.

Redwood Empire Educational Television, Incorporation, Box 13, Eureka, California 95501, File No. 512-T/413AH50064, for the improvement of a noncommercial educational television station on Channel 13, Eureka, California, accepted as of November 29, 1974. Estimated project cost: $499,336. Grant requested: $374,502. Application signed by: Ward T. Johnson, Executive Vice President and General Manager.

Public Communication Foundation for North Texas, 3000 Harry Hines Boulevard, Dallas, Texas 75201, File No. 513-T/413AH-50038, for the improvement of a noncommercial educational television station on Channel 13 (KERA-TV), Dallas, Texas, accepted as of November 29, 1974. Estimated project cost: $262,158. Grant Requested: $211,618. Application signed by: Ralph B. Rogers, Chairman.

The Western Illinois University, 900 West Adams, Macomb, Illinois 61455, File No. 514-T/413AH50047, for the establishment of a noncommercial educational television station on Channel 22, Macomb, Illinois, accepted as of November 29, 1974. Estimated project cost: $1,475,000. Grant requested: $967,000. Application signed by: Dr. Leslie F. Malpass, President.

The Sunflower Educational Television Corporation, 300 E 3rd Street, P.O. Box 288, Wichita, Kansas 67202, File No. 515-T/413AH50048, for the improvement of a noncommercial educational television station on Channel 8 (KPTS), Wichita, Kansas, accepted as of November 29, 1974. Estimated project cost: $198,100. Grant requested: $148,575. Application signed by: Mr. Zoel Parenteau, President and General Manager.

The State University Division of Broadcasting, 201 Wagner Building, University Park, Pennsylvania 16802, File No. 516-T/413AH50052, for the improvement of a noncommercial educational television station on Channel 3, Clearfield, Pennsylvania, accepted as of November 29, 1974. Estimated project cost: $336,144. Grant requested: $252,108. Application signed by: Floyd B. Fischer, Vice President of Continuing Education.

Pennsylvania State University, Division of Broadcasting, 201 Wagner Bldg., University Park, Pennsylvania 16802, File No. 517-T/413AH50053, for the improvement of a noncommercial educational television station on Channel 3, Clearfield, Pennsylvania, accepted as of November 29, 1974. Estimated project cost: $199,422. Grant requested: $149,574. Application signed by: Floyd B. Fischer, Vice President, Continuing Education.

The Greater Cincinnati Television Educational Foundation, 2222 Chickasaw Street, Cincinnati, Ohio 45219, File No. 518-T/413AH50056, for the improvement of a noncommercial educational television station on Channel 48, Cincinnati, Ohio, accepted as of November 29, 1974. Estimated project cost: $477,033. Grant requested: $314,842. Application signed by: Mr. Charles W. Vaughan, President and General Manager.

The Louisiana Educational Television Authority, Post Office Box 44064, Baton Rouge, Louisiana 70804, File No. 519-T/413AH50063, for the establishment of a new noncommercial educational television station on Channel 24, Shreveport, Louisiana, accepted as of November 29, 1974. Estimated project cost: $1,117,572. Grant requested: $838,179. Application signed by: Mr. A. Max Fetty, Executive Director.

The State of Oregon Acting By and Through The State Board of Higher Education, P.O. Box 3175, Eugene, Oregon 97403, File No. 520-T/413AH50069, for the establishment of a noncommercial educational television station on Channel 13, LaGrande, Oregon, accepted as of November 29, 1974. Estimated project cost: $315,494. Grant requested: $236,620. Application signed by: Donald R. Larson, Secretary to the Oregon State Board of Higher Education.

Montana Educational Broadcasting Commission, P.O. Box 1211, Bozeman, Montana 59715, File No. 521-T/413AH50070, for the establishment of a noncommercial educational television station on Channel 11, Billings, Montana, accepted as of November 29, 1974. Estimated project cost: $741,000. Grant requested: $491,000. Application signed by: Kenneth R. Clark, Executive Director.

Alaska Public Television, Inc., 3211 Providence Drive, Anchorage, Alaska 99504, File No. 522-T/413AH50029, for the expansion of a noncommercial educational television station on Channel 7, Anchorage, Alaska, accepted as of January 6, 1975. Estimated project cost: $60,000. Grant requested: $45,000. Application signed by: William D. Mack, Chairman.

The Independent School District No. 492, 1900 Eighth Street NW., Austin, Minnesota 55912, File No. 523-T/413AH50061, for the improvement of a noncommercial educational television station on Channel 15 (KAVT), Austin, Minnesota, accepted as of January 13, 1975. Estimated project cost: $548,888. Grant requested: $411,666. Applicant signed by: Morton Carney, Chief Executive and General Manager.

Board of Regents acting for and on behalf of the University of Florida, WUFT-TV, Stadium Building, Gainesville, Florida 32611, File No. 524-T/413AH50010, for the improvement of noncommercial educational television station WUFT on Channel 5, Gainesville, Florida, accepted as of November 29, 1974. Estimated project cost: $308,250. Grant requested: $231,187. Application signed by: Kenneth A. Christiansen, Manager of WUFT-TV.

Kentucky State Board of Education, 600 Cooper Drive, Lexington, Kentucky 40502, File No. 525-T/413AH50001, for the improvement of noncommercial educational television station WCVN, on Channel 54, at Covington, Kentucky, accepted as of November 29, 1974. Estimated project cost: $300,515. Grant requested: $225,386. Application signed by: O. Leonard Press, Executive Director.

Kentucky Authority for Educational Television, 600 Cooper Drive, Lexington, Kentucky 40502, File No. 526-T/413AH50116, for the improvement of noncommercial educational television station on Channel 25 (WKAS), Ashland, Kentucky, accepted as of November 29, 1974. Estimated project cost: $302,900. Grant requested: $227,175. Application signed by: O. Leonard Press, Executive Director.

Dade County School Board, 1410 N.E. Second Avenue, Miami, Florida 33132, File No. 367-T/T0046SC/413AH50031, to amend its accepted project, expanding noncommercial educational television station WSEC-TV on Channel 17, Miami, to reflect increased costs of eligible project items. Adjusted estimated project cost: $447,248. Grant requested: $335,436.

Minnesota Independent School District #742, 13th Avenue and 7th Street South, St. Cloud, Minnesota 56301, File No. 370-T/T0033SC/413AH50060, to amend its accepted project, activating a noncommercial educational television station on Channel 25, to reflect increased costs of eligible project items. Adjusted estimated project cost: $739,667. Grant requested: $554,750.

Oklahoma Educational Television Authority, P.O. Box 14190, Oklahoma City, Oklahoma 14190, File No. 408-T/T0031SC/413AH50012, to amend its accepted project, improving noncommercial educational television stations on Channel 13, Oklahoma City and Channel 11, Tulsa, to reflect increased costs of eligible project items. Adjusted estimated project cost: $704,177. Grant requested: $528,132.

Chicago Educational Television Association, 5400 North St. Louis Avenue, Chicago, Illinois 60625, File No. 409-T/T0038SC/413AH50035, to amend its accepted project, improving noncommercial educational television station WXXW, Channel 20, to reflect increased costs of eligible project items. Adjusted estimated project cost: $1,273,956. Grant requested: $636,978.

Evansville-Vanderburgh School Corporation, Evansville, Indiana 47708, accepted project File No. 411-T/T0025SC/413AH50088, for the improvement of noncommercial educational television station WNIN on Channel 9, Evansville, is amended to change the name of the applicant to Southwest Indiana Public Television, Inc., 9201 Petersburg Road, Evansville, Indiana 47711, and to reflect increased costs of eligible project items. Adjusted estimated project cost: $392,547. Grant requested: $294,410. Application signed by: Vincent F. Saele, President and General Manager.

University of Washington, Seattle, Washington 98105, File No. 421-T/T0058SC/413AH50006, to amend its accepted project, improving noncommercial educational television station KCTS on Ch 9, Seattle, to reflect increased costs of eligible project items. Adjusted estimated project cost: $478,501. Grant requested: $358,875.

Southern Oregon Education Company, 128 East Main Street, Medford, Oregon 97501, File No. 425-T/T0030SC/413AH50036, to amend its accepted project, establishing a noncommercial educational television station on Ch 6, to reflect increased costs of eligible and compatible project items. Adjusted estimated project cost: $705,240. Grant requested: $528,930.

Regents of New Mexico State University, Box 30-NMSU, Las Cruces, New Mexico 88003, File No. 437-T/T0065SC/413AH50008, to amend its accepted project, improving noncommercial educational television station KRWG-TV on Ch 22, Las Cruces, to reflect adding additional apparatus to increase the production capability of the station. Adjusted estimated project cost: $200,000. Grant requested: $150,000.

Central California Educational Television, Inc., P.O. Box 6, Sacramento, California 95801, File No. 454-T/T0124SC/413AH50081, to amend its accepted project, improving noncommercial educational television station KVIE on Ch 6, to reflect costs of adding additional transmission apparatus necessary to project objective. Adjusted estimated project cost: $400,916. Grant requested: $300,687.

KQED, Inc., San Francisco, California 94103, File No. 456-T/T0122SC/413AH50080, for the improvement of a noncommercial educational television station KQED on Channel 9, San Francisco, to amend its accepted project to reflect increased costs of eligible project items, Adjusted estimated project cost: $351,575. Grant requested: $263,681.

WGBH Educational Foundation, 125 Western Avenue, Boston, Massachusetts 02134, File No. 462-T/T0137SC/413AH50062, to amend its accepted project, expanding noncommercial educational television station WGBH on Ch 2, Boston, to reflect increased costs of eligible project items and add equipment to increase power for greater coverage. Adjusted estimated project cost: $645,100. Grant requested: $483,825.

University of Nebraska at Omaha, Radio/TV Department, Box 6886, Omaha, Nebraska 68101, File No. 493-T/T0211SC/413AH50037, to amend its accepted project, expanding noncommercial educational television station on Channel 26, to reflect increased costs of eligible project items. Adjusted estimated project cost: $64,412. Grant requested: $48,309.

EDUCATIONAL RADIO

Arizona Western College, KAWC (AM) Radio Station, P.O. Box 929, Yuma, Arizona, 85364, File No. 206-R/413BH50003, for the improvement of a noncommercial educational radio station on 1320 KC, Yuma, Arizona, accepted as of March 28, 1974. Estimated project cost: $8,067. Grant requested: $5,975. Application signed by: Robert Garin, President.

The University of Massachusetts, Hampshire House, Amherst, Massachusetts 01002, File No. 207-R/413BH50007, for the improvement of a noncommercial educational radio station on 88.5 MH/z, Amherst, Massachusetts, accepted as of November 25, 1974. Estimated project cost: $21,061. Grant requested: $15,795. Application signed by: Dr. Godwin G. Oyewole, General Manager.

The State University of New York College at Oswego, Lanigan Hall, State University College, Oswego, New York 13126, File No. 208-R/413BH50014, for the improvement of a noncommercial educational radio station on 89.9 MH/z, Oswego, New York, accepted as of November 25, 1974. Estimated project cost: $83,626. Grant requested: $62,719. Application signed by: Mr. James E. Perdue, President.

The Northeastern Pennsylvania ETV Association, Old Boston Road, Jenkins Township, Pittston, Pennsylvania 18640, File No. 209-R/413BH50021, for the improvement of a noncommercial educational radio station on 89.9 MH/z, Scranton, Pennsylvania, accepted as of November 25, 1974. Estimated project cost: $74,946. Grant requested: $56,209. Application signed by: Mr. George H. Strimel, Jr., President and Chief Executive Officer.

The WTBS Foundation, Inc., 3 Ames Street, Cambridge, Massachusetts 02142, File No. 210-R/413BH50019, for the improvement of a noncommercial educational radio station on 88.1 MH/z, Cambridge, Massachusetts, accepted as of November 25, 1974. Estimated project cost: $32,501. Grant requested: $24,375. Application signed by: Mr. Lawrence C. Stewart, General Manager.

The Florida Technological University, P.O. Box 25000, Orlando, Florida 32816, File No. 211-R/413BH50033, for the establishment of a noncommercial educational radio station on 89.1 MH/z, Orlando, Florida, accepted as of November 27, 1974. Estimated project cost: $94,076. Grant requested: $70,556. Application signed by: Mr. Leslie L. Ellis, Jr., Associate Vice President and Dean of Graduate Studies and Research.

Illinois State University, Normal, Illinois 61761, File No. 212-R/413BH50001, for the improvement of a noncommercial educational radio station on 89.3 MH/z, Normal, Illinois, accepted as of November 29, 1974. Estimated project cost: $150,999. Grant requested: $99,499. Application signed by: Robert E. McAdams, Director, Office of Research Services and Grants.

The University of Wyoming, Laramie, Wyoming 82071, File No. 213-R/413BH50010, for the improvement of a noncommercial educational radio station on 91.9 MH/z, Laramie, Wyoming, accepted as of November 29, 1974. Estimated project cost: $93,895. Grant requested: $69,222. Application signed by: William D. Carlson, President.

The District #27 Couture School Board, Belcourt, North Dakota 58316, File No. 214-R/413BH50022, for the improvement of a noncommercial education radio station on 88.5 MH/z, Belcourt, North Dakota, accepted as of November 29, 1974. Estimated project cost: $27,246. Grant requested: $20,434. Application signed by: Daniel Jerome, Superintendent.

The Rochester Area ETV Association, Inc., Box 21, Rochester, New York 14601, File No. 215-R/413BH50024, for the improvement of a noncommercial educational radio station on 91.5 MH/z, Rochester, New York, accepted as of November 29, 1974. Estimated project cost: $44,250. Grant requested: $33,187. Application signed by: William J. Pearce, President and General Manager.

The Gadsden State Junior College, Gadsden, Alabama 35903, File No. 216-R/413BH-50043, for the improvement of a noncommercial educational radio station on 91.5 MH/z, Gadsden, Alabama, accepted as of November 29, 1974. Estimated project cost: $62,352. Grant requested: $46,764. Application signed by: Mr. Allen D. Naylor, President.

The Tacoma School District #10, 1101 South Yakima Avenue, Tacoma, Washington 98405, File No. 217-R/413BH50045, for the improvement of a noncommercial educational radio station on 91.7 MH/z, Tacoma, Washington, accepted as of November 29, 1974. Estimated project cost: $15,280. Grant requested: $11,460. Application signed by: Mr. Toney Shelton, Business Manager and Deputy Secretary.

San Diego State University (KPBS-FM), San Diego, California 92182, File No. 218-R/413BH50048, for the improvement of a noncommercial educational radio station on 89.5 Mh/z, San Diego, California, accepted as of November 29, 1974. Estimated project cost: $29,323. Grant requested: $21,992. Application signed by: Ernest B. O'Byrne, Vice President.

The Gateway Vocational, Technical and Adult Education District, 3520 30th Avenue,

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Kenosha, Wisconsin 53140, File No. 219–R/413BH50042, for the establishment of a noncommercial educational radio station on 91.1 MH/z, Kenosha, Wisconsin, accepted as of December 10, 1974. Estimated project cost: $91,757. Grant requested: $68,817. Application signed by: Keith W. Stoer, District Director.

Kodiak Public Broadcasting Corporation, Box 484, Kodiak, Alaska 99615, File No. 220–R/413BH50015, for the establishment of a noncommercial educational radio station on 100.1 MH/z, Kodiak, Alaska, accepted as of December 17, 1974. Estimated project cost: $89,512. Grant requested: $67,134. Application signed by: Peter Bailey, President.

The Alcorn State University, Lorman, Mississippi 39096, File No. 221–R/413BH50023, for the establishment of a noncommercial educational radio station on 88.9 MH/z, Lorman, Mississippi, accepted as of December 17, 1974. Estimated project cost: $135,400. Grant requested: $101,550. Application signed by: Mr. Walter Washington, President.

The Board of Trustees, University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294, File No. 222–R/413BH50025, for the establishment of a noncommercial educational radio station on 90.3 MH/z, Birmingham, Alabama, accepted as of December 17, 1974. Estimated project cost: $188,912. Grant requested: $141,684. Application signed by: Mr. John B. Dunbar, Vice President for Administration.

The Community College of Baltimore, 2901 Liberty Heights Avenue, Baltimore, Maryland 21215, File No. 223–R/413BH50038, for the improvement of noncommercial educational radio station on 91.5 MH/z, Baltimore, Maryland, accepted as of February 9, 1975. Estimated project cost: $148,983. Grant requested: $111,737. Application signed by: Harry Bard, President.

The Albuquerque Public Broadcasting Corp., 1000 Indian School Rd. N.W., Albuquerque, New Mexico 87107, File No. 224–R/413BH50081, for the establishment of a noncommercial educational radio station on 91.5 MH/z, Albuquerque, New Mexico, accepted as of February 7, 1975. Estimated project cost: $74,830. Grant requested: $55,000. Application signed by: Ernest L. Lovato, Chairman, Board of Directors.

The Board of Regents Acting for and on behalf of The University of West Florida, Instructional Medica Center, Pensacola, Florida 32504, File No. 225–R/413BH50041, for the establishment of a noncommercial educational radio station on 88.1 MH/z, Milton, Florida, accepted as of December 17, 1974. Estimated project cost: $427,218. Grant requested: $320,409. Application signed by: Harold Ryan Crosby, President and Robert B. Mautz, Chancellor.

The Gulf Coast Community College, 5230 West Highway 98, Panama City, Florida 32401, File No. 226–R/413BH50020, for the improvement of a noncommercial educational radio station on 90.7 MH/z, Panama City, Florida, accepted as of December 20, 1974. Estimated project cost: $98,460. Grant requested: $73,845. Application signed by: Mr. Charles T. Wooten, Manager.

Oklahoma State University of Agriculture and Applied Science, Communications Building, Stillwater, Oklahoma 74074, File No. 227–R/413BH50035, for the establishment of a noncommercial educational radio station on 88.7 MH/z, Oklahoma City, Oklahoma, accepted as of January 16, 1975. Estimated project cost: $78,609. Grant requested: $58,956. Application signed by: Robert Kamm, President.

Bilingual Broadcasting Foundation, Inc., 4010 Finley Avenue, Santa Rosa, California 95401, File No. 228–R/413BH50034, for the improvement of noncommercial educational radio station KBBF-FM on 89.1 MH/z, Santa Rosa, California, accepted as of November 29, 1974. Estimated project cost: $36,649. Grant requested: $27,486. Application signed by: Richard Mahler, Administrative Assistant.

Florida East Coast Educational Television, Inc., 2908 West Oak Ridge Road, Orlando, Florida 32809, File No. 143–R/T0047SC/413BH50013, to amend its accepted project, establishing a noncommercial educational FM radio station on Ch 214, Orlando, to reflect increased costs of eligible project items. Adjusted estimated project cost: $267,972. Grant requested: $200,979.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 168–R/T0157SC/413-BH50030, to amend its accepted project, activating a noncommercial educational radio station broadcasting on 91.1 MH/z at Presque Island, to reflect increased costs of eligible project items. Adjusted estimated project cost: $213,582. Grant requested: $160,186.

Radio Free Georgia Broadcasting Foundation, Inc., Box 5332, Atlanta, Georgia 30307, File No. 173–R/T0144SC/413BH50028, to amend its accepted project; expanding noncommercial educational FM radio station WRFG broadcasting on 89.3 MH/z, to reflect increased costs of eligible project items. Adjusted estimated project cost: $63,519. Grant requested: $47,638.

Board of Regents of the University of Wisconsin System, Office of Contracts and Grants, University of Wisconsin-Milwaukee, Milwaukee, Wisconsin 53201, File No. 113–R/T0029SC/413BH50031, to amend its accepted project, expanding noncommercial educational FM radio station on 89.7 MH/z, to reflect increased costs of eligible project items. Adjusted estimated project cost: $98,501. Grant requested: $73,875.
(47 U.S.C. 390–05; 397–09)

(Catalog of Federal Domestic Assistance Program No. 13.413, Educational Broadcasting Facilities Program.)

This notice issued in Washington, D.C.

Dated: February 20, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75–5099 Filed 2–27–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Policy Development and Research

[Docket No. N–75–265]

CONDOMINIUMS AND COOPERATIVES

Notice of Hearings

Section 821 of the Housing and Community Development Act of 1974 mandated HUD to conduct a full investigation and study of condominiums and cooperatives and to report to Congress before August 22, 1975. Pursuant to this requirement, HUD is conducting a study of condominums and cooperatives and the alleged problems and abuses involved in these markets that will include:

(a) Current data available on the number, characteristics, location, builders, financers and purchasers of condominiums and cooperatives in the United States.

(b) Unit data on new construction and conversions, broken down by characteristics and structure type.

(c) Demographic and market data including prices and marketing trends.

(d) Data analysis to disclose trends, relationships, distributions, multiple correlates and other significant factors which might shed light on the reasons for the increased use of condominium and cooperative forms of tenure and/or the problems or abuses which may arise therefrom.

(e) Documentation and investigation and study of claimed problems, difficulties, abuses and potential abuses applicable to condominium and cooperative housing.

Notice is hereby given that HUD will hold a public hearing in Fort Lauderdale, Florida, for the purpose of obtaining from all interested public and private sources views relating to reported problems and potential problems and abuses involved in condominium and cooperative ownership in Florida. Written and oral comments are solicited in connection with, but not limited to the following topics:

(a) The alleged abuses and problems surrounding condominium and cooperative development including issues relating to project development and management, and project conversions.

(b) The need for, scope and potential costs of, legislation to correct whatever problems may exist and the forms it might take.

The public hearing of record on these matters will be held on March 24 from 8:30 a.m. to 5:30 p.m. in the Broward County Commission Meeting Room, Room 250, 201 Southeast 6th Street, Fort Lauderdale, Florida.

Requests to appear and present written comments and any other communications regarding this hearing should be submitted, together with a brief outline of the topics to be presented, no later than March 14, 1975, to the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, Attention: Condominium Task Force, Room 8110.

Any other written comments and information from parties not wishing to appear at the hearing should be submitted to the same address, preferably prior to the date of the public hearing and in any event no later than March 28, 1975. All comments and information submitted will be available to the public under the provisions of the Freedom of Information Act (Section 552 of Title 5, United States Code).

Dated: February 21, 1975.

MICHAEL MOSKOW,
Assistant Secretary for Policy Development and Research.

[FR Doc.75–5487 Filed 2–27–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75–11; Notice 1]

DIAMOND REO TRUCKS, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Diamond Reo Trucks, Inc. of Lansing, Michigan, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, on the basis that compliance would cause it substantial economic hardship.

Diamond Reo assembled 4,620 commercial vehicles and 4,321 military vehicles in 1974. On December 6, 1974, the company filed for reorganization under Chapter XI of the Federal Bankruptcy Act. One factor in the company's problems was its loss exceeding $10,000,000 sustained in its military truck contract with the Department of the Army. The company has resumed production at a "greatly reduced volume" but finds that it has in inventory, or is committed to purchase, "an excess of $3,342,000 worth of axles, brakes and wheel equipment, drives, and other related equipment which cannot be used on trucks designed to meet the 121 Standard." Diamond Reo estimates that it can exhaust the inventory by March 1, 1976, by using it in the production of approximately 1,500 trucks. The remainder of Diamond Reo's estimated production for 1975, 3,000 trucks, will conform with Standard No. 121 as of March 1, 1975. If the exemption is denied Diamond Reo, to amortize costs on a one-year basis would increase vehicle costs by $900 a truck, creating "a unit price which would be non-competitive resulting in a severe curtailment of sales."

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Diamond Reo described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date: March 10, 1975.

Proposed effective date: Date of issuance of exemption or March 1, 1975, whichever is later.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51, 49 CFR 501.8.)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75–5321 Filed 2–25–75;10:18 am]

[Docket No. EX75–4; Notice 1]

C. H. WATERMAN INDUSTRIES

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

C. H. Waterman Industries of Athol, Massachusetts, has applied for temporary exemption of an electric-powered passenger car from certain Federal motor vehicle safety standards on grounds that it would facilitate the development and field evaluation of a low emission motor vehicle.

Waterman intends to import a small passenger car manufactured in the Netherlands and widely marketed throughout Europe but not in the United States. The vehicle therefore does not conform to many of the Federal motor vehicle safety standards. Upon arrival in the United States, these vehicles will have their gasoline-powered engines removed and electric motors substituted. They will be marketed under a Waterman Industries label. The company has experimented with such conversions since 1969. It asks for a two-year exemption and will not import more than 2,500 vehicles during any 12-month period that the exemption is in effect. The following is a list of Federal standards, or portions thereof, for which exemption is requested:

No. 101 *Control Location, Identification and Illumination* (S4.3—Control identification will not be illuminated).
No. 103 *Defrosting and Defogging Systems* (an electrically operated defrosting/defogging system will be provided but cannot be tested exactly as specified in the standard).
No. 104 *Windshield Wiping and Washing Systems* (wipers have only one speed; system has not been tested according to the standard).
No. 105/105–75 *Hydraulic Brake Systems* (vehicle has dual hydraulic system but has not been fully tested according to the standard).
No. 202 *Head Restraints*.
No. 205 *Glazing Materials* (windshield is AS–2 glass).

Exemptions are also requested from the following standards on the basis that the compliance status is uncertain because no tests have been conducted: No. 201, *Occupant Protection* * * *, No. 203 *Impact Protection for the Driver* * * *, No. 204 *Steering Control Rearward Displacement*, No. 206 *Door Locks and Door Retention Components*, No. 207 *Seating Systems*, No. 210 *Seat Belt Assembly Anchorages*, No. 212 *Windshield Retention*, No. 214 *Side Door Strength*, No. 215 *Exterior Protection*, No. 216 *Roof Crush Resistance*, and No. 302 *Flammability of Interior Materials*. While the exemptions are in effect, funds will be generated for development of the vehicles and compliance with the standards at the end of the exemption period.

The company argues that the exemptions will not unreasonably degrade the safety of the vehicle, as it already conforms to the standards of the European countries where it is presently sold. During the 9-year period in which it has been marketed "no history of unusual safety hazards has accumulated on this auto." The petitioner also feels that its lower operating speed (50 mph maximum) will result in less exposure to major traffic hazards.

This notice of receipt of a petition for temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of C. H. Waterman Industries, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 31, 1975.

Proposed effective date: Date of issuance of exemption.

(Sec. 3 Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75–5339 Filed 2–27–75;8:45 am]

[Docket No. EX75–3; Notice 1]

OTIS ELEVATOR CO.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

Otis Elevator Company's Special Vehicle Division of Stockton, California, manufactures a small three-wheel vehicle. It has applied for a temporary exemption from the stopping distance requirements of Motor Vehicle Safety Standard No. 122, *Motorcycle Brake Systems*, on the basis that compliance

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would cause it substantial economic hardship.

The Otis vehicle is sold "primarily to municipalities and institutions for use in police work, trash collection, and related special purpose utility applications". In the 12-month period ending June 30, 1974, when production was interrupted by a strike, the company sold 311 on-road three-wheel vehicles. Depending upon end configuration the curb weight of these vehicles varies from 950 pounds to 1500 pounds, and its top speed from 26 mph to 39 mph.

Otis requests the exemption for the maximum 3 years, until January 1, 1978. Tests to date indicate that the Otis vehicle exceeds by "no more that ten percent * * * the distances specified in Standard 122 [for a] vehicle to be stopped from a speed of 30 mph in 54 feet (first effectiveness) and in 43 feet (second effectiveness)." During the period of the exemption Otis would continue its explorations "with two major brake suppliers in an effort to design a brake using the present configuration of the vehicle which will meet the 122 requirements." Estimated tooling and redesign costs are approximately $100,000, creating a retail price "increase of $488 * * * to recoup redesign and retooling costs in one year." The company does not explain why it is necessary to amortize costs on a one-year basis.

Otis' net income in the year ended December 31, 1973, was over $40 million. Hardship is faced, not by the Corporation as a whole, but by its Special Vehicle Division, which is represented as suffering a loss in 1974. The company projects a divisional loss for 1975 of $258,600 if its petition is denied, "and operations of the entire Division may have to be discontinued". The Administrator is also urged to consider that a denial could mean loss of employment of 110 people in the Stockton area where unemployment already exceeds the national average.

Interested persons should note that if the proposed redefinition of motorcycle (38 FR 12818) is adopted the Otis vehicle, which has a full or partial enclosure for the driver, would no longer be categorized as a motorcycle and Standard No. 122 would be inapplicable.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Otis Elevator Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 31, 1975.

Proposed effective date: Date of issuance of exemption.

(Sec. 3 Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 49 CFR 1.51 and 49 CFR 508.1)

Issued on February 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-5336 Filed 2-27-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26487; Order 75-2-87]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Order Fixing Temporary Rates

Issued under delegated authority February 21, 1975.

By Order 75-2-3, dated February 3, 1975, the Board directed the parties to show cause why the Board should not establish for the period on and after March 8, 1974, the temporary international mail rates as set forth in Appendix A.[1]

For clarification, as requested by the U.S. Postal Service in its technical objection filed February 18, 1975, the temporary service mail rates set out in Appendix A for effectiveness on and after March 8, 1974, are inclusive of increased fuel costs and no fuel surcharge is applicable thereto.[2] Therefore, the technical objection is moot.

Accordingly, the time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision by the Board.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204 and 406 thereof, and the regulations promulgated in 14 CFR Part 302, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(g):

It is ordered, That: 1. On and after March 8, 1974, the fair and reasonable temporary rates of compensation to be paid to the carriers by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for the services and in the rate areas specified are those set forth in Appendix A, attached hereto;[3]

2. The terms and conditions applicable to the transportation of each class of mail at the rates established herein shall be those set forth in Order 68-9-8, September 4, 1968, as amended, for MOM; Order 68-9-9, September 4, 1968, as amended, for transatlantic and transpacific mail; and Order 69-10-149, October 30, 1969, as amended, for Latin American mail; and the mail ton-miles shall be based upon nonstop great-circle ton-miles in accordance with Order 73-4-16, April 3, 1973;

3. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 8, 1974, as may be required by the order establishing final service mail rates in Docket 26487; and

4. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Hughes Air Corp., d/b/a Hughes Airwest, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, the Department of Defense and the Department of Transportation.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[1] In Appendix A, attached hereto, minor technical corrections are reflected in the all other mail and MOM rates for the U.S.-South America, Latin American rate area.

[2] This order and the temporary rates fixed herein supersede the temporary rates established by Order 74-10-125, October 24, 1974.

[3] This order is not intended to disturb other service or subsidy mail rates established, or to be established, by separate order of the Board.

APPENDIX A—*Temporary international service mail rates per nonstop great-circle ton-mile effective on and after Mar. 8, 1974*

[Cents per mail ton-mile]

Geographic rate areas [1]	Temporary rate base [2] [3]		Proposed temporary rate increase [4]		Temporary rates on and after Mar. 8, 1974	
	All other mail [4]	MOM	All other mail [4]	MOM	All other mail [4]	MOM
Atlantic rate area:						
(1) United States—Europe/Mediterranean	32.42	21.98	6.05	7.57	38.47	29.52
(2) United States—Africa	33.78	22.75	6.30	7.85	40.08	30.60
(3) United States—Middle East	33.41	22.76	6.23	7.85	39.64	30.61
Latin American rate area:						
(1) United States—South America	34.06	22.23	21.43	7.66	55.49	29.89
(2) United States—Central America	33.50	23.50	21.06	8.11	54.56	31.61
(3) United States—Caribbean	34.43	22.11	21.66	7.63	56.09	29.74
Pacific rate area:						
(1) United States—Orient	29.65	22.28	5.25	7.69	34.9	29.97
(2) United States—South Pacific	30.59	25.25	5.41	9.09	36.0	35.44
(3) United States—Southeast Asia	30.04	22.71	5.32	7.83	35.36	30.54

[1] As defined in appendices A, B, C, and D page 2 in Order 73-4-16.

[2] Exclusive of fuel surcharge established by Order 74-10-125, October 24, 1974.

[3] Temporary rates pursuant to appendix D of Order 73-4-16 and based on a rate per standard ton-mile for MOM of 21.84 cents; and for all other mail (mail for which rates are not elsewhere established) of 32 cents for Atlantic services, 32.5 cents for Latin American services, and 28.3 cents for Pacific services.

[4] Other than SAM and mail for which rates are elsewhere established.

[5] Computed at the following percentage increase (a) Transatlantic 18.66 percent; (b) Latin American 62.92 percent; (c) Transpacific 17.7 percent; and (d) MOM 34.5 percent worldwide.

[FR Doc.75-5278 Filed 2-27-75;8:45 am]

[Docket No. 27499]

AIR NAURU, NAURU/TRUST TERRITORY/GUAM/OKINAWA/JAPAN

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 18, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 10, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C. February 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-5380 Filed 2-27-75;8:45 am]

[Docket No. 27498]

CESKOSLOVENSKE AEROLINIE, CZECHOSLOVAK-U.S. SCHEDULED SERVICE

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 17, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 7, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., February 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-5379 Filed 2-27-75;8:45 am]

[Dockets Nos. 25513, 26494; Order 75-2-102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of February 1975.

In the matter of Docket 25513, Agreement C.A.B. 24663, R-1 through R-2; Agreement C.A.B. 24666, R-1 and R-2; Docket 26494, Agreement C.A.B. 24903, R-1 and R-2; Agreement C.A.B. 24943, R-1 and R-2.

By Order 74-12-49 (December 13, 1974) the Board approved fuel-related increases in most U.S.-Mexico fares adopted by the carrier members of the International Air Transport Association (IATA), and deferred action on similar IATA agreements proposing increases in U.S.-Caribbean, U.S.-Central/South America (long-haul) and U.S. west coast-Mexico fares, pending receipt of additional data from the U.S. carriers with respect to each Western Hemisphere market area.

In the case of the Caribbean and Central/South America fares, the Board concluded that it was unable to determine from the original carrier justifications whether fare increases were, in fact, justified at that time.[1] In the case of U.S.-Mexico fares, data reported in Form 41 Statistical Market Reports made it possible to verify the carriers' submissions on the basis of historical experience. Our analysis indicated that, with the exception of Western Air Lines, Inc. (Western), none of the U.S. carriers serving Mexico was realizing excess earnings, and that their future return position would be eroded by actual, experienced increases in fuel costs which would not be fully recovered by the higher fares. On this basis, the Board approved the increases in U.S.-Mexico fares other than those to/from the west coast, subject to evaluation of additional data to be supplied by the carriers. However, Western, the only U.S. carrier serving west coast-Mexico markets, realized a return on investment of approximately 20 percent during the year ended September 30, 1974. For this reason the Board was unable to conclude that increases in U.S. west coast-Mexico fares were justified, and accordingly action was deferred pending submission of additional data from Western in the same format as that required of the other carriers.

As noted, the proposed fare increases in all three Western Hemisphere areas are predicated on a continuing escalation in fuel cost. The Board's evaluation of past fuel-related fare increases has essentially rested on two factors: (1) a comparison of the proposed increase with the actual, experienced increase in fuel cost at the carrier's forecast level of operations; and (2) the overall financial position of each carrier in a given market, i.e., would approval of the fare increase place the carrier in an excess-earnings position. In Order 74-12-49, however, the Board stated that the apparent leveling off in fuel prices indicates there is no further need for the carriers to resort to the "fuel surcharge" technique of cost recovery, and that fuel cost should henceforth be treated as any other item of carrier cost. Thus, our evaluation of the instant agreements turns on each carrier's overall earnings position, as well as the composite results of the U.S. carriers in each market area.

The carriers have submitted the data requested by Order 74-12-49 in the format prescribed and the Board has completed its evaluation. See Appendices A through C [1a] for details of the carriers' submissions and adjustments which have been made by the Board.

U.S.-MEXICO (EXCLUDING U.S. WEST COAST) [2]

A summary of the carriers' return on investment, as submitted and as adjusted by the Board, is as follows:

[1] In some cases, the forecasts appeared to include anticipatory cost increases. In others, the forecast was not supported by historical background data, thereby making it difficult to ascertain the degree to which forecast operating costs were based on actual increases in unit costs as opposed to fluctuations in operational levels. Moreover, a comparison of the historical data which had been supplied with Form 41 reports for Latin American Division services disclosed discrepancies which could not be reconciled with the information available to the Board.

[1a] Appendices A, B, and C are filed as part of the original document.

[2] The fare increase equals six percent of the one-way normal economy fare applied to all fares in the structure. Round-trip fares would be increased by twice the amount applicable to one-way fares.

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Rate of return on investment

(In percent)

	Year ended Sept. 30, 1974		Year ending Sept. 30, 1975[1]	
	Carrier	Adjusted	Carrier	Adjusted
American	4.6	5.8	1.2	22.4
Eastern	3.7	2.0	4.6	5.7
Braniff	12.8	15.0	9.0	11.5
Pan American	(29.6)	(11.9)	(8.1)	1.4
Composite	3.8	3.9	3.4	11.4

[1] At higher fares approved in Order 74-12-49, implemented January 1, 1975; and reflecting escalations in unit costs over those experienced in year ended September 30, 1974.

The Board adjusted the carriers' historical results to comport with data on file in the Form 41 reports, the major changes involving taxes and investment.[5] In addition, the sum total of Pan American's revenues and expenses submitted for the three areas (plus U.S. territorial operations) differs substantially from total LAD data reported in Form 41. For example, Pan American's justification shows total operating revenues of $288,555,000 for the year ended September 30, 1974, yet LAD operating revenues were reported in Form 41 as $344,030,000 for the same period, and similar discrepancies exist in expenses and investment. Accordingly, the Board has adjusted its data to reflect the Form 41 level of operations allocated to each market area on the basis of Pan American's justification.[6] In the case of all carriers, adjusted forecast results were derived from adjusted historical results, increased or decreased by the percentage change forecast in each item by the respective carriers.

This analysis indicates that the carriers' respective return positions were generally understated in both the historical and forecast periods and, with the exception of Braniff, that their financial position can be expected to improve in the forecast year as a result of a proportionately greater increase in traffic and revenues, at the higher fares, than in costs.[7] In the case of Braniff the situation will be in reverse. Nevertheless, with the exception of American, it appears that none of the individual carriers will achieve a return on investment above the Board's 12 percent guideline during the forecast period, and that the four carriers combined should achieve a composite return of 11.4 percent. Accordingly, the Board finds that continued approval of the fare increases previously approved in Order 74-12-49 is warranted, and reaffirms the conclusions set forth therein. At the same time, however, the level of return forecast for the upcoming year indicates that a further material increase in U.S.-Mexico fares could not be justified at this time.

U.S. West Coast-Mexico [8]

Western's return on investment, as submitted and as adjusted by the Board, is as follows:

Rate of return on investment

[In percent]

	Carrier	Adjusted
Year ending Sept. 30, 1974	18.6	20.0
Year ending Sept. 30, 1975:		
Present fares	9.2	10.0
Proposed fares	10.4	11.2

We have made relatively minor adjustments in Western's historical data to accord with that reported in the Form 41, and the resulting figures have been reflected in its forecast return on investment. This analysis shows that Western is currently experiencing very profitable results in its U.S.-Mexico operations, consistent with the historical pattern, and although it predicts a substantial decline in ROI over the forecast period, would still enjoy quite respectable earnings. Moreover, a substantial portion of the forecast decline in Western's position may be attributed to its forecast drop in load factor from 62.8 to 58.7 percent. The Board is not convinced by Western's allegations in this regard that ROI will actually decline below the 12 percent benchmark. Such a marked turnaround in operating results, particularly an absolute decline in traffic, is questionable, in view of past history in these markets, as a basis for a fare increase. In any event, Western's present earnings are adequate, and it does not appear that a fare increase in the west coast-Mexico market is warranted at this time.

Separate IATA agreements have been filed providing for new individual inclusive tour (IIT) fares to replace current group inclusive tour (GIT) fares between U.S. midwest and east coast points, on the one hand, and points in Mexico, on the other.[9] The fares are proposed at levels equal to the present GIT fares to/from east coast points and at levels 10–12 percent above present GIT fares to/from midwest points.[9] These agreements will be dealt with by subsequent order, and accordingly the Board will defer action at this time.

U.S.-Central/South America [10]

The returns on investment, as submitted by Braniff and Pan American and as adjusted, are as follows:

(In percent)

	Year ended Sept. 30, 1974		Year ending Sept. 30, 1975			
			Present fares		Proposed fares	
	Carrier	Adjusted	Carrier	Adjusted	Carrier	Adjusted
Braniff	9.6	12.6	8.8	13.6	12.2	16.4
Pan American	.04	3.9	.4	4.6	2.3	7.9
Composite	4.5	6.9	4.0	7.5	7.1	10.6

As in the case of our assessment of the proposed fares for service to Mexico, the carriers' statements of historical results have been modified to comport with reported Form 41 data. This involved a major adjustment in Pan American's data, as indicated earlier, in line with that carrier's reported Form 41 operations for its total Latin American Division, the allocation to the long-haul market being based on the relationship between the three hemisphere areas in the carrier's justification. The adjusted historical results were increased or decreased for the forecast year by the particular percentage change in each item forecast by the carrier. On this basis, Pan American's return position can be expected to improve somewhat absent the proposed fare increase, while Braniff's can be expected to decline. At the higher fares, both carriers can be expected to realize a significant improvement in return on investment. Braniff will realize earnings above the 12 percent guideline. However, it does not appear that, on a composite basis, the U.S. carriers serving Central/South America will realize excess earnings.[12] Accordingly, the Board is of the opinion that the fare level proposed in the instant agreement is not unreasonable, and that approval is warranted. Again, however, all available data indicate that no further increase would be justifiable in this market for the year immediately ahead.

U.S.-Caribbean [11]

The following table summarizes the carriers' return on investment, as submitted and as adjusted:

(In percent)

	Year ended Sept. 30, 1974		Year ending Sept. 30, 1975			
			Present fares		Proposed fares	
	Carrier	Adjusted	Carrier	Adjusted	Carrier	Adjusted
American	11.8	20.7	(2.9)	23.0	(2.4)	23.4
Eastern	(9.1)	(19.6)	(10.9)	(23.8)	(8.6)	(19.54)
Pan American	(17.4)	(9.3)	(20.5)	(8.4)	(18.4)	(6.6)
Composite [1]	(9.9)	(10.5)	(12.6)	(10.9)	(10.1)	(8.2)

[1] Delta has submitted data similar to that supplied by the other carriers, but its exclusion of Puerto Rico/Virgin Islands operations precludes verification of its data. Moreover, Delta's share of the Caribbean market is insignificant compared to the other three carriers, and exclusion of the results has a minimal effect on the U.S. carriers' composite position.

As in the case of other market areas, significant adjustments involving taxes and investment were made to comport with total LAD figures as reported in the Form 41, and allocated to Caribbean operations according to relationships derived from the carriers' justifications. In the case of Pan American those adjustments to operating revenues and expenses previously described were again made. Likewise, American again applied the same methodology on cost escalation previously described in connection with its support for fares to/from Mexico, and for the same reasons the Board has eliminated this cost escalation in its entirety. It is again recognized that the resulting adjusted return on investment is to some unknown degree overstated.

Nevertheless, it appears that on a composite basis carriers are currently experiencing large operating losses in their Caribbean service. They have experienced a significant escalation in unit costs, and it can be expected that their collective earnings will decline during the year ahead, absent the proposed fare increase. The Board therefore concludes that fares increased in the magnitude proposed are not unreasonable.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, the Board makes the following findings:

(1) It is found that the following resolutions, to the extent they would establish fares between Los Angeles, San Diego, Portland and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand, are adverse to the public interest and in violation of the Act:

Agreement C.A.B. 24663:	*IATA resolution*
R-1	100(Mail 962)001b.
R-2	100(Mail 962)005v.

(2) It is not found that the following resolutions are adverse to the public interest or in violation of the Act:

[5] The format prescribed in Order 74-12-49 specified income taxes at 48 percent; taxes listed by the carriers at that level in their present justifications have been adjusted to reflect the reported Form 41 tax rates for Latin American Division (LAD) income. Likewise, investment figures were adjusted to reflect LAD investment figures published by the Board, allocated to Mexico on the basis of each carrier's justification. See Appendix A.

[6] Pan American states that passenger charter revenues have been excluded, but this amounts to only $10.2 million. We would also note that Pan American's LAD costs appear to be significantly higher than other carriers', which raises a substantial question whether these expenses meet the tests of reasonableness and need under efficient and economic management. Cf. *Mainland U.S.-Puerto Rico/Virgin Islands Fares*, Order 74-10-78, decided October 15, 1974. In view of the fact that American's costs, as adjusted, are understated (See Note 6 *infra*) and the short period of effectiveness of the agreement, we will accept PAA's cost levels for present purposes. However, we will expect a justification of PA's cost levels in connection with any future U.S.-Mexico fare agreement.

[7] American's adjusted ROI of 22.4 percent reflects a total disallowance of its estimated cost escalation and as a result is probably overstated. American assumed continuation through the forecast period of the 22.7 percent increase in unit costs experienced in the year ended September 30, 1974 over the previous year. In the absence of information on its experience the Board had no choice but to disregard the entire amount as anticipatory even though some portion may represent legitimate known costs increases.

[8] The increase for west coast points is proposed on the same basis as the previously approved increase in other U.S. markets, *i.e.*, increases to one-way fares would be six percent of the applicable one-way economy fare, and to all round-trip fares, twice the amount applicable to one-way fares.

[9] Present GIT fares will remain in effect in the Buffalo/Cleveland/Syracuse-Mexico markets.

[10] Action was deferred on Agreement C.A.B. 24806, R-1 and R-2, in Order 74-12-106 (December 27, 1974). Additional agreements have since been filed extending these revisions to other points.

[11] U.S.-Central/South America one-way and round-trip first-class fares would be increased by seven percent; all other one-way fares would be increased by a dollar amount equal to eight percent of the applicable specified one-way economy fare from Miami and round-trip fares would be increased by twice the amount applicable to one-way fares.

[12] Some uncertainty remains regarding the balance of Braniff's profits between Mexico and Central/South America. In its initial justification submitted for the fare increases considered herein, Braniff forecast ROI's of (0.1) percent in Mexico and 25.6 percent in Central/South America. Now, however, Braniff forecasts a Mexico ROI of 9.0 percent and a long-haul ROI of 12.3 percent (11.5 and 16.4 percent, respectively, as adjusted by the Board). To the extent Braniff's figures can be verified by reference to accepted historical data, the latter forecast appears more reasonable, and is more consistent with Braniff's statements of earnings in past years in the two areas. The forecast decline in Braniff's return position from historical levels results from the fact that Braniff's revenue improvements under the new fares will fall short of covering its cost escalations.

As noted previously, Pan American's LAD costs are significantly higher than other carriers', and this relationship is apparently reflected in the difference between Pan American's and Braniff's ROI positions in Central/South America. We expect Pan American to specifically address these differences in future Western Hemisphere fare justifications.

[13] U.S.-Caribbean fares are proposed to be increased four percent, except that no increase would apply to travel between Baltimore/Boston/Hartford/New York/Philadelphia/Providence/Washington, D.C.-Bermuda/Bahamas and between New York and Port-au-Prince. Florida-Bahamas fares would be increased six percent, and the dollar increase for Miami-Jamaica/Venezuela fares would apply to Los Angeles/San Francisco-Jamaica/Venezuela fares.

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Agreement C.A.B.	IATA No.	Title	Application
24666:			
R-1	003i	(Expedited) General Increases in Passenger Fares (New)	1 (Caribbean).
R-2	003j	(Expedited) General Increases in Passenger Fares (New)	1 (Central/South America).

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 24663, R–1 and R–2, set forth in finding paragraph (1) above, be and hereby are disapproved;

2. Those portions of Agreement C.A.B. 24666, R–1 and R–2, set forth in finding paragraph (2) above, be and hereby are approved;

3. Action be and hereby is deferred with respect to Agreements C.A.B. 24903, R–1 and R–2, C.A.B. 24943, R–1 and R–2; and

4. Tariffs implementing Agreement C.A.B. 24666, R–1 and R–2, shall be marked to expire not later than March 31, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75–5382 Filed 2–27–75;8:45 am]

[Docket No. 27037]

OZARK AIR LINES, INC., DELETION OF CLINTON, IOWA

Postponement of Prehearing Conference

At the request of Counsel for Ozark Air Lines, Inc., and good cause appearing, the prehearing conference now scheduled for February 25, 1975, (40 FR 3239, January 20, 1975) is postponed to March 4, 1975, to be held at 10 a.m. (eastern daylight time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 24, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75–5378 Filed 2–27–75;8:45 am]

[Docket No. 26933; Order 75–2–100]

PAN AMERICAN WORLD AIRWAYS, INC., CONTROL RELATIONSHIPS; ORDER DEFERRING ACTION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of February 1975.

Application of Pan American World Airways, Inc., for approval of control and interlocking relationships involving Air Carrier Supply, Inc., under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed August 8, 1974,[1] Pan American World Airways, Inc. (Pan American), requests that the Board approve without a hearing, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), to the extent necessary, the control relationships resulting from the acquisition by Pan American of 20,000 to 25,000 shares of Air Carrier Supply, Inc. (ACS), under an exclusive consignment-for-sale agreement between the parties. The applicant also requests that the Board approve, pursuant to section 409 of the Act, representation on the ACS board of directors by at least one person nominated by Pan American in accordance with the provisions of the agreement.[2]

Basically the agreement between Pan American and ACS, dated March 7, 1974, provides for the capitalization and issuance of ACS stock, and sets forth the terms of their consignment arrangement regarding Pan American's inventories of serviceable and/or repairable commercial jet aircraft spare parts, engine spare parts, and related support equipment.

With respect to the capitalization of ACS, the agreement provides for the issuance of a total of 100,000 shares as follows: Of a total of 40,000 shares reserved for air carrier/consignors, Pan American will be entitled to have issued to it either 20,000 shares, if there are three or more initial participating carriers (including Pan American), or 25,000 shares, if there are not more than two initial participating carriers,[3] and the remainder will be reserved for other consignors of material; an additional 23,000 shares which have been issued to founders and key employees of ACS; and the remaining 37,000 shares, which have been issued to a limited group of private investors for an aggregate price of $750,000 to provide ACS with working capital. In addition, the private-investor group has guaranteed ACS a line of credit with the First National Bank of Miami in the amount of $750,000 which, when drawn upon, will entitle the guarantors to subordinated notes of ACS in similar amounts.

With respect to the subject material, the agreement provides for the consignment by Pan American to ACS and the sale by ACS, as the sole and exclusive marketing and sales organization, of certain existing and future inventories of serviceable and/or repairable commercial jet aircraft spare parts, engine spare parts, and related support equipment.[4] Under the agreement, title to all material consigned by Pan American to ACS will remain in Pan American until shipped or transferred to a purchaser, and Pan American may not sell, other than through ACS, aircraft spare parts and related support equipment.[5] ACS will pay Pan American 50 percent of the new sales price, if Pan American is a stockholder in ACS, or 60 percent if the air carrier is not a stockholder in ACS, subject to review and adjustment within 90 days of the closing of ACS' 1977 fiscal year. The term of the agreement extends for a period of 5 years commencing on May 1, 1974.

Pursuant to the agreement, Pan American in 1974 consigned surplus spare parts for aircraft and engines having a value of approximately $9 million based on average acquisition cost. Of the material so consigned an amount having a value of approximately $200,000 has been sold by ACS. Pan American estimates that it will consign spare parts to ACS in the amounts of $18 million in 1975, and $3 million in each of the 3 successive years. According to the applicant, no other air carriers have consigned materials to ACS during 1974, and no commitments in this regard presently exist.

Under the agreement Pan American will make "accommodation sales"[6] to ACS at the former's acquisition price plus 25-percent premium, and provide technical assistance to ACS in the form of documentation, technical personnel, and computer services at prices to be mutually agreed upon.

During 1974 neither Pan American nor any other air carrier made any accommodation sales or rendered technical assistance to ACS. For the year 1975, Pan American speculates that it may make accommodation sales to ACS in the amount of $200,000, and render only minimal technical assistance.

In support of the application Pan American states that material consigned or to be consigned to ACS is deemed by the air carrier to be in excess of its requirements; that the use of ACS, as a specialized marketing and sales organization, would afford Pan American a more efficient and advantageous means for disposal of its surplus spare parts than if it were to dispose of them as it has done in the past; and that the commission rates specified in the agreement were established as the result of

[1] The application was supplemented by letters of Dec. 18, 1974 and Feb. 6, 1975.

[2] Pan American represents that it will not nominate any person to the ACS board of directors prior to securing any necessary Board approval thereof.

[3] A precondition of Pan American's acquisition of ACS stock under the agreement establishes Mar. 1, 1975 as the deadline for the air carrier to notify ACS of the Board's action. Air carriers which become stockholders in ACS after this date are not deemed to be initial participants.

[4] ACS contemplates that it may be designated as the exclusive consignee for other air carrier/consignors.

[5] Excepted from this restriction on Pan American are sales of such material made (a) pursuant to agreements entered into prior to execution of the subject agreement; (b) to any manufacturer in conjunction with the purchase of aircraft, engines, or other equipment; (c) to other air carriers as an aircraft on the ground (AOG) accommodation; (d) pursuant to aircraft maintenance agreements; and (e) pursuant to airline pooling agreements.

business negotiations and relate to accepted industry practices in the parts business. The applicant further states that the duration of the contract was based upon a projected surplus material generation, as indicated by its projected operating plans for a 5-year period.

No comments or request for a hearing have been received.

Upon consideration of the application, the Board tentatively concludes that Pan American's acquisition of 20 or 25 percent of the ACS' contemplated stock issue should be approved, to the extent necessary, pursuant to section 408 of the Act. The acquisition does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and the Board concludes that the public interest does not require a hearing.

Further, it appears that Pan American's acquisition of a stock interest in ACS and its use of ACS as a specialized marketing vehicle for such material would afford the air carrier an efficient means for disposing of its surplus spare parts upon advantageous terms. In addition, the relationship herein is similiar to others authorized by the Board.[7] We tentatively find, therefore, that the intercompany relationships will not be inconsistent with the public interest and that the conditions of section 408 will not be otherwise unfulfilled.

With respect to the consignment arrangements between Pan American and ACS, it appears that the agreement was entered into as a result of arm's-length negotiations. However, the Board recognizes that the consignment-for-sale provisions of the agreement is to continue for a period of 5 years beginning on May 1, 1974 and hence will be operative beyond the date of this application and Board's action thereon. In this connection, the Board further notes that the commission rates under the terms of the agreement are subject to review and adjustment by the parties within 90 days of the closing of ACS' 1977 fiscal year. A modification of the agreement in this respect may substantially alter the existing payments schedule, and unlike the basic agreement, would not be negotiated at arm's length. In these circumstances, the Board will require that any modification of the agreement with respect to the payments schedule be submitted to the Board for approval prior to its becoming effective.

The Board further notes that, while, for the present, Pan American is the only air carrier with which an agreement for the acquisition of ACS stock and for the consignment of spare parts has been reached, the agreement also contemplates that ACS may enter into similar stock acquisition and consignment arrangements with other air carriers consistent with the terms of the agreement. Hence it appears that changes in the ownership of ACS stock, contemplated by the agreement, may occur by reason of additional air carriers' acquisition of such stock. Should such changes in ownership of ACS occur, or should other air carriers enter into a similar consignment agreement with ACS as contemplated by the terms and conditions of the consignment agreement with Pan American, new issues may arise under section 408 and/or section 412 of the Act which would require further submissions to the Board. Similarly, should ACS, directly or indirectly, engage in any additional activities which may be deemed independently as coming within the scope of section 408, further filings with the Board would be required. In addition to the consignment arrangement between Pan American and ACS, the agreement contemplates both technical assistance to be provided by Pan American to ACS, and accommodation sales (AOG) of parts and equipment by Pan American to ACS. It is the Board's intention to attach to its final order of approval an appropriate reporting requirement with respect to such intercompany transactions aggregating $250,000 or more in any calender year.[8] The Board also intends to retain jurisdiction over this proceeding.

With respect to applicant's request that the Board approve, pursuant to section 409 of the Act, the representation on the ACS board of directors by at least one person nominated by Pan American in accordance with their agreement, it appears that the contemplated interlocking relationships would come within the provisions of Part 287 of the Board's Economic Regulations upon final approval by the Board of its tentative decision herein.

In accordance with section 408(b) of the Act, this order constituting notice of the Board's tentative findings and proposed action will be published in the FEDERAL REGISTER, a copy thereof will be furnished the Attorney General, and interested persons will be afforded an opportunity to file comments with respect to the Board's proposed action on the application.

Accordingly, it is ordered, That:

1. Board action with respect to Pan American's acquisition of its stock interest in Air Carrier Supply, Inc., as described herein, be and it hereby is deferred;

2. Interested persons are hereby afforded a period of 15 days from date of service of this order within which to file comments with respect to the Board's proposed action on the application in docket 26933;[9] and

3. The Attorney General of the United States shall be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.75–5381 Filed 2–27–75;8:45 am]

[6] Such sales involve material in the air carrier's inventory which is not required in connection with its own operation or in performance of commitments to a third party, when AOG is involved and the material is not available to ACS from its inventory or from an approved source.

[7] Cf. Pan American World Airways, Inc., orders 72–8–10, Aug. 3, 1972, and 72–8–106, Aug. 24, 1972.

[8] The benchmark of reportable transactions has recently been extended by the Board from $100,000 annually to $250,000. See Edward E. Carlson and United Air Lines, Inc. and UAL, Inc., order 74–6–90, June 18, 1974 and Charles T. Fisher III and American Airlines, Inc., order 74–5–117, May 23, 1974.

[9] Comments shall conform to the requirements of the Board's rules of practice for filing comments. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

COMMISSION ON CIVIL RIGHTS

GEORGIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Georgia State Advisory Committee (SAC) to this Commission will convene at 2 p.m. on March 21, 1975, at the Regency Hyatt House, 265 Peachtree Street, N.E. Essex Room 30303.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to review the Georgia Prison Project and plan programmatic activity for fiscal year 1976.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75–5358 Filed 2–27–75;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on March 22, 1975, at 230 South Dearborn Street, 32nd floor, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to develop a project proposal on Revenue sharing as it relates to community development, education and employment. Discuss possible cities and/or counties of the state that may be involved in the project.

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This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-5359 Filed 2-27-75;8:45 am]

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 22, 1975, at Calumet College, Conference Room, East Chicago, Indiana 46312.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is the release of Migrant Report-Migrant Assembly Conference Lake County Study Planning.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-5360 Filed 2-27-75;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights; that a planning meeting of the New Hampshire State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on April 16, 1975, at the New Hampshire Highway Hotel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss problems of Puerto Ricans and other Hispanic Americans in the Nashua Manchester area and follow-up to EEO project on employment in the city of Manchester.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-5361 Filed 2-27-75;8:45 am]

WEST VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on March 20, 1975, at West Virginia State College, 227 Wallace Hall, Institute, West Virginia.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting is to discuss civil rights issues in the state.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 25, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-5362 Filed 2-27-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Deletion

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on November 22, 1974 (39 FR 40973).

Pursuant to the above notice the following commodities are deleted from the Procurement List.

CLASS 6532

Cap, operating, surgical (disposable) (IB), 6532-00-250-5041, 6532-00-250-5042, 6532-00-122-0468.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-5365 Filed 2-27-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7530

Pad, writing paper, 7530-00-285-3090, GSA, Region 5; 7530-00-239-8479, GSA, Region 2; 7530-00-285-3083, GSA, Region 7.

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-5366 Filed 2-27-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

HAZARDS FROM TELEVISION RECEIVERS

Proceeding To Develop Safety Standard

The Consumer Product Safety Commission has preliminarily determined (1) that certain hazards associated with television receivers (TVs) present an unreasonable risk of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks.

The Commission has identified four categories of hazards associated with TVs. They are fire, electric shock, picture tube implosion and external mechanical failure or inherent mechanical hazards.

A *fire* hazard in a TV may result from:

• • • arcing or overheating of components in conjunction with flammable materials; material breakdown under electrical stress (dielectric material failure) possibly caused by energy storage devices remaining charged after the TV supply source is disconnected or inadequate electrical ratings and physical spacings; and by failure of external TV components such as electrical power supply and remote control cords and electrical power interlocks.

An *electric shock* hazard in a TV may result from component failures that permit accessible metal components to become energized with electrical energy referenced to earth ground, and TV design practices that do not dissipate residual electrical energy after the TV electrical supply source is disconnected.

An *implosion* hazard in a TV may result from the scattering of fragments, including glass, molten, hot or burning materials and debris during a picture tube implosion (a rapid and sudden inward collapse of the picture tube).

A *mechanized hazard* in a TV or integrated accessory may result from failure of TV handles, unstable configuration of the TV on an integrated stand or on stands commonly used, or from sharp points and sharp edges. The Commission recognizes that sharp points and sharp edges are not peculiar to TV sets and are associated with furniture in general, but asks the offeror to address these hazards in as reasonable a way as is practicable during the standards development process.

Accordingly, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056), this notice commences a proceeding for the development of a consumer product safety standard applicable to hazards from television receivers.

The development period prescribed in the Consumer Product Safety Act for a standard, ends 150 days after publication in the FEDERAL REGISTER of a notice of proceeding to develop a safety standard. The Commission may, however, extend the development time if it finds for good cause that a longer period of time is appropriate: Any such extension would be announced by notice in the FEDERAL REGISTER. The development period of this standard ends on July 28, 1975. The Commission recognizes, however, the complexity of this product and explicitly asks offerors to submit their best estimate of the development time, with justification for any estimate departing from the prescribed 150-day period.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations (16 CFR 1105 issued under section 7 of the Act) concerning the submission of existing standards, offers to develop standards, and the development of standards. Relevant portions of the procedures prescribed by Part 1105 for submitting an existing standard as a proposed consumer product safety standard or offering to develop a consumer product safety standard are included below (sections C through G).

Part 1105 was promulgated in the FEDERAL REGISTER of May 7, 1974 (39 FR 16296). Copies may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C. 20207 (Phone 202-634-7700).

In accordance with Section 7(b) of the Act and the regulations (16 CFR Part 1105) issued under Section 7 of the Act, this notice (1) identifies the product and the nature of the risks of injury associated with the product, (2) is based on a determination that a consumer product safety standard is necessary to eliminate or reduce the risks of injury, (3) includes information with respect to existing standards known to the Commission that may be relevant to this proceeding, and (4) invites any person to submit an existing standard as a proposed consumer product safety standard or to submit an offer to develop a proposed consumer product safety standard applicable to hazards from television receivers as identified above.

A. *Nature of the Risk of Injury.* Information about the associated injuries which indicated a need for remedial action includes:

1. Hearings of the National Commission on Product Safety, 1968-1970: Volume 8 (pp. 1-116.99) and final Report (pp. 13-14).

2. Data presented in the notice published in the FEDERAL REGISTER of March 22, 1974 (39 FR 10929), scheduling public hearings on shock, fire, and other hazards from television receivers.

3. Public hearings held by the Commission on April 23 and 24, 1974: transcripts, texts of prepared testimony, and comments.

4. Information relative to safety and quality improvement submitted by television receiver manufacturers pursuant to a special order by the Commission, dated May 13, 1974.

5. "Hazard Analysis of Television Sets", May 1974, prepared by the Commission's Bureau of Epidemiology. From the data reported through the National Electronic Injury Surveillance System (NEISS), it is estimated that nationwide during 1973 approximately 100 fire-related injuries, about the same number of electric shock-related injuries, and around 12,000 injuries related to mechanical failures, all associated with television receivers, were treated in hospital emergency rooms. Analysis of in-depth investigation reports indicated that the injury diagnosis reported most frequently through NEISS (laceration and contusion/abrasion) were associated most often with mechanical hazards. The Bureau of Epidemiology has indicated that fire-related and electric shock-related accidents associated with television receivers may be under-reported in NEISS. Electric shock injuries, in particular, usually result in complete recovery or death at the scene. Neither situation is generally reported to NEISS.

6. "TV Receiver Hazard Analysis and Existing Standards Critique" prepared by the Commission's Bureau of Engineering Sciences in July 1974. In addition to other hazards, this report discusses accidents investigated by the Bureau in which fragments scattered by picture tube implosions caused serious injuries or were expelled with sufficient force to be driven into furniture or walls.

7. Information received pursuant to Section 15(b) of the Consumer Product Safety Act which requires manufacturers and others to inform the Commission, among other matters, of product defects. This information describes the nature of the defects and potential hazards which had been found in certain TVs, indicates the models and number of units affected and the type of corrective action taken by the manufacturer.

Copies of the above documents are available for inspection in the Office of the Secretary. However, item 4 contains information for which manufacturers have requested confidential treatment under the Freedom of Information Act (5 U.S.C. 552). The Commission is currently reviewing the merits of these requests and when the review is complete, that information which is found to be releasable will be available for public inspection. The foregoing information indicates that the risks of injury from hazards associated with TVs include:

1. *Fire-related injuries.* a. Burns and other injuries or death from fires caused by arcing or overheating of television receiver components, in conjunction with the flammable materials used for insulation, encapsulation, impregnation, and receiver enclosure; or by design and assembly practices that permit inadequate electrical rating or physical spacing that increases the probability of dielectric material failures.

b. Burns and other injuries or death from fires which may possibly occur because certain design practices permit energy storage devices such as capacitors to remain charged after the television receiver's electrical supply source is disconnected, thereby precipitating dielectric material failures.

c. Burns and other injuries or death resulting from failure of television receiver external components such as electrical power supply cords, remote control cords, and electrical power interlocks.

2. *Electric shock-related injuries.* These injuries arise as a result of contacting television controls or components that are energized with electrical energy, referenced to earth ground and may occur due to:

a. Electrical or mechanical failure of a component that results in the possibility of physical contact between the user and a television chassis that is designed to be directly connected to the television's electrical supply source.

b. Television design practices that do not require dissipation of residual electrical energy after the television's electrical supply source is disconnected and internal areas become accessible to the layman while repairing or servicing the TV set.

c. Electrical or mechanical failure of an isolation transformer or power transformer that permits television controls or components to become energized with reference to earth ground.

3. *Picture tube implosion-related injuries.* a. Lacerations and other injuries resulting from the expulsion of glass fragments during a picture tube implosion.

b. Burns and other injuries resulting directly from scattering of molten, hot or burning materials and debris as a result of picture tube implosion during a fire associated with a television receiver.

c. Burns and other injuries resulting from rapid spreading of a fire as a result of the scattering of molten, hot or burning materials and debris caused by picture tube implosion during a fire associated with a television receiver.

4. *Mechanical failure-related injuries.* a. Lacerations, contusions, and abrasions resulting from mechanical failure of television received handles when used to transport the television receiver.

b. Lacerations, contusions, abrasions, or other injuries resulting from falling of receivers from inadequate or mechanically unstable support stands.

c. Lacerations, contusions, abrasions, or other injuries resulting from falling against sharp points and edges of television receivers or integral support stands and television antennas.

B. *Existing Standards.* The Commission has received information about the following standards and specifications that may be relevant to this proceeding:

1. Underwriters' Laboratories Standards UL 492, "Standard for Safety—Radio and Television Receiving Appliances," latest revision April 1974 (also adopted by American National Standards Institute as ANSI C33.55-1969, June 25, 1969). This standard contains new requirements and tests, with an effective date of July 1, 1974, for carrying handle strength, mechanical stability of

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support stands and sharp points of antennas. Because of their newness, the Commission does not have information at this time relative to the adequacy of these requiremens and tests.

2. The basic standard, UL 492, also includes, by a general reference, the following standards for a number of general-use parts or components. None of the general-use standards are referenced by number or name in the basic standard. These general-use parts or component standards are listed here to apprise the offeror of the intricacy of the requirements and tests currently utilized for the manufacture of TV receivers.

UL 20	Snap Switches, April 1972; revised February 1973.
UL 62	Flexible Cord and Fixture Wire, February 1974.
UL 94	Tests for Flammability of Plastics Materials for Parts in Devices and Appliances; second edition September 1973; revised February 1974.
UL 198	Fuses, August 1972.
UL 224	Extruded Thermoplastic Insulating Tubing, January 1973.
UL 452	Antenna—Discharge Units, April 1972.
UL 498	Attachment Plugs and Receptacles, October 1970; revised through February 1974.
UL 510	Insulating Tape, June 1971.
UL 512	Fuseholders, November 1970.
UL 758	Appliance Wiring Material, November 1973; revision proposed, January 1974.
UL 796	Printed-Wiring Boards, August 1973.
UL 817	Cord Sets and Power Supply Cords, August 1973.
UL 917	Clock Operated Switches, January 1974.
UL 1020	Thermal Cutoffs for Use in Electrical Appliances and Components, April 1973.
UL 1054	Special-Use Switches, November 1973.

The basic standard, UL 492, also includes by specific reference, the following special-use components, intended specifically for TV receivers.

UL 492.3	High Voltage Components for Television Receiving Appliances and other Electronic Equipment, January 1974.
UL 492.7	Special Fuses for Radio and Television Receiving Appliances and other Electronic Equipment, January 1974.
UL 492.8	Implosion—Protected Cathode-Ray Tubes for Television Receiving Appliances and other Electronic Equipment, January 1974.

The Commission makes the following observations concerning the adequacy of the basic standard (UL-492) and the special-use component standards (UL 492.3, 492.7, and 492.8) described above.

a. The standard does not contain adequate requirements and tests to:

(i) Reduce the present occurrence of fires caused by arcing or overheating internal to the television receiver or by external component failures.

(ii) Assure dissipation of suspected hazardous residual electrical energy in charged components when the television receiver is disconnected from its electrical supply source.

(iii) Assure that television controls or components do not become energized with earth-referenced energy due to an isolation transformer or power transformer failure such as primary to secondary dielectric breakdown.

(iv) Prevent the expulsion of particles, at hazardous energies (particle energy being proportional to the weight and velocity of the particle), into a foreseeable television viewing area.

b. The standard permits direct connection of the television chassis to the electrical supply source. As a result, large metal surfaces can be charged to a potentially hazardous voltage and failure of one of numerous insulating elements can produce hazardous voltage on accessible parts. Therefore, the standard does not contain adequate requirements and tests to assure that television controls or components do not become energized with earth referenced electrical energy due to failure of insulating elements.

3. Glass Tempering Association, Engineering Standards Manual, 1972:

a. Section 8, Specifications for Flat or Bent Glass-Tempered for Television Receiver Safety Windows, Specification No. 61–1–20 Rev. #3, 1972;

b. Section 8.1, Safety Windows for Laminating to Television Tubes, Specification No. 62–8–7 Rev. 1.

The Commission does not have sufficient information to evaluate this standard at this time.

Copies of the above-listed items are available for public inspection in the Office of the Secretary.

C. Invitation to offerors. Pursuant to Section 7 of the Act and the regulations issued thereunder (16 CFR Part 1105), an invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, university or college departments, wholesale or retail organizations, Federal, State, or local government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before March 31, 1975 either of the following:

1. One or more existing standards as a proposed consumer product safety standard in this proceeding.

2. An offer to develop one or more proposed consumer product safety standards to reduce or eliminate any or all of the unreasonable risks of injury from the hazards of fire, electric shock, picture tube implosion, and mechanical hazards associated with television receivers.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations as ad hoc associations (16 CFR 1105.5). An offer by an ad hoc association may be submitted by an individual member if the offer states that it is submitted on behalf of the members of the association. The individual member submitting the offer shall submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each other member.

D. Submission of existing standards. Persons may submit a standard previously issued or adopted by a private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements the person believes would be adequate to prevent or reduce the unreasonable risks of injury associated with the identified hazards from television receivers.

To be considered for publication as a proposed consumer product safety standard, standards previously issued or adopted must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warning or instructions, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

1. Identify the specific portions of the existing standard that are appropriate for inclusion in the proposed rule.

2. Be accompanied, to the extent that such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

3. Be supported by test data and other relevant documents or materials to the extent that they are available.

4. Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the act or by private testing facilities.

5. Include data and information to demonstrate that compliance with the standard would be technically practicable.

6. Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential, if any, for disruption and dislocation of manufacturing and other commercial practices.

7. Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

E. Offers to develop standards. 1. Any person may submit an offer to develop a proposed consumer product safety standard for the identified hazards from television receivers. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. The Commission will consider submissions from individual offerors addressed to any one of the separate hazards associated with TVs: fire, electric shock, picture tube implosion and external mechanical failure, or, submissions addressed to more than one of these hazards. However, if all the other requirements enumerated in this notice are met, the Commission would prefer to accept an offer to develop one or more standards for all of these hazards, as may be considered appropriate, from a single offeror. Where a product presents several hazards, the Commission may select different offerors to address each of the hazards. However, where as here, the areas of knowledge required to reduce unreasonable risks arising from these hazards appear to be interrelated, the Commission believes that one offeror may be better able to manage the development of the necessary standard or standards.

Each offer shall also include:

a. A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the standard;

b. A description of the method whereby interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the standard;

c. A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period; and

d. A description of the method whereby both use-oriented and technically-oriented consumers will be afforded an opportunity to fully participate in the standards development process.

2. Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

a. A statement listing the number and experience of the personnel, including voluntary participants, the offeror intends to utilize in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized, although unidentified and uncommitted at the time of the submission of the offer. The educational and experience qualifications of the personnel relevant to the development of the standard should also be included in the statement. This list should include only those persons who will be directly involved in person in the development of the standard.

b. A statement describing the types of facilities or equipment the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment.

3. Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

F. Contribution to the offeror's cost. It is the Commission's intent that contribution to the offeror's cost will be the exception rather than the rule. The Commission expects that the bulk of the offeror's work will be done by volunteers or funded by non-Commission sources.

1. The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard in any case in which the Commission determines:

a. That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

b. That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with his offer to develop a standard:

a. A request for a specific contribution with an explanation as to why such a contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

b. A statement asserting that the offeror will employ an adequate accounting system to record standards development costs and expenditures that is in accordance with generally accepted accounting principles; and

c. A request for an advance payment of funds if necessary to enable the offeror to meet operating expense during the development period.

G. Submission information. All submissions, offerors, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207 (Phone 202–634–7700). Submissions made in response to this notice should be in five copies if possible and must be received by the Office of the Secretary not later than March 31, 1975 to be considered in this proceeding.

Dated: February 25, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75–5343 Filed 2–27–75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from February 18 through February 21, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (April 14, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Latouche Island Timber Sale, Alaska, February 18: The statement concerns a timber sale in approximately 180 acres of the southeast side of Latouche Island, near Cordova, Alaska. The harvest would span two years and would consist of four clearcut units totaling approximately 90 acres. Total volume is expected to be 2,780 MBF. The sale will result in the construction of 2,240 feet of road. (22 pages). (ELR Order No. 50220.)

Timber Management Plan, Plumas National Forest, several counties, California, February 18: The statement proposes to carry out the revised Plumas National Forest Timber Management Plan which sets a total potential yield of 1,678.0 MMBF from the standard component commercial forest lands during the 10-year plan period. Adverse impacts include construction of roads for access to the harvest areas and degradation of appearance of the landscape (53 pages). (ELR Order No. 50227.)

Fairview, Puddin Rock, and Canton-Steelhead Areas, Lane and Douglas Counties, Oreg., February 18: This statement concerns the management direction of three Roadless Areas within the Umpqua National Forest. The proposal is to manage the areas for a combination of resource values including water, wildlife, fish habitat, mining, timber, and outdoor recreation. Road construction will result from timber harvests (39 pages). (ELR Order No. 50235.)

Final

Rogue Planning Unit, Siskiyou National Forest, Coos and Curry Counties, Oreg., February 18: Proposed is a land use plan for the management of a 27,000 acre roadless area. The plan recommends sustained timber harvesting on lands outside of the Rogue River Wild and Scenic Corridor. The action will result in increased motorized access, recreational use, and big game forage. The proposed action also diminishes the opportunity for a wilderness or backcountry form of recreation; its implementation will preclude

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further consideration of the wilderness alternative (111 pages). Comments made by: EPA, DOI, USDA, COE, DOT, HUD, State agencies and organizations, and concerned citizens. (ELR Order No. 50231.)

SOIL CONSERVATION SERVICE

Draft

Pine Run Watershed Project, Montgomery County, Pa., February 20: The statement refers to a project for watershed protection and flood prevention in Montgomery County, Pennsylvania. The dams, spillways, and permanent pools will commit 35 acres of land and approximately five acres of woodlands and nine acres of open land will be disturbed by borrow pits (58 pages). (ELR Order No. 50258.)

Final

Spring Canyon Watershed, Goshen County, Wyo., February 18: Proposed is a watershed protection and flood prevention project, which will involve the construction of a dam and reservoir, channel works, and land treatment measures. The action will result in the commitment of 100 acres of rangeland to structural measure; 75 acres of rangeland will be subject to a two year disruption of vegetative cover. Comments made by: EPA, DOI, HEW, COE, DOT, AHP, and one State agency. (ELR Order No. 50238.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C., 202–OX 4–4269.

Final

Demilitarization of M34 Stockpile, Supplement, Colorado, January 21: The statement is a supplement to a final eis filed with CEQ 9 September 1973 and refers to the proposed demilitarization of 21,115 M34 nerve gas bomb clusters at the Rocky Mountain Arsenal, Denver. The supplement differs from the final in the collection and removal of material. (ELR Order No. 50271.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Muscatine-Louisa Co. Flood Protection, Muscatine and Louisa Counties, Iowa, February 18: The statement concerns a plan for flood protection for Muscatine and Louisa Counties, Iowa. The plan consists of raising 15.9 miles of existing levee to protect the project area against Mississippi River design flood (200-year frequency) construction of a new pumping station, modification of two railroad closure structures and a pumping station and associated improvements designed to provide drainage for 4,100 previously undrained acres. Adverse impacts include loss of 55 acres of vegetation, disruption of benthic habitat due to dredging, and loss of 18 acres of cropland for the 3.8 mile ditch paralleling the levee. (Rock Island District.) (ELR Order No. 50236.)

Missouri River Levee System, Sarpy Co., Sarpy County, Nebr., February 18: The statement concerns the construction of a levee 4.5 miles long for purposes of flood protection for 3,920 acres of land on the Iowa side of the Missouri River. Both dredge and borrow pits will be used to obtain fill material for the levee. The project will commit 125 acres to the levee and will result in a slight increase in potential damage within the minimum 3,000 foot floodway. (Omaha District.) (31 pages.) (ELR Order No. 50239.)

Fuel Oil Storage Terminal Permit, Weehawken Cove, Hudson County, N.J., February 21: The statement concerns the issuance of permits to Cosmopolitan Terminal, Inc. to construct a bulkhead, dredge, place fill, and construct pier facilities in the Hudson River at Weehawken Cove, for a bulk oil storage terminal. The project would result in the loss of 23 acres from the Hudson River estuary and public use of the waterfront, risk of fires and oil spills, air quality impact and contruction disruption. (New York District.) (ELR Order No. 50260.)

New York Convention Center, Permit Application, New York County, N.Y., February 18: The statement refers to the issuance of a Department of the Army permit to construct a convention and exhibition center over open water supported on prestressed concrete and steel H-Beam piles in the Hudson River between 43rd and 47th Streets in the Borough of Manhattan. The building will reach approximately 900 feet into the river along the riverfront. Traffic congestion before and after shows will contribute to air pollution. (New York District.) (ELR Order No. 50233.)

New York Harbor, Removal of Drift, New York, February 20: Proposed is the removal and disposal of an estimated 29.1 million cubic feet of material in the form of 1,972 derelict vessels, 149 deteriorated shore structures, plus debris from 182 repairable piers and wharves in New York Harbor and tributary waters. Several alternatives, including incineration, landfills, and recycling, are considered. Adverse impacts include turbidity, water pollution, and disruption of the benthic habitat. Air pollution would result if the incineration alternative is selected. (New York District.) (113 pages.) (ELR Order No. 50257.)

Atlantic Intracoastal Waterway, several counties, North Carolina, February 18: The statement concerns the removal of shoals from 308 miles of intracoastal waterway from the North Carolina-Virginia State line to Little River, South Carolina during the coming 50-year project life. Dredging will cause temporary turbidity and water pollution, and disposal of dredged material will have adverse effects on disposal areas. (Wilmington District.) (ELR Order No. 50222.)

The Siuslaw and Umpqua Estuaries, Dredging, Douglas and Lane Counties, Oreg., February 18: The statement refers to maintenance dredging of the Siuslaw, Umpqua, and Smith Rivers. The Siuslaw River would be dredged to an 18-foot deep entrance channel, a 16-foot depth to Florence and 12-foot depth to Mapleton. The Umpqua River would be dredged to a 26-foot deep entrance channel, a 22-foot depth to Reedsport and 2 miles upstream in Schofield Creek. A 6-foot deep channel would be dredged from the mouth of the Smith River to the mouth of the North Fork. The project will cause a decrease in water quality and wildlife habitat loss on disposal land (Portland District) (ELR Order No. 50220.)

Houston Ship Channel, Dredging, Galveston, Chambers, and Harris Counties, Tex., February 18: The statement is the revised draft of a draft eis submitted to CEQ December 29, 1971. Proposed is the maintenance dredging of shoaled material from the Houston Ship Channel. The channel extends 50 miles from Bolivar Roads at the lower end of Galveston Bay, across Galveston Bay and through the lower reaches of the San Jacinto River and Buffalo Bayou to the Houston turning basin. Dredge materials will be placed in leveed land disposal areas and in open bay sites, resulting in increased pollution. The project will destroy benthic habitat of dredged areas. (ELR Order No. 50221.)

Baker Lake Flood Control Project, Skagit Basin, Skagit and Whatcom Counties, Wash., February 20: The statement concerns the modification of the operation of the Upper Baker Dam to provide an additional 58,000 acre-feet of flood control storage by increasing the reservoir drawdown in the period 1 November to 15 November of each year. The additional flood storage capacity would be available until March 1. The project will cause net energy losses and may create a sense of false security toward the remaining flood hazard (97 pages). (ELR Order No. 50256.)

Final

Jones Inlet, Maintenance Dredging, Nassau County, N.Y., February 18: The project involves maintenance dredging of the Federal channel in Jones Inlet to its authorized project dimensions. Spoil disposal will be along nearby beaches to combat erosion, or in deep water off the inlet. The major adverse impact stems from the increased level of turbidity which will take place during the dredging process. This will have a temporary adverse impact on the fish and fish habitat. (New York District.) Comments made by: DOC, DOD, HEW, DOI, DOT, EPA, and one State agency. (ELR Order No. 50225.)

Providence River Harbor Channel, Supplement, Rhode Island, February 20: The statement, a supplement to the final EIS submitted to the Council on October 17, 1973, refers to the change of a disposal area from the Brenton Reef Disposal Site to the Conimicut Point Disposal Site. (Waltham District.) Comments made by: DOI, EPA, and State agencies. (ELR Order No. 50253.)

Starlings Creek Navigation Project, Accomack County, Va., February 18: Proposed is the maintenance dredging of a navigation channel from Pocomoke Sound into Starlings Creek, where a turning basin will also be dredged. An estimated 55,000 cu. yds. of bottom material will be removed, and deposited offshore along Saxis Island. Adverse impact would occur to marine biota. (Norfolk District.) Comments made by: EPA, DOC, DOI, and Office of the Governor. (ELR Order No. 50226.)

Zintel Canyon Dam, Kennewick, Wash., February 20: The project consists of construction of a detention dam at the mouth of Zintel Canyon 2.8 miles upstream from the city of Kennewick. Also included in the project is a combination of buried conduit and improved channel from the intersection of West Seventh Avenue and Vancouver Street to State Highway 14. The project will help provide flood protection for a 90 acre section of Kennewick. Adverse impacts are loss of some vegetation, loss of recreational use behind the dam during water impoundment, and temporary construction disturbances to residents and traffic. (Walla Walla District.) Comments made by: DOI, HUD, EPA, and State and local agencies. (ELR Order No. 50252.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Draft

Middle Snake River Project, Oregon, Idaho, and Washington, February 18: The statement concerns the application of the Pacific Northwest Power Company and the Washington Public Power Supply System for a major license for construction, operation, and maintenance of the Middle Snake River Project. The applicants are considering three alternatives, each of which would provide

for the combination of two dams and appurtenant facilities and would inundate from 50 to 75 miles of the Snake River, flooding significant portions of one of the largest canyons in the world and its archeological remains. The average annual generation would range from 5,072 mwh to 6,990,480 mwh. (ELR Order No. 50224.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202–343–4161.

Draft

U.S. Courthouse and Federal Building, Broward County, Fla., February 20: Proposed is the construction of a Federal Building and Courthouse with parking facility in Fort Lauderdale, Florida. The cost of the project, including site acquisition, design, construction, and inspection will be about $19.1 million. The site has not yet been selected. The project will provide a total area of 218,295 square feet. Construction disruption will result. (ELR Order No. 50255.)

Final

Border Station Building, Lukeville, Ariz., February 21: Proposed is the construction of a new Border Station Building of 10,000 sq. ft., with inspection areas, canopies, a small commercial truck facility, and ten family residential units. Existing facilities would be demolished. Comments made by: AHP, EPA, USDA, COE, HEW, DOI, DLAB, DOT, DJUS, TREA, and State agencies. (ELR Order No. 50251.)

Federal Office Building, Pittsfield, Berkshire County, Mass., February 18: Proposed is the construction of a 27,000 square foot Federal Office Building in Pittsfield. The building will be constructed on an urban renewal site of 47,500 sq. ft. There will be temporary construction disruption as a result of the action. Comments made by: DOI, AHP, DOC, DLAB, USDA, HUD, HEW, EPA, and State and local agencies. (ELR Order No. 50237.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

Final

Proposed Porcupine National Forest, Alaska, February 18: The statement refers to the proposed designation of 5.5 million acres of public lands as the Porcupine National Forest, and of portions of the Sheenjek and Porcupine Rivers as components of the Wild and Scenic Rivers System. The overall impact of the action will be the protection, conservation, and management of the area's renewable surface resources, with mineral extraction permitted under existing laws. Adverse impacts may include a reduction in wildlife habitat productivity, and disturbances to air, water, and scenic qualities. Mineral extraction will lead to depletion of those resources (672 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and State and local agencies. (ELR Order No. 50240.)

Proposed Yukon-Kuskokwim National Forest, Alaska, February 18: The statement refers to the proposed legislative designation of 7.3 million acres of public lands as the Yukon Kuskokwim National Forest, to be managed by all the laws, rules, and regulations applicable to the National Forest System; and to the designation of portions of the Nowitna River as components of the Wild and Scenic Rivers System. The overall impact of the action is the protection, conservation, and management of the area's renewable surface resources, with mineral extraction permitted under existing laws (673 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, DOI, and State agencies and organizations. (ELR Order No. 50243.)

Proposed Wrangell Mountains National Forest, Alaska, February 18: The statement refers to the proposed congressional designation of 5.5 million acres of public lands as the Wrangell Mountains National Forest, and the Bremner River as a component of the Wild and Scenic River System. The overall impact of the action is that of the protection, conservation, and management of the area's renewable surface resources, with mineral extractions permitted under present laws (713 pages). Comments made by: USDA, DOD, DOC, EPA, DOT, and State agencies and organizations. (ELR Order No. 50246.)

BUREAU OF LAND MANAGEMENT

Draft

OCS Leasing, Offshore Southern California, Calif., February 20: The statement concerns the proposed leasing of 297 tracts (1,554,815 acres) of Outer Continental Shelf lands in five general areas offshore Southern California. The sale, scheduled tentatively for the summer of 1975, would lease tracts from 5 meters to 750 meters in depth. All tracts offered pose pollution risk to the environment through accidental and chronic oil spillage. Also, platform development, if permitted, will cause degradation of the visual environment (4 volumes). (ELR Order No. 50259.)

BUREAU OF RECLAMATION

Draft

San Felipe Division, Central Valley Project, Santa Clara and San Benito Counties, Calif., February 19: Proposed is the construction and operation of the San Felipe Division facilities to provide about 200,000 acre-feet of supplemental municipal, industrial, and irrigation water to 18,000 acres of Santa Clara and San Benito Counties. The division facilities will require about 850 acres of land and will import water from the Central Valley through a tunnel and distribute it through a system of open and closed conduits and relief pumping plants. Some 21 archeological sites might be affected, and the natural landscape altered by construction. During the fall and winter the 150 acre San Justo Reservoir will be devoid of both water and vegetation. (ELR Order No. 50249.)

Final

Elwood Dam and Reservoir, Gosper County, Nebr., February 18: Proposed is the construction of Elwood Dam (including saddle dams) and Reservoir which will provide a 40,500 acre-foot pump storage conservation capacity reservoir and a 9,600 acre-foot flood storage capacity. The reservoir would supply irrigation water for 42,800 acres of land. The project will require the acquisition of 1,930 acres of private pasture grassland and will inundate 1,180 acres and one mile of stream. Other construction includes enlargement of 27 miles of main canal, enlargement or replacement of 30 canal structures, and lining 170 miles of canal. Comments made by: DOI, AHP, USDA, HUD, HEW, USCG, and State and local agencies. (ELR Order No. 50232.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Injurious Wildlife Importation Regulations, February 19: The statement concerns the establishment of lists of wildlife species that pose a low risk of injury to human beings, the interests of agriculture, horticulture, forestry, or to wildlife or wildlife resources when imported into the United States. Animals other than these may be imported only under permit. Economic impacts would be suffered by importers (78 pages). (ELR Order No. 50250.)

NATIONAL PARK SERVICE

Final

Proposed Lake Clark National Park, Alaska, February 18: The statement refers to the proposed designation of 2.4 million acres of land and waters in the Aleutian and Alaskan Mountain Ranges, about 100 miles east of Anchorage, as Lake Clark National Park. Also included is conceptual master plan for park management. The proposal may affect the integrity of the ecosystems and landscapes within the proposed boundaries, including an area from which a significant portion of the State's multi-million dollar sockeye salmon harvest is derived (709 pages). Comments made by: USDA, DOC, COE, HEW, HUD, DOI, DOT, EPA, GSA, State and local agencies, and organizations. (ELR Order No. 50241.)

Proposed Harding Icefield-Kenai Fjords National Monument, Alaska, February 18: The statement refers to the proposed legislative designation of 305,000 acres of land and water on the south coast of the Kenai Peninsula as the Harding Icefield-Kenai Fjords National Monument, and the legislative recognition of 460,000 acres as an Area of Ecological Concern (AEC). Also proposed is a conceptual master plan to guide the management of the area (618 pages). Comments made by: USDA, DOC, COE, HEW, HUD, DOI, DOT, EPA, GSA, State and local agencies, and organizations. (ELR Order No. 50242.)

Proposed Wrangell-St. Elias National Park, Alaska, February 18: The statement refers to the proposed Congressional establishment of an 8.5 million acre Wrangell-St. Elias National Park in South-central Alaska. The action may affect: the integrity of the ecosystems within the park's boundaries; the effectiveness of the Park's use as a standard against which man-caused changes in manipulated ecosystems can be measured; the regional economy, from increased visitation and decreased opportunity for the use of resources; the national culture, from scenic-wilderness experiences; and the national economy, from restriction of potential copper production (764 pages). Comments made by: DOI, DOT, USDA, COE, State and local agencies, and organizations. (ELR Order No. 50244.)

Proposed Kobuk Valley National Monument, Alaska, February 18: Proposed is the Congressional designation of lands and waters of the public domain as the Kobuk Valley National Monument; and of the Salmon River as a Wild River under the Wild and Scenic Rivers Act. Also proposed is a master plan for administration of the areas. Impact of the proposal may occur to: the integrity of the ecosystem; subsistence use of the area by the Natives; commercial uses such as fishing, mineral entry, geothermal power, tourism, communications, and transportation, and the socio-economic and cultural environment of the area resulting from visitor use (626 pages). Comments made by: USDA, DOC, COE, DOI, DOT, EPA, State and local agencies, and organizations. (ELR Order No. 50245.)

Proposed Chukchi-Imuruk National Wildlands, Alaska, February 18: The statement refers to the proposed Congressional establishment of a 2,706,034 acre Chukchi-Imuruk National Wildlands on the Seward Peninsula of Alaska. The Wildlands will be jointly administered as a unit of the National Wildlife Refuge System, and the National Park

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System. Impacts of the action will occur to private land ownership, fish and wildlife, water, vegetation, historic and archeological values, agriculture, mining, timbering, navigation, and hydroelectrical potential, among others (763 pages). Comments made by: DOI, DOT, USDA, COE, DOC, EPA, one State agency, and one other agency. (ELR Order No. 50247.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Seattle-Tacoma International Airport, King County, Wash., February 19: Proposed is the acquisition of 317 acres of land adjacent to the Seattle-Tacoma International Airport, in order to comply with FAA land use compatibility recommendations. The action will result in the displacement of 700 families and the closure of two schools, necessitating economic and social readjustments. Comments made by: EPA, DOI, COE, and State and local agencies. (ELR Order No. 50248.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 90 (S.R. 10—Duval Street), Lake City, Columbia County, Fla., February 18: Proposed is the improvement of a 2.0 mile section of U.S. 90 (S.R. 10—Duval Street) in Lake City, Florida from a 2-lane to a 4-lane facility. The improvement will be along the existing corridor, and will increase noise pollution and temporarily increase water pollution. The number of displaced families and businesses varies with alternative (105 pages). (ELR Order No. 50228.)

SR 67, Clinton-Mississippi State Line Highway, East Feliciana County, La., February 18: The proposed project consists of upgrading an 11.8 mile segment of State Route LA 67 along the existing alignment. The project begins at the intersection of St. Helena Street and State Route LA 67 in the City of Clinton and terminates at the Louisiana-Mississippi State line. Acquisition of additional right-of-way will result in the displacement of two families and four businesses. (ELR Order No. 50234.)

Final

I-35 Interchange, Steele County, Minn., February 18: The project involves the addition of an interchange to Interstate 35 west of Owatonna. The interchange is to provide freeway access to Bridge Street, which leads directly to an industrial park and the Owatonna Central Business District. Detrimental impacts are increased traffic, noise, and air pollution and the commitment of from 20 to 30 acres to the project (73 pages). Comments made by: DOI, EPA, USDA, COE, and State agencies. (ELR Order No. 50230.)

Helena-West (U.S. 12), Lewis and Clark County, Mont., February 18: Proposed is the improvement of 6.0 miles of U.S. 12 immediately west of Helena, Montana. Although right-of-way for a 4-lane highway would be purchased for the entire project, the 3.8 mile rural section would be 2-lane. A 46-foot median would separate the lanes, and a bicycle and horse path is being considered. The project would require 115 acres of land. Comments made by: USDA, EPA, DOI, and State and local agencies. (ELR Order No. 50223.)

County Road, Bottineau County, Bottineau County, N. Dak., February 20: the statement refers to an improvement of a county road in Bottineau County. The project runs from S.R. 14, four miles north of Carbury, easterly approximately 10 miles to a point near the south edge of Lake Metigoshe. The proposed route follows the existing road except for relocations that are necessary to provide curvature meeting present standards. Adverse impacts are increases in the levels of air and noise pollution, and negative effects normally associated with construction. Comments made by: DOI, EPA, USDA, COE, and State agencies. (ELR Order No. 50254.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-5333 Filed 2-27-75;8:45 am]

DEFENSE NUCLEAR AGENCY

SCIENTIFIC ADVISORY GROUP ON EFFECTS

Meeting

FEBRUARY 24, 1975.

The next meeting of the Scientific Advisory Group on Effects (SAGE), sponsored by the Defense Nuclear Agency (DNA), will be held during the period 15-18 April 1975 at the United States Air Force Conference Facility, Homestead Air Force Base, Florida. The principal purpose of the meeting will be an examination by the SAGE members of ongoing and future DNA programs. Since all of the presentations will contain classified information, the meeting will be closed to the public under the provisions of sections 552(b) (1) and (3) of Title 5, United States Code.

M. M. FINKELSTEIN,
LCDR, USN Executive Secretary, Scientific Advisory Group on Effects.

[FR Doc.75-5300 Filed 2-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 337-3; OPP-32000/195 & 196]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before April 29, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after April 29, 1975.

Dated: February 18, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP-32000/195]

EPA File Symbol 9854-G. Air-Tite Products Co., Inc., 1483 Wash. Ave., Vineland NJ 08360. AIR-TITE ALGAE CONTROL SOLUTION CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (61% C12, 23% C14, 11% C16, 5% C8-C18) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 10088-UU. Athea Laboratories, Inc., 4180 N. First St., Milwaukee WI 53212. DISINFECTANT ACID BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 960-ENN. Balcom Chemicals, Inc., P.O. Box 667, Greeley CO 80631. CLEAN CROP DIAZINON 14G. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl 1-4-pyrimidinyl) phosphorothioate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 662-AU. BASF Wyandotte Corp., 1609 Biddle Rd., Wyandotte MI 48192. WYANDOTTE WATER AID ALGICIDE 5. Active Ingredients: Methyldodecylbenzyl trimethyl ammonium chloride 16.0%; Methyl dodecylxylylene bis (trimethyl ammonium chloride) 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 11556-LR. Cutter Animal Health Laboratories, Div. Bayvet Corp., PO Box 390, Shawnee KS 66201. MY PAL INSECTICIDE SHAMPOO. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.125%; Ammonium alkyl sulfate 20%; Sodium linear alkylate sulfonate 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 569-AT. Haver-Lockhart Laboratories, Div. Bayvet Corp., PO Box 390, Shawnee KS 66201. SENDRAN INSECTICIDE SHAMPOO FOR DOGS AND CATS. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.125%; Ammonium alkyl sulfate 20%; Sodium linear alkylate sulfonate 30%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 9404-LN. Chase & Co., PO Box 1697, Sanford FL 32771. SUNNILAND CHLOROTHALONIL FUNGICIDE. Active Ingredients: Chlorothalonil Tetrachloroisophthalonitrile 75.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 10131-E. Eagle Laboratories, 2312 Ludelle St., Fort Worth TX 76105. HI-LITE TICK & FLEA SHAMPOO. Active Ingredients: Pyrethrins 0.20%; Piperonyl Butoxide, Technical 2.01%; Petroleum Distillate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 11497-RL. Enviro Chem Corp., 11262 Leo Lane, Dallas TX 75220. SCORE DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 25581-RN. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco CA 94124. FORMULA 7080 PINE OIL DISINFECTANT. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 8169-RN. Hunter Products Co., 8603 Botts Lane, San Antonio TX 78286. HUNTER MULTI-USE MAGIC MIST INSECTICIDE. Active Ingredients: Pyrethrins 0.3%; Piperonyl Butoxide, Technical 2.4%; Petroleum Distillate 1.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 35895-E. Memphis Pool Supply Co., 2762 Getwell Rd., Memphis 38118. POOL BARON'S RESCUE ALGAECIDE CONCENTRATE. Active Ingredients: Poly-[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4581-GEU. Pennwalt Corp., Three Parkway, Philadelphia PA 19102. PENNCAP M APPLE AND PEAR SPRAY. Active Ingredients: O,O-Dimethyl O-(p-nitrophenyl) thiophosphate 22.00%; Xylene Base Aromatic Solvent 5.61%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 4981-LG. Redwood Chemical, Inc., PO Box 45916, Houston TX 77045. REDWOOD FLEA KILL. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

APPLICATIONS RECEIVED [OPP—32000/195]

EPA File Symbol 2749-EUG. Aceto Chemical Co., Inc., Ag. Chem. Div., 126-02 Northern Blvd., Flushing NY 11368. DIETHYL DIPHENYL DICHLOROETHANE 4 EC. Active Ingredients: Diethyl diphenyl dichloroethane 47.3%; Xylene 48.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 10607-UT. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. MISTY VANILLA SCENTED MULTI-PURPOSE INSECTICIDE. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide, technical 0.60; N-octylbicycloheptene dicarboximide 1.00%; Petroleum distillate 12.80%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34308-R. Cuprem, Inc., Box 147, Kenesaw NB 68956. BULLSEYE BI-FLI CATTLE MINERAL MEDICATED. Active Ingredients: Phenothiazine 1.765%; Ethylene Diamine Dihydrodide 0.044%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 10423-RT. Essex Chemical Corporation, Consumer Prod. Div., Connair Rd., Orange CT 06477. MODERN LIVING HOUSE PLANT AND AFRICAN VIOLET SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.008%; Other Cube Resins 0.016%; Pine Oil 0.900%; Petroleum Distillate 0.406%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 635-ATT. E-Z-Flo Chemical Company, Div. of Kirsto Co., P.O. Box 808, Lansing MI 48903. E-Z-FLO SEVIMOL 4. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 40.38%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 25581-RR. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco CA 94124. FORMULA 7070 PINE OIL DISINFECTANT CONTAINS 70% PINE OIL. Active Ingredients: Pine Oil 70%; Soap 13%; Isopropanol 7%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 5905-UGO. Helena Chemical Co., Suite 2900, Clark Tower, 5100 Poplar Ave., Memphis TN 38137. HELENA PERTHANE 4-E. Active Ingredients: Diethyl diphenyl dichloroethane 48.89%; Related reaction products 2.57%; Xylene 43.91%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 12188-0. Holder's Pest Control Co., Inc., 5617 Southwest Freeway, Houston TX 77027. HOLDER'S TERMITE CONCENTRATE. Active Ingredients: Technical Chlordane 71.1%; Aromatic Solvents 22.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 8169-0. Hunter Products Co., 8603 Botts Lane, San Antonio TX 78286. HUNTER ROACH AND ANT INSECTICIDE. Acitve Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 68.606%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 407-GII. Imperial, Inc., P.O. Box 432, Shenandoah, IA 51601. IMPERIAL TOMATO, EGGPLANT AND PEPPER DUST. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 6.0%; Carbaryl; 1-naphthyl methylcarbamate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 407-GI0. Imperial Inc. IMPERIAL TOMATO GARD WETTABLE POWDER. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 37.5%; Carbaryl; 1-naphthyl methylcarbamate 25.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 6957-0. Industrias Nacionales Inc., 704 Jordan St., Santurce, PR 00916. PINO-FEL PINE DISINFECTANT. Active Ingredients: Pine Oil 80%; Soap 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 2212-T. Walter G. Legge Co., Inc., 101 Park Ave., New York, NY 10017. ELIMSTAPH ±3. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%; Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 372-46. Mallinckrodt, Inc., 3600 N. Second, St. Louis, MO 63147. BANROT BROAD SPECTRUM FUNGICIDE 40% WETTABLE POWDER. Active Ingredients: 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole 15%; Dimethyl 4,4'-o-Phenylenebis (3-thioallophanate) 25%. Method of Support: Application proceeds under 2(a) of interim policy. PM21

EPA File Symbol 299-ROE. C. J. Martin Company, 606 W. Main St., Nacogdoches TX 75961. MARTIN'S DIAZINON GARDEN DUST. Active Ingredients: 0, 0-diethyl 0-(2 - isopropyl - 6 - methyl-4-pyrimidinyl) phosphorothioate 4.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 299-ROU. C. J. Martin Company. MARTIN'S DIAZINON GRANULAR LAWN INSECT CONTROL. Active Ingredients: 0, 0, diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 11656-UN. Western Farm Service, Inc., C/O Shell Chemical Co., Suite 200, 1025 Conn. Ave., N.W., Wash. DC 20036. WESTERN FARM SERVICE PARATOX 28 INSECTICIDE. Active Ingredients: Toxaphene 66.6%; 0,0-dimethyl 0-p-nitrophenyl thiophosphate 16.8%; Xylene 11.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM12.

EPA File Symbol 11656-GO. Western Farm Service, Inc. WESTERN FARM SERVICE PARATOX 36 INSECTICIDE. Active Ingredients: Toxaphene 52.48%; 0,0-dimethyl 0-p-nitrophenyl thiophosphate 26.24%; Xylene 15.78%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 769-274. Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley GA 31030. SECURITY ENDOSULFAN EMULSIFIABLE CONCENTRATE. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 22.3%; Heavy Aromatic Solvent 71.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA Reg. No. 769-275. Woolfolk Chemical Works, Inc. SECURITY 50% THIODAN WETTABLE. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 50.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

[FR Doc.75-5023 Filed 2-27-75;8:45 am]

[FRL 338-3; OPP-32000/197]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

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Dated: February 21, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED [OPP–32000/197]

EPA File Symbol 2749–GGI. Aceto Chemical Co., Inc., Ag. Chem. Div., 126–02 Northern Blvd., Flushing NY 11368. PCNB 2EC SOIL FUNGICIDE. Active Ingredients: Pentachloronitrobenzene 24.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 5590–RLO. Aerosol Techniques, Inc., Old Gate Lane, Milford CT 06460. CAT AND DOG FLEA AND TICK SPRAY CODE NO. 228–22A. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical 0.50%; Carbaryl (1-naphtyl N-methylcarbamate) 0.50%; Butoxypolypropylene Glycol 5.00%; Petroleum Distillate 0.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1029–REL. Aidex Corporation, 1024 N. 17th St., Omaha NB 68102. ALF–EX EMULSIBLE INSECTICIDE CONCENTRATE. Active Ingredients: Methoxychlor, technical 20%; O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 10%; Aromatic petroleum derivative solvent 63%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 1029–RET. Aidex Corporation. PHOREX–15G SOIL AND SYSTEMIC INSECTICIDE. Active Ingredients: Phorate (0,0-Diethyl S-(ethylthio)-methyl) phosphorothioate 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 6718–EG. Amway Corp., 7575 E. Fulton Rd., Ada MI 49301. MOTH CRYSTALS. Active Ingredients: Paradichlorobenzene 99.95%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 8959–EE. Applied Biochemists, Inc., 5300 W. County Line Rd., 96 N., Mequon WI 53092. TOWERTRINE N25. Active Ingredients: Polyoxyethylene (dimethylimmio) ethylene (dimethyliminio) ethylene dichloride 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11501–RT. The Aquachem Co., Inc., 349 Greco Ave., Coral Gables FL 33146. INSTA–CHLOR. Active Ingredients: Lithium Hypochlorite 29%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 662–AE. BASF Wyandotte Corp., 1609 Biddle Ave, Wyandotte MI 48192. WYANDOTTE WATER AID ALGICIDE. Active Ingredients: n-Alkyl dimethylbenzyl ammonium chloride 20.0%; Ethyl Alcohol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 839–AE. Bell Chemical Co., 1421 Levee St., Dallas TX 75207. TOWER–KLEEN. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5185–EIA. Bio-Lab, Inc., P.O. Box 1499, Decatur GA 30031. BIO-GUARD SPICY FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 26%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185–EII. Bio-Lab, Inc. BIO-GUARD MINT FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 26%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185–EIL. Bio-Lab, Inc. BIO-GUARD LEMON SCENTED SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 26%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185–EIT. Bio-Lab, Inc. BIO-GUARD ORANGE FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 26%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 34874–R. Center Chemical Co., 1816 S.E. Loop 323, Tyler TX 75701. RAT AND MOUSE BAIT A–DA–Z. Active Ingredients: 2 pivaly 1-1,3 Indandione (Pival) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 7478–GE. Chem-Pak Co., P.O. Box 757, So. Miami FL 33143. GARDENS OF THE SOUTH ROSE SPRAY. Active Ingredients: Ethylene bis dithiocarbamate ion ($C_4H_6N_2S_4$) 12.50%; Zinc 0.35%; Manganese 3.15%; 1,1 Bix (Chlorophenyl) 2,2,2 Trichloroethanol 3.60%; Toxaphene (Technical chlorinated camphene 67% to 69%) 10.00%; Lindane (Gamma Isomer of Benzene Hexachloride) 5.00%; Dinitro (1-methylheptyl) phenyl crotonate and Dinitro (1-methylheptyl) phenol and related compounds 1.25%; Sulphur 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7478–GL. Chem-Pak Co. HIBISCUS GARDENIA AND IXORA SPRAY. Active Ingredients: Copper Salts of Rosin and Fatty Acid (Copper as Metallic 2%) 24.0%; Ethion (0,0,0',Tetrathyl S,S'methylene bisphosphorodithioate) 22.0%; Aromatic petroleum derivative solvent 18.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 36332–R. Chemtool, Inc., 6115 Lou Ave., Crystal Lake IL 60014. CHEMTOOL 770. Active Ingredients: Poly [oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichoride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 464–322. The Dow Chemical Co., Ag.-Organics Dept., P.O. Box 1706, Midland MI 48640. FUMAZONE 86E NEMATICIDE. Active Ingredients: 1,2-dibromo-3-cloropropane and related halogenated C3 aliphatics 84%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 464–329. The Dow Chemical Co. DOG FLEA AND TICK COLLAR. Active Ingredients: Fospirate (Dimethyl 3,5,6-trichloro 2-pyridyl phosphate) 15%. Method of Support: Application proceeds under 2(a) of interim policy. PM14

EPA File Symbol 352–GTA. E. I. du Pont de Nemours and Co., Inc., Biochemicals Dept., 7056 Dupont Building, Wilmington DE 19898. KRENITE BRUSH CONTROL AGENT. Active Ingredients: Ammonium ethyl carbamoylphosphonate 41.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 4704–UN. J. C. Ehrlich Chemical Co., Inc., 800 Hiester's Lane, Reading PA 19605. EHRLICH RODENT TRACKING POWDER. Active Ingredients: Warfarin, 3-(a-Acetonylbenzyl)-4-hydroxycoumarin 0.5%; N'-(2-Quinoxalinyl)-sulfanilamide 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA Reg. No. 2935–87. Wilbur Ellis Co., Fresno Div., P.O. Box 1286, Fresno CA 93715. MALATHION 4 DUST. Active Ingredients: Malathion (0, 0-dimethyl dithiophosphate of diethyl mercaptosuccinate 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 10155–EN. Globe Chemicals, Inc., P.O. Box 3484, Toledo OH 43607. TOWERCIDE 406. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35611–E. Hollis Applied Sciences Co., P.O. Box 38245, Memphis TN 38138. HASCOCIDE 80. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyl-dithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 32460–L. Hydrology Laboratories, Inc., P.O. Box 714, Smithtown NY 11787. SUPERCHLORINATOR. Active Ingredients: 1,3 dichloro-5,5-dimethylhydantoin 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 20955–R. IPCO Hospital Supply, 30 Turner Place, Piscataway NJ 08854. BENZALKONIUM CHLORIDE. Active Ingredients: Alkyl dimethyl benzyl—ammonium chloride (C12–67%, C14–25%, C16–7%, C8, C10 and C18–1%) 0.13%: Isopropyl alcohol 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 6284–GE. Kiefer McNeil, Div. of McNeil Corp., 999 Sweitzer Ave., Akron OH 44311. CPC POOL CHEMICALS CONCENTRATED CHLORINE DONUT TABLETS. Active Ingredients: Trichloro-S-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 6284–GR. Kiefer McNeil. CPC POOL CHEMICALS CONCENTRATED CHLORINE 2½'' JUMBO TABLETS: Active Ingredients: Trichloro-S-Triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 35895–E. Memphis Pool Supply Company, 2762 Getwell Rd., Memphis TN 38118. POOL BARON'S RESCUE ALGAECIDE CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 10679–I. Mid-State Chemical and Supply Corp., 2100 Greenbrier Ln., Indianapolis IN 46218. SANITIZER 1835. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10679–O. Mid-State Chemical and Supply Corp. SANI-KLEEN 1840. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 2831–LG. Napasco International, P.O. Box 1219, Thibodaux LA 70301. MICRO X MINT FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: Alkyl (C14, 58%; C16, 28%; C12, 14%) dimethyl benzyl ammonium chloride 0.25%; Essential Oils 0.50%; Isopropanol 43.22%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 675–GT. National Laboratories, Lehn and Fink Industrial Products Div. of Sterling Drug Inc., 22 Summit Ave., Montvale NJ 07645. NEW LF–10 HOSPITAL DISINFECTANT CONCENTRATE. Active Ingredients: Potassium o-benzyl-p-chlorophenate 9.4%; Isopropyl Alcohol 4.2%; Sodium Dodecylbenzene sulfonate 3.9%; Potassium-o phenylphenate 2.9%; Tetrasodium ethylenediamine tetraacetate 2.40%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 3008–GT. Osmose Wood Preserving Co. of America, Inc., 980 Ellicott St., Buffalo NY 14209. OSMOPENTA WOOD PRESERVING COMPOUND. Active Ingredients: Pentachlorophenol 8.96%; Other Chlorophenols and related compounds 1.04%; Petroleum Distillate 57.20%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 335–ERL. Pennswim Department, Pennwalt Corp., Three Parkway, Philadelphia PA 19102. CALCIUM HYPOCHLORITE. Active Ingredients: Calcium Hypochlorite 65%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 35629–R. Shocket Chemical Company, 2–16 State Highway 5, Palisades Park NJ 07650. SHOCKET'S INDUSTRIAL SPRAY. Active Ingredients: Petroleum distillate 97.40%; N-Octyl bicycloheptene dicarboximide 1.50%; Technical piperonyl butoxide 0.60%; Pyrethrins 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4887–RTA. Stephenson Chemical Co., Inc., P.O. Box 87188, College Park GA 30337. STEPHENSON CHEMICALS SNAIL AND SLUG BAIT. Active Ingredients: 4-(Methylthio)-3,5-xylyl methylcarbamate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 9768–GL. Thatcher Chemical Co., P.O. Box 6114, Salt Lake City UT 84106. COPPER SULFATE SOLUTION. Active Ingredients: Copper Sulfate pentahydrate 18%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 148–RENU. Thompson-Hayward Chemical Company, 5200 Speaker Rd., Kansas City KS 66106. DED–WEED 08–6 BRUSH KIL. Active Ingredients: 2,4,5-trichlorophenoxyacetic acid isooctyl ester 65.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 11656–UE. Western Farm Service, Inc., C/O Shell Chemical Co., Suite 200, 1025 Conn. Ave., N.W., Wash DC 20036. WESTERN FARM SERVICE DIAZINON 14G INSECTICIDE. Active Ingredients: o,o-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM14

EPA File Symbol 11656–UR. Western Farm Service, Inc. WESTERN FARM SERVICE PERTHANE ETB 5–144M DUST INSECTICIDE. Active Ingredients: Diethyl diphenyl dichlorocthane and related products 5.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 11460–E. Worth Chemical Corporation, Box 20725, Stanley Williams Rd. at Segal Blvd., Greensboro NC 27401. ALKILL ALGAECIDE. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14, 60%; C12, 25%; C16, 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc.75–5174 Filed 2–27–75;8:45 am]

[FRL 340–1; EPA Reg. 8043–1; FIFRA Docket No. 342]

ACORN RAT AND MOUSE KILLER

Cancellation of Registration; Objections and Request for Hearing

Notice is hereby given pursuant to § 164.8 of the EPA rules of practice (38 FR 19371; 40 CFR 164.8), issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136), that objections and a request for a public hearing have been filed under § 164.20 of those rules, by The Lowman Comany, of Waterloo, Indiana, in connection with notice of intent to cancel registration of the above-named product. The notice was based on the failure to meet efficacy requirements.

For information concerning the issues involved and other details, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FREDERICK W. DENNISTON,
Administrative Law Judge.

FEBRUARY 25, 1975.

[FR Doc.75–5396 Filed 2–27–75;8:45 am]

[FRL 339–8; EPA Reg. 505–1; FIFRA Docket No. 341]

COWLEY'S ORIGINAL RAT AND MOUSE POISON

Cancellation of Registration; Objections and Request for Hearing

Notice is hereby given pursuant to § 164.8 of the EPA rules of practice (38 FR 19371; 40 CFR 164.8), issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136), that objections and a request for a public hearing have been filed under § 164.20 of those rules, by counsel for S. L. Cowley & Sons Manufacturing Co., of Hugo, Oklahoma, in connection with notice of intent to cancel registration of the above named product. The Notice was based on the failure to meet efficacy requirements.

For information concerning the issues involved and other details, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

FREDERICK W. DENNISTON,
Administrative Law Judge.

FEBRUARY 25, 1975.

[FR Doc.75–5397 Filed 2–27–75;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Special Committee Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

SPECIAL COMMITTEE No. 66

"Receiver Standards for the Maritime Mobile Service", notice of 29th meeting, Wednesday, March 19, 1975—9:30 a.m. (all-day meeting), Conference Room A205, 1229-20th Street, NW, Washington, D.C.

AGENDA

1. Call to Order; Chairman's report.
2. Adoption of Agenda.
3. Acceptance of Summary Records.
4. Reports on Work Assignments.
5. Approval of submitted papers.
6. Discussion of Single Sideband standards.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 U.S. Highway #1, Elizabeth, N.J. 07202, phone: (201) 527-0300.

SPECIAL COMMITTEE No. 65

"Ship Radar", notice of 36th meeting, Wednesday, March 19, 1975—1:30 p.m., Conference Room 8210, 2025 M Street, NW, Washington, D.C.

COLLISION AVOIDANCE WORKING GROUP

The Collision Avoidance Working Group will hold a meeting on Wednesday, March 19, 1975, beginning at 9:30 a.m., in Conference Room 8210, 2025 M Street, NW, Washington, D.C.

If other working group meetings are scheduled, group members will be notified.

AGENDA FOR SC-65 COMMITTEE MEETING

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-65 Summary Record. February 19, 1975. Paper 30-75/SC 65-163.[1]
4. Progress Reports: (a) Collision Avoidance Working Group; (b) Reliability Working Group.
5. Small Boat Radar Specifications. (Paper 42-75/SC65-164)[2]
6. Transponder Specifications—Paper 109-74/SC 65-168.
7. Other business.
8. Establishment of next meeting date. (Proposed May 14, 1975).

Irvin Hurwitz, Chairman, SC-65, Federal Communications Commission, Washington, D.C. 20554, phone: (202) 632-7197.

RTCM EXECUTIVE COMMITTEE

Notice of March meeting, Thursday, March 20, 1975—9:30 a.m., Conference Room 847, 1919 M Street, NW, Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of Minutes.
4. Committee Reports.
5. Status report on "Federal Advisory Committee Act".
6. Discussion on draft Constitution and By Laws.
7. Assembly Meeting Report.
8. Report on financial activities.
9. Summary reports and announcements.
10. New business.
11. Establishment of next meeting date.

To comply with the advance meeting notice requirements of Pub. L. 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room number given in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.75-5348 Filed 2-27-75;8:45 am]

[1] For approval at this meeting.

FEDERAL ENERGY ADMINISTRATION

LP-GAS INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the LP-Gas Industry Advisory Committee will meet Wednesday, March 26, 1975, at 10 a.m., Room 3400 12th & Pennsylvania Avenue, NW., Washington, D.C.

This Committee was established to provide independent advice and review to the Federal Energy Administration with respect to the implementation of programs that affect the LP-Gas industry.

The Agenda for the meeting is as follows:

1. Opening Remarks.
2. The President's Energy Program and the LP-Gas Industry.
3. The Demand and Supply Outlook for LP-Gas, Ethane, and Other Natural Gas Liquids.
4. Review of FEA Allocation Regulations on Propane/Butane.
5. Review of FEA Pricing Regulations and Their Impact on the Production of LP-Gas, Ethane, and Other Natural Gas Liquids.
6. LP-Gas Imports and Their Role in Meeting Future U.S. Demand of LP-Gas.
7. The Prospects for Increased Recovery of Ethane—Pros and Cons.
8. FEA's Survey of Retail Propane Dealers for Sales and Price Data.

The meeting is open to the public.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on February 25, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-5357 Filed 2-27-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-4829 etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend[1]

FEBRUARY 21, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, purusant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4829 D 2-3-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Urbana Field, San Jacinto County, Tex.	Nonproductive	
C161-1419 C 2-10-75[1]	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., C. R. Mayer Lease No. 70177, Lafayette Parish, La.	[2] 59.02	15.025
C168-1397 D 1-29-75	Northern Natural Gas Producing Co., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Basin (Dakota) and Blanco (Mesa Verde) Field, San Juan County, N. Mex.	(3)	
C165-846 CF 2-6-75	Sun Oil Co. (succ. to Medical Research, Inc., of Dallas), P.O. Box 2880, Dallas, Tex. 75221.	Breckenridge Gasoline Co., E. Rodessa Mitchell Field, Cass County, Tex.	7.25	14.65
C175-38 C 2-10-75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Acreage in Lea County, N. Mex.	58.1564 (4)	14.73
C175-428 (G-5213) B 1-31-75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	Texas Gas Transmission Corp., South Lewisburg Field, Acadia Parish, La.	(4)	
C175-455 (C161-1102) F 1-29-75	Branda Oil Co. (succ. to Sun Oil Co.), 3250 Liberty Tower, Oklahoma City, Okla. 73102.	Michigan-Wisconsin Pipe Line Co., NE Sulling Field, Major County, Okla.	[5] 21.05	14.65
C175-459 (G-10284) B 1-31-75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	Texas Gas Pipe Line Corp., Bauer Ranch Pool, Jefferson County, Tex.	Nonproductive.	
C175-460 (G-4067) B 2-3-75	Fair Oil Co., et al., P.O. Box 689, Tyler, Tex. 75701.	Mississippi River Fuel Corp., Woodlawn Field, Harrison County, Tex.	Depleted.	
C175-461 (G-6311) B 2-6-75	Sohio Petroleum Co.	Panhandle Eastern Pipe Line Co., N.E. Keenan Field, Woodward County, Okla.	7	
C175-462 (G-12002) B 2-6-75	do	Natural Gas Pipeline Company of America, Caledonia Field, Rusk County, Tex.	Well plugged and abandoned.	
C175-463 (G-13398) B 2-6-75	do	Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla.	Well plugged and abandoned.	
C175-464 (C162-1268) B 2-6-75	do	South Texas Natural Gas Gathering Co., Hany Field, Webb County, Tex.	Depleted.	
C175-467 A 2-7-75	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Transcontinental Gas Pipe Line Corp., Bayou Des Glaises Field, St. Martin Parish, La.	[6] 64.0	15.025
C175-471 A 2-7-75	Amoco Production Co., P.O. Box 3092 Houston, Tex. 77001.	Natural Gas Pipeline Company of America, Big Eddy #30 Area, Eddy County, N. Mex.	[7] 54.9843	14.65
C175-472 (8) B 1-23-75	Appalachian Exploration & Development, Inc., P.O. Box 428, Charleston, W. Va. 25322.	Mountain Gas Co., Newburg Formation, Rocky Fork Field, W. Va.	(11)	
C175-473 (CS71-727) F 2-3-75	Sun Oil Co. (succ. to Pelto Oil Co., Division of Southdown, Inc.), P.O. Box 2880, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 113 Field, offshore Louisiana.	[9] 30.0	15.025
C175-475 A 2-6-75	The California Co., a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Company of America, Block 214 Field, Vermilion Area, offshore Louisiana.	[9] 70.0	15.025
C175-476 (C161-1708) (CS71-727) F 2-7-75	Sun Oil Co. (succ. to Burmah Oil Western Co. and Pelto Oil Co. Division of Southdown, Inc.).	Transcontinental Gas Pipe Line Corp., west half of Block 19, all of Block 20, west half of block 12, South Pelto Area Block 20 Field, offshore Louisiana.	[9] 30.0	15.025
C175-480 A 2-12-75	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	United Gas Pipe Line Co., Bethany Field, Panola County, Texas.	[9] 54.8367	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes on next page.

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[1] Applicant states that the C. R. Mayer Lease No. 70177 was inadvertently omitted from the request for initial certificate authorization in the instant docket for sales under Applicant's FPC Gas Rate Schedule No. 172. Applicant requests authorization, *nunc pro tunc*, for sales from said lease.
[2] Subject to downward Btu adjustment.
[3] Applicant assigned to El Paso Natural Gas Company certain producing acreage (Dakota Formation only).
[4] Includes 4.2745¢ per Mcf production taxes, 1.3819¢ per Mcf upward Btu adjustment and 1.5¢ per Mcf gathering allowance.
[5] The Tweedel "A" Unit #5 has been plugged and abandoned.
[6] Subject to upward Btu adjustment; estimated adjustment is 0.0155¢ per Mcf.
[7] All leases have terminated either because of their own terms or by nonproduction.
[8] Subject to upward and downward Btu adjustment.
[9] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[10] C166-1296, C166-1276, C166-118, C160-963, C170-6, C170-206 and C170-667.
[11] Pressure has decreased to point where it cannot enter purchaser's pipelines and all interstate use of Applicants' gas has ceased.
[12] Applicant is willing to accept a certificate at the rate of 21.875¢ per Mcf under Opinion No. 598 for gas delivered under contracts dated prior to 10-1-68, for gas not subject to the Louisiana production tax. Applicant is willing to accept a certificate at the rate of 27.0¢ per Mcf under Opinion No. 598 for gas delivered from newly discovered reservoirs discovered on or after 10-1-68. The 30.0¢ per Mcf rate covers newly discovered reservoirs discovered on or after 1-1-73.
[13] Applicant is willing to accept a certificate at the rate of 21.875¢ per Mcf under Opinion No. 598 for gas delivered under contracts dated prior to 10-1-68. Applicant is willing to accept a certificate at the rate of 27.0¢ per Mcf under Opinion No. 598 for gas delivered from newly discovered reservoirs discovered on or after 10-1-68. The 30.0¢ per Mcf rate covers newly discovered reservoirs discovered on or after 1-1-73.
[14] Subject to upward Btu adjustment; estimated adjustment is 5.48357¢ per Mcf.

[FR Doc.75-5210 Filed 2-27-75;8:45 am]

[Docket No. E-9198]

WISCONSIN POWER AND LIGHT CO.

Order Accepting in Part, Rejecting in Part, Suspending, Granting Interventions and Establishing Procedures

FEBRUARY 19, 1975.

On December 30, 1974, the Wisconsin Power and Light Company (WP&L) tendered for filing proposed changes in its W-2 and W-3 Electric Service Tariff, Wholesale For Resale. The proposed changes would increase revenues from W-2 customers [1] by $1,133,743 and from W-3 customers [2] by $3,928,724 based on the 12-month period ending January 31, 1976. WP&L contends that the realized rate of return for the period ending on December 31, 1975, is 8.918%.

On January 20, 1975, WP&L tendered for filing supplemental data intended to make complete its original filing of December 30, 1974. This action was in response to a deficiency letter issued by the Secretary of the Federal Power Commission. Pursuant to § 35.2(c) of the Commission's regulations a proposed effective date will be assigned as of 30 days after the January 20, 1975 filing date.

In support of its request for changes in its rate schedules, WP&L stated that the proposed rate increase is necessary to meet rising financial and operating costs.

Notice of WP&L's initial filing was issued on January 8, 1975, and notice of the supplemental filing was issued on January 23, 1975. Comments, protests, or petitions to intervene, pursuant to the above notices were due on or before January 23, 1975, and February 13, 1975, respectively. On January 15, 1975, a protest and petition to intervene was jointly filed by the Adams-Marquette Electric Cooperative, the Central Wisconsin Electric Cooperative, the Columbus Rural Electric Cooperative, the Rock County Electric Cooperative and the Waushara Electric Cooperative (Co-ops). On January 17, 1975, a Petition to Intervene and Request for Maximum Suspension Period was filed by the Municipal Wholesale Group (Municipals). A Notice of Intervention was filed by the Public Service Commission of the State of Wisconsin on January 24, 1975.

The above stated Intervenors in this Docket have raised several issues in this case which warrant further development at the hearing as hereinafter ordered. Among these issues are some which require a discussion at this time.

The Municipals in their petition have alleged that WP&L's proposed rates have the effect of placing them in a "price-squeeze", in that they would not enable WP&L's wholesale customers to sell power at rates equivalent to those of WP&L's retail rates. As we have noted in the past [3] our jurisdiction is limited to wholesale rates which must be designed to recover fully allocated wholesale costs. To establish wholesale rates upon the basis of retail rate levels would constitute the exercise of our jurisdiction on the basis of events and regulatory affairs over which we have no control. Retail rates, and the accounting and ratemaking principles underlying such, are under the exclusive jurisdiction of the appropriate state regulatory agency. The Federal Power Act does not grant us authority to fashion relief on the basis of retail rates. For these reasons, Municipal's participation in this proceeding is limited so as to exclude the "price squeeze" issue.

The Municipals also allege that WP&L's proposed rate schedules maintain policies and practices which are anticompetitive and inconsistent with the antitrust laws of the United States.

We note that the Municipal's petition did not conform with the guidelines established for intervenors who wish to raise anticompetitive issues in rate proceedings by our order in Indiana & Michigan Electric Company, Docket No. E-7740, 49 FPC 1232 (1973). In that docket we required that such intervenors specify the anticompetitive practices challenged, the facts relied upon, and the requested relief which is within the Commission's authority to direct. Accordingly, Municipal's participation in this proceeding shall be limited to matters other than the alleged anticompetitive policies of WP&L. This action is without prejudice to Municipals filing an amended petition conforming to the Indiana & Michigan Company guidelines for raising anticompetitive issues.

Municipals allege that WP&L's contracts with "some" of the Municipal customers are fixed price and fixed term contracts and the proposed rate increase would be barred as to those customers under the Mobile-Sierra doctrine.[4] We note that the contracts between WP&L and the Cities of Stoughton, Columbus, Princeton and Shullsburg and the Pioneer Power and Light Company and the Cross Plains Electric Company [5] all contain language which is identical, in all pertinent respects, to the language found in the City of Shullsburg contract:

> Such electrical energy will be furnished by the Company, and received and paid for by the Customer, upon the terms and conditions herein specified, and according to the terms, conditions, and limitations set forth in Rate Schedule W-3 attached hereto and made a part of this agreement, and subject to the applicable rules of the Company on file with the governmental regulatory body having jurisdiction.

Nowhere in the subject contracts or accompanying Rate Schedules are there provisions which would permit WP&L to change the specified rates by making a unilateral filing pursuant to section 205 of the Federal Power Act. Accordingly, since the rate levels proposed in WP&L's proposed rate increase as to the above-named customers is in excess of those permitted by the subject contracts, WP&L's unilateral filings as to these customers must be rejected as being inconsistent with the contractual provisions governing service between WP&L and the subject customers.

Our determination is in accord with the statement of the U.S. Court of Appeals for the District of Columbia Circuit that "the rule of Mobile-Sierra [6] and Memphis [7] is refreshingly simple: The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid." [8] The Court further explained that this applied "whether the parties agree to a specific rate or whether to a rate changeable in a specific manner. In either case, the contract is binding and a unilateral filing is ineffective to change it." [9]

Co-ops, Congressman Obey and Wisconsin Electric Cooperative Association have requested that the Commission suspend the change for at least 90 days citing the rules of the Rural Electrification Administration (REA) as requiring 90 days prior written notice before a borrower changes his retail rate structure. Under the Federal Power Act, 16 U.S.C. 824d(e), the period of suspension is a matter for our decision based upon the facts and circumstances presented and is statutorily within our discretion.[10] While the Intervenors state that they will not have adequate time in order to apply to the REA for rate relief it must be noted that inflationary pressures and general cost increases of capital, materials, labor and fuel, as well as regulatory lag, adversely affect the electric utilities as well as their customers, such as the intervenors. The problems of tracking and the interrelation of Federal-State regulatory procedures are not to be ignored. Those factors do enter into the balance which we consider in each instance in exercising our suspension powers. However, we do not believe that the procedures required by the various state jurisdictions or the REA concerning retail rate adjustments should be dispositive of the suspension period to be established for increased rates filed with this Commission. Carried to its logical extreme, such a policy would lead to different suspension periods for different customers depending on individual state tracking procedures. It would effectively deprive this Commission of its discretionary authority under the Federal Power Act to determine the suspension period, and would act as an incentive for jurisdictions to delay retail rate adjustments.

Our review of WP&L's filing consisting of Revised Rate Schedules W-2, W-3 and W-3.5 rider and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend all the proposed terms, conditions and charges for one day and establish hearing procedures to determine the justness and reasonableness of WP&L's filing.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the terms, conditions and charges contained in WP&L's revised rate schedule proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

(2) The proposed terms, conditions and charges, tendered by WP&L on December 30, 1974, and supplemented by the filing of January 20, 1975, should be accepted for filing as of January 20, 1975, except as they would apply to those customers identified in footnote 5.

The Commission orders: (A) Pending a hearing and a decision thereon, WP&L's proposed terms, conditions and charges tendered on December 30, 1974 and supplemented on January 20, 1975, are accepted for filing, except as they would apply to those customers identified in footnote 5 as of January 20, 1975, and suspended for one day, the use thereof deferred until February 21, 1975, subject to refund.

(B) WP&L's proposed terms, conditions and charges, tendered on December 30, 1974 and supplemented on January 20, 1975, are rejected insofar as they would apply to those customers identified in footnote 5.

(C) On or before June 10, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before June 24, 1975. Any rebuttal evidence by WP&L shall be served on or before July 7, 1975.

(D) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the terms, conditions and charges in WP&L's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on July 21, 1975, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions be limited to matters other than "price to intervene, except the Municipals shall be limited to matters other than 'price' squeeze" or anticompetitive allegations; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any orders or orders issued by the Commission in this proceeding.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—*Rate Schedule Designations, Wisconsin Power and Light Co.*

Customer—Municipal customers—Rate W-3	Supplement No.	Rate schedule FPC No.	Supersedes supplement No.
Village of Belmont	8	22	7
City of Evansville	8	29	7
Village of Footville	8	30	7
Village of Gresham	9	31	8
City of Lodi	4	101	3
Village of New Glarus	8	39	7
City of Sheboygan Falls	4	98	3
Village of Wonewoc	8	54	7
Village of Pardeville	3	102	2
Village of Hustisford	7	71	6
City of Sun Prairie	7	73	6
Village of Waunakee	5	74	4
City of Plymouth	6	75	5
Village of Muscoda	8	76	7
City of Boscobel	6	77	5
City of Cuba City	6	79	5
City of Waupun	6	82	5
City of Brodhead	6	83	5
Village of Sauk City	5	84	4
City of Junean	5	86	4
Village of Benton	5	88	4
City of Reedsburg	5	89	4
Village of Hazel Green	4	91	3
Village of Mt. Horeb	5	92	4
Village of Black Earth	5	93	4
Village of Mazomanie	5	94	4
Village of Prairie du Sac	5	95	4
City of Wisconsin Dells	5	96	4
Cooperative Customers—Rate W-2:			
Columbus Rural Electric Cooperative	3	103	2
Waushara County Electric Cooperative Inc, Inc	11	64	10
Rock County Electric Cooperative Association	7	69	6
Adams-Marquette Electric Cooperative	6	85	5
Central Wisconsin Electric Cooperative	5	97	4

[FR Doc.75-5235 Filed 2-27-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-330]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Communications Commission.

2. *Effective date.* This regulation is effective February 19, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission concerning the petition of the American Telephone and Telegraph Company for an inquiry into

[1] See Appendix A.
[2] See Appendix A.
[3] See, e.g., Southern California Edison Company, Docket No. E-8570, issued April 25, 1974, rehearing denied June 5, 1974; Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974, rehearing denied May 15, 1974.
[4] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).
[5] City of Stoughton FPC No. 59 Contract Expires 2/13/77, City of Columbus FPC No. 66 Contract Expires 6/26/76, City of Princeton FPC No. 68 Contract Expires 10/21/77, City of Shullsburg FPC No. 104 Contract Expires 7/30/78, Pioneer Power & Light FPC No. 60 Contract Expires 10/14/76, and Cross Plains Electric Co. FPC No. 67 Contract Expires 9/16/77.
[6] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).
[7] United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).
[8] Richmond Power and Light Co., et al. v. F.P.C., 481 F2d 490, at 493 (D.C. Cir. 1974).
[9] Id. at 497.
[10] Municipal Light Boards of Reading & Wakefield, Massachusetts v. F.P.C. 450 F.2d 134 (D.C. Cir. 1971).

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Joint Telpak Arrangements in its tariffs and the tariffs of other common carriers (FCC File No. 3–75).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

FEBRUARY 19, 1975.

[FR Doc.75–5320 Filed 2–27–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MOLECULAR BIOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Molecular Biology to be held on March 17 and 18, 1975, at 9 a.m. in room 338 at 1800 G Street, NW, Washington, D.C.

This panel was established on February 25, 1975, as a result of the merger of the Advisory Panel for Biochemistry and the Advisory Panel for Biophysics. The purpose of this panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the panel will be reviewing, discussing, and evaluating individual research proposals. Also these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10 (d) of Pub. L. 92–463.

For further information about this panel, please contact Dr. Walter D. Bonner, Program Director, Biochemistry Program, Rm. 329, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4260.

Dated: February 25, 1975.

R. GAIL ANDERSON,
Acting Committee Management Officer.

[FR Doc.75–5372 Filed 2–27–75;8:45 am]

COMMITTEE MANAGEMENT

Determination

The National Science Foundation, established by Pub. L. 81–507 as an independent agency of the Federal Government, utilizes advice and recommendations of advisory committees in carrying out its functions and activities.

The Federal Advisory Committee Act, Pub. L. 92–463, which became effective January 5, 1973, sets forth standards and procedures for the formation, use, conduct, management and accessibility to the public of committees established to advise and assist the Federal Government. Section 10 of the Act specifies that each advisory committee meeting shall be open to the public, except any advisory committee meeting which the President, or the head of the agency to which the committee reports, determines is concerned with matters listed in the exemptions to the Freedom of Information Act, which are set forth in section 552(b) of Title 5, United States Code.

It is established Foundation policy in administering the Freedom of Information Act to make fullest possible disclosure of records to the public. Consistent with this policy the Foundation opens to the public as many advisory committee meetings as possible.

However, Foundation advisory committees, while engaged in the review, discussion and evaluation of grant or contract proposals and projects, or in the evaluation of grantee and contractor performance should not be required to hold open meetings.

Moreover, to operate most effectively, the review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion and to provide unhampered advice and recommendations regarding the merits of specific scientific proposals and projects. In addition, if the proceedings of these committees were open to public participation, the Foundation would be unable to secure open and candid advice of outside experts as to the awarding of grants, contracts, fellowships and other arrangements.

In the interest of meeting the Foundation's obligations of confidentiality of matters submitted as part of grant and contract proposals and encouraging candid expression of opinion concerning the merits of grant and contract proposals and the evaluation of grantee and contractor performance, so essential to the review process:

It is hereby determined in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act:

(1) Advisory committee meetings devoted to consideration of grant and contract proposals and projects are concerned with matters listed in section 552 (b) of Title 5, United States Code specifically sections (4), (5), aond (6) thereof;

(2) The public interest requires that such matters not be disclosed so that the Foundation may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters.

Therefore, meetings or portions thereof of all Foundation advisory committees devoted solely to review, discussion and evaluation of grant or contract proposals, and projects or performance by grantees and contractors shall not be open to the public.

Each such committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of Title 5, United States Code. The Foundation official having cognizance for each respective committee shall be responsible for the preparation of the committee report.

All other advisory committee meetings shall be open to the public unless the Director or his designee determines otherwise in accordance with section 10 (d) of the Act.

Dated: February 21, 1975.

H. GUYFORD STEVER,
Director.

[FR Doc.75–5373 Filed 2–27–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75–12)]

VIKING 1975 PROGRAM

Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Viking 1975 Program.

Comments on the draft Environmental Impact Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of July 23, 1973.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, Environmental Protection Agency, Department of Defense, Department of State, Department of Commerce, Energy Research and Development Administration, Office of Management and Budget, and the State of Florida.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G–11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A–213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E–105), Wallops Island, VA 23337.

Done at Washington, D.C. this 20th day of February 1975.

By direction of the Administrator.

WILLIS H. SHAPLEY,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.75–5347 Filed 2–27–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50–250 and 50–251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on November 12, 1974 (39 FR 39902), the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 6 and No. 5 respectively, to Facility Operating Licenses Nos. DPR–31 and DPR–41 issued to Florida Power and Light Company which revised the Technical Specifications for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

These amendments extend the Unit 3 allowable fuel residence time from 11,600 effective full power hours (EFPH) to 23,000 EFPH and modify the Unit 3 control rod insertion limits for two loop operation. The operating limits for Unit 4 set forth in its Technical Specifications remain unchanged although the Technical Specifications have been modified to reflect the revisions to the Unit 3 Technical Specifications.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to this action, see (1) the applications for amendments dated October 24 and 30, 1974, and supplemental letter dated January 31, 1975, (2) Amendment No. 6 to License No. DPR–31 and Amendment No. 5 to License No. DPR–41, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lily Lawrence Row Public Library, 212 NW. First Avenue, Homestead, Florida.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of February 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75–5302 Filed 2–27–75;8:45 am]

[Dockets Nos. STN. 50–483–A, 50–486–A]

UNION ELECTRIC CO. (CALLAWAY PLANT UNITS 1 AND 2)

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 27810) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a., 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the above named proceeding.

This action is in reference to a FEDERAL REGISTER notice entitled "Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published by the Commission in the above matter on October 21, 1974 (39 FR 37414).

The members of the Board are:

Marshall E. Miller, Esq., Chairman
John M. Frysiak, Esq., Member
Sidney G. Kingsley, Esq., Member

The address of all of the above is:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

It is so ordered.

Dated at Bethesda, Md., this 24th day of February, 1975.

ATOMIC SAFETY AND LICENSING,
BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.75–5303 Filed 2–27–75;8:45 am]

[Dockets Nos. 50–440, 50–441]

CLEVELAND ELECTRIC ILLUMINATING CO. ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Further Modification of Order To Show Cause

I. By Order dated January 20, 1975, the Cleveland Electric Illuminating Company, the Duquesne Light Company, the Ohio Edison Company, the Pennsylvania Power Company, and the Toledo Edison Company ("the licensees") were ordered to:

(a) Show cause why all work activities under the LWA, issued by the Director of Regulation on October 21, 1974 and supplemented on November 8, 1974, should not be suspended pending completion of the Nuclear Regulatory Commission's (NRC) review and evaluation of the environmental and site suitability considerations raised by the licensees' proposed permanent dewatering system described in Amendment 22 to the licensees' Preliminary Safety Analysis Report (PSAR); and

(b) Immediately suspended all LWA work activities pending further order.

II. On February 19, 1975, the Acting Director, Office of Nuclear Reactor Regulation, issued a Modification of Order to Show Cause which partially withdrew the suspension of work activities under the LWA and permitted performance of those work activities that would neither affect the ultimate conclusion of the benefit-cost balance set forth in the Final Environmental Statement for the Perry Nuclear Power Plants, Units 1 and 2 (facility), nor the selection of a satisfactory alternate to the proposed permanent dewatering system.[1] This action was based on the NRC Staff's (Staff) review and evaluation to that date of information submitted by the licensees to the Staff in documents[2] and technical presentations at meetings with the Staff.[3]

III. Attachment A to the January 20, 1975 Order specified the LWA work activities which were suspended. This Further Modification of Order modifies the suspension of the work activities enumerated in item 3 of Attachment A, "Excavation for facility structures," by reinstating authorization for site excavation for facility structures down to the lower till. This Further Modification of Order does not reinstate authorization of such excavation into the lower till.

IV. The basis for withdrawing the suspension of excavation for facility structures above the lower till is that the Staff's review of the site suitability and environmental issues raised by the licensees' proposed permanent dewatering system has now progressed to the point that the Staff is able to conclude that the design criteria and preliminary design of the Applicant's proposed underdrain system (i) may be considered to

[1] The scope of the LWA work activities permitted is listed in Paragraph III of the Modification of Order to Show Cause, February 18, 1975.

[2] These documents were submitted by the licensees on January 17, 29 and 31, 1975. Copies of these documents are on file in the Nuclear Regulatory Commission's Public Document Room (PDR) at 1717 H Street, N.W., Washington, D.C. 20555 and the Nuclear Regulatory Commission's Local Public Document Room (LPDR), Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

[3] These meetings were held at the NRC Staff offices in Bethesda, Maryland, on January 10, 21 and 22, 1975.

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be generally acceptable[4] and (ii) would hydrologically limit any significant environmental impacts to the site itself, thereby not altering the previous benefit-cost balance for the facility. This conclusion, as explained below, is based on the Staff's review of the permeability and pumping test data collected to date at the site,[5] the location and proposed design of stream diversion channels, the location and design of the proposed underdrainage system, and consideration of the results of the Staff's site visit.[6]

Since issuance of the Modification of Order to Show Cause, the Staff has reached preliminary conclusions as to the adequacy of the design criteria and preliminary design of licensees' proposed underdrain system. These conclusions indicate that, although modifications may be required to some of the design features of the underdrain system and its proposed method of operation, these changes would primarily affect only those portions of the system to be located at the lower levels of the site excavation near the foundations of proposed facility structures, and, in any event, would not be forceclosed by the partial reinstatement of excavation authorization as set forth in Section III above.

The materials beneath the site, in a downward direction, are categorized by horizons as zones of surfical lacustrine soils, upper till, lower till, weathered shale and shale. The primary portions of the proposed underdrain system are to be located below the horizon separating the upper and lower till; that is, in the lower till, weathered shale and shale zones.

Any excavation above these three lower zones would not preclude those design or operational changes to the proposed underdrain system which may be required by the Staff.

V. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, the Regulations in 10 CFR Parts 2 and 50, and the Order to Show Cause of January 20, 1975, addressed to the licensees, it is hereby determined that: The public health, interest or safety does not require the continued suspension of work activities associated with excavation of the site to the lower till for facility structures;

And, *It is hereby ordered*, That: Effective this date the Order to Show Cause of January 20, 1975, is amended to modify the suspension of work activities as set forth in Section III of this Further Modification of Order to Show Cause. All other provisions of said Order to Show Cause, as amended by the Modification of Order to Show Cause of February 18, 1975, shall remain in full force and effect.

Dated at Bethesda, Maryland this 24th day of February 1975.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-5363 Filed 2-27-75;8:45 am]

[4] Since the underdrain system is considered acceptable to the Staff, it is no longer necessary to maintain flexibility with respect to various design alternatives. See discussion in the Order to Show Cause, pp. 4–5, dated January 20, 1975.

[5] In addition to the information indicated *supra* fn. 2. and 3., the licensees submitted to the Staff on February 19, 1975, documentation entitled "Perry Nuclear Power Plant Permeability and Pumping Data, Cleveland Electric Illuminating Company—Environmental Information—Underdrain System."

[6] Staff representatives visited the facility site on February 11, 1975. They inspected the licensees' permeability and pumping testing and test data, and they held discussions with the licensees regarding previously supplied design information.

[Dockets Nos. STN 50-483A, STN 50-486A]

UNION ELECTRIC CO. (CALLAWAY PLANT, UNITS 1 AND 2)

Memorandum and Order

Counsel for the applicant has moved, with the consent of counsel for the NRC Staff and Joint Petitioners, for an extension of time until March 14, 1975, within which to respond to the petition for intervention filed as a joint petition by the Coalition for the Environment, St. Louis Region, and the Utility Consumers Council of Missouri, Joint Petitioners. All parties who wish to respond to the joint petition for leave to intervene should be allowed an equal opportunity to do so.

In view of the nature of the issues presented by the Joint Petitioners, oral argument should be of assistance to the board in ruling upon such petitions. Parties should be prepared to identify and to address themselves to all significant issues of fact and law which are considered to be raised by the joint petition.

It is therefore ordered, That:

1. The time within which any party may respond to the petition for leave to intervene filed by the Coalition for the Environment, St. Louis Region, and the Utility Consumers Council of Missouri, Joint Petitioners is extended to and including March 14, 1975;

2. Oral argument will be held on said petitions in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, at 9:30 a.m. on Tuesday, April 1, 1975.

Issued at Bethesda, Maryland, this 24th day of February 1975.

The Atomic Safety and Licensing Board, designated to rule on petition for intervention.

MARSHALL E. MILLER,
Chairman.

[FR Doc.75-5364 Filed 2-27-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1116]

FLORIDA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February, because of the effects of a certain disaster, damage resulted to property located in the State of Florida;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Lafayette County, and adjacent affected areas, suffered damage or destruction resulting from a tornado, high winds and severe weather which occurred on or about February 6, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 400 West Bay Street, Jacksonville, Florida 32202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 21, 1975. EIDL applications will not be accepted subsequent to November 20, 1975.

Dated: February 20, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-5391 Filed 2-27-75;8:45 am]

[License No. 04/04-0116]

H & T CAPITAL CORP.

Application for License as Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations (13 FR 107.102 (1974)), under the name of H & T Capital Corporation, 4750 Selma Highway, Suite C, Montgomery, Alabama 36105 for a license to operate in the State of Alabama as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. et seq.).

The proposed officers and directors, and major stockholders are as follows:

	Percent
Jack W. Harber, 2160 Rosemont Drive, Montgomery, Ala. 36114; president, director, and manager	0
Robert S. Querry, Jr., 2611 Wildwood Drive, Montgomery, Ala. 36111; vice president, director	0
Eddie E. Helms, 107 Vazis Lane, Montgomery, Ala. 36108; secretary, treasurer	0
Richard J. Flaherty, 3432 N. Water Mill, Montgomery, Ala. 36111; director	0
Hudson-Thompson, Inc., 4750 Selma Highway, Suite C, Montgomery, Ala. 36105	100

Mr. John A. Thompson is the only stockholder of the parent who owns 10 percent or more of the voting securities of that corporation.

The parent company is in the grocery business and provides a complete line of staple groceries and dairy products to small retail grocers.

The applicant will begin operations with a capitalization of $300,000 which will be a source of equity capital and long-term loans for qualified small business concerns, with particular attention to growth potentials, in the retail food industry. In addition to financial assistance, the applicant will provide consulting services to its clients.

The applicant will conduct its operations principally in the State of Alabama and in other areas wherever the need may arise.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than March 17, 1975, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: February 24, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-5392 Filed 2-27-75;8:45 am]

HONOLULU DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Honolulu District Advisory Council will meet at 9 a.m. (H.d.t.), Thursday, March 27, 1975, in the Conference Room of the Honolulu District Office, 1149 Bethel Street, Honolulu, Hawaii 96813, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending. For further information, call or write David K. Nakagawa, at the above-mentioned address, (808) 546-8950.

Dated: February 25, 1975.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.75-5393 Filed 2-27-75;8:45 am]

[License No. 03/20-0124]

REAL ESTATE CAPITAL CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provision of § 107.701 of the Small Business Administration (SBA) Rules and Regulations (13 CFR 107.701 (1974)) for transfer of control of Real Estate Capital Corporation, 111 West 40th Street, New York, New York 10018, notice was published in the FEDERAL REGISTER on January 27, 1975 (40 FR 4056).

Interested persons were given an opportunity to send their written comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Real Estate Capital Corporation.

Dated: February 24, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-5394 Filed 2-27-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meeting and Request for Information

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture and its subcommittees as noted herein, established under section 7 (b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, March 24 and Tuesday, March 25, 1975, starting at 8:30 a.m. each day in Room 216 ABCD, Main Labor Building, Constitution Avenue at 14th Street NW., Washington, D.C. The meeting shall be open to the public and all interested parties are encouraged to attend.

It is planned that Subcommittees on Airborne Hazards, Electrical Hazards, Noise, and Ladders will meet. Agenda items are subject to change as time and priorities dictate.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by close of business March 21, 1975, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business March 17, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Committee Chairman for his consideration.

The Committee herein repeats its request for relevant information or data on agricultural employee exposure to noise, airborne hazards, and electrical hazards. The Committee would appreciate receiving such data at any time during its meetings on these subjects but would find the information most useful in the early stages of these deliberations.

Communications and questions about the proceeding should be addressed to:

Jeanne W. Ferrone
Committee Management Officer
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street NW., Room 200
Washington, D.C. 20210
Phone: 202-961-2248, 2467.

All materials which have been submitted to or developed by the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 21st day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-5345 Filed 2-27-75;8:45 am]

Office of the Secretary

JOSEPH WEISS & SONS, INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a United States International Trade Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers engaged in the production and installation of manufactured granite at Joseph Weiss & Sons, Inc., Brooklyn, New York (TEA-W-258). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the United States International Trade Commission report should be certified as eligible to apply for adjustment assistance, provided under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to

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the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before March 4, 1975.

Signed at Washington, D.C. this 19th day of February 1975.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.75-5346 Filed 2-27-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 708]

ASSIGNMENT OF HEARINGS

FEBRUARY 25, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 115767 Sub 4, Terminal Transfer, Inc., now being assigned April 22, 1975 (1 day), at Salem, Oregon, in a hearing room to be designated later.

AB 71, Baltimore and Annapolis Railroad Company Abandonment of Operations Between Clifford Junction, Baltimore City and Annapolis, in Baltimore and Anne Arundel Counties, Maryland, now assigned March 12, 1975, at Baltimore, Maryland is postponed to April 16, 1975, at Baltimore, Maryland.

MC 107515 Sub 941, Refrigerated Transport Co., now assigned March 17, 1975, at Denver, Colorado, is cancelled and application is dismissed.

MC 119656 Sub 27, North Express, Inc. now assigned March 27, 1975, at Chicago, Ill. is cancelled and application dismissed.

MC-F-12239, Ruan Transport Corporation—Control—Arizona Tank Lines, Inc., now assigned March 11, 1975, at Phoenix, Ariz., will be held in Room 2, Arizona Corporation Commission, 1688 W. Adams St.

MC 25869 Sub 124, Nolte Bros. Truck Line, Inc., MC 52709 Sub 324 Ringsby Truck Lines, Inc., MC 99540 Sub 915, Watkins Motor Lines, Inc., MC 114273 Subs 176 and 216, Cedar Rapids Steel Transportation, Inc., MC 118060 Sub 5, Capitol Packing Co., and MC 138018 Subs 8, 13 & 15, Refrigerated Foods, Inc., now assigned March 17, 1975, at Denver, Colo., will be held in Room 587, 5th Floor Tax Court, U.S. Federal Building & Courthouse, 19th & Stout Sts.

MC 128473 Subs 5 & 16, Montana Express, Inc., now assigned March 24, 1975, at Billings, Mont., will be held in Room 246, U.S. Post Office Bldg., 2602 First Ave., North.

MC 128932 Sub 8, Robert L. Torrans, DBA Commercial Storage & Distribution Co., now assigned March 24, 1975, at Dallas, Tex., is cancelled and the application is dismissed.

No. 35659, Miller Oil Purchasing Company vs. Amerada-Hess Corporation, et al., now assigned March 4, 1975, at Washington, D.C., is postponed to May 6, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 25399 Sub 10, A-P-A Transport Corp., now being assigned April 15, 1975, at Philadelphia, Pa. in a hearing room to be later designated.

MC 140002, Edward J. Ring Detective Agency, Inc., now being assigned April 17, 1975, at Philadelphia, Pa. in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 75-5383 Filed 2-27-75;8:45 am]

[No. MC-C-8596]

BADGER LINES, INC.

Filing of Petition

In the matter of a petition for declaratory order regarding increased compensation for lessors of equipment to motor contract carriers of property.

Petitioner: Badger Lines, Inc.

Petitioner's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203.

By petition filed January 30, 1975, Badger Lines, Inc. of Milwaukee, Wis., a motor contract carrier of property, seeks a declaratory order interpreting certain orders and regulations issued by this Commission during February 1974 as not affecting its obligation to compensate equipment lessors. The request is based on the fact that prior to the issuance of such orders and regulations petitioner had increased compensation paid to its equipment lessors and thereby enabled them to offset the increased cost of diesel fuel.

More specifically, petitioner seeks issuance of a declaratory order by this Commission to the effect that the provisions of § 1057.4(a)(5) of Part 1057 of Title 49 of the Code of Federal Regulations do not require it, in light of certain facts and circumstances, to pay additional compensation to its equipment lessors. That subsection was modified by order entered February 14, 1974, in Ex Parte No. MC 43 (Sub-No. 2), Adjustment of Compensation for Equipment Leased by Motor Carriers of Property Because of Rising Fuel Costs, and the regulations now provide for a pass-through to equipment lessees of increased fuel costs borne by equipment lessors. The circumstances to which petitioner refers and upon which it relies are: (1) the fact that February 15, 1974, was the date on which modification of § 1057.4 (a)(5) became effective; (2) the net effect of the modification was that an increase in compensation was to be paid lessors for leased equipment (a) by subtracting the price of fuel on May 15, 1973 (the date on which controls on the prices on certain fuels were relaxed), from the current price therefor on fuel consumed in operations for which the equipment is leased, (b) reducing such difference by any amounts as are paid for the same operations to the lessor in the form of specific fuel-cost adjustments obtained subsequent to May 15, 1973, and (c) adding the net difference between those amounts to the compensation paid a lessor; (3) by filing Supplement No. 1 (effective January 21, 1974) to its rates Schedule MF-ICC No. 31, petitioner increased its rates an average of 10 percent; (4) petitioner's equipment lessors were then compensated on the basis of 80 percent of the revenue generated by the traffic they transport and, thus, they received an increase in compensation of approximately 8 percent, an amount alleged to be sufficient to off-set increased fuel costs borne by such equipment lessors; (5) although Special Permission Order No. 74-2525, entered February 7, 1974, as amended, provided a procedure for enabling motor common carriers to recoup escalating fuel costs and passing supplemental compensation therefor on to equipment lessors, that order has no application to motor contract carriers; and (6) to require petitioner to pay additional compensation to its lessors—which petitioner alleges it has been directed to do by this Commission's field staff—would result in its paying double compensation to its equipment lessors to the extent that fuel costs have increased.

Petitioner states that an agreement recently was negotiated with its lessors whereby it would file increased rates with this Commission of an average of 10 percent higher than the rates filed in Supplement No. 1, and that new lease agreements would be executed between petitioner and its lessors whereby the latter would be paid a sum equal to 70 percent of gross revenues derived from the use of leased equipment plus an amount equal to the increased cost of fuel purchased and borne by its lessors. The new lease agreements and rate increases were to become effective simultaneously during January 1975.

Petitioner is under the impression that despite these developments it is the position of this Commission's field staff that the changes in its rates and leases described in the preceding paragraph would not satisfy the requirements of the leasing regulations, as modified, and that it still would be obligated to pay its lessors, as a separate payment, the increased costs of fuel purchased and borne by them from February 14, 1974, to the date the new rates and leases take effect. It believes such an interpretation is incorrect and that to require it thus to pay such double compensation would be unlawful and in violation of the provisions of the order entered in Ex Parte No. MC 43 (Sub-No. 2).

Petitioner prays that the Interstate Commerce Commission issue an order finding that under the above-described circumstances and in light of the provisions of the order entered February 14, 1974, in Ex Parte No. MC 43 (Sub-No. 2), it is not obligated to pay additional compensation to its lessors for their increased costs of fuel over and above the specific fuel cost rate increase placed into effect

by publication of Supplement No. 1 to Schedule MC-ICC No. 31.

No oral hearing is contemplated at this time, but any person (including petitioner) interested in making representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with the Commission on or before April 15, 1975. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5384 Filed 2-27-75;8:45 am]

[Notice 241]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 20, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75342. By order of February 14, 1975, the Motor Carrier Board approved the transfer to Robert Jekel and David Jekel, a partnership, doing business as Jekel Moving & Storage Co., 405—36th St., S.E., Grand Rapids, Mich., 49508, of the operating rights in Certificate No. MC 54147 issued April 29, 1968 to Root's Van Lines, Inc., 809 Harrison St., Kalamazoo, Mich., 49007, authorizing the transportation of household goods between Grand Rapids, Mich. and points in Michigan within 80 miles thereof, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Pennsylvania, New York and Wisconsin.

No. MC-FC-75579. By order of February 14, 1975, the Motor Carrier Board approved the transfer to Harry H. Kemp, doing business as Harry H. Kemp Enterprises, Oskaloosa, Iowa, of the operating rights in Certificate No. MC-110589 (Sub-No. 6) issued April 20, 1972, to J. E. Lammert Transfer, Inc., Grand Island, Nebr., authorizing the transportation of meats, meat products, meat by-products, and articles distributed by meat packinghouses, except commodities in bulk and hides, from the plant site of Gibbon Packing, Inc., at Gibbon, Nebr., to points in Illinois and Wisconsin. Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501, representative for applicants.

No. MC-FC-75585. By order of February 14, 1975, the Motor Carrier Board approved the transfer to Ray Bethers Trucking, Inc., Salt Lake City, Utah, of the operating rights in Certificates Nos. MC 129994 and MC 129994 (Sub-No. 1) issued May 12, 1969, and May 13, 1974, respectively, to Ray Bethers, Salt Lake City, Utah, authorizing the transportation of lumber, lumber mill products, utelite and sheet rock and roofing materials, from and to points in Colorado, Nevada, Utah, Wyoming, New Mexico, Arizona, Montana, and California. Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111, attorney for applicants.

No. MC-FC-75595. By order of February 18, 1975, the Motor Carrier Board approved the transfer to South Shore Motor Service, Inc., Chicago, Ill., of the Certificate of Registration in No. MC 120615 (Sub-No. 1) issued November 29, 1963, to Robert Stanley Brooks, doing business as South Shore Express & Motor Service, Chicago, Ill., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in Certificate No. 6621MC issued November 16, 1954, by the Illinois Commerce Commission. James R. Madler, 1255 N. Sandburg Terrace, Chicago, Ill. 60610, attorney for applicants.

No. MC-FC-75671. By order entered February 14, 1975 the Motor Carrier Board approved the transfer to Mt. McKinley Bus Lines, Inc., Anchorage, Alaska, of Certificate of Registration No. MC 138474, issued May 10, 1974, to Roy M. Payne, doing business as Mt. McKinley Bus Lines, Anchorage, Alaska, evidencing a right to engage in transportation in interstate or foreign commerce, of passengers, their baggage and express, between specified points in Alaska. William G. Knight, 741 C Street, Anchorage, Alaska 99501, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-5386 Filed 2-27-75;8:45 am]

[Notice 21]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 24, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 55512 (Sub-No. 1TA), filed February 10, 1975. Applicant: RAUCH TRUCK LINES, INC., 110 Olive Street, St. Charles, Mo. 63301. Applicant's representative: O. J. Heck, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, West Alton, and St. Charles, Mo., from St. Louis, Mo., over U.S. Highway 67, to West Alton, thence over Missouri Highway 94 to St. Charles, Mo., and return over the same route, serving all points on each side of Missouri Highway 94 and all intermediate points and off route points in St. Charles County east of County Road C, from and to points in St. Louis, Mo., and East St. Louis, Ill. commercial zones. Applicant intends to tack with MC 55512. Supporting shipper: Saale Bros., Appliance & Building Material Co., West Alton, Mo. 63386. Send protests to: J. P. Werthamann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 12th St., St. Louis, Mo. 63101.

No. MC 65802 (Sub-No. 58TA), filed February 15, 1975. Applicant: LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM

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Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Fairbanks, Alaska and Prudhoe Bay, Alaska, serving all intermediate points and all off route points within 100 miles of the unnumbered highway between Livengood and Prudhoe Bay, from Fairbanks, Alaska over Alaska State Highway No. 2 to Livengood thence over unnumbered highway to Prudhoe Bay, and return over the same route, for 180 days. Supporting shippers: Alyeska Pipeline Service Company, 1835 South Bragaw Street, Anchorage, Alaska; Fluor Alaska, Inc., P.O. Box 3301, Fairbanks, Alaska 99701; Alaska Diamond Drill Contractors, Inc. 2402 Commercial Dr., Anchorage, Alaska 99501. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg. Seattle, Wash. 98174.

No. MC 100666 (Sub-No. 288TA), (Correction), filed January 16, 1975, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Union City, Ga., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, and Texas, for 180 days. Supporting shipper: Richmond Lumber, Inc., P.O. Box 691, Union City, Ga., 30291. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T-9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113. The purpose of this republication is to indicate the state of Texas in lieu of Tennessee.

No. MC 107496 Sub-No. 987TA) (Amendment), filed January 24, 1975, published in the FEDERAL REGISTER issue of February 12, 1975, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, from Clearbrook, Minn., to Superior and Saxon, Wis., for 180 days. Supporting shipper: Lakehead Pipeline, Bemidji, Minn. 56601. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., 210 Walnut St., Des Moines, Iowa 50309. The purpose of this republication is to indicate the correct address to which the protests are to be sent.

No. MC 113410 (Sub-No. 92TA), filed February 12, 1975. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Hillsboro and Wahpeton, N. Dak., to points in Iowa, Minnesota and Wisconsin, for 180 days. Supporting shipper: North Central Sugar Marketing Coop., Suite 362, 400 Shelard Plaza South, Minneapolis, Minn. 55426. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117119 (Sub-No. 525TA), filed February 13, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and storage facilities of Good Humor Corporation at Chicago, Ill., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. Equipment terminating in destination area is returned by authority in MC 117119 Sub Nos. 2, 44, 343, 6, 33, 160, 178, 179, and 374, for 180 days. Supporting shipper: Good Humor Corporation, 40 New Dutch Lane, Fairfield, N.J. 07006. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 525TA), filed February 14, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Breader base mixes and flour compounds* (except in bulk), between Evansville, Ind., and Ponchatoula, La., for 180 days. Supporting shipper: Modern Maid Food Products, Inc., 250 E. Willo St., Ponchatoula, La. 70454. Send protests to: William H. Land, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117547 (Sub-No. 14TA), filed February 12, 1975. Applicant: BELL TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, N.Y. 11354. Applicant's representative: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles* which are owned by persons traveling under military orders, with or without baggage, tools, sporting equipment and personal effects in driveaway service, between points in Philadelphia, Pa., and Philadelphia, Pa. commercial zone as defined by the Commission, on the one hand, and, on the other, Bayonne, N.J., for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117940 (Sub-No. 157TA), filed February 12, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsites of Diamond Crystal Salt Company, at Akron, Ohio and St. Clair, Mich., to Dover, Del., Baltimore, Cambridge, Cumberland, Frederick, Grantsville, Hagerstown, Hunts Valley and Mountain Lake Park, Md., Bristol, Jackson and Knoxville, Tenn., Bristol, Christiansburg, Elliston, Norfolk, Portsmouth, Richmond, Roanoke, Salem, Smithfield, Virginia Beach and Winchester, Va., Bayonne, Boundbrook, Brentwood, Edison, Elizabeth, Fairlawn, Flemington, Hillside, Jersey City, Linden, Newark, Paterson, South Kearney, Totowa and Woodbridge, N.J., for 180 days. Supporting shipper: Diamond Crystal Salt Company, 916 South Riverside Ave., St. Clair, Mich. 48079. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 117975 (Sub-No. 5TA), filed February 7, 1975. Applicant: MOTOR EXPRESS, INC., P.O. Box 160, Pearland, Tex. 77581. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas* when transported in mixed loads with agricultural commodities exempt from economic regulation under Section 203(b) (6) of the Act, from Hidalgo, Tex., to points in Kansas, Georgia, Tennessee, Alabama, Mississippi, Oklahoma, Louisiana, Arkansas, and Tex., for 180 days. Supporting shipper: Glisson and Scales Produce Company, 2107 Military Road, Hidalgo, Tex. 78557. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 119245 (Sub-No. 8TA), filed February 12, 1975. Applicant: E. J. PAULETTE, doing business as PAULETTE'S DELIVERY SERVICE, 1155 Joseph St., Shreveport, La. 71107. Applicant's representative: John M. Madison, Jr., P.O. Box 1707, Shreveport, La. 71166. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home care products* from Shreveport, La., to Counties in Arkansas as follows: Ashley, Ark., Bradley, Calhoun, Chicot, Columbia, Conway, Cleveland, Clark, Crawford, Drew, Dallas, Desha, Faulkner, Franklin, Grant, Garland, Howard, Hot Springs, Hempstead, Jefferson, Johnson, Little River, Lafayette, Lincoln, Lonoke, Lee, Logan, Miller, Montgomery, Monroe, Nevada, Ouachita, Pike, Polk, Pope, Perry, Pulaski, Prairie, Phillips, Sevier, Scott, Saline, Sebastian, Union and Yell Counties, Ark., for 180 days. Supporting shipper: Amway Corporation, 2001 Timberlake, Arlington, Tex. 76010. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 126713 (Sub-No. 3TA), (Correction), filed February 3, 1975, published in the FEDERAL REGISTER issue of February 18, 1975, and republished as corrected this issue. Applicant: GRAVES VAN LINES, INC., 411 W. Lincoln, Salina, Kans. 67401. Applicant's representative: Harold H. Chase, Box 914, Salina, Kans. 67401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, having a prior or subsequent movement in containers and to pick up and delivery service in connection with packing, unpacking, crating, uncrating, containerization and decontainerization, between points in Norton, Phillips, Graham, Rooks, and Trego Counties, Kans., and Salina, Kans., as tacking point with authority held by applicant in MC 126713, applicant intends to tack with its present authority at Salina, Kans., for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

NOTE.—The purpose of this republication is to show movement is between in lieu of from.

No. MC 133684 (Sub-No. 14TA), filed February 10, 1975. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenthaler, Room 411, Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Vancouver, Wash., and points in Los Angeles and San Francisco, California Commercial Zone, for 180 days. Supporting shipper: General Brewing Company, P.O. Box 1210, Vancouver, Wash. 98660. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, Room 858 Federal Bldg., 915 Second Avenue, Seattle, Wash. 98174.

No. MC 134323 (Sub-No. 70TA), filed January 7, 1975. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th St., P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products*, (a) from Omaha, Nebr., to Philadelphia, Pa., and points in New York, New Jersey, and Florida, (b) from the plantsite and storage facilities of MBPXL Corporation at or near Rockport, Mo., to Omaha, Nebr., (c) between Omaha, Nebr., on the one hand, and, on the other, the plantsite and storage facilities of MBPXL Corporation at or near Plainview, Tex., and (d) from ports of entry in the States of New York and New Jersey, to Omaha, Nebr., (2) *plastic bags*, from Mt. Vernon, Ohio, to Omaha, Nebr., and (3) *Curing compound*, from Chicago, Ill., to Omaha, Nebr., for 180 days. Supporting shipper: MBPXL Corporation, P.O. Box 910, Plainview, Tex. 79072. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134875 (Sub-No. 6TA), filed February 18, 1975. Applicant: JOHN W. SMOOT, Mount Jackson, Va. Applicant's representative: M. Bruce Morgan, 201 Azar Bldg., Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, cloth, dry goods or fabrics, textile machinery, cothing, viz: Garment findings, buttons, zippers, hooks and eyes, cones, thread, cotton, wool, polyester, nylon or synthetic yarn, natural yarn, dyed, finished roll goods; unfinished roll goods, chemicals, for finishing, sewing, cutting, dyeing; printing screen equipment; cartons and packaging materials, fabrics, remnants and scraps*, between Abilene, Tex., Edinburg, Woodstock, Va., Orange, Flint Hill, Victoria, New Market, Brookneal, Culpeper, Montery, Danville, Radford, Va., San Angelo, Snyder, Tex., Lowland, Nashville, Memphis, Tenn., Pace, Fla., Sylacauga, Alabama, Orangeburg, Hartsville, Green, Greenville, Union, South Carolina, Enka, Kings Mountain, Stanley, Forest City, Lincolnton, Charlotte, Gastonia, Shelby, N.C., for 180 days. Supporting shipper: Aileen, Inc., P.O. Box 248, Edinburg, Va. 22824. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 135486 (Sub-No. 10TA), filed February 14, 1975. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th St., Marion, Ind. 46952. Applicant's representative: Jacob Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged dried beans, packaged rice, packaged black pepper, packaged aluminum foil, packaged polyethylene bags, popcorn, charcoal lighter fluid, and charcoal briquettes*, from the facilities of Arrow Industries, Inc., at Dallas, Tex., to Cincinnati, Cleveland, Columbus and Dayton, Ohio; Detroit, Mich.; St. Louis, Mo.; Ft. Wayne, and Indianapolis, Ind.; Louisville, Ky.; Memphis and Nashville, Tenn., and Little Rock, Ark., for 180 days. Supporting shipper: Arrow Industries, Inc., Box 34489, Dallas, Tex. 75234. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 W. Wayne St., Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 135846 (Sub-No. 2TA), filed February 13, 1975. Applicant: M. S. MOLITOR, doing business as MOLITOR TRUCKING, P.O. Box 259, Boulder, Mont. 59632. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Azusa, Calif., to Bozeman, Butte, Helena, and Missoula, Mont.; and *return of empty bottles, cans, kegs and pallets;* (2) *malt beverages*, in containers, from Los Angeles, Calif., and points in its Commercial Zone, to points in Montana; and return of *empty bottles, cans, kegs and pallets;* and (3) *juices and mixes*, from Hayward and Sacramento, Calif., to Billings, Bozeman, Butte, Helena, Livingston, Missoula, and West Yellowstone, Mont., for 180 days. Supported by: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136931 (Sub-No. 1TA), filed February 13, 1975. Applicant: WRIGHT MOTOR FREIGHT, INC., 2520 Lansing Avenue, Jackson, Mich. 49202. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between points in Hillsdale County, Mich., on the one hand, and, on the other, Willow Run Airport and Detroit Metropolitan Airport; (2) Between points in Hillsdale County, Mich., on the one hand, and, on the other, Reynolds Field, Jackson, Mich., all movements restricted to traffic having an immediately prior or immediately subsequent movement by air carrier, for 180 days. Supporting shippers: Addison Products Company, P.O. Box 100, Addison, Mich. 49220. Ask Packer Inc., 136

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S. Chicago St., Litchfield, Mich. 49252. Quincy Stamping & Mfg. Co., 480 Knowles Road, North Adams, Mich. 49262 Hillsdale Tool & Mfg. Co., 135 E. South St., Hillsdale, Mich. 49242. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

NOTE.—There are ten (10) more supporting shippers not named herein, all are located in Hillsdale County, Mich., and their names and addresses may be obtained from the Lansing, Mich., or Washington Interstate Commerce Commission offices.

No. MC 138465 (Sub-No. 4TA) (Correction), filed January 31, 1975, published in the FEDERAL REGISTER issue of February 13, 1975, and republished as corrected this issue. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, Fla. 32060. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry*, in bulk or in bags, from Albany, Ga., to points in Alachua, Baker, Bradford, Columbia, Dixie, Gadsden, Gilchrist, Jefferson, Lafayette, Leon, Levy, Madison, Suwannee, Taylor, Union, and Wakulla Counties, Fla., for 180 days. Supporting shippers: Mizell Produce Co., Inc., 302 S. Pine Ave., Live Oak, Fla., Swift Chemical Co., Albany, Ga. Send protests to: G. J. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to correct the name of the applicant, and to add the supporting shipper which was omitted in the previous publication.

No. MC 139196 (Sub-No. 7TA), filed February 13, 1975. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed*, except milk feed in liquid in tank vehicles, from the plantsites and facilities utilized by Heger Company at Minneapolis, Minn., to points in McHenry County, Ill., Iowa, the Upper Peninsula of Michigan, Minnesota, points on and east of U.S. Highway 83 in Nebraska and South Dakota, and points in Wisconsin (except Ashland, Brown, Door, Florence, Forest, Iron, Kewaunee, Lincoln, Marathon, Marinette, Oconto, Oneida, Outagamie, Price, Shawano, Taylor, and Vilas Counties), for 180 days. Supporting shipper: Heger Company, 2562 East 7th Avenue, North St. Paul, Minn. 55109. Send protests to: Barney L. Harsin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 139784 (Sub-No. 5TA), filed February 11, 1975. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., Box 726, Professional Bldg., Scott City, Kans. 67871. Applicant's representative: Keen K. Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed inedible meats, meat and bone meal and animal fats*, all producing and/or shipping points in Kansas to Amarillo, Tex., and Kansas City, Mo., for 180 days. Supporting shipper: Tribune By-Products, Inc., Tribune, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg. Wichita, Kans. 67202.

No. MC 140488 (Sub-No. 1TA), filed February 12, 1975. Applicant: RUSSELL R. JARMUSCH, doing business as CALIFORNIA CONTRACT CARRIER, 5110 District Blvd., Maywood, Calif. 90270. Applicant's representative: Russell R. Jarmusch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bookcases, book or record cabinets or tables, fiberboard or wood combined*, from the plantsite of J. S. Permaneer Corporation, at Wright City, Mo., to distributor warehouses and facilities at Garfield, N. J., Baltimore, Md., and New York, N.Y. and (2) *Plywood*, from the plantsite of the Permaneer Corporation at Union, Mo., to Dallas, Houston, Lubbock, McKinney, and San Antonio, Tex., for 180 days. Supporting shipper: Permaneer Corporation, 201 Progress Parkway, Maryland Hgts., Mo. 63043. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 140616 (Sub-No. 1TA), filed February 13, 1975. Applicant: GEORGE WALDORFF, doing business as WALDORFF & SON, Rt. 1, Box 24, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* (2) *slag*, (1) from points in Henry County, Ala., Bainbridge, Ga., Yazoo City and Pascagoula, Miss., to Altha, Fla. (2) from Birmingham, Ala., to Altha, Fla., for 180 days. Supporting shipper: Altha Farmers Coop, P.O. Box 98, Altha, Fla. 32421. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 140620 (Sub-No. 1TA), filed February 14, 1975. Applicant: D & K TRANSPORT, INC., 19245 NE. 159th St., Woodinville, Wash. 98072. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, cabinet components, cabinet parts and millwork, hardboard, particleboard, lumber and lumber products, plywood, vinyl, doors, building hardware, speakers and speaker parts* between points in Washington, Oregon, California, Idaho, Montana, Wyoming, Colorado, Nevada, Minnesota, Wisconsin, Missouri, Illinois, New York, Pennsylvania, and New Jersey under contract with Brillware Mfg., Co., Kirkland, Wash. Supporting shipper: Brillware Mfg. Co., 11809 NE. 116th St., Kirkland, Wash. 98033. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140656 TA, filed February 12, 1975. Applicant: TROCHU TRUCKING SERVICES, LTD., P.O. Box 23, Trochu, Alberta, Canada TOM 2C0. Applicant's representative: Alberta Hannah (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bags, in bulk, from Minnesota in the U.S. of A., through North Dakota, Montana to U.S.-Canadian Boundary, for 180 days. Supporting shipper: L. V. Patteson Limited, 215 Panet Road, Winnipeg, Manitoba, Canada R2J 0S4. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, Post Office Bldg., Billings, Mont. 59101.

No. MC 140657 TA, filed February 14, 1975. Applicant: D. S. JACOBSEN TRUCKING CO., Route 1, Box 84, Riddle, Oreg. 97469. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive grit* (granulated slag), from Douglas County, Oreg., to points in California, Oregon, and Washington, for 180 days. Supporting shipper: Mining Minerals Manufacturing Co., P.O. Box 211, Riddle, Oreg. 97469. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140658 TA, filed February 12, 1975. Applicant: PHIL WALTON ENTERPRISES HAULING, LTD., 4123 Ogden Road SE., Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, and (3) *commodities*

(except in bulk) used in, or in connection with the construction, operation, repairing, servicing, maintaining, dismantling and removal of all encampment facilities for housing and quartering personnel (and their families) engaged in use and operation of the commodities described in (1) and (2) hereof, when moving in connection with the commodities described in (1) and (2) hereof, between ports of entry on the United States-Canada Boundary in the State of Alaska, on the one hand, and, on the other, points in Alaska on and east of Alaska Highway 1, from Homer, Alaska, on the southern boundary of said state to Palmer, Alaska; on and east of Alaska Highway 3 from Palmer, Alaska, to Fairbanks, Alaska; on and east of Alaska Highway 2 from Fairbanks, Alaska, to Livengood, Alaska; on and east of Walter Hickel Highway from Livengood, Alaska, to its intersection with the Itkillik River; and on and east of the Itkillik River from its intersection with the Walter Hickel Highway to the northern boundary of Alaska, for 180 days. Supporting shippers: Tracked Vehicle Supply, Ltd., 815 Highfield Ave. SE. Geophysical Service Incorporated, 640 12 Ave. SW., Calgary, Alta., Canada. Becker Drills, Ltd., 415 Monument Place SE., Calgary, Alberta, Canada. Drill Systems, Inc., P.O. Box 5140, Station A. Calgary, Alberta, Canada T2H 1X3. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 140659 TA, filed February 12, 1975. Applicant: INTERNATIONAL VAN & STORAGE, INC., 5001 NW. 4th, Oklahoma City, Okla. 73127. Applicant's representative: Bruce W. Day, 1600 Midland Center, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knocked-down farm buildings and shelters only*, on flat bed trailers equipped with special unloading equipment with an unloading capacity of 1500 lbs., from Pasco Steel Co., P.O. Box 619, Wathena, Kans. 66090. Star Mfg., Co., 8600 S.I. 35, Oklahoma City, Okla. 73149. 10th & Pryor, Cedartown, Ga., Highway 119, Homer City, Pa., Varco Purden Co., 17th & Cottonbelt Road, Pine Bluff, Ark., 530 S. Tegner, Turlott, Calif., 273 Water St., Evansville, Wis. U.S. Highway 421, Kernsville, N.C., & Mear Road, Holbrook, Mass. 02343, to Farm and Ranch Sites within the continental United States, for 180 days. Supporting shipper: Agra Steel Corporation, 4650 W. 90th Terrace, Prairie Village, Kans. 66008. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 57TA), filed February 12, 1975. Applicant: SALEM TRANSPORTATION CO., INC., 133–03 35th Ave., Flushing, N.Y. 11354. Applicant's representative: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers in special and charter operations, over irregular routes, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, between points in Philadelphia, Pa., and the Philadelphia, Pa. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, the Military Ocean Terminal at Bayonne, N.J., and the Bayonne, N.H., Commercial Zone as defined by the Commission, for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140661 TA, filed February 7, 1975. Applicant: CIVIC TRANSPORTATION SERVICE, INC., doing business as SUBURBAN BUS LINES, 5803 Queensgate Drive, Houston, Tex. 77066. Applicant's representative: T. Brook Farnsworth (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Houston and Beaumont, Tex., on the one hand, and, on the other, Evangeline Downs, Inc., at or near Lafayette, La., for 180 days. Supporting shipper: Evangeline Downs, Inc., P.O. Box 3508, Lafayette, La. Send protests to: John Mensing, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

WATER CARRIER APPLICATION

No. W 1287 TA, filed January 27, 1975. Applicant: NAVIGABLE RIVER TRAVEL, INC., 111 East Third Street, Little Rock, Arkansas 72201. Applicant's representative: John F. Trotter (same as above). By order entered February 4, 1975 the Motor Carrier Board granted Navigable River Travel, Inc., 180 days temporary authority to engage in the business of transportation in interstate or foreign commerce, as a *common carrier* by water in the transportation of passengers and their baggage, between Muskogee, Okla., and New Orleans, La., via the Arkansas, White, and Mississippi Rivers. Any interested person may file a petition for reconsideration within 20 days of the date of this publication.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-5385 Filed 2-27-75;8:45 am]

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federal register

FRIDAY, FEBRUARY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 41

PART II

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Proposed Compliance Procedures

V 40 41 FEB 28 75 XUM

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 325]

[Docket No. MC-62; Notice No. 75-4]

INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Compliance with Standards

The Director of the Bureau of Motor Carrier Safety is issuing this notice of proposed rule making for the purpose of inviting interested persons to comment on the text of proposed regulations establishing methodologies for determining whether commercial motor vehicles conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency.

INTRODUCTION

On October 21, 1974, the Acting Administrator of the Environmental Protection Agency issued final regulations establishing standards for maximum external noise emissions of motor vehicles having a gross vehicle weight rating or a gross combination weight rating of more than 10,000 pounds that are operated by commercial motor carriers engaged in interstate commerce (39 FR 38208). Those regulations were issued under the authority of section 18 of the Noise Control Act of 1972. Section 18 of the Noise Control Act of 1972 also directs the Secretary of Transportation to promulgate regulations to ensure compliance with the Environmental Protection Agency's standards. The Secretary is required to carry out the regulations through the use of his powers and duties of enforcement authorized by the Interstate Commerce Act and the Department of Transportation Act. Those two statutes vest in the Department of Transportation the responsibility for issuing and enforcing the Federal Motor Carrier Safety Regulations.

The objective of the regulations under consideration at this time is to prescribe the manner in which commercial motor vehicles will be inspected and examined, and their performance will be monitored and measured, to determine whether they conform to the EPA standards. Those standards become effective on October 15, 1975 and, as noted above, are applicable only to motor vehicles with a GVWR or a GCWR of more than 10,000 pounds, which are operated by interstate motor carriers. The Department of Transportation has no statutory authority to alter or amend the EPA noise emission standards or to decline to issue procedures for their full enforcement. Therefore, the Director does not propose to reopen for consideration questions relating to the bases of the EPA noise emission standards which were fully considered and acted upon by EPA during the rulemaking proceeding in which it promulgated the Interstate Motor Carrier Noise Emission Standards. Those questions included, but were not limited to, (a) defining the "best available technology" consistent with the motor carrier industry's ability to comply with the standards; (b) cost of compliance; (c) Federal preemption of State and local noise laws and ordinances; (d) applicability of the standards to various weight classes of vehicles; and (e) the appropriate definition of an interstate motor carrier, to whose equipment the standards are applicable.

In the present rulemaking proceeding, the Director is concerned primarily with the following issues relating to the enforcement regulations now under consideration: (1) adequacy of the proposed rules to ensure that the EPA standards are fully enforced; (2) flexibility of the enforcement procedures specified in the proposed rules to ensure that enforcement agencies can make use of a wide range of measurement sites; and (3) technical validity of the proposed rules, in that they maintain, but do not decrease or increase, the stringency of the EPA standards.

In developing the proposed enforcement regulations, the Bureau of Motor Carrier Safety has given extensive consideration to the experience gained by enforcement personnel of the States of New York and California, the city of Chicago, and the New Jersey Turnpike Authority, which now operate programs of noise emission regulation and enforcement, as well as the enforcement experience of the Bureau's own personnel. Background studies of noise enforcement methodology prepared for those, and other, government agencies have been extensively consulted during the preparation of this proposal. Among the studies consulted were the following:

Research on Highway Noise Measurement Sites, Ben H. Sharp, Wyle Laboratories, El Segundo, CA, Prepared for California Highway Patrol under Contract No. C-219-71-72, March 1972.

Truck Noise—I, Peak A-Weighted Sound Levels Due to Truck Tires, National Bureau of Standards, prepared for U.S. Department of Transportation, Report No. OST-ONA-71-9, Sept. 1970.

Truck Noise—II, Interior and Exterior, A-Weighted Sound Levels of Typical Highway Trucks, W. H. Close and R. M. Clarke, U.S. Department of Transportation Report No. OST/TST 72-2, July 1972.

Field Measurement Procedures for Noise Enforcement, Bolt Beranek and Newman, Inc., Cambridge, MA, submitted to the Corporation Counsel, City of Chicago, Department of Environmental Control, July 1973.

Background Document for Interstate Motor Carrier Noise Emission Regulations, U.S. Environmental Protection Agency, EPA-550/9-74-017, October 1974.

Recomemndations: Vehicle Noise Emission Regulations and Measurement Procedures, C. W. Dietrich, Bolt Beranek and Newman, Inc., Cambridge, MA, Report No. 2782, submitted to New Jersey Turnpike Authority, Jan. 1974.

MEASUREMENT PROCEDURES

The measurement procedures the Director proposes to institute are basically identical to those now used by most agencies that currently enforce noise emission regulations. There are, however, some notable differences from those standard practices in this proposal. Among them are the following:

1. *Measurement tolerances.* The rules of the State of Hawaii and the city of Chicago currently specify a tolerance level to take into account the inaccuracy of sound level measurement systems as currently manufactured. The Director does not now intend to specify such a tolerance factor in the Bureau's enforcement regulations, even though the Bureau is aware of the fact that noise enforcing agencies routinely add or subtract tolerances of 1 to 2 dB to or from the observed noise emission levels of motor vehicles they monitor before considering enforcement action. The Director believes that if a tolerance factor is applied, it should be applied through the mechanism of administrative policy instructions to enforcement personnel, rather than by a specified tolerance level written into the enforcement regulations. This is the case because the tolerance level that is appropriate in one situation may be entirely inappropriate in others. Some of the variants are discussed below. In addition, the Director is cognizant of the fact that, under section 18(c)(1) of the Noise Control Act of 1972, State and local governments will have to utilize the procedures specified in the Federal regulations when they carry out their own motor carrier noise emission regulatory programs.

Tolerances are considered necessary for a number of reasons, such as limitament instruments and atmospheric contions in the accuracy of sound measureditions.

The specification to which sound level measurement systems are currently manufactured (*American National Standard Specification for Sound Level Meters*, ANSI S1.4-1971, of the American National Standards Institute) specifies a tolerance band for meter response. In the case of Type 1 meters, this tolerance band is ±1 dB(A) for A-weighting throughout the frequency range from 50 to 4,000 Hz. (At frequencies above or below this range, the tolerance exceeds ±1 dB.) In thec ase of Type 2 meters, this tolerance band is ±2 dB for A-weighting throughout the frequency range from 315 to 630 Hz and from 1,000 to 1,250 Hz. (Again, at frequencies above or below the specified range, the tolerance exceeds ±2 dB.) What this means is that, in the case of a Type 2 meter, for example, an observed meter reading may deviate as much as 2 dB from the actual A-weighted sound level generated by the noise source, even though the meter conforms to the specifications of ANSI S1.4-1971. It should be noted, however, that the deviations referred to in those specifications are measured at single, discrete frequencies. The overall frequency response tolerance of Type 1 and Type 2 meters to broad band (multi-frequency) noise is not specified in ANSI S1.4-1971. Nevertheless, the fact that ANSI S1.4-1971 permits deviations from the true reading

of the magnitude noted above indicates that enforcement tolerances are in order.

Weather conditions at and near a measurement site can have an effect on noise measurements at the site. The precise magnitude of these effects is not entirely known at present, but several published studies indicate that they exist.[1] Because of the above-mentioned variables and others, the Director has concluded that a tolerance factor to be subtracted from the observed meter reading would be warranted as a general operating practice. At the same time, the Director also has concluded that no single tolerance factor can, or should, be specified in the regulations. This is the case because differences in the circumstances under which measurements are made will require application of different tolerance factors. For example, the Bureau's enforcement staff will, in the initial phases of the Federal enforcement program, be using Type 2 sound level meters.

They will be conducting measurements at a large number of sites under varying weather conditions. In these circumstances, it is anticipated that a tolerance factor of 2 dB would be appropriate. On the other hand, a municipal government may be enforcing noise emission regulations using equipment meeting the ANSI requirements for Type 1 meters, and it may be using only a single site, with sound attenuation characteristic known to provide repeatable results, in relatively stable weather conditions. In this type of case, a smaller administrative tolerance, on the order of 1 dB, could possibly be justified.

For the foregoing reasons, the Bureau does not propose to establish enforcement tolerance factors in the proposed rules. The Bureau will be available to work with States and other government agencies to establish reasonable administrative tolerances for specific measurement conditions and locales. It is the opinion of the Bureau that motor carriers and manufacturers of motor vehicles would be best advised to apply no tolerance factor when testing the noise propagation characteristics of their equipment or produots.

2. *Open site requirements.* The open site characteristics proposed in the text of the rules set forth below differ somewhat from those employed by some enforcement agencies. Figure A, below, shows the open site currently utilized by the California Highway Patrol, the city of Chicago, and the New Jersey Turnpike Authority.

[1] Ratering, E. G., *The Application of Vehicle Noise Test Results in the Regulatory Process*, in Proceedings: Conference on Motor Vehicle Noise, General Motors Corp. (1973); Hemdal, J. F., et al., *A Study of the Repeatability of Motor Vehicle Noise Measurement Sites*, Environmental Research Institute of Michigan, ERIM No. 301300-1-F (1974).

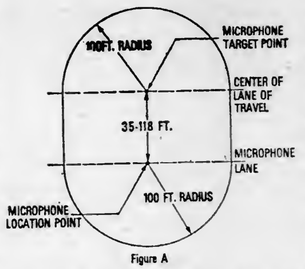


Figure A

Figure B, below, shows the open site referred to in the Environmental Protection Agency's *Background Document for Interstate Motor Carrier Noise Emission Regulations.*

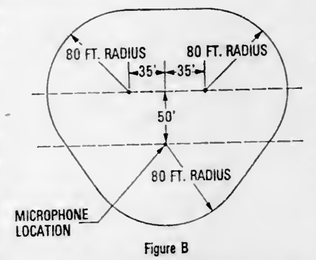


Figure B

The open site characteristics are specified with the intention of eliminating or minimizing the effects of sound that is reflected from surfaces that would not be present in a hypothetically "perfect" measurement site. The contribution that this reflected sound can make to the observed sound level reading varies; it is a function of several variables, including the acoustical properties of the reflecting surface and the distance between the surface and both the vehicle and the microphone of the sound level measurement system.

The Director is proposing to require measurements to be made at a site that has an open area around both the microphone and the vehicle for a distance equivalent to the distance between the microphone and the vehicle. This requirement is a compromise between the need for a test site that is, so far as practicable, free of reflecting surfaces—other than the ground—particularly in the critical area between the microphone and the vehicle—and the need to maximize the number of sites available for enforcement of the standards.

Because the open site distances are equal to the distance between the microphone and the vehicle, reflected sound waves will always have to travel a distance to reach the microphone (and so be detected by the measurement system) that is significantly greater than the distance the primary sound waves propagated by the vehicle must travel to reach the microphone. This will result in a substantial attenuation of reflected sound waves, so that the maximum contribution that reflected sound could make to an observed sound level reading would be negligible.

3. *Distance correction factors.* The distance correction factors in § 325.73 of the proposed rules do not provide for making measurements at distances closer than 35 feet from the vehicle or farther than 83 feet from the vehicle. This is a departure from the practice followed by California authorities, who permit measurements to be made at distances up to 118 feet. It is also a departure from the practice in several jurisdictions of allowing measurements to be made in the range from 25–35 feet.

There is good reason for these variations. The theory of measuring sound emissions is based on the premise that sound levels drop 6 dB every time the distance between the sound source and the receiver is doubled. This premise assumes that there is a single-point source radiating sound into free space. In the real world, this is obviously not the case. Motor vehicles do not emit noise from a single point. The fact that tires and numerous engine and other mechanical components emit noise makes for a complicated sound propagation source. The environment into which this noise is emitted is obviously not free space; indeed, in many cases, the environment is not even hemispherical free space because of variations in terrain at or near the test site. Accordingly, erratic "near field" effects may be found at measurement distances closer than 35 feet, making repeatable measurements at those distances difficult. For this reason, the proposal would not permit measurements made at distances closer than 35 feet from the centerline of the path of the vehicle to be used for enforcement purposes.

Measurements made at distances greater than 83 feet from the vehicle also pose open site and ambient sound level problems which make measurements at such distances impracticable as a general rule.

Therefore, the Director is proposing to restrict the range of measurement distances to not less than 35 feet and not more than 83 feet from the center of the path of vehicle travel. These restrictions are identical to those employed by the New Jersey Turnpike Authority, and their presence does not appear to have hampered the Authority's enforcement program.

4. *Ground surface correction factors.* The proposed rules take into account differences in the acoustical character-

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istics of different types of ground surfaces that may be found between the vehicle and the microphone. The Environmental Protection Agency, in issuing the standards, clearly intended that both high-speed and low-speed pass-by measurements would be made at typical roadside sites rather than in a laboratory situation. The sites that were used to accumulate the survey data typically had a short grass cover between the highway and the microphone location point. These types of sites are considered acoustically "soft" sites. When pass-by measurements are made at sites which have asphalt, concrete, or other acoustically "hard" surface material between the vehicle and the microphone, readings substantially higher than those observed at "soft" sites are obtained.

Accordingly, the Director proposes to require subtraction of a 2 dB correction factor from a measurement of noise emmissions during highway operations when the measurement is made at a "hard" site. Subtraction of that figure will ensure that the "hard" site measurement produces an observed reading substantially equivalent to the reading that would have been obtained if the measurement had been made at the "soft" site contemplated in the EPA standards.

Similarly, the Environmental Protection Agency, in promulgating its standard for noise emissions under stationary test, clearly contemplated a measurement to be conducted at an acoustically "hard" site. If a measurement is made at a "soft" site, it would fail to show accurately whether, and the extent to which, the vehicle either conforms to the standard or fails to conform to it, unless a correction factor is added to the observed sound level generated by the motor vehicle under stationary test. For this reason, the Director proposes a 2 dB correction factor to be added to observed sound levels generated by motor vehicles under stationary test at "soft" sites.

5. *Guard rails.* The Director is proposing to consider a test site adequate for noise emission measurements even though there are metal guard rails within the site. The purpose of this proposal is to make available for measurement purposes a large number of sites near major highways which contain no substantial sound-reflecting surfaces other than guard rails. Numerous potential sites are adjacent to four-lane divided highways, having continuous metal guard rails separating opposing lanes of traffic. The Bureau believes that the contribution of sound waves reflected off guard rails of that type to the overall observed sound level at a site adjacent to such a highway would be negligible. Nevertheless, the Director does not propose to allow guard rails within the measurement area, the area between the vehicle and the microphone.

6. *Visual tire inspection.* The EPA standard on tires (40 CFR 202.23) makes the use of tires having a tread pattern consisting mainly of cavities or pockets a violation if the tread of the tire when originally manufactured or newly remanufactured was composed primarily of cavities or pockets.

It is, of course, difficult for an inspector, looking at a motor vehicle during a roadside or terminal inspection, to determine whether the tire tread that meets his eyes is identical to, or different from, the tread that the tire had when it was new. To achieve the objective of the standard, the Director proposes to place on the motor carrier whose vehicle is equipped with a tire having a "cavity" or "pocket" tread pattern the burden of establishing that the tread pattern was of a permissible variety when originally manufactured or newly remanufactured.

Another feature of the tire standard that creates difficulties for enforcement agencies in the "savings" clause which absolves a mother carrier of liability for operating a motor vehicle on a tire having a prohibited tread pattern if the carrier "demonstrates it to be in compliance with the noise emission standard specified for operations on highways with speed limits of more than 35 MPH" (*i.e.*, the high-speed pass-by standard). The standard is mute on the subject of where the demonstration will be conducted. The Bureau frequently conducts inspections of motor vehicles at locations where a high-speed pass-by test cannot be made (*e.g.*, at carriers' terminals), and it does not appear practicable to make sound level measurements in conjunction with every visual tire inspection. For these reasons, the Director proposes that the motor carrier will be given the opportunity to demonstrate the vehicle's conformity to the high-speed noise emission standard for highway operations at a place and time to be selected by the Bureau. It may be that pass-by measurements are being made at the same time and place as visual tire inspections, in which event the demonstration can be performed at that time and place. But if the two enforcement activities are not being conducted jointly, the demonstration will have to be conducted at another time and place.

The Bureau has not found it necessary to make any provision in the proposed rules for measurement of noise emissions of motor vehicles operating at a speed of 65 miles per hour on highways having unlimited speed limits. By virtue of the enactment and implementation of section 2 of the Emergency Highway Energy Conservation Act, Pub. L. 93–239, and 23 U.S.C. 154, there is no highway without a posted speed limit in the United States, and the highest posted speed limit is 55 miles per hour.

7. *Vehicles equipped with fan clutches.* The proposed procedures would permit a vehicle equipped with a fan clutch to undergo the test for compliance with the standard for operation under stationary test while the fan clutch is disengaged. Experience with fan clutches indicates that they produce salutory results in the context of truck noise abatement, and that, accordingly, their installation should be encouraged in the interest of carrying out the purpose of the Noise Control Act.

As part of the "quiet truck program" sponsored by the Department of Transportation, International Harvester Company, a truck manufacturer, equipped the radiator fan drives of 24 heavy duty trucks with either "on-off" or modulating-type fan clutches. These devices were designed either to disengage the fan from its pulley drive completely or to reduce the radiator fan's rotational speed below that of the engine during periods of reduced engine cooling thermal load. It became apparent that installation of fan clutches produced a twofold benefit. First, with the fan either totally stopped or operating at a reduced rpm rate, radiator fan noise is significantly reduced. Reductions in fan-generated noise on the order of 20 dB(A) are typical when these types of devices are installed.[3] Second, the installation of a fan clutch results in a reduction or elimination of the engine horsepower that would otherwise be required to operate the radiator fan at times when its engine-cooling capability is not needed. As a result, the vehicle achieves a 5- to 10-percent saving in fuel consumption.[4]

Field tests of the 24 vehicles, involving more than 30,000 hours of vehicle operation and nearly 1,100,000 vehicle miles, indicated that the average fan-on time for vehicles equipped with an on-off type of fan clutch is slightly under 3 percent. Significant fan-on time [4] was less than 1 percent for vehicles equipped with this type of fan clutch. Significant fan-on time for vehicles equipped with modulated fan-drive clutch units was also less than 1 percent of total engine operating time, even during the warm summer months.

It is apparent, therefore, that installation of radiator fan-drive clutches results in significant noise abatment benefits as well as other benefits. The noise reduction associated with installation of fan clutches occurs between 97 and 99 percent of the time the vehicle is operating. In light of these benefits, the Director has concluded that widespread installation of fan clutches should be encouraged. He proposes, therefore, to require the stationary test of a vehicle equipped with a fan clutch to be performed with the clutch disengaged.

ENFORCEMENT

The Bureau at this time anticipates that it will conduct a program of enforcing the noise emission standards through the same techniques that are used to enforce the Federal Motor Carrier Safety Regulations. Inspection and surveillance of motor carriers will be carried out through terminal surveys and equipment inspection and driver-equipment compliance checks at roadside sites. Under the Noise Control Act, a violation of an EPA motor carrier noise emission standard gives rise to the possibility of imposing sanctions under section 11 of the Act. The sanctions include criminal prosecution of knowing or willful violators, in which the maximum sentence is a fine of $25,000 per day, imprisonment for 1 year, or both, in the case of first offenders, and a fine of $50,000 per day, imprisonment for 2 years, or both, in the case of subsequent offenders. In addition, section 11 authorizes the United States to secure an injunction against future violations in the appropriate United States District Court and permits the Administrator of the Environmental Protection Agency, after notice and the opportunity for hearing, to issue cease-and-desist orders against violators.

Section 18(b) of the Act authorizes the Secretary of Transportation to carry out the regulations for ensuring compliance with EPA noise emission standards "through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act." The basic "powers and duties" referred to in section 18(b) are derived from section 220 of the Interstate Commerce Act, 49 U.S.C. 320. Section 220 requires motor carriers to submit their properties and documents for inspection and examination by designated special agents of the Department of Transportation's Federal Highway Administration. This is the statutory basis for section 325.13 of the proposed rules. Section 220 also authorizes the Department of Transportation to require periodic and special reports from motor carriers subject to the Department's jurisdiction. It is on this basis that the Bureau now requires motor carriers whose equipment is found to be defective during a driver-equipment compliance check to make a report to the Bureau certifying that repairs have been made. See 49 CFR 396.5. The Bureau is considering adopting a similar procedure in the case of motor vehicles which are found to be in violation of the noise emission standards.

The use by the Bureau of the enforcement techniques described above does not limit or restrict the enforcement techniques or sanctions that a State or political subdivision thereof may employ in carrying out its motor carrier noise emission regulatory program, even after the effective date of the EPA standards and the Department of Transportation's regulations for implementing those standards. Section 18(c) of the Noise Control Act provides that, after the Federal regulations have become effective, a State or its political subdivisions may not adopt or enforce noise emission standards applicable to motor carriers subject to the Federal standards unless (1) the State or local standard is identical to the Federal standard; or (2) a special variance for a differing standard is granted by the Administrator of EPA after consultation with the Secretary of Transportation. It is the position of the Bureau that, while the "preemption" provisions of section 18(c) require States and their political subdivisions that have not secured a special variance to apply the identical criteria and measurement methodologies as are specified in Federal regulations to determine whether a motor vehicle is in conformity with noise emission standards, once a violation is detected, the State or local government may proceed to impose sanctions or take other corrective action in accordance with its own law. Thus, for example, a State could, if it wishes, bring a civil penalty proceeding against a violator, notwithstanding the fact that, under Federal law, the violation is a crime. Similarly, a State could, if its law permits, impound equipment found in violation of the noise emission standards, even though Federal law does not provide for impoundment as a sanction.

The rules under consideration at this time do not explicitly refer to the matters discussed here under the heading of "Enforcement." This is the case because the resolution of issues relating to the imposition of sanctions after violations of the noise emission standards are detected is a function of statutory construction rather than regulatory issuance. The discussion is included at this point in order to give interested persons insight into the Bureau's current thinking on these important issues.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety proposes to amend Subchapter A of Chapter III in title 49, CFR, by adding a new part 325, reading as set forth below.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendment. All comments submitted should refer to the docket number and notice number that appear at the top of this document. Comments should be submitted in triplicate to the Director, Bureau of Motor Carrier Safety, U.S. Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on May 1, 1975 will be considered before further action is taken on the proposal. All comments received will be available for examination in the public Docket Room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of section 18 of the Noise Control Act of 1972, 42 U.S.C. 4917, the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(p), and the delegation of authority by the Federal Highway Administrator at paragraph 7, Chapter 7, Part I of FHWA Order 1–1.

Issued on February 20, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[3] Damkevala, R. J. et al., *Noise Control Handbook for Diesel Powered Vehicles*, U.S.D.O.T. Report No. DOT–TSC–OST–74–5 (1974).

[4] U.S.D.O.T. and U.S.E.P.A., *Study of Potential for Motor Vehicle Fuel Economy Improvement*, Truck and Bus Panel Report (1975).

[4] "Significant fan-on time" was defined as the period of time during which the fan operated at a speed of 1,600 rpm or more. This rpm level was selected because, at 1,600 rpm, fan noise would be approximately 10 dB(A) below its maximum level.

PART 325—COMPLIANCE WITH INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

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325.73 Microphone distance correction factors.
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Subpart G—Exhaust Systems and Tires

325.91 Exhaust systems.
325.93 Tires.

AUTHORITY: The provisions of this Part 325 issued under sec. 18, 86 Stat. 1234, 1249–1250, 42 U.S.C. 4917.

Subpart A—General Provisions

§ 325.1 Scope of the rules in this Part.

(a) The rules in this Part prescribe procedures for the inspection, surveillance, and measurement of motor vehicles and motor vehicle equipment operated by motor carriers to determine whether those vehicles and that equipment conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

(b) Except as provided in paragraph (c) of this section, the rules in this Part apply to each motor vehicle operated by an interstate motor carrier, regardless of whether the motor vehicle is used in interstate or foreign commerce by the motor carrier.

(c) The rules in this Part do not apply to—

(1) A motor vehicle that has a Gross

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Vehicle Weight Rating of 10,000 pounds (4,536 kg.) or less;

(2) A combination of motor vehicles that has a Gross Combination Weight Rating of 10,000 pounds (4,536 kg.) or less;

(3) The sound generated by a warning device, such as a horn or siren, installed in a motor vehicle;

(4) An emergency motor vehicle, such as a fire engine, an ambulance, a police van, or a rescue van, when it is responding to an emergency call;

(5) A snow plow in operation; or

(6) The sound generated by auxiliary equipment which is normally operated only when the motor vehicle on which it is installed is stopped or is operating at a speed of 5 miles per hour (8 kph) or less. Examples of that type of auxiliary equipment include, but are not limited to, cranes, asphalt spreaders, ditch diggers, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

§ 325.3 Effective date.

The rules in this Part are effective on October 15, 1975.

§ 325.5 Definitions.

(a) *Statutory definitions.* All terms defined in the Noise Control Act of 1972 (Pub. L. 92–574, 86 Stat. 1234) are used as they are defined in that Act.

(b) *Definitions in standards.* All terms defined in § 202.10 of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.10, are used as they are defined in that section.

Subpart B—Administrative Provisions

§ 325.11 Issuance, amendment, and revocation of the rules in this Part.

The procedures specified in Part 389 of this Chapter for the issuance, amendment, or revocation of the Federal Motor Carrier Safety Regulations apply to rulemaking proceedings for the issuance, amendment, or revocation of the rules in this Part.

§ 325.13 Inspection and examination of motor vehicles.

(a) Any special agent of the Federal Highway Administration (designated in Appendix B to Subchapter B of this Chapter) is authorized to inspect, examine, and test a motor vehicle operated by a motor carrier in accordance with the procedures specified in this Part for the purpose of ascertaining whether the motor vehicle and equipment installed on the motor vehicle conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

(b) A motor carrier, its officers, drivers, agents, and employees must, at any time, submit a motor vehicle used in its operations for inspection, examination, and testing for the purpose of ascertaining whether the motor vehicle and equipment installed on it conform to the Interstate Motor Carrier Noise Emission standards of the Environmental Protection Agency, 40 CFR Part 202.

Subpart C—Instrumentation

§ 325.21 Scope of the rules in this subpart.

The rules in this subpart specify criteria for sound level measurement systems which are used to make the sound level measurements specified in Subpart D and Subpart E of this Part.

§ 325.23 Types of measurement systems which may be used.

The sound level measurement system must meet or exceed the requirements of *American National Standard Specification for Sound Level Meters* (ANSI S1.4–1971), approved April 27, 1971, issued by the American National Standards Institute,[1] throughout the frequency range of 50 to 10,000 Hz for either—

(a) A Type 1 sound level meter;

(b) A Type 2 sound level meter; or

(c) A Type S sound level meter which has—

(1) A-weighting frequency response;

(2) Fast dynamic characteristics of its indicating instrument; and

(3) Relative response level tolerances consistent with those of either a Type 1 or Type 2 sound level meter, as specified in section 3.2 of ANSI S1.4–1971.

§ 325.25 Calibration of measurement systems.

(a) The sound level measurement system must be calibrated at one or more frequencies in the range from 250 to 1,000 Hz at the beginning and at the end of each series of measurements. The sound level measurement system must also be calibrated at one or more of those frequencies immediately after measurement of a violation of a Standard in 40 CFR 202.20 or 40 CFR 202.21.

(b) The calibrator used to calibrate the sound level measurement system in accordance with paragraph (a) of this section must produce a sound pressure level at the microphone that is known to be accurate within a tolerance of ±1.0 dB of the sound pressure level of a prescribed source. The calibrator must have been checked within the preceding year by its manufacturer, a representative of its manufacturer, or a person of equivalent special competence to verify that its output meets the manufacturer's design criteria.

§ 325.27 Use of a windscreen.

A windscreen shall be installed on the microphone of the sound level measurement system. Installation of the windscreen shall not cause a change in the sensitivity of the system of more than ±0.5 dB in the frequency range from 0 to 5 kHz or more than ±2.0 dB in the frequency range from 5 kHz to 8 kHz.

[1] Copies of the specification may be secured from American National Standards Institute, 1430 Broadway, New York, New York 10018.

Subpart D—Measurement of Noise Emissions; Highway Operations

§ 325.31 Scope of the rules in this subpart.

The rules in this subpart specify conditions and procedures for measurement of the sound level generated by a motor vehicle engaged in a highway operation for the purpose of ascertaining whether the motor vehicle conforms to the Standards for Highway Operations set forth in 40 CFR 202.20.

§ 325.33 Site characteristics; highway operations.

(a) Measurements shall be made at a test site which is adjacent to, and includes a portion of, a travelled lane of a public highway. A microphone target point shall be established on the centerline of the travelled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7 m.) or more than 83 feet (25.3 m.) from the microphone target point and on a line that is perpendicular to the centerline of the travelled lane of the highway and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2 m.) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m.) radius of both the microphone target point and the microphone location point, is shown in Figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in subpart F of this Part.

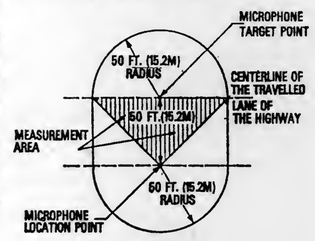


Figure 1
STANDARD TEST SITE; HIGHWAY OPERATIONS

(b) The test site must be an open site, essentially free of large sound-reflecting objects. The following objects may be within the test site if they are outside of the triangular measurement area of the site:

(1) Fire hydrants.

(2) Telephone and other utility poles.

(3) Rural mailboxes.

(4) Guardrails of any type of construction except solid concrete barriers.

(5) Any vertical surface (such as a billboard), regardless of size, having a lower edge more than 15 feet (4.6 m.) higher than the surface of the traveled lane of the highway.

(6) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal.

(7) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m.) above the surface of the traveled lane of the highway.

(c) One or more curbs having a vertical height of 1 foot (.3 m.) or less may be within the test site (including the triangular measurement area of the site). However, the test site must be free of any curb with a vertical height exceeding 1 foot (.3 m).

(d) The surface of the ground within the measurement area must be flat to within +2 feet (+.6 m.) and −6 feet (−1.8 m.) of a horizontal plane passing through the centerline of the travelled lane of the highway. Except for the highway and its adjacent shoulder, the surface of the ground within the measurement area of a standard test site must be predominantly covered with grass or other ground cover. However, if the surface of the ground within the measurement area (exclusive of the highway and its adjacent shoulder) is predominantly covered with concrete, asphalt, packed dirt, gravel, snow, or similar reflective material, the correction factor specified in § 325.75 applies to the measurement.

(e) The travelled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and free of—

(1) Holes or other defects which would cause a motor vehicle to emit irregular tire noises or body or chassis impact noises; and

(2) Loose material, such as gravel or sand.

(f) The travelled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass located within 100 feet (30.5 m.) of that point.

§ 325.35 Ambient conditions; highway operations.

(a) *Sound.* The ambient A-weighted sound level at the microphone location point, measured with fast meter response using a sound level measurement system that conforms to the rules in § 325.23, must not exceed the level specified in Table 1 or Table 2 set forth below.

TABLE 1.—*Measurements Made at "Soft" Test Site as Specified in § 325.33(d)*

If the distance between the microphone location point and the microphone target point is—	The maximum ambient sound level for tests at highways with a posted speed limit of 35 mph (56.3 kph) or less is—	The maximum ambient sound level for tests at highways with a posted speed limit of more than 35 mph (56.3 kph) is—
35 feet (10.7 m.) or more but less than 39 feet (11.9 m.)	79 dB(A)	83 dB(A)
39 feet (11.9 m.) or more but less than 43 feet (13.1 m.)	78 dB(A)	82 dB(A)
43 feet (13.1 m.) or more but less than 48 feet (14.6 m.)	77 dB(A)	81 dB(A)
48 feet (14.6 m.) or more but less than 58 feet (17.1 m.)	76 dB(A)	80 dB(A)
58 feet (17.1 m.) or more but less than 70 feet (21.3 m.)	75 dB(A)	79 dB(A)
70 feet (21.3 m.) or more but less than 83 feet (25.3 m.)	74 dB(A)	78 dB(A)

TABLE 2.—*Measurements Made at "Hard" Test Site as Specified in § 325.75(a)*

If the distance between the microphone location point and the microphone target point is—	The maximum ambient sound level for tests at highways with a posted speed limit of 35 mph (56.3 kph) or less is—	The maximum ambient sound level for tests at highways with a posted speed limit of more than 35 mph (56.3 kph) is—
35 feet (10.7 m.) or more but less than 39 feet (11.9 m.)	81 dB(A)	85 dB(A)
39 feet (11.9 m.) or more but less than 43 feet (14.6 m.)	80 dB(A)	84 dB(A)
43 feet (14.6 m.) or more but less than 48 feet (14.6 m.)	79 dB(A)	83 dB(A)
48 feet (14.6 m.) or more but less than 58 feet (17.1 m.)	78 dB(A)	82 dB(A)
58 feet (17.1 m.) or more but less than 70 feet (21.3 m.)	77 dB(A)	81 dB(A)
70 feet (21.3 m.) or more but less than 83 feet (25.3 m.)	76 dB(A)	80 dB(A)

(b) *Wind.* The average continuous wind velocity and the gust wind velocity must not exceed 12 miles per hour (19.3 kph) at the microphone of the sound level measurement system.

(c) *Precipitation.* Measurements must not be made while it is raining or snowing at the test site.

§ 325.37 Location and operation of sound level measurement system; highway operations.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 shall be located as follows:

(1) If the microphone location point is at or below a horizontal plane that intersects the microphone target point, the microphone shall be positioned above the microphone location point so that it is not less than 3½ feet (1.1 m.) and not more than 4½ feet (1.4 m.) above that horizontal plane.

(2) If the microphone location point is above a horizontal plane that intersects the microphone target point, the microphone shall be positioned above the microphone location point so that it is at least 3½ feet (1.1 m.) above that point, not more than 4½ feet (1.4 m.) above that point, and not more than 6 feet (1.8 m.) above that horizontal plane.

(b) When the sound level measurement system is hand held or is otherwise monitored by a person located near its microphone, the holder or monitor must orient himself so that his torso—

(1) Is at least 2 feet (.6 m.) from the system's microphone;

(2) Is facing in a direction parallel to the centerline of the travelled lane of the highway; and

(3) Is not located between the microphone location point and the microphone target point.

(c) The microphone of the sound level measurement system shall be oriented toward the traveled lane of the highway at the microphone target point at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented toward the highway at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the traveled lane of the highway at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.39 Measurement procedure; highway operations.

(a) In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled lane of the highway within the test site, regardless of the highway grade, load, acceleration or deceleration.

(b) The sound level generated by the motor vehicle is the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in subpart F of this Part. However, the sound level reading is valid only if the observed sound level of the vehicle being measured, before application of any correction factor, is observed to rise at

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least 6 dB(A) before the maximum sound level occurs and to fall at least 6 dB(A) after the maximum sound level occurs.

NOTE.—The Standards for Highway Operations specify a maximum permissible corrected sound level reading of 86 db(A) on highways with speed limits of 35 MPH or less and 90 dB(A) on highways with speed limits of more than 35 MPH when measured at a standard test site at a distance of 50 feet. See 40 CFR 202.20.

Subpart E—Measurement of Noise Emissions; Stationary Test

§ 325.51 Scope of the rules in this subpart.

(a) The rules in this subpart specify conditions and procedures for measuring the sound level generated by a motor vehicle when the vehicle's engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, its transmission in neutral, and its clutch engaged, for the purpose of ascertaining whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

(b) The rules in this subpart apply only to a motor vehicle that is equipped with an engine speed governor.

§ 325.53 Site characteristics; stationary test.

(a) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at the point on that centerline which is intersected by a transverse plane passing through the front face of the vehicle's front bumper. A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m.) and not more than 83 feet (25.3 m.) from the microphone target point on the ground surface not less than 35 feet (10.7 m.) centerline of the lane in which the vehicle is parked and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2 m.) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m.) radius of both the microphone target point and the microphone location point, is shown in Figure 2. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in subpart F of this Part.

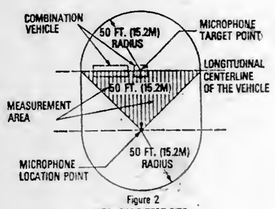


Figure 2
STANDARD TEST SITE; STATIONARY TEST

(b) The test site must be an open site, essentially free of large sound-reflecting objects. The following objects may be within the test site if they are outside the triangular measurement area of the site:

(1) Fire hydrants.
(2) Telephone and other utility poles.
(3) Rural mailboxes.
(4) Guard rails of any type of construction except solid concrete barriers.
(5) Any vertical surface, regardless of size (such as a billboard), having a lower edge more than 15 feet (4.6 m.) above the ground.
(6) Any uniformly smooth surface slanting away from the vehicle with a slope that is less than 45 degrees above the horizontal.
(7) Any surface slanting away from the vehicle that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m.) above the surface of the ground in the test site.

(c) One or more curbs having a height of 1 foot (.3 m.) or less may be within the test site (including the triangular measurement area of the site). However, the test site must be free of any curb with a vertical height exceeding 1 foot (.3 m.).

(d) (1) Except as provided in paragraph (d) (2) of this section, the surface of the ground within the measurement area must be—

(i) Flat and level to within +2 feet (+6 m.) and —6 feet (—1.8 m.) of the ground surface at the microphone target point;

(ii) Predominantly paved with relatively smooth concrete or asphalt or predominantly covered with packed dirt or gravel; and

(iii) Free of snow.

(2) If the surface of the ground within the measurement area is predominantly covered with grass or other vegetation, the correction factor specified in § 325.75 applies to the measurement.

§ 325.55 Ambient conditions; stationary test.

(a) *Sound.* The ambient A-weighted sound level at the microphone location point, measured with fast meter response using a sound level measurement system that conforms to the rules in § 325.23 must not exceed the level specified in Table 3 set forth below.

TABLE 3.—*Ambient Sound Levels; Measurements Under Stationary Test*

If the distance between the microphone location point and the microphone target point is—	The maximum ambient sound level for tests at a "hard" site as specified in § 325.53(d) is—	The maximum ambient sound level for tests at a "soft" site as specified in § 325.75(b) is—
35 feet (10.7 m.) or more but less than 39 feet (11.9 m.)	81 dB(A)	79 dB(A)
39 feet (11.9 m.) or more but less than 43 feet (13.1 m.)	80 dB(A)	78 dB(A)
43 feet (13.1 m.) or more but less than 48 feet (14.6 m.)	79 dB(A)	77 dB(A)
48 feet (14.6 m.) or more but less than 58 feet (17.1 m.)	78 dB(A)	76 dB(A)
58 feet (17.1 m.) or more but less than 70 feet (21.3 m.)	77 dB(A)	75 dB(A)
70 feet (21.3 m.) or more but less than 83 feet (25.3 m.)	76 dB(A)	74 dB(A)

(b) *Wind.* The average continuous wind velocity and the gust wind velocity must not exceed 12 miles per hour (19.3 kph) at the microphone of the sound level measurement system.

(c) *Precipitation.* Measurements must not be made while it is raining or snowing at the test site.

§ 325.57 Location and operation of sound level measurement system; stationary test.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 shall be positioned not less than 3½ feet (1.1 m.) and not more than 4½ feet (1.4 m.) above the microphone location point.

(b) When the sound level measurement system is hand held or is monitored by a person located near its microphone, the holder or monitor must orient himself so that his torso—

(1) Is at least 2 feet (.6 m.) from the system's microphone;

(2) Is facing in a direction parallel to the longitudinal centerline of the motor vehicle; and

(3) Is not located between the microphone location point and the microphone target point.

(c) The microphone of the sound level measurement system shall be oriented toward the vehicle at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle or orientation for its microphone, the microphone shall be oriented at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plan of the test site at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.59 Measurement procedure; stationary test.

In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a stationary motor vehicle as follows:

(a) Park the motor vehicle on the test site as specified in § 325.53 of this subpart. If the motor vehicle is a combination (articulated) vehicle, park the combination so that the longitudinal centerlines of the towing vehicle and the towed vehicle or vehicles are in substantial alignment.

(b) Turn off all auxiliary equipment which is installed on the motor vehicle and which is designed to operate under normal conditions only when the vehicle is operating at a speed of 5 miles per hour (8 kph) or less. Examples of such equipment include cranes, asphalt spreaders, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

(c) If the motor vehicle's engine radiator fan drive is equipped with a clutch or similar device that automatically either reduces the rotational speed of the fan or completely disengages the fan from its power source in response to reduced engine cooling loads, park the vehicle before testing with its engine off or idling for sufficient time, but not more than 10 minutes, to permit the engine radiator fan to be automatically disengaged when the vehicle's noise emissions are measured under stationary test.

(d) With the motor vehicle's transmission in neutral and its clutch engaged, accelerate the vehicle's engine from idle to its maximum governed speed at wide open throttle. Return the engine's speed to idle.

(e) Observe the maximum reading on the sound level measurement system during the time the procedures specified in paragraph (c) of this section are followed. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.

(f) Repeat the procedures specified in paragraphs (d) and (e) of this section until two maximum sound level readings within 2 dB(A) of each other are recorded. Numerically average those two maximum sound level readings. When appropriate, correct the average figure in accordance with the rules in subpart F of this Part.

(g) The average figure, corrected as appropriate, obtained in accordance with paragraph (f) of this section, is the sound level generated by the motor vehicle for the purpose of determining whether it conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

NOTE.—The Standard for Operation Under Stationary Test specifies a maximum corrected sound level reading of 88 dB(A) when measured at a standard test site at a distance of 50 feet. See 40 CFR 202.21.

Subpart F—Correction Factors

§ 325.71 Scope of the rules in this subpart.

(a) The rules in this subpart specify correction factors which are added to, or subtracted from, the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during measurement of the motor vehicle's sound level emissions at a test site which is not a standard site.

(b) The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

§ 325.73 Microphone distance correction factors.

If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the maximum observed sound level reading generated by the motor vehicle in accordance with § 325.39 of this Part or the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle in accordance with § 325.59 shall be corrected as specified in the following table:

TABLE 4—DISTANCE CORRECTION FACTORS

If the distance between the microphone location point and the microphone target point is:	*The value (dB(A)) to be applied to the observed sound level reading is—*
35 feet (10.7 m) or more but less than 39 feet (11.9 m)	−3
39 feet (11.9 m) or more but less than 43 feet (13.1 m)	−2
43 feet (13.1 m) or more but less than 48 feet (14.6 m)	−1
48 feet (14.6 m) or more but less than 58 feet (17.1 m)	0
58 feet (17.1 m) or more but less than 70 feet (21.3 m)	+1
70 feet (21.3 m) or more but less than 83 feet (25.3 m)	+2

§ 325.75 Ground surface correction factors.

(a) *Highway operations.* When measurements are made in accordance with the rules in subpart D of this Part upon a test site at which the measurement area (exclusive of the travelled lane of the highway and the shoulder of that lane) is predominantly covered with concrete, asphalt, packed dirt, gravel, or similar reflective material, a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle to determine whether the motor vehicle conforms to the Standards for Highway Operations, 40 CFR 202.20.

(b) *Stationary test.* When measurements are made in accordance with the rules in subpart E of this Part upon a test site at which the measurement area is predominantly covered with grass or other ground cover, a correction factor of 2 dB(A) shall be added to the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle to determine whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

§ 325.77 Computation of open site requirements—nonstandard sites.

(a) If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m.), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

(b) Plan view diagrams of nonstandard test sites are shown in Figures 3 and 4. Figure 3 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7-m.) distance between the microphone location point and the microphone target point. (See § 325.79(b)(1) for an example of the application of the correction factor to a sound level reading obtained at such a site.) Figure 4 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3-m.) distance between the microphone location point and the microphone target point. (See § 325.79(b)(2) for an example of the correction factor to a sound level reading obtained at such a site.)

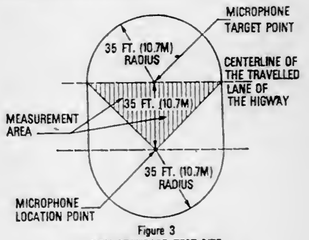


Figure 3
NON-STANDARD TEST SITE; (35 FT. (10.7M) DISTANCE BETWEEN MICROPHONE LOCATION AND TARGET POINTS)

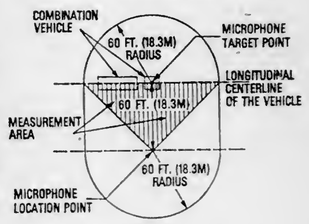


Figure 4
NON-STANDARD TEST SITE; (60 FT (18.3M) DISTANCE BETWEEN MICROPHONE LOCATION AND TARGET POINTS)

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§ 325.79 Application of correction factors.

(a) If two correction factors apply to a measurement, both are applied cumulatively.

(b) The following examples illustrate the application of correction factors to sound level measurement readings:

(1) *Example 1—Highway operations.* Assume that a motor vehicle generates a maximum observed sound level reading of 93 dB(A) during a measurement in accordance with the rules in subpart D of this Part. Assume also that the distance between the microphone location point and the microphone target point was 35 feet (10.7 m.) and that the measurement area of the test site was acoustically "hard," *e.g.*, paved with asphalt. The corrected sound level generated by the motor vehicle would be 88 dB(A), calculated as follows:

93 dB(A)	Uncorrected reading
−3 dB(A)	Distance correction factor
−2 dB(A)	Ground surface correction factor
88 dB(A)	Corrected reading.

(2) *Example 2—Stationary test.* Assume that a motor vehicle generates maximum sound level readings which average 86 dB(A) during a measurement in accordance with the rules in subpart E of this Part. Assume also that the distance between the microphone location point and the microphone target point was 50 feet (18.3 m.), and that the measurement area of the test site was covered with grass. The corrected sound level generated by the motor vehicle would be 89 dB(A), calculated as follows:

86 dB(A)	Uncorrected average of readings
+1 dB(A)	Distance correction factor
+2 dB(A)	Ground surface correction factor
89 dB(A)	Corrected reading.

Subpart G—Exhaust Systems and Tires

§ 325.91 Exhaust systems.

A motor vehicle does not conform to the exhaust system requirements of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.22, if inspection of the exhaust system of the motor vehicle discloses that the system—

(a) Has a defect which adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements;

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust gases); or

(c) Is equipped with a cut-out, bypass, or similar device.

§ 325.93 Tires.

(a) Except as provided in paragraph (b) of this section, a motor vehicle does not conform to the tire requirements of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.23, if inspection of any tire on which the vehicle is operating discloses that the tire has a tread pattern composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.

(b) Paragraph (a) of this section does not apply to a motor vehicle operated on a tire having a tread pattern of the type specified in that paragraph, if the motor carrier who operates the motor vehicle demonstrates to the satisfaction of the Director of the Bureau of Motor Carrier Safety or his designee that either—

(1) The tire did not have that type of tread pattern when it was originally manufactured or newly remanufactured; or

(2) The motor vehicle generates a maximum sound level reading of 90 dB (A) or less when measured at a standard test site for highway operations at a distance of 50 feet and under the following conditions:

(i) The measurement must be made at a time and place and under conditions specified by the Director or his designee.

(ii) The motor vehicle must be operated on the same tires that were installed on it when the inspection specified in paragraph (a) of this section occurred.

(iii) The motor vehicle must be operated on a highway having a posted speed limit of more than 35 miles per hour (56.3 kph).

(iv) The sound level measurement must be made while the motor vehicle is operating at the posted speed limit.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

METROPOLITAN BOSTON AIR QUALITY CONTROL REGION

Transportation Control Plan

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 335–6]

BOSTON, MASSACHUSETTS

Proposed Amendments to Transportation Control Plan

The Environmental Protection Agency is considering a number of amendments to the transportation control plan which it promulgated on November 8, 1973 (39 FR 30960), for the Metropolitan Boston Intrastate Air Quality Control Region (the "Boston Intrastate Region"). These amendments stem in part from the conclusions of an exhaustive technical review of air quality in the Boston Intrastate Region which EPA has recently concluded as a result of the order of the Court of Appeals for the First Circuit in *South Terminal Corporation* v. *EPA* (6 ERC 2025, 504 F.2d 646) and eight related cases issued September 27, 1974. Certain additional amendments are being proposed as a result of conclusions which EPA has drawn in connection with its administrative experiences to date in implementing the original plan. In formulating these amendments, EPA has also drawn upon a wide variety of consultations with a number of affected state and municipal officials, business groups, environmental groups and members of the Massachusetts legislature.

Included in the proposed amendments is a revised regulation for reduction of commuter travel which would include both students and employees. This program would be implemented in conjunction with the carpool matching program being developed by the Commonwealth of Massachusetts and the employee pass program offered by the Massachusetts Bay Transportation Authority. Also included in these proposals is a new provision for limiting overall hydrocarbon emissions from major users of organic compounds. In addition, EPA is publishing a proposal for encouraging bicycle use, new proposals for controlling carbon monoxide levels outside the Boston core area, and a new procedure for periodic monitoring and updating of the plan. Other features of the original plan are retained with modifications in some areas. These include the ceiling on the level of commercial parking spaces in the so-called "freeze" area, limitations on on-street commuter parking, a semi-annual inspection and maintenance program, a retrofit program, and incentives for carpool and transit use.

Background

The Clean Air Act requires EPA to establish national "primary" air quality standards strict enough to protect all members of the population from adverse health effects caused by air pollution, including carbon monoxide and photochemical oxidants. It then requires each state to have in effect an "implementation plan" to achieve these standards throughout its territory by 1975, or 1977 at the latest if an extension is granted, as is the case for the Boston area. If a state does not submit an appropriate implementation plan, the Act requires EPA to promulgate an appropriate plan for the state.

Although the Massachusetts plan was substantially approvable for non-automobile-related pollutants, it did not provide for meeting the oxidant and carbon monoxide standards by May 31, 1975. The automobile is the source of nearly all carbon monoxide and a majority of the hydrocarbons which form photochemical oxidants. Although the Federal Motor Vehicle Control Program ("FMVCP") established by the Clean Air Act requires all new automobiles to meet strict emission standards for these pollutants, calculations show that this program will not by itself assure that the national primary air quality standards necessary to protect public health will be met throughout the Boston Intrastate Region by the 1977 date mandated by the Act. Therefore, the implementation plan for the Boston Intrastate Region must contain land use and transportation controls in order to be federally approved. However, instead of including such measures, Massachusetts asked for an extension of time in which to supply the missing portions of its plan and an extension of time in which to achieve the standards. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, the Massachusetts state implementation plan and approved the requests for extensions of time.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act in granting Massachusetts and several other states their extensions. Accordingly, the Court ordered the Administrator to rescind the extensions. The Administrator complied on March 20, 1973 (38 FR 7327), and Massachusetts was required to submit a transportation control plan by April 15, 1973, as specified by the court. Because the Commonwealth did not submit its plan by that date, on July 2, 1973, the Administrator proposed a transportation control plan for the Boston Intrastate Region. Hearings on the plan were held on July 19 and 20, 1973 at Faneuil Hall, Boston. A final plan was promulgated on November 8, 1973 (38 FR 30960). The plan called for the control of hydrocarbon emissions from manufacturing establishments that contribute to photochemical oxidant formation, for the control of hydrocarbon emissions from gasoline marketing operations, for the installation of additional emission control devices ("retrofits") on various classes of motor vehicles currently in use, and for the reduction of motor vehicle traffic through a wide variety of devices aimed at reducing the availability of parking and encouraging carpools and mass transit.

In promulgating the plan, the Administrator found that some of the transportation control strategies selected for attaining and maintaining the carbon monoxide and photochemical oxidant standards were not implementable in the Boston Intrastate Region by May 31, 1975, the original date required by the Clean Air Act. Consequently, the Administrator acted under section 110 (e) of the Act to grant the maximum extension of the deadline for several strategies until May 31, 1977.

Nine separate petitions for review challenging the Administrator's action in promulgating the plan were filed with the Court of Appeals for the First Circuit pursuant to section 307(b) (1) of the Clean Air Act. On September 27, 1974, the First Circuit ruled on the issues in the *South Terminal* case. Briefly, the court upheld the Administrator's authority to impose each of the measures contained in the plan, and accepted his method of calculating the reduction in pollutant emissions needed to reduce a given level of pollutants measured in the air to the level of the standards. However, the court ordered two specific matters of detail to be changed in the regulations and declined provisionally to accept EPA's measurements of the actual severity of air pollution in the Boston area. The court stated that it did not have sufficient basis for deciding whether or not these measurements were accurate, and that the technical questions raised by the petitioners about the measurements justified further examination prior to the time the regulations would take effect. The Court ordered an informal rule-making hearing to be held by EPA, one purpose of which would be to permit further public comment on the technical data. The court also stated:

> It may well be that EPA, after full exposure to petitioners' objections, will effectively demonstrate the adequacy of existing readings and the rationality of its conclusions. Better still, by now EPA may have additional measurements and data on oxidant and carbon monoxide levels. (*South Terminal Corporation* v. *EPA* 6 ERC at 2035, 504 F.2d at 666.)

Technical Basis for the Controls

In preparation for the court-ordered public hearing to be held on March 20 and 21, 1975, EPA has examined all available recent data on carbon monoxide and photochemical oxidant levels in the Boston Intrastate Region recorded by the Massachusetts air monitoring network and a monitoring station located at Logan Airport operated by the Massachusetts Port Authority. Data from the following seven air quality monitoring stations was reviewed:

TABLE 1

Site location [1]	Date monitoring began: Carbon monoxide	Date monitoring began: Photochemical oxidants
1. Kenmore Square, Boston.	July 1969..	Dec. 1970 to Nov. 1971 and Apr. 1972 to present.
2. Wellington Circle, Medford.	Sept. 1971..	Apr. 1972.
3. Science Park, Cambridge.	May 1971..	May 1973.
4. Moody and Main Street, Waltham.	Jan. 1973..	Jan. 1973.
5. Fore River Bridge, Quincy.	do.....	Do.
6. Logan Airport, Boston...	Oct. 1973..	None.
7. East Boston.....	Oct. 1974..	Do.

[1] All sites except Logan Airport and East Boston are operated by the Bureau of Air Quality, Commonwealth of Massachusetts. The Logan Airport site is operated by the Massachusetts Port Authority; the East Boston site is operated jointly by EPA and the Commonwealth's Bureau of Air Quality.

EPA has conducted an intensive quality control check on the reliability of instruments in service at each of the monitoring sites and reviewed the site locations and the validity of data.

Maintenance logs for all sites were examined to determine data validity. A detailed statistical analysis was performed. Data reported during any period of instrumentation malfunction has been disregarded in formulating EPA's present technical conclusions. EPA has conducted quality control audits of all sites to determine whether quality control procedures in use at those sites are proper and that the instruments are measuring correctly. A more detailed description of all quality assurance procedures followed is contained in a technical support document prepared by EPA, Region I, dated February 14, 1975 entitled "Technical Evaluation of the Metropolitan Boston Intrastate Air Quality Control Region Transportation Control Plan" which is available for inspection and copying as mentioned under "Availability of Information" below.

As a result of all of these quality assurance procedures, EPA has concluded that the air quality readings set forth in the following Tables 2 and 3 are valid and representative of the air quality problem in the Boston Instrastate Region:

TABLE 2.—*Carbon Monoxide Concentrations in Excess of 8-hour Standards Recorded in the Boston Intrastate Region—January 1, 1973 to June 30, 1974*

Location	Year	Highest (parts per million)	Date [1]	Second highest (parts per million)	Date [1]
Kenmore Square	1973	18.2	Dec. 4	15.4	Oct. 3
	1974	15.1	Apr. 13	13.9	Apr. 23
Wellington Circle	1973	22.8	Oct. 17	17.0	Nov. 21
	1974	12.0	Feb. 4	10.5	Jan. 7
Waltham	1973	29.0	Dec. 4	18.2	Dec. 5
	1974	16.6	Jan. 16	14.4	Jan. 11
Science Park	1973	11.6	Dec. 4	11.1	Nov. 12
	1974	14.4	Jan. 3	9.9	Jan. 8
Quincy	1973	15.5	June 4	11.2	June 1
	1974	14.0	Mar. 30	11.4	Mar. 29
East Boston [2]	1974	16.0	Oct. 31	15.7	Oct. 29
Logan Airport [3]					

[1] Date on which running averages is recorded (i.e., last hour of 8-hour period).
[2] Operated from October through December, 1974.
[3] No 8-hour averages at Logan Airport exceeded the standard during the period of operation from October, 1973 to June 30, 1974. This monitoring station is located on the airport itself. Therefore, it would tend to monitor only airport traffic; the East Boston site monitors both airport-bound and general traffic entering and leaving the Callahan and Sumner Tunnels.

TABLE 3.—*Photochemical Oxidant Concentrations Recorded in the Boston Intrastate Region 1973 to 1974*

Location	Year	Highest (parts per million)	Date	Second highest	Date
Kenmore Square	1973	0.13	Jan. 6	0.12	Jan. 6
	1974	.14	June 30	.13	July 2
Wellington	1973	.17	Sept. 1	.17	Sept. 1
	1974	.20	Apr. 29	.20	Apr. 20
Waltham	1973	.18	Sept. 2	.17	July 26
	1974	.16	June 30	.16	June 30
Science Park	1973	.20	Sept. 1	.18	Aug. 30
	1974	.13	June 10	.13	June 5
Quincy	1973	.21	Sept. 1	.20	July 13
	1974	.19	Apr. 29	.16	Apr. 21

Interpretation of Technical Data Carbon Monoxide

The national primary ambient air quality standard for carbon monoxide states that the level of 9 parts per million ("ppm") can be exceeded only once per year.

EPA has re-examined the carbon monoxide reading of 21.9 ppm taken at Kenmore Square on October 28, 1973, which was used in EPA's original plan. The second highest reading in 1970 is now calculated to have been 16.9 parts per million for 1970 as opposed to the 21.9 ppm used in formulating the original plan. The method of calculation resulting in this figure is discussed in detail in section IIIA of the February 14, 1975 technical support document mentioned above. However, as shown in Table 2, EPA is now using concentration data from 1973 and 1974 in preparing the current proposals.

As is more fully described in the aforementioned February 14, 1975 technical support document, carbon monoxide is a localized pollutant which is usually detected in high concentrations near the source of emissions. Kenmore Square is the intersection of a number of heavily traveled streets where traffic moves slowly throughout the day. The level of concentration recorded in Kenmore Square can be expected to occur or be exceeded in other major intersections in the Boston core where similar patterns of traffic and physical configuration occur, with variations depending upon traffic flow and physical and meteorological characteristics of the particular location.

The following Table 4 sets forth the projected concentrations of carbon monoxide at the Kenmore Square location and at two other principal locations in the Monitoring network for the period ending May 31, 1977:

TABLE 4.—*Projections of Impact of the Federal Motor Vehicle Control Program on Potential Maximum 8-hour Carbon Monoxide Concentrations* [1]

[CO standard=9.0 pounds per million]

Date	Kenmore Square	Waltham	East Boston
May 31, 1974.....	14.5	.....	.....
May 31, 1975.....	12.8	16.9	14.2
May 31, 1976.....	10.9	14.7	12.4
May 31, 1977.....	9.1	12.7	10.6

[1] These figures assume (a) no inspection and maintenance program, (b) annual traffic growth rates of 0 percent for Kenmore Square and 2.5 percent for Waltham and East Boston and (c) implementation of the final 1977 Federal Motor Vehicle Control Program emission limitations. EPA believes that Kenmore Square is now totally saturated with traffic at peak rush hours and thus further growth is not projected.

EPA is taking Kenmore Square carbon monoxide readings as the basis for evaluating the need for restrictions in the Boston core area inasmuch as these are the highest measured readings in the area.

Because of the data set forth in Table 4, EPA now believes that a carbon monoxide strategy for the Boston core area would not be needed to meet a 1977 deadline. However, EPA is required by section 110(e) of the Clean Air Act, wherever it extends the May 31, 1975 attainment date, to impose interim measures which EPA determines to be reasonably available under the circumstances to attain the standards earlier than the extended date for final compliance. EPA has determined those measures which now being proposed as control strategies to control hydrocarbon emissions throughout the Boston Intrastate Region will also tend to reduce carbon monoxide emissions and therefore they fulfill the need for interim measures to control carbon monoxide.

However, carbon monoxide control strategies will be needed outside of the Boston core area. As shown in Table 4, neither East Boston nor Waltham will attain the standards even by the 1977 extended date. EPA has also determined that the regional photochemical oxidant control strategies will not be sufficient to meet carbon monoxide standards on or before the 1977 date. Consequently, separate carbon monoxide strategies for East Boston and Waltham (and similar suburban "hotspots") will be needed. This is

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more fully explained in the description of the proposed carbon monoxide strategies below.

SUMMARY OF CONTROL STRATEGIES: CARBON MONOXIDE

Because the regional photochemical oxidant control strategy for the Boston Intrastate Region will not be sufficient to attain carbon monoxide standards by 1977 in East Boston and in the Boston suburban problem areas such as Waltham, EPA is now proposing that separate carbon monoxide control strategies be developed for these areas.

For East Boston, EPA is proposing to retain the ceiling on new commercial parking construction. In addition, employees at Logan Airport would continue to be subject to the controls on vehicle use, now proposed to be replaced by the single-passenger commuter vehicle use reduction program contained in a new § 52.1161. EPA is also proposing that the Commonwealth of Massachusetts, the Massachusetts Port Authority and the City of Boston begin joint consultation as to the means to reduce congestion in the vicinity of the Callahan and Summer Tunnels and to evaluate specific proposals to provide the needed reductions. Each of the affected entities would be required to report to EPA on its recommendations for achieving carbon monoxide standards in the East Boston area. On the basis of this consultative process, air quality data and the effects of the other elements of the transportation control plan, EPA would revise its regulations to include the measures necessary to achieve the standards.

Among the alternatives which EPA believes should be considered are: modifying the traffic patterns associated with the tunnel and removing parking areas and providing remote terminals with shuttle service for passengers.

EPA has already determined that a carbon monoxide control strategy is needed for Waltham. For other suburban areas, EPA is proposing that the Commonwealth analyze data on major intersections in the Boston Intrastate Region to identify those intersections where traffic density, intersection dwell time, local meteorology, physical configuration of the surrounding area and other factors are likely to produce a carbon monoxide problem. Those intersections would then be modeled and monitored as necessary to determine whether or not a carbon monoxide problem actually exists. In Waltham and elsewhere where a control strategy is indicated, EPA would require the Commonwealth, in cooperation with the affected municipality, to prepare a program to reduce carbon monoxide emissions in the area by such measures as are necessary. These measures would then be put into effect by the May 31, 1977 deadline.

INTERPRETATION OF TECHNICAL DATA—PHOTOCHEMICAL OXIDANTS

Unlike carbon monoxide which is a primary pollutant emitted directly from the tailpipe, photochemical oxidants are secondary pollutants that result from complex reactions of hydrocarbons and oxides of nitrogen catalyzed by sunlight. The conversion of hydrocarbons can require several hours to several days—depending on hydrocarbon reactivity. In either case, the oxidants produced are relatively stable and may last for extended time periods. While carbon monoxide emissions generally cause a localized problem, the oxidants and hydrocarbons may be subject to transport over considerable distances.

EPA has re-examined and vertified the validity of all oxidant data and, as indicated in Table 3, is basing the amended Boston transportation control plan on several second high readings of .20 parts per million rather than the reading of .26 parts per million in the original plan. The national primary ambient air quality oxidant standard is .08 parts per million. This data indicates that a 60 percent hydrocarbon reduction is necessary in the Boston Intrastate Region to reach the national standard by the 1977 deadline. However, to have assurance that the standards will be attained within the Boston Intrastate Region, it may be necessary in the future to amend the control strategy within the Region and to establish new control measures beyond its boundaries.

EPA is not proposing at this time to extend hydrocarbon controls beyond the boundaries of the Boston Intrastate Region. EPA will, however, modify the hydrocarbon control strategy in the future as necessary, according to the proposed periodic air quality review and update procedure proposed here. EPA is continuing to study oxidant transport. In the meantime, EPA Regions I, II, and III, comprising the Northeastern and Middle Atlantic areas of the country, are working towards developing additional hydrocarbon control strategies which could be implemented along the Atlantic seaboard.

SUMMARY OF TRANSPORTATION CONTROL STRATEGIES: PHOTOCHEMICAL OXIDANTS

The photochemical oxidant control strategies proposed for the amended plan and the emission reductions which are expected to result from each of such strategies are set forth in the following Tables 5 and 6:

TABLE 5.—*Effects of Hydrocarbon Controls*

	Kilograms per day
Hydrocarbon reductions required to meet national ambient air quality standards for photochemical oxidants, from 1974 base emission year	302,400
Hydrocarbon increase from expanded organic solvent use, etc., 1974–77	14,800
Total hydrocarbon reductions required	317,000
Nonvehicular reductions:	
A. Gasoline storage, transfer and marketing regulations	66,200
B. Organic solvent use regulation	155,200
Total reduction—nonvehicular sources	221,400
Vehicular reductions:	
A. Federal motor vehicle emission controls	51,500
B. Inspection and maintenance	20,500
C. Commuter automobile reduction program, supported by State carpool program and preferential bus and carpool efforts	12,300
D. On street parking limitations, and ceiling on off street parking	900
E. Retrofit program, including:	
1. Air bleed devices	8,400
2. Vacuum spark advance disconnect	2,100
Total retrofit reductions	10,500
Total reduction from vehicular sources	95,800
Total reduction from vehicular and nonvehicular sources	317,200

TABLE 6.—*Effects of Controls on Hydrocarbon Sources*

Source	Base year (1974) emissions (kilograms per day)	1977 emissions without additional AQCR controls	1977 emissions with AQCR strategies	Reduction due to AQCR strategies
Nonvehicular:				
Organic solvent use (Drycleaning, degreasing, paints and coatings)	154,800	168,900	13,700	155,200
Gasoline handling (storage, marketing)	79,500	79,500	13,300	66,200
Miscellaneous (Aircraft, incineration fuel combustion, manufacturing)	20,900	21,400	21,400	
Total	255,200	269,800	48,400	221,400
Vehicular:				
Exhaust	170,900	124,200	80,000	44,200
Evaporative	77,900	78,000	28,000	
Total	248,800	197,200	153,000	44,200
Total nonvehicular and vehicular	504,000	467,000	201,400	[1] 265,400
Necessary to meet standards	201,600	201,600	201,600	
Reduction necessary	302,400	265,400		

[1] Excludes effects of FMVCP.

Estimates of the 1974 base year and 1977 deadline year emissions of organic solvents and gasoline from stationary sources were taken from "Hydrocarbon Emission Sources in the Metropolitan Boston Intrastate Air Quality Control Region", prepared for EPA by GCA/Technology Division and submitted in May, 1974.

Motor vehicle emissions were derived from the emission base estimates contained in the "Technical Support Document for the Transportation Control Plan for the Metropolitan Boston Intrastate AQCR", prepared for EPA by GCA/Technology Division in June, 1973. Modifications to this estimate base were made to account for: (a) the 1976 extension of the emission controls under the Federal Motor Vehicle Control Program, (b) new emission factors calculated by the methodology described in Supplement 5 to AP–42, "Compilation of Air Pollutant Emission Factors", (c) inclusion of the entire Boston Intrastate Region, as opposed to including only that portion of the Region within the confines of Route 128, and (d) the 1973 distribution of vehicle model years within the Region, as opposed to the original 1971 distribution. The latter information was obtained from statistics supplied by R. L. Polk and Co. and includes data, as of July 1, 1973, for the four counties of the Region.

During the past year, EPA has had extensive consultations with federal, state and local officials over the administrative requirements imposed by the original plan. EPA has met with chambers of commerce and other representatives of business groups concerned with the problems associated with the plan, particularly those aspects impacting employee parking spaces. EPA has also met with leaders of local environmental groups and has solicited their observations on the plan. EPA has had consultants assess and report on the costs and benefits of the plan. In addition, EPA has received numerous written comments from the public, some of them through the press. Throughout this process of consultation and critical review, EPA has attempted to review each of the strategies of the plan to determine how to mitigate the actual and perceived effects which commentators have pointed out.

EPA has decided that continuing emphasis should be placed on stationary sources of hydrocarbons such as solvent users and fuel transfer and handling facilities. This type of control has a substantial effect in terms of the actual reductions obtained.

The Federal Motor Vehicle Control Program is the core of EPA's strategies for reducing vehicle emissions. However, this program must be supplemented by a program for inspecting and maintaining the emission control devices installed under the FMVCP if the full effect of the FMVCP is to be felt. Inspection and maintenance can detect unlawful tampering. It can also detect malfunction of the engine or the emission control device. Where engine modification is detected and corrected, substantial fuel economies can result, thereby offsetting any costs to the public associated with the inspection and maintenance program.

The original plan (§ 52.1144) requires the Commonwealth to establish a state-operated program for the inspection and maintenance of emission control devices on various categories of vehicles. The regulation requires the use of the so-called "loaded mode" method of inspection. EPA and the Commonwealth have had extensive consultations in the past eight months as to the best procedure for inspection and maintenance and have reached agreement in principal on several matters. Because the Commonwealth now uses a certified private inspection station system for conducting its semi-annual safety inspection program, the Commonwealth and EPA are seriously considering the use of this system for an emission control inspection program in lieu of setting up an entirely new state-run inspection apparatus. In addition, the Commonwealth has stated its preference for the use of the "idle mode" inspection device rather than the more expensive "loaded mode" device prescribed by the regulations. Although EPA has not given its final concurrence to this alternate mode, it appears that there may be substantial initial capital cost advantages in using idle mode inspection and EPA is willing to allow the Commonwealth to proceed to assess the feasibility of an idle mode program. Finally, the Commonwealth has strongly recommended that a demonstration project be conducted in the Commonwealth prior to actual implementation. EPA has no objection to this, provided that the demonstration is carried out in time for actual implementation prior to the first 1977 deadline. EPA expects to continue to consult with the Commonwealth during the coming months.

The method and the administrative system to be used for inspection and maintenance in the Boston Intrastate Region are still under review. Until these subjects are finally determined, EPA is proposing to retain the semi-annual "loaded mode" state-operated system required under the present regulations.

The Commonwealth is currently preparing an instruction manual showing how employees and educational institutions can reduce commuter mileage by forming carpools and vanpools. EPA has worked closely with the Commonwealth on this manual. EPA believes that the manual will offer employers valuable information and will encourage the formation of a substantial number of carpools and vanpools. The Commonwealth is negotiating a contract with the firm of consultants which prepared the manual for a carpool program which would employ between twelve and twenty full-time carpool/transit consultants who would work with employers and educational institutions throughout the Commonwealth. In addition, the Commonwealth will make available a computer program for matching the names and travel patterns within large groups of employees or students and it is prepared to run such a program on a state-owned computer if a particular employer or educational institution should require the service. EPA believes that these actions on the part of the Commonwealth are likely to result in substantial carpool and vanpool formations, and strongly supports them.

EPA has received many comments to the effect that the success of any effort to encourage persons to shift from single-person private vehicle use to mass transit or carpool/vanpool alternatives depends upon the willing cooperation of both employers and commuters. A principal objection to EPA's original plan which many critics and observers made was that it called for a flat cut-back in employee parking spaces, without explicit provisions for exceptions for employees who had no readily available alternatives. When it was pointed out that certain employees would not be able to form carpools or take mass transportation, EPA determined that a hardship exemption should be adopted in order to make the regulation more equitable.

It was also pointed out that many employers who do not furnish parking spaces and educational institutions were not subject to the original requirements, even though many commuters traveled daily to their facilities and could be encouraged to shift to mass transit or carpool/vanpool alternatives. Therefore, EPA has decided (a) to expand the coverage of the plan to employers without parking facilities and educational institutions, (b) to drop the mandatory cut-back in parking spaces, and (c) in order to establish uniform requirements for all affected facilities, to propose a 25 percent cut-back in single-passenger vehicle commuting. Although this requirement would mean a slightly smaller reduction in commuter travel for some facilities subject to the original plan, the reduction would apply to more facilities thereby offsetting any emission losses from dropping the mandatory parking space cut-back feature. Furthermore, the new reduction appears to be more achievable by affected facilities, thereby eliminating the need for a formal hardship provision.

Many business groups have informed EPA that a regulation such as the one proposed will have the support of their organizations during the implementation phase and that employers can be expected to participate willingly in the programs being suggested to achieve the reduction. If this is the case, enforcement effort by EPA on the Commonwealth should be minimal, and it should not prove necessary to stiffen these requirements in connection with periodic updates to the plan.

There should be incentives built into the public highway system for encouraging carpool and vanpool formation and increased mass transit use. The original plan called for specific highway incentives, such as reserving lanes for exclusive carpool and bus use and contra-flow bus lanes. EPA and the Commonwealth are now reconsidering certain of those specific requirements owing to changes

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in circumstances, such as the opening up of Interstate Route 93 during the period when the Mystic River Bridge was out of service. EPA is now proposing that the Commonwealth do a study of all points of advantage which could be offered to carpool and bus riders in order to shodrten their trip time and cost. This study would present alternatives which the Commonwealth could then put into effect in an effort to support the Commonwealth's carpool program.

Bicycle use in the Boston Intrastate Region could be increased substantially if safe bikeways were to be constructed and convenient storage facilities provided. In addition, it should be far easier to use bicycles to commute to transit stops than it is at present. The Environment Committee of the Boston Bar Association has developed a set of proposed regulations calling for a comprehensive study of bikeway and bicycle usage improvements as well as establishment of bicycle corridors in the near future. Although these proposed regulations have not been examined in detail by the Commonwealth, they are being published at this time with the Commonwealth's concurrence in order to acquaint the public with their contents and to solicit comment.

Travel to and from the Boston core area is responsible for a large portion of vehicle use within the Region. This contributes to both hydrocarbon generation and carbon monoxide emissions. Inasmuch as it is necessary to reduce hydrocarbons generally throughout the Region and to reduce carbon monoxide concentrations both within the City and in the vicinity of the Summer and Callahan Tunnels, EPA is proposing to maintain the ceiling on the construction of new commercial parking facilities and the on-street commuter parking ban for Cambridge and a portion of the City of Boston, both of which were in the original plan.

In addition to the new or modified strategies discussed above, elements of the original plan dealing with retrofits to existing vehicles would be retained, including the air bleed device and the vacuum spark advance disconnect, although the implementation dates in the original plan would be extended, thereby deferring implementation of the strategies.

PROPOSED CHANGES IN THE REGULATIONS

1. In § 52.1128: The "freeze area" is currently defined to include a small section of the City of Somerville because of the location of a railroad line which was used as a boundary of the freeze area and it also excludes a small portion of the City of Cambridge. EPA has determined that there is no substantial reason to retain any portion of Somerville in the freeze area and is therefore proposing to exclude it. Officials of the City of Cambridge have requested that the freeze area include the entire City. For this reason, EPA is now proposing to include all of Cambridge. In addition, officials of the City of Boston have requested (a) reduction of the boundaries of the on-street commuter ban area in Boston for administrative convenience in enforcing the ban and (b) adjustment of the boundaries of the freeze area in a manner consistent with Boston's ongoing planning and construction review procedures for the affected areas. A new area called "Boston proper" is therefore being proposed to meet these requests.

2. In § 52.1134: In connection with the regulation limiting on-street parking in the freeze area, EPA proposes to revise the definition of "on-street parking" in order to make it clear that legal parking in loading zones and stops by emergency vehicles are not included in the ban. EPA is also proposing to revise the requirement that the Commonwealth and affected municipalities adopt on-street bans in the freeze area to make it clear that the officials thereof having responsibility over streets, highways and roadways are responsible for implementing the requirements. In addition, EPA is proposing to postpone the incremental steps toward full implementation of the on-street ban and to extend the date for final compliance from March 1, 1975, to January 1, 1976 for the City of Cambridge and March 1, 1977, for the City of Boston. This is being done in order to allow the Cities sufficient time to obtain funds and personnel, such as parking control officers, needed to implement the regulation. Exemptions from the on-street ban are now allowed for residents of the affected municipalities who park their vehicles within one-half mile of their residences, as well as for handicapped persons and disabled veterans. In accordance with the desires of officials of the affected municipalities, EPA is proposing to revise the exemption to apply to vehicles registered to residences in the Cities of Cambridge and Boston which display residential parking stickers issued by the respective Cities. EPA also proposed to eliminate the exemption for disabled veterans because the exemption for handicapped persons appears to be adequate to cover all persons who would require such an exemption for physical reasons. In addition, commercial vehicles would be permitted to park during the hours of the ban in order to facilitate commercial stops and deliveries.

3. In § 52.1135: The original plan contained requirements (a) limiting the number of new commercial parking spaces within the freeze area to the level existing on October 15, 1972, plus an additional 10 percent for spaces then being constructed, (b) forbidding any new or modified parking facility within the Region without a permit to be granted only upon a showing that the new facility would not interfere with the attainment of air quality standards, and (c) requiring every employer of 50 or more persons within the Region to reduce the number of his available employee parking spaces by 25 percent, or down to a parking space/employee ratio of 3 to 4.

The first requirement, that no new off-street facility be built within the freeze area without a showing that an equivalent number of spaces have been eliminated, would be amended by adopting new definitions of the terms "commence construction", "commence modification", "commercial parking facility" and "commercial parking space", in each case in order to clarify the intention of the regulation. In addition, the portion of the section dealing with preconstruction review of new parking facilities would be reserved pending promulgation of final regulations for management of parking supply. (See "Parking Management Regulations" below.) Finally, the portion of the section requiring certain employers to reduce available employee parking would be reserved and replaced by a new § 52.1161 requiring certain employers and educational institutions to reduce single passenger commuter vehicle use at their facilities by 25 percent.

4. In § 52.1136: The requirement of a 40 percent vacancy rate in commercial parking facilities in the Boston core area at 10 a.m. would be eliminated entirely.

5. In § 52.1138: This section would be revised so as to reflect the program which the Commonwealth is currently undertaking for comprehensive carpool matching programs throughout the Region. The proposed section contemplates the preparation and distribution of an employer carpool instruction manual, availability of a computer matching program, consultant assistance to employers, and use of a computer for matching groups of 400 or more commuters by the Commonwealth.

6. In § 52.1139: This section would be expanded to require the Commonwealth to do a feasibility study of bus and carpool incentives which are available on Interstate Route 93, the Southeast Expressway, U.S. Route C–1, U.S. Route 1 and the Central Artery.

7. In § 52.1141: Interim and final implementation dates for the retrofit of vehicles with the vacuum spark advance disconnect would be postponed.

8. In § 52.1142: Interim and final implementation dates for the retrofit of vehicles with the air bleed device would be postponed.

9. In § 52.1143: Retrofit of vehicles with the catalytic converter is no longer considered necessary. This section would be revoked.

10. In § 52.1145: Three changes are proposed for this section. The present organic solvent use regulations exempt the use of organic materials used in certain specified types of machinery, provided that the materials do not come into contact with flame. The exemption would be modified to provide that only machinery constructed or modified before November 8, 1973, need not have the flameproof feature in order to qualify for the exemption. Finally, a new proposed paragraph (k) would be added to limit overall hydrocarbon discharged from a facility to 3,000 pounds per day or 450 pounds per hour unless the emission represented at least an 85 percent reduction from the process discharge.

11. In § 52.1160: This section would be changed to emphasize the continuing role EPA intends to play in monitoring performance under the plan and in revising it as necessary. The Commonwealth is now responsible for monitoring air quality and reporting to EPA. The section would require the Commonwealth to devise methods to improve overall data-gathering and reporting procedures in a manner necessary to provide current information to EPA on the effectiveness of the plan. As required by the order of the court in the *South Terminal* case, EPA must periodically assess the effectiveness of the plan and adjust its control measures as necessary to avoid having either too lax or too rigorous a plan. Upon receipt of information from the Commonwealth, EPA would then have a basis for evaluation. The section would require the Administrator of EPA to make whatever changes were necessary according to public participation procedures generally followed for rulemaking purposes.

12. In § 52.1161: This section proposes a complete modification of the original parking space reduction program for employees. EPA is proposing that employers having an employment facility with 50 or more employees and educational institutions with 250 or more commuting students and employees would be required to reduce by 25 percent the number of single passenger commuting vehicles used by employees and students commuting to work or classes. EPA is focussing on this category of vehicle users because they have the best chance of switching to carpools or mass transit for their regular commuting. Facilities would be required to develop programs to encourage the use of carpools or mass transit.

Affected facilities would be required to report on the number of commuters, commuting vehicles and single passenger commuting vehicles as of a base date. Employers who filed action plans with EPA under the original plan and commenced measures to cut back commuting vehicle use would be allowed to establish their base date as of the date of commencement of such measures, thereby receiving credit for efforts prior to the effective date of the proposed regulations. For other facilities, the base date would be October 1, 1975. No action plans would be required, as under the original plan. Instead, the affected facilities would be required to file base date reports indicating the above information. Facilities with 400 or more commuters would be required to file this report on October 15, 1975; facilities with 200 to 399 commuters would be required to file on March 1, 1976; facilities with 100 to 199 commuters would be required to file on May 31, 1976; and facilities with 50 to 99 commuters would be required to file on November 30, 1976. The 25 percent reduction would then have to be achieved within six to ten months after the date of the base date report, depending upon the size of the facility. At the end of the implementation period, an updating report would be due which would indicate whether or not the facility had achieved its goal. If the reduction requirement has been met by this time, the facility need only maintain the ratio of single passenger commuter vehicles to overall commuters which resulted from the original reduction and report periodically on its situation. If the reduction requirement has not been met by the date of the first updating report, the facility would be in violation of the section. It must then report on the measures used in an attempt to achieve the goal. It must also give the reasons why certain measures specified in the proposed section were not implemented at the facility.

The proposed regulations (§ 52.1139) would require the Commonwealth to have its carpool consulting program fully operational in time to assist affected facilities to meet the requirements of this proposed regulation. If an employer fails to achieve or maintain the required reduction, he could be contacted by the Commonwealth. In order to avoid duplication of reporting, the proposed section contemplates that the reports under the section would go directly to the Secretary of Transportation and Construction, who has overall responsibility for the carpool program. Based upon the reports, the Secretary could make a determination as to where efforts to encourage and assist affected facilities could be directed. Instances of violation of the regulations would be reported to EPA. Prior to commencing any enforcement action, both the Secretary and EPA would be required to take into consideration any good faith efforts made by a facility to achieve the required reduction.

13. In § 52.1162: A new section providing for a study of improved bicycle facilities and interim construction of bicycle routes would be added.

14. In § 52.1163: A new section would provide that the City of Boston, the Commonwealth and the Massachusetts Port Authority each study alternate means of reducing carbon monoxide concentrations in the vicinity of the Callahan and Sumner Tunnels and make recommendations to EPA for incorporation into the plan.

15. In § 52.1164: The Commonwealth would be required by this new proposed section to review available information on heavily-congested intersections in Waltham and elsewhere inside the Boston Intrastate Region and to develop programs to be implemented in time to reduce carbon monoxide concentrations to meet standards by the May 31, 1977 deadline.

ECONOMIC IMPACTS

Both positive and negative economic impacts on the Region can be expected, with a substantial net positive benefit due largely to reductions in general air pollution-related health costs and in automobile use costs to commuters.

The most significant economic impact can be expected with implementation of the commuter automobile use reduction part of the plan. Table 7 shows the vehicle miles traveled (VMT) reductions which may be expected with implementation of the plan. Table 8 shows the expected savings in gasoline consumption. Note the inclusion of fuel savings from the inspection and maintenance program, which would bring about a rise in the general level of vehicle fuel efficiency through better maintenance of vehicles. Table 9 shows the quantifiable annual private cost savings that will be directly attributable to the plan, based on 1974 prices. Not included in this Table are the as yet unmeasured air pollution-related health service costs, or the personal positive income effect of deferred replacement car buying made possible by substantial annual mileage reductions. Neither, of course, can the non-quantifiable, but nonetheless real, benefits of decreased morbidity and mortality, increased visual clarity of the atmosphere and decreased urban congestion be included in this Table.

The Tables are based on the assumption that 25 percent of current single-passenger vehicle commuters will switch to carpooling. To the extent that the switch is to mass transit instead, cumulative personal cost will be reduced as compared to the long-term operation and maintenance cost of automobile use. However, there will be certain offsetting incremental public costs to the mass transit system for additional capacity, if required. In general, the substitution of mass transit use for single passenger commuting will produce large real net benefits for the intra-Route 128 area.

Due to the flexibility available to the employer in allocating the single passenger commuting reductions, only a short-term minimal adverse effect on the work force should result. In the long run, insofar as public transportation system improvements are induced by the plan, a potentially significant favorable indirect effect on labor mobility and availability should exist. For the same reason, the long-term impact on Boston commercial businesses should be favorable.

Secondary impacts will tend to cancel one another. For example, reduced gasoline sales and deferred replacement car buying could have the secondary effect of reducing the income of those associated with automobile and gasoline sales. On the other hand, the income of those associated with automobile servicing should increase. Downtown garage owners should benefit from the on-street parking ban, as some displaced commuters choose to garage their automobiles.

In summary, when the economic benefits of decreased health costs from improved air quality, cost savings from automobile-use reduction, and the potential indirect benefits from induced mass transit improvements are weighed against the short-term dislocations and inconveniences associated with switching transit modes, the net economic impact of the plan cannot be less than substantially beneficial.

TABLE 7.—*Vehicle miles travelled (VMT) reduction as a function of the transportation control plan* [1]

1. Commuter automobile use reduction:	
A. 25 percent single passenger vehicle reduction.	[2] 2,278,000
B. Student parking (10,850 VMT/1000 vehicles removed from use).	(Data not available).
2. On-street parking reduction...	[3] 42,000
Total (per day)----------	2,320,000

NOTE: Footnote references on page 8670.

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TABLE 8.—*Gasoline use reduction as a function of the plan*

1. Stationary source control.	28,000 gal/day [2].
2. VMT reduction	193,000 gal/day [3].
3. Semi-Annual I & M program.	51,600 [4].
Total	267,600 gal/day.
Annual total	64,159,200 gal/year [5].

[1] Derived from Booz, Allen, Hamilton, Inc., Report No. 9075-075 (EPA Contract No. 68-01-2942.

[2] The Booz, Allen figure of 84,509 VMT reduced was modified based on the assumption that a substantial percentage of displaced parkers would enter garages.

[3] In-ground and in-vehicle tank filling.

[4] Assuming an average of 12 mi/gal.

[5] Assuming an overall 4% increase in engine efficiency.

[6] Assuming 240 working days per year.

TABLE 9.—*Private commuter annual cost savings with implementation of the transportation control plan* [1] *(in millions of dollars)*

1. Gasoline	$32.08 [2]
2. Auto repair and maintenance	17.68
3. Motor vehicle accidents	.06 [3]
4. Tolls—passenger vehicles	0.83
5. Other auto expense	5.23 [4]
Total	55.88

[1] Figures are based on a daily estimated reduction of 2.320 million VMT and 1974 prices. All estimates are derived from Booz, Allen, Hamilton, Inc., Report No. 9075-025 (EPA Contract No. 68-01-2942); except for a portion of the gasoline reduction (EPA data) and No. 5 taken from Jaca Corp. (EPA Contract No. 68-01-1356).

[2] Based on gasoline price of $.50.

[3] Includes wage losses, medical expenses, et al.

[4] Insurance.

MASS TRANSIT AND THE TRANSPORTATION CONTROL PLAN

Certain strategies in the proposed plan would tend to have a stimulating effect on mass transit construction and use. The proposed commuter vehicle use reduction regulation is the prime example. The required reduction in the use of single passenger commuter vehicles will encourage commuters to shift to transit use, thereby increasing ridership and demand for new facilities. Employers located on the MBTA system will be encouraged to offer the payroll deduction to their employees. Because the cost of transit commuting with the pass is lower, employees will have an incentive to use it for their daily commuting trips. The regulations also permit an employer or educational institution to satisfy its obligation to reduce single passenger vehicle use by a variety of transit-stimulating measures such as use of park-and-ride facilities to allow commuters to park in remote parking areas and take transit facilities, instituting staggered hours programs to permit commuters to take transit in off-peak periods, posting schedules and fees of all transit facilities servicing the facility, negotiating with transit officials for improved service to a facility, subsidizing costs of commuter transit use, participation in dial-a-ride programs, and instituting shuttle bus service. Another regulation requires the Commonwealth to study major highways leading into Boston in order to determine where bus service could be improved by opening up express lanes, thus cutting trip time for the bus commuter. In addition, the proposed bicycle regulation would require mass transit authorities to install secure bicycle storage facilities. This would have the effect of cutting down auto travel to transit stops and also encouraging commuters who use bicycles to commute by transit.

In addition to the planning requirements involved in the express bus lane program, EPA is proposing a regulation which would stimulate the Commonwealth to conduct its future transit planning with a view toward the greatest possible reductions in vehicle miles traveled. The first step toward this would be an annual report to EPA describing all mass transit improvements planned or proposed throughout the Boston Intrastate Region and the projected effects of such improvements on reducing vehicle miles traveled.

PARKING MANAGEMENT REGULATIONS

Section 52.1135(d) of the original regulations require any permit issued for the construction or modification of a new parking facility in the Boston Intrastate Region to state that "construction or modification of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards . . ." On August 22, 1974 (39 FR 30440) the Administrator proposed a set of changes to § 52.1135(d) which would have established procedures for meeting permit requirements. These changes were also proposed for nearly twenty other urban areas having transportation control plans with preconstruction review and permit requirements. Hearings on these proposed regulations were held in all of the affected areas except the Boston Intrastate Region. The public response to these proposed regulations is now being analyzed by EPA and final regulations are now being developed. Because EPA anticipates that the final regulations will be ready for publication in the FEDERAL REGISTER within one or two months, the proposals being published today do not include regulations on this subject. Rather, EPA will publish proposed parking management regulations for the Boston Intrastate Region as soon as these regulations are finalized for the rest of the affected areas. Notice of a public hearing on these parking management regulations will appear concurrently with the notice of proposed amendments to § 52.1135(d).

NOTICE OF PUBLIC HEARING

A public hearing will be held on March 20 and 21 at the Transportation Systems Center of the U.S. Department of Transportation, Kendall Square, Cambridge, Massachusetts, commencing at 10 a.m. on each day, with an evening session commencing at 7 p.m. on March 20, for the following purposes:

1. To receive and consider objections and arguments respecting the technical basis now being considered for calculating the amounts of hydrocarbons and carbon monoxide reductions required to attain and maintain primary photochemical oxidant and carbon monoxide standards within the Boston Intrastate Region and to modify the emission reductions stated in the original transportation control plan for the Boston Intrastate Region.

2. To obtain public comment on various proposed amendments to the original transportation control plan regulations, including the adoption as part of the plan of a regulation providing a procedure for the continuous monitoring of progress in air quality improvement and for the periodic updating of the controls set forth in the plan as may be appropriate in light of the results of such monitoring so that the transportation control restrictions are neither more or less rigorous than actually required to meet air quality standards.

3. To obtain public comments on any alternate methods for reducing photochemical oxidants and carbon monoxide with the Boston Intrastate Region which the Administrator could consider prior to final rulemaking action on the above proposals.

EPA will consider all comments relating to the plan which it receives after the date of this proposal and before April 1, 1975. Although EPA has been discussing the plan almost continuously with interested persons since it was first promulgated on November 8, 1973, those who wish to ensure that their views receive formal consideration as a part of this reproposal and are reflected in any record certified for judicial review must either testify at the hearings or submit written comments during the comment period. Persons wishing to give testimony at the hearing should contact the Region I Office to schedule a time for appearing and submit a copy of such testimony prior to the hearing, if possible. Persons who do not schedule a time for giving testimony may appear at the hearing and make a statement as time permits.

All comments should be addressed to:

Regional Administrator
Region I, Boston
Environmental Protection Agency
Room 2203
John F. Kennedy Federal Building
Boston, MA 02203

with a copy to:

Assistant Administrator for Air and Waste Management (AW-443)
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

AVAILABILITY OF INFORMATION

In preparation for the public hearing, EPA has prepared a lengthy technical support document containing the results of its data analysis. In addition, consultants working for EPA have prepared separate reports on the following areas: (1) economic and social impacts of the plan; (2) secondary economic and social effects on the proposed commuter automobile use reductions and; (3) meteorological effects on the monitoring of pollutants in the Boston area. Such documents are available for inspection at the Regional Office of EPA in Boston. A schedule of these documents and fees which will be charged therefor is available at the Regional Office of EPA in Boston. The Agency may waive the fee in the case of public agencies and public interest groups having a substantial interest in the transportation control plan. Documents may be ordered by writing to the Regional Administrator at the address shown above.

SCHEDULE FOR FINAL REGULATIONS

The Administrator's final promulgation of transportation controls for the Boston Intrastate Region will be influenced by the comments and testimony he receives, as well as by any further approvable strategies submitted by the Commonwealth as part of the state implementation plan. These influences and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

EPA is under court order to promulgate final changes to the regulations within 30 days following the public hearing and to submit such final regulations to the Court of Appeals for the First Circuit. Thereafter, petitioners in the *South Terminal* case will have ten days in which to file written objections to the court to the final regulations. The court has suspended controls under existing §§ 52.1135, 52.1136, and 52.1144 until further order of the court. Therefore, the new regulations now being proposed as §§ 52.1135 and 52.1161 would not take effect unless and until the court so rules in its final order. In other respects, the changes proposed by this notice, with appropriate modifications, will be effective as noted. This notice of proposed rulemaking is issued under the authority of sections 1110(c) and 301(a) of the Clean Air Act.

Dated: February 18, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart W—Massachusetts

1. Section 52.1182 is revised to read as follows:

§ 52.1128 Transportation and land use controls.

(a) For purposes of this subpart, the definitions herein are applicable.

(b) Definitions:

(1) "Register," as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the State.

(2) "Boston Intrastate Region" means the Metropolitan Boston Intrastate Air Quality Control Region, as defined in § 81.19 of this part.

(3) [Reserved]

(4) "Freeze area" means that portion of the Boston Intrastate Region enclosed within the following boundaries: The City of Cambridge; that portion of the City of Boston from the Charles River and the Boston Inner Harbor on north and northeast of pier 4 on Northern Avenue; by the east side of pier 4 to B Street, B Street extension of B Street to B Street, B Street, Dorchester Avenue, and the Preble Street to Old Colony Avenue, then east to the water, then by the water's edge around Columbia Point on various courses generally easterly, southerly, and westerly to the center of the bridge on Morrissey Boulevard, on the east and southeast; then due west to Freeport Street, Freeport Street, Dorchester Avenue, Southeast Expressway, Southhampton Street, Reading Street, Island Street, Chadwick Street, Carlow Street, Albany Street, Hunneman Street, Madison Street, Windsor Street, Cabot Street, Ruggles Street, Parker Street, Ward Street, Huntington Avenue, Brookline-Boston municipal boundary, Mountford Street to the Boston University Bridge on the southwest and west; and the Logan International Airport. Where a street or roadway forms a boundary the entire right-of-way of the street is within the freeze area as defined.

(5) "Boston proper" means that portion of the City of Boston, Massachusetts, contained within the following boundaries: The Charles River and Boston Inner Harbor on the northwest, north, and northeast, the Inner Harbor, Fort Point Channel, Fitzgerald Expressway, and the Massachusetts Avenue Expressway access branch on the east and southeast, and Massachusetts Avenue on the west. Where a street or roadway forms a boundary, the entire right-of-way of the street is within the Boston proper area as here defined.

2. Section 52.1134 is revised to read as follows:

§ 52.1134 Regulation limiting on-street parking by commuters.

(a) "On-street parking" means parking a motor vehicle on any street, highway, or roadway, except for legal stops within designated loading zones or areas defined for loading purposes, at or before intersections, as caution, safety and emergencies require, whether or not a person remains in the vehicle.

(b) Commencing on or before June 30, 1974, the Commonwealth of Massachusetts, the City of Boston, the City of Cambridge, and administrative bodies of any of them having jurisdiction over any streets, highways, or roadways within the City of Cambridge or Boston proper, and the principal officials and administrative bodies thereof having responsibility over parking on such streets, highways, or roadways shall adopt all necessary administrative and enforcement procedures and regulations to effect a prohibition of on-street parking within Boston proper between the hours of 7 a.m. and 9:30 a.m., and within the City of Cambridge between the hours of 7 a.m. and 10 a.m. except Saturdays, Sundays and legal holidays. The regulations shall state that violation of the prohibition shall be punishable by a fine of not less than $15. The City of Boston shall at a minimum eliminate 33⅓% of on-street parking during the hours specified by September 30, 1974; 50% by September 30, 1975; 66⅔% by December 31, 1975; and 100% by March 1, 1977. The City of Cambridge shall at a minimum eliminate 33⅓% of on-street parking during the hours specified by September 30, 1974; 66⅔% by December 31, 1974, and 100% by January 1, 1976. Any other affected entity shall at a minimum eliminate 33⅓% of such parking during the hours of 7 a.m. and 10 a.m. by September 30, 1974; 66⅔% by December 30, 1974, and 100% by March 1, 1975.

(c) The following classes of vehicles shall be exempt from the requirements of this section, provided that on-street parking by such vehicles is in compliance with local and state regulations:

(1) Vehicles owned by residents of that portion of the City of Boston included within Boston proper that are registered in Boston and display a resident parking sticker for that area issued by the City of Boston, in accordance with procedures adopted by the City of Boston;

(2) Vehicles owned by residents of Cambridge that are registered in and parked within Cambridge and bear an appropriate parking sticker issued by the City of Cambridge;

(3) Vehicles owned and operated by handicapped persons with HP license plates; and

(4) Vehicles registered as "commercial vehicles" by the Commonwealth of Massachusetts and displaying appropriate license plates.

(d) On or before June 30, 1974, no owner or operator of a motor vehicle shall park, or permit the on-street parking of, said vehicle within the City of Cambridge or Boston proper except in conformity with the provisions of this section and the measures implementing it.

(e) The Governor of the Commonwealth of Massachusetts, and the chief executive of any other governmental entity on which obligations are imposed by paragraph (b) of this section, shall, on or before April 15, 1975, submit to the Administrator for his approval a detailed statement of the legal and administrative steps selected to effect the prohibition provided for in paragraphs (b) and (d) of this section, and a schedule of implementation consistent with the requirements of this section. Such schedule shall include as a minimum the following:

(1) Designation of one or more agencies responsible for the administration and enforcement of the program.

(2) The procedures by which the designated agency will enforce the prohibition provided for in paragraphs (b) and (d) of this section.

(3) The procedures by which vehicles exempt from the requirements of this section will be marked.

3. Section 52.1135 is revised to read as follows:

§ 52.1135 Regulation for parking freeze.

(a) Definitions:

(1) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designated for

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a parking facility in preparation for the fabrication, erection, or installation of the building components of the facility. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(2) The phrase "to commence modification" means to engage in a continuous program of on-site modifications including site clearance, grading, dredging, or land filling in preparation for a specific modification of the parking facility.

(3) The phrase "commercial parking space" means a space used for parking a vehicle in a commercial parking facility.

(4) [Reserved]

(5) "Commercial parking facility" (also called "facility") means any lot, garage, building or structure, or combination or portion thereof, on or in which motor vehicles are temporarily parked for a fee, excluding (i) a parking facility the use of which is limited exclusively to residents (and guests) of a residential building or group of buildings under common control, and (ii) parking on public streets.

(6) "Freeze" means to maintain at all times after October 15, 1973, the total quantity of commercial parking spaces available for use at the same amounts as were available for use prior to said date; provided, that such quantity may be increased by spaces the construction of which commenced prior to October 15, 1973; provided, further, that such additional spaces do not result in an increase of more than 10 percent in the total commercial parking spaces available for use on October 15, 1973, in any municipality within the freeze area or at Logan Airport. For purposes of the last clause of the previous sentence, the 10 percent limit shall apply to each municipality and Logan Airport separately.

(7) —(12) [Reserved]

(b) [Reserved]

(c) There is hereby established a freeze, as defined by paragraph (a) (6) of this section on the availability of commercial parking facilities in the freeze area effective October 15, 1973, in the event construction commenced prior to October 15, 1973, exceeds 10 percent limit prescribed by paragraph (a) (6) of this section, in any municipality or at Logan Airport; then the Commonwealth of Massachusetts shall immediately take all necessary steps to assure that the available commercial spaces within such municipality or at Logan Airport shall be reduced to comply with the freeze.

(d) [Reserved]

(e) After August 15, 1973, no person shall commence construction of any commercial parking facility or modification of any existing such facility in the freeze area unless and until he has obtained from the Administrator or from an agency approved by the Administrator a permit stating that construction or modification of such facility will be in compliance with the parking freeze established by paragraph (b) of this section. This paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(f) In order for any agency to be approved by the Administrator for purposes of issuing permits pursuant to paragraph (e) of this section, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit application and issuance have been established. Such requirements shall include but not be limited to a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the proposed construction or modification of the facility.

(iii) [Reserved]

(iv) [Reserved]

(v) [Reserved]

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit will be issued if construction or modification of the facility will not comply with the requirements of paragraph (c) of this section.

(iii) [Reserved]

(3) Agency procedures provide that

(iv) [Reserved]

no permit for the construction or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of a legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedures may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, the fact shall be noted prominently in the required hearing notice.

(g) [Reserved]

(h) [Reserved]

(i) [Reserved]

(j) [Reserved]

(k) [Reserved]

(l) [Reserved]

§ 52.1136 [Reserved]

4. Section 52.1136 is hereby revoked and reserved.

5. Section 52.1138 is hereby revised to read as follows:

§ 52.1138 Regulation for computer carpool matching.

(a) "Carpool matching" means assembling lists of commuters with similar daily travel patterns and providing a mechanism by which persons on such lists may be put in contact with each other for the purpose of forming carpools.

(b) This section is applicable in the Boston Intrastate Region.

(c) The Governor of the Commonwealth of Massachusetts or a properly authorized department of the executive branch thereof shall establish a program for encouraging employees and educational institutions to set up carpool matching programs within facilities under their control. The program shall provide for:

(1) The distribution to each employer or educational facility subject to § 52.1161 by June 30, 1975, of a manual adequately showing how to establish and maintain a carpool program;

(2) A computer program available by June 30, 1975, to any such employer or educational institution or group for the purpose of carpool matching by use of such computer program;

(3) Processing by the Commonwealth by June 30, 1975, of any set of properly prepared computer cards for 400 or more commuters submitted by any such employer or educational institution;

(4) Distributing the results of any computer carpool matching to the person or persons who submitted the unprocessed cards;

(5) Full-time guidance and technical consulting to the affected facilities available by June 30, 1975, in order to initiate and maintain the carpooling program.

6. In § 52.1139, paragraph (i) is amended to read as follows:

§ 52.1139 Preferential bus/carpool treatment.

* * * * * *

(i) The Commonwealth shall, by December 31, 1975, perform and complete feasibility studies for submission to the Administrator on the following measures:

(1) A north/south bus lane system through Boston proper with Washington Street utilized in one direction;

(2) Alternative mechanisms for bus/carpool preferential treatment on the Southeast Expressway, Central Artery, Interstate Route I-93, U.S. C-1, U.S. Route 1, including but not limited to:

(i) Exclusive bus/carpool lanes, including wrong way bus carpool lane;

(ii) A ramp metering system for preferential access given to buses and carpools; and

(iii) A regulation restricting the downtown on and off ramps for use by buses and carpools only during commuting hours (off ramps between 6:30 a.m. and 9:30 a.m. and on ramps between 3:30 p.m. and 6:30 p.m.).

§ 52.1141 [Amended]

7. Section 52.1141 is hereby amended by changing the date in paragraph (c) from January 1, 1976 to May 31, 1977; by changing the date in paragraph (d) from January 1, 1974 to October 1, 1976; by changing the date in paragraph (d) (1) from August 1, 1974 to November 1, 1976; by changing the date in paragraph (d) (2) from January 1, 1975 to January 1, 1977; by changing the date in paragraph (d) (3) from January 1, 1976 to May 31, 1977; by changing the date in paragraph (e) from January 1, 1976 to May 31, 1977; and by changing the date in paragraph (f) from April 1, 1974 to November 1, 1976.

§ 52.1142 [Amended]

8. Section 52.1142 is hereby amended by changing the date in paragraph (c) from August 1, 1976 to May 31, 1977; by changing the date in paragraph (d) from January 1, 1974 to October 1, 1976; by changing the date in paragraph (d) (1) from January 1, 1975 to November 1, 1976; by changing the date in paragraph (d) (2) from August 1, 1975 to January 1, 1977; by changing the date in paragraph (d) (3) from August 1, 1976 to May 31, 1977; by changing the date in paragraph (e) from August 1, 1976 to May 31, 1977; by changing the date in paragraph (f) from April 1, 1974 to November 1, 1976.

§ 52.1143 [Reserved]

9. Section 52.1143 is hereby revoked and reserved.

10. Section 52.1145 is amended by amending subparagraphs (j) (4) (iv) and (j) (5) (iv) and by adding a new subparagraph (j) (7) and by adding a new paragraph (k) as follows:

§ 52.1145 Regulation on organic solvent use.

* * * * * *

(j) * * *

(4) * * *

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment, or other contrivances that are constructed or modified after November 8, 1973.

* * * * * *

(5) * * *

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment or other contrivances that are constructed or modified after November 8, 1973.

* * * * * *

(7) An article, machine, equipment or other contrivance described in paragraphs (c), (d), (e), or (g) of this section used exclusively for chemical or physical analyses provided that—

(i) The exemption is approved in writing by the Governor or his designee.

(ii) The operator of said article, machine, equipment or contrivance is not an integral part of the production process.

(iii) The emissions from said article, machine, equipment or other contrivance shall not emit more than 800 lbs. in any calendar month.

(k) Effective May 31, 1977, no person shall cause, suffer, allow or permit the discharge into the atmosphere of more than 3,000 lbs. of organic material in any one day, nor more than 450 lbs. in any one hour from any facility unless said discharge has been reduced by installation of abatement controls by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or contrivance used for employing or applying any organic material shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing or heat polymerizing as described in paragraph (c) of this section shall be excluded from any determination of compliance with this section.

11. Section 52.1160 is revised to read as follows:

§ 52.1160 Monitoring reports.

(a) All definitions are as used in 40 CFR 51.19.

(b) This regulation is applicable in the Boston Intrastate Region.

(c) The Commonwealth of Massachusetts or an agency designated by the Commonwealth and approved by the Administrator, shall monitor the emission reduction occurring as a result of all retrofitted devices and inspection and maintenance programs required under §§ 52.1140 through 52.1143, and as a result of the commuter automobile use reductions required by § 52.1161 and the reductions required by §§ 52.1163 and 52.1164.

(d) [Reserved]

(e) [Reserved]

(f) [Reserved]

(g) [Reserved]

(h) [Reserved]

(i) The Commonwealth of Massachusetts shall review its existing air quality monitoring program and modify it as necessary so as to provide an adequate basis for the annual review by the Administrator required under paragraph (n) of this section. At a minimum the Commonwealth shall review the number and placement of monitoring stations, the types of pollutants and meteorological parameters measured, and shall devise a comprehensive quality assurance program for all phases of the monitoring program.

(j) The Commonwealth of Massachusetts shall review its existing traffic monitoring program and modify it as necessary so as to provide reliable information about vehicle miles traveled and traffic patterns in all critical areas, and shifts in traffic patterns and vehicle miles traveled so as to better correlate traffic data with air quality measurements. Vehicle miles traveled information shall be based on representative traffic counts taken within the Region and shall be correlated with each applicable control measure designated in this plan.

(k) No later than October 1, 1975 the Governor or his designee shall submit a report to the Regional Administrator containing detailed information demonstrating compliance with paragraphs (c), (i) and (j) of this section. The information contained in this report shall include as a minimum:

(1) The administrative process to be used and the agency or agencies responsible for conduction, overseeing and maintaining the monitoring programs in paragraphs (c), (i) and (j) of this section;

(2) A description of the revised ambient air monitoring network, equipment operating and data reporting procedures, and quality assurance programs to be used to insure the routine collection of valid, reliable and representative air quality data;

(3) A description of the revised traffic monitoring program; and

(4) All other information necessary to describe the methods to be used to collect the required data.

(l) The Governor or his designee shall submit a report to the Regional Administrator annually, beginning on February 15, 1976, and containing the results of the monitoring program approved in paragraph (k) of this section. This report shall include at a minimum appropriate air quality and meteorological data, average vehicle miles traveled data, an appropriate analysis of the data base, and summary information on commuter automobile use reductions as required by § 52.1161 of this subpart.

This report shall be submited in a form acceptable to the Regional Administrator. In addition all air quality data will be submited quarterly to the Administrator by the Commonwealth as required by 40 CFR 51.7.

(m) Monitoring, quality assurance programs, reporting and other procedures and methodologies required by this section shall be subject to the approval of the Regional Administrator.

(n) Upon receipt of the annual report required by paragraph (g) of this section the Regional Administrator shall analyze it and determine whether the emission reduction is in substantial conformity with the projections which formed the technical basis for the promulgation of transportation controls for the Boston Intrastate Region. If the Administrator determines that the emission reductions are substantially less than or are substantially in excess of those required to meet air quality standards, the Administrator shall, after adequate public notice and public hearing, amend the regulations in such transportation control plan so as to avoid substantially implementing a plan which is either substantially more or substantially less rigorous than that required to meet ambient air quality standards.

(o) On or before February 15, 1976, and on each succeeding February 15 thereafter the Governor of Massachusetts or his designee shall submit to the Administrator a report listing each project for expanding or improving mass transit facilities which is then under construction or is being proposed to be constructed within the Boston Intrastate Region, together with a listing of the reductions in vehicle miles (i) estimated to result from such project and (ii) estimated to result from all projects as an aggregate.

12. A new § 52.1161 is added as follows:

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§ 52.1161 Incentives for Reduction in Single Passenger Commuter Vehicle Use.

(a) *Definitions.* (1) "Employer" means any person or entity controlling an employment facility located in the Boston Intrastate Region employing 50 or more employees at any time during a calendar year.

(2) "Educational institution" means any person or entity controlling an educational facility offering secondary level or higher training including vocational training located in the Boston Intrastate Region which has 250 or more employees and students at any time during the academic year.

(3) "Employee" means a person who performs work for an employer on a full time, part time or seasonal basis for compensation.

(4) "Student" means any full time or part time day student who commutes to classes.

(5) "Commuter" means both an "employee" and a "student".

(6) "Single passenger commuter vehicle" means a motor-driven vehicle with four or more wheels with capacity for a driver plus one or more passengers which is used by a commuter traveling alone to work or classes and is not required to be used in the course of his employment or studies.

(7) "Base date" means the date set forth in paragraph (d) of this section as of which the base number of single passenger commuter vehicles at a particular commuter attracting facility must be determined.

(8) "The Secretary" means the Secretary of Transportation and Construction of the Commonwealth of Massachusetts.

(b) On or before the applicable reporting date set forth in paragraph (d) of this section, each employer and educational institution shall reduce the number of single passenger commuter vehicles customarily arriving at such facility as of its base date by 25 percent. Such employer or educational institution shall thereafter maintain the ratio of single-passenger commuter vehicles to total commuters customarily arriving at its facility at or below the ratio which it would achieve by meeting the required reduction.

(c) On or within 10 days before the dates set forth in paragraph (d) of this section, each employer and educational institution shall submit to the Secretary a report containing the following information:

(1) The number of commuters who take any means of transportation to such facility as of its base date (and as of a date within 30 days of the date of such report);

(2) The number of single passenger commuter vehicles customarily used by commuters to the facility as of the base date (and as of a date within 30 days of the date of such report); and

(3) The total number of commuter vehicles customarily used by commuters to the facility as of the base date (and as of a date within 30 days of the date of such report).

(d) The base date for all facilities shall be October 1, 1975, except that, where a facility can establish to the satisfaction of the Secretary that such facility had commenced measures to reduce the number of single passenger commuter vehicles customarily arriving daily at an earlier date, beginning November 8, 1973, the Secretary may approve the use of such earlier date as the base date for such facility. An employer or educational institution shall determine whether or not it is subject to a reporting requirement and the schedule to be used in filing reports by reference to the number of commuters which it reasonably anticipates it will have coming to its facility at the date the base date report is due. The reports required under paragraph (c) of this section shall be filed according to the following schedule:

(1) For a facility with 400 or more commuters, a base date report shall be due on October 15, 1975;

(2) For a facility with 200 to 399 commuters, a base date report shall be due on March 1, 1976;

(3) For a facility with 100 to 199 commuters, a base date report shall be due on May 31, 1976;

(4) For a facility with 50 to 99 commuters, a base date report shall be due on November 30, 1976.

(e) By each of the applicable dates set forth in paragraph (f) below, each employer and educational institution shall submit to the Secretary a report containing the information called for in paragraph (c) of this section.

(f) Each affected employer and educational institution regardless of size shall periodically update its base date report, the first such periodic report shall be due on the next succeeding December 31 or June 30 after the base date report, whichever is later; and each successive six months thereafter on June 30 or December 31 until June 30, 1978, and every year thereafter on June 30.

(g) Where the total number of commuters to a particular facility is changed due to fluctuation in employment or enrollment between the base date and the date of any report under paragraphs (e) or (d) of this section, such fact shall be reported at the time of the submission of such report. The employer or educational institution having such a change shall be required to attain and maintain the same ratio of single passenger commuter vehicles to total commuters as was necessary to achieve the reduction required under paragraph (b) of this section.

(h) In lieu of accomplishing a 25 percent reduction in single passenger commuter vehicles arriving at a particular facility, an employer or educational institution may elect to demonstrate to the Secretary that it has accomplished a 25 percent reduction in the number of vehicle miles traveled to its facility by its commuters. Any employer or educational institution electing to use this option shall report the total of its vehicle miles traveled as of its base date in the base date report required under paragraph (c) of this section and shall thereafter update such total on its periodic reports.

(i) If an employer or educational institution does not meet and thereafter at all times maintain the reduction required under paragraphs (b) and (g) of this section, in connection with each report under paragraphs (d) or (e) of this section, it shall submit a complete description of all measures which it has applied to achieve and maintain the reduction; it shall further describe the consideration given to each of the following measures which it has not applied and the reasons for not applying such measure:

(1) Conducting a carpool program (either alone or in cooperation with neighboring facilities) which

(A) Matches the names, addresses, and work and home telephone numbers of all commuters to a facility or group of neighboring facilities so that persons with similar daily travel patterns are informed of each other for the purpose of forming carpools;

(B) Publicizes the advantages of carpooling, both in terms of savings of fuel and money, and any incentives in effect at the facility; and

(C) Creates incentives for carpool formation by providing persons who carpool with first call on available parking spaces or spaces which are closest to entrances to the facility.

(2) Participation in the payroll deduction pass program made available by the Massachusetts Bay Transportation Authority, if any commuter to the facility uses the mass transit facilities of such Authority as part of his daily commuting trip;

(3) Posting in a conspicuous place or places of the schedules, rate schedules, rate structure, and route of every bus, subway or rail facility which serves the facility;

(4) Publicizing any applicable on-street parking restriction and the penalty for violation which affects areas being used for parking by commuters to the facility;

(5) Staggered or flexible working hours;

(6) Incentives for bicycle commuting, such as secure locking facilities, removal of restrictive rules against bicycle usage at the facility and providing shower facilities;

(7) Negotiations with authorities in charge of rail or bus lines serving the facility for improved service to the facility;

(8) Establishment of park and ride facilities where commuters can park their vehicles in a remote area and carpool, vanpool or take transit services to the facility;

(9) Subsidizing the costs of carpool or transit trips by commuters to the facility;

(10) Establishment of shuttle bus service from collection points (such as mass transit stops) to the facility;

(11) Participation in dial-a-ride programs; and

(12) Establishment of vanpool programs whereby van-type vehicles are purchased or leased and made available to commuters who pay for the cost of their purchase and use.

In addition, it shall submit a description of all measures which it intends to take to meet the requirements of paragraphs (b) and (g) of this section and shall implement the measures so described as expeditiously as practicable.

(j) The Secretary shall report to the Administrator any person who fails to comply with this section and shall upon *request* by the Administrator, forward copies of all reports, correspondence and other documents pertaining to such instance of noncompliance together with a description of any enforcement action taken by the Commonwealth in connection with the matter.

(k) Prior to taking any enforcement action against any employer or educational institution for failure to meet the requirements of paragraphs (b) and (g) of this section, the Secretary or Administrator shall examine the report submitted pursuant to paragraph (i) of this section and take into consideration whether or not the employer or educational institution has acted in good faith in attempting to meet the requirements of said paragraphs.

13. A new § 52.1162 is hereby added as follows:

§ 52.1162 Regulation for Bicycle Use.

(a) *Definitions.* (1) "Bicycle" means a two-wheel nonmotor-powered vehicle.

(2) "Bike path" means a route for the exclusive use of bicycles separated by grade or other physical barrier from motor traffic.

(3) "Bike lane" means a lane on a street restricted to bicycles and so designated by means of painted lanes, pavement coloring or other appropriate markings. A "peak hour" bike lane means a bike lane effective only during times of heaviest auto commuter traffic.

(4) "Bike route" means a route in which bicycles share road space with motorized vehicles.

(5) "Bikeway" means bike paths, bike lanes and bike routes.

(6) "Bicycle parking facility" means any facility for the temporary storage of bicycles which allows the frame and both wheels of the bicycle to be locked so as to minimize the risk of theft and vandalism.

(7) "Parking facility" means a lot, garage, building, or portion thereof, in or of which motor vehicles are temporarily parked.

(8) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(9) "MBTA" means the Massachusetts Bay Transportation Authority.

(b) *Application.* This section shall be applicable in the Boston Intrastate Region.

(c) *Study.* The Commonwealth of Massachusetts, according to the schedule set forth in paragraph (d) of this section, shall conduct a comprehensive study of, and in that study recommend, the establishment of permanent bikeways and related facilities within the area described in paragraph (b) of this section. The study shall consider or include at least the following elements:

(1) The physical design for bikeways, intersections involving bikeways, and means of bicycle link-ups with other modes of transportation;

(2) The location of bikeways, including means of avoiding or ameliorating high accident or pollution locations as well as means of providing intersection safety generally;

(3) The location of bicycle parking facilities, including bus stops;

(4) The rules of the road for bicyclists, and to the extent that present rules must be modified because of bikeways, new rules of the road for motorists. Also the feasibility of mandatory adult bicycle registration to minimize theft and increase recovery of stolen bicycles;

(5) Bicycle safety education for bicyclists, motorists, students, street maintenance personnel and policemen, including requiring bicycle safety principles and safe street riding skills to be taught in high school automobile drivers education programs;

(6) Methods for publicizing bicycles or bicycles plus mass transit as alternatives to automobile transportation, including the preparation, perhaps in conjunction with bicentennial efforts, of a master Boston area transit map, indicating the kind, extent and location of bicycle facilities, public baths, showers, toilet facilities, water fountains, as well as routes and stops for MBTA, common carriers and private bus lines, such map to be distributed by the Registry of Motor Vehicles with each automobile new registration and automobile registration renewal;

(7) Requiring or providing incentives for common carriers and mass transit carriers, especially the Blue Line of the MBTA, to provide bicycle parking facilities at their respective terminals and stations and bicycle carrying facilities on their respective vehicles.

(8) The creation of roadway zones in which all vehicles, except mass transit, emergency and service vehicles, and bicycles, would be excluded;

(9) Requiring or providing incentives for office buildings and employers to install and to provide free shower and locker facilities for cyclists;

(10) A bicycle user and potential user survey, which shall at a minimum determine:

(i) For present bicycle riders, the origin, destination, frequency, travel time, distance and purpose of bicycle trips;

(ii) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation, including the numbers of employees who would use a bicycle for a significant portion of their commuting transportation were suitable facilities available to them. This section of the study shall seek to ascertain the size of the working population that would move from automobiles to mass transit and bicycles or bicycles alone as a significant form of transportation. It shall also seek to ascertain what bicycle facilities or mix thereof would produce the greatest conversion from auto use;

(iii) High air CO pollution and bicycle accident locations, as well as cases of bicycle accidents;

(11) The special problems related to the design and incorporation in the bikeway network described in paragraph (f) of this section of feeder bikeways to bridges, on-bridge bikeways, feeder bikeways to MBTA and railroad stations, feeder bikeways to fringe parking areas, and bicycle passage through rotaries and squares;

(12) The conversion of railroad beds, power lines, flood control channels or similar corridors to bikepaths;

(13) Removing barriers to employees bringing their bicycles into their offices;

(14) Removal or alteration of drain grates with bars so placed as to catch bicycle wheels;

(15) Bicycle rentals at appropriate locations; and

(16) The interim bicycle facilities and requirements set out in paragraph (f) of this section.

In conducting the study, opportunity shall be given for public comments and suggestions. Input shall also be solicited from state, regional and local planning staffs, state, regional and local agencies, bicycle organizations and other interested groups and be related to comprehensive transportation planning for the area designated in paragraph (b) of this section. The study shall recommend as large a network of facilities as is practicable within the area described in paragraph (b) of this section and shall recommend physical designs for said facilities. The network shall contain at least 180 miles of bikeways.

(d) The Commonwealth of Massachusetts shall submit to the Administrator no later than October 1, 1975, a detailed compliance schedule showing the steps that will be taken to carry out the study required by paragraph (c) of this section. The compliance schedule shall at a minimum include:

(1) Designation of the agency responsible for conducting the study;

(2) A date for initiation of the study, which date shall be no later than October 1, 1975;

(3) A date for completion of the study, and submittal thereof to the Administrator, which date shall be no later than June 30, 1976; and

(4) A schedule for compliance for establishing permanent bicycle facilities required by paragraph (h) of this section.

(e) On or before September 1, 1976, the Administrator shall submit to the Commonwealth of Massachusetts his response to the study required by paragraph (c) of this section, and shall, in that response, either approve the facility location and designs and other requirements as well as the proposed compli-

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ance schedule for permanent facilities recommended in the study, or shall designate alternative and/or additional facility locations and designs and other requirements as well as modify the proposed compliance schedule for permanent facilities.

(f) *Interim Bicycle Facilities.* (1) The Commonwealth of Massachusetts and such municipalities and authorities, including but not limited to the Metropolitan District Commission, the MBTA, City of Boston, the City of Somerville, the City of Cambridge, the Town of Brookline, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Boston Redevelopment Authority, as are necessary, shall establish, according to the compliance schedule required by paragraph (g) of this section, the following bicycle facilities: (The Commonwealth shall coordinate the implementation of these requirements among the affected jurisdictions.)

(i) A network of bikeways linking residential areas, employment, educational, and commercial centers in accordance with the following requirements:

(A) The network shall be designed to provide means of safe bicycle travel along selected corridors, including but not limited to the following:

(*1*) Central Square, Cambridge to Boston University;

(2) Harvard Square, Cambridge to Union Square, Allston;

(3) Union Square, Somerville to Central Square, Cambridge;

(*4*) Union Square, Allston to Government Center;

(5) Harvard Square, Cambridge to Government Center;

(*6*) Brookline Village to Government Center;

(*7*) Boston University to Longwood Avenue Hospital Zone;

(*8*) Egleston Square to Government Center;

(*9*) Columbus Park to Boston Common;

(*10*) L Street Beach to Government Center;

(*11*) Powder House Circle, Somerville to Harvard Square;

(*12*) Everett to Government Center;

(*13*) Porter Square, Cambridge to Columbus Park, Boston;

(*14*) Cleveland Circle to Government Center;

(*15*) Maverick Square, East Boston to Porter Square, Cambridge to Government Center;

(*16*) Harvard Square, Cambridge to Boston City Hospital; and

(*17*) Charlestown, Longfellow, Harvard, Boston University, River Street, Western Avenue, Anderson, Summer Street and Broadway Bridges.

(B) The network shall be designed to provide as direct, safe and flat continuous bikeways as possible consistent with the following additional criteria:

(*1*) bike paths are preferable to bike routes and bike lanes;

(2) bike routes are preferable to bike lanes so long as low motor vehicle volume side streets are used;

(3) bike lanes are preferable to bike routes where high motor vehicle volume streets are used;

(*4*) twenty-four hour bike lanes are preferable to peak hour bike lanes.

(C) Each bikeway shall at a minimum:

(*1*) Be clearly marked at reasonable intervals indicating the corridor being serviced;

(2) Be clearly marked at each intersection that the bikeway is for exclusive bicycle use or shared use with motor vehicles;

(3) Be clear of obstructions and hazards such as drain grates with bars so placed as to catch bicycle wheels;

(*4*) Be of a hard, smooth surface suitable for bicycles at commuting speeds with a minimum of curb ramps, and where ramps are used, such ramps shall be designed to accommodate commuting speeds;

(5) Be regularly maintained (including sweeping and snow plowing) and repaired by the agencies charged with such activities for the areas in which the bikeways are located;

(*6*) If a bikelane, have an "effective" width of at least 5.5 feet; if a bikepath, be at least 8 feet wide; "effective" width means minimum running space between lane edge and curb, parked cars, or other obstructions;

(7) Be adequately signed and marked for both motorists and cyclists and be adequately illuminated; and

(*8*) Where not specified otherwise in these regulations, bikeway design shall conform to the latest edition of Bikeways—State of the Art—published by the Federal Highway Administration.

(D) Wherever possible, road surfaces which have been cleared of on-street parking shall be used for bike lanes.

(ii) The MBTA shall provide bicycle parking facilities at each major MBTA station adequate to meet the needs of MBTA riders within the area designated in paragraph (b) of this section. Said parking facilities shall at a minimum be located at:

(A) All stations of the Riverside portion of the Green Line;

(B) Reasonably spaced stops on other portions of the Green Line;

(C) All stations of the Red, Orange, and Blue Lines; and shall have spaces for at least six bicycles per station, except for facilities at terminal stations which shall have spaces for at least 24 bicycles.

(iii) Advertisement of interim facilities required by this paragraph (f) to potential users by means of media advertisement, as well as the distribution and posting of bikeway maps, and bike safety information, as well as a program of bicycle safety education including the motor vehicle operators license examination and public service advertisement.

(2) Operators of commuter trains shall provide adequate bicycle parking facilities at major commuter train stations.

(g) *Compliance Schedule for Interim Bicycle Facilities.* (1) Bikeway Network; 50 percent of the mileage completed by September 1, 1976; 100 percent completed by May 31, 1977.

(2) Other requirements completed by May 31, 1977.

(h) *Permanent Bicycle Facilities.* At the conclusion of the study required by paragraph (c) of this section and the Administrator's response thereto, the Commonwealth of Massachusetts shall, together with the other municipalities and authorities having jurisdiction over affected roadways and areas establish permanent bicycle facilities as indicated by the Administrator's response to the study.

14. A new § 52.1163 is added as follows:

§ 52.1163 Development of Additional Control Measures for East Boston.

On or before January 1, 1976, the Governor of the Commonwealth of Massachusetts, the Mayor of the City of Boston and the Massachusetts Port Authority shall each submit to the Regional Administrator a study of various alternative strategies by means of which the level of carbon monoxide in the vicinity of the Callahan and Sumner Tunnels could be reduced to and maintained at a level consistent with the national primary ambient air quality for carbon monoxide. Such studies may be combined into a joint document. Each study shall contain recommendations for control measures to be adopted by the Administrator for implementation prior to May 31, 1977. The alternative strategies should include all or some of the following measures, as necessary:

(a) Increased use of carpools and vanpools for employees commuting through the above tunnels;

(b) Alterations in traffic patterns;

(c) Use of exclusive lanes for buses, carpools and taxi travel during peak hours;

(d) Reduction of parking spaces;

(e) Construction of satellite terminal facilities; and

(f) Such other measures as shall be necessary to achieve the required reductions.

15. A new § 52.1164 is added as follows:

§ 52.1164 Localized High Concentrations—Carbon Monoxide.

(a) Not later than October 1, 1975, the Commonwealth of Massachusetts shall develop and implement a program to identify urban and suburban core/areas and roadway/intersection complexes within the Boston Intrastate Region which now violate the carbon monoxide air quality standards. Once such localized areas have been identified, the Commonwealth, in cooperation with the affected local municipalities shall develop and implement appropriate control strategies to insure that air quality standards will be achieved at such areas. Plans shall be developed to include provisions for the entire municipality in order to insure that the implemented strategies will not create carbon monoxide violations elsewhere in the vicinity after the measures have been applied.

(b) To accomplish the requirements of paragraph (a) of this section, the Commonwealth shall do the following:

(1) Identify areas of potentially high carbon monoxide concentrations by reviewing all available traffic data, physical site data and air quality and meteorological data for all major intersections and roadway complexes within the Region. The Administrator will provide general guidance on area designations to assist in the initial identification process.

(2) Areas identified under paragraph (b)(1) of this section shall be studied in further detail, including meteorological modeling, traffic flow monitoring, air quality monitoring and such other measures necessary to accurately quantify the extent and actual levels of carbon monoxide in the area. A report containing the results of these analyses and identifying such areas shall be submitted to the Administrator no later than March 1, 1976.

(3) If, after the completion of actions required by paragraph (b)(2) of this section, an area shows or is predicted to have violations of the carbon monoxide standard, the Commonwealth, in cooperation with the affected municipality, shall submit a plan to the Administrator setting forth a program to regulate traffic and parking so as to reduce carbon monoxide emissions to achieve air quality standards in the area. Such plan shall include: the name of the agency responsible for implementing the plan, all technical data and analyses supporting the conclusions of the plan, all control strategies adopted as part of the plan and other such information relating to the proposed program as may be required by the Administrator. The Administrator shall provide general guidance on applicable control strategies and reporting formats to assist in plan development and submittal. Such a plan shall be submitted for each municipality which contains one or more identified areas no later than October 1, 1975 for Waltham and October 1, 1976 for other areas.

(4) All measures called for in the plan submitted under paragraph (b)(3) of this section shall be subject to the approval of the Administrator and shall be completed by May 31, 1977.

(c) The Commonwealth shall annually review the effectiveness of the control strategies developed pursuant to this section and modify them as necessary to insure that standards will be attained and maintained. The results of this review and any changes in the measures which the Commonwealth recommends as a result thereof shall be reported to the Administrator annually as required under § 52.1160.

[FR Doc.75-5177 Filed 2-27-75;8:45 am]

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FRIDAY, FEBRUARY 28, 1975

WASHINGTON, D.C.

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PART IV

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

OPERATIONS REVIEW PROGRAM

Invitation for Proposals

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

OPERATIONS REVIEW PROGRAM

FAA Expands Biennial Regulatory Review Policy

On February 12, 1974, the Federal Aviation Administration issued a policy statement initiating the Biennial Airworthiness Review Program (see 39 FR 5813, February 15, 1974). Concurrently, the FAA issued Notice No. 74–5 inviting proposals for consideration during the First Biennial Airworthiness Review (see 39 FR 5785, February 15, 1974). The airworthiness review now is at the mid-point of its first two-year cycle. The FAA has received strongly favorable comment on this program from the general public and the aviation community both here and abroad.

The aviation industry in the United States and abroad has grown substantially during the last 10 years. Paralleling its rapid growth and numerous technological advances are significant changes in the operating environment in which airmen, air agencies and aircraft operators function. The same systematic, comprehensive process being used to periodically review the airworthiness standards can be adapted to the rules which apply to other segments of aviation. This process should enable the FAA to become even more responsive to the needs of the general public and the aviation community in fulfilling the agency's aviation safety responsibilities.

Accordingly, the FAA is establishing the Operations Review Program. The program will be implemented through Biennial Operations Reviews which will be administered by Flight Standards Service. The operations reviews will be carried out with full opportunity for the participation of the interested public, industry, other Government agencies and foreign governments. All elements of the FAA will provide support to Flight Standards Service to ensure the timely completion of the periodic operations review process, as they now are doing for the periodic airworthiness reviews.

In furtherance of the policy announced in this notice, the Director of Flight Standards Service is issuing a notice regarding the First Biennial Operations Review (1975–1976). That notice sets forth detailed information concerning the schedule and invites submission of proposals for consideration during the First Biennial Operations Review. It is published concurrently with this notice.

Issued in Washington, D.C., on February 26, 1975.

ALEXANDER BUTTERFIELD,
Administrator.

[FR Doc.75–5420 Filed 2–27–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 43, 61, 63, 65, 91, 101, 105, 121, 123, 127, 129, 133, 135, 137, 141, 143, 145, 147, 148]

[Docket No. 14322; Notice No. 75–9]

OPERATIONS REVIEW PROGRAM

Invitation To Submit Proposals for Consideration During the First Biennial Operations Review (1975–1976)

The Federal Aviation Administration gives public notice of the First Biennial Operations Review Program (1975–1976). In general, the operations review program covers: (1) maintenance rules; (2) airmen certification rules; (3) selected air traffic and general operating rules; (4) rules for the certification and operations of air carriers, air travel clubs and operators for compensation or hire; and (5) rules for schools and other certificated agencies. The operations review program which is patterned on the airworthiness review program (now at the midpoint of its first two-year cycle), will be administered by an organizational component within Flight Standards Service. The First Biennial Operations Review (1975–1976) will proceed according to the schedule in Appendix A to this notice.

Proposals Invited. Interested persons, both foreign and domestic, are invited to submit any proposals to amend the rules identified below that they deem appropriate. All proposals should be submitted in duplicate as soon as possible to the Federal Aviation Administration, Flight Standards Service, Operations Review Program, AFS–78, 800 Independence Avenue, SW, Washington, D.C. 20591. To receive consideration, proposals must be within the scope of the operations review as set forth in the notice and must be received by FAA not later than 5 p.m., e.d.t., April 15, 1975. Proposals received after that time will be deferred for consideration during a future operations review.

Scope. The First Biennial Operations Review includes the following Parts of the Federal Aviation Regulations (FAR) contained in Title 14 of the Code of Federal Regulations (14 CFR):

Part:
- 43—Maintenance, preventive maintenance, rebuilding, and alteration.
- 63—Certification: flight crewmembers other than pilots.
- 65—Certification: airmen other than flight crewmembers.
- 91—General operating and flight rules.
- 101—Moored balloons, kites, unmanned rockets and unmanned free balloons.
- 105—Parachute jumping.
- 121—Certification and operations: domestic, flag, and supplemental air carriers and commercial operators of large aircraft.
- 123—Certification and operations: air travel clubs using large airplanes.
- 127—Certification and operations of scheduled air carriers with helicopters.
- 129—Operations of foreign air carriers.
- 133—Rotorcraft external-load operations.
- 135—Air Taxi operators and commercial operators of small aircraft.
- 137—Agricultural aircraft operations.
- 143—Ground instructors.
- 145—Repair stations.
- 147—Aviation maintenance technician schools.
- 149—Parachute lofts.

Because they were recently revised, two FAR Parts will not be considered during the First Biennial Operations Review cycle, unless a requirement is directly related to a proposed change in one of the other FAR Parts listed above. The two FAR Parts are: Part 61—Certification: pilots and flight instructors. Part 141—Pilot schools.

Pending Notices. Appendix B to this notice identifies a number of notices of proposed rulemaking which affect one or more of the FAR Parts within the scope of the First Biennial Operations Review. These notices will be pursued to a conclusion or withdrawn outside the Review and the substance of the rules proposed in those notices will not be considered during the Review.

Status of the Rules. Appendix C to this notice gives the status of the FAR Parts within the scope of this Review as of February 1, 1975, and lists petitions for rule making which affect one or more FAR Parts within the scope of the First Biennial Operations Review. Some of these petitions may be included for consideration in the Review. Those which are at an advanced stage of processing may be completed independently of the Review.

Required Format and Information. Based on experience gained during the First Biennial Airworthiness Review Program, the FAA has determined that use of a standard format and the inclusion of certain specific information for each proposal will greatly facilitate the processing, compilation and evaluation of the large number of proposals the FAA expects to receive. Appendix D to this notice contains a sample of the format that should be used. In addition, each proposal should include at least the following information:

1. The full name or title of the proponent or an acceptable acronym.
2. The FAR section affected.
3. A short title identifying the subject of the proposal (in 10 words or less).
4. The specific regulatory language being proposed to achieve the desired objective.
5. The language of the existing rule that the proposal would change.
6. An explanation and justification of the proposal, including:
   a. What is the background?
   b. Why is the change necessary?
   c. How is aviation safety enhanced or the existing level of safety maintained?
   d. What are the environmental and economic consequences, if any, of the proposal if adopted?
   e. What other rules are affected (for example, parallel rules in other FAR Parts)?
   f. What other proposals, if any, are directly related?
7. Additional data or references to publications.

When more than one proposal is submitted on an issue to achieve the desired result, the information required in item 6, above, should be stated in full in only one proposal and a cross-reference included in the other related proposals. Proponents may submit a precise statement of the objective sought instead of the information required under item 4, above. Interested persons are urged, however, to propose specific regulatory language if at all possible because experience during the airworthiness review showed that specific language yields more productive discussions.

Compilation of Proposals. The FAA will process and evaluate each proposal received no later than 5 p.m. e.d.t., April 15, 1975. The FAA then will prepare a Compilation of Proposals for consideration during the First Biennial Operations Review. In addition to proposals received from the public, the FAA will include in this compilation FAA proposals believed appropriate for consideration during the Review. The compilation will be distributed no later than May 30, 1975, to each person who submits a proposal or who expresses an interest in the Review. At that time, a Notice of Availability of the Compilation of Proposals and Invitation to Submit Comments will be issued and published in the FEDERAL REGISTER.

Agenda and Conference. All comments received on the Compilation of Proposals not later than 5 p.m. e.d.t., August 1, 1975, will be considered in preparing the agenda for the First Biennial Operations Review Conference. The Conference will be held from the morning of December 1, 1975, to December 5, 1975, in the Washington, D.C., area at a place to be announced. There will be no admission fee or other charge to be paid to attend and participate in the conference sessions and those sessions will be open to interested persons. If necessary to complete the agenda, conference sessions may be extended to evenings or additional days. Following the conference, the FAA will prepare and issue a summary of the conference proceedings. This will be distributed to conference participants and other interested persons. A Notice of Availability of Conference Summary also will be issued and published in the FEDERAL REGISTER.

Proposed and Final Rulemaking. The Conference Summary and other operations review documents will be used in developing notices of proposed rulemaking, the last of which will be issued and published in the FEDERAL REGISTER no later than May 30, 1976. These notices will provide interested persons the opportunity for further comment on specific proposed amendments to the Federal Aviation Regulations. The comment period will close on the last notice on September 1, 1976. Final rules adopted as a result of the First Biennial Operations Review will be issued after consideration of the comments received in response to these notices. The last set of amendments will be issued and published in the FEDERAL REGISTER no later than February 27, 1977.

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Disposition of Proposals. Not all the proposals received in response to this notice will automatically be included in the Compilation of Proposals scheduled for distribution no later than May 30, 1975. Nor will all proposals included in that document automatically be included in the agenda for the First Biennial Operations Review Conference. As stated above, proposals must be received no later than 5 p.m. e.d.t., April 15, 1975. They must be within the scope of the Operations Review, follow the prescribed format and contain the essential information identified above. Among the proposals which meet these requirements, some may be straightforward, noncontroversial and adequately justified. Since no useful purpose would be served by discussing those proposals during the conference they will be held for inclusion in a notice of proposed rulemaking. On the other hand, FAA may identify proposals that are not adequately justified, that require further research or that could not result in fruitful discussion at the conference. They will be dropped or deferred for further study and possible consideration during future Operations Reviews. Other proposals may be eliminated from consideration because they deal with the substance of rules proposed in notices identified in Appendix B to this notice.

Issued in Washington, D.C., on February 26, 1975.

R. P. SKULLY,
Director,
Flight Standards Service.

APPENDIX A—SCHEDULE FOR FIRST BIENNIAL OPERATIONS REVIEW (1975–1976)

February 26, 1975—Notice initiating First Biennial Operations Review (1975–1976) and inviting proposals to amend the Federal Aviation Regulations.
April 15, 1975—Final date for delivering proposals to FAA.
May 30, 1975—Distribute the compilation of proposals.
August 1, 1975—Final date for delivering comments on proposals to FAA.
October 15, 1975—Distribute agenda and related working documents for First Biennial Operations Review Conference.
December 1 to 5, 1975—First Biennial Operations Review Conference.
May 28, 1976—Issue last notice of proposed rule making.
September 1, 1976—Final date for delivering comments on last notice of proposed rule making to FAA.
February 27, 1977—Issue last amendments to the Federal Aviation Regulations.

APPENDIX B—PENDING NOTICES OF PROPOSED RULE MAKING EXCLUDED FROM THE FIRST BIENNIAL OPERATIONS REVIEW

FAA has issued a number of notices of proposed rule making proposing amendments to Parts of the Federal Aviation Regulations within the scope of the First Biennial Operations Review. These notices will be pursued to a conclusion outside the Review and the substance of the rules proposed will not be considered during the Review. They are identified below:

1. *Notice 71–20, Operations at Airports Without Control Towers.* This notice (36 FR 13275, July 17, 1971) proposed amending "Parts 1 and 91 of the Federal Aviation Regulations relating to the standardizing of traffic pattern flight procedures at 'uncontrolled airports'—those airports at which an operative control tower is not available to provide air traffic control service." The notice affects §§ 1.1, 91.70, and 91.89. The comment period expired September 27, 1971.

2. *Notice 71–22, VFR Flight Beneath Clouds.* This notice (36 FR 14659, August 7, 1971) proposed amending "§ 91.105(c) by removing the ceiling as reported at the primary airport as the criterion for VFR flight in a control zone, and substituting the actual cloud condition prevailing at any given point in the control zone where VFR flight is being conducted." The comment period expired November 5, 1971.

3. *Notice 72–17, Landing Minimums.* This notice (37 FR 14406, July 20, 1972) proposed "amending Parts 91, 121, and 135 of the Federal Aviation Regulations to establish criteria for the commencement of instrument approaches and to update and clarify the requirements applicable to the instrument landing procedures and minimums prescribed therein. It is also proposed to amend Part 123 to delete the referenced weather reporting provision in Part 121 that would become obsolete as a result of this proposal and to include a reference to the new section in Part 121 that would be added." The notice affects §§ 91.6, 91.116, 91.117, 121.80, 121.93, 121.101, 121.119, 121.649, 121.651, 121.652, 121.653, 121.655, 123.27, 135.100 and 135.111. Notice 72–17A (37 FR 19821, September 22, 1972) extended the comment period on this notice to December 18, 1972.

4. *Notice 72–33, Portable Electronic Calculators—Proposal to Allow Operation on Aircraft.* This notice (37 FR 28522, December 27, 1972) proposed "amending Part 91 of the Federal Aviation Regulations to expressly permit the operation of portable electronic calculators on aircraft operated by an air carrier or commercial operator or on any other aircraft while it is operated under IFR." The notice affects § 91.19. The comment period expired March 27, 1973.

5. *Notice 73–2, Limited IFR Air Taxi Operations.* This notice (38 FR 2988, January 31, 1973) proposed "amending Part 135 of the Federal Aviation Regulations to make those sections dealing with limited IFR operations . . . consistent with each other, with Terminal Instrument Procedures (TERPS), and with safe operating practices." The notice affects §§ 135.75, 135.99 and 135.145. The comment period expired March 30, 1973.

6. *Notice 73–4, Inspection Authorization—Eligibility and Operational Requirements and Geographical Limitations.* This notice (38 FR 3410, February 6, 1973) proposed "amending Part 65 of the Federal Aviation Regulations to: (1) Clarify the eligibility requirements for the issue of an inspection authorization; (2) provide that each holder of an inspection authorization must hold a currently effective mechanic certificate with both an airframe and a powerplant rating whenever he exercises the privileges of an inspection authorization; (3) require each holder to keep a record of each inspection performed by him; (4) limit the area where the holder may exercise the privileges of the authorization to the area under the jurisdiction of the local FAA District Office in which the holder's fixed base of operation is located, unless he is otherwise authorized by that Office and the Office for the area in which he proposes to perform an inspection; and (5) require each holder who changes the location of, or terminates the inspection authorization activity at, his fixed base of operation, to surrender his authorization to the local FAA District Office, with the privilege of obtaining reissuance of the authorization without further written test, at a new base established before the first day of April following the termination." The notice affects §§ 65.91, 65.92, 65.93, 65.94 and 65.95. The comment period expired May 7, 1973.

7. *Notice 73–20, Radio Equipment for Overwater Operations.* This notice (38 FR 17019, June 28, 1973) proposed "amending Subpart D of Part 91 of the Federal Aviation Regulations to permit persons subject to that subpart to operate an airplane in overwater operations with one HF transmitter and one HF receiver rather than dual HF communications equipment, under certain circumstances." The notice affects § 91.191. The comment period expired August 27, 1973.

8. *Notice 74–1, Flight Engineer Knowledge and Aeronautical Experience Requirements.* This notice (39 FR 1780, January 14, 1974) proposed "amending Part 63 of the Federal Aviation Regulations to permit an applicant for a flight engineer certificate and a class rating to meet the prescribed aeronautical experience requirements in an additional manner to those now specified in § 63.37 of the Federal Aviation Regulations." This notice affects §§ 63.35 and 63.37. The comment period expired March 15, 1974.

9. *Notice 74–8, Two-Way Radio Communications during IFR Operations.* This notice (39 FR 7431, February 26, 1974) proposes "amending § 91.127(c)(4) of the Federal Aviation Regulations to provide that, when holding instructions have been received, a pilot who has lost two-way communications under IFR must either leave the holding fix at the expect-further-clearance time received or, if an expect-approach-clearance time has been received, commence the approach at the expect-approach-clearance time received." The comment period expired April 29, 1974.

10. *Notice 74–13, Airports with Operating Control Towers—Operation of Aircraft.* This notice (39 FR 11301, March 27, 1974) proposes amending "§ 1.1 and § 91.87 of the Federal Aviation Regulations relating to the operation of aircraft at airports having operating control towers. The proposed amendments would add a definition of 'movement area' and more clearly describe when a clearance is required from Air Traffic Control before a pilot may taxi an aircraft." The comment period expired June 10, 1974.

11. *Notice 74–21, Replenishing and Maintenance of Oxygen Systems.* This notice (39 FR 20382, June 10, 1974) proposed "amending Part 91 of the Federal Aviation Regulations to prescribe safety requirements governing the presence of persons on board a civil aircraft of U.S. registry when certain work is being performed on the oxygen system of the aircraft." The notice affects § 91.168. The comment period expired September 9, 1974.

12. *Notice 74–25, Air Transportation of Handicapped Persons.* This notice (39 FR 24667, July 5, 1974) proposed "amending Parts 121 and 135 of the Federal Aviation Regulations to provide rules for the safe carriage by the holders of Part 121 and 135 certificates of persons who, because of a physical condition, may require the assistance of another person during an emergency evacuation." The notice affects §§ 121.311, 121.417, 121.571, 121.584, 121.589, 135.27, 135.81 and 135.139. The comment period expired October 7, 1974.

13. *Notice 74–28, Equipment and Other Requirements for Operation in Group II Terminal Control Areas—Automatic Pressure Altitude Reporting Equipment.* This notice (39 FR 27147, July 25, 1974) proposed "amending Part 91 of the Federal Aviation Regulations to modify the requirements for operation within Group II Terminal Control Areas (TCA's). The major proposal would rescind the requirement for automatic pressure altitude reporting equipment in those TCA's." The notice affects §§ 91.24 and 91.90. The comment period expired on September 9, 1974.

14. *Notice 74–30, Airborne Vibration Monitors.* This notice (39 FR 31913, September 3, 1974) proposed "amending § 121.307 of the Federal Aviation Regulations to provide that no person may conduct an operation under Part 121 of the Federal Aviation Regulations in a Boeing Model B–747, Lockheed Model L–1011, or McDonnell Douglas Model DC–10 aircraft without having installed in the aircraft an indicator to indicate to the flight crew rotor system unbalance for each engine." The comment period expired November 4, 1974.

APPENDIX C—STATUS OF FEDERAL AVIATION REGULATIONS AND RELATED ACTIONS WITHIN THE SCOPE OF THE OPERATIONS REVIEW

Notices of proposed rule making that affect Federal Aviation Regulations within the scope of the Operations Review are listed in Appendix B, above. The status of each Part of the Federal Aviation Regulations included in the Review as of February 1, 1975 is stated below. In addition, each petition for rule making affecting those regulations is listed.

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

The last amendment to this Part is Amendment 43–18, "ATC Transponder Tests and Inspections," issued December 19, 1973, and effective December 31, 1973 (see 38 FR 35441, December 28, 1973). The following petition for rule making is pending:

Aviation Technician Education Council (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician."

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

The last amendment to this Part is Amendment 61–63, "Graduates of Certificated Flying Schools," issued May 29, 1974, and effective November 1, 1974 (see 39 FR 20056, June 6, 1974). *Note:* Amendment 61–60, "Pilot and Flight Instructor Certificates and Ratings and Check Requirements for Pilots-in-Command," issued January 23, 1973, and effective November 1, 1973 (see 38 FR 3156, February 1, 1973) revised Part 61, except for the Subpart dealing with airline transport pilot certificates. The following petitions for rule making are pending:

1. *The Goodyear Tire & Rubber Company* (Docket No. 5726) seeks to amend several sections of Part 61 dealing with pilots of lighter-than-air aircraft.

2. *Mr. Fred W. Kreig* (Docket No. 11735) seeks to amend Parts 61, 91, and 101 to regulate the operations of moored balloons and unmanned free balloons as manned free balloons are regulated.

3. *Mr. Richard C. Bartel* (Docket No. 12866) seeks to amend § 61.39 to prevent an applicant for an airline transport pilot certificate or added rating on that certificate to be eligible for a flight test without a written recommendation from a certificated flight instructor.

4. *Balloon Federation of America* (Docket No. 13236) seeks to amend § 61.1(b) to extend the effective date of revised requirements for a commercial pilot certificate with a free balloon rating.

5. *Mr. David M. Davis* (Docket No. 13673) seeks to amend § 61.157 to allow Military Airlift Command aircraft commanders to qualify for an airline transport pilot certificate by passing a written examination only, without being required to take a flight test.

6. *American Bonanza Society* (Docket No. 14025) seeks to amend §§ 61.45 and 91.21 to allow use of aircraft with single throwover control wheels for simulated instrument flight and flight tests under certain conditions.

7. *Air Transport Association of America* (Docket No. 14245) seeks to retain indefinitely in Appendix A, Part 61, and Appendix F, Part 121, the special maneuvers and procedures applicable to four-engine turbojet-powered airplanes.

8. *Flight Systems, Inc.* (Docket No. 12492) seeks to amend Part 61 to establish minimum experience requirements and a type rating for the pilot-in-command of high-performance surplus military aircraft.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

The last amendment to this Part is Amendment 63–16, "Carriage of Narcotic Drugs, Marihuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17491, July 2, 1973). There are no petitions for rule making pending.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

The last amendment to this Part is Amendment 65–31, "Carriage of Narcotic Drugs, Marihuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17401, July 2, 1973). The following petition for rule making is pending:

Aviation Technician Education Council (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician".

PART 91—GENERAL OPERATING AND FLIGHT RULES

The last amendment to this Part is Amendment 91–125, "Aircraft Speed Beneath Terminal Control Areas," issued July 16, 1974, and effective August 23, 1974 (see 39 FR 26888, July 24, 1974). The following petitions for rule making are pending:

1. *National Business Aircraft Association, Inc.* (Docket No. 8071) seeks to amend § 91.33 (e) to delete the word "approved" from the requirements for distance measuring equipment (DME).

2. *Mr. Fred W. Kreig* (Docket No. 11735) seeks to amend Parts 61, 91, and 101 to regulate the operation of moored balloons and unmanned free balloons as manned free balloons are regulated.

3. *Aviation Technician Education Council* (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician".

4. *Air Transport Association of America* (Docket No. 12851) seeks to amend Part 91 to facilitate a reduction of vertical separation from 2,000 to 1,000 feet for aircraft operating between 29,000 and 45,000 feet.

5. *Aircraft Owners and Pilots Association* (Docket No. 13336) seeks to amend § 91.177 to revise the requirements for a biennial test and inspection of ATC transponders.

6. *American Bonanza Society* (Docket No. 14025) seeks to amend §§ 61.45 and 91.21 to allow use of aircraft with single throwover control wheels for simulated instrument flight and flight tests under certain conditions.

7. *Air Transport Association of America* (Docket No. 14064) seeks to amend § 91.51 to allow an alternative means to comply with the present requirements for an approved altitude alerting system.

8. *Association of Flight Attendants* (Docket No. 14218) seeks to amend either Part 91 or Part 121 to require more comprehensive reporting regarding the use of emergency equipment and passenger or crewmember injuries.

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS

The last amendment to this Part is Amendment 101–4, "Objects Dropped from Certain Balloons, Kites, and Rockets," issued June 13, 1974, and effective August 20, 1974 (see 39 FR 22252, June 21, 1974). The following petition for rule making is pending:

Mr. Fred W. Kreig (Docket No. 11735) seeks to amend Parts 61, 91, and 101 to regulate the operation of moored balloons and unmanned free balloons as manned free balloons are regulated.

PART 105—PARACHUTE JUMPING

The last amendment to this Part is Amendment 105–5, "Clearance from Clouds and Flight Visibility Requirements," issued May 3, 1971, and effective June 12, 1971 (see 36 FR 8775, May 13, 1971). The following petition for rule making is pending:

United States Parachute Association (Docket No. 13399) seeks to amend § 105.43 to extend the repack cycle for auxiliary parachutes from 60 to 120 days.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

The last amendment to this Part is Amendment 121–115, "First-Aid Kits," issued December 26, 1974, and effective January 1, 1975 (see 40 FR 1039, January 6, 1975). The following petitions for rule making are pending:

1. *Air Transport Association of America* (Docket No. 9481) seeks to amend § 121.552 to clarify provisions dealing with landing minimums. Proposals contained in Notice 72–17 (see Appendix B, above) would dispose of this petition.

2. *Eastern Air Lines, Inc.* (Docket No. 10902) seeks to amend § 121.305(j) to allow use of an attitude indicating system which does not incorporate a third attitude indicator.

3. *The Helicopter Association of America* (Docket No. 10883) seeks to amend Parts 121 and 133 to allow helicopter operations with both internal loads and external loads.

4. *Aviation Consumer Action Project* (Docket No. 11798) seeks to amend §§ 121.405 and 121.427 to prohibit reductions in flight engineering programmed hours of training and to increase their programmed hours of ground training.

5. *Air Transport Association of America* (Docket No. 12039) seeks to amend § 121.343 to allow the unlimited erasure of recorded data to conduct functional tests and trouble shooting on the flight recorder system.

6. *Air Line Pilots Association* (Docket No. 12301) seeks to amend Part 121 to eliminate or reduce dual qualification on different types of aircraft.

7. *Washington Humane Society* (Docket No. 12312) seeks to amend Part 121 to establish standards for treatment and environmental conditions for animals during shipment by air.

8. *Aviation Technician Education Council* (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician".

9. *Association of Flight Attendants* (Docket No. 12962) seeks to amend § 121.391 to decrease the passenger to flight attendant ratio to 40 to 1 and to provide that only flight attendants may occupy designated flight attendant seats.

10. *Air Line Pilots Association* (Docket No. 13329) seeks reconsideration of FAA withdrawal of Notice 69–19, "Autopilots for Certain Turbojet Airplanes," which proposed an amendment to § 121.319.

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11. *Air Transport Association of America* (Docket No. 13485) seeks to amend § 121.319 to eliminate or revise changes adopted in Amendment 121-105 (38 FR 21493, August 9, 1973), "Public Address and Interphone Communication Systems."

12. *Mr. William C. Heller* (Docket No. 13506) seeks to amend Part 121 to require the captain to make all landings and takeoffs from the left seat during Part 121 operations.

13. *Air Line Pilots Association* (Docket No. 13670) seeks to amend § 121.317 to require on each seat back a sign stating, "Please Fasten Seat Belts While Seated."

14. *Air Transport Association of America* (Docket No. 14245) seeks to retain indefinitely in Appendix A, Part 61, and Appendix F, Part 121, the special maneuvers and procedures applicable to four-engine turbojet-powered airplanes.

15. *Association of Flight Attendants* (Docket No. 14218) seeks to amend either Part 91 or Part 121 to require more comprehensive reporting regarding the use of emergency equipment and passenger or crewmember injuries.

16. *Air Transport Association of America* (Docket No. 14239) seeks to amend §§ 121.401 and 121.433(a) to extend and expand the applicability of the grace period for recurrent training of persons responsible for handling dangerous articles and magnetized materials.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

The last amendment to this Part is Amendment 123-5, "Carriage of Oxygen for Medical Use—Storage, Use, and Restriction in Aircraft Passenger Compartment," issued November 27, 1974, and effective December 9, 1974 (see 39 FR 42674, December 6, 1974). There are no petitions for rule making pending.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

The last amendment to this Part is Amendment 127-32, "Use of Certified Land Airports," issued August 12, 1974, and effective September 14, 1974 (see 39 FR 29341, August 15, 1974). There are no petitions for rule making pending.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

The last amendment to this Part is Amendment 129-4, "Airborne Distance Measuring Equipment; Civil Aircraft (Including Foreign Civil Aircraft) Within Alaska and Hawaii," issued April 15, 1966, and effective July 1, 1966 (see 31 FR 6265, April 23, 1966). There are no petitions for rule making pending.

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS

The last amendment to this Part is Amendment 133-4, "Carriage of Narcotic Drugs, Marihuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17491, July 2, 1973). The following petition for rule making is pending:

The Helicopter Association of America (Docket No. 10638) seeks to amend Parts 121 and 133 to allow helicopter operations with both internal loads and external loads.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

The last amendment to this Part is Amendment 135-40, "Carriage of Oxygen for Medical Use—Storage, Use, and Restriction in Aircraft Passenger Compartments," issued November 27, 1974, and effective December 9, 1974 (see 39 FR 42674, December 6, 1974). The following petitions for rule making are pending:

1. *National Air Transportation Conferences, Inc., and Executive Air Fleet Corporation* (Docket No. 12768) seek to amend § 135.2(b) to rescind certain equipment requirements for operations of large aircraft under 27,000 pounds maximum certificated takeoff with passenger capacities of not more than 12 persons.

2. *The Helicopter Association of America* (Docket No. 14307) seeks to rescind § 135.89, "Helicopter operations: Emergency landing areas."

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

The last amendment to this Part is Amendment 137-4, "Carriage of Narcotic Drugs, Marihuana, and Depressant or Stimulant Drugs or Substances," issued June 19, 1973, and effective August 1, 1973 (see 38 FR 17491, July 2, 1973). The following petition for rule making is pending:

The Helicopter Association of America (Docket No. 13235) seeks to amend § 137.3 to exclude the dispensing of water on forest fires from the definition of "agricultural aircraft operation."

PART 141—PILOT SCHOOLS

The last amendment to this Part is Amendment 141-13, "Revision of Part," issued May 29, 1974, and effective November 1, 1974 (see 39 FR 20146, June 6, 1974). *Note:* This amendment revised the entire Part. There are no petitions for rule making pending.

PART 143—GROUND INSTRUCTORS

The last amendment to this Part is Amendment 143-4, "Airmen and Ground Instructors: Certain Additional Information in Application for Duplicate Certificates, and Expiration Date for Telegraphic Certificate," issued February 5, 1971, and effective April 12, 1971 (see 36 FR 2864, February 11, 1971). There are no petitions for rule making pending.

PART 145—REPAIR STATIONS

The last amendment to this Part is Amendment 145-14, "Equipment Material Requirements for Radio Rated Repair Stations," issued December 11, 1970, and effective March 24, 1971 (see 35 FR 19349, December 22, 1970). There are no petitions for rule making pending.

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

The last amendment to this Part is Amendment 147-2, "Name, Operations, and Curriculum," issued March 27, 1970, and effective May 8, 1970 (see 35 FR 5331, April 3, 1970). The following petition for rule making is pending:

Aviation Technician Education Council (Docket No. 12816) seeks to amend several sections in Parts 43, 65, 91, 121, and 147 to change the word "mechanic" to "technician."

PART 149—PARACHUTE LOFTS

The last amendment to this Part is Amendment 149-1, "Cross Reference Corrections in FAR Parts 21, 33, 37, 43, 61, 63, 91, 127, 133, 141, 145, 149, and 183," issued June 28, 1966, and effective July 6, 1966 (see 31 FR 9211, July 6, 1966). There are no petitions for rule making pending.

APPENDIX D—FORMAT FOR OPERATIONS REVIEW PROPOSALS

The following format and clerical guidelines should be followed in developing proposals for consideration during the First Biennial Operations Review (1975-1976).

Clerical Guidelines. Each proposal should be submitted on a separate page. The text should be within margins not more than 6½" wide and 9" long, so that it can be printed on paper 8" by 10½".

SAMPLE FORMAT

Proposal: (Leave blank—for FAA use)
From: Ms. Jane Doe
Index: (Leave blank—for FAA use)

Proposal

Amend § 91.4 to read as follows: No person may operate an aircraft that is type certificated for more than 1 required pilot flight crewmember unless the pilot flight crew consists of a pilot in command who meets the requirements of § 61.58 of this chapter.

FAR: 91.4
SUBJ: Pilot-in-command of aircraft requiring more than 1 pilot.

Current Rule

§ 91.4 *Pilot in command of aircraft requiring more than one required pilot.* After Nov. 1, 1974, no person may operate an aircraft that is type certificated for more than 1 required pilot flight crewmember unless the pilot flight crew consists of a pilot in command who meets the requirements of § 61.58 of this chapter.

EXPLANATION AND JUSTIFICATION

The words "After November 1, 1974," are unnecessary because that date has passed. The environmental and economic impacts are *none.*

(Attach additional data, if any.)

[FR Doc.75-5470 Filed 2-27-75;8:45 am]

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federal register

FRIDAY, FEBRUARY 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 41

PART V

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia	GA75–1025
South Carolina	SC75–1026

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75–1022	Feb. 14, 1975
Alaska:	
AK75–5001	Jan. 10, 1975
Florida:	
AQ–4121	June 7, 1974
FL75–1011	Jan. 24, 1975
Illinois:	
IL75–2035	Feb. 7, 1975
Louisiana:	
LA75–4033	Jan. 24, 1975
Michigan:	
AR–3177	Dec. 20, 1974
Montana:	
MT75–5012; MT75–5017; MT75–5019	Feb. 7, 1975
Nebraska:	
AR–94	Dec. 27, 1974
New Jersey:	
AR–2042	Sept. 13, 1974
New Mexico:	
NM75–4002	Jan. 10, 1975
New York:	
AR–2017	Oct. 11, 1974
Pennsylvania:	
PA75–3015	Feb. 14, 1975
Tennessee:	
AR–4062	Dec. 6, 1974
Texas:	
AR–82	Nov. 29, 1974
TX75–4007; TX75–4009; TX75–4012	Jan. 17, 1975
TX75–4020; TX75–4022; TX75–4023; TX75–4024; TX75–4025; TX75–4028; TX75–4029; TX75–4030; TX75–4031	Jan. 24, 1975
TX75–4047	Feb. 7, 1975
West Virginia:	
WV75–3007	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama:	
AR–4033 (AL75–1027)	Sept. 13, 1974
AR–4067 (AL75–1028)	Dec. 20, 1974
Arkansas:	
AR–33 (AK75–4058)	Aug. 30, 1974
AR–4057 (AR75–5032)	Nov. 22, 1974
California:	
AR–1044 (CA75–5022); AR–1045 (CA75–5023)	Nov. 8, 1974
Colorado:	
CO75–5008 (CO75–5027)	Jan. 31, 1975
CO75–5010 (CO75–5030)	Jan. 24, 1975
Illinois:	
AR–3074 (IL75–2034)	Aug. 9, 1974
Iowa:	
AR–75 (NE75–4054)	Nov. 1, 1974
Kansas:	
AQ–44 (MO75–4059)	Nov. 16, 1973
Louisiana:	
AR–4057 (AR75–5032)	Nov. 22, 1974
Missouri:	
AQ–44 (MO75–4059)	Nov. 16, 1973
Mississippi:	
AR–4057 (AR75–5032)	Nov. 22, 1974
Nebraska:	
AR–75 (NE75–4054)	Nov. 1, 1974
AR–77 (NE75–4055)	Nov. 15, 1974
North Dakota:	
AR–1055 (ND75–5031)	Dec. 20, 1974
Pennsylvania:	
AQ–2099 (PA75–3019)	Apr. 19, 1974
Tennessee:	
AR–4057 (AR75–5032)	Nov. 22, 1974
Texas:	
TX75–4032 (TX75–4056)	Jan. 24, 1975
Wisconsin:	
AR–3146 (WI75–2047)	Sept. 27, 1974

Signed at Washington, D.C., this 21st day of February 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Georgia
DECISION NUMBER: GA75-1025
COUNTY: Hall
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pension	Vacation	Apr. Tr.
Air conditioning mechanic	4.00				
Bricklayers	6.00				.045
Carpenters and Resilient Tile	5.48	.45	.24	.35	
Cement masons	4.00				
Electricians	5.39				
Glaziers	7.25	.45			
Ironworkers, structural & ornamental	5.00				
Laborers:					
Air tool op. (jackhammer, vibrator)	3.16				
Mason tenders	4.50				
Mortar mixers	3.25				
Painters, brush	4.15				
Plasterers	4.00				
Plumbers, & steamfitters	6.50				
Roofers	4.78				
Sheet metal workers	3.16				
Terrazzo workers	4.38				
Tile setters	4.50				
Truck drivers	4.50				
Welders - rate for craft.	3.16				
POWER EQUIPMENT OPERATORS:					
Air Compressor	4.63				
Bulldozer	4.00				
Finishing machine	5.00				
Front end loader	5.83				
Tractors	4.90				

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NEW DECISION

STATE: South Carolina — COUNTY: Beaufort
DECISION NUMBER: SC75-1026 — DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	$6.20	.35	.40	.45	.02
Asbestos workers	8.24	.35	.40		
Bricklayers	6.00				
Carpenters	5.03				
Cement masons	4.63				
Electricians	5.00				
Ironworkers:	5.25				
Laborers	2.50				
Painters, brush	5.00				
Plasterers	6.00				
Plumbers	6.05				
Roofers	4.60				
Sheet metal workers	4.25				
Sprinkler fitters	7.92	.50	.70	.50	
Tile setters	4.75				
Truck drivers	2.50				
Welders - rate for craft.					
Power Equipment Operators:					
Cranes	3.25				
Distributor	3.50				
Oilers	2.25				
Pumps	3.70				
Roller op.	3.20				
Screed operator	3.20				
Spreader	3.30				

MODIFICATIONS P. 1

DECISION #AL75-1022 - Mod. #1 (40 FR 6912 - February 14, 1975) Colbert and Lauderdale Counties, Alabama	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Laborers:					
Common	$4.975	.15	.25		
Air tool operator (Jackhammer, vibrator)	5.175	.15	.25		
Plasterers' tenders	4.975	.15	.25		
Mason tenders	4.975	.15	.25		
Mortar mixers	5.175	.15	.25		
Pipelayers	5.175	.15	.25		
Omit:					
Power equipment operators' schedule					
Add:					
Power equipment operators' schedule					
GROUP A	8.43	.25	.25		
GROUP B	7.16	.25	.25		
GROUP C	6.48	.25	.25		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.) shoval, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $1.25 per hour

MODIFICATIONS P. 2

DECISION #AK75-5001 - Mod. #2 (39 FR 2382 - January 10, 1975) Statewide, Alaska	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$ 14.26	.51	.75		
Sheet Metal Workers:					
Areas II and III	13.39	.56	.75		.13
Soft Floor Layers:					
Area 1					
Zones 1 and 3	11.02	.75	1.00		.05
Zone 2	11.87	.75	1.00		.05

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AO-4121 - Mod. #2 (39 FR - 20300 - June 7, 1974) Brevard and Volusia (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melabar Radar Site), Florida					
Change:					
Carpenters, gypsum drywall hangers and soft floor layers	$7.31	.35	.25		.05
Millwrights	8.65	.45	.45		.06
Piledrivermen and saw operators (radial)	7.56	.35	.25		.05
Laborers:					
Common laborers	4.70	.20	.30		.01
Hod carriers, kettlemen	4.85	.20	.30		.01
Mason tenders, mortar mixers	4.85	.20	.30		.01
Pipelayers (conc. & clay)	4.85	.20	.30		.01
Plasterers' tenders	4.85	.20	.30		.01
Nozzlemen (handling the nozzle of cement gun)	5.52	.20	.30		.01
Well point and dewatering	4.85	.20	.30		.01
Air tool op., (vibrator)	4.85	.20	.30		.01
Powderman	4.85	.20	.30		.01
Paving form setters	4.85	.20	.30		.01
Curb & gutter form setters	4.85	.20	.30		.01
Sidewalk	4.85	.20	.30		.01
Concrete workers	4.85	.20	.30		.01
Plumbers and pipefitters	8.55	.40	.45		.05
Sheet metal workers	8.89	.40	.45		.06
DECISION # FL75-1011 - Mod. #1 (40 FR-3886 - January 24, 1975) Broward County, Florida					
Change: Description of Work to Read: Building and Heavy Construction (exoluding single family homes and garden type apartments up to and inoluding 4 stories, and exoluding Sewer and Water Line Construction)					

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2035 - Mod. #1 (40 FR 5961 - February 7, 1975) Bureau, LaSalle, Livingston, Marshall, Putnam & Woodford Counties, Illinois					
CHANGE: Truck Drivers Schedule (Marshall Co; & the N.W. Corner of Woodford County)					

TRUCK DRIVERS

[illegible]-82-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

CLASSIFICATIONS

GROUP I
Drivers on 2 axle trucks hauling less than 9 ton, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site; Fork lifts up to 6,000 lbs. capacity.

GROUP II
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lbs. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTE:
a.- Per Week Per Employee.

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #LA75-4033 - Mod. #3 (40 FR 3898 - January 24, 1975) Statewide Louisiana					
Change:					
Boilermakers	$8.00	.50	.76		.02
Glaziers:					
Zone 1	6.55				
Roofers:					
Zone 5:					
Roofers	6.35		.20		.02
Kettlemen	4.47		.20		.02
Roofers' helpers	4.00		.20		.02
DECISION #AR-3177 - Mod. #2 (39 FR 44164 - December 20, 1974) Alger, Barage, Chippewa, Gogebic, Houghton, Keewenaw, Mackinac, Marquette, and Ontonagon Counties Michigan					
Change:					
Plumbers	$ 8.13	.35	.30	1.00	.02

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. MT75-5012 - Mod. #1 (40 FR 6059-February 7, 1975) Statewide, Montana					
Change:					
Bricklayers:					
Beaverhead, Deer Lodge, Granite, Jefferson (except Northern Tip of County), Madison, Powell and Silver Bow Counties	$8.50	.25			
Cascade, Chouteau, Glacier, Pondera and Teton Counties	8.25	.30	.30		
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties	7.10	.30	.25		
Carpenters:					
Broadwater, Lewis and Clark, and Jafferson Counties:					
Carpenters	6.90	.40	.55		.02
Piledrivermen	7.05	.40	.55		.02
Millwrights	7.15	.40	.55		.02
Deer Lodge, Granite (all area lying south of a line running due east from the N.W. corner of Granite Co. to the N.E. corner of Granite County) and Powell (area lying south of the N. E. corner of Granite County) Counties:					
Carpentars	7.11	.40	.55		.02
Piledrivers	7.36	.40	.55		.02
Millwrights	7.61	.40	.55		.02
Granite (area lying north of a line running due east f from the N.W. corner of Granite County to the N.E. corner of Granite County) Lake (Southern area, south of and including the Town of Ravalli), Mineral (area southeast of southeast City limits of the Town of Superior), Missoula, Powell (Area lying north of the N. E. corner of Granite County), Ravalli and Sander (South-eastern portion) Counties:					

DECISION NO. MT75-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters	$7.02	.40	.55		.02
Millwright; Piledriver	7.27	.40	.55		.02
Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties:					
Carpenters	6.65	.40	.55		.02
Piledrivermen	6.90	.40	.55		.02
Millwrights	7.15	.40	.55		.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland, and Yellowstone Counties:					
Carpenters	7.02	.40	.55		.02
Floor Sander; Sawmen	7.17	.40	.55		.02
Piledrivermen	7.17	.40	.55		.02
Millwrights	7.52	.40	.55		.02
Painters:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties:					
Brush	5.82	.25	.10		
Spray	8.60	.25	.10		

DECISION NO MT75-5017 - Mod. #1
(40 FR 6081-February 7, 1975)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Painters:					
Beaverhead, Jefferson (southern area, south of the City of Boulder); Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	$5.82	.25	.10		
Spray	8.60	.25	.10		

DECISION NO. MT75-5019 - Mod. #1
(40 FR 6103-February 7, 1975)
Deer Lodge, Gallatin and Silver Bow Counties, Montana

Change:					
Bricklayers:					
Deer Lodge and Silver Bow Counties	8.50	.25			
Carpenters:					
Deer Lodge County					
Carpenters	7.11	.40	.55		.02

DECISION NO. AR-94 - Mod. #3
(39 FR 44918 - December 27, 1974)
Douglas and Sarpy Counties, Nebraska

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
IRONWORKERS; Structural, Reinforcing; Ornamental	$7.95	.35	.30	.50	
LABORERS:					
Buggymobile operators; mortar mixers	5.765	.25	.25		.02
Mason tenders	5.765	.25	.25		.02

DECISION #AR-2042 - Mod. #5
(39 FR 33179 - September 13, 1974)
Passaic County, New Jersey

Change:
Mod. #3 - 40 FR 5978 - February 7, 1975 to read:
Mod. #4

DECISION NO NM75-4002 - Mod. #3
(40 FR 2391 - January 10, 1975)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$8.25	.65	$1.00	.50	.02
Asbestos workers (Statewide, except Union, Harding, Lea, Roosevelt, Curry, and Quay Counties)	9.28	.50	.87a		.03
Soft floor layers (Zone 2)	6.41	.30			.01
ELECTRICIANS ZONE V					
Zone 5-A	7.45	.25	1%		1/2%
Zone 5-B	8.20	.25	1%		1/2%
CABLE SPLICERS ZONE IV					
Zone 4-A	7.70	.25	1%		1/2%
Zone 4-B	8.45	.25	1%		1/2%

DECISION NO AR-2017 - Mod. #3
(39 FR 36718 - October 11, 1974)
Broome County, New York

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters, Building:					
Carpenters & Soft floor layers	$8.11	.35	.50		
Millwrights & piledrivermen	8.36	.35	.50		
Ironworkers, structural, ornamental & reinforcing	9.00	.41	.43		.04
Boilermakers	10.00	.60	10%		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision #75-PA-3015 - Mod. # 1 (40 FR 6947, February 14, 1975) Northampton County, Pennsylvania					
Change:					
Carpenters	$8.96	.30	.35		
Laborers:					
Unskilled laborers	6.25	.25	.25		
Operator of jackhammer, paving breaker and other pneumatic & mechanical tools, wagon drills and men handling dynamite, handling and using, cutting & burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for same & cofferdams (below 10 feet)	6.50	.25	.25		
Plasterer & mason tenders, scaffold builders, and handling of all materials to be used by plasterers and masons, brick and blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, and sand blasters helpers	6.55	.25	.25		
Barko Tamper Operator	6.75	.25	.25		
Millwrights	9.36	.30	.35		
DECISION #AR-4062 - Mod. #3 (39 FR 42828 - December 6, 1974) Hamilton County, Tennessee					
Change:					
Glaziers	$6.83			c	
Footnote: c. 4% of gross wages and 2 weeks' vacation					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AR-82 - Mod. #2 (39 FR 41654 - November 29, 1974) Harrison County, Texas					
Change:					
Boilermakers	$8.00	.50	.76		.02
DECISION #TX75-4007 - Mod. #1 (40 FR 3165 - January 17, 1975) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02
DECISION #TX75-4009 - Mod. #3 (40 FR 3168 - January 17, 1975) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02
DECISION #TX75-4012 - Mod. #2 (40 FR 3175 - January 17, 1975) Jefferson & Orange Counties, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4020 - Mod. #2 (40 FR 3922 - January 24, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Boilermakers	$8.00	.50	.76		.02
DECISION #TX75-4022 - Mod. #1 (40 FR 3927 - January 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02
DECISION #TX75-4023 - Mod. #1 (40 FR 3930 - January 24, 1975) Bowie County, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4024 - Mod. #2 (40 FR 3931 - January 24, 1975) El Paso County, Texas					
Change:					
Boilermakers	$8.00	.50	.76		.02
DECISION #TX75-4025 - Mod. #3 (40 FR 3933 - January 24, 1975) Galveston & Harris Counties, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02
DECISION #TX75-4028 - Mod. #1 (40 FR 3938 - January 24, 1975) Kleberg & Nueces Counties, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02
DECISION #TX75-4029 - Mod. #1 (40 FR 3940 - January 24, 1975) Lubbock County, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02
DECISION #TX75-4030 - Mod. #1 (40 FR 3941 - January 24, 1975) Taylor County, Texas					
Change:					
Boilermakers	8.00	.50	.76		.02

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments		
		H&W	Pensions	Vacation	Apr. Tr.
DECISION #TX75-4031 - Mod. #1 (40 FR 3942 - January 24, 1975) Travis County, Texas					
Change: Boilermakers	$8.90	.50	.76		.02
DECISION #TX75-4047 - Mod. #1 (40 FR 5969 - February 7, 1975) Brazos County, Texas					
Change: Boilermakers	8.00	.50	.76		.02
DECISION #VA75-3007 - Mod. #1 (40 FR 6136 - February 7, 1975) Barbour, Boone, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Tyler, Upshur, Wayne, Wetzel, Wirt & Wood Counties, West Virginia					
Change: Area covered by Elevator Constructors Zone 3: To include Harrison County					

AL75-1027 P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	Apr. Tr.
PLUMBERS; Steamfitters: Lawrence Co. (Remaining portion)	7.40	.35	.35	.45	.08
ROOFERS	5.75		.20		.05
SHEET METAL WORKERS	9.00	.45	.40		.05
TRUCK DRIVERS:					
½ up to but not including 3 tons	3.70				
3 to 5 tons but including 5 tons	3.97				
5 tons and over including special equipment such as Euclids, Dempster, Dumpsters, Winch trucks, Trailers, etc.	4.37				
Mechanic	4.37				
Warehouse & Yard, Material Handler	3.92				
Scale man and/or weigher	4.07				

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business less than 5 years.

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NO.: AL75-1027
Supersedes Decision No. AR-4033 dated September 13, 1974 in 39 FR 33145
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: *See Below
DATE: Date of Publication

*Lawrence, Limestone, & Morgan	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	Apr. Tr.
ASBESTOS WORKERS	$7.71	.30	.30		.05
BRICKLAYERS:					
Bricklayers; Marble masons; Stone-masons; Pointers; Cleaners & Caulkers	8.50				
Cement masons	7.75				
Plasterers & Troweling machine op.	8.00				
Terrazzo workers & Tile setters	8.25				
CARPENTERS:					
Carpenters & Soft floor layers	6.60	.30	.20		.03
Millwrights	7.16	.30	.20		.03
Piledrivermen	6.99	.30	.20		.03
ELECTRICIANS:					
Electricians; Linemen	8.35	.30	1%		.5%
Cable splicers	8.60	.30	1%		.5%
Groundmen	7.30	.30	1%		.5%
ELEVATOR CONSTRUCTORS	8.02	.445	.29	3%+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Reinforcing; Structural	7.255	.40	.15		.03
LABORERS (Lawrence County):					
Laborers; Mason tenders; Plasterers' tenders	4.975	.15	.25		
Air tool operator (jackhammer, vibrator); Mortar mixers; Pipelayers	5.175	.15	.25		
LABORERS (Limestone & Morgan Counties):					
Laborers; Mason tenders	4.38	.15	.25		
Air tool operator (jackhammer, vibrator); Mortar mixers	4.63	.15	.25		
PLUMBERS; Pipefitters; Steamfitters: Lawrence Co. (Eastern portion of Co., north from intersection of State Rt. 33 & Rt. 20 to Wheeler Lake including Houlton & Wren, excluding Bankhead National Park), Limestone Co. & Morgan Co.	7.45	.30	.35		.10

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$8.43	.25	.25		
GROUP B	7.16	.25	.25		
GROUP C	6.48	.25	.25		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.) shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ¼ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $1.25 per hour

SUPERSEDEAS DECISION

STATE: Alabama
COUNTY: Madison
DECISION NO.: AL75-1028
DATE: Date of Publication
Supersedes Decision NO. AR-4067 dated December 20, 1974 in 39 FR 44151
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.71	.30	.30		.05
BOILERMAKERS	7.50	.40	.90		.02
BRICKLAYERS	8.20				
CARPENTERS	7.49				.03
CEMENT MASONS	6.75				
ELECTRICIANS; Linemen	8.35	.30	1%		.5%
GLAZIERS	6.00				
IRONWORKERS:					
Reinforcing	7.605	.40	.25		.03
Structural	7.605	.40	.25		.03
LABORERS:					
Laborers; Mason tenders	4.38	.15	.25		
Air tool op. (jackhammer, vibrator); Mortar mixers	4.63	.15	.25		
MILLWRIGHTS	7.88				.03
PAINTERS:					
Commercial	6.50		.20		.05
Industrial	7.25		.20		.05
PLUMBERS; Pipefitters	8.10	.40	.35		.10
ROOFERS	4.85				
SHEET METAL WORKERS	8.75	.40	.35		.05
TRUCK DRIVERS	3.67				
POWER EQUIPMENT OPERATORS:					
Backhoe; Crane; Front end loader	6.00				
Compressor	7.16	.25	.25		
Tractor	8.43	.25	.25		

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Pulaski
DECISION NO.: AR75-4058 DATE: Date of Publication
Supersedes Decision No. AR-33, dated August 30, 1974 in 39 FR 31784
Description of Work: Building; Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.45	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-STONEMASONS	7.15	.30	.25		.02
CARPENTERS:					
Carpenters	6.80	.35	.25		.04
Millwrights & Piledrivermen	7.05	.35	.25		.04
CEMENT MASONS	6.91	.15			.03
ELECTRICIANS:					
Electricians	8.775	.30	1%		1/4%
Cable splicers	8.90	.30	1%		1/4%
ELEVATOR CONSTRUCTORS:					
Journeyman	7.05	.445	.29	3%+a+b	.02
Helpers	70%	.445	.29	3%+a+b	.02
Helpers - (Probationary)	50%				
GLAZIERS	6.65				.01
IRONWORKERS	7.53	.35	.25		.04
LABORERS:					
Group I	4.90	.15	.20		.04
Group II	5.15	.15	.20		.04
Group III	5.25	.15	.20		.04
Group IV	5.30	.15	.20		.04
Group V	5.40	.15	.20		.04
Group VI	5.55	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

GROUP IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (Gunite Grout, Cement & Sandblaster)

DECISION NO. AR75-4058

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$7.40				.02
LINE CONSTRUCTION:					
Lineman	9.075		1%		1/4%
Cable splicers	9.20		1%		1/4%
Operator	9.075		1%		1/4%
Groundman (advanced)	65%JR		1%		1/4%
Groundmen (1st 6 months)	49%JR		1%		1/4%
Winch equipment	73%JR		1%		1/4%
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.35		.30		
Spray gun operators and sand blasterers	6.95		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	6.60		.30		
PLASTERERS	7.40				.02
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	8.00	.30	.55		.02
Over 10 miles from Pulaski County Courthouse	8.30	.30	.55		.02
POWER EQUIPMENT OPERATORS:					
Group I	7.64	.25	.25		
Group II	6.89	.25	.25		
Group III	6.56	.25	.25		
Group IV	5.52	.25	.25		
Group V	5.16	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

GROUP II
Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cable ways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III - Heavy Equipment Operators:
All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV - Semi-Heavy Equipment Operators:
Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator op. inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge)

GROUP V - Light Equipment Operators:
All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.40		.05		
SHEET METAL WORKERS	7.80	.35	.30		c+.02
SPRINKLER FITTERS	8.35	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 years - 4% of basic hourly rate.
b - Paid Holidays - A through F
c - Apprenticeship Fund shall be $0.50 per month per journeyman and apprentice employed.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee
DECISION NUMBER: AR75-5032 DATE: Date of Publication
Supersedes Decision No. AR-4057, dated November 22, 1974 in 39 FR 41113
DESCRIPTION OF WORK: For construction of all river, harbor and flood control work on the Mississippi River and tributaries (excluding the metropolitan areas of Vicksburg, Greenville and Natchez, Mississippi; Pine Bluff, Little Rock and Ft. Smith, Arkansas; Memphis, Tennessee and New Orleans, Baton Rouge, Alexandria, Monroe and Shreveport, Louisiana)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Unskilled	$ 2.10				
Revetment and dikes	2.10				
Chain saw operator or filer	2.50				
Air tool operator	2.75				
Powderman	3.30				
POWER EQUIPMENT OPERATORS: Pile driver operator; Mechanic (heavy equipment); Cranes, derricks, draglines; Welder; Power shovels and backhoes; Mixer (concrete, 21 cu. ft. & over); Asphalt plant operator; Trenching machine (over 18")	4.75				.05
BULLDOZER (finisher, push cat & on barges); Motor patrol finisher; Scrapers and like equipment; Front end loader; Backhoe (tractor mounted); Asphalt finisher or spreading machine; Well point system operator; Self-propelled loader (conveyor type)	4.25				.05
FIREMAN (Heavy construction); Pile driver leadsman; Winchman	3.65				.05
ASPHALT PLANT DRYER OPERATOR; Asphalt distributor; Asphalt roller; Bulldozer (rough, including disc, plow or roller); Motor patrol (haul roads); Trenching machine (18" and under); Self-propelled roller (except asphalt); End dump equipment (off highway); Mixer (concrete up to 21 cu. ft.); Bottom dump euclids (and like equipment)	3.35				.05
OILER; Pump mechanic helper; Greaser; Welder helper; Tractor (farm type including disc, plow or roller)	2.70				.05
TRUCK DRIVERS:					
1½ tons or less	2.25				
Over 1½ tons	2.35				

SUPERSEDEAS DECISION

STATE: California
COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura
DECISION NUMBER: CA75-5022 DATE: Date of Publication
Supersedes Decision No. AR-1044 dated November 8, 1974, in 39 FR 39677
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons					
Imperial County	9.00	.70	.90		.06
Inyo, Kern and Mono Counties	9.30	.70	1.00		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	8.30	.65	.70		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach)	8.53	.65	.70		.07
Riverside and San Bernardino Cos.	9.00	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.27	.80	.80	.65	.01
Ventura County	8.79	.75	1.10		.01
BRICK TENDERS:					
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	7.225	.75	1.50	.43	
CARPENTERS:					
Carpenters	8.35	.82	1.15	.70	.03
Saw filers	8.43	.82	1.15	.70	.03
Table power saw operators	8.45	.82	1.15	.70	.03
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargeman; Rock slinger	8.48	.82	1.15	.70	.03
Hard wood floor layers	8.55	.82	1.15	.70	.03
Head rock slinger	8.58	.82	1.15	.70	.03
Pneumatic nailer	8.60	.82	1.15	.70	.03
Millwrights	8.85	.82	1.15	.70	.03

CA75-5022 P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS					
Cement masons	$ 7.86	.90	1.25	.80	.08
Cement floating and troweling machine	8.11	.90	1.25	.80	.08
DRYWALL INSTALLERS	10.02	.82	1.15	.70	.07
ELECTRICIANS:					
Imperial County					
Electricians	8.80	.50	1% + .80		
Cable splicers	9.08	.50	1% + .80		
Kern (Chins Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians, Technicians	11.35	.70	1% +1.00		.10
Cable splicers	12.485	.70	1% +1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	9.35	.70	1% +1.00		.10
Cable splicers	10.285	.70	1% +1.00		.10
Los Angeles County.					
Electricians	10.23	.71	1% +1.25		.02
Cable splicers	10.53	.71	1% +1.25		.02
Traffic Signal & Street Lighting:					
Electricians	10.23	.71	1% +1.25		.02
Utility Technician No. 1	7.67	.71	1% +1.00		.02
Utility Technician No. 2	7.16	.71	1% +1.25		.02
Tunnel:					
Electricians	11.25	.71	1% +1.25		.02
Cable splicers	11.55	.71	1% +1.25		.02
Sound Technicians:					
Sound Technicians (on building construction)	10.17	.50	1%		
Sound Technicians (on modification of existing buildings)	8.21	.50	1%		
Orange County					
Electricians	10.15	.45	1% + .75		.02
Cable splicers	10.62	.45	1% + .75		.02
Riverside County					
Electricians	9.91	.60	1% + .40		.04
Cable splicers	10.21	.60	1% + .40		.04
Inyo, Mono and San Bernardino Cos.					
Electricians	9.36	.50	1% +1.25		.04
Cable splicers	9.66	.50	1% +1.25		.04
Tunnel:					
Electricians	9.32	.40	1% + .75		.02
Cable splicers	9.62	.40	1% + .75		.02

CA75-5022 P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
San Luis Obispo County					
Electricians	$ 9.53	.70	1% + 1.05		.01
Cable splicers	10.48	.70	1% + 1.05		.01
Santa Barbara County (Vandenburg AFB)					
Electricians	10.25	.65	1% + .85		.05
Cable splicers	11.25	.65	1% + .85		.05
Remainder of County					
Electricians	9.00	.65	1% + .85		.05
Cable splicers	10.00	.65	1% + .85		.05
Ventura County					
Electricians	9.57	.60	1% + .45		.02
Cable splicers	10.53	.60	1% + .45		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.					
Elevator constructors	10.76	.445	.29	3% + a	.02
Elevator Constructors' helpers	70%JR	.445	.29	3% + a	.02
Elevator constructors' helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator constructors	10.70	.445	.29	3% + a	.02
Elevator constructors' helpers	70%JR	.445	.29	3% + a	.02
Elevator constructors' helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		
Inyo, Kern, Mono Counties	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	8.47	.60	.85		.04
IRONWORKERS:					
Fence erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	10%	16%	13%	3/4%

CA75-5022 P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Imperial County	$ 7.00	.24			.01
Inyo and Kern Counties	8.38	.60	1.20	.55	.05
Los Angeles County (except City of Lancaster)					
Metal furring	10.25	.60	.75		.03
Nail on (Area 1)*	6.985	.29	.35		.045
Nail on (Areas II; III; IV)**	7.12	.39	.50		.03
Orange County	8.29	.55	.65	.50	.03
Riverside County	7.375	.24	.105	.53	.01
San Bernardino County	8.61	.245	.60		.015
San Luis Obispo & Santa Barbara Cos.	8.47	.24	.35		
Ventura County	9.06	.60	1.10	1.00	.02
LINE CONSTRUCTION					
Imperial County					
Groundmen	7.04	.50	1% + .80		
Linemen	8.80	.50	1% + .80		
Cable splicers	9.08	.50	1% + .80		
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	8.5125	.70	1% +1.00		.10
Linemen	11.35	.70	1% +1.00		.10
Cable splicers	12.485	.70	1% +1.00		.10
Kern County (Remainder of County)					
Groundmen	7.0125	.70	1% +1.00		.10
Linemen	9.35	.70	1% +1.00		.10
Cable splicers	10.285	.70	1% +1.00		.10
Los Angeles County					
Groundmen	7.86		1%		
Linemen	10.48		1%		
Cable splicers	10.78		1%		
Orange County					
Groundmen, 1st year	7.25	.25	1% + .45		
Groundmen, 2nd year	7.68	.25	1% + .45		
Linemen	8.90	.25	1% + .45		
Cable splicers	9.31	.25	1% + .45		
Riverside County					
Groundmen	7.45	.60	1% + .40		.04
Linemen; Line Equipment operators	9.93	.60	1% + .40		.04
Cable splicers	10.23	.60	1% + .40		.04

* See Page 10 for definition
** See Page 10 for definition

CA75-5022 P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
Inyo, Mono, San Bernardino Cos.					
Groundmen	$ 6.36	.40	1% + .75		.02
Linemen	8.48	.40	1% + .75		.02
Cable splicers	8.78	.40	1% + .75		.02
San Luis Obispo County					
Linemen	8.98	.60	1%		.01
Cable splicers	9.88	.60	1%		.01
Santa Barbara County (Vandenberg AFB)					
Groundmen	6.95	.35	1% + .45		.03
Linemen	8.85	.35	1% + .45		.03
Cable splicers	9.10	.35	1% + .45		.03
Santa Barbara County (Remainder of County)					
Linemen	7.60	.35	1% + .45		.03
Cable splicers	7.85	.35	1% + .45		.03
Ventura County					
Groundmen	9.24	.70	1% + .55		.02
Linemen	10.42	.70	1% + .55		.02
Cable splicers	11.46	.70	1% + .55		.02
MARBLE SETTERS:					
Inyo and Mono Counties	9.26	.81	.51	1.03	
Imperial County	8.01	.55	.85	.60	
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55		
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western Portion)					
Brush; Paint burners	8.77	.64	.80	.65	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	9.27	.64	.80	.65	.07
Brush (swing stage) Spray	9.02	.64	.80	.65	.07
Steeplejack	10.17	.64	.80	.65	.07

CA75-5022 P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino (West of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	$ 9.22	.355	.40	.40	.01
Structural steel and bridge; Paint burner	9.34	.355	.40	.40	.01
Tapers	9.395	.355	.40	.40	.01
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	9.47	.355	.40	.40	.01
Brush swing stage (over 13 stories)	9.59	.355	.40	.40	.01
Structural steel and bridge, swing	9.62	.355	.40	.40	.01
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	9.72	.355	.40	.40	.01
Steeplejack	10.47	.355	.40	.40	.01
Kern County (Remainder of County)					
Brush	8.22	.45	.41		.01
Brush & roller (Swing stage)	8.37	.45	.41		.01
Tapers - Tapering joint sheet rock	8.42	.45	.41		.01
Paperhanger; Spray; Sandblaster	8.47	.45	.41		.01
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	9.56	.55	.40		.02
Iron and steel; Paperhangers; Paste machine operator; Sandblaster	9.81	.55	.40		.03
Spraymen	10.06	.55	.40		.03
Steeplejack	10.56	.55	.40		.03
Tapers, sheet rock	9.51	.55	.40		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Painters:					
Parking Lot Striping Work and/or					
Highway Markers:					
Inyo and Mono Counties					
Striper	$ 7.92	.40	.20	b	
Striper Helper	6.82	.40	.20	b	
Traffic Delineating Device Applicator; Traffic Surface Sandblaster	6.82	.40	.20	b	
Helper (Traffic Delineating Device Applicator, Traffic Surface Sandblaster)	6.32	.40	.20	b	
Remaining Counties					
Traffic Delineating Device Applicator	6.82	.40	.20	b	
Traffic Surface Protective Coating Applicator; Wheel Stop Installer; Traffic Surface Sandblaster; Striper	6.43	.40	.20	b	
Helper (Traffic Surface Protective Coating Applicator, Wheel Stop Installer, Traffic Surface Sandblaster, Striper)	5.43	.40	.20	b	
PLASTERERS:					
Imperial County	8.71	.45	1.00	.85	.06
Inyo, Kern and Mono Counties	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	8.945	.63	1.75	.55	.09
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50		.02
PLASTER TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	8.68	.75	1.50	.40	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	8.275	.75	1.95	.68	
San Luis Obispo County	7.62	.75	1.50	.43	
Santa Barbara County (except Santa Maria)	7.70	.75	1.50	1.03	
Santa Barbara County (Santa Maria)	7.6125	.75	1.50	1.32	
Ventura County	8.13	.75	1.50	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	$ 10.24	10%	16%	13%	1%
Inyo, Kern (except east of Los Angeles (Aqueduct) and Mono Cos.	10.03	.60	1.60	1.00	.17
Kern County (East of Los Angeles Aqueduct)	12.28	.60	1.60	1.00	.17
REFRIGERATION & AIR CONDITIONING Riverside and San Bernardino Cos.	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	7.14	.40	.25	1.00	
Inyo, Kern and Mono Counties	7.75	.50	.50		
Riverside and San Bernardino Cos.	8.15	.55	.40	1.00	
Los Angeles, Orange and Ventura Counties	9.74	.55	.75		.035
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025
SHEET METAL WORKERS:					
Imperial County	8.93	.74	1.20		
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	8.52	.74	1.20		
Los Angeles County (Remaining Portion)	9.77	.74	1.30		.015
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County	8.33	.45	.90	.90	.06
Inyo (incl. Inyo-Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura Counties	8.70	.55	.50	.50	.03
Kern County (remaining portion)	8.60	.50	.35	.50	.03
SPRINKLER FITTERS:					
Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario, San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	11.85	.50	.70		.08

NOTICES

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS: (Cont'd)					
Los Angeles (Los Angeles City and Area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	$11.14	.54	.60		.09
TERRAZZO WORKERS:					
Imperial County	8.01	.55	.85	.60	
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	7.02	.25	.40	.60	
TILE SETTERS:					
Imperial County	8.01	.55	.85	.60	
Inyo, Kern, and Mono Counties	7.95	.50	.45	.30	
Los Angeles, Orange and Ventura Counties	9.25	.495	.70		.06
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Counties	8.27	.80	.80	.65	.01
TILE SETTERS HELPERS:					
Imperial County	6.89	.40	.65	.75	
Los Angeles, Orange and Ventura Counties	7.215	.52	.65	.75	.12

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service; $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years' but less than 10 years' service, and $.50 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; and IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County Line, then south along the San Bernardino County Line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrance Boulevard, west to Pacific Ocean, including Catalina Island.

Area IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County Line, south along County Line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

NOTICES

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screading for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$ 6.62	.75	1.50	.43	.10
CUTTING TORCH (Demolition); Scaler, Tarman; Mortarman	6.67	.75	1.50	.43	.10
GUINEA CHASER	6.80	.75	1.50	.43	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	6.72	.75	1.50	.43	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	6.74	.75	1.50	.43	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	6.75	.75	1.50	.43	.10
CHUCKTENDER; Septic tank digger and installer	6.77	.75	1.50	.43	.10
CESSPOOL DIGGER AND INSTALLER	6.80	.75	1.50	.43	.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	6.81	.75	1.50	.43	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	$ 6.91	.75	1.50	.43	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	6.83	.75	1.50	.43	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	6.93	.75	1.50	.43	.10
ROCK SLINGER	6.88	.75	1.50	.43	.10
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	7.01	.75	1.50	.43	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.03	.75	1.50	.43	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	7.13	.75	1.50	.43	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	6.96	.75	1.50	.43	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	$ 7.13	.75	1.50	.43	.10
BLASTER POWDERMAN	7.27	.75	1.50	.43	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	7.04	.75	1.50	.43	.10
SANDBLASTER (Nozzleman)	7.07	.75	1.50	.43	.10
DRILLER (Core-Diamond-Wagon)	7.27	.75	1.50	.43	.10
HEAD ROCK SLINGER	7.14	.75	1.50	.43	.10
GUNNITE LABORERS:					
NOZZLEMEN AND RODMEN	8.14	.75	1.50	.40	
GUNMEN	7.64	.75	1.50	.40	
REBOUNDMEN	6.68	.75	1.50	.40	

LABORERS (Tunnel)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$ 8.00	.75	1.50	.43	
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	8.12	.75	1.50	.43	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry picker-man; Grout gunman; Grout mixerman; Group pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	8.28	.75	1.50	.43	
SHAFT, Raise miner; Diamond driller	8.56	.75	1.50	.43	

POWER EQUIPMENT OPERATORS (DREDGING) HYDRAULIC SUCTION DREDGES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LEVERMAN	$ 9.53	.95	1.50	.30	.04
WATCH ENGINEER; Welder	9.01	.95	1.50	.30	.04
DECKMATE	8.59	.95	1.50	.30	.04
WINCH MAN (stern winch or dredge)	8.52	.95	1.50	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler Leveehand	8.04	.95	1.50	.30	.04
(CLAM SHELL DREDGES)					
LEVERMAN	9.53	.95	1.50	.30	.04
WATCH ENGINEER	9.01	.95	1.50	.30	.04
DECKMATE	8.59	.95	1.50	.30	.04
BARGEMATE	8.52	.95	1.50	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler	8.04	.95	1.50	.30	.04

POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
*Group 1:	$ 8.13	.95	1.50	.30	.04
Group 2:	8.39	.95	1.50	.30	.04
Group 3:	8.64	.95	1.50	.30	.04
Group 4:	8.76	.95	1.50	.30	.04
Group 5:	8.96	.95	1.50	.30	.04
Group 6:	9.06	.95	1.50	.30	.04
Group 7:	9.17	.95	1.50	.30	.04
Group 8:	9.32	.95	1.50	.30	.04
Group 9:	9.43	.95	1.50	.30	.04
TRUCK DRIVERS					
**Group 1:	7.17	1.00	.65	1.00	.05
Group 2:	7.25	1.00	.65	1.00	.05
Group 3:	7.31	1.00	.65	1.00	.05
Group 4:	7.40	1.00	.65	1.00	.05
Group 5:	7.43	1.00	.65	1.00	.05
Group 6:	7.45	1.00	.65	1.00	.05
Group 7:	7.49	1.00	.65	1.00	.05
Group 8:	7.50	1.00	.65	1.00	.05
Group 9:	7.55	1.00	.65	1.00	.05
Group 10:	7.58	1.00	.65	1.00	.05
Group 11:	7.63	1.00	.65	1.00	.05
Group 12:	7.65	1.00	.65	1.00	.05
Group 13:	7.70	1.00	.65	1.00	.05
Group 14:	7.95	1.00	.65	1.00	.05
Group 15:	8.20	1.00	.65	1.00	.05
Group 16:	8.30	1.00	.65	1.00	.05

* See page 17 for definition
** See page 19 for definition

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

*Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, 10c per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator -(oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator, Loader operator (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excluding caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skip-loader (crawler and wheel type over 1½ yds., up to and including 6½ yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Fly-wheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6 ½ yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds., M.R.C.; Wood mixer and similar pugmill equipment; Heavy duty repairman - welder combination

Group 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more); Mass excavator; Mechenical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 9: Canal liner; Canel trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading-2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

**Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load.

Group 3: Truck mounted Power Broom

Group 4: Drivers on vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle

Group 6: Dump, of less than 16 yds.

Group 7: Transit-mix, under 3 yds.; Dumpcrete, less than 6-½ yds.

Group 8: Truck repairman helper

Group 9: Water truck, 3 or more axles

Group 10: PB and similar type truck when performing work within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and tireman (50c per hour additional for tireman)

Group 11: Transit-mix, 3 yds. or more; Dumpcrete, 6½ yds. and over

Group 12: Driver of vehicle of combination of vehicles of 4 or more axles

Group 13: Dump, 16 yds. but less than 25 yds.

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork lift driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamster jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck repairman

Group 16: Truck repairman welder

SUPERSEDES DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA75-5023

DATE: Date of Publication

Supersedes Decision No. AR-1045 dated November 8, 1974, in 39 FR 39687

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	9.00	.70	.90		.06
Kern County	9.30	.70	1.00		.07
Los Angeles County (Cities of Sante Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach); Oranga County	8.30	.65	.70		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	8.53	.65	.70		.07
Riverside and San Bernardino Cos.	9.00	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.27	.80	.80	.65	.01
Ventura County	8.79	.75	1.10		.01
BRICK TENDERS:					
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	7.225	.75	1.50	.43	
CARPENTERS:					
Carpenters	8.35	.82	1.15	.70	.03
Saw Filers	8.43	.82	1.15	.70	.03
Table power saw operators Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	8.45	.82	1.15	.70	.03
Hard wood floor layers	8.48	.82	1.15	.70	.03
Head rock slinger	8.55	.82	1.15	.70	.03
Pneumatic nailer	8.58	.82	1.15	.70	.03
Millwrights	8.60	.82	1.15	.70	.03
	8.85	.82	1.15	.70	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Cement Masons	$ 7.86	.90	1.25	.80	.08
Cement Floating and Troweling Machine	8.11	.90	1.25	.80	.08
DRYWALL INSTALLERS	10.02	.82	1.15	.70	.07
ELECTRICIANS:					
Imperial County					
Electricians	8.80	.50	1%+.80		
Cable Splicers	9.08	.50	1%+.80		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	11.35	.70	1%+1.00		.10
Cable Splicers	12.485	.70	1%+1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	9.35	.70	1%+1.00		.10
Cable Splicers	10.285	.70	1%+1.00		.10
Los Angeles County					
Electricians	10.23	.71	1%+1.25		.02
Cable Splicers	10.53	.71	1%+1.25		.02
Orange County					
Electricians	10.15	.45	1%+.75		.02
Cable Splicers	10.62	.45	1%+.75		.02
Riverside County					
Electricians	9.91	.60	1%+.40		.04
Cable Splicers	10.21	.60	1%+.40		.04
San Bernardino County					
Electricians	9.36	.50	1%+1.25		.04
Cable Splicers	9.66	.50	1%+1.25		.04
San Luis Obispo County					
Electricians	9.53	.70	1%+1.05		.01
Cable Splicers	10.48	.70	1%+1.05		.01
Santa Barbara County (Vandenberg AFB)					
Electricians	10.25	.65	1%+.85		.05
Cable Splicers	11.25	.65	1%+.85		.05
Remainder of County					
Electricians	9.00	.65	1%+.85		.05
Cable Splicers	10.00	.65	1%+.85		.05
Ventura County					
Electricians	9.57	.60	1%+.45		.02
Cable Splicers	10.53	.60	1%+.45		.02

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.					
Elevator Constructors	$10.76	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Conatructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	10.70	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		
Kern County	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	8.47	.60	.85		.04
IRONWORKERS:					
Fence Erectors	8.89/	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	10%	16%	13%	1%
LATHERS:					
Imperial County	7.00	.24			.01
Kern County	8.38	.60	1.20	.55	.05
Los Angeles County (except City of Lancaster)					
Metal furring	10.25	.60	.75		.03
Nail on (Area I)*	6.985	.29	.35		.045
Nail on (Areas II; III; & IV)**	7.12	.39	.50		.03
Orange County	8.29	.55	.65	.50	.03

* See page 7 for definition
** See page 7 for definition

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS: (Cont'd)					
San Luis Obispo and Santa Barbara Counties	$8.47	.24	.35		
Ventura County	9.06	.60	1.10	1.00	.02
Riverside County	7.375	.24	.105	.53	.01
San Bernardino County	8.61	.245	.60		.015
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area) San Bernardino (excluding Western portion)					
Brush; Paint burners	8.77	.64	.80	.65	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	9.27	.64	.80	.65	.07
Brush (swing stage); Spray	9.02	.64	.80	.65	.07
Steeplejack	10.17	.64	.80	.65	.07
Kern (Lancaster, Mojava, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	9.22	.355	.40	.40	.01
Structural steel and bridge; Painter burner	9.34	.355	.40	.40	.01
Tapers	9.395	.355	.40	.40	.01
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	9.47	.355	.40	.40	.01
Brush swing stage (over 13 stories)	9.59	.355	.40	.40	.01
Structural steel and bridge, swing	9.62	.355	.40	.40	.01
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	9.72	.355	.40	.40	.01
Steeplejack	10.47	.355	.40	.40	.01
Kern County (Remainder of County)					
Brush	8.22	.45	.41		.01
Swing stage (brush-roller)	8.37	.45	.41		.01
Taping joint sheet rock	8.62	.45	.41		.01
Paperhangers; Spray; Sandblasters	8.47	.45	.41		.01
Swing stage and sandblasters	8.62	.45	.41		.01

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
San Luis Obispo, Santa Barbara, and Ventura Counties					
Brush	$9.56	.55	.40		.03
Iron and steel; Paperhangers; Paste machine operator; Sandblaster	9.81	.55	.40		.03
Spraymen	10.06	.55	.40		.03
Steeplejack	10.56	.55	.40		.03
Tapers, sheetrock	9.51	.55	.40		.03
PLASTERERS:					
Imperial County	8.71	.45	1.00	.85	.06
Kern County	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	8.945	.63	1.75	.55	.09
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside and San Bernardino Counties	8.68	.75	1.50	.40	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	8.275	.75	1.95	.68	
San Luis Obispo County	7.62	.75	1.50	.43	
Santa Barbara County (except Santa Maria)	7.70	.75	1.50	1.03	
Santa Barbara County (Santa Maria)	7.6125	.75	1.50	1.32	
Ventura County	8.13	.75	1.50	1.00	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.24	10%	15%	13%	1%
Kern, (except east of Los Angeles Aqueduct)	10.03	.60	1.60	1.00	.10
Kern County (East of Los Angeles Aqueduct)	12.28	.60	1.60	1.00	.10
REFRIGERATION & AIR CONDITIONING					
Riverside and San Bernardino Cos.	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	7.14	.40	.25	1.00	
Kern County	7.75	.50	.50		
Los Angeles, Orange and Ventura Counties	9.74	.55	.75		.035
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025
Riverside and San Bernardino Cos.	8.15	.55	.40	1.00	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
Riverside and San Bernardino Counties	$ 8.15	.55	.40	1.00	
SHEET METAL WORKERS:					
Imperial County	8.93	.74	1.20		
Kern, Los Angeles (North of line between Gorman and Big Pines)	8.52	.74	1.20		
Los Angeles County (Remaining portion)	9.77	.74	1.30		.015
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Counties	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara, and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County (Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	7.90	.45	.63	.60	.05
Kern County (Remaining portion)	8.70	.55	.50	.50	.03
SPRINKLER FITTERS:	8.60	.50	.35	.50	.03
Imperial, Kern, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara, and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	11.85	.50	.70		.08
Los Angeles (Los Angeles City and Area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	11.14	.54	.60		.09
TILE SETTERS:					
Imperial County	8.01	.55	.85	.60	
Kern County	7.95	.50	.45	.50	
Los Angeles, Orange and Ventura Counties	9.25	.495	.70		.06
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Counties	8.27	.80	.80	.65	.01

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Rendondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer-temporary water and air lines; Material hoseman (Walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs, deck floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form reisers; Window cleaner	$6.62	.75	1.50	.43	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	6.67	.75	1.50	.43	.10
GUINEA CHASER	6.80	.75	1.50	.43	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	6.72	.75	1.50	.43	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	6.74	.75	1.50	.43	.10
UNDERGROUND (INCLUDING CAISSON BELLOWERS)	6.75	.75	1.50	.43	.10
CHUCKTENDER; Septic tank digger and installer	6.77	.75	1.50	.43	.10
CESSPOOL DIGGER AND INSTALLER	6.80	.75	1.50	.43	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	$6.81	.75	1.50	.43	.10
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING INCLUDING RUBBER GASKET JOINTS, POINTING AND ANY AND ALL OTHER SERVICES	6.91	.75	1.50	.43	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	6.83	.75	1.50	.43	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multiplate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	6.93	.75	1.50	.43	.10
ROCK SLINGER	6.88	.75	1.50	.43	.10
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	7.10	.75	1.50	.43	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.03	.75	1.50	.43	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PIPELAYER (NON-METALLIC INCLUDING SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	$7.13	.75	1.50	.43	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen, and men applying asphalt, laykold, creosote, lime caustic and similar type materials	6.96	.75	1.50	.43	.10
CRIBBER, SHORING, LAGGING, SHEETING AND TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	7.13	.75	1.50	.43	.10
BLASTER POWDERMAN	7.27	.75	1.50	.43	.10
STEEL HEADERBOARD MAN AND GUIDE LINE SETTER	7.04	.75	1.50	.43	.10
SANDBLASTER (nozzleman)	7.07	.75	1.50	.43	.10
DRILLER (Core-Dimaond-Wagon)	7.27	.75	1.50	.43	.10
HEAD ROCK SLINGER	7.14	.75	1.50	.43	.10
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	8.14	.75	1.50	.40	
GUNMEN	7.64	.75	1.50	.40	
REBOUNDMEN	6.68	.75	1.50	.40	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
*Group 1:	$8.13	.95	1.50	.30	.04
Group 2:	8.39	.95	1.50	.30	.04
Group 3:	8.64	.95	1.50	.30	.04
Group 4	8.76	.95	1.50	.30	.04
Group 5:	8.96	.95	1.50	.30	.04
Group 6:	9.06	.95	1.50	.30	.04
Group 7:	9.17	.95	1.50	.30	.04
Group 8:	9.32	.95	1.50	.30	.04
Group 9:	9.43	.95	1.50	.30	.04
TRUCK DRIVERS					
**Group 1:	7.17	1.00	.65	1.00	.05
Group 2:	7.25	1.00	.65	1.00	.05
Group 3:	7.31	1.00	.65	1.00	.05
Group 4:	7.40	1.00	.65	1.00	.05
Group 5:	7.43	1.00	.65	1.00	.05
Group 6:	7.45	1.00	.65	1.00	.05
Group 7:	7.49	1.00	.65	1.00	.05
Group 8:	7.50	1.00	.65	1.00	.05
Group 9:	7.55	1.00	.65	1.00	.05
Group 10:	7.58	1.00	.65	1.00	.05
Group 11:	7.63	1.00	.65	1.00	.05
Group 12:	7.65	1.00	.65	1.00	.05
Group 13:	7.70	1.00	.65	1.00	.05
Group 14:	7.95	1.00	.65	1.00	.05
Group 15:	8.20	1.00	.65	1.00	.05
Group 16:	8.30	1.00	.65	1.00	.05

* See Page 12 for definition
** See Page 14 for definition

POWER-EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

*Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Roas carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator -(oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Sliploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including); 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Lift mobile operator, Loader operator (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. - rubber-tirad, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excluding caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skip-loader (crawler and wheel type over 1½ yds., up to and including 6½ yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Fly-wheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6 ½ yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Wood mixer and similar pugmill equipment; Heavy duty repairman - welder combination

Group 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading-2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

**Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load.

Group 3: Truck mounted Power Broom

Group 4: Drivers on vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle

Group 6: Dump, of less than 16 yds.

Group 7: Transit-mix, under 3 yds.; Dumpcrete, less than 6-½ yds.

Group 8: Truck repairman helper

Group 9: Water truck, 3 or more axles

Group 10: PB and similar type truck when performing with within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and fireman (50c per hour additional for fireman)

Group 11: Transit-mix, 3 yds. or more; Dumpcrete, 6½ yds. and over

Group 12: Driver of vehicle of combination of vehicles of 4 or more axles

Group 13: Dump, 16 yds. but less than 25 yds.

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork lift driver; Ross Carrier, highway

Group 15: All off-highway equipment with Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck repairman

Group 16: Truck repairman welder

XUM
XUM

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO75-5027 DATE: Date of Publication

Supersedeas Decision No. CO75-5008 dated January 31, 1975, in 40 FR 4799

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.50		.04
CARPENTERS	7.54	.48	.60	.40	.05
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone II (12-20 miles from P. O.)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone III (20-40 miles from P. O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
Zone IV (Over 40 miles from P. O.)					
Electricians	10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.91	.42	1%+.25		1/10%
ELEVATOR CONSTRUCTORS	8.12	.395	.25	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.25	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE AND TILE SETTERS, Terrazzo Workers	7.60	.53	.40	.25	
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Brush	5.53	.30			.02
Structural Steel; Spray	6.03	.30			.02
Spray Steel	6.53	.30			.02
PLASTERERS	8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	9.40	.55	.65		.05
Zone II (15-20 miles from P. O.)	9.97	.55	.65		.05
Zone III (20-40 miles from P. O.)	10.15	.55	.65		.05
Zone IV (Over 40 miles from P. O.)	10.775	.55	.65		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	6.40	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LINE CONSTRUCTION - COLORADO

Cable Splicers	8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundman	5.87	.35	1%		3/4%

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named cities.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named cities.

LABORERS (Building Construction)

GROUP DESCRIPTION

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air gas, and electrical tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working srufsce; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

LABORERS (Heavy Constr.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Panstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

Laborers (heavy construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concreta laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)**	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Firemen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumpter, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin

DECISION NUMBER: CO75-5030

DATE: Date of Publication

Supersedes Decision No. CO75-5010 date January 24, 1975, in 40 FR 3875

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	7.45	.45	.60	.25	.05
Remaining Counties	7.45	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	8.90	.32	1%		3/10%
Cable Splicers	9.15	.32	1%		3/10%
ELEVATOR CONSTRUCTORS	8.12	.395	.26	2½+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROR.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MILLWRIGHTS	7.58	.48	.60	.40	.05

CO75-5030 P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	$8.51	.50	.45		.04
Drywall finisher; Paperhangers	8.71	.50	.45		.04
Spray; Swing stage	8.99	.50	.45		.04
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION - Colorado					
Cable Splicers	8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operators	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

CO75-5030 P. 3

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1 *	ZONE 2*	ZONE 3*				
Garfield and Pitkin Counties							
Group 1	$5.80	$5.25	$5.70	.42	.45		.07
Group 2							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Aspen, Glenwood Springs, and Rifle.

*ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

Delta, Gunnison, Mesa and Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	5.00	5.45	5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

CO75-5030 P. 4

LABORERS (Building Construction (Cont'd)

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air, gas, and electrical tools including self-propelled buggies; Cement finisher tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working surface; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswain chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scaleman; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.1-	
DUMP TRUCKS, to and including 6 cu. yds.; Sweepers; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All Mainline Sewers; Water Mains; Gas, Oil or any product pipeline; Penstocks; Siphons or Drainage lines; Pipe Plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, lift belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, lift belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS (Tunnel)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman; whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tenders

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

LABORERS
(SHAFTS, RAISES, MISSILE-SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, lift belt or block and tackle

POWER EQUIPMENT OPERATORS (Other than for work in tunnels, shafts and raises)**	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6 (For work in Tunnels, Shafts, and Raises)	7.20	.37	.55	.30	.03
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper or heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yard); Concrete placement pumps (under 8 inch); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; single unit portable crusher - with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu.yds.; Mechanic-Welder (heavy duty); Mixermobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Calmshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator -over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells, and backhoes (over 5 cu. yds.); Quad mine and similar push unit; Scraper - all tandem bowls; Scraper - single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL75-2043
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. AR-3074, dated August 9, 1974, in 39 FR 28826
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White, Williamson

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Alexander; Jackson; Jefferson; Perry & Union Counties	$10.48	.45	.62		
Remaining Counties	9.35	.35	.30		
BOILERMAKERS	9.15	.60	1.00		.01
BRICKLAYERS:					
Jackson & Perry Counties:					
Bricklayers; Stonemasons; Terrazzo & Tile Workers	9.05		.40		
Remaining Counties:					
Bricklayers; Marble; Tile; Terrazzo Workers; Stonemasons; Cement Blocklayers; Pointers; Caulkers & Cleaners	8.20	.35	.35		
CARPENTERS:					
Hamilton; Jefferson; White Cos:					
Carpenters, Piledrivermen & Soft Floor Layers	7.61	.45	.25		.02
Millwrights	7.96	.45	.25		.02
Remaining Counties:					
Carpenters, Millwrights, Soft Floor Layers & Piledrivermen	7.13	.35	.35		.02
CEMENT MASONS & PLASTERERS:					
Franklin; Hamilton; Jefferson; Williamson Counties	7.60	.30			.02
Saline; Gallatin; Hardin; Pope; Johnson; Massac & White Counties	7.75	.15			.02
Alexander; Jackson; Perry; Pulaski & Union Counties	7.90				.02
ELECTRICIANS	9.75	.30	1%+.20		% of 1%
IRONWORKERS:					
Perry; Jefferson (Mt. Vernon & all Area West thereof)	8.80	.45	.65		
White; Hamilton; Saline (Vicinity of El Dorado & Area Northeast) Jefferson (All Areas East of Mt. Vernon)	8.15	.25	.25		
Alexander; Franklin; Gallatin; Hardin; Jackson; Johnson; Massac; Pope; Pulaski; Union; Williamson	7.55	.45	.50		.02

DECISION NO. IL75-2043

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Hamilton; Jefferson; White Cos.	$6.65		.30		.035
Remaining Counties	6.75		.30		.035
LEADBURNERS	9.25	.35		a	.01
PAINTERS:					
Union County:					
Commercial	7.25				
Industrial	7.75				
White County:					
Brush & Roller	7.35	.45	.30		
Spray & Sandblast	8.10	.45	.30		
Massac County:					
Brush & Roller	6.00	.20			
Spray & Sandblast	6.90	.20			
Jackson & Perry Counties:					
Brush & Roller	5.55				
Spray	6.80				
Franklin & Williamson Counties:					
Commercial	6.95				
Industrial	7.20				
Gallatin; Hardin; Pope; Saline Counties:					
Brush	5.15				
Structural Steel & Drywall	5.40				
Spray	5.50				
Alexander; Johnson & Pulaski Cos:					
Commercial	5.25				
Industrial	6.75				
PLUMBERS & STEAMFITTERS:					
White County:					
Crossville; Phillipstown; Maunie & Emma	10.08	.40	.60	10%	.04
Remainder of County	10.205	.40	.60	10%	.04
Alexander; Hardin; Massac; Jackson; Johnson; Perry; Pope; Pulaski; Union	8.85	.30	.35		.04
Franklin; Hamilton; Jefferson; Saline; Williamson & Gallatin Counties	8.95	.35	.55		.04
ROOFERS:					
Gallatin; Hardin & White Counties:					
Composition	8.21	.30	.15		
Slate & Tile	8.45	.30	.15		
Remaining Counties	6.70				

DECISION NO. IL75-2043

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS	$9.13	.25	.25	6%	.01
SPRINKLER FITTERS	9.40	.50	.70		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular schedule work days immediately preceding & following the Holiday.

JEFFERSON & PERRY COUNTIES

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.63	.42	.90		.05
GROUP II	8.80	.42	.90		.05
GROUP III	8.15	.42	.90		.05
GROUP IV	8.05	.42	.90		.05
GROUP V	7.80	.42	.90		.05
GROUP VI					
a.	11.78	.42	.90		.05
b.	12.08	.42	.90		.05
c.	9.90	.42	.90		.05
d.	10.40	.42	.90		.05

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2drum or more (where oiler or fireman is required), hoists-2drum or more (where oiler or fireman is not required) Hydraulic backhoes, ditching machines or backfillers (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pump derrick-type drills, mixers (over 3 bags) and boat oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machine Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grade or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distributor pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant mixers (under 2 bags)

GROUP II: Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III: Firemen and asphalt spreader oilers

GROUP IV: Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V: Oilers

GROUP VI:
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

REMAINING COUNTIES

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$9.00	.40	.60		.035
CLASS 2	8.25	.40	.60		.035
CLASS 3	8.00	.40	.60		.035
CLASS 4	7.70	.40	.60		.035
CLASS 5	7.30	.40	.60		.035
CLASS 6	8.25	.40	.60		.035
CLASS 7	8.00	.40	.60		.035
CLASS 8	7.50	.40	.60		.035
CLASS 9	7.45	.40	.60		.035
CLASS 10	7.20	.40	.60		.035
RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS					
CLASS 11	8.90	.40	.60		.035
CLASS 12	7.70	.40	.60		.035

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

CLASS 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truckcrane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubbertired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor w/bulldozer or hi-lift (over ½ yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greaser

CLASS 2: Roller, self-propelled, Power subgrader; Elevator operator

CLASS 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (½ yd. or less)

CLASS 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

CLASS 5: Oiler; All wheel type tractors, Oiler on 30 HP ditches and over; Oiler, H Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

CLASS 6: Air compressor w/valve driving piling air compressors, 2(220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydralift (single motor); Straw mulcher blower w/spout

CLASS 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or w/out dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

POWER EQUIPMENT OPERATORS (Cont'd)

CLASS 8: Air track drill (one); Belt drag machine, Power bobm, Mechanical; Plasterer applicator; Tract-air

CLASS 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 220 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline crack jack

CLASS 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or Equal spreader

RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS

CLASS 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

CLASS 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

TRUCK DRIVERS	Basic Hourly Rates	ILL-82-TD-1-2-3 Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

CLASSIFICATIONS

GROUP I
Drivers on 2 axle trucks hauling less than 9 ton, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling material, tools, or men to and from and on the job site; Fork lifts up to 6,000 lbs. capacity.

GROUP II
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTE:
a.- Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Iowa & Nebraska

COUNTIES: That portion of Missouri River in Nebraska & Iowa down stream to the Kansas-Missouri Line

DECISION NO.: NE75-4054

DATE: Date of Publication

Supersedes Decision No. AR-75 dated November 1, 1974 in 39 FR 38798

DESCRIPTION OF WORK: Channel stabilization and associated work.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: Derrick; dragline; clam bucket or orange peel or crane; side-boom, towboat operator	$7.125	.35	.40		
Dredge operator or leverman; engineer on dredge (18" & over)	6.625	.35	.40		
Pile driver, (or engine man)	6.575	.35	.40		
Mechanic or welder; engineer on dredge (12" up to 18")	6.325	.35	.40		
Dozer; front end loader or high lift; scoop or similar equipment	6.275	.35	.40		
Winch or boom truck; winch (power operated)	6.025	.35	.40		
Boiler (or fireman); oiler	5.925	.35	.40		
LABORERS: Piledriver deckhands and pile driver leadman	5.80	.225	.40		
Laborers and deckhands unloading barge; piledriver; towboat deckhand	5.60	.225	.40		

SUPERSEDEAS DECISION

STATE: Kansas & Missouri

COUNTIES: Cass, Clay, Jackson, Platte, & Ray Counties, Missouri; Johnson & Wyandotte Counties, Kansas

DECISION NO: MO75-4059

DATE: Date of Publication

Supersedes Decision No. AQ-44, dated November 16, 1973 in 38 FR 31780.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.07	.35	.60		.02
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS and STONEMASONS	9.075	.35	.35	.50	
CARPENTERS, MILLWRIGHTS and PILEDRIVERMEN	8.62	.33	.30	.25	.05
CEMENT MASONS (Building Construction):					
Cement Masons	8.275	.20	.25		
Composition	8.725	.20	.25		
CEMENT MASONS (Heavy and Highway Construction):					
Zone 1 - Jouhnson and Wyandotte Counties, Kansas	9.155	.40	.50	.75	
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	9.22	.23	17%+.27	.80	.03
Zone 2 - Remainder of Clay, Jackson, Platte and Cass Counties, Missouri:					
Electricians (contracts over $5,000)	9.22	.23	17%+.27	.80	.03
Electricians (contracts $5,000 and under)	8.67	.23	17%+.27	.80	.03
Zone 3 - Ray County, Missouri:					
Electricians (contracts over $5,000)	9.22	.23	17%+.27	.80	.03
Electricians (contracts $5,000 and under)	8.06	.23	17%+.27	.80	.03
Zone 4 - Johnson and Wyandotte Counties, Kansas	9.22	.23	17%+.27	.80	.03
ELEVATOR CONSTRUCTORS	8.84	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 years - 2%; Over 5 years - 4% of basic hourly rates; b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

DECISION NO. MO75-4059

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$8.675	.35	.27	.99	.01
IRONWORKERS	8.90	.60	.80	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
GROUP I	7.10	.45	.40		.10
GROUP II	7.195	.45	.40		.10
GROUP III	7.295	.45	.40		.10
GROUP IV	7.39	.45	.40		.10
GROUP V	7.49	.45	.40		.10

CLASSIFICATION DEFITIONS

LABORERS:

GROUP I - General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and back filling), Power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on Pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch Witch operators; Swinging scaffolds

GROUP III - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulstion man

GROUP IV - Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; Asphalt rakers; Powdar men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and Churn drill operators

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Cont'd):					
Building Construction					
Zone 2 - Ray County, Missouri					
GROUP I	$6.80	.45	.40		.10
GROUP II	6.90	.45	.40		.10
GROUP III	6.975	.45	.40		.10
GROUP IV	7.05	.45	.40		.10
GROUP V	7.15	.45	.40		.10

CLASSIFICATION DEFINITIONS

LABORERS

GROUP I - General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

GROUP III - Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

GROUP IV - Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

GROUP V - Barco, Jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Site preparation and Grading, Heavy and Highway Construction					
Zone 3 - Johnson and Wyandotte Counties, Kansas					
GROUP I	$7.30	.50	.50	.65	.10
GROUP II	7.45	.50	.50	.65	.10
GROUP III	7.60	.50	.50	.65	.10
GROUP IV	7.80	.50	.50	.65	.10
GROUP V	8.10	.50	.50	.65	.10

CLASSIFICATION DEFINITIONS

LABORERS

GROUP I - Carpenter tenders; Salamander tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers

GROUP II - Air tool operators; Cement handler (bulk or sack); Chain or concrete saw; Deck hands; Dump man on earth fill; Grade checkers on cuts and fills; Georgie buggies man; Material batch hopper man; Scale man; Material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); Riprap pavers rock, block or brick; Signalman; Scaffolds over 10 ft. not self-supported from ground up; Skip-man on concrete paving; Vibrator man; Wire mesh setters on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; Power tool operator; All work io connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only)

GROUP III - Crusher feeder; Men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Feeder man on wood pulliverizers; Board and willow mat weavers and cable tiers on river work; All laborers working on underground tunnels where compressed air is not used.

GROUP IV - Spreader or screed man on asphalt machine; Asphalt raker; Laser beam man; Barco tamper; Jacksen or any other similar tamp; Wagon driller; Churn drills; Air track drills and all other similar drills; Form setters; Cutting torch man; Liners and stringline men on concrete paving, curbs, gutters and etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builders helpers and mortar men on brick or block manholes; Sandblasting and gunnite nozzle men; Rubbing concrete; Air tool operator in tunnels

GROUP V - Manhole builder (brick or block); Dynamite and powder men

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS	$6.75	.20			
LINE CONSTRUCTION:					
Zone 1 - Cass, Clay, Jackson, Platte, and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas					
Linemen	8.71	.35	1%+.15		1/2%
Heavy equipment operator	8.10	.35	1%+.15		1/2%
Groundman	5.73	.35	1%+.15		1/2%
Groundmen (1st year)	4.91	.35	1%+.15		1/2%
Groundman Powderman	6.04	.35	1%+.15		1/2%
Zone 2 - Western 3/4 of Johnson County, Kansas					
Lineman	7.70	.35	1%		1/2%
Cable Splicers	8.085	.35	1%		1/2%
Groundman, over 1 year	4.81	.35	1%		1/2%
Groundman, 1st year	3.67	.35	1%		1/2%
Powderman	6.39	.35	1%		1/2%
Line truck and equipment operators:					
1st year	4.93	.35	1%		1/2%
2nd year	5.88	.35	1%		1/2%
Over 2 years' experience	6.39	.35	1%		1/2%
MARBLE AND TILE SETTERS	9.70	3.65%	3.25%		
MARBLE AND TILE SETTERS' HELPERS	7.98				
PAINTERS:					
Brush and Tapers	8.74	.30	.35		.06
Spray	9.74	.30	.35		.06
PLASTERERS	9.65	.30			
PIPEFITTERS	9.37	.47	.90		.06
PLUMBERS	9.64	.30			
POWER EQUIPMENT OPERATORS:					
Building Construction					
GROUP I	9.25	.50	.75	.75	.10
GROUP II	9.00	.50	.75	.75	.10
GROUP III	8.00	.50	.75	.75	.10
GROUP IV	8.75	.50	.75	.75	.10
GROUP V	8.50	.50	.75	.75	.10
GROUP VI	8.50	.50	.75	.75	.10
GROUP VII	9.50	.50	.75	.75	.10
GROUP VIII	9.75	.50	.75	.75	.10
GROUP IX	9.25	.50	.75	.75	.10
GROUP X	10.25	.50	.75	.75	.10
GROUP XI	9.75	.50	.75	.75	.10

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Building Construction					
GROUP XII:					
(a)	$9.00	.50	.75	.75	.10
(b)	8.75	.50	.75	.75	.10
(c)	8.75	.50	.75	.75	.10
(d)	8.25	.50	.75	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; Asphalt plant mixer operator; Asphalt plant operator; Back fillers; Backhoe, all types; Barber-Greene loader (similar type); Blade-power, all types; Boats-power; Boilers (2); Boring machines (all types); Cableways; Cherry Pickers (all types); Chip spreader; Clamshells; Combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional); Compressors (2) 150 ft. or over not more than 20' apart; Compressors tandem (any sizes); Compressors single, truck mounted; Concrete ready-mixed plant, portable (job site); Concrete mixer paver; Crane-overhead; Crusher, rock; Derricks and derrick cars (power operated); Ditching machines; Dozers; Draglines; Dredges - any type power; Grade-all - similar type; Hoist, endless chain-power operated with power travel; Loaders - all types; Locomotives all types; Mechanic and welder; Mucking machine; Orange peels; Pile drivers - all types; Pumps - material all types; Push cats; Scoops all types; Self-propelled rotary drill; Shovel, power; Side boom; Skimmer scoop; Testhole machine; Throttle man

GROUP II - A-Frame trucks; Boilers (1); Brooms - power operated (all types); Chip spreader (front man); Clef plane operator; Compressors (1) 150' or over; Concrete saws, self-propelled); Conveyor operator; Crab - power operated; Curb finishing machine; Firemen on rigs; Plex plane; Floating machine; Form grader; Fork lift - all types and sizes (except masonry); Greaser; Hoist; Hoist, endless chain - power operated; Hopper - power operated; Hydra hammer (all types); Lad-a-vator - similar type; Mixers with side loaders); Pumps (with well points); Pump; Rollers - all types; Siphons, jets, and jennies; Sub-grader; Tractors over 50 h.p.

GROUP III - Oiler

GROUP IV - Fork lift-masonry

GROUP V - Oiler driver all types

GROUP VI - Tractors (except when hauling material) less than 50 h.p.

GROUP VII - Clamshells, 80 ft. of boom or over (including jib); Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 80 ft. of boom or over (including jib); Piledrivers, 80 ft. of boom or over (including jib)

POWER EQUIPMENT OPERATORS (Cont'd)
Building Construction

CLASSIFICATION DEFINITIONS (Cont'd)

GROUP VIII - Crane or rigs, over 200 ft. of boom

GROUP IX - Hoists each additional drum over 1 drum

GROUP X - Master Mechanic

GROUP XI - Crane - tower or climbing

GROUP XII - Ready Mixed Concrete Plants:
(a) Crane Operator
(b) Loader Operator
(c) Plant Man
(d) Conveyor Operator

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd)					
Site Preparation and Grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	$9.35	.50	.75	.75	.10
GROUP II	9.10	.50	.75	.75	.10
GROUP III	8.85	.50	.75	.75	.10
GROUP IV	8.10	.50	.75	.75	.10
GROUP V	8.60	.50	.75	.75	.10
GROUP VI	9.60	.50	.75	.75	.10
GROUP VII	9.85	.50	.75	.75	.10
GROUP VIII	9.35	.50	.75	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP I - Asphalt paver and spreader; Asphalt plant console operator; Auto grader; Backhoe; Blade operator, all types; Boilers - 2; Booster pump on dredge; Boring machine (truck or crane mounted); Bulldozer operator; Clamshell operator; Compressor maintenance operator - 2; Concrete plant operator, central mix; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dragline operator; Dredge engineman; Dredge operator; Drillcat with compressor mounted on cat; Drilling or boring machine, rotary, self-propelled; High loader - fork lift; Hoisting engine - 2 active drums; Locomotive operator, standard gauge; Mechanics and welders, field or shop; Maintenance operator; Mucking machine; Pile driver operator; Pitman crane operator; Pump - 2; Quad-trac; Scoop operator - all types; Scoops in tandem; Self-propelled rotary drill (leroy or equal - not air trac); Shovel operator; Side discharge spreader; Sideboom cats; Skimmer scoop operator; Slip - form paver (CMI, REX, or equal); Throttle man; Truck crane; Welding machine maintenance operator -2

POWER EQUIPMENT OPERATORS (Cont'd)
Site Preparation and Grading, Heavy and Highway Construction

CLASSIFICATION DEFINITIONS (Cont'd)

GROUP II - A-Frame truck; Asphalt hor mix silo; Asphalt plant fireman, drum or boiler; Asphalt plant mixer operator; Asphalt plant man; Asphalt roller operator; Backfiller operator; Chip spreader; Concrete batch plant, dry-power operated; Concrete mixer operator, skip loader; Concrete pump operator; Crusher operator; Elevating grader operator; Greaser; Hoisting engine - 1 drum; Latourneau rooter; Multiple compactor; Pavement breaker, self-propelled, of the hydra-hammer or similar type; Power shield; Pug mill operator; Stump cutting machine; Towboat operator; Tractor operator over 50 h.p.

GROUP III - Boilers - 1; Chip spreader (front man); Churn drill operator; Compressor maintenance operator - 1; Concrete saws, self-propelled; Conveyor operator; Distributor operator; Finishing machine operator; Fireman, rig; Float operator; Form grader operator; Pump; Pump maintenance operator, other than dredge; Roller operator, other than high type asphalt; Screening and washing plant operator; Self-propelled street broom or sweeper; Siphons and jets; Sub-grading machine operator; Tank car heater operator - combination boiler and booster; Tractor, 50 h.p. or less, without attachments; Vibrating machine operator, not hand; Welding machine maintenance operator -1

GROUP IV - Mechanic's helpers; Oiler

GROUP V - Oiler driver, all types

GROUP VI - Clamshells, 3 yds. capacity or over; Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Piledrivers, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over

GROUP VII - Cranes or rigs, over 200 ft. of boom (including jib)

GROUP VIII - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$8.90	.30	.60		.04
Helpers:					
1st 6 months	5.34	.30	.60		.04
2nd 6 months	5.79	.30	.60		.04
3rd 6 months	6.23	.30	.60		.04
4th 6 months	6.68	.30	.60		.04
5th 6 months	7.12	.30	.60		.04
SHEET METAL WORKERS	9.275	.35	.35		.02
SOFT FLOOR LAYERS	7.55	.35	.45	.755	.06
SPRINKLER FITTERS	9.54	.50	.70		.06
TERRAZZO WORKERS	9.37	3.65%	3.25%		
TERRAZZO WORKERS' HELPERS	4.55				
TERRAZZO BASE MACHINE GRINDERS	4.90				
TRUCK DRIVERS:					
Building Construction:					
GROUP I	7.625	.25	.50		
GROUP II	7.675	.25	.50		
GROUP III	7.75	.25	.50		
GROUP IV	7.875	.25	.50		
GROUP V	7.775	.25	.50		
GROUP VI	7.975	.25	.50		
GROUP VII	7.825	.25	.50		
GROUP VIII	7.725	.25	.50		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - Warehousemen and stock man

GROUP II - Flat beds; Pick-ups; Dump trucks, under 10 yds.

GROUP III - Dump trucks, 10 yds. and over; Steel trucks; Semi truck drivers

GROUP IV - Straddle trucks; Wheel tractors (when used for towing); Hydro lift trucks; Hydraulically operated serial lifts; Heavy hauling, a-frame winch and fork lifts; Heavy excavating (dumpter, euclid, etc.); double bottom units (20 tons capacity and over)

GROUP V - Distributor truck drivers and operators; Oilers, greasers and Mechanics' helpers

GROUP VI - Mechanics

GROUP VII - Transit mix, 5 yds. and over

GROUP VIII - Transit mix, under 5 yards.

DECISION NO. M075-4059

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Site Preparation and Grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	$8.09	.50	.50	.75	
GROUP II	8.29	.50	.50	.75	
GROUP III	8.60	.50	.50	.75	
GROUP IV	8.75	.50	.50	.75	.75
GROUP V	7.865	.50	.50	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP I - One team; Station wagons; Pickup trucks; Material trucks, single axle; Tank wagon drivers, single axle

GROUP II - Material trucks, tandem; Two teams; Semi-trailers; Winch trucks - fork trucks; Distributor drivers and operators; Agitator and transit mix; Tank wagon drivers, single axle; Tank wagon drivers tandem or semi-trailers; Insley wagons; Dump trucks, excavating, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

GROUP III - A-Frame, lowboy, and boom truck driver

GROUP IV - Mechanics and welders

GROUP V - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Nebraska COUNTIES: Douglas and Sarpy
DECISION NO.: NE75-4055 DATE: Date of Publication
Supersedes Decision No. AR-77 dated November 15, 1974 in 39 FR 40465
DESCRIPTION OF WORK: Commercial Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	$10.00	.40	.51		.015
BOILERMAKERS	7.80	.30	.85		.02
BRICKLAYERS, STONEMASONS	8.375	.35	.30	.60	
CARPENTERS:					
Carpenters	7.88	.35	.30	.40	.05
Millwrights	8.13	.35	.30	.40	.05
Piledrivermen	8.005	.35	.30	.40	.05
CEMENT MASONS	8.34	.35	.30	.40	.05
DRYWALL:					
Tapers and finishers	7.34	.35		.50	.01
Spray	7.59	.35		.50	.01
ELECTRICIANS	10.08	.48	1%+.50		1/4%
ELEVATOR CONSTRUCTORS	9.18	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary)	50%				
GLAZIERS	8.45	.40	.35		
IRONWORKERS	7.95	.35	.30	.50	
LABORERS:					
Common laborers	5.62	.25	.25		.02
Buggymobile operators; mortar mixers	5.765	.25	.25		.02
Mason tenders	5.765	.25	.25		.02
LATHERS	7.15	.25	.25	.40	
LINE CONSTRUCTION:					
Linemen	8.09	.35	1%		1/2%
Cable splicers	8.49	.25	1%		1/2%
Truck driver	5.86	.25	1%		1/2%
Equipment operators	7.61	.25	1%		1/2%
Groundmen:					
(Inexperienced) 1st 6 months	2.75	.35	1%		1/2%
(Inexperienced) 2nd 6 months	4.02	.35	1%		1/2%
Thereafter	5.31	.35	1%		1/2%
MARBLE SETTERS; Tile and Terrazzo workers	7.70	b	.25		
MARBLE, Tile and Terrazzo workers' helpers	5.20				
PAINTERS:					
Brush	7.65		.25		
Structural steel and paperhangers	7.90		.25		
Spray; swing stage; hazardous and sandblasting	8.15		.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$8.35	.35	.30		
PLASTERERS TENDER	5.935	.25	.25		.02
PLUMBERS	9.76	.35	.55		.10
POWER EQUIPMENT OPERATORS:					
Group I	6.78	.35	.30		
Group II	6.88	.35	.30		
Group III	7.13	.35	.30		
Group IV	8.02	.35	.30		
Group V	8.12	.35	.30		
Group VI	8.37	.35	.30		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I
Oilers; greasers; mechanics helper

Group II
Oiler drivers (motor truck crane)

Group III
Conveyors; heaters; tractors, 35 HP or under; air compressors; pump and welding machine operator

Group IV
Bulldozers; forklifts; concrete pumps; tractors over 35 HP; one drum hoists; straddle trucks; spread oiler

Group V
Blades; end loaders; self propelled scrapers

Group VI
Two drum hoists; trenching machines; pile drivers; dredges; heavy duty mechanics; shovels; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition	$6.88	.15	.20	.20	.01
Slate; tile	7.18	.15	.20	.20	.01
SHEET METAL WORKERS	8.86	.35	.20		.02
SOFT FLOOR LAYERS	8.00			c	
SPRINKLER FITTERS	8.85	.40	.60		.07
STEAMFITTERS	9.86	.35	.55		.10
TRUCK DRIVERS:					
Single axle	6.145	.25	.25		
Tandem axle	6.22	.25	.25		
Lowboy; trailer	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		

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Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Christmas Eve; H-Day after Thanksgiving.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 6 paid holidays - A through F.

b. Employer agrees to provide one-half cost of a Health and Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health and Welfare Plan shall pay $0.20 per hour in cash.

c. Eight paid Holidays, A thru H; Also employees with one year's continuous service with the same employer but less than 4 years shall receive 1 week's paid vacation; after 4 year's continuous service with the same employer shall receive 2 weeks paid vacation.

d. Paid Holidays - Memorial Day and Thanksgiving Day - Also employees who are on the employer's payroll on the scheduled work day immediately preceding or following New Years Day; Fourth of July; Labor Day and Christmas Day or days celebrated as such holidays, shall receive eight hours pay at straight time rate.

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: ND75-5031

DATE: Date of Publication

Supersedes Decision No. AR-1055 dated December 20, 1974, in 39 FR 44184

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS (except Walsh County)	$7.69	.35	.50		.005
BOILERMAKERS (except Walsh Co.)	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Burleigh and Morton Counties	7.78		.15		
Grand Forks, Steele and Walsh Counties	8.60		.15		
Cass and Richland Counties	8.25	.40	.15	.30	
Ward County	7.23		.15		.02
CARPENTERS:					
Burleigh and Morton Counties					
Carpenters	6.80				.02
Piledrivermen	6.925				.02
Grand Forks, Steele (Northern area) and Walsh Counties					
Carpenters	7.15		.20		.02
Piledrivermen	7.38		.20		.02
Millwrights	7.53		.20		.02
Cass, Richland and Steele (Southern area) Counties					
Carpenters	7.21		.30		
Ward County					
Carpenters	6.78				.02
Piledrivermen	7.01				.02
Millwrights	7.26				.02
CEMENT MASONS:					
Grand Forks and Steele Counties	6.25		.15		
Cass, and Richland Counties	7.51				
Ward County	5.50				
ELECTRICIANS:					
Cass, Grand Forks, Richland and Steele Counties					
Zone mileage from main P. O. in the Cities of Grand Forks, Valley City, Fargo and West Fargo.					
Zone (A) Within 0-15 miles of each main P. O.					
Electricians	8.05	.30	1%	6%	1½%
Cable Splicers	8.35	.30	1%	6%	1½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Zone (B) 15-30 miles of each main P. O.					
Electricians	$8.67	.30	1%	6%	1½%
Cable Splicers	8.97	.30	1%	6%	1½%
Zone (C) Over 30 miles of each main P. O.					
Electricians	9.30	.30	1%	6%	1½%
Cable Splicers	9.60	.30	1%	6%	1½%
Burleigh, Morton, and Ward Counties					
Zone mileage from main P. O. in the Cities of Minot, Bismarck and Mandan					
Zone (A) Within 0-25 miles of each main P. O.					
Electricians	7.90	.30	1%	6%	1½%
Cable Splicers	8.30	.30	1%	6%	1½%
Zone (B) Over 25 miles from main P. O.					
Electricians	9.15	.30	1%	6%	1½%
Cable Splicers	9.55	.30	1%	6%	1½%
ELEVATOR CONSTRUCTORS (excluding Walsh County)	8.35	.395	.26	2½%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Structural; Reinforcing	8.50	.40	.28		.05
PAINTERS:					
Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	7.25				.01
Sandblasting; Structural Steel	7.50				.01
Spray	8.00				.01
Drywall Tapers and Sanders	8.04				
Burleigh and Morton Counties					
Brush	5.55				
Spray	5.85				
Ward County					
Brush	5.20				
Spray	5.55				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Grand Forks and Steele Counties	$6.80		.15		
Ward County	6.30				
Cass and Richland Counties	8.30				
PLUMBERS:					
Cass, Grand Forks, Richland, Steele, and Walsh Counties	8.50	.38	.20		.01
Burleigh and Morton Counties	7.85	.35	.25		.02
Ward County	8.05	.35	.25		.04
ROOFERS:					
Cass and Richland Counties	5.30				
SHEET METAL WORKERS:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	8.00				
Cass, and Richland Counties	7.25	.40	.10		.01
SOFT FLOOR LAYERS:					
Cass and Richland Counties	5.75	.20			
SPRINKLER FITTERS (except Walsh County)	8.00	.50	.70		.08

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Grand Forks and Steele Counties					
Group 1: Laborers; Concrete bucket dumpman	$5.42	.20			
Group 2: All power tools (air, gas and electric); Operators of tool; that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	5.57	.20			
Group 3: Hod Carriers; Non-metallic Pipe-layer; Gas Line wrapping or taping; Sand Blaster and Gunnite Nozzleman where under laborers' jurisdiction; Cutting Torch for demolition	5.77	.20			
Burleigh and Morton Counties					
Group 1: Laborers; Concrete bucket man; Brick and Plasterer tender	4.80	.20			
Groups 2 & 3: All Power tool operator of tools that come under the laborers' jurisdiction; Mortar Mixer; Hod Carriers; Non-metallic Pipe layer; Gas Line wrapping or taping; Cutting Torch for demolition	4.90	.20			

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cass and Richland Counties					
Group 1: Laborers; Concrete bucket dumpman; Bricktender	$4.99	.20			
Group 2: All Power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar Mixer	5.14	.20			
Group 3: Hod Carriers; Non-metallic Pipe layer; Gas Line wrapping and taping (Distribution only); Cutting Torch for demolition	5.14	.20			
Ward County					
Group 1: Laborer; Concrete bucket dumpman	4.99	.20			
Group 2: All Power tool operators of all tools that come under the laborers' jurisdiction; Mortar Mixer; and Plasterer tender	5.09	.20			
Group 3: Non-metallic Pipe layer; Gas Line wrapping or taping (Distribution only); Cutting Torch for demolition	5.24	.20			
Walsh County	2.75				

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1 CRANES, tower and overhead; Cherry picker	$7.15	.35	.25			
GROUP 2 BRAKEMEN; Any air compressed operations over 300 well points; Frontend loader over 1 1/2 cu. yds.; Power plant engineer; Straddle Carrier; Oiler; Mechanic and welder; Batch plant drill rig; Tractor, over 75 HP; Concrete pumps, stationary and boom type; Forklift, over 3,000 lbs. lifting capacity	6.55	.35	.25			
GROUP 3 HOIST; Greaser; Concrete mixer operator; Boom truck; Firemen; Tractor, 75 HP and under; Frontend loader, 1 1/2 cu. yds., and under; Air compressor, 300 and under; Forklift, 3,000 lbs. and under lifting capacity; Self-propelled scissor jax	5.55	.35	.25			

Site Preparation Excavation and Incidental Paving (except Walsh County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1	$3.20				
Group 2	3.30				
Group 3	3.40				
Group 4	3.50				
Site Preparation Excavation and Incidental Paving (except Walsh County)					
POWER EQUIPMENT OPERATORS					
Group 1	7.20	.35	.25		
Group 2	7.05	.35	.25		
Group 3	6.90	.35	.25		
Group 4	6.85	.35	.25		
Group 5	6.60	.35	.29		
Group 6	6.37	.35	.25		
Group 7	5.44	.35	.25		
Group 8	5.29	.35	.25		
Group 9	5.19	.35	.25		
Group 10	4.85	.35	.25		
Site Preparation Excavation and Incidental Paving (except Walsh County)					
TRUCK DRIVERS					
Single Axle	4.77	.35	.15		
Tandem	4.87	.35	.15		
Agitator Dumpcrete	5.12	.35	.15		
Off road heavy end dumps, 20 yds. and under; Tandem Semi, Lowboy	5.12	.35	.15		
Euclid, over 20 yds.	5.75	.35	.15		

LABORERS

Group 1: General Construction Laborer (Chip Spreader Laverman, Fine Grader, Form Grader, Landscape Worker, Pump Operator (prewater) Tunnel Worker, Sign Erector); Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Helper; Salamander Heater and Blower Tender

Group 2: Semi Skilled Laborer (Joint Filler Machine Operator, Chip Spreader Operator); Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas, Electric or Pneumatic Tool Operator (chipping hammer, grinders and paving brakers, tamper (dirt), Concrete Vibrator Operator); Chain Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper, Raker and Floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water, and gas lines); Drill Runner (including Wagon Churn or Air Track); Powderman, Gunite and Sandblast, Nozzleman

POWER EQUIPMENT OPERATORS

Group 1: Cableway Operator; Crane Operator with over 135' boom; Derrick (Guy and Stiff Leg), (power), (skids and stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Hole Operator, including power supply or tunnel mucking machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

POWER EQUIPMENT OPERATORS (Cont'd)

Group 2: Concrete Mixer Stationary Plant Operator over 34E; Dredge Operator or Engineer, Dredge Operator (power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (paving) Concrete Paving Operator, road; Power Shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (pipeline); Side Boom; Truck Crane Operator; Hydrocrane Operator, 15 ton and over

Group 3: Dope Machine Operator (pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types, Pipeline Wrapping, Cleaning and Bending Machine Operator; Power actuated Horizontal Boring Machine over 6" Operator (pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator (power driven)(paving); Tandem Scraper-twin engine, 50 cu. yds. struck and over

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or gravel washing crushing and screening plant operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (heavy duty); Rubber Tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); Scraper Operator; Tractor type Dozer D-6 and over; Trenching Machine Operator, sewer and water, (except Ditch Witch or similar use oiler rates); Turnapull Operator, (or similar type)

Group 5: Bituminous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 16S or over; Paving Breaker or Tamping Machine Operator, including machine with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. and over; Push Tractor; Self-propelled Traveling Soil Stabilizer; Soil Cement Stabilizer; Truck Mechanic

Group 6: Concrete Saw Operator (multiple blade)(power operated); Fine Grade Operator; Roller, steel and self-propelled rubber, on Hot Mix Asphalt Paving; Tractor Type Dozer under D-6 H.P.; Distributor Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock, and sand) Electronic; Concrete Mixer Operator on job site under 16S; Crane Truck Oiler; Grader Operator (Motor Patrol) (haul road); Gravel Screening Plant Operator (portable not crushing or washing); Greaser (truck or tractor); Gunnite Operator Gunall; Hoist Engineer (power); Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over hopper capacity; Shouldering Machine Operator (power) (Apsco or similar type) including Self-propelled Sand Chip Spreader Flaherty or similar; Sheepsfoot Roller or Compactor (self-propelled)

Group 8: Crawler Type Tractor Pulling Compaction or Aresting Equipment; Farm type Rubber Tired Tractor with Backhoe attachment; Self-propelled Vibrating Packer Operator Pad type (35 hp and over); Off road self-propelled watering equipment; Boom Truck Operator; Roller, steel and self-propelled rubber, or other than Hot Mix

Group 9: Bituminous Spreader and Bituminous Finishing Machine Operator (helper) (power); Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator up to 1 cu. yd.; Hyster Carrier or Forklift; Laverman; Mechanics' Helper or Greaser Helper; Oiler (power shovel, crane dragline); Pugmill Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting and Aresting; Front End Loader Operator (farm type rubber tired tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

NORTH DAKOTA - LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steel tower and "H" fixtures, also tension-pulling machines	$ 8.30	.35	1%		1/2%
GROUP II Groundman - operating special equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; all Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixtures erection	6.69	.35	1%		1/2%
GROUP III Groundman-Truck or tractor driver (with winch); Operators of trucks up to and including 2 1/2 tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	5.58	.35	1%		1/2%
GROUP IV Groundman-Truck or tractor driver (without winch); Operators of trucks up to and including 2 1/2 tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	5.13	.35	1%		1/2%

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: 75-PA-3019
Supersedes Decision No. AQ-2099, dated April 19, 1974, in 39 FR 14175.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Lehigh
DATE: Date of Publication

39-PA-1- B 1-Z

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 8.61	.42	.30		.01	
Boilermakers	10.20	.65	1.00		.01	
Bricklayers	8.90	.35	.80			
Carpenters	8.96	.30	.35			
Cement masons	7.62	.35	.25			
Electricians	9.70	.30	1%		.01	
Elevator constructors	9.47	.445	.29	3%a+b	.02	
Elevator constructors' helpers	6.63	.445	.29	3%a+b	.02	
Elevator constructors' helpers (prob.)	4.735					
Glaziers	8.14	.35	.10		.01	
Ironworkers, structural	10.10	.64	1.06			
Ironworkers, ornamental	10.10	.64	1.06			
Ironworkers, reinforcing	10.10	.64	1.06			
Laborers, building:						
Unskilled laborers	6.25	.25	.25			
Operator of jackhammer paving breaking & other pneumatic & mechanical tools, wagon drills, & men handling dynamite, handling & using, cutting & burning torches in the wrecking of buildings, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same & cofferdams (below 10 feet)	6.50	.25	.25			
Plaster & mason tenders, scaffold builders, & handling of all materials to be used by plasterers & masons, brick & blocks loaded on pallets, cement finishers tenders, gunniting and molder-D, & sand blasters helpers	6.55	.25	.25			
Barko tamper operator	6.75	.25	.25			
Lathers	8.71	.40	.25		.01	
Lead burners	9.25	.35		c	.01	
Line Construction:						
Linemen & cable splicers	9.60	.25	1%		3/4 of 1%	
Groundmen	5.76	.25	1%		3/4 of 1%	
Winch truck operator	6.72	.25	1%		3/4 of 1%	
Marble setters	7.64	.35	.80			
Marble setters helpers	6.65	.60	.25			
Millwrights	9.36	.30	.35			

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Brush	$ 7.80	.43	.40	.25		
Structural steel	8.55	.43	.40	.25		
Paperhanger & Tapers	7.80	.43	.40	.25		
Spray	8.30	.43	.40	.25		
Plasterers	8.07	.30	.41		.01	
Plumbers	10.02	.57	.92		.08	
Roofers:						
Albany, Maxatany and Windsor Composition, damp, waterproofing, slate & tile	8.725	.375	.10	d		
Remainder of County:						
Composition & slate	9.05	.40	.25			
Composition & slate helpers	5.33	.40	.25			
Sheet metal workers	9.18	.52	.50		.01	
Sprinkler fitters	9.60	.50	.70		.08	
Piledrivermen	9.92	1.28	.90	f	.07	
Steamfitters	10.02	.57	.92		.08	
Stone masons	8.90	.35	.80			
Terrazzo workers	7.89	.35	.80			
Tile setters	7.64	.35	.80			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Eight paid holidays; A through F, Washington's Birthday, Good Friday, and Christmas Eve providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holiday, & is available for work the days preceding & following the holiday.

d. Paid Holiday: Election Day and Labor Day.

f. Paid Holidays: Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans' Day and Thanksgiving Day.

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.14	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, mast, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: TX75-4056 DATE: Date of Publication
Supersedes Decision No. TX75-4032, dated January 24, 1975, in 40 FR 3944.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4031 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.55		.30		.05
CARPENTERS:					
Carpenters	7.60	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS	6.80				
ELECTRICIANS:					
Electricians	7.325	.20	1%		1/4%
Cable splicers	7.575	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	7.89	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	4.97				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	7.03	.55	.60		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	7.155	.55	.60		.10
LABORERS:					
GROUP 1 - General laborers	4.125	.275	.20		
GROUP 2 - Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.25	.275	.20		
GROUP 3 - Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer	4.375	.275	.20		
GROUP 4 - Gunnite over 1½" thick; Nozzleman & machine operator	4.375	.275	.20		
GROUP 5 - Powderman, blaster	4.625	.275	.20		
LATHERS	7.65				.01

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

DECISION NO. TX75-4056

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman; Lineman operator	$9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	5.00				
Spray	6.50				
PLASTERERS	7.65				.01
PLUMBERS-PIPEFITTERS:					
ZONE 1 - Within 25 miles of Wichita Falls City limits	7.05	.25	.35		.02
ZONE 2 - Between 25 and 40 miles of Wichita Falls City limits	7.30	.25	.35		.02
ZONE 3 - Between 40 and 70 miles of Wichita Falls City limits	7.45	.25	.35		.02
ZONE 4 - Between 70 and 100 miles of Wichita Falls City limits	7.60	.25	.35		.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	7.75	.25	.35		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachmentd (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade greders, self-propelled; Cableways; Cranes - Power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	App. Tr.
ROOFERS	$5.42				.01
SHEET METAL WORKERS	7.19				
SOFT FLOOR LAYERS	5.50				
TERRAZZO WORKERS	6.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	2.25				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

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CARPENTERS & PILEDRIVERMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	App. Tr.
ZONE 3 - BROWN, CALUMET, DOOR, FON DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, MENOMINEE, OCONTO, OUTAGAMIE, SHAWANO, WAUPACA & WAUSHARA Counties					
Carpenters	7.63	.25	.25		.02
Piledrivermen	7.88	.25	.25		.02
ZONE 4 - GREEN, JEFFERSON & ROCK Counties					
Carpenters	8.93	.30	.15		.02
Piledrivermen	9.08	.30	.15		.02
ZONE 5 - KENOSHA County					
Carpenters	9.16	.40	.50		.03
Piledrivermen	9.22	.40	.50		.03
ZONE 6 - JACKSON, LA CROSSE, MONROE, TREMPEALEAU & VERNON Counties					
Carpenters	7.20	.30	.25		
Piledrivermen	7.95	.30	.25		
ZONE 7 - CLARK, COLUMBIA, CRAWFORD, DANE, DODGE, GRANT, IOWA, JUNEAU, LA FAYETTE, RICHLAND & SAUK Counties					
Carpenters	8.10	.25	.15	.25	
Piledrivermen	8.35	.25	.15	.25	
ZONE 8 - FLORENCE & IRON Counties					
Carpenters	8.29	.50	.10		.01
Piledrivermen	8.49	.50	.10		.01
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Carpenters	8.50	.60	.60	.51	
Piledrivermen	8.80	.60	.60	.51	
ZONE 10 - RACINE County					
Carpenters	8.41	.40	.50		.03
Piledrivermen	8.47	.40	.50		.03
ZONE 11 - SHEBOYGAN County					
Carpenters	8.00	.40	.30		
Piledrivermen	8.69	.40	.30		
ZONE 12 - BAYFIELD & DOUGLAS Counties					
Carpenters	7.60	.25	.35	.30	
Piledrivermen	7.60	.25	.35	.30	

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: W75-2047
Supersedes Decision Number AR-3146, dated September 27, 1974 in 39 FR 35092
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide
DATE: Date of Publication

BRICKLAYERS AND STONEMASONS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	App. Tr.
ZONE 1 - BARRON, BUFFALO, BURNETT, CHIPPEWA, DUNN, EAU CLAIR, PEPIN, PIERCE, POLK, RUSK, ST. CROIX & SAWYER Counties	$ 7.58	.25	.20	.50	.03
ZONE 2 - FOND DU LAC County	7.20	.30	.25	.40	
ZONE 3 - BROWN, CALUMET, DOOR, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, SHAWANO, WAUPACA, & WINNEBAGO Counties	7.20	.30	.25	.40	
ZONE 4 - GREEN, LAFAYETTE & ROCK Counties	9.35				
ZONE 5 - GRANFORD, JACKSON, JUNEAU, LA CROSSE, VERNON & TREMPEALEAU Counties	7.85	.34	.15		
ZONE 6 - WALWORTH County	8.70	.40	.20		
ZONE 7 - DANE, GRANT, IOWA & RICHLAND Counties	8.45	.25	.40		
ZONE 8 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties	9.03	.70	.60	.56	
ZONE 9 - COLUMBIA & GREENE Counties	8.65	.25	.20		
ZONE 10 - RACINE & RACINE	8.17	.40	.20	.40	
ZONE 11 - SHEBOYGAN County	7.55	.40	.30		
ZONE 12 - ASHLAND, BAYFIELD, DOUGLAS & IRON Counties	8.52	.25	.20		
ZONE 13 - DOOR & JEFFERSON Counties	8.30	.25	.25	.30	
ZONE 14 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties	7.60	.30	.25		
CARPENTERS AND PILEDRIVERMEN:					
ZONE 1 - ASHLAND County					
Carpenters	6.66	.30	.25	.15	
Piledrivermen	6.86	.30	.25	.15	
ZONE 2 - BARRON, BURNETT, BUFFALO, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX, SAWYER, & TAYLOR Counties					
Carpenters	7.95	.30	.25		.03
Piledrivermen	8.35	.30	.25		.03

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CEMENT MASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 14 - GRANT County	$ 7.12	.40	.40	.50	
ZONE 15 - WALWORTH County	7.57	.40	.50		
ZONE 16 - RACINE County	7.26	.40			
ZONE 17 - KENOSHA County	8.40	.40			
ELECTRICIANS:					
ZONE 1 - CALUMET, OUTAGAMIE, WAUPACA, WAUSHARA & WINNEBAGO Counties	9.15	.38	3%		
ZONE 2 - BARRON, BUFFALO, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, PRICE, RUSK, & ST. CROIX Counties	9.10	4%	3%		.25%
ZONE 3 - BROWN, DOOR, KEWAUNEE, & SHAWANO Counties	8.97	.38	3%		.25%
ZONE 4 - FLORENCE & FOREST Counties	8.33	.40	3%		.50%
ZONE 5 - KENOSHA County	9.80	.34	3%	.25	.75%
ZONE 6 - CRAWFORD, GRANT, JACKSON, JUNEAU, LA CROSSE, MONROE, RICHLAND, TREMPEALEAU & VERNON Counties	9.37	.31	3%	6.5%	.25%
ZONE 7 - WALWORTH County	8.96	.33	3%	7%	.75%
ZONE 8 - COLUMBIA, DANE, DODGE, GREEN LAKE, IOWA, MARQUETTE, & SAUK Counties	8.88	.34	3%	7%	.75%
ZONE 9 - SHEBOYGAN County	7.96	.51	3%+.20	7%	1.25%
ZONE 10 - ASHLAND, BAYFIELD, BURNETT, DOUGLAS, IRON, SAWYER, & WASHBURN Counties	8.65	4%	3%	11%	3%
ZONE 11 - LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA & VILAS Counties	8.27	.29	3%	4%	
ZONE 12 - ADAMS, PORTAGE & WOOD Counties	8.62	.34	3%	5%	.25%
ZONE 13 - FOND DU LAC County	7.96	.51	3%+.20	7%	1.25%
ZONE 14 - GREEN, JEFFERSON, LAFAYETTE & ROCK Counties	8.96	.33	3%	6.5%	.25%
ZONE 15 - RACINE County	9.16	.38	3%	7%	.75%
ZONE 16 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties	9.43	.51	3%+.20	7%	1.25%
ZONE 17 - MARINETTE & OCONTO Counties	8.13	.38	3%	4.4%	.25%
ZONE 18 - MANITOWOC County	8.78	.38	3%		

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DECISION NO WI75-2047

PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 2 - BARRON, BUFFALO, BURNETT, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX, SAWYER, TREMPEALEAU, & WASHBURN Counties				5%	
Brush	6.75			5%	
Spray	7.25			5%	
Steel	7.00				
ZONE 3 - BROWN, DOOR, KEWAUNEE, & OCONTO Counties					
Brush	7.33	.30			
Spray	7.33	.30			
ZONE 4 - FLORENCE County					
Brush	5.90			.40	
Spray	6.40			.40	
ZONE 5 - KENOSHA County					
Brush	7.385	.40	.20		
Steel	7.535	.40	.20		
Spray	8.135	.40	.20		
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON, & WOOD Counties					
Brush	6.63		.25		
Steel	6.90		.25		
Spray	7.32		.25		
ZONE 7 - WALWORTH County					
Brush & Steel	6.85	.45	.15	.40	
Spray	7.35	.45	.15	.40	
ZONE 8 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LAFAYETTE, RICHLAND, ROCK & SAUK Counties					
Brush	7.59	.40	.30	.30	.01
Spray	8.34	.40	.30	.30	.01
ZONE 9 - CALUMET & MANITOWOC Counties					
Brush	7.05				
Spray	7.05				
ZONE 10 - MARINETTE County					
Brush	5.90			.40	
Spray	6.40			.40	

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IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, CLARK, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, ST. CROIX & TREMPEALEAU Counties	$ 8.90	.50	.50		.02
ZONE 2 - DOUGLAS, BAYFIELD, BURNETT, IRON, LINCOLN, ONEIDA, PRICE, RUSK, SAWYER, TAYLOR & WASHBURN Counties	9.05	.25	.50	.10	
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, DODGE, GRANT, GREEN LAKE, IOWA, JACKSON, JEFFERSON, JUNEAU, LA CROSSE, LAFAYETTE, LANGLADE, MARQUETTE, MARATHON, MENOMINEE, MONROE, PORTAGE, RICHLAND, SAUK, SHAWANO & WAUPACA Counties	8.92	.40	.25		.03
ZONE 4 - BROWN, CALUMET, DOOR, FLORENCE, FOND DU LAC, KENOSHA, KEWAUNEE, MANITOWOC, MARINETTE, MILWAUKEE, OCONTO, OUTAGAMIE, OZAUKEE, RACINE, SHEBOYGAN, WALWORTH, WASHINGTON & WAUKESHA Counties	9.01	.60	.60	.80	.11
ZONE 5 - ROCK County	10.15	.40	.375		.05
LINE CONSTRUCTION:					
Linemen	6.94	.25	1%	7%	.05
Cable Splicer	7.58	.25	1%	7%	.05
Equipment Operator	5.77	.25	1%	7%	.05
Truck Drivers with Boom or Digger Tractor or 5th wheel	4.80	.25	1%	7%	.05
Truck Drivers	4.59	.25	1%	7%	.05
Groundman	4.38	.25	1%	7%	.05
Groundman 1st 6 months	3.79	.25	1%	7%	.05
PAINTERS:					
ZONE 1 - FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PRICE & TAYLOR Counties					
Brush	6.85				
Spray	7.35				

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 11 - JEFFERSON, MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Brush	$ 8.01	.45	.60	.50	.03
Steel & Spray	8.36	.45	.60	.50	.03
ZONE 12 - FOND DU LAC, GREEN LAKE, MARQUETTE, OUTAGAMIE, SHAWANO, WAUSHARA, WAUPACA & WINNEBAGO Counties					
Brush & Steel	6.85	.30	.10		.03
Spray	7.35	.30	.10		.03
ZONE 13 - RACINE County					
Brush	7.52	.40	.20		
Steel	7.67	.40	.20		
Spray	8.27	.40	.20		
ZONE 14 - SHEBOYGAN County					
Brush & Steel	6.25	.20	.30	.20	
Spray	6.65	.20	.30	.20	
ZONE 15 - ASHLAND, BAYFIELD, DOUGLAS, IRON, & VILAS Counties					
Brush	8.31	.25	.20		.05
Spray & Steel	8.56	.25	.20		.05

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
GROUP 1 - Bituminous worker (shoveler, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	$ 7.21	.55	.60	.25	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, tamper), batch truck dumper, cement handler, concrete handler	7.31	.55	.60	.25	.02
GROUP 3 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tamper op. (mechanical, hand operated)	7.36	.55	.60	.25	.02
GROUP 4 - Air tool operator (hand operated)	7.41	.55	.60	.25	.02
GROUP 5 - Formsetter (curb, walk, and pavement), strike off man	7.46	.55	.60	.25	.02
GROUP 6 - Bituminous worker (raker & luteman)	7.51	.55	.60	.25	.02
GROUP 7 - Powderman, blaster	7.86	.55	.60	.25	.02
ZONE 2 - RACINE County					
GROUP 1 - Bituminous worker (shoveler, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiplace culvert assembler, conduit layer, unskilled laborer	7.11	.40	.40	.20	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, & tamper), batch truck dumper, cement handler, concrete handler	7.21	.40	.40	.20	.02

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 2 CONT'D					
GROUP 3 - Chain saw op., demolition burning torch leb., joint sawer & filler (pavement), vibrator or tamper op. (mechanical, hand operated)	$ 7.26	.40	.40	.20	.02
GROUP 4 - Air tool op. (hand op.)	7.31	.40	.40	.20	.02
GROUP 5 - Formsetter (curb, walk, & pavement), strike off man	7.36	.40	.40	.20	.02
GROUP 6 - Bituminous worker-raker, luteman	7.41	.40	.40	.20	.02
GROUP 7 - Powderman, blaster	7.76	.40	.40	.20	.02
ZONE 3 - KENOSHA County					
GROUP 1 - Bituminous worker (Shoveler, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiplate culbert assembler, conduit layer, unskilled laborer	7.11	.40	.40	.25	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, and tamper), batch truck dumper, cement handler, concrete handler	7.21	.40	.40	.25	.02
GROUP 3 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tamper op. (mechanical hand operated)	7.26	.40	.40	.25	.02
GROUP 4 - Air tool op. (hand Op.)	7.31	.40	.40	.25	.02
GROUP 5 - Formsetter (curb, walk, & pavement), strike off man	7.36	.40	.40	.25	.02
GROUP 6 - Bituminous worker-raker & luteman	7.41	.40	.40	.25	.02
GROUP 7 - Powderman, blaster	7.76	.40	.40	.25	.02
ZONE 4 - DANE County					
GROUP 1 - Bituminous worker (bumper, ironer, smoother, tamper, shoveler, loader, utility man), strike off man, joint sawer & filler (pavement), concrete handler, demolition & wrecking lab.,					

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 4 (CONT'D)					
GROUP 1 (CONT'D) guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	$ 6.81	.30	.25		.02
GROUP 2 - Formsetter (curb, walk & pavement), tree trimmer	6.86	.30	.25		.02
GROUP 3 - Air tool op., vibrator or tamper., batch truck,dumper, cement handler	6.91	.30	.25		.02
GROUP 4 - Bituminous worker (raker, luteman), chain saw op., demolition burning torch lab.,	6.96	.30	.25		.02
GROUP 5 - Powderman, blaster	7.01	.30	.25		.02
ZONE 5 - REMAINDER OF STATE					
GROUP 1 - Bituminous worker (dumper, ironer, smoother, tamper, shoveler, loader, utility man), strike off man, joint sawer or filler (pavement), concrete handler, demolition & wrecking lab., guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	6.53	.30	.25		.02
GROUP 2 - Formsetter (curb, walk, & pavement), tree trimmer	6.58	.30	.25		.02
GROUP 3 - Air tool op., vibrator or tamper op., batch truck dumper, cement handler	6.63	.30	.25		.02
GROUP 4 - Bituminous worker (raker, luteman), chain saw op., demolition burning torch lab.,	6.68	.30	.25		.02
GROUP 5 - Powderman, blaster	6.73	.30	.25		.02

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POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 8.77	.55	.55		.05
GROUP 2	8.51	.55	.55		.05
GROUP 3	8.42	.55	.55		.05
GROUP 4	8.34	.55	.55		.05
GROUP 5	8.26	.55	.55		.05
GROUP 6	8.22	.55	.55		.05
GROUP 7	8.13	.55	.55		.05
GROUP 8	8.01	.55	.55		.05

CLASSIFICATIONS

GROUP 1 - Bituminous paver or plant, concrete breaker (truck mounted, heavy), crane, derrick, dragline, dredge, piledriver, power shovel, material hoist, mixer or paver 21 c. f. or over, roller over 5 T., self propelled stabilizing mixer, trenching machine, tractor (side boom, heavy) concrete Pvt. spreader (heavy duty, rubber tires, hydraulic back hoe, asphalt plane engineer; automatic slipform concrete paver, automatic concrete subgrader, batch mixer portable, caisson rigs, central mixer concrete, dredge engineer, concrete batch plant engineer, central mix plant concrete, percussion or rotary drill machine, grader or motor partol, loading machine (conveyor), mechanic or welder (heavy duty equipment), tractor (scraper, dozer, pusher, loader), tugger, end loader, asphalt heater & planer, boatman, bump cutter & grooving machine, shoulder widener, winches & A frames, tube finisher.
GROUP 2 - Concrete mixer less than 21 cu. ft., concrete pump, steel roller 5 tons or less.
GROUP 3 - Screed (bituminous paver), shouldering machine, self-propelled chip spreader.
GROUP 4 - Concrete breaker & tamper (light), concrete spreader, finishing mach., mechanical float, curing mach., power subgrader, joint sawer (multiple blade), launch, roller (pneumatic tired) self propelled, tractor (mounted or towed compactors & light equipment), light rubber tired tractor-end loader, fork-lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine.
GROUP 5 - Fireman, Environmental burner.
GROUP 6 - Air compressor, drilling or boring machine (mechanical heavy), greaser, (heavy equipment) lead-man, tank car heaters, stump chipper, curb machine, concrete proportioning plant, generators, mud jacks.
GROUP 7 - Crusher or screening plant, automatic belt conveyor & surge bin, pneumatic tired roller farm tractor towed, pug mill.
GROUP 8 - Oiler, pump over 3", surge bin, drilling machine helper.

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
GROUP 1	$ 7.13	a19.50	a19.00	.35	
GROUP 2	7.28	a19.50	a19.00	.35	
ZONE 2					
GROUP 1	7.13	a19.50	b82.30	.35	
GROUP 2	7.28	a19.50	b82.30	.35	
ZONE 3					
GROUP 1	7.08	a19.50	b82.30	.35	
GROUP 2	7.23	a19.50	b82.30	.35	

FOOTNOTES:

a. Per week per employee on payroll 30 days or longer.
b. Per Month per employee on payroll 30 days or longer.

ZONE IDENTIFICATION

ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties.
ZONE 2 - KENOSHA & RACINE Counties.
ZONE 3 - Remainder of State.

CLASSIFICATION IDENTIFICATION

GROUP 1 - Truck drivers, 2 axle - Mechanics helper, truck
GROUP 2 - Truck drivers, 3 or more axle trucks - Euclid or dumpeter type hauling units - Mechanic, truck

[FR Doc.75-5110 Filed 2-27-75;8:45 am]



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1974–75 Edition

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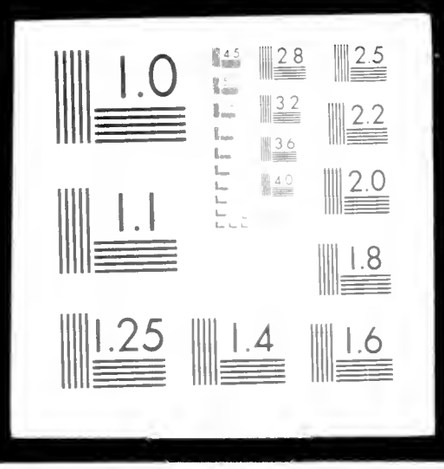
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.